

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

MARK N. DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY COUNCIL MEETING - JANUARY 3, 2022 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:

This meeting will take place remotely using Zoom.

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

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

Please click the link below to join the webinar:

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Webinar ID: 828 0556 8760

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

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the December 20, 2021 City Council Minutes

PROCLAMATIONS:

Proclamation 12-21/22 Recognizing January 17, 2021 as Martin Luther King, Jr., Day - Sponsored by Kate Snyder, Mayor

LICENSES:

Order 126-21/22 Granting Municipal Officers' Approval of Mitr LLC, dba Mitr. Application for Class I FSE at 1281 Congress Street - Sponsored by Danielle West, Interim City Manager

Application was filed on 12/7/21. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 127-21/22 Granting Municipal Officers' Approval of ZEL & Co., dba The Chadwick Bed and Breakfast. Application for Class IV/V at 140 Chadwick Street - Sponsored by Danielle West, Interim City Manager

Application was filed on 12/13/21. New City and State applications. New owner of an existing business.

Five affirmative votes are required for passage after public comment.

Order 128-21/22 Granting Municipal Officers' Approval of 425 Fore St Suite 500 LLC, dba Paper Tiger. Application for Class I FSE with Outdoor Dining on Private Property at 425 Fore Street, Suite 104 - Sponsored by Danielle West, Interim City Manager

Application was filed on 12/13/21. New City and State applications. Location was previously Maine Lobster Shack.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 124-21/22 Repealing the Declaration of an Emergency - Sponsored by Danielle West, Interim City Manager

This item would repeal the City of Portland's State of Emergency. The current Emergency Order was passed to allow all City of Portland public meetings to take place remotely. Since its passage, all public bodies (including the City Council and Council committees) have individually adopted the Council's Remote Participation Policy. This policy, in combination with Maine's Freedom of Access Act, allows hybrid and, when warranted, fully remote meetings. In short, the Emergency Order is no longer needed to

allow for public meetings to be conducted remotely. Without the Emergency Order in place, the Council and its committees (as well as all other City boards and commissions) will need to make a determination regarding remote participation on a meeting-by-meeting basis.

The City of Portland will determine when City Hall and other public buildings will reopen to the public based on logistics and the most recently available health data. As of December 27, 2021, for the State of Maine, the Maine CDC was reporting a 7-day average of 752.3 new cases of COVID-19. The 7-day average percentage of hospital emergency room visits for COVID-19 like illness was 9.1% of all emergency room visits. The 7-day average of new hospitalizations for COVID-19 was 3.3 hospitalizations per day. On December 28, 2021, there were 330 individuals hospitalized, 110 in critical care and 56 on a ventilator. Fifty-eight out of 323 adult critical care beds were available and 8 out of 61 pediatric critical care beds were available. The US CDC classified Cumberland County as high transmission with a case rate of 344.40 cases per 100,000 for the period of December 21, 2021 - December 27, 2021, despite more than 88% percent of the population over the age of 5 being vaccinated.

At the December 20, 2021 City Council meeting a motion was passed (6-3) to postpone Order 124-21/22 to the January 3, 2022 City Council meeting. Public comment was taken at the December 20, 2021 City Council meeting, and no further public comment will be taken on this item. Five affirmative votes are required for passage.

Written Public Comment for Order 124-21/22

Order 125-21/22 Accepting and Appropriating a \$9,940 grant from the State of Maine Department of Agriculture, Conservation and Forestry - Sponsored by Danielle West, Interim City Manager

Portland Forestry Division has been awarded a \$9,940 Project Canopy Community Forestry Assistance Grant by the Urban and Community Forestry section of the Catalog of Federal Domestic Assistance (CFDA).

This award will be matched by the City. This grant money and matching funds will go toward implementing the Portland Tree Canopy Assessment Project, with specific work to include analyzing our existing tree canopy and strategizing ways to increase our canopy coverage percentage. The project would explore the makeup of our existing tree inventory and search for new tree planting locations. The finished product would give us a road map to go forward with new tree planting initiatives and help ensure local and equitable climate resiliency.

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

ORDERS:

Order 129-21/22 Accepting the Charlotte Meaney-Bleier Award for Service at Portland High School Trust Agreement - Sponsored by Danielle P. West, Interim City Manager

This Trust is funded by a generous contribution by Samuel Bleier, who has already created several other awards given to graduating students from Portland High School. The Charlotte Meaney-Bleier Award for Service Trust will pay for annual \$1,000 awards to a student (or students if funding allows more than one) who show exceptional community spirit. Charlotte Meaney-Bleier was Mr. Belier's late wife, who was born in Germany in 1927 and grew up during the difficult years of Nazi power. Her education ended when her high school in Aachen was bombed during World War II. She came to the U.S. in 1946, married, and raised four children and, simultaneously, also graduated from college and earned two Master's Degrees in mathematics and statistics. Later she taught math at West Point Prep and Monmouth College in New Jersey.

The Portland High School committee that decides scholarships and other awards would choose the annual recipient of this award, too.

Five affirmative votes are required for passage after public comment.

Order 130-21/22 Appointing Local Health Officer Bridget Rauscher Constable - Sponsored by Councilor Andrew Zarro

This is a companion order to the Amendment to Portland City Code Chapter 17 Re: Face Covering Mandate on this agenda. The City's Local Health Officer, Bridget Rauscher, is by this order appointed constable and given the authority to issue violations of the ordinance requiring face coverings in the Amendment.

Seven affirmative votes are required for passage as an emergency after public comment.

AMENDMENTS:

Order 131-21/22 Amendment to Portland City Code Chapter 17 Re: Face Covering Mandate - Sponsored by Councilor Andrew Zarro

Following extensive public comment and discussion by the Council during the December 20 meeting, this item proposes the adoption of a face covering mandate. It is modeled almost entirely on language recently adopted by Burlington, Vermont, with minor changes aimed at tailoring it to Portland's existing practices around COVID-19 (e.g. it does not adopt capacity restrictions in the same way that Burlington's ordinance does) and fitting it within the City's Code of Ordinances.

Critical care hospitalizations in Maine have reached some of the highest numbers for the entire period of the Covid-19 pandemic, and this is happening despite a high county-wide rate of vaccinations and is primarily the result of the delta and now omicron variants' contagiousness. As a result, state health officials, along with the United States Centers for Disease Control and Prevention officials and the Maine Center for Disease Control officials, advise the use of all preventative measures, including the use of face coverings in public indoor spaces. It is hoped that these measures will succeed at slowing the relentless spread of Covid-19, especially among the immune-compromised and children under 5, who are not yet allowed to be vaccinated.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Staff also requests that this item be

passed as an emergency. Seven votes are required for passage as an emergency following public comment.

Written Public Comment for Order 131-21/22

Order 132-21/22 Amendment of Portland City Code Chapter 14 Re: Eastern Waterfront Port Zone Marina Food Service - Sponsored by the Planning Board, Brandon Mazer, Chair

On November 23, 2021, the Planning Board voted 5-0 that the proposed zoning text amendment was consistent with the Comprehensive Plan for the City of Portland.

Portland Foreside Development Company is requesting to amend the Waterfront Chapter (Article 10) of the Land Use Code to permit limited restaurant and food service uses where associated with a marina within the EWPZ. The proposed amendments would limit the overall floor area of such use to 1,000 square feet, and limit any outdoor components of the use to within 100 feet of the marina office building. This amendment would also remove the existing prohibition on restaurants and food service uses within 25 feet of the pier edge.

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

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

ZOOM INFORMATION:

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

Please click the link below to join the webinar:

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Webinar ID: 856 2149 7951

Passcode: 206775

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

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Snyder called the meeting to order at 5:05 PM. (All Councilors present).

ANNOUNCEMENTS:

Mayor Snyder announced that there were over 600 COVID vaccinations and booster shots given today by the Maine Health Clinic.

SPECIAL MEETING:

Special Meeting of the Corporator of the Portland Fish Exchange

Motion was made by Counselor Ali and seconded by Councilor Chong to recess the meeting of the City Council and convene the Special meeting of the Corporator of the Portland Fish Exchange. Passage 9-0.

Order 112-21/22 Appointing Directors of the Board of the Portland Fish Exchange - Sponsored by the Legislative/Nominating Committee, Councilor April Fournier,

Chair

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

Special Meeting of the Corporator of the Portland Development Corporation

Motion was made by Councilor Ali and seconded by Councilor Fournier to adjourn the meeting of the Fish Exchange and convene the Special Meeting of the corporator of the Portland Development Corporation. Passage 9-0.

Order 91-21/22 Appointing Directors of the Board of the Portland Development Corporation - Sponsored by the Legislative/Nominating Committee, Councilor April Fournier, Chair

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

Motion was made by Councilor Ali and seconded by Councilor Fournier to adjourn the Special meeting of the Corporator of Portland Development Corporation and convene the regular meeting of the City Council . Passage 9-0.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the December 6, 2021 Inaugural Meeting Minutes

Approval of the December 6, 2021 Regular Meeting Minutes

Motion was made by Councilor Chong and seconded by Councilor Zarro to approve the December 6, 2021 Inaugural Meeting minutes and the December 6, 2021 Regular meeting minutes. Passage 9-0.

PROCLAMATIONS:

Proclamation 11-21/22 Recognizing Portland Lifeguard Jeannette Strickland for a Successful Water Rescue - Sponsored by Kate Snyder, Mayor

APPOINTMENTS:

Order 113-21/22 Appointing Constables for 2022 - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Chong and seconded by Councilor Fournier for passage.
Passage 9-0.

Order 114-21/22 Appointing and Setting Salary of Anne Torregrossa as Director of the Human Resources Department - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Chong and seconded by Councilor Fournier for passage.
Passage 9-0.

CONSENT ITEMS:

Order 115-21/22 Authorizing Special Council and Outside Boards and Commissions Appointments for 2022 - Sponsored by Kate Snyder, Mayor

Order 116-21/22 Establishing the Rules Committee - Sponsored by Kate Snyder, Mayor

Motion was made by Councilor Ali and seconded by Councilor Zarro for passage of the consent items. Passage 9-0.

LICENSES:

Order 117-21/22 Granting Municipal Officers' Approval of Goodfire Brewing Company LLC, dba Goodfire Brewing. Application for Indoor Entertainment at 219 Anderson Street - Sponsored by Danielle West, Interim City Manager

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

Order 118-21/22 Granting Municipal Officers' Approval of MacVane Tray Enterprises Inc, dba Yosaku. Application for Class I FSE with Outdoor Dining on Private Property at 1 Danforth Street - Sponsored by Danielle West, Interim City Manager

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

Order 119-21/22 Granting Municipal Officers' Approval of Hakuna Matata Bar & Restaurant LLC, dba Hakuna Matata Bar and Restaurant. Application for Class XI Restaurant/Lounge at 249 St. John Street - Sponsored by Danielle West, Interim City Manager

Motion was made by Councilor Chong and seconded by Councilor Zarro for passage. Passage 9-0.

Order 120-21/22 Granting Municipal Officers' Approval of Cabana LLC, dba Cabana Restaurant. Application for Class I FSE at 111 Middle Street - Sponsored by Danielle West, Interim City Manager

Motion was made by Councilor Chong and seconded by Councilor Fournier for passage. Passage 9-0.

COMMUNICATIONS:

COM 8-21/22 ReCode Phase 2 Status Report by Christine Grimando, Director of Planning & Urban Development

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

COM 9-21/22 2021 Calendar Year Accomplishments by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

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

COM 10-21/22 FY2021 Annual TIF District Activity Report by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

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

COM 11-21/22 Appointing the Members of the Council Rules of Procedure Committee by Kate Snyder, Mayor

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

RESOLUTIONS:

Resolve 5-21/22 Honoring Nicholas M. Mavodones, Jr., and Naming a To-Be-Built Public Waterfront Access the Nicholas M. Mavodones, Jr., Landing - Sponsored by Kate Snyder, Mayor

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

Resolve 6-21/22 Condemning Hate Speech and Vandalism and Standing with Chabad of Maine - Sponsored by Councilor Pious Ali

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

UNFINISHED BUSINESS:

Order 107-21/22 Accepting and Appropriating a \$75,000 United States Department of Justice Grant for Law Enforcement Accreditation - Sponsored by Danielle West, Interim City Manager

Motion was made by Councilor Dion and seconded by Councilor Chong for passage. Passage 9-0.

Order 108-21/22 Accepting and Appropriating a \$132,004 U.S. Department of Justice Grant for a De-escalation Training Program - Sponsored by Danielle West, Interim City Manager

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

Order 109-21/22 Amendment to Portland City Code Chapter 33 Re: Service Employees - Sponsored by Jen Thompson, Acting Corporation Counsel

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

Order 110-21/22 Traffic Schedule Amendment - Alder Street Traffic Change - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Fournier and seconded by Councilor Zarro for passage. Passage 9-0.

Order 111-21/22 Extending for 180 days the Moratorium for Emergency Shelters in

the Bayside Neighborhood - Sponsored by Kate Snyder, Mayor

Motion was made by Councilor Zarro and seconded by Councilor Ali to postpone Order 111 indefinitely. Passage 7-2 (Dion, Chong).

ORDERS:

Order 121-21/22 Accepting and Appropriating a \$429,496 Grant from the U.S. Small Business Administration to Support Merrill Auditorium Operating Costs - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Ali and seconded by Councilor Chong to waive the second reading. Passage 9-0

Motion was made by Councilor Fournier and seconded by Councilor Ali for passage as an emergency. Passage 9-0.

Order 122-21/22 Accepting and Appropriating an Anonymous Donation of \$2,500 For Those In Need - Sponsored by Danielle West, Interim City Manager

Motion was made by Councilor Chong and seconded by Councilor Fournier to waive the second reading. Passage 9-0.

Motion was made by Councilor Fournier and seconded by Councilor Zarro for passage as an emergency. Passage 9-0.

Order 123-21/22 Setting a Special Election Re: Portland Board of Public Education Election on June 14, 2022 - Sponsored by Katherine L. Jones, City Clerk

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

Order 124-21/22 Repealing the Declaration of an Emergency - Sponsored by Danielle West, Interim City Manager

Motion was made by Councilor Fournier and seconded by Councilor Zarro to postpone Order 124 to the January 3, 2022 City Council meeting. Passage 6-3 (Dion, Chong, Snyder).

Written Public Comment

Order 125-21/22 Accepting and Appropriating a \$9,940 grant from the State of Maine Department of Agriculture, Conservation and Forestry - Sponsored by Danielle West, Interim City Manager

This is its first reading.

Motion was made by Councilor Ali and seconded by Councilor Chong to adjourn. Passage 9-0 at 9:52 PM.

A TRUE RECORD

Katherine L. Jones, City Clerk

**CITY OF PORTLAND
IN THE CITY COUNCIL**

PROCLAMATION RECOGNIZING MARTIN LUTHER KING, JR., DAY

WHEREAS, Reverend Dr. Martin Luther King, Jr., inspired this country and the world with his vision and dedication to freedom and equality; and

WHEREAS, Dr. King became the voice of the American civil rights movement in the 1950s and 1960s with his distinctive oratorical style and commitment to nonviolent protest and deliberative, intentional political action that resulted in the passage of the Civil Rights Act of 1964; and

WHEREAS, Dr. King's voice, dream, and vision has persevered for generations since his passing, and his deeply-held faith and unwavering courage in loudly proclaiming the message of liberty, justice and equality for all Americans lives on; and

WHEREAS, Dr. King's dream of Equality, Black Liberation, and Human Rights continues to inspire and motivate the millions of people continuing his work in Portland, across the United States, and around the world; and

WHEREAS, The United States Congress passed legislation that was signed into law on November 2, 1983, designating the third Monday in January a national holiday in honor of Reverend Dr. Martin Luther King, Jr.'s birthday; and

NOW, THEREFORE, BE IT RESOLVED, that I, Kate Snyder, Mayor of the City of Portland, Maine and members of the City Council do hereby recognize Monday, January 17, 2022 as Martin Luther King Jr. Day.

Signed and sealed this 3rd day of January, 2022



**Kate Snyder, Mayor
City of Portland**

MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 20, 2021

SUBJECT: Order 126-21/22 Granting Municipal Officers' Approval of Mitr LLC, dba Mitr.
Application for Class I FSE at 1281 Congress Street - Sponsored by Danielle West,
Interim City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or
up to three (3) members of the Council shall sponsor any orders or other items. If
sponsored by a Council Committee, please include the date the committee met and
the results of the vote.

(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 action cannot be taken at a later date, please explain why

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

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 12/7/21. New City and State applications.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Mitr
2. Mitr_Council Packet

Prepared by:

Date: 12/20/2021

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (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)
ROBERTO RODRÍGUEZ (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Mitr LLC, dba Mitr. Application for Class I FSE at 1281 Congress Street

To whom it may concern,

My name is Pattira Tedford. Me and my partners purchased 1281 Congress Street building. We already got the building permit but still need to obtain the business license. It is for "Mitr LLC" and going to be a Thai restaurant. Please kindly review the applications and let me know if there's anything else I can provide you. We only do beer & wine there for alcohol. My phone number is (336) 929-1594. Email address is paretedford@gmail.com or lilpare@gmail.com.

I sincerely appreciate your time & help.

Kindest Regards,

Pattira Tedford.



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Establishment Name (d/b/a):	Mitr Phone:
Location Address:	1281 Congress Street, Portland, ME 04102 Zip:
If new, what was formerly at this location:	Empty commercial space
Mailing Address:	630 Congress Street, Portland, ME 04101 Zip:
Contact Person:	Pattira Tedford (336) 929-1594 Phone:
Contact Person Email:	patedford@gmail.com
Manager of Establishment:	Jongpol Tujaroen Date of Birth: 11/23/1987 Phone: 207-632-3461
Owner of Premises (Landlord):	Pattira Tedford
Address of Premises Owner (Landlord):	100 Clearwater Drive, #116 Falmouth, ME 04105 Zip:

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

Name of Owner(s)	Date of Birth	Residence Address

Corporate Name	Corporate Mailing Address
Mitr LLC	630 Congress St. Portland, ME Zip: 04101

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

Contact Person:	Pattira Tedford		Phone:	336-929-1594
Principal Officers	Title	Date of Birth	Residence Address	
Jongpol Tujaroen	Member	11/23/87	26 Lyman St #1 Westbrook	
Class of Liquor License:		Class I		



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Thai food		
Please circle all that will be served:	Beer	Wine	Liquor
Projected percentage of sales:	Generated from Food: 90%	Generated from Alcohol: 10%	
Hours & days of operation:	11-2:30, 4:30-9 PM M-Sat.		
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 If No, please explain: Y/N 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). Y/N 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? Feb, 1 st , 2022 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): Mison Noodle Bar, 630 Congress Street, Portland ME 04101 Y/N 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 Pattina Teelford 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 Pattina Teelford Title Member Date 11/30/21

Mitr Menu

Updated Nov 29, 2021

Starters (App)

Fresh Rolls GF/V (2 rolls, \$7) (8 ชิ้น)

Tofu, shiitake mushrooms, black ear mushrooms, lettuce, basil, carrot served with mayo garlic-lime sauce

2. Fried Egg Rolls (4 rolls, \$6)

Ground Chicken, shiitake mushrooms, black ear mushrooms, cellophane, served with spicy sweet & sour sauce

3. Northern Thai Sausage GF (1 rolls, \$9)

Ground chicken, pork fat, Thai herbs, chili, served with green chili paste and pork rinds

4. Fried Chicken Wings with Herbs (8 pieces, \$8)

Thai herbs, soy sauce garnished with fried herbs

5. Gyoza

Ping Yang Skewers (App)

1. Chicken Liver Skewers (2 skewers, \$5.50)

Garlic, cilantro, pepper, soy sauce, served with Thai chili sauce

2. Cuttlefish Skewers (2 skewers, \$8)

served with Thai seafood sauce and spicy sweet & sour sauce

3. Pork Belly Skewers (2 skewers, \$8)

served with Thai seafood sauce

4. Moo Ping (3 skewers, \$7)

served with Jaew sauce

5. Chicken Satay (3 skewers, \$6.50)

served with cucumber vinegar sauce and peanut sauce

6. Beef Tendon Balls (2 skewers, \$6.50) (ໄມ້ລະ 4 ລຸກ)

served with spicy sweet & sour sauce

7. Pork Balls (2 skewers, \$5.50) (ໄມ້ລະ 4 ລຸກ)

served with spicy sweet & sour sauce

8. Mushroom & Veggie GF/V (3 skewers, \$6)

green pepper, red pepper, onion, tomato, and mushroom served with Thai seafood sauce

Soup (App)

Tom Yum - (Shrimp) (small cup, \$6.50)

Tom Kha - (Tofu) (small cup, \$6.50)

Thai Salad (App)

Papaya Salad (\$9)

Green papaya, green bean, tomatoes, mixed with spicy & sour salad (crushed peanuts, dry shrimp)

Mushroom Salad (V) (\$9)

Mushroom, ginger, lemongrass, peanut, mixed with spicy & sour salad dressing

Grilled Pork Salad (\$)

Grilled pork, chili, red onions, scallions, and mixed with spicy sauce served with sticky rice

Larb Chicken (\$)

Ground chicken, chili, red onions, scallions, and mixed with spicy sauce served with sticky rice

Larb MAMA

Entree's

Pad Thai (\$) (chicken, shrimp, tofu)

Pad Kra Pow (\$12, \$12, \$14) (ground chicken, ground beef, pork belly)

Stir-fried holy basil, chili, garlic, green beans, served with jasmine rice, fried egg, and Fish Sauce with Chili

Pad Kee Mao (\$) (chicken, shrimp, tofu)

*

Pineapple Fried Rice (\$) (chicken, shrimp, tofu)

*

Pad Prik King (\$12) (chicken, shrimp, tofu)

green bean served with jasmine rice, fried egg and Fish Sauce with Chili

Pad Puy Sian V (\$11)

Stir-fried cellophanes, Broccolis, carrots, shiitake mushrooms, black ear mushrooms, snap peas, king oysters, and Green beans

Ping Ngob V (\$15)

Assorted mushrooms, with bamboo, cabbage & sticky rice, marinated with Holy Basil, Thai curry paste, and soy sauce. Grilled in banana leaf.

Ping Ngob (\$15) (chicken)

Assorted Chicken, with cabbage & sticky rice, marinated with Holy Basil, Thai curry paste, coconut milk and fish sauce. Grilled in banana leaf.

Red Curry (\$) (chicken, shrimp, tofu)

MITR's Specialty

Grilled Chicken (\$16)

served with Papaya salad, Sticky rice and Jaew

Spicy Grilled Chicken (\$) (ไก่พริกแกง)

served with White rice, Mixed vegetable

Grilled Pork (\$)

served with Sticky rice, Mixed vegetable, and Jaew

Grilled Mushroom and Veggie (\$) (4 ไม้)

served with Mushroom salad, Turmeric rice, and Thai Seafood

Crying Tiger (\$)

served with Sticky rice, Mixed vegetable and Jaew sauce

Fried Chicken (\$) (ไก่ทอดกรอบๆ).

served with Turmeric rice, Mixed vegetable, and Thai Seafood & Spicy Sweet & Sour

Spicy Fried Chicken (\$)

Fried Pork (\$)

served with Garlic Rice and Jaew & Spicy Sweet & Sour

Dessert

1. Mango Sticky Rice (\$6)

Sides

White Rice \$2

Turmeric Rice \$3

Garlic Rice \$3

Sticky Rice \$2

Steamed Vegetables \$5

Sauces (\$2 except fish sauce)

Jaew (แจ่ว)

Thai Seafood (ซีฟู้ด)

Mayo Garlic-Lime (ซีฟู้ดเมโย)

Spicy Sweet & Sour (น้ำจิ้มไก่)

Sweet Soy (ซีอิ๊วหวาน)

Peanut (ซอสสเด๊าะ)

Cucumber Vinegar (อะจาด)

Fish Sauce with Chili (พริกน้ำปลา)

Green Chili Paste (น้ำพริกหนุ่ม)

Chili Paste (น้ำพริกขี้หนุ)

Thai Chili (ซอสศรีราชาไทย)

Drinks

Grapefruit mint soda \$4

Ginger cinnamon soda \$4

Tamarind lime soda \$4

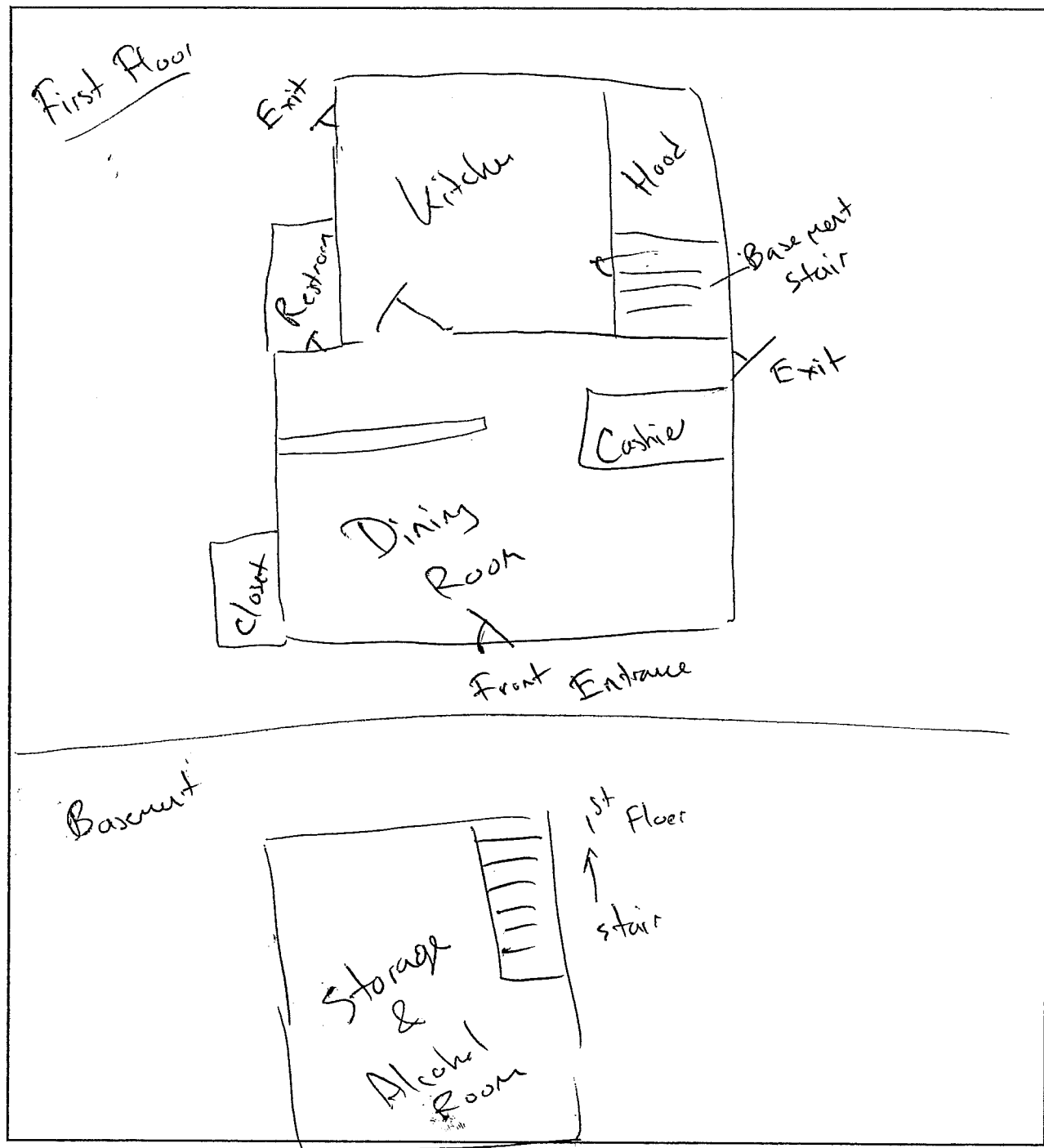
Thai Iced Tea \$3

Thai Iced Coffee \$3

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.



Mitr

Eric Nevins <erich@portlandmaine.gov>

Mon, Dec 20, 2021 at 6:43 PM

To: Zachary Lenhert <zlenhert@portlandmaine.gov>

Approved

On Fri, Dec 17, 2021 at 2:11 PM Zachary Lenhert <zlenhert@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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

Mitr

amachado <amachado@portlandmaine.gov>

Wed, Dec 22, 2021 at 3:19 PM

To: Zoning <zoning@portlandmaine.gov>

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

The property is located in the R-5 zone. Permit BLDC2021-01951 was issued on 8/2/21 to change the existing non-conforming use as a hair salon to a restaurant under section 14.4.2.2, which allows a lawful nonconforming use in a residential zone to be changed to any use allowed in B-1 zone. A Class A restaurant (Class I) is a permitted use in the B-1 Zone per Table 6-C of Chapter 14. Under section 14.6.4.6 restaurants are allowed in the B-1 zone with certain limitations including only operating between the hours of 6 AM - 11 PM, not accepting deliveries between the hours of 10 PM and 7 AM and food service and consumption are the primary function.

Ann Machado
Zoning Administrator
[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

December 17, 2021

Mitr LLC
630 Congress Street
Portland, ME 04101

Re: Mitr LLC, dba Mitr. Application for Class I FSE at 1281 Congress Street

Dear Mitr LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday January 3, 2022 at 5:00 p.m.**, for the review of application for Class I FSE at 1281 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 December 31, 2021.

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

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

Sincerely,

Zachary J. Lenhert
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on January 3, 2022 at 5:00 P.M., virtually, Mitr LLC, dba Mitr.
Application for Class I FSE at 1281 Congress Street - Sponsored by Danielle West, Interim City
Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 20, 2021

SUBJECT: Order 127-21/22 Granting Municipal Officers' Approval of ZEL & Co., dba The Chadwick Bed and Breakfast. Application for Class IV/V at 140 Chadwick Street - Sponsored by Danielle West, Interim City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(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 action cannot be taken at a later date, please explain why

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

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 12/13/21. New City and State applications. New owner of an existing business.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. The Chadwick B&B
2. The Chadwick_Council Packet

Prepared by:

Date: 12/20/2021

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (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)
ROBERTO RODRÍGUEZ (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**ZEL & Co., dba The Chadwick Bed and Breakfast. Application for Class IV/V at 140
Chadwick Street**

Mayor and City Council
389 Congress St
Portland, ME 04101

Letter of Intent
Zel & Co., DBA The Chadwick Bed & Breakfast
140 Chadwick St, Portland, ME 04102
207.774.5141

Dear Kate Snyder, Pious Ali, April Fournier, Roberto Rodriguez, Anna Trevorow, Victoria Pelletier, Tae Chong, Andrew Zarro, and Mark Dion;

Myself and my Fiance, Zackary Jellis, recently started our LLC Zel & Co., and will be leasing to own the Chadwick Bed & Breakfast on the West End here in Portland. We intend on keeping the business very much as it is. I have worked here as the innkeeper for 7.5 years, and loved this place as if it was my own. Now it is. Our intention is to make this B&B feel like a home away from home for our guests. To have our daughter meet people from all over the world and enhance their stay with fake tea from her toy kitchen. To give people a cozy bed and a warm meal, and lasting memories. So that when they return to Portland, they will want to come back here.

Thank you so much for your consideration,

Erin Abraham (innkeeper/owner)
Zackary Jellis (innkeeper/owner)
Lily Abraham-Jellis (tiny manager)
Kaylee & Seekoo (resident dog greeters)



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Business Name (d/b/a):	The Chadwick Bed & Breakfast	Phone:	207.774.5141
Location Address:	140 Chadwick St Portland, ME		Zip: 04102
If new, what was formerly at this location:			
Mailing Address:	same as above		Zip:
Contact Person:	Erin Abraham	Phone:	603.380.5947
Contact Person Email:	innkeeper@thechadwick.com		
Manager of Establishment:	Erin Abraham	Date of Birth: 8/2/84	Phone: 603.380.5947
Owner of Premises (Landlord):	E Scot Fuller - Beatty (Newfangled Retreats)		
Address of Premises Owner:	130 Yale St Portland, ME		Zip: 04103

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
ZEL & Co		140 Chadwick St Portland, ME Zip: 04102	
Contact Person:	Erin Abraham	Phone:	603.380.5947
Principal Officers			
	Title	Date of Birth	Residence Address
Erin Abraham	innkeeper/owner	8/2/84	140 Chadwick St
Zackary Jellis	innkeeper/owner	6/26/84	Same
Class of Liquor License:		Class IV/V	

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:	<u>Breakfast</u>		
Please circle all that will be served:	Beer	<u>Wine</u>	Liquor
Projected percentage of sales:	Generated from Food:		Generated from Alcohol: <u><1%</u>
Hours & days of operation:	<u>24 hrs</u>		
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 <u>Y</u>
If No, please explain: <u>Only breakfast is served but we are a lodging establishment</u>			
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?			Y/N <u>N</u>
If yes, give the distance:			
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)			Y/N <u>N</u>
Will you permit dancing after 1:00 a.m.?			Y/N <u>N</u>
Will you have outside dining? (If yes, an Outdoor Dining Application is required)			Y/N <u>N</u>
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 <u>N</u>
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____			
What is your targeted opening date?			<u>1/1/22</u>
Does the issuance of this license directly or indirectly benefit any City employee(s)?			Y/N <u>N</u>
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 <u>N</u>
If Yes, please list business name(s) and location(s):			
Is any principal officer under the age of 21?			Y/N <u>N</u>
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?			Y/N <u>N</u>
If Yes, please explain:			

I, Erin Abraham, 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.

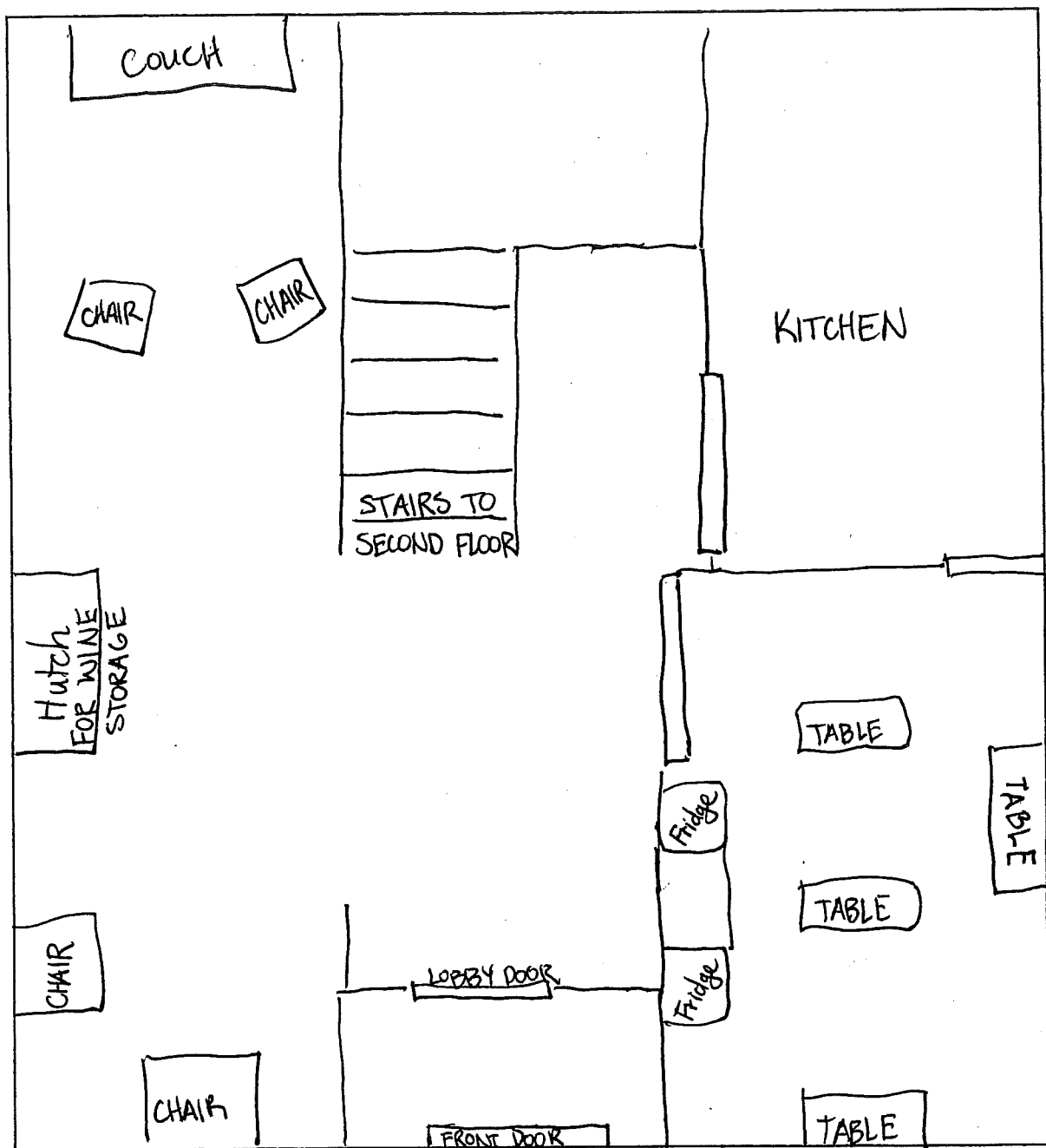
It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive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

Signature Erin Abraham Title innkeeper/owner Date 11/23/21

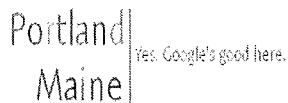
Section VI Premises Floor Plan

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.



WINE is stored in living room for consumption in living or dining room during breakfast service. We also use sparkling wine for breakfast mimosas.



Sandra Driscoll <sdriscoll@portlandmaine.gov>

Change of Ownership

The Chadwick Bed & Breakfast <innkeeper@thechadwick.com>
To: Sandra Driscoll <sdriscoll@portlandmaine.gov>

Mon, Dec 13, 2021 at 11:27 AM

We don't have an everyday menu. Each day we cook one entree for the whole house (based on dietary restrictions). We alternate sweet and savory days. Some basic things we cook regularly are French toast, omelettes, pancakes, eggs Benedict, waffles, and breakfast sandwiches.

Should I write each of those out, or is this the information you need?

Let me know,

Erin

[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

December 17, 2021

ZEL & Co.
140 Chadwick Street
Portland, ME 04102

Re: ZEL & Co., dba The Chadwick Bed and Breakfast. Application for Class IV/V at 140 Chadwick Street

Dear ZEL & Co.:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday January 3, 2022 at 5:00 p.m.**, for the review of application for Class IV/V at 140 Chadwick 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 December 31, 2021.

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

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

Sincerely,

Zachary J. Lenhart
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on January 3, 2022 at 5:00 P.M., virtually, ZEL & Co., dba The Chadwick Bed and Breakfast. Application for Class IV/V at 140 Chadwick Street - Sponsored by Danielle West, Interim City Manager

The Chadwick B&B

Eric Nevins <erickn@portlandmaine.gov>

Mon, Dec 20, 2021 at 6:46 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Approved

On Fri, Dec 17, 2021 at 2:45 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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

The Chadwick B & B

Ann Machado <amachado@portlandmaine.gov>
To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Wed, Dec 29, 2021 at 1:05 PM

A Bed & Breakfast (w/Class IV/V license) is permitted in the R-6 Zone, per Table 6-A of Chapter 14.

Ann Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine
(207) 874-8709
amachado@portlandmaine.gov

MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 20, 2021

SUBJECT: Order 128-21/22 Granting Municipal Officers' Approval of 425 Fore St Suite 500 LLC, dba Paper Tiger. Application for Class I FSE with Outdoor Dining on Private Property at 425 Fore Street, Suite 104 - Sponsored by Danielle West, Interim City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(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 action cannot be taken at a later date, please explain why

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

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 12/13/21. New City and State applications. Location was previously Maine Lobster Shack.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Paper Tiger
2. Paper Tiger_Council Packet

Prepared by:

Date: 12/20/2021

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (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)
ROBERTO RODRÍGUEZ (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

425 Fore St Suite 500 LLC, dba Paper Tiger. Application for Class I FSE with Outdoor Dining on Private Property at 425 Fore Street, Suite 104

425 Fore Street Suite 500 LLC
Paper Tiger

12/06/2021

To Whom it May Concern,

We the owners of 425 Fore Street Suite 500 LLC, dba Paper Tiger, are opening a restaurant in the space previously occupied by the Maine Lobster Shack. We are asking for a permit for outdoor dining in the exact space that the Maine Lobster Shack had their patio.

Thank you,

A handwritten signature in black ink, appearing to read "Michael Fraser". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Fraser".

Michael Fraser

CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (aka):	Paper Tiger Phone:
Location Address:	425 Fore St. Suite 104 Portland ME 04101 Zip:
If new, what was formerly at this location:	Maine Lobster Shack
Mailing Address:	769 Congress St. Portland ME 04102 Zip:
Contact Person:	Emily Delois Phone:
Contact Person Email:	emilya@brownportland.com
Manager of Establishment:	Michael Fraser Date of Birth:
Owner of Premises (Landlord):	East Brown Cow Management 9.18.1974 Phone:
Address of Premises Owner:	100 Commercial St. Suite 306 Portland ME 04101 807-4062

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
425 Fore St. Suite 500 LLC		769 Congress St. Portland ME 04102	
Contact Person:	Emily Delois	Phone:	207-522-6405
Principal Officers	Title	Date of Birth	Residence Address
Michael Fraser	member	9.18.1974	8 N. St. Portland ME 04101
Nace Cohen	member	10.27.1991	1018 Sawyer Rd. Cape Elizabeth ME 04107
Marcel Montana	member	6.1.1988	199 Spring St. Portland ME 04101
Class of Liquor License: I			

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bl@portlandmaine.gov • www.portlandmaine.gov

CITY OF PORTLAND

Permitting and Inspections Department

Type of food served:	American	
Please circle all that will be served:	Beer Wine Liquor	
Projected percentage of sales:	Generated from Food: 51%	Generated from Alcohol: 49%
Hours & days of operation:	Monday - Sunday	
QUESTIONS		
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?		Y/N Y
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?		Y/N N
If yes, give the distance:		
Will you have entertainment on the premises? (if yes, a Supplemental Application for Entertainment is required.)		Y/N N
Will you permit dancing after 1:00 a.m.?		Y/N N
Will you have outside dining? (if yes, an Outdoor Dining Application is required)		Y/N N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).		
Will you have any amusement devices (pinball, video games, juke box)?		Y/N N
If yes, please list # of pinball machines: _____ # of amusements: _____ # of pool tables: _____		
What is your targeted opening date? 1.31.2022		
Does the issuance of this license directly or indirectly benefit any City employee(s)?		Y/N N
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants including the corporation (if applicable), ever held a business license with the City of Portland?		Y/N N
If Yes, please list business name(s) and location(s): Bramhall Pub 769 Congress St. Portland, ME 04102 Congress St. Bar & Grill, 617 Congress St. Portland, ME 04102		
Is any principal officer under the age of 21?		Y/N N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		Y/N N
If Yes, please explain:		

I, Michael Frasier 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. (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 Michael B. Frasier Title Member Date 12.13.2021



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):	425 Fore St. Suite 500 LLC DBA Paper Tiger	Phone:	207 522-6405
Location Address:	425 Fore St. Suite 104 Portland ME Zip: 04101		
Mailing Address:	769 Congress St. Portland ME Zip: 04102		
Contact Person:	Emily DeLois	Phone:	207 522-6405
Contact Person Email:	emily@romaportland.com		
Manager of Establishment:	Michael Fraser	Date of Birth:	9.18.1974 Phone: 207 807-4062
Owner of Premises (Landlord):	East Brown Cow Management		
Address of Premises Owner:	100 Commercial St. Suite 306 Portland ME Zip: 04101		

Owner Information

Corporate Name		Corporate Mailing Address	
425 Fore St. Suite 500 LLC		769 Congress St. Portland ME Zip: 04102	
Contact Person:	Emily DeLois	Phone:	207 522-6405
Principal Officers	Title	Date of Birth	Residence Address
Michael Fraser	Member	9.18.1974	8 North St. # 3 Portland ME 04103
Nace Cohen	Member	10.27.1991	1018 Sawyer Rd. Cape Elizabeth ME
Marcus Alcantara	Member	6.1.1988	199 Spring St. Portland ME



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	I
Type of food served:	American
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	7am-1am M-Su
Number of Tables	out 8 in 4 total 12
Number of Chairs	out 30 in 30 total 60

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.

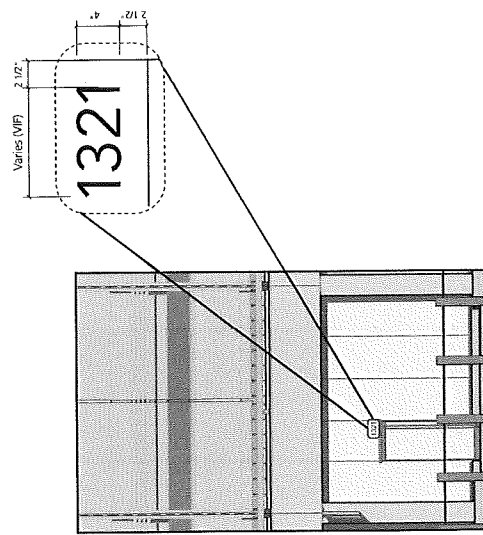
Signature Muriel B. [Signature] Title Member Date 12.6.2021

For Administrative Use Only

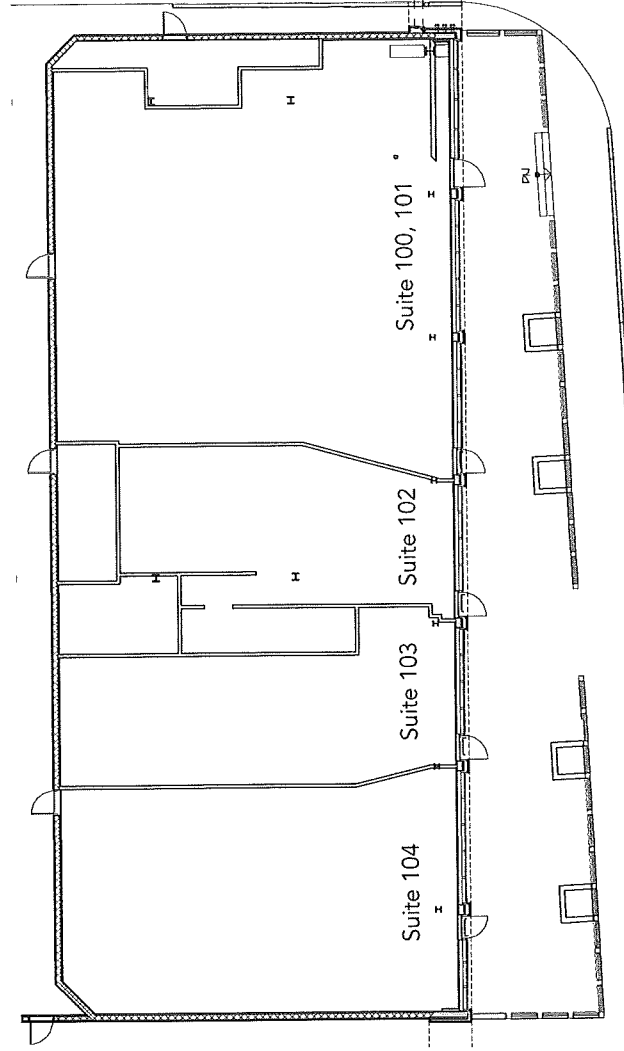
Amount: _____	Request Date /	Approval	Notes: _____
Date Paid: _____	FD: _____	/	_____
CC _____ CA _____ CK _____	Health: _____	/	_____
	PD: _____	/	_____
Amount: _____	PR: _____	/	_____
Date Paid: _____	Treasury: _____	/	_____
CC _____ CA _____ CK _____	Zoning: _____	/	_____

Suite Address

- The Landlord will provide a suite address sign as indicated graphically. The sign will be vinyl applied to the façade glazing located above the suite entrance door. The Tenant shall not apply graphics in this area that conflict with or obscure the address.

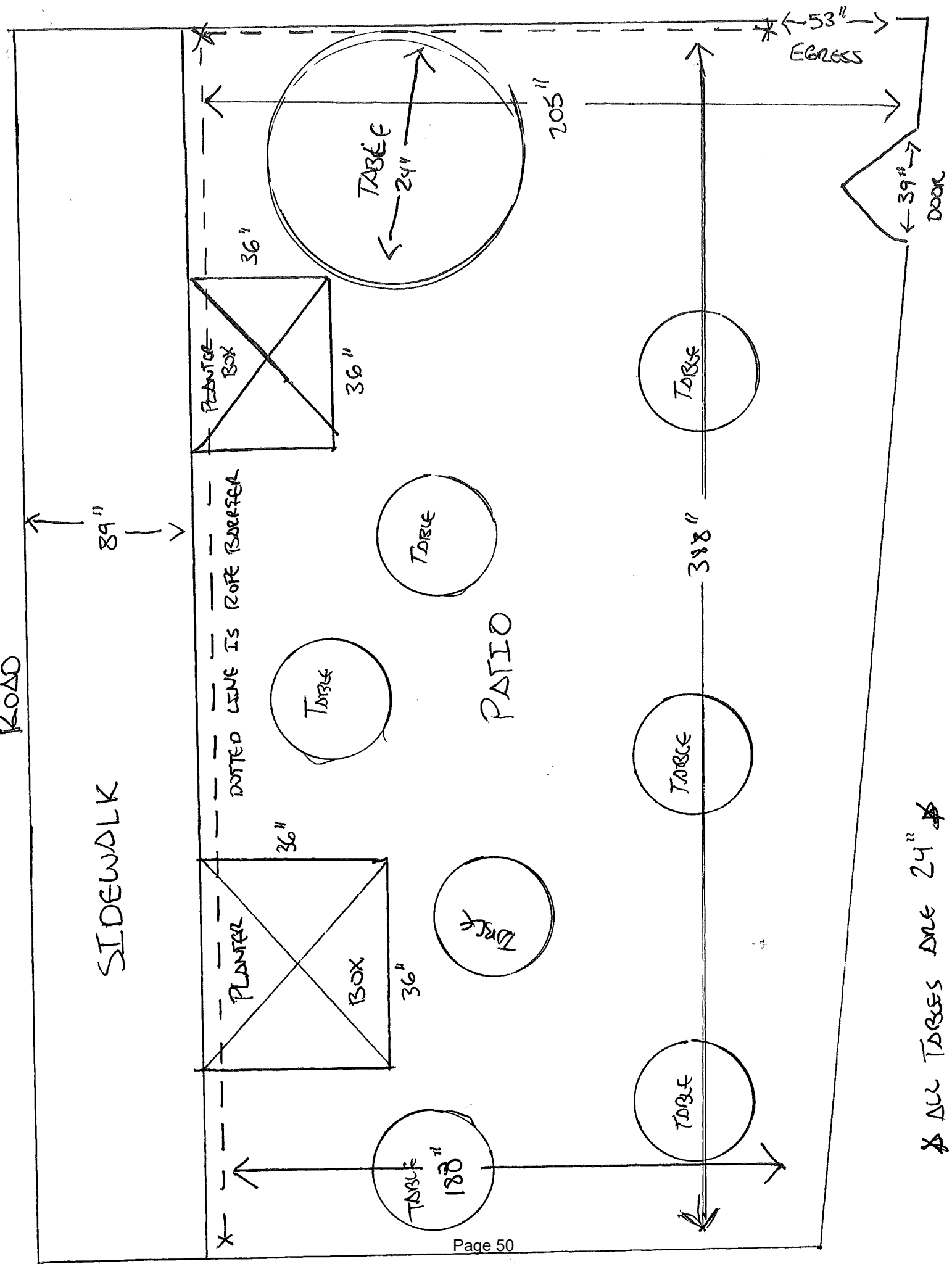


- The address for every suite located at the Fore Street Garage shall be as follows: 425 Fore Street, Portland, ME, 0410. Any tenant not currently in compliance with the building or suite address should update their information with the relevant authorities.
- The individual suites shall be numbered as follows:
 - o 100, 101
 - o 102
 - o 103
 - o 104



ROAD

SIDEWALK



PAPER TIGER DRAFT MENU

WOK

HOT

RAW

Oysters _____	3	Roast Oyster _____	3	Pea Leaves _____	11
John's River		>Black garlic butter, panko, scallion		Ginger, garlic, sesame	
Moondancer		>Dulce butter, pickled garlic		Baby Bok Choy _____	9
Pernaquid		Baked Clam _____	3.5	Ginger, garlic, sesame	
Blackstone Point		Char Siu pork belly, panko, scallion		Green beans _____	9
Norumbega		Chicken Sandwich _____	11	Cherry tomato, fish sauce, ginger	
Wilds		pineapple bacon jam, spicy or plain		Eggplant _____	13
Fluke Crudo _____	8	Umami Fries _____	6	Oyster sauce, garlic, fried garlic	
Togarashi, yuzu, scallion hair		Tofu Dashi sauce, ketchup		Lobster rice _____	8
Bluefin Tuna Crudo _____	12	Dozen wings _____	13	In the shell.	
Soy, sesame, wasabi		Mapo or Szechuan style		Noodles _____	15
Arctic Char Crudo _____	9	Lobster Roll _____	MRK	>Uni, chili broth, butter	
Five spice, chili oil, fried shallot		Classic, with chips		>Clams, fermented black beans, furikake	
Scallop Crudo _____	11	Burger _____	12	>Prawns, red curry, bok choy	
Umeboshi, pickled ginger, puffed wild rice		Beef, Pork, fermented black bean. chili			
		crisp			
		Salt and pepper squid _____	14		
		Chilies, lime leaf, scallion			
		Whole Fish _____	MRK		
		Rice, green curry, crispy alliums			

Paper Tiger

Eric Nevins <erickn@portlandmaine.gov>

Mon, Dec 20, 2021 at 6:46 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Approved

On Fri, Dec 17, 2021 at 3:41 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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

Paper Tiger

Zoning <zoning@portlandmaine.gov>

Wed, Dec 22, 2021 at 11:29 AM

To: Zoning <zoning@portlandmaine.gov>

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

Zoning has approved this within EnerGov.

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

Thanks,

Jonathan

[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

December 17, 2021

425 Fore St Suite 500 LLC
769 Congress Street
Portland, ME 04102

Re: 425 Fore St Suite 500 LLC, dba Paper Tiger. Application for Class I FSE with Outdoor Dining on Private Property at 425 Fore Street, Suite 104

Dear 425 Fore St Suite 500 LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday January 3, 2022 at 5:00 p.m.**, for the review of application for Class I FSE with Outdoor Dining on Private Property at 425 Fore Street, Suite 104. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on December 31, 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 January 3, 2022 at 5:00 P.M., virtually, 425 Fore St Suite 500 LLC, dba Paper Tiger. Application for Class I FSE with Outdoor Dining on Private Property at 425 Fore Street, Suite 104 - Sponsored by Danielle West, Interim City Manager

Order 124-21/22

Motion to postpone to 1/3/2022: 6-3 (Dion, Chong, Snyder) on 12/20/2021

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (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)
ROBERTO RODRÍGUEZ (A/L)

ORDER REPEALING THE DECLARATION OF AN EMERGENCY

ORDERED, that Order 48-21/22 Declaring an Emergency, approved on October 4, 2021 is hereby repealed; and

BE IT FURTHER ORDERED, that the Remote Participation Policies adopted by the City Council, and the City's other boards, councils, and committees shall govern the protocols for remote participation in any public proceedings from the date of approval of this order.



CITY OF PORTLAND

To: Mayor Snyder & Members of the Portland City Council

From: Danielle West, Interim City Manager

Date: December 20, 2021

RE: Lifting the Emergency Order

This memo is provided to offer guidance on how operations may change after the existing Emergency Order is lifted.

Public Meetings

First, as you may recall, the current Emergency Order was passed to allow all City of Portland public meetings to take place remotely. Since its passage, all public bodies (including the City Council and Council committees) have individually adopted the Council's Remote Participation Policy. This policy, in combination with Maine's Freedom of Access Act, allows hybrid and, when warranted, fully remote meetings. In short, the Emergency Order is no longer needed to allow for public meetings to be conducted remotely.

Without the Emergency Order in place, the Council and its committees (as well as all other City boards and commissions) will need to make a determination regarding remote participation on a meeting-by-meeting basis.

City Hall Operations

We will determine when City Hall and other public buildings will reopen to the public based on logistics and the most recently available health data. While we hope to reopen the building as soon as possible, we recognize that the landscape is changing frequently due to the identification of new variants and travel during the holiday season. We will be sure to provide updates on this situation as we continue to move forward.

REMOTE PARTICIPATION POLICY
OF THE
CITY OF PORTLAND CITY COUNCIL

ADOPTED BY ORDER ____-21/22 on JULY 19, 2021

Pursuant to 1 M.R.S. § 403-B, and after public notice and a hearing, the Portland City Council hereby adopts the following policy to govern the participation, via remote methods, in public proceedings or meetings of the Portland City Council and all City Council Committees (hereinafter collectively referred to as “Council”).

Members of the Council are expected to be physically present for meetings except when not practicable, such as in the case of an emergency or urgent issue that requires the Council to meet via remote methods, or an illness or temporary absence of a Council member that causes significant difficulty traveling to the meeting location. The Mayor, chair or other presiding officer, in consultation with other members of the Council if appropriate and possible, will make a determination that remote methods of participation are necessary in as timely a manner as possible under the circumstances. And a Council member who is unable to attend a meeting in person will notify the Mayor, chair or other presiding officer as far in advance as possible.

Remote methods of participation may include telephonic or video technology allowing simultaneous reception of information and may include other means necessary to accommodate disabled persons. Remote participation will not be by text-only means such as e-mail, text messages, or chat functions.

The public, City staff and applicants before the Council will be provided a meaningful opportunity to attend via remote methods when any member of the Council participates via remote methods or when remote methods are available and operational at a given Council meeting. If public input via remote methods is allowed or required at a meeting, an effective means of communication between the Council and the public will also be provided. The public will additionally be provided an opportunity to attend the meeting in person unless there is an emergency or urgent issue that requires the entire Council to meet using remote methods.

Notice of all Council meetings will be provided in accordance with 1 M.R.S. § 406, and the City Charter, City Code or policy, if applicable. When the public may attend via remote methods, the notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. Notice will also identify the location where the public may attend the meeting in person. The Council will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires it to meet using remote methods of attendance.

The Council will make all documents and materials to be considered by it during a meeting available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred.

All votes taken during a Council meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only,

by other members of the Council and the public. A member of the Council who participates remotely will be considered present for purposes of establishing a quorum and voting.

This policy will remain in force indefinitely unless amended by the Council.

Order 48-21/22

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

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

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

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

Motion to amend to delete mask mandate and enforcement language: 5-3 (Fournier, Ali, Zarro) on 10/4/2021

Passage as amended: 5-3 (Fournier, Ali, Zarro) on 10/4/2021 Effective 10/4/2021

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

ORDER DECLARING AN EMERGENCY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. Notice of the neighborhood meeting has been widely given to the parties required by the City's code to receive notice by electronic, telephonic, or other means and includes the method by which the public and interested parties may attend;

B. The applicant and all individuals speaking on behalf of the applicant in the remote meeting are able to hear and speak during the meeting and members of the public attending the remote meeting are able to hear the applicant and its

representatives; and

C. Members of the public attending the remote meeting are able to participate through telephonic, video, electronic or other similar means of remote participation.

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

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

Public comment on state of emergency 0 views



Amber Chiles <amberschiles@icloud.com> Dec 16, 2021, 7:15:31 PM (21 hours ago)

to publiccomment@portlandmaine.gov

Hello,

My name is Amber Chiles and I live and work in portland Maine. The idea that the emergency is “over” is a slap in the face of essential workers. I am exposed to covid every day, there have been at least four cases at one of my jobs and two at the other. All cases are have been fully vaccinated One job was closed for two weeks, costing me that pay. I wear my mask but neither job requires customers to, or to prove their vaccine status. My cost of living has only gone up. Please protect your workers and do the right thing

Sent from my iPhone

Vote 'no' on repealing the COVID state of emergency

0 views



Owen George <ogearge@antioch.edu>

Dec 16, 2021, 7:31:50 PM (21 hours ago)

to publiccomment@portlandmaine.gov

Hello,

My name is Colleen George, and I live in the apartment building at 132 Marginal Way in Portland's West Bayside neighborhood.

I work at Trader Joe's, and have faced unprecedented stresses at work because of COVID. We routinely receive messages that one coworker or another has tested positive for COVID. We interact with thousands of customers each day, most of whom are not wearing masks regardless of their vaccination status. Safe distancing is near impossible, as we have squeezed more registers into the space and the aisles are narrow. Our plexiglass barriers at the cash registers have been taken down. I go to work each day thinking that this might be the day when my COVID exposure leads to me contracting the virus, and I leave work each day worrying about bringing COVID from my workplace to my friends and family. Customers are unruly, rude, and even aggressive, about both product shortages due to supply chain issues and about COVID in general.

I do not feel safe at work because of the threats that COVID poses. We are still in a state of emergency, with COVID case numbers going through the roof, and our wages must reflect the stress and danger we put ourselves in each shift.

Thank you for your consideration. I look forward to seeing this repeal be voted down.

Yours truly,

Colleen George

Public comment on the state of Emergency 0 views



Pearl Sapirstein <p.sapirstein@gmail.com>

12:14 PM (4 hours ago)

to publiccomment@portlandmaine.gov

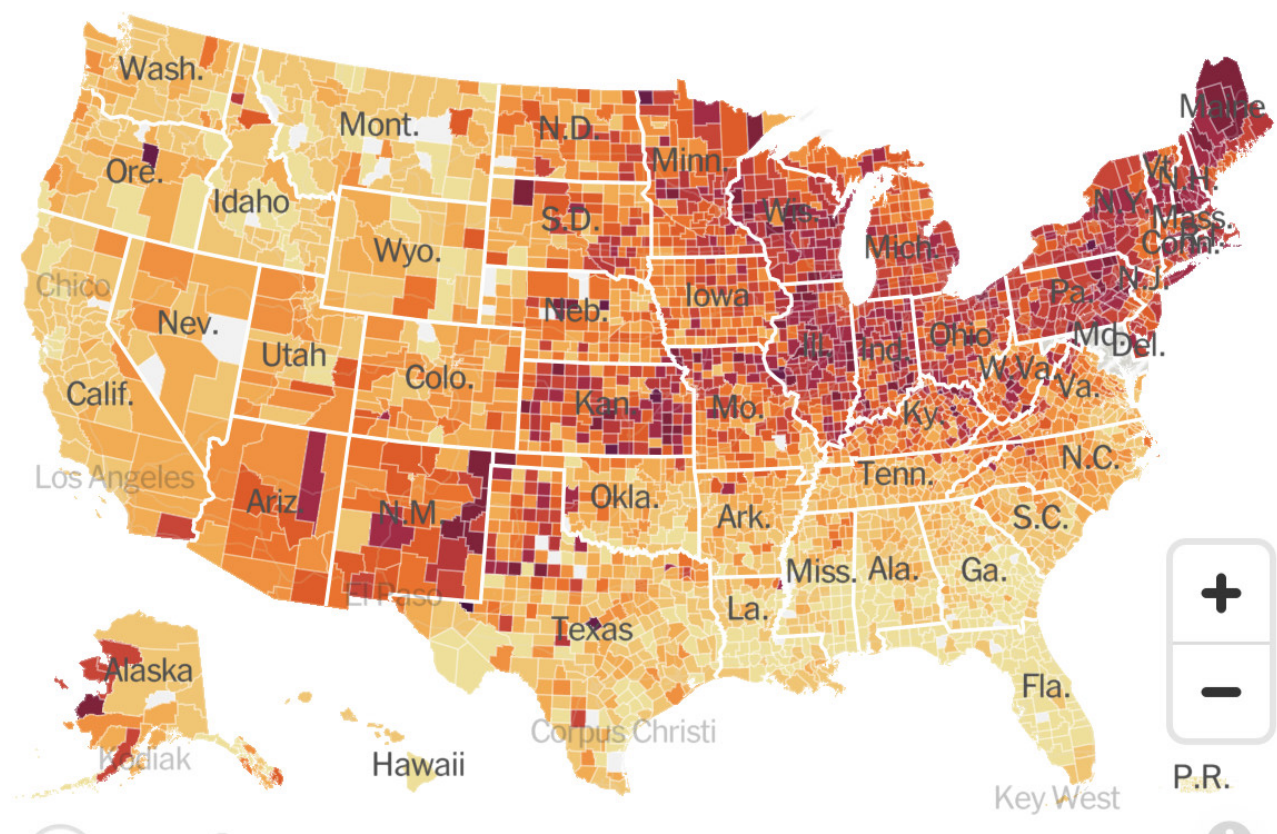
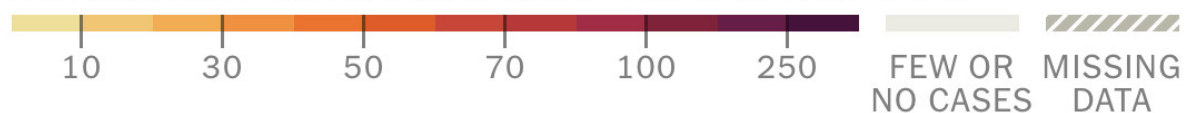
Since the start of covid, my living situation has drastically changed. My parents kicked my out the month after I turned 18 during the pandemic and since then I have been on my own. My partner and I struggled for 5 months to rent an apartment due to the housing crisis exacerbated by covid-19 and now that we have an apartment, the only way we have afforded to keep it through a pandemic is due to the fact that I make \$20/hour; had I made any less than that, at the very least my partner and I would likely have to start skipping meals. If my partner was getting the same level of pay I do, we would likely be able to afford more medical care without fear of tipping the delicate balancing act that is living paycheck-paycheck.

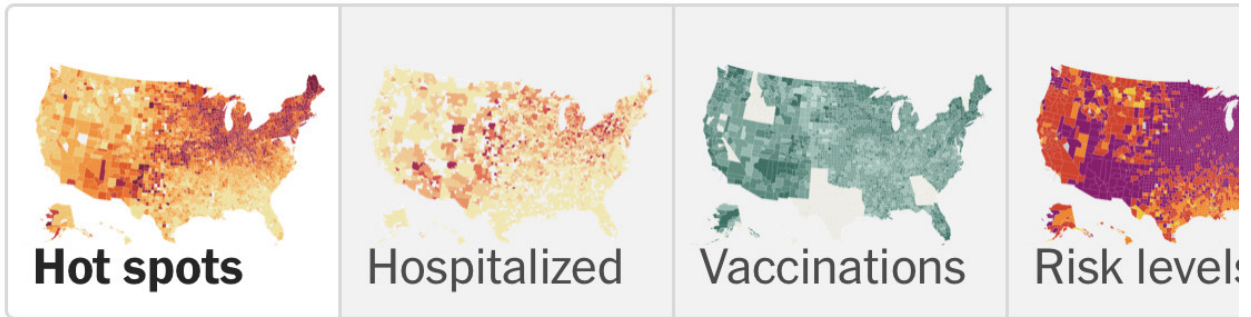
Both of us are frontline workers in the restaurant industry and are still being regularly exposed to covid.

I have a so-far undiagnosed lung condition that will likely put me at a much greater risk to covid and the same is true for 37.6% of people 18 or older.

Hot spots

AVERAGE DAILY CASES PER 100,000 PEOPLE IN PAST WEEK





► [About this data](#)

State of the virus

Update for Dec. 14

Maine is currently one of the leading infectious zones of covid-19 in the United States as well.

If the state of emergency is repealed in Maine, people will die and otherwise be deeply affected by this, and they will continue to be the most vulnerable in our population; the youth, the poor, the disabled and those from minorities.

Most in the chamber of commerce and making this decision in the city council will not have to then be living it. As such I ask you to put imagine yourself in my position, or in the position of any of the groups I mentioned above.

As a queer, trans youth who will have to deal with the fallout, I implore you to make the right decision.

Best regards,

Matt

Public comment on state of emergency 0 views



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Yours truly,

Colleen George

Public comment on the state of Emergency 0 views



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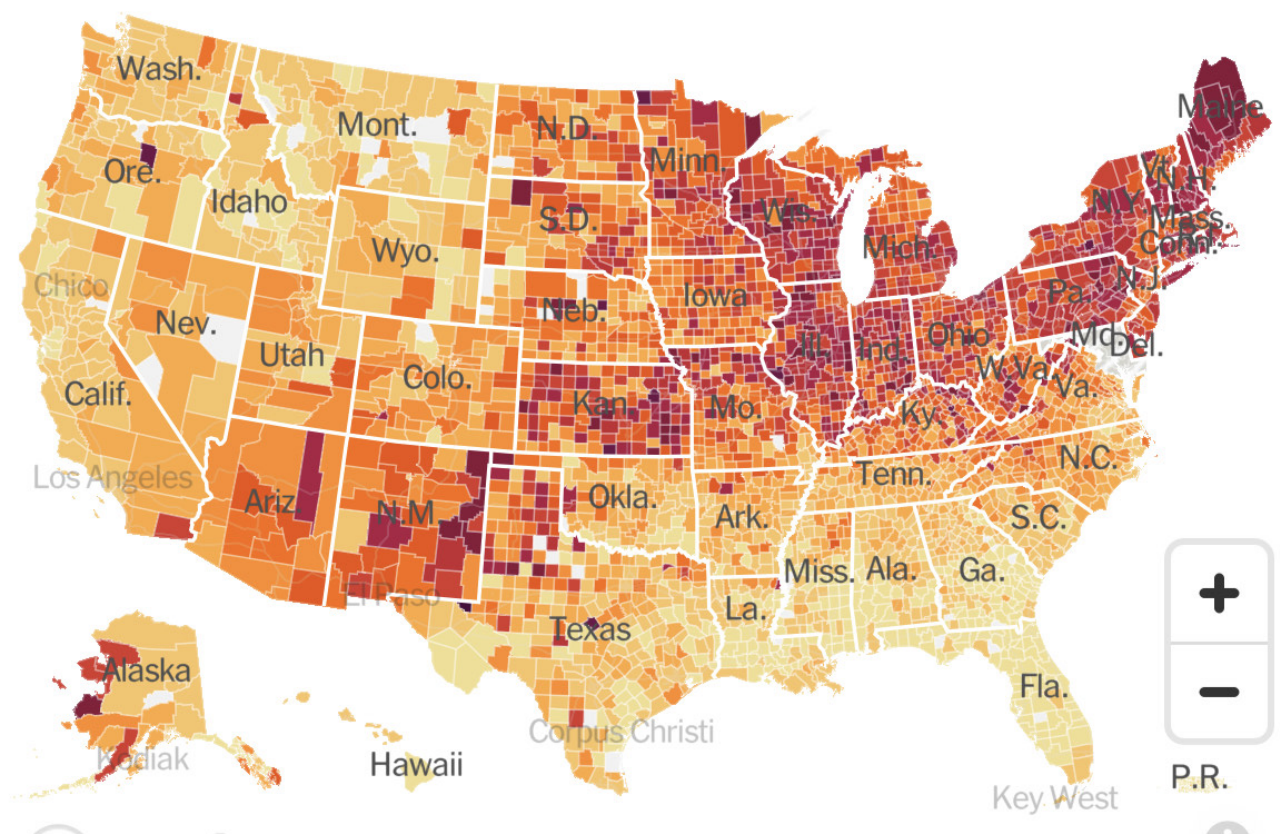
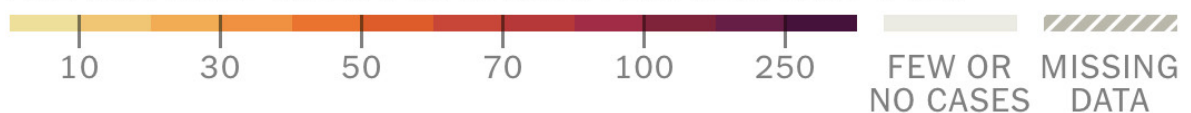
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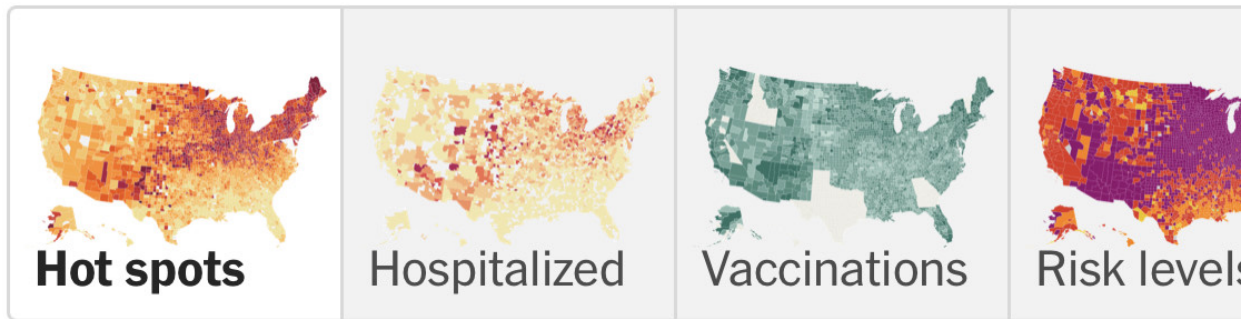
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If the state of emergency is repealed in Maine, people will die and otherwise be deeply affected by this, and they will continue to be the most vulnerable in our population; the youth, the poor, the disabled and those from minorities.

Most in the chamber of commerce and making this decision in the city council will not have to then be living it. As such I ask you to put imagine yourself in my position, or in the position of any of the groups I mentioned above.

As a queer, trans youth who will have to deal with the fallout, I implore you to make the right decision.

Best regards,

Matt

DO NOT REPEAL THE STATE OF EMERGENCY (ORDER 124-21/22)

0 views



Amanda <amepersichilli@gmail.com>

11:00 AM (4 hours ago)

to publiccomment@portlandmaine.gov

My name is Amanda Persichilli and I reside at 30 Preble St. Apt 558 Portland ME 04101 and I am calling on the City of Portland to extend their Declaration of Emergency.

Given the city's OWN TEXT, listed out IN THE ORDER 124-21/22 "as of December 14, 2021 the Maine CDC is reporting a 7-day average of 1,072 cases of COVID-19 which is a **record high**. The 7-day average percentage of hospital emergency room visits that are for COVID-19 like illness is 9.9% of all emergency room visits. The 7-day average of new hospitalizations for COVID-19 is 4.9 hospitalizations per day. On December 15th, 2021 there are 381 individuals hospitalized, 125 in critical care and 58 on a ventilator. On December 15, 2021, there are 31 out of 313 adult critical care beds available (90.1% occupied) and 9 out of 65 pediatric critical care beds available (86.1% occupied). The US CDC classifies Cumberland County has high transmission with a case rate of 313.22 cases per 100,000 for the period of December 7, 2021 - December 13, 2021"

Restaurants all over Portland have been shuttering this weekend as the virus rages, people are preparing for gatherings this week which will 100% lead to an increased spike in infections. Additionally without mask mandates and widespread vaccinations we have no protections other than the "We're All In This Together" which according to the data clearly isn't working. Now is NOT the time to repeal the state of emergency and to force everyone back.

ADDITIONALLY as said restaurants and other businesses again shutter due to COVID this is a loss of income for their employees. It is crucial that the wage mandate also goes into effect to help people get ahead of what is surely going to be a another crushing wave, despite the heavy propaganda that the Chamber of Commerce has been distributing over the last few months proclaiming the pandemic more or less over with no need to extend the order. Can't help but note that they would still have flexibility over in-person or remote meetings, an insidious feeling footnote to simple city resident.

I haven't had the option to work from home since August of 2020, and there have been many others who have never had that option throughout that entire ordeal. For those of us who can and should be kept home, please extend the State of Emergency and let them do so, and let the rest of us be paid fairly while keeping the City of Portland afloat during a multi-year pandemic.

--

Sincerely,

Amanda Persichilli (she/her)

Supporting a Mask Mandate 0 views



Erin Kiley <erin@portlandfleaforall.com> Dec 19, 2021, 6:40:08 PM (20 hours ago)

to publiccomment@portlandmaine.gov, Kate Snyder, pali@portlandmaine.gov, mdion@portlandmaine.gov, azarro@portlandmaine.gov, afournier@portlandmaine.gov, Tae Chong, vpelletier@portlandmaine.gov, rrodriguez@portlandmaine.gov, atrevorrow@portlandmaine.gov, nirav.shah@maine.gov, Kate.Foye@maine.gov, heather.johnson@maine.gov

Dear Councilors and Mayor Snyder,

I'm writing again, in the darkest days we've seen yet in this pandemic, to ask that you please enact a municipal mask mandate. In the absence of responsible state leadership, Portland is the next most important gateway to slowing this pandemic. In the last Council deliberation around a mask mandate, one Councilor expressed wanting to wait until cases were so bad that the Council had no choice but to act. Here we are. Portland hospitals are beyond capacity, with patients in hallways and overflow spaces; the National Guard has been brought in to assist with staffing shortages and patient crisis management; voluntary hospital procedures have been canceled and non-Covid patients are being asked to delay medical care; and on top of all that, a new variant that's 70 times more transmissible than Delta is banging down our door. [The CDC and NIH are predicting 500,000-1,000,000 American cases a day by the end of winter](#), and Omicron making up 100% of all cases by the end of January. It hurts me to even have to question why it's taken so long to do what's in your power to help this community. It hurts me to wonder why you're not doing it and who you think it's helping.

I've heard certain members of this body repeatedly attribute delayed action on Covid precautions to an outcry from "the business community". None of those Councilors own public facing businesses. The only Councilor who does own a small business is desperately pleading for a mask mandate because he understands that businesses need public safety in order to do business. We all know how to operate under a mask mandate having done it for a full year. And for those businesses for whom masks are tricky - a very small sector of gyms and wellness studios - carve outs can easily be made for proof of vaccination so they can continue to safely and profitably function.

A municipal masking mandate would do more to protect individual businesses and employees by having a standard accepted practice throughout the community. I can't tell you how many customers come into our store and tell me how unsafe Portland feels. They don't understand how we let all of our progress go, or how we've abandoned all safety measures, and frankly it's embarrassing to have to explain. You've asked businesses and employees to make their own rules for the last two years. It's past time to show up and produce real-life support for their diligence keeping Portland safe. The Flea-for-All has had a mask mandate in place throughout the entire pandemic. It hasn't deterred business at all. In fact sales are up 20-30% over 2019 because customers from all over the region are so appreciative of and devoted to a covid-safe business. Even the few people who balk about masks at the door come back with a mask on. I think we've lost 4 customers in 2 years because of our mask requirement. We've gained hundreds if not thousands. Having principles, and protecting our employees and customers are good for business. Anyone who says otherwise is simply not invested in anything beyond profits.

Some of you may be hoping that people tire out and stop fighting. Others may be conflating the interests of the Chamber of Commerce - the [Nation's largest lobbying group and one of the leading spenders of dark money in elections](#) - with the interests of small businesses. I'm here to tell you as a small business owner who houses 40 other small businesses ... and a person who watched her mother almost die from Covid ... that too much time and energy have been wasted on inaction. We all need you to step up. Portland is not a closed loop, and if you want it to operate like a world class destination then you need to run it like one and accept the responsibilities of that distinction.

Thank you for your consideration and I'm very happy to talk more if I can help as an active business owner or advocate. I hope you all stay safe and sane during the holidays and the next several months. And I hope you keep your eyes and hearts open to the needs of this community.

Most sincerely,

Erin Kiley
Portland Flea-for-All
585 Congress Street
Portland, ME 04101
ph: (207) 370-7570
portlandfleaforall.com
[On Facebook](#)
[On Instagram](#)
[On Twitter](#)



Erin Kiley <erin@portlandfleaforall.com>

11:08 AM (3 hours ago)

to publiccomment@portlandmaine.gov, Kate Snyder, pali@portlandmaine.gov, mdion@portlandmaine.gov, azarro@portlandmaine.gov, afournier@portlandmaine.gov, Tae Chong, vpelletier@portlandmaine.gov, rrodriguez@portlandmaine.gov, atrevorrow@portlandmaine.gov

You'll have to forgive my focus on the mask mandate order in my previous email. My understanding was that a mask mandate was supposed to be either on the agenda or brought from the floor, but apparently it got left off for undisclosed reasons.

Dear Councilors and Mayor Snyder,

I strongly urge you to uphold the current state of emergency at least until a mask mandate can be put in place and Covid numbers see a significant decrease. The State of Emergency was originally enacted when the state had around 25-30 Covid cases. Now our 7-day average is consistently over 1,000; hospitalizations, ICU beds and ventilators are all at peak levels, in many locations reaching capacity. Almost a third of hospitalizations are vaccinated individuals. Maine counties saw the 4th, 5th, and 6th highest caseloads in the country. We are very much in an emergency situation, and not even beginning to approach the endemic stage. Experts have declared that Covid won't be endemic until far into 2022, best case scenario. In the meantime, masking remains a crucial strategy of a multi-pronged approach to keep this virus controlled, so that businesses can stay open and we can all avoid another shutdown. Cities and towns across the country are constantly adapting new measures, adjusting to variations in case counts, imposing vaccine mandates, mask requirements, and advising sectors that are hardest hit on how to proceed safely. Vermont was seeing case counts that rivaled Maine's and the City of Burlington passed a unanimous mask mandate in response. Cases came down almost immediately. Has the City of Portland revised its strategy or safety measures at all since the statewide mandates were lifted?

Lifting the State of Emergency now would be a slap in the face to the hospital workers and caregivers that continue to put their lives on the line with very little support from the City or State. Please keep the Emergency Order in place and use the powers within to enact a mask mandate and distancing protocols.

Thank you for your consideration.

Jayme Thomas <jayme.thomas119@gmail.com>

Dec 18, 2021, 2:27:05 PM (yesterday)

to publiccomment@portlandmaine.gov

Hello!

My name is Jayme Thomas and I live at 119 Congress St, Portland ME 04101. I am writing out of concern for the repealing of the state of emergency. Both my wife and myself work as bartenders in portlands old port and we have both worked through the entirety of the pandemic, excluding the short period of time that all restaurants and bars were closed. Our combined experience of working during the pandemic has been the same, horrifying. We have been spit at, screamed at, laughed at, fought with due to mask/social distancing policies. While enforcing these policies can be daunting and difficult for restaurant and retail workers...I do believe they are important. I have lost wages due to covid outbreaks, missed out on seeing family, almost been evicted due to loss of wages, have had to open a credit card to catch up on utilities, etc.

With the state of emergency pay rate of \$19.50, I believe most of portlands workforce could avoid the issues I encountered above. As a member of Portlands food and beverage workers, which make up a large amount of portlands population and fuels the economy, to VOTE NO to the repeal of the state of emergency.

Respectfully,

A very tired and desperate bartender.

State of emergency/mask mandate 0 views



JENNIFER ROCKWELL <drellajr@aol.com>

10:52 AM (4 hours ago)

to publiccomment@portlandmaine.gov

For your consideration-

With Maine in the midst of the sharpest rise in Covid cases since the onset of the pandemic, I urge you to reinstate a city wide mask mandate.

It is a common sense public health measure.

If the city chooses to extend the State of Emergency into 2022, it should give businesses the tools and rules to help mitigate to spread of the virus.

My business requires masks for entry.

Folks are grateful for the rule and most confide a wish that everyone wear masks.

For the protection of the public facing workforce that keeps Portland running, do the right thing.

Thank you-

Jennifer Rockwell co-owner

Material Objects

500 Congress St

Portland, ME

Sent from my iPhone

Public Comment: extending the state of emergency & mask mandate

0 views



Lauren Imlay-Rosario <lauren.m.imlay@gmail.com>

11:10 AM (3 hours ago)

to PublicComment@portlandmaine.gov

Dear Portland City Council Members

I hope this email finds you well. I am reaching out in regards to the meeting today around lifting the State of Emergency and the mask mandate. There are a plethora of reasons I could write to you on why I believe the State of Emergency order needs to be extended and support a mask mandate but I will stay with writing from the perspective as a mother. I am writing as an exhausted parent of an unvaccinated toddler. I am urging you to consider extending the State of Emergency order and adding a mask mandate. With numbers in our state spiking at an alarming rate and the holidays approaching we have to act to attempt to contain this surge. This variant is moving at warp speed and I ask for the council to consider enacting measures to protect those of us who are desperately trying to protect the health of our family members who are unable to receive the vaccine.

I am grateful for all of the tireless work you have been doing for our community to keep everyone safe. I appreciate you giving us all the space to come to you all with concerns.

Thank you for your time,
Lauren M. Imlay
45 Brackett St.
Portland, ME

state of emergency 0 views



Lea Romanowsky <lulurums@gmail.com>
to publiccomment@portlandmaine.gov

11:58 AM (3 hours ago)

Please, do not repeal the State of Emergency. We also need a mask mandate asap!!

Cheers,
Concerned Portland Resident

City Council Meeting (re: State of Emergency) 0 views



Marissa Comeau <marissa.comeau@gmail.com>

10:50 AM (4 hours ago)

to Publiccomment@portlandmaine.gov, ksnyder@portlandmaine.gov, atrevorrow@portlandmaine.gov, vpettelier@portlandmaine.gov, tchong@portlandmaine.gov, azarro@portlandmaine.gov, mdion@portlandmaine.gov, pali@portlandmaine.gov, rrodriguez@portlandmaine.gov, afournier@portlandmaine.gov

To my esteemed councilors,

I write to you today to ask that you not repeal Portland's State of Emergency. As we watch case counts continue to rise in Maine with the threat of omicron looming over us all, now is not the time to put an end to the protections this declaration offers workers and small businesses.

While on the subject, I also implore you to reconsider instating a city-wide mask mandate. A mask mandate would further protect at-risk workers who must interact with members of the public every day, help curb community spread, and provide much-needed peace of mind for us Portland citizens during this holiday season.

Thank you for your time and consideration.

Sincerely,
Marissa Comeau
263 Ray St
Portland, ME 04103

tate of Emergency/Order 24-21/22 0 views



Nathaniel Baldwin <baldwindia@gmail.com>
to publiccomment@portlandmaine.gov

11:35 AM (3 hours ago)

Dear Councilors,

I am writing to urge you to keep the current emergency order in place. As Maine sits in its most precarious position yet during this pandemic, with Portland's hospitals at or near capacity, and with the coming surge due to the Omicron variant this is the worst possible time to lift an emergency order. You can certainly argue about the past merits of it as things "normalized" over the summer but there can be no debate about its merits now. We know now how nimble and fast-changing this pandemic can be and we need to have a more nimble City Council to be able to deal with it at this precarious time.

If this variant does come on as strong as we fear we will need to be able to enact things like a mask mandate indoors - one of the few tools we actually have that is proven to be effective. I know many councilors have expressed disinterest in any mandates, but when used as an alternative to vaccine mandates (ie you can use a gym if you're vaccinated or wear a mask) it could make a huge difference in the next couple of months, and strict time limits can always be imposed for any such order.

As we enter our most precarious time in this pandemic I hope you all will not end one of the few means we have to deal with this coming emergency.

Thank you,
Nathaniel

DO NOT Repeal the State of Emergency (Order 124-21/22)

0 views



Nicholas Persichilli <nicholaspersichilli@gmail.com>

11:43 AM (3 hours ago)

to publiccomment@portlandmaine.gov

Councilors,

Please do not bend to the wills and propaganda of the Portland Regional Chamber. The pandemic is far from over and we're entering a new surge of another new variant. I know you know this. You have the data. You've disseminated said data in your own text:

"as of December 14, 2021 the Maine CDC is reporting a 7-day average of 1,072 cases of COVID-19 which is a **record high**. The 7-day average percentage of hospital emergency room visits that are for COVID-19 like illness is 9.9% of all emergency room visits. The 7-day average of new hospitalizations for COVID-19 is 4.9 hospitalizations per day. On December 15th, 2021 there are 381 individuals hospitalized, 125 in critical care and 58 on a ventilator. On December 15, 2021, there are 31 out of 313 adult critical care beds available (90.1% occupied) and 9 out of 65 pediatric critical care beds available (86.1% occupied). The US CDC classifies Cumberland County has high transmission with a case rate of 313.22 cases per 100,000 for the period of December 7, 2021 - December 13, 2021"

The Chamber of Commerce and regional Chambers are and always have been decidedly anti-worker. Their push to end the City of Portland's State of Emergency just ahead of a deadline that will give the workers a much needed temporary boost in pay after they've kept the city afloat for the last year and three quarters is appalling.

This hazard pay was a part of a referendum passed by 62% of Portland voters in 2020 and upheld by the Maine Supreme Judicial Court on July 6, 2021 in a decision that shot down the Portland Regional Chamber's claim that the new law was unconstitutional. This decision was only a minor win for the workers as the Court also stated that the law can't be enforced until January 1, 2022. The timing of Portland Regional Chamber's push to end the state of emergency is by no means a coincidence. They are hoping for a nice gut punch to the workers of Portland just before the Christmas holiday and New Year.

This is still a pandemic. Workers are still at risk. Look how many restaurants have been forced to temporarily shutter over the last week while they sort out additional tests and CDC recommendations when their staff members test positive. Listen to the people of Portland, the Maine State Supreme Judicial Court, and your own data and DO NOT repeal the City of Portland's State of Emergency.

--

Sincerely,

Nicholas Persichilli
30 Preble St, Apt 558
Portland, ME 04101

State of Emergency and Mask Mandate 0 views



Sarah Johnson <sarahmbjohnson@gmail.com>

10:53 AM (4 hours ago)

to publiccomment@portlandmaine.gov

Good morning,

I am writing to ask the Portland City Council to extend the State of Emergency and to enact a mask mandate in public spaces in Portland.

With two children at home who are not yet old enough to be vaccinated, and the apparent transmissibility of the new omicron variant, I am doing all I can to support local businesses that require masking and/or vaccination, and am becoming increasingly uncomfortable supporting businesses that do not have this requirement.

Additionally, while I believe our county has been handling precautions responsibly I am concerned that visitors from other regions may not be as cautious without a mandate in place.

I am hopeful that if Portland enacts a mask mandate and extends the State of Emergency that other municipalities and hopefully our governor will follow suit. We need to have the political will to face the pandemic where it is at, rather than where we wish it to be.

Thank you,
Sarah Johnson

Sent from my iPhone

Public Comment on State of Emergency 0 views



Savannah Eades <savannahkeades@gmail... Dec 19, 2021, 3:21:09 PM (23 hours ago)
to publiccomment@portlandmaine.gov

Hello,

My name is Savannah Eades. I'm a resident at 289 State street in Portland. During the course of the pandemic I have worked at a grocery store in Portland. Even though we are exposed to hundreds of people a day, we have managed to keep our COVID exposures low and apply appropriate precautions during the state of emergency, until recently. Now without mask mandates, and without hazard pay, we are seeing increasing COVID cases in the store, short staffing, and mass amounts of employees quitting due to low pay and high risk. I have been forced to quarantine at home without pay due to COVID exposure as cases are surging in Maine. We are still in a state of emergency. Rent has skyrocketed in Portland and is increasing every year. My rent has increased this year, but my pay has DECREASED as my company chose to revoke hazard pay in the middle of a continuing pandemic. Even working full time, I am barely making ends meet every month as I am faced with COVID exposure at my place of work. Vote NO on repealing the state of emergency, until there are 0 COVID cases in Maine.

Thank you for your time,
Savannah Eades



Quincy Dean-Slobod <qdeanslobod@gmail... Dec 19, 2021, 11:26:11 PM (15 hours ago)
to publiccomment@portlandmaine.gov

Hello, my name is Quincy Dean-Slobod and I live at 571 Cumberland Ave, Portland, ME 04101. I have been working at a grocery store throughout the pandemic. For most of the pandemic I have felt safe and that precautions were being taken to prevent the spread of and exposure to Covid 19 for both workers and shoppers. I no longer feel that that is true. Covid cases are higher than they have ever been in Maine and rent in Portland is rising quickly as more and more people move here from larger cities. The level of stress and tension at my workplace is growing and many have quit due to the low pay and high risk of the job, leaving the business short staffed and overwhelmed. With no hazard pay and no mask mandate, citizens of Portland, people who live and work in Portland, me, my friends, and my coworkers, are struggling financially and our health is being put at risk every day. We are losing work and money as we stay home due to reactions to our vaccinations. We are losing work and money as we are required to quarantine, unpaid, due to exposure to Covid 19. I want to take care of my coworkers and slow the spread of Covid 19 but the financial toll of quarantining is huge and incredibly stressful. The pandemic is not over. Vote NO on repealing the state of emergency.

Thank you,
Quincy Dean-Slobod



smccart1@maine.rr.com <smccart1@maine.rr.com>
to publiccomment@portlandmaine.gov

10:54 AM (4 hours ago)

Shaun McCarthy

500 Baxter Blvd

I am writing to support the repeal of the emergency order for the city of Portland. We are the only city in Maine that is operating this way and it is time to have meetings in person again.

Many business have not made it through this pandemic and the list will grow longer if the state of emergency is not repealed before January 1 due to the wage increase that will kick in on that date.

The most important thing is the well being of our citizens and if that is your main goal, you should open the Expo so our fellow citizens can get their booster or initial vaccination shots without having to wait two to three weeks at a pharmacy.

I spoke with a director at Northern Light this morning and he informed me that 9 out of 10 people in the hospital are not vaccinated. That is the problem that needs to be addressed.

In closing, please do as you have stated all along. Follow the state. Listen to Dr Shah and Dr Fauci. They have the title of Dr in front of their name for a reason.

Please do not repeal Portland's State of Emergency

0 views



Sofija Razgaitis <sofijarazgaitis@gmail.com>

11:57 AM (3 hours ago)

to publiccomment@portlandmaine.gov

Hi there,

I'd like to make a public statement asking the council not to repeal Portland's State of Emergency, and requesting the implementation of a mask mandate.

Maine is experiencing the highest numbers of cases since the pandemic began, and with the holidays quickly approaching, that doesn't seem to be letting up any time soon. We are still very much in this pandemic, and while boosters are being rolled out, numbers are climbing like crazy.

I have a part-time job in a brewery taproom, and can confidently say that Portland's "recommendation" of mask wearing has fallen on deaf ears all around. While I wear a N95 to go to work, I witness maskless customers coughing and sneezing, packed in lines together to purchase beer and food. My husband works in healthcare, and

As a pregnant woman, I feel isolated and scared. I fear for my safety with a compromised immune system and fear what contracting the disease might do to my unborn child. I take all precautions when leaving the house, but can't say the same for those around me. I don't feel safe dining out in Portland (unless it's outdoors, in open air), and hardly feel safe even going to the grocery store, let alone work!

We are all sick of this pandemic, of the restrictions and mask-wearing and constant questioning of what is and isn't safe. Keeping the State of Emergency in place and enacting mask mandates shows that the city understands we're still fighting this, together.

Thank you,
Sofija Razgaitis

MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 21, 2021

SUBJECT: Order 125-21/22 Accepting and Appropriating a \$9,940 grant from the State of Maine Department of Agriculture, Conservation and Forestry - Sponsored by Danielle West, Interim City Manager

SPONSOR: Dainielle 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 12/20/2021

Final Action 1/3/2022

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

PRESENTATION: Ethan Hipple, Director of Parks, Recreation and Facilities will be present at this meeting to answer questions.

I. SUMMARY

Portland Forestry Division has been awarded a \$9,940 Project Canopy Community Forestry Assistance Grant to be matched 50/50 by the City of Portland Forestry Division. The Grant is funded through the Urban and Community Forestry CFDA 10.675; Project Canopy Community Forestry Assistance Grants. This grant is to be used for the Portland Canopy Assessment project that was outlined in the grant application.

II. AGENDA DESCRIPTION

Portland Forestry Division has been awarded a \$9,940 Project Canopy Community Forestry Assistance Grant by the Urban and Community Forestry section of the Catalog of Federal Domestic Assistance (CFDA).

This award will be matched by the City. This grant money and matching funds will go toward implementing the Portland Tree Canopy Assessment Project, with specific work to include analyzing our existing tree canopy and strategizing ways to increase our canopy coverage percentage. The project would explore the makeup of our existing tree inventory and search for new tree planting locations. The finished product would give us a road map to go forward with new tree planting initiatives and help ensure local and equitable climate resiliency.

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

III. BACKGROUND

Our proposed project would look at existing tree canopy coverage with a focus on city-owned municipal trees along city streets and in our parks and public grounds. The focus would a) evaluate the existing canopy using our GIS tree map, evaluating species mix, condition and threats such as EAB, declining Norway Maple, Callery Pear tree types, urban conditions such as deicing salts and limited root zones that challenge tree health. Part b) would explore options to increase tree canopy with a goal of reaching 40% tree cover in the future. Portland's Canopy Assessment project would include using city staff from Parks & Recreation, Forestry to assist with tree evaluation, GIS tree data and focus areas along with city staff from Portland Planning Office, Portland Sustainability office, Portland Public Works, Portland Water Resources focusing to better integrate trees into the built environment and improve tree related policies. Project deliverables would include: updated GIS sampling within the target canopy zones determined by land use in the neighborhoods or districts in need

of greening. Recommendations to improve canopy cover would include GIS mapping, design and engineering recommendations such as green infrastructure, raised tree planters, structural soil or Silva Cells, widening sidewalks or removing impervious surfaces to plant trees. We would like to include concept designs where applicable. Project target areas proposed include Portland's downtown, residential neighborhoods identified as low / moderate income, transitional neighborhoods in mixed residential commercial areas and commercial/light industrial / business areas. These include: East Bayside, West Bayside, Parkside, West End, Tyng - Tate, Libbytown, Valley-St. John, Downtown, Munjoy Hill all located Southeast of Interstate 1-295. If progress allows, we would explore other neighborhoods in the Deering section of Portland. The project timeline would start in summer of 2021 and continue into 2022 following program guidelines. We proposed to hire a consultant team that would have a mix of resources and expertise in landscape architecture / urban planning, GIS, engineering and design. The canopy consultants would interact with City staff, interested public committees such as 'the Friends of Forest City Trees', Climate Action Team and Friends of the Parks Commission. Portland's proposed Canopy Assessment project we feel follows our continuing efforts to maintain a healthy community forest. Once completed, we will have a better handle on what we have growing in our community forest and where we want to go in the future to improve our tree coverage. Timing wise, our proposed Canopy Assessment project will dovetail nicely with our current UFIA partnership with USDA Forest Service / Maine Forest Service as we are now entering year four of our five-year program. Using the UFIA data along with the proposed Portland Canopy Assessment information, we will be able to gauge our overall canopy cover in relation to climate, species mix, invasive plants that will impact Portland residents and improve climate for years to come.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

For the Council to allow the Parks, Recreation and Facilities Department to accept this grant and move forward with the project.

V. FINANCIAL IMPACT

The grant program will be conducted on a reimbursement basis. The City will receive a \$9,940 grant that will need to be matched 50/50 by the City of Portland Forestry Division.

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

For the Council to let the Parks, Recreation and Facilities Department accept this grant.

VIII. LIST ATTACHMENTS

1. Order Accept and Appropriate Ag. Dept. Grant to Parks for Tree Canopy Analysis 12.20.2021
2. 2021 Project Canopy Assistance Planning and Education
3. Department of Agriculture award letter (1)

Prepared by:

Date: 12/21/2021

KATE SNYDER (MAYOR)
ANNA J. TREVORROW (1)
VICTORIA L. PELLETIER (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)
ROBERTO RODRIGUEZ (A/L)

**ORDER ACCEPTING AND APPROPRIATING A \$9,940 GRANT
FROM THE STATE OF MAINE DEPARTMENT OF AGRICULTURE,
CONSERVATION AND FORESTRY**

ORDERED, that a grant in the amount of \$9,940.00 from the State of Maine Department of Agriculture, Conservation and Forestry is hereby accepted and that amount appropriated for the Portland Tree Canopy Assessment Project; and

BE IT FURTHER ORDERED, that the Interim City Manager or her designee is hereby authorized to execute the Grant Agreement in substantially the form attached hereto and whatever other documents are necessary to effect the intent and purpose of this order.

**2021 PROJECT CANOPY ASSISTANCE
PLANNING AND EDUCATION**
USDA FOREST SERVICE-URBAN AND COMMUNITY FORESTRY CFDA 10:675

Applicant Name: City of Portland Maine - Parks & Recreation

*Designated Representative: Jeffrey Tarling

Title: City Arborist

Address: 212 Canco Road

Suite A

Phone Number: (207) 808-5400

Email Address: jst@portlandmaine.gov

Applicant's Federal Identification Number: 01-6000032

Project/Program will take place on non-federal land owned or controlled

by: City of Portland Population: 67,000

Previously Received Community Forestry Assistance Funding ☒ Yes ☐ No

A. Amount of Project Canopy Funds Requested \$ \$ 9,940.00

B. Local Match: (See Guidelines) \$ \$ 9,940.00

C. Total Project Cost (A + B = C) \$ \$ 19,880.00

Does your community have a comprehensive plan that includes forestry? ☒ Yes ☐ No

Date certified by State Land Use Planning Commission: 1992

Short Project Title: Portland Canopy Assessment Project

Brief Description of Project:

(Describe the project, including what is to be developed, produced, performed, and/or implemented. Include project purpose and objectives)

Portland Tree Canopy Assessment Project. The City of Portland is looking to get to the next step in our Community Tree management program by analyzing our existing tree canopy and strategising ways to increase our canopy coverage percentage. The project would explore the makeup of our existing tree inventory and search for new tree planting locations. The project would factor in limitations to existing tree types such as EAB, invasive trees in decline such as Norway Maple, Callery Pear along with environmental factors. The finished product would give us a road map to go forward with new tree planting initiatives and help ensure local climate resiliency.

Name of local State Senator Ben Chipman

Name of local State Representative Michael Brennan

Grant applications must include:

(Refer to the Project Canopy Planning and Education Grant guidelines for specific instructions)

- **Completed Application Form**
- **Narrative**
- **Detailed Budget**
- **3-Year Maintenance Plan**
- **Letters of Support**

*As designated representative of said applicant, I hereby agree to implement this project according to the attached cost and technical proposals and to abide by all local ordinances and restrictions that apply.

Jeffrey Tarling

Digitally signed by Jeffrey Tarling
DN: cn=Jeffrey Tarling, o=Portland Maine Parks & Recreation,
ou=City of Portland Parks, email=jst@portlandmaine.gov, c=US
Date: 2021.03.10 14:59:50 -05'00'

03/10/21

Signature

Date

**As official representative of said applicant, I hereby authorize the project submitted for the proposed Project Canopy Grant.

Alex Marshall

Digitally signed by Alex Marshall
DN: cn=Alex Marshall, o=Portland Maine Parks & Recreation,
ou=City of Portland, email=amarshall@portlandmaine.gov, c=US
Date: 2021.03.11 16:21:09 -05'00'

03/11/21

Signature

Date

Please submit proposals in PDF format to the following e-mail: jan.santerre@maine.gov, **no later than 5 PM, March 12, 2021**. Required information for the proposal should not exceed five (5) pages (excluding budget tables), with a print font size of 12 preferred. Note: the proposal submission inbox can accept message up to 10 MB in size. Multiple messages per proposal may be submitted if necessary. Additional information such as maps, tables, and letters of support may be included in addition to the proposal.

* Designated representative refers to the person authorized by the applicant to submit a grant application, sign documents and take necessary actions to undertake, direct and complete the approved project.

**Official representative refers to the Mayor or Town Board Official for a municipality; a Superintendent or Principal for a school; and the Board Director or President in the case of a non-profit organization.

Project Canopy Community Capacity Checklist



Please rate your community's capacity for urban and community forestry management. Put a check mark next to each capacity component that applies to your community.

1. Inventories and management plans: X

Community has a tree and forest management plan developed from professionally-based resource assessments and inventories.

2. Professional staff: X

Community employs or has written agreement with professional forestry staff who possess at least one of the following credentials: degree in forestry or related field, and ISA certified arborist or equivalent professional certification.

3. Tree care ordinance: X

Community has local ordinances or policies that focus on planting, protecting, and maintaining urban and community trees and forests.

4. Local advisory /advocacy organization: X

Community has local advocacy/advisory organizations such as active tree boards, commissions, or non-profit organizations that are formalized or chartered to advise and/or advocate for the planting, protection, and maintenance of urban and community trees and forests.

2021 PROJECT CANOPY PLANNING AND EDUCATION GRANT – BUDGET ITEM EXPLANATION

Total Amount of Project Canopy Funds Requested: \$ \$ 9,940.00

1. Consultants and Services

			Reimbursable Costs	Non-reimbursable Costs	
Name	Title	Work Description	A. Costs Eligible for Reimbursement	B. Applicant's Share (Match)	C. Total Project Cost
Technical support	Principal LA	Oversee project details	\$ 3,000.00		\$ 3,000.00
	GIS Tech	GIS research & planning	\$ 1,920.00		\$ 1,920.00
	Related Technical Services	Planner, Landscape A., Engineering	\$ 5,020.00		\$ 5,020.00
Local Match	City Budget			\$ 4,054.00	\$ 4,054.00

2. Educational and Promotional Supplies

				Reimbursable Costs	Non-reimbursable Costs	
Item	Description	Cost/ Unit	# of Units	A. Costs Eligible for Reimbursement	B. Applicant's Share (Match)	C. Total Project Cost
Promotional Media	Social media, promotional flyers	\$ 24.00	12.00		\$ 288.00	\$ 288.00
						\$ 0.00
						\$ 0.00
						\$ 0.00

3. Tree Purchase, Planting and Maintenance

				Reimbursable Costs	Non-reimbursable Costs	
Job Description	Cost/ Tree	# of Trees	Tree Caliper Size	A. Costs Eligible for Reimbursement	B. Applicant's Share (Match)	C. Total Project Cost
N/A						\$ 0.00
						\$ 0.00
						\$ 0.00
						\$ 0.00

Application Page 4 of 6

4. Administrative Costs

				Reimbursable Costs	Non-reimbursable Costs	
Employee Name	Title	Cost/ Hour	# of Hours	A. Costs Eligible for Reimbursement	B. Applicant's Share (Match)	C. Total Pro- ject Cost
Jeff Tarling	City Arborist	\$ 41.00	36.00	Not Applicable	\$ 1,476.00	\$ 1,476.00
Luke Lermond	Forestry Supervisor	\$ 28.00	20.00	Not Applicable	\$ 560.00	\$ 560.00
Liz Deletetsky	GIS specialist	\$ 22.00	40.00	Not Applicable	\$ 880.00	\$ 880.00
Alex Marshall	Parks Director	\$ 42.00	16.00	Not Applicable	\$ 672.00	\$ 672.00

5. Volunteer Labor, Machinery and Equipment

				Reimbursable Costs	Non-reimbursable Costs	
Name	Description	Cost/ Hour	# of Hours	A. Costs Eligible for Reimbursement	B. Applicant's Share (Match)	C. Total Pro- ject Cost
	N/A			Not Applicable		\$ 0.00
				Not Applicable		\$ 0.00
				Not Applicable		\$ 0.00
				Not Applicable		\$ 0.00

6. Donated Materials

				Reimbursable Costs	Non-reimbursable Costs	
Item	Description	Cost/ Unit	# of Units	A. Costs Eligible for Reimbursement	B. Applicant's Share (Match)	C. Total Pro- ject Cost
	N/A			Not Applicable		\$ 0.00
				Not Applicable		\$ 0.00
				Not Applicable		\$ 0.00
				Not Applicable		\$ 0.00

Application Page 5 of 6

7. Other Costs				Reimbursable Costs	Non-reimbursable Costs	
Item	Description	Cost/ Unit	# of Units	A. Costs Eligible for Reimbursement	B. Applicant's Share (Match)	C. Total Pro- ject Cost
Printing	Generating copies of report	\$ 25.00	30.00		\$ 750.00	\$ 750.00
	Maps, charts inc generating	\$ 75.00	12.00		\$ 900.00	\$ 900.00
	Signage	\$ 30.00	12.00		\$ 360.00	\$ 360.00
						\$ 0.00

A. Total Costs Eligible for Reimbursement: \$ 9,940.00

B. Total Costs Not Eligible for Reimbursement: \$ 9,940.00

C. Total Project Cost (A+B=C): \$ 19,880.00

Note: Amount Eligible for Reimbursement is Limited to \$10,000.
Please attach additional information and explanation of budget items on a separate sheet.

City of Portland

Program Narrative –

A brief history of Portland's Community Forestry program: See attached.

Project description: Portland Canopy Assessment Project (Long Term Planning)

Our proposed project would look at existing tree canopy coverage with a focus on city owned municipal trees along city streets and in our parks and public grounds. The focus would a) evaluate the existing canopy using our GIS tree map, evaluating species mix, condition and threats such as EAB, declining Norway Maple, Callery Pear tree types, urban conditions such as deicing salts and limited root zones that challenge tree health. Part b) would explore options to increase tree canopy with a goal of reaching 40% tree cover in the future. Portland's Canopy Assessment project would include using city staff from Parks & Recreation, Forestry to assist with tree evaluation, GIS tree data and focus areas along with city staff from Portland Planning Office, Portland Sustainability office, Portland Public Works, Portland Water Resources as to better integrate trees into the built environment and improve tree related policies. Project deliverables would include: updated GIS sampling within the target canopy zones determined by land use in the neighborhoods or districts in need of greening, recommendations to improve canopy cover would include GIS mapping, design and engineering recommendations such as green infrastructure, raised tree planters, structural soil or Silva Cells, widening sidewalks or removing impervious surfaces to plant trees. We would like to include concept designs where applicable. Project target areas proposed include Portland's downtown, residential neighborhoods identified as low / moderate income, transitional neighborhoods in mixed residential commercial areas and commercial / light industrial / business areas. These include: East Bayside, West Bayside, Parkside, West End, Tyng – Tate, Libbytown, Valley – St. John, Downtown, Munjoy Hill all located Southeast of Interstate I-295. If progress allows we would explore other neighborhoods in the Deering section of Portland. The project timeline would start in summer of 2021 and continue into 2022 following program guidelines. We proposed to hire a consultant team that would have a mix of resources and expertise in landscape architecture / urban planning, GIS, engineering and design. The canopy consultants would interact with City staff, interested public committees such 'the Friends of Forest City Trees', Climate Action Team, Friends of the Parks Commission. Portland's proposed Canopy Assessment project we feel follows our continuing efforts to maintain a healthy community forest. Once completed we will have a better handle on what we have growing in our community forest and where we want to go in the future to improve our tree coverage. Timing wise, our proposed Canopy Assessment project will dovetail nicely with our current UFIA partnership with USDA Forest Service / Maine Forest Service as we are now entering year four of our five year program. Using the UFIA data along with the proposed Portland Canopy Assessment information we will be able to gauge our overall canopy cover in relationship to climate, species mix, invasive plants that will impact Portland residents and improve climate for years to come.



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
MAINE FOREST SERVICE
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

May 12, 2021

Jeffrey Tarling
City Arborist
City of Portland
212 Canco Rd., Suite A
Portland, ME 04103

Award No.: 20-dg-159

DUNS Number:

Program: Urban and Community Forestry CFDA 10.675; Project Canopy Community Forestry Assistance Grants

Project: Portland Canopy Assessment Project

Expiration Date: 30 October 2022

Dear Jeffrey Tarling,

Enclosed is an approved copy of your 2021 Project Canopy Assistance Agreement for the **Portland Canopy Assessment Project** project funded through the Urban and Community Forestry Program. This grant shall commence when both parties have signed this agreement, but not prior to **10 May 2021**. This grant shall terminate on **30 October 2022** or when all of its terms and conditions have been satisfied, which ever comes first. A recipient cannot be allowed to incur costs prior to both parties signing this agreement. This ending date should provide adequate time to complete the project. Please sign and return your concurrence letter. The approved amount for this award is **\$9940**, matched 50/50 by the Applicant. Funding is provided through the USDA Forest Service, State & Private Forestry, under the authority of the Cooperative Forestry Assistance Act of 1978, as amended, 16 U.S.C. 2101-2114.

This is an award of federal financial assistance, and as such may be subject to the Office of Management and Budget (OMB) Circular A-87, Cost Principles for State and Local Governments; Circular A-133, Audits of States, Local Governments, and Non-profit Organizations; Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Non-profit Organizations, as implemented by United States Department of Agriculture (USDA) Uniform Federal Assistance Regulations, 7 CFR 3019; Audits of Institutions of Higher Education, Hospitals, and Non-profit Organizations, 7 CFR 3051; Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Regulations for Drug-Free Workplace, 7 CFR 3017; New Restrictions on Lobbying, 7 CFR 3018; and OMB Circular A-122, Cost Principles for Non-profit Organizations. In addition, the following administrative provisions apply:

PATTY CORMIER, DIRECTOR
MAINE FOREST SERVICE
18 ELKINS LANE, HARLOW BUILDING



PHONE: (207) 287-2791

WWW.MAINEFORESTSERVICE.GOV

1. This grant program is conducted on a **reimbursement** basis.
2. The Grantee will perform the work outlined in the approved 2021 Project Canopy Grant Application.
3. All deliverables as outlined in 2021 Project Canopy Grant Application and required under this agreement must be delivered to the Project Canopy Director. All oral reports required under this agreement must be presented at the location requested by the Maine Forest Service (MFS).
4. Rights and Obligations: This General Agreement is for federally funded grants governing the activities to be performed under this agreement, the nature of the working relationship between the MFS and the Grantee, and specific obligations of both parties. All rights and obligations of the parties to this agreement shall also be subject to and governed by the application form and original budget worksheet, each incorporated by reference herein.
5. The Grantee shall complete all specified activities including submission of reports and/or other required documentation within the time periods set forth in the agreement. Failure by the Grantee to make satisfactory progress toward completion of the activities or project within the timelines specified in this agreement shall be considered a material breach and shall be grounds for immediate termination of this agreement by the MFS. The MFS has sole discretion to determine whether the Grantee is making satisfactory progress on the activities or project.
6. Allowable costs are all charges necessary and reasonable to accomplish the objectives of the agreement during the grant period subject to MFS approval. The Grantee will meet with the MFS at the beginning of and throughout the grant period to discuss proposed projects and to determine which activities are reimbursable. Costs not eligible for reimbursement include, but are not limited to:
 - Salaries and wages;
 - Overhead;
 - Stipends or any kind of director's fees for urban forestry board members;
 - Out-of-state travel;
 - Construction activities or capital outlays including purchase of land, equipment (including computer hardware or anything else not previously approved as allowable costs by MFS).
7. A performance of progress report shall be submitted semi-annually and within 30 days of the expiration of the grant.
 - The Cooperator shall constantly monitor the performance under Federal Assistance activities to assure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved. When monitoring reveals problems, delays or adverse conditions which materially affect the Cooperator's ability to attain program objectives, prevent the meeting of time schedules and goals or preclude the attainment of project work units by established time periods, the Cooperator shall furnish to the Maine Forest Service a report outlining the circumstances and showing action taken or contemplated and any assistance needed to resolve the situation.
 - The Cooperator shall, by 30 days prior to the expiration of the grant, notify the Maine Forest Service if funds provided under this Agreement will not be expended.
 - The Cooperator shall, semi-annually and, within 30 days of the expiration of the grant, submit to the MFS performance reports for this award which:

- i. Compares actual accomplishments to the goals or targets established in the application narrative. Where outputs are quantifiable, such data should be related to cost data for computation of unit costs.
 - ii. If applicable, give reasons why established goals or targets were not achieved.
 - iii. Other pertinent information including, where appropriate, analysis and explanation of cost overruns or high unit costs, photographs, and media coverage.
8. All final reports (accomplishments, request for reimbursement, financial status report) shall be due 30 calendar days after the expiration date of the grant or at the end of grant support.
9. Method of Disbursement: Requests for disbursement under this agreement shall be submitted by the Grantee in one final reimbursement. A final report including invoices, copies of canceled checks, vouchers, town warrants, and proof of all match shall be included with the reimbursement forms. Invoices/warrants will include information as is necessary for the MFS to determine the exact nature of all expenditures. Each invoice will clearly indicate that it is for activities under this agreement. Requests for disbursement shall be submitted to the MFS Project Canopy Director.
10. No additional requests for costs or expenses are allowable.
11. Recapture Provision: In the event the Grantee fails to expend funds in accordance with any federal or state law or regulation or the provisions of this agreement, the MFS reserves the right to recapture funds in the amount equivalent to the amount of noncompliance. Repayment by the Grantee of funds under this section shall occur within 30 days of demand.
12. Audit requirements for Federal award recipients are defined in OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations (revised June 27, 2003 and June 26, 2007). OMB Circular A-133 now requires those being audited to submit a completed data collection form (SF-SAC) with the audit reporting package to the Federal clearinghouse designated by OMB -currently the Federal Audit Clearinghouse, Bureau of the Census, 1201 E. 10th Street, Jeffersonville, TN 47132. For questions concerning the submission process or to obtain a copy of the form, you may call the Federal Audit Clearinghouse (888-222-9907). Information can also be found on the Internet at <https://harvester.census.gov/facweb/>. If a grant is closed out without an audit, the Forest Service reserves the right to disallow and recover an appropriate amount after fully considering any recommended disallowances resulting from an audit which may be conducted later.
 - If the audit reveals findings and questioned costs relating to Federal awards passed through from MFS, forward a copy of the audit, along with the subrecipient response and the final corrective action plan as approved by the Auditor to the MFS within nine months after the end of the audit period.
 - The subrecipient shall provide to MFS by August 31 of each calendar year the following:
 - i. Type of audit to be performed (Federal Single Audit Act or a local audit). If the subrecipient is exempt from federal audit requirements, MFS shall be so notified and they are still required to perform b (iii) and b (iv).
 - ii. Auditor (s) name, address, and phone number.**
 - iii. A list of all state agencies providing federal assistance to the subrecipient.
 - iv. A listing of all financial assistance sources and the amounts provided and identified under the following categories: Federal Assistance Obtained Directly From A Federal Agency, Federal Assistance Obtained Through A State Or Local Government, and Other Financial Assistance Obtained From A State Or Local Government.

13. Prior approval is required for any changes to the scope of objectives of the approved key personnel, or transfer of substantive programmatic work to another party. Until written approval is granted for a modification, the terms and conditions of the original award remain in effect. All requests that require prior approval must be made, in writing, to the Maine Forest Service no later than 30 days before the proposed change.
14. Program Income: Gross income directly generated by a grant-supported activity or earned as a result of the grant during the grant period, is not allowed without prior approval from MFS.
15. All Records and Receipts relating to the expenditures and match for this project must be maintained and available in a grant file for at least 3 years after the close of the grant period.
16. Acknowledgements—Maine Forest Service support shall be acknowledged in any publication or audiovisuals developed as a result of this instrument - ex. *The work upon which this publication is based was funded in whole or in part through a grant awarded by the Maine Forest Service and the USDA Forest Service.*
17. The Cooperator shall, upon receipt of the award, notify the media via press release or letter to the editor. All press coverage of grant projects shall be forwarded to the MFS Project Canopy Director with final grant documentation.
18. Pruning Specifications:
- All pruning projects will adhere to the guidelines put forth in “How To Prune Trees” USDA Forest Service publication number NA-FR-01-95; available here:
<https://www.fs.usda.gov/naspf/resources/tree-care-how-prune-trees-english>
19. Planting Specifications:
- i. All planting projects will adhere to the guidelines put forth in “Tree Owner’s Manual for the Northeastern and Midwestern United States.” Available here:
www.treeownersmanual.info
 - ii. All wire baskets will be removed.
 - iii. All trees will be planted at the trunk flare. This may mean soil excavation to locate trunk flare from the root ball.
 - iv. Planting of materials classified as invasive species by the Maine Department of Agriculture, Conservation, and Forestry are not allowed.
 - v. Planting of ash (*Fraxinus* sp.) is not allowed.
 - vi. Species planted under, near or above utility lines shall be of compatible size and form so as not to interfere with utility lines.
 - vii. Guying is not recommended.
20. Planting project survival rate: Any tree planting project under the terms and conditions of this grant is required to have a 90% survival rate for three years following the planting. The MFS will make the determination through follow-up inspections. It will be the responsibility of the Grantee to supply documentation verifying the failure was not due to neglect. Failure to comply will cause the Grantee to be ineligible for Project Canopy grants for three years.
21. Forest Management Plan Specifications:

- All forest management plans will adhere to the guidelines put forth in “Maine Forest Service Stewardship Program: Guidelines for Forest Management Plans” or
- Alternatively plans can adhere to the “Woodland Resource Action Plan” standards set forth under the Stewardship guidelines. Standards must be established prior to award.

22. Debarment and Suspension (Rider D): The Cooperator/Provider shall immediately inform the Department if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should the Cooperator/Provider or any of their principals receive a transmittal letter or other official federal notice of debarment or suspension, then they shall notify the Department without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.

23. Legal Authority

The cooperator/Provider shall have the legal authority to enter into this agreement, and the institutional, managerial, and financial capability to ensure proper planning, management, and completion of the project, which includes funds sufficient to pay the nonfederal share of project costs, when applicable.

24 - Non-Liability

The Department does not assume liability for any third party claims for damages arising out of this instrument.

25- Members of Congress

Pursuant to 41 U.S.C. 22, no United States member of, or United States delegate to, Congress shall be admitted to any share or part of this instrument, or benefits that may arise there from, either directly or indirectly.

26- Drug-Free Workplace

a. The Recipient agrees that it will publish a drug-free workplace statement and provide a copy to each employee who will be engaged in the performance of any project/program that receives federal funding. The statement must:

(1) Tell the employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace;

(2) Specify the actions the recipient will take against employees for violating that prohibition; and

(3) Let each employee know that, as a condition of employment under any award he or she

(I) Must abide by the terms of the statement, and

(II) Must notify you in writing if he or she is convicted for a violation of a criminal drug statute

occurring in the workplace, and must do so no more than five calendar days after the conviction.

b. The Recipient agrees that it will establish an ongoing drug-free awareness program to inform employees about:

(I) The dangers of drug abuse in the workplace;

(II) Your policy of maintaining a drug-free workplace;

(III) Any available drug counseling, rehabilitation and employee assistance programs; and

(IV) The penalties that you may impose upon them for drug abuse violations occurring in the workplace.

c. Without the Program Manager's expressed written approval, the policy statement and program must be in place as soon as possible, no later than the 30 days after the effective date of this instrument, or the completion date of this instrument, whichever occurs first.

d. The Recipient agrees to immediately notify the Program Manager if an employee is convicted of a drug violation in the workplace. The notification must be in writing, identify the employee's position title, the award/agreement number of each instrument on which the employee worked. The notification must be sent to the Program Manager within ten calendar days after the Cooperator/Provider learns of the conviction.

e. Within 30 calendar days of learning about an employee's conviction, the Recipient must either:

(1) Take appropriate personnel action against the employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973 (29 USC 794), as amended, or

(2) Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for these purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

27- Eligible Workers

The Cooperator/Provider shall ensure that all employees complete the I-9 form to certify that they are eligible for lawful employment under the Immigration and Nationality Act (8 USC 1324a). The Cooperator /Provider shall comply with regulations regarding certification and retention of the completed forms. These requirements also apply to any contract or supplemental agreement awarded under this instrument.

28- Title VI Compliance

The recipient shall comply with all Federal statutes relating to non- discrimination and all applicable requirements of all other Federal laws, Executive orders, regulations, and policies. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, 2000e-16), which prohibits discrimination on the basis of race, color, disability, or national origin; (b) Title IX of the Education amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; and Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C.794) which prohibits discrimination on the basis of disabilities.

29- Freedom of Information Act

It is the Department's policy to inform the public as fully as possible of its programs and activities. The Cooperator/Provider is encouraged to give public notice of the receipt of this instrument and, from time to time, to announce progress and accomplishments.

30- Public Information

The Cooperator/Provider shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any federal funding.

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202)720-5964 (voice and TDD). USDA is an equal opportunity provider and employer. "

Signatures by both parties on this award letter indicate agreement to the terms and conditions of this grant document. Two copies signed by the Forest Service are provided. After your review and approval, please sign both copies and return one for our records. Funds for this award of financial assistance will not be available for reimbursement until the counter signature page is received.

If you have any questions about this grant, please call Jan Santerre 207-287-4987.

Sincerely,



Patty Cormier
Director, Maine Forest Service

Program: Urban and Community Forestry CFDA 10.675; Project Canopy Community Forestry Assistance Grants
CFDA: 10.675

Title of Project: Portland Canopy Assessment Project

Award No.: 20-dg-159

DUNS:

Name: City of Portland

Address: 212 Canco Rd., Suite A, Portland, ME 04103

Award Amount: \$9940

Principal Place of Performance: Portland, Maine

Project Description: Portland Tree Canopy Assessment Project. The City of Portland is looking to get to the next step in our Community Tree management program by analyzing our existing tree canopy and strategising ways to increase our canopy coverage percentage. The project would explore the makeup of our existing tree inventory and search for new tree planting locations. The project would factor in limitations to existing tree types such as EAB, invasive trees in decline such as Norway Maple, Callery Pear along with environmental factors. The finished product would give us a road map to go forward with new tree planting initiatives and help ensure local climate resiliency.

Expiration Date: 30 October 2022

The financial assistance award and obligation is approved.

Patty Cormier

Patty Cormier

Director, Maine Forest Service

May 10, 2021

Date

Name of Authorized Representative

Date

Interim City Manager

Title

Remarks:

In all its programs and activities, the U.S. Department of Agriculture (USDA) prohibits discrimination on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Those with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202)720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202)720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

MAINE FOREST SERVICE

GENERAL ASSURANCES FOR FEDERALLY FUNDED GRANTS

Note: Some of these assurances may not be applicable to your project or program.
If you have questions, please contact the Maine Forest Service.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination; These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following:
 - (a) institution of environmental quality and control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738, (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in flood plains in accordance with EO 11988, (e) assurances of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of

1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award for assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, audits of Institutions of Higher Learning and other Non-Profit Institutions.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

19. Will comply with the regulations implementing Sections 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.), 7 FR Part 3017, Subpart F, Section 3017.600, Purpose.

20. Will comply with the regulations Implementing Executive Order 12549, Debarment and Suspension, 7 FR Part 3017, Section 3017.510, Participants' responsibilities (regulations published as Part IV of the January 30, 1989 Federal Register pages 4722-4733.) (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department of agency. (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

21. Will not claim any expenditure under this project which is paid for, provided by, or used as match under any other Federal program including but not limited to FEMA/MEMA disaster recovery assistance programs and Americorps.

22. Will comply with the requirements to maintain record and documentation associated with this award for three years after the close of the grant period as per 7CFR section 3016.42

The Maine Forest Service Has combined the Standard Federal Grant Assurances included in SF 424, AD 1048, AD 1049, AD 1050, and FS III into one document. Approved OMB Forms and instructions are available upon request

Signature of Authorized Certifying Official	Name and Title of Authorized Certifying Official (printed)	
	Danielle West, Interim City Manager	
Applicant Organization	Date Submitted	
City of Portland, Maine		

G:\Forms\General Assurances.lwp

MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 21, 2021

SUBJECT: Order 129-21/22 Accepting the Charlotte Meaney-Bleier Award for Service at Portland High School Trust Agreement - Sponsored by Danielle P. 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

Final Action

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why

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

I. SUMMARY

II. AGENDA DESCRIPTION

This Trust is funded by a generous contribution by Samuel Bleier, who has already created several other awards given to graduating students from Portland High School. The Charlotte Meaney-Bleier Award for Service Trust will pay for annual \$1,000 awards to a student (or students if funding allows more than one) who show exceptional community spirit. Charlotte Meaney-Bleier was Mr. Belier's late wife, who was born in Germany in 1927 and grew up during the difficult years of Nazi power. Her education ended when her high school in Aachen was bombed during World War II. She came to the U.S. in 1946, married, and raised four children and, simultaneously, also graduated from college and earned two Master's Degrees in mathematics and statistics. Later she taught math at West Point Prep and Monmouth College in New Jersey.

The Portland High School committee that decides scholarships and other awards would choose the annual recipient of this award, too.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Charlotte Meaney-Bleier Award for Service Trust 1.3.2021
2. Charlotte Meaney-Bleier Community Service Award 2021 final 12.22.2021

Prepared by:

Date: 12/21/2021

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (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)
ROBERTO RODRÍGUEZ (A/L)

**ORDER ACCEPTING THE CHARLOTTE MEANEY-BLEIER AWARD FOR SERVICE
AT PORTLAND HIGH SCHOOL TRUST AGREEMENT**

ORDERED, that the Director of Finance is hereby authorized to accept a donation from Samuel Bleier in trust, for the purpose of establishing the Charlotte Meaney-Bleier Community Service Award Trust Fund; and

BE IT FURTHER ORDERED, that the Charlotte Meaney-Bleier Community Service Award Trust Fund be administered in accordance with the Trust Agreement establishing it, a copy of which is attached hereto; and

BE IT FURTHER ORDERED, that the Interim City Manager or her designee is authorized to execute the Trust Agreement on behalf of the City.

Charitable (Educational) Trust Agreement

THE CHARLOTTE MEANEY-BLEIER AWARD FOR SERVICE AT PORTLAND HIGH SCHOOL

This Trust Agreement made this _____ day of _____, 2021, by and between Samuel H. Bleier of 6214 Yosemite Drive, Alexandria, Virginia 22312 (the "Donor") and the City of Portland, a body politic and corporate, having a place of business in the County of Cumberland and State of Maine, (the "Trustee").

W I T N E S S E T H

I, Samuel H. Bleier, establish this Trust in honor of my late wife, Charlotte Meaney-Bleier, to recognize female students who excel in community service.

Charlotte was born in Germany in 1927 and grew up during the difficult years of Nazi power. Her education ended when her high school in Aachen was bombed during World War II. However, she never lost her desire to gain and share knowledge, especially in mathematics and science. She came to the U.S. in 1946, married, and raised four children. During these years, she also graduated from college and earned two Master's Degrees in mathematics and statistics. Later she taught math at West Point Prep and Monmouth College in New Jersey. Charlotte was a person of great intelligence and courage, loving-kindness, elegance, and strength of character. Therefore, I establish this Trust in her name so that she may not be forgotten.

Now, therefore, for the reasons set forth above and in consideration of the mutual covenants set forth herein, the Donor and the Trustee agree to the Trust created hereby, upon the following terms and considerations:

1. Name. The Trust hereby established shall be known as "The Charlotte Meaney-Bleier Community Service Award", at Portland High School.

2. Trust Property.

a. The Donor has already contributed equities to the Trustee as the initial property and principal of the Trust.

b. All income that accrues from the above property and from future donations will become property of the Trust.

3. Disposition of Trust Funds. The Trustee shall hold and manage the Trust principal, and such other property as may, from time to time, be delivered to it as part of this Trust, as a perpetual trust to be used for the purposes set forth herein. The Trustee will deposit Trust principal and income in the City of Portland's Endowment Trust Fund or in any similar account employed by the City of Portland to hold trust funds.

4. Disbursements.

a. Prior to the end of the second semester of each school year, the Selection Committee (as defined herein) will designate two senior students at Portland High School to be the recipients of an award to be made from this trust.

b. The initial award of \$1,000 was made in the spring semester of 2021.

c. The amount of each subsequent year's award(s) shall be calculated to equal 3% of the most recent net asset value of the trust, rounded down to the nearest one hundred dollars. The two recipients will share this amount equally (that is, each will receive 1.5% of the net asset value of the trust). If the Selection Committee identifies only one qualified recipient, that recipient will receive the entire 3% award.

d. If in the future, the Selection Committee decides that more than two students are sufficiently and equally qualified, they may designate up to four recipients and divide the 3% award equally among them. In no case will the entire award for any year exceed 3% of the net asset value of the Trust.

5. Eligibility requirements. The following shall apply as requirements for the award. The recipients shall:

a. be full-time students in their Senior year at Portland High School, and candidates for a diploma, and

b. have given freely of personal time and effort to help fellow students or further some worthwhile cause in school or community.

6. Selection Committee. At a suitable time following the start of each spring semester, the principal (or, in the principal's discretion, the assistant principal) of Portland High School shall appoint a committee (the "Selection Committee") consisting of administrators, counselors, and cluster coordinators, to nominate and decide upon the most qualified candidate(s).

7. Failure to Make Award. If the Selection Committee is unable to decide upon a suitable candidate who meets the eligibility requirements, all funds will remain in the Trust for that year.

8. Presentation of Award. The Donor requests that, insofar as is practicable, the award be made during the Annual Spring Awards Assembly.

9. Additions to Trust. The Donor, and any other person or entity, shall have the right at any time to add property acceptable to the Trustee to this Trust.

10. Allocation of Income and Principal. The Trustee shall have the sole authority and discretion to determine what is income and what is principal of the Trust created by this Agreement. The Trustee shall have the sole judgment and authority to determine what expenses, costs, and charges of any kind whatsoever shall be charged against income and what shall be charged against principal. In furtherance hereof, the Trustee may apply any undistributed net income annually to principal, or to an accrual of income for use in the next following years. The Trustee shall not be obligated, unless by order of court, to file an annual or other account in any court. The Trustee may, if requested by the Selection Committee, prepare an informal accounting for the Selection Committee, indicating the then balance of principal and income, as of an accounting date convenient to the Trustee, which date shall not be earlier than six months next prior to the date of such request, nor more than six months next after the request for such accounting. In practice, the Donor anticipates that the Trustee will make every reasonable effort to render an informal accounting to the Selection Committee within a much shorter period of time, the Trustee being specially and specifically exculpated from liability or responsibility for unintentional minor errors in expedited informal accountings, or report of current interest available (including anticipated interest within a fiscal year) which do not materially affect the duties and responsibilities of the Selection Committee.

11. Trustee's Powers. Unless specifically prohibited or limited by any other provision of this Trust Agreement, the Trustee shall have the powers specifically enumerated and set forth in Maine's statutes regarding trusts, including those powers described in 18-B M.R.S.A. §§ 815 and 816, as they may be amended or replaced, from time to time.

12. Limited Power of Amendment. Having in mind that the primary purpose and intent of the Donor in creating the Trust under this agreement is to provide for an educational award recognizing Portland High School students who have devoted their time and effort to help school and/or community, the provisions of this Trust Agreement shall be liberally construed in the interest of, and for the benefit of, the award recipients. The foregoing shall not, however, be deemed to limit the discretion otherwise conferred upon the Trustee by the terms of this Trust.

In furtherance hereof, the Trustee, being a municipal corporation, shall, acting alone, have the power to amend this Trust in any reasonable manner which is necessary or convenient for its own, the Selection Committee's or the Trust's administrative procedures; or to make the Trust comply with relevant provisions of the municipal ordinances and regulations of the City of Portland, the laws and regulations of the State of Maine and the laws and regulations of the United States Government, provided only that any such amendment shall not: (i) have the substantive effect of vitiating the aforesaid primary purpose and intent of the Donor; (ii) result in the Trust becoming a taxable entity for income tax purposes under state or federal law; or (iii) result in the Donor, his heirs or their respective estates, directly or indirectly, acquiring any interest in the Trust property, or rights as to its disposition not otherwise specially provided for herein.

13. Exculpation. Having in mind the benevolent and educational purpose of this Trust and the probable rendering of normal (but not extraordinary) services of the Trustee without expectancy of compensation therefore, it is specially agreed, but not as a condition of such uncompensated service, that neither the Trustee, its officers or employees, nor the members of the faculty and administration of Portland High School shall be held liable in damages or otherwise be responsible to any party, whether or not of interest, for their acts or omissions hereunder for so long as the same shall not have been the result of willful misfeasance, malfeasance or fraud.

14. Rule against Perpetuities. The Rule against Perpetuities shall not apply to this Trust. The Trustee shall have the power to sell, mortgage or lease property for any period of time beyond the period that is required for an interest created under this instrument to vest.

15. Governing Law. This Trust Agreement and the dispositions hereunder shall be construed and their validity and effect shall be determined by the laws of the State of Maine, as such laws may from time to time exist.

IN WITNESS WHEREOF, the parties have set forth their hands and seals on the date set forth above.

Witness

Samuel Bleier, Donor

Witness

City of Portland

By Danielle P. West
Interim City Manager

Approved as to form by Corporation Counsel

MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 28, 2021

SUBJECT: Order 130-21/22 Appointing Local Health Officer Bridget Rauscher Constable -
Sponsored by Councilor Andrew Zarro

SPONSOR: Councilor Andrew Zarro

(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 action cannot be taken at a later date, please explain why

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

I. SUMMARY

II. AGENDA DESCRIPTION

This is a companion order to the Amendment to Portland City Code Chapter 17 Re: Face Covering Mandate on this agenda. The City's Local Health Officer, Bridget Rauscher, is by this order appointed constable and given the authority to issue violations of the ordinance requiring face coverings in the Amendment.

Seven affirmative votes are required for passage as an emergency after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Constable Appointment for Local Health Officer 1.3.2022

Prepared by:

Date: 12/28/2021

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (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)
ROBERTO RODRÍGUEZ (A/L)

**ORDER APPOINTING
LOCAL HEALTH OFFICER BRIDGET RAUSCHER CONSTABLE**

ORDERED, that Bridget Rauscher, the City of Portland Local Health Officer, is hereby appointed constable for the 2022 calendar year; and

BE IT FURTHER ORDERED, that this appointment shall be effective from the effective date of this order until 12:00 midnight, December 31, 2022; and

BE IT FURTHER ORDERED, that this appointments is pursuant to Sections 20-19 and 20-19.5, Portland City Code, and this constable is not allowed to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests or issue parking tickets; and

BE IT FURTHER ORDERED, that this appointment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately and best protect the health and welfare of the people of Portland, Maine.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 21, 2021

SUBJECT: Order 131-21/22 Amendment to Portland City Code Chapter 17 Re: Face Covering Mandate - Sponsored by Councilor Andrew Zarro

SPONSOR: Councilor Andrew Zarro

(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 1/3/2022

Final Action 1/3/2022

Can action be taken at a later date: No Second reading requested waived and passage as an emergency requested on January 3, 2021, due to the rapidly spreading COVID-19 Omicron variant.

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

I. SUMMARY

II. AGENDA DESCRIPTION

Following extensive public comment and discussion by the Council during the December 20 meeting, this item proposes the adoption of a face covering mandate. It is modeled almost entirely on language recently adopted by Burlington, Vermont, with minor changes aimed at tailoring it to Portland's existing practices around COVID-19 (e.g. it does not adopt capacity restrictions in the same way that Burlington's ordinance does) and fitting it within the City's Code of Ordinances.

Critical care hospitalizations in Maine have reached some of the highest numbers for the entire period of the Covid-19 pandemic, and this is happening despite a high county-wide rate of vaccinations and is primarily the result of the delta and now omicron variants' contagiousness. As a result, state health officials, along with the United States Centers for Disease Control and Prevention officials and the Maine Center for Disease Control officials, advise the use of all preventative measures, including the use of face coverings in public indoor spaces. It is hoped that these measures will succeed at slowing the relentless spread of Covid-19, especially among the immune-compromised and children under 5, who are not yet allowed to be vaccinated.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Staff also requests that this item be passed as an emergency. Seven votes are required for passage as an emergency following public comment.

III. BACKGROUND

Following extensive public comment and discussion by the Council during the December 20 meeting, this item proposes the adoption of a face covering mandate. It is modeled almost entirely on language recently adopted by Burlington, Vermont, with minor changes aimed at tailoring it to Portland's existing practices around COVID-19 (e.g. it does not adopt capacity restrictions in the same way that Burlington's ordinance does) and fitting it within the City's Code of Ordinances. As proposed, this mandate would be incorporated as part of Chapter 17 - the chapter of the City's code where a number of other public health-related requirements appear (e.g. tobacco regulation). Based on research conducted by the City's Office of Corporation Counsel - and as confirmed by representatives of Maine Municipal Association - a masking requirement may be adopted outside the context of an Emergency Proclamation (which are typically intended to be short-lived and temporary to

allow communities to put in place longer-term approaches to manage ongoing crises) and adopted as an ordinance in the usual course under the City's Home Rule powers.

The rationale for the proposal remains the same as it did when the Council last took up this question. Namely, critical care hospitalizations in Maine have reached some of the highest numbers for the entire period of the Covid-19 pandemic, and that this is happening despite a high county-wide rate of vaccinations and is primarily the result of the delta and now omicron variants' contagiousness. As a result, state health officials, along with the United States Centers for Disease Control and Prevention officials and the Maine Center for Disease Control officials, advise the use of all preventative measures, including the use of face coverings in public indoor spaces. It is hoped that these measures will succeed at slowing the relentless spread of Covid-19, especially among the immune-compromised and children under 5, who are not yet allowed to be vaccinated.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

Consistent with the recommendations made when the City Council considered a mask mandate in October 2021, the City's Department of Health and Human Services enthusiastically supports a masking requirement but does not believe that exceptions for businesses or individuals based on vaccination status represent best practice or are supported by current public health data. HHS staff, therefore, recommend adoption of the mandate with those exceptions removed.

VIII. LIST ATTACHMENTS

1. Ch. 17 Face Covering Mandate 1.3.2022
2. December 21, 2021 HHS Staff Recommendations on Indoor Mask Mandate
3. Council Request for Additional Information Regarding Indoor Mask Mandate (5) (1)
4. HHS Staff Recommendations on Indoor Mask Mandate (2) (1)

Prepared by:

Date: 12/21/2021

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (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)
ROBERTO RODRÍGUEZ (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 17
Re: FACE COVERING MANDATE**

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

1. *That Sections 17-134 to 17-143 of the Portland City Code are hereby amended to read as follows:*

Chapter 17 OFFENSES, MISCELLANEOUS PROVISIONS*

Art. I. In General, §§ 17-1--17-14

...

Sec. 17-134--17-138. Reserved.

ARTICLE XII. PUBLIC FACE COVERING MANDATE

Sec. 17-139. Definitions.

For the purpose of this Section, the following terms shall have the following meaning:

Face covering means any cloth or tightly woven fabric that can be worn on an individual's face over their nose and mouth and substantially complies with the United States Center for Disease Control's recommended guidance for masks such as surgical masks, N95 respirators, double-layer cloth gators, or any similar mask that fits snugly around the nose and chin, has multiple layers and/or inner filter pockets, and does not let light through when held up to a light source.

Person means any individual regardless of their status within a Public Building including but not limited to an

employee, an owner, a customer, a licensee, an invitee, a visitor, or any other individual.

Public Building means any building or portion of a building within the City of Portland that is regularly accessible to the general public. For purposes of this ordinance, a Public Building shall not include a private residence or residential unit, a public pre-school or K through 12 school (which remains under the authority of the Board of Public Education), a church or other house of worship, office space where the occupant(s) can be physically separated from the general public, or the portions of a theater, gym, or athletic arena where all of the individuals performing, exercising, or playing have been vaccinated and where there is either space, a physical barrier, or ventilation system separates them from the general public or audience.

Sec. 17-139. Face Covering Mandate.

(a) Starting January 4, 2022, any Person shall wear Face Coverings over their nose and mouth any time they are in a Public Building, within the City of Portland, unless otherwise excepted in Section 17-140.

(b) Persons must also wear Face Coverings over their nose and mouth any time they are using or operating public transportation conveyances, including buses, trains, taxis, ride shares, vehicles for hire, or any other ride services within the City of Portland.

(c) Persons inside a Public Building or portion thereof may temporarily remove their Face Coverings to participate in the primary purpose of the business, such as eating or drinking, only to the extent that such removal occurs at an isolated location, such as a table or booth, and that any Person who removes such Face Coverings must restore their Face Coverings as soon as their activity is completed or to the extent that they traverse or move about the premises away from their isolated location.

d) Nothing in this ordinance shall be interpreted to relieve a Person or business of any state or federal face covering obligations, and this ordinance shall be subordinate to any federal or state laws concerning vaccines or Face Coverings.

Sec. 17-140. Exceptions.

(a) Any Person under the age of 2, anyone with a medical condition that is complicated or irritated by a facial covering, or anyone with difficulty breathing, or anyone who is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance is not required to wear a Face Covering.

(b) Any Person who is alone in a Public Building is not required to wear a Face Covering as long as they remain alone.

(c) Any Person entering a business, or a portion of a business, located within a Public Building, including but not limited to retail, food and beverage, gym, theater, or similar high-traffic business, which actively screens and limits who may enter its premises to only Persons with established proof of vaccination for the COVID-19 Virus, will not be obligated to wear a Face Covering within the business, but only to the extent that the Person is actually screened and provides proof of vaccination.

Sec. 17-141. Posting Requirement.

Each Public Building and each separate business or separate premise within a Public Building must post signage at the entrance and at other appropriate locations stating that Persons entering are required to wear face coverings by order of the Portland City Council. Other locations can be alternative entrances (back doors, etc.) or at transaction locations such as registers. Signage requirements outlined in this Section (17-141) will have an effective date of January 10, 2022.

Sec. 17-142. Effective Period.

(a) Following its promulgation, the City Council shall review this ordinance every 30 days to reconsider and shall vote to either rescind or extend this ordinance for the ensuing 30 days.

(b) Enforcement of this ordinance may be suspended by an Executive Order promulgated by the City Manager prior to its expiration upon the determination by the City's Director of Health and Human Services that the seven day average of new cases for Cumberland County has dropped to the CDC's "moderate" transmission level for a period of ten consecutive days. Subsequently, prior to the expiration of the ordinance, enforcement may be reinstated by an Executive Order promulgated by the City Manager upon a determination by the City's Director

of Health and Human Services that the seven-day average for Cumberland County has returned to "substantial" or "high" levels of transmission for ten consecutive days. Public notice of these Executive Orders shall be circulated publicly and on the City's website.

Sec. 17-143. Enforcement

(a) A violation of this section shall be a civil violation subject to the general penalty provisions of section 1-15 of the Portland City Code of Ordinances. A Person found violating this ordinance will also be directed to comply with the Face Covering mandate or will be obligated to leave the building or area where the offense occurred.

(b) The City's Local Health Officer or his or her designee is authorized to institute or cause to be instituted by and through the office of 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.

BE IT FURTHER ORDAINED, that this amendment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately in order to best protect and the health and welfare of the people in the City of Portland, Maine.



Health & Human Services Department
Kristen Dow, Director

MEMORANDUM

To: Danielle West, Interim City Manager

From: Kristen Dow, Director of Health & Human Services

Date: December 21, 2021

Re: Updated HHS Staff Recommendations for City of Portland Indoor Mask Mandate

At the December 20, 2021 City Council meeting, it was decided that an indoor mask mandate would be discussed at the January 3, 2022 meeting of the City Council. In preparation for this, the staff of the City's Health & Human Services Department has prepared an updated recommendation on a proposed mask mandate.

Since the September 1, 2021 memo from the Health & Human Services department recommending an indoor mask mandate the COVID-19 numbers in our state have increased dramatically:

- **Positivity rate in Cumberland County:**
 - September 1, 2021: 3.26%
 - December 16, 2021: 5%
- **Statewide data from the ME CDC:**
 - Hospitalized with COVID-19:
 - September 1, 2021: 187 (120 non-ICU; 67 ICU)
 - December 20, 2021: 380 (250 non-ICU; 130 ICU)
 - Individuals on ventilators:
 - September 1, 2021: 32 individuals with COVID-19
 - December 20, 2021: 64 individuals with COVID-19
 - ICU beds in the state:
 - September 1: Total of 328 Adult ICU beds with 42 ICU Beds available. 20% of ICU beds in the state are individuals with COVID-19 and 87% of our ICU beds are taken.
 - December 20: 318 Adult ICU beds with 44 available. 41% of ICU beds in the state are individuals with COVID-19 and 86% of our adult ICU beds are taken.

Additional items for consideration:

County level data:

- In the Health & Human Services Department we are committed to protecting all those who live, work and play in the city of Portland. The benefit of using county level data when considering an indoor mask mandate is the daytime population change in Portland. According to the City's 2017 Comprehensive Plan "As the state's largest city and urban center for Cumberland County, Portland is home to a large number of employers and jobs. The daily influx of workers means the city's daytime population is often substantially higher than its nighttime population (composed mainly of residents). In fact, the American Community Survey estimates that the city's population swells to over 96,000 people during daytime hours — an increase in population of over 40 percent."

Mitigation strategies:

- The Maine Department of Economic & Community Development offers this general guidance in their COVID-19 Prevention Checklist: Industry Guidance dated May 21, 2021:
 - "No single measure or action will completely prevent transmission of COVID-19. Use of multiple strategies—sometimes called layered mitigation—provides greater protection than implementing a single strategy alone. When multiple mitigation strategies—including masking, physical distancing, hand hygiene, and ventilation—are consistently and correctly used, risk of transmission is decreased."

Effectiveness of masking:

- Masks have been proven to [reduce COVID-19 transmission](#). Masks reduce the emission of virus-laden droplets and the inhalation of these droplets by the wearer. "The community benefit of masking for SARS-CoV-2 control is due to the combination of these effects; individual prevention benefit increases with increasing numbers of people using masks consistently and correctly."

HHS Staff Recommendations

Based on the above data and considerations, it is the continued recommendation of Health & Human Service Department staff that the City adopt a mandatory indoor mask mandate in all indoor public places in the City of Portland. We recommend the mandate go into effect immediately and is reconsidered on a monthly basis by the City Council using ME CDC data and trend analysis provided by the City's Health & Human Services Department to inform either the continuation or repeal of the mandate.



Health & Human Services Department
Kristen Dow, Director

MEMORANDUM

To: Mayor Snyder and Members of the Portland City Council

Cc: Jon P. Jennings, City Manager

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

Date: September 16, 2021

Re: Council Request for Additional Information Regarding Indoor Mask Mandate

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

Metrics

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

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

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

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

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

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

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

US CDC Defined Community Transmission Levels

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

County Data vs Portland Data

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

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

7/22 - 7/28	38
7/29 - 8/4	42
8/5 - 8/11	21
8/12 - 8/18	76
8/19 - 8/25	11
8/26 - 9/1	20
9/2 - 9/8	16
9/9 - 9/13	Complete data not available

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

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

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

Anticipated City Cost Associated with an Indoor Mask Mandate

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

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

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

Support and Enforcement

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

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

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

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



Health & Human Services Department
Kristen Dow, Director

MEMORANDUM

To: Jon P Jennings, City Manager

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

Date: September 1, 2021

Re: Staff Recommendations for City of Portland Indoor Mask Mandate

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

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

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

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

HHS Staff Recommendations

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

Support and Enforcement

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

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

Support for Indoor Mask Mandate 0 views



Adam Burk <adam.burk.me@gmail.com>

7:13 AM (6 hours ago)

to publiccomment@portlandmaine.gov

Hello,

I am writing to express my support for an indoor mask mandate in Portland. It's been one of the effective ways that Portland Public Schools has seen near zero transmission since returning to school buildings in Fall 2020.

Thank you for your service.

Sincerely,
Adam Burk
Presnell Street

--

Adam Burk

Mask and Vaccine 0 views



annettebrown269 <annettebrown269@gmail.com>

9:49 AM (4 hours ago)

to publiccomment@portlandmaine.gov

Requiring these things are unconstitutional and could eventually lead to many lawsuits. I understand that you are trying to do what is best for public health but I believe at this time after almost 2 years people are able to take responsibility for their own health. If they choose to wear a mask or get vaccinated is their personal rights. These decisions for personal choice should not be taken away.

Sent via the Samsung Galaxy S10e, an AT&T 5G Evolution capable smartphone

Humbly Requesting a New Mask Mandate 0 views



Annie Stamell <astamell@gmail.com>

9:16 AM (4 hours ago)

to publiccomment@portlandmaine.gov

To those who serve in Portland's City Council:

Hello. I recently came back to South Portland after 13 years of living in Los Angeles. I am still a California resident for a few reasons: primarily my work, but another huge component is that in LA, the local government takes Covid much more seriously. I was considering making the full leap and reclaiming Maine residency in the new year, but after witnessing the city and state governments' utter lack of taking any responsibility in controlling the pandemic, I am reconsidering.

I was recently in Los Angeles for a month, where every store, restaurant and gym asks to check your vaccination status before entering, not to mention that the state reupped the mask mandate. I felt safe and comfortable shopping, dining out, and going to workout studios. I was happy to put my money into the local economy and small businesses because I felt safe doing so.

Then I come back to Maine, where I have suspended my gym membership and no longer eat at restaurants. Hardly anyone is checking vaccination status and hardly anyone is wearing masks. Even worse, the government... aka YOU... has shirked their (your) responsibility and put it onto local businesses. It's pretty horrific. Especially when local businesses then have to hear from the vocal minority of crazy anti-mask anti-vaxxers, most of whom are out of state or wouldn't even visit the businesses they now troll with comments and phone calls. I cannot begin to imagine what it is like to be a public official and face scare tactics and threats. But I also cannot imagine ignoring the overwhelming science, let alone the voice of the collective -- the people who elected you, the people who you work for - - and choosing not to protect them or do as they ask. It's embarrassing that the restaurants of Portland have had to ask for a mask mandate before you stepped up and put one back in.

Not to mention all the front line workers whose hazard pay will go by the wayside if the state of emergency is repealed... Please, again, look at science and risk here! I know you are well-meaning people who in an ideal world would want to please everyone -- even the angry anti-science, anti-news, anti-government hordes. But you need to make some hard decisions. You need to look to other states who are leading the charge and adapting. This pandemic is fluid and ever changing and thus we should be flexible and change with it. The next few months will be very hard for the local economy. I would like to stay in Maine and support local businesses here through what is already going to be a tough winter. But if things don't change, if you don't reinstate a mask mandate and keep the state of emergency, then I will be on a plane back to California as early as next week. And you need people like me to stay. I am a relatively young person, in my mid 30s, about to start a family, and I have hard-earned income to spend. Do you want me to spend it here? Do you want hard-working progressive minded folks like me to find Maine to be an appealing place to stay? If so, I'd like to see you take action, do the right thing, and be responsible.

Thanks,
Annie Stamell
South Portland, Maine / Santa Monica, California

Bethany McCauley <bmccauley@me.com>

11:48 AM (2 hours ago)

to publiccomment@portlandmaine.gov

I am against vaccine passports, mask mandates & the fact that Portland is even considering these steps. I have lived here my whole life & never seen discrimination but you are considering becoming a city that does just that. I pray that you do not become a city that I can't be proud of.

Thank you!

Beth

bethanymccauley.arbonne.com

Re: Mask Mandate for Portland 0 views



bonnie blythe <bblythe0604@gmail.com> Dec 23, 2021, 4:09:19 PM (10 days ago)
to publiccomment@portlandmaine.gov

Hello and Happy Holidays to the Council:

Thank you for serving the citizens of our small town city. We appreciate all of you.

We are writing to encourage you all to vote in favor of a mask mandate for the city. Despite wonderful efforts by the city and small businesses to get everyone vaccinated and boosted, the virus is clearly raging. We have two close friends who are nurses at Maine Medical Center; they are emotionally and physically broken. It's difficult to find ways to support them through this.

Just today, several friends and acquaintances have tested positive for Covid. A nurse practitioner at Martins Point in Portland said she had 10 messages yesterday from patients reporting positive test results.

Our businesses should not have to enforce the use of masks. They should not have to argue on behalf of their health and safety and that of their employees. A mandate takes that stress of their plates, and don't we owe them that?

We hope the City takes this critical action, and let's all wish for a better 2022.

Best to all,

Bonnie Blythe & Daniel Heakin
12 Bryant St.
Portland, Maine 04103

Public Comment Regarding Mask Mandate on Council's 1/3 Agenda

0 views



Brendan Williams <brendanbunnies@icloud.c... Jan 2, 2022, 1:57:59 AM (yesterday)
to publiccomment@portlandmaine.gov

Hello,

My name is Brendan Williams and my address is 101 Summit Terrace, South Portland, Maine. I'm writing this public comment to be submitted to the council in regards to agenda item #Order 131-21/22 (Amendment to Portland City Code Chapter 17 - Face Covering Mandate).

Although I don't live in Portland, I do work at Scales Restaurant which is located along Commercial Street. We are a busy high end restaurant and I work front of the house. My job relies on communicating with cooks, customers, and waitstaff throughout every dinner service. I am hard of hearing and I rely on lip reading to communicate. I am 65% hearing loss and having the mask mandate would stop my ability to read people's lips and perform my job.

While I support the mask mandate 100%, I believe if passed, an exception needs to be made to for people who are communicating with the deaf and the hard of hearing. Many cities, states, and even countries have adopted this policy and I think Portland should do the same. I want to continue to work at Scales without hearing difficulties, because it has been difficult navigating through the pandemic as someone with a hearing loss.

I would urge the entire council to adopt the policy for the safety of all of us, but then make an exception for people who are speaking to someone with a hearing loss. This exception would allow me and many others (mostly older folks) to communicate better and still be safe.

Thank you for your time and Happy New Years,
Brendan K. Williams

Mask/Vax Mandate 0 views



Caleb Cole <c31cole@yahoo.com>
to publiccomment@portlandmaine.gov

Jan 1, 2022, 10:55:31 AM (2 days ago)

Good morning and Happy New Year!

My name is Caleb Cole, and while I am not a constituent living in Portland, I am however a member of the Portland workforce and am employed full time at Scales restaurant. I live at 51 Cutts St in Biddeford. It has been brought to my attention that you will be voting on a mask and vaccine mandate this Monday, and I wish to voice my extreme discontent and disapproval of this nonsensical and anti-scientific proposal.

Over the past two years we have learned, through dozens of studies, that the effectiveness of paper and cloth masks is minimal at best. Most studies place its efficacy at 10% or less against preventing aerosols from transmitting through the mask, and recent studies suggest its complete inadequacy against the new variant, omicron. A Danish study comprised of 4800 people, with two control groups (one masked, one unmasked) suggested that transmission rates were 0.3% higher among the unmasked than the masked, an almost negligible difference. Other studies include factors such as material and the size/fit of the mask that can significantly reduce their efficacy.

On the vaccines, we've learned that the vaccinated are as much responsible for transmitting the virus as the unvaccinated. While they do show a marked effectiveness in reducing hospitalization and death, they have proven to be ineffective at slowing or stopping transmission of the virus. They do come with their own set of risks, especially among younger people, of myocarditis, blood clots, etc. The J&J vaccine I was told to take with 100% confidence 7 months ago is now being advised against, according to the CDC, and they're recommending that I take one of the other two instead. The inconsistent messaging from our health officials has weakened their credibility and overall trustworthiness.

One has to look no further than New York City to see that mask and vaccine mandates are not only ineffective, they are an intrusion on individual's rights to move about freely in a free country. The lockdown and mask mandates have done more to harm children than Covid itself. This is not the society I want to live in, this is not a city I want to work in or a community I want to be a part of. You would have a hard time making a fact-based case to support a top-down government mandate to force injections on the public and the wearing of material to cover their mouths. I trust that you all will make the right decision, and stand for common sense, science, and freedom.

Thank you for your time,

Caleb Cole

Masks and vaccines mandate in Portland 0 views



Carolyn Allen <carolynamo@gmail.com> Jan 2, 2022, 10:13:14 PM (15 hours ago)
to publiccomment@portlandmaine.gov

Hi,

I'm writing because I was made aware that city council will be discussing a vaccine mandate for Portland restaurants and possibly other Portland businesses.

I am extremely opposed to this mandate. I am also opposed to mask mandates, for all businesses and schools. I also speak for all my household members who are also opposed to these mandates. We know for sure now that masks and the Covid vaccine do not stop the spread of Covid. We know countless friends and family members who are fully vaccinated and even boosted, who have recently contracted Covid. This is PROOF that the vaccine doesn't stop, or even slow, transmission of the virus. Therefore, it doesn't make any sense, and would be counterproductive, to pass a vaccine mandate for local businesses. The only thing this will achieve is further restriction and difficulty for these businesses to stay in operation. You will stifle any possible growth for our local economy by putting a mandate like this in place. Haven't our people and our economy taken enough of a hit over the past year and a half? When is enough enough?

Our household is partly vaccinated, which means that some of us would still be able to patronize Portland business regardless of a vaccine mandate, but I can assure you that all of us will be boycotting ALL Portland businesses if any such vaccine mandate passes. And we have many friends in our area who feel the same.

NO Covid vaccine mandates. And NO MORE masks, especially in schools.

Carolyn A.
Resident of Windham, ME

Mandates for restaurants 0 views



Carolyn Parker <lunnar375@gmail.com>

9:04 AM (4 hours ago)

to publiccomment@portlandmaine.gov

These mandates have not proven effective in slowing or stopping the virus. The mandates have been effective only in one area: Forcing business to close. Maine's economy has and is severely impacted by Federal as well as State Rules, Mandates, etc. The masks have not proven effective. Please stop trying to enforce these mandates that are (effective) how??????

--

******Please note this is a new email address, please use in the future lunnar375@gmail.com**

Carolyn Parker, LCPC, LADC
72 Mountain View Ave
Bangor, ME 04401
(207) 992-2106

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COVID-19 Health Mandates 0 views



Catherine Dougherty <newmoonbodywork@gmail.com>

11:04 AM (3 hours ago)

to publiccomment@portlandmaine.gov

To Mayor Snyder and the members of the Portland City Council:

Thank you for all your hard work and dedication to serving our community during this challenging time.

I am writing to you as a long time Portland resident out of concern for the mask mandate you will be voting on at your January 3 meeting, and the vaccine mandate petition that circulated last week. I own a home with my husband in the North Deering neighborhood, and a private health and wellness practice in the Old Port.

I urge you to vote no on the mask mandate and not to give the vaccine mandate petition any serious consideration. The city should not be spending money on enforcement of unnecessary regulations. Businesses are currently allowed to implement their own mask requirements and to request proof of vaccination, and many of them do so. There's no logical reason they need everyone to be on the same page. They claim that it would be "easier" to enforce these rules at their restaurants and bars if the rules were the same across the board. What I'd like to know is why they believe it's the City Council's responsibility to make that easy for them? It isn't the Council's job to legislate in favor of their specific set of business practices, or to spend our tax dollars doing so. Allow the market to decide. If, as the petitioners claim, employees and diners alike would prefer the mandates, they should be overwhelmingly choosing establishments with those requirements and refusing to visit establishments that don't take extra precautions. If that isn't happening already, it makes me wonder if those who signed the petition are afraid of competing in a free market with businesses that embrace freedom and privacy.

I looked over the vaccine mandate petition last Friday, and noticed that those who signed were newer businesses with owners who seem to be on the younger side. Three of the signatures were from a restaurant that hasn't even opened yet. Two more were from a coffee shop and one was from a grocery store chain. (Why is the guy who owns Rosemont even weighing in on this? Does he want to mandate vaccination for grocery stores? Is that what we have to look forward to if these people get their way?) Looking at the list of signatures, I noticed what was conspicuously absent from this petition. It appears to lack support from any of the long-standing, successful Portland restaurants that have been fixtures here for decades, sometimes being passed down through families. When we need guidance in a time of crisis, we should be listening to voices of wisdom and experience. I'd be more inclined to take this petition seriously if it were being enthusiastically spearheaded by Portland's industry veterans. Is Dimillo's or Becky's demanding a vaccine mandate? How about J's Oysters, Samuels, Gritty's, Sebago Brewing, The Great Lost Bear, Bruno's, Maria's, Gilbert's Chowderhouse, The Grill Room, The Corner Room, or Boone's? Have they asked you for more rules and regulations?

COVID-19 is far from new, and isn't nearly as scary or as deadly as we thought 2 years ago, when we closed our doors and stayed home in compliance with "two weeks to slow the spread." There are vaccines available to those who want them, that were created and FDA authorized to help prevent severe symptoms. We have widely available KN95 masks that protect the wearer. We have

treatment protocols that are highly effective. For many of us, those are signals that it's time to start living life again. We accepted overreaching government mandates while there were still a lot of unknowns. The time has come for each of us to make our own risk assessments and live life as we see fit.

We are not Boston, New York, or Chicago, and we don't need to fall in lockstep with what they're doing right now. Portland's economy is uniquely dependent on hospitality and tourism. If we are universally requiring indoor masking and proof of vaccination, we are placing limits on both the quantity and the diversity of people we are able to do business with. Portland will inevitably lose local customers to neighboring towns as people who are exhausted and frustrated with never-ending COVID-19 restrictions explore other options. We will lose tourists and visitors to states that offer freedom of choice. The voices supporting COVID mandates may seem like the loudest, and they are certainly favored by the news and social media algorithms, but they're not the majority opinion- not in the United States, and I suspect not even in Portland.

If you mandate indoor vaccination, or vaccination for indoor dining, we will lose not only visitors who have not been vaccinated, or who did get vaccinated but aren't going to keep doing it every 6 months. We'll lose a lot of vaccinated folks who find it humiliating and oppressive to show their private health records to bar bouncers or restaurant hosts, and who feel so strongly about it that they'll refuse to visit. We won't stop COVID, and we won't stop the flu. What we will accomplish is limiting diversity of thought, experience, and opinion within our community. The only people who will want to do business and take vacation here will be those who embrace the ideology of the mandate petitioners- an ideology that makes claims of compassion, science, and safety, but quite honestly, seems like poorly masked authoritarianism. Economic concerns aside, that sounds like a nightmare to me.

Regards,

Catherine Malia
165 Summit Park Ave
Portland, ME
04103

Let Masks be a persons choice 0 views



Chris Esch <chris.esch17@gmail.com>

7:13 AM (6 hours ago)

to publiccomment@portlandmaine.gov

Please don't create mask mandates.
Instead let me ask that you allow schools and stores to at most say something like
"we encourage masks".
Thanks!

Chris Esch
Mobile: [518-744-2823](tel:518-744-2823)
Sent from iPhone

Passports and mask requirements 0 views



pfd33 <pfd33@protonmail.com>
to publiccomment@portlandmaine.gov

11:35 AM (3 hours ago)

Dear Councilor,

I live at 18 Richardson St. I have been a Portland resident for my entire life, 53 years. I have lived no where else.

I hope you will not require any vaccine passports or mask mandates for restaurants and businesses in Portland.

No one should be forced to put anything in their body or on their body for the name of public health. This is a violation of one's own freedom of choice.

If you impose such rules, you will be forcing me to move out of the city I love because I support ones own personal choice and their right to privacy.

Sincerely,
Christopher Pirone.
[207-776-1768](tel:207-776-1768)

Sent from ProtonMail for iOS

124-21/22 repealing emergency order PUBLIC COMMENT

0 views



Corey Laplante <chiefwaaa@gmail.com>

7:12 AM (6 hours ago)

to publiccomment@portlandmaine.gov

In reference to agenda #124-21/22

Good morning ,

My name is corey laplante, I am a Portland resident/taxpayer and I own and operate multiple businesses in the city.

I believe it is time to end the so called state of “emergency”.

For context purposes:

Definition of Emergency;

1. A serious situation or occurrence that happens unexpectedly and demands immediate action.
2. A condition of urgent need for action or assistance: *a state of emergency*.

First off, this issue demanded “immediate action” almost 3 years ago when this all began. We implemented the so-called solutions which clearly failed.

If we continue to consider this city in an emergency because some people got sick.

What will a true emergency look like?

It's very concerning that In times of an “emergency” the city is having concerts, weddings, celebrations, restaurants/bars are open, the airport is busy as everybody goes about their NORMAL life. This doesn't sound like an emergency, it sounds like a money grab and an excuse to make things even harder on local businesses.

A city-wide mask(or vaccine) mandate is a flawed concept that will only lead to more hardship.

•First off, if the universal masking mandate had actually worked when we tried it, we wouldn't Be having this conversation.

•Second, no other municipalities have a mandate, so that would render Portland efforts futile, if you believe it works.

•Third, so called “experts” have been wrong at literally every turn of the pandemic. Therefore I refuse to take any health advice from any “expert” or “public health official”.

•Fourth, I will not patronize any business that attempts to enforce this.

It will make minimum wage employees enforcers of flawed policy which is dangerous.

The vaccine has been proven NOT to prevent infection or transmission, so I'm confused how implementing a mandate will accomplish anything at all?

If it works there's no need to mandate it and if it doesn't work then there's absolutely no reason to mandate.

With this logic, let's mandate the entire CDC vaccine schedule.

This lacks common sense as well as any scientific data.

Please do the right thing and vote against the mask/vaccine mandate as well as end the city wide emergency.

Regards
Corey Laplante
44 Riverview street , Portland

Proposed mask mandates 0 views



Darcy Prock <darcy@portlandpoweryoga.com>
to publiccomment@portlandmaine.gov

10:38 AM (3 hours ago)

Greetings,

I'm assuming with all of the information and studies that are currently available with regard to the lack of evidence that mask wearing has any efficacy to prevent this transmission of this virus, you will not be supporting the proposed mask mandate this evening.

Portland businesses have been hit hard enough over the past two years. Adding the burden of a forced mask mandate will no doubt push many over the edge they are currently teetering on.

The outrageous minimum wage hike that went into effect on Saturday will be devastating enough. The loss of revenue from forcing customers to cover their faces cannot even be imagined.

While I do not reside in Portland, I do work for a business in Portland. The nature of our business, a heated yoga studio, makes it very dangerous for many to wear masks. We are all about breathing and moving. You know...healthy kind of things. We have been able to manage this endemic very well without requiring masks and fully expect to be able to continue to do so. We provide a much needed respite from the current state of the world for our students.

If you had thoughts of supporting this mandate, I'm begging you to reconsider. Please do your research on this topic. Give Portland businesses a fighting chance to recover.

Thank you,
Darcy Prock

Home address - 4 Jewett Road
Cape Elizabeth, ME 04107

Sent from the Edge

January 3 Agenda: No Portland Mandates, No Government Tyranny

0 views



Daren Hebold <dhebold@gmail.com>

7:42 AM (6 hours ago)

to publiccomment@portlandmaine.gov, ksnyder@portlandmaine.gov, pali@portlandmaine.gov, afournier@portlandmaine.gov, rrodriguez@portlandmaine.gov, atrevorrow@portlandmaine.gov, vpelletier@portlandmaine.gov, tchong@portlandmaine.gov, azarro@portlandmaine.gov, mdion@portlandmaine.gov

Dear Portland City Council—

As a Portland businessman with three successful businesses on Marginal Way, I'm writing to request that you not indulge any of the latest proposed and frankly outrageous City government actions on the 1/3 Meeting Agenda.

(1) Vaccines. Mandating an experimental unapproved vaccine (or even a mask mandate) anywhere, including in the city of Portland for any reason IS NOT YOUR CHOICE! It is the choice of each individual divine human being, period. Considering such a "decree" carries with it massive legal and ethical repercussions that you have not considered. I'll happily go on record now to say there is no way I would ever comply with any such improper violations of my God given freedoms.

By now, we have all learned that the vaccines for Covid-19 do not stop transmission. They were developed and marketed to reduce symptoms and hopefully decrease hospitalization, however even these results are highly questionable at this time. Recently, there has been more information provided about this, and we have unfortunately seen Covid-19 outbreaks where 96-100% of the infected individuals are fully vaccinated.

(2) Masks. Aside from the recent updates regarding vaccines, more recently top medical analysts have just stated that cloth masks and paper surgical masks do not provide the same protection as N95 masks do against the alleged Omnicron variant. Just being out and about in the city, we see that the majority of people wear cloth and paper masks. Mandating that people wear masks is fruitless, demoralizing and unconstitutional unless they are truly providing the protection needed, which would mean requiring patrons to only be allowed indoors if they have N95 masks. That is impractical, unsustainable and absurd.

Below are some links for your review.

US Navy Ship <https://www.wfla.com/news/national/us-navy-combat-ship-held-at-port-after-covid-breakout-among-100-immunized-crew/>

Cornell University: <https://www.cnn.com/2021/12/14/us/cornell-university-covid-cases/index.html>

CNN report on facial coverings: <https://www.cnn.com/2021/12/24/health/cloth-mask-omicron-variant-wellness/index.html>

Mandating vaccines and masks will, instead cause division, segregation, human suffering and harm, City legal liabilities and a loss of business in a society that is already suffering.

I ask that you instead attend to the normal and usual business matters of operating a city, and not fancy yourselves health professionals or doctors, or God's apostles.

Sincerely,

Daren Hebold
LUX Companies
63 Marginal Way

Portland ME 04101

Sent from my iPhone

Against City-wide Mask Mandate 0 views



David Ostrowski <david.ostrowski@outlook.com>
to publiccomment@portlandmaine.gov

11:45 AM (3 hours ago)

Dear Portland City Council Members -

Once again I am writing to you to express my extreme displeasure with the Council's consideration of enacting a city-wide mask mandate.

This not only goes against our human rights as citizens of Maine, but such a mandate is unlawful. In fact all mandates are unlawful and those proposed by the City of Portland are no different.

I strongly urge the Council to vote AGAINST implementing a city-wide face covering (mask) mandate and the recently instituted state of emergency. Doing so not only violates our human rights but will further destroy the City's economic vitality that is slowly recovering. I know hundreds of Mainers who will boycott the City of Portland should such mandates that restrict our Freedoms be enacted.

Sincerely,

David Ostrowski

January 1, 2022

Dear Mayor Snyder and Portland City Councilors,

I own David's Restaurant on Monument square in Portland. I ask you to please take the actions necessary to be able to protect the public health separately from affecting the city of Portland's minimum wage, (specifically the "emergency wage").

REGARDING COVID – 19

David's has been, and continues to be, proactive with our covid-19 protocols. Since the very beginning of the pandemic we have masked, socially distanced and sanitized as was advised by local and state authorities. We installed negative ion generators (iWave air purification systems), we are 93% vaccinated and getting boosted as fast as possible. David's continues to take the threat of the corona virus very seriously and is doing everything we can to protect the safety of our staff and guests.

We do not like "going it alone". There is nothing so opposite of good hospitality (required for running a successful restaurant) than having to act like the police. My decision to require guests to wear masks at David's without a supporting government mandate seems to embolden some guests who don't want to comply to shout threats and pejoratives at me and my staff. I would so much prefer a mandate from local government over a recommendation or a suggestion. We don't politicize the proper temperature for cooking chicken, we let science dictate. If the benefit of masking is well supported scientifically, should we really leave this up to a vote, or the whim of the individual business owner to decide. If this is in fact a public health issue then mandate we wears masks until the threat has passed. Please don't make each business owner try to calculate risk to business and brand against the risk to public health. David's doesn't like "going it alone".

REGARDING THE EMERGENCY WAGE

I have supported minimum wage increases in both theory and practice for as long as I can remember. We have paid the \$18.22 emergency wage in our Portland AND our South Portland locations since the voters of Portland passed it by referendum. It's a lot of added expense when our margins have been compressed by so many other factors related to covid and the economy. If the emergency wage goes to \$19.50 Portland's minimum wage will be the highest in the country. Our cost-of-living index here is 108 out of 100, meaning that we are 8% higher than the nation average in cost of living. The next highest minimum wage is in Emeryville CA at \$17.30. Emeryville rates 153 out of 100 on overall cost of living. I don't think it makes sense that we should have the highest minimum wage here in Portland.

Most important on this subject is that I fear that the only businesses that will be able to sustain that high a level of starting wage will be chains and national brands. I believe that small locally owned businesses add a lot to the fabric of our community and such a high wage will cause many to move out or close. That would be a tragic unintended consequence of allowing the emergency wage to move forward. Please don't let that happen.

I have deep respect for the commitment all of you have made to give of yourselves to our community. I know these deliberations are taxing and the decisions do not come easily. Thank you very much for your service to the community and for considering my opinion.

Sincerely and with great respect,

David Turin
Chef/Owner
David's Restaurant
22 Monument Square
Portland

Vaccine Mandates and Mask Mandates 0 views



Debra Guay <debguay@metrocast.net>
to publiccomment@portlandmaine.gov

7:39 AM (6 hours ago)

Dear Mayor Snyder and City Councilors of Portland,

Please reject the vaccine mandates for indoor dining in Portland. More mandates are only going to destroy our freedoms. "Vaccines" are not the answer. Let us start with the truth.

Sincerely, Debra L. Guay

Sent from my iPad

Stop the Mandates in Portland! 0 views



Dee Delynn <deedelynn@gmail.com>

Jan 2, 2022, 11:34:57 AM (yesterday)

to publiccomment@portlandmaine.gov

Stop all mandates (vaccines, masks, passports). These mandates have nothing to do with health and everything to do with destroying cities and towns. These government overreach tactics must end. Any public figure or individual in a leadership role pushing these mandates must step down.

The citizens of the city and surrounding cities expect states and federal leaders to stand for the constitutional rights of individuals against these corrupt mandates or face legal consequences.

Dee Delynn

Vaccine Mandate, Mask Mandate, Repeal City-Wide State of Emergency

0 views



Diane Grover <dgrover@maine.rr.com>
to publiccomment@portlandmaine.gov

10:41 AM (3 hours ago)

To Whom it may concern:

By now, we have all learned that the vaccines for Covid-19 do not stop transmission. They were developed and marketed to reduce symptoms and hopefully decrease hospitalization. Recently, there has been more information provided about this, and we have unfortunately seen Covid-19 outbreaks where 97-100% of the infected individuals are fully vaccinated.

Aside from these updates regarding vaccines, more recently top medical analysts have just stated that cloth masks and paper surgical masks do not provide the same protection as N95 masks do against the Omnicron variant. Just being out and about in the city, we see that the majority of people wear cloth and paper masks. Mandating that people wear masks is fruitless unless they are truly providing the protection needed, which would mean requiring patrons to only be allowed indoors if they have N95 masks. That is impractical and unsustainable.

Below are some links for your review.

US Navy Ship <https://www.wfla.com/news/national/us-navy-combat-ship-held-at-port-after-covid-breakout-among-100-immunized-crew/>

Cornell University: <https://www.cnn.com/2021/12/14/us/cornell-university-covid-cases/index.html>

CNN report on facial coverings: <https://www.cnn.com/2021/12/24/health/cloth-mask-omicron-variant-wellness/index.html>

Mandating a vaccine (or even a mask mandate) in the city of Portland to dine in a restaurant will merely give people a false sense of safety. The vaccines do not stop transmission and now we learn that unless people are wearing an N95 mask, they are probably providing little protection especially in crowded places.

Mandating vaccines and masks will, however, cause division, segregation, and most likely loss of business in an industry that is already suffering.

I hope that the people in charge of making decisions for the City of Portland carefully weigh the risks and benefits of these mandates.

Sincerely,
Diane Grover

Comment Regarding Proposed Mandates 0 views



Drew Soucy <whoisdrewsoucy@gmail.com>

11:42 AM (3 hours ago)

to publiccomment@portlandmaine.gov

My name is Drew Soucy, I am a long time service industry worker currently living in Portland, employed as a general manager at Lincolns, a small lounge-style bar here in the Old Port.

I would like to start by stating I am explicitly speaking as an individual and my personal views are not that of any establishment I work for. My sentiments are my own and not that of the business I work for or the employees that work for me; I encourage all of them to voice their own honest point of view on this matter, as reaching a solution in any matter is largely a collective effort.

Together we as a city and community are about to pass our two year mark since beginning our attempts to combat the spread of this virus and do our part to end this pandemic. We as a whole have used masks, social distancing, outdoor-only attendance, increased sanitation and cleaning, updated ventilation indoors, vaccination, and a variety of other methods to combat this viral infection.

Initially when this pandemic began there was widespread fear, lack of information being the major contributor to the pandemonium. We fear the unknown, this is to be expected.

But at this point in time we're two years into this pandemic. There is no longer widespread fear of the unknown. The public, the patrons out gracing our bars and restaurants with their presence, know exactly what the risks of being in public and enclosed spaces are, regardless of vaccination status.

They know that for two years we've had the population masked.

They know that for over a year now the majority of the population (especially here in Maine where we had a tremendously effective program for rolling it out quickly) has been vaccinated.

They know that for two years they've been told to stay away from friends and family, to limit time in public spaces, the list goes on.

They know that for two years they've lived in fear of transmitting an illness that may very well injure or even end the life of a friend or loved one.

In short, they know the methods we've been employing work in a minimal capacity at best, as evidenced by present day.

The mandates being petitioned (masks, proof of vaccination) have been proposed in an attempt to limit the spread of the Coronavirus, most notably the current Omicron variant. However it has been irrefutably proven over the last two years that masks (with the exception of N95 and above graded masks that are designed for transmission reduction) are ineffective, both due to compliance issues and choice of product. Cloth face coverings are unsanitary and ineffective, and disposable ones are a massive waste of product as well as a potential biohazard due to them being left on countless occasions in and around areas of bars and restaurants without being properly disposed of, containing bodily fluids in general, nevermind possible Covid-19 transmission.

The use of masks reminds me much of individuals that take supplements: the packaging explicitly states it will not accomplish what you want it to accomplish (mask packaging short of medical grade all have a disclaimer saying they do not prevent transmission of any disease, this is common knowledge at this point) but they still take it anyway in hopes it does help in whatever marginal capacity. I am of the opinion that the end result would be much the same with or without, as evidenced [here](#) with cases spiking almost identically to last year when the entire state of Maine had a mask mandate.

It is also quite clear that the vaccine does not prevent the spread of Covid-19, and to the best of my understanding this is not the purpose of the vaccine. Vaccination is available at this time to individuals

wishing to prevent the potential of severe symptoms if Covid-19 is contracted. As evidenced most recently by the string of cruise ships around the globe suffering viral outbreaks ([see here](#)) and nearly all of them requiring proof of vaccination for boarding, the spread of this disease is not contingent on whether the population is or is not vaccinated.

As such, the potential vaccine mandate for the purposes of preventing the spread of Covid-19 as well as the potential mask mandate would certainly not accomplish the goal we all want achieved: reducing the transmission rate of Covid-19.

Considering this point, what then do these mandates affect, should they be passed?

They affect the individuals we seek to care about the most here in Portland.

Our city thrives on hospitality and service to others. Those of us in the service industry work in it because it gives us pleasure to create an enjoyable experience for patrons to partake in. The customers that have graced us with their presence over the past year are looking for a moment's reprieve from constant fear. This sentiment is true for both individuals enjoying an experience at a bar or restaurant they believe to be safer due to proof of vaccination requirements or mask requirements as well as for the others who prefer their experience out in the world as "back to normal" as possible.

Both of these experiences hinge on one thing in particular: individual choice.

There is nothing, absolutely nothing, stopping any business in Portland or anywhere else from requiring proof of vaccination, requiring that customers wear masks, or anything else their heart desires. This is a right of businesses here in America. However the opposite is also true. Without tangible proof that establishments not requiring masks to be worn or proof of vaccination be shown are the root cause of this uptick of cases ([as was exactly the case last year at this time](#), when all establishments were either closed or forced to implement masks and yet transmission rates were nearly identical in the State) these mandates are an infringement on the rights of both businesses and patrons, markedly more detrimental to businesses, with no proof of effectiveness.

In short, it's a lot of work for no return.

And on the subject of patrons, we must also consider the original point here: we are no longer in the dark. Every single individual attending any kind of public event understands the inherent risks associated with close contact to others, especially in enclosed spaces. That evidence *is* there: prolonged exposure to symptomatic individuals in enclosed spaces will transmit *any* infectious malaise, including but certainly not limited to Covid-19 or Influenza.

This is public knowledge. It has been since long before Covid-19 was even a public concern.

And as such, now that we as a whole collectively understand what we're facing - a viral infection with flu-like symptoms, easily transmissible and potentially deadly to a small portion of our community - we absolutely must go back to treating it as we've treated any other similar condition, with the burden of responsibility not on the businesses and establishments of our city, but rather on the individual.

Any individual voluntarily attending a public event, entering a restaurant or bar, or taking part in any other activity requiring the participation of others, knows almost exactly what the risks of doing so are.

All of us drive or walk every single day. We do not leave our homes requiring every driver on the road show us or any authority proof of their license to operate a vehicle before entering a public roadway. We assume individual responsibility for the possible implications of being in an area where someone may very well be operating a two ton vehicle without the proper licensure and training to do so. It is a possibility. It is a fact of life. And it is the decision of the individual to proceed anyway regardless of this risk.

The same is true of any ailments contracted. The responsibility is on both the individual with the potential of spreading such an ailment to do the right, responsible thing and stay away from others until the potential for infection has passed as well as on the individual voluntarily entering the public, understanding that the potential for contraction of anything is always a possibility.

The responsibility for limiting the spread of Covid-19 is on us, the individuals of society, not on the businesses we operate or frequent as patrons.

As a closing note, I would like to note that individuals living in fear of contracting or spreading this virus are *at absolutely no point obligated in any capacity to attend anything at a bar or restaurant that makes them feel unsafe*, and I think all of my service industry friends and coworkers would encourage this. We want people to come out and visit our places of business, but *never* if it's at the expense of their sense of safety. And these are all places of voluntary attendance. There is never an obligation to go out to dinner at a specific restaurant, or to get a drink at a specific bar. Therefore any attendance is free will. We should treat this entire situation as such.

If someone is afraid of contraction or transmission at bars and restaurants, they should stay away from bars and restaurants, as is their right.

If someone feels safe dining at an establishment that requires proof of vaccination and/or masks, they should go there if they feel so inclined, as is their right.

And if someone feels safe grabbing a drink at an establishment that does not require proof of vaccination and/or masks - as has been the case since May 24th of this year with absolutely zero qualms from the general public - they should do so if they desire to, as is their right.

These proposed mandates are an emotional band-aid on what is a very real societal wound. They offer hope and comfort to a select, vocal minority with very little promise of return on investment. There is no evidentiary basis for these mandates.

I believe I share the opinion of many when I say I am a proponent of doing anything and everything possible that leads to a positive, productive, effective outcome regarding our current state of affairs here in Portland during this tumultuous time; these proposed mandates are not the solution we wish them to be.

Thank you for your time,

- Drew Soucy

For next week's city council meeting 0 views



Gilman, Edward <gilmane@northernlight.o... Dec 31, 2021, 9:57:04 AM (3 days ago)
to publiccomment@portlandmaine.gov

Thank you, and please let me know if you need additional information.

Ed Gilman

Director, Communications and Government Relations

Northern Light Mercy Hospital

175 Fore River Parkway

Portland, ME 04102

Office 207-879-3165

Cell 202-657-9363

gilmane@northernlight.org

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December 31, 2021

Dear Mayor Snyder and members of the Portland City Council:

On behalf of Northern Light Mercy Hospital, I want to thank you for your service to our community.

The story of Mercy Hospital began in the fall of 1918 with the Spanish flu, which was one of the greatest health crises in Portland's history. The Sisters of Mercy answered the call to serve their community then, and now, 103 years later, the call to serve remains stronger than ever.

Earlier this year we partnered with the Maine CDC to establish a COVID-19 mass vaccination clinic at the Portland Expo where Mercy staff and volunteers administered nearly 50,000 life-saving vaccinations. We also partnered with leaders of Portland's diverse communities to help ensure the needs of all were met.

Understanding that large clinics can be challenging to get to for some of our residents, our staff also set up vaccine clinics in locations that otherwise may not have access. Our clinicians continue to care for the most acutely ill COVID-19 patients requiring hospitalization and specialized care. We accomplish this through our outstanding and heroic employees who are committed to meeting the health care needs of our community.

As an employer, we responded to a labor market with limited applicants for our available positions with wage adjustments significantly above the state's minimum wage standards. While we are able to manage our resources to respond to wage pressures in the market, we will be challenged by an increased financial burden created by implementing an emergency wage standard for the city of Portland. Our greatest concern is for the social service providers in Portland and the negative impact the emergency wage standard will have on our vulnerable populations.

Nonprofit service organizations are highly dependent on grant resources and funding from the state and federal government. Unfortunately, government funding is inflexible in responding to increased costs for labor, goods, and services. Recent nursing home closures in Maine are examples of how government funding falls short of meeting the actual cost to operate a health care service.

Many patients in our care rely upon the social service providers in Portland to meet their needs, including behavioral health care, housing, food, substance use disorder treatment, and recovery resources. Since no new revenue is coming to these organizations to offset the emergency wage cost, we anticipate waitlists for services and potentially closures of the most vulnerable organizations. As a community safety net, we expect our already busy emergency department to be challenged with an increased

Northern Light Health

Acadia Hospital
AR Gould Hospital
Beacon Health
Blue Hill Hospital
CA Dean Hospital
Eastern Maine Medical Center
Home Care & Hospice
Inland Hospital
Maine Coast Hospital
Mayo Hospital
Mercy Hospital
Northern Light Health Foundation
Northern Light Laboratory
Northern Light Pharmacy
Sebasticook Valley Hospital

number of individuals seeking care when the community-based supports they rely upon are limiting access due to financial pressures.

We have seen the benefits of the federal and state governments declaring public health emergencies. The declarations brought COVID-19 vaccines to Maine, provided our clinicians access to monoclonal antibody treatments for COVID-19 positive patients, and critical labor assistance in the form of the National Guard and federal medical team support. However, we have significant concerns with how the ongoing local emergency declaration for the City of Portland is structured.

We believe there is an opportunity for the city to align masking standards with Maine CDC guidance through local ordinances. This would address the pressing public health needs in Portland while sparing local nonprofit social services agencies, many of whom are on the frontlines caring for our most vulnerable, from the harm caused by a new financial burden that is not resourced.

For these reasons, we respectfully request that you amend the declaration of a public emergency in its current form to eliminate the undue financial burden on our critical social service providers. Thank you for your consideration, and please reach out to me with any questions.

Sincerely,

Charlie Therrien
President Northern Light Mercy Hospital

Order 131-21/22 - Writing in support of face masks

0 views



Emily Connelly <emily.e.connelly@gmail.co... Dec 31, 2021, 3:55:34 PM (2 days ago)
to publiccomment@portlandmaine.gov

Dear Councilors,

I am a Portland resident. I'm writing in support of Order 131-21/22 Amendment to Portland City Code Chapter 17 Re: Face Covering Mandate.

Face masks are an easy way to cut back on the transmission of COVID-19 and other respiratory illnesses. Given the extremely high transmission rates across the country, and in our state, it is essential that we do all we can to reduce transmission.

While it is encouraging that we have such high vaccination rates for Cumberland County residents, we know Portland is a busy city that sees many people coming through to visit -- and we know that vaccines alone are not enough to prevent transmission of COVID-19 with the Delta and Omicron variants. Children under 5 are still unable to be vaccinated, and immune compromised people are also at higher risk when face coverings are not required. Workers are facing higher transmission rates as well, and should be protected rather than having to deal with unmasked people coming into their stores. I know I go out of my way to visit establishments that do require masks, out of concern for my own safety, my children's safety, and higher risk family members.

Thank you, and I hope you do pass this amendment.

Emily Connelly
80 Bartley Ave
Portland ME 04103

--

Personal pronouns: she/her/hers

Cumberland County Resident Submitting Comment to Council

0 views



mainersforfreedom <mainersforfreedom@proton... Jan 2, 2022, 4:24:29 PM (21 hours ago)
to publiccomment@portlandmaine.gov

To the members of Portland City Council,

Thank you so much for your time and energy served on the city council. It is undoubtedly a thankless job at times.

I write to you as a healthcare worker of 18 years and a Registered Nurse of 13. I have served the good State of Maine in three different hospitals and one home health agency, including MMC and MHCAH. It has been my privilege to serve the citizens of Portland. As a healthcare professional it is my duty to educate individuals on ways to maintain their health and prevent chronic disease. I must honor their right to medical privacy, informed consent and their right to decide what is best for their bodies. These rights do not end at the hospital doors. We are all entitled to them at all times.

I have been alerted to a petition circulating that involves a request for a city wide vaccine mandate for restaurants in Portland. I have grave concerns not only for a persons basic right to medical freedom, bodily integrity and personal autonomy, but the welfare of the economic status of each and every effected business, more-so the smaller ones.

When the heads of the hospitals came together and asked the Gov for a statewide mandate, our already fragile healthcare infrastructure took a tremendous hit and is barely hanging on in some places. Many healthcare workers left the field as a result. The staffing shortage and burnout is astronomical. An increasing amount of vaccinated individuals are contracted COVID19 as the efficacy of the injection wears off over time and as the virus mutates. Many people do not want to subject themselves to injections every 6 months for a virus that has a 99% survival rate. Placing a mandate is therefore unfounded in science and a violation of civil liberties.

I would ask that you not institute a city wide mandate of any kind (masks or vaccines or proof of negative test) and allow the good citizens of Maine to make decisions for themselves as a free society calls for.

Thank you again for your time and attention on this matter.
Respectfully,
Emily Nixon, RN

Sent with [ProtonMail](#) Secure Email

Please Read - Opposition to vaccine/mask mandates

0 views



Eric Lindgren <ericlindgren28@gmail.com>

10:10 AM (4 hours ago)

to ksnyder@portlandmaine.gov, pali@portlandmaine.gov, afournier@portlandmaine.gov, rrodriguez@portlandmaine.gov, atrevorrow@portlandmaine.gov, vpelletier@portlandmaine.gov, tchong@portlandmaine.gov, azarro@portlandmaine.gov, mdion@portlandmaine.gov, publiccomment@portlandmaine.gov

Portland City Council,

As a Portland resident, a born and bred Mainer, and a devoted food and beverage industry worker for over ten years, I stand in strong opposition to any imposed vaccine/mask or other mandates upon this city.

This decision is short sighted and goes against much of what Portland has come to represent. It also goes against the core human right of medical freedom. We preach and support equality and open mindedness in our city. I am proud to see this in the evolution of Portland and how it has become so accommodating and welcoming to so many.

Where has the emphasis on these values gone? Why do so many now seek to exclude the very people that kept their businesses open and afloat for over a year before a shot was available to the general public? Many still patronize your businesses who are unable or unwilling to receive an experimental, one size fits all, quickly marketed medicine. Have you forgotten about the principle of "My body, My choice"? Despite what mainstream media has marketed, unvaxxed individuals pose no greater threat than vaxxed. Furthermore, what was the point of taking the shot in the first place? What safety does it provide now if you are still looking to segregate vaxxed and unvaxxed?

You tout your concern for healthcare workers. These same people you called essential a year ago. There are now shortages of said workers because they have become reluctant to receive further doses upon experiencing first hand the inefficacy of the shot. They know it doesn't stop transmission. They see the up tick in cardiac and circulatory issues (especially in adolescents). Many have been fired over refusing to be injected or take additional doses. Where is your care for those people now? Are they no longer essential despite their tireless service to the community for nearly a year before the shot was available?

Government exists not to keep us safe, but to keep our liberties safe. We have seen in this country and all over the world, those same god/source given liberties evaporating under the guise of "greater-good" and government overreach. Protecting people's ability to make an informed medical decision is of utmost importance. Vaccines are not unanimously safe and effective. I know this first hand as I have a 40 year old sibling who continues to struggle (and require 24 hour care) with a debilitating seizure disorder which began 2 days after receiving her bundled 9 month vaccines. She had no prior health issues and had exceeded all developmental milestones to this point. The vaccine she received was later reformulated in the mid 80's, giving way to the removal of all liability for manufacturer's with the National Childhood Vaccine Injury Act. There are many in our community and state with this shared experience.

That is a very important thing to consider in all of this. Vaccine manufacturers have NO liability. That is a fact, not partisan opinion. Consider this long and well for yourself, your community, and our children and their futures.

It remains that there is no long term safety studies or data regarding these vaccines. We won't truly know the safety and impact they have had on our bodies for years to come. Manufacturer's have petitioned the supreme court to suppress any of their data and studies for development of these shots for 50 years. Does that not seem like a red flag?

What will be felt more immediately is the backlash the food and beverage industry will feel from further limiting people's ability to move about freely in their communities. This is a dangerous step towards creating a second class of citizens. I fear this opens the door to grocery stores following suit and other

public resources being withheld from those unwilling or unable to get the jab. Do you really believe members of your community don't deserve to eat or feed their families as a result of being unvaxxed?

Portland is a place that used to stand up for the rights of everyone. I was proud of that Portland. Proud to call it home. Proud to start my family here. Proud to embrace and surround myself with such a diverse community of people. I don't want to see it take a turn towards exclusionary measures that will be difficult to reverse and fuel division and othering.

Please take a pause to consider these things before voting today. Tune out the static and fear we are relentlessly being subjected to. Tap into your intuition. Besides love, it is the greatest inherent gift we as humans have been given.

Peace and Love,
Eric

--
Eric Lindgren
[207-590-5357](tel:207-590-5357)

upporting Proposed Masking Ordinance 0 views



Erin Kiley <erin@portlandfleaforall.com> Jan 2, 2022, 11:09:19 PM (14 hours ago)

to publiccomment@portlandmaine.gov, Kate Snyder, pali@portlandmaine.gov, mdion@portlandmaine.gov, azarro@portlandmaine.gov, afournier@portlandmaine.gov, Tae Chong, vpelletier@portlandmaine.gov, rrodriguez@portlandmaine.gov, atrevorrow@portlandmaine.gov

Dear Councilors and Mayor Snyder,

I'm writing to strongly encourage you to please pass the proposed Mask Mandate on the Council agenda. Do you remember when local governments started prohibiting smoking in public places? First it was on planes, then in offices, then in bars and restaurants, and now you can't even smoke in most parks because it's a nuisance and a threat to public health. When those laws were first proposed, (mostly) smokers protested on the grounds that smoking was a personal choice, and that if people didn't want to expose themselves to smoke, they could go somewhere else. But much like an airborne virus, the choice doesn't really exist for the bystander. One smoker, or one unmasked person with Covid takes the choice away from everyone around them, directly putting them in harm's way. Sometimes, governments have to take care of people who don't want to take responsibility for themselves, or who don't believe their actions affect others. It's why seatbelts, and building codes and drunk driving limits exist. It's why you can't scream "fire" or "bomb" in a public place. Because other people get hurt when rules aren't set to rein in bad behavior.

We're in the midst of a global pandemic that has brought the entire world to its knees with its speed and force, and yet we're still pretending any of this can be controlled by just asking people to do the right thing. "Personal responsibility" is only a valid metric when behaviors don't endanger other people. A person not getting vaccinated and not wearing a mask and going out into the public sphere creates a public risk - not a personal one. Therefore we need to tackle this crisis with public responsibility, not personal responsibility.

When looking only at the science, masks are least effective when the carrier is not wearing one and the non-carrier is; they're slightly more effective when the carrier is and the non-carrier isn't; and they're highly effective when both the carrier and non-carrier are wearing them. Employees can wear a mask all day, and they're still only as safe as what their patrons and coworkers choose to do - not just in that room, but in their daily lives before they got to that room. We remove any semblance of safety from the situation if there are not equal, enforced protections in place for everyone there. I've seen how strict you are about liquor licenses, and fire safety walk throughs, and residential building standards... and all for good reason because people will die if you get it wrong. In 2014, six people died in a horrendous, tragic house fire. The City got to work immediately, developing a better housing safety apparatus, registering and inspecting units, making sure we never had a preventable tragedy like it again. You did exactly what government is meant to do. Well 1,531 Maine people have died from Covid because there weren't common sense protections in place to save them. Now, we need you to act again, and put an end to the loss of lives and livelihoods from this completely preventable disease.

I know the three Council members still deliberating on this mask mandate can make this decision from the safety and comfort of their living rooms, behind Zoom screens. But there are thousands of us who have no choice but to show up and work, and put ourselves at the mercy of public responsibility. We have elected you to make sure Portland is a safe place for all of us. Please pass Councilor Zarro's proposed mask ordinance, and let's get back to the work of tackling this crisis as a community.

Thank you for your time and care,

Erin Kiley
Portland Flea-for-All
585 Congress St.

Mask/vaccine mandate 0 views



hmacdonald <hmacdonald12@protonmail.com>

12:03 AM (13 hours ago)

to publiccomment@portlandmaine.gov

Dear Portland City Council Members,

I am writing to encourage you to reject any further mandates to Portland residents and visitors. The world is under attack by evil people that have unleashed egregious harm to humanity. These people have used to media to manipulate humanity into believing that there was a deadly virus with no treatment for the sole purpose of stripping all of us of our God-given rights and freedoms. Turns out, there is safe and early treatment, but it's vilified by the media, and doctors whom choose to prescribe it, are fired and stripped of their medical licenses. Medical professionals whom speak the truth are fired and scrubbed from the internet. Therefore, it is very difficult for many to get accurate information regarding COVID.

There has not been any study over the past two years that has proven masks were effective against transmission of a virus. Yet, citizens are forced to wear them. Now, the CDC finally admits that paper and cloth masks do not stop the spread.

The reason why some of the most effective early treatment has been blocked, is because, if there was treatment available, a vaccine would not be able to be put on the market. These vaccines were touted as safe and effective and the only way to stop the spread. It's now very clear that none of this is true. The CDC has admitted that the vaccines do not prevent one from getting infected nor spreading COVID. The Vaccine Adverse Event Reporting System (VAERS) shows that the vaccines are not safe, with over 19,000 Americans reported killed by the vaccine and millions permanently disabled. Looking at the vaccine rates among states and other countries, those places with the highest vaccination rates are also the places with the highest COVID rates of infection. Also, when you compare hospitalization rates between 2020 and 2021 in Maine, the hospitalizations increased as the vaccination rates and boosters increased.

When the issue of vaccine passports arises, we really need to look at where this came from and why, to fully understand how we got here. I will attach a video with Catherine Austin Fitts, whom was a federal employee under the Bush administration. <https://rumble.com/vro3sb-live-catherine-austin-fitts-and-dr.-michael-palmer.html> Since she worked for the federal government, she was privy to the intel. She described a plan created decades ago to enslave humanity through vaccine passports. This would then lead to a card that contained all medical and financial information. We would be given strict rules to follow and if we disobeyed, access to our own assets would be halted. They have a plan to lock us down permanently and close all small businesses (including restaurants).

More and more information is coming to light daily and Dr. David Martin speaks to crimes against humanity trials that will soon begin in this video <https://rumble.com/vrhud9-live-dr.-david-martin-explosive-covid-analysis-best-of-2021-most-viral-mome.html>

We are at a crossroad in human history and it's up to each of us to decide if we will be on the side of good or evil. I stand with American pride everyday, knowing that I choose good, and I hope you will all join me.

If you would like to research the doctors whom have spoken out about what they have witnessed, please visit rumble.com and search: Dr. Jane Ruby, Dr. Bryan Ardis, Dr. Joel Hirschhorn, Dr. David Martin, Dr. Carrie Madej, Dr. Zelenko, Dr. Ryan Cole, Dr. Christine Northrup, Dr. Robert Malone, Dr. Sherry Tenpenny and Reiner Fuellmich

Thank you for your time,
H.MacDonald

Sent with [ProtonMail](#) Secure Email

Vaccine requirement to dine in Portland 0 views



Heather Lightle <hlightle@gmail.com>

7:07 AM (6 hours ago)

to publiccomment@portlandmaine.gov

Dear Portland City Council;

My name is Heather Lightle, and I am a resident of Scarborough. My family and I regularly visit and dine in Portland.

By now, we have all learned that the vaccines for Covid-19 do not stop transmission. They were developed and marketed to reduce symptoms and hopefully decrease hospitalization. Recently, there has been more information provided about this, and we have unfortunately seen Covid-19 outbreaks where 97-100% of the infected individuals are fully vaccinated.

Aside from these updates regarding vaccines, more recently top medical analysts have just stated that cloth masks and paper surgical masks do not provide the same protection as N95 masks do against the Omnicron variant. Just being out and about in the city, we see that the majority of people wear cloth and paper masks. Mandating that people wear masks is fruitless unless they are truly providing the protection needed, which would mean requiring patrons to only be allowed indoors if they have N95 masks. That is impractical and unsustainable.

Below are some links for your review.

US Navy Ship <https://www.wfla.com/news/national/us-navy-combat-ship-held-at-port-after-covid-breakout-among-100-immunized-crew/>

Cornell University: <https://www.cnn.com/2021/12/14/us/cornell-university-covid-cases/index.html>

CNN report on facial coverings: <https://www.cnn.com/2021/12/24/health/cloth-mask-omicron-variant-wellness/index.html>

Mandating a vaccine (or even a mask mandate) in the city of Portland to dine in a restaurant will merely give people a false sense of safety. The vaccines do not stop transmission and now we learn that unless people are wearing an N95 mask, they are probably providing little protection especially in crowded places.

Mandating vaccines and masks will, however, cause division, segregation, and most likely loss of business in an industry that is already suffering.

I hope that the people in charge of making decisions for our wonderful city carefully weigh the risks and benefits of these mandates in the City of Portland.

Thank you for your time and consideration,

Heather Lightle

Sent from my iPad

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

From: **Holly Lord** <holord2@gmail.com>

Date: Mon, Jan 3, 2022 at 9:40 AM

Subject: Indoor mask mandate

To: <info@portlandmaine.gov>

Please, please endorse an indoor mask mandate!!!! I am a healthy 76 year old who has had all the vaccines and wears a mask indoors. Yet there are many who do not wear a mask indoors and they can spread omicron and other soon to arrive variants. Several of my friends have started coming down with omicron despite masking and vaccines. NOT fair that those who don't play the by the rules get to control those who do!!!!

Please do the right thing and restate indoor mask mandates!

Holly Lord
Portland

Sent from my iPhone

Public Comment for 1/3/22 Council Meeting 0 views



Hunter Wood <woodhr4@gmail.com>

12:00 PM (2 hours ago)

to publiccomment@portlandmaine.gov

Good morning,

I would like to provide written comments to be included during today's council meeting, specifically regarding Order 131-21/22 and a potential re-instatement of face coverings, and potential government supported proof-of-vaccination mandate for indoor businesses in the city of Portland.

I have included the document which is actually larger letter addressed to the Mayor of the City of Portland. The comments that are specific to the agenda item in question begins on the bottom of page 5 with the bold and italicized text reading "As a business owner, I support a proof of vaccination or mask as requirements to enter my business, and think it would be more effective if my city mandated it across the board."

Thank you for your time.

Very Respectfully,
Hunter Wood

25 Abbott Street, Unit 2
Portland, ME 04103

Mayor Snyder and Portland City Council,

I am writing this to provide you with an unbiased and logical rationale that would seek to prevent the city of Portland from implementing any sort of indoor mask mandate or proof of vaccination requirement to enter indoor (or any) businesses. Having paid enough attention to both mainstream and non-media, I feel as though most individuals, regardless of what “side” of the political spectrum they fall on, are not addressing the deepest, most significant issues of government imposed mandates. It is my intention to provide a rationale that demonstrates both immediate and long term consequences of such mandates. It is my aim to break each component argument in support of government mandates into the smallest, most digestible unit: the individual. It is my perspective that the reason western society is in possession of the most successful socioeconomic and political systems in human existence to this date is the idea that we as a society have prioritized the inalienable rights of the individual human being. These rights include the obligation to accept responsibility for our own actions and decisions, because we are an individual autonomous unit, capable of acting on our own behalf and in our own self interests. We cannot selectively rescind rights from individuals based on vaccination status for a myriad of reasons, particularly with the scientific data and objective facts that we have currently. Historically, governmental legislation which seeks to or effectively divides its people into groups of “us vs. them” has a clear track record of ending in atrocity (see Nazi Germany or the former Soviet Union). While I don’t believe we are an impending calamity just yet, we are knocking on the door of an extremely slippery slope.

The way I am going to lay my arguments is somewhat crude: I will start by stating a basic argument for why proof of vaccination requirements or mask mandates are necessary along with what I believe to be a well-intentioned rationale, and then provide counterpoints. I will continue in a narrative fashion introducing new points along the way.

If vaccine passports and mask mandates are necessary, we have to be able to answer a very simple question: why are they necessary, and is the justification valid enough to retroactively rescind the rights of specific individuals (the unvaccinated)?

The vaccine and/or face coverings are safer for everyone. The vaccine data has shown that it is not only highly effective at preventing COVID altogether, but at preventing hospitalization should you contract it. The vaccine is free and readily available, so if someone wants to go to a bar or restaurant, they just have to go get vaccinated. (In some instances, this might also be phrased as “can get vaccinated, or wear a mask”).

It’s a good point - that it would most likely be safer for everyone (although “safer” is not clearly or easily defined, and “safer than what?” is a valid question). The evidence seems to support that the vaccines work, and assuming you don’t believe the government is out to inject everyone with a GPS tracker and listening device, there don’t seem to be very many reasons to not get the shot. As a side note and for the sake of argument, we need to assume that “anti-vaxxers” are different from those who are hesitant about the COVID-19 vaccines. Anti-vaxxers make up a relatively small portion of the population and oppose most “everyday” vaccines. Those who are

hesitant about the COVID-19 vaccine have reasons to be hesitant, particularly the lack of human clinical trials on the vaccines. Personally, I chose to have a little faith and confidence in the scientists who developed the COVID-19 vaccines, but that doesn't mean everyone will feel the same. The amount of money provided to pharmaceutical companies with links to our political system and lobbyists is unsettling, and doesn't exactly elicit a warm feeling of trust in either entity. With that being said, it seems that nothing horrifically bad has happened to the vast majority of those who have been vaccinated, so at this point it may be safe to say there is now a year or more of human data, the likes of which is actually far more representative of true life conditions than you could ever get from clinical trials.

The argument is sound, up until the point at which we suggest participation in daily life requires either a vaccine or a mask.

Prior to March of 2020, no public establishments in the United States (at least no significant number) required any sort of verification of vaccination status, current health, symptoms of illness, or face coverings. This is important: *the baseline operating conditions in our societies and in public spaces up until 2020 do not include a vaccination record or any form of status verification (save, a driver's license for entering a bar)*. I understand that many schools require vaccination records for attendance, but these requirements apply to institutions with minors, upon which we already limit participation in parts of society. Once you're out of school, the government no longer requires you to be vaccinated. Colleges and Universities are institutions that can require vaccination, but it is not mandated by the government.

We need to be trending in a direction of "back to normal" with regards to people walking around without masks or vaccine cards, not normalizing the idea that an individual must EITHER be vaccinated, OR wear a mask and be limited in what public spaces they can access. A fundamental idea to this argument is that as a society, *no one other than the individual themselves has any right or power to decide what is best for that individual*.

I cannot force you to eat less junk food or sugar. I cannot stop you from purchasing cigarettes. I cannot compel you to exercise and get sunlight, even though mandating all of those things would theoretically be better for you and better for society as a whole. I cannot do those things because it is your right to act on their own behalf, and it is your obligation to accept the consequences of those actions. A follow up to this might be ***"you're right, but all of those things only impact that person. Not getting vaccinated might make me or someone else who is already immunocompromised sick, so it's not just bad for them, it's bad for all of us"***.

Anyone can choose to get vaccinated. Anyone can choose to wear a mask. Anyone can choose to adopt a healthier lifestyle. Anyone can do some form of exercise, and eat a diet of real foods with minimal sugar to ameliorate the likelihood of serious harm or death should COVID be contracted. Right now, everyone has access to any and everything that would be statistically more than 99% effective at preventing death from COVID-19. All of the tools are available, which brings us back to one of our original questions: if there are plenty of things individuals can

do to protect themselves, why is there a need to make sweeping mandates over 100% of the population?

On March 9th, 2021, [CNBC published an article](#) that said “About 78% of people who have been hospitalized, needed a ventilator or died from Covid-19 have been overweight or obese, the Centers for Disease Control and Prevention said in a new study Monday.” In a country where [more than half](#) of its population is considered overweight, obese, or morbidly obese, we have to be asking ourselves what we at the individual level can do to take responsibility for our own health first, rather than imposing what we believe to be “healthy” on others. As of January 2nd, 2022 using “Our World in Data”, there have been roughly 825,000 COVID deaths in the US all time. Last year, 1.7 million Americans [died from a chronic disease](#) (lifestyle related illness such as diabetes and heart disease), and chronic disease is a cause in 7 out of every 10 deaths in the US. In all COVID deaths, 94% [of deaths had on average 2.6 additional comorbidities](#), most of which were chronic lung conditions, hypertensive issues, cardiovascular disease, or diabetes (predominantly lifestyle related illnesses).

While many of these statistics seem daunting, we actually need to think objectively and realize how small they actually are. In a country with a population of 333,000,000 people, 16% of the population has tested positive for COVID, and of that 16%, COVID has had some role in the death of 1.5% of those infected. Over the entire U.S. population since 2020, there is a 0.24% chance that you will die from COVID, not including how your personal health plays into those odds.

This is going to sound incredibly crass and dispassionate, but it is something we are all obligated to think about. If “mandates would encourage people to do what is safer for everyone, and protect those who have chosen to get vaccinated”, we have to consider that “everyone” is a very small segment of the population, and instituting proof of vaccination or mask mandates over 100% of the population would be a violation of everyone’s individual basic liberties in an attempt to protect a disproportionately small number of people, the majority of whom are not only already chronically ill, but who can also become nearly as protected as anyone by becoming vaccinated. While it would be “safer” if 100% of the population became vaccinated, that logic is unrealistic and irrational. We would all also be safer and healthier if everyone stopped smoking, excessively drinking alcohol, and slept for 8 hours every night. We cannot retract fundamental rights to participate in society from individuals who choose not to do something that others or even science proves to be “best”. Part of the human condition is that we allow people to do things that are, for a lack of a better term, dumb. We allow people to do dumb things because we believe people can make their own way through life, and simply must deal with the consequences of their actions. We do not impose laws upon people that tell them to make smarter decisions because there is no way to define what a smart decision is for everyone, all the time.

While all of this sounds extremely ominous, there is good news: individuals can get vaccinated. Anyone has the ability to get the best man-made protection that exists in the form of the vaccine. The information is out there, and rather than implementing government mandates, we

need to be rational and spread accurate information, and then let individuals decide for themselves. We do not need to implement population-wide mandates because we know that part of our role as humans in a society is to take care of ourselves, or accept the consequences and responsibility for not doing so whether that includes vaccination or not. People who choose to become vaccinated thus far have proven to be much less likely to experience severe symptoms or hospitalization, as the data indicates. Most of those in emergency rooms are unvaccinated, and we need to accept that the responsibility for that is on the individual in the same way it was their right to choose to not become vaccinated.

We allow individuals to make poor decisions about their health all the time with no legal or societal ramifications despite the fact that heart disease, and diabetes alone cost the United States and its taxpayers nearly \$700 billion every year. We are perfectly willing to allow individuals to drink soda, smoke cigarettes, and eat junk until they require daily medication and are literally incapable of walking, but we are somehow unwilling to allow a perfectly healthy person to enter an indoor establishment without providing proof of vaccination? Most people would agree that the government mandating businesses to either check for an up-to-date gym membership ID card, or make patrons run a mile before entering their establishment would be a ridiculous intrusion and unfair abuse of power on its citizens.

It baffles me that despite the mountains of evidence that a basic, healthy lifestyle would be more than 99% effective at preventing death from COVID is not the predominant narrative we are providing people. Instead, it is a “get vaccinated or we don’t want your kind in our society or businesses” mindset that is absolutely crushing our country morally and financially.

“Our healthcare systems and hospitals are overflowing and at risk of becoming overrun. Even if you’re not sick with COVID, it could take a long time to get seen for a basic medical problem you could encounter.”

I do not have a logistical solution to the lack of bedspace and resources in hospitals. Having heard first hand reports of overwhelming numbers of phone calls and emergency room visits, I empathize with an overwhelmed healthcare system. I believe our news outlets, political institutions, and the current state of our social relations has amplified our already heightened propensity to receive bad news, and has heavily contributed to “scaring” people more than they need to be over an all-time nationwide 0.24% death rate. This is not to say there is no problem, but convincing people to stay indoors and avoid social interactions for months has proven to have far reaching health ramifications that is contributing to the current bedspace crisis, and has delayed our return to “normal”. While the lockdowns of 2020 may have provided an immediate dip in the number of positive COVID cases, the ramifications that citizens at all levels are now dealing with including mental and additional physical health issues may end up costing all of us far more than the virus itself.

It’s important to bring back the statistics on hospitalizations here and note that 78% of those hospitalized were overweight or obese. The majority of individuals who contract COVID are not ending up in the hospital, and we need to be asking ourselves why that is. Proof of vaccine

mandates won't make the already susceptible population nearly as protected as improved lifestyle choices will. I understand that lifestyle changes mentioned earlier are not nearly as "simple" as an injection or a mandate, but once again we cannot exchange the basic rights of the entire population for a small increase in protection for the relatively few. The bottom line is that we as a society cannot prevent a segment of the population from participating in certain parts of society (e.g. going to restaurants, bars, gyms, etc) unless they comply with "wear a mask or get vaccinated - you can do one or the other". We need a solution to our medical system, but it is not arbitrary mandates.

Instead, this is where the government could make a positive difference: by taking the current science on diet, exercise, sunlight, stress, hydration, and other simple yet unbelievably powerful mechanisms for improving our overall health and educating as many people as possible as quickly as possible. There is a segment of the population who uses their lack of faith and confidence in the government as a rationale for not getting vaccinated. If the government and media were to provide accurate information on the benefits of exercise, eating a diet low in refined carbohydrates, vitamin D (sunlight), and other lifestyle related remedies that would reduce your risk of becoming severely ill from COVID, I think individuals would feel far more empowered to do things about it and far less resistance to vaccination. This may mitigate the need for mandates of any sort in the first place. Essentially, it's a trust issue. It is my contention that if a city were to fully embrace the idea that we can improve our own health through lifestyle related changes, we would not only ease the burden on our hospitals but mitigate the amount of individual suffering by staggering margins. It is no surprise to me that working as a fitness coach throughout the pandemic, I have watched literally dozens of healthy individuals contract COVID and experience little more than basic flu symptoms before returning to normal activity, including myself.

I would feel more comfortable if I knew that wherever I went I would be only around those who are vaccinated as well.

Forgive my bluntness, but *feelings* are not a reason to tinker with an individual's basic rights, period. That is a dangerous precedent to set that has historically brutal consequences. "Feelings" of groups of people cannot be turned into legislation enforceable by police and legal action. That's absolutely absurd. If we begin instituting rules and regulations based on subjective feelings, there is no longer a definitive moral line we could not in theory cross.

As a business owner, I support a proof of vaccination or mask as requirements to enter my business, and think it would be more effective if my city mandated it across the board.

This is one line of reasoning I have seriously struggled to wrap my head around, and has only come to my attention in the recent [petition](#) started by Portland business owners that is actually asking the government to impose mandates upon themselves, and so that they can more easily enforce rules they support on others while compelling everyone else to do the same. There are too many things wrong with this line of reasoning that it is mind numbing, the first and simplest of which is that patrons will simply leave the city of Portland and its businesses. Citizens can drive an additional 5 minutes in essentially any direction to visit an adjacent city. To think that

mandates over a small geographic area would make meaningful change in how protected individuals are is illogical, which makes the next line of reasoning extremely unnerving.

As a business owner, you are saying that it would be too difficult for you yourself to gain compliance over your customers and potentially even your staff, so you would instead prefer that the government impose the mandate for you so that you can more easily enforce the power of that mandate on others.

I believe businesses have the right to serve or refuse service to whoever they choose, but they do not have a right to bring legislation to bear on all indoor spaces and therefore all of the people within a city, for any reason. A business that is concerned about not being able to enforce a rule or regulation that they create on their own is, for lack of a better term, their own problem. The result of this sort of thinking is that business owners (who are also just citizens like the rest of us) can now effectively leverage the power of the state to enforce laws that discriminate between members of society who choose or choose not to get vaccinated. This is either a well-intentioned call to protect the sick (we've outlined alternative means to make this happen above), or a more malevolent desire to impose ideological power upon our fellow human beings. In a period where "equality" and "inclusivity" are seemingly part of everyone's daily vocabulary, we need to remember that regulating the lives of individuals based on vaccination status is exactly the discriminatory behavior so many social movements are supposedly trying to eradicate. If you believe that all human citizens should be subject to fair treatment regardless of race, ethnicity, social class, income level, etc., then you must also extend that distinction to those who choose to not become vaccinated, regardless of whether you like it or not.

The desire for government intervention as a means to create compliance should be a massive red flag for everyone simply based on the fact that the inability for a business to enforce a rule *within the business itself* proves that the rule itself has too many problems to realistically implement and enforce without negative consequences. Like individuals, businesses must accept the consequences of their actions. Like individuals being able to choose what grocery store, restaurant, bar, or gym they patronize, businesses may select who they want to serve, but they cannot compel any individual to do so. Businesses have the right to refuse service to those who are unvaccinated, but must deal with the consequences of their decisions, and the free-market actions of individual choice. We cannot enter into a society where participation in daily life forces patrons into the moral dilemma of "get vaccinated or wear a mask, or you may not enter this establishment under threat of police intervention or legal action."

Important issues require deep, thoughtful, and meaningful criticism. They cannot be condensed into a soundbite or short segment on television or online simply because they are difficult and not easily agreed upon. Proof of vaccination and mask mandates are not issues that should be imposed without substantial and detailed scrutiny and analysis, because a failure to do so is a step toward the erosion of basic, fundamental rights bestowed upon every member of our society. There are ways to make each other safer and healthier, and bring us back toward some semblance of normalcy, but rigid government imposed mandates will almost certainly do more

harm than good. If we begin accepting the creation of legislation that compels individuals to conditionally participate in broader society with mandates that would otherwise be against the free will of the individual, we begin down an extremely dangerous path that is counter to the fundamental principles that have made our societies the most successful and free in human history. Leave individuals alone to make their own decisions, and leave individuals alone to manage the consequences of their own actions, period.

Very Respectfully,
Hunter Wood

Freedom! 0 views



Ian Johnson <ianjohnson18@gmail.com>

7:38 AM (6 hours ago)

to publiccomment@portlandmaine.gov

Dear Portland City Council,

I am beyond shocked that the idea of mask mandates and vaccine passports is up for question in the United States, and especially in Portland Maine. I feel that Maine has always stood for freedom and doing things right. It has been proven time and again that 1. Masks do not work to stop the spread of Covid or any other virus 2. Vaccine injuries are higher for the Covid 19 vaccine than any other vaccine in history. If you chose to move forward with this you damage this city far beyond what it has already had to endure. I know myself and many others will make plans to move to a more "free" society.

Do you not see Nazi Germany's history repeating itself in these mandates? Asking for papers and forcing people to behave in a certain way? What would our forefathers think? What does our Constitution say? Do you know? I suggest you go back and read it!

Please look at these websites to see the proof:

<https://wonder.cdc.gov/controller/datarequest/D8%3Bjsessionid=A87404DD7FC6C0CFD3F7D417BED6>

<https://vernoncoleman.com/bannedmaskbook.pdf>

<http://brentkinglmt.com/why-face-masks-do-more-harm-than-good/>

If you care about your children and the future of our great country, you will not pass these mandates. There has been an intense campaign to push the severity of this virus and make it appear far more dangerous than it actually is, the media has played us all and it is time we tell the media and politicians that we have had enough.

"The only thing we have to fear, is fear itself" F.D.R.

Thank you and God bless,

Ian Johnson

NO to Mandates!! 0 views



IHJ4 <IHJ4@protonmail.com>
to publiccomment@portlandmaine.gov

10:51 AM (3 hours ago)

NO TO MANDATES NO MAKES! NO VACCINES!

**Thanks for trying to ruin everything good about Portland with your FEAR
MONGERING!**

There is absolutely NO Evidence that a mask will do anything but cover your face and
hold in disgusting germs for you to breathe back in.

Who is going to buy those expensive masks required? Will each business have to
buy the non cloth non paper masks? Who is going to police this the low paid
employee? This is a horrible plan as well as trying to create a vaccine
mandate. Look around it is not working in NYC there rates are so high and business
are all going under, suicide rates are up, mental health is in the toilet, violence has
increased.

Do YOU want to be personally responsible for loss of income
and creating an atmosphere of hate, division and anger amount the people of
Portland?

Think beyond your FEAR of something that has over a 90% rate of recovery.
STOP the hate and Fear and get rid of the useless Emergency Order!!

Sent with [ProtonMail](#) Secure Email.

Mask Mandate 0 views



Isaac MacDougal <isaacmacdougald@gmail.com>

12:53 AM (12 hours ago)

to publiccomment@portlandmaine.gov

Councilors,

I am writing to ask that each of you support Councilor Zarro's mask mandate proposal. It is my belief that we need immediate and effective measures to slow the spread as soon as possible and Councilor Zarro's proposal provides this in an efficient and equitable way. It is exactly what many of you called for the evening of your December 20th Council meeting. I would also like to share my belief, as a local progressive business owner, that we are no longer in a state of emergency. We are entering the 3rd year of this pandemic and everything that is currently happening, although a worst case scenario, was easily predictable. This is not the emergence of a crisis but the continuation of one, and it is the job of the council to address what will be an ongoing problem with the ordinary tools at hand, not the extraordinary tool of continuing a state of emergency.

I agree that minimum wage should be higher but holding public health hostage in an attempt to push an economic agenda is a tactic that has no place in our local politics. I understand that some of you feel conflicted on this matter, but I implore you to remember that once elected, each of you represents every resident, not simply those who chose to cast their votes for you. Each of you have had the opportunity to work on a solution to this urgent threat to our public health; now is the time to prioritize this effort to keep all of Portland safe in the most fair and equitable way possible to your constituents.

Gratefully,

Isaac MacDougal

Owner

Cocktail Mary

229 Congress Street

Portland, Maine 04101

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Isaac MacDougal (207) 400- 4100



Julie Kiger <julie@portlandpoweryoga.com>

11:15 AM (2 hours ago)

to publiccomment@portlandmaine.gov

Hello and Happy New Year,

I understand completely and acknowledge with that we all want to do what we can to mitigate the community spread of COVID 19 in Portland, to the extent that we actually can.

I am writing today to ask you to either:

- a. not pass this mask mandate so that we may keep mask wearing optional at our place of business, or
- b. be more explicit in the language for an exception for places of business where customers are engaging in vigorous exercise

The reasons for my request are as follows:

-I am doing everything that I can do mitigate the spread of COVID at my place of business. I have invested thousands of dollars and time in proven and effective air filtration and ventilation, along with

implementing measures to reduce the overall amount of time that people are together at the studio, as well as reducing our class capacity to ensure physical distancing of yoga mats. We are always practicing strenuous and consistent cleaning. In fact, we have had zero transmission of COVID at my place of business.

-My business is centered entirely around an activity that, for most people, cannot be done with a mask: exercising vigorously in a hot, humid environment.

-My business cannot stay open and survive the lack of revenue that would come from enacting a mask mandate, putting the livelihood of not just myself but my employees at risk, especially when you have not offered any funding to make up for lost revenue if this were to pass and become law. The reason why we were able to survive last year's statewide mask mandate was our ability to obtain PPP and state funded grants.

-Businesses like mine are an absolute necessity right now to keep Portland physically, mentally, and emotionally healthy. The strain of the pandemic is felt by all, all day long, and it's crucial that our services be available to provide sanity and relief in an extraordinarily stressful time, and to reduce other health risks and potential COVID co-morbidities.

-This request isn't coming from being flippant about COVID or not realizing the reality of the situation. It seems as though everyone is so polarized right now that this could easily be misinterpreted. My colleagues and I in the Portland fitness industry have bent over backwards to do everything in our power to keep people safe and healthy and still be able to provide the essential services that we do. We know what to do with our individual businesses to mitigate spread as best we can AND keep our doors open. Please let us do that as we see best so that we can continue our road to recovery.

-This proposal is based on county wide data but it's not a county wide mandate. People will simply employ the option to take their business to any neighboring town that keeps masks optional, which will be a huge blow to our bottom line.

Thank you for your consideration.

Julie Kiger
Owner
Portland Power Yoga
84 Cove St.
Portland, Maine 04101
portlandpoweryoga.com
207.761.HEAT
julie@portlandpoweryoga.com

City council meeting Monday, Order 131-21/22 0 views



Jane Peterson <janepetemaine@gmail.com> Dec 30, 2021, 9:34:34 AM (4 days ago)
to publiccomment@portlandmaine.gov, council@portlandmaine.gov

City councilors,

The mask mandate is welcome. We wear ours in all public indoor settings.

As a community, we need to protect the employees of businesses who must be in contact with the public. It will help keep covid at bay and it's a no brainer to keep businesses open. With staffing an issue, losing employees to illness costs us all.

We are an At Risk family and must limit where and when we go due to crowded places. Even groceries can be daunting with mostly unmasked shoppers. The mask mandate will allow us to get out in the community and have a bit of our lives back.

Having the city impose these mandates takes the onus off the individual businesses.

Regarding the petition on restaurants:

We are all in favor of having proof of vax or a test to enter restaurants or other buildings.

We have not dined out since the start of the pandemic. We limit take out to where we can get curbside or limited exposure. Even then, we might get take out once or twice a month now. We used to dine out 1-2 times a week. That is lost business for the places we used to go.

Thank you,
Jane & Arnold "Pete" Peterson
105 Carlyle Rd
Portland

No Vaccine Mandates 0 views



Jeanne Walsh <jeannewalsh0@gmail.com>

8:41 AM (5 hours ago)

to publiccomment@portlandmaine.gov

Good Morning. Portland is a wonderful “Foodie” destination...we now live in Kennebunk, but lived in Cape Elizabeth 10 years—Portland was our ‘go to’ town for great seafood, baked goods and interesting restaurants—The shutdowns, masking, loss of employees has completely changed the Portland Experience. PLEASE do NOT vote for vaccine mandates! There is so much public information now about how these “vaccines” do not stop transmission and infection. Taking them should be a personal choice if you wish to take part in a medical experiment.

Also, you must know how detrimental masking in school is to children—even for high schoolers—my daughter is a HS teacher in another state and she reports how affected emotionally her students have been these last 18 months. And the little ones...how can they learn to read properly if they can’t see their teacher’s facial expressions and even their lips?

This has gone on long enough—please vote against mandates and vaccine passports.

Jeanne Walsh

Sent from my iPad

Mask Mandate and Emergency Wage Requirements

0 views



Jeff McDonald <mcdojef@gmail.com>

11:34 AM (3 hours ago)

to publiccomment@portlandmaine.gov

Good morning,

I went to one of my favorite restaurants over the weekend, Ben-Kay.

Portland has character because of small businesses like Ben Kay. It would be shameful for the citizens to vote them away because of abuse of ballot measures. Ballot measures often have unintended consequences as the Brits learned the day following the Brexit vote. Please don't let us make similar mistakes based on emotions (which ballot measures primarily are).

I am hoping that you will enact the mask mandate (although most that I've seen are self masking) and lift the state of emergency.

--

Jeff McDonald
[207-831-2124](tel:207-831-2124)

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Jeff McDonald
[207-831-2124](tel:207-831-2124)

January 3 Agenda Items 0 views



Jenna McCourt <jenna.r.mccourt@gmail.com>

11:19 AM (3 hours ago)

to publiccomment@portlandmaine.gov

To Whom It May Concern,

I hope this finds you well and you had a great holiday! I am writing in regards to the items on the agenda for tonight's City Council meeting. I would like to voice my opposition of a vaccine mandate for Portland's restaurants. Being a mom of two, I enjoy taking my littles out to eat so they can experience the culture and vibe of the city. If a mandate was in place, I would be unable to share this with them and more importantly I wouldn't be able to support local businesses.

Mandating vaccines and masks will cause segregation among the community and loss of business for these restaurants. I hope that you take my concerns into consideration when discussing the topics tonight. I want to continue to enjoy the city with my children, as it has so much culture and experience to offer them! Thank you in advance for your time.

Warm Regards,

Jenna McCourt

Mask and vaccine mandates 0 views



Jennifer Merriman <jennifermerriman@rocketmail.com>

8:12 AM (5 hours ago)

to publiccomment@portlandmaine.gov

We, as a family do not agree with these mandates, if portland goes this way it will lose all of our dining out and shopping money we spend their, which is significant.

[Sent from Yahoo Mail on Android](#)

City Council Meeting 1/3/21 0 views



Joanna Pease <joanna@jibecycling.com>

8:28 AM (5 hours ago)

to publiccomment@portlandmaine.gov

Members of City Council-

I wrote in this past fall when the last mask mandate was up for discussion. The mandate that ultimately did not pass because of multiple reasons such as enforcement, cost and negative impact on small businesses.

I own a spin studio in Portland. My stance on this has not changed. While wearing a mask may be a small thing for grocery store or coffee shop, for gyms it can have major consequences:

1. It is not recommended to work out vigorously wearing a mask. When the mask gets soaked with sweat, it is more difficult to breath, and can promote the growth of microorganisms.
2. Masks are only 18% effective if they are worn 100% of the time. In fact, the CDC just stated that cloth masks were not as effective as previously thought, and is now recommending N95 masks in areas of transmission. I think the city council is aware that these masks are more expensive and harder to procure. Why force people to wear something that is ineffective? Not to mention, while people are working out they pull their mask down to wipe their face, drink water.
3. Because none of the surrounding towns have mask mandates, people will start to work out elsewhere. Boston has seen this firsthand- it is uncomfortable to work out in a mask, and given the choice, a client may drive an extra 5-10 minutes so they don't have to. For businesses that are struggling in Portland already (due to offices still being remote), why put this additional drain on them?

California recently reinstated a mask mandate, however there were exceptions, such as gyms. While my stance is that masking should be up to the individual business or consumer, if the city moves forward with this, there should one exceptions for businesses.

Lastly, when does this end? My business is still down 30% from pre pandemic levels, not to mention that I am now paying employees \$19.50 an hour, something that is unsustainable without cutting hours and employees. Continuing to impose restrictions with arbitrary dates, and not leaving up to the businesses or end users is only going to hurt us in the long run. As we have found.. lockdowns, restrictions, masks.. they just delay the inevitable.

Thank you for your time,

Joanna Pease | Owner
joanna@jibecycling.com
Portland, Yarmouth, Charleston

Regarding Indoor Mask Mandate and Exceptions

0 views



Joel Furrow <joel@therootcellar.org>

11:59 AM (2 hours ago)

to publiccomment@portlandmaine.gov

To Portland City Council,

First I want to thank you for your service to this city and it's residents. No doubt, you are serving much more than we know and are shouldering more critique than anyone could imagine. Thanks to each of you for stepping up during a most challenging environment.

I am the Executive Director of The Root Cellar, located at 94 Washington Ave. We have always worked to follow the orders and mandates while serving our community since the early days of the pandemic. The opinions and concerns I share are my own and not necessarily that of the organization.

Although I am concerned about the impact this mandate as a whole, I specifically want to address one part of [Order 131-21/22](#). Sec. 17-140. Exceptions. Thank you for providing a clear list of exemptions. This is helpful as it does provide for some allowance in serving those who cannot wear a mask.

However, I do take issue with Item C, which provides an exception for those who can demonstrate that they are fully vaccinated. There are 3 specific problems that I want to address.

1) Lack of a provided Scientific Justification. It is well established that those who are fully vaccinated both become infected and can spread the virus. The Maine CDC reports on Breakthrough cases each week. Since the October 3rd, 33% of all cases have been breakthrough in the state of Maine. (See attachments to screen shots of Maine CDC Data). This exception does not demonstrate a data driven process to the development of this ordinance, which is critical to these conversations.

2) Pragmatic Challenge - The fully vaccinated will no doubt want to take off their mask, and will assume it is their right to do so. Each business will be saddled with the challenge to staff someone to check vaccine status. Businesses are already stretched to think and this is an unnecessary burden for businesses to enforce this exception. Further, the Maine CDC has stated that "Fully Vaccinated" may soon include boosters. Businesses simply do not have the expertise or the resources to stay on top of this.

3) Community Division - This exception will incentivise a vaccine mandate for local businesses. We live in a very diverse community. Socially, racially and politically. This ordinance will only further divide this city, it's residents and the thousands who frequent it's many establishments. This will no doubt hinder the building back of a community that we all desire.

I am most deeply concerned about the division and separation of communities that this ordinance will no doubt create. This City and it's residents need each other. Nearly 30% of Mainers have chosen not to be vaccinated. At this point, we need to respect that decision and choose to move forward together, not create ordinances that will separate us. We need one another. Vaccinated, unvaccinated.

This exception effectively nullifies any protection that the mask mandate would provide and will unnecessarily create division and burden business. I urge you to vote no on this proposal as it is currently written.

With Respect,

Joel Furrow *ighb*

https://www.maine.gov/dhhs/r

Go

SEP

OCT

NOV

04

2020

2021

2022

[1,364 captures](#)

19 Jun 2020 - 1 Jan 2022

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

- **Total Number of Reported Vaccine Breakthrough Cases: 4,167**
- Total COVID-19 cases since first date that Maine residents could be fully vaccinated: 55,489
- COVID-19 associated hospitalizations among breakthrough cases: 164
- COVID-19 associated hospitalizations since first date Maine residents could be fully vaccinated: 1,135
- COVID-19 associated deaths among breakthrough cases: 51
- COVID-19 associated deaths since first date that Maine residents could be fully vaccinated: 329

Data are through October 1, 2021.

A COVID-19 associated hospitalization or death is

AA

web.archive.org



Find information on where to get vaccinated in Maine [here](#).

These numbers likely reflect an undercount of the true number of breakthrough cases.

- **Total Number of Reported Vaccine Breakthrough Cases: 20,909**
- Total COVID-19 cases since first date that Maine residents could be fully vaccinated: 105,288
- COVID-19 associated hospitalizations among breakthrough cases: 489
- COVID-19 associated hospitalizations since first date Maine residents could be fully vaccinated: 1,973
- COVID-19 associated deaths among breakthrough cases: 225
- COVID-19 associated deaths since first date that Maine residents could be fully vaccinated: 761

Data are through December 23, 2021.

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

Maine CDC updates these data weekly.
Updated December 23, 2021 at 3:17 PM.

Vaccine/Mask Mandate - Follow the Science 0 views



John Lewis <john_w_lewis@yahoo.com>

10:21 AM (3 hours ago)

to publiccomment@portlandmaine.gov

Good morning,

I am writing to voice my opposition to any type of vaccine or mask mandate. For almost two years we have been told to follow the science. Well, science includes data and research. I have yet to see any data coming out of Maine that indicates restaurants and/or other retail establishments are the source of high transmission. What we do know is the virus does spread in congregate living facilities, hospitals, and in the home. As a matter of fact, Maine Medical Center is experiencing outbreaks throughout the hospital with now 100% of staff being vaccinated. I personally know of a patient that contracted COVID from her vaccinated care team. Recent articles confirm vaccinated individuals can (perhaps unknowingly) spread the virus as the vaccine is masking symptoms. Restaurants and other retail establishments do provide for an environment conducive to high transmission. It is time we actually "follow the science".

This article may be of interest to you.

https://www.espn.com/nfl/story/_/id/32930584/data-shows-asymptomatic-individuals-not-spreading-covid-19-nfl-chief-medical-officer-says

Respectfully,

John Lewis

No Mask Mandate/No Vaccine Mandate 0 views



John Whitehouse <jtwh888@gmail.com>

10:14 AM (3 hours ago)

to publiccomment@portlandmaine.gov

Hello,

It is clear masks do not do much to stop the spread of COV-2. In fact the entire efficacy of masks has never truly been demonstrated. We are told to wear them and people have been made afraid. After nearly two years enough is enough. We need to move forward and not backward. A mask mandate now, after not having one all this time, will do what? This is harmful for our children's development, and for our community as a whole. Do not reinstate a mask mandate. You have no scientific reason to do it.

Regarding a vaccine mandate, for what? To stop the spread? That has been proven the vaccine does not prevent transmission of Covid. In fact vaccine mandates are growing more and more farcical and ridiculous with what we know now. It is time to go forward and not backwards. No vaccine mandate.

John

Judy and Chris Olsen <cjolsen618@protonmail.com>
to publiccomment@portlandmaine.gov

10:33 AM (3 hours ago)

Dear City council members:

By now, we have all learned that the vaccines for Covid-19 do not stop transmission. They were developed and marketed to reduce symptoms and hopefully decrease hospitalization. Recently, there has been more information provided about this, and we have unfortunately seen Covid-19 outbreaks where 97-100% of the infected individuals are fully vaccinated.

Aside from these updates regarding vaccines, more recently top medical analysts have just stated that cloth masks and paper surgical masks do not provide the same protection as N95 masks do against the Omnicron variant. Just being out and about in the city, we see that the majority of people wear cloth and paper masks. Mandating that people wear masks is fruitless unless they are truly providing the protection needed, which would mean requiring patrons to only be allowed indoors if they have N95 masks. That is impractical and unsustainable.

Below are some links for your review.

US Navy Ship <https://www.wfla.com/news/national/us-navy-combat-ship-held-at-port-after-covid-breakout-among-100-immunized-crew/>

Cornell University: <https://www.cnn.com/2021/12/14/us/cornell-university-covid-cases/index.html>

CNN report on facial coverings: <https://www.cnn.com/2021/12/24/health/cloth-mask-omicron-variant-wellness/index.html>

Mandating a vaccine (or even a mask mandate) in the city of Portland to dine in a restaurant will merely give people a false sense of safety. The vaccines do not stop transmission and now we learn that unless people are wearing an N95 mask, they are probably providing little protection especially in crowded places.

Mandating vaccines and masks will, however, cause division, segregation, and most likely loss of business in an industry that is already suffering.

I hope that the people in charge of making decisions for our wonderful city carefully weigh the risks and benefits of these mandates in the City of Portland.

Sincerely,

Judy and Chris

Sent with [ProtonMail](#) Secure Email.



Patricia Bennett <jpbennett52@yahoo.com>
to publiccomment@portlandmaine.gov

11:19 AM (2 hours ago)

By now, we have all learned that the vaccines for Covid-19 do not stop transmission. They were developed and marketed to reduce symptoms and hopefully decrease

hospitalization. Recently, there has been more information provided about this, and we have unfortunately seen Covid-19 outbreaks where 97-100% of the infected individuals are fully vaccinated.

Aside from these updates regarding vaccines, more recently top medical analysts have just stated that cloth masks and paper surgical masks do not provide the same protection as N95 masks do against the Omnicron variant. Just being out and about in the city, we see that the majority of people wear cloth and paper masks. Mandating that people wear masks is fruitless unless they are truly providing the protection needed, which would mean requiring patrons to only be allowed indoors if they have N95 masks. That is impractical and unsustainable.

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Cornell University: <https://www.cnn.com/2021/12/14/us/cornell-university-covid-cases/index.html>

CNN report on facial coverings: <https://www.cnn.com/2021/12/24/health/cloth-mask-omicron-variant-wellness/index.html>

Mandating a vaccine (or even a mask mandate) in the city of Portland to dine in a restaurant will merely give people a false sense of safety. The vaccines do not stop transmission and now we learn that unless people are wearing an N95 mask, they are probably providing little protection especially in crowded places.

Mandating vaccines and masks will, however, cause division, segregation, and most likely loss of business in an industry that is already suffering.

I hope that the people in charge of making decisions for our wonderful city carefully weigh the risks and benefits of these mandates in the City of Portland.

Sincerely,

Concerned Citizens

Why you should upgrade your mask as the



Omicron variant spreads

Kristen Rogers, CNN

As the Omicron variant spreads, it's time to upgrade from your cloth face masks. Experts explain why medical-gra...

In Support of the Face Covering Mandate - Order 131-21/22

0 views



Julia Fitzgerald <juliafitzg@gmail.com>
to publiccomment@portlandmaine.gov

Dec 31, 2021, 7:41:59 PM (2 days ago)

Dear Councilors,

My name is Julia Fitzgerald, and I'm writing to express my support for a city-wide Face Covering Mandate. As a Portland resident and public-facing worker, I strongly urge you to pass this mandate at the Jan. 3 meeting and remove the exception for businesses that require proof of vaccination.

Maine is currently experiencing a record-breaking surge in Covid-19 cases, and hospitals are straining to meet the need. For the sake of our front-line workers in healthcare and other fields, as well as medically vulnerable individuals and young children who can't be vaccinated yet, it's more important than ever that we do all we can to reduce the spread of the virus and relieve the pressure on hospitals. That includes requiring everyone to wear masks in public indoor spaces.

Right now, Portland businesses are a patchwork of varied mask policies. In order to combat the virus surge effectively, we need everyone to be consistently wearing masks in public as much as possible. I work at the Portland Public Library, where we require all staff and patrons to wear face coverings. We sometimes face resistance from patrons who remove their mask once inside the library or refuse to wear one at all. Having a city-wide mandate to fall back on would make it easier for us to enforce our own mask policy and manage patron expectations around masks.

The Face Covering Mandate as currently written exempts people at businesses that require proof of vaccination (Sec. 17-140c). I urge you to remove this exception and require masks consistently in all public buildings. The rapid spread of the Omicron variant is showing us that one line of defense against the virus is not enough; when gathering in public, we need as many layers of protection as possible. Ideally everyone in a public indoor space would be *both* masked and vaccinated, not either/or. I hope that you can remove this exception, but I still strongly urge you to pass the mask mandate on Jan. 3!

Thank you for reading and considering these comments.

Sincerely,
Julia Fitzgerald
82 Park Ave #6
Portland, ME 04101

Vaccine and mask mandates in restaurants and elsewhere

0 views



Julie Adams <juliebean888@gmail.com>

9:38 AM (4 hours ago)

to publiccomment@portlandmaine.gov

Hello,

I am really distressed about the idea of a vaccine mandate to go to a restaurant. Science as well as what we can see around us proves the vaccines don't work, especially against the new variants. There's no point in getting the vax when people who were vaccinated still caught and spread the delta variant and it's happening with omicron as well. My 84 year old unvaccinated parents with comorbidities caught the delta variant in August and never even had to go to the doctor. They came out of it just fine. Around the world omicron has proven to be even weaker than delta! [Also, the safety of the vaccines is unproven as it takes years, not months, to determine. The VAERS report as of December 24th showed over 1 million injuries, including 21,002 deaths and 35,650 permanent injuries! This is WAY MORE than all other vaccines combined in over 20 years of data.]

The thing you need to realize is that these draconian rules will cut down the patronage of your restaurants and lose money for everyone involved. It's only going to hurt businesses and the people who work for them, as well as city revenue.

As far as mask mandates, those also don't work. If they did, the virus would have been stopped at the very beginning with the world shut down and extreme mask compliance. In fact, data shows that the areas with the highest mask mandates and shutdowns had the highest case rates. Also, the places like Vermont with the highest vax rates also have the highest case rates. Of course the MSM will never say these things.

The virus is so small it can pass right through the fibers of the mask. It's like trying to stop a mosquito with a chain link fence, as a scientist stated. The virus is 1,000 times smaller than the width of a human hair. If your hair can breach the side of the mask, that's proof it can get inside and infect you too. Masks can also be harmful as well. They cut down on oxygen and breathing in your own CO2 is not healthy. All kinds of different deadly bacteria, including pneumonia, meningitis, legionnaires, Lyme and many others have been found on masks when inspected at an independent lab. We can breathe that in when wearing a mask. They stopped using masks during the Spanish flu because people were dying from pneumonia and other germs trapped in the masks. Also, we have a higher chance of infecting others when we wear a mask. If a virus particle sticks to the outside of your mask it can be blown out into someone else's face when we exhale! Even N95 masks are not perfect, especially if they are not professionally fitted to the wearer. In that case the virus can slip right around the sides. To be effective, they really need to be sealed around the face and have a hose to exhale the particles, which only a ventilator has.

The bottom line is, the best defense is a strong immune system, which unfortunately the public health officials aren't even addressing. It's worked for me even when caring for someone with covid. It's time common sense came back. I for one, will not be going to Portland restaurants if you pass a vax mandate.

Sincerely concerned,

Julie Adams
Scarborough, ME

Sent from my iPad

No mandates for Portland 0 views



Karen Buzzell <mainefarmgirl49@gmail.com> Jan 2, 2022, 11:34:51 AM (yesterday)
to publiccomment@portlandmaine.gov

This foolish mandate will change the face of Portland businesses forever. Please do not bow to this tyranny. Please know that the people of Maine who are freedom loving seek to keep Maine the Way Life should be.

Respectfully submitted,
Karen Buzzell
Dayton ME

Kate McCarty <khmccarty@gmail.com>
to publiccomment@portlandmaine.gov

10:41 AM (3 hours ago)

Hello Portland City Councilors,

I am writing in support of the indoor mask mandate for the city of Portland. I would feel more comfortable and likely choose do more things in the city if there were one.

Thank you!

Kate McCarty
South Portland, ME

mandates and passports 0 views



Kate O'Connor <pkoc111@aol.com>

8:14 AM (5 hours ago)

to publiccomment@portlandmaine.gov

Hello.

I can not believe that these mandates for masks are even an issue. They clearly do not prevent anything other than perhaps droplet transfer. And what sense does it make anyway when you take it off to eat and drink??

Vaccine passports to go into restaurants is simply a sure fire way to destroy these businesses.

There is no way that we will show our vaccination cards to go into any store or restaurants in Portland.

Thank you

Kate O'Connor

Opinion on vaccine and mask mandate 0 views



katem851@gmail.com <katem851@gmail.com>

6:41 AM (7 hours ago)

to publiccomment@portlandmaine.gov

Dear Council,

My name is Kate and I strongly oppose the restaurant vaccine mandate and mask mandate being discussed.

At this point in the pandemic, we have learned that the vaccine does not prevent anyone from acquiring or transmitting infection so this would not be helpful and would only cause further division and segregation. If we have learned anything from history, division and segregation have never propelled us forward. They have only stifled us and hurt us as a society. Let's not make that mistake again.

I, and many others I know, strongly opposing the restaurant vaccine mandate, will not support this. The restaurants are already struggling so this would contribute to additional loss for them. What would that look like for the city of Portland in the future? It's clear to me that the outcome would have a devastating effect on such a beautiful city that everyone has the right to enjoy - regardless of vaccine status. I hope when you envision the future of Portland it feels inclusive, expansive and celebrates diversity. Does dividing people based on vaccine status align with these words? Harmony, order and success will naturally prevail when we stop using control, shame and blame and start celebrating our diversity in all of its aspects. Creating a space where we can all coexist and creating a space to be at peace with our differences and beliefs. Can you imagine if that was the message being spread right now? Do you think the same divide would be occurring as we see it now?

As for mandating everyone to wear an N95 mask, that is simply unrealistic and will cause more damage than good. Each person should have the right to choose how they handle their health during this time. Health is personal responsibility and I will stand to protect that right.

So much time and energy would be cleared to move forward and focus on productive solutions if personal choice were to be honored in this pandemic. We are stuck as a result of it. Unable to really move forward from this. I really hope these decisions are carefully weighed.

Sincerely,
Kate

Sent from my iPhone

Nonprofit Letter 0 views



Harris, Katie <HARRIK2@mainehealth.org> Dec 31, 2021, 9:21:02 AM (3 days ago)
to publiccomment@portlandmaine.gov, Dena Libner

Good Morning

Please include the attached letter signed by nonprofit health and social service agencies in the Portland City Council agenda packets for the meeting on Monday, January 3, 2022.

Thank you very much, and please let me know if you have questions or if there are any problems.

Sincerely,

Katie

Katie Fullam Harris

Chief Government Affairs Officer

MaineHealth

Tel. [\(207\) 661-7542](tel:(207)661-7542)

Mobile [\(207\) 232-6183](tel:(207)232-6183)

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December 31, 2021

Dear Mayor Snyder and Members of Portland City Council:

We represent nonprofit health care providers and social service agencies that will be severely impacted by implementation of the emergency wage that will go into effect on January 1, 2022. Collectively, we employ thousands of local residents, and we work every day to provide them with fair wages, good benefits and opportunities for growth in their careers.

As health care and social service providers, our employees represent the backbone of helping us meet our collective missions and visions. During the pandemic, they have stepped up to provide our communities with access to high quality, safe and necessary services, and for that, we should all be grateful. As employers during a labor shortage, we have recognized those efforts by investing all that we can in our workforce. However many of us serve communities outside as well as inside of the City of Portland, and a municipal wage mandate will create significant financial and implementation challenges.

As nonprofits, we rely heavily upon governmental payers to support our work. We do not operate with the ability to raise prices to offset additional costs; governmental payers, such as state and federal block grants and Medicare and Medicaid, pay us non-negotiated set fees for the services that we provide. Labor comprises the majority of cost in our budgets now, and this increase will force us to make difficult decisions that may affect access to critically important services within our community.

Collectively, we strongly support public health and safety practices. Throughout the pandemic, we have made every effort to provide our employees with personal protective equipment, with quarantine pay when needed, and with every opportunity to work as safely as possible. We are now operating in our “new normal” which means that we are continuing to serve our community while adhering to safety practices as recommended by the Center for Disease Control. Thus, we support passage of the ordinance to lift the existing State of Emergency and the ordinance that takes further steps to protect public health, including a mask mandate.

Thank you for your service,

Sincerely,

Affinity

Alliance for Addiction and Mental Health Services

Catholic Charities

COR Health Services

Crossroads for Women

Day One

Group Main Stream, Inc.

Maine Association for Community Service Providers

Maine Behavioral Healthcare
Maine Medical Center
Seventy-Five State Street
Spurwink
St. Joseph's Manor
Sweetser
The Cedars
The Opportunity Alliance
Youth and Family Outreach

Masks/State of Emergency Repeal 0 views



KC Hughes <kc@ltsmaine.com>

10:21 AM (3 hours ago)

to publiccomment@portlandmaine.gov, pali@portlandmaine.gov, tchong@portlandmaine.gov, mdion@portlandmaine.gov, afournier@portlandmaine.gov, vpelletier@portlandmaine.gov, rrodriguez@portlandmaine.gov, ksnyder@portlandmaine.gov, atrevorrow@portlandmaine.gov, azarro@portlandmaine.gov

Dear Mayor and Elected Officials,

Your votes at tonight's meeting are critical to residents/employee's health as well as Portland's businesses.

We all want this pandemic behind us.

Repealing the 21 month state of emergency status (order 124-21/22) and enacting a face mask mandate (order 131-21/22) are the most logical solutions to our situation.

Small businesses in Portland are struggling. I just took a 10 minute walk from my office-these photos are real proof of Portland's already dire situation.



Exchange



Fore



Danforth



Exchange



Congress



Wharf



Exchange



Exchange





Fore



Fore



Congress



Free



Brown



Congress



Congress



We like having a business in Portland-but we don't *need* to be in town. We've been at this location for 27 years. Yes-we've watched the city grow; both

with positive and negative effects. Please don't make it any harder to do business in Portland.

Please enact the mask mandate and repeal the state of emergency.

Respectfully yours,
KC Hughes

KC Hughes

Vice President/Owner

LT's Inc.

Custom Embroidery, Screenprinting and Promotional Products

2011 Small Family Business of the Year

37 Danforth St, Portland, Maine 04101

(P) 800-800-7785 **ext 105** **(W)** LTSmaine.com

(E) KC@LTSmaine.com **(F)** Facebook

***FAMILY OWNED AND OPERATED -30 YEARS
OF EXCELLENCE***

— Please consider the environment before
printing this email —

Face Masks and Emergency Declaration 0 views



Kevin Koski <kkoski14@gmail.com>
to publiccomment@portlandmaine.gov

Jan 2, 2022, 11:23:02 PM (14 hours ago)

Dear Portland City Counsel,

I have already given you my viewpoint on vax mandates. Two other issues dear to my heart are getting rid of face covering requirements and repealing the previously instituted state of emergency.

Top medical professionals have found that cloth masks and paper surgical masks do not provide the same protection as N95 masks do against COVID-19 (and the variants). Just being out and about the city, one notices that the majority of people are wearing the ineffective and useless cloth and paper masks. I think you'd agree that mandating people wear face coverings is ridiculous unless they are truly providing protection. I also think you would concede that requiring patrons to only be allowed indoors if they have N95 masks is unsustainable, not practical, and even polarizing.

That being said, let's ditch all mandates, the instituted state of emergency, and let Mainers go back to living their lives. If people want to wear masks, they can. Nevertheless, it needs to be a choice. The less gov't interference in our lives, the better. This is America and we need to start acting like it on the local, state, and federal levels.

Thank you for hearing me out,

Kevin from Augusta

Vaccine and mask mandates 0 views



kristin omara <graceriley2@yahoo.com>

7:25 AM (6 hours ago)

to publiccomment@portlandmaine.gov

If you decide to enforce mask and vaccine mandates more people will lose their jobs and business will close. These vaccines have proven to be ineffective at stopping transmission. These vaccine mandates have caused so much fear and division and have ended up segregating people who chose not to take it for various reasons.

Masking with cloth and surgical masks is just to make people feel better and serves no purpose in stopping the transmission of the virus. Only an N95, which one needs to be properly fitted and worn correctly, can stop the transmission.

We need to stop focusing on thinking that we can stop the transmission of the virus and learn to live with the virus.

[Sent from Yahoo Mail for iPhone](#)



Jane Hildebran <jane.hildebran@live.com>

10:55 AM (2 hours ago)

to publiccomment@portlandmaine.gov

To Whom it may concern:

As a Mainer most of my life, I'm voicing my opposition to the mask mandate and also proposed vaccine mandate to enter Portland restaurants.

More and more data is coming out that the vaccines are not stopping the spread of covid. In fact, a lot of the omicron cases are in fully vaccinated individuals. The covid cases in people I know are in fully (triple) vaccinated individuals. A lot of people have already had covid and have natural immunity. Furthermore, some people cannot take the vaccine due to underlying health conditions and/or and known risks of blood clots, stroke and heart attack, along with countless other potential adverse reactions of these EUA vaccines. Implementing a vaccine mandate is immoral, discriminatory and not backed by science. I will never spend another dime in any restaurant, company or organization that implements such a tyrannical policy. Maine businesses are already struggling and Mainers are struggling. This will make matters worse..

In regards to masks, they are unhealthy and do not stop the spread of covid. A top health official just came forward saying cloth masks do not work.

We need to ask ourselves what do we want for the future of our country and for our children.

This isn't communist China, this is the United States of America.

Respectfully,

Long time Maine taxpaying resident

Vaccine Passport and Mask Mandate 0 views



Dr. Kristy Fassler, ND <dockfassler@gmail.... Jan 2, 2022, 10:25:03 PM (15 hours ago)
to publiccomment@portlandmaine.gov

Dear Portland City Council Members,

I have learned there will be discussion and potential decisions made at the January 3rd City council meeting regarding mandatory masking in Portland and mandatory vaccination requirements at Portland restaurants. It is imperative that each of you acknowledge there is **NO DATA** supporting these measures as effective at reducing Covid infections. Here are a few out of hundreds of references regarding the **lack of efficacy** of masks and vaccines in preventing transmission and infection of Covid.

The ineffectiveness of masks:

<https://swprs.org/face-masks-and-covid-the-evidence/>

The most highly vaccinated states and countries have the highest rates of infection.

[https://www.thelancet.com/journals/lanepi/article/PIIS2666-7762\(21\)00258-1/fulltext?s=08#%20](https://www.thelancet.com/journals/lanepi/article/PIIS2666-7762(21)00258-1/fulltext?s=08#%20)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8481107/>

<https://www.medrxiv.org/content/10.1101/2021.11.15.21265753v1.full>

Natural immunity proven to be superior at protecting from re-infection.

<https://brownstone.org/articles/79-research-studies-affirm-naturally-acquired-immunity-to-covid-19-documented-linked-and-quoted/>

<https://pjmedia.com/news-and-politics/athena-thorne/2021/10/22/yale-discovers-natural-immunity-protects-against-covid-three-times-as-long-as-vaccine-downplays-finding-n1526017>

Vaccine injuries are real and mandates break the Nuremberg Code and our US Constitution.

<https://www.skirsch.com/covid/VRBPAC-10-26-21.pdf>

You are each accountable to the community to make decisions that are supported by science and not by tyrannical government policy makers. In addition, you are accountable to be true to the United States constitution and the Nuremberg Code.

Thank you for your attention to these matters,

Kristy Fassler
61 Josiah Norton Rd
Cape Neddick, ME 03902

THE NUREMBERG CODE

Permissible Medical Experiments

The great weight of the evidence before us is to the effect that certain types of medical experiments on human beings, when kept within reasonably well-defined bounds, conform to the ethics of the medical profession generally. The protagonists of the practice of human experimentation justify their views on the basis that such experiments yield results for the good of society that are unprocurable by other methods or means of study. All agree, however, that certain basic principles must be observed in order to satisfy moral, ethical and legal concepts:

1. The voluntary consent of the human subject is absolutely essential.

This means that the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, over-reaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved as to enable him to make an understanding and enlightened decision. This latter element requires that before the acceptance of an affirmative decision by the experimental subject there should be made known to him the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; all inconveniences and hazards reasonably to be expected; and the effects upon his health or person which may possibly come from his participation in the experiment.

The duty and responsibility for ascertaining the quality of the consent rests upon each individual who initiates, directs or engages in the experiment. It is a personal duty and responsibility which may not be delegated to another with impunity.

2. The experiment should be such as to yield fruitful results for the good of society, unprocurable by other methods or means of study, and not random and unnecessary in nature.
3. The experiment should be so designed and based on the results of animal experimentation and a knowledge of the natural history of the disease or other problem under study that the anticipated results will justify the performance of the experiment.
4. The experiment should be so conducted as to avoid all unnecessary physical and mental suffering and injury.
5. No experiment should be conducted where there is an a priori reason to believe that death or disabling injury will occur; except, perhaps, in those experiments where the experimental physicians also serve as subjects.
6. The degree of risk to be taken should never exceed that determined by the humanitarian importance of the problem to be solved by the experiment.
7. Proper preparations should be made and adequate facilities provided to protect the experimental subject against even remote possibilities of injury, disability, or death.

8. The experiment should be conducted only by scientifically qualified persons. The highest degree of skill and care should be required through all stages of the experiment of those who conduct or engage in the experiment.

9. During the course of the experiment the human subject should be at liberty to bring the experiment to an end if he has reached the physical or mental state where continuation of the experiment seems to him to be impossible.

10. During the course of the experiment the scientist in charge must be prepared to terminate the experiment at any stage, if he has probably cause to believe, in the exercise of the good faith, superior skill and careful judgment required of him that a continuation of the experiment is likely to result in injury, disability, or death to the experimental subject.

Of the ten principles which have been enumerated our judicial concern, of course, is with those requirements which are purely legal in nature — or which at least are so clearly related to matters legal that they assist us in determining criminal culpability and punishment. To go beyond that point would lead us into a field that would be beyond our sphere of competence. However, the point need not be labored. We find from the evidence that in the medical experiments which have been proved, these ten principles were much more frequently honored in their breach than in their observance. Many of the concentration camp inmates who were the victims of these atrocities were citizens of countries other than the German Reich. They were non-German nationals, including Jews and "asocial persons", both prisoners of war and civilians, who had been imprisoned and forced to submit to these tortures and barbarities without so much as a semblance of trial. In every single instance appearing in the record, subjects were used who did not consent to the experiments; indeed, as to some of the experiments, it is not even contended by the defendants that the subjects occupied the status of volunteers. In no case was the experimental subject at liberty of his own free choice to withdraw from any experiment. In many cases experiments were performed by unqualified persons; were conducted at random for no adequate scientific reason, and under revolting physical conditions. All of the experiments were conducted with unnecessary suffering and injury and but very little, if any, precautions were taken to protect or safeguard the human subjects from the possibilities of injury, disability, or death. In every one of the experiments the subjects experienced extreme pain or torture, and in most of them they suffered permanent injury, mutilation, or death, either as a direct result of the experiments or because of lack of adequate follow-up care.

Obviously all of these experiments involving brutalities, tortures, disabling injury, and death were performed in complete disregard of international conventions, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, and Control Council Law No. 10. Manifestly human experiments under such conditions are contrary to "the principles of the law of nations as they result from the usages established among civilized peoples, from the laws of humanity, and from the dictates of public conscience."

Whether any of the defendants in the dock are guilty of these atrocities is, of course, another question. Under the Anglo-Saxon system of jurisprudence every defendant in a criminal case is presumed to be innocent of an offense charged until the prosecution, by competent, credible proof, has shown his guilt to the exclusion of every reasonable doubt. And this presumption abides with the defendant through each stage of his trial until such degree of proof has been adduced. A "reasonable doubt" as the name implies is one conformable to reason — a doubt which a reasonable man would entertain. Stated differently, it is that state of a case which, after a full and complete comparison and consideration of all the evidence, would leave an unbiased,

unprejudiced, reflective person, charged with the responsibility for decision, in the state of mind that he could not say that he felt an abiding conviction amounting to a moral certainty of the truth of the charge.

If any of the defendants are to be found guilty under counts two or three of the indictment it must be because the evidence has shown beyond a reasonable doubt that such defendant, without regard to nationality or the capacity in which he acted, participated as a principal in, accessory to, ordered, abetted, took a consenting part in, or was connected with plans or enterprises involving the commission of at least some of the medical experiments and other atrocities which are the subject matter of these counts. Under no other circumstances may he be convicted.

Before examining the evidence to which we must look in order to determine individual culpability, a brief statement concerning some of the official agencies of the German Government and Nazi Party which will be referred to in this judgment seems desirable.

Source

THE NUREMBERG CODE [from *Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10*. Nuremberg, October 1946–April 1949. Washington, D.C.: U.S. G.P.O, 1949–1953.]



linda hoskins <lindabhoskins@gmail.com>

10:26 AM (3 hours ago)

to publiccomment@portlandmaine.gov

I hope you will reinstate the face-covering mandate. It is the sensible and brave thing to do. I am a healthy senior citizen who is caregiver to an Alzheimer's husband. Of course I always wear a face mask and am very selective about outings. I do notice that most service staff are masked and I feel very sorry for them to be exposed all day to unmasked patrons. This is disrespectful to these persons providing a necessary service to the public.

When I see the sign "masks appreciated", I think this is pathetic. Why can it not read "masks required pursuant to".

While this is realizing the masking has become a political quagmire, note that our country can spend military billions to keep the populace safe and we are reluctant to temporarily require face coverings to protect the populace. This is silly.

Thanks for listening. And for your civic efforts,
Linda Hoskins
209 Maine Avenue

UNLAWFUL MANDATES 0 views



Lynae Maxim <lynae.maxim@outlook.com>

11:36 AM (3 hours ago)

to publiccomment@portlandmaine.gov

To Whom It May Concern,

According to Fauci AND the CDC masks are INEFFECTIVE. Anyone who has done their own research knows this. It is causing health problems, lack of oxygen to the brain and is a DEHUMANIZING AGENDA. Many of us can see right through this and the numbers are growing around the world. Make no mistake.

This and the passport will further destroy the city of Portland and the economy.

If the city enacts such unlawful mandates I WILL BOYCOTT the city of Portland PERMANENTLY. I am strong in my convictions and so are many others.

Lynae Maxim

Sent from Lynae's iPhone

January 3rd meeting and Mandates 0 views



Mary Elvin <love4maine@gmail.com>
to publiccomment@portlandmaine.gov

Jan 1, 2022, 11:41:52 AM (2 days ago)

To the Mayor and the City Council:

As a Portland resident and business person, I want to be clear in my **opposition to ANY mandates**, whether it be for a mask or vaccination status. After two years of ever-changing rules, enough is enough! It is time to allow people to make their own decisions.

If various restaurateurs want to impose a mask/vaccine mandate on their customers, fine. The rest of us want to make our own decisions, to decide what is best for OUR business. We have worked hard to keep our businesses afloat and any further mandates will be the final nail in the coffin for those of us trying to survive.

The City Council needs to stay OUT of the mandate business! Should these impediments upon personal freedom and private business pass, I will be conducting **all** of my personal business and pleasure OUTSIDE of the City of Portland. I will also make certain that my clients are fully aware of the (ridiculous) mandates and are redirected to businesses such as hotels, restaurants, etc., outside of Portland.

As a side note, it is time to END the "State of Emergency" and any minimum wage of \$19.50 per hour. Reading some of the comments in the Portland Press Herald, it is laughable that people are "afraid to go to work" under the current minimum wage, however, that fear seems to totally disappear at the prospect of making \$19.50. Again, this will destroy small businesses.

Portland is not San Francisco, New York City or Chicago. Let those who live and work here continue to build a city that is enticing to those trying to escape the heavy-handed dictates of local government in the major cities.

I hope you will listen to your constituents and do the right thing. Otherwise, the southbound lane of the turnpike could see a lot more traffic.

Thank you,
Mary Elvin

Masks 0 views



Matthew Campbell <campbellauc@gmail.c...> Dec 29, 2021, 10:05:04 PM (4 days ago)
to publiccomment@portlandmaine.gov

I strongly support the indoor mask requirement in front of the council. This simple act will help reduce transmission of the virus and keep portlanders and our visitors safe.

Matt Campbell
75 Gray Street



Heidi Norman <hlnormanmclaughlin@gmail.com> 10:21 AM (3 hours ago)
to publiccomment@portlandmaine.gov

Regarding Masks!!

They do Not Work ! There is absolute scientific peer reviewed articles on this political debate.. Again do not confuse politics and science.. The science stands firm, masks and respirators DO NOT WORK.. This Virus is 10000 times smaller than any mask can stop

These masks are dirty and reused and pose an environmental risk as well as I step over them on the sidewalks..

Masks are harmful for many people and create division.

It's time to end this nonsense ..



MATTHEW RHODES <rhodesmatthew431@gmail.com> 12:55 AM (12 hours ago)
to publiccomment@portlandmaine.gov

By now, we have all learned that the vaccines for Covid-19 do not stop transmission. They were developed and marketed to reduce symptoms and hopefully decrease hospitalization. Recently, there has been more information provided about this, and we have unfortunately seen Covid-19 outbreaks where 97-100% of the infected individuals are fully vaccinated.

Aside from these updates regarding vaccines, more recently top medical analysts have just stated that cloth masks and paper surgical masks do not provide the same protection as N95 masks do against the Omnicron variant. Just being out and about in the city, we see that the majority of people wear cloth and paper masks. Mandating that people wear masks is fruitless unless they are truly providing the protection needed, which would mean requiring patrons to only be allowed indoors if they have N95 masks. That is impractical and unsustainable. Below are some links for your review.

US Navy Ship <https://www.wfla.com/news/national/us-navy-combat-ship-held-at-port-after-covid-breakout-among-100-immunized-crew/>

Cornell University: <https://www.cnn.com/2021/12/14/us/cornell-university-covid-cases/index.html>

CNN report on facial coverings: <https://www.cnn.com/2021/12/24/health/cloth-mask-omicron-variant-wellness/index.html>

Mandating a vaccine (or even a mask mandate) in the city of Portland to dine in a restaurant will merely give people a false sense of safety. The vaccines do not stop transmission and now we learn that unless people are wearing an N95 mask, they are probably providing little protection especially in crowded places.

Mandating vaccines and masks will, however, cause division, segregation, and most likely loss of business in an industry that is already suffering.

I hope that the people in charge of making decisions for our wonderful city carefully weigh the risks and benefits of these mandates in the City of Portland.

Sincerely,
Matthew

mandates 0 views



Michelle Walker <mic767@gmail.com>

9:29 AM (4 hours ago)

to publiccomment@portlandmaine.gov

Dear Portland City Council:

I urge you to support businesses by **not** instituting either mask or vaccine passport mandates. These mandates will only serve to create more division within the community and reduce foot traffic in businesses already suffering from a harsh financial situation.

By now it should be clear that there isn't clear science that masks, nor vaccines are making a significant impact. We need to continue to find a way forward and that is best done by allowing people to make up their own minds about what it is they want to do for themselves to be comfortable in public spaces. More government imposition is not the way towards restoration of community.

Thank you for your time,
Michelle Walker
Waldo, ME

Mask mandate and Restaurant vaccine mandate

0 views



Acadian Alchemy <acadialchemy@maine.rr.com>

9:55 AM (4 hours ago)

to publiccomment@portlandmaine.gov, Kate Snyder, Andrew Zarro, mdion@portlandmaine.gov, pali@portlandmaine.gov, afournier@portlandmaine.gov, rrodriguez@portlandmaine.gov, tchong@portlandmaine.gov, vpelletier@portlandmaine.gov, atrevorrow@portlandmaine.gov

Hello Portland City Council,

I am writing you to firstly to say thank you for your service. Thank you for representing the people of Portland.

I am very worried about the direction Portland will be taking if a mask mandate or restaurant vaccine mandate are put into effect.

For the mask mandate, more and more information is being shared that cloth masks do not stop transmission. In Fauci's released emails and now on major news networks we are being informed that cloth masks do very little to stop the spread or offer protection. If a mandate is put into effect it should be for N95 masks not cloth masks.

As someone who suffered a major reaction to the first Pfizer vaccine I was instructed by my physician to not receive the second shot. Therefore I am considered "not vaccinated". How will the city police a restaurant vaccine mandate? When will citizens be considered fully vaccinated? Two shots within six months if Pfizer or Moderna? Booster if these first two were past six months ago? What about the J&J which shows significant waning after two months? There are several people like me that can not take the vaccine for various reasons that still want to support local restaurants. I would hate to see this type of segregation. Also, with the high vaccinated breakthrough rates - what does it matter if you are vaccinated or not? Truly the only way to know if a customer is not carrying the covid virus is to require patrons to show a negative test within 48 hrs of dining.

Thank you for your time and consideration,

Nancy

Mask mandate and restaurant vaccine mandate

0 views



Todd Dadaleares <simtodd@gmail.com>

11:59 AM (2 hours ago)

to Kate Snyder, Andrew Zarro, mdion@portlandmaine.gov, pali@portlandmaine.gov, afournier@portlandmaine.gov, rrodriguez@portlandmaine.gov, tchong@portlandmaine.gov, vpelletier@portlandmaine.gov, atrevorrow@portlandmaine.gov, publiccomment@portlandmaine.gov

I am writing to say thank you for your service. Thank you for representing the people of Portland. These have been difficult times to govern during.

I'm concerned about the direction Portland will be taking if a mask mandate or restaurant vaccine mandate are put into effect. Any new COVID mandates of any kind in Portland would be disastrous as they've already cost our restaurants millions and have proven to make no difference in "stopping the spread or reducing hospitalizations".

I am an educated health care worker who was fired two months ago for not taking the COVID-19 vaccine. I was denied medical and religious exemptions and am ineligible to receive unemployment benefits. As of last week health care workers and some staff are "being advised" to come back into the hospitals and other facilities after 5 days - while still contagious - in some cases. COVID cases in vaccinated healthcare workers at Maine medical center and other hospitals in Maine are spreading the virus even though they are wearing proper PPE. How are we to make sense of this constant-change-madness?

As far as mask mandates go, the data is clear that cloth masks do not stop transmission. They actually do more harm than good to human beings of all ages. In Fauci's FOIA emails (now on featured major news networks) we are being informed that cloth masks do very little to stop the spread or offer protection. Did they ever? The "surgical" masks are equally ineffective at stopping viral particles from passing through a community.

My brother suffered a major reaction to the J and J vaccine. Mandating that anyone get such a leaky, faulty dangerous biologic is incredibly irresponsible.

How will the city police a restaurant vaccine mandate? When will citizens be considered fully vaccinated? Two shots within six months if Pfizer or Moderna? Booster if these first two were past six months ago? What about the J&J which shows significant waning after two months? There are several people like me that can not take the vaccine for various reasons that still want to support local restaurants. I would hate to see this type of segregation. That's what it is folks. Also, with the high vaccinated breakthrough rates - what does it matter if you are vaccinated or not? Truly the only way to know if a customer is not carrying the covid virus is to require patrons to show a negative test within 48 hrs of dining. Most of us have had COVID and we're the most vaccinated area in the country so please do not mandate anything that continues to create division in a city where pretty much everyone has "done their part" for two straight years. I would ask that you reach deep inside of your bravest self and remove all mandates immediately. It only makes sense.

Thank you for your time and consideration,

Nancy

Against mask & vaccine mandates 0 views



Nichole Cullen <nicholecullen@gmail.com>

11:25 AM (3 hours ago)

to publiccomment@portlandmaine.gov

Hello,

I'm writing to voice my opinion on the proposed mask & vaccine mandates in Maine restaurants & public places in general. I am *100%* against mask & vaccine mandates to enter public places. They will NOT stop the spread of Covid & are therefore USELESS in every way except to simply punish people who don't comply with with government & big pharma. There are absolutely no safety precautions for indoor spaces to require vaccine mandates. Everyone is spreading Covid & it makes no difference if they are masked with ineffective cloth and paper masks/unmasked or vaccinated/unvaccinated. People who choose to remain unvaccinated have every right to do so and should not be subjected to segregation & social punishment.

Thank you for listening!

Nichole Cullen

REALTOR

Portside Real Estate Group

c 407.276.0346 | nichole@portsidereg.com

417 Route One US Route One | Falmouth, ME | 207.619.7571

www.portsiderealestategroup.com

[About Nichole](#)

No Mask Mandates!! 0 views



OLD GROW <oldgrowmedicine@gmail.com> Dec 31, 2021, 9:14:09 AM (3 days ago)
to publiccomment@portlandmaine.gov

Are you fucking kidding?
You can't force gun-toting Americans to wear masks.
We bite back.

Support for Vaccine Requirement for Indoor Activities

0 views



Owen Sanderson <o.sanderson@mac.com>

8:29 AM (5 hours ago)

to publiccomment@portlandmaine.gov, Kellie MacDonald

Dear City Counselors –

I hope this note finds you well. My name is Owen Sanderson and I live out on Peaks Island. **I write to encourage you to have Portland, Maine pass a mask and vaccine mandate for indoor activities similar** to what larger cities like Boston, Chicago, and NYC have instituted. With rising case numbers, protecting our population while supporting our small businesses is essential – and this is a common sense approach that Portlanders can get behind.

See this article for additional details about other cities pursuing this approach: <https://www.cnn.com/travel/article/major-us-cities-vaccine-test-mandates-covid-19/index.html>

Thank you for your consideration.

// Owen

--

O. Sanderson

[202-286-0437](tel:202-286-0437)

www.osanderson.com

www.maineislander.co

joan proudman <joanproudman@gmail.com>
to publiccomment@portlandmaine.gov

Jan 2, 2022, 9:14:34 PM (16 hours ago)

I would like to put in a word about mandates , especially vaccine mandates .
I feel very strongly that forcing people to comply with medical procedures is highly unethical.

It is also dangerous to set a precedent that governments might wield power over a persons bodily autonomy.

I have personal health reasons for avoiding the vaccine but regardless, medical procedures should never be forced upon anyone for any reason.

Thank you .

Respectfully,
Joan Proudman

--

Joan Proudman Selmer-Larsen
Joan Proudman Art
joanproudmanart.com



Melissa Boyd <melissa.boyd@me.com>
to publiccomment@portlandmaine.gov

Jan 2, 2022, 9:26:27 PM (16 hours ago)

Hello

I do not support the vaccine mandate, the mask mandate, the city-wide state of emergency.

The covid vaccine does not provide immunity and the majority of people who've contracted covid have been vaccinated.

Please reconsider such mandates.

Thank you

Melissa



Carol Sullivan <c.sullivan56@gmail.com>
to publiccomment@portlandmaine.gov, mainersforfreedom@protonmail.com

7:45 AM (6 hours ago)

If you haven't realized that this pandemic is now one of the VAXED, then shame on you for not educating yourselves. Vaccines Are killing people and they'll kill business in your city if you require them. Masks don't work, they are dangerous to your health. Let people decide for themselves if they want to mask up and wear face diapers.

We used to enjoy visiting Portland and its various wonderful eateries that have made it a foodie's destination in this nation. If you enforce a mandate you will put hard working people out of business and ruin your reputation. Think hard on this decision....Do you want to gut your town like NYC? It will never be the same. Your glory days will be gone.

So sorry to hear that you are even considering this short-sited, ill-informed mandate.

--

Carol Sullivan - Silk Artist

Hand-dyed silks ~ wall art, wearables, installations

Hand-made in Maine

www.carolsullivan silkartist.com

[Facebook](#)

[Instagram](#)



CarolynAnne Stripling <carolynstripling@gmail.com>

8:50 AM (5 hours ago)

to publiccomment@portlandmaine.gov

We OPPOSE mask and vaccine mandates for the city of Portland.

Thank you,

The Pike Family

"Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience, then? I think that we should be men first, and subjects afterward."

-Henry David Thoreau



Pattie Clocher <pattieclocher@gmail.com>

9:41 AM (4 hours ago)

to publiccomment@portlandmaine.gov

Please do not mandate that we destroy our bodies with an experimental agent. Let us decide for ourselves what to put into our bodies and do not segregate us for having our own choice. The government should in no way make health decisions for it's citizens.

STOP ALL MANDATES!!

Pattie Balcom

Berwick

Today's City Council Agenda - Mandates

Agendas/Public Comment



'Peter Olafsen' via Public Comment

12:00 PM (1 hour ago)

to

Hello,

My name is Peter Olafsen. I am a native Portlander, a local religious leader, and a 15 year veteran of working in Portland restaurants - currently as a sommelier at Back Bay Grill.

I write to you today to advocate in favor of allowing Portland restaurants & food stores the freedom to choose whether a mandate, whether one of masks or otherwise, is the right decision for their business and their clientele.

I urge you to stay any forward motion to mandate, require, or force these decisions upon others. This city of Portland, state of Maine, country of America, and world of Humans, is full of people who have the ability to make these choices for themselves.

In a time where public opinion is so divided, please halt any motions that would bring further division to our community. Barring some in society from accessing local food and supporting their favorite businesses, is to enact modern segregation. Society and Portland needs unity more than ever. Unity happens when we tolerate the decisions of others, and accept their right to make the best choices for themselves.

If there are businesses that wish to require certain things in order for patrons to enter, then the to-be patrons can choose for themselves whether that is a business they would like to enter/support. If a business wishes to be open to the public, allowing any patron enter, regardless of their personal medical choices, then to-be patrons likewise have the freedom to choose whether they wish to enter/support that business.

Thank you for your time.

Peace be upon you,
Peter Olafsen

Sent from ProtonMail for iOS

Public Comment for 1/3 City Council Meeting

0 views



Rachel Pargeter <rachelpmaine@gmail.com> Dec 29, 2021, 3:17:04 PM (4 days ago)
to publiccomment@portlandmaine.gov

Order 124-21/22:

The State of Emergency should not be repealed, given current case counts for COVID-19 and the expected surge due to the highly transmissible Omicron variant. I personally am not comfortable attending City Council Meetings in person and would like them to continue to be held remotely.

Order 131-21/22:

I strongly support a mask mandate in public places in Portland and I also support a vaccine mandate for restaurants, as proposed in a petition from Eventide. As case numbers are exploding and many indoor public places in Portland are frequented by people from all counties in Maine, a mask mandate makes sense. For restaurants and bars, where it's not possible to remain masked at all times, a vaccine mandate for entry makes sense. Please consider following New York City's lead to keep everyone safe. The staff in our amazing restaurants in Portland deserve more protection than is currently available to them with the US CDC and Maine CDC's extremely weak recommendations to wear masks indoors. I recently had to go to the Bureau of Motor Vehicles on Presumpscot Street in Portland with my teenage daughter and very few people (less than 20%) of everyone waiting, sometimes for a long time, were wearing masks.

Thank you,
Rachel Pargeter
73 Payson Street
Portland, ME 04102

Portland resident No mask/Vaccine Mandates 0 views



zach <wardnipper49@aol.com>
to publiccomment@portlandmaine.gov

Jan 2, 2022, 11:11:53 PM (14 hours ago)

Richard L Ward JR
457 Cumberland Ave Portland Maine

I am writing as a Portland resident to show my disdain for a mask mandate and the petition pushing for a vaccine mandate to enjoy activities in the city. While I believe we can all agree COVID is a serious disease I believe the mask mandate does little to change things for the positive. The mask most people wear are for theater than public safety. Unless you're wearing an N95 medical grade mask that's being changed on the hour then it's just a symbol of compliance rather than for your health. So unless we're all going to wear real respirators that filter viruses these mask mandates are just for show.

The vaccine mandate to enter indoor spots I find repulsive. We are all adults who can make their own choices to enter or not but a mandate to ban certain groups is wrong. The issue I am most concerned with a vaccine passport is the drain on law enforcement who have real crime to attend to. It doesn't follow the science that anyone can carry and spread COVID. It is blatant discrimination on religious freedom and people of color who are the ones that will be most affected by a vaccine mandate.

I am urging the city council and Mayor to take a stand against these topics. We are a republic and should not operate under mob rule. If we let the city infringe on anyone's rights it may be you next who is discriminated against. Where do we draw a line on mandates? Will the non-vaccinated be expelled from the city next? Will we not allow non-vaccinated to work in our city? We're a city who is over 88 percent vaccinated at what point will you take responsibility for yourselves than passing the blame to others. How many vaccines will you take to show your allegiance when you're gaining no protection. How long will you comply when time and time again we've been lied to and the "science" changes. When you can't question the "truth" it's propaganda.

Thank you sincerely Richard L Ward JR

City Wide Mask Mandate and Vaccine Mandate for Restaurants

0 views



Sabrina Elizabeth Newcomb <sabrina.newcomb... Jan 2, 2022, 10:13:53 PM (15 hours ago)

to publiccomment@portlandmaine.gov, ksnyder@portlandmaine.gov, pali@portlandmaine.gov, afournier@portlandmaine.gov, rrodriguez@portlandmaine.gov, atrevorrow@portlandmaine.gov, vpelletier@portlandmaine.gov, tchong@portlandmaine.gov, azarro@portlandmaine.gov

At this point it should be crystal clear that masks do not work.

Furthermore, Vaccine Passports are not evidence based and I would encourage every single City Councilor to actually look at some research as opposed to just watching the crap the mainstream media is peddling.

If the city of Portland issues a mask or vaccine mandate my family will do ZERO business in Portland and I know many folks who feel the same way. I have natural immunity to COVID and there is no way I am going to wear a mask or turn myself into a lab rat because of a bunch of Communists who refuse to follow evidence based practices.

WHERE THERE IS RISK THERE MUST BE CHOICE.
INFORMED CONSENT MATTERS.
Vaccine Mandates = Medical Rape.

A MAINE ICU DOCTOR

<https://www.wvomfm.com/episode/ghrt-rewind-11-18-erin-icu-physician-1430/>

STUDIES ABOUT NATURAL IMMUNITY

https://academic.oup.com/cid/advance-article/doi/10.1093/cid/ciab884/6381561#.YWGHcYtQ_Hc.twitter

<https://www.nature.com/articles/s41586-021-03647-4>

<https://www.medrxiv.org/content/10.1101/2021.04.19.21255739v1>

<https://www.biorxiv.org/content/10.1101/2021.07.14.452381v1>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7919858/>

[https://www.thelancet.com/journals/eclinm/article/PIIS2589-5370\(21\)00141-3/fulltext#%20](https://www.thelancet.com/journals/eclinm/article/PIIS2589-5370(21)00141-3/fulltext#%20)

<https://pubmed.ncbi.nlm.nih.gov/33777028/>

https://www.nature.com/articles/s41467-021-24377-1?utm_source=other&utm_medium=other&utm_content=null&utm_campaign=JRCN_1_LW01_CN_natureOA_article_paid_XMOL

<https://apps.who.int/iris/bitstream/handle/10665/341241/WHO-2019-nCoV-Sci-Brief-Natural-immunity-2021.1-eng.pdf?sequence=3&isAllowed=y>

<https://pubmed.ncbi.nlm.nih.gov/33583018/>

<https://academic.oup.com/ofid/article/8/8/ofab378/6322055>

<https://www.sciencedirect.com/science/article/pii/S1521661621001510>

EVEN NPR IS REPORTING THAT THE VACCINE IS NOT WORKING

https://www.npr.org/sections/goatsandsoda/2021/12/31/1067702355/omicron-is-spreading-like-wildfire-scientists-are-trying-to-figure-out-why?utm_medium=social&utm_source=facebook

[com&utm_campaign=npr&utm_term=nprnews&fbclid=IwAR36TSIJf9XIO7aHaRT7LuECYZshuLDyTUbA5bjVDFNrIEvctnQKb1rpRbY](#)

Cardiac Problems from the vaccine -

https://www.ahajournals.org/doi/10.1161/circ.144.suppl_1.10712?fbclid=IwAR21fEmh0mmdDURZPH6S38UjAqacTOEaZvCWSR2rjTMMsXX7iqgkOhnU11k

Pfizer whistleblower

<https://www.youtube.com/watch?v=g-pqpauJ90Y>

Data released from Pfizer

https://phmpf.org/wp-content/uploads/2021/11/5.3.6-postmarketing-experience.pdf?fbclid=IwAR06Jtm6hKCJuMDXJeCKB7rRNXEfyNVYPuyDhsVLCRwRNG-RlrErs9y1E_k

Comprehensive Risk/Benefit Analysis for Administering COVID-19 Vaccines to Children

https://coreymitchell.substack.com/p/comprehensive-riskbenefit-analysis?fbclid=IwAR0VV4nGVDxPXzX4RSHRkFyx6FYBE6hfcE4fGoUdY-Xcf_dIZa2kgukxnsM

Keep the city's state of emergency in place and instate a temporary mask mandate

0 views



Sarah Lentz <sarahmarielentz@gmail.com>

10:31 AM (3 hours ago)

to ksnyder@portlandmaine.gov, Pious Ali, vpelletier@portlandmaine.gov, tchong@portlandmaine.gov, Andrew Zarro, mdion@portlandmaine.gov, April Fournier, rrodriguez@portlandmaine.gov, publiccomment@portlandmaine.gov

Hello all,

My name is Sarah Lentz and I live at 27 Arlington Street, #1. I'm writing to strongly encourage the council to uphold the state of emergency currently in place in Portland and instate a temporary mask mandate.

As I'm sure you are all aware, our COVID numbers right now are higher than they have ever been, though we seem to be using less risk mitigation strategies. Here are the reasons I support **both** upholding the state of emergency and instating a temporary mask mandate.

1. **Our front line workers need and deserve the emergency wages.** Businesses are closing left and right and staff are not able to work because of these closures. Many of these workers are not compensated for this time off or the time they have to take for testing or illness caused by COVID. The emergency wages will help supplement this loss of income. *If we are a city serious about equity, maintaining the state of emergency with the wage increase is essential.*

2. **Test and testing scarcity.** Have you tried to find a rapid test or testing appointment in the city? It is almost impossible and many testing sites are booking weeks out. To find an appointment or test takes time and money that many of our frontline workers do not have. The additional income again will help supplement lost working hours needed to navigate these stressed systems as well as the cost of tests.

3. **Mask scarcity.** Yesterday, I drove to North Windham to find n95 masks. It took me hours online to source these and navigate securing them. Again, many of our frontline workers do not have time or money to do this. Without universal access to masks that actually prevent the spread of COVID, we will continue to see our numbers rise putting our workers at increased risk.

4. **Front line workers have children.** Not only do many frontline workers have children that cannot yet be vaccinated, but they also have children in school who will likely experience quarantine in the coming weeks because of our increased numbers. If we can ask children and teachers to mask every day, we can surely ask the same of all residents of the city.

For these reasons and more, I emphatically ask that you vote to uphold the state of emergency and employ a temporary mask mandate until Omicron passes its peak.

Thank you for your time and service.

Sarah Lentz

Basic human rights 0 views



seyha chea <seyha.chea@gmail.com>

11:24 AM (3 hours ago)

to publiccomment@portlandmaine.gov

What happened to the city I helped cultivate and loved so dearly for over a decade? Have we been bombarded by city members who have recently transplanted themselves from near and far states, pushing their oppressive agendas and directing Portland away from its heart and soul? I urge the city to drop these futile mandates that do nothing but divide, discriminate, and alienate the same members who have had a hand in building the Portland that the country is seemingly flocking to.

Heartbroken,
Seyha Chea

ordinance 131-21/22 0 views



smccart1@maine.rr.com <smccart1@maine.r... Jan 2, 2022, 3:59:23 PM (21 hours ago)
to publiccomment@portlandmaine.gov

Since this order was drafted , Dr. Shah of the Maine CDC, the man whom you have been relying on for guidance throughout this pandemic has stated the following. " It may be the time to retire the older approach of a cloth face covering". That statement should put an end to any debate about a mask mandate for the city of Portland. Why force your citizens to put something on their face that the head of the CDC tells us, does not work any longer ?

Is the city prepared to supply businesses with N-95 masks to pass out to people ?

If you do pass this ordinance, why are restaurants not given the same exemption that apply to churches and schools ? Does the virus not go to church ? People make a choice to go to a restaurant, they do not NEED to go to those establishments. They decide that they are going to get in their car and drive or walk to an establishment because they are comfortable going there. Let them make that choice. They can go to a restaurant that requires a mask or proof of vaccination, or they can go to an establishment that does not. Let them choose. Exempt restaurants as you have churches.

Everyone HAS to go to Hannaford, CVS and Maine hardware to get essential items. It is understandable that everyone should be required to wear a mask in those settings. There should be no choice in those settings. Wear a mask or opt for home delivery of your groceries.

This is a pandemic oh the UNVACCINATED. Our President said so. Dr Shah says so, Dr. Fauci says so. In today's Sunday paper it was reported the 2/3 of hospitalized patients are UNVACCINATED and 9 out of 10 that are in intensive care are UNVACCINATED.

On the state covid dashboard, Cumberland county and Portland are doing even better than the last time the mask mandate came up. Cumberland County is 81.9 % vaccinated. By zip code Portland goes from 84% vaccinated to 90% vaccinated.

The tool to take care of our citizens is the VACCINATION. If you want to help protect our citizens, open up Merrill auditorium and the Expo for VACCINATION clinics. The proof is in the numbers and the science.

Please do as you have stated all along. Follow the State and follow the science. Putting a decorative facial covering over someone's nose and mouth is NOT the answer to this. VACCINATION is.

Thank you

Shaun McCarthy

500 Baxter Blvd

President

Dock Fore inc

Opposition to vaccine/mask mandated 0 views



shea donovan <shea.a.donovan@gmail.com>

8:33 AM (5 hours ago)

to publiccomment@portlandmaine.gov

Good morning,

My name is Shea Donovan and I would like to state my opposition to mask mandate that is up for discussion as well as the vaccine mandated that has been postponed. I have lived in the City of Portland for 10 years and worked in the restaurant service industry to support myself. Requiring people to receive a not yet FDA approved drug in order to go about there day to day life within our city is not only morally wrong but also dangerous. It will impact many service worker including myself as well as the tourist that keep our city thriving.

Please consider while making you decision.

Shea Donovan

City of Portland Mandates will give false sense of safety

0 views



Sheryl Winchester <winchestersheryl@gmail....> Jan 2, 2022, 1:15:06 PM (24 hours ago)
to publiccomment@portlandmaine.gov

To Whom It May Concern,

By now, we have all learned that the vaccines for Covid-19 do not stop transmission. They were developed and marketed to lessen symptoms and hopefully reduce hospitalization. Recently, there has been more information provided about this, and we have unfortunately seen Covid-19 outbreaks where 97-100% of the people are fully vaccinated.

Aside from these updates, more recently, top medical analysts have just stated that cloth masks and paper surgical masks do not provide the same protection as N95 masks do. Just being out and about we see that many people wear cloth and paper masks, which again are providing a false sense of safety.

Below are some links for your review.

US Navy Ship <https://www.wfla.com/news/national/us-navy-combat-ship-held-at-port-after-covid-breakout-among-100-immunized-crew/>

Cornell University: <https://www.cnn.com/2021/12/14/us/cornell-university-covid-cases/index.html>

CNN on facial coverings: <https://www.cnn.com/2021/12/24/health/cloth-mask-omicron-variant-wellness/index.html>

Mandating a vaccine (or even a mask mandate) in the city of Portland to dine in a restaurant will merely give people a false sense of security. The vaccines do not stop transmission and now we learn that unless people are wearing an N95 mask, they are probably providing little protection.

Mandating vaccines and masks will however, cause segregation, and most likely loss of business in an industry that is already suffering. If vaccines and cloth/paper masks stopped transmission, that would change things. However, data shows they do not.

I hope that the people in charge of making decisions for our wonderful city, carefully weigh the risks and benefits of these mandates in the City of Portland.

Sincerely,
Sheryl

Re: mask mandate. 0 views



Susie Berz <suziq_0283@yahoo.com>

7:04 AM (6 hours ago)

to publiccomment@portlandmaine.gov

My name is Susanna Johnson-Berz , I am a nurse. I am tested on daily basis because I am not fully vaccinated. I had a bad reaction to the first phizer shot so I have a doctors note to not get another. I was told in January that if you wanted to stop masking to get vaccinated. This has been a lie from day 1. I wear my mask at work and shield for eight hours, but outside of work is my risk. I want to breath. I have to test daily and I want to be able to live my life without the worry of overreach from our government or local officials. I shop in Portland but live in Windham. I wouldn't go if I was sick. We have been mislead from officials that unvaccinated are sick when it could be anyone. We cannot live in fear forever. This madness needs to stop and public officials thinking it's there job to determine everyone's safety has got to stop to. Free will needs to prevail

[Sent from Yahoo Mail for iPhone](#)

Mask /VAX Vote 0 views



Tracy Johnson <tracy@tracyjohnsonjewelry.com>

9:44 AM (4 hours ago)

to publiccomment@portlandmaine.gov

To Whom it May Concern,

I do not currently reside in the city of Portland but as the closest city to where I live, the upcoming vote will effect the way I interact with and do business within the city of Portland.

I have already curtailed and or altered many activities such as shopping, hairstyling, attending movies, music venues, museums and restaurants since covid.

Regardless of whether a person is vaccinated or not I do not believe that requiring paperwork regarding a personal medical decision to be shown is in any way helpful to the continuing of our free society.

I urge you to consider the freedoms and choices made by intelligent people for their own wellbeing and to trust that our freedom to make those choices is more important than implementing even more restrictions.

Businesses have been hurt badly and people have died but please consider this vote from a perspective that may not be overwhelmingly popular but protects the choices and freedoms of the residents of Portland and those who use it's resources.

Mandating vaccines and masks will, however, cause division, segregation, and most likely loss of business in an industry that is already suffering.

I hope that the people in charge of making decisions for our wonderful city carefully weigh the risks and benefits of these mandates in the City of Portland.

Thank you very much,
Tracy Johnson Colby

Tracy Johnson Colby
Tracy Johnson Fine Jewelry
www.tracyjohnsonjewelry.com
207-833-5600

Mask mandate 0 views



Vicky Cherry <vcherry@roadrunner.com>

Dec 30, 2021, 2:30:14 PM (3 days ago)

to publiccomment@portlandmaine.gov

I am fully in favor of a mask mandate for Portland. I am more likely to visit the city with a mandate in place. Essential workers, such as those who work in grocery stores, must be protected as much as possible.

Thank you.



Laura Russell <fryemaine@aol.com>

Dec 30, 2021, 3:29:45 PM (3 days ago)

to publiccomment@portlandmaine.gov

I am writing to ask the members to NOT pass the mask mandate blocking unvaccinated citizens from entering public places. This is an over reach of government and each individual business should be able to decide for themselves how they would like to handle the situation.

I have lived in the Portland area for 40 years and am a patron of many beloved Portland businesses that gladly take my money. What's right for one is NOT right all. This will absolutely decimate many small businesses that rely on my dollar.

I have never had Covid because I am very responsible with how I behave in public and do not put myself in large crowds. I fully support my immune system and take other's health very seriously, that is why I always wear a mask in public. I've been eating inside at Portland restaurants for the last year+ safely and hope to continue to do so. Please don't take anyway MY rights.

Laura Russell

[Sent from the all new AOL app for iOS](#)



Lisa Richard <lopaidd@yahoo.com>

Jan 1, 2022, 12:07:05 AM (2 days ago)

to publiccomment@portlandmaine.gov

Don't do it!
The end!
The end of Portland tourism

Sent from my iPad



Nancy esch <nanciesch@gmail.com>

Jan 2, 2022, 6:25:29 PM (19 hours ago)

to publiccomment@portlandmaine.gov

Good evening. My name is Nancy Esch and I'm a resident of South Portland. I am frequently in Portland to shop and for entertainment. I ask that you do not impose a mask mandate in Portland. Studies show they provide no protection against covid as the particle is too small and can be breathed through the mask. Also, most masks fit poorly allowing breath to escape at on all sides. Studies additionally show that risks to personal health outweigh any hopeful benefit. Thank you for your consideration on this.

Sent from my iPhone

Maine's Honest Herb Co. <maineshonestherb@gmail.com> 8:02 AM (6 hours ago)



to publiccomment@portlandmaine.gov

This is appalling. A mask mandate for me personally means I cannot go anywhere in portland to shop and spend money because I have terrible asthma and I simply cannot breathe freely with one on. During covid I had to have people shop for my food. This is total BS. We cannot live in a permanent state of crisis over something with a 99% recovery rate. This is insane.



Kathy Maher <k5maher@icloud.com>

10:12 AM (3 hours ago)

to publiccomment@portlandmaine.gov

Please consider not enforcing a mask mandate . People are able to make their own conscious decision regarding this . Thank you

Sent from my iPad

Mask/Vax Vote 0 views



William Colby <billacolby@icloud.com>

10:13 AM (3 hours ago)

to publiccomment@portlandmaine.gov

Dear City Council,

Although I do not reside in the city of Portland, I enjoy visiting the city. I shop and attend concerts, museums and eat in restaurants.

I do not think that mandating masks and vaccination cards to enter businesses is a good idea. It infringes on my rights as a citizen and my personal medical choices regarding my body.

There is a lot of new information coming out regarding the inefficiency of cloth masks and the fact that people who are vaccinated can get the virus and spread it.

Mandating masks and vaccines will however cause division, segregation and most likely loss of business in an industry that is already suffering.

I hope the people in charge of making decisions for the wonderful city of Portland will carefully weigh the risks and benefits of these mandates.

Sincerely,

William Colby

MEMORANDUM
City Council Agenda Item

FROM: Danielle West Chuhta, Interim City Manager

DATE: December 20, 2021

SUBJECT: Order 132-21/22 Amendment of Portland City Code Chapter 14 Re: Eastern Waterfront Port Zone Marina Food Service - Sponsored by the Planning Board, Brandon Mazer, Chair

SPONSOR: Brandon Mazer, Chair, Portland Planning Board. On November 23, 2021, the Planning Board voted 5-0 that the proposed zoning text amendment was consistent with the Comprehensive Plan for the City of Portland.

(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 1/3/2022

Final Action 1/19/2022

Can action be taken at a later date: Yes If action cannot be taken at a later date, please explain why

PRESENTATION: Brandon Mazer, Planning Board Chair, 5 minutes.

I. SUMMARY

The Planning Board recommends zoning text amendments to the Land Use Code's Eastern Waterfront Port Zone's (EWPZ) Use Standards to allow limited restaurant and food service use as part of a marina, with restrictions on floor area and location within the zone.

II. AGENDA DESCRIPTION

On November 23, 2021, the Planning Board voted 5-0 that the proposed zoning text amendment was consistent with the Comprehensive Plan for the City of Portland.

Portland Foreside Development Company is requesting to amend the Waterfront Chapter (Article 10) of the Land Use Code to permit limited restaurant and food service uses where associated with a marina within the EWPZ. The proposed amendments would limit the overall floor area of such use to 1,000 square feet, and limit any outdoor components of the use to within 100 feet of the marina office building. This amendment would also remove the existing prohibition on restaurants and food service uses within 25 feet of the pier edge.

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

III. BACKGROUND

The Eastern Waterfront Port Zone (EWPZ) features just two property owners; the City of Portland (properties include Maine State Pier, Ocean Gateway, Amethyst Lot, and SailMaine) and Portland Foreside Development Company, which owns and operates the Fore Points Marina, the only marina in operation within the zone. As this text amendment applies only to restaurant and food service uses associated with a marina, this amendment, in practice, will likely only ever apply to this particular property. As such, the draft text is notably specific to this site and context.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intent of the proposed zoning actions is to introduce a compatible non-marine use on waterfront property that will be considered a component to marinas, a prominent water-dependent use within the City, and which will enable residents and visitors alike to access an area of Portland's waterfront that would otherwise have

been restricted, private property. These benefits are pronounced within Portland's Plan 2030, which calls for increased waterfront access, and the leveraging of non-marine development to support water-dependent uses.

V. FINANCIAL IMPACT

The proposed code amendment will result in no financial impact to the City.

VI. STAFF ANALYSIS AND BACKGROUND

The advertised text amendments are the result of two Planning Board workshops, meetings with the applicant, neighborhood input, and Planning staff analysis. In the course of this review, staff and the Planning Board have sought to understand and limit any potential impacts a restaurant use may have on the heavily trafficked Eastern Promenade Trail, which immediately abuts the marina property, as well as areas envisioned for future public access. This has resulted in revisions to the food service/restaurant use as it appears in this amendment, in order to ensure that such use may operate without interior seating, as operated currently, and that all preparatory and storage areas associated with the use be subject to proposed dimensional restrictions. Further, this discussion led to the introduction of language requiring that the use not interfere or encroach upon areas envisioned for future public access.

When initially submitted, the restaurant and food service use was proposed as being an accessory use to the marina. Accessory uses are formally defined in the land use code, and are permitted to constitute no more than 25% of a building's floor area, or, if not located within a building, 25% of a lot's unbuilt lot area. Given that marina office buildings are generally smaller in size but are located on lots of a substantial size the general accessory use limitations were considered either too limited with respect to floor area, or too generous with respect to lot area. Noting this, the text amendment was revised to directly incorporate the food service use into the marina, with more tailored dimensional restrictions.

Prior to the Planning Board Public Hearing, Planning staff developed an alternative version of the text to limit exterior components of the restaurant use to within 75 feet of the marina office building, as opposed to 100 feet, as had previously been recommended. The rationale for developing this alternative was that the Planning Board and some members of the public had requested that the restaurant use be clearly incidental to the marina and restricted so as not to interfere with the eastern promenade trail or areas envisioned to be publicly accessible. This alternative text amendment was proposed to reflect those considerations. At the public hearing, the applicant noted that this alternative version, while reflective of the proposed future buildout of their marina building, would limit the use prior to the development of the marina office building without any real perceived benefit to the public. The Planning Board, in discussing the two options presented, agreed that sufficient controls had been introduced to ensure that the restaurant use would not impact the trail or other future publicly accessible areas, and chose to recommend the version permitting components of the restaurant use within 100 feet of the marina office building.

Portland's Plan 2030 identifies vision statements, policy goals for the City, and principles of future land use, several of which support the proposed text amendment. The text amendments align with the Comprehensive Plan vision statements and goals by expanding access to the waterfront in this location with the introduction of a restaurant, which while not public space, is accessible to members of the general public. The text amendment also serves to support a traditional marine industry, as the restaurant use will in part subsidize and support one of the most prominent deep water marinas in the state of Maine.

VII. RECOMMENDATION

At a public hearing on November 23, 2021, the Planning Board voted 5-0 (Smith Recused, and Chann absent) that the proposed zoning text amendment (to permit food service as a component of a marina in the EWPZ with specified dimensional requirements) is consistent with the Comprehensive Plan for the City of Portland.

The Planning Board recommended these actions to the City Council.

VIII. LIST ATTACHMENTS

1. Ch. 14 Rezoning Waterfront Zone, food service at marinas 1.3.2022
2. Article 10 Redlined Version
3. CC Report - 1 Marina Way

Prepared by:

Danielle West Chuhta, Interim City Manager

Date: 12/20/2021

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (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)
ROBERTO RODRÍGUEZ (A/L)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 14 RE:
EASTERN WATERFRONT PORT ZONE MARINA FOOD SERVICE**

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

*That Chapter 14, Section 10.2.3(B)(10) is hereby amended to
read as follows, on the following page:*

10. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices.

Marinas located east of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26. Marinas may include food service where food or drink is prepared, served, kept, or stored for retail sale onsite if such food service does not exceed 1,000 square feet of total floor area and is within 100 feet of the principal marina building. Outdoor seating for marina food service shall be permitted within 100 feet of the principal marina building. Areas dedicated to food service shall be open to the general public, and shall not impede areas dedicated to pedestrian circulation.

Restaurants and food service establishments, including any storage or preparatory space, shall be permitted as accessory uses if such uses do not exceed 1,000 square feet of total interior floor area of the principal marina building and are within 100 feet of the principal marina building, provided pedestrian circulation is not unreasonably impaired and further provided that such accessory uses are open to the general public.

Marine office, including but not limited to offices of owners of marinas, wharves or their agents, and naval architects, and seafood brokers.

C. Commercial

1. Professional, business, government, and general office located in upper floors of structures existing as of September 18, 2006.

**Editor's Note - On-site parking for non-marine commercial uses are permitted as conditional uses subject to the provisions of Subsection 10.2.4.*

2. Temporary events, except festivals as otherwise governed under paragraph (3) listed below. Buildings, piers and lands within the EWPZ may be used for temporary public and private events including but not limited to exhibitions, conferences, meetings, and trade shows under the following conditions:
 - a. Temporary events occupying more than 10,000 square feet of building or outdoor space shall not exceed a combined total of 60 days between May 1st to October 31st.
 - b. No temporary event may continue for more than 14 days of continuous operation.
 - c. Any temporary event that anticipates more than 5,000 people in attendance on any single day must provide and be subject to a parking management plan. The parking management plan must be submitted for the review and approval of the public works authority at least 60 days prior to the first day of the event.

OPTION A - DRAFT AMENDMENTS FOR PLANNING BOARD CONSIDERATION – 11/23/21

10 WATERFRONT ZONES

10.1 IN GENERAL

Portland's waterfront zones were developed to support a wide range of industries unique to the city's maritime environment that rely upon access to the working waterfront. Competing demands for limited access require a more exhaustive use list, specialized performance standards, and a unique set of dimensional restrictions that are unlike those of other zones. Given this high degree of specialization, Article 10 should generally be viewed in isolation from other articles within the Land Use Code, with the exception of waterfront-specific definitions, listed within Article 3. Uses specific to Article 10 may feature some degree of overlap with other defined uses allowed elsewhere within the city. However, in such instances, the use as referenced within this article shall control.

10.2 EASTERN WATERFRONT PORT ZONE (EWPZ)

10.2.1 Purpose

- A. The Eastern Waterfront Port Zone is created to nurture deepwater-dependent activity within the context of the established waterfront. The transport of goods and passengers by water is an important component of both the local and regional economies and this transport and other forms of marine industry are dependent upon land and piers with direct access to

Portland Harbor. Given the existing pier infrastructure, proximity to deep water, and urban context, Portland's Eastern Waterfront is uniquely situated to support a wide range of water-dependent industry and commerce through a variety of marine activities.

- B. The support and expansion of Portland's marine industry requires piers, uplands, and circulation consistent with the transportation purpose and use of marine facilities. The growth of Portland's marine passenger industry also requires supporting services and activities to provide a safe, convenient, and enjoyable travel experience for users of marine passenger facilities. Non-marine uses that complement the marine passenger industry, are compatible with existing and future water-dependent uses, and provide opportunities for residents and visitors alike to enjoy the Eastern Waterfront throughout the year, are encouraged.
- C. The primary use of the deep-water resources must be for the berthing and support of large vessels. Non-marine uses that complement and support the deepwater infrastructure and do not conflict or compete for limited space with existing or anticipated deepwater-dependent uses are encouraged. Existing and future pier infrastructure and upland support areas should be designed and maintained to support a variety of marine uses and be responsive to future technologies and trends in the marine industry.
- D. Given the need to nurture and support deepwater-dependent uses and the need for non-deepwater-dependent uses to complement the marine passenger industry and to support the maintenance and repair of pier infrastructure, the Eastern Waterfront

Port Zone recognizes the following hierarchy of uses:

1. The first priority of this zone is to protect and nurture existing and potential deepwater-dependent uses (those uses requiring a minimum of 15 feet of water depth).
2. The second priority is to allow shallow water-dependent and other permitted marine uses, so long as they do not interfere with deepwater-dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure.
3. Other uses specified herein are allowed only if they do not interfere with and are not incompatible with higher priority uses.

10.2.2 No adverse impact on marine uses

No use shall be permitted, approved or established in this zone if it will have an impermissible adverse impact on future marine development opportunities. A proposed non-water-dependent component of a development will have an impermissible adverse impact if it will result in any one or more of the following:

- A.** The proposed use will displace an existing water-dependent use.
- B.** The proposed use will reduce existing commercial vessel berthing space.
- C.** The proposed use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing

or other access to the water by water-dependent uses.

- D.** The siting of a proposed use will substantially reduce or inhibit existing public access to marine or tidal waters.

10.2.3 Permitted uses

Subject to a determination that the proposed use meets the standards of Subsection 10.2.2, the following uses are permitted in the Eastern Waterfront Port Zone:

A. Marine passenger

1. Intermodal marine passenger facilities.
2. Cruise ship home port and port-of-call berthing and support.
3. International and domestic ferries.

B. Marine commercial

1. Transient and long-term commercial berthing.
2. Marine-related warehousing.
3. Marine-related construction, manufacturing, fabrication, salvage, and repair.
4. Storage and repair of fishing equipment.
5. Ship and other marine vessel construction, building, servicing, and repair.
6. Boat and marine equipment storage.
7. Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels.
8. Public, non-profit, or commercial marine transportation and excursion services, including captained charter services, sport fishing and water taxis.
9. Ship and off-shore support services, including but not limited to tug boats, pilot boats, and chandleries.

10. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices.

Marinas located east of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26. Marinas may include food service where food or drink is prepared, served, kept, or stored for retail sale onsite if such food service does not exceed 1,000 square feet of total floor area and is within 100 feet of the principal marina building. Outdoor seating for marina food service shall be permitted within 100 feet of the principal marina building. Areas dedicated to food service shall be open to the general public, and shall not impede areas dedicated to pedestrian circulation.

Restaurants and food service establishments, including any storage or preparatory space, shall be permitted as accessory uses if such uses do not exceed 1,000 square feet of total interior floor area of the principal marina building and are within 100 feet of the principal marina building, provided pedestrian circulation is not unreasonably impaired and further provided that such accessory uses are open to the general public.

Marine office, including but not limited to offices of owners of marinas, wharves or their agents, and naval architects, and seafood brokers.

C. Commercial

1. Professional, business, government, and general office located in upper floors of structures existing as of September 18, 2006.

**Editor's Note - On-site parking for non-marine commercial uses are permitted as conditional uses subject to the provisions of Subsection 10.2.4.*

2. Temporary events, except festivals as otherwise governed under paragraph (3) listed below. Buildings, piers and lands within the EWPZ may be used for temporary public and private events including but not limited to exhibitions, conferences, meetings, and trade shows under the following conditions:
 - a. Temporary events occupying more than 10,000 square feet of building or outdoor space shall not exceed a combined total of 60 days between May 1st to October 31st.
 - b. No temporary event may continue for more than 14 days of continuous operation.
 - c. Any temporary event that anticipates more than 5,000 people in attendance on any single day must provide and be subject to a parking management plan. The parking management plan must be submitted for the review and approval of the public works authority at least 60 days prior to the first day of the event.

3. Festivals subject to City license.
4. Street vendors licensed pursuant to Chapter 19 of the City of Portland Code of Ordinances.

D. Public

1. Fire, police, and emergency services.
2. Governmental agency emergency operations/crisis centers.
3. Research, military and visiting attraction vessel berthing.
4. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails.

E. Other

1. A facility for non-profit organizations whose facility may include offices, classrooms, equipment, equipment rentals, storage, and bathrooms for the public.

10.2.4 Conditional uses

- A.** The following uses shall be permitted as conditional uses in the Eastern Waterfront Port Zone, provided that, notwithstanding Subsection 6.5.1, or any other provision of this code, the Planning Board shall be substituted for the Board of Appeals as the review authority, and provided further that in addition to the provisions of Subsection 6.5.2, such uses will not impede or preclude existing or potential water-dependent development within the zone, will allow for adequate right-of-way access to the water, are compatible with marine uses, and meet all additional standards set forth below.

B. Conditional use standards

1. *Marine compatibility.* The proposed use shall be compatible with existing and

potential marine uses in the vicinity, as required by Subsection 10.2.8(M) and (N).

2. *Parking and traffic circulation.* All applications for conditional use in the EWPZ shall submit a parking and circulation plan for review and approval by the Planning Board. The parking and circulation plan shall show the location of all existing and proposed structures, travel ways, and parking under the common ownership and/or control of the subject pier or property. The plan shall demonstrate that the parking and circulation of the conditional use does not interfere with the functional marine utility of the property and otherwise meets the standards and conditions of the EWPZ.

C. Conditional uses

1. *Marine*
 - a. Marine products, wholesaling, and retailing.
 - b. Ice-making services.
 - c. Marine freight facilities providing service for, and/or intermodal transfer of, container and breakbulk freight.
 - d. Marine educational facilities.
 - e. Seafood retailing, wholesaling, packaging, and shipping.
 - f. Seafood processing for human consumption, subject to the performance standards applicable to the I-L zone as listed in Section 6.8.
 - g. Commercial marinas serving commercial and recreation boats located west of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated

February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26, provided that such facilities are located in areas that do not conflict with the navigation and handling of deepwater-dependent vessels accessing existing or potential deepwater berthing.

- h. Fish byproducts processing, provided that:
 - i. Any fish byproducts processing facility has a valid rendering facility license under Chapter 12 of the Portland City Code of Ordinances.
 - ii. Any fish byproducts facility shall employ current and appropriate odor control technology to eliminate or minimize detectable odors from such a process, and in no case shall odors exceed the odor limitation performance standards of the IM zone in Subsection 6.8.10.
 - iii. The processing other material wastes or byproducts shall not be deemed a lawful accessory use permitted herein.
- 2. *Commercial*
 - a. Structured parking available to the general public.
 - b. Professional, business, government and general offices uses in upper floors of structures constructed after September 18, 2006.
 - c. Passenger support services supporting a marine passenger use listed under Subsection 10.2.3(A). The total

ground floor area occupied by any combination of the following uses (regardless of ownership) shall not exceed 35% of the gross floor area of the principal associated marine passenger use and no more than 35,000 square feet cumulative within the EWPZ:

- i. Retail.
 - ii. Restaurants/food service other than street vendors.
 - iii. Retail service.
 - iv. Passenger information services.
- 3. *Industrial*. The following industrial uses are permitted provided that such uses shall conform to the IM zone performance standards set forth in Section 6.8 in addition to the performance standards of Subsection 10.2.8. Where redundant or contradictory performance standards exist, the more restrictive standard applies.
 - a. Non-marine-related warehousing in structures existing as of September 18, 2006.
 - b. Facilities for combined marine and general construction.
 - c. Low impact industrial uses as permitted in the IL zone in structures existing as of September 18, 2006, excluding all auto repair service facilities.
- 4. *Public*
 - a. Utility substations. Public utility substations, including but not limited to electrical transformers, sewage and stormwater pumps and telecommunication switching stations,

are permitted under the following conditions:

- i. The facility is located more than 100 feet from the water's edge.
- ii. The facility occupies no more than 50 square feet of structure above ground.
- iii. The facility provides no dedicated on-site parking and all subsurface elements of the facility are installed and operated such that land occupied by the facility is otherwise useable and made available for marine-related uses, including but not limited to parking, travel ways, and/or storage.
- iv. The facility shall be sized, sited and screened to minimize visual impact and prominence from public ways.

- b. Maritime museums, limited to 5,000 square feet of ground floor footprint.

**Editor's Note - On-site parking for non-marine commercial and industrial uses are permitted as conditional uses subject to the following provisions.*

5. *Parking for non-marine uses.*

Notwithstanding Subsection 19.1.6 and Article 14 of this Land Use Code, no parking shall be allowed in this zone for non-marine uses unless the applicant can demonstrate that the number of parking spaces on-site exceeds the number of parking spaces needed to accommodate the demand for marine and water-dependent uses that are permitted by Subsections 10.2.3 and 10.2.4 which are or

may be located on the subject property. (See editor's note below.) The remainder of parking required, if any, for such non-marine uses shall be provided off-site.

**Editor's Note - Vacant ground floor space should be considered to have a parking demand similar to other space housing an existing water-dependent use elsewhere on the subject property or on a comparable property.*

- D. The following use shall be permitted only upon the issuance of a conditional use permit subject to the provisions of Section 6.5, and any special provisions, standards, or requirements specified below:

1. Wind energy systems.
2. Solar energy systems.

10.2.5 Prohibited uses

Uses, whether floating or fixed to land, which are not enumerated in Subsections 10.2.3 or 10.2.4 as permitted or conditional uses are prohibited. Those uses that are specifically prohibited shall include, without limitation:

- A. Residential uses.
- B. Amusement/theme parks.
- C. Bulk freight facilities.
- D. On-site gambling casinos not accessory to and located aboard either a ferry or inter-port cruise ship.

10.2.6 Contract or conditional rezoning

In addition to those marine and non-marine uses authorized in Subsections 10.2.3 and 10.2.4, an applicant may apply to locate a non-marine use not otherwise permitted, if the reviewing body finds the applicant has met the standards of Subsection 10.2.2, the performance standards of Subsection 10.2.8, the applicable standards of



WATERFRONT ZONES

contract/conditional rezoning contained in Section 5.3, and conforms to the following requirements:

A. Standards for contract or conditional rezoning:

1. All non-marine uses are either permitted or conditionally permitted in the B-5 zone, and are not specifically prohibited in Subsection 10.2.5 above. Any hotel, inn, or other similar transient lodging establishment proposed must be located landward of the spring tide line and westerly of the extension of the India Street right-of-way.
2. The aggregate ground floor area of any development permitted hereunder located within 100 feet of the pier edge or working edge of the hardened shoreline shall be occupied by at least 50% of one or more marine uses set forth in Subsections 10.2.3 and 10.2.4. Note: the circulation areas and areas occupied for accessory parking serving marine uses shall not be used as the basis for calculating the 50% provision above.
3. The development is consistent with the Comprehensive Plan and without the non-marine use component authorized herein, the site could not otherwise support an economically viable water-dependent use.
4. The project's public benefits outweigh its potential negative impacts, provided that such public benefits include one or more of the following: protection of existing water-dependent uses, preservation of future water-dependent use development opportunities, contribution to the development of and/or on-going maintenance of the marine infrastructure for commercial vessels, and visual and

physical access to the waterfront for the general public.

5. The non-marine portion of the development will not significantly restrict air or light for marine uses located in the immediate vicinity; will not create significant adverse local climatic effects on marine uses such as an undue increase of winds or shadowing; and will not adversely affect the efficient operation of marine uses, such as by producing less efficient traffic, parking or circulation patterns.
6. The rezoning contains adequate provisions and/or conditions to ensure that on-site water-dependent infrastructure remains occupied by commercial marine use(s) listed in Subsections 10.2.3 and 10.2.4 and that said use is not abandoned after the project is developed.

- B.** Notwithstanding Subsection 10.2.8(H) and off-street parking standards of Article 14, all on-site parking constructed or used for non-marine uses allowed only by contract or conditional rezoning shall be subject to the conditional use provisions Subsection 10.2.4(C)(5). Additionally, the total amount of parking shall be established by the City Council in the conditional or contract rezoning agreement after consideration of the Planning Board's recommendation on the same.

10.2.7 Dimensional requirements.

In addition to the generally applicable provisions of Section 7.5 of this Land Use Code, lots in the EWPZ shall be subject to the following requirements:

- A. Minimum lot size:** None
B. Minimum frontage: None

C. Minimum yard dimensions:

1. *Front setback:* None
2. *Side setback:* None
3. *Rear setback:* None
4. *Setback from pier line:* Notwithstanding the above requirements, a minimum setback of 25 feet from the edge of any pier, wharf or working edge of the hardened shoreline shall be required for any structure, provided that marine offices, as defined in Section 10.2.3(B)(12), may be located up to five feet from the edge of any pier, wharf, or working edge of the hardened shoreline. The setback area may be utilized for water-dependent uses, and public uses and activities, subject to the provisions of Subsections 10.2.2 and 10.2.4, and shall not be utilized for ~~restaurant, drinking, or~~ other non water-dependent uses or for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).



PLANNING BOARD REPORT PORTLAND, MAINE

EWPZ Zoning Text Amendment (Article 10)

ZN-001698-2021

Portland Foreside Development Company, Applicant

Submitted to: Mayor Snyder & The City Council

Public Hearing Date: January 3, and January 19, 2022

Prepared by: Matthew Grooms, Senior Planner

Date: December 17, 2021

I. INTRODUCTION & PROJECT SUMMARY

On November 23, 2021 the Planning Board voted 5-0 (Smith recused, and Chann absent) to recommend to the City Council adoption of a zoning text amendment (Attachment 1) to permit food service and/or restaurant use as a limited component of a marina in the Eastern Waterfront Port Zone (EWPZ).

Portland Foreside Development Company requested that Chapter 14, Article 10 of the City's Land Use Code be amended to permit restaurants as a component of a marina, and allow such use to occur within 25 feet of the pier edge, an area currently reserved for water dependent uses in the Eastern Waterfront Port Zone (EWPZ). This application is being referred for compliance with the City of Portland's comprehensive Plan, *Portland's Plan 2030*, and adopted waterfront and zoning policies stated in the EWPZ Purpose Statement.

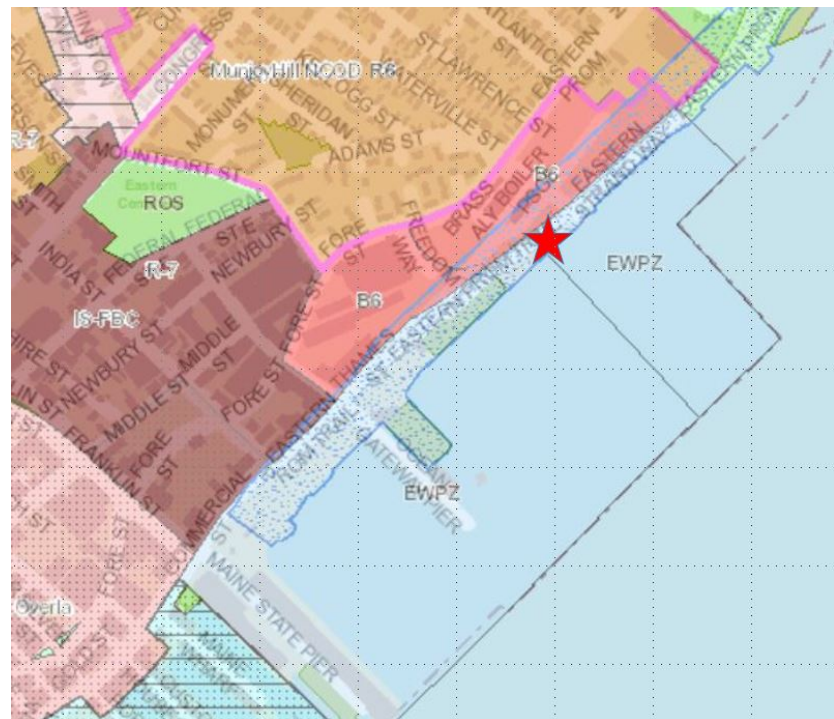


Figure 1: Zoning map highlighting the location of the Fore Points Marina where restaurant use would be permitted if zoning is adopted

II. PROPOSED ZONING TEXT AMENDMENT

A. Overview of Text Amendment

In 2020, the applicant, Portland Foreside Development Company, began operating a food and beverage service use at the Portland Foreside Marina property as recurring temporary events during the Covid-19 pandemic. The applicant would now like to make this a permitted use and therefore submitted a zoning text amendment application requesting that Section 10.2.3.B.11(a) and Section 10.2.7.C.4 of the City's Land Use Code be amended to allow restaurants and food service uses as a minor component of a marina. This amendment would limit the use to less than 1,000 square feet of interior space, and constrain outdoor activities to within 100 feet of the

principal marina building. Further, this request is seeking to permit such accessory use within the required 25-foot pier edge setback applicable to most uses in the EWPZ.

The proposed text amendments are listed below.

Addition to Article 10, Waterfront Zones, Eastern Waterfront Port Zone, Permitted Uses:

Section 10.2.3.B.11(a): Marinas located east of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26. Marinas may include food service where food or drink is prepared, served, kept, or stored for retail sale onsite if such food service does not exceed 1,000 square feet of total floor area and is within 100 feet of the marina office. Outdoor seating for marina food service shall be permitted within 100 feet of the principal marina building. Areas dedicated to food service shall be open to the general public, and shall not impede areas dedicated to pedestrian circulation.

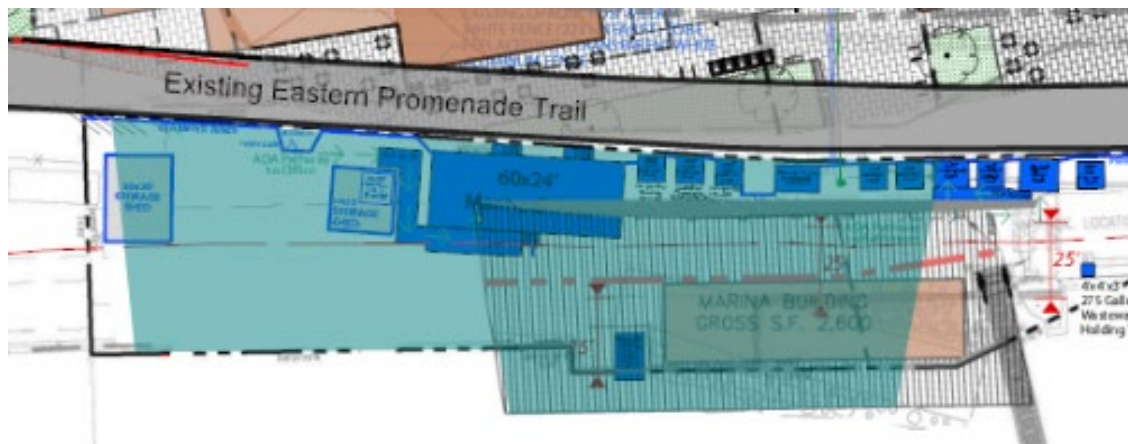


Figure 2: Blue shaded area depicts areas of the marina property within approximately 100 feet of marina office building

Addition to Article 10, Waterfront Zones, Eastern Waterfront Port Zone, Dimensional Requirements:

Section 10.2.7.C.4 –Setback from pier line: Notwithstanding the above requirements, a minimum setback of 25 feet from the edge of any pier, wharf or working edge of the hardened shoreline shall be required for any structure, provided that marine offices, as defined in Section 10.2.3 (B)(12), may be located up to five feet from the edge of any pier, wharf, or working edge of the hardened shoreline. The setback area may be utilized for water-dependent uses and public uses and activities, subject to the provisions of Subsections 10.2.2 and 10.2.4, and shall not be utilized for ~~restaurant, drinking, or~~ other non-water-dependent uses or for off-street parking. The edge of any pier, wharf, or bulkhead shall include any attached apron(s)."

B. Staff Policy Analysis

As shown above, this text directly incorporates the food service and restaurant use as a potential component of a marina and does not identify the restaurant or food service use as accessory to the marina, on account of the established dimensional limits for accessory uses. Per Article 6.6.1 of the City's Land Use Code, accessory uses as defined in City ordinances, may occupy no more than 25% of a building's floor area, or, where the accessory use is not located within a building, 25% of a lot's total undeveloped lot area. Given that the floor area of t marina buildings is generally limited, but are typically located on larger lots, the accessory use dimensional restrictions were found to be either too restrictive in the case of floor area, and too generous in the case of lot area. For this reason, the food service use is not specifically cited as being accessory, in part so as to allow for more tailored dimensional restrictions as presented in this amendment.

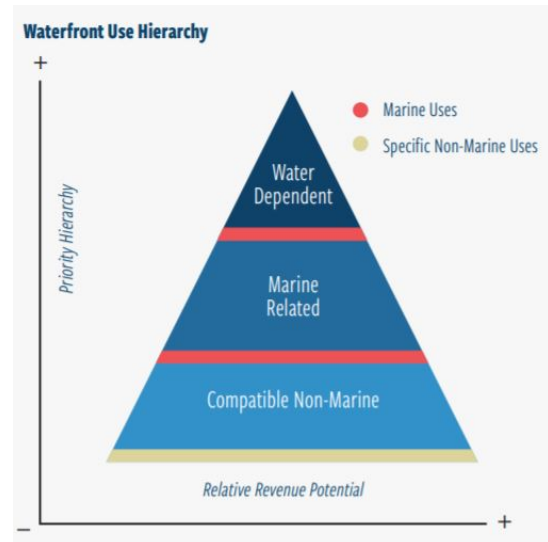


Figure 3: Hierarchy of waterfront uses concept adopted as City policy in Portland's Plan 2030.

The proposed text further draws on language from Ch. 11, Section 11.4.a of the City Code, pertaining to food service establishments, to define a form of restaurant/food service use to be permissible as a component of a marina that does not explicitly require indoor dining. This language, in effect, would supersede the Article 3 definitions for both restaurant and food service, that require indoor dining. Given that the restaurant/food service use is now an integrated component of a marina, the specific allowance for such use within the 25-foot pier edge setback has now been removed, as marinas are a water-dependent use, though the prohibition language that exists currently remains struck in this proposal.

Other aspects of the amendment include language pertaining to the use of interior and exterior space, which clarifies that all operations associated with the restaurant are included as part of any dimensional limits. In addition, language has been introduced stating that pedestrian circulation should not unreasonably be impaired so as to ensure adequate pedestrian circulation. By allowing the restaurant use to extend up to 100 feet from the marina office, there is flexibility in how outdoor seating is arranged without being overly prescriptive, while retaining other assurances that the use does not impact the water dependent use or any waterfront public access.



Figure 4: The location of outdoor dining is restricted by the Eastern Promenade Trail and site circulation as depicted on the 58 Fore Street approved MDP plan. Proposed language further requires that pedestrian circulation not be unreasonably impaired by the use.

In reviewing the proposed amendment, the Planning Board focused primarily on ensuring that the restaurant was consistent with policy priorities for the City's waterfront and the eastern waterfront in particular. The zones are built around a policy framework that both prioritizes water dependent uses and ensures that other marine-related or compatible non-marine uses are compatible with water-dependent activities. In this case, that policy direction would limit restaurant uses in scope, and discourage such uses as a principal stand-alone use. Based upon the current boundaries of the EWPZ, this marina development is likely to be the only marina in the EWPZ, and so the zoning should be considered for how it will function in this relatively constrained physical context. Planning staff provided input to the applicant early in this process on this policy framework, and the resulting proposal addressed that feedback by only allowing restaurants where associated with a marina, capped at just 1,000 square feet of interior floor space, with language to ensure it be public in nature rather than limited to only marina customers, and limited in terms of its footprint as to not have an adverse impact on marine uses and waterfront access. The Planning Board found that the draft amendment succeeds in proposing a change to the water-dependent marina use that is generally consistent with the zone, with waterfront priorities, with precedents in other waterfront zones in Portland's Land Use Code, and with the common functioning and amenities often associated with marinas.

In regards to allowing restaurants within the 25-foot pier edge setback, the Planning Board found that if the use allows for adequate right-of-way access to the water, and does not impede or preclude existing or potential water-dependent development within the site, and complies with Performance Standards, Shoreland Zoning and Flood Plain standards, that it would also be generally consistent with the purpose of these dimensional requirements. Furthermore, EWPZ Section 10.2.2 adds additional regulatory measures by stating that:

"No use shall be permitted, approved or established in this zone if it will have an impermissible adverse impact on future marine development opportunities. A proposed non-water dependent

component of a development will have an impermissible adverse impact if it will result in any one or more of the following:

- A. The proposed use will displace an existing water-dependent use.*
- B. The proposed use will reduce existing commercial vessel berthing space.*
- C. The proposed use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water dependent uses.*
- D. The siting of a proposed use will substantially reduce or inhibit existing public access to marine or tidal waters.”*

In addition, Section 10.2.8 Performance Standards provides that further standards be met to ensure compatibility with marine uses and that there is functional utility of piers and access to the water’s edge.

If the text amendments as presented are adopted, any potential impacts of a restaurant use on this site would still require rigorous review under both site plan and zoning performance standards, which include specific requirements around maintaining adequate waterfront access for other users and ensuring the compatibility of non-marine uses with water-dependent activities

Currently, restaurants and food service establishments are permitted in all three waterfronts zones (WPDZ, WCZ, EWPZ) in a variety of forms as described below:

Waterfront Port Development Zone (WPDZ), the purpose of the WPDZ is to ensure the continued viability of the Port of Portland. Permitted uses are primarily limited to those uses which are dependent upon deep-water and which contribute to port activity. Non-marine activity may be allowed to the extent that it will not have any adverse impact on marine uses. Much like the EWPZ, restaurants and drinking establishments are expressly prohibited, however, as specified in Table 10-A, footnote 2, food service establishments, including food trucks and other similar retail and service support uses are permitted as accessory uses if all such uses do not exceed 2,000 SF in total floor area of the building and each individual use does not exceed 1,000 SF in total floor area of the building; and further provided that such accessory uses provide goods or services that are supportive of the principal use and its clientele.

Waterfront Central Zone (WCZ), the purpose of the WCZ is to protect and nurture water-dependent and marine-related support uses so that they may grow and prosper in the present and into the future in an environment and area dedicated to this purpose. Non-marine uses are encouraged provided they do not interfere with and are not incompatible with the first and second priority uses, specifically interior accessory uses including *food service establishments shall be permitted as accessory uses if they are part of and located within the lot lines of a use set forth in Subsections 10.3.3(A)(1), (7), (11), or (12); such uses do not exceed 2,000 SF in total floor area of the building, or 25 percent of the total floor area of the building, whichever is less, and each individual accessory use does not exceed 1,000 square feet in total floor area of the building; and further provided that such accessory uses provide goods or services that are*

supportive of the principal use and its clientele. In addition, marine-compatible uses, including restaurants, are encouraged to locate and grow along Commercial Street within the Commercial Street Overlay Zone, while higher priority marine uses are protected on the waterfront.

Eastern Waterfront Port Zone (EWPZ), is intended to nurture a wide range of deepwater-dependent industry and commerce as well as the encouragement of non-marine uses that support deepwater activities. Currently, the EWPZ allows restaurants/food services as a conditional use in association with marine passenger use facilities, including, Intermodal marine passenger facilities; cruise ship home port and port-of-call berthing and support, and international and domestic ferries. The use is further restricted to equal or less than 35 percent of the gross floor area of the principal associated marine passenger use and no more than 35,000 gross square feet (cumulatively) in the EWPZ. Currently, restaurants and drinking uses are not permitted within the minimum 25-foot setback from the edge of any pier, wharf, or working edge of the hardened shoreline.

While all three waterfront zones allow restaurants and food service establishments in a variety of manners, the common theme is that all three zones restrict these uses to a minimal size, and are intended to be subsidiary to water dependent uses and public access.

III. COMPREHENSIVE PLAN CONSISTENCY

Portland's Plan 2030

Portland's Plan maintains a long-standing City policy to prioritize and promote our city's unique mixture of water-dependent, marine-related and compatible non-marine uses along our waterfronts. Portland's waterfront policies prioritize preserving marine uses, but also provide for a balance of non-marine uses which allow the waterfront to adapt to changing economic trends. Looking at regional and national examples, restaurants are often co-located within or alongside marinas, as a restaurant does not inhibit a marina's operation and serves to attract other users to the site that may not have access to the boating functions that occur at a marina. The key to finding

the introduction of restaurants in the EWPZ consistent with the comprehensive plan is balancing that use with the waterfront priorities of the zone. A restaurant use with no limits on size or location may be generally consistent with some economic development goals for the city as a whole, but more importantly for the purposes of this review, specifically inconsistent with the priorities for the waterfront. As proposed, the amendment addresses that priority, by requiring that the use be a component of a marina, and be limited in its scale and permissible location. The addition of a restaurant, if tailored in its application, reinforces the waterfront as a key component of Portland's economic health, this interwoven approach provides a unique connection between the city's traditional maritime activity and the commercial, tourist, and recreational city. This is further supported by the fact that the restaurant would only be permitted as a limited component to a marina, and would be subject to restrictive dimensional standards. Some relevant goals from *Portland's Plan 2030* include:

State Goals:



- *To expand opportunities for outdoor recreation and to encourage appropriate coastal tourist activities and development.*

Local Goals:

- *Prioritize and promote Portland's unique mix of water-dependent, marine related uses and compatible non-marine uses.*
- *Recognize and reinforce the respective roles of the Eastern, Central, and Western Waterfronts.*
- *Promote passive and active recreational access to the waterfront.*

IV. PUBLIC COMMENT

A total of 125 written public comment were received on this application, generally in support of permitting restaurants as an accessory component to a marina. Much of the public comment focused on the fact that there are few other restaurants with immediate waterfront access located elsewhere in Portland, and that the use draws visitors to the site who would otherwise not utilize the marina property. There were several comments opposed to the restaurant, which mostly cite the lack of general public waterfront access elsewhere on the site currently, and the quality of the temporary structures and spaces erected without authorization from the City.

V. PLANNING BOARD RECOMMENDATION

The Planning Board considered the proposed zoning text amendments at a hearing on November 23, 2021. After deliberation, and on the basis of staff reports, public testimony, and review of applicable policies, the Planning Board voted 5-0 (Smith recused, and Chann absent) to find that the following zoning text amendments are consistent with the Comprehensive Plan and recommended adoption to the City Council:

1. Text amendment to Chapter 14, Article 10, Section 10.2.3.B.11 and Section 10.2.7.C.4, to permit restaurants and food service uses as a limited component of a marina within the Eastern Waterfront Port Zone (EWPZ), as presented in Attachment 1.

VI. ATTACHMENTS

Report Attachments

1. Article 10 Zoning Amendments
2. Public Comments

Applicant's Submittal

- A. Zoning Amendment Narrative and Policy Analysis
- B. 100 Foot Distance Depiction