

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)

CITY COUNCIL MEETING - OCTOBER 4, 2021 AT 5:00 PM

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/84217109286?pwd=NzBPM2hQaDB0NWFBWmpHck1lbnRpQT00>
9

Passcode: 970838

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Webinar ID: 842 1710 9286

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International numbers available: <https://us02web.zoom.us/j/84217109286?pwd=NzBPM2hQaDB0NWFBWmpHck1lbnRpQT00>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

Announcement by Katherine L. Jones, City Clerk, regarding early voting

RECOGNITIONS:

PRESENTATIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft September 20, 2021 City Council Meeting Minutes

PROCLAMATIONS:

Proclamation 9-21/22 Recognizing October 10, 2021 as World Mental Health Awareness Day - Sponsored by Pious Ali, Councilor

Proclamation 10-21/22 Recognizing Indigenous Peoples' Day 2021 - Sponsored by Kate Snyder, Mayor

CONSENT ITEMS:

Order 60-21/22 Declaring November 6, 2021 the Shipyard Old Port Half Marathon and 5K Festival - Sponsored by Jon P. Jennings, City Manager

The Shipyard Old Port Half Marathon & 5K is a for-profit event, however Gary's House, Habitat for Humanity of Greater Portland, and Portland Trails (as well as other non-profits in the area) all benefit from race proceeds.

This race has been held in the city for nine years (this will be the 10th). In 2020 the race was approved by the City Council; however, due to COVID-19 it was cancelled. This year every aspect of the event will be completely re-configured to ensure the safety of all stakeholders. The number of half marathon and 5K runners will be capped at a maximum of 3,500 people per race, with an additional 500 spectators.

Organizers will follow all current local, state and federal orders when it comes to COVID-19.

Order 61-21/22 Granting Central Maine Power an Easement at Presumpscot Elementary School - Sponsored by Jon P. Jennings, City Manager

This item approves an easement for Central Maine Power to add electric capacity at Presumpscot Elementary School. The Buildings For Our Future expansion and renovation of the Presumpscot School was approved by Portland taxpayers in November 2017. The final plan includes adding a separate cafeteria and kitchen as well as additional instructional spaces totaling over 17,000 square feet, increasing the building footprint over 70% to more than 42,000 square feet. The existing electrical infrastructure does not meet code requirements and would not support the new load. The removal of the three existing modular classroom buildings is also part of the project.

Order 62-21/22 Declaring February 15 to February 28, 2022 the CarnavalME Festival - Sponsored by Jon P. Jennings, City Manager

CarnavalME will be the sister event to Carnaval de Quebec which is a 10-day winter festival that started in 1894. The 2022 CarnavalME will have an anticipated attendance of 25,000 over 10 days. The majority of the CarnavalME experiences will take place outdoors, including but not limited to ice sculptures, illumination, an open air event igloo, a snow stage featuring children's theatricals and live music, plus a rail jam and food trucks.

CarnavalME will comply with any and all life, safety, and health code requirements during the use of the space, including, without limitation, all applicable local, state, and federal orders related to COVID-19.

Order 63-21/22 Setting the Time for Opening and Closing of Polls on November 2, 2021 Re: General Municipal Election and State Referendum - Sponsored by Katherine L. Jones, City Clerk

Pursuant to 21A M.R.S. §626, this item sets the opening of polls at 7:00 a.m. and the closing at 8:00 p.m. on Tuesday, November 2, 2021 for the General Municipal Election and State Referendum.

Five affirmative votes are required for passage of consent items after public comment.

LICENSES:

Order 64-21/22 Granting Municipal Officers' Approval of Rosemont Market Inc, dba Rosemont Market and Wine Bar. Application for Outdoor Dining on Private Property at 42 Resurgam Pl. - Sponsored by Jon P. Jennings, City Manager

Application was filed on 9/13/21. New City application. Applicant currently holds a Class III & IV FSE at this location.

Five affirmative votes are required for passage after public comment.

Order 65-21/22 Granting Municipal Officers' Approval of Perfect Pie 2, LLC, dba Pizzaiolo. Application for Combined Entertainment at 865 Forest Ave. - Sponsored by Jon P. Jennings, City Manager

Application was filed on 9/13/21. New City application. Applicant currently holds a Class XI Restaurant/Lounge with Outdoor Dining on Private Property at this location.

Five affirmative votes are required for passage after public comment.

Order 66-21/22 Granting Municipal Officers' Approval of Smallaxe LLC, dba East Ender. Application for Indoor Entertainment at 47 Middle St. - Sponsored by Jon P. Jennings, City Manager

Application was filed on 9/13/21. New City application. Applicant currently holds a Class I FSE with Outdoor Dining on Public Property at this location.

Five affirmative votes are required for passage after public comment.

Order 67-21/22 Granting Municipal Officers' Approval of Arcadia Gaming and Pizza Parlor LLC, dba Arcadia. Application for Class XI Restaurant/Lounge with Indoor Entertainment, 50 Amusement Devices and 50 Pinball Machines at 504 Congress St. - Sponsored by Jon P. Jennings, City Manager

Application was filed on 9/13/21. New City and State applications. Location was previously Port City Music Hall.

Five affirmative votes are required for passage after public comment.

Written Public Comment

RESOLUTIONS:

Resolve 3-21/22 Urging the Adoption of Precautionary Measures to Slow the Spread of COVID-19 - Sponsored by Kate Snyder, Mayor

This resolution seeks to achieve the goal of impacting behaviors and precautions regarding Covid-19.

While the City of Portland requires vaccination and/or testing by employees, requires vaccination for those over 12 at Merrill Auditorium, the Expo, and other City-owned and -operated venues, we know that the City does not have the staff resources to enforce a mask mandate or vaccine requirement at places of business it does not own or operate.

With this Resolution we ask, urge and recommend vaccination, mask wearing, and other precautions that we know stem the spread of Covid-19. We also recommend and support the launch of a City-led public education campaign, which includes the development of assets for use by community organizations and businesses.

UNFINISHED BUSINESS:

Order 48-21/22 Order Declaring an Emergency - Sponsored by Kate Snyder, Mayor

After hearing from City of Portland public health officials at a workshop on September 8, 2021, the City Council called a special meeting on September 13, 2021 in order to consider amending its emergency proclamation to, among other things, mandate the use of face coverings in public indoor spaces located in the City. Public health officials made it clear that critical care hospitalizations in Maine have reached their highest numbers for the entire period of the Covid-19 pandemic. And that this is happening despite a high county-wide rate of vaccinations and is primarily the result of the Delta variant's contagiousness. As a result, they, along with the United States Centers for Disease Control and Prevention officials and the Maine Center for Disease Control officials, all advise the use of all preventative measures, including the use of face coverings in public indoor spaces. It is hoped that these measures will succeed at stopping the relentless spread of Covid-19, especially among the immune-compromised and children under 12, who are not yet allowed to be vaccinated.

At a September 13, 2021 special meeting, the Council voted (8-1) to postpone their vote on the emergency proclamation to September 20, 2021 to gather additional information. On September 20, 2021, after various amendments were approved (see attached order), a motion to pass as amended failed (4-4). Pursuant to Rule 20, this item shall appear on this and any other succeeding meeting agendas until it passes or is postponed indefinitely.

An amendment deleting language concerning a mask mandate is in the back-up material for council consideration. Staff is requesting that this item be passed as an emergency. Seven votes are required for passage as an emergency.

Written Public Comment

Order 54-21/22 Appointing Local Health Officer Bridget Rauscher Constable - Sponsored by Kate Snyder, Mayor

This order appoints Local Health Officer Bridget Rauscher constable for the 2021 calendar year. The appointment would authorize her to enforce the mask mandate under consideration in the Emergency Order 48-21/22.

This appointment is effective from the effective date of the order until 12:00 midnight, December 31, 2021, and is made pursuant to Portland City Code, Sections 2019 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets, except for the constables listed who work for the Parking Division and issue parking tickets as part of their job.

This item was postponed on September 20, 2021. In order to authorize Ms. Rauscher to enforce the mask mandate, if adopted, staff is asking that this order be passed as an emergency. Seven affirmative votes are required for passage after public comment.

Order 58-21/22 Appropriating \$150,000 from the Housing Trust Fund to Developers Collaborative Predevelopment LLC Re: Phoenix at Danforth - Sponsored by the Housing & Economic Development Committee, Mayor Kate Snyder, Chair

The Housing & Economic Development Committee met on August 31, 2021 and voted unanimously (4-0) to forward this item to the City Council with a recommendation for passage.

Developers Collaborative is proposing to construct 30 units of affordable housing on a site it owns at 155 Danforth Street. 100% of the units will have income restrictions.

The City Council previously approved an Affordable Housing Tax Increment Financing District (Order 280-18/19 and Order 28-18/19) to renovate the existing building at 66 State Street and to construct 155 Danforth Street. \$299,999 in HOME subsidy financing was also approved by the City Council for 155 Danforth Street (Order 33-19/20).

This order appropriates \$150,000 from the Housing Trust Fund to Developers Collaborative for the affordable housing project called Phoenix at Danforth, located at 155 Danforth Street.

This item must be read on two separate days. It received its first reading on September 20, 2021. Five affirmative votes are required for passage after public comment.

Order 59-21/22 Amendment to the Portland City Code Chapter 2 Re: Additional Senior Tax Relief - Sponsored by the Finance Committee, Nicholas Mavodones, Chair

The Finance Committee met on September 9, 2021 and voted 3-0 to forward this amendment to the full City Council for approval.

This Order would increase maximum P-STEP payments from \$900 to \$1,200 (matching State of Maine maximum payments) effective upon passage by the City Council. In

FY22 only (the "bridge" year), maximum payments would be doubled for eligible applicants who own a homestead in the City and applied directly to property taxes due.

LD 1638 (An Act To Help Seniors and Certain Persons with Disabilities Remain in their Homes by Providing for the Deferral of Property Taxes) was signed into law by Governor Mills on July 19, 2021. Taxpayers who qualify for this program are eligible to defer their property taxes due until the sale of their homes at a later date. Under this program, the State of Maine will pay a municipality directly for any property taxes due, place a lien on the property, but not foreclose on the loan so the property taxpayer could remain in the home as long as necessary. This program is a win-win-win for the State, local municipality, and the property taxpayer. Unfortunately, due to the timing of the law passage, the program will not go into effect until the FY23 tax year (application period opens in January 2022 for FY23 tax bills), so it is not available for the current property tax year. For many low income seniors in Portland, an option for a "bridge program" for the upcoming tax year (FY22) which will assist them until the State deferral program goes into place is necessary. The most critical component of the bridge program is increasing the maximum payments available under the Portland Senior Tax Equity Program (P-STEP).

This item must be read on two separate days. It received its first reading on September 20, 2021. Five affirmative votes are required for passage after public comment.

Order 259-20/21 Authorizing 6th Amendment to the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Increase Funding to Creative Portland - Sponsored by the Housing & Economic Development Committee, Mayor Kate Snyder, Chair

The Housing & Economic Development Committee (HEDC) reviewed Creative Portland Board's request for additional Downtown TOD TIF funding and recommended, on a vote of 4-0 on March 16, 2021, to forward this to the City Council for approval.

Creative Portland (CP) Board President Kate Anker presented the Board's request to the HEDC at their March 2nd and 16th meetings for increased funding for CP programs and services. It is noted that the Housing and Economic Development Department includes two full-time positions which provide staff support to the CP Board. The CP Board's request is for the City of Portland to fund the entire costs for the two full-time staff positions assigned to the Board and for the City to redirect the historic level of funding of \$100,000 along with a \$55,000 increase to support programs and services outlined in the attached CP Board request.

The Downtown TOD TIF currently has a cap of \$100,000 annually to support CP. Historically, TIF funding only supported staff costs. The Proposed TIF District Amendment would establish a minimum annual level of funding for CP in the amount of \$155,000 to support CP programs and services. See below funding table:

CP Funding Table		
Timeframe and Use	Source	Total
Existing – City Staff Costs	\$100,000 – DT TOD TIF \$40,000 – DT TOD TIF	\$140,000
CP Board Request: - City Staff Costs - CP Programs and Services	\$140,000 – TIF \$155,000 – DT TOD TIF	\$295,000

This item must be read on two separate days. It received its first reading on May 17, 2021. On June 7, 2021, it was first postponed to the September 8, 2021 Council meeting, at which time staff recommended that this item be postponed to the October 4, 2021 meeting to allow for consideration by the Finance Committee and a City Council workshop. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 68-21/22 Adopting the 2020 Community Development Block Grant Priority Task Force Report with 2021 Addendum, as amended - Sponsored by the Housing & Economic Development Committee, Mayor Kate Snyder, Chair

At their September 21, 2021 meeting, the Housing & Economic Development Committee voted (4-0) to forward this item to the City Council with the recommendation to adopt the CDBG Priority Task Force Report, as amended.

On February 9, 2020, the City Council approved the re-establishment of the CDBG Priority Setting Task Force to review priorities, structural changes, and administrative changes to the allocation process for U.S. Department of Housing and Urban Development (HUD) funding. HUD requires that communities undertake a planning process every 3 to 5 years to review local affordable housing and community development needs. The new 5-Year Consolidated Plan will be submitted to HUD in May, 2022 as required by a one-year extension approved by HUD to implement a public outreach strategy that met Centers for Disease Control social distancing guidelines and provided time to evaluate the report of the Racial Equity Steering Committee.

A detailed description of the task force recommendations is included in the Staff Analysis and Background section of the memo. The staff is requesting that the City Council accept the 2020 CDBG Priority Task Force Report and the 2021 Addendum and adopt the Task Force recommendations, with the exception of the recommendations noted in the City Manager's Recommendation Letter.

Five affirmative votes are required for passage after public comment.

Order 69-21/22 Appropriating \$10,000 for a Rail Study - Sponsored by Kate Snyder, Mayor

This order would appropriate \$10,000 toward a passenger rail study between Portland and Lewiston and Auburn.

In June 2021, the Legislature and Gov. Janet Mills approved legislation that directed the Maine Department of Transportation to finish a \$200,000 study to determine if Lewiston and Auburn can be tied into the passenger rail network that extends from Portland to

Boston and beyond. The measure required Lewiston and Auburn to chip in 10% of the \$200,000 price tag; however, Auburn City Council recently decided not to contribute to the funding.

This item must be read on two separate days. The City Council is asked to waive the second reading, which requires seven votes. Emergency passage is also requested. Seven votes are required for emergency passage following public comment.

Order 70-21/22 Appointing Danielle P. West as Interim City Manager - Sponsored by Kate Snyder, Mayor

This order appoints Danielle P. West, the City of Portland's Corporation Counsel, as Interim City Manager effective November 2, 2021. City Manager Jon P. Jennings has accepted a new position as City Manager for the City of Clearwater, Florida, and his last day as manager in Portland will be November 1, 2021. Ms. West will serve as the Interim City Manager while a search is conducted for a permanent City Manager, and shall be paid at the annual salary received by Mr. Jennings, of \$181,079. Upon the City Council's appointment of a new City Manager, Ms. West shall resume her appointment as Corporation Counsel.

Five affirmative votes are required for passage after public comment.

Order 71-21/22 Appointing Jennifer Thompson Acting Corporation Counsel - Sponsored by Kate Snyder, Mayor

This order appoints Attorney Jennifer Thompson, currently Associate Corporation Counsel, as the Acting Corporation Counsel effective November 2, 2021. When Attorney West resumes her appointment as Corporation Counsel, Attorney Thompson shall resume her appointment as Associate Corporation Counsel.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

Order 72-21/22 Zoning Map Amendment Re: 43 and 91 Douglass Street from R-5 to R-5a Residential - Sponsored by the Planning Board, Brandon Mazer, Chair

On September 14, 2021, the Planning Board voted unanimously (6-0; Mazer absent) to recommend to the City Council adoption of a zoning map amendment for two parcels located at 43 and 91 Douglass Street (i.e. 57 Douglass Street) from an R-5 Residential zone to an R-5a Residential zone. This action would facilitate the development of City-owned property in accordance with a Request for Proposals (RFP) released in April of 2020, soliciting proposals for an age-inclusive and affordable housing proposal at this location.

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

Order 73-21/22 Amendment to the Portland City Code Chapter 6 Re: National Electric Code - Sponsored by Jon P. Jennings, City Manager

Effective July 2, 2021, the State Department of Professional and Financial Regulation adopted the 2020 edition of the National Electrical Code ("NEC"). Section 6-98 of the City Code has adopted the 2014 edition of the NEC, and the proposed change updates the version of the NEC adopted by the City to conform to State requirements.

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

Order 74-21/22 Amendment to the Portland City Code Chapter 15 Re: Amusement Device License Fees - Sponsored by Jon P. Jennings, City Manager

This amendment keeps the license fee for "amusements," including pinball machines, at \$153.00 per device up to 25 devices, and charges \$10.00 each for more than 25. This change became important upon the licensing of a business that offered dozens of amusement devices to its customers. This amendment is retroactive to September 13, 2021, should the City Council approve it, and will result in a refund of approximately \$10,725.00 to one business that has already paid fees under the existing fee structure this year. A comparable situation at the former Joker's in Portland involved a fee structure similar to the one being proposed.

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

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

EXECUTIVE SESSION:

ZOOM INFORMATION:

Due to the existence of an emergency or urgent issue the City Council will conduct this meeting by remote methods/technology at the Zoom link provided below, in accordance with the requirements of 1 M.R.S. section 403-B and the City Council's Remote Participation Policy.

Please click the link below to join the webinar:

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

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Passcode: 206775

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

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Snyder called the meeting to order at 5:05 P.M. (Councilor Thibodeau submitted his resignation)effective September 19, 2021.)

ANNOUNCEMENTS:

Announcement by Kate Snyder, Mayor, regarding Katherine L. Jones' recognition as the 2021 "Clerk of the Year" by the Maine Town and City Clerks' Association

Mayor Snyder also announced that Councilor Thibodeau submitted his resignation from the City of Portland's City Council effective September 19, 2021. She wished him well on his new adventure working in his new capacity as a member of the Biden-Harris administration.

Mayor Snyder also announced that because of Councilor Thibodeau's departure she will be chairing the Housing and Economic Development Committee.

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the draft September 8, 2021 City Council Meeting Minutes

Motion was made by Councilor Ali and seconded by Councilor Ray for approval of the Draft September 8, 2021 City Council Meeting Minutes. Passage 8-0.

PROCLAMATIONS:

Proclamation 5-21/22 Recognizing September 15 to October 15, 2021 as Hispanic Heritage Month - Sponsored by Pious Ali, Councilor

Proclamation 6-21/22 Recognizing September 20 to September 25, 2021 as National Clean Energy Week - Sponsored by Kate Snyder, Mayor

Proclamation 7-21/22 Recognizing September 27 to October 3, 2021 as Diaper Need Awareness Week - Sponsored by Kate Snyder, Mayor

Proclamation 8-21/22 Recognizing September 30, 2021 as the National Day of Remembrance for U.S. Indian Boarding Schools - Sponsored by April Fournier, Councilor

CONSENT ITEMS:

Order 49-21/22 Accepting the Donation of the former Casco Bay Creamery Shack from Doug Hassan - Sponsored by Jon P. Jennings, City Manager

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

LICENSES:

Order 50-21/22 Granting Municipal Officers' Approval of A&P Pop Ups LLC, dba Jack's Twisted Mansion. Application for a Class 1 FSE with Indoor Entertainment at 156 State St. - Sponsored by Jon P. Jennings, City Manager

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

Order 51-21/22 Granting Municipal Officers' Approval of XGP LLC, dba X-Golf Portland. Application for a Class XI Restaurant/Lounge at 101 York St. - Sponsored by Jon P. Jennings, City Manager

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

Order 52-21/22 Granting Municipal Officers' Approval of Wallace Project LLC, dba Maps. Application for a Class X Lounge at 64 Market St. - Sponsored by Jon P. Jennings, City Manager

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

Order 53-21/22 Granting Municipal Officers' Approval of Maine Craft Distilling LLC dba Maine Craft Distilling. Renewal application for a Combined Entertainment License at 123 Washington Ave. - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Ray and seconded by Councilor Mavodones to approve the renewal of Maine Craft Distilling, but to amend the order and " refer Order 53 to the Sound and Oversight Committee and come back to the full city council at its renewal in a year. Passage 8-0.

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

Written Public Comment

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

UNFINISHED BUSINESS:

Order 45-21/22 Traffic Schedule Amendment Re: Closing Dana, Wharf and Part of Milk Street to Through Traffic - Sponsored by Jon P. Jennings, City Manager

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

Order 46-21/22 Amendment to Portland City Code Chapter 25 Re: Parklet Fee Reduction - Sponsored by Jon P. Jennings, City Manager

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

Written Public Comment

Order 47-21/22 Accepting and Appropriating \$40,909.09 in Assistance to Firefighters Grant Funding from Federal Emergency Management Agency - Sponsored by Jon P. Jennings, City Manager

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

ORDERS:

Order 55-21/22 Adopting the Western Promenade Historic Landscape Master Plan - Sponsored by Jon P. Jennings, City Manager

Mayor Snyder took orders 55, 56, 57 out of order.

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

Order 56-21/22 Approving a Request for Proposals for the Sale and Development of the Thames Street Lot at Fore Street Connector - Sponsored by the Housing & Economic Development Committee, Councilor Spencer Thibodeau, Chair

Motion was made by Councilor Mavodones and seconded by Councilor Zarro for passage. Passage 8-0.

Order 57-21/22 Updating and Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2021-2022 - Sponsored by Jon P. Jennings, City Manager

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

Order 48-21/22 Order Declaring an Emergency - Sponsored by Kate Snyder, Mayor

Motion was made by Councilor Dion and seconded by Councilor Ali to suspend the rules and take public comment. Previously, public comment was closed. Passage 8-0.

Motion was made by Councilor Ray and seconded by Councilor Ali to amend Order 48 by "removing #2 "this Order shall not apply to houses or places of worship". Passage 8-0.

Motion was made by Councilor Fournier and seconded by Councilor Chong to amend Order 48 by using Amendment 1 #1, located in the back up materials" for passage. Passage 6-2 (Mavodones, Dion).

Motion was made by Councilor Ray and seconded by Councilor Ali for passage as amended. Motion failed 4-4 (Mavodones, Dion, Ray, Snyder).

Motion was made by Councilor Ray and seconded by Councilor Mavodones to postpone Order 48 indefinitely. Motion failed 4-4 (Mavodones, Dion, Ray, Snyder).

Written Public Comment

Order 54-21/22 Appointing Local Health Officer Bridget Rauscher Constable - Sponsored by Kate Snyder, Mayor

Motion was made by Councilor Ray and seconded by Councilor Fournier to postpone Order 54 to the October 4, 2021 City Council Meeting. Passage 8-0.

Order 58-21/22 Appropriating \$150,000 from the Housing Trust Fund to Developers Collaborative Predevelopment LLC Re: Phoenix at Danforth - Sponsored by the Housing & Economic Development Committee, Councilor Spencer Thibodeau, Chair

This is its first reading.

AMENDMENTS:

Order 59-21/22 Amendment to the Portland City Code Chapter 2 Re: Additional Senior Tax Relief - Sponsored by the Finance Committee, Nicholas Mavodones, Chair

This is its first reading.

Motion was made by Councilor Ray and seconded by Councilor Mavodones to adjourn. Passage 8-0, at 8:30 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)
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NICHOLAS M. MAVODONES, JR (A/L)

**PROCLAMATION RECOGNIZING OCTOBER 10, 2021 AS
WORLD MENTAL HEALTH AWARENESS DAY**

- WHEREAS,** The Yellow Tulip Project aims to smash the stigma surrounding mental illness and addresses it with the same urgency as any physical illness; and
- WHEREAS,** The Yellow Tulip Project brings communities together to plant yellow tulips in autumn to recognize World Mental Health Awareness Day, established by the World Federation for Mental Health in 1992 as occurring on October 10 of every year; and
- WHEREAS,** The Yellow Tulip Project makes connections with schools, community organizations and health organizations throughout New England to raise awareness of mental illness; and
- WHEREAS,** The Yellow Tulip Project engages youth to be more vocal and active in raising awareness of and destigmatizing mental health challenges; and
- WHEREAS,** The Yellow Tulip Project enhances self representation and confidence with issues that affect one in five people in Maine; and
- WHEREAS,** The Yellow Tulip Project promotes mental health awareness in adolescents and young adults, reminding people that even in the darkest of times hope exists and that they need not suffer alone; and
- WHEREAS,** the City of Portland recognizes the youth ambassadors of The Yellow Tulip Project who are working hard to smash the stigma, spread hope and bring the community together.
- NOW, THEREFORE, BE IT RESOLVED,** that I, Kate Synder, Mayor of the City of Portland, Maine and members of the City Council do hereby recognize October 10, 2021 as World Mental Health Awareness Day in the City of Portland, and the important contributions of the Tulip Project to the City and its residents.

Signed and sealed this 4th day of October, 2021



**Kate Snyder, Mayor
City of Portland**

KATE SNYDER (MAYOR)
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**CITY OF PORTLAND
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PROCLAMATION RECOGNIZING INDIGENOUS PEOPLES' DAY 2021

WHEREAS, Indigenous Peoples' Day, which honors the original peoples of many colonized lands, was first proposed in 1977 by a delegation of First Nations to the International Conference on Discrimination Against Indigenous Populations in the Americas; and

WHEREAS, the United States endorsed the United Nations Declaration on the Rights of Indigenous Peoples (the "Declaration") on December 16, 2010, formally recognizing that "indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources"; and

WHEREAS, the City Council of the City of Portland recognizes that Portland was itself founded and is built upon lands first inhabited by the Indigenous People of this region, known as the Aucocisco; and

WHEREAS, the City of Portland recognizes that the Indigenous Peoples of the lands that would later become known as the Americas have inhabited these lands since time immemorial; and

WHEREAS, a growing number of cities and towns in the United States of America have recognized the second Monday of October as Indigenous Peoples' Day, thereby creating an opportunity to learn about and celebrate indigenous heritage and resiliency;

NOW, THEREFORE, BE IT RESOLVED, that I, Kate Snyder, Mayor of the City of Portland, Maine, and the members of the Portland City Council do recognize Monday, October 12th as Indigenous Peoples' Day and encourage businesses, organizations and public institutions to also recognize Indigenous Peoples' Day so that that this City and its residents can acknowledge and honor the First Nations members of our community, past and present, without whom the creation of this country would not have been possible.

Signed and sealed this 4th day of October, 2021



**Kate Snyder, Mayor
City of Portland**

**CITY OF PORTLAND
IN THE CITY COUNCIL**

PROCLAMATION RECOGNIZING INDIGENOUS PEOPLES' DAY 2021

WHEREAS, Indigenous Peoples' Day, which honors the original peoples of many colonized lands, was first proposed in 1977 by a delegation of First Nations to the International Conference on Discrimination Against Indigenous Populations in the Americas; and

WHEREAS, the United States endorsed the United Nations Declaration on the Rights of Indigenous Peoples (the "Declaration") on December 16, 2010, formally recognizing that "indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources"; and

WHEREAS, the City Council of the City of Portland recognizes that Portland was itself founded and is built upon lands first inhabited by the Indigenous People of this region, known as the Aucocisco; and

WHEREAS, the City of Portland recognizes that the Indigenous Peoples of the lands that would later become known as the Americas have inhabited these lands since time immemorial; and

WHEREAS, a growing number of cities and towns in the United States of America have recognized the second Monday of October as Indigenous Peoples' Day, thereby creating an opportunity to learn about and celebrate indigenous heritage and resiliency;

NOW, THEREFORE, BE IT RESOLVED, that I, Kate Snyder, Mayor of the City of Portland, Maine, and the members of the Portland City Council do recognize Monday, October 11th as Indigenous Peoples' Day and encourage businesses, organizations and public institutions to also recognize Indigenous Peoples' Day so that that this City and its residents can acknowledge and honor the First Nations members of our community, past and present, without whom the creation of this country would not have been possible.

Signed and sealed this 4th day of October, 2021



**Kate Snyder, Mayor
City of Portland**

MEMORANDUM
City Council Agenda Item

FROM: Clare Norton
DATE: September 9, 2021
SUBJECT: Order 60-21/22 Declaring November 6, 2021 the Shipyard Old Port Half Marathon and 5K Festival - 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 10/4/2021 **Final Action 10/4/2021**

Can action be taken at a later date: No Organizers need approval.

PRESENTATION: Andrew Downs, Director of Public Assembly Facilities will be available to answer any questions.

I. SUMMARY

Order declaring Shipyard Old Port Half Marathon and 5K on Saturday November 6th 2021 as a festival.

II. AGENDA DESCRIPTION

The Shipyard Old Port Half Marathon & 5K is a for-profit event, however Gary's House, Habitat for Humanity of Greater Portland, and Portland Trails (as well as other non-profits in the area) all benefit from race proceeds.

This race has been held in the city for nine years (this will be the 10th). In 2020 the race was approved by the City Council; however, due to COVID-19 it was cancelled. This year every aspect of the event will be completely re-configured to ensure the safety of all stakeholders. The number of half marathon and 5K runners will be capped at a maximum of 3,500 people per race, with an additional 500 spectators.

Organizers will follow all current local, state and federal orders when it comes to COVID-19.

III. BACKGROUND

The Shipyard Old Port Half Marathon has been held in Portland for the past 9 years.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The City Council will declare the Shipyard Old Port Half marathon & 5K on Saturday November 6th 2021 as a festival.

V. FINANCIAL IMPACT

All City staff fees, permit fees and equipment usage fees will be paid by the organizer.

VI. STAFF ANALYSIS AND BACKGROUND

The Public Assembly Facilities Division has worked with the organizers on this event in the past and we are confident in their ability to host this festival.

VII. RECOMMENDATION

It is recommended that this order be declared.

VIII. LIST ATTACHMENTS

1. Old Port Half Marathon 2021

2. OPHM Council Memo 2021
3. OPHM Appicaltion 2021
4. OldPortMaps 2021
5. OldPortMaps

Prepared by:

Clare Norton

Date: 09/09/2021

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 DECLARING NOVEMBER 6, 2021
THE SHIPYARD OLD PORT HALF MARATHON AND 5K FESTIVAL**

ORDERED, that November 6, 2021 is hereby declared to be the Shipyard Old Port Half Marathon and 5K Festival, sponsored by GiddyUp Productions, LLC; and

BE IT FURTHER ORDERED, that the festival is authorized from 2:00 a.m. – 2:00 p.m. on November 6, 2021, with a race to be held along city streets and trails and with an awards ceremony and music to follow until 12:30 p.m.; and

BE IT FURTHER ORDERED, that the Half Marathon race will start at 7:00 a.m.; and

BE IT FURTHER ORDERED, that the start of the Half Marathon and the finish line is on Spring Street; and

BE IT FURTHER ORDERED, that the Shipyard Old Portland Half Marathon and 5K Festival area shall be Spring Street to Oak Street to Union Street and adjacent sidewalks; and

BE IT FURTHER ORDERED, that the following streets shall be closed to traffic for the following times or, if the race start is delayed, then at a later time:

Spring Street (Oak to Center – both lanes): 3:00 a.m. – 2:00 p.m.
Spring Street (Center to Union – both lanes): 3:00 a.m. – 12:00 p.m.
Cross Street (Free to Spring – both lanes): 3:00 a.m. – 12:00 p.m.
Middle Street (Union to Hancock – both lanes): 6:55 a.m. – 7:10 a.m. and 7:25 a.m. – 7:40 a.m.
Franklin Street (at Middle Street – both lanes): 7:00 a.m. – 7:10 a.m. and 7:30 a.m. – 7:40 a.m.
Hancock Street (Middle to Fore – both lanes): 7:00 a.m. – 7:10 a.m. and 7:30 a.m. – 7:40 a.m.
Fore Street (Hancock to E Prom – runners' lane on water side): 7:00 a.m. – 7:45 a.m.
Eastern Promenade Road (runners' lane on water side of street): 7:00 a.m. – 7:35 a.m.
Cutter Street: 7:00 a.m. – 8:45 a.m.
Fort Allen Park loop: 7:00 a.m. – 7:45 a.m.
Washington Ave. (Walnut to 295 – both lanes): 7:00 a.m. – 7:35 a.m.
Commercial Street (Franklin to Center -- just westbound lane): 7:45 a.m. – 9:10 a.m.
Commercial Street (Center to Valley -- just westbound lane): 7:45 a.m. – 10:15 a.m.
Valley Street (right turning lane between W Commercial and Danforth): 8:00 a.m. – 9:30 a.m.
Danforth Street (Valley to Clark – both lanes):

Western Prom Road (Vaughan to Bowdoin – both lanes):
 Pine Street (Western Prom to Vaughan – both lanes): 8:00 a.m. – 9:45 a.m.
 Vaughan Street (Pine to Danforth – both lanes): 8:00 a.m. – 9:55 a.m.
 Carroll Street (Vaughan to Chadwick – both lanes): 8:00 a.m. – 9:55 a.m.
 Chadwick Street (Carroll to Bowdoin – both lanes): 8:00 a.m. – 9:55 a.m.
 Bowdoin Street (Chadwick to Vaughan – both lanes): 8:00 a.m. – 9:55 a.m.
 Orchard Street (both lanes): 8:00 a.m. – 9:55 a.m.
 Fletcher Sreett (both lanes): 8:00 a.m. – 9:55 a.m.
 Clark Street (Danforth to York -- both lanes): 8:10 a.m. – 10:00 a.m.
 Beach Street (York to Commercial – southbound lane): 8:10 a.m. – 10:00 a.m.
 Park Street (York to Commercial): 7:50 a.m. -- 10:10 a.m.
 High Street (York to Commercial -- both lanes): 7:50 a.m. -- 10:10 a.m.
 York Street (High to Center -- runners' lane on water side): 8:15 a.m. -- 10:15 a.m.
 Maple Street (York to Commercial – both lanes): 7:50 a.m. -- 10:10 a.m.
 Center Street (Commercial to Free – both lanes): 7:45 a.m. -- 10:15 a.m.
 Cross Street (Fore to Commercial): 7:45 a.m. – 9:15 a.m.
 Dana Street (Wharf to Commercial): 7:45 a.m. – 9:15 a.m.
 Moulton Street (Fore to Commercial): 7:45 a.m. – 9:15 a.m.
 Silver Street (Fore to Commercial): 7:45 a.m. – 9:15 a.m.

BE IT FURTHER ORDERED, that vehicles in violation of the “no parking” signs in the Festival Area shall be towed at owner’s expense; and

BE IT FURTHER ORDERED, that the Shipyard Old Portland Half Marathon Festival area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

BE IT FURTHER ORDERED, that the Interim City Manager or Interim City Manager is authorized to issue a revocable permit to GiddyUp Productions, LLC under §25-27 of the City Code to conduct said Festival, subject to the direction and control of the City Manager or Interim City Manager and to the following specific conditions:

1. GiddyUp Productions, LLC shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance and alcohol liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. GiddyUp Productions, LLC shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;
2. Under no circumstances may alcoholic beverages be sold or consumed on City of Portland right-of-ways during said event, other than in an area restricted to 21-years-old and older people on Spring Street from 8:30 a.m. to 12:30 p.m., with

security provided by the Portland Police Department and Public Assembly Facilities staff;

3. Conditions for use of grounds and requirements for food service, vending sales, and other items specified in a contract and permit issued from Public Assembly Facilities Division shall be adhered to;
4. GiddyUp Productions, LLC shall have sole authority over participating vendors at the festival and may charge a fee to vendors for the opportunity to vend at the Shipyard Old Portland Half Marathon Festival;
5. GiddyUp Productions, LLC shall hire police officers, Public Assembly Facilities Division staff and parking control officers to assist with directing traffic at street closures, and Public Assembly Facilities staff shall be hired to facilitate GiddyUp Production, LLC's use of the festival area; and
6. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival to those vendors the GiddyUp Productions, LLC has agreed shall participate; and
7. Route of the course and street closing times are subject to change, depending on construction projects along the course, delays, and police recommendations leading up to the race day; and
8. Any and all amplified music/public announcements shall be maintained at a reasonable level (less than an A-weighted 85 decibels / C-weighted 95 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring businesses, limiting any sound impacts in the area; and

BE IT FURTHER ORDERED, that the City Manager or Interim City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.

TO: Jon Jennings, City Manager
FROM: Ethan Hipple, Director of Parks, Recreation & Facilities Management
DATE: September 7th 2021
RE: **Council Agenda Item – 2021 Shipyard Old Port Half Marathon & 5K**

I am requesting that the following order be placed on the next City Council agenda:

**Order authorizing and declaring Shipyard Old Port Half Marathon & 5K
to be held on Saturday, November 6, 2021, as a Festival.**

The Shipyard Old Port Half Marathon & 5K is a for-profit event, however, Gary's House, Habitat for Humanity of Greater Portland and Portland Trails (and other non-profits in the area) all benefit from race proceeds.

This race has been held in the city for nine (9) years now (this will be the 10th). In 2020 the race was approved by the City Council; however, due to COVID-19 it was cancelled. This year every aspect of the event will be completely re-configured to ensure the safety of all stakeholders. This year the number of half marathon and 5K runners will be capped at a maximum of 3,500 people in each race; with another 500 spectators.

The 2021 half marathon and 5K race routes will be different than the 2019 routes, but very similar to the 2020 routes, with the start and finish on Spring Street. The race organizer is working with businesses throughout the Old Port and the waterfront including along Spring Street, Middle Street, and Commercial Street to inform them about expected impacts and to develop contingency plans.

The Order should include the following major item:

- (1) The Shipyard Old Port Half Marathon & 5K be authorized for Saturday, November 6, 2021, from 3:00 am – 1:00 pm, to be held in Portland, along city streets and trails. The start corral for the half marathon race is on Spring Street between Center Street and Union Street; and on Cross St between Free Street and Spring St for the 5K. The finish chute area is on Spring Street. The start of the half marathon race is at 7:00 am, and the start of the 5K race is at 7:35 am.
- (2) As part of the post-race event, a food and 21+ beer garden will be setup in a privately owned lot at One Portland Square (approx. 67,410 sqft open space), and open from 8:30am – 12:30pm. Organizer will hire Police Officers for these areas.

These areas: streets and abutting sidewalks (Spring Street – Center Street to Union Street) are designated Festival Zones, are closed to street vendors pursuant to Section 19-17 of the Portland City Code, and are reserved for the use of the race organizer for the purpose of conducting the Shipyard Old Port Half Marathon & 5k, subject to the direction and control of the City Manager.

The race routes are as follows: Some of the race is on Trails and Paths, and some on the Streets. Please also refer to Map.

Shipyard Old Port Half Marathon (start time 7am). Runners assemble on Spring St. Start on Spring St intersection with Union St. Straight on Middle St (using both lanes), cross over Franklin St, Right on Hancock St (using both lanes), Left on Fore St (in runners lane on water side), Straight on Eastern Promenade (in runners lane on water side), cross over Washington Ave, Right onto Bayside trail run parallel to Washington Ave, cross over I-295 on sidewalk trail, sharp left on Back Cove Trail, run clockwise around Back Cove, cross over Tukey's Bridge on sidewalk trail, sharp right on Bayside Trail looping underneath Tukey's Bridge, left on Eastern Prom Trail until Franklin St, crossing over Franklin St then getting into center turning lane on Commercial St until Pearl St, then getting into westbound lane on Commercial St, Straight on Commercial St (using westbound lane), Straight on West Commercial St (using westbound lane), Right on Valley St (using right turning lane), Right on Danforth St (using both lanes), Left on Vaughan St (using both lanes), Left on Western Promenade (using both lanes), Right on Pine St (using right lane), Right on Neal St (using right lane), Right on Carroll St (using both lanes), Left on Chadwick St (using left lane), Left on Bowdoin St (using both lanes), Right on Neal St, Right on Clifford St (using both lanes), Left on Vaughan St (using left lane), Left on Orchard St (using both lanes), Right on Fletcher St (using both lanes), Left on Danforth St (using right lane), Right on Clark St (using both lanes), Right on Beach St, Left on West Commercial St (using westbound lane), Left on High St (using both lanes), Right on York St (in runners lane on water side), Left on Center St (using both lanes), Right onto Spring St to finish line.

Shipyard Old Port 5K (start time 7:35am). Runners assemble on Cross Street. Start on Spring St intersection with Union St. Straight on Middle St (using both lanes), cross over Franklin St, Right on Hancock St (using both lanes), Left on Fore St (in runners lane on water side), Straight on Eastern Promenade (in runners lane on water side), Right on Cutter St (using both lanes), Right on Eastern Prom Trail until Franklin St, crossing over Franklin St then getting into center turning lane on Commercial St until Pearl St, then getting into westbound lane on Commercial St, Straight on Commercial St (using westbound lane), Right on Center St, Right onto Spring St to finish line.

During the Shipyard Old Port Half Marathon & 5K, streets listed below will be closed to vehicular traffic, Saturday, November 6, 2021. (The Police Dept. has endorsed the closures. Many Police Officers and Parking Control Officers will be hired by organizer. Flaggers will also staff race intersections.)

The organizer will reach out to the many businesses along the race route, including businesses in the Start/Finish Line area, as well businesses along Spring St, Middle Street, Hancock Street, and Commercial Street to alert them to the street closures and traffic delays on Saturday morning.

Street	Area	Lanes Closed	Starting	Ending
Spring	Center to Union	both lanes	3:00 AM	12:00 PM
Spring	High to Center	both lanes	7:00 AM	11:00 PM
Fore	Center to Union	both lanes	7:00 AM	11:00 PM
Cross	Free to Spring		3:00 AM	9:00 AM
Cross	Fore to Commercial	both lanes	7:30 AM	10:30 AM
Center	Free to Spring	both lanes	5:30 AM	9:00 AM
Center	Spring to Fore	northbound lane	3:00 AM	12:00 PM
Center	Fore to Commercial	both lanes	7:00 AM	11:00 PM
Middle	Union to Hancock	both lanes	6:55 AM	7:15 AM
Middle	Union to Hancock	both lanes	7:30 AM	7:45 AM
Franklin	at Middle Street	both lanes	6:55 AM	7:15 AM
Franklin	at Middle Street	both lanes	7:30 AM	7:45 AM
Hancock	Middle to Fore	both lanes	6:55 AM	7:20 AM
Hancock	Middle to Fore	both lanes	7:30 AM	7:50 AM
Fore	Hancock to E Prom	runners' lane on water side	6:55 AM	8:00 AM
Eastern Promenade	Fore to Washington Ave	runners' lane on water side	7:00 AM	8:00 AM
Cutter		both lanes	7:00 AM	9:00 AM
Fort Allen Park loop		both lanes	7:00 AM	8:00 AM
Washington Ave.	Walnut to 295	both lanes	7:00 AM	7:45 AM
Commercial	Pearl to Union	westbound lane	7:45 AM	9:15 AM
Commercial	Union to Valley	westbound lane	7:45 AM	10:30 AM
Valley	W Commercial and Danforth	right turning lane only	7:50 AM	9:45 AM
Danforth	Valley to Clark	both lanes	7:50 AM	10:15 AM
Western Prom	Vaughan to Bowdoin	both lanes	7:55 AM	9:45 AM
Pine	Western Prom to Vaughan	eastbound lane	8:00 AM	10:00 AM
Neal	Pine to Clifford	southbound lane	8:00 AM	10:00 AM
Carroll	Neal to Chadwick	westbound lane	8:00 AM	10:00 AM
Vaughan	Pine to Danforth	both lanes	8:00 AM	10:00 AM
Chadwick	Carroll to Bowdoin	southbound lane	8:00 AM	10:00 AM
Bowdoin	Chadwick to Neal	eastbound lane	8:00 AM	10:00 AM
Clifford	Neal to Vaughan	westbound lane	8:00 AM	10:00 AM
Orchard		both lanes	8:00 AM	10:00 AM

Fletcher		both lanes	8:00 AM	10:00 AM
Clark	Danforth to York	southbound lane	8:00 AM	10:15 AM
Beach	York to Commercial	southbound lane	8:00 AM	10:15 AM
Park	York to Commercial	southbound lane	7:45 AM	10:30 AM
High	York to Commercial	both lanes	7:45 AM	10:30 AM
York	High to Center	runners' lane on water side	7:45 AM	10:30 AM
Maple	York to Commercial	both lanes	7:45 AM	10:30 AM
Dana	Wharf to Commercial	both lanes	7:45 AM	9:15 AM
Moulton	Fore to Commercial	both lanes	7:45 AM	9:15 AM
Silver	Fore to Commercial	both lanes	7:45 AM	9:15 AM

In the event the start of the Half Marathon is delayed, the ending times of the above street closures would also be delayed/pushed back.

For Commercial Street, the “west-bound” lane (Franklin to Valley) will be used for runners. The waterside (east-bound lane) will still be open to vehicles and access to the waterfront businesses remains open; however, Police may opt to close the east-bound lane starting at Valley St if a backup occurs that reaches High Street. A single row of barricades will be placed on Commercial St to divide the east and west bound lanes from Valley Street to Franklin Street. Vehicles will be permitted to cross over Commercial Street at the intersections of Beach Street, Park Street, Union Street, Pearl Street, and Franklin St (with police assistance, when space between runners allows).

For Commercial Street proper (Pearl to Franklin), the runner’s lane will be down the “center turn lane” of Commercial Street. Two rows of cones will be used. At this point along Commercial Street, there are 2 lanes for vehicles (west bound and east bound – one on either side of the runners). Vehicle cross over points will be at Pearl Street and at Franklin Street (with assistance from police officers, when space between runners allows).

North-bound traffic on Washington Ave. (at the intersection with Eastern Prom road), will be detoured at Walnut Street/Fox Street (and State Police will close the I-295 Exit 8 ramp onto Washington Ave), so no vehicles will be on that section of Washington Ave. This is to facilitate runners coming from the Eastern Promenade Roadway to cross over Washington Ave and get onto the Tukey’s Bridge sidewalk.

For streets near the beginning of the race route, Eastern Promenade Road and Fore Street (down to Hancock Street), a row of cones will be placed down the middle, and a runners lane will be setup on the water side of the street (so vehicles will still flow on the other side of the street).

For streets near the end of the race route, York Street (High Street to Center Street), a row of cones will be placed down the middle, and a runners lane will be setup on the water side of the street (so vehicles will still flow on the other side of the street).

Some streets will need to be posted "No Parking," including Spring Street, Center Street, Cross Street, Fore Street, Eastern Promenade Road, and possibly other streets along the

race route. Cars parked illegally at these “No Parking” signs will be towed at owner’s expense.

In addition, the trails will have restricted use. Back Cove Trail, Eastern Prom Trail and Bayside Trail will need to be posted “Bicycles, Baby Strollers and Pets, not permitted on Trails during OPHM Race, Saturday, 7 – 10am.” Signs to be posted along the trails by organizer, a week in advance.

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the Shipyard Old Port Half Marathon & 5K organizer, for the use of the above-described area for said events, subject to the following conditions:

- PA Systems will be set up (announcements & music) and used at the race in a number of locations along the race route, including Spring Street (start and finish line area), Back Cove Parking Lot (off Preble St), Eastern Prom Trail (near Sewage Treatment Plant), Loring Memorial Park, and Harbor View Memorial Park. Music and announcements will be made while runners are passing by these locations (between the hours of 6:00 AM – 11:00 AM). Any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained under A-weighted 85 decibels / C-weighted 95 decibels and be configured by the event organizer and the City to focus volume away from residential housing, limiting any sound impacts in residential areas;
- Race organizer shall indemnify the City and hold it harmless from and against all claims arising out of activities during said event, and shall take out and maintain public liability insurance coverage (as well as alcohol liability coverage) in the amount of at least \$400,000 per occurrence for personal or bodily injury, death, or property for said purposes;
- Conditions for use of grounds, specified in a contract and permit issued from the Public Assembly Facilities Division, shall be adhered to;
- City permit fees, license fees, and costs for city staff assistance will be paid by the race organizer (race organizer will hire many Police Officers and Parking Control Officers to assist with street closures, detours, race intersections, Fire/EMS Officers to provide emergency medical services, and hire Public Assembly Facilities staff to oversee the Start/ Finish Line;
- Route of the course is subject to change, depending on construction projects along the course and Police recommendations leading up to and on race day.

The City Manager is also authorized to issue such other temporary licenses and temporary permits, including licenses for food service establishments and permits for sales of non-food related items, as may be required by the Portland City Code, provided that all applicable requirements of said code have been met regarding the operation of said Festival.

Attachments: Application, Race Map, COVID Safety Plan

Document prepared by Clare Norton; PAFD Booking Coordinator



CITY OF PORTLAND, PUBLIC ASSEMBLY FACILITIES DIVISION
PUBLIC PARK & SPACE APPLICATION (5 pages)
 212 Canco Rd. • Suite A • Portland • ME • 04103 • (207) 808-5435
 Clare Norton clare@portlandmaine.gov

APPLICATION FEE \$25.00

PAYMENT MUST BE MADE WHEN SUBMITTING APPLICATION

(This is a transferrable/non-refundable fee. If your event is permitted, the \$25.00 will be credited toward your permit fee.)

For uses of city property, there are typically: 1) fees charged for use of the area, 2) a security deposit required, and 3) insurance required.
 There may be fees due and applications required from other City Departments.

TODAY'S DATE		7/21/21		ORGANIZATION NAME		Ventures Endurance Events, LLC	
ADDRESS (Street/City/State/Zip)		174 Cash St Unit #2, South Portland, ME 04106					
CONTACT NAME(S)		Erik Boucher		TITLE(S)		Event Director	
PHONE	207-210-8655		PHONE			PHONE	
EMAIL	erik@justgiddyup.com		EMAIL			EMAIL	

PARK AREA / PUBLIC SPACE REQUESTED	Eastern Prom Trail, Bayside Trail, Back Cove Trail, Portland Streets, Start & Finish and after-party areas on Spring Street		
EVENT DAY(S) & DATE(S)	Saturday 11/6/21	RAIN DAY(S) & DATE(S) (50% added fee)	NA
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	3:00 AM to 1:00 PM	EVENT START & END TIME	7:00 AM to 12:30 PM

EVENT NAME	EXPECTED ATTENDANCE
Shipyards Old Port Half Marathon & 5K (10th Annual) https://oldporthalfmarathon.com/	up to 3,500 runners
Proceeds benefit Gary's House, Habitat for Humanity of Greater Portland, Portland Trails, Oxford Hills Homeschool Robotics, Epona Pony Club, GIRL SCOUT TROOP 1161, Coastal Humane Society.	

DIFFERENT HALF MARATHON & 5k RACE ROUTE THAN IN 2019. The 2021 submitted routes reflect the changes made for 2020 as discussed with Jennifer Hale and Police Sgt. Eric Nevins.

All supporting documents including course maps and the complete operations plan can be found in the following Google Doc.

https://docs.google.com/presentation/d/1WgLodo726md23PmLCiQ_soaDrk_8FDaQnyIPGC4I43U/edit?usp=sharing

A half marathon (13.1 miles) Road Race and 5K Road Race (SAT November 6).

Route Description

Half Marathon..... Runners go off at 7:00 AM.

Start on Spring St intersection with Union St. Straight on Middle St (using both lanes), cross over Franklin St, Right on Hancock St (using both lanes), Left on Fore St (in runners lane on water side), Straight on Eastern Promenade (in runners lane on water side), cross over Washington Ave, Right onto Bayside trail run parallel to Washington Ave, cross over I-295 on sidewalk trail, sharp left on Back Cove Trail, run clockwise around Back Cove, cross over Tukey's Bridge on sidewalk trail, sharp right on Bayside Trail looping underneath Tukey's Bridge, left on Eastern Prom Trail until Franklin St, crossing over Franklin St then getting into center turning lane on Commercial St until Pearl St, then getting into westbound lane on Commercial St, Straight on Commercial St (using westbound lane), Straight on West Commercial St (using westbound lane), Right on Valley St (using right turning lane), Right on Danforth St (using both lanes), Left on Vaughan St (using both lanes), Left on Western Promenade (using both lanes), Right on Pine St (using right lane), Right on Neal St (using right lane), Right on Carroll St (using both lanes), Left on Chadwick St (using left lane), Left on Bowdoin St (using both lanes), Right on Neal St, Right on Clifford St (using both lanes), Left on Vaughan St (using left lane), Left on Orchard St (using both lanes), Right on Fletcher St (using both lanes), Left on Danforth St (using right lane), Right on Clark St (using both lanes), Right on Beach St, Left on West Commercial St (using westbound lane), Left on High St (using both lanes), Right on York St (in runners lane on water side), Left on Center St (using both lanes), Right on Spring St to finish line.

5K..... Runners go off at 7:35 AM.

Start on Spring St intersection with Union St. Straight on Middle St (using both lanes), cross over Franklin St, Right on Hancock St (using both lanes), Left on Fore St (in runners lane on water side), Straight on Eastern Promenade (in runners lane on water side), Right on Cutter St (using both lanes), Right on Eastern Prom Trail until Franklin St, crossing over Franklin St then getting into center turning lane on Commercial St until Pearl St, then getting into westbound lane on Commercial St, Straight on Commercial St (using westbound lane), Right on Center St, Right on Spring St to finish line.

Some of the race routes are on Trails and Paths (and some on the street).

Many course marshals (116+) will staff intersections.

MANY city streets closed down to vehicles.

Street	Area	Lanes Closed	Starting	Ending
Spring	Center to Union	both lanes	3:00 AM	12:00 PM
Spring	High to Center	both lanes	7:00 AM	11:00 PM
Fore	Center to Union	both lanes	7:00 AM	11:00 PM
Cross	Free to Spring		3:00 AM	9:00 AM
Cross	Fore to Commercial	both lanes	7:30 AM	10:30 AM
Center	Free to Spring	both lanes	5:30 AM	9:00 AM
Center	Spring to Fore	northbound lane	3:00 AM	12:00 PM
Center	Fore to Commercial	both lanes	7:00 AM	11:00 PM
Middle	Union to Hancock	both lanes	6:55 AM	7:15 AM
Middle	Union to Hancock	both lanes	7:30 AM	7:45 AM
Franklin	at Middle Street	both lanes	6:55 AM	7:15 AM
Franklin	at Middle Street	both lanes	7:30 AM	7:45 AM
Hancock	Middle to Fore	both lanes	6:55 AM	7:20 AM
Hancock	Middle to Fore	both lanes	7:30 AM	7:50 AM
Fore	Hancock to E Prom	runners' lane on water side	6:55 AM	8:00 AM
Eastern Promenade	Fore to Washington Ave	runners' lane on water side	7:00 AM	8:00 AM
Cutter		both lanes	7:00 AM	9:00 AM
Fort Allen Park loop		both lanes	7:00 AM	8:00 AM
Washington Ave.	Walnut to 295	both lanes	7:00 AM	7:45 AM
Commercial	Pearl to Union	westbound lane	7:45 AM	9:15 AM
Commercial	Union to Valley	westbound lane	7:45 AM	10:30 AM
Valley	W Commercial and Danforth	right turning lane only	7:50 AM	9:45 AM
Danforth	Valley to Clark	both lanes	7:50 AM	10:15 AM
Western Prom	Vaughan to Bowdoin	both lanes	7:55 AM	9:45 AM
Pine	Western Prom to Vaughan	eastbound lane	8:00 AM	10:00 AM
Neal	Pine to Clifford	southbound lane	8:00 AM	10:00 AM
Carroll	Neal to Chadwick	westbound lane	8:00 AM	10:00 AM
Vaughan	Pine to Danforth	both lanes	8:00 AM	10:00 AM
Chadwick	Carroll to Bowdoin	southbound lane	8:00 AM	10:00 AM

Bowdoin	Chadwick to Neal	eastbound lane	8:00 AM	10:00 AM
Clifford	Neal to Vaughan	westbound lane	8:00 AM	10:00 AM
Orchard		both lanes	8:00 AM	10:00 AM
Fletcher		both lanes	8:00 AM	10:00 AM
Clark	Danforth to York	southbound lane	8:00 AM	10:15 AM
Beach	York to Commercial	southbound lane	8:00 AM	10:15 AM
Park	York to Commercial	southbound lane	7:45 AM	10:30 AM
High	York to Commercial	both lanes	7:45 AM	10:30 AM
York	High to Center	runners' lane on water side	7:45 AM	10:30 AM
Maple	York to Commercial	both lanes	7:45 AM	10:30 AM
Dana	Wharf to Commercial	both lanes	7:45 AM	9:15 AM
Moulton	Fore to Commercial	both lanes	7:45 AM	9:15 AM
Silver	Fore to Commercial	both lanes	7:45 AM	9:15 AM

Organizer will hire Police Officers, PCOs and PAFD Staff to assist at intersections. City Medical Staff will also be hired. City Medical will be on the course. Northeast Ambulance will be located at the Finish Line. Organizer will hire State Police to close off the 295 Ramp leading to Washington Ave. and Anderson Street.

Organizer is hiring a third-party company to provide metal barricades and cones. But will also rely on City Staff dropping off some city barricades for street intersections (approx. 75 barricades).

After party for the races is to be held in a large privately owned parking lot at One Portland Square. As part of the after race events, a beer and food garden will be setup and be open from 8:30am – 12:30pm. Organizer will hire Police Officers for these areas. The after race festivities will not include a stage or live band like in the past.

PA Systems will be used at the race start and finish chute areas (announcements & music). PA systems will also be set up in a number of locations along the race route, including the Back Cove Parking Lot (near Back Cove Trail), Eastern Prom Trail (near Sewage Treatment Plant), and Harbor View Memorial Park & West Commercial St.

Portable restrooms will be positioned around the course.

Water stops will be setup around the course. The source of the water at each stop will come from a City-controlled spigot through the Parks and Rec Department or a fire hydrant sanctioned and provided by the Portland Water District. Volunteers from various non-profit organizations and staff will provide water to runners.

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?		Please check: ☒ FEE ☐ PLEDGES	
IF YES FOR FEES, HOW MUCH?		FEE	\$24 to \$89
		STUDENT FEE	\$NA

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN? *Participants will be directed to park in nearby parking garages and lots in and around the Old Port area.*

PLEASE CHECK OFF AND ANSWER:

PLEASE SEE ATTACHED FEE SCHEDULE / DEPT. INFORMATION IF YOU ANSWER YES

		X-YES	X-NO	X-NOT SURE
*	Are you setting up a canopy(s) ? (10'x10' size or smaller) How many? 20	X		
*	Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: http://portlandmaine.gov/DocumentCenter/Home/View/2317 or contact the Permitting and Inspections Department at buildinginspections@portlandmaine.gov or 874-		X	

	8703 for more information. PLEASE apply at least 2-weeks before your event. Tent/Stage Size(s): Exact Location(s) of Tent/Stage Placement Requested: *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. ***			
*	Will you be setting up tables and/or chairs ? How many tables: 80 chairs:	X		
*	Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List: inflatable arch, cones, barricades, signs	X		
*	Will there be refreshments at the event? yes Do you wish to sell food ? no If so, you will need approval from PAFD and possibly a Temporary Food Service License from Business Licensing Office. PLEASE provide them at least 2 weeks advance notice (874-8557). List food and drink / Food Trucks, etc.: PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.	X		
*	Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (874-8557) – 2 week notice. List items you wish to sell: shirts, mugs, and hats	X		
*	Are you setting up a PA (sound) system ? yes Are you planning on having Amplified Music ? yes Band ? no DJ ? yes Boom Box ? no If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	X		
*	Will your event require electricity ? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$40 activation fee is required.		X	
*	Are you planning on bringing a Grill for a Barbecue ? Grilling is subject to weather conditions and possibly Fire Dept. review.		X	
*	Will the event require reserved parking spaces / parking meters ? How many? 200 "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.	X		
*	Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow/rent: 75 barricades Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (874-8493).	X		
*	Will your event require street closures ? (Please be specific under "Description of Event") Will your event affect METRO BUS ROUTES ? (If service is affected, organizer needs to work directly with METRO for endorsement / feedback). Please check with Glenn Fenton, METRO: 517-3029 (gffenton@gpmetro.com) to discuss.	X		
*	Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please call Sgt. Nevins (874-8554) or Police Shift Command (874-8855/8556) well in advance to arrange.	X		
*	Will your event require Fire/EMS assistance? (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 874-8400.	X		
*	Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 874-8910 well in advance to arrange.	X		
Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.				
*	Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic.		X	
*	Do you wish to have a banner over the street to advertise your event? (Banners hung over Congress St. or Baxter Blvd). Banner inquiries directed to PAFD: 808-5400 x0.		X	

INSURANCE CERTIFICATE INFORMATION

*	Will your event require liability Insurance? (Commercial liability insurance is required for a walkathon, race, festival, press conference, concert, etc. Product liability insurance is also required if the event has been approved for serving food.)	X		
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♦ If you answered YES, you shall procure and maintain occurrence-based Commercial General Liability and Product Liability Insurance, when required, in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement, for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. The terms of this permit and the insurance coverage 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. You shall also be responsible for any and all deductibles and/or self-insured retentions.

♦ Both the **Certificate of Insurance** and **Additional Insured Endorsement** shall be sent to clare@portlandmaine.gov and must state that the policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date).

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW

The PAFD Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receive City Council approval.

ELECTRICITY

All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements. If a generator is used, please take all necessary measures to ensure safe operation. Bring a fire extinguisher, set generator up away from activities (and combustibles), store fuel source away from the generator and keep children away from the generator.

BARBECUES - GAS GRILLS ONLY

Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by PAFD Office and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You are required to have a fire extinguisher with in the grilling area.

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from Associate Septic on site (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannaford's, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park – Playground + Ravine, *East End Beach - Winter & Early Spring: Just EEB.) If over 150 people are expected to attend the event, a \$25 user fee is required (paid to PAFD). If extra units are rented by organizer, then no additional user fee is assessed. Porta-restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call the porta-restroom company (Associated Septic / Royal Flush, 207-799-1980, M-F) to request and pay for a cleaning. If renting units, organizer has the option of renting from Associated Septic / Royal Flush, or from other local companies.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

MARKING OF GROUNDS

Please DO NOT mark city property in any permanent way.
DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees.
Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used.
If markings remain for more than a few rain storms, event organizers are responsible for removing them.
If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials.
You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable).
Please remove all signage immediately following the event.

USE OF CANDLES

It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used, please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. **Any damage** (dripped wax absorbed into hardscape causing stains, etc.) **will result in a forfeiture of your security deposit.**

ADA COMPLIANCE

Event organizer must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$20 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.**

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$25 each*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon.) Please do not cover up coin slots on meters.

If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). The PAFD Office has cones it can rent to you (see fee schedule below) if needed. To ensure you can have vehicles (illegally parked at signs you've posted) towed, please complete and fax/email/hand deliver to city departments a "No Parking Authorization Form," which you can get from staff when you pick up NP signs. Please make sure signs are removed once the event is complete. ***Under certain conditions, the reserved parking fee may be reduced. Upon review of your application, PAFD will advise if your event qualifies for a reduction. If paying a reduced rate, towing may not be enforceable. PAFD will advise regarding these parameters as well.**

ALCOHOL / SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Consumption of alcohol is prohibited in public spaces unless specifically approved by City Council. Please inform all participants / attendees.

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require an Entertainment License from the PAFD Office.
If the Police Dept./City Staff receive noise complaints, they will respond accordingly.
Please set the PA System up with speakers facing away from businesses/residences to lessen impact.
Please keep volume levels low out of consideration for nearby residents and businesses.
The Permittee (organizer) shall not allow the sound emanating from the event to exceed an A-weighted 85 decibels / C-weighted 95 decibels. One verbal warning shall be issued if the sound has been found to have exceeded those limits. The warning may be given to the sound board operator or the organizer/organizer's designee. If the decibel limit is found to have been exceeded a second time during the same event, the entertainment license (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELATION POLICY

Event must be cancelled with PAFD prior to event date in order to be eligible for a refund.
If cancelled within 2 weeks of scheduled event date, a \$75 cancellation fee may be charged.

NOTIFICATION

Please keep a copy of your event permit on site at all times. City staff may require proof of permit.
If there are members of the public in the reserved space upon arrival, please present the permit as proof of reservation & approved usage. If you need assistance, please contact the Police Department at (207) 874-8574.
Please ask Portland newspapers to run an article alerting the public to the event.
You may put up temporary A-frame signs to alert the public to your event or place signage on orange cones, etc. Signs are to be up DAY OF EVENT ONLY. Please remove all signage immediately following the event.
Please call Portland Police Dept. (874-8574) on the day of your event to remind them it is taking place.
Please notify any nearby businesses, including restaurants that may have tables out for dining, to alert them to your event.

STREET CLOSURE NOTIFICATION

Should event involve a Street Closure, lasting longer than an hour, PAFD Office requires organizers to give advanced notification to area businesses, residents and bus companies (in the form of a "Street Closure Sign Off Sheet"). If event impacts METRO Buses, organizer (in advance) must discuss detour plans with METRO.

REVOCABLE PERMIT

- ♦ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ♦ The City reserves the unconditional right to revoke or revise an issued permit.
- ♦ Police or City Staff on site may use their discretion to revise conditions of use.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES	TYPE INITIALS	EB	DATE	7/21/21
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ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form (should permission be granted to use city property), the above parties agree to indemnify, defend, and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

I have read the Assumption of Risk & Liability Agreement	TYPE INITIALS	EB	DATE	7/21/21
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PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.

FEE SCHEDULE - UPDATED JULY 1, 2019

Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.

Simple Event (no registration fee): \$75/hour	Electricity (activation/de-activation) Fee: \$40/flat
Event with registration or pledges & attendance 25 - 300: \$125/hr	Porta Restroom User Fee (if attendance is 150+): \$25
Event with registration or pledges & attendance 301+: \$225/hr	Entertainment License: \$50
Film/Photo Shoot: \$150/day	Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit
Public Space/Park Security Deposit: \$100 - \$1000	Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit
Sound Security Deposit: \$100 - \$1,000	Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit
Impact/Street Closure Fee (variable based on impact): \$100-\$500	Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit
Staff Fee (on site event support): \$37/hour	Safety Vests: \$15/ea. Security Deposit

Administrative Fee (event coordination support): \$40/hour or more "No Parking" Signs: \$25 each Cancellation Fee: \$75	Keys: \$50/ea. Security Deposit Equipment Delivery Fee: \$100 or more Fortification Fee: TBD
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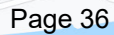
PLEASE MAKE CHECKS PAYABLE TO "CITY OF PORTLAND".
Please make out separate checks for security deposit and permit fees.

TOTAL AMOUNT(S) DUE TO PUBLIC ASSEMBLY FACILITIES DIVISION (Please make all security deposit checks out separately)			
Permit Fee for use of area:	\$ TBD	Entertainment License Fee:	\$ TBD
Number of Hours of Use: Approx. 11 hours		Equipment Rental Fee:	\$ TBD
Staff Fee (on site event support):	\$ TBD	Public Space / Park / Sound Security Deposit:	\$ TBD
Admin. Fee (event coordination support):	\$ TBD	Borrowed / Rented Equipment Deposit:	\$ TBD
Electricity Fee (activation/de-activation):	\$ TBD	Additional Fees:	\$ TBD
Impact/Street Closure Fee (variable based on impact):	\$ TBD	(Porta-Restroom User Fee, "No Parking" Signs, etc.)	

FOR OFFICE USE ONLY							
DATE APPLICATION RECEIVED:							
APPLICATION FEE:	\$ 25.00	PERMIT FEE:	\$	SECURITY DEPOSIT:	\$	INSURANCE NEEDED?	Y / N
DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:	
PAYMENT TYPE							
VISA / MC NUMBER:				CHECK NUMBER:		CHECK AMOUNT:	\$
CREDIT CARD AMOUNT:	\$	CREDIT CARD EXP. DATE:		CHECK NUMBER:		CHECK AMOUNT:	\$
PLEASE NOTE: A \$3.00 or 2.65% SERVICE FEE (whichever is greater) WILL BE ADDED TO ALL CREDIT CARD TRANSACTIONS.							

PLEASE RETURN FORM (WORD DOC) AT LEAST 30 DAYS IN ADVANCE TO:
♦ Public Assembly Facilities Div. ~ 212 Canco Rd. ~ Portland ~ ME ~ 04103 EMAIL PREFERRED: clare@portlandmaine.gov

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Old Port 5K





Start & Finish Chutes

barricades

barricades

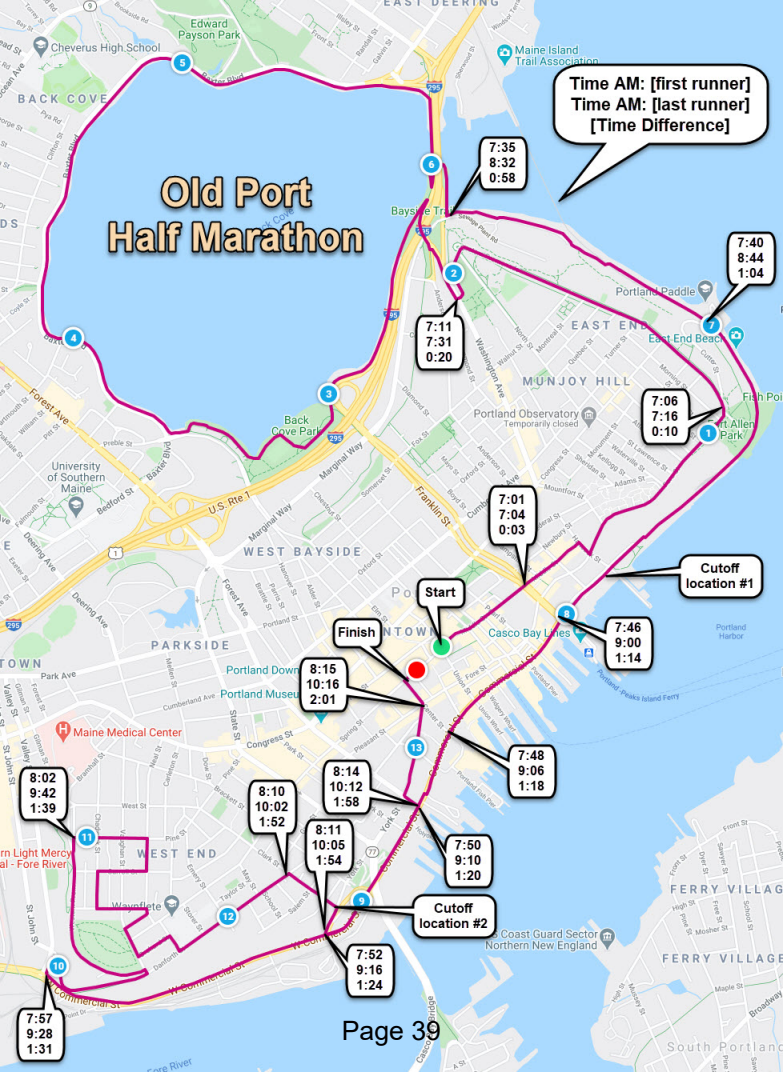
5K Start Corral

Start Line

Finish Line

Half Marathon Start Corral

Old Port Half Marathon



Old Port 5K





Start & Finish Chutes

1 Portland Square

10' Sodexo banner
2 Sodexo signs (L-brackets)
8 Shipyard signs (table clamps)
2 beer flags (no bases)

Entrance 2
30' width

200'

dumpster

pizza

4 Beer tents

2 beer flags

Capt'n Elis

26' truck

One Portland
square Parking

230'

10' food banner
Food flag

6 Food tents

Entrance 1
24' width

20 picnic tables & umbrellas w/ bases

10 garbage barrels with lids
10 garbage barrels no lids

10' Results banner
Results flag
Awards sign (L-bracket)

Barricade
Fence

3 podiums

213'

Water Monster
Gatorade table
cups

results
awards

No Parking signs and
orange cones opposite
the entrance

20'x16'
Stage

Shipyard
beer can

Entrance 3
30' width

ice
cream

152'

Ice cream sign
(L-bracket)

100' hose to hydrant
2 cable covers

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 16, 2021

SUBJECT: Order 61-21/22 Granting Central Maine Power an Easement at Presumpscot Elementary School - 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 approves an easement for Central Maine Power to add electric capacity at Presumpscot Elementary School. The Buildings For Our Future expansion and renovation of the Presumpscot School was approved by Portland taxpayers in November 2017. The final plan includes adding a separate cafeteria and kitchen as well as additional instructional spaces totaling over 17,000 square feet, increasing the building footprint over 70% to more than 42,000 square feet. The existing electrical infrastructure does not meet code requirements and would not support the new load. The removal of the three existing modular classroom buildings is also part of the project.

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. Granting a CMP Easement for Presumpscot School 10.4.2021
2. CMP Easement at Presumpscot School for 10.4.2021 City Council Meeting
3. Presumpscot School 2021 City Property Plan 210a_reduced-marked

Prepared by:

Date: 09/16/2021

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER GRANTING A CENTRAL MAINE POWER EASEMENT
FOR PRESUMPCOT SCHOOL**

ORDERED, that an easement for Central Maine Power, in substantially the form attached hereto, is hereby approved; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager, Interim 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.

Easement
Underground Line

City of Portland, a Maine Municipality with a mailing address of 389 Congress St, Portland, ME, 04101 (Grantor), for consideration given, grants to CENTRAL MAINE POWER COMPANY, a Maine Corporation with an office at 83 Edison Drive, Augusta, Maine 04336, and no telephone company, and its respective successors and assigns (collectively Grantees), with quitclaim covenants, the right and easement, in common with others, to erect, bury, maintain, rebuild, respace, patrol, operate, and remove and do all other actions involving electric and communication distribution equipment and facilities, consisting of wires and cables, together with all necessary fixtures and appurtenances under a portion of the surface of the land of the Grantor in the City of Portland, Cumberland County, Maine. The said equipment and facilities are attached to a line commencing at Pole/Pad MH510, Bryant Press Line (AKA Preble Street Extension), Portland and extending to include Pole/Pad PM510.01, Bryant Press Line (AKA Preble Street Extension), Portland. This easement affects land conveyed to the Grantor in a deed from State of Maine, dated May 06, 1980, and recorded in the Cumberland County Registry of Deeds in Book 4598 Page 26. This easement is an easement in gross and is not for the sole purpose of serving the Grantor or Grantor's land. The rights granted herein include the right to keep the surface of ground above its underground cables and other electrical equipment free from structures, improvements and growth which, in the judgment of the Grantees, may interfere with the proper operation or maintenance of said underground cables; and the right to enter upon the land of the Grantor for any and all of the foregoing purposes.

Grantee shall promptly remove all waste, tools, and all material and equipment after each permitted entry upon the Grantor’s property pursuant to this easement.

The rights herein granted are subject to any leases, easements, rights, restrictions, and/or mortgages of record, insofar as the same are now in force and applicable.

WITNESS the hand and seal of Grantor duly authorized representatives on _____, 2021.

Signed, Sealed and Delivered in the presence of:

Brendan O'Connell, Finance Director

State Of Maine

County Of Cumberland

The above-named Brendan O'Connell, Finance Director of the City of Portland, Maine, personally appeared before me this _____ day of _____, 2021 and acknowledged the foregoing instrument to be their free act and deed in their said capacity and the free act and deed of said City of Portland.

Notary Public/Attorney
Printed Name:
My Commission Expires:

CITY OF PORTLAND
CITY PROPERTY

210 A 210

PRESUMPCOT
SCHOOL PROPERTY
COMPOSITE DRAWING
MARCH 2020
not to scale

NOTE: CERTIFICATE OF TAKING IS
RECORDED IN DEED 2640
36 FOR THE 5
HIGHLIGHTED PARCELS. PROPERTY
OWNERS ALSO INDIVIDUALLY CONVEYED
THE LAND IN SEPARATE DEEDS ALONG
WITH ANY INTERESTS THE OWNERS HAD IN
THE STREETS.
***PARCEL 6 IN THE DEED OF TAKING ALSO
CALLS FOR THE CITY TAKING INTEREST IN
THE DEDICATED STREETS OF "E", "D" AND
"E" AS SHOWN ON PB 2, PB 8 AND PB 10
(typo from deed). CITY MAY HAVE FEE
INTEREST IN THE STREETS.

NOTE: THE DEEDS WHICH
FIRST CREATED THE PRIVATE
PROPERTIES THAT ABUT "D"
AND "E" STREET (ALONG
PRESUMPCOT) DO NOT HAVE
LANGUAGE IN THE DEEDS
WHICH CONVEY RIGHTS IN
THE STREETS. SEE DEEDS
1821, 621, 629, 1781, 2246, 1821 & 1876
479, 349, 352, 290, 152, 153 & 78.

LOT	GRANTEE	DATE	BOOK	PAGE	LOT	GRANTEE	DATE	BOOK	PAGE	LOT	GRANTEE	DATE	BOOK	PAGE
3	Houghton Arnold Co.	Oct. 1961	2638	208	"A"	Houghton Arnold Co.	Oct. 1961	2638	208	6	James Bruni	Oct. 1961	2640	36
4	"	"	"	"	52	"	"	"	"	7	"	"	"	"
5	"	"	"	"	thru	"	"	"	"	8	"	"	"	"
78	"	"	"	"	55	Leo Warner	Oct. 1961	2640	36					
thru	"	"	"	"	60	"	"	"	"					
90	"	"	"	"	thru	"	"	"	"					
68	"	"	"	"	67	Leo Warner 2703/189	Oct. 1961	2640	36					
thru	"	"	"	"	72	Carmella Casale	Oct. 1961	2638	210					
71	"	"	"	"	73	"	"	"	"					
56	"	"	"	"	74	Francis Lappin	Dec. 1961	2650	212					
thru	"	"	"	"	76	James Bruni	Oct. 1961	2640	36					
59	"	"	"	"	77	"	"	"	"					

NEW ELECTRIC LINES
AND FIXTURES BY
HARRIMAN

9-1-2021

MEMORANDUM
City Council Agenda Item

FROM: Clare Norton

DATE: September 20, 2021

SUBJECT: Order 62-21/22 Declaring February 15 to February 28, 2022 the CarnavalME Festival - 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 10/4/2021 **Final Action**

Can action be taken at a later date: No Organizer would like to start planning and building their event.

PRESENTATION: Andrew J Downs, Director of Public Assembly Facilities will be available to answer any questions.

I. SUMMARY

Order delaring CarnavalME 2022 as a festival from Tuesday February 15th thru Monday February 28th 2022.

II. AGENDA DESCRIPTION

CarnavalME will be the sister event to Carnaval de Quebec which is a 10-day winter festival that started in 1894. The 2022 CarnavalME will have an anticipated attendance of 25,000 over 10 days. The majority of the CarnavalME experiences will take place outdoors, including but not limited to ice sculptures, illumination, an open air event igloo, a snow stage featuring children's theatricals and live music, plus a rail jam and food trucks.

CarnavalME will comply with any and all life, safety, and health code requirements during the use of the space, including, without limitation, all applicable local, state, and federal orders related to COVID-19.

III. BACKGROUND

This will be the second year CarnavalME has happened in Portland. The first time was in 2019.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The City Council to declare CarnavalME 2022 as a festival.

V. FINANCIAL IMPACT

All City staff fees, permit fees and equipment usage fees will be paid by the organizer.

VI. STAFF ANALYSIS AND BACKGROUND

The Public Assembly Facilities Division has worked with the organizers of this event in the past and we are confident in their ability to host this festival.

VII. RECOMMENDATION

It is recommended that this order be declared.

VIII. LIST ATTACHMENTS

1. CarnavalME 2021 10.4.2021 (1)
2. Council Memo CarnavaleME 2022

3. 2022 Carnaval Maine COP Event Application
4. 2022 Carnaval ME Proposal

Prepared by:

Clare Norton

Date: 09/20/2021

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)

**DECLARING FEBRUARY 15 TO FEBRUARY 28, 2022
THE CARNAVALME FESTIVAL**

ORDERED, that February 15 to February 28, 2022 are hereby declared the CarnavalME Festival, to be organized by Shamrock Signature:

BE IT FURTHER ORDERED, that the CarnavalME 2022 Festival Zone shall from Fort Allen Park to the Tennis Courts on the Eastern Promenade, and from Eastern Promenade sidewalks along that stretch of property, east to Casco Bay with the Eastern Prom Trail also included in the Festival Zone; The Eastern Promenade Park hillside and Cutter Street (and its parking lots) shall be available for the the organizers unless a snow ban is required, and in any case much of the Eastern Promenade Park will still be open and available to the public; and

BE IT FURTHER ORDERED, the Festival area will be closed to street vendors pursuant to Section 19-17 of the Portland City Code and will be reserved for the use of Shamrock Signature for the purpose of conducting the CarnavalME Festival, subject to the direction and control of the City Manager or Interim City Manager; and

BE IT FURTHER ORDERED, The City Manager or Interim City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the CarnavalME Festival organizer Shamrock Signature, for the use of the above-described area for said events, subject to the following conditions:

1. Under no circumstances may alcoholic beverages be sold or consumed on City of Portland right-of-ways during said event, other than what is approved by City Council in designated areas in middle and lower parking lots on Cutter Street.
2. Public Announcement Systems in use at the events; set up in the Cutter Street parking lot and on the Eastern Prom hillsides, and any and all public announcement and other speakers or amplifiers used to amplify music or other sound shall be maintained under 85dB's and be configured by the festival organizer and the City to focus volume away from residential housing, limiting any sound impacts in residential areas;
3. The Festival Organizer shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the

obligation of indemnification hereunder. The Festival Organizer shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;;

4. The Festival Organizer shall comply with all Public Assembly Facilities Division Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to.

5. Organizer shall have sole authority over participating vendors at the events and may charge a fee to vendors for the opportunity to vend at the Festival;

6. City permit fees, license fees, and costs for city staff assistance will be paid by the organizer (and it will hire Police Officers and Parking Control Officers to assist with street closures and hire Public Assembly Facilities staff to oversee Festival and provide ID checkers at Alcohol areas); and

BE IT FURTHER ORDERED, that the City Manager or Interim City Manager is also authorized to waive any fees and to issue such other temporary licenses and temporary permits, including licenses for food service establishments, and permits for sales of non-food related items, as may be required by the Portland City Code, provided that all applicable requirements of said code have been met regarding the operation of said event.

TO: Jon Jennings, City Manager
FROM: Ethan Hipple, Director of Parks, Recreation & Facilities Management
DATE: September 16th 2021
RE: **Council Agenda Item – CarnavalME 2022**

I am requesting that the following order be placed on the next City Council agenda:

**Order authorizing and declaring CARNAVALME 2022
Tuesday February 15th thru Monday February 28th 2022 as a Festival.**

CarnavalME will be the sister event to Carnaval de Quebec which is a 10-day winter festival that started back in 1894. The 2022 CarnavalME will be a ten-day event with an anticipated attendance of 25,000 over those 10 days. The majority of the CarnavalME experiences will take place outdoors including but not limited to ice sculptures, illumination, open air event igloo, snow stage featuring children's theatricals and live music, plus a rail jam and food trucks. The first CarnavalME took place on the Eastern Prom in 2019, and it was a successful event. CarnavalME is seeking to build a celebration of Maine that not only drives economic impact but promotes charitable giving year in and year out and presents the state as a destination for all seasons.

The order should include the following items:

CarnavalME 2022 will be authorized from 6:00 AM Tuesday February 15th 2022 thru 11:00 PM Monday February 28th 2022, to be held in Portland, specifically the Eastern Promenade's upper, middle and lower lot. CarnavalME events will take place daily from 11:00 AM thru 10:00 PM Thursday February 17th 2022 thru Sunday February 28th 2022.

The Eastern Prom will be closed to street vendors pursuant to section 19-17 of the Portland City Code and is reserved for use of the CarnavalME, for the purpose of conducting CarnavalME, subject to the direction and control of the City Manager.

Cutter Street from top of middle lot and down will be closed for pedestrian traffic Thurs. February 17th evening and 10 am thru 10 pm Friday February 18th thru Monday February 28th. Vehicle access will be allowed for those requiring it, including snow ban parking.

The City Manager is authorized to issue a revocable permit under Section 25-26 thru 25-30 of the Municipal Code to the CarnavalME2022 organizer, for the use of the above-described area for said events, subject to the following conditions:

- Under no circumstances may alcoholic beverages be sold or consumed on City of Portland right-of-ways during said event, other than what is approved by City Council – taking place in designated areas in middle lot and lower lot as designated.
- PA Systems will be used for announcements & music. Any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained under 85 decibels / C -weighted 95 decibels and be configured by the event organizer and the City to focus volume away from residential housing, limiting any sound impacts in residential areas;
- Organizer shall indemnify the City and hold it harmless from and against all claims arising out of activities during said event, and shall take out and maintain public liability insurance coverage (as well as alcohol liability coverage) in the amount of at least \$400,000 per occurrence for personal or bodily injury, death, or property for said purposes;
- Conditions for use of grounds, specified in a contract and permit issued from the Public Assembly Facilities Division, shall be adhered to;
- Organizer shall have sole authority over participating vendors at the events and may charge a fee to vendors for the opportunity to vend at the Festival;
- City permit fees, license fees, and costs for city staff assistance will be paid by the organizer (organizer will hire Police Officers and Parking Control Officers to assist with street closures and hire Public Assembly Facilities staff to oversee Festival);
- Times are subject to change depending on weather etc.

The City Manager is also authorized to issue such other temporary licenses and temporary permits, including licenses for food service establishments and permits for sales of non-food related items, as may be required by the Portland City Code, provided that all applicable requirements of said code have been met regarding the operation of said Festival.

Document prepared by Clare Norton, PAFD Booking Coordinator



CITY OF PORTLAND, PUBLIC ASSEMBLY FACILITIES DIVISION
PUBLIC PARK & SPACE APPLICATION (5 pages)
212 Canco Rd. • Suite A • Portland • ME • 04103 • (207) 808-5435
Clare Norton clare@portlandmaine.gov

APPLICATION FEE \$25.00

PAYMENT MUST BE MADE WHEN SUBMITTING APPLICATION

(This is a transferrable/non-refundable fee. If your event is permitted, the \$25.00 will be credited toward your permit fee.)

For uses of city property, there are typically: 1) fees charged for use of the area, 2) a security deposit required, and 3) insurance required
There may be fees due and applications required from other City Departments.

TODAY'S DATE	09-09-2021	ORGANIZATION NAME	Shamrock Sports & Entertainment		
ADDRESS (Street/City/State/Zip)	96 India Street Portland ME 04101				
CONTACT NAME(S)	Brian Corcoran		TITLE(S)	CEO	
PHONE	(207) 400-1678	PHONE		PHONE	
EMAIL	bc@shamrockse.com		EMAIL		

PARK AREA / PUBLIC SPACE REQUESTED	Eastern Prom — upper, middle & lower lot		
EVENT DAY(S) & DATE(S)	2/17/22-2/27/22	RAIN DAY(S) & DATE(S) (50% added fee)	N/A
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete)	2/15/22 7 am - 2/28/22 5 pm	EVENT START & END TIME	2/17/22 - 2/27/22 10 am - 10 pm

EVENT NAME	EXPECTED ATTENDANCE
Carnaval ME	2,500 Average Daily

DESCRIPTION OF EVENT: Please be as specific as possible regarding area of public space/park that you would like to permit and please describe event in detail. Please include a detailed map of the proposed event area, proposed route &/or proposed street closures where applicable.

Carnaval ME will be the sister event to Carnaval de Quebec which is a 10-day winter festival that started back in 1894. Launched in 2020 Carnaval ME was a 3-day festival and we will expand in 2022 into a 10-day event. Anticipated attendance: 25,000 over 10 days with majority of experiences being outdoors including but not limited to ice sculptures, illumination, event igloo (able to be open air), snow stage featuring children's theatricals and LIVE music, rail jam and food trucks.

Mainer's have an affinity for all four seasons. Though known best as the "Vacationland" seen on picturesque postcards of the summer coastline, those who live here know of a very different reality. Despite our harsh winters, we have a collective fondness for these darker, colder months. Let's celebrate our Winter season and drive economic and community impact when our businesses and people need it most.

We will put safety first, with 2022 Carnaval ME working closely with CDC, State of Maine and other community health leaders to reduce risk of COVID-19 and/or other hazards.

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	Please check: ☒ FEE ☐ PLEDGES	
IF YES FOR FEES, HOW MUCH?	FEE	\$ \$10 General Admission, Free to Kids 10 & Under, \$50 Special Event VIP Ticket
	STUDENT FEE	\$ Same as Above

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?

Attendees will park in the Ocean Gateway parking lot provided there is no snow ban. In the event of snow ban, we will send out alerts to attendees via email and local news outlets about alternative parking in WEX parking garage if necessary.

We are in communication with COP Parks & Rec as well as Parking departments to ensure we provide access to authorized vehicles to/from Cutter Street Snow Ban - In the event of snow ban, parking division has been contacted and the impact on a snow ban day would be 50 EP residents' vehicles. If no snow ban, we will use Cutter St & upper lot for food trucks, etc. as well as use Ocean Gateway lot for parking. The lower lot on Eastern Prom will be used for staff and vendor parking as well as storage of any equipment. *Cutter street is restricted access with coordination of COP, but not a street closure.

PLEASE CHECK OFF AND ANSWER:

	X-YES	X-NO	X-NOT SURE
* Are you setting up a canopy(s) ? (10'x10' size or smaller) How many?	X (3)		
* Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: http://portlandmaine.gov/DocumentCenter/Home/View/2317 or contact the Permitting and Inspections Department at buildinginspections@portlandmaine.gov or 874-8703 for more information. PLEASE apply at least 2-weeks before your event. Tent/Stage Size(s): Exact Location(s) of Tent/Stage Placement Requested: *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. ***	X		
* Will you be setting up tables and/or chairs ? How many tables: chairs:	(10 Tables & 100 Chair)		
* Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:	X		
* Will there be refreshments at the event? Do you wish to sell food ? If so, you will need approval from PAFD and possibly a Temporary Food Service License from Business Licensing Office. PLEASE provide them at least 2 weeks advance notice (874-8557). List food and drink / Food Trucks, etc.: PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.	X		
* Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (874-8557) – 2 week notice. List items you wish to sell:	X		
* Are you setting up a PA (sound) system ? Are you planning on having Amplified Music ? Band? DJ? Boom Box? If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	X		
* Will your event require electricity ? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$40 activation fee is required.	X		
* Are you planning on bringing a Grill for a Barbecue ? Grilling is subject to weather conditions and possibly Fire Dept. review.	X		
* Will the event require reserved parking spaces / parking meters ? How many? "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.	X		
* Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow/rent: Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (874-8493).	X		
* Will your event require street closures ? (Please be specific under "Description of Event") Will your event affect METRO BUS ROUTES ? (If service is affected, organizer needs to work directly with METRO for endorsement / feedback). Please check with Glenn Fenton, METRO: 517-3029 (gffenton@gpmetro.com) to discuss.		X	
* Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please call Sgt. Nevins (874-8554) or Police Shift Command (874-8855/8556) well in advance to arrange.		X	
* Will your event require Fire/EMS assistance? (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 874-8400.		X	
* Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 874-8910 well in advance to arrange.		X	
Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.			
* Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic.	X		

INSURANCE CERTIFICATE INFORMATION

*	Will your event require liability Insurance? (Commercial liability insurance is required for a walkathon, race, festival, press conference, concert, etc. Product liability insurance is also required if the event has been approved for serving food.)			
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♦ If you answered YES, you shall procure and maintain occurrence-based Commercial General Liability and Product Liability Insurance, when required, in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement, for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. The terms of this permit and the insurance coverage 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. You shall also be responsible for any and all deductibles and/or self-insured retentions.

♦ Both the **Certificate of Insurance** and **Additional Insured Endorsement** shall be sent to clare@portlandmaine.gov and must state that the policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date).

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW

The PAFD Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receive City Council approval.

ELECTRICITY

All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements. If a generator is used, please take all necessary measures to ensure safe operation. Bring a fire extinguisher, set generator up away from activities (and combustibles), store fuel source away from the generator and keep children away from the generator.

BARBECUES - GAS GRILLS ONLY

Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by PAFD Office and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You are required to have a fire extinguisher with in the grilling area.

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from Associated Septic on site (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannaford's, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park – Playground + Ravine, *East End Beach - Winter & Early Spring: Just EEB). If over 150 people are expected to attend the event, a \$25 user fee is required (paid to PAFD). If extra units are rented by organizer, then no additional user fee is assessed. Porta-restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call the porta-restroom company (Associated Septic / Royal Flush, 207-799-1980, M-F) to request and pay for a cleaning. If renting units, organizer has the option of renting from Associated Septic / Royal Flush, or from other local companies.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

MARKING OF GROUNDS

Please DO NOT mark city property in any permanent way. DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees. Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used. If markings remain for more than a few rain storms, event organizers are responsible for removing them. If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials. You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable). Please remove all signage immediately following the event.

USE OF CANDLES

It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used, please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. **Any damage** (dripped wax absorbed into hardscape causing stains, etc.) **will result in a forfeiture of your security deposit.**

ADA COMPLIANCE

Event organizer must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff) \$20 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.**

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$25 each*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT (NOTE: If event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon). Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). Please make sure signs are removed once the event is complete.

ALCOHOL / SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Consumption of alcohol is prohibited in public spaces unless specifically approved by City Council. Please inform all participants / attendees.

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require an Entertainment License from the PAFD Office. If the Police Dept /City Staff receive noise complaints, they will respond accordingly. Please set the PA System up with speakers facing away from businesses/residences to lessen impact. Please keep volume levels low out of consideration for nearby residents and businesses. The Permittee (organizer) shall not allow the sound emanating from the event to exceed an A-weighted 85 decibels / C-weighted 95 decibels. One verbal warning shall be issued if the sound has been found to have exceeded those limits. The warning may be given to the sound board operator or the organizer/organizer's designee. If the decibel limit is found to have been exceeded a second time during the same event, the entertainment license (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELATION POLICY

Event must be cancelled with PAFD prior to event date in order to be eligible for a refund. If cancelled within 2 weeks of scheduled event date, a \$75 cancellation fee may be charged.

NOTIFICATION

Please keep a copy of your event permit on site at all times. City staff may require proof of permit. If there are members of the public in the reserved space upon arrival, please present the permit as proof of reservation & approved usage. If you need assistance, please contact the Police Department at (207) 874-8574. Please ask Portland newspapers to run an article alerting the public to the event. You may put up temporary A-frame signs to alert the public to your event or place signage on orange cones, etc. Signs are to be up DAY OF EVENT ONLY. Please remove all signage immediately following the event. Please call Portland Police Dept (874-8574) on the day of your event to remind them it is taking place. Please notify any nearby businesses, including restaurants that may have tables out for dining, to alert them to your event.

STREET CLOSURE NOTIFICATION

Should event involve a Street Closure, lasting longer than an hour, PAFD Office requires organizers to give advanced notification to area businesses, residents and bus companies (in the form of a "Street Closure Sign Off Sheet"). If event impacts METRO Buses, organizer (in advance) must discuss detour plans with METRO.

REVOCABLE PERMIT

- ◆ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ◆ The City reserves the unconditional right to revoke or revise an issued permit.
- ◆ Police or City Staff on site may use their discretion to revise conditions of use.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES	TYPE INITIALS	DATE	
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ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form (should permission be granted to use city property), the above parties agree to indemnify, defend, and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

I have read the Assumption of Risk & Liability Agreement	TYPE INITIALS	DATE	
--	---------------	------	--

PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.

PLEASE RETURN FORM AT LEAST 30 DAYS IN ADVANCE TO:

♦ Public Assembly Facilities Div ~ 212 Canco Rd ~ Portland ~ ME ~ 04103 **EMAIL PREFERRED:** clare@portlandmaine.gov

FEE SCHEDULE – UPDATED JULY 1, 2019

Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.

Simple Event (no registration fee): \$75/hour	Electricity (activation/de-activation) Fee: \$40/flat
Event with registration or pledges & attendance 25 - 300: \$125/hr	Porta Restroom User Fee (if attendance is 150+): \$25
Event with registration or pledges & attendance 301+: \$225/hr	Entertainment License: \$50
Film/Photo Shoot: \$150/day	Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit
Public Space/Park Security Deposit: \$100 - \$1000	Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit
Sound Security Deposit: \$100 - \$1,000	Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit
Impact/Street Closure Fee (variable based on impact): \$100-\$500	Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit
Staff Fee (on site event support): \$37/hour	Safety Vests: \$15/ea. Security Deposit
Administrative Fee (event coordination support): \$40/hour or more	Keys: \$50/ea. Security Deposit
"No Parking" Signs: \$25 each	Equipment Delivery Fee: \$100 or more
Cancellation Fee: \$75	Fortification Fee: TBD

TOTAL AMOUNT(S) DUE TO PUBLIC ASSEMBLY FACILITIES DIVISION (Please make all security deposit checks out separately)

Permit Fee for use of area:	\$	Entertainment License Fee:	\$
Number of Hours of Use: Approx.		Equipment Rental Fee:	\$
Staff Fee (on site event support):	\$	Public Space / Park / Sound Security Deposit:	\$
Admin. Fee (event coordination support):	\$	Borrowed / Rented Equipment Deposit:	\$
Electricity Fee (activation/de-activation):	\$	Additional Fees:	\$
Impact/Street Closure Fee (variable based on impact):	\$	(Porta-Restroom User Fee, "No Parking" Signs, etc)	

CITY OF PORTLAND ACCEPTS CASH, CHECK, MONEY ORDER AND CREDIT / DEBIT CARDS FOR PAYMENT

Checks should be made payable to City of Portland
There will be a 2.65% processing fee added to all Debit / Credit Card transactions.

FOR OFFICE USE ONLY

APPLICATION FEE:	\$ 25.00	PERMIT FEE:	\$	SECURITY DEPOSIT:	\$	INSURANCE NEEDED?N?	
DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:	

2022 Carnaval ME Proposal

Dates Overview:

Tuesday, February 15 – Build-Up Begins
Wednesday, February 16 – Build-Up Continues
Thursday, February 17 –Carnaval Maine Gala 7pm – 10pm
Friday, February 18 – Carnaval ME 11 am – 10 pm
Saturday, February 19 – Carnaval ME 11 am – 10 pm
Sunday, February 20 – Carnaval ME 11 am – 6 pm
Monday, February 21 – Carnaval ME 11 am – 6 pm, 7-10 pm Private Event
Tuesday, February 22 – Carnaval ME 11 am – 6 pm, 7-10 pm Private Event
Wednesday, February 23 – Carnaval ME 11 am – 6 pm, 7-10 pm Private Event
Thursday, February 24 – Carnaval ME 11 am – 10 pm
Friday, February 25 – Carnaval ME 11 am – 10 pm
Saturday, February 26 – Carnaval ME 11 am – 10 pm
Sunday, February 27 – Carnaval ME 11 am – 6 pm & PM Move-Out Begins
Monday, February 28 – Move-Out. Eastern Prom cleared

Location: Eastern Promenade, Portland, ME

What: Carnaval ME will be the sister event to Carnaval de Quebec which is a 10-day winter festival that started back in 1894. Our 2020 Carnaval ME launched as a 3-day festival and we will expand in 2022 into a 10-day event. Anticipated attendance: 25,000 over 10 days with majority of experiences being outdoors.

Mainers have an affinity for all four seasons. Though known best as the “Vacationland” seen on picturesque postcards of the summer coastline, those who live here know of a very different reality. Despite our harsh winters, we have a collective fondness for these darker, colder months.

In the 1920’s, thousands of people came to Portland for a Winter Festival. The city was turned into a winter spectacle of ice castles, sculptures, sled dogs, ski jumping, and outdoor festivities. Now, a century later, we’re ready to bring the party back to leverage Maine’s best experiences.

Cause

We are seeking to build a celebration that not only drives economic impact but promotes charitable giving year in and year out and presents the region as a destination for all seasons.

Epic Experiences

- **Carnaval Maine Gala** will take place on Thursday, February 17 as the opening party for the festivities. This ticketed event will have guests arriving by Narrow Gauge Railway to the Eastern

Promenade where they will enjoy an evening with craft brews, cocktails and wine paired with local cuisine.

- **Bites & Brews** is an add-on event to the Carnaval ME General Admission ticket with 8 sessions with pairings between Maine craft brewers & local chefs for priceless gastro experiences. Bites & Brews will take place inside the inflatable igloo which is adaptable for sheltered outdoor experience if necessary.
- **Illumination** – We are going to work with an illumination professional to create a magical scene all around the event area using the trees as well as building features to illuminate.
- **Ice Sculptors** – We are working with world-class ice sculpturist, Jason Bluck, of Sub Zero Ice Carvings to create Maine-themed sculptures including a black bear, the state of Maine silhouette, lobster and lobsterman selfie sculpture. These will be great “wow factors” for attendees and Jason will also do live demonstrations throughout the event.
- **Igloos** – We are working with Maine-based Headlight to bring back the beloved igloo we featured in 2020, an 80’ diameter inflatable dome igloo with capacity up to 400 people that will hold the Bites & Brews sessions and other special events, **See below for igloo details*
- **Maine Beer Box** – The Beer Box will be covered with a tent to create a Beer Garden that connects to the Igloo. The Beer Box will be used throughout the Bites & Brews sessions as well as throughout the entire event. Attendees can purchase drinks from the Beer Box outside of the hours of the Bites & Brews sessions.
- **Rail Jam** – We are working with Sunday River’s team to build a Rail Jam for skiers and snowboarders which will be an exciting event for people of all ages to watch. Friday & Saturday/February 18 & 19 competition will be a formally sanctioned event with the United States of America Snowboard & Freeski Association (USASA).
- **Narrow Gauge Railway** – We will bring back Narrow Gauge for an extended encore experience as well as a means for transportation to and from the event area along the waterfront.

EXHIBITS:

NOTE: We will build an annex to Maine Beer Box from the “Maine Bites & Brews” 80’ inflatable igloo to ensure proper cover for unpredictable weather and safety of assets (equipment and people).



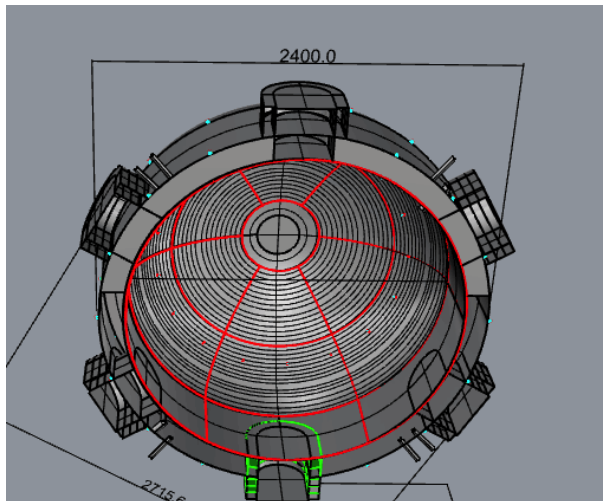
Igloo Dimensions below are in CM (Same Structure we Used in 2020 Carnival ME).

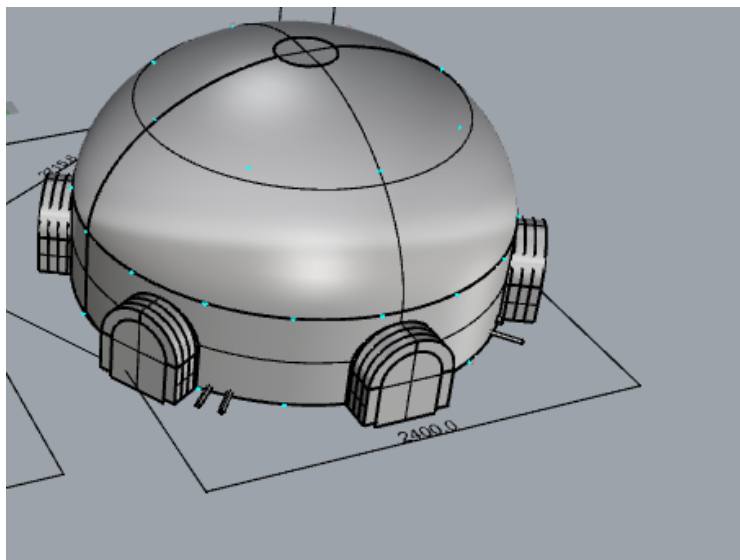
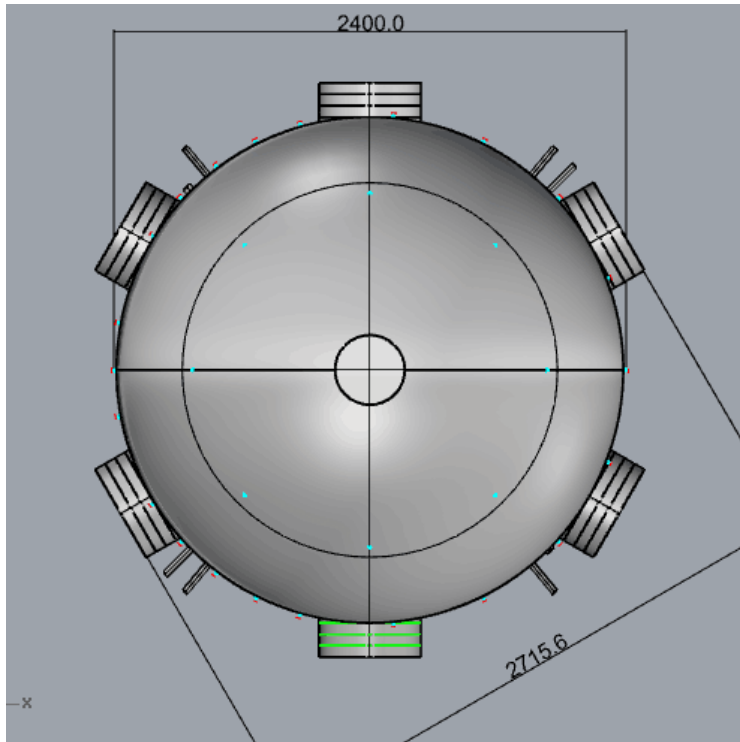
Set Up Time: 2 hours

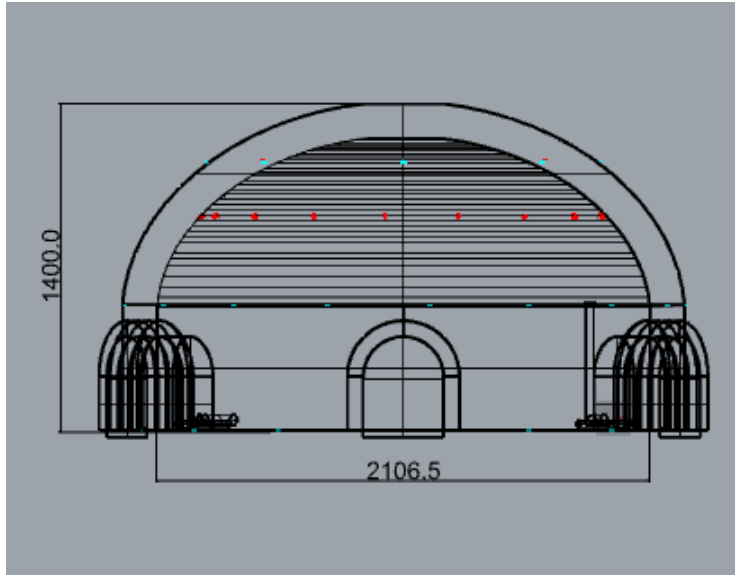
Power Requirements: (3) 4000 W generators

Securing Igloo: (12) 3500 lb. concrete blocks

Material: Fire retardant, PVC Vinyl 0,55mm







Operations

Fencing – The perimeter will be the entire middle parking lot, the Rail Jam and sledding area, the ‘Learn-to-Ski’ and WinterKids program area and Food Truck area. **see Carnaval Map*

Porto-Potties: Luxury trailer porto-potties will have light & be warm with two stalls in each the Men’s and Women’s rooms. ADA bathrooms will be single porto-potties.

Street Closures or Restrictions:

Cutter Street from top of middle lot and down will be closed for pedestrian traffic Thurs. 2/17 evening and 10 am thru 10 pm Friday 2/18 thru Monday 2/28. We will work with COP and contracted security to enable authorized vehicle access.

Parking: Attendees will park in the Ocean Gateway parking lot provided there is no snow ban. In the event of snow ban, we will have to send out alerts to attendees via email about alternative parking in WEX parking garage if necessary. Lower Lot at Eastern Prom will be used for Staff and equipment storage.

Snow Ban - In the event of **snow ban**, parking division has been contacted and the impact on a snow ban day would be 50 EP residents’ vehicles. If no snow ban, we will use Cutter St & upper lot for food trucks, etc. as well as use Ocean Gateway lot for parking. The lower lot on Eastern Prom will be used for staff and vendor parking as well as storage of any equipment.

Trash Plan: We will present trash plan to PAFD and will work with them for trash removal. Receptacles will be provided by Shamrock and PAFD will collect.

Security will be provided by PAFD or approved 3rd party. Perimeter will be enforced and restricted with snow fence up the face of the hill.

Staff - PAFD staff for Beer Garden, ID checkers, perimeter staff and street staff. PCO's will be hired if required for a street closure.

Move-out - Restore hill to original condition on Monday.

Tents/Igloos - Structures will not be staked into ground. We will provide adequate weights (12, 3500 lb concrete blocks) to secure igloo per the suggestion of the igloo builder.

Power – generators will be brought onsite for power needs.

Food & Beverage will go through Business Licensing and PAFD for all permits. Thursday's Carnaval Maine Gala will be catered for guests whereas Bites & Brews sessions will be pairings between local breweries and restaurants.

Ticketing will be through Shamrock's proprietary ticketing service provider.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 21, 2021

SUBJECT: Order 63-21/22 Setting the Time for Opening and Closing of Polls on November 2, 2021 Re: General Municipal Election and State Referendum - Sponsored by Katherine L. Jones, City Clerk

SPONSOR:

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading **Final Action**

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Pursuant to 21A M.R.S. §626, this item sets the opening of polls at 7:00 a.m. and the closing at 8:00 p.m. on Tuesday, November 2, 2021 for the General Municipal Election and State Referendum.

Five affirmative votes are required for passage of consent items 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. Opening and Closing the Polls November 2, 2021 10.4.2021
2. Opening and Closing Polls 11-2-2021

Prepared by:

Date: 09/21/2021

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 SETTING THE TIME FOR OPENING AND CLOSING
THE POLLS ON NOVEMBER 2, 2021
RE: GENERAL MUNICIPAL ELECTION AND STATE REFERENDUM**

ORDERED that, pursuant to 21-A M.R.S. §626, the polls shall open at 7:00 a.m. and close at 8:00 p.m. on Tuesday, November 2, 2021 for the General Municipal Election and State Referendum.



Office of the City Clerk
Katherine L. Jones, CMC

MEMORANDUM

TO: Mayor Snyder and Members of the
Portland City Council

FROM: Katherine L. Jones, City Clerk

DATE: September 21, 2021

RE: Setting the time for opening the polls on November 2, 2021 for the
General Municipal Election.

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

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

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 14, 2021

SUBJECT: Order 64-21/22 Granting Municipal Officers' Approval of Rosemont Market Inc, dba Rosemont Market and Wine Bar. Application for Outdoor Dining on Private Property at 42 Resurgam Pl. - 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

Application was filed on 9/13/21. New City application. Applicant currently holds a Class III & IV FSE at this location.

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. Rosemont Market and Wine Bar
2. Rosemont Market Council Packet_2021.10.04

Prepared by:

Date: 09/14/2021

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)

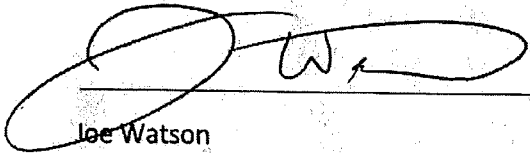
ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Rosemont Market Inc, dba Rosemont Market and Wine Bar. Application for Outdoor Dining on Private Property at 42 Resurgam Place

Mayor Snyder and Members of the City Council of Portland:

Rosemont Market and Bakery has long had the privilege of being a cornerstone for promoting local, healthy, and accessible food to our community in Portland. We are now looking at expanding our presence at Thompson's Point in order to create a safe space for our community to gather in these times.. We hope to expand our bar seating into our outdoor garden space where customers can enjoy a beverage surrounded by our kitchen garden being built in collaboration with our friends at Garbage to Garden. Thank you for your consideration of our application.

Regards,

A handwritten signature in black ink, appearing to read 'Joe Watson', is written over a horizontal line.

9/7/21

Joe Watson

Wine Director, Rosemont Market and Bakery



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):	ROSEMONT MARKET + VINE BAR Phone: 207-400-1939
Location Address:	42 RESURGAM PLACE PORTLAND, ME Zip: 04102
Mailing Address:	832 STEVENS AVE PORTLAND, ME Zip: 04103
Contact Person:	JOE WATSON Phone: 207-400-1939
Contact Person Email:	watson@rosemontmarket.com
Manager of Establishment:	JOE WATSON Date of Birth: 7/3/87 Phone: 207-400-1939
Owner of Premises (Landlord):	FORTFRONT BRUCE NORTH LLC
Address of Premises Owner:	CB BOULDS ASSET MANAGEMENT ONE CANAL PLAZA, PORTLAND Zip: 04101

Owner Information

Corporate Name		Corporate Mailing Address	
ROSEMONT MARKET, INC		832 STEVENS AVE PORTLAND Zip: 04103	
Contact Person:	MICHELLE MCNAHON	Phone:	207 956 6680
Principal Officers	Title	Date of Birth	Residence Address
JOHN NAYLOR	OWNER/CBO	5/9/56	45 FLEETWOOD ST PORTLAND
SCOTT ANDERSON	OWNER	10/7/57	232 RAY ST. PORTLAND



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	III / IV
Type of food served:	Small APPETIZER PLATES
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	W-F 3-9 SAT-SUN: 1-9
Number of Tables	3-4
Number of Chairs	5-10

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.

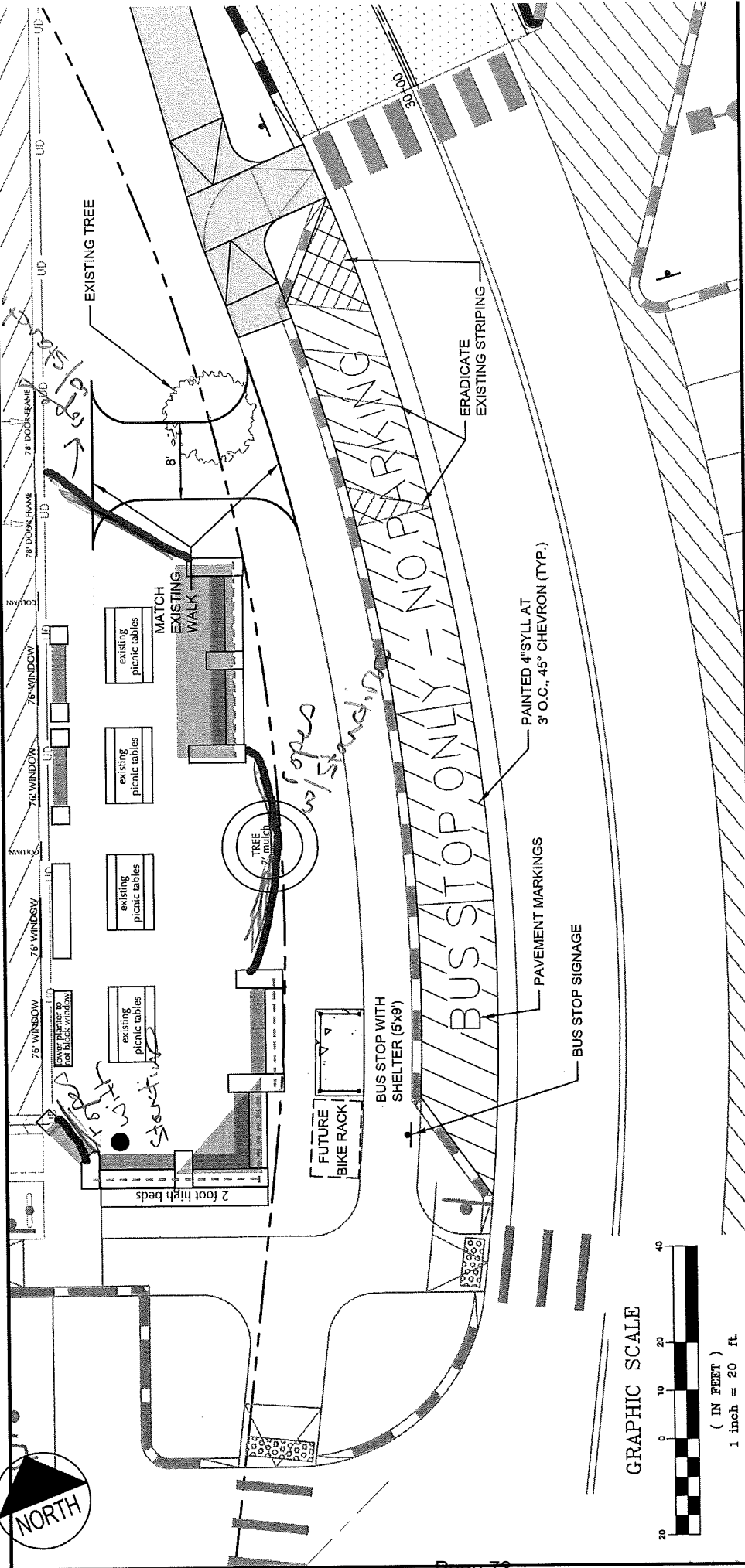
Signature _____ Title CEP/OWNER Date 9/1/21

For Administrative Use Only

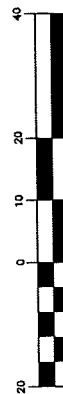
Amount: _____	Request Date / Approval	Notes: _____
Date Paid: _____	FD: _____	_____
CC _____ CA _____ CK _____	Health: _____	_____
	PD: _____	_____
Amount: _____	PR: _____	_____
Date Paid: _____	Treasury: _____	_____
CC _____ CA _____ CK _____	Zoning: _____	_____

PHASE ONE

1" = 1 FOOT



GRAPHIC SCALE



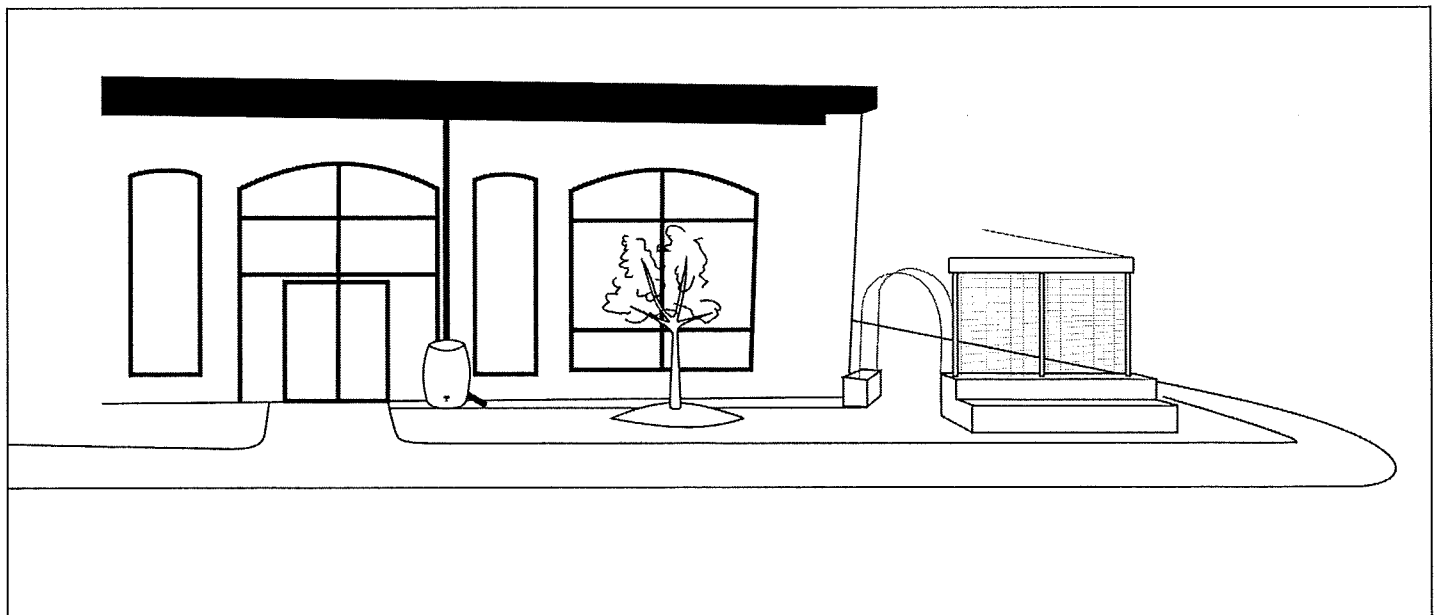
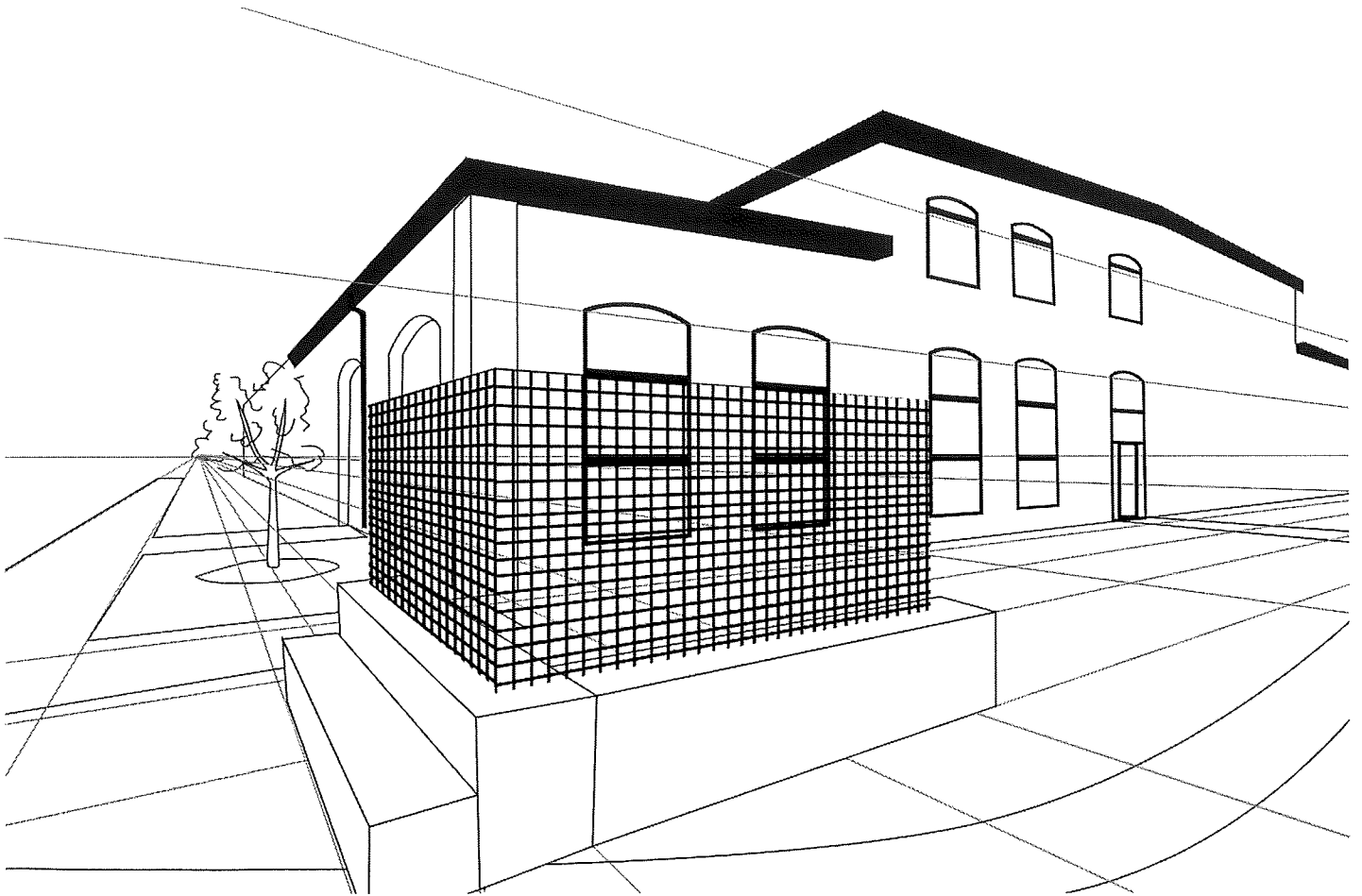
(IN FEET)
1 inch = 20 ft.

BUS STOP - DETAIL

SCALE: 1" = 10'

	existing manhole cover
	5' round tables with seating
	5' hexagonal planter

VERY ROUGH MOCKS - NOT COMPLETE OR TO SCALE





Zachary Lenhart <zlenhart@portlandmaine.gov>

Rosemont Market and Wine Bar

Glen McGary <glenm@portlandmaine.gov>
To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Thu, Sep 30, 2021 at 9:14 AM

This looks good Zach.

PPD Approved
[Quoted text hidden]

--

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



Zachary Lenhert <zlenhert@portlandmaine.gov>

Rosemont Market and Wine Bar

amachado <amachado@portlandmaine.gov>

Fri, Sep 24, 2021 at 2:56 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhert <zlenhert@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>

Zach -

The current use of the business is restaurant/bar/retail. Outdoor dining is an extension of this existing use. In the B-5 zone, under Table 7-E (Dimensional Requirements), there are no setback requirements or impervious surface requirements. The zoning requirements are being met.

Ann Machado
Zoning Administrator
[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

September 14, 2021

Rosemont Market, Inc
832 Steven's Ave
Portland, ME 04102

Re: Rosemont Market Inc, dba Rosemont Market and Wine Bar. Application for Outdoor Dining on Private Property at 42 Resurgam Place

Dear Rosemont Market, Inc:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday October 4, 2021 at 5:00 p.m.**, for the review of application for Outdoor Dining on Private Property at 42 Resurgam Place. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on October 1, 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 at bl@portlandmaine.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Zachary J. 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 October 4, 2021 at 5:00 P.M., virtually, Rosemont Market Inc, dba Rosemont Market and Wine Bar. Application for Outdoor Dining on Private Property at 42 Resurgam Pl. - Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 14, 2021

SUBJECT: Order 65-21/22 Granting Municipal Officers' Approval of Perfect Pie 2, LLC, dba Pizzaiolo. Application for Combined Entertainment at 865 Forest Ave. - 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

Application was filed on 9/13/21. New City application. Applicant currently holds a Class XI Restaurant/Lounge with Outdoor Dining on Private Property at this location.

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. Pizzaiolo
2. Pizzaiolo Council Packet_2021.10.04

Prepared by:

Date: 09/14/2021

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:

Perfect Pie 2, LLC, dba Pizziolo. Application for Combined Entertainment at 865 Forest Avenue.

MAILING ADDRESS
PO BOX 426
PORTLAND ME 04112

PHYSICAL ADDRESS
ONE CANAL PLAZA
PORTLAND ME 04101

TEL 207.774.2635
FAX 207.871.8026
www.perkinsthompson.com

Brandon J. Mazer
Direct Tel 207.400.8125
bmazer@perkinsthompson.com

September 9, 2021

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

Dear Mayor Snyder and City Councilors,

On behalf of our client, Perfect Pie 2, LLC d/b/a Pizzaiolo's, please find attached an application for an Entertainment License with the required sound mitigation plan. Pizzaiolo currently holds a Food Service Establishment license with Alcohol Beverages License at its 865 Forest Avenue location.

The owners of Pizzaiolo plan on providing both indoor and outdoor music at the restaurant.

Thank you very much for your consideration of this application.

Kind Regards,



Brandon J. Mazer, Esq.
On behalf of Perfect Pie 2, LLC



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):		Pizzaiolo		Phone:	207-536-7210
Location Address:		865 Forest Avenue			Zip: 04103
Owner Name:		Perfect Pie 2, LLC		Phone:	207-710-9100
Owner Email:		pizzaioloportland@gmail.com			
Contact Person responsible for Entertainment:		Pat Scally		Phone:	207-710-9100
Contact Person Email:		pizzaioloportland@gmail.com (with copy to bmazer@perkinsthompson.com)			
Manager of Establishment:		Pat Scally		Phone:	207-710-9100
Manager Email:		pizzaioloportland@gmail.com			

About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment:
Bar/restaurant with indoor and outdoor bands. Possible karaoke indoors.

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 Brandin Mayu Title Attorney-in-fact Date 9/1/2021
Perfect Pie 2, LLC

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

Pizzaiolo

865 Forest Ave Portland, Maine



The following equipment is installed in the restaurant:

4x 6.5" In Ceiling OSD Speakers (Bar Area)

4x 6.5" Surface Mount OSD Speakers (Dining Area)

2x 6.5" Surface Mount OSD Speakers (Deck)

3 Volume Controls

300 Watt Rockville 70v Amp

Each Zone Has Independent Volume Controllers max wattage for each zone inside is 100 watts, Deck Speakers is limited to 50 watts. Tested each marked area with Digital Sound Level Meter by Extech. Results are listed on layout. This is with all zones at full volume.

Randall Williams

SMI Networks

207.590.6477

10db
18db Band Playing

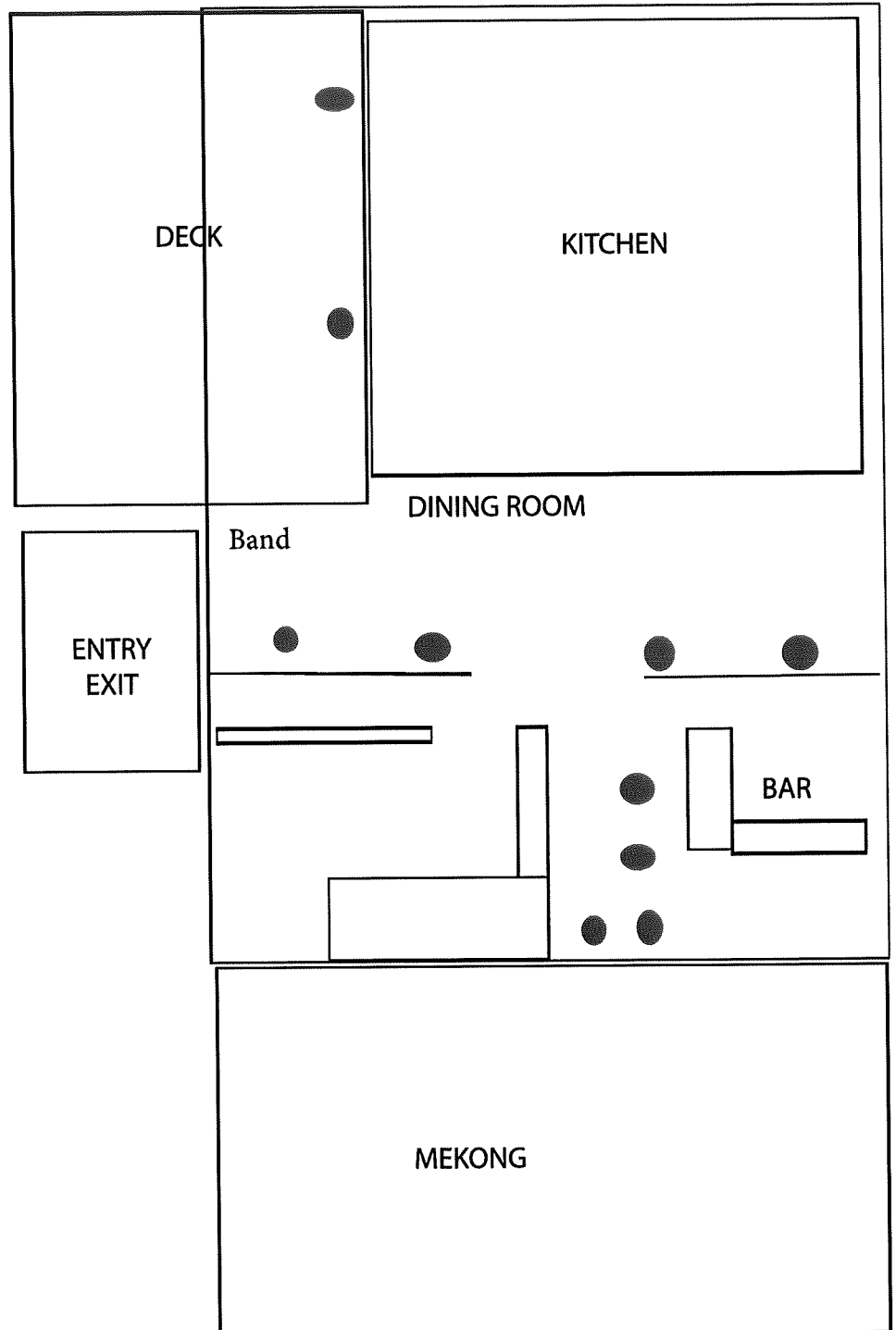
9db
15db Band Playing

● = SPEAKERS

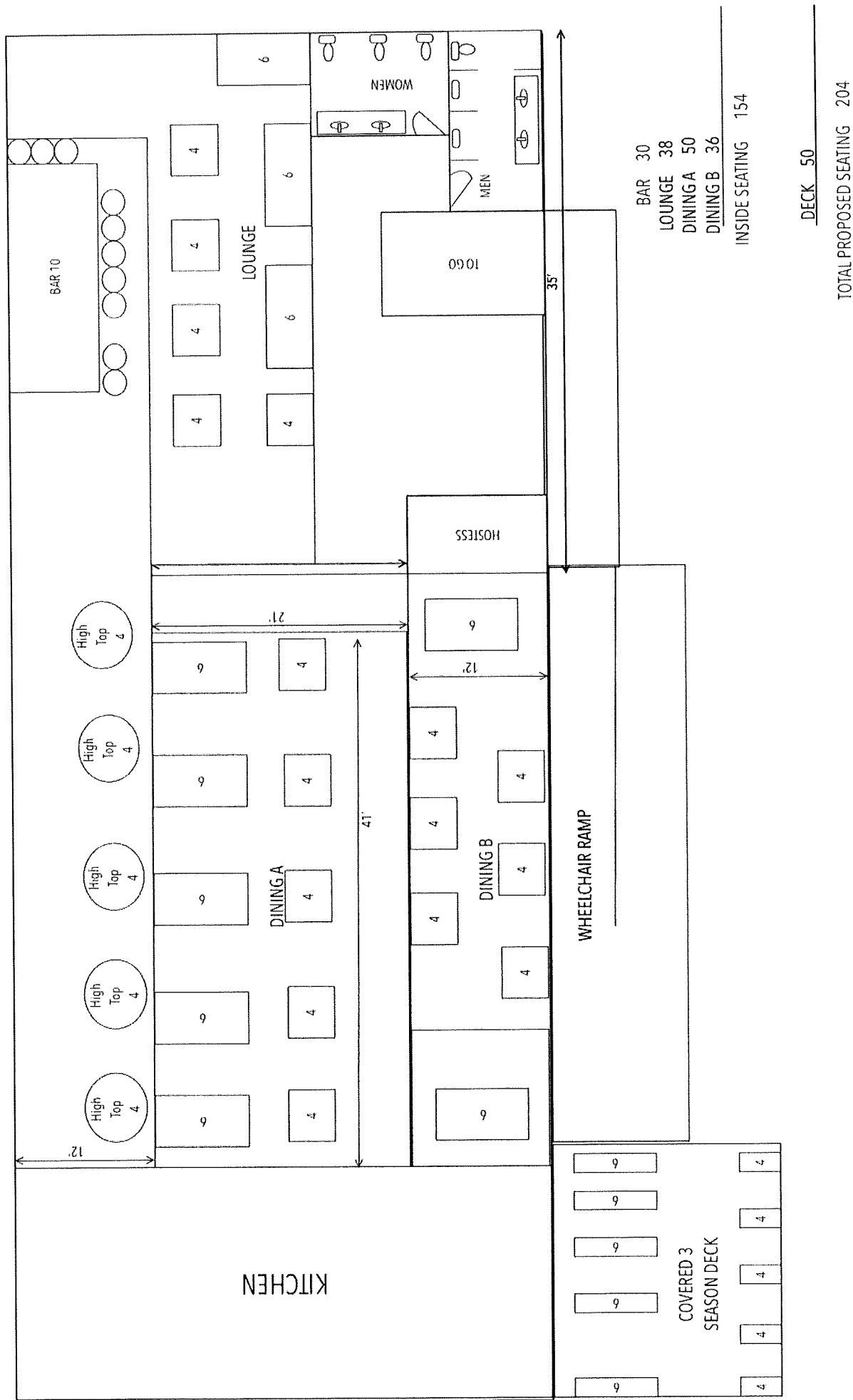
◆ = db TEST

11db
21 db Band Playing

PARKING

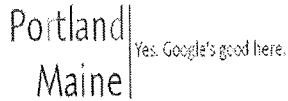


FOREST AVE



PIZZAIOLO

FOREST AVE VERSION 3.0 FEB 17 2021



Zachary Lenhert <zlenhert@portlandmaine.gov>

Pizzaiolo

Glen McGary <glenm@portlandmaine.gov>

Tue, Sep 14, 2021 at 3:56 PM

To: Jason Grant <jgrant@portlandmaine.gov>

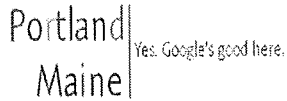
Cc: Zachary Lenhert <zlenhert@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erich@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>

Pd 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 Lenhert <zlenhert@portlandmaine.gov>

Pizzaiolo**Dan DeLuna** <ddeluna@portlandmaine.gov>

Mon, Sep 27, 2021 at 2:20 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhert <zlenhert@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erick@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>, Glen McGary <glenm@portlandmaine.gov>

Hi Zach,

The commercial unit occupied by this business has had a longstanding legal use as a restaurant, no change of use was required for their existing Class XI Restaurant/Lounge FSE license.

Zoning has allowed entertainment to be included as part of the legal use of a space/property as a restaurant and/or bar.

There is nothing in zoning that would restrict a combined (indoor/outdoor) entertainment license since the property is not located in the Downtown Entertainment Overlay zone.

Thank you,

Dan DeLuna
Zoning Specialist
[Quoted text hidden]

Sound Mitigation Review

Applicant Pat Scally

Page 88



CITY OF PORTLAND
Permitting and Inspections Department

September 14, 2021

Perfect Pie 2, LLC
360 Cumberland Ave.
Portland, ME 04101

Re: Perfect Pie 2, LLC, dba Pizziolo. Application for Combined Entertainment at 865 Forest Avenue

Dear Perfect Pie 2, LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday October 4, 2021 at 5:00 p.m.**, for the review of application for Combined Entertainment at 865 Forest Ave. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on October 1, 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 at bl@portlandmaine.gov.

Sincerely,

A handwritten signature in black ink, 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 October 4, 2021 at 5:00 P.M., virtually, Perfect Pie 2, LLC, dba Pizzaiolo. Application for Combined Entertainment at 865 Forest Ave. - Sponsored by Jon P. Jennings, City Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 14, 2021

SUBJECT: Order 66-21/22 Granting Municipal Officers' Approval of Smallaxe LLC, dba East Ender. Application for Indoor Entertainment at 47 Middle St. - 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

Application was filed on 9/13/21. New City application. Applicant currently holds a Class I FSE with Outdoor Dining on Public Property at this location.

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. East Ender
2. East Ender Council Packet_2021.10.04

Prepared by:

Date: 09/14/2021

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:

Smallaxe LLC, dba East Ender. Application for Indoor Entertainment at 47 Middle Street.

EAST ENDER
RESTAURANT
—
BAR

09/10/2021

DEAR MAYOR SNYDER AND
MEMBERS OF THE CITY COUNCIL,

We are submitting an application for this live entertainment permit to provide a boutique karaoke experience in our small ground floor tavern space. This programming will be designed for people that enjoy the activity of karaoke as opposed to doing it as a dare. We would offer karaoke 5 days a week, from 6pm to 10pm for no more than 15 people at a time. Sound design will be utilized to be sure that volume remains reasonable and can comingle with guests enjoying conversation. The primary function of East Ender remains that of a Restaurant.

SINCERELY,

KARL DEUBEN
OWNER
EAST ENDER



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			
Establishment Name (d/b/a):	EAST ENDER	Phone:	207 879-7669
Location Address:	47 MIDDLE ST PORTLAND, ME	Zip:	04101
Owner Name:	KARL DEUBEN	Phone:	207 671-8495
Owner Email:	KARL@EASTENDERPORTLAND.COM		
Contact Person responsible for Entertainment:	KARL DEUBEN	Phone:	207 671-8495
Contact Person Email:	KARL@EASTENDERPORTLAND.COM		
Manager of Establishment:	ARRYAN DECATUR	Phone:	207 329-0229
Manager Email:	GM@EASTENDERPORTLAND.COM		

About Your Establishment

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

EAST ENDER IS A FOOD ESTABLISHMENT, WITH TWO FLOORS OF DINING. THERE IS A BAR ON EACH FLOOR. OUR PROPOSAL IS TO ADD KARAOKE TO OUR FIRST FLOOR AREA ONLY. THIS WILL BE DONE THROUGH A MICROPHONE UTILIZING OUR EXISTING SOUND SYSTEM.

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 K/D Title OWNER Date 9/9/2021

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



September 8, 2021

To Whom it May Concern:

Management at The East Ender asked me to evaluate the impact Karaoke performers on the first floor of their 47 Middle Street location might have on adjacent tenants; specifically, how the sound system might impact them.

In Consideration of As Follows:

- The average sound level in the restaurant is low by modern standards; well under 75 db the vast majority of the time.
- Karaoke singing and music is not intended to be a concert or have concert-like sound levels. It is for the entertainment of those performing and other guests.
- The establishment will not hire DJ's playing prerecorded music containing high energy low frequencies which tend to disturb people who might be some distance from the source.
- The average volume of the speakers performers will be employing will hover just above that of the ambient noise level of the restaurant. The level as measured 1 meter from the speaker will be approximately 80 db.
- The throw distance of the two near field speakers Karaoke performers will be singing through is approximately 15 feet. Sound pressure from the speakers being employed drops off dramatically at the edge of the throw distance and beyond.
- The coverage angle of the two near field speakers Karaoke performers will be singing through is not much more than 90 degrees. Sound pressure from the speakers employed drops off dramatically at the margins of and beyond these angles.
- One tiny (8") subwoofer is located under the Host Station. It is intended to add some "warmth" to the lower octave of music and nothing more. We do not anticipate lower frequencies of this nature to travel through walls and disturb other tenants.
- There will not be a stage.

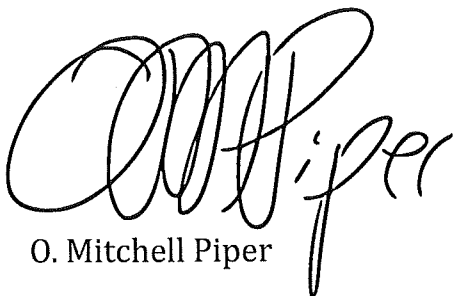
- A small four channel mixer operated by staff will control the Karaoke performers microphones and the music they sing to. Performers and guests will have no control over volume.
- No more than two microphones will be available to singers at any time.

In Conclusion As Follows:

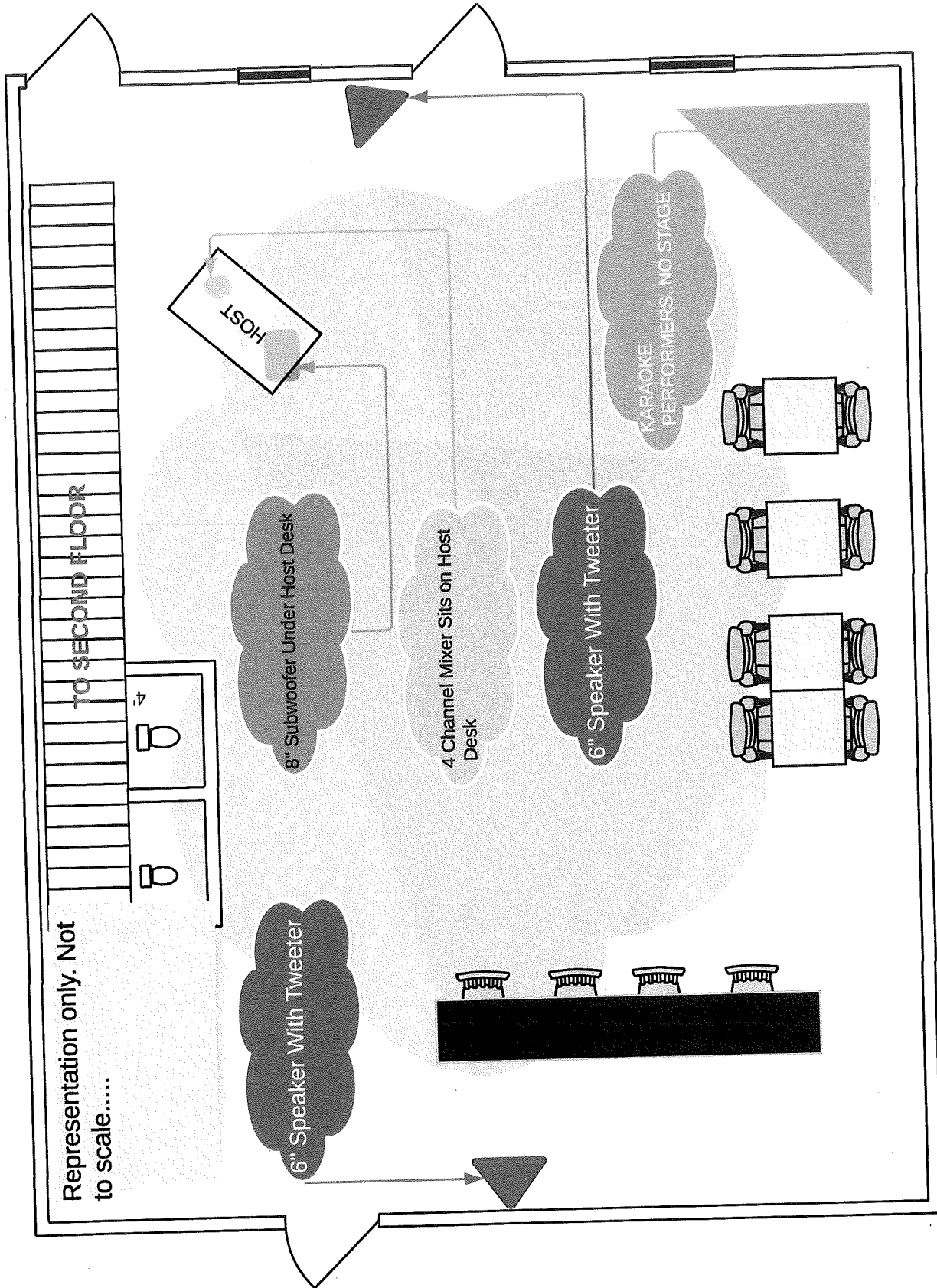
- The nature of the sound system and performances do not produce the high energy low frequencies which sometimes disturb adjacent tenants.
- The establishment will not be hiring entertainers whose music contains high energy low frequencies.
- It is not possible for sound at the volume emitting from the speakers the establishments performers will be using to travel much beyond the area depicted in the diagram in any conditions.
- Since staff has complete control over volume and is incented to ensure adjacent tenants are not disturbed , the chance of it getting out of hand is extremely low. Opportunities for corrective action should it be necessary are very high.

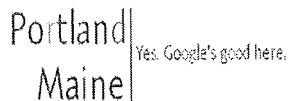
Thank you for your consideration. I'm sure you won't hesitate to contact me should you have any questions. mitch@kssystemsglobal.com or mobile phone at 207-632-7485 are the best contact methods.

Warmest regards,



O. Mitchell Piper





Zachary Lenhert <zlenhert@portlandmaine.gov>

East Ender - Indoor Entertainment

Glen McGary <glenm@portlandmaine.gov>

Tue, Sep 14, 2021 at 3:55 PM

To: Treasury Division <treasury@portlandmaine.gov>

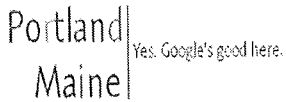
Cc: Zachary Lenhert <zlenhert@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erich@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>

PD 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 Lenhert <zlenhert@portlandmaine.gov>

East Ender - Indoor Entertainment

amachado <amachado@portlandmaine.gov>

Thu, Sep 23, 2021 at 4:02 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhert <zlenhert@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>

Zach -

Zoning has the use of East Ender as a restaurant occupying the first and second floor. There is nothing in zoning that would restrict an indoor entertainment license since the property is not located in the Downtown Entertainment Overlay zone.

Ann Machado
Zoning Administrator

[Quoted text hidden]

City of Portland

Sound Mitigation Review

Date: 9/20/2021

Business East Ender

Applicant Karl Deuben

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		
additional notes		
Approved		Yes
DIRECT ALL INQUIRIES TO:		
Kevin Schneck		
(207) 756-8433		
kschneck@portlandmaine.gov		



CITY OF PORTLAND
Permitting and Inspections Department

September 14, 2021

Smallaxe LLC
47 Middle St.
Portland, ME 04101

Re: Smallaxe LLC, dba East Ender. Application for Indoor Entertainment at 47 Middle Street

Dear Smallaxe LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday October 4, 2021 at 5:00 p.m.**, for the review of application for Indoor Entertainment at 47 Middle St. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on October 1, 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 at bl@portlandmaine.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Zachary J. 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 October 4, 2021 at 5:00 P.M., virtually, Smallaxe LLC, dba East Ender. Application for Indoor Entertainment at 47 Middle St. - Sponsored by Jon P. Jennings, City Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 22, 2021

SUBJECT: Order 67-21/22 Granting Municipal Officers' Approval of Arcadia Gaming and Pizza Parlor LLC, dba Arcadia. Application for Class XI Restaurant/Lounge with Indoor Entertainment, 50 Amusement Devices and 50 Pinball Machines at 504 Congress St. - 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

Application was filed on 9/13/21. New City and State applications. Location was previously Port City Music Hall.

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. Arcadia
2. Arcadia Council Packet_2021.10.04

Prepared by:

Date: 09/22/2021

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:

**Arcadia Gaming and Pizza Parlor LLC, dba Arcadia. Application for Class XI
Restaurant/Lounge with Indoor Entertainment, 50 Amusement Devices and 50 Pinball
Machines at 504 Congress Street.**

GREETINGS Mayor AND City Council People!

It's DAVE ACETO FROM ARCADIA. I MISS SEEING YOUR FACES IN REAL LIFE BUT ZOOM WILL HAVE TO DO. WE ARE MOVING OUR OPERATIONS FROM 24 PUEBLO ST TO 504 CONGRESS ST. where Port City Music Hall used to be. As such, we are applying for a new liquor license with our new location. We have also adjusted our business model to become a restaurant in case we have another shut down due to Covid. Formerly, we were just a bar and the forced closure for a year and a half almost put us out of business, ... BUT WE'RE BACK! Looking forward to sharing the most unique collection of games, drinks and food with you soon.

Love Always,

Dave Aceto xoxo

President, Arcadia Gaming And Pizza Parlor LLC
504 Congress St. Portland, Me 04101



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

Business Information	
Business Name (d/b/a):	ARCADIA Phone: 207 615 5975
Location Address:	504 CONGRESS ST Zip: 04101
If new, what was formerly at this location:	PORT CITY MUSIC HALL
Mailing Address:	504 CONGRESS ST Zip: 04101
Contact Person:	DAVID ACETO Phone: 207 615 5975
Contact Person Email:	ARCADIA PORTLAND@gmail.com
Manager of Establishment:	DAVID ACETO Date of Birth: 8/15/84 Phone: 207 615 5975
Owner of Premises (Landlord):	504 KAPLAN LLC
Address of Premises Owner:	49 OCEAN AVE Zip: 04103

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
ARCADIA GAMING AND PIZZA PARLOR LLC		504 Congress St Zip: 04101	
Contact Person:	DAVID ACETO	Phone:	207 615 5975
Principal Officers	Title	Date of Birth	Residence Address
David Aceto	President	08/15/84	184 Congress St Apt 3 04101
Dennis Gaines	Vice President	6/6/77	460 Highland Ave 04106
Nicole Costas	Treasurer	9/18/77	48 Pleasant St Apt 10 04101
Class of Liquor License: Class A Rest/Lounge (Class XI)			

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:	Italian	
Please circle all that will be served:	Beer Wine Liquor	
Projected percentage of sales:	Generated from Food: 30%	Generated from Alcohol: 70%
Hours & days of operation:	Fri - Mon 4pm - Midnight	
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:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?		Y/N ☒ N
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)		Y/N ☒ N
Will you permit dancing after 1:00 a.m.?		Y/N ☒ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)		Y/N ☒ 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 ☒ N
If yes, please list: # of pinball machines: 50 # of amusements: 50 # of pool tables: _____		
What is your targeted opening date? Oct 15th 2021		
Does the Issuance of this license directly or indirectly benefit any City employee(s)?		Y/N ☒ N
If Yes, list name(s) of employee(s) and department(s): April Fournier - City Council		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?		Y/N ☒ N
If Yes, please list business name(s) and location(s):		
ARCADIA NATIONAL BAR 24 Preble St 04101		
Is any principal officer under the age of 21?		Y/N ☒ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		Y/N ☒ N
If Yes, please explain: Nicole Cortes - 04/02/2005 (clear) Criminal Mischief		

I, Daniel Arto 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 Daniel Arto Title Proprietor Date 9/13/2021



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):	ARCADIA	Phone:	207 615 5975
Location Address:	504 Congress St		Zip: 04101
Owner Name:	DAVID ACETO	Phone:	207 615 5975
Owner Email:	ARCADIA PORTLAND@gmail.com		
Contact Person responsible for Entertainment:	DAVID ACETO	Phone:	207 615 5975
Contact Person Email:	ARCADIA PORTLAND@gmail.com		
Manager of Establishment:	DAVID ACETO	Phone:	207 615 5975
Manager Email:	ARCADIA PORTLAND@gmail.com		

About Your Establishment

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

ARCADIA - Portland's only museum quality classic arcade is moving into the old Port City Music Hall while we will still be an arcade first - we want to continue to hold music, art and comedy shows that the space once hosted.

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 President Date 9/13/2021

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

Sound Mitigation Plan
Arcadia
504 Congress St
Portland, ME 04101

Overview:

Live Music will take place 3-4 nights a month once the current pandemic has subsided. Concerts will be held after 8pm when 2 adjacent retail businesses to 504 Congress Street are closed.

Details:

Stage will be at the far end of the building, opposite of the Congress Street entrance. There will be 2 sets of self powered, line array style speaker stacks. These will be controlled by typical, front of house mixing consoles. Exact models will be determined by each artist contracted to perform.

Anticipated sound levels:

Levels will not exceed 100 dBa.

Noise cancelling and mitigation methods:

Noise cancelling materials are installed on all walls. All ceiling surfaces have been sprayed with fire retardant, noise canceling foam.

Prepared by

Dennis Gaines

Audio Engineer and Design Specialist

Independent Audio

82 Gilman St

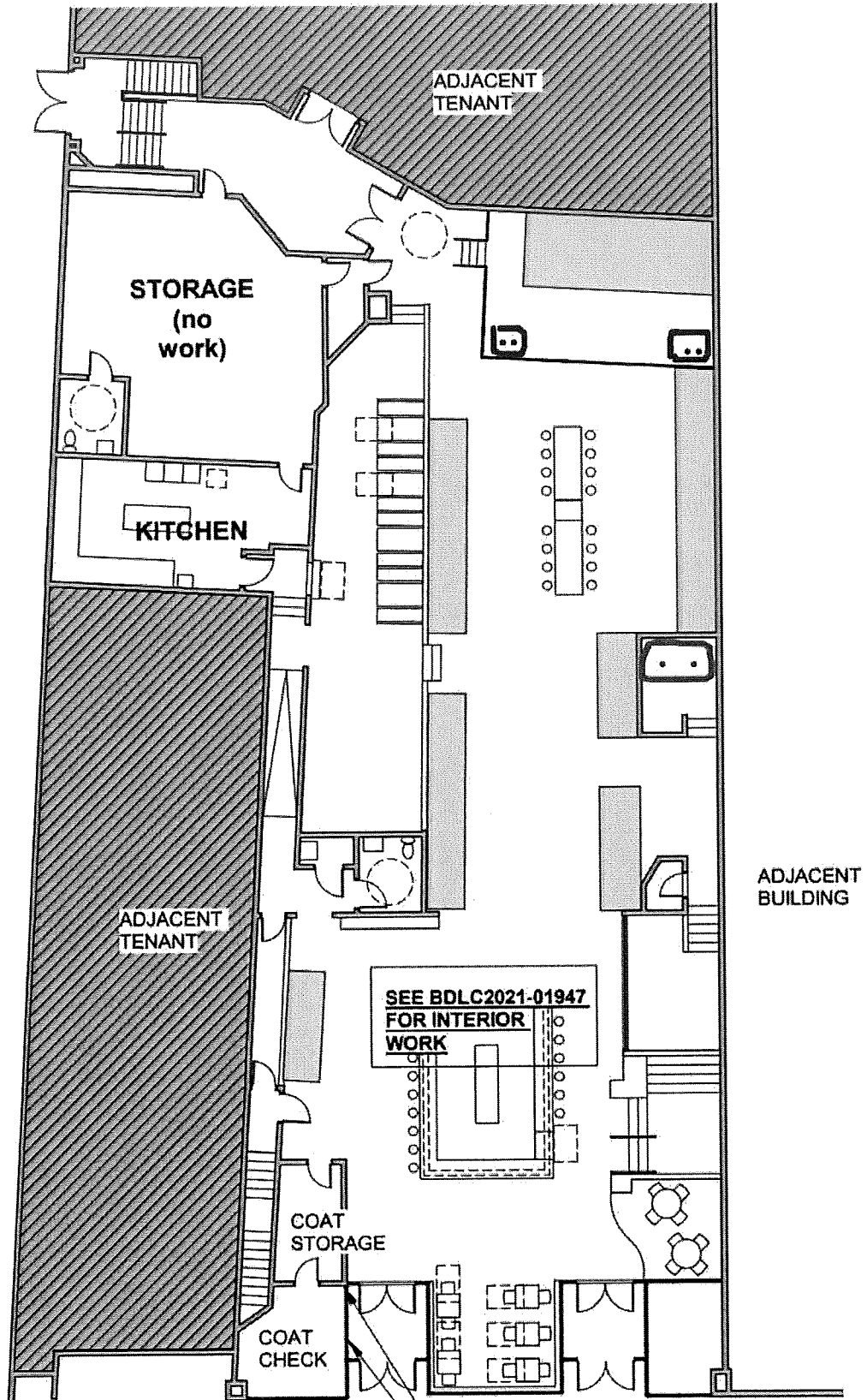
Portland, ME 04102

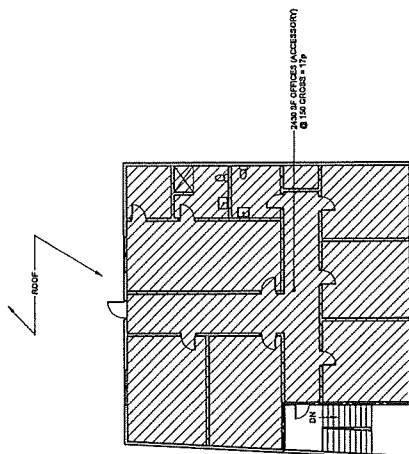
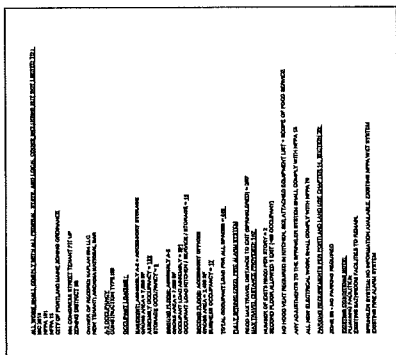
Note:

Following diagram key

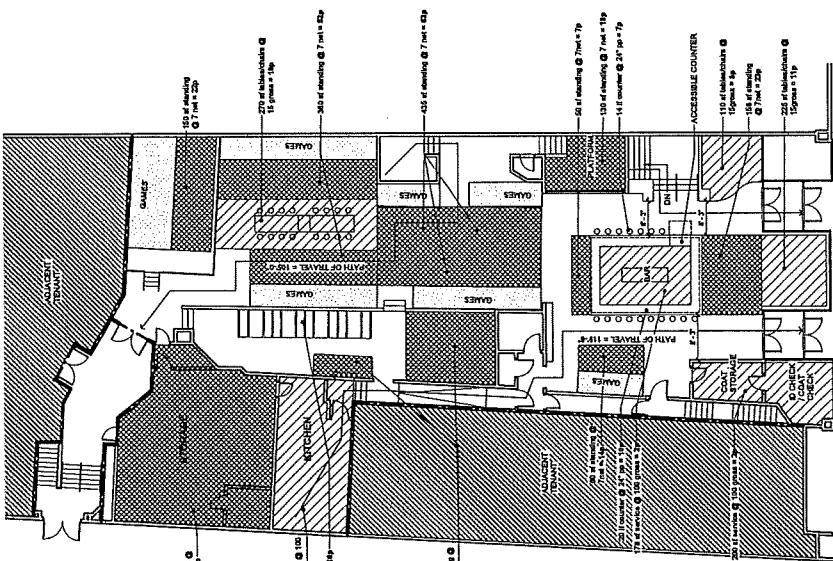
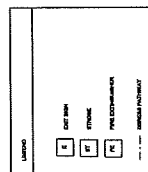
Red is speaker location

Blue is FoH Mixing Console

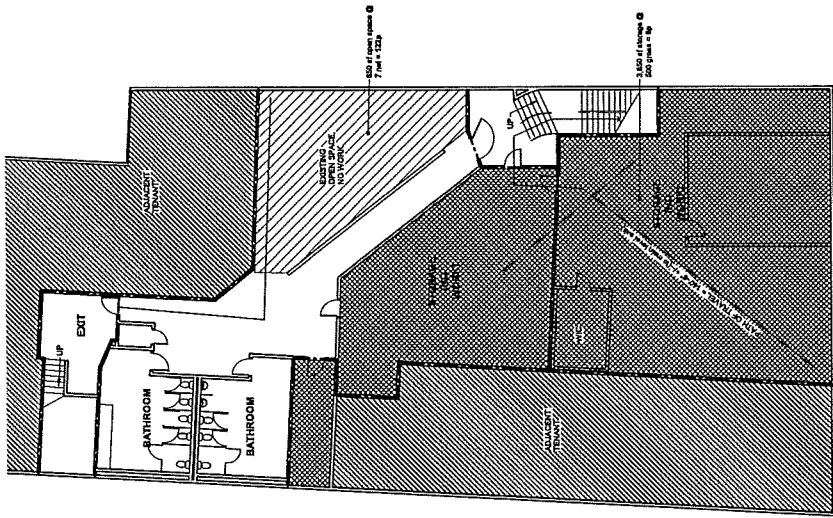




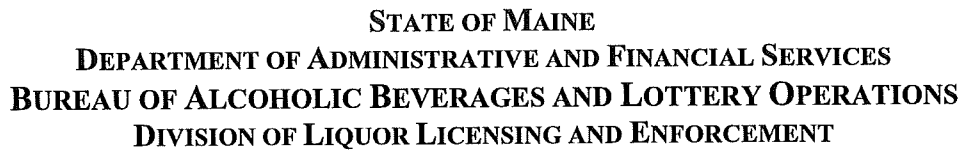
3 UPPER LEVEL CODE PLAN (NO WORK)
3.07 = 1.07



1 MAIN LEVEL CODE PLAN
5,000 ± 1'-0"



2 BASEMENT CODE PLAN (NO WORK) TOTAL OCCUPANCY THIS LEVEL = 130



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 ☐	

Legal Business Entity Applicant Name (corporation, LLC): ARCADIA GAMING AND PIZZA PARLOR LLC	Business Name (D/B/A): ARCADIA
Individual or Sole Proprietor Applicant Name(s): —	Physical Location: 504 Congress St. 04101
Individual or Sole Proprietor Applicant Name(s): —	Mailing address, if different: —
Mailing address, if different from DBA address: —	Email Address: ARCADIA PORTLAND@gmail.com
Telephone # Fax #: 207 615 5975	Business Telephone # Fax #: 207 615 5975
Federal Tax Identification Number: 86-2293504	Maine Seller Certificate # or Sales Tax #: 1214669
Retail Beverage Alcohol Dealers Permit: —	Website address: ARCADIA PORTLAND.COM

1. New license or renewal of existing license? ☒ New Expected Start date: 10/15/2021
☐ Renewal Expiration Date: _____

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

Food: 270,000 Beer, Wine or Spirits: 630,000 Guest Rooms:

Estimated Sales

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:

504 Congress 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
David Aceto	8/15/84	Portland, Me
Dennis Gaines	6/6/77	Bridgford, Me
Nicole Costas	9/18/77	Stamford, CT
Residence address on all the above for previous 5 years		
Name David Aceto	Address: 184 Congress St	APT 3 Portland, Me 04101
Name Dennis Gaines	Address: 460 Highland Ave	04106 South Portland, Me
Name Nicole Costas	Address: 48 Pleasant St	APT 10 Portland, Me 04101
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: Nicola Costas Date of Conviction: 4/2/2005

Offense: Criminal Mischief-Class D Location: Portland, Me

Disposition: Convicted - Fine only

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:

504 KAPLAN LLC 49 Ocean Ave Portland, Me 04103

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 upstairs and basement of 504 Congress St. on the
diagrams provided on section VI - this includes the
bar area and gaming and eating areas.

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: Portland High School

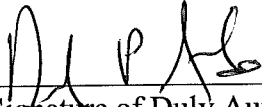
Distance: .4 miles

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: 9/13/2021


Signature of Duly Authorized Person

DAVID Aceto
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.

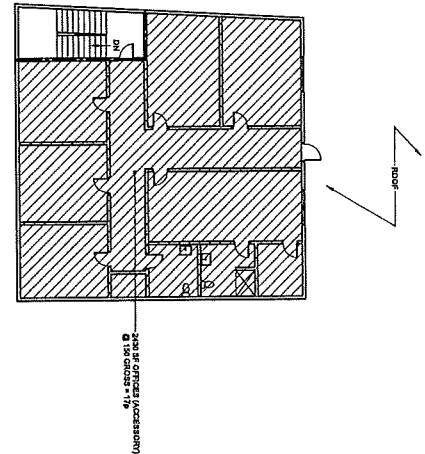
Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside 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
DIAGRAM

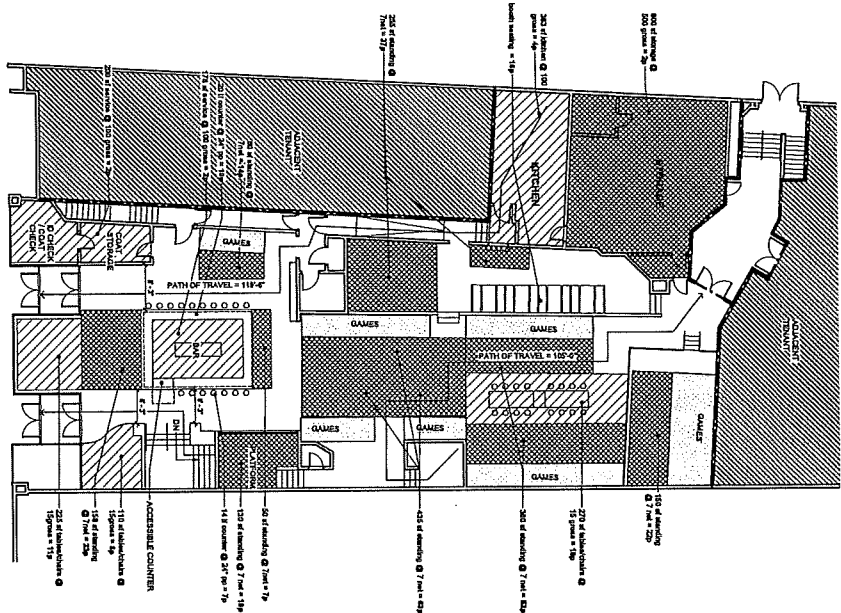
ARCADIA NATIONAL BAR TENANT FIT UP

DWG NO.	2118
JOB NO.	2118
DATE	3/15/2021
SCALE	As Indicated
ISSUE	3/15/2021
TITLE	CODE PLANS
SHEET	A1

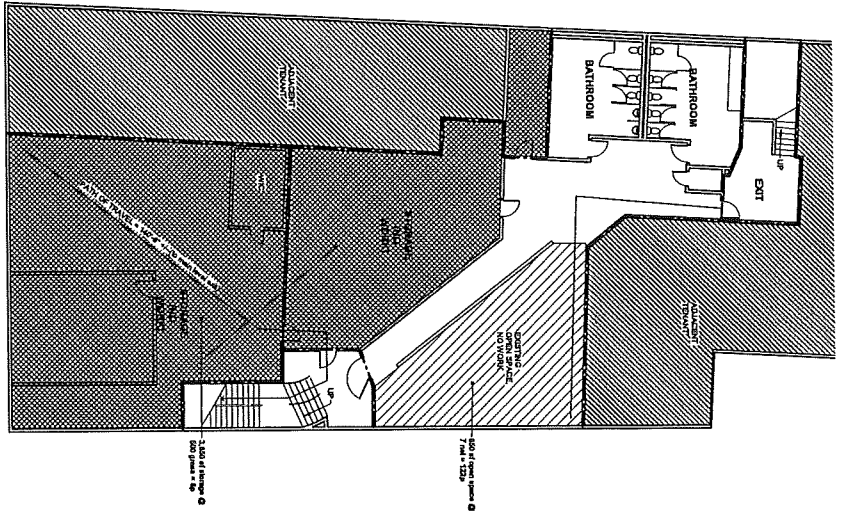
THIS DOCUMENT IS THE PROPERTY OF QSD ARCHITECT, P.C. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF QSD ARCHITECT, P.C. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION OF THIS DOCUMENT IS PROHIBITED. THIS DOCUMENT IS THE PROPERTY OF QSD ARCHITECT, P.C. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF QSD ARCHITECT, P.C. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION OF THIS DOCUMENT IS PROHIBITED.



3 UPPER LEVEL CODE PLAN NO WORK
 3/15/21



1 MAIN LEVEL CODE PLAN
 3/15/21



2 BASEMENT CODE PLAN NO WORK
 3/15/21

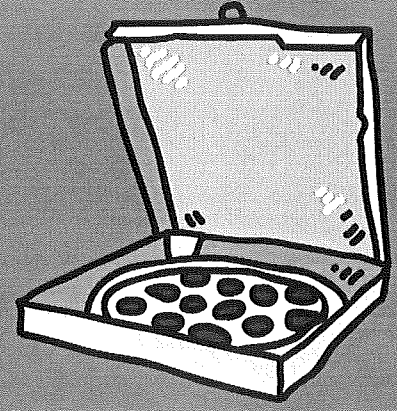
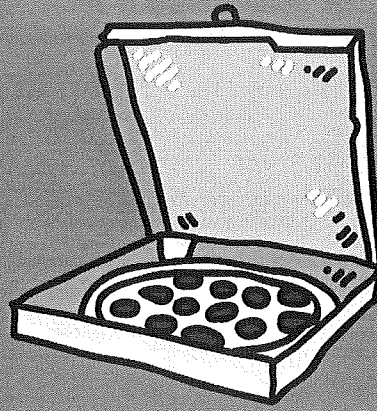
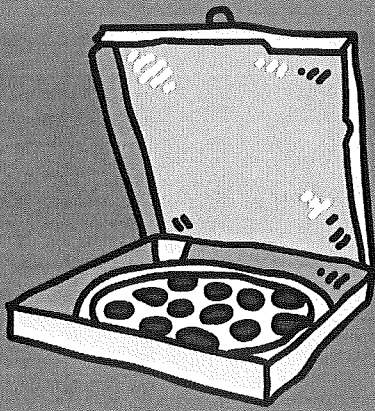
Legend
1. NEW WORK
2. EXISTING
3. REMOVED
4. OTHER

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.

1. Exact legal name: ARCADIA GAMING AND PIZZA PARLOR LLC
2. Doing Business As, if any: ARCADIA
3. Date of filing with Secretary of State: 2/11/2021 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
DAVID Aceto	184 Congress St Apt 3 Portland, Me 04101	08/15/84	President	51
Dennis Gaines	460 Highland Ave South Portland, Me 04106	6/6/77	Vice President	33
Nicola Costas	48 Pleasant St. Apt 10 Portland, Me 04101	9/18/77	Treasurer	16

Page 11 of 11



PIZZA - PIZZA - PIZZA - PIZZA - PIZZA - PIZZA

CHEESE PIE \$10

TOPPINGS: \$2 PER

PEPPERONI

SAUSAGE

BACON

MUSHROOM

GREEN PEPPER

ONION

BLACK OLIVE

JALAPENO

SPECIALTY \$14

ALFREDO PIE

all kinds of cheese,
white sauce, garlic,
black pepper

SALAD PIE

a cheese pie dressed with
mixed greens, tomato,
cucumber, feta, balsamic

BUFFALO CHICKEN PIE

fried chicken slathered in
buffalo sauce and ranch.

- SANDWICHES -

ITALIAN \$14

hot capicola, mozzarella, balsamic,
sundried tomato, arugula, olive oil

MEATBALL PARM \$12

covered in marinara and mozzarella

EGGPLANT PARM \$13

covered in marinara and mozzarella

- SIDES -

GARLIC KNOTS \$7

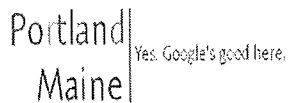
our homemade dough knots
tossed with garlic, herbs and parmesan

SIDE SALAD \$8

mixed greens, tomato, cucumber,
red onion, sunflower seeds, feta

ICE CREAM SANDO \$6

classic vanilla between two cookies



Zachary Lenhart <zlenhart@portlandmaine.gov>

Arcadia

Glen McGary <glenm@portlandmaine.gov>

Tue, Sep 14, 2021 at 3:54 PM

To: Treasury Division <treasury@portlandmaine.gov>

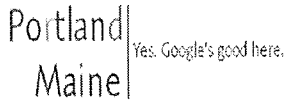
Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erich@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>

PD 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 Lenhert <zlenhert@portlandmaine.gov>

Arcadia

Dan DeLuna <ddeluna@portlandmaine.gov>
To: Zachary Lenhert <zlenhert@portlandmaine.gov>
Cc: Ann Machado <amachado@portlandmaine.gov>

Mon, Sep 27, 2021 at 10:19 AM

Hi Zach,

Since they are in compliance with dispersal requirements, this is all set for Zoning.

1) Arcade/Amusement Devices - I have updated the legal use in the property manager to "bar with amusement devices accessory to bar use [as per Sec. 14-6.6.2(B)]." Zoning has already approved permit BLDC2021-01947 and the proposed accessory use was made clear in the application materials. Therefore we will treat the accessory use as having been approved under that permit.

2) Music/Comedy/Art shows

- As mentioned, since the principal use is as a bar, we can treat these limited shows as part of the bar use, since we already permit bars to have limited entertainment without considering this as a separate use (principal or accessory)

Based on the above, we do not see any Zoning impediment to granting the Indoor Entertainment license.

Please let me know if you have any questions on this.

Best regards,

Dan

On Fri, Sep 24, 2021 at 3:54 PM Zachary Lenhert <zlenhert@portlandmaine.gov> wrote:
[Quoted text hidden]

[Quoted text hidden]

City of Portland

Sound Mitigation Review

Date: 9/23/2021

Business Arcadia

Applicant David Acero

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			
additional notes			
Approved		Yes	
DIRECT ALL INQUIRIES TO:			
Kevin Schneck			
(207) 756-8433			
kschneck@portlandmaine.gov			



CITY OF PORTLAND
Permitting and Inspections Department

September 14, 2021

Arcadia Gaming and Pizza Parlor LLC
504 Congress St.
Portland, ME 04101

Re: Arcadia Gaming and Pizza Parlor LLC, dba Arcadia. Application for Class XI FSE with Indoor Entertainment at 504 Congress Street

Dear Arcadia Gaming and Pizza Parlor LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday October 4, 2021 at 5:00 p.m.**, for the review of application for Class XI FSE with Indoor Entertainment at 504 Congress St. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on October 1, 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 at 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 October 4, 2021 at 5:00 P.M., virtually, Arcadia Gaming and Pizza Parlor LLC, dba Arcadia. Application for Class XI FSE with Indoor Entertainment at 504 Congress St. - Sponsored by Jon P. Jennings, City Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 22, 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. Order 67-21_22 Public Comment

Prepared by:

Date: 09/22/2021

Arcadia Bar 0 views



Amelia <ameliaw.nugent@gmail.com>
to publiccomment@portlandmaine.gov

Sep 16, 2021, 4:54:32 PM (12 days ago)

Dear Portland City Council,

I am currently pregnant with my second child, which means I am sober. I have also been sober during other seasons for health related reasons and am close to other folks in the sober community. I cannot tell you how important spaces like Arcadia Bar are for people like me. They are places where there are things to DO-- games that sober and not sober people can play. It is a place where you don't have to have a drink in your hand to have fun, but you can hang out with other people who are drinking- it's rare and wonderful.

While I have lived in Maine most of my life I have also lived in Portland, OR, Providence, Boston, and various other cities-- it was always super common to have games in bars, and I've always wondered why this isn't more true in Portland. When I read in the PPH the way Portland is interpreting their liquor license laws it all made more sense -- we charge by pinball machine. I hope you will reconsider this policy. A bar like Arcadia is fundamentally different from a Chucky Cheese. It is a safe and welcoming place for folks who are sober but do not want to feel left out or isolated. Our restaurants and communities have been through enough this year already- please give them a break so they can open their doors and get back to making our city a great place to live- for all of us.

Respectfully,
Amelia Nugent Edson

--

Amelia Nugent Edson
(207) 504 0204
Pronouns: she/her/hers

Please note that this is my personal email account, I will not always have away messages when I am out of office.
Please excuse any delayed responses. For urgent matters please call or text my cell phone. Many thanks.

Liquor License Issue 0 views



Kyle Aarons <kyleaaronblount@gmail.com> Sep 16, 2021, 1:51:01 PM (12 days ago)

to publiccomment@portlandmaine.gov

Hello, council members,

My name is Kyle Aarons. I was a Portland resident from 2013-2020 when I was priced out of the city due to your failure to make Portland an affordable place to live. I still reside in the surrounding area and work as a supervisor in the city. It has recently been brought to the public's attention of the outlandish fees you are charging businesses who are trying to reopen, particularly in the case of Arcadia National Bar. Portland has lost a great many of its local businesses in the past 2 years between the exodus of residents who can no longer afford the extreme renting conditions within the city and the effects of the pandemic. If you want Portland to ever reopen again in full and be the thriving place it once was, it is imperative for you to review your archaic fees. To charge a local bar \$18,000 for a license is beyond oversight; it is prohibitive and tells the residents of the city that you do not want them to open businesses nor have places that they can patronize. On a personal note, Portland has exactly one queer bar in Blackstones. Arcadia has made a name for itself by being open and accepting of all people, a mantra I thought this city took to heart. The prohibitive nature of your licensure fees also tells the queer community that our safe spaces do not matter to you. If that is the case, you can expect to hear from us on a regular basis and we will quickly begin our work to make sure you all find yourselves without jobs.

Sincerely,
Kyle Aarons
137 Lamb St Apt 2
Westbrook, ME 04092

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 27, 2021

SUBJECT: Resolve 3-21/22 Urging the Adoption of Precautionary Measures to Slow the Spread of COVID-19 - Sponsored by Kate Snyder, Mayor

SPONSOR: Mayor Kate Snyder

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading **Final Action**

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

This resolution seeks to achieve the goal of impacting behaviors and precautions regarding Covid-19.

While the City of Portland requires vaccination and/or testing by employees, requires vaccination for those over 12 at Merrill Auditorium, the Expo, and other City-owned and -operated venues, we know that the City does not have the staff resources to enforce a mask mandate or vaccine requirement at places of business it does not own or operate.

With this Resolution we ask, urge and recommend vaccination, mask wearing, and other precautions that we know stem the spread of Covid-19. We also recommend and support the launch of a City-led public education campaign, which includes the development of assets for use by community organizations and businesses.

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. Resolution Urging Adoption of Measures to Slow Spread of COVID-19 10.4.2021 (1)

Prepared by:

Date: 09/27/2021

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)

**RESOLUTION URGING THE ADOPTION OF
PRECAUTIONARY MEASURES TO SLOW THE SPREAD OF COVID-19**

WHEREAS, the Mayor and the City Council desires to express its support and encouragement to a continuing dialogue among the residents, businesses, and institutions committed to the protection, promotion and enhancement of the health and safety interests of our great City; and

WHEREAS, we recognize the benefits that arise from individual and collective purposeful efforts to insure our City's community public health during these unprecedented challenges to our personal health and well-being; and

WHEREAS, we support the continuing efforts and leadership of our local health care system to respond and manage the consequences of the spread of the SARS-CoV-2 and its variants and the sickness that follows from COVID-19;

WHEREAS, the City Manager and staff have indicated that they will again undertake a city-wide campaign including media posts, public service announcements, production of window signs and making personal protective equipment available in order to continue to strongly encourage all residents, business, and visitors to take precautionary measures to help slow the spread of COVID-19.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the Portland City Council hereby respectfully request and strongly urge all residents, businesses, and visitors to take precautionary measures at all times to help slow the spread of COVID-19 and save lives, especially over the upcoming holiday and winter season when a spike is predicted to occur. Those precautionary measures include, but are not limited to, the following:

- (1) Get vaccinated if you are eligible to do so;
- (2) Wear a face mask when in indoor public spaces, or when in close proximity to others;
- (3) Stay 6 feet from others who do not live in your household;
- (4) Avoid large crowds and poorly ventilated spaces, especially if unmasked or unvaccinated people will be in present;
- (5) Wash your hands often with soap and water for at least 20 seconds especially after you have been in a public place, or after blowing your nose, coughing, or sneezing;

- (6) Cover coughs and sneezes;
- (7) Clean and disinfect high touch surfaces daily; and
- (8) Monitor your health daily. Be alert for symptoms such as fever, cough, shortness of breath; stay home if you are sick.

Order 48-21/22

Motion to postpone to September 20, 2021: 8-1 (Zarro) on 9/13/2021

Motion to amend by deleting language making an exception for houses or places of worship: 8-0 on 9/20/2021

Motion to amend with language in back-up; 6-2 (Mavodones, Dion) on 9/20/2021

Passage as amended: failed 4-4 (Mavodones, Dion, Ray, Snyder) on 9/20/2021

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 DECLARING AN EMERGENCY

WHEREAS, in the Spring of 2021 the COVID-19 Pandemic had seemed to be coming to an end with the advent of vaccines and good vaccination rates, but instead, infection rates, new variants, hospitalizations and deaths from the COVID-19 virus have been increasing in recent months; and

WHEREAS, a majority of the new infections in the United States and the State of Maine involve the Delta variant, a highly contagious SARS-CoV-2 virus strain, which was first identified in India in December 2020; and

WHEREAS, the Delta variant has increased transmission and the severity of COVID-19 infections based on hospitalization and case fatality rates, decreased the virus's susceptibility to therapeutic agents, and evaded natural or vaccine-induced immunity; and

WHEREAS, the CDC has recommended that individuals who are not fully vaccinated continue to wear masks in indoor public settings in all locations; and

WHEREAS, as a result of the Delta variant and the increase in COVID-19 infections, the United States Centers for Disease Control and Prevention ("CDC") announced on July 27, 2021 that fully vaccinated individuals should also wear masks in indoor public settings in parts of the country that are experiencing a substantial or high transmission of COVID-19; and

WHEREAS, the risk of COVID-19 virus transmission from vaccinated individuals to both vaccinated and unvaccinated individuals (for example children under 12) remains unknown; and

WHEREAS, Cumberland County is rated as high community transmission; and

WHEREAS, the number of daily Maine positive tests for COVID-19 recently exceeded 500; and

WHEREAS, Cumberland County has a 3.3% positivity rate for COVID-19 tests, and during that week had a 13% increase in the number of cases of COVID-19, despite the county-wide 84% vaccination rate of persons 12 and older; and

WHEREAS, more than 2,000 breakthrough cases of COVID-19 have been recorded for persons who are vaccinated, and more than 100 persons with these cases have been hospitalized; and

WHEREAS, the number of patients in critical care and the numbers of patients on ventilators who are suffering from the effects of COVID-19 are reaching new peaks since the start of the pandemic; and

WHEREAS, Maine outbreaks of COVID-19 may have started at weddings and other gatherings and at summer camps, and are now occurring in schools; and

WHEREAS, as a result of the recent increase in COVID-19 cases, the City Manager has determined that City Hall and all other City buildings will remain closed to the public and be accessible by appointment only and that masks will continue to be worn by members of the public and City staff in those buildings; and

WHEREAS, all City Council and City Council committees, and all other City board and committee meetings are currently being conducted via remote technology/methods.

NOW, THEREFORE, BE IT ORDERED AND DECLARED by the Portland City Council, pursuant to 2-406 of the City of Portland's Code of Ordinances, hereby amends Order 17-20/21 to specify that an emergency continues to exist within the City of Portland; and

BE IT FURTHER ORDERED, that as a result of the declared emergency and the existence of an "emergency or urgent issue" as described above, pursuant to 1 M.R.S. section 403-B and the City Council's recently adopted Remote Participation Policy, being physically present for City Council and Council Committee meetings in City Hall is not practicable at this time, and therefore continues to require that the City Council and all Council Committees meet remotely, and recommends that all other City boards and committees also continue to meet and conduct their meetings by remote technology/methods only until the emergency is terminated; and

BE IT FURTHER ORDERED, all individuals aged two (2) years and above shall wear a mask that covers their nose and mouth, whenever they are in an indoor public space including businesses, clubs, places of assembly, or other places that are open to members of the public, including but not limited to, retail establishments, restaurants, bars, performance and dance venues, social clubs, personal service establishments (i.e. barbershops and hair and nail salons), fitness/health clubs, indoor recreation spaces, event spaces, and municipal buildings subject to the following conditions:

1. Customers at indoor food service establishments including, but not limited to, restaurants and bars, as well as dance or performance venues, may only remove their masks when they are actively eating or drinking. Customers at food service establishments must otherwise be masked, even while seated at a table. Customers standing or ordering at a bar must be masked.
2. Notwithstanding any provision in this Order, pursuant to guidance issued by the CDC, masks are not required for children under two (2) years of age, anyone who has trouble breathing, anyone who is unconscious, incapacitated or otherwise unable to remove the mask without assistance, or anyone who due to disability is unable to wear a mask.
3. The mask requirement shall not apply to performers including, but not limited to, musical or theater performers, while performing at a performance or other venue, provided that they are at least six (6) feet away from all other individuals outside of the performance group. Patrons, however, must remain masked at indoor performance venues and on indoor dance floors unless actively eating or drinking.
4. Fitness Centers/Health Club workers, customers, and visitors are required to wear face coverings during all fitness activities, including strenuous fitness activities.
5. At Personal Services establishments, customers receiving skin or beard care may temporarily remove their mask or face covering, but must immediately put the face covering back on for the remainder of the visit.

All entry doors of the above-described indoor public spaces must be posted advising customers that masks must be worn and maintained inside the establishment.

BE IT FURTHER ORDERED, the neighborhood meetings required in Chapter 14 of the City Code may be conducted by an applicant remotely through telephonic, video, electronic or other similar means of remote participation under the following conditions:

- A. Notice of the neighborhood meeting has been widely given to the parties required by the City's code to receive notice by electronic, telephonic, or other means and includes the method by which the public and interested parties may attend;
- B. The applicant and all individuals speaking on behalf of the applicant in the remote meeting are able to hear and speak during the meeting and members of the public attending the remote meeting are able to hear the applicant and its representatives; and
- C. Members of the public attending the remote meeting are able to participate through telephonic, video, electronic or other similar means of remote participation.

BE IT FURTHER ORDERED, that a violation of this order by a person, firm or corporation shall constitute, among other things, a violation of the Portland City Code including, but not limited to, Chapter 2, section 2-412 and shall be subject to the penalties provided in section 2-413 and Chapter 1, section 1-15; and

BE IT FURTHER ORDERED, the requirements of this Order may be enforced by the City Manager and/or his/her designees; and

BE IT FURTHER ORDERED, the City Council shall review the substance and requirements of this Order at its October 18, 2021 meeting; and

BE IT FURTHER ORDERED, that should any provision of this Order be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of this Order as a whole, it being the legislative intent that the provisions of this article shall be severable and remain valid notwithstanding such a declaration; and

BE IT FURTHER ORDERED, that pursuant to Article II, Section 11 of the Portland City Charter, the requirements this Order shall be effective beginning on Monday, September 27, 2021 and shall remain effective until terminated by the City Council.

**AMENDMENT TO ORDER 48-21/22
PREPARED BY CORPORATION COUNSEL
FOR MAYOR SNYDER
RE: DELETING MASK MANDATE FROM EMERGENCY ORDER**

...

WHEREAS, in the Spring of 2021 the COVID-19 Pandemic had seemed to be coming to an end with the advent of vaccines and good vaccination rates, but instead, infection rates, new variants, hospitalizations and deaths from the COVID-19 virus have been increasing in recent months; and

NOW, THEREFORE, BE IT ORDERED AND DECLARED by the Portland City Council, pursuant to 2-406 of the City of Portland's Code of Ordinances, hereby amends Order 17-20/21 to specify that an emergency continues to exist within the City of Portland; and

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- ~~1. Customers at indoor food service establishments including, but not limited to, restaurants and bars, as well as dance or performance venues, may only remove their masks when they are actively eating or drinking. Customers at food service establishments must otherwise be masked, even while seated at a table. Customers standing or ordering at a bar must be masked.~~
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- ~~3. The mask requirement shall not apply to performers including, but not limited to, musical or theater performers, while performing at a performance or other venue, provided that they are at least six (6) feet away from all other individuals outside of the performance group. Patrons, however, must remain masked at indoor performance venues and on indoor dance floors unless actively eating or drinking.~~
- ~~4. Fitness Centers/Health Club workers, customers, and visitors are required to wear face coverings during all fitness activities, including strenuous fitness activities.~~
- ~~5. At Personal Services establishments, customers receiving skin or beard care may temporarily remove their mask or face covering, but must immediately put the face covering back on for the remainder of the visit.~~

~~All entry doors of the above-described indoor public spaces must be posted advising customers that masks must be worn and maintained inside the establishment.~~

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- A. Notice of the neighborhood meeting has been widely given to the parties required by the City's code to receive notice by electronic, telephonic, or other means and includes the method by which the public and interested parties may attend;
- B. The applicant and all individuals speaking on behalf of the applicant in the remote meeting are able to hear and speak during the meeting and members of the public attending the remote meeting are able to hear the applicant and its representatives; and
- C. Members of the public attending the remote meeting are able to participate through telephonic, video, electronic or other similar means of remote participation.

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BE IT FURTHER ORDERED, that pursuant to Article II, Section 11 of the Portland City Charter, the requirements this Order shall be effective beginning on Monday, ~~September 27~~October 4, 2021 and shall remain effective until terminated by the City Council.



Health & Human Services Department
Kristen Dow, Director

MEMORANDUM

To: Mayor Snyder and Members of the Portland City Council

Cc: Jon P. Jennings, City Manager

From: Kristen Dow, Director of Health & Human Services
Tina Pettingill, Deputy Director of Health & Human Services

Date: September 16, 2021

Re: Council Request for Additional Information Regarding Indoor Mask Mandate

At the September 13, 2021 City Council meeting, it was requested that staff from the City's Health and Human Services Department provide additional information to the Council for consideration during discussions around a mask mandate in the City. Below is the additional information that was gathered in response to those requests:

Metrics

On July 27, 2021, the US CDC issued guidance for indoor mask use based on community transmission levels at the county level. The US CDC measures community transmission by looking at two data points: total new cases and percent positivity.

- **Total new cases** are calculated as the number of new cases in the past 7 days per 100,000 residents. This is calculated by dividing the total number of new infections in the county by the total population of the county. Then this number is multiplied by 100,000.
- **Percent positivity** is the percentage of positive COVID-19 tests in a county over the past 7 days. Percent positivity compares the number of newly reported cases to the number of people who were tested for COVID-19. The US CDC calculates this number by dividing the number of positive tests by the total number of tests in the county. For this calculation, only Nucleic Acid Amplification Tests (NAAT) are used, a PCR test is a type of NAAT test. Other tests such as an antigen or antibody test are not included in the US CDC's calculation for positivity rate. Home test results are also not included in this calculation.

Higher numbers of total cases and higher positivity rates indicate higher levels of community transmission. The US CDC uses these numbers together to get a complete picture of community

transmission. Percent positivity can vary depending on the volume of tests and the population being tested. High percentages of positive cases can mean:

- There are widespread infections in the community tested;
- Only those at greatest risk of infection within a community are being tested; and/or
- There are reporting processes or delays that skew the results.

As a result, considering both the new cases and percent positivity together is important because if a lot of people who are sick are not getting tested, then the number of reported cases will go down, but the actual number of cases in the community could be increasing. If only people who are severely ill are getting tested, then the percent positivity would be higher.

The US CDC has also clearly defined classifications of community transmission levels for decision-makers and individuals to use to make decisions about mask wearing using the new cases and percent positivity. If the values for each of these two metrics differ, then the higher of the two should be used to make decisions about mask use. (<https://www.cdc.gov/coronavirus/2019-ncov/more/aboutcovidcountycheck/>). Below is a summary of those classifications:

US CDC Defined Community Transmission Levels

Mask recommendation	Unvaccinated people should wear a mask in public, indoor settings		Everyone should wear a mask in public, indoor settings	
Transmission level	Low	Moderate	Substantial	High
Total new cases per 100,000 persons in the past 7 days	0-9.99	10-49.99	50-99.99	≥100
Percentage of NAATs that are positive during the past 7 days	0-4.99%	5-7.99%	8-9.99%	≥10.0%

County Data vs Portland Data

HHS staff has reached out to the ME CDC requesting Portland specific data for COVID 19. The representative from the ME CDC did say that case counts are available by zip code, but that the data is delayed and the positivity rate is not calculated by town or zip code. Below is the data that can be found by zip code for Portland zip codes 04101, 04102, 04103. Please note that data, was unavailable for two other Portland zip codes (04108 & 04109):

Date reported	count of cases this week
7/1 - 7/7	115
7/8 - 7/14	56
7/15 - 7/21	64
7/22 - 7/28	38

7/29 - 8/4	42
8/5 - 8/11	21
8/12 - 8/18	76
8/19 - 8/25	11
8/26 - 9/1	20
9/2 - 9/8	16
9/9 - 9/13	Complete data not available

**Case counts are reported based on where the individual lives.

Given the incomplete data available for Portland, staff has recommended that Cumberland County data be used. One reason to consider using the County level data when analyzing positivity and transmission rates is the daytime population change in Portland. According to the City's 2017 Comprehensive Plan "As the state's largest city and urban center for Cumberland County, Portland is home to a large number of employers and jobs. The daily influx of workers means the city's daytime population is often substantially higher than its nighttime population (comprised mainly of residents). In fact, the American Community Survey estimates that the city's population swells to over 96,000 people during daytime hours — an increase in population of over 40 percent.

Another factor to consider is that Portland is an increasingly popular destination for tourists from all over the world, particularly in the summer months. According to the Maine Office of Tourism, in 2014 the Greater Portland/Casco Bay region was the primary region of visitation for 14% of the state's 37.9 million overnight and day visitors, or an estimated 5.3 million people. As the country transitions out of the Great Recession, tourism is on the rise. In fact, traffic volumes along the Maine Turnpike broke records in 2015, exceeding 79.5 million transactions — more than in any year in its 69-year history."

Anticipated City Cost Associated with an Indoor Mask Mandate

The potential costs that would be incurred by the City that are associated with the indoor mask mandate include the purchase of masks and the production of signage. First, with regard to the purchase of masks, the costs would be as provided below. This is less than the costs of masks last year and is due to the decreased cost of masks (\$6 per box as of 9/15/21 vs \$14.63 per box in August of 2020).

Potential Mask Mandate Costs		
Item	Quantity	Anticipated Cost
Masks	2000 boxes of 50	\$12,000 (\$6 per box)
Signage	500 decals	\$444
Total		\$12,444

* This financial information is based on quantities purchased for businesses previously during the pandemic.

Support and Enforcement

As with previous masking requirements, the City remains committed to supporting local businesses. Staff will once again do its best to provide signage and supplies to businesses

If there are community concerns around non-compliance of the mandate, those complaints can be directed to our Local Health Officer (LHO) in the City's Public Health Division. The LHO is required by Maine statute and is appointed by the City Manager for a term of three years. The LHO has a unique understanding of strategies to protect citizens from health related threats and is charged with monitoring the community through identifying and/or responding to immediate needs or trends related to health risks for individuals as well as the greater community. The LHO presently works in collaboration with the Permitting and Inspections Department to address common issues such as bed bugs, mold complaints, and hoarding. The LHO fields approximately 8-10 calls/week, of which approximately 1-2 require intervention beyond a phone call (referral to Permitting & Inspections, call to landlord or property manager, visit to site for inspection, etc). If Council chooses to do so, the LHO can be appointed as a constable and sworn in by the City Clerk (the Order to accomplish this goal has been drafted and included on the September 20th City Council agenda). This will give the LHO the ability to cite violations of the City's emergency order.

As has been done throughout the pandemic, if additional support is necessary to comply with this mandate, the HHS department can temporarily divert staff from other projects.

HHS has had discussions with municipal staff from Lexington and Salem Massachusetts, both of which have current indoor mask mandates. Staff in Lexington, Massachusetts reported high compliance with their mask mandate and indicated that a phone call to the business who may not be enforcing the mandate has been enough to gain compliance. Salem, Massachusetts, on the other hand, reported that they receive around 1-2 complaints per day and that they have a progressive approach to enforcement which consists of verbal education, written warnings and finally issuance of a citation/notice of violation. They did note, however, that to date no citations have been issued.

TO: Mayor Snyder and Members of the Portland City Council
FROM: Danielle P. West, Corporation Counsel
DATE: September , 2021
RE: Survey of Recent State and Local COVID-19 Prevention Measures

The purpose of this memo is to provide the City Council with a summary of the research my office has conducted regarding what communities across the country are doing to prevent the spread of COVID-19 in the wake of a resurgence of cases fueled by the delta variant. In particular, the memo discusses three broad categories of policies, which include (1) face covering requirements, (2) vaccination requirements, and (3) gathering/occupancy limits. For each category, we have summarized the prevalence of its use across the country, provided examples of specific policies, and discussed how the measures are being enforced. Although the memo discusses a few state-level prevention measures, the primary focus is on local government ordinances, emergency orders, and public health guidance that may help to inform the City of Portland's future COVID-19 response plans.

For databases tracking state and local COVID-19 prevention policies, see (1) MultiState's [COVID-19 policy tracker](#); and (2) the National League of Cities' [COVID-19 Local Action Tracker](#), which can be filtered by city/state, policy area, and action type (i.e. administrative procedure, recommendation/proposal, etc.).

I. Face Covering Requirements

As of September 1, 2021, [ten states and the District of Columbia](#) have imposed statewide mask and face-covering mandates. Currently, the key variable for mask requirements is whether vaccinated individuals are included in the requirement. In six (6) states (WA, NM, HI, LA, IL, DC), all individuals are required to wear masks indoors regardless of vaccination status. In three (3) states (CA, CT, NY), vaccinated individuals are exempt from the indoor mask requirement. In one (1) state (NV), indoor mask mandates are limited to counties with high transmission rates only. Finally, in one (1) state (OR), mask mandates apply to all individuals both indoors and outdoors.

In addition to the state-level mask mandates, MultiState has identified [approximately 70 county and municipal governments](#) that have imposed some form of mask requirement. Boston is the only locality in New England that has issued an indoor mask mandate that extends beyond government facilities, healthcare offices, and public transportation. Below, is additional detail on Boston's mask mandate, as well as the face covering requirements in Philadelphia and Baltimore.

- [Boston, MA](#): Effective 8/27/21, the Boston Public Health Commission issued a citywide mask mandate for all individuals over the age of five whenever they are indoors on the premises of a business, club, place of assembly or other place that is open to members of the public. The order does not apply to private businesses whose offices are not open to members of the public. The order was issued under the authority of both the Commission's authorizing statutes and the Commission's declaration of a public health emergency that was still in effect. To enforce the mask mandate, the order states that "all reasonable efforts will be made to secure voluntary compliance" but that the order may be enforced through the courts or with the assistance of other City of Boston agencies. The City has published an [FAQ page](#) with additional information on the mask mandate.
- [Philadelphia, PA](#): Effective 8/12/21, the Philadelphia Department of Public Health issued an amendment to the citywide emergency order imposing a face covering requirement for all individuals in any indoor setting unless a business operating at the setting requires everyone on site to be vaccinated and has instituted a reasonable procedure for confirming vaccinations status of staff, customers, and any other individuals present. To enforce the measure, the City is asking businesses requiring proof of vaccination to ask to see patrons' vaccination cards or a photo of the card on their phone. For businesses not requesting either a facemask or proof of vaccination, city inspectors can close a business and charge \$315 to reinspect and reopen operations. In rare cases, the health department can take a business to court and charge fines of up to \$2,000 per day. The City has published a [guidance page](#) that summarizes the law and provides resources on masking and vaccination requirements, checking for proof of vaccination, tips for asking patrons to mask, and restaurant-specific guidance.
- [Baltimore, MD](#): On 8/5/21, Baltimore's Mayor announced a new local health ordinance reintroducing an indoor mask requirement for all Baltimore City residents and guests, regardless of vaccination status. The requirement applies to all individuals over the age of 2 and the City's [FAQ page](#) specifies that masks must be worn by attendees during indoor live performances, by both players and attendees during indoor youth or amateur sporting events, and by all individuals inside health or fitness clubs. The FAQ page also specifies that the indoor masking order is "stricter than other jurisdictions" because "the Commissioner of Health for Baltimore City has more broad authority based on the City Charter." Enforcement measures for failure to comply with the Order includes a misdemeanor conviction and a fine of not more than \$200 for each offense plus \$50 for each day the offense continues. Further, the Commissioner may issue a notice of potential nuisance in the event of any health and safety hazard, which carries a fine of not more than \$1,000.

II. Vaccination Requirements

In addition to the mask mandates that provide exemptions for individuals showing proof of vaccination, a few U.S. municipalities have begun requiring proof of vaccination for employees and customers at public indoor facilities such as restaurants, gyms, and theaters. Below is a summary of these policies in the three (3) cities where they currently exist.

- [New York, NY](#): In August, New York City's Mayor issued an Executive Order pursuant to the city's Emergency Executive Order in effect that mandates COVID-19 vaccines for employees and customers at public indoor facilities, including indoor entertainment and recreational settings, indoor food services, and indoor gyms and fitness settings. Individuals entering for a quick and limited purpose are exempted from the requirement. In order to comply with the requirement, each business must develop and keep a written record describing the entity's protocol for implementing and enforcing the requirements of the Order. Further the business must post a sign in a conspicuous place that is viewable by prospective patrons prior to entering the establishment that alerts them to the vaccination requirement. Any individual or entity that fails to comply is subject to fine of at least \$1,000 for the first offense; at least \$2,000 for the second offense within the same 12-month period; and at least \$5,000 for every offense thereafter. The City has [published guidance](#) regarding compliance with the Order.
- [New Orleans, LA](#): In August, the New Orleans Mayor issued updated Guidelines for COVID-19 Reopening that require individuals to provide either (1) proof of having at least one dose of a COVID-19 vaccine or (2) a negative PCR test taken no more than 72 hours before entry to any bars, restaurants, gyms, or entertainment/performance venues. The order applies to all individuals eligible to receive a COVID-19 vaccine. Proof of vaccination includes showing an original CDC vaccination card or a digital picture or photocopy of both sides of the card. To enforce the measure, any individual or business found violating the policy is subject to penalty of up to \$500 or imprisonment of several months. Further, the guidelines state that additional enforcement measures may include prohibiting a business from offering take-out services, revocation of a business's ability to open, revocation of any special event or live entertainment permits, revocation of certificates of registration, revocation of alcohol permits, and/or misdemeanor charges for owners, managers, and/or staff. The order specifies that only PCR tests are acceptable and antigen tests cannot be used. The City has [published guidance](#) on the Guidelines.
- [San Francisco, CA](#): On 8/24/21, the San Francisco Health Officer revised the city's emergency Health Order requiring proof of vaccination be shown for individuals over the age of 12 to go indoors at two categories of indoor businesses: (1) those that serve food and drinks (i.e. bars, restaurants, clubs, theaters, entertainment venues); and (2) fitness

establishments, including indoor gyms and yoga studios. Although negative tests results are not accepted in place of proof of vaccination, for the period between August 12-September 15, negative PCR/antigen tests were accepted to attend indoor events with more than 1,000 people in the case tickets were already sold. A violation of the order is considered to be a public nuisance and is punishable by fine, imprisonment, or both. The Department of Public Health is authorized to respond to public nuisances by issuing Notices of Violation and ordering premises vacated and closed until the owner, tenant, or manager submits a written plan to eliminate all violations and DPH finds that plan satisfactory. The city has [published guidance](#) on how to comply with the order.

In all three (3) of the cities that have imposed general public vaccination requirements, there are several acceptable ways an individual can furnish proof of vaccination. Below is a list of the acceptable formats under each of the municipal orders:

- New York: individuals may show (1) a CDC vaccination card (or a photo of one), (2) a health care provider-issued proof of vaccination, (3) a New York City COVID Safe Pass, or (4) a New York State Excelsior Pass.
- New Orleans: individuals can prove vaccination status using (1) a CDC card (can be a photo or photocopy but must include both sides); (2) an official record issued by another state, country, or the World Health Organization; (3) a vaccine trial record for individuals who participated in a clinical trial; or (4) the LA Wallet App.
- San Francisco: acceptable proof of vaccination status includes (1) a CDC vaccination card, (2) documentation from a healthcare provider, (3) a State-of-California-issued digital vaccine card; (4) a digital vaccine card issued by another State, local, or foreign governmental jurisdiction, or a digital vaccine record issued by an [approved private company](#).

As shown in the lists above, many cities and states are issuing digital health vaccination records (often referred to as “vaccine passports”), which can be displayed via a phone application and serve as one acceptable form of proof regarding vaccination status. Currently, 7 US states (CA, CO, HI, LA, MI, NJ, NY) have active vaccine certification apps while 22 state legislatures have issued full or partial bans on the systems. For an overview of the current usage and debate over vaccine certification apps, [see this article](#) published in the MIT Technology Review on 8/31/21.

III. Gathering/Occupancy Limits

As of mid-August 2021, Hawaii was the only state or locality to reinstate gathering restrictions amid the resurgence of COVID-19 cases in the state. Under [Hawaii's Executive Order](#), (1) social gatherings are limited to no more than 10 people indoors and no more than 25 people outdoors; (2) patrons in restaurants, bars, and social establishments must remain seated with parties maintaining at least 6 feet distancing between groups with maximum group sizes of 10 people indoors and 25 people outdoors (masks must also be worn when not actively eating or drinking); and (3) the counties review proposals for all professionally sponsored events for more than 50 people and approval is required for the events. The measures set forth by the orders are enforced by the counties pursuant to county orders, rules, and directives that identify offenses and penalties for each county.

Although we were unable to identify any localities with new gathering/occupancy limits, some of the mask mandates and vaccination requirements establish rules based on gathering size/occupancy. For example, New Orleans's proof of vaccination requirement also imposes outdoor mask requirements for outdoor gatherings of more than 500 people if total attendance is more than 50% of the outdoor venue's capacity. Similarly, San Francisco's proof of vaccination requirement also applies to large outdoor events with 1,000 people or more.

IV. Chapter 2 of the Portland City Code

It is important to note the requirements of Chapter 2 of the Portland City Code when reviewing any potential amendment to the City's emergency proclamation. Pursuant to that Chapter, the City Manager and the City Council have the ability to issue and extend an emergency proclamation declaring that an emergency exists within the City and then issue regulations that are necessary to, among other things, preserve the public peace, health and safety. Chapter 2, sections 2-406 and 2-408. Any violation of such a proclamation or regulation by any person, firm or corporation would be unlawful and could result in a fine of not more than \$500.00 and the costs of prosecution. Chapter 2, sections 2-412 and 2-413.

I will be available to discuss the specifics of this memo in more detail at tonight's City Council Workshop.



Health & Human Services Department
Kristen Dow, Director

MEMORANDUM

To: Jon P Jennings, City Manager

From: Kristen Dow, Director of Health & Human Services
Tina Pettingill, Deputy Director of Health & Human Services

Date: September 1, 2021

Re: Staff Recommendations for City of Portland Indoor Mask Mandate

At the August 23rd City Council meeting, it was requested that staff from the City's Health and Human Services Department provide information on transmission rates and the recommendations on a mask mandate in the City. Since that time, staff from the HHS Department have reviewed local, state and national data, trends and policies, consulted with the Maine CDC, and reviewed recommendations from local area hospitals. From this research, the following information was gathered:

- With few exceptions, Cumberland County has been wavering between substantial and high transmission rate throughout August.
- Even with a relatively high vaccination rate in Cumberland County (83.4% of eligible populations fully vaccinated), the County positivity rate hovers between 2.5-3%, rising from 1% earlier this summer. Given new evidence on the B.1.617.2 (Delta) variant, as of August 13, 2021, the CDC [recommends masking](#) when indoors for vaccinated and unvaccinated individuals. "If you are fully vaccinated, to maximize protection from the Delta variant and prevent possibly spreading it to others, wear a mask indoors in public if you are in an area [of substantial or high transmission](#)."
- CDC recommendation includes K-12 school age children, recommending universal indoor masking for all teachers, staff, students, and visitors to K-12 schools, regardless of vaccination status.
- Maine CDC stated that they would not take a specific stance on a mask mandate but urged the City to follow US CDC protocols which include masking in indoor environments.
- Masks have been proven to [reduce COVID-19 transmission](#). Masks reduce the emission of virus-laden droplets and the inhalation of these droplets by the wearer. "The community benefit of masking for SARS-CoV-2 control is due to the combination of

these effects; individual prevention benefit increases with increasing numbers of people using masks consistently and correctly.”

- Maine hospitals are at or near capacity with high new admission rates and a shortage of ICU beds to treat all diseases due to the COVID-19 surge. According to the 8/26 press conference, Maine Medical Center’s emergency department is full with patients having to stay in the emergency department because beds are not available.
- Maine hospital leaders pleaded with the general public through a [joint press conference](#) on August 26 to “get vaccinated if you are eligible, wear a mask indoors, practice physical distancing, clean your hands and use discretion when it comes to attending indoor gatherings.”
- Unlike earlier waves of this pandemic, young children (not eligible for vaccination) are impacted and being hospitalized.
- As of 8/31/21, seven states (Hawaii, Illinois, Louisiana, Nevada, New Mexico, Oregon and Washington), as well as the District of Columbia and Puerto Rico have mandated indoor mask use.
- [Over 40 cities and counties](#) across the US have issued, or re-issued, mask mandates including Raleigh, St. Louis, Baltimore, Atlanta, Lincoln and many others. Boston imposed a citywide mask mandate on Aug. 20 which covers all people over age 2 in indoor public places except when eating or drinking.
- 75% of Americans [support masking requirements](#) and these mandates have proven to be effective in [lowering community transmission of COVID-19](#).

HHS Staff Recommendations

It is the recommendation of staff that the City adopts a mandatory indoor mask mandate in all indoor public places in the City of Portland. We recommend the mandate go into effect immediately and remain until the CDC releases new mask guidance or when the Cumberland County transmission rate falls into the low or moderate level for at least 21 consecutive days.

Support and Enforcement

As with previous masking requirements, the City remains committed to supporting local businesses. Staff can provide signage and supplies to businesses as had been provided previously. A large [body of research](#) has shown that signs are effective in changing behavior in a variety of settings with between 75-96% of people complying with signage. Additionally, 85% of Americans are [currently wearing a mask](#) for all or most of the time.

If there are community concerns around non-compliance of the mandate, those complaints can be directed to our Local Health Officer (LHO) in the City’s Public Health Division.

City of Portland COVID-19 Situation Report - Friday, October 1, 2021

Average daily COVID-19 cases, percentage of ER visits, hospitalizations (statewide) [Data from Maine CDC](#)

Date	9/30/21	9/23/21	9/16/21
Avg cases	593.4	465.4	484.6
Avg % ER visits	4.7% (9/29)	5.5%	5.2%
Avg hospitalizations	6.7	5.7	5.4
ICU beds available	41	46	46

- Average daily cases in Maine **increased 27.5%** in the last 7 days
- Average daily cases in Maine **increased 22.5%** in the last 14 days

County and State data for last 14 and 28 days - [data updated 9/30/21](#)

Data from last 14 days													
Laboratory Data					Case data				Syndromic data*			Outbreaks	
Ind	Negative	Positive	Total	% positive	Confirmed	Probable	Total	Rate per 10,000	Total Visits	%ILI	%COVID	Opened	
County													
Cumberland	45	24993	680	25718	2.6	568	175	743	25.19	4575	1.7	3.3	10
York	21	12352	749	13122	5.7	646	171	817	39.35	3414	1.2	3.1	12
Total	220	98533	4820	103573	4.7	5043	2346	7389	54.97	28586**	1.8	5.3	79

Data from last 28 days													
Laboratory Data					Case data				Syndromic data*			Outbreaks	
Ind	Negative	Positive	Total	% positive	Confirmed	Probable	Total	Rate per 10,000	Total Visits	%ILI	%COVID	Opened	
County													
Cumberland	94	47875	1303	49272	2.6	1116	453	1569	53.19	9047	1.6	2.9	23
York	37	22451	1462	23950	6.1	1150	327	1477	71.13	6809	0.9	2.7	19
Total	479	179938	9415	189832	5.0	8789	4295	13084	97.34	60290**	1.4	5.2	156

Case Rates per 10,000

- Cumberland County's case data for the last 14 days: 25.19 cases per 10,000 **(-10.5%)**
 - Cumberland County case data is **much lower** than the State cases per 10,000
- Cumberland County's case data for the last 28 days: 53.19 cases per 10,000 **(+23.8%)**
 - Cumberland County case data is **much lower** than the State cases per 10,000

Positivity Rate (testing)

- Cumberland County's 14 day positivity rate: 2.6% **(-3.7%)**
 - This is **much lower** than the state average.

U.S. CDC COVID Data Tracker

- [Community Transmission](#) for Cumberland County 9/23/21 - 9/29/21: 131.52 cases per 100,000, classified as **High** transmission.

Municipal Operations

Employees out of the office due to COVID-19: as of 9/30/21

- COVID-19 positive employees: 5 (2 new this week)
- COVID-19 close contacts in quarantine: 0

Vaccination Data - [State Dashboard](#) (data as of 9/30/21)

	Doses	% of total population	% of eligible population (12+)
Statewide			
First doses	827,647	61.57%	69.89%
Final doses	873,775	65.00%	73.78%
Additional / Booster Dose	24,053		
Cumberland County			
First doses	213,480	72.37%	82.07%
Final doses	222,110	75.29%	85.38%
Additional / Booster Dose	7,560		

[COVID-19 Vaccination Rates by Zip Code \(Maine\)](#)

Portland Public Schools [COVID-19 Data Dashboard](#)

US DHHS [Maine COVID-19 State Profile Report 9.24.21](#)

----- Forwarded message -----

From: **Kristen Dow** <kjd@portlandmaine.gov>

Date: Fri, Oct 1, 2021 at 3:25 PM

Subject: Re: request for COVID 19 Data before Monday's meeting

To: Dena Libner <dlibner@portlandmaine.gov>

Cc: Caity Hager <chager@portlandmaine.gov>, Jon Jennings <jj@portlandmaine.gov>, Anne McGuire <amcguire@portlandmaine.gov>, Tina Pettingill <tpettingill@portlandmaine.gov>

Hi Dena,

I was able to reach out to the ME CDC's Cumberland District Liaison and her responses to the Mayor's questions are in blue below and some supporting documents are attached. If she is able to gather any additional information before Monday's meeting, I will send that along as well.

Is there also the chance to get hospitalization data - in terms of where the people are from who are hospitalized in Cumberland County and/or Portland? (There's conjecture that people being hospitalized in southern Maine are not in fact from southern Maine...)

To my knowledge, although this information is likely available at the point of care, we are not tracking this information. Each day, hospitals provide information on number of beds (ICU and non-ICU occupied by Covid-19 patients, and also the number of ventilators used) They don't provide demographic information on the individuals. It is safe to assume that people who are in Portland hospitals are from many places within Cumberland County and beyond- simply because they draw people from many areas.

Can we also see how many people getting infected in Maine and in Cumb Cty are vaccinated versus unvaccinated?

Same for hospitalization - how many people admitted are vax'd vs. Unvax'd?

We are only tracking vaccination status at the state level in cases of outbreaks, and/or individuals above the age of 85 and below the age of 15, at this point. However, we do ask hospitals about this – the numbers are hard to pin down (sometimes one hospital or another is late with that information, etc...) I did get data on that for PWD when they were considering a staff vaccination mandate – I've attached the information I had gathered for them at that point (NFV=not fully vaccinated) – and the caveats from the person collecting the data were:

"We do a once-weekly "not fully vaccinated" inpatients poll every Wednesday that captures similar data, but that only started a few months ago, so we don't have the historical depth. The other limitation is that it doesn't capture specific patient information, i.e., a cancer patient who is fully vaccinated, but is hospitalized due to having a compromised immune system as a result of chemotherapy. I can go back through the weekly exports and try to knock something together..."

I will ask about getting something like that for Portland area hospitals, if that is useful – but it's unlikely they can turn it around in time for Monday's meeting.

Is there any data to understand transmission hot spots in Maine?

For example, can the CDC tell us where people are contracting the virus in Maine and in Cumb Cty? We used to talk about weddings and funerals...I'm wondering if the CDC is tracking and reporting outbreaks?

Here is a mapping tool from the Mayo Clinic: <https://www.mayoclinic.org/coronavirus-covid-19/map/maine>

Here is a mapping tool from the New York Times: <https://www.nytimes.com/interactive/2021/us/maine-covid-cases.html>

Here is the data page for Maine CDC – and you can scroll down to get case counts by zip code, for example: <https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/airborne/coronavirus/data.shtml>

From the Maine CDC data page – here is some information on "break-through" cases of Covid-19

COVID-19 cases among individuals who have been fully vaccinated are classified as vaccine breakthrough cases. A person is considered fully vaccinated 14 days after receiving their final dose of the COVID-19 vaccine. Vaccine breakthrough cases are expected with any vaccine and the FDA-authorized COVID-19 vaccines are extremely safe and effective. Large-scale clinical studies found that COVID-19 vaccines

prevented most people from getting COVID-19 illness, but like all vaccines, they are not 100% effective. Even though some vaccinated people may still get sick, data from these studies also showed that COVID-19 vaccines were very effective at preventing hospitalization and death from COVID-19. That means if you do get sick after you're fully vaccinated, you still have a much lower chance of developing severe disease. More information about COVID-19 infections after vaccination can be found on the federal CDC website.

These numbers likely reflect an undercount of the true number of breakthrough cases as not all cases are investigated to determine vaccine status.

Due to a recent surge in COVID-19 cases, Maine CDC is changing the way breakthrough cases are tracked and reported to make best use of available resources. During this transition, there may be a delay in these numbers being updated.

Total Number of Reported Vaccine Breakthrough Cases: 2,693

Total COVID-19 cases since first date that Maine residents could be fully vaccinated: 50,658

COVID-19 associated hospitalizations among breakthrough cases: 137

COVID-19 associated hospitalizations since first date Maine residents could be fully vaccinated: 1,071

COVID-19 associated deaths among breakthrough cases: 43

COVID-19 associated deaths since first date that Maine residents could be fully vaccinated: 313

Data are through September 24, 2021.

A COVID-19 associated hospitalization or death is defined as resulting from an illness that is clinically compatible with COVID-19 that is confirmed by an appropriate laboratory test. It is not necessary that COVID-19 be the primary cause of death or hospitalization.

Maine CDC updates these data weekly.

Updated September 24, 2021 at 9:57 AM.

Can we see any age breakdowns? (Like - how can we understand how many unvaccinated people over a certain age, say 65, with preexisting conditions make up numbers? And - with more and more school outbreaks - can we understand infections for kids 12+, versus <12 yrs of age?)

I'm not saying we couldn't get this data – but there are a lot of variables listed there and at the moment I don't know that we could have that by Monday. I'll ask though. For pediatric hospitalizations – we get data on that every two weeks – and I've attached the most recent report out on that.

Vaccination rates for youth (12-18) by school district can be found here: <https://www.maine.gov/dhhs/mecdc/infectious-disease/immunization/publications/vaccination-rates-youth-by-sau.shtml>

Some data on Covid-19 and Youth can be found in an attached PDF.

Now that Biden's vaccine mandate is in effect - are there updated numbers for schools staff who are vaccinated?

Vaccination rates for school staff can be found here: <https://www.maine.gov/dhhs/mecdc/infectious-disease/immunization/publications/vaccination-rates-school-staff.shtml>

Additional information that was shared by the ME CDC in a separate email:

Scroll down on this article for a chart: <https://www.cdc.gov/mmwr/volumes/70/wr/mm7037e1.htm>

Here's a great NYT article – but it is from August: https://www.nytimes.com/interactive/2021/08/10/us/covid-breakthrough-infections-vaccines.html?mc=aud_dev&ad-keywords=auddevgate&gclid=aw.ds&gclid=EAlaIQobChMI3NflqeSp8wIVjuSzCh1u_w-HEAMYASAAEgl3T_D_BwE

Thank you,
Kristen

Kristen Dow
Director of Health & Human Services
City of Portland
389 Congress Street
Portland, ME 04101
207-874-8633

----- Forwarded message -----

From: **Jenkins, Kristine L** <Kristine.L.Jenkins@maine.gov>

Date: Fri, Oct 1, 2021 at 4:24 PM

Subject: One more thing...

To: Kristen Dow <kjd@portlandmaine.gov>

Kristen,

After running your questions and my responses by people on our side – one additional response from our Director of Research and Evaluation was:

"My only other thought is very anecdotal, but from weekly conversations with chief medical officers, EMMC seems to be taking on a lot of the seriously ill COVID patients from across of Northern and Eastern Maine, with CMMC and Maine General being pretty busy in central Maine. So while I'd expect Portland area hospitals definitely have patients from outside of Cumberland county, I suspect they are largely from southern Maine and southern Midcoast, with some patients transferred there when needed – but we're hearing more and more from hospitals that patients are staying pretty locally. Critical access hospitals and smaller hospitals are increasingly good and comfortable caring for more complex COVID patients. Anecdotal for sure, but some color from the hospitals."

Hope this helps!

-Kristine

Kristine Jenkins

Cumberland District Public Health Liaison

Mobile: (207) 485-0541

Kristine.L.Jenkins@maine.gov

Maine Center for Disease Control and Prevention - Preserve ~ Promote ~ Protect





Dena Libner <dlibner@portlandmaine.gov>

48-21/22

smccart1 <smccart1@maine.rr.com>

Mon, Sep 13, 2021 at 12:00 PM

To: publiccomment <publiccomment@portlandmaine.gov>

Shaun McCarthy

[500 Baxter Blvd](#)

I would like to submit the following questions o the mask mandate.

Why are you putting this forward if our county is almost 80% vaccinated ?

Why is this being put forward when according to the Maine cdc dashboard, Portland zip codes come in at 99.9% having the first dose ?

Will there be a program to distribute masks ?

Will there be a grant program to make up for the loss of income ?

Why are you now acting on recommendation of Portland health officials instead of Maine and Federal cocktail?

What is the end game ? What happens when Cumberland County is no longer in the substantial risk category? Do you still need to mask in Portland?

Now a few observations and comments.

This will put businesses in Portland at a disadvantage. I've already heard from customers that they will do their dining in other municipalities, as the smokers did when Portland banned smoking.

If this goes in as an emergency, you will kick in the emergency wage increase if this goes into 2022, and I'm guessing you think it will, by the order number.

You spoke of exemptions in your workshop meeting. I feel that restaurants should get an exemption. While we all have to go to Hannaford ,CVS and Maine hardware to get every day needs,, NOBODY HAS to go to a restaurant. It is a choice people make on their own.

Let the people make that choice and support the local restaurants that are barely getting by as it is.

Shaun McCarthy

President

Dock Fore

[336 Fore St](#)



Dena Libner <dlibner@portlandmaine.gov>

Fwd: Mask Mandate

Dena Libner <dlibner@portlandmaine.gov>

Mon, Sep 13, 2021 at 11:14 AM

To: Public Comment <publiccomment@portlandmaine.gov>

----- Forwarded message -----

From: **'Barber, David' via City Council** <Council@portlandmaine.gov>

Date: Fri, Sep 10, 2021 at 4:42 PM

Subject: Mask Mandate

To: council@portlandmaine.gov <council@portlandmaine.gov>

Dear Council,

While Tyson has a mask mandate for those inside the plant, we are deeply concerned that action by the council could be deemed "Emergency" and therefore trigger the Emergency Wage action that begins in January. Conditions are dramatically different from when the state went into lockdown and does not justify a state of emergency condition. Mask mandate is OK but avoid state of emergency position. Many companies including Tyson are already paying considerably more than pre pandemic wages and the added burden of a state of emergency would be particularly damaging.

Sincerely,
David Barber
207-232-2741

Sent from my iPhone

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Dena Libner <dlibner@portlandmaine.gov>

Fwd: Mask Mandate

Dena Libner <dlibner@portlandmaine.gov>

Mon, Sep 13, 2021 at 11:16 AM

To: Public Comment <publiccomment@portlandmaine.gov>

----- Forwarded message -----

From: **Tracy Moore** <Tracy@bayclubfitness.com>

Date: Fri, Sep 10, 2021 at 2:38 PM

Subject: Mask Mandate

To: council@portlandmaine.gov <council@portlandmaine.gov>

Good Afternoon,

My name is Tracy Argondizza, and I am the Owner/GM of Bay Club in One City Center. The club has been serving Portland for 40 years and I have had it for 20. My business, like many in Portland, is barely holding on now that the PPP funds have been allocated. We are 72% down in revenue, 62% down in membership and see 50+ members daily instead of 275+.

I have 15,000 square feet which is a lot of space for 50 members over a 15 hour day. I've lost many to gyms in residential areas and feel if we get singled out with masks, I will lose many others. Our city has been hit very hard and this could be the last nail for many of us.

Thank you for listening.

In Health - trace

--



Dena Libner <dlibner@portlandmaine.gov>

Fwd: Mask Mandate

Dena Libner <dlibner@portlandmaine.gov>
To: Public Comment <publiccomment@portlandmaine.gov>

Mon, Sep 13, 2021 at 11:19 AM

----- Forwarded message -----

From: **Deirdre Nice** <deirdre.nice@stlawrencearts.org>

Date: Wed, Sep 8, 2021 at 4:01 PM

Subject: Mask Mandate

To: <ksnyder@portlandmaine.gov>, <bsr@portlandmaine.gov>, <sthibodeau@portlandmaine.gov>, <tchong@portlandmaine.gov>, <azarro@portlandmaine.gov>, <mdion@portlandmaine.gov>, <pali@portlandmaine.gov>, Nick Mavadonas <nmm@portlandmaine.gov>, <afournier@portlandmaine.gov>
CC: <council@portlandmaine.gov>, Julia Kirby <julia.kirby@stlawrencearts.org>

Mayor Snyder and members of the City Council,

Thank you for calling a city council workshop on a mask mandate discussion for the City of Portland.

St. Lawrence Arts is requiring all patrons to be vaccinated and to wear masks to attend any of our shows, with the exception of removing masks for eating and drinking. We are also requiring all of the performers to be vaccinated, but are not requiring them to be masked while performing.

If the City of Portland's Mask Mandate were to be implemented, St. Lawrence Arts would kindly ask the council to include these limited exceptions to the mask mandate. Most notably having an exemption for performers on stage as well as for audience members while eating and drinking in establishments that offer food & beverage service.

As you are all aware, the past year and a half has been devastating for the local arts community, and although we are supportive of measures needing to be implemented to keep the public safe, we hope those steps include reasonable work arounds so the arts industry can make it through the years ahead as we all dig ourselves out of very big holes.

St. Lawrence Arts and most of our comrades in the performing arts industry are all trying to reopen safely and successfully, and not allowing these limited exceptions to a possible local mask mandate would effectively not devastate our ability to be open. In addition to selling tickets, food & beverage service are two major components of our business models. If a mask mandate is implemented, it must be done so with an exception to allow people to remove masks while eating or drinking in concert venues. Performers must be given the option to remove their face coverings while performing on stage. Many other cities and states have included this exception in their mask mandates, including Oregon and Washington, D.C. and St. Lawrence Arts implores our council to do the same.

Our industry is trying to recover from the financial devastation of the last 18-months of being

closed, and having a local mask mandate without the above outlined exceptions would ultimately destroy our businesses.

Thank you for your consideration.

Best,

~Deirdre

Deirdre Nice, Executive Director

St. Lawrence Arts **76 Congress Street Portland, ME 04101**

207-347-7177 office 207-749-0570 cell

www.stlawrencearts.org www.facebook.com/StLawrenceartscenter

Buy Txs To Our Events Here!!

Please consider the environment before printing this e-mail and other documents





Dena Libner <dlibner@portlandmaine.gov>

Fwd: Mask mandate

Dena Libner <dlibner@portlandmaine.gov>

Mon, Sep 13, 2021 at 11:20 AM

To: Public Comment <publiccomment@portlandmaine.gov>

----- Forwarded message -----

From: **Ken Bell** <ken@portlandhouseofmusic.com>

Date: Wed, Sep 8, 2021 at 12:14 PM

Subject: Mask mandate

To: Kate Snyder <ksnyder@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, <tchong@portlandmaine.gov>, <azarro@portlandmaine.gov>, <mdion@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, <nmm@portlandmaine.gov>, <afournier@portlandmaine.gov>

CC: Lauren Wayne <lauren@statetheatreportland.com>

Hello all, I wanted to write to follow up on what my colleague Lauren Wayne of State Theatre and Thompsons Point sent to you all earlier today.

As owner of Portland House Of Music and Events, safety of staff, guests, and performers has been top priority since reopening in July. We have had 17 soldout shows since reopening, and we were soldout as recently as twice in the past 8 days. We do have a proof of vaccination mandate in place for staff and all guests who enter our venue, and it has been working.

This mask mandate, if left without exemptions, for performers and guests eating and drinking in venues would be total devastation to our industry. An industry that has already suffered 17 months of being 100% closed.

Yes, many of us have recieved federal funding, but that has limited spend guidelines and timelines. These funds will not enable us to recover if a blanket mandate is put into place.

Finally, I understand that there is a lot of information to digest out there, but I did want to share this article from the NY Times. As someone who was hospitalized from Covid, my wife and I do fear it, but we also trust in the science and the vaccine, and at some point we all will need to. As of now, I believe the statistics show we should all trust it.

<https://www.google.com/amp/s/www.nytimes.com/2021/09/07/briefing/risk-breakthrough-infections-delta.amp.html>



Dena Libner <dlibner@portlandmaine.gov>

Fwd: Mask mandate

Linda Fenton <fentol49@gmail.com>

Sat, Sep 11, 2021 at 9:36 AM

To: "publiccomment@portlandmaine.gov" <publiccomment@portlandmaine.gov>

----- Forwarded message -----

From: **Linda Fenton** <fentol49@gmail.com>

Date: Fri, Sep 10, 2021 at 7:46 AM

Subject: Mask mandate

I strongly believe a mask mandate for all indoor public buildings including schools, churches, stores, etc should be mandated in the event that the delta variant is out of control. I am hoping the Portland city council will use good logic on their Monday vote.

Thank you
Linda Fenton
Resident
[198 Concord st](#)
[Portland Maine](#)



Dena Libner <dlibner@portlandmaine.gov>

Fwd: Mask Mandates

Dena Libner <dlibner@portlandmaine.gov>

Mon, Sep 13, 2021 at 11:17 AM

To: Public Comment <publiccomment@portlandmaine.gov>

----- Forwarded message -----

From: **Ryan McMann** <rmcmann@maine.rr.com>

Date: Fri, Sep 10, 2021 at 4:14 PM

Subject: Mask Mandates

To: <ksnyder@portlandmaine.gov>, <bsr@portlandmaine.gov>, <sthibodeau@portlandmaine.gov>, <tchong@portlandmaine.gov>, <Azarro@portlandmaine.gov>, <mdion@portlandmaine.gov>, <pali@portlandmaine.gov>, <nmm@portlandmaine.gov>, <afournier@portlandmaine.gov>

Cumberland County is one of the highest vaccinated counties in the country. We've done our due diligence, had the two jabs, wore masks all of last year, and now we are going to reimpose a mask mandate?

Please use some common sense. This will place undue strain on local businesses who will once again have to ask customers to mask up and then police them. This requires staffing and bandwidth that many small struggling businesses simply do not have at this point.

Not to mention many people that I know who have been vaccinated are not going to put the mask back on. They will simply take their business to neighboring towns.

I would ask that you take all of this into consideration before imposing more mandates.

We have put our small businesses through enough over the past year and a half.

Thank you,

Ryan McMann



Dena Libner <dlibner@portlandmaine.gov>

Fwd: Portland Mask Mandate

Dena Libner <dlibner@portlandmaine.gov>

Mon, Sep 13, 2021 at 11:15 AM

To: Public Comment <publiccomment@portlandmaine.gov>

----- Forwarded message -----

From: **Bob Napolitano** <bob@brunosportland.com>

Date: Fri, Sep 10, 2021 at 1:59 PM

Subject: Portland Mask Mandate

To: <ksnyder@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, <tchong@portlandmaine.gov>, <azarro@portlandmaine.gov>, <mdion@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, <afournier@portlandmaine.gov>

Dear Portland City Council,

As business owners in the city of Portland, we feel unfairly targeted by the impending mask mandate that you are voting on Monday night. Like everyone, we are concerned about the impact of COVID-19 on our community. We have implemented all the necessary precautions to help mitigate and prevent any unnecessary spread of the virus in our establishment. If you add the mask mandate to our precautions, we know that our customers will take their business to other restaurants in neighboring towns that don't have a mask mandate. All national data has shown that restaurants are not a driver of COVID-19 transmission and 74.8% of adults in Cumberland county have been fully vaccinated. We encourage our customers to wear masks but a mandate for the city of Portland only creates an unlevel playing field and puts us at an unfair disadvantage.

Our restaurant, like most other small businesses, has endured extreme hardship over the last 18 months trying to keep our doors open. As you vote this Monday, please consider the repercussions your decision will have on our small business and many others throughout the city of Portland.

Sincerely,

Robert B.Napolitano

Vicki J.Napolitano

Bruno's Restaurant and Tavern

33 Allen Avenue

Portland, ME 04103

207 878 9511



Dena Libner <dlibner@portlandmaine.gov>

Fwd: Potential Mask Mandate for Indoor Spaces re: Athletic Facilities

Patrick Hackleman <pat@cascobaysports.com>

Mon, Sep 13, 2021 at 11:32 AM

To: publiccomment@portlandmaine.gov

----- Forwarded Message -----

Subject: Potential Mask Mandate for Indoor Spaces re: Athletic Facilities**Date:** Mon, 13 Sep 2021 08:32:56 -0400**From:** Patrick Hackleman <pat@cascobaysports.com>**To:** ksnyder@portlandmaine.gov, bsr@portlandmaine.gov, sthibodeau@portlandmaine.gov, tchong@portlandmaine.gov, azarro@portlandmaine.gov, mdion@portlandmaine.gov, pali@portlandmaine.gov

Good morning,

My name is Pat Hackleman, owner of Casco Bay Sports here in Portland. We run coed outdoor and indoor sports leagues ages 21+ and have been operating in Portland for almost 15 years. We rent and utilize many indoor and outdoor facilities in the Greater Portland area. As you can imagine, sports & recreation has been very hard hit during the pandemic and our business has been through turmoil for 18 months. Unfortunately, we have been shut down three separate times. Being in Maine we run 6 months of indoor sports programs including Indoor Soccer, Basketball, Floor Hockey, Indoor Flag Football, & more. While we have seen 100% of our outdoor leagues return to normality over the past few months and just recently the indoor sports are now starting to recover. Now that the majority of our customers are vaccinated, people are more comfortable exercising in gymnasiums, indoor turf facilities, bowling alleys, etc. However, some of these programs people will not register for if they are required to wear a mask while exercising. It is extremely difficult to play some of these sports inside maintaining an elevated heart rate while wearing a mask. The indoor facilities that we operate are large compared to the number of people there each hour. They have very good ventilation and we consistently open the doors to circulate air.

If a mask mandate passes for all indoor space in Portland, I am hoping that there will be caveats for exercise friendly businesses. Unfortunately, Casco Bay Sports would lose 50% of our customers from the months of October through March. We have done the right thing throughout this pandemic and been respectful to all the mandates that have been passed down to us from local & state government along with the MPA. We can easily provide proof of vaccination to participate in our sports leagues. Again, over 95% of our customers are probably vaccinated already. Our customers know it benefits them to be vaccinated while participating. We have had just one positive COVID case since we re-opened in March. We are a unique business that does not fall into the category of restaurants, hotels, retail shops etc. I am pretty much begging at this point not to be penalized for what is happening because of the anti-vaccination beliefs of a subset of residents in this area.

Thank you for your time & consideration,

--

Pat Hackleman
Managing Director



Sports Leagues - Events - Corporate Wellness

cascobaysports.com @cascobaysportssocialfitnessgroup.com

1053 Forest Ave - Side Entrance

Portland, ME 04103

9/13/21, 11:35 AM

City of Portland Mail - Fwd: Potential Mask Mandate for Indoor Spaces re: Athletic Facilities

PH: 207-613-9960



Dena Libner <dlibner@portlandmaine.gov>

Indoor Masks

'Molly Urquhart' via Public Comment <publiccomment@portlandmaine.gov>

Mon, Sep 13, 2021 at 11:16 AM

Reply-To: Molly Urquhart <rosiemuddytoes@yahoo.com>

To: publiccomment@portlandmaine.gov

Good Morning

I am writing to support the Indoor Mask mandate for all public spaces in Portland. While I am vaccinated, I am the mother of 2 boys, 3 & 6, who do not have the option to be vaccinated. While we as a family try to keep them out of indoor public spaces with mixed masking it's not easy. We know that masks are more effective in stopping the spread of covid from the infected individual, than wearing a mask to prevent catching the virus. Both my boys are in school and adding one more layer will help prevent the kids from catching covid outside the schools and bringing it in.

Until we all have the chance to be vaccinated regardless of age, please add one more layer of protection to help slow the spread of covid.

Thank you.
Molly Hemkens
164 Frances St Portland, ME

Sent from my iPhone



Dena Libner <dlibner@portlandmaine.gov>

Mask mandate vote

'Robert Waitkevitch' via Public Comment <publiccomment@portlandmaine.gov>

Mon, Sep 13, 2021 at 11:24 AM

Reply-To: Robert Waitkevitch <bobwaitkevitch@icloud.com>

To: publiccomment@portlandmaine.gov

I do not agree with the proposed mask mandate indoors in Portland coming up for a vote tonight. This is being rushed through and is not taking many either intended or unintended consequences into account. To have a mask mandate for the city of Portland puts small businesses under a huge burden to enforce, staff and compete with other similar businesses in surrounding towns. The agenda was JUST posted at 11 on the day of the vote and that does not give people enough time to become engaged in this crucial vote. This vote will also put just the city of Portland under a state of emergency which then puts the minimum wage requirements into effect. Staff at small businesses will be put in a potentially confrontational situations. How is it going to be enforced? What businesses will be forced to institute this mandate? What are the numbers being used to as the criteria to put into place and discontinue this policy? Why are county numbers being used to put a much more local mandate into place? The city of Portland has one of the highest percentages of vaccinated populations in the country.

There are many, many more issues with this potential ordinance and I implore the city council to vote against the indoor mask mandate proposal.

This is a poorly thought out and poorly planned proposal that will be devastating to small businesses, employees Portland as a whole

DO NOT vote for it!

Robert Waitkevitch
436 Fore St
Portland Maine



Dena Libner <dlibner@portlandmaine.gov>

Mask mandate

1 message

'Pam Emond' via Public Comment <publiccomment@portlandmaine.gov>

Mon, Sep 13, 2021 at 10:43 AM

Reply-To: Pam Emond <pamolicious@yahoo.com>

To: publiccomment@portlandmaine.gov

Hi there. Gym owner here and I have a problem with the mandate as it poses a problem with our members. They despise wearing a mask as it restricts their O2 intake and is very taxing on them in general (I know as tracing any cardio is horrible on my cardio vascular system as my heart rate soars because of the anxiety of not being able to breathe properly. As it stands our classes have not recovered from this pandemic and mandating masks would be the demise of our business. Thank you for ur time.

Body by John Inc.
Pam Emond
Owner



Dena Libner <dlibner@portlandmaine.gov>

Mask mandate

Sheera LaBelle <sheeralabelle@gmail.com>
To: Publiccomment@portlandmaine.gov

Sun, Sep 12, 2021 at 10:30 AM

Begging all of you to please support the mask mandate! It is crucial for the health of our community. Please!
Sheera LaBelle



Dena Libner <dlibner@portlandmaine.gov>

Mask Mandate

'Bruce Mills' via Public Comment <publiccomment@portlandmaine.gov>

Mon, Sep 13, 2021 at 11:48 AM

Reply-To: Bruce Mills <bamills29@yahoo.com>

To: "publiccomment@portlandmaine.gov" <publiccomment@portlandmaine.gov>

Councilors and Mayor Snyder, Let me preface my statement by saying that we were in the highest state of compliance over the last year shutting down even with secondary contacts frequently. As well as not opening until August instead of June and closing for the winter last year

We are currently working with a staff of 13 when we are usually at 19 . My already stretched and stressed staff would be overwhelmed with having to enforce this AGAIN and 3 of them already expressed to me that they would quit if required to do so AGAIN likely requiring us to reduce to opening only 4 days per week

Other points being that customers will simply go to Westbrook and south Portland further crippling our already tenuous position

The vaccination rate for Cumberland county is quite good comparatively and I believe that the uptick in cases is likely do to tourism that won't be as big of a factor after Labor Day

Bruce Mills
Amigos Mexican Restaurant



Dena Libner <dlibner@portlandmaine.gov>

Mask wearing comments...

1 message

J Irving <jcirving@maine.rr.com>

Mon, Sep 13, 2021 at 11:08 AM

Reply-To: J Irving <jcirving@maine.rr.com>

To: "publiccomment@portlandmaine.gov" <publiccomment@portlandmaine.gov>, "jcirving@maine.rr.com" <jcirving@maine.rr.com>, "jirving6@maine.rr.com" <jirving6@maine.rr.com>

Dear Council,

My name and address below;

Jeffrey Irving
134 Lester Dr
Portland, ME 04103

I am writing to firmly oppose any mandates or requirements for mask wearing regardless of location such as schools, public offices, retail businesses etc. You will be contributing to many folks getting bacterial pneumonia as a direct result of this mask wearing which provides ZERO effects as even most masks when purchased new CLAIM right on the very package that they DO NOT WORK for Covid-19 or any other virus/bacteria floating around...If they did why this claim from those who make the very masks you want us to wear = BEYOND common sense....

Most people are not fully aware of what happened back in 1917-1918 during what was falsely called the "Spanish Flu" One of the biggest cause for death during that time was caused by Bacterial Pneumonia which was a DIRECT RESULT of everyone being told-forced to wear masks. Bacterial Pneumonia is a known cause of death yet this piece of history has been overlooked and has been often hidden from anyone wanting more information.

I submit one link from the NIAID itself which describes this situation back during the Spanish Flu SAYING the mask wearing was a direct cause of death by inflicting bacterial pneumonia on those wearing masks esp for long periods of time... DISGUSTING that so many are not aware of this...

PLEASE read the following LINK from the NIAID...

<https://www.nih.gov/news-events/news-releases/bacterial-pneumonia-caused-most-deaths-1918-influenza-pandemic>

My last thing I want to share is that any mandate to wear masks shows me that so many folks haven't even read the WARNINGS on so many packages of many different types of masks. Types of masks that I'd be willing to bet many Council Members themselves believe they are protected while wearing one yet take a minute and go look at brand new masks on the shelves and read the fine print. If you haven't the time I have a few photos I took just last week to prove my point... the images are attached..

Thank you for your time and please don't forget the Nuremberg Code as it is illegal to force people by coercion against their own will...Go read the very first paragraph of the Nuremberg Code to see you CAN be held to account for violations of this CODE...

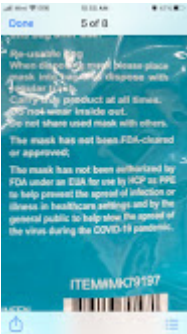
Jeff Irving

In challenging situations, one thing is always very obvious: the CHALLENGE!

-- What is less obvious, but far more important, is the OPPORTUNITY that each and every challenge presents us.

3 attachments

Screenshot 2021-09-13 at 10.56.36 AM.jpeg
260K



Screenshot 2021-09-13 at 10.55.05 AM.jpeg
254K



Screenshot 2021-09-13 at 10.57.34 AM.jpeg
241K



Dena Libner <dlibner@portlandmaine.gov>

Masks

Alison Kenway <akenway@gmail.com>
To: Publiccomment@portlandmaine.gov

Sun, Sep 12, 2021 at 10:47 AM

Please help our community stay healthy by voting FOR a mask mandate indoors in Portland!

Sent from my iPhone



Dena Libner <dlibner@portlandmaine.gov>

Please Support City of Portland Ordinance Requiring Indoor Masking

1 message

letourneau.lisa@gmail.com <letourneau.lisa@gmail.com>
To: publiccomment@portlandmaine.gov

Mon, Sep 13, 2021 at 9:39 AM

To: Portland City Council Members

I am writing to encourage your support to implement the proposed ordinance that would mandate masking in indoor spaces in Portland. As you are likely aware, Cumberland county and surrounding counties continue to remain in a "high" or "substantial" rate of COVID-19 transmission, and local hospitals are operating at a level very close to full capacity caring for individuals seriously ill with COVID. As a clinician and public health advocate, I feel strongly that the data is overwhelmingly clear that masking, together with physical distancing and ongoing vaccination efforts, is a critical tool to slow the spread of the coronavirus, particularly in this time of this aggressive Delta variant surge.

I feel very strongly that our city leaders take all available steps to slow the spread of this virus. I will also share that on a personal level, I see the exhaustion and frustration on a daily basis from my husband who is an ED RN, and my daughter who is an ICU RN, as they struggle to keep up with trying to care for the surge of COVID-19 patients as the virus continues to spread like wildfire in our community. We owe it to them, and to our Portland community, to take all reasonable steps to protect our community through measures such as this.

I strongly urge you to support the proposed ordinance.

Thank you.

Lisa M. Letourneau MD, MPH

58 Atlantic St.

Portland ME 04101

Letourneau.lisa@gmail.com

C: 207.415.4043



Dena Libner <dlibner@portlandmaine.gov>

Public comment on Order 48-21/22

1 message

Chase Clark <chaseeverettclark@gmail.com>
To: publiccomment@portlandmaine.gov

Mon, Sep

Chase Clark
The Linden, 132 Marginal Way, Portland, ME 04101

I am strongly against any requirement for vaccinated people to have to wear masks in indoor places. To be clear, I believe in sensible covid policies, I support vaccine mandates and I strongly supported mask mandates before the vaccine became widely available. To require vaccinated people to wear masks however, would serve no purpose. While breakthrough infections are possible, the vaccine significantly reduces infection risk, and virtually eliminates risk of death or serious illness. While there has been an increase in covid cases, most of the cases and almost all the hospitalizations and deaths have come from those who were eligible to be vaccinated, but refused. While deaths and illness of willfully unvaccinated people is tragic, it is not vaccinated people's problem nor is it the responsibility of vaccinated people to protect those who have refused to protect themselves. The vaccine is easily available and will remain so and anyone over the age of 12 has had ample time to get vaccinated, at this point, those who have still so far refused to get vaccinated will simply have to face the potential consequences (however tragic they may be) of their own negligence. Additionally, while it would perhaps be reasonable to require masks in elementary schools, those under the age of 12 are at exceptionally low risk of covid, indeed at lower risk of the pandemic than they are of the flu, a broad mask requirement for vaccinated people for due to those under age 12 (who will soon be eligible to be vaccinated) is thus not needed. Lastly, requiring vaccinated people to wear masks, feeds into anti vax conspiracy theories which falsely question the vaccines effectiveness. While the CDC may be recommending vaccinated people to wear masks in certain situations, their recommendations are just that, recommendations not orders. Regardless of CDC recommendations, the fact remains that the vaccine virtually eliminates covid risk. Vaccinated individuals who wish to wear masks and private business owners who wish to require masks for vaccinated people are both already free to do so. While it has been noted that it is hard tell if someone is vaccinated, this is again not the problem or responsibility of vaccinated people and certainly does not justify a requirement that all vaccinated people be forced to wear masks. Vaccinated people have done our part, we put our lives on hold for over a year and got vaccinated so that we could go back to our normal lives, to continue to force vaccinated people to follow covid restrictions is thus not only unnecessary, but gravely unfair. If Portland wants to help reduce covid further, it should require vaccines to force unvaccinated people to be accountable for their own health, not to punish vaccinated people for the negligence of others. Most of America has moved on from covid, it's time that everyone else does as well.

Public comment on Order 48-21/22



Dena Libner <dlibner@portlandmaine.gov>

Re: My support for mask mandate in Portland

1 message

'Linda Parise' via Public Comment <publiccomment@portlandmaine.gov>

Fri, Sep 10, 2021 at 6:52 PM

Reply-To: Linda Parise <lparise@aol.com>

To: publiccomment@portlandmaine.gov

I would like to voice my support for the mask mandate. Please vote to ensure the safety of this city. I believe it is very important step to take during this rise in COVID numbers.

Linda Parise
452 Brighton Ave
Portland Maine 04102



Dena Libner <dlibner@portlandmaine.gov>

Yes on Mask Mandate

Leslie silk-Champagne <silkchampagne@gmail.com>
To: publiccomment@portlandmaine.gov

Sat, Sep 11, 2021 at 12:59 PM

>
> Dear City Councilors: I am writing to strongly encourage you to support a mask mandate for Portland. It is a fact that masks help prevent the spread of covid. It is also a fact that no harm comes from wearing a mask. Thank for supporting this safe, effective means of protecting our citizens.
> Leslie Silk-Champagne
> 115 Hope Avenue
> Portland, ME

Comments regarding the mask mandate under consideration

External

Public Comment inbox



Anita Stewart <astewart@portlandstage.org>

Wed, Sep 8, 11:37 AM (2 days ago)

to publiccomment, Martin, Darrell

Mayor Snyder, City Councilors, Manager Jennings, Director Dow and Director Pettigill:

While I greatly appreciate your quick action on mandating masks throughout the city of Portland to keep people safe during the surge, I am deeply concerned that in your haste to enact legislation, you will do irreparable harm to businesses who need special considerations with regards to such a mandate.

Professional Performing Arts venues have worked hard to establish protocols that would allow us to continue to produce safely. Throughout the darkest days of the pandemic, Portland Stage successfully created safety systems that were sanctioned by the state, unions and reviewed by a member of the Maine CDC task force to allow us to continue producing live theater with the artists on stage performing, unmasked. We have worked hard to establish systems of control to mitigate risk.

Here are some of the restrictions that Portland Stage currently has in place to protect staff artists and audience members:

- All audience members and all staff apart from the actors on stage are required to be masked at all times.
- Portland Stage is requiring that all general audience members show proof of vaccination or a negative COVID test given within 72 hours before they will be allowed to enter our space to watch a performance.
- In our workspace, anyone entering is required to wear a mask as well as report that they were in the space on that day.
- Portland Stage currently mandates that all employees be vaccinated or if they are in a protected class that they follow extreme measures of masking, testing and social distancing.
- Portland Stage currently allows actors who are vaccinated to remove their masks, **ONLY** when they are acting. The production team is tightly podded and as soon as an actor leaves the stage, they put on a mask.

We would be happy to share with you our entire safety plan if there is someone at the city who would like to review all our policies. They have been built with experts and reviewed by Unions to be sure that we are taking the safety of our team into consideration.

An outright ban on being indoors without wearing a mask would be devastating to our business. It is not just Portland Stage but Ovation, the Symphony, the State Theater and Portland House of Music to name a few.

I implore you to exempt performers with professional organizations from the outright mandate. I am happy to answer any questions you might have.

Thank you for your consideration.

Best. Anita

Anita Stewart

Executive & Artistic Director
Portland Stage Company
25 A Forest Ave/ Portland ME 04101
cell: (207) 632-1210
(207) 774-1043 ext 106
astewart@portlandstage.org
she/ her

----- Forwarded message -----

From: <benwelch@papechevrolet.com>

Date: Thu, Sep 9, 2021 at 11:18 AM

Subject: masks

To: <council@portlandmaine.gov>

If you demand indoor masks, my Family and friends will be doing our shopping elsewhere in a different Town. We are vaccinated!

Ben Welch

Notice to recipient: This email is meant for only the intended recipient of the transmission, and may contain confidential material. If you received this email in error, please notify us immediately of the error by return email and delete this message and all copies of it from your system. Thank you in advance for your cooperation.

----- Forwarded message -----

From: **Corey Laplante** <chiefwaaa@gmail.com>

Date: Thu, Sep 9, 2021 at 6:23 AM

Subject: Mask mandate

To: <nmm@portlandmaine.gov>

Hello Councilor Mavodones,

My name is Corey LaPlante and I am a Portland taxpayer and business owner.

I wanted to reach out and urge you to vote against the proposed city wide mask-mandate.

Masking is a personal choice that is anti science, burdensome for the businesses/residents and didn't work the last time it was tried.

If a mask mandate is passed in the city, I will personally be taking my business out of Portland.

I Appreciate your leadership,

Best regards,
Corey LaPlante

Sent from my iPhone

Mask Mandates

Public Comment inbox



Courtney Spencer <courtneynspencer@gmail.com>

8:39 AM (7 hours ago)

to publiccomment

Good morning,

I am writing this morning to support reinstating mask mandates in Portland. Even though I am fully vaccinated I continue to wear a mask in public indoor settings such as grocery stores, etc. I do this to protect others, especially front line workers who do not have the flexibility to control their environment as those of us who work remotely can.

Wearing a mask is one small way I can show my commitment to the health of our community and we should all unite around safety as a priority.

Please stand up and take the lead on safety by reinstating the mask mandate.

Thanks,

Courtney Spencer

--

Courtney Spencer

207.831.6911 [Ca](#)

courtneynspencer@gmail.com

Mask Mandate Comments

Public Comment inbox



David Sawicki <dsawicki@voicellc.com>

2:56 PM (1 hour ago)

to publiccomment

To whom it may concern:

As the City of Portland considers issuing a "mandate" to require every person to wear a "mask" in in-door public places, please consider the following:

- Be prepared to present published scientific evidence, peer reviewed, that proves wearing a "mask" prevents the spread of a virus particle that is many factors smaller in size than the gaps in the fabric of the masks being worn. Without scientific proof to support this mandate, then we are clearly not "following the science", and such a mandate would be considered an arbitrary dictate imposed by a governmental body. The onus is on your committee to present peer reviewed scientific proof that wearing a mask prevents the spread of any virus to a significant degree.
- Folks who have contracted COVID-19 and recovered now have acquired immunity. According to several published studies (Cleveland Clinic, NIH, <https://www.nih.gov/news-events/nih-research-matters/lasting-immunity-found-after-recovery-covid-19>) peer reviewed, these individuals have stronger, longer lasting immunity than even the folks taking the covid shots. Members of the public with acquired immunity should be exempt from any mandate intended to protect them from contracting covid-19 or spreading covid-19
- Covering one's mouth and nose with a mask can contribute to negative health effects. When we exhale, we expel waste from our bodies to keep us healthy. Re-inhaling that waste for prolonged periods of time can contribute to unnecessary health issues.

David Sawicki, CEO

Voice Teleservices

56 Northport Drive

Portland, ME 04103

Office: (207) 699-2484

Mobile: (207) 956-2785

www.voiceteleservices.com

Indoor Masking Mandate

Public Comment inbox



Erin Kiley <erin@portlandfleaforall.com>

Wed, Sep 8, 10:14 AM (2 days ago)

to publiccomment, Kate, Spencer, pali, Belinda, Tae, azarro, mdion, nmm, afournier

Dear Mayor Snyder and Councilors,

Thank you for considering reinstating an indoor mask mandate throughout the city.

Vaccination rates have largely plateaued and in the absence of mask mandates and distancing guidelines, cases have skyrocketed the last 2 months. Nationally cases are four times where they were last Labor Day, and hospitalizations are up 160%. Hospitals here are once again overwhelmed. Maine ICUs have reached new capacities, despite an 80% vaccination rate statewide. The science is clear that we can't do this without a multi-pronged public health approach.

Renewing our mask mandate is one of the necessary protections we need to keep cases down and hospitals unburdened as we head into fall and winter. The state government has been slow to act during the latest wave. People are tired and want things to go back to normal; but they're not normal.

We need your leadership to show the political and public will to put public health first. We can't hide from this pandemic or expect our community to recover without taking bold action towards stopping the virus in its tracks. Please, reenact the mask mandate and put Portland at the head of Maine's solutions to stop this awful pandemic nightmare.

Most sincerely,
Erin Kiley
587 Congress St.

From: **Fred Forsley** <FForsley@shipyard.com>

Date: Thu, Sep 9, 2021 at 8:23 AM

Subject: Fwd: Mask Mandate vote next meeting

To: Nicholas Mavodones <nmm@portlandmaine.gov>

CC: David Bateman <David@batemanpartnersllc.com>, Gerard P. Conley, Jr. <gconley@maine.rr.com>, Jill Lalumiere <jill@harborviewproperties.com>, Mark Malone <mark@malonecb.com>, Joe Malone <Joe@malonecb.com>

Nick

please do not re instate Mask mandate.

Maybe encourage. But we will Kill All the restaurant s again.

Please ask Mayor Kate not to Mandate it. She could encourage people

>

> Sent from my iPhone

From: **Grace Skerritt** <gskerritt123@gmail.com>

Date: Wed, Sep 8, 2021 at 9:53 PM

Subject: Mask Mandate Opinion

To: <bsr@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>, <tchong@portlandmaine.gov>, <sthibodeau@portlandmaine.gov>, <pali@portlandmaine.gov>, <nmm@portlandmaine.gov>, <mdion@portlandmaine.gov>

Mayor Snyder and City Councilors,

I'm writing in regard to the potential mask mandate that's being considered. The health of our community is a top priority which I support. I'm also a supporter of personal choice especially in regard to autonomy for business owners. Per the articles published by local papers, this topic was presented based on the personal experiences of a city councilor who is also a business owner in the city and the recommendation for the mandate comes from Kristen Dow. My understanding is that she has a degree in Business Administration but has worked for public health agencies for some time. Based on these credentials, I'm hopeful that you can provide clarification as to why her opinion holds more weight than Dr. Shah and Governor Mills who are not reimplementing a statewide mask mandate.

The data shows that Maine ranks 4th in the nation for the number of fully vaccinated people. We fall behind CT & MA only by .3% and .4%. In Cumberland County, 74.79% of people are fully vaccinated. Over a 7 day period, Cumberland County had 368 positive cases; averaging 52 a day for the entire county. This means that Portland accounts for 0.02% of positive cases a day. The Maine CDC isn't identifying how many positive cases are vaccinated vs unvaccinated or how many are confirmed with the delta variant. Both points are loosely referred to but no data to support the specific claims is provided. That data would be helpful to conceptualize the extent of impact on our community. Additionally, tourism season is coming to an end which is a very important factor to consider. Tourists have a huge impact on public health here in Maine, specifically Portland.

I disagree with Counselor Zarro's claim that there's lack of leadership or direction from the state. The state's position is very clearly cited; "Lindsay Crete, the governor's press secretary, said in a written statement Tuesday that emergency measures, like mask mandates, capacity limits and physical distancing, were needed in the early days of the pandemic, because they were the only tools available. Now, the administration is focusing on getting people vaccinated." He may not agree with it but there's no miscommunication.

From a personal perspective, I work at a public business in Portland that is not currently mandating masks. I recognize that I don't know first hand what businesses that are mandating masks might be experiencing. However, in my experience as a lifelong Portlander I can attest that this community has long been tight knit and the majority of people are respectful. I'm sure there's been incidents at other businesses that would prove otherwise but society isn't perfect and we cannot control the actions of every person.

At this point, everyone is burnt out and wants normalcy where they can find it. If the mandate is implemented then consumers will go to surrounding towns to go out to dinner, get a drink, grocery shop, book stores, retail shops in order to maintain that semblance of normalcy. It will drive customers away and will once again negatively impact small businesses in Portland and the people that work here. Just like all of us, Portland businesses have faced and overcome so much adversity over the last year and a half with no control over the decisions and guidelines that were put in place. That being said, if a business wants to implement a mask mandate then they should have the freedom and right to enforce that policy. Those that feel comfortable at these establishments have the right to support them. But businesses that do not want to mandate their employees or customers to wear a mask should also have the freedom to make that decision. If that makes someone uncomfortable then they do not need to patronize or support that establishment.

My goal is not to discount public health but to advocate for the businesses in this city that have continuously struggled and lost so much. I hope you consider these points when weighing your decision.

Thank you,
Grace Skerritt
Forest Avenue, Portland

Sources:

<https://www.pressherald.com/2021/09/07/portland-councilor-wants-workshop-to-discuss-restoring-indoor-mask-mandate/>

<https://www.maine.gov/covid19/vaccines/dashboard>

<https://www.washingtonpost.com/graphics/2020/health/covid-vaccine-states-distribution-doses/>

<https://www.pressherald.com/2021/09/08/maine-reports-732-new-covid-19-cases-over-a-four-day-period/>

Indoor Mask Mandate

Public Comment inbox



Isabel Zellweger <isabelzellweger@gmail.com>

Wed, Sep 8, 11:45 AM (2 days ago)

to ksnyder, publiccomment

Dear Mayor Snyder and Councilors,

Thank you for considering an indoor mask mandate for the city of Portland.

With the absence of mask mandates and distancing guidelines, it has been disheartening, as a resident of the Greater Portland area, to watch vaccination rates plateau and case numbers skyrocket. This time last year we were cheering on healthcare workers and those deemed "essential" for putting their lives on the line, and now, with case numbers roughly four times higher than where they were last Labor Day, it seems we're happy to go about our business as if this pandemic is over. Hospitalizations are up 160%, Maine hospitals are overwhelmed with ICUs at capacity, despite an 80% vaccination rate statewide. Science makes it clear that claiming victory over COVID-19 won't come without a comprehensive approach that includes masking.

Renewing the mask mandate is just one part of the multi-pronged approach to keep case numbers down and hospitals unburdened as we head into fall and winter. The state government has been slow to act during the latest wave and pretend that things are back to normal - they're not.

Residents in the Greater Portland area depend on your leadership to show there's both political and public will to place public health first. We can't hide from this pandemic or expect our communities to recover without taking bold action towards stopping the virus in its tracks. Please, for the sake of community health, economic health, and the wellbeing of healthcare workers and over-burdened hospitals, reenact the mask mandate and put Portland at the forefront of slowing the spread of this god awful nightmare of a pandemic in Maine.

Thank you,

Isabel Zellweger Ransom
Cape Elizabeth, ME

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Isabel Zellweger Ransom
isabelzellweger@gmail.com
293 Fowler Road
Cape Elizabeth, ME 04107

From: **Janelle LaPlante** <janelle-erin@hotmail.com>
Date: Thu, Sep 9, 2021 at 7:06 AM
Subject: No Mask Mandate
To: nmm@portlandmaine.gov <nmm@portlandmaine.gov>

Good Morning Councilor Mavodones,

My name is Janelle LaPlante. As a resident and business owner in the City of Portland, I encourage you to vote against a city wide mask mandate. We do not need to be going back to where we were well over a year ago when Janet Mills imposed a statewide mask mandate. Mandates are not law and have potential to pit the consumer and business against each other. Masks as well as vaccination status are personal freedom choices. Many businesses in this city are already not faring too well and do not need another factor adversely affecting their operations. Those who are scared have the choice to wear masks, get vaccinated, or utilize curbside and delivery services. I am personally done purchasing from any business that imposes restrictions on personal freedom. This is America and it's due time we start seeing American values upheld by those in power.

I appreciate your service is to this community.

Best,
Janelle LaPlante

Sent from my iPhone

From: **Janet Raffel** <janettraffel@gmail.com>
Date: Fri, Sep 10, 2021 at 11:31 AM
Subject: City Mask Mandate
To: <citymanager@portlandmaine.gov>

Dear Mr. Jennings:

I am a resident of a multi-family condo building with over 100 units in Portland. It will be very helpful if the new Covid mask mandate for the City specifically states that the mandate covers public spaces in multi-family housing (rental and condominium).

Is there a process for public comment on this bill?

Please don't hesitate to contact me if you have any questions.

Thank you.

Sincerely,
Janet E. Raffel
45 Eastern Promenade, Portland, ME 04101
207-536-0483 (home)
773-426-6731 (cell).

Fitness & Potential Portland Mask Mandate

Public Comment inbox



Joanna Pease <joanna@jibecycling.com>

Wed, Sep 8, 11:33 AM (2 days ago)

to PublicComment

To Whom it May Concern-

I own Jibe Cycling Studio, a small spin studio with locations in Portland and Yarmouth. As a business owner in Portland, I have done absolutely everything and beyond to keep our studio safe. **We have had 65,000 check-ins and not a single case of covid-19 transmission since June 2020.** That includes outside no masks, inside with masks and distancing, inside with no masks and no distancing.

While a mask mandate for a coffee shop or retail shop may be easy, my riders are done working out in masks. They have done it for 7 months already. It is not only more strenuous and not recommended by the CDC, but it will also severely reduce our membership.. which is already down 30% over 2019. I URGE you to please reconsider this mask mandate, create allowances for fitness studios, or give alternatives, such as proof of vaccination. Our studio is currently 99% vaccinated.. if not fully.

If this mask mandate goes through it will HURT many businesses in Portland. I have a second studio in Yarmouth, and have already considered moving the majority of my classes to this location.. or even closing my Portland location because of loss of ridership due to a possible mandate. This is NOT helpful for a city that is trying so hard to get back on our feet. There are many gyms outside of Portland that will not have this mandate, and with the work force still mostly remote, people will have no problem finding alternatives.

Also, I would like to point out, the CDC states that levels of high transmission are 100 cases per 100k. The latest data that I have seen has Cumberland County at 28 cases per 100k. Portland is also 95%+ vaccinated. We are a ridership that is 99% local, we do not have the same risks as other businesses in Portland with patrons from away.

I appreciated your time and consideration.

Sincerely,

Joanna

Joanna Pease | Owner

joanna@jibecycling.com

207.712.1746 (cell)

Portland, Yarmouth, Charleston



Please reinstate the mask mandate

Public Comment inbox



Julie O'Boyle-Sharp <jkoboyale.media@gmail.com>

Wed, Sep 8, 11:20 AM (2 days ago)

to ksnyder, bsr, sthibodeau, tchong, azarro, mdion, pali, nmm, afournier, publiccomment

Dear Mayor Snyder & Councilors,

Thank you for considering an indoor mask mandate for the city of Portland.

With the absence of mask mandates and distancing guidelines, it has been disheartening, as a resident of Portland, to watch vaccination rates plateau and case numbers skyrocket. This time last year we were cheering on healthcare workers and those deemed "essential" for putting their lives on the line, and now, with case numbers roughly four times higher than where they were last Labor Day, it seems we're happy to go about our business as if this pandemic is over. Hospitalizations are up 160%, Maine hospitals are overwhelmed with ICUs at capacity, despite an 80% vaccination rate statewide. Science makes it clear that claiming victory over COVID-19 won't come without a comprehensive approach that includes masking.

Renewing the mask mandate is just one part of the multi-pronged approach to keep case numbers down and hospitals unburdened as we head into fall and winter. The state government has been slow to act during the latest wave and pretend that things are back to normal – they're not.

Residents of the city of Portland depend on your leadership to show there's both political *and* public will to place public health first. We can't hide from this pandemic or expect our community to recover without taking bold action towards stopping the virus in its tracks. Please, for the sake of community health, economic health, and the wellbeing of healthcare workers and over-burdened hospitals, reenact the mask mandate and put Portland at the forefront of slowing the spread of this godawful nightmare of a pandemic in Maine.

Thank you for your time,

Julie K. O'Boyle
106 Sherman St. #1
Portland, Maine 04101

From: **Julie Kiger** <julie@portlandpoweryoga.com>

Date: Fri, Sep 10, 2021 at 10:39 AM

Subject: Request for exemption/consideration of vigorous physical activity for indoor mask mandate

To: <ksnyder@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, <sthibodeau@portlandmaine.gov>, <tchong@portlandmaine.gov>, <azarro@portlandmaine.gov>, <mdion@portlandmaine.gov>, <afournier@portlandmaine.gov>, <pali@portlandmaine.gov>, <nmm@portlandmaine.gov>

Hello,

I am writing again today to request that you please give consideration and logic to excluding vigorous physical activity from your mask mandate.

For instance, if customers are required to wear a mask around the studio and mingling, but can take it off when they are stationed on their mat in order to be able to exercise without one, that would be extremely helpful.

The risk of someone doing yoga, stationary, in a heated environment with more than adequate ventilation and filtration, NOT mouth breathing but nasal breathing, can't possibly be more of a risk that a restaurant full of way more people "actively drinking and eating", since they will inherently be talking, laughing, having a good time.

This seems logical to me and would help me to stay in business (without state/federal financial assistance) if you are going to chose to enact this mandate at this time.

Thank you for your consideration,
Julie

Julie Kiger
Owner
Portland Power Yoga
[84 Cove St.](#)
[Portland, Maine 04101](#)
portlandpoweryoga.com
207.761.HEAT
julie@portlandpoweryoga.com

From: **Rebecca Woll** <rebecca@shift-portland.com>
Date: Thu, Sep 9, 2021 at 1:04 PM
Subject: In favor of Mask Mandate
To: <council@portlandmaine.gov>

Greetings Portland Council -

I am the co-owner of Shift Portland, a one on one personal training gym on Preble Street. We have been operating in Portland since 2015. For what it's worth, I wanted to reach out to extend my unwavering support for an indoor mask mandate in Portland.

While we are one on one (trainer/client) we hold several sessions in our space at the same time. Without the mask mandate we feel that the best we can do without jeopardizing our income and business is to require our staff to be masked. We have left masking up to the individual client. Some do mask, most do not. Of course this is understandable seeing as they are working out, however as we now know indoor exercise is probably the time masking is most important.

We want nothing more than to keep our staff, clients and all of our families (many of whom have small children) safe. I feel that the indoor mask mandate would give us the back up and authority we desperately need to require everyone in our space to wear a mask and be as safe as possible. So much of implementing rules and regulations around Covid has fallen to the small businesses and there is only so much we can do and enforce without local and state laws to back us up. I believe a mask mandate would make us all feel more comfortable operating our businesses everyday and spur income as more clients would feel comfortable being inside.

I understand we are only discussing a mask mandate but I am also in favor of an indoor vaccine mandate for gyms, restaurants, entertainment venues. I have seen this play out in New York City in several arenas and it seems to be working brilliantly. I'd be happy to advocate for this if the time comes.

Thanks and best,
Rebecca

--
Rebecca Woll
Shift Portland, Co-Owner
(914) 424-6600

rebecca@shift-portland.com
www.shift-portland.com

From: **Sam & Bette Novick** <sbmnovick@cs.com>
Date: Thu, Sep 9, 2021 at 2:54 PM
Subject: Mask Mandate
To: nmm@portlandmaine.gov <nmm@portlandmaine.gov>

Nick:

This is sam Novick at HUB Furniture. Hope all is well. I don't think I have ever written to the city council over any issues. However, I do feel strongly that Portland should avoid the mask mandate until such time as the state or national CDC says such a mandate is in order. There is no good reason as to why Portland needs to take the lead over everyone else. Are we smarter and have better science than the state or federal government? Does Portland know more than South Portland, Cape Elizabeth or Westbrook? Customers like having the choice as to whether to mask or not. We instruct everyone (through signage) that everyone not vaccinated MUST wear a mask.

Thanks for your consideration,

Sam

--

----- Forwarded message -----

From: <saucie2013@gmail.com>

Date: Thu, Sep 9, 2021 at 9:16 AM

Subject: Do not force masks

To: <ksnyder@portlandmaine.gov>, <bsr@portlandmaine.gov>, <sthibodeau@portlandmaine.gov>, <tchong@portlandmaine.gov>, <Azarro@portlandmaine.gov>, <mdion@portlandmaine.gov>, <pali@portlandmaine.gov>, <nmm@portlandmaine.gov>, <afournier@portlandmaine.gov>

"Dear Councilor,

When discussing a mask mandate, please consider the option of perhaps asking businesses to post whether or not they require masks. For those of us who have been vaccinated and taken it upon ourselves to protect ourselves and others, a mask mandate is onerous and unnecessary. A mask mandate will hurt Portland businesses and once again make employee's jobs much more difficult. A mask mandate is punishment for those who have done all they can to be safe and keep others safe."

It has been proven masks do not work.

ksnyder@portlandmaine.gov
bsr@portlandmaine.gov
sthibodeau@portlandmaine.gov
tchong@portlandmaine.gov
Azarro@portlandmaine.gov
mdion@portlandmaine.gov
pali@portlandmaine.gov
nmm@portlandmaine.gov
afournier@portlandmaine.gov

Sent from my iPhone

Comments for tonight's Mask Mandate

Public Comment inbox



'Cassi Brooks' via Public Comment <publiccomm... Sep 13, 2021, 12:03 PM (4 days ago)

to publiccomment@portlandmaine.gov

Good Morning,

As owners of a small business in Portland, the outcome from tonight's meeting on the mask mandate will affect how we run our business. We want to share our concerns regarding the mandate and why we do not support it at this time.

- There's not enough city staff to enforce a mandate, rendering the mandate ineffective at best. That also leaves enforcement to local businesses and increases the possibility of contentious exchanges with customers.
- It takes the decision away from individual businesses and staff. In our case, all staff members are vaccinated. Therefore, masking is a personal decision based on each person's comfort level. This works for us.
- The decision should be based on city-wide infection rates vs county-wide since the mandate affects the city, not the county.
- There's also a very real concern that the mandate will trigger a state of emergency, flowing indefinitely into 2022. The resulting hazard wage will saddle small businesses with increased expenses during the off-season, with so many of them reliant on tourism.

We appreciate your careful consideration,

Cassi Brooks, Meredith Downing, Andrew Gray, and Joe Lorello
Owners of Coastal Pharmacy & Wellness

Cassi Q. Brooks

Principal

[Coastal Pharmacy & Wellness](#)

29 Marginal Way Suite 4

Portland, Maine 04101

Phone: (207) 899-0886 | Fax: (207) 899-0826





Joanna Pease <joanna@jibecycling.com>

Mon, Sep 13, 1:06 PM (4 days ago)

to publiccomment

I own Jibe Cycling Studio, a small spin studio with locations in Portland and Yarmouth. As a business owner in Portland, I have done absolutely everything and beyond to keep our studio safe. **We have had 65,000 check-ins and not a single case of covid-19 transmission since June 2020.** That includes outside no masks, inside with masks and distancing, inside with no masks and no distancing.

While a mask mandate for a coffee shop or retail shop may be easy, gym goers have a much different challenge working out in masks. If this mandate goes through, I believe fitness should be an exception for the following reasons:

1. Gyms have some of the lowest rates of transmission of any industry:

The U.S. collected the most extensive sampling, with 2,873 fitness facilities taking part in IHRSA and MXM's "visit-to-virus" ratio tracker. Of the 49.4 million member check-ins documented in the study, health clubs reported 1,155 cases, translating to a 0.0023% infection rate. Once again, none of the cases led to community transmission.

<https://www.ihrsa.org/about/media-center/press-releases/global-data-show-covid-19-transmission-in-gyms-is-rare/>

2. The CDC does not recommend masks for high intensity workouts.

3. Portland is already struggling to bring gym members back because offices are closed. There are many gyms outside of Portland that will not have this mandate, and with the work force still mostly remote, people will have no problem finding alternatives in Scarborough, Westbrook or Falmouth.

We estimate will see a severe decline in our membership, which is already down 30% over 2019. We saw a 25% drop in November '20 with the state mandate.

4. Our membership is LOCAL. We do not have the influx of tourists that other industries have, and by last count on the state tracker, Portland was over 95%+ vaccinated.

Also, I would like to point out, the CDC states that levels of high transmission are 100 cases per 100k. The latest data that I have seen has Cumberland County at 28 cases per 100k. Portland is also 95%+ vaccinated. From all the research I have seen, the transmission rates are not the same in Portland as county wide.

If this mandate does go through, I STRONGLY encourage the city council to create an exception for fitness. We are already one of the industries with the lowest transmission, and one that has gotten hurt the most in this pandemic. Since 2020, 1 in 4 gyms have closed. I, along with my counter parts, have jumped through hoops to stay open. While all small businesses had access to PPP, gyms did not receive any additional funding like restaurants and entertainment venues. We may not survive another loss in ridership due to masks.

I appreciated your time and consideration. I am happy to answer any additional questions you may have!

Sincerely,

Joanna

Joanna Pease | Owner

joanna@jibecycling.com

207.712.1746 (cell)

Portland, Yarmouth, Charleston



Mask mandate

Public Comment inbox



Cindy Dykes <dykesc@gmail.com>

Mon, Sep 13, 1:19 PM (4 days ago)

to Publiccomment

I am writing in support of implementing a mask mandate in Portland. It is a simple thing citizens can do to help protect each other.

Respectfully,
Cindy Dykes

Sent from my iPhone

Mask mandate written comment

Public Comment inbox



Renee Fay-LeBlanc <renee.fayleblanc@gmail.com>
to publiccomment

Mon, Sep 13, 5:26 PM (4 days ago)

Please see the attached written public comment.
Thank you,
Renee

September 13, 2021

Dear City Counselors,

As a medical provider who lives in Portland, I am writing to advocate for an indoor mask mandate for the City of Portland. To maximize protection from the Delta variant and prevent possibly spreading it to others, the US CDC has recommended that fully vaccinated people wear a mask indoors in public in areas of substantial or high transmission. For many weeks, Cumberland County has been designated an area of high transmission and the Maine CDC has recommended all people, regardless of vaccination status, mask while indoors.

The Delta variant is the primary variant across the country and in Maine. This variant is much more contagious than the initial COVID-19 strain and we must use all of the tools that we can to slow the spread of the virus. Masks have been proven to help slow the spread of COVID-19 and are one of the tools we should employ.

Having a city-wide mask mandate will take the pressure off individual organizations and businesses and make all situations clearer for Portland citizens: masks are required everywhere indoors.

It is my sincere hope that we will be able to see a decrease in cases in our community. Until then, mandating masks while indoors is the right thing to do from a public health perspective to keep our community safe.

Thank you for listening to our opinion and for the hard work that you do to lead our city during this difficult time. We would be happy to answer any questions that you may have.

Sincerely,

Renee Fay-LeBlanc MD FACP
117 Noyes St.
Portland Maine 04103

Comment for City-wide Indoor Mask Mandate to be discussed on Monday September 20

Public Comment inbox



'Erin Chase' via Public Comment <publiccomment@... Tue, Sep 14, 9:53 AM (3 days ago)
to publiccomment@portlandmaine.gov

Dear Mayor Snyder and Portland City Council:

I am writing in opposition to the proposed city-wide mandate that masks be worn in indoor public settings regardless of vaccination status.

I drafted much of the content in the body of this email last week, intending to send it prior to last night's meeting. However, I felt like my words weren't coming out right so I abandoned the email. I also got the feeling from the comments after the September 8th meeting that both the mayor and the city council had pretty much made up their minds that, yes, this mask mandate would pass and there was just some clarification needed. I gave up and said to myself, "What's the point? My voice means nothing if they have already decided." I was wrong and a little disappointed with myself that I did not send these comments earlier. My feelings were validated when the points others in opposition made were much like my original thoughts.

My points are as follows:

- I believe it is not appropriate nor necessary to impose a mandate not in effect statewide. I would wonder what makes Portland so unique in its population that the city should impose more restrictive measures than Governor Mills recommends. I trust my state and federal government to make informed decisions regarding mitigation measures against COVID-19.
- If this mandate is approved, it is my understanding that it would be enacted under a city state of emergency even though Maine is no longer in a state of emergency. It is also my understanding that this "triggers" the time-and-a-half hazard pay to workers in a lower wage bracket. It is my opinion that this mandate will greatly impact small businesses in our city and those who haven't already closed may not be able to remain open. This mandate would be extremely impactful to Portland's economy.
- I also wonder about another potential blow to our city's economy if consumers who oppose Portland's mask mandate take their business elsewhere. I know that I have a choice to purchase goods and services from anywhere. I will choose to spend my money in neighboring communities that *recommend*, not *require*, vaccinated people to wear a face covering.
- I would like to see more energy placed on getting people vaccinated than getting people to wear masks. In everything I have read, it is the unvaccinated people who are overwhelming the hospitals and who are dying. It makes sense to address unvaccinated individuals who are most contributing to the spike of COVID cases, not those who have already chosen to do their part and get vaccinated.

Thank you for the open-mindedness to hear other points of view last night. I appreciate your hard work and dedication to Portland.

Respectfully,

Erin Chase
6 Deepwood Drive

Neighborhood noise complaint

Public Comment inbox



'Tom Bloom' via Public Comment <publiccomment@... Tue, Sep 14, 1:38 PM (3 days ago)

to publiccomment

To the City Councillors:

My name is Tom Bloom. I live at 95 Walnut St on Munjoy Hill Portland, 04101. I'm writing in reference to the extremely loud amplified music -- and pounding sound -- coming from Maine Craft Distilling, many nights a week, and especially on Sunday, nominally known as a day of rest. It is severely disturbing the peace in this densely settled community. It is impossible to work, or rest, or visit because of the constant pounding coming from the amplified bass and drums. Even though my house is two buildings removed from the MCD bandstand, the pounding continues day and night. I can only imagine the disturbance in the houses and apartments immediately adjacent. It is supremely inconsiderate, and it's only defence is profit on the part of a single business at the expense of us all.

Ironically, I am a musician preparing for an important audition, and cannot practice my piano when this noise is going on, it is so loud. Imagine what this does for people with sick or infirm family members at home.

I'm joined by many folks in the area in this appeal to change the MCD license to cease rock concerts, and to change the licensing procedure to benefit everyone who lives here. Peace and respectful quiet are essential and the neighborhood deserves no less.

Please vote to stop MCD presenting live music outside.

Thank you

Tom Bloom
95 Walnut St
Portland ME.
212-924-8276

Reply

Reply all

Forward

(no subject)

Public Comment inbox



deb <debkeen253@gmail.com>

Tue, Sep 14, 3:12 PM (3 days ago)

to publiccomment@portlandmaine.gov

Disappointed by the comments and delay. Always pro business and anti resident, all the time, from all quarters. The surprise is resident and taxpayers ever being on the 'winning side' . Listen to you people, for your excuses and the reasoning is circular.

ENFORCEMENT? The latest myth started by the right wing and chamber "enforcement is impossible" and you eagerly jump on that band wagon. Of course it is not impossible .. we are GETTING \$46 MILION to show just HOW possible it is. If we cannot spend a VERY small amount to INCREASE staffing specifically FOR enforcement, we do not deserve ANY of that \$46 million slush fund!!! NO PORTA POTTIES at \$100,000 a piece, at least. How many enforcer could we get for THAT? SOME just do not WANT to enforce the rules,laws regulation . WE had ONE parking enforcement guy, he did JUST FINE and has had his FOOT run over MANY TIMES by the irate parkers!!! HE was FAMOUS for his enforcement capability. YES everyone HATED HIM but he did his job with PRIDE, aggression and broken foot many times . WE have manage to enforce red lights, speed limits, seat belt, helmet laws and OUI? Why not mask mandates? Because some recirculate / say "it is impossible to enforce?" COME ON!!

Kristen Dow's memo addresses that. JUST the fact of having a RULE,LAW , regulation , there is 85% compliance. JUST HAVING the rule pushes us 85% of the way there.

MOST people want to follow the rules, BY nature and DO.

If any of you took philosophy or just have common sense, there is a great study about law. LAWS, rules regulation are for the DEFIANT not for those who will "always do the right thing by nature" , upbringing and pure commonsense. Whether they are cave man's rules, Family rules and values, school rules, society established rules , GOD'S rules (the ten commandments) OR GOVERNMENT LAWS . Societies rules, regulation of human behavior have evolved over time INTO a more civilize society as rules , regulation, laws and evolving CIVIL government, BECAUSE OF BAD HUMAN BEHAVIOR. AND there has always been and will always be "the defiant one" . It is why parents have time out, why school have detentions, the 10 commandments have d confession. It is why we have jails and they are often full.

WHAT ? YOU can't enforce mask mandates??, because JON Jennings says so? Of course, you can choose not to. You do not want to lose votes or offend your friends. YOU are PAID to ensure the laws are enforced. THAT is your MAIN JOB!! If you can't do it that, you have no business here.

Yes we all want to be soft hearted. NOONE likes confrontation. THERE are clever ways to deal with the defiant. YOU have learned how to do it thru out your life. IN this case, it has been relatively easy... Hannaford and SHAW'S had a person at the door to ENFORCE the rule and it worked, WAS IT easy? NO , any new rule confronts the defiant, the "no one is going to tell ME what to do attitude", but they are NOT let in. They finally comply, if they want groceries and they do. IF you are a PARENT or a school you know how it works. THEY resist at first. You have to stand your ground or it is all over. YOU lose your leadership. It took no more than two weeks of "someone, at the door" , to see near full compliance.

WHY do you resist commonsense, and what you know you will HAVE to do? You do not want to offend your friends, is the bottom line. SOME businesses want YOU to DO IT. It lets them off the hook. YOU want the GOVERNOR to do it , to let YOU off the hook!!! SHE is NOT going to do it. Election years and all. Hell will have to freeze over first. WE count ON YOU. YOU did it , BEFORE, the governor, LAST TIME. EVEN I OBJECTED --ST PATRICK'S DAY, COME ON!! BUT YOU WERE right and, likely saved thousands of lives at the outset . And SHE then followed suit. WE LEAD!! AND YOU set MAINE on a good course. YOU have given PORTLAND (and Maine) a GOOD starting place. OUR NUMBERS are GOOD. MOST BUSINESSES have worked VERY hard to keep customers and staffer safe. They have been INNOVATIVE and creative. They DID reinvent the wheel. And have been rewarded for that effort, BY HAVING customers. MOST BUSINESS have done BETTER then ever. ESPECIALLY with tax payer paid local, state , and fed MONIES!! They have already been WELL compensated for their losses. And we all know it. Many have had better years then EVER, because of the taxpayer assistance, which WILL continue. MOST BUSINESSES want the MANDATE. They will come out of the wood work NOW. They were HOPING you would act courageously. THEY still want to protect staff and customers. THEY KNOW their businesses count on that. Maybe we need to stop calling it a "MANDATE" , but a required rule with the evolving delta and info.

A friend of mine , who finally “ went back to the GYM “ was OFFENDED there was NOT a mask mandate enforcement . SHE lives in LA COUNTY, CALF. THERE IS NOW. People who want cardio, unmasked can still, run down the street!! And she DID it , every day. BUT she liked being able to be BACK with her normal routine and peer group. And she wanted to do it safely. She is a budding senior, too. Ask those sport people businesses’, how much tax payer assistance they got. They got plenty . We can all look it up. ANY business knows ONE OUTBREAK , tracked to them , will ruin their business. THEY want to be seen as safe.

OUR hospitals are full. MMC serves the whole state. Community hospitals else where , are NOT equipped to deal with covid .Their patients are being sent here. I can control and DO, my covid exposure. I STAY HOME, I MASK, I limit contact. I SAVE MONEY, I take ZOOM classes, I am fully vaccinated and cannot wait for my BOOSTER. I cannot control, a hospital being full , when I need their NON covid services. THERE are 14.9% of Portland resident who are 65+, another 8.9% who are disabled. WE are NOT engaging in the economy, voluntarily . That is MY life and that of most of my peers.

AT least, 25% of Portland residents are still NOT engaging in the “ Portland economy”, per se. DO NOT disregard us or our needs or our MONEY. WE are STILL staying home, going where it is safe to go. WE are doing what it is safe to do. WE are protecting ourselves, IN OUR own back yards. Our lawns are cleaner, greener, more primped then ever. We’ve stockpiled groceries, till the cow come home. OUR freezer are full, so is our toilet paper supply. e are/ have discovered shopping online, ZOOM classes (and how to use it), and home deliveries. YOU can rake in 40 degree weather , who KNEW!?! We have added to our cable subscriptions. I reduced my grocery shopping, as people unmasked at Hannaford. 4 weeks ago, myself and ONE other woman, were the ONLY one’s masked. HAVEN’T these people HEARD of DELTA!! OUR numbers are good, but I and my peers, are not taking any risks. We worked too hard and sacrificed so much, to get here, to let covid in. NOW .

AT first out nursing homes were attacked by covid. BROUGHT in from outside. Making people, wrongly believe, oldster were MORE vulnerable. NOW, a year later, our schools are being attacked and we find kids are vulnerable too. THEY had been safely at home, all year living, in a bubble. And NOW they too are in congregate sites , called schools. 18 cases in ONE week in our schools, with HIGH teacher/staff vaccination rates (90-94%). YEAH COVID is still out there. No matter how much we want to be “back to

normal“. NO matter how much we want to ignore that our ICU beds are fuller then ever, CASES are HIGHER then ever , hospitalization are HIGHER then EVER. MEDICAL are staff are BEGGING us to vaccinate and mask up.

City HALL is basically still closed , what a YEAR plus now? And requiring ,WE MASK. You do GOOD in protecting YOURSELVES !! Can you not see the hypocracy in it? WHY NOT THE REST OF US??? VOTES? The “economy? The business community? YOU have \$46 MILLION IN FREE MONEY, surely you can “ find the money” in \$46 million to designate “enforcers!!” What utter baloney!! WHAT an excuse. IT IS COVID MONEY, FOR CHRIST SAKES!! NOT XMAS IN September!! THAT IS WHAT THE MONEY IS THERE FOR: TO PREVENT COVID!! Masks do that. HELLO!! Back to basics.

TOO BAD, you do not want confrontations. IT doesn't have to be a confrontation. POST some one at the door, WITH PPP MONEY ! NO mask, no entrance. CITY HALL DOES IT . Hannaford and Shaw's did it and can again. YEAH people will “ go mouthy” and maybe worse. It will last for two weeks, if that. Bars have BOUNCER, always have. WE deserve OUR Freedom and liberty too. THE compliant one's, need a reward for once!!! OUR FREEDOM is IN A MASK!! AND it is OUR TAXPAYER MONEY!!! WHY IS IT THE MOUTHY ONE'S, always get the attention?

I and the 25% of Portland can and DO, continue to stay home and KEEP our money OUT of the “PORTLAND economy” and shop at amazon!!! SEE many grey haired ladies and men at the bars? Or in the old port at night? LOOK around YOU!!! AND THINK. YOU are alienating US.

Laws and rules are MADE for the defiant NOT the compliant. WE do not HAVE to have seat beat, helmet, red light , speed enforcement, any more... because THE FINES are enough to force compliance. YES it too was “HARD at first”. BUT people complied. SUCH a fuss over a TINY little mask and a little inconvenience. It is health NOT POLITICAL . DO the right thing, and you know what the right thing is. MILLS is NOT going to “save” you. THAT IS politics.

From: **Bill Weber** <wjweber77@gmail.com>

Date: Tue, Sep 14, 2021 at 3:14 PM

Subject: Masking is Pro Business

To: <council@portlandmaine.gov>, Eamonn Dundon <edundon@portlandregion.com>, Kate Snyder <ksnyder@portlandmaine.gov>, <citymanager@portlandmaine.gov>

Here is something you should consider relative to the indoor mask mandate. The CDC guidance being practiced in our public schools is that a vaccinated person need not quarantine if they are exposed to a positive confirmed case and continue to mask. Masking and vaccination are a one-two punch. Doing one without the other is like trying to fight with one arm tied behind your back. Both the vaccination and universal masking are pro business. Do business owners understand that one case could shut down their shop if their employees aren't masked? I'm not sure the regulated community is aware of this. Thank you for considering.

--

Bill Weber
66 Roaring Brook Road
Portland, ME 04103
(207) 232-9802

Mask Mandate

Public Comment inbox



Andrew Vellani <ajvellani@gmail.com>
to publiccomment@portlandmaine.gov

Wed, Sep 15, 3:08 PM (2 days ago)

Good afternoon,

My name is Andrew Vellani and I have resided at 571 Allen Ave, Portland, ME 04103 for over a decade.

In light of the COVID-19 Delta variant and a surge in positivity rates and hospitalizations in Maine. I am urging the council to enact a mask mandate without delay. All available actions to mitigate infection must be taken.

Regards,
Andrew Vellani

In support of a mask mandate

Public Comment inbox



Zara Bohan <zara.bohan@gmail.com>

Thu, Sep 16, 8:03 PM (19 hours ago)

to azarro, publiccomment

Dear Councilor Zarro,

Thank you very much for bringing your mask mandate proposal before the Portland City Council. I am writing in support of a mask mandate as a resident of district 4, a parent of two young children, and as a business owner.

With rising case numbers and hospitalizations Portland needs to take action to combat the spread of COVID-19. Short of vaccine requirements as seen in California (which I would also support), masking remains the most effective way of keeping our community safe and I urge the Council to adopt a mask mandate as soon as possible.

If our four year old can wear a mask all day long at school, adults can manage to wear one to do their grocery shopping.

Thank you,

Zara Bohan
Owner, Coveside Coffee
District 4 Resident

please enact mask mandate

Public Comment inbox



S Bonham <sbonham.md@gmail.com>

1:06 PM (2 hours ago)

to bsr, publiccomment

Hello Councilor Ray and our city leadership,

Thank you for the robust support you have provided during the COVID pandemic. I am writing to strongly request a new mask mandate to be enacted as quickly as possible.

I am a Portland resident, a physician, and a mom to two kids who are too young to be vaccinated. We know this:
Masks work.

The Delta variant spreads faster and is more deadly.

The risk to kids has skyrocketed.

Our lives are harder now than they were last winter, before the mask mandate was lifted. We cannot safely go to the grocery store, to our local coffee shop, or to the library. We love Portland but are barely living in it, because we can't trust others to keep our kids safe. Mask mandates certainly don't fix all the problems, but they do make a big difference and that is what we need now.

Thank you

Shuli Bonham

80 Portland St, Portland 04101

Shulamith (Shuli) Bonham, MD MPH (she/her/hers)

Clinical Director, Ryan White and Infectious Disease Program

Greater Portland Health, Portland Maine

sbonham.md@gmail.com

651-261-0514

Mask Mandate Comment

Public Comment inbox



Nathaniel Baldwin <nathaniel@portlandfleaforall.com>

Fri, Sep 17, 3:52 PM (3 days ago)

to publiccomment, ksnyder, bsr, pali, nmm, afournier

To Whom It May Concern:

My name is Nathaniel Baldwin and while I am not a resident of Portland - I live just over the town line in Falmouth - I do own a business and manage an apartment building in downtown Portland: the Portland Flea-for-All and the Hammond Heirs building at 587 Congress Street. As such I have a vested interest in the proposed mask mandate that you are considering and I feel strongly that it should be adopted throughout the city. I am acutely aware of the pandemic fatigue that is gripping this country right now and I for one am more than ready to move on, but I also recognize that that will never be possible until we get our case numbers down and vaccination numbers up. Part of that equation is making hard choices and showing leadership. We have tried to do that at our business by putting a masking mandate in place again since this summer, but I fully realize that my steps as an individual business owner will have little to no effect on the city as a whole. I'm hoping the city council will take the same hard steps to require masks throughout the city that may annoy some in the short term but help us all in the long run.

Lastly, I want to say that waiting for the decision to be made for you by ever-increasing case counts and hospitalizations should not be a viable alternative. Ask any nurse or doctor in an ICU in Maine right now what their thoughts on that might be and I would wager they would say that moment has already come.

Kind regards,
Nathaniel Baldwin

Nathaniel Baldwin
[Portland Flea-for-All](#)
585 Congress Street
[207.370.7570](#)
[facebook](#) | [instagram](#)
Sent from [Polymail](#)

Comment regarding Order 48-21/22

Public Comment inbox



Riley Fenner riley@fenner-law.com [via](#) portlandmaine.gov
to publiccomment

8:32 AM (3 hours ago)

I urge the city council not to adopt the proposed emergency order that would generally require all individuals to wear masks whenever they are in an indoor public space, including all businesses and places that are open to members of the public, regardless of whether or not they have been vaccinated against Covid-19. This order as written would appear to apply to my business, a small law office where I primarily represent individuals with claims for Social Security disability benefits, and does not include any clear exception for conference or meeting rooms that are open to the public only by appointment. Since March of 2020, the Social Security Administration has not been conducting in-person hearings regarding disability claims due to the pandemic. Since then they have allowed the option of proceeding with these hearings via telephone, and since March of this year they have also allowed the option of proceeding with these hearings via remote video.

For those who have become accustomed to regularly taking part in meetings via remote video from their homes, it may be easy to forget that many disadvantaged members of our society, including many of my clients with claims for disability benefits, do not have the ability to take part in remote video proceedings from comfortable homes. Since Social Security has given us the option of proceeding with these hearings via remote video, many clients have opted to ask that their hearings be scheduled to take place via remote video in a conference room at my office, so that they can be seen by the Judge who will decide their case and be in the same room with their lawyer, rather than unseen on the telephone in a remote location by themselves. Many of those hearings are now scheduled for the upcoming months before the end of this year. Forcing clients who cannot participate in their disability hearings via remote video from home to wear masks during their hearings (which are not "open to the public") regardless of their vaccination status or personal preference, due to the fact that my office is located within the city of Portland, will make it more difficult for them to communicate and testify about their medical impairments and inability to sustain full-time employment during what is already a very difficult and stressful process for them.

Although I believe the proposed order should be rejected in its entirety and would look into relocating my business outside the city of Portland if it is enacted, I urge that it at least be amended to include a more clear exception for indoor conference and meeting rooms that are open to the public only by appointment. Increased rates of vaccination, not a return to indoor mask mandates, will effectively reduce severe illness and hospitalizations due to Covid-19. We continue to hear repeatedly that the vast majority of people who are currently becoming severely ill or hospitalized due to Covid-19 are unvaccinated and that "breakthrough infections" among those who are vaccinated remain rare and usually do not result in severe illness. Although I am also not advocating for a requirement that businesses in Portland require members of the public to show proof of vaccination, I would prefer that over the proposed return to an indoor mask mandate within the city.

Respectfully submitted,

Riley L. Fenner (legal residence address is 23 Noyes St., #1F)
Attorney at Law
97 India Street
Portland, Maine 04101
(207) 785-6222 - Phone
(207) 470-1009 - Fax
riley@fenner-law.com

Masking indoors

Public Comment inbox



mary ellen randall <mary.e.randall@gmail.com>

8:35 AM (3 hours ago)

to publiccomment

I am writing in support of indoor masking requirements in Portland until such time as Covid is no longer causing hospitalizations and deaths and when all residents including babies and children have had the opportunity to be vaccinated. Currently our Covid risk is rated as very high and with the colder weather coming, indoor locations need to be made safer. We also still have tourists coming to Maine from other states, some of whom will inevitably be bringing illness here. Please protect the employees and customers in Portland by requiring indoor masking. Thank you!

Mary Ellen Randall
202 Concord Street

Reply

Reply all

Forward

Order 48-21/22-Enacting a Mask Mandate

Public Comment inbox



Julie Kiger <julie@portlandpoweryoga.com>

Sun, Sep 19, 6:43 PM (17 hours ago)

to publiccomment

I am commenting once again to strongly request that the council not pass this emergency order mandating mask wearing in indoor settings.

To recap:

- I understand and I am on board with the fact that we all want to do what we can to mitigate the community spread of COVID 19 in Portland.
- I am doing everything that I can do mitigate the spread of COVID at my place of business. I have invested thousands of dollars and time in proven and effective air filtration and ventilation, along with implementing measures to reduce duration and density of classes, as well as strenuous and consistent cleaning. In fact, we have had zero transmission of COVID at my place of business.
- My business is centered entirely around an activity that cannot be done with a mask, and I would argue that wearing a mask while doing it is borderline unsafe for other reasons: exercising vigorously in a hot, humid environment.
- My business cannot stay open and survive the lack of revenue that would come from enacting a mask mandate, putting the livelihood of not just myself but my employees at risk, especially when you have not offered any funding to make up for lost revenue if this were to pass and become law. To say nothing of being able to pay the hazard wage.
- Businesses like mine are an absolute necessity right now to keep Portland physically, mentally, and emotionally healthy. The strain of the pandemic is felt by all, all day long, and it's crucial that our services be available to reduce other health risks and potential COVID co-morbidities.
- We are not being flippant or pretending the COVID is over/doesn't exist. We know what to do with our individual businesses to mitigate spread AND keep our doors open. Please let us do that so that we can continue our road to recovery.

Thank you for your consideration,
Julie

Julie Kiger
Owner
Portland Power Yoga
84 Cove St.
Portland, Maine 04101
portlandpoweryoga.com
207.761.HEAT
julie@portlandpoweryoga.com



Julie Kiger <julie@portlandpoweryoga.com>

8:48 AM (3 hours ago)

to publiccomment

I have two additional comments:

This proposal is based on county wide data but it's not a county wide mandate. People will simply employ the option to take their business to any neighboring town that keeps masks optional.

If this proposal is to pass, please include an exemption process for those of us (particularly in the fitness sector) for whom it would be irreversibly detrimental and are fastidious about other mitigation efforts on our own.

Thank you,
Julie

Julie Kiger
Owner
Portland Power Yoga
84 Cove St.
Portland, Maine 04101
portlandpoweryoga.com
207.761.HEAT
julie@portlandpoweryoga.com

Public Comment regarding the mask mandate for Portland

Public Comment inbox



Emily Connelly <emily.e.connelly@gmail.com>

9:43 AM (2 hours ago)

to publiccomment

Submitted for public comment regarding requiring masks indoors in Portland -- thank you!

My name is Emily Connelly and I live at 80 Bartley Avenue in Portland.

I am writing in support of a citywide indoor mask mandate, as a resident of Portland and as a parent of two children too young to be vaccinated against COVID-19. Our family has been extremely fortunate to be able to do all we can to keep our children, and our older family members, safe from the virus -- all of us who can be vaccinated, and we have spent the pandemic severely restricting where we go inside to limit our exposure. This virus is airborne and the Delta variant is highly contagious, and we are unfortunately seeing the impact of loosening restrictions--both masking and otherwise--during this phase of the pandemic. Case numbers continue to rise, as do hospitalizations, and we are sadly seeing that vaccinations alone aren't enough to prevent the spread of this virus. Your decision regarding the mask mandate could save the lives of those who haven't been able to get vaccinated yet, and could help prevent further spread of a virus that can have lasting impact on those who get it.

As someone with children too young to be vaccinated, we are continuing to keep our time inside restricted to those places that are taking masking and other COVID safety steps seriously. If Portland required masks inside, I and I'm sure many others with unvaccinated young children would feel more comfortable visiting those businesses, because I would know that it was far less likely that I would catch COVID and bring it home to my kids.

Keeping our community healthy should be a top priority. We are still very much in this pandemic, and your decisions regarding masks can have a huge impact on ensuring more of us survive it.

Thank you.

--

Personal pronouns: she/her/hers

Mask Mandate

Public Comment inbox



Michelle Tsiakaros <michelle.tsiakaros@gmail.com>

10:00 AM (2 hours ago)

to publiccomment

Hello,

My name is Michelle Tsiakaros, and I am a Portland resident, located at 3 Salem Street, Portland ME 04102.

Portland needs a mask mandate in place. Leaving it up to business owners is unfair to both the public and the businesses. As a government body it is your responsibility to keep us safe and frankly you have not been doing that. The idea to sit and wait until things get worse is so irresponsible. We have seen in other places in the country, such as Los Angeles, that mask mandates have reduce the number of COVID-19 cases. It is a no-brainer to learn from them and do the same.

As the child and sister of nurses, who have been depleted by this pandemic, in large part due to the lack of public leadership, it is not too late to take action and set a mask mandate. The idea that the COVID-19 pandemic is behind us is flat out wrong and now we are leaving our children vulnerable to the worst outcomes. I urge you to put a mask mandate in place, it is what this city needs now. Thank you for listening to my public comment.

Best,

Michelle Tsiakaros

Reply

Reply all

Forward

**smccart1@maine.rr.com**

10:19 AM (2 hours ago)

to publiccomment

Shaun McCarthy

500 Baxter Blvd

First , a few questions that I would like to be asked before voting on 48-21/21, the mask Mandate.

Why are you doing this when Cumberland County has a vaccination rate approaching 80% if not higher already ?

Why are you doing this when according to the State of Maine Vaccination dashboard, every zip – code in Portland has had at least the first dose of the vaccine ?

Is there a grant program to cover the loss of income that will happen when customers decide to go to South Portland to dine , work out of grocery shop ?

How do you expect the two health inspectors and four code officers to enforce this mandate when they are already spread thin ?

Why are you deciding not to listen to the State and follow their guidelines as you have all along ? Has someone at the city level all of a sudden come have better information than the State does ?

If so, I hope that you will share it with us and the State.

A few observations now.

If this mandate passes, it will take a great toll on Portland businesses. I have already heard from regulars, that they will go to surrounding communities , where they will not have to wear a mask, and spend their money. Same thing from tourists. Many have said that they will travel to a different state to spend their money. You are also going to be placing a heavy burden on servers, cashiers and front facing workers to be the "mas police". There have been widespread reports of harassment of these workers and in some cases, even assaults.

Please do not pull the rug out from under many businesses that are close to not making ends meet as it is. Let the business owner decide if they want to have customers mask or not mask. Many are doing so now, and unless I'm mistaken, Councilor Zarro does not let people inside his coffee shop. That was his decision and maybe it works for him, but will not for everyone. When people choose to go out to eat or go to the gym, they are making that decision on their own. You do not have to do either, and you choose where you go. A business that requires a mask, or a business that does not.

Now to the numbers. The State admits that they do not have a good grasp on the numbers they release, and many times, the positive numbers are being repeated. The majority of new admissions for covid are from unvaccinated people. That is where the problem lies. The President stated it clearly, this is a pandemic of the unvaccinated. Or city of Portland, in Cumberland County, according to the State numbers doing a great job on the vaccination front. Please do not pass this mandate. Follow the State as you have all along, and let businesses decide on their own if they want to have customers masked.

Shaun McCarthy

President

Dock Fore

336 Fore St

Mask Mandate

Public Comment inbox



Marissa Comeau <circuitouss@gmail.com>

10:45 AM (1 hour ago)

to Publiccomment

Hello all,

It's been alarming, to say the least, to watch COVID-19 case counts rise across the country, and especially here in Maine, where the number of hospitalizations and people on ventilators have reached record highs. Given this information, I implore the Portland City Council to institute a mask mandate, effective immediately.

Though I'm empathetic to the fact that people are tired of wearing masks, I firmly believe that public safety and the health and welfare of my friends, neighbors, and all members of our community takes precedence over personal convenience. Reinstating a mask mandate will help curb the spread of current variants and, when combined with vaccination, can prevent the emergence of new variants. This will go a long way toward not only protecting the people of Portland, but also toward supporting the local economy by ensuring that workers can do their jobs safely and that businesses can remain open.

Reinstating the mask mandate may not be the popular choice, but it is the right one. Please, esteemed councilors, support this mask mandate.

Sincerely,
Marissa Comeau
263 Ray St
Portland, ME 04103

Please reject the mask mandate measure

Public Comment inbox



Megan Roberts <m.g.roberts90@gmail.com>

10:48 AM (1 hour ago)

to publiccomment

Portland City Council,

Thank you for your thoughtful consideration on the complex issue of a city-wide mask mandate for indoor public spaces. I know there are a lot of strong opinions on this topic and appreciate you taking the time to think through all the implications for our local businesses and city citizens.

I am writing to again urge you to **please reject** an additional mask mandate.

Intermittent mask-wearing in restaurants and bars is at best difficult to enforce, and at worst silly hygiene theater. Getting fully vaccinated is the best possible protection against serious illness: far more effective than mask wearing. Those of us who have done our part (stayed home for over a year, wore masks when there was no vaccine available, and got vaccinated right away) should be allowed to go back to our normal lives.

It's hard for me to understand what the end game is in all this. It seems clear that COVID-19 is very likely to become endemic in the population: does this mean we should expect cyclical mask mandates in perpetuity? Where do we draw the line? It's been 18 months and we have highly effective vaccines now: let's focus on vaccination (and even vaccine requirements) and move on from mask mandates.

Respectfully,

--

Megan Roberts
Cottage Street, Portland ME

Reinstate Mask Mandate Now!

Public Comment inbox



Stay On Mars <rizinginlife@gmail.com>

11:28 AM (57 minutes ago)

to publiccomment

Hi All

Please reinstate the mask mandate!

The community needs real leadership right now.

At the very least reinstate it for bars and venues.

All the best,

Zack Mullin

Concert Organizer

PPS After School Program Director

Mask mandate

Public Comment inbox



Kaitlin Alberto <kaitlin.alberto@gmail.com>

11:43 AM (42 minutes ago)

to publiccomment

Dear City Council,

My name is Kaitlin Alberto of 293 Deering Ave, Portland, ME 04103. I am writing in favor of a mask mandate in the city of Portland.

I have 2 small kids. One is only 10 months old and unable to wear a mask. With cases surging in Maine, I worry about both my kids who are too young to be vaccinated. Given that my 10 month old cannot wear a mask, I only take her in stores that have their own mask mandates, mainly the Portland Food Coop. It is too much of a risk to be out with her around unmasked folks inside. I would feel much more comfortable if masks were required in all indoor settings.

Additionally, it just seems logical to initiate a mask mandate while the hospitals are overrun. I believe we owe it to our healthcare workers.

Warmly,

Kaitlin

Please Reinstate Indoor Mask Mandate in Portland

Public Comment inbox



Madeline Scharff <madscharff@gmail.com>

11:45 AM (41 minutes ago)

to publiccomment

Dear Mayor Snyder and Councilors,

Thank you for considering reinstating an indoor mask mandate throughout the City of Portland. It is gravely needed.

Vaccination rates are not where they need to be in order for the U.S. to overcome the deadly COVID-19 pandemic. In the absence of a mask mandate and distancing guidelines, cases have skyrocketed the last 2 months especially given all of the tourists Maine and the City of Portland saw over Labor Day Weekend. Hospitals are overwhelmed, the hospitality + service industry that Maine relies on is overwhelmed, and Maine citizens are overwhelmed. We deserve to have safety precautions put into place to help protect us from this deadly pandemic.

As a social media manager who works in the hospitality industry in Portland, I know how important an indoor mask mandate is. I know all of my co-workers will feel safer with the mandate being reinstated. Renewing this mandate is 100% necessary and will help keep cases and deaths down as we head into Fall and Winter. The state government has been slow to act during the latest wave. Please do not prolong this anymore.

We are in desperate need of leadership from you all. Please show that public safety comes first - that it comes before politics and disinformation. Please reenact the mask mandate and put Portland at the head of Maine's solutions to try and stop this pandemic nightmare.

Sincerely,
Madeline Scharff

25 High Street
Portland, ME 04101



Lydia Tate <lyd@abacusgallery.com>

11:51 AM (36 minutes ago)

to publiccomment

Re: Masks Order 48-21/22

I, along with scores of other private citizens and businesses have become weary of a handful of people deciding the fate of an entire business community.

There is no definitive medical science or overwhelming request from businesses to demand or support mask wearing or the efficacy of such a mandate.

The general public is free to wear a mask anywhere they so choose. No businesses forbids the wearing of masks.

If private citizens feel uncomfortable in and around people, then they are free to wear a mask or they are free to stay home. Again, no business forbids the wearing of a mask.

Let's not go down the path of mask mandates for some and exemptions for others. The solution is much simpler. There are United States documents guaranteeing all us those rights. I suggest you read and understand them.

Thank you

Salvatore Scaglione
Abacus
44 Exchange St
Portland ME

Mask Mandate Vote Tonight

Public Comment inbox



Erin Kiley <erin@portlandfleaforall.com>

11:57 AM (30 minutes ago)

to publiccomment, bsr, Tae, nmm, Kate, sthibodeau, azarro, mdion, pali, afournier

Dear Mayor Snyder and Councilors,

At last week's council workshop, several Councilors expressed concerns that more data was needed before enacting a city-wide mask mandate. The Council used an absence of Portland transmission data to delay the decision on a mask mandate, when Portland's own Public Health Department unequivocally supports the mandate, and almost the entire council recognized its importance the week prior.

COVID transmission data is not available on a city-specific level, but that data is not even the most relevant to this conversation. What is most relevant is the data around the effectiveness of masks, the rates of hospitalization in Portland hospitals, and the specific risks that Portland faces as the largest city in Maine.

Portland continues to be at the epicenter of Maine's tourism economy. Several public commenters from last week's meeting pointed to high vaccination rates as reasoning that we don't need a mask mandate. However, according to Dr. Shah, Portland's vaccination rate trails behind those of Yarmouth, Brunswick and Bath. Even the most successful vaccination rates don't protect us from unvaccinated and unmasked tourists and patrons in our businesses, or unmasked, unvaccinated students in schools. Some business owners suggested they didn't want to put their employees in the position of having to enforce a mask mandate. I'd counter that position with why they're willing to put their employees in the position of contracting COVID in unmasked, indoor environments.

There is zero doubt that cases will increase as we head into fall and winter. Why is there a doubt among this body that masks would help that? And if there's no doubt that masks would help, then what is the justifiable hesitation? Putting aside the vocal minority of gym owners who opposed a mandate, the support from the public, several other business owners, and healthcare workers was in line with your own DHHS recommendations.

Last, among a survey we conducted of 859 Portland residents, 809 (94%) favored a city-wide mask mandate, and only 50 (6%) opposed it.

I've included several resources below that provide the data you requested. Maine currently has the fastest rate of increase for COVID cases in the country. An additional data point is that [Portland hospitals are setting new records for COVID hospitalizations](#), ICU occupancy, and patients on ventilators.

Thank you for your time and consideration. I hope you'll support the mask mandate at tonight's meeting.

Most sincerely,

Erin Kiley
587 Congress St.

Maine sees record number of COVID-19 hospitalizations:

According to the Maine CDC, there are currently 214 people in the hospital with COVID-19. That's the highest total of the entire pandemic. [\[Maine not changing COVID-19 strategy despite surge hitting unvaccinated people\]](#) There are 73 people in the ICU, down from Sunday's high of 79. There are currently 58 available critical care beds. There are 33 people currently on a ventilator.

This [article from JAMA](#), the Journal of the American Medical Association, provides data around Mask Mandates and community transmission vis a vis non-essential businesses. Of specific note:

The CDC recommends universal and proper mask use for restaurant employees and for customers when they are not actively eating or drinking and when physical distancing is difficult to maintain.⁶ Restaurants should require proper use of masks among staff.² Previous research found that reopening nonessential businesses (ie, indoor dining at restaurants in particular) resulted in excess COVID-19 cases and deaths.⁷ However, in states that implemented a statewide mask mandate before reopening restaurants for indoor dining, the increased risk of cases was attenuated by up to 90% and deaths by 80%.⁷ After 8 weeks, in states that reopened restaurants without a mask mandate, excess cases were 643.1 per 100 000 compared with 62.9 per 100 000 in states with a mask mandate. Similarly, excess deaths were 31.7 per 100 000 in states without a mask mandate compared with 6.1 per 100 000 in states with a mask mandate. This finding suggests that adopting prevention measures such as mask mandates could help counteract the anticipated growth in COVID-19 cases and deaths as restaurants open for on-premises dining.⁷

Here's [a reference article from the Association of American Medical Colleges](#) about why we need masks in addition to vaccination. Of specific note:

Various studies have shown that the delta variant is significantly more transmissible than the original coronavirus. [One preprint study in China](#) found that it replicates sooner and faster, making it much easier to spread. The CDC also [released data on Friday](#) from an outbreak in Massachusetts that stemmed from summer events in early July. Of the 469 people who tested positive for COVID-19, 74% were fully vaccinated. Seventy-nine percent of the breakthrough infections were symptomatic and four vaccinated people were hospitalized.

This makes high-quality masks all the more essential, says Linsey Marr, PhD, the Charles P. Lunford professor in engineering and a professor of civil and environmental engineering at Virginia Tech in Blacksburg.

"People who are infected shed a lot more virus," she notes. "That makes it harder for the masks to work and means people should be wearing high-performance masks."

According to Marr, N95 or KF94 masks are ideal if they're available. Otherwise, using two masks — a surgical mask with a snugly fit cloth mask over it — is acceptable. Loose-fitting masks that leave gaps around the face, like surgical masks alone, are far less effective and are like having a hole in your mask, she added.

But when masks are worn appropriately, they're [extremely effective](#) at protecting both the wearer and others.

And [here's an article from the CDC](#) for Belinda, who expressed doubt that masks have been proven to be effective against the spread of COVID. Of note:

Human Studies of Masking and SARS-CoV-2 Transmission

Data regarding the "real-world" effectiveness of community masking are limited to observational and epidemiological studies.

An investigation of a high-exposure event, in which 2 symptomatically ill hair stylists interacted for an average of 15 minutes with each of 139 clients during an 8-day period, found that none of the 67 clients who subsequently consented to an interview and testing developed infection. The stylists and all clients universally wore masks in the salon as required by local ordinance and company policy at the time.³⁶

In a study of 124 Beijing households with ≥ 1 laboratory-confirmed case of SARS-CoV-2 infection, mask use by the index patient and family contacts before the index patient developed symptoms reduced secondary transmission within the households by 79%.³⁷

A retrospective case-control study from Thailand documented that, among more than 1,000 persons interviewed as part of contact tracing investigations, those who reported having always worn a mask during high-risk exposures experienced a greater

than 70% reduced risk of acquiring infection compared with persons who did not wear masks under these circumstances.³⁸

A study of an outbreak aboard the USS Theodore Roosevelt, an environment notable for congregate living quarters and close working environments, found that use of face coverings on-board was associated with a 70% reduced risk.³⁹

Investigations involving infected passengers aboard flights longer than 10 hours strongly suggest that masking prevented in-flight transmissions, as demonstrated by the absence of infection developing in other passengers and crew in the 14 days following exposure.^{40,41}

At least ten studies have confirmed the benefit of universal masking in community level analyses: in a unified hospital system,⁴² a German city,⁴³ two U.S. states,^{44, 45} a panel of 15 U.S. states and Washington, D.C.,^{46, 47} as well as both Canada⁴⁸ and the U.S. 49-51 nationally. Each analysis demonstrated that, following directives from organizational and political leadership for universal masking, new infections fell significantly. Two of these studies^{46, 47} and an additional analysis of data from 200 countries that included the U.S.⁵¹ also demonstrated reductions in mortality. Another 10-site study showed reductions in hospitalization growth rates following mask mandate implementation ⁴⁹. A separate series of cross-sectional surveys in the U.S. suggested that a 10% increase in self-reported mask wearing tripled the likelihood of stopping community transmission.⁵³ An economic analysis using U.S. data found that, given these effects, increasing universal masking by 15% could prevent the need for lockdowns and reduce associated losses of up to \$1 trillion or about 5% of gross domestic product.⁴⁷

Portland Flea-for-All
Portland, ME 04101
ph: [\(207\) 370-7570](tel:2073707570)
portlandfleaforall.com
[On Facebook](#)
[On Instagram](#)
[On Twitter](#)

From: 'patty skerritt' via City Council <Council@portlandmaine.gov>

Date: Mon, Sep 20, 2021 at 10:46 AM

Subject: Portland mask mandate

To: <council@portlandmaine.gov>

Good morning

I did not see the proposed mask mandate I. The agenda for tonight's meeting, however I thought it was an agenda item. In any event, my comment is simple and to the point, there should be no mask mandate implemented for our city, and only our city. We have the highest vaccine rate in the state. Portland business owners have been through the wringer just trying to survive.

I do not support a mandate for our city, it should be individual preference. I respect any business owner with a mandate for their business and I will comply, I will wear a mask at the market or other places I feel appropriate. Do NOT mandate that would be a mistake.

Thank you
Patty Skerritt
Portland resident

Sent from my iPhone

--

Kate Merchant Snyder, Mayor
Portland, Maine
Office: 207-874-8941

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.



September 17, 2021

To: Mayor Kate Snyder and Members of Portland City Council
From: Northern Light Health and MaineHealth
Re: Joint Statement Regarding Preventive Measures to Protect Against COVID-19
Cc: Jon Jennings, Portland City Manager

While we defer to the City Council on the question of a mandate, the following is our joint position regarding measures that have proven effective in preventing the spread of COVID-19, including wearing masks in certain settings:

Joint Statement of Northern Light Health and MaineHealth

Last month, our physician leaders joined others from across the state to appeal to Mainers to do all they can to protect themselves, their families, and their neighbors from COVID-19. We urged Mainers to follow the evidence by getting vaccinated, masking while indoors, practicing social distancing, maintaining good hand hygiene, and reconsidering large indoor gatherings, especially if unmasked or unvaccinated people will be in attendance. We know that following these preventive measures has proven effective at reducing the spread of COVID-19, and we continue to support taking these precautions because we all must do our part to save lives by limiting the spread of COVID-19, and reduce demand on our health care system.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 22, 2021

SUBJECT: Order 54-21/22 Appointing Local Health Officer Bridget Rauscher Constable -
Sponsored by Kate Snyder, Mayor

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 appoints Local Health Officer Bridget Rauscher constable for the 2021 calendar year. The appointment would authorize her to enforce the mask mandate under consideration in the Emergency Order 48-21/22.

This appointment is effective from the effective date of the order until 12:00 midnight, December 31, 2021, and is made pursuant to Portland City Code, Sections 2019 and 2019.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets, except for the constables listed who work for the Parking Division and issue parking tickets as part of their job.

This item was postponed on September 20, 2021. In order to authorize Ms. Rauscher to enforce the mask mandate, if adopted, staff is asking that this order be passed as an emergency. Seven 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. Constable Appointment for Local Health Officer 9.20.2021

Prepared by:

Date: 09/22/2021

Order 54-21/22

Motion to postpone to 10/4/2021: 8-0 on 9/20/2021

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPOINTING
LOCAL HEALTH OFFICER BRIDGET RAUSCHER CONSTABLE**

ORDERED, that Bridget Rauscher, the City of Portland Local Health Officer, is hereby appointed constable for the 2021 calendar year; and

BE IT FURTHER ORDERED, that this appointment shall be effective from the effective date of this order until 12:00 midnight, December 31, 2021; and

BE IT FURTHER ORDERED, that this appointments is pursuant to Sections 20-19 and 20-19.5, Portland City Code, and this constable is not allowed to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests or issue parking tickets; and

BE IT FURTHER ORDERED, that this appointment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately.

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: September 22, 2021

SUBJECT: Order 58-21/22 Appropriating \$150,000 from the Housing Trust Fund to Developers Collaborative Predevelopment LLC Re: Phoenix at Danforth - Sponsored by the Housing & Economic Development Committee, Mayor Kate Snyder, Chair

SPONSOR: Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

The Housing and Economic Development Committee met on August 31, 2021 and voted unanimously (4-0) to forward this item to the City Council with a recommendation for passage.

(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 9/20/2021

Final Action 10/4/2021

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

PRESENTATION: Mary Davis, Acting Director, Housing and Economic Development Department

I. SUMMARY

Developer Collaborative is requesting \$150,000 in additional City subsidies for the Phoenix at Danforth project located at 155 Danforth Street to close a funding gap to construct 30 units of affordable rental housing.

II. AGENDA DESCRIPTION

The Housing & Economic Development Committee met on August 31, 2021 and voted unanimously (4-0) to forward this item to the City Council with a recommendation for passage.

Developers Collaborative is proposing to construct 30 units of affordable housing on a site it owns at 155 Danforth Street. 100% of the units will have income restrictions.

The City Council previously approved an Affordable Housing Tax Increment Financing District (Order 280-18/19 and Order 28-18/19) to renovate the existing building at 66 State Street and to construct 155 Danforth Street. \$299,999 in HOME subsidy financing was also approved by the City Council for 155 Danforth Street (Order 33-19/20).

This order appropriates \$150,000 from the Housing Trust Fund to Developers Collaborative for the affordable housing project called Phoenix at Danforth, located at 155 Danforth Street.

This item must be read on two separate days. It received its first reading on September 20, 2021. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Housing and Economic Development Committee met on August 31, 2021 and voted unanimously (4-0) to forward this item to the City Council with a recommendation for passage.

Developers Collaborative is proposing to construct 30 units of affordable housing on a site it owns on 155

Danforth Street. 100% of the units will have income restrictions.

The City Council previously approved an Affordable Housing Tax Increment Financing District (Order 280-18/19 and Order 28-18/19) to renovate the existing building at 66 State Street and to construct 155 Danforth Street. \$299,999 in HOME subsidy financing was also approved by the City Council for 155 Danforth Street (Order 33-19/20).

Developers Collaborative initially requested \$300,000 in additional City subsidies. Staff reviewed the revised pro forma along with the initial underwriting for the project and updated assessment information provided by the Tax Assessor's Office. Based on this analysis and the knowledge of potential additional funding from MaineHousing, Housing and Community Development Staff is requesting the City Council approve \$150,000 in gap funding for the project from the Housing Trust Fund. Members of the Housing and Economic Development Committee expressed a preference that should American Rescue Plan funding (ARPA) become available for housing activities, they would prefer that this request be funded through ARPA to preserve the funding available in the Housing Trust Fund.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Increase access to rental and homeownership housing that is safe, affordable, and accessible with emphasis on elders and Covid-related market conditions.

Continue efforts to reduce homelessness, assist people experiencing homelessness through city, regional, and state efforts.

V. FINANCIAL IMPACT

Recommendation for funding is for \$150,000 in Housing Trust or American Rescue Plan funding.

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

Approval by the City Council of the Housing and Economic Development Committee's recommendation of Housing Trust or American Rescue Plan funding in the amount of up to \$150,000.

VIII. LIST ATTACHMENTS

1. Appropriating Housing Trust funds for Phoenix at Danforth to Developers Collaborative 9.20.2021doc
2. 155 Danforth funding request attachments

Prepared by:

Mary Davis, Division Director

Date: 09/22/2021

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 APPROPRIATING \$150,000 FROM THE HOUSING TRUST FUND TO
DEVELOPERS COLLABORATIVE PREDEVELOPMENT LLC
RE: PHOENIX AT DANFORTH**

ORDERED, that the amount of \$150,000 in Housing Trust funds is hereby appropriated to Developers Collaborative Predevelopment LLC for development costs for the project entitled Phoenix at Danforth located at 155 Danforth Street; and

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



CITY OF PORTLAND
Housing and Economic Development Department
Housing and Community Development Division

TO: Councilor Thibodeau, Chair
Members of the Housing and Economic Development Committee
FROM: Victoria Volent, Housing Program Manager
Housing and Community Development Division
DATE: August 18, 2021
SUBJECT: 155 Danforth Street: Affordable Housing Funding Request

Introduction

Developers Collaborative is requesting additional City subsidy to close a funding gap for the new 30-unit affordable housing project known as Phoenix at Danforth (155 Danforth Street) located within the parcel known as 66 State Street. The City Council previously approved an Affordable Housing Tax Increment Financing District to renovate the existing building at 66 State Street (to convert it into a women's housing community with 40 rooming units) and to construct 155 Danforth Street. \$299,999 in HOME subsidy financing was also approved by the City Council for 155 Danforth. If approved by the Housing and Economic Development Committee, the City Council will need to provide final approval for the additional funding.

Gap Financing

Developers Collaborative contacted the City in June noting an increase of approximately \$2.3 million in construction costs. Through value engineering, they were able to revise their plans to amend their budget to assist with closing the funding gap. The developer is also exploring additional funding resources recently made available by MaineHousing.

Staff Recommendation

Developers Collaborative initially requested \$300,000 in additional City subsidy. Staff reviewed the revised pro forma along with the initial underwriting for the project and updated assessment information provided by the Tax Assessors Office. Based on this analysis and the knowledge of potential additional funding from MaineHousing, HCD staff is requesting the Housing and Economic Development Committee approve and recommend to the City Council support of \$150,000 in gap funding from the Housing Trust Fund for this project.

Attachments

Developer Request
MaineHousing Notice of Increased Subsidy Offerings

Developers Collaborative Predevelopment LLC
100 Commercial St, Ste 414
Portland, ME 04101

June 14, 2021

Mary P. Davis, Division Director
Housing and Community Development Division
Housing and Community Development Department
City of Portland
389 Congress Street, Room 312
Portland, ME 04101

RE: 155 Danforth Street

Dear Mary,

I am writing to provide an update on 155 Danforth Street, the new construction of 30 affordable apartments. 155 Danforth Street currently has a 50% set of drawings and specifications with the 90% set estimated to be complete by the end of July. 155 Danforth received an updated cost estimate of \$6,244,031 from PM Construction based on the 50% set of plans on March 3, 2021, an increase of approximately \$2.3 million since our last cost estimate. After bringing the development team together for value engineering, we were able to save approximately \$492,000, bringing the updated cost estimate down to \$5,751,991. I've attached an updated pro forma with these construction costs, showing a current gap of approximately \$300,000 after maximizing all other sources. We are hoping to start construction in October to get the foundation in before the winter (to avoid additional cost increases) so we would ideally have a commitment of funds to close this gap by October. Does the City have any additional funds available for projects in the pipeline such as this? I have also provided a quick update on this project to Kristin Styles at Cumberland County as it is my understanding that they are considering potential uses for its allocation of ARP funds, though I am not aware of their timeline.

Please let me know if you have any questions, and if there's any coordination with the City and Cumberland County that could help move this affordable housing project over one more hurdle!

Sincerely,



Laura Reading
Director of Affordable Housing

PROJECT NAME: Phoenix at Danforth
LOCATION: Portland

Date:

DEVELOPMENT ASSUMPTIONS					
Total Units	30	Inflation Adjustments	Yr 1-5	Yr. 6-15	Yr. 16-30
# @ 50% AMI (low HOME)	33.3%	10	Rent	2.00%	2.50% 3.00%
# @ 50% AMI (High HOME)	0.0%	0	Operating Expense	3.00%	3.00% 3.00%
# @ 50% AMI (LIHTC)	43.3%	13	Other Income	2.00%	2.50% 3.00%
# @ 60% AMI (LIHTC)	23.3%	7	Debt Coverage Ratio	1.15	
# @ Market	0.0%	0	Vacancy	5%	
Appraised Market Value	4,297,403	Market Value/Unit	\$143,247		

PRO FORMA DEVELOPMENT BUDGET				
	Residential	Per Unit	Commercial	TDC
Site Improvements	449,179	14,973		449,179
Construction	4,706,319	156,877	0	4,706,319
General Requirements	341,720	11,391		341,720
Builder Profit	219,123	7,304		219,123
Bond Premium	35,650	1,188		35,650
Construction Contingency	5.00% 287,600	9,587	0	287,600
Subtotal Construction Costs	6,039,591	201,320	0	6,039,591
Building Permits and Fees	93,915	3,131	0	93,915
Survey & Engineering	65,000	2,167	0	65,000
Architectural & Design	265,200	8,840	0	265,200
Legal	55,000	1,833	0	55,000
Title & Recording	12,000	400	0	12,000
Accounting	8,000	267	0	8,000
Construction Period Tax	20,000	667	0	20,000
Construction Period Insurance	30,000	1,000	0	30,000
Other	40,000	1,333	0	40,000
Subtotal Soft Costs	589,115	19,637	0	589,115
Construction Loan Origination Fees	0	0	0	0
Construction Loan Interest	108,500	3,617	0	108,500
MaineHousing Loan Fees	96,200	89,650 3,207	0	96,200
Other Permanent Loan Fees	0	0	0	0
Other	0	0	0	0
Subtotal Finance Costs	204,700	6,823	0	204,700
Market Survey	6,000	200	0	6,000
Appraisal	6,000	200	0	6,000
Environmental Study	15,000	500	0	15,000
LIHTC Fees & Prepaid Monitoring	65,924	54,551 2,197	0	65,924
Relocation Costs	0	0	0	0
FF&E	20,000	667	0	20,000
Other	80,000	2,667	0	80,000
Subtotal Miscellaneous	192,924	6,431	0	192,924
Acquisition: Buildings	0	0	0	0
Acquisition: Land	500,000	16,667	0	500,000
Acquisition: Existing Reserves	0	0	0	0
Acquisition: Legal	0	0	0	0
Acquisition: other	0	0	0	0
Subtotal Acquisition	500,000	16,667	0	500,000
Operating Deficit Escrow	194,690	192,189 6,490	0	194,690
Pre-funded Replacements	53,028	39,734 1,768	0	53,028
Tax & Insurance Escrow	38,000	28,750 1,267	0	38,000
Working Capital	30,000	1,000	0	30,000
Total Syndication Expenses	800	27	0	800
Consultant Fee	0	0	0	0
Developer Overhead	733,333	24,444	0	733,333
Developer Profit	366,667	12,222	0	366,667
Other	0	0	0	0
Subtotal Fee and Reserves	1,416,518	47,217	0	1,416,518
Total Project Costs	8,942,848	298,095	0	8,942,848

Max LIHTC Available	418,985
LIHTC Alloc.	418,985
Equity yield	0.86
Synd. %	99.99%
Equity Raise	3,602,912

Historic Credit FED	0
Equity yield	0.87
Synd. %	99.99%
Equity Raise	0

Historic Credit STATE	0
Equity yield Equivilent	0.88
Synd. %	100.00%
Equity Raise	0

GP Contribution	100
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Total Equity:	3,603,012
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Gross Square Footage	19,645
Construction Cost/Sq ft.	293
Total Project Cost/Sq ft.	455



Maximum Gross Developer Fee (10%/15%)	1,151,427
Maximum Net Developer Fee (per unit max)	750,000
Actual Proposed Gross Fee	1,100,000
% of maximum Gross Fee	95.5%
Proposed Net Fee Collected	750,000
% of Maximum Net Fee	100.0%

FLOW OF FUNDS									
Sources	CLC	25%	During Construction			PLC	1st Equity Occupancy Milestone	Final Capital Payment	Total
			50%	75%	100%				
Beginning Cash	0	0	0	0	0	0	-343,305	-343,305	0
Capital Contribution	171,419		171,319			3,035,086	180,151	45,038	3,603,012
Construction Loan	1,137,620	1,024,238	456,599	1,543,768	1,586,788				5,800,000
GP Bridge Loan									0
MH: 0% Deferred Loan-FedHOME	0	500,000	500,000			272,399			1,272,399
0% Deferred Loan-State HOME						424,133			424,133
Interest Bearing Loan						2,500,000			2,500,000
Interest Only for 30 Years									
Conventional First Mortgage									
AHP Subsidized Advance						0			0
City FEDHOME*	0		405,000			44,999			449,999
AHP Capital Advance*		0				0			0
TIF Loan*	0					0			0
	0					0			0
	0					0			0
Grant*	0					0			0
General Partner (or Affiliate) Loan	0					0			0
Deferred Developer Fee						350,000			350,000
TOTAL SOURCES	1,309,039	1,524,238	1,532,918	1,543,768	1,586,788	6,626,618	-163,154	-298,267	14,399,543
Uses									
Acquisition	500,000								500,000
Construction		1,509,898	1,509,898	1,509,898	1,509,898				6,039,591
Soft Costs	549,115	10,000	10,000	10,000	10,000	0			589,115
Financing Costs	96,200	4,340	13,020	23,870	36,890	30,380			204,700
Miscellaneous	162,924					30,000			192,924
Dev Fee	0					874,812	180,151	45,038	1,100,000
Reserves					30,000	285,718			315,718
TOTAL DEV. COSTS	1,308,239	1,524,238	1,532,918	1,543,768	1,586,788	1,220,909	180,151	45,038	8,942,048
Repay GP Bridge Loan						0			0
Repay Construction Loan						5,749,013			5,800,000
Other Syndication Costs	800								800
Total Commercial Costs		0	0	0	0				0
SUBTOTAL OTHER ITEMS	800	0	0	0	0	5,749,013	0	0	5,800,800
TOTAL USES OF FUNDS	1,309,039	1,524,238	1,532,918	1,543,768	1,586,788	6,969,922	180,151	45,038	14,742,848
Ending Cash	0	0	0	0	0	-343,305	-343,305	-343,305	-343,305

50% Test

Agg. Basis	8,464,206
Perm. TE	2,924,133
34.55%	
Min TE Amt	4,660,000
% of CL	80%
Bal. of CL	1,140,000

419950
76,645

PROJECT FINANCING								
Source	Amount	Rate	Term	Lien	Annual D/S			
					Yr. 1-5	Yr. 6-15	Yr. 16-30	
Source 1: 0% Deferred Loan-FedHOME	1,272,399	0.00%	30	First	0	0	0	
Source 2: 0% Deferred Loan-State HOME	424,133	0.00%	30	First	0	0	0	
Source 3: Interest Bearing Loan	2,500,000	5.50%	30	First	137,500	137,500	137,500	
Source 4: Conventional First Mortgage	0	0.00%	30	First	0	0	0	
Source 5: City FEDHOME*	449,999	0.00%	30	Second	0	0	0	
Source 6: AHP Capital Advance*	0	0.00%	30	Second	0	0	0	
Source 7: TIF Loan*	0	0.00%	30	Second	0	0	0	
Source 8	0	0.00%	30	Third	0	0	0	
Source 9	0	0.00%	30	Third	0	0	0	
Source 10: Grant*	0			Third		Grant		
Source 11: General Partner (or Affiliate) Loan	0			Unsecured		Cash Flow		
Source 12: Deferred Developer Fee	350,000			Unsecured		Cash Flow		
Source 13: Net Syndication	3,603,012	\$0.86	3,632,499	(\$29,487)				
Capitalization Gap	343,305							
Total	8,942,848							
	8479130							

COLLATERAL COVERAGE

	Total	Per Unit
Projected Mortgage	2,500,000	83,333
Appraised Market Value	4,297,403	143,247
Loan to Value Ratio	58%	
Market Rent Differential	179,976	500
Supportable Mort.: Unrestricted	5,141,474	171,382
Subsidy per Unit		56,551
Subsidy per Low Income Unit		56,551

PROPOSED RENT SCHEDULE			Maximum Gross LIHTC/HOME Rents	Less Utility Allow.	Maximum Net Tenant Rent	Rents from Applicant	Market Rent	Total Rent
Type	AMI	# Units						
Efficiency	50% LHOME	5	878	30	848	778	\$1,185	46,680
	50% HHOME	0	1088	30	1058	778	\$1,185	0
PBV	50% LIHTC	7	\$875	\$30	\$845	\$778	\$1,185	65,352
	60% LIHTC	3	\$1,050	\$30	\$1,020	\$946	\$1,185	34,056
15	Market	0				\$0	\$1,185	0
1BR	50% LHOME	5	941	39	902	825	\$1,500	49,500
	50% HHOME	0	1203	39	1164	825	\$1,500	0
PBV	50% LIHTC	6	\$937	\$39	\$898	\$825	\$1,500	59,400
	60% LIHTC	4	\$1,125	\$39	\$1,086	\$1,007	\$1,500	48,336
15	Market	0				\$0	\$1,500	0
2BR	50% LHOME							
	50% HHOME							
	50% LIHTC	0	\$0	\$0	\$0	\$0	\$0	0
	60% LIHTC	0	\$0	\$0	\$0	\$0	\$0	0
0	Market	0				\$0	\$0	0
3BR	50% LHOME							
	50% HHOME							
	50% LIHTC	0	\$0	\$0	\$0	\$0	\$0	0
	60% LIHTC	0	\$0	\$0	\$0	\$0	\$0	0
0	Market	0				\$0	\$0	0
4BR	50% LHOME							
	50% HHOME							
	50% LIHTC	0	\$0	\$0	\$0	\$0	\$0	0
	60% LIHTC	0	\$0	\$0	\$0	\$0	\$0	0
0	Market	0				\$0	\$0	0
Other:								0
								0
Subtotals		30						303,324
Income from Laundry:							0	0
Other Income: HAP Income							7,591	91,092
Vacancy Rate							5%	(19,721)
Other Income: TIF income							3,000	36,000
Effective Gross Income								410,695

AFFORDABLE AMORTIZING MORTGAGE CALCULATION		
Effective Gross Income		410,695
Annual Operating Expense		246,879
Stabilized NOI		163,816
DSC	1.15	21,367
\$ Avail for D/S		142,449
Other DS		0
Balance		142,449
Affordable Fully Amortizing Mortgage	5.50%	2,090,696
Affordable Interest Only Mortgage	5.50%	2,589,979

BREAKEVEN ANALYSIS:		RENT SENSITIVITY		OCCUPANCY	
		Total		Annual	
Operating Expense		246,879		Gross Revenues	394,416
Debt Service		137,500			
Breakeven Rent		1,068		Breakeven Occupancy	97%

OPERATING EXPENSES			
Expense	Annual	Annual Per Unit	Monthly Per Unit
Administrative Expenses:			
Management Fees	28,749	958	80
Management Charges	7,000	233	19
Marketing Expenses	1,500	50	4
Legal Expenses	1,500	50	4
Auditing Expenses	7,500	250	21
Other Administrative Expenses	5,960	199	17
Administrative Expenses	52,209	1,740	145
Operating Expenses:			
Janitorial Payroll	0	0	0
Janitorial Supplies and Equipment	4,500	150	13
Janitorial Contractual Services	6,000	200	17
Fuel and Gas	19,500	650	54
Electricity	12,000	400	33
Water and Sewer	10,500	350	29
Garbage and Trash Removal	3,000	100	8
Vehicle and Equipment Expenses	0	0	0
Other Operating Expenses	0	0	0
Operating Expenses	55,500	1,850	154
Maintenance Expenses:			
Grounds Maintenance Payroll	0	0	0
Grounds Tools and Supplies	0	0	0
Grounds Contractual Services	17,250	575	48
Miscellaneous Ground Maintenance	0	0	0
		0	0
Building Maintenance Payroll	0	0	0
Building Tools and Supplies	3,000	100	8
Building Contractual Services	0	0	0
Building Systems Maintenance	30,000	1,000	83
Miscellaneous Building Maintenance	4,500	150	13
		0	0
Maintenance Expenses	54,750	1,825	152
General Expenses:			
Property Taxes	48,000	1,600	133
Property and Liability Insurance	12,000	400	33
Tenant Service Expenses	10,920	364	30
Other General Expenses	0	0	0
General Expenses	70,920	2,364	197
Net Ex	233,379	7,779	
Replacement Reserve Funding	13,500	450	38
Commercial Expenses (if applicable)	0	0	0
Total	246,879	8,229	686

Management Costs Analysis

Management Fees	28,749	
Management Charges	7,000	
Other Administrative Expenses	5,960	41,709

Effective Gross Rental Income 283,603
Cost Percentage for use in Management Agreement 15%

PROFORMA OPERATING INCOME AND EXPENSE STATEMENT												
	6 Months											
	7/1/2022	12/31/2022	12/31/2023	12/31/2024	12/31/2025	12/31/2026	12/31/2027	12/31/2028	12/31/2029	12/31/2030	12/31/2031	12/31/2032
Effective Gross Income		205,348	418,909	427,287	435,833	444,550	455,663	467,055	478,731	490,700	502,967	515,541
Less Operating Expense		123,440	254,285	261,914	269,771	277,864	286,200	294,786	303,630	312,739	322,121	331,785
Net Operating Income		81,908	164,624	165,373	166,062	166,685	169,463	172,269	175,101	177,961	180,846	183,757
Less RLP Repay		68,750	137,500	137,500	137,500	137,500	137,500	137,500	137,500	137,500	137,500	137,500
Less Other Repay		0	0	0	0	0	0	0	0	0	0	0
Cash Flow		13,158	27,124	27,873	28,562	29,185	31,963	34,769	37,601	40,461	43,346	46,257
Cash Flow per Unit		877	904	929	952	973	1,065	1,159	1,253	1,349	1,445	1,542
Debt Coverage Ratio(RLP)		1.19	1.20	1.20	1.21	1.21	1.23	1.25	1.27	1.29	1.32	1.34
Principal Balance(RLP)	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532
Principal Balance(Other)	449,999	449,999	449,999	449,999	449,999	449,999	449,999	449,999	449,999	449,999	449,999	449,999
Operating Reserve Balance	194,690	197,610	200,574	203,583	206,636	209,736	212,882	216,075	219,316	222,606	225,945	229,334

Total Cash Flow
Projected over 12 Years
461,640

PROFORMA OPERATING INCOME AND EXPENSE STATEMENT, continued											
Yr 15											
	12/31/2033	12/31/2034	12/31/2035	12/31/2036	12/31/2037	12/31/2038	12/31/2039	12/31/2040	12/31/2041	12/31/2042	12/31/2043
Effective Gross Income	528,430	541,641	555,182	569,061	583,288	600,786	618,810	637,374	656,495	676,190	696,476
Less Operating Expense	341,738	351,990	362,550	373,427	384,629	396,168	408,053	420,295	432,904	445,891	459,268
Net Operating Income	186,692	189,650	192,632	195,635	198,658	204,618	210,757	217,079	223,592	230,299	237,208
Less RLP Repay	137,500	137,500	137,500	137,500	137,500	137,500	137,500	137,500	137,500	137,500	137,500
Less Other Repay	0	0	0	0	0	0	0	0	0	0	0
Cash Flow	49,192	52,150	55,132	58,135	61,158	67,118	73,257	79,579	86,092	92,799	99,708
Cash Flow per Unit	1,640	1,738	1,838	1,938	2,039	2,237	2,442	2,653	2,870	3,093	3,324
Debt Coverage Ratio(RLP)	1.36	1.38	1.40	1.42	1.44	1.49	1.53	1.58	1.63	1.67	1.73
Principal Balance(RLP)	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532
Principal Balance(Other)	449,999	449,999	449,999	449,999	449,999	449,999	449,999	449,999	449,999	449,999	449,999
Operating Reserve Balance	229,334	232,774	236,266	239,810	243,407	247,058	250,764	254,525	258,343	262,219	266,152

PROFORMA OPERATING INCOME AND EXPENSE STATEMENT, continued										
	12/31/2044	12/31/2045	12/31/2046	12/31/2047	12/31/2048	12/31/2049	12/31/2050	12/31/2051	6/30/2052	
Effective Gross Income	717,370	738,891	761,058	783,890	807,407	831,629	856,578	882,275	454,372	
Less Operating Expense	473,046	487,237	501,854	516,910	532,417	548,390	564,841	581,787	299,620	
Net Operating Income	244,325	251,654	259,204	266,980	274,990	283,239	291,736	300,488	154,752	
Less RLP Repay	137,500	137,500	137,500	137,500	137,500	137,500	137,500	137,500	68,750	
Less Other Repay	0	0	0	0	0	0	0	0	0	
Cash Flow	106,825	114,154	121,704	129,480	137,490	145,739	154,236	162,988	86,002	
Cash Flow per Unit	3,561	3,805	4,057	4,316	4,583	4,858	5,141	5,433	5,733	
Debt Coverage Ratio(RLP)	1.78	1.83	1.89	1.94	2.00	2.06	2.12	2.19	2.25	
Principal Balance(RLP)	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532	4,196,532	
Principal Balance(Other)	449,999	449,999	449,999	449,999	449,999	449,999	449,999	449,999	449,999	
Operating Reserve Balance	270,144	274,196	278,309	282,484	286,721	291,022	295,387	299,818	308,880	

Development Department
August 3, 2021

Updated Tax Credit Project 0% Deferred Debt Offerings

Introduction

In response to increased construction costs, MaineHousing is offering additional 0% deferred debt (“subsidy”) financing for tax credit projects in the Development Department’s current project pipeline. This subsidy is only available for the projects outlined below. Future funding rounds cost limits and subsidy offerings will be determined through the usual procedures.

Additional Subsidy Offerings

2022 9% LIHTC Applicants

Up to \$40,000 in additional subsidy per unit as needed, with no per-project limit.

2021 LIHTC Pipeline Projects not yet under construction

Up to \$30,000 in additional subsidy per unit as needed, with no per-project limit

2020 LIHTC Pipeline Projects not yet under construction

Up to \$20,000 in additional subsidy per unit as needed, with no per-project limit

4% LIHTC Walk-in Program

Up to \$40,000 in additional subsidy per unit as needed for new construction or adaptive reuse projects until further notice.

Up to \$75,000 per unit in subsidy to be used for Acquisition/Rehabilitation projects, with a total limit of \$10,000,000.

Any subsidy offering may be discontinued at any time.

Please contact Bill Glover at (207) 626-4634, or bglover@mainehousing.org with any questions.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 22, 2021

SUBJECT: Order 59-21/22 Amendment to the Portland City Code Chapter 2 Re: Additional Senior Tax Relief - Sponsored by the Finance Committee, Nicholas Mavodones, Chair

SPONSOR: Councilor Nicholas Mavodones, Finance Committee Chair, on Behalf of the Finance Committee (voted 3-0 to recommend this to the full City Council on 9/9/21)

(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 9/20/2021

Final Action 10/4/2021

Can action be taken at a later date: No No. It is essential to have this passed as soon as possible so we can begin communicating the changes to the community.

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

I. SUMMARY

This order approves increases to maximum payments via the Portland Senior Tax Equity program (P-STEP) to match State levels (\$1200) and also provides an opportunity for payments to low income senior homeowners who meet certain criteria to have their FY22 payments doubled and applied directly to property taxes due.

II. AGENDA DESCRIPTION

The Finance Committee met on September 9, 2021 and voted 3-0 to forward this amendment to the full City Council for approval.

This Order would increase maximum P-STEP payments from \$900 to \$1,200 (matching State of Maine maximum payments) effective upon passage by the City Council. In FY22 only (the "bridge" year), maximum payments would be doubled for eligible applicants who own a homestead in the City and applied directly to property taxes due.

LD 1638 (An Act To Help Seniors and Certain Persons with Disabilities Remain in their Homes by Providing for the Deferral of Property Taxes) was signed into law by Governor Mills on July 19, 2021. Taxpayers who qualify for this program are eligible to defer their property taxes due until the sale of their homes at a later date. Under this program, the State of Maine will pay a municipality directly for any property taxes due, place a lien on the property, but not foreclose on the loan so the property taxpayer could remain in the home as long as necessary. This program is a win-win-win for the State, local municipality, and the property taxpayer. Unfortunately, due to the timing of the law passage, the program will not go into effect until the FY23 tax year (application period opens in January 2022 for FY23 tax bills), so it is not available for the current property tax year. For many low income seniors in Portland, an option for a "bridge program" for the upcoming tax year (FY22) which will assist them until the State deferral program goes into place is necessary. The most critical component of the bridge program is increasing the maximum payments available under the Portland Senior Tax Equity Program (P-STEP).

This item must be read on two separate days. It received its first reading on September 20, 2021. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

In addition to the existing property tax relief programs (highlighted in Appendix A to the attached memo) the City lobbied at the State level on behalf of several proposed tax relief laws enacted in early Summer 2021. One of these laws is LD 1638: An Act To Help Seniors and Certain Persons with Disabilities Remain in their Homes by Providing for the Deferral of Property Taxes, which was signed into law by Governor Mills on July 19, 2021. Taxpayers who qualify for this program are eligible to defer their property taxes due until the sale of their homes at a later date. Under this program the State of Maine would pay a municipality directly for any property taxes due, place a lien on the property, but not foreclose on the loan so the property taxpayer could remain in the home as long as necessary. This program is a win-win-win for the State, local municipality, and the property taxpayer. Unfortunately, due to the timing of the law passage the program will not go into effect until the FY23 tax year (application period opens in January 2022 for FY23 tax bills), so it is not available for the current property tax year. For many low income seniors in Portland who see an increase in their property taxes an option for a “bridge program” for the upcoming tax year (FY22) which will assist them until the State deferral program goes into place is necessary.

The City staff proposal on a bridge program has two important components. The first and the easiest to implement is an increase to our local PSTEP (Portland Senior Tax Equity Program) for low income senior property owners. The PSTEP reimbursement amounts for homeowners would be increased from a maximum of \$900.00 to \$1200 (matching State of Maine maximum payments) effective upon passage by the City Council. FY22 only, maximum payments would be doubled for eligible taxpayers and applied directly to property taxes due. It is estimated this will carry a cost of approximately \$100,000 to the City based on current PSTEP levels however it may be eligible for reimbursement with ARPA funds. The doubling of maximum reimbursement would be applicable for FY22 only, after which the City would follow State limits on reimbursement thresholds (currently \$1200 for age 65 and above). This item requires City Council approval as it modifies City Code Chapter 2.

The second component of the bridge program requires significant additional administrative effort but we feel is critical for those in need. The City would create a bridge program by taking applications from low income senior residents who meet the criteria for deferral under LD1638. The property taxpayers who met the State criteria would be put on a customized payment plan utilizing all available resources including the PSTEP to provide a repayment bridge to FY23 when the State deferral program would be in place. Significant staff outreach would be required with each taxpayer and significant additional administrative burden would be added. No Council action is required on the second half of the bridge. If the PSTEP changes are approved staff will move forward with developing an application, advertising the program, and communicating it to residents.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

This directly addresses the City Council Common Goal 2021 related to addressing the property tax burden in the City of Portland.

V. FINANCIAL IMPACT

None – the City already has the funding for this initiative included in the operating budget and any additional estimated expenditure will be eligible for reimbursement via the American Rescue Plan Act funding.

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

Approve immediately for implementation in FY22

VIII. LIST ATTACHMENTS

1. Ch. 2 Additional Senior Tax Relief 9.20.2021
2. Memo: FY22 Property Tax Relief for Low Income Seniors

Prepared by:

Date: 09/22/2021

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)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 2
Re: ADDITIONAL SENIOR TAX RELIEF**

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

*1. That Sections 2-452, 2-453, 2-455, 2-456, and 2-457 are
hereby amended to read as follows:*

Sec. 2-452. Purpose of program; program description.

The purpose of this article is to establish a Program to
provide property tax assistance ~~in the form of a refund payment~~
to income-eligible persons at least sixty-two (62) years of age
who have a homestead in the City of Portland and who qualify for
a tax credit under the state program.

Sec. 2-453. Eligible applicant.

In order to be an eligible applicant for a benefit from the
City under the Program, an applicant must demonstrate all of the
following:

(a) The applicant must be 62 years of age or older and have
a homestead in the City at the time of application.

~~—— (b) If the applicant owns his or her homestead, the
applicant paid in full all property taxes for the year for which
the refund is requested. If the applicant rents his or her
homestead, the applicant paid rent during the year for which the
refund is requested.~~

(eb) The applicant has received a tax credit under the
state program for the prior year.

...

Sec. 2-455. Determination of eligibility; amount of program benefit.

If the Director determines that an applicant is an eligible applicant, the Director shall then determine the applicant's program benefit, which shall be the lesser of the following amounts:

(a) The amount of credit the applicant qualified for under the state program;

(b) ~~Nine~~ Twelve-hundred dollars (\$~~900~~1200.00); or

(c) A pro rata share of available monies in the Program fund based on the amount of each eligible applicant's credit under the state program.

For applications received in 2022 only the Director is authorized to double the program benefit, up to the amount of Fiscal Year 2022 property taxes due, for eligible applicants who own a homestead in the City and who qualify for the State of Maine property tax deferral program as outlined in LD 1638 An Act To Help Seniors and Certain Persons with Disabilities Remain in Their Homes by Providing for the Deferral of Property Taxes.

Sec. 2-456. ~~Creation of program fund~~ Program funding; limitation on payments.

~~Upon presentation of the budget to the City Council, the City Manager shall propose an appropriation of funds to support this Program program. If the Council approves the appropriation of such funds, they shall be placed in the Program Fund. Any surplus monies available after all payments have been made in a given year shall remain in the Program Fund.~~ In the event that the City Council fails to appropriate funds for the ~~Program Fund~~ program, the Director may search for other available sources of funding to support approved applications. ~~or i~~ If there are insufficient funds in ~~the Program Fund~~ to pay any eligible applicant all or part of the applicant's program benefit, the applicant's request for a benefit under the ~~Program program~~ will not carry over to the next year.

Sec. 2-457. Payments.

An eligible applicant shall be mailed a check for the program benefit within thirty days after the City receives satisfactory documentation that the applicant has received a tax credit under

the state program for the prior year if they have no property taxes due. For eligible applicants who have property taxes due the payments will be directly applied to property taxes due.

~~, but no later than September 30th of the year in which the applicant files and application.~~



CITY OF PORTLAND

To: Members of the City Council
CC: City Manager Jon P. Jennings
From: Finance Director Brendan T. O'Connell, Assessor Christopher Huff,
Deputy Finance Director Anne Bilodeau, Treasurer Rebekka Conley
Date: August 24th, 2021
Title: FY22 Bridge Program - Property Tax Relief for Low Income Seniors

BACKGROUND - STATE TAX DEFERRAL PROGRAM (LD1638) AND NEED FOR A “BRIDGE” PROGRAM

The City of Portland is in the final stages of its first City wide revaluation in nearly 15 years. The revaluation is adjusting the taxable values of each property in the municipality to current market values in order to fairly distribute the overall tax burden among all property owners in the City. Although the overall tax burden is not changing as a result of the revaluation, individual property valuations and property tax bill amounts will fluctuate significantly.

The City is working hard to educate the public on the purpose of the revaluation and provide information on property tax relief programs available to residents. In addition to the existing property tax relief programs (highlighted in Appendix A to this memo) the City lobbied at the State level on behalf of several proposed tax relief laws enacted in early Summer 2021. One of these laws is LD 1638: An Act To Help Seniors and Certain Persons with Disabilities Remain in their Homes by Providing for the Deferral of Property Taxes, which was signed into law by Governor Mills on July 19, 2021. Taxpayers who qualify¹ for this program are eligible to defer their property taxes due until the sale of their homes at a later date. Under this program the State of Maine would pay a municipality directly for any property taxes due, place a lien on the property, but not foreclose on the loan so the property taxpayer could remain in the home as long as necessary. This program is a win-win-win for the State, local municipality, and the property taxpayer. Unfortunately, due to the timing of the law passage the program will not go into effect until the FY23 tax year (application period opens in January 2022 for FY23 tax bills), so it is not available for the current property tax year. For many low income seniors in Portland an option for a “bridge program” for the upcoming tax year (FY22) which will assist them until the State deferral program goes into place is necessary.

DETAILS - PROPOSED CITY OF PORTLAND BRIDGE PROGRAM

The City staff proposal on a bridge program has two important components. The first and the easiest to implement is an increase to our local PSTEP (Portland Senior Tax Equity Program) for low income senior property owners. The PSTEP reimbursement amounts for homeowners would be increased from a maximum of \$900.00 to \$1200 (matching State of Maine maximum payments) effective upon passage by the City Council. FY22 only, maximum payments would be doubled for eligible taxpayers and applied directly to property taxes due. It is estimated this will carry a cost of approximately \$100,000 to the City based on current PSTEP levels however it may be eligible for reimbursement with ARPA funds. The doubling of maximum reimbursement would be applicable for FY22 only, after which the City would follow State limits on reimbursement thresholds (currently \$1200 for age 65 and above).

¹ To qualify for property tax deferral under LD1638 the taxpayer must be 65 years of age or older or unable to work due to disability, must have annual income less than \$40,000 in year preceding application, must have less than \$50,000 in liquid assets or \$75,000 if joint application, and receiving the Homestead Exemption.

The second component requires significant additional administrative effort but we feel is critical for those in need. The City would create a bridge program by taking applications from low income senior residents who meet the criteria for deferral under LD1638. The property taxpayers who met the State criteria would be put on a customized payment plan utilizing all available resources including the PSTEP to provide a repayment bridge to FY23 when the State deferral program would be in place. Significant staff outreach would be required with each taxpayer and significant additional administrative burden would be added. Treasury staff is already at full capacity therefore an additional Treasury resource would be required at a CEBA union grade 13 (approximately \$21/hour for recruit step) to administer this program and help with other Treasury workload.

NOTE: This proposal was passed unanimously by the Finance Committee on 9/9/21 (3-0)

Property Tax Relief Programs

• • •
City Council Finance Committee
July 22, 2021



<u>Real Estate Taxes</u>	<u>Business Personal Property Taxes</u>	<u>Income Taxes</u>	<u>Current Land Use Tax Programs</u>
Homestead Exemption	Business Equipment Tax Reimbursement (BETR)	Property Tax Fairness Credit (PTFC)	Farmland
Veterans, Surviving Spouse, Minor Child or Widowed Parent of a Veteran Exemption	Business Equipment Tax Exemption (BETE)	Portland Senior Tax Equity Program (P-STEP)	Open Space
Blind Persons Exemption			Tree Growth
Senior Tax Deferral Programs (2)			Working Waterfront
Renewable Energy Equipment Exemption			

Real Estate Tax Relief Programs

- Homestead Exemption Program

- Provides property tax relief for individuals that have owned a home for at least 12 months and occupy it as their primary residence
- Provides \$25,000 of exempted value
- One time application; deadline is April 1st each year
- FY21 - 8,871 approved Portland homesteads; \$448.72 tax reduction
 - Provided \$3.98 million in total tax relief to Portland residents
 - 70% State reimbursement - \$2,786,401

Real Estate Tax Relief Programs

- Veterans Exemption Program

- Provides property tax relief for Veterans who served during a recognized war period and are:
 - 62 years of age or older; or
 - Receiving 100% disability as a Veteran; or
 - Became 100% disabled while serving
- Provides \$6,000 of exempted value
 - Surviving spouses, minor children and widowed parents eligible
 - Paraplegic Veterans can be eligible for \$50,000 in exempted value
- FY21 - 719 approved Veterans exemptions; \$107.69 tax reduction
 - Provided \$77,429 in total property tax relief
 - 50% State reimbursement - \$38,715

Real Estate Tax Relief Programs

- Blind Persons Exemption
 - Provides property tax relief for 100% legally blind individuals
 - Provides \$4,000 of exempted value
 - FY21 - 21 qualified Blind Person exemptions; \$71.79 tax reduction
 - Provided \$1,508 in property tax relief
 - 50% State reimbursement - \$754
- Renewable Energy Investment Exemption
 - Exempts some or all of increased assessed value for items such as solar panels, wind turbines and associated equipment
 - Portland does not add assessed value for these items, therefore we do not participate in this program

Current Land Use Programs

The State of Maine has four “current use” programs that offer property owners a reduction in assessed value by establishing property valuation at its current use, rather than at market value

- Farmland
 - 5 contiguous acres used for farming, agriculture or horticulture
 - Must generate \$2,000 in gross income from these activities each year
 - FY21 - 3 parcels enrolled covering 26.2 acres; provided \$10,145 in tax relief
- Tree Growth
 - 10 acres or more of forested land used for commercial harvesting
 - Forest management and harvest plan required by licensed Maine Forester
 - FY21 - 3 parcels enrolled covering 85.7 acres; provided \$68,745 in tax relief

Current Land Use Programs

- Open Space
 - Eligible parcels are preserved or deed restricted to provide a public benefit
 - Public recreation, scenic resources, game management, wildlife habitat
 - Up to a 95% reduction in value on land
 - FY21 - 23 parcels enrolled covering 229.4 acres; provided \$365,712 in tax relief
- Working Waterfront
 - Eligible parcels abutting tidal waters or located in intertidal zone
 - More than 50% of parcel used to support commercial fishing activities
 - Up to 50% reduction in value of land
 - FY21 - 1 parcels enrolled; provided \$1,577 in tax relief

Business Personal Property Tax Relief Programs

- Business Equipment Tax Reimbursement (BETR)
 - Programs were developed to encourage capital investment in Maine
 - Reimburses taxpayers for local property taxes paid on most qualified business assets first placed in service between April 1, 1995 and April 1, 2007
- FY20 - 203 applications received; taxpayers reimbursed \$1,446,657
- Business Equipment Tax Exemption (BETE)
 - Provides 100% tax exemption for eligible business assets first subject to taxation on or after April 1, 2008
- FY21 - 426 applications received; \$253,325,290 in exempted PP assets
 - \$5,905,013 in tax relief
 - 53.09% State reimbursement - \$3,135,148

Income Tax Relief Programs

- Maine Property Tax Fairness Credit (PTFC)
 - Eligible Maine taxpayers receive a portion of the property taxes or rent they paid during the tax year on their Maine 1040ME income tax return, whether they owe income tax or not
 - Schedule PTFC determines the credit amount based on income, property tax and/or rent paid
- Portland Senior Tax Equity Program (P-STEP)
 - Provides tax relief in the form of a direct payment to Portland seniors (62 or older) who receive a PTFC credit from the State of Maine
 - PTFC credit is matched dollar for dollar, up to \$900
 - Annual application period is January through June
- FY21 - 194 applications with \$135,203 in total refunds

Senior Tax Deferral Programs

- Municipal Property Tax Deferral for Senior Citizens
 - Allows municipalities to enact a property tax deferral program to help elderly homeowners keep their homes
 - Taxpayer must be at least 70 years of age
 - Must have owned their home for at least 10 years
 - Income cannot exceed 300% of the federal poverty level
 - Eligibility is determined by the municipality
 - A lien is established and recorded in the Registry of Deeds each year of deferral
 - Interest accrues on deferred taxes at .5% above the annual delinquent rate
 - All administrative duties of processing, noticing, filing and record keeping are the responsibility of the local municipality

Senior Tax Deferral Programs

- Municipal Property Tax Deferral for Senior Citizens
 - Events requiring the payment of deferred taxes and interest
 - The taxpayer passes away
 - The property sells or transfers to a new owner
 - The property is no longer occupied by the taxpayer (except if absence is health related)
 - If transferred to a family member of the same household, they may apply for continuation of the deferral

Senior Tax Deferral Programs

- LD 1638: An Act To Help Seniors and Certain Persons with Disabilities Remain in their Homes by Providing for the Deferral of Property Taxes
 - Signed into law by Governor Mills on Monday, 7/19/21
 - Taxpayer must be 65 years of age or older or unable to work due to disability
 - Taxpayer has annual income less than \$40,000 in year preceding application
 - Taxpayer has less than \$50,000 in liquid assets or \$75,000 if joint application
 - Taxpayer must be receiving the Homestead Exemption
 - Program will be in place for tax year **FY23**

Senior Tax Deferral Programs

- LD 1638: An Act To Help Seniors and Certain Persons with Disabilities Remain in their Homes by Providing for the Deferral of Property Taxes
 - Applications are submitted to the local assessment office and forwarded to the State Tax Assessor for determination of eligibility and approval
 - Once approved, the State pays the municipality the deferred taxes for the year
 - Administrative duties of processing, noticing, and filing are the responsibility of the State
 - Same events trigger the repayment of deferred taxes and interest with the State collecting those amounts

Order 259-20/21

Motion to postpone to October 4, 2021: 9-0 on 9/8/2021

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER AMENDING
THE DOWNTOWN TRANSIT ORIENTED DEVELOPMENT AND OMNIBUS
TAX INCREMENT FINANCING DISTRICT TO INCREASE FUNDING FOR
CREATIVE PORTLAND**

ORDERED, that the Downtown Transit Oriented Development and Omnibus Tax Increment Financing (TIF) District, as adopted by Order 139-14/15 and amended by Order 99-17/18, Order 78-18/19, Order 279-18/19, Order 13-20/21, and 242-20/21 is hereby amended to increase the Tax Increment Financing funding from this district for Creative Portland 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.

CREATIVE PORTLAND^{ME}

84 Free Street | Portland, ME 04101 | 207-370-4784

Recommendation for proposed CITY TIF budget increase, on a phased basis:

FY22: 155K (proposed City TIF increase)

- 35K - Marketing services & materials
- 45K - cultural app prototype, augmented reality features, training & outreach
- 54K - outdoor performance pop-up venues - tech, crew, street block closures (6 performances)
- 16K - First Friday Art Walk- city staff & tech support - management, safety, COVID watch, projections, stage
- 5K - Arts & Culture Summit Webinar

FY23: 250K (proposed City TIF increase)

- 40K - Marketing services & materials
- 30K - cultural app marketing campaign and launch
- 56K - outdoor performance pop-up venues
- 70K - arts, music & innovation festival
- 8K - mural initiative (mental health/social safety campaign)
- 14K - First Friday Art Walk - city staff & tech equipment
- 25K - Hear Here Merrill Auditorium (sound/lights rental and union crews)
- 7K - Arts & Culture Summit (in-kind venue waiver)

FY24: 372K (proposed TIF including grant & private support)

- 45K - Marketing services & materials
- 25K - cultural app content mgr & IT support
- 56K - outdoor performance pop-up venues
- 75K - arts, music & innovation festival
- 14K - First Friday Art Walk - city staff & tech equipment
- 50K - Exterior Jetport Wall Mural*
- 100K - Hear Here Merrill Auditorium (permanent sound/lights)*
- 7K - Arts & Culture Summit (in-kind venue waiver)

FY25: 496K (proposed Arts Budget including private funding)

- 150K - Marketing services & materials
- 75K - arts, music & innovation festival
- 14K - First Friday Art Walk - city staff & tech equipment
- 250K - Hear Here Merrill Auditorium (complete tech renovation)*
- 7K - Arts & Culture Summit (in-kind venue waiver)

CREATIVE PORTLAND^{ME}

84 Free Street | Portland, ME 04101 | 207-370-4784

March 12, 2021

To: The HEDC Committee

Re: Clarification on Creative Portland TIF Increase Request - Original Attached

Thank you once again for hearing our request on March 2nd regarding the TIF allocation to Creative Portland (CP). This memo will clarify questions raised at the preliminary review.

Attached is a slightly modified version of our Phased Request for TIF Allocation. Marketing services (line #1) have replaced the previous term, "personnel," which will cover part-time contractor requirements and marketing materials to fulfill the proposed programs. The funds for personnel, to be referred to as full-time staff in the Housing and Economic Development Department (HEDD), are not presented here in the TIF increase proposed budget.

The previously allocated TIF funds, capped at 100K for the last eleven years, have been primarily allocated to cover the cost of the CP Executive Director and Program Assistant. In January 2020, those two staff became city employees in the HEDD with the city covering position fringe benefit costs of approximately \$40,000 above the \$100,000 cap. Although staff implements the annual Board-recommended Work Plan, approved by the City, they also participate in HEDD meetings and other City programs.

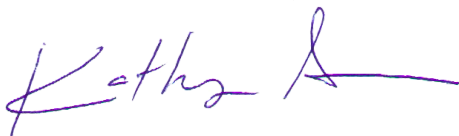
Our nonprofit organization leverages the City's investment and raises private and grant funds to support our programs, including the creative bus shelter initiative, arts banners for public health, and fiscal sponsorships. Creative Portland's role has been established as the arts community convener, for programs like the Artist Relief Fund (\$90K raised in 9 months), the Annual Arts & Culture Summit and Monday Morning Drop By, Cultural App Development, and a monthly open house coffee hour. Likewise, we are hosting an Arts Community Check-In on March 22nd for over 100 stakeholders.

Greg Mitchell will provide a memo under separate cover outlining the TIF funding "cap" of 100K that has not moved in the last eleven years. Rather than propose a new cap, we propose a "floor" versus ceiling approach, with our first-year TIF **increase** request, as a floor of \$155,000 to support CP programs and services with the City covering one hundred percent of the cost of two full-time staff positions. As we create sustainable programs, the investment will grow in increments each year, with an impactful return investment. The funds we are requesting in our phased approach have been thoughtfully crafted to revive and sustain the City's investment in the arts, as a workforce initiative.

We have highlighted the **green** projects that will attract sponsorship and private investments. Note: we have removed the 750K ask for the permanent performance shell build in FY25.

We hope this memo and phased budget will solidify your confidence in supporting our request. Thank you again for your consideration.

Sincerely,



Kate Anker
Board President

CREATIVEPORTLAND^{ME}

84 Free Street | Portland, ME 04101 | 207-370-4784

To: HEDC Committee

From: Kate Anker, President, Creative Portland

February 26, 2021

Subject: Creative Portland Request for TIF District Funds Increase

On behalf of the Creative Portland Board of Directors, we present to you for consideration an impactful policy change and phased approach to increase TIF District fund allocation to support the arts beginning in Fiscal Year 2022.

Attached are three documents to support our ask:

- 1) [Creative Portland Overview presentation](#)
- 2) City Comparison Research Survey
- 3) Recommendation for TIF increase, on a phased basis.

[The Creative Portland Overview Presentation](#) clearly documents the value of the City's TIF investment, which is capped at 100K fund allocation to support two full-time employees in HEDD. The growing capacity of the nonprofit organization attracts a robust board of directors and five separate community committees who oversee grant-generated programs that are also supported by the private sector. Creative Portland has become a respected arts community convener, maintaining a database of artists and curatorial teams to produce performing arts showcases, curate public art installations, and manage juried arts exhibitions. Creative Portland successfully established the [Portland Artist Relief Fund](#) in April 2020, dispersing grants to artists, one month after COVID-19 shutdowns. CP's appropriate integration and public engagement keeps artists relevant and working during the pandemic and is at the forefront of our mission to nurture and sustain the local arts ecosystem.

The city comparison research survey was conducted this past February by staff and CP Board volunteers. Economic impact numbers are supported in the most recent [AEP5](#) economic impact study by Americans for the Arts (AFTA). Our research, outreach, and engagement informs the headlines: a) Portland is one of the only cities without a separate Arts Department, b) is the only city without a community-based arts center, and c) receives 75% less in municipal arts investments than the other cities, who reveal high return for investment in the arts, not only as a major economic driver, but integral to the city's overall health.

Our recommendation, on a phased basis, is accompanied by deep support of the board and staff who have worked tirelessly to implement strategic priorities identified in the [Cultural Plan Update of 2018](#). The budget for FY22 includes increased funding to the existing capped \$100K, absorbed by HEDD to cover staff salaries, for the hosting of an annual arts & culture summit, the revival of First Friday Art Walk, outdoor performances & showcases, and the development of a cultural app. FY22-FY25 budget proposal attached. We understand that we're presenting a lot of information and data to absorb all at once. Thank you for your careful consideration.

CREATIVE PORTLAND^{ME}





Board of Directors

CREATIVEPORTLAND^{ME}

Kate Anker (President), **Running With Scissors**

Kirstie Archambault, **Visit Portland**

Nicole Barna, **Portland Magazine**

Lisa Bloss, **UKG**

David Brenerman (Secretary), **Past President, former Mayor & retired Portland City Councilor**

Tae Chong (ex officio), **City Councilor**

Gib Foltz (Treasurer), **Baker Newman Noyes**

Eliza Ginn, **Center for the Common Good**

Lindsay Hancock, **Artist & Grant Writer**

Leah Igo Brooks, **Roux Institute**

Herb Ivy, **Townsquare Media**

Dinah Minot (Assistant Secretary), **Creative Portland**

Daniel Minter, **Indigo Arts Alliance**

Greg Mitchell (ex officio), **City of Portland Economic Development Director**

Zoe Sahloul, **New England Arab American Organization**

Gerard Salvo, **Human Resources Consultant**

CREATIVE PORTLAND^{ME}

Creative Portland's mission is to support the creative economy through the arts by providing essential resources, by fostering partnerships, and by promoting Portland's artistic talents and cultural assets. As the official nonprofit arts agency, we support economic development efforts by strengthening and stimulating our workforce, creative industries, and enterprises.



Executive Director Dinah Minot & Program Assistant Katie Page, City employees

Signature programs on hold during the pandemic

- First Friday Art Walk
- Hear Here
- Monday Morning Drop By
- CP Art Gallery (online only)





First Friday Art Walk

[Click here for more information](#)

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[Click here for more information](#)



Transformit

CREWE
THE CREWE FOUNDATION



David E. Shaw

headlight
audio visual video



STATE
PORTLAND MAINE
THEATRE

KNACK
FACTORY



COFFEE BY DESIGN



Beyond Words.



NEWS CENTER
MAINE

BIG ROOM STUDIOS
CREATIVE / TECHNOLOGY



INFINITY
FEDERAL CREDIT UNION

PORTLAND
OVATIONS



JASON SPOONER DESIGN

GHOST OF
PAUL REVERE



THE KOTZSCHMAR
ORGAN



Black Cow



PSO



SPACE



MECA
MAINE COLLEGE OF ART

ST. LAWRENCE
ARTS



Immigrant Welcome Center
GREATER PORTLAND

MAINE
ACADEMY
OF MODERN
MUSIC



RUNNING WITH SCISSORS
DAYSIDE CLAY CENTER



TWO FAT CATS
BAKERY



Black Artists Forum

hopsie



PORTLAND
BALLET

PORTLANDSTAGE
The Theater of Maine



MAINE
IMMIGRANTS'
RIGHTS
COALITION



CREATIVE
PORTLAND ME

SPEEDWELL
projects



EQME
EQUALITY MAINE



Monday Morning Drop By

[Click here to learn more](#)

CP Art Gallery

Online only during the pandemic

[Click here to learn more](#)



Ongoing Programs During the Pandemic

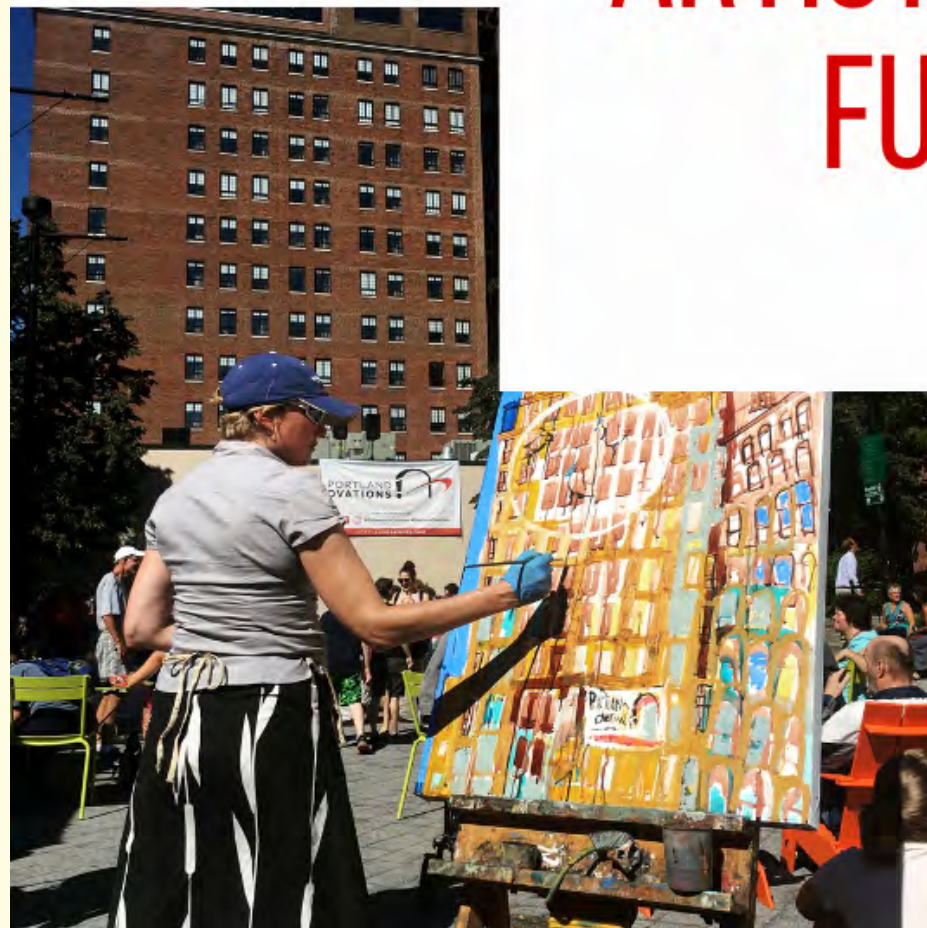
- Portland Artist Relief Fund
- Public Art Initiatives
 - Creative Bus Shelters
 - Art Banners for Public Health
- Cultural Events Calendar
- Cultural App Development
- Fiscal Sponsorships
- Curatorial Teams & Partnerships





PORTLAND, MAINE

ARTIST RELIEF FUND



A Photographer:

"We live in a place of great compassion, resilience and innovation so I know that we will rise up above this. The support of folks like yourselves allows someone like me to continue to put art out into the world and just even pay for my gas and means to do it! "

A Printmaker:

"Many artists like myself operate with little or no financial back-up for our practice. This Emergency fund is very helpful to enable us to stay afloat and get through to a time when we can get back on our feet. I love living and working in Portland and will continue to be part of our vibrant arts community."

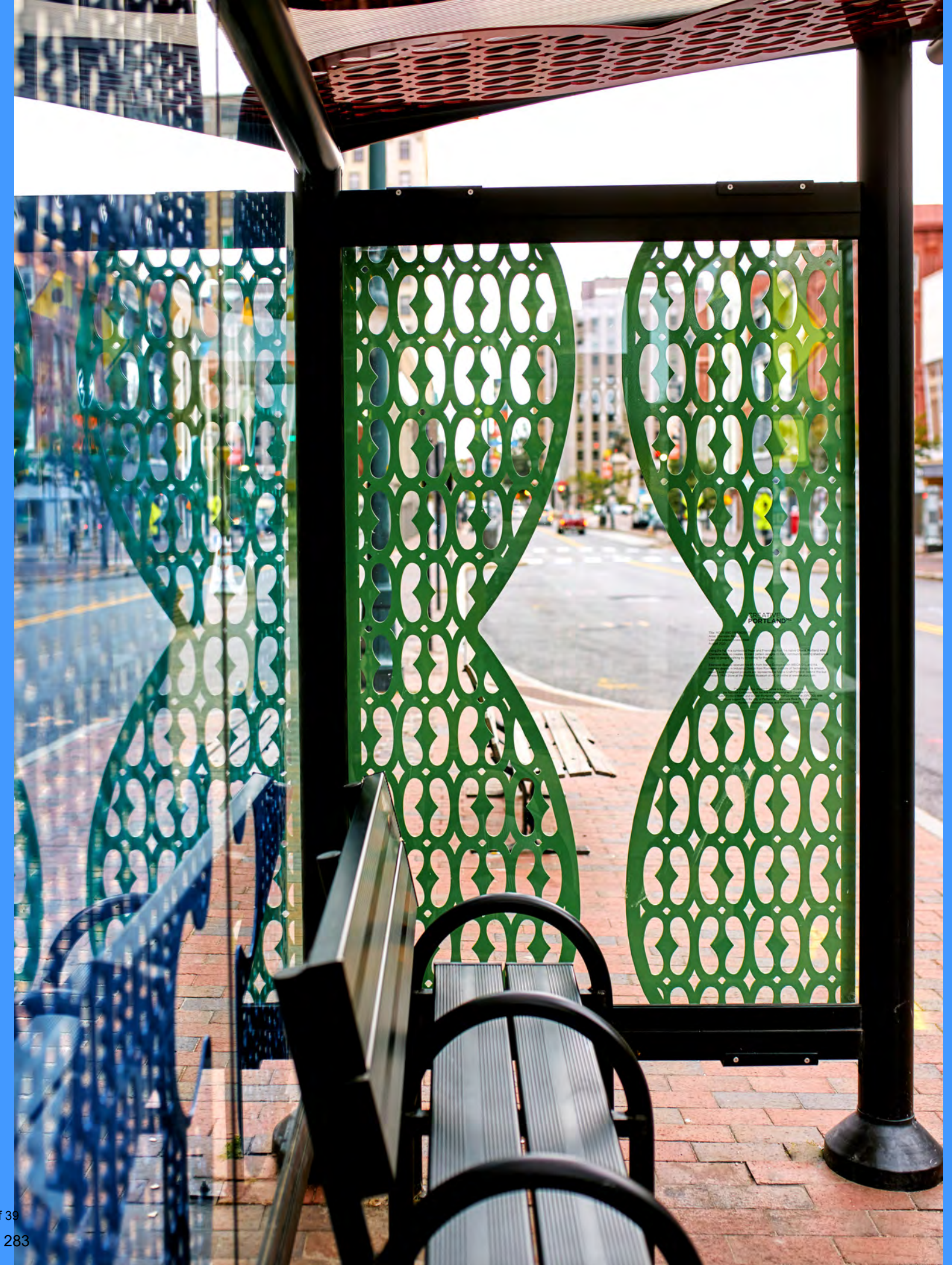
[Click here to learn more](#)

Public Art Initiatives

Creative Bus Shelters

[Click here for more information](#)

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Public Art Initiatives

Art Banners for Public Health

[Click here for more information](#)

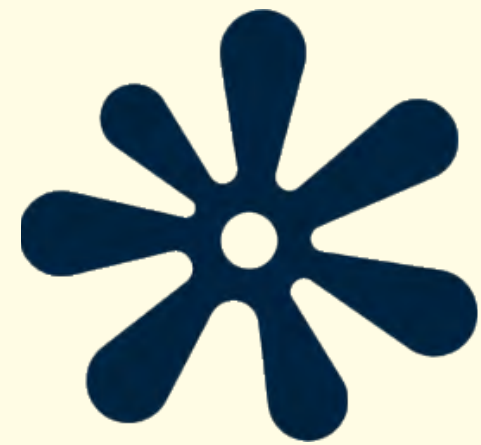
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Cultural Events Calendar

[Click here to view the calendar](#)

ART EXHIBITIONS 12/1 - 5: Flight , Cove Street Arts 12/1 - 11: Acoustic Resonance , MECA 12/1/ - 12/12: Faculty Photography , Cove Street Arts 12/1 - 19: The Party's Over , Grant Wahlquist Gallery 12/1 - 24: New Holiday Season Exhibitions , Maine Jewish Museum POP-UP 12/1 - 24: Rolling in the Yule Tide , Casco Bay Artisans 12/1 - 12/31: Project 20/20 , Portland Art Gallery 12/1 - 12/31: STEAM , Cove Street Arts 12/1 - 1/3: 20/20 Visionary , Bob Crewe Gallery at MECA 12/1 - 1/3: 1968: L'Historique d'une histoire faite de symboles , SPACE 12/3: A Convenient Soldier: The Black Guards of Maine -- A Talk with Asata Radcliffe , Maine Historical Society 12/3 - 1/30: (Annual) Holiday Show , Greenhut Galleries 12/4 - 12/27: Holiday Offerings , Richard Boyd Art Gallery 12/8: "Vida Americana" with Whitney Museum Curator Barbara Haskell , Portland Museum of Art 12/9: A Victorian Christmas: A Talk with Kimberly Smith , Maine Historical Society 12/14 & 15: Virtual Gallery Talk with Victoria Wyeth: Winter Light , Portland Museum of Art MONTH-LONG EXHIBITS - 2020 Vision: Past Present and Future , Creative Portland - I Am an American , Cove Street Arts - Stories of Maine an Incomplete History , Portland Museum of Art - Freedom. A Fable , Portland Museum of Art - Member's Exhibit , UMVA	PERFORMING ARTS 12/1 - 12: Nutcracker: Behind the Mask Short Film , Maine State Ballet 12/1 - 22: Living Voices: "Hear My Voice" Virtual Family Performance , Portland Ovations 12/1 - 31: Magic of Christmas at Home , Portland Symphony Orchestra 12/1 - 31, Out of the Blue Livestreams , Blue 12/3: Palaver Solo Session: Matt Palaver Strings 12/3: Virtual Concert: Jazz Ensemble , USM School of Music 12/3 - 16: Noonday Concert Series Online with Ben Noyes , Portland Conservatory of Music 12/3 - 24: A Christmas Carol In-Person & Virtual , Portland Stage 12/4: Solo Livestream with Tracey Jasas-Hardel , 240 Strings 12/5: The USM Composers Ensemble Showcase Virtual , USM School of Music 12/6: A Virtual ChoralArt Christmas , ChoralArt 12/6: Dead Gowns Livestream , State Theater 12/6: Virtual Vocal Jazz Ensemble , USM School of Music 12/9: Catherine Begin Virtual Recital , USM School of Music 12/10: Beehive Chamber Series: Coming Together , Palaver Strings 12/11: Spencer Albee Livestream , State Theater 12/12: A Victorian Nutcracker - At Home! , Portland Ballet 12/12: VOCES8 "Winter Tales" Virtual Performance , Portland Ovations 12/12: Martin Sexton , Aura Maine 12/17 - 30: Noonday Concert Series Online with John Bennett 12/21: Palaver Music Center Winter Recital Celebration , Palaver Strings	ART AUCTIONS & CRAFT SALES 12/1 - 8: Photo A Go-Go To Go , Bakery Photo Collective 12/1 -11: Holiday Sale , Maine College of Art 12/1 - 18: SPEEDWELL Auction 2020 , SPEEDWELL Projects 12/1 - 24: Vena's Holiday Parlor , Vena's Fizz House 12/6 & 22: Makers Market at the Point , Thompson's Point MONTH-LONG CRAFT SALES - Gift Guide 2020 , Portland Buy Local - Holiday Gift Guide , Maine Craft Portland - Merch Booth , Maine Music Alliance - MHS Holiday Gift Guide , Maine Historical Society - MSA Store , Mayo Street Arts - PMA Store , Portland Museum of Art CLASSES, FILMS, & TOURS 12/1: Fierce and Fabulous Short Story Writers , MWPA & Print: A Bookstore. 12/1 - 31: Virtual Video Store , SPACE x Aphodian Theater 12/5 - 17: Intro To Welding with Genna Worthley , Factory 3 12/5, 12, 19: Old Port Holiday Historic Walking Tour , Portland Downtown 12/5 - 17: Intro To Woodshop with Holden Roberts , Factory 3 12/5, 12, & 19: Old Port Holiday Historic Walking Tours , Portland Downtown 12/7: Maine Bicentennial Community Cookbook , Maine Historical Society 12/9: Wrap Party , Maine Jewish Film Festival 12/18: Maine Skeins Crafters , Mechanics Hall - PMA Films , Portland Museum of Art
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Cultural App Development

[Click here to learn more](#)

CREATIVE**PORTLAND**^{ME}



Fiscal Sponsorships & Volunteers



Curatorial Teams & Partnerships

[Click here for more information](#)



Black Owned Maine

An online directory for independent, Black-owned businesses in Maine, including visual artists, performing artists, makers and artisans.



Maine Music Alliance

Aims to increase awareness and support the sustainability of the extraordinary live music venues of Portland Maine while highlighting the tremendous impact they have on our local economy



SPEEDWELL Projects

An artist-run studio and gallery dedicated to launching thought provoking exhibitions in all media, including site-specific installations, public art, spoken word, and performance.

ARTS & MUSIC FESTIVALS



- **Art Outta the Park**
- **Burundian Drum & Dance Festival**

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THE WORKSHOP

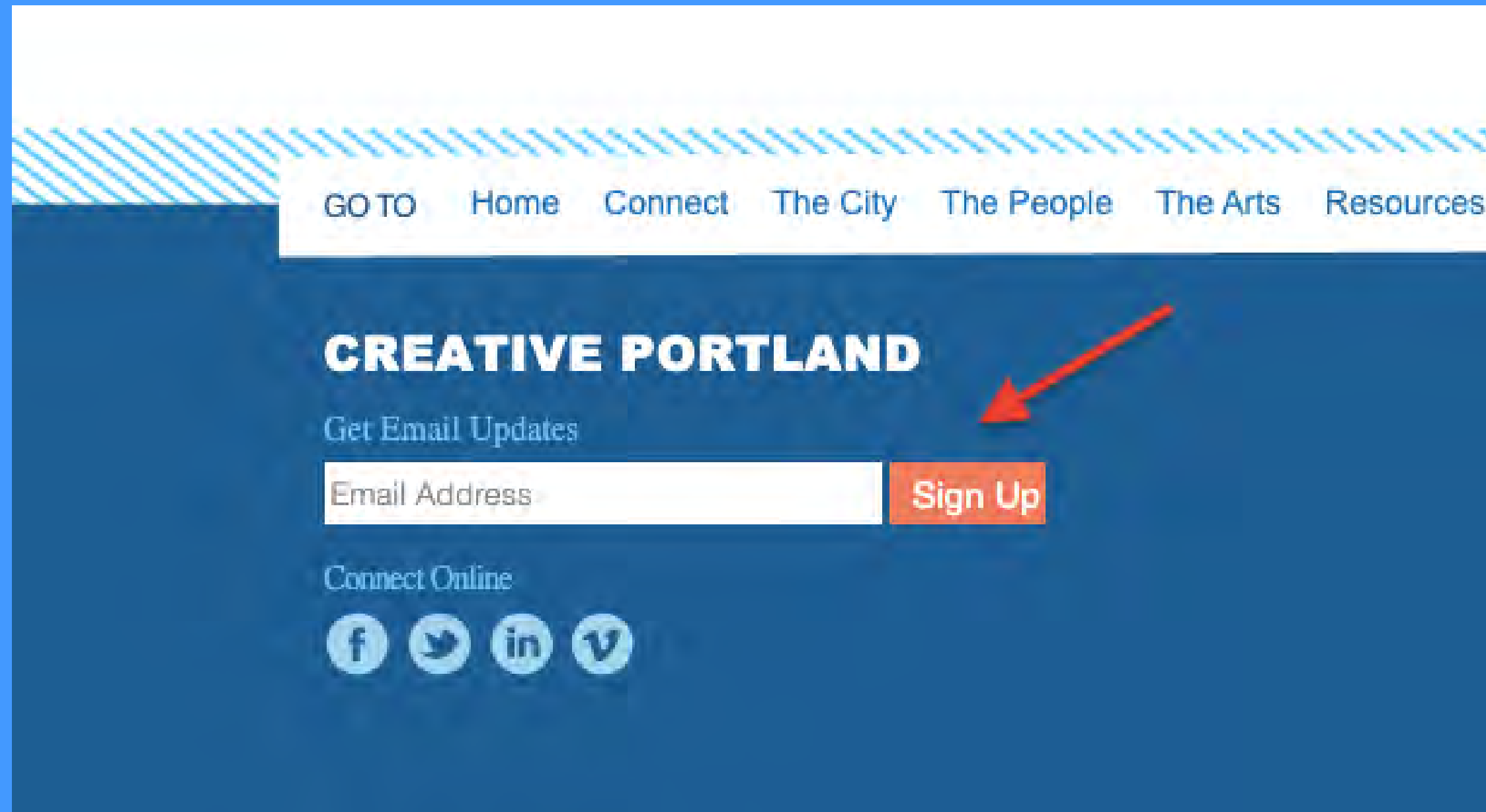
(proposed initiative)



An online calendar of professional development workshops in the Greater Portland area, curated by Creative Portland.

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Monthly Arts Update

A screenshot of the Creative Portland homepage. The header features a navigation bar with links: 'GO TO', 'Home', 'Connect', 'The City', 'The People', 'The Arts', and 'Resources'. Below the header, the main content area has a dark blue background. It features the 'CREATIVE PORTLAND' logo in white, followed by the text 'Get Email Updates'. There is a white input field labeled 'Email Address' and an orange 'Sign Up' button. A red arrow points to the 'Sign Up' button. Below the sign-up form, there is a section titled 'Connect Online' with four circular social media icons for Facebook, Twitter, LinkedIn, and YouTube.

GO TO Home Connect The City The People The Arts Resources

CREATIVE PORTLAND

Get Email Updates

Email Address

Sign Up

Connect Online

[f](#) [t](#) [in](#) [v](#)

Sign up on for our newsletter on our homepage!

Questions? Ideas?

Get in touch with us at
info@creativeportland.com

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CREATIVE PORTLAND RESEARCH PROJECT

ECONOMIC IMPACT OF COMPARABLE ARTS AGENCIES/ COUNCILS

(PRE-COVID 2019 DATA)

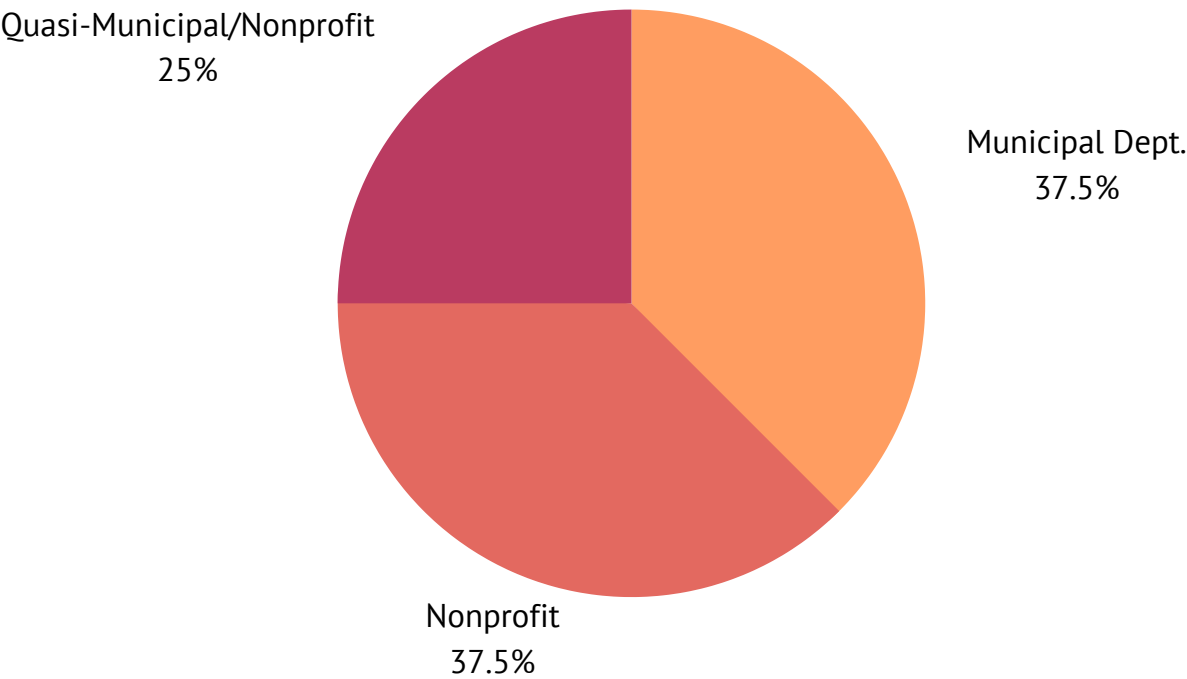
02

ORGANIZATION	LOCATION	POP.
PUBLIC ARTS COMMISSION	ASHLAND, OR	21,281
BURLINGTON CITY ARTS	BURLINGTON, VT	42,550
COMMUNITY ARTS & CULTURE	CHAPEL HILL, NC	60,000
GREATER HARTFORD ARTS COUNCIL	HARTFORD, CT	125,000
NOHO ARTS	NORTHAMPTON, MA	28,516
KIMBALL ARTS CENTER	PARK CITY, UT	8,526
CREATIVE PORTLAND	PORTLAND, ME	66,000
OFFICE OF ART, CULTURE, & TOURISM	PROVIDENCE, RI	180,000
PAAM (ART ASSOCIATION & MUSEUM)	PROVINCETOWN, MA	2,994-60,000
MONMOUTH ARTS	RED BANK, NJ	12,072
CULTURAL ARTS DIVISION	REDONDO BEACH, CA	67,423
ARTS COUNCIL SANTA CRUZ COUNTY	SANTA CRUZ, CA	64,000
SANTA FE ARTS & CULTURE DEPT.	SANTA FE, NM	83,922
SAVANNAH CULTURAL ARTS COMMISSION	SAVANNAH GA	140,000
WAAM (ART ASSOCIATION & MUSEUM)	WOODSTOCK, NY	5,800
WORCESTER CULTURAL COALITION	WORCESTER, MA	190,000

03

ORGANIZATION TYPES

Organizations defined themselves as nonprofit, quasi-municipal/nonprofit, or as a municipal department.

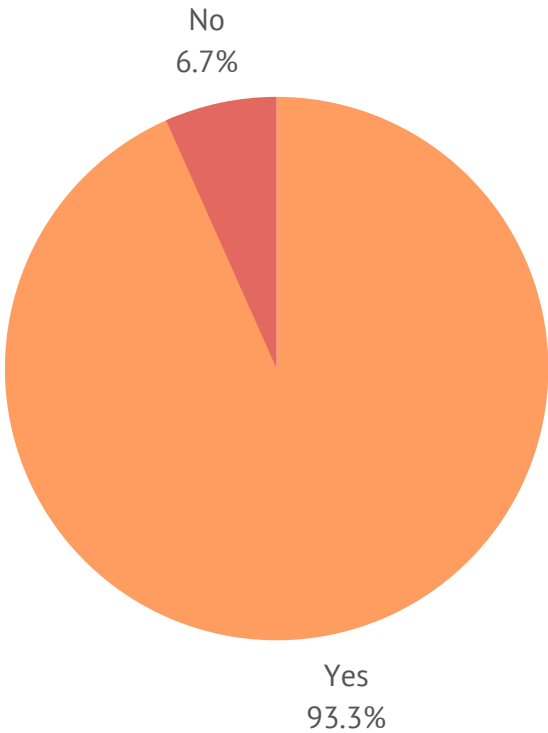


Ashland, OR	Municipal Department
Burlington, VT	Quasi-Municipal/Nonprofit
Chapel Hill, NC	Municipal Department
Hartford, CT	Nonprofit
Northampton, MA	Quasi-Municipal/Nonprofit
Park City, UT	Nonprofit
Portland, ME	Quasi-Municipal/Nonprofit
Providence, RI	Municipal Department
Provincetown, MA	Nonprofit
Red Bank, NJ	Nonprofit
Redondo Beach, CA	Municipal Department
Santa Cruz, CA	Nonprofit
Santa Fe, NM	Municipal Department
Savannah GA	Municipal Department
Woodstock, NY	Nonprofit
Worcester, MA	Quasi-Municipal/Nonprofit

04

ARTS CENTERS

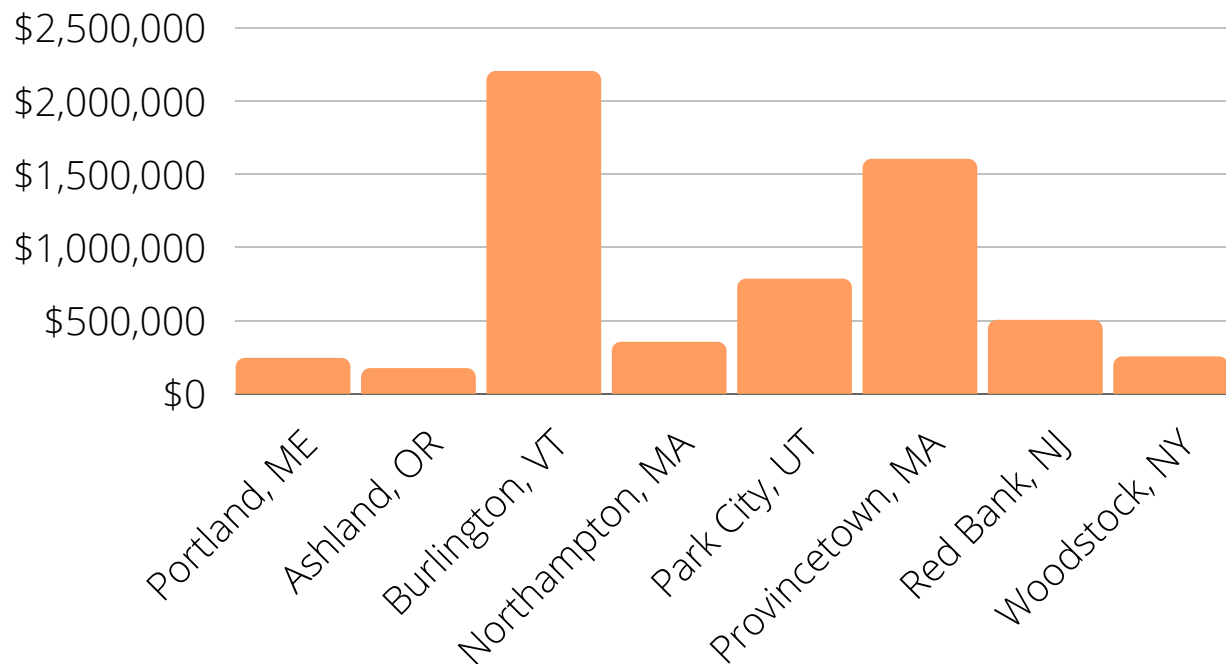
We asked organizations whether they have a community-based arts center. These spaces often include studios, performance space, exhibition halls, offices, and gift shops.



Ashland, OR	Yes
Burlington, VT	Yes
Chapel Hill, NC	Yes
Hartford, CT	Yes
Northampton, MA	Yes
Park City, UT	Yes
Portland, ME	No
Providence, RI	Yes
Provincetown, MA	Yes
Red Bank, NJ	Yes
Redondo Beach, CA	Yes
Santa Cruz, CA	Yes
Santa Fe, NM	Yes
Savannah GA	Yes
Woodstock, NY	Yes
Worcester, MA	Yes

05

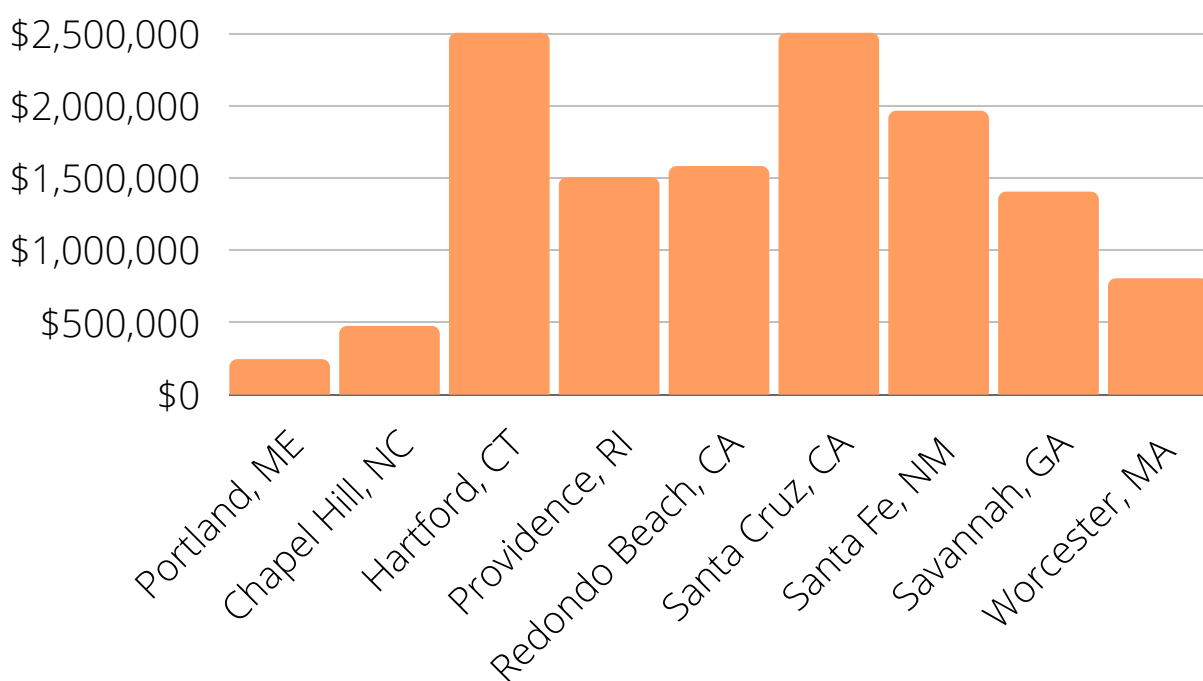
ANNUAL BUDGET PRE-COVID: UNDER 50K POPULATION



LOCATION	BUDGET	POPULATION
Portland, ME	\$240,000	66,000
Ashland, OR	\$170,000	21,281
Burlington, VT	\$2,200,000	42,550
Northampton, MA	\$350,000	28,516
Park City, UT	\$781,500	8,526
Provincetown, MA	\$1,500,000	2,994-60,000
Red Bank, NJ	\$500,000	12,072
Woodstock, NY	\$250,000	5,800

06

ANNUAL BUDGET OVER 50K POPULATION



LOCATION	BUDGET	POPULATION
Portland, ME	\$240,000	66,000
Chapel Hill, NC	\$470,000	60,000
Hartford, CT	\$2,500,000	125,000
Providence, RI	\$1,500,000	180,000
Redondo Beach, CA	\$1,577,000	67,423
Santa Cruz, CA	\$2,500,000	64,000
Santa Fe, NM	\$1,960,000	83,922
Savannah GA	\$1,400,000	140,000
Worcester, MA	\$800,000	190,000

07

FUNDING SOURCES & BREAKDOWN:

Ashland, OR Public Arts Commission	\$170,000: Grant received from City Transient Occupant Tax (TOT/Tourism)
BURLINGTON, VT Burlington City Arts	\$1,000,000 in municipal investments - \$1,000,000 from private sources
CHAPEL HILL Community Arts & Culture	1% of municipal CIP funds through 1% percent for art ordinance, and grants.
HARTFORD, CT Greater Hartford Arts Center	\$2,500,000: Incomplete data breakdown.
NORTHAMPTON, MA NOHO Arts	\$100,000 City of Northampton/CIP. \$250,000 from Mass Cultural Council, grants and sponsorships.
PARK CITY, UTAH Kimball Arts Center	\$781,000: \$185,000 in government grants, \$619,000 in gifts and other contributions, \$201,000 in-kind donations, \$45,000 in nonprofit membership. (\$6 million endowment).
PORTLAND, ME Creative Portland	\$100,00 TIF, \$55,000 to Portland Public Art Committee from CIP. and grants. Programs are funded by nonprofit.
PROVIDENCE, RI Office of Art, Culture, & Tourism	\$1.4 Million: Funding comes from the City of Providence, which is .007% of the total city budget, including \$118,000 from hotel tax.

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FUNDING SOURCES & BREAKDOWN CONTINUED:

PROVINCETOWN, MA Provincetown Art Association & Museum

\$1.5 million budget: 50% of funding is from grants, including government grants, 25% is earned, 25% is fundraised.

RED BANK, NJ Monmouth Arts

\$500,000: 40% is government funding, 30% is from corporate foundations & grants. 30% from nonprofit fundraising.

REDONDO BEACH, CA Cultural Arts Division

\$1.57 Million: Funding is from the general municipal budget. A percent for art from development funds the Public Art Commission.

SANTA CRUZ, CA Arts Council Santa Cruz County

\$2.5 Million: 40% from foundations, 30% from the government, 10% from individual giving, 20% is earned revenue.

SAVANNAH, GA Savannah Cultural Arts Commission

\$1.4 million: funded by the City and revenue from the Cultural Arts Center.

SANTA FE, NM Santa Fe Arts & Cultural Department

\$1.96 Million: 1% of Santa Fe Hotel taxes go to the Arts, along with 2% of CIP/Revenue Bond Proceeds.

WOODSTOCK, NY Woodstock Arts Association & Museum

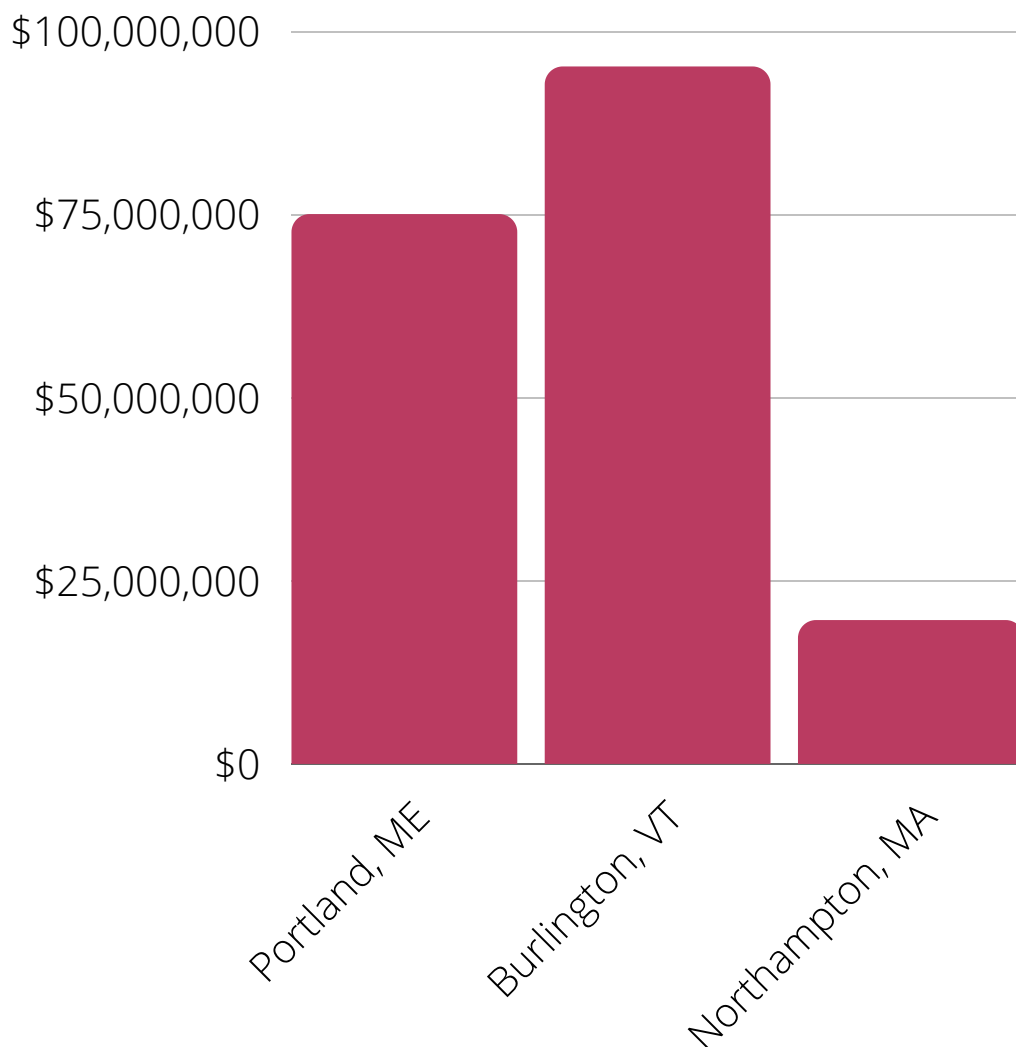
Funding is from the NY Council on the Arts, Arts Mid-Hudson, foundations, sponsors & membership dues.

WORCESTER, MA Cultural Coalition

\$450,000 (City) + \$350,000 (Cultural Coalition).

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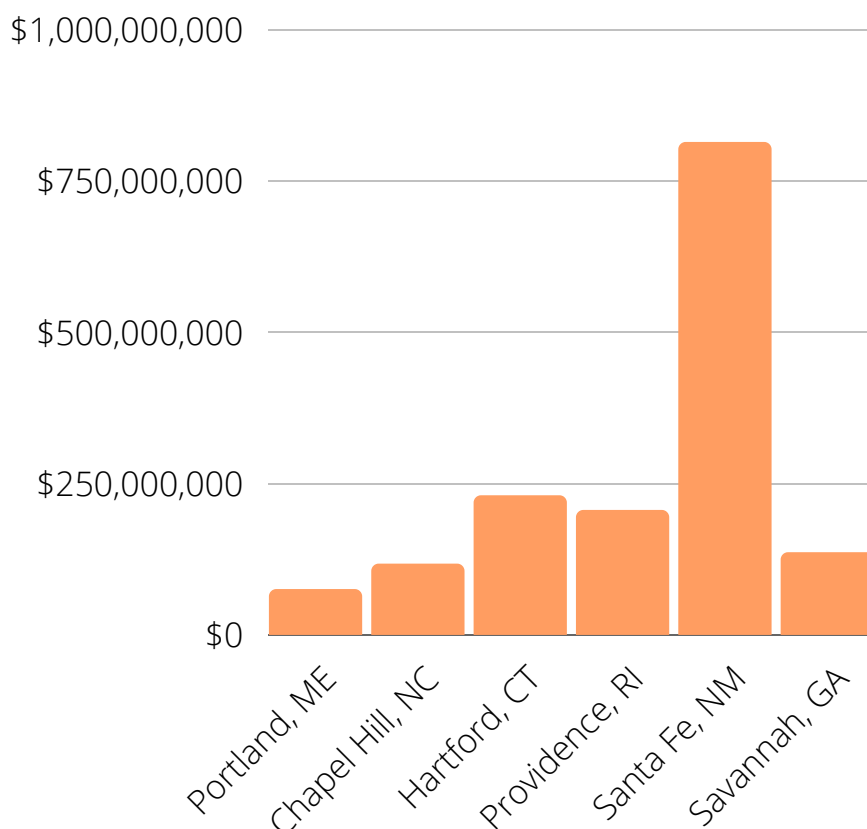
ECONOMIC IMPACT OF ART ORGANIZATION NONPROFITS. UNDER 50K POPULATION



LOCATION	ECON. IMPACT	POPULATION
Portland, ME	\$75,000,000	66,000
Ashland, OR	No data	21,281
Burlington, VT	\$95,159,453	42,550
Northampton, MA	\$19,560,000	28,516
Park City, UT	No data	8,526
Provincetown, MA	No data	2,994-60,000
Red Bank, NJ	No Data	12,072
Woodstock, NY	No data	5,800

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ECONOMIC IMPACT OF ART ORGANIZATION NONPROFITS. OVER 50K POPULATION



LOCATION	ECON. IMPACT	POPULATION
Portland, ME	\$75,000,000	66,000
Chapel Hill, NC	\$117,021,210	60,000
Hartford, CT	\$230,000,000	125,000
Providence, RI	\$205,780,766	180,000
Redondo Beach, CA	No Data	67,423
Santa Cruz, CA	No Data	64,000
Santa Fe, NM	\$814,000,000	83,922
Savannah, GA	\$135,900,000	140,000
Worcester, MA	\$125,690,494	190,000

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SUMMARY:

SIZE OF CITIES:

17 cities were surveyed ranging in population size: 5,800 (Woodstock, NY) to 190,000 (Worcester, MA). Smaller cities were surveyed because they demonstrate outstanding economic impact and arts investment, and are considered by Americans for the Arts (AFTA) to be the best small art towns in America. One-third of the cities surveyed have similar size populations to Portland (66,000). Of these similar-sized cities, all have municipal departments.

MUNICIPAL ARTS DEPT & BUDGETS:

All of the cities with populations over 50,000 have municipal art departments, with the exception of Portland, Maine (quasi-municipal). All of the city arts departments/arts councils/agencies operate within a budget of between \$470K - \$2.5 million (Chapel Hill, NC and Santa Cruz, CA), with the exception of Portland, ME (\$240K, including CP & PPAC).

CITY SPOTLIGHTS:

In Worcester, the arts budget from the city and cultural coalition is \$800,000, which includes the management and operations of the CC but not the capital budget for the arts center, funded by membership, grants, and revenue from the center. Burlington, VT, has the largest municipal investment of \$1 million, inspired by Bernie Sanders in his initial acquisition of an arts center (former firehouse). The nonprofit arm leverages that investment for a total of \$2.2 million overall budget.

FUNDING SOURCES:

City budget, percentage of CIP, TIF allocation, Hotel Tax, State Arts Council, Office on Aging, and 1% for Arts (from Revenue Bond Proceeds and/or Developers).

ARTS CENTERS:

Every city, except for Portland, has a robust community arts center/performing arts space, often generated by artists. Although Portland operates and leases Merrill Auditorium to PSO, FOKO, and Portland Ovations, infrastructure improvements are necessary to broaden its reach as an arts center and to attract local performance groups. SPACE offers an incubator, exhibition, and performance space for artists on a small scale, limiting an audience to less than 200.

Creative Portland

Recommendation for proposed CITY TIF budget increase, on a phased basis:

FY22: 155K (proposed City TIF increase)

- 35K - personnel
- 45K - cultural app prototype, augmented reality features, training & outreach
- 54K - outdoor performance pop-up venues - tech, crew, street block closures (6 performances)
- 16K - First Friday Art Walk- city staff & tech support - management, safety, COVID watch, projections, stage
- 5K - Arts & Culture Summit Webinar

FY23 : 250K (proposed City TIF increase)

- 40K - personnel
- 30K - cultural app marketing campaign and launch
- 56K - outdoor performance pop-up venues
- 70K - arts, music & innovation festival
- 15K - mural initiative (mental health/social safety campaign)
- 14K - First Friday Art Walk - city staff & tech equipment
- 25K - Hear Here Merrill Auditorium (sound/lights rental and union crews)
- 7K - Arts & Culture Summit (in-kind venue waiver)

FY24: 412K (proposed TIF including grant & private support)

- 45K - personnel
- 25K - cultural app content mgr & IT support
- 56K - outdoor performance pop-up venues
- 75K - arts, music & innovation festival
- 14K - First Friday Art Walk - city staff & tech equipment
- 50K - Exterior Jetport Wall Mural*
- 100K - Hear Here Merrill Auditorium (permanent sound/lights)*
- 7K - Arts & Culture Summit (in-kind venue waiver)

FY25: 1.246 million (proposed Arts Budget including private funding)

- 150K - personnel
- 75K - arts, music & innovation festival
- 14K - First Friday Art Walk - city staff & tech equipment
- 750 - 900K (needs sponsor support) permanent performance shell (one-time)*
- 100K - Hear Here Merrill Auditorium (complete tech renovation)*
- 7K - Arts & Culture Summit (in-kind venue)

CREATIVEPORTLAND^{ME}

84 Free Street | Portland, ME 04101 | 207-370-4784

2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~645~~ REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND~~45 BROWN STREET AND FUNDING PUBLIC RESTROOMS~~

I. Introduction – Portland Downtown Transit Oriented Municipal Development and Omnibus Tax Increment Financing District Amendment #5

On February 9, 2015, the City of Portland (the “City”) designated the Portland Downtown Transit Oriented Municipal Development and Omnibus Tax Increment Financing District (the “District”) and adopted this Development Program (the “Development Program”) for the District in an effort to fully realize the visions and goals of the City of Portland Downtown Revitalization Investment Plan (“Downtown Plan”); the Downtown Plan is attached as Exhibit A. The duration of this District will be 30 years beginning July 1, 2015 (Tax Year 4/1/2015; FY2015-16) ending June 30, 2045 (Tax Year 4/1/2044; FY2044-45).

- a. District Amendment #1 Approved by MDECD February 27, 2018: The purpose of this District amendment was to remove the parcel designated by the City Assessor as 22-F-1 at 54 Lancaster – a tax exempt parcel (so no value attributed to the Original Assessed Value) with approximately .48 acres, which will be turned into a free-standing Affordable Housing TIF District. Portland’s amended District remained the same at approximately 422 acres and bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded.
- b. District Amendment #2 approved by MDECD February 11, 2019: The purpose of this District Amendment was to increase the allowable uses for Municipal TIF Revenue and increase the percentage capture from up to 22% to up to 100%, all as more detailed in Section II below.
- c. District Amendment #3 approved by MDECD September 18, 2019: The purpose of District Amendment #3 is to remove the parcel designated by the City Assessor as 44-H-1 at 66 State Street – a tax exempt parcel (so no value attributed to the Original Assessed Value), with approximately .5087 acres, which will be turned into a free-standing Affordable Housing TIF District. Portland’s amended District, with Amendment #3, reduced it from approximately 422 to 421.01 acres. The boundaries remain the same, i.e., bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded. The Downtown Plan includes a listing of current projects and categories of future investment. It is recognized that meeting the infrastructure needs of Portland’s downtown will be a dynamic process that will be updated locally on an annual

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basis or as needed. Though the specific public projects prioritized and undertaken from year to year will change, with the exception of this District funding up to \$100,000 annually for the Creative Portland Corporation, categories of investment for the purpose of eligible uses of the TIF Revenues will remain consistent.

Actual project selections and prioritization for funding will continue to be made on an annual basis during the City budget and Capital Improvements Plan (CIP) process, based on categories contained in Table 1 hereinbelow. The CIP is the document that presents the City's capital needs in the current year and plans for capital needs in future years. As a five year plan that is annually updated, the CIP is a dynamic planning document; the FY2015 to 2019 CIP document is included in the Downtown Plan as an appendix.

- d. District Amendment #4 approved by MDECD September 16, 2020: The purpose of District Amendment #4 is to remove the parcels designated by the City Assessor as 28-O-17 at 83 Middle Street – a tax exempt parcel (so no value attributed to the Original Assessed Value), with approximately .2183 acres, and 28-O-3 at 160 Newbury Street with an OAV of \$281,100 with approximately .0665 acres, which parcels will be turned into a free-standing Affordable Housing TIF District.

Proposed District Amendment #4 also includes technical amendments as follows:

- CBL 37-B-14, 17 Shepley Street, a tax exempt parcel, was on the original map but needs to be added to original CBL listing attached to the Assessor's Certificate – increasing acreage by .1512, with no change in OAV as tax exempt;
- CBL 39-A-38, 612 Congress Street, was on original map but needs to be added to original CBL listing attached to the Assessor's Certificate, - increasing acreage by .0449, and increasing the OAV by \$282,400;
- CBL 38-G-1, 486 Fore Street, not on original map and needs to be deleted from listing attached to the Assessor's Certificate – decreasing acreage by 1.8419, and decreasing the OAV by \$3,130,830, and it is now in the Waterfront TIF District as approved by MDECD on August 26, 2019; and,
- CBL 43-C-6, 431 Commercial Street, a tax exempt parcel, was on original map and listing attached to the Assessor's Certificate but was transferred to the Waterfront TIF District as approved by MDECD on April 5, 2019 – decreasing acreage by 1.2912, with no change in OAV as tax exempt.

With the above removal of 83 Middle Street and 160 Newbury Street, and the technical amendments, the net change to the District's OAV is reduced from

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\$968,136,850 to \$965,007,320, and the District's acreage is reduced from 421.010 to 417.7882.

e. Proposed District Amendment #5:

(1) **45 Brown Street:** 45 Brown Street is a single property in the Downtown TOD TIF District, Assessor Chart, Block, and Lot Number 037 F002001. The developer of this property proposes an affordable housing project on that property with two condominium units. Unit 1 would be the at grade multi-level parking garage with public restrooms in the Downtown TOD TIF District, and Unit 2 (air rights above Unit 1) is proposed to be the affordable housing project included in an Affordable Housing TIF District.

This Amendment will exclude all floors above Unit 1 in a multi-story building to be constructed on the site, presently owned by Brown Tower LLC, c/o Presidium. It is the intention of the Developer to declare this specified area as Unit 2 in the Condominium.

This Amendment provides that the following specified area will remain in the Downtown TOD TIF District as Unit 1 of the Condominium: the multi-level parking garage with public restrooms on the property. It is the intention of the Developer to declare this specified area as Unit 1 in the Condominium.

(2) **Public Restroom Facilities in Unit 1:** The City of Portland proposes to use Downtown TOD TIF revenue to support the public restroom facilities investment in Unit 1.

f. Proposed Amendment #6: The City of Portland proposes an amendment to remove the maximum annual cap of TIF Funding for Creative Portland (CP) now at \$100,000 and instead have an annual floor for funding at \$155,000 for its programs and services, with the City Council then determining on an annual basis whether to increase that level of funding.

II. Development Program Narrative

A. The Development Program as Amended with Amendment #5

The Amended Development Program for the Downtown Transit Oriented Municipal Development and Omnibus TIF District is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised TIF Statutes, as amended (the "TIF Statute"). The City's designation of the District, combined with the adoption of this Amended Development Program, creates a single municipal TIF district in order to capture the value of the real property improvements made within the District and enable the use of TIF revenues for various municipal and other development projects.

Under this Amended Development Program, the City captured 12% in year one (City Fiscal Year 2015/2016), 22% in years 2 through 4, 25% in year 5, and 30% in year 6. This

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Amended Development Program now allows for the City to capture up to 100% of the new real property value located in the District for remainder of the term of the District, or through Tax Year April 1, 2044/City Fiscal Year 2044/2045. The City may retain those tax revenues generated by the captured assessed value (the “TIF Revenues”) to fund infrastructure improvements and other administrative costs, all as further described in Table 1 hereinbelow. The City reserves the right to capture less than the full 100% in years 7 through 30, depending on the then-current needs of the City with respect to the approved project costs. Any reduction in the captured value percentage shall adjust the amount of assessed value eligible for sheltering with respect to the tax shift benefit correspondingly. Although all TIF Revenues will be retained by the City at this time, the City reserves the right in the future to negotiate and execute commercial credit enhancement agreements pursuant to City Council approved TIF Policy as may be amended from time to time. CEAs would be limited, however, to the balance of District term at that time. Such future credit enhancement agreements would require a public hearing and City Council approval. Should the City enter into a credit enhancement agreement, it will provide the Maine Department of Economic and Community Development a description of the terms and conditions of any agreements, contracts, or other obligations related to the development program per City TIF Policy (see Table 1 last item and Exhibit B).

In designating the District and adopting this Amended Development Program, the City can accomplish the following goals:

- Maintain existing tax revenues;
- Invest in the Downtown public infrastructure, including public restrooms;
- Invest in the Creative Portland Corporation annually;
- Invest in new and enhanced transit services;
- Enjoy enhanced future tax revenues generated by new development within the District; and
- Create long-term, stable employment opportunities for area residents because of these TIF investments.

In addition, by creating the District, the City will “shelter” the increase in municipal valuation that development in the District will bring about. This tax shift benefit mitigates the adverse effect that the District’s increased assessed property value has upon the City’s share of state aid to education, municipal revenue sharing, and its county tax assessment. An estimate of the tax shift benefits is shown in Revised Exhibit D-2 attached hereto.

The City’s designation of the District and pursuit of this Amended Development Program constitute a good and valid public purpose pursuant to Chapter 206 of Title 30-A because it represents a substantial contribution to the economic well-being of both the City and the region by providing jobs, contributing to property taxes, and diversifying the region’s economic base.

B. The Projects

Development within the District will provide a revenue source for the City’s economic development projects. The City intends to use TIF Revenues to further its overall plan to attract and retain businesses that want to take advantage of Portland’s business-friendly location, while

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offering their employees a rich, dynamic, and high quality of life. This includes ~~funding for CP of Creative Portland Corporation~~, of which the City of Portland is the Corporator, with an annual floor for funding at \$155,000 for its programs and services, with the City Council then determining on an annual basis whether to increase that level of funding of up to \$100,000 annually, as well as City plans to invest in its public infrastructure in these investment focus areas:

- Sidewalk and Other Pedestrian Enhancements, including Public Restrooms
- Streetscape
- Lighting
- Street Alignment
- Utilities
- Bicycle Improvements
- Public Transit
- Wayfinding
- Multi-modal surface and structured parking
- Work force training
- Professional service costs
- Housing and Economic Development Department administrative costs and staff salaries, and prorated salaries of the City Manager, Finance Director, Planning and Urban Development Director, and Planning staff.

The District projects at this time are highlighted in Table 1 below:

TABLE 1

NOTE 1: All Citations refer to Title 30-A, Chapter 206, Section 5225

NOTE 2: While this Amended Development Program lists particular projects, the Amended Development Program shall not serve as an appropriation of TIF Revenues for any of these specific purposes, nor shall it commit the City to completing any particular project. The projects will only be undertaken following proper appropriation through the annual budget process and any other applicable required approvals.

Project	Downtown Revitalization Plan Reference by page no.	Statutory Citation	Estimated Cost
In District: Capital Infrastructure Design and Investments, including Financing Costs, for example: - Multi-modal surface and structured parking	19, 47 19, 20, 34,35, 48	(1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(2)(3)(4)(6)(7)	\$150 Million over the life of the District for these Capital Infrastructure Items.

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FOR CREATIVE PORTLAND45 BROWN STREET AND FUNDING PUBLIC RESTROOMS**

- Sidewalk and Other Pedestrian Enhancements, including Public Restrooms - Roadway Realignments/Paving - Crosswalks - Traffic Signals - Intersection Redesigns - Bicycle lanes, racks, and stations Infrastructure - Stormwater Management, including water and sewer upgrades - Telecommunications, lighting, and electrical distribution upgrades; Infrastructure improvements/enhancements - Wayfinding (signage) - Public plaza intersection improvements	19,20,34,35 19, 46 34, 46 19,20,34,35 19, 34,47 19, 33 19, 36 19,23, 35,47 22, 46	(1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(a)(i) (1)(A)(1)(2)(3) (1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(a)(i) (1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(2)(3)(7) (1)(A)(1) (1)(A)(1)(2)(3)(6)(7)	
In and out of District: New and Enhanced Transit Services, including operational costs, for example (see Exhibit K – Transit Map): - Creation of high frequency bus service on Congress Street at 15-minute intervals between the Portland Transportation Center (PTC) and Washington Avenue; - Enhancing Stevens Avenue- Allen Avenue- Congress Street bus service areas; - Corresponding costs for these enhancements, including transit operator salaries; transit vehicle fuel, and transit vehicle parts replacements. - Transit capital costs including transit vehicles and related equipment; bus shelters and	17, 20, 21, 20 20 20 17, 20	(1)(A) and (1)(C)(7) (1)(A)(1)(a) and (1)(C)(7) (1)(A)(1)(a) and (1)(C)(7) (1)(A)(1)(a) and (1)(C)(7) (1)(A)(1)(a) and (1)(C)(7)	\$15 Million for Transit in this category.

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~~45- BROWN STREET AND FUNDING PUBLIC RESTROOMS~~

other related structures; benches; signs, and other transit-related infrastructure. - Shuttle service to downtown businesses.			
In and out of District: City Marketing and Promotion through Creative Portland Corporation (CPC), for example (see Exhibit M Arts District Map within Downtown TOD TIF District): - In District: Center for the Arts, including rental residential space; - In District: capital, financing, real property assembly and professional service costs; - In and out of District: CPC staffing, administrative and marketing expenses; revolving loan or investment fund.	20, 21,47 20, 21,47 20, 21, 47	(1)(C)(1)(2) (1)(C)(1)(2) (1)(C)(1)(2)	A floor of Up to \$155K00K annually beginning FY2022; \$4.33 Million over life of District
In and out of District: - Housing and Economic Dev. Dept. administrative costs and staff salaries at 100%, and prorated salaries of City Manager, Finance Director, and Planning Urban Development Director, and Planning staff*; - Professional services costs; - Workforce training funds. Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained.	21, Also TIF App. P. 3 See TIF App. P.3 See TIF App. P. 3	(1)(A)(5) and (1)(C)(1) (1)(A)(4);(1)(C)(1) (1)(C)(4)	\$15 Million over life of the District.
In District: Small Public Capital Infrastructure and			

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Equipment, for example (Downtown Plan pp. 6 and 7) - Parking meters - Vehicles for Public Works Dept., and Fire Dept., including ambulances	19 21, 36 to 44	(1)(A)(1)(a) (1)(A)(1)(a)	\$10 Million over life of the District
In District: Relocation of Displaced Persons (TIF Application, p. 6)	(see TIF application, p. 6)	1(A)(6)	Not budgeted/not anticipated at time of TIF application
In District: CEAs as Approved by City Council (TIF application p. 2) with a maximum average percentage of 65% capture and up to a 20-year term, or the remaining term of this District, pursuant to City TIF Policy (Exhibit B hereto).	(see TIF application p. 2)	(1)(A)(1)(2)(3)(6)(7)	Unknown at time of TIF application
Total Estimate of TIF Revenue Expenditure over 30 year term:			\$194,33,000,000

*This item is not unique to this TIF District, it is also included in the Bayside TIF District and Waterfront TIF District.

C. Strategic Growth and Development

This Amended Development Program and the Downtown Plan meld various studies and plans for the District into one document, thereby promoting those studies and plans and making investments at the appropriate time. The studies and plans noted in the Downtown Plan represent a series of community initiatives, both completed and underway, or in planning process. The Amended Development Program and Project List ([Table 1](#)) noted hereinabove represents the best thinking of City staff about current opportunities for realizing the City's longstanding, evolving vision for its Downtown.

D. Improvements to the Public Infrastructure

As further set forth in [Table 1 hereinabove](#), the City may use certain TIF Revenues for sidewalk and other pedestrian improvements including crosswalks, roadway realignments/paving, intersection redesigns, traffic signals, bicycle infrastructure, stormwater management improvements (including water and sewer maintenance), communications infrastructure improvements/enhancements, wayfinding, multi-modal surface and structured parking, and public plaza intersection improvements that are directly related and made necessary by development in the District.

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E. Operational Components

1. Public Facilities

The City may use a portion of the TIF Revenues to fund certain projects approved within the District, outlined in Table 1 hereinabove.

2. Commercial Improvements Financed through the Development Program

At this time, no commercial improvements will be financed through the Development Program. The City may, in the future, reimburse a percentage of the TIF Revenues from any particular lot within the District to future developers through a credit enhancement agreement. Future credit enhancement agreements are authorized only if the City Council meets and holds a public hearing and votes to authorize, negotiate, and execute the credit enhancement agreement pursuant to City Council approved TIF Policy. Such credit enhancement agreements would be approved under the City's TIF Policy, as may be amended from time to time, but limited to the balance of the term of this District. Should the City enter into a credit enhancement agreement, it will provide the Maine Department of Economic and Community Development a description of the terms and conditions of any agreements, contracts, or other obligations related to the development program (see Table 1 last item and Exhibit B).

3. Relocation of Displaced Persons

It is not anticipated that any persons will be relocated; however, the City has provided that if, in the future, relocation of persons is necessary to accommodate future redevelopment within the District, the one-time relocation costs of such displaced persons can be paid for with TIF Revenues, exclusive of rent.

4. Transportation Improvements

The City may fund road/transportation improvements made necessary by the increased traffic to the District. Please see Table 1 hereinabove for more details.

5. Environmental Controls

The improvements made under this Development Program will meet or exceed all federal, state, and local environmental laws, regulations, and ordinances and will comply with all applicable land use requirements for the City.

6. Plan of Operation

During the term of the District, the City Manager or his designee will be responsible for all administrative matters within the purview of the City concerning the implementation and operation of the District.

III. Amended Physical Description

Proposed Amendments #5 and #6 does not change the acreage numbers for the Downtown TOD TIF District because Unit 1 at 45 Brown Street (multi-level parking garage with public restrooms) will remain in the TIF District, and Unit 2 (affordable residential units located in the upper floors) is proposed to be an Affordable Housing TIF District. Amendment #6 does not change the acreage.

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The 417.7882-acre District is bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded. The District is shown on revised Exhibit C. The statutory threshold limits addressing the conditions for approval mandated by 30-A M.R.S.A. Section 5223(3) are set forth in revised Exhibit E.

IV. Financial Plan

A. Amended Financial Characteristics

With Amendments #5 and #6, the collective original assessed value of the real property in the District remains at \$965,007,320 as set forth in Exhibit F, Revised Assessor's Certificate. The backup for the Certificate includes revisions from Amendment #3 and #4. It is noted that Downtown TOD/TIF acreage and value calculations are exempt from State TIF law limits.

The City captured 12% in year 1 (City Fiscal Year 2015/2016), 22% in years 2 through 4, 25% in year 5, and 30% in year 6 of the increased assessed value of the real property located within the District. Amendment 2 provided for the City to capture up to 100% for the duration of the 30-year term of the District. Personal property tax value will not be captured within the District. The TIF Revenues so collected will fund and/or contribute to the funding of the approved projects, including each of the projects described on Table 1 hereinabove, including entering into Credit Enhancement Agreements (see Table 1 last item and Exhibit B), which collectively increase the City's ability to stand out in a competitive marketplace as a dynamic municipality in which to grow a business. All assessed real property value captured in the District will be added to the general tax rolls at the end of the District's term. Please note that at any time during the term of the District, the municipality can vote to reduce the captured value percentage and instead deposit the tax revenues into the General Fund so long as the municipality does not receive the tax shift benefit associated with the tax revenues so deposited.

Upon each payment of real property taxes for property located inside the District, the City will deposit into a development program fund (the "Development Program Fund") the entirety of the property tax payments constituting TIF Revenues. The percentage of increased assessed value of real property within the District that will be captured shall be determined annually during the municipal budget process; however, the City may capture up to 100% in Years 5 through 30 of the increased assessed value of real property as captured assessed value. The Development Program Fund is pledged to and charged with the payment of the project costs in the manner and in the order provided in 30-A M.R.S.A. Section 5227(3). The Development Program Fund will consist of a development sinking fund account (the "Sinking Fund Account") to the extent municipal bonded indebtedness is used to pay for projects costs, and a project cost account (the "Project Cost Account"). From the Development Program Fund, the City will deposit the TIF Revenues into the City's Sinking Fund Account and/or the Project Cost Account to be used to fund projects listed in Table 1 hereinabove. If future credit enhancement agreements are approved by the City Council, then a subaccount within the Project Cost Account

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shall be created for any payments required to be made by the City pursuant to such credit enhancement agreement, dedicated to each credit enhancement agreement.

Estimates of the increased assessed property values of the Amended District, the anticipated TIF Revenues generated by the District, and the estimated tax shifts are shown in Revised Exhibit D-1 and Revised Exhibit D-2.

B. Costs and Sources of Revenues

The current and future developers owning or leasing properties located within the Districted are intended to pay for and/or finance all private improvements located in the District through private sources. Table 1 hereinabove provides estimated costs of the municipal projects costs to be undertaken with TIF Revenues.

C. Indebtedness

The City reserves the option to fund the project costs through public indebtedness.

V. Statutory Requirements and Thresholds

The statutory requirements and thresholds for approval required by Section 5223(3) of the TIF Statute are set forth in revised Exhibit E.

VI. Municipal Approvals

A. Notice of Public Hearing

Attached as Exhibit G hereto is a copy of the Notice of Public Hearing regarding amending the Development Program for the District, published in the *Portland Press Herald*, a newspaper of general circulation in the City, on May ~~5~~, 2021, a date at least ten (10) days prior to the public hearing. The public hearing on the amended District was held on June 7~~May 17~~, 2021, in accordance with the requirements of 30-A M.R.S.A. Section 5226(1).

B. Minutes of Public Hearing Held by City Council

Attached as Exhibit H hereto is a certified copy of the minutes of the public hearing held on June 7~~May 17~~, 2021, at which time this amended District was discussed by the public.

C. Authorizing Votes

Attached as Exhibit I hereto is an attested copy of the City of Portland Order approving this amended District with the results of the vote noted on this Order duly called and held on June 7~~May 17~~, 2021.

2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #6 REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND

I. Introduction – Portland Downtown Transit Oriented Municipal Development and Omnibus Tax Increment Financing District Amendment #5

On February 9, 2015, the City of Portland (the “City”) designated the Portland Downtown Transit Oriented Municipal Development and Omnibus Tax Increment Financing District (the “District”) and adopted this Development Program (the “Development Program”) for the District in an effort to fully realize the visions and goals of the City of Portland Downtown Revitalization Investment Plan (“Downtown Plan”); the Downtown Plan is attached as Exhibit A. The duration of this District will be 30 years beginning July 1, 2015 (Tax Year 4/1/2015; FY2015-16) ending June 30, 2045 (Tax Year 4/1/2044; FY2044-45).

- a. District Amendment #1 Approved by MDECD February 27, 2018: The purpose of this District amendment was to remove the parcel designated by the City Assessor as 22-F-1 at 54 Lancaster – a tax exempt parcel (so no value attributed to the Original Assessed Value) with approximately .48 acres, which will be turned into a free-standing Affordable Housing TIF District. Portland’s amended District remained the same at approximately 422 acres and bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded.
- b. District Amendment #2 approved by MDECD February 11, 2019: The purpose of this District Amendment was to increase the allowable uses for Municipal TIF Revenue and increase the percentage capture from up to 22% to up to 100%, all as more detailed in Section II below.
- c. District Amendment #3 approved by MDECD September 18, 2019: The purpose of District Amendment #3 is to remove the parcel designated by the City Assessor as 44-H-1 at 66 State Street – a tax exempt parcel (so no value attributed to the Original Assessed Value), with approximately .5087 acres, which will be turned into a free-standing Affordable Housing TIF District. Portland’s amended District, with Amendment #3, reduced it from approximately 422 to 421.01 acres. The boundaries remain the same, i.e., bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded. The Downtown Plan includes a listing of current projects and categories of future investment. It is recognized that meeting the infrastructure needs of Portland’s downtown will be a dynamic process that will be updated locally on an annual

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basis or as needed. Though the specific public projects prioritized and undertaken from year to year will change, with the exception of this District funding up to \$100,000 annually for the Creative Portland Corporation, categories of investment for the purpose of eligible uses of the TIF Revenues will remain consistent. Actual project selections and prioritization for funding will continue to be made on an annual basis during the City budget and Capital Improvements Plan (CIP) process, based on categories contained in Table 1 hereinbelow. The CIP is the document that presents the City's capital needs in the current year and plans for capital needs in future years. As a five year plan that is annually updated, the CIP is a dynamic planning document; the FY2015 to 2019 CIP document is included in the Downtown Plan as an appendix.

- d. District Amendment #4 approved by MDECD September 16, 2020: The purpose of District Amendment #4 is to remove the parcels designated by the City Assessor as 28-O-17 at 83 Middle Street – a tax exempt parcel (so no value attributed to the Original Assessed Value), with approximately .2183 acres, and 28-O-3 at 160 Newbury Street with an OAV of \$281,100 with approximately .0665 acres, which parcels will be turned into a free-standing Affordable Housing TIF District.

Proposed District Amendment #4 also includes technical amendments as follows:

- CBL 37-B-14, 17 Shepley Street, a tax exempt parcel, was on the original map but needs to be added to original CBL listing attached to the Assessor's Certificate – increasing acreage by .1512, with no change in OAV as tax exempt;
- CBL 39-A-38, 612 Congress Street, was on original map but needs to be added to original CBL listing attached to the Assessor's Certificate, - increasing acreage by .0449, and increasing the OAV by \$282,400;
- CBL 38-G-1, 486 Fore Street, not on original map and needs to be deleted from listing attached to the Assessor's Certificate – decreasing acreage by 1.8419, and decreasing the OAV by \$3,130,830, and it is now in the Waterfront TIF District as approved by MDECD on August 26, 2019; and,
- CBL 43-C-6, 431 Commercial Street, a tax exempt parcel, was on original map and listing attached to the Assessor's Certificate but was transferred to the Waterfront TIF District as approved by MDECD on April 5, 2019 – decreasing acreage by 1.2912, with no change in OAV as tax exempt.

With the above removal of 83 Middle Street and 160 Newbury Street, and the technical amendments, the net change to the District's OAV is reduced from

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\$968,136,850 to \$965,007,320, and the District's acreage is reduced from 421.010 to 417.7882.

e. Proposed District Amendment #5:

(1) **45 Brown Street:** 45 Brown Street is a single property in the Downtown TOD TIF District, Assessor Chart, Block, and Lot Number 037 F002001. The developer of this property proposes an affordable housing project on that property with two condominium units. Unit 1 would be the at grade multi-level parking garage with public restrooms in the Downtown TOD TIF District, and Unit 2 (air rights above Unit 1) is proposed to be the affordable housing project included in an Affordable Housing TIF District.

This Amendment will exclude all floors above Unit 1 in a multi-story building to be constructed on the site, presently owned by Brown Tower LLC, c/o Presidium. It is the intention of the Developer to declare this specified area as Unit 2 in the Condominium.

This Amendment provides that the following specified area will remain in the Downtown TOD TIF District as Unit 1 of the Condominium: the multi-level parking garage with public restrooms on the property. It is the intention of the Developer to declare this specified area as Unit 1 in the Condominium.

(2) **Public Restroom Facilities in Unit 1:** The City of Portland proposes to use Downtown TOD TIF revenue to support the public restroom facilities investment in Unit 1.

f. Proposed Amendment #6: The City of Portland proposes an amendment to remove the maximum annual cap of TIF Funding for Creative Portland (CP) now at \$100,000 and instead have an annual floor for funding at \$155,000 for its programs and services, with the City Council then determining on an annual basis whether to increase that level of funding.

II. Development Program Narrative

A. The Development Program as Amended with Amendment #5

The Amended Development Program for the Downtown Transit Oriented Municipal Development and Omnibus TIF District is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised TIF Statutes, as amended (the "TIF Statute"). The City's designation of the District, combined with the adoption of this Amended Development Program, creates a single municipal TIF district in order to capture the value of the real property improvements made within the District and enable the use of TIF revenues for various municipal and other development projects.

Under this Amended Development Program, the City captured 12% in year one (City Fiscal Year 2015/2016), 22% in years 2 through 4, 25% in year 5, and 30% in year 6. This

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Amended Development Program now allows for the City to capture up to 100% of the new real property value located in the District for remainder of the term of the District, or through Tax Year April 1, 2044/City Fiscal Year 2044/2045. The City may retain those tax revenues generated by the captured assessed value (the “TIF Revenues”) to fund infrastructure improvements and other administrative costs, all as further described in Table 1 hereinbelow. The City reserves the right to capture less than the full 100% in years 7 through 30, depending on the then-current needs of the City with respect to the approved project costs. Any reduction in the captured value percentage shall adjust the amount of assessed value eligible for sheltering with respect to the tax shift benefit correspondingly. Although all TIF Revenues will be retained by the City at this time, the City reserves the right in the future to negotiate and execute commercial credit enhancement agreements pursuant to City Council approved TIF Policy as may be amended from time to time. CEAs would be limited, however, to the balance of District term at that time. Such future credit enhancement agreements would require a public hearing and City Council approval. Should the City enter into a credit enhancement agreement, it will provide the Maine Department of Economic and Community Development a description of the terms and conditions of any agreements, contracts, or other obligations related to the development program per City TIF Policy (see Table 1 last item and Exhibit B).

In designating the District and adopting this Amended Development Program, the City can accomplish the following goals:

- Maintain existing tax revenues;
- Invest in the Downtown public infrastructure, including public restrooms;
- Invest in the Creative Portland Corporation annually;
- Invest in new and enhanced transit services;
- Enjoy enhanced future tax revenues generated by new development within the District; and
- Create long-term, stable employment opportunities for area residents because of these TIF investments.

In addition, by creating the District, the City will “shelter” the increase in municipal valuation that development in the District will bring about. This tax shift benefit mitigates the adverse effect that the District’s increased assessed property value has upon the City’s share of state aid to education, municipal revenue sharing, and its county tax assessment. An estimate of the tax shift benefits is shown in Revised Exhibit D-2 attached hereto.

The City’s designation of the District and pursuit of this Amended Development Program constitute a good and valid public purpose pursuant to Chapter 206 of Title 30-A because it represents a substantial contribution to the economic well-being of both the City and the region by providing jobs, contributing to property taxes, and diversifying the region’s economic base.

B. The Projects

Development within the District will provide a revenue source for the City’s economic development projects. The City intends to use TIF Revenues to further its overall plan to attract and retain businesses that want to take advantage of Portland’s business-friendly location, while

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offering their employees a rich, dynamic, and high quality of life. This includes funding for CP, of which the City of Portland is the Corporator, with an annual floor for funding at \$155,000 for its programs and services, with the City Council then determining on an annual basis whether to increase that level of funding, as well as City plans to invest in its public infrastructure in these investment focus areas:

- Sidewalk and Other Pedestrian Enhancements, including Public Restrooms
- Streetscape
- Lighting
- Street Alignment
- Utilities
- Bicycle Improvements
- Public Transit
- Wayfinding
- Multi-modal surface and structured parking
- Work force training
- Professional service costs
- Housing and Economic Development Department administrative costs and staff salaries, and prorated salaries of the City Manager, Finance Director, Planning and Urban Development Director, and Planning staff.

The District projects at this time are highlighted in Table 1 below:

TABLE 1

NOTE 1: All Citations refer to Title 30-A, Chapter 206, Section 5225

NOTE 2: While this Amended Development Program lists particular projects, the Amended Development Program shall not serve as an appropriation of TIF Revenues for any of these specific purposes, nor shall it commit the City to completing any particular project. The projects will only be undertaken following proper appropriation through the annual budget process and any other applicable required approvals.

Project	Downtown Revitalization Plan Reference by page no.	Statutory Citation	Estimated Cost
In District: Capital Infrastructure Design and Investments, including Financing Costs, for example: - Multi-modal surface and structured parking - Sidewalk and Other Pedestrian Enhancements, including Public Restrooms	19, 47 19, 20, 34,35, 48	(1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(2)(3)(4)(6)(7)	\$150 Million over the life of the District for these Capital Infrastructure Items.

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- Roadway Realignments/Paving - Crosswalks - Traffic Signals - Intersection Redesigns - Bicycle lanes, racks, and stations Infrastructure - Stormwater Management, including water and sewer upgrades - Telecommunications, lighting, and electrical distribution upgrades; Infrastructure improvements/enhancements - Wayfinding (signage) - Public plaza intersection improvements	19,20,34,35 19, 46 34, 46 19,20,34,35 19, 34,47 19, 33 19, 36 19,23, 35,47 22, 46	(1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(a)(i) (1)(A)(1)(2)(3) (1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(a)(i) (1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(2)(3)(7) (1)(A)(1) (1)(A)(1)(2)(3)(6)(7)	
In and out of District: New and Enhanced Transit Services, including operational costs, for example (see Exhibit K – Transit Map): - Creation of high frequency bus service on Congress Street at 15-minute intervals between the Portland Transportation Center (PTC) and Washington Avenue; - Enhancing Stevens Avenue- Allen Avenue- Congress Street bus service areas; - Corresponding costs for these enhancements, including transit operator salaries; transit vehicle fuel, and transit vehicle parts replacements. - Transit capital costs including transit vehicles and related equipment; bus shelters and other related structures; benches; signs, and other transit-related infrastructure. - Shuttle service to downtown businesses.	17, 20, 21, 20 20 20 17, 20	(1)(A) and (1)(C)(7) (1)(A)(1)(a) and (1)(C)(7) (1)(A)(1)(a) and (1)(C)(7) (1)(A)(1)(a) and (1)(C)(7) (1)(A)(1)(a) and (1)(C)(7)	\$15 Million for Transit in this category.

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In and out of District: City Marketing and Promotion through Creative Portland Corporation (CPC), for example (see Exhibit M Arts District Map within Downtown TOD TIF District): - In District: Center for the Arts, including rental residential space; - In District: capital, financing, real property assembly and professional service costs; - In and out of District: CPC staffing, administrative and marketing expenses; revolving loan or investment fund.	20, 21,47 20, 21,47 20, 21, 47	(1)(C)(1)(2) (1)(C)(1)(2) (1)(C)(1)(2)	A floor of \$155K annually beginning FY2022; \$4.3 Million over life of District
In and out of District: - Housing and Economic Dev. Dept. administrative costs and staff salaries at 100%, and prorated salaries of City Manager, Finance Director, and Planning Urban Development Director, and Planning staff*; - Professional services costs; - Workforce training funds. Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained.	21, Also TIF App. P. 3 See TIF App. P.3 See TIF App. P. 3	(1)(A)(5) and (1)(C)(1) (1)(A)(4);(1)(C)(1) (1)(C)(4)	\$15 Million over life of the District.
In District: Small Public Capital Infrastructure and Equipment, for example (Downtown Plan pp. 6 and 7) - Parking meters - Vehicles for Public Works Dept., and Fire Dept., including ambulances	19 21, 36 to 44	(1)(A)(1)(a) (1)(A)(1)(a)	\$10 Million over life of the District

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In District: Relocation of Displaced Persons (TIF Application, p. 6)	(see TIF application, p. 6)	1(A)(6)	Not budgeted/not anticipated at time of TIF application
In District: CEAs as Approved by City Council (TIF application p. 2) with a maximum average percentage of 65% capture and up to a 20-year term, or the remaining term of this District, pursuant to City TIF Policy (Exhibit B hereto).	(see TIF application p. 2)	(1)(A)(1)(2)(3)(6)(7)	Unknown at time of TIF application
Total Estimate of TIF Revenue Expenditure over 30 year term:			\$194,300,000

*This item is not unique to this TIF District, it is also included in the Bayside TIF District and Waterfront TIF District.

C. Strategic Growth and Development

This Amended Development Program and the Downtown Plan meld various studies and plans for the District into one document, thereby promoting those studies and plans and making investments at the appropriate time. The studies and plans noted in the Downtown Plan represent a series of community initiatives, both completed and underway, or in planning process. The Amended Development Program and Project List (Table 1) noted hereinabove represents the best thinking of City staff about current opportunities for realizing the City's longstanding, evolving vision for its Downtown.

D. Improvements to the Public Infrastructure

As further set forth in Table 1 hereinabove, the City may use certain TIF Revenues for sidewalk and other pedestrian improvements including crosswalks, roadway realignments/paving, intersection redesigns, traffic signals, bicycle infrastructure, stormwater management improvements (including water and sewer maintenance), communications infrastructure improvements/enhancements, wayfinding, multi-modal surface and structured parking, and public plaza intersection improvements that are directly related and made necessary by development in the District.

E. Operational Components

1. Public Facilities

The City may use a portion of the TIF Revenues to fund certain projects approved within the District, outlined in Table 1 hereinabove.

2. Commercial Improvements Financed through the Development Program

At this time, no commercial improvements will be financed through the Development Program. The City may, in the future, reimburse a percentage of the TIF Revenues from any particular lot within the District to future developers through a credit enhancement agreement. Future credit enhancement agreements are authorized only if the City Council meets and holds a public hearing and votes to authorize, negotiate, and execute the credit enhancement agreement pursuant to City Council approved TIF Policy. Such credit enhancement agreements would be approved under the City's TIF Policy, as may be amended from time to time, but limited to the balance of the term of this District. Should the City enter into a credit enhancement agreement, it will provide the Maine Department of Economic and Community Development a description of the terms and conditions of any agreements, contracts, or other obligations related to the development program (see Table 1 last item and Exhibit B).

3. Relocation of Displaced Persons

It is not anticipated that any persons will be relocated; however, the City has provided that if, in the future, relocation of persons is necessary to accommodate future redevelopment within the District, the one-time relocation costs of such displaced persons can be paid for with TIF Revenues, exclusive of rent.

4. Transportation Improvements

The City may fund road/transportation improvements made necessary by the increased traffic to the District. Please see Table 1 hereinabove for more details.

5. Environmental Controls

The improvements made under this Development Program will meet or exceed all federal, state, and local environmental laws, regulations, and ordinances and will comply with all applicable land use requirements for the City.

6. Plan of Operation

During the term of the District, the City Manager or his designee will be responsible for all administrative matters within the purview of the City concerning the implementation and operation of the District.

III. Amended Physical Description

Proposed Amendments #5 and #6 do not change the acreage numbers for the Downtown TOD TIF District because Unit 1 at 45 Brown Street (multi-level parking garage with public restrooms) will remain in the TIF District, and Unit 2 (affordable residential units located in the upper floors) is proposed to be an Affordable Housing TIF District. Amendment #6 does not change the acreage.

The 417.7882-acre District is bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying

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residential areas of the Eastern and Western Promenades have been purposely excluded. The District is shown on revised Exhibit C. The statutory threshold limits addressing the conditions for approval mandated by 30-A M.R.S.A. Section 5223(3) are set forth in revised Exhibit E.

IV. Financial Plan

A. Amended Financial Characteristics

With Amendments #5 and #6, the collective original assessed value of the real property in the District remains at \$965,007,320 as set forth in Exhibit F, Revised Assessor's Certificate. The backup for the Certificate includes revisions from Amendment #3 and #4. It is noted that Downtown TOD/TIF acreage and value calculations are exempt from State TIF law limits.

The City captured 12% in year 1 (City Fiscal Year 2015/2016), 22% in years 2 through 4, 25% in year 5, and 30% in year 6 of the increased assessed value of the real property located within the District. Amendment 2 provided for the City to capture up to 100% for the duration of the 30-year term of the District. Personal property tax value will not be captured within the District. The TIF Revenues so collected will fund and/or contribute to the funding of the approved projects, including each of the projects described on Table 1 hereinabove, including entering into Credit Enhancement Agreements (see Table 1 last item and Exhibit B), which collectively increase the City's ability to stand out in a competitive marketplace as a dynamic municipality in which to grow a business. All assessed real property value captured in the District will be added to the general tax rolls at the end of the District's term. Please note that at any time during the term of the District, the municipality can vote to reduce the captured value percentage and instead deposit the tax revenues into the General Fund so long as the municipality does not receive the tax shift benefit associated with the tax revenues so deposited.

Upon each payment of real property taxes for property located inside the District, the City will deposit into a development program fund (the "Development Program Fund") the entirety of the property tax payments constituting TIF Revenues. The percentage of increased assessed value of real property within the District that will be captured shall be determined annually during the municipal budget process; however, the City may capture up to 100% in Years 5 through 30 of the increased assessed value of real property as captured assessed value. The Development Program Fund is pledged to and charged with the payment of the project costs in the manner and in the order provided in 30-A M.R.S.A. Section 5227(3). The Development Program Fund will consist of a development sinking fund account (the "Sinking Fund Account") to the extent municipal bonded indebtedness is used to pay for projects costs, and a project cost account (the "Project Cost Account"). From the Development Program Fund, the City will deposit the TIF Revenues into the City's Sinking Fund Account and/or the Project Cost Account to be used to fund projects listed in Table 1 hereinabove. If future credit enhancement agreements are approved by the City Council, then a subaccount within the Project Cost Account shall be created for any payments required to be made by the City pursuant to such credit enhancement agreement, dedicated to each credit enhancement agreement.

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Estimates of the increased assessed property values of the Amended District, the anticipated TIF Revenues generated by the District, and the estimated tax shifts are shown in Revised Exhibit D-1 and Revised Exhibit D-2.

B. Costs and Sources of Revenues

The current and future developers owning or leasing properties located within the Districted are intended to pay for and/or finance all private improvements located in the District through private sources. Table 1 hereinabove provides estimated costs of the municipal projects costs to be undertaken with TIF Revenues.

C. Indebtedness

The City reserves the option to fund the project costs through public indebtedness.

V. Statutory Requirements and Thresholds

The statutory requirements and thresholds for approval required by Section 5223(3) of the TIF Statute are set forth in revised Exhibit E.

VI. Municipal Approvals

A. Notice of Public Hearing

Attached as Exhibit G hereto is a copy of the Notice of Public Hearing regarding amending the Development Program for the District, published in the *Portland Press Herald*, a newspaper of general circulation in the City, on May , 2021, a date at least ten (10) days prior to the public hearing. The public hearing on the amended District was held on June 7, 2021, in accordance with the requirements of 30-A M.R.S.A. Section 5226(1).

B. Minutes of Public Hearing Held by City Council

Attached as Exhibit H hereto is a certified copy of the minutes of the public hearing held on June 7, 2021, at which time this amended District was discussed by the public.

C. Authorizing Votes

Attached as Exhibit I hereto is an attested copy of the City of Portland Order approving this amended District with the results of the vote noted on this Order duly called and held on June 7, 2021.

As amended and passed by the City Council/Corporator at its December 15, 2014 Meeting:

**BYLAWS OF THE
CREATIVE PORTLAND CORPORATION
(commonly known as “Creative Portland”)**

**ARTICLE 1
NAME, PRINCIPAL OFFICE, CORPORATE SEAL**

Section 1.1. Name. The name of this corporation shall be the Creative Portland Corporation, commonly known as “Creative Portland”.

Section 1.2. Principal Office. The principal office for the conduct of the activities of the corporation shall be located in Portland, Maine.

Section 1.3. Registered Office. The Registered Office of the Corporation is at 389 Congress Street, Portland, Maine. The address of the Registered Office may be changed from time to time by the Board of Directors or by the Registered Agent.

Section 1.4. Registered Agent. The Registered Agent of the Corporation is the person designated in the Articles of Incorporation, as amended from time to time by the Board of Directors.

**ARTICLE II
PURPOSES**

Section 2.1. General Purposes. The Corporation is organized and shall be operated on a non-profit basis to receive donations, grants and contributions in support of the City of Portland’s economic development efforts by strengthening, stimulating and supporting Portland’s creative industries, enterprises, and workforce, with specific regard for artists and cultural institutions who are critical assets to the city’s identity, economy, and community. In furtherance of its mission, the Corporation shall endeavor to:

- A. Act as the official Local Arts Agency for the City of Portland.
- B. Supports and, at times, sponsors activities and programs, like the First Friday Art Walk, that encourage greater access to, and participation in, arts and culture.
- C. Supports programs that assist artists, creative workers, and creative entrepreneurs with the development of their professional skills and expertise, and help catalyze the creative community with up-to-date information and constructive discussion.

- D. Partner with key institutions to pursue a larger, collective vision based on the success of Portland's creative community with a particular emphasis on the arts and culture.
- E. Consider new (or updated) public policies that affect artists, arts organizations, and creative industries in Portland and makes recommendations to the appropriate governmental bodies.
- F. Pursue strategies that keep Portland's identity as a vibrant, creative place at the forefront nationally, and increase awareness among those with the potential to add to the consumer/audience/donor base for the arts and cultural community.
- G. Develop and implement strategies in conjunction with the City's Economic Development Division to stimulate creative enterprise development, job growth, and attraction of consumers and audiences who frequent and support artists, cultural institutions, and creative enterprises.
- H. Pursue strategies that support the continued development of Portland's Arts District and increase opportunities for artists and arts organizations to thrive.
- I. Conduct and/or fund research to support Corporation objectives as well as the key interests/needs of artists, arts and cultural organizations and creative entrepreneurs.

Section 2.2. Powers. This Corporation shall have all such powers as are authorized to non-profit corporations by the Maine Nonprofit Corporations Act. The corporation shall neither have nor exercise any power, nor shall it engage directly or indirectly in any activity that would invalidate its status (i) as a corporation which is exempt from federal income taxation as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or (ii) as a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, as amended.

Section 2.3. Prohibition of the Inurement of Assets and Income to Private Persons. The corporation is not organized for pecuniary profit and shall not have any capital stock. No part of its net earnings or of its principal shall inure to the benefit of any officer or director of the corporation, or any other individual, partnership or corporation, but reimbursements for expenditures or the payment of reasonable compensation for services rendered shall not be deemed to be a distribution of earnings or principal.

Section 2.4. Dissolution. If this Corporation is dissolved or its legal existence terminated, either voluntarily or involuntarily, or upon final liquidation of the Corporation, none of its assets shall inure to the benefit of any private individual, and all

of its assets remaining after payment of all of its liabilities shall be distributed to one or more organizations which the Board of Directors then determines is qualified both as an exempt organization under Section 501(c)(3) of the Internal Revenue Code, and as an organization engaged in activities substantially similar to those of this Corporation (within the meaning of 13-B M.R.S.A. §407).

Section 2.5 Tax exempt Status. It is intended that the Corporation shall have and continue to have the status of a corporation which is exempt from federal income tax under Section 501(a) of the Internal Revenue Code of 1986, as amended, or successor provisions of federal tax law (the "Internal Revenue Code") as an organization described in Section 501(c)(3) of such Code, and to which contributions are deductible under Section 170(c)(2) and 2055(a)(2) of the Internal Revenue Code, which is other than a private foundation as defined in Section 509(A) of the Internal Revenue Code. The Articles of Incorporation and these Bylaws shall be construed accordingly, and all powers and activities shall be limited accordingly.

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation; provided that the Corporation shall have the power to make an election under Section 501(h) of the Internal Revenue Code. Likewise, the Corporation shall not participate or intervene in any manner or to any extent in any political campaign on behalf of any candidate for public office. Furthermore, the Corporation shall not engage in any activities that are unlawful under applicable federal, state or local laws, including, but not limited to, activities prohibited for an exempt organization under Section 501(c)(3) of the Internal Revenue Code and regulations thereunder as they now exist or as they may hereafter be amended.

ARTICLE III **MEMBERSHIP**

Section 3.1. Member. The sole member of the Corporation shall be the City of Portland, Maine. The sole member of the Corporation shall be referred to as the "Corporator" for the purposes of the Articles of Incorporation and these Bylaws.

Section 3.2 General. The rights and responsibilities of the Corporator, may be changed from time to time by an amendment to the Articles of Incorporation (to the extent required by law) and these Bylaws.

Section 3.3. Powers. The Corporator shall have only those rights set forth in the Articles of Incorporation, as restated in these Bylaws. Such rights are as follows:

- A. The establishment of the size of the Board of Directors within the limits described in Section 4.2 hereof;
- B. The appointment of up to 10 Directors pursuant to Article IV hereof, with the exception of filling of a vacant Board seat as provided in Section 4.5 hereof;

C. The removal of Directors it has appointed from the Board of Directors;

D. The amendment, restatement, or modification of the Articles of Incorporation or of the Bylaws of this Corporation;

E. The approval of the sale, lease, or other disposition (excluding by mortgage or pledge for purposes of security) of all, or substantially all, of the assets and property of the Corporation;

F. The dissolution of the Corporation or its merger with or consolidation with another corporation; and

G. Any other matter which a majority of the Board of Directors voting on the matter votes to submit to the Member.

Section 3.4 Annual Meetings. The Annual Meeting of the Corporator shall be held at a regular meeting of the City Council in the month of November of each year at such place and time as shall be fixed by the Board of Directors. In the event of a failure for any reason to hold an Annual Meeting as aforesaid, any business which may properly be transacted at an Annual Meeting, including the election of Directors, may be transacted at a Special Meeting.

Section 3.5 Special Meetings. Special Meetings of the Corporator may be called at any time by the President or a majority of the Directors.

Section 3.6. Notice of Meetings. Notice of all meetings of the Corporator shall be given by the Secretary or in his or her absence or disability by the President, by mailing or emailing to the Corporator a written notice specifying the time and place of the meeting, such notice to be addressed to the Corporator and emailed or mailed (postage prepaid) at least five (5) but not more than fifty (50) days before the meeting.

Section 3.7. Action by Unanimous Consent. Any action required or permitted to be taken at a meeting of the Corporator may be taken without a meeting as long as consent in writing, setting forth the action so taken shall be signed by the Corporator, and filed with the minutes of the meetings of the Corporator.

Section 3.8. Manner of Acting. The act of the Corporator, present in person or by proxy at a meeting, shall be the valid act of the Corporator.

ARTICLE IV **BOARD OF DIRECTORS**

Section 4.1. Management by Board. The affairs of the Corporation shall be managed by its Board of Directors, which may exercise all powers of the Corporation and

do all lawful acts and things necessary or appropriate to carry out the purposes of the Corporation. The Board of Directors may hire an Executive Director to whom it may delegate such duties as it deems appropriate.

Section 4.2. Number of Directors; Eligibility. The Board of Directors shall consist of up to twenty-one (21) individuals – eight (8) of whom shall be Directors appointed by the Corporator through the Portland City Council, two (2) of whom shall be ex officio members of the Board pursuant to Section 4.4 of this Article, and eleven of whom will be elected by the Board of Directors pursuant to Section 4.4 of this Article. Two-thirds of the Directors, with the exception of the ex officio members, must be either residents of, own a business located in, or work in the City of Portland.

Section 4.3. Nomination. The Corporator shall receive nominations from the Portland City Council Nominating Committee.

Section 4.4. Ex Officio Members of the Board of Directors. There shall be two (2) individuals who shall each be deemed an ex officio members of the Board of Directors by virtue of his or her holding the position of (1) Mayor or City Council member of the City of Portland as appointed by the Corporator; and (2) City Manager or designee of the City Manager associated with the Economic Development Division as appointed by the Corporator.

The provisions of these Bylaws contained in Section 4.5 regarding term of office, Sections 3.2 and 3.3 regarding appointment of directors and Section 4.7 regarding vacancies shall not apply to said ex officio members. The City Manager or designee shall be a member of the Board of Directors so long as he or she continues to serve in the office by virtue of his or her employment in the said capacity by the City; and the Mayor or City Council member shall be appointed annually; and said members shall enjoy all the rights, privileges and responsibilities of all other member of the Board of Directors, including, without limitation, voting privileges, except, however that no ex officio member may serve as President of the Board of Directors. The Board of Directors may take action by unanimous consent only with the consent of said ex officio member. Ex officio members shall be counted as Directors for purposes of determination of the residency/business requirements in Section 4.2 of this Article. Ex officio members shall be entitled to the same indemnification rights available to all Directors under the law, these Bylaws or otherwise.

Section 4.5. Terms of Office. The Corporator shall specify the term of office for which each of its up to ten (10) Directors is initially appointed. The Board of Directors shall specify the term of office for which each of its up to eleven (11) Directors is initially appointed. Thereafter, Directors shall be appointed by either the Corporator or the Board of Directors at Annual Meetings of the Corporation to serve as such for a term of three (3) years. Each Director shall serve until his or her successor shall be duly qualified and appointed. Directors shall be nominated prior to the Annual Meeting of the Corporation. No Director shall succeed himself or herself after his or her initial term for more than two (2) full consecutive terms, and no Director shall serve for more than nine

years. However, if the President is serving the last year of his or her term, and would not otherwise be able to continue on the Board, he or she may in this case (to serve as Immediate Past President) serve for one additional year.

Section 4.6. Voting. Each Director shall be entitled to one (1) vote.

Section 4.7. Vacancies. Any vacancy occurring on the Board of Directors among the Corporator's appointees may be filled by the Corporator.. A person appointed to fill a vacancy which occurs other than by reason of an increase in the number of Directors shall serve the remainder of the term of the individual he/she is replacing unless otherwise ordered by the Corporator.

Any vacancy occurring on the Board of Directors among Board appointees may be filled by the Board of Directors. A person appointed to fill a vacancy which occurs other than by reason of an increase in the number of Directors shall serve the remainder of the term of the individual he/she is replacing unless otherwise ordered by the Board.

Section 4.8. Resignation. Any Director may resign at any time by giving written notice to the President of the Corporation. Such resignation shall take effect on the date of receipt or at any later time specified therein.

ARTICLE V **MEETINGS**

Section 5.1. Annual Meeting. The Annual Meeting of the Board of Directors shall be held without call at the Board's Regular Meeting in the month of November, at the principal office of the Corporation or at some other place fixed by the President.

Section 5.2. Regular Meeting. Other Regular Meetings of the Board of Directors may be held, without call, at such place, date and time as shall be fixed from time to time by resolution of the Board of Directors.

Section 5.3. Special Meetings. Special Meetings of the Board of Directors may be called by such persons as are authorized by law to call Special Meetings. The place, date and time of the Special Meeting shall be fixed in the call therefor.

Section 5.4. Notice of Meetings. Notice of each Annual, Regular or Special Meeting of the Board of Directors shall be given by the person or persons calling the same or by the President or Secretary at least three (3) days in advance thereof. Notice may be given in writing, by email, by telephone, by oral statement or by any other means to the Directors in person or by delivery of a writing to his residence or business address. Notice given in writing by mail shall be deemed given on the day that the same is deposited in the U.S. mails as first class mail, postage prepaid. Neither the business to be transacted there at, nor the purposes of any Annual, Regular or Special Meeting of the Board of Directors need to be specified in the notice of such meeting, except when otherwise provided by law.

Section 5.5. Conduct of Meetings. The final actions of the Board of Directors shall be taken openly, and subject to provisions of the Maine Freedom of Access Law, deliberations of the Board shall be conducted openly, and the records of their actions shall be open to public inspection. The Board may go into executive session from time to time as allowed by the Maine Freedom of Access Law.

Section 5.6. Quorum. A simple majority (over 50%) of the Directors shall constitute a quorum for the transaction of business. The act of the majority of the directors present at a meeting of the Board of Directors at which a quorum is present shall be the act of the Board of Directors.

Section 5.7. Informal Action by Directors. Action of the Directors may be taken in accordance with the provisions of Section 708 of the Maine Nonprofit Corporations Act, Title 13-B M.R.S.A. as it may be amended from time to time. In amplification of, and not in limitation of the foregoing, action taken by agreement of a majority of Directors shall be deemed action of the Board of Directors if all Directors know of the action taken and no Director makes prompt objection to such action. Objection by a Director shall be effective if written objection to any specific action so taken is filed with the Secretary of this Corporation within thirty (30) days of such specific action.

Section 5.8. Notice. Whenever under the provisions of the statutes, Articles of Incorporation or these Bylaws notice is required to be given to any Director, such notice must be given in writing by personal delivery, by email, mail, or by telephone, addressed to such Director at his or her address as it appears on the records of the Corporation, with postage or other delivery fees prepaid, or at his or her telephone number as it appears on the records of the Corporation. Notice by mail shall be deemed to be given at the time it is deposited in the United States mail.

Section 5.9. Indemnification. This corporation shall in all cases indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that he or she is or was a Director, officer, employee or agent of this corporation, against expenses, including attorney's fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding to the maximum extent permitted by law, including, without limitation, 13-B M.R.S.A. §714 as it may be amended from time to time, and acts additional thereto and supplementary thereof, to which reference is made.

ARTICLE VI **OFFICERS AND AGENTS**

Section 6.1. Officers. The officers of the corporation shall be chosen annually at the Annual Meeting of the Board of Directors, and shall be a President, Vice President, a Treasurer, a Secretary, and an Immediate Past President. One individual may serve in

more than one such office. The Board of Directors may also appoint one or more Assistant Secretaries and Assistant Treasurers.

Section 6.2. Term. Officers shall be elected for a term of one (1) year to serve until the next Annual Meeting of the Board of Directors or until their successors are duly chosen and qualified. Officers may succeed themselves for any period of years. The initial officers shall be appointed by the Board of Directors at their first meeting following incorporation to serve as such until the first Annual Meeting of the Board of Directors.

Section 6.3. Removal. Any officer of the corporation may be removed by the Board of Directors whenever in their judgment the best interests of the corporation will be served thereby.

Section 6.4. Vacancies. Any vacancy in any office (except the office of Director) may be filled by the Board of Directors.

Section 6.5. President. The President of the Corporation shall be elected from among the members of the Board of Directors, provided however that no ex officio member may be permitted to serve as President.

Section 6.6. Vice-President. The Vice President shall perform such duties as are assigned to him or her by the President and the Board of Directors. In the absence of the President, he or she shall perform the duties of that office.

Section 6.7. Treasurer. The Treasurer shall be the chief financial officer of the corporation and, together with the Assistant Treasurer, shall have the responsibility for all corporate funds and securities and shall maintain full and accurate accounts of receipts and disbursements in a book or books kept for that purpose. The Treasurer shall perform such other duties as may be prescribed by the Board of Directors or the President, under whose supervision the Treasurer shall be.

Section 6.8. Secretary. The Secretary shall attend all meetings of Corporation and the Board of Directors and keep minutes of all meetings of the Corporation and the Board of Directors in a book or books kept for that purpose. The Secretary shall perform such other duties as may be prescribed by the Board of Directors or the President, under whose supervision the Secretary shall be. The Secretary, and any Assistant Secretaries, shall have authority to affix the corporate seal to any instrument which requires it, and when so affixed, it may be attested by the Secretary or by any Assistant Secretary.

Section 6.9 Immediate Past President. The Immediate Past President shall perform such duties as are assigned to him or her by the President and the Board of Directors.

Section 6.9.1. The Assistant Treasurer and Assistant Secretary. One (1) Assistant Secretary shall be appointed by the Board of Directors. The individual appointed Assistant Secretary shall be the Director of Economic Development Division of the City

of Portland and shall be the principal staff person for the Corporation. One (1) Assistant Treasurer shall be appointed by the Board of Directors. The individual appointed as the Assistant Treasurer shall be that individual who holds the position of Treasurer for the City of Portland. The Assistant Treasurer shall, together with the Treasurer, have the responsibility for all corporate funds and securities and shall maintain full and accurate accounts of receipts and disbursements in a book or books kept for that purpose. The Assistant Treasurer shall have such other powers and duties as may be prescribed from time to time by the Board of Directors. Assistant Secretaries and Assistant Treasurers shall not be members of the Board of Directors.

Section 6.9.2. Other Employees. Other employees of the Corporation may be appointed by the Board of Directors, and if so appointed, shall be supervised by, and shall serve under the direction of the Board of Directors.

ARTICLE VII **COMMITTEES**

Section 7.1: Executive Committee

The Executive Committee of the Corporation shall consist of President, Vice President, Treasurer, and Immediate Past President. Except for the power to amend the Articles of Incorporation and Bylaws, the Executive Committee shall have all of the powers and authority of the Board of Directors in the intervals between meetings of the Board of Directors, subject to the direction and control of the Board of Directors. This includes supervision of the staff of the Corporation.

Section 7.2: Finance Committee

The Finance Committee of the Corporation shall consist of three members of the Board. The incumbent Treasurer of the Board will serve as a member and chair of the Finance Committee. The Finance Committee is responsible for developing and reviewing fiscal procedures, a fundraising plan, and annual budget. The Board must approve the budget, and all expenditures must be within the budget. Any major change in the budget must be approved by the Board or the Executive Committee. The fiscal year shall be July 1 to June 30. Annual reports are required to be submitted to the Board showing income, expenditures, and pending income. The financial records of the organization are public information and shall be made available to the membership, Board members, and the public.

Section 7.1: Subcommittees of the Board

The Board may create subcommittees, such as fundraising, marketing, events, as needed. Both members of the Board and the public can be members. The Board President will appoint the Chairs of the Committee. Each Board director shall serve on at least one subcommittee.

ARTICLE VIII

ADOPTION, AMENDMENT

Section 8.1. Generally. These Bylaws may be amended or repealed or new Bylaws adopted only by the affirmative vote of the Corporator, provided, however, that the Bylaws may not be amended in such a way as to cause the Corporation to lose its status (i) as a corporation which is exempt from federal income taxation as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or (ii) as a corporation to which contributions are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, as amended, or (iii) as a corporation described in Section 170(b)(1)(A)(vi) of the Internal Revenue Code of 1986, as amended.

Section 8.2. Amendments. These Bylaws may be amended solely by the Corporator.

ARTICLE IX

CONFLICT OF INTEREST

Section 9.1. Avoidance of Conflict or the Appearance of such Conflict. Every Director shall endeavor to avoid conflicts of interest or the appearance of such conflicts or impropriety as provided by state statute, by full disclosure at all times and by abstention in the appropriate circumstances.

Section 9.1. Disclosure. Any Director who has a direct interest in any matter to be considered by the Board shall fully disclose that interest to the Board. If a Director is unsure whether a direct interest exists in a particular matter or if the issue is otherwise raised in good faith, the Director shall disclose the pertinent facts to the Board, and the Board shall determine the issue.

Section 9.3. Abstention. When the Director has so disclosed and is deemed to have a direct interest in a matter, the Director shall abstain from voting on the matter and from otherwise participating in the decision-making process on the matter. Notation of the disclosure and abstention of the Director shall be recorded in the minutes.

Section 9.4. Direct Interest. For purposes of this Article, direct interest in a matter shall mean:

- A. A substantial financial interest of the Director or of the spouse or dependent child of the Director;
- B. A substantial financial interest of any employer, partner, associate, co-shareholder or other co-venturer of the Director;

C. A substantial financial interest of the Director in any entity which has a substantial financial interest in the matter; or

D. Any other substantial interest of the Director which the Director or the Board believes might reasonably impair the Director's ability to act independently.

ATTEST:  DATE: 2/5/15
Secretary

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: September 8, 2021

SUBJECT: Order 68-21/22 Adopting the 2020 Community Development Block Grant Priority Task Force Report with 2021 Addendum, as amended - Sponsored by the Housing & Economic Development Committee, Mayor Kate Snyder, Chair

SPONSOR: Mayor Kate Snyder, Chair of the Housing and Economic Development 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 10/4/2021

Final Action 10/4/2021

Can action be taken at a later date: Yes Staff is requesting action at this time in order to incorporate these changes into the FY22/23 CDBG Allocation Process which is scheduled to begin in October.

PRESENTATION: Jim Hall, CDBG Priority Task Force Co-Chair, Mary Davis and Kelley Walsh from the HCD Division

I. SUMMARY

The U.S. Department of Housing and Urban Development requires that communities receiving HUD funding (CDBG, HOME, ESG) undertake a planning process every three to five years to review local affordable housing and community development needs. Since 2008, the City has established a CDBG Priority Setting Task Force to review the priorities, structure and administration of the allocation process.

II. AGENDA DESCRIPTION

At their September 21, 2021 meeting, the Housing & Economic Development Committee voted (4-0) to forward this item to the City Council with the recommendation to adopt the CDBG Priority Task Force Report, as amended.

On February 9, 2020, the City Council approved the re-establishment of the CDBG Priority Setting Task Force to review priorities, structural changes, and administrative changes to the allocation process for U.S. Department of Housing and Urban Development (HUD) funding. HUD requires that communities undertake a planning process every 3 to 5 years to review local affordable housing and community development needs. The new 5-Year Consolidated Plan will be submitted to HUD in May, 2022 as required by a one-year extension approved by HUD to implement a public outreach strategy that met Centers for Disease Control social distancing guidelines and provided time to evaluate the report of the Racial Equity Steering Committee.

A detailed description of the task force recommendations is included in the Staff Analysis and Background section of the memo. The staff is requesting that the City Council accept the 2020 CDBG Priority Task Force Report and the 2021 Addendum and adopt the Task Force recommendations, with the exception of the recommendations noted in the City Manager's Recommendation Letter.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The 5-Year Consolidated Plan will be submitted to HUD in May 2022. The plan was initially due to be submitted in May 2021. In October 2020, after reviewing the Task Force Report and the City Manager's 2020 recommendations, the Housing Committee recommended that staff seek a one-year extension to submit the

Consolidated Plan. The extension was granted by HUD to allow the City to (1) implement a public outreach strategy that met CDC social distancing guidelines and (2) evaluate the report to be drafted and submitted in 2021 by the Racial Equity Steering Committee.

Approval of the Community Development Goals and Priorities, as well as changes to the CDBG allocation process is necessary at this time so they can be incorporated into the FY 22/23 CDBG allocation process that begins in November. The 2022-2023 fiscal year will be the first year in the new 5-year plan.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

If approved, the City will follow the established goals and priorities when making decisions regarding the investment of CDBG, HOME and ESG funding. In addition, the changes to the process and procedure for CDBG allocations will be approved prior to the application and scoring process, thus providing transparency and predictability for applicants. The proposed goals and priorities align with the 2021 City Council Common Goals.

V. FINANCIAL IMPACT

The proposed goals and priorities would become the guiding document for the allocation of CDBG, HOME and ESG funding. In FY22 the City received \$1,948,754 in CDBG funding, \$991,679 in HOME funding, and \$164,857 in ESG funding.

VI. STAFF ANALYSIS AND BACKGROUND

Consolidated Planning Process

The City's current U.S. Department of Housing and Urban Development (HUD) 5-Year Consolidated Plan, was approved by the City Council on March 28, 2016. The Plan established 4 main goals and objectives: 1) Create strong, safe, accessible, and vibrant neighborhoods; 2) Increase housing availability and affordability; 3) Create economic opportunities to transition people out of poverty; and 4) Prevent and reduce homelessness.

It is time to re-assess the goals and priorities for the next 5 year HUD Consolidated Plan. The plan outlines how the City and the Cumberland County HOME Consortium will allocate federal funding. In addition to funded projects meeting national objectives and eligibility criteria, the plan requires projects to meet local level goals and priorities. Lastly, HUD requires public input in establishing the goals and priorities for the City of Portland.

On February 9, 2020, the City Council approved the re-establishment of the CDBG Priority Setting Task Force to review priorities, structural changes, and administrative changes to the allocation process.

Data Collection

HCD Staff created a robust outreach campaign to generate community feedback on the City's needs, goals, and priorities. The outreach efforts included targeted forums with stakeholders, tabling events at the farmer's market downtown, and a survey day in conjunction with Portland Adult Education's Census event. Unfortunately, COVID-19 forced HCD Staff to revise their outreach plan and take it entirely online. HCD staff created a targeted [website](#) to provide residents, business owners, and service providers with information regarding the consolidated planning process as well as multiple platforms to provide feedback. The website contained targeted surveys for the general public, business owners, social service providers, and past applicants and subrecipients of CDBG funding. The City highlighted the website multiple time throughout the spring and summer (2020) on their website and social media platforms. In addition, HCD staff partnered with Portland Downtown, the Chamber of Commerce, and Social Service provider networks to spread the word and encourage participation. At the time of survey close, there were 477 responses. This data was used to inform

the Task Force decisions on priority activities.

With the one year extension from HUD, staff created a second survey which was specific to the changes recommended by the task force. Using the same outreach process mentioned above, there were 612 responses to the survey. HCD staff, in partnership with the Cumberland County Community Development Department, held a virtual community forum on April 14, 2021, to review the consolidated planning process, promote surveys offered by the City and County, describe program goals and priorities and solicit community input. Sixty-one people registered for the forum and 27 residents, interested parties and service providers from throughout Cumberland County participated in the forum.

CDBG Priority Setting Task Force Process and Work Plan

The Task Force had a strict work plan that covered changes to the CDBG Allocation process. The Task Force met 12 times between March and September 2020, twice a month for two hours. The majority of these meetings had to take place over Zoom due to COVID-19.

The Task Force focused their analysis and review of the CDBG priorities and process in three distinct parts; structural, administrative, and guiding principles/priorities. Structural changes encompass the application guidelines and distribution of set asides and allowable grant requests. Administrative changes deal with priority points, penalty points, and the appeals process. Lastly, the guiding principles and priorities speak directly to the types of activities the money should be invested in.

The Task Force reconvened in August 2021 for one meeting to review the City Manager's recommendations following the release of the initial report last fall, the Racial Equity Steering Committee Report, and a second round of survey data. Seven of the original members were able to attend the August 2021 meeting, where they discussed in detail their previous recommendations. The Task Force did not make any changes to their initial recommendations; however, an addendum to the initial report was added to elaborate on the use of the Community Policing set-aside.

Structural Recommendation

(1) The Task Force voted to reduce the maximum grant request for Development Activities from \$250,000 to \$200,000. This change was based on a historical review of grant requests over the last 5 years. The average request for that time period was \$127,000.

(2) The Task Force made a handful of recommendations to the funding set-asides and City funding caps in both the construction/development and social services categories. The City funding caps state a percentage that is allowed to go to City programs in a given funding year. The Task Force voted to reduce the City funding cap by 5% in each category. These recommendations would result in a 40% funding cap in social services and an 80% funding cap to construction/ development. These recommendations were based on a historical review of city-funded programs.

(3) The Task Force also recommended the elimination of the 60% public infrastructure set-aside within the City funding cap in the construction/development category.

(4) In addition, a new set-aside was recommended for new programs that have not received CDBG funding. The recommendation would set-aside up to 20% of the previous year's allocation within the respective funding categories; construction/development and social service. The set-aside would be awarded to new programs that score 75 points or higher. If there are not enough eligible new programs to use the full 20%, the remainder

would go back into the general allocation fund.

(5) In their initial report, the Task Force recommended that funding for the Community Policing program be transitioned into the City's budget. When the Task Force met again in August of this year (see 2021 Addendum), they made one additional recommendation which would allow the set-aside to be used in the community policing program or another alternative response program managed by the Police Department.

As noted in the City Manager's September 1, 2021 letter to the City Council, he does not support (1), (2) and (3) noted above and is recommending that the City Council not support these recommendations. While the City Manager does not support the initial recommendation to transition funding for community policing into the City's budget, as noted in (5) above, he does support the recommendation made in the 2021 Addendum.

Scoring Recommendations (the revised scoring matrix is included in the Task Force Report)

The Task Force voted to recommend changes to the priority activities from two categories to three categories; HIGH, PRIORITY, and ELIGIBLE ACTIVITY. The categories are given priority points as follows; High 5 points, Priority 2 points, and Eligible Activity receives 0 points.

The Task Force recommended significant changes to the scoring structure as well as the sub categories. The intent was to streamline the scoring, make it more predictable for applicants and the allocation committee, and decrease arbitrary point value assignments to the subcategories. The Task Force is recommending that each category be a multiple of 5 with a score of a 1 being poor and 5 being excellent. The Task Force did express concern that the Allocation Committee may feel the need to use half and quarter points. For example, an applicant may not deserve a perfect 5 but a scorer may feel they are above a 4 and award a 4.5. The Task Force feels the scoring structure should allow for this flexibility. In addition to simplifying the scoring structure, the Task Force recommends the removal of the sub category for "consistent with city goals, plans, or initiatives". The group feels that the subcategory is redundant and can be absorbed by "goals".

Guiding Principles and Priority Recommendations

The largest part of the Task Force work focused around the City's "Needs-Goals-Priorities" table, with a specific focus on high priority and priority activities. This work was informed by the community outreach effort taken by the HCD office. Overall, the Task Force suggested changing the priority activities to an alphabetical order format. The Task Force felt that this would make it clear to applicants and the public that the order of the activities do not relate to their importance, aside from the high priority and priority distinction.

(1) Neighborhood Investment and Infrastructure

The Task Force voted to move "Parks and Recreation Activities" to the high priority category. In addition, they voted to remove "Historic Preservation" from the priority activity list. Historic Preservation will remain an eligible activity, but will not receive priority points.

(2) Housing Availability

The Task Force recommended that "Rental Assistance" be renamed "Housing Start-up Assistance". The purpose of this change is to encompass a broader range of housing activities, i.e. security deposit, rental payments, application fees.

(3) Economic Opportunity

a. The Task Force recommended the removal of "Façade Improvements" and "Financial Stability Services" from the priority list. These activities are still eligible, but will not receive priority points.

b. In addition, the Task Force recommended moving “Job Creation” and “Microenterprise Assistance” from high priority to priority, allowing them to receive two priority points. As noted in the City Manager’s letter to the City Council, he does not support (3).b. noted above and is recommending that the City Council not support these recommendations.

(4) Addressing the Needs of the Growing Homeless Population

a. The Task Force voted to combine “Mental Health Services” and “Substance Abuse Services” into one category labeled “Behavioral Health Services”. It is recommended that this newly named activity remains a high priority activity. Task Force members that are also service providers stated that these two activities often go hand in hand and programs are designed to address both mental health and substance-use disorders in tandem.

b. As noted above, the Task Force recommended that “Rental Assistance” be renamed “Housing Start-up Services” in order to encompass a broader range of housing activities for homeless individuals, i.e. security deposits, rental payments, housing case management, application fees. This activity remains a high priority activity.

c. Lastly, the Task Force recommended that “Food Assistance” be moved from High Priority to Priority, allowing applications to earn 2 priority points. The Task Force believes that there are many other federal funding sources for food assistance and therefore, it does not need to remain a high priority for funding.

As noted in the City Manager’s letter to the City Council, he does not support (4).c. noted above and is recommending that the City Council not support this recommendation.

VII. RECOMMENDATION

Staff is requesting that the City Council accept the 2020 CDBG Priority Task Force Report and the 2021 Addendum and adopt the Task Force recommendations as amended by the recommendations noted in the City Manager’s letter.

VIII. LIST ATTACHMENTS

1. Approving CDBG Priority Task Force Report and 2021 Addendum, as amended 10.4.2021
2. CDBG Task Force Summary for Council Agenda
3. 2020 Task Force Report and 2021 Addendum 8.2021
4. Final_City_Manager_Recommendation Letter 09.02.2021

Prepared by:

Mary Davis, Division Director

Date: 09/08/2021

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 2020 COMMUNITY DEVELOPMENT BLOCK GRANT
PRIORITY TASK FORCE REPOR AND 2021 ADDENDUM, AS AMENDED**

ORDERED, that the 2020 Community Development Block Grant Priority Task Force Report and 2021 Addendum, with recommended changes as shown on the attached, is hereby accepted in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that implementation of the items listed below shall begin with the CDBG FY2022-2023 Allocation Process.

Structural Recommendation

- (1) Establish a set-aside for new programs that have not previously received CDBG funding. The recommendation would set-aside up to 20% of the previous year's allocation within the respective funding categories; construction/development and social service. The set-aside would be awarded to new programs that score 75 points or higher. If there are not enough eligible new programs to use the full 20%, the remainder would go back in to the general allocation fund. In FY22 the 20% set aside would have been \$129,763.
- (2) Funding for the Community Policing program set-aside be used in the community policing program or another alternative response program managed by the Police Department.

Scoring Recommendations

- (1) Change priority activities from two to three categories: HIGH, PRIORITY, and ELIGIBLE ACTIVITY. The categories are given priority points as follows: High 5 points, Priority 2 points and Eligible Activity 0 points.
- (2) Revise the scoring structure as well as the sub-categories to streamline the scoring, make it more predictable for applicants and the allocation committee, and decrease arbitrary point value assignments to the subcategories.
 - a. Each subcategory will be ranked on a universal scale of 1-5 (poor to excellent), with multipliers applied to especially important categories, resulting in a total 100 possible points per application.
 - b. Expand the scoring and page limits for collaboration from two pages to eight pages.
 - c. “Consistent with City Plans” will now be captured under “City Goals” in both scoring and the narrative of the application
 - d. Collaboration will be a single overall score rather than tiered scoring for Outreach, Letters of Support, and Memorandum of Understanding

SCORING CATEGORY	POSSIBLE POINTS
Goal, Priority Impact Level & Community Need	30 Total
• Goal	15
• Priority impact (5pts high Priority, 2pts priority, 0pts eligible activity)	5, 2, or 0
• Community need	10
Guiding Principles:	30 Total
• Measurable community impact	10
• Diversity and inclusiveness	5 Construction/ 10 Social Service
• Priority to lower incomes	5 Construction/ 10 Social Service
• Location (construction only)	5
• Sustainability (construction only)	5
Capacity to deliver:	25 Total
• Financial need	5
• Leveraged funding	5
• Experience providing service	5
• Readiness to proceed	5
• Financial stability	5
Partnership/Collaboration	15 Total

PENALTY	POINTS DEDUCTED
Missing section/s	1 point deducted per item
Failing to follow Submission Guidelines , section I.C.3 (including but not limited to: application not typed, page limits, max/min request amounts, etc)	0.25 point deducted per instance
Errors (e.g. in budget calculation)	0.25 points deducted per instance

Guiding Principles and Priority Recommendations

The largest part of the Task Force work focused around the City's "Needs-Goals-Priorities" table, with a specific focus on high priority and priority activities.

(1) Neighborhood Investment and Infrastructure

Move "Parks and Recreation Activities" to the high priority category.

Remove "Historic Preservation" from the priority activity list. Historic Preservation will remain an eligible activity, but will not receive priority points.

(2) Housing Availability

"Rental Assistance" renamed "Housing Start-up Assistance" to encompass a broader range of housing activities, i.e. security deposit, rental payments, application fees.

(3) Economic Opportunity

- a. Remove "Façade Improvements" and "Financial Stability Services" from the priority list. These activities are still eligible, but will not receive priority points.

(4) Addressing the Needs of the Growing Homeless Population

- a. Combine "Mental Health Services" and "Substance Abuse Services" in to one category labeled "Behavioral Health Services", which would remain a high priority activity.
- b. "Rental Assistance" renamed "Housing Start-up Services" in order to encompass a broader range of housing activities for homeless individuals, i.e. security deposits, rental payments, housing case management, application fees. This activity remains a high priority activity.

Structural Recommendation

- (1) Reduce the maximum grant request for Development Activities from \$250,000 to \$200,000.
- (2) Reduce the City funding cap by 5% in each category, these recommendations would result in a 40% funding cap in social services and an 80% funding cap to construction/development.
- (3) Eliminate the 60% public infrastructure set-aside within the City funding cap in the construction/development category.
- (4) Establish a set-aside for new programs that have not previously received CDBG funding. The recommendation would set-aside up to 20% of the previous year's allocation within the respective funding categories; construction/development and social service. The set-aside would be awarded to new programs that score 75 points or higher. If there are not enough eligible new programs to use the full 20%, the remainder would go back in to the general allocation fund. In FY22 the 20% set aside would have been \$129,763.
- (5) Funding for the Community Policing program be transitioned into the City's budget. When the Task Force met again in August of this year (see 2021 Addendum), they made one additional recommendation which would allow the set-aside to be used in the community policing program or another alternative response program managed by the Police Department.

City Manager Recommendations: The City Manager does not support (1), (2) and (3) above and is recommending that the City Council not support these recommendation. While the City Manager does not support the initial recommendation to transition funding for community policing into the City's budget, as noted in (5) above, he does support the recommendation made in the 2021 Addendum.

Scoring Recommendations

- (1) Change priority activities from two to three categories: HIGH, PRIORITY, and ELIGIBLE ACTIVITY. The categories are given priority points as follows: High 5 points, Priority 2 points and Eligible Activity 0 points.
- (2) Revise the scoring structure as well as the sub-categories to streamline the scoring, make it more predictable for applicants and the allocation committee, and decrease arbitrary point value assignments to the subcategories.
 - a. Each subcategory will be ranked on a universal scale of 1-5 (poor to excellent), with multipliers applied to especially important categories, resulting in a total 100 possible points per application.
 - b. Expand the scoring and page limits for collaboration from two pages to eight pages.
 - c. “Consistent with City Plans” will now be captured under “City Goals” in both scoring and the narrative of the application
 - d. Collaboration will be a single overall score rather than tiered scoring for Outreach, Letters of Support, and Memorandum of Understanding

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• Location (construction only)	5
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Guiding Principles and Priority Recommendations

The largest part of the Task Force work focused around the City's "Needs-Goals-Priorities" table, with a specific focus on high priority and priority activities.

(1) Neighborhood Investment and Infrastructure

Move "Parks and Recreation Activities" to the high priority category.

Remove "Historic Preservation" from the priority activity list. Historic Preservation will remain an eligible activity, but will not receive priority points.

(2) Housing Availability

"Rental Assistance" renamed "Housing Start-up Assistance" to encompass a broader range of housing activities, i.e. security deposit, rental payments, application fees.

(3) Economic Opportunity

- a. Remove "Façade Improvements" and "Financial Stability Services" from the priority list. These activities are still eligible, but will not receive priority points.
- b. Move "Job Creation" and "Microenterprise Assistance" from high priority to priority, allowing them to receive two priority points.

City Manager Recommendations: The City Manager does not support (3).b. noted above and is recommending that the City Council not support the recommendation

(4) Addressing the Needs of the Growing Homeless Population

- a. Combine "Mental Health Services" and "Substance Abuse Services" in to one category labeled "Behavioral Health Services", which would remain a high priority activity.
- b. "Rental Assistance" renamed "Housing Start-up Services" in order to encompass a broader range of housing activities for homeless individuals, i.e. security deposits, rental payments, housing case management, application fees. This activity remains a high priority activity.
- c. Recategorize "Food Assistance" from High Priority to Priority. The Task Force believes that there are many other federal funding sources for food assistance and therefore it does not need to remain a high priority for funding.

City Manager Recommendations: The City Manager does not support (4).c. noted above and is recommending that the City Council not support this recommendation

CITY OF PORTLAND

NEEDS-GOALS-PRIORITIES

NEED	Neighborhood investment and infrastructure	Housing Affordability	Economic Opportunity	Address the needs of the growing homeless population
GOAL	Create strong, safe, accessible neighborhoods	Increase housing availability and affordability	Create economic opportunities to transition people out of poverty	Prevent and reduce homelessness

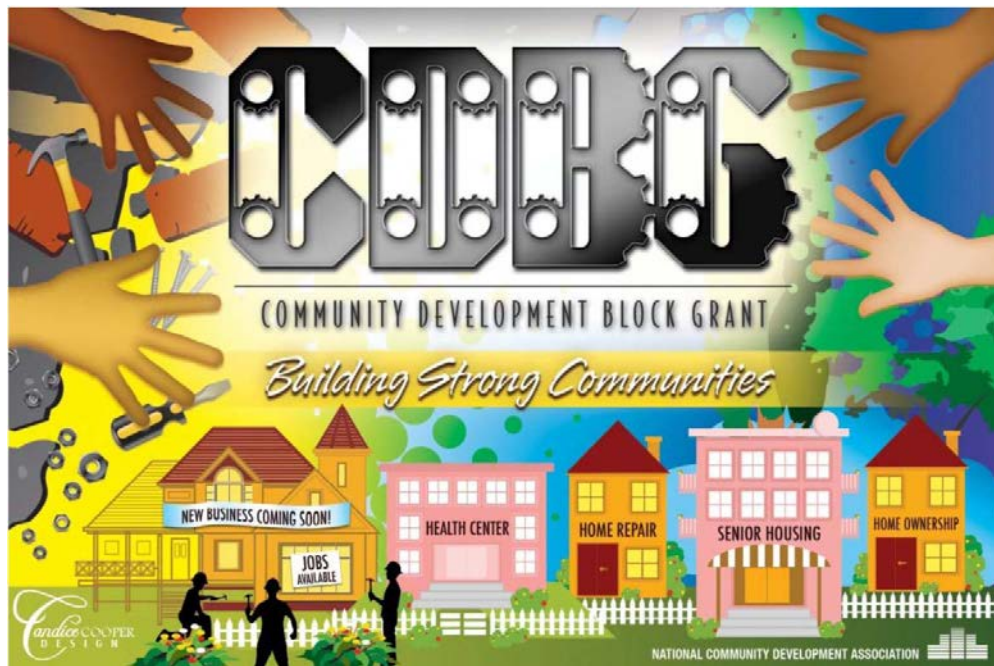
The needs and goals are meant to be broad, this allows programming to change with the times and be creative in how we solve these problems

CITY MANAGER'S RECOMMENDATIONS – SUPPORTED BY THE HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE

CHANGES TO HIGH PRIORITY AND PRIORITY IMPACT LEVEL

NEIGHBORHOOD INVESTMENT & INFRASTRUCTURE:	HOUSING AVAILABILITY:	ECONOMIC OPPORTUNITY:	ADDRESS THE NEEDS OF THE GROWING HOMELESS POPULATION:
Including but not limited to (in alphabetical order, not in order of priority): HIGH PRIORITY • Accessibility/ADA compliance • Alternative modes of transportation • Community policing • Park and Recreation Facilities • Public infrastructure in targeted neighborhoods PRIORITY • Community centers and engagement programs • Disability Services • Non-profit rehab • Public infrastructure outside of targeted neighborhood • Senior Services • Tree planting • Park and Recreation Facilities • Historic Preservation	Including but not limited to (in alphabetical order, not in order of priority): HIGH PRIORITY • Adaptive reuse for housing • Construction of new housing (HOME funds only) • Housing Retention • Housing Start up Assistance • Rehabilitation of existing housing PRIORITY • Environmental testing and remediation • Energy efficiency/weatherization • Fair housing activities • Heating and fuel assistance • Legal services Tenant/landlord counseling services • Rental Assistance	Including but not limited to (in alphabetical order, not in order of priority): HIGH PRIORITY • Career advancement services • Education • Job training • GED attainment • ESL • Job retention support services • Childcare vouchers • Housing counseling • Transportation assistance • Job Creation • Microenterprise Assistance PRIORITY • Job Creation • Microenterprise Assistance • Façade improvements • Financial Stability Services	Including but not limited to (in alphabetical order, not in order of priority): HIGH PRIORITY • Behavioral Health Services • Mental Health Services • Substance Use Services • Emergency services to prevent homelessness • Food Assistance • Housing and Housing Services for long- term shelter consumers • Housing Startup Costs • Shelter services PRIORITY • At risk youth services • Food Assistance • Rental Assistance (replaced with Housing Startup Costs above)

2020 CDBG PRIORITY SETTING TASK FORCE REPORT



Updated August 2021

2020 CDBG PRIORITY TASK FORCE REPORT

PARTICIPANTS

Adam Cohen
Andrew Ouellette
Ashish Shrestha
Ben Strick
Brad Hanscom
Chase Hewitt
Don Harden
Grace Braley
Jim Hall (Chair)
Julia Sheridan
Lucas Blom
Mark Adelson (Chair)
Matt Dubel
Sam Heck

INTRODUCTION

The 2020 CDBG Priority Task Force is pleased to present its final report to the Portland City Council for your consideration.

We found that the current system is extremely well run, and allocations continue to be made that meet important city needs. City staff are to be highly commended for their organization and knowledge, as well as, the hard work and commitment they bring to the effort of planning, distributing and monitoring the use of these funds. The changes we are recommending are intended to increase efficiency, fairness and transparency, to make minor evidence-based adjustments, and to target the city's highest priorities in a time of growing demand for resources and a dwindling stream of funding.

SUMMARY OF RECOMMENDED CHANGES:

- Create a capped set-aside to promote smaller new programs
- Adjust city funding caps to better match survey data with historical data
- Focus the city's "high priority" list on housing and employment
- Simplify the scoring process and subcategories
- Increase communication amongst funding sources
- Remain open to emerging needs

BACKGROUND

The Community Development Block Grant (CDBG) is a federal program from the Department of Housing and Urban Development (HUD) that distributes funding based on allocations from Congress to its entitlement communities, comprising over 1,200 cities and counties throughout

the country. Historically the City of Portland has received approximately \$2 million in CDBG funds annually.

For the past ten years this funding has decreased. There has also been increased scrutiny over the past few years of the Department of Housing and Urban Development and the CDBG program nationally. The need for focus and accountability is greater than ever before. The City of Portland must redefine how federal CDBG dollars are allocated to emphasize, to the greatest extent possible, successful and measurable outcomes.

The City's establishment of the CDBG Priority Task Force of 2020 stemmed from the City's commitment to re-evaluate every three to five years the priorities identified by the CDBG Priority Task Force of 2008 and 2012 and the CDBG working group in 2013. This process began with the Housing and Community Development (HCD) Ten Point Plan, approved by the City on October 1, 2007. The HCD Ten Point Plan, a product of the HCD Task Force, required the creation of the CDBG Priority Task Force, followed by the Annual Allocation Committee.

PROCESS

Positions on the 2020 Taskforce were advertised on the City website as a newsflash, as well as, on the Boards and Committees page. The advertisement included a description of the taskforce, along with the roles and duties of the members. Lastly, the application was available online with contact information attached if a paper copy was needed.

HCD Staff directly advertised the opportunity to participate to all past committee members, including the City Manager's Policy Advisory Committee, HCD Task Force, CDBG Priority Task Force, CDBG Annual Allocation/Scoring Committee, past applicants and awardees of CDBG and HOME funds, and interested parties from the 2019 District Meetings. In total, invitations were sent via email to 380 individuals and organizations.

HCD Staff received 18 applications by the January 24th deadline. Members were diverse in their skill sets, represented all of the demographics listed in the taskforce guidelines, and every neighborhood in Portland. At the February 19th, 2020 Council Meeting, the City Council approved an order to reinstate the task force and approved the applicants as members. Four members of the task force resigned due to unforeseen circumstances caused by COVID-19.

WORK PLAN

The Task Force had a strict work plan that covered three sections: priorities and principles, structural changes, and administrative changes to the CDBG allocation process. The Task Force met 12 times between March and September, twice a month for two hours. The majority of these public meetings had to take place remotely via Zoom due to COVID-19.

The largest part of the Task Force work focused on the City's "Needs-Goals-Priorities" table, with a specific focus on high priority and priority activities.

This was also the focus of a large community outreach effort planned by the HCD office. Unfortunately, due to COVID-19 was revised and conducted entirely online. HCD staff created a targeted website with information regarding the consolidated planning process as well as multiple platforms to provide feedback. The website contained targeted surveys for the general public, business owners, social service providers, and past applicants and subrecipients of CDBG funding. The City highlighted the link multiple times throughout the spring and summer on their website and social media platforms. In addition, HCD staff partnered with Portland Downtown, the Chamber of Commerce, and social service provider networks to spread the word and encourage participation. At the time the survey closed there were 477 responses. The Task Force used this data to inform their decisions regarding priority activities.

RECOMMENDATIONS

At a high level, the Task Force is generally recommending increased communication with other funding sources, both within the City government and outside in the community, so as to optimize similar outcomes and coordinate achievements together.

Analysis of prior applicant pools indicated that many specific CDBG processes are having the desired effect. For example, the minimum allowable grant request in both social service and construction / development has ensured an appropriate level of commitment required to run and report on a CDBG funded program. In addition, application penalties have reduced the number of difficult submissions that previously required intensive staff involvement in order to process. For brevity, we have not listed all the topics which the Task Force reviewed and ultimately decided should remain unchanged.

PRIORITIES

**see appendix for full table of needs / goals / priorities*

The task force recommends the following high priorities:

- Neighborhood Investment and Infrastructure: Public Infrastructure in targeted neighborhoods, including parks and recreation facilities, Accessibility/ADA Compliance, alternative modes of transportation, and Community Policing Administration.
- Housing: construction of new housing (HOME funds only), the adaptive reuse of buildings for housing, rehabilitation of existing housing, housing retention, housing start up assistance. Housing Start-up Assistance has replaced Rental Assistance to allow for a broad range of housing assistance services, i.e. security deposits, utilities, housing application assistance and fees.
- Economic development: career advancement services, job retention support services
- Homelessness: Housing Services for long term stayers, emergency services to prevent homelessness, shelter services, housing start up assistance, Behavioral Health Services. Housing Start-up Assistance has replaced Rental Assistance to allow for a

broad range of housing assistance services. Behavioral Health Services has replaced mental health and substance abuse services.

The above list represents adjustments to previous “high priority” activities. Most notably, we are recommending a combined category of “behavioral health” that captures both mental health and substance use services. This recognizes the co-occurring nature of mental health and substance use, and that best practice involves addressing both simultaneously.

SCORING

SCORING CATEGORY	POSSIBLE POINTS
Goal, Priority Impact Level & Community Need	30 Total
• Goal	15
• Priority impact (5pts high Priority, 2pts priority, 0pts eligible activity)	5, 2, or 0
• Community need	10
Guiding Principles:	30 Total
• Measurable community impact	10
• Diversity and inclusiveness	5 Construction/ 10 Social Service
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• Location (construction only)	5
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Capacity to deliver:	25 Total
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• Experience providing service	5
• Readiness to proceed	5
• Financial stability	5
Partnership/Collaboration	15 Total

PENALTY	POINTS DEDUCTED
Missing section/s	1 point deducted per item
Failing to follow Submission Guidelines , section I.C.3 (including but not limited to: application not typed, page limits, max/min request amounts, etc)	0.25 point deducted per instance
Errors (e.g. in budget calculation)	0.25 points deducted per instance

The task force reviewed subcategory scoring from several prior years, and recommends an adjustment to the overall scoring structure. The goal of the changes is to streamline the process, make it more approachable and predictable for applicants and the allocation committee, and decrease arbitrary point value assignments to subcategories.

Under this scheme, each subcategory will be ranked on a universal scale of 1-5 (poor to excellent), with multipliers applied to especially important categories, resulting in a total 100 possible points per application. For example, the “Goal” scoring category is worth 15 total points. The Allocation Committee will score it 1-5 and that number will be multiplied by 3 to get the total points awarded out of 15. The Task Force feels this structure should allow for flexibility, and defers to HCD Staff and the Allocation Committee for minor changes. For example, the Allocation Committee may determine a need to apply fractional ranks (such as 4.5 out of 5.0) in order to achieve higher precision comparisons amongst applicants, or staff later recommends adjustments to category multipliers to catch up to changes in city priorities.

Relative weights have been simplified while attempting to respect the overall levels of importance that had been determined during prior scoring rounds.

- 15% of the overall score is weighted toward “Goal”, and 15% toward “Collaboration”
- 10% toward each of the following: Community Need, Measurable Outcomes, Diversity, and Lowest Income Served
- Each remaining subcategory contributes 5% to the overall total score.

The task force is also recommending a few fine-grained adjustments to scoring subcategories. The goal of these changes is to reduce redundancy and a neutralizing effect to the scoring. In addition, we felt that expanding the scoring and page limits for collaboration will result in quality outreach and partnership efforts. The taskforce chose to increase the page limits for the collaboration section from two pages to eight pages. Lastly, expanding priority activities to include all eligible activities will open up the applicant pool, while still giving preference to the aforementioned priority activities.

- “Consistent with City Plans” will now be captured under “City Goals” in both scoring and the narrative of the application
- Collaboration will be a single overall score rather than tiered scoring for Outreach, Letters of Support, and Memorandum of Understanding
- Priority Activity will include three categories for scoring, “High”, “Priority”, and “Eligible Activity”

SET-ASIDES AND GRANT RANGES

The Task Force analyzed average allocations and requests from year to year, and it became clear that there are hurdles for small, new, and innovative programs. Through this analysis and discussion the Task Force recommends the creation of a set-aside of up to 20% for new programs that can meet a minimum score of 75 (out of a possible 100), with any remainder to be allocated toward the general pool. We hope to create a balance between new applicants and

veteran programs that provide essential services. This dilemma and balance has been a consistent discussion between staff and the yearly allocation committee.

Based on review of average grant requests over the last 5 years, the Task Force is recommending that the maximum allowable request in the construction / development category be reduced from \$250,000 to \$200,000 per program. Very few applicants request the maximum, and the average request was well below, at \$127,000.

The Task Force also recommends a slight reduction in the City funding caps:

- Reduce the maximum City funding cap in Social Services from 45% to 40%
- Reduce the maximum City funding cap in Construction and Development from 85% to 80%
- Simplify the overall calculation by eliminating the 60% public infrastructure cap.

The hope with these changes is to allow a larger number of applications to receive funding through the initial allocation process, rather than requiring a redistribution intervention by the City Manager or City Council.

ADDITIONAL CONSIDERATIONS

It became clear from the beginning that we were working at an extraordinary time in Portland's history, and this would need to be reflected in our recommendations to the Council even if specific responses remain unknown at this time. It's critically important that the overall funding process can balance the need for structure with an ability to remain open and flexible to address new emerging priorities and needs the City will be facing throughout the 5 year timeframe of the plan. The task force identified three emerging areas that may impact how CDBG funds are allocated in coming years.

COVID-19 and Portland's response to the ongoing health crisis:

It's likely COVID-19 will impact the City and its residents for many years to come and in every facet of life in Portland. As we've learned, the City's lower income and non-white populations are hurt the most by the pandemic. The economy, business growth, employment opportunities, housing, education, health care, food security, human services, and transportation are all in some form of change or limbo due to this health crisis. CDBG funding will have a future role in mitigating some of the impacts, and the City needs to begin planning now on how best to face these challenges.

New Homeless Service Center:

Preventing and alleviating homelessness remains an important priority for the City. CDBG funding can have an important direct or indirect role in making the City's plan for the new Homeless Service Center a reality, in cooperation with the state's ongoing development of more regional solutions. Although generally the task force valued more permanent solutions over

temporary, we agreed that emergency shelter needs to remain a high priority at this time. This could be revisited if a more stable situation were to prevail.

Racial Equity and Inclusion :

The Task Force had initial discussions at the beginning of this process regarding funding for Community Policing. The item was tabled, and discussed again in light of the national spotlight on racial justice and equity, and local community outcries for increased social service funding. The Task Force believes the City's Community Policing efforts are valuable and successful, and should remain a high priority. However, a majority of the Task Force believes that the City should begin to plan for funding Community Policing administration from the City's budget, both to ensure stability of ongoing critical services, and to free up additional CDBG funds for human services that complement these efforts. We understand the strain the city's budget is under and how difficult it might be to absorb 100% of this function, so at this time we are not recommending immediate removal of the CDBG set-aside for community policing administration.

APPENDIX

- I. Needs-goals-priorities table
- II. Summary of motions and votes

NEED	GOAL	PRIORITY IMPACT LEVEL
Neighborhood Investment & Infrastructure: <i>Description:</i> Public safety and mobility are key components to improving the livelihood of Portland neighborhoods. There is a significant need to build neighborhood sidewalks where none exist, improve ADA compliance, and increase access to alternative modes of transportation. Additionally, there is a need to increase resident's ability to remain or become active and engaged members of their neighborhoods through community based services and programs. <i>Basis for Relative priority:</i> In 2019 & 2020 the Portland City Council identified four goals that identified this need: 1) 15 buses for 15 minutes: Add 15 buses to our fleet allowing us to reduce peak hour wait times to an hour to 15 minutes. 2) Light Hybrid rail to the eastern waterfront: install hybrid electric rail cars to come into Portland's eastern waterfront to reduce traffic. 3) Implement a plan for installation of solar arrays. 4) Increase public transit infrastructure and capacity in the City. The 2030 Comprehensive plan lists the following strategy: Full Service City: 2. Provide services to all residents. Operate City facilities and services in an efficient and effective manner that is responsive to all segments of the community. Resource: City of Portland 2019 & 2020 City Council Common Goals. and the 2030 City of Portland Comprehensive Plan	Create strong, safe, accessible and vibrant neighborhoods: <i>Description:</i> Invest in infrastructure to improve neighborhood assets and build strong, safe, accessible and vibrant neighborhoods. Improve accessibility and livability through age-friendly designs and ADA compliance. Build sidewalks and trails to improve connectivity, increase the use of bicycles as a mode of transportation, and redevelop streetscapes to create shared streets for cars, bikes, and pedestrians that integrate with the fabric of the neighborhood. Support programs that increase safety in neighborhoods for residents and visitors. Invest in programs and services that address the specific needs of members of the community. Encourage programs that build a sense of inclusiveness, safety, and security within individual neighborhoods.	Including but not limited to (in alphabetical order, not in order of priority): HIGH PRIORITY • Accessibility/ADA compliance • Alternative modes of transportation • Community policing • Park and Recreation Facilities • Public infrastructure in targeted neighborhoods PRIORITY • Community centers and engagement programs • Disability Services • Non-profit rehab • Public infrastructure outside of targeted neighborhood • Senior Services • Tree planting

UPDATED 9.21.2020

NEED	GOAL	PRIORITY IMPACT LEVEL
Housing Availability: <i>Description:</i> In the 2019 Housing report it was reported that Portland has an affordability gap of \$255,796. In addition, there is a lack of affordable rental housing within Portland’s housing supply. The City Council continues to make housing availability and affordability their goal. <i>Basis for Relative priority:</i> In 2019 & 2020 the Portland City Council identified the following goal to address this need: Increase access to rental and home ownership that is safe, affordable, and accessible. Resources: 2030 Workforce Housing Demand Study 2019 City of Portland Housing Committee, Interim Housing Report 2019 & 2020 City Council Common Goals.	Increase housing availability & affordability: <i>Description:</i> Increase housing availability and affordability to all Portland residents regardless of income, race, ethnicity, and family size. Encourage housing development by removing barriers to traditional urban housing types while ensuring the inclusion of workforce and age-friendly housing in significant development projects.	Including but not limited to (in alphabetical order, not in order of priority): HIGH PRIORITY • Adaptive reuse for housing • Construction of new housing (HOME funds only) • Housing Retention • Housing Start up Assistance • Rehabilitation of existing housing PRIORITY • Environmental testing and remediation • Energy efficiency/weatherization • Fair housing activities • Heating and fuel assistance • Legal services Tenant/landlord counseling services

NEED	GOAL	PRIORITY IMPACT LEVEL
Economic Opportunity: <u>Description:</u> Portland has a well-developed employment support system with many established providers. However, the system is fragmented, providers work in silos, there is insufficient funding to cover needs of potential workers, and career planning and financial stability are often prioritized less than job placement. Employment retention support is scarce and turnover results in economic uncertainty for employees and higher costs for employers. <u>Basis for Relative priority:</u> In 2019 & 2020 the Portland City Council identified the following goal: Promote Economic Development in the City in a manner that provides for increased property values, diversification across industry sectors and high paying jobs. Specifically, as it relates to HUD programming and objectives, the Council further identified the need to advance work on the “Minority and Women-owned Business Development Initiative” and secure City Council approval to invest CDBG funds in workforce development. Resources: <i>Portland Economic Development Vision and Plan</i> Portland Community Chamber of Commerce: <i>Portland’s Economic Scorecard 2014-2015</i> Muskie School of Public Service: <i>The State of Infant Pre-K Childcare in Portland, Maine 2015</i> GPCOG 2014-2018 Economic Development Action Plan	Create economic opportunities to transition people out of poverty: <u>Description:</u> Invest in Portland businesses to enable them to expand to create jobs. Invest in persons wanting to create microenterprises. Engage job seekers in a continuum of services to increase their professional capacity, financial stability, and ability to maintain employment. Focus on difficult to employ populations including homeless, new Americans and single parent head of households. Combine resources and build partnerships between public and private entities to provide opportunities to transition Portland residents out of poverty to sustainable employment and financial stability.	Including but not limited to (in alphabetical order, not in order of priority): HIGH PRIORITY • Career advancement services • Education • Job training • GED attainment • ESL • Job retention support services • Childcare vouchers • Housing counseling • Transportation assistance PRIORITY • Job Creation • Microenterprise Assistance

UPDATED 9.21.2020

NEED	GOAL	PRIORITY IMPACT LEVEL
Address the Needs for Growing Homeless Population: <u>Description:</u> The shelter system in Portland is beyond capacity. Staff and local organizations struggle to deal with overflow strategies to meet increasing need. Data from 2019 showed that 79% of the shelter consumers were new consumers, the average length of stay at the shelter is under 60 days. Homeless Prevention and Rapid Rehousing are key components to help reduce shelter usage and homelessness. Additionally increased case management is needed for those who have mental illness and substance abuse issues to help them navigate the service delivery system. <u>Basis for Relative priority:</u> In 2019 & 2020 the Portland City Council identified the goal: Continue the effort to reduce homelessness, assist people experiencing homelessness through City, Regional, and State efforts. Resource: 2020 City Council Common Goals 2019 Health and Human Services Shelter Report	Prevent and Reduce Homelessness: <u>Description:</u> Prevent individuals and families from becoming homeless and entering into the shelter system. Rapidly rehouse those who enter the shelter system. Provide necessary resources to assist vulnerable population's transition out of homelessness, including housing opportunities for chronically homeless or long-term stayers at homeless shelters.	Including but not limited to (in alphabetical order, not in order of priority): HIGH PRIORITY • Behavioral Health Services • Emergency services to prevent homelessness • Housing and Housing Services for long-term shelter consumers • Housing Start up Costs • Shelter services PRIORITY • At risk youth services • Food Assistance

UPDATED 9.21.2020

II. SUMMARY OF APPROVED MOTIONS

- Motion to keep the Social Service Application minimum request at \$10,000
 - Passed 14-0, 1 abstained
- Motion to keep the Community Policing \$150,000 set-aside
 - Passed 11-1, 2 abstained
- Motion to reduce the Construction and Development Application maximum request from \$250,000 or 30% of the prior years allocation to a flat number of \$200,000.
 - Passed 12-1, 1 abstained
- Motion to keep the Construction and Development Application minimum request at \$10,000
 - 14-0, 1 abstained
- Motion to eliminate the 60% infrastructure cap and reduce the City funding cap from 85% to 80% for construction and development programs
 - Passed 14-0, 1 abstained
- Motion to reduce the City funding cap in social services from 45% to 40%
 - Passed 9-0, 1 abstained
- Motion to keep penalty points as is
 - Passed 13-0
- Motion to move park and recreation activities to high priority category and keep all other neighborhood investment and infrastructure the same
 - Passed 10-0
- Motion to remove historic preservation from priority activities list
 - Passed 6-5
- Motion to rename rental assistance to start up assistance and move from priority to high priority, everything else stays the same. Discussion, member clarified calling the activity rental housing start up assistance.
 - Passed 11-0
- Motion to remove façade improvements from priority activities
 - Passed 7-4
- Motion to remove financial stability services from priority activities
 - Passed 10-1
- Motion to move job creation from high priority to priority activity
 - Passed 6-5
- Motion to move microenterprise assistance from high priority to priority activity
 - Passed 8-3
- Motion to allocate 0 points to non-priority activities, 2 points to priority activities, and 5 points to high priority activities.
 - Passed 9-1
- Motion to combine mental health and existing substance abuse disorder activity in to one activity, labeled 'Behavioral Health', with a designation of high priority
 - Passed 13-0
- Motion to make 'housing start up services' a high priority activity
 - Passed 13-0
- Motion to change food assistance from high priority to priority activity
 - Passed 13-0
- Motion to allocate category points in both Social services and Development as follows:

- o 30 points - Goal, Priority Impact Level & Community Need
 - o 30 points - Guiding principles
 - o 25 points - Capacity to deliver
 - o 15 points – Collaboration
 - o Passed 11-0
- Motion to allocate Goal, Priority Impact Level, & Community Need sub-categories points, in both Social Services and Development Activities, as follows:
 - o 15 points - Goal
 - o 10 points - Community need
 - o 5 points - Priority
 - o Passed 9-2
- Motion to remove Guiding principles sub-category consistency with city goals, plans, and initiative (4 points) and include this subcategory with the Goal, Priority Impact Level and Community Need, Goal Subcategory
 - o Passed 10-0
- Motion for to allocate measurable community impact, diversity and inclusiveness, Priority to lower income as follows in social service
 - o Measurable Community Impact 10
 - o Diversity and Inclusiveness 10
 - o Priority to Lower Incomes 10
 - o Passed 7-3
- Motion for to allocate measurable community impact, diversity and inclusiveness, Priority to lower income as follows in Development
 - o Measurable Community Impact 10
 - o Diversity and Inclusiveness 5
 - o Priority to Lower Incomes 5
 - o Location 5
 - o Sustainability 5
 - o Passed 9-1
- Motion to allocate Capacity to deliver subcategory point distribution as follows:
 - o 5- Financial need
 - o 5- Leveraged funding
 - o 5- Experience Providing Service
 - o 5- Readiness to Proceed
 - o 5- Financial Stability
 - o Passed 9-1
- Motion to create a single scoring line ‘Partnership/Collaboration’ with a maximum of 15 points.
 - o Passed 9-0, 1 abstention
- Motion to expand page limit to 8 pages for the collaboration section for both narrative and supporting materials
 - o Passed 10-0
- Motion new applicants be required to score a minimum of 75 points to be considered for the set-aside.
 - o Passed 10-0

2021 ADDENDUM TO 2020 CDBG PRIORITY TASK FORCE REPORT

CONTEXT

The 2020 CDBG Priority Task Force presented its final report at the Housing Committee's Oct 14th 2020 meeting. The committee delayed action and directed staff to request a one-year extension, which HUD granted. The task force reconvened Aug 4 2021 to review its report before resubmitting to the now combined 2021 Housing and Economic Development Committee.

Three items of interest were (a) the City Manager's 2020 recommended amendments to the Task Force report, (b) additional community feedback that the Housing & Community Development Department has gathered via online survey with specific questions targeting task force recommendations, and (c) the Racial Equity Steering Committee's report currently under review by the council and staff.

The task force also discussed several timely topics in the context of its prior recommendations, such as the termination of covid emergency measures, new federal funds available, the loss of emergency day shelter, and changes to the emergency food service model.

RECOMMENDATION

After review the task force **stands by its 2020 report** as consistent with all of the above, and would like to offer **one additional recommendation**.

Given ongoing work in alternative crisis response, and rapidly evolving understanding of best practices in this field, the task force recommends an adjustment to the wording of the community policing set-aside to allow the department flexibility throughout the upcoming 5-year plan.

- \$150,000 set-aside for Community Policing, or another alternative response program the department manages – non-competitive.

This way the Portland Police Department may allocate its alternative response set-aside based on unfolding data, whether continuing the current model, or applying under another program it manages internally, in collaboration with other city departments, or subcontracted to an outside organization.



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

September 2, 2021

Members of the Portland City Council:

As you know, the CDBG Priority Task Force was re-established in 2020 to assist with the creation of a new 5-Year Consolidated Plan which was originally scheduled to be submitted to HUD in May, 2021. At the suggestion of the Housing Committee, city staff requested a one year extension to file the Consolidated Plan. HUD approved the extension. The new 5-Year Consolidated Plan is now due in May 2022.

The Task Force was charged with reviewing the current CDBG allocation process and making recommendations for improvement. The Task Force work plan covered three areas: (1) Review of priorities and guiding principles, (2) Review of the structural framework of the program, and (3) Review of the administrative framework of the CDBG allocation process.

I would like to take this opportunity to thank the members of the Task Force for their work during this unprecedented time. The Task Force met 12 times between March and September of 2021 and one additional time in August 2021, with all but one of their meetings occurring remotely due to the COVID-19 pandemic. I commend them for their dedication in performing their work in these unusual circumstances.

You may remember that during the CDBG funding recommendations over the last several years, I noted my desire to see new and innovative programs benefit from CDBG assistance. I am pleased to see that the members of the Task Force agreed and I enthusiastically support their recommendation to create a set-aside for new and innovative programs. However, while I applaud the work and effort the Task Force put into the recommendations outlined in the *2020 CDBG Priority Task Force Report*, there are several recommendations that I do not support.

(A) Priorities and Guiding Principles:

The Task Force made several recommendations in the high priority and priority impact areas of the City's CDBG Program. I do not support three of the recommendations in the Priority Impact Level. I feel strongly that Job Creation, Microenterprise Assistance and Food Assistance should remain as high priority activities. Year after year during the annual CDBG allocation process, I have been consistent in my recommendations that food security is a basic necessity and integral service provided to the most vulnerable in our community. In light of the ongoing impacts of the COVID-19 pandemic, ensuring that funding is available for businesses in Portland will be key to economic recovery in the City.

(B) Structural Changes**(1) Set-asides:**

- (a) While the Task Force did not recommend immediate removal of the CDBG set-aside for community policing, they did recommend that funding for the program be transitioned into the City's budget. I do not support this recommendation and the potential impact it may have on the City's ability to continue to provide this valuable community service. When the Task Force met again in August of this year, they made one additional recommendation which would allow the set-aside to be used in the community policing program or another alternative response program managed by the Police Department. I support this recommendation as it gives the Police Department flexibility on how these funds are best utilized.
- (b) The ability to use CDBG resources to fund public infrastructure projects in low to moderate income neighborhoods of the city is extremely important. The Task Force is recommending elimination of the set aside for city public infrastructure projects. Currently the set aside allows up to 60% of the maximum funding available to city programs in the development activities category to be set aside for public infrastructure projects. I do not support the Task Force's recommendation to eliminate this set-aside. The City will be dealing with the financial impacts of the COVID-19 pandemic for several years. Elimination of this set-aside at this time will have negative impacts on the City's ability to address the public infrastructure needs throughout the city and particularly in CDBG eligible neighborhoods.
- (c) Many CDBG entitlement communities retain all of their CDBG funding for municipal use. In fact, most communities are required to cap CDBG funding to social service agencies at 15% of the total CDBG allocation. Portland is an exception and is allowed to provide up to 33% of the total CDBG allocation to social service agencies. For this reason along with others mentioned previously in this letter, I do not support the Task Force recommendations to reduce the maximum City funding cap in Social Services from 45% to 40% of the allocation and the maximum City funding cap in Construction and Development from 85% to 80% of the allocation.

(2) Maximum cumulative grant requests:

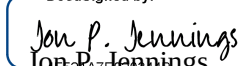
The Task Force recommended a reduction in the maximum grant request for Development Activities from \$250,000 to \$200,000. As noted above (1(b)), I do not support the Task Force Recommendation.

It would be my preference that council accept the 2020 CDBG Priority Task Force Report and the 2021 Addendum and vote to adopt the Task Force recommendation with the exception of the recommendations noted above.

I thank you for the opportunity to share my thoughts and recommendations.

Sincerely,

DocuSigned by:


Jon P. Jennings
City Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 23, 2021

SUBJECT: Order 69-21/22 Appropriating \$10,000 for a Rail Study - Sponsored by Kate Snyder, Mayor

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 would appropriate \$10,000 toward a passenger rail study between Portland and Lewiston and Auburn.

In June 2021, the Legislature and Gov. Janet Mills approved legislation that directed the Maine Department of Transportation to finish a \$200,000 study to determine if Lewiston and Auburn can be tied into the passenger rail network that extends from Portland to Boston and beyond. The measure required Lewiston and Auburn to chip in 10% of the \$200,000 price tag; however, Auburn City Council recently decided not to contribute to the funding.

This item must be read on two separate days. The City Council is asked to waive the second reading, which requires seven votes. Emergency passage is also requested. Seven votes are required for emergency passage following 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. Appropriation of \$10,000 for Rail Study 10.4.2021

Prepared by:

Date: 09/23/2021

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 APPROPRIATING \$10,000 FOR A RAIL STUDY

ORDERED, that \$10,000 is hereby appropriated for a Rail Study to be conducted on a railroad between Portland and Lewiston by the Maine Department of Transportation; and

BE IT FURTHER ORDERED, that this appropriation is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 27, 2021

SUBJECT: Order 70-21/22 Appointing Danielle P. West as Interim City Manager - Sponsored by Kate Snyder, Mayor

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 appoints Danielle P. West, the City of Portland's Corporation Counsel, as Interim City Manager effective November 2, 2021. City Manager Jon P. Jennings has accepted a new position as City Manager for the City of Clearwater, Florida, and his last day as manager in Portland will be November 1, 2021. Ms. West will serve as the Interim City Manager while a search is conducted for a permanent City Manager, and shall be paid at the annual salary received by Mr. Jennings, of \$181,079. Upon the City Council's appointment of a new City Manager, Ms. West shall resume her appointment as Corporation Counsel.

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. Appointing Danielle P. West Interim City Manager 10.4.2021
2. 2021-09-28 Interim City Manager Employment Agreement effective 11.2.2021
3. Resume (2021).docx (3)

Prepared by:

Date: 09/27/2021

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPOINTING DANIELLE P. WEST
AS INTERIM CITY MANAGER**

ORDERED, that Danielle P. West is hereby appointed Interim City Manager for the City of Portland effective November 2, 2021; and

BE IT FURTHER ORDERED, that Danielle P. West shall be paid an annual salary of \$181,079 starting November 2, 2021; and

BE IT FURTHER ORDERED, that upon resignation of the position of Interim City Manager, Ms. West shall be entitled to resume her position as Corporation Counsel, as described in the employment contract attached hereto; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the Mayor to execute the employment contract for this appointment and any other related documents necessary or convenient to carry out the intent of said document and this Order.

INTERIM CITY MANAGER EMPLOYMENT AGREEMENT

THIS AGREEMENT (“Agreement”) is entered into and is effective as of the 2nd day of November, 2021 (“Effective Date”) by and between the CITY OF PORTLAND, MAINE, a municipal corporation (the "City"), and DANIELLE WEST ("West"), an individual residing in Portland, Maine and a current employee of the City. The City and West are collectively referred to as the “Parties”.

RECITALS

WHEREAS, the Charter and Code of Ordinances of the City of Portland establish the City Manager form of government and set forth the duties and responsibilities of the City Manager; and

WHEREAS, there is an upcoming vacancy in the position of City Manager; and

WHEREAS, the Portland City Council (the “City Council”) has determined that it is necessary and appropriate to appoint an Interim City Manager as further provided herein; and

WHEREAS, prior to the Effective Date West has been employed as the City’s Corporation Counsel; and

WHEREAS, the City Council has determined that West has the necessary specialized skills and experience with City operations and with the community to perform the functions of the City Manager position on an interim basis; and

WHEREAS, the City Council desires to employ West to serve as and perform the duties of the Interim City Manager; and

WHEREAS, West is agreeable to serve as and perform the duties of Interim City Manager under the terms and conditions of this Agreement; and

WHEREAS, the City Council desires and intends that West will have the ability to return to her position as Corporation Counsel at the end of her service as Interim City Manager, and West desires and intends to return to the position of Corporation Counsel at the end of her service as Interim City Manager;

NOW THEREFORE, the City Council and West enter into this Agreement to serve the following purposes:

1. To retain West to perform services in a professional manner and to provide her with compensation and employment benefits which will induce West to remain in the employment of the City as Interim City Manager on the terms specified herein;
2. To provide that, subject to the terms specified in this Agreement, upon cessation of her employment as Interim City Manager West will be entitled to return to the position and performance of her duties as the City's Corporation Counsel, enjoying the same benefits she would have earned and enjoyed had she remained employed as Corporation Counsel during the term of this Agreement, except and unless as specifically provided in this Agreement; and
3. To reserve to the City Council a fair and just means of (i) terminating the employment of West as Interim City Manager in the event that she, for any reason, becomes unable or unwilling to discharge fully the duties of the office of Interim City Manager, and (ii) in all events to reserve to the City Council the right and ability to terminate West's position as Interim City Manager when the position of City Manager is filled by a permanent employee or at any other time, with or without reason, as further provided in this Agreement.

TERMS OF AGREEMENT

1. EMPLOYMENT. The City Council hereby employs West, and West hereby accepts employment with the City in the position of Interim City Manager, on the terms and conditions set forth herein.
2. SCOPE OF DUTIES AND SERVICES.
 - a. Under the terms and conditions of this Agreement, West shall provide and perform all the services and duties ordinarily performed by the City Manager under the direction and control of the City Council and as set forth in the Portland City Charter, the City Code and other applicable written policies and rules. West shall perform her obligations and responsibilities diligently within the time parameters indicated by the City Council, applying the highest degree of professionalism, ethics, integrity and competency to the discharge of her obligations.
 - b. West agrees to remain in the exclusive employ of the City during the term of this Agreement. West shall dedicate her full energies and qualifications to her employment as the Interim City Manager and will not engage in any other employment except as may be specifically approved in writing in advance by the City Council.
3. TERM. The term of this Agreement shall begin on the Effective Date and shall terminate on the date that a new city manager takes office or within thirty (30) days of the date on which Portland voters act on the recommendations of the Charter Commission's recommendations by Portland voters ("Expiration date"), unless terminated sooner by either party as provided in this Agreement. This Agreement may be extended after the Expiration Date if the Parties agree in writing to extend this Agreement under terms and conditions mutually satisfactory to each party.

4. **COMPENSATION AND BENEFITS.** For the services to be provided pursuant to this Agreement, West shall receive the following compensation and benefits:
- a. Compensation. West will be paid at the rate of annual base salary of \$181,079, in installments at the same intervals and time as other management employees of the City and in accordance with established City procedures. West will receive any cost-of-living adjustment that is given to other management employees while she is serving as Interim City Manager.
 - b. General Benefits. Except as may be otherwise provided herein, West shall be provided the fringe benefits she has received to date as Corporation Counsel . As used herein, fringe benefits include but are not necessarily limited to vacation, sick leave, holidays, retirement, health insurance, dental insurance, long-term disability insurance and life insurance.
 - c. Expense Reimbursement.
 - i. The City Council recognizes that certain general expenses, dues, subscriptions, travel, and subsistence expenses including, but not limited to, acquiring and maintaining a cell phone, may reasonably be incurred by West in her role as Interim City Manager in the performance of job-related activities, functions, meetings, professional development, and professional conferences (such as the annual International City Manager's Association). The City Council agrees to budget and pay for or reimburse West for such expenses that are reasonably and actually incurred, provided that the amount paid under this subsection (c)(i) shall be limited by the amount the City Council budgets for such expenditures.
 - ii. West shall be reimbursed actual and reasonable costs for membership and participation in and annual registration fees for any professional, community or civic organizations in which the City Council requires,

encourages or agrees with West's participation or is reasonably incurred in performance of her job-related activities including, but not limited to, annual bar registration fees, provided that any such reimbursements shall be limited by the amount the City Council budgets for such expenditures.

5. REINSTATEMENT AS CORPORATION COUNSEL. Subject to Paragraph 6, during the term of this Agreement West may, upon giving the City Council thirty (30) days' advance written notice, resign her position as Interim City Manager and return to the position of City Corporation Counsel. Upon her reinstatement as Corporation Counsel West shall enjoy those benefits set forth in and be subject to the terms and conditions of that position on the basis provided in Section 5(a) below.

- a. In the event that West returns to the position of and is reinstated as the Corporation Counsel, West's salary and benefits shall be adjusted to match that which would have been in effect at the time she is so reinstated as if she had not entered into this Agreement and had, during the term of this Agreement, retained and performed the duties of her position as Corporation Counsel. Any benefits or rights that West enjoyed as the Interim City Manager shall terminate upon her resumption of the Corporation Counsel position. For example, she will not be entitled to the compensation set by this Agreement. Under such circumstances, it shall be presumed that during her service as Interim City Manager West did not and would have not received any salary increases as the Corporation Counsel, and she will upon return receive the salary that was effective when she left the position to serve as Interim City Manager. If, however, a salary increase is given to the Corporation Counsel position during the term of this agreement, West shall be entitled to receive such increase upon her return to the position of Corporation Counsel.
- b. During the term of this Agreement and while West is serving as Interim City Manager, the Corporation Counsel position may be filled on a temporary basis. If the City Council determines that said position should be filled with a temporary

appointee in West's absence, West shall be entitled to recommend candidates for the appointment, and West's right to return to the position shall be communicated to the temporary appointee.

6. TERMINATION AND RESIGNATION. Notwithstanding any other provision of this Agreement, the City Council has the right, upon thirty (30) days' advance written notice, to end West's appointment as Interim City Manager at any time, with or without cause. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of West consistent with this Paragraph, unless said termination is for cause as specified in Section 6(b), below, in which case West may be terminated upon seven (7) days' advance written notice. The Parties agree that as Interim City Manager West serves at the will of the City Council and that this Agreement contains all the terms and conditions of West's employment as Interim City Manager.
 - a. Unless sooner terminated hereunder or extended or renewed in writing by the Parties, West's employment as the Interim City Manager shall terminate on the Expiration Date.
 - b. Except as is provided in Paragraph 6(c), upon the City Council's termination of West's employment as Interim City Manager or immediately following the Expiration Date without this Agreement having been renewed or extended, West shall have the right to be reinstated to the position Corporation Counsel under the terms and conditions set out in Paragraph 5 above.
 - c. Notwithstanding any provision of this Agreement, if West is terminated as the Interim City Manager for any one or more of the reasons set forth below, then: (i) she shall be terminated from service as Interim City Manager with seven (7) days' written notice; (ii) she shall not be entitled to be reinstated as Corporation Counsel; and (iii) she shall not be entitled to any further compensation or benefits from the City except as required by applicable Personnel Code or external law:

1. Misfeasance, malfeasance and/or nonfeasance in performance of the Interim City Manager's duties and responsibilities.
2. Being charged with or conviction or a plea of guilty or no contest to any Class A, B, C, or D crime.
3. Neglect of duty, including the inability or unwillingness to properly discharge the responsibilities of the office of Interim City Manager.
4. Violation of any substantive City policy, rule, or regulation, which would subject any other City employee to termination.
5. A finding by the City Council of any fraudulent act against the interests of the City.
6. A finding by the City Council of any act which involves moral turpitude, or which causes the City disrepute.
7. Any other act of a similar nature of the same or greater seriousness.

9. GENERAL PROVISIONS.

- a. Waiver. The waiver of any breach of any provision hereunder by either party to this Agreement shall not be deemed to be a waiver of any other provision or subsequent breach hereunder, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the party marking the waiver.
- b. Construction of Terms. The language of all parts of this Agreement shall be construed according to their plain meaning and shall not be construed for or against either party. Any rule of construction to the effect that ambiguities are to

be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendment or exhibits hereto.

- c. Severability. If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be unenforceable, void or invalid, in whole or in part, for any reason, the remainder of this Agreement shall remain in full force and effect. In the event of such entire or partial invalidity, the Parties agree to enter into supplemental or other agreements to effectuate the intent and purpose of this Agreement.
- d. Controlling Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Maine.
- e. Entire Agreement. This Agreement constitutes the entire Agreement between the Parties pertaining to the subject matter of the Agreement and supersedes all prior and contemporaneous agreements, representations, promises and understanding of the Parties, whether oral or in writing. No supplement, modification or amendment of this Agreement shall be binding, unless executed in writing by the Parties and this Agreement may not be altered, amended or modified by any other means. Each party waives their future right to claim, contend, or assert that this Agreement was modified, canceled, superseded or changed by any oral agreement, course of conduct, waiver or estoppel.
- f. Other Terms and Conditions of Employment. The City Council, in consultation with West, may set any other terms and conditions of employment relating to her performance, provided the terms or conditions do not conflict with the provisions of this Agreement or of the City Charter or the City Code.

Executed by the CITY this ____ day of _____, 2021

WITNESS

CITY OF PORTLAND

Signature

Kate Snyder, Mayor

Print Name

Executed by DANIELLE WEST this ____ day of _____, 2021

WITNESS

CITY OF PORTLAND

Signature

Danielle West

Print Name

Danielle P. West

Corporation Counsel, City of Portland
389 Congress Street, Portland, Maine 04101
dwest@portlandmaine.gov

PROFESSIONAL EXPERIENCE

Corporation Counsel, City of Portland, Portland, Maine
September 2012 – present

- Support, supervise, and advise a staff of 6 including 3 in-house attorneys, 2 administrative staff/paralegals, and 1 insurance claims manager;
- Annually develop, review, and manage the legal and liability/insurance budgets;
- Oversee and manage the liability/insurance program for the City;
- Collaborate and work with outside attorneys hired to address various legal matters for the City;
- Research and draft ordinances, memoranda, opinions, rules and regulations, policies, and all City Council orders and resolutions;
- Counsel and advise City staff, Department Directors, the Mayor and City Council, and City boards and committees on the applicability, meaning, and interpretation of local, state, and federal case law, rules, regulations, ordinances, and statutes; and
- Litigate and resolve disputes via mediation, trial, and/or negotiated settlements.

Associate Corporation Counsel, City of Portland, Maine, Portland, Maine
September 2008 – September 2012

- Researched and drafted legal memoranda, opinions, ordinances, and pleadings;
- Counseled and advised assigned City staff, City boards and committees, and the Mayor and City Council on the applicability, meaning, and interpretation of state and federal case law, statutes, ordinances, and other legal documents;
- Litigated and resolved municipal, land use, real estate, environmental, employment, licensing, and collections disputes in state and federal court via mediation, trial, appeals, and/or negotiated settlements; and
- Served as Acting Corporation Counsel during my tenure as an Associate Corporation Counsel.

Associate Attorney, Bergen & Parkinson, LLC, Kennebunk, Maine
September 2004 – September 2008

- Counseled and advised clients on the applicability, meaning, and interpretation of case law, statutes, ordinances, deeds, and contract provisions;
- Represented municipal and individual clients at various administrative hearings, municipal proceedings, and in court;
- Researched and drafted legal opinions, ordinances, pleadings, briefs, and memoranda;
- Prepared clients and witnesses for depositions, hearings, and trial;
- Litigated and resolved municipal, land use, real estate, employment, collections, business, and personal injury disputes; and
- Appointed as Trustee to the Heartwood College of Art while working at the firm (2006-2008).

Law Clerk, Maine Superior Court, Portland/Alfred, Maine
August 2003 – August 2004

- Comprehensively reviewed and analyzed briefs and legal filings in assigned civil and criminal matters for 3 Superior Court Justices;
- Prepared bench memoranda for assigned Justices summarizing facts, law, and recommended case outcomes; and
- Drafted court orders and decisions.

EDUCATION

University of Maine School of Law, Portland, Maine
Juris Doctor, *Cum Laude*, May 2003

- Ocean and Coastal Law Journal, Managing Editor
- University of Maine School of Law Marine Law Institute, Legal Research Associate

Oswego State University, Oswego, New York
Bachelor of Arts; Political Science, *Magna Cum Laude*, May 2000

- Listed in “Who’s Who Among Students in American Universities & Colleges”
- Highest G.P.A. and Most Service to the Department Awards Recipient, Political Science Department
- Peer Advisor, Political Science Department
- Teaching Assistant, History Department
- Student Orientation Leader/Student Orientation Coordinator (Managed a staff of 10)
- University College Dublin, Senior Year Abroad, Dublin, Ireland
- Member, Oswego State Sailing and Racing Team

BAR ADMISSIONS

State of Maine, 2003
Commonwealth of Massachusetts, 2004
United States District Court, District of Maine, 2009
United States Court of Appeals for the First Circuit, 2014

PROFESSIONAL ASSOCIATIONS

Maine Bar Association
Cumberland County Bar Association
Phi Kappa Phi, National Honor Society
Omicron Delta Kappa, National Leadership Honor Society

INTERESTS

Running, surfing, alpine skiing, hiking, traveling, reading, music, enjoying good food, relaxing on the beach, and spending quality time with family and friends.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 28, 2021

SUBJECT: Order 71-21/22 Appointing Jennifer Thompson Acting Corporation Counsel -
Sponsored by Kate Snyder, Mayor

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 appoints Attorney Jennifer Thompson, currently Associate Corporation Counsel, as the Acting Corporation Counsel effective November 2, 2021. When Attorney West resumes her appointment as Corporation Counsel, Attorney Thompson shall resume her appointment as Associate Corporation Counsel.

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. Appointing Jennifer Thompson as Acting Corporation Counsel 10.4.2021
2. JLT Resume 2021

Prepared by:

Date: 09/28/2021

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPOINTING JENNIFER THOMPSON
AS ACTING CORPORATION COUNSEL**

ORDERED, that Jennifer Thompson is hereby appointed Acting Corporation Counsel for the City of Portland effective November 2, 2021; and

BE IT FURTHER ORDERED, that Attorney Thompson shall be paid an annual salary of \$151,442.00 starting November 2, 2021; and

BE IT FURTHER ORDERED, that upon the effective date of the reinstatement of Danielle West as Corporation Counsel, Attorney Thompson shall automatically resume her position as Associate Corporation Counsel. Any benefits or rights that Ms. Thompson enjoyed as Interim Corporation Counsel shall terminate upon her resumption of her Associate Corporation Counsel position.

Jen L. Thompson, Esq.
Associate Corporation Counsel
City of Portland
389 Congress Street, Portland, ME 04101
(207) 874-8480 | jlt@portlandmaine.gov

LEGAL PROFESSIONAL EXPERIENCE

City of Portland – Portland, Maine

Associate Corporation Counsel (December 2012-May 2016) (September 2017-Present)

- One of six in-house attorneys for Maine's largest municipality with a focus on land use regulation and development, compliance, enforcement, permitting, ordinance development and drafting, public records law, and litigation;
- Advisor to the City Council, City Manager, Planning Board, and staff in multiple departments on legal questions affecting the City;
- Represent the City in administrative hearings, land use appeals, and enforcement cases;
- Draft municipal ordinances and regulations, deeds and easements, license agreements and other contracts, internal policies and procedures, legal memoranda, administrative decisions, and position papers;
- Advise City management on compliance with local, state and federal rules, laws and regulations.

University of Maine School of Law – Portland, Maine

Adjunct Professor – Land Use Law (January 2021-Present)

Integreon

Associate Corporate Counsel (February – September 2017)

- In-house attorney for this global provider of outsourced legal, research, marketing, and business services to corporations, law firms, and government agencies;
- Draft, negotiate and review complex client and vendor contracts and responses to RFQs;
- Advise on compliance matters relating to various global privacy and human rights laws, including the ADA, FMLA, UK Anti-Slavery and Human Trafficking law, and European and Swiss Data Privacy laws/Privacy Shield certification;
- Advise and assist with responses to state and federal administrative agencies.

Virtual Associates of New England, LLC – Portland, Maine

Owner, Attorney and Litigation Consultant (August 2010-December 2012)

- Performed legal research and drafting for practicing attorneys on various issues of law;
- Prepared administrative appeals, court pleadings, motions and appellate briefs;
- Advised attorneys on litigation processes, procedures and case development;
- Represented and advised non-attorney clients on a variety of matters including employment agreements, employment discrimination, administrative appeals, personal injury, and land use.

Maine Business and Consumer Court - Portland, Maine

Senior Judicial Law Clerk (August 2008 – August 2010)

- Served as sole law clerk to the justices of the Business and Consumer Court.

- Researched and wrote bench memoranda in preparation for and in response to oral arguments.
- Drafted court orders and decisions.

Skelton, Taintor & Abbott - Auburn, Maine

Attorney (August 2005 - August 2008)

- Practice Areas included: Labor and Employment, Municipal and School Law, Land Use, Personal Injury, Criminal Defense, Protection from Abuse Petitions, and General Civil Litigation.
- Represented employers in defense of discrimination, hostile work environment and other complaints made to the Human Rights Commission and the Superior Court; represented employees in discrimination matters.
- Advised clients on various issues including administrative appeals, employment discrimination, personal injury, insurance defense, probate matters, contract, and land-use.
- Appeared before municipal boards and in district and superior court for various matters including oral arguments on motions, administrative appeals and civil bench trials.

Maine Superior Court - Portland, Maine

Judicial Law Clerk (July 2004 – August 2005)

- Served as sole law clerk to three justices of the Maine Superior Court.
- Researched and wrote bench memoranda in preparation for and in response to oral arguments.
- Drafted court orders and decisions.

EDUCATION

University of Maine School of Law, Portland, Maine

Juris Doctor, *Cum Laude*, 2004

Maine Law Review, Articles Editor

Class Rank: 10/77

Dickinson College, Carlisle, Pennsylvania

Bachelor of Arts, Sociology; Certificate in Women's Studies, May 1999

BAR ADMISSIONS

Maine, 2004

United States District Court, District of Maine 2005

United States Court of Appeals for the First Circuit, 2014

PUBLICATIONS

Who's Afraid of Judicial Activism? Reconceptualizing a Traditional Paradigm in the Context of Specialized Domestic Violence Courts, 56 ME. L. REV. 407 (2004).



PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE

57 Douglass Street Rezoning
Zoning Map Amendment
Douglass Commons, LLC, Applicant
ZN-001640-2021 CBL: 078 B007, 078 C002

Submitted to: Portland City Council Council First Reading: October 4, 2021 Council Second Reading: October 18, 2021	Prepared by: Jimmy Dealaman, Planner Date: September 20, 2021
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I. INTRODUCTION

At a public hearing held on September 14, 2021, the Planning Board unanimously voted (6-0) (Mazer absent) to recommend to the City Council adoption of a zoning map amendment for two parcels located at 43 and 91 Douglass Street (i.e. 57 Douglass Street) from an R-5 Residential zone to an R-5a Residential zone.

The applicant, Douglass Commons, LLC, is seeking the proposed zoning map amendment to facilitate an increase in density for a future Planned Residential Unit Development (PRUD), which is in accordance with a Request for Proposals (RFP) released by the City in April of 2020, soliciting proposals for an age-inclusive and affordable housing proposal at this location.

This zoning map amendment was reviewed by the Planning Board on the following dates: a workshop on July 27, 2021, and a public hearing on September 14, 2021.

The applicant held the required neighborhood meeting on Tuesday, August 2, 2021.

Owner/Applicant: Douglass Commons, LLC

Applicant Representatives: The Szanton Company; Maine Cooperative Development Partners

II. PROPOSED MAP AMENDMENT

Current Zoning: R-5 Residential

Proposed Zoning: R-5a Residential

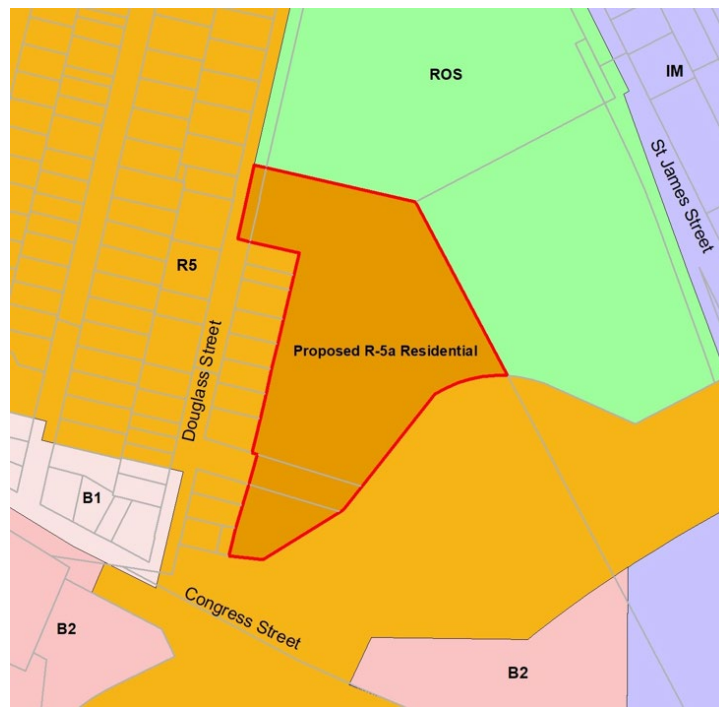
Current Use at Site: Vacant Lot

Future Contemplated Use(s) at Site: Planned Residential Unit Development (PRUD), Multi-family housing

Total Parcel Area: 148,228 square feet (subject property owned by applicant)

Area to be Rezoned: 225,000 square feet (43 and 91 Douglass Street)

III. BACKGROUND



Existing zoning context of 43 and 91 Douglass Street. Applicant owned site outlined in red.

Use Context

The subject property is comprised of two vacant city-owned parcels at 91 and 43 Douglass Street (Attachment H). The property is bounded by City-owned Dougherty Field to north, property owned by Maine Department of Transportation (MDOT) to the east and south, and to the west the site is bordered by a mix of 11 residential properties made up of four 3-Family, two 2 Family, and five single family homes built between 1850 and 1930s.

Historically, the site consisted of salt marches and wetlands until sometime prior to 1866. Until 1900 the site was used as a brick yard, with a portion of the site also containing a residential structure. The City acquired both parcels around the late 1930s through mid-1940s. In 1962, the West School was built and used as an elementary school until being used as an adult educational facility beginning in the mid-1980s, which was eventually vacated in 2013, as the building had reportedly fallen into significant disrepair. The West School building was eventually demolished in 2016.

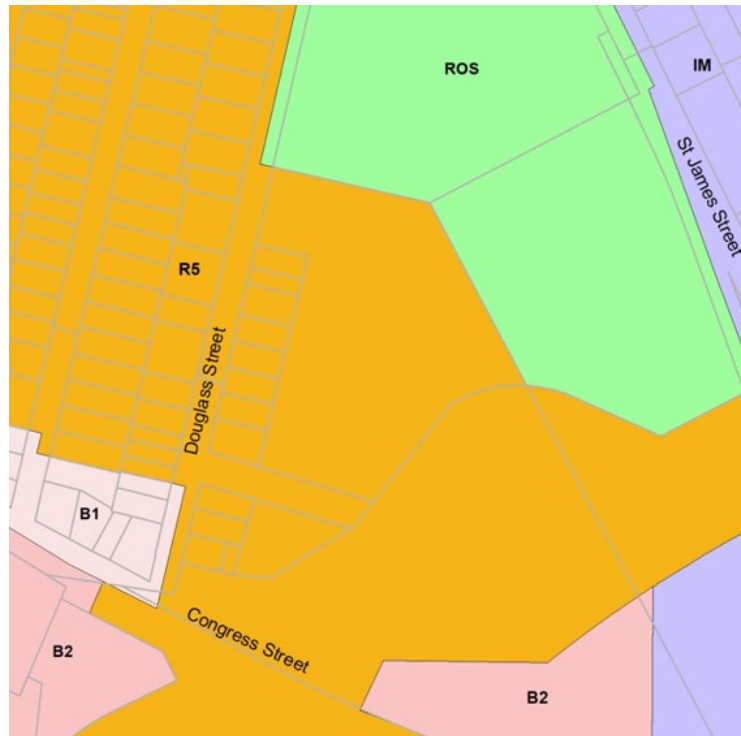
The site is proximate to a number of commercial uses (zoned B-2 Community Business) which are along Congress Street to the south. The surrounding area also includes the Kiwanis Community Pool on the upper portion of Dougherty Field to the north. A B-1 Neighborhood Business zone is mapped at the intersection of Douglass Street, Brighton Avenue and St. John Street. There are also a number of commercial/industrial land use types that exist along St James Street to the north east which are zoned I-M Industrial. To the west there is approximately four blocks of mid density (R-5) residential neighborhood that becomes lower density (R-3) residential zoning heading further west, which together provide a primarily residential context. Also serving these neighborhoods, at the end of Stevens Avenue, a priority corridor identified in the City's Comprehensive Plan, is the Westgate Shopping Center (zoned B-2 Community Business), a roughly 13-minute walk from the development site.

The site is in close proximity to Portland METRO bus routes 1, 5, 9A, and 9B, which run along Congress Street, Park Ave, and the Fore River Parkway. The site is also 0.5 miles from the Portland Transportation Center – Amtrak Downeaster and Concord Coach Station. Further south, beyond the Portland Transportation Center is Thompson’s Point, a large-scale mixed-use development including light industrial, restaurant, and venue space as well as the Portland Children’s Museum.

Prior to this application, there was a recent zoning map amendment in the vicinity approved by the City Council on May 3, 2021 (Order No. 226-20/21) rezoning a property at 1217 Congress Street and adjacent parcels from a B-1 Neighborhood Business zone to a B-2 Community Business zone.



Subject Site: Aerial Showing 57 Douglass Street Existing conditions



Existing Zoning Map

Zoning Context

The properties are currently zoned R-5 Residential. As depicted on the map above, the subject sites are bounded to the northeast by Recreational and Open Space (ROS), the R-5 Residential zone to the south and east. Also in the vicinity to the site are the B-2 Community Business and B-1 Neighborhood Business zones to the south and southwest, respectively, as well as the I-M Moderate Industrial further to the east.

IV. CONCEPTUAL FUTURE DEVELOPMENT

The proposed rezoning from R-5 to R-5a would facilitate increasing the allowable density for a Planned Residential Unit Development (PRUD), in which the applicant intends to create 108 residential units. According to the Purchase and Sale agreement, a minimum of 92 units would be deed restricted.

The development contemplated is conceptual at this stage – no site plan application has yet been submitted - but the current Douglass Commons plan envisioned by the applicant includes a concept showing four 2-story buildings, three 3-story buildings, and one 4-story building. The plan also intends to provide a “woonerf” or shared street along the middle of the site as well as community gardens and walking path connections to Dougherty Field. Should the proposed rezoning be approved by the City Council, a Major Site Plan application would be submitted by the applicant and reviewed by the Planning Board which, in addition to applicable land use standards, would also include a design review for PRUDs in the R-5a zone, and would also be subject to the standards contained in the City’s Technical Manual.

V. PROPOSED ZONING MAP AMENDMENT

The applicant is proposing a zoning map amendment to rezone an existing R-5 Residential zone to an R-5a Residential zone for two existing parcels (CBL 078 C002, 078 B007). (See Figure 6). The R-5a Residential zone is a moderate-density residential zone mapped for off-peninsula locations.

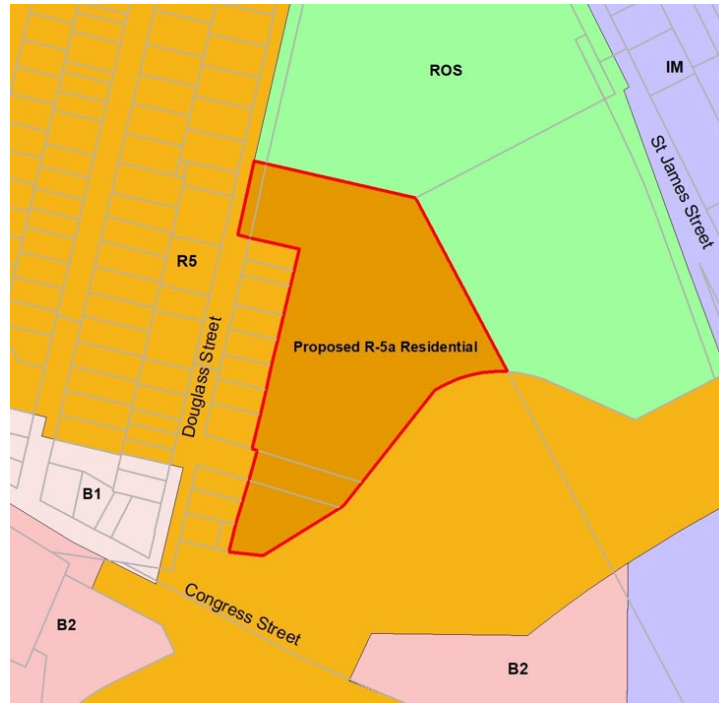
The current application incorporates staff's recommendation to extend the rezoning boundary to be coterminous with the existing parcel boundaries.

The two zones vary slightly in terms of the form of building that is promoted through the dimensional requirements. R-5a would allow an increase in density. R-5a permits 1,600 square feet of lot area per dwelling unit while the existing R-5 zone permits 3,000 square feet. Both R-5 and R-5a zones allow the same maximum building height, 35 feet.

For buildings utilizing the PRUD dimensional standards, the R-5a zone requires 1,600 square feet net land area per dwelling unit, 200 square feet of common recreation open space area per dwelling unit, which is 100 square feet less than the requirement for PRUDs under the R-5 standards, and increases in the maximum structure height by 20 feet (from a 35 foot to 55 foot height maximum) than could occur under existing R-5 PRUD dimensional requirements.

Furthermore, in order to promote development of low- and moderate-income developments as PRUDs, any project in which more than 50% of the units are low-income or workforce units for rent or for sale may utilize the following dimensional bonuses and changes as outlined in Section 18.2.4.B:

- Minimum lot area per dwelling unit is reduced by 50%.
 - o R-5a PRUD Net land area per dwelling unit: 1,600 SF
 - o R-5a PRUD Net land area per Dwelling unit with Affordable Bonus: 800 SF
- Maximum number of units and maximum length of buildings do not apply but may be set through site plan review.
- Minimum building setbacks may be reduced to 10 feet.
- The PRUD may cross public rights of way provided that the right of way does not count towards minimum lot size nor towards any open space requirements.
- Minimum recreation open space area is reduced to 200 square feet per dwelling unit of common area designated for recreational purposes by the residents. Minimum contiguous size setbacks do not apply and shall be set through site plan review.



Proposed Zoning Map Amendment Area Outlined in Red (R-5 to R-5a)

VI. ZONING ANALYSIS

A. Existing Zoning: R-5 Residential

The current R-5 zone allows for mid-density residential development at a maximum density of 6,000 square feet for residential uses, and a maximum density of 3,000 square feet per dwelling unit for developments that meet the definition of PRUD¹.

The City's zoning code describes the purpose of the R-5 Residential zone as:

"To provide appropriate areas of the city for medium-density residential development characterized by single family, two-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially-sized parcels."

B. Proposed Zoning: R-5a Residential

The purpose of the R-5a zone is described as:

"To provide for moderate-density residential development in off-peninsula locations that can provide a unique residential living experience with a high degree of natural site amenities; and to provide areas of the city in the general proximity of the peninsula that have the capability for adequate municipal services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-

¹ Planned Residential Unit Development (PRUD): A residential subdivision consisting of attached or detached dwellings intended for separate ownership and land to be owned and used in common, with open spaces, recreational areas, access ways, and buildings which are designed, built, and managed in accordance with a unified development plan.

density zoned land and be compatible with surrounding neighborhoods; and to increase affordable housing opportunities in off-peninsula locations by providing a moderate-density zone.”

Planning staff believe that R-5a is an appropriate district for the subject area due to the existing residential character and scale of the proposed rezoning area, site proximity and access to public transit, as well as being located a short walking distance to Congress Street, a priority corridor identified in the City’s Comprehensive Plan. The site is also situated between two priority nodes (i.e. targeted locations in need of future investment or planning) that are denoted as areas to ‘Transform,’.

An R-5a zone change will facilitate an increase in density for future residential PRUD developments as the net land area per dwelling unit in the R-5 zone is 3,000 square feet while net land area per dwelling unit under R-5a dimensional standards is 1,600 square feet, therefore permitting more dwelling units per lot area at this transit accessible location, within walking distance to public open space and nearby commercial districts. In addition, under the PRUD dimensional standards (Table 7-B) the maximum permitted building height would increase to 55 feet, which is an appropriate scale for this location, which is bounded by open space on three sides and the 295 interchange to the east.

Staff have conducted an analysis comparing the proposed R-5a zone requirements with the existing R-5 Residential Zone and have highlighted the differences in the tables below.

Use Summary:

R-5a does not permit the following uses that are either conditional or permitted in the R-5 Zone:

Multiplex; post-secondary schools; special deeds independent dwelling units; lodging house; elementary, middle, and secondary schools; hospitals; places of assembly; off-street parking

R-5a permits the following uses either as conditional or permitted, but are not expressly permitted in the R-5 Zone:

Congregate care facilities; intermediate care facilities; long-term and extended care facilities, multi-family dwellings

Table 1: Comparison of Dimensional Requirements by Zone

Table 1 provides a comparison of the permitted uses between existing and proposed zone. Uses marked with a 'P', are permitted uses in the zone. A 'C' indicates a conditional use, otherwise uses are not permitted. Highlighted in yellow shows any changes between zones

TABLE 1: PERMITTED AND CONDITIONAL USES IN R-5 & R-5a Residential Zones		R-5	R-5a	Notes
Residential	Single-family dwellings	P	P	
	Two-family dwellings	P	P	
	Multi-family dwellings	C	P	
	Multiplex	P		
	Congregate care facilities		P	
	Handicapped family units	P	P	
	Planned Residential Unit Developments	P*	P*	(* Must consist of horizontally or vertically attached dwelling units, or a series of such dwelling units, with all land owned and used in common. PRUDs shall be subject to review and approval by the Planning Board under Article 15)
	Special needs independent dwelling units	P		
	Lodging houses	C*		(* In R-5 conversions of existing two-family or multiplex structures into lodging houses are permitted as a conditional use, provided that the lodging house shall not be located within 500 ft. of another as measured along street lines.)
	Sheltered care group homes	C	C	
Institutional	Elementary, middle, and secondary schools	C		
	Governmental uses	P	P	
	Hospitals	C		
	Intermediate care facilities	C	P	
	Long-term and extended care facilities	C	P	
	Places of assembly (<10,000 SF)	C		
	Places of assembly (>10,000 SF)	C		
	Preschool facilities	C	C	
	Post-secondary schools	C		
Comm.	Bed and breakfasts			
	General offices (<5,000 SF)			
	Hostels			
Other	Agriculture			
	Cemeteries			
	Off-street parking	C		
	Parks and open spaces	P	P	
	Raising of domesticated animals			
	Solar energy system (minor)	P	P	
	Utility substations	C	C	

Table 2 provides a comparison of the dimensional requirements between existing and proposed zone. Highlighted in yellow shows any changes between zones

TABLE 2: Zoning Requirements by Use		R-5 (See Table 3 for PRUD standards) (Single-family homes may be built on small lots per Small Residential Lot Dimensional Requirements, but are not included in this report)	R-5a (see Table 3 below for any of the following uses: PRUD, multi-family development of 4 or more units, congregate care, and intermediate, extended, or long-term care facilities unless otherwise noted below)
Lot area (min.)	Governmental	6,000 SF	
	Hospital	5 ac.	
	Intermediate or long-term, extended care facility	2 ac.	1.5 ac.
	Lodging house	9,000 SF	
	Multiplex	9,000 SF	
	Place of assembly	<10,000 SF	.5 ac.
		>10,000 SF	1 ac.
	Post-secondary school	2 ac.	
	Elementary, middle, and secondary school	30,000 SF	
	Raising of animals		
	Residential	6,000 SF	6,000 SF / 2 ac. max (Applies to 1-, 2-, and 3-family dwellings only)
	All other uses	6,000 SF	
Lot area per dwelling unit (min.)		3,000 SF	1,600 SF
Lot area per rooming unit (min.)		1,000 SF	
Lot area per multiplex unit (min.)		4,500 SF	
Lot area per Special needs independent dwelling unit. (min.)		3,600 SF	
Street frontage (min.)		50 ft.	50 ft.
Lot width (min.)		60 ft. 90 ft. for multiplex	60 ft.
Front setback (min.)		20 ft.	25 ft.
		Or average depth of adjacent front yards	
Rear setback (min.)		20 ft.	25 ft.
	Detached accessory (< 250 SF footprint)	5 ft.	5 ft.
Side setback (min.)	<1.5 stories to 1.5 stories	8 ft.	10 ft.
	2 stories	12 ft.	14 ft.
	2.5 stories	14 ft.	16 ft.
	Detached accessory (< 250 SF footprint)	5 ft.	5 ft.
	On side street (min.)	15 ft.	20 ft.
		Or depth of front yard directly abutting the lot.	

TABLE 2: Zoning Requirements by Use (continued)		R-5 (continued)	R-5a (continued)
Stepbacks (above 35 ft. when property line abuts a residential zone)(min.)			
Structure height (max.)		35 ft.	35 ft.
	Detached accessory	18 ft.	18 ft.
Lot coverage (max.)		40%	30%
Landscaped open space ratio (min.)			
Width of garage opening on front façade (max.)			

Table 3 provides a comparison of the PRUD dimensional requirements between existing and proposed zone. Highlighted in yellow shows any changes between zones

TABLE 3: PRUD Dimensional Requirements (R-5 & R-5a)	R-5	R-5a (Applicable to PRUD, multi-family development of 4 or more units, congregate care, and intermediate, extended, or long-term care facilities unless otherwise noted)
Lot area (min.)	2 ac.	2 ac. (only applicable to PRUD, congregate care, and multi-family development of 4 or more units)
Net land area per dwelling unit (min.)	3,000 SF	1,600 SF (only applicable to PRUD, congregate care, and multi-family development of 4 or more units) (Minimum land area per intermediate care facility resident: 8,000 SF lot area for first 35 residents, plus 350 SF for each additional resident.)
Units per building (max.)	12	
Average number of units per building (max.)		
Structure height (max.)	35 ft.	55 ft.
Building length (max.)	140 ft.	
Length of accessory garage structure (max.)	60 ft.	
Building setback from external subdivision property lines (min.)	Bldg. Length 100 ft. or less: 25 ft.	Bldg. Length 100 ft. or less: 25 ft.
	Bldg. Length >100 ft.: 35 ft.	Bldg. Length >100 ft.: 35 ft.
Distance between detached PRUD dwelling units (min.)		
Common recreation open space area (min.) (Recreation open space area shall be designated on the site for recreation purposes. Such recreation areas shall be usable, level graded, dry, accessible and properly drained. At a minimum, a contiguous area of 6,000 SF with a minimum dimension of 50 ft. shall be provided which shall at least be usable as a multi-purpose field. Such recreation areas shall be located at least 25 ft. from dwelling units.)	300 SF/D.U.	200 SF/D.U. (only applicable to PRUD, congregate care, and multi-family development of 4 or more units)
Habitable space elevation	No habitable space in a PRUD shall be below grade, except basements that are a part of and below above-ground units.	

VII. LAND USE POLICY ANALYSIS

Comprehensive Plan goals and policies (state and local) relevant to the proposed zoning map amendment are included below as well as provided in the analysis submitted by the applicant (Attachment D). The change to R-5a Residential aligns with these vision statements and goals, by creating a new opportunity for an affordable, and well-connected new housing development accessible to public transit and within walking distance to a variety of services supporting the Plans goal of *Complete Neighborhoods, and increasing, preserving, and modifying the overall supply of housing city-wide*. In addition, the proposed project supports the City's desire to *leverage underused properties* owned by the City. The proposed rezoning allows for maximizing development on an underutilized lot, which creates the opportunity to provide affordable homes, with access to public transit, services, and open space. Relevant Comprehensive Plan goals have been excerpted below:

Vision Statements:

- Secure - We will be committed to accessible housing and healthy food for all our residents.
- Authentic - The uniqueness and integrity of our neighborhoods will be maintained and enhanced.
- Connected - We will foster accessible linkages between where we live, work, shop, and play.
- Connected - We will enable meaningful access to the natural world and recreational opportunities as a central component of community health.

Housing: A Livable City

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.
- Pursue policies to enable people who work in Portland to have the option to live in Portland.
- Reinforce existing housing tools, policies, and programs while continuing to explore emerging best practices.
- Evaluate whether current zoning allows for new development consistent with historic patterns of form, density, and/or use, as well as whether it allows for priority growth areas.
- Consider the sale of City-owned land that may be appropriate for housing development.
- Consider incentivizing affordability restrictions as part of City-owned property transactions, as well as the potential to return improved properties to the City's tax rolls.
- Create, promote, and facilitate safe, affordable, and practical housing solutions that will meet the evolving needs of Portland residents as they age.

Recreation & Open Space

- Pursue opportunities, in collaboration with partners, to create new open spaces in areas that are currently underserved.
- Pursue opportunities for new and enhanced walking and biking trails as a means of filling existing gaps and investigate paper streets, vacant land, medians, and other often overlooked areas for the potential for park linkages, trails, and other improvements to the urban landscape.
- Prioritize open space acquisition and programming toward creating linkages where there are gaps in the network, particularly between Stroudwater and the Fore River; Evergreen Cemetery and the Presumpscot River; Portland Transportation Center and Bayside; Martin's Point and the Back Cove; and the Western Waterfront and the Fore River.

Future Land Use

- *Complete Neighborhood* – Portland's Plan recognizes that strong, complete neighborhoods are fundamental to the city's overall health. Portland's intent for its predominantly residential neighborhoods is one where all residents regardless of age, ability, or income have access to the basic necessities of daily life

- high quality and affordable housing, schools and other civic functions, food, open space, other amenities and services - within a walkable, bikeable distance.

- *Connecting the Chain* – Portland's Plan recognizes that physically integrated transportation systems, utilities, and open spaces provide the structure for the city's growth, and that a well-connected system is more efficient and more resilient. An integrated transportation system allows residents to access jobs, food, healthcare, and recreation from their homes while planning for an unbroken network of open space connects neighborhoods and improves access to the outdoors.
- *One Portland* - Portland's Plan is a vision for One Portland, where the form and characteristics of neighborhoods vary, but the city functions as a cohesive whole. No one area of the city carries all the expectations for accommodating development and all areas can expect appropriate City services and amenities.

VII. NEIGHBORHOOD MEETING/PUBLIC COMMENT

The applicant held the required neighborhood meeting on Tuesday, August 3, 2021. Approximately 21 members of the public were in attendance. In general, at the neighborhood meeting many of the questions and concerns expressed focused on issues not relevant to the proposed zoning map amendment including discussion interest in reducing the number of cars accessing the site, alternative modes of transportation, adding EV charging stations and solar panels, improving lighting condition and walkable spaces, need for parking areas during on-street parking bans, roadway/intersection improvements, and feedback about landscaping and drainage.

Over the course of the review, the Planning Board received no written public comments but heard several public comments during the public meetings. One of the concerns raised about the zone change was that it was not achieving a high enough density.

IX. PLANNING BOARD DELIBERATION

The Planning Board deliberated at the July 27th workshop asking clarifying questions of staff about affordable height and density bonuses in the R-5a and other zones.

Ultimately the Board were supportive about the property being leveraged to help the City's further its goals of creating affordable housing, and found the connection between housing to recreational and open space. Board members expressed support for the change to R-5a and the analysis in the staff report, and found the rezoning was sufficiently linked to the City's Comprehensive Plan.

X. PLANNING BOARD RECOMMENDATION

The Planning Board considered the proposed R-5a map amendment at a public hearing on September 14, 2021. After a considered discussion and hearing staff input about other potential zoning for the site and on the basis of staff reports, public testimony, and review of applicable policies, the Planning Board voted unanimously (6-0) (Mazer absent) to find that the following zoning map amendment is consistent with the Comprehensive Plan and to recommend adoption to the City Council:

1. Zoning Map Amendment for the area of land that includes 43 and 91 Douglass Street from an R-5 Residential zone to a R-5a Residential zone with the boundaries shown below:



Proposed Zoning Map Amendment (R-5 to R-5a)

ATTACHMENTS

- A. Project Description
- B. Map Amendment Submission Checklist
- C. Proposed Map Amendment
- D. Consistency with Comprehensive Plan Analysis
- E. Douglass Commons Purchase and Sale Agreement
- F. Neighborhood Meeting Documentation
- G. RFP
- H. Preliminary Boundary Survey
- I. Vicinity Plan
- J. Conceptual Plan

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

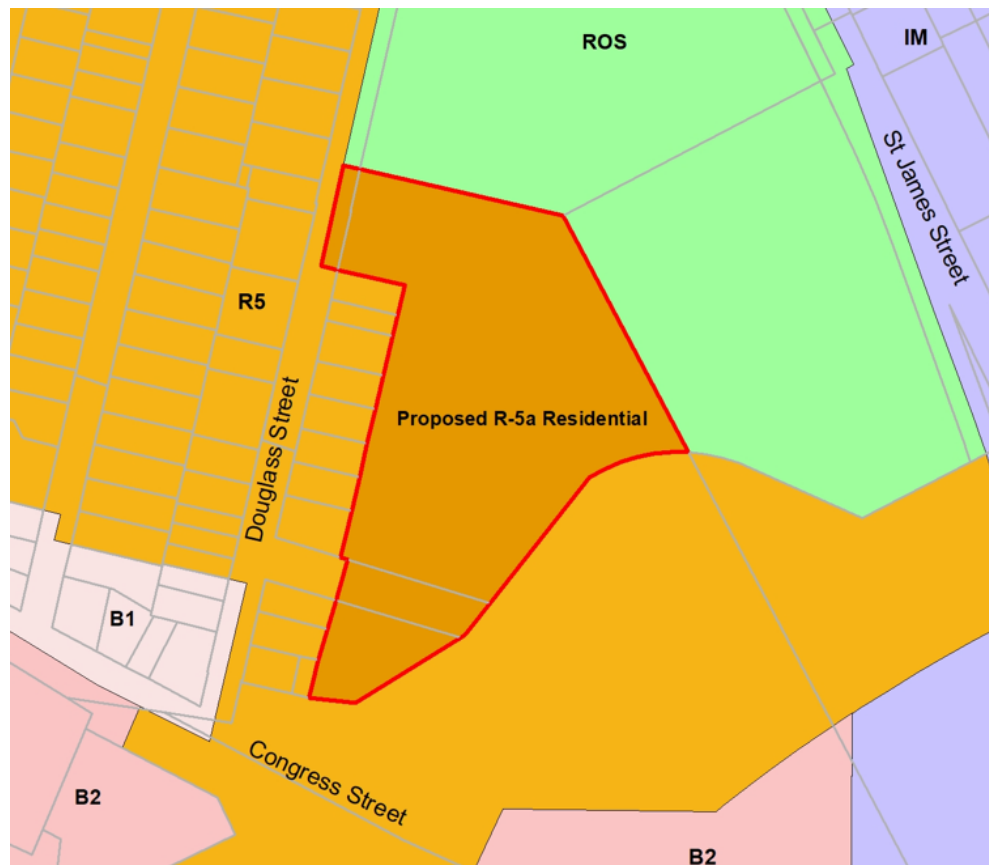
**CITY OF PORTLAND
IN THE CITY COUNCIL**

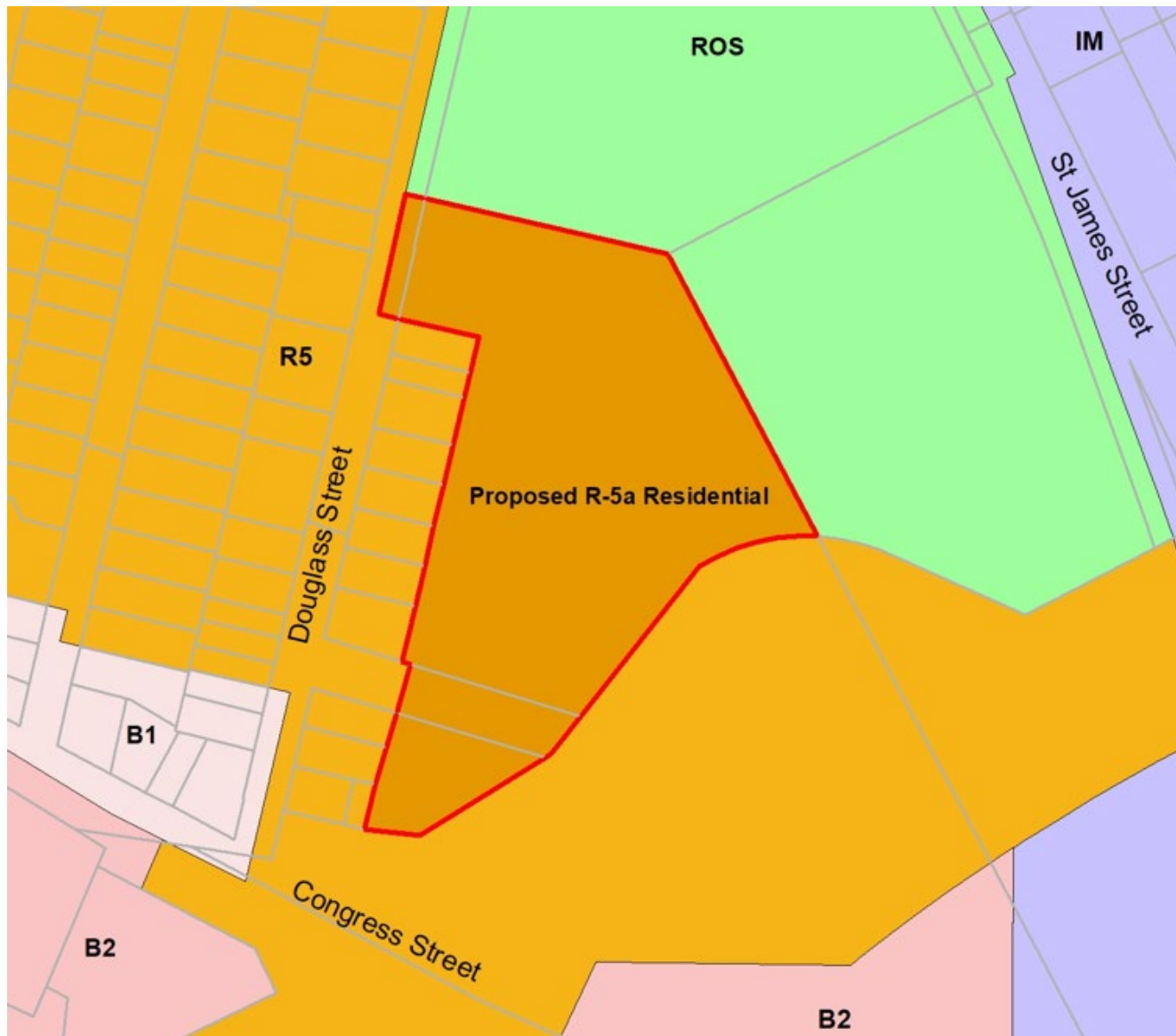
MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO ZONING MAP
RE: 43 AND 91 DOUGLASS STREET
FROM R-5 RESIDENTIAL TO R-5A RESIDENTIAL**

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

That the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49, be and hereby is amended by adopting the attached map change amendment and specifically rezoning property at 43 and 91 Douglass Street from R-5 Residential to R-5a Residential as shown in the bordered area in the map below.





Proposed Zoning Map Amendment (R-5 to R-5a)

Douglass Commons, LLC
c/o The Szanton Company
482 Congress St, Suite 203
Portland, ME 04101

May 5, 2021

Planning and Urban Development Department
Planning Division
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

Subject: Zoning Map Amendment Application – 91 and 41 Douglas Street

Dear Planning and Urban Development Department,

The Douglass Commons development team is excited to submit this application for zoning amendments to facilitate the development of 91 and 41 Douglass Street into a new, family-oriented neighborhood providing both affordable home ownership and rental home opportunities.

We plan to create a community of 108 households of all ages, backgrounds, and incomes living a stone's throw from the Portland peninsula, yet surrounded by 14 acres of recreational grounds. Our neighborhood aims to provide a balance of green space, transit-orientation, walkability, community, privacy, and affordability. By constructing 108 homes targeted at middle-income households, we will meet our commitment to the Portland City Council to increase the City's supply of housing for the "missing middle" on the site of the former West School.

Our plan calls for the construction of a 56-unit apartment building with a mix of one-, two-, and three-bedroom units on the east side of the site. On the west and north sides of the site will be a series of two- and three-story buildings with co-op homes of various sizes. A woonerf will be constructed in the middle of the site.

Based on preliminary conversations with the Planning and Urban Development Department staff, we understand that this 3.35-acre site is well-suited for the R-5a PRUD designation. We are requesting support for a map amendment from site's current designation of R-5 to a new designation of R-5a.

Our proposed development is supported by the policy goals of the City of Portland, regional agencies, and the Libbytown Neighborhood Association. Our requested changes will allow for hundreds of individuals to live adjacent to the Douglass Street soccer fields, baseball fields, softball fields, skate park, Kiwanis Pool, and Libbytown Community Garden.

Enclosed are the following supporting documents:

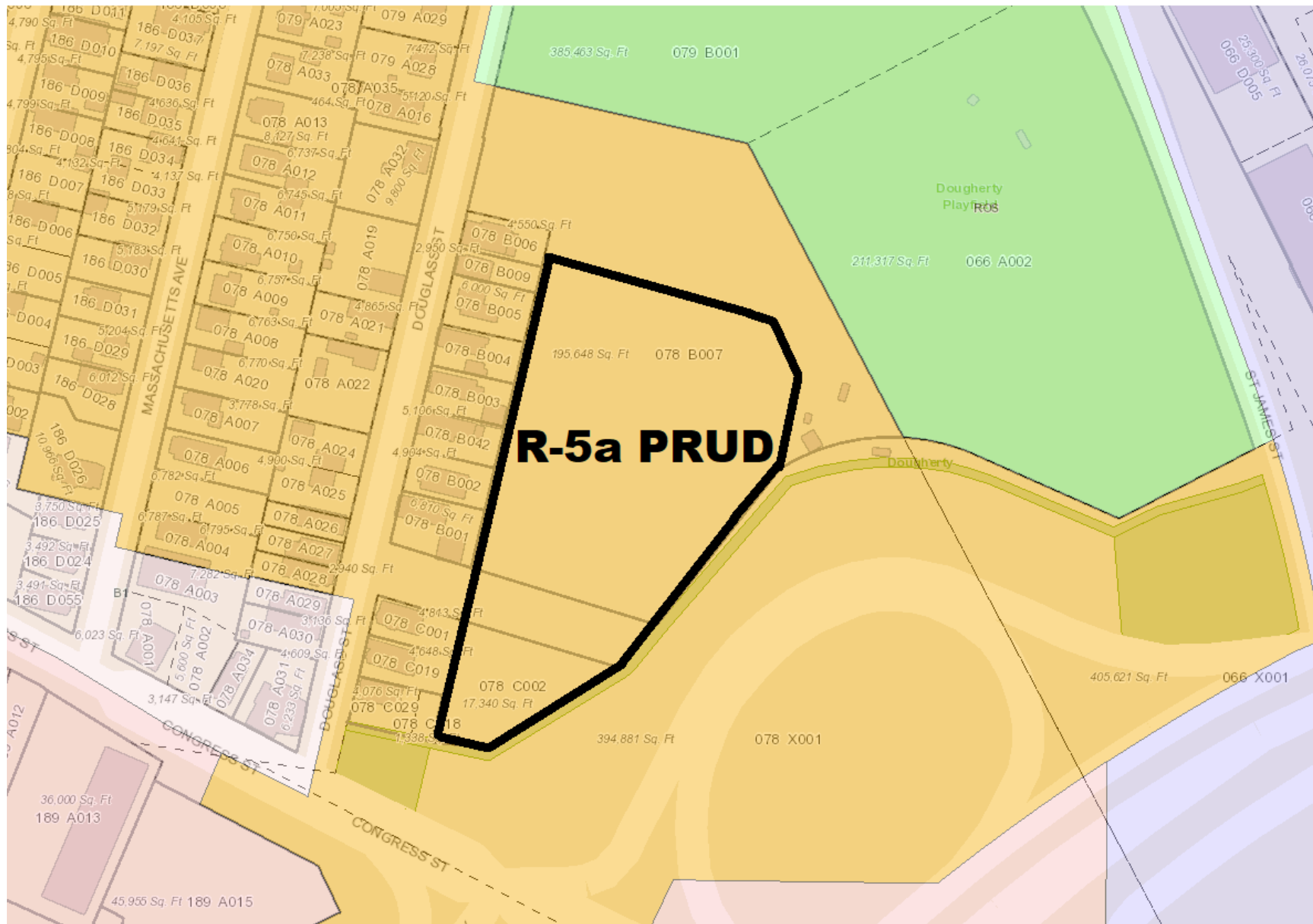
- A. Comprehensive Plan Policy Alignment Summary
- B. Map Amendment Application Checklist
- C. Right, Title, and Interest (Purchase and Sale Agreement with City of Portland)
- D. Vicinity Map
- E. Proposed Zoning Map
- F. Schematic Site Plan

Sincerely,

The Douglass Commons Development Team

CITY OF PORTLAND
Planning & Urban Development Department

MAP AMENDMENT SUBMISSION CHECKLIST	
* Please submit each document <u>and</u> drawing as a separate PDF file * Please submit all drawings in a <u>24 x 36</u> sheet size * Please confirm each item by electronically checking the boxes to the left for each document/drawing	
GENERAL APPLICATION DOCUMENTS	
☒	Project Description Cover Letter with detailed project description
☒	Consistency with Comprehensive Plan Analysis of the consistency of the zone change request with the goals, policies and land use plan of Portland's Comprehensive Plan.
☒	Completed Checklist – Map Amendment Application (this document)
☒	Right, Title and Interest Deeds, leases, or purchase and sales agreements
PLANS	
☒	Vicinity Map
☒	Proposed Map Amendment (please use the Portland zoning map as a reference)
☒	Site Plan (if applicable) <i>(Schematic only)</i> Provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries.



Douglass Commons - Consistency with Policy Alignment Summary

The requested zoning amendments are well-aligned with stated policy goals at a neighborhood, City, Regional, and State level. A common thread is increasing livability, reducing our region's impact on global climate change, and providing equity and opportunity for all types of households to access safe, affordable homes and affordable economic opportunities.

Alignment with City of Portland's Plan 2030 Concepts

One Portland: Provide access to homes, services, and community connection for all Portland residents by proximity, universal design, and affordability.

A principle of Future Land Use as outlined in Portland's Plan 2030 is One Portland, which stresses the importance of providing development spread throughout the City and providing equitable access to homes, services, and community connection for all Portland residents by proximity, universal design, and affordability. The proposed development supports all the goals of the One Portland vision by creating a more equitable and diverse mix of homes than the single-family style predominantly found on the streets surrounding the Douglass Street recreational complex. Our proposal allows for a broad range of households to have equitable access to Douglass Street's recreation opportunities.

Connect the Chain: Support Transit-Oriented Neighborhoods

Another principle for Future Land Use decisions is Connect the Chain, which focuses on supporting transit-oriented neighborhoods. The proposed map amendment will support a transit-oriented development that will strengthen and support broader transit infrastructure improvements, such bus shelters, indoor space for bus drivers and riders to take a break or wait for a bus, better crossings for school children, and reduced wait times. This project will add ridership to the Metro system, particularly its Congress Street line.

Alignment with One Climate Future

Support Public Transit Networks, Transit-Oriented Development, and Land Use for Smaller Carbon Footprint

The proposed development directly supports the goals of One Climate Future adopted by the Cities of Portland and South Portland, specifically those related to Transportation and Land Use and Climate Resilience. Significant relevant strategies include: TLU 1.1 Public Transit Networks, TLU 1.2 Inclusive Transit-Oriented Development, and TLU 1.7 Land Use for a Smaller Carbon Footprint. The transit-oriented development is located along several bus routes connecting to our site to downtown Portland, the Maine Mall, the Jetport, and Westbrook. Creating a strong node at the end of line opens up opportunities for flexible transit usage, supports expansion of existing infrastructure, and improves the inclusiveness and usability of the existing neighborhood. Climate Resilience strategies met by the proposed development include CR 2.1: Housing Affordability and Resilience and CR 2.5 Neighborhood Resources.

The proposed amendment supports the goals of One Climate Future by creating a residential center along Douglass Street integrated with recreational space and the city's existing transportation infrastructure.

Douglass Commons will result in fewer vehicle miles traveled by single-occupancy vehicles, while providing improved transit infrastructure, sidewalks, and neighborhood connectivity. A cohesive neighborhood center will also build stronger community connections, civic engagement, and disaster resiliency.

Alignment with Maine 2021 Economic Recovery Committee Report

The report calls for the development of “Robust Housing Policies and programs that enable Maine people to live and raise their families near their work. Create and preserve more affordable, efficient, and high-density housing options across the state through bonding, zoning, and land regulation.... Access to stable, affordable, and energy efficient housing is critical to attracting and keeping talent in Maine.”

The proposed development expands housing options for middle income households, by providing s strong community design and limited equity cooperative ownership.

The report also seeks action to “Address Structural Inequities: Make Maine a diverse, equitable, and inclusive state where all Mainers can reach their full potential.”

The proposed mixed income and multigenerational limited equity cooperative model is highly inclusive and facilitates people of different incomes and backgrounds to connect and build community relationships over time.

Alignment with Neighborhood Desires

We have hosted several meetings with the Libbytown Neighborhood Association and engaged in dozens of one-on-one conversations with members of the neighborhood. The Libbytown Neighborhood association has thrown their support behind our proposal writing the following in a June 2020 letter to the Portland City Council: “Overall, we highly recommend this proposal for its commitment to neighborhood design improvements and amenities.”

PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT (this “Agreement”) is made this 21st day of May, 2021 (the “Effective Date”) by and between the CITY OF PORTLAND, a body politic and corporate located in Cumberland County, Maine, (hereinafter referred to as “Seller” or “City”), and Douglass Commons, LLC, a Maine limited liability company having a mailing address as provided below (hereinafter referred to as “Buyer”).

RECITALS

WHEREAS, the CITY is the owner of approximately 3.40 acres of land at or near 43 & 91 Douglass Street, Portland, Maine (the “Premises”) and did advertise RFP #20067 dated April 10, 2020, entitled Request for Proposals for Disposition and Development of City-Owned Property Located at 43 and 91 Douglass Street, a copy of which is attached hereto as Exhibit A and incorporated herein (the “Request for Proposals”) (the Premises is identified in the City’s tax records as CBL 078 C002 and a portion of 078 B007 together with the 60 ft. wide proposed street situated between the two parcels, as is generally depicted on the Boundary Survey dated March 1, 2021 prepared by Owen Haskell, Inc. for The Szanton Company, a copy of which is attached as Exhibit B); and

WHEREAS, Buyer submitted a proposal dated June 15, 2020 in response to the Request for Proposals, a copy of which is attached hereto as Exhibit C and incorporated herein (the “Proposal”); and

WHEREAS, Buyer desires to purchase and develop the Premises, and the City desires to convey the Premises to Buyer, subject to the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties, intending to be legally bound, hereby agree as follows:

1. **SALE.** City agrees to sell the Premises to Buyer, and Buyer agrees to purchase the Premises in accordance with the terms and conditions set forth in this Agreement. This Agreement is for the sale of land only.
2. **CONSIDERATION.** The purchase price for the Premises shall be Four Hundred Seventy-Five Thousand Dollars (\$475,000.00) (the “Purchase Price”), subject to the following cost adjustments and conditions:
 - a. Buyer shall deliver to the City the sum of Ten Thousand Dollars (\$10,000.00) (the “Deposit”) within 3 business days after the full execution of this Agreement, which the City shall hold in a non-interest bearing account. The Deposit shall be governed by the terms and conditions of this Agreement and shall be fully refundable until the end of the Due Diligence Period as that term is defined below.
 - b. The Buyer shall pay the remainder of the Purchase Price to the City by wire transfer (or as otherwise reasonably requested by the City) at closing.

3. TITLE AND DUE DILIGENCE.

- a. **Due Diligence Period.** Buyer will have from the Effective Date until 4:00 PM Eastern Time on the day that is eighteen (18) months after the Effective Date (the “Due Diligence Period”) to complete any surveys, environmental review, inspections, and title examinations, and to obtain any zone change, site plan approval, and any other permits and regulatory approvals required for the Project. Buyer may, in its sole discretion, notify the City in writing that the Buyer elects to terminate the Due Diligence Period sooner and proceed to closing. Within ten days of the Effective Date, the City shall provide copies of, or reasonable access to, all known, non-confidential City files regarding the Premises, including without limitation title files.
- b. **Property Description.** The legal description of the Premises contained in the deed will be a survey description based upon a survey plan that will more specifically describe the Premises. The parties acknowledge and agree that the survey attached as Exhibit B is a preliminary draft prepared by Buyer and is subject to change after review, amendment, and approval by both parties. The City will notify Buyer of any objections to the survey within 30 days after the Effective Date. Within 10 days after receipt of any such objection, the Buyer will either provide the City with a revised survey addressing City’s objections to City’s satisfaction, or notify the City that Buyer will not change the survey, in which case the City, will have the right to terminate this Agreement, return the Deposit to Buyer, and neither party shall have any further obligation to the other. Upon City’s acceptance of the survey, Buyer will provide the City with a draft legal description for the Premises, which shall be based on the survey and be subject to the City’s review and approval. The survey and description of the Premises will be prepared by the Buyer at its sole expense. The parties will work together in good faith to complete their review and approval of the survey and legal description on or before the day that is 90 days after the Effective Date.
- c. **Rezoning Contingency.** Buyer proposes to obtain the Portland City Council’s approval to rezone the Premises (the “Rezoning Approval”) to increase residential density for its development of the Premises as described in the Proposal (the “Project”). The Buyer will be responsible for obtaining, at its sole expense, the Rezoning Approval and any other regulatory approvals required for the Project prior to Closing. Buyer may terminate this Agreement and receive a full refund of the Deposit if the Rezoning Approval is not received.
- d. **Financing Contingency.** The Buyer’s obligation to close is contingent on obtaining construction and permanent financing for the Project that the Buyer, in its discretion, determines is sufficient to put the Project on a sound financial footing. That financing is anticipated to include, but not be limited to, the following: (i) for the residential rental portion of the project an allocation of Federal low-income housing tax credits (“LIHTCs”), other

financing provided by Maine State Housing Authority (“MaineHousing”) and affordable housing tax increment financing from the City including a Credit Enhancement Agreement and (ii) for the cooperative housing portion of the project permanent financing under the U.S. Department of Housing and Urban Development section 213 program and affordable housing tax increment financing from the City including a Credit Enhancement Agreement. Buyer may terminate this Agreement and receive a full refund of the Deposit if the financing contingency described above is not met during the Due Diligence Period.

- e. Title and Survey Objections. Buyer will have until the end of the Due Diligence Period to deliver to City any written objections to title, environmental, or survey matters (other than the permitted exceptions identified herein) that materially affect insurability or use. Objections not made prior to the end of the Due Diligence Period will be deemed waived; provided, however, that objections pertaining to matters of record environmental, or survey matters first appearing after the end of the Due Diligence Period may be made at any time prior to the closing.
- f. Option to Cure. In the event of a title or survey objection, City will have the option, but not the obligation, to cure the objection and will notify Buyer of its election within ten (10) business days after receipt of the objection. In the event that the City elects to cure the objection, it will have sixty (60) days from the date of the notice of election, or such other reasonable time as the parties may agree, to cure the objection. In the event that the City does not elect to cure the objection, or, having elected to cure the objection fails to timely do so to Buyer’s reasonable satisfaction, Buyer will have the option to (1) terminate this Agreement and obtain a refund of the Deposit (after which neither party will have any further obligation or liability to the other under this Agreement), (2) waive the objection and close, or (3) undertake the cure of such objection at its own expense (in which case it shall have 60 days to do so).
- g. Deed. City shall convey the Premises to Buyer at the closing in fee simple by a municipal quitclaim deed without covenant. Title shall be good and insurable title, free and clear of all encumbrances except (i) easements of record and easements described herein, including, without limitation, an easement to be reserved by, and in form and substance satisfactory to the City and Buyer, the City for access to, and maintenance, repair, and replacement of, the trail located between the Premises and the I-295 corridor; (ii) easements for utilities servicing the property, in form and substance satisfactory to the City and Buyer, including, without limitation, Utility and sewer (iii) zoning ordinances, and (iv) real estate taxes not yet due and payable. Further, Buyer acknowledges that the deed shall contain a restriction stating that in the event that the Premises or any portion thereof shall be exempt from real and personal property taxes, by transfer, conversion, or otherwise, then the then-owner of the exempt portion shall make annual payments to the City in lieu of taxes in the amount equal to

the amount of property taxes that would have been assessed on the exempt portion of the real and personal property situated on the Premises had such property remained taxable. Such restriction shall also confirm that Buyer and its successors and assigns shall possess and be vested with all rights and privileges as to abatement and appeal of valuations, rates, and the like as are accorded owners of real and personal property in Maine. The City shall provide a draft of the deed, and of any declaration of covenants and restrictions pursuant to section 11, to Buyer one month before the end of the Due Diligence Period, and the City and Buyer shall in good faith endeavor to agree on the form of the deed prior to the end of the Due Diligence Period.

- h. Existing Natural Gas Equipment and Easement. The City has informed Buyer that the City believes that all or a portion of the existing natural gas pipe and other equipment depicted on Exhibit B may be actually located outside of the easement provided by the City to Unitil. The City shall use best efforts to work with Unitil to resolve the actual location of the gas pipeline and equipment and amend the easement, if necessary, within three months of the Effective Date. If City is unable to amend the Unitil easement to Buyer's satisfaction, Buyer shall have the right to terminate this Agreement as set forth in subsection (i) below.
- i. Buyer's Right to Terminate. The Buyer may terminate this Agreement at any time during the Due Diligence Period if, in the exercise of its sole discretion, it decides to not proceed with the Project by giving written notice of termination to the City in which case the City shall return the Deposit to Buyer and neither party shall have any further obligations to the other.

4. INSPECTIONS.

- a. During the Due Diligence Period, Buyer and its employees, consultants, contractors and agents shall have the right, at Buyer's expense, to enter on the Premises at reasonable times in order to (i) inspect the same, (ii) conduct engineering studies, percolation tests, geotechnical exams, environmental assessments, and other such studies, tests, exams, and assessments, and (iii) do such other things as Buyer determines, it is sole discretion, to be required to determine the suitability of the Premises for Buyer's intended use (collectively, the "Inspections"). The City acknowledges that such Inspections may include the digging of test pits, which the City hereby approves.
- b. Buyer agrees to defend, indemnify and hold harmless the City against any mechanics liens that may arise from the activities of Buyer and its employees, consultants, contractors and agents on the Premises.
- c. Buyer shall exercise the access and inspection rights granted hereunder at its sole risk and expense, and Buyer hereby releases the City from, and

agrees to indemnify, defend, and hold the City harmless against, any and all losses, costs, claims, expenses and liabilities (including without limitation reasonable attorney fees and costs) (collectively, "Damages") suffered by the City on account of any injury to person or damage to property arising out of the exercise by Buyer of its rights hereunder, except to the extent that such Damages result from the act or omission of the City.

- d. Buyer shall cause any contractors, consultants or any other party conducting the Inspections to procure automobile insurance, if applicable, and commercial general liability insurance coverage in amounts of not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage, listing the City as an additional insured thereon, and also Workers' Compensation Insurance coverage to the extent required by law; the forms of all such insurance to be subject to City's Corporation Counsel's reasonable satisfaction.
- e. In the event that Buyer does not purchase the Premises, Buyer agrees to either return the Premises as nearly as possible to its original condition after conducting the Inspections; provided, however, the City hereby acknowledges and agrees Buyer shall have no obligation to clean-up, remove or take any other action with respect to any disturbance of any pre-existing environmental contamination on the Premises caused by such inspections, studies, tests, exams, and assessments, and that Buyer shall have no obligation to clean-up, remove or take any other action with respect to any pre-existing environmental contamination disturbed thereby.
- f. The parties hereto acknowledge and agree that it is a condition to Buyer's obligations under this Agreement that the results of the Inspections be acceptable to Buyer in its sole discretion. If the results of such due diligence are not acceptable to Buyer in its sole discretion, and if Buyer exercises its right to terminate this Agreement, and neither party shall have any further obligations or liabilities under this Agreement except as expressly set forth in this Agreement.

- 5. **REAL ESTATE TAXES, PRORATIONS AND TRANSFER TAX.** Buyer shall be liable for all real estate taxes beginning as of the start of fiscal year following the closing and continuing thereafter. Because the Property is currently owned by the City of Portland, which is exempt from real estate taxes, no taxes were assessed or will be due for any portion of the tax year during which the closing occurs, and no taxes will be prorated at the closing. Any utilities for the Property shall be prorated as of the closing. The Maine real estate transfer tax shall be paid for by Buyer in accordance with 36 M.R.S.A. § 4641-A. City is exempt from paying the transfer tax pursuant to 36 M.R.S.A. § 4641-C. The recording fee for the deed of conveyance and any expenses relating to Buyer's financing or closing shall be paid for by Buyer.
- 6. **DEFAULT AND REMEDIES.** Prior to Closing, in the event that Buyer defaults hereunder for a reason other than the default of the City, the City may terminate this Agreement and retain the Deposit, and neither party shall have any further obligation

to the other. In the event that Buyer defaults on any matters addressed in this Agreement that survive Closing, Seller may pursue all available legal and equitable remedies. In the event City defaults under this Agreement, and if Buyer is not then in default hereunder, Buyer shall have the right to pursue specific performance or terminate this Agreement and elect in substitution therefor, as its sole remedy, the right to a return of the Deposit.

7. **RISK OF LOSS.** The risk of loss or damage to the Premises by fire, eminent domain, condemnation, or otherwise, until transfer of title hereunder, is assumed by the City. The Premises is to be delivered in substantially the same condition as of the Effective Date unless otherwise stated. In the event City is not able to deliver the Premises as stated, Buyer may terminate this Agreement, obtain a return of the Deposit, and neither party shall have any further obligations or liabilities under this Agreement except as expressly set forth in this Agreement.
8. **PROPERTY SOLD "AS IS, WHERE IS."** Buyer acknowledges that Buyer has had an opportunity to inspect the Premises, and to hire professionals to do so, and that Premises will be sold "as is, where is" and "with all faults." City, and its agents, make no representations or warranties with respect to the accuracy of any statement as to boundaries or acreage, or as to any other matters contained in any description of the Premises, or as to the fitness of the Premises for a particular purpose, or as to development rights, merchantability, habitability, or as to any other matter, including without limitation, land use, zoning and subdivision issues or the environmental, mechanical, or structural condition of the Premises. Acceptance by Buyer of the Deed at closing and payment of the purchase price shall be deemed to be full performance and discharge by the City of every agreement and obligation contained herein.
9. **ENVIRONMENTAL INDEMNIFICATION.** Buyer covenants and agrees to indemnify, defend, and hold the City harmless from and against any and all claims, damages, losses, liabilities, obligations, settlement payments, penalties, assessments, citations, directives, claims, litigation, demands, defenses, judgments, costs, or expenses of any kind, including, without limitation, reasonable attorneys', consultants', and experts' fees incurred in investigating, defending, settling, or prosecuting any claim, litigation or proceeding, that may at any time be imposed upon, incurred by or asserted or awarded against Buyer or the City and relating directly or indirectly to the violation of or compliance with any federal, state, or local environmental laws, rules, or regulations governing the release, handling or storage of hazardous wastes or hazardous materials and affecting all or any portion of the Premises, except to the extent that such a claim results directly from the City's release, handling or storage of hazardous wastes or hazardous materials on the Premises. This duty to indemnify, defend, and hold harmless shall be included in a covenant in the deed and shall run with the land conveyed and be binding upon Buyer's successors, assigns, and transferees.
10. **CLOSING.** Time is of the essence in the performance of this agreement. The closing shall be held at the offices of Buyer's counsel at a date and time specified by

two weeks' written notice from Buyer to the City on or before the day that is twenty (20) months after the Effective Date (the "Closing Date"). At the Closing:

- a. The City shall execute, acknowledge and deliver to Buyer a municipal quitclaim deed conveying to Buyer good and insurable title to the Premises, free and clear of all encumbrances except as otherwise set forth herein.
- b. Buyer shall deliver the Purchase Price to the City.
- c. Each party shall deliver to the other such other documents, certificates and the like as may be required herein or as may be necessary to carry out the obligations under this Agreement.
- d. Buyer shall deliver evidence, reasonably satisfactory to City's Corporation Counsel, that the entity receiving title to the Premises is in good standing under Maine law, and that the individuals acting at Closing and executing documents on behalf of Buyer are authorized to do so.

11. BUYER'S POST CLOSING OBLIGATIONS; RIGHTS OF CITY TO REPURCHASE PROPERTY.

As set forth in the Proposal, the Project includes a rental housing project and a limited equity cooperative housing project (hereinafter referred to as the "Rental Housing Project" and the "Cooperative Housing Project," respectively). Within thirty-two (32) months of the Effective Date, Buyer shall commence construction of both the Rental Housing Project and the Cooperative Housing Project.

a. Rental Housing Project.

- i. The Rental Housing Project will consist of an apartment building including no less than 56 units, with a mixture of one-, two- and three-bedroom units. In no event shall the Rental Housing Project include fewer than 17 two-bedroom units and 10 three-bedroom units.
- ii. For a period of 99 years after the Rental Housing Project has been completed, at least 40 units in the Rental Housing Project shall be affordable to households earning less than or equal to 60% of the area median income (AMI), adjusted for family size, based on figures published annually by HUD for the Portland Metropolitan Statistical Area. If at a time in the future, HUD no longer provides these annual figures, the City will identify another similar method of determining income guidelines for affordability. For purposes of this Agreement, "affordable" means that the percentage of income a household is charged in rent and other housing expenses including utilities, shall not exceed 30% of the household's gross monthly income, except as provided below if the Project is financed with the LIHTC program. Minimum household size allowed per unit and the formula for calculating maximum allowable monthly rent is detailed on Exhibit D, which is attached hereto and made a part hereof. However, if the Rental Housing Project is financed under the Federal Low Income Housing Tax Credit (LIHTC) Program, maximum allowable rent shall

be the maximum allowable rent under the Federal LIHTC Program during the applicable time period for that Program. Upon expiration of any affordability restrictions recorded in the Cumberland County Registry of Deeds under the Federal LIHTC Program, the provisions of Exhibit D shall apply to the Rental Housing Project for the remainder of the 99-year period.

b. Cooperative Housing Project.

- i. The Cooperative Housing Project will include at least 52 units, with a mixture of one-, two-, and three-bedroom units owned by a Limited Equity Cooperative Corporation (the “Co-op”) and leased individually to the resident shareholders of the Co-op (the holding of a Co-op share and lease agreement together constituting a resident’s “cooperative interest”). In no event shall the Cooperative Housing Project include fewer than 12 two-bedroom units and 22 three-bedroom units.
- ii. Upon the issuance of a certificate of occupancy for all or a portion of the Cooperative Housing Project, or at such earlier or later time as the Buyer, in its discretion, may determine, the Buyer shall convey the Cooperative Housing Project to the Co-op organized in accordance with the Maine Cooperative Affordable Housing Ownership Act, 13 M.R.S.A. §1741-1762, as may be amended or any successor provisions thereto (the “Act”). References below to particular provisions of the Act include any successor provisions to the provisions referenced.
- iii. Rent Restrictions. For a period of 99 years after the Cooperative Housing Project has been completed, all residential units in the Cooperative Housing Project shall be affordable to households earning less than or equal to 100% of the area median income (AMI), adjusted for family size, based on figures published annually by HUD for the Portland Metropolitan Statistical Area. If, at a time in the future, HUD no longer provides these annual figures, the City will identify another similar method of determining income guidelines for affordability. For purposes of this Agreement, “affordable” means that the percentage of income a household is charged in connection with (i) its cooperative interest and other housing expenses, including utilities, shall not exceed 30% of the household’s gross monthly income or (ii) its rent and other housing expenses, including utilities, shall not exceed 30% of the household’s gross income. Minimum household size allowed per unit and the formula for calculating maximum allowable purchase price and monthly rent is detailed on Exhibit D, which is attached hereto and made a part hereof.
- iv. Income Restrictions. Except as provided below regarding the initial sale of cooperative interests, a household may only purchase a cooperative interest in a unit or if its income is not more than 100% of the AMI, adjusted for family size, as published by the U.S. Department of Housing and Urban Development (“HUD”) at the time of purchase. This income test will be used only at the time of the household’s purchase. No income test shall apply for subsequent

transfers to family members (as reasonably defined by the Co-Op Entity) or to a cooperative membership interest which is inherited or transferred upon death to a beneficiary. At the time of the initial sale of cooperative membership interests in the Co-op, up to 20% of the cooperative membership interest may be sold to households earning up to 120% AMI. All subsequent sales must be to households earning no more than 100% of AMI.

- v. The articles of organization for the Co-op shall provide that in the event the Co-op shall be dissolved, its assets will be distributed in accordance with §1754 (6) of the Act. In such dissolution, the Co-Op's assets will be used first to pay all debts and other obligations of the Co-op, then to make any distributions to members required under the Co-Op's limited equity organizational documents, then any remaining balance shall be paid to the City or, at the Buyer's option with the consent of the City not to be unreasonably withheld, to another organization permitted under §1754 (6) of the Act.

c. **Option to Repurchase All or a Portion of the Premises.**

(i) If Buyer, its successors, assigns, or transferees commences no construction of any portion of the Project to be located on the Premises within 32 months of the Effective Date, the City shall have the right, but not the obligation, to repurchase the Premises and all improvements thereon (collectively, the "Property") at the Purchase Price (the "Property Repurchase Price") plus all commercially reasonable and documented, design, development, construction, and regulatory approval expenses ("Approved Expenses") incurred by Buyer, or successors, to the date on which the City notifies Buyer, its successors or assigns, of its intent to exercise its option to repurchase the Property. The parties acknowledge and agree that the Approved Expenses are intended to include only costs incurred directly in connection with the development of the Property for documents, agreements, designs, plats, plans, approvals, and construction, the rights to which may be assigned or transferred to the City. In no event shall the **Approved** Expenses include salaries, developer fees, or the like paid by Buyer, its successors or assigns to their members, shareholders, partners, employees, or agents.

(ii) If Buyer conveys a portion of the Property (the "Co-Op Site"), which conveyance may be by creating and conveying a land condominium unit, to a separate entity (the "Co-Op Entity") for purposes of that entity developing the Cooperative Housing Project, and the Co-Op Entity fails to commence construction of the Cooperative Housing Project within 32 months of the date of this agreement or fails to complete construction of the Cooperative Housing Project within fifty (50) months of the date of this agreement, the City shall have the right, but not the obligation, to purchase the Co-Op Site and all improvements thereon for a price equal to One Hundred Thousand Dollars (\$100,000) ("Co-Op Repurchase Price") plus Approved Expenses incurred by Buyer, or successors, for purposes of developing the Co-Op Site to the date on which the City notifies Buyer, its

successors or assigns, of its intent to exercise its option to repurchase. Any conveyance of the Co-Op Site to the City will (i) be subject to any and all rights of the Rental Housing Entity (defined below) or pursuant to any condominium documents that affect or burden the Co-Op Site and (ii) include any and all rights of the Co-Op Entity over the Rental Housing Site (as defined below) or pursuant to any condominium documents.

(iii) If Buyer conveys a portion of the Property (the “Rental Housing Site”), which conveyance may be by creating and conveying a land condominium unit, to a separate entity (the “the Rental Housing Entity”) for purposes of that entity developing the Rental Housing Project, and the Rental Housing Entity fails to commence construction of the Rental Housing Project within 32 months of the date of this agreement or fails to complete construction of the Rental Housing Project within fifty (50) months of the date of this agreement, the City shall have the right, but not the obligation, to purchase the Rental Housing Site and all improvements thereon for a price equal to \$375,000 (the “Rental Housing Repurchase Price”) plus Approved Expenses incurred by Buyer, or successors, for purposes of developing the Rental Housing Site to that the date on which the Property is conveyed to the City. Any conveyance of the Rental Housing Site to the City will (i) be subject to any and all rights of the Co-Op Housing Entity (defined below) or pursuant to any condominium documents that affect or burden the Rental Housing Site and (ii) include any and all rights of the Rental Housing Entity over the Co-Op Site (as defined below) or pursuant to any condominium documents.

(iv) Any conveyance to the City pursuant to the City’s option to purchase shall be subject to all mortgages of record placed by Buyer, its successors and assigns, but only if such mortgages secure financing of the development of the Premises (the “Permitted Mortgages”). In the event that there are any Permitted Mortgages on the Property, or portion thereof, at the time City exercises its right to repurchase, the parties agree that the City shall have the option to pay the applicable Repurchase Price and Approved Expenses to the first priority mortgagee. City and its successors and assigns agrees to enter into such agreements on reasonable commercial terms as may be requested by the lenders and/or investors of Buyer, its successors and assigns, to provide such lenders or investors notice and cure rights. In furtherance, but not in limitation of the foregoing, as long as MaineHousing holds a Permitted Mortgage on the Premises, no notice given by the City to the Buyer, its successors and assigns under the City’s deed shall be valid unless and until a copy of the notice is given to MaineHousing at Maine Housing at Maine State Housing Authority, 26 Edison Drive, Augusta, Maine 04330, Attn: Legal Department. MaineHousing shall have the right, but not the obligation, to cure any default or perform any obligation under the City’s deed for thirty (30) days beyond any period during which Buyer, its successors and assigns may cure any default or perform any obligation under the City’s deed. If the City exercises any of the above right to purchase, Buyer or its successor

shall convey the Property to the City, free and clear of all encumbrances other than the Permitted Mortgages and any utility easements granted by Buyers its successors and assigns, and assign to the City all contracts, plans, and other documents related to the design, construction, and regulatory approvals for the Project. The City agrees to make reasonable modifications to the provisions regarding the City's repurchase rights to facilitate mortgage and development financing for the Project. The rights to purchase shall be assignable by the City.

(v) Buyer anticipates that the Co-Op entity will grant a mortgage on the Co-Op Site to a lender or investor to finance the purchase of the Co-Op Site and preconstruction development costs including the Co-Op's \$100,000 portion of the acquisition price, Approved Expenses and related customary and commercially reasonable financing costs (such financing is referred to as the "Pre-Development Mortgage Loan"). Buyer, for itself, its successors, and assigns, including the Co-Op Entity, agrees that it will not encumber the Co-Op Site with mortgages other than the mortgage securing Pre-Development Mortgage Loan and that such mortgage shall not exceed in the aggregate the Co-Op Pre-Development Appraised Value (as defined below) at any time prior to the closing of the full construction financing for the Cooperative Housing Project (the "Co-Op Construction Loan Closing"). Prior to the Co-Op Construction Loan Closing, notwithstanding any other provision of this Agreement, the total amount that the City is required to pay to repurchase the Co-Op Site upon exercise of its option as provided above, including Approved Expenses, shall be limited to the then-outstanding balance of the mortgage securing the Pre-Development Mortgage Loan.

The term "Co-Op Pre-Development Appraised Value" means the appraised value of the Co-Op Site as determined by an appraisal, made in accordance with all applicable professional standards, obtained by the lender making the pre-development mortgage loan to the Co-Op entity. The Co-Op entity agrees to provide a copy of that appraisal to the City prior to entering into such mortgage loan.

The provisions of this Section 11(c)(v) shall cease to apply as of the Co-Op Construction Loan Closing.

- d. For all purposes of this Section 11, construction will be deemed completed for a portion of the Project upon the issuance of a Certificate of Occupancy by the City for that portion. Upon termination of the City's option with respect to a portion of the Project, the City will, at the request of the Buyer, its successors and assigns execute and record an affidavit indicating that the City's option has terminated with respect to all or a portion of the Project. Notwithstanding anything else to the contrary in this Section 11, in the event that the City fails to give the notice exercising the City's option on or before the date that is 31 months after the Closing Date, then the City's

option shall terminate automatically without the need for further writing or recording.

- e. Notwithstanding the above provisions, if after closing, Buyer, or its successors, assigns, or transferees determines that it is not feasible to develop the Property as a rental housing project using Maine State Housing Authority financing or as a cooperative leasing/ownership structure, Buyer may develop the Property using a different financing or leasing/ownership structure so long as the unit mix and affordability criteria provided in this Agreement are satisfied. If the Buyer or its successors does so within the time periods specified, the City shall not have the right to repurchase the Property.
- f. The provisions of this Section 11 will survive closing and will be included in greater detail in the City's deed to Buyer or in a declaration of covenants, conditions and restrictions executed before or at the time of Closing, which shall be recorded in the Cumberland County Registry of Deeds.

- 12. **ENTIRE AGREEMENT.** This Agreement represents the entire and complete Agreement and understanding between the parties and supersedes any prior agreement or understanding, written or oral, between the parties with respect to the acquisition or exchange of the Property hereunder. This Agreement cannot be amended except by written instrument executed by City and Buyer.
- 13. **NON-WAIVER.** No waiver of any breach of any one or more of the conditions of this Agreement by either party shall be deemed to imply or constitute a waiver of any succeeding or other breach hereunder.
- 14. **HEADINGS AND CAPTIONS.** The headings and captions appearing herein are for the convenience of reference only and shall not in any way affect the substantive provisions hereof.
- 15. **BINDING EFFECT.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, administrators, successors and assigns.
- 16. **TIME.** The City and Buyer each confirm and agree that each of the time periods set forth herein are essential provisions of the terms of this Agreement.
- 17. **GOVERNING LAW.** This Agreement shall be construed in all respects in accordance with, and governed by, the laws of the State of Maine. All parties hereto hereby consent to the exclusive jurisdiction of the Superior Court for the County of Cumberland in the State of Maine, for all actions, proceedings and litigation arising from or relating directly or indirectly to this Agreement or any of the obligations hereunder, and any dispute not otherwise resolved as provided herein shall be litigated solely in said Court. If any provision of this Agreement is determined to be invalid or unenforceable, it shall not affect the validity or enforcement of the remaining provisions hereof.

18. NOTICE. All notices, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the first business day after the notice is delivered to an overnight delivery service with delivery confirmation, addressed to the recipients at the addresses set forth below. Either party may change addresses for purposes of this paragraph by giving the other party notice of the new address in the manner described herein.

FOR THE CITY: City of Portland
ATTN: City Manager
389 Congress Street
Portland, ME 04101

With a copy to: The Office of the Corporation Counsel at the same address.

FOR BUYER: Douglass Commons LLC
c/o The Szanton Company
482 Congress, Suite 203
Portland, ME 04101

And to:

Maine Cooperative Development Partners, LLC
c/o Brian Eng
6 City Center, Fl. 3
Portland, ME 04101

With a copy to: John S. Kaminski
Drummond Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101

19. SIGNATURES; MULTIPLE COUNTERPARTS. This Agreement 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.

20. BROKERS. The City and Buyer each represent and warrant that they have not dealt with a real estate broker in connection with this transaction. Buyer agrees to indemnify and hold harmless City from any claims made by any broker should Buyer's representation in this paragraph be false. Subject to the limitations of liability set forth in the Maine Tort Claims Act, City agrees to indemnify and hold harmless Buyer from any claims made by any broker should City's representation in this paragraph be false. The foregoing indemnities shall include all legal fees and costs incurred in defense against any such claim, and shall survive closing.

21. RECITALS INCORPORATED BY REFERENCE. The recitals set forth above are incorporated herein by reference and made a part of this Agreement.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed on their behalf by their duly authorized offices or representatives, on the day and year first written above.


WITNESS

CITY OF PORTLAND


Jon P. Jennings
Its City Manager


WITNESS

DOUGLASS COMMONS, LLC

By: 
Printed Name: Nathan S. Szanton
Its Manager

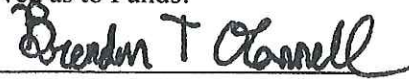
Approved as to Form:


City Corporation Counsel's Office

and

By: 
Printed Name: Brian Eng
Its Manager

Approved as to Funds:


City Finance Department

CITY of PORTLAND, MAINE
Request for Proposals for Disposition of City-Owned Property
Located at 43 & 91 Douglass Street
RFP #20067

I. NOTICE AND SPECIFICATIONS

The City of Portland, Maine seeks proposals from qualified developers for the creation of residential housing at 43 & 91 Douglass Street. The site is designated on the City of Portland Tax Assessor's Map as lot CBL 078 C002 & 078 B007.

Sealed proposals for the project, including an original, seven (7) copies, and one (1) digital copy, as specified herein, will be received by the Purchasing Office, Room 103, City Hall, 389 Congress Street, Portland, Maine 04101, until 3:15 p.m., Tuesday, June 16, 2020, at which time they will be publicly opened.

Proposals shall be submitted, and returned in sealed envelopes plainly marked on the outside "Disposition and Development of Property Located at 43 & 91 Douglass Street".

Proposals that are late, unsigned or submitted via fax will not be accepted. Proposals from individuals not registered with the Purchasing Office may be rejected; receipt of this document directly from the City of Portland indicates registration. Should a person receive this Request from a source other than the City, please contact 207-874-8654 to ensure that you are listed as a recipient for this proposal.

All questions must be submitted in writing to the Purchasing Office. These may be mailed, hand delivered, faxed to (207) 874-8652 or e-mailed to mff@portlandmaine.gov and be received no later than five (5) business days prior to the opening date. Questions received after this time will not be addressed. Any interpretation, correction, or change of this document will be made only by written addenda. Changes in any other manner will not be binding on the City and proposers should not rely on. Proposers should not have contact with any City staff with regard to this proposal unless to obtain general public information as specified in the document.

The disposal of this real estate shall be on the basis of a negotiated proposal, with the City of Portland reserving the right to refuse any and all proposals. *All proposers are advised that the property will be sold "as-is" and "where is", in its existing condition, with no warranties either expressed or implied.* The City makes no representations or warranties about of any of the information about the property set forth herein, which is provided to proposers for their convenience only. The successful proposer shall be responsible to inspect the property, or to hire its own professionals to do so. The City, and its agents, make no representations or warranties with respect to the title of the property, the accuracy of any statement as to boundaries or acreage, or as to any other matters contained in any description of the property, or as to the fitness of the property for a particular purpose, or as to development rights, merchantability, habitability, or as to any other matter, including without limitation, land use, zoning and subdivision issues or the environmental, mechanical, or structural condition of the property. The City disclaims any and all responsibility for injury to proposers, their agents or others while examining the property or at any other time. The City will not be responsible for any broker's commission.

Any and all improvements made to said property must be done in accordance with existing City Codes and Ordinances.

II. GENERAL INFORMATION

Summary of Request:

The City of Portland is committed to providing housing opportunities and has set a goal to evaluate the use of City-owned property to construct housing. As one-step in accomplishing this goal, the City of Portland will accept proposals for the development of housing on the lot located at 43 & 91 Douglass Street, which currently is a vacant lot but was the former site of the West School.

This request for proposals results from the December 16, 2019 approval by the Portland City Council (Resolve 10-19/20) on the recommendation of the Housing Committee to market the City-owned vacant property located at 43 and 91 Douglass Street.

The City of Portland uses the RFP process to ensure that public resources are utilized for maximum public benefit while accomplishing specific objectives and providing fair access to all applicants.

Site Information:

- a. Location:** 43 & 91 Douglass Street, as identified in the City of Portland Assessor's records as lot CBL 078 C002 and 078 B007, in the R-5 zone. The lot includes the former site of the West School. The site for disposition includes a portion of 91 Douglass Street, but not the entire lot (See Attachment 2).
- b. Existing Conditions:** 43 & 91 Douglass Street is located on two parcels with frontage on Douglass Street in the Libbytown neighborhood. A right-of-way bisects the two parcels. The surrounding context is predominantly residential with the majority of homes in the area being one and multi-family structures. Dougherty Play Field abuts the property to the north.
- c. Current use:** Vacant lot.
- d. General Dimensions:** 43 Douglass Street (estimated at .3981 acres), and an estimated 2.85-acre portion of 91 Douglass Street.
- e. Current Zoning:** R-5. The minimum lot size in the R-5 zone is 6,000 square feet for residential development (single-family and two-family), 9,000 square feet for a multi-plex development (three-family or more), and 2 acres for a planned residential unit development (PRUD). This parcel would allow for residential, multi-family, and PRUD development. The minimum lot area per unit in a PRUD is 3,000 square feet; the maximum units per building is 12 units. At an estimated 141,570 square feet, the maximum number of residential units that could be developed within a PRUD is 47 units. For complete zoning requirements, please refer to Chapter 14, Land

Use, of the City Code.

- f. **Rezoning:** Higher density zoning that furthers exceptional projects and other city goals as outlined in Section III may be considered. It should be noted that changes to zoning require both Planning Board and City Council approval.
- g. **Condition of the property at the time of sale:** This parcel is the location of a former city-dump, and later the West School. A natural gas line and gas company easement are located in the right-of-way and the 43 Douglass Street parcel thus precluding development over these sites. A 40' wide sewer easement is also identified in the unbuildable portion of the site.
- h. **Environmental Conditions:** A Phase II Environmental Site Assessment (ESA) has been completed to evaluate current environmental conditions. Based on findings, special soil disposal restrictions may be required. Participation in the Maine DEP Voluntary Response Action Program (VRAP) should be considered. The Phase II ESA will be available on-line.
- i. Proposers are urged to investigate water sources and utility connection requirements with the Department of Public Works.

III. CITY GOALS

The City's primary goals for the use of the property are:

1. Developments shall provide mixed income units. All units must be affordable to households earning 60% to 120% of the area median income (AMI). Currently, 60% AMI for a family of four is \$55,800 and 120% AMI for a family of four is \$111,600.

Affordable means that the percentage of income a household is charged in rent and other housing expenses including utilities, or must pay in monthly mortgage payments (including real estate taxes, mortgage insurance, condominium/HOA fees, insurance and utilities), does not exceed 30% of a household's gross income, or other amount established in city regulations that does not vary significantly from this amount.

Restrictions on the affordability of units must be in place for a minimum of 30 years for homeownership units, and the longest period allowed by law for rental units.

2. Development of mixed income homeownership or rental housing of excellent building and site design. Design principles should promote efficient use of land to create a development that is compatible with the existing pattern, scale, massing, and materials of the surrounding neighborhood. The development's buildings shall be designed to meet the City's Green Building Code.
3. Rezoning may be considered to support increase housing development opportunities or maximize the number of allowable housing units on the property.
4. Developments shall create housing options that are age inclusive.

The general terms for this real estate transaction include:

- Units must be used as the principal residence of the owner/tenant and owner/tenant shall not use the unit for the conduct of business (except for a home occupation allowed under the City of Portland zoning ordinance) or as an investment property. Units shall not be rented for short-term periods of one to thirty days.
- Property Sale Price. The City expects to receive Fair Market Value (“FMV”) for the property.
- Alternative Ownership Models. Alternative ownership models that will encourage a mixed income community with long term affordability for the maximum number of units, such as limited equity units, co-housing, cooperative, or a community land trust, may be considered in order to ensure the units affordability over time.
- Proposals must outline how they will maintain affordability.
- Other City Incentives. Other city financial incentives may be considered to support increase housing development opportunities or maximize the number of allowable housing units on the property.

IV. PROPOSED SCORING

An internal staff Committee will review proposals received, and will apply the following selection criteria in reviewing and scoring the applications.

Proposed use to achieve the City of Portland's goals

40 points

1. Market Demand - 20 points
 - a. 20 points - all units meet the City’s Goals and Terms noted in Section III
 - b. 15 points - at least 75% of the units meet the City’s Goals and Terms noted in Section III
 - c. 10 points - at least 50% of the units meet the City’s Goals and Terms noted in Section III
 - d. 0 points - project does not meet the City’s Goals and Terms noted in Section III
2. Economic diversity - 10 points
 - a. 10 points - creates housing options which promote economic diversity in the neighborhood in which the development is located
 - b. 0 points - does not promote economic diversity
3. Age Inclusive – 10 points
 - a. 10 points – creates housing which is age inclusive
 - b. 0 points – does not create housing which is age inclusive

Impact on surrounding neighborhood, including design.

25 points

1. Project Design -15 points
 - a. 15 points - the proposal is consistent with design characteristics
 - b. 10 points - the proposal is an adequate fit with neighborhood characteristics
 - c. 0 points - the design is a significant outlier
2. Amenities and unit design - 10 points
 - a. 10 points - amenities & unit design are well thought out and appropriate for residents
 - b. 5 points - amenities & unit design are adequate

- c. 0 points - amenities and unit design raise significant concerns that resident needs will not be adequately addressed

Applicant's ability to complete project, including financial feasibility, development team experience, capacity, and timeframe for completion.

35 points

1. Readiness to proceed - 15 points
 - a. 15 points - all projected sources of funding include letters of commitment or interest are projected at terms and conditions consistent with the City's prior experience with the funder
 - b. 10 points - most projected sources of funding include letters of commitment, letters of interest, or, if no letter is included, are projected at terms and conditions consistent with the City's prior experience with this funder
 - c. 0 points - one or more sources are projected on terms that are not consistent with the City's prior experience with the funder and are not documented by letter(s) from funder(s)
2. Track record of development team - 10 points
 - a. 10 points - every development team member has a successful track record with this type of project and at this scale
 - b. 8 points - all but one development team members have a successful track record with this type of project and at this scale; one development team member has relevant experience but at a smaller scale or not of this project type
 - c. 5 points - two development team members, while having relevant experience, are new to this type of project or this scale of development
 - d. 0 points - the development team does not meet the criteria above
3. Current Capacity of development team - 10 points
 - a. 10 points - development team members have exceptional depth of human and financial resources to complete this project
 - b. 8 points - development team members have the human and financial resources to complete this project
 - c. 5 points - development team has a staffing gap in a significant role and a plan to address that gap, OR there are some concerns about the financial resources of the team to move the development forward
 - d. 0 points - the development team does not meet the criteria described above

SUBMISSION INFORMATION

Interested parties are asked to submit a concept development (including preliminary drawings) and a brief description of the project, no longer than two pages, to include the number and type of units, occupants (owners/renters) to be served, special features, the impact on the neighborhood and other ways the proposal meets the primary goals of the City. A general project budget with projected funding sources, development timeline, and development team qualifications and financial capabilities is also required. This RFP does not require detailed architectural drawings or development pro formas.

Photographs and maps of the site and area are required.

- a) **Developer:** Name, address, telephone, email, fax number of the proposed owner/developer and the name(s) of an alternative contact person(s).
- b) **Proposal:** Each proposal submitted must specifically outline the proposed use of the property and any proposed rezoning requests.

- c) **Financial Feasibility:** Provide a business plan, which shall include prospective and committed sources of funding, development and operating budgets; a letter from a lending institution indicating the applicant's ability to finance the projected costs; and provide examples of prior projects that indicate the proven ability to develop a project of similar type and scale from a fiscal perspective.
- d) **Timetable:** Provide an overview of how the proposal will be implemented. Include approximate schedule for completion of each element, closing, construction start-up, substantial completion, final completion, and occupancy. Include applications for public or private financing.
- e) **Developer Capacity:** Identify the qualifications and experience of the development team for the project including a list of previously completed projects similar to the proposed project. This team may include key staff of the developer, architect, general contractor and future property management. Also, discuss the ability to complete the project including the qualifications of the development team, management plan, experience, capacity, project readiness to proceed, and timeframe for completion.
- f) **Occupancy and Management Plan:** Present a plan detailing the ownership structure (condominium, cooperative, etc.), resale restrictions and resale process, to ensure mixed income and long-term affordability.
- g) **Purchase Price:** Proposed purchase price for the property.
- h) **Copies:** Seven (7) copies, with the original so marked, and one (1) digital copy of each proposal shall be submitted.

V. SALE INFORMATION

After proposals are opened, city staff will make a recommendation to the City Council's Economic Development Committee (EDC) and the Housing Committee (HC). The EDC and HC will make a recommendation to the City Council.

VI. OTHER INFORMATION

Confidentiality: Proposals received by the City shall become a matter of public record, subject to public inspection, except to the extent, which an applicant designates in writing, proprietary data to be confidential and submits that data under separate cover, such information, may, to the extent permitted by law, be held from public inspection, as provided in applicable Maine law, including, without limitation, 5 MRS Sections 13119-A and 13119-B.

VII. LEGAL REQUIREMENTS

The contract for the disposition of the property will be executed only after review and final approval by the City Council.

VIII. RESERVATION of RIGHTS

The City of Portland reserves the right, at its sole discretion, to award as well as reject any and all proposals for the city-owned property, based on the quality and merits of the proposals received, or when it is determined to be in the public interest to do so. Furthermore, the City may extend deadlines and timeframes, as needed.

The City reserves the right to substantiate any proposer's qualifications, capability to perform, availability, past performance records, and to verify that the proposer is current in its financial obligations to the City.

The City of Portland, Maine, reserves the right to waive any informalities in proposals, to accept any proposal or portion thereof, and, to reject any and all proposals, as well as negotiate with the successful proposer(s) should it be in the best interest of the City to do so for a final purchase and sale agreement and ultimate sale of the property.

Pursuant to City procurement policy and ordinance, the City is unable to contract with businesses or individuals who are delinquent in their financial obligations to the City. These obligations may include but are not limited to real estate and personal property taxes and sewer user fees.

Proposers who are delinquent in their financial obligations to the City must do one of the following: bring the obligation current, negotiate a payment plan with the City's Treasury office, or agree to an offset, which shall be established by the contract, which shall be issued to the successful proposer

April 10, 2020

Matthew F. Fitzgerald
Purchasing Manager

Attachments:

- A. Proposal Signature
- B. Portland Assessor's Record
- C Site Map
- D Phase II ESA available online

PROPOSAL**NOTE: THIS PAGE IS TO BE COMPLETED AND RETURNED**

The UNDERSIGNED hereby declares that he/she or they are the only person(s), firm or corporation interested in this proposal as principal, which it is made without any connection with any other person(s), firm or corporation submitting a proposal for the same.

The UNDERSIGNED hereby declares that they have read and understand all conditions as outlined in the Request for Proposals, and that the proposal is made in accordance with same.

The UNDERSIGNED hereby declares that any person(s) employed by the City of Portland, Maine, who has direct or indirect personal or financial interest in this proposal or in any portion of the profits which may be derived therefrom has been identified and the interest disclosed by separate attachment. (Please include in your disclosure any interest which you know of. An example of a direct interest would be a City employee who would be paid to perform services under this proposal. An example of an indirect interest would be a City employee who is related to any officers, employees, principal or shareholders of your firm or to you. If in doubt as to status or interest, please disclose to the extent known).

The proposer acknowledges the receipt of Addenda numbered _____
If Applicable

COMPANY NAME: _____
(Individual, Partnership, Corporation, Joint Venture)

AUTHORIZED SIGNATURE: _____ DATE: _____
(Officer, Authorized Individual or Owner)

PRINT NAME & TITLE: _____

ADDRESS: _____

TELEPHONE: _____ E-MAIL: _____

FEDERAL TAX ID #: _____ DUNS #: _____

STATE OF INCORPORATION _____

(If incorporated in another State, businesses must be authorized to do business in the State of Maine.)

In your organizations preceding completed fiscal year, did the organization receive:

(1) 80 percent or more of its annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; AND

(2) \$25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements? ☐ Yes ☐ No

Does the public have access to information about the compensation of the executives in the organization through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (18 U.S.C. 78m(a), 78o(d) or section 6104 of the Internal Revenue Code of 1986? ☐ Yes ☐ No

NOTE: All bids must bear the handwritten signature of a duly authorized member or employee of the organization making the bid. **This sheet must be signed and returned with the application package.**

This page contains a detailed description of the Parcel ID you selected.

New Search!

Current Owner Information:

CBL	078 C002001
Land Use Type	GOVERNMENTAL
Verify legal use with Inspections Division	
Property Location	43 DOUGLASS ST
Owner Information	CITY OF PORTLAND 389 CONGRESS ST PORTLAND ME 04101
Book and Page	
Legal Description	78-C-2 DOUGLASS ST 43-53 REAR PROPOSED ST 17340SF
Rental Registration	No
Acres	0.3981

Current Assessed Valuation:

TAX ACCT NO.	10005	OWNER OF RECORD AS OF APRIL 2019
LAND VALUE	\$49,000.00	CITY OF PORTLAND
BUILDING VALUE	\$0.00	389 CONGRESS ST
MUNICIPAL TYPE	(\$49,000.00)	PORTLAND ME 04101
NET TAXABLE - REAL ESTATE	\$0.00	
TAX AMOUNT	\$0.00	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

This page contains a detailed description of the Parcel ID you selected.

New Search!

Current Owner Information:

CBL	078 B007001
Land Use Type	GOVERNMENTAL
Verify legal use with Inspections Division	
Property Location	91 DOUGLASS ST
Owner Information	CITY OF PORTLAND 389 CONGRESS ST PORTLAND ME 04101
Book and Page	
Legal Description	78-B-7 DOUGLASS ST 91-105 195648 SF
Rental Registration	No
Acres	4.4915

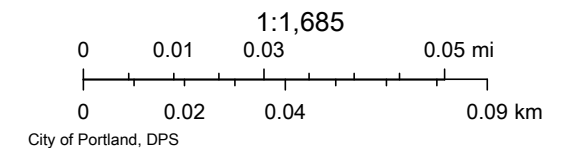
Current Assessed Valuation:

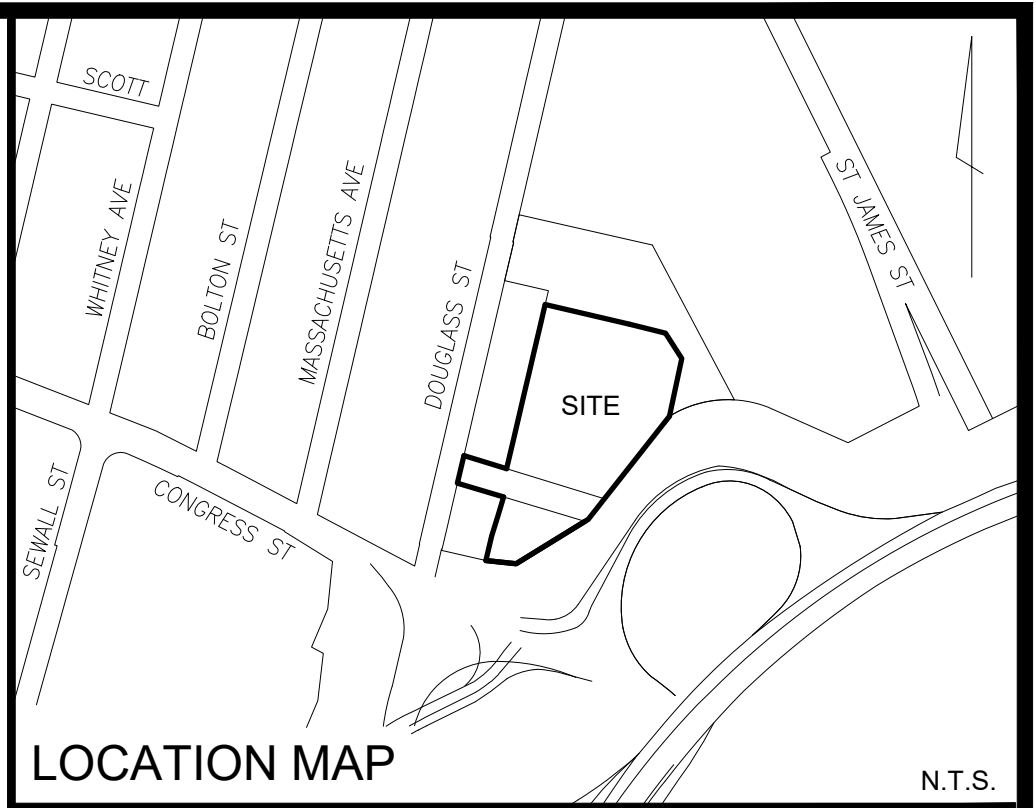
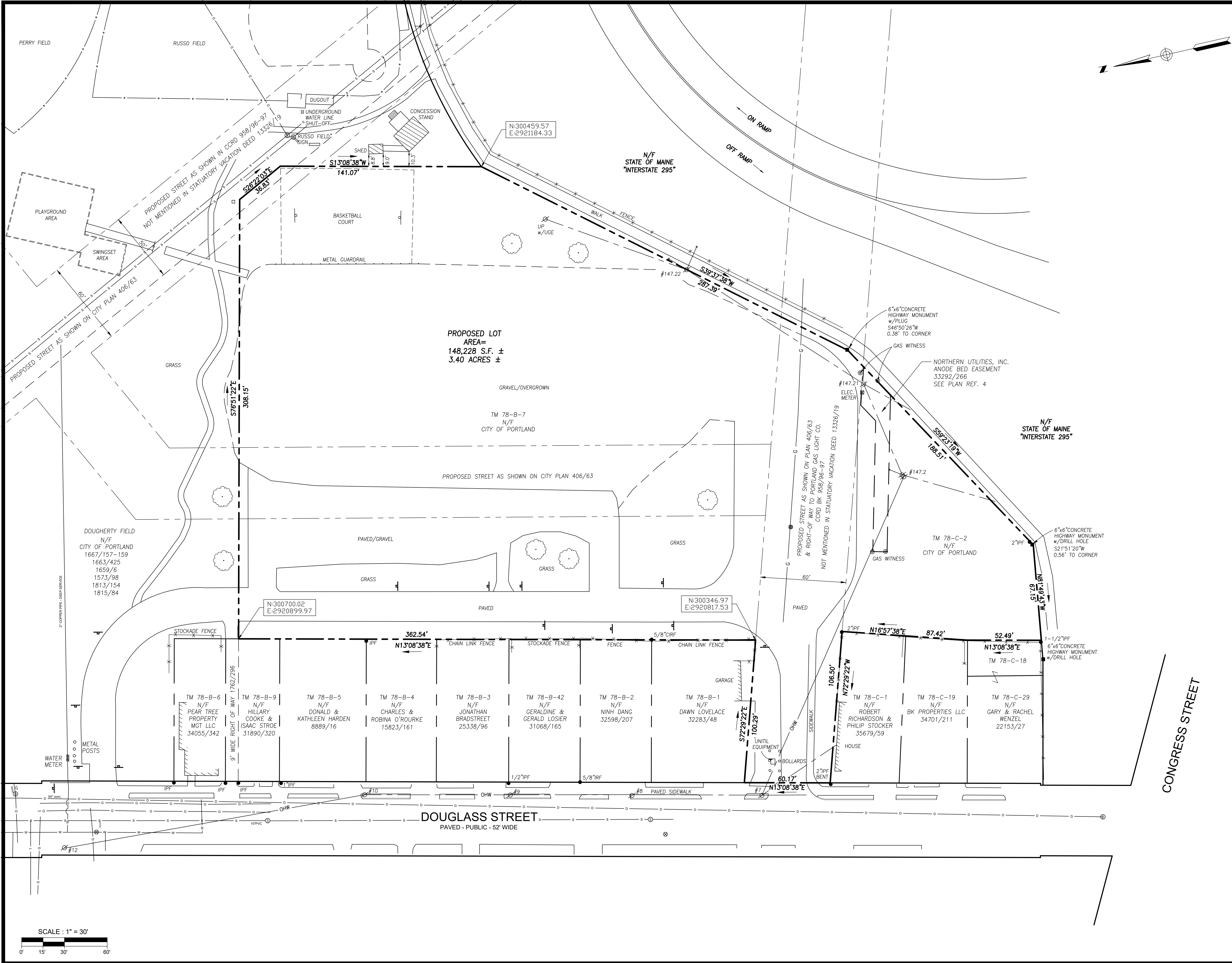
TAX ACCT NO.	10005	OWNER OF RECORD AS OF APRIL 2019
LAND VALUE	\$489,100.00	CITY OF PORTLAND
BUILDING VALUE	\$0.00	389 CONGRESS ST
MUNICIPAL TYPE	(\$489,100.00)	PORTLAND ME 04101
NET TAXABLE - REAL ESTATE	\$0.00	
TAX AMOUNT	\$0.00	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).



3/10/2020, 12:45:58 PM

 Override 1



LEGEND	
●	IRON PIPE OR ROD FOUND
■	MONUMENT FOUND
○	UTILITY POLE
⊙	MANHOLE
⊕	SIGN
⊗	WATER VALVE OR SHUTOFF
⊙	TREE
—X—X—	FENCE
—	CURB
—OHW—	OVERHEAD WIRES
—D—	STORM DRAIN
—S—	SANITARY SEWER
—G—	GAS LINE
—W—	WATER LINE
IPF/IRF	IRON PIPE OR ROD FOUND
N/F	NOW OR FORMERLY
000/000	DEED BOOK / PAGE

- PLAN REFERENCES**
- BOUNDARY WORKSHEET OF DOUGHERTY FIELD DOUGLASS STREET, ST. ST. JAMES ST. AND INTERSTATE 295, BY THE CITY OF PORTLAND PUBLIC WORKS DEPARTMENT ENGINEERING SECTION DATED MARCH 2006, CITY PLAN 991/3.
 - PLAN OF PROPERTY IN PORTLAND, MAINE BELONGING TO THE J.B. BROWN & SONS CORP & HEIRS OF ST JOHN SMITH BY E.C. JORDAN & CO., CITY PLAN 463/5.
 - PLAN OF LAND CONGRESS AND DOUGLASS STREETS OWNED BY CITY OF PORTLAND PARK COMMISSION BY CHANDLER H. BARRON C.E. DATED NOVEMBER 1946, CITY PLAN 799/8.
 - ANODE BED EASEMENT DOUGLASS STREET AT DOUGHERTY FIELD BY CITY OF PORTLAND PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION DATED 09/30/2016, CITY PLAN 882/53.
 - MAINE STATE HIGHWAY COMMISSION RIGHT OF WAY MAP STATE HIGHWAY "295" PORTLAND CUMBERLAND COUNTY FEDERAL AID PROJECT NO. 1-295-3(24)8(25) DATED MAY 1967.

- GENERAL NOTES**
- OWNER OF RECORD: CITY OF PORTLAND
389 CONGRESS STREET, PORTLAND, MAINE
TAX MAP 78 BLOCK C LOT 2
TAX MAP 78 BLOCK B LOT 7
 - BEARINGS AND COORDINATES ARE BASED ON MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE NAD 83 PER PLAN REFERENCE 1.
 - THE SURVEYED PROPERTY IS IN THE R5 RESIDENTIAL ZONE.

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEY HAS NOT PHYSICALLY LOCATION THE UNDERGROUND UTILITIES. CALL 1-888-DIGSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION. DUE TO OSHA CONFINED SPACE REQUIREMENTS, ALL INVERTS AND PIPE SIZES MUST BE VERIFIED PRIOR TO ANY CONSTRUCTION.

CERTIFICATE

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

RANDY R. LOUBIER, PLS #2407

DATE

Boundary Survey
At
43 & 91 Douglass Street, Portland, Maine
Made for
The Szanton Company
482 Congress St., Ste. 203, Portland, Maine

OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS
390 US ROUTE 1, UNIT 10, FALMOUTH, ME 04105 TEL. 207-774-0424

DRAWN BY: RS / JLV DATE: MARCH 1, 2021 JOB NO. 2021-026 P
CHECKED BY: RRL SCALE: 1" = 30' DRWG. NO. 1

A. Developer

RFP#20067

Nathan Szanton
482 Congress, Suite 203
Portland, ME 04101
nszanton@szantoncompany.com
Phone: 207-871-9811
Fax: 207-245-6442

Alternative Contact:
Carl Szanton
cszanton@szantoncompany.com
Phone: 207-712-6191

B. Douglass Commons Proposal

Imagine a neighborhood that has gardens, courtyards, and green alleys where children of diverse backgrounds play and ride their bikes. Where adults chat about how to manage the grounds, while gardening in raised beds. Where in winter, a single mom and a retiree can share a cup of coffee in a warm, plant-filled space, while watching kids on the snowy playground outside. A neighborhood where retirees, immigrant families, and single parents have the option to rent or own their home, at an affordable cost, and share outdoor gardens and play space.

Douglass Commons aims to be that neighborhood, by building a mix of affordable apartments and Limited Equity Ownership homes on the former West School Site in the Libbytown Neighborhood of Portland, Maine. We hope that our vision will become a replicable model of diversity, equity, cooperation, and community throughout the city and region.

Proposed Use to Achieve the City of Portland's Goals: Market Demand (20 Points)

85% of homes will be priced to be affordable for households earning between 60%-100% of Area Median Income (AMI). Affordability restrictions on Limited Equity Co-op units will be permanent, and for the Apartments, the longest period allowed by law, secured by covenants.

Economic Diversity (10 Points) Douglass Street Commons provides housing options which promote economic diversity in the neighborhood by creating a mixed-income community with long-term affordability in both the Apartments and Co-op homes.

	LIHTC Apartments		Co-op Ownership		Apartments + Co-op	
Income Level: % of Area Median Income (AMI)	Homes	%	Homes	%	Homes	%
50% AMI	16	29%	0	0%	16	15%
60% AMI	24	43%	14	27%	38	35%
80% AMI	0	0%	17	33%	17	16%
Market Rate	16	29%	0	0%	16	15%
100% AMI	0	0%	21	40%	21	19%
Total	56	100%	52	100%	108	100%
Total homes between 60-100% AMI					92	85%

Age Inclusive (10 Points) Both the Co-op and Apartments provide housing which is age-inclusive. There will be large homes and play space for families with children, and small homes, social rooms, and gardens for adults of all ages. Cooperative ownership, shared spaces, and management of co-op by the Cooperative Development Institute will help cultivate community cohesion. We estimate 250 new residents, including 100 children.

Impact on Surrounding Neighborhood: Project Design (15 points)

Our proposal is consistent with the existing pattern, scale, massing, and materials of the surrounding neighborhood. The 3.24 acre site is a vacant lot bounded by playing fields, a site for a future playground, single family and multifamily homes, and a highway ramp. We hosted two design charrettes with both existing neighbors and future residents, and won support from the neighborhood association for our design. Douglass Commons will improve the neighborhood by:

- Creating green space and pathways, connecting transit, trails, and sidewalks that are welcoming to existing neighbors, bikers, pedestrians, and children.
- Facing new homes towards the future Douglass Street playground, fields, and skate park, will make them safer for neighborhood children.
- Replacing the road behind the existing homes on Douglass Street with trees.
- Placing new two-story homes near existing homes and larger buildings farther away.
- Providing community meeting space to the existing neighborhood.
- Accommodating storm water runoff with rain gardens.

Amenities and unit design (10 points)

Amenities & unit design have been well thought out and are appropriate for residents. A mix of unit sizes accommodate a wide range of household sizes and types. The Co-op is a combination of townhomes and 12 unit buildings with community rooms that look out onto patios and green spaces for outdoor eating and play, shared guest rooms, balconies, shared cars, garden plots, and EV charging stations. The Apartments will have a fitness room, community room, bike storage room, and an on-site resident services coordinator and property manager. The Apartments and Co-ops buildings will likely be built to passive house standards and have solar panels, exceeding the city's green building standards. The current unit mix estimates for the Apartments are as follows: 28 one-bedroom; 17 two-bedroom; 10 three-bedroom units. The current unit mix for the Co-op is as follows: 18 one-bedroom, 12 two-bedroom, 6 three-bedroom + 16 three-bedroom townhomes.

Applicant's ability to complete the project, including financial feasibility, development team experience, capacity, and timeframe for completion. (35 points total)

- **Readiness to proceed (15 points)** We have letters of commitment or interest from all projected sources of funding except where procurement rules disallow.
- **Track record of development team (10 points)** Every development team member has a successful track record with this type of project and at this scale.
- **Current capacity of development team (10 points)** Our development team members have exceptional depth of human and financial resources to complete this project.
(See attachments for details)

Proposed Re-Zoning

The current zoning, R-5, allows a maximum of 47 units as planned residential unit development (PRUD). Based on the city's stated willingness to rezone to maximize the number of affordable

homes, to allow higher density to further exceptional projects, and to further the city's comprehensive plan, we plan to request a rezone to R-6 to allow for approximately 108 units.

C. Financial Feasibility

Prospective and Committed Sources of Funding & Letters from Lending Institutions

Apartments

- MaineHousing (Affordable housing tax credits, debt) - letter attached
- Northern New England Housing Investment Fund (investment in tax credits) - letter attached
- Bangor Savings Bank (construction loan) - letter attached
- City of Portland Affordable Housing TIF (75% for 30 years)

Co-op

- Centennial Mortgage HUD Section 213 Loan - letter attached
- Cooperative Fund of New England (CFNE) - Pre-development Funds - letter attached
- Share sales from prospective residents - equivalent of down payment on condo (Approximately \$20,000/unit, variable by income level) - letter attached
- City of Portland Affordable Housing TIF (75% for 30 years) - letter not allowed
- City of Portland Housing Trust Fund (\$400,000 est.) - letter not allowed
- Maine Housing Community Solutions Grant (\$400,000 est) - letter not allowed
- GPCOG & EPA Brownfield Funds (up to \$750,000, if needed) - letter now allowed

Attachments:

Attachment 1: Site Images

Site Photographs and Maps

Proposed Site Plan & Rendering

Attachment 2: Letters of Interest and Support

Letters: Libbytown Neighborhood Association, Cooperative Development Institute, Prospective Residents, MaineHousing, Northern New England Housing Investment Fund, Bangor Savings Bank, Centennial Mortgage, Cooperative Fund of New England

Attachment 3: Team Portfolios. Examples of prior projects that indicate the proven ability to develop a project of similar type and scale from a fiscal perspective.

Portfolios: Szanton Company, Maine Cooperative Development Partners, Kaplan Thompson Architects, Aceto Landscape Architects, Archetype Architects, UHAB, Cooperative Development Institute, Acorn Engineering, Credere Associates.

C. Financial Feasibility cont. Development and Operating Budgets

Co-op Development Budget

Project Costs			Project Sources	
Land Acquisition	\$100,000		HUD 213 Loan	\$13,038,000
Construction	\$11,866,328		Co-op Member Equity	\$1,162,050
Brownfields	\$750,000		EPA Brownfields	\$750,000
Professional & Consulting / Soft Costs	\$1,216,198		Housing Trust + Community Solutions Grants	\$800,000
Financing Costs	\$1,022,836			
Architect	\$794,688			
Total	\$15,750,050		Total	\$15,750,050

Co-Op Operating Budget

Annual Income	
Income from Rents	\$1,149,415
AHTIF Income	\$193,000
Total Income	\$1,342,415
Annual Expenses	
Admin: Advertising, legal, software	\$50,500
CDI Resident Services, Training	\$25,000
Utilities: Electricity, Water & Sewer, Internet	\$76,600
Replacement Reserve	\$25,000
Taxes & Insurance	\$277,000
Maintenance: snow, trash, landscape, repairs	\$50,400
Total Expenses before Debt Service	\$504,500
Net Income before Debt Service	\$837,915
Debt Service	\$803,900
Net surplus	\$34,015

C. Financial Feasibility cont. Development and Operating Budgets

Apartments Development Budget

Project Costs		Project Sources	
Land Acquisition	\$375,000	Equity – Federal Housing Tax Credits	\$6,879,312
Construction Including Environmental Remediation	\$10,876,172	Interest-Only Mortgage from Maine Housing	\$6,474,690
Consulting & Professional Fees	\$845,500	Deferred Loan from MaineHousing	\$800,000
Financing Fees & Construction Loan Interest	\$604,398		
Architectural /Engineering	\$457,000		
Operating Escrows	\$609,932		
Legal	\$176,000		
City/State/Federal Fees	\$135,000		
Insurance	\$55,000		
Taxes	\$20,000		
Total	\$14,154,002	Total	\$14,154,002

Apartments Operating Budget

Annual Income	
Annual Residential Rents	\$782,507
Laundry Income	\$13,440
Proposed TIF returned from City	\$75,600
Total Income	\$871,547
Annual Expenses	
Administrative	\$112,579
Utilities	\$75,400
Maintenance	\$105,000
Taxes & Insurance	\$106,400
Debt Service	\$388,482
Required Reserve Contributions	\$25,200
Total Expenses	\$813,061
Annual Cash Flow	\$58,486

D. Timetable:

Provide an overview of how the proposal will be implemented. Include approximate schedule for completion of each element, closing, construction start-up, substantial completion, final completion, and occupancy. Include applications for public or private financing.

Month	Apartments	Co-op
April 2020	RFP Released, Form team	
May 2020	Outreach to future residents, and neighborhood groups for Design Charrettes	
June 2020	RFP Deadline	
Aug 2020	RFP Award, Obtain site control, Apply for new EPA Phase 1, do additional Brownfield tests, apply for CFNE funds for Co-op	
Oct 2020	Apply for EPA Brownfield Grant	
Jan 2021-July 2022	Start TIF request to City of Portland, LIHTC apply for CDBG Funds from Maine DECD, Work on obtaining Zone Change from City of Portland	
Mar 2021	EPA Brownfield Award Notification	
Mar 2021	Market Study, Obtain renewed letters of interest from investor and construction loan support	Apply for Housing Trust Fund and Community Solutions Grant, Start HUD Concept Package
Jun 2021	Planning Board Review	Market Study, Marketing, Start Pre-sales
Jul-Sep 2021	Prepare & submit Tax Credit Application to Maine Housing	Start HUD Phase I application, Design & Permitting, HUD Processing
Nov 2021- Apr 2022	Get results of LIHTC Application Review, Design Development and Construction Documentation	Design Development and Construction Documentation
Dec 2021 - Jan 2022	Interview and select construction manager	Interview and select construction manager
Mar 2022	Start Construction Bidding Process	Start Construction Bidding Process
May 2022	Receive Construction Bids	Receive Construction Bids
Jul 2022	Construction Loan Closing	HUD 213 Loan Closing
Jul 2022- Aug 2023	Construction	Construction
Aug 2023	Doors Open	

E. Developer Capacity:

Identify the qualifications and experience of the development team for the project including a list of previously completed projects similar to the proposed project. This team may include key staff of the developer, architect, general contractor and future property management. Also, discuss the ability to complete the project including the qualifications of the development team, management plan, experience, capacity, project readiness to proceed, and timeframe for completion. Examples of prior projects that indicate the proven ability to develop a project of similar type and scale from a fiscal perspective.

We have assembled an experienced and qualified team where every core member of this team has completed projects of this size and scale. The Szanton Company has an exceptional depth of human and financial resources to complete this project. They have currently completed 9 projects of this size and scale, and their 10th and 11th are currently in construction. The Szanton Company has brought on a number of its specialists to aid with designing this innovative village that excel in green design, site planning, and environmental remediation. The Szanton Company is committed to long-term ownership of its apartment assets. In 2013, it founded Saco Falls Management, its property management arm, to ensure the highest standards of appearance and livability for our residents, neighbors, and communities. The Co-op team has assembled a team of local professionals with excellent reputations, supported by outside consultants to cover every aspect of a new construction limited equity cooperative of this size. The HUD 213 program is designed specifically for cooperatives, and offers favorable terms which support long-term affordability. Project completion is projected for summer 2023. The Apartment and Co-op teams will work together on overall site design, civil engineering, zone change, and brownfields cleanup.

See Attachment 3: Portfolios

Team Member	Company	Role	Similar Projects Completed
Nathan Szanton	The Szanton Company	Apartment Developer President	Casco Terrace, Walker Terrace, 53 Danforth, Furman Block, The Squamscott Block, 48 Hampshire, Huse School Apartments, Mill at Saco Falls, Lofts at Saco Falls, Lofts at Bates Mill
Robert Monks	The Szanton Company	Partner	Created over 6,000 units of affordable housing across the country; In Portland, redeveloped the Portland Performing Arts Center, Baxter Library, and Oak Street Dorms

Amy Cullen	Saco Falls Management	Apartment Management President	Casco Terrace, Walker Terrace, 53 Danforth, Furman Block, The Squamscott Block, Huse School Apartments, Mill at Saco Falls, Lofts at Saco Falls, Lofts at Bates Mill
David Lloyd	Archetype Architects	Apartment Architect	Verdante, Hobson's Landing, 20 Thames Street, Bramhall Row, 118 on Munjoy Row, One Joy Place, Luminato, 81 Danforth, Casco Terrace, Walker Terrace, 53 Danforth, Furman Block, The Squamscott Block
Brian Eng	Partner, Maine Cooperative Development Partners	Co-op Development Team	M North in Orlando, 288-units in Orlando, Florida. (https://www.mnorthorlando.com/) Master developer of city-owned land on the former Maine Energy Recovery Corp. in Biddeford
Liz Trice	Partner, Maine Cooperative Development Partners	Co-op Development Team	645 Congress Street (with Shinberg/Alfond), Danforth on High (Rando Orbit/Peter Bass), 58 Boyd (Portland Housing Authority), all Portland.
Matt Peters	Partner, Maine Cooperative Development Partners	Co-op Development Team	Young St Apartments, South Berwick; Ridgewood II, Gorham One Meeting Pl, Exeter, NH; Meadows, North Hampton, NH; Carleton St, Portland; Bayside Anchor, Portland; Bartlett Woods, Yarmouth
Jesse Thompson	Kaplan Thompson Architects	Co-op Architect	Parris Terraces, Portland ME; Harborview Townhomes, Portland ME; Blackstone Senior Living, Falmouth, ME; Bayside Anchor Apartments, Portland, ME
Nick Aceto	Aceto Landscape	Landscape	The Downs, Scarborough ME (510

	Architects	Architect	Acre Mixed-Use Master Planned Community); Phases 1 & 3; Jackson Laboratory, Bar Harbor ME (37 Acre Employee Co-Housing Community); Cumberland Multi-Gen COmmunity https://www.mainebiz.biz/article/future-proofing-development-designers-are-ready-for-climate-change
Rip Patten	Credere Associates LLC	Brownfield Assessment & Cleanup Consultant	Marada Adams School, 48 Moody Street, Portland; Thornton Heights Commons, 611 Main Street, South Portland; State Street School, 261 Center Street, Brewer
Jonah Fertig-Burd	Cooperative Development Institute	Co-op Formation & Management	Mountainside Cooperative, Camden, ME (52 units); Charter Oaks, Arundel, ME (40 units); Sunset Terrace, Rockland, ME (76 units); Wardtown Cooperative, Freeport, ME (60 units); Halifax Mobile Home Estates Association, Halifax, MA (430 units); Farrington's/North Avenue Co-op, Burlington, VT (117 units)
Andy Reicher	UHAB	Co-op Formation Consultant	In Manhattan: 3603-3605 Broadway, 42 unit conversion, 520, 540-550 West 144th Street, 90 units, 421-555 West 148th Street, 98 units; 110 Madison Ave & Jupiter 21, Off-site Inclusionary
Will Savage	Acorn Engineering	Civil Engineer	Meeting House Hill Park Redevelopment; Munjoy Heights; 200 Valley St - Avesta; Little Dolphin Drive & Jocelyn Place, 89 Anderson; The Hiawatha

F. Occupancy and Management Plan: *Present a plan detailing the ownership structure (condominium, cooperative, etc.), resale restrictions and resale process, to ensure mixed income and long-term affordability.*

The Co-op and Apartments will be managed separately.

The Cooperative Development Institute (CDI) will be responsible for the creation of the cooperative ownership structure, management, and will ensure implementation of the permanent affordability provisions. Andy Reicher, executive director of UHAB in New York City, will be a consultant to set up a structure to train future residents in managing their buildings, and help seed future cooperative ownership projects.

The Co-op ownership structure is a Limited Equity Cooperative as defined in Maine State Law, meaning that residents rent from an entity that they co-own. This type of cooperative is democratically owned and operated similar to a condo structure, but allows for a wider range of income affordability, as residents do not have to qualify for a mortgage. Resident-owners pay a share price similar to a small down payment, then have a monthly payment similar to rent or mortgage. The Co-op itself holds the mortgage for the property, and over time, the homes become more affordable as expenses increase only with actual expenses - there is no profit motive. New residents must meet income requirements, and monthly costs must not exceed 30% of the Area Median Income (AMI) income bands. These rules continue in perpetuity.

There are currently over 20 households of prospective residents that have been meeting for over a year. The group includes multiple established immigrant families that share a vision of mixed-income ownership housing with shared community facilities and outdoor space. The development team will continue to work with these residents to crystalize their vision for site design, for self-governance, and to recruit more households.

The Apartments will be managed by Saco Falls Management, which manages all of The Szanton Company's buildings. Saco Falls Management was founded in 2013 to manage properties developed by The Szanton Company, of which Nathan Szanton, Robert C. S. Monks, and Amy Cullen are the primary owners. Upon its founding, Saco Falls Management took over management of six properties with the addition of three properties since its opening. Its portfolio includes Casco Terrace, Walker Terrace, and 53 Danforth in Portland, ME; The Mill at Saco Falls and The Lofts at Saco Falls in Biddeford, ME; The Lofts at Bates Mill and The Hartley Block in Lewiston, ME; The Huse School Apartments in Bath, ME; and The Squamscott Block in Exeter, NH. Nathan Szanton, Robert C. S. Monks, and Amy Cullen are the owners of Saco Falls Management.

Both Apartment and Co-op homes will be principal residences and will not be used to conduct business (except for a home occupation allowed under the City of Portland zoning ordinance) or as investment properties. Units may not be rented for short-term periods of one to thirty days.

G. Purchase Price:

The City expects to receive Fair Market Value (“FMV”) for the property. This is a desirable location with many nearby amenities, but its environmental history makes it a difficult and expensive site to develop housing, especially affordable, quality housing with safe outdoor space for families.

Historically, the former West School site and most of Dougherty Field were part of the salt marsh that ran from Back Cove almost to the Fore River. The site was under water until 1869, then was excavated for its clay to use in brick manufacturing. The site was then used from the early 1900s until the 1950s by the City of Portland as a municipal dump. In 1961, the City planned and built the West School on the site, then used it as an education, continuing education, and community center until 1997. The site still has solid waste buried 18 to 24 inches under the surface and soil contaminated with lead. The former West School building experienced structural and environmental problems from 1981 to 1997, as a result of settling and methane gas from the former landfill. There are also a gas company easement and sewer easement making significant portions of the site unbuildable.

We are committed to avoiding the environmental and site design mistakes that resulted in safety and structural issues for the West School, and creating permanent spaces for future residents, just as we are planning for long-term affordability. Because of the seriousness of the contamination, the environmental remediation costs will be significant.

We began our estimate by assuming a value for clean land in this location of \$450,000/ acre. Of the 141,487 SF of lot area, we currently estimate 40,000 SF of building footprint, and an additional 5,000 SF of areas for community garden and child play that requires clean soil, and an additional 10% for planning, management, and contingency. At an estimated \$20/sf to remove and/or replace soil, our estimate ranges from \$750,000 to \$1,000,000 in anticipated costs. So we estimate \$1,458,000 minus up to \$1,000,000 in remediation costs, many of which won't be known until we are fully committed to the development of the site, and the delay of up to a year's worth of staff time, property taxes, and uncertainty, while we apply for EPA Brownfield funds and conduct remediation.

Taking into account the best interests of the existing and prospective neighbors, and the city's intention to provide affordable housing to families, and development budget feasibility, we are able to offer \$475,000 for the property, which we believe to be Fair Market Value.

PROPOSAL

NOTE: THIS PAGE IS TO BE COMPLETED AND RETURNED

The UNDERSIGNED hereby declares that he/she or they are the only person(s), firm or corporation interested in this proposal as principal, which it is made without any connection with any other person(s), firm or corporation submitting a proposal for the same.

The UNDERSIGNED hereby declares that they have read and understand all conditions as outlined in the Request for Proposals, and that the proposal is made in accordance with same.

The UNDERSIGNED hereby declares that any person(s) employed by the City of Portland, Maine, who has direct or indirect personal or financial interest in this proposal or in any portion of the profits which may be derived therefrom has been identified and the interest disclosed by separate attachment. (Please include in your disclosure any interest which you know of. An example of a direct interest would be a City employee who would be paid to perform services under this proposal. An example of an indirect interest would be a City employee who is related to any officers, employees, principal or shareholders of your firm or to you. If in doubt as to status or interest, please disclose to the extent known).

The proposer acknowledges the receipt of Addenda numbered 1-4
If Applicable

COMPANY NAME: The Szanton Company
(Individual, Partnership, Corporation, Joint Venture)

AUTHORIZED SIGNATURE: Nathan Szanton DATE: 6/15/20
(Officer, Authorized Individual or Owner)

PRINT NAME & TITLE: Nathan Szanton, President

ADDRESS: 482 Congress St, Suite 203, Portland, ME 04101

TELEPHONE: 207-712-6191 E-MAIL: CSzanton@szantoncompany.com

FEDERAL TAX ID #: 01-0533208 DUNS #: 11-700-3073

STATE OF INCORPORATION Maine

(If incorporated in another State, businesses must be authorized to do business in the State of Maine.)

In your organizations preceding completed fiscal year, did the organization receive:

(1) 80 percent or more of its annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; AND

(2) \$25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements? ☐ Yes ☒ No

Does the public have access to information about the compensation of the executives in the organization through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (18 U.S.C. 78m(a), 78o(d) or section 6104 of the Internal Revenue Code of 1986? ☐ Yes ☒ No

NOTE: All bids must bear the handwritten signature of a duly authorized member or employee of the organization making the bid. **This sheet must be signed and returned with the application package.**



June 11, 2020

Honorable Mayor and Councilors:

The Libbytown Neighborhood Association held a special meeting to consider the *Douglass Commons* proposal for the redevelopment of 43 & 91 Douglass Street, aka, the old West School site. The meeting was well attended after a robust discussion, we are pleased to express our support for this proposal. Please factor these recommendations into your consideration of *Design and Amenities* as specified in the *Impact on the Surrounding Neighborhood* section of the RFP score sheet.

With respect to design, the LNA supports projects of quality and distinction which may serve as a neighborhood landmark. Given that the existing fabric and architecture lacks a singular quality, the association would like to see something architecturally notable. Furthermore, the Libbytown Neighborhood is somewhat diverse socio-economically with a prevalence of low to moderate income. The Libbytown Neighborhood Association is strongly supportive of new housing particularly mixed income projects with a focus on low and middle income.

In terms of this projects' design program, we:

- Strongly support this project's *use of site and integration with Park amenities*
- *Modestly Support* this project's interaction with adjacent structures and would advocate for the largest possible set back buffers from adjacent properties on Douglass Street

The area is underserved as it lacks a school, community space, a vibrant commercial corridor, bus shelters, and other staples of urban life. As such, in terms of amenities we:

- Strongly support community *garden/food forest*
- Strongly support the overall commitment to *housing affordability* especially the commitment to mixed incomes and to low to moderate income housing



- Strongly support the commitment to *ethnic diversity* and the possibility of thereof (such as ESL training)
- Strongly support this projects commitment to *sustainability* especially the solar arrays, passive house standards and *tree & shrub* planting
- Strongly support quality *community space* that is open and accessible
- Strongly supports *shared street concept* or piazza concept which can become a flexible community gathering space
- Support commitment to *active transport* and the integration of transit, limited parking, and commitment to traffic demand management

The following items are community priorities in design and amenities that may be part of the program but that we did not see as explicit in this proposal. We believe that a strong commitment to the following would make the project better:

- Implementations of the recommendations of the Libbytown traffic study
- Streetscape and bicycle/pedestrian improvements along Congress Street
- Acknowledgement to the history of the site in terms of project name and building materials (e.g., the site sits on or near a former brick foundry)
- Public transit (such as trolley cars), car share, and other reductions to parking
- Stormwater design
- Environmental mitigation of the site
- ADA access within the site to community spaces in winter months

Overall we **highly recommend** this proposal for its commitment to neighborhood design improvements and amenities.

The Libbytown Neighborhood is grateful for your consideration of this proposal.

Sincerely,

Maureen Morse

Chair



COOPERATIVE DEVELOPMENT INSTITUTE

P.O. Box 1051, Northampton, Massachusetts 01061-1051
PH 413-665-1271 • FX 413-541-8300 • www.cdi.coop • info@cdi.coop

June 8, 2020

To whom it may concern:

The Cooperative Development Institute (CDI) is happy to support the proposal for the creation of a new construction limited equity co-op on Douglass Street.

CDI is a 501(c)3 nonprofit founded in 1994 by co-op leaders to work with people in the Northeast to create cooperative businesses and networks that grow a prosperous, equitable economy.

CDI provides expert assistance, organizational development, and support to groups undertaking cooperative development. In the past decade, CDI has helped create 47 new Resident Owned Communities (ROCs) in New England, representing 4,479 households. 8 of the ROCs are conversions of manufactured home parks in Maine. CDI's role is to help form new cooperatives, train residents, and ensure that the cooperative has the support it needs to remain permanently affordable.

Our intention is that at Douglass Street, CDI will:

- Lead the creation of the new Co-op entity.
- Lead resident training and resident participation in the construction phase.
- Create and administer a long-term management plan that would meet the city's TIF requirements to ensure that the property meets the city's affordability metrics for at least 30 years.
- Be the long term training & support organization for the Co-op.

We are pleased with the proposal and the development team, and hope to be part of this exciting project!

Sincerely,

Noémi Giszpenc
Executive Director

THE SOURCE FOR COOPERATIVE BUSINESS DEVELOPMENT IN NEW ENGLAND & NEW YORK

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discrimination on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.) To file a complaint of discrimination write USDA, Director, Office of Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (voice and TDD).

Future Residents of Douglass Commons Co-op

June 2020

To whom it may concern:

We are writing in support of the Douglass Commons proposal to build housing on the parcel put to RFP by the City of Portland.

Many of us have been meeting for the last 2 years to explore strategies to build affordable home ownership housing in Portland that builds community among people of different ages, incomes, and cultural backgrounds. Several months ago, we came to the conclusion that Limited Equity Cooperative Housing was the best way to accomplish this. Limited Equity Cooperatives combines the accessibility of renting with the long-term stability and autonomy of homeownership.

We are delighted that this development team has come together to bring Limited Equity Cooperative Housing to Portland and enthusiastically support their projects. We are especially excited about the effort to create designs that will maximize interaction with outdoor spaces, gardens and shared spaces that can be used by residents. We also appreciate their effort to include us and existing neighbors in their early design efforts.

We are excited about the location, and hope that we will have the opportunity to become future residents!

Sincerely,

1. Rachel Ackoff & Lee Leviter, 19 Lewis St Apt 1F Portland, ME 04102
2. Eric Muteba Kalala, 11 Massachusetts Avenue Apt #2 Portland, ME 04102
3. Cynthia A. Grier, 1227 Westbrook Street, Apt #2, Portland, ME 04102
4. Elisabeth C. Heij, 97 Pitt Street, Portland, ME 04103
5. Valerie and Matthew Todd, 68 Black Sparrow Drive, Portland, ME 04102
6. Nicole Ivins and Richard Bennett, 93 Pitt St #1, Portland, Me 04103
7. Jules Mutoni & Yvette Unezase, 77 Grant St Apt B13, Portland, ME 04101
8. Wendy Herbert & Peter Ackoff 112 Park St. #2, Portland, Me
9. Apollo Karara, 326 Auburn Street #16, Portland, ME 04103
10. Andrea Levinsky 39 Cumberland Rd Apartment 1 South Portland, ME
11. Jacques Kubwimana & Ange Christelle Abaribeza 61 Deering St.Apt #E 04101
12. Arthur Sabiliti & Vanice Busingye, 240 Cumberland st, Westbrook 04092 ME
13. Jackson Ntambara & Peace Kobusinge, 2 Walker street # 1203 Westbrook 04092 ME

June 1, 2020

Matthew F. Fitzgerald
Purchasing Manager
The City of Portland
389 Congress Street
Portland, ME 04101

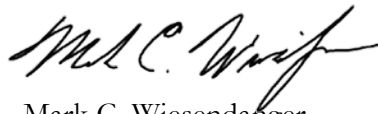
RE: Request for Proposals for 43 & 91 Douglass Street

Dear Mr. Fitzgerald:

MaineHousing is pleased to provide this letter of interest for The Szanton Company's proposal to redevelop a portion of the former West School site. Our understanding is that there will be a mixed-income housing project constructed on the site, potentially financed in part by MaineHousing resources. In our 24-year relationship with The Szanton Company, the applicant has demonstrated an exceptional track record in navigating the processes of market research, site acquisition, design, regulatory approvals, financing, construction, and marketing of a high-quality housing product.

While this letter of interest is not a commitment to allocate affordable housing tax credits, MaineHousing would welcome an application in connection with this project. Based on The Szanton Company's track record, an application would have a strong likelihood of success. Please feel free to contact me directly with any questions.

Sincerely,



Mark C. Wiesendanger
Director of Development



NORTHERN NEW ENGLAND
HOUSING INVESTMENT FUND

5/28/2020

Carl Szanton
Development Associate
482 Congress Street, Suite 203
Portland, ME 04101

RE: Letter of Interest – Douglass Street Project ("Partnership")

Dear Carl:

We are pleased to provide this letter of interest for the creation of affordable and market rate housing in Portland, Maine. As you know, Northern New England Housing Investment Fund ("NNEHIF") invests in community-based projects receiving the Federal Low Income Housing Tax Credit. We understand that you anticipate generating approximately \$800,000 in annual Low Income Housing Tax Credits.

Upon satisfactory resolution of any funding requirements and satisfactory completion of our due diligence we would be interested in investing \$6,878,980 in exchange for a 99.99% limited partnership interest in the Partnership. Approximately 50% of these funds may be available from closing and throughout construction.

This letter of interest is conditioned on the Fund conducting all customary underwriting and due diligence and receipt a final pro-forma, approved by MaineHousing, that addresses any additional loans, grants, fees or other sources.

A more detailed letter of interest will be provided once all the capital sources have been committed.

We wish you great success in your application and look forward to our continued work together.

Sincerely,

Mark Brooks
VP of Underwriting
Northern New England Housing Investment Fund



May 27, 2020

The City of Portland
Planning Department
389 Congress Street
Portland, ME 04101

RE: 43 & 91 Douglass Street

To Whom It May Concern:

On behalf of Bangor Savings Bank I am pleased to provide this letter in support of The Szanton Company for the above-referenced project. Based on our review of the financial elements of the proposal for the development site, we believe that that the applicant has the ability to finance projected costs and develop a project of similar type and scale from a fiscal perspective.

While this letter of support is not a commitment to lend, Bangor Savings Bank would welcome the opportunity to be a resource to The Szanton Company for financing and sponsorship of any equity awards necessary in connection with this project. Please feel free to call me with any questions.

Sincerely,

A handwritten signature in black ink that reads "Ronald B. Hunt". The signature is written in a cursive style with a large, stylized "H" and a long, sweeping underline.

Ronald B Hunt
Vice President
Bangor Savings Bank - Commercial Lending
280 Fore Street, Suite 200
Portland, ME 04101
(207) 420-3967



June 12, 2020

Liz Trice
Principal
Maine Co-op Development Partners
795 Congress Street
Portland, ME 04102

RE: Douglas Commons Cooperative

To whom it may concern:

Centennial Mortgage has been engaged by Maine Co-op Development Partners to secure mortgage insurance through the FHA 213 program for cooperative housing and fund a construction/permanent mortgage for Douglas Commons Cooperative, a new cooperative housing project in Portland, ME. We have reviewed a financing request, including initial plans, pro forma operating budget, the construction budget and initial market information for Douglas Commons Cooperative in Portland, ME. In addition, we have reviewed the experience of the overall development team. Based on this review, we feel that this project is an excellent candidate for financing and will conform to all the requirements to qualify for construction and permanent financing through the FHA 213 program. We feel that this is the right time and place to create a new affordable cooperative given the advantages this particular form of housing provide to its members, primarily affordable home ownership and a greater sense of community.

We have now entered the formal application stage for the FHA 213 mortgage insurance and believe that Douglas Commons Cooperative has a high likelihood of obtaining a 40 year, low interest loan for the project of \$13,308,200. Additional subordinated financing would serve to further increase that likelihood. We also believe that success at Douglas Commons Cooperative will open an entirely new avenue for affordable housing finance in the state of Maine by making the FHA 213 program finance accepted in the market.

Centennial Mortgage has substantial expertise and experience completing FHA financing transactions. We are very active in lending to cooperative housing projects throughout the country. Personally, I have been involved in cooperative housing for over 20 years, through financing and serving on the board of the National Association of Housing Cooperatives.

We encourage other funding sources to join us in supporting this innovative project and creating up to 98% leverage for future projects through this program. Please let me know should you have any questions or require any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "H. Jeffers", is written over a faint, larger signature that appears to be "Liz Trice".

Hugh Jeffers
Vice President of Originations



June 12, 2020

Liz Trice, Principal
Maine Co-op Development Partners
795 Congress Street
Portland, ME 04102

Dear Liz:

Please let this letter serve as an expression of interest in working with Maine Co-op Development Partners to provide financing for the land purchase and predevelopment costs associated with the development of "Douglass Village" cooperatively-owned limited equity housing in Portland, Maine.

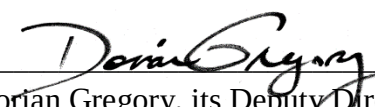
Since CFNE's founding in 1975, we have made over 1,000 loans, totaling over \$60 million, including many loans to support the purchase of cooperatively-owned real estate property. We look forward to seriously consider an application to provide a loan of up to \$855,000 for the above-mentioned purpose.

The terms of any loan would depend on the strengths of the application, collateral, other funders and financing, and the project's *pro forma* for expected cash flow and ability to make payments. Our customary range for interest is 5 -7% and most loans are made with terms of 5-10 years, with a longer amortization possible so that the actual loan payment amounts are affordable.

Our loan committee meets the second or third Thursday of each month, and the deadline for an application is the 15th of the previous month. The process for consideration takes a total of three to four weeks, though sometimes longer, and includes a site visit. My colleague, Deborah Hawkins, will be your loan outreach officer and will usher your application through our committee.

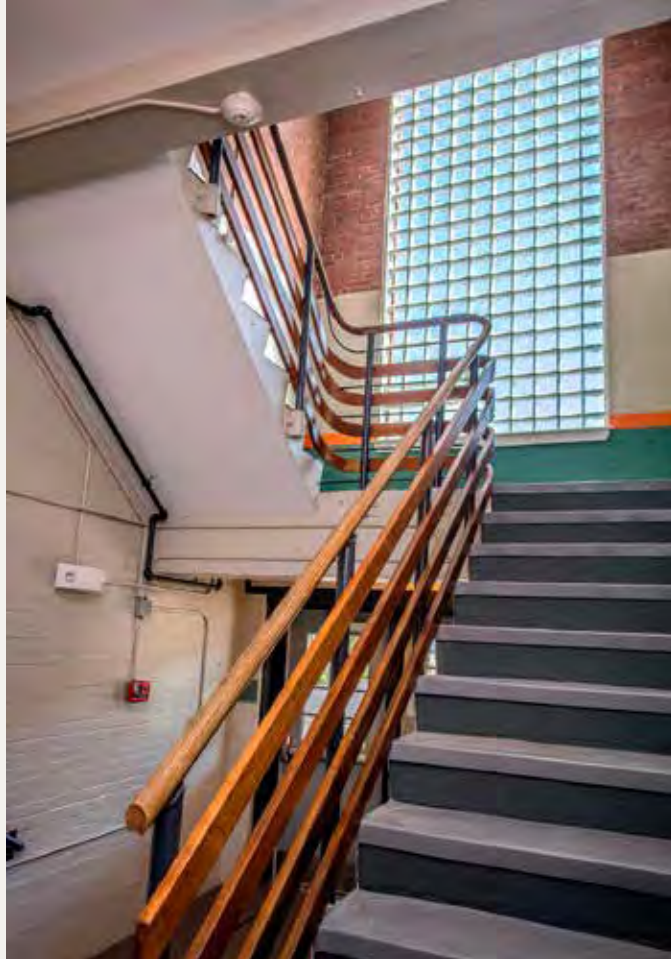
Please let us know if we can provide any other information and we look forward to working with your loan application and other capital needs. Thank you for using the services of the Cooperative Fund.

COOPERATIVE FUND OF NEW ENGLAND, INC.

By: 
Dorian Gregory, its Deputy Director

THE SZANTON COMPANY

an Affiliate of the Monks Companies



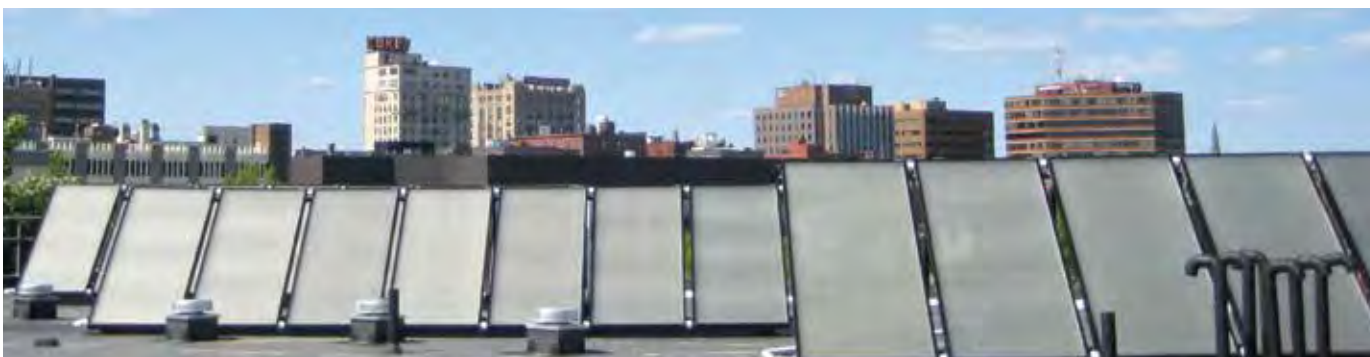
ABOUT THE SZANTON COMPANY

The Szanton Company, an affiliate of the Monks Companies, specializes in developing mixed-income rental housing in or near downtowns. We have completed eight apartment projects in Maine and New Hampshire totaling 393 units.

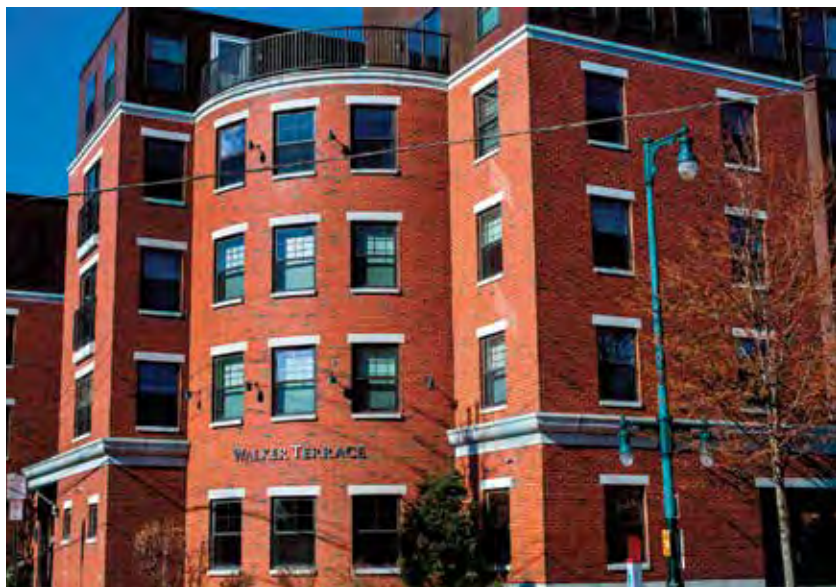
The mission of The Szanton Company is to create attractive and affordable rental housing that our residents are proud to call home. We do this by:

- Creating beautiful apartments of high quality in locations in or near downtowns, adding vitality to our cities and towns;
- Developing properties which provide a consistent, long-term return to their owners, thus ensuring their stability for residents, lenders, and neighborhoods;
- Serving people with diverse incomes;
- Creating amenities for our residents which enhance the quality of their lives;
- Incorporating environmental and energy sustainability in our properties, thereby reducing their impact on the earth's environment.

The Szanton Company is committed to long-term ownership of our apartment assets. In 2013, we founded Saco Falls Management, our property management arm, to ensure the highest standards of visual appearance and livability for our residents, neighbors, and communities.



Rooftop solar panels at 53 Danforth



PRINCIPALS & STAFF

NATHAN SZANTON, PRESIDENT

Nathan founded the company in 1996. Since then he has been responsible for developing 617 apartment units in 24 projects. As manager or principal partner in these projects, Nathan has successfully navigated the process of market research, site acquisition, design, regulatory approvals, financing, construction, and marketing.

He has committed himself to creating comfortable and affordable rental homes for residents with diverse incomes. Some of these have been adaptive reuses for underused historic buildings; others have been thoughtfully designed new construction. Nathan holds a B.A. from Harvard University and a J.D. from the University of Maine School of Law.



ROBERT C.S. MONKS, PRINCIPAL

Robert C.S. Monks is an active capital partner and also provides a deep understanding of real estate development and financing. Throughout his career he has founded, led, and grown 19 businesses in the financial services, real estate, technology and communications sectors.

In 2011, Bobby became an owner and Chairman of Spinnaker Trust, a Maine based trust company managing over \$1 billion in assets. Bobby attended Duke University and graduated from the University of Southern Maine with a Bachelor's Degree in Political Science.

Above: Walker Terrace
Left: The Mill at Saco Falls

Facing Page: The Lofts at Bates Mill

AMY CULLEN, VICE PRESIDENT AND PROJECT PARTNER

Amy joined The Szanton Company in 2006. Her responsibilities include: discovering new project locations, creating financing packages, and working with all development team members to help projects come to life.

Amy also serves as president of our sister company, Saco Falls Management, where she oversees all operations.

Prior to joining The Szanton Company, Amy was on active duty with the U.S. Army for six years, and served as a Training Program Manager for the Department of Defense in Minneapolis, MN. She holds a Bachelors of Science Degree in Accounting from Husson University.

KRISTIN MARTIN, DEVELOPMENT OFFICER

Kristin joined our company in 2013. Her responsibilities include finding and researching sites for new projects, preparing financial analyses, and evaluating development options. She coordinates with lenders, attorneys, architects, engineers, contractors and others on all aspects of The Szanton Company's development projects from concept to completion.

Prior to joining The Szanton Company as a Development Officer, Kristin worked for Saco Falls Management as an Assistant Development Officer, Property Manager and Director of Property Management. She holds a Bachelor of Health Science and a Masters of Occupational Therapy from Quinnipiac University.



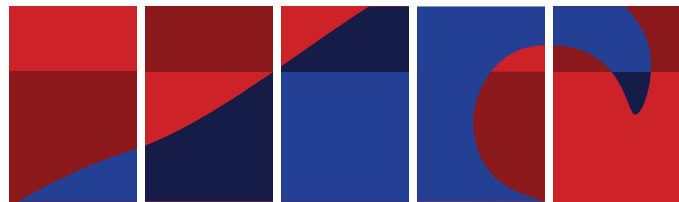
ABOUT SACO FALLS MANAGEMENT

HISTORY

Saco Falls Management is a full-service management company formed by The Szanton Company in 2013 to manage its rental properties, both residential and retail. Since then, the physical condition of the buildings has improved, tenant satisfaction has increased, and the profitability of the properties has grown. We are committed to managing our properties for the long-term with the highest sense of responsibility to our residents, financial partners, and host communities.

OUR MISSION

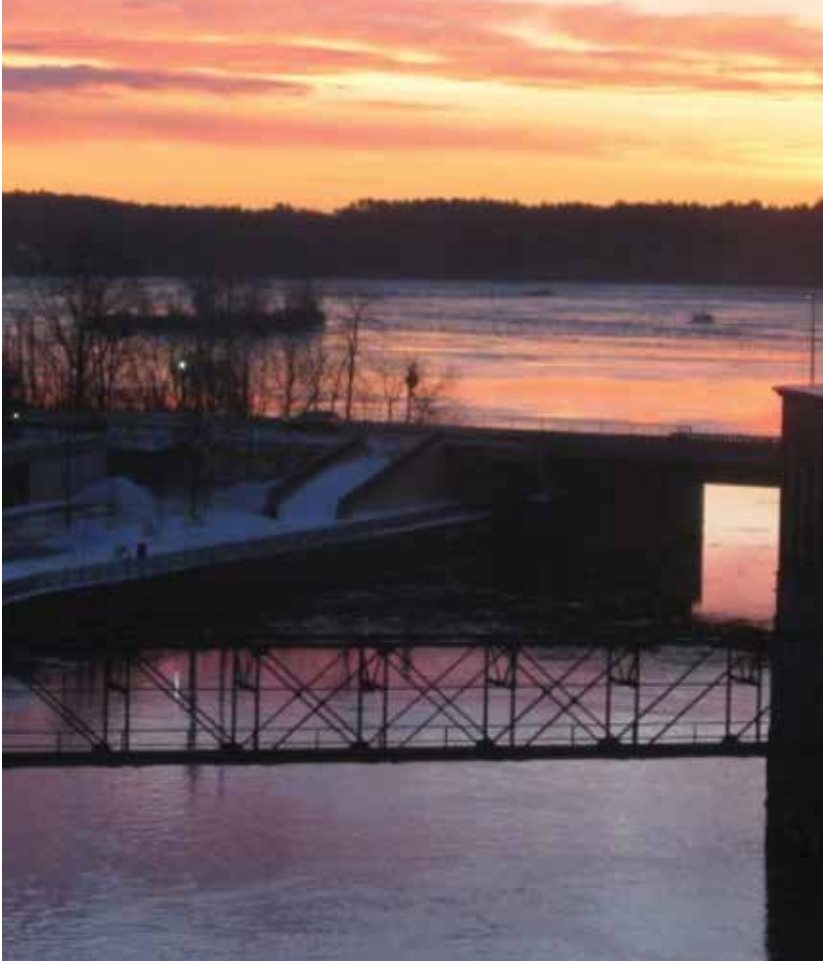
Our mission is creating rental properties that exceed expectations. We are guided by the following core values: honesty, integrity, candor, high standards of quality, respect for all with whom we deal, openness to new ideas, and a culture of continuous learning and enhancement of our knowledge and skills.



SACO FALLS MANAGEMENT



Walker Terrace



View from an apartment at The Mill at Saco Falls

RESIDENT SELECTION

Saco Falls Management Company complies with all state, local, and federal laws regarding fair housing practices or occupancy and resident selection procedures. In addition to program-specific requirements, all adult applicants are screened by our management staff. To be considered for residency at one of our properties, all applicants must have:

- References from prior landlords that show a history of good tenancy. This includes paying rent on time, keeping their unit in good repair and being a good neighbor by following the community rules.
- A favorable credit report.
- An absence of criminal history. We run a criminal background check on all applicants. Any applicant with a history of public disturbances, arrests, criminal activity, listing on the sex offender registry or other law enforcement problems that may indicate behavior inconsistent with lease obligations will be denied.



BATH, MAINE



Huse School Apartments (2017)

LEWISTON, MAINE



The Lofts At Bates Mill (2012)



The Hartley Block (2019)

AUBURN, MAINE



48 Hampshire (2020)

PORTLAND, MAINE



Casco Terrace (2004)



Walker Terrace (2006)



53 Danforth (2009)



The Furman Block (2020)

BIDDEFORD, MAINE



The Mill At Saco Falls (2010)



The Lofts At Saco Falls (2016)

EXETER, NEW HAMPSHIRE



The Squamscott Block (2007)

CASCO TERRACE

41 STATE STREET, PORTLAND, MAINE



Above Left: Casco Terrace, after. Right: Casco Terrace, before

*Facing page: Top: Casco Terrace from State Street
Bottom: Casco Terrace interior*

**“...CITY OFFICIALS SAY THE STATE-FINANCED PROJECT IS THE
KIND OF DEVELOPMENT PORTLAND NEEDS...”** —*Portland Press Herald*

CASCO TERRACE is a 27-unit vertical addition on an existing 27-car parking garage (see before and after photos opposite). The pre-construction newspaper story below describes the project's highlights and the need it addresses in a city desperate for affordable housing.

From the *Portland Press Herald*, May 28, 2003:

“It began as one of the first parking garages in Portland, at a time when few people owned cars ...

...City officials say the state-financed project is the kind of development Portland needs to help stem suburban sprawl and provide affordable rental housing for its workforce. They also give it high marks for being attractive and practical, and making the most of an under-used lot with desirable views of the waterfront.

...‘It’s a project with a lot going for it’, said Mark Adelson, Executive Director, Portland Housing Authority.”

YEAR COMPLETED: 2004

UNITS: 27 (14 Market-Rate + 13 Income-Restricted)

ARCHITECT: Archetype, P.A.

CONSTRUCTION MANAGER: Wright-Ryan Construction

FINANCING: MaineHousing and TD Bank



WALKER TERRACE

1 WALKER STREET, PORTLAND, MAINE



WALKER TERRACE is a six-story building that replaced an abandoned gas station, transforming the site and the neighborhood around it. It also helps to fulfill the city's goal of providing greater housing density along public transportation arteries. Walker Terrace is the first apartment building in Maine built to Maine State Housing Authority's Green Building Standards.

From the *Portland Press Herald*, September 21, 2004:

"Eager for any smart-growth infill opportunity to augment urban housing and curb Greater Portland sprawl, the Portland City Council unanimously let developer Nathan Szanton build 40 varied-income rental units on 0.4 acres of a former gas station in the West End, more than twice the number the current zoning allows, with Mayor Nathan Smith saying, 'This project does just about everything we as a city have been asking for.'"



YEAR COMPLETED: 2006

UNITS: 40 (18 Market-Rate + 22 Income-Restricted)

ARCHITECT: Archetype, P.A.

CONSTRUCTION MANAGER: Portland Builders

FINANCING: MaineHousing; the City of Portland;
Centerline Capital; Bank of America.

**“...THIS PROJECT DOES JUST ABOUT EVERYTHING WE AS A CITY
HAVE BEEN ASKING FOR...”** —Portland Mayor Nathan Smith



Above: Walker Terrace, after
Left: Walker Terrace, before

Previous page: Top: Walker Terrace Sidewalk Gallery
Bottom: Walker Terrace interior

“THIS IS AN AWESOME PROJECT FOR DOWNTOWN.” —Sylvia Von Aulock, Town Planner
Exeter News-Letter 2/22/05

THE SQUAMSCOTT BLOCK addresses the severe lack of affordable rental housing in Seacoast New Hampshire; adds vitality to Exeter’s downtown district; fills a gap in the streetscape of one of Exeter’s most important and beautiful streets; and promotes smart growth by adding density near public infrastructure.

Previously a surface parking lot next to Exeter’s historic 1856 Town Hall, the Squamscott Block is on the site of two historic structures torn down in the mid-20th century to make way for parking. The four-story building features 2,600 square feet of retail space along busy Water Street, currently housing an art gallery and a therapeutic salt cave. Two hidden levels of parking provide 36 spaces for the residents and 58 spaces for neighboring businesses.

YEAR COMPLETED: 2007

UNITS: 30 (14 Market-Rate + 16 Income-Restricted)

ARCHITECT: Archetype, P.A.

CONSTRUCTION MANAGER: North Branch Construction

FINANCING: New Hampshire Housing; the Town of Exeter, New Hampshire; the New Hampshire Community Development Finance Authority; TD Bank; Unitil; and HUD.



53 DANFORTH

53 DANFORTH STREET, PORTLAND, MAINE



Above Left: 53 Danforth, after. Right: 53 Danforth, before

**“THE BUILDING AT 53 DANFORTH STREET WILL HELP MAKE PORTLAND
THE MOST LIVABLE CITY IN AMERICA.”** —Portland Mayor Jill Dusen, *Portland Press Herald* 8/13/09

53 DANFORTH is located in the heart of the Portland Peninsula, a few blocks from downtown, the Arts District, the Old Port, the West End, and the Waterfront. It replaced a 50 year-old one-story garage and gravel parking lot. It includes 35 one-bedroom apartments, 8 two-bedroom apartments, and covered on-site parking. Many of the units boast views of Portland’s harbor and downtown Portland. This was our first project to include solar energy.



YEAR COMPLETED: 2009
UNITS: 43 (13 Market-Rate + 30 Income-Restricted)
ARCHITECT: Archetype, P.A.
CONSTRUCTION MANAGER: Wright-Ryan Construction
FINANCING: MaineHousing; TD Bank;
and the City of Portland, Maine.



Above: 53 Danforth interior
Bottom: Rooftop solar panels, 53 Danforth

THE MILL AT SACO FALLS

100 SACO FALLS WAY, BIDDEFORD, MAINE



YEAR COMPLETED: 2010

UNITS: 66 (26 Market-Rate + 40 Income-Restricted)

ARCHITECT: Archetype, P.A.

CONSTRUCTION MANAGER: Wright-Ryan Construction

FINANCING: MaineHousing; TD Bank; HUD; Northern New England Housing Investment Fund; the City of Biddeford; and The America Recovery and Reinvestment Act of 2009.

THE MILL AT SACO FALLS is an adaptive re-use of an 1845 textile mill building adjacent to the Saco River falls in Biddeford. It is a key component of the Biddeford Mill District renaissance—from a collection of aging industrial buildings to a vibrant, mixed-use neighborhood featuring public access to the Saco River.

Features of the project include magnificent views of the Saco River and falls, and a short walk to both the Amtrak station on Saco Island and Biddeford's historic downtown. Residents enjoy a fitness center, outdoor play area, home theater room, and community room with computers.



“THE PROPERTY WILL BE A PHENOMENAL ASSET TO THE CITY AND REFLECTS THE COMMUNITY’S WORKING MILL TRADITION.” –City Council President Bob Mills, *The Courier* 1/28/10



Above: The Mill at Saco Falls, after
Left: The Mill at Saco Falls, before

Previous Page: Left: The Mill at Saco Falls corridor
with mill artifact steel door
Right: The Mill at Saco Falls interior

THE LOFTS AT BATES MILL

36 CHESTNUT STREET, LEWISTON, MAINE



*Bottom Left: The Lofts at Bates Mill, west facade and Fountain Park, before
Above: Same view, after renovations*

Facing page:

Top: The Lofts at Bates Mill entrance

Bottom: Lobby with display of historic artifacts

**“THE QUALITY HOUSING IS AN ESSENTIAL COMPONENT OF
THE DOWNTOWN REVITALIZATION.”** –Mayor Bob MacDonald at his Grand Opening speech

THE LOFTS AT BATES MILL, the Szanton Company’s first Lewiston project, is the adaptive re-use of an 1854 Bates Manufacturing Company textile mill, Mill #2. The Lofts at Bates Mill features 25 one-bedroom, 16 two-bedroom, and 7 three-bedroom apartments. The Lofts at Bates Mill is the first apartment housing built in Lewiston’s Mill District.

The project completely transformed the west facade of this classic red-brick mill structure. Features of the project include 13-foot ceilings, exposed timber framing, large windows with abundant natural light, and an expansive view across Fountain Park and the Bates Mill Complex to the Androscoggin River. The project is a short three-block walk to the services in downtown Lewiston and is on a local bus line. Residents enjoy complimentary wi-fi, fitness center and spacious community room with computer.



YEAR COMPLETED: 2012

UNITS: 48 (15 Market-Rate + 33 Income-Restricted)

ARCHITECT: Platz Associates

CONSTRUCTION MANAGER: Platz Associates

**FINANCING: MaineHousing, The City of Lewiston, People’s
United Bank, Hunt Capital Partners, and Maine Preservation.**

THE LOFTS AT SACO FALLS

75 SACO FALLS WAY, BIDDEFORD, MAINE



Right: The Lofts at Saco Falls, before
Above: Completed project

Facing Page:
The Lofts at Saco Falls renovated interiors



**“IT’S A THRILL TO SEE OLD MILL BUILDINGS BEING RENOVATED.....TODAY WE LOOK
AT MILLS AS BEING SPECIAL, ARCHITECTURALLY AND EVEN CULTURALLY.”**

—Mayor Alan Casavant at his Groundbreaking speech

THE LOFTS AT SACO FALLS is the newest in a series of adaptive re-use projects which The Szanton Company began in 2010. It consists of two connected buildings, built in 1842 and 1867, totaling 92,000 square feet and sitting directly adjacent to our 2010 project, The Mill at Saco Falls.

The Lofts offers 80 (mostly 1-bedroom) apartments, as well as a landscaped courtyard, fitness center, waterfront park next door, and a short walk to downtown Biddeford and Saco. It also includes the features typical of historic New England mill buildings: high ceilings, large windows, revealed brick and exposed timber framing.



YEAR COMPLETED: 2016

UNITS: 80 (14 Market-Rate + 66 Income-Restricted)

ARCHITECT: Archetype, P.A.

CONSTRUCTION MANAGER: Wright-Ryan Construction

FINANCING: MaineHousing; Northern New England Housing Investment Fund; People’s United Bank; Coastal Enterprises; Genesis Fund; City of Biddeford; Southern Maine Planning and Development Commission.

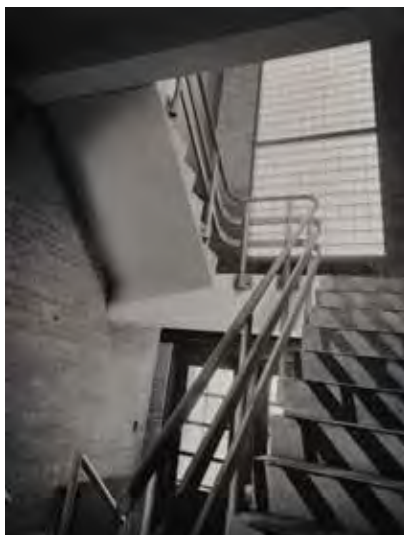
HUSE SCHOOL APARTMENTS

39 ANDREWS ROAD, BATH, MAINE



Above: Renovated Huse School gym

Right: Original design elements such as this stairwell have been maintained in the renovated space.



HUSE SCHOOL APARTMENTS involved the renovation and rehabilitation of the former John E.L. Huse Memorial School, built in 1942 and 1949. We re-purposed this elementary school to create 31 apartments and added a new construction wing with 28 apartments, for a total of 59 units.

The existing building was restored to its original 1942 appearance, designed by notable Maine architect and Bath native, Alonzo Harriman. Included are new windows consistent with the originals, restored masonry, and new signage which reproduced the original distinctive design. The apartments in the existing building feature original wood floors, high ceilings, and large windows with abundant natural light. Building amenities include wi-fi, fitness center, community room, and secure bike storage.

The Huse School Apartments are located steps from the modern YMCA, the 5-mile Whiskeag Trail, and a short walk to downtown Bath with its variety of shops, restaurants, library and more.

YEAR COMPLETED: 2017

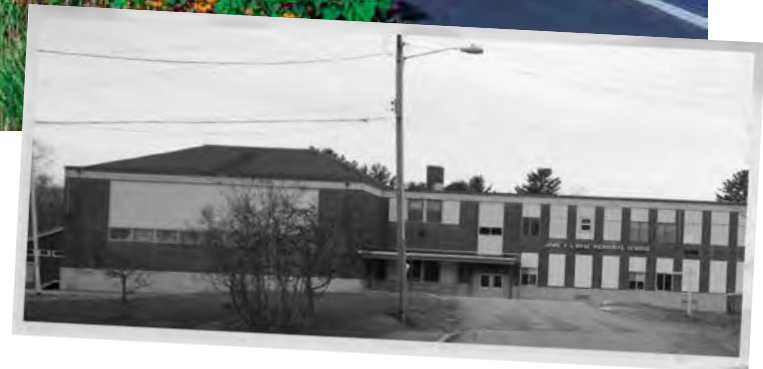
UNITS: 59 (16 Market-Rate + 43 Income-Restricted)

ARCHITECT: Archetype, P.A.

CONSTRUCTION MANAGER: Zachau Construction

FINANCING: MaineHousing; Northern New England Housing Investment Fund; Bangor Savings Bank; Coastal Enterprises; Maine Department of Economic and Community Development.

“THE PROJECT PROTECTS AND SAVES THIS HISTORICAL BUILDING...AND WILL PROVIDE PROPERTY TAX REVENUES FOR THE CITY...” –Lorena Coffin, Director of Sagadahoc Preservation Inc.



Top: Huse School Apartments
Above: Before renovation
Left: Interior of renovated Huse School apartment

THE HARTLEY BLOCK

155 LISBON STREET, LEWISTON, MAINE



Above: The Hartley Block
Left: Historic images of same location

Facing Page Top: The Hartley Block façade
Facing Page Bottom: Before construction

“WE ARE THRILLED THAT THE SZANTON COMPANY WILL BE REINFORCING OUR DOWNTOWN HISTORIC AND COMMERCIAL CORRIDOR BY BUILDING THIS IMPORTANT PROJECT.”

—Lewiston Mayor Shane Bouchard

THE HARTLEY BLOCK brings new life to a prominent 175' x 100' empty lot on downtown Lewiston's Lisbon Street. In 2004 and 2006, four connected historic buildings on Lisbon Street suffered extensive fire damage and were condemned and demolished, leaving a gaping hole in the city's most iconic street. One of the buildings was the site of the 1906 art studio of Marsden Hartley, an important early modern American painter born and raised in Lewiston.

A mixed-use, mixed-income project, The Hartley Block features 63 apartments aimed at a diversity of income groups and 4,000 sq. ft. of retail space along Lisbon Street. The project includes a fitness center, community room, children's playroom, dedicated bike storage, wi-fi and covered parking directly behind the building. The site is within easy walking distance of the public library (across the street), shops, restaurants, cafes, and two major parks.

This project adds momentum to downtown Lewiston's resurgence, including street-level public art at the entrance. Two 9-foot mosaic tile works, after Marsden Hartley paintings, animate its façade.



YEAR COMPLETED: 2019

UNITS: 63 (22 Market-Rate + 41 Income-Restricted)

ARCHITECT: Platz Associates

CONSTRUCTION MANAGER: Hebert Construction

FINANCING: MaineHousing; TD Bank; Northern New England Housing Investment Fund; City of Lewiston.

48 HAMPSHIRE

48 HAMPSHIRE STREET, AUBURN, MAINE



Located at the corner of Hampshire and Troy Streets, 48 HAMPSHIRE will aid the revitalization of downtown Auburn's important Hampshire Street corridor by bringing 53 high-quality new apartments to the neighborhood.

These will be a mixture of one, two and three-bedroom units, varying in size from 590-950 square feet. Included in the rent are heat and hot water, off-street parking, wi-fi, fitness center, community room and indoor bike storage.

48 Hampshire is located within easy walking distance of the public library, YMCA, shops, restaurants, grocery store, drugstores, and all the amenities of downtown Auburn.

The Szanton Company broke ground in March 2019 and expects to open to residents in April 2020.



Above: Rendering of completed project
Left: Same location, prior to construction

“WE ARE LOOKING FORWARD TO WATCHING YET ANOTHER MAJOR CONSTRUCTION PROJECT IN OUR DOWNTOWN TAKE SHAPE — ONE THAT WILL PROVIDE QUALITY WORKFORCE HOUSING, INJECT CAPITAL INTO OUR LOCAL ECONOMY, AND ENHANCE THE IMAGE OF AUBURN AS WE BECOME THE BEST SMALL CITY IN NEW ENGLAND”

—Auburn Mayor Jason Levesque



Above: Rendering of East elevation

PROJECTED COMPLETION: 2020

UNITS: 53 (11 Market-Rate + 42 Income-Restricted)

ARCHITECT: Platz Associates

CONSTRUCTION MANAGER: Benchmark Construction

FINANCING: MaineHousing; Boston Financial;
NBT Bank; City of Auburn.

THE FURMAN BLOCK

100 PARRIS STREET, PORTLAND, MAINE



Above: Rendering of completed project, from corner of Kennebec and Brattle Streets

Right: Before construction, Nathan Szanton and Amy Cullen on project site



“I THINK THIS IS THE NEXT BIG STEP IN CREATING A MULTI-USE NEIGHBORHOOD IN THIS PART OF BAYSIDE. IT’S PRETTY EXCITING TO GET THIS MOVING.”

—Portland City Councilor David Brenerman

THE FURMAN BLOCK is The Szanton Company’s first mixed-income project specifically for seniors, ages 55 and over. Located in the heart of Portland’s West Bayside neighborhood, it’s a short walk to Whole Foods and Trader Joe’s, small restaurants and delis, the 3.5 mile trail that loops around Back Cove and a few blocks from downtown Congress Street’s arts, business, and shopping district.

The property will feature 46 1-bedroom and five studio apartments. Some residents will have water views of Back Cove; others will enjoy views of Deering Oaks Park or Portland’s downtown. All will have abundant natural light. Included in rent are heat and hot water, a fitness center, indoor bike storage and wi-fi. The property also features a community room and coin-op laundry. The street-level commercial space, to be owned and managed by Ross Furman, will be a combination of artists’ studios and gallery space.

Repurposing an empty gravel lot at the corner of Parris and Kennebec Streets, The Furman Block contributes to the revitalization of this former industrial neighborhood.

PROJECTED COMPLETION: 2020

UNITS: 51 (11 Market-Rate + 40 Income-Restricted)

ARCHITECT: Archetype, P.A.

CONSTRUCTION MANAGER: Hebert Construction

FINANCING: MaineHousing; Northern New England Housing Investment Fund; City of Portland.



Above: Rendering of completed project, from corner of Kennebec and Parris Streets

REFERENCES

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Former City Manager

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Maine Cooperative Development Partners

MAINE COOPERATIVE DEVELOPMENT PARTNERS

build neighborhoods where the elements that constitute quality of life—access to green space, healthy lifestyles, community, privacy, and affordability—are not at odds with each other. Grounding principles for this work are creating equitable communities; complementing walkable neighborhoods; building healthy buildings; and celebrating beauty, art, and the natural environment. We use Limited Equity Cooperatives as a form of ownership to create options for people of all ages, backgrounds, and incomes to live in harmony with nature and their neighbors.

WE ENVISION small towns, urban neighborhoods, and suburban neighborhood centers that are walkable to daily needs and adjacent to recreational facilities, trails, and transit corridors; homes that use energy efficient construction, and shared gardens, patios, and play spaces for people to get to know and enjoy their neighbors.

WE GIVE BACK by partnering with organizations that support trails and green space, transit, local businesses, social equity, and efforts to mainstream energy efficient building and land use.



PRINCIPALS



MATTHEW PETERS has been involved in the completion of over 20 new construction, major rehab, and acquisition deals. Matt worked for eight years at Avesta Housing, one of Northern New England's largest non-profit housing developers and owners, project managing affordable housing developments, building out and overseeing the Asset Management department, and ending in an executive role overseeing the entire development and acquisitions pipeline as Vice President of Real Estate Services. In 2018 he began to consult for Housing Authorities, housing non-profits, and Community Development Finance Institutions in Maine supporting these organizations in acquisition, ground-up development, and underwriting of affordable housing properties. Matt also is the Executive Director of Freeport Housing Trust based in Freeport, Maine. He has strong working relationships with MaineHousing, Rural Development, lenders, tax credit syndicators, and other professionals in the design and construction field, holds a Masters in Urban Planning from the University of Washington, and certifications such as Spectrum's C3P and Rural Development STAR trainings and LEED Accredited Professional.



BRIAN ENG is a real estate investor who has worked on commercial projects in Florida, Connecticut, New Jersey, and Maine. He has worked as a principal on developments of over 200 units, is a principal on redeveloping the MERC site in Biddeford, and has redeveloped several smaller properties in Portland. He brings strong expertise in financials, fundraising, advocacy, and public speaking. He grew up in a co-op in New York City, and is on the board of UHAB, the entity that manages 20,000 units of cooperative housing in New York.



LIZ TRICE is a policy professional who builds multidisciplinary partnerships across real estate, economic development, entrepreneurship, and public health. Liz holds a masters degree in Public Policy & Management with a certificate in Community Planning & Development from the Muskie School at the University of Southern Maine. She has worked on multi-unit projects in Portland to obtain zone changes, lead the public engagement process with neighboring residents and businesses, apply for TIFs and grants, and direct the design of shared spaces. Her work includes award-winning research on the regulatory barriers to people living alone achieving home ownership, leading the process to redesign Bramhall Square, and working with medical and economic development institutions to develop strategic plans. Her projects to re-envision urban spaces for livability and natural ecosystems won two of three awards given by the 2019 Portland Society of Architecture's Complete City Competition. Liz trained as a cohousing developer and Passive House Design Consultant and has visited over 20 cohousing developments in the United States. She is currently the owner of PelotonLabs, a coworking space in Portland.



PROJECTS



M NORTH ORLANDO—As a principal of Clay Cove Capital, Brian was the control capital partner in the ground-up development of M North in Orlando, a \$37.1M, 288-unit multifamily development in Orlando, Florida. www.mnorthorlando.com



BIDDEFORD MERC REDEVELOPMENT Brian worked with Jim Brady of Fathom Companies, to serve as master developer of city-owned land on the former Maine Energy Recovery Corp. incinerator through a public-private partnership with the City of Biddeford.



6 CITY CENTER IN PORTLAND—Brian redeveloped and retenanted a largely vacant Old Port mixed use building including executive office suites. www.sixcitycenter.com, and bringing in a law firm condo, law firm tenant, Lio Restaurant, and HE Paintbar nail salon.



1685 CONGRESS IN PORTLAND—Brian redeveloped a 50% vacant office/medical building and retenanted it including Maine Plastic Surgery Center and Maxim Healthcare. www.maineplasticsurgery.com

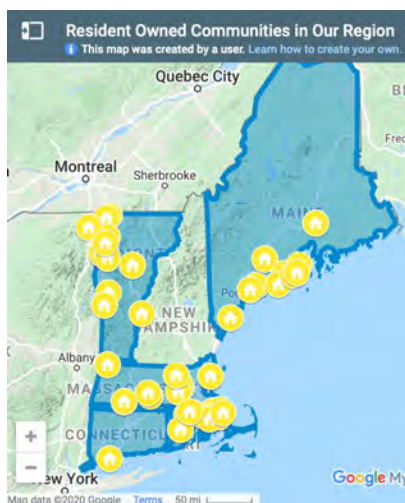


645 CONGRESS STREET—This former downtown college dormitory was converted to 55 one-bedroom and studio apartments with retail on the first floor. Liz worked for developers Shinberg and Alford on the initial concept, conducted a market analysis, developed relationships and communication with neighbors and businesses, creating a bike storage and parking plan, created a community management plan, and assisted with lease-up.



The Cooperative Development Institute (CDI) is a regional 501(c)3 non-profit founded in 1994 by co-op leaders in the Northeast. CDI's mission is to build a cooperative economy through the creation and development of successful cooperative enterprises. We are transforming ownership of our economy, so all people can meet their basic needs. CDI has 30 staff across the Northeast including six staff members in Southern Maine.

New England Resident Owned Community Projects (NEROC)



One of our primary activities is creating cooperative housing in Maine and the Northeast. When a park is for sale we help residents form a cooperative, get financing to buy the park, and learn how to run it with democratic resident control. This program gives residents control of the land beneath their homes and protects the affordability of their housing.

The Resident Owned Community (ROC) model began in NH with the NH Community Loan Fund and became a national model with the formation of ROC USA in 2008. The program has helped people in over 50 parks – comprising more than 4,800 homes — convert to resident ownership. Those communities are part of the ROC USA Network, which has helped secure over 15,000 units of affordable housing

nation-wide. CDI provides ongoing support as trainers and advisers for the ROCs and other cooperatives in the region. We assist in governance, management, financial oversight, communications, conflict resolution, compliance, and securing financing.

Charter Oaks Village Cooperative



With the support and technical assistance of the Cooperative Development Institute (CDI), the residents of Charter Oaks Village acquired the land on the 40 unit Arundel manufactured housing park on June 11, 2019 for \$1,170,000, helping to preserve the affordable housing community within it.

Charter Oaks Village joins nine other Maine manufactured housing communities supported by CDI and financed by Genesis Community Loan Fund, representing 440 homes now under resident control. The newly formed housing cooperative was a recipient of a GrowSmart Maine's honorary 2019 Smart Growth Award.

Mountainside Community Cooperative



CDI's newest Maine Cooperative is the 52-unit Mountainside Community Cooperative in Camden, Maine. Securing affordable housing in a community like Camden is increasingly challenging as housing costs escalate and its population ages. The residents of Mountainside Community purchased the community on December 11, 2019 for \$1,900,000 with financing provided by Camden National Bank, Genesis Community Loan Fund and the Local Enterprise

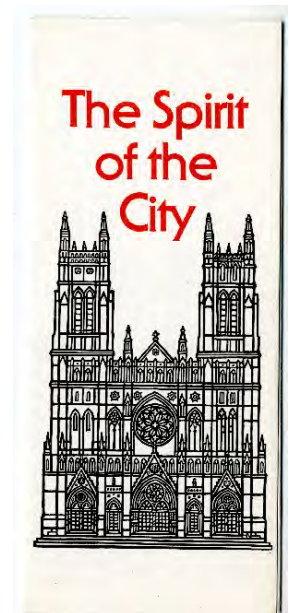
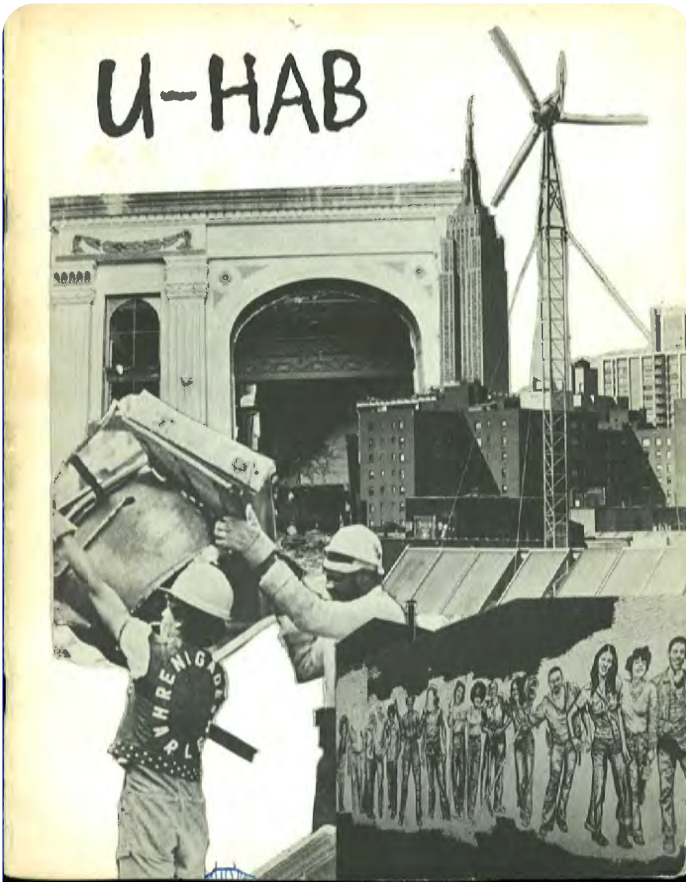
Assistance Fund. "We are so pleased to be able to help the residents of the Mountainside Community Cooperative become property owners today," said Bill Floyd, Executive Director of the Genesis Fund.

Wardtown Mobile Home Cooperative



The residents of the 60-unit Wardtown Mobile Home Cooperative voted to form the cooperative and purchase the community in May 2015, with assistance from CDI, and combined financing from Maine State Housing and The Genesis Community Loan Fund. As with all of the CDI's Resident Owned Communities (ROCs), Wardtown members continue to engage in extensive training and organizational development. As Bill Hodgkins, Cooperative Treasurer explains, "We all gained valuable new skill sets as we went through the process of establishing and financing our

cooperative...Now we have a very strong board of directors and feel very organized, to the point we are able to assist other ROC mobile home parks with advice about the process."



2019 UHAB ANNUAL REPORT

Building for Us

This year, UHAB made a considerable effort to build an archive. In doing so, the lesson we learned from decades of growth is very simple: what has always mattered most for affordable housing is community. It is the strength and support that comes from the community inside a co-op that is just as essential as the affordable housing itself.

With this in mind, UHAB is proud to offer new and expanded programs to low-income homeowners with a refined lens on our work. We have more data and research than ever on the long-term impacts of redlining policies and how communities of color have been resilient in their efforts to remain in their homes, whether in the 1970s or today. By building new affordable co-ops, strengthening tenants' rights statewide, making share loans through our HomeOwnership Lending program, and working in cooperation with our Interboro Community Land Trust partners to create the first Citywide CLT in New York City, we are actively working to dismantle the detrimental legacies of redlining and community disinvestment.

As we look toward the future, our work is expanding in several ways. We are offering more services like Co-ops Go Solar and our energy programs that are tackling the most pressing issue of our lifetime: the climate crisis. Without renewable energy and carbon reduction, low-income residents more than anyone will be affected. Most importantly, we need to recognize that it is not just low-income communities, but people of color in particular who are disproportionately affected by this crisis, just as they have been marginalized from fair and stable housing. UHAB's CDFI, HomeOwnership Lending, helps ensure that a family is not denied the opportunity to purchase because they don't have the money to be an all cash buyer. This program makes small loans where other lenders are reluctant and in this way supporting our HDFC and Mitchell Lama co-op communities in continuing to provide affordable housing.

The interest in co-ops and our work is expanding not just in New York City, but in upstate New York where residents can securely remain in their mobile homes; to New Haven, CT where the nearly 50-year old Seabury Co-op struggles to keep up with its aging infrastructure; and to Seattle, WA where a new permanently affordable co-op is being created. UHAB is excited to be assisting a new City financed co-op development program in Oakland, CA and we continue to meet with organizations and officials in other cities who are seriously considering the limited-equity model.

We have come a long way and welcome our next chapter of growth.

Sincerely,

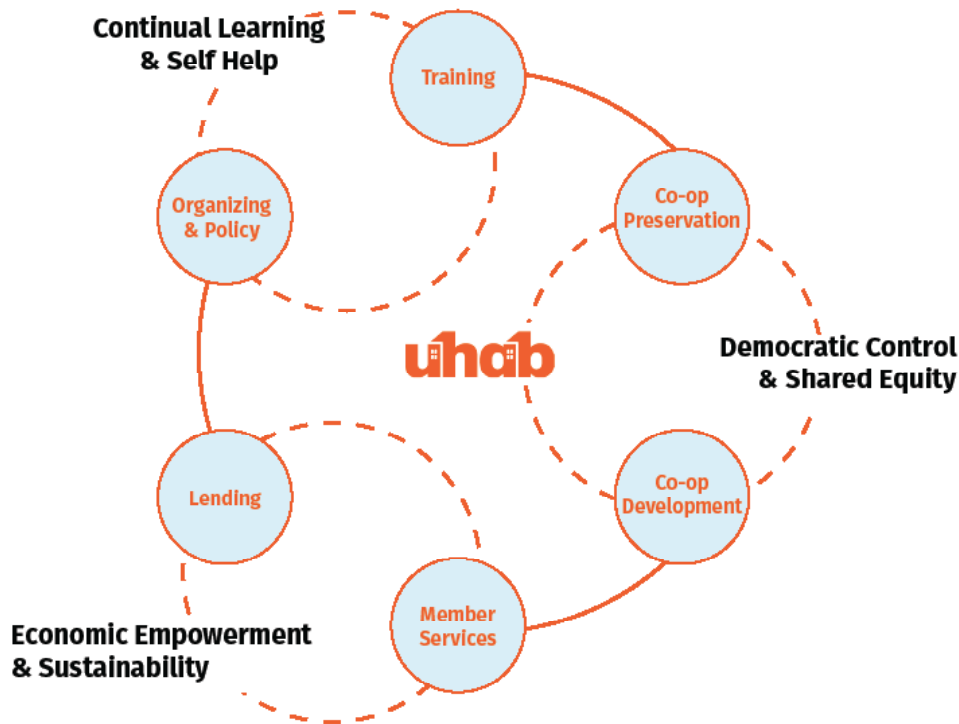
A handwritten signature in blue ink, appearing to read 'A. Reicher', with a stylized flourish at the end.

Andrew Reicher, Executive Director

Community through Cooperation

UHAB empowers low- to moderate-income residents to take control of their housing and enhance communities by creating strong tenant associations and lasting affordable co-ops.

Our Principles



I. Continual Learning & Self Help

When residents take the lead on everything from creating, managing, and preserving their own co-ops to advocating for affordable housing policy reform, this not only improves buildings and neighborhoods, but it transforms lives as well. Ongoing education and training is the key to preserving affordable housing cooperatives and strong tenant associations.

II. Democratic Residential Control & Shared Equity

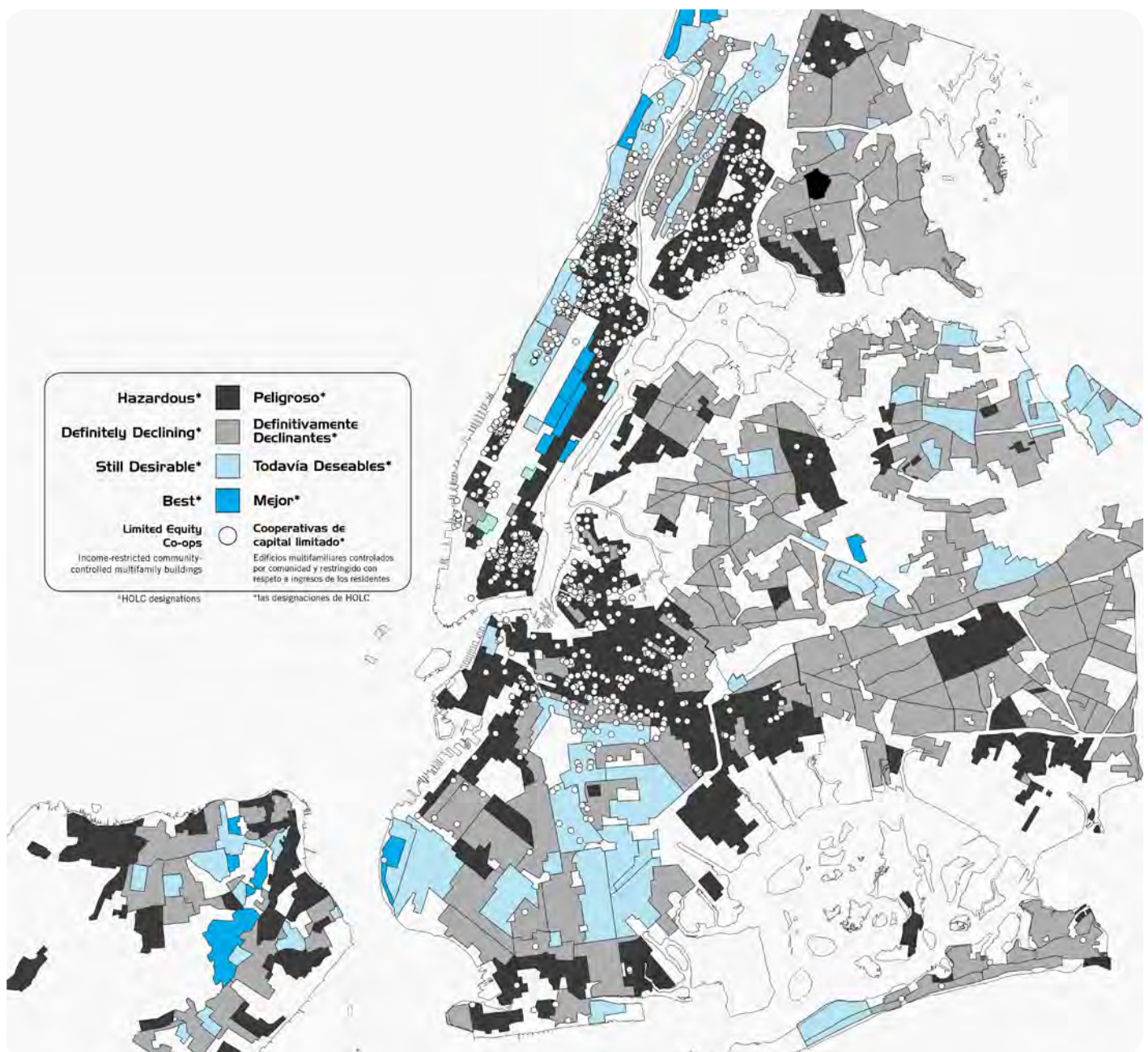
Transparent leadership and the participation of a majority of residents—each contributing unique skills and perspectives—make democratic governing and organizing possible. This collective control of housing helps prioritize a shared equity that keeps affordability manageable for future incoming residents.

III. Economic Empowerment & Sustainability

UHAB provides access to affordable, high-quality resources covering areas of energy, finance, democratic participation and education. These tools help residents maintain lower costs of living while helping to demystify financial technicalities. With support and guidance, all residents should be able to read and manage their finances, in order to make informed decisions about their operating costs.

Housing Justice is Racial Justice

This map overlays the location of modern-day HDFC co-ops with redlined neighborhoods from the 1930s. Redlining was a discriminatory housing practice that devalued neighborhoods where people of color lived and made it difficult for people of color to secure safe, affordable housing. In this map, the deepest shade of grey represents the least economically desirable neighborhoods. In the 1970s and 1980s, landlord abandonment and arson led to City foreclosure on thousands of occupied buildings in these same neighborhoods, creating the conditions for the self-help housing movement and the creation of thousands of HDFCs.



Through organizing and self-help initiatives, community-controlled housing arose as a way for low-income people and people of color to take control of their housing solutions when the government and private sector would not. Today, neighborhoods like Harlem, the South Bronx, and Central Brooklyn still struggle with the legacy of redlining; high air pollution, increased heat waves, higher poverty rates, and gentrification all threaten to displace longtime residents from neighborhoods that were once widely abandoned.

Through it all, community control remains a tool to provide New Yorkers with decent, affordable housing. HDFC co-ops are anchors in their neighborhoods, providing a safe haven to raise families and age in place. Tenant unions build power among renters and win victories like stronger rent laws.



Through our work, UHAB helps people of color control, manage, and improve their homes. We know from experience that most of the low- to moderate- income residents in the buildings we serve are Black or Latinx. Our goal is to have as many people from the communities we serve reflected in our organization's leadership and programs.

Currently, around 60% of our Board and program staff are people of color, and more than half of our organization is bilingual in English and Spanish, fulfilling an essential need for our Spanish-speaking HDFC board members and residents. We provide our technical assistance, homeownership advisement, energy advisement, bookkeeping services, quarterly newsletter, and entire training curriculum in both English and Spanish.

UHAB BY THE NUMBERS: 2019

125 fair elections monitored
in practice of democratic
community control



9 HDFCs
adopted solar,
bringing the total
number to
28

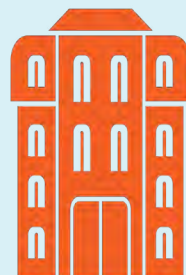
3,500,000 tenants protected
under stronger rent laws



5
affordable
homeowner-
ship loans
totaling
\$242,011

115 budgets planned to
preserve HDFCs' financial
stability & affordability

203
trainings for
affordable
co-op
residents



\$9,197,000
secured in loans to
help HDFCs make
capital
improvements



Our Co-op
Preservation
team helped

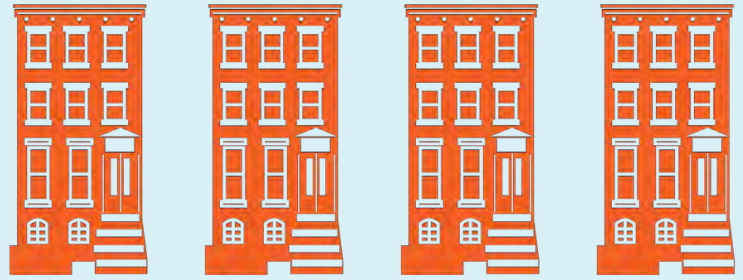
15 co-ops

secure necessary
loans to avoid City
foreclosure last year.

This represents over

350 families

that were able to
retain their equity
and control of their
homes through
technical assistance
and guidance
from
UHAB staff.



To date, UHAB is the
foremost developer of
limited-equity housing
co-ops in NYC. we have

developed **over**

1,300 units of

affordable housing
with the support of a
variety of City and State
programs.



FIRM BIO



ACETO LANDSCAPE ARCHITECTS

ALA is a process-driven, landscape architecture and urban design firm committed to thoughtful, creative intervention at the intersection of environment, economics, art, and culture. ALA was founded on the notion that great design is a product of careful listening, inclusive decision-making, and unrelenting passion for enduring built spaces. We believe landscape architecture lies at the nexus of the built form and the ephemeral qualities of an ever-changing environment. ALA's team offers a unique set of skills and perspective, well-equipped to harmonize and reconcile the roles and value systems of varied design disciplines. We integrate expertise and intuition to craft powerful places, built upon a commitment to resiliency and sustainability. Our studio's passion for craft and technical savvy affords us the opportunity to collaborate across a broad geographic range and myriad project scales from intimate private spaces to large-tract master plans.

ALA was founded in 2014 by Principal, Nick Aceto. ALA has 5 employees, all of which are landscape architects, licensed in the states of Maine, Massachusetts, New York and Colorado.



PROJECT TEAM KEY PERSONNEL



NICK ACETO, PLA, ASLA

ACETO LANDSCAPE ARCHITECTS

FOUNDING PARTNER, LANDSCAPE ARCHITECT | NA@ACETOLA.COM

Nick is a licensed landscape architect and urban designer with a deep passion for the creative process. Nick believes in landscape as a framework for organizing the patterns and behaviors through which we live. From the private garden to the region, Nick has the ability to recognize and translate patterns into visual narratives which tell the unique story of a place through built form. Nick grew up in Portland, Maine where he developed a deep appreciation for the rich and varied New England landscape, from rocky shorelines of the Atlantic to the forested peaks of the Appalachians. As both a consummate urbanist and adventure-seeking outdoorsman, Nick is intrigued by the interplay between urban form, economics, wild nature, and ecology.



CAITLIN ACETO, PLA, ASLA

ACETO LANDSCAPE ARCHITECTS

FOUNDING PARTNER, LANDSCAPE ARCHITECT | CA@ACETOLA.COM

Caitlin is a licensed landscape architect in the states of Maine, New Hampshire, and Colorado, who's passion for art and design began in the Chicagoland area where she was exposed to the architectural works of Frank Lloyd Wright and Olmsted's historic planned community of Riverside. Caitlin's project experience ranges in scale from circulation and wayfinding design at Grand Canyon National Park, to security barrier conceptualization for the Thomas Jefferson Memorial, to signage programming and design. Caitlin brings a distilled clarity to design that strives to embody the contextual heritage, textural richness and cultural integrity of place.



SETH KIMBALL, PLA, ASLA

ACETO LANDSCAPE ARCHITECTS

PRINCIPAL, LANDSCAPE ARCHITECT | SK@ACETOLA.COM

Seth has been practicing Landscape Architecture for over 15 years. He has a Bachelor's degree in Landscape Architecture from the University of Massachusetts Amherst. Seth's project experience includes serving as project manager/lead designer for a master plan for the new Al Guhair University in Dubai, the Al Ain Oasis Cultural Quarter Master Plan in Abu Dhabi, institutional experience including Phillips Andover Academy, Bates College, George Stevens Academy, and Southern New Hampshire University, and a range of residential project including homes in Texas, Idaho, Montana, New York, Arizona, and several throughout the northeast. Seth joined ALA in 2018, bringing to the practice his experience in civic, institutional, and residential projects. further ALA's commitment to achieve sustainable and resilient project outcomes.



LIST OF SELECT CURRENT & ONGOING OR COMPLETED ALA PROJECTS

ALA has been fortunate to have made meaningful contributions to a vast array of projects across a wide gamut of scales over the last 5-6 years. Below is an abbreviated list of select project examples intended to provide a sense of our professional skill set, experience, and range as a design studio. We would be happy to provide more information about any of the below projects upon request.

RESIDENTIAL

DBX 11 RESIDENCE	ASPEN, CO
WHITE HORSE SPRINGS RESIDENCE	ASPEN, CO
TELLURIDE AGUIRRE ROAD RESIDENCE	TELLURIDE, CO
PRIVATE RESIDENCE	SOUTH FREEPORT, ME
SHADOW MOUNTAIN CONDOMINIUMS	ASPEN, CO
SMYTH RESIDENCE	SNOWMASS, CO

COMMERCIAL/CAMPUS

100 FORE STREET OFFICE BUILDING	PORTLAND, ME
66 STATE STREET	PORTLAND, ME
LAAM 525 LIVE-WORK	BASALT, CO
HOTEL ASPEN	ASPEN, CO
MEMORIAL PLAZA	QUANTICO, VA
CUMBERLAND CLUB SITE PLAN	PORTLAND, ME
RIVERSIDE LIVE-WORK	PORTLAND, ME
WILLITS BEND LIVE-WORK	BASALT, CO
RED HAWK ELEMENTARY SCHOOL	ERIE, CO
CSU UNDERPASS STUDY	FORT COLLINS, CO
ANDERSON RANCH ARTS CAMPUS	SNOWMASS VILLAGE, CO

HOUSING & DEVELOPMENT

SCARBOROUGH DOWNS MASTER PLAN	SCARBOROUGH, ME
THE TREE FARM	BASALT CO
66 STATE STREET	PORTLAND, ME
BLOCK 11 MASTER PLAN	BRECKENRIDGE, CO
BROKEN COMPASS BREWERY	BRECKENRIDGE, CO
RIVERBEND COMMERCIAL CENTER	TIMNATH, CO
CUMBERLAND MULTI-GEN	CUMBERLAND, ME

PUBLIC

COMMERCIAL STREET TRANS. STUDY	PORTLAND, ME
LIBBYTOWN PLAYSCAPE	PORTLAND, ME
PORTLAND DOWNTOWN SQUARE	PORTLAND, ME
BASALT POST SIGNAGE	BASALT, CO
TOWN WAYFINDING SIGNAGE	BASALT, CO
BAYSIDE ADAPTS MASTER PLAN	PORTLAND, ME
ARBANEY PARK MASTER PLAN	BASALT, CO
BASALT OUR TOWN	BASALT, CO
TIMNATH COMMUNITY PARK	TIMNATH, CO
PACTS SMART CORRIDOR STUDY	PORTLAND, ME
LIBBYTOWN VISIONING	PORTLAND, ME
BERTHOUD PARKS & OPEN SPACE PLAN	BERTHOUD, CO

REFERENCES

CAITLIN CAMERON

CITY OF PORTLAND, URBAN DESIGNER
207-874-8901
CCAMERON@PORTLANDMAINE.GOV

"In my capacity as Urban Designer for the City of Portland, I interacted with Aceto Landscape Architects (ALA) on the 100 Fore Street project where they demonstrated thoughtful and creative design strategies for a challenging urban site. Speaking from my experience working with a diversity of landscape and urban design professionals in Southern Maine, I found ALA to have an innovative approach that demonstrates a value for and understanding of the role of public space and urban landscape for the livability and resiliency of cities and towns." - Caitlin Cameron

BRUCE HYMAN

CITY OF PORTLAND, TRANSPORTATION PROGRAM MANAGER
207-874-8717
BHYMAN@PORTLANDMAINE.GOV

"Aceto Landscape Architecture's compelling graphics as part of the Portland-South Portland Smart Corridor Plan effort in 2017 enabled the public to readily visualize the benefits and trade-offs of various transportation alternatives being considered and highlighted the opportunities those alternatives could also have for placemaking, a key goal of the Plan." - Bruce Hyman

RICH CIECIUCH

PROJECT WORKSHOP
970-729-0126
RICH@PROJECT-WORKSHOP.COM

"ALA is a key design collaborator in our design build approach, helping to navigate complex approval issues, participating seamlessly in the iterative design process that succeeds best when site attribute identification and organization melds with building design concepts. They are excellent listeners and always come back with creative and unexpected solutions. Community and Neighbor impacts of any development must be carefully contemplated and negotiated to a successful outcome, and ALA has all the skills and experience to shape and illustrate how new projects relate to the existing fabric of community and neighborhoods." - Rich Ciecuch

DAN BACON

DEVELOPMENT DIRECTOR MR.HOLDINGS
207.232.5154
DBACON@MR.HOLDINGS

MARK RUDOLF

PRINCIPAL / OWNER VELLUM ARCHITECTS
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JAY CHACE

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TROY MOON

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THM@PORTLANDMAINE.GOV
207.756.8362



THE DOWNS | 510-ACRE MASTER PLAN & TOWN CENTER SCARBOROUGH ME

ALA has worked collaboratively with Gorrell Palmer Consulting Engineers along with a large team of consultants and stakeholders in developing a master plan for this 500+ acre former harness racing facility. The project was recently granted a TIF agreement based in large part on the attributes ALA visualized in their plans for the proposed Town Center which included a 4 acre community park with music venue, playground, and sport courts.

KEY STAFF SERVICES STATUS REFERENCE

Nick Aceto, Seth Kimball
Master Planning, Urban Design, Landscape Architecture, Visualization
Planned
Jay Chace, Planning Director, Town of Scarborough | Jchace@Scarboroughmaine.org

ALA worked closely with an experienced Southern Maine builder to develop a neighborhood plan which begins to challenge conventional subdivision development rules with a compact pattern and highly walkable streetscape organized around a central woodland preserve which serves as a neighborhood playscape.

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FRONTRUNNER PARK SCARBOROUGH ME

This third phase of The Downs master plan includes over 200 homes across a broad range of affordability including compact, lane-loaded single family and pocket homes as well as more than 75 apartment units and ground floor office space. The plan is organized around a series of small parks and a highly-walkable street grid.

KEY STAFF

Nick Aceto, Seth Kimball

SERVICES

Master Planning, Urban Design, Landscape Architecture, Visualization

STATUS

Permitted, Expected Construction Fall 2020

REFERENCE

Jay Chace, Planning Director, Town of Scarborough | Jchace@Scarboroughmaine.org



LAAM 525

BASALT CO

Aceto Landscape Architects worked closely with architect, owner and contractor on this urban infill development, providing creative streetscape and urban plaza design interventions. The project included 8 affordable residential units, 5,000 SF of commercial / light industrial space, parking, and integration with the town's transit system.

KEY STAFF

Caitlin Aceto, Nick Aceto

SERVICES

Landscape Architecture, Urban Design

STATUS

Under Way Summer 2020

REFERENCE

Glenn Rappaport | grappa@blackshack.net



FREEPORT LIVE-WORK

FREEPORT ME

Freeport Live-Work is a community master plan envisioned as a series of mixed-density neighborhoods including more compact, single-family pocket homes as well as mixed-use townhomes and commercial-office buildings

KEY STAFF	Nick Aceto, Caitlin Aceto
SERVICES	Landscape Architecture, Urban Design, Planning
STATUS	Planned
REFERENCE	Undisclosed



BASALT ON-CALL PLANNING

BASALT CO

ALA was tasked with the study of two parcels within the Town of Basalt Growth Management Area for feasibility of alternative 'affordable' housing development options. ALA explored options for pocket neighborhoods, compact lot scenarios, and consolidation of infrastructure as a means to offset development cost and in turn reduce home pricing.

KEY STAFF

Lisa Cowan, Caitlin Aceto

SERVICES

Landscape Architecture, Visualization

STATUS

Planning Document Complete 2016

REFERENCE

Undisclosed | Undisclosed



BRECKENRIDGE SUSTAINABLE COMMUNITY

BRECKENRIDGE CO

ALA provided master planning, urban design and landscape architecture services for the larger mixed-use community surrounding the Broken Compass Brewery site in Breckenridge, Colorado.

KEY STAFF	Nick Aceto, Caitlin Aceto
SERVICES	Landscape Architecture, Visualization
STATUS	On-Hold
REFERENCE	Rich Ciueciuch, Project Workshop



RAISE-OP | BLAKE STREET CHARETTE LEWISTON ME

ALA worked collaboratively with this Lewiston CO-OP via a series of charrettes and workshops to help develop a plan for a new CO-OP building which could be replicated across a number of typical infill sites across Lewiston. Working with residents, ALA and BILD Architecture built consensus around parking, site utilization, program, and amenities.

KEY STAFF	Nick Aceto, Caitlin Aceto
SERVICES	Site Planning, Urban Design, Public Engagement
STATUS	Planned, On-Hold
REFERENCE	Craig Saddlemire, Evan Carroll



RAILROAD SQUARE LIVE-WORK YARMOUTH ME

Situated on a former commercial shipping yard between an existing railroad corridor and historic Main Street, Railroad Square is conceived as a compact, walkable, mixed-use residential community which celebrates the site's historic commercial character while testing new models for living and working.

KEY STAFF	Nick Aceto, Caitlin Aceto
SERVICES	Landscape Architecture, Site Planning
STATUS	Planned
REFERENCE	Kevin Bunker, Alex Jaegerman



JAX SCHOONER HEAD EAST CO-HOUSING

BAR HARBOR, ME

The Jackson Laboratories is an institution with a long history in Bar Harbor and one of the State of Maine's largest employers. ALA was tasked with developing a site inventory and analysis and conceptual master and site plans for employee and guest housing on a 36.5 acre parcel directly adjacent to the main campus.

KEY STAFF	Nick Aceto
SERVICES	Site Planning, Urban Design
STATUS	Planned, Under Way
REFERENCE	John Fitzpatrick



WILLITS BEND | LIVE-WORK COMMUNITY

BASALT CO

ALA has worked closely with Black Shack Office to develop plans and visualization for expansion of this live-work community in Basalt, CO. The community is comprised of 6 buildings with commercial, light-industrial space on the ground floor with tenant-finish residences above.

KEY STAFF	Nick Aceto
SERVICES	Master Planning, Urban Design, Landscape Architecture, Visualization
STATUS	Completed 2019
REFERENCE	Glenn Rappaport



LIBBYTOWN PLAYSCAPE PORTLAND ME

ALA worked closely with the Libbytown Neighborhood Association to provide conceptual design and visuals for a new playground planned in Dougherty Field Park in Portland. Due in large part to ALA's imaginative design in conjunction with the neighborhood association's proposal, the project was awarded more than \$130,000 in CDBG funding in 2018 through the competitive selection process with the City of Portland.

KEY STAFF	Nick Aceto, Caitlin Aceto
SERVICES	Landscape Architecture, Visualization
STATUS	Under Way Summer 2020
REFERENCE	Ethan Hipple, Zack Barowitz

Blackstone Senior Living

Location: Falmouth, Maine

Completion Date: February 2018

Size: 15,000 square feet new

Program: 19 units new, 1-bedroom, and 2- bedroom apartments to Passive House performance levels; plus significant rehabilitation of 20 existing units

Cost: \$185 / sf

Scope: New Construction and rehabilitation

Reference:

Catherine Elliott

Avesta Housing

(207) 553-7780

CElliott@avestahousing.org





48 Union Wharf | Portland, ME. 04101 | tel. 207.772.6022

www.archetype-architects.com

Company Background and History

Archetype Architects has, since 1983, developed an extensive portfolio of building projects in Maine and New England. We are a commercial architectural firm specializing in business, retail and housing developments. Our areas of service include master- planning, architectural design, and interior design. Prior to 1983 David Lloyd and Bill Hopkins maintained separate practices after having begun their careers in Boston and New York, respectively.

Archetype regularly designs and completes commercial projects in a very diverse field of typologies. Everything from hospitality and multi-family residential to offices and light industrial projects is well within our purview.

Personnel:

Principals: David Lloyd
William Hopkins

Architects: David Mele
Barry Yudaken
Virginie Stanley
Katherine Detmer
James Broadbent

Architectural Associates: Michael Hutchins
Mike Coyne
Devin Cough

Architectural Interns: Maryna Nelson
Sam Berry

Interior Designer: Sally Anderson

Office Manager: Susan Geffers

Registration Status:

Maine, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, RI and US Virgin Islands

Professional Affiliations:

National Council of Architectural Registration Board
International Building Code
National Fire Protection Association

RELATED PROJECT EXPERIENCE

Archetype has provided Design Services for the following residential projects.

Project & Location	Type of Project	Client
Osprey Circle S. Portland, ME	48 Units Apartments 2 large multi-unit buildings	Kevin Bunker - Developers Collaborative (207) 766-1632 - bunker.kevin@gmail.com
Oriole Way Ellsworth, ME	50 Units Apartments 7 Buildings, Flats and Townhouses	Kevin Bunker - Developers Collaborative (207) 766-1632 - bunker.kevin@gmail.com
Webster Point Orono, ME	15 Units Condos 7 Buildings Townhouses	Kevin Bunker - Developers Collaborative (207) 766-1632 - bunker.kevin@gmail.com
Summer Street Gardiner, ME	15 Units Apartments 2 Buildings, Flats and Townhouses	Kevin Bunker - Developers Collaborative (207) 766-1632 - bunker.kevin@gmail.com
Minot Ave. Auburn, ME	36 Units Apartments 3 Buildings, Flats and Townhouses	Kevin Bunker - Developers Collaborative (207) 766-1632 - bunker.kevin@gmail.com
Maple Street Augusta, ME	29 Units Apartments 3 Buildings, Flats and Townhouses	Kevin Bunker - Developers Collaborative (207) 766-1632 - bunker.kevin@gmail.com
Deering Place Portland, ME	75 Units Apartments	Avesta Housing (207) 553-7780
Motherhouse Portland, ME	88 Units Elderly Apartments	Kevin Bunker - Developers Collaborative (207) 766-1632 - bunker.kevin@gmail.com
Fox School S. Paris, ME	12 Units Elderly Apartments	Avesta Housing (207) 553-7780
Larrabee Commons Westbrook, ME	38 Units Elderly Apartments	Christopher LaRoche – Westbrook Housing (207) 854-6805-claroche@westbrookhousing.org
Millbrook Estates Westbrook, ME	38 Units Elderly Apartments	Christopher LaRoche – Westbrook Housing (207) 854-6805-claroche@westbrookhousing.org
St. Ignatius Sanford, ME	66 Units Apartments	Kevin Bunker - Developers Collaborative (207) 766-1632 - bunker.kevin@gmail.com
Eliot Housing Eliot, ME	38 Units Elderly Apartments HUD	David Bateman - Bateman Partners, LLC (207) 772-2992-David@batemanpartnersllc.com
Carleton Street Portland, ME	37 Units Apartments	Avesta Housing (207) 553-7780
Huse School Bath, ME	58 Units Apartments	Nathan Szanton - The Szanton Company (207) 8719811- nszanton@szantoncompany.com
Hodgkins School Augusta, Me	47 Units Apartments	Amanda Bartlett - Augusta Housing amanda.bartlett@augustahousing.org
134 Washington Ave. Portland, ME	18 Units Veterans Housing	Avesta Housing (207) 553-7780

RELATED PROJECT EXPERIENCE

Archetype has provided Design Services for the following residential projects.

Project & Location	Type of Project	Client
Village Green Cumberland, ME	38 Units Apartments	David Bateman - Bateman Partners, LLC (207) 772-2992-David@batemanpartnersllc.com
Sanford Mill Sanford, ME	36 Units Apartments	Northland Enterprises, LLC Rex Bell
Danforth on High Portland, ME	30 Units Apartments	Random Orbit, Inc. Peter Bass
Hyacinth Place Westbrook, ME	37 Units Apartments	Avesta Housing (207) 553-7780
Sullivan School Apartments South Berwick, ME	34 Units Apartments	David Bateman - Bateman Partners, LLC (207) 772-2992-David@batemanpartnersllc.com
Emery School Apartments Biddeford, ME	24 Units Apartments	Avesta Housing (207) 553-7780
The Mill at Saco Falls Biddeford, ME	66 Units Apartments	The Szanton Company (207) 8719811- nszanton@szantoncompany.com
Spring Crossing Elderly Housing Westbrook, ME	34 Elderly Apartments	Christopher LaRoche – Westbrook Housing (207) 854-6805-claroche@westbrookhousing.org
53 Danforth Portland, ME	43 Units Apartments	The Szanton Company (207) 8719811- nszanton@szantoncompany.com
Walker Terrace Portland, ME	40 Units Apartments	The Szanton Company (207) 8719811- nszanton@szantoncompany.com
Casco Terrace Portland, ME	27 Units Apartments	The Szanton Company (207) 8719811- nszanton@szantoncompany.com





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Acorn Engineering, Inc. is a Portland-based civil and environmental engineering firm of nine full-time employees and four construction inspectors. Acorn's team has a diverse portfolio providing Maine with quality engineering and environmental services as well as state-wide construction administration on behalf of the Maine Department of Transportation.

A cornerstone of Acorn Engineering is the attention to quality and exceptional level of service on every project, regardless of size. Our engineers and scientists pride themselves on their extensive experience, which is backed by a broad knowledge of civil and environmental engineering practices from smaller residential projects to larger commercial projects that integrate environmental assessment and site redevelopment.

Acorn Engineering has demonstrated the ability to breakdown and synthesize widely disseminated regulations into accepted engineering practices and practical site assessment and development. As a result of Acorn's efforts, the Cumberland County Soil & Water Conservation District recently recognized Acorn as the Contractor of the Year. This was the first award associated with the nationally recognized Long Creek Restoration Project and the first time the Cumberland County Soil & Water Conservation District ever recognized an engineering firm as their Contractor of the Year.

Acorn's expertise covers the areas of: civil/site design, evaluation, development, and permitting; and construction phase services such as construction administration, construction documents, project bidding, and site inspection including erosion and sedimentation control. Acorn's experience also includes the field of environmental engineering and compliance such as: Phase I and Phase II environmental site assessments, soil and groundwater remediation planning and design; Maine's Voluntary Response Action Program (VRAP); and stormwater treatment system design and permitting.

Acorn's engineers have designed, permitted, and overseen construction on numerous single-family and multifamily residential projects including traditional subdivision designs featuring on-site sewage/septic disposal and drilled wells. Furthermore, Acorn has demonstrated extensive experience and capabilities with municipalities, the Maine Department of Transportation (MDOT), Maine Department of Environmental Protection (MDEP), soil & water conservation districts, conservation commissions, municipalities, and the private sector on environmental and site development projects as demonstrated by the following:

- Listed on Maine DEP's Pre-Qualified Vendor List for Environmental Consulting Services
- Listed on Maine DOT's Pre-Qualified Consultants for eight service areas (listed under Section I.D)
- Cumberland County Soil & Water Conservation District Contractor of the Year for work on the Long Creek Restoration Project

- **Public Works Redevelopment – Meeting House Hill**

Over the past two years, Acorn Engineering has worked in close association with the City of South Portland, neighbors, and private clients on the redevelopment of the former Public Works facility. The 6-acre site is nestled in the middle of the Meeting House Hill residential neighborhood and is currently



a mix of storage buildings, fuel fill stations, miscellaneous stockpiles, and pavement. The site will be redeveloped into a mix of multifamily townhomes and single-family dwellings comprising 38 units along with a public park and community gardens.

In addition to the environmental remediation, Voluntary Response Action Program (VRAP), and other environmental considerations given the previous land use, the project is subject to a Maine DEP stormwater management law. The redevelopment design results in a reduction in impervious area of over 50% and reduces land use intensity across the site. Though not required, several stormwater BMP's have been implemented into the site as a best practice, further attenuating and treating stormwater runoff. In addition to the significant redevelopment plan, Acorn has designed an infrastructure plan to separate the storm and sewer mains. This will include installing 400 feet of new storm drain along the existing O'Neil Street right-of-way and 700 feet of new storm drain along the proposed O'Neil Street right-of-way extension. Overall, this effort will reduce the effects of combined sewer overflows (CSO) into Casco Bay which occur due to wet-weather events and the wastewater treatment plant's inability to provide capacity for both storm and sanitary sewer flows.

As part of this project, Acorn held a multitude of meetings with the City including the assistant City manager, the former Mayor, the entire planning division, and the chief engineer of Public Works. Furthermore, Acorn has collaborated with department heads of the Fire, Parks, Public Works, and Water Resource departments to ensure a feasible and ideal project for all parties. As a result, the process was truly a collaborative effort with a number of stakeholders weighing in on the design.

- **Munjoy Heights**

Acorn provided civil/site engineering and permitting for the design of Munjoy Heights – a six townhome, 29-unit development on the steep slopes of Munjoy Hill in the City of Portland. Acorn designed and developed construction drawings for the sanitary sewers, storm drains, water mains, driveways and pedestrian circulation, retaining wall locations, building locations, and drainage infrastructure to be built in compliance with City standards.



A key component to the project was coordinating with the City on the future combined sewer separation project and the site's overall stormwater management. Additionally, discussions with neighbors and stakeholders were paramount in the project's success.

The innovative urban infill project compliments the Munjoy Hill neighborhood with a communal design and plentiful native landscaping that replaced invasive species which previously dominated the eroding banks prior to the development. The \$22 million project features a courtyard, terraced landscaping, a Portland Trails-maintained path that connects the redevelopment to the existing trail system, and low impact development (LID) techniques that meet MDEP Chapter 500 regulations. The stormwater management includes an underdrained sand filter and chambers that detain and treat stormwater on site in tandem with strategically placed rain gardens.

The project required extensive coordination and collaboration between the client, City of Portland, Portland Trails, the structural engineer, the architect, and the contractor to successfully complete the project with the first “woonerf” in the state and maintaining the existing public walking path through the property.

- **200 Valley St**

Working with Avesta Housing, Acorn Engineering provided civil engineering and permitting for Avesta's 60-unit project in the St. John Valley neighborhood. This urban infill project replaces the existing single-family house and abutting vacant lots into new affordable housing opportunities with two levels of covered parking, amenities, and a rebuilt project frontage with new sidewalks, street trees, and bicycle hitches.



As part of the project, Acorn developed a transportation and parking analysis to ensure that the provided parking will adequately serve the redevelopment. Furthermore, the design team identified and implemented multiple strategies to encourage residents to efficiently utilize the many modes of transportation available on the Portland peninsula.

- **Little Dolphin Drive & Jocelyn Place**

In collaboration with the South Portland Housing Authority and Risbara Holdings, Acorn provided civil engineering design and permitting of a multi-use subdivision at the end of Little Dolphin Drive in Scarborough. Proposed uses include a two-story office building and a three-story 60-unit senior housing facility with associated parking and landscaped areas.



In addition to a voluntary neighborhood meeting, the project went through a 3-step master plan phase with the Town of Scarborough in which the project was collaborated on with Planning Staff, the Planning Board, and neighbors.

The project is subject to Maine DEP and US Army Corps permits. To adequately treat stormwater on the site, Acorn has designed multiple stormwater BMPs meeting Maine DEP Chapter 500 regulations resulting in a low impact design.

- **89 Anderson Street**

In collaboration with Redfern properties and the East Bayside neighborhood, Acorn developed the civil/site engineering design of a mixed use 53-unit redevelopment of an existing under-utilized, urban infill lot in the East Bayside neighborhood. Acorn's scope of services included in the initial phase applying for and obtaining a zone change and



conducting Phase I and Phase II Environmental Site Assessments to evaluate potential environmental contamination at the site.

After conducting the environmental remediation efforts, Acorn developed the site layout and design of sanitary sewers, storm drains, water mains, site driveway, retaining wall locations, building locations, parking lot design, building drainage structures, utility connections and landscaping plan (with a landscape architecture subconsultant) to meet the City of Portland Technical Standards. Acorn also integrated sidewalk and improvements associated with the project into the City's Anderson Street ByWay project. Furthermore, the project team worked with a non-profit organization, the Telling Room, to provide public art along the Fox Street streetcape in lieu of traditional fencing.

Overall, the project established an important mixed use building on a prominent corner lot adjacent to Kennedy Park which contains popular recreation space. The building houses a restaurant and the Gear Hub bicycle school on the first floor with residential apartments above which encourages an active street presence with housing, goods, and services that help tie the neighborhood together and keep eyes on the street.

- **667 Congress Street – The Hiawatha**

The \$28 million project included the civil/site engineering design for the 8-story, first floor retail and 139-unit apartment building on Congress Street in Portland. Vehicle parking is served by two levels with separate access from Vernon and Avon St. The project featured building and site design in an historic district adjacent to Longfellow Square.

Services included, but is not limited to, permitting with the City of Portland, layout and design of sanitary sewers, storm drains, water mains, pedestrian and vehicle entrances, building locations, parking lot design, and parking garage grading and drainage. Acorn provided significant coordination between the Architect, Structural Engineer, Geotechnical Engineer, Construction Management Company, Owner, and the City.





CREDERE

ASSOCIATES, LLC

Brownfield Assessment & Cleanup

Credere specializes in redevelopment planning, engineering, and environmental sciences with a goal of providing services that positively impact the community, economy, and environment using Smart Growth principles. Credere is SBA certified 8(a); DOT certified DBE in ME, NH and MA; and Self-Certified EDWOSB/WOSB.

The word “credere” means “to believe” in Italian. Credere is also an acronym for community revitalization, economic development, environmental remediation, and engineering. It was very important to Theresa and Rip Patten when naming the company that the name communicates something more than crediting the owners. The name should embody the company mission: what the company believes, what it aspires to do for its clients, and the means through which it can be achieved. To us, Credere is the perfect name. We believe that we can use our engineering education and our knowledge of environmental remediation to help our clients achieve community revitalization by successful completion of redevelopment projects. It is our small way to make the world a little better. Credere works with planning commissions, municipalities, economic development boards, private developers, and local and federal government agencies to overcome environmental issues that are hindering the redevelopment process.

Credere’s mission is to provide services that positively impact the community, economy, and environment that our clients and employees work, live and play.

Credere has extensive experience in completing long-term, sustainable Brownfields Programs and private redevelopment projects, which use smart growth principles. The projects include various tasks, such as, environmental assessment, re-use planning and remediation and redevelopment engineering.



Marada Adams School – 48 Moody Street, Portland, Maine

The 1.5-acre Marada Adams Community School was used as an educational facility from 1958 until 2006, when the school was closed and the property was vacated. Historically, the property contained a complex of buildings occupied by the Portland Railroad Company and a trolley railroad crossed the middle of the site. During the late 1800s, a portion

of the property was also used as the Burgess, Forbes & Company White Lead & Color Works facility (a can and hand grenade manufacturer). Credere performed a Phase I assessment at the property in anticipation of a transfer of ownership from the City of Portland to a private non-profit affordable housing developer, AVESTA Housing. Following the sale of the property, Credere performed Phase II activities to investigate potential hazardous building materials and contaminated soil. Based on the Phase II data, the developer was able to anticipate concerns with worker and future residential exposure, and waste soil disposal. Credere helped the development team minimize the financial and logistical impact of these issues through the re-design of the site layout, enrollment in the Maine DEP VRAP program, and attainment of a \$200,000 Brownfields cleanup grant. Between 2012 and 2013, Credere oversaw the remediation of hazardous building materials, contaminated soils, and the redevelopment of this site into 16 units of affordable homeownership housing, a public greenway and a playground. The project transformed an underutilized Brownfields site located in an otherwise vibrant neighborhood and returned it to the community.



Thornton Heights Commons – 611 Main Street, South Portland, Maine

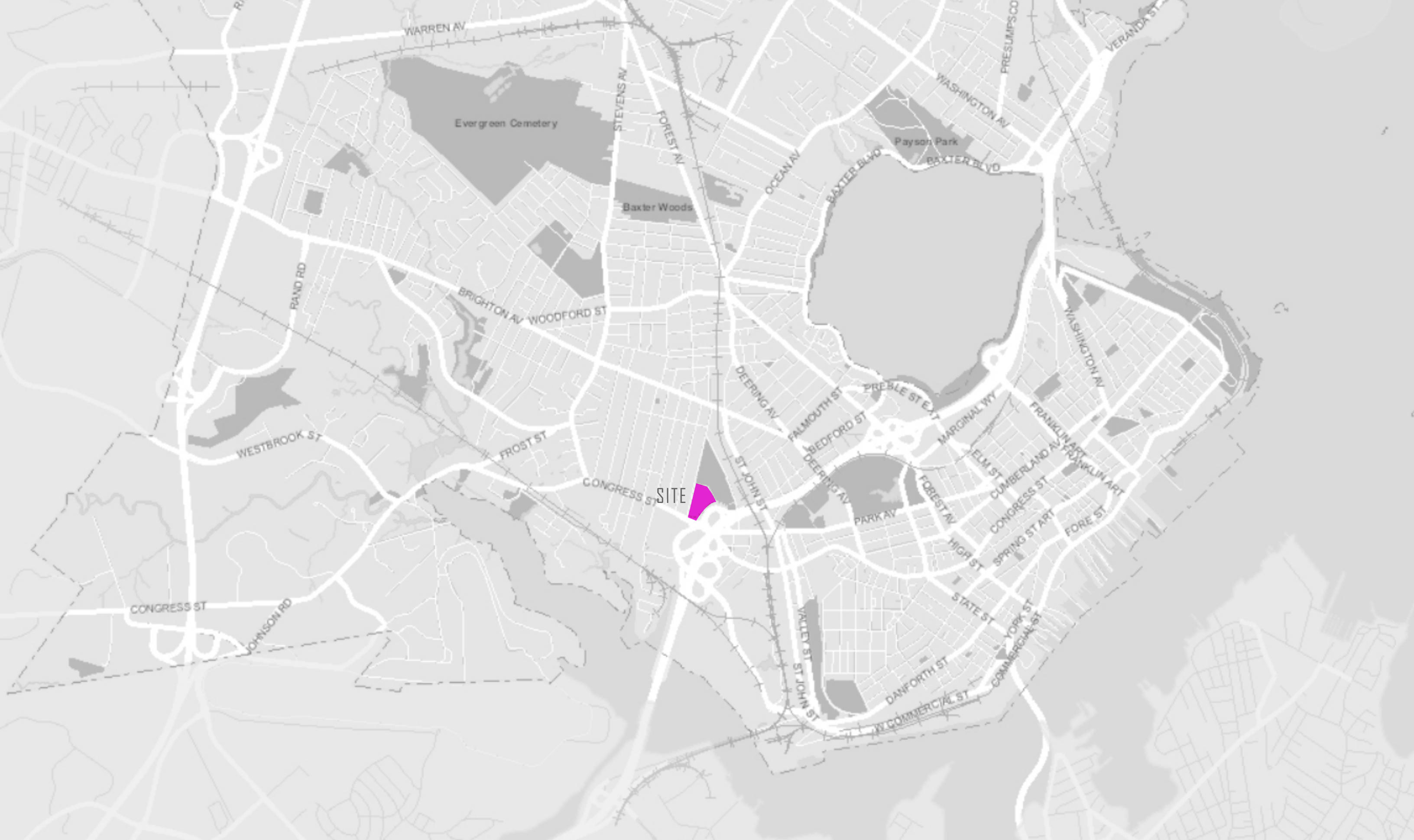
The South Portland Housing Authority acquired the former St. John parish church, rectory (i.e. a residence for clergy), and a church school in Thornton Heights or South Portland, Maine. The buildings on the 1.81-acre site were severely dilapidated and contained substantial hazardous

building materials including lead, asbestos, and PCBs, and soil was contaminated from lead paint around all of the Site buildings. Credere performed several phases of environmental investigation, geotechnical investigation, assisted the housing authority in obtaining a \$500,000 EPA Brownfields cleanup grant, and cleanup and redevelopment planning. In 2020, Credere oversaw the solicitation of bids from cleanup contractors and subsequently implemented the abatement and remediation of the site, demolition of the Site buildings, and preparation of the site for redevelopment. The project is currently moving to construction of a 46,000 square foot four-story mixed-use affordable housing projected that will include parking for seventy vehicles,

a 10,000 s.f. community open space, and three new single-family house lots. The building will consist of 42 apartments on the three upper floors, a community space, and 7,000 s.f. of commercial space on the ground floor.

State Street School – 261 Center Street, Brewer, Maine

The State Street School was a 6,630-square foot two-story building that was constructed in 1948. The Site building was operated as an elementary school from 1948 until June 2011 and was vacant thereafter. Based on assessment work completed at the Site by Credere and others, asbestos, lead, and universal and/or hazardous waste were considered to be contaminants of concern. Credere assisted the City in remediation planning and environmental clean activities, which included abatement and removal of asbestos; universal, special, and hazardous waste; and lead-based paint building debris in accordance with the Maine DEP VRAP. To support the redevelopment of the Site, Credere completed a geotechnical engineering evaluation and provided recommendations for the design and construction of the 48-unit Community Housing of Maine (CHOM) affordable housing development. This was the first multi-family passive building in ME and in New England, and at the time, was the largest passive housing building anywhere in the country. As part of this work, Credere conducted a subsurface exploration program, which included laboratory testing, evaluating subsurface conditions, and completing geotechnical engineering analyses including settlement and bearing capacity calculations and limited stability assessment of proposed excavations.













LAND USE SUMMARY			
BLDG	HT	UNITS	GSF
A (CO-OP)	3ST.	12	~11,760
B (CO-OP)	2 ST.	4	~4,080
C (CO-OP)	2 ST.	4	~4,080
D (CO-OP)	2 ST.	4	~4,080
E (CO-OP)	2 ST.	4	~4,080
F (CO-OP)	3 ST.	12	~11,760
G (CO-OP)	3 ST.	12	~11,760
H (CO-OP)	4 ST.	56	~63,964
TOTAL		108	~115,564

PARKING SUMMARY	
81 SPACES	(.75/UNIT)

LOT COVERAGE	
TOTAL ENVELOPE	~3.08 AC.
TOTAL BLDG COVERAGE	~40,230 SF
TOTAL IMPERVIOUS PAVING	~40,163 SF
TOTAL LOT COVERAGE	80,393 SF (~60%)

DOUGLASS COMMONS CO-OP+
OVERALL SITE PLAN

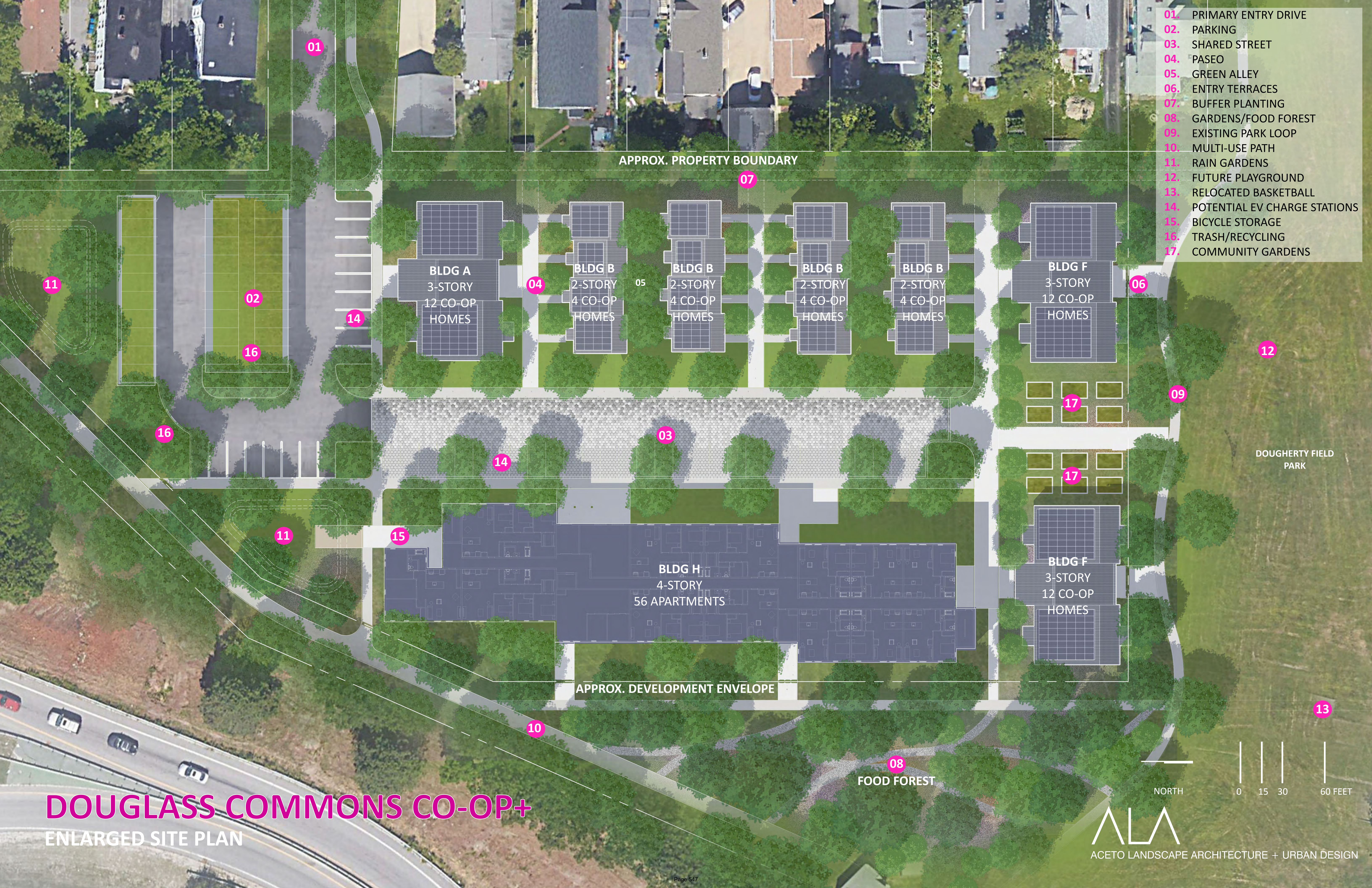
NORTH

0153060 FEET

EXISTING LITTLE LEAGUE FIELD

ACETO LANDSCAPE ARCHITECTURE + URBAN DESIGN

0153060



- 01. PRIMARY ENTRY DRIVE
- 02. PARKING
- 03. SHARED STREET
- 04. PASEO
- 05. GREEN ALLEY
- 06. ENTRY TERRACES
- 07. BUFFER PLANTING
- 08. GARDENS/FOOD FOREST
- 09. EXISTING PARK LOOP
- 10. MULTI-USE PATH
- 11. RAIN GARDENS
- 12. FUTURE PLAYGROUND
- 13. RELOCATED BASKETBALL
- 14. POTENTIAL EV CHARGE STATIONS
- 15. BICYCLE STORAGE
- 16. TRASH/RECYCLING
- 17. COMMUNITY GARDENS

APPROX. PROPERTY BOUNDARY

APPROX. DEVELOPMENT ENVELOPE

BLDG A
3-STORY
12 CO-OP
HOMES

BLDG B
2-STORY
4 CO-OP
HOMES

BLDG B
2-STORY
4 CO-OP
HOMES

BLDG B
2-STORY
4 CO-OP
HOMES

BLDG B
2-STORY
4 CO-OP
HOMES

BLDG F
3-STORY
12 CO-OP
HOMES

BLDG H
4-STORY
56 APARTMENTS

BLDG F
3-STORY
12 CO-OP
HOMES

DOUGHERTY FIELD
PARK

FOOD FOREST

NORTH



DOUGLASS COMMONS CO-OP+

ENLARGED SITE PLAN



EXHIBIT D

Minimum Household Size and Maximum Allowable Monthly Rent Calculation

The Minimum household size for a unit is based on the number of bedrooms in the unit, as set forth in the table below. The maximum allowable monthly rent for a unit is 1/12 of 30% of the Area Median Income, based on the minimum household size for a unit, less the occupant's costs for utilities.

	Studio/One-Bedroom Unit	Two-Bedroom Unit	Three-Bedroom Unit	Four-Bedroom Unit
Minimum Household Size	1	2	3	4

For Example, utilizing 2020 AMI levels, and assuming no out of pocket utility costs, the maximum allowable monthly rent would be as follows:

Studio/One Bedroom Unit: $1/12(0.30 \times \$70,630) = \$1,765.75$

Two Bedroom Unit: $1/12(0.30 \times \$80,720) = \$2,018.00$

Three Bedroom Unit: $1/12(0.30 \times \$90,810) = \$2,270.25$

In the event that the occupant has out of pocket utility expenses, the maximum allowable monthly rent would be decreased by the amount of those utility expenses. For example, for a two bedroom unit with \$300 in monthly utility expenses, the maximum allowable monthly rent would be $\$2,018.00 - \$300 = \$1,718.00$.

Utility allowance will be calculated in one of two ways: (1) using the utility allowance established by the Portland Housing Authority or (2) based on actual documented utility usage at the property.



**Maine Cooperative Development Partners
&
The Szanton Company**

July 19, 2021

Dear Neighbor,

Please join Maine Cooperative Development Partners and The Szanton Company for a neighborhood meeting to discuss our plans and proposed zoning amendment for the Douglass Commons Neighborhood proposed at 43 & 91 Douglass Street.

Date: Tuesday, August 3, 7:00 pm
Meeting Location: Jewish Community Alliance, 1342 Congress St, Portland

Maine Cooperative Development Partners and The Szanton Company are working with the City of Portland to create Douglass Commons: an affordable, green, transit-oriented, walkable, neighborhood at the site of the former West School (43 & 91 Douglass Street), adjacent to Dougherty Fields.

In order to accomplish the goals of the project, we have requested a re-zone of the parcel from the R-5 to the R-5a zone. This would allow for a planned residential unit development (PRUD) that would accommodate our proposed 108 units of housing.

- For more information, maps, notes and presentations from previous neighborhood meetings, and zoom and phone links, please visit: <https://www.mainecooperativehousing.com/douglass.html>
- **Please RSVP**, ask questions, or join our email list by emailing Liz Trice at liztrice@gmail.com

We look forward to connecting with you.

Liz Trice, Matt Peters, and Brian Eng - Maine Cooperative Development Partners Team
Carl Szanton, Amy Cullen, Nathan Szanton - The Szanton Company

The Land Use Code requires that neighboring property owners and residents on an "interested parties list" be invited to participate in this neighborhood meeting. A [electronic] sign-in sheet will be circulated and a record of the meeting will be taken. Both the sign-in sheet and record will be submitted to the Planning Board.

Under the City of Portland land use code, an applicant for a major site plan, master development plan, subdivision of over five lots, or zoning map amendment is required to hold a neighborhood meeting within 30 days of an application being deemed complete and no less than seven calendar days before a public hearing. Should you wish to offer additional comments on this proposed development, you may forward them by e-mail to planning@portlandmaine.gov or by mail to the Planning and Urban Development Department, Planning Division, 4th Floor, 389 Congress Street Portland, ME 04101.

Aug 6, 2021

I, Liz Trice of Douglass Commons LLC (The partnership between Szanton Company and Maine Cooperative Development Partners and hereby certify that a neighborhood meeting was held on Tuesday, Aug 3, 2021 at 7pm for the proposed project located at 45 & 91 Douglass Street.

I also certify that on 8/3/21, more than ten (10) days prior to the neighborhood meeting, notices were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development (1,000 feet for subdivisions within an industrial zone or industrial zone changes).

2. Residents on the "interested parties" list.

Signed,

A handwritten signature in black ink, appearing to read "Liz Trice".

8/6/21

Attachments

1. Copy of the notice sent
2. Sign-in sheet
3. Record of feedback

Desiree Lesta
Nicole Mokeme
Alex Land

Neighborhood meeting sign-in (optional)

Name

Address

Phone

Email (please print clearly)

Ward Peck

242 Douglass St. 210 0870

wardspeck@gmail.com

JIM ALBERTY

Francisco Lopez

76 Rowland St (714) 661-7142

francisco.lopez#18@gmail.com

Dan Harden

81 Douglass St (207) 774-2016

DHARDEN@CMAA-NE.ORG

Jennifer Dubay

50 Bradley St. 415-4650

jnnfrdby@yahoo.com

Damon Yaskawitz

72 Bolton St 207 864282058

damon.yaskawitz@gmail.com

Matthew Peters

Project team

matt@elysiancommunities.com

Amy Cullen

Project team

acullen@szantoncompany.com

Jon Bradstreet

75 Douglass St.

jonbradstreet@gmail.com

Leigh Tanji

56 Douglass St.

413 847 1224

leightanji@gmail.com

Kellen Sabred

56 Douglass St

330 617 9457

kellensab@gmail.com

Kristen Robinson

335 Forest Ave

207-615-1955

NIKKIA.SKY@GMAIL.COM

Celeste Parke

87 Douglass

207 210 2415

celeste.parke@gmail.com

Maureen S. Morse

25 Whitney Ave.

(617) 515-2495

maureensheamorse@gmail.com

Emma Sudder

143 Bolton
Carlton Street

Renel Goddard

Michal Chestnutt

Seth Moore

West End Clark St Renter

27. HUNTERS ST 207 838-6120

7borowitz@gmail.com

Neighborhood meeting sign-in (optional)

Name
Jim Alberty

Address
44 Walter
Partridge Rd.
Windham

Phone
207.210.2116

Email (please print clearly)
JAlberty@me.com

Douglass Commons Neighborhood Meeting Started meeting at 7:04pm Tuesday, Aug 3, at Jewish Community Alliance

- **Welcome:** Carl Szanton & Amy Cullen from the Szanton Company, Liz Trice and Matt Peters from Maine Cooperative Development Partners

- **Introductions (17 participants)**

In person:

Lee & Kellen, 56 Douglass, renters

Jen Dubay, Bradley Street,

Francisco, Palisant Street

Damon, Bolton Street,

Jon Bradstreet, Abutter on Douglass with concrete driveway and apt above garage

Ward 20 year renter, has son that uses fields, prospective resident

Don Harder 81 Douglass

Celeste Douglass Abutter

Moureen Morse, 25 Whitney, LNA Chair

Jim Alberty, Windham, prospective resident

Kristin Robins, Forest Ave, prospective resident

online:

Emma Scudder 143 Bolton

Renee Goddess - works with evicted folks

Michael Chesna - Architect, interested in equality issues

Seth Moore, West End Clark Street, Renter,

Zack Barowitz, Huntress Street, former LNA Chair,

- **Presentation:** available at www.maine.cooperativehousing.com

Q: How many parking spaces will there be?

- During the competition phase, we said about 80 spaces total; we will figure out specifics during site design process.

When there is a concert at Thompson's Pt., the Parking situation is awful. Also when there is an athletic event on the park.

Concerns about congested parking

Q: Any 4- Bedrooms? A: Not currently planned

Q: Any business uses? A: Not currently planned but could be any business that's currently allowed on Douglass Street.

Reducing Number of cars-

We're negotiating with Metro on free/reduced passes for everyone in our neighborhood.

Hookups for electric cars? yes, we're investigating snow concerns

Snow bans-people cannot park on street. Can St-James Street or Water District be opened as snow ban parking.

Water District seems to have a lot of extra parking. There's actually much more transit

Intersection at Brighton and Douglass

- needs improving ~ needs sidewalks no crosswalk paint
- we'll want a seat at the table during those discussions as they improve the road there.

Street behind the houses

- Some don't mind it being there
- until recently, thought was public road
- very wet there -don't want water to be pushed onto their backyards
- the water got worse when they re-did the street (when the adult ed. was still there)
- Issue with Celeste having a small gravel parking space accessed from existing street behind house - we recommended she talk to the city about access.

How many cars will be there?

- saying there will be less cars isn't enough
- need to really incentivize people to not have cars
- Most people in the meeting indicate a job is necessary for their job. Assuming people wouldn't have cars is unrealistic.
- Safety issues regarding using transit and public streets (walking) to get home.
- Lighting on streets

- Need more walkable places-need light
- Things close early, not a lot of people on the street.

How to transition between now and when we can use less cars = Street parking

During athletic events there is limited parking available on Douglass.

Water district doesn't allow people to park on weekends.

What is unsafe is car infrastructure. To make an area more safe, build less car infrastructure.

Congress St. is a mess. We don't have control over that, but as a neighborhood, we can go to the city together.

How tall is the Stanton Bldg? Will it block some of the highway noise?

- 4 stories, hope it will block some noise

Will it have an elevator?

- The Stanton Company-yes
- The Co-op units- no - elevators are only cost effective in large buildings, coop is building small building to fit in with neighborhood.

Are you considering separating parking from rent?

- Yes. It's a consideration, more likely on Co-op side.

Removing the clover leaf:

- Went to the State, it wasn't voted out of Committee. The Maine DOT strongly opposes. It's a long, difficult process.

How many Coop owners? 1 owner per unit. Explain limited equity cooperative. (Liz explains)
Are there rules to stop it from creating a frat house? The coop will make its own rules, but it's likely to have a diverse group of people.

Any way we can prod the playground along?

- Frustrating in the neighborhood that they haven't started that, yet.

Will there be solar?

Most likely on Co-op side, less likely on apartments due to Maine Housing rules.

Will there be Laundry-will there be on-site?

Yes; shared in apartments, townhomes will likely have in-unit laundry, coop flats not sure if will be shared or individual.

Zoning- what exactly is the change?

Allows us to go a little higher and build denser. Would allow up to about 180 units.

The zoning meets the comprehensive plan.

When will pre-sale begin?

- Probably by spring

Neighborhood meetings- will have more in late fall.

Compiled List of Desires by attendees:

EV Chargers

Carsharing

Use St James Street in addition to Douglass for street parking

Bikeshare

Water District has lots of parking - make a deal with them, especially for snow bans

Need to improve Brighton/Douglass Intersection - There's no curb cut currently for sidewalk, traffic comes fast down Brighton, then turns right Douglass too fast.

#4 Bus on Brighton is an asset - should show on maps. It goes all the way to Gorham and stops right at Douglass, and the Husky line stops at Crooked Mile coffee shop at Stevens and also at USM.

Would like trees or shrubs to separate existing backyards from new townhome backyards

Drainage - it's always wet right behind the backyards - make sure that not more water is flowing that way

"I would love to not have a car, but it's hard."

Exit 5/Douglass intersection is unsafe for pedestrians; woman told story of taking Amtrak to Boston for work and feeling threatened by a person in a vehicle while walking home. Sense that Metro is unsafe for women.

The bridge by St James/ Congress has become a place for transients

It's nice to see adults using fields at night

If we build more infrastructure for cars it will become even less safe for pedestrians

Promoting Toro car share makes sense.

The sidewalk on opposite side of Douglass ends abruptly

Congress is a really scary place to Bike and Walk, very difficult to get to the West End, Transportation Center, or Thompson's point.

Wants to see playground built sooner than later

Wants to see lots of solar panels

Decoupling parking from housing costs - opinions both ways, one person pointed out that parking can cost 25% of housing costs.

Worried about access/lack of elevators (only cost effective in biggest /Szanton building, all common spaces will be on first floor, and each flats building will have at least one ADA unit.)

One person prefers flats to multi floor housing (townhomes will be two story units)

Damon- Very interested in food forest and community gardens; there's a backlog of 700 people wanting gardens.

How do we sign up for housing? Szanton takes an interest list and let's people know 3 months in advance. www.maine.cooperativehousing.com has a signup survey.

Like the idea of the food forest

Community garden space

CITY of PORTLAND, MAINE
Request for Proposals for Disposition of City-Owned Property
Located at 43 & 91 Douglass Street
RFP #2020-2

I. NOTICE AND SPECIFICATIONS

The City of Portland, Maine seeks proposals from qualified developers for the creation of residential housing at 43 & 91 Douglass Street. The site is designated on the City of Portland Tax Assessor's Map as lot CBL 078 C002 & 078 B007.

Sealed proposals for the project, including an original, seven (7) copies, and one (1) digital copy, as specified herein, will be received by the Purchasing Office, Room 103, City Hall, 389 Congress Street, Portland, Maine 04101, until 3:15 p.m., Tuesday, June 16, 2020, at which time they will be publicly opened.

Proposals shall be submitted, and returned in sealed envelopes plainly marked on the outside "Disposition and Development of Property Located at 43 & 91 Douglass Street".

Proposals that are late, unsigned or submitted via fax will not be accepted. Proposals from individuals not registered with the Purchasing Office may be rejected; receipt of this document directly from the City of Portland indicates registration. Should a person receive this Request from a source other than the City, please contact 207-874-8654 to ensure that you are listed as a recipient for this proposal.

All questions must be submitted in writing to the Purchasing Office. These may be mailed, hand delivered, faxed to (207) 874-8652 or e-mailed to mff@portlandmaine.gov and be received no later than five (5) business days prior to the opening date. Questions received after this time will not be addressed. Any interpretation, correction, or change of this document will be made only by written addenda. Changes in any other manner will not be binding on the City and proposers should not rely on. Proposers should not have contact with any City staff with regard to this proposal unless to obtain general public information as specified in the document.

The disposal of this real estate shall be on the basis of a negotiated proposal, with the City of Portland reserving the right to refuse any and all proposals. *All proposers are advised that the property will be sold "as-is" and "where is", in its existing condition, with no warranties either expressed or implied.* The City makes no representations or warranties about of any of the information about the property set forth herein, which is provided to proposers for their convenience only. The successful proposer shall be responsible to inspect the property, or to hire its own professionals to do so. The City, and its agents, make no representations or warranties with respect to the title of the property, the accuracy of any statement as to boundaries or acreage, or as to any other matters contained in any description of the property, or as to the fitness of the property for a particular purpose, or as to development rights, merchantability, habitability, or as to any other matter, including without limitation, land use, zoning and subdivision issues or the environmental, mechanical, or structural condition of the property. The City disclaims any and all responsibility for injury to proposers, their agents or others while examining the property or at any other time. The City will not be responsible for any broker's commission.

Any and all improvements made to said property must be done in accordance with existing City Codes and Ordinances.

II. GENERAL INFORMATION

Summary of Request:

The City of Portland is committed to providing housing opportunities and has set a goal to evaluate the use of City-owned property to construct housing. As one-step in accomplishing this goal, the City of Portland will accept proposals for the development of housing on the lot located at 43 & 91 Douglass Street, which currently is a vacant lot but was the former site of the West School.

This request for proposals results from the December 16, 2019 approval by the Portland City Council (Resolve 10-19/20) on the recommendation of the Housing Committee to market the City-owned vacant property located at 43 and 91 Douglass Street.

The City of Portland uses the RFP process to ensure that public resources are utilized for maximum public benefit while accomplishing specific objectives and providing fair access to all applicants.

Site Information:

- a. Location:** 43 & 91 Douglass Street, as identified in the City of Portland Assessor's records as lot CBL 078 C002 and 078 B007, in the R-5 zone. The lot includes the former site of the West School. The site for disposition includes a portion of 91 Douglass Street, but not the entire lot (See Attachment 2).
- b. Existing Conditions:** 43 & 91 Douglass Street is located on two parcels with frontage on Douglass Street in the Libbytown neighborhood. A right-of-way bisects the two parcels. The surrounding context is predominantly residential with the majority of homes in the area being one and multi-family structures. Dougherty Play Field abuts the property to the north.
- c. Current use:** Vacant lot.
- d. General Dimensions:** 43 Douglass Street (estimated at .3981 acres), and an estimated 2.85-acre portion of 91 Douglass Street.
- e. Current Zoning:** R-5. The minimum lot size in the R-5 zone is 6,000 square feet for residential development (single-family and two-family), 9,000 square feet for a multi-plex development (three-family or more), and 2 acres for a planned residential unit development (PRUD). This parcel would allow for residential, multi-family, and PRUD development. The minimum lot area per unit in a PRUD is 3,000 square feet; the maximum units per building is 12 units. At an estimated 141,570 square feet, the maximum number of residential units that could be developed within a PRUD is 47 units. For complete zoning requirements, please refer to Chapter 14, Land

Use, of the City Code.

- f. **Rezoning:** Higher density zoning that furthers exceptional projects and other city goals as outlined in Section III may be considered. It should be noted that changes to zoning require both Planning Board and City Council approval.
- g. **Condition of the property at the time of sale:** This parcel is the location of a former city-dump, and later the West School. A natural gas line and gas company easement are located in the right-of-way and the 43 Douglass Street parcel thus precluding development over these sites. A 40' wide sewer easement is also identified in the unbuildable portion of the site.
- h. **Environmental Conditions:** A Phase II Environmental Site Assessment (ESA) has been completed to evaluate current environmental conditions. Based on findings, special soil disposal restrictions may be required. Participation in the Maine DEP Voluntary Response Action Program (VRAP) should be considered. The Phase II ESA will be available on-line.
- i. Proposers are urged to investigate water sources and utility connection requirements with the Department of Public Works.

III. CITY GOALS

The City's primary goals for the use of the property are:

1. Developments shall provide mixed income units. All units must be affordable to households earning 60% to 120% of the area median income (AMI). Currently, 60% AMI for a family of four is \$55,800 and 120% AMI for a family of four is \$111,600.

Affordable means that the percentage of income a household is charged in rent and other housing expenses including utilities, or must pay in monthly mortgage payments (including real estate taxes, mortgage insurance, condominium/HOA fees, insurance and utilities), does not exceed 30% of a household's gross income, or other amount established in city regulations that does not vary significantly from this amount.

Restrictions on the affordability of units must be in place for a minimum of 30 years for homeownership units, and the longest period allowed by law for rental units.

2. Development of mixed income homeownership or rental housing of excellent building and site design. Design principles should promote efficient use of land to create a development that is compatible with the existing pattern, scale, massing, and materials of the surrounding neighborhood. The development's buildings shall be designed to meet the City's Green Building Code.
3. Rezoning may be considered to support increase housing development opportunities or maximize the number of allowable housing units on the property.
4. Developments shall create housing options that are age inclusive.

The general terms for this real estate transaction include:

- Units must be used as the principal residence of the owner/tenant and owner/tenant shall not use the unit for the conduct of business (except for a home occupation allowed under the City of Portland zoning ordinance) or as an investment property. Units shall not be rented for short-term periods of one to thirty days.
- Property Sale Price. The City expects to receive Fair Market Value (“FMV”) for the property.
- Alternative Ownership Models. Alternative ownership models that will encourage a mixed income community with long term affordability for the maximum number of units, such as limited equity units, co-housing, cooperative, or a community land trust, may be considered in order to ensure the units affordability over time.
- Proposals must outline how they will maintain affordability.
- Other City Incentives. Other city financial incentives may be considered to support increase housing development opportunities or maximize the number of allowable housing units on the property.

IV. PROPOSED SCORING

An internal staff Committee will review proposals received, and will apply the following selection criteria in reviewing and scoring the applications.

Proposed use to achieve the City of Portland's goals

40 points

1. Market Demand - 20 points
 - a. 20 points - all units meet the City’s Goals and Terms noted in Section III
 - b. 15 points - at least 75% of the units meet the City’s Goals and Terms noted in Section III
 - c. 10 points - at least 50% of the units meet the City’s Goals and Terms noted in Section III
 - d. 0 points - project does not meet the City’s Goals and Terms noted in Section III
2. Economic diversity - 10 points
 - a. 10 points - creates housing options which promote economic diversity in the neighborhood in which the development is located
 - b. 0 points - does not promote economic diversity
3. Age Inclusive – 10 points
 - a. 10 points – creates housing which is age inclusive
 - b. 0 points – does not create housing which is age inclusive

Impact on surrounding neighborhood, including design.

25 points

1. Project Design -15 points
 - a. 15 points - the proposal is consistent with design characteristics
 - b. 10 points - the proposal is an adequate fit with neighborhood characteristics
 - c. 0 points - the design is a significant outlier
2. Amenities and unit design - 10 points
 - a. 10 points - amenities & unit design are well thought out and appropriate for residents
 - b. 5 points - amenities & unit design are adequate

- c. 0 points - amenities and unit design raise significant concerns that resident needs will not be adequately addressed

Applicant's ability to complete project, including financial feasibility, development team experience, capacity, and timeframe for completion.

35 points

1. Readiness to proceed - 15 points
 - a. 15 points - all projected sources of funding include letters of commitment or interest are projected at terms and conditions consistent with the City's prior experience with the funder
 - b. 10 points - most projected sources of funding include letters of commitment, letters of interest, or, if no letter is included, are projected at terms and conditions consistent with the City's prior experience with this funder
 - c. 0 points - one or more sources are projected on terms that are not consistent with the City's prior experience with the funder and are not documented by letter(s) from funder(s)
2. Track record of development team - 10 points
 - a. 10 points - every development team member has a successful track record with this type of project and at this scale
 - b. 8 points - all but one development team members have a successful track record with this type of project and at this scale; one development team member has relevant experience but at a smaller scale or not of this project type
 - c. 5 points - two development team members, while having relevant experience, are new to this type of project or this scale of development
 - d. 0 points - the development team does not meet the criteria above
3. Current Capacity of development team - 10 points
 - a. 10 points - development team members have exceptional depth of human and financial resources to complete this project
 - b. 8 points - development team members have the human and financial resources to complete this project
 - c. 5 points - development team has a staffing gap in a significant role and a plan to address that gap, OR there are some concerns about the financial resources of the team to move the development forward
 - d. 0 points - the development team does not meet the criteria described above

SUBMISSION INFORMATION

Interested parties are asked to submit a concept development (including preliminary drawings) and a brief description of the project, no longer than two pages, to include the number and type of units, occupants (owners/renters) to be served, special features, the impact on the neighborhood and other ways the proposal meets the primary goals of the City. A general project budget with projected funding sources, development timeline, and development team qualifications and financial capabilities is also required. This RFP does not require detailed architectural drawings or development pro formas.

Photographs and maps of the site and area are required.

- a) **Developer:** Name, address, telephone, email, fax number of the proposed owner/developer and the name(s) of an alternative contact person(s).
- b) **Proposal:** Each proposal submitted must specifically outline the proposed use of the property and any proposed rezoning requests.

- c) **Financial Feasibility:** Provide a business plan, which shall include prospective and committed sources of funding, development and operating budgets; a letter from a lending institution indicating the applicant's ability to finance the projected costs; and provide examples of prior projects that indicate the proven ability to develop a project of similar type and scale from a fiscal perspective.
- d) **Timetable:** Provide an overview of how the proposal will be implemented. Include approximate schedule for completion of each element, closing, construction start-up, substantial completion, final completion, and occupancy. Include applications for public or private financing.
- e) **Developer Capacity:** Identify the qualifications and experience of the development team for the project including a list of previously completed projects similar to the proposed project. This team may include key staff of the developer, architect, general contractor and future property management. Also, discuss the ability to complete the project including the qualifications of the development team, management plan, experience, capacity, project readiness to proceed, and timeframe for completion.
- f) **Occupancy and Management Plan:** Present a plan detailing the ownership structure (condominium, cooperative, etc.), resale restrictions and resale process, to ensure mixed income and long-term affordability.
- g) **Purchase Price:** Proposed purchase price for the property.
- h) **Copies:** Seven (7) copies, with the original so marked, and one (1) digital copy of each proposal shall be submitted.

V. SALE INFORMATION

After proposals are opened, city staff will make a recommendation to the City Council's Economic Development Committee (EDC) and the Housing Committee (HC). The EDC and HC will make a recommendation to the City Council.

VI. OTHER INFORMATION

Confidentiality: Proposals received by the City shall become a matter of public record, subject to public inspection, except to the extent, which an applicant designates in writing, proprietary data to be confidential and submits that data under separate cover, such information, may, to the extent permitted by law, be held from public inspection, as provided in applicable Maine law, including, without limitation, 5 MRS Sections 13119-A and 13119-B.

VII. LEGAL REQUIREMENTS

The contract for the disposition of the property will be executed only after review and final approval by the City Council.

VIII. RESERVATION of RIGHTS

The City of Portland reserves the right, at its sole discretion, to award as well as reject any and all proposals for the city-owned property, based on the quality and merits of the proposals received, or when it is determined to be in the public interest to do so. Furthermore, the City may extend deadlines and timeframes, as needed.

The City reserves the right to substantiate any proposer's qualifications, capability to perform, availability, past performance records, and to verify that the proposer is current in its financial obligations to the City.

The City of Portland, Maine, reserves the right to waive any informalities in proposals, to accept any proposal or portion thereof, and, to reject any and all proposals, as well as negotiate with the successful proposer(s) should it be in the best interest of the City to do so for a final purchase and sale agreement and ultimate sale of the property.

Pursuant to City procurement policy and ordinance, the City is unable to contract with businesses or individuals who are delinquent in their financial obligations to the City. These obligations may include but are not limited to real estate and personal property taxes and sewer user fees.

Proposers who are delinquent in their financial obligations to the City must do one of the following: bring the obligation current, negotiate a payment plan with the City's Treasury office, or agree to an offset, which shall be established by the contract, which shall be issued to the successful proposer

April 10, 2020

Matthew F. Fitzgerald
Purchasing Manager

Attachments:

- A. Proposal Signature
- B. Portland Assessor's Record
- C Site Map
- D Phase II ESA available online

PROPOSAL**NOTE: THIS PAGE IS TO BE COMPLETED AND RETURNED**

The UNDERSIGNED hereby declares that he/she or they are the only person(s), firm or corporation interested in this proposal as principal, which it is made without any connection with any other person(s), firm or corporation submitting a proposal for the same.

The UNDERSIGNED hereby declares that they have read and understand all conditions as outlined in the Request for Proposals, and that the proposal is made in accordance with same.

The UNDERSIGNED hereby declares that any person(s) employed by the City of Portland, Maine, who has direct or indirect personal or financial interest in this proposal or in any portion of the profits which may be derived therefrom has been identified and the interest disclosed by separate attachment. (Please include in your disclosure any interest which you know of. An example of a direct interest would be a City employee who would be paid to perform services under this proposal. An example of an indirect interest would be a City employee who is related to any officers, employees, principal or shareholders of your firm or to you. If in doubt as to status or interest, please disclose to the extent known).

The proposer acknowledges the receipt of Addenda numbered _____
If Applicable

COMPANY NAME: _____
(Individual, Partnership, Corporation, Joint Venture)

AUTHORIZED SIGNATURE: _____ DATE: _____
(Officer, Authorized Individual or Owner)

PRINT NAME & TITLE: _____

ADDRESS: _____

TELEPHONE: _____ E-MAIL: _____

FEDERAL TAX ID #: _____ DUNS #: _____

STATE OF INCORPORATION _____

(If incorporated in another State, businesses must be authorized to do business in the State of Maine.)

In your organizations preceding completed fiscal year, did the organization receive:

(1) 80 percent or more of its annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; AND

(2) \$25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements? ☐ Yes ☐ No

Does the public have access to information about the compensation of the executives in the organization through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (18 U.S.C. 78m(a), 78o(d) or section 6104 of the Internal Revenue Code of 1986? ☐ Yes ☐ No

NOTE: All bids must bear the handwritten signature of a duly authorized member or employee of the organization making the bid. **This sheet must be signed and returned with the application package.**

This page contains a detailed description of the Parcel ID you selected.

New Search!

Current Owner Information:

CBL	078 C002001
Land Use Type	GOVERNMENTAL
Verify legal use with Inspections Division	
Property Location	43 DOUGLASS ST
Owner Information	CITY OF PORTLAND 389 CONGRESS ST PORTLAND ME 04101
Book and Page	
Legal Description	78-C-2 DOUGLASS ST 43-53 REAR PROPOSED ST 17340SF
Rental Registration	No
Acres	0.3981

Current Assessed Valuation:

TAX ACCT NO.	10005	OWNER OF RECORD AS OF APRIL 2019
LAND VALUE	\$49,000.00	CITY OF PORTLAND
BUILDING VALUE	\$0.00	389 CONGRESS ST
MUNICIPAL TYPE	(\$49,000.00)	PORTLAND ME 04101
NET TAXABLE - REAL ESTATE	\$0.00	
TAX AMOUNT	\$0.00	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

This page contains a detailed description of the Parcel ID you selected.

New Search!

Current Owner Information:

CBL	078 B007001
Land Use Type	GOVERNMENTAL
Verify legal use with Inspections Division	
Property Location	91 DOUGLASS ST
Owner Information	CITY OF PORTLAND 389 CONGRESS ST PORTLAND ME 04101
Book and Page	
Legal Description	78-B-7 DOUGLASS ST 91-105 195648 SF
Rental Registration	No
Acres	4.4915

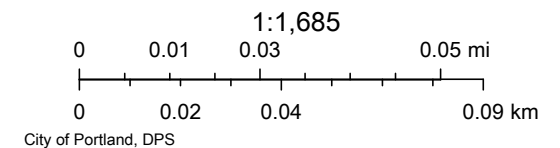
Current Assessed Valuation:

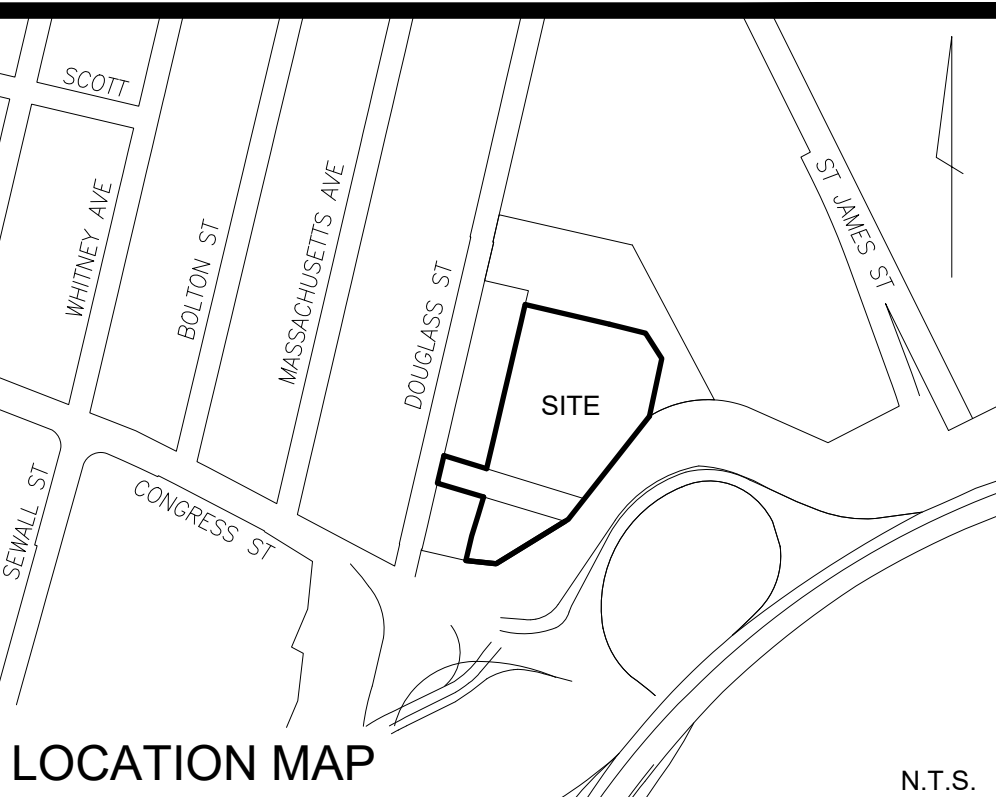
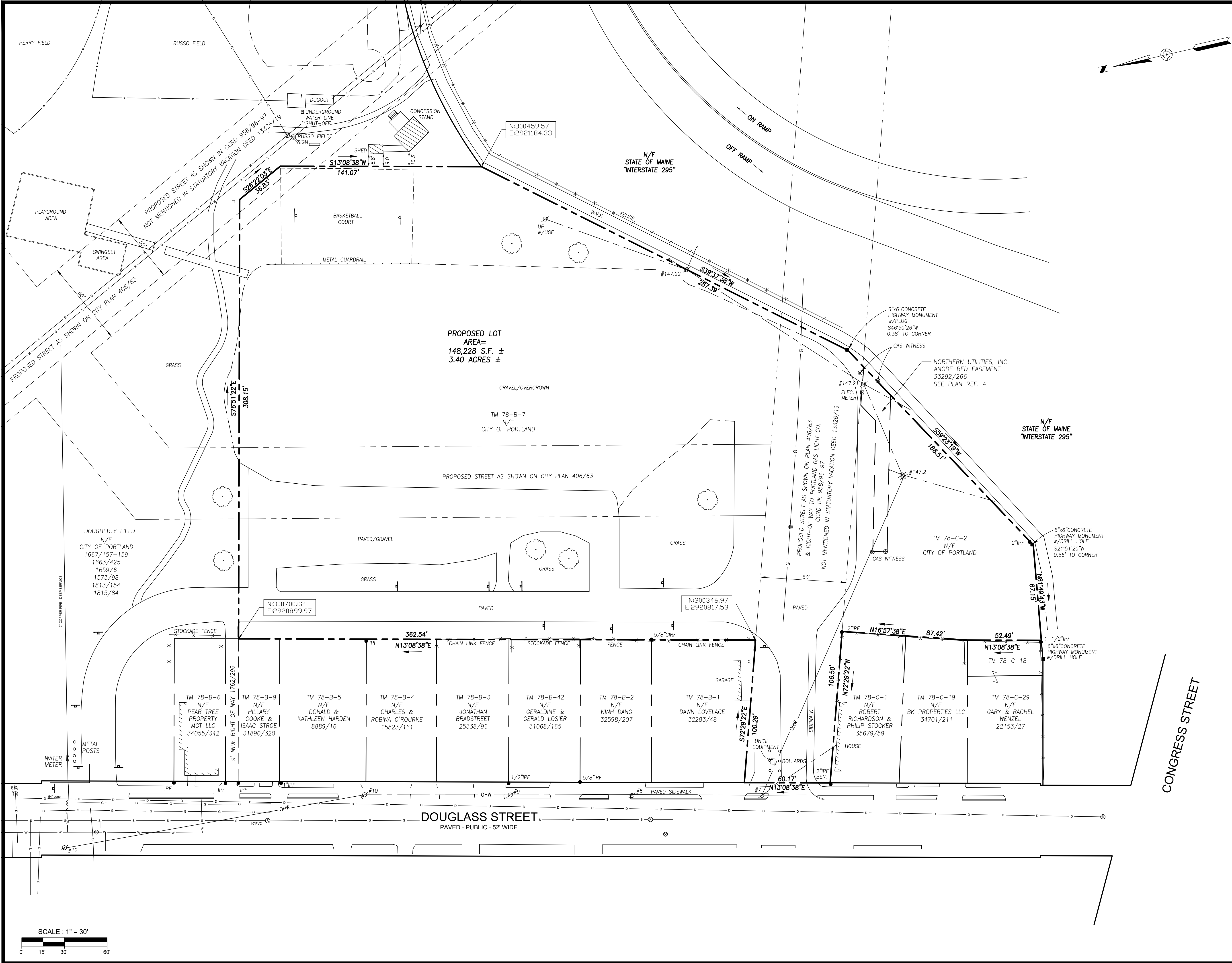
TAX ACCT NO.	10005	OWNER OF RECORD AS OF APRIL 2019
LAND VALUE	\$489,100.00	CITY OF PORTLAND
BUILDING VALUE	\$0.00	389 CONGRESS ST
MUNICIPAL TYPE	(\$489,100.00)	PORTLAND ME 04101
NET TAXABLE - REAL ESTATE	\$0.00	
TAX AMOUNT	\$0.00	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).



3/10/2020, 12:45:58 PM

 Override 1



LEGEND

●	IRON PIPE OR ROD FOUND	—X—X—	FENCE
■	MONUMENT FOUND	———	CURB
○	UTILITY POLE	—OHW—	OVERHEAD WIRES
⊙	MANHOLE	—D—	STORM DRAIN
⊕	SIGN	—S—	SANITARY SEWER
⊗	WATER VALVE OR SHUTOFF	—G—	GAS LINE
⊙	TREE	—W—	WATER LINE
		—IPF/IRF—	IRON PIPE OR ROD FOUND
		N/F	NOW OR FORMERLY
		000/000	DEED BOOK / PAGE

- PLAN REFERENCES**
- BOUNDARY WORKSHEET OF DOUGHERTY FIELD DOUGLASS STREET, ST. ST. JAMES ST. AND INTERSTATE 295, BY THE CITY OF PORTLAND PUBLIC WORKS DEPARTMENT ENGINEERING SECTION DATED MARCH 2006, CITY PLAN 991/3.
 - PLAN OF PROPERTY IN PORTLAND, MAINE BELONGING TO THE J.B. BROWN & SONS CORP & HEIRS OF ST JOHN SMITH BY E.C. JORDAN & CO., CITY PLAN 463/5.
 - PLAN OF LAND CONGRESS AND DOUGLASS STREETS OWNED BY CITY OF PORTLAND PARK COMMISSION BY CHANDLER H. BARRON C.E. DATED NOVEMBER 1946, CITY PLAN 799/8.
 - ANODE BED EASEMENT DOUGLASS STREET AT DOUGHERTY FIELD BY CITY OF PORTLAND PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION DATED 09/30/2016, CITY PLAN 882/53.
 - MAINE STATE HIGHWAY COMMISSION RIGHT OF WAY MAP STATE HIGHWAY "295" PORTLAND CUMBERLAND COUNTY FEDERAL AID PROJECT NO. 1-295-3(24)8(25) DATED MAY 1967.

- GENERAL NOTES**
- OWNER OF RECORD: CITY OF PORTLAND
389 CONGRESS STREET, PORTLAND, MAINE
TAX MAP 78 BLOCK C LOT 2
TAX MAP 78 BLOCK B LOT 7
 - BEARINGS AND COORDINATES ARE BASED ON MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE NAD 83 PER PLAN REFERENCE 1.
 - THE SURVEYED PROPERTY IS IN THE R5 RESIDENTIAL ZONE.

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEY HAS NOT PHYSICALLY LOCATION THE UNDERGROUND UTILITIES. CALL 1-888-DIGSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION. DUE TO OSHA CONFINED SPACE REQUIREMENTS, ALL INVERTS AND PIPE SIZES MUST BE VERIFIED PRIOR TO ANY CONSTRUCTION.

CERTIFICATE

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

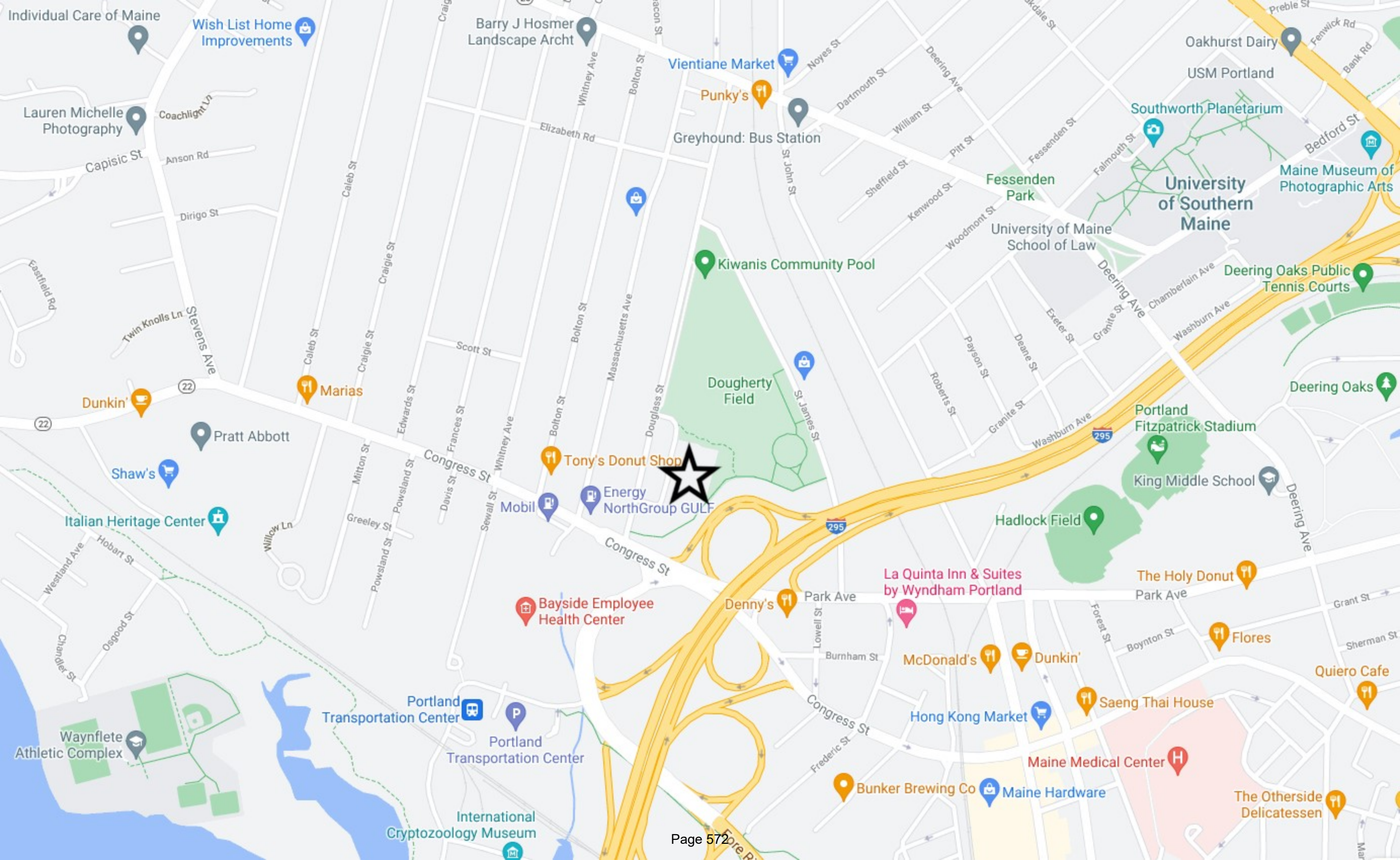
RANDY R. LOUBIER, PLS #2407

DATE

Boundary Survey
At
43 & 91 Douglass Street, Portland, Maine
Made for
The Szanton Company
482 Congress St., Ste. 203, Portland, Maine

OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS
390 US ROUTE 1, UNIT 10, FALMOUTH, ME 04105 TEL. 207-774-0424

DRAWN BY: RS / JLB DATE: MARCH 1, 2021 JOB NO. 2021-026 P
CHECKED BY: RRL SCALE: 1" = 30' DRWG. NO. 1









DOUGLASS COMMONS CO-OP+
PERSPECTIVE

ALA
ACETO LANDSCAPE ARCHITECTURE + URBAN DESIGN

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**AMENDMENT TO PORTLAND CITY CODE
Chapter 6 BUILDINGS AND BUILDING REGULATIONS
RE: ELECTRIC CODE**

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

1. *That Section 6-98 of the Portland City Code is hereby amended to read as follows:*

DIVISION 2. - BUILDING STANDARDS

Sec. 6-98. Adoption of standardized codes.

(a) The City hereby adopts the following codes by reference, pursuant to 30-A M.R.S. § 3003:

1. The Maine Uniform Building and Energy Code ("MUBEC"), as required by 10 M.R.S. § 9724;
2. The appendix to the Maine Uniform Building and Energy Code ("MUBEC") containing optional energy conservation and efficiency requirements, as provided by 10 M.R.S. §9722, sub-§6, ¶0; and
3. The National Electric Code (2020~~2014~~) ("NEC").

(b) MUBEC and the appendix to MUBEC containing optional energy conservation and efficiency requirements shall be enforced by the building authority, which shall be accomplished through inspections performed by the City building official and code enforcement officers, pursuant to 25 M.R.S. § 2373.

(c) To the extent that any standard or provision of MUBEC conflicts with any standard or

provisions from the appendix to MUBEC containing optional energy conservation and efficiency requirements, the standard or provision contained in the appendix shall control and be enforced by the building authority, as provided above.

- (d) The NEC shall be enforced by the building authority.

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**AMENDMENT TO PORTLAND CITY CODE
SECTION 15-12
Re: AMUSEMENT DEVICE LICENSE FEES**

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

1. *That Section 15-12 of the Portland City Code is hereby
amended to read as follows:*

Sec. 15-12. Fees and expiration dates.

(a) Unless specified elsewhere in this Code, fees for
licenses issued pursuant to this Code and the expiration date of
each license shall be as follows:

Location in Code	Description	Fee	Expiration Date
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...

Ch. 4, Art. II	Amusement devices (other than pinball and adult amusements), per device	\$153.00 <u>for up to 25</u> <u>and all additional @</u> <u>\$10.00</u>	Twelve months or concurrent with state liquor license or with any city license
	Pinball machines, per device	\$153.00	Twelve months or concurrent with state liquor license or with any city license

	Adult amusement devices, per location	\$978.00	Twelve months or concurrent with state liquor license or with any city license

...

BE IT FURTHER ORDAINED, that this amendment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, and shall become effective immediately. Moreover, notwithstanding 1 M.R.S. § 302, this amendment shall be applicable to all proceedings, applications, and petitions pending on or after September 13, 2021.