

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)

SPECIAL CITY COUNCIL MEETING (EARLY) - JULY 19, 2021

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

To submit written public comment on an agenda item, email publiccomment@portlandmaine.gov. Submissions must be received by 12:00 pm the day of the Council meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the order number (see below).

ZOOM INFORMATION:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85621497951?pwd=UFFoUHdtZldieU1vVms5eFB2L25ZZz09>

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8782 or +1 346 248 7799 or +1 669 900 6833

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Passcode: 206775

International numbers available: <https://us02web.zoom.us/j/85621497951>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft June 21, 2021 City Council Meeting Minutes

PROCLAMATIONS:

Proc 1-21/22 Recognizing Educators Maureen Lovejoy and Jennifer Rogers -
Sponsored by Kate Snyder, Mayor

Proc 2-21/22 Recognizing the Vaccination Efforts of Healthcare Workers -
Sponsored by Kate Snyder, Mayor

CONSENT ITEMS:

Order 1-21/22 Granting a Thames Street Extension License to Northern Utilities, Inc., doing business as Unitil - Sponsored by Jon P. Jennings, City Manager

This item approves a utility license agreement to Northern Utilities, doing business as Unitil, in the newly constructed Thames Street Extension and Connector Road roadways to allow the company to maintain infrastructure already installed as part of the roadway extension project. This agreement will also allow Unitil to install additional infrastructure in the roadway. Adding any additional infrastructure would require approval from the Department of Public Works. When Thames Street Extension or the Connector Road become public right-of-ways, this agreement will be terminated and Unitil will be granted normal public right of way utility rights.

In addition to this work, Thames Street requires paving and the installation of brick sidewalk along the City lot prior to acceptance by the City of Portland.

Five affirmative votes are required for passage after public comment.

Order 2-21/22 Accepting the Public Art Committee Fiscal Year 2021 Annual Report and Fiscal Year 2022 Budget Plan - Sponsored by Kate Snyder, Mayor

At its monthly meeting on June 16, 2021, the Portland Public Art Committee voted unanimously (9-0) to recommend the FY21 Annual Report and FY22 Budget Plan for approval by Portland City Council.

In one section of the annual report and in response to the recent street mural applications, the Committee has proposed revisions to the Temporary Art Guidelines to better accommodate street mural proposals. The budget plan for the next fiscal year continues conservation of the collections, maintenance/operations, and funds towards the acquisition of Gathering Stones on the Eastern Promenade.

Five affirmative votes are required for passage after public comment.

LICENSES:

Order 3-21/22 Granting Municipal Officers' Approval of On the Rocks Cocktail Cruises LLC, dba On the Rocks Cocktail Cruises. Application for a Class I FSE at 68 Commercial Street - Sponsored by Jon P. Jennings, City Manager

Application was filed on 6/22/2021. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 4-21/22 Granting Municipal Officers' Approval of Hi Fidelity LLC, dba Hi Fidelity. Application for a Class A Lounge with Outdoor Dining on Private Property and Indoor Entertainment at 200 Anderson St, Ste 6. This license will be conditioned per zoning to state: Can offer up to, but not more than 10% of beverages produced offsite - Sponsored by Jon P. Jennings, City Manager

Application was filed on 6/28/2021. New City and State applications. Location was previously Gruit Brewing.

Five affirmative votes are required for passage after public comment.

Written Public Comment

Order 5-21/22 Granting Municipal Officers' Approval of Tokyo Sushi Ramen Inc, dba Tokyo Sushi Ramen. Application for a Class I FSE with Outdoor Dining on Private Property at 11 Brown Street - Sponsored by Jon P. Jennings, City Manager

Application was filed on 6/28/2021. New City and State applications. Location was previously BRGR Bar.

Five affirmative votes are required for passage after public comment.

Order 6-21/22 Granting Municipal Officers' Approval of Portland Harbor Hotel Associates LLC, dba Portland Harbor Hotel. Application for a Class IA Inn with Outdoor Dining on Private Property and Combined Entertainment at 468 Fore Street - Sponsored by Jon P. Jennings, City Manager

Application was filed on 6/28/2021. New City and State applications. New owner of an existing business.

Five affirmative votes are required for passage after public comment.

ORDERS:

Order 7-21/22 Approving the Agreement between the Portland Area Comprehensive Transportation System, the Maine Department of Transportation and Portland re: Forest Avenue Improvements from Marginal Way to Park Avenue - Sponsored by Jon P. Jennings, City Manager

This order will allow the Maine Department of Transportation to begin preliminary design work along Forest Avenue from Marginal Way to Park Avenue, as per the Portland Area Comprehensive Transportation System (PACTS) Smart Corridor Study Plan. The PACTS Route 302/Route 77 corridor study (i.e. the Smart Corridor Study), completed in 2018, provided numerous recommendations for Forest Avenue from Marginal Way to Park Avenue. Most significantly, the project called for a realigned High Street, shifting access to Forest Avenue slightly southerly. A realigned Kennebec Street was also recommended, as well as numerous improvements for bicycles, pedestrians, and transit. A concept plan from the report is shown in Appendix A.

The cost to the City for the preliminary design work will be no more than \$50,000.

This item must be read on two occasions. This is its first reading, with a second reading on August 16, 2021.

Order 8-21/22 Accepting and Appropriating a Grant from the Maine Department of Economic and Community Development Re: Journey Maps in Multiple Languages - Sponsored by Jon P. Jennings, City Manager

The Housing & Economic Development Department is requesting the City Council accept and appropriate a \$4,750 grant from the Maine Department of Economic and Community Development (MDECD) for use by the Office of Economic Opportunity (OEO) to enhance Economic Development and Inclusion by creating journey maps that help vulnerable populations, including limited English proficient individuals, to navigate often confusing and complex systems to secure basic needs such as English classes, food, childcare, transportation, starting a business, and several others.

A journey map is a visualization of the process that a person goes through in order to accomplish a goal; its purpose is to help communicate otherwise complex processes and systems. This grant will allow OEO to continue to create more journey maps and absorb the translation costs associated with this impactful initiative.

This item must be read on two separate days. This is its first reading, with a second reading on August 16, 2021.

Order 9-21/22 Approving the Maine Department of Transportation and City of Portland Agreement Re: Franklin Street and Marginal Way - Sponsored by Jon P. Jennings, City Manager

This item approves improvements to the busy intersection of Franklin Street and Marginal Way, with related updates administered by the City, paid for by the Maine Department of Transportation (MaineDOT), including updated and secure signal equipment, in keeping with current City design requirements for the peninsula, and new mast arms, painted black. The City is required to pay zero percent toward this project unless the outcomes exceed the \$360,000 budgeted for the work. As such, no fiscal impact note has been prepared.

This item must be read on two separate days. This is its first reading, with a second reading on August 16, 2021.

Order 10-21/22 Amending Order 233-20/21 Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2022 – Sponsored by Jon P. Jennings, City Manager

On July 6, 2021, the Portland Board of Public Education approved an item that accepts and appropriates additional State Aid To Education funds approved by the Maine Legislature in this year's supplemental budget bill.

Four School Budget orders are now before the City Council for amendment. This order adds the sum of \$1,499,155 from additional state education funding that the City will receive to decrease the amount raised from the City's contribution to the School Budget, which amount is also known as the "local cost share expectation," from \$77,010,122 to \$75,510,967.

This item must be read on two separate occasions. This is its first reading, and the second reading will be at the later meeting on July 19, 2021.

Written Public Comment

Order 11-21/22 Amending Order 236-20/21 Approving Total School Operating Budget For Portland Schools for Fiscal Year 2022 – Sponsored by Jon P. Jennings, City Manager

This item is a companion item with the orders above. The new order adds the sum of \$1,300,000 from additional state education funding that the City will receive and increases the total school budget for fiscal year 2022 from \$118,755,817 to \$120,055,817.

This item must be read on two separate occasions. This is its first reading, and the second reading will be at the later meeting on July 19, 2021.

Order 12-21/22 Amending Order 257-20/21 Fiscal Year 2021-2022 Appropriation Resolve - Sponsored by Jon P. Jennings, City Manager

This order approves the amended total sum approved for school purposes in Fiscal Year 2022, now including the additional State Aid to Education approved in the Supplemental Budget Bill from the Maine Legislature.

A new school budget referendum is not required to spend the additional state subsidy. Language adopted in the Supplemental Budget bill makes this clear:

Sec. C-8. Additional state subsidy. Notwithstanding any provision of law to the contrary and for fiscal year 2021-22 only, a school board of a school administrative unit that receives more state education subsidy than the amount included in its budget is authorized to use all or part of the additional subsidy to:

1. Increase expenditures for school purposes in cost center categories described in the Maine Revised Statutes, Title 20-A, section 1485, subsection 1 approved by the school board;
2. Increase the allocation of finances in a reserve fund approved by the school board; or
3. Decrease the local cost share expectation, as defined in section 15671-A, subsection 1, paragraph B, for local property tax payers as approved by the school board.

This item must be read on two separate occasions. This is its first reading, and the second reading will be at the later meeting on July 19, 2021.

Order 13-21/22 for a Preliminary Earmark of \$3,399,686 from Additional State Education Funding as School Debt Service Reserve – Sponsored by Jon P. Jennings, City Manager

This item is a companion item with the orders above.

On June 30th, the Maine Legislature approved a biennium budget for Fiscal Years 2022 and 2023. A significant feature of this approved budget was the inclusion of Governor Mill's Supplemental Budget. This budget increased State funding for education to the statutory 55% for the first time in history.

The net result of the addition of the supplemental budget and other state subsidy

adjustments was an additional \$6,198,841 for Portland Public Schools. The Board of Education has proposed to allocate:

- \$1.3 million to return Custodian Salaries and Benefits back to the local budget from federal relief monies.
- \$1,499,155 million to reduce property taxes in order to maintain the current combined City and School tax rate.
- The balance of \$3,399,686 to be preliminarily earmarked for a School Debt Service Reserve, subject to future approval as part of the school budget approval process.

This item must be read on two separate occasions. This is its first reading, and the second reading will be at the later meeting on July 19, 2021.

4:30 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ZOOM INFORMATION:

The Portland City Council will hold a meeting on Monday, June 21, 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 online. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be uploaded to portlandmaine.gov/livestream the next day. For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

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PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Tempore Mavodones called the meeting to order at 5:05 P.M. (Councilor Thibodeau arrived during Proclamation 17 and Mayor Snyder was absent).

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the June 7, 2021 Draft City Council meeting minutes

Motion was made by Councilor Chong and seconded by Councilor Ali for approval of the June 7, 2021 City Council Meeting Minutes. Passage 7-0.

PROCLAMATIONS:

Proc 17-20/21 Declaring June 21, 2021 Risbara's Greenhouse Day - Sponsored by Kate Snyder, Mayor

Proc 18-20/21 Recognizing the Contributions of Stephen Gove, Executive Director of the Maine Municipal Association - Sponsored by Kate Snyder, Mayor

CONSENT ITEMS:

Order 284-20/21 Declaring July 4, 2021 the July 4th Fireworks Festival - Sponsored by Jon P. Jennings, City Manager

Order 285-20/21 Setting a Public Hearing on Citizen Initiative Amendment to Portland City Code Re: Emergency Shelters for 50 or Fewer Only - Sponsored by Katherine L. Jones, City Clerk

Order 286-20/21 Appointing Constables for Park, Recreation & Facilities - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage of the consent items. Passage 8-0.

LICENSES:

Order 287-20/21 Granting Municipal Officers' Approval of Ganesha Ambrosia, dba Hi Bombay. Application for a Class I FSE at 1 Pleasant Street - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Ray and seconded by Councilor Chong for passage. Passage 8-0.

Order 288-20/21 Granting Municipal Officers' Approval of Commercial Street Pub Inc., dba Commercial Street Pub. Application for a Class A Lounge at 129 Commercial Street - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Ray and seconded by Councilor Chong for passage. Passage 8-0.

Order 289-20/21 Granting Municipal Officers' Approval of Portland House of Music and Events, LLC, dba Portland House of Music and Events. Application for a Combined Entertainment at 25 Temple Street - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Ray and seconded by Councilor Chong for passage. Passage 8-0.

Order 290-20/21 Granting Municipal Officers' Approval of El Luchador Holdings LLC, dba Terlingua. Application for Outdoor Entertainment at 40 Washington Avenue - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Ray and seconded by Councilor Ali for passage. Passage 8-0.

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

COMMUNICATIONS:

Com 29-20/21 Communication re: the Portland Revaluation - Sponsored by Jon P. Jennings, City Manager

As a communication this requires no public comment or City Council Action.

UNFINISHED BUSINESS:

Order 261A-20/21 Traffic Schedule Amendment Re: New 30-Minute Parking Spaces at 132 Marginal Way - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Ali and seconded by Councilor Ray for passage. Motion fails 0-8 (Fournier, Mavodones, Dion, Ali, Zarro, Ray, Thibodeau, Chong).

Motion was made by Councilor Ray and seconded by Councilor Zarro to postpone Order 261A indefinitely. Passage 8-0.

Written Public Comment(s) Received

Order 278-20/21 Approving and Authorizing Maine Department of Transportation and City of Portland Land Exchange Agreement Re: International Marine Terminal - Sponsored by Councilor Spencer Thibodeau, Chair, Housing & Economic Development Committee

Motion was made by Councilor Ray and seconded by Councilor Ali for passage. Passage 8-0.

Written Public Comment(s) Received

Order 279-20/21 Approving Modification Three to an Agreement between Portland and the Maine Department of Transportation re: Congress Street Traffic Signals - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Ray and seconded by Councilor Chong for passage.
Passage 8-0.

Order 282-20/21 Amendment To Zoning Map from B-1 to B-2b for Jeffrey Curran at 163 Washington Avenue - Sponsored by Brandon Mazer, Chair, Portland Planning Board

Motion was made by Councilor Ray and seconded by Councilor Ali for passage. Motion failed 0-8 (Fournier, Mavodones, Dion, Ali, Zarro, Ray, Thibodeau, Chong).

Motion was made by Councilor Ray and seconded by Councilor Ali to postpone Order 282 indefinitely. Passage 8-0.

Written Public Comment(s) Received

ORDERS:

Order 291-20/21 Appropriating \$400,000 in Home Investment Partnership Program Funds to Equinox Housing Partners LP RE: 73 Winter Street - Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

This is its first reading.

Order 292-20/21 Designating the 73 Winter Street Affordable Housing Development District and Adopting the Municipal Development Program for the District- Sponsored by Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

This is its first reading.

Order 293-20/21 Approving the Credit Enhancement Agreement with Equinox Housing Partners LP - Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

This is its first reading.

Order 294-20/21 Appropriating \$200,000 in HOME Investment Partnership Program Funds and Housing Trust Funds to Winter Landing Housing Partners LP RE: 91 Winter Street - Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

This is its first reading.

Order 295-20/21 Designating the 91 Winter Street Affordable Housing Development District and Adopting the Municipal Development Program for the District - Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

This is its first reading.

Order 296-20/21 Approving the Credit Enhancement Agreement with Winter Landing Housing Partners LP - Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

This is its first reading.

Order 297-20/21 Amending the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Make 73 Winter Street and 91 Winter Street Affordable Housing Tax Increment Financing Districts - Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

This is its first reading.

Order 298-20/21 Adopting Development Program for Portland Downtown for Fiscal Year 2021-2022 - Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

This is its first reading.

Order 299-20/21 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2021-2022 - Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

This is its first reading.

Order 300-20/21 Approving Agreement between the City of Portland and Portland Downtown for Fiscal Year 2021-2022 - Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

This is its first reading.

Order 301-20/21 Approving the Second Letter Agreement with Developers Collaborative for the Homeless Service Center on Riverside Street - Sponsored by Jon P. Jennings, City Manager

This is its first reading.

AMENDMENTS:

Order 302-20/21 Amendment to Zoning Map Re: R-2 Zone to R-3 Zone at 165 Lambert Street - Sponsored by the Planning Board, Brandon Mazer, Chair

This is its first reading.

Order 303-20/21 Amendment to Portland City Code Chapter 14 Re: Neighborhood Center Definition and PRUD Open Space and Dimensional Provisions - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

This is its first reading.

Motion was made by Councilor Dion and seconded by Councilor Ali to adjourn. Passage 8-0, at 7:58 P.M.

A TRUE RECORD

Katherine L. Jones, City Clerk

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)

**PROCLAMATION
RECOGNIZING LITERACY INTERVENTIONISTS
MAUREEN LOVEJOY AND JENNIFER ROGERS**

WHEREAS, at the Riverton School, now known as the Talbot Community School, which first opened in 1976, Maureen Lovejoy and Jennifer Rogers are retiring after decades of service; and

WHEREAS, as literacy interventionists at Talbot Community School, Lovejoy and Rogers worked with students to improve their reading comprehension and writing skills; and

WHEREAS, Jennifer Rogers began her teaching career in 1981 and joined the Talbot staff in 2000, and Maureen Lovejoy began her career in 1976 when the Talbot school opened; and

WHEREAS, both educators have been dedicated and hard working, both have consistently put the needs of their students first, and they will be missed by both the staff and the children they have been teaching over the many years of service;

NOW, THEREFORE, BE IT RESOLVED that I, Kate Snyder, Mayor of the City of Portland, and the members of the City Council hereby extends our appreciation and gratitude to these valued retired educators for their dedicated service and contribution to the education of children; and

BE IT FURTHER RESOLVED, that this Portland City Council and Mayor strongly further thank and congratulate Maureen Lovejoy and Jennifer Rogers and all the other retiring educators for decades of commitment, enthusiasm, professionalism, and dedication to the school system and their community.

Signed and sealed this ____ day of _____, 2021



**Kate Snyder, Mayor
City of Portland, Maine**

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)

**PROCLAMATION RECOGNIZING HEALTHCARE PROVIDERS
AND VOLUNTEERS FOR THE WORK ACCOMPLISHED
VACCINATING MAINERS AGAINST COVID-19**

WHEREAS, beginning on March 11, 2020, the World Health Organization declared Novel Coronavirus/COVID-19 a global pandemic and, between March 1 through May 31, 2020, 42 states and territories issued mandatory stay-at-home orders; and

WHEREAS, with most of the United States abiding by stay-at-home orders, frontline healthcare workers valiantly put themselves in the path of this virus to protect us, our neighbors, and our families; and

WHEREAS, healthcare workers and volunteers with MaineHealth, Northern Light, Intermed, Martin's Point, Greater Portland Health, Portland Community Free Clinic, Emergency Medical Service providers, pharmacists, and public health nurses operated community vaccination clinics to provide access to COVID-19 vaccines to Portland residents; and

WHEREAS, in Portland, Maine, the James A. Banks Sr. Exposition Building was first opened on March 2, 2021 to vaccinate every willing member of our community and inside it, health workers provided more than 44,000 vaccinations by June 18, 2021; and

WHEREAS, healthcare workers at the City of Portland's Barron Center and all assisted living, memory care, and nursing facilities also faced this pandemic with courage and helped vaccinate the vulnerable people they care for; and

WHEREAS, as a result of these workers' dedication to our community and our health, Portland's total vaccination rate is, as of July 12, 2021, at an impressive 94% and the State was able to end the State of Civil Emergency in June 2021;

NOW, THEREFORE, BE IT RESOLVED that I, Kate Snyder, Mayor of the City of Portland, and the members of the City Council hereby honor Portland's healthcare providers and volunteers for their heroic commitment to the safety and health of our community.

Signed and sealed this 19th day of July, 2021



**Kate Snyder, Mayor
City of Portland, Maine**
Page 15

MEMORANDUM
City Council Agenda Item

FROM: Melissa Graffam
DATE: July 9, 2021
SUBJECT: Order 1-21/22 Granting a Thames Street Extension License to Northern Utilities, Inc., doing business as Unitil - 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 7/19/2021**

Can action be taken at a later date: No Yes, It can be taken at a later date.

PRESENTATION: Corporation Counsel, Five (5) minutes.

I. SUMMARY

This agenda item is for the Portland City Council to approve and grant Unitil a utility license agreement in the recently constructed Thames Street Extension and Connector Road.

II. AGENDA DESCRIPTION

This item approves a utility license agreement to Northern Utilities, doing business as Unitil, in the newly constructed Thames Street Extension and Connector Road roadways to allow the company to maintain infrastructure already installed as part of the roadway extension project. This agreement will also allow Unitil to install additional infrastructure in the roadway. Adding any additional infrastructure would require approval from the Department of Public Works. When Thames Street Extension or the Connector Road become public right-of-ways, this agreement will be terminated and Unitil will be granted normal public right of way utility rights.

In addition to this work, Thames Street requires paving and the installation of brick sidewalk along the City lot prior to acceptance by the City of Portland.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

In 2019 the City of Portland Department of Public Works completed a project which extended Thames Street approximately 400 feet to the east towards the 58 Fore Street development site. The project also extended roadway from the new terminus of Thames Street Extension towards Fore Street. This section of roadway has been referred to as the "Fore Connector Road". Utilities were extended in the newly constructed roadway sections to provide services for the future development in the area. As part of the project, Unitil Natural gas extended a 6" HPDE natural gas main within the new roadway. These new roadway areas have not yet become City of Portland public right of ways. This means that Unitil Natural Gas does not have the permanent right to access and maintain their new infrastructure. To date the City of Portland has granted Unitil Natural Gas a temporary license agreement to provide temporary access and maintenance rights to this new infrastructure. It is the intention of the City to accept these new roadways as City of Portland Public right of ways in the future, however Unitil is requiring the City grant the utility company a permanent License Agreement until such time the road is officially accepted by the City as a right of way.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Granting this License agreement is part of the process to extend Thames Street to the east which is helping facilitate the development of parcels situated along the Eastern waterfront.

V. FINANCIAL IMPACT

N/A

VI. STAFF ANALYSIS AND BACKGROUND

This license agreement area has been depicted and described by Owen Haskell surveyors. The license agreement document has been authored by the City of Portland Corporation Counsel and reviewed and agreed to by Unitil. The license agreement documents have also been reviewed by the Director of Public Works and the DPW engineering and survey staff. This easement gives the Unitil access and maintenance rights in the entire future Thames Street Extension public right of way. It also gives Unitil the right to install additional infrastructure in the area subject to the approval of the department of public works. The license agreement will be voided if the roadway becomes a public right of way in the future.

VII. RECOMMENDATION

It is the recommendation of the Department of Public Works to grant this license agreement to Unitil.

VIII. LIST ATTACHMENTS

1. Northern Utilites, Inc. dba Unitil Thames Street Extension License 7.19.2021
2. ThamesUnitilAgreement
3. ThamesStExt

Prepared by:

Melissa Graffam

Date: 07/09/2021

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 A THAMES STREET EXTENSION LICENSE
AT NORTHERN UTILITIES, INC., DOING BUSINESS AS UNITIL**

ORDERED, that a utility license at Thames Street Extension is hereby granted to Northern Utilities, doing business as Unitil, 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 documents and any other related documents necessary or convenient to carry out the intent of said documents and this Order.

**CITY OF PORTLAND
LICENSE AGREEMENT
NORTHERN UTILITIES, INC d/b/a UNITIL.**

This License Agreement is made as of this ____ day of July, 2021, by and between the **CITY OF PORTLAND**, a body politic and corporate, located in Cumberland County, State of Maine (hereinafter the "**CITY**"), **NORTHERN UTILITIES, INC.**, a New Hampshire corporation with a mailing address of 6 Liberty Lane, Hampton, New Hampshire, 03842-1704 and offices located at 376 Riverside Industrial Parkway, Portland, Maine, doing business as **Unitil** ("**LICENSEE**").

RECITALS

WHEREAS, CITY owns certain real property known as the Thames Street Extension in Portland, Maine which property is described in a deed recorded in the Cumberland County Registry of Deeds (the "**Registry**") in Book 10924, Page 84, and shown as "Proposed Thames Street Extension" on a plan entitled "Subdivision Plat Portland Foreside Thames Street & Fore Street Portland, Maine" dated February 13, 2020 and recorded in the Registry in Plan Book 220, Page 65 (the "City Property"); and

WHEREAS, LICENSEE provides natural gas heating services in the City of Portland and desires to provide natural gas heating services to property adjacent to the City Property known as 58 Fore Street, Portland, Maine; and

WHEREAS, LICENSEE has requested that the CITY allow it to use a portion of the City Property (the "Licensed Area") for the installation and maintenance of Gas Facilities (as defined below), which Licensed Area is generally depicted on the attached Exhibit A and more particularly described in the attached Exhibit B, both of which are incorporated by this reference; and

WHEREAS, after due consideration, the CITY has agreed to provide the LICENSEE with this License Agreement.

NOW, THEREFORE, in consideration of the foregoing and subject to the covenants and conditions herein contained, the CITY hereby grants to LICENSEE the following rights in and to the Licensed Area:

1. License. A license to enter in, on and over the Licensed Area, on the terms and conditions set forth herein, to use the Licensed Area to install, maintain, operate, alter, repair, rebuild, inspect, patrol, replace in the same or different size, and remove, gas facilities, including, without limitation, mains, conduits, pipe lines, and valve sets, for the purpose of transporting, and to transport, natural gas and artificial gas, together with all necessary meters, fittings, fixtures, equipment and appurtenances (collectively, the "Gas Facilities"), over, under and within the Licensed Area. LICENSEE shall not place or store any hazardous materials on the Licensed Area; provided however natural gas is permitted within the Licensed Area provided it is contained within the Gas Facilities in accordance with all statutes, regulations, codes, and ordinances of any federal, state, or local government entity, authority, agency and/or department having jurisdiction over the Licensed Area. The location of the Licensed Area is tentatively shown on Exhibit A, but shall be subject to change by the CITY at its reasonable discretion. LICENSEE shall not use the Licensed Area for any use other than those specified in this License without the CITY's prior written approval. LICENSEE represents and warrants that it is the owner of the Gas Facilities. Prior to exercising any rights within the Licensed Area, LICENSEE shall first obtain written permission from the CITY's Director of Public Works or his or her designee. All activities in the Licensed Area shall be performed in a safe, diligent, and workmanlike manner, at LICENSEE's sole cost and expense. 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 herein granted. The License is subject to the rights of other utilities that may be located within the Licensed Area.

2. Term; Revocable License. The term of this License shall commence on the date first set forth above (the "Effective Date") and terminate on the date the CITY accepts the Licensed Area as a City street, at which time the Gas Facilities may continue to be located where installed subject to the CITY's location permitting standards for utilities for City Streets. In the event that the CITY accepts only a portion of the Licensed Area as a City street, this License shall terminate with respect to the accepted portion. Notwithstanding the foregoing, this License is revocable by the CITY upon thirty (30) days' notice to LICENSEE if LICENSEE fails to comply with any provisions of this License and LICENSEE fails to cure such failure within that 30 day period. CITY may also terminate this License for its convenience upon 6 months prior written notice to LICENSEE.

3. Trash Removal. LICENSEE shall be responsible for the disposal of all trash generated by it on the Licensed Area.

4. Compliance with laws: LICENSEE agrees to comply with all applicable laws and regulations in its operations hereunder, including but not limited to all applicable federal, state and local environmental law and regulations, including without limitation all laws and

regulations governing hazardous substances, with respect to all its activities on the Licensed Area, and to conduct all its activities on the Licensed Area in a safe, responsible, reasonable and business-like manner.

5. Indemnification: To the fullest extent permitted by law, LICENSEE shall defend, indemnify and hold the CITY, its officers, agents and employees, harmless at all times from any claims, liability, losses, costs, expenses (including, without limitation, reasonable attorney's fees) fines, damages or judgments, just or unjust, that arise out of or are caused by the any act or omission of LICENSEE, its partners or members, agents, invitees, contractors, subcontractors, or employees, which claims arise out of or result from the activities hereunder, said claims to include, without being limited to, claims for personal injury, death, or property damage, including injury or damage to City employees or property; and claims based upon violation of any environmental law or regulation governing hazardous substances. LICENSEE's obligations under this paragraph shall survive the termination of this License.

6. Insurance. LICENSEE agrees, binds and obligates itself, its successors and assigns to maintain throughout the term of this License 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 shall provide the CITY proof of such insurance upon the CITY's request. LICENSEE shall name the CITY as an additional insured on such insurance for claims for which the CITY does not have governmental immunity, including, without limitation, those areas where government immunity has been expressly waived as set forth in 14 M.R.S.A. § 8104-A, as limited by § 8104-B, and § 811. This provision shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the CITY under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the CITY. Such insurance may include, in whole or in part, self-insurance by the LICENSEE. In addition, LICENSEE 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 LICENSEE's contractors and subcontractors.

7. Release. LICENSEE hereby releases the CITY and its officers, agents and personnel (collectively, the "Releasees") from any and all claims, liabilities, damages, losses, costs, fees and expenses arising out of or resulting, directly or indirectly, from LICENSEE's use of any City Property, including, without limitation, injuries, losses and damages for bodily injury (including disability or death) and property damage, regardless of cause, including any and all claims, damages and liabilities that arise out of or result from any actions or omissions, including negligence, on the part of any of the Releasees. LICENSEE promises not to sue any of the Releasees with respect to any such claims or liabilities. This waiver and release is intended to be as broad as the law allows and shall survive termination of this agreement.

8. Restoration. LICENSEE agrees that it shall restore, repair, and replace all aspects of the City Property that are disturbed or damaged as a result of LICENSEE's presence or work on the City Property or the presence or work of its employees, contractors, subcontractors, invitees or volunteers. Any and all such repair, replacement, and restoration work shall be performed to the City's satisfaction and at the sole expense of LICENSEE. LICENSEE acknowledges and agrees that its obligation to repair, replace, and restore all aspects of the City Property under this paragraph shall survive the termination of this License.

9. No property rights. This instrument is a license only and no provision hereof shall be construed as conveying an easement or other estate in land.

10. No Assignment. This License Agreement is non-transferable and shall not be assigned, pledged, sublet or otherwise transferred to another party except upon the prior written approval of the CITY.

11. Amendment. This License may be amended only in writing executed by the parties.

12. Counterparts/Signature. This License may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement. A signature in a pdf or electronic document shall be considered the equivalent of an original signature.

13. Authority. LICENSEE warrants and represents that it has the full right and authority to enter into this Agreement, that there is no impediment that would inhibit its ability to perform their respective obligations under this Agreement, and that the person signing this Agreement on behalf of LICENSEE has the authority to do so.

Signature page follows.

IN WITNESS WHEREOF, the CITY and LICENSEE, have executed this License as of the date written first above.

CITY OF PORTLAND

Witness

By: _____
Jon P. Jennings
Its City Manager

**NORTHERN UTILITIES, INC., d/b/a
UNITIL**

Witness

Approved as to form:

By: _____
Printed Name:
Its:
Approved as to funds:

City Corporation Counsel's Office

City Finance Director

EXHIBIT A

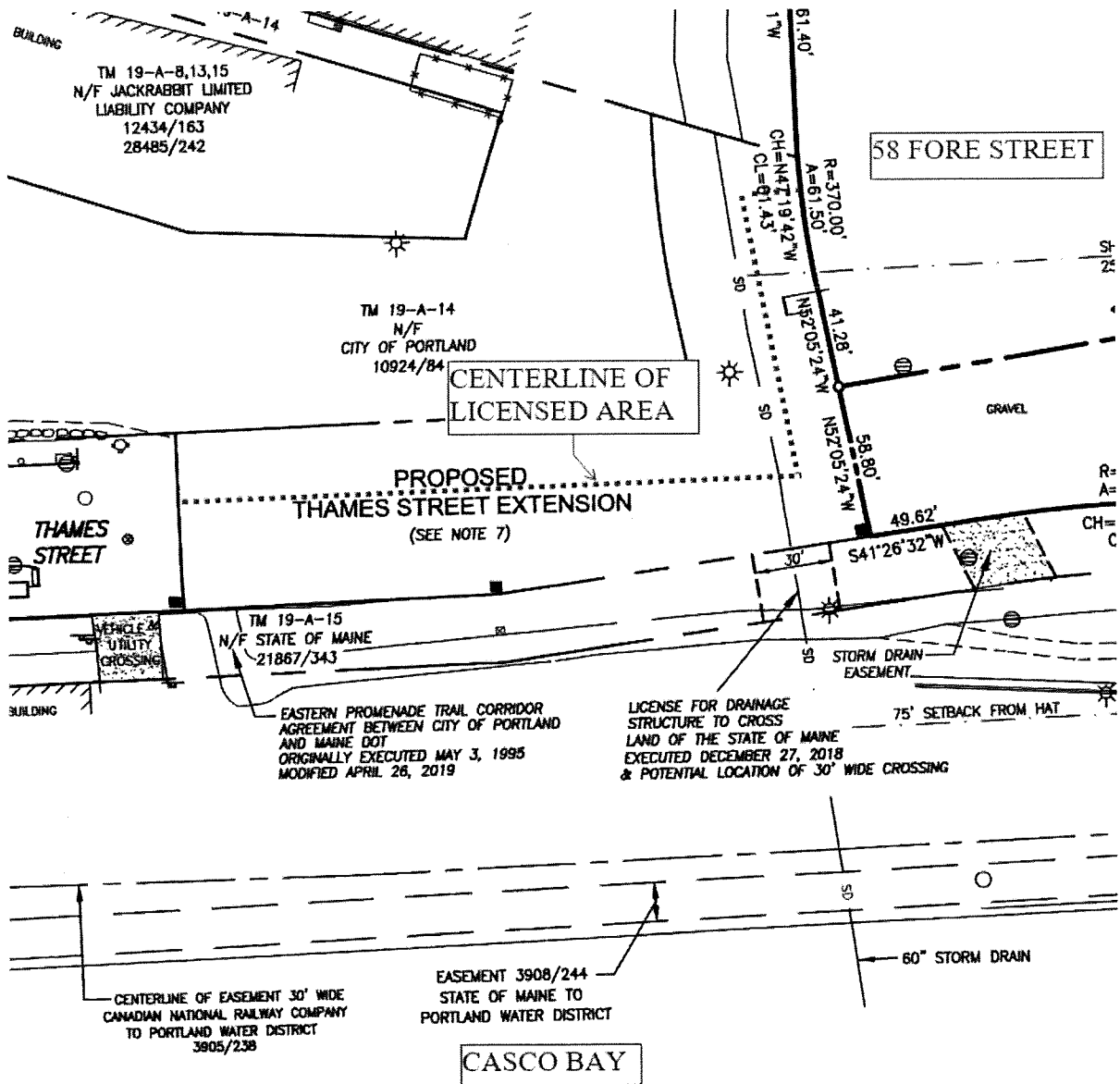


EXHIBIT B

Thames St. Extension

A certain lot or parcel of land situated northerly of Thames Street in the City of Portland, County of Cumberland and State of Maine bounded and described as follows:

Beginning at the northwesterly corner of the terminus of Thames Street being N47°28'43" E along the westerly sideline of Thames Street 153.05 feet from the northeasterly corner of land now or formerly of Hancock Street LLC as described in an instrument recorded in the Cumberland County Registry of Deeds in Book 34347, Page 163;

Thence, the following courses and distances through the land now or formerly of the City of Portland as described in an instrument recorded in said Registry of Deeds in Book 10924, Page 84;

N 47°28'43" E a distance of 188.32 feet;

N 30°15'31" E a distance of 12.49 feet;

N 52°05'24" W a distance of 33.61 feet;

Along a tangent curve to the right having a radius of 425.00 feet and an arc length of 70.64 feet, a chord bearing of N 47°19'42" W and chord distance of 70.56 feet;

N 42°34'01" W a distance of 5.51 feet to the easterly line of land now or formerly of 100 Fore Street LLC as described in an instrument recorded in said Registry of Deeds in Book 33748, Page 1;

Thence, N 66°39'40" E along the easterly line of land of said 100 Fore Street LLC 58.52 feet to the southerly line of land now or formerly of CPB2 I LLC as described in an instrument recorded in said Registry of Deeds in Book 35576, Page 153 and in Book 35264, Page 286;

Thence, along the southerly line of land of said CPB2 I LLC along a curve to the left having a radius of 370.00 feet, an arc length of 47.73 feet, a chord bearing of S 48°23'40" E and chord distance of 47.70 feet;

Thence, S 52°05'24" E continuing along the southerly line of land of CPB2 I LLC 100.09 feet to the westerly line of land now or formerly of State of Maine;

Thence, S 41°26'32" W along the westerly line of said State of Maine 145.33 feet;

Thence, S 47°28'43" W continuing along the westerly line of land of State of Maine 121.01 feet to the northeasterly corner of the terminus of said Thames Street;

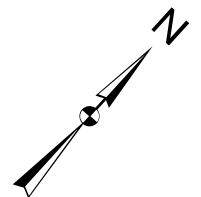
Thence, N 42°31'17" W along the northerly terminus of Thames Street 68.00 feet to the point of beginning, containing 22,459 s.f. or 0.52 acres, more or less.

Bearings are based on Maine State Plane Coordinate System.



CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS
212 CANCO RD STE B
PORTLAND, MAINE 04103
PHONE (207) 874-8846 FAX (207) 874-8852

Thames St Ext Overview Map



July 2021

DRAWN BY: TSY

0 50 100
Feet

MEMORANDUM
City Council Agenda Item

FROM: Caitlin Cameron, Urban Designer

DATE: July 9, 2021

SUBJECT: Order 2-21/22 Accepting the Public Art Committee Fiscal Year 2021 Annual Report and Fiscal Year 2022 Budget Plan - Sponsored by Kate Snyder, Mayor

SPONSOR: Jim Cradock, Chair, Portland Public Art Committee
(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 7/19/2021**

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

PRESENTATION: PPAC Chair or Caitlin Cameron, Urban Designer, 5-10 minute oral presentation.

I. SUMMARY

Order accepting the FY21 Annual Report and FY22 Budget Plan recommended by the Portland Public Art Committee.

II. AGENDA DESCRIPTION

At its monthly meeting on June 16, 2021, the Portland Public Art Committee voted unanimously (9-0) to recommend the FY21 Annual Report and FY22 Budget Plan for approval by Portland City Council.

In one section of the annual report and in response to the recent street mural applications, the Committee has proposed revisions to the Temporary Art Guidelines to better accommodate street mural proposals. The budget plan for the next fiscal year continues conservation of the collections, maintenance/operations, and funds towards the acquisition of Gathering Stones on the Eastern Promenade.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Portland Public Art Ordinance requires the Portland Public Art Committee to make an Annual Report to the Council to present an Annual Public Art Plan with proposed budget for the Council's consideration.

By accepting the report, the Council will be accomplishing the following actions:

1. Adopting revisions to the Temporary Art Guidelines: In response to the recent street mural applications, the Committee proposed revisions to the Temporary Art Guidelines to better accommodate street mural proposals.

2. Adopting revisions to the Public Art Guidelines: The committee recommends adding criteria for digital media to its guidelines to ensure ongoing maintenance and archiving of this artwork type.

In addition, the committee recommends amendments to its guidelines on cultural equity, which provides specific guidance for how the committee will follow the Public Art Ordinance's call to enhance, enrich and celebrated all of Portland's communities.

3. Approving the FY22 Budget Plan to allocate the FY21 1/2 % CIP funds.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Present the FY21 Annual Public Art Report and FY22 Budget Plan according to the public art ordinance. Acceptance of this report results in the approval of the proposed budget for the fiscal year 2022 allowing the committee to proceed with its activities. The Public Art Committee efforts seek to improve and enhance the quality of life of all Portland residents, workers, and visitors.

V. FINANCIAL IMPACT

The FY22 budget plan uses funds already within the PPAC budget, which are generated through the ½ % for Public Art in the CIP. Acceptance of the Annual Report and Budget Plan constitutes acceptance of the proposed budget allocations contained within the plan. The budget allocations for FY22 continue conservation of the collections, maintenance/operations, and funds towards the acquisition of Gathering Stones on the Eastern Promenade. The budget allocations also include a contingency fund to cover potential loss, damage, replacement of artworks or community artwork grant projects.

VI. STAFF ANALYSIS AND BACKGROUND

The Budget Plan focuses on conservation and maintenance of the collection to continue to improve the quality of the built environment for residents and employees and further improve the public image of the city for visitors.

VII. RECOMMENDATION

On June 16, 2021, the Portland Public Art Committee voted unanimously to recommend the FY21 Annual Report and FY22 Budget Plan to the Portland City Council.

The Department of Planning and Urban Development supports the acceptance of this report, its associated actions, and the budget plan allocating the FY22 ½% CIP funds as meeting the requirements set forth in Chapter 14, Article XI. Public Art Program Ordinance.

VIII. LIST ATTACHMENTS

1. Order Approving Public Art Annual Report 2021 7.19.2021
2. Att. 1 FY21 PPAC Annual Report
3. Att. 2 Rev Public Art Guidelines rev
4. Att. 3 Temp Art Guidelines rev

Prepared by:

Caitlin Cameron, Urban Designer

Date: 07/09/2021

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 THE PORTLAND PUBLIC ART COMMITTEE
FISCAL YEAR 2021 ANNUAL REPORT
AND FISCAL YEAR 2022 BUDGET PLAN**

ORDERED, that the Fiscal Year 2021 Annual Report and Fiscal Year 2022 Budget Plan of the Portland Public Art Committee, attached hereto as Attachment A, is hereby accepted.

FY21 Public Art Committee Annual Report & FY22 Budget Plan

OUTLINE OF REPORT:

I. Overview

II. Administrative Updates

Committee Members

Administrative Policies – Five Year Goals and Strategic Plan Guidelines and Ordinance Revisions

Subcommittees:

- Governance Subcommittee
- Gifts Subcommittee
- Communication Subcommittee
- Site Selection Subcommittee

III. Conservation & Maintenance

Conservation:

- Updated collection assessment
- *East Bayside Mural* (Kennedy Park)
- *Portland Brick* (India Street Neighborhood)
- *Art Under Foot* (West End at Congress and State Streets)
- *Acrobatic Dogs*

IV. Accomplishments in FY21

Project Updates:

- *Pine Cone* (Deering Oaks Park)
- *Passing the Torch* (Deering Roundabout)
- *Blaze* (Community Artwork - Downtown)
- *Bramhall Square* (West End)
- *Gathering Stones* (Eastern Prom Trail)
- *Shattered Sphere* (Congress Square)

Temporary Public Art:

- TEMPO summer installation and administrative updates
- Street murals
- *Positivity Flags - Hopeful*

Additional Accomplishments:

- Our Town 2020 Grant Support
- Sites Selection Map
- Coloring Books
- Guideline Revisions – Digital Media, Cultural Equity

V. Goals for FY22

VI. Proposed Budget FY22

I. Overview

In April 2000, the City Council established the Portland Public Art Program to preserve, restore, and enhance the City's public art collection. The Portland Public Art Committee (PPAC) is tasked to commission art that engages the surrounding environment to facilitate a sense of place by expressing the spirit, values, and visions of Portland through public art.

The public art collection currently contains fifty-nine permanent pieces installed throughout Portland and one long-term loan. The collection comprises works of both historical significance dating from the nineteenth century; and contemporary pieces reflecting Portland's diversity and spirit. The PPAC administers the Portland Public Art Program; the Committee's responsibilities are outlined in Article XI of the City Code (Public Art Program). The Committee refers to the Guidelines for the Public Art Ordinance (Volume 1, Number 1 – adopted 2008) for direction in administering their responsibilities.

The Portland Public Art Committee is responsible for the following:

- Develop and present an Annual Public Art Plan to the City Council which includes recommendations for the use of allocated CIP funding; program administration; conservation of the collection; and initiation of new projects;
- Provide recommendations to the City Council regarding proposed gifts to the collection;
- Seek donations to fulfill Committee responsibilities in the case that CIP funding is insufficient;
- Recommend appropriate locations for the installation of public art;
- Promote public awareness and engagement between the public and the collection.

II. Administrative Updates

Committee Members

The Committee for 2021 (FY21) was as follows:

- James Cradock, Chair, Information Technologies Consultant and Owner at Yellahoose
- Nick Aceto, Landscape Architect at ACETO Landscape Architects
- Ryan Adams, Visual Artist
- Anna Berke, Director, Foundation and Government Development at WETA
- Gibrian Foltz, CPA and Artist, Creative Portland Representative
- Julia Kirby, Development Director at St. Lawrence Arts
- Jessica Lauren Lipton, Vice-Chair, Marketing Director at Casco Bay Artisans and Artist at Pop Killed Culture
- Kavya Seshachar, Architectural Designers at Whipple Callender Architects and Visual Artist, City Manager's Appointee
- Mayor Kate Snyder, City Council Representative
- John Whipple, Architect at Whipple Callender Architects
- Meredith Wiemer, Associate Collections Registrar at Portland Museum of Art

Management & Administration:

- Caitlin Cameron, Urban Designer, Planning Division

ADMINISTRATION AND POLICY

Five-Year Goals

In fall 2017 the Committee held several meetings and agreed upon the following goals for the coming five years:

- To increase the prevalence of public art in regions of outer Portland. This may be in the form of Community Art Projects, or temporary art event coordination. This objective aims to work with current and future City projects, pay attention to project and partner opportunities, and identify potential sites in order to be prepared when gift opportunities arise;
- To activate small urban spaces with public art;
- To further public education, interest, and enjoyment of public art by providing public art walks or public art guides in Portland; and to publicize and archive the collection. This includes revising the website to provide additional functions and increase traffic, producing a 30 second commercial to distribute to promotional sites, such as movie festivals, a City Hall video stream, or outdoor screening, create cards, brochures or other saleable items, increase and control social media outreach, meet with City stakeholders to reinforce our mission, and look for an intern to help with assorted clerical and archival jobs;
- To increase donation solicitation for projects supported by the PPAC, particularly for projects that enhance community engagement and identity. To solicit grant and private money for current and upcoming projects;
- To have greater influence on site selection for gifts and commissioned works, and to provide a simple and consistent evaluation for acceptance of gifts;
- To continue to provide forums for public input.

Ultimately, these goals aim to contribute to Portland's identity as a cultural destination. The Committee recognizes that the prevalence and quality of Public Art will greatly contribute to Portland's overall image and increase both national and international recognition.

SUBCOMMITTEES

Governance Subcommittee

New members joined the Public Art Committee this past year: Ryan Adams, a working artist and muralist; John Whipple, an architect at Whipple Callender Architects; and Meredith Wiemer, Associate Collections Registrar at the Portland Museum of Art. The committee's city council representative for FY22 will be Councilor April Fournier.

Gifts Subcommittee

No gifts were proposed this year.

Communications Subcommittee

The Public Art Committee continues to update and improve the committee web site, publicartportland.org. The committee is extending outreach and education of the collection through social media (Facebook, Twitter and Instagram).

Coloring books, made by committee members and freely distributed with crayons to youth programs and restaurants, is a new program to engage children, and adults who like coloring.

The committee is exploring other options for getting the word out about the Public Art Program, including signage for METRO buses, and interviews on programs on WMPG.

Site Selection Subcommittee

An updated site priority map and selection criteria were developed and submitted to city in the Public Art Committee's FY20 annual report. It continues as guiding documents for future artwork siting and selection.

III. Conservation & Maintenance

The purpose of the Public Art Program is to care for and maintain art works in the collection. It is essential to the longevity and safety of the works in the collection to engage a conservator for conservation and repair of our public art collection. Jonathan Taggart, of Taggart Object Conservation, has been contracted on a bi-annual basis to provide conservation of art works in the collection, and to provide expert advice on new work proposed for addition to the collection.

Conservation:

The Public Art Committee's conservation contract with Jonathan Taggart was executed in March 2020. Conservation includes an updated assessment of the collection, and work to stabilize the East Bayside Mural. To date, the Jetport collection was assessed with some artworks requiring conservation work to be covered by the FY22 budget plan.



Figure 1 Bayside Mural

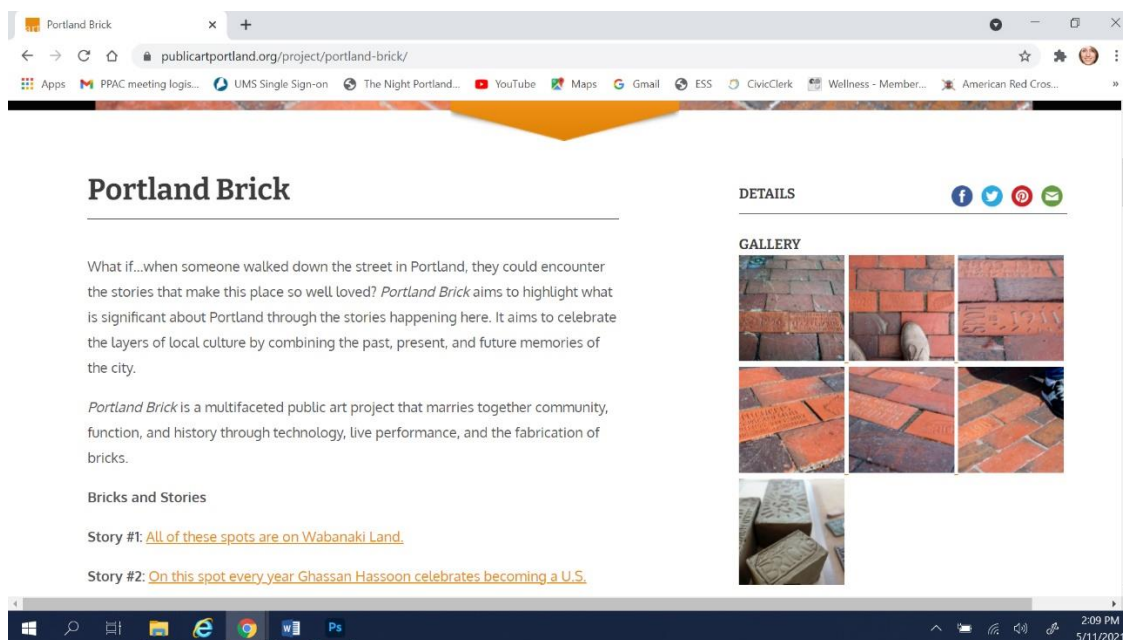
East Bayside Mural (Kennedy Park)

After contacting the principal artist in September 2020 about the possibility of deaccessioning (removing by painting over) the mural, which the artist did not object to, Public Art Committee members Lin

Lisberger and Julia Kirby met in October 2020 with the East Bayside Neighborhood Organization regarding the physical state of the art work, and about conservation. The mural, done by Andrew Schoultz with neighborhood children mostly from African immigrant families, is important to the neighborhood. The conservation plan is to use \$2000 from the committee's conservation funds to work with the Facilities Department to treat the wall on which the mural is painted, to power wash the art work, and apply an anti-graffiti coating, and to add signage about the art work information missing as the piece has deteriorated. This conservation work will be completed in coordination with the Facilities and Parks divisions and with contractors under the supervision of the committee's conservator, Jonathan Taggart.

Portland Brick (India Street Neighborhood)

One of the City's newer, innovative art works, and a piece that speaks to Portland's diverse communities with 30 artist-made bricks, and online audio with stories from neighborhood residents and business owners. The art work was accepted with a website component (separate from the Public Art Committee web site) which used online services for story maps. The provider of these online story map services is defunct and requires maintenance to reestablish the digital content hosted on the Public Art Committee website. As part of that process, the committee documented the art work, catalogued the source material for the piece, including geographic coordinates necessary for mapping functionality, and archived the website content from the original Portland Brick web site was integrated into the Public Art Committee website. The original website will be reconstructed in consultation with the artist.



Art Under Foot (Congress and State Streets)

A Public Art Committee task force began documenting the community artwork at Congress and State Streets. The piece, made up of 125 individual brick-sized bronze tiles designed by community members, loses bricks each year because (we believe) of frost heaves and sidewalk plowing. Along with documenting the art work in its current state, the committee will make a recommendation on how to conserve the work due to loss of bronze bricks (now four missing).

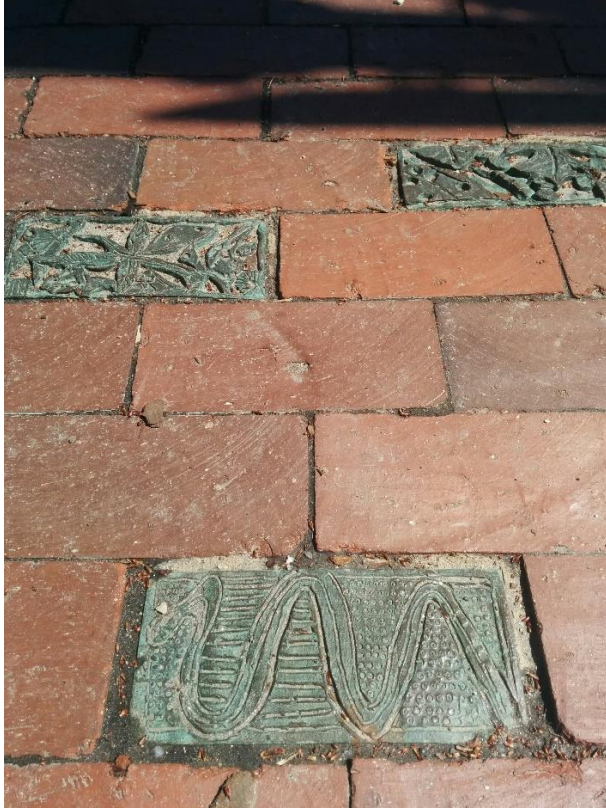


Figure 2 Art Underfoot



Figure 3 Acrobatic Dogs

Acrobatic Dogs (Jetport)

Committee conservator Jonathan Taggart, Jetport staff, and Public Art Committee Chair James Cradock reviewed the status of the *Acrobatic Dogs* sculpture, which had been accidentally knocked over during regular facilities cleaning activities. *Acrobatic Dogs* was not visibly damaged and will be replaced on site with adapted structural support to ensure safe display.

IV. Accomplishments in FY21

Great Black Hawk (*Deering Oaks Park*)

Davis Smus' Great Black Hawk sculpture, was installed in Deering Oaks Park on July 17, 2020. Portland Public Art Committee, the Mayor, Friends of Deering Oaks Park, Portland Parks Department, and the press were in attendance. The plaque was installed in August 2020, and photography documenting the art work was taken by Corey Templeton.



Figure 4 Great Black Hawk - Unveiling



Figure 5 Great Black Hawk - close-up

Pinecone (*Deering Oaks Park*)

In November 2020, City Council approved the Portland Art Committee recommendation that the Pine Cone sculpture be accepted into the Public Art Program's collection. Installation was completed summer 2021.



Figure 6 Pinecone



Figure 7 Pinecone (detail)

Passing the Torch (*Deering Roundabout in Oakdale*)

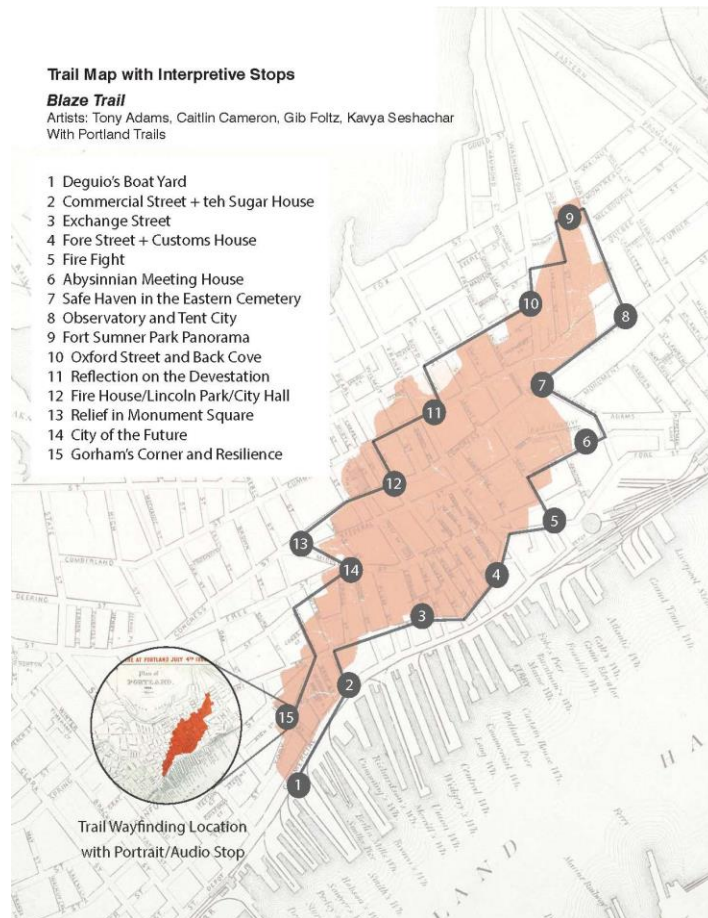
Artist Mark Pettegrow is working on bronze molds and castings for the art work. Planning for lighting for the art work in the roundabout is complete. After good discussions, arrangement of seating area stones (rough-hewn “benches”) on Deering Ave. was finalized and approved in April 2021. Stones are to be delivered, on schedule, from the quarry to the site by Memorial Day 2021. The artist alerted the committee to unforeseeable 20-25% increases in the costs of materials for the art work. He has absorbed some of the costs as work has progressed, but he alerted the Public Art Committee in April 2021 that final cost will be over-budget. The final figure is yet to be determined. The artist is mindful of costs, and is working to mitigate these. Of course, the committee is overseeing.



Figure 8 Passing the Torch (view from Deering Avenue)

Blaze (Downtown)

In September 2020, the Public Art Committee approved a community art grant for *Blaze Trail*, an interpretive artwork that creates an urban trail to trace the path of the Great Fire of 1866. Stories of the cataclysmic event are told through portraits and soundscapes of historic and contemporary fire fighters. *Blaze* will use trail wayfinding signs and a web site with audio installations. Portland Trails is a project partner.



Bramhall Square (West End)

The urban design project for Bramhall Square will include a new public art installation (funding approved in the FY21 Budget Plan). A selection committee will be formed in summer 2021 to select the artist/artwork for the site.

Congress Square Public Art Commission

Design Development phase concluded in August 2020. An NEA Artworks grant report was finished in December 2020, and final rendering of *Shattered Sphere* were delivered to the committee this same month. The committee is participating in fundraising meetings for Congress Square Park. The artist is expected to present the design in a public meeting in the fall. Construction for the intersection will begin in the summer of 2021.

Temporary Public Art:

Gathering Stones (Eastern Prom Trail)

TempoArts commissioned artist Jesse Salisbury to install the grouping of stones at Fish Point along the Eastern Promenade Trail. Now in place for a year, the artwork received an extension for a second year to remain installed as a successful activator along the trail. The Public Art Committee proposes to acquire the artwork *Gathering Stones* as a permanent piece in the collection. The committee agrees the piece has activated Fish Point, the point of land where the trail turn from a northeasterly direction to

the northwest. The artist Jesse Salisbury worked with the committee to determine the appropriate final siting, foundation, and costs. The Public Art Committee is working with interested parties, including Creative Portland and Parks and Recreation, on possible funding partnerships. The committee will make its final recommendation on accepting the artwork into the collection next year.



Figure 9 Gathering Stones



Figure 10 Black is Beautiful

Street Murals (Cove Street, Free Street)

Indigo Arts proposed a temporary street mural on Cove Street in conjunction with the Black is Beautiful children's book festival. The mural was completed in the summer 2020 by Ryan Adams, Daniel Minter, and community members.

Artists and community organizers Ryan Adams, who is now on the Portland Public Art committee, and Susannah Hunt contacted Mayor Kate Snyder in July 2020 about doing a Black Lives Matter mural similar to other communities at the time. The Mayor asked the Public Art Committee to assist with facilitating the application process. The initial proposed location for the BLM mural was Congress Street in front of City Hall. The now planned location is on Free Street in front of the Portland Museum of Art. Committee Chair James Cradock helped with the application materials.

Positivity Flags - Hopeful (Trinity Park)

Artist Caitlin Cameron collaborated with Friends of Woodfords Corner, Trinity Episcopal Church, and members of the Woodfords neighborhood community to create colorful flags written with hopeful messages in Trinity Park.



Figure 11 Positivity Flags



Figure 12 Trinity Park

Colorful Crosswalks (Ludlow and Leland Streets)

Emily Segal, a junior (rising senior) at Deering High School, proposed painting the crosswalks around DHS to recognize social, racial, economic justice, LGBT+ rights and climate emergency actions nationally, and to connect awareness for equal rights for all DHS students with the school community, and with the larger Deering Center and city communities. Emily Segal wants for the project to recognize and celebrate diversity, and for it to bring people together. The proposal was reviewed and approved by the Public Art Committee. Painting crosswalks began June 3.



Figure 13 Colorful Crosswalks



Figure 14 Colorful Crossroads (student volunteers)

Temporary Art Guidelines – Revisions

Existing Guidelines: <https://www.portlandmaine.gov/DocumentCenter/View/6515/Temporary-Public-Art-Guidelines->

In response to the recent street mural applications, the Committee proposes the following revisions to the Temporary Art Guidelines under “Additional Review Requirements:”

For proposed street murals, this process may be expedited for any city owned streets within commercial or mixed use areas (the downtown, major thorough fares). In these cases, there will be at least a one week notice to stakeholders for comment/meeting participation. Additional members of the review committee may include Metro or MDOT depending on proposed location.

In accepting this Annual Report the City Council is adopting the revisions to the Temporary Art Guidelines as proposed.

Additional Accomplishments:

Our Town 2020 Grant Support

In August 2020, the Public Art Committee submitted a written letter in support of Creative Portland’s application to Our Town 2020 for expansion of the Creative Bus Shelter Initiative, which was supported by a 2019 award from the National Endowment for the Arts. As per the Public Art Ordinance, the purpose of the Public Art Program seeks to enhance and enrich the lives of Portlanders by enhancing our city’s civic pride and identity, and to celebrate the diverse communities in our city. The Portland Public Art Committee’s mission encourages collaboration between artists, designers, planners and entities. The committee was happy to support Creative Portland in seeking further funds for the Creative Bus Shelter Initiative.

Coloring Books

In 2020 and 2021, the Portland Public Art Committee created bound coloring books and distributed these with crayon sets to youth programs in the city. Eight coloring sheets from art works in the collection were created by committee member Kavya Seshachar. Committee members reached out to youth programs and to restaurants about freely distributing coloring books and crayons. Because of COVID-19 shutdowns, the committee focused on distributing to interested youth programs; these included Parks & Recreation (and the After the Bell program), the Portland YMCA, and the Boys & Girls Club. Committee members have contacted Councilor Tae Chong about distributing coloring books and crayons through Catholic Charities’ programs. As restaurants are starting to open, the committee plans to revisit the original plan to distribute coloring books and crayons to establishments on and off the peninsula. The committee has purchased more crayon sets, and is printing a second batch of coloring books. The coloring book program is free to restaurants and youth programs, but donations to support the program are accepted.



Figure 15 Coloring Books

Public Art Guidelines

Existing Guidelines: <https://www.portlandmaine.gov/DocumentCenter/View/3418/Public-Art-Guidelines?bidId=>

- Digital Media

The committee drafted an amendment to include criteria for digital media or digital components for artwork in order for the committee to maintain and archive artwork in its collection with digital aspects. These guidelines were developed in consultation with the City's IT department and best practices for website and digital file management.

- Cultural Equity

The Public Art Ordinance, which City Council used to create the Public Art Program in April 2000, specifically says the purpose of the public art is to celebrate the multi-cultural and diverse character of the City of Portland's communities with place-specific art. Racial reckoning in the United States has been on the radar for many of us. On June 5, 2020, Portland saw a large, peaceful, 8-hour-long Black Lives Matter action drawing attention to manifestations of systematic racism in our communities. On July 13, City Council and the Mayor passed a resolution acknowledging persistent racial bias, and called for examinations of city departments, with a report by a volunteer committee on opportunities for racial equity. Arts institutions are not immune from systematic racial bias, or from marginalizing voices in our community. In July 2020, a Public Art Committee task force examined the collection, to see how well it reflected the multi-cultural and diverse character of our city, and how the Public Art Program followed its purpose vis à vis the Public Art Ordinance.

The committee drafted an amendment on cultural equity, which provides specific guidance for how the committee will follow the Public Art Ordinance's call to enhance, enrich and celebrated all of Portland's communities. It addresses processes for artist and art work selection, committee

governance, locations for public art throughout our city, interpretation of art works in the collection, education and outreach, and a call for periodic review to measure the Public Art Program's progress in following the Public Art Ordinance. The Public Art Committee is asking City Council to accept this amendment to the Guidelines for the Public Art Ordinance.

The Committee proposes revisions to the Public Art Guidelines as shown in attachment #1.

In accepting this Annual Report the City Council is adopting the revisions to the Public Art Guidelines as proposed.

V. Goals for FY22

GOVERNANCE

- Amendments to Guidelines for the Public Art Ordinance vis à vis cultural equity to City Council for review and approval.
- Amendments to the temporary art guidelines document for City Council review and approval.

COMMUNICATIONS

- Continue coloring book program, update art works in the coloring book and committee member time permits, and solicit donations to grow the program.
- Explore ways to get the word out about current and upcoming art works in the Public Art Program, and about Public Art Committee activities.

CONSERVATION & MAINTENANCE

- Complete updated collection assessment
- Complete maintenance of artworks identified through the assessment process
- Complete and evaluate stabilization of the East Bayside Mural

COLLECTION

- Install *Pinecone* in Deering Oaks Park
- Install *Passing the Torch* (Deering roundabout)
- Gathering Stones acquisition and fundraising
- Bramhall Square artist selection
- Congress Square Fundraising (private) + Construction Documents phase

VI. Proposed Budget FY22

The City allocates .05% of the annual Capital Improvement Project (CIP) budget for the conservation and acquisition of permanent public art. This FY22 Budget Plan shows \$50,000 for the .05% allocation from the FY22 CIP budget.

Remaining Encumbrances from approved budget plans

	Activity	Description	Budget
A	Congress Square Public Art	New commission – Sarah Sze artist	\$183,500
B	Roundabout Artwork	New commission Brighton Ave roundabout	\$123,000
C	Bramhall Square Artwork	New commission	\$25,000
	Total Encumbered		\$ 331,500

FY22 – Proposed Budget (July 2021-June 2022)

	Activity	Description	Budget
A	Conservation and Maintenance	To cover routine maintenance, priority conservation items	\$ 10,000
B	Operations	Web hosting, collection documentation, etc.	\$ 1,000
C	Contingency Fund	To cover repairs, theft, relocation, Community Art grant, plaque purchase, etc.	\$ 9,000
D	New Artwork	New acquisition + install: Gathering Stones	\$30,000
	Total FY22 Budget		\$50,000

Potential projects:

- Plaque purchases: Gathering Stones, Bramhall Square, Blaze
- Community Grant application

III. Guidelines for Selecting Artwork and Artists

(leave III. as-is)

IV. Cultural Equity

A. Introduction

The following guidelines describe the ways in which the Committee can meet the stated goals within the Public Art Ordinance: “to promote the educational, cultural, economic and general welfare of the City of Portland.”

Public art in the City of Portland must a) enhance and enrich the lives of city residents, visitors and employees, b) contribute to the city’s civic pride and sense of identity, c) increase access to artworks for residents, visitors and employees to enjoy, and d) celebrate the multi-cultural and diverse character of the city’s communities with place-specific art.

The Public Art Ordinance explicitly states that the purpose of the Public Art Program is to reflect, enhance and celebrate the diverse City of Portland.

Cultural equity (as defined by the Americans for the Arts) is meant to embody “the values, policies, and practices that ensure that all people—including but not limited to those who have been historically underrepresented based on race/ethnicity, age, disability, sexual orientation, gender, gender identity, socioeconomic status, geography, citizenship status, or religion—are represented in the development of arts policy; the support of artists; the nurturing of accessible, thriving venues for expression; and the fair distribution of programmatic, financial, and informational resources.”

C. Equity and Processes

1. Artists and Artworks:

- a) The Public Art Committee, in accordance with the goals of the Public Art Ordinance, encourages or prioritizes diverse representation of artists when selecting artists or artworks to be added to the Public Art Collection.

2. Governance:

- a) As an administrative body, the Public Art Committee historically has had a diverse representation of age, race/ethnicity, gender, profession or skillset, and geographic location.

- b) Although the City Council's Legislative/Nominating Committee appoints members to the Public Art Committee, the Public Art Committee efforts, through communication and outreach, to attract a diverse pool of applicants for open positions on the Committee.

3. Artwork Location:

- a) The Public Art Committee works with stakeholders including City departments, neighborhood and arts organizations, residents, property owners, or businesses as appropriate, to identify potential locations for new artwork. In some instances, public meetings or similar methods are used to create greater opportunity for public engagement and decisions regarding public art location and siting.
- b) The Public Art Committee attempts to locate artworks in all parts of the city, on and off the peninsula, to increase access to public art for city residents, employees, and visitors.

4. Interpretation, Education, and Outreach:

- a) The Public Art Committee provides historical interpretation of and outreach for artworks in the collection through the committee's website, artwork signage, and programming (such as Art in Our Front Yard presentations or videos, and the distribution of Coloring Books to youth programs and restaurants).
- b) The Committee solicits information on specific artworks from arts and cultural organizations, like Maine Historical Society, and from individual historians, who can provide research, expertise, and context.
- c) The Public Art Committee seeks feedback or input from community stakeholders as it applies to the goals, priorities, or location of artwork.
- d) The Public Art Committee facilitates the accessibility of its resources by providing multi-lingual versions of its website and printed materials for residents and visitors for whom English may not be their primary language.

5. Evaluation:

- a) The Public Art Committee biannually (every 2 years) assesses Committee activities and the collection as a whole. The assessment should take into consideration best practices and comparison to similar cities in New England and nationwide. The assessment should include evaluation of:
 - a. Diversity of artist representation in the collection;
 - b. Diversity and accessibility of artwork locations;
 - c. Diversity of representation in the Committee membership;
 - d. Implementation and effectiveness of interpretation, education, and outreach measures; and
 - e. Overall, how well the Public Art Program follows the Public Art Ordinance goals

The evaluation may also provide further recommendations to better meet the stated purpose of the Public Art Ordinance and these Guidelines

V. Requirements for Design Documentation and Project Records

(Renumber VI. to V. and subsequent sections, and leave as-is)

Digital Art Work

Digital content can be part of artworks in the Public Art Program collection. Portland Brick, for example, includes a web site, web mapping, audio, photography and text content, all served using WordPress in that case.

Digital Formats

In the instance the artwork is being commissioned by or created in collaboration with the Portland Public Art Committee (PPAC), the artist will coordinate with PPAC or City staff to determine appropriate and preferred platforms.

Source material for digital content will be in formats which can be accessed without proprietary software:

- For web: HTML, JavaScript and CSS, and (if possible) the programming and database dump used (for example, WordPress uses PHP and MariaDB)
- For text: TXT, RTF, PDF or DOCX
- For images: EPS, PDF, TIFF, JPEG, PNG or BMP
- For audio: ALAC, FLAC, MP3 or WAV
- For video: MP4, MOV or AVI
- For GIS data: KML, GeoTIFF or Shapefile

For digital content hosted by external services (YouTube for video, Mixcloud for audio, or Mapbox for mapping, for example), source material will be provided to the PPAC/City. This is to ensure the PPAC is able to maintain and archive the work. The material will only be kept and used for the purposes of backup and retention of content, if the external service ends, or if the external service provider experiences a disaster and data loss.

For digital content hosted by external services, in order for the PPAC to access and maintain the work in its holdings, the artist will provide the PPAC with credentials (eg username, password, PIN) to access the external services “control panel” usually provided for account management. Alternatively, the PPAC may enter into an agreement with service providers with access for account and data management.

Temporary Art Guidelines – proposed revisions June 2021

Possible additional/amended language for the temp art guidelines under Application Process:

*For proposed street murals, this process may be expedited for any city owned streets within commercial or mixed use areas (the downtown, major thorough fares). In these cases, there will be at least a one week notice to stakeholders for comment/meeting participation. Additional members of the review committee may include Metro or MDOT depending on proposed location.

MEMORANDUM
City Council Agenda Item

FROM: Zachary Lenhart, Licensing and Housing Safety Manager
DATE: June 24, 2021
SUBJECT: Order 3-21/22 Granting Municipal Officers' Approval of On the Rocks Cocktail Cruises LLC, dba On the Rocks Cocktail Cruises. Application for a Class I FSE at 68 Commercial Street - 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 7/19/2021**

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

Application was filed on 6/22/2021. New City and State applications.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. On the Rocks Cocktail Cruises
2. On the Rocks Council Packet

Prepared by:

Zachary Lenhart, Licensing and Housing Safety Manager

Date: 06/24/2021

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

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

On the Rocks Cocktail Cruises LLC, dba On the Rocks Cocktail Cruises. Application for a Class I FSE at 68 Commercial Street.

June 21, 2021

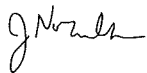
Dear Mayor Snyder and Members of the City Council,

Welcome to *On the Rocks Cocktail Cruises*! For the past two years, I have been working towards my goal of creating a unique and memorable Casco Bay experience for Portland residents and visitors alike. Although there are many hurdles to starting a business of this kind, I'd like your consideration in approving this enclosed Liquor License Application as part of my overall business plan and on-the-water endeavor.

On the Rocks is a 1969 Navy Whaleboat MK10 that was originally used as a lifesaving vessel on large Naval ships all over the world. This boat is sturdy, spacious, and extremely seaworthy. Based on my years of experience on the water and navigating through the process of becoming a USCG Captain, I am excited and eager to begin this new adventure. The goal is simple: I would like to take six passengers on short cruises around Casco Bay where they can take in the sights while enjoying a beverage that they have purchased on board.

I look forward to hearing from you with any further needed information.

Thank you,

A handwritten signature in cursive script, appearing to read "J Norwalk".

Jill Norwalk



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Business Name (d/b/a):	On the Rocks Cocktail Cruises LLC	Phone:	774-313-0558
Location Address:	68 72 Commercial Street Portland, ME 04101		Zip:
If new, what was formerly at this location:	Maine Wharf		
Mailing Address:	217 Ocean Ave Portland, ME 04103		Zip:
Contact Person:	Jill Norwalk	Phone:	774-313-0558
Contact Person Email:	JillNorwalk@gmail.com		
Manager of Establishment:	Jill Norwalk	Date of Birth:	04-14-1987
		Phone:	774-313-0558
Owner of Premises (Landlord):	4 Guys Water Taxi LLC		
Address of Premises Owner:	72 Commercial Street Suite 13, Portland, ME 04101		Zip:

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
On the Rocks Cocktail Cruises LLC		217 Ocean Ave Portland ME 04103	
		Zip:	
Contact Person:	Jill Norwalk	Phone:	774-313-0558
Principal Officers	Title	Date of Birth	Residence Address
Jill Norwalk	owner	04-14-1987	217 Ocean Ave Portland ME 04103
Class of Liquor License:		Class I - malt liquor, wine, and spirits	

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

bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	n/a		
Please circle all that will be served:	☒ Beer	☒ Wine	☒ Liquor
Projected percentage of sales:	Generated from Food:	0%	Generated from Alcohol: 100%
Hours & days of operation:	Sunday - Saturday 8am - 10pm		
QUESTIONS			
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?			Y/N ☒ Y
If No, please explain: short boat cruise in Casco Bay			
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?			Y/N ☒ Y
If yes, give the distance:			
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)			Y/N ☒ Y
Will you permit dancing after 1:00 a.m.?			Y/N ☒ Y
Will you have outside dining? (If yes, an Outdoor Dining Application is required)			Y/N ☒ Y
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).			
Will you have any amusement devices (pinball, video games, juke box)?			Y/N ☒ Y
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____			
What is your targeted opening date? June 30, 2021			
Does the Issuance of this license directly or indirectly benefit any City employee(s)?			Y/N ☒ Y
If Yes, list name(s) of employee(s) and department(s):			
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?			Y/N ☒ Y
If Yes, please list business name(s) and location(s):			
Is any principal officer under the age of 21?			Y/N ☒ Y
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?			Y/N ☒ Y
If Yes, please explain:			

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

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

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

Signature J Norwalk Title owner Date June 15, 2021



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

Application for a Public Service License

All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): On the Rocks Cocktail Cruises LLC	Business Name (D/B/A):
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 72 Commercial St Portland ME 04101
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address: 217 Ocean Ave Portland, ME 04103	Email Address: JillNorwalk@gmail.com
Telephone # Fax #: 774-313-0558	Business Telephone # Fax #:
Federal Tax Identification Number: 86-3995935	Maine Seller Certificate # or Sales Tax #: 1217554
Retail Beverage Alcohol Dealers Permit:	Website address:

1. New license or renewal of existing license? ☐ New Expected Start date: June 30, 2021
- ☐ Renewal Expiration Date: _____

2. Indicate the type of license applying for:

- | | |
|---|---|
| ☒ Public Service Class I – Beer, Wine and Spirits | ☐ Public Service Class II – Spirits Only |
| ☐ Public Service Class III – Wine Only | ☐ Public Service Class IV – Beer Only |

3. This application is for: (check only one)

☐ Vessel ☐ Train ☐ Aircraft

Refer to Section V for the License Fee Schedule

Please note for vessels only: For each municipality where the vessel will port or dock and will be offering the service of alcoholic beverages while at port or docked, a separate approval from each municipality is required. The form is attached at the end of this application.

4. Business records are located at the following address:

217 Ocean Ave Portland, ME 04103

5. Is the licensee/applicant(s) a citizen of the United States? ☒ Yes ☐ No

6. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

Note: Applicants that are not citizens of the United States are required to file for the license as a business entity.

7. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☐ Yes ☐ No If Yes, complete Section VII at the end of this application

8. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

9. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

10. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

11. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Jillian Kate Norwalk (Maiden name: MacDonald)	04-14-1987	Falmouth, MA
Residence address on all the above for previous 5 years		
Name Jillian Norwalk	Address: 217 Ocean Ave Portland, ME 04103, 29 Kellogg St apt 3, Portland, ME	
Name	Address:	
Name	Address:	

12. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

13. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☐ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Did the licensee/applicant(s) formerly hold a Maine liquor license? ☐ Yes ☒ No

16. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

4 Guys Water Taxi LLC 72 Commercial St Suite 13, Portland, ME 04101

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

26 ' fiberglass boat

Section II: Signature

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: June 15, 2021

J Norwalk
Signature of Duly Authorized Person

Signature of Duly Authorized Person

Jill Norwalk
Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only
Approval of an application for a public service liquor license

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____
☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

This approval will **expire 60 days** from the date of municipal or county approval unless submitted to the Bureau.

Please use this [link](#) to view Maine's liquor laws in [Section 653](#) regarding the approval process by the municipalities or the county commissioners and your rights under this section of law. This is provided as a courtesy only and may not reflect the law in effect at the time of application.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
- The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be **included** with all applications.

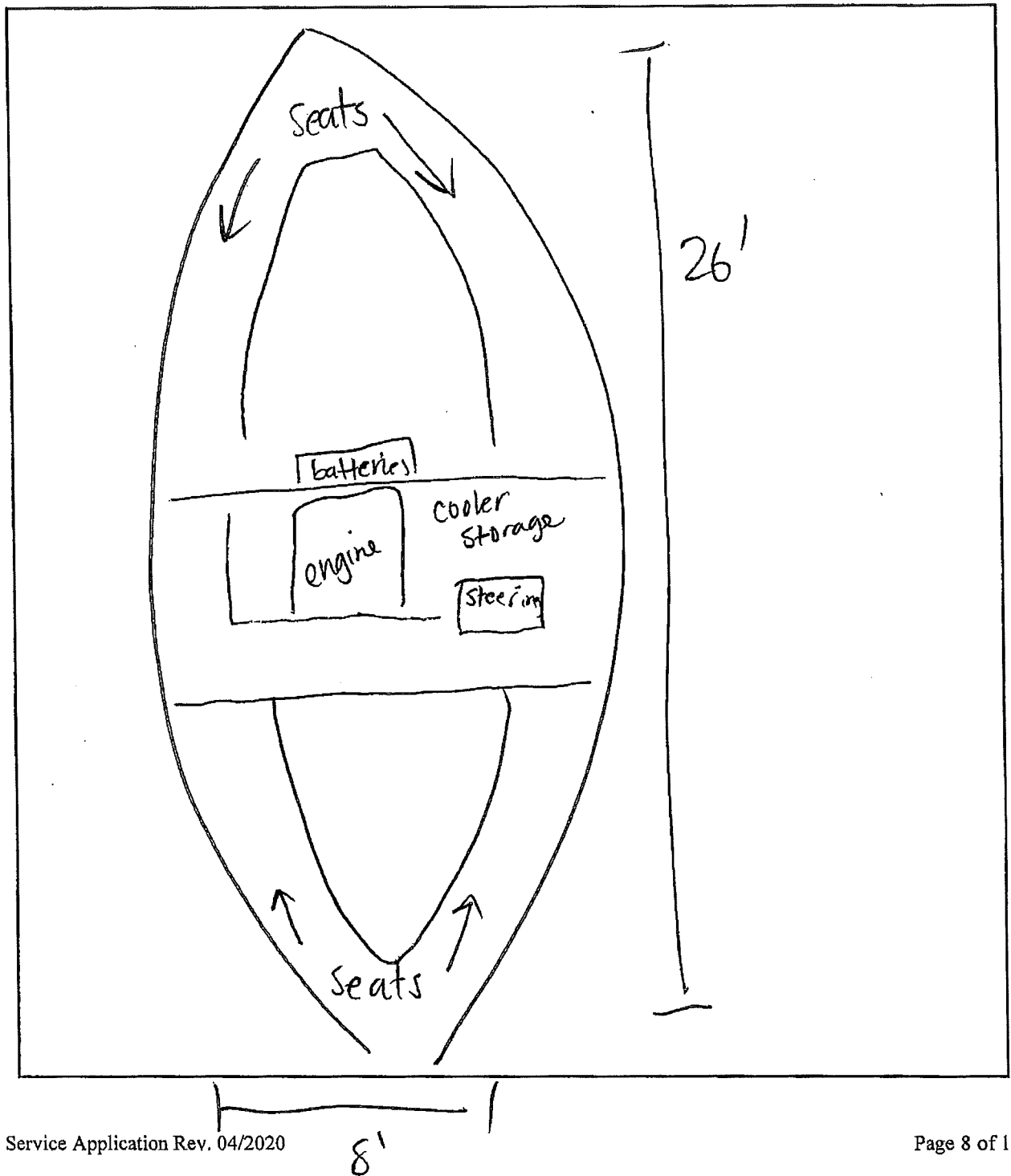
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

<u>Class of License</u>	<u>Type of liquor/Establishments included</u>	<u>Fee</u>
Class I	For the sale of liquor (malt liquor (beer), wine and spirits)	\$ 900.00
Class II	For the sale of spirits only	\$ 550.00
Class III	For the sale of wine only	\$ 220.00
Class IV	For the sale of malt liquor only	\$ 220.00
Class III and IV	For the sale of malt liquor and wine only	\$ 440.00

Section VI Premises Floor Plan

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

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



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

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: On the Rocks Cocktail Cruises LLC
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: May 18, 2021 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Jill Norwalk	217 Ocean Ave Portland ME 04103 29 Kellogg St apt 3 Portland ME04101	04-14-1987	owner	100

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

For additional ports of call only (copy as needed for as many ports of call) for approval of an application for a public service liquor license

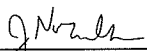
The undersigned hereby applies for permission to sell and serve alcoholic beverages aboard the vessel:

1. Name of Vessel: On the Rocks
2. Name of Licensee: On the Rocks Cocktail Cruises LLC (Jill Norwalk)
3. Maine License Number: Boat Reg #: ME 240HT

The above-named vessel is in port or docked at the following municipality: Portland, ME

Please sign and date in blue ink.

Dated: June 15, 2021


Signature of Duly Authorized Person

Jill Norwalk
Printed Name Duly Authorized Person

The undersigned municipal officers or county commissioners hereby certify that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

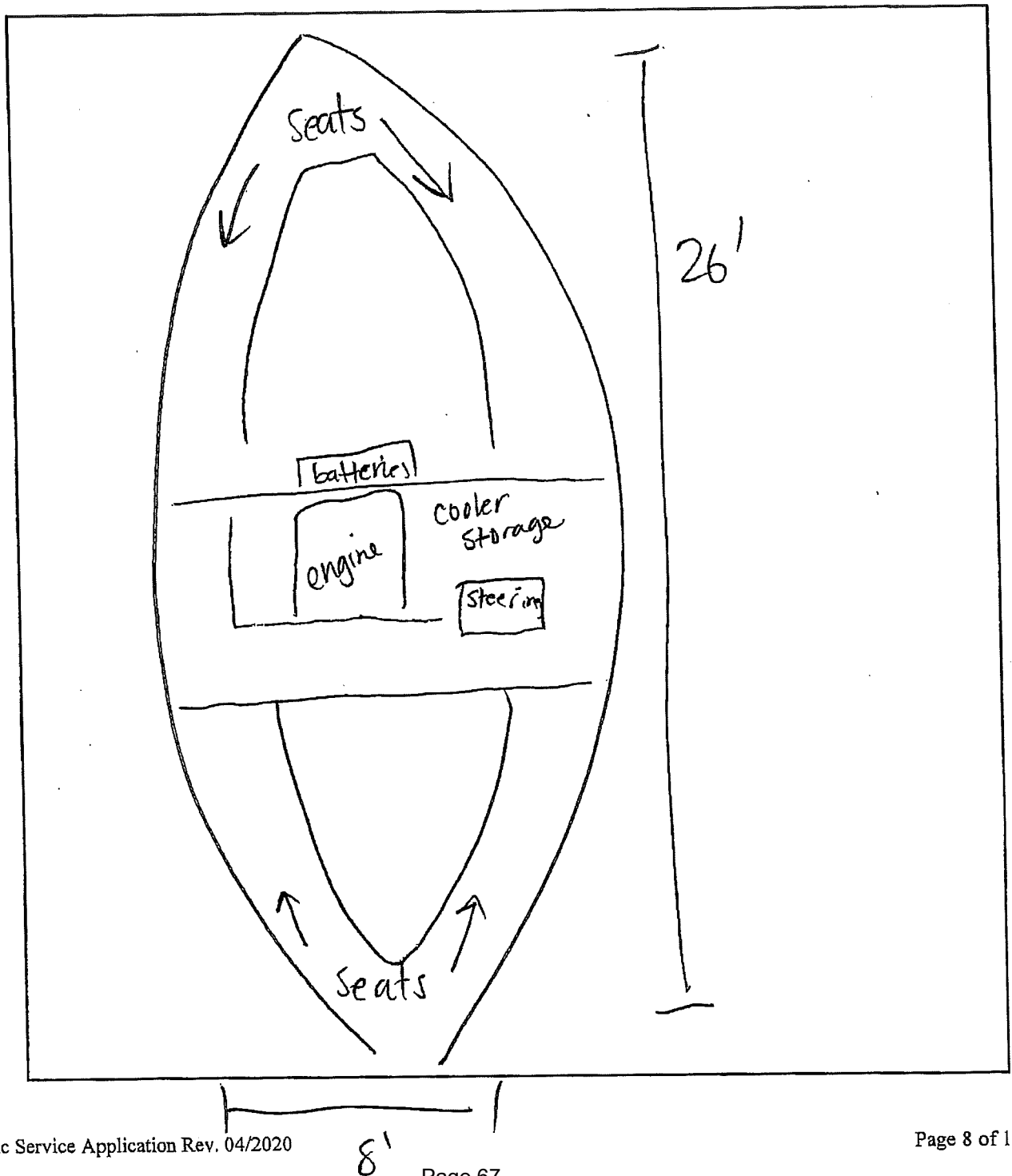
Signature of Officials	Printed Name and Title

This approval will **expire 60 days** from the date of municipal or county approval unless submitted to the Bureau.

Section VI Premises Floor Plan

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

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



On the Rocks Cocktail Cruises

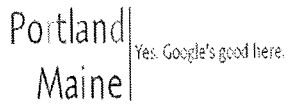
Prosecco - \$12

Domestic cans - \$6

Locally brewed cans - \$10

Local canned wines - \$12

Canned Cocktails - \$12



Zachary Lenhert <zlenhert@portlandmaine.gov>

On the Rocks Cocktail Cruises

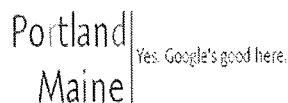
Eric Nevins <ericon@portlandmaine.gov>
To: Zachary Lenhert <zlenhert@portlandmaine.gov>

Mon, Jun 28, 2021 at 11:53 AM

Approved

On Thu, Jun 24, 2021 at 11:35 AM Zachary Lenhert <zlenhert@portlandmaine.gov> wrote:
[Quoted text hidden]

--
Eric Nevins
Lieutenant
Portland Police Department
(207) 874-8513

**Zachary Lenhart** <zlenhart@portlandmaine.gov>

On the Rocks Cocktail Cruises

amachado <amachado@portlandmaine.gov>

Wed, Jul 7, 2021 at 2:28 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: amachado <amachado@portlandmaine.gov>, Zachary Lenhart <zlenhart@portlandmaine.gov>, Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Zach -

I have approved the license in Energov for On the Rocks Cocktail Cruises with the following comment:

The boat is docking at the Maine Wharf to pick up and discharge passengers. Maine Wharf is located in the Waterfront Central Zone (WCZ) . Commercial marine transport and excursion services are a permitted use in the zone (Section 10.3.3.A,7 in Chapter 14).

Ann Machado
Zoning Administrator.

[Quoted text hidden]



COPY
original mailed 6/24

CITY OF PORTLAND
Permitting and Inspections Department

June 24, 2021

On the Rocks Cocktail Cruises LLC
217 Ocean Avenue
Portland ME 04103

**Re: On the Rocks Cocktail Cruises LLC, dba On the Rocks Cocktail Cruises.
Application for a Class I FSE at 68 Commercial Street**

Dear On the Rocks Cocktail Cruises LLC

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday July 19, 2021 at 4:00 p.m.**, for the review of application for Class I FSE at 68 Commercial Street. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on July 16, 2021.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207)874-8557 or bl@portlandmaine.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Z Lenhart".

Zachary J. Lenhart
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on July 19, 2021 at 4:00 P.M., virtually, On the Rocks Cocktail Cruises LLC, dba On the Rocks Cocktail Cruises. Application for a Class I FSE at 68 Commercial Street - Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM: Zachary Lenhart, Licensing and Housing Safety Manager

DATE: June 29, 2021

SUBJECT: Order 4-21/22 Granting Municipal Officers' Approval of Hi Fidelity LLC, dba Hi Fidelity. Application for a Class A Lounge with Outdoor Dining on Private Property and Indoor Entertainment at 200 Anderson St, Ste 6. This license will be conditioned per zoning to state: Can offer up to, but not more than 10% of beverages produced offsite - 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 7/19/2021

Final Action 7/19/2021

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

Application was filed on 6/28/2021. New City and State applications. Location was previously Gruit Brewing.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Hi Fidelity Council Packet
2. Hi Fidelity

Prepared by:

Zachary Lenhart, Licensing and Housing Safety Manager

Date: 06/29/2021

PD Wappler
Owner
Hi Fidelity LLC
200 Anderson Street, Unit 6
Portland ME 04101

6/9/21

Mayor Snyder & Portland City Council
City of Portland
389 Congress St
Portland Me 04101

Dear Mayor Snyder and members of the Portland City Council,

My name is PD Wappler and along with my business partner, Dante Maderal, we intend to open a brewery and tasting room in the East Bayside neighborhood of Portland under the name, Hi Fidelity. As an active resident of Portland for over 12 years, it has since been a dream of mine to open such a business and would like to submit to you our proposal for a Small Brewery with a Class X (Class A Lounge) liquor license with food service that will have outdoor seating and indoor entertainment. We hope to be open before the end of summer and are well on our way to obtaining our building permits to renovate our space, located at 200 Anderson Street, Unit 6, Portland ME 04101.

Our hope is to create an artist community within our tasting room that will serve small plates, prepackaged food items, coffee and tea, in addition to the small-batch beer that we will be producing in our facility. We also hope to sell other, gluten-free alcoholic beverages for consumption on-premises to further expand our customer base and expand the possibilities in which our artist community can grow and evolve. We plan to host small musical performances with the occasional larger group, but in general, we intend to host open-mic style performances on top of art exhibitions, poetry nights, and stand-up comedy. My personal background in music and film production has left me with the philosophy that a well mixed performance is far superior to an excessively loud one and believe that our events will have minimal negative impacts on our surrounding neighbors--especially since we plan to only have these performances inside with the doors closed.

We plan to be active and engaging members of the Portland business community and look forward to collaborating with other breweries, food trucks, restaurants, art studios, and all other manner of businesses that we've come to love throughout the greater Portland area, and we look forward to accepting the trust and responsibility that comes from being granted a liquor license within the state of Maine and the great city of Portland.

Thank you for your time and consideration,

PD Wappler



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

Business Information			
Business Name (d/b/a):	Hi Fidelity LLC	Phone:	2073329652
Location Address:	200 Anderson St, Ste 6 Zip: 04101		
If new, what was formerly at this location:			
Mailing Address:	200 Anderson St, Ste 6 Zip: 04101		
Contact Person:	PD Wappler	Phone:	2073329652
Contact Person Email:	pd@hifidelitybeer.com		
Manager of Establishment:	PD Wappler	Date of Birth: 01/28/1990	Phone: 2073329652
Owner of Premises (Landlord):	184 Anderson LLC		
Address of Premises Owner:	200 Anderson St, Ste 5 Zip: 04101		

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
Hi Fidelity LLC		200 Anderson St, Ste 6 Zip: 04101	
Contact Person:	PD Wappler	Phone:	2073329652
Principal Officers			
Title	Date of Birth	Residence Address	
Phillips D Wappler	Owner	01/28/1990	29 Glenwood Ave, 3 rd Floor, Portland ME 04103
Dante A Maderal	Owner	02/26/1990	4 Windward Walk, Brunswick ME 04011
Class of Liquor License:		Class X, Class A Lounge	



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Prepackaged Snacks, Small Plates	
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> <u>Liquor</u>	
Projected percentage of sales:	Generated from Food: 15%	Generated from Alcohol: 85%
Hours & days of operation:	11am – 1am, Daily	
QUESTIONS		Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?		Y/N
If No, please explain: Not zoned for restaurant, so unable to serve full-course meals.		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?		Y/N
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)		Y/N
Will you permit dancing after 1:00 a.m.?		Y/N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)		Y/N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).		
Will you have any amusement devices (pinball, video games, juke box)?		Y/N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____		
What is your targeted opening date?		08/01/21
Does the Issuance of this license directly or indirectly benefit any City employee(s)?		Y/N
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?		Y/N
If Yes, please list business name(s) and location(s):		
Is any principal officer under the age of 21?		Y/N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		Y/N
If Yes, please explain: Dante Maderal, OUI in 2019; sentence served.		

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

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

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

Signature  Title Owner Date 06/07/2021



CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

☒ Indoor Entertainment \$500.00	☐ Outdoor Entertainment \$700.00	☐ Combined Entertainment \$800.00
☒ Sound Mitigation Fee \$150.00		

Business Information	
Business Name (d/b/a):	Hi Fidelity LLC
Location Address:	200 Anderson St, Ste 6
Owner Name:	PD Wappler
Owner Email:	pd@hifidelitybeer.com
Contact Person responsible for Entertainment:	PD Wappler
Contact Person Email:	pd@hifidelitybeer.com
Manager of Establishment:	PD Wappler
Manager Email:	pd@hifidelitybeer.com

About Your Establishment

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

Hi Fidelity will be a small brewery, tasting room, and small plates food establishment that plans to host small performances that will primarily consist of open-mic style, small performances, though on occasion, we will have full bands featured. We also hope to host poetry readings, comedy nights, and art exhibitions.

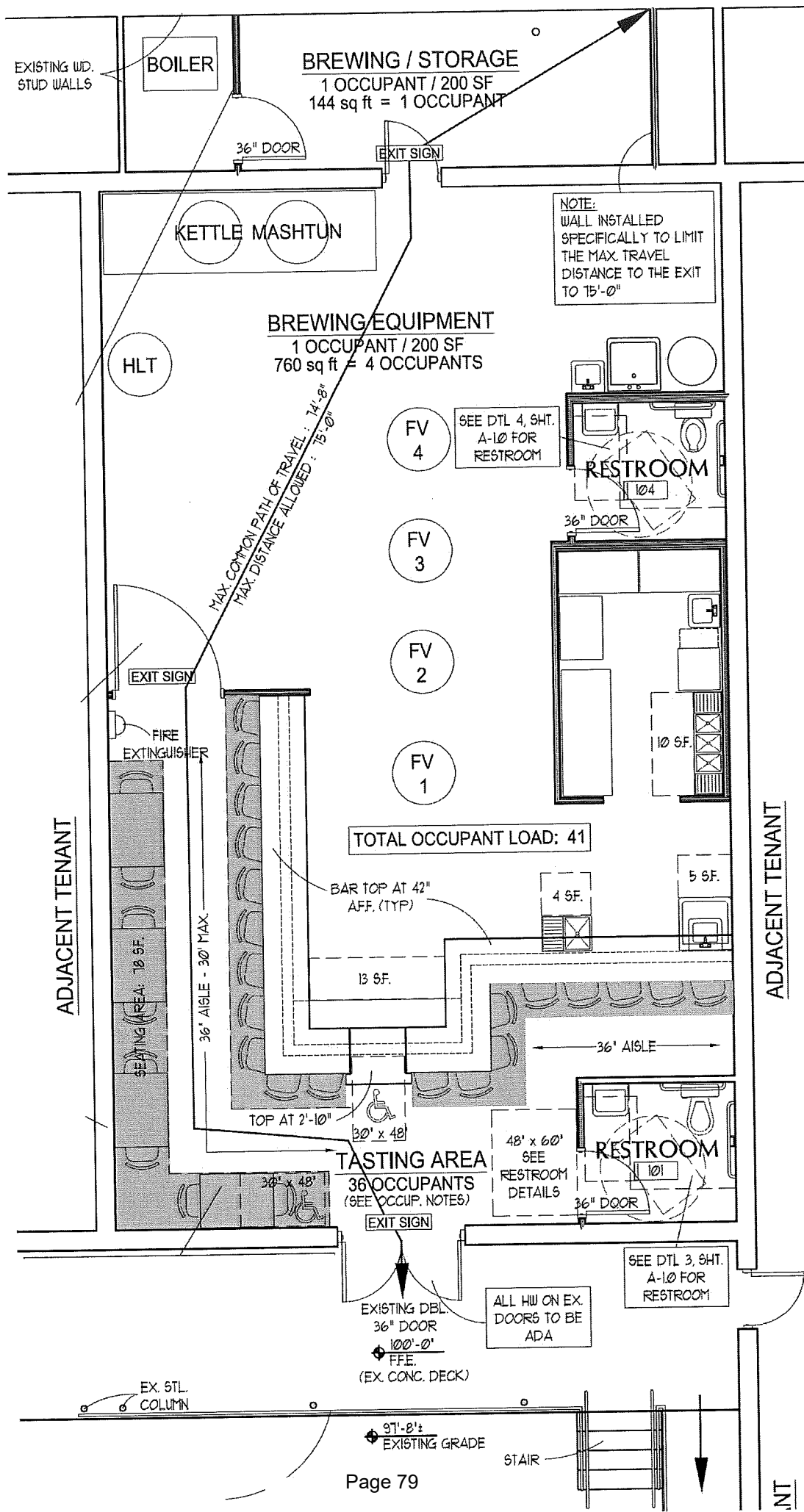
Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation, if one has been granted. Applicant agrees that all taxes and accounts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

Signature  Title Owner Date 06/05/2021

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

Sound Mitigation Plan for Hi Fidelity located at 200 Anderson St, Ste 6, Portland ME 04101.
Prepared by PD Wappler, Musician & USM Media Studies graduate with a focus on Production
and 15 years of audio recording experience.

- o Details of methods used to minimize the impact on entertainment on the surrounding uses
 - Per the requirements of an Indoor Entertainment license, the front doors will remain shut during any performances, and with the exception of a few residential plots well across and down the street, the surrounding businesses have fairly standard operating hours and close between 4pm and 9pm. Should any larger performances occur (full band), the surrounding neighbors will be notified and a show like this would probably start after other businesses have closed.
- o Speaker Locations and directions
 - Because the proposed PA system is so small, locations can be easily moved to further reduce noise pollution, however, in general, the speakers would be on the south wall of the tasting room and never pointed directly at the main entrance.
- o Sound System details and controls
 - The sound equipment to be used is a relatively low wattage PA system -- BEHRINGER EUROPORT EPS500MP3 -- which has a maximum output of 500 Watts. It's 8-channel soundboard and 2 speaker setup is really only suitable for small performances and sounds best in an enclosed space.
- o Stage and site layout and direction
 - There will be no physical stage, however, a section of the southern part of the tasting room will be cleared of tables and chairs to accommodate room for performers.
- o Noise cancelling or mitigating measures proposed
 - The building has thick brick walls, so any escaping noise would come through the front doors, which when closed, is barely noticeable from the parking lot based on previous experience of bands using this unit as a practice space prior to Hi Fidelity taking over occupancy. If more noise reduction is needed, heavy curtains would be placed around the main doors to further block sound escaping to the outside.
- o Anticipated Sound readings
 - Indoors Entertainment-8 feet from any outer wall
 - less than 60dB during our loudest possible show with the doors closed.





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

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

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

Business Information			
Business Name (d/b/a):	Hi Fidelity LLC	Phone:	2073329652
Location Address:	200 Anderson St, Ste 6		Zip: 04101
Mailing Address:	200 Anderson St, Ste 6		Zip: 04101
Contact Person:	PD Wappler	Phone:	2073329652
Contact Person Email:	pd@hifidelitybeer.com		
Manager of Establishment:	PD Wappler	Date of Birth:	01/28/1990 Phone: 2073329652
Owner of Premises (Landlord):	184 Anderson LLC		
Address of Premises Owner:	200 Anderson St, Ste 5		Zip: 04101

Owner Information

Corporate Name		Corporate Mailing Address	
Hi Fidelity LLC		200 Anderson St, Ste 6 Zip: 04101	
Contact Person:	PD Wappler	Phone:	2073329652
Principal Officers	Title	Date of Birth	Residence Address
Phillips D Wappler	Owner	01/28/1990	29 Glenwood Ave 3rd Flr, Portland ME 04103
Dante A Maderal	Owner	02/26/1990	4 Windward Walk, Brunswick ME 04011



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Class X, Class A Lounge
Type of food served:	Small plates and prepackaged food.
Please circle all that will be served:	☒ Beer ☒ Wine ☒ Liquor
Hours & days of operation:	11am - 1am, Daily
Number of Tables	22' Drink Rail on landing, 2x 7' picnic tables, 1x 6' picnic table, 3x 2 tops
Number of Chairs	11 Stools on landing, 4x 7' benches, 2x 6' benches, 6 chairs

Design and Construction

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

Maintenance and Operations

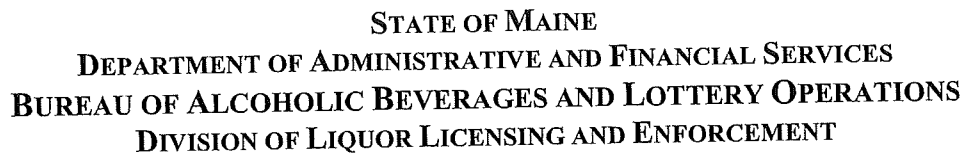
- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating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

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

Signature  Title Owner Date 06/05/2021

For Administrative Use Only

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



All Questions Must Be Answered Completely. Please print legibly.

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

1. New license or renewal of existing license? ☒ New Expected Start date: 08/15/2021
☐ Renewal Expiration Date: _____

Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: _____

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| ☐ Restaurant
(Class I, II, III, IV) | ☐ Class A Restaurant/Lounge
(Class XI) | ☒ Class A Lounge
(Class X) |
| ☐ Hotel
(Class I, II, III, IV) | ☐ Hotel – Food Optional
(Class I-A) | ☐ Bed & Breakfast
(Class V) |
| ☐ Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | ☐ Auxiliary | ☐ Mobile Cart |
| ☐ Tavern
(Class IV) | ☐ Other: _____ | |
| ☐ Qualified Caterer | ☐ Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

200 Anderson St, Ste 6, Portland ME 04101

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Phillips Danforth Wappler	01/28/1990	Dover-Foxcroft, ME
Dante Alexander Maderal	02/26/1990	Tampa, FL
Residence address on all the above for previous 5 years		
Name PD Wappler	Address: 29 Glenwood Ave, 3rd Floor, Portland ME 04103	
Name Dante Maderal,	Address: 4 Windward Walk, Brunswick ME 04011, 1 High St, Bar Harbor, ME 04609	
Name Dante Maderal	Address: 31 Eden St, Bar Harbor, ME 04609, 21 Atlantic Ave, Bar Harbor, ME 04609	
Name	Address:	

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☒ Yes ☐ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: Dante Maderal Date of Conviction: 07/15/2019

Offense: OUI Location: Hancock County

Disposition: First offense convicted; Sentence served.

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☐ Yes ☒ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

184 Anderson LLC, 200 Anderson St, Ste 5, Portland ME 04101

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

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

The area to be licensed consists of the brewery's tasting room and outdoor dining areas. The tasting room consists of ~420sqft of customer space around an "L" shaped bar and includes one customer bathroom to the right of the entrance. Outdoor dining areas consist of a drink rail and stools on the landing in front of the entrance and two parking spaces in front of the landing with tables and chairs.

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: East End Community School

Distance: 0.30

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 07/09/2021



Signature of Duly Authorized Person

Signature of Duly Authorized Person

Phillips D Wappler

Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

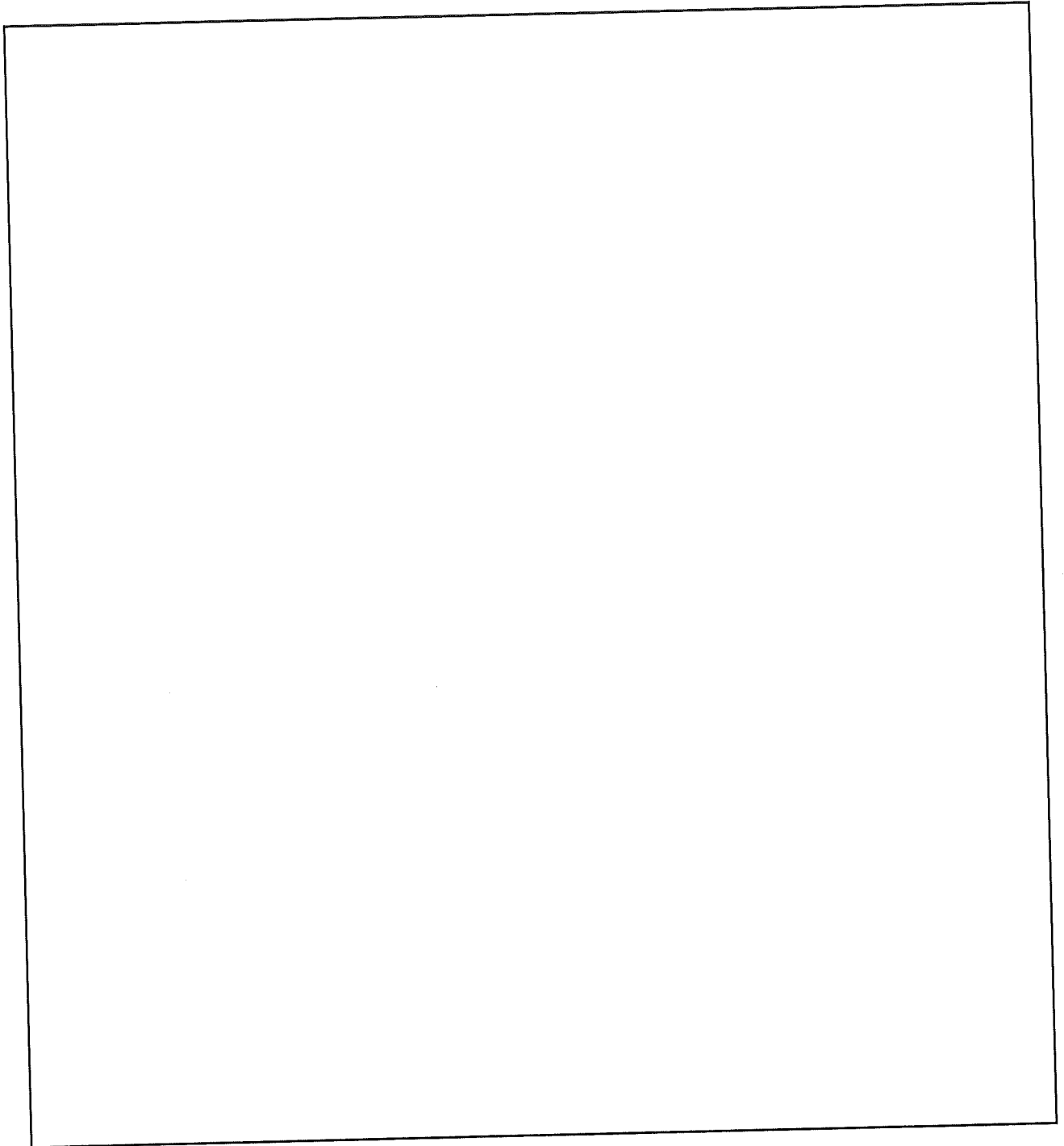
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

Section VI Premises Floor Plan

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

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



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

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Hi Fidelity LLC
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 01/01/2021 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

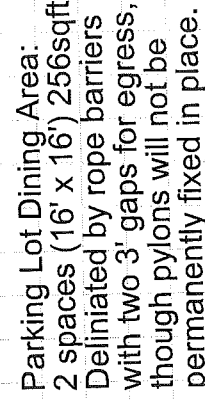
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Phillips D Wappler	29 Glenwood Ave, 3rd Flr, 04103	01/28/1990	Owner	41.6000
	79 Dartmouth St, Apt 3, 04103			
Dante A Maderal	4 Windward Walk, 04011, &	02/26/1990	Owner	25.0000
	1 High St, & 31 Eden St, &			
	21 Atlantic Ave, 04609			
Jorge I Maderal	4 Windward Walk, 04011	06/15/1964	Shareholder	33.4000

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

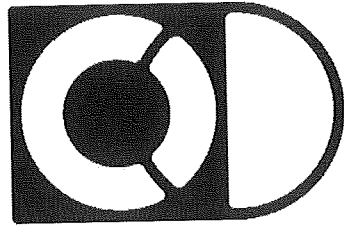


2' grid



2' grid

loading dock in front of the unit. There will be a new ADA ramp and staircase on the north side of the space, as well as an existing set of stairs 15' or so south of this space. Loading dock is 8' deep, allowing plenty of room for egress.



HI FIDELITY

Our beer, your space.

ADULT BEVERAGES

Rotating draughts of Hi-Fidelity Beers (12)
Rotating Guest Beer on Tap (1)
Rotating Guest Wine/Mead/Cider on Tap (1)
Rotating Wine (by the glass) (2)
Rotating House Cocktail (1)

NON-ALCOHOLIC BEVERAGES

Hi-Fidelity Natural Seltzers (2-4)
Hi-Fidelity Wort Soda (1)
Pour Over or AeroPress Coffee
Espresso
Tea
Kombucha (4)
Soda (6)

SNACKS

Little Lads Popcorn:

- Herb
- Butter
- Cheddar

Baked Goods: Assorted treats delivered fresh, daily from our friends at Bam Bam Bakery!

SMALL PLATES

Charcuterie: 3 rotating cured meats, 3 rotating cheeses, all served with assorted and rotating pickled vegetables.

- Small: your choice of 1 meat and 1 cheese
- Medium: your choice of 2 meats and 2 cheeses
- Large: An assortment of all our current offerings.

Sardines on Toast:

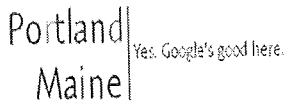
- Add cheddar for \$2

THE SANDO

Rotating Sandwich: A combination of our charcuterie options on a roll with aioli and assorted vegetables.

7/14/2021

City of Portland Mail - Hi Fidelity



Zachary Lenhart <zlenhart@portlandmaine.gov>

Hi Fidelity

Tue, Jun 29, 2021 at 3:59 PM

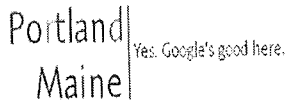
Glen McGary <glenm@portlandmaine.gov>
To: Zachary Lenhart <zlenhart@portlandmaine.gov>
Cc: Kevin Schneck <kschneck@portlandmaine.gov>

PPD Approves

[Quoted text hidden]

--

Lieutenant Glen McGary
Portland Police Department
109 Middle Street
Portland, Maine 04101
Office (207) 756-8294
Fax (207) 874-8580



Zachary Lenhart <zlenhart@portlandmaine.gov>

Hi Fidelity

Thu, Jul 8, 2021 at 2:39 PM

Dan DeLuna <ddeluna@portlandmaine.gov>

To: Ann Machado <amachado@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Ann and I revised the proposed language to eliminate the reference to food. Let us know what you think:

A Tasting Room that serves alcoholic beverages produced off-premise (Class A Lounge - Class X) is permitted as an accessory use to a Brewery (which is a permitted use in the I-Lb Zone, per Table 6-C of Chapter 14) per Sec. 6.6.2(l) of Chapter 14 with the limitation that no more than 10% of the beverage menu in tasting rooms accessory to beverage production is produced or manufactured off-site.

[Quoted text hidden]

Sound Mitigation Review

Applicant PD Wappler

[illegible]



CITY OF PORTLAND
Permitting and Inspections Department

June 29, 2021

Hi Fidelity LLC
200 Anderson Street, Ste 6
Portland, ME 04101

Re: Hi Fidelity LLC, dba Hi Fidelity. Application for a Small Brewery and Class A Lounge with Outdoor Dining on Private Property and Indoor Entertainment at 200 Anderson St, Ste 6

Dear Hi Fidelity LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday July 19, 2021 at 4:00 p.m.**, for the review of application for a Class A Inn Lounge with Outdoor Dining on Private Property and Indoor Entertainment at 200 Anderson Street, Ste 6. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on July 16, 2021.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207)874-8557 or bl@portlandmaine.gov.

Sincerely,

Zachary J. Lenhert
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on July 19, 2021 at 4:00 P.M., virtually, Hi Fidelity LLC, dba Hi Fidelity. Application for a Small Brewery and Class A Lounge with Outdoor Dining on Private Property and Indoor Entertainment at 200 Anderson St, Ste 6 - Sponsored by Jon P. Jennings, City Manager.

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

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

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

**ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:**

Hi Fidelity LLC, dba Hi Fidelity. Application for a Class A Lounge with Outdoor Dining on Private Property and Indoor Entertainment at 200 Anderson St, Ste 6. This license will be conditioned per zoning to state: Can offer up to, but not more than 10% of beverages produced offsite.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 19, 2021

SUBJECT: Written Public Comment

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

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. Binder2

Prepared by:

Date: 07/19/2021



Dena Libner <dlibner@portlandmaine.gov>

PUBLIC COMMENT FOR THE SPECIAL CITY COUNCIL MEETING (EARLY) - JULY 19, 2021 re: Order 4-21/22

2 messages

Scott Tebbetts <scott.tebbetts@gmail.com>
To: publiccomment@portlandmaine.gov

Mon, Jul 19, 2021 at 6:59 AM

Hello,

We request that the city council not approve an entertainment license for Hi Fidelity LLC (Order 4-21/22).

Entertainment licenses, as currently written, invalidate Portland's noise ordinance and are incompatible with residential areas. See attached PDF for more detailed info.

Respectfully,

Scott Tebbetts
145 Anderson StreetRachel Katz and Brian Cronin
[145 Anderson Street](#)**Letter to Portland city counsel 210719.pdf**
2139K

Dena Libner <dlibner@portlandmaine.gov>

Mon, Jul 19, 2021 at 7:55 AM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>

FYI. This will be added to backup right after our last publication (around 12pm).

Sent from my iPhone. Please excuse typos!

Begin forwarded message:

From: Scott Tebbetts <scott.tebbetts@gmail.com>**Date:** July 19, 2021 at 6:59:53 AM EDT**To:** [publiccomment@portlandmaine.gov](#)**Subject:** PUBLIC COMMENT FOR THE SPECIAL CITY COUNCIL MEETING (EARLY) - JULY 19, 2021
re: Order 4-21/22

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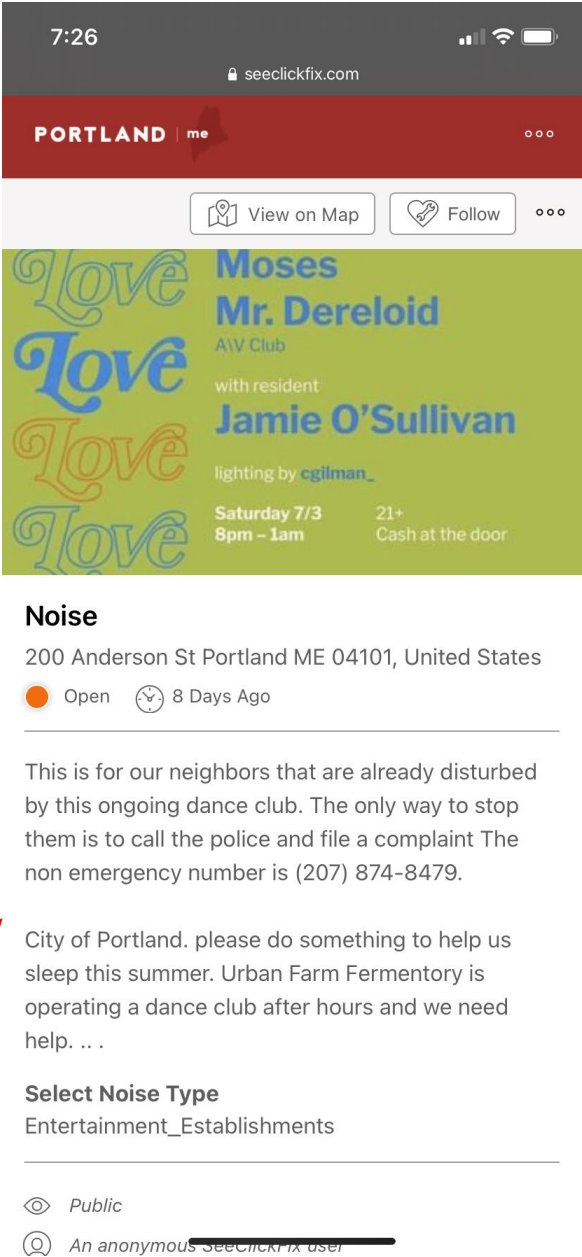
**Letter to Portland city counsel 210719.pdf**
2139K

Portland’s City Council should not approve any new entertainment licenses in East Bayside and should re-evaluate the allowable dBA for current entertainment licenses.

Understanding the effects of approving entertainment licenses

The Portland city council has created a set of inter-related problems by issuing entertainment licenses to tasting rooms and bars throughout the city. The entertainment licenses set up a clash between business interests and residents. **Entertainment licenses create noise disturbances for residents because the licenses allow businesses to emit sound beyond what’s allowed per the city’s noise ordinance.**

Residents are told by city officials to call the police non emergency number to lodge complaints. The police are then tasked with investigating the source of the noise and measure decibel levels. This strains already scarce police resources, especially since the noise complaints usually occur at night and on the weekends when the police have more pressing issues to address.



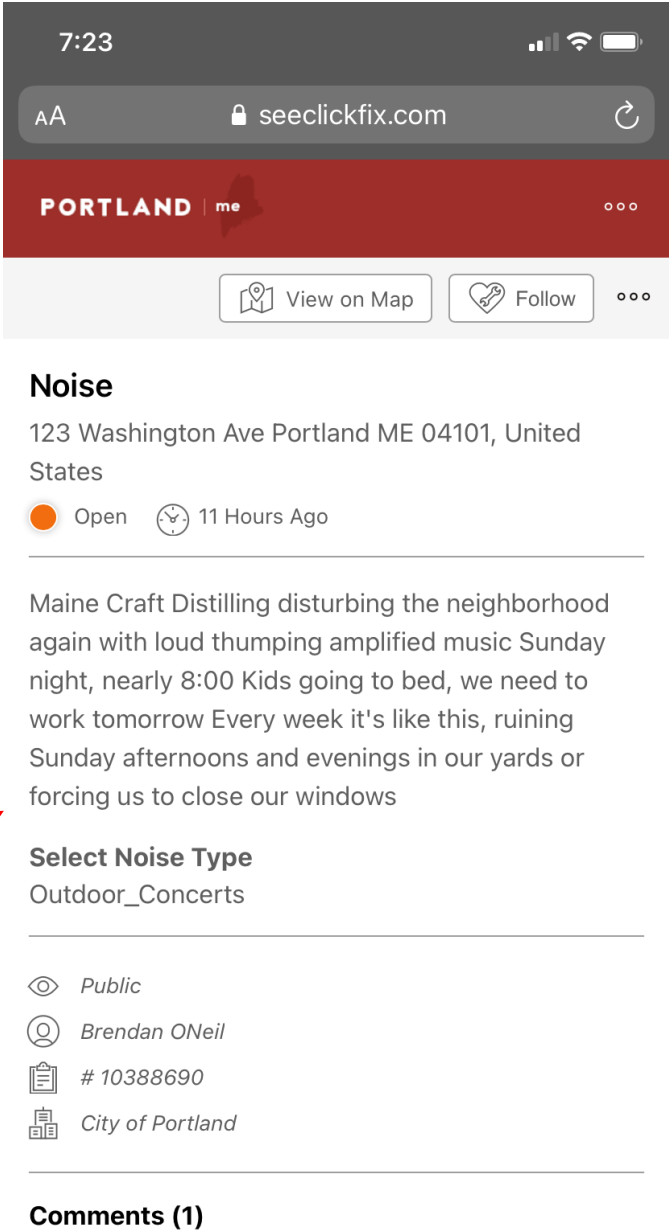
Screenshot of
seeclickfix
complaint
about Urban
Farm
Fermentory in
East Bayside

Competing Noise Ordinances: An Entertainment License Supersede Portland's Noise Ordinance

Portland's noise ordinance sets the allowable decibel limits in most areas of the city at 50-55 dBA from 10PM-7AM. For example, in the I-LB zone in East Bayside, from 10PM-7AM there's a 50 dBA limit (see slide 3).

However, with an entertainment license, any business can emit sound up to 85 dBA until 1AM, no matter what the noise ordinance stipulates (see slide 4: Portland city code Sec. 4-57: Conditions; sound and noise limitation).

This is what's driving many noise complaints from residents all over the city.



Screenshot of seeclickfix complaint about Maine Craft Distilling on Washington Street. Maine Craft Distilling has an entertainment license.

Screenshot from City of Portland Land Use Code dated 3-15-2021

Maximum permissible sound levels for the I-LB zone (located in East Bayside)

Even in the most industrial of zones (i.e. those found on Riverside Street and Warren Ave), **the daytime dBA limit is 75. At night, the limit falls back down to 55 dBA.**

Again, entertainment licenses allow 85 dBA until 1 AM.

TABLE 6-G: NOISE STANDARDS

Zone	Daytime/Evening (7 a.m.-9 p.m.)	Night (9 p.m.-7 a.m.)
I-B	60 dBA	55 dBA
R-P	55 dBA	55 dBA
O-P	60 dBA	60 dBA
B-1/B-1b	55 dBA	55 dBA
B-2/B-2b/B-2c	60 dBA	55 dBA
B-3/B-3b/B-3c	60 dBA	55 dBA
B-4	65 dBA	60 dBA
B-5/B-5b, B-6, B-7 ¹	60 dBA	50 dBA
I-L/I-Lb ¹	60 dBA	50 dBA
I-M/I-Mb ¹	70 dBA	55 dBA
I-H/I-Hb ¹	75 dBA	55 dBA
A-B	60 dBA	60 dBA
IS-FBC	60 dBA	55 dBA

¹ Daytime/evening noise regulations shall extend until 10 pm, after which time nighttime noise regulations shall apply.

Screenshot from City of Portland Code of Ordinances related to permissible sound levels pursuant to an entertainment license

DIVISION 3. STANDARDS FOR ENTERTAINMENT PURSUANT TO A LICENSE

Sec. 4-57. Conditions; sound and noise limitation.

(a) Any other provision of this Code notwithstanding, a licensee shall not allow the licensed activity or any other activities on the licensed premises to generate sound or noise that exceeds either of the following standards without an Expanded Entertainment Addendum:

1. Eighty-five (85) dBA; and
2. Ninety-five (95) dBC.

Real World Example

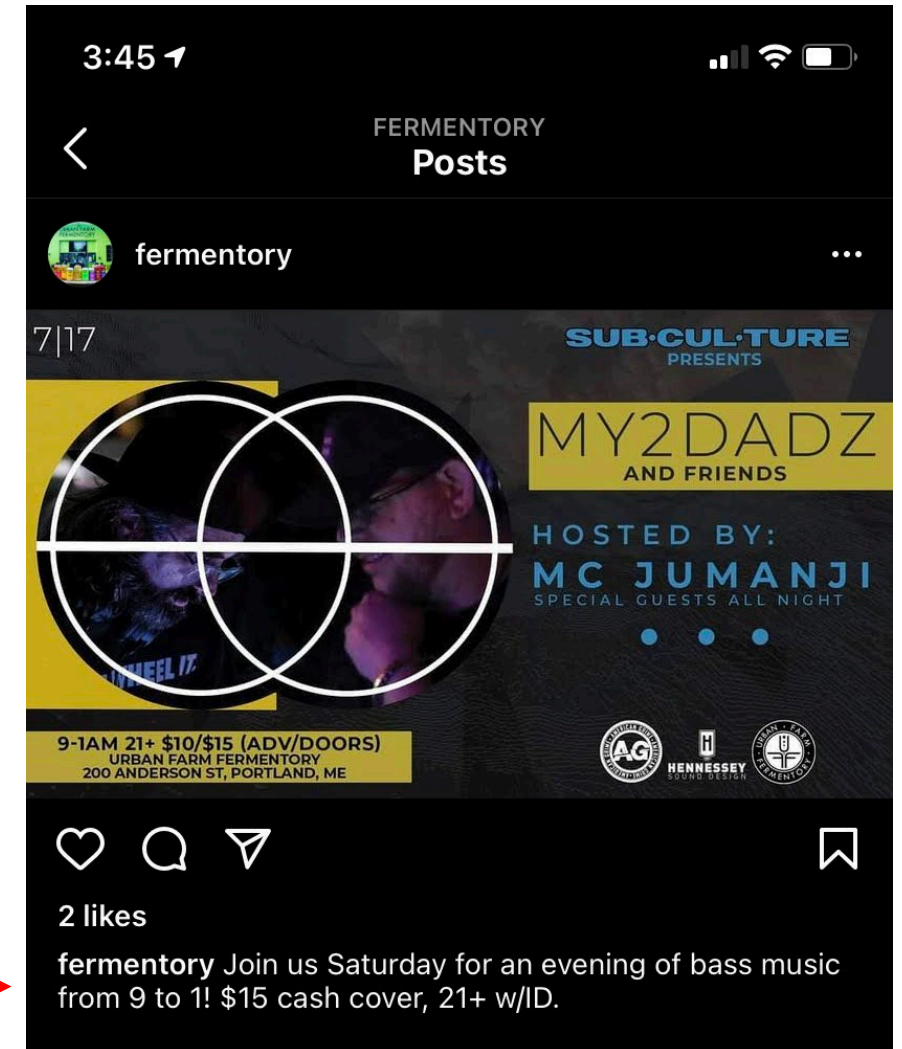
Entertainment License = Nightclub

In East Bayside, Urban Farm Fermentory (UFF) at 200 Anderson Street in Portland is using the entertainment license to operate a nightclub or “dance party” on Friday and Saturday nights. The dance party/nightclub operates outside of their regular hours of operation. At times, the dance party/nightclub has been held outdoors in their “railyard” space.

The events run until midnight or 1 AM. They project techno/dance music throughout the abutting East Bayside residential neighborhood up to 85 dBA. 85 dBA is like hearing a lawnmower from 10 feet away. The bass sound levels are even more intrusive and permeate walls and windows. Some of the music they feature is heavy on the bass, like this one from Saturday July 17th.



Screenshot from UFF’s Instagram Account

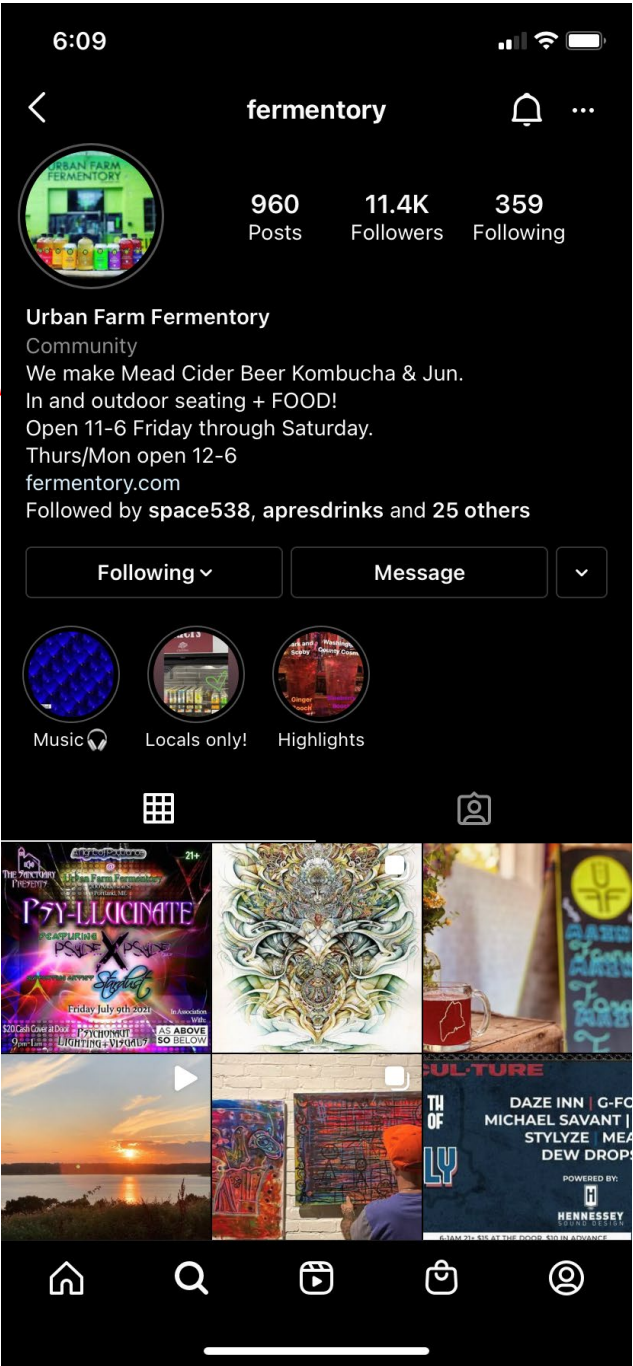


Entertainment license = Nightclub = 85 dBA until 1AM

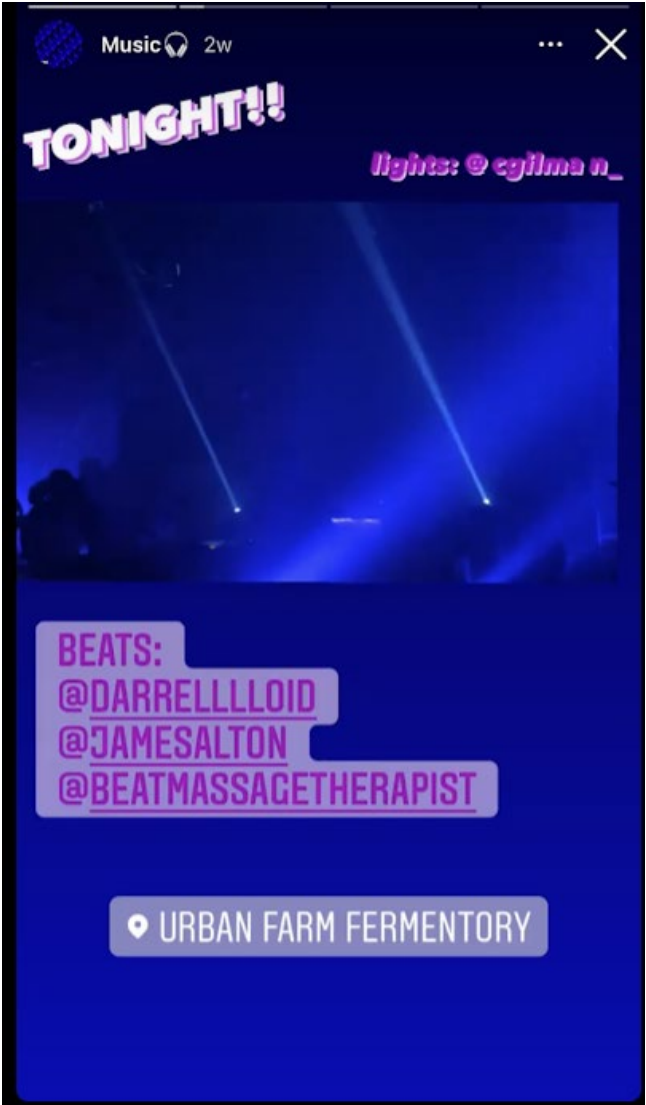
Despite advertising themselves as a maker of “mead cider beer kombucha & jun”, with regular business hours from 11-6 PM or 12-6 PM, UFF re-opens as a nightclub (“dance party”) on Friday and Saturday nights, complete with cash cover charges and a rotating line-up of DJs. No other city approval appears to be needed for them to operate as a nightclub beyond being granted an entertainment license by the city council.

This is no longer a manufacturing facility for kombucha with an adjacent tasting room. On weekend nights, it’s a nightclub and a source of noise pollution.

It would appear that an entertainment license can be used to create a completely different type of business



Screenshots of UFFs Instagram account



Nightclubs/dance halls violate zoning regulations for the I-LB zone

A separate issue involves allowable uses within the I-LB zone. One of the prohibited uses for the I-LB zone includes “concert halls or dance halls” (see slide 9).

Nightclubs would also appear to violate the “purpose” of the I-lb zone due to its proximity to a residential area (also see slide 10).

“The I-L zone is located adjacent to residential neighborhoods, business uses and other industrial uses where the low intensity nature of the uses, as well as their strict performance standards, will ensure the compatibility of the uses with other adjacent industrial and nonindustrial uses. Performance standards for uses in the I-LB zone are designed to maintain compatibility between low impact industrial uses and neighboring nonindustrial and industrial uses. Performance standards include full enclosure of uses and requirements for buffers and screening from adjacent properties. (Ord. No. 164-97, § 6, 1-6-97; Ord. No. 149-10/11, 3-7-11)”



“Concert halls or dance halls” are Prohibited uses in the I-LB Zone

Sec. 14-233. Prohibited uses.

Uses that are not expressly enumerated herein as permitted uses are prohibited. Those uses that are prohibited shall include, but are not limited to, the following:

- (a) Residential uses.
- (b) Retail trade and restaurants that are not accessory to a permitted use.
- (c) Junk yards and scrap metal reprocessing and recycling.
- (d) Amusement parks.
- (e) Crematoriums.
- (f) Mining and drilling operations.
- (g) Refining of petroleum or its products, including tar distillation.
- (h) Commercial petroleum storage yards.
- (i) Commercial excavation of building or construction materials other than in the normal course of building or construction or site preparation.
- (j) Distillation of bones; fat rendering; glue, soap, or fertilizer manufacture.
- (k) Dumping, disposal, incineration, or reduction of garbage, sewage, offal, dead animals, or refuse.
- (l) Stockyard or slaughtering of animals.
- (m) Smelting of iron, copper, tin, zinc, or any other ore.
- (n) Manufacture of primary chemicals.

- (o) Manufacture of cement, lime, gypsum, or plaster of paris.
 - (p) Manufacture of bleaching powder, matches, paper, or rubber.
 - (q) Manufacture and storage of explosives or fireworks.
 - (r) Tanning, curing or storage of raw hides or skins.
 - (s) Coal distillation or coke ovens.
 - (t) Foundries.
 - (u) Creosote treatment.
 - (v) Drop forging.
 - (w) Steel mills or furnaces.
 - (x) Coal- or coke-fired kilns.
 - (y) Used tire storage.
 - (z) Outdoor sales or outdoor display.
 - (aa) Extraction of raw materials.
 - (bb) Concert halls or dance halls.
 - (cc) Banquet facilities.
 - (dd) Office uses other than back offices or offices that are accessory to a permitted use.
- (Ord. No. 164-97, § 6, 1-6-97; Ord. No. 137-97, § 2, 11-3-97)

Portland Land Use Code for the I-LB Zone

Sec. 14-231.

“Purpose.

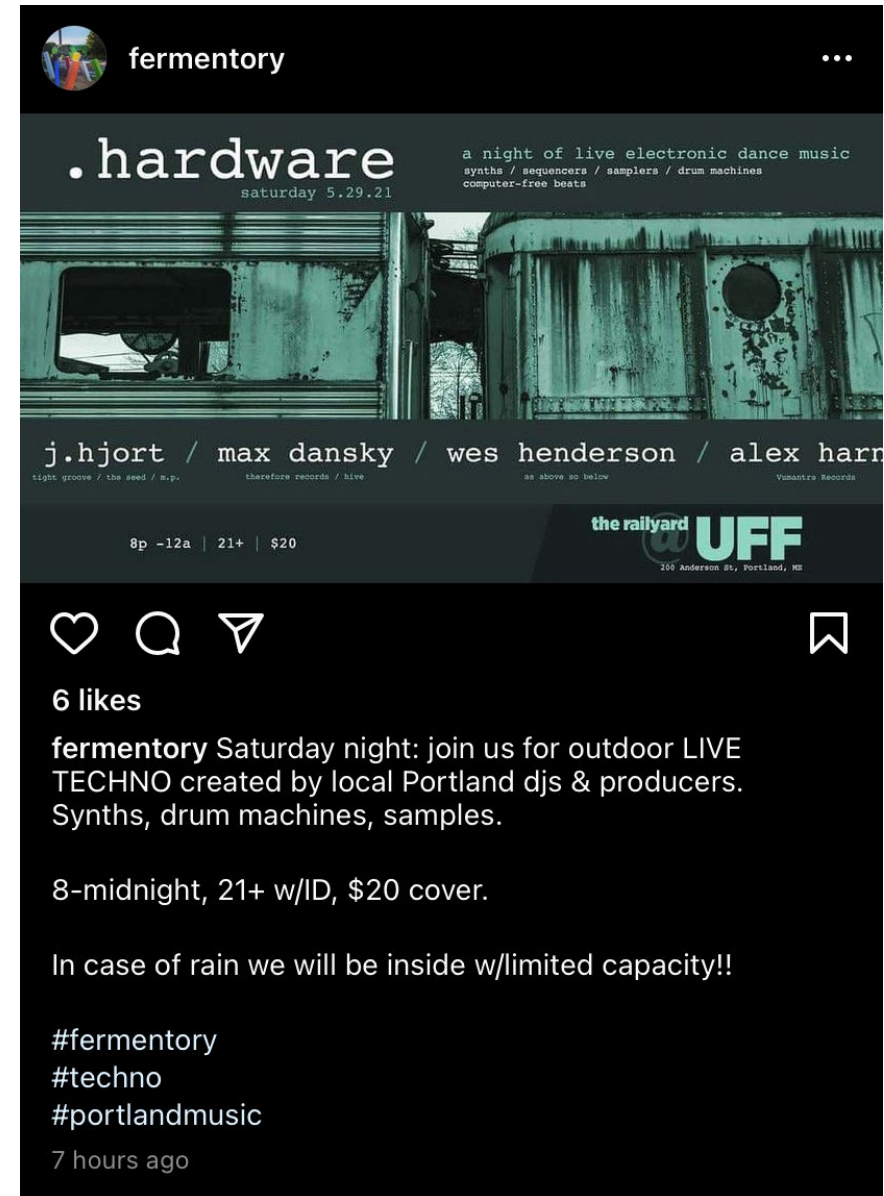
The low impact industrial zone is intended to provide areas in which low impact industrial uses and limited other uses serving employees and residents of the surrounding neighborhood will be compatible with adjacent residential uses, will provide a buffer between residential neighborhoods and the I-M or I-H industrial zones, or will stand alone as a smaller scale industrial district.

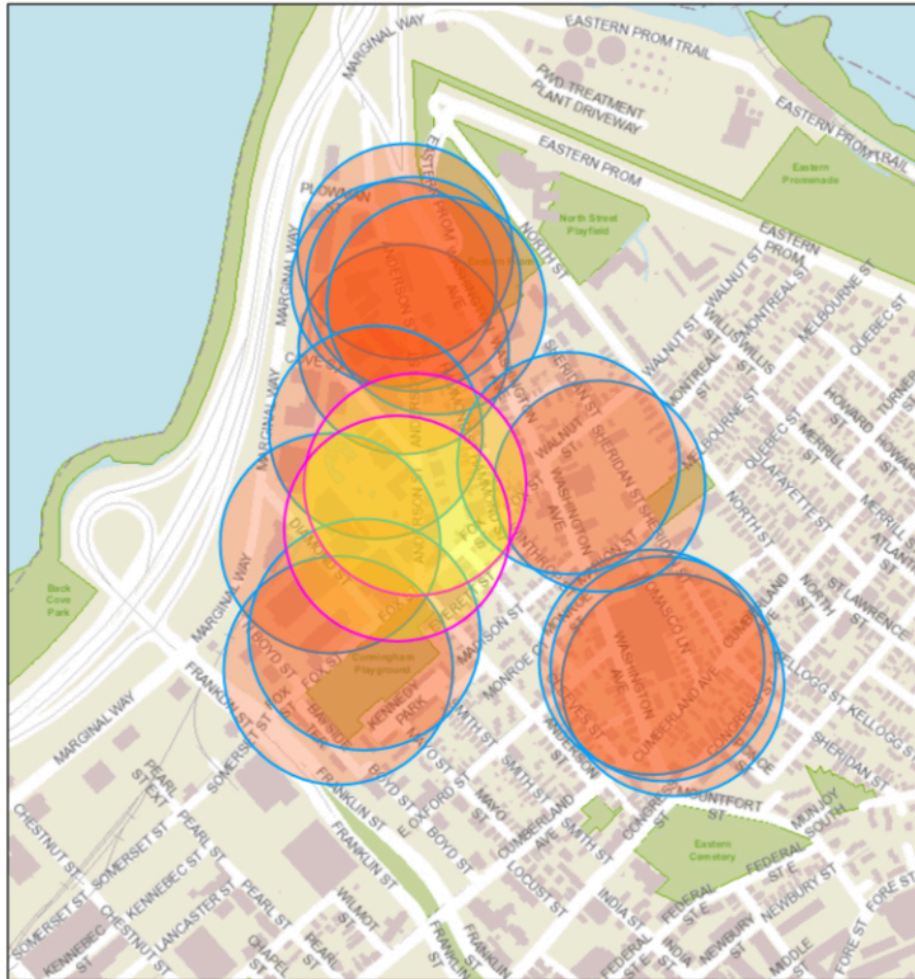
The I-L zone is located adjacent to residential neighborhoods, business uses and other industrial uses where the low intensity nature of the uses, as well as their strict performance standards, will ensure the compatibility of the uses with other adjacent industrial and nonindustrial uses. **Performance standards for uses in the I-L zone are designed to maintain compatibility between low impact industrial uses and neighboring nonindustrial and industrial uses. Performance standards include full enclosure of uses and requirements for buffers and screening from adjacent properties.** (Ord. No. 164-97, § 6, 1-6-97; Ord. No. 149-10/11, 3-7-11)”

Publicity for UFF's nightclub/dance party from their Instagram account



Publicity for UFF's nightclub/dance party from their Instagram account



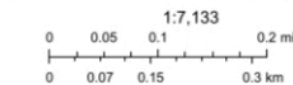


4/24/2021, 11:31:19 AM

Areas

- Existing Venue
- Proposed Venue

Note: Each circle represents a 500' (approx) radius from an existing or proposed venue.



City of Portland, DPS

Web AppBuilder for ArcGIS
City of Portland, Maine

East Bayside= “yeastside”= destination for drinking

Within a very small radius in and around East Bayside, there are numerous makers of beer/alcohol products. Most have tasting rooms and the area has become a destination for drinking. If all of these venues are granted entertainment licenses, the surrounding neighborhood will be inundated.

Residents of East Bayside should have access to peace and quiet like other neighborhoods in Portland. We should not have to sacrifice our quality of life (ie. our ability to sleep and have quiet on the weekends) for business interests.

Breweries (and makers of other types of alcohol products, such as kombucha and hard seltzer) have chosen to operate on the peninsula adjacent to an established residential area that is experiencing increased population density. City councilors should “ensure the compatibility of the uses with other adjacent industrial and nonindustrial uses” as stated in the zoning regulations (see slide 10).

As currently written, entertainment licenses that render Portland’s noise ordinance moot are incompatible with residential areas.

MEMORANDUM
City Council Agenda Item

FROM: Zachary Lenhert, Licensing and Housing Safety Manager
DATE: June 29, 2021
SUBJECT: Order 5-21/22 Granting Municipal Officers' Approval of Tokyo Sushi Ramen Inc, dba Tokyo Sushi Ramen. Application for a Class I FSE with Outdoor Dining on Private Property at 11 Brown Street - 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 7/19/2021

Final Action 7/19/2021

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

Application was filed on 6/28/2021. New City and State applications. Location was previously BRGR Bar.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Tokyo Sushi Ramen
2. Tokyo Sushi Ramen Council Packet

Prepared by:

Zachary Lenhert, Licensing and Housing Safety Manager

Date: 06/29/2021

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

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Tokyo Sushi Ramen Inc, dba Tokyo Sushi Ramen. Application for a Class I FSE with
Outdoor Dining on Private Property at 11 Brown Street**

To the Mayor and members of the City Council,

My name is Mark Sandler and I am a real estate broker and former owner of a food distribution business in Biddeford that was established in 1929. About 5 years ago I met Gordon Yang and Jing Jing Feng when they contacted me to open an Asian restaurant in Windham. They have been running a successful restaurant called Eagle Sushi and Steakhouse and we have become good friends.

They now have asked for my help along with a couple of partners and long-time friends of theirs to open Toyko Sushi and Ramen at 11 Brown St in Portland. This is the former BRGR Bar and if you have been in Portland for years, you will remember it as the former Margaritas Brown St.

They would like to be open 7 days a week from 11:00 am to 10:00 pm and serve Asian cuisine from sushi to hibachi to ramen noodle dishes. They would also like to serve beer, wine and liquor.

During warm weather they would like to use a private outdoor seating area.

We look forward to working with the city and introduce Portland to our culture of recipes our families have been enjoying for years.

Regards,

Mark

207-807-1457



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	Tokyo Sushi Ramen Inc Phone: 347-720-6063
Location Address:	11 Brown St Portland, Me Zip: 04101
If new, what was formerly at this location:	BRGR Bar
Mailing Address:	156 Main St Gorham, ME Zip: 04038
Contact Person:	Tinky Feng Phone: 347-720-6063
Contact Person Email:	Gordonyang820@gmail.com
Manager of Establishment:	WEN BIN Zhang Date of Birth: 02/06/1987 Phone: 347-720-6063
Owner of Premises (Landlord):	Pheeps Craig (603) 988-5706
Address of Premises Owner:	150 Garland Rd Rye, NH 03870 Zip:

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
Tokyo Sushi Ramen Inc		156 Main St Gorham, ME Zip: 04038	
Contact Person:	WEN BIN ZHANG	Phone:	347-720-6063 207-807-1457
Principal Officers	Title	Date of Birth	Residence Address
WEN BIN Zhang	President	02/06/1987	118 Clermont Pl Staten Island, NY 10314
Class of Liquor License:		Class 1 FSE	

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

bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

Type of Food Served (include a menu):	Asian		
Hours & Days of Operation:	Sun - Sat (7 days) 11:00am - 10:00pm		
Certified Food Protection Manager Certificate number & expiration date: WEN BIN ZHANG 20294591 3/31/2026			
If this has not yet been obtained, indicate that it is pending. Please have it ready for your health inspection.			
QUESTION- For Food Service Establishments ONLY:			
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	Yes/No		
	Y(N)		
Will you permit dancing on the premises?	Y(N)		
Will you permit dancing after 1:00 a.m.?	Y(N)		
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y(N)		
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	Y(N)		
Will you have any amusement devices (pinball, video games, jukebox)?	Y(N)		
If yes, please list the number of pinball machines: _____ amusements: _____ pool tables: _____			
What is your targeted opening date? 7/1/2021			
Does the issuance of this license directly or indirectly benefit any City employee(s)?	Y(N)		
If Yes, list name(s) of employee(s) and department(s): _____			
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	Y(N)		
If Yes, please list business name(s) and location(s): _____			
Is any principal officer under the age of 18?	Y(N)		
For Community Kitchen Operators ONLY:			
It is your responsibility to maintain a schedule of users and assure sufficient time for cleaning and sanitizing between uses.			

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

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

Signature WEN BIN ZHANG Title President Date 05/03/2021
 For more information about Food Service Establishments and Community Kitchens, see Portland City Code Chapter 11 at:
www.portlandmaine.gov

For Administrative Use Only			
Amount: _____	Request Date / Approval	Notes: _____	
Date Paid: _____	FD: _____		
CC _____ CA _____ CK _____	Health: _____		
	PD: _____		
Amount: _____	PS: _____		
Date Paid: _____	Treasury: _____		
CC _____ CA _____ CK _____	Zoning: _____		

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

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

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

Business Information	
Business Name (d/b/a):	Tokyo Sushi Ramen Inc Phone: 347-720-6063
Location Address:	11 Brown St Portland, ME Zip: 04101
Mailing Address:	156 Main St Gorham ME Zip: 04038
Contact Person:	Tinky Fong Phone: 347-720-6063
Contact Person Email:	Gordonyang820@gmail.com
Manager of Establishment:	WEN BIN Zhang Date of Birth: 2/06/1987 Phone: 347-720-6063
Owner of Premises (Landlord):	Pheeps Craig (603) 988-5706
Address of Premises Owner:	150 Garland Rd Rye, NH 03870 Zip:

Owner Information

Corporate Name		Corporate Mailing Address	
Tokyo Sushi Ramen Inc		156 Main St Gorham, ME Zip: 04038	
Contact Person:	WEN BIN ZHANG	Phone:	347-720-6063
Principal Officers	Title	Date of Birth	Residence Address
WEN BIN ZHANG	President	02/06/1987	118 Claremont Rd Sutton Island, NY 10314



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	
Type of food served:	ASian
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	Sun - Sat (7 days) 11:00am - 10:00pm
Number of Tables	6-10
Number of Chairs	40

Design and Construction

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

Maintenance and Operations

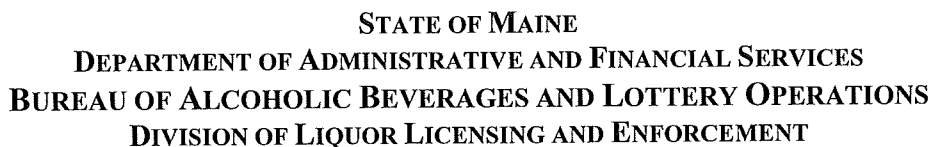
- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating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

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

Signature WEN BIN ZHANG Title 05/03/2021 Date _____

For Administrative Use Only

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



All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): Tokyo Sushi Ramen Inc	Business Name (D/B/A): Tokyo Sushi Ramen
Individual or Sole Proprietor Applicant Name(s): WEN BIN ZHANG	Physical Location: 11 Brown St Portland, ME 04101
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: 156 Main St Gorham, ME 04038
Mailing address, if different from DBA address:	Email Address: gordanyan9820@gmail.com
Telephone # Fax #: 347-720-6063	Business Telephone # Fax #:
Federal Tax Identification Number: 86-2629561	Maine Seller Certificate # or Sales Tax #: 1215285
Retail Beverage Alcohol Dealers Permit:	Website address:

1. New license or renewal of existing license? ☒ New Expected Start date: 06/01/2021
☐ Renewal Expiration Date: _____
2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
Food: \$50,000 Beer, Wine or Spirits: 10,000 Guest Rooms: —
3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)
☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| ☒ Restaurant
(Class I, II, III, IV) | ☐ Class A Restaurant/Lounge
(Class XI) | ☐ Class A Lounge
(Class X) |
| ☐ Hotel
(Class I, II, III, IV) | ☐ Hotel – Food Optional
(Class I-A) | ☐ Bed & Breakfast
(Class V) |
| ☐ Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | ☐ Auxiliary | ☐ Mobile Cart |
| ☐ Tavern
(Class IV) | ☐ Other: _____ | |
| ☐ Qualified Caterer | ☐ Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

11 Brown St Portland, Me 04101

6. Is the licensee/applicant(s) citizens of the United States? ☐ Yes ☒ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☐ Yes ☒ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
WEN BIN ZHANG	02/06/1987	China

Residence address on all the above for previous 5 years	
Name	Address: 116 Clarmont Rd Staten Island, NY
Name	Address: 10314
Name	Address:
Name	Address:

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☐ Yes ☒ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

Pheeps Craig 150 Garland Rd Rye, NH 03870
603-988-5706

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

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

All seating inside restaurant and outdoor patio

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: State St Church

Distance: 1 mile

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 05/03/2021

WEN BIN ZHANG

Signature of Duly Authorized Person

Signature of Duly Authorized Person

WEN BIN ZHANG

Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

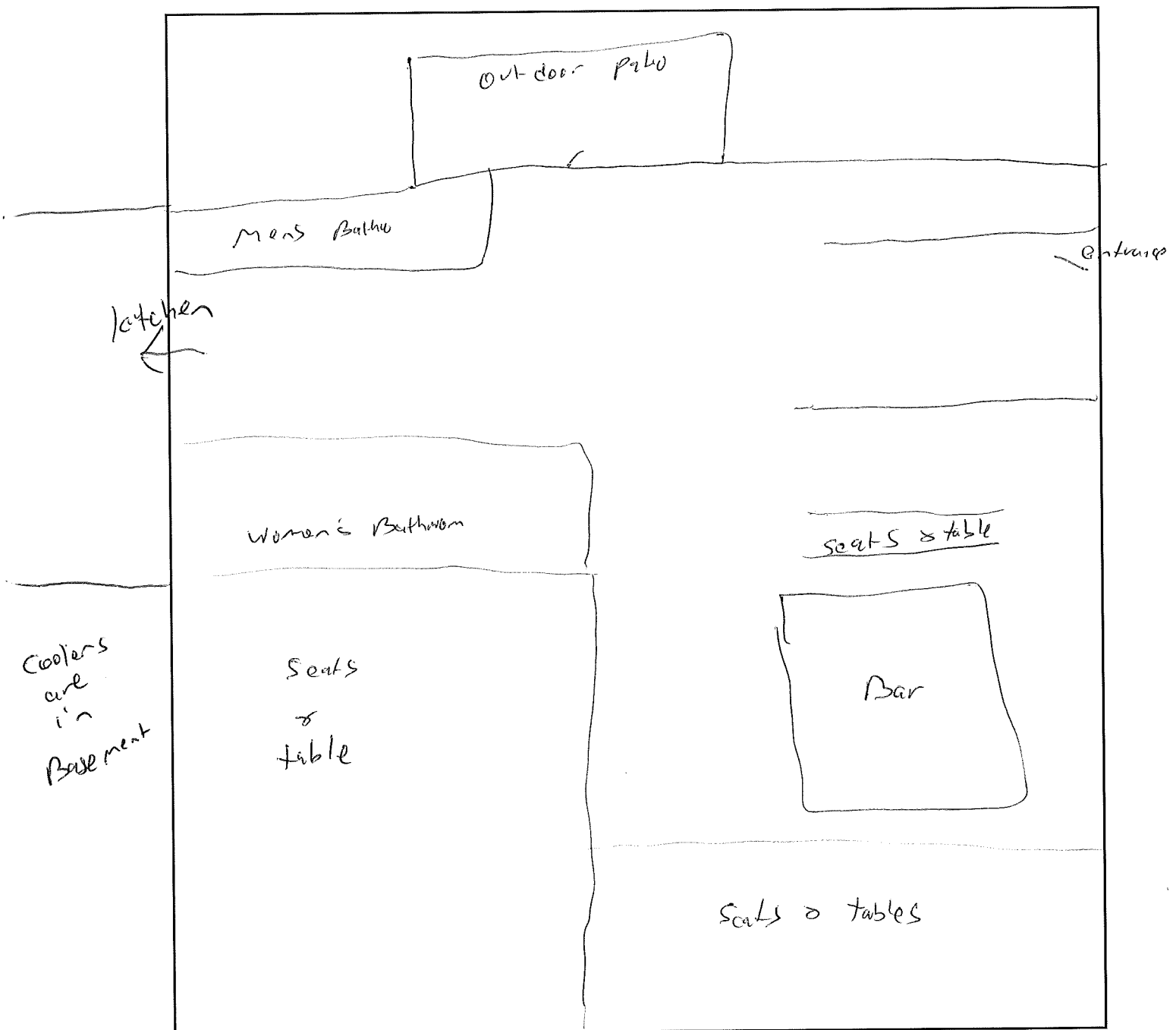
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

Section VI Premises Floor Plan

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

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



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

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: To Kyo Sushi Ramen Inc
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 3/01/2021 State in which you are formed: Maine FD# 1215285
Charter # 20210610 P
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

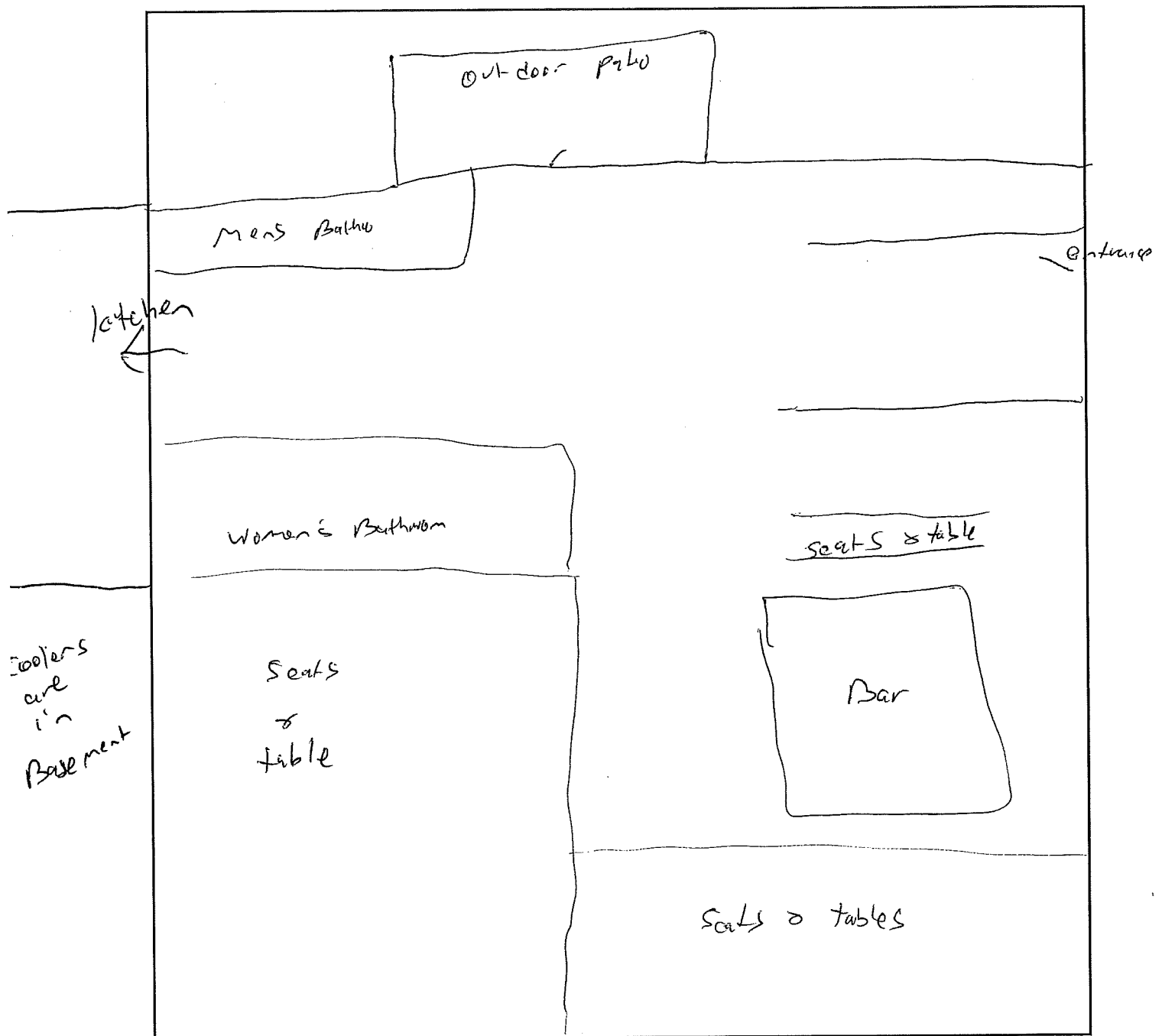
Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
WEN BIN ZHANG	118 Clermont PL State Island, NY 10314	02/06/1987	President/ Manager	35%
YUAN. JIANG	24 Jones St Apt 3D NY, NY 10038	2/15/84		40 %
WAN KUI RAO	5801 6th Ave PMB Brooklyn, NY 11220	2/15/1991		25%

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

Section VI Premises Floor Plan

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

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



HIBACHI

Served w. Green Salad, Clear Soup, Hibachi Fried Rice, Vegetable & 2 pcs Hibachi Shrimp Appetizer

SINGLE ITEM

Vegetable	13.99	Salmon	19.99
without shrimp appetizer		Steak	19.99
Chicken	16.99	Scallops	23.99
Tuna	18.99	Filet Mignon	26.99
Shrimp	19.99	Twin Lobster	28.99

COMBINATION

Pick any 2 Items Below for 23.99

Upgrade any steak to filet mignon or lobster for 3.00

1. Chicken 2. Steak 3. Salmon
4. Shrimp 5. Scallops

SPECIALTIES

1. Tokyo Marina 31.00
Steak, chicken & shrimp
2. Seafood Deluxe 35.00
Lobster tail, shrimp & scallops

KID'S HIBACHI

1. Under 12 Years Old, 1 pc Hibachi Shrimp Appetizer without shrimp appetizer 10.50
2. Chicken 11.99
3. Shrimp 12.99
4. Scallops 13.99
5. Steak 12.99
6. Salmon 12.99
7. Filet Mignon 14.99

SIDE ORDER

1. Vegetable 4.59
2. Noodles 4.59
3. Fried Rice 4.59
4. Chicken 7.99
5. Salmon 8.99
6. Shrimp 8.99
7. Steak 8.99
8. Filet Mignon 11.99
9. Scallops 9.99
10. Lobster 12.99

The FDA advises Consuming raw or undercooked meats, poultry, seafood or eggs increase your risk of foodborne illness. Prices subject to change without notice



KITCHEN

Served with Soup or salad and white rice

TEMPURA

1. Shrimp Tempura 15.99
Shrimp w. vegetables lightly fried, served w. tempura sauce
2. Vegetable Tempura 12.99
Assorted vegetable light fried, served w. tempura sauce

TERIYAKI

1. Tofu Teriyaki 13.50
Boiled tofu served with teriyaki sauce
2. Vegetable Teriyaki 13.50
Steamed assorted vegetables with teriyaki sauce
3. Chicken Teriyaki 15.50
Boiled chicken served with teriyaki sauce
4. Scallops Teriyaki 18.99
Boiled scallops served with teriyaki sauce
5. Salmon Teriyaki 16.99
Boiled salmon served with teriyaki sauce
6. Shrimp Teriyaki 17.99
Boiled shrimp served with teriyaki sauce
7. Beef Teriyaki 17.99
Boiled beef served with teriyaki sauce
8. Seafood Teriyaki 26.99
Boiled salmon, shrimp, scallops and lobster served with teriyaki sauce

KATSU

1. Chicken Katsu (Deep fried chicken cutlet) 13.99
2. Ton Katsu (Deep fried pork cutlet) 14.50

NOODLES

1. Pad Thai: 16.00
 - Chicken 13.00
 - Beef 14.00
 - Shrimp 14.00
2. Stir Fried Udon or Yak Soba: 16.00
 - Chicken 13.00
 - Beef 14.00
 - Shrimp 14.00
3. Lo Mein Noodles: 16.00
 - Chicken 13.00
 - Beef 14.00
 - Shrimp 14.00

JAPANESE FRIED RICE

1. Vegetable 10.99
2. Chicken 11.99
3. Beef 12.99
4. Shrimp 12.99
5. Combine 14.50

RAMEN NOODLE

1. Chicken Ramen 13.59
2. Miso Ramen 13.59
3. Beef Ramen 14.99
4. Shrimp Ramen 14.99

NOODLE SOUP

1. Nabe-yaki Udon 14.99
Japanese noodles, chicken & vegetables in seasoned broth w. shrimp tempura & egg



LUNCH SPECIAL

served with miso soup

1. Sushi Lunch 11.95
5 pcs. sushi w. a California Roll
2. Sashimi Lunch 15.95
12 pcs. sashimi w. a side of sushi rice

Lunch Special Roll

1. Shrimp Tempura 9.25
2. Special Philadelphia 9.25
3. Special Avocado Eel Roll 9.25
4. Sweet Potato Avocado Roll 9.25
5. Chicken Avocado Roll 9.25

Lunch Special

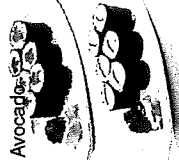
Served Until 3:00pm • Not including Weekend & Holiday

Lunch Maki Combo

Served w. Miso Soup

Any 2 Roll \$8.95 • Any 3 Roll \$12.50

- California
- Salmon Avocado
- Tuna Avocado
- Eel Cucumber
- Philadelphia
- Spicy Crab
- Spicy Tuna
- Spicy Salmon
- Spicy Shrimp
- Spicy Yellowtail
- Yellowtail Scallion
- Roast Peanut Avocado
- Vegetable
- Avocado
- Cucumber
- Asparagus
- Salmon
- Sweet Potato



Special Lunch Bento Box

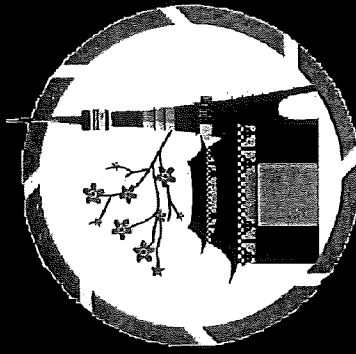
Served w. Miso Soup, Gyoza, California Roll & White Rice

1. Chicken Katsu 11.50
2. Chicken Teriyaki 11.99
3. Steak Teriyaki 12.99
4. Salmon Teriyaki 2.99
5. Tofu Teriyaki 10.50
6. Negimaki Teriyaki 12.99
7. Vegetable Tempura 10.50
8. Shrimp Teriyaki 12.99

Hibachi Lunch

Monday - Saturday 11:00am-3:00pm

1. Vegetable 10.50
2. Chicken 11.99
3. Steak 12.99
4. Shrimp 12.99
5. Scallops 13.99
6. Salmon 12.99
7. Filet Mignon 14.99



www.tokyosushihiramenne.com

Tel: (207) 613-9919

(207) 613-9938

11 Brown Street,
Portland Maine 04101

OPEN HOURS:

Mon - Thurs: 11am - 9:45pm
Fri & Sat: 11:00am - 10:15pm
Sunday: 11:45am - 9:15pm

TOKYO DELIVERY

Minimum \$40 (Within 5 miles)



DOOR DASH, GRUB HUB, UBER EAT
Delivery Minimum: \$20



Soup

Miso Soup.....	2.95	Hot Sour Seafood Soup 6.99
Clear Soup.....	2.95	w. shrimp scallop and vegetable
Dumpling Soup.....	4.50	(w. dumpling)



Salad

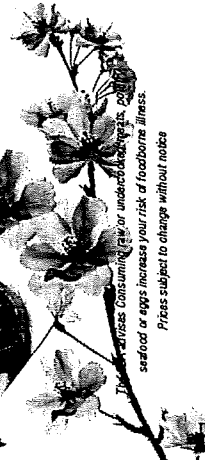
Green Salad.....	3.95	Avocado Salad.....	4.95
Kani Cucumber Salad 5.95		Chicken Katsu Salad 8.99	
Seaweed Salad.....	4.95		

Kitchen Appetizers

Edamame.....	4.95	Beef Negimaki.....	8.99
Spring Roll.....	4.99	Shrimp Vegetable.....	8.50
Age Tofu.....	5.99	Tempura.....	8.99
Gyoza.....	5.99	Fry Calamari.....	8.99
Shumai.....	5.50	Rock Shrimp.....	8.99
Vegetable Tempura.....	6.95	Soft Shell Crab.....	8.50
Chicken Katsu.....	8.99	Fry Takoyaki.....	8.99
Crab Rangoon.....	7.50	Fry Breaded Oyster.....	8.99
Chicken Satay w.....		BBQ Ika Maru.....	9.99
Peanut Sauce.....	7.50	Tokyo Platter.....	12.99
Chicken Vegetable.....			
Tempura.....	7.95		

Sushi Bar Appetizer

Yellowtail Jalapeno.....	9.95	Salmon Tartare w.....	
Pepper Tuna Tataki.....	9.95	Avocado.....	
Sexy Jalapeno.....	9.95	Salmon Skin w.....	
Pepper Salmon Tataki 9.95		Cucumber.....	
Tuna Dumpling (2).....	9.95	Japanese Seaweed.....	
Sushi Appetizer (5).....	8.95	Salad.....	
Sashimi Appetizer (6) 8.95		Mango Salad.....	4.95
Spicy Tuna Sashimi.....	8.95	Surf Clam Salad.....	8.95
Spicy Salmon Sashimi 8.95		Spicy Clam Salad.....	8.95
Pepper Beef Tataki.....	9.95	Gari Tako Salad.....	8.95
Tuna Tartare w.....		Squid (Ika) Salad.....	8.95
Avocado.....	9.95	Mini Octopus Salad.....	8.95



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Classic Roll

California.....	4.95	Shrimp Tempura.....	6.95
Tuna.....	4.95	Sweet Potato Tempura 4.95	
Spicy Tuna.....	5.95	Roasted Peanut.....	
Tuna Avocado.....	5.95	Avocado.....	4.95
Salmon.....	4.95	Avocado.....	4.95
Spicy Salmon.....	4.95	Asparagus.....	3.95
Salmon Avocado.....	5.95	Cucumber.....	3.95
Yellowtail Scallion.....	4.95	Vegetable.....	3.95
Boston.....	4.95	Philadelphia.....	5.95
Eel Avocado or.....	5.95	Spicy Crab.....	5.95
Cucumber.....	5.95	Shrimp Avocado or.....	5.95
Shrimp Avocado or.....	5.95	Spicy Shrimp.....	5.95
Cucumber.....	4.95	Spicy Crawfish Avocado 6.95	
Spicy Scallop.....	7.95	Spicy Salmon Avocado 5.95	
Spicy Scallop Avocado 8.95		Spicy Yellowtail.....	
Spicy Tuna Avocado.....	6.95	Avocado.....	5.95
Spicy Lobster Avocado 8.95		Spicy Shrimp Avocado 6.95	

Hawaii Style Special Roll

Honolulu Roll (Spicy blue crab & avocado).....	11.95
Lahaina Roll (Spicy seafood & avocado).....	11.95
Hawaii Roll (Spicy scallop & avocado).....	11.95
Hilo (Spicy tuna or spicy salmon & avocado).....	11.95
Lanai (Eel & cheese, avocado).....	11.95

Poke Bowl (Uncook)

Salmon Tuna Yellowtail.....	15.95
Seaweed salad, peanut, fish egg, avocado, mango, crunch crab, wasabi sauce, sushi rice or lettuce.....	16.95
Hokkaido.....	15.95
Salmon.....	15.95
White Tuna.....	15.95

Desserts

Ice Cream (Green tea or vanilla).....	4
Mochi Ice Cream (Green tea or vanilla).....	4
Tempura Ice Cream (Green tea or vanilla).....	5
Fried Cheesecake.....	5

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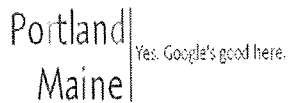
Chef's Special Roll

Underland Roll.....	12.98
Dynamite Roll.....	11.95
Fantastic Roll.....	11.95
Spider (Soft shell crab, cheese, cucumber, avocado).....	10.95
Dragon Roll (Eel, cucumber, avocado, eel sauce & masago).....	10.98
Ocean Roll.....	12.95
Pearl Roll.....	10.98
Volcano Roll.....	11.98
Atlantic Roll.....	12.98
Stone Roll.....	11.98
Oxford Roll.....	11.98
Smith Roll (Pork egg, eel avocado).....	11.95
Eel Lover Roll (Peanut, cheese, avocado and eel).....	12.95
Crispy Roll (Spring roll, spicy shrimp, vanilla sauce).....	10.95
Crispy Roll (Spring roll, cheese spicy crab, eel sauce & wasabi sauce).....	10.95

Uncooked

Wonderful Roll.....	13.98
Tasty Roll.....	12.98
Perfect Roll.....	11.98
Rocky Roll.....	11.98
Lover Roll.....	13.98
Maine Roll.....	13.98
Tiger Roll.....	12.98
Manly Roll.....	11.98
Rainbow Roll.....	10.98
Portland Roll.....	12.98
Ferris Wheel.....	12.98
Greenleaf Roll.....	11.98
Colorful Roll (Spicy salmon, cheese, avocado & caviar).....	11.98
Salmon Lover (Spicy salmon, avocado, sea salmon, mayo).....	11.98
Yellowstone Roll.....	11.98
Cowboy Roll.....	11.98
Long Island (Spicy scallop, avocado, spicy shrimp).....	12.98
Hokkaido Roll.....	13.98
Red Ball Roll (Jalapeno, spicy tuna, eel sauce).....	11.98
Mermaid Roll.....	12.98

The FDA advises Consuming raw or undercooked meats, poultry, seafood or eggs increases your risk of foodborne illness. Prices subject to change without notice

**Zachary Lenhart** <zlenhart@portlandmaine.gov>

Tokyo Sushi Ramen

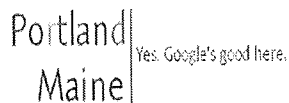
Eric Nevins <erickn@portlandmaine.gov>
To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Sat, Jul 3, 2021 at 4:37 PM

Approved

On Tue, Jun 29, 2021 at 3:23 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:
[Quoted text hidden]

--
Eric Nevins
Lieutenant
Portland Police Department
(207) 874-8513



Zachary Lenhert <zlenhert@portlandmaine.gov>

Tokyo Sushi Ramen

Dan DeLuna <ddeluna@portlandmaine.gov>

Fri, Jul 9, 2021 at 2:19 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhert <zlenhert@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Eric Cobb

<ecobb@portlandmaine.gov>, Eric Nevins <erich@portlandmaine.gov>, Fire Prevention

<fireprevention@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>,

Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>

A Class A Restaurant (Class I) is a permitted use in the B-3 Zone, per Table 6-C of Chapter 14.

Thank you,

Dan

[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

June 29, 2021

Tokyo Sushi Ramen Inc
156 Main Street
Gorham, ME 04038

Re: Tokyo Sushi Ramen Inc, dba Tokyo Sushi Ramen. Application for a Class I FSE with Outdoor Dining on Private Property at 11 Brown Street

Dear Tokyo Sushi Ramen Inc:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday July 19, 2021 at 4:00 p.m.**, for the review of application for a Class I FSE with Outdoor Dining on Private Property at 11 Brown Street. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on July 16, 2021.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207)874-8557 or bl@portlandmaine.gov.

Sincerely,

Zachary J. Lenhert
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on July 19, 2021 at 4:00 P.M., virtually, Tokyo Sushi Ramen Inc, dba Tokyo Sushi Ramen. Application for a Class I FSE with Outdoor Dining on Private Property at 11 Brown Street - Sponsored by Jon P. Jennings, City Manager.

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

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Portland Harbor Hotel Associates LLC, dba Portland Harbor Hotel. Application for a Class IA Inn with Outdoor Dining on Private Property and Combined Entertainment at 468 Fore Street.

PORTLAND HARBOR HOTEL ASSOCIATES LLC

6/24/2021

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

RE: Portland Harbor Hotel

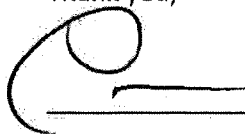
Dear Mayor Snyder & Portland City Council Members,

Attached to this letter please find applications to update the liquor, food and entertainment licenses at the Portland Harbor Hotel, located at 468 Fore Street.

The entity that owns the hotel, Portland Harbor Hotel Associates LLC, will continue to own the hotel, but recently has had a change of membership interest as shown in the applications.

Our intent is to keep the permits and licenses to operate the hotel in good standing with the City of Portland.

Thank you,


A handwritten signature in black ink, consisting of a large loop followed by a horizontal stroke, positioned above a solid horizontal line.

Leo Xarras

Manager



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information:	Portland Harbor Hotel Associates LLC		
Business Name (d/b/a):	Portland Harbor Hotel	Phone:	207-775-9090
Location Address:	468 Fore Street, Portland, ME 04101		Zip:
If new, what was formerly at this location:			
Mailing Address:	468 Fore Street, Portland, ME 04101		Zip:
Contact Person:	Michael Strejcek	Phone:	207-775-9090
Contact Person Email:	MStrejcek@colwenhotels.com		
Manager of Establishment:	Michael Strejcek	Date of Birth:	4/5/62
		Phone:	207-775-9090
Owner of Premises (Landlord):	Portland Harbor Hotel Associates LLC		
Address of Premises Owner:	1359 Hooksett Road, Hooksett, NH 03106		Zip:

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
Portland Harbor Hotel Associates LLC		1359 Hooksett Road, Hooksett, NH 03106	
Contact Person:	Elizabeth Reardon	Phone:	603-518-2143
Principal Officers	Title	Date of Birth	Residence Address
Leo Xarras	Manager	6/20/68	230 Commerce Way, Ste. 200 Portsmouth, NH 03801
Class of Liquor License:		1A	



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	See menu	
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor ☒	
Projected percentage of sales:	Generated from Food: 242,000	Generated from Alcohol: 208,284
Hours & days of operation:	6:30 AM - 11:00 PM, 7 days	
QUESTIONS:		
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?		Y/N ☒ Y ☐ N
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?		Y/N ☒ Y ☐ N
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)		☒ Y ☐ N
Will you permit dancing after 1:00 a.m.?		☒ Y ☐ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)		☒ Y ☐ N
If yes, will the outside dining be on PUBLIC or <u>PRIVATE</u> property (circle one).		
Will you have any amusement devices (pinball, video games, juke box)?		☒ Y ☐ N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____		
What is your targeted opening date?		
Does the issuance of this license directly or indirectly benefit any City employee(s)?		☒ Y ☐ N
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?		☒ Y ☐ N
If Yes, please list business name(s) and location(s):		
Is any principal officer under the age of 21?		☒ Y ☐ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		☒ Y ☐ N
If Yes, please explain:		

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

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

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

Signature [Signature] Title LLC Manager Date 6/24/21



CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

☒ Indoor Entertainment \$500.00	☐ Outdoor Entertainment \$700.00	☒ Combined Entertainment \$800.00
---	---	---

Business Information:		Portland Harbor Hotel Associates LLC	
Business Name (d/b/a):	Portland Harbor Hotel	Phone:	207-775-9090
Location Address:	468 Fore Street, Portland, ME 04101		Zip:
Owner Name:	Portland Harbor Hotel Associates LLC	Phone:	603-518-2143
Owner Email:	ereardon@xsshotels.com		
Contact Person responsible for Entertainment:	Michael Strejcek	Phone:	207-775-9090
Contact Person Email:	MStrejcek@colwenhotels.com		
Manager of Establishment:	Michael Strejcek	Phone:	207-775-9090
Manager Email:	MStrejcek@colwenhotels.com		

About Your Establishment

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

Indoor entertainment for functions in conference/meeting rooms

combined ent.

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

Signature  Title LLC Manager Date 6/24/21

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

Portland Harbor Hotel Sound Mitigation Plan

Prepared by Neil Griggs

Audio Engineer-Headlight A.V.

ngriggs@headlightav.com

(207)838-6818

Methods used to minimize impact on surrounding uses.

Courtyard area where the entertainment will be is surrounded by thick vegetation on all sides and 2 stories above street level. 3 sides of the courtyard are made up by the hotel and a high berm with trees and shrubs block sound from getting to the MEMIC office building behind.

Speaker location and direction/sound system details and controls.

No existing sound system on site. They plan on having light cocktail jazz (piano+violin). So maybe a small keyboard amplifier will be used.

Stage and site layout and direction.

Musicians will be positioned in the center of the courtyard facing the hotel and with their backs to the berm and trees.

Noise canceling or mitigation measures proposed.

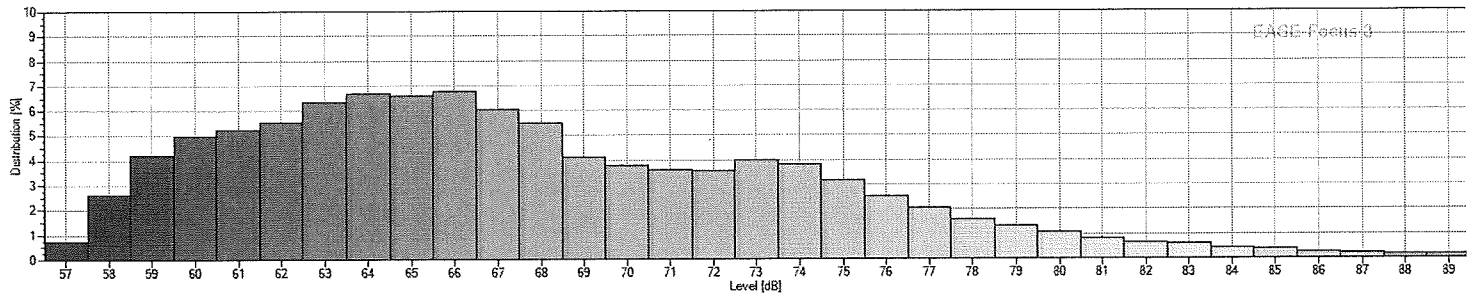
None. Performance times will be 5-7 PM. With the proposed entertainment style and all the existing vegetation on the site the only people in the area that would be able to hear it would be hotel guests.

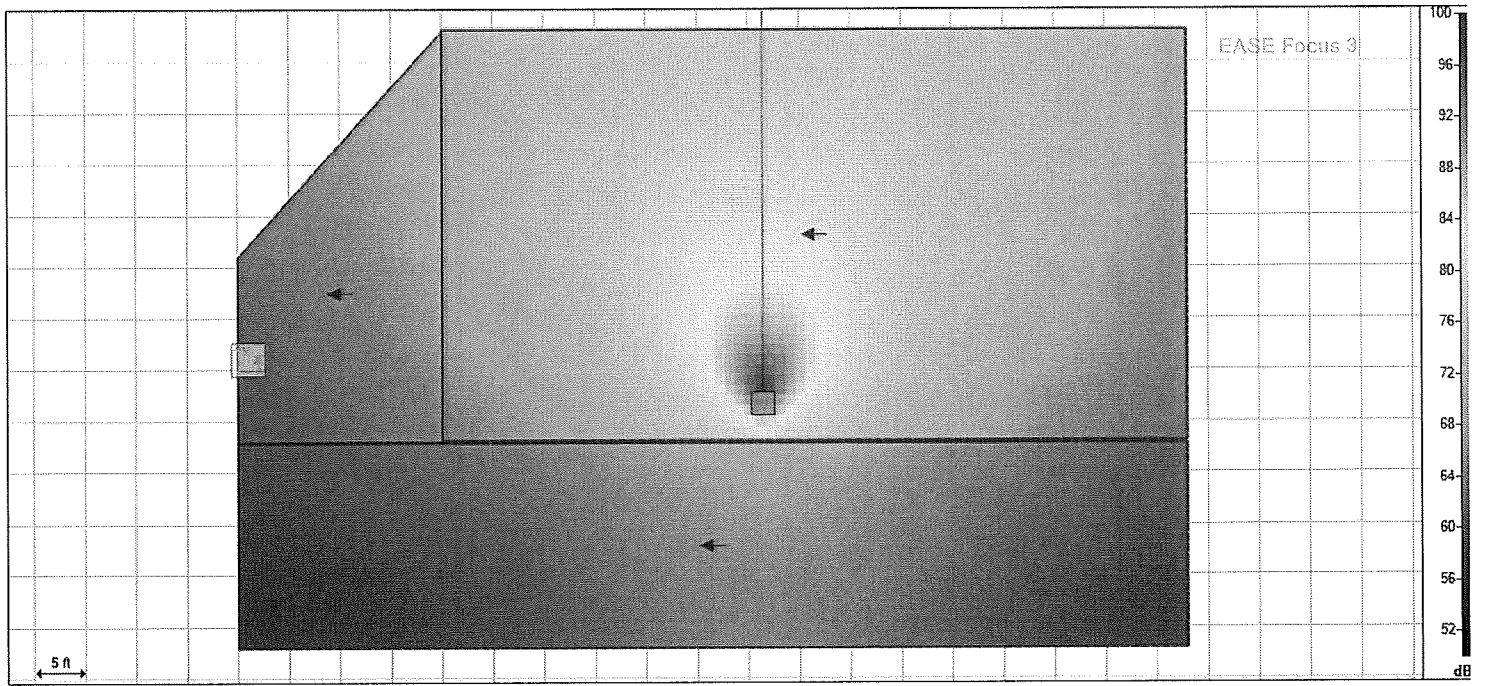
Anticipated sound readings.

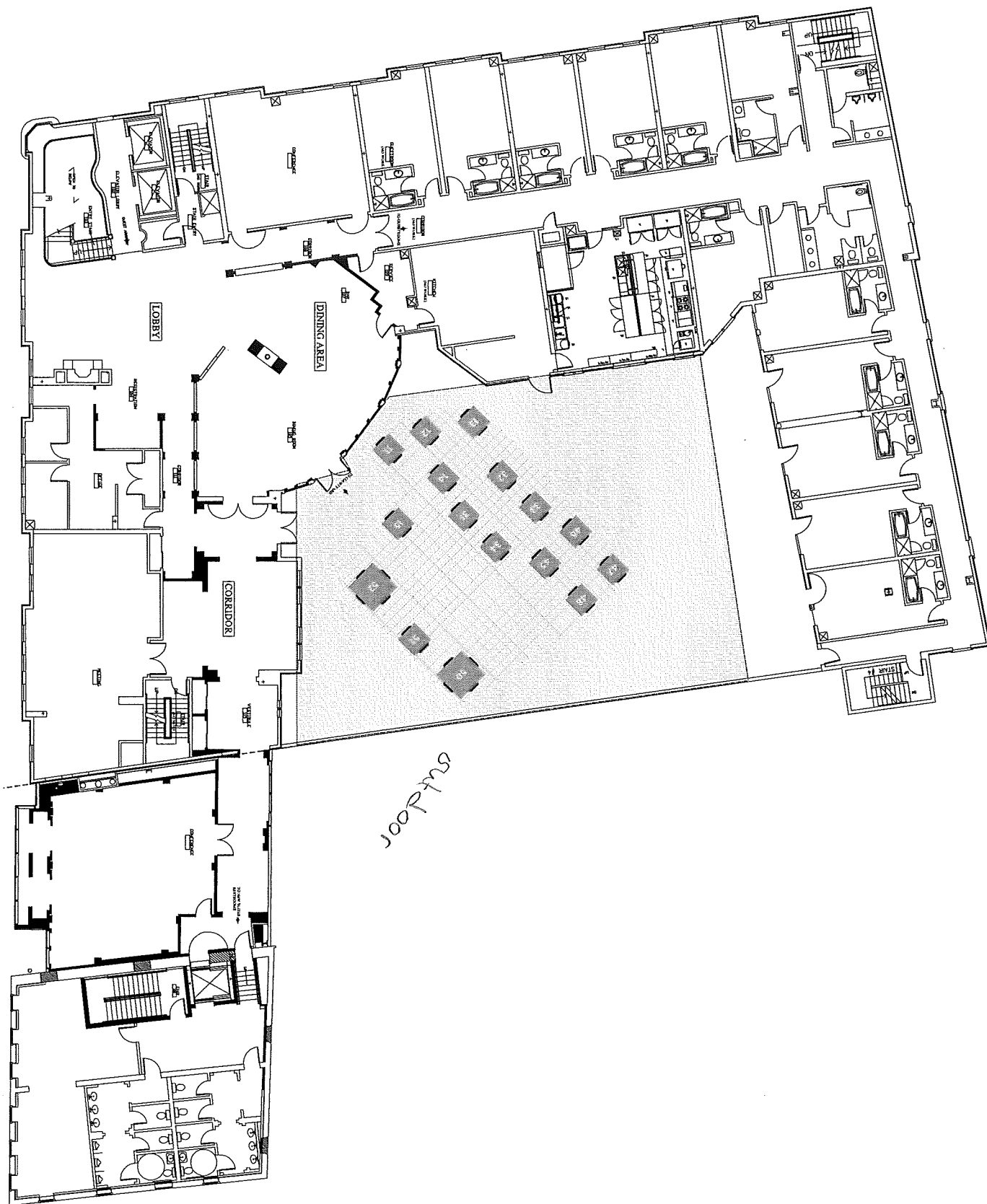
Used 90db (A weighted) as a reference in the attached diagrams. Probably way louder than actual performance volume. Levels still dropped off nicely to the 60 db level and below at the edges of the courtyard and behind. They want people to be able to have a conversation out there.

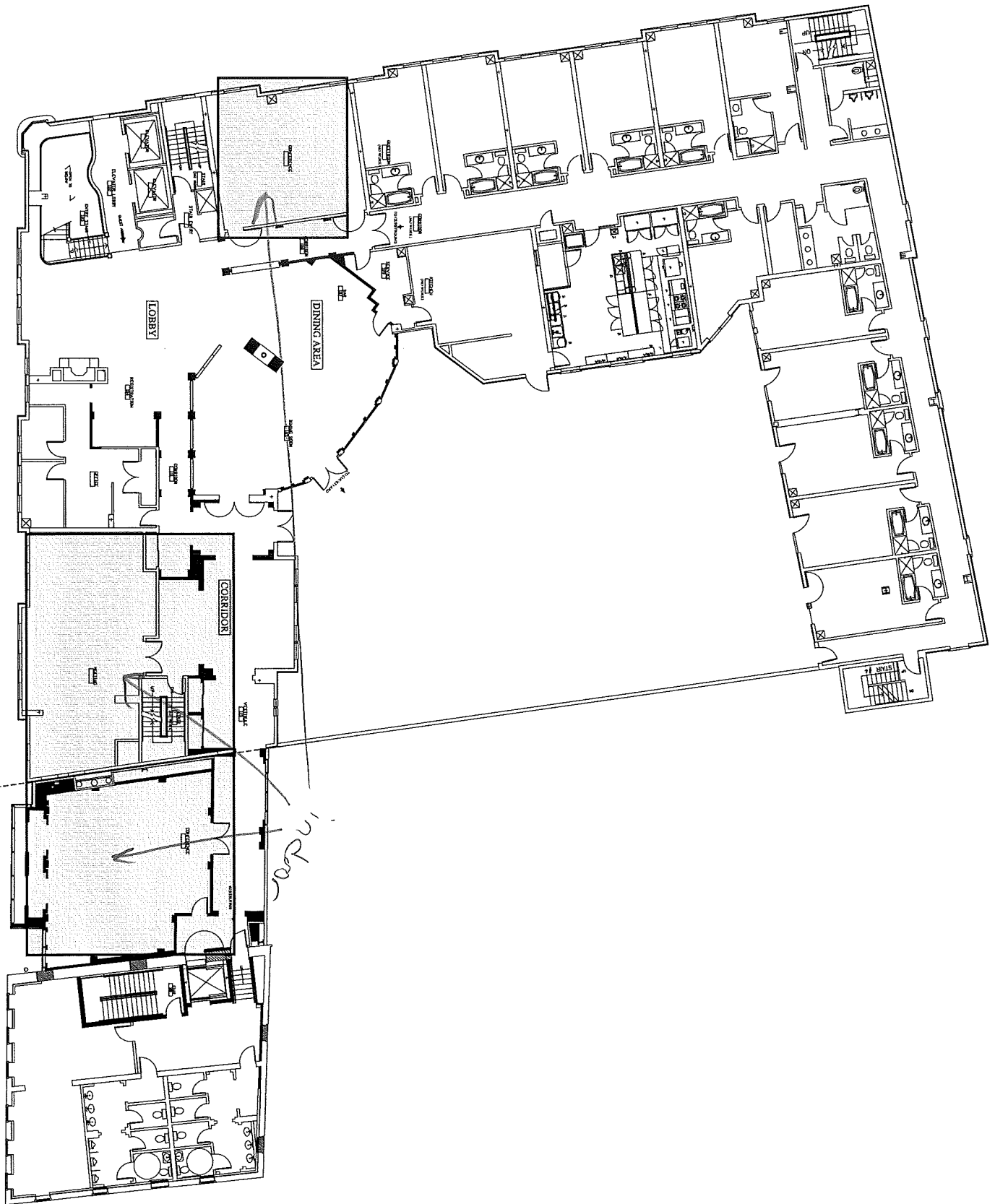
Neil Griggs

6/29/2021











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

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

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

Business Information			
Business Name (d/b/a):	Portland Harbor Hotel	Phone:	207-775-9090
Location Address:	468 Fore Street, Portland, ME 04101		Zip:
Mailing Address:	468 Fore Street, Portland, ME 04101		Zip:
Contact Person:	Michael Strejcek	Phone:	207-775-9090
Contact Person Email:	MStrejcek@colwenhotels.com		
Manager of Establishment:	Michael Strejcek	Date of Birth: 4/5/62	Phone: 207-775-9090
Owner of Premises (Landlord):	Portland Harbor Hotel Associates LLC		
Address of Premises Owner:	1359 Hooksett Road, Hooksett, NH 03106		Zip:

Owner Information

Corporate Name		Corporate Mailing Address	
Portland Harbor Hotel Associates LLC		1359 Hooksett Road, Hooksett, NH 03106	
Contact Person:	Elizabeth Reardon	Phone:	603-518-2143
Principal Officers			
Title	Date of Birth	Residence Address	
Leo Xarras	Manager	6/20/68	230 Commerce Way, Ste. 200 Portsmouth, NH 03801



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	1 A
Type of food served:	See menu
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	6:30 AM - 11:00 PM, 7 days
Number of Tables	
Number of Chairs	62

Design and Construction

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

Maintenance and Operations

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

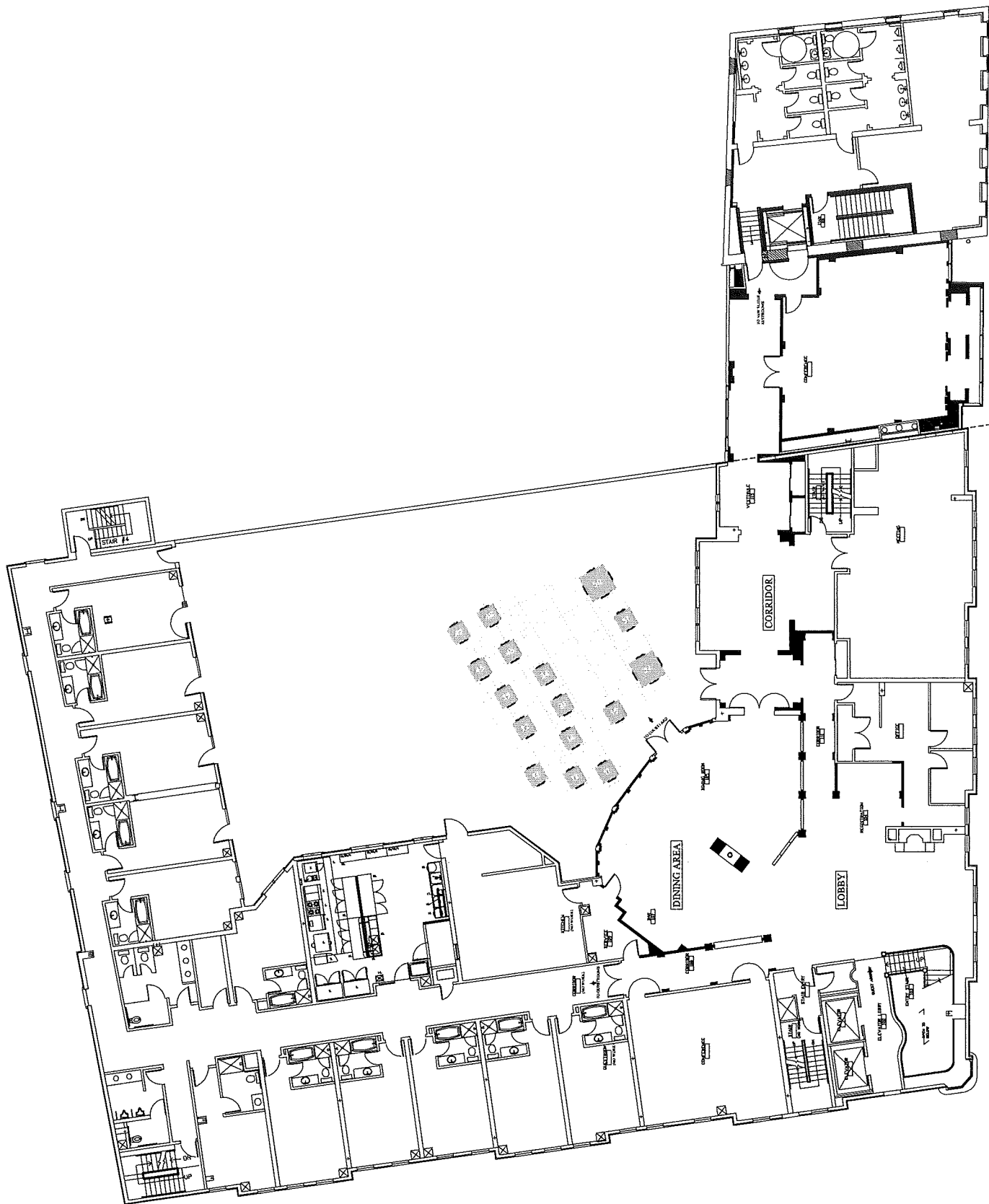
I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by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

Signature _____

LLC
 Title Manager Date 6/24/21

For Administrative Use Only

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



change of ownership
(more than 10%)



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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): Portland Harbor Hotel Associates LLC	Business Name (D/B/A): Portland Harbor Hotel
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 486 Fore Street, Portland, ME 04101
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: ereardon@xsshoteles.com
Telephone # Fax #:	Business Telephone # Fax #: 207-775-9090
Federal Tax Identification Number: 01-0543889	Maine Seller Certificate # or Sales Tax #: 1064221
Retail Beverage Alcohol Dealers Permit:	Website address:

1. New license or renewal of existing license? ☐ New Expected Start date: _____

☒ Renewal Expiration Date: 07/11/2021

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: \$ 242,000.00 Beer, Wine or Spirits: \$ 208,284.00 Guest Rooms: \$ 101.00

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

☐ Restaurant
(Class I, II, III, IV)

☐ Class A Restaurant/Lounge
(Class XI)

☐ Class A Lounge
(Class X)

☒ Hotel
(Class I, II, III, IV)

☒ Hotel – Food Optional
(Class I-A)

☐ Bed & Breakfast
(Class V)

☐ Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV)

☐ Auxiliary

☐ Mobile Cart

☐ Tavern
(Class IV)

☐ Other: _____

☐ Qualified Caterer

☐ Self-Sponsored Events (Qualified Caterers Only)

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

468 Fore Street, Portland, ME 04101

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? ☒ Yes ☐ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address
See attached		

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Michael Strejcek	04/05/1962	
Residence address on all the above for previous 5 years		
Name	Address:	
Michael Strejcek - 74 Vesper Street Portland, ME 04101		
Name	Address:	
Name	Address:	
Name	Address:	

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☒ Yes ☒ No

If **Yes**, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If **Yes**, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If **Yes**, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☐ Yes ☒ No

17. Does the licensee/applicant(s) own the premises? ☒ Yes ☐ No

If **No**, please provide the name and address of the owner:

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: 101.00

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

101 room hotel, 4 floors, 74 seat restaurant, 12 seat bar and outdoor courtyard.

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: church

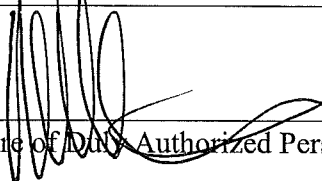
Distance: 0.50

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 05/27/2021



Signature of Duly Authorized Person

Mark Stebbins

Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☒ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

Section VI Premises Floor Plan

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

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

See Attached

OTHER MAINE LIQUOR LICENSES

License # 5167 Diamond's Edge Restaurant
1 Diamond Cove
Portland, ME 04109

License #5992 Inn at Diamond Cove
22 McKinley Court
Portland, ME 04109

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

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Portland Harbor Hotel Associates LLC
2. Doing Business As, if any: Portland Harbor Hotel
3. Date of filing with Secretary of State: 05/24/2001 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
XS Portland LLC	1359 Hooksett Rd, Hooksett, NH		Member	45.9200
Fore Street Realty LLC	470 Fore St, Portland, ME 04104		Member	54.0800
			total	100.0000

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

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

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Fore Street Realty LLC
2. Doing Business As, if any: N/A (54.08% member of Portland Harbor Hotel Associates LLC)
3. Date of filing with Secretary of State: 07/15/1997 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
See Attached				

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

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

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: XS Portland LLC
2. Doing Business As, if any: N/A (45.92% member of Portland Harbor Hotel Associates LLC)
3. Date of filing with Secretary of State: 03/16/2021 State in which you are formed: DE
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
See attached				

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

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

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: CLBS Trust LLC
2. Doing Business As, if any: N/A (25% member of XS Portland Hotel LLC)
3. Date of filing with Secretary of State: 11/27/2011 State in which you are formed: VT
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
See attached				

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

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

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: JJL Holdings LLC
2. Doing Business As, if any: N/A (25% member of XS Portland Hotel LLC)
3. Date of filing with Secretary of State: 03/05/2019 State in which you are formed: NH
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
See attached				

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

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

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Colwen Management, Inc.
2. Doing Business As, if any: N/A (25% member of XS Portland Hotel LLC)
3. Date of filing with Secretary of State: 06/07/2001 State in which you are formed: NH
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
See attached				

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

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

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Tripe C Real Estate Investments LLC
2. Doing Business As, if any: N/A (25% member of XS Portland Hotel LLC)
3. Date of filing with Secretary of State: 03/01/2016 State in which you are formed: DE
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
See attached				

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

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

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: PROCON LLC
2. Doing Business As, if any: N/A (100% member of Triple C Real Estate Investments LLC)
3. Date of filing with Secretary of State: 06/26/1973 State in which you are formed: NH
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
See attached				

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

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

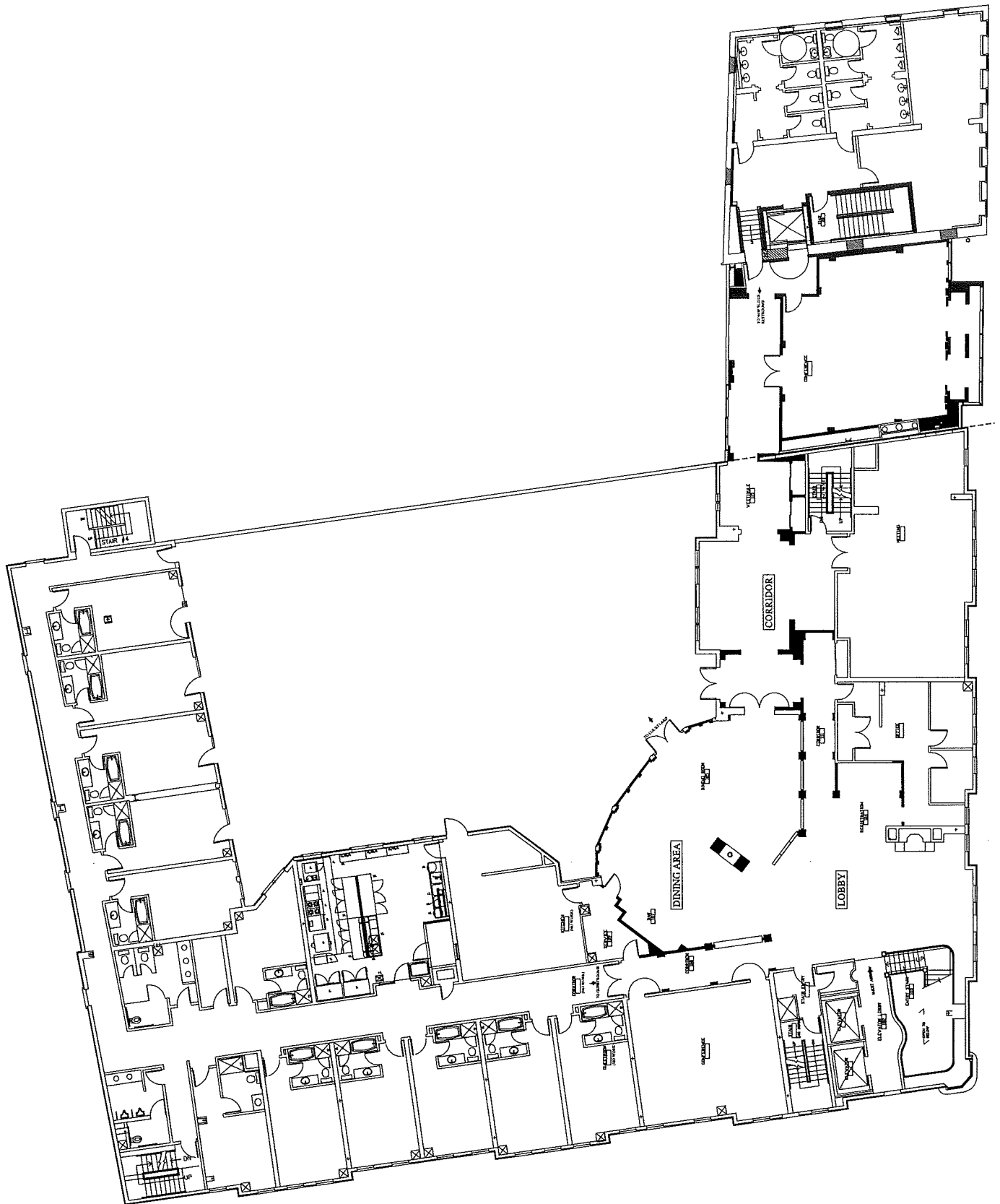
Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Stebbins Enterprises LLC
2. Doing Business As, if any: N/A (100% member of PROCON LLC)
3. Date of filing with Secretary of State: 10/26/1977 State in which you are formed: NH
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
See attached				

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





SMALL PLATES

CAESAR SALAD - 9

Chopped romaine lettuce, brioche crouton, parmesan, creamy caesar dressing

Add Chicken 8 | Shrimp 10 | Steak or Salmon 14

HOUSE SALAD - 10

Little Leaf Farms lettuce, carrots, cucumber, heirloom cherry tomato, brioche crouton

Add Chicken 8 | Shrimp 10 | Steak or Salmon 14

CRAB CAKES - 17

Fresh lump crab, arugula salad, triple citrus tarter

CALAMARI FRIES - 14

Seasoned tempura with spicy marinara

WAGYU SLIDERS - 15

Topped with Pineland Farms smoked cheddar, bacon

SHRIMP COCKTAIL - 16

Jumbo shrimp with cocktail sauce

FIVE SPICE TUNA - 19

Pan seared Chinese five spice Tuna, Asian slaw

POT STICKERS - 10

Lemongrass chicken, Asian dipping sauce

CHICKEN SKEWERS - 12

Grilled tenderloins, spicy peanut sauce

LARGE PLATES

LOBSTER ROLL - 35

Toasted roll, shredded lettuce, fresh lobster meat tossed in lemon mayo, fries

STEAK FRITES - 27

Grilled skirt steak, peppercorn demi-glace, crispy herbed frites

BLACKENED SALMON - 24

Gulf of Maine Salmon, crispy herbed fingerling potatoes, chef's choice vegetable

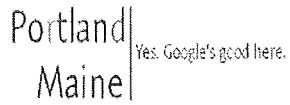
SHRIMP SCAMPI - 26

Shrimp tossed in herb garlic butter sauce, over house made pasta

Add lobster 18

DESSERTS

CHEFS SELECTION OF DAILY OFFERINGS - 8



Zachary Lenhart <zlenhart@portlandmaine.gov>

Portland Harbor Hotel

Eric Nevins <erickn@portlandmaine.gov>

Sat, Jul 3, 2021 at 4:34 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Approved

On Wed, Jun 30, 2021 at 12:30 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

Eric Nevins
Lieutenant
Portland Police Department
(207) 874-8513

Sound Mitigation Review

Applicant Micheal Strejcek

DESCRIPTION		yes	no
Sound system appropriate for the size venue		Yes	
Performance space located in an appropriate location		Yes	
Performance space facing in an appropriate direction to control sound		Yes	
Surrounding surfaces appropriate to control sound		yes	
Additional sound absorbing features		yes	
additional notes			
Approved		Yes	
DIRECT ALL INQUIRIES TO:			
Kevin Schneck			
(207) 756-8433			
kschneck@portlandmaine.gov			



CITY OF PORTLAND
Permitting and Inspections Department

June 29, 2021

Portland Harbor Hotel Associates LLC
1359 Hooksett Road
Hooksett, NH 03106

Re: Portland Harbor Hotel Associates LLC, dba Portland Harbor Hotel. Application for a Class IA Inn with Outdoor Dining on Private Property and Combined Entertainment at 468 Fore Street

Dear Portland Harbor Hotel Associates LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday July 19, 2021 at 4:00 p.m.**, for the review of application for a Class IA Inn with Outdoor Dining on Private Property and Combined Entertainment at 468 Fore Street. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on July 16, 2021.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207)874-8557 or bl@portlandmaine.gov.

Sincerely,

Zachary J. Lenhert
Licensing and Housing Safety Manager

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

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

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

**ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:**

**Portland Harbor Hotel Associates LLC, dba Portland Harbor Hotel. Application for a
Class IA Inn with Outdoor Dining on Private Property and Combined Entertainment at
468 Fore Street.**

MEMORANDUM
City Council Agenda Item

FROM: Melissa Graffam
Jeremiah Bartlett

DATE: June 15, 2021

SUBJECT: Order 7-21/22 Approving the Agreement between the Portland Area Comprehensive Transportation System, the Maine Department of Transportation and Portland re: Forest Avenue Improvements from Marginal Way to Park Avenue - 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 7/19/2021

Final Action 8/16/2021

Can action be taken at a later date: No Yes, it can.

PRESENTATION:

I. SUMMARY

City Council is being asked to approve the attached three-party agreement and authorize the City Manager to sign the agreement, which will allow the Maine Department of Transportation to begin preliminary design work along Forest Avenue from Marginal Way to Portland Street, as per the PACTS Smart Corridor Study Plan.

II. AGENDA DESCRIPTION

This order will allow the Maine Department of Transportation to begin preliminary design work along Forest Avenue from Marginal Way to Park Avenue, as per the Portland Area Comprehensive Transportation System (PACTS) Smart Corridor Study Plan. The PACTS Route 302/Route 77 corridor study (i.e. the Smart Corridor Study), completed in 2018, provided numerous recommendations for Forest Avenue from Marginal Way to Park Avenue. Most significantly, the project called for a realigned High Street, shifting access to Forest Avenue slightly southerly. A realigned Kennebec Street was also recommended, as well as numerous improvements for bicycles, pedestrians, and transit. A concept plan from the report is shown in Appendix A.

The cost to the City for the preliminary design work will be no more than \$50,000.

This item must be read on two occasions. This is its first reading, with a second reading on August 16, 2021.

III. BACKGROUND

This order will allow the Maine Department of Transportation to begin preliminary design work along Forest Avenue from Marginal Way to Portland Street, as per the Portland Area Comprehensive Transportation System (PACTS) Smart Corridor Study Plan. The PACTS Route 302/Route 77 corridor study (i.e. the Smart Corridor Study), completed in 2018, provided numerous recommendations for Forest Avenue from Marginal Way to Park Avenue. Most significantly, the project called for a realigned High Street, shifting access to Forest Avenue slightly southerly. A realigned Kennebec Street was also recommended, as well as numerous improvements for bicycles, pedestrians, and transit. A concept plan from the report is shown in Appendix A.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The goal of this work is to further the well-received outcomes of the corridor study, improve progression along Forest Avenue, create economic development opportunities in Bayside, and shift High Street father away from the Rose Garden in Deering's Oaks.

V. FINANCIAL IMPACT

The City is obligated to pay 25 percent of the preliminary engineering cost, or \$50,000. Funding will come from existing CIP accounts, \$20,000 from 3130218105, and \$30,000 from C22113.

VI. STAFF ANALYSIS AND BACKGROUND

The City has received a great many complaints about traffic, safety, and congestion in this area, which has dramatically increased up until the beginning of the pandemic, is increasing once more.

VII. RECOMMENDATION

The Department of Public Works recommends approving and signing the subject Three Party Agreement to provide a funding match to this project.

VIII. LIST ATTACHMENTS

1. Three-party MDOT, PACTS and Portland re Forest Avenue betw Marginal and Park Ave 7.19.2021
2. Forest Avenue Improvements PDR - Fiscal Impact Note
3. Smart_Corridor_Excerpt
4. _MPO_Forest_Ave_W25065-J

Prepared by:

Melissa Graffam

Jeremiah Bartlett

Date: 06/15/2021

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)

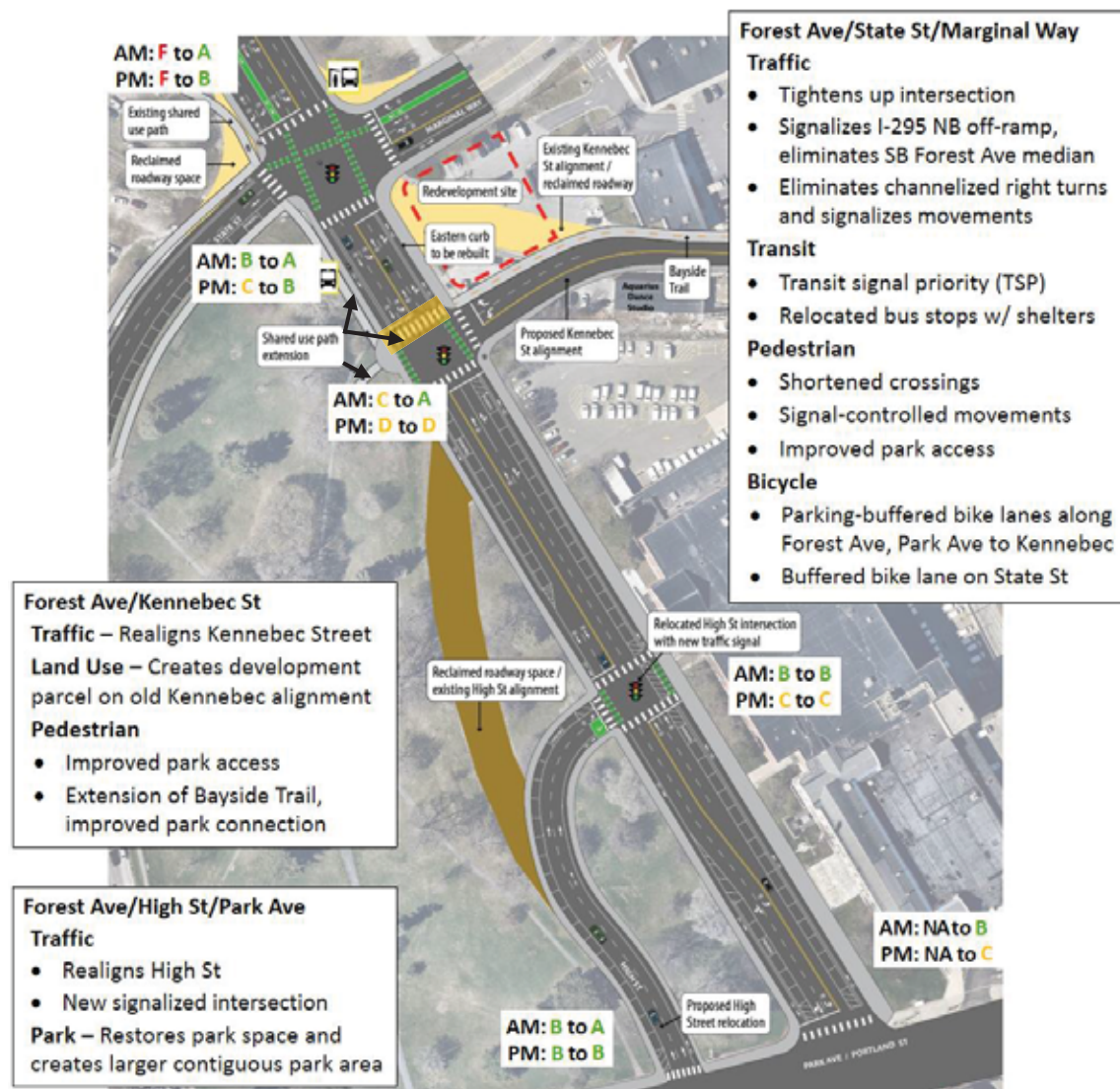
**ORDER APPROVING MODIFICATION OF THE THREE-PARTY AGREEMENT
BETWEEN THE PORTLAND AREA COMPREHENSIVE TRANSPORTATION
SYSTEM, THE MAINE DEPARTMENT OF TRANSPORTATION AND PORTLAND,
RE: FOREST AVENUE BETWEEN MARGINAL WAY AND PARK AVENUE**

ORDERED, that the three-party Municipal Partnership Initiative Program Agreement between the Maine Department of Transportation, the Portland Area Comprehensive Transportation System and the City of Portland for Forest Avenue Improvements, with WIN 025065.00, is hereby approved 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 documents and any other related documents necessary or convenient to carry out the intent of said documents and this Order.

FISCAL IMPACT NOTE New Program Cost Data:	Year 1		Year 2		Year 3	
	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
<u>Example:</u> ADD: NEW ITEM ANNUAL EXPENDITURES LESS: TOTAL NEW ITEM ANNUAL REVENUES =NEW ITEM NET TAX RATE IMPACT PROJECTION		\$1,500 \$1,500		\$3,750 \$3,750		\$3,750 \$3,750
New Program Impact to the Mil Rate	\$0.0002	\$0.0002	\$0.0005	\$0.0005	\$0.0005	\$0.0005
New Program % Impact on Mil Rate	0.0017%	0.0008%	0.0042%	0.0021%	0.0042%	0.0021%
Mil Rate Including New Program	\$11.3402	\$22.4802	\$11.3405	\$22.4805	\$11.3405	\$22.4805

Notes: The impact for \$20,000 is current and the remaining \$30,000 begins in 2022, remaining for the 20 year life of the bond.





<i>MaineDOT use only</i>	
TEDOCS #:	_____
CTM #:	_____
CSN #:	_____
PROGRAM:	<u>Bureau of Planning</u>

State of Maine
DEPARTMENT OF TRANSPORTATION
THREE-PARTY PARTNERSHIP AGREEMENT

Proposed Improvements to Forest Avenue

(Non-Monetary)

<i>MaineDOT Use Only</i>	
Project Location: <u>Portland</u>	Estimated Project Amount: <u>\$200,000.00</u>
State WIN: <u>025065.00</u>	Agreement Begin Date: _____
Federal Aid Project #: <u>2506500</u>	Agreement End Date: _____
PACTS ID#: <u>PACTS</u>	Municipality ID#: <u>PORTLAND</u>

This Cooperative Agreement (the “Agreement”) is entered into by and between the Maine Department of Transportation (MaineDOT), an agency of state government, the **City of Portland (the “Municipality”)**, a municipality in the State of Maine, and the **Portland Area Comprehensive Transportation System (PACTS)**, the designated Metropolitan Planning Organization for the Portland Urbanized Area (MaineDOT, the Municipality and PACTS are collectively referred to as the “Parties”).

RECITALS

- A.** The work that is the subject of this Agreement consists of making improvements to Forest Avenue, in Portland, Maine (the “Project”).
- B.** MaineDOT, through its partnership with Maine’s Metropolitan Planning Organizations (MPOs), is charged with managing and dispersing MPO state and federal funds to support capital improvement projects programmed by the MPOs. PACTS is MaineDOT’s MPO partner for the Portland Urbanized Area.
- C.** PACTS has selected the Project for inclusion in the 2021-2022-2023 MaineDOT Work Plan, using Federal and State capital improvement funding allocated by MaineDOT.
- D.** The Municipality has approved the Project and supports the decision by MaineDOT and PACTS to program the Project, and will contribute financially to the Project through its municipal share.

- E. The Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the programmed budget, using a process that maximizes communication and cooperation between the Parties.
- F. This Agreement is intended to cover the roles and responsibilities of the Parties during the preliminary engineering and right-of-way phases of the Project, and to establish the financial obligations of each Party through all phases of the Project.
- G. If the Parties cooperatively agree to proceed to full Project development, this Agreement will be modified to reflect any increase in Project cost estimates. MaineDOT and the Municipality will then enter into a separate municipal-state agreement to establish responsibilities of MaineDOT and the Municipality through the remaining phases of the Project (the “Municipal-State Agreement”).

AGREEMENT

NOW, THEREFORE, in accordance with the foregoing, the Parties agree as follows:

1. Appendices:

The following appendices are hereby incorporated into this Agreement:

- ☐ Appendix A -
- ☐ Appendix B - Requirements for operation and maintenance of traffic signals
- ☒ Check if no appendices attached

2. Scope of Project:

The Project shall consist of intersection reconstruction beginning at Marginal Way and extending southeast to Park Avenue (the “Scope of Work”).

The terms of this Agreement apply to the implementation of the preliminary engineering and right-of-way phases of the Project unless this Agreement is otherwise modified to include all phases of Project development, in which case the table set out in Section 3 below shall be adjusted accordingly.

3. Project Cost Sharing and Payment Schedule:

- a. **Financial Obligations:** The total estimated cost of the Project is \$200,000.00 (the “Project Estimate”). The Parties agree to share in all Project costs associated with the Project phases outlined in the table below. Each Party’s share of the Project’s actual costs associated with each phase shall be allocated as follows, unless otherwise negotiated by mutual agreement of the Parties.
 - i. **Federal Share** (provided by MaineDOT through PACTS Federal Allocation) - 75% of eligible Project costs, up to a maximum of \$150,000.00.
 - ii. **State Share** (provided by MaineDOT through PACTS State Allocation) - 0% of eligible Project costs, up to a maximum of \$0.00.

iii. **Municipality's Share** (provided by the Municipality through the Municipality's obligation of funds) - 25% of eligible Project costs, which is estimated at \$50,000.00, plus 100% of the following:

1. Any costs deemed ineligible for federal and state participation.
2. Any costs associated with additional work requested by the Municipality that is outside the Project scope of work.
3. All Project costs exceeding the Project Estimate after the above referenced Party Shares have been applied, unless otherwise agreed to in writing by the Parties through a written modification to this Agreement.

Work Phase	Estimated PACTS Federal Share		Estimated PACTS State Share		Estimated Municipality's Share		Estimated Total Cost
	%	\$	%	\$	%	\$	\$
Preliminary Engineering	75%	\$ 146,250.00	0%	\$ -	25%	\$ 48,750.00	\$ 195,000.00
Right of Way	75%	\$ 3,750.00	0%	\$ -	25%	\$ 1,250.00	\$ 5,000.00
Construction	75%	TBD	0%	\$ -	25%	TBD	TBD
Construction Engineering	75%	TBD	0%	\$ -	25%	TBD	TBD
TOTALS:		\$ 150,000.00		\$ -		\$ 50,000.00	\$ 200,000.00

b. **Payment Schedule:** The PACTS Share will be disbursed by MaineDOT in accordance with the allocations outlined above. If the Parties elect to move forward with full development of the Project as contemplated in this Agreement, the Municipal Share will be invoiced by MaineDOT in accordance with the payment schedule outlined in the Municipal-State Agreement described herein. If the Parties choose not to proceed to full Project development and no Municipal-State Agreement is executed, the Municipal share, based on the allocations outlined above, will be invoiced as promptly as practicable upon that decision having been made. Upon receipt of such invoice, the Municipality shall submit payment to MaineDOT within thirty (30) days.

4. **Project Milestones:** MaineDOT agrees to share information about the Project with the Municipality and PACTS at the following milestones, as appropriate:

- Project kickoff/initial team meeting/formal public contact;
- Horizontal/Vertical Alignment Complete (HVAC);
- Preliminary public meeting;
- Preliminary Design Report (PDR) complete;
- Formal public meeting(s);
- Plan Impacts Complete (PIC);
- Peer reviews;
- Plans, Specifications and Estimate (PS&E) complete;
- Changes in the Project schedule or Project Estimate.

5. **Project Design:**

- a. The Parties shall hold a project kickoff meeting to go over the scope of work, Project cost, and schedule for the Project before work will begin.
- b. MaineDOT shall prepare, or cause to be prepared, all plans, specifications, engineer's estimates and contract documents as appropriate for the Project using MaineDOT's standard project development process to ensure adherence to federal and state regulations (the "Preliminary Project Development Materials").
- c. As a component of preparing the Preliminary Project Development Materials, MaineDOT shall, at a minimum, be responsible for the following:
 - i. Performing all right-of-way related investigations to determine whether or not there may be a need to acquire temporary and/or permanent rights to develop the Project as well as, if applicable, all title examination, appraisal, appraisal review, negotiation and acquisition/condemnation activities for any property rights that must be acquired to accommodate the Project, and all necessary mapping services reflecting such property acquisitions.
 - ii. Coordinating with affected utilities and railroads to identify existing locations and/or implementing any relocation impacts that may be created by the development of the Project.
 - iii. Performing all necessary National Environmental Policy Act (NEPA) compliance processes for the Project.
 - iv. Performing all necessary permitting activities required in connection with the Project.
- d. MaineDOT shall be the sole administrator of the Project contract(s). MaineDOT will pay up front all Project costs, subject to cost sharing by the Municipality and PACTS as specified in the **Project Cost Sharing and Payment Schedule** set out herein. Neither MaineDOT nor its contractors will be required to pay for inspections and permits from the Municipality.
- e. After completion of the PDR, and a decision to proceed with Project construction has been made, MaineDOT and the Municipality will then execute the Municipal-State Agreement covering their obligations regarding Project advertisement, award, construction and construction engineering. Said Municipal-State Agreement will incorporate financial obligations that are consistent with those reflected in this Agreement, unless such terms are otherwise negotiated by mutual agreement of the Parties.
- f. The Municipality shall ensure that affected, municipally-owned utilities are responsive to Project demands and are completing necessary activities in accordance with the Project schedule as established and coordinated by MaineDOT. Failure to do so may result in MaineDOT delaying implementation of the Municipality's future projects until appropriate utility responsiveness is obtained.

6. Public Involvement: MaineDOT shall be responsible for implementing and leading any and all required public involvement activities and any necessary media coordination associated with the any phases of the Project covered by this Agreement. The Parties agree to participate as partners in all such actions.

7. Changes to Project Scope:

- a. MaineDOT will consult with PACTS and the Municipality before implementing any adjustments to the Project scope, and PACTS and the Municipality will, likewise, notify MaineDOT of any proposed changes they wish to implement.
- b. The Municipality may, at its election, request that changes be made or work added to the Project during the period of design that benefit the Municipality, provided that the Municipality agrees in writing to pay any additional cost associate therewith. In the event that such changes or work are approved for federal participation in the cost thereof, such additional cost may be reduced to the non-federal share (the “Additional Work Requested by Municipality”).

8. Termination:

- a. MaineDOT reserves the right to terminate the Project for any reason prior to the award of a contract to construct the Project. If MaineDOT’s termination under this clause is not directed by the Municipality and PACTS, MaineDOT shall be responsible for covering all Project costs incurred up to the time of termination.
- b. MaineDOT also reserves the right to terminate all provisions pertaining to any Additional Work Requested by Municipality at any time prior to the award of a contract to construct the Project because of any failure by the Municipality to meet any of the conditions and stipulations set forth in this Agreement.
- c. If the Municipality withdraws its financial support for the Project leading MaineDOT to terminate the Project, the Municipality shall reimburse MaineDOT fully for any and all Project costs incurred in reliance on the Municipality’s financial obligations outlined herein, including, but not limited to, reimbursement of all federal and state funds expended up to the time of such termination.
- d. This Agreement may be terminated at any time by mutual written agreement of all Parties, provided that such written agreement shall address the allocation between the Parties of any costs, expenses, penalties and/or liabilities expended, committed or imposed in connection with the Project and the Project contract as of such date of termination.
- e. In no event shall any such action taken under this subsection be deemed a breach of contract, nor shall it represent any individual Party’s waiver of claims for breach of contract or its right to any other remedy it may have pursuant to this Agreement, or at law or in equity.
- f. In the event of Project termination, all provisions of this Agreement shall become null and void except for the financial obligations set forth herein, as well as those provisions to this Agreement that by their very nature are intended to survive.

9. Miscellaneous Provisions:

- a. Amendment and Modification. This Agreement, and all attachments, may only be modified or amended in writing and signed by duly authorized representatives of the Parties.
- b. Indemnification. To the extent permitted by law, the Municipality and PACTS shall each individually indemnify, defend and hold harmless MaineDOT, its officers, agents and employees from all claims, suits or liabilities arising from the indemnifying Party's own negligent or wrongful acts, errors or omissions or by that Party's officials, employees, agents, consultants or contractors. Nothing herein shall waive any defense immunity or limitation of liability that may be available under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or any other privileges or immunities provided by law. This provision shall survive the termination or expiration of the Project.
- c. Obligation of State Funds. Anything herein to the contrary notwithstanding, the Municipality and PACTS acknowledge and agree that, although the execution of this Agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and the federal government and, therefore, this Agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
- d. Municipal Authority and Obligation of Municipal Funds. The Municipality represents that it has received all necessary approvals or authorizations by its governing authorities to approve the Project and enter into this Agreement, and that it has obligated the necessary funds to satisfy its Municipal Share of the Project Costs outlined herein.
- e. State of Maine's Rights of Set-Off. MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State of Maine's option to withhold for the purposes of set-off monies due the Municipality under a specific project contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State of Maine for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller.
- f. Assignment. No assignment of this agreement is contemplated, and in no event, shall any assignment be made without the express written permission of MaineDOT.
- g. Independent Capacity. The Municipality and PACTS, their respective employees, agents, representatives, consultants and contractors shall not act as officers, employees or agents of MaineDOT.

- h. Governing Law. This Agreement shall be construed under the laws of the State of Maine. Additionally, all activities under this Agreement shall be performed in accordance with applicable federal laws and regulations, including without limitation Title 23 in the U.S. Code (USC) for statutory law, Title 23 in the Code of Federal Regulations (CFR) for administrative law, and Title 2 CFR, Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards."
- i. Binding Effect. The Parties shall be bound by the terms of this Agreement. This provision shall apply to the Agreement's executors, their successors, administrators and legal representatives.
- j. Notice. Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and mailed via U.S. Mail, Certified or Registered, Return Receipt Requested or sent via a recognized commercial carrier such as, but not limited to Federal Express, that requires a return receipt delivered to the sending party. Alternatively, communication may be sent via email and shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving party. Said communications, requests or notices shall be sent to the other party as follows:

MaineDOT: Maine Department of Transportation
 16 State House Station
 Augusta, ME 04333-0016
 Attn.: Ernest Martin, Senior Project Manager
 Email: Ernest.Martin@maine.gov

Municipality: City of Portland
 Department of Public Works
 212 Canco Road, Suite B
 Portland, ME 04101
 Attn.: Jeremiah J. Bartlett, P.E., PTOE, Transportation
 Systems Engineer
 Email: jbartlett@portlandmaine.gov

PACTS: Portland Area Comprehensive Transportation System
 970 Baxter Boulevard, Suite 201
 Portland, ME 04103
 Attn.: Elizabeth Roberts, PE, Transportation Engineer
 Email: eroberts@gpcog.org

Each Party agrees to promptly notify all other Parties of any changes to the above referenced contact information.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective on the day and date last signed.



DocuSigned by:

EF67A54B0DDE4EB...

Date 6/7/2021

Kristina Egan, Executive Director *
Greater Portland Council of Governments
For Portland Area Comprehensive Transportation System
Duly authorized

Date _____

Jon Jennings, City Manager *
Municipality of Portland
Duly authorized

Date _____

Jennifer Brickett, Director, Bureau of Planning *
Maine Department of Transportation
Duly authorized

** I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.*

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: June 22, 2021

SUBJECT: Order 8-21/22 Accepting and Appropriating a Grant from the Maine Department of Economic and Community Development Re: Journey Maps in Multiple Languages - 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 7/19/2021

Final Action 8/16/2021

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

PRESENTATION: Mary Davis will answer questions if needed.

I. SUMMARY

City staff is recommending the City Council authorize acceptance and appropriation of a \$4,750 grant from the Maine Department of Economic and Community Development for use by the Housing and Economic Development Department Office of Economic Opportunity (OEO) to enhance Economic Development and Inclusion by creating journey maps that help vulnerable populations, including limited English proficient individuals, to navigate often confusing and complex systems to secure basic needs such as English classes, food, childcare, transportation, starting a business, and several others.

II. AGENDA DESCRIPTION

The Housing & Economic Development Department is requesting the City Council accept and appropriate a \$4,750 grant from the Maine Department of Economic and Community Development (MDECD) for use by the Office of Economic Opportunity (OEO) to enhance Economic Development and Inclusion by creating journey maps that help vulnerable populations, including limited English proficient individuals, to navigate often confusing and complex systems to secure basic needs such as English classes, food, childcare, transportation, starting a business, and several others.

A journey map is a visualization of the process that a person goes through in order to accomplish a goal; its purpose is to help communicate otherwise complex processes and systems. This grant will allow OEO to continue to create more journey maps and absorb the translation costs associated with this impactful initiative.

This item must be read on two separate days. This is its first reading, with a second reading on August 16, 2021.

III. BACKGROUND

MDECD launched a time-limited mini-grant program supporting the “Attract New Talent Strategy” in its 10-Year Statewide Strategic Plan, focusing on two elements: (1) the “Welcome Home” concept of providing a marketing focus and associated resources for families and skilled workers moving to Maine; and, (2) promoting quality of place.

OEO learned of this grant opportunity and applied to expand journey maps that will help vulnerable populations, including limited English proficient individuals, to navigate often confusing and complex systems to secure basic needs, as well as for employment and starting a business.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result is to assist the City in funding and expanding OEO's journey map initiative to expand these maps for vulnerable populations, including limited English proficient individuals.

V. FINANCIAL IMPACT

None.

VI. STAFF ANALYSIS AND BACKGROUND

See above.

VII. RECOMMENDATION

Staff recommends the City Council approve the requested actions.

VIII. LIST ATTACHMENTS

1. Order Accept and Appropriate \$4.75K Maine Eco and Comm Dev 6.7.2021
2. Notice of Award from MDECD

Prepared by:

Mary Davis, Division Director

Date: 06/22/2021

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 \$4,750 GRANT
FROM MAINE OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT**

ORDERED, that a grant in the amount of \$4,750 from the Maine Office of Economic and Community Development is hereby accepted and that amount appropriated to the City of Portland Office of Economic Opportunity; and

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



Lori Paulette <ljn@portlandmaine.gov>

Fwd: Talent Attraction Mini-Grant Award Notification

Julia Trujillo <jtrujillo@portlandmaine.gov>
To: Lori Paulette <ljn@portlandmaine.gov>

Fri, May 7, 2021 at 1:52 PM

----- Forwarded message -----

From: **DECD, BizAwards** <BizAwards.DECD@maine.gov>
Date: Fri, May 7, 2021 at 1:14 PM
Subject: Talent Attraction Mini-Grant Award Notification
To: Julia Trujillo <jtrujillo@portlandmaine.gov>

May 7, 2021

City of Portland's Office of Economic Opportunity

[389 Congress Street, Room 26](#)

[Portland, ME 04101](#)

Dear Julia,

Congratulations! Maine's Department of Economic & Community Development (DECD) is pleased to inform you that your application on behalf of Portland's Office of Economic Opportunity (OEO) for a Talent Attraction Mini-Grant has been approved in the amount of **\$4,750**. Upon review of OEO's three proposals, we have selected the Journey Maps initiative for funding, as we have determined it fills a unique, unmet need in comparison to other proposals.

On the attached invoice template, we have outlined the agreed upon scope of work to be supported by this funding, including a commitment by your organization to submit a Final Report on your activities and results to DECD by **April 30, 2022**. Any guidance on best practices to scale the Journey Maps framework to Maine's rural communities would also be great to include in your final report.

In order to proceed, please add the following details to the attached invoice template:

- Your organization's letterhead
- Your organization's Maine State vendor code
- Your organization's name and address
- The date you are submitting the invoice

Please send us your completed invoice via email to BizAwards.DECD@maine.gov no later than **Thursday, May 13, 2021**.

We are grateful for the work you are doing to make Maine a great place to live and work. Please let us know if you have any questions on next steps.

Best regards,

Maine DECD



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Julia Trujillo Luengo
Office of Economic Opportunity, Director
Housing and Economic Development Department
City of Portland, Maine
www.portlandofopportunity.com
[Facebook](#) | [Twitter](#) | [Instagram](#)
City of Portland
389 Congress St
Portland, Maine 04101
tel. [207-874-8432](tel:207-874-8432)

Learn about our new public health campaign:
[Stay the Course](#), Portland



Invoice - City of Portland Office of Economic Opportunity.docx
35K

MEMORANDUM
City Council Agenda Item

FROM: Melissa Graffam

DATE: July 6, 2021

SUBJECT: Order 9-21/22 Approving the Maine Department of Transportation and City of Portland Agreement Re: Franklin Street and Marginal Way - 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 7/19/2021

Final Action 8/16/2021

Can action be taken at a later date: No Yes, it can be.

PRESENTATION: N/A

I. SUMMARY

City Council is being asked to approve the attached two-party agreement and authorize the City Manager to sign the agreement, which will allow the City of Portland to begin design work on this locally administered project, which will result in new signal equipment at the intersection of Franklin Street and Marginal Way.

II. AGENDA DESCRIPTION

This item approves improvements to the busy intersection of Franklin Street and Marginal Way, with related updates administered by the City, paid for by the Maine Department of Transportation (MaineDOT), including updated and secure signal equipment, in keeping with current City design requirements for the peninsula, and new mast arms, painted black. The City is required to pay zero percent toward this project unless the outcomes exceed the \$360,000 budgeted for the work. As such, no fiscal impact note has been prepared.

This item must be read on two separate days. This is its first reading, with a second reading on August 16, 2021.

III. BACKGROUND

The intersection of Franklin Street and Marginal Way is a key entry point to the City, and has one of the highest traffic volumes in Portland. However, the current condition of much of the signal equipment, consisting of old signal heads on span wire affixed to deteriorating wooden poles, is in significant need of updates. A location map is provided in the Attachments.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The goal of this work is to provide updated and secure signal equipment, in keeping with current City design requirements for the peninsula, and will consist of new mast arms, painted black.

V. FINANCIAL IMPACT

This project, while administered by the City, will be entirely funded by state and federal sources. The City is required to pay zero percent toward this project unless the outcomes exceed the \$360,000 budgeted for the work. As such, no fiscal impact note has been prepared.

VI. STAFF ANALYSIS AND BACKGROUND

DPW has had to provide some stopgap improvements here to shore up aging wooden poles, so this is a significant and needed improvement to this high-visibility intersection.

VII. RECOMMENDATION

The Department of Public Works recommends approving and signing the subject Two Party Agreement to provide a funding match to this project.

VIII. LIST ATTACHMENTS

1. Order Approving Agreement with MaineDOT and Portland Re Franklin Street and Marginal Way 7.19.2021
2. Franklin-Marginal Draft for Portland Approval
3. Franklin at Marginal Signal - Site Location Map

Prepared by:

Melissa Graffam

Date: 07/06/2021

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 APPROVING THE AGREEMENT BETWEEN THE MAINE
DEPARTMENT OF TRANSPORTATION AND THE CITY OF PORTLAND
RE: FRANKLIN STREET AND MARGINAL WAY**

ORDERED, that the Municipal/State Agreement between the Maine Department of Transportation and the City of Portland for traffic improvements on Franklin Street and Marginal Way with Work Identification Number 025089.00, is hereby approved 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 documents and any other related documents necessary or convenient to carry out the intent of said documents and this Order.



MaineDOT use only

AMS ID: _____

CSN: _____

PROGRAM: Multimodal Program

MAINE DEPARTMENT OF TRANSPORTATION
Agreement for a Federally Funded Locally Administered Project

With the
City of Portland
Regarding
Improvements to the Intersection of Franklin Street and Marginal Way

For MaineDOT Use Only - Payable

Agreement Amount: <u>\$360,000.00</u>	Federal Authorization Date: <u>06/10/2021</u>
Federal Share: <u>\$324,000.00</u>	Federal Project #: <u>2508900</u>
State Share: <u>\$36,000.00</u>	MaineDOT WIN: <u>025089.00</u>
Local Share: <u>\$0.00</u>	Municipality's Vendor ID: <u>VC1000073476</u>
Effective Date: _____	Municipality's DUNS #: <u>07-174-7802</u>
Expiration Date: <u>12/31/2026</u>	CFDA #: <u>20.205 Highway Planning and Construction</u>

This subaward agreement (the **Agreement**) for a federal-aid project is entered into by the State of Maine Department of Transportation (**MaineDOT**) with its headquarters at 24 Child St., Augusta, Maine, and the City of Portland (the **Municipality**) with its principal administrative offices at 389 Congress St., Portland, Maine, which jointly shall be referred to as the **Parties**.

RECITALS

- A. This Agreement shall apply to traffic signal replacements and ADA compliance upgrades at the intersection of Franklin Street and Marginal Way (the **Project**); and
- B. The Municipality was awarded federal funding from MaineDOT's traffic safety program for the Project to be placed in the MaineDOT Work Plan for calendar years 2021-2023; and
- C. The Municipality, unless otherwise specified in this Agreement, shall carry out all stages of the Project as a Locally Administered Project (LAP), subject to oversight from MaineDOT in accordance with Title 23 USC §106(g) to ensure that all requirements of this Agreement are met.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing statements, the Parties agree to the following:

APPENDICES

- ☒ Federal Funding Accountability and Transparency Act Form (signature required);
- ☒ Federal Title VI Assurances (signature required).
- ☒ Requirements for operation and maintenance of traffic signals.

ROLES AND RESPONSIBILITIES

1. ROLE OF MUNICIPALITY. The Municipality shall assign a full-time employee with appropriate qualifications and Local Project Administration (LPA) certification from MaineDOT to be responsible for the Project. This local project administrator shall abide by the latest edition of MaineDOT's Local Project Administration Manual & Resource Guide (LPA Manual). If this certified administrator ceases to oversee the Project, the Municipality shall notify MaineDOT.
 - ☐ Local Project Administrator: Jeremiah Bartlett, Transportation Systems Engineer
Email: jbartlett@portlandmaine.gov
Phone: 207-874-8891
2. ROLE OF MAINEDOT. MaineDOT will assign a Project Manager to carry out the State of Maine's responsibilities. The Project Manager or designee will have the authority to request design changes to meet applicable laws, regulations and design standards; accept and reject invoices; inspect construction activities; and take all other action to assure the proper performance of this Agreement.
 - ☐ Project Manager: Jerry Dostie, Multimodal Program
Email: Gerald.P.Dostie@maine.gov
Phone: 207-624-3457

FINANCIAL OBLIGATIONS

1. AUTHORIZATION. The Municipality shall not begin reimbursable work on the Project until MaineDOT executes this Agreement and gives the Municipality written notice to proceed.
2. PROJECT COST. The estimated cost of the Project is **\$360,000.00** (Project Cost), as set out below.
 - A. FEDERAL SHARE. MaineDOT will contribute federal-aid funding to the Project from the Federal Highway Administration (FHWA) at the rate of 90 percent, up to **\$324,000.00**.
 - B. STATE SHARE. MaineDOT will contribute state funds to the Project at the rate of 10 percent, up to **\$36,000.00**.
 - C. LOCAL SHARE. There shall be no local matching share for the Project. The Municipality, however, shall be responsible for the following items, as applicable:
 - i. All costs exceeding \$360,000.00, unless otherwise agreed upon by the Parties through an executed modification to this Agreement;
 - ii. All costs incurred before the effective date of this Agreement; and
 - iii. All costs that MaineDOT or the FHWA deem ineligible for federal participation.
3. FINANCIAL UPDATES. MaineDOT's Project Manager will review the estimated Project Cost with the Municipality at Plan Impacts Complete and at final Plans, Specifications & Estimate (PS&E).
4. LOCAL COMMITMENT. Upon receiving an updated estimate from MaineDOT, the Municipality shall provide MaineDOT's Project Manager with one of the following:
 - A. A statement acknowledging the estimate and affirming its commitment to the Project; or
 - B. A request to withdraw the Project and reimburse MaineDOT for all costs incurred.

5. **REIMBURSEMENT.** The Municipality shall submit to MaineDOT progress invoices, modeled after *Letter 4* from the LPA Manual, for reimbursement of participating costs incurred, as follows:
 - A. Each invoice shall include a progress report for the service period of the invoice.
 - B. Each invoice shall include enough backup to satisfy the MaineDOT Project Manager.
 - C. Each invoice shall show MaineDOT's and the Municipality's portions of Project costs, including a running total of costs invoiced to date.
 - D. The Municipality must certify that amounts claimed are correct and not claimed previously.
 - E. If the Municipality fails to submit invoices at least every **six months**, MaineDOT may hold the Municipality in default, as defined in the "Default and Termination" section of this Agreement.
 - F. Upon completion of the Project and payment in full of all contracted parties, the Municipality shall submit to MaineDOT a final invoice modeled after *Letter 20* from the LPA Manual. Payment of the invoice shall be contingent on a passing inspection of the Project by MaineDOT and receipt by MaineDOT of a completed Consultant Evaluation from the Municipality.
6. **TERM.** The Municipality shall complete the Project and submit a final invoice to MaineDOT by the Expiration Date at the top of this Agreement. The Municipality shall submit any request for an extension to MaineDOT in writing before this Expiration Date.
7. **MAINEDOT COSTS.** MaineDOT will charge to the Project costs incurred for services performed on the Project. The Municipality shall share in these costs commensurate with its share percentage of the Project. At a minimum, MaineDOT will reconcile these costs upon completion of the Project and deduct the Municipality's share percentage from the final invoice payment under section 5F above.
8. **REPAYMENT.** If the Municipality withdraws from the Project, the Municipality shall refund all progress payments from MaineDOT and reimburse MaineDOT for all costs incurred on the Project, within 30 days of receipt of an invoice from MaineDOT for the same.
9. **SET-OFF RIGHTS.** MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but shall not be limited to, the State of Maine's option to withhold for the purposes of set-off any money due to the Municipality under a specific project contract up to any amounts owed to MaineDOT regarding this Agreement, and any other agreement/contract with any state department or agency, including any agreement/contract for a term commencing before the term of this Agreement. MaineDOT shall exercise its set-off rights in accordance with standard state practices including, in cases of set-off pursuant to an audit, the finalization of the audit. *MaineDOT reserves the right to withhold or reduce Local Road Assistance payments to the Municipality for purposes of set-off to recover any amount owed.*

PROJECT DEVELOPMENT

1. **KICKOFF.** The Parties shall hold a Project Kickoff meeting upon execution of this Agreement.
2. **PROGRESS UPDATES.** The Municipality shall provide MaineDOT with written progress updates upon request. If the Municipality fails to respond to repeated requests to provide such updates, MaineDOT reserves the right to declare the Municipality to be in default of this Agreement, as defined in the "Default and Termination" section of this Agreement.

3. HIRING CONSULTANTS. If the Municipality intends to hire a consultant using funds from MaineDOT, the Municipality shall use a qualifications-based selection in accordance with 23 CFR part 172 and Chapter 2 of the LPA Manual, "Hiring Consultants," as set out below.
 - A. Using price as a ranking factor shall make consultant work ineligible for reimbursement.
 - B. The Municipality shall obtain MaineDOT's written approval of any contract or contract modification. Work performed without such approval shall be ineligible for reimbursement.
 - C. Applicable provisions of MaineDOT's Consultant General Conditions shall govern such work.
 - D. The Municipality shall fill out a standard Consultant Evaluation Form upon completion of its contract with any consultant. A copy of the completed form shall be provided to MaineDOT.
4. SURVEY. MaineDOT will perform survey work on the state highway system that is necessary to develop an Existing Conditions Plan, including property delineation and determination of existing right of way.
5. RIGHT-OF-WAY. The Parties will coordinate acquisition of rights-of-way, as follows:
 - A. MaineDOT will lead the right-of-way process when the Project is on the state highway system.
 - B. The Municipality shall lead the right-of-way process when the Project is off the state highway system. In carrying out the right-of-way process, the Municipality shall:
 - i. Contract with an appraiser and a review appraiser listed on MaineDOT's Appraisal Register or otherwise approved by MaineDOT as qualified to perform the work;
 - ii. Abide by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (the Uniform Act);
 - iii. Follow the standards set out in the MaineDOT *Right of Way Manual*; and
 - iv. Provide MaineDOT with a certification modeled after *Letter 14* from the LPA Manual.
 - C. MaineDOT will participate in eligible right-of-way costs up to the official Determination of Just Compensation. MaineDOT's participation in any administrative settlement amount exceeding the Determination of Just Compensation amount shall require MaineDOT's approval. If applicable, the Municipality shall be responsible for all court costs associated with appeals of unsettled parcels to Superior Court.
 - D. When a Project is located both on and off the state highway system:
 - i. The Parties shall have one certified appraiser complete the appraisals for all parcels.
 - ii. MaineDOT will acquire the necessary rights located on the state highway system.
 - iii. The Municipality shall acquire the necessary rights located off the highway state system.
 - iv. Negotiations with property owners will be conducted by MaineDOT and, when applicable, the Municipality's officials.
 - E. The Municipality shall dedicate to the Project any municipal property needed for the Project for public use into perpetuity.
6. DESIGN. The Municipality, in coordination with its contracted consultant if applicable, shall be responsible for preparing all design plans, specifications, estimates and contract documents for the Project, in accordance with all applicable engineering standards, laws and regulatory requirements.

- A. The Municipality shall submit the following to MaineDOT for review and comment:
- i. Preliminary design report;
 - ii. Design plan impacts (if acquisition of rights-of-way will be required); and
 - iii. Final plans, specifications and estimate package (PS&E).
- B. The bid documents for the Project shall reference MaineDOT's *Standard Specifications* and contain all applicable special provisions and federal requirements, as set out in Chapter 7 of the LPA Manual, "Final PS&E Package."
- C. Electronic design files provided for the use of MaineDOT staff shall conform to MaineDOT's policy on electronic exchange of CADD data: <http://www.maine.gov/mdot/caddsupport/>
- D. MaineDOT will enforce all laws, regulations, engineering standards and specifications that apply to the Project and will require changes if they are not met.
- E. MaineDOT will give the Municipality written construction authorization once MaineDOT accepts the final PS&E package as complete. Receipt of such authorization shall not relieve the Municipality and its consultant, if applicable, of responsibility for meeting all engineering standards and regulatory requirements that apply to the Project.
7. PUBLIC PARTICIPATION. The Municipality shall hold a public participation process for the Project that is appropriate for the scope of work and acceptable to MaineDOT's Project Manager. The Municipality shall provide MaineDOT with a public process certification that is modeled after *Letter 10* from the LPA Manual, as part of the Project's environmental package.
8. NEPA PROCESS. MaineDOT will lead the National Environmental Policy Act (NEPA) compliance process for the Project. The Municipality shall provide MaineDOT with signed *Letter 11* from the LPA Manual and the completed NEPA Documentation Checklist to assist with this work.
9. PERMITS. Upon obtaining all approvals, permits and licenses for the Project, the Municipality shall provide MaineDOT with a signed environmental certification modeled after *Letter 12* from the LPA Manual, as part of the final PS&E package for the Project.
10. UTILITY COORDINATION. The Municipality shall identify all utilities affected by the Project and coordinate all required facility relocations. Upon completion of utility coordination, the Municipality shall provide MaineDOT with a utility certification modeled after *Communication 13* from the LPA Manual, as part of the final PS&E package for the Project.
11. FORCE ACCOUNT. If the Municipality intends to construct the Project with municipal labor or materials, it shall obtain written authorization from MaineDOT to use a force-account process.
12. HIRING A CONSTRUCTION CONTRACTOR. Unless MaineDOT approves otherwise in writing, the Municipality shall use competitive bidding to hire a construction contractor upon receiving written authorization from MaineDOT. The bid process shall follow the procedures in the latest edition of MaineDOT's *Standard Specifications*, Section 102, "Bidding." *Advertising without authorization from MaineDOT shall make the Project ineligible for federal funding.*

13. CONSTRUCTION CONTRACT AWARD. Upon receiving written approval from MaineDOT, the Municipality shall award a contract to the lowest responsive and responsible bidder in accordance with the latest edition of MaineDOT's *Standard Specifications*, Section 103, "Award and Contracting." The Municipality shall administer the contract for the duration of the Project.
14. CONSTRUCTION ADMINISTRATION. During construction, the Municipality shall:
- A. Hold a pre-construction meeting with notice of at least 5 working days with representatives of MaineDOT, the contractor, utilities and other parties involved in or affected by the work.
 - B. Provide a Project Resident to document and inspect the work who is either a qualified municipal employee or a consultant hired through a qualifications-based selection method.
 - C. Provide a paving inspector and concrete technician with appropriate certifications to be on site for paving operations and concrete placements, as applicable.
 - D. Coordinate materials testing necessary to comply with the Minimum Testing Requirements that MaineDOT establishes for the Project, as follows:
 - i. An independent, accredited laboratory shall be used to test all aggregates;
 - ii. Concrete and hot-mix asphalt pavement shall be tested at the closest MaineDOT lab.
 - E. Submit proposed contract modifications to MaineDOT for review and concurrence. MaineDOT reserves the right to deny reimbursement to the Municipality for work performed under a modification executed without MaineDOT's concurrence.
 - F. Provide MaineDOT with revised as-built plans for the completed Project, if applicable.
15. FINAL INSPECTION. MaineDOT will inspect the completed Project for compliance with the design plans, specifications and provisions of the construction contract. MaineDOT reserves the right not to reimburse the Municipality for work determined to be out of such compliance.

MAINTENANCE

1. Any other provision of this Agreement to the contrary notwithstanding, the Municipality shall have maintenance responsibility for any portion of the Project inside an Urban Compact Area, in accordance with Maine law: Title 23 MRSA, §754, "Town maintenance in compact areas."
2. The Municipality shall maintain any sidewalk completed as part of the Project for the duration of its useful design life, as determined by generally accepted engineering standards. Maintenance shall consist of general upkeep and repairs necessary to preserve year-round public access, including for persons with disabilities, with only isolated or temporary interruptions in accessibility. This maintenance obligation shall include reasonable snow removal efforts, in accordance with the requirements of 23 USC §116 and 28 CFR §35.133.
3. The Municipality shall operate and maintain traffic signals installed on the Project under the terms of the appendix labeled, "Operation and Maintenance of Traffic Signals."
4. *This Maintenance section shall survive the expiration of this Agreement.*

PROJECT RECORDS

1. PROJECT RECORDS. Project Records, whether printed or electronic, shall include all plans, specifications, contracts, reports, notes, or other documents prepared by or for the Municipality (Project Records). The Municipality shall retain all Project Records for at least **3 years** from the date of MaineDOT's acceptance of the final invoice for the Project or the termination of this Agreement, whichever is sooner. If any litigation, claim, negotiation or audit has begun before the end of this retention period, all Project Records shall be kept at least until all related issues are resolved.
2. ACCESS. The Municipality and any contracted party working on its behalf shall allow representatives of the Federal Government and the State of Maine to inspect and audit Project Records. Copies shall be furnished at no cost to the federal or state agencies requesting them.
3. AUDITS. Project audits comply with Title 2 of the Code of Federal Regulations, Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards."
4. *This section shall survive the termination or expiration of this Agreement.*

GENERAL PROVISIONS

1. GOVERNING LAW. The Parties shall comply with applicable federal, state and local laws, regulations, executive orders and ordinances including, but not limited to, the provisions of Title 23 of the Maine Revised Statutes Annotated (MRSA), Title 23 in the United States Code for statutory law, and Title 23 in the Code of Federal Regulations (CFR) for administrative law.
2. INDEMNIFICATION. To the extent allowed by law, the Municipality shall indemnify, defend and hold harmless MaineDOT, its officers, agents and employees from all claims, suits or liabilities arising from any negligent or wrongful act, error or omission by the Municipality, its officers, employees, agents, consultants or contractors. Nothing herein shall waive any defense, immunity or limitation of liability available under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or other privileges or immunities provided by law. *This section shall survive the termination or expiration of this Agreement.*
3. CONFIDENTIALITY. The Municipality shall protect the confidentiality of right-of-way negotiations, property appraisals, and engineering estimates of the construction cost to the extent required by 23 M.R.S. §63, "Confidentiality of Records."
4. EQUAL EMPLOYMENT OPPORTUNITY. During the performance of this Agreement:
 - A. The Municipality shall not discriminate against any employee or applicant for employment relating to this Agreement because of race, color, religious creed, sex, national origin, ancestry, age, physical or mental disability, or sexual orientation, unless related to an actual occupational qualification. The Municipality shall take affirmative action to assure that applicants are employed, and that employees are treated during their employment, without regard to their race, color, religion, sex, age, national origin, physical or mental disability, or sexual orientation. The Municipality agrees to post in conspicuous places available to employees and applicants for employment notices setting forth the provisions of this section.
 - B. The Municipality – in all solicitations or advertising for employees placed by or on behalf of the Municipality relating to this Agreement – shall state that all qualified applicants shall

receive consideration for employment without regard to race, color, religious creed, sex, national origin, ancestry, age, physical or mental disability, or sexual orientation.

C. The Municipality shall cause the foregoing provisions to be inserted into any contract for work covered by this Agreement so that such provisions shall be binding upon each contractor, except for contracts or subcontracts for standard commercial supplies or raw materials.

5. **INDEPENDENT CAPACITY**. The Municipality, its employees, agents, representatives, consultants and contractors shall not act as officers, employees or agents of MaineDOT.
6. **FLOW DOWN**. Contracts between the Municipality and all third parties shall contain or incorporate by reference applicable provisions of this Agreement.
7. **BINDING EFFECT**. The Parties shall be bound by the terms of this Agreement, which shall apply to its executors, their successors, administrators and legal representatives.
8. **ENTIRE AGREEMENT**. This document represents the entire Agreement between the Parties. Neither MaineDOT nor the Municipality shall be bound by any statement, correspondence, agreement or representation not expressly contained in this Agreement.

CONFLICTS OF INTEREST

1. No officer, employee or agent of the Municipality with a financial or other personal interest in any contract or subcontract for the Project shall participate in the selection, award or administration of any such contract or subcontract.
2. No professional performing services for the Municipality on the Project shall have a financial or other personal interest in any contract or subcontract for the Project, other than the person's employment or retention by the Municipality. No officer or employee of any professional performing services for the Municipality on the Project shall have a financial or other personal interest in real property acquired for the Project, unless the interest is openly disclosed, and such officer or employee has not participated in acquisition for and on behalf of the Municipality.
3. No person or entity entering into a contract for services for the Project shall have a financial or other interest in the Project or in its outcome, other than the performance of the contract. This prohibition covers the following:
 - A. Any agreement with, or other interest involving, third parties having an interest in the outcome of the Project that is the subject to the contract; and
 - B. Any agreement providing incentives or guarantees of future work on the Project or related matters; and
 - C. Any interest in real property acquired for the Project unless such real property interest is disclosed before the person or entity enters into the contract.

THIRD-PARTY CERTIFICATION

By signing this Agreement, the Municipality certifies that if it contracts with an entity, the Municipality shall require that entity and its principles to certify that they:

1. Have not within the 3 years preceding the date of such a contract been convicted of a crime or had a civil judgment rendered against them regarding obtaining, attempting to obtain, or performing a

federal, state or local public transaction or contract under a public transaction; violation of antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

2. Are not indicted for or otherwise criminally or civilly changed by a federal, state or local governmental entity with commission of any of the offenses enumerated in this section; and
3. Have not within a 3-year period preceding this Agreement had one or more federal, state or local public transactions terminated for cause or default.

DEBARMENT

1. By signing this Agreement, the Municipality certifies to the best of its knowledge and belief that it and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by any federal department or agency. If the Municipality cannot certify to this statement, it shall attach an explanation to this Agreement. For the term of this Agreement, the Municipality shall notify MaineDOT promptly if it or its principals are debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by any federal department or agency.
2. The Municipality agrees that it shall not hire a consultant or contractor who is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency.

LOBBYING

By signing this Agreement, the undersigned municipal representative certifies that:

1. No federal funds have been paid or will be paid, by or on behalf of the Municipality, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, concerning the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
2. If any funds other than federal funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress concerning this federal contract, grant, loan, or cooperative agreement, the Municipality shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The Municipality shall require the language of this certification to be included in the award documents for all sub-awards and that all sub-recipients shall certify and disclose accordingly.

DEFAULT AND TERMINATION

1. DEFAULT. MaineDOT reserves the right to send the Municipality a written Notice of Default if the Municipality commits any of the following:
 - A. Withdraws its support for the Project, resulting in cancellation of the Project;
 - B. Does not respond to repeated requests for progress updates from MaineDOT;

- C. Fails to put the project out to bid within 3 years of the execution date of this Agreement without receiving an extension in writing from MaineDOT;
 - D. Takes any action that makes the Project ineligible for federal funding;
 - E. Uses Project funds for a purpose not authorized by this Agreement;
 - F. Misrepresents or falsifies any claim for reimbursement;
 - G. Fails to meet the standards of performance outlined in this Agreement.
2. **TERMINATION FOR CAUSE.** MaineDOT will have just cause to terminate this Agreement in the event of default by the Municipality, as defined above. MaineDOT will afford the Municipality a cure period of 14 calendar days, effective on the Municipality's receipt of Notice of Default. If the Municipality fails to address all defaults within this cure period or any longer period as MaineDOT may authorize, MaineDOT may terminate this Agreement for cause, with these conditions:
- A. MaineDOT will recover from the Municipality all reimbursements and MaineDOT's internal costs for work on the terminated Project.
 - B. The Municipality shall forfeit all federal funds remaining in the terminated Project.
3. **TERMINATION FOR CONVENIENCE.** The Parties may terminate this Agreement for convenience by mutual consent for any reason not defined as "default." MaineDOT, at its sole discretion, may reimburse the Municipality for eligible work performed on the Project until the effective termination date. The Municipality's share of MaineDOT's internal costs for work on the Project shall be deducted from the final invoice amount owed to the Municipality.

AGREEMENT APPROVAL

The Municipality's undersigned representative assures that the Municipality's legislative body has approved the Municipality's entry into this Agreement, has appropriated or authorized use of required matching funds, and has authorized the representative to sign this Agreement.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties have executed this Agreement effective on the date last signed below.

City of Portland

By: _____
Jon P. Jennings, City Manager *

Date: _____

Maine Department of Transportation

By: _____
Richard J. Crawford, P.E., Director *
Bureau of Project Development

Date: _____

** Pursuant to 10 M.R.S.A. §9502, et seq., I certify that the foregoing electronic signature: (a) is intended to have the same force as my manual signature, (b) is unique to myself, (c) is capable of verification, (d) is under my sole control, and (e) is linked to data in such a manner that it is invalidated if the data are changed.*

Federal Funding Accountability and Transparency Act

The **City of Portland** and its contractors may be subject to the provisions of the Federal Funding Accountability and Transparency Act of 2006 as amended and any regulations, policies, procedures and guidance documents adopted pursuant thereto or in connection therewith.

If the Federal portion of the Project exceeds \$25,000, an authorized representative from the Municipality shall sign this document under (B) below and return it with the Project Agreement. Additionally, the Municipality shall provide the following information, if applicable:

A) The total compensation and names of the top five officers if:

- More than 80% of the Municipality's annual gross revenues are from the U.S. Federal Government; and
- Those revenues are greater than \$25 million annually; and
- Compensation information is not already available through reporting to the U.S. Securities and Exchange Commission (SEC).

B) Legal name and DUNS® number on file with the Central Contractor Registration (CCR):

City of Portland, Maine

07-174-7802

Sign and Print Legal CCR Name

DUNS® Number

Authorized Representative: _____

Jon P. Jennings, City Manager

U.S. Department of Transportation (USDOT)

Federal Highway Administration – Standard Title VI / Nondiscrimination Assurances

DOT Order No. 1050.2A

The **City of Portland** (the Recipient) **AGREES THAT**, as a condition of receiving Federal financial assistance from the U.S. Department of Transportation (USDOT) through the Federal Highway Administration (FHWA), it is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq., 78 stat. 252), which prohibits discrimination based on race, color, national origin;
- 49 C.F.R. Part 21 (entitled Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of The Civil Rights Act of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory citations are referred to hereinafter as the "Acts" and "Regulations" respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to assure that:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity,” for which the Recipient receives Federal financial assistance from the USDOT, including the FHWA.”

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other nondiscrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted Federal-aid Highway Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (regarding an "activity facilitated, or will be (regarding a "facility operated, or will be (regarding a "program conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made regarding all Federal-Aid Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The City of Portland, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively assure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

3. **The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.**
4. If applicable, the Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. If applicable, the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement regarding any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the City of Portland also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA and USDOT access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA and USDOT. You must keep records, reports, and submit the material for review upon request to the FHWA and USDOT, or their designees, in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The City of Portland gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal and Federal financial assistance extended after the date hereof to the recipients by the USDOT under the Federal-Aid Highway Program. This ASSURANCE is binding on the State of Maine, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

City of Portland

By _____
Jon P. Jennings, City Manager

DATED _____

Encl.: Appendices A and E

APPENDIX A TO THE TITLE VI ASSURANCES

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration (FHWA)**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, regarding the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the **FHWA**, to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the **FHWA**, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the **FHWA** may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will act with respect to any subcontract or procurement as the Recipient or the **FHWA** may direct as a means of enforcing such provisions, including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

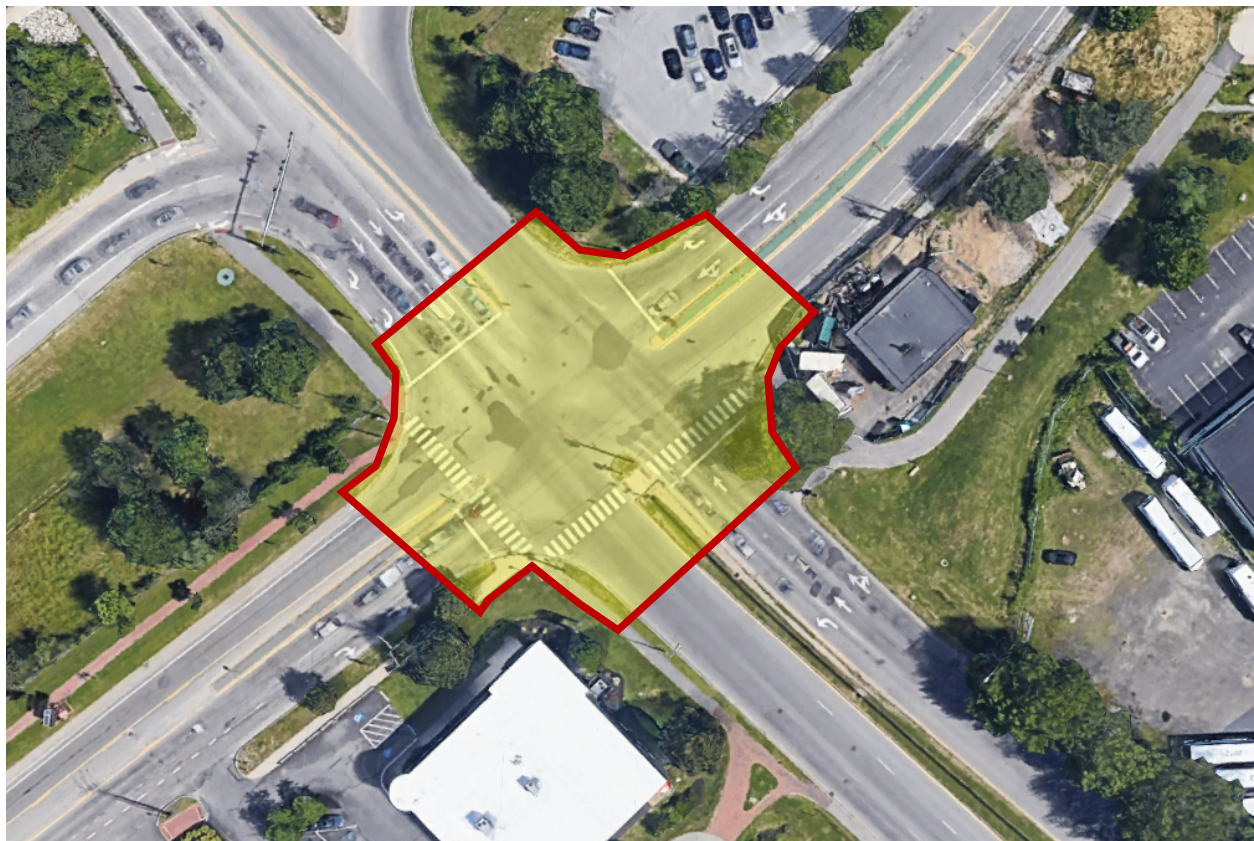
APPENDIX E TO THE TITLE VI ASSURANCES

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities, including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq., 78 stat. 252), (prohibits discrimination based on race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal programs and projects);
- Federal Highway Act of 1973, (23 U.S.C. §324 et seq.), (prohibits discrimination based on sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 et seq.), as amended, (prohibits discrimination based on disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. §6101 et seq.), (prohibits discrimination based on age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. §471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination based on disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. Parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. §47123) (prohibits discrimination based on race, color, national origin and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which assures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To assure compliance with Title VI, you must take reasonable steps to assure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating of sex in education programs or activities (20 U.S.C. 1681 et seq.).

Franklin at Marginal Signal Improvements Location Map



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 AMENDING ORDER 233-20/21
APPROVING STATE/LOCAL EPS FUNDING ALLOCATION
FOR PUBLIC EDUCATION FROM KINDERGARTEN TO GRADE 12
FOR PORTLAND PUBLIC SCHOOLS FOR FISCAL YEAR 2022**

ORDERED, that under and pursuant to the City's Fiscal Year 2021-2022 Appropriation Resolve and applicable state law the City hereby approves the following school budget article for Fiscal Year 2021-2022:

Appropriation for State/Local EPS funding Allocation: That the City appropriates the amount of ~~\$91,537,540~~ \$91,497,586 for the total cost of funding public education from kindergarten to grade 12, and raises the amount of ~~\$77,010,122~~ \$75,510,967 as the City's contribution to the total cost of funding public education from kindergarten to grade 12, both as described in the Essential Programs and Services Funding Act, in accordance with Maine Revised Statutes, Title 20-A, section 15688.

State Mandated Explanation: The City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined under state law annually to be the minimum amount that the City must raise in order to receive the full amount of state dollars.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 16, 2021

SUBJECT: Written Public Comment

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

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. Brennan Portland funding letter 7-16-21
2. Wood letter
3. Sanborn Letter
4. School budget PC

Prepared by:

Date: 07/16/2021



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: (207) 287-4469

Michael F. Brennan

49 Wellington Rd.

Portland, ME 04103

Phone: (207) 939-6462

michael.brennan@legislature.maine.gov

July 16, 2021

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

Dear Mayor Snyder and Members of the Portland City Council,

The Portland City Council will be acting soon on recommendations from the Portland Board of Education regarding funds that have been allocated to the City due to the recently passed state supplemental budget. More specifically, the City will receive an estimated additional \$6.2 million in state educational funding (the final number is still being calculated). The Council is authorized to either accept or modify the Board's recommendations.

At this point, the Board is recommending the funds be dedicated for three purposes: to reduce the property tax increase for this year's school budget, to cover maintenance costs, and to address debt service obligations. Over half of the funds would be set aside for debt service.

While I appreciate the recommendations of the Board of Education, I hope the Council will, instead, vote to use a majority of the funds to reduce property taxes in the City.

For over twenty years, there have been repeated efforts to increase the state funding for public education to 55%, and the newly-passed state biennial budget has attained this goal. By achieving this level of funding, it was expected and, at times promised, that municipalities would provide significant property tax relief.

As you know, right now in Portland many residents are struggling with recent revaluations and noticeable property tax increases.

The new state budget increases not only school funding, but also municipal revenue sharing, and provides additional funding for both the Homestead Exemption and the Property Tax Fairness Credit. These efforts will help offset property tax increases, but they should also be augmented by the use of additional school funds for tax relief.

At the very least, a majority of the \$6.2 million should be used to assist Portland taxpayers during a unique and exceedingly difficult time.

District 36: Part of Portland

Finally, it should be noted the state budget also includes \$45 million for a revolving loan fund for school renovation/repair, and last year the debit limit on school construction was increased by \$25 million dollars. Resources from these initiatives are available to the City for future school construction and repair projects and, hopefully, will minimize debt service obligations.

Thank you for your time and consideration, and I would welcome the opportunity to discuss this issue in more detail if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Michael Brennan". The signature is fluid and cursive, with a large, sweeping initial "M" and a long, horizontal flourish extending to the right.

Michael Brennan
State Representative, District 36, part of Portland



Dena Libner <dlibner@portlandmaine.gov>

Letter to the Mayor and City Council from Rep. Brennan

Wood, Barb <Barb.Wood@legislature.maine.gov>

Fri, Jul 16, 2021 at 1:01 PM

Reply-To: barb.wood@legislature.maine.gov

To: "Shagoury, Dan" <Dan.Shagoury@legislature.maine.gov>

Cc: "ksnyder@portlandmaine.gov" <ksnyder@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "sthibodeau@portlandmaine.gov" <sthibodeau@portlandmaine.gov>, "tchong@portlandmaine.gov" <tchong@portlandmaine.gov>, "Azarro@portlandmaine.gov" <Azarro@portlandmaine.gov>, "mdion@portlandmaine.gov" <mdion@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "afournier@portlandmaine.gov" <afournier@portlandmaine.gov>, "council@portlandmaine.gov" <council@portlandmaine.gov>, "citymanager@portlandmaine.gov" <citymanager@portlandmaine.gov>, "Jpj@portlandmaine.gov" <Jpj@portlandmaine.gov>, "botanx@portlandschools.org" <botanx@portlandschools.org>, "mfpbrennan@gmail.com" <mfpbrennan@gmail.com>, "State Rep. Grayson Lookner" <looknerforstaterep@gmail.com>, "Sylvester, Mike" <Mike.Sylvester@legislature.maine.gov>, "TalbotRoss, Rachel" <Rachel.TalbotRoss@legislature.maine.gov>, "Zager, Sam" <Sam.Zager@legislature.maine.gov>, "Collings, Benjamin" <Benjamin.Collings@legislature.maine.gov>, "Crockett, Ed" <Ed.Crockett@legislature.maine.gov>, "Chipman, Benjamin" <Ben.Chipman@legislature.maine.gov>, "Sanborn, Heather" <Heather.Sanborn@legislature.maine.gov>

For what it's worth...I strongly support Rep. Brennan's line of thought. Funding for our children in our schools is extremely important and that is happening with the Budget that was approved this year.

Now is the time to give all the City taxpayers some relieve.

Best,
Rep. Barb Wood

Sent from my iPhone

On Jul 16, 2021, at 11:12 AM, Shagoury, Dan <Dan.Shagoury@legislature.maine.gov> wrote:

[Quoted text hidden]

<Brennan Portland funding letter 7-16-21.docx>



Dena Libner <dlibner@portlandmaine.gov>

Letter to the Mayor and City Council from Rep. Brennan

Sanborn, Heather <Heather.Sanborn@legislature.maine.gov>

Fri, Jul 16, 2021 at 2:10 PM

Reply-To: heather.sanborn@legislature.maine.gov

To: "Wood, Barb" <Barb.Wood@legislature.maine.gov>, "Shagoury, Dan" <Dan.Shagoury@legislature.maine.gov>

Cc: "ksnyder@portlandmaine.gov" <ksnyder@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>,"sthibodeau@portlandmaine.gov" <sthibodeau@portlandmaine.gov>, "tchong@portlandmaine.gov"

<tchong@portlandmaine.gov>, "Azarro@portlandmaine.gov" <Azarro@portlandmaine.gov>, "mdion@portlandmaine.gov"

<mdion@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov"

<nmm@portlandmaine.gov>, "afournier@portlandmaine.gov" <afournier@portlandmaine.gov>, "council@portlandmaine.gov"

<council@portlandmaine.gov>, "citymanager@portlandmaine.gov" <citymanager@portlandmaine.gov>,"Jpj@portlandmaine.gov" <Jpj@portlandmaine.gov>,"botanx@portlandschools.org" <botanx@portlandschools.org>,"mfpbrennan@gmail.com" <mfpbrennan@gmail.com>,"State Rep. Grayson Lookner" <looknerforstaterep@gmail.com>,"Sylvester, Mike" <Mike.Sylvester@legislature.maine.gov>,"TalbotRoss, Rachel"

<Rachel.TalbotRoss@legislature.maine.gov>, "Zager, Sam" <Sam.Zager@legislature.maine.gov>, "Collings, Benjamin"

<Benjamin.Collings@legislature.maine.gov>, "Crockett, Ed" <Ed.Crockett@legislature.maine.gov>, "Chipman, Benjamin"

<Ben.Chipman@legislature.maine.gov>

Portland and Legislative Colleagues,

I'd like to weigh in here also in support of Rep. Brennan's comments. Although my district was overall somewhat less impacted by the revaluation than other parts of the City, the individual hardships for particular property owners -- as well as the perception of hardship and narrative around it, with rent control coming into effect at the same time -- is not something that we should ignore. There are funds available to not just hold the tax burden on property tax payers even here, but to deploy some of the funds to actually reduce the overall tax burden versus last year. As our constituents struggle to digest their new valuations and the resulting tax bills, letting them know that we're deploying the funds to help them directly is the right thing to do.

As a parent of a recent PHS grad, I certainly understand the backlog of maintenance projects at the schools and it too must be addressed, but in the present moment the crisis at hand for Portlanders is definitely property taxes. As Rep. Brennan suggests, the *majority* of the additional school funding should go toward that needed relief.

Heather

Thank you for your email. Please be advised that anything sent to me in my capacity as a legislator may become a public record and may become public under Maine's Freedom of Access Act.

From: Wood, Barb

Sent: Friday, July 16, 2021 1:01:08 PM

To: Shagoury, Dan

Cc: ksnyder@portlandmaine.gov; bsr@portlandmaine.gov; sthibodeau@portlandmaine.gov;

tchong@portlandmaine.gov; Azarro@portlandmaine.gov; mdion@portlandmaine.gov;



Dena Libner <dlibner@portlandmaine.gov>

Letter to the Mayor and City Council from Rep. Brennan

Xavier Botana <botanx@portlandschools.org>

Sun, Jul 18, 2021 at 4:45 PM

Reply-To: botanx@portlandschools.org

To: "Shagoury, Dan" <Dan.Shagoury@legislature.maine.gov>

Cc: "ksnyder@portlandmaine.gov" <ksnyder@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "sthibodeau@portlandmaine.gov" <sthibodeau@portlandmaine.gov>, "tchong@portlandmaine.gov" <tchong@portlandmaine.gov>, "Azarro@portlandmaine.gov" <Azarro@portlandmaine.gov>, "mdion@portlandmaine.gov" <mdion@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "afournier@portlandmaine.gov" <afournier@portlandmaine.gov>, "council@portlandmaine.gov" <council@portlandmaine.gov>, "citymanager@portlandmaine.gov" <citymanager@portlandmaine.gov>, "jbj@portlandmaine.gov" <jbj@portlandmaine.gov>, "mfpbrennan@gmail.com" <mfpbrennan@gmail.com>, "State Rep. Grayson Lookner" <looknerforstaterep@gmail.com>, "Wood, Barb" <Barb.Wood@legislature.maine.gov>, "Sylvester, Mike" <Mike.Sylvester@legislature.maine.gov>, "TalbotRoss, Rachel" <Rachel.TalbotRoss@legislature.maine.gov>, "Zager, Sam" <Sam.Zager@legislature.maine.gov>, "Collings, Benjamin" <Benjamin.Collings@legislature.maine.gov>, "Crockett, Ed" <Ed.Crockett@legislature.maine.gov>, "Chipman, Benjamin" <Ben.Chipman@legislature.maine.gov>, "Sanborn, Heather" <Heather.Sanborn@legislature.maine.gov>, All Board of Education <schoolboard@portlandschools.org>

Dear Councilors and Portland Delegation members,

First, I would like to thank the Portland Delegation for their amazing work in this Legislative session. Beyond the great work around education funding, the work you've done to advance the wellbeing of the State of Maine is unprecedented and memorable. Thank you.

I had the opportunity to speak to Rep. Brennan on this topic on Friday afternoon. As always, I am grateful for his thoughtful and forthright approach. While I understand where he is coming from, I wanted to take a moment to highlight why the Board decided to go in the direction of creating a Debt Service Reserve. While I agree that the new State budget provides opportunities to fund future debt, it does not allow us to offset the debt that is already on the books and that will be increasing substantially over the next four years.

The Board was motivated to create this reserve by the realization that the projected debt service increases through 2026 will put an increased burden on local property taxes in those years (see below). For example, next fiscal year, we project our debt service to increase by over \$2 million. The debt service reserve created by the Board will allow us to offset this increase completely and/or use it to offset the projected increases in FY 24-26. Without this reserve to offset those increases, the taxpayers of Portland will be facing significant increases for debt service alone before any other increases are factored in (i.e., staff salaries, programming increases for Pre-K, other costs escalations). This reality was the subject of significant discussion between the Board and Council during this year's budget process.

Projected Debt Service FY '23- '27

FISCAL YEAR	PENSION BOND	TOTAL BEFORE BFOF	Longfellow	Presumpscot	Reiche	TOTAL
			Local estimate	Local estimate	Local estimate	Projected
2021	1,973,845.20	8,306,212.07				8,306,212.07
2022	2,098,295.52	9,130,077.95	555,545.27	555,545.27	555,545.27	10,796,713.76
2023	2,230,248.00	9,131,499.71	1,284,120.91	1,284,120.91	1,284,120.91	12,983,862.44
2024	2,370,299.28	9,056,890.62	1,246,367.79	1,246,367.79	1,246,367.79	12,795,993.99
2025	2,518,778.16	8,973,630.61	1,208,614.67	1,208,614.67	1,208,614.67	12,599,474.62

2026	2,675,746.80	8,699,127.27	1,170,861.55	1,170,861.55	1,170,861.55	12,211,711.92
2027		5,339,979.61	1,133,108.43	1,133,108.43	1,133,108.43	8,739,304.90

As you know, the Board's proposal dedicates \$1.5 million to eliminate the tax increase that was passed in May and approved by Portland voters in June. As a result, Portland's tax rate will not increase for the second year in a row.

Again, I appreciate the work of the Delegation and Council in stewarding the resources available for the public good.

Sincerely,
Xavier Botana
Superintendent

[Quoted text hidden]

--

Xavier Botana
Superintendent
Portland Public Schools
207.874.8100 (main)
207.874.8110 (direct)
207.747.8004 (cell)
Pronouns: he/him

*** *Please Note:* ***

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Brennan Portland funding letter 7-16-21.pdf

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MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 12, 2021

SUBJECT: Order 11-21/22 Amending Order 236-20/21 Approving Total School Operating Budget For Portland Schools for Fiscal Year 2022 – 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

This item is a companion item with the orders above. The new order adds the sum of \$1,300,000 from additional state education funding that the City will receive and increases the total school budget for fiscal year 2022 from \$118,755,817 to \$120,055,817.

This item must be read on two separate occasions. This is its first reading, and the second reading will be at the later meeting on July 19, 2021.

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. 4. Amending Order 236-FY21 Total School Operating Budget FY2022 7.19.21_FINAL

Prepared by:

Date: 07/12/2021

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 AMENDING ORDER 236-20/21
APPROVING TOTAL SCHOOL OPERATING BUDGET
FOR PORTLAND SCHOOLS FOR FISCAL YEAR 2022**

ORDERED, that under and pursuant to the City's Fiscal Year 2021-2022 Appropriation Resolve and applicable state law the City hereby approves the following school budget article for Fiscal Year 2021-2022:

Total School Budget Summary (20-A M.R.S.A. §15690(4)(A)): That the City authorizes the School Committee to expend ~~\$118,755,817~~ \$120,055,817 for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022 from the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 14, 2021

SUBJECT: Order 12-21/22 Amending Order 257-20/21 Fiscal Year 2021-2022 Appropriation
Resolve - 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

This order approves the amended total sum approved for school purposes in Fiscal Year 2022, now including the additional State Aid to Education approved in the Supplemental Budget Bill from the Maine Legislature.

A new school budget referendum is not required to spend the additional state subsidy. Language adopted in the Supplemental Budget bill makes this clear:

Sec. C-8. Additional state subsidy. Notwithstanding any provision of law to the contrary and for fiscal year 2021-22 only, a school board of a school administrative unit that receives more state education subsidy than the amount included in its budget is authorized to use all or part of the additional subsidy to:

1. Increase expenditures for school purposes in cost center categories described in the Maine Revised Statutes, Title 20-A, section 1485, subsection 1 approved by the school board;
2. Increase the allocation of finances in a reserve fund approved by the school board; or
3. Decrease the local cost share expectation, as defined in section 15671-A, subsection 1, paragraph B, for local property tax payers as approved by the school board.

This item must be read on two separate occasions. This is its first reading, and the second reading will be at the later meeting on July 19, 2021.

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. C. Amending Order 257-FY 21 Approp Resolve - FY2022_7-19-21_FINAL

Prepared by:

Date: 07/14/2021

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 AMENDING ORDER 257-20/21
FISCAL YEAR 2021-2022 APPROPRIATION RESOLVE

RESOLVED, that the sum of **\$268,216,301** is hereby appropriated for Fiscal Year 2022 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of ~~**\$125,154,700**~~ **\$126,454,700** is hereby appropriated for Fiscal Year 2022 for School purposes; and

BE IT FURTHER RESOLVED, that the Assessor of Taxes of the City of Portland be and hereby is directed to assess a tax upon all real estate liable to be taxed therein and to assess the owner of, or such other persons as may be liable by law for, personal property liable to be taxed therein on the first day of April, 2021 and not exempt from taxation, to the aggregate amount of \$91,014,931 for municipal purposes and ~~**\$100,582,406**~~ **\$99,083,251** for school purposes for a total tax levy of ~~**\$191,597,337**~~ **190,098,182** for Fiscal Year 2022, in accordance with the provisions of the Statutes of Maine; and

BE IT FURTHER RESOLVED, all taxes assessed as above and committed to the Director of Finance shall be due 30 days after the City's Tax Commitment 2021, and payable in two equal installments, the first due 30 days after the City's Tax Commitment 2021, and the second installment due on the 18th day of March, 2022. The delinquency rate of interest shall be six percent (6%) per annum on all payments received after the respective due dates and the abatement rate of interest shall be two percent (2%) per annum.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 12, 2021

SUBJECT: Order 13-21/22 for a Preliminary Earmark of \$3,399,686 from Additional State Education Funding as School Debt Service Reserve – 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

This item is a companion item with the orders above.

On June 30th, the Maine Legislature approved a biennium budget for Fiscal Years 2022 and 2023. A significant feature of this approved budget was the inclusion of Governor Mill's Supplemental Budget. This budget increased State funding for education to the statutory 55% for the first time in history.

The net result of the addition of the supplemental budget and other state subsidy adjustments was an additional \$6,198,841 for Portland Public Schools. The Board of Education has proposed to allocate:

- \$1.3 million to return Custodian Salaries and Benefits back to the local budget from federal relief monies.
- \$1,499,155 million to reduce property taxes in order to maintain the current combined City and School tax rate.
- The balance of \$3,399,686 to be preliminarily earmarked for a School Debt Service Reserve, subject to future approval as part of the school budget approval process.

This item must be read on two separate occasions. This is its first reading, and the second reading will be at the later meeting on July 19, 2021.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

None

Prepared by:

Date: 07/12/2021