

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 - NOVEMBER 15, 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:

Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403A, that authorizes cities and towns to conduct meetings online. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be uploaded to portlandmaine.gov/livestream the next day.

For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

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

Passcode: 206775

Or One tap mobile :

**US: +13017158592,,85621497951#,,, *206775# or
+13126266799,,85621497951#,,, *206775#**

Or Telephone:

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

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

Webinar ID: 856 2149 7951

Passcode: 206775

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

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

PRESENTATIONS:

State of the Schools Address - Emily Figdor, Chair, Portland Board of Public Education

ANNUAL MEETING:

Annual Meeting of the Corporator of the Creative Portland Corporation

Pursuant to the Bylaws of Creative Portland (CP), the Portland City Council, as Corporator of Creative Portland, shall hold its annual meeting in the month of November each year or at a special meeting. This year's Annual Meeting Agenda includes:

1. Accepting CP FY2021 Activity and Financial Reports;
2. Appoint/reappoint Board Directors; and,
3. Transaction of other business as may be deemed necessary.

In addition to Creative Portland's signature programs, like First Friday Art Walk and Creative Portland Art Gallery, FY2021 notable accomplishments included:

1. The [Portland Artist Relief Fund](#) established in March 2020, raised over 95K total and disbursed awards to over 100 artists.
2. Creative Portland Website overhaul and [Creative Portland Cultural App](#) in development for Spring 2022 launch.
3. [Arts Banners for Public Health Campaign](#) - Interdepartmental City collaboration to install vibrant and impactful arts messaging throughout the City and on flagpoles, supported by a "Keep Maine Healthy" State grant.
4. The [Portland Arts & Culture Summit](#) September 2021 was postponed until 2022.
5. [Creative Bus Shelter Initiative](#): Installed the 4th shelter in May 2021 at the Portland Transportation Center. Received a second NEA Our Town Grant for the Creative Bus Shelter Initiative Round 2, with four additional public art installations projected in the summer of 2022.
6. [Fiscal Sponsorship program](#) - including Black-Owned Maine, Gulf of Maine Eco Arts, Arts at Greenwood Garden, Flukes and Speedwell Projects.

Order 90-21/22 Appointing Anne McGuire as a Director of the Creative Portland Corporation - Sponsored by Kate Snyder, Mayor

Assistant City Manager Anne McGuire will be the City Manager's designee on the Board of Directors of the Creative Portland Corporation. She must be approved for this appointment by the Corporator in a Special Meeting.

Five affirmative votes are required for passage after public comment.

SPECIAL MEETING:

Special Meeting of the Corporator of the Portland Development Corporation

Pursuant to the bylaws of the Portland Development Corporation (PDC), the Portland City Council, as Corporator of the Portland Development Corporation, shall hold its

annual meeting in the month of September each year or at a special meeting.

This year's Annual Meeting Agenda includes:

1. Accepting, as a communication, the attached PDC FYE 2021 Activity and Financial Reports; and,
2. Transacting other business as may be deemed necessary.

PDC FYE2021 Activity and Financial Reports

For FYE 2021, the PDC invested just over \$1 Million Dollars in 88 businesses and economic development projects, which leveraged over \$20 Million in private sector funds associated with creating/retaining over 150 jobs. These investments included 3 commercial loans; 1 Brownfield grant and loan; 16 COVID-19 Loans; 66 COVID-19 Microenterprise Grants; and 2 COVID-19 Business Assistance Program Rehire Grants.

Order 91-21/22 Appointing Directors to the Portland Development Commission - Sponsored by the Legislative/Nominating Committee, Councilor Pious Ali, Chair

The Corporator is asked to postpone this order to December 15, 2021, because the Nominating Committee has not yet made appointment recommendations.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the draft November 1, 2021 City Council Meeting Minutes.

PROCLAMATIONS:

CONSENT ITEMS:

Order 92-21/22 Accepting Watercolor Painting "#18 'City Hall, New'" from Artist R.N. Cohen - Sponsored by Danielle West, Interim City Manager

R. N. Cohen has been painting pictures here in the downtown since graduating from Maine College of Art in 1970. His paintings include many of Portland's scenery and architecture, from Munjoy Hill, to Portland City Hall, to Hadlock Field to name a few.

Mr. Cohen's "#18 'City Hall, New'" is his view perspective from Exchange Street at Temple Street looking up at City Hall, painted in 2017, which he now wants to present to the City of Portland as a gift.

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

LICENSES:

Order 93-21/22 Granting Municipal Officers' Approval of J & L Ventures, LLC, dba The Tavern. Application for a Class A Lounge at 123 Commercial Street - Sponsored by Danielle West, Interim City Manager

Application was filed on 10/25/21. New City and State applications. Applicant currently holds a Class XI FSE at this location.

Five affirmative votes are required for passage after public comment.

Order 94-21/22 Granting Municipal Officers' Approval of G&L Maine LLC, dba G & L Maine. Application for Class A Lounge with Outdoor Dining on Private Property at 211 Danforth Street - Sponsored by Danielle West, Interim City Manager

Application was filed on 10/22/21. New City and State application. Location was previously Little Giant.

Five affirmative votes are required for passage after public comment.

Order 95-21/22 Granting Municipal Officers' Approval of Dirty Dove LLC, dba Dirty Dove. Application for Class XI Restaurant/Lounge at 229 Congress Street - Sponsored by Danielle West, Interim City Manager

Application was filed on 10/25/21. New City and State application. Location was previously Sip of Europe Cafe.

Five affirmative votes are required for passage after public comment.

Order 96-21/22 Granting Municipal Officers' Approval of Hello Portland LLC, dba Regards. Application for Class I FSE at 547 Congress Street - Sponsored by Danielle West, Interim City Manager

Application was filed on 10/22/21. New City and State application. Location was previously Emilitsa Restaurant.

Five affirmative votes are required for passage after public comment.

Order 97-21/22 Granting Municipal Officers' Approval of Kenkev II, INC, dba PT's Showclub. Application for Class A Lounge with Indoor Entertainment and Nudity in Business at 200 Riverside Street - Sponsored by Danielle West, Interim City Manager

Application was filed on 10/28/21. New City and State application. New owner of an existing business.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Com 4-21/22 The Greater Portland Transit District's Fiscal Year 2022 Preliminary Budget and Municipal Assessments - Sponsored by Danielle West, Interim City Manager

In accordance with 30-A-MRS §3516, the Greater Portland Transit District's Fiscal Year 2022 Preliminary Budget and Municipal Assessments is being submitted for review by the City Council. Formal Council action is not required.

If the City Council does not want to refuse the assessment, it must notify Metro of its refusal within thirty (30) calendar days of this submission. Since 2015, the Portland City

Council has neither formally reviewed nor acted on Metro's budget.

The submission has been reviewed by the City's Finance Director and Interim City Manager. Staff recommend that the Council does not refuse the assessment; additional feedback is provided in the backup materials.

Com 5-21/22 Update on the status and methodology of the East Bayside Sound Study - Sponsored by Danielle West, Interim City Manager

UNFINISHED BUSINESS:

Order 88-21/22 Amendment to Portland City Code Chapter 15 Re: Emergency Shelter License Requirements - Sponsored by the Health & Human Services and Public Safety Committee, Tae Chong, Chair

The Health & Human Services and Public Safety Committee met on September 28, 2021 and voted 2 - 0 (Ray absent) to recommend passage to the full Council.

The amendment would establish licensing requirements and enforcement provisions for emergency shelters to ensure the safety of clients and staff. These include a two-tier fee structure for small and large emergency shelters, a bed density cap of 300 beds within a one-mile radius, a 1,000-foot buffer zone between shelters, a day space requirement, and exemptions for pre-existing emergency shelters.

This item must be read on two separate days. It received its first reading on November 1, 2021. Five affirmative votes are required for passage after public comment.

Order 89-21/22 Amendment to the Portland City Code Chapter 18 Re: Bedford Park renamed Noyes Park - Sponsored by Danielle West, Interim City Manager

This Order would rename Bedford Park Noyes Park in recognition of the family that originally donated the land to the City to create this park in 1927. This request was made by members of the Noyes family and is supported by City staff.

Staff research determined that the name "Bedford Park" began to be used in the 1950s, but their research did not determine why or how that change was made. Additional information on the history of this property and the research conducted by staff can be found in the accompanying staff memo.

This item must be read on two separate days. It received its first reading on November 1, 2021. Five affirmative votes are required for passage after public comment.

Written Public Comment

ORDERS:

Order 98-21/22 Accepting and Appropriating a \$50,000 Donation from the Friends of Congress Square - Sponsored by Danielle West, Interim City Manager

Order to accept a financial donation of \$50,000 from the Friends of Congress Square to be used towards Congress Square Redesign Phase-B Construction.

The Congress Square Redesign project is a large-scale renovation of a major public space in the heart of the Portland Arts District. Phase I of the redesign includes reconfiguration of the intersection and sidewalks and is anticipated to begin in 2022. Phase II includes the completion of construction documentation building upon the Design Development work that was approved in 2018.

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

Order 99-21/22 Approving the Collective Bargaining Agreement with the Police Superior Officers Benevolent Association for 2021 to 2023 - Sponsored by Danielle West, Interim City Manager

Staff has reached a tentative agreement with the Police Superior Officers Benevolent Association (PSOBA) on a successor contract. The prior collective bargaining agreement expired December 31, 2020.

The PSOBA, which is comprised of 32 Police Lieutenants and Sergeants, has reached a tentative agreement with the City. The Administration is requesting a first reading on November 15, 2021. The tentative agreement is within the guidance received by the City Council on April 14, 2021.

The Union has ratified the tentative agreement and the Administration recommends your support for the agreement.

Terms of the Agreement include a three (3) year contract with general wage increases of 0% effective January 3, 2021; 2.0% effective January 2, 2022 and 2% effective January 1, 2023.

Other economic agreements are as follows:

Effective January 3, 2021 – increase the first step of the Sergeants' pay scale to be 5% above the top step of the Detective pay scale (Retroactive) Also, the first step of the Lieutenant pay plan will be adjusted to be 7% above the top step of the Sergeant pay plan (Retroactive) (See attached pay plans) * ***These adjustments are to correct promotional inequities and to adjust for market rates**

Article 4.3.2 – add Field Force Team to the part-time specialty list and increase the rate from \$30.00/week to \$40.00/week

Article 5.5.2 – Administrative pay to increase by \$10.00 per week as follows:

Sergeants from \$70.00/week to \$80.00/week

Lieutenants from \$80.00/week to \$90.00/week

CID/Admin/Professional Standards Lieutenants from \$90.00/week to \$100

Article 6.1 – add Juneteenth (June 19th) to the list of recognized City Holidays

Article 7 – add Earned Paid Leave (EPL) language to the contract

Article 10.1.1 Effective January 2, 2022, all officers enrolled in the MEPRS pension plan will move from the 2C plan to the 3C plan

Article 10.1.3 Effective January 2, 2022, the City will increase the Employer contribution to the 401a retirement plan by 2.5%

The contract term is January 3, 2021 through December 31, 2023.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven votes. Five affirmative votes are required for passage after public comment.

Order 100-21/22 Approving a Purchase and Sale Agreement with AJ Holding Company, LLC for Units 6 and 7 in Portland Technology Park - Sponsored by the Housing & Economic Development Committee, Mayor Kate Snyder, Acting Chair

The Housing & Economic Development Committee reviewed this at its November 2, 2021 meeting and voted (4-0) to forward it to the City Council for approval.

The proposed Purchase and Sale Agreement (PSA) has been negotiated to sell Units 6 and 7, located in the City-owned and developed Portland Technology Park (PTP), to AJ Holding Company, LLC, a/k/a Aroma Joe's, for a sale price of \$595,000. This PSA is presented for approval by the City Council and authorization of the City Manager to execute the PSA, as well as any other appropriate documents, for the property sale.

AJ Holding Company, LLC. is currently located in leased space at 352 Warren Avenue in Portland. The company is proposing to construct a new minimum 12,000 square foot building to use as its corporate headquarters and relocate from Warren Avenue.

Five affirmative votes are required for passage after public comment.

Order 101-21/22 Amendment to Solar Array Fees - Sponsored by the Sustainability & Transportation Committee, Councilor Belinda Ray, Chair

The Sustainability & Transportation Committee met on November 10, 2021 and voted 2-0 to recommend this revision to solar array fees.

Solar array fees are charged for solar panels on residential properties, which must meet building code requirements and are inspected by the Portland Permitting and Inspections Department. In this case, while the base fee is rising from \$50 to \$75 to be in compliance with the minimum fee set by the state, the fee for each additional kilowatt above 25 is decreasing from \$10 to \$1.00. This change is recommended by staff to promote the goal of Order 123-20/21, Approving One Climate Action and Adaptation Plan, to reduce greenhouse gases.

Five affirmative votes are required for passage after public comment.

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

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director
DATE: October 19, 2021
SUBJECT: Annual Meeting of the Corporator of the Creative Portland Corporation
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 11/15/2021 **Final Action 11/15/2021**

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

PRESENTATION: Kate Anker, President/Creative Portland Board/2 Minutes
Dinah Minot, Office of Creative Portland Executive Director/2 Minutes

I. SUMMARY

At the November Meeting of the Creative Portland Board of Directors, it voted to forward its FYE2021 Annual Report to the City Council as a communication.

II. AGENDA DESCRIPTION

Pursuant to the Bylaws of Creative Portland (CP), the Portland City Council, as Corporator of Creative Portland, shall hold its annual meeting in the month of November each year or at a special meeting. This year's Annual Meeting Agenda includes:

1. Accepting CP FY2021 Activity and Financial Reports;
2. Appoint/reappoint Board Directors; and,
3. Transaction of other business as may be deemed necessary.

In addition to Creative Portland's signature programs, like First Friday Art Walk and Creative Portland Art Gallery, FY2021 notable accomplishments included:

1. The [Portland Artist Relief Fund](#) established in March 2020, raised over 95K total and disbursed awards to over 100 artists.
2. Creative Portland Website overhaul and [Creative Portland Cultural App](#) in development for Spring 2022 launch.
3. [Arts Banners for Public Health Campaign](#) - Interdepartmental City collaboration to install vibrant and impactful arts messaging throughout the City and on flagpoles, supported by a "Keep Maine Healthy" State grant.
4. The [Portland Arts & Culture Summit](#) September 2021 was postponed until 2022.
5. [Creative Bus Shelter Initiative](#): Installed the 4th shelter in May 2021 at the Portland Transportation Center. Received a second NEA Our Town Grant for the Creative Bus Shelter Initiative Round 2, with four additional public art installations projected in the summer of 2022.
6. [Fiscal Sponsorship program](#) - including Black-Owned Maine, Gulf of Maine Eco Arts, Arts at Greenwood Garden, Flukes and Speedwell Projects.

III. BACKGROUND

At the November Meeting of the Creative Portland Board of Directors, the Board voted to send its FYE2021 Annual Report to the City Council as a communication.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result of the Annual Meeting of the Corporator would be for it to receive and accept the annual Activity and Financial Report and appoint/reappoint Directors to the CP Board.

V. FINANCIAL IMPACT

There is no financial impact associated with this action.

VI. STAFF ANALYSIS AND BACKGROUND

Creative Portland staff is requesting the Annual Meeting be held on November 15, 2021.

VII. RECOMMENDATION

It is recommended that the City Council hold its Annual Meeting of Creative Portland on November 15, 2021.

VIII. LIST ATTACHMENTS

1. CP Fnl Annual Report 2021 for CC on 11-15-2021

Prepared by:

Mary Davis, Division Director

Date: 10/19/2021

CREATIVE PORTLAND CORPORATION

FISCAL YEAR 2021 ANNUAL REPORT

MISSION & VISION

Creative Portland was founded by the Portland City Council to grow and support the creative economy. Our 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 City's official nonprofit arts agency, we support economic development efforts by strengthening and stimulating our workforce, creative industries, and enterprises.

Executive Summary:

The Creative Portland Corporation (CP) submits its twelfth Annual Report to the Portland City Council, Corporator of Creative Portland, having ended its fiscal year of operation on June 30, 2021.

Witnessing the devastation and subsequent fallout within the arts community beginning in the Spring of 2020, CP responded quickly by establishing an Artist Relief Fund, as a source of direct relief for local artists in the gig economy. Having raised \$95,000 in grassroots funding through the end of the fiscal year, CP has disbursed half of the funds to over 100 artists, mostly in the form of \$500 stipends.

In addition, CP has reinforced its role as an arts community convener and as a leader and resource for grant relief and loan programs, including the City's business assistance and rapid-relief programs.

Creative Portland's role as a resource to the City and to cultural and arts stakeholders is recognized in two distinct ways.

One: the office of Creative Portland in the City's Housing and Economic Development Department (HEDD) applied for a State Keep Maine Healthy Grant in the Fall of 2020 to contribute to the [City's Public Health COVID campaign through arts messaging](#). CP was awarded close to 75K to implement the grant, including a banner and sidewalk campaign, with flagpole banners and large exterior banners displayed throughout the city on the facades of private and public buildings. Most of the installations were privatized, while several banners and street barricade designs were hung with the help of the Department of Public Works (DPW), the city manager's office and the Planning Department.

The project represented over two dozen local artists from diverse backgrounds and underserved populations. (The arts messaging campaign can be viewed in a one minute promo video on the CP website).

Two: Creative Portland has been useful for our nonprofit status and fundraising ability, as well as for our experience in providing open calls and a juried process for a variety of efforts, including creative messaging on the public health campaign, responding efficiently to new requests for public art installations, and securing community buy-in and acceptance of the diverse selection and high caliber of art on display. In addition, we have the capacity to conduct surveys and reach our constituents as evidenced in a recent survey on public attendance to arts events during the pandemic.

With CP staff now working at the City, we can leverage our capacity to oversee and fulfill arts-related projects in a variety of artistic genres, including visual arts and performing arts. Streamlining and centralizing a process for Arts oversight is our goal in collaborating with the city .

Financial Summary

A financial summary of CP's FY21 revenue and expenses is included with this document, revealing a cash surplus of \$33,683 accounting for reserved funds earmarked for the ongoing artist relief fund, available on a rolling application basis.

The Creative Portland Board of Directors appreciates the annual TIF funds of \$100,000, capped by the Downtown TOD TIF District through FY2045, currently allocated to HEDD for salaries. In March 2021, CP submitted a proposal for a TIF increase amendment to the City Council's Housing and Economic Development (HEDC), which voted 4-0 in favor of the amendment. The proposal ultimately resulted in an allocation from a surplus general fund account of \$25,000 to be disbursed in FY22. The proposed TIF amendment will be discussed in FY 23 budget deliberations.

When CP staff joined the city as full-time employees in January 2020, in the Economic Development Department (now known as Housing & Economic Development Department (HEDD), the CP board evaluated its new role as an advisory board, no longer supervising or hiring the executive director. However, the board continues to advise the staff, including recommending an annual work plan to the City, and working with the Executive Director on programming priorities.

In 2020, COVID-19 caused the shutdown of the Creative Portland office and gallery on Free Street and future in-person events. At the beginning of FY21,

staff were furloughed one day a week through September, due to the pandemic. Despite the pandemic, and because of the pandemic, Creative Portland has gained exposure and attracted property managers and private sector investors.

Creative Portland's public and private sources in cash grants and donations were just under \$197K (\$196,616, plus \$12,600 in specific in-kind donations) and hundreds of hours of in-kind support contributed by dozens of volunteers. \$19,500 was distributed for the benefit of area artists struggling to make ends meet during the pandemic, additional disbursements will occur in FY22.

Still gaining traction, following the City's adoption of the updated cultural plan of 2018, and during the pandemic, the organization has attracted several hundred new donors to the artist relief fund and at least a dozen new sponsors in FY21, despite the shutdown of our signature programs such as First Friday Art Walk, the Arts & Culture Summit, the CP Gallery and Monday Morning Drop due to COVID. In FY21, CP continued with public art programs to implement public health and mental health campaigns, hiring over two dozen artists to keep artists relevant and to showcase their work during the pandemic. At the same time, CP attracted over 3500 instagram followers.

NOTABLE ACCOMPLISHMENTS:

PORTLAND ARTIST RELIEF FUND

Creative Portland's COVID-19 resilience plan was to create and manage the Portland Artist Relief Fund, an emergency initiative to help our local artists in the gig economy, who have had few other funding sources, by providing them individual stipends of \$500. Through a grassroots effort, Creative Portland raised over \$95,000 for the initiative. Four rounds of disbursements have been awarded to over 100 artists, and today the fund is still available, on a rolling application basis.

CULTURAL APP

As part of our effort to implement the city's cultural plan, which is a strategic priority, and to attract visitors to Portland as a world class arts destination, CP was awarded a CCEDII (cultural plan implementation) grant, funded by the Maine Arts Commission, to develop a cultural app. This digital marketing tool, set to launch in February 2022, will provide 24/7 self-guided tours and access to activities in the arts community, year round. Creative Portland

plans a community forum by year-end to spread awareness and to provide additional information.

The planning and design phase of the Cultural App began in January 2020, after a branding work group representing a dozen community leaders met to focus on the development of an innovative marketing tool, a cultural app.

The previous year, in March 2019, The Cultural Plan Update of 2018: A Living Action Plan was adopted by the City Council, effective on March 22, 2019. The update identified a strategic priority to brand Portland as a creative center and world class arts destination. The development of a cultural app is a pilot program in the state of Maine, with Portland as the testing ground for this cultural tourism initiative.

NEA Our Town Grant - Creative Bus Shelter Initiative

In March, Creative Portland was awarded its second National Endowment for the Arts (NEA) grant. The first grant was received in April 2019 for Phase One of the Creative Bus Shelter initiative. We began to install creative bus shelters in August 2020, and the last one was installed in May 2021. The second phase of the community arts-based initiative allows for more public art, using bus shelters as the canvas.

The program also provides artists with an opportunity to create public art in their own hometown. The \$25,000 matching grant supports phase two of a creative placemaking initiative to design 3-4 additional artistic bus shelters celebrating the City's racially diverse communities, including immigrant and refugee populations. The unique project engages local artists and arts administrators, in partnership with transit providers, private vendors and fabricators. It allows for collaboration with the Office of Economic Opportunity and the Greater Portland Immigrant Welcome Center, to create art-based community projects for positive social impact.

The Creative Shelter review committee consisted of Dinah Minot of Creative Portland and partners, Greg Jordan of GP METRO and Zoe Hill of Greater Portland Council of Governments. Other members of the team included Fred Yalouris of Rock Row/Waterstone Properties, Jamie DeSimone of the Portland Museum of Art, and Daniel Minter of Indigo Art Alliance. An open call is currently out for the second phase, with a deadline of December 15th for new submissions. Co-sponsors include Designtex, American Steel & Aluminum, and Portland Industrial Coating.

Summer Stages 2021 in Monument Square

Live performances by local artists were presented in concert when First Friday Art Walk commenced again this past September and October. These performances are free for all ages, from 5-8pm. The purpose of the Summer Stage grant-generated program was to invite public engagement and to evoke joy in celebration of local artists, many who have been shuttered and/or unable to perform during COVID. Two of the concerts were held in Monument Square. Board member Herb Ivy served as the master of ceremonies, in an event planned by music bookers and event planners, hired on a contractual basis, and funded by a grant award from the Maine Arts Commission.

First Friday Art Walk (FFAW) - Cancelled April 2020 through June 2021 due to the Pandemic. Resumed in July 2021.

Now in its 21st year, the Art Walk attracts thousands to downtown Portland for Maine's largest monthly free cultural event. FFAW was postponed during FY21 to discourage large gatherings during COVID-19. A Virtual Events Calendar replaced the FFAW listings online, in order to promote the organizations who usually participate in the self-guided tour.

Based on research conducted in 2011, we estimate that the Art Walk brings well over \$1 million to the local economy every year, as consumers spend an average of \$28 per person when attending a Portland cultural event. Creative Portland promotes and manages the Art Walk with online listings, with media partner Portland Phoenix (in print) and generously sponsored by organizational partnerships with Greater Portland METRO, Coffee By Design, Portland Ovations, Portland Museum of Art, the Portland Phoenix, WMPG, Rabkin Foundation, Maine College of Art, and Mechanics' Hall. METRO has partnered with CP since 2016 to offer free rides every First Friday after 4pm, including the Breeze connection from as far away as Brunswick, and the Husky Line (opened in August 2018) that connects to the University of Southern Maine campus in Gorham.

In the summer of 2021, our goal was to bring the "art" back into the Art Walk with a focus on facilitating a free, self-guided tour of galleries and cultural venues. The success of the program has attracted visitors from all over the state. City departments are currently working with CP to ensure safety and code compliance, particularly when crowds swell during the summer months.

Arts & Culture Webinar planned for community cultural discussion, in lieu of cancelled Portland Arts & Culture Summit - Postponed due to the pandemic.

In June 2019, CP hosted the Portland Arts & Culture Summit at Ocean Gateway and convened over 200 artists, arts & cultural leaders, creative business owners, developers, investors, and city staff under one roof. The summit addressed internal strategic planning in addition to private investment opportunities for maximum arts impact and cultural tourism opportunities. Panelists included arts community leaders, city planning staff, private investors, and visitors from Burlington, VT and Lawrence, MA. Keynote speaker Congresswoman Chellie Pingree spoke about the economic value of the arts, and David E. Shaw spoke of the importance of place, community and cooperation. In 2020, the in-person event was replaced by a webinar with over 150 participants, including arts leaders, speakers and panelists, including Mayor Snyder and other elected officials and city councilors.

Arts Community Discussions - via webinar

This past year we have facilitated and convened diverse groups in the arts community, hosting two community discussions. One was held at the year anniversary of COVID in March 2021 and focused on how artists were responding to the impact of COVID on their lives. The second community discussion was held on June 21 and focused on reopening and reviving. These meetings have helped to unify the arts community and have led to new partnerships for the arts community to get involved with the private sector.

Hear Here - February 2021 was cancelled due to the Pandemic.

Background: On January 26, 2020, Creative Portland, co-promoted the second annual showcase of local performing arts talent in association with the City of Portland, The Crewe Foundation, and David E. Shaw, at Merrill Auditorium, with an audience of 700. Congresswoman Chellie Pingree attended, offering remarks about the relevance of the arts and culture sector as a major economic driver.

Embracing the cultural diversity of our city, the 90-minute show in 2019 & 2020 was produced and directed by Executive Director, Dinah Minot, and a production staff that included in-kind services and talents of Tony award-winner Lighting Designer Chris Akerlind, Set Designer Cindy Thompson of

Transformit, Digital Choreography by Joseph Goodwin of Bellwether Mastering, animations by artist Lucky Platt (Dorothy Royle Macdonald), Production Management by Gregg Carville, filming by Praxis Motion Pictures, and audio and visual production by Headlight AV Visual. On a modest budget, the live concert featured an outstanding variety of African drummers, a Flamenco dancer, USM Chamber singers, rock bands and soul singers who displayed the world-class talent of our city.

The community showcase was made possible by over 50 community sponsorships, offering marketing and outreach on their own websites, and by the generosity of concert sponsors Headlight AV, Transformit, Praxis Motion Pictures, News Center Maine, Townsquare Media, WMPG, Coffee by Design, The Press Hotel, David Shaw, USM, Crewe Foundation, Justin Alfond, the Hunt Family, and a Beautiful World Fund.

The community responded enthusiastically, while survey feedback called for an annual showcase. Unfortunately, the February 2021 event was cancelled due to the pandemic. Whether there will be a 2022 concert later next year is to be determined.

Creative Portland Art Gallery - closed to the public during the pandemic, except by appointment, but available online.

"All the Great Trees," a juried arts exhibition, opened November 1, 2019, at the CP gallery with a crowd of nearly 100 people while receiving accolades from the USM Free Press. 18 local artists from the Greater Portland area exhibited their work. The artists appreciated the exposure and have made new connections at other venues, including the Regional Chamber of Commerce and the Greater Portland Immigrant Welcome Center. Due to the pandemic, our April 2020 show was postponed until July 1, 2020, and is exhibited online rather than in person. Twelve artists were selected for the virtual exhibition-2020 Vision: Past, Present, and Future. Their work is promoted every Wednesday on Creative Portland's Social Media, and monthly in the electronic Monthly Arts Update Newsletter.

Fiscal Sponsorships

An important way CP serves the creative community (and earns modest revenues for CP) is as the fiscal sponsor for creative initiatives that require a 501(c)(3) organization to apply for grants and accept donations on their behalf. In FY21, we were fiscal sponsors for the following organizations:

- **Black Artists Forum:** A coalition dedicated to maintaining the growth of individual creators and the community of black artists in Maine by creating visibility for artistic diversity.
- **Black-Owned Maine:** An online directory for independent, Black-owned businesses in Maine, including visual artists, performing artists, makers and artisans.
- **Black Youth Fund:** An emerging project to create a support system for Black Youth artists in Portland.
- **Factory 3:** A makerspace that offers Portland's creative community access to woodshop and metal shop equipment and tools, personal work/ studio spaces, and a variety of experimental and professional classes.
- **Freedom & Captivity:** A coalition of arts institutions, community organizations, support groups for incarcerated and previously incarcerated people, criminal justice reform experts, and scholars who work together to offer a roster of collaborative, creative, coordinated events, lectures, exhibitions, performances, and workshops taught at Maine colleges about incarceration and decarceration in Maine.
- **Gulf of Maine Eco Arts:** Via communication, hands-on artwork, events and education, Gulf of Maine Eco Arts (GMEA) promotes awareness of the climate crisis, encourages stewardship and action, and affects change.
- **Indigo Arts Alliance** - An artist incubator and residency for Brown & Black artists. CP's fiscal sponsorship for the Blackbird Children's Book Festival allowed IAA to purchase books without incurring extra tax fees.
- **Maine Immigrant Music Connection:** Aims to build community with recent immigrants through music.
- **Maine Music Alliance:** Goal is to increase awareness and to support the sustainability of the extraordinary live music venues of Portland, while highlighting the tremendous impact they have on our local economy
- **Maine Production Safety:** Works to create COVID-19 workplace safety guidelines for film and media productions in the State of Maine.

- **Maine Tool Library:** A volunteer-run tool lending library in Portland, serving makers, artists, homeowners, creatives, and entrepreneurs.
- **PechaKucha** (Portland): A global storytelling presentation, originating in Japan, in which 20 slides are shown for 20 seconds each in a precise and fast-paced event with multiple speakers. A community-building program that has been active in Portland for 10 years.
- **Polyphonic Theater Ensemble:** The mission of Polyphonic is to encourage inclusivity and accessibility by showcasing diverse voices and sensibilities on stage.
- **Portland Dance Project:** Under the guidance of internationally renowned Portland-based dancer Riley Watts, PDP provides an opportunity for local arts organizations to strengthen relationships, expand public engagement, and get audiences excited about seeing more performances in multiple venues.
- **SPEEDWELL projects:** An artist-run studio and gallery focusing on mid-career female artists and seniors, as well as LGBTQ artists, and is dedicated to launching thought-provoking exhibitions in all media, including site-specific installations, public art, spoken word, and performance.

CREATIVE PORTLAND FORMATION HISTORY

The City Council, by Order #92 passed November 17, 2008, authorized the establishment of Creative Portland (CP) as an economic development initiative to support Portland's creative economy. Formation of the Board of Directors was completed in the summer of 2009, with almost half of the Board appointments made by the city. One member of the City Council serves as the City Council representative and Greg Mitchell, Portland's Economic Development Director, has served as the City Manager's representative on the CP Board. Dinah Minot serves as Assistant Secretary and non-voting member.

CREATIVE PORTLAND BOARD OF DIRECTORS FY21:

Kate Anker (President), Running With Scissors Artist Studios

Kirstie Archambault, Visit Portland

Nicole Barna, Portland Monthly Magazine

Lisa Bloss, Ultimate Software

David Brenerman (Secretary), Consultant/Formar Mayor and City Councilor
Councilor Tae Chong, (ex officio) City of Portland Councilor
Gibrian Foltz (Treasurer), Baker Newman Noyes
Eliza Ginn, Partners for Common Good
Lindsay Hancock, Artist & grants consultant
Leah Igo, Roux Institute, Northeastern University
Herb Ivy, Townsquare Media
Dinah Minot (Assistant Secretary), Creative Portland
Daniel Minter, Indigo Arts Alliance, Maine College of Art, Black Artists Forum
Greg Mitchell (ex officio), City of Portland - Economic Development
Department
Zoe Salhoul, NEAAO (New England Arab American Organization)
Gerard Salvo, Human Resources Consultant

Creative Portland
Profit & Loss
July 2020 through June 2021

	Jul '20 - Jun 21
Ordinary Income/Expense	
Income	
4100 · Operations (unrestricted)	44,549
4200 · Programs	143,521
4500 · Artist Relief Donations	8,546
Total Income	196,616
Cost of Goods Sold	
5000 · Cost of Programs	111,588
5500 · Artist Relief Grants	19,656
Total COGS	131,243
Gross Profit	65,372
Expense	
6000 · Marketing	685
6200 · Occupancy Expenses	10,545
6500 · Professional Services	8,678
6600 · Operating Expenses	11,782
Total Expense	31,689
Net Ordinary Income	33,683
Other Income/Expense	
Other Income	
7000 · Other Income-Expense	-17
7030 · Other Income	12,021
Total Other Income	12,004
Net Other Income	12,004
Net Income	45,687

Creative Portland Balance Sheet As of June 30, 2021

	Jun 30, 21
ASSETS	
Current Assets	
Checking/Savings	
1010 · Creative Portland Checking	135,889
1011 · GSB Savings 5265	10,002
1015 · Petty Cash	305
Total Checking/Savings	<u>146,196</u>
Total Current Assets	<u>146,196</u>
Fixed Assets	
1400 · Fixed Assets	30,542
Total Fixed Assets	<u>30,542</u>
TOTAL ASSETS	<u><u>176,738</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
2000 · Accounts Payable	5,655
Total Accounts Payable	<u>5,655</u>
Other Current Liabilities	
2500 · Fiscal Sponsorship Liability	44,036
Total Other Current Liabilities	<u>44,036</u>
Total Current Liabilities	<u>49,691</u>
Total Liabilities	<u>49,691</u>
Equity	
3050 · Retained Earnings	1,300
3100 · Unrest'd Net Assets	33,198
3200 · Temporarily Rest'd Net Assets	46,862
Net Income	45,687
Total Equity	<u>127,047</u>
TOTAL LIABILITIES & EQUITY	<u><u>176,738</u></u>

MEMORANDUM
City Council Agenda Item

FROM:

DATE: October 20, 2021

SUBJECT: Order 90-21/22 Appointing Anne McGuire as a Director of the Creative Portland Corporation - Sponsored by Kate Snyder, Mayor

SPONSOR: Kate Snyder, Mayor

(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

Assistant City Manager Anne McGuire will be the City Manager's designee on the Board of Directors of the Creative Portland Corporation. She must be approved for this appointment by the Corporator in a Special Meeting.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

From the Bylaws:

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

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. Appt. to Creative Portland Corp. 10.4.2021

Prepared by:

Date: 10/20/2021

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 ANNE MCGUIRE
AS A DIRECTOR OF THE CREATIVE PORTLAND CORPORATION**

ORDERED, that the City Council, acting in its capacity as Corporator of the Creative Portland Corporation, hereby appoints Anne McGuire to the Board of Directors of the Creative Portland Corporation.

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director
DATE: October 22, 2021
SUBJECT: Special Meeting of the Corporator of the Portland Development Corporation
SPONSOR: Mayor Kate Snyder/PDC Board Meeting Held on 10/21/2021, and the vote was 9-0 to forward this to the City Council as a communication.

(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 11/15/2021

Final Action 11/15/2021

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

PRESENTATION: Julie Viola, PDC Board President, 3 Minutes

I. SUMMARY

At the October 21, 2021, Annual Meeting of the Portland Development Corporation, the Board voted 9-0 to forward its FYE2021 Annual Report to the City Council as a communication.

II. AGENDA DESCRIPTION

Pursuant to the bylaws of the Portland Development Corporation (PDC), the Portland City Council, as Corporator of the Portland Development Corporation, shall hold its annual meeting in the month of September each year or at a special meeting.

This year's Annual Meeting Agenda includes:

1. Accepting, as a communication, the attached PDC FYE 2021 Activity and Financial Reports; and,
2. Transacting other business as may be deemed necessary.

PDC FYE2021 Activity and Financial Reports

For FYE 2021, the PDC invested just over \$1 Million Dollars in 88 businesses and economic development projects, which leveraged over \$20 Million in private sector funds associated with creating/retaining over 150 jobs. These investments included 3 commercial loans; 1 Brownfield grant and loan; 16 COVID-19 Loans; 66 COVID-19 Microenterprise Grants; and 2 COVID-19 Business Assistance Program Rehire Grants.

III. BACKGROUND

At the PDC Board of Directors Annual Meeting held on October 21, 2021, the PDC voted 9-0 to forwards its FYE2021 Annual Report to the City Council as a communication.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result of the Annual Meeting of the Corporator would be for it to receive as a communication the Annual Activity and Financial Report of the PDC for FYE2021, appoint/reappoint Directors, and transact any other business as may be deemed necessary.

A Council goal addressed is to promote economic development in the City in a manner that provides for increased property values, diversification across industry sectors, and high paying jobs.

V. FINANCIAL IMPACT

There is no financial impact associated with this item.

VI. STAFF ANALYSIS AND BACKGROUND

The FYE2021 PDC Annual Report provides documentation of the Board's work over the year and report it back to the Corporator.

VII. RECOMMENDATION

It is recommended that the City Council hold its Annual Meeting of the Corporator of the PDC on November 15, 2021, accept the Annual Report for FYE2021 as a communication, appoint/reappoint Directors, and transact any other business as may be deemed necessary.

VIII. LIST ATTACHMENTS

1. FYE2021 PDC Annual Report

Prepared by:

Mary Davis, Division Director

Date: 10/22/2021



Portland Development Corporation
Board of Directors
Fiscal Year End 2021 Annual Report

The Housing and Economic Development Department provides the primary staff support to the Portland Development Corporation (PDC) with legal assistance from Corporation Counsel. The Housing and Economic Development Department is responsible for marketing and administration of the PDC's Commercial Loan and Grant Programs.

The PDC Board of Directors met eleven times over the course of the fiscal year; this year it did not have its Annual Business Awards Reception due to the COVID-19 Pandemic.

In response to the COVID-19 Pandemic in late FY2020, the PDC created three programs to assist businesses, which guidelines were approved by the City Council in May and June 2020. The programs included the COVID-19 Rapid Response Micro Loan Program, the COVID-19 Microenterprise Grant Program, and the COVID-19 BAP Rehire Grant Program. These programs are detailed later in this Report.

During FY2021, the PDC invested \$1,082,500 in 88 businesses. This includes 3 commercial loans totaling \$298,000; Brownfield Loan of \$250,000; Brownfield Grant of \$150,000; 16 COVID-19 loans totaling \$141,500, 66 COVID-19 Microenterprise Grants totaling \$230,000, and 2 COVID-19 BAP Rehire Grants totaling \$12,500.

See table below for loan and grant activity for FY2016 through FY2021.

	FY16	FY17	FY18	FY19	FY2020	FY2021
No. of Commercial Loans Made	5	10	6	6	5	3
Total Amt. of Funds Lent	\$370,000	\$873,500	\$405,000	\$320,000	\$434,000	\$298,000
Total Private Investment Leveraged	\$1,139,361	\$11,439,338	\$5,112,884 (inc. Brownfield Loan Leveraging)	\$1,882,700	\$1,423,475	2,206,000
Jobs Created	8	40	14	21	2	8
Jobs Retained	11	17	62	7	125	40
No. of Brownfield Grants/Loans	1	2	2	1	1	2
Total Amt. of Grants/Loans	\$75,000/Grant	\$192,000/Grants	\$350,000/Loan; \$170,000/Grant	\$125,000	\$125,000	\$250,000/Loan \$150,000/Grant
No. of Business Assistance Grants for Job Creation	7	0*	7	9	13	0
Total Amt. of Grants	\$115,000	0	\$130,000	\$140,000	\$200,000	0
Jobs Created	11	0	12	14	20	0
No. of Portland Econ. Dev. Plan Implementation Grants	3	8	4	2	Program Discontinued Order #45 on 9/16/2019	
Total Amt. of Grants	\$37,300	\$48,331	\$37,900	\$30,000		
COVID-19 Rapid Response Micro Loans					1 for \$10,000	16 for \$141,500
COVID-19 Microenterprise Grants					4 @ \$2,500 each or \$10,000 total	66 for \$230,000
COVID-19 Business Assistance Grants for Job Creation						2 for \$12,500
PDC Total Investment	\$502,300	\$926,831	\$1,062,900	\$615,000	\$779,000	\$1,082,000

***No funds were available during FY2017.**

PDC Fiscal Year 2021 Loan and Grant Detailed Activity

FY2021 Loans Closed, Including COVID-19 Loans

The FY2021 PDC loan portfolio grew with 19 loans closed for a total of \$439,500.

Commercial (Non-COVID) Loans: The PDC closed three commercial loans totaling \$298,000 which assisted in retaining 40 jobs and creating 8 new jobs. In addition, these loans leveraged over \$2.2 Million in private commercial investment for a 7:1 private/public investment ratio; that is for every dollar of public investment there was approximately seven dollars of private investment. Types of businesses provided loan assistance included child care/learning center, restaurant, and biodiversity research.

COVID-19 Loans: The PDC closed 16 COVID-19 Loans for a total of \$141,500, which loans assisted in retaining or rehiring 78 jobs. Maximum loan amount was \$10,000 with \$5,000 forgiven if the business met the job rehire conditions. Of the 16 loans, 14 so far have met the job rehire/retain provision and a total of \$70,000 was forgiven. Leveraging was minimum for these loans due to their nature. Types of businesses assisted included child care, restaurants, sports, dry-cleaning, and music.

Commercial and COVID-19 Loans: During the past eleven years, FY2010 through FY2021, the PDC has extended 93 loans for a total of just over \$6.2 Million, while leveraging just over \$82.5 Million in private investment and creating/retaining over 865 jobs.

PDC Loan Portfolio

As of the end of FY2021, the PDC active loan portfolio exceeds \$2.6 Million, with 36 loans under management. This loan portfolio of \$2.6 Million leverages \$31.6 Million in private investment in Portland, for a leverage of \$12 of private funds invested to each dollar of public funds invested, a 12:1 ratio. These loans helped to create/retain over 375 jobs, and include a diverse mix of PDC investments in businesses noted above, as well as a paddle boat company on Portland's waterfront, fitness, retail, recreation, and service businesses. It is also noted that of the 36 loans under management, 9 are to the immigrant community.

As a result of a successful grant application, beginning in 2012, funds from the U.S. Treasury's State Small Business Credit Initiative (SSBCI) became available to the City as a lending source. To date, the PDC has utilized \$922,500 in SSBCI funds for loans to six Portland businesses. Since the SSBCI Program expired in early 2017, all of the loan funds, once paid off by the borrowers, become the City's, expanding the PDC loan pool by what will likely be over \$1 million.

PDC Lending History

Since its inception in 1991, the PDC has made 196 loans to diverse businesses including manufacturing (e.g., breweries and biosciences), hospitality, restaurants, retail,

child care, sports/fitness, biodiversity research, and service, among others. The following table provides an overall view of the activities:

Total Amount of Funds Lent:	\$12,010,035
Leveraged Amount of Private Financing:	\$128,163,755
Jobs Retained:	1,522
Jobs Created:	820
COVID-19 Loans/Jobs Rehired/Retained:	78
16 Loans Defaulted*	\$708,480

*Default amount of \$708,480 is 5.89% of total amount of funds lent.

COVID-19 Microenterprise Grant Program

This Grant Program provides grants of up to \$5,000 for Portland businesses that operate out of leased commercial space and \$2,500 to other Portland microenterprises, including home-based businesses, that have been and/or are being impacted by the COVID 19 crisis. Startups are also eligible given that they are opening during this challenging period.

This Grant Program started towards the end of FY2020, with the PDC Board approving four Grants at \$2,500 each.

During FY2021, the PDC Board approved grants for 66 businesses in the total amount of \$230,000.

COVID-19 Business Assistance Program for Job Creation (Rehire) Grant Program

This Grant Program provides up to \$10,000 in grant funding to small businesses for rehiring up to four full-time employees or jobs that were on the payroll just before the COVID-19 crisis. The Program provided a total of \$12,500 in grant funds to two businesses during FY2021. Because other COVID-19 programs proved to be more helpful to businesses, this program received very few applications. Consequently, the additional funding for this program was moved to the Microenterprise Grant program which better met the needs of small businesses.

Business Assistance Program for Job Creation – Non COVID-19 Program

The Business Assistance Program for Job Creation offers grants to new and expanding Portland businesses for projects that result in the creation of permanent net new jobs for low/moderate income individuals. A private match is required in an amount that is at least equal to the grant requested. The maximum grant amount per recipient is \$20,000. For every \$10,000 of grant funds, one full-time permanent job must be created.

This program was originally capitalized with \$100,000 from the Community Development Block Grant (CDBG) and launched in May 2012. It was re-capitalized by

the CDBG program in FY14 and FY16 with an additional \$100,000 each of those years, an additional \$108,543 for FY18, \$145,000 for FY19, and \$200,000 for FY2020.

Grants awarded since the Program's inception (FY12 through FY2020) total over \$750,000 to 52 recipients, including 11 to the immigrant community, resulting in the creation of 74 jobs. The program has provided assistance to a diverse group of start-up and existing businesses including restaurants, bakeries, food production, clothing and textile manufacturers, pharmacy, computer services, music venue, bicycle sales/service, hair salons, auto repair, and home health care services.

This program received funding of \$205,000 for FY2022. Combined with leftover BAP funds from 2019 (\$3,217), 2020 (\$20,587), and 2021 (\$72,954), the program will start with a total of \$301,758 for FY2022.

Brownfields Grant Award from the United States Department of Environmental Protection (EPA)

The City of Portland applied for a Brownfields Grant from the EPA during FY2016. At the beginning of FY17, the City was awarded a grant of \$800,000 to support loan and grant investments in environmental site cleanup. The City was awarded an additional \$500,000 in cleanup funds and \$200,000 in assessment funds during FY18. During FY2021, the City applied for additional Brownfield grant funds and received \$480,850 in cleanup funds.

The City Council accepted and appropriated these funds to recapitalize the Brownfields Revolving Loan and Grant Program and a Brownfield Assessment Program. The funds are used as loans to for-profit developers, and, in some cases, as grants to non-profits for clean-up of Brownfields sites throughout the City. The assessment funds will cover the cost of Phase I and Phase II Environmental Site Assessments in Portland.

Brownfield actions of FY18, FY19, FY2020, and FY2021:

1. In FY18, a loan of up to \$350,000 was approved and provided to Forefront Partners I LP for engineering and clean-up/remediation connected to four projects on Thompson's Point. Those projects include the Suburban Propane redevelopment site, the East Loop Road (to the future Children's Museum and Theatre building), a Pavilion, and a Hotel.
2. Again, in FY18, a \$170,000 grant was approved for Children's Museum & Theater of Maine (CMTM), a non-profit organization which purchased a 1.12 acre property (Lot 7) on Thompson's Point. In this \$14 Million project, CMTM will construct a 3-story 29,000 sq. ft. building on that property with outdoor play areas. This grant will assist in remediation/cleanup of the site.
3. In FY19, a \$125,000 grant was approved for the Portland Housing Authority (PHA) to assist with remediation/cleanup costs for contaminated property at

58 Boyd Street. Once remediated, PHA will develop a six-story, 55-unit mixed income residential building with multi-family affordable apartments (65% low income). Project buildout costs are estimated at over \$13 Million.

4. In FY19, the PDC recommended to the City Council, and the City Council approved, that Phase I and Phase II Environmental Assessments from the Assessment Fund received from USEPA in 2018 (Fund 281) can now be approved administratively, rather than brought to the PDC Board for approval. If assessments are to use Brownfields Closeout funds (Fund 278), staff will bring these requests to the Board for approval, as it has done in the past.
5. In FY2020, a \$125,000 grant was approved for the PHA to assist with cleanup costs for demolishing 50 units of public housing on Front Street (in the East Deering neighborhood) that are the end of their useful life. In their place, 105 units of affordable mixed-income apartments (for those earning less than 60% of Area Median Income) will be constructed with a significant amount of open space for use by residents. Total project costs for both Phase 1 and Phase 2 is estimated at \$20.5 Million.
6. In FY2021, a Brownfields remediation/cleanup loan of \$250,000 and grant of \$150,000 was approved for Youth and Family Outreach for their renovation and construction project at 337 and 331 Cumberland Avenue, in partnership with the Portland Housing Authority. The Project is a mixed income 5-story, 60-unit apartment building, with a 10,000 sq. ft. child care/education facility on the first floor. These loan and grant funds will assist with the remediation/cleanup of hazardous building materials and urban fill type contaminants in the soil, at a total estimated cost of \$2 million.

Portland Economic Development Plan Implementation Program (PEDPIP) Grant Fund

History:

The PEDPIP Grant Fund was created during FY12 to provide grant funds to invest in economic development projects and programs that carry out Portland's Economic Development Vision and Plan ("Plan"), and its companion Work Plan which is updated every two years. Grants must be matched by an equal or greater dollar amount from funding sources other than the PDC.

The PEDPIP grants have funded planning studies and other "soft" costs associated with economic development projects and programs that advance the initiatives spelled out in the Plan and current Work Plan. PEDPIP does not invest in "hard" costs for public infrastructure or private development projects. Its focus is on expenditures for economic development projects and programs.

The PEDPIP program was initially capitalized by PDC loan funds in the amount of \$250,000 in FY12. The maximum grant amount was originally \$75,000. By the end of 2014, the full \$250,000 had been awarded in PEDPIP grants. During FY2015, the PDC Board recommended to the City Council, and the Council approved, re-capitalizing PEDPIP by establishing a yearly cap at the beginning of each fiscal year using 10% of Unrestricted PDC loan funds that were available/uncommitted, beginning with FY16. They also amended the maximum grant amount to \$15,000.

Since its inception through FY19, the PDC Board approved grants in the total amount of \$465,245 as follows:

Portland Community Chamber for the following projects:

- “Why Portland” Videos
- Growing Portland Initiative
- Scorecard Updates (2014; 2015)
- Startup and Create Week (2014; 2015)

Creative Portland for the following projects:

- Branding Portland
- LiveWork Website Update
- Creative Economy Metrics
- Artspace Survey
- Creative Map and Guide
- Creative Space (inventory, web-based clearing house, resource guides)
- UNESCO Creative Cities Application
- Work in Place Summit
- Green Light Series Finale
- Update to Portland Cultural Plan
- Hire Professional “Experience Design” Consultant/Cultural Application

Portland Performing Arts Festival

City of Portland - Staff participation in the Maine International Trade Center Mission to Iceland and UK

City of Portland/Portland Community Chamber – Industry Sector Research Conducted by the Maine Center for Business and Economic Research

City of Portland – Greater Portland Economic Development Corporation/ Maine International Trade Center/Invest in Maine Program

City of Portland – Office of Economic Opportunity for the following projects:

- Develop Strategies and Measurable Plan to Integrate Immigrants
- Create Professional Connector Program/Jobs for New Mainers

World Affairs Council for its Celebrate Immigration Initiative

Cooperative Development Institute – Institutional Food Service and Procurement

Maine Center for Enterprise Development for the following projects:

- Top Gun Overhaul and Preflight
- E*Next Pilot Project

Maine Convention Center Collaborative/Portland Community Chamber – Feasibility Study for Convention Center

Portland Buy Local – Host Community Forum to Strengthen Portland’s Economy
Portland Downtown for the following projects:

- Parking Study
- Walking Tour

Maine College of Art – Campus Master Plan

GPCOG – Portland Food Launch and Festival

Women United Around the World – Vocational Training Program for Immigrant Women

Maine Immigrant Rights Coalition – Create Database/Immigrant Economic Opportunity Network

Maine Crafts Association – Gallery at 519 Congress Street for Maine Craft Artists, and a Hub for Education, and Culture

Portland Adult Education – New Mainers Resource Center Education Assistance

PEDPIP Program Discontinued in FY2020

The PDC Board recommended to the City Council discontinuation of this Program because, having been in existence for over 7 years, it produced what it had intended – to help facilitate the implementation of the primary objectives of the August 2011 Vision and Plan to stimulate private sector investment and growth. The Council voted to discontinue the program at its September 16, 2019, meeting.

PDC Annual Awards Program

Due to the continued Pandemic, the Annual Awards Program was canceled.

Summary

The PDC looks forward to continuing to assist in providing and leveraging investment in Portland area businesses and development projects. With grant programs, its loan portfolio growing, and loan funds available to invest, the PDC would like to thank the City Council for its continued support.

PDC Board of Directors: Tim Agnew
Councilor Tae Chong
James Dowd, Secretary
Blaine Grimes, Treasurer
Jeffery Hicklin
Jon Jennings, City Manager
Steve Lovejoy
Laura Reading
Kierston Van Soest
Julie Viola, President
Briana Volk

PDC Staff:

Mary Davis, Interim Housing and Economic
Development Director

Greg Mitchell, Housing and Economic Development
Director

Nelle Hanig, Business Programs Manager

Lori Paulette, Senior Executive Assistant

Michael Goldman, Associate Corporation Counsel

PORTLAND DEVELOPMENT CORPORATION
Statement of Net Position
June 30, 2021

(Preliminary and Subject to Audit)

ASSETS

Cash		\$ 2,634,778
Due from other governments		23,513
Accounts receivable		5,372
Loans receivable	\$ 1,851,772	
Allowance for uncollectible loans	<u>(233,600)</u>	<u>1,618,172</u>
TOTAL ASSETS		<u><u>\$ 4,281,834</u></u>

LIABILITIES AND FUND EQUITY

Liabilities:		
Accounts payable	<u>\$ -</u>	
Total Liabilities		\$ -
Fund Equity:		
Reserves		
Loans Receivable	\$ 1,618,172	
Economic Development Fund	84,633	
Unrestricted UDAG	552,407	
Restricted CIP	340,134	
Unrestricted CIP	158,564	
FAME	447,924	
EPA Revolving Loan Fund (Brownfield)	442,714	
FAME SSBCI	604,955	
Brownfield Grants	<u>32,330</u>	
Total Fund Equity		<u><u>4,281,834</u></u>
TOTAL LIABILITIES AND FUND EQUITY		<u><u>\$ 4,281,834</u></u>

PORTLAND DEVELOPMENT CORPORATION
Statement of Revenues, Expenditures,
and Changes in Fund Balance
For the Year Ended
June 30, 2021

(Preliminary and Subject to Audit)

Revenues and Financing Sources

Federal Grants	\$ 224,169
Application Fees	2,738
Late Fees	763
Interest Received on Loans	112,787
Investment Interest Income	<u>4,659</u>

Total Revenues and Financing Sources	\$ 345,115
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Expenditures and Other Charges

Administrative Services	\$ 58,637
Net Payments to Contractors	370,054
Adjustments to Allowances	<u>63,664</u>

Total Expenditures and Other Charges	<u>492,355</u>
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Excess (deficiency) of revenues over expenditures	\$ (147,240)
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Fund Balance, June 30, 2020	<u>4,429,074</u>
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Fund Balance, June 30, 2021	<u><u>4,281,834</u></u>
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ZOOM INFORMATION:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84217109286?pwd=NzBPM2hQaDB0NWFBWmpHck1lbnRpQT09>

Passcode: 970838

Or One tap mobile :

US: +13017158592,,84217109286#,,,,*970838# or +13126266799,,84217109286#,,,,*970838#

Or Telephone:

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

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

Webinar ID: 842 1710 9286

Passcode: 970838

International numbers available: <https://us02web.zoom.us/j/84217109286?pwd=NzBPM2hQaDB0NWFBWmpHck1lbnRpQT09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Snyder called the meeting to order at 5:04 PM (Councilor Ray and Councilor Chong arrived during the recognition of Frank Clark.

ANNOUNCEMENTS:

RECOGNITIONS:

Recognizing Frank Clark, Chief of Police

Recognizing Jon P. Jennings, City Manager

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft October 18, 2021 City Council Meeting Minutes

Motion was made by Councilor Chong and seconded by Councilor Zarro to approve the draft October 18, City Council Meeting Minutes. Passage 8-0.

CONSENT ITEMS:

Order 85-21/22 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Nicholas Leeman - Sponsored by Jon P. Jennings, City Manager

Order 86-21/22 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Justin Antonio Neves - Sponsored by Jon P. Jennings, City Manager

Order 87-21/22 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and

5826(6) Re: Jason Boston - Sponsored by Jon P. Jennings, City Manager

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

UNFINISHED BUSINESS:

Order 81-21/22 Approving and Appropriating \$4.5 Million for Land Acquisition by the Portland International Jetport - Sponsored by Jon P. Jennings, City Manager

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

Written Public Comment

Order 82-21/22 Approving the Homeless Services Center Ground and Building Master Leases at 654 Riverside Street - Sponsored by the Housing & Economic Development Committee, Mayor Kate Snyder, Chair, and the Finance Committee, Councilor Nicholas Mavodones, Chair

Motion was made by Councilor Ray and seconded by Mayor Snyder to table Order 82 until later in the meeting. Passage 7-0. (Ali out).

Motion was made by Councilor Ray and seconded by Councilor Mavodones to take Order 82 off the table. Passage 7-0 (Ali out).

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

Written Public Comment

Order 83-21/22 Approving the Collective Bargaining Agreement with the Police Benevolent Association (PBA) - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Ray and Councilor Mavodones for passage. Passage 7-0 (Ali out).

Order 84-21/22 Appropriating \$14.2 Million in American Rescue Plan Act Funding - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Ray and seconded by Councilor Fournier to amend Order 84 by using "Amendment 1 located in the back up materials" for passage. Motion failed 4-4 (Mavodones,Dion,Chong,Snyder).

Motion was made by Mayor Snyder and seconded by Councilor Dion to amend Order 84 by using "Amendment 5 located in the back up materials" for passage. Passage 8-0.

Motion was made by Councilor Ray and seconded by Councilor Zarro to amend Order 84 by using "Amendment 2, located in the back up materials" for passage. Passage 8-0.

Motion was made by Councilor Ray and seconded by Councilor Zarro to amend Order 84 by using "Amendment 3, located in the back up materials" for passage. Motion failed (4-4) (Mavodones, Dion, Chong, Snyder).

Motion was made by Councilor Ray and seconded by Councilor Zarro to amend Order 84 by using "Amendment 4 located in the back up materials" for passage. Passage 6-2 (Mavodones, Chong).

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

Written Public Comment

AMENDMENTS:

Order 88-21/22 Amendment to Portland City Code Chapter 15 Re: Emergency Shelter License Requirements - Sponsored by the Health & Human Services and Public Safety Committee, Tae Chong, Chair

This is its first reading.

Order 89-21/22 Amendment to the Portland City Code Chapter 18 Re: Bedford Park renamed Noyes Park - Sponsored by Jon P. Jennings, City Manager

This is its first reading.

Written Public Comment

Motion was made by Councilor Ray and seconded by Councilor Ali to adjourn. Passage 8-0 at 10:00 P.M.

A True Record

Katherine L. Jones, City Clerk

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director
DATE: October 22, 2021
SUBJECT: Order 92-21/22 Accepting Watercolor Painting "#18 'City Hall, New'" from Artist R.N. Cohen - Sponsored by Danielle West, Interim City Manager
SPONSOR: Danielle P. West, Interim 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 11/15/2021 **Final Action 11/15/2021**

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

PRESENTATION: Mary Davis will be available for questions.

I. SUMMARY

R. N. Cohen has offered to gift to the City of Portland an original painting of Portland City Hall, looking up from Exchange Street.

II. AGENDA DESCRIPTION

R. N. Cohen has been painting pictures here in the downtown since graduating from Maine College of Art in 1970. His paintings include many of Portland's scenery and architecture, from Munjoy Hill, to Portland City Hall, to Hadlock Field to name a few.

Mr. Cohen's "#18 'City Hall, New'" is his view perspective from Exchange Street at Temple Street looking up at City Hall, painted in 2017, which he now wants to present to the City of Portland as a gift.

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

III. BACKGROUND

Mr. Cohen was born in Portland and has had his studio in downtown Portland since he graduated from Maine College of Art in 1970. He has painted the City Hall Bell Tower, Portland Central Fire Station, Engine 2 on Munjoy Hill with the Portland Observatory next to it, another of the Portland Observatory, as well as various landmarks in Portland. Because of their Portland relevance, City officials have worked with Mr. Cohen to provide gifts as needed, with Mr. Cohen always there to assist.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result is to accept the donation from Mr. Cohen and have his original painting, "#18 'City Hall New'" on display here at City Hall.

V. FINANCIAL IMPACT

There is no financial impact to the City in accepting this gift.

VI. STAFF ANALYSIS AND BACKGROUND

This original painting of City Hall is appropriate to accept as a gift.

VII. RECOMMENDATION

Staff recommends accepting this gift from Mr. Cohen.

VIII. LIST ATTACHMENTS

1. Order Accepting Donation of Watercolor Painting of City Hall 11.15.2021
2. Front Picture of Painting
3. Back Picture of Painting

Prepared by:

Mary Davis, Division Director

Date: 10/22/2021

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER ACCEPTING WATERCOLOR PAINTING
"#18 CITY HALL, NEW" FROM ARTIST R.N. COHEN**

ORDERED, that the donation of the watercolor painting "#18 City Hall, New" from artist R.N. Cohen is hereby accepted.



A GIFT TO THE CITY OF
PORTLAND. WATERCOLOR
by RN Cohen

REC'D 10-22-2021
THE ORIGINAL
DONE IN 2017

RN Cohen

CONTEMPORARY GALLERY

600 Congress Street

Portland, Maine 04101

TEL: 207-463-1832

WWW.RNCOHEN.COM

PORTLAND'S
CITY HALL
WATERCOLOR RN Cohen

MEMORANDUM
City Council Agenda Item

FROM:

DATE: October 28, 2021

SUBJECT: Order 93-21/22 Granting Municipal Officers' Approval of J & L Ventures, LLC,
dba The Tavern. Application for a Class A Lounge at 123 Commercial Street -
Sponsored by Danielle West, Interim 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 10/25/21. New City and State applications. Applicant currently holds a Class XI 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. The Tavern
2. The Tavern_Council Packet

Prepared by:

Date: 10/28/2021

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:

**J & L Ventures, LLC, dba The Tavern. Application for a Class A Lounge at 123
Commercial Street**

**J & L Ventures, LLC
123 Commercial Street
Portland, Maine 04101**

October 20, 2021

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

Dear Mayor Snyder and City Councilors,

Please find attached to this letter J & L Ventures, LLC d/b/a The Tavern's application for a Food Service Establishment with Alcoholic Beverages License. We have been operating at 123 Commercial Street for 1 year and now are looking to change our class of license to a Class A Lounge (Class X), which requires a new application.

There have been no other changes to our license or ownership.

Thank you very much for your consideration of our application.

Kind Regards,



Jake Perriello
Sole Member



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

Business Information			
Business Name (d/b/a):	J & L Ventures, LLC d/b/a The Tavern	Phone:	207-450-5253
Location Address:	123 Commercial Street	Zip:	04101
If new, what was formerly at this location:			
Mailing Address:	123 Commercial Street	Zip:	04101
Contact Person:	Jake Perriello	Phone:	207-450-5253
Contact Person Email:	jakeperriello5@gmail.com		
Manager of Establishment:	Jake Perriello	Date of Birth: 04/27/1969	Phone: 207-450-5253
Owner of Premises (Landlord):	RSB Limited Liability Company		
Address of Premises Owner:	123 Commercial Street	Zip:	04101

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
J & L Ventures, LLC		123 Commercial Street	Zip: 04101
Contact Person:	Jake Perriello	Phone:	207-450-5253
Principal Officers	Title	Date of Birth	Residence Address
Jason (Jake) Perriello	Sole Member	04/27/1969	67 Coach Lantern Lane East, Scarborough, ME 04074
Class of Liquor License:		Class A Lounge (Class X)	

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557
bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

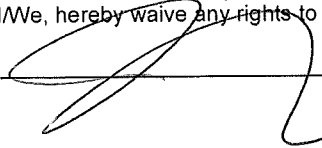
Type of food served:	Hot Dogs, sandwiches, chili		
Please circle all that will be served:	☒ Beer ☒ Wine ☒ Liquor		
Projected percentage of sales:	Generated from Food: 5%	Generated from Alcohol:	95%
Hours & days of operation:	Sunday through Saturday 10:00 A.M. to 1:00 A.M.		

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	☒ Y ☐ N
If No, please explain: Applying for a Class A Lounge	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☒ Y ☐ N
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)	☒ Y ☐ N
Will you permit dancing after 1:00 a.m.?	☒ Y ☐ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	☒ Y ☐ N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	☒ Y ☐ N
If yes, please list: # of pinball machines: _____ # of amusements: <u>1 juke box</u> # of pool tables: _____	
What is your targeted opening date? Currently open--applying for different class of license	
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	☒ Y ☐ N
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	☒ Y ☐ N
If Yes, please list business name(s) and location(s):	
Currently hold Class A Restaurant/Lounge license at the current location	
Is any principal officer under the age of 21?	☒ Y ☐ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	☒ Y ☐ N
If Yes, please explain: OUI 8/17/2010 and approximately 2001	

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

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

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

Signature  Title Sole Member Date _____

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557
 bl@portlandmaine.gov • www.portlandmaine.gov



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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): J & L Ventures, LLC	Business Name (D/B/A): The Tavern
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 123 Commercial Street, Portland, ME 04101
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: kristinamarie1229@yahoo.com
Telephone # Fax #:	Business Telephone # Fax #: 207-615-9665
Federal Tax Identification Number: 85-2838233	Maine Seller Certificate # or Sales Tax #: 1209779
Retail Beverage Alcohol Dealers Permit: Applied: 2020-SOTREG-01009-I	Website address:

1. New license or renewal of existing license? ☐ New Expected Start date: _____
- *Changing class of current license ☒ Renewal Expiration Date: 11/20/21

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

Food: 19421.06 Beer, Wine or Spirits: 197,560.09 Guest Rooms: \$ 0.00

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

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

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

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

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

5. Business records are located at the following address:

123 Commercial Street, Portland, Maine 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
Jason (Jake) Perriello	04/27/1969	New Hampshire
Residence address on all the above for previous 5 years		
Name Jason Perriello	Address: 67 Coach Lantern Lane East, Scarborough, Maine 04074	
Name	Address: 165 Route 1, Scarborough, Maine 04074	
Name	Address: 330 Fore St., Portland, Maine 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: Jason R. Perriello Date of Conviction: 08/17/2010

Offense: OUI Location: Cumberland County

Disposition: License loss 8-17-10 to 6-9-13; \$700 fine; 14 days in jail. Mr. Perriello had a 2nd OUI prior in approx. 2001

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

*Licensee is seeking to change current licenses from a Class XI Restaurant/Lounge to Class X Lounge

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

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

RSB Limited Liability Company 123 Commercial Street, Portland, ME 04101

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

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

Approximately 1000 square feet featuring an "L" shaped bar and seating area.

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: St. Peter Parish

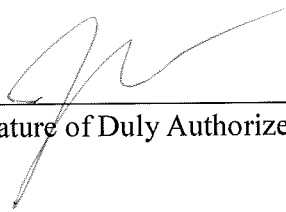
Distance: 0.30

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 10/12/2021



Signature of Duly Authorized Person

Jason R. Perriello

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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: J & L Ventures, LLC
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 09/01/2020 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

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

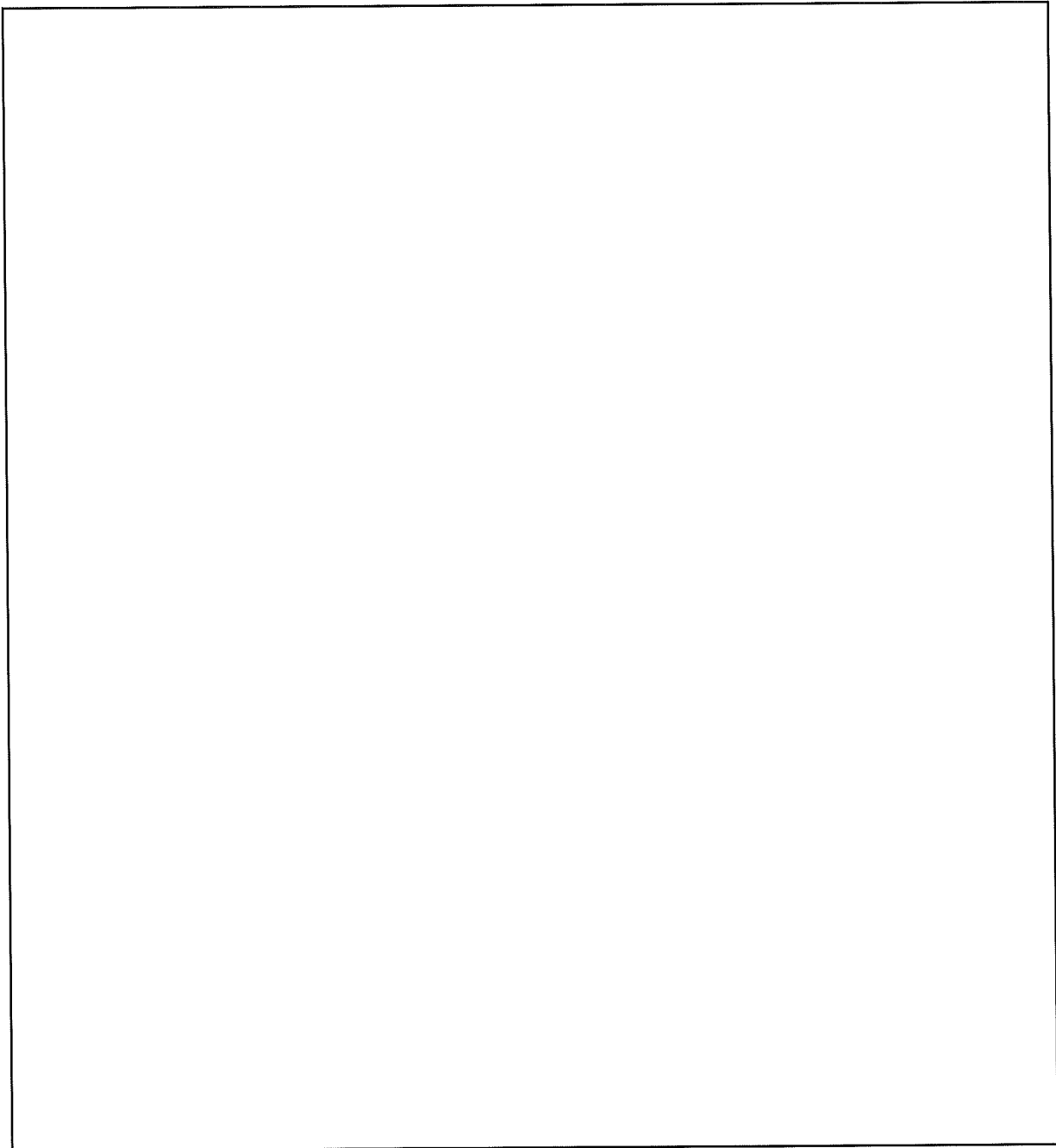
Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Jason (Jake) Perriello	67 Coach Lantern Lane East	04/27/1969	Sole Member	100.0000
	Scarborough, ME 04074			
	165 Route 1, Scarborough			
	330 Fore St., Portland			

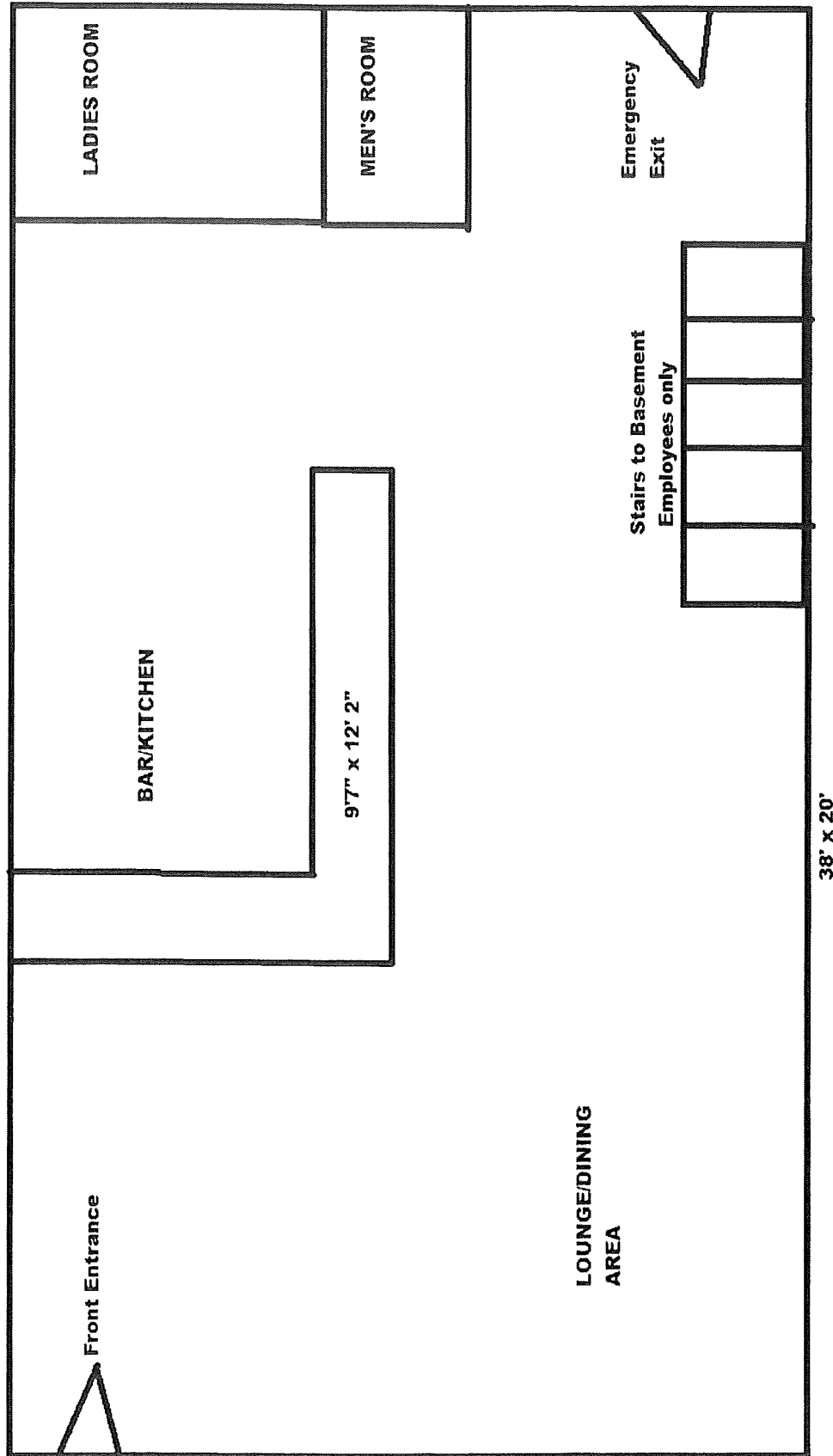
(Ownership in non-publicly traded companies must add up to 100%.)

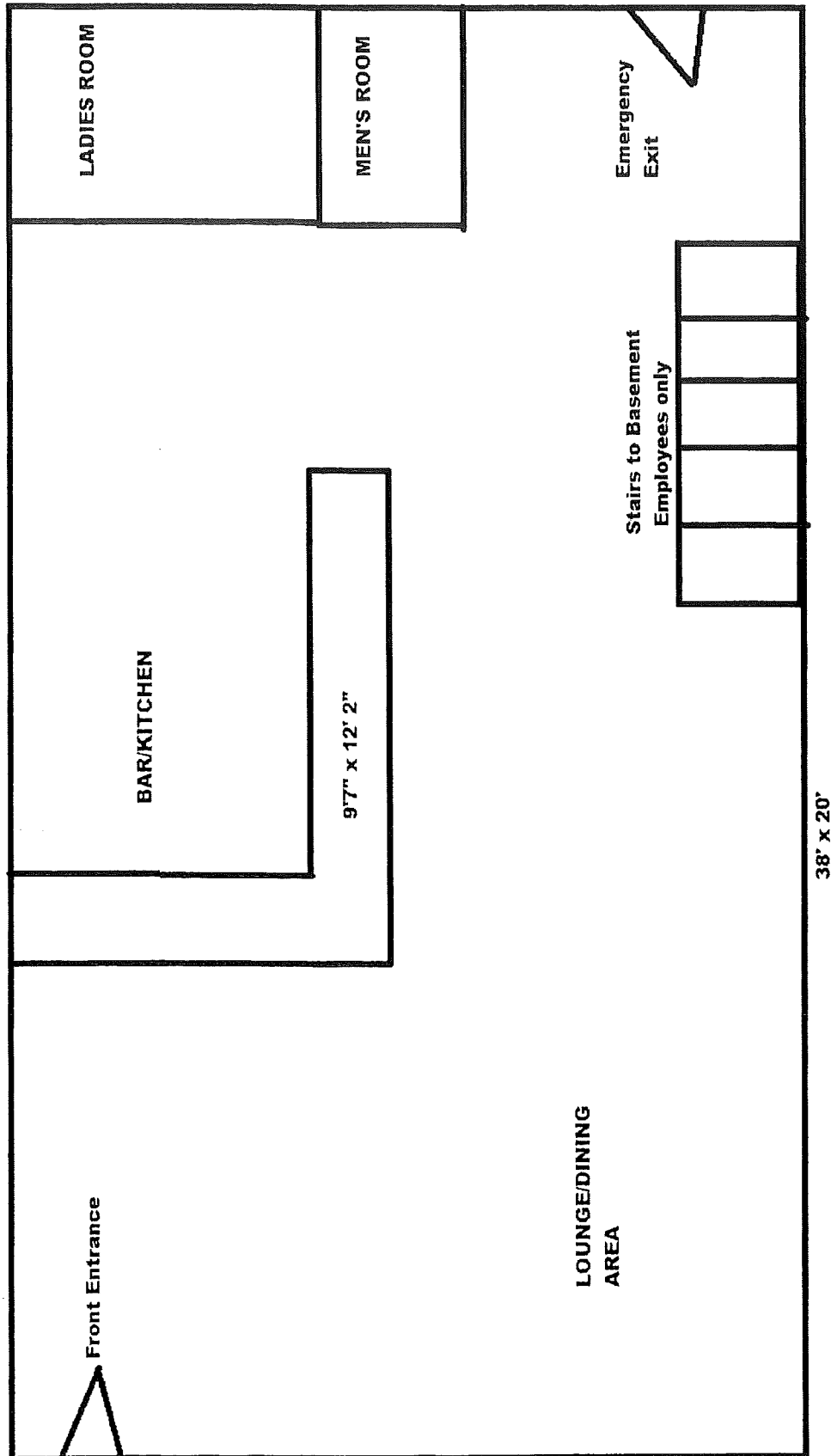
Section VI Premises Floor Plan

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

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







The Tavern Draft MENU

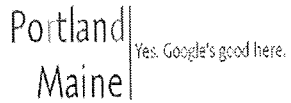
Pizza

Cheese

Pepperoni

Hot Dog

Cheeseburger



Zachary Lenhart <zlenhart@portlandmaine.gov>

The Tavern

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

Sat, Oct 30, 2021 at 4:58 PM

Approved

On Wed, Oct 27, 2021 at 1:10 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:
[Quoted text hidden]

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



Zachary Lenhart <zlenhart@portlandmaine.gov>

The Tavern

amachado <amachado@portlandmaine.gov>

Fri, Nov 5, 2021 at 11:51 AM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>

Zack -

A Class A Lounge (Class X) is a permitted use (bar) in the B-3 zone per Table 6-C of Chapter 14.

Ann Machado
Zoning Administrator

[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

October 27, 2021

J & L Ventures, LLC
123 Commercial St.
Portland, ME 04101

Re: J & L Ventures, LLC, dba The Tavern. Application for a Class A Lounge at 123 Commercial Street

Dear J & L Ventures, LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday November 15, 2021 at 5:00 p.m.**, for the review of application for Class A Lounge at 123 Commercial Street. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on November 12, 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. Lenhert".

Zachary J. Lenhert
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on November 15, 2021 at 5:00 P.M., virtually, J & L Ventures, LLC, dba The Tavern. Application for a Class A Lounge at 123 Commercial Street. - Sponsored by Danielle West, Interim City Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: October 28, 2021

SUBJECT: Order 94-21/22 Granting Municipal Officers' Approval of G&L Maine LLC, dba G & L Maine. Application for Class A Lounge with Outdoor Dining on Private Property at 211 Danforth Street - Sponsored by Danielle West, Interim 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 10/22/21. New City and State application. Location was previously Little Giant.

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. G&L Maine
2. G&L_Council Packet

Prepared by:

Date: 10/28/2021

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:

**G&L Maine LLC, dba G & L Maine. Application for Class A Lounge with Outdoor Dining
on Private Property at 211 Danforth Street**

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

October 21, 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, G&L Maine LLC ("G&L") please find attached to this letter an application for a Food Service Establishment with Alcoholic Beverages License.

G&L has recently leased the space formerly occupied by Little Giant on Danforth Street. G&L is a wholly owned subsidiary of Gin & Luck Inc. who own and operate restaurants across the United States.

The location plans on serving lunch and dinner daily and our menu will include small plates as well as craft cocktails.

Thank you very much for your consideration of our application.

Kind Regards,



Brandon J. Mazer, Esq.
Attorney



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

Business Information	<i>G&L Maine</i>		
Business Name (d/b/a):	<i>G&L Maine</i>	Phone:	917-640-0282
Location Address:	211 Danforth Street	Zip:	04102
If new, what was formerly at this location:	Little Giant		
Mailing Address:	211 Danforth Street, Portland, Maine	Zip:	04102
Contact Person:	Alex Day	Phone:	917-640-0282
Contact Person Email:	a.day@ginandluck.com		
Manager of Establishment:	Alex Day	Date of Birth: 8/18/83	Phone: 917-640-0282
Owner of Premises (Landlord):	Bika, LLC		
Address of Premises Owner:	1 Carroll Street, Portland, Maine	Zip:	04102

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	
G&L Maine LLC		3756 W. Avenue 40 Suite K #278, Los Angeles, CA Zip: 90065	
Contact Person:	Alex Day	Phone:	917-640-0282
Principal Officers	Title	Date of Birth	Residence Address
Alexander Paul Day	Manager	8/18/83	131 Beacon Street, Portland, ME 04103
David Kaplan	Manager	4/4/82	630 E Snow King Drive, Jackson, WY 83001
Class of Liquor License:	Class A Restaurant/Lounge		

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557
 bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

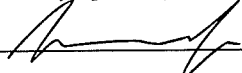
Type of food served:	Small plates	
Please circle all that will be served:	Beer Wine Liquor	
Projected percentage of sales:	Generated from Food: 30%	Generated from Alcohol: 70%
Hours & days of operation:	Monday-Friday 5:00 pm to 1:00 am Saturday/Sunday 11:00 am to 1:00 am	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y/N
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y/N
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)	Y/N
Will you permit dancing after 1:00 a.m.?	Y/N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y/N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	Y/N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date? November 15, 2021	
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	Y/N
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	Y/N
If Yes, please list business name(s) and location(s):	
Is any principal officer under the age of 21?	Y/N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y/N
If Yes, please explain:	

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

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

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

Signature  Title Alexander Day Date 10/12/2021



CITY OF PORTLAND
Permitting and Inspections Department

**Outdoor Dining Permit on Private Property
Supplemental Application**

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

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

Business Information			
Business Name (d/b/a):	G&L Maine LLC	Phone:	917-640-0282
Location Address:	211 Danforth Street, Portland, Maine	Zip:	04102
Mailing Address:	211 Danforth Street, Portland, Maine	Zip:	04102
Contact Person:	Alex Day	Phone:	917-640-0282
Contact Person Email:	a.day@ginandluck.com		
Manager of Establishment:	Alex Day	Date of Birth:	08/18/83
		Phone:	917-640-0282
Owner of Premises (Landlord):	Bika, LLC		
Address of Premises Owner:	1 Carroll Street, Portland, Maine	Zip:	04102

Owner Information

Corporate Name		Corporate Mailing Address	
G&L Maine LLC		3756 W. Avenue Suite K #278 Los Angeles, CA	Zip: 04102
Contact Person:	Alex Day	Phone:	917-640-0282
Principal Officers	Title	Date of Birth	Residence Address
Alexander Day	Manager	08/18/83	131 Beacon Street, Portland, ME 04103
David Kaplan	Manager	04/04/82	630 E Snow King Drive, Jackson, WY 83001



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Class A Restaurant/Lounge
Type of food served:	Small plates
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> <u>Liquor</u>
Hours & days of operation:	Monday-Friday 5:00 PM to 1:00 AM/ Saturday/Sunday 11:00 AM to 1:00 AM
Number of Tables	11
Number of Chairs	33

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.

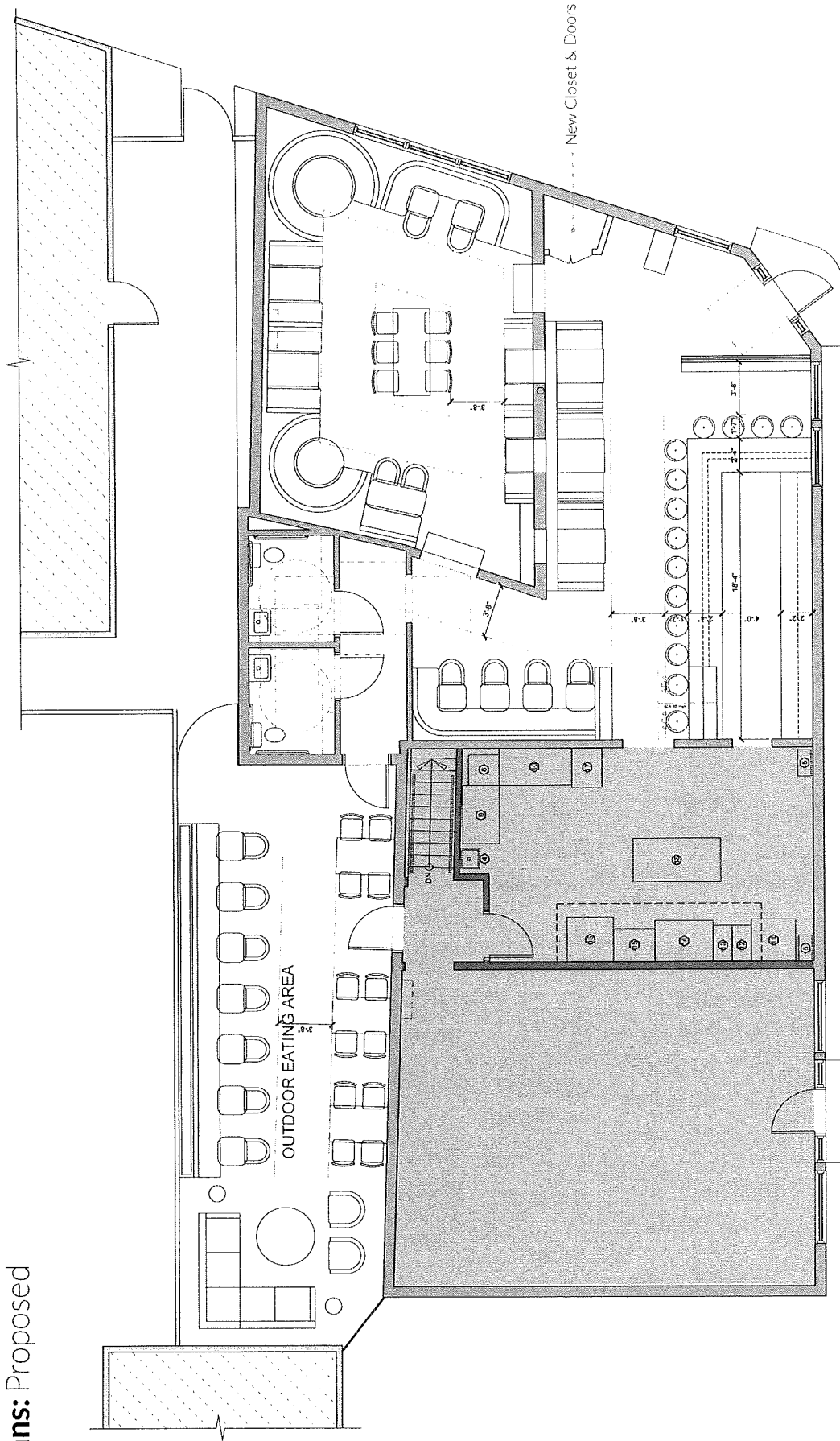
I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by 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 Chief Operating Officer Date 10/20/2021

For Administrative Use Only

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

Plans: Proposed



Millwork

NOT FOR CONSTRUCTION

G&L Maine LLC
211 Danforth Street
Portland, ME

COCKTAIL MENU

Cocktails

Spritz

Blanc Vermouth, Douglas Fir Eau de Vie, Clarified Lime Juice, Mint, Sparkling Cucumber Water - \$10

French 75

Pisco, Grapefruit-Rosewater Cordial, Lemon Juice, Pink Bubbles - \$12

Collins

Blanco Tequila, Pineapple & Lime Juices, Campari, Cinnamon, Seltzer - \$13

Daiquiri

White Rum, Passionfruit Liqueur, Ramazzotti Aperitivo, Lemon Juice, Cacao - \$12

Sour/Down

Apple Brandy, Pressed Honeycrisp Apple Juice, Acid Phosphate - \$13

Sour/Crushed

Coconut Scotch, Amontillado Sherry, Lemon Juice, Maple, Benedictine, Aromatic Bitters - \$14

Martini

Vodka, Fino Sherry, Local Honey, Sea Salt - \$14

Old Fashioned

Toasted Pecan Rye Whiskey, Cognac, Salted Caramel, Angostura Bitters - \$14

Negroni

London Dry Gin, House Vermouth Blend, Campari, Tandem Espresso Bean - \$13

Common Interest: Apples

Apple Martini

Scotch, Madeira, Cognac, Clarified Golden Delicious & Granny Smith Apple Juices, Verjus

Caramel Apple

Brown Butter Washed Apple Brandy, Fino Sherry, Honeycrisp Apple & Lemon Juices, Vanilla

Apple Soda

Blanche de Normandie Apple Brandy, Blanc Vermouth, House Granny Smith-Celery Soda

WINE, BEER, CIDER

Wine - \$12-14

Sparkling
White
Pink
Red

Beer & Cider – Draft - \$8-10

Rotating Pilsner
Rotating Kölsch
Rotating Pale Ale
Rotating IPA
Rotating Porter/Stout
Rotating Cider

FOOD MENU

With Drinks

Warm Zu Bakery Bread, Cultured Butter, Flake Salt - \$8
+ Fig Jam

Parmesan-Sesame Crisps - \$6

Turmeric Spiced Cashews - \$6

Deviled Eggs - \$8

With Friends

½ Dozen Oysters, Parsley Granita, Green Hot Sauce - \$MP

Little Gems, Golden Beet, Creamy Fennel Vinaigrette, Pepitas - \$14

Scallop Crudo, Grapefruit, Pomegranate Juice, Lime - \$18

Grilled Broccolini, Castelvetrano Olives, Arugula-Mint Chimichurri - \$12

Cavatelli, Meyer Lemon Olive Oil, Ricotta, Garlic Breadcrumb - \$18

Seared Butternut Squash, Brown Butter, Thyme, Crispy Rice - \$16

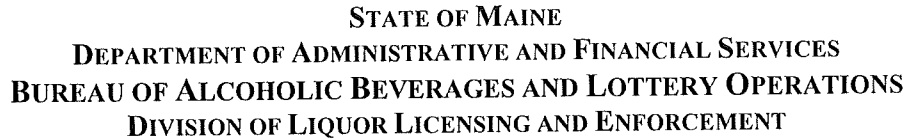
Confit Chicken Leg, Potato & Celery Root Gratin, Frisée - \$22

House Burger w/ Grass Fed Beef Patty, Potato Bun, Aged Cheddar, Iceburg Lettuce, Roasted Garlic Aioli - \$18

On The Side - \$6

French Fries

Simple Greens



All Questions Must Be Answered Completely. Please print legibly.

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

1. New license or renewal of existing license? ☒ New Expected Start date: 11/15/2021
☐ Renewal Expiration Date: _____

Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: \$ 0.00

☒ 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:

211 Danforth Street, Portland, Maine 04102

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
Alexander Day	08/18/1983	Everett, WA
David Kaplan	04/04/82	Chicago, IL

Residence address on all the above for previous 5 years

Name	Alexander Day	Address:	131 Beacon Street, Portland, ME 04103 (July 2019 - Current); 2578 Lake View Ave, Los Angeles, CA 90039 (prior)
Name	David Kaplan	Address:	630 E Snow King Drive, Jackson, WY 83001
Name		Address:	
Name		Address:	

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

☐ Yes ☒ No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

Bika, LLC--1 Carroll Street, Portland, Maine 04102

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)

Approximately 2500 square foot bar and restaurant with outdoor dining space

Keg cooler: 100 square feet, located in basement, lockable; Liquor room: 40 square feet located in basement, lockable; Wine room: 35 square feet located in basement, lockable.

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: St. Louis Polish Catholic Church

Distance: 0.20

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: 10/21/21

Brandon J. Mazer - Attorney-in-Fact
Signature of Duly Authorized Person

Brandon Mazer
Signature of Duly Authorized Person

Alexander Day
Printed Name Duly Authorized Person

Alexander Day
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.

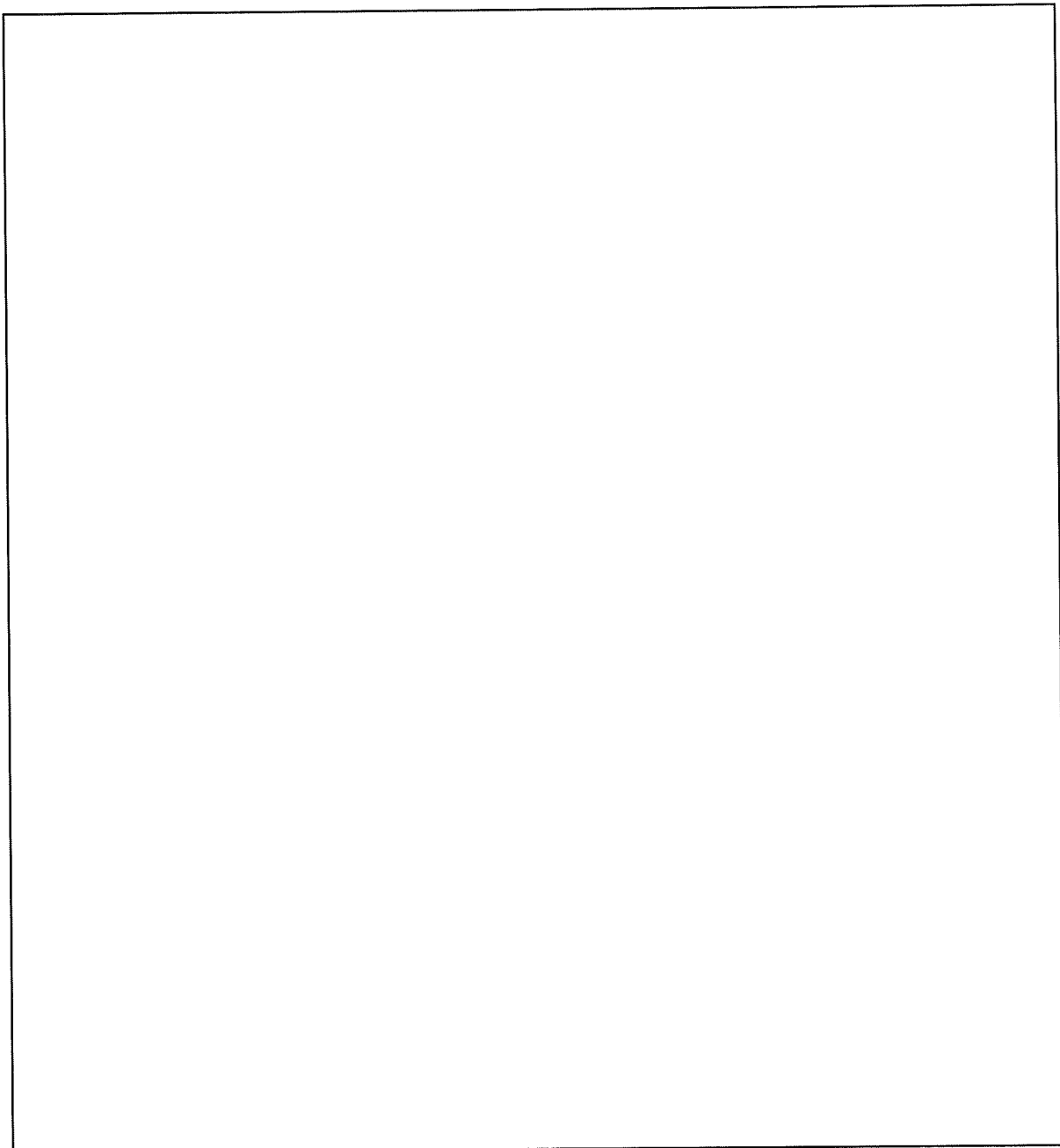
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

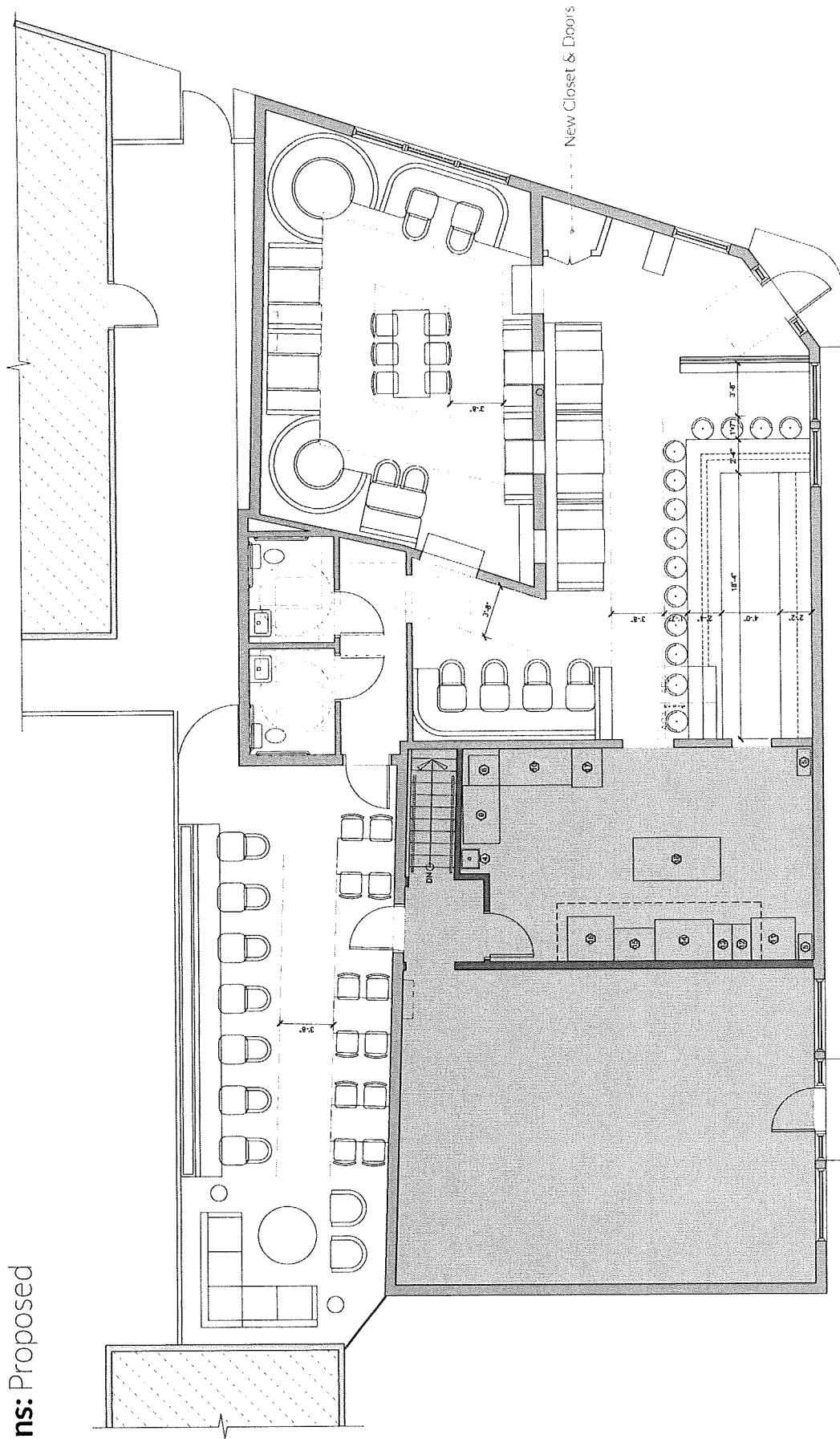
Section VI Premises Floor Plan

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.



Plans: Proposed



Millwork

NOT FOR CONSTRUCTION

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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: G&L Maine LLC
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 09/29/2021 State in which you are formed: DE
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
10/06/2021
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
Gin & Luck Inc.	See Attached Supplement			100.0000
Alexander Day	131 Beacon St. Portland, Me 2578 Lake View Ave, Los Angeles, CA	8/8/83	Manager	
David Kaplan	630 E Snow King Drive Jackson, WY 83001	4/4/82	Manager	

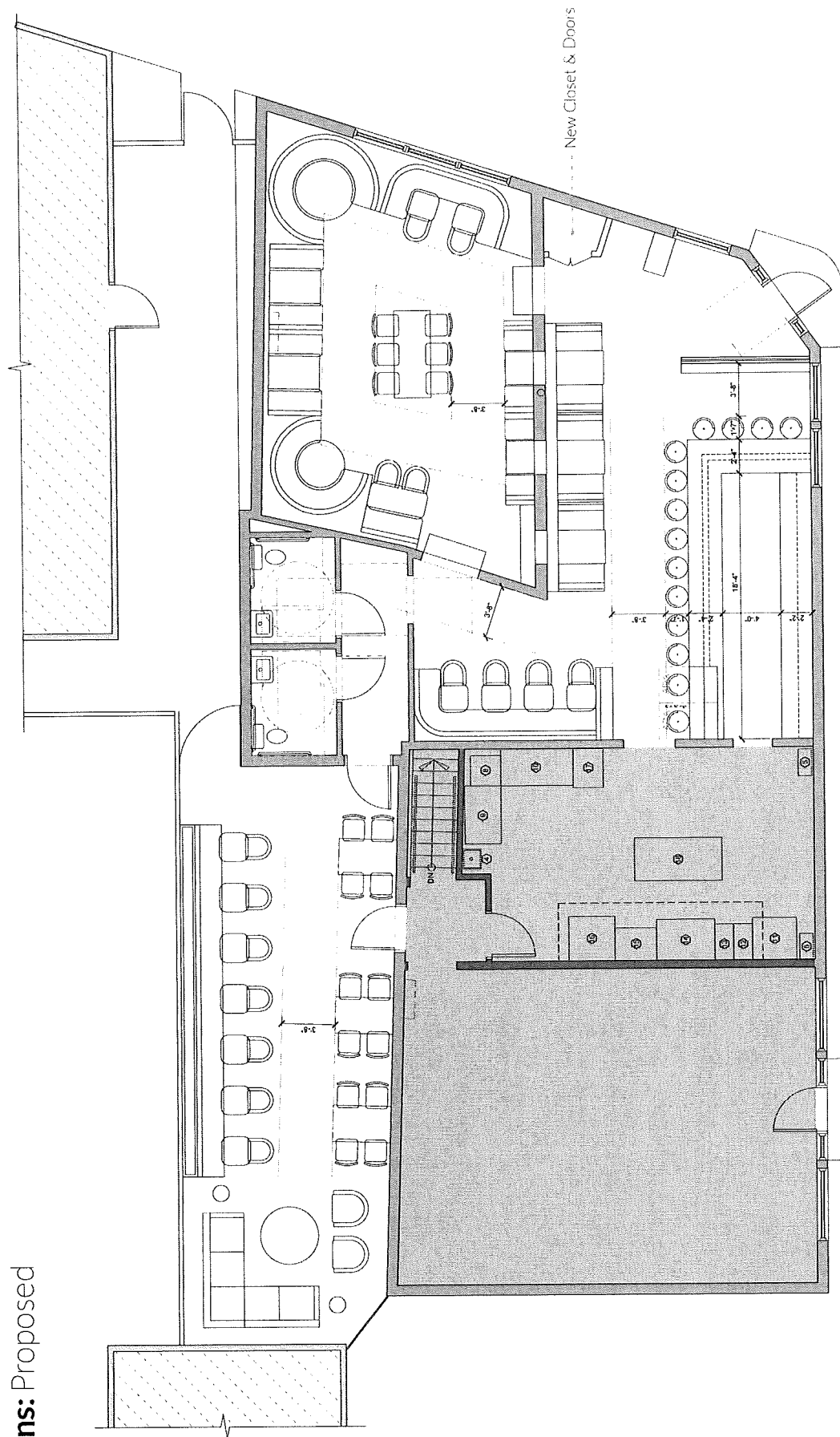
(Ownership in non-publicly traded companies must add up to 100%.)

Corporate Supplement Attachment

Gin & Luck Inc. Ownership	Date of Birth	Current Address	Percentage
David Kaplan	4/4/1982	630 E Snow King Drive, Jackson, WY 83001	25.301%
Ravi Lalchandani	4/14/1974	445 East 6th St. New York, NY 10009	19.935%
Alexander Day	8/18/1983	131 Beacon Street, Portland, ME 04103	19.715%
Craig Manzino	6/5/1975	85 Soundview Drive, Port Washington, NY 11050	2.948%
Devon Tarby	1/14/1986	460 S. Spring Street, Apt. 1211, Los Angeles, CA 90013	5.190%
William Spurgeon	4/10/1965	4411 Rose Street, Houston, TX 77007	6.631%
Leland O'Connor	8/7/1988	22 Cooper Avenue 110, Long Branch, NJ 07740	3.114%
Section 106, LLC (see below for breakdown of individuals)			3.798%
New Direction IRA Inc. *			8.497%
OTHERS with less than 1% interest			4.871%
TOTAL			100.000%
Section 106, LLC Ownership			
Sam Dudley	3/20/1986	380 N High Street, Denver, CO 80218	1.000%
Hunter Combs	7/30/1985	2118 Eliot St. Denver, CO 80211	2.798%

*New Direction IRA Inc. includes over 500 shareholders each holding less than 1% flow through interest in Gin & Luck Inc.

Plans: Proposed



Millwork

NOT FOR CONSTRUCTION



Zachary Lenhart <zlenhart@portlandmaine.gov>

G&L Maine

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

Sat, Oct 30, 2021 at 4:56 PM

Approved

On Wed, Oct 27, 2021 at 1:52 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:
[Quoted text hidden]

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



Zachary Lenhert <zlenhert@portlandmaine.gov>

G&L Maine

Zoning <zoning@portlandmaine.gov>

Tue, Nov 2, 2021 at 12:15 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Jonathan Sullivan <jsullivan@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erickn@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>, Zachary Lenhert <zlenhert@portlandmaine.gov>

A Class A Restaurant (Class I) is a permitted use in the B-1 Zone, per Table 6-C of Chapter 14, with the limitation under Sec 6.4.6 of Chapter 14 that restaurants shall not operate between the hours of 11 PM and 6 AM and shall not accept deliveries or services between the hours of 10 PM and 7 AM.

Thanks,

Jonathan

[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

October 27, 2021

G&L Maine LLC
211 Danforth Street
Portland, ME 04102

Re: G&L Maine LLC, dba G & L Maine. Application for Class A Restaurant/Lounge with Outdoor Dining on Private Property at 211 Danforth Street

Dear G&L Maine LLC :

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday November 15, 2021 at 5:00 p.m.**, for the review of application for Class A Lounge with Outdoor Dining on Private Property at 211 Danforth Street. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on November 12, 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 November 15, 2021 at 5:00 P.M., virtually, G&L Maine LLC, dba G & L Maine. Application for Class A Restaurant/Lounge with Outdoor Dining on Private Property at 211 Danforth Street. - Sponsored by Danielle West, Interim City Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: October 28, 2021

SUBJECT: Order 95-21/22 Granting Municipal Officers' Approval of Dirty Dove LLC, dba Dirty Dove. Application for Class XI Restaurant/Lounge at 229 Congress Street - Sponsored by Danielle West, Interim 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 10/25/21. New City and State application. Location was previously Sip of Europe Cafe.

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. Dirty Dove
2. Dirty Dove_Council Packet

Prepared by:

Date: 10/28/2021

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:**

**Dirty Dove LLC, dba Dirty Dove. Application for Class XI Restaurant/Lounge at 229
Congress Street**

October, 8, 2021

Dear Mayor Snyder and Members of the City Council:

P. Joesph Fournier and Michael Gatlin, owners of Dirty Dove LLC, hereby state our intention to operate our business with a Class XI Restaurant Liquor License.

Dirty Dove will be a neighborhood restaurant serving local residents and the its community. With this letter we submit our application for a Class XI Restaurant Liquor License. Thank you in advance for your consideration of our application.

Sincerely,

A handwritten signature in black ink, appearing to be 'MG' or similar initials, written in a cursive style.

Michael Gatlin
Owner
Dirty Dove LLC

A handwritten signature in black ink, appearing to be 'PJF' or similar initials, written in a cursive style.

P. Joseph Fournier
Owner
Dirty Dove



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Establishment Name (d/b/a):	Dirty Dove LLC Phone: 207-807-3569
Location Address:	229 Congress Street, Portland ME 04101 Zip:
If new, what was formerly at this location:	Sip Of Europe Cafe
Mailing Address:	229 Congress Street, Portland ME 04101 Zip:
Contact Person:	Joe Fournier Phone: 207-807-3569
Contact Person Email:	josephfournier@gmail.com
Manager of Establishment:	Joe Fournier Date of Birth: 4/2/1978 Phone: 207-807-3569
Owner of Premises (Landlord):	Brick Light Realty
Address of Premises Owner (Landlord):	80 Elm Street, Portland Maine, 04101 Zip:

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

Name of Owner(s)	Date of Birth	Residence Address

Corporate Name	Corporate Mailing Address
Dirty Dove LLC	183 Grant Street, Portland ME Zip: 04101

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

Contact Person:	Joe Fournier	Phone:	207-807-3569
Principal Officers	Title	Date of Birth	Residence Address
Patrick J Fournier	Owner	4/2/1978	12 Sweet Fern Road, CE, 04107
Michael Gatlin	Owner	5/25/1974	183 Grant Street, Portland ME
Class of Liquor License:		Class XI	



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Continental American	
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:		
QUESTIONS		Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?		Y/N yes
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?		Y/N no
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)		Y/N no
Will you permit dancing after 1:00 a.m.?		Y/N no
Will you have outside dining? (If yes, an Outdoor Dining Application is required)		Y/N no
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 no
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____		
What is your targeted opening date?		10/31/21
Does the Issuance of this license directly or indirectly benefit any City employee(s)?		Y/N no
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?		Y/N yes
If Yes, please list business name(s) and location(s): A&C Grocery, 131 Washington Ave		
Is any principal officer under the age of 21?		Y/N no
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		Y/N yes
If Yes, please explain: Micheal Gatlin, Class C DUI 2015, Portland Maine		

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

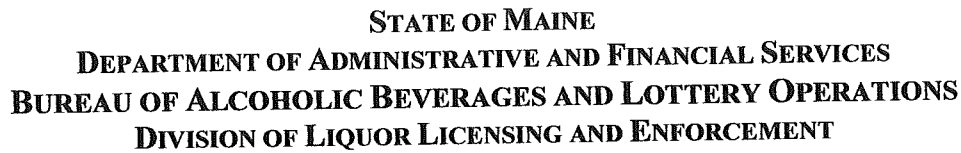
Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts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

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

Signature [Signature] Title OWNER Date 10/8/21

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

bl@portlandmaine.gov • www.portlandmaine.gov



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): Dirty Dove LLC	Business Name (D/B/A): Dirty Dove
Individual or Sole Proprietor Applicant Name(s): Patrick J Fournier	Physical Location: 229 Congress Portland Maine
Individual or Sole Proprietor Applicant Name(s): Michael Gatlin	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: josephfournier@gmail.com
Telephone # Fax #: 207-807-3569	Business Telephone # Fax #: 207-329-4314
Federal Tax Identification Number: 87-2623099	Maine Seller Certificate # or Sales Tax #: 1222285
Retail Beverage Alcohol Dealers Permit:	Website address: N/A

1. New license or renewal of existing license? ☒ New Expected Start date: 10/31/2021
☐ Renewal Expiration Date: _____

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

- ☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

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

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

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

5. Business records are located at the following address:

229 Congress, Portland, Maine

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
A&C Grocery LLC		131 Washington Ave, Portland, ME

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
Patrick J Fournier	04/02/1978	Maine
Michael Gatlin	05/25/1974	Tennessee

Residence address on all the above for previous 5 years

Name	Patrick J Fournier	Address:	12 Sweet Fern Rd Cape Elizabeth Maine
Name	Michael Gatlin	Address:	183 Grant Street Portland, Maine
Name		Address:	
Name		Address:	

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

☒ Yes ☒ No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: Michael Gatlin Date of Conviction: 2015

Offense: OUI Location: Portland, Maine

Disposition: _____

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

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

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

Brick Light Realty, 80 Elm Street, Portland Maine 04101

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

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

800 sqft dining with lunch counter and kitchen.

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: Etz Chaim Synagogue

Distance: 1/2 mile

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 8/2/2021



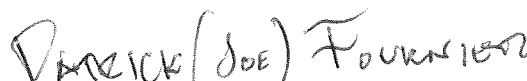
Signature of Duly Authorized Person



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

§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 permit. See the TTB's website at www.ttb.gov for more information.

Section V: Fee Schedule

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

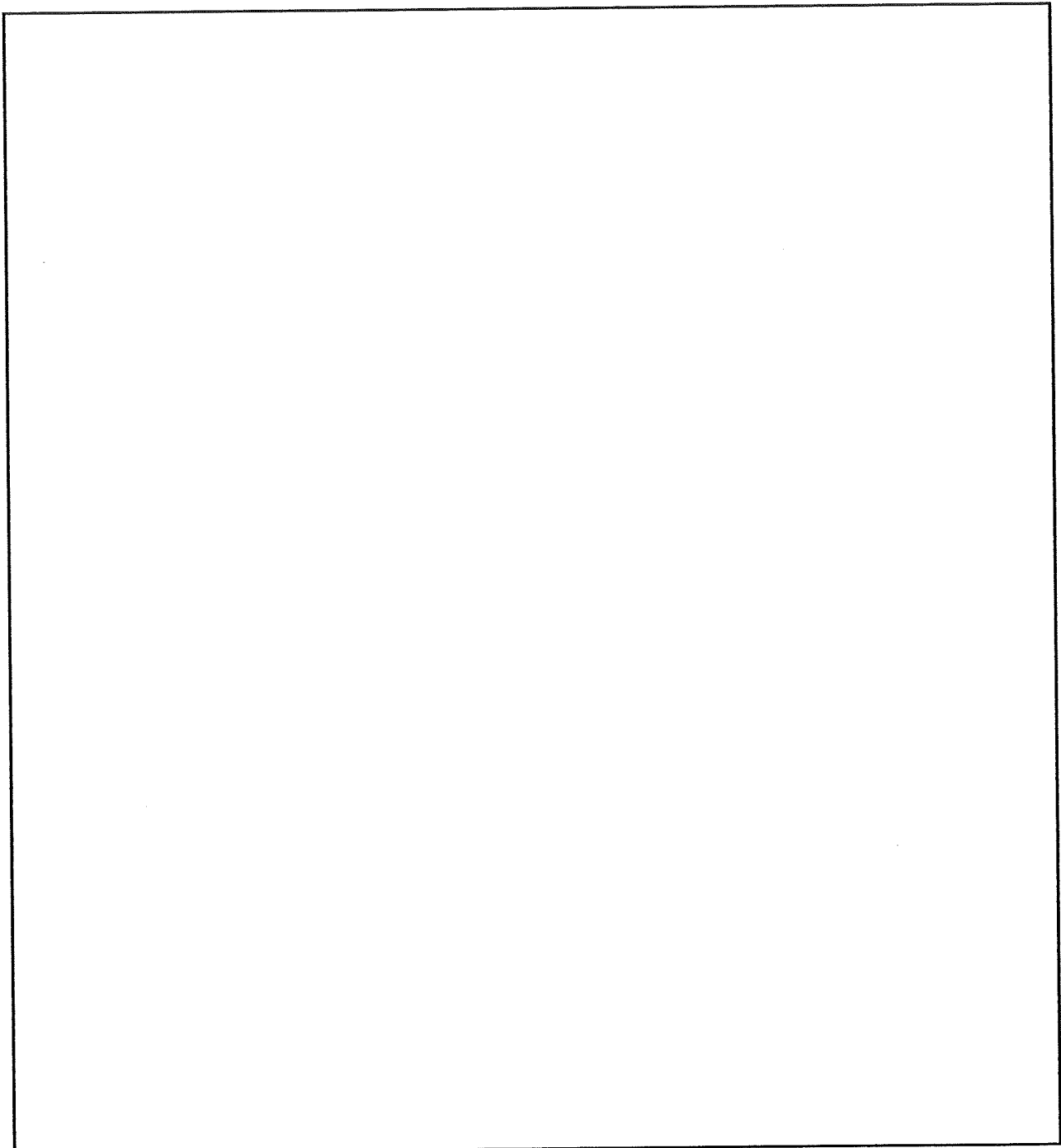
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

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

Section VI Premises Floor Plan

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

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



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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Dirty Dove LLC
2. Doing Business As, if any: Dirty Dove
3. Date of filing with Secretary of State: 09/2021 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)

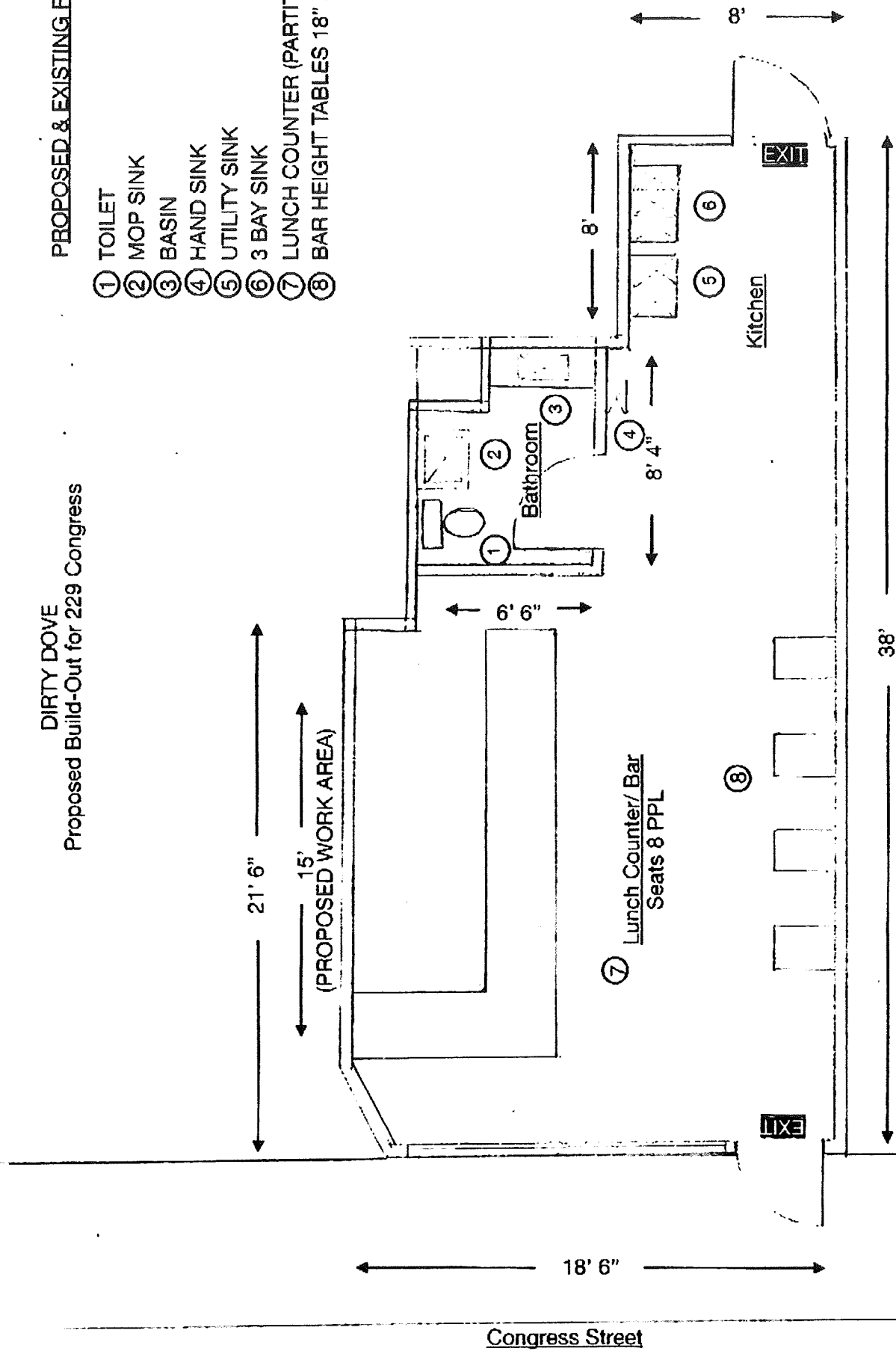
Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Patrick J Fournier	12 sweet Fern Road	4/2/1978	owner	50
Michael Gatlin	183 Grant Street	5/25/1974	owner	50

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

DIRTY DOVE
Proposed Build-Out for 229 Congress

PROPOSED & EXISTING FIXTURES

- ① TOILET
- ② MOP SINK
- ③ BASIN
- ④ HAND SINK
- ⑤ UTILITY SINK
- ⑥ 3 BAY SINK
- ⑦ LUNCH COUNTER (PARTITION)
- ⑧ BAR HEIGHT TABLES 18" X 24"



Dirty Dove 229 Congress Menu

Plato de Salumi

Country Pate and Toast

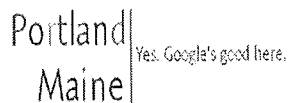
Soup Du Jour

Fresh Green Salad

Sirloin Sashimi, Wasabi Potato Salad

Italian Sandwich

Gryuere & Apple Grilled Cheese



Zachary Lenhart <zlenhart@portlandmaine.gov>

Dirty Dove

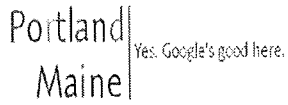
Eric Nevins <ericn@portlandmaine.gov>
To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Sat, Oct 30, 2021 at 4:54 PM

Approved

On Wed, Oct 27, 2021 at 2:17 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:
[Quoted text hidden]

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



Zachary Lenhert <zlenhert@portlandmaine.gov>

Dirty Dove

amachado <amachado@portlandmaine.gov>

Fri, Nov 5, 2021 at 1:14 PM

To: Zoning <zoning@portlandmaine.gov>

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

Zack -

A Class A Restaurant/Lounge (Class XI) is a permitted use in the IS-FBC zone per section 9.1.7.A of Chapter 14.

Ann Machado
Zoning Administrator

[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

October 27, 2021

Dirty Dove LLC
229 Congress St
Portland, ME 04101

Re: Dirty Dove LLC, dba Dirty Dove. Application for Class XI Restaurant/Lounge at 229 Congress Street

Dear Dirty Dove LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday November 15, 2021 at 5:00 p.m.**, for the review of application for Class XI Restaurant/Lounge at 229 Congress Street. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on November 12, 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. Lenhert", is written over a horizontal line.

Zachary J. Lenhert
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on November 15, 2021 at 5:00 P.M., virtually, Dirty Dove LLC, dba Dirty Dove. Application for Class XI Restaurant/Lounge at 229 Congress Street. - Sponsored by Danielle West, Interim City Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: October 28, 2021

SUBJECT: Order 96-21/22 Granting Municipal Officers' Approval of Hello Portland LLC, dba
Regards. Application for Class I FSE at 547 Congress Street - Sponsored by
Danielle West, Interim 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 10/22/21. New City and State application. Location was previously Emilitsa Restaurant.

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. Regards
2. Regards_Council Packet

Prepared by:

Date: 10/28/2021

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:**

Hello Portland LLC, dba Regards. Application for Class I FSE at 547 Congress Street

October 21st, 2021

Hello Portland LLC
dba Regards
79 Dartmouth Street #1
Portland, ME 04103

Hon. Kate M. Snyder, Mayor
Council Members, City of Portland
389 Congress Street
Portland, ME 04101

Re: Hello Portland LLC – Application for Food Service Establishment with Alcoholic Beverage License

Dear Mayor Snyder and City Council Members,

My name is Cameron Lewin and on behalf of Hello Portland LLC, I am writing to inform you of our application for a full Class A (Class I) Restaurant Liquor License in connection with our newly leased retail space at 547 Congress Street in Portland. In this location, my partners Neil Ross and Kimberly Lund and I will operate Regards, an California-inspired restaurant for which we are requesting this license.

Initially, Regards will serve dinner five nights a week from 4-11pm, though it is our intention to open for additional evenings, brunches and lunches as our staffing allows. We are applying for a permit from 11AM-1AM. Our menu will focus on fresh fish and local produce. We anticipate that the majority of revenue will be obtained from food sales, but intend to serve wine, beer, and cocktails to complement our cuisine.

My partners Kimberly Lund, Neil Ross and I both all extensive experience in restaurant service and management, and will be on premises daily to oversee staff and assist guests during all hours of operation. If all goes well, we are hoping to open by December 2021.

Please find enclosed for your review and anticipated approval all components necessary for a municipal liquor license application of this class. We greatly appreciate your time and consideration, and look forward to your decision.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Lewin', with a horizontal line drawn underneath it.

Cameron Lewin, Manager, Hello Portland LLC



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Business Name (d/b/a):	REGARDS	Phone:	207 747 5940
Location Address:	547 CONGRESS ST	Zip:	04101
If new, what was formerly at this location:	EMILITA RESTAURANT		
Mailing Address:	79 DARTMOUTH ST #1, PORTLAND ME	Zip:	04103
Contact Person:	CAMERON LEWIN	Phone:	718 812 1874
Contact Person Email:	CAMERON@REGARDSMAINE.COM		
Manager of Establishment:	CAMERON LEWIN	Date of Birth:	01-29-85 Phone: 718 812 1874
Owner of Premises (Landlord):	NEIL REITER, R+S 545 PARTNERS LLC		
Address of Premises Owner:	6 SOUTH ST, PORTLAND ME 04101		

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
HELLO PORTLAND LLC		79 DARTMOUTH ST #1, PORTLAND ME 04103	
Contact Person:	CAMERON LEWIN	Phone:	718 812 1874
Principal Officers	Title	Date of Birth	Residence Address
CAMERON LEWIN	OWNER	01-29-85	79 DARTMOUTH ST #1, PORTLAND 04103
KIMBERLY WIND	OWNER	07-22-83	20 SCHOOL ST #1, PORTLAND 04102
NEIL ROSS	OWNER	05-29-86	20 SCHOOL ST #1, PORTLAND 04102
Class of Liquor License: CLASS A RESTAURANT (CLASS 1)			

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:	CALIFORNIA FARM TO TABLE	
Please circle all that will be served:	Beer	Wine
Projected percentage of sales:	Generated from Food: 65%	Generated from Alcohol: 35%
Hours & days of operation:	11AM - 1AM - MON-SUN	

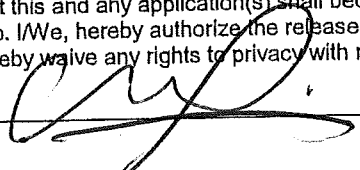
QUESTIONS

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 Y
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)	Y/N Y
Will you permit dancing after 1:00 a.m.?	Y/N Y
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y/N Y
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	Y/N Y
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date?	
Does the issuance of this license directly or indirectly benefit any City employee(s)?	Y/N Y
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	Y/N Y
If Yes, please list business name(s) and location(s):	
Is any principal officer under the age of 21?	Y/N Y
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y/N Y
If Yes, please explain:	

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

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

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

Signature  Title **OWNER** Date **10-20-21**



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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): HELLO PORTLAND LLC	Business Name (D/B/A): REGARDS
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 547 CONGRESS ST PORTLAND, 04101
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: 79 DORCHESTER ST #1, PORTLAND, 04103
Mailing address, if different from DBA address:	Email Address: CAMERON@REGARDSMAINE.COM
Telephone # Fax #: 718-812-1874	Business Telephone # Fax #: 207-747-5940
Federal Tax Identification Number: 85-4395797	Maine Seller Certificate # or Sales Tax #:
Retail Beverage Alcohol Dealers Permit:	Website address: REGARDSMAINE.COM

1. New license or renewal of existing license? ☒ New Expected Start date: **12-21-21**
☐ Renewal Expiration Date: _____

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

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

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

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

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

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

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

5. Business records are located at the following address:

547 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
CAMERON MICHAEL LEWIN	01-29-85	NEW YORK, NY
KIMBERLY ERIN LUND	07-22-83	PORTLAND, ME
NEIL ARTHUR ROSS	05-29-86	WESTLAKE VILLAGE, CA
Residence address on all the above for previous 5 years		
Name	Address:	
SEE ATTACHED		
Name	Address:	
Name	Address:	
Name	Address:	

Name: Cameron Michael Lewin	Address: 79 Dartmouth St #1, Portland, ME 04103	2020-now
Name: Cameron Michael Lewin	Address: 2035 Commonwealth Ave #4, Brighton, MA 02135	2018-2020
Name: Cameron Michael Lewin	Address: 281 Starr St #1L, Brooklyn, NY 11237	2016-2018
Name: Neil Arthur Ross	Address: 20 School St #1, Portland, ME 04102	2018-now
Name: Neil Arthur Ross	Address: 974 St Marks Ave #3A, Brooklyn, NY 11213	2016-2018
Name: Kimberly Erin Lund	Address: 20 School St #1, Portland, ME 04102	2018-now
Name: Kimberly Erin Lund	Address: 974 St Marks Ave #3A, Brooklyn, NY 11213	2016-2018

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

☐ Yes ☒ No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

NEIL REITER, 6 SOUTH ST, PORTLAND ME 04101

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

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

THE RESTAURANT IS STREET LEVEL WITH SIX BAR SEATS AND
40 TABLE SEATS. WE HAVE A SMALL KITCHEN ON THE
SAME LEVEL WITH FOOD PREP, COOKING + REFRIGERATION.
OUR BASEMENT CONTAINS OUR OFFICE, STORAGE, AND LOCKED
LIQUOR STORAGE.

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

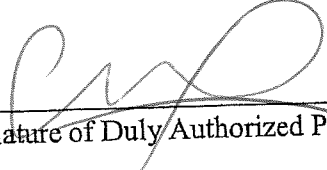
Distance: 0.4 MILES, 2112 FEET

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: 10-20-21



Signature of Duly Authorized Person

CAMERON LEWIN

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.

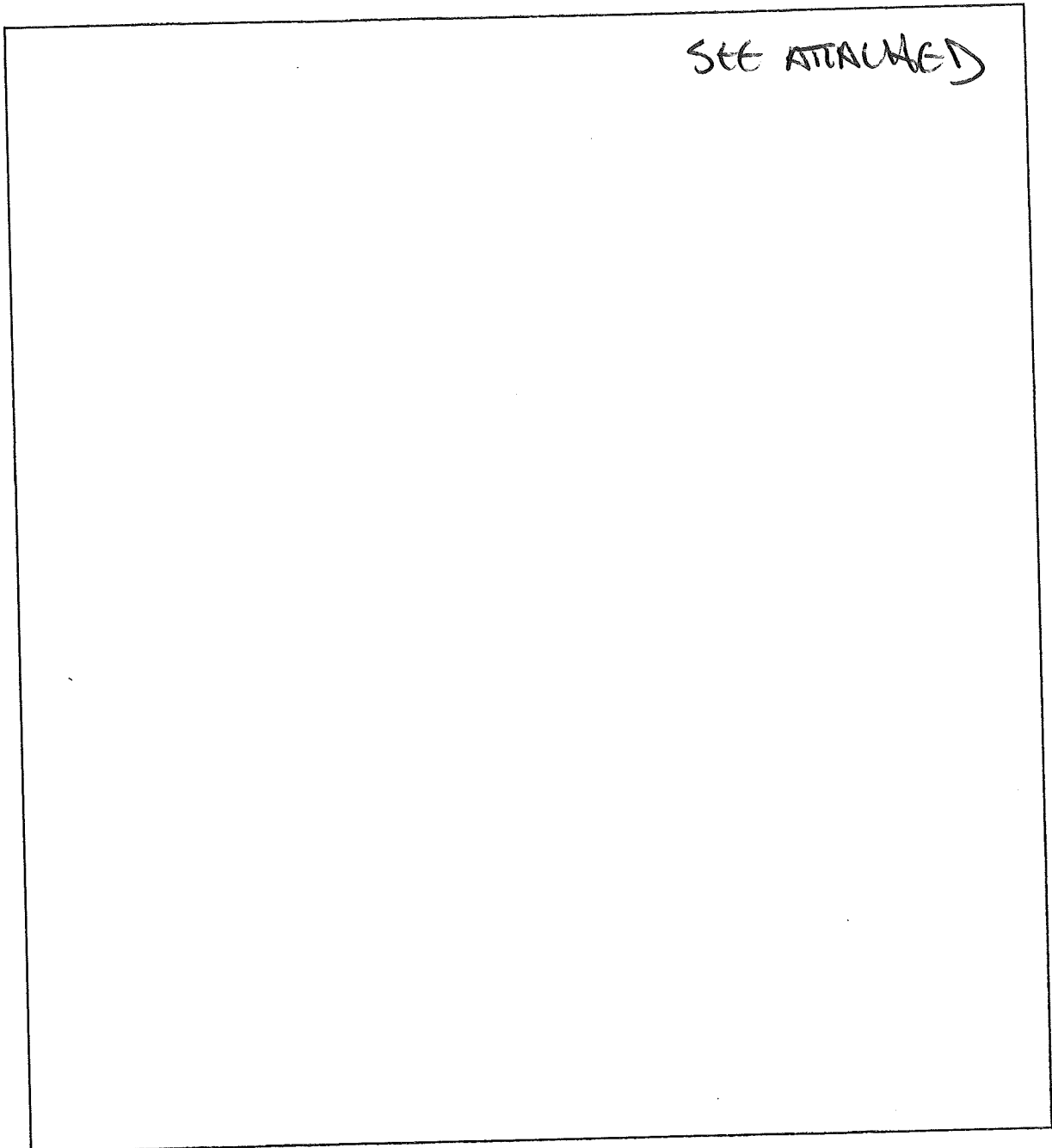
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

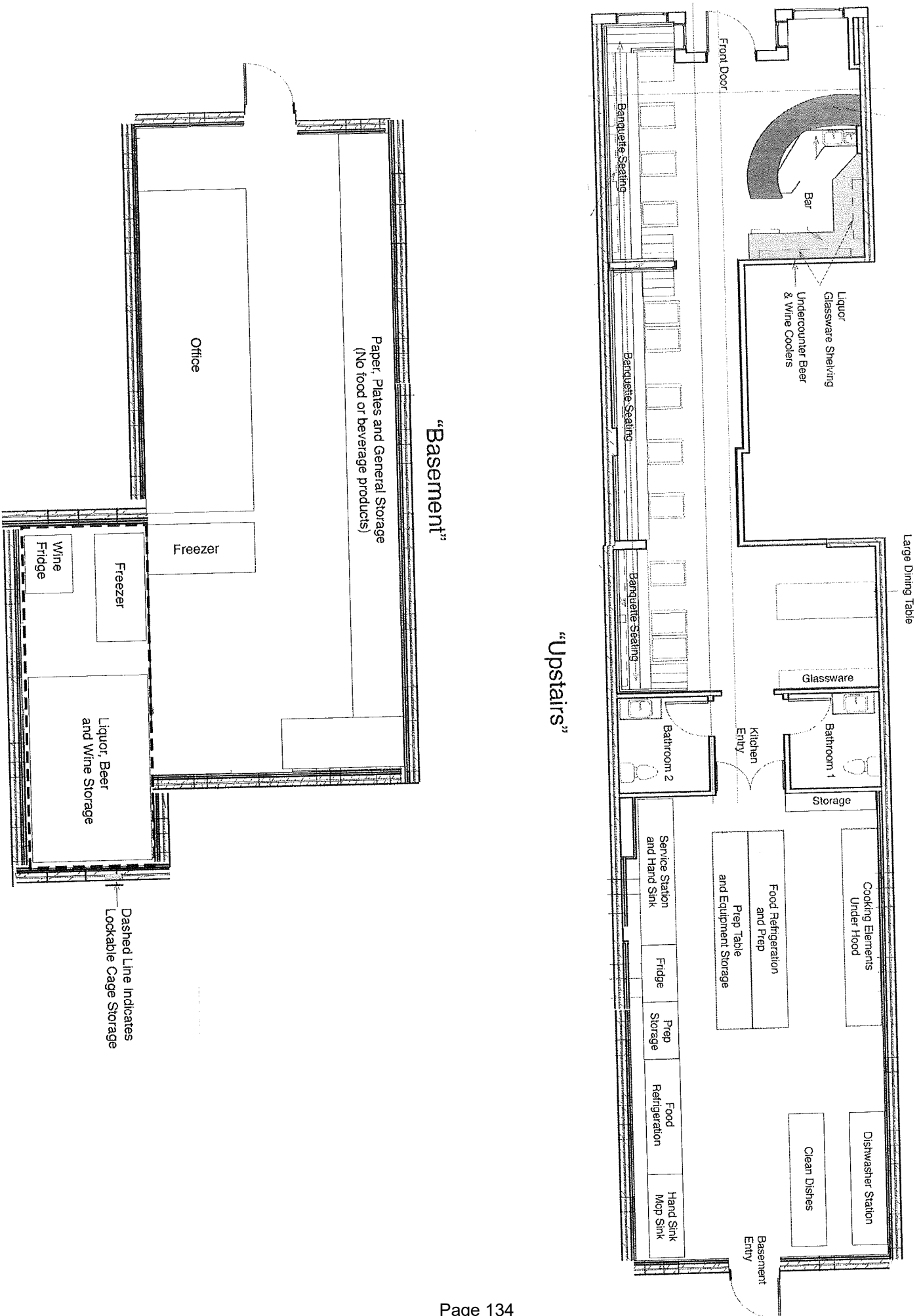
<u>Class of License</u>	<u>Type of liquor/Establishments included</u>	<u>Fee</u>
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating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

Section VI Premises Floor Plan

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

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





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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: HELLO PORTLAND LLC
2. Doing Business As, if any: REGARDS
3. Date of filing with Secretary of State: 12-17-20 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:

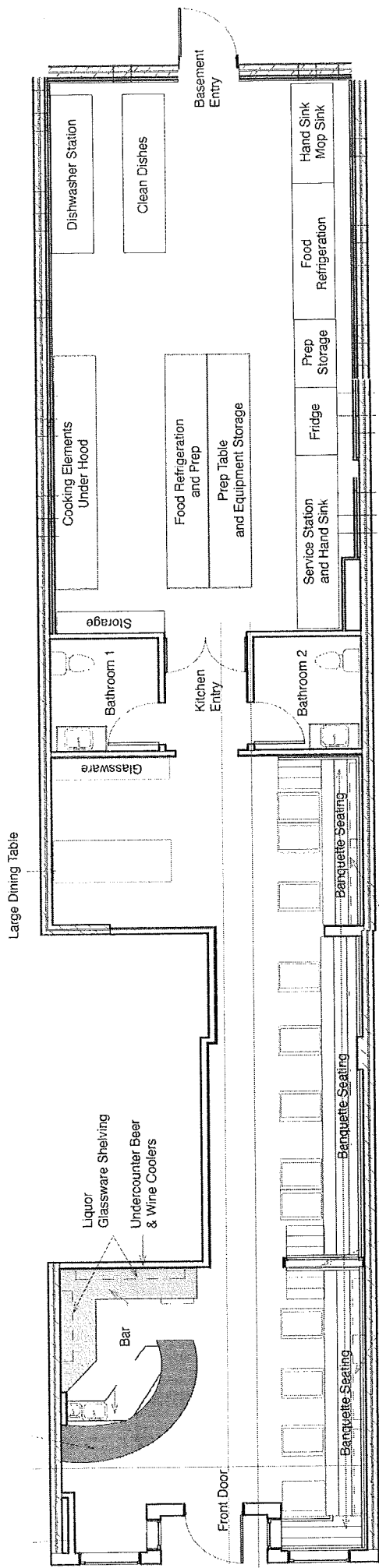
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

SEE ATTACHED

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
CAMERON LEWIN	79 DARTMOUTH ST #1 PORTLAND ME 04103	01-29-85	OWNER	45.5
NEIL ROSS	20 SCHOOL ST #1 PORTLAND ME 04102	05-29-86	OWNER	45.5
KIMBERLY LUND	20 SCHOOL ST #1 PORTLAND ME 04102	07-22-83	OWNER	9

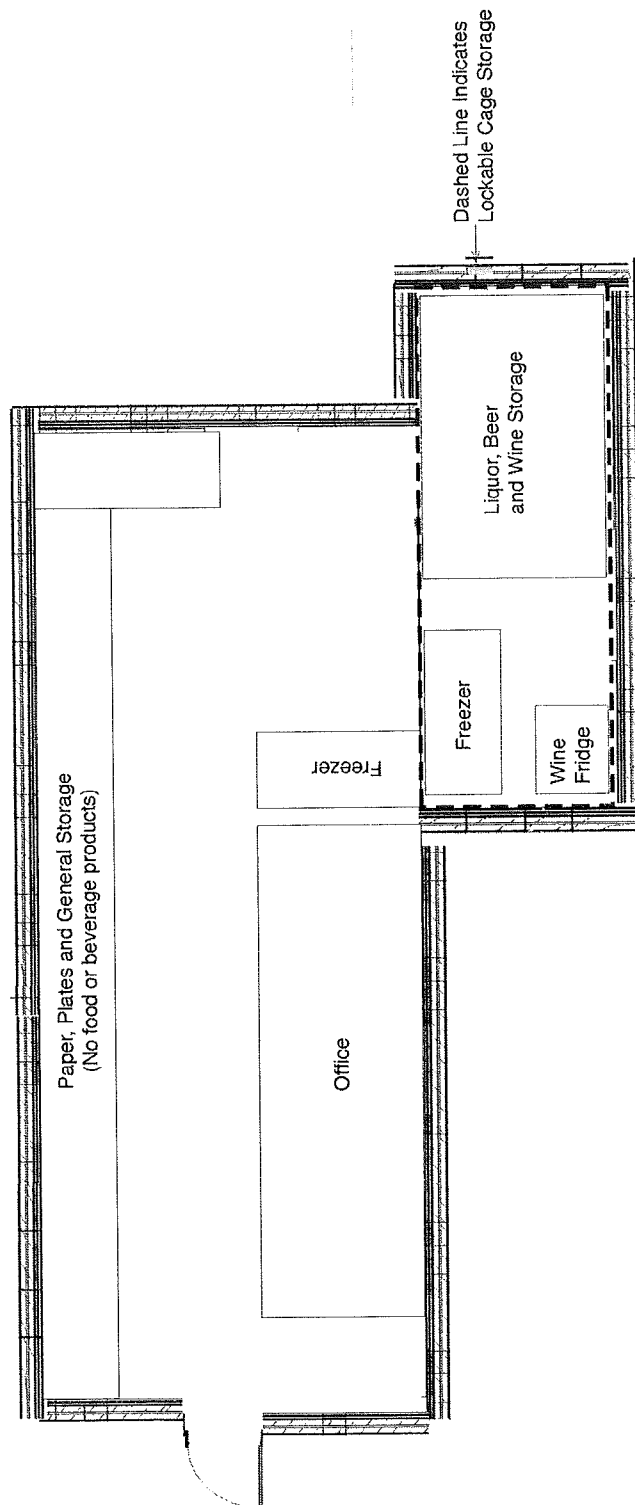
(Ownership in non-publicly traded companies must add up to 100%.)

Name: Cameron Michael Lewin	Address: 79 Dartmouth St #1, Portland, ME 04103	2020-now
Name: Cameron Michael Lewin	Address: 2035 Commonwealth Ave #4, Brighton, MA 02135	2018-2020
Name: Cameron Michael Lewin	Address: 281 Starr St #1L, Brooklyn, NY 11237	2016-2018
Name: Neil Arthur Ross	Address: 20 School St #1, Portland, ME 04102	2018-now
Name: Neil Arthur Ross	Address: 974 St Marks Ave #3A, Brooklyn, NY 11213	2016-2018
Name: Kimberly Erin Lund	Address: 20 School St #1, Portland, ME 04102	2018-now
Name: Kimberly Erin Lund	Address: 974 St Marks Ave #3A, Brooklyn, NY 11213	2016-2018



"Upstairs"

"Basement"



REGARDS

raw

mezcal cured flounder w. sour oranges and habanero*	16
shrimp, leche de tigre of its shells, lime, thai basil*	14
tuna rojo aguachile*	18
raw scallops, confit smoked pepper, avocado and nori*	17
crab claws w. sprouted bread and cultured butter	18

veggies

crushed avocado w. salsa macha tortillas	11
smoked red cabbage caesar, aji amarillo, allium ash	17
radicchio, goat butter, pintos in golden beet broth	14
charred sweet potato, salsa of tomatillo, pressed yogurt	15

meat

pork jowl and mole negro w. yellow masa tortillas	22
lamb neck barbacoa birria tacos	18
tri tip w. nixtamalized polenta	20

seafood

squid in its ink	17
grilled lobster tail, adobo, charcoal roll	MP
banana leaf steamed pollock, confit winter squash	24
black rice w. crab and jimmy nardello and ancho	28

postre

cassava cheesecake w. dark chocolate	12
coconut and lime crema catalan	9

sorry, no substitutions to our menu. food is served as ready.

we cannot guarantee the absence of allergens, please ask.

a 3% wellness fee will be added to every bill this goes directly to our non-tipped team members.

*consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness.

wine

BUBBLES

(pineau d'aunis) patrice collin 'perles grises' 2019	14/54
fra	
(trebbiano, glera) scarpetta 'frico frizzante' nv ita	9
(chardonnay) touraize cremant du jura blanc, 2016 fra	16/62

WHITE

(sauvignon blanc) momo, 2019 nz	11/40
(melon de bourgogne) la pepière 'la pèpie' 2019 fra	12/42
(verdejo) bodegas ponce, gulp hablo, nv esp	10/38
(albariño) raul perez, 'atelier', 2018 esp	15/38
(chardonnay) rajat parr, sandhi 2018 sta. rita hills, ca	16/62

PINK

(pinot noir) sinskey vin gris, 2019 ca	14/54
(merlot) channing daughters rosato, 2018 ny	15/58
(grenache, cinsault, tibouren) vrac, 2019 fra	16/62

RED

(pinot noir) clous de fous 'subsollum' 2018 arg	12/42
(cab franc) marinière 'de l'ours' chinon, 2018 fra	10/38
(unknown) bichi 'no sapiens' red, 2017 mex	15/38
(narello mascalese) flavia etna rosso, 2018 ita	16/62

cocktails

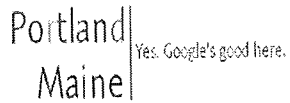
(little later) rums, berries, cinnamon, cold brew	15
(access the void) gin w. papalo, genepy, tiki bitters	14
(crocodile tears) chile tequila, passion fruit, coconut	15
(holy spirit) mezcal, brown sugar, grapefruit and soda	13
(good hustle) mezcal, melon, chrysanthemum and lime	14
(v&t) channing daughter's vermouth, cynar, tonic water	12

beer

negra modelo	6
rothaus tannenzapfle pils	8
oxbow surf casting blonde	9
mast landing neon ipa	11

refreshments

agua fresca	8
topo chico sparkling water	4
mexican cola/ginger beer	4
root wild grapefruit kombucha	5
time & tide drip coffee	3.5



Zachary Lenhart <zlenhart@portlandmaine.gov>

Regards

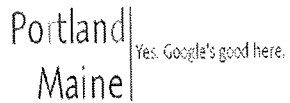
Eric Nevins <erich@portlandmaine.gov>
To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Sat, Oct 30, 2021 at 4:46 PM

Approved

On Wed, Oct 27, 2021 at 2:36 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:
[Quoted text hidden]

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



Zachary Lenhert <zlenhert@portlandmaine.gov>

Regards

amachado <amachado@portlandmaine.gov>

Fri, Nov 5, 2021 at 3:02 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>

Zack -

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

Ann Machado
Zoning Administrator
[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

October 27, 2021

Hello Portland LLC
79 Dartmouth St #1
Portland, ME 04103

Re: Hello Portland LLC, dba Regards. Application for Class I FSE at 547 Congress Street

Dear Hello Portland LLC :

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday November 15, 2021 at 5:00 p.m.**, for the review of application for Class I FSE at 547 Congress Street. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on November 12, 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 Lenhert", is written over a horizontal line.

Zachary J. Lenhert
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on November 15, 2021 at 5:00 P.M., virtually, Hello Portland LLC, dba Regards. Application for Class I FSE at 547 Congress Street. - Sponsored by Danielle West, Interim City Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: October 28, 2021

SUBJECT: Order 97-21/22 Granting Municipal Officers' Approval of Kenkev II, INC, dba PT's Showclub. Application for Class A Lounge with Indoor Entertainment and Nudity in Business at 200 Riverside Street - Sponsored by Danielle West, Interim 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 10/28/21. New City and State application. New owner of an existing business.

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. PTs Showclub_Council Packet
2. PT Showclub

Prepared by:

Date: 10/28/2021

JONATHAN M. DUNITZ
COUNSEL
jdunitz@verrill-law.com
207-253-4478

One Portland Square
Portland, Maine 04101-4054
Main 207-774-4000

October 25, 2021

Kate Snyder, Mayor
And City Council Members
City of Portland
389 Congress Street
Portland, Maine 04101

Attn: Katlyn Sawyer
ksawyer@portlandmaine.gov

Re: Application for Liquor Licensing

Dear Mayor Snyder and Members of the City Council:

Please accept this letter of intent on behalf of my client KenKev II, Inc., d/b/a PT's Showclub. The beneficial ownership of KenKev II, Inc. changed as of October 18, 2021, requiring the surrender of the existing license and this application for a new license. A temporary license was issued on or about October 14, 2021, which will expire on November 30, 2021. PT's Showclub will continue to have indoor entertainment and operations will remain as they were with the prior owner.

Thank you for your attention to his matter.

Sincerely,



Jonathan M. Dunitz

JMD/jt



CITY OF PORTLAND
Permitting and Inspections Department

October 29, 2021

Kenkev II Inc
10737 Cutten Rd
Houston, TX 77066

Re: Kenkev II, INC, dba PT's Showclub. Application for Class A Lounge with Indoor Entertainment and Nudity in Business at 200 Riverside Street

Dear Kenkev II Inc:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday November 15, 2021 at 5:00 p.m.**, for the review of application for Class A Lounge with Indoor Entertainment and Nudity in Business at 200 Riverside Street. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on November 12, 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. Lenhert".

Zachary J. Lenhert
Licensing and Housing Safety Manager



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

Business Information			
Business Name (d/b/a):	PTs Showclub	Phone:	207.772.8033
Location Address:	200 RIVERSIDE STREET, PORTLAND, ME		Zip: 04103
If new, what was formerly at this location:	N/A		
Mailing Address:	10737 CUTTEN ROAD, HOUSTON, TEXAS		Zip: 77066
Contact Person:	ERIC LANGAN	Phone:	281.397.6730
Contact Person Email:	ERIC@RCIHH.COM / SCOTT@RCIMANAGEMENT.COM		
Manager of Establishment:	See Attached	Date of Birth:	Phone:
Owner of Premises (Landlord):	K & R PROPERTIES, INC.		
Address of Premises Owner:	800 BUSH RIVER ROAD, STE. C, COLUMBIA, SC		Zip: 22910

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	
KENKEV II, INC.		10737 CUTTEN ROAD, HOUSTON, TX Zip: 77066	
Contact Person:	ERIC LANGAN	Phone:	281.397.6730
Principal Officers	Title	Date of Birth	Residence Address
ERIC LANGAN	PRESIDENT	4/17/1968	5404 PINE STREET, BELLAIRE, TX 77401
Class of Liquor License:		CLASS A LOUNGE (CLASS X)	

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:	FULL MENU		
Please circle all that will be served:	Beer	Wine	Liquor
Projected percentage of sales:	Generated from Food: <u>9%</u>	Generated from Alcohol: <u>91%</u>	
Hours & days of operation:	MONDAY - SATURDAY 12PM - 3AM; SUNDAY 4PM - 3AM		
QUESTIONS			
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?			Y/N ☒ Y ☐ N
If No, please explain: License is for Class A Lounge not Class A Restaurant/Lounge. Full course meals not req'd for Class A Lounge			
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?			Y/N ☒ Y ☐ N
If yes, give the distance:			
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)			☒ Y ☐ N
Will you permit dancing after 1:00 a.m.?			☒ Y ☐ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)			☒ Y ☐ N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).			
Will you have any amusement devices (pinball, video games, juke box)?			☒ Y ☐ N
If yes, please list: # of pinball machines: <u>0</u> # of amusements: <u>2</u> # of pool tables: <u>0</u>			
What is your targeted opening date? <u>10/15/2021</u>			
Does the Issuance of this license directly or indirectly benefit any City employee(s)?			Y/N ☒ Y ☐ N
If Yes, list name(s) of employee(s) and department(s):			
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?			☒ Y ☐ N
If Yes, please list business name(s) and location(s): KenKev II, Inc. d/b/a PT's Showclub, 200 Riverside, Portland, ME 04103			
Is any principal officer under the age of 21?			Y/N ☒ Y ☐ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law? See Attached			☒ Y ☐ N
If Yes, please explain:			

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

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

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

Signature  Title **PRESIDENT** Date **9/28/2021**



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):	PT'S SHOWCLUB	Phone:	207.772-8033
Location Address:	200 RIVERSIDE STREET, PORTLAND, ME		Zip: 04103
Owner Name:	KENKEV II, INC.	Phone:	281.397.6730
Owner Email:	ERIC@RCIHH.COM		
Contact Person responsible for Entertainment:	ERIC LANGAN	Phone:	281.397.6730
Contact Person Email:	ERIC@RCIHH.COM		
Manager of Establishment:	See Attached	Phone:	
Manager Email:			

About Your Establishment

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

GENTLEMAN'S CLUB

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 [Signature] Title PRESIDENT Date 9/22/2021

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



Jack Murray - Engineer/Producer/System Designer

Odds Are Productions LLC
Ocean AVL
Portland, ME

KenKev II/PT's Showclub
200 Riverside St
Portland, ME 04103

October 24, 2021

Dear Mike,

Thanks so much for taking the time to reach out about a sound mitigation plan. I am pleased to see that you've come up with a solid plan to combat any potential noise complaints.

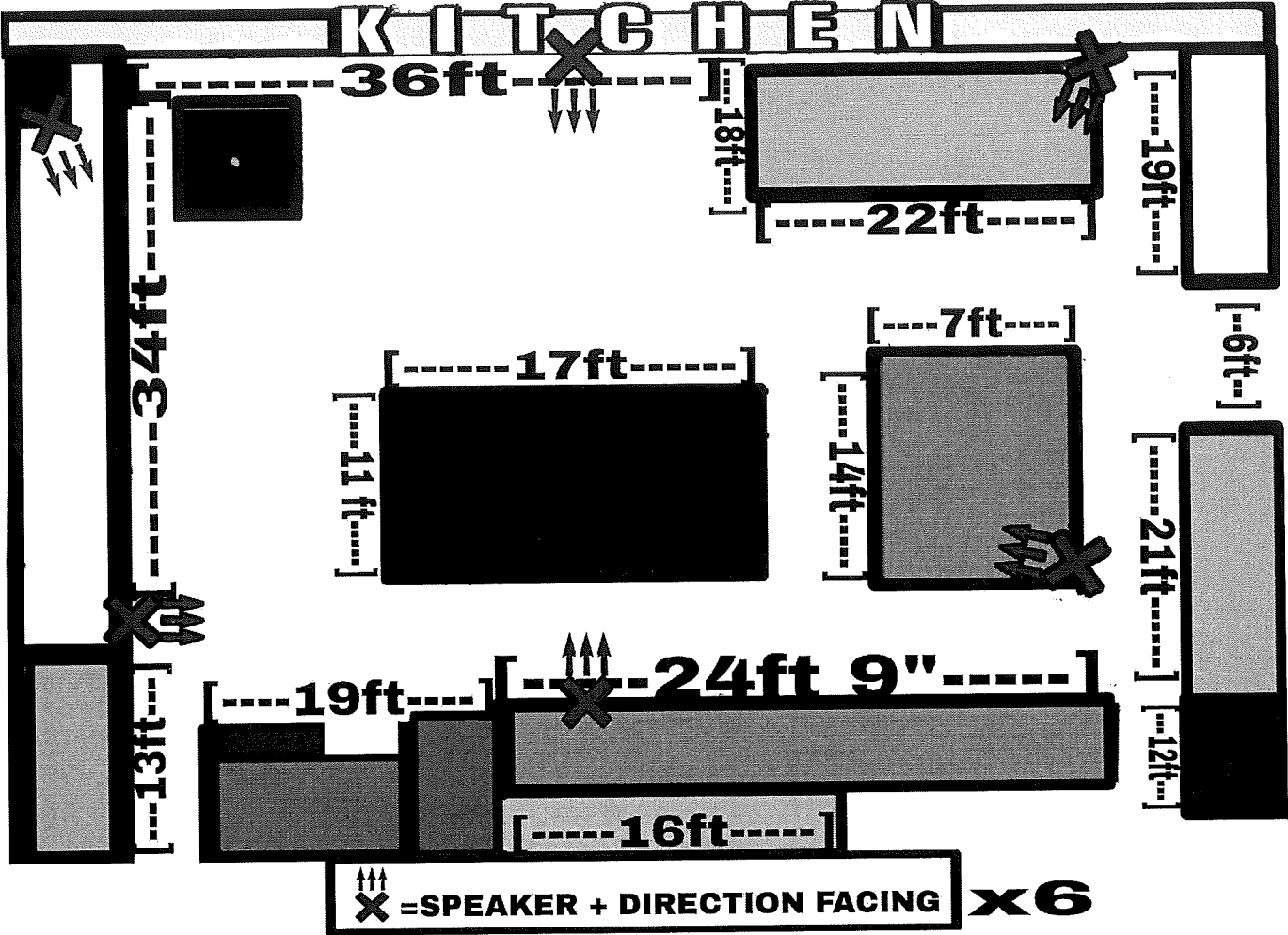
Highlights from our talks include:

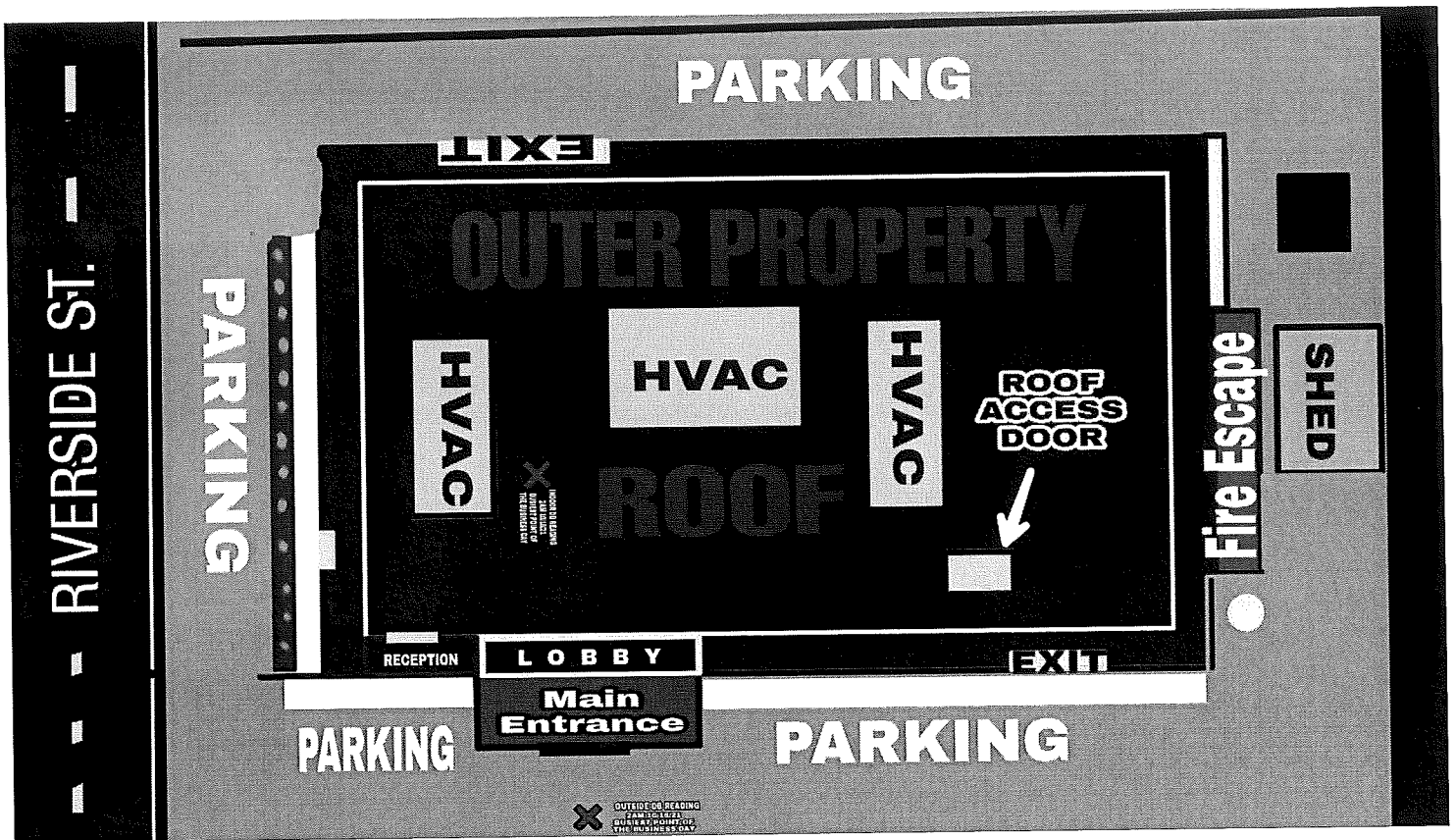
- Creation of an official Music Policies and Procedures document for any staff to reference during a shift.
- All speakers are positioned inward towards the club's main floor. The main floor and the parking lot are separated by three separate sets of doors. People entering the club from its exterior must pass through all three sets of doors to enter the main floor. There are five emergency exits and all five have insulated metal doors installed that can only be opened from the inside and are left closed at all times.
- Documenting consistent sound decibel readings from a pre-determined location every hour during the operation of music. These readings will be 60-second dBA weighted average. (Taking a reading before the music begins will help determine a baseline to compare during performances)
- A signed agreement on file for every group/artist/DJ affirming they know the rules contained within the Music Policies and Procedures document.
- If a Portland police officer arrives on location to do a decibel reading, you will cooperate in all respects and be ready to provide this policy/procedure document, the signed agreements, and decibel reading log without hesitation.

I believe the plan you've laid out to me and will subsequently provide to the city will satisfy their criteria to show you are taking a proactive approach and not a reactive approach after complaints may arise.

Take care,

Jack

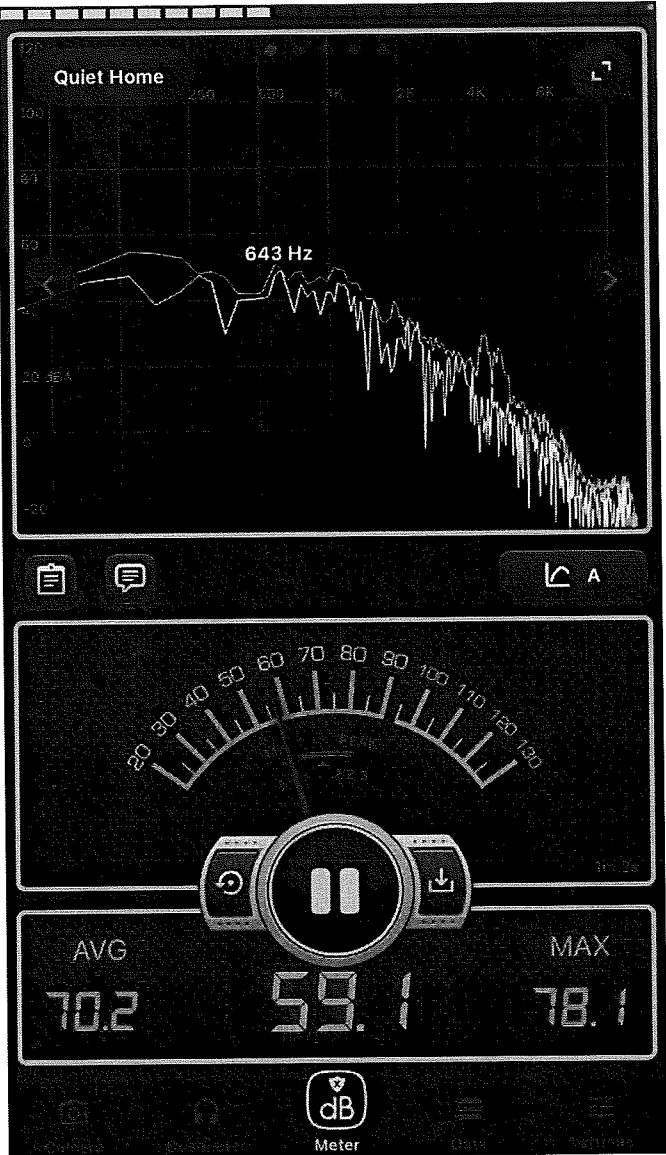
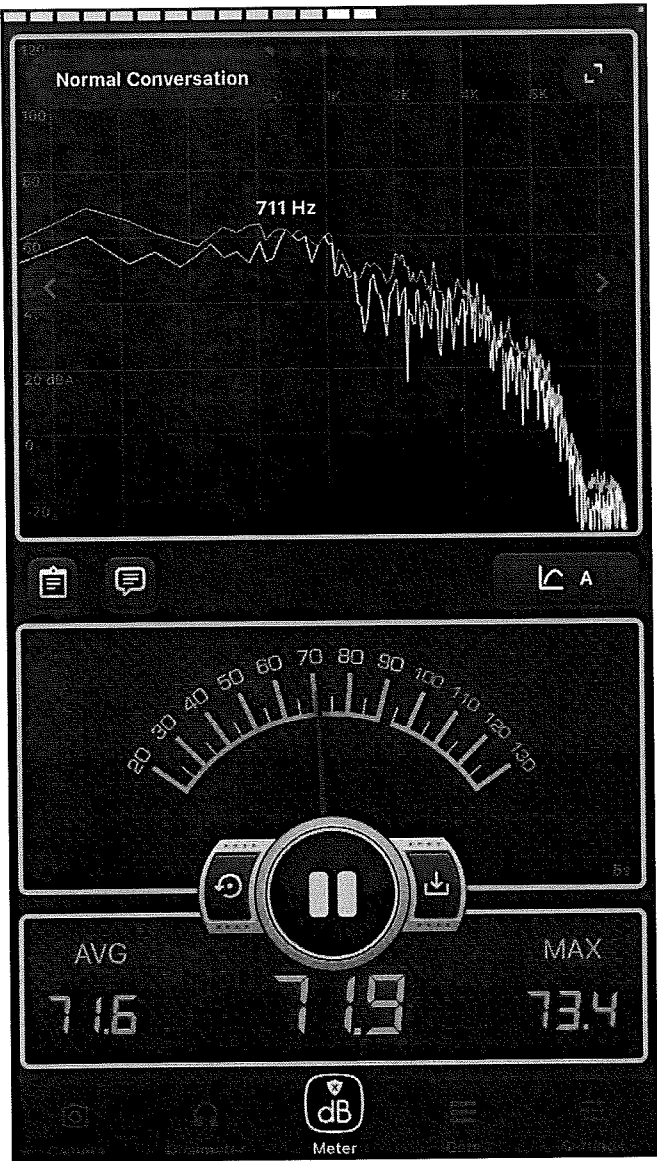




DECIBEL READINGS TAKEN 10/15/2021

INSIDE

OUTSIDE



Kenkev Sound Mitigation Policy Acknowledgment Form

Please sign the following to acknowledge you have read the Policies and Procedures set forth to reduce noise pollution and maintain appropriate sound levels that remain within the boundaries set forth by noise ordinances from city of Portland.

Reception and all hosts positioned at the club's entrance/exit will ensure the front doors are not propped open for extended periods of time during business hours, while the club's P.A. system is in use.

The on-duty manager is required to check the decibel levels outside of the building using a decibel reader once per hour and make any volume adjustments necessary to keep sound levels from exceeding those set by city ordinance.

Employee _____ Date _____

Manager On Duty _____ Date _____

PT's Showclub Sound Decibel Log Sheet

MAX READING OF 85dBA or 95dBC 8ft from the closest egress for indoor music.

DATE: _____ Artist: _____

Hour	Actual Time	Reading	In Compliance?	Reading #2	Reading #3	Initials
12:00pm						
1:00pm						
2:00pm						
3:00pm						
4:00pm						
5:00pm						
6:00pm						
7:00pm						
8:00pm						
9:00pm						
10:00pm						
11:00pm						
12:00am						
1:00am						
2:00am						
3:00am						

PT's Showclub Music Policies and Procedures

PT's Show Club hosts DJ music inside year round. For indoor shows the DJ is set up inside with the doors closed.

Before any music performance begins, club personnel will take a baseline sound reading from 8ft outside the main egress. These readings will be 60-second dBA weighted average. These readings will be recorded in the Event Decibel Reading Log.

During music performances, club personnel will complete hourly decibel readings at this same location. They will record these readings in the log that resides in the SOP binder. If the levels are more than 85dBA or 95dBC, staff will request that the DJ lower their levels and then do a second reading to ensure they are within compliance.

At the start of every year, the DJ's who perform regularly will be required to read and sign an agreement that they understand and will follow the city's guidelines and The Club's policies and procedures regarding volume. Other artists who may perform at special events will also be required to read and sign this agreement prior to performing.

If a Portland police officer arrives to do a decibel reading, club employees will cooperate in all respects and be ready to provide this policy/procedure document, the band's signed agreements, and decibel reading log without hesitation.

City of Portland

Sound Mitigation Review

Date: 11/9/2021

Business PT's Showclub

Applicant Eric Langan

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
Application for Nudity in a Licensed Establishment
 License renews annually or concurrent with State Liquor License or any City License.

☐ New Application Fee: \$45	☒ Nudity in licensed business \$1474
☒ Renewal Fee: \$35	☒ SBI Background Check: \$21/Principal Officer & Manager

Business Information	
Business Name (d/b/a):	PT's Showclub Portland Phone: 207.772.8033
Location Address:	200 Riverside Street, Portland, ME Zip: 041103
If new, what was formerly at this location:	
Mailing Address:	10737 Cutten Road, Houston, Texas Zip: 77066
Contact Person:	Eric Langan Phone: 281.397.6730
Contact Person Email:	eric@rcihh.com / scott@rcimanagment.com
Manager of Establishment:	Date of Birth: Phone:
Owner of Premises (Landlord):	RCI Holdings, Inc. (K+R Properties Inc)
Address of Premises Owner:	10737 Cutten Road, Houston, Texas 800 Bush River Rd Ste C, Columbia, SC 22910 Zip: 77066

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	
KENKEV II, INC.		10737 Cutten Road, Houston, Texas 77066	
Contact Person:	Eric Langan	Phone:	281.397.6730
Principal Officers	Title	Date of Birth	Residence Address
Eric Langan	President	4/17/1968	5404 Pine Street, Bellaire, Texas 77401

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557
 bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

QUESTIONS

Does the Issuance of this license directly or indirectly benefit any City employee(s)?

Y/N
☒ Y ☐ N

If Yes, list name(s) of employee(s) and department(s):

Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?

☒ Y ☐ N

If Yes, please list business name(s) and location(s):
 PT's Showclub Portland

Is any principal officer under the age of 18?

☒ Y ☐ N

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?

☒ Y ☐ N

If Yes, please explain:

See attached

Will food be served? If yes, you will also need to apply for a Food Service Establishment License.

☒ Y ☐ N

Type of Food Served: Snacks / light meals

Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?

☒ Y ☐ N

Is yes, state the distance:

Will you have any adult amusements?

☒ Y ☐ N

If yes, how many? 2

If new applicant, what is your target opening date?

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

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

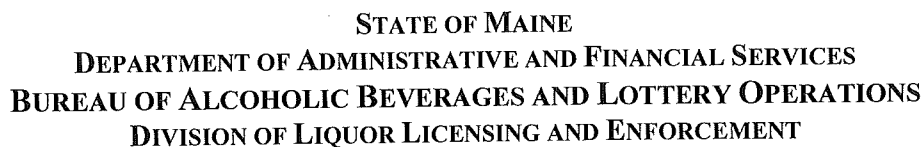
Signature [Signature] Title President Date 10/26/2021

For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, Chapter 14 Land Use, and Chapter 17 Offenses, Miscellaneous Provisions, at www.portlandmaine.gov.

For Administrative Use Only

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

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557
bl@portlandmaine.gov • www.portlandmaine.gov



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): KENKEV II, INC.	Business Name (D/B/A): PT'S SHOWCLUB
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 200 RIVERSIDE ST, PORTLAND, ME 04103
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: 10737 CUTTEN ROAD, HOUSTON, TX 77066
Mailing address, if different from DBA address: 10737 CUTTEN ROAD, HOUSTON, TX 77066	Email Address: ERIC@RCIHH.COM
Telephone # Fax #: 281.397.6730	Business Telephone # Fax #: 207.772.8033
Federal Tax Identification Number: 01-0453263	Maine Seller Certificate # or Sales Tax #: 1099934
Retail Beverage Alcohol Dealers Permit:	Website address: www.ptsshowclubportland.com/

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

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

Food: **100K** Beer, Wine or Spirits: **1M** Guest Rooms: _____

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

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

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

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

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

5. Business records are located at the following address:

200 RIVERSIDE STREET, PORTLAND, ME 04103

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
ERIC SCOTT LANGAN	4/17/1968	PERORIA, IL
Managers - See Attached		
Residence address on all the above for previous 5 years		
Name ERIC SCOTT LANGAN	Address: 5404 PINE STREET, BELLAIRE, TX 77401	
Name ERIC SCOTT LANGAN	Address: 2502 BAYWATER CANYON DR., PEARLAND, TX 77584	
Name	Address:	
Name	Address:	

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

☐ Yes ☒ No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: SEE ATTACHED _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

K&R PROPERTIES, INC. 800 BUSH RIVER ROAD, STE C, COLUMBIA, SC 22910

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)

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: _____

Distance: _____

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: 9/28/2021



Signature of Duly Authorized Person

ERIC LANGAN

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

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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: KENKEV II, INC.
2. Doing Business As, if any: PT'S SHOWCLUB
3. Date of filing with Secretary of State: 1/19/1990 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
200 RIVERSIDE, INC.	10737 Cullen Road, Houston, TX 77066		Shareholder	100%
Effective after closing of acquisition				

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

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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Big Sky Hospitality Holdings, Inc.
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 7/19/2021 State in which you are formed: Texas
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
n/a
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
RCI Hospitality Holdings, Inc.	10737 Cutten Road, Houston, TX 77066			100%

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

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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: RCI Hospitality Holdings, Inc.
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 12/9/1994 State in which you are formed: Texas
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
n/a
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

****This entity is publicly traded on NASDAQ****

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Eric Langan	5404 Pine Street, Bellaire, TX 77401	4/17/1968	President	6%
Travis Reese	36319 Post Oak Circle, Magnolia, TX 77354	10/19/1977	Vice President	Less than 1%
Bradley Chhay	11402 Domina Street, Richmond, TX 77406	12/12/1979	CFO	Less than 1%
Luke Lirot	2000 Magnolia Drive, Clearwater FL 33764	2/14/1971	Director	Less than 1%
Yura Barabash	405 East 49 Street, Apt 5C, NY, NY 10021	11/17/1991	Director	Less than 1%
Elaine Martin	8319 Thora Road A1, Spring, TX 77379	6/14/1941	Director	Less than 1%

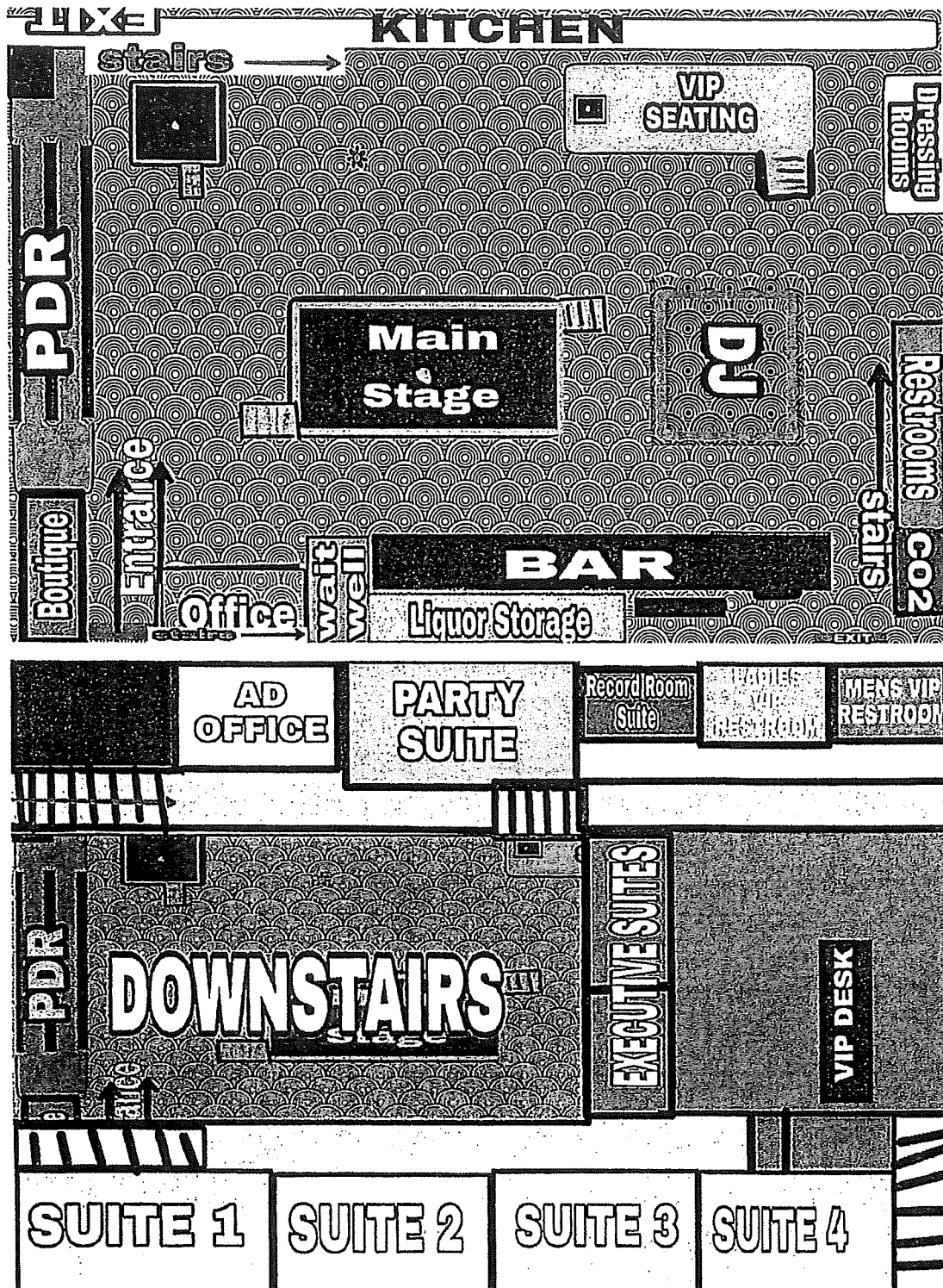
(Ownership in non-publicly traded companies must add up to 100%.)

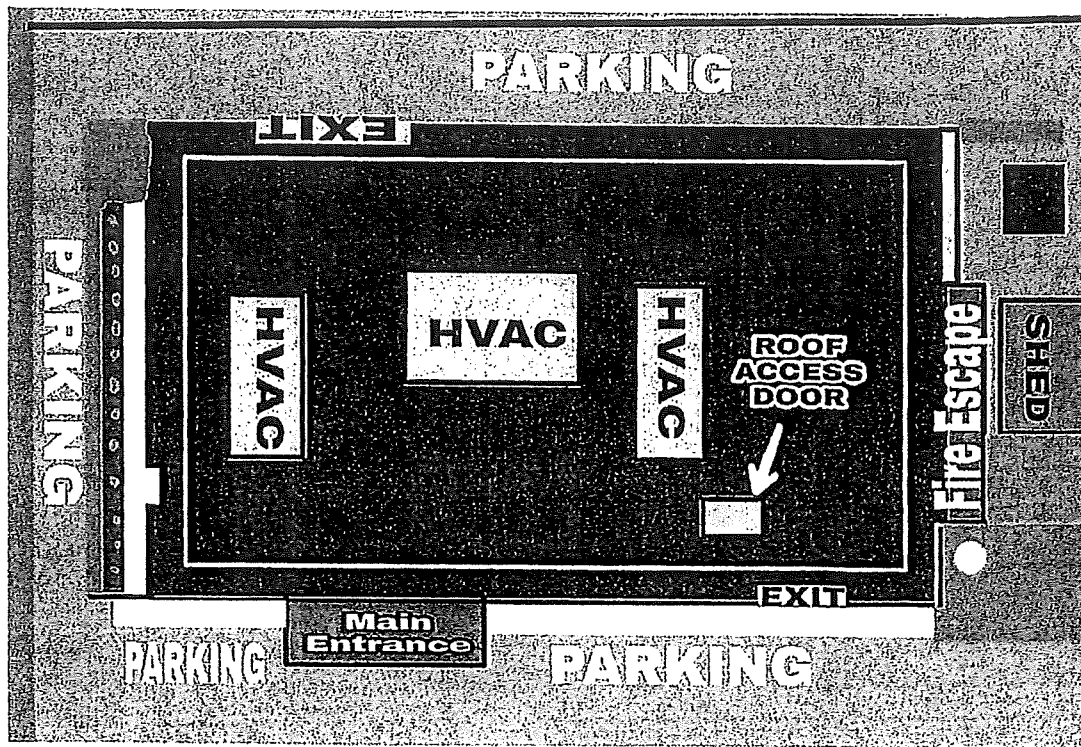
Allan Priaulx	82 Carter Road, Kent, CT 06757	9/12/1939	Director	Less than 1%
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State of Maine
Liquor License Application Attachment

Response to #12: (Managers)

<u>Name in Full</u>	<u>DOB</u>	<u>Place of Birth</u>	<u>Residences in past 5 years</u>
Micheal Collins	01/21/74	El Paso, TX	Saco, ME Minneapolis, MN
Scott Patrick Parsons	09/22/83	Allentown, PA	Biddeford, ME Arundel, ME Gorham, ME Oceanside, CA Redondo Beach, CA Columbia, SC
James Edwards	12/05/1979	San Diego, CA	Standish, ME
Samantha Janine Grenier	04/01/1997	Lewiston, ME	Norway, ME Lewiston, ME
Brooke Emerson	11/20/1992	Biddeford, ME	Buxton, ME Limerick, ME Arundel, ME Kennebunk, ME





PT'S SHOWCLUB PORTLAND FOOD MENU

OPEN FACED TURKEY SANDWICH \$10.50 - on a toasted bun topped with a scoop of mashed potatoes covered in brown gravy and served with mixed vegetables

OPEN FACED MEATLOAF SANDWICH \$10.50 - on a toasted bun topped with a scoop of mashed potatoes covered in brown gravy and served with mixed vegetables

BEEF RAVIOLI \$9.25 - a generous serving of ravioli stuffed with savory ground beef covered in marinara and topped with shredded mozzarella. Served with mixed vegetables and garlic bread

MEATLOAF \$12.50 – topped with brown gravy and served with mashed potatoes and mixed vegetables

TEXAS CHILI CUP - \$5.25 served with crackers

-----AFTER 9PM-----

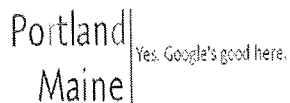
FLATBREAD PIZZA \$10.00 – peperoni or cheese

TWIN CHILI CHEESE DOGS \$9.50 - two hot dogs covered in Texas chili topped with American cheese and served with chips

TURKEY SANDWICH \$9.50 - sliced turkey, American cheese and a tomato slice on a toasted bun served with chips

SINGLE HOT DOG \$4.25 - served with chips

CHIPS & SALSA \$4.50 – a basket of corn tortilla chips served with salsa



Zachary Lenhart <zlenhart@portlandmaine.gov>

PT's Showclub

Eric Nevins <erick@portlandmaine.gov>

Sat, Oct 30, 2021 at 4:36 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

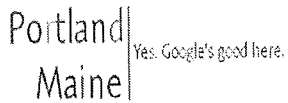
Approved. Calls for service have decreased and they improved the lighting in their lot which I hope will help.

On Thu, Oct 28, 2021 at 4:15 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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



Zachary Lenhert <zlenhert@portlandmaine.gov>

PT's Showclub

amachado <amachado@portlandmaine.gov>
To: Zoning <zoning@portlandmaine.gov>
Cc: Zachary Lenhert <zlenhert@portlandmaine.gov>

Fri, Nov 5, 2021 at 3:32 PM

Zack -

A Class A Lounge (Class X) is a permitted use (bar) in the B-4 zone, per Table 6-C of Chapter 14.

An Adult Business Establishment (Nudity In A Licensed Establishment) is not a permitted use in the B-4 zone, per Table 6-C, but the use at this location is legally nonconforming because the use has been in existence and is therefore allowed to continue under section 4.2.4.

There are no zoning restrictions regarding indoor entertainment for a bar in the B-4 zone.

Ann Machado
Zoning Administrator
[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

October 29, 2021

Kenkev II Inc
10737 Cutten Rd
Houston, TX 77066

Re: Kenkev II, INC, dba PT's Showclub. Application for Class A Lounge with Indoor Entertainment and Nudity in Business at 200 Riverside Street

Dear Kenkev II Inc:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday November 15, 2021 at 5:00 p.m.**, for the review of application for Class A Lounge with Indoor Entertainment and Nudity in Business at 200 Riverside Street. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on November 12, 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. Lenhert".

Zachary J. Lenhert
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on November 15, 2021 at 5:00 P.M., virtually, Kenkev II, INC, dba PT's Showclub. Application for Class A Lounge with Indoor Entertainment and Nudity in Business at 200 Riverside Street - Sponsored by Danielle West, Interim City Manager

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

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Kenkev II, INC, dba PT's Showclub. Application for Class A Lounge with Indoor
Entertainment and Nudity in Business at 200 Riverside Street**

MEMORANDUM
City Council Agenda Item

FROM:

DATE: November 4, 2021

SUBJECT: Com 4-21/22 The Greater Portland Transit District's Fiscal Year 2022 Preliminary Budget and Municipal Assessments - Sponsored by Danielle West, Interim City Manager

SPONSOR:

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading **Final Action**

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

In accordance with 30-A-MRS §3516, the Greater Portland Transit District's Fiscal Year 2022 Preliminary Budget and Municipal Assessments is being submitted for review by the City Council. Formal Council action is not required.

If the City Council does not want to refuse the assessment, it must notify Metro of its refusal within thirty (30) calendar days of this submission. Since 2015, the Portland City Council has neither formally reviewed nor acted on Metro's budget.

The submission has been reviewed by the City's Finance Director and Interim City Manager. Staff recommend that the Council does not refuse the assessment; additional feedback is provided in the backup materials.

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. Metro 2022 Budget and Municipal Assessments_11-01-2021
2. Memo from City Finance Director Re_ FY22 METRO Budget

Prepared by:

Date: 11/04/2021

November 1, 2021

Mr. John Eldridge
Town Manager
Town of Brunswick
85 Union Street
Brunswick, ME 04011

Mr. Michael Foley
Mayor
City of Westbrook
2 York Street
Westbrook, ME 04092

Ms. Danielle West
Interim City Manager
City of Portland
389 Congress Street
Portland, ME 04101

Mr. Peter Joseph
Town Manager
Town of Freeport
30 Main Street
Freeport, ME 04032

Mr. Nathan Poore
Town Manager
Town of Falmouth
271 Falmouth Road
Falmouth, ME 04105

Mr. Nat Tupper
Town Manager
Town of Yarmouth
200 Main Street
Yarmouth, ME 04096

Re: Greater Portland Transit District: Preliminary 2022 Budget and Municipal Assessments

Dear Transit Partners:

In accordance with MRS Title 30-A, Chapter 163 (Transportation), the Greater Portland Transit District ("Metro") is submitting its fiscal year 2022 operating budget and municipal assessments.

On October 28, 2021, Metro's Board of Directors unanimously approved the fiscal year 2022 preliminary budget and municipal assessments. Metro's fiscal year operates on a calendar year basis (Jan-Dec). In accordance with MRS Title 30-A, §3516, the "municipal officers" (i.e., the city/town councils) of your communities are required to notify Metro of a rejection of the local assessment within thirty (30) calendar days of this submission. Acceptance of the local assessment may be achieved either by affirmative action by city/town councils or by no formal action within the 30-day timeframe.

For your convenience, the information in Table 1 summarizes the FY 2022 municipal assessments. Please note: this year the municipal assessment is segmented into the following TWO CATEGORIES: Base Bus Service and New Property Lease Agreement.

BASE BUS SERVICE BUDGET

The Base Bus Service budget is increasing by 9.2% from \$12,779,142 (FY 2021) to \$13,075,931 (FY 2022). This is the vast majority of Metro's operating budget (94%) and covers all bus operations, maintenance and administrative activity. Service supply in 2022 is generally unchanged compared to 2021, although Metro staff is working on a service improvement plan as part of a broader ridership recovery strategy. This plan will be presented to municipalities on a separate track than the standard budget process.



The major reasons for this scale of increase relates to terms of the agency’s collective bargaining agreement; anticipated increases in the cost of auto liability insurance; increases in software maintenance fees as the agency has increasingly shifted to a Software As A Service (SAAS) model for Financial, HR, Fare Collection and Operational systems; a more aggressive capital program; and added staffing. In contrast, Metro is realizing budgetary savings in the areas of fuel, utilities expense, parts and consumables, and debt service and interest.

In full recognition that local budgets are stretched and mindful of the impact on taxpayers at the local level, Metro has worked to leverage as much as non-local funding as possible. With these considerations in mind, **the overall local assessment for Base Bus Service is increasing by 1.8% from \$4,278,004 (FY 2021) to \$4,353,704 (FY 2022).** Individual municipal assessments are increasing by the same percentage with the specific dollar amounts noted in Table 1 below. The same percentage increase is being applied uniformly across all municipalities using the proportionate shares of service, fare revenue, cost and grant funding allocations from FY 2021.

NEW PROPERTY LEASE (151 ST. JOHN’S STREET)

In July 2022, the Metro Board of Directors unanimously approved a 5-to-10-year lease agreement with the North River Co. (NRC). The agreement provides Metro with use of the property located at 151. St. John’s Street in Portland. The property is directly adjacent to Metro’s existing transit operations-maintenance facility.

Figure 1: Location of 151 St. John’s Street in Proximity to Metro Facility



When this property was placed on the market for sale in April 2021, this represented a major strategic opportunity for Metro to secure the property and space needed to build out the region’s transit system as envisioned in PACTS’ long-range transit plan, “*Transit Tomorrow.*”

Metro's present transit facility can accommodate 50 buses and support vehicles. With the present fleet of 44 buses and 5 support vehicles, the facility is nearly at full capacity, so future expansion of transit service is very limited. The lease agreement with NRC is intended to be a short-term arrangement while Metro pursues the funding needed to fully acquire the property within 3-5 years.

The annual cost to lease and operate the property is budgeted to be \$454,688. This cost will be covered with three funding sources: State provided funding (50%); Sub-lease revenue (30%); and Local Municipal Funding (20%). The local funding required for Year 1 of the lease agreement is \$90,938 which represents 20% of the total annual cost. This amount is shared among the member municipalities using the proportionate shares of service, fare revenue, cost and grant funding allocations from FY 2021.

MUNICIPAL ASSESSMENTS

Under the heading "Total Municipal Assessments" in Table 1 are the municipal assessments for FY 2022 as approved by the Metro Board of Directors on October 28, 2021. Based on current estimates of expenditures/revenues for base bus service and the newly leased property, **the total assessment is increasing by 3.9%** from \$4,278,004 (FY 2021) to \$4,444,642 (FY 2022).

Table 1: Breakdown of FY 2022 Municipal Assessments

Municipalities	2020 Actual	2021 Actual	\$ +/-	% +/-	2022 Budget	\$ +/-	% +/-
Base Bus Budget: Operating + Local Contribution to Capital							
Brunswick	77,934	82,939	5,005	6.4%	84,407	1,468	1.8%
Falmouth	203,183	217,340	14,157	7.0%	221,186	3,846	1.8%
Freeport	77,934	82,939	5,005	6.4%	84,407	1,468	1.8%
Portland	2,877,058	3,020,147	143,089	5.0%	3,073,589	53,442	1.8%
Westbrook	795,835	791,699	(4,137)	-0.5%	805,708	14,009	1.8%
Yarmouth	77,934	82,939	5,005	6.4%	84,407	1,468	1.8%
Total	4,109,879	4,278,004	168,125	4.1%	4,353,704	75,700	1.8%
151 St. John's Street							
Brunswick	-	-	-	0.0%	1,763	1,763	100.0%
Falmouth	-	-	-	0.0%	4,620	4,620	100.0%
Freeport	-	-	-	0.0%	1,763	1,763	100.0%
Portland	-	-	-	0.0%	64,200	64,200	100.0%
Westbrook	-	-	-	0.0%	16,829	16,829	100.0%
Yarmouth	-	-	-	0.0%	1,763	1,763	100.0%
Total	-	-	-	#DIV/0!	90,938	90,938	100.0%
Total Municipal Assessment							
Brunswick	77,934	82,939	5,005	0.0%	86,170	3,231	3.9%
Falmouth	203,183	217,340	14,157	0.0%	225,806	8,466	3.9%
Freeport	77,934	82,939	5,005	0.0%	86,170	3,231	3.9%
Portland	2,877,058	3,020,147	143,089	0.0%	3,137,789	117,642	3.9%
Westbrook	795,835	791,699	(4,137)	0.0%	822,537	30,838	3.9%
Yarmouth	77,934	82,939	5,005	0.0%	86,170	3,231	3.9%
Total	4,109,879	4,278,004	168,125	4.1%	4,444,642	166,638	3.9%



Subject to the formal municipal review in November, by April 1, 2022, Metro will issue to each municipality the required “Warrants for Taxes” based on the Total Municipal Assessment amounts indicated in Table 1.

Municipal assessments are payable as part of the municipalities’ fiscal year 2021-22. Metro issues invoices in July and, in accordance with 30-A MRS §3517, payments are due within 30 days after the date that taxes are due within each member municipality.

ADA Complementary Paratransit Service

The ADA Paratransit Service budget is decreasing by 5.6% from \$450,000 (FY 2021) to \$425,000 (FY 2022). The cost of ADA paratransit is funded with a combination of Federal Transit Administration (FTA) Section 5307 Formula Funding (80%) and local municipal funding (20%).

Table 2: Local Funding Required for ADA Paratransit Service

Municipalities	2019 Actual	2020 Actual	2021 Budget	2021 Projection	2022 Request	2021 \$ +/-	2021 % +/-
ADA Paratransit							
Falmouth	1,689	562	2,000	477	1,094	(906)	-45.3%
Gorham	960	654	2,000	366	794	(1,206)	-60.3%
Portland	64,485	47,348	78,480	57,516	67,939	(10,541)	-13.4%
Westbrook	12,901	10,907	25,048	14,013	15,173	(9,875)	-39.4%
Total	80,035	59,471	90,000	72,371	85,000	(5,000)	-5.6%

Local municipal funding for ADA Paratransit is not included in the formal Municipal Assessments as outlined in Table 1, but is rather billed directly to each municipality every month based on actual ridership. Due to ongoing reduced demand because of the COVID-19 pandemic, Metro expects the local funding needed to support ADA paratransit will be as outlined above. Please note that FY 2019 actual figures represent pre-pandemic normal levels of ridership and cost. FY 2020 and FY 2021 have dropped due to reduced ridership caused by the pandemic. Ridership in FY 2022, and therefore cost, is expected to be closer to pre-pandemic levels.

ADA Complementary Paratransit is a federal requirement for all US transit agencies. The law requires Metro to provide on demand, door-to-door transportation for ADA certified passengers within a ¾ mile radius of Metro’s transit routes. Passengers may be certified ADA eligible if a functional assessment determines they are unable to use the fixed route bus system for all travel or certain trip types. Through a contract with the Regional Transportation Program (RTP), Metro provides ADA paratransit service throughout the communities of Falmouth, Gorham, Portland, and Westbrook. *ADA paratransit service is not required in the municipalities of Brunswick, Freeport and Yarmouth because the BREEZ route is considered commuter bus service.*



Attachments A, B and C provide detailed information on the FY 2022 Operating Budget, the 2022-2026 Capital Improvement Program, and statutory requirements associated with the approval and implementation of Metro's budget and municipal assessments.

On behalf of the Metro Board of Directors, please accept our thanks for supporting public transportation. We look forward to continuing our efforts and record of results in advancing transit in the region. If you have any questions, please do not hesitate to contact me.

Respectfully,

Greg Jordan
Executive Director

Attachment A – FY 2022 Operating Budget

Attachment B – 2022-2026 Capital Improvement Program

Attachment C – Statutory Budget Procedures Applicable to the Greater Portland Transit District



ATTACHMENT A
Greater Portland Transit District:
FY 2022 Operating and Capital Budget

FY 2022 OPERATING BUDGET SUMMARY

The total operating budget is increasing by 9.2% from \$12,779,142 (FY 2021) to \$13,955,619 (FY 2022).

Table 1: Total Budget Summary

	2019 Actual	2020 Actual	2021 Budget	2021 Projection	2022 Est	2021 \$ +/-	2021 % +/-
EXPENDITURES							
Base Bus Budget							
Wages	5,887,568	6,226,929	6,461,134	6,226,094	6,964,244	503,110	8%
Benefits	2,438,113	2,460,339	2,779,986	2,832,581	2,970,794	190,808	7%
Services and Fees	412,118	433,098	668,854	613,645	791,757	122,903	18%
Fuel-Fluids-Tires	695,059	619,587	737,250	635,524	620,375	(116,875)	-16%
Supplies & Equipment	457,292	450,273	463,000	397,694	465,350	2,350	1%
Utilities	356,264	300,840	397,993	344,448	379,479	(18,514)	-5%
Insurance	227,911	299,877	322,829	324,175	361,884	39,055	12%
Miscellaneous Expenses	42,226	39,032	49,307	47,925	58,250	8,943	18%
Debt Service	297,275	505,460	297,140	226,383	263,338	(33,802)	-11%
Capital & Reserves	166,000	25,162	151,649	151,649	200,460	48,811	32%
Total Base Bus Budget	10,979,825	11,360,596	12,329,142	11,800,118	13,075,931	746,789	6%
Separate Budget Categories							
ADA Paratransit	434,324	290,551	450,000	364,791	425,000	(25,000)	-6%
115 St. John's Street	-	-	-	75,000	454,688	454,688	506%
Total Expenditures	11,414,149	11,651,147	12,779,142	12,239,909	13,955,619	1,176,477	9.2%
REVENUES							
Base Bus Funding							
Passenger Fares	2,418,290	758,856	2,067,002	1,425,986	1,668,609	(398,393)	-19%
Miscellaneous Revenue	556,915	440,226	282,758	293,221	265,986	(16,772)	-6%
Member Municipal Funding	3,742,162	4,109,878	4,278,004	4,278,004	4,353,704	75,700	2%
Municipal Credit (CARES Act)	-	(375,000)	(351,661)	(351,661)	-	351,661	-100%
Non Member Municipal Funding	150,030	33,000	17,500	33,000	33,000	15,500	89%
State Funding	170,426	170,426	170,426	170,426	170,426	-	0%
Federal Funding	4,067,553	7,052,180	5,865,113	6,247,832	6,584,206	719,093	12%
Total Base Bus Budget	11,105,376	12,189,565	12,329,142	12,096,808	13,075,931	746,789	6%
Separate Budget Categories							
ADA PT - Municipal Funding	87,905	59,471	90,000	72,958	85,000	(5,000)	-6%
ADA PT - Federal Funding	347,459	225,084	360,000	291,832	340,000	(20,000)	-6%
115 St. John's Other Revenue	-	-	-	22,500	136,416	136,416	506%
115 St. John's Municipal Funding	-	-	-	-	90,938	90,938	100%
115 St. John's State Funding	-	-	-	37,500	227,334	227,334	506%
Total Expenditures	11,540,740	12,474,120	12,779,142	12,521,598	13,955,619	1,176,477	9.2%
Surplus/(Deficit)	126,591	822,973	-	281,689	-	-	

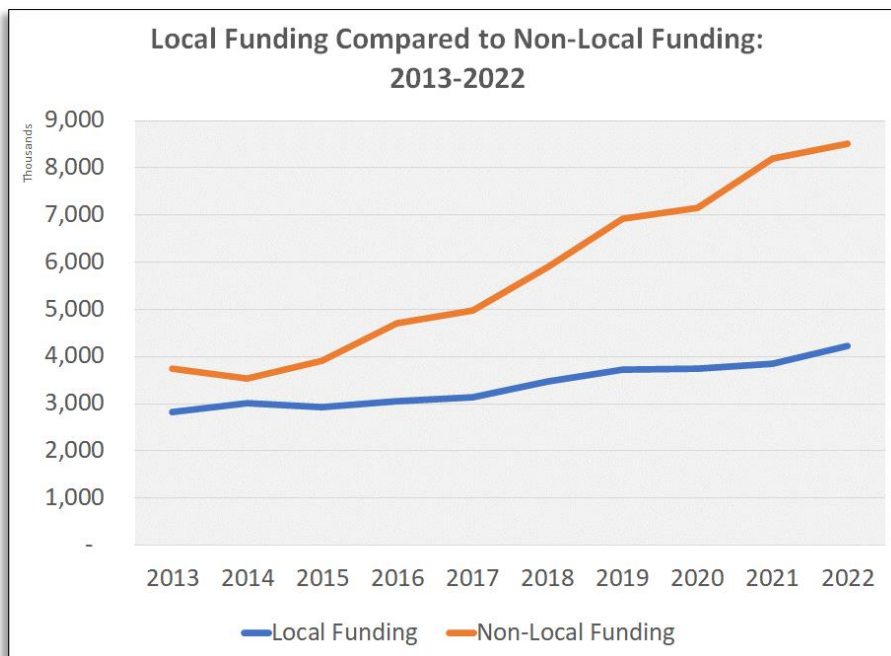
Major Budget Factors:

- FY 2022 Base Bus Budget expenditure increases are anticipated in the following areas: Wages and Benefits, Service and Fees, Insurance, and the Capital Program. The major reasons for this scale of increase relates to terms of the agency's collective bargaining agreement; anticipated increases in the cost of auto liability insurance; increases in software maintenance fees as the agency has increasingly shifted to a Software As A Service (SAAS) model for Financial, HR, Fare Collection and Operational systems; a more aggressive capital program; and added staffing.

ATTACHMENT A
Greater Portland Transit District:
FY 2022 Operating and Capital Budget

- FY 2022 Base Bus Budget expenditure decreases are anticipated in the following areas: Fuel-Fluids, Utilities, Various Supply Lines, Debt Service and Interest.
- FY 2022 Base Bus Budget revenue changes include: fare revenue reduction associated with a proposed strategic fare price reduction in 2022 as part of a ridership recovery strategy; increased federal funding, and stabilized municipal funding.
- FY 2021 Projected Surplus: please note the projected FY 2021 surplus (\$281,689) is the result of anticipated CARES Act funding related to offsetting revenue losses in the areas of fare revenue and advertising revenue. However, because Metro's FY 2021 operating expenditures are forecasted to be below budget, the additional CARES Act funding may not be necessary, and therefore may not be requested. Staff will make a determination on whether to submit a request for adjustment once the fiscal year closes and final revenues and expenditures are known.
- The ADA Paratransit budget is projected to decline slightly based on forecasted ridership in FY 2022.
- The total budget includes the anticipated expenditures and revenues associated with lease and operations of the property at 151 St. John's Street as approved by the Board in July 2021
- The Proposed FY 2022 local contributions are presented on page A-14 of this Attachment. The chart below illustrates the 10-year trends associated with local funding from municipalities along with non-local funding (fare revenue, miscellaneous revenue, state and federal funding).

Figure 1: Local Funding Compared to Non-Local Funding (2013-2022)



SERVICE SUPPLY AND PERFORMANCE METRICS

The Base Bus Budget for FY 2022 is built on transit service levels that are consistent with FY 2021 with minor fluctuations resulting in a net 1% decrease in revenue hours. The breakdown of service supply is outlined in the following tables. Additional information on route maps and schedules including a system map are available on Metro's website by [clicking here](#).

Table 2: Service Supply – Headways (“Minutes Between Buses”)

Route	Corridor	Service Type	Municipalities	SERVICE HEADWAYS			
				Weekday Peak	Weekday Off-Peak	Sat.	Sun.
Route 1	Congress	Local Route	Portland	30 min	30 min	30 min	60 min
Route 2	Forest	Local Route	Portland-Westbrook	30 min	30 min	60 min	60 min
Route 3	Bridge-Spring	Local Route	Portland-Westbrook-South Portland	30 min	30 min	60 min	60 min
Route 4	Main-Brighton	Local Route	Portland-Westbrook	30 min	30 min	30 min	45 min
Route 5	Outer Congress	Local Route	Portland-South Portland	30 min	30 min	30 min	45 min
Route 7	Route 1	Local Route	Portland-Falmouth	60 min	60 min	60 min	60 min
Route 8	Peninsula	Circulator	Portland	30-35 min	30-35 min	60 min	60 min
Route 9	Wash.-Stevens-Congress	Local Route	Portland-Falmouth	15-30 min	60 min	60 min	60 min
Husky Line	Route 25-WCD-Brighton	BRT-Lite	Portland-Westbrook-Gorham	30 min	30 min	45 min	45 min
BREEZ	I-295/Route 1	Express	Portland-Yarmouth-Freeport-Brunswick	35-60 min	40-150 min	150 min	N/A
LEVEL OF SERVICE (HEADWAYS - minutes between buses)							
20 minutes or Under		Frequent Service (Ridership Producing).					
30 minutes		Baseline Service					
45 min. or Longer		Coverage Service (Lifeline Service)					

Table 3: Service Supply – Span of Service (“Hours of Operation”)

Route	Corridor	Service Type	Municipalities	SPAN OF SERVICE								
				Weekday			Saturday			Sunday		
				Service Start	Service End	Total Span of Service	Service Start	Service End	Total Span of Service	Service Start	Service End	Total Span of Service
Route 1	Congress	Local Route	Portland	5:10 AM	10:40 PM	17:30	5:10 AM	10:40 PM	17:30	7:45 AM	6:10 PM	10:25
Route 2	Forest	Local Route	Portland-Westbrook	5:45 AM	10:40 PM	16:55	6:20 AM	10:00 PM	15:40	8:20 AM	3:52 PM	7:32
Route 3	Bridge-Spring	Local Route	Portland-Westbrook-South Portland	5:40 AM	10:10 PM	16:30	6:35 AM	10:10 PM	15:35	9:15 AM	5:30 PM	8:15
Route 4	Main-Brighton	Local Route	Portland-Westbrook	5:15 AM	11:10 PM	17:55	5:45 AM	11:05 PM	17:20	8:15 AM	7:15 PM	11:00
Route 5	Outer Congress	Local Route	Portland-South Portland	5:20 AM	10:10 PM	16:50	6:05 AM	10:10 PM	16:05	7:55 AM	6:10 PM	10:15
Route 7	Route 1	Local Route	Portland-Falmouth	6:30 AM	6:54 PM	12:24	6:30 AM	6:54 PM	12:24	8:30 AM	3:54 PM	7:24
Route 8	Peninsula	Circulator	Portland	6:40 AM	5:45 PM	11:05	7:50 AM	5:25 PM	9:35	8:50 AM	3:25 PM	6:35
Route 9	Wash.-Stevens-Congress	Local Route	Portland-Falmouth	5:35 AM	9:30 PM	15:55	7:30 AM	9:30 PM	14:00	8:30 AM	4:10 PM	7:40
Husky Line	Route 25-WCD-Brighton	BRT-Lite	Portland-Westbrook-Gorham	6:20 AM	10:10 PM	15:50	8:00 AM	9:40 PM	13:40	8:05 AM	6:38 PM	10:33
BREEZ	I-295/Route 1	Express	Portland-Yarmouth-Freeport-Brunswick	5:45 AM	9:18 PM	15:33	7:58 AM	8:28 PM	12:30	N/A	N/A	0:00
SPAN OF SERVICE (Total Length of Service)												
16 hours or more		Full-day coverage										
12-16 hours		Baseline Service										
Fewer than 12 hours		Coverage Service (Lifeline Service)										

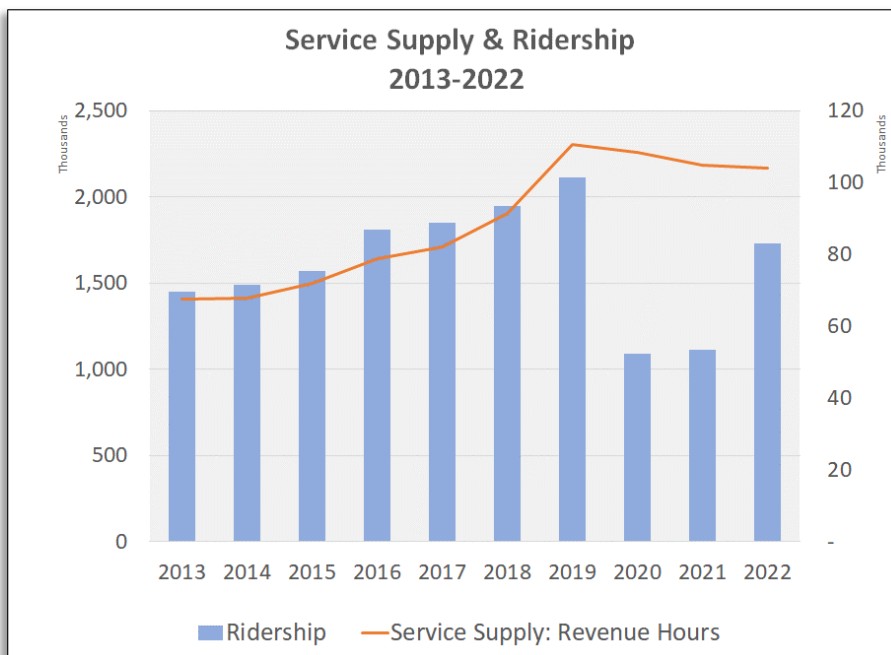
Table 4: Service Supply (Revenue Hours)

Municipality	2021		2022 - Baseline		
	Rev. Hours	% of Total	Rev. Hours	% of Total	% Change
Brunswick	2,251	2%	2,273	2%	1%
Falmouth	3,269	3%	3,287	3%	1%
Freeport	2,251	2%	2,273	2%	1%
Gorham*	3,983	4%	3,856	4%	-3%
Portland	67,000	64%	66,012	63%	-1%
South Portland*	5,603	5%	5,692	5%	2%
Westbrook	18,160	17%	18,472	18%	2%
Yarmouth	2,251	2%	2,273	2%	1%
Total	104,768	100%	104,137	100%	-1%

* Net cost of service in South Portland and Gorham is distributed among member municipalities.

Figure 2 below illustrates the 10-year trends associated with annual service supply (i.e., Annual Revenue Hours) and total annual ridership.

Figure 2: Annual Service Supply and Ridership (2013-2022)



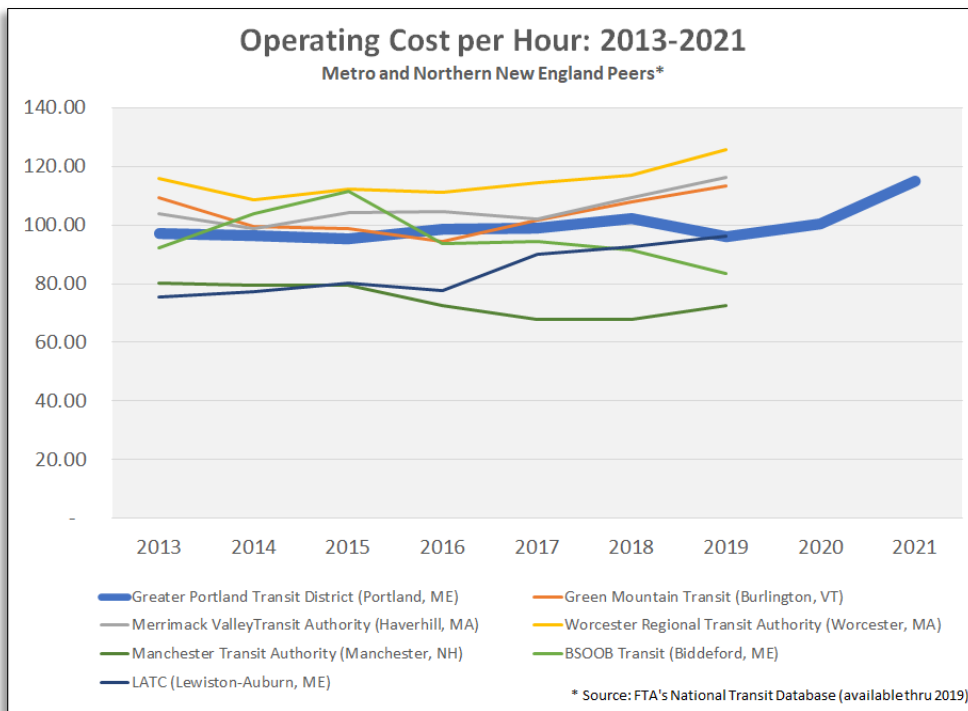
In the year prior to the pandemic, Metro's total ridership exceeded 2.1 million boardings. This represented a 45% increase between 2013 and 2019. Ridership declines in 2020, 2021 and into 2022 are the direct result of the COVID-19 pandemic. The reduction in service supply in 2020 was the result of a five-month (Apr-Aug) reduction of Weekday service levels to Saturday service levels. Normal service levels were restored in September 2020, but several surgical reductions were made in 2021 which are carried over into 2022.

Metro staff is working on an aggressive ridership recovery plan that aims to reach pre-pandemic ridership levels by mid-2023.

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Figure 3 below illustrates the 9-year trends associated with Metro's gross operating cost per hour compared to peer transit agencies across central and northern New England. The data indicate that Metro's gross operating cost per hour is within reasonable bounds through 2019, which is the last year that peer agency data is available from the Federal Transit Administration's National Transit Database.

Figure 3: Peer Review of Gross Operating Cost per Hour (2013-2021)



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BASE BUS BUDGET – PERSONNEL EXPENSES

Table 5: Base Bus Budget: Personnel

USES OF FUNDS	2019 Actual	2020 Actual	2021 Budget	2021 Projection	2022 Est	2021 \$ +/-	2021 % +/-	Notes
Wages								
Regular Wages	5,078,260	5,615,565	5,764,886	5,702,486	6,073,660	308,774	5.4%	1
New Positions	-	-	-	-	185,062	185,062	100.0%	2
Overtime - Operations	605,180	395,523	479,305	317,479	491,210	11,905	2.5%	3
Overtime - Maintenance	53,072	56,010	40,317	32,527	41,527	1,210	3.0%	3
Overtime - Administration	6,035	2,223	5,062	1,690	5,198	136	2.7%	3
Add'l Pay (PTO payout, Hlth opt out)	57,592	63,087	77,635	74,908	67,674	(9,961)	-12.8%	
Holiday Pay - Worked	87,429	94,520	93,929	97,004	99,914	5,985	6.4%	
Total Wages	5,887,568	6,226,929	6,461,134	6,226,094	6,964,244	503,110	7.8%	
Benefits								
FICA	432,426	368,092	494,314	567,428	518,606	24,292	4.9%	
Health Ins	1,358,389	1,397,007	1,477,917	1,425,558	1,522,309	44,392	3.0%	4
HRA Payments	73,622	74,726	80,000	90,202	80,000	-	0.0%	
Dental Insurance	65,412	59,330	69,112	63,952	70,984	1,872	2.7%	5
Disability Insurance	40,896	41,124	47,363	70,450	54,577	7,214	15.2%	6
Life Insurance	1,767	1,729	1,880	2,380	2,630	750	39.9%	
Workers Comp	92,619	133,174	171,332	171,347	174,759	3,427	2.0%	
Unemployment	9,467	14,080	-	1,000	3,000	3,000	0.0%	
Vision	2,689	2,580	2,785	2,974	2,701	(84)	-3.0%	
Retirement	324,641	335,523	402,283	387,649	454,205	51,922	12.9%	7
New Positions	-	-	-	-	52,372	52,372	100.0%	8
Uniforms	27,252	21,282	33,000	49,640	34,650	1,650	5.0%	9
Contract Reimb	8,933	11,691	-	-	-	-	0	
Total Benefits	2,438,113	2,460,339	2,779,986	2,832,581	2,970,794	190,808	6.9%	
Total Wages & Benefits	\$ 8,325,681	\$ 8,687,268	\$ 9,241,120	\$ 9,058,675	\$ 9,935,039	\$ 693,919	7.5%	

Note #	Line Item	Explanation
1	Regular Wages	5.4% increase in regular wages is driven mainly by 3% increase in base wages as required by the Collective Bargaining Agreement with ATU, as well as annual step increases for union staff in the first 3 years of the wage progression.
2	New Positions: Wages	This added expense stems from the proposed addition of the following positions: 2 part-time Cash Handlers, 1 Fleet Mechanic, HR Management Assistant, and reclassification of Executive Assistant to Senior Management Assistant. These added positions were vetted by the Metro Board's Executive Committee and Finance Committee. The positions will be phased in over the course of 2022.
3	Overtime	Overtime averages between 8-9% of regular wages. Overtime is driven by vacancies and absences primarily among bus operators. 2020 service reductions, near full staffing, and low levels of absenteeism reduced overtime in 2020 and 2021. However, staff believe budgeting between average and worse case staffing trends is prudent.
4	Health Insurance	Based in information provided by Maine Municipal Health Trust, staff is programming a 3% increase in the cost of health insurance for its PPO 1500 plan.
5	Dental/Vision Insurance	Based on information received from the provider, staff is programming a 2.7% increase in the cost of dental insurance, which also includes the agency's vision program.
6	Disability Insurance	Mutual of Omaha informed Metro that premium costs would increase by 50% due to amount of short/long term claims filed in last 2 years. Staff sought a quote from Standard Insurance and determined the same level of coverage could be obtained for a smaller 15% increase.

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Note #	Line Item	Explanation
7	Retirement Benefit	In accordance with the 3-year labor contract with ATU approved in 2020, Metro's contribution to retirement will increase from 7% to 7.5%.
8	New Positions: Benefits	Reflects the estimated benefits costs associated with added positions.
9	Uniforms	Budgets for uniforms & contract reimbursements are consolidated under uniform line item.

Table 6: Base Bus Budget: Non-Personnel

USES OF FUNDS	2019 Actual	2020 Actual	2021 Budget	2021 Projection	2022 Est	2021 \$ +/-	2021 % +/-	Notes
Services and Fees								
Tuition Reimbursement	-	-	-	975	5,000	5,000	100%	1
Wellness Program	2,444	1,499	2,500	2,500	4,500	2,000	80.0%	2
Legal Fees	22,502	41,195	33,500	63,575	33,500	-	0.0%	
Audit Fees	21,366	20,000	21,000	20,500	24,500	3,500	16.7%	3
Arch & Engineer Fees	-	-	-	350	7,500	7,500	0.0%	4
Temporary Help	44,990	-	-	20,164	-	-	0.0%	
Employment Services	11,470	7,402	10,725	10,725	11,000	275	2.6%	
Benefit Administration Fees	7,923	8,571	7,204	7,204	7,204	-	0.0%	
Technology Services	116,468	108,397	154,175	163,133	176,119	21,944	14.2%	5
Bank and CC Fees	11,781	11,793	44,205	14,315	25,000	(19,205)	-43.4%	6
Advertising	24,929	38,727	57,500	36,754	127,500	70,000	121.7%	7
Postage	2,785	4,619	4,930	3,950	4,934	4	0.1%	
Other Contracted Services	34,167	55,525	133,760	92,087	150,600	16,840	12.6%	8
Maint Software	2,006	3,634	2,995	3,424	3,950	955	31.9%	
Office Machines Maintenance	6,419	4,997	5,596	4,000	5,000	(596)	-10.7%	
Maintenance Services	97,993	123,626	127,964	161,690	134,664	6,700	5.2%	9
Snow Plowing/Removal	1,690	1,610	9,000	5,000	9,000	-	0.0%	
Custodial Services	-	-	50,000	-	50,000	-	0.0%	10
Miscellaneous Services	3,185	1,502	3,800	3,300	3,100	(700)	-18.4%	
Total Services and Fees	412,118	433,098	668,854	613,645	783,071	114,217	17.1%	

Note #	Line Item	Explanation
1	Tuition Reimbursement	While not previously budgeted, Metro's personnel policies make tuition reimbursement available up to \$1,500. Staff plan to proposed increasing the amount to \$5,000 as part of a strategy to invest in Metro's employees and their professional development.
2	Wellness Prog.	Staff aim to improve the wellness program to aid in employee well-being, but also as a strategy to contain healthcare premiums. The increase is due to the cost of products and services and increases in staffing levels.
3	Audit Fees	Metro competitively bid its audit services contract in 2021 and awarded the contract to RKO. The budget reflects the proposed cost for audit services in 2021 along with a small amount for supplemental services if needed.
4	Arch/Eng Fees	Proposed budget will allow Metro to utilize architecture and/or engineering services on an as needed basis for potential facility and/or bus stop design needs.
5	Tech. Services	Increase in website hosting, and software maintenance fees associated with Tyler/MUNIS financial systems, and Metro's provider for the Automated Vehicle Location system.
6	Bank/CC Fees	Reduction in this line relates to the credit card processing fees associated with the automated fare system. Lower fare revenue allows for a reduction in this line.

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Note #	Line Item	Explanation
7	Advertising	The proposed increase reflects media placement related to a proposed major marketing effort in 2022 to help recover ridership. Staff are seeking CARES Act funding for this work.
8	Other Contracted Serv.	The proposed increase reflects consultant services related to the proposed major marketing effort in 2022 to help recover ridership. Staff are seeking CARES Act funding for this work.
9	Maintenance Services	Increase is due in part to an agency goal of staying on top of fleet body work. Additionally, inflationary increase is also budgeted to fleet and building services.
10	Custodial Services.	Metro budgeted for outsourced custodial services in 2021 but has not executed a contract. Custodial services continue to be provided with internal staff though staff aim to implement the outsourcing plan in 2022. This will be more important as Metro occupies the RTP space.

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Table 7: Base Bus Budget: Non-Personnel (Continued)

USES OF FUNDS	2019 Actual	2020 Actual	2021 Budget	2021 Projection	2022 Est	2021 \$ +/-	2021 % +/-	Notes
Fuel-Fluids-Tires								
CNG Fuel	221,985	96,442	100,000	87,427	99,500	(500)	-0.5%	11
Diesel Fuel	366,962	431,341	527,850	439,208	405,600	(122,250)	-23.2%	12
Greases and Fluids	49,572	45,134	53,400	51,389	51,900	(1,500)	-2.8%	
Electricity as a Fuel	-	-	-	-	5,000	5,000	100.0%	13
Tires and Tubes	56,540	46,670	56,000	57,500	58,375	2,375	4.2%	
Total Fuel, Tires and Fluids	695,059	619,587	737,250	635,524	620,375	(116,875)	-15.9%	
Supplies & Equipment								
Transportation Supplies	689	22,972	23,759	4,000	3,000	(20,759)	-87.4%	14
Servicing/Fueling Supplies	-	18,458	10,000	5,800	7,000	(3,000)	-30.0%	
Shop Supplies	25,071	28,268	30,500	21,672	32,000	1,500	4.9%	
Shelter Supplies	2,306	387	2,000	14,273	3,000	1,000	50.0%	15
Building Supplies	51,566	37,356	45,000	33,187	45,000	-	0.0%	
IT Supplies	2,066	2,708	2,000	549	2,000	-	0.0%	
Supplies Cust Rel	19,007	861	9,000	5,294	7,500	(1,500)	-16.7%	
Supplies Promo	4,999	6,143	3,000	-	3,000	-	0.0%	
Office Supplies	16,105	16,160	17,500	16,000	17,500	-	0.0%	
Fare Media	8,578	1,254	11,000	10,400	11,000	-	0.0%	
Parts	320,474	298,829	287,000	257,415	301,350	14,350	5.0%	
Minor Equipment	6,431	7,978	22,241	28,843	28,000	5,759	25.9%	16
Veh Ops- Other Supplies	-	8,900	-	263	5,000	5,000	100%	
Total Supplies and Equipment	457,292	450,273	463,000	397,694	465,350	2,350	0.5%	
Utilities								
Heating Fuel	129,746	111,665	158,034	125,000	153,686	(4,348)	-2.8%	17
Electricity	132,436	102,654	129,686	126,144	133,330	3,644	2.8%	
Water/Sewer/Stormwater	35,495	31,137	40,965	38,000	38,610	(2,355)	-5.7%	18
Phone/Cell/Internet	58,587	55,384	69,308	55,303	62,539	(6,769)	-9.8%	19
Total Utilities	356,264	300,840	397,993	344,448	388,165	(9,828)	-2.5%	

Note #	Line Item	Explanation
11	CNG Fuel	CNG fuel use continues to decrease as CNG fleet makes up a smaller portion of the fleet; however, Metro is expecting higher natural gas prices in 2022.
12	Diesel Fuel	By purchasing diesel futures, Staff was able to secure a favorable rate for METRO's next diesel contract, which will take effect early in 2022.
13	Electricity-Fuel	Early estimate for electricity usage by new electric buses.
14	Trans. Supplies	Reduction in disinfectant and other cleaning supplies used to clean buses as METRO shifts back to its pre-pandemic cleaning program.
15	Shelter Supplies	Bus shelter placements have increased resulting in increased need for maintenance supplies.
16	Minor Equip.	Additional glass needed to repair vandalized shelters.
17	Heating Fuel	Actuals were under budget for 2019 & 2020 mainly based on lower utilization; however, Metro is expecting high natural gas prices in 2022.
18	Water/Sewer	Actuals were under budget for 2020, and estimated to be under budget for 2021. FY 2022 budget recognizes lower use but anticipates possible rate increase.
19	Phone-Cell-Int	Staff decreased the data plan for USM buses. Staff are monitoring data usage to determine if there is a need to increase the plans based on ridership.

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Table 8: Base Bus Budget: Non-Personnel (Continued)

USES OF FUNDS	2019 Actual	2020 Actual	2021 Budget	2021 Projection	2022 Est	2021 \$ +/-	2021 % +/-	Notes
Insurance								
Auto/Liability/Property Insurance	227,911	299,877	322,829	324,175	361,884	39,055	12.1%	20
Total Insurance	227,911	299,877	322,829	324,175	361,884	39,055	12.1%	
Miscellaneous Expenses								
Dues, Subscriptions & Certificatio	23,172	24,738	26,937	27,555	28,890	1,953	7.3%	21
Conferences and Travel	10,826	4,414	13,440	11,440	19,430	5,990	44.6%	22
Meals and Hosting	7,127	9,506	7,500	7,500	8,500	1,000	13.3%	23
Liscenses and Permits	1,101	374	1,430	1,430	1,430	-	0.0%	
Total Misc	42,226	39,032	49,307	47,925	58,250	8,943	18.1%	
Debt Service								
Interest Expense Short Term	51,485	32,958	60,000	15,408	40,000	(20,000)	-33.3%	24
Interest Expense Long Term	36,842	36,437	54,640	28,475	40,838	(13,802)	-25.3%	25
Debt Service Principal	208,948	436,066	182,500	182,500	182,500	-	0.0%	
Total Debt Service	297,275	505,460	297,140	226,383	263,338	(33,802)	-11.4%	
Capital & Reserves								
Contribution to Fund Balance	-	-	45,000	45,000	45,000	-	0.0%	
GF Cap Outlay for Oth Cap Itms	166,000	25,162	106,649	106,649	155,460	48,811	45.8%	26
Total Capital	166,000	25,162	151,649	151,649	200,460	48,811	32.2%	
Total Non-Personnel Expenses	2,654,145	2,673,328	3,088,022	2,741,443	3,140,893	52,871	1.7%	
Total Personnel Expenses	8,325,681	8,687,268	9,241,120	9,058,675	9,935,039	693,919	7.5%	
Total Base Bus Budget	10,979,825	11,360,596	12,329,142	11,800,118	13,075,931	746,789	6.1%	

Note #	Line Item	Explanation
20	Insurance	While concrete insurance figures will not be available until November, staff are projecting a rate increase due to market trends, and the replacement of two 17-year-old buses with new Battery Electric Buses in 2022. Insurance for the lease property is captured in a separate section of the budget.
21	Dues-Subs.	The increase relates to added memberships across all departments, and additional staff.
22	Conf.-Travel	The increase relates to increasing the opportunity for staff training and conferences offered to employees, along with additional staffing levels.
23	Meals-Hosting	The increase stems from the employee appreciation sub-line items and is driven by increases in the costs of goods and higher overall staffing levels.
24	Short-term Int.	Need for short-term borrowing has decreased due to CARES funding and a growing ability to finance short term needs with restricted cash in reserves.
25	Long-term Int.	Reduced due to early retirement of debt in 2020.
26	Capital Program	Amount reflects the amount of new municipal funding needed (\$155,460) to implement the proposed FY 2022 CIP. Refer to Attachment B to review proposed CIP.

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Table 9: Base Bus Budget: Revenue

SOURCES OF FUNDS	2019 Actual	2020 Actual	2021 Budget	2021 Projection	2022 Est	2021 \$ +/-	2021 % +/-	Notes
Passenger Fares								
Passenger Fares	1,688,314	564,588	1,757,606	1,154,902	1,067,511	(690,095)	-39.3%	1
Organization Paid Fares	647,929	194,268	309,396	271,084	601,098	291,702	94.3%	2
Total Passenger Fares	2,418,290	758,856	2,067,002	1,425,986	1,668,609	(398,393)	-19.3%	
Miscellaneous Revenue								
Advertising Revenue	288,995	165,793	195,000	185,625	195,000	-	0.0%	3
Vehicle Maint Services	13,150	6,776	5,675	9,750	5,000	(675)	-11.9%	
Sale of Fuel	33,107	14,449	10,000	17,078	22,800	12,800	128.0%	
Interest Income	32,884	14,219	20,000	6,112	15,000	(5,000)	-25.0%	
Reimbursements of Auto Fare fees	-	-	15,154	9,501	13,286	(1,868)	100.0%	
Wellness Grant Reimbursements	-	-	-	-	6,000	6,000	100.0%	
Miscellaneous Income	25,441	188,044	8,400	14,254	8,900	500	6.0%	
Rental of Property	40,732	41,750	28,529	39,228	-	(28,529)	-100.0%	4
Claims Recovery	122,606	9,195	-	11,672	-	-	0.0%	
Total Other Revenue	556,915	440,226	282,758	293,221	265,986	(16,772)	-5.9%	
Municipal Funding								
Non-Member Municipal Funding	150,030	33,000	17,500	33,000	33,000	15,500	88.6%	5
Member Municipal Funding: Operations	3,576,162	4,084,716	4,171,355	4,171,355	4,198,244	26,889	0.6%	6
Municipal Credit	-	(375,000)	(351,661)	(351,661)	-	351,661	-100.0%	7
Municipal Funding: CIP Local Match	166,000	25,162	106,649	106,649	155,460	48,811	45.8%	8
Total Municipal Revenue	3,892,192	3,767,878	3,943,843	3,959,343	4,386,704	442,861	11.2%	
State Funding								
State Operating Subsidy	170,426	170,426	170,426	170,426	170,426	-	0.0%	
Total State Revenue	170,426	170,426	170,426	170,426	170,426	-	0.0%	
Federal Funding								
Federal Operating Assistance	2,029,157	2,176,812	2,639,528	2,300,000	3,477,838	838,310	31.8%	9
TW Fed Operating Assistance	623,822	519,633	824,000	650,000	174,000	(650,000)	-78.9%	10
Federal Prev Maint Assistance	1,058,372	612,720	914,924	914,924	1,025,000	110,076	12.0%	11
Federal CARES Act	-	3,743,015	1,486,661	2,382,908	1,907,368	420,707	0.0%	12
Total Federal Revenue	4,067,553	7,052,180	5,865,113	6,247,832	6,584,206	719,093	12.3%	
Total Revenue	\$ 11,105,376	\$ 12,189,565	\$ 12,329,142	\$ 12,096,808	\$ 13,075,931	\$ 746,789	6.1%	

Note #	Line Item	Explanation
1	Pass. Fares	Planned reduction relates to proposed 6–9-month promotional fare reduction as a ridership recovery strategy.
2	Org. Fares	Amount reflects continued incremental improvement in fare revenue from pass programs. The planned fare reduction noted above would not apply to pass programs.
3	Advertising	Amount reflects flat growth in advertising revenue as businesses continue to rebound from the pandemic pull back.
4	Property Rental	Amount reflects RTP's move to its new facility in Westbrook in November 2021. Metro plans to utilize the space going forward.
5	Non-Member Mun. Funding	Metro and Gorham agreed to continue the pilot phase of the Husky Line for 1 year. As a result, Gorham's pilot phase contribution is remaining stable.
6	Member Mun. Funding	Amount reflects the local funding needed from member municipalities to support planned programs and operations in FY 2022. Amount represents a 0.6% increase compared to 2021.
7	Municipal Credit	CARES Act funding was used to provide member municipalities with a credit on their FY 2020 and 2021 municipal contributions. No credit is proposed for FY 2022.

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Greater Portland Transit District:
FY 2022 Operating and Capital Budget

Note #	Line Item	Explanation
8	Municipal Funding (CIP)	Amount reflects the amount of new municipal funding needed (\$155,460) to implement the proposed FY 2022 capital improvement program. Refer to Attachment B to review proposed CIP. Projects include: Fleet Mid-life Rehabs, Facility Security, Bus Purchases (Replacement), Facility Maintenance, Support Vehicles, and Bus Stop Improvements. Amount represents a 45.8% increase compared to 2021.
9	Federal 5307 (Operating)	Amount reflects a 32% increase in Federal 5307 formula funding for operations. A portion of the increase (20%) is currently programmed with PACTS. The remaining 12% will be sought through the 2022 process for allocating federal funding. The reasons for the increase include: 1) additional positions requested, 2) inflationary pressure exceeding the annual 2% funding increase assumed by the PACTS model, and 3) the phasing out of start-up CMAQ funding for the Transit West routes (Husky Line and Route 3). Staff have reason to expect that the region will see an increase in formula funding based on the amounts included in the Infrastructure bill being debated in Congress. If additional funding is not allocated to the region, then a small surplus in Metro's FY 2021 federal funding grant for operations can cover the need in conjunction with deferring new positions.
10	Federal CMAQ (Operating)	This federal funding was awarded to Metro by Maine DOT in order to support the operations of the Husky Line and Route 3 during a 3-year pilot phase from 2018-19 thru 2020-21. A portion of this funding was retained in FY 2021 in order to extend its use in FY 2022.
11	Federal 5307 (Prev. Maint.)	The amount reflects a 2% increase as stipulated in PACTS programming along with a portion of the funding needed to add an additional Fleet Mechanic.
12	Federal CARES Act (Operating)	Amount reflects the anticipated CARES Act funding needed to support the following areas: 1) offset fare and advertising revenue losses due to the pandemic, 2) further offset fare revenue reductions stemming from the proposed promotional temporary fare reduction in FY 2022, and 3) funding necessary to support ongoing enhanced asset cleaning as well as enhanced marketing efforts in FY 2022 aimed at restoring ridership.

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FY 2022 Operating and Capital Budget

151 ST. JOHN'S PROPERTY – EXPENSES & REVENUES

Table 10: 151 St. John's Street Property

USES OF FUNDS	2019 Actual	2020 Actual	2021 Budget	2021 Projection	2022 Request	2021 \$ +/-	2021 % +/-	Notes
Services and Fees								
Property Management Fees	-	-	-	2,500	15,000	15,000	500%	1
Maintenance Services- 115 St John St.	-	-	-	2,052	17,000	17,000	728%	1
Snow Plowing/Removal- 115 St John St.	-	-	-	2,167	13,000	13,000	500%	1
Total Services and Fees	-	-	-	6,719	45,000	45,000	570%	
Utilities								
Heating Fuel- 115 St. John St.	-	-	-	1,667	10,000	10,000	500%	2
Electricity- 115 St. John St.	-	-	-	4,000	24,000	24,000	500%	2
Water/Sewer/Stormwater- 115 St. John St.	-	-	-	1,000	6,000	6,000	500%	2
Total Utilities	-	-	-	6,667	40,000	40,000	500%	
Rental Fees								
Rental Fees	-	-	-	54,948	329,688	329,688	500%	3
Property Taxes	-	-	-	5,333	32,000	32,000	500%	4
Total Rental Fees	-	-	-	60,281	361,688	361,688	500%	
Property Insurance								
Property Insurance- 115 St. John Street	-	-	-	1,333	8,000	8,000	500%	5
Total Insurance	-	-	-	1,333	8,000	8,000	500%	
Total	-	-	-	75,000	454,688	454,688	506%	
SOURCES OF FUNDS	2019 Actual	2020 Actual	2021 Budget	2021 Projection	2022 Request	2021 \$ +/-	2021 % +/-	Notes
Other Revenue								
Rental of Property- 115 St. John's St.	-	-	-	22,500	136,416	136,416	506%	6
Total Other Revenue	-	-	-	22,500	136,416	136,416	506%	
Municipal Funding								
Municipal Assessment for Operating	-	-	-	-	90,938	90,938	100%	7
Total Municipal Funding	-	-	-	-	90,938	90,938	100%	
State Funding								
State Operating Subsidy	-	-	-	37,500	227,334	227,334	506%	8
Total State Funding	-	-	-	37,500	227,334	227,334	506%	
Total Revenue	-	-	-	60,000	454,688	454,688	658%	
Surplus/(Deficit)	-	-	-	(15,000)	-	-		

Note #	Line Item	Explanation
1	Service-Fees	Figures are based on budget estimates identified during the 2021 board review.
2	Utilities	Figures are based on budget estimates identified during the 2021 board review.
3	Rental Fees	This figure represents the base lease cost for FY 2022.
4	Property Taxes	Figures are based on budget estimates identified during the 2021 board review.
5	Insurance	Figures are based on budget estimates identified during the 2021 board review.
6	Other Revenue	Anticipated revenue from sub-leasing one or more sections of the building.
7	Mun. Funding	Municipal funding approved by the Board of Directors in July 2021.
8	State Funding	Funding committed to Metro by the Maine Department of Transportation.

LOCAL FUNDING ALLOCATIONS (BASIS OF FORMAL ASSESSMENTS)

Table 11: Local Funding Allocations

Municipalities	2020 Actual	2021 Actual	\$ +/-	% +/-	2022 Budget	\$ +/-	% +/-	Notes
Base Bus Budget: Operating + Local Contribution to Capital								
Brunswick	77,934	82,939	5,005	6.4%	84,407	1,468	1.8%	1
Falmouth	203,183	217,340	14,157	7.0%	221,186	3,846	1.8%	
Freeport	77,934	82,939	5,005	6.4%	84,407	1,468	1.8%	
Portland	2,877,058	3,020,147	143,089	5.0%	3,073,589	53,442	1.8%	
Westbrook	795,835	791,699	(4,137)	-0.5%	805,708	14,009	1.8%	
Yarmouth	77,934	82,939	5,005	6.4%	84,407	1,468	1.8%	
Total	4,109,879	4,278,004	168,125	4.1%	4,353,704	75,700	1.8%	
151 St. John's Street								
Brunswick	-	-	-	0.0%	1,763	1,763	100.0%	2
Falmouth	-	-	-	0.0%	4,620	4,620	100.0%	
Freeport	-	-	-	0.0%	1,763	1,763	100.0%	
Portland	-	-	-	0.0%	64,200	64,200	100.0%	
Westbrook	-	-	-	0.0%	16,829	16,829	100.0%	
Yarmouth	-	-	-	0.0%	1,763	1,763	100.0%	
Total	-	-	-	#DIV/0!	90,938	90,938	100.0%	
Total Municipal Assessment								
Brunswick	77,934	82,939	5,005	0.0%	86,170	3,231	3.9%	3
Falmouth	203,183	217,340	14,157	0.0%	225,806	8,466	3.9%	
Freeport	77,934	82,939	5,005	0.0%	86,170	3,231	3.9%	
Portland	2,877,058	3,020,147	143,089	0.0%	3,137,789	117,642	3.9%	
Westbrook	795,835	791,699	(4,137)	0.0%	822,537	30,838	3.9%	
Yarmouth	77,934	82,939	5,005	0.0%	86,170	3,231	3.9%	
Total	4,109,879	4,278,004	168,125	4.1%	4,444,642	166,638	3.9%	

Note #	Line Item	Explanation
1	Base Service	For operations, the proposed increase in local funding is 0.6%. Along with the CIP local match increase of \$48,811 from \$106,649 to \$155,460 (45.8%), the combined local increase equals 1.8%. Precise allocations of costs, revenue and funding by route and jurisdiction have been complicated by the impacts of the pandemic on ridership and revenue as well as recent large fluctuations in federal funding, the phasing out of start-up funding for Breez and Transit West routes, and the ongoing distortions created by the legacy practice of allocating operating cost with FIXED and VARIABLE cost elements combined rather than segmented. For these reasons, staff recommended to the Board: 1) application of a uniform % increase for FY 2022, and 2) implement a comprehensive cost/revenue allocation review with the Finance Committee and Board in early 2022 to evaluate and approve an updated set of cost, revenue and funding allocation policies and procedures for implementation in 2023. <i>Note that Gorham's annual contribution is captured separately in the Bas Bus Budget under non-member municipal contributions.</i>

ATTACHMENT A
Greater Portland Transit District:
FY 2022 Operating and Capital Budget

Note #	Line Item	Explanation
2	151 St. John's Street.	The local funding amounts are those that were approved by the Board in July 2021 as a part of approving the lease agreement with the North River Company. The allocations per municipality are based on the proportionate allocations for the Base Bus Budget.
3	Total Municipal Assessment	These figures include the amounts proposed as the 2022 municipal assessments which represent a combined increase in the total municipal assessment of 3.9%.

ADA PARATRANSIT – EXPENSES & REVENUES

Table 12: ADA Paratransit Budget

USES OF FUNDS	2019 Actual	2020 Actual	2021 Budget	2021 Projection	2022 Request	2021 \$ +/-	2021 % +/-	Notes
ADA Paratransit								
Contracted Services	\$ 434,324	\$ 290,551	\$ 450,000	\$ 369,076	\$ 425,000	(25,000)	-5.6%	1
Total ADA Paratransit Service	434,324	290,551	450,000	369,076	425,000	(25,000)	-5.6%	
Total	434,324	290,551	450,000	369,076	425,000	(25,000)	-5.6%	
SOURCES OF FUNDS	2019 Actual	2020 Actual	2021 Budget	2021 Projection	2022 Request	2021 \$ +/-	2021 % +/-	Notes
Municipal Funding								
Municipal Funding	87,905	59,471	90,000	73,815	85,000	(5,000)	-5.6%	2
Total Municipal Funding	87,905	59,471	90,000	73,815	85,000	(5,000)	-5.6%	
Federal Funding								
FTA Section 5307	347,459	106,726	360,000	295,261	340,000	(20,000)	-5.6%	3
FTA CARES Act	-	118,358	-	-	-	-	0.0%	4
Total Federal	347,459	225,084	360,000	295,261	340,000	(20,000)	-5.6%	
Total Revenue	435,364	284,555	450,000	369,076	425,000	(25,000)	-5.6%	
Surplus/(Deficit)	1,040	(5,996)	-	-	-	-		

Note #	Line Item	Explanation
1	Contracted Serv.	Metro has a contract with the Regional Transportation Program (RTP) to provide complementary ADA Paratransit paratransit services. Metro's cost is based on a negotiated net cost per trip. Ridership shrank in 2020 due to the pandemic, so actual costs that year were over 30% lower. Boardings increased in 2021, but will still be below pre-pandemic levels. For FY 2022, staff are assuming ridership continues to increase, but not hitting pre-pandemic levels, and also factoring in an increase in RTP's rate per boarding.
2	Mun. Funding	Municipalities are billed directly for 20% of the actual cost of ADA paratransit trips that originate in their jurisdictions. In relation to the anticipated reduction in overall cost, staff are forecasting a smaller budget need compared to 2021.
3	Federal Funding (5307)	Metro receives federal funding to cover 80% of the cost of ADA paratransit. In relation to anticipated reduction in cost, staff are forecasting a smaller grant need compared to 2021.
4	Federal Funding (CARES Act)	Metro sought CARES Act funding support in 2020 for ADA paratransit. The combination of reduced ridership and cost along with the supplemental CARES Act funding created a surplus in the agency's regular 5307 funding in 2020. As a result, Metro's request for ADA paratransit funding through PACTS was reduced in 2021.

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Greater Portland Transit District:
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ADA Paratransit Ridership: 2020-2021

2020	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	%
Falmouth	26	21	13	-	-	5	3	7	12	11	10	2	110	1%
Gorham	10	18	33	12	-	2	7	21	14	9	2	-	128	1%
Portland	1,263	1,098	899	195	152	641	752	899	934	883	761	787	9,264	80%
Westbrook	341	279	235	37	14	143	157	134	151	217	179	247	2,134	18%
Total	1,640	1,416	1,180	244	166	791	919	1,061	1,111	1,120	952	1,036	11,636	100%

2021	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	%
Falmouth	7	3	8	7	11	5	7	13	9	9	9	8	95	1%
Gorham	1	3	1	3	8	10	11	6	7	7	8	8	73	1%
Portland	729	728	1,052	1,045	959	1,024	999	975	1,009	1,002	995	1,001	11,517	79%
Westbrook	230	179	262	290	284	238	221	164	243	240	232	223	2,806	19%
Total	967	913	1,323	1,345	1,262	1,277	1,238	1,158	1,267	1,258	1,243	1,240	14,492	100%

Table 13: ADA Paratransit Local Funding Allocations

Municipalities	2019 Actual	2020 Actual	2021 Budget	2021 Projection	2022 Request	2021 \$ +/-	2021 % +/-	Notes
ADA Paratransit								
Falmouth	1,689	562	2,000	477	1,094	(906)	-45.3%	
Gorham	960	654	2,000	366	794	(1,206)	-60.3%	
Portland	64,485	47,348	78,480	57,516	67,939	(10,541)	-13.4%	1
Westbrook	12,901	10,907	25,048	14,013	15,173	(9,875)	-39.4%	
Total	80,035	59,471	90,000	72,371	85,000	(5,000)	-5.6%	

Note #	Line Item	Explanation
1	ADA Paratransit	The local share of ADA paratransit is not included in the annual municipal assessments, but rather billed directly to municipalities based on actual boardings per month. While the annual budget for paratransit remained at \$90,000 for the past 2 years, actual costs of declined due to the pandemic's impact on ridership. Actual local cost totaled \$59,471 in 2020. The projected local cost for 2021 is \$72,371. Based on this history and continued incremental ridership growth, staff lowered the 2022 budget to \$85,000 with corresponding jurisdictional impacts apportioned based on actual history from 2019-2021. <i>Please note that ADA paratransit is neither required nor provided around the Metro Breez route in Brunswick, Freeport and Yarmouth due to its status as commuter bus service.</i>

Greater Portland Transit District: 2022-2026 Capital Improvement Program (CIP)

#	PROJECT NAME-DESCRIPTION	FUNDING SOURCES	2021	2022	2023	2024	2025	2026	5-Five Year Program
	Sum of CIP Local Share + Annual Debt Service on Fleet Purchases		338,789	378,798	432,540	655,659	604,317	548,714	2,620,029
	% Change			12%	14%	52%	-8%	-9%	
	Debt Service (principal + interest)		232,140	223,338	254,680	354,759	376,877	435,514	1,645,169
TOTAL CIP	Local Share (Metro)	106,649	155,460	177,860	300,900	227,440	113,200	974,860	
	Local Share (Other)	18,278	-	-	-	-	-	-	-
	Federal Grant (5307)	579,707	2,175,000	2,223,940	2,904,760	424,000	452,800	8,180,500	
	Federal Grant (5339)	1,036,318	-	105,600	4,492,760	1,466,547	6,600,000	12,664,907	
	Federal Grant (CARES)	305,000	-	-	-	-	-	-	-
	State	1,705,381	-	-	2,453,000	173,080	6,600,000	9,226,080	
	Locally Issued Bond	-	333,000	259,620	1,420,000	-	3,300,000	5,312,620	
	TOTAL INVESTMENT	3,751,334	2,663,460	2,767,020	11,571,420	2,291,067	17,066,000	36,358,967	
1	<u>Metro Facility</u>								
	<i>This category includes minor office renovations for the space vacated by RTP in late 2021 as well as proposed 2022 funding for planning/architectural services for a rebuilt or replaced Metro facility. \$50,000 was approved in 2019 to conduct a high leve feasibility study for either an expanded or new facility; this work has not commenced. The 2023-2024 amounts reflect planning and design work for a new transit facility as well as the estimated cost to acquire the property at 151 St. John's Street. The amount in 2026 represents the estimated cost to construct a new transit facility.</i>	Local Share (Metro)	10,000	-	26,400	121,440	121,440	-	269,280
		Local Share (Other)	-	-	-	-	-	-	-
		Federal Grant (5307)	-	-	-	-	-	-	-
		Federal Grant (5339)	-	-	105,600	2,605,760	485,760	6,600,000	9,797,120
		Federal Grant (CARES)	250,000	-	-	-	-	-	-
		State	-	-	-	2,120,000	-	6,600,000	8,720,000
		Locally Issued Bond	-	-	-	1,060,000	-	3,300,000	4,360,000
		Project Total	260,000	-	132,000	5,907,200	607,200	16,500,000	23,146,400
2	<u>Fleet Major Components</u>								
	<i>The 2021 amounts represents a mid-life engine replacement campaign for the agency's 5 2014 CNG Gillig buses at a total estimated cost of \$220,000. As of the development of the 2021 budget, staff intended to split this project over 2 years, but ultimately sought the full federal amount of \$176,000. The local amount of \$44,000 is proposed to come from \$14,000 committed in 2021, \$20,000 in surplus local funding related to the Automated Fare Collection System, and the final \$10,000 from new local funding in 2022. in 2021. Amounts in 2024-2026 represent mid-life bus rehabs for the 2018 New Flyers.</i>	Local Share (Metro)	14,000	10,000	-	66,000	66,000	73,200	215,200
		Local Share (Other)	-	-	-	-	-	-	-
		Federal Grant (5307)	176,000	-	-	264,000	264,000	292,800	820,800
		Federal Grant (5339)	-	-	-	-	-	-	-
		Federal Grant (CARES)	-	-	-	-	-	-	-
		State	-	-	-	-	-	-	-
		Locally Issued Bond	-	-	-	-	-	-	-
		Project Total	190,000	10,000	-	330,000	330,000	366,000	1,036,000

Greater Portland Transit District: 2022-2026 Capital Improvement Program (CIP)

#	PROJECT NAME-DESCRIPTION	FUNDING SOURCES	2021						5-Five Year Program
				2022	2023	2024	2025	2026	
3	<u>Safety-Security</u>								-
	<i>Metro plans to hire third party support to complete required security plans develop recommendations for high priority facility improvements. Funding proposed in 2019-2020 would complete facility security improvements.</i>	Local Share (Metro)	-	10,000	-	-	-	-	10,000
		Local Share (Other)	-	-	-	-	-	-	-
		Federal Grant (5307)	-	40,000	-	-	-	-	40,000
		Federal Grant (5339)	-	-	-	-	-	-	-
		State	-	-	-	-	-	-	-
		Locally Issued Bond	-	-	-	-	-	-	-
		Project Total	-	50,000	-	-	-	-	50,000
4	<u>Bus Purchases (Replacement)</u>								
	<i>Award of an FTA Section 5339 Discretionary Grant will fund the replacement of two (2) 2004 Gilligs in 2021. State funding will provide the local match. Amounts programmed in 2022-2024 represent the funds needed to replace the 2016-17 Metro Breez shuttles with heavy-duty 35 foot buses followed by the replacement cycle for the agency's seven 2011 Gillig buses.</i>	Local Share (Metro)	-	-	-	-	-	-	-
		Local Share (Other)	-	-	-	-	-	-	-
		Federal Grant (5307)	-	1,887,000	1,471,180	2,040,000	-	-	5,398,180
		Federal Grant (5339)	821,526	-	-	-	-	-	-
		State	205,381	-	-	-	-	-	-
		Locally Issued Bond	-	333,000	259,620	360,000	-	-	952,620
		Project Total	1,026,907	2,220,000	1,730,800	2,400,000	-	-	6,350,800
5	<u>Bus Purchases (Expansion)</u>								-
	<i>Fleet needs related to Portland Peninsula Circulator, network improvements, frequency improvements, and Breez South.</i>	Local Share (Metro)	-	-	-	-	-	-	-
		Local Share (Other)	-	-	-	-	-	-	-
		Federal Grant (5307)	-	-	-	-	-	-	-
		Federal Grant (5339)	-	-	-	1,887,000	980,787	-	2,867,787
		State	-	-	-	333,000	173,080	-	506,080
		Locally Issued Bond	-	-	-	-	-	-	-
		Project Total	-	-	-	2,220,000	1,153,867	-	3,373,867
6	<u>Battery Electric Pilot Bus Project</u>								
	<i>Metro secured \$1,145,000 from FTA's Low-No Emmission Grant Program to purchase two (2) electric buses with supporting charging infrastructure. These two (2) buses will replace two (2) of the four (4) 2004 Gillig Diesel buses in 2020. The state of Maine has committed up to \$1.5 million to support Metro's share of this multi-agency project. Federal funding was awarded in 2018 and resides in active grants. State funding is payable upon acceptance of new buses.</i>	Local Share (Metro)	-	-	-	-	-	-	-
		Local Share (Other)	-	-	-	-	-	-	-
		Federal Grant (5307)	-	-	-	-	-	-	-
		Federal Grant (5339)	-	-	-	-	-	-	-
		State	1,500,000	-	-	-	-	-	-
		Locally Issued Bond	-	-	-	-	-	-	-
		Project Total	1,500,000	-	-	-	-	-	-

Greater Portland Transit District: 2022-2026 Capital Improvement Program (CIP)

#	PROJECT NAME-DESCRIPTION	FUNDING SOURCES	2021						5-Five Year Program
				2022	2023	2024	2025	2026	
7	<u>Equipment (Facility)</u>								
	<i>This project anticipates replacing Metro's automatic bus wash facility in 2021 (presuming the whole facility is neither rebuilt nor replaced). The facility's HVAC system will require replacement in 2022. A facility back-up generator will require replacement between 2022-2024.</i>	Local Share (Metro)	30,000	14,000	25,000	-	-	-	39,000
		Local Share (Other)	-	-	-	-	-	-	-
		Federal Grant (5307)	120,000	56,000	100,000	-	-	-	156,000
		Federal Grant (5339)	-	-	-	-	-	-	-
		State	-	-	-	-	-	-	-
		Locally Issued Bond	-	-	-	-	-	-	-
		Project Total	150,000	70,000	125,000	-	-	-	195,000
8	<u>Equipment (Support Vehicles)</u>								
	<i>Metro operates five support vehicles including three (3) maintenance trucks and two (2) operations/administrative vehicles. In accordance with Metro's Transit Asset Management plan, one of the maintenance trucks (a 2010 F-350 Ford truck) is scheduled for replacement in 2023 and an operations support vehicle is scheduled for replacement in 2022.</i>	Local Share (Metro)	-	8,000	13,000	-	-	-	21,000
		Local Share (Other)	-	-	-	-	-	-	-
		Federal Grant (5307)	-	32,000	52,000	-	-	-	84,000
		Federal Grant (5339)	-	-	-	-	-	-	-
		Federal Grant (CARES)	55,000	-	-	-	-	-	-
		State	-	-	-	-	-	-	-
		Locally Issued Bond	-	-	-	-	-	-	-
		Project Total	55,000	40,000	65,000	-	-	-	105,000
9	<u>Bus Stop Improvement Project</u>								
	<i>The 2020 and 2021 projects will allow for bus stop improvements and bus shelter installations at sites requiring simple concrete pad work. This funding will also help conduct planning, engineering and design work associated with future bus stop improvements aimed at improving overall conditions at bus stops system wide. A future larger scale bus stop improvement project is planned for 2023-2025.</i>	Local Share (Metro)	10,000	40,000	40,000	40,000	40,000	40,000	200,000
		Local Share (Other)	-	-	-	-	-	-	-
		Federal Grant (5307)	40,000	160,000	160,000	160,000	160,000	160,000	800,000
		Federal Grant (5339)	-	-	-	-	-	-	-
		State	-	-	-	-	-	-	-
		Locally Issued Bond	-	-	-	-	-	-	-
		Project Total	50,000	200,000	200,000	200,000	200,000	200,000	1,000,000
10	<u>Transit Stop Access Project</u>								
	<i>This is a regional project that will make targeted ADA, pedestrian and bicycle improvements at/near bus stops region-wide (the mini-hubs element is deferred due to cost). The 2021 funding covers the cost of final design, engineering on the final list of sites. The 2022-2024 funding is for construction. The local match is spread over 3 years to minimize impact on local budgets while the federal is spread over 2 years. Staff expect the first phase of construction to be in mid-2023.</i>	Local Share (Metro)	42,649	73,460	73,460	73,460	-	-	220,380
		Local Share (Other)	18,278	-	-	-	-	-	-
		Federal Grant (5307)	243,707	-	440,760	440,760	-	-	881,520
		Federal Grant (5339)	-	-	-	-	-	-	-
		State	-	-	-	-	-	-	-
		Locally Issued Bond	-	-	-	-	-	-	-
		Project Total	304,635	73,460	514,220	514,220	-	-	1,101,900

Greater Portland Transit District: 2022-2026 Capital Improvement Program (CIP)

#	PROJECT NAME-DESCRIPTION	FUNDING SOURCES	2021						5-Five Year Program
				2022	2023	2024	2025	2026	
11	<u>Electronic Messaging Signs</u>								
	Following the deployment of the AVL system, this project will install electronic messaging signs that provide real-time bus arrival information at high volume transit centers/bus shelters. This is a regional project with Metro as lead agency. Federal funding (\$214,792) allocated to this project has yet to be placed into an active grant as staff needs to work with PACTS, FTA and regional partners to isolate the proper funding. The local match (\$42,958) was secured and set aside in 2017.	Local Share (Metro)	-	-	-	-	-	-	-
		Local Share (Other)	-	-	-	-	-	-	-
		Federal Grant (5307)	-	-	-	-	-	-	-
		Federal Grant (5339)	214,792	-	-	-	-	-	-
		State	-	-	-	-	-	-	-
		Locally Issued Bond	-	-	-	-	-	-	-
		Project Total	214,792	-	-	-	-	-	-
12	<u>Transit System Innovation</u>								
	Subject to Board input and PACTS approval, staff proposed to pursue the following innovation projects using CARES Act funding: replacement of current AVL system, deployment of Transit Signal Priority on major corridors, and implement a Autonomous Transit shuttle pilot.	Local Share (Metro)	-	-	-	-	-	-	-
		Local Share (Other)	-	-	-	-	-	-	-
		Federal Grant (5307)	-	-	-	-	-	-	-
		Federal Grant (5339)	-	-	-	-	-	-	-
		Federal Grant (CARES)	-	-	-	-	-	-	-
		State	-	-	-	-	-	-	-
		Locally Issued Bond	-	-	-	-	-	-	-
		Project Total	-	-	-	-	-	-	-

August 20, 2010

David C. Redlefsen
General Manager
Greater Portland Transit District
114 Valley Street
Portland, ME 04102

RE: Statutory Budget Procedures Applicable to Greater
Portland Transit District

Dear Dave:

I am writing as you requested to outline the statutory procedures for the preparation and adoption of the annual budget and for the assessment and collection of taxes by the Greater Portland Transit District (the "District"). The statutory procedures for the preparation and adoption of the annual budget are governed by 30-A MRS §3516 and the procedures for assessment and collection of taxes are governed by 30-A MRS §3517. In the balance of this letter, I will outline these statutory procedures.

Preparation and Adoption of Annual Budget.

Under 30-A MRS §3516, the procedure for preparation and adoption of the annual budget of the District is as follows:

1. Formula for municipal contributions. On or before October 31, and before submitting the budget estimates required by paragraph 2 below to the municipal officers of the member towns, the board of directors of the District, by a 2/3 vote of its entire membership (i.e., 7 in favor), must approve a formula for calculating the contribution to be made by each member municipality to defray any projected deficit of the District. Under 30-A MRS §3516(2)(A) this formula must be based on such items as route mileage, profit or loss resulting from service to each municipality, population and any other factors that the board of directors considers relevant.

Catherine D. Alexander*
Daniel Amory*
David J. Backer*
S. Campbell Badger*
Melissa L. Calley
Jerrold A. Crouter*
George T. Dilworth*
Jessica M. Enmons*
Peter C. Felinly*
Anthony T. Frabanne*
Jonathan M. Goodman*
Sara S. Hellstedt*
Eric R. Herlan*†
Melissa A. Howey*†
Michael E. High*
David M. Kallin*
John S. Kaminski*
Edward J. Kelleher*
Jeanne M. Kincaid*†
Benjamin E. Marcus*
Robert P. Nadeau*
Daina J. Nathanson*†
Mark A. Pangel
Jeffrey T. Pampiano*
William L. Plouffe*
Aaron M. Pratt*†
Harry R. Pringle*
Daniel J. Rose*†
George Royce V*
Gregory W. Sample*
David S. Sherman, Jr.*
Richard A. Shulay*
Kathryn Smith, Jr.*
Bruce W. Smith*
Richard A. Spencer*†
Christopher S. Stevenson*
E. William Stockmeyer*†
Amy K. Tchao*†
Joanna B. Tourangeau*†
M. Thomas Trenholm*
Matthew H. Upton†
Amy J. Viscontini*†
Gary D. Vogel*
Ronald N. Ward*
Brian D. Willing*
Gerald M. Zelinf

Consultants

Ann S. Chepnau
Policy & Labor Relations

Roger P. Kelley
Labor Relations &
Conflict Management

Christopher P. O'Neil
Governmental Affairs

Michael J. Opuda Pk.D.
Special Education

Of Counsel

Joseph L. DeLafield III*
Robert L. Gips*
Donald A. Knapp*
Hugh G. E. MacMahon*
Harold E. Woodsum, Jr.*

* Admitted in Maine
† Admitted in New Hampshire

August 20, 2010

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2. Estimate of expenditures and revenues. After establishing the formula for municipal contributions under paragraph 1, the board of directors of the District must adopt a vote on or before October 31 at a duly called meeting approving an estimate of expenditures and revenues for the ensuing year and directing that it be submitted by the District to the municipal officers of each of the member towns. Under 30-A MRS §3504(2) a majority of the board of directors of the District constitutes a quorum and action taken by two-thirds of the directors is considered to be the action of the full board. The "municipal officers" in Portland, Westbrook and Falmouth are the members of the Portland City Council, Westbrook City Council and Falmouth Town Council respectively. Under 30-A MRS §3516(1)(A)-(E) the required estimate must include:

- A. An itemized estimate of anticipated revenues during the ensuing fiscal year from each source;
- B. An itemized estimate of expenditures for each classification for the ensuing fiscal year, including payments of principal and interest on bonds or notes issued or to be issued by the District;
- C. An itemized statement of all actual receipts from all sources to, and including September 30th of each previous fiscal year, with estimated receipts from those sources shown for the balance of the year;
- D. An itemized statement of all actual expenditures, up to and including September 30th of each previous fiscal year, with estimated expenditures shown for the balance of the year; and
- E. An estimate of revenue surplus or deficit of the District for the fiscal year for which estimates are being prepared.

The formula for municipal contributions adopted under paragraph 1 above and the amount of the contribution required from each member municipality must be shown in the estimates submitted to the municipal officers of each town.

3. Failure of Board of Directors to approve formula for municipal contributions by November 1st and petition to Public Utilities Commission. If the Board of Directors is unable to establish a formula for municipal contributions by a two-thirds vote of the entire membership (i.e., 7 favorable votes) then, also by November 1st, the Board must petition the Public Utilities Commission to adopt a formula. A vote of the directors approving the petition and directing its submission to the PUC should be approved by two-thirds of the members of the Board present and voting at a meeting at which a quorum of the Board is present. This vote must be adopted, and the petition must be submitted, to the PUC prior to November 1st, and prior to filing the estimates required under paragraph 1. In addition, if the board has failed to approve a formula, the estimates filed under

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paragraph 2 must include a statement “that a formula has not been established but that a petition has been made to the PUC for findings and a decision with respect to a formula.” Under 30-A MRS §3516(2)(c), if a petition is filed with the PUC, the PUC must give notice to the member municipalities, hold a hearing, make findings and establish a formula within sixty (60) days from the filing of the District’s petition. The findings and decision of the PUC are binding on the District and the member towns, provided that the District or any member town may appeal the PUC’s decision to the Law Court in accordance with 35-A MRS §1320.

4. Refusal of municipal officers to accept the formula established by the District’s Board of Directors. If the District’s board of directors establishes a formula for municipal contributions by a two-thirds vote of its full membership and submits that formula to the municipal officers of the member towns by November 1st, but the municipal officers of a member town refuse to accept the formula, then the municipal officers are required, within thirty (30) days after the District’s submission of the formula, to notify the District’s board of directors of their refusal. If the District receives notice of such a refusal to accept the formula by the municipal officers of a member town, the District’s board of directors is then required to petition the PUC by December 15th to establish a formula. In that situation, two-thirds of the board of directors present and voting at a meeting at which a quorum is present should adopt a vote approving the petition to the PUC and directing its submission to the PUC prior to December 15. The PUC must then give notice to the member municipalities, conduct a hearing, make findings and a decision with respect to the formula within sixty (60) days of the filing of the District’s petition. The district or any member municipality may appeal the PUC’s decision to the Law Court under 35-A MRS §1320.
5. Adoption of final District budget. By March 1st of each year, the board of directors of the District is required to adopt a final budget for the District for that year which is itemized in the same manner as required for the estimates required under paragraph 2. The final budget must be approved by two-thirds of the members of the district in accordance at a meeting at which a quorum is present. The final budget is then required to be submitted immediately to the municipal officers of the member municipalities. The amounts required to defray any projected deficit must be included in a warrant issued to the assessors of each member municipality as provided in 30-A MRS §3517. 30-A MRS §3516(3)(A) establishes the procedures to be followed if an appeal has been taken from a decision of the PUC and that appeal is still pending on March 1st.
6. The District’s Warrant for Taxes. Pursuant to 30-A MRS §3517, the directors of the District are required to issue their warrant for the collection of taxes to the

August 20, 2010

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assessors of the member municipalities. The form of warrant should be based on the form of the warrant which has been used by the Treasurer of State for State taxes, with proper changes to adapt it to the District's situation. The warrants should be approved by two-thirds of the members of the District board of directors in attendance at a meeting at which a quorum is present. The warrants should be signed by the District's board of directors. The warrants direct the assessors of the member municipalities to assess the sums allocated to each municipality on their taxable property and to commit that assessment to the tax collector of each member municipality. Within thirty (30) days after the date that taxes are due within each member municipality, the treasurer of that municipality is required to pay the amounts due to the District.

If you have any questions about these procedures, or if I can be of assistance in preparing the necessary votes, notices or warrants, please do not hesitate to give me a call.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Dick Spencer".

Richard A. Spencer

RAS/kmr



CITY OF PORTLAND

To: Members of the City Council
CC: City Manager Danielle West
From: Finance Director Brendan T. O'Connell
Date: November 10, 2021
Title: Memo from City Finance Director Re: FY22 METRO Budget

In accordance with 30-A-MRS §3516, Greg Jordan submitted the Greater Portland Transit District (METRO) Fiscal Year 2022 Preliminary Budget and Municipal Assessments to the City of Portland on November 2nd, 2021. On October 28, 2021, METRO's Board of Directors unanimously approved the budget and municipal assessments. The city's "municipal officers" (i.e., the City Council) are required to notify METRO of a refusal to accept the assessment within thirty (30) calendar days of this submission. Acceptance of the budget and formula is achieved either through formal council action or no action at all. Since 2015, the Portland City Council has neither formally reviewed nor acted on METRO's budget. The proposals have been accepted (by no refusal to accept notice within 30 days). Portland does have five members on METRO's board (City Councilors Belinda Ray and Pious Ali, former City Councilor Ed Suslovic, former Planning & Urban Development Director Jeff Levine, and current Jetport Director Paul Bradbury) and those members provided input during the METRO budget process.

The METRO budget is included as a communication item on the November 15th, 2021 City Council meeting agenda. The total METRO assessment for Portland is increasing from \$3,020,147 to \$3,137,789, a 3.9% increase. Although I will not make a specific recommendation in regards to acceptance or rejection of the METRO budget, my general guidance to Council is to only accept increases that are in line with their expectation of overall tax rate increase desired for the upcoming budget year. The total operating budget expenditures at METRO are increasing by 9.2% from \$12,779,142 (FY 2021) to \$13,955,619 (FY 2022). This level of increase does seem unsustainable if expected to continue over multiple fiscal years. I do not anticipate bus revenue growth keeping up at a similar pace. This is an area worth further investigation / questions of METRO General Manager Greg Jordan. I will note that just over \$500,000 of this increase is growth in wages, which are increasing 8% in the current METRO budget. This 8% does seem reasonable based on our knowledge of the current labor market and demand for CDL drivers.

I will be in attendance at the meeting on the 15th and we have invited General Manager Jordan to appear as well should the Council have further questions.

Regards,

Brendan T. O'Connell
Finance Director

MEMORANDUM
City Council Agenda Item

FROM:

DATE: November 4, 2021

SUBJECT: Com 5-21/22 Update on the status and methodology of the East Bayside Sound Study - Sponsored by Danielle West, Interim 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

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. Memo to council 11.4.2021

Prepared by:

Date: 11/04/2021



CITY OF PORTLAND
Permitting and Inspections Department
Jessica B. Hanscombe, Director

Memorandum

TO: Mayor Snyder and Members of the Portland City Council
CC: Danielle West, Interim City Manager
FROM: Jessica B. Hanscombe, Director of Permitting and Inspections
DATE: November 4, 2021
RE: Acentech Sound Study

The City of Portland contracted with Acentech in August 2021 to perform a sound study. Locations of the sound meters were chosen based on complaints called into the Portland Police Department. The specific locations were:

1. 60 Parris Street
2. 65 Cove Street
3. 179 Sheridan Street
4. Fitzpatrick Stadium
5. 90 Anderson Street

The meters were placed by the employees of Acentech the first week of August 2021 and removed the last week of October 2021.

Acentech is currently compiling and analyzing the data and will soon provide staff with a report. We anticipate receiving this report by early December 2021.

MEMORANDUM
City Council Agenda Item

FROM: Adam Harr, Social Services

DATE: November 3, 2021

SUBJECT: Order 88-21/22 Amendment to Portland City Code Chapter 15 Re: Emergency Shelter License Requirements - Sponsored by the Health & Human Services and Public Safety Committee, Tae Chong, Chair

SPONSOR: Sponsored by the Health & Human Services and Public Safety Committee, Tae Chong, Chair

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 10/18/2021

Final Action

Can action be taken at a later date: Yes Yes.

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

I. SUMMARY

The Health & Human Services and Public Safety Committee met on September 28, 2021 and voted 2 - 0 (Ray absent) to recommend passage to the full Council.

II. AGENDA DESCRIPTION

The Health & Human Services and Public Safety Committee met on September 28, 2021 and voted 2 - 0 (Ray absent) to recommend passage to the full Council.

The amendment would establish licensing requirements and enforcement provisions for emergency shelters to ensure the safety of clients and staff. These include a two-tier fee structure for small and large emergency shelters, a bed density cap of 300 beds within a one-mile radius, a 1,000-foot buffer zone between shelters, a day space requirement, and exemptions for pre-existing emergency shelters.

This item must be read on two separate days. It received its first reading on November 1, 2021. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

To address the inequitable distribution of emergency shelter beds in the city and the unsafe environments created by their concentration, such as those in the Bayside neighborhood, the committee asked staff to research shelter licensing requirements in other communities. On November 10, 2021, staff brought examples to the Health & Human Services and Public Safety Committee and presented a first draft of emergency shelter licensing requirements at the next meeting, January 12, 2021. Public comment was taken at the February 9, 2021 and the June 8, 2021 meetings. At the September 28, 2021 meeting, the committee voted 2-0 (Ray absent) to recommend passage by the City Council.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The amendment addresses the Council goals to reduce homelessness and make human dignity a top priority by insuring emergency shelters are safe and meet or exceed a minimum quality of service, such as having adequate space for clients during the day.

V. FINANCIAL IMPACT

Most, but not all enforcement costs will be paid for using licensing fees.

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

Passage.

VIII. LIST ATTACHMENTS

1. Amendment Chapter 15 Re Emergency Shelter License Requirements 11.1.2021
2. Shelter License Requirements
3. Shelter Spacing (1 Mile) (1)
4. Staff Recommendations on Shelter Licensing
5. Reporting and Operational Requirements Memo April.13.2021
6. Committee Request for Staff Recommendations on Shelter Licensing
7. Sec. 15-8
8. Shelter hypothetical buffers
9. Shelter hypothetical spacing
10. Licensing Examples for Emergency Shelters Memo for November 10 HHS & PS Committee Meeting
11. Shelter Licensing Public Comment
12. HHS Memo (buffers and enforcement)
13. Shelter Licensing June 8 2021 HHSPS

Prepared by:

Adam Harr, Social Services

Date: 11/03/2021

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 15
Re: EMERGENCY SHELTER LICENSE REQUIREMENTS**

**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 and a new Article IV. Is hereby added to read as follows:*

Sec. 15-12. Fees and expiration dates.

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:

Locatio n in Code	Description	Fee	Expiration Date
-------------------------	-------------	-----	--------------------

. . .

<u>Ch. 15,</u> <u>Art.</u> <u>IV.</u>	<u>Small Emergency</u> <u>Shelter (1-40 beds)</u>	<u>\$250.00</u>	<u>July 1</u>
	<u>Large Emergency</u> <u>Shelter (41+ beds)</u>	<u>\$500.00</u>	<u>July 1</u>

...

Sec. 15-44-46. Reserved.

ARTICLE IV.

15-47. Definitions.

Emergency Shelter: A facility providing temporary overnight shelter to individuals experiencing homelessness in a dormitory-style or per-bed arrangement.

15-48. Licensing Requirements.

(a) Chapter 15 to apply. Except as otherwise provided in this Article, the provisions of Chapter 15 shall apply to all licenses applied for and issued under this Article.

(b) Operating without a license is prohibited. No individual or entity may operate an emergency shelter within the City without first obtaining a license from the City, except that any emergency shelter in operation as of the effective date of this Article must apply for and receive a license within 90 days of the effective date.

(c) Burden of proof. The applicant for any license under this Article bears the burden of proving that all qualifications for licensure have been satisfied.

(d) Current information. Any applicant or licensee must keep all information disclosed in their application current and must notify the City of any change in information within ten business days of any such change.

(e) No vested rights. No person shall have any entitlement or vested right to a license under this Article, and operating an emergency shelter is a privilege and not a right in the City.

15-49. Licensing Authority

(a) All new license applications shall be reviewed by the City Council. After a public hearing, the Council shall grant, grant with conditions, or deny the license.

(b) Except as provided by Subsection (c) below, all renewal applications shall be reviewed by the Permitting and Inspections Department. The Permitting and Inspections Director shall grant, grant with conditions, or deny the license. Except that, at the request of the City Manager or designee, or at the request of any member of the City Council or the Mayor, a renewal application shall be reviewed by the City Council in accordance with Subsection (a) above.

(c) All renewals of shelter licenses held by the City of Portland shall be reviewed by the City Council in accordance with Subsection (a) above.

15-50. Review Procedures.

The following review procedures shall apply to both initial and renewal applications:

(a) Applications shall be made in writing using a form prepared by the City for the purpose and must include all information required by this Article and by the form. Applications shall be submitted to the Permitting and Inspections Department.

(b) If the Permitting and Inspections Department determines that a submitted application is not complete, they shall notify the applicant of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the Permitting and Inspections Department's request, the application may be denied administratively with no further action.

(c) Before the City Council issues its decision on an initial or renewal application, the Police Department, Fire Department, Permitting and Inspections Department, and the Health and Human Services Department shall review the application and recommend to the City Council whether to issue,

issue with conditions, or deny the license. The Departments shall review the application for the following standards:

- (1) Whether the shelter has complied with its approved operations and security plans;
- (2) Whether the operations and security plans are more likely than not to protect the public health, safety, and welfare;
- (3) Whether the operations and security plans are more likely than not to meet all performance standards and requirements in this Article; and
- (4) Whether there are any outstanding code violations at the shelter.

(d) In reviewing license applications, the City Departments and the City Council may consider the approval standards under this Article as well as other applicable local, state or federal laws and, for license renewals, the licensee's record of compliance with the same.

(e) Applications for renewal licenses shall be submitted at least thirty (30) days prior to expiration of the existing term. Any Licensee who fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted.

(f) The City Council shall have the authority to impose any conditions on a license that may be reasonably necessary to insure compliance with the requirements of this Article, to address concerns about operations, or to protect the health, safety, and welfare of the public. Failure of any Licensee to comply with such conditions shall be considered a violation of the license and this Article.

15-51. Application Submission Requirements

Each applicant for an Emergency Shelter license shall complete and file an application on the form provided by the

City, together with the applicable license fee as well as the following supporting materials:

(a) Attested copies of any articles of incorporation, bylaws, operating agreement, management plan, partnership agreement or articles of association that govern the entity that will own and/or operate the emergency shelter.

(b) A corporate supplement form that identifies all owners, officers, members, managers, partners, and/or board members of the Applicant, and their ownership interests, if applicable.

(c) A description of the population to be served by the shelter.

(d) A description of the premises for which the license is sought, including a floor plan of the premises.

(e) The name and contact information for a community relations liaison, who shall be responsible for receiving and responding to inquiries from, and reasonably addressing concerns raised by, members of the public and other individuals.

(f) The name and contact information for an emergency contact, who shall respond to all non-emergency contacts by the City within 72 hours of contact, and to any emergency contact by the City within two hours of contact.

(g) Whether the applicant has experience running a shelter in Portland or elsewhere and a description of that shelter, including size, location, and population served.

(h) An operations plan describing the following:

(1) The experience and qualifications of shelter management and staff, sufficient to demonstrate that the shelter can meet its obligations under this Article, including providing appropriate services to shelter guests;

- (2) How the shelter will meet the performance standards and other requirements of this Article;
- (3) Management responsibilities;
- (4) A process for effectively resolving neighborhood concerns;
- (5) Staffing;
- (6) Controls for resident behavior and noise levels; and
- (7) Security, safety and protective measures:
 - i. On-site surveillance;
 - ii. Provisions to provide access to recordings of exterior public ways by city staff upon request;
 - iii. Safety measures;
 - iv. Access restrictions;
 - v. Environmental design, engineering or procedural measures to reduce crime, loitering and disorder in and around the facility;
 - vi. Emergency and response protocols, including but not limited to:
 - a. Medical emergencies, including overdoses;
 - b. Intruder response;
 - c. Criminal trespass guidance;
 - d. Recovery of weapons;
 - e. Recovery of illicit drugs; and

f. Incidents involving violence, serious injuries or death;

(i) The most recent MaineHousing annual monitoring report shall be provided to the City with any renewal application; and

(j) A description of the strategies to be implemented to help residents utilize public transit, as required by 15-52(d).

15-52. Performance Standards

In order to obtain a license pursuant to this Article, the Licensee shall demonstrate to the City Council that the following requirements will be met, and must maintain compliance throughout their licensure.

The Licensee shall comply with all of the following standards:

(a) Display of License. The current License shall be displayed at all times in a conspicuous location within the Premises.

(b) On-Site Supervision. On-site supervision shall be required for any non-apartment style emergency shelter, whenever clients are present.

(c) Maine State Housing Authority Monitoring. Any Emergency Shelter shall participate in the MaineHousing monitoring program.

(d) Adequate access to and from METRO service shall be provided. The facility must implement strategies to help residents utilize public transit.

(e) The facility must provide indoor space to permit shelter guests day shelter.

(f) The facility must have centralized shelter operations on each level of the emergency shelter providing for sight lines to sleeping areas. However, a pre-existing emergency shelter, as defined in Section 15-56(a) below, shall not be required to

meet this requirement, so long as alternative measures are provided to ensure resident safety while sleeping. This requirement shall also not apply to apartment-style shelters.

(g) The facility must provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, or other programs.

(h) Maximum Density of Beds. The total bed capacity for individual residents within emergency shelters in the City shall not exceed 300 beds within a 1 mile radius. Distance shall be measured between property lines of the emergency shelters in a straight line.

(i) Proximity to Other Facilities. There shall be a 1,000-foot buffer between emergency shelters. Distance shall be measured from the nearest property line of each shelter in a straight line.

(j) Monitoring Reports. Each shelter shall quarterly file a management report with the Department of Health and Human Services, which shall share the report with the other responsible City agencies, including the Police Department. The report shall contain, at a minimum, the following information:

- (1) Number of unique individuals served at the shelter;
- (2) Total number of bednights accessed at the shelter;
- (3) Number of intakes during that reporting period;
- (4) Total number of individuals who had previously been unsheltered and staying outside in Portland;
- (5) Total number of individuals who are defined as having long time stayer status;
- (6) The average length of stay;

- (7) Number of housing placements;
- (8) Record of neighborhood concerns and resolutions;
- (9) Summary of meetings with individual neighbors, neighborhood associations and businesses;
- (10) Number of Criminal Trespass Orders ("CTO") issued, the reasons for those CTOs, the length of those CTOs, and whether the person issued the CTO has been issued a CTO previously;
- (11) Record of police calls for service related to mental health, substance use, crime or other reasons and outcomes; and
- (12) Any additional information requested by the Department of Health and Human Services.

(k) Shelter management will meet with and communicate monthly with neighbors and other stakeholders, that will include the Police Chief or designee, to prevent and/or respond proactively to public safety and quality of life concerns.

15-53. Review Process for Domestic Violence Shelters

(a) Due to the need for confidentiality for safety reasons, a shelter serving solely survivors of domestic violence may request a waiver of any of the provisions of this Article that may jeopardize the confidentiality of the shelter, including, but not limited to, the following:

- (1) The requirement to provide a description of the premises for which the license is sought, including a floor plan of the premises;
- (2) The limitations on the number of beds; and
- (3) The limitation on the distance between shelters.

(b) A shelter applying for this exemption must provide its request for a waiver in writing, including the reasons why a waiver is required, and how the shelter will ensure that the public health, safety, and welfare will not be negatively impacted by that waiver.

(c) At its sole discretion, the City Council may grant a requested waiver if it finds that the waiver is required to protect the confidentiality and safety of the shelter and its guests and that the public health, safety, and welfare will not be negatively impacted by the waiver.

15.54. Enforcement and Penalties

(a) This Article shall be enforced by the City Manager's designee(s) .

(b) Any municipal official with authority to enforce this or other municipal ordinances regulating Emergency Shelters shall have authority to enter the premises of an Applicant or Licensee without notice to make inspection reasonably necessary to ensure compliance with this Article, the applicant or licensee's application or license, or other applicable provisions of the City Code.

(c) Upon finding a violation of this Article, of an application, license or permit, or of any other provision of the City Code, the inspecting municipal official shall issue a notice of violation and provide a reasonable opportunity to correct that violation before issuing civil penalties, taking action to suspend or revoke a licensee's license, or taking court action against the licensee. However, there shall be an exception to this requirement where a violation poses an imminent threat to health or safety, or if the violation is a repeat violation.

(d) Each day that a violation of this Article exists shall be a civil violation subject to civil penalties. Each violation of this Article shall be subject to civil penalties in the minimum amount of \$100 and the maximum amount of \$2,500 per day that the violation has existed. However, the maximum amount of

civil penalties may be increased where: (i) There has been a previous violation or judgment against the same party within the past two years for a violation of this Article, except that the maximum civil penalties may not exceed \$25,000 per day; or (ii) The economic benefit resulting from the violation exceeds the applicable penalties, except that the maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation.

(e) The City Manager or his or her designee is authorized to cause to be instituted by the corporation counsel, in the name of the City, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this Article.

(f) If the City is the prevailing party in any legal action to enforce this Article, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.

15-55. Appeals.

(a) Appeals of the suspension or revocation of a license, or of a notice of violation issued pursuant to this Article, shall be to the City Manager within 30 days .

(b) Appeals from the grant or denial of a license by the City Council shall be taken to Superior Court.

(c) Appeals from the grant or denial of a renewal license by the Permitting and Inspections Department shall be taken to the City Council within 30 days of the decision.

15-56. Pre-existing Emergency Shelters

(a) For purposes of this Section, "pre-existing emergency shelter" shall mean (i) an emergency shelter that, as of January 31, 2021, is lawfully operating with all required permits and approvals; (ii) an emergency shelter that, as of January 31, 2021, has received conditional use approval that has not expired, or

(iii) the consolidation of the operations of the Joe Kreisler Teen Shelter at 38 Preble Street and the Preble Street Teen Center at 343 Cumberland into one 24/7 emergency shelter facility for teens at 343 Cumberland Avenue provided that there is no expansion of the number of individuals served or beds currently provided between the two existing locations.

(b) Pre-existing emergency shelters shall comply with all of the requirements of this Article, except as provided in this section.

(c) Applicability of bed density requirements in Sec. 15-52(h) :

(1) A pre-existing emergency shelter's inability to meet the maximum density of beds requirement in Sec. 15-52(h), shall not operate to disqualify that pre-existing emergency shelter from obtaining a license.

(2) However, any expansion of a pre-existing emergency shelter shall be required to meet the maximum density of beds requirement in Sec. 15-52(h).

(3) The number of beds at any pre-existing emergency shelter shall still be counted for purposes of determining whether any proposed new shelter is eligible for licensure.

(d) Applicability of proximity requirements in Sec. 15-52(i) :

(1) A pre-existing emergency shelter's inability to meet the proximity to other facilities requirement in Sec. 15-52(i), shall not operate to disqualify that pre-existing emergency shelter from obtaining a license.

(2) However, a pre-existing emergency shelter may not expand unless it meets the proximity to other facilities requirement in Sec. 15-52(i).

(3) Any new emergency shelter must still meet the proximity to other facilities requirement in Sec. 15-52(i) with respect to any pre-existing emergency shelter.

(e) Applicability of indoor space performance standards in Sec. 15-52(e):

(1) A pre-existing emergency shelter is not required to provide indoor space as required in Sec. 15-52(e) if it did not have such indoor space at the time of original approval.

(2) However, if there is any expansion of a pre-existing emergency shelter, that emergency shelter shall be required to add indoor space sufficient to meet the requirements of Sec. 15-52(e).

15-57. Severability

The provisions of this Article are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

15-58. Reasonable Modifications

The City of Portland may make reasonable modifications to the requirements of this Article to accommodate the needs of persons with disabilities as defined in Title VII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

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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. . .

XXX	Small Emergency Shelter (1-40 beds)	\$250.00	July 1
	Large Emergency Shelter (41+ beds)	\$500.00	July 1

[NEW ARTICLE]

[NEW SECTION]. Definitions.

Emergency Shelter: A facility providing temporary overnight shelter to individuals experiencing homelessness in a dormitory-style or per-bed arrangement.

[NEW SECTION]. Licensing Requirements.

- (a) Chapter 15 to apply. Except as otherwise provided in this Article, the provisions of Chapter 15 shall apply to all licenses applied for and issued under this Article.
- (b) Operating without a license is prohibited. No individual or entity may operate an emergency shelter within the City without first obtaining a license from the City, except that any emergency shelter in operation as of the effective date of this Article must apply for and receive a license within 90 days of the effective date.
- (c) Burden of proof. The applicant for any license under this Article bears the burden of proving that all qualifications for licensure have been satisfied.
- (d) Current information. Any applicant or licensee must keep all information disclosed in their application current and must notify the City of any change in information within ten business days of any such change.

- (e) No vested rights. No person shall have any entitlement or vested right to a license under this Article, and operating an emergency shelter is a privilege and not a right in the City.

[NEW SECTION]. Licensing Authority

- (a) All new license applications shall be reviewed by the City Council. After a public hearing, the Council shall grant, grant with conditions, or deny the license.
- (b) Except as provided by Subsection (c) below, all renewal applications shall be reviewed by the Permitting and Inspections Department. The Permitting and Inspections Director shall grant, grant with conditions, or deny the license. Except that, at the request of the City Manager or designee, or at the request of any member of the City Council or the Mayor, a renewal application shall be reviewed by the City Council in accordance with Subsection (a) above..
- (c) All renewals of shelter licenses held by the City of Portland shall be reviewed by the City Council in accordance with Subsection (a) above.

[NEW SECTION]. Review Procedures.

The following review procedures shall apply to both initial and renewal applications:

- (a) Applications shall be made in writing using a form prepared by the City for the purpose and must include all information required by this Ordinance and by the form. Applications shall be submitted to the Permitting and Inspections Department.
- (b) If the Permitting and Inspections Department determines that a submitted application is not complete, he or she shall notify the applicant of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the Permitting and Inspections Department's request, the application may be denied administratively with no further action.
- (c) Before the City Council issues its decision on an initial or renewal application, the Police Department, Fire Department, Permitting and Inspections Department, and the Health and Human Services Department shall review the application and recommend to the City Council whether to issue, issue with conditions, or deny the license. The Departments shall review the application for the following standards:
 - (i) Whether the shelter has complied with its approved operations and security plans.

- (ii) Whether the operations and security plans are more likely than not to protect the public health, safety, and welfare.
 - (iii) Whether the operations and security plans are more likely than not to meet all performance standards and requirements in this ordinance.
 - (iv) Whether there are any outstanding Code violations at the shelter.
- (d) In reviewing license applications, the City Departments and the City Council may consider the approval standards under this Ordinance as well as other applicable local, state or federal laws and, for license renewals, the Licensee's record of compliance with the same.
- (e) Applications for renewal licenses shall be submitted at least thirty (30) days prior to expiration of the existing term. Any Licensee who fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted.
- (f) The City Council shall have the authority to impose any conditions on a license that may be reasonably necessary to insure compliance with the requirements of this Ordinance, to address concerns about operations, or to protect the health, safety, and welfare of the public. Failure of any Licensee to comply with such conditions shall be considered a violation of the license and this Ordinance.

[NEW SECTION]. Application Submission Requirements

Each applicant for a Emergency Shelter license shall complete and file an application on the form provided by the City, together with the applicable license fee as well as the following supporting materials:

- (a) Attested copies of any articles of incorporation, bylaws, operating agreement, management plan, partnership agreement or articles of association that govern the entity that will own and/or operate the emergency shelter.
- (b) A corporate supplement form that identifies all owners, officers, members, managers, partners, and/or board members of the Applicant, and their ownership interests, if applicable.
- (c) A description of the population to be served by the shelter.
- (d) A description of the premises for which the license is sought, including a floor plan of the premises.

- (e) The name and contact information for a community relations liaison, who shall be responsible for receiving and responding to inquiries from, and reasonably addressing concerns raised by, members of the public and other individuals.
- (f) The name and contact information for an emergency contact, who shall respond to all non-emergency contacts by the City within 72 hours of contact, and to any emergency contact by the City within two hours of contact.
- (g) Whether the applicant has experience running a shelter in Portland or elsewhere and a description of that shelter, including size, location, and population served.
- (h) An operations plan describing the following:
 - (i) The experience and qualifications of shelter management and staff, sufficient to demonstrate that the shelter can meet its obligations under this ordinance, including providing appropriate services to shelter guests;
 - (ii) How the shelter will meet the performance standards and other requirements of this ordinance;
 - (iii) Management responsibilities;
 - (iv) A process for effectively resolving neighborhood concerns;
 - (v) Staffing;
 - (vi) Controls for resident behavior and noise levels;
 - (vii) Security, safety and protective measures:
 - (1) On-site surveillance;
 - (2) Provisions to provide access to recordings of exterior public ways by city staff upon request;
 - (3) Safety measures;
 - (4) Access restrictions;
 - (5) Environmental design, engineering or procedural measures to reduce crime, loitering and disorder in and around the facility;
 - (6) Emergency and response protocols, including but not limited to:

- a) Medical emergencies, including overdoses;
 - b) Intruder response;
 - c) Criminal trespass guidance;
 - d) Recovery of weapons;
 - e) Recovery of illicit drugs;
 - f) Incidents involving violence, serious injuries or death;
- (i) The most recent MaineHousing annual monitoring report shall be provided to the City with any renewal application; and
 - (j) A description of the strategies to be implemented to help residents utilize public transit, as required by [Section] (d).

[NEW SECTION]. Performance Standards

In order to obtain a license pursuant to this Ordinance, the Licensee shall demonstrate to the City Council that the following requirements will be met, and must maintain compliance throughout their licensure

The Licensee shall comply with all of the following standards.

- (a) Display of License. The current License shall be displayed at all times in a conspicuous location within the Premises.
- (b) On-Site Supervision. On-site supervision shall be required for any non-apartment style emergency shelter, whenever clients are present.
- (c) Maine State Housing Authority Monitoring. Any Emergency Shelter shall participate in the MaineHousing monitoring program.
- (d) Adequate access to and from METRO service shall be provided. The facility must implement strategies to help residents utilize public transit;
- (e) The facility must provide indoor space to permit shelter guests day shelter.
- (f) The facility must have centralized shelter operations on each level of the emergency shelter providing for sight lines to sleeping areas. However, a pre-existing shelter, as defined in [SECTION] below, shall not be required to meet this requirement, so long as alternative measures are provided to ensure resident safety while sleeping. This requirements shall also not apply to apartment-style shelters.

- (g) The facility must provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, or other programs.
- (h) Maximum Density of Beds. The total bed capacity for individual residents within emergency shelters in the City shall not exceed 300 beds within an 1 mile radius. Distance shall be measured between property lines of the emergency shelters.
- (i) Proximity to Other Facilities. There shall be a 1,000 ft buffer between emergency shelters. Distance shall be measured from the nearest property line of each shelter in a straight line.
- (j) Monitoring Reports. Each shelter shall quarterly file a management report with the Department of Health and Human Services, which shall share the report with the other responsible City agencies, including the Police Department. The report shall contain, at a minimum, the following information:
 - (i) Number of unique individuals served at the shelter
 - (ii) Total number of bednights accessed at the shelter
 - (iii) Number of intakes during that reporting period
 - (iv) Total number of individuals who had previously been unsheltered and staying outside in Portland
 - (v) Total number of individuals who are defined as having long time stayer status
 - (vi) The average length of stay
 - (vii) Number of housing placements
 - (viii) Record of neighborhood concerns and resolutions
 - (ix) Summary of meetings with individual neighbors, neighborhood associations and businesses
 - (x) Number of Criminal Trespass Orders (“CTO”) issued, the reasons for those CTOs, the length of those CTOs, and whether the person issued the CTO has been issued a CTO previously
 - (xi) Record of police calls for service related to mental health, substance use, crime or other reasons and outcomes
 - (xii) Any additional information requested by the Department of Health and Human Services.
- (k) Shelter management will meet with and communicate monthly with neighbors and other stakeholders, that will include the Police Chief or designee, to prevent and/or respond proactively to public safety and quality of life concerns.

[NEW SECTION] Review Process for Domestic Violence Shelters

- (a) Due to the need for confidentiality for safety reasons, a shelter serving solely survivors of domestic violence may request a waiver of any of the provisions of this ordinance that may jeopardize the confidentiality of the shelter, including, but not limited to the following:
 - (i) The requirement to provide a description of the premises for which the license is sought, including a floor plan of the premises.
 - (ii) The limitations on the number of beds.
 - (iii) The limitation on the distance between shelters.
- (b) A shelter applying for this exemption must provide its request for a waiver in writing, including the reasons why a waiver is required, and how the shelter will ensure that the public health, safety, and welfare will not be negatively impacted by that waiver.
- (c) At its sole discretion, the City Council may grant a requested waiver if it finds that the waiver is required to protect the confidentiality and safety of the shelter and its guests; and that the public health, safety, and welfare will not be negatively impacted by the waiver.

[NEW SECTION] Enforcement and Penalties

- (a) This Chapter shall be enforced by the City Manager's designee(s).
- (b) Any municipal official with authority to enforce this or other municipal ordinances regulating Emergency Shelters shall have authority to enter the premises of an Applicant or Licensee without notice to make inspection reasonably necessary to ensure compliance with this Article, the applicant or licensee's application or license, or other applicable provisions of the City Code.
- (c) Upon finding a violation of this Article, of an application, license or permit, or of any other provision of the City Code, the inspecting municipal official shall issue a notice of violation and provide a reasonable opportunity to correct that violation before issuing civil penalties, taking action to suspend or revoke a licensee's license, or taking court action against the licensee. However, there shall be an exception to this requirement where a violation poses an imminent threat to health or safety, or if the violation is a repeat violation.

- (d) Each day that a violation of this Chapter exists shall be a civil violation subject to civil penalties. Each violation of this Chapter shall be subject to civil penalties in the minimum amount of \$100 and the maximum amount of \$2,500 per day that the violation has existed. However, the maximum amount of civil penalties may be increased where: (i) There has been a previous violation or judgment against the same party within the past two years for a violation of this Article, except that the maximum civil penalties may not exceed \$25,000 per day; or (ii) The economic benefit resulting from the violation exceeds the applicable penalties, except that the maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation.
- (e) The City Manager or his/her designee is authorized to cause to be instituted by the corporation counsel, in the name of the City, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this Chapter.
- (f) If the City is the prevailing party in any legal action to enforce this chapter, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.

[NEW SECTION]. Appeals

- (a) Appeals of the suspension or revocation of a license, or of a notice of violation issued pursuant to this Article, shall be to the City Manager pursuant to Sec. 15-9.
- (b) Appeals from the grant or denial of a license by the City Council shall be taken to Superior Court.
- (c) Appeals from the grant or denial of a renewal license by the Permitting and Inspections Department shall be taken to the City Council within 30 days of the decision.

[NEW SECTION]. Pre-existing Shelters

- (a) For purposes of this Section, “pre-existing emergency shelter” shall mean (i) an emergency shelter that, as of January 31, 2021, is lawfully operating with all required permits and approvals; (ii) an emergency shelter that, as of January 31, 2021, has received conditional use approval that has not expired, or (iii) the consolidation of the operations of the Joe Kreisler Teen Shelter at 38 Preble Street and the Preble Street Teen Center at 343 Cumberland into one 24/7 emergency shelter facility for teens at 343 Cumberland Avenue provided that there is no

expansion of the number of individuals served or beds currently provided between the two existing locations.

(b) Pre-existing emergency shelters shall comply with all of the requirements of this ordinance, except as provided in this section.

(c) Applicability of bed density requirements in [SECTION] (g):

- (i) A pre-existing emergency shelter's inability to meet the maximum density of beds requirement in [SECTION] (g), shall not operate to disqualify that pre-existing emergency shelter from obtaining a license.
- (ii) However, any expansion of a pre-existing emergency shelter shall be required to meet the maximum density of beds requirement in [SECTION] (g).
- (iii) The number of beds at any pre-existing emergency shelter shall still be counted for purposes of determining whether any proposed new shelter is eligible for licensure.

(d) Applicability of proximity requirements in [SECTION] (h):

- (i) A pre-existing emergency shelter's inability to meet the proximity to **other facilities requirement in [SECTION] (h)**, shall not operate to disqualify that pre-existing emergency shelter from obtaining a license.
- (ii) However, a pre-existing emergency shelter may not expand unless it meets the proximity to other facilities requirement in [SECTION] (h).
- (iii) Any new emergency shelter must still meet the proximity to other facilities requirement in [SECTION] (h) with respect to any pre-existing emergency shelter.

(e) Applicability of indoor space performance standards in [SECTION] (e):

- (i) A pre-existing emergency shelter is not required to provide indoor space as required in [SECTION] (e) if it did not have such indoor space at the time of original approval.
- (ii) However, if there is any expansion of a pre-existing emergency shelter, that emergency shelter shall be required to add indoor space sufficient to meet the requirements of [SECTION] (e).

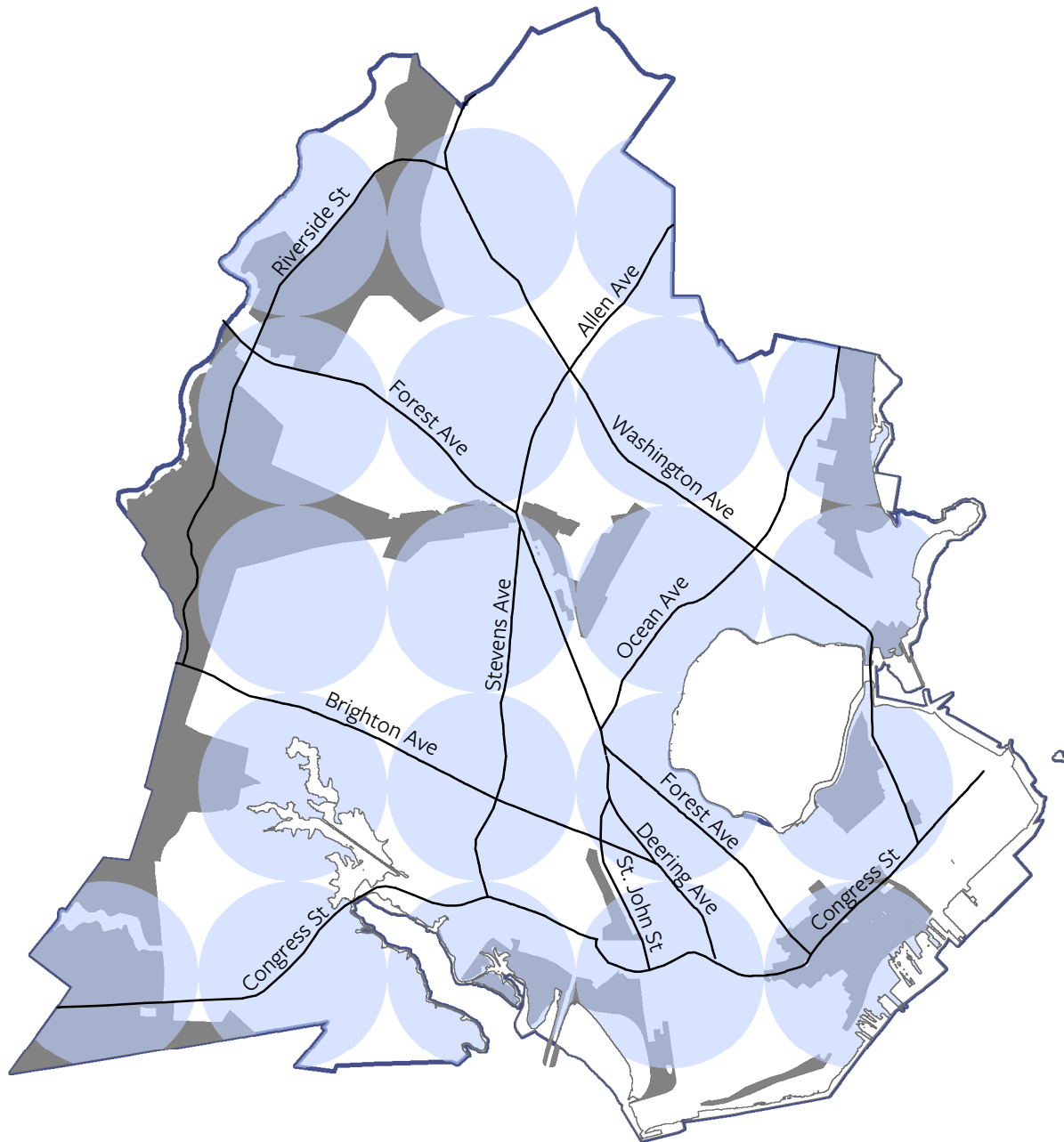
[NEW SECTION]. Severability

The provisions of this Ordinance are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

[NEW SECTION]. Reasonable Modifications

The City of Portland may make reasonable modifications to the requirements of this Article to accommodate the needs of persons with disabilities as defined in Title VII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

Shelter Spacing (1 Mile)



1/2 Mile Buffer

Zones with Emergency Shelter Conditional Use

City Boundary

0 0.5 1 2 Miles



Health & Human Services Department
Kristen Dow, Director

-

MEMORANDUM

To: Members of the Health & Human Services & Public Safety Committee

From: Kristen Dow, Director of Health & Human Services

Date: May 7, 2021

Re: Staff Recommendations for Maximum Bed Density & Shelter Buffer Zones

At the March 9, 2021 meeting of the Health & Human Services and Public Safety Committee, when reviewing the draft shelter licensing ordinance, it was requested that staff provide recommendations on *maximum density of beds* and *proximity to other shelters* (Performance Standards G & H in the document) for the May 11th, 2021 committee meeting. Since that time, staff from the Health & Human Services Department have met with area social service providers and developed a questionnaire that was sent to residents of Bayside via the Bayside Neighborhood Association. This was done to gather additional information on local concerns to better inform recommendations to the committee.

Information was gathered from social service providers in two separate meetings. The first was a meeting of shelter operators in the city, the other was through ESAC. A total of fourteen organizations were represented in these meetings. The response from area providers was unanimous in that they did not feel that they could provide a recommendation on maximum bed density *or* proximity to other shelters (buffer zone), because they are not supportive of shelter licensing at this point. It was stated that current shelters are already struggling and that placing further restrictions would cause significant issues to the current shelter system. At the ESAC meeting it was mentioned that the biggest threat is that if this is not done correctly, the risk of encampments will grow.

The questionnaire that was distributed to residents through the Bayside Neighborhood Association received a total of fourteen responses. These responses spoke heavily to the need for equitable distribution of services across the city and the existing high number of shelter beds in a one mile radius in the city. A recommendation of 250 beds in a one mile radius was given and a 2500 foot buffer zone was recommended in five different responses. In addition to equitable distribution of services, other reasons given as a need for these parameters were the ability to track and address problems with the correct agency when services are spread out, as well as the safety of shelter guests, particularly women and children.

In November of 2020 at the request of the HHS & PS Committee, staff conducted research on licensing and zoning mechanisms used to regulate privately operated emergency shelters in other municipalities. This was provided to members of the HHS & PS Committee in a November, 2020

memo. The information on buffer zones collected at that time shows a 500 foot buffer zone in several municipalities, including Brunswick, ME. Additionally, after checking with our own Permitting and Inspections Department, currently our most stringent buffer is 500 ft, between marijuana businesses and schools, which is mandated by the state. All others range from 100 to 300 feet.

With all of the above information in mind, staff would recommend a 500ft buffer between shelters with a bed density of 250 beds in a 1 mile radius. This radius allows for equitable shelter distribution throughout the City while allowing for as many as 20 plots. The potential plots would accommodate more than twice the capacity we've seen throughout the pandemic. It is also the recommendation of staff that a legacy clause be put into place to protect existing shelters.

Striking the balance between neighborhood concerns with equity and safety as well as provider concerns for access to emergency shelter services is challenging. Staff worked to strike a balance that will provide shelter options for those in need while also allowing for more equitable placement of shelters throughout the city.



CITY OF PORTLAND
Social Services Division
Aaron Geyer, Director

MEMORANDUM

TO: The Health & Human Services and Public Safety Committee

FROM: Aaron Geyer, Social Services Division Director

DATE: April 13, 2021

RE: Shelter Reporting and Operational Requirements

At the March 9, 2021 meeting, the committee requested that staff determine which data points within the Monitoring Reports emergency shelters already collect and solicited staff recommendations on basic operational requirements. For the Monitoring Reports, staff Identified which items in the list of information required in quarterly reports are already required by MaineHousing, the Maine State Housing Authority:

- (i) Number of unique individuals served at the shelter
- (ii) Total number of bednights accessed at the shelter
- (iii) Number of intakes during that reporting period
- (iv) Total number of individuals who had previously been unsheltered and staying outside in Portland
- (v) Total number of chronically homeless individuals accessing the shelter
- (vi) Total number of individuals who are defined as having long time stayer status
- (vii) The average length of stay
- (viii) Number of housing placements

These data points can be pulled through Service Point reports, the Consolidated Annual Performance and Evaluation Report (CAPER) and Participation Reports for MaineHousing funded shelters. Domestic Violence Shelters use a separate but comparable database in order to protect confidentiality and complete the CAPER in that database. Criminal Trespass Orders are currently collected monthly for report out at Emergency Shelter and Assessment Committee (ESAC) meetings. Collection of neighborhood concerns, meetings and calls for service would be additional data points not currently collected.

Staff recommend modeling minimum operational requirements to align with MaineHousing's eligibility requirements emergency shelters must currently meet to receive Emergency Shelter and Housing Assistance Program (ESHAP) Funds.

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aeg@portlandmaine.gov • www.portlandmaine.gov



Health & Human Services Department
Kristen Dow, Director

MEMORANDUM

To: Members of the Health & Human Services & Public Safety Committee

From: Kristen Dow, Director of Health & Human Services

Date: March 9, 2021

Re: Committee Request for Staff Recommendations

At the February 9th, 2021 meeting of the Health & Human Services and Public Safety Committee, when reviewing the draft shelter licensing ordinance, it was requested that staff provide recommendations on *maximum density of beds* and *proximity to other shelters* (Performance Standards G & H in the document). Staff from several city departments met to discuss the request and would like to request additional time to meet with community partners and neighborhood associations to gather additional information on these topic areas in order to bring a recommendation back to the committee.

Staff believes they can have this information collected with a recommendation ready for the May 11th, 2021 Health & Human Services Public Safety Committee meeting. Thank you for your consideration of this request.

concerning fire and safety have been complied with; and if the license is not issuable to any class of persons, the police chief shall cause an investigation to be made of the principal officers or persons to be licensed. All such persons shall report to the Permitting and Inspections Department in writing, and copies of any such report shall be deemed a public record.

(b) Whenever a criminal background check is done prior to issuance of a license, any cost of such background check which is charged to the City by another agency shall be added to the fees to be paid by the applicant.

(Code 1968, § 901.7; Ord. No. 231-80, 12-22-80; Ord. No. 115-84, § 1, 8-6-84; Ord. No. 247-02/03, 5-19-03; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017)

Sec. 15-8. Standards for denial, suspension or revocation.

(a) *Grounds.* In addition to any other specific provision of this Code authorizing such action, a license or permit may be denied, suspended or revoked upon a determination of the existence of one (1) or more of the following grounds:

- (1) Failure to fully complete the application forms; knowingly making an incorrect statement of a material nature on such form; or failure to supply any additional documentation required or reasonably necessary to determine whether such license is issuable, or failure to pay any fee required hereunder;
- (2) The licensed activity, or persons on the premises for the purpose of participating in the licensed activity, or persons patronizing the licensed device have caused one (1) or more breaches of the peace; or
- (3) There is a clear danger that a breach of the peace will occur if the licensed activity is permitted; or
- (4) The licensed activity or persons patronizing the licensed premises will substantially and adversely affect the peace and quiet of the neighborhood, whether or not residential, or any substantial portion thereof;
- (5) The licensee has violated any provision of this Code in the course of the conduct of the activity or device for which the license or licenses have been applied for, or have been issued; or

- (6) The occurrence of any event subsequent to issuance of the license which event would have been a basis for denial of the license shall be grounds for revocation thereof; or
 - (7) The applicant's or licensee's real or personal property taxes, or final judgments due and payable to the city, are determined to be in arrears as of the date of the license or application; or that real or personal property taxes or final judgments due and payable to the city on account of the premises for which application has been made or a license issued have not been paid in full as of the date of the license or application. Real or personal property taxes or final judgments that are less than thirty (30) days past due at the time of the license or permit application, that are less than \$500.00, or that are determined by the City Manager or his or her designee to not be owed as per §2-203(f) shall not be considered in arrears for purposes of this section.
- (b) *Hearings.*
- (1) Except as expressly provided in this Code, no license to which this chapter applies may be revoked or suspended without prior notice to the licensee, and after a hearing.
 - (2) In the case of the suspension or revocation of a license, a hearing shall be given to the licensee and a generalized statement of the nature of the complaint constituting the basis for the proposed action shall be included in the notice of hearing. Unexcused failure of licensee to appear at the hearing shall be deemed a waiver of the rights to said hearing.
 - (3) Upon a determination that immediate and irreparable harm will be suffered by the public prior to the time that a hearing on suspension or revocation of a license can be scheduled and a finding of probable cause for such suspension or revocation, the Permitting and Inspections Department may suspend a license, pending hearing, effective upon the giving of actual notice to the licensee; provided that the Permitting and Inspections Department shall give an opportunity to be heard as soon as practicable thereafter. At any hearing, the licensee shall be given the opportunity to answer the complaint

and to present evidence. The complainant shall also be notified of the hearing and given the opportunity to be heard.

- (4) All suspensions or revocations shall be upon substantial evidence and all hearings shall be conducted with substantial fairness and strict adherence to the rules of evidence shall not be required.
- (5) All hearings on suspension or revocation of licenses shall be held within thirty (30) days of delivery to licensee of the generalized statement of complaint.

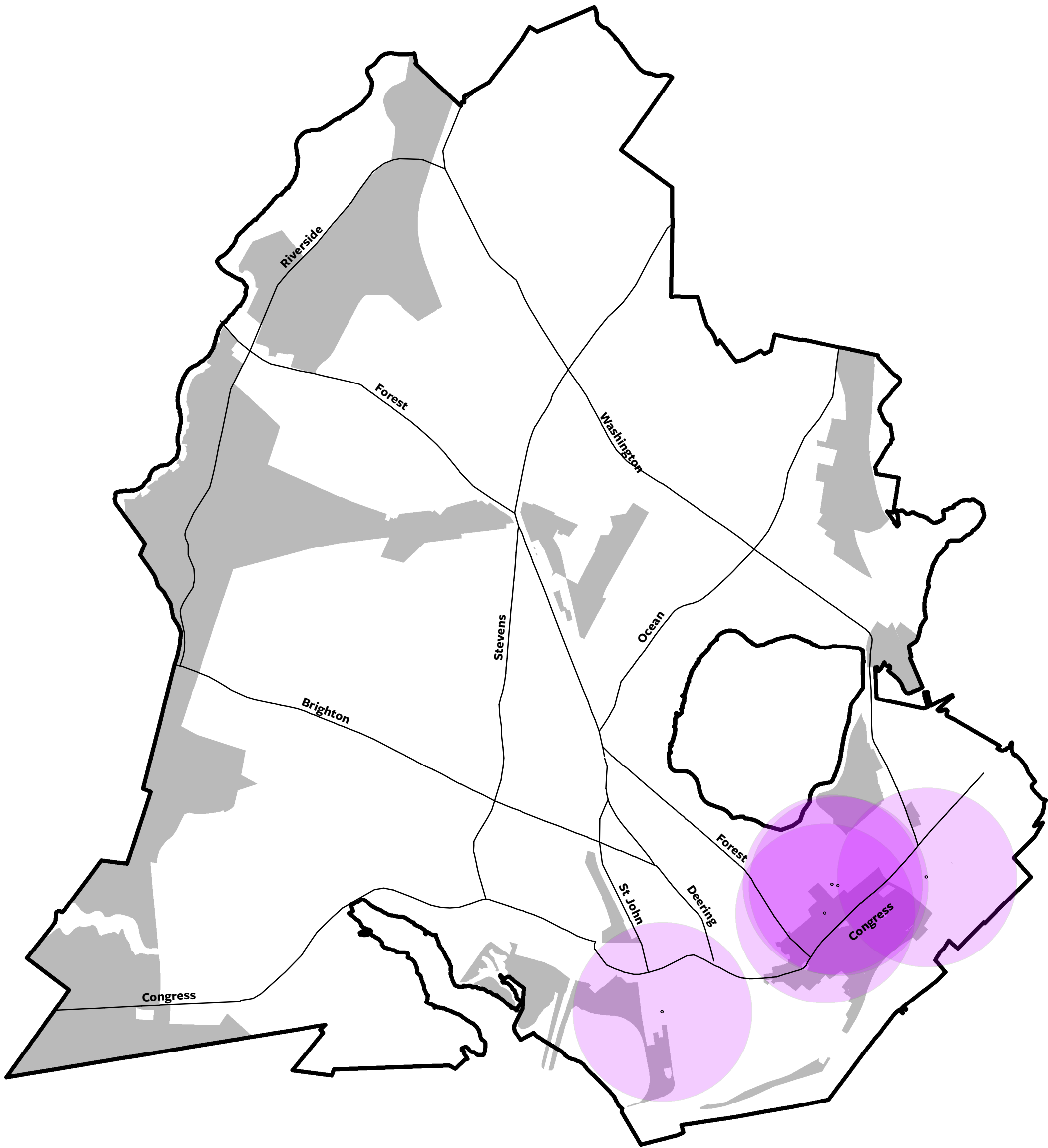
(c) *Abandoned licenses.* The applicant shall pay the issuance fee and obtain any license from the Permitting and Inspections Department within thirty (30) days after it has been approved by the Permitting and Inspections Department. Upon failure to pay the issuance fee and obtain the license within said thirty-day period, the approval shall be void and the application deemed abandoned. For good cause shown, the Permitting and Inspections Department may extend the thirty-day period provided such extension does not result in the issuance of the license being delayed more than one hundred eighty (180) days from its approval by the Permitting and Inspections Department.

(Code 1968, § 901.8; Ord. No. 231-80, 12-22-80; Ord. No. 291-83, 12-5-83; Ord. No. 562-84, §§ 4, 5, 4-23-84; Ord. No. 196-88, 11-7-88; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017; Ord. No. 220-17/18, 6-4-2018)

Sec. 15-9. Appeals.

(a) *Procedure.* An appeal to the city manager may be taken by any person aggrieved by the denial, suspension or revocation of a license by the Permitting and Inspections Department by filing a notice of appeal and the prescribed fee with the city manager within thirty (30) days of the decision appealed from, and not thereafter. Every appeal should be in writing and shall state the basis for the appeal. Within two (2) business days of the filing of an appeal, the city manager shall designate himself or any agent or employee to act as hearing designee in the appeal. The hearing designee shall hear the appeal within ten (10) business days after the filing of the appeal and may affirm, reverse or modify the decision appealed from. The taking of an appeal shall not stay a decision appealed from, except that at the request of the licensee, the Permitting and Inspections Department may stay the effective date of a suspension, revocation or denial of a renewal license upon a finding that the public is not likely to suffer any harm

Existing Shelters, Shelter Zones, and Spacing

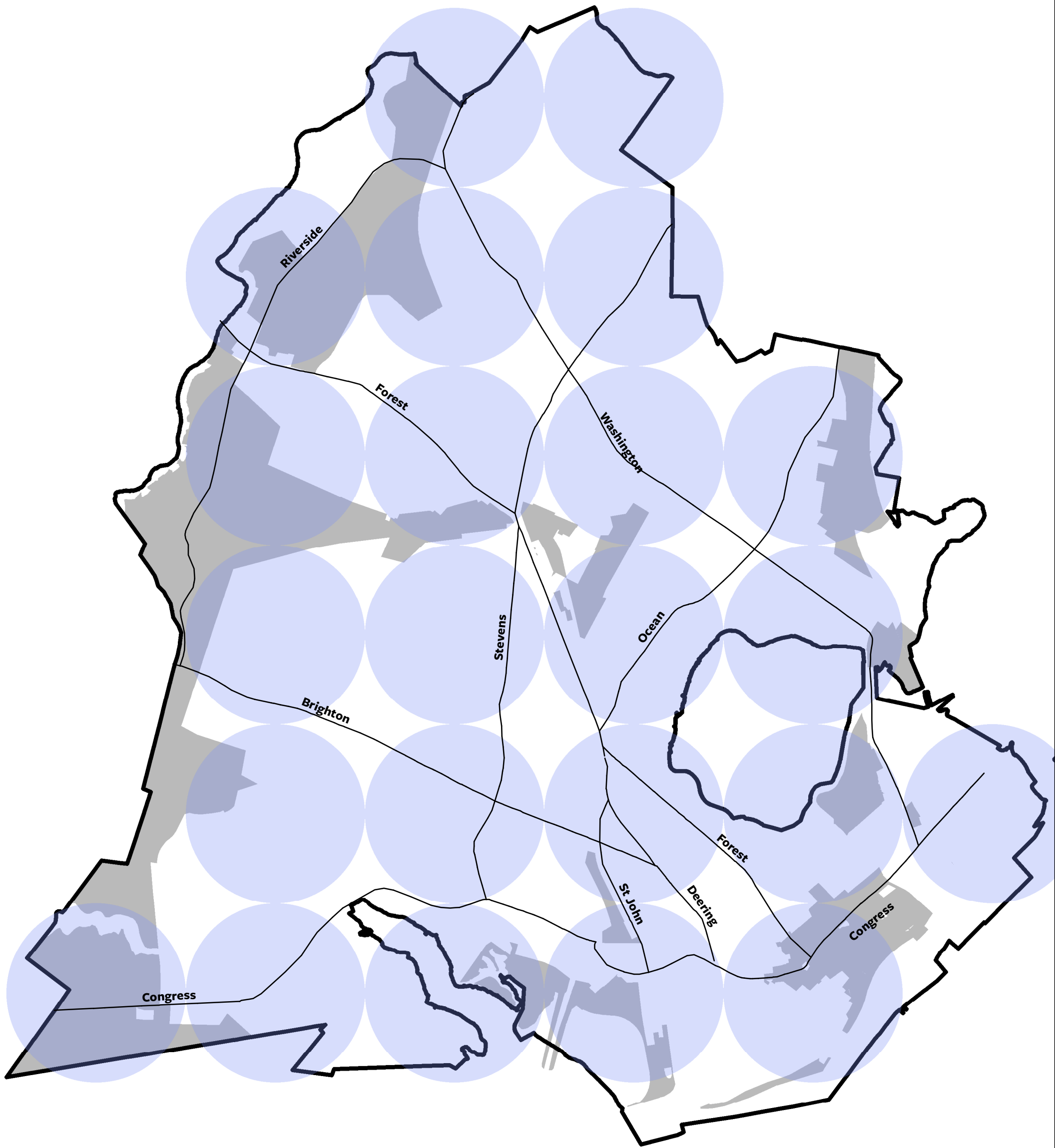


- Shelter*
- City Boundary
- Zones with Emergency Shelter Conditional Use
- 2500 Foot Buffer (Hypothetical)



* Domestic violence shelter is not indicated on this map

Hypothetical Shelter Spacing



-  Zones with Emergency Shelter Conditional Use
-  City Boundary
-  2500 Foot Radius Circle





CITY OF PORTLAND

Health & Human Services Department

Kristen Dow, Director

To: Health and Human Services and Public Safety Committee Members
From: Kristen Dow, Director of Health & Human Services
Date: November 10, 2020
RE: Licensing Examples for Emergency Shelters

At the request of Councilor Ray, staff have conducted research into other jurisdictions, as well as a review of existing City Code to consider mechanisms by which private emergency shelter operations can be regulated in order to better protect the individuals served and manage unintended consequences in the surrounding community.

Summary

While emergency shelters provide a critical service, their impact on the community can be significant, particularly when not properly planned for or in the absence of a strong partnership between a shelter operator and municipality.

To better ensure that privately run emergency shelters are operating in a manner that protects the health, safety, and welfare of individuals experiencing homelessness as well as of the public at large, City staff have compiled relevant research for the review of the Health and Human Services and Public Safety Committee.

This document contains the following:

1. Staff research on licensing and zoning mechanisms used to regulate privately operated emergency shelters in other municipalities;
2. Staff analysis of existing Portland ordinances relevant to the oversight of emergency shelters.

Lastly - it is worth noting that emergency shelters are not the only - or even the primary - source of quality-of-life consequences in Portland neighborhoods. Other sources, such as day service centers, are not addressed in this memo but are believed to have a significant impact on nearby residences and businesses.

Licensing Mechanisms

Staff identified a few municipalities that have designed a program to license homeless or emergency shelters. Of those we identified, none have set clear performance criteria to ensure safe operation or to independently enable City officials to hold shelters accountable for their or their residents' impact on nearby communities (e.g. noise, disturbance of the peace, litter, disorderly conduct, calls for service, etc.). In addition, we were unable to identify any municipalities that require emergency shelters or social service providers to deliver outreach services offsite, in the vicinity of their brick-and-mortar location. Rather, it would appear that programmatic requirements tend to be governed by private grant agreements or state licensure requirements while public safety concerns relating to guest conduct in and outside of shelter property are addressed through generally applicable ordinances or criminal laws.

Some of the requirements established in other municipalities' licensing programs are currently required by Chapter 14 of the City Code as part of the Planning Board's review and approval of emergency shelters as a conditional use. However, there are some noteworthy differences between some of these other municipal programs and the City's conditional use standards, including that Portland does not currently require:

- A mandated buffer between shelters and hospitals, schools, daycares, public buildings, or places of public gathering;
- A mandated buffer between any two shelters;
- A cap on the number of shelter beds allowed in the municipality or in any one facility;
- Restrictions on guests' length of stay.

An overview of other municipalities' licensing programs can be found below. The relevant ordinances are enclosed for further review.

- **Brunswick, ME**

Beginning in early 2019, homeless shelters in Brunswick were required to be licensed by the Town Manager or his/her designee. Existing shelters were grandfathered, and did not require licenses.

Applications for a license must include: governing documents of the owner and/or operating entity; an affidavit identifying all owners, operators, managers, or partners; evidence of all approvals, permits, and/or certificates required to operate the shelter; a description of and plans for the premises. In addition, the applicant must demonstrate that certain operational standards will be met, including hours of operation; staffing; display of license.

The ordinance limits the collective capacity for all homeless shelters in the Town of Brunswick at 85 beds, and that a buffer of at least 500' be maintained between any two shelters. Licenses are valid for a five-year term. Enforcement of licensing requirements are managed by the Town Council or its designee.

- **Phillipsburg, NJ**

Chapter 347 of Phillipsburg's Town Code requires that all operational homeless shelters obtain a license from the Town Clerk. Licenses must be renewed annually.

Shelters are restricted to the B-2 Zone, and deemed a conditional use upon the condition that it must be located immediately adjacent to a highway.

Standards for the issuance of a license include the nature and development of the surrounding property; proximity of churches, schools, public buildings, or other places of public gathering; the effect such business may have upon traffic conditions and the creation of traffic hazards; the sufficiency in number of similar entities; health, safety, and welfare of the public; and the applicant's suitability. Licensing requirements are enforced by the Building Director.

In Phillipsburg, homeless shelters may serve no more than 15 people at the same time, and stays are capped at one month per person. In addition, they are only allowed as accessories to a place of organized worship, and are not permitted principal uses.

- **Oak Lawn, IL**

The Village of Oak Lawn requires that "temporary overnight shelters" are licensed by the Village Manager, and that licenses are renewed annually. In addition, it requires that all shelters proposed in the R-3 Multi-Family Residence District receive a special use permit. License application requirements include a statement that the shelter will maintain a policy of making reasonable efforts to accommodate persons previously residing in the Village of Oak Lawn; operation guidelines; shelter capacity; and the name of the person or entity responsible for the shelter's management.

All operating entities must be not-for-profit, or operate without charge to the shelter occupants. It is also unlawful for any medical care or treatment to be provided as part of the shelter's regular accommodations or services.

Zoning Restrictions

A number of municipalities have introduced amendments to zoning law in order to reduce shelters' impact on other communities.

- **Puyallup, WA**

In 2019, the City of Puyallup passed a law restricting homeless centers to 150 parcels (~400 acres) of land, primarily in industrial zones. It also establishes a 500-foot buffer between

homeless service centers and hospitals or businesses, as well as a 1,000-foot buffer between homeless service centers and daycares or schools.

- **Monterey County, CA**

Monterey County's zoning ordinance establishes size limits, staffing requirements, and requirements related to operational plans (similar to the City of Portland's more comprehensive Master Plan), all of which are reviewed by the Director of Planning.

The zoning ordinance also caps residents' length of stay, establishes a buffer of at least 300 feet between any two shelters, and requires off-street parking.

- **Newport Beach**

California State Law requires that cities articulate their homeless populations' needs and specify where emergency shelters can be built. Newport Beach allows emergency shelters "by right" in areas designated for "private institutions" and "office-airport" zoning, and would require a conditional use permit or rezoning for any other area.

Relevant Portland City Code

Currently, the City of Portland's Land Use Code (Sec. 14-474, enclosed) establishes the use-specific standards applicants must meet as part of the Planning Board review and approval of emergency shelters as a conditional use. Among other things, this section requires a Management Plan outlining management responsibilities; processes for resolving neighborhood concerns; staffing; access restrictions; on-site surveillance; safety measures; controls for resident behavior and noise levels; and monitoring reports.

In addition, the City has in place a number of ordinances outside of Chapter 14 and state land use statutes that protect public safety, health, and welfare by regulating businesses and private individuals' actions. Examples include:

- The requirement for a community relations liaison for marijuana businesses (Chapter 35);
- The requirement for various mitigation plans for odor, waste, loitering, etc. for marijuana businesses (Chapter 35);
- The Sound Oversight Committee process for addressing noise complaints (Chapter 4);
- The disorderly house process for rental properties (Chapter 6);
- Nuisance provisions for a variety of issues (Chapter 17);
- Complaint- or violation-based review of licensees, which may result in fines or license revocation for taxis (Chapter 30);
- The City's ability to deny, revoke, or suspend any business license for cause, including a patron's single breach of the peace (Chapter 15)

Fwd: 5/11/21 HHS&PS: emergency licensing & limited moratorium

2 messages

Kristen Dow <kjd@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Sat, May 8, 2021 at 6:52 PM

For backup.

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

From: **Jim Hall** <mtjimhall@gmail.com>

Date: Sat, May 8, 2021 at 3:45 PM

Subject: 5/11/21 HHS&PS: emergency licensing & limited moratorium

To: To: Kate Snyder <ksnyder@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Pious Ail <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Tae Chong <tchong@portlandmaine.gov>, Andrew Zarro <azarro@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>

CC: Jon Jennings <jpj@portlandmaine.gov>, City Clerk <cityclerk@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>

Re: Emergency shelter licensing & limited moratorium

Dear Chair Chong, Councilors Ray and Dion,
(CC Mayor & full council, City Manager, DHHS Director)

As a resident with 25 years experience living one block downhill of the Oxford Shetler:

- I support strong licensing that ensures all parties are protected: Clients, staff, and the host community.
- I support a targeted moratorium to provide adequate time to work out all the right details.

But please tighten up code around Day Shelter — especially as the city will be creating an RFP soon.

The current licensing definition explicitly limits its domain to “overnight” emergency shelter, and provides NO GOVERNANCE on a separately created “day shelter space” category — except that this must be within 1/4 mile — which in fact creates a new loophole that could literally *double* whatever spacing / density guardrails the council deems appropriate, and actively forces exactly the kind of neighborhood foot traffic to connect basic services that necessitated such licensing rules in the first place.

Moratorium language fails to define “emergency shelter” at all, carving an even wider loophole given the presence of other weak definitions.

We must learn from (and in fact go back and repair) the unintended consequences of 2017’s conditional use language, which allowed Preble Street to spin up yet another clustering shelter on the failed assumption that inadequate infrastructure is “good enough” for Portland’s regional emergency response. When you let the applicant define their own terms, sometimes you get Orwellian fallacies such as *Day Space = Bed Space // Sight Lines = Curved Spacetime // Onsite Services = Referrals to Offsite Partners*, etc — all in service of retrofitting a building they happen to own that’s really no better suited to this use than cramming 154 poor souls head-to-toe on mats in a former garage... which I thought the city was trying to mend. And I don’t know if I need to remind you, but Preble Street’s published 5 year vision imagines additional shetlers in the area, and they are not shy about marching to their own drum against the stated values of the city.

I have already commented extensively on additional aspects of code that need to be “aligned.”. Please use the moratorium appropriately to allow yourselves the necessary time and careful attention to ensure licensing in conjunction with all other ordinance actually accomplishes what you intend.

Thanks
Jim Hall
Cedar St

--

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

Kristen Dow <kjd@portlandmaine.gov>
 To: Adam Harr <ash@portlandmaine.gov>
 Cc: Aaron Geyer <aeg@portlandmaine.gov>

Sat, May 8, 2021 at 8:54 PM

For backup.

Kristen

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

From: **Jim Hall** <mtjimhall@gmail.com>

Date: Sat, May 8, 2021 at 7:09 PM

Subject: Re: 5/11/21 HHS&PS: emergency licensing & limited moratorium

To: To: Kate Snyder <ksnyder@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Pious Ail <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Tae Chong <tchong@portlandmaine.gov>, Andrew Zarro <azarro@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>

CC: Jon Jennings <jpj@portlandmaine.gov>, City Clerk <cityclerk@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>

Re: Staff Recommendations for Maximum Bed Density & Shelter Buffer Zones
i.e. yet another critical item on this evening's agenda

So... at a high level we appear to have 14 votes for licensing, and 14 against

However, while long-suffering residents have again and again proven willing to enter into dialog to seek consensus on reasonable parameters — 100% of providers have instead now chosen to form a cabal *against the city*. To equate even a conversation around governance with "*causing significant issues*" and leave it at that is simply irresponsible — and in fact only serves to *prove* that governance is needed in this domain. It's kind of a stupid move if you ask me, since now they'll have no input to a final draft. Assuming our councilors have spine enough to do their jobs in the face of hardball tactics.

Let's say all the industrial operators in the city circled their wagons and cried wolf that limiting noise or dust or other overspill to nearby residences in the covid economy would cause their operations undue harm. Or perhaps all the pubs in the old port would like to refuse to apply for licenses, or claim that policing fights in the streets near their services causes "significant issues" to their clients. It's patently ridiculous. Setting reasonable thresholds is the entire point of government. The social contracts of civil society certainly include appropriate governance of any high-impact use—full stop. Does anyone dare challenge the fact that ungoverned and poorly managed services on Preble Street caused a public health & safety crisis that became "*business as usual*" for years? Flat out refusing to even show up en masse provides zero solutions, and tacitly claims there's no such issue or need to talk about it.

What's worse is that social service operations are ostensibly full of the most caring people in the world — but the "*conditional empathy*" these organizations are all displaying toward their neighbors tells a conditional story about them. I so wish they had risen up to reign in their peers voluntarily when things go so clearly out of hand at 5 Portland Street— but this group has clearly proven unwilling to self-govern up to and including the present.

To be honest I am deeply afraid that the council may lose nerve to do its job properly, which is to insert some semblance of reasonable limits that actively ensure that no "*neighborhood under siege*" can EVER be possible again anywhere in this town. This is dirty politics, hiding behind "Good Works" to pretend there's no such thing as community impacts when you choose to force vulnerable people from all around the region to self-segregate into the streets of one poor neighborhood. Nothing can excuse Portland's past failure to manage these impacts — but with forgiveness we can all move forward into a future with sensible guardrails in place.

I'm not going to comment on the reduction of staff recommended buffers from 2500 to 500. You can probably guess my personal opinion about the usefulness of a 1-2 block buffer. But more importantly: I am advocating for *you* to do your jobs in our representative form of government, and make these very hard and complex decisions by keeping in mind the best available data, and all the humans under your care. If certain stakeholders refuse to participate, even after direct outreach — unfortunately the expected result is that they give up any legitimacy to complain about outcomes. As much as I feel ashamed for them adopting such indefensible posturing — I do hope you continue to move forward with licensing in a fair and balanced way that takes both me and them into account.

Thanks you

Jim Hall
Cedar St

On Sat, May 8, 2021 at 3:44 PM Jim Hall <mtjimhall@gmail.com> wrote:

Re: Emergency shelter licensing & limited moratorium

Dear Chair Chong, Councilors Ray and Dion,
(CC Mayor & full council, City Manager, DHHS Director)

As a resident with 25 years experience living one block downhill of the Oxford Shetler:

- I support strong licensing that ensures all parties are protected: Clients, staff, and the host community.
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Thanks
Jim Hall
Cedar St

[Quoted text hidden]

Fwd: Comments on Proposed Emergency Shelter Regulations

1 message

Kristen Dow <kjd@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Tue, May 11, 2021 at 5:59 AM

For backup

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

From: **Laura S. Underkuffler** <lu27@cornell.edu>

Date: Mon, May 10, 2021 at 10:02 PM

Subject: Comments on Proposed Emergency Shelter Regulations

To: tchong@portlandmaine.gov <tchong@portlandmaine.gov>, mdion@portlandmaine.gov <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>

CC: kjd@portlandmaine.gov <kjd@portlandmaine.gov>, cdg@portlandmaine.gov <cdg@portlandmaine.gov>, jpj@portlandmaine.gov <jpj@portlandmaine.gov>, fclark@portlandmaine.gov <fclark@portlandmaine.gov>

Dear Chair Chong, Councilor Dion, and Councilor Ray:

I have read the updated Emergency Shelter Licensing Recommendations and Buffering/Spacing Suggestions. It is entirely heartening to see that the placing of additional shelters in the community, the licensing of shelters, and the extremely critical issue of day shelter space for shelter residents are all taken very seriously in this draft.

I am very glad to see the recommendation that no more than 250 beds within a 1 mile radius will be permitted. As a resident of West Bayside, which has suffered for years as the locus of just about all social services and their externalities in the City, experience has taught that this is a critically needed new rule. I understand the need to allow existing shelters to continue, and that this will not change the existing situation in Bayside for the foreseeable future. However, this new rule will hopefully reflect a basic principle of environmental justice -- that no more of what everyone agrees is a community-wide need and community-wide burden will be shifted to the lower-income, higher-minority area of Bayside.

I do not understand, however, why the space between shelters has been reduced to 500 feet in the proposed regulations. Because the average city block is 323 feet long, this reduces the required buffer between shelters to less than 2 city blocks. This is *precisely* the kind of unacceptable concentration of facilities and externalities in dense urban areas (where homes and businesses are a few feet from public streets, and from each other) that the new rules, and their extremely well-stated rationale, seek to prevent.

Finally, although I *celebrate* the new requirement that shelters provide inside day space for residents, I strongly oppose the idea that this rule can be waived if the shelter operator provides day space within 1/4 of a mile away. To be brutally honest, what good will day space 1/4 of a mile away be for the residents of a homeless shelter? How can the residents even get there? How can they get back? Are they expected to take a bus (if indeed that even exists) in the snow, driving rain, or freezing cold, or when they are ill, elderly, or otherwise bodily infirm? Many times we looked out the window of our house on Oxford Street and saw people in wheelchairs, on crutches, elderly, struggling to get to Preble Street for meals in wind and deep snow. How can day space 1/4 of a mile away possibly address the problem?

When we moved to Oxford Street, twelve years ago, and got to know some of the people who lived at the Oxford Street Shelter, we were shocked to learn that they were forced to leave at 9 am every morning, and to scavenge for a place to be all day (hanging in the Public Library, standing on public sidewalks or private driveways, sitting on guardrails around the private parking lot across the street ...). This was the expectation in rain, wind, cold, snow, and sleet. At the time, no one questioned the humanity of this arrangement, or wanted to recognize the problems that hundreds of people with no place to go in the City inevitably created. Finally, and thankfully, this deep and festering problem has been both recognized and addressed. Please do not completely eviscerate this desperately needed new requirement with a completely inadequate waiver option.

I greatly appreciate your attention to all of these matters.

Sincerely,

Laura Underkuffler
Oxford Street

--

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

Fwd: Emergency shelter licensing

1 message

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 12:03 PM

Belinda S. Ray (*she / her / hers*)
City Council, District 1
389 Congress Street
Portland, ME 04101
BSR@portlandmaine.gov

Sign up for [my newsletter](#) or visit [my blog](#)!

Please Note: Under Maine law, emails sent or received by public officials or city employees 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.

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

From: **Sarah Michniewicz** <sarahmichniewicz@icloud.com>
Date: Mon, Mar 8, 2021 at 4:38 PM
Subject: Emergency shelter licensing
To: Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>
Cc: Kate Snyder <ksnyder@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ali Pious <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>

Hello Chair Chong and Councilors Dion and Ray,

Thank you for continuing to diligently pursue emergency shelter licensing. I'm pleased that City staff is recommending outreach be conducted with neighborhood associations and the community to get feedback regarding buffers and spacing, and asking for a community survey on emergency shelter licensing.

It's refreshing but bittersweet to see support for giving neighbors a voice in the process. It's an opportunity that Bayside has never had. If you choose to vote the current recommendations out of committee at Tuesday's meeting, please require that suggested outreach for when the full council considers them.

Although staff hopes the data gathering will be complete and ready to present in May, between now and then there's still a lot at risk for this neighborhood, with nothing to stop another shelter proposal before licensing is enacted. Please do not discount that possibility. One new Bayside shelter has already been sped through in under three months, increasing the already excessive bed total by 12%, up to 451 within the suggested 1 mile radius. That's 201 (80%) more than the suggested maximum of 250. Please see the attached graphic for reference, and [this](#) BNA blog post for a comprehensive overview of shelter density in Bayside compared to the rest of the City, county, and state.

It would be indefensible to allow yet another shelter to enter the planning pipeline when the City's clear will is to first get its arms around how and where shelters are best able to serve the needs of providers, consumers, and constituents; even more so when there are vast areas in the rest of the City a shelter could be sited, even without additional zoning changes.

So I ask that as part of this licensing conversation this Committee recommend to the City Council an *immediate and complete moratorium on allowing any additional shelters or shelter beds in the Bayside neighborhood*. Although plans for eventually relocating the Oxford Street shelter are in motion, and licensing is presumably proceeding apace, nothing is certain.

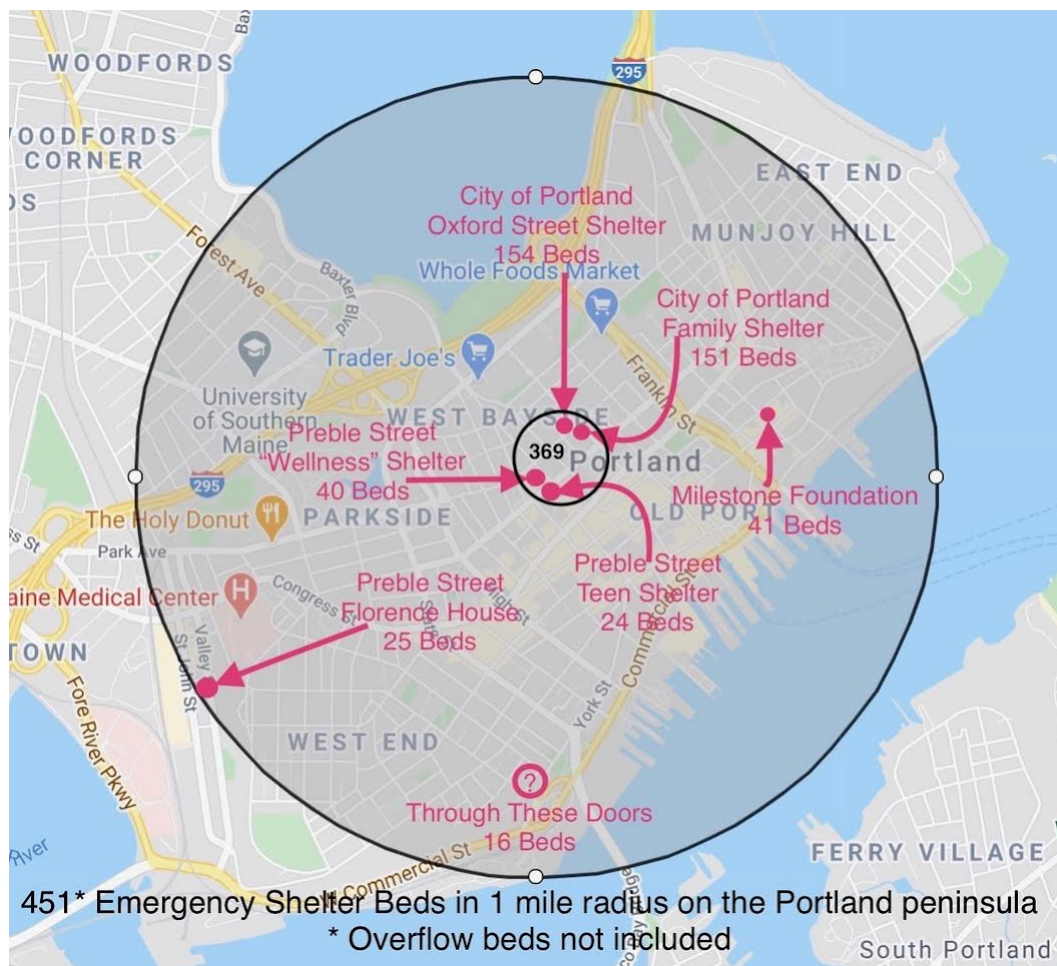
Just as a moratorium on demolitions created a pause to think about the future of Munjoy Hill, a moratorium on new shelters in Bayside will give the neighborhood and the City a safe, depressurized space in which to make fair and durable policy on the location of shelters within the community. But to allow the status quo to continue in Bayside, whilst thoughtfully engaging the rest of City about their preferences, would only serve to affirm that some neighborhoods are more equal than others.

Portland is on the cusp of finally creating a thoughtful and intentional shelter system. Please ask the City Council to enact a moratorium on any new shelters in Bayside so that we can honestly assess the City's role in addressing homelessness, and holistically decide how Portland's shelter system can best fill that role.

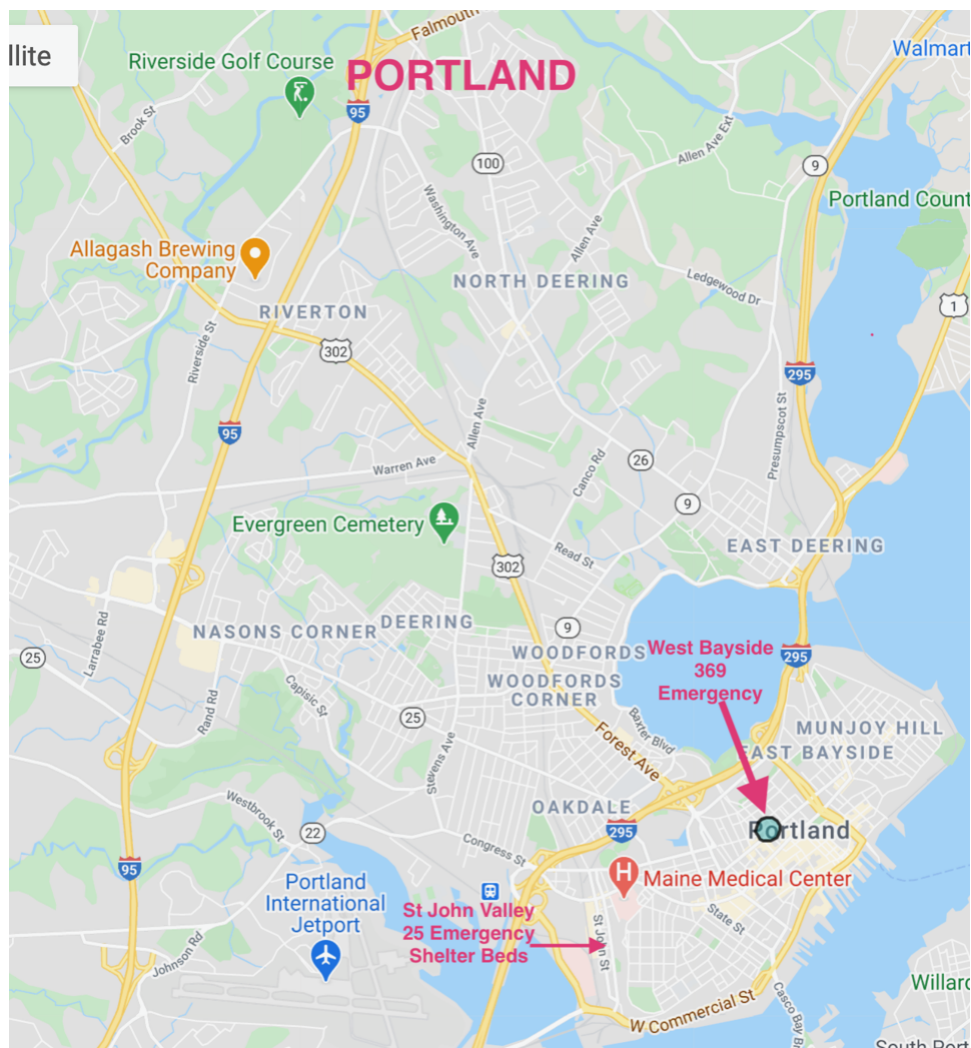
Thank you,

Sarah Michniewicz

Cedar Street, Portland







Fwd: Following up from last week - 39 Forest & Bayside moratorium

1 message

Kristen Dow <kjd@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Wed, Apr 21, 2021 at 9:02 AM

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

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

From: **Heidi Souerwine** <heidi.souerwine@gmail.com>
Date: Tue, Apr 20, 2021 at 10:39 PM
Subject: Following up from last week - 39 Forest & Bayside moratorium
To: Belinda Ray <bsr@portlandmaine.gov>, Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>
Cc: Kristen Dow <kjd@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Nick Mavodones <nmm@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>

Committee members,

Just a note to say I appreciate you addressing questions after public comment at the HHS meeting last week, and your thoughtful dialogue throughout.

The discussion & presentation provided some context, which was helpful.

After thinking about it for a few days though, the fact remains: there are MANY other areas on the peninsula besides this already overloaded area. No one was questioning the need for consolidating these interconnected services under one roof. Rather, we're rightly challenging the City's planning strategy to again site more social services in the smallest area on the peninsula, when the most already exist there. This [graphic](#) provides a good snapshot of West Bayside alone. And, as Council Chong pointed out, there are numerous additional social services in the adjacent vicinity as well, immediately surrounding 39 Forest, that are not "technically" Bayside.

Committee members:

As I understand, on-peninsula was on directive, but was the specific area?

During the meeting it sounded like no other areas nor facilities were explored.
Is that correct?

Regarding Councilor Dion's request for boundary clarity re: a shelter moratorium (OR, for any social services facilities), I would challenge everyone to think strategically & holistically, and look at the **summation of similar entities nearby, whether they're technically over a line or not.**

Council Dion: Thank you for calling for safe harbor for west Bayside - it is desperately needed & it was so wonderful to hear it recognized. I hope it's easy to see that shelters are only one piece. My neighbors & I have continually stated that the neighborhood needs BALANCE from the overwhelm & 39 Forrest would continue to tip things in the wrong direction.

Councilor Chong: the moratorium would be a stop-gap, to prevent more projects from being approved in an area that is already so overwhelmed until the new licensing rules. I would plead for you to support it. One shelter has already squeaked in recently before licensing has been established.

When I think about all of this, in combination with the City Manager's CDBG proposals, it's alarming. Portland St, Cumberland Ave, Park Ave & now Forest Ave.

I know turning the corner on Bayside as the default is hard but it HAS to happen, and quickly.

Thank you for your consideration,
Heidi Souerwine
Mechanic St.

On Tue, Apr 13, 2021 at 6:17 PM Heidi Souerwine <heidi.souerwine@gmail.com> wrote:

Dear Committee members, Councilors and Mayor Snyder:

Hoping you all are able to see this. I'm a bit shocked with the lack of advanced notice for public comment tonight on an issue that will have **so much impact**. I'm hoping to try to join tonight, AND I'm also **hoping** the City isn't trying to push this through without careful thought. Regardless, I wanted to send some thoughts in writing.

I'm pleased to see the city is finally preparing to discuss a shelter moratorium in Bayside. However I'm still left questioning whether it's understood that what west Bayside needs is **balance**.

I'm concerned about a number of ideas I've seen come out recently that collectively amount to the City doubling down on the environment that created the instability in Bayside this whole time. In considering the proposal to consolidate DHHS operations at 39 Forest, and in reviewing the various elements proposed in the City Manager's CDBG funds allocation, the City would be creating the same situation along Forest Avenue that it created years ago on Portland Street.

With Portland Housing Authority & Maine Needs on Forest, the Deering Oaks gatherings, the proposed "ultra low to no barrier housing services" at Spurwink on Park, a proposed consolidated DHHS at 39 Forest, reintroducing another day space as well - it seems the City is creating another social services corridor in a different area of Bayside. And, on a much busier thoroughfare in the city with existing significant safety issues. With none of the other consolidated services moving.

For those of you that don't live anywhere nearby, the situation in that immediate area has been extremely tenuous at best for the better part of the last two years. Longtime community members, residents, & neighbors on Forest on the block between Park & Cumberland are already leaving their homes, and abandoning their businesses because they can no longer handle the environment. I would urge you all to consider how these plans benefit the fabric of the neighborhood, and whether this would be reasonable anywhere else.

It often feels defeating trying to create a life here. We want to stay, but the panic, urgency, and stress when it feels like no balance is even desired for this neighborhood, is beyond challenging.

Being a public servant is such a hard job, and I do appreciate all of you. I am hopeful for some clarity, and want to encourage thoughtful urban planning.

Thank you,
Heidi Souerwine (& Jason Tropp)
Mechanic St.

Fwd: Fw: New Homeless Shelter Licensing Standards - Legal Application and Critical Role

1 message

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 12:03 PM

Belinda S. Ray (*she / her / hers*)
City Council, District 1
[389 Congress Street](#)
Portland, ME 04101
BSR@portlandmaine.gov

Sign up for [my newsletter](#) or visit [my blog](#)!

Please Note: Under Maine law, emails sent or received by public officials or city employees 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.

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

From: **Laura S. Underkuffler** <lu27@cornell.edu>
Date: Mon, Mar 8, 2021 at 12:08 PM
Subject: Fw: New Homeless Shelter Licensing Standards - Legal Application and Critical Role
To: Belinda Ray <bsr@portlandmaine.gov>

Hi Belinda, I used the wrong email for you! I am sorry - here is the email I previously sent. Thank you, Laura

From: Laura S. Underkuffler
Sent: Monday, March 8, 2021 5:06 AM
To: tchong@portlandmaine.gov <tchong@portlandmaine.gov>; mdion@portlandmaine.gov <mdion@portlandmaine.gov>; bray@portlandmaine.gov <bray@portlandmaine.gov>
Cc: dwchuhta@portlandmaine.gov <dwchuhta@portlandmaine.gov>; kjd@portlandmaine.gov <kjd@portlandmaine.gov>; cityclerk@portlandmaine.gov <cityclerk@portlandmaine.gov>
Subject: New Homeless Shelter Licensing Standards - Legal Application and Critical Role

Dear Counselors Chong, Dion, and Ray:

At the last public hearing on the proposed licensing standards for homeless shelters, an attorney for Maine Equal Justice objected to the Committee's decision that new shelters permitted after January 31, 2021 will be subject to the new licensing requirements.

The grounds for this objection were obscure. To the extent that some rationale was articulated, it seemed to be that because shelters in existence as of January 31, 2021 would be exempt from concentration limits, all shelters which can manage to rush to permitting between January 31, 2021 and the date of adoption of the licensing standards should be, as well. The reason given was that somehow this would be "best practice" (of some sort).

This attorney gave no legal reason for this position, because there is none. In Kittery Retail Ventures, LLC v. Town of Kittery (2004), the Maine Supreme Court unequivocally and finally held that a town can apply new regulations to existing uses and projects. Neither the submission of a development application nor the issuance of a development permit establishes vested rights, and neither the submission nor the issuance of a permit prevents a city from applying later-adopted police power regulations to that project.

Indeed, common sense dictates that this must be the case, in order to prevent a notorious problem in land use law. If entities know that proposed requirements are being considered by a city (which they always will because of public hearing requirements for any change), and (under the law) they are exempt from those new requirements if an application is made or a permit obtained, they can repeatedly defeat the city's attempt at regulation. There are two ways to deal with this problem: for the city to put everyone on notice that all applications after a certain date will be subject to the new regulations (as done here), or for the city to declare a moratorium pending adoption of the new regulations. Either avenue is expressly permitted by Maine law, as stated in the Kittery case.

The reason is this. Prohibitions against retroactivity exist to prevent unfairness to project applicants who have invested large sums of money in reliance on the absence of existing regulations, who have no notice of the pending change in the law. Where this substantial investment occurred before any notice of the pending change was given to the public, the developer could legitimately claim surprise and unfairness. (Thus the common law rule, in all states, that "vested rights" (and exemption from regulatory change) require *both* permitting *and* substantial construction.) However, where -- as here -- any applicant for a new homeless shelter is now aware of the pending adoption of licensing standards, any claim of "surprise" or "unfairness" is specious.

Indeed, if applicants could subvert new regulations every time by rushing to file permit applications before the public processes -- necessary for any adoption of new regulations -- are completed, a city would -- by definition -- be powerless to maintain any status quo while the public adoption processes finish.

Murmurings about "best practices" does not change these fundamental rules.

There is an odd twist to this attorney's remarks that I also want to address. It was stated that any licensing should focus on the health and wellbeing of people in the homeless shelters in question, and (impliedly) that consideration of impacts on others are illegitimate. What this kind of thinking ignores is that *all of us are in this together*. City government and its police power do not exist only to protect one segment of the public; they exist to represent the interests of all. Homeless shelters can exist in harmony with neighbors, as some exemplary homeless shelters now operating in Portland prove. Licensing requirements -- as now exist in other Maine cities -- are critical to the creation and maintenance of homeless shelter operations that protect *both* the homeless populations (as opposed to the criminal elements that are attracted to them) and the residential neighbors (generally low-income) that live there.

We have lived at 215 Oxford Street for 13 years. We have employed -- sometimes for years -- people who stayed at the OSS, and become lasting friends with them. I can tell you that they don't want to live in crowded and dangerous conditions, with a gauntlet of drug dealers on the street outside, any more than we do. They don't want to be relegated to sitting on curbs and parking lot barriers, or in a tiny courtyard mere feet from the street -- and being gawked at by people in passing cars. In short, they don't want to be relegated to the kind of place that the "West Bayside ghetto" has become, any more than those who are trying to scratch out an existence living in West Bayside want to live in those conditions.

The City must get control of this homeless situation, for everyone, and on multiple levels. These licensing standards are a tremendous step forward. For the first time, the City will have the legal authority to control

shelter operations and locations for the good of the homeless population and other city residents. Thank you for taking this very critical and important step.

Sincerely,

Laura Underkuffler
215 Oxford Street

Work:
J. DuPratt White Professor of Law - Property and Land Use
Cornell University

Fwd: HHS & PS Committee meeting

1 message

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 12:03 PM

Belinda S. Ray (*she / her / hers*)
City Council, District 1
[389 Congress Street](#)
Portland, ME 04101
BSR@portlandmaine.gov

Sign up for [my newsletter](#) or visit [my blog](#)!

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

From: **K. Scott Morrison** <kscottmorrison2@gmail.com>
Date: Mon, Mar 8, 2021 at 11:00 AM
Subject: HHS & PS Committee meeting
To: <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>, <bsr@portlandmaine.gov>
Cc: <ksnyder@portlandmaine.gov>, <sthibodeau@portlandmaine.gov>, <nmm@portlandmaine.gov>, <pali@portlandmaine.gov>, <azarro@portlandmaine.gov>, <afournier@portlandmaine.gov>, <cityclerk@portlandmaine.gov>

Good day HHS/PS city council committee members,

We've been following with significant interest your work on shelter licensing and small shelter zoning. From our perspective as 11 year Parris Street residents, shelter licensing and zoning is seriously needed and long overdue.

Your draft recommendations affirm our thoughts that the Bayside neighborhood has unfairly become the default Portland neighborhood for shelters and social services. Recommendations for a reasonable 2,500 foot spacing between facilities, and a buffer of no more than 250 beds within a 1 mile radius, are fair to neighborhoods as well as to recipients of shelter services. The recommendation that all shelters have adequate space for people to stay off the street during the day is essential for neighborhood safety.

While you continue your work we request the city council immediately enact a **moratorium** on allowing additional shelters in Bayside. Recent news that the city of Scarborough opened a new shelter managed by our Preble Street Inc. neighbors clearly demonstrates that new shelters can be established outside of Bayside. A moratorium in Bayside will help direct providers to consider other neighborhoods as locations for any needed shelter expansion or relocation. Given the statistics from our Oxford Street shelter, that upwards of 2/3 of that shelter's residents come from outside Portland, it is encouraging to hear that another municipality shares in providing shelter services.

Thank you again for your work and service to our city.

Best regards,

K. Scott and Mary Beth Morrison
[9 Parris St.](#)

Fwd: In support of Moratorium on emergency shelters in Bayside

1 message

Jon Jennings <jpj@portlandmaine.gov>

Mon, Apr 12, 2021 at 12:59 PM

To: Kristen Dow <kjd@portlandmaine.gov>, Adam Harr <ash@portlandmaine.gov>

For backup.

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

From: **Heidi Souerwine** <heidi.souerwine@gmail.com>

Date: Mon, Apr 12, 2021 at 12:55 PM

Subject: In support of Moratorium on emergency shelters in Bayside

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

Cc: Jon Jennings <jpj@portlandmaine.gov>

Mayor Snyder, Councilors:

I know this is a busy week, so I'll be brief: writing in advance of tomorrow's meeting saying I'm in support of a moratorium on emergency shelters in Bayside.

After reading the memo online this weekend it's clear to me that the City should be able to easily and confidently advocate for this. Existing ordinances have already proven to be inadequate to prevent overburdening & public harm, which is why licensing is already in progress. Please allow long-overdue processes and boundaries to be enacted before any future site locations are considered in this already overtapped area.

Thank you for your consideration!

Heidi Souerwine

Mechanic St.

--

Jon P. Jennings

City Manager

City of Portland

389 Congress Street

Portland, ME 04101

(207) 874-8689 Office

(207) 874-8669 Fax

jpj@portlandmaine.gov

www.portlandmaine.gov

Fwd: Moratorium on emergency shelters in Bayside

1 message

Jon Jennings <jpj@portlandmaine.gov>

Mon, Apr 12, 2021 at 5:58 PM

To: Adam Harr <ash@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>, Dena Libner <dlibner@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>

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

From: **Carolyn Megan** <carolynmegan@gmail.com>

Date: Mon, Apr 12, 2021 at 5:37 PM

Subject: Moratorium on emergency shelters in Bayside

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

CC: Jon Jennings <jpj@portlandmaine.gov>

Dear Mayor Snyder and Councilors:

We are writing in support of a moratorium on shelters in Bayside and in support of implementation of the licensing process. As you know, Bayside carries the weight of shelters in the city and simply, neighbors have no way to advocate for themselves without licensing guidelines in place.

Additionally, it is the entire city's challenge and obligation for every neighborhood to support those dealing with housing, substance abuse and/or mental health challenges. A moratorium is fair and just governance to protect and to support all you constituents.

Thank you for your attention and good work,
Carolyn Megan
Michael Gelsanliter

Mechanic St
Bayside

--

Jon P. Jennings
City Manager
City of Portland
389 Congress Street
Portland, ME 04101
(207) 874-8689 Office
jpj@portlandmaine.gov
www.portlandmaine.gov

Fwd: open comment item tonight + CDBG plans

1 message

Kristen Dow <kjd@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Wed, Apr 14, 2021 at 11:31 AM

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

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

From: **Heidi Souerwine** <heidi.souerwine@gmail.com>
Date: Tue, Apr 13, 2021 at 6:17 PM
Subject: open comment item tonight + CDBG plans
To: Belinda Ray <bsr@portlandmaine.gov>, Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>
Cc: Kate Snyder <ksnyder@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Nick Mavodones <nmm@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>

Dear Committee members, Councilors and Mayor Snyder:

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Being a public servant is such a hard job, and I do appreciate all of you. I am hopeful for some clarity, and want to encourage thoughtful urban planning.

Thank you,
Heidi Souerwine (& Jason Tropp)

Mechanic St.

Fwd: Portland Homeless Services (HSSPS 4/13/21)

2 messages

Kristen Dow <kjd@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Apr 12, 2021 at 1:02 PM

For backup.

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

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

From: **Jim Hall** <mtjimhall@gmail.com>
Date: Sun, Apr 11, 2021 at 8:27 PM
Subject: Portland Homeless Services (HSSPS 4/13/21)
To: Tae Chong <tchong@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>
Cc: Kate Snyder <ksnyder@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Pious Ail <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Andrew Zarro <azarro@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>, City Clerk <cityclerk@portlandmaine.gov>

Dear Chair Chong, Councilors Ray and Dion,
(CC full council, city manager, DHHS director)

Re: Items on HSSPS Committee's 4/13/21 meeting relating to homeless services

— **DHHS co-location** —

I'm all for consolidation and facility improvements, from the perspective of administrative efficiency, service coordination, and potential program expansion (also the reason I've advocated for the homeless service center currently requesting proposals). The location on Forest between Congress & Cumberland makes a lot of sense – especially regarding the nascent on-peninsula prevention & diversion program.

My only concern is the potential for unfortunate behavior patterns that are well-documented to follow and cluster around such services. I was glad to learn that DHHS proposes to implement community security protocols in use at other locations. To be specific: **I am advocating for the types of street patrols by security professionals, and immediate response to abutter hotline calls, which have been successful at reducing negative impacts on the properties surrounding the OSS.**

— **Emergency Shelter Moratorium** —

"... a moratorium on certain emergency shelters is appropriate."

The month of February placed fully 33% of all Portland's calls for service within the quarter-mile of the Bayside Neighborhood (only a slight increase from our "normal" load). Passively allowing additional high-impact uses in this geographical location would overburden public facilities even more. In January of this year, the reviewing body for

conditional use standards enacted in 2017 found that current code is inadequate to prevent an operator with a miserable history of failing to manage community impacts from introducing new public harm in the affected area (...as Chief Clark testified: “There *will* be new impacts,” and as one board member stated: “This management plan is about as good as the paper it’s printed on”). Although Portland’s accretion of high-impact services over the decades has somehow progressed with no mechanism for municipal governance – I’m grateful that the committee is taking appropriate time to ensure success, therefore **I am advocating for a targeted moratorium to protect the Bayside Neighborhood while deliberations on licensing proceed.** This would be consistent with the Comp Plan requirement to act toward neighborhood equity in sharing both the benefits & costs of the city.

Portland (Bayside) already contributes so much more than its share in this domain, and I’m not convinced this particular municipality needs to encourage more and more “small” shelters to be sited within our boundaries in order to best serve either clients or the larger community. I would also point out that the Maine Statewide Homeless Council’s current strategy posits only 23 net new emergency beds *across the entire state* – instead following Portland’s lead in focusing on diversion, low-income housing development, rapid rehousing, retention, harm reduction, long-term-stayers, etc. In addition, at the federal level HUD Secretary Fudge has I stated that “Shelters are not the answer”. It’s worth noting that she calls out hotel use similar to temporary GA placement as a way to provide a more private and safe option than congregate settings.

I do hope that the modernization of Portland’s Regional Homeless Service Center will proceed with haste (and that LD-175 bond may eventually help defray funding), as we cannot close shelters before other programs effectively reduce need, and the region’s current facilities are woefully inadequate. I also support the model of a central intake triage collaborating with satellite specialists. But given the history and unfolding events, it could actually be appropriate to pause new shelter applications city-wide.

— Licensing Reporting Requirements —

A way to track neighborhood concerns and resolution is CRITICAL to the success of any new shelter application. If this is not required in the reporting section, it *must* be included via some other mechanism. Information about community meetings attended is less useful, at least in the case of one operator that has proven hostile to its host neighborhood. I feel that it’s important to track CTO reason and recidivism – though I agree with Councilor Dion that this portion of the report could be provided to the operator by the Police Department (thereby removing any hardship around new requirements).

Thank you for your continued important work,
Jim Hall
Cedar St

—

Maine Statewide Homeless Council Analysis
<http://www.mainehomelessplanning.org/wp-content/uploads/2021/03/CSH-Maine-Data-Analysis-for-SHC-2021-03-09.pdf>

HUD Secretary quote
<https://www.washingtonpost.com/us-policy/2021/04/08/homeless-hud-marcia-fudge/>

American Rescue Plan Act HOME Supplemental Allocations
("The first of two funding streams to address homelessness in the American Rescue Plan.")
<https://www.hud.gov/sites/dfiles/CPD/documents/HOME-ARP.pdf>

ME Non Entitlement	\$15,685,918
CNSRT-Auburn	\$ 1,700,829
CNSRT-Portland	\$ 3,594,143

LD 175 An Act To Authorize a General Fund Bond Issue To Create and Enhance Regional Homeless Shelters
<https://trackbill.com/bill/maine-legislative-document-175-an-act-to-authorize-a-general-fund-bond-issue-to-create-and-enhance-regional-homeless-shelters/1993678/>

Jon Jennings <jpj@portlandmaine.gov>

To: Kristen Dow <kjd@portlandmaine.gov>, Adam Harr <ash@portlandmaine.gov>

Mon, Apr 12, 2021 at 2:01 PM

Backup.

[Quoted text hidden]

--

Jon P. Jennings

City Manager

[City of Portland](#)

[389 Congress Street](#)

[Portland, ME 04101](#)

(207) 874-8689 Office

(207) 874-8669 Fax

jpj@portlandmaine.gov

www.portlandmaine.gov

Fwd: Shelter Licensing & Zoning

1 message

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 11:58 AM

Belinda S. Ray (*she / her / hers*)
City Council, District 1
389 Congress Street
Portland, ME 04101
BSR@portlandmaine.gov

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

From: **Jim Hall** <mtjimhall@gmail.com>

Date: Sun, Mar 7, 2021 at 10:12 PM

Subject: Re: Shelter Licensing & Zoning

To: Tae Chong <tchong@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>

Cc: Kate Snyder <ksnyder@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Pious Ail <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Andrew Zarro <azarro@portlandmaine.gov>, Jon Jennings <jjp@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>, Jessica Hanscombe <jhanscombe@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>, Rich Bianculli <richb@portlandmaine.gov>, Jonathan Sahrbeck <sahrbeck@cumberlandcounty.org>, <cityclerk@portlandmaine.gov>

Dear HSSPS Chair Chong, Councilors Ray and Dion,

Re: Shelter Licensing & Zoning

Thanks for continuing to prioritize management of the emergency system Portland provides for the region. I'm glad to see baby steps toward county participation in their allocation of federal funds for a resettlement coordinator. And I'd like to applaud the ways staff are clearly taking to heart the public desire for better engagement and transparency, without creating inordinate delay.

Previously I've made blanket statements on the need for proactive community protections, but considering good actors like Milestone and Through These Doors, I now feel that licensing instead needs to include strong mechanisms to detect and control any specific cases where the operator needs to be compelled to respect their neighbors. It's clearly possible to manage a shelter without pissing off your community. The city shelter has also demonstrated that an honest partner can improve relations after letting impacts get out of hand. But not all actors in this space behave appropriately of their own accord.

I urge the HSSPS committee to recommend a narrow moratorium on new Bayside shelters in particular. The Bayside neighborhood needs more targeted protection than licensing can provide, and requires active healing medicine, not just passive "organic" growth. The so-called neighborhood vision of 20 years ago died on the vine, and this neighborhood is frankly still being abused. Was it right to cram the latest new, permanent emergency shelter into Bayside? Well, it technically met code, and apparently wider neighborhood context is out of scope for reviewing authorities. That leaves the city council as the only body that can produce any kind of holistic oversight.

As to more specific licensing solutions:

- Please consider a sunset provision for grandfathered operations. You've arrived at best practices with thorough research and collaboration, and it would be negligent to allow non-compliance in perpetuity just because a shelter already set up shop.
- The narrative that the proposed licensing language is too focused on neighbors is ridiculous. In the "Requirements" section (h)(vii)(6) is more explicit about internal emergency response than anything to do with community protections. The city shelter's own management model secures residential streets in an appropriate radius, and I'd like to see an explicit requirement to require this at other shelters when necessary. The phrase "around the facility" in (h)(vii)(5) appears similar to conditional use language denoting impact on "surrounding properties", which both planning and zoning have said limits their scope of consideration to abutting buildings, not overall neighborhood impacts. That wider context matters and must be considered at some stage.
- "Review Procedures" (c), (d) and (f) describe protocols only when the City Council reviews; shouldn't these include Permitting and Inspections as well?
- The current language regarding waivers for separate day space could effectively double the number of allowable shelters in a given buffer, and re-create the kind of neighborhood foot traffic that has proved so disastrous in Bayside.
- Removing metro proximity is an improvement that allows for creative strategies to help guests utilize transit in additional areas.
- Please define the domestic violence waiver better. Surely someone must review site plans, safe bed counts and such. The current language appears to give permission to site new shelters without allowing any determination of appropriate facilities. A clause calling for something like executive session seems more appropriate than an outright exemption.
- There are areas where code still needs rationalizing between shelter-specific conditional use standards and licensing. Some examples:
 - Sight-line requirements in conditional use would disallow a dorm/apartment style layout, but it's mentioned twice in licensing.
 - Buffers and densities should be described in shelter conditional use standards (e.g. see ch.14–6.5.6.K.1)
 - Conditional standards still include the loophole allowing zero day space within 1/4 mile of metro.
 - A specific amendment to January's conditional use approval required an advisory panel, and the approved plan included a 24-hour abutter hotline – while licensing requires a named community liaison – all good ideas, but not consistently applied.
 - Some conditional use requirements need clearer definition – for instance what constitutes adequate central office, sight-lines, onsite services & amenities, and day space. Preble Street's 5 Portland Street shelter was allowed to invent definitions that fit their plans, not the other way around, so it seems the current code doesn't produce the intended governance outcome. (... etc...)

I'll close by saying I'm proud of the way this city takes on more than our share when we see a regional problem that needs fixing. I'm grateful for specific attempts to correct previous failures of governance. And I can see that the HHSPS committee is committed to getting this right, and doing so in as timely a manner as possible.

Thanks,
Jim Hall
Cedar St

On Feb 8, 2021, at 9:45 PM, Jim Hall <mtjimhall@gmail.com> wrote:

To HSSPS Chair Chong, Councilors Ray and Dion,

Re: Shelter Licensing

Thank you for continuing to prioritize emergency shelter management. I'm glad to see some urgency now to complete the city's toolkit for overseeing this type of important but high-impact use.

After looking at the proposed ordinance, I have some concerns, comments, questions. I've attached a "redline" version I put together comparing last month's draft since one was not provided.

- **RENEWAL:** Under "Expiration Date"—Is "July 1" an example date, or intended as the actual ordinance (i.e. indicating that all shelters must renew by July 1st each year)? The first draft spelled out "Twelve Months" expiration. Please ensure that code does explicitly require yearly renewal.
- **PUBLIC HEARING:** Please consider requiring public hearing on renewal, not just initial application.
- **TIMING:** There are currently two dates affecting grandfathered locations – in "Licensing Requirements" (b) and "Performance Standards" (f) & (g). My reading is that a shelter use with all permits in hand as of Jan 31 but not technically "*in operation*" as of the effective date would simply need to obtain its initial license at a future date before they could begin operating. Please just make sure there's no loophole created.
- **GRANDFATHERING:** Some but not all of the language regarding shelter-specific conditional use standards is duplicated in this licensing ordinance ("management plan" etc) – but some existing shelters will have other requirements waived (e.g. to provide central office, sight lines, onsite services & amenities). I ask you to ensure that all relevant *operational* requirements *are* applied, even to grandfathered locations.
- **SUNSET:** Please consider a "sunset" for grandfathering, giving prior operations something like 5-10 years to meet ALL conditional use and licensing standards, else relocate to make all code requirements possible. There should not be an option for an inadequate facility to continue operating in perpetuity.
- **ZONING:** It would be appropriate at this time to openly acknowledge that the city is allowing (and operating) illegally zoned shelters, and lay out exactly how / when those need to come up to code.

- **AMENDMENTS:** Last month's planning approval for 5 Portland Street added several amendments creating additional conditions to the permit. and it's worth considering which of these should actually be permanent conditions. Some portion of code should definitely require a maximum allowable capacity both in terms of persons served and space used to be *set in writing*. Most of the monitoring metrics suggested by DHHS have been included in this licensing proposal, which makes conditional use language outdated.
- **ADVISORY PANEL:** This licensing proposal includes a requirement to meet monthly with neighbors – but an advisory panel with a broader array of stakeholders is a more beneficial forum. We have evidence that mere attendance at neighborhood meetings is not adequate to resolving concerns.
- **PUBLIC REPORTS:** There should be a requirement that monitoring reports be made publicly available on the operator's website.
- **CODE LANGUAGE:** I am of the opinion that the approved management plan for 5 Portland did not adequately meet code requirements in several ways - no centralized office; staff workstations will not provide sight lines to all sleeping areas; the only services actually offered "on site" will be case management and housing assistance; there is not a kitchen or pantry "for guests" (only separate production operations that will deliver meals); etc etc... Please consider whether that language needs to be clarified to better instruct the reviewing body as to intention of the law, or to spell out minimum allowable thresholds.
- **DAY SPACE:** Requirements for indoor day space should be tightened up. The current conditional use language has been copied to this licensing proposal, allowing shelters within 1/4 mile of a METRO line to ignore the need for day shelter space. Shelters with no day space force clients out into the neighborhood, and are not considered a best practice. Please consider striking the "*within 1/4 mile OR*" clause entirely – i.e. simply require all new emergency shelters to be located within 1/2 mile of metro AND provide day space AND draw up transit strategies. This is better for clients and for neighborhoods.
- **COMMUNITY PROTECTIONS:** The community must be ACTIVELY protected. Waiting for renewal to count complaints against an unspecified threshold next year is not enough. The proposed licensing language does at least mention things like "security plan", and reducing crime "around" the facility. Please explicitly require *preemptive prevention* of the right kind of neighborhood impacts, not just vague review of an undefined security plan. The proposed licensing language clearly lists many explicit requirements for *internal* safety – it needs to also include equally explicit *community* safety requirements. Please require active mitigation of known community impacts. This is especially important given the overall plan to expand small shelter zoning, which may site future emergency shelters in close proximity to residential homes.
- **THRESHOLDS:** The language around department review removed any mention of appropriate number of calls for service, public safety hazard, or life safety – despite requests from councilors to provide more definition in these areas. In my opinion this can and should operate similarly to the existing "disorderly house" ordinance. Please determine what a reasonable threshold is, enforce penalties, require oversight when necessary, and ultimately revoke the license if a shelter is unable to operate safely at the given location and capacity.

- **SUB-POPULATION:** I'm glad to see applicants will be required to describe the intended population. This language should be stronger to align with city policy and plans. Please require that intake *only* be allowed via the city's central system. I would also suggest any proposed shelter prove it will fill a gap in the existing system. Emergency shelter should not be a "competitive" business; all parties must submit to the fact that this municipality is overseeing a complex system, and has the right and responsibility to manage it appropriately.
- **STANDARDS:** This licensing proposal includes items such as requirements for crime prevention by environmental design; community relations liaison; emergency contact; emergency response protocols, etc. – which need to be included in the conditional use standards.
- **INSPECTIONS:** Last month's minutes show councilors requested that inspections should happen more than twice a year, and that there should be a method of overseeing city operations, but the new language doesn't describe this. Please consider filling this in.
- **ENFORCEMENT:** Generally, this city needs to correct course from a history of failure to actively enforce existing laws surrounding homeless services. Chapter 15.8 is largely reactive unless there is immediate danger of irrevocable harm (I would submit that in many ways irrevocable harm has already been created in the Bayside Neighborhood). The more explicit licensing can be about ways that applicants must *reduce and prevent* known adverse effects, the better.

I'm very hopeful that the full council will soon pass really strong and durable licensing that protects everyone involved – clients, staff, and the host community. I'm also hopeful that the current council & city staff may find ways to encourage other municipalities, regional bodies, the state, and even federal actors, to participate more actively. Many thanks to you and everyone in this city who goes above and beyond to provide regional services, and to ensure they are managed well.

Sincerely,
Jim Hall
Cedar St Portland

<Shelter Licensing - ANNOTATED.pdf>

Fwd: Shelter licensing general comments

2 messages

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>
Cc: Tae Chong <tchong@portlandmaine.gov>

Tue, Mar 9, 2021 at 5:23 PM

And since I forwarded the ones Mark sent along, I should ask that these be added, too. Again, if not tonight, to the packet for this meeting and then again next month when we are more likely to vote. A couple more coming your way, Adam.

Thanks!

Best,

Belinda
Belinda S. Ray (*she / her / hers*)
City Council, District 1
[389 Congress Street](#)
[Portland, ME 04101](#)
BSR@portlandmaine.gov

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

From: **Sarah Michniewicz** <sarahmichniewicz@icloud.com>
Date: Tue, Mar 9, 2021 at 3:58 PM
Subject: Shelter licensing general comments
To: Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>
Cc: <cityclerk@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ali Pious <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Jon Jennings <jjp@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>

Hello Chair Chong, Councilor Dion, and Councilor Ray,

Thank you once again for pursuing shelter licensing. I hope you will consider moving this on to the full council with a strong recommendation for passage, after incorporating community feedback on buffers and spacing as recommended by staff. I have a couple of thoughts and questions:

- Allowing separate day space is tantamount to replicating the untenable situation in Bayside; it would contradict the purpose of moving to a best practice model of having all resources in one site and potentially double the amount of shelter space in any given area. This reversion to a campus-style shelter would potentially increase staffing costs for providers and create unnecessary resistance in prospective neighborhoods, thus fulfilling shelter provider prophecies.

Perhaps a better approach would be to allow waivers only for existing shelters. The Oxford Street Shelter has been voluntarily providing day space since 2017 without it being required.

- Regarding waivers for domestic violence shelters, please ask staff for clarification on best practices regarding proximity of DV shelters to general population shelters and how location may effect the goals of operators and the need for confidentiality.

- At the February HHS meeting advocates recommended ditching controls such as retroactive licensing, buffers and spacing, deeming them arbitrary. It was stated that the recommendations are too focused on neighborhoods, an argument echoed by the letter you recently received from the Emergency Shelter Assessment Committee, who went further, asking you to abandon the licensing effort entirely.

If necessary, please clarify at this meeting that the purpose of municipal licensing is to benefit consumers, to be sure, but also ensure the safety of the public, mitigate impacts on abutters, and serve the interests of the City. It's frankly ridiculous to suggest otherwise, or to imply that to do so would unfairly or illegally single out emergency shelters or people experiencing homelessness.

The City has had a wonderful history of caring for people seeking shelter, and a terrible track record for supporting constituents residing near those shelters. That has improved a lot in recent years because of proactive measures taken by the City to provide day space, bathrooms and storage at the OSS. But the biggest limitation to siting shelters in neighborhoods other than Bayside remains a lack of reliable standards that benefit the entire community. Licensing is the next logical step.

Shelter operators fear difficulty siting shelters, based on the pushback from neighborhoods, whose own fears are based on the well-documented crime, disorder, and severe quality of life impacts that have come from having too many services in one area and next to no controls or recourse for mitigation. It's a feedback loop that can only be disrupted by doing something better, something that supports the entire community. Creating a licensing scheme will interrupt that cycle by giving neighborhoods confidence that shelters can be good neighbors, that excessive impacts will be addressed, and will ultimately make it easier to site shelters.

The idea that the City can, should, or will be able to effectively deal with potential impacts from emergency shelters by putting out fires is simply not an acceptable substitute for licensing. It hasn't been for the past 20 years.

No one I know expects utopia, just a fair and reasonable levels of impact. Not fair and reasonable as defined by operators, or by onlookers who insulate themselves in nearby towns that actively prohibit shelters, but fair and reasonable to an average person on an average street in an average Portland neighborhood, deserving to live their life with an average amount of urban disruption. In other words, we expect everyone to act like neighbors.

As I wrote in [this](#) letter to the editor, we must all respect each other. If shelter providers are not willing to voluntarily and proactively consider the needs of the entire community, the City must do it. You have the opportunity to turn things around, to create a framework within which shelters become welcome neighbors. Please take it.

Sincerely,

Sarah Michniewicz
Cedar Street, Portland

PS - Regarding small shelter zoning, it's worth noting that at the Maine Homelessness Planning meeting this morning, the data and recommendations that were shared lean away from increasing permanent shelter bed capacity. In fact, the State sees a current need for only 23 additional shelter beds statewide, based on current data and future predictions, even accounting for evictions and the current economic trajectory. The pandemic-related reduction in shelter beds is seen as an opportunity to not refill them, and move people into permanent housing instead.

- The data and shelter system redesign planning envisions the closing of emergency shelters as the focus on permanent, transitional, supportive, subsidized and affordable housing increases supplies, and prioritizes enhancing diversion programs to keep people out of homelessness in the first place. A specific diversion program has been developed and service hubs are being offered training to implement it.
- Data also shows that compared to other exits to permanent housing from homelessness, exit from emergency shelter has the poorest outcome, 18% compared to roughly 75% for exits via rapid rehousing, transitional housing, and supportive housing.

The slideshow from the meeting is [here](#).

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 11:58 AM

Here you go, Adam. I'll send the others, too. Sorry it didn't work the other way!!
[Quoted text hidden]

Fwd: Shelter licensing

1 message

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 11:59 AM

Belinda S. Ray (*she / her / hers*)
City Council, District 1
[389 Congress Street](#)
[Portland, ME 04101](#)
BSR@portlandmaine.gov

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

From: **Carolyn Megan** <carolynmegan@gmail.com>

Date: Tue, Mar 9, 2021 at 11:21 AM

Subject: Shelter licensing

To: Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ali Pious <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>

Dear Councilors Chong, Dion and Ray:

Thank you for the time and care you have brought to the discussion of licensing shelters in Portland. This work and conversation is long overdue and is crucial for the well-being of both shelters and the neighborhoods in which they are situated. As there is no recourse for residents to be heard in expressing concerns about shelters' impact on neighborhoods, your work is timely and much needed. Additionally, the work underscores the larger visioning for how the city as whole - each neighborhood - can address issues of homelessness.

As an extension of this work, I ask that you urge the City Council to place a moratorium on any new shelters in Bayside until the city can best address Portland's shelter system as a whole.

No doubt there are difficult conversations ahead but this work is a good first start.

Thank you,
Carolyn Megan

Fwd: Shelter Licensing

1 message

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 12:04 PM

Belinda S. Ray (*she / her / hers*)
City Council, District 1
[389 Congress Street](#)
Portland, ME 04101
BSR@portlandmaine.gov

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

From: **Michael Gelsanliter** <mrgelsanliter@gmail.com>

Date: Tue, Mar 9, 2021 at 8:36 AM

Subject: Shelter Licensing

To: <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ali Pious <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Jon Jennings <jjp@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>, <ksnyder@portlandmaine.gov>, <tchong@portlandmaine.gov>

Dear Councilors and Mayor Synder,

Please justly consider a moratorium on additional new shelters in Bayside until adequate time can be given to study how shelters can best serve the greater Portland community.

The effort, time and energy should not be spent on another new Bayside Shelter when we just had one approved. In good conscience shouldn't the location of additional new shelters be more equitable around the city.

Thank you for your consideration and all your hard work,

Sincerely,

Michael Gelsanliter
32 Mechanic Street

Fwd: Shelter spacing recommendations

1 message

Kristen Dow <kjd@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Sun, May 9, 2021 at 3:56 PM

For backup

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

From: **Sarah Michniewicz** <sarahmichniewicz@me.com>

Date: Sun, May 9, 2021 at 2:55 PM

Subject: Shelter spacing recommendations

To: Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>

CC: Kristen Dow <kjd@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>, Jon Jennings

<jpj@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>

Hello Chair Chong, Councilor Dion and Councilor Ray,

I'm writing in regards to the updated emergency shelter licensing recommendations and buffer/spacing suggestions. The recommendation for no more than 250 beds in a 1 mile radius makes good sense and I'm pleased that's been supported even though Bayside will still be far over that limit for the foreseeable future.

However I don't understand how staff came to recommend a mere 500' between any two shelters. This is actually a little less than the current spacing between the Oxford Street Shelter/Family shelter area and Preble Street's teen shelter/5 Portland Street shelter area (formerly consistency utilized as 75 bed overflow site). All evidence points to that being far too dense for one area, as the memo for the shelter moratorium illustrates in detail. Please ask staff to explain this recommendation.

The rationale given in the memo is that 500' is sort of a default setting - it's the maximum buffer used in the City for a potentially high-impact use. But requiring any spacing or buffer for a given use means implicitly that there's something unique about that use that's known to cause, or suspected to cause, excessive impact. So for the 500' spacing recommendation to have any meaning staff must be able to articulate a relationship between impacts of an emergency shelter and, in the example staff gives, a marijuana business.

Additionally, this spacing recommendation has to be considered in the context of LD 1478, the proposed legislation that would legalize the behaviors that are at the heart of the disorder and police calls for service in Bayside. Though the requirement that shelters have adequate day space will certainly be helpful in regards to loitering and other concerns, it's a fact that people will continue to use the public space to engage in behaviors prohibited at shelters. 500' spacing will do next to nothing to prevent any one area from carrying an undue burden, even less so should this bill pass.

Based on what's known about the impacts of current shelter spacing and shelter demographic overlap (families, teens and adults all sheltered in one area), the spacing required in this licensing should be at least 1000', preferably 1200'-1500' in order to reflect current understanding of impacts and support the City's overall goals as an equitable provider of emergency shelter.

As to the rest of the licensing recommendations I'm pleased to see they have continued to be strong and clear. There is one worrying clause though:

Performance Standards, section e) *The facility must provide indoor space to permit shelter guests day shelter. If it would cause the shelter an undue burden to provide the indoor, the shelter may apply for a waiver of this requirement if they are able to provide alternative indoor day shelter space within ¼ mile of the shelter.*

- Please *only* make this waiver available to existing shelters. Allowing new, planned shelters this option of a "campus" approach conflicts with conditional use standards and best practices for emergency shelters, and

undermines the intent of this licensing. On multiple occasions councilors and staff have underscored the folly of pushing people out in the morning and lining them up again at night to get back in, citing it as one of the main factors contributing to the disorder and friction in Bayside. A standard that prevents that scenario shouldn't be considered an undue burden.

- Also, consider amending this section to clarify that any such alternative indoor day shelter space allowed by this waiver is subject to the licensing standards governing operations of the main overnight shelter.

Please also consider making the Pre-existing Shelters section clearer. The goal, as I understand it, is to allow shelters operating or permitted to operate as of Jan 31 2021 to maintain their standing; and to prohibit additional shelters, or relocations, or expansion of existing shelters in excess of the licensing's buffer and spacing requirements. However as written the language in this section is difficult to parse.

Thank you, I appreciate your careful attention to this important matter.

Sarah Michniewicz
Cedar Street

--

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

Fwd: tonight's discussion - emergency shelter licensing

1 message

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 11:59 AM

Belinda S. Ray (*she / her / hers*)
City Council, District 1
389 Congress Street
Portland, ME 04101
BSR@portlandmaine.gov

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From: **Heidi Souerwine** <heidi.souerwine@gmail.com>

Date: Tue, Mar 9, 2021 at 3:54 PM

Subject: tonight's discussion - emergency shelter licensing

To: Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>

Cc: Kate Snyder <ksnyder@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ali Pious <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>

Dear HHS Committee members and Councilors,

Thank you for the continued discussion, consideration of, and movement forward on our city's shelter regulations. I've been encouraged by thoughtful questions during the committee's dialogue on this topic over the past several months. It's complicated, and I know these topics are especially challenging in our current climate, so I thank you for your continued engagement, and desire for alignment.

I write in support of the more thoughtful shelter licensing and zoning policies under discussion. I think these policies help move away from the dense concentration of social services that has neither benefited individuals experiencing homelessness, nor the neighbors who wish to be in community with them.

I encourage you to take action on shelter licensing at the meeting tomorrow, and send it to the full Council. In the documents posted online I see many things I support that will be crucial to building public understanding and support for shelters around our city, and, are normal parts of licensing and zoning regulations:

1. a buffer of no more than 250 beds within a 1 mile radius.
2. spacing of 2500 feet between facilities.
3. requirement that all shelters must have adequate space for people ONSITE to be able to stay off the street during the day.
 1. I see waivers have been suggested, and I would STRONGLY recommend finding a way to limit those. Otherwise, we're setting up a scenario of ping-ponging vulnerable people between spaces, again, which goes against best practices to serve these individuals and help them overcome permanent homelessness.

However, there's one thing I don't see yet that is CRITICAL: strict rules preventing institutions from undermining this process and skirting the policies in progress:

a moratorium on any new shelters in Bayside.

Why is this so important? As you all know, one shelter has already been added to Bayside, bringing our tiny half of this neighborhood up to 451 beds within the suggested 1 mile radius. That's almost as many beds OVER (201) the suggested maximum of 250.

The City was able to do something similar for development in Munjoy Hill. Doing so right can only help you, our Council, serve our City better in making sound, thoughtful policy decisions by looking at a complete picture, absent of counterproductive pieces running in parallel.

If the City staff are recommending that before further action is taken, [outreach](#) should be conducted with neighborhood associations and shelter providers to get feedback and information (GREAT idea, wish our neighborhood had this), AND they are also recommending [community surveys](#) be conducted to hear what people think about small shelter zoning, allowing other things to proceed in tandem will undermine these efforts. and the transparency I know you all strive for.

Thank you for your diligent work, and I look forward to the discussion this evening.

Heidi Souerwine
Mechanic St.

Fwd: Updated Letter on Shelter Licensing from ESAC

3 messages

Kristen Dow <kjd@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Fri, Jun 4, 2021 at 10:26 AM

For backup.

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: **Jon Jennings** <jpj@portlandmaine.gov>
Date: Fri, Jun 4, 2021 at 10:22 AM
Subject: Fwd: Updated Letter on Shelter Licensing from ESAC
To: Kristen Dow <kjd@portlandmaine.gov>

Please add to the backup for the committee meeting.

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

From: **Pious Ali** <pali@portlandmaine.gov>
Date: Fri, Jun 4, 2021 at 10:20 AM
Subject: Re: Updated Letter on Shelter Licensing from ESAC
To: Homeless Voices for Justice <hvj@preblestreet.org>
CC: Kate Snyder <ksnyder@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Dena Libner <dlibner@portlandmaine.gov>, Katherine Jones <klj@portlandmaine.gov>

Mayor

Can we add this to the backup materials as well Thanks. I have copied the city clerk and the manager just as FYI.
Thanks

Respectfully

Pious Ali

City Councilor At-Large

City Hall

[389 Congress Street](#)

[Portland, ME 04101](#)

PALI@PortlandMaine.gov

[2078074283](tel:2078074283)

On Thu, Jun 3, 2021 at 3:21 PM Homeless Voices for Justice <hvj@preblestreet.org> wrote:

To: Portland City Council Health and Human Services and Public Safety Committee, and City Council

From: Portland's Emergency Shelter Assessment Committee

The Emergency Shelter Assessment Committee (ESAC) was formed in 1987 to monitor and respond to the emergency shelter needs of individuals who are homeless in the City of Portland. One of the ways ESAC works to accomplish this objective is by collecting, aggregating, and disseminating crucial data that illustrates the scope and magnitude of need.

ESAC recognizes that the integrity of our work relies on the accuracy of the data we share. In our March 9th letter to the City Council we wrote, "just last week four people experiencing homelessness died due to shelter occupancy limitations caused by the COVID-19 outbreak." After submission ESAC learned this information was not accurately portrayed. We take full responsibility and want to correct the record. While all of the people referenced in our letter had long histories of homelessness contributing to their deaths, their deaths were not caused by shelter occupancy limitations. We apologize for any confusion this may have caused.

Additionally, we stated that "ESAC has voted unanimously to oppose the proposed shelter licensing regulations." We wish to amend this statement to include ESAC voted unanimously to oppose the proposed shelter licensing regulations with two members abstaining.

Emergency shelter providers have worked tirelessly to help some of our most vulnerable community members during this pandemic and we in no way want to detract from their efforts. The number of individuals experiencing homelessness in Portland has grown exponentially over the last year, recently setting a new record of 321 individuals accessing emergency shelter. 64 people who were homeless died in Portland in 2020, up from 43 the year before. We appreciate the City Council's vote to continue working with community members and providers on this issue and look forward to partnering with the Council to end and prevent homelessness in Portland.

Signed,

ESAC Tri-Chairs: City of Portland, United Way, Homeless Voices for Justice

--
Jon P. Jennings, MPA
City Manager
[City of Portland](#)
[389 Congress Street](#)
[Portland, ME 04101](#)
(207) 874-8689 Office
jpj@portlandmaine.gov
www.portlandmaine.gov

Anna Brewer <abrewer@preblestreet.org>

Mon, Jun 7, 2021 at 4:24 PM

To: "Aaron Geyer (aeg@portlandmaine.gov)" <aeg@portlandmaine.gov>, Adam Harr <ash@portlandmaine.gov>

From: Pious Ali <pali@portlandmaine.gov>
Sent: Friday, June 4, 2021 1:53 PM
To: Jon Jennings <jjp@portlandmaine.gov>
Cc: Dena Libner <dlibner@portlandmaine.gov>; Homeless Voices for Justice <hvj@preblestreet.org>; Kate Snyder <ksnyder@portlandmaine.gov>; Katherine Jones <klj@portlandmaine.gov>
Subject: Re: Updated Letter on Shelter Licensing from ESAC

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Thank you

Respectfully

Pious Ali

City Councilor At-Large

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389 Congress Street

Portland, ME 04101

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2078074283

<http://www.portlandmaine.gov>

[Sign up to receive updates on my work](#)

On Fri, Jun 4, 2021 at 10:23 AM Jon Jennings <jjp@portlandmaine.gov> wrote:

I forwarded this to HHS staff to include in the backup for the committee.

On Fri, Jun 4, 2021 at 10:20 AM Pious Ali <pali@portlandmaine.gov> wrote:

Mayor

Can we add this to the backup materials as well Thanks. I have copied the city clerk and the manager just as FYI. Thanks

Respectfully

Pious Ali

City Councilor At-Large

City Hall

389 Congress Street

Portland, ME 04101

PALI@PortlandMaine.gov

2078074283

<http://www.portlandmaine.gov>

[Sign up to receive updates on my work](#)

On Thu, Jun 3, 2021 at 3:21 PM Homeless Voices for Justice <hvj@preblestreet.org> wrote:

To: Portland City Council Health and Human Services and Public Safety Committee, and City Council

From: Portland's Emergency Shelter Assessment Committee

The Emergency Shelter Assessment Committee (ESAC) was formed in 1987 to monitor and respond to the emergency shelter needs of individuals who are homeless in the City of Portland. One of the ways ESAC works to accomplish this objective is by collecting, aggregating, and disseminating crucial data that illustrates the scope and magnitude of need.

ESAC recognizes that the integrity of our work relies on the accuracy of the data we share. In our March 9th letter to the City Council we wrote, "just last week four people experiencing homelessness died due to shelter occupancy limitations caused by the COVID-19 outbreak." After submission ESAC learned this information was not accurately portrayed. We take full responsibility and want to correct the record. While all of the people referenced in our letter had long histories of homelessness contributing to their deaths, their deaths were not caused by shelter occupancy limitations. We apologize for any confusion this may have caused.

Additionally, we stated that "ESAC has voted unanimously to oppose the proposed shelter licensing regulations." We wish to amend this statement to include ESAC voted unanimously to oppose the proposed shelter licensing regulations with two members abstaining.

Emergency shelter providers have worked tirelessly to help some of our most vulnerable community members during this pandemic and we in no way want to detract from their efforts. The number of individuals experiencing homelessness in Portland has grown exponentially over the last year, recently setting a new record of 321 individuals accessing emergency shelter. 64 people who were homeless died in Portland in 2020, up from 43 the year before. We appreciate the City Council's vote to continue working with community members and providers on this issue and look forward to partnering with the Council to end and prevent homelessness in Portland.

Signed,

ESAC Tri-Chairs: City of Portland, United Way, Homeless Voices for Justice

Jon P. Jennings, MPA
City Manager
City of Portland
389 Congress Street
Portland, ME 04101
(207) 874-8689 Office
jpj@portlandmaine.gov
www.portlandmaine.gov

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Kristen Dow <kjd@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>
Cc: Aaron Geyer <aeg@portlandmaine.gov>

Mon, Jun 7, 2021 at 5:13 PM

Hi Adam,

This is a correction to an item that is currently in the HHS & PS Committee packet for tomorrow night's meeting and should also be added as backup materials.

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: **Aaron Geyer** <aeg@portlandmaine.gov>
Date: Mon, Jun 7, 2021 at 4:53 PM
Subject: Fwd: FW: Updated Letter on Shelter Licensing from ESAC
To: Dow, Kristen <kjd@portlandmaine.gov>

Good Afternoon Kristen,
I wanted to send this along as an FYI from earlier today.

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

From: **Anna Brewer** <abrewer@preblestreet.org>
Date: Mon, Jun 7, 2021 at 4:47 PM
Subject: FW: Updated Letter on Shelter Licensing from ESAC
To: Aaron Geyer (aeg@portlandmaine.gov) <aeg@portlandmaine.gov>

From: Homeless Voices for Justice
Sent: Monday, June 7, 2021 2:05 PM
To: Homeless Voices for Justice <hvj@preblestreet.org>; tchong@portlandmaine.gov; Mark Dion <mdion@portlandmaine.gov>; Belinda Ray <bsr@portlandmaine.gov>
Cc: Azarro@portlandmaine.gov; afournier@portlandmaine.gov; Nicholas Mavodones <nmm@portlandmaine.gov>; Spencer Thibodeau <sthibodeau@portlandmaine.gov>; Kate Snyder <ksnyder@portlandmaine.gov>; Pious Ali

<pali@portlandmaine.gov>

Subject: RE: Updated Letter on Shelter Licensing from ESAC

Dear City Council Members,

We are emailing to make a correction to the updated ESAC letter on shelter licensing that we sent last Thursday, 6/3. The email was signed the “ESAC Tri-Chairs: City of Portland, United Way, Homeless Voices for Justice.” However, the City of Portland and United Way of Greater Portland abstained from the vote as referenced in the body of the letter. We are emailing to correct the record, noting that the City and UWGP abstained and should be removed as signers.

Thank you,

ESAC

From: Homeless Voices for Justice

Sent: Thursday, June 3, 2021 3:21 PM

To: tchong@portlandmaine.gov; Mark Dion <mdion@portlandmaine.gov>; Belinda Ray <bsr@portlandmaine.gov>

Cc: Azarro@portlandmaine.gov; afournier@portlandmaine.gov; Nicholas Mavodones <nmm@portlandmaine.gov>; Spencer Thibodeau <sthibodeau@portlandmaine.gov>; Kate Snyder <ksnyder@portlandmaine.gov>; 'Pious Ali' <pali@portlandmaine.gov>

Subject: Updated Letter on Shelter Licensing from ESAC

To: Portland City Council Health and Human Services and Public Safety Committee, and City Council

From: Portland's Emergency Shelter Assessment Committee

The Emergency Shelter Assessment Committee (ESAC) was formed in 1987 to monitor and respond to the emergency shelter needs of individuals who are homeless in the City of Portland. One of the ways ESAC works to accomplish this objective is by collecting, aggregating, and disseminating crucial data that illustrates the scope and magnitude of need.

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Signed,

ESAC Tri-Chairs: City of Portland, United Way, Homeless Voices for Justice

--

Aaron Geyer
Director of Social Services
[City of Portland](#)
[196 Lancaster Street](#)
Portland, ME 04101
(207) 482-5131

aeg@portlandmaine.gov

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Re: Dion Fwd: Shelter Licensing Ordinance Comments

3 messages

Belinda Ray <bsr@portlandmaine.gov>

Tue, Mar 9, 2021 at 5:21 PM

To: Mark Dion <mdion@portlandmaine.gov>, Adam Harr <ash@portlandmaine.gov>

Cc: Tae Chong <tchong@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>

I'm forwarding this to Adam to be added to our meeting packet. Adam - I know it's late for this evening, but could you add these to the evening's packet when you get a chance so that they are a part of the public record on this?

We can't discuss this online/via email as it would be a violation of the sunshine/sunlight rules with regard to public meetings.

Thanks for forwarding these along, Mark.

Best,

Belinda

Belinda S. Ray (*she / her / hers*)

City Council, District 1

[389 Congress Street](#)

[Portland, ME 04101](#)

BSR@portlandmaine.gov

Sign up for [my newsletter](#) or visit [my blog](#)!

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On Tue, Mar 9, 2021 at 4:09 PM Mark Dion <mdion@portlandmaine.gov> wrote:

Tae, Belinda,

I had a meeting with small shelter operators yesterday that included an attorney from Maine Equal Justice.

I listened to their feedback and can summarize as follows:

1. Grandfathering existing shelters: a concern that the language is not sufficiently clear
2. Rationale: no expression by the Committee as to what we want to accomplish with passage of the ordinance. They believe licensing should be about assuring the "quality" of program and services rather than a tool for policing public conduct.
3. No sense of the adverse fiscal consequences that will fall upon operators as a consequence of the ordinance going into effect.

There was a lot of sentiment and given that condition I asked that they send me a more concrete collective assessment of the ordinance.

I just received that and it is attached below.

Mark

Begin forwarded message:

From: Oliver Bradeen <obradeen@milestone-recovery.org>

Subject: Shelter Licensing Ordinance Comments

Date: March 9, 2021 at 3:19:20 PM EST

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

Hi Counselor Dion,
I have attached comments regarding the Shelter Licensing Ordinance
Thank you for your time,

Memo:

Date: March 9, 2021

To: The City of Portland Health and Human Services & Public Safety Committee

From: Oliver Bradeen, Milestone Recovery on Behalf of Portland's Private Non-Profit Shelter Providers (Milestone Recovery, Preble Street and Through These Doors)

RE: City of Portland Shelter Licensing Ordinance Comments:

At the February 2021 Health and Human Services & Public Safety Committee meeting councilors suggested that they wanted to hear feedback from the providers of shelter in the city of Portland. As a preliminary response to that request we, Portland's three non-profit shelter providers, have compiled the following feedback on the shelter licensing ordinance.

We want to be clear, that this feedback is based on the February 2021 draft licensing ordinance and a brief review of the March draft posted on Friday March 5th. As the document is revised following this evening's meeting, we request that the HHS & PS committee provide a copy to shelters and other homeless service providers for review at least 2 weeks before a committee meeting where it will be discussed. This will ensure that providers who work closest with individuals experiencing homelessness have the opportunity to provide comprehensive feedback on the potential impacts of the proposed ordinance on services and clients.

Impact on Shelters:

The reporting requirements, mandated meetings and added security requirements will impact staffing. Without clear frameworks it is hard to understand the actual impact on personnel hours. At a minimum this would add duties to already overloaded staff at all levels of shelter operations.

To meet the requirements of the licensure, we may have to hire an additional staff to manage the additional data collection, meetings and engagement with the city. As I am sure you are aware, shelters are notoriously underfunded and most operate at a loss with current funding streams and have to supplement their budgets with donations. In addition, we are currently in the COVID-19 pandemic compounded by a substance use disorder epidemic. Both have already strained our shelter systems.

The cost of licensure probably seems low to the city council. Milestone is a 41 Bed Shelter, we would have an additional cost of \$500/year due to this ordinance. In order to pay for the new expense of licensure, we will have to cut corners somewhere. \$500 a year equals 5 new mats for our shelter. Once again, there is no funding stream for new mats for shelter providers and that does not include the cost of a pillow. We would much rather spend that money on improving services for our clients, than on a fee for licensure.

The ordinance, as it is currently written, takes very limited resources and forces us to prioritize the city's needs and the neighborhood concerns over the client's needs. We need to remember that people experiencing homelessness are disenfranchised, discriminated against, and have trauma histories. Experiencing homelessness itself is a trauma, one that individuals utilizing our shelters are experiencing every day. Collaborating with neighbors and the city are integral to the operation of shelters, but this is already happening out of necessity. The reality is that the problems that exist in our system of care for people experiencing homelessness are very complex, often have no solution and will not be able to remedied without further changes to the larger system, not just the shelter providers. This means that often neighbors will get answers they do not like.

Community Impact:

This licensure ordinance seeks to control neighborhood behavior. The presence of shelters does not dictate behavior in the community. This is a much larger societal problem and to scapegoat it to the shelter systems is misguided and shortsighted. We are in the midst of a substance use epidemic and during the COVID-19 pandemic, people's mental health symptoms have been exacerbated with less access to support services. The increase in mental health and substance use needs are not specific to

the population of people experiencing homelessness but impact all demographics. Often SUD and at times MH disorders lead people to homelessness. These complex issues are not going to be solved by this licensure and much of the unwanted behaviors in community are a result of a broken behavioral health treatment system and not shelter services.

We have sat in collaborative meetings with the City, Fire Department, Police Department, shelter providers, advocates, social service providers and people experiencing homelessness for years in Portland. Other communities in Maine and around the nation look to Portland as an example of community collaboration. These meetings have been filled with bright people, interdisciplinary approaches, local and state officials. Even with pooling all these resources, often challenging situations do not get navigated. The outcome is most often that we have no solution. We can give you case example after case example of how our system will fail the people who need it most. The resource that is there for people when all else fails them are our shelter systems. You don't have to like it, but our system of care has relied on shelters and law enforcement to prop the failing system up for decades. By enacting this licensure and limiting the ability to operate shelters the impact will be increased police and fire calls for service in the city, increased utilization of the emergency departments, camping will increase, and the jail will be the biggest homeless shelter in our city. The "if you build it they will come" narrative is a false one. If you look at any system in which shelter systems close, the people experiencing homelessness do not leave the area. They engage in other methods of seeking shelter, such as camping, tent cities, sleeping in doorways downtown, building temporary shelter and staying in temporary lodging. Regulating the shelters to the point that they cannot operate will negatively impact the community in a larger way than operating the shelters. Licensing shelters is not the appropriate approach to the challenges of the community. If the city wants to figure out a way to tackle the challenges it is seeing, work with ESAC, a group that has existed since 1987 and collaboratively works to end homelessness in the City of Portland.

Final thoughts:

We have many criticisms of this approach to engaging with these problems. If the goal of this ordinance is to make it impossible to operate shelters in the City of Portland, and to block new ones, then this ordinance is extremely successful. If the goal of this ordinance is to reduce the impact of shelter operations on neighbors and communities it misses the mark. It doubles down on an approach that has not been successful; trying to get social services to control community behavior that no other part of the system of care can manage and increased security/policing of individuals experiencing homelessness. We know that the approach and best practice to navigating these challenges is continuing to engage with our clients and global systems of care to foster change.

Oliver Bradeen, LCPC
Executive Director
Milestone Recovery
65 India Street
Portland, ME 04101
www.milestone-recovery.org
(207) 775-4790 ext. 114

Mark Dion
City Council / District 5
[389 Congress Street](#)
[Portland, Me 04101](#)

Please Note: Under Maine law, emails sent or received by public officials or city employees 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.

Adam Harr <ash@portlandmaine.gov>

Tue, Mar 9, 2021 at 5:29 PM

To: Belinda Ray <bsr@portlandmaine.gov>

Cc: Mark Dion <mdion@portlandmaine.gov>, Tae Chong <tchong@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>

It's up now!

Adam Harr (*he / him / his*)
Executive Assistant
Social Services Division
Health & Human Services Department
City of Portland
196 Lancaster Street
Portland, ME 04101
o: (207) 482-5144
f: (207) 775-7918
ash@portlandmaine.gov

[Quoted text hidden]

Mark Dion <mdion@portlandmaine.gov>

Tue, Mar 9, 2021 at 5:31 PM

To: Adam Harr <ash@portlandmaine.gov>

Adam I need a link for yje meeting
Councilor Dion

[Quoted text hidden]

Subject: ESAC votes unanimously on Shelter Licensing ordinance



hvj <hvj@preblestreet.org>
to tchong@portlandmaine.gov, Belinda Ray, Mark Dion

Tue, Mar 9, 2021

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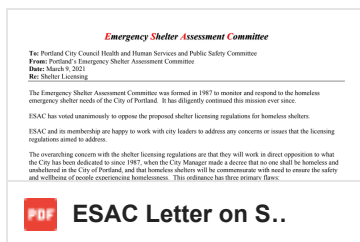
Good afternoon Chairperson Chong, Counselor Ray and Councilor Dion,

Please consider this urgent request from Portland's Emergency Shelter Assessment Committee (ESAC) recommending you vote against the proposed shelter licensing regulations. ESAC has gathered twice during the last week, discussing this issue for hours in depth. The vote was unanimous, with two abstaining votes.

As a collaboration of more than 15 organizations of homeless service providers, funders and people with lived experience that have expertise and many collective years of experience in addressing shelter needs in Portland, this position is telling. Please read the attached letter. Thank you for your consideration.

On behalf of ESAC,

Jim Devine, Homeless Voices for Justice



Emergency Shelter Assessment Committee

To: Portland City Council Health and Human Services and Public Safety Committee

From: Portland's Emergency Shelter Assessment Committee

Date: March 9, 2021

Re: Shelter Licensing

The Emergency Shelter Assessment Committee was formed in 1987 to monitor and respond to the homeless emergency shelter needs of the City of Portland. It has diligently continued this mission ever since.

ESAC has voted unanimously to oppose the proposed shelter licensing regulations for homeless shelters.

ESAC and its membership are happy to work with city leaders to address any concerns or issues that the licensing regulations aimed to address.

The overarching concern with the shelter licensing regulations are that they will work in direct opposition to what the City has been dedicated to since 1987, when the City Manager made a decree that no one shall be homeless and unsheltered in the City of Portland, and that homeless shelters will be commensurate with need to ensure the safety and wellbeing of people experiencing homelessness. This ordinance has three primary flaws:

1. It demonizes people who experience homelessness rather than supports their needs. It does this by representing them as criminals rather than people facing circumstances beyond their control, including inability to afford housing, mental illness, substance use disorder, being victims of domestic violence, or being temporarily or permanently unable to live with parents/family (unaccompanied youth).
2. It arbitrarily limits the amount of homeless resources based on geography rather than need. It does this by declaring limits on the number of people experiencing homelessness served within a square mile or other measures and it does this in a way that is discriminatory.
3. It offers grandfathering that diminishes the current homeless response, while handicapping future response, ignoring the patterns the City of Portland has seen with unmet homelessness demand, and putting homeless emergency shelter providers in an ultimately failing position to deliver emergency services as needed by the City.

All three of these will expose the City to a failed response to homelessness leading directly to homeless encampments – something counterproductive to the City and counterproductive to efforts to end homelessness.

We are dismayed that the proposed shelter licensing regulations are silent on efficiently, effectively, and ethically meeting the needs of people experiencing homelessness. They instead focused solely on how to manage a misperceived threat of people maligned and ostracized for experiencing the circumstances of homelessness.

We urge the City's Health and Human Services and Public Safety Committee to immediately terminate this proposed ordinance. We urge the City's Health and Human Services and Public Safety Committee to instead undertake efforts to meet with professional homeless service providers to develop strategies to directly and precisely address any concerns experienced by the City and its residents. The proposed ordinance would undo current efforts to end and prevent homelessness, and it would do so cruelly amid a pandemic, at a time where just last week four people experiencing homelessness died due to shelter occupancy limitations caused by a COVID-19 outbreak.

Please terminate this ordinance immediately and allow us to ensure people have safe access to emergency shelter in the City of Portland. Please help us end homelessness rather than exacerbate it.

A Collaborative of Services Providers, Consumer Groups, and Health & Human Services Agencies whose Primary Objective is to Ensure the Safety and Well-Being of Portland's Homeless.

Subject: Fwd: Shelter licensing general comments



Belinda Ray <bsr@portlandmaine.gov>
to Adam Harr, Tae Chong

Tue, Mar 9, 5:21

You are viewing an attached message. City of Portland Mail can't verify the authenticity of attached messages.

And since I forwarded the ones Mark sent along, I should ask that these be added, too. Again, if not tonight, to the packet for this meeting and then again next month when we are more likely to vote. A couple more coming your way, Adam.

Thanks!

Best,

Belinda
Belinda S. Ray (*she / her / hers*)
City Council, District 1
389 Congress Street
Portland, ME 04101
BSR@portlandmaine.gov

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

From: **Sarah Michniewicz** <sarahmichniewicz@icloud.com>

Date: Tue, Mar 9, 2021 at 3:58 PM

Subject: Shelter licensing general comments

To: Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>

Cc: <cityclerk@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ali Pious

<pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Kate Snyder

<ksnyder@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Jon Jennings

<jpj@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>

Hello Chair Chong, Councilor Dion, and Councilor Ray,

Thank you once again for pursuing shelter licensing. I hope you will consider moving this on to the full council with a strong recommendation for passage, after incorporating community feedback on buffers and spacing as recommended by staff. I have a couple of thoughts and questions:

- Allowing separate day space is tantamount to replicating the untenable situation in Bayside; it would contradict the purpose of moving to a best practice model of having all resources in one site and potential double the amount of shelter space in any given area. This reversion to a campus-style shelter would



Testimony of Frank D'Alessandro, Maine Equal Justice on Proposed Shelter Licensing Ordinance.

Good afternoon Chairperson Tae Chong and counselors Belinda Ray and Mark Dion sitting as The **Health & Human Services and Public Safety Committee.**

My name is Frank D'Alessandro and I am the Litigation and Policy Director of Maine Equal Justice. We are a civil legal service organization, and we work with and for people with low income seeking solutions to poverty through policy, education and legal representation. Thank for the opportunity to offer you testimony proposed shelter licensing ordinance.

Introduction

Fundamentally, we believe that any licensing ordinance should be focused on the health, safety and care for clients accessing services and not the neighborhood concerns that occur off premises from a given shelter facility or are not tied to the provision of high-quality services to clients. We ask that this Committee and the council as a whole ground its discussion by asking how the licensing ordinance protects those needing access to shelter itself.

In addition, we have the following specific comments concerning the proposed ordinance:

I. The Proposed 1-mile buffer zone and bed cap would impact every shelter located on Peninsula in Portland.

Maine Equal Justice is particularly concerned with the proposed bed limits and distance between shelter requirements.

As the city's own experience with finding the site of the shelter at Riverton and sites for temporary shelter for Covid overflow illustrate, even without ordinances restricting shelter's location, it is very challenging to find land or buildings that work for emergency shelter. The proposed buffer zone restriction adds an artificial barrier to shelter location and relocation. The proposed licensing ordinance will make it even harder for new facilities to open where land and property is available.

Furthermore, it and will also make it difficult for shelters to be renovated, expanded, or moved. This will make it more difficult for shelters to adapt to meet the changing needs of people experiencing homelessness while making it less likely that people experiencing homelessness will have access to adequate, safe, and modern facilities which should be the goal of the licensing scheme. As the Committee is aware, the Preble Street Wellness Shelter, the Joe Kreisler Teen

Shelter, Oxford Street, the family shelter, Florence House, Milestone and the DV Shelter are all located within a mile radius. The buffer zone provision would effectively preclude creation of any new emergency shelter on the peninsula.

While we appreciate that shelters that have been approved prior to January 31, 2021 will be grandfathered in, we recommend that this date be changed to the effective date of any ordinance that is finally passed by the City Council.

II. There is a lack of clarity about when an existing shelter would have to apply for a license to improve or change their facility

The buffer zone requirement may also impact an existing shelter as there is a lack of clarity in the proposed licensing requirement about when a shelter who changes its services or facility in order to make necessary improvements or to meet a new need experienced by the homeless community would be required to submit a new application.

III. The revised proposed ordinance was correct to remove the “unacceptable number of police (and Fire) calls” provision as it could have led to unintended consequences.

We agree that it was appropriate to remove this provision as it would have served to penalize a proactive and productive relationship between city public safety staff and shelter facilities. Law Enforcement calls often stem from an inadequate mental health system or struggles with substance use, precisely the type of circumstances that often lead to homelessness. Those who might interact with law enforcement are often those who most need the services provided by a homeless shelter. The ordinance should avoid such criminalization of homelessness.

Furthermore, police call provisions can have unintended consequences. This is the case with the disorderly house designation currently in city ordinance. Under this ordinance the city is able to designate a property “disorderly” and require the landlord to evict every tenant in the building. We have seen the disorderly house ordinance applied in a manner that allows for the blanket closing down of a building and eviction of lawful tenants who are not themselves engaged in dangerous behavior. Such a provision applied to shelters could result in the unintended closing of needed shelter facilities.

For these reasons among others, we are glad that this provision has been removed.

IV. The Licensing Ordinance raises concerns of disparate impact discrimination against those who access shelter in Portland including people of color, those with disabilities, and those navigating substance use diagnoses.

Finally, according to the Maine State Housing Authority 2019 Point in Time Survey 26% of Maine’s homeless population is Black or African American, and 13% were experiencing substance

abuse issues.¹ According to the same report, there is also a high rate of persons experiencing homelessness who report a disability.

As compared to the overall population, there is a disproportionate number of people of color and those with disabilities who experience homelessness.²

As set forth above, the licensing scheme being considered will negatively impact the availability of homeless shelter and related services. It will do this by requiring a buffer zone and by overemphasizing neighborhood concerns to the detriment of people experiencing homelessness. This will deprive people who are homeless of shelter for reasons unrelated to the behaviors of the vast majority of homeless individuals.

Not only do these requirements impose inappropriate requirements upon shelters, but they will also result in a disparate impact upon both people of color and individuals who suffer from mental illness, potentially violating the Maine Human Rights Act.³

¹ https://www.mainehousing.org/docs/default-source/housing-reports/2019-point-in-time-survey.pdf?sfvrsn=6d6fb415_4

² Only about 1% of the population is Black or African-American, 4.4% of the population suffered from a mental illness.

³ https://www.maine.gov/mhrc/sites/maine.gov/mhrc/files/inline-files/What_it_is.pdf

Subject: Re: Shelter Licensing & Zoning



Jim Hall <mtjimhall@gmail.com>

Tue, Mar 9, 2:14

to Jim Hall, Tae Chong, Belinda Ray, Mark Dion, Kate Snyder, Nicholas Mavodones, Pious Ail, April Fournier, Si

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Hi Councilors Chong, Ray and Dion,

I just learned that ESAC voted in a non-public meeting to oppose shelter licensing altogether (presumably with city staff abstaining). I disagree that creating oversight on a known high-impact use is “demonizing”, “arbitrary”, or “diminishes” response. In fact, as my comments of 3/7 point out, the current licensing proposal is much more explicit about protections inside & “around” the facilities while having almost nothing to say about overall neighborhood impacts. Voluntary behind-the-scenes meetings with city staff may be another welcome solution, but it is NOT an appropriate total response to decades of zero governance. If certain actors in this space had not put the worst externalities of homelessness “on display” while continually disrespecting the community, it would not be so hard to site new shelters in the first place. Homeless services do not need to look like “a neighborhood under siege”, but they did. Please enact oversight that ensures that can never happen again, anywhere.

Jim Hall
Cedar St

On Mar 9, 2021, at 1:47 PM, Jim Hall <mtjimhall@gmail.com> wrote:

Hi Councilors Chong, Ray and Dion,

Apologies for the late add-on. I'm sure some of you are following the Maine Statewide Homeless Council's strategic planning for a better statewide system. I just wanted to point out a few data findings presented today, which may be relevant to Portland's overall strategy regarding management of homeless services.

<http://www.mainehomelessplanning.org/wp-content/uploads/2021/03/CSH-Maine-Data-Analysis-for-SHC-2021-03-09.pdf>

- (p21 of 40) – emergency shelter has the worst record regarding exit to permanent housing, compared to rapid rehousing, transitional housing, and supportive housing (and diversion was not even considered since there is not yet a state system)
- (p29 of 40) – The data suggests adding only 23 emergency beds across the entire state, with spoken analysis pointing to geographical areas that are underserved. Discussion outlined a goal of closing emergency shelters over time as more successful programs reduce the need.

Subject: Shelter licensing



Carolyn Megan <carolynmegan@gmail.com>

Tue, Mar 9, 1'

to Tae Chong, mdion, Belinda Ray, Spencer Thibodeau, Ali Pious, Nicholas Mavodones, afournier, azarro, Jon Jen

You are viewing an attached message. City of Portland Mail can't verify the authenticity of attached messages.

Dear Councilors Chong, Dion and Ray:

Thank you for the time and care you have brought to the discussion of licensing shelters in Portland. This work and conversation is long overdue and is crucial for the well-being of both shelters and the neighborhoods in which they are situated. As there is no recourse for residents to be heard in expressing concerns about shelters' impact on neighborhoods, your work is timely and much needed. Additionally, the work underscores the larger visioning for the city as a whole - each neighborhood - can address issues of homelessness.

As an extension of this work, I ask that you urge the City Council to place a moratorium on any new shelters in Beaverton until the city can best address Portland's shelter system as a whole.

No doubt there are difficult conversations ahead but this work is a good first start.

Thank you,
Carolyn Megan

Subject: tonight's discussion - emergency shelter licensing



Heidi Souerwine <heidi.souerwine@gmail.com>

Tue, Mar 9, 3:54

to Tae Chong, mdion, Belinda Ray, Kate Snyder, Spencer Thibodeau, Ali Pious, Nicholas Mavodones, afournier,

You are viewing an attached message. City of Portland Mail can't verify the authenticity of attached messages.

Dear HHS Committee members and Councilors,

Thank you for the continued discussion, consideration of, and movement forward on our city's shelter regulations. I have been encouraged by thoughtful questions during the committee's dialogue on this topic over the past several months. It's complicated, and I know these topics are especially challenging in our current climate, so I thank you for your continued engagement, and desire for alignment.

I write in support of the more thoughtful shelter licensing and zoning policies under discussion. I think these policies help move away from the dense concentration of social services that has neither benefited individuals experiencing homelessness, nor the neighbors who wish to be in community with them.

I encourage you to take action on shelter licensing at the meeting tomorrow, and send it to the full Council. In the documents posted online I see many things I support that will be crucial to building public understanding and support for shelters around our city, and, are normal parts of licensing and zoning regulations:

1. a buffer of no more than 250 beds within a 1 mile radius.
2. spacing of 2500 feet between facilities.
3. requirement that all shelters must have adequate space for people **ONSITE** to be able to stay off the streets during the day.
 1. I see waivers have been suggested, and I would **STRONGLY** recommend finding a way to limit them. Otherwise, we're setting up a scenario of ping-ponging vulnerable people between spaces, again which goes against best practices to serve these individuals and help them overcome permanent homelessness.

However, there's one thing I don't see yet that is **CRITICAL**: strict rules preventing institutions from undermining the process and skirting the policies in progress:

a moratorium on any new shelters in Bayside.

Why is this so important? As you all know, one shelter has already been added to Bayside, bringing our tiny half of this neighborhood up to 451 beds within the suggested 1 mile radius. That's almost as many beds **OVER** (201) the suggested maximum of 250.

The City was able to do something similar for development in Munjoy Hill. Doing so right can only help you, our Council, serve our City better in making sound, thoughtful policy decisions by looking at a complete picture, absent counterproductive pieces running in parallel.

If the City staff are recommending that before further action is taken, [outreach](#) should be conducted with neighborhood associations and shelter providers to get feedback and information (GREAT idea, wish our neighborhood had this), AND they are also recommending [community surveys](#) be conducted to hear what people think about small shelter zoning, allowing other things to proceed in tandem will undermine these efforts. and the transparency I know you all strive for.

MEMORANDUM

TO: Health and Human Services and Public Safety Committee

FROM: Anne Torregrossa, Associate Corporation Counsel

DATE: July 8, 2021

RE: Measuring distances and enforcement

The HHS Committee raised two questions at its last meeting that I would like to address. The first related to the appropriate way to measure the distance between shelters, and the second related to how enforcement would be conducted. This memo addresses both.

MEASURING

In discussing the way that distances should be measured under the proposed shelter licensing ordinance, the Committee asked for examples of how distances are measured in other areas of the City Code. The key is to consider 1) how the distance is measured; and 2) from where the distance is measured. Here are several examples from the City Code and state law:

1. **Bottle Club Distance from Schools, etc. (§ 3-28(d))**

The three hundred (300) foot distance shall be measured from the principal entrance of the school, dormitory, church, chapel or parish house to the principal entrance of the licensed premises by the ordinary course of travel.

2. **Public Nude Activity Distance from Others and from Schools, etc. (§ 4-91(b))**

The distance must be measured from the main entrance of the premises, as measured in a straight line, without regard to intervening structures or objects.

3. **Certain Marijuana Business Distance from Schools, etc. (§ 14-6.4.10(B)(1))**

Distance shall be measured from nearest property line of the respective marijuana-related use and the property line of the lot containing the public school, private school, or public preschool program.

4. **Certain Marijuana Business Distance from Residential Properties (§ 14-6.4.10(B)(2))**

Distance shall be measured from the nearest outer wall of the building housing the marijuana cultivation, manufacturing, or testing facility to the nearest applicable residential zone boundary. If the marijuana-related facility leases a room or suite of rooms within a building, including, without limitation, individual units within a shopping plaza or shopping mall, the nearest outer wall of the room or suite of rooms within which the facility is located shall constitute the nearest outer wall of the building housing that facility.

5. **Entertainment License Holders from Each Other in Downtown Entertainment Overlay District (§ 14-8.2.3)**

A business with an entertainment license as required or authorized by Chapter 4, Section 4-51(a) of the City of Portland Code of Ordinances within the Downtown Entertainment Overlay Zone may not be located within 100 feet of another business with an entertainment

license, as measured along or across public ways from the main entrance or entrances of each.

6. Liquor Licensee Distance from Schools, etc. (28-A M.R.S. § 701)

The distance must be 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.

ENFORCEMENT

There was a great deal of concern about how enforcement would be conducted in connection with shelter licensing. Hopefully, this brief overview of how the City currently conducts enforcement – and how it would conduct enforcement moving forward – will assuage some of the concerns raised.

With respect to certain City ordinances, as well as state laws enforced by the City, City inspectors already have the authority and jurisdiction to inspect existing shelters. By way of example, this would include the Building, Life Safety, and Fire Codes. Currently, the Fire Department and Permitting and Inspections Department conduct inspections of a variety of commercial and residential buildings, and their jurisdiction extends to all buildings in the City, including existing shelters. When the City conducts an inspection and finds violation of a code or statute, the inspector issues a Notice of Violation and Order to Correct (NOV). The NOV gives the owner or responsible party time to correct the violations that are commensurate with difficulty that correcting the violation poses and the threat that allowing the violation to continue poses. For example, missing smoke alarms might have a much shorter timeframe for correction than installing a full sprinkler system in a building. It is only after the owner or responsible party does not take any action will the City proceed to civil penalties or legal action.

One exception to this process is where a building or violation poses an imminent threat to safety, in which case a building might be posted against occupancy, or similar steps taken. Also, if a violation is a frequently repeated violation then the City might proceed directly to civil penalties or court action.

Licensing inspections proceed in the same manner. For example, the City's Health Inspectors regularly inspect City licensed restaurants for compliance with City Code and state statute. Again, a notice of Imminent Health Hazard (IHH) would be issued for any violations found during an inspection and the licensee would be given time to remedy the deficiency. Generally, a restaurant would not be shut down or otherwise impacted while they are correcting the deficiency, unless the deficiency posed an immediate threat to health and safety. Civil penalties, license suspension or revocation, or other legal action would not move forward unless the licensee did not comply with the City's orders.

The City's goal in enforcement has always been compliance, and City inspectors spend significant time and energy working with property and business owners to help them come into compliance. A very, very small percentage of violations end in civil penalties, license suspension or revocation, or other negative impact on the property or business owner. All of those are business

or owners who have been given numerous opportunities to voluntarily comply and have either refused or dragged their feet so long that it becomes clear that compliance is not forthcoming.

The same principles would be applied to shelter licensee inspections. Inspections would be based on City Code, state statute, or conditions of approval in the licensee's license. This would include their operating plan. The inspector's criteria would not be subjective, but would be based only on the code, statute, or license. Unless a violation posed an imminent threat, a license would be given notice and an opportunity to correct any violations. Civil penalties, license suspension or revocation, or other legal action would only be taken for those licensees who refused to correct violations or repeatedly showed the same violations to the point that the licensee is clearly not meeting their obligations.



CITY OF PORTLAND
Social Services Division
Aaron Geyer, Director

MEMORANDUM

TO: The Health & Human Services and Public Safety Committee

FROM: Aaron Geyer, Social Services Division Director

DATE: June 8, 2021

RE: Shelter Licensing Reporting Requirements and Definitions

At the last meeting, Councilor Dion asked if referrals to a different shelter were included in the list of reporting requirements and expressed interest in pairing down the list in order to increase efficiency. Referrals to other shelters are not currently included. Shelter to shelter referrals currently occur informally as a mechanisms to maximize beds across our shelter continuum and provide the best possible options for guests. Adding a shelter referral reporting requirement would be complicated to get accurate reporting given the nightly cross over that occurs.

In an effort to streamline the reporting requirements, I recommend eliminating (v) "total number of chronically homeless individuals accessing the shelter" with (vi) "total number of individuals who are defined as having long time stayer status" due to the overlap with individuals who meet both criteria. I also recommend Eliminating (xi) Crisis Calls for services, as those calls in large part could be captured in (xiii) police calls for service.

Below are two definitions the committee requested, but please note: eliminating (xi) completely removes the term "crisis calls for service" from the proposed ordinance:

- Long Term Stayer - An individual staying over 180 days in shelters (or outdoors) within a 365 day period (not necessarily consecutive).
- Crisis Calls for services- Calls placed to crisis line (774-HELP) and those to the Behavioral Health team within the Police Dept.

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CITY OF PORTLAND
Parks, Recreation & Facilities Department
Ethan Hipple, Director

TO: Mayor Kate Snyder and Members of the City Council
FROM: Ethan Hipple, Director of Parks, Recreation & Facilities
SUBJECT: Proposal to Rename Bedford Park as “Noyes Park”
DATE: 10/22/21

The Council is asked to consider the renaming of Bedford Park as “Noyes Park”. This change requires an amendment of Chapter 18 of City Code, and therefore Council approval.

Our Department has reviewed this proposed name change, which was requested by members of the Noyes family, and we have sought historical context from local historian Herb Adams and City Clerk Katherine Jones. Based on our research, we recommend that this name change be approved.

The parcel currently named Bedford Park is the triangular parcel of land currently bounded by Deering Ave, Bedford St and the discontinued section of Brighton Ave (adjacent to the University of Southern Maine campus).

It was sold to the City for \$7,215.59 in 1927 by the Noyes family. From the 1920s to sometime in the 1950s it was referred to as Noyes Park in various City guides, newspaper articles, and records. Sometime in the 1950s, the parcel became known as Bedford Park and has been named that ever since. Park names are typically approved by City Council and listed in Chapter 18 of City Code.

In the fall of 2021, City staff were approached by Anna and Henri Benoit, descendants of the Noyes family, about renaming Bedford Park as Noyes Park.

Since we were approached by the Noyes family, our Department has conducted the following research:

- Reviewed purchase and sale agreements (attached)
- Reviewed written history of Noyes and Bedford Park provided by local historian and SMCC professor Herb Adams.
- Reviewed Council meeting agendas and minutes from the 1940s and 1950s to learn if there was ever an official renaming of the park, or if it simply happened naturally. After an exhaustive search by City Clerk Katherine Jones, no records were produced that show an official renaming of the park.
- Reviewed Chapter 18 of City Code to find when exactly the name changed. There was no conclusive record of when the name changed. All available Chapter 18 records refer to the parcel as Bedford Park.
- Review by Public Works Archivist George Carhart. George produced two additional City maps from the 1930's showing plans with the parcel named “Noyes Park”
- Review by City Arborist Jeff Tarling (and Departmental Park Historian): The parcel has been referred to as Bedford Park as long as Jeff can remember, and he was unaware of any official name change from Noyes Park to Bedford Park.

Additionally, Historian Herb Adams provided the following background information on the Noyes family (paraphrased):

The Noyes Family are direct descendants of the Deering Family (almost all the current Noyes siblings have the middle name Deering) that gave Deering Oaks to old Portland, and gave their name to the Town of Deering which was absorbed into Portland in 1899. Deering Ave and Deering Streets are named for them as well. They are



CITY OF PORTLAND
Parks, Recreation & Facilities Department
Ethan Hipple, Director

related to the Fessendens of Portland (for his principled abolitionist stand and personal integrity, US Sen. William Pitt Fessenden has an honored place in JFK's "Profiles In Courage"). The Deerings and Fessendens were early and ardent Maine abolitionists.

The Noyes/Deering family also sold the land to UMaine (then UMP) where the modern Luther Bonney Hall stands, the very site of their honored and ancient family mansion, because they wanted the young University to thrive and not leave Portland.

Sincerely,

Ethan Hipple

Director, Parks, Recreation and Facilities Department
212 Canco Rd, Suite A
Portland, Maine 04103
207-808-5400
ehipple@portlandmaine.gov

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 18
Re: BEDFORD PARK RENAMED NOYES PARK**

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

- 1. That Section 18-11 of the Portland City Code is hereby amended to read as follows:*

Sec. 18-11. Parks and Public Grounds Dedicated. The following parks and public grounds are hereby subject to the provisions within this Article:

Andrews Square;
Back Cove Park and Trail;
Barrow's Park/Baxter Sundial;
Bayside Park/Stone Street Playground;
Bayside Trail;
Baxter Pines;
Baxter Woods;
~~Bedford-Noyes~~ Park;
Bell Buoy Park;
Belmeade Park;
Boothby Square;
Boyd Street Gardens;
Bramhall Square;
Capisic Pond Park;
Caldwell Square;
Clark Street Park;
Congress Square (specifically the remaining 1/3 of Congress Square);
Clark Street Playground;
Deering Oaks Park;
Dougherty Field;
Eastern Promenade Park(including East End Beach and Trail);
Fessenden Park;
Fort Allen Park;
Fort Gorges;

Fort Sumner Park;
Fox Field/Kennedy Park;
Harborview View and Tate-Tyng Park and Playground;
Heseltine Park;
Lincoln Park;
Longfellow Park;
Longfellow Square;
Lobsterman Park;
Marada Adams Playground;
Martin's Point Park;
Monument Square;
Munjoy South Playground;
Nason's Corner Park;
Payson Park;
Peppermint Park;
Pedro Field;
Pleasant Street Park and Playground;
Post Office Park;
Quaker Park;
Riverside Golf Course;
Riverton Trolley Park;
South Street Playground;
Stroudwater Park (Waldo Street and Westbrook Street);
Taylor Street Park;
Tommy's Park;
Trinity Park;
Western Promenade Park; and
Winslow Park.

BE IT FURTHER ORDERED, that the following list in an Editor's Note in Chapter 18 shall be amended to read as follow:

ORDERED, that the following parks and public grounds shall be subject to the permitting requirements of Section 18-40 of the Portland City Code:

Back Cove Park
Baxter Woods
Bayside Park
~~Bedford-Noyes~~ Park
Bell Buoy Park
Belmeade Park
Boothby Square
Capisic Pond Park
Congress Square
Deering Oaks Park

Lobsterman Park
Longfellow Square
Marginal Way Field
Monument Square
Payson Park
Pleasant Street Park
Post Office Park
Presumpscot Park
Public school facilities and grounds

Dougherty Field

Eastern Promenade

Fessenden Park

Fort Allen Park

Fort Sumner Park

Ganley Plaza

Harbor View Park

Lincoln Park

Subject to agreement with the
Portland School Dept.

Riverton Park

Stroudwater Park

Tommy's Park

Western Promenade

TO : All Concerned

RE: Noyes Park, Deering Avenue, Portland

7 SEPT. 2021

To All Concerned –

For almost the first half of the Twentieth Century, the half-acre triangle of land along Deering Ave. by Bedford Street was publicly known as “Noyes Park ,“ for the family that donated or sold the parcel to the City of Portland in 1927 .

The Noyes family were descendants of the Deering family, the pioneering old Falmouth-ites who built a magnificent federalist mansion in 1804 overlooking the 60-acre woodland that today bears their name as “Deering Oaks.“ They were a generous family to all the towns that moved around the boundaries of the communities that embraced their farm – Falmouth, Westbrook, Deering, and finally Portland.

As you can read in the PORTLAND CITY GUIDE (1940) the parcel # 5 (see attached map) is clearly designated as Noyes Park. The GUIDE was a long-researched project of the WPA (Works Progress Administration), a branch of the mid-depression New Deal employment program that put writers, photographers and artists to work on magisterial, comprehensive works about states and cities.

The WPA worked on the Portland version for several years before its long-awaited publication in 1940. It was considered accurate, authoritative and comprehensive.

I myself interviewed several of the very elderly folks who had worked on the WPA. They maintained pride in their productions to the very end.

Clearly what the City Guide says about Noyes Park is correct. Note that all other citations for parks of the same era (see pg. 290) – such as Fessenden Park (# 6) , Longfellow Park (# 7) and Trinity Square Park (#8) -- are accurate, accepted, and not in dispute as to date, size, and names.

Somehow, perhaps about 1950, as memories faded, the name of nearby Bedford St. was transferred over to the small triangle of Noyes Park. The magnificent, lamented Deering Mansion (see # 4) was demolished for the building of Luther Bonney Hall at University of Maine at Portland, today's USM. People forgot and time moved on.

Now is the time to right this wrong. New construction and a new era can also symbolize appreciation of old values and old gifts.

The magnificent Deering Mansion is gone ; its antiquarian contents scattered to the winds. The very last of the Noyes family, the last of the Deerings, today hold the last living memories of the family that gave our city so much.

I conclude this small corner of their world should bear their name again , and remind modern times of the generosity of so many like them that built the city we now enjoy.

What is in a name ? Why, plenty. It says as much about our times and what we value, as it does about their times, and what they gave.

Mr. Bedford has his street name. There is every reason to return the Noyes name to their park, however small, and be proud that we have remembered, and have done the right thing.

Please feel free to contact me for further conversation and research if needed.

Sincerely,



Adjunct Professor History
and Social Science
Southern Maine Community College
2 Fort Road
South Portland, ME 04106
hadams@smccme.edu

AMERICAN GUIDE SERIES

PORTLAND CITY GUIDE

*Compiled by workers of the Writers' Program
of the Work Projects Administration
in the State of Maine*

Illustrated

Sponsored by the City of Portland

THE FOREST CITY PRINTING COMPANY

1940

WOODFORDS SECTION

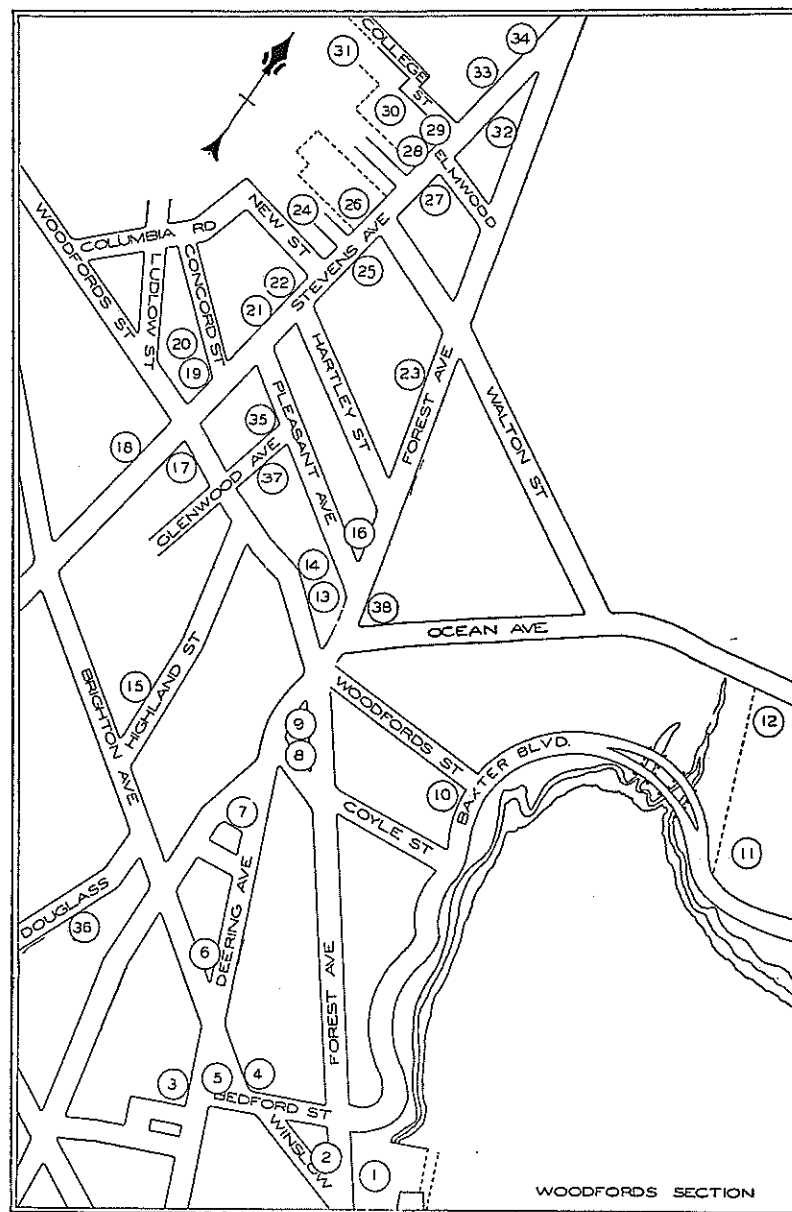
The part of the city known today as Woodfords was virgin forest long after 'The Neck' had become a bustling port. With the withdrawal of hostile Indians farther west settlers straggled in, but it was not until after the Revolution that inhabitants of Stevens Plains, named for an extensive landowner, took up their peacetime trade of smithing and making tinware. A flourishing settlement then grew up, and craftsmen in tin and pewter made this section famous. Fine homes were built, and genial hosts entertained their guests in a lavish manner. A fire destroyed the tin shops in 1842, and the industry was never rebuilt. When the Maine Central Railroad ran its tracks through Woodfords and built a station there, many travelers preferred to leave the train at this junction and come in to Portland on the new horsecars. Stevens Plains, according to Edward Elwell in *Portland and Vicinity*, were: "the scene of 'General Musters,' where the 'old militia' disported themselves in gorgeous uniforms, and engaged in sham fights involving a great waste of gun-powder, though no loss of blood." After the disastrous fire of 1866 Portland residents began to build their homes in this less congested city of Deering which became a part of Portland in 1899. Woodfords, once famous for tinware and horn combs, is a section of comfortable homes with a shopping center at the "Corner."

1. *Winslow & Company*, 253 Forest Ave., known to early Portlanders as the Old Pottery, is the only plant of its kind in New England and is claimed to be the largest east of Ohio. Originally the Portland Stoneware Company established in 1846 by John T. Winslow (1820-96), the plant for many years produced crocks, jars, and ornamental stoneware. In 1870, however, the pottery started mass production of more utilitarian objects and today produces digester brick, tile pipe, wind guards, flue linings, and chimney tops. About one-third of the clay used in the pottery is obtained from the clay bank lying between Forest Avenue and Tukey's Bridge and the remainder is imported.

2. *Winslow Park*, Forest Ave. and Winslow St., a small triangular plot of .19 acres, was one of the first neighborhood parks established under the Portland Park System. It is named for Edward B. Winslow (1846-1936),

Woodfords Section

289



a local merchant, who for many years was president of the Old Pottery (see above).

3. *The Lafayette Restorator*, 25 Granite St., was built prior to 1760 as the home of Joshua Freeman (1730-70), brother-in-law of Dr. Samuel Deane of the First Parish Church. In 1775 Dr. Deane and his wife fled from the less protected area of 'The Neck' to this house to escape the bombardment of the town by Captain Henry Mowat (see *History*). Originally of two stories, a third floor was added to the frame building in recent years. During the early 1800's it was an inn known as the Lafayette Restorator. The original main entrance with its fine fanlight doorway and a portico with four large Doric pillars supporting a pediment, remain.

4. *The Deering Mansion*, 85 Bedford St., sets back from the busy street, its broad lawns shaded by fine old elms. This square, two-story, white frame residence was built in 1804 by James Deering (1766-1850), the son of Nathaniel Deering (1739-95), one of Portland's pioneers who came to 'The Neck' in 1761. The house occupies a part of the site of Anthony Brackett's farm where in 1689 Colonel Benjamin Church led his militia against the Indians in one of the bloodiest battles ever fought on Maine soil (see *History*). The interior of this old house, maintained in excellent condition, contains many early American antiques and is kept much as when its owner, James Deering, was host to such distinguished guests as Daniel Webster, Henry Wadsworth Longfellow, and Jefferson Davis.

5. *Noyes Park*, Deering and Brighton Aves. and Bedford St., containing .52 acres, was acquired by the city in 1927 and named in honor of the Noyes family who gave a part of the property to the city.

6. *Fessenden Park*, Brighton and Deering Aves., a .46-acre park honors Portland's William Pitt Fessenden (see *Downtown Section: No. 108*) and his son, General Francis Fessenden (1839-1906), a Civil War veteran, who was mayor of Portland in 1876.

7. *Longfellow Park*, Deering Ave., and Devonshire and Longfellow Sts., was acquired by the park department in a novel manner in 1929. Near-by residents paid part of the purchase price, and the city the balance. There are several excellent specimens of Norway maples in this .05-acre park.

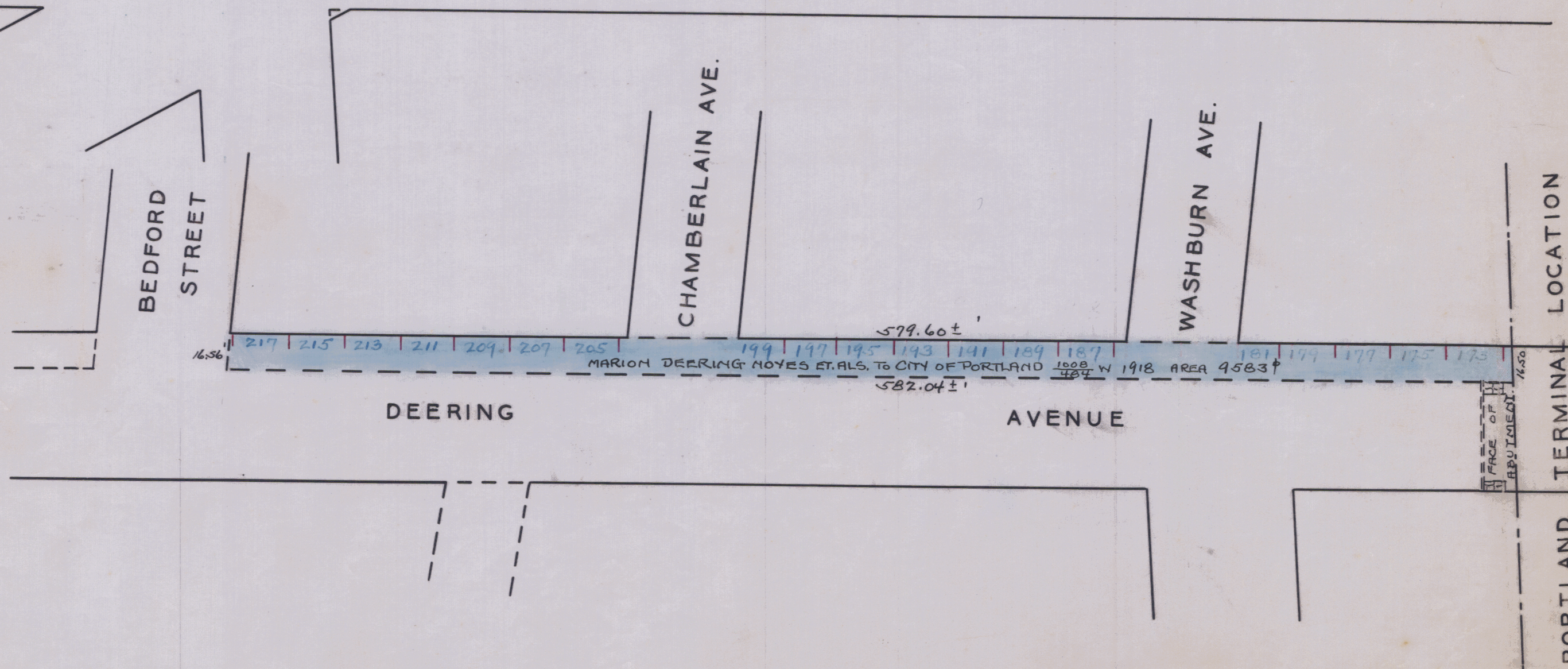
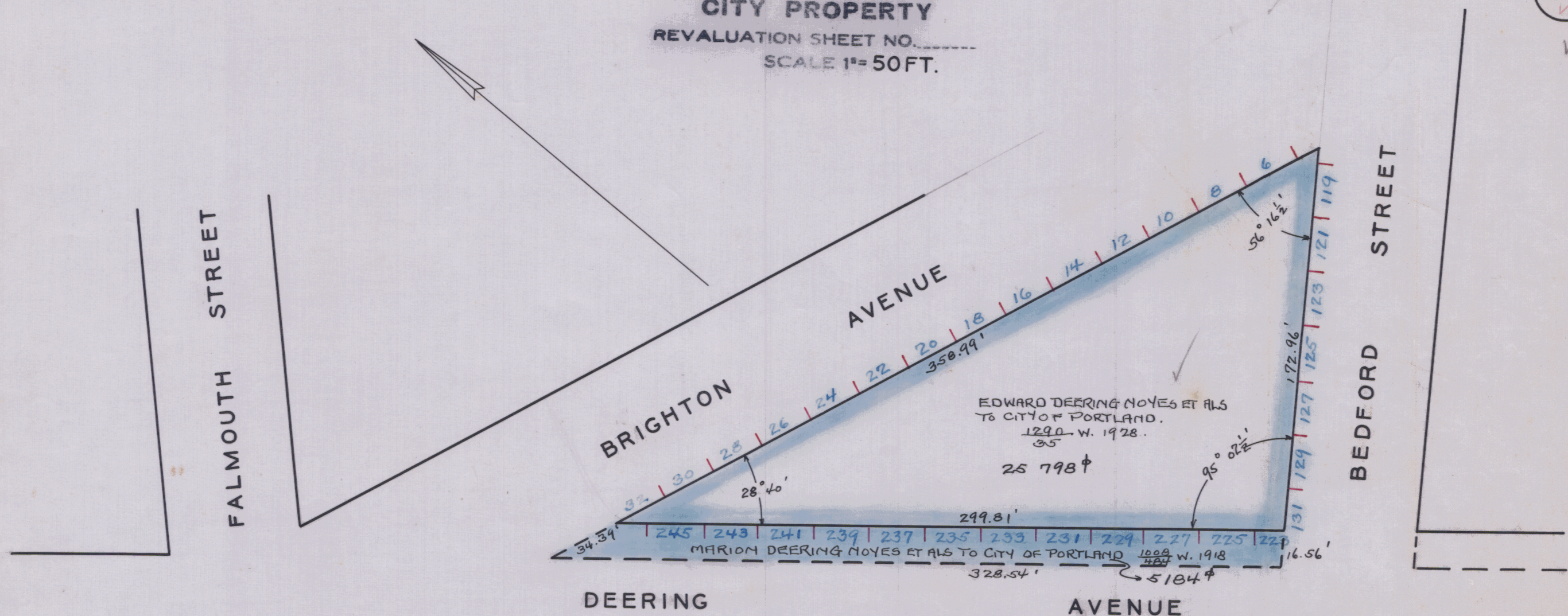
8. *Trinity Square Park*, Forest Ave. and Coyle St. of .3 acres, is named for (9) *Trinity Episcopal Church*, 113 Coyle St. The brown shingled church was designed and built under the supervision of the Reverend Charles T.



For

CITY OF PORTLAND
CITY PROPERTY
REVALUATION SHEET NO. _____
SCALE 1"= 50 FT.

116



Inviting Charm Of Portland's "Neighborhood Parks" Alluring To Weary

Out Of 20 Tiny Plots Scattered Like Oases Throughout The City, Five Stand Out For Neatness And Beauty--William J. Dougherty Of Park Department Has Spared No Efforts In Making These Parks Best Possible



Left to right: Trinity Park, a rendezvous for children and nurse maids; Pessenden Neighborhood Park, corner of Brighton and Downing Avenue, a park noted for its woodsy effect; Longleaf Neighborhood Park situated between Noyes, Longleaf and Oakdale Streets. Inset: William J. Dougherty, secretary and engineer of the Portland Park Department.

Purchased this fall is a richly and beautifully done as our city in New England. The grounds and walks, which are the style in the best parks. Of the many plots scattered throughout the city, five stand out for neatness and beauty as they cause more favorable comment than any other direction of the Park Department. They are the neighborhood parks of Portland, namely, Pessenden, situated between Triangle Park, between Noyes, Oakdale and Longleaf Streets; Noyes Park, in Pessenden and situated between Noyes, Longleaf and Oakdale Streets; Longleaf, between Noyes, Longleaf and Oakdale Streets; and two others, one between Pessenden and Noyes, and another between Noyes and Longleaf.

There is something new in the name "neighborhood park," something friendly and homey to the atmosphere created by these flowering, thriving green islands beautified by our city.

Each year the Park Department has approximately \$1,000,000 to maintain the parks and squares which include the neighborhood parks mentioned, and the family Andrew Anderson, secretary, Portland Park Department, 1000 Commercial Street, is the man in charge.

As yet the last of last year's Longleaf Street on one side has not been officially named, but it is generally known as the "Longleaf" park. This is the first of the neighborhood parks. About three years ago the city was in a position to have a new park, which property owners had only too much to do with at the time. The officers thought "upon the matter," then acted. A neighborhood park was proposed in the city and it was the first of the neighborhood parks. The park was named after the city and it was the first of the neighborhood parks. The park was named after the city and it was the first of the neighborhood parks.

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Portland's New Pilot Boat Is Launched



The new pilot boat, Portland Pilot, photographed as she took her initial plunge after leaving the ways on Brown's Wharf, Saturday afternoon. Inset shows Geraldine MacVane, daughter of Capt. Benjamin F. MacVane, who christened the craft.

ing that this port has witnessed to several years.

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Mrs. Collins On Way Home After Fruitful Trip

Fails To Identify Either Of Richies As First Slayers Of Husband

Portland, Me., Oct. 3.—(AP)—Thanks to identity of the "Richies," Mrs. Collins, who was on her way home after a fruitless trip to identify the persons in her husband's slaying, failed to identify either of the Richies, the public and newspapermen were barred from the hearing. The hearing was held in the morning.

The Richies were released, having been identified by the police. Mrs. Collins, who was on her way home after a fruitless trip to identify the persons in her husband's slaying, failed to identify either of the Richies, the public and newspapermen were barred from the hearing. The hearing was held in the morning.

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Bates Debating League Sending Out Invitations

Secondary Schools Invited To Participate In 19th Annual Tournament

Portland, Me., Oct. 3.—Invitations are now being sent to the various Maine high and preparatory schools to take part in the 19th annual Bates Intercollegiate Debating League this year, and it is expected that the number of schools attending will be about 20.

The question to be debated this year is "Resolved, that the several states should adopt legislation providing for compulsory unemployment insurance."

Prof. F. Brooks Quincy, director of the Bates Debating League, is the one in charge of the tournament. The tournament will be held at Bates College, Lewiston, Me.

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Maine Postmasters

And the whirling of steamers and the chime of bells of operators, the new pilot boat, Portland Pilot, was launched today. The launch was a small one, and the launch was a small one.

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Alfred Couple Were United In Marriage Fifty-Nine Years Ago

Married In Simple Way But Lasted Well, Says Lucius M. Perkins

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After Being Wedded Sixty Years, Jackson Couple Renew Vows

The Rev. Thomas N. Martin Of Brooks Conducts Ceremony In Grange Hall

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Atlanta Flier Killed In Kentucky Air Race

Plane Spun Out Of Control, Crashed Near The C. V. Rogers' Hospital

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Know all Men by these Presents, That

We, Edward Deering Noyes, Ilsley Noyes, George F. Noyes and Mabel F. Noyes, widow of the late Wadsworth Noyes, all of Portland in the County of Cumberland and State of Maine,

in consideration of one dollar and other valuable considerations,
the City of Portland in said County and State,

paid by

the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said City of Portland, its successors and assigns, forever, all that certain triangular piece or parcel of land in said Portland situated on the North side of Bedford Street and bounded and described as follows, viz, Beginning at the corner formed by the intersection of the northerly line of Bedford Street with the easterly line of Deering Avenue, and thence running northeasterly and along said northerly line of Bedford Street to its point of intersection with the westerly line of Brighton Avenue; thence northwesterly and along said westerly line of Brighton Avenue to its point of intersection with said easterly line of Deering Avenue; and thence southeasterly and along said easterly line of Deering Avenue to said Northerly line of Bedford Street at the point or place of beginning, said parcel having an estimated area of 25,000 square feet, be the same more or less.

Subject, however, to the condition that said tract of land shall be used only for park purposes or for the purpose of widening the streets bordering thereon; and in the event said land is used for other purposes it is hereby covenanted and agreed by all the parties hereto that the same shall revert to Edward Deering Noyes, one of the grantors herein and the donor of the largest interest in said land, his heirs and assigns, to whom the other three grantors herein hereby remise and release all their right, title and interest in said reversion, he, the said Edward Deering Noyes, for himself, his heirs, executors, administrators and assigns, hereby covenanting and agreeing in the event of said reversion to repay to said City of Portland the sum of Seven thousand two hundred fifteen and 59/100 dollars (\$7,215.59), being the amount paid for said land by said city, but without any interest thereon.

To Have and to Hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said City of Portland, its successors heirs and assigns, to its and their use and behoof forever. And we do covenant with the said Grantee, its successors heirs and assigns, that we are lawfully seized in fee of the premises; that they are free of all incumbrances; except as aforesaid, that we have good right to sell and convey the same to the said grantee to hold as aforesaid; and that we and our heirs, shall and will warrant and defend the same to the said Grantee, its successors heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, we, the said Edward Deering Noyes, a widower, Ilsley Noyes, unmarried, George F. Noyes, and Mabel F. Noyes, widow of the late Wadsworth Noyes, and I, May M. Noyes, wife of the said George F. Noyes, joining in this deed as Grantor and relinquishing and conveying my rights by descent and all other rights in the above described premises

have hereunto set

our hands and seals this thirty-first day of March in the year of our Lord one thousand nine hundred and twenty-eight.

Signed, Sealed and Delivered
in presence of

Gertrude E. Berry to all

Edward Deering Noyes	Seal
Ilsley Noyes	Seal
George F. Noyes	Seal
Mabel F. Noyes	Seal
May M. Noyes	Seal

State of Maine, CUMBERLAND, ss. Portland, March 31, 1928.

Personally appeared

the above named Edward Deering Noyes, Ilsley Noyes, George F. Noyes and Mabel F. Noyes, and each and acknowledged the above instrument to be their free act and deed.

Before me,

Gertrude E. Berry, Notary Public *Justice of the Peace*.
Notarial Seal.

Received April 2, 1928, at 10 o'clock 45 m. A. M., and recorded according to the original.

TO: All It May Concern

RE: Noyes Park, Portland

13 September 2021

To All It May Concern :

Following my previous letter of this month, attached is further proof that Noyes Park was a duly recognized City of Portland public park, under that name, from the moment it was obtained by the City of Portland in 1927.

- 1) Portland City Report for 1927, Pg. 189, Parks Commission Report, item # 14 on the list – clearly states Noyes Park and its proper location, near Fessenden Park, as one of the city holdings of 262.8 acres of municipal parkland.
- 2) Portland Sunday Telegram article of 4 October 1931 , page D 3, first column of text, which clearly states Noyes Park is “twin to Fessenden Park “ in the city park system and states its location exactly correctly.

With no doubt in my mind, I believe that these items prove conclusively that the parcel of land in question was officially and formally known as Noyes Park from the date it was first obtained by the City, and that somehow the name simply fell out of use over time, The time has come to restore the proper

name, may I suggest, in recognition of the many gifts the Deering and Noyes families have given our city in the past.

The present is in their debt. The time is right to set the record right.

Please feel free to contact me with any comments or questions.

Sincerely,

A handwritten signature in cursive script that reads "Herb Adams".

Herb Adams

Adjunct Professor History & Social Sciences
SMCC

2 Fort Road

South Portland, ME. 04106

hadams@smccme.edu

EVERGREEN CEMETERY

Annual Report for the Fiscal Year Ending
December 24, 1927

Number of Burials from Dec. 24, 1926, to Dec. 24, 1927.....	281
Number of Headstones Erected.....	229
Number of Monuments Erected.....	32
Number of Lots Regraded.....	76
Number of Single Graves Sold.....	1
Number of Lots Sold.....	58
Number of Lots Originally Sold without Perpetual Care and Placed under Same.....	50
Number of Bodies Removed in Evergreen.....	18
Number of Bodies Removed from Evergreen.....	1
Number of Lots in Annual Care.....	602
Number of Bodies in Receiving Tomb.....	6
Number of Funerals in Chapel.....	51
Number of Cubic Yards Foundations Built.....	212
Average Number of Employees.....	35
Number of Graves Ready for Sale.....	76
Number of Lots Ready for Sale.....	317
Number of Perpetual Care Lots Regraded.....	65
Number of Cement Boxes Set.....	149
Number of Steel Boxes Set.....	8
Number of Slate Boxes Set.....	2

FINANCIAL

The receipts for Evergreen Cemetery for the year ending December 24, 1927, are as follows:

Received for Burials.....	\$5,928.06
Received for Foundations.....	3,438.50
Received for Care.....	3,631.39
Received for Regrading.....	2,522.60
Received for Plants.....	512.70
Received for General Labor.....	1,535.94
	\$17,569.19

PARK COMMISSION
Report for the Year 1927

The areas now under the control of the Park Commissioners total 262.85 acres and are divided as follows:

(1) Almshouse Valley Lot (northerly side of Park Ave.)	14.18 acres
(2) Andrews Square (Pine and West Sts., west corner)	0.05 "
(3) Baxter Boulevard	28.83 "
(4) Boothby Square (Fore St., at Pearl St.)	0.11 "
(5) Caldwell Square (Woodford St. and Stevens Ave.)	0.12 "
(6) Deering's Oaks (northerly side Park Ave.)	53.70 "
(7) Eastern Promenade	69.76 "
(8) Fessenden Park (corner Brighton and Deering Aves.)	0.46 "
(9) Fort Allen Park (adjoining Eastern Promenade)	4.55 "
(10) Fort Sumner Park (North St.)	1.07 "
(11) Lincoln Park and Extension (Fire Station lot)	3.51 "
(12) Land at Noyes, Longfellow and Oakdale Sts.	0.34 "
(13) Monument Square (ornamental circle)	0.10 "
(14) Noyes Park (Bedford St., Deering and Brighton Aves.)	0.52 "
(15) Presumpscot Park (Stevens Ave.)	28.01 "
(16) Payson Park, The Edward (Ocean Ave.)	47.75 "
(17) Thomas Square (Congress and Lowell Sts.)	0.39 "
(18) Trinity Square (Forest Ave. and Coyle St.)	0.30 "
(19) Western Promenade	18.91 "
(20) Winslow Park (Forest Ave. and Winslow St.)	0.19 "
Total area,	
	262.85 "

The relation of new improvement to maintenance and fixed charges is the real index of the operations, and the striving is constantly to show, annually, a higher comparative ratio in the way of improvement outlay. Naturally, as the park system increases in area and hearkening to increased public demand for considerations which reflect maintenance costs, the maintenance charges mount higher each year, but, on the other hand, the tax levy appropriation is increasing at a rate that should permit of continued improvement outlay at a constantly increasing rate over fixed costs.

The deficit of \$8,081.61 from 1926, occasioned by special bridge repairs on the Boulevard bridges in 1926, made a severe inroad into the fund for 1927, cutting down possible improvements by just this amount. The total cost of maintenance and fixed charges, exclusive of the fund set off to the Recreation Commission, amounted to \$48,273.95, and the improvement expenditures amounted to \$40,377.21. The amount set off to the Recreation Commission, by statute, was \$13,959.48. Amounts given are based on net operating costs and allow for credits, receipts or other city department transfers for recovered expenditures.

IMPROVEMENT EXPENDITURES

THE ALMSHOUSE LOT: Having in mind future athletic field development on this area, a sizeable contribution to the final grading plan was made during 1926 by way of placement of many thousands of cubic yards of street excavation from the Park Avenue project. This material was deposited free of charge to the department, but graded by the department forces. Also in October the department deposited in filling a large amount of material excavated by steam shovel from one of the small hills in the Almshouse lot. The area in close proximity to Deering Avenue was rough-graded, and it should not take much material to complete the grading in this area.

BAXTER BOULEVARD ASPHALT MACADAM: The expenditure for permanent road construction on the Baxter Boulevard needs only brief explanation. The new construction was placed in the junction of Bates Street and the Boulevard and from Bates Street to Washington Avenue. The total area improved was 3,728 square yards, or a unit cost of \$2.16 per square yard. This construction should prove highly satisfactory, since trap rock wearing surface

stone was used and the work done under nearly ideal conditions.

DEERING'S OAKS—LANDSCAPE IMPROVEMENT: The new landscape improvements on this area were confined to the area between State Street parkway and High Street parkway. This work was a continuation of the lawn construction started in 1926, the completion of crushed stone foot walk construction, making of new paths, and a limited setting out of deciduous tree and shrubbery stock. Plantings can be added to this area from year to year.

DEERING'S OAKS—CONCRETE TENNIS COURT: The construction of a Portland cement concrete tennis court to serve for municipal play is a radical departure from the former practice of building clay surface courts, yet the concrete type of construction is very rapidly meeting favor throughout the country, and appears to have merit in keeping down maintenance cost. There is a division of opinion as to the desirability of playing on the respective types, but it has been proven in many places that, although the concrete is slightly hard on the feet, the discomfort can be overcome by thickened soles and a shorter period of play, which latter works well in municipal control, where many desire to play. The contract for construction was let to the Portland Realty and Contracting Co., Inc., of Portland, Me. The base construction was an 8-inch compacted thickness of coarse gravel. Base concrete layer was 3½-inch thickness and the top surface of 1-inch thickness cement mortar mix. Alternate pouring of slabs, which were separated by bituminous jointing, was the method used in constructing the courts. Wire mesh reinforcement, weighing approximately thirty pounds per 100 square feet, was used in the base as reinforcing steel.

PAYSON PARK IMPROVEMENT: The landscape improvements in this area were made on the memorial gun plot fronting on the Baxter Boulevard. The work comprised considerable lawn area construction, base course for future walks around and leading to the war trophy, and the setting out of ornamental trees and shrubs.

PAYSON PARK NURSERY STOCK: The purchase of trees, shrubs, and evergreen seedlings for the nursery in this park was the smallest outlay in years. Whereas it seems gratifying to have the municipal nursery in condition to furnish all stock for park and street purposes during one planting season, it is not wise at this time to make inroads annually without replenishment for future use. Purchases in the spring of 1928 should be made with future considerations in mind.

LAND PURCHASES: Included in the expenditure for land in 1927 is \$5,000.00, which is a continuing annual payment on the purchase by bond issue of the former Tannery Company lot now added to Deering's Oaks. Other payments for land were as follows:

Two parcels of land on the Eastern Promenade, nearly adjacent to Fort Allen Park—one from the Boyd heirs, Philip G. Clifford, trustee, for \$500.00, and one from William J. Knowlton for \$2,250.00. The parcels were taken by condemnation process and represent an addition in square area to the Promenade of .39 acres.

Payment of \$2,000.00 to Geo. F. Noyes, attorney and agent, for land in escrow status at Brighton Avenue, Deering Avenue and Bedford Street. This is the second payment on this land, the final payment of \$2,000.00 coming in 1928.

The purchase of land at Noyes Street, Longfellow Street and Oakdale Street, 14,767 square feet in area, for the sum of \$4,500.00. This payment, however, does not represent

the full amount, since a sum of approximately \$2,000.00 was contributed by subscriptions of many of the residents in close proximity to the area. The spirit evidenced in this transaction, wherein the persons interested to have this area appear attractive so generously contributed to the city's welfare, is a very commendable attitude towards park development, and one which the writer makes a particular point to praise. The area added to the system in this transaction is 0.34 acres.

PRESUMPSCOT PARK—CONCRETE TENNIS COURT: That which has been written in general description of Deering's Oaks tennis court construction is applicable to the work in this park. It was necessary to construct new 10-foot high wire mesh back stops here, and the item of grading was somewhat heavier. These items account for the difference in cost over the construction in the Oaks.

NOYES SQUARE DEVELOPMENT—BRIGHTON AND DEERING AVENUES: Early in the spring the department completely improved this conspicuous plot in the park system, and much favorable comment was expressed by citizens for this small undertaking. The work consisted of fairly heavy grading, lawn construction, crushed stone walk construction, removal of several large trees, new ornamental plantings, curb circles and brick walk construction, in part, and the installation of a bubbler drinking fountain.

EQUIPMENT PURCHASES: The department is constantly endeavoring to obtain more efficiency by way of mechanical apparatus when purchase of same seems justified. The outstanding purchase in 1927 was that of a 2½-ton Mack truck for general usage for the sum of \$2,800.00. Also there was purchased a new Sargent wood plow to go with the Best-30 tractor purchased in 1926. This plow cost \$1,050.00. To equip the Mack truck for snow "fighting," the department

purchased a Champion blade plow for the sum of \$284.20. Miscellaneous purchases included small tools and appliances, park benches, lawn mowers, etc.

The following is a summarized report of the work done under the Forestry Maintenance Account in caring for the city street shade trees and trees in public areas:

Trees trimmed,	739
Broken limbs removed,	154
Trees "topped out,"	22
Tree guards removed,	1
Trees removed,	183
Trees treated for scars, wounds, etc.,	21
Tree butts removed,	27
New plantings,	112

Added to the above operations, the department forces removed all tree wood, limbs and brush from the extensive special work in State Street, by the Lucas Tree Company. This work was done in the late fall and early winter of 1927, the charges of the Lucas Company being payable in 1928.

Also, supervision and direction was given to the operations for the Cumberland County Power and Light Company, by the Davey Tree Surgery Company, which company did extensive work over the city for the Light Company in clearing the trees from "fouling" wires.

A small amount of forestry work was done at Riverside Street and Read Street in increasing the visibility on to the railroad tracks.

The department was bothered, somewhat, by a slight infestation of the satin moth and gypsy moth in the early summer. This nuisance was overcome by special spraying services given by the Lucas Company, and this service cost \$80.39.

The writer feels that this report would not be complete for the year 1927, without sympathetic mention of the loss of the late Frank C. Goodrich to the City of Portland Park Commission. The feelings of the Commissioners are known to the writer and in order that the citizens of Portland may publicly know the expression of the entire Park Commission in the death of Frank C. Goodrich, a copy of the message of sympathy to the family and relatives of Mr. Goodrich is herewith printed.

"In your bereavement the Park Commissioners of the city of Portland, Maine, wish to express their sincere sympathy for your loss.

"Your loss is shared, as well, by the members of this Commission and the City of Portland in general, for we have looked upon Mr. Goodrich as a faithful public servant who has given his best to the end that the Portland public be made happier and healthier through the immeasurably valuable park establishments of the city, which institutions Mr. Goodrich worked so earnestly and faithfully to build.

"Therefore, in behalf of the members of the Park Commission and the citizens of Portland, I extend deepest sympathy."

PHILIP J. DEERING,
Chairman of the Park Commission.

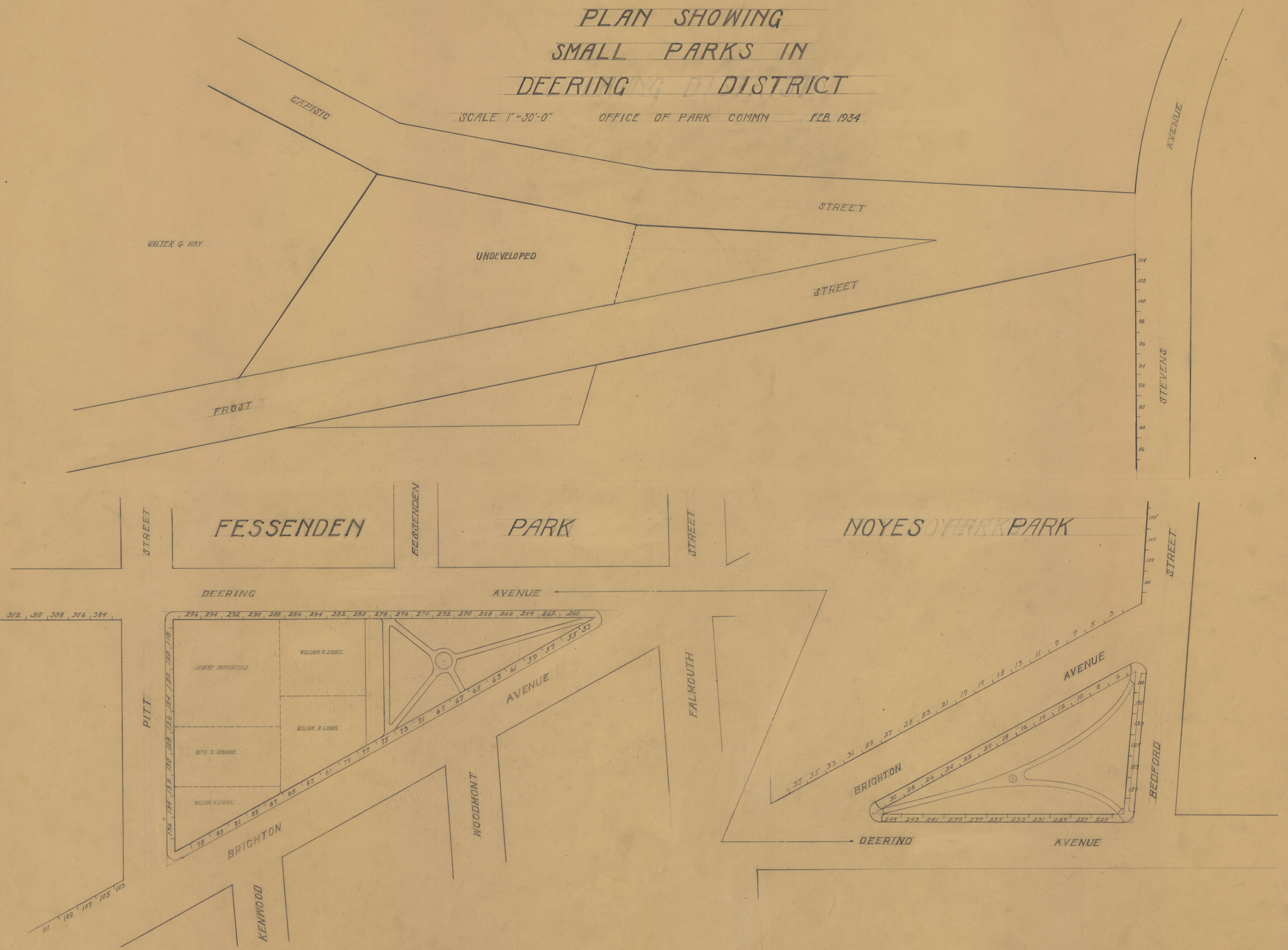
NOTE.—For financial statement see Auditor's Report. Complete detailed report on file with City Clerk.

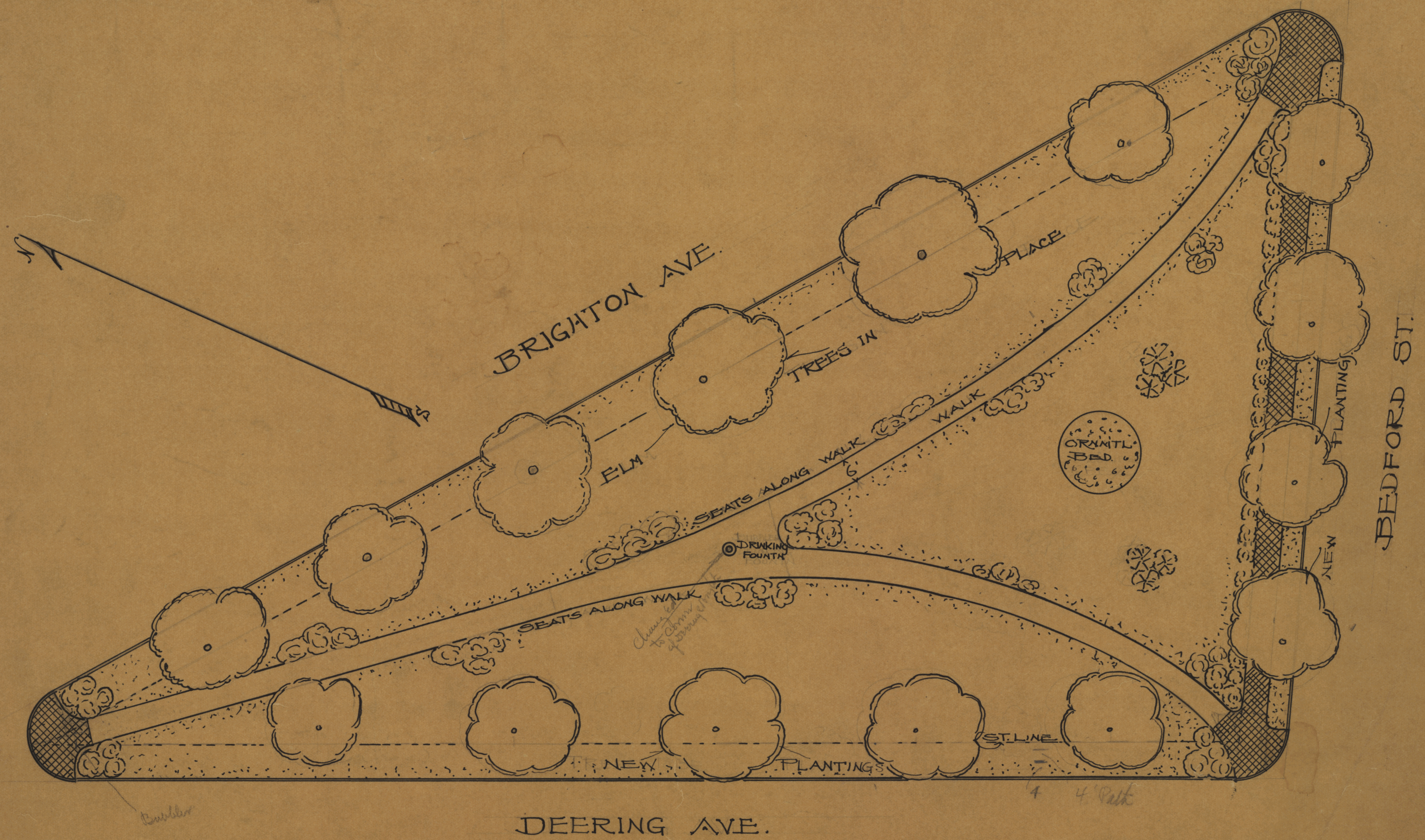
FOREST CITY CEMETERY

The sources of receipts for 1927, and also the amount of services given in this city cemetery, are indicated in the following listing of the important divisions of the work in Forest City Cemetery.

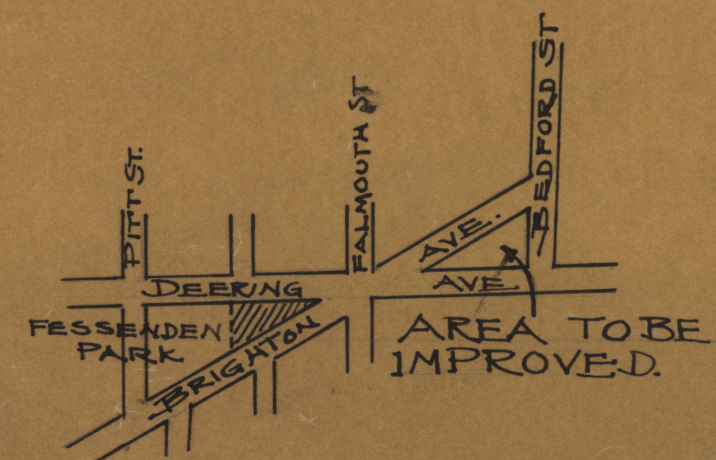
PLAN SHOWING SMALL PARKS IN DEERING DISTRICT

SCALE 1"=50'-0" OFFICE OF PARK COMM FEB. 1934





- BRICK WALK
- CR. STONE WALK
- LAWN AREAS
- EVERGREENS



PROPOSED
LANDSCAPE TREATMENT
FOR PARK LAND
AT
BRIGHTON & DEERING AVES
PORTLAND, ME.
SCALE 1"=20'
PARK COMM'N
ENGINEER

From: **Michael Mertaugh** <michaelmertaugh@gmail.com>

Date: Sat, Nov 6, 2021 at 5:25 PM

Subject: Parks Commission Support for Restoring Name of Noyes Park

To: Kate Snyder <ksnyder@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, <tchong@portlandmaine.gov>, <azarro@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>

CC: Danielle West-Chuhta <dwest@portlandmaine.gov>, Ethan Hipple <ehipple@portlandmaine.gov>, Alex Marshall <amarshall@portlandmaine.gov>, Samara Ray <sray@portlandmaine.gov>

Dear Mayor and City Councilors,

The Parks Commission would like to express its support for the Parks, Recreation, and Facilities Department's proposal to restore the original name of Noyes Park. The park, which has been referred to in recent years as Bedford Park, was created from properties that were given and sold to the city by members of the Noyes family in 1927. The park was officially designated and recognized as Noyes park for the first decades after its creation as a park. Use of the name "Bedford park" came about in the 1950s without the city's formal sanction. Restoring the park's original name would recognize the Noyes family's generosity in the bequest that created the park. It would also be consistent with the practice of naming other Portland parks -- including Deering Oaks, Baxter Woods, Baxter Pines, and Payson Park -- after their benefactors.

The Parks Commission voted unanimously at its November 4 meeting in support of the Department's proposal to restore the park's original name. In discussing that proposal, the Commission recognized that this and other Portland parks occupy lands that were formerly the domain of various North American First Nations. The Commission plans to work with representatives of the Wabanaki community to develop recommendations for appropriate recognition of the First Nations heritage as it affects Portland's parks. That recognition could take various forms, including the development and delivery of educational programs, public signage, and naming of new parks. The Parks Commission will keep the Council informed of its findings and recommendations as this work progresses.

Respectfully,

Michael Mertaugh
Chair, Parks Commission

Support for Order 89-21/22 Amendment to City Code Chapter 18

0 views



Anna Noyes Benoit <purple16@maine.rr.com>

7:44 AM (6 hours ago)

to publiccomment@portlandmaine.gov, Hank Benoit

To Whom it may concern:

Reference: Support for Order 89-21/22 Amendment to the Portland City Code Chapter 18 Re: Bedford Park renamed Noyes Park - Sponsored by Jon P. Jennings, City Manager

My name is Anna Margaret Deering Noyes Benoit. I live at 107 West Street in Portland.

Thank you Mr. Jennings, Mayor Snyder and Council for hearing this petition. I am here to ask the counsel to support a resolution that will correct a mistake that was made a long time ago. The proposal asks you to return the name of a small parcel of land that was given to the City by my grandfather, Edward Deering Noyes and his family. The land was sold for use as a park and in recognition of for its sale to the City, it was named Noyes Park. Until just recently this triangular piece of park land was bounded by Deering Ave, Bedford Street and the last section of Brighton Ave. that ran into Bedford St. This section has been discontinued as part of the establishment of the new roundabout.

Long before there was a USM campus next to this parcel, there was a farm, the Deering farm. Back then the water in Deering Oaks was tidal and the farm included an orchard that extended all the way into what is now Deering Oaks.

My Dad, Edward Deering Noyes Jr and his sister, my aunt, Anna, called Nancy, grew up in the large old home, built in 1804, that sat on the land that is now the Portland campus of USM.

The two copper Beech trees were planted by James Deering, my great, great, great grandfather. One is now a center piece of Noyes Park. I like to think of my family, and so many others enjoying the beauty and shade of the trees and hope the residents of Portland can continue to enjoy Noyes Park for another 100 years.

Three of my brothers were raised in a house on Bedford Street. None of us ever met Mr. Bedford, but I understand he developed the neighborhood homes in that part of the City. Somehow the name of the park was changed to Bedford Park, but Mr. Bedford, played no roll in the creation of Noyes Park.

Growing up the members of my family always referred to the Park as Noyes Park, but some 50 or sixty years ago on city maps apparently it somehow came to identified as Bedford Park. Unfortunately this error was not discovered for many years, but my brothers, and I have brought this mistake to the attention of the City Manager and his staff, and, with the research of my brother Nicholas Noyes, historian Herb Adams, Neighborhood Activist, Carol Schiller and the support of others we have asked the City to restore this small neighborhood park to its correct historic name to honor my grandfather and his family who were responsible for its creation.

November 1, 2021

Anna Noyes Benoit

MEMORANDUM
City Council Agenda Item

FROM: grimando
DATE: October 27, 2021
SUBJECT: Order 98-21/22 Accepting and Appropriating a \$50,000 Donation from the Friends of Congress Square - Sponsored by Danielle West, Interim 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 11/1/2021 **Final Action 11/15/2021**

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

PRESENTATION: Kevin Kraft, Deputy Director, Planning and Urban Development Department

I. SUMMARY

Request for the City to accept a financial donation of \$50,000 from the Congress Square Redesign Committee.

II. AGENDA DESCRIPTION

Order to accept a financial donation of \$50,000 from the Friends of Congress Square to be used towards Congress Square Redesign Phase-B Construction.

The Congress Square Redesign project is a large-scale renovation of a major public space in the heart of the Portland Arts District. Phase I of the redesign includes reconfiguration of the intersection and sidewalks and is anticipated to begin in 2022. Phase II includes the completion of construction documentation building upon the Design Development work that was approved in 2018.

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

III. BACKGROUND

The Congress Square Redesign project is a large-scale renovation of a major public space that will include a new public art piece created and designed by Sarah Sze in the heart of the Portland Arts District. This project has a high level of community interest and participation – neighborhood organizations, residents, nonprofits, arts organizations, and the business community have worked with the City of Portland for more than five years to develop a vision for the Congress Square Redesign. The project is turning an underused, car-dominated intersection into a vibrant public urban amenity that will become a focal point for cultural activities and community programs, contributing to the economic vitality of the city, and improve the quality of life for Portland residents, workers, and visitors. The Design Development phase for the redesign project was completed in 2018 and for the public artwork component in 2020.

Phase I of the project is being led by the Department of Public Works and includes reconfiguration of the intersection and sidewalks. Phase I is anticipated to begin in 2022. Phase II includes completion of construction documentation building upon the Design Development work that was approved in 2018.

As part of this effort, the Congress Square Redesign Committee is undergoing a private fundraising campaign to raise funds that will supplement City funding for the overhaul of Congress Square.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result is to utilize the funds towards construction drawings for Phase II of the Congress Square redesign.

V. FINANCIAL IMPACT

The City will gain \$50,000 to be utilized as part of Phase II construction drawings.

VI. STAFF ANALYSIS AND BACKGROUND

Congress Square Redesign Committee is undergoing a private fundraising campaign to raise funds that will supplement City funding for the overhaul of Congress Square.

VII. RECOMMENDATION

Staff recommend the donation of \$50,000 from the Congress Square Redesign Committee be accepted.

VIII. LIST ATTACHMENTS

1. Order Accepting Friend of Congress Square \$50,000 Donation for Congress Square Redesign 11.15.2021

Prepared by:

grimando

Date: 10/27/2021

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 ACCEPTING AND APPROPRIATING A \$50,000 DONATION FROM
THE FRIENDS OF CONGRESS SQUARE
FOR THE CONGRESS SQUARE REDESIGN PROJECT**

ORDERED, that a donation in the amount of \$50,000 from the Friends of Congress Square is hereby accepted and appropriated for the Congress Square Redesign project, as contemplated in the Fiscal Years 2019 - 2023 Capital Improvement Plan.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: October 26, 2021

SUBJECT: Order 99-21/22 Approving the Collective Bargaining Agreement with the Police Superior Officers Benevolent Association for 2021 to 2023 - Sponsored by Danielle West, Interim City Manager

SPONSOR: Danielle West

(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 11/15/2021

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

Staff has reached a tentative agreement with the Police Superior Officers Benevolent Association (PSOBA) on a successor contract. The prior collective bargaining agreement expired December 31, 2020.

The PSOBA, which is comprised of 32 Police Lieutenants and Sergeants, has reached a tentative agreement with the City. The Administration is requesting a first reading on November 15, 2021. The tentative agreement is within the guidance received by the City Council on April 14, 2021.

The Union has ratified the tentative agreement and the Administration recommends your support for the agreement.

Terms of the Agreement include a three (3) year contract with general wage increases of 0% effective January 3, 2021; 2.0% effective January 2, 2022 and 2% effective January 1, 2023.

Other economic agreements are as follows:

Effective January 3, 2021 – increase the first step of the Sergeants' pay scale to be 5% above the top step of the Detective pay scale (Retroactive) Also, the first step of the Lieutenant pay plan will be adjusted to be 7% above the top step of the Sergeant pay plan (Retroactive) **(See attached pay plans) * *These adjustments are to correct promotional inequities and to adjust for market rates**

Article 4.3.2 – add Field Force Team to the part-time specialty list and increase the rate from \$30.00/week to \$40.00/week

Article 5.5.2 – Administrative pay to increase by \$10.00 per week as follows:

Sergeants from \$70.00/week to \$80.00/week

Lieutenants from \$80.00/week to \$90.00/week

CID/Admin/Professional Standards Lieutenants from \$90.00/week to \$100

Article 6.1 – add Juneteenth (June 19th) to the list of recognized City Holidays

Article 7 – add Earned Paid Leave (EPL) language to the contract

Article 10.1.1 Effective January 2, 2022, all officers enrolled in the MEPERS pension plan will move from the

2C plan to the 3C plan

Article 10.1.3 Effective January 2, 2022, the City will increase the Employer contribution to the 401a retirement plan by 2.5%

The contract term is January 3, 2021 through December 31, 2023.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven votes. 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. Police Superior Officers contract 2021 11.15.2021
2. CONTRACT WITH EDITS

Prepared by:

Date: 10/26/2021

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING THE COLLECTIVE BARGAINING AGREEMENT WITH
POLICE SUPERIOR OFFICERS BENEVOLENT ASSOCIATION
FOR 2021 TO 2023**

ORDERED, that the Collective Bargaining Agreement with the Police Superior Officers Benevolent Association for January 3, 2021 through December 31, 2023, is hereby approved.

AGREEMENT
BETWEEN
THE CITY OF PORTLAND, MAINE
AND
PORTLAND POLICE SUPERIOR OFFICERS ASSOCIATION
Fraternal Order of Police Lodge ME 109

January 1, 2021 - December 31, 2023

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AGREEMENT

This AGREEMENT made and entered into this day of November 2021, by and between the CITY OF PORTLAND, hereinafter referred to as the "City", and the PORTLAND POLICE SUPERIOR OFFICERS ASSOCIATION, Fraternal Order of Police Lodge ME 109 hereinafter referred to as the "Association".

1. PREAMBLE:

- 1.1 Pursuant to the provisions of the Municipal Public Employees Labor Relations Law, (Chapter 9-A, Title 26, MRSA), the parties have entered into this Agreement with the goal of establishing mutual rights, preserving proper employee morale, and promoting effective municipal operations.

2. RECOGNITION:

- 2.1 The City hereby recognizes that the Association is the sole and exclusive bargaining representative of all permanent, full time Police Officers in the Portland Police Department below the rank of Major and above the rank of Patrol Officer, thereby including all of the permanent, full time Sergeants and Lieutenants.

3. NO DISCRIMINATION BY PARTIES:

- 3.1 Employees covered by this Agreement shall have the right to join the Association or to refrain from joining the Association. No employee shall be favored or discriminated against by either the City or the Association because of his membership or non-membership in the Association.
- 3.2 The City and unit members in their capacity as City employees agree that, pursuant to applicable Federal and State laws and City ordinance, they will not unlawfully discriminate against any employee because of race, color, religion, sex, sexual orientation, national origin, age or physical or mental disability.

4. SALARIES:

4.1 Base Wages; Longevity:

- 4.1.1 Effective January 1, 2017, employees will receive a general wage increase of **0%**; **however the pay plans for both Sergeants and Lieutenants will be adjusted to reflect promotional equities and to adjust for current market conditions as shown in Appendix A** and a five + year ~~step will be added to the pay plan~~. January **2, 2022** employees will receive a general wage increase of **2.0%**. Effective January **1, 2023** employees will

receive a general wage increase of 2% and an additional step at 8+ years will be added to the pay plan. These wage increases and additional steps are reflected in the pay plan attached as Appendix A.

4.1.2 The City shall continue its practice of Friday as the payday.

4.1.3 Effective upon the signing of this agreement and upon implementation of kiosks with printers available to the employees, the City shall implement a paperless pay stub system. Also effective upon the signing and as soon as the re-loadable debit cards are available, all current and newly hired employees will have mandatory direct deposit for all monies owed by the City. If an employee opts for the re-loadable debit card, the debit card will be supplied and replaced at no cost to the employees. The City agrees to give a two week notice to all employees prior to implementation.

4.2 Higher Pay

Sergeants who are assigned temporarily to the position of patrol shift commander, when there is no Lieutenant assigned as Patrol Shift Commander, shall be paid the percentage difference between the minimum rate of pay between the sergeant and lieutenant wage rates in addition to their regular base hourly rate for all hours worked in the higher assignment, provided that the duration of the assignment comprises one-half of the total shift or more. Administrative differential will be added to this higher rate and they will be expected to perform any administrative work related to the higher class assignment that is required.

If the Operational Lieutenant is not on duty, the Sergeant permanently assigned to the Traffic Division shall be paid the percentage difference between the minimum rate of pay between the sergeant and lieutenant wage rates in addition to their regular base hourly rate for all hours worked in the higher assignment, provided that the duration of the assignment comprises one-half of the total shift or more.

If there is no Lieutenant assigned as the A-1 team Patrol Shift Commander, the Sergeant permanently assigned to the JetPort shall be paid the percentage difference between the minimum rate of pay between the sergeant and lieutenant wage rates in addition to their regular base hourly rate for all hours worked in the higher assignment, provided that the duration of the assignment comprises one-half of the total shift or more.

If the Criminal Investigations Division Lieutenant is not on duty, a Sergeant permanently assigned to the Criminal Investigations Division shall be paid the percentage difference between the minimum rate of pay between the sergeant and lieutenant wage rates in addition to their regular base hourly rate for all hours worked in the higher assignment, provided that the duration of the assignment comprises one-half of the total shift or more.

If the Community Affairs Lieutenant is not on duty, a Sergeant permanently assigned to the Community Affairs Division shall be paid the percentage difference between the minimum rate of pay between the sergeant and lieutenant wage rates in addition to their regular base hourly rate for all hours worked in the higher assignment, provided that the duration of the assignment comprises one-half of the total shift or more.

In each occurrence enumerated in this section, administrative differential will be added to this higher rate and the assigned Sergeant will be expected to perform any administrative work related to the higher class assignment that is required.

4.3 Differential

4.3.1 Superior Officers assigned to one of the following specialties shall receive pay for their appropriate salary plus a specialty differential of \$40.00 per week:

- Lieutenant – Community Policing
- Lieutenant – CID
- Lieutenant – Internal Affairs
- Lieutenant – Operational
- Lieutenant - JetPort
- Sergeant - CID
- Sergeant - CRU
- Sergeant – JetPort
- Sergeant - Internal Affairs
- Sergeant – Training
- Sergeant – Community Policing
- Sergeant - Traffic

4.3.2 Superior Officers possessing one of the following part-time specialty positions shall receive pay for their appropriate salary plus a specialty differential of \$40.00 per week; **Superior Officers assigned as Team Commanders shall receive a specialty differential of \$60.00 per week.**

Field Force

Supervisor – Canine Unit
Supervisor – Animal Control
Accident Re-constructionist
Hostage Negotiator
Special Reaction Team
MCJA Certified Firearms Instructor
Dive Team
Hazardous Devices Unit
HazMat Technician
Portland Regional Command Vehicle Team Supervisor

- 4.3.3 Specialists on the Special Reaction Team, Hostage Negotiation Team and the Hazardous Devices Unit will receive specialty pay upon completion of their required training or certification as designated by the Chief of Police.
- 4.3.4 Superior Officers selected to a full-time specialty may hold and be compensated for up to one (1) additional part-time specialty as listed above.
- 4.3.5 Superior Officers with an up-to-date Emergency Medical Technician certification shall receive a stipend of \$15.00 per week.

4.4 Step Movement

- 4.4.1 Employees will be eligible for a longevity step increase on their anniversary date of their appointment in current position in accordance with the pay plan.
- 4.4.2 In the event that an officer is promoted to another unit position, then such employee will be paid at the minimum rate of the range for his/her new position or shall receive a 5% increase, whichever is greater. The 5% increase shall be calculated on the employee's base rate plus specialty pay.
- 4.4.3 In the event that a Patrol Officer is promoted to Sergeant during the term of this Agreement, such employee will be paid at Step A of the Sergeant pay rate or will be paid at the step in that pay range which guarantees at least a 5% increase, whichever is greater. The 5% increase shall be calculated on the employee's base rate plus specialty pay.

4.5 Education Incentive Stipend

- 4.5.1 **Effective January 4, 2009,** The City shall pay to eligible employees an hourly

educational stipend to be included in the employee's regular rate of pay based upon educational level attained above high school. The hourly stipend is based on a forty (40) hour work week, as follows:

Associate degree:	\$.34/hour
4 Year degree:	\$.46/hour
Masters degree:	\$.58/hour

4.6 Critical Incident Administrative Leave Pay

When supervisory officers involved in a critical incident, such as a use of deadly force or motor vehicle accident involving death or serious injury, on or off duty, while operating under the color of the law, are put on administrative leave, the City will pay them their average salary to include overtime earned during the previous fifty-two (52) weeks.

4.7 Shift Differential

All employees covered by this agreement whose regular assignment is to a shift for which the majority of the hours fall after 6:00 PM shall receive a shift differential of fifty cents (\$.50) per hour for the entire shift. Employees whose regular shift assignment is to a shift for which the majority of hours fall after 11:00 PM shall receive a shift differential of sixty-five cents (\$.65) per hour for the entire shift. Also, forty cents (\$.40) per hour for employees whose majority of work hours fall between 1:00 PM and 9:00 PM.

5. **HOURS AND OVERTIME:**

5.1 Regular Hours; Overtime

5.1.1 During the term of this Agreement, the regular work week and regular work day shall be forty (40) hours and eight (8) or ten (10) hours respectively.

5.1.1.1 This section is intended to provide a basis for calculation of any payment of overtime. The total hourly rate shall include all stipends and differentials paid hereunder, unless excluded under the Fair Labor Standards Act.

5.1.2 The regular work schedule as described above may be changed to a modified work schedule for any member of the Department when, if in the opinion of the Chief, and with the concurrence of the City Manager, such a modified work schedule would be beneficial to the City. The modified work schedule shall consist of consecutive work hours within shifts. In no case

will there be more than five work shifts in any 7-day period. In the event of the adoption of a modified work schedule, all hours worked by any employee in excess of forty hours per week or in excess of the modified shift shall be paid at the rate of one and one-half (1-1/2) times the total hourly rate.

5.1.3 The forty (40) hour work week shall not be shortened whether on a regular or modified schedule; provided, however, that this provision shall not be construed as restricting, limiting or qualifying in any manner the right of the City to lay off members or reduce the work force in the Police Department in accordance with the seniority provisions.

5.1.4 All hours worked in excess of forty (40) hours per week or eight (8) or ten (10) hours per day shall be paid at the rate of one and one-half (1-1/2) times their total hourly rate. For the purpose of this section, "hours worked" shall mean only one of the following:

5.1.4.1 Hours actually worked and paid for with City of Portland Police Department funds.

5.1.4.2 Hours compensated for by holiday base pay.

5.1.4.3 Hours compensated for by vacation pay.

5.1.4.4 Hours compensated for by bereavement leave pay.

5.1.4.5 Hours compensated for by jury pay.

5.1.5 For the purpose of this section, "hours worked" shall not include:

5.1.5.1 Hours compensated for by sick pay.

5.1.5.2 Hours compensated for on so-called "non- City doubles" or special details.

5.1.5.3 Hours compensated for by reserve service leave or military leave.

5.1.5.4 Hours compensated for injury pay.

5.1.5.5 Hours compensated for by Workers' Compensation pay.

5.2 Witness Pay:

5.2.1 Any employee required, during his otherwise off-duty time, to appear at the Maine District, Superior, or U. S. District Courts; Grand Jury; Liquor Commission hearings, or Secretary of State hearings to be a witness in any matter arising out of the performance of duty shall receive a minimum of four (4) hours pay at one and one-half (1-1/2) times their total hourly rate or may receive one and one-half (1-1/2) times their total hourly rate, whichever is greater, but not both. The increase in court pay will become

effective on the first full pay week after execution of the contract.

5.2.2 In the case of Civil Service Commission hearings only, any employee required, during his otherwise off-duty time, to attend said hearings as a witness in any matter arising out of the performance of duty shall be compensated only for hours spent testifying as a witness computed to the nearest half-hour, at a rate of one and one-half (1-1/2) times his total hourly rate, plus up to a maximum of one (1) hour at his straight time rate for time spent prior to testifying.

5.2.3 The employee shall turn over to the City all witness fees or other payments paid directly from the Maine District, Superior, or U. S. District Courts; Grand Jury; Liquor Commission hearings; Secretary of State hearings; and Civil Service Commission hearings as or because of the employee being a witness and for which time he was compensated by the City pursuant to this section.

5.3 Special Details:

5.3.1 For purposes of this article, special details are defined as those assignments with respect to which the Department is reimbursed by non-City recipients of Police Department services or by the School Department or by the Department of Public Works. Except as provided in 5.3.2 below, employees shall receive a minimum of six (6) hours pay at the top Lieutenant's pay plus 25% or 1-1/2 times the top Lieutenant's pay plus 25%; times the number of hours worked, whichever is greater, but not both.

5.3.2 Employees assigned to non-City or non-school strike sites shall receive a minimum of eight (8) hours pay at the top Lieutenant's pay plus 25% or two (2) times the top Lieutenant's pay plus 25%; times the number of hours worked, whichever is greater, but not both.

5.4 Call Back Pay:

5.4.1 Employees called back to work outside their normal work day to perform law enforcement duties shall receive a minimum of four hours pay for the work for which they are called back, or may receive one and one-half (1-1/2) times their total hourly rate under the above provisions, whichever is greater, but not both. The total hourly rate shall include all stipends and differentials paid hereunder, unless excluded under the Fair Labor Standards Act. Except as provided in 5.4.1.1, this provision does not apply to call-ins or holdovers that result in an employee working in excess of eight (8) consecutive hours or to scheduled overtime.

- 5.4.1.1. Employees who are called on New Year's Eve and July 4th, to report early for their shift on that day, will receive the call-back pay provided in 5.4.1 above.

5.5 Administrative Differential in Lieu of Overtime Pay:

- 5.5.1 In addition to the pay for their appropriate salary bracket, the Superior Officers noted below will receive an administrative differential per week as compensation for the performance of their administrative responsibilities. Such differential shall compensate in full for any overtime hours worked by such Officers in performing all administrative responsibilities. The definition of administrative responsibilities shall not include the attendance of meetings scheduled outside of the individual's regular work day.

5.5.2 The following administrative differential shall be paid effective December 28, 2014:

Sergeants - \$**80**.00 per week

Lieutenants - \$**90**.00 per week

CID/**Administrative/Professional Standards** Lieutenant - \$**100**.00 per week

5.6 Scheduling of Overtime Assignments

- 5.6.1 Three (3) overtime shifts per week will be scheduled on Monday, Wednesday, and Friday for the purpose of scheduling upcoming special details and other overtime assignments. These jobs will be paid at a four (4) hour minimum at one and one-half (1-1/2) times their hourly rate or one and one-half (1-1/2) their hourly rate times the number of hours worked, whichever is greater, but not both.
- 5.6.2 The costs associated with this program will be factored into administrative fees charged to all non-City vendors. If the number of special details decreases significantly at any time during the term of this contract, the City reserves the right to renegotiate or terminate this program. If the City determines it is necessary to terminate this program, Department representatives will meet with the Union to discuss their concerns prior to terminating the program.

5.7 Overtime Board

A departmental Overtime Board comprised of the Major and the Presidents of both

PBA and PSOBA, or their designees, will meet on an as-needed basis to discuss overtime issues raised by PBA and/or PSOBA bargaining unit members. Issues will be related primarily to overtime scheduling concerns but the Board will also have the authority to recommend new or revised procedures providing such procedures are not in violation of departmental SOP's and to implement such recommendations upon a unanimous vote of the Board. PBA and PSOBA bargaining unit members will be required to present their concern/issue to this Board prior to initiating a grievance regarding that same issue.

5.8 Work Schedule Re-opener

The parties agree to reopen the contract to amend contract provisions impacted by a work schedule change agreed upon by the Association, the Police Chief and the City Manager.

6. **HOLIDAYS:**

6.1 The following shall be holidays for all employees covered by this Agreement, for the duration of said Agreement:

- | | |
|----------------------------------|--|
| 1. New Year's Day | 7. Labor Day |
| 2. Martin Luther King's Birthday | 8. Columbus Day |
| 3. Washington's Birthday | 9. Veteran's Day |
| 4. Patriot's Day | 10. Thanksgiving Day |
| 5. Memorial Day | 11. Christmas Day |
| 6. Independence Day | 12. Floating Holiday |
| | 13. Juneteenth (June 19th) |

6.2 In the event an employee is assigned to work on one of said observed holidays, the Chief shall grant him a compensatory day off or allow the employee to cash in the holiday for eight hours of holiday pay. Employees who are not assigned to work on one of the said holidays will receive a holiday credit. In no instance shall more than 40 (five 8's) or 50 (five 10's) hours of holiday time respectively be carried into the next calendar year. Employees may cash in any holidays they would lose because of the five day carry-over requirement.

6.3 If an observed holiday occurs during the work week in which an employee is actually on scheduled vacation, the employee shall not be charged a vacation day for the day of the observed holiday. In such a case, however, the employee may, at his/her option, charge the observed holiday as a day of vacation leave and receive a holiday credit if such employee has sufficient accrued vacation leave prior to such observed holiday to so charge it.

- 6.4 In no event shall an employee be permitted to charge an observed holiday as a day of sick leave.
- 6.5 If employees wish to use a personal leave day on any of the holidays outlined in Article 6.1, or on Christmas Eve or New Year's Eve, they must submit a written request at least one (1) week in advance. Personal leave may be used on these days if management approves the request.
- 6.6 Members who cash in holidays after the week in which they occur will not have pension contributions deducted from these holiday payments. Holidays cashed in after the week in which they occur will be pensioned if and only if holiday hours when combined with other hours paid that week total less than or equal to forty (40) hours. Members who elect to take payment for these holidays in the week the holiday occurs will have pension contributions deducted from these holiday payments. Floating holidays when cashed in will be considered to be taken during the week in which they occur and will be pensioned as long as they are not carried into the next calendar year.

7. VACATIONS:

- 7.1 Vacation leave shall be earned by permanent employees at the rate of ~~1.54~~ **.77** hours per full payroll week in the first through the second years of service; ~~2.31~~ **1.54** hours per full payroll week in the third through the sixth years of service; ~~3.08~~ **2.31** hours per full payroll week in the seventh through the nineteenth years of service and ~~3.85~~ **3.08** hours per full payroll week in the twentieth and each succeeding year of service. For purposes of this Article, year of service is defined as consecutive City service.
- 7.2 Vacation leave earnings shall be credited and posted on a weekly basis. The weekly earnings rate shall be adjusted in the final week of the calendar year in accordance with annual accrual amounts of ~~80~~ **40** hours, ~~120~~ **80** hours, ~~160~~ **120** hours and ~~200~~ **160** hours.
- 7.3 Employees may accrue vacation leave from year to year up to a maximum accrual of 320 hours. Employees will be paid for all accrued vacation leave upon separation, but in no case shall such payment be for more than the maximum accrual of 320 hours.
- 7.4 Vacations shall be scheduled according to the present practice. All vacations, regardless of duration, must have the approval of the Chief of Police or his designee as to scheduling.
- 7.5 Employees will be allowed to "cash out" one (1) week of vacation (maximum of 40

hours) and one (1) week of accrued comp time (maximum 40 hours) per calendar year. In order to be eligible for vacation "cash out" an employee must earn a minimum of ~~three~~ **two** ~~(3)~~ **(2)** weeks' vacation per year.

7.6 Earn Paid Leave

7.6.1 Upon execution of this Agreement and pursuant to 26 M.R.S. Sec. 637, employees will accrue one (1) hour of Earned Paid Leave (EPL) for every forty (40) hours worked and shall be subject to the City's personnel policies regarding EPL. EPL shall be credited and posted on a weekly basis.

7.6.2 Employees may accumulate up to a maximum of forty (40) hours of EPL in a calendar year. Unused EPL hours will roll over from one calendar year to the next, but employees will not be awarded more than 40 hours in a calendar year, including hours that are rolled over.

7.6.3 EPL may be used for 1) an emergency, illness, or sudden necessity; or 2) any reason other than emergency, illness, or sudden necessity, including vacation or personal time. Where EPL is taken for an emergency, illness, or sudden necessity, the employee must make a good faith effort to provide as much notice as is feasible under the circumstances, and in accordance with the Department's regular procedures. Where EPL is taken for any reason other than emergency, illness, or sudden necessity, an employee must request to take EPL in accordance with the Department's regular procedures as outlined in article 7.4.

7.6.4 Employees shall be compensated for all accumulated vacation leave and EPL at the time of separation with a combined maximum payout of 320 hours. Any accrued EPL over this amount is forfeited at the time of termination of employment.

7.6.5 If at any time Maine's EPL law is rescinded, employees shall not earn any additional EPL and vacation leave accrual rates will be restored as follows: 1.54 hours per week in the first through the second year of service; 2.31 hours per week in the third through sixth year of service; 3.08 hours per week in the seventh through nineteenth year of service; and 3.85 hours in the twentieth and each succeeding year of service.

8. CLOTHING ALLOWANCE:

- 8.1 The City agrees to pay 100% of the cost of normal acquisition and replacement of uniforms and accouterments, including ties, gun belts, tie clasp, and stockings.
- 8.2 The City agrees to pay 100% of the cost of one (1) complete set of uniforms and accouterments including tie, gun belt, tie clasp and stockings for each Superior Officer who is not otherwise issued uniforms, and the City agrees that each such Superior Officer will be permitted to work extra jobs, outside work and overtime in such uniforms on the same basis as any normally uniformed Superior Officer.
 - 8.2.1 All supervisors will be permitted to purchase allowable apparel and equipment on Appendix C. Officers will be reimbursed for such items up to a maximum of \$250 per fiscal year. The Officer's original receipts detailing their purchases must be submitted to the Police Department's Finance Department by the close of business on June 20th of each year.
- 8.3 Notwithstanding the above, the City agrees to pay 100% of the cost of repairing or replacing required uniforms or equipment, as well as eyeglasses, dentures or hearing aids, damaged lost or destroyed in the performance of extra-hazardous" duties. The City further agrees to pay up to one hundred dollars (\$100.00) for repair or replacement of other personal items worn or carried by the officer, and damaged or destroyed in the performance of "extra-hazardous" duties, except that the maximum reimbursement for footwear will be \$100.00. The Bureau Commander or designee determines whether the damage occurred during the performance of extra-hazardous duty and, if so, whether repair or replacement is appropriate.
- 8.4 The City agrees to pay 100% of the cost of repair or replacement of civilian clothing and accouterments worn by plainclothes officers when such clothing has been damaged or destroyed in the performance of duty except as provided below in Article 8.5.
- 8.5 The CID Sergeant(s) and Lieutenants(s), the Internal Affairs Sergeants(s) and Lieutenant(s), and the Training Sergeant will be reimbursed by the City for purchase of articles of clothing that are reasonably necessary for the performance of their duties up to a maximum of \$1,000 per year. This maximum applies to purchase, maintenance and replacement of civilian clothing.
- 8.6 The CRU Sergeant will be reimbursed by the City for the purchase of articles of clothing that are reasonably necessary for the performance of their duties up to

a maximum of \$500.00 per year. This maximum applies to the purchase, maintenance and replacement of civilian clothing.

9. INSURANCE:

9.1 Life Insurance:

9.1.1 The City shall pay the full cost of premiums of the Maine Public Employees Retirement System Group Life Insurance Plan for each employee at the maximum level permitted at the basic level of said insurance program. Those employees electing the MainePERS supplemental Life Insurance coverage shall pay the full cost for such coverage. Employees will continue to pay the cost of dependent life insurance premiums. The City reserves the right to obtain benefits equal to or better than the basic Maine Public Employees Retirement System Group Life Insurance Plan from an alternative source and to offer said alternative plan on the same terms as above during the life of this Agreement.

9.1.2 The City agrees to continue life insurance deductions on a pre-tax basis as provided by the Internal Revenue Service.

9.2 Medical Insurance

9.2.1 The City provides a primary self-insured health insurance benefits program with claims administration by a third party administrator. Effective January 1, 2005 changes to the City's Point-of-Service health benefit plan were implemented following mid-term reopener negotiations. Effective no sooner than January 1, 2016, changes to the City's health plan will be implemented incorporating the principles of a value-based insurance design. The PSOPA Union President and Executive Director are members of this Committee.

~~9.2.1.1 First year of implementation of the changes to the City's health plan shall include a two hundred dollar (\$200) deductible for the single plan and four hundred dollar (\$400) deductible for the family plan per year.~~

9.2.1.1 The second year of implementation of the changes to The City's health plan shall include a four hundred dollar (\$400) deductible for the single plan and eight hundred dollar (\$800) deductible for the family plan per year.

9.2.1.2 The City has agreed to establish a reserve account of

one hundred fifty thousand dollars (\$150,000) to be used as outlined by the Health Insurance Advisory Committee.

- 9.2.2 For employees who were hired prior to January 1, 1985, the City will pay the full cost of the medical insurance premium for an individual or family subscription as appropriate per employee as outlined in subsection 9.2.4 below.
- 9.2.3 For employees who are hired on or after January 1, 1985, the City will pay the full cost of the medical insurance premium for an individual subscription per employee and in the case of an employee eligible for and electing family coverage, for one-half (1/2) of the difference between the individual subscription rate and the family subscription rate. Employees are responsible for the full payment of the +19 premium. Effective January 1, 2005, there will be no separate +19 premium and the City will pay fifty-three percent (53%) of the difference between the cost of the individual subscription for any employee who is eligible for and who elects to have said family insurance. Effective no sooner than January 2016, the City will pay 85% of the medical insurance premium for an individual subscription per employee. Annually, the employee will have the opportunity to earn up to a 15% premium credit by meeting the five (5) requirements of the City's wellness program ~~that consist of completing a health risk assessment (3%), completing biometric testing (3%), meeting with a health coach (3%), documenting fitness related activity (3%), and being tobacco free or enrolled in a smoking cessation program (3%).~~
- 9.2.4 The City will pay, or share in the payment of, whichever is applicable, only the subscription level to which an employee is entitled by virtue of the number of people he/**she** may insure. However, employees who are members of the same family and eligible for coverage by more than one family subscription will be entitled to full or part payment, as applicable, from the City for no more than one family subscription, with other family members entitled only to individual subscriptions, except employees receiving double family coverage prior to September 26, 1983 shall continue to do so. Said subscriptions shall be on the same terms and conditions as specified in subsections 9.2.1 – 9.2.3 above.
- 9.2.5 The City reserves the right to obtain from another source health benefits and claims service. The City will provide the Union with thirty (30) days prior notice of any change in insurance provider, and the Union shall have ten (10) days thereafter within which to comment on such change.

9.2.6 Except as provided in 9.2.8.1 below, the City agrees to continue health care and dependent care benefit deductions on a pre-tax basis as provided by the Internal Revenue Service. The City further agrees to continue offering to employees the annual election of pre-tax health care flexible spending accounts on a voluntary basis.

9.2.7 Reopener: Notwithstanding any provision of this Agreement, either party may reopen this health insurance article during the term of the agreement. Should the City elect to reopen the Health Insurance article the Association reserves the right to reopen the Salaries article; the Salaries article shall only be reopened if the City reopens the Health Insurance article. Any subsequent negotiations shall be conducted in accordance with the most recently executed ground rules. The Union agrees to implement any changes required by federal and/or state statute without negotiation.

9.2.7.1 The Association agrees to participate in coalition bargaining with other City unions concerning health insurance when requested to do so by the City.

9.2.8 For the purposes of this article, "family" is defined as spouse or domestic partner, and dependents. To enroll a domestic partner on the City's health insurance plan, the employee must satisfy the City's eligibility requirements for claiming an individual as a domestic partner.

9.2.8.1 The portion of the employee's health insurance contribution for domestic partner coverage as outlined in 9.2.3 above will be taken on a post-tax basis.

9.2.8.2 The City's contribution to the premium cost for domestic partner coverage and coverage of dependents of the domestic partner will be reported as imputed income at year end, in accordance with Internal Revenue Service regulations, and will be calculated into the employee's gross earnings as taxable wages.

9.3. Income Protection and Dental Insurance Deductions

9.3.1 The City agrees to provide an income protection plan of its own choosing for employees and to permit employees to participate in such program at their own cost and through payroll deductions. The City reserves the right to modify its income protection plan at any time.

9.3.2 Employees may participate in any dental insurance plan which may be made available to employees at their own cost and through payroll deductions. Employees may enroll a spouse and dependent children on the plan; effective July 1, 1999 employees may enroll a domestic partner on the City's dental insurance plan providing the employee satisfies the City's eligibility requirements for claiming an individual as a domestic partner. In no case shall the City be required to make a dental insurance plan available to employees.

10. PENSIONS:

10.1 Permanent employees may participate in the appropriate Maine Public Employees Retirement System (MainePERS) defined benefit plan or the ICMA 401(a) defined contribution plan for their primary pension plan. The options are outlined below:

~~10.1.1 The City shall continue to provide to all employees employed as police officers as of April 17, 1980, a retirement benefit through the Maine Public Employees Retirement System, pursuant to the Consolidated Plan, Rule 94-411, Chapter 803, Sec. 8, Subsection 1 (Special Plan Benefit 1C), of one half of the average final compensation after twenty (20) years of creditable service regardless of age.~~

10.1.1 The City shall continue to provide to all employees employed as police officers after April 17, 1980, a retirement benefit through the Maine Public Employees Retirement System, pursuant to the Consolidated Plan, Rule 94-411 Chapter 803, Sec. 8, Subsection 3 (Special Benefit Plan **3C**), of **one half two-thirds** of the average final compensation after twenty-five (25) years of creditable service regardless of age. **The 3C plan shall be effective on January 2, 2022.**

10.1.2 The City currently offers an ICMA 401(a) defined contribution qualified pension plan to new hires and current employees as an alternative to participation in the Maine Public Employees Retirement System defined benefit plan. Each participant has a plan account to which employee and employer contributions are made. Plan benefits are based on the total amount of money in the participant's account at retirement or eligible event. Maine Revised statutes Title 5, Section 18252-B sets forth the employee and employer contribution rates. **Effective January 2, 2022, the City's contribution to the 401a for any member covered under this agreement shall be the amount set in 5 M.R.S.A. Sec. 18252-B plus 2.5%.**

10.1.3 Effective July 12, 2010, transfers between the Maine Public Employees Retirement System (MainePERS) and the ICMA 401(a) defined contribution qualified pension plan are no longer permitted, and an employee's decision to join either plan is irrevocable for all periods of employment with the same employer as per MainePERS rules and laws.

10.1.5 The MainePERS Board of Trustees may establish by rule, the rate at which members (employees) who participate in the Consolidated Plan contribute to that plan.

10.2 The City shall continue to make available to all eligible employees enrolled in MainePERS for their primary pension plan the additional benefit of the so-called "two percent option" pursuant to the Consolidated Plan, Rule 94-411 Chapter 803, Sec. 8, Subsection 10 to the extent this option continues to be provided in the Maine Public Employees Retirement System Laws and the Consolidated Plan. Such option shall be prospective only, beginning on April 17, 1980. Said option shall be applied only to each year of MainePERS membership service in the Department served after completion of the age and service conditions for retirement and after April 17, 1980.

10.3 The City agrees to provide a listing of all options and benefits which are available to retiring employees.

~~10.4 Any employee hired prior to July 1, 1984 may at their own expense buy back both their total share and the City's total contribution obligation for their initial six (6) months of employment in which they were excluded from membership in the Maine Public Employees Retirement System. The Union acknowledges that the City shall have no financial obligation under this voluntary buy back provision.~~

10.4 The City offers a 457 plan through ICMA. Participation in this plan is voluntary and is in addition to participation in a primary pension plan as outlined in 10.1.

10.5 The City agrees to continue pension deductions on a pre-tax basis as provided by the Internal Revenue Service.

11. SICK, BEREAVEMENT, AND FUNERAL LEAVE:

11.1 Sick Leave

Sick leave shall accrue at the rate of 1.85 hours for each full payroll week consisting

of five (5) eight (8) hour days and accrue at the rate of 2.31 hours for each payroll week consisting of four (4) ten (10) hour days. Sick leave will accrue with unlimited accumulation.

11.1.1 Personal illness or physical incapacity of such a degree as to render the employee unable to perform the duties of his position, unless the Police Chief determines that the employee is capable of other work in the Police Department. If requested, the employee shall furnish the Chief a certificate from his attending physician except as provided in 11.2 below.

11.1.2 Attendance upon members of the family within the household of the employee, including domestic partner, when their illness requires care by such employee, not to exceed twelve (12) days per year. If requested, the employee shall furnish the Chief a certificate from the attending physician.

11.1.3 In the discretion of the Police Chief, sick leave may be used in the event of the death of an immediate family member (defined hereby as spouse or domestic partner, child or child of domestic partner, mother, father, brother, sister, mother-in-law or father-in-law).

11.1.4 Any permanent employee working a standard work week who has been employed by the City for twelve (12) consecutive months as of the beginning of the calendar year is eligible to convert up to two (2) days or sixteen (16) hours of previously earned sick leave to an equivalent amount of personal leave. Eligible employees may make that election only during the month of February for each year of the contract.

Neither conversion of sick leave to personal leave nor the subsequent use of personal leave under this Section shall be considered to be use of sick leave for purposes of determining eligibility for either the Leave Incentive Plan as described in Appendix **D** or the Chief's Perfect Attendance Program.

The employee will give the Bureau Commander or designee as much advance notice of the use of personal leave as circumstances permit; and in any case the employee will notify the Bureau Commander or designee of the use of personal leave in the same manner as required for sick leave. When using personal leave time, the employee is not required to give the reason for use of such time. Personal leave balances are not payable at separation from employment. However, an employee shall have the option at separation to convert unused personal leave to sick leave.

11.1.5 Employees who wish to use sick leave to care for a domestic partner in accordance with 11.1.2 above, or in conjunction with Bereavement Leave

in accordance with 11.1.3 above, must satisfy the City's eligibility requirements for claiming an individual as a domestic partner.

11.2 Bereavement Leave

11.2.1 An employee shall be excused from work for five (5) days or a maximum of forty (40) hours because of death in his/her immediate family, as defined below, and shall be paid his/her regular rate of pay for the regularly scheduled work hours missed. Not more than eight (8) hours per day (10 hours per day for employees working a 4/10 schedule) shall be paid under this Article.

11.2.2 Immediate family is defined hereby as spouse or domestic partner, child, child of domestic partner, mother, father, brother, sister, mother-in-law, father-in-law, grandparents, step-mother, step-father, step-sister, and step-brother. Immediate family also includes member of spouse or domestic partner's family similarly related. If domestic partner, the employee must meet the City's eligibility requirements for claiming an individual as a domestic partner.

11.2.3 An employee may also use sick leave in addition to bereavement leave in the manner provided in Section 11.1.3 of this Article.

11.2.4 Under special circumstances, the Police Chief shall have the sole discretion to grant the provisions of 11.2.1 to significant others not stated under the provision of 11.2.2 and 11.3.1.

11.3 Funeral Leave

11.3.1 One (1) day (eight hours) may be used for attendance at the funeral of the following relatives: aunt, uncle, niece, nephew, grandchild, brother-in-law, sister-in-law, or other relatives living in the same household.

11.4 For the purpose of this article, "family" includes domestic partner. In order to use bereavement leave for the death of a domestic partner or child of domestic partner, or funeral leave for the death of a relative of a domestic partner, the employee must meet the City's eligibility requirements for claiming an individual as a domestic partner.

12. **UNUSED SICK LEAVE UPON RETIREMENT, LAYOFF, RESIGNATION, OR DEATH:**

12.1.1 Retirement Benefits

When an employee retires from continuous permanent active service with the City and is immediately eligible for retirement benefits under one of the two primary pension plans outlined in Article 10, the employee shall receive an amount equal to his/her salary at the time of retirement for one-half (1/2) of accumulated sick leave up to a maximum of 900 hours of pay, provided the employee has a minimum of 480 hours of sick leave accumulated. Retiring employees with less than 480 hours shall not receive any payment.

12.1.2 Layoff Benefits

When an employee is laid off from continuous permanent service with the City, the employee may elect to receive an amount equal to his salary at the time of lay-off for one-half (1/2) the number of days for unused sick leave which the employee has accumulated, provided that the maximum payment shall not exceed an amount equal to wages for ninety (90) days.

- 12.2 In the event of death before retirement of an employee covered by this Agreement, unused sick leave shall be paid, subject to the limitation set forth above for retiring persons, in the salary equivalent as follows:

12.2.1 To a beneficiary designated in writing by the employee, providing that the designation is in a form approved by the City and is on file in the employee's personnel file in Human Resources at the time of death. The City reserves the right to maintain the payment in escrow in the event of any dispute as to entitlement of such payment.

12.2.2 If there is no such designated beneficiary on file, other payment shall be made to:

12.2.2.1 If said employee leaves a widow, or widower, with whom he or she was living at the time of death, then to such widow or widower;

12.2.2.2 If no such widow or widower, then to the children but if said employee leaves a minor child or minor children (including adopted children) then to the guardian of such minor child or minor children;

12.2.2.3 If no such widow or widower, or child or children, then to the estate of said employee.

- 12.3 In the event of death in the line of duty of an employee, the City shall pay one hundred percent (100%) of the total accumulated allowable amount up to one hundred eighty (180) days, as outlined in Sections 12.2 above. Furthermore, the City agrees to pay up to \$15,000.00 for funeral expenses for a line of duty death of an employee.
- 12.4 For resigning employees of good standing with less than ten (10) years of continuous permanent service within the department, payment shall be one-fifth (1/5) of accumulation with a maximum payment of thirty (30) days; for resigning employees of good standing with ten (10) years or more of continuous permanent departmental service, payment shall be one-half (1/2) of accumulation with a maximum payment of forty-five (45) days. A good standing resignation is considered to be two (2) weeks' notice of resignation.

13. ON THE JOB INJURIES:

- 13.1 Employees covered by this Agreement who are injured on the job and eligible for Workers' Compensation benefits shall receive, in addition to compensation paid or payable under the Workers' Compensation Act, an amount sufficient to bring them up to net pay while any incapacity exists, or until they are either placed on disability retirement, special plan retirement, return to active duty, resign, or are terminated by the Civil Service Commission for just cause. Absence because of such injuries shall not be charged to accumulated sick leave.
- 13.1.1 "Net Pay" is defined as the employee's base wages minus his federal and state income tax deductions as of the date of injury.
- 13.2 In the event an injury is eligible for Workers' Compensation benefits, the 7-day waiting period shall be paid as part of the compensation due to the employee. If an employee injured on duty is disabled for more than fourteen (14) calendar days from the date of injury and the Workers' Compensation payment to the City for the 7-day waiting period exceeds the extra-hazardous payment for the waiting period, the City will send the employee a check for the excess.
- 13.3 Employees receiving Workers' Compensation benefits under this article shall continue to accrue sick leave, vacation benefits and holidays subject to the maximum accumulation, during the first twelve (12) months of incapacity. Employees may take vacation leave while out on Workers' Compensation, but in no case shall they receive double payment for vacation time. Insurance benefits shall continue as set forth in the Agreement.
- 13.4 Except as provided in 13.4.2 below, effective January 1, 2004, employees out on Workers' Compensation must pay their pension contribution based on the wage

portion of the Workers' Compensation benefits that the employee receives. All pension payments will be made pursuant to the rules of the Maine Public Employees Retirement System. If payment is not made within thirty (30) days of when the employee receives the Workers' Compensation benefit, the employee will be responsible for accrued interest until contributions are paid.

13.4.1 Employees out on Workers' Compensation prior to January 1, 2004 may pay their pension contribution on an optional basis under the rules of the Maine Public Employees Retirement System. If such employee contribution is paid while the employee is out on Workers' Compensation or by the end of the calendar year during which the employee lost time, the employee is required to pay their contribution amount. If the employee pays their share after this date, they will be responsible for their contribution plus interest in accordance with Maine Public Employees Retirement System laws. The City will pay its share, including interest, in accordance with Maine Public Employees Retirement System laws.

13.4.2 The City has provided notice to the Maine Public Employees Retirement System of employees out on Workers' Compensation between January 1, 2004 and October 28, 2005, and has paid the interest accrued from January 1, 2004 through the date of letter(s) sent to each employee by the Maine Public Employees Retirement System regarding payment of pension contributions on their Workers' Compensation benefits. If payment is not made within thirty (30) days of when the employee receives the MainePERS letter, the employee will be responsible for accrued interest until such contributions are paid.

13.4.3 Retirement service credit will be provided only for time for which pension contributions have been paid.

13.5 In the event of an on-the-job-injury, the City will deduct the dollar amount of an employee's regular pension contribution upon written authorization to do so from the employee and if said on-the-job injury payment is equal to or greater than said deduction. Said deduction may be made from sick or vacation leave, if available, in the event of an on-the-job injury.

13.6 Any interpretation or application of the Workers' Compensation Act shall be determined by the Workers' Compensation Board and shall not be subject to the contractual grievance/arbitration procedure as outlined in Article 16 of this Agreement or the arbitration procedure provided for by the Workers' Compensation Act.

13.7 The references to the Workers' Compensation Act in this article are not intended

to expand or contract any rights the City has under the Workers' Compensation Act.

- 13.8 When medical testing is required by the City as a result of a known work-related exposure to air or bloodborne pathogens and is scheduled by the City during an officer's off-duty time, the City will compensate the officer for the actual time spent in the medical office or testing location at the officer's regular rate, or overtime rate in the event that the total hours worked that week exceed 40. A minimum of one (1) hour will be paid. Travel time to and from the medical office or testing location will not be compensated. Any follow-up visits for additional testing or treatment which are required by the City will also be compensated on the same basis as provided in this section. The employee may receive compensatory time off rather than pay hereunder, at his/her option. Examples of pathogens which may result in such testing are tuberculosis, rabies or hepatitis.

13.8.1 Except as specifically provided above, hours spent in medical treatment, testing, or other therapy which is done during off-duty hours by an employee will not be compensated whether such treatment, testing or other therapy is related to a work-related injury or exposure or not.

13.8.2 The City reserves the right to arrange testing and/or treatment during an employee's regular work schedule.

13.8.3 The City and the employee reserve any rights they have pursuant to the Maine Workers' Compensation Act.

13.8.4 When medical treatment is required for a supervisor during their regular shift as a result of an on-duty, work-related injury, and if the treatment extends beyond the officer's current shift, the City will compensate the officer for the off-duty time spent in the medical office, not to exceed two (2) hours at the officer's overtime rate in the event that the total hours worked that week exceed forty (40), or eight (8) or ten (10) hours per day as determined by the office's regular shift, but not for both. If the officer is required to return to the Police Department to complete necessary reports or paperwork after the medical treatment is concluded, the City will compensate the officer for the actual time spent at the officer's overtime rate. The employee may receive compensatory time off rather than pay hereunder, at his/her option.

13.9 Transitional Work Program

It is the goal of the City of Portland to assist an employee who sustains a work-related injury to return to the positions they held at the time of their injury. To

that end, the City has defined specific work assignments which are referred to as "Transitional Work" that will be made available to those injured workers who, in the judgment of the City, will probably be able to return to "Regular Work" within three years of the date of injury. In making this decision major emphasis shall be placed upon information provided by health care professionals. "Regular Work" is defined as the position the employee held at the time of injury or, in the event that position is not available, another suitable position. The City will first seek to return the employee to the position he/she held on the date of injury. If that is not possible, the City will return the employee to a permanent position within the bargaining unit, unless no such job exists.

13.9.1 Eligibility

Participation in the Transitional Work Program will be limited to a period of three years after the date of initial injury. In order to be eligible for assignment to Transitional Work, an employee (1) must have sustained an injury arising out of and in the course of employment with the City of Portland; and (2) must have the approval of a treating physician. The City will provide transitional work within the injured employee's department providing such work is available.

13.9.2 Duration of Assignment

An employee who meets the eligibility requirements in this policy will be assigned to the next available Transitional Work assignment and will be permitted to work up to 90 days in that assignment. If at the end of the 90 day period, the employee has not been released to Regular Work, the employee will no longer be eligible for Transitional Work unless further medical evidence is presented that permits the City to believe that, with reasonable further periods of Transitional Work, the employee will probably be able to return to Regular Work. If such evidence is provided, the City may offer additional periods of Transitional Work for up to three years from the initial date of injury.

If, during the course of the Transitional Work, it becomes evident to the City that the injured worker probably will not be able to return to Regular Work within three years of the date of injury, the Transitional Work assignment may be terminated. Such employees will retain any rights they may have under 39 M.R.S.A. Sec. 217 with regard to employment rehabilitation.

13.9.3 Re-employment within Three Years of Date of Injury

- 13.9.3.1 If an employee becomes capable of performing the essential functions of the job classification held on the date of injury, with or without reasonable accommodation, within three years of the date of injury, the employee may return to work in that capacity. Upon return to work, the employee shall receive pay and benefits at the level he/she would have received if the injury had not occurred.
- 13.9.3.2 If the employee cannot return to the job classification held on the date of injury within three years of date of injury, the City will evaluate the employee's ability to perform other permanent assignments at an equal or lower rank that are available within the bargaining unit.
- 13.9.3.3 Upon a determination of capability to work, the employee will provide the City with his/her current medical restrictions and the positions he/she wishes to be considered for if unable to return to "Regular Work". If the employee is able to return to work for the City, but not in the position held at the time of injury, the City will seek to return the employee to the Police Department unless no suitable position exists with the department. Pay and benefits shall be determined by the City under the appropriate bargaining agreement and with concurrence of the bargaining unit representative. If the employee should return to a non-union position, the City's Non-Union Personnel Policy will determine pay and benefits.
- 13.9.3.4 The acceptance or refusal of appointment to a position other than the position held on the date of injury shall not terminate the employee's right to seek re-employment in the position held on the date of injury.

13.9.4 Termination of Employment

- 13.9.4.1 In those cases in which an employee has been unable to perform all the essential functions of his/her Regular Work for three (3) years from the date of injury, the employee may be terminated from employment. This termination is non-disciplinary. In the event of termination, the employee will receive at least ninety (90) day notification of the termination process and, at the same time, will be requested to provide a current medical report which assesses his/her ability to return to Regular Work within the ninety (90) day period.

13.9.4.2 If unable to return to Regular work by the date specified in the 90-day notification listed in 13.9.4.1, and providing the up-dated medical evaluation indicates a work capacity, the employee will provide the City with his/her current medical restrictions and the positions he/she wishes to be considered for, as an alternative to termination. The provisions of 13.9.3 will apply if the employee is capable of performing another permanent budgeted position with the City that is available within the ninety (90) day period.

13.9.5 Notwithstanding the above, all parties reserve their rights under the Workers' Compensation statute and other applicable State or Federal law.

14. MANAGEMENT RIGHTS AND DEPARTMENTAL RULES:

14.1 The City retains all rights and authority to manage and direct its employees, except as otherwise specified in this Agreement. The Association acknowledges the right of the City to make appropriate rules and regulations governing the conduct of its employees, provided they are not inconsistent with the provisions of this Agreement.

15. LEGAL AID AND PROTECTION:

15.1 Provided that the award of damages, including costs other than defense costs, against both the City and its employee(s) shall not exceed Four Hundred Thousand Dollars (\$400,000.00), which includes plaintiff's attorney fees and costs but not defense fees and costs, for any and all claims arising out of a single occurrence and subject only to the limitations set out hereinafter, when a member covered by this Agreement is sued for damages as a result of acts arising out of and in the course of his employment, the City shall:

- (a) Arrange, at the City's expense, for an attorney selected by the Corporation Counsel, to defend the member; and
- (b) Upon final judgment or settlement of the case, the City shall pay, through a self-insurance program or in its discretion through purchased insurance coverage, the amount of any judgment or settlement so limited, including court costs; or
- (c) Provide, in the City's discretion, defense and/or indemnification through

purchased insurance coverage (limited to Four Hundred Thousand Dollars (\$400,000.00), including costs other than defense costs, for any and all claims arising out of a single occurrence).

15.2 Members have the following rights when represented by an attorney selected by the City:

15.2.1 The City attorney, prior to selecting an attorney to represent an Officer named in a lawsuit filed with the City, will consult with the Officer regarding the case and the attorney selection. Officers may indicate a preference for one (or more) attorney(s) over another (others) from the list of attorneys pre-approved by the City's attorney and the City shall take the Officer's input into account when selecting the attorney.

15.2.2 Officers who are named defendants in the case are entitled to be present at meetings between City representatives and the Officer's attorney regarding the case, including settlement discussions that would affect the Officer.

15.2.3 Attorneys hired by the City who simultaneously represent multiple parties, Officers(s) and/or Police Chief as well as the City, will recommend separate counsel for the Officer in the event that they determine that any of these parties have divergent interests.

15.3 Notwithstanding 15.1 and 15.2 above, the City shall not be required to either defend or to indemnify a member who engages in acts for which that member is charged with or indicted for a criminal offense; or for acts which are committed while off-duty that are not lawfully authorized law enforcement conduct; or for on-duty conduct that is the subject of a civil complaint and which the City determines, following an investigation, constitutes bad faith conduct by the Officer. The City shall in no event be required to pay any exemplary or punitive damages.

15.4 In any instance where the City has refused to provide an attorney to a member for the reasons stated in 15.3, the following provisions shall apply:

15.4.1 If upon final judgment it is determined by a Court in a criminal action that the Officer is acquitted of any criminal charges, or the Officer is found not guilty in a criminal proceeding, or the criminal charges are dismissed and the dismissal is not part of a plea bargain in which the Officer pleads guilty or "nolo contendere" on other charges, the City shall reimburse the member in full for all costs of defense, including reasonable attorney's fees, incurred after the issuance of a criminal complaint or indictment. The City shall not be responsible for any costs incurred prior to the issuance of a

complaint or an indictment. The member shall notify the Corporation Counsel of the name of the attorney selected to represent the member before any costs are incurred.

15.4.2 In any instance where the City denied coverage because it concluded that the Officer was not engaged in the good faith performance of his or her lawfully authorized duties when committing the acts that are the subject of the civil case, and the civil case results in a judgment for the Officer or only a nominal amount of charges are awarded, the City shall reimburse the Officer for all costs of defense including reasonable attorney's fees and shall pay the nominal damages.

15.4.3 In any instance where the City is required to pay for the Officer's attorney fees as set forth in 15.4.1 and 15.4.2, the fees shall first be approved by the Corporation Counsel and, if a dispute arises as to the reasonableness of costs of defense, including reasonable attorney fees, then the dispute shall be referred to the Board of Overseers Fee Arbitration Panel for a final and binding determination.

15.4.4 The City is not required to pay any exemplary or punitive damages.

- 15.5 It is a condition of the City's obligation to defend and/or indemnify an employee hereunder that the employee fully cooperate with the City in the defense of any claim by or against the City, regardless of whether the employee works for the City at the time that the claim is filed. "Full cooperation" hereunder shall include, without limitation, providing information to the City and its attorneys (including attorneys designated or hired by the City), appearing and/or participating as a witness in the case when requested to do so by the City, including without limitation, participating in all pre-trial and trial proceedings. "City" as used under this section shall include officer, employees and agents of the City, including without limitation, attorneys designated or hired by the City. Except in those circumstances where such full cooperation is in conflict with the advice of the Officer's legal counsel or is in violation of the Officer's constitutional rights, failure to fully cooperate with the City in any case may result in disciplinary action against the employee, denial of the defense and indemnification obligation hereunder unless otherwise required by the Maine Tort Claims Act, and/or an assessment to the employee of losses incurred by the City that, in the City's judgment, would have been reduced or avoided with the employee's full cooperation.
- 15.6 Paragraph 15.5 above may not be construed to imply that an employee who is not a defendant has no duty to fully cooperate with the City and its representatives, when the City and its representatives, in their sole discretion, determine that the employee has information relevant to the claim or the defense of the claim against

the City or another employee of the City. In such a situation, except in those circumstances where such full cooperation is in conflict with the advice of the Officer's legal counsel or is in violation of the Officer's constitutional rights, the non-defendant employee has a duty to fully cooperate with the City and failure to do so may result in disciplinary action against the employee.

- 15.7 The City agrees to release the employee from his/her shift for appearances at any necessary proceedings on the date of such proceeding and at the request of the City's designated defense attorney. Should the proceedings conclude prior to the end of the employee's shift, the employee may be required to report for duty for the remainder of his/her shift.
- 15.8 Any other language in Article 15 notwithstanding, the City's defense and indemnification obligations to an employee who is sued for acts committed while that employee was acting under the direction and control of and for the State, an agency of the State including but not limited to the Maine Drug Enforcement Agency, the Federal government, or any other governmental or quasi-governmental entity, shall be secondary to defense and indemnification coverage provided by that agency.
- 15.9 This provision shall in no way prevent the City from obtaining, in full or in part, insurance coverage for legal aid and protection required in this article. It is agreed that any insurance contract shall be between the City and the insurer or insurers chosen by the City. The rights of the City and the members are governed by this article and are not affected by the terms of any policy of insurance.

16. GRIEVANCE PROCEDURE:

- 16.1 Should the Association feel aggrieved concerning the interpretation or application by the Department or the City of any provision of this Agreement, the Association may seek adjustment of the grievance as follows:
- 16.2 The Association, through its authorized representative, shall take up the grievance with the employee's immediate supervisor. The supervisor shall meet with the Association within three (3) working days of receipt of notification of the grievance from the Association.
- 16.3 If the Association and the supervisor have not resolved the grievance, the Association may submit the details of such grievance in writing to the Chief of Police within five (5) working days after meeting with the Supervisor under Step A. The written grievance shall include the following:
 - 16.3.1 a statement of the grievance including the facts surrounding the

issue;

- 16.3.2 identification of the clause, section, or provision of the Agreement which is in dispute;
 - 16.3.3 the remedial action requested, when possible or practicable. The Chief shall respond to the grievance within five (5) working days after the grievance hearing at his level.
- 16.4 Within five (5) working days of receipt of the Chief's decision, the Association may appeal the decision to the Director of Human Resources by filing a copy of the written grievance and the responses at steps 16.2 and 16.3. The Director of Human Resources shall meet with the Association and provide the Association with a written response within ten (10) working days after the grievance hearing at the Director of Human Resources' level.
- 16.5 Within five (5) working days of receipt of the Director of Human Resources' decision, the Association may appeal the decision to the City Manager by filing a copy of the written grievance and the responses at Steps 16.2, 16.3, and 16.4. The City Manager shall meet with the Association and provide the Association with a written response within ten (10) working days after the grievance hearing at the Manager's level.
- 16.6 In the event that the decision of the City Manager rendered pursuant to 16.5 above is not acceptable to the Association, within five (5) working days after receipt of the decision at Step 16.5, it may request in writing that the matter be submitted to arbitration. The City and the Association shall attempt to mutually agree upon an arbitrator. In the event they are unable to agree upon an arbitrator within seven (7) days of the request for arbitration, the arbitrator shall be selected through the American Arbitration Association in accordance with the rules of said Association then in full force and effect. Thereafter, the arbitration shall be conducted in accordance with the rules of the American Arbitration Association. Said arbitrator shall have no authority to add to, subtract from, or modify the provisions of this Agreement. The arbitrator's decision shall be final and binding upon the parties hereto. The costs of the arbitrator and of the arbitration shall be borne equally by the parties.
- 16.7 If a hearing has not been scheduled within ten (10) working days of receipt of the grievance at Steps 16.2, 16.3, 16.4 or 16.5 above, the Association may appeal the grievance to the next consecutive step of the grievance procedure. The time limits for processing of grievances may be extended by written consent of the parties.

- 16.8 At Steps 16.3, 16.4 or 16.5 of the grievance procedure, the Chief of Police, Director of Human Resources or City Manager may designate a duly authorized representative to act on his/her behalf.
- 16.9 Nothing in this Article shall diminish the right of any employee covered hereunder to present his own grievance as set forth in Title 26, Maine Revised Statutes Annotated up to and including the Manager's level.
- 16.10 The Association, or one of its members, may grieve general "non-contract" disputes arising out of conditions which are in whole or in part subject to the control of the Chief and/or which involve safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair or discriminatory supervisions, and unjust treatment by fellow members. Such disputes as described in this Section may be grieved through Section 16.5, the City Manager's level, but such grievances are not arbitrable.
- 16.11 All grievances shall be commenced not later than thirty (30) days after the occurrence of one of the following two events, whichever shall be later in time:
- 16.11.1 The time of the occurrence of the event or omission giving rise to the grievance, or
 - 16.11.2 The time the event became known to either the Association or the employees concerned.
 - 16.11.3 For the purposes of this Article, a work day shall be based upon a Monday through Friday, forty (40) hours' work week.

17. PHYSICAL FITNESS:

- 17.1 The parties hereby recognize that the physical fitness of employees vitally affects the efficient, safe and productive operation of the Department and the quality of police services provided to the public. Each employee is required to maintain the level of physical fitness necessary to perform the normal duties of his/her position.
- 17.2 The Chief is authorized to promulgate a rule requiring each employee to undergo a physical fitness testing program on a regular basis beginning July, 1984. Said rule shall outline the tests which the employee is required to undergo, the testing standards and program guidelines.
- 17.3 The City shall provide \$75.00 annually to each employee to be used for a physical examination and/or to maintain their level of physical fitness to perform the normal duties of their position. In no case shall the City be obligated under this Article to

spend more than \$75.00 per employee per year. Payment of the \$75.00 shall be made as soon as possible after the beginning of each fiscal year, beginning July 1, 1985, but not later than 30 days after the beginning of the new fiscal year.

18. TRAINING:

- 18.1 The City agrees to make available to each Superior Officer, and employees agree to participate in a minimum of twenty (20) hours per year of in-service training. Employees will be compensated for this and other mandatory training at appropriate rates for the time spent in training.

18.1.1 Employees who attend mandatory training during off-duty hours will receive a minimum of four (4) hours of straight time pay for attendance at the training or one and one-half times their hourly rate for actual hours spent in training, whichever is greater.

- 18.2 All opportunity for attendance at educational and/or training schools shall be posted with sufficient notice to employees so that application may be made.

- 18.3 Compensation for hours spent in approved non-mandatory training during off-duty hours will be in the form of compensatory time at a time and one-half rate except as provided in 18.4 below.

- 18.4 EMT training is non-mandatory training. Employees will not be compensated for off-duty time spent in EMT training or for travel to and from EMT training.

- 18.5 The City will pay tuition costs, including fees for training materials, and certification fees related to EMT training and certification that is recognized and approved by the State of Maine. The City will also pay re-certification fees associated with maintaining this certification.

- 18.6 Travel time will be paid for travel to and from required training that the Officer is attending as a student providing the Officer has already worked eight (8) hours, including time spent in training, on the date the travel occurs. Such compensation shall be in the form of compensatory time at a time and one-half rate and shall not exceed a maximum of two hours each way.

18.6.1 Requests for compensation for travel time must be submitted on a pay slip separate from the slip for the training.

18.6.2 The Chief or designee may approve travel time associated with non-required training but such approval is at his/**her** discretion.

19. STRIKES AND SLOWDOWNS PROHIBITED:

- 19.1 During the life of this Agreement, the parties hereto agree that there will not be, and that the Association, its Officers, members, or agents, will not engage in, encourage, sanction, or suggest, strikes or slowdowns which would involve suspension of or interference with normal work.

20. SAVINGS CLAUSE:

- 20.1 If any provision of this Agreement is in conflict with any City ordinance or regulation, this Agreement shall prevail. The invalidity of any particular provision of this Agreement shall not affect the validity of the remaining provisions. If for any reason any particular provision of this Agreement is found to be invalid, then that particular provision shall be renegotiated.

21. P.S.O.B.A. PRESIDENT, BOARD OF DIRECTORS, AND REPRESENTATIVES:

- 21.1 The President of the Association shall be allowed reasonable time off without loss of any benefits to prepare for representation and to represent members.
- 21.2 Members of the Board of Directors shall be allowed reasonable time off without loss of any benefits to represent members, at the member's request, at any grievance procedure or departmental hearing and shall be allowed sufficient time to interview and represent a requesting member during all stages of a grievance procedure.
- 21.3 Members of the Negotiating Committee shall be allowed sufficient time off without loss of benefits to represent the Association on all negotiations with the City concerning the Collective Bargaining Agreement.
- 21.4 The Association shall supply a list of all members referred to in paragraphs 21.1 - 21.3 to be kept at the Office of the Chief of Police for the purpose of verifying the status of the Association's President, Board of Directors and Negotiating Committee.

22. MEMBERS RIGHTS:

- 22.1 Members of the Portland Police Department hold a unique status as public officials, and the security of the City and its citizens depends to a great extent upon the manner in which members of the Department perform their manifold duties. The performance of such duties involves the members in all manner of contacts and relationships with the public. Out of such contacts and relationships may arise

questions concerning the actions of members of the force. Such questions may require prompt investigation by Superior Officers designated by the Chief of Police or other competent authority.

22.2 To insure that such investigations are conducted in a manner conducive to good order and discipline, while observing and protecting the individual rights of each member of the Department, the following rules of procedure are established:

22.2.1 As much as possible, the interrogation will be conducted at a reasonable time taking into consideration the working hours of the member and the legitimate interests of the Department. The Officer conducting the interrogation shall advise the member that an official investigation is being conducted. The investigating Officer shall inform the member of the nature of the alleged conduct which is the subject matter of the interrogation and, unless circumstances warrant anonymity, shall identify the complainant. If it is known that the member being interrogated is a witness only, he/she shall be so informed.

22.2.2 The interrogation shall be digitally recorded and the recording preserved by the investigating Officer until the investigation is resolved. A copy of the tape shall be provided to the member upon his/her written request. The interrogation shall be conducted with the maximum amount of confidentiality possible. The interrogation of a member suspected of violating Department Rules and Regulations shall be limited to questions which are directly, narrowly, and specifically related to the member's performance of duty as it relates to the alleged violation.

22.2.3 If the member is under arrest or is likely to be, that is, if he/she is a suspect or the target of a criminal investigation, he shall be afforded all rights granted under such circumstances to other persons.

22.2.4 In all cases wherein a member is to be interrogated concerning an alleged violation of Departmental Rules and Regulations which, if proven, could result in his/her removal from the Department, he/she shall be afforded a reasonable opportunity and facilities to contact and consult privately with an attorney of his choosing and/or a representative of the Association before being interrogated, and his/her attorney and/or a representative of the Association may be present during the interrogation, but may not participate in the interrogation, except to counsel the member.

22.2.5 If the member under investigation is requested to submit to a polygraph examination, he or she will be apprised in writing of the incident or incidents about which the inquiry is to be made to enable the member to confer with

counsel of his or her choosing. The questions asked on the polygraph examination will be limited to those directly and specifically related to the alleged violation. If a member is requested to submit to any other type of test, he or she will be advised of the type of test and the member will be afforded an opportunity to obtain a similar independent test if available.

22.2.6 The investigation will be conducted without unreasonable delay and the member will be advised of the final outcome of the investigation. At the end of thirty (30) working days the member will be informed of the status of the investigation.

22.2.7 Consistent with Maine State Law and with the Union's approval all internal affairs records that exceed the seven (7) year statute of limitation will be destroyed once per year as determined by the Chief. Any member may request that their records be destroyed on the anniversary of the seven (7) year statute of limitations.

22.3 No disciplinary action shall be taken by the Chief of Police, or his/her designee, against any member of the Department covered by this Agreement without due notice and the opportunity for a fair hearing before the Chief of Police or his/her designee.

22.4 For purposes of Section 22.3 of this provision, designee refers to an Officer above the rank of Major. Any reference to the Chief of Police in this Article may also apply to the Chief's designee.

22.5 Any member charged with a violation of Departmental Rules and Regulations, incompetence, misconduct, negligence, insubordination, disloyalty, or other charge, shall be informed of the exact nature of the charge, and shall be given sufficient notice of the hearing date and time to allow him an opportunity to consult legal counsel, conduct an investigation, and prepare a defense. At the hearing before the Chief, the member may be accompanied by legal counsel and/or a representative of the Association. The member shall have the right to confer with his/her counsel at any time during the hearing and shall have the right to have his/her counsel speak on his behalf.

22.6 The hearing before the Chief of Police shall be informal in nature.

22.7 If, following the hearing, the Chief of Police finds there is just cause for taking disciplinary action, he/she may:

22.7.1 Suspend the member for not more than fifteen (15) working days;

- 22.7.2 In lieu of suspension and upon concurrence of the member, require the member to work not more than ten (10) days off without compensation; or,
- 22.7.3 In lieu of suspension and upon concurrence of the member, require the member to attend a corrective school or counseling on off-duty time without pay.
- 22.8 No written reprimand involving an alleged violation of Departmental Rules and Regulations shall be placed in a member's personnel file and/or records unless the member is first given a copy of the written reprimand. The member shall have the opportunity to respond in writing and contest the validity of the written reprimand. The Chief of Police shall review both the reprimand and contesting document and upon finding just cause for the reprimand, may place in the member's personnel file and/or records the written reprimand and the contesting document. Such written refutation by the member shall be submitted to the Chief of Police within five (5) days after the member has received a copy of the reprimand.
- 22.9 When, through appropriate procedures, it is determined by the Chief of Police that just cause exists for removing a member or for suspending him for a period greater than fifteen (15) working days, the Chief of Police may recommend his removal or suspension to the Civil Service Commission. Any such recommendation shall be processed under the Civil Service Ordinance and shall not be grievable under this Agreement. Any final decision of the Civil Service Commission may be appealed only to Superior Court.
- 22.9.1 In the event that an employee is suspended by the Commission for a period in excess of thirty (30) consecutive days, the employee shall not accrue vacation, sick, or holiday benefits during the period of such suspension.
- 22.9.2 In lieu of the discipline being processed under the Civil Service Ordinance, the employee may waive in writing all Civil Service procedures regarding the proposed discipline and proceed before the Chief in accordance with the procedures set forth in 22.3 through 22.6. If the employee opts to proceed and accept discipline directly from the Chief, and feels aggrieved concerning the discipline, the Association may process such grievance in accordance with Article 16 of this Agreement.
- 22.10 For the purpose of this section, "disciplinary action" shall not include oral reprimands when no record of the reprimand is made directly to the member's personnel file and/or records.

- 22.11 All written reprimands and reports of disciplinary action (except instances involving suspension) shall be removed from the personnel file and/or records and destroyed one year after the incident involved, unless during that year the member has had subsequent disciplinary action taken against him/her involving other incidents. Under no circumstances shall the written reprimand or report of disciplinary action remain in the member's personnel file for more than two (2) years.
- 22.11.1 All records and/or reports of disciplinary action involving the suspension of a member for five (5) days or less shall be removed from the personnel file and/or records and destroyed three (3) years after the incident involved, unless during that period of time the member has had subsequent disciplinary action taken against him involving other incidents. Under no circumstances shall the written reprimand or report of the disciplinary action remain in the member's personnel file and/or records for more than five (5) years.
- 22.11.2 All records and/or reports of disciplinary action involving the suspension of a member for more than five (5) days shall be removed from the personnel file five (5) years after the suspension, unless during that period of time the member has had subsequent disciplinary action taken against him involving other incidents. Under no circumstances shall the records and/or reports of disciplinary action remain in the member's personnel file for more than eight (8) years.
- 22.12 All personnel records shall be confidential in conformity with applicable State law.
- 22.13 Any dispute concerning the confidentiality of such records or the access of members shall be finally determined by a court of competent jurisdiction and is not an arbitrable matter.
- 22.14 Upon request, a member shall have the right to inspect his/her official personnel record wherever kept. Inspection shall be during regular business hours of the respective repository and be conducted under supervision by the Department. A member shall have the right to make duplicate copies for his/her own use. No record(s) shall be withheld from a member's inspection.
- 22.15 A member shall have the right to include in his/her personnel record written refutation of any material he/she considers to be detrimental.

23. SENIORITY AND PERSONNEL REDUCTIONS:

23.1 Seniority *for all promotions subsequent to January 1, 2013* shall be determined *as follows*:

First, by the employee's rank.

Second, by the length of continuous time in rank

Third, by the length of continuous time in the previous rank.

Fourth, by length of continuous service with the City from the date of swearing in as a full time police officer.

Fifth, by the date of employment with the City.

Finally, in the event of a tie in seniority dates, by alphabetical order.

23.2 The Employer shall maintain a seniority list of all employees covered by this Agreement.

23.3 Seniority points for the purpose of creating the eligible list for promotion, pursuant to Section 2-63 (2)(a) & (3)(d) of the Civil Service Ordinance, are calculated by "total time served as a member of the department and include time served as a police cadet".

23.4 For purposes of patrol assignments and transfers, as outlined in Section 24 of this agreement, seniority shall be determined as defined in Section 23.1.

23.5 In the event the City determines that it is necessary to reduce the work force, such reductions shall be made by seniority as defined in Section 23.1.

23.5.1 In the event of a reduction in force, bumping shall be allowed from a higher rank to a lower rank in the unit provided the employee who is bumping has had prior service time in the lower rank. Any employee who bumps down due to a reduction in force shall be promoted back in the reverse order of bumping.

23.5.2 When an employee is bumped, seniority in his/her new rank shall be determined by the employee's prior length of service in the new rank to which he/she is bumping as well as the employee's length of service in the rank from which he/she was bumped.

23.5.3 Employees who bump into a position under Section 23.5.1 above will be compensated at the rate provided in the City's pay plan for that position.

23.6 In the event of a lay-off, the affected employee has recall rights for fifteen (15) months from the day of such lay-off, and employees will be recalled in the reverse order of lay-off.

23.6.1 Employees who are laid off will receive any separation pay to which they may be entitled.

23.6.2 The affected employee shall deliver his or her then mailing address and telephone number, if any, to the Chief of Police at his office and shall be obligated, as a continuing condition of his recall rights for said fifteen (15) month period, to continue to inform the Chief in writing of any change thereafter.

23.6 All other promotional seniority determined prior to January 1, 2013 shall not be affected by this agreement and shall remain as currently in effect.

24. TRANSFERS:

24.1 All decisions regarding the voluntary transfer of officers to all patrol assignments on the A, B, and C Teams shall be made for the safe and necessary operation of the Department, as determined by the Chief, or his designee, in accordance with the following criteria: 1) Seniority; 2) Qualifications; 3) Experience; 4) Performance; 5) Special training of skills.

24.2 In those instances when two or more officers have requested the same assignment, the officer with the most seniority must be assigned to that vacancy unless the Chief or his/**her** designee specifically finds that, based upon the above criteria, the employee with the lesser seniority is more qualified for the assignment.

24.3 The Chief of Police shall make the decision regarding the involuntary transfer of an officer to any assignment for cause in accordance with departmental needs. Cause for an involuntary transfer includes, but is not limited to, those instances when:

1. the filling of a vacancy, either permanently or temporarily, is determined necessary to the safe operation of the Police Department;
2. the employee does not have an acceptable working relationship with other employees on his/her shift;
3. The employee's assignment creates the appearance of a conflict of interest for the department;
4. the employee has failed to maintain sufficient competency to properly perform his/her assignment and assume the responsibilities of his/her position;
5. the employee's performance is not accomplishing the functions and objectives of the department;
6. the employee demonstrates a lack of knowledge of the laws required to be enforced or an unwillingness or inability to perform assigned tasks;

7. the employee has failed to conform to work standards established for the employee's rank or position;
8. the transfer is necessary for the health and safety of the department;
9. the employee's current assignment creates a risk of liability for the department;
10. the employee is unable to maintain an appropriate level of cooperation in his/her dealings with other agencies to meet the goals that are a function of the employee's assignment.

24.4 No employee will be transferred for disciplinary reasons.

24.5 All officers involved in any transfer shall be given two (2) weeks prior notice. The Chief will meet with the officer at the officer's request to discuss the reasons for the transfer and provide the officers with specific written reasons relative to the above criteria.

24.6 Police Officers promoted to the rank of Sergeant will initially be assigned to Patrol and will remain in a Patrol assignment for six (6) months except as provided below. The six (6) month period begins on the date the Officer is sworn in to the rank of Sergeant. Sergeants with less than six (6) months in the bargaining unit may apply for other assignments in the event that no applications are received from unit members with over six (6) months in the unit.

24.7 Notwithstanding any other provisions of this section, specialized, outside assignments will not exceed three (3) years in duration; unless a public safety necessity dictates a longer duration. Specialized, outside assignments that involve the supervision of a unit, task force or group will not exceed five (5) years in duration. Specialized assignments are defined as sworn assignments with an outside agency or program.

24.7.1 Upon acceptance of assignment to a specialized, outside assignment, the assigned officer will vacate his/her current assignment. At the conclusion of the specialized, outside assignment, the officer will be assigned to a non-specialty position within the department in accordance with that officer's seniority within the department. An officer returning to the department after a specialized, outside assignment will be entitled to "bump" an employee from that employee's current assignment in a non-specialty position in accordance with the returning officer's seniority within the department.

24.7.2 In cases where personnel are drawn only from a specialized unit

because of departmental staffing issues or required training the officer will be allowed to return to their respective unit upon completion of their outside, specialty assignment, regardless of that officer's seniority within the department or specialized unit.

24.7.3 The duration of a specialized, outside assignment shall be at the sole discretion of the Chief of Police. The Chief of Police will be the final authority regarding the duration of an assignment.

25. LEAVES OF ABSENCE:

25.1 Military and Reserve Service Leave

Military leave and Reserve Service Leave shall be available to employees under the terms and conditions of applicable federal and/or State legislation. Any disputes as to rights under this provision are not arbitrable but may be determined by a court of competent jurisdiction.

25.2 Disability Leave of Absence

25.2.1 When disabled, an eligible employee may be placed on an unpaid leave of absence not to exceed three months if (1) either he or his attending physician requests same or, (2) his attendance or performance becomes unsatisfactory because of the disability. This initial twelve (12) week period will be processed as Family Medical Leave if the disability is covered by the Family Medical Leave Act.

25.2.2 Should the Chief of Police determine that an employee's attendance or performance is unsatisfactory because of a disability, the employee may be required to take a leave of absence. In making such a determination, the Chief of Police shall place major emphasis upon the recommendation of the employee's physician, as the recommendation concerns his/her health and physical capabilities. In the event the employee does not have a physician, the Chief of Police may direct the employee to go to a physician selected by the City. In order that such physician shall have the necessary facts upon which to base his/her recommendation, the Chief of Police and the Director of Human Resources shall furnish the physician with a statement concerning the requirements of the job and the conditions under which it is performed. In any instance in which the Chief of Police requires the employee to go on a leave of absence, if the affected employee or Association files a grievance, the burden of proof shall then be upon the City as to the correctness of such determination. In the event such

determination is found to be unjustified, the employee involved shall be reimbursed for all lost time and/or restored all lost sick leave credits.

25.2.3 Except for emergencies, the employee shall submit a written notification to the Chief of Police at least two weeks prior to his/her anticipated departure stating the probable duration of the leave. The Chief of Police may require the employee to provide a statement from his/her physician setting forth (1) the anticipated duration of the disability, and (2) whether he/she may continue to perform his/her work assignments.

25.2.4 Upon written request of the employee submitted to the Chief of Police at least two weeks prior to the expiration of the granted leave, and at the discretion of the City Manager, after recommendation of the Chief of Police and the Director of Human Resources, a disability leave of absence without pay may be extended or renewed for an additional period of time but not to exceed a total of twelve months duration.

25.2.5 Disabilities caused or contributed to by pregnancy are, for all job related purposes, temporary disabilities.

25.2.6 Accumulated sick leave benefits shall be applied to any portion of the requested or required leave so eligible at the option of the employee, but cannot be used to extend a disability leave beyond the twelve month period.

25.3 Personal Leave of Absence:

25.3.1 An employee may request a personal leave of absence without pay for a period not in excess of thirty (30) days. The Chief, in his/her sole discretion, may grant such leave.

25.3.2 During the period of such leave, the employee shall not be entitled to or accrue sick leave, vacation days or holiday pay. Insurance benefits shall continue as set forth in the Agreement. Seniority will accrue during the period of such leave.

25.4 Family Medical Leave

25.4.1 An employee who has been employed for twelve (12) consecutive months and has worked 1250 hours in the last twelve months is entitled to up to a total of twelve weeks of Family Medical Leave in any twelve month period. The leave shall be an unpaid leave unless the employee elects to use accumulated vacation leave or accumulated sick leave. The employee must give at least 30 days' notice of the intended date upon which Family Medical

Leave will commence and terminate, unless prevented by medical emergency from giving that notice. Upon request, the employee shall provide medical certification, in the form of a completed City of Portland Health Care Provider Certificate Form, of the need for the leave. FMLA leave is governed by the requirements of the state and/or federal FMLA laws, as they apply. If the requirements, benefits, definitions and/or scope of FMLA changes during the term of this Agreement, such changes are automatically incorporated by this Agreement.

25.4.2 Employees who request to use Family Medical Leave for the purpose of caring for a domestic partner or child of a domestic partner must satisfy the City's eligibility requirements for claiming an individual as a domestic partner.

25.5 The employee is expected to return to work upon the expiration of the granted leave or to have arranged an extension of the leave prior to its expiration. If the employee fails to return to work on the expiration of the granted leave the employee will be deemed to be absent without leave and will be disciplined in accordance with departmental work rules.

25.6 During the term of any leave of absence taken in accordance with this Article the City shall continue to provide the employee with health insurance coverage for the duration of any authorized leave. Employees shall continue to accrue sick and vacation leave and receive payment for holidays for the first twelve (12) weeks of any authorized leave, regardless of whether or not the employee is using any accrued sick or vacation leave during such time. After the first twelve (12) weeks, there will be no further accrual of holidays, sick or vacation time except when the City exercises its rights under 24.2.2 and places the employee on leave. Seniority, however, accrues during the term of the leave.

26. RESPONSE TIME:

26.1 Residency within the territorial limits of the City of Portland shall not be a condition of employment; however, in order to safeguard the health, safety, and welfare of Portland citizens, the Chief of Police has authority to promulgate a Departmental Rule and Regulation establishing a required "response time" for employees.

26.2 Within five (5) working days of the date of promulgation of the rule, the Association may appeal the rule to a single arbitrator on the sole issue of whether or not the rule is reasonable. The selection of the arbitrator and the rules of arbitration shall be the same as those provided in Section 16.6 of Article 16, Grievance Procedure.

27. PRINTING OF AGREEMENT:

- 27.1 The City will have five (5) copies of the Agreement for the Association within thirty (30) days subsequent to the ratification of the Agreement by both parties.

28. DUES DEDUCTION:

- 28.1 The City shall deduct regular weekly Association dues only upon receipt by the City Director of Human Resources of a signed authorization form from individuals who are members of the Association. Such authorization forms shall be supplied by the Association and be acceptable to the City. A sample copy of such form is appended hereto as Appendix C and shall be the form used in every instance. Said forms shall include a provision that the deduction, once duly authorized, may be cancelled only after fourteen (14) days written notice by the member to the City Director of Human Resources. If any such notice of cancellation is not revoked in writing by the member and delivered to the City Director of Human Resources within the above fourteen (14) day period, the City shall cease making deductions for that member.
- 28.2 The City agrees to forward the aggregate dues deducted to the duly elected Treasurer of the Association as soon as practicable. The City further agrees to forward, with such aggregate dues, separate totals of amounts paid to the Portland Police Protective Association and the Police Superior Officer's Association. In the event of a change in the amount of the dues voted by the Union membership during the term of this agreement, the Treasurer of the Union shall notify the City Director of Human Resources of such change in writing. After receipt of such notice by the Director of Human Resources, dues as therein noted shall be deemed to have been authorized to be withheld on behalf of the employees who had previously signed authorization forms unless and until the Director of Human Resources receives a cancellation notice pursuant to Section 27.1 above.
- 28.3 The Association hereby agrees to indemnify, defend and hold the City harmless from any and all claims, actions, causes of action, grievances, loss, expenses or any other possible obligations arising out of or relating to said dues deductions or other obligations pursuant to Sections 27.1 and 27.2 above.
- 28.4 Nothing contained in this Article 27 shall be construed as requiring employees represented by the Association to become or remain members of the Association.

29. TERM:

- 29.1 This Agreement shall govern the rights of the parties from January 1, **2021** until and including December 31, **2023** provided, however, that if a new Agreement is not executed by the parties hereto on or before December 31, **2023**, the benefits

of this Agreement accruing to the employee covered shall remain in effect until a new Agreement is reached, unless the parties shall mutually agree to the contrary.

IN WITNESS WHEREOF, the CITY OF PORTLAND has caused this Agreement to be signed and sealed by Jon P. Jennings, its City Manager and the PORTLAND POLICE SUPERIOR OFFICERS ASSOCIATION has caused this Agreement to be signed and sealed by Eric Nevins, its President, on the date first above written.

CITY OF PORTLAND

Witness: By _____
Jon P. Jennings, City Manager

PORTLAND POLICE SUPERIOR OFFICERS
ASSOCIATION –

Witness: By _____
Eric Nevins, its President

APPENDIX A

PPSOA PAY PLAN

Sergeant			Effective	Effective	Effective
			1/3/2021	1/2/2022	1/1/2023
			*	2%	2%
	1	0-3 Yrs	\$34.16	\$34.84	\$35.54
			\$1,366.40	\$1,393.60	\$1,421.60
	2	3-5 Yrs	\$35.18	\$35.88	\$36.60
			\$1,407.20	\$1,435.20	\$1,464.00
	3	5-8 Yrs	\$36.24	\$36.96	\$37.70
			\$1,449.60	\$1,478.40	\$1,508.00
	4	8+ Yrs	\$37.33	\$38.08	\$38.84
			\$1,493.20	\$1,523.20	\$1,553.60
Lieutenant			Effective	Effective	Effective
			1/3/2021	1/2/2022	1/1/2023
			**	2%	2%
	1	0-3 Yrs	\$39.94	\$40.74	\$41.55
			\$1,597.60	\$1,629.60	\$1,662.00
	2	3-5 Yrs	\$41.14	\$41.96	\$42.80
			\$1,645.60	\$1,678.40	\$1,712.00
	3	5-8 Yrs	\$42.37	\$43.22	\$44.08
			\$1,694.80	\$1,728.80	\$1,763.20
	4	8+	\$43.64	\$44.51	\$45.40
			\$1,745.60	\$1,780.40	\$1,816.00
* 1st step is 5% above top detective pay, all other steps are 3% higher than the previous step					
** 1st step is 7% higher than top step Sergeant pay, all other steps are 3% higher than the previous step					

APPENDIX B

EMPLOYEE VOLUNTARY DEDUCTION FORM

Fund	Dept.	Div.	Print (last name first) Prog. Soc Sec. No.	Employee Name

Code	Amount	Add	Delete
			Check add for perm change
			check delete to drop deductio

INSTRUCTIONS: Please type or print.
The deduction form must accompany the payroll that change appears on.

NOTE: The figure under "Amount" is a replacement figure only. It is not the net difference. See reverse side for code number.

Effective:

27.1 Voluntary Cancellation of Membership

"The deduction, once duly authorized, may be cancelled only after fourteen (14) days written notice by the member to the City Human Resources Director. If any such notice of cancellation is not revoked in writing by the member and delivered to the City Human Resources Director within the above fourteen (14) day period, the City shall cease making deductions for that member."

APPENDIX C

Allowable Apparel and Equipment

Black Leather Jacket, Black Shoes & Black Leather Gloves

Winter Footgear

Business Suits/ Court Attire

Alterations to Suits/ Uniforms

Sweater

Black Boots

Prescription Eyewear

*Whistle and Chain

*Ear Phones

*Ticket Book Holders

*Off-Duty Holster

*On-Duty Holster (Approved)

*Badge

*Badge Case

*Black Pens

Flashlight (and replacement batteries, bulbs, lenses)

Flashlight holder

*Hand cuffs / Case

*Cuff Key

Practice Ammunition

Winter Scarf (Navy blue or black)

*Trooper-Style Pile Caps

*Insulated Collarless Vests

Sneakers (Chief designated)

Sunglasses

Turtleneck

Watch Cap

*Approved Multi-Purpose Knife

*Duty Bag

*Duty Belt (Nylon or Leather)

*BDU's for training purposes

*Duty Approved Weapon (Glock 17, 19 21, 26, 30 or pre-approved and inspected AR15/M16 .223 rifles), **pre-approved weapons optics** and attached flashlight and replacement batteries, bulbs and lenses

Promotional Exam Study Materials

Business Cards

Job Specific Books

*Outer Vest Carrier

Cell Phones

Fitbits or other approved fitness activity tracking devices

*Items designated as equipment.

APPENDIX D

LEAVE INCENTIVE PROGRAM

I. Program

- A. Any eligible employee may volunteer to participate in this Unused Sick Leave Incentive Program.
- B. Any Officer who has used two (2) days or less of sick leave within the previous twelve (12) months may elect to convert six (6) days of earned sick leave to five (5) days of paid leave. Any remaining earned sick leave during this period shall be accumulative as sick leave in accordance with the provisions of the COLLECTIVE BARGAINING AGREEMENT.
- C. The usage of these paid leave days shall be scheduled by the Department so as not to increase any financial obligation to the City, e.g. overtime coverage.
- D. A day is defined to be eight (8) hours or ten (10) hours depending on schedule.
- E. These paid leave days converted from sick leave shall not be interpreted to extend vacation day accumulation as provided in the COLLECTIVE BARGAINING AGREEMENT. Specifically, the maximum vacation accrual shall not be increased.
- F. It is the sole responsibility of the employee to initiate participation in this incentive program. The employee shall provide written notification to the department's Principal Administrative Officer of his/her decision to participate and forward a copy to the SOA President.

For the City of Portland

Date

For the SOA

Date

APPENDIX E

PSOBA/PORTLAND POLICE DEPARTMENT – RHSA

The City agrees to create a Retirement Health Savings Account (RHSA) for Members of the collective bargaining unit. The RHSA will contain the following provisions:

1. Employees shall not be eligible to participate in the RHSA until they have successfully completed their six-month probationary period.

2. A participant in the RHSA will contribute pre-tax dollars, via payroll deduction, to the RHSA, in the following amounts:

a. Sick Leave Accrual Contribution – In those instances where the employee's sick leave accrual at the end of the year (2021) reaches the number of hours designated below, the City agrees to contribute the monetary equivalent rate of compensation for the hours set forth below:

- | | |
|------------------------------------|---------------------------------|
| i. less than 400 hours | – 0 hours contributed |
| ii. 400 hours to 599 hours | – 20 hours contributed |
| iii. 600 hours to 799 hours | – 40 hours contributed |
| iv. 800 hours to 999 hours | – 60 hours contributed |
| v. 1000 hours to 1199 hours | – 80 hours contributed |
| vi. 1200 hours to maximum | -- 100 hours contributed |

b. Catch up Contributions -- In the first year of the plan only, at the end of calendar year 2021, employees whose accruals eclipse the figures set forth above will be allowed to contribute "catch up" amounts as follows: Employees who reached 600 plus hours will be able to contribute 40 hours plus the 20 hours for the prior (400 hour) step. For employees with 800 plus hours, they will be able to contribute the 60 hours, plus the 40 hours plus the 20 hours for a total of 120 hours; and so on and so forth to the highest step.

c. Completion of Service – Upon completion of service with the Police Department, fifty percent (50%) of all employee's compensable time as set forth in the CBA for termination pay, shall be deposited by the City into the employee's RHSA at the then monetary equivalent rate of compensation. The other fifty percent (50%) shall be paid

to the employee in cash.

3. A participant in the RHSA may only withdraw funds for medical expenses. Withdrawal of funds may occur only upon separation from employment.

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: November 3, 2021

SUBJECT: Order 100-21/22 Approving a Purchase and Sale Agreement with AJ Holding Company, LLC for Units 6 and 7 in Portland Technology Park - Sponsored by the Housing & Economic Development Committee, Mayor Kate Snyder, Acting Chair

SPONSOR: Housing and Economic Development Committee, Mayor Kate Snyder/Chair, on November 2, 2021, and voted 4-0 to forward to the City Council for approval.

(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 11/15/2021

Final Action 11/15/2021

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

PRESENTATION: Mary Davis/3 Minutes

I. SUMMARY

Under the direction of the Housing and Economic Development Committee, the Committee has recommended to the City Council approval of the PSA for sale of Units 6 and 7 at Portland Technology Park to AJ Holding Company, LLC.

II. AGENDA DESCRIPTION

The Housing & Economic Development Committee reviewed this at its November 2, 2021 meeting and voted (4-0) to forward it to the City Council for approval.

The proposed Purchase and Sale Agreement (PSA) has been negotiated to sell Units 6 and 7, located in the City-owned and developed Portland Technology Park (PTP), to AJ Holding Company, LLC, a/k/a Aroma Joe's, for a sale price of \$595,000. This PSA is presented for approval by the City Council and authorization of the City Manager to execute the PSA, as well as any other appropriate documents, for the property sale.

AJ Holding Company, LLC. is currently located in leased space at 352 Warren Avenue in Portland. The company is proposing to construct a new minimum 12,000 square foot building to use as its corporate headquarters and relocate from Warren Avenue.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Portland Technology Park (PTP) is a fully permitted condominium business park developed by the City. Phase I of the project has been completed, with a 975-foot road and utilities to three development sites (Units 1-3). The work was financed with a grant from the Economic Development Administration (EDA) and matched by the City. Portland's total investment in the PTP, to date, has been just under \$695,000.

Unit 4 was sold to Patrons Oxford Insurance Company for \$625,000 in March 2016 to move its headquarters from Auburn to Portland, with construction of a 19,000 sq. ft. building and extension of the roadway by 155 feet to Unit 4, completed in July 2017.

Patrons Oxford has been operating there since that time contributing \$61,000 annually in property taxes.

The final Phase for PTP is to extend the roadway by 350 feet, opening three more development sites (Units 5, 6, and 7). See attached PTP Map highlighting the roadway extension, as well as remaining Units available for sale.

With AJ Holding Company proposing to purchase Units 6 and 7, this would activate the final phase to extend road and utilities. In May of this year, the estimated expense of the roadway and utility extension (\$500,000), plus wetland mitigation fee (\$162,760), was \$662,760. We are looking to have this figure updated, as well as determining the funding mechanism for construction of this roadway of approximately 350 feet, using perhaps the net sale proceeds and a CIP allocation.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result is for the City Council to authorize the City Manager to execute the proposed PSA, as well as any other documents needed for property sale closing.

This would also promote economic development in the City in a manner that provides for increased property values, diversification across industry sectors, and high paying jobs.

V. FINANCIAL IMPACT

Highlights of the business terms related to this transaction include:

Project: New construction for a 12,000 sq. ft. building for Aroma Joe's headquarters to be relocated from Warren Avenue to lots 6 and 7, and associated final phase for PTP to extend the roadway by 350 feet, opening up three more development sites – Units 5, 6, and 7.

Property Sale Price: \$595,000.

Estimated Project Property Taxes: This new building is conservatively estimated to generate over \$26,000 annually in new City property taxes.

Environmental Indemnifications: The property will be sold in an "AS IS, WHERE IS" condition. Buyer to provide environmental indemnifications to the City.

Buyer's Due Diligence Period: Buyer will have eighteen months after the Effective Date of the Purchase and Sale Agreement to complete their due diligence. Provided that Buyer is conducting its due diligence in good faith, Buyer will have the right to three (3) sixty (60) day extensions of the Due Diligence Period. Buyer shall pay an additional Five Thousand Dollars (\$5,000) for each extension period, non-refundable (except in the event of Seller's default), but credited to the Purchase Price if a closing occurs.

Property Closing: Property closing shall be on or before the day is forty-five (45) days after, or Buyer's waiving of, the Due Diligence Period.

Extension of Roadway: As soon as practicable after the Closing, and provided that Buyer has received a building permit for its Development, Seller shall commence construction of the "New Road" opening up lots 5, 6, and 7 for development, using net sale proceeds estimated at \$553,350 and a CIP allocation for the remaining costs. The May estimate for this construction was \$662,760; staff is currently having this estimate updated.

City Right to Repurchase the Property: The City has the right to repurchase the property, at the sale price, but not the obligation, if Buyer does not timely commence construction.

VI. STAFF ANALYSIS AND BACKGROUND

See staff analysis in Financial Impact Section.

VII. RECOMMENDATION

The HEDC voted 4-0 on November 2, 2021, to forward the proposed PSA to the City Council to authorize the City Manager to execute the PSA, as well as any other documents needed to close the property sale.

VIII. LIST ATTACHMENTS

1. P&S to AJ Holding Company, LLC for Units in Portland Technology Park 11.15.2021
2. Map for HEDC and CC
3. AJH Portland Technology Park PS clean for HEDC 102921

Prepared by:

Mary Davis, Division Director

Date: 11/03/2021

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

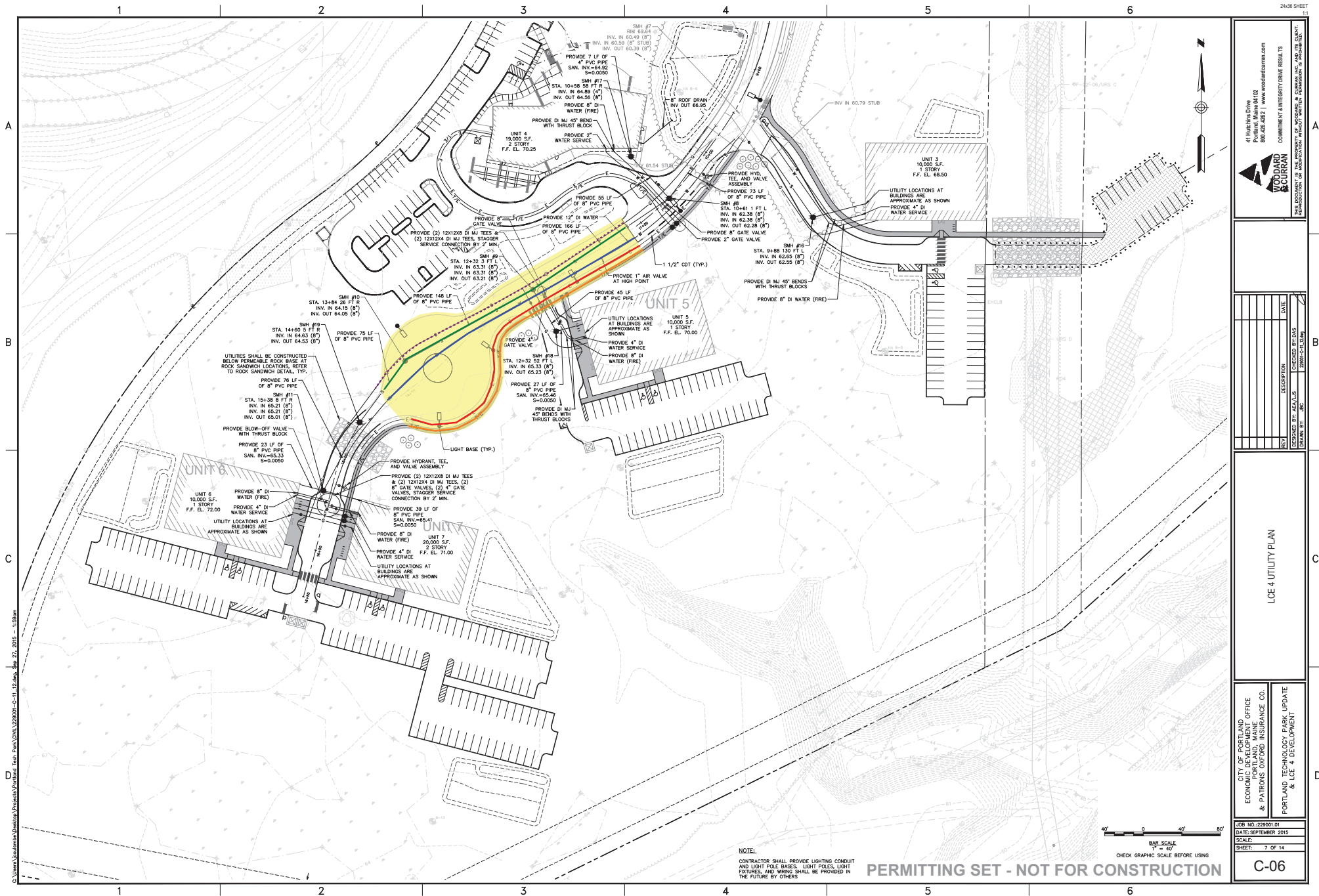
**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING PURCHASE AND SALE AGREEMENT WITH
AJ HOLDING COMPANY, LLC FOR UNITS 6 AND 7
IN PORTLAND TECHNOLOGY PARK**

ORDERED, that the Purchase and Sale Agreement with AJ Holding Company, LLC for Units 6 and 7 in Portland Technology Park is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the Interim City Manager is hereby authorized to execute the Purchase and Sale Agreement and whatever other documents are necessary to effect the intent and purpose of the Purchase & Sale Agreement.



41 Inches Drive
Portland, Maine 04102
908.452.4521 | www.vanderleuran.com

ACCURACY
COMMITMENT: ANTI-CORRUPTION RESULTS
HYDROLOGICAL OR HYDROLOGICAL "REALLY WITHIN" PROBABILITIES

REV	DESCRIPTION	DATE
1	DESIGNED BY: M.A.L.S.	2000-C-11-28-2000
2	DRAWN BY: JBC	

LCE 4 UTILITY PLAN

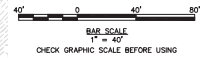
CITY OF PORTLAND
ECONOMIC DEVELOPMENT OFFICE
& PATRONS OUTDOOR INSURANCE CO.
PORTLAND TECHNOLOGY PARK UPDATE
& LCE 4 DEVELOPMENT

JOB NO.: 229001.01
DATE: SEPTEMBER 2015
SCALE: 1" = 40'
SHEET: 7 OF 14

C-06

NOTE:
CONTRACTOR SHALL PROVIDE LIGHTING CONDUIT
AND LIGHT POLE BASES. LIGHT POLES, LIGHT
FIXTURES, AND WIRING SHALL BE PROVIDED IN
THE FUTURE BY OTHERS.

PERMITTING SET - NOT FOR CONSTRUCTION



PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT made this _____ day of _____, 2021 (the "Effective Date") is 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 **AJ HOLDING COMPANY, LLC**, a Maine Limited Liability Company, having its principal place of business 352 Warren Avenue, Portland, Maine 04103 (hereinafter referred to as "Buyer").

WITNESSETH

WHEREAS, Seller owns an approximately 2.93 acre parcel of land located at the Portland Technology Park, City of Portland, County of Cumberland, State of Maine, being known as Unit 6, Unit 7, LCE For Unit 6, and LCE For Unit 7 on that certain Condominium Plat of Portland Technology Park Condominium, Rand Road, Portland, Maine dated March 9, 2016, prepared by SGC Engineering, LLC for the City of Portland – Declarant and recorded in the Cumberland Registry of Deeds on March 10, 2016, in Plan Book 216, Page 62 (the "Condominium Plat," a copy of which is attached hereto as Exhibit A and made a part hereof), and that certain Second Amended Subdivision Plat of Portland Technology Park Condominium dated March 8, 2016, prepared by SGC Engineering, LLC for the City of Portland approved by the City of Portland Planning Board on December 8, 2015 and recorded in the Cumberland County Registry of Deeds on March 10, 2016 in Plan Book 216, Page 63 (the "Subdivision Plat," a copy of which is attached hereto as Exhibit B and made a part hereof), and being further described as Unit 6 and Unit 7 of the condominium known as the Portland Technology Park Condominium, of which the Seller is the declarant as described in that certain Declaration of Condominium for the Portland Technology Park Condominium recorded in the Cumberland County Registry of Deeds on March 10, 2016, Book 32969, pages 97 as amended by a Certificate of Amendment To The Bylaws Of The Portland Technology Park Condominium Association dated December 14, 2018, recorded in the Cumberland County Registry of Deeds Book 35373, Page 323 (collectively, the "Declaration of Condominium"), together with all improvements, fixtures and rights appurtenant thereto, all as more particularly shown and depicted on Exhibit A (the "Property"). Title reference is made to a deed from Simon A. Snyder et alia to the City of Portland dated December 7, 1999 and recorded in the Cumberland County Registry of Deeds, Book 15211, Page 31; and

WHEREAS, Seller intends to sell the Property, and Buyer desires to acquire the Property and to construct on the Property an office building containing a minimum of 12,000 square feet of space to use as Buyer's corporate headquarters ("Buyer's Development").

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.

Seller agrees to sell the Property, and Buyer agrees to purchase the Property in accordance with the provisions hereof. It is hereby agreed and acknowledged that the actual description of the Property shall be determined based on the title and related due diligence work to be completed by Buyer pursuant to this Agreement and that such description shall be subject to Buyer's and Seller's final review and approval before including the same in the Deed (as that term is defined below) to be delivered by Seller to Buyer as set forth and described below.

2. CONSIDERATION.

The consideration for the property shall be Five Hundred Ninety-Five Thousand Dollars (\$595,000.00) ("Purchase Price"), payable as follows:

- (a) A deposit of Ten Thousand Dollars (\$10,000.00) to be paid by Buyer within two (2) business days of the Effective Date and held in escrow by Buyer's agent, Nate Stevens of The Boulos Company (the "Escrow Agent"), until closing and applied to the Purchase Price (or, if applicable, until returned to Buyer pursuant to this Agreement) (the "Deposit"); and
- (b) The Purchase Price, less the Deposit and any Extension Payments (defined below) to be paid by Buyer to Seller at closing by wire transfer, subject to the adjustments provided for in this Agreement.

3. TITLE, APPROVALS, AND DUE DILIGENCE.

- a. Due Diligence Period. Buyer will have from the Effective Date until 4:00 PM on the day that is eighteen (18) months after the Effective Date (the "Due Diligence Period") to complete any surveys and title examinations for the Property, and to obtain any site plan approvals, building permits, and any other permits and regulatory approvals required for the construction of Buyer's Development.
- b. Provided that Buyer is conducting its due diligence in good faith, Buyer shall have the right to three (3) sixty (60) day extensions of the Due Diligence Period. Prior to exercising the right to each such extension, Buyer shall pay an additional Five Thousand Dollars (\$5,000.00) (each an "Extension Payment") to the Escrow Agent, which Extension Payments shall be non-refundable (except in the event of Seller's default under the Agreement), but credited to the Purchase Price if a Closing occurs.
- c. Deed. Seller shall convey the Property to Buyer at the closing in fee simple with good and marketable title or insurable title, subject to: (a) easements, privileges, restrictions, conditions, development rights, special declarant rights, and agreements created by or referred to in the Declaration of Condominium, as well as the matters shown or disclosed on the Condominium Plat and the Subdivision Plat, as may be amended; (b) provisions of (i) the Maine

Condominium Act, and all amendments thereto; and (ii) the Declaration of Condominium, the bylaws and the plats and plans for The Portland Technology Park Condominium Association and all amendments or modification thereto; (iii) building, zoning and land use ordinances; (c) all restrictions required because the roadway serving the Portland Technology Park Condominium (including the Property), which roadway will continue to be owned by the Seller, was improved, in part, with funding from the United States Economic Development Administration (EDA), United States Department of Commerce, a copy of which restrictions is attached hereto as Exhibit C; and (d) such taxes and assessments, including common expenses allocable to the Property, if any, as are due and payable on the date of delivery of the Deed. At the closing, Seller shall execute and deliver to Buyer, against payment of the balance of the purchase price, a Municipal Quitclaim Deed without Covenant (the "Deed"). Further, Buyer acknowledges that the deed shall contain a restriction stating that in the event that the Property 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 Property had such property remained taxable.

- d. Title and Survey Objections. Buyer will have until the end of the Due Diligence Period to deliver to City any written objections to title 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 first appearing after the end of the Due Diligence Period may be made at any time prior to the closing.
- e. 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).

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 Property 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 Property 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 Property.
- 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 Property, Buyer agrees to either return the Property 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 Property 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, Buyer will be entitled to a refund of the Deposit, 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 closing date and continuing thereafter. Because the Property is currently owned by the City of Portland, which is exempt from real estate taxes, no taxes will be assessed for the fiscal year during which the closing occurs and no taxes will be prorated at the closing, provided, however, that any assessments and utilities for the Property shall be prorated as of the closing. The Maine real estate transfer tax shall be paid by Buyer in accordance with 36 M.R.S.A. § 4641-A. Seller 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. RISK OF LOSS.

The risk of loss or damage to the Property by fire or otherwise, until transfer of title hereunder, is assumed by the Seller. The Property is to be delivered in substantially the same condition as of the date of this Agreement unless otherwise stated. In the event Seller is not able to deliver the Property as stated, Buyer may terminate this Agreement and receive a refund of the Deposit.

7. PROPERTY SOLD "AS IS, WHERE IS."

Buyer acknowledges that Buyer has had an opportunity to inspect the Property, and to hire professionals to do so, and that the Property 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 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. 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.

8. 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 time agreeable to the parties on or before the day that is forty-five (45) days after the expiration of or Buyer's waiving of the Due Diligence Period (the "Closing Date"). At the Closing:

- a. the City shall execute, acknowledge and deliver to Buyer a municipal quitclaim deed without covenant conveying to Buyer good and insurable title to the Property, 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 Property 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.
- e. Notwithstanding anything to the contrary in this Agreement, neither party shall be obligated to close on the purchase and sale of the Property unless Buyer has obtained site plan approval, a building permit, and all other permits and regulatory approvals (the "Approvals") required for the construction of Buyer's Development prior to the end of the Due Diligence Period. If Buyer has not received the Approvals by the end of the Due Diligence Period, either Seller or Buyer shall have the right to terminate this Agreement. If this Agreement is so terminated, and the Due Diligence Period has not been extended under section 3(b) above, Buyer will be entitled to the return of the Deposit on the condition that Buyer has, during the Due Diligence Period, made commercially reasonable efforts to obtain the Approvals, which efforts include, but are not limited to completing the Inspections, filing an application for site plan approval, and applying for a building permit. Buyer acknowledges and agrees that City is acting in its capacity as owner of the Property with regard to its status as a party to this Agreement, and not in its regulatory capacity.

9. DEFAULT AND REMEDIES.

- a. In the event of Buyer's default under any of the terms, covenants or conditions of this Agreement, Seller shall have the right to retain the Deposit, any Extension Payments, and any interest accrued thereon as aforesaid as liquidated damages for the breach and not as a penalty therefor. The Buyer and Seller acknowledge and agree that (i) it is not feasible to determine accurately the measure of damages that will be caused to Seller by the Buyer's breach because the uniqueness of the Property at its location preclude the utility of comparable figures to determine the extent of damages and (ii) that the amount stated as liquidated damages is agreed to reasonably forecast the amount necessary to compensate Seller for its loss in the light of the circumstances stated in clause (i) and the attendant uncertainties in marketing the Property to another purchaser.
- b. In the event that Seller fails to close hereunder for a reason other than the default of Buyer, Buyer may, as its sole remedy therefor, and subject to the terms of this paragraph, either (i) enforce specific performance of this Agreement against Seller, or (ii) terminate this Agreement and receive the Deposit and the Extension Payments, plus any interest earned or accrued thereon.

10. POST-CLOSING OBLIGATIONS; SELLER'S RIGHT TO REPURCHASE.

- a. **Extension of Right-of-Way and Utilities.** Seller hereby agrees and acknowledges that as soon as reasonably practicable after the Closing, and

provided that Buyer has received a building permit for Buyer's Development, Seller shall commence construction, at Seller's expense, of an extension of the existing right-of-way and utilities (including water, sewer, electricity conduit, and telecommunications conduit) within the Condominium (which right-of-way is known as Easement Area 1 and is shown on the Condominium Plat) from its current terminus to the entrance to the Property, all as generally depicted and described on Exhibit A (such section of said right-of-way and the associated utility facilities are referred to herein collectively as the "New Road," and the New Road is generally depicted as the cross-hatched area on Exhibit A). The construction of the New Road shall be completed by Seller's contractors in a good workmanlike manner and in accordance with the Declaration of Condominium and all applicable federal, state, and local laws, rules, regulations, and ordinances. If and when required, the Buyer shall grant to Seller any necessary easements or licenses that Seller may reasonably require in order complete construction of the New Road. Any such easements and licenses shall be in a form reasonably satisfactory to the Seller. The terms and conditions of this section will survive the closing on the purchase of the Property pursuant to this Agreement.

- b. **Buyer's Commencement of Construction.** Buyer hereby agrees that it shall commence construction of Buyer's Development within three (3) months after the later of (i) the day that the New Road is passable by construction vehicles required to commence construction of Buyer's Development, regardless of whether or not construction of the New Road is complete at that time, and (ii) the Closing Date.
- c. **Seller's Right to Repurchase.** If Buyer does not timely commence construction of Buyer's Development as set forth in this paragraph, Seller shall have the right, but not the obligation, to repurchase the Property at the Purchase Price. Upon Seller's exercise of its right to repurchase the Property, Buyer shall convey the Property to Seller free and clear of all mortgages, liens, and other encumbrances, except as set forth in the Condominium Plat, the Condominium Declaration, and the Subdivision Plat. This right to repurchase shall be assignable by the City.

The provisions of this Section 10 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.

11. 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.

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 Seller and Buyer.

13. 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.

14. GOVERNING LAW.

This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Maine. The parties 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.

15. NOTICE.

Any notice required or permitted under this Agreement shall be deemed sufficient if mailed with first class postage affixed or delivered in person to:

FOR THE SELLER: City of Portland
 Attention: City Manager
 389 Congress Street
 Portland, ME 04101

FOR THE BUYER: AJ Holding Company, LLC
 352 Warren Avenue
 Portland, Maine 04103
 Attn: Loren Goodridge, CEO

Either party may change his address for purposes of this paragraph by giving the other party notice of the new address in the manner described herein.

16. 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. A signature in a faxed, pdf or other reproduced or electronic document shall be considered the equivalent of an original signature.

17. BROKERS.

Seller and Buyer each represents and warrants that neither has dealt with a real estate broker in connection with this transaction, other than that Seller has been represented by Nate Stevens of The Boulos Company, and that Buyer has been represented by Brice O'Connor of The Boulos Company. Nate Stevens' commission will be paid by Seller

pursuant to the terms of a separate agreement between Seller and CBRE, and Brice O'Connor's commission will be paid by Nate Stevens. Buyer agrees to indemnify and hold harmless Seller from any claims made by any broker should Buyer's representation in this paragraph be false. Subject to and limited by the defenses, immunities and limitations of damages available to the Maine Tort Claims Act, Seller agrees to indemnify and hold harmless Buyer from any claims made by any broker should Seller'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.

18. RECITALS INCORPORATED BY REFERENCE.

The recitals set forth above are incorporated herein by reference and made a part of this Agreement.

Signature page follows.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the day and year first above written.

CITY OF PORTLAND

WITNESS

By: _____
Danielle P. West
Its Interim City Manager

AJ HOLDING COMPANY, LLC

WITNESS

By: _____
Loren Goodridge
Its CEO

Exhibit A
[See Attached Condominium Plat]

Exhibit B
[See Attached Subdivision Plat]

Exhibit C

COMPLIANCE WITH EDA RESTRICTIVE COVENANTS

The Seller and Buyer acknowledge that the Property was improved, in part, with funding from the United States Economic Development Administration (EDA), United States Department of Commerce, EDA Project Number 01-01-08630 and is subject to the terms and conditions of the EDA financial assistance award. Consequently, all recipients or owners and/or their successors and assigns, agree as follows:

Real Property or tangible Personal Property improved with EDA Investment Assistance must be used in a manner that is consistent with the authorized general and specific purposes of the Award, in this case, commercial purposes and EDA policies concerning adequate consideration and environmental compliance; and any applicable provisions of 13 CFR §314. It may not be used in violation of the nondiscrimination requirements set forth in 13 C.F.R. §302.20 or for inherently religious activities prohibited by applicable federal law.

Buyer agrees to provide Seller and/or EDA with any document, evidence or report required to assure compliance with federal and state law, including, but not limited to, applicable federal and state environmental laws.

The use of the Property, (improved with EDA assistance), for any purpose other than the authorized purpose of the EDA grant, which in this case is commercial uses, is prohibited. This covenant shall remain in effect for a period of twenty (20) years.

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING AMENDMENTS TO
ELECTRICAL PERMIT FEES RE: SOLAR ARRAYS**

ORDERED, that the amendments to the Electrical Permit Fees, as shown in the schedule attached hereto as Exhibit A, are hereby approved.



EXHIBIT A

CITY OF PORTLAND
Permitting and Inspections Department

ELECTRICAL PERMIT FEES (in lieu of cost of work)

Administrative Fee / Minimum Fee (Fee plus line items)	\$75.00
Mass Gathering / Special Events	\$75.00
Low Voltage (burglar alarms, fire alarms, fiber optics, data) / system	\$25.00
Generator	
up to 50 KW	\$40.00
51KW up to 200KW	\$60.00
201KW and above	\$200.00
Transformers	
0-15 kva (each)	\$25.00
16 kva - 50 kva (each)	\$40.00
51 - 250 kva (each)	\$60.00
Motors	
Fractional up to 5HP	\$10.00
6HP - 15HP	\$15.00
16HP - 25HP	\$20.00
25HP and up, each increment of 5HP	\$ 4.00
Temporary Signs (electrical only)	\$30.00
Permanent Signs (electrical only)	\$30.00
Outlets (receptacles/lights/drops)	
1-20	\$12.00
21-50	\$25.00
51-100	\$40.00
Greater than 101 (each)	\$ 0.50
AFCI / GFCI Devices (each)	\$ 5.00
Exhaust Fans (each)	\$ 5.00
120V, Dedicated Circuits	
(dishwasher, disposal, washer, refrigerators, sump pumps, etc.) (each)	\$5.00
240V (208), Dedicated Circuits up to 50amps	
(dryer, range, compressors, condensers, water heaters, unit heaters, etc.) (each)	\$10.00
240V (208V) dedicated circuits 51A up to 200A (each)	\$20.00
Dedicated Circuits 50A up to 200A	\$30.00
Central fuel fired heating equipment (boilers, furnaces, wall hung units) (each)	\$20.00
Single Phase Service	
up to 200A	\$25.00
201A up to 600A	\$45.00
Three Phase Service	
up to 200A	\$40.00
201A up to 600A	\$60.00
601A up to 2,000A	\$100.00
2,001A and Above	\$150.00
Sub Panels (Remote from the Main)	\$15.00
Per Meter Charge	\$ 7.50
Solar Array	
up to 25KW	\$50.00 \$75.00
26KW up to 50KW	\$100.00
51KW up to 200KW	\$150.00
Each additional KW above 200KW (each)	\$10.00 \$1.00
Line Voltage Smoke/Heat/CO Detectors	\$ 7.50



CITY OF PORTLAND
Permitting and Inspections Department

Manufactured/Modular units	\$30.00
Hazardous/Classified Wiring Systems	\$40.00
Pools (above and underground)	\$50.00
Sauna Hot Tubs & Spas	\$40.00

Late permit fee: A party who starts construction without first obtaining an electrical permit will be subject to double the permit fee.



CITY OF PORTLAND
Permitting and Inspections Department

Memorandum

To: Mayor and City Council

From: Jessica B. Hanscombe
Director of Permitting and Inspections

Date: September 28, 2021

RE: Administrative Amendments to Building Permits and Inspections Fee Schedule

We are requesting removing Dedicated Circuits 50A up to 200A as it is duplicated in the Fee Schedule. This is an administrative correction.

Amending the fee from \$50.00 to \$75.00 in Solar Array up to 25KW to be in compliance with the minimum required fee set by the State of Maine.

Amending the fee from \$10.00 for Solar Array Each additional KW above 200KW (each) to \$1.00. This will fall in line with the City's Climate Action Initiative.