

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 - MARCH 21, 2022 AT 5:00 PM

The Portland City Council will hold a City Council Meeting in Council Chambers. 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:

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall. The public may attend the meeting in person, however space in Council Chambers is limited. The public is therefore strongly encouraged to participate remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the Agenda Center following the meeting.

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

Please click the link below to join the webinar:

<https://portlandmaine-gov.zoom.us/j/81813936988?pwd=V0FJNk51cEtwNEs1ZTNMUUdGMG5adz09>

Passcode: 112769

Or One tap mobile :

US: +19292056099,,81813936988#,,,*,112769# or +13017158592,,81813936988#,,,*,112769#

Or Telephone:

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

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

Webinar ID: 818 1393 6988

Passcode: 112769

International numbers available: <https://portlandmaine-gov.zoom.us/j/81813936988?pwd=V0FJNk51cEtwNEs1ZTNMUUdGMG5adz09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

SPECIAL MEETING OF THE CORPORATOR OF THE PORTLAND FISH EXCHANGE:

Order 166-21/22 Appointing John Arnold a Class C Director of the Portland Fish Exchange - Sponsored by the Legislative & Nominating Committee, Councilor April Fournier, Chair

By this order, the City Council, acting as the Corporator, appoints John Arnold a Class C Director of the Portland Fish Exchange.

Five affirmative votes are required for passage after public comment.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft March 7, 2022 City Council Meeting Minutes.

APPOINTMENTS:

Order 167-21/22 Appointing Members to Various Boards and Commissions - Sponsored by the Legislative & Nominating Committee, Councilor April Fournier, Chair

The Legislative and Nominating Committee met on February 22, 2022 and March 2, 2022 for the purpose of interviewing 51 applicants for various boards and commissions. The committee voted 2-0 (Snyder absent) to send the following slate to the City Council for Approval. On March 15, 2022, the Legislative and Nominating Committee met and voted 3-0 to appoint a board member to the various boards and commissions.

Name	Board and Committee	Expiration
Carol Laboissonniere	Pesticide Management Advisory Committee	03-30-2025
Jessie O'Brien	Pesticide Management Advisory Committee	03-30-2025
Beth Rabbit	Parks Commission	06-30-2025
Cheri Musgrave	Parks Commission	06-30-2024
Katie Mears	Parks Commission	06-30-2024
Kristen Fulmer	Parks Commission	06-30-2023
Simon Rucker	Land Bank Commission	06-30-2025
Jon Kachmar	Land Bank Commission	06-30-2025
Brian Wasser	Land Bank Commission	06-30-2025
Thomas Valleau	Portland Housing Authority	06-30-2027
Joan White	Portland Housing Authority-Resident	06-30-2027
Linda Atkinson	Civil Service Employment Subcommittee	06-30-2025
Kenneth Lewis	Police Citizen Review Subcommittee	03-30-2025
Jean Desruisseaux	Police Citizen Review Subcommittee	03-30-2025
Regan Sweeney	Rental Housing Advisory Committee	03-30-2025
Jonathan Kruzfeld	Rental Housing Advisory Committee	03-30-2025
Anna Berke	Portland Public Art Committee	06-30-2025
Gillian Cook	Portland Public Art Committee	06-30-2025
Katilyn Buckley	Portland Public Art Committee	06-30-2025
Phoebe Cole	Portland Public Art Committee	06-30-2024
Sharon Dennehy	Portland Public Art Committee	06-30-2023
Amir Familmohammadi	Rent Board District 1	03-30-2025
Josef Kijewski	Rent Board District 2	03-30-2025

Five affirmative votes are required for passage after public comment.

Order 168-21/22 Appointing Danielle P. West to the Executive Board of the Portland Technology Park Condominium Association - Sponsored by Kate Snyder, Mayor

Former City Manager Jon Jennings was appointed President of the Executive Board of the Portland Technology Park Condominium Association on 1/18/2017, together with Christopher Branch as Treasurer and Eric Swanson of Patrons Oxford Insurance as Secretary. It is being requested that the Council appoint Interim City Manager Danielle P. West as President of the Board. The appointees need not be unit owners. The Housing and Economic Development Department provides staff assistance to the Board.

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 169-21/22 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Russell Townsend - Sponsored by Danielle P. West, Interim City Manager

This order authorizes the City Council to approve the transfer of \$1,212.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Russell Townsend.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department.

Order 170-21/22 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Ryan Egeland - Sponsored by Danielle P. West, Interim City Manager.

This order authorizes the City Council to approve the transfer of \$614.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Ryan Egeland.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department.

The money from these forfeiture orders will be deposited into the Portland Police Department's drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department's Law Enforcement Addiction Advocacy Program.

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

LICENSES:

Order 171-21/22 Granting Municipal Officers' Approval of Bread and Olive LLC, dba Bread and Olive. Application for Class XI Restaurant/Lounge at 937 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 2/22/22. New City and State applications. Location was previously Five Spot Sandwich Shop.

Five affirmative votes are required for passage after public comment.

Order 172-21/22 Granting Municipal Officers' Conditional Approval of Tangible Alchemy LLC dba Urban Farm Fermentory Renewal Application for a Combined Entertainment License at 200 Anderson Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 10/18/2021. Applicant currently holds a Class III & IV FSE with Combined Entertainment and Outdoor Dining on Private Property.

Staff recommends this license be conditioned per 4-55 (a) to state: Outdoor Entertainment must cease by 10:00pm and Indoor Entertainment must cease by 11:00pm.

Five affirmative votes are required for passage after public comment.

Order 173-21/22 Granting Municipal Officers' Approval of Casablanca Tours LLC, dba Casablanca Tours. Application for Class I FSE with Combined Entertainment at 18 Custom House Wharf - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 2/16/22. New City and State applications. New owner of an existing business.

Five affirmative votes are required for passage after public comment.

Order 174-21/22 Granting Municipal Officers' Approval of Fermentation and Distillation LLC, dba Liquid Riot Bottling Company. Application for Indoor Entertainment at 250 Commercial Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 2/28/22. New City application. Owner currently holds a Class XI Restaurant/Lounge with Outdoor Dining on Private Property.

Five affirmative votes are required for passage after public comment.

Order 175-21/22 Granting Municipal Officers' Approval of Dock Fore Inc, dba Dock Fore. Application for Outdoor Dining on Public Property at 336 Fore Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 2/16/22. New City application. Owner currently holds a Class XI Restaurant/Lounge with Outdoor Dining on Public Property.

Five affirmative votes are required for passage after public comment

Order 176-21/22 Granting Municipal Officers' Approval of The Miranda Group, dba Blyth and Burrows. Application for Parklet Outdoor Dining at 26 Exchange Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 2/24/22. New City application. Owner currently holds a Class XI Restaurant/Lounge with Indoor Entertainment.

Five affirmative votes are required for passage after public comment

Order 177-21/22 Granting Municipal Officers' Approval of Hello Portland LLC, dba Regards. Application for Outdoor Dining on Public Property at 547 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 2/23/22. New City application. Owner currently holds a Class I FSE.

Five affirmative votes are required for passage after public comment

RESOLUTIONS:

Resolve 9-21/22 Adopting the 2022-2026 Five-Year Consolidated Plan and Fiscal Year 2022-2023 Annual Action Plan including Appropriations for Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program and Approving a Substantial Amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan and Certifications Pertaining Thereto, Sponsored by Danielle P. West, Interim City Manager

The U.S. Department of Housing and Urban Development (HUD) requires that communities receiving HUD funding (CDBG, HOME, ESG) undertake a planning process every three to five years to review local affordable housing and community development needs. This process is designed to help communities develop priorities and multi-year goals in coordination with other community plans and resources to make a greater impact within the community.

The 5-Year Consolidated Plan will be submitted to HUD in May, 2022. The City Council approved the goals and priorities included in this plan at their meeting on October 4, 2021. The Annual Action Plan allocates a total estimated budget of \$6,005,657: including CDBG \$1,992,865, HOME, Program Income and Recapture \$1,239,554, ESG \$164,857, Downtown TIF \$120,000, Cotton St. proceeds \$20,000, Lead Safe Housing Program Income \$45,397, Jill C. Duson Housing Trust Fund \$2,172,194. In addition, a substantial amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan will re-program CARES Act funding from CDBG-CV3 \$124,669 and ESG-CV2 funding \$126,121.

The Housing & Economic Development Committee voted (3-0 Zarro absent) to recommend approval of the Housing Program Budget on February 2, 2022. The Emergency Shelter Assessment Committee (ESAC) voted to recommend approval of the ESG budget at their March 17, 2022 meeting.

This item must be read on two separate days. This is its first reading. This item will also receive two public hearings. This is its first public hearing.

Written Public Comment on Resolve 9-21/22

Resolve 10-21/22 Approving the City Council Rules of Procedure - Sponsored by the Rules Committee, Councilor Andrew Zarro, Chair

The City Council Rules Committee has met regularly since January 24, 2022 to review the rules and make recommended changes. On March 7, 2022, the committee voted 4-0 to recommend passage of the rule changes presented in this item. Among the rule changes it unanimously approved was a revision to Rule 32, Section 5, requiring persons offering public comment to identify themselves with a first and last name and city of residence and/or Council district. Rule 32 was updated to replace the word "scurrilous" with "abusive or disrespectful." In Rule 19 the word "majority" was replaced by "the prevailing side" for the sake of clarity and best practice under Robert's Rules. Rule 22 revisions would allow a councilor to sit after being recognized before speaking.

In a second vote, the Committee recommended that the full Council consider a change to the timing of public comment on un-agenda items. The committee was generally in agreement that the 6:00 start time can be cumbersome for the Council and members of the public, alike. The committee was divided, however, on whether taking comment at start of the meeting or the end is best.

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

UNFINISHED BUSINESS:

Order 152-21/22 Approving the Agreements between the Maine Department of Transportation and the City of Portland Re: Forest Avenue Paving -- Sponsored by Danielle P. West, Interim City Manager

This agreement, between the Maine Department of Transportation (MaineDOT) and the City of Portland, obligates MaineDOT to mill and fill Forest Avenue, update and/or install new pedestrian curb ramps to meet ADA requirements, and all appurtenances when MaineDOT's contractor paves Forest Avenue. The original agreement obligates the City to pay for 25% of the work as its municipal share, or an estimated \$65,575.00. Subsequently, an amended agreement was submitted increasing the project costs due to inflation. The amended agreement obligates the City to pay \$116,285 for its municipal share. A separate Utility Agreement for the approximately \$16,800 cost to adjust the manhole frame and covers will be paid from an already funded Water Resources account.

This item must be read on two separate days. It received its first reading on February 28, 2022. On March 7, 2022, it was postponed to March 21, 2022. Five affirmative votes are required for passage after public comment.

Order 161-21/22 Accepting and Appropriating \$37,500 in Donations for the Portland Youth Corps - Sponsored by Danielle P. West, Interim City Manager

The Portland Youth Corps is a collaborative program of the Parks, Recreation and Facilities Department (PRF), the Portland Parks Conservancy (PPC), and Maine Audubon. The Parks, Recreation and Facilities Department operated a pilot program with 24 young people aged 14-17 in 2021, and are expanding the program in 2022 to provide additional leadership opportunities for participants. The Portland Youth Corps aims to provide job training and service opportunities for underserved youth through a summer service program in Portland's parks and open spaces. The direct program expenses are funded through grants and private fundraising, which is being led by the Portland Parks Conservancy. The City is providing overall oversight of the program and in-kind support

in the form of staff time.

Current donations for the program that require Council approval and appropriation:

- \$30,000 from Portland Parks Conservancy
- \$7,500 from Maine Audubon (not including the donation of staff time)

This item must be read on two separate days. It received its first reading on March 7, 2022. Five affirmative votes are required for passage after public comment.

Order 162-21/22 Approving the Maine Public Employees Retirement System Special Plan 3C for Certain Non-Union Employees - Sponsored by Danielle P. West, Interim City Manager

The Police and Fire unions during contract bargaining negotiated to move from the MainePERS 2C to the 3C retirement plan. The council approved this move on December 6, 2021. Police and Fire command staff were not included in that transition, as they are not part of those bargaining units and are non-union employees. This order is meant to create parity between union and non-union sworn police and fire staff so that employees are not disincentivized from moving into command positions by providing Police and Fire Command staff with the same MainePERS 3C retirement plan.

This item must be read on two separate days. It received its first reading on March 7, 2022. Five affirmative votes are required for passage after public comment.

Order 163-21/22 Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year 2023 Capital Improvement Program in an Amount not to Exceed \$21,145,000 - Sponsored by the Finance Committee, Mark Dion, Chair

The Finance Committee met on February 24, 2022 and voted (3-0) to recommend the funding appropriation and bond authorization to the full City Council.

The Fiscal Year 2023 Capital Improvement Plan (FY23 CIP) has been in development since summer 2021 and has been reviewed by the Finance Committee at each of its meetings in 2022. The FY23 Capital Improvement Plan will not increase net debt service related to CIP projects in future City budgets as it was sized to simply offset other CIP debt being retired. The list of 2023 CIP calls for \$30.77M million(M) of new projects but only \$12M of this total will have a net impact to debt service in the general fund operating budget. A variety of other funding sources including the enterprise funds (for sewer and stormwater projects) are being used to finance the remainder. The \$12M was a borrowing target set by Finance staff in order to simply offset general fund CIP being retired. Two orders are required related to the CIP: one authorizing the FY23 CIP bonds; and a second appropriating the proceeds and other funding sources providing City staff with spending authority for the upcoming projects. A complete listing of the projects being authorized is included within the orders.

This item must be read on two separate days. It received its first reading on March 7, 2022. Seven affirmative votes are required for passage after public comment.

Order 164-21/22 Appropriating Bond Proceeds and other Funds in an Amount not to Exceed \$30,770,000 for the City's Fiscal Year 2023 Capital Improvement Program - Sponsored by the Finance Committee, Mark Dion, Chair

This is a companion order to the bond authorization order above.

This item must be read on two separate days. It received its first reading on March 7, 2022. Five affirmative votes are required for passage after public comment.

Additional Backup Materials for Orders 163-21/22 and 164-21/22

Additional Backup Materials from Finance Committee Review are attached in the Agenda Packet.

Please use the link below to access past Capital Improvement Plans:

<http://www.portlandmaine.gov/479/Capital-Improvement-Plan>

Written Public Comment on Orders 163-21/22 and 164-21/22

Order 165-21/22 Approving the Three-Party Agreement between the Portland Area Comprehensive Traffic System, Maine Department of Transportation and the City of Portland Re: Improvements to Cumberland Avenue - Sponsored by Danielle P. West, Interim City Manager

This project is part of the Municipal Partnership Initiative (MPI) Program; the City administers the project and typically receives 50% funding from the state MPO. By signing the partnership agreement, it enables the City to proceed with the project and obligates PACTS to pay 41% and the City to pay for 59% of the original estimated project cost; the City share is estimated to be \$178,300.

This item must be read on two separate days. It received its first reading on March 7, 2022. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 178-21/22 Renaming Farm Field in Payson Park the Ron A. Farr Field - Sponsored by Councilor Andrew Zarro

Portland Little League proposed renaming Farm Field in Payson Park to Ron A. Farr Field and the Parks Commission voted unanimously on March 3, 2022 in support of changing the name from Farm Field to Ron A. Farr Field in honor of Ron A. Farr's service and commitment to Portland Little League. Ronald Farr started coaching Little League Baseball in 1962. Every spring and summer for the past 60 years, Ron Farr has been a fixture on Portland's little league diamonds. This order would name the Payson Park Little League field, Ron A. Farr Field.

Five affirmative votes are required for passage after public comment.

Written Public Comment on Order 178-21/22

Order 179-21/22 Accepting and Adopting the 2022 Jill C. Duson Housing Trust Fund Annual Plan - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

The Housing & Economic Development Committee met on February 1, 2022 and voted unanimously (3-0) (Zarro absent) to forward this item to the City Council with a recommendation for passage.

The Jill C. Duson Housing Trust fund is established by Section 18.3 of the City Code of Ordinances. Section 18.3.4 states that "each fiscal year the City Council shall adopt a Housing Trust Fund Annual Plan" and that the Housing Committee of the City Council or such other committee as the Council shall designate shall conduct public hearings on the recommended plan and refer the matter to the Council for action". The Plan establishes the allocation priorities of the balance of the Jill C. Duson Housing Trust Fund as of February 2, 2022.

2022 Housing Investment Priorities are to focus on opportunities where other funding resources do not work or are not effective, such as projects designed to create housing affordable for households earning at or below 50% of the area median income (AMI) (family of 4 = \$49,950) and to support public/private partnerships that create workforce housing units that are affordable for households earning 60% to 100% of the AMI (family of 4 at 60% AMI = \$59,940; at 100% AMI = \$99,900 for 2021, 2022 have not been released yet).

Five affirmative votes are required for passage after public comment.

Order 180-21/22 Approving City Application for Federal Funds to Dredge Public and Private Berthing and Vessel Support Resources and to Develop a Confined Aquatic Disposal (CAD) Cell in Portland Harbor - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

This item was reviewed by the Housing & Economic Development Committee at its meeting on February 15, 2022, and voted 4-0 to forward it to the City Council for approval. The Council is being requested to authorize the City Manager to file an application for up to \$25 Million in Federal funding through the Rebuilding American Infrastructure with Sustainability and Equity or RAISE Transportation Discretionary Grant program to implement planned public and private dredging projects in Portland Harbor. Dredging vessel support areas will provide safe and full tide access to berthing, loading, and marine support services. Dredging will also remove and dispose of sediment impacted by historic industrial activities and non-point source pollution. These sediments will be responsibly disposed in a Confined Aquatic Disposal (CAD) cell to be constructed within Portland Harbor as a component of the project. The City of Portland will be the lead applicant for RAISE project funds, with the City of South Portland and the Portland Harbor Commission (PHC) as co-applicants, and critical support provided by the Maine Department of Transportation (MDOT).

Multiple variables may impact the total value of local contributions and the participation of project partners. These variables include potential receipt of Maine ARPA funds (allocated but not approved); MDOT funding (\$3,000,000 committed with additional funds requested to match increased local contributions); approvals for EPA Brownfields

funds; and, potential State legislative appropriation.

Five affirmative votes are required for passage after public comment.

Written Public Comment on Order 180-21/22

Order 181-21/22 Approving the Modification of Agreement between the Maine Department of Transportation and Portland Re: West Commercial Street Multi-Use Path - Sponsored by Danielle P. West, Interim City Manager

The Maine Department of Transportation (MaineDOT) and the City are currently co-signatories on a Municipal-State Agreement to fund the design and construction of a segment of the West Commercial Street Trail along the frontage of the Star Match building. The current agreement obligates the state and the City to fund the project at an 80%/20% split. The modification before the Council increases the funding obligations from both parties to reflect revised construction cost estimates. (There are no changes to the funding split.) The City's 20% obligation as a result of the amendment would increase from \$70,698 to \$117,600. This increase in City share will be funded out of infrastructure accounts associated with development projects in the area that have been designated for the purposes of the West Commercial Street Trail construction.

The amendment is needed so that funding matches the latest cost estimate for the project, as this project is about to be sent out to bid. 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.

Order 182-21/22 Approving the Agreement between the Maine Department of Transportation and the City of Portland Re: State Street Paving - Sponsored by Danielle P. West, Interim City Manager

This project is part of the State Municipal Partnership Initiative (MPI) Program; the City administers the project and receives a portion of funding from the State. By signing the partnership agreement, the City may proceed with the project to pave State Street and the Maine Department of Transportation is obligated to pay \$335,000 and the City to pay the City share, estimated to be \$630,000. The project scope includes a 2-inch mill and fill, curb work, sidewalk work, ADA ramp reconstruction, and re-striping after final paving.

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:

ADJOURNMENT:

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 JOHN ARNOLD
A CLASS C DIRECTOR OF THE PORTLAND FISH EXCHANGE**

ORDERED, that the Portland City Council, acting in its capacity as sole Corporator of the Portland Fish Exchange, hereby appoints John Arnold as a Class C Director of the Portland Fish Exchange.



Office of the City Clerk
Katherine L. Jones, CMC

MEMORANDUM

TO: Mayor Kate Snyder and Members of City Council
FROM: Katherine L. Jones
DATE: March 4, 2022
RE: Appointments

The Nominating Committee is making the following recommendations to the Fish Exchange.

Name	Board and Committee	Expiration
John Arnold	Fish Exchange C	10-31-2024



Katherine Jones <klj@portlandmaine.gov>

Volunteer Application: Portland Fish Exchange Board, Class C Seat

1 message

<[redacted]@gmail.com>

Thu, Jan 27, 2022 at 10:39 AM

To: klj@portlandmaine.gov

Cc: Jodie York <jork@seafarers.org>

To: The Appointments Committee Chair

My name is John Arnold, I reside at 17 Kenwood St, Portland, ME 04102. I am applying for the Class C Seat on the Portland Fish Exchange Board.

As you can see from my attached resume I have a Bachelor of Science Degree (Fishery Option) from North Carolina State University (NC State) and a Master of Marine Affairs Degree from University of Rhode Island (URI) . While at N C State I spent two summers supporting research on the fishing industry in Hatteras, NC. While at URI I wrote a paper on the Rhode Island squid industry.

My work experience has primarily been in environmental compliance, public affairs and administration in the nuclear and conventional electric power production industry at Maine Yankee and Central Maine Power Company.

Since 1975 I have lived in four Maine municipalities. As you can see from my resume, in each one I have sought and found volunteer opportunities to give back to my municipality. Since moving to Portland in 2018, I have been seeking such an opportunity in Portland.

Jodie York kindly invited me to attend a Portland Fish Exchange Board meeting, pier fish unloading and auction. I found these all very interesting.

I submit this application in hopes that you will find my background and experience worthy of consideration for this appointment.

Please contact me if you have questions or would like to meet with me.

Thank you very much for taking time to consider my application.

John Arnold

Resume 2022.pdf
64K

John H. Arnold
[REDACTED]
Portland, ME 04102
[REDACTED]

SUMMARY

Environmental compliance, administrative and public affairs program development and management.

EXPERIENCE

Maine Yankee, Connecticut Yankee, and Yankee Atomic 2004 – Present
Executive Assistant

Currently working part time to provide administrative support to Boards of Directors, CEO and Operations department in editing reports, setting up meetings and other duties.

Maine Yankee Atomic Power Company, Wiscasset, ME 1984 - 2004
Special Projects 1997-2004

Immediately rehired as contract employee to work for President in editing periodic reports to the Board of Directors and facilitating the activities of a Board subcommittee and a permanent management assessment committee

Senior Environmental Engineer 1990-1997(Retired from Maine Yankee 10/97)

Project manager for obtaining plant site natural resource inventory mapping, Site Location of Development Permit, air and water licenses renewal, UST compliance program, ground water monitoring program, and dredge spoil spreading area and management system assessment. Drafted corporate Environmental Health and Safety (EHS) manual using ISO 14000 guidelines. Oversaw compliance with environmental permits and regulations. Coached plant hazardous waste and water discharge staff in environmental compliance. Participated in radiological environmental sample collection and reporting. Offered and accepted enhanced early retirement program.

Public Affairs Director 1984-1989

Directed public relations program for nuclear power plant in environmentally conscious state. Corporate Spokesperson. Directed emergency communications program and planning. Managed energy information center, community relations, educational services, speaker's bureau, and employee communications. Staff: Ten. Budget: \$1 million.

Central Maine Power Company, Augusta, ME 1977-1984
Environmental Results Coordinator 1980-1984

Directed environmental compliance effort for permits, laws, and regulations governing the operation of hydroelectric, fossil, and nuclear electricity generating stations, and hazardous waste management, asbestos monitoring and disposal program, and hearing conservation program for power stations.

Staff Assistant Engineering Department 1977-1980
Coordinated environmental permitting effort for construction of coal-fueled generating station. Analyzed use options for coal plant byproducts.

Central Maine Power Company, Searsport, ME 1975-1980
Area Relations Coordinator 1975-1980
Responsible for community and media relations programs for proposed nuclear, coal, and hydro construction projects

Full time work for church 1972-1974

Regional Assistant 1972-1974
Facilitated workshops for students at colleges and adults at churches in the Middle Atlantic States.

University of Rhode Island 1971-1972

Graduate Assistant 1971-1972
Hosted visits of groups of international marine scholars and conducted research in sustainability of world marine fish stocks.

Virginia Electric and Power Company 1970

Marine Biologist 1970
Conducted ecological surveys on rivers in the vicinity of fossil and nuclear electricity generating stations.

U.S. Navy Nuclear Submarine 1965-1969

Line Officer 1965-1969
Qualified Officer of the Deck and Engineering Officer of the Watch on board the USS Gato SSN 615.

EDUCATION

BS Zoology (Fishery Option), North Carolina State University, Raleigh 1965

Master of Marine Affairs, University of Rhode Island (URI) 1971

One year Graduate work toward Ph.D. oceanography and international marine issues, URI 1972

COMMUNITY SERVICE

Searsport, ME Town Chamber of Commerce President
Searsport, ME Cargo Port Development Council, Vice Chair
Winthrop, ME Town Planning Board Chair
Camden, ME Community and Economic Development Committee

ZOOM INFORMATION:

This meeting will take place remotely using Zoom.

This meeting will be held remotely pursuant to the Remote Meeting Policy adopted by the Portland City Council and as authorized under 1 M.R.S. 403-B because of the existence of an emergency or urgent issue that requires the committee to meet by remote methods. 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 available in the [Agenda Center](#) following the meeting.

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

Please click the link below to join the webinar:

<https://portlandmaine-gov.zoom.us/j/82805568760?pwd=b3N6azJHZldnSVNSUXBvYU9mSzYxUT09>

Passcode: 535147

Or One tap mobile :

**US: +19292056099,,82805568760#,,,,*535147# or
+13017158592,,82805568760#,,,,*535147#**

Or Telephone:

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

**US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833
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Webinar ID: 828 0556 8760

Passcode: 535147

International numbers available: <https://portlandmaine-gov.zoom.us/j/82805568760?pwd=b3N6azJHZldnSVNSUXBvYU9mSzYxUT09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Snyder called the meeting to order at 5:01 PM (Councilor Trevorrow arrived during Order 150 council discussion).

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft February 28, 2022 Special meeting minutes.

Motion was made by Councilor Ali and seconded by Councilor Zarro for approval of the February 28, 2022 Special City Council meeting minutes. Passage 8-0.

LICENSES:

Order 154-21/22 Granting Municipal Officers' Approval of Stars & Stripes Brewing LLC, dba Stars & Stripes Brewing. Application for Class III & IV FSE with Outdoor Dining on Private Property at 3 Spring Street - Sponsored by Danielle P.

West, Interim City Manager

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

Order 155-21/22 Granting Municipal Officers' Approval of Nom Cafe LLC, dba Nom Cafe. Application for Class I FSE at 23 Forest Avenue - Sponsored by Danielle P. West, Interim City Manager

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

Order 156-21/22 Granting Municipal Officers' Approval of Lenora LLC, dba Lenora. Application for Class XI Restaurant/Lounge with Outdoor Dining on Public Property at 2 Portland Square - Sponsored by Danielle P. West, Interim City Manager

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

Order 157-21/22 Granting Municipal Officers' Approval of Mr. Tuna Freeport LLC, dba Bar Futo. Application for Class I FSE with Outdoor Dining on Private Property at 425 Fore St. ste 100 - Sponsored by Danielle P. West, Interim City Manager

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

Order 158-21/22 Granting Municipal Officers' Approval of Tuffy McNutt LLC, dba Black Cow. Application for Outdoor Dining in a Public Park at 83 Exchange Street- Sponsored by Danielle P. West, Interim City Manager

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

Motion was made by Councilor Ali and seconded by Mayor Snyder to reconsider Order 158. Passage 8-0.

Motion was made by Mayor Snyder and seconded by Councilor Fournier to postpone Order 158 to the April 25, 2022 City Council Meeting. Passage 8-0.

Order 159-21/22 Granting Municipal Officers' Approval of Tomaso's Canteen Inc, dba Tomaso's Canteen. Application for Parklet Outdoor Dining at 18 Hampshire Street - Sponsored by Danielle P. West, Interim City Manager

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

COMMUNICATIONS:

Com 14-21/22 In-Person/Hybrid Meeting Update - By Danielle P. West, Interim City Manager

RESOLUTIONS:

Resolve 8-21/22 Expressing Solidarity with Ukraine and Denouncing Russian Acts of

Aggression - Sponsored by Kate Snyder, Mayor

Motion was made by Councilor Dion and seconded by Mayor Snyder to amend Resolve 8 by removing "NATO member " from the Resolve. Passage 8-0.

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

UNFINISHED BUSINESS:

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

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

Written Public Comment on Order 89-21/22

Order 150-21/22 Approving the Purchase and Sale Agreement with Dorothy Hale for Property at 834 Riverside Street, Accepting a \$23,000 Donation from Allagash Brewing Company for that Purchase, and Placing that Land in the Portland Land Bank - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Ali and seconded by Councilor Chong for passage. Passage 8-1 (Rodriguez).

Written Public Comment on Order 150-21/22

Order 151-21/22 Traffic Schedule Amendment Re: 101 York Street - Sponsored by Danielle P. West, Interim City Manager

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

Order 152-21/22 Approving the Agreements between the Maine Department of Transportation and the City of Portland Re: Forest Avenue Paving -- Sponsored by Danielle P. West, Interim City Manager

Motion was made by Mayor Snyder and seconded by Councilor Chong to postpone Order 152 to the March 21, 2022 City Council Meeting. Passage 9-0.

Order 153-21/22 Amendment to Portland City Code Chapter 14 Re: Height Bonus in India Street Form-Based Code Zone - Sponsored by the Planning Board, Maggie Stanley, Chair

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

Written Public Comment on Order 153-21/22

ORDERS:

Order 160-21/22 Approving the Agreement between EVgo Services LLC and Portland Re: Electric Vehicle Charging Stations - Sponsored by Danielle P. West, Interim City Manager

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

Order 161-21/22 Accepting and Appropriating \$37,500 in Donations for the Portland Youth Corps - Sponsored by Danielle P. West, Interim City Manager

This is its first reading.

Order 162-21/22 Approving the Maine Public Employees Retirement System Special Plan 3C for Certain Non-Union Employees - Sponsored by Danielle P. West, Interim City Manager

This is its first reading.

Order 163-21/22 Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year 2023 Capital Improvement Program in an Amount not to Exceed \$21,145,000 - Sponsored by the Finance Committee, Mark Dion, Chair

This is its first reading.

Order 164-21/22 Appropriating Bond Proceeds and other Funds in an Amount not to Exceed \$30,770,000 for the City's Fiscal Year 2023 Capital Improvement Program - Sponsored by the Finance Committee, Mark Dion, Chair

This is its first reading.

Order 165-21/22 Approving the Three-Party Agreement between the Portland Area Comprehensive Traffic System, Maine Department of Transportation and the City of Portland Re: Improvements to Cumberland Avenue - Sponsored by Danielle P. West, Interim City Manager

This is its first reading.

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

ADJOURNMENT:

Motion was made by Councilor Ali and seconded by Councilor Chong to adjourn. Passage 9-0 at 7:38 PM.

A TRUE COPY

Katherine L. Jones, City Clerk

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 MEMBERS TO VARIOUS BOARDS AND COMMITTEES

ORDERED, that the following people are hereby appointed to the Boards and Committees indicated for the stated term:

Name	Board and Committee	Expiration
Carol Laboissonniere	Pesticide Management Advisory Committee	03-30-2025
Jessie O'Brien	Pesticide Management Advisory Committee	03-30-2025
Beth Rabbit	Parks Commission	06-30-2025
Katie Mears	Parks Commission	06/30/2024
Kristen Fulmer	Parks Commission	06/30/2023
Cheri Musgrave	Parks Commission	06/30/2024
Simon Rucker	Land Bank Commission	06/30/2025
Jon Kachmar	Land Bank Commission	06/30/2025
Brian Wasser	Land Bank Commission	06/30/2025
Thomas Valleau	Portland Housing Authority	06/30/2027
Joan White	Portland Housing Authority-Resident	06/30/2027
Linda Atkinson	Civil Service Employment Subcommittee	06/30/2025
Kenneth Lewis	Police Citizen Review Subcommittee	03/30/2025
Jean Desruisseaux	Police Citizen Review Subcommittee	03/30/2025
Regan Sweeney	Rental Housing Advisory Committee	03/30/2025
Jonathan Kruzfeld	Rental Housing Advisory Committee	03/30/2025
Anna Berke	Portland Public Art Committee	06/30/2025
Gillian Cook	Portland Public Art Committee	06/30/2025
Kat Zagaria Buckley	Portland Public Art Committee	06/30/2025
Phoebe Cole	Portland Public Art Committee	06/30/2024
Sharon Dennehy	Portland Public Art Committee	06/30/2023
Amir Familmohammadi	Rent Board District 1	03/30/2025
Josef Kijewski	Rent Board District 2	03/30/2025



Appointments Committee Chairman
C/o City Clerk
389 Congress Street
Portland, ME 04101

RE: Pesticide Management Advisory Committee
NOFA certified position

Dear Chairman:

This letter serves as formal application for re-appointment to the Pesticide Management Advisory Committee, and specifically for the Northeast Organic Farming Association Certified member.

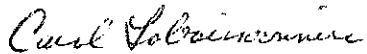
I have served on the PMAC since 2018, and would be willing to stay on for another term.

Please find enclosed a resume which outlines my educational credentials in the landscape and organic land care industry. In addition to graduate certification in landscape design from the Landscape Institute of Harvard University and the Boston Architectural College, my certification includes Maine Master Gardener and completion of the program for the Accredited Organic Land Care Professional. Annual seminars are attended to maintain accreditation.

Organic principals are applied by CL Design & Landscape LLC, which I own and actively run as a landscape design and construction company, including maintenance of gardens and organic lawns.

Your review of this application is appreciated. It is my desire to support organic land care with a reasonable approach that warrants this application.

Sincerely,



Carol Laboissonniere

**RESUME FOR
CAROL LABOISSONNIERE**

EDUCATION:

Graduate Certification, Landscape Design, Landscape Institute of Arnold Arboretum/Harvard University
Accredited Organic Land Care Professional, NOFA
Maine Master Gardener, University of Maine Cooperative Extension
B.S. Computer Science, Boston University, Boston, MA
B.A. Economics, Emmanuel College, Boston, MA

EXPERIENCE:

CL DESIGN & LANDSCAPE LLC, Kennebunkport, ME

President and Owner

6/2007 - Present

CL Design & Landscape LLC specializes in design and construction of new landscapes, renovation of existing landscapes, and fine gardening maintenance. It is primarily a design/build landscape company. The company's philosophy is to create environmentally responsible landscapes. The company goal is to integrate the client's outdoor living space vision with their new or existing landscape. The company objective is to design and install beautiful landscapes that complement the client's lifestyle and house architecture. www.cldesignlandscape.com.

BRIGHAM AND ASSOCIATES, Portland, ME

Senior Impairment Specialist

1/2005 - 5/2007

Performed impairment evaluations according to the *AMA Guides to the Evaluation of Permanent Impairment*. Reviewed medical records, drafted detailed, analytical medical reports. Conferred with staff physicians, attorneys, and insurance clients in the evaluation of whole person impairment for law firms and insurance companies in the US and Canada.

KITTERY TRADING POST, Kittery, ME

Department Manager

9/2003 - 1/2005

Supervised Assistant Managers, Senior Sales and Associates in the Camping, Winter, and Water Sports Departments. Responsible for hiring and firing of employees, scheduling, and employee performance evaluations. Maintained communication with peer managers and store manager. Successfully transformed Camping, Winter and Water Sports department into integrated, motivated team with high morale and productivity.

WHITEHEAD INSTITUTE FOR BIOMEDICAL RESEARCH, Cambridge, MA

Database Manager

9/1998 - 8/2002

Managed team of Programmer/Analysts for development of web accessed Oracle databases, including management of project scheduling. Directed user requirement analysis meetings for proposed databases.

Senior Database Analyst

10/1993 - 8/1998

Developed user requirements for both Administrative and Biomedical database applications, based upon design meetings with biomedical scientists and administrative personnel. Performed logical and physical database design, database development, testing, and implementation.

MITRE CORPORATION, Bedford, MA

Information Systems Engineer

9/1989 - 9/1993

Designed database prototypes for Air Force command systems. Authored technical white papers. Developed databases for statistical analysis and graphical presentation of radar data. Used REFINER reverse engineering software to analyze legacy Air Force systems. TOP SECRET clearance.

METROPOLITAN INSURANCE, Warwick, RI

Senior Systems Analyst

1979 - 1989

Managed staff of computer programmers for information systems projects. Responsible for hiring, mentoring, and performance evaluations. Performed user requirement analysis and specification development. Designed, tested, and implemented databases.

ALLENDALE INSURANCE, Johnston, RI

Home Office Claims Examiner

1977 - 1979

Reviewed, researched, evaluated and prepared detailed analytical reports for multi-million dollar lawsuits involving Medical Malpractice and Products Liability. Performed audits. Worked closely with defense attorneys, reviewing interrogatories, witness and expert testimony for lawsuits throughout the United States. Prepared liability and damage analysis and recommendations.

HARTFORD INSURANCE, Johnston, RI

Senior Claims Supervisor

1973 - 1977

Managed staff of insurance adjusters. Responsible for hiring, firing, mentoring, and performance evaluations. Investigated, researched, evaluated and prepared detailed analytical reports for lawsuits involving Medical Malpractice, Products Liability, Professional Liability, and Commercial Liability. Responsible for average 300-400 lawsuit case load, including final evaluation of liability, damages, and recommendation for trial or settlement.

PROFESSIONAL MEMBERSHIPS:

Kennebunkport Portside Rotary
Kennebunkport Chamber of Commerce
New England History and Landscape Design Association
Maine Organic Farmers and Gardeners Association
Association of Organic Landcare Professionals
Maine Landscape and Nursery Association

REFERENCES:

[REDACTED]

Ms. Katherine Jones

City Clerk

City of Portland ME

klj@portlandmaine.gov

RE: Portland PMAC

Ms. Jones

I would like to be re-considered as the agronomist for the Portland PMAC committee.

Presently I am the past chair and agronomist for the Portland PMAC. I have participated in discussions concerning pesticides at both the State and local level for many years.

I have been an active member in the horticultural industry for my entire working life. I am a resident of Portland and Peaks Island.

Thank you.

Jesse O'Brien

[REDACTED]

Portland, ME

[REDACTED]

[REDACTED]

Jesse O'Brien, MCN, MCL**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Education:

Cheverus High School 1976

SMVTI Plant and Soil Science 1977

UMaine Orono Plant and Soil Science B.S. 1981

Employment:

Down East Turf Farm, Kennebunk ME 1996

Adjunct Instructor SMTC, Plant and Soil Science 1982 – 1996

Adjunct Instructor UMaine Orono, Turf Management 2008 – 2016

License and Certifications:

Private Applicator Pesticide License, Maine Board of Pesticide Control

** Maine Certified Nursery Professional – MCN

** Maine Certified Landscape Professional - MCL

Relevant Committees:

Member of the Intergraded Pest Management Council, IPM, Department of Agriculture, Conservation and Forestry, DACF

Chair and Agronomist, South Portland Landcare Management Advisory Committee, LMAC

Treasure Ornamental Horticulture Council

Development of Best Management Practice BMP's for Turf - Board of Pesticide Control, BPC

Development of BMP's School Grounds – Board of Pesticide Control, BPC

Task Force on Pesticide and Fertilizer Ordinance City of Portland ME

Past-Chair and Agronomist of the City of Portland, PMAC

Presentation's:

NOFA, Northeast Organic Farmers Association

Coastal Maine Botanical Gardens

MELNA, Maine Landscape and Nursery Association

Board of Pesticide Control, BPC

Seacoast Stormwater Coalition, NH

Municipal Turf and Grounds Conference, NH

New Hampshire Landscape Association, NHLA

Massachusetts Landscape Association, MLP

Massachusetts Arborists Association, MAA, Tree School

Maine Golf Course Superintendent Association

And numerous others at Businesses, Garden Centers, Flowers Shows and others

Beth Rabbitt, Ed.L.D.

Portland, ME 04103

Public Policy
Innovation

Recent Experience

The Learning Accelerator (TLA) / Chief Executive Officer

2016- PRESENT, CEO; APRIL 2013 - 2016, Partner; NATIONAL (U.S.)

Leader of national nonprofit accelerating transformation of K-12 schooling. Strategic, operational, programmatic, and fundraising management to support student-centered learning innovations. As Partner (prior to 2016), led national research and professional learning strategy.

Touchstone Education / Director of Human Capital, Doctoral Resident

JUNE 2012 - APRIL 2013; NEWARK, NJ

Developed talent systems to support the launch of new school system. Completed original doctoral research on competency-based teacher development models.

Harvard University / Founding Innovation Lab Fellow, Program Director

SEPTEMBER 2010 - JULY 2012; CAMBRIDGE, MA

Launched a new initiative at Harvard University to foster social entrepreneurship across institutions, leading to new permanent funding and ongoing programs.

Education Resource Strategies / Summer Associate, Consultant

JUNE 2011 - APRIL 2012; WATERTOWN, MA

Consulted to school systems on strategic resource allocation and school turnaround strategies.

NewSchools Venture Fund / Associate Partner

AUGUST 2006 - JUNE 2010; BOSTON, MA

Provided philanthropic support and management assistance to education entrepreneurs.

Education

Harvard Graduate School of Education / Ed.L.D, Education Leadership

AUGUST 2010 - MAY 2013, CAMBRIDGE, MA USA

Gant Family Foundation Fellow; Teaching Fellow (Entrepreneurship in Education)

Dartmouth College / B.A., Psychology and Brain Sciences

SEPTEMBER 2000 - JUNE 2004, HANOVER, NH USA

Cum Laude/Highest Departmental Honors; Presidential Scholar; Class of '61 Research Fellow; Sigma Xi Science Honors; Benjamin Banneker '69 Award; Nickerson '64 Psychology Prize

Service, Publications, and Other Fellowships

Service

- Current: Portland Parks Commissioner (appointed 2021), GiveThx (appointed 2021); Catalyst:Ed Board (appointed 2018), Innovate EDU Board (appointed 2017)
- Past: *Highlander Institute Board (2016-2021), UNOW Day Nursery School Trustee (2014-2017), Scholar Academies Trustee (2010-2016)*

Select Publications:

- Rabbitt, B. (2021). *Launching Forward: Leveraging pandemic innovations to advance school systems*. The Learning Accelerator. Portland, ME.
- Rabbitt, B. and Dávila, B. (2021). *Hop, Skip, Leapfrog: Exploring the concrete ways schools and systems pursued student-centered innovation during COVID-19*. The Learning Accelerator. Portland, ME.
- Rabbitt, B. (2020). *Driving Quality in Remote Learning: A framework for research-informed remote experiences for K-12 learners*. The Learning Accelerator. Portland, ME.
- Rabbitt, B., Finegan, J., Kellogg, N. (2019). *Research-based, online learning for teachers*. Princeton, NJ. The Learning Accelerator.
- Thomas, N., & Rabbitt, B. (2019). *Innovative Learning Implementation Framework: A Guide to Shifting System Conditions for Success and Scale*. Princeton, NJ. The Learning Accelerator.
- Rabbitt, C.E., Higgins, M., Mehta, J., Hernandez, A., & Harvard University, Graduate School of Education. (2013). *Human Capital in Blended Learning Schools : Developing an Early-stage Talent Strategy for Touchstone Education*.

Other:

Pahara-Aspen Education Fellow, Spring 2020 Cohort; New Profit Social Entrepreneur (2017-2021)



Katherine Jones <klj@portlandmaine.gov>

Cheri Musgrave application for seat on Parks Commission

1 message

Cheri W [REDACTED]
To: klj@portlandmaine.gov

Dear Appointments Committee Chairman,

My name is Cheri Musgrave and I have been a proud resident of the city of Portland since 1978. Portland's natural beauty lured me to move here, and I would be happy to lend my efforts to support the work of the Parks Commission to help in stewardship and advocacy for our parks and open spaces.

I have been a member and supporter of Portland Trails since 1998. I have served as a volunteer, Events Committee Chair, and Board member during my years of membership. I fully support people-powered transportation, and try whenever I can to get outside and enjoy our trail system and beautiful public spaces.

As an appreciator of our parks for many years who now is winding down her career, I find myself with time to give. My work history is outlined in my attached resume, but I can summarize my applicable skills by saying that I am a good communicator and listener, and have spent the bulk of my career building cohesive teams which have accomplished many goals in the service of others.

I would look forward to the opportunity to interview for a seat on the Commission.

Sincerely,

Cheri Musgrave

Resume.docx
23K

Cheri Musgrave

[Redacted contact information]

Experienced professional with demonstrated leadership of people and processes to manage initiatives to completion, strengthen relationships and build sales. Able to produce concrete results from abstract ideas. Known for strong project management, training, coaching and staff development, as well as excellent organizational, written and verbal communication skills.

Deep expertise in developing innovative programs to motivate teams to produce their best work. Seasoned business writer with broad range of experience in communicating with employees, prospective clients, and leadership. Dedicated team-builder who strongly believes in empowering individuals with encouragement and support.

Accomplishments

- Served as member of Leadership Committee in evolving Apothecary By Design multisite enterprise.
- Operationalized integration efforts of growing ABD organization.
- Successfully achieved dual national accreditation for multi-site chain of specialty pharmacies.
- Developed and administered annual client and patient satisfaction survey programs. Produced pharmacy outcomes report annually.
- Developed and facilitated series of all-staff training programs for company with 100+ employees. Wrote all training and staff evaluation materials and recapped results.
- Led project to revise pharmacy website. Coordinated the work of multiple entities – web designers and IT teams as well as writing copy and developing site map.
- Delivered lecture on pharmacy quality and outcomes as a part of Specialty Pharmacy course for pharmacy students at UNE.

Experience

Manager, Operations - Careplus Regional Specialty Pharmacy (ABD)

2018-present

- Led team through acquisition process to successful assimilation
- Manage workflow and operations of regional specialty pharmacy
- Serve as Quality Champion supporting successful national accreditation reaccreditation

Director of Quality Assurance – Apothecary by Design Specialty Pharmacy **2012- 2017**

- Successfully lead project to achieve initial national URAC and ACHC Specialty Pharmacy accreditation and subsequent reaccreditation for 3 sites for Apothecary by Design.
- Managed Quality Management and accreditation efforts for evolving multisite ABD organization.
- Led Training Program, working to develop and deliver training programming for staff of 100+
- Serve as a member of Marketing Committee, developing and approving marketing efforts and materials for the entire ABD enterprise

Marketing Manager – Ascend Specialty Pharmacy, South Portland, ME **2010-2012**

Created, implemented and measured success of marketing campaigns targeted to patients and health care providers. Includes direct mail, fax blast and web communications, and development of all collateral material.

Held responsibility for overall client satisfaction. Developed client satisfaction surveys, analyze monthly results, strategize and implement improvement plans.

Designed, developed and facilitated all staff training modules.

Managed the RFP (Request for Proposal) program, successfully winning 2 major contracts in last 6 months.

Manager of Fertility and RSV Services – Ascend, South Portland, ME **2004-2010**

Successfully managed two Specialty Pharmacy product categories with combined annual sales of \$25 million and staff of 30 patient care coordinators and nurses.

Developed sales building and service enhancing programs to increase revenue.

Patient Care Coordinator - Ascend, Portland Pharmacy, HMI, South Portland, ME **1996-2004**

Enrolled and provided insurance investigations, and managed treatment for patients needing specialty medications

Ensured compliance to drug therapy by following patients closely during treatment

Regional Coordinator - Acadia Health Education Coalition, UNE, Biddeford, ME 1992-1994

Researched and coordinated housing and preceptorships for clinical rotations of medical students
Provided career counseling to prospective health profession students
Formulated and administered team of healthcare professionals to plan and develop UNE Annual Summer Institute on Aging

Education

BA, English, Magna Cum Laude, University of Southern Maine, 1996

Community Involvement

Portland Trails

Volunteer and Member – 1998 to present

Auction Committee Chair and Board Member – 2004 - 2008

Spannocchia Foundation Volunteer - 2011

Portland Public Schools Volunteer - 2003-2012

Portland Stage Volunteer - 1999-2010

Appointments Committee Chairman,
c/o City Clerk,
389 Congress Street, Portland ME 04101
klj@portlandmaine.gov

Dear Chairperson:

I am delighted to submit my application to serve as a volunteer with the Portland Parks Commission. Throughout my career I have facilitated and participated in a wide variety of diverse community coalitions, particularly in post-disaster contexts, working to balance ideal use of space and limited resources. I believe this work experience, and my appreciation of and deep commitment to accessible, safe, public spaces makes me an excellent candidate for the Parks Commission.

I moved to Portland in 2015 when my spouse, Elisabeth, who had previous ties to Maine, accepted a job at the University of Southern Maine. Since then, we have rented and owned homes in the West End and now the Oakdale neighborhood, and are raising our two small children in and around Portland. Our children go to school downtown at YFO, where they visited just about every park nearby. By age four Christopher could rattle off where Peppermint Park, Stone Street Park, Pleasant St Park, Deering Oaks Park and Kennedy Park were and the different playground features at each of them. We've made a pandemic habit of exploring a new trail in the greater Portland area every weekend, and have relished getting to explore local treasures like Jewel Falls while not able to travel more extensively out of the area. I've been struck in this exploration at the ways that Portland's parks are such community assets, but perhaps, not as evenly distributed and accessible as maybe they could be. I think, for example, of the playground's location deep into Deering Oaks Park, far from the residences along Park Ave. We have recently moved to a new home in the Oakdale neighborhood and miss the easily accessible park and green spaces closer to the peninsula.

I'm also interested in exploring ways public spaces can be of greater use to Portland residents beyond children and families. Are there ways that fitness facilities could be better integrated into the park spaces? Public bathrooms? Picnic tables? I approach these questions with genuine humility, knowing I am certainly not the first to ask these questions, but hoping my experience and energy might be able to push these issues further.

Beyond my personal experience as a Portland resident, I have built a career out of leading, developing or participating in diverse coalitions seeking to improve conditions for their communities. I am well-versed in asset-based community development and work with churches, faith-based groups, and other networks so that they are equipped to respond to disasters in their communities. These efforts have ranged from rebuilding or establishing new community spaces, supporting long-term case management and utility, medical and food assistance, all with the goal of facilitating healthier and more fulfilling lives: a mission that surely overlaps with the efforts of the Parks Commission.

I look forward to hearing more from you. Don't hesitate to reach out with any questions.

Many thanks for considering my application,
Katie Mears



RESUME – Katie Mears

PROFESSIONAL QUALIFICATIONS

Degree, Institution, Location	Field of Study	Conferred
B.A., Grinnell College, Grinnell, IA	History	May 2003
M.Div., Union Theological Seminary, NYC	Social Ethics	May 2020

APPOINTMENTS

Dates	Position, Organization, Location
5/17-Present	Disaster Case Management committee member, National Voluntary Organizations Active in Disasters (NVOAD), Providence, RI

PROFESSIONAL EXPERIENCE

Dates	Position, Organization, Location
9/09 – Present	Senior Director, US Disaster Programs, Episcopal Relief & Development, New York, NY
12/05 – 10/09	Gutting/Rebuild Coordinator, Episcopal Diocese of Louisiana, New Orleans, LA

PRODUCTS

Building from Your Gifts: Asset-Based Disaster Responses, National Voluntary Organizations Active in Disasters national conference workshop. Providence, RI, May 2017

Asset Mapping as Disaster Preparedness, National Voluntary Organizations Active in Disasters national conference workshop. New Orleans, LA May 2015.

SYNERGISTIC ACTIVITIES

In my current as Sr. Director for US Disaster Programs, I work with Episcopal churches and dioceses as well as other non-church partners across the country as they prepare for and plan responses for disasters. This includes overseeing grant-making, program development, grant reporting, and financial oversight for approximately 20 short- and long-term grants valued at over \$2.5 million yearly to partners around the country. I also coach program partners to create response plans that maximally leverage local resources, and transform disaster-impacted churches (and communities) through service. This can include coaching impacted dioceses and those receiving displaced people on how to best welcome and integrate disaster migrants. Programs that have included migrants in recent years have included work with the Diocese of Central Florida welcome displaced Puerto Ricans; work with the Diocese of Louisiana and West Texas in 2014 as they supported Honduran child migrants in Metairie, LA and McAllen, TX; and work with the Diocese of Texas as it helps low-lying, low income communities plan when/how to relocate following the flooding from the past few years.

I have worked extensively with the Episcopal Church and with partner agencies for the past 10 years in a wide variety of contexts (urban/rural, north/south, dominant culture/minority communities, etc.) as they plan and institute preparedness activities to rapidly equip the Episcopal Church to respond effectively to vulnerable neighbors after disasters. This has included shifting from documentation- and internally-focused planning to a more wholistic, community-based approach. As part of this perspective shift, congregations and dioceses are looking for ways to more effectively partner with their neighbors and with disaster-impacted communities far away including how to welcome displaced people. As congregations and dioceses have planned over the past few years, how to integrate displaced populations has emerged as a question in a variety of contexts, but particularly in inland communities along the Gulf Coast, along the Mississippi River and inland West Coast communities that would receive people displaced by earthquakes.

I oversee, support and deploy a team of volunteer experts from a variety of fields (public health, mental health/pastoral care, human resources, social work, emergency response) who work with newly impacted dioceses as they plan their responses.



Katherine Jones <klj@portlandmaine.gov>

Parks Commission App - Attn Appointments Committee Chairman

1 message

Kristen Fulmer [REDACTED]
To: klj@portlandmaine.gov

Portland Appointments Committee Chairman,

Thank you for the opportunity to take an active role in shaping the future of our city - I'm looking forward to bringing my background and experience to the Parks Commission and hope to speak with the group soon.

My resume and cover letter are attached in a PDF document in this email.

All the best,
Kristen

--
Kristen Fulmer | Founder
[REDACTED]
[REDACTED]

READ: Greenbiz' "Professional sports has a new type of agent: A Sustainability Agency"

Fulmer_Resume_JAN2022 X Portland.pdf
226K

January 2022

Portland Parks Commission,
Portland Parks Commission & Appointments Committee Chairman

Many years ago, while living in New York City, my then-boyfriend won a giftcard to a restaurant in Portland, Maine. It happen to expire in early February, so we decided to make the trek out of the city and up to Portland over President's Day weekend. The three-day weekend always falls shortly after the Valentines Bandit visits, but before peak tourist season, so Old Port is in prime quaint-cozy-small-magical New England-town-mode. Neither of us had been to Maine before that trip and it was, as they say, happily ever after. After years of traveling to Portland from New York exclusively on President's Day Weekends, we had the chance to temporarily move to Maine while working remotely in mid-2020. A few months into our temporary stay, we realized that we could never leave. All of these years later, my now-husband and I own a home in Riverton and I am thrilled to have the capacity to play a more active role in shaping the future of our home town.

I cherish my small family's weekend traditions, which typically involve a lot of active outdoor time in multiple City Parks and Recreation areas and my dedication to protect those traditions and therefore these special places is thoughtful and intentional. As a member of the Parks Commission, I'd be just as committed to protecting everyone else's special traditions in these gems around the city.

As a sustainability professional, especially as a transplant from New York City, I am so grateful for the environmentally-protective culture of Portland. Mainers love their open public spaces and that is evident through the infrastructure, small businesses, and even the larger corporations and local government. Not only are Portland's parks beautiful, but they are also clean, accessible, and community-focused. As a member of the Parks Commission, I'd aim to protect and enhance those positive qualities throughout the city.

I come from an educational and professional background in sustainable real estate development. While this could be perceived as the antithesis of Parks and Recreation, I have had the opportunity to work on projects nationally and globally that have prioritized protecting open active space and have gained an appreciation - and now commitment - for replicating the successful design solutions of those projects.

Thanks to the emergence of research related to sick building syndrome and evidence of impacts from spending too much time indoors, the topic of health and wellbeing is often integral to the sustainable design approach to a development. These solutions often include active space to encourage and incentivize physical activity and biophilic installations for restorative respites - Of course, a good park will ensure that both options are accessible to all citizens, absent from real and perceived barriers.

My work now focuses on the intersection of sports and sustainability, which simply amplifies my dedication to mainstreaming sustainability. Recipric, my agency, is focused on leveraging sport to amplify the importance of climate and environmental action. I believe that city parks are already a manifestation of that theory. I hope to bring this energy and focus to the Commission's existing work and look forward to the opportunity to learn from others in the Commission as well. Together, I am confident that we will be powerful advocates for the next evolution of Portland!

Thank you for your consideration and I look forward to hearing from you,
Kristen A. Fulmer



Kristen A. Fulmer

A sustainable development expert, focused on maximizing environmental performance, while proactively promoting wellbeing and positive social change in the community.

Portland, Maine

PROFESSIONAL EXPERIENCE

Futerra | Senior Strategist
November 2021 - Present

— Connects corporate brands and their consumers to science-based sustainability strategies through engaging communications solutions, including thought leadership, social media, webinars, events, and campaigns.

Recipric | Founder
June 2019 - Present

— Serves sports organizations as in-house sustainability advocate, mainstreaming relevant and equitably accessible sustainable change solutions for all stakeholders, including the front office, athletes, and sponsors

— Select Clients: Major League Baseball, EcoAthletes, Sideline Carbon, TenSpot, RWJF's Culture of Health Leaders

WeWork | Global Sustainability Enterprise Advisor
August 2018 - November 2019

— Translated WeWork's Global Sustainability commitments, including Air Quality Management Program and Global Carbon Neutrality Goal to internal stakeholders, including leadership, employees & investors.

— Connected Enterprise members' sustainability inquiries with Sustainability team's solutions, identifying opportunities for pilot projects, totaling \$500M contract value.

Lendlease | Associate Sustainability Manager
September 2016 - August 2018

— Represented Lendlease's US Sustainability Strategy, reporting technical design, construction, and operations performance to validate continuous improvement.

— Managed U.S. sustainable development projects, including teams delivering WELL, Fitwel, and LEED Certifications, totaling over 10 million sf.

— Led sustainable solutions on over 15 million sf of active construction projects.

Paladino & Company | Senior Sustainability Consultant
March 2016 - September 2016

— Delivered third-party certifications for more than 30 various clients.

— Performed gap analyses and technical design reviews on more than 7 million sf.

Beacon Communities | Multi-Site Property Manager
June 2013 - March 2016

SELECT PUBLICATIONS

Medium's Authority Magazine | Female Disruptors: How Kristen Fulmer is Shaking up how Businesses Can Be More Sustainable

The Sustainability Report | Adapting healthy lifestyle habits to carbon reductions

Forbes | Return On Generosity (ROG): Metrics For A New Generation Of Sports Fans

Greenbiz | Professional sports need a new type of agent

Sustainable Brands | New Initiative For Pro Sports Teams 'Sideline Carbon'

Sports Business Journal | Future Venues: Greener, Cleaner

UrbanLand | Recommended Reads during COVID-19: A Curated List of News and Information of Interest to Land Use Professionals: *Simple, affordable ways for your home to improve health, wellbeing & sustainability*

PASSION & EXPERTISE

Mainstreaming Sustainability
District-Scale Sustainable Design
Solving for Climate Justice

EDUCATION

University of Texas at Austin
Master of Science in
Sustainable Design
School of Architecture

Virginia Tech
Bachelor of Arts
Urban & Public Affairs
Residential Property
Management Minor

CERTIFICATIONS

WELL AP
LEED AP

Fitwel Ambassador
EcoDistricts AP
Living Building Challenge
TRUE AP
Council for Responsible Sport

SELECT SPEAKING

Women in PropTech
Innovation Panel, Moderator
Climate Week
Event Host & Moderator
CoreNet CogFX & Wellbeing
Event Host & Moderator

INDUSTRY INVOLVEMENT

IWBI

Advisory on Sports &
Entertainment Venues

CoreNet

Sustainability Community

NYC Young Leader of the Year
Nominee

ULI

Health Leaders Network

Tech & Innovation Council

USGBC

MR Social Equity TAG
Committee

Urban Green Member
Women in Climate Tech

Simon Rucker

[REDACTED]
Portland, ME 04101

February 3, 2022

Katherine L. Jones, CCM
City Clerk, Portland Maine
389 Congress Street
Portland, ME 04101

Dear Ms. Jones:

Attached please find my resume in connection with the opening on the City of Portland Land Bank Commission (LBC). For the past six years I have served two terms as Commissioner for District 1 and would like to submit this request that I be re-appointed to the position for a final term. During my time on the LBC I have worked diligently to help it fulfill its responsibilities to the public by taking on projects, coordinating on new projects with community members, and working on parcel evaluation. I have served and continue to serve on numerous subcommittees, including the priority parcel subcommittee, the paper streets subcommittee, the tax acquired parcels review subcommittee, and the outreach subcommittee. I have served as Secretary of the LBC since 2019 and in that role have written LBC Annual Reports, press releases and presentations to the City Council.

I am looking forward to future projects which can serve the conservation needs of the City of Portland and its residents. I have learned a lot from this work and my fellow commissioners and I hope that I can continue for an additional term on the LBC, in order to pass on some of what I have learned to new commissioners.

Please let me know if you need any additional information in order to be considered for re-nomination.

Best regards,



Simon Rucker

Simon Rucker

Portland, ME 04101 *

PROFILE

Dynamic, innovative conservation leader working to conserve important landscapes for outdoor recreation, economic development, climate change mitigation, and the people of Maine.

PROFESSIONAL EXPERIENCE

MAINE APPALACHIAN TRAIL LAND TRUST

Executive Director, May 2014 – present

- Oversees all operations for community-based, statewide organization with a mission to protect the land along Maine's Appalachian Trail for public benefit
- Completed two land conservation projects of national significance with an additional project slated for completion in June 2019, totaling approximately 23,000 acres of protection for Appalachian Trail landscape (Gulf Hagas Whitecap, Bald Mountain Pond, Redington Forest)
- Acquired over 12,000 acres in fee and easement ownership for the Maine Appalachian Trail Land Trust
- Manages all land holdings of the organization (approximately 15,000 acres) including trails, access, permitted activities and stewardship responsibilities
- Implemented new programming to raise organizational profile, increase capacity, engage the public and generate revenue
- Formed new partnerships with Federal, State, local, NGO, corporate and community partners
- Acquired trademark to Maine's High Peaks as part of regional marketing and branding project with community partners

CITY OF PORTLAND LAND BANK COMMISSION

Commissioner and Commission Secretary, April 2016 – present

- City-appointed Commissioner (District 1) for Portland's equivalent to a conservation commission
- Allocates funding to City land conservation projects
- Works with City staff on due diligence, project management, acquisition prioritization
- Compiles Annual Report for City Council review

THE TRUST FOR PUBLIC LAND, NEW YORK, NY

Senior Legal Assistant, March 2012 – May 2014

- Paralegal support for The Trust for Public Land's Mid-Atlantic region land conservation projects and urban playground/park programs
- Worked with state/county/town agencies and governments in effort to manage and complete complex conservation projects
- Preparation for and attendance at real estate closings; title review; survey review, environmental assessment review
- Reviewed and updated internal guidelines, policies and data for land trust accreditation, grant reporting, and legal, financial and non-profit 501(c)(3) compliance
- Lead for conservation easement monitoring stewardship program for regional office

SCHRECK ROSE DAPELLO & ADAMS LLP, NEW YORK, NY

Media Projects and Legal Assistant, 2003 to 2012

- Drafted and negotiated agreements and releases under attorney supervision
- Internet, copyright and fair use issues lead
- Compiled legal precedents for database and research purposes
- Reviewed and interpreted contracts, filed corporate compliance documents, drafted image and voice releases
- Coordinated legal contracts between clients, studios and production companies
- Maintained contact with high-profile entertainment clients and representatives on a daily basis

EDUCATION

NEW YORK UNIVERSITY

M.A. Cinema Studies, 2002

UNIVERSITY OF MASSACHUSETTS AT AMHERST

B.A. English Literature, 2000

TRINITY COLLEGE OXFORD UNIVERSITY

Summer Study Certificate Program, English Literature, 1998

SUNY COLLEGE OF ENVIRONMENTAL SCIENCE & FORESTRY

B.S. Candidate, Environmental and Forest Biology, 1996-1998

VOLUNTEER WORK

- East End Community School Garden Committee
- East End Community School Garden Classroom Volunteer
- East End Community School Walking School Bus Walk Leader
- Maine Appalachian Trail Club Trail Maintainer
- Southern Maine Conservation Collaborative Board Member

January 31, 2022



Re: Land Bank Re-appointment Request

Nomination Committee Chair:

I am writing to request re-appointment to the Land Bank for a second term, which would take effect on 06/30/2022.

My background includes over 20 years working in the environmental field that has direct applicability to acquisition of land for conservation or open space as well as parks and related spaces. My first term on the Land Bank has resulted in working directly on land acquisition for open spaces in the City, and I also serve as the designated liaison between the Land Bank and the Parks Commission. I have lived in Portland since 1992 and previously served on the Board of Harbor Commissioners for the Port of Portland for 10 years including as chair for several years. I am deeply committed to the living in the City of Portland and would be honored be re-appointed in service of the residents of Portland.

My experience includes several supervisory roles, and I have successfully inspired and empowered others to excel in their work. Please feel free to contact me should you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Jon Kachmar".

Jon Kachmar

JON KACHMAR

EASTERN TRAIL ALLIANCE/EASTERN TRAIL MANAGEMENT DISTRICT

Executive Director, June 2020—Present

Lead efforts to manage and expand Southern Maine's most visited recreational trail—The Eastern Trail. Primary responsibilities include team-building staff, providing support to two non-profit boards, developing operating budgets, fundraising, developing right of way and co-location agreements, and building ongoing support for the organizational mission. Three primary campaigns are underway to with multiple communities in Southern Maine to build support and funding for new off-road trail in Scarborough; Kennebunk, Wells and North Berwick; and the cities of Biddeford and Saco.

LAND BANK COMMISSION/PARKS COMMISSION

Commissioner, June 2019 -- Present

The Land Bank Commission is responsible for identifying land conservation opportunities within the City of Portland, Maine. The commission seeks to preserve a balance between development and conservation of open space important for wildlife, ecological, environmental, scenic, or outdoor recreational values. I am also a member of the Parks Commission as a liaison between Parks and the Land Bank to assist with connections between both commissions.

THE NATURE CONSERVANCY

Conservation Director, Urban Programs, January 2016 – April 2019

The primary focus of my work was leading a multi-disciplinary team of TNC staff within the Massachusetts chapter to implement long-term strategies for meaningful conservation outcomes in Boston's urban watersheds. Activities included extensive partnership development with municipal, state and federal agencies, other NGO's, and businesses including underserved and diverse communities. I provided leadership as a member of the Massachusetts senior management team and represent the chapter as an urban leader for the Conservancy's North America Cities Network.

Coastal Program Director/Southern New England Water Quality Co-Lead, May 2011 – January 2016

Managed the Conservancy's coastal program's conservation and restoration efforts. Focus areas include improved water quality including nutrient reduction in coastal waters, promoting sustainable restoration of shellfish, eelgrass and other coastal resources in Massachusetts. Program development included significant interactions and cultivation of high capacity private donors, foundations and government grants resulting in \$1.3M for coastal restoration work. Co-lead for regional coastal water quality improvement in the Southern New England (Long Island to Cape Cod) focusing on water quality improvements. This included senior staff interactions with EPA Region 1 and state environmental agencies, as well as engagement with high capacity private donors, foundations and government grants initiatives. Provided leadership as a member of the Massachusetts Chapter Conservation Council leadership team.

Long Island Sound Program Director, July 2008 – May 2011

Managed the Conservancy's regional program for Long Island Sound to conserve and restore the Sound including

coastal climate resilience, sustainable finfish and shellfish populations, and salt marsh restoration. This included responsibilities for all Connecticut and New York coastal and marine waters in Long Island Sound. Provided significant contributions as a member of the CT Chapter government relations team to secure public and private funding for coastal and marine conservation and restoration projects. This included leadership in securing \$700K for seagrass research and restoration, \$2.4M for the NY/CT Coastal Resilience Project, and \$250K for Long Island Sound shellfish restoration.

MAINE COASTAL PROGRAM/MAINE STATE PLANNING OFFICE

GULF OF MAINE COUNCIL / NOAA HABITAT RESTORATION PARTNERSHIP

Senior Planner / Habitat Restoration Program Manager, June 2002 – April 2008

Provided coordination and technical assistance to state agencies, municipalities, and non-profits to undertake coastal habitat restoration projects. Restoration objectives include dam removal and/or improved fish passage, removal of tidal restrictions to salt marshes, and river channel enhancement for diadromous species, among others. Administered Gulf of Maine Council / National Marine Fisheries Service Habitat Restoration Partnership grant program, which provided funding and technical assistance for restoring coastal habitats throughout the Gulf of Maine, including Massachusetts, New Hampshire, Maine, New Brunswick, and Nova Scotia. Over \$2.5M granted and administered.

BOARD OF HARBOR COMMISSIONERS, PORT OF PORTLAND, MAINE

Board Chair January 2000 – April 2008

Developed agendas for Board work pertinent to core responsibility of safe navigation and commerce in the Port. Specific duties include permitting of marine construction projects, licensing and regulation of harbor pilots and docking masters, and enforcing the Board's rules for safe, efficient recreational and commercial vessel movements. Position on the Board required supervision of all employees, as well as other Board members.

WATERFRONT ALLIANCE, PORTLAND, MAINE

Chair April 2006 – April 2008

Developed monthly meeting agendas and policy discussions, interpret waterfront policy making initiatives, and provide consensus-based guidance on harbor issues for nonprofit entity. The membership included businesses, non-profits, municipal governments, and individuals with vested interests in waterfront activities. The Alliance is a driving force in waterfront policy setting, including planning and zoning topics. The mission of the Alliance is to promote a sustainable working waterfront that is vibrant and economically productive.

THE COMPASS PROJECT

Board of Directors, President, May 2002- May 2004

Board member and president during the upstart of this nonprofit organization. The mission of the organization is to provide at-risk youth opportunity to excel through interactive boat building and rowing activities. Tasks included oversight of the annual budget, development efforts, and marketing and outreach to expand the program.

SOUTHERN MAINE REGIONAL PLANNING COMMISSION

Coastal Resources Planner, October 1998 – May 2002

Coordinated three-year regional beach management plans for beaches in southern Maine, comprising five coastal municipalities. Provided professional staffing to multi-jurisdictional coastal resources steering committee as well as local stakeholder planning committees to develop and implement beach management plans in three geographic regions in southern Maine. Offered technical assistance to municipalities regarding state and federal regulatory requirements for buildings and structures in coastal areas, regulatory and nonregulatory conservation laws, rules and strategies. These efforts resulted in the development of multi-stakeholder management plans that are the basis

for on-going management efforts in the region.

MAINE STATE LEGISLATURE

OFFICE OF POLICY AND LEGAL ANALYSIS

Research Analyst, January 1996 – September 1998

Provided policy and legal research for legislative committees with jurisdiction over marine and natural resources, transportation, fish and wildlife, utilities and energy, and labor. Compiled and prepared technical background information and reports for committees and staff members. Assisted with drafting laws and rules regarding natural resources management. Staffed interim study commissions and task forces as needed.

EDUCATION

MUSKIE SCHOOL OF PUBLIC SERVICE—UNIVERSITY OF SOUTHERN MAINE

M.A. in Public Policy and Management

UNIVERSITY OF RHODE ISLAND

B.A. in Marine Affairs

MCGILL UNIVERSITY

New England - Quebec Exchange focusing on Earth Sciences

CERTIFICATION/AWARDS

- United States Coast Guard Licenses: 100 Ton Master Near Coastal; Commercial Towing Endorsement; Auxiliary Sail Endorsement
- American Institute for Avalanche Research and Education (AIARE) Level 1 Avalanche Safety Certification
- 2005 Portland High School (ME) Mentor of the Year
- 2007 Maine State Planning Office Employee of the Year
- 2013 New York Department of Environmental Services Water Quality Award for Southern New England/New York
- 2013 The Nature Conservancy Emerging Leaders Program Training
- 2014 The Nature Conservancy, Massachusetts Chapter Oak Award for Creativity
- 2015 The Nature Conservancy, Highly Effective Teams Training
- 2016 The Nature Conservancy, Strategic Gifts Training
- 2017 The Nature Conservancy, Engaging Across Difference
- 2017 The Nature Conservancy, Massachusetts Chapter Oak Award for Innovation
- 2017 The Nature Conservancy, Youth Safety Certification
- 2018 The Nature Conservancy, Major Gifts Skills Practicum Training
- 2018 The Nature Conservancy, Racial Equity Leadership Lab

26th January 2022

Appointments Committee Chairman
c/o City Clerk
389 Congress Street
Portland ME 04101
klj@portlandmaine.gov

Dear Chairman,

I would like to express my interest in becoming a member of the Land Bank Commission.

Throughout my entire life, I have had a passion for, and commitment to, the protection of open spaces. I am a strong believer that open spaces are essential for the health and well-being of both human and ecological communities.

A little bit about me. I received my Bachelor's degree in Environmental Sustainability, after which I worked on an organic vegetable farm for a few years. Seeing the ways in which environmental and human health are intertwined, I then went on to medical school, and am a recent residency graduate, currently practicing Primary Care here in southern Maine. In my spare time, I do photography and surf.

I have lived in Portland since 2015, and care deeply about its communities and the work of protecting and expanding its open spaces. I see these physical spaces as the foundation necessary for maintaining and fostering cultural, social and environmental resilience. I do not have much experience on committees and commissions, but I am confident that I have the skills to hold this position and to be a great benefit to the Commission and Portland as a whole.

Thank you for your consideration. I look forward to hearing from you.

Best,

Brian Wasser

[REDACTED]
Portland, ME 04101
[REDACTED]
[REDACTED]

Brian Wasser, M.D.

[REDACTED] PORTLAND, ME 04101
[REDACTED]

SUMMARY

Board-Certified Family Medicine physician licensed in Maine and New York
with training and a special interest in
Integrative Medicine, Functional Medicine, Botanical Medicine and Medical Acupuncture.

MEDICAL EMPLOYMENT, TRAINING & EDUCATION

May 2021 – present

Martins Point Health Care

- Attending Physician, Family Medicine
- Current completing my certification in Functional Medicine through IFM

June 2018 – March 2021

Maine-Dartmouth Family Medicine Residency, Maine General Medical Center

- Family Medicine Resident, graduated March 2021
- Additional 200-hour Integrative Medicine curriculum
- Additional Medical Acupuncture training
- Additional Functional Medicine curriculum
- Additional elective training in Botanical Medicine

June 2017 – May 2018

University of Vermont Medical Center, Family Medicine Residency

- Family Medicine Intern

August 2013 – May 2017

Tufts University School of Medicine

- Doctor of Medicine, May 2017.
- Longitudinal Integrated Curriculum, Maine Medical Center. May 2015 - April 2016.
- Additional Mind-Body Medicine Curriculum, Harvard University. January 2014 - May 2014.

January 2003 - May 2005

Stony Brook University, Stony Brook NY

- Bachelor of Arts, Environmental Studies, *summa cum laude*

September 2001 - January 2003

Cornell University, Ithaca, NY

PROFESSIONAL MEMBERSHIPS & COMMITTEES

American Academy of Family Physicians. 2017 - present.

American Academy of Medical Acupuncture.. 2017 - present.

American Medical Association. 2017 - present.

Academy of Integrative Health & Medicine. 2018 - present.

American Academy of Functional Medicine. 2018 - present.

Integrative Medicine Committee, 2018 - 2021. Maine-Dartmouth Family Medicine Residency.

Physician Wellness Committee, 2018 - 2021. Maine-Dartmouth Family Medicine Residency.

Patient Flow Committee, 2018 - 2021. Maine-General Medical Center.

Physician's Well-Being Committee, 2013 - 2017. Tufts University School of Medicine.

Integrative Medicine Interest Group, 2013 - 2017. Tufts University School of Medicine.

Wilderness Medicine Interest Group, 2013 - 2017. Tufts University School of Medicine.

Family Medicine Interest Group, 2013 - 2017. Tufts University School of Medicine.

SERVICE, RESEARCH & ACTIVITIES

August 2017 - present

University of Vermont Medical Center and Maine-Dartmouth Family Medicine Residency

- Research project: climate change, food systems, and human health

August 2015 – present

Cultivating Community

- Volunteer for this sustainable food and community garden nonprofit organization.

Summer 2016

Veggies for All

- Volunteer for this food-bank farm, which grows and distributes vegetables to food pantries for under-served and homeless populations in the state of Maine.

Summer 2016

Maine Medical Center

- Medical School Research: Physician Preceptor Recruitment and Retention

Summer 2016

Indian Health Service, Crowne Point Health Center, Crowne Point NM

- Independent Family Medicine Elective

January 2012 - January 2013

Stony Brook University Cancer Center

- Volunteer nutritional counseling for oncological patients.

January 2012 - January 2013

Stony Brook University Medical Center

- Basic science laboratory research on novel treatment modalities for prostate cancer.

September 2011 - January 2012

Stony Brook Medical Center, Neuropsychology Department

- Clinical research on neurocognitive and psychosocial correlates of neurologic Lyme Disease.

April 2007 – August 2013

Hamlet Organic Garden

- Organic vegetable farmer, full-time

May 2006 – April 2007

Environmental Defense Fund

- Research writer, climate change and human health

May 2005 – August 2006

Stony Brook University, Marine Science Research Center

- Research writer, climate change and human health

HOBBIES, INTERESTS & PERSONAL

I am originally from New York, currently living in Maine. I am an avid farmer, photographer and potter. I also enjoy yoga, hiking, kayaking, surfing and ultimate frisbee.

Professional, academic and personal references available upon request.

THOMAS F. VALLEAU

[REDACTED]
Westbrook, Maine
[REDACTED]
[REDACTED]

Kathrine Jones, City Clerk
City of Portland
City Hall
389 Congress Street
Portland, ME 04101

January 18, 2022

Subject: Portland Housing Authority Board of Directors

Dear Kathy:

I am writing to express my interest in continuing to serve on the Board of the Portland Housing Authority, and hope that the Portland City Council will see fit to appoint me for an additional term. I have served on this Board for the past 15 years, and had the honor of serving as its president for a time. During this fifteen-year period, the work of the Authority has grown in importance and in complexity, in response to a crisis of homelessness and the scarcity of affordable housing in Portland. We have a good team at the Authority and I am fortunate to be a part of it.

Sincerely,

Thomas F. Valteau

RESUME

THOMAS F. VALLEAU

[REDACTED]
Westbrook, Maine
[REDACTED]
[REDACTED]

Born: Elizabeth, NJ, 1936

Education: BA, University of Colorado
Phi Beta Kappa

Married: Yes, two adult daughters

Occupation: Retired

Employment: US Department of Housing and Urban Development
1965 --1969

Executive Director, Portland Urban Renewal Authority
1970 -- 1977

Deputy City Manager, Portland, Maine
1977 - 1980

Director of Transportation and Waterfront, Portland
Maine 1980 -- 1998

Executive Director, North Atlantic Ports Association
1999 -- 2019

Current civic:

Board of Directors: Portland Housing Authority
Board of Directors: Portland Fish Exchange

Joan A
White

12/31/2021

Katherine L. Jones
City Clerk
City Clerk's Office

389 Congress Street
Portland, ME 04101

Dear Ms. Jones,

This letter is my application for the opening of Tenant Director on Portland Housing Authority's Board of Directors.

Drawing your attention to my resume, which you can be assured of my qualifications and experiences. My following accomplishments will enhance said resume. Currently and for the past eight years, I have worked for the City of Portland as Event staff and Maine Red Claws (Celtics), as Usher.

These jobs are about dealing with the public in various circumstances. They also provided me access to PHA residents, their families, and friends; both past and present.

Included in my knowledge of the workings of PHA is that I have lived at Franklin Towers 18 years. Formerly, I was president of FT's Tenants Council and participated in council meetings until PHA closed community gatherings due to COVID.

I work with my State Representative Rachel Talbot Ross on diversity, human rights, and affordable housing. Over time, I have spoken with Senator King and Congresswoman Pingree on these same subjects.

I do believe I would be an asset to the PHA Board of Directors and hope you will accept my application favorably.

Sincerely,

Joan A. White

Joan A. White

Portland, ME 04101

Summary of Qualifications

Thirty years of management experience distinguished by strong decision-making and problem-solving capabilities; excellent communication and networking skills. Competent in print editing, strong research skills, highly creative and resourceful.

Professional Background

1995-1984

Maya Angelou- Writer/Educator - Winston-Salem, NC

- Executive Aid - Nationwide Lecture Tours (1984-1987) (1993)
Coordinated logistics of her nationwide tour.
- Executive Administrative Assistant (1994-1995)
Responsible for general office management, controlling high volume of telephone and mail (domestic and foreign) correspondence, assist in maintaining world-wide schedules; and handling varied requests from agents, film & television producers, and the public.

1994-1991

Bowie State University - Bowie, MD

- Adjunct faculty in Graduate School
- Interim Director of International and Disabled Student Services
- Implemented the Americans with Disabilities Act and U.S. Immigration laws
- Counselor/Coordinator in Psychological Services
- Instructor of Freshmen Orientation

1992-1990

National Children's Center - Washington, DC

- House Manager - Residence for the Mentally Challenged
Managed a group home for five MR male residents and provided direct care. Supervised professional staff and implemented the licensing rules and regulations of Maryland and District of Columbia pertaining to all rights and privileges of the residents.

1987-1979

University of Southern Maine - Portland, ME

- Coordinator Student Organizations
- President, Student Senate
- Student Representative to University Board of Trustees
- President's Advisory Committee for design of campus center

1977-1974

Harvard University Police- Cambridge, MA

- University State Police
- Full police duties.
- First woman officer at Harvard

1973-71

South Shore Community Action Agency - Plymouth, MA

- Executive Director - Community Action Agency
A Northeast Atlantic Region agency of the Office of Economic Opportunity. Agency coordinated services with federal, state, and local officials and with members of U.S. Congress.
Supervised a \$2.7 million budget and a staff of 22.
Supervised the development of community based programs for 9 towns between Boston and Cape Cod Canal (360 sq. miles).

***Part-time Positions
(Due to life changes)***

2014 Season	<i>Portland Seadogs – Portland, ME</i>
	• Ticket Taker
Present	
January 2013 to 2014	<i>City of Portland – Portland, ME</i>
	• Event Staff Security
Present	<i>CELTICS</i>
November 2012 to 2013	<i>Maine Red Claws - Portland, ME</i>
	• Usher
	•
February 2007 to 2008	<i>Whole Foods Market - Portland, ME</i>
	Bakery Team Member store opening staff
August 2003 to 2004	<i>Harbor Fish Market - Portland, ME</i>
	• Cashier, sales and customer service
November 2001 to 2002	<i>Radisson Valley Forge Hotel - King of Prussia, PA</i>
	• Lily Langtry's Restaurant & Showplace
	Telemarketing reservations sales and customer service for Theater and Restaurant.
July 1998 to 1999	<i>Devon Nissan, Devon PA</i>
	• Automotive Sales
1996 to 1997	<i>The Philadelphia Orchestra - Public Relations Administrative Assistant and The Mann Center for the Performing Arts – Philadelphia, PA</i>

Education

- **M A. Bowie State University, Counseling Psychology 1992**
- **MS.Ed. University of Maine, Adult Education and HRD 1987**
- **B.A. University of Southern Maine, Sociology, Geographic Demography 1985**
- **also Wake Forest University, (Visiting scholar in Humanities) 1983**

Certificates

Massachusetts State Police Academy - Framingham, MA, Officer Training
Harvard University Medical Center - Cambridge, MA, Emergency Medical Training (EMT)
Smith & Wesson Academy – Springfield, MA, Infrared rifle-mounted photography

Office of Economic Opportunity (OEO) Executive Director Training Program
American Association for Counseling and Development - Alexandria, VA
University of Southern Maine - Portland, Maine

Honors and Memberships

Chi Sigma Iota Honor Society in Counseling
Who's Who among Students in American Colleges and Universities
University of Southern Maine for Meritorious Service
Rotary Club of Duxbury, Massachusetts for Meritorious Service
Harvard University Police Commendation for Entering a Fire

References available upon request

To: Appointments Committee Chairperson

FEB - 2 2002

I would like to submit my name to be considered for either of these two committees:

- Civil Service Subcommittee
- Portland Public Art Committee

I am a lifelong resident of Portland and as such am very familiar with its evolution as the decades have passed.

As you will see on my resume, I have had a long career in retail management in which I constantly dealt with employee difficulties and situations. These experiences would help me to understand and deal with items on the Civil Service Subcommittee docket.

Although I am neither an artist nor a curator, I have been a docent at the Portland Museum of Art for the past twenty years. Furthermore, and perhaps more importantly, I have been fortunate enough to have traveled extensively and to have visited many of the major museums, both foreign and domestic. I would hope you would consider these to be among the important qualifications you are looking for on the Public Art Committee.

Sincerely,



Linda Atkinson

LINDA M. ATKINSON

PORTLAND, ME 04102

CAPABILITIES:

- Managing projects to achieve corporate goals
- Leading and training others to produce results toward a common purpose
- Working to solve problems independently or as a productive member of a team

EXPERIENCE:

- 2019-current "Visit Portland" – Information Guide
- 2009-2012 Trader Joe's – Part Time Staff
- 2001-present Portland Museum of Art – Docent
- 1987-2009 **Area Manager**
S&K Famous Brands, South Portland, Maine
- Produced record results while managing South Portland and Freeport operations for a 188-store retail chain:
 - Generated the highest sales volume and the greatest profitability of any of the company's stores (South Portland) and the highest sales for any of the outlet stores (Freeport).
 - Personally rated as the company's leading salesperson, selling \$2.5 million in nine years.
 - Won numerous sales and management awards,
 - Hired, trained and supervised 18 employees:
 - Trained staff in selling skills and motivated their performance to increase productivity.
 - Developed and maintained the lowest turnover rate in the company.
 - Trained managers of other stores in assumptive selling, management techniques, employee hiring and motivation.
 - Supervised new store openings throughout the chain, training new employees and setting up merchandising stores.
- 1984-1987 **Manager / Trainer**
A.H. Benoit, Portland, Maine
- 1980-1984 **Buyer / Department Manager**
Levinsky's, Inc., Portland, Maine
- 1978-1980 **Elementary Teacher**
City of Portland, Maine

EDUCATION:

- 1977 **B.S. in Elementary Education**
University of Maine

Kenneth I. Lewis
[REDACTED]
Portland, ME 04101
[REDACTED]

QUALIFICATIONS SUMMARY:

Seventeen years of ministerial experience to include Pastoral, Christian Education, and Lay Ministries. An Ordained Elder of the African Methodist Episcopal Zion Church of America, Inc., one of the oldest African American Denomination in the United States. Over thirteen years of ordained and lay ministerial service in both urban and rural parish settings. I am a member in good standing of the Eastern District, New England Annual Conference of the African Methodist Episcopal Zion Church.

MINISTERIAL EXPERIENCE:

May 2003 - Present **Senior Pastor**
Green Memorial AME Zion Church, Portland, ME

May 1998 - May 2003 **Senior Pastor**
Goodwin Memorial AME Zion Church, Amherst, MA

The oldest African American institution in the greater Amherst area. Provides pastoral oversight for over 150 congregates to include; weekly worship services, bible studies, church school, and missionary activities. Developed and implemented "My Brother's Keeper" Men's fellowship to promote mentoring and support for issues of parenting, relationships and anger management. Voted 1999 Pastor of the Year by the clergy of the Boston District A.M.E. Zion Church.

September 2000 - May 2003 **Adjunct Protestant Religious Advisor**
Amherst College, Amherst, MA

Provide counsel and support for a diverse student population for this liberal arts institution. Provides religious instruction and resources for all students as required. Serves on advisory boards as required and participates in campus religious exercises.

September 1992 - May 1998 **Associate Pastor**
Rush Memorial AME Zion Church, Cambridge, MA

As the Associate Pastor of the Rush Memorial AME Zion Church, I served as the Director of Christian Education with full responsibility for program development and implementation. Additionally, I held the position of Director of Evangelism with responsibilities for community outreach. During my tenure I also held positions of Worship Leader, Adult Teacher, and Trustee.

ORDINATIONS & LICENSES:

September 2000	Ordained as an Elder in the AME Zion Church
October 1998	Ordained as a Deacon in the AME Zion Church
May 1994	Licensed as a Conference Evangelist in the AME Zion Church
August 1992	Licensed as a Local Preacher in the AME Zion Church

QUALIFICATIONS SUMMARY:

Over twenty years of client-focused customer service and support management experience in business process improvement, strategy, design, and implementation within the Mutual Fund, Insurance, and Health Care industries. Strong management and development skills, a focused team player and consensus builder with operations planning and analytical skills in call center and transaction based operations.

PROFESSIONAL EXPERIENCE:

2003 – Present **MaineHealth Center for Tobacco Independence**
Portland, Maine
Executive Director

Directs the statewide system of tobacco dependence treatment as primary contractor of Maine CDC, Department of Health and Human Services. The Executive Director coordinates multiple program components to ensure access to effective treatment including project planning, management and evaluation of its core components: Statewide toll-free quit line, Statewide tobacco dependence treatment training, and tobacco treatment medication program. The Director also develops and implements MaineHealth corporate tobacco treatment initiatives. The Executive Director is supported by a Medical Director who provide clinical supervision to all program components.

2001 - 2003 **Health New England, Springfield, Massachusetts**
Director, Member Services and Enrollment

Directs the provision of customer services for members in the HMO, PPO, POS, and ASO product lines. Responsible for development, revision and implementation of standards for customer service based on industry best practices and internally developed objectives. Ensures continuous improvement of actual results that meet the standards developed.

Fully participates in plan-wide service improvement efforts. Oversees service data collection and analysis. Directs service improvement initiatives and integrates them into corporate QI efforts. Provides leadership in the NCQA preparation process. Provides Member Services expertise to senior management and consults on business activities with respect to Member Services delivery and member growth and retention.

1996 - 2000 **Blue Cross and Blue Shield of Massachusetts**
Senior Consultant, Business Consulting Group
Director, Clinical Care Call Center

Design, develop, and implement process improvement, technology, and call center redesign programs throughout the corporation. Redesigned the service operation to include initiatives span of control, operation management processes, performance metrics, and capacity planning.

Developed an implemented corporate redesign for member service, provider service, and medical operations call centers to include; metrics, standards, quality, and management training. Current responsibilities include the management of 60 person Clinical Care Call Center within the Health Affairs Division. Met or exceeded all operational and budgetary goals. Annual operating budget \$2 million.

1996

**Prudential Insurance Company of America, Inc. Plymouth, MN
Vice President & General Manager
Prudential Preferred Client Service Center**

Executive in charge of operations for all post issue processing of direct customer requests and agency changes of three million policyholder market segment and four thousand corporate agents. Managed budget in excess of \$30 million, six direct reports and 400 series 6 registered representatives. Responsibility included; Call Center Operations, Transaction Processing, Workflow and Technology, and Performance Management and Control.

1994 - 1996

**Putnam Investments Boston, MA
Vice President, Client Services -- Shareholder Services Division**

Direct and supervise 62-member department to provide image processing, check remittance, and document management services for all shareholder, broker/ dealer, and institutional transactions. Process 20,000 image transactions per day and \$20 million of deposits in this three-shift, six-day operation. Managed annual operations budget in excess of \$7 million.

1990 - 1994

**Allmerica Financial, Inc. Worcester, MA
Director, Operations Support Services**

Provided operational project management to support development and implementation of core business groups for this financial services start-up. Supervised and directed staff of 50, providing sales and service support to mutual fund, software, and catalogue sales organizations. Worked with AT&T Definity and Northern Telecom ACD Systems.

Evaluated, recommended, and installed state-of-the-art telephone systems for inbound, outbound, and automated client servicing calls. Successfully engineered systems that supported 2 million calls per month.

1988 - 1990

**Boston Financial Data Services Quincy, MA
Manager, Call Management Operations and Analysis**

Performed operations analysis and process engineering for all telephone servicing functions including staff requirements, capacity planning, and service level management for the largest mutual fund transfer agent in the United States. Participated in work management group that identified and implemented process improvements for all BFDS client divisions. Worked with Rolm and AT&T ACD Systems.

1985 - 1988

**Fidelity Investments Boston, MA
Director, Client Support Services - Retail Client Services**

Provided operations analysis and support to nationwide call center. Worked with Rockwell and Rolm Systems. Principle architect of the 800 number services network that controlled routing of 200,000 sales, service, and brokerage calls per day for 60 branches and four regional centers. Manager of Master Console Operations providing real-time call center network and routing administration.

February 2, 2022

To the committee,

Please consider this letter as an introduction and my expression of my interest in joining the Police Citizen Review Sub-committee. My name is Jean-Raymond Desruisseaux, Jr. but my friends call me Gino. I'm a Portland resident in the Nason's Corner neighborhood, where I live with my wife and nine-year-old son. I'm a marketing operations executive for Accenture and my career has been rooted in marketing, technology, talent acquisition, and hospitality.

I'd be happy to discuss my qualifications with the committee further at their convenience.

Stay warm!

Kindly,
Gino

Jean-Raymond Medford-Desruisseaux

Portland, Maine, United States

Summary

I am an experienced Account/Operations/Delivery professional with a demonstrated history of success in a variety of roles within the financial services, hospitality, and technology sectors. I have deep experience in talent acquisition, account management, project management, and team leadership.

Experience

➤ Talent Partner | Service Delivery Manager

Accenture

Jul 2020 - Present (1 year 7 months +)

I lead a global team in the delivery of multi-faceted marketing services to our technology clients.

-Virtual Event Production

-Web Development

I'm tasked with team management, client relationship management, budgeting, process improvement & identifying opportunities for account growth.

📦 Talent Partner | Sr. Account Manager

Projectline

Jun 2018 - Apr 2020 (1 year 11 months)

We provided on-demand consulting, staff augmentation, outsourced managed services, and project-based delivery for our clients through our team of consultants working throughout North America.

I was charged with full-cycle recruitment, management, and leadership of a team of 25+ incredibly talented consultants embedded at Projectline's global technology clients. I was also tasked with sales management and client relationship management.

Projectline (a division of Yesler, Inc.) was acquired by Accenture in April of 2020.

🏢 Director of Business Development

kohactive

Jun 2012 - Jun 2018 (6 years 1 month)

kohactive is a creative digital consultancy focused on producing top class website, mobile application, and software solutions. I'm in charge of securing new business, growing our client base, and helping steward our project management processes as well.

🕒 Assistant General Manager

Spare Time, Inc.

Aug 2011 - Jun 2012 (11 months)

An intimate, small company of bars and restaurants that focuses on customer service and providing an experience that allows the consumer to feel as welcome as at home.

Information Specialist

Coface

Jan 2008 - Jul 2011 (3 years 7 months)

Education



Cornell University

Diversity and Inclusion Certificate

2020 - 2020



Trinity Christian College

Bachelor of Arts, Political Science

2004 - 2007

Skills

Social Media • Account Management • Digital Strategy • Marketing Strategy • Management • New Business Development • Business Development • Client Development • Mobile Applications • Start-ups

City Clerk
January 25, 2022
Page 2

I considered it an honor to have been selected for the RHAC when it was first formed, and still do. As a Portland resident, I feel it's important to participate in and contribute to the community, and I would consider it a privilege to continue to do so through the RHAC.

Please feel to reach out to me if you have any questions, or if you need anything else in this regard. Thank you for your time and consideration.

Very truly yours,


Regan A. Sweeney



REGAN ESQ SWEENEY

January 25, 2022

Via E-Mail to klj@portlandmaine.gov

City Clerk
City of Portland
389 Congress Street
Portland, ME 04101

Re: Application for Reappointment to RHAC

Ms. Jones:

Kindly consider the within as my application for reappointment to the City's Rental Housing Advisory Committee ("RHAC") for a second term. As requested, my resume is attached for your and the Nominating Committee's consideration.

As you may recall, I was appointed one of the original members when the RHAC was first formed, and have served a term as the Landlord Legal Representative since then. I was elected co-chair of the RHAC by its members both at the committee's inception, and again recently.

During this term, the RHAC faced challenges in developing a policy recommendation regarding rental housing application fees, and later on the multiple challenges of COVID-19, and I am pleased that the RHAC has been able to work through all those challenges to make a recommendation to the Housing Committee on applications and other issues. With a fully-staffed Committee, I am confident that the RHAC will continue to develop more ideas and recommendations regarding Portland's rental housing. We've already generated a list of ideas, and the Committee is poised to dig into those at our first meeting this year.

Outside of the RHAC, I continue in my private law practice where I represent both landlords and tenants regarding landlord/tenant law in Portland and other areas of Maine. This experience contributes greatly to my knowledge of the relevant landlord-tenant laws and ordinances, as well as their application. My writing and editing work with the *Maine Lawyers Review* ensures that I'm up to date on all of Maine's laws, including landlord/tenant cases, and allows me to track those things closely. My work as a sea kayak guide doesn't have a ton of relevance here, except to highlight that I do have interests outside of the law, and stress-reducing ones at that.


Portland, ME 04104


REGAN ESQ SWEENEY

ATTORNEY EXPERIENCE

10/2012 - present	THE LAW OFFICES OF REGAN A. SWEENEY, PLLC <i>Owner & Attorney</i> • general practitioner with a focus on landlord/tenant law • product safety practice counseling manufacturers, importers, distributors, and retailers on product safety laws, regulations, and requirements	Portland, ME
9/2016 – present	MAINE LAWYERS' REVIEW <i>Owner and Publisher (4/2020 – present)</i> <i>Staff Writer (9/2016 – present)</i> • coverage of Maine Law Court, First Circuit Court of Appeals, and U.S. District Court cases • direct and manage publication and staff	Portland, ME
2/2010 – 9/2012	U.S. CONSUMER PRODUCT SAFETY COMMISSION <i>Trial Attorney</i> • provided legal advice and counsel to Compliance Division handling product investigations, evaluations and recalls • investigated and prosecuted civil penalty cases for companies who failed to comply with CPSC laws and regulations • supervised Compliance Officers in handling cases	Washington, DC
7/2009 – 2/2010	LAW OFFICES OF REGAN A. SWEENEY <i>Attorney at Law</i> • general practitioner, handling a variety of cases in MD and DC • family law practice, representing individuals in divorce, custody and support matters	Washington, DC
7/2005 – 6/2009	WALLACE KING DOMIKE & REISKIN, PLLC <i>Associate Attorney (8/2006 – 6/2009)</i> <i>Paralegal Manager (7/2005 – 7/2006)</i> • outside litigation counsel for large corporate clients in complex civil environmental litigation in multiple U.S. District Courts, Multi-District Litigation and various state courts • represented <i>pro bono</i> family law clients referred by Montgomery County Bar Foundation	Washington, DC

NON-ATTORNEY EMPLOYMENT

10/2018 – present	EAST COAST HOCKEY LEAGUE (ECHL) / MAINE MARINERS <i>Supervisor of Off-Ice Officials</i>	Portland, ME
10/2014 – 4/2016	AMERICAN HOCKEY LEAGUE (AHL) / PORTLAND PIRATES <i>Off-Ice Official</i>	Portland, ME
5/2018 – present	PORTLAND PADDLE, LLC <i>Sea Kayak Guide</i>	Portland, ME

EDUCATION

8/2002 – 5/2006	American University, Washington College of Law • <i>J.D., 3.0 GPA</i> • <i>Student Investigator for Innocence Project</i> • <i>Focus on Civil Trial Practice</i>	Washington, DC
9/1992 – 5/1996	Drew University • <i>B.A. in Political Science</i> • <i>Minors in Writing and Psychology</i>	Madison, NJ

BAR ADMISSIONS

- District of Columbia (2007 - present)
- Maine (2013 - present)
- Maryland (2006 - present)
- U.S. District Court for the District of Maryland (2006 - present)

ASSOCIATIONS

- Member, Maine State Bar Association
- Member, Maryland State Bar Association
- Member, District of Columbia Bar Association
- Voting Member, ASTM and Subcommittees on Consumer Products and Sporting Goods
- Member, Maine Association of Sea Kayak Guides and Instructors (MASKGI)
- Licensed Maine Sea Kayak Guide (2018 – present)
- Co-Chair, Portland Rental Housing Advisory Committee (2019 – present)

JONATHAN KURZFELD

PERSONAL INFORMATION

email

website

mobile phone

RESEARCH INTERESTS

Applied Microeconomics with focus on Law and Economics, Crime, Political Strategy, Public Economics, and Discrimination.

ACADEMIC POSITIONS

Bates College 2018 – 2023 Visiting Assistant Professor
Department of Economics
Courses: Law & Economics, Public Economics, Economics of Crime, Intermediate Micro Theory, and Principles of Econ.

EDUCATION

UC Riverside 2012 – 2018 PhD in Economics
College of Humanities, Arts, and Social Sciences
Advisors: Prof. Richard ARNOTT & Prof. Steven CLARK
Dissertation: *Homo Economicus Goes to Prison: Individual and Group Behavior in Confinement*

University of Oregon 2010 – 2012 Master of Science in Economics
College of Arts and Sciences
Specialization: *Microeconometrics*

CSU Sacramento 2007 – 2010 Bachelor of Arts in Economics
College of Social Sciences and Interdisciplinary Studies
Magna Cum Laude · Minor: *Theatre Arts*

TEACHING EXPERIENCE

* indicates the course was taught a minimum of 3 times in the given format. † Indicates a TA role.

Bates College Intermediate Microeconomic Theory* · Econ of Crime* · Public Economics*
Law and Economics* · Principles of Econ

Graduate School Public Economics · Labor Economics · Industrial Organization · Graduate Microeconomic Theory*† · Intermediate Microeconomic Theory† · Intermediate Macroeconomics† · Law & Economics† · Gender Economics† · Money & Banking† · Principles of Microeconomics*† · Intro to Econometrics† · Intro to Environment Economics† · Principles of Macroeconomics†

PROFESSIONAL ACTIVITIES

2021 – Present *Legal Consulting – Androscoggin County District Attorney's Office*
Advising and expert testimony on racial representation among panels of potential jurors and the application of 6th Amendment protections.

2018 – Present *Business Consulting – Kosher Sun Distribution Inc.*
Advising on market strategy and legal compliance with California cannabis regulation.

RESEARCH

Systemic Bias, Statistical Discrimination and the "Bad Apple" Strawman in Law Enforcement (Working Paper)

Racial Bias

In this work I propose a simple model with the potential to harmonize the main concerns of the opposing rhetorical camps regarding systemic racial bias in policing in America. The model also highlights the inherent challenges to empirically identifying bias in multilevel systemic processes, such as the criminal justice system. Given the latter, it is alarming that recent research has seen so much success in identifying areas of bias in both judicial and policing practice.
Author: Jonathan KURZFELD

Prison Crowding and Violent Misconduct: Dissecting the Impacts of Prison Reforms and Decarceration (Revise and resubmit at the *Journal of Law and Economics*)

Prison Violence

This paper uses a significant shock to California prison populations to analyze the impact of crowding on inmate violence. Using monthly observations of 30 California prisons, provides the first evidence of the effect of crowding on the rate of prison violence using a quasi-experimental design.
Author: Jonathan KURZFELD

Strategy or Anarchy? Prison Violence as a Means to Informal Governance and Rent Extraction (Revise and resubmit at *Economic Inquiry*)

Prison Violence

The modeling framework provided in this paper offers new perspective on gang violence in the prison setting. Gangs are modeled as profit-maximizing entities in an informal marketplace where the gangs interact strategically to capture marketshare and provide contract enforcement.
Author: Jonathan KURZFELD

Blind and Unbiased: An Impact Analysis of Eyewitness Reforms

Witness
Identification

State level reforms implementing sequential line-ups, in place of traditional simultaneous line-ups, are evaluated to determine the impact on clearance rates for law enforcement. Multiple identification strategies utilize variation across state, time, and crime category to isolate the impact on clearance rates.
Authors: Jonathan KURZFELD, Steven CLARK

WORK IN PROGRESS

Prison Violence *Disrupting the Status Quo:
Empirical Evidence of Disequilibrium Effects on Prison Violence*

Informal Markets *Transitioning Prohibited Goods to the Open Market:
Theory and Evidence of GE Consequences (with Matthew Taylor)*

CONFERENCES AND SEMINARS

June 29th, 2022 *Western Economic Association International, 97th Annual Conference
Portland, OR - Open Submission*

Mar. 25th, 2022 *Midwestern Economics Association, 86th Annual Conference
Minneapolis, MN - Organized Session*

Jan. 9th, 2022 *Allied Social Science Associations, 2022 Annual Meeting
Boston, MA (virtual) - Session Chair*

June 28th, 2019 *Western Economic Association International, 94nd Annual Conference
San Francisco, CA - Organized Session*

<i>Nov. 19th, 2018</i>	<i>88th Annual Meeting of the Southern Economics Association Washington, DC - Organized Session</i>
<i>May 14th, 2018</i>	<i>67th Annual Meeting of the French Economics Association Paris, France - Open Submission</i>
<i>Oct. 13th, 2017</i>	<i>12th Annual Conference of Empirical Legal Studies Ithaca, NY - Open Submission</i>
<i>June 28th, 2017</i>	<i>Western Economic Association International, 92nd Annual Conference San Diego, CA - Organized Session</i>
<i>April 9th, 2017</i>	<i>2017 APPAM California Regional Conference Riverside, CA - Open Submission</i>
<i>Oct. 20th, 2015</i>	<i>Economics Department Research Colloquium, University of California Riverside, CA</i>

GRANTS & AWARDS

<i>Research</i>	2017 · Research Grant - UC Consortium on Social Science & Law
<i>Teaching</i>	2016 · Outstanding Teaching Award – UCR Graduate Division
<i>Research</i>	2015 · Grad. Research Fellowship - Presley Center for Crime & Justice Studies

PERSONAL INTERESTS

Jonathan is passionate about international travel, preferring cultural immersion to big tourist attractions. His favorite trip was to the Meghalaya region of India. He also enjoys hiking and hopes to soon revisit Glacier National Park and backpack the Lost Coast trail in California. Although certainly no connoisseur, he enjoys wine tasting and his favorite labels include an Oregon Pinot Noir and a Cotes de Rhone. He is prone to “nerd out” on games and puzzles.

January 25, 2022

Ms. Katherine Jones
City Clerk
City of Portland
389 Congress Street
Portland, ME 04101

Dear Ms. Jones and the Appointments Committee,

I hope you will consider me for re-nomination to the Portland Public Art Committee (PPAC). My current term expires June 30, 2022.

For the past three years, I have been an active and engaged member of the Committee, serving on the Bramhall Square Artist Selection Subcommittee, the Education and Outreach Subcommittee, the TEMPOart Review Subcommittee, the "Gathering Stones" Site Selection Subcommittee and as a liaison to the Congress Square Redesign Capital Campaign Committee. I helped revise the PPAC cultural equity guidelines and have represented the PPAC at several recent community events, such as the evening with Sarah Sze in November 2021 and the ribbon cutting ceremonies for new works "Passing the Torch" and "Great Black Hawk."

As a result of this work, I was nominated Vice Chair in the summer of 2021. I am eager to serve the Committee in this leadership role and hope to use my fundraising expertise to support the Committee's efforts. I plan to remain actively involved in finding a permanent site for "Gathering Stones" and also in the effort to site more artwork in off-peninsula neighborhoods. I will continue my role in the Congress Square Redesign project, and look forward to being a part of the project's continued progress and success. I hope to help increase awareness for the PPAC coloring books and distribute them to more Portland students. I will assist other subcommittees and with ad hoc projects. With three years of experience and an elevated responsibility, I feel poised to continue to significantly contribute to the mission of the PPAC.

My employment as a Grants Officer for Washington, DC PBS affiliate WETA continues, as do my volunteer commitments to the Portland Public Schools and Mom to Mom of Maine. I believe in community service, and helping out in meaningful ways has felt especially important during this difficult and isolating time. Portland's public art collection is a valuable community resource and a free, COVID-safe access to the power of the arts.

I am excited for the opportunity to serve another term on the PPAC. Thank you for your consideration.

Sincerely,
Anna Berke

Anna Berke

Master of Public Administration with 15 years of nonprofit development experience, most recently with a focus on foundation and corporate grant writing.

EXPERIENCE

WETA (Washington, DC's largest public television station) (January, 2012-Present), *Arlington, VA*

Director, Local Foundation and Government Development

- Responsible for generating \$650,000 annually in restricted and unrestricted funds for arts and cultural television programming; classical music radio programming; and educational initiatives.
- Responsible for conducting the full range of activities required to prepare, submit and manage grant proposals and reports to a portfolio of more than 40 foundation and corporate sources.
- Prospect research on foundations, corporations and government sources.
- Collaborate with finance department to create, analyze and report on budgets.
- Steward funders, including monthly mailings, invitations to events and one-on-one meetings.

Legal Services for the Elderly (LSE) (January, 2018-Present), *Augusta, ME*

Grant Writer

- Responsible for prospect research and grant writing, working closely with LSE's Executive Director.
- Design and maintain grant calendar and grant tracking system.

The Child and Family Network Centers (CFNC) (January, 2012-August, 2014), *Alexandria, VA*

Consultant

- Served as a grant writer and editor.

The Child and Family Network Centers (CFNC) (January, 2010-January, 2012), *Alexandria, VA*

Director of Development

- Responsible for all phases of fundraising efforts for an organization that provides free preschool to children living in poverty, including donor stewardship; grant writing/reporting; individual and corporate giving; local, state and federal funding; and events and direct mail campaigns to support an annual budget of \$2.1 million.
- As a member of CFNC's senior management team, managed a Grant Writer, a Development Associate and a Social Media Intern.
- Communicated CFNC's fundraising progress, goals and development plan at Board meetings.
- Maintained Raiser's Edge database of donor information.
- Managed all aspects of communications and marketing, including website, monthly e-newsletter, annual report, social media and sponsorship materials.
- Continually sought new partnerships and funding opportunities by representing CFNC at meetings and events throughout greater Washington, DC.

Special Olympics International (2006-2010), *Washington, DC*

Project Manager, Law Enforcement Torch Run® for Special Olympics

- Managed all daily activities and functions of the Law Enforcement Torch Run for Special Olympics, a fundraising initiative that grosses more than \$34 million annually, which consists of 85,000 Law Enforcement volunteers participating in 46 countries.
- Funds raised increased nearly \$10 million during my tenure.
- Oversaw the partnership between Law Enforcement volunteers and Special Olympics leadership as a key member of the International Executive Council, made up of Law Enforcement and Special Olympics staff from around the world.
- Coordinated and executed the annual International Conference that draws more than 1,000 attendees. Supported the bidding process for future conference locations.
- Created, maintained, tracked and provided reports on \$500,000 annual budget. Monitored accounts receivable and payable.
- Assisted in corporate sponsorship development and retention.
- Represented Special Olympics International at meetings and events worldwide.

Police Executive Research Forum (PERF) (2003-2006), Washington, DC

Conference Coordinator/Research Assistant

- Coordinated and executed annual conferences for as many as 500 attendees. Managed conference budgets and pursued federal and private funding opportunities, designed and distributed marketing brochures, monitored on-line registration, assisted with site selection and negotiation of hotel contracts, managed all on-site conference activities.
- Co-authored three publications on Early Warning Systems. Coordinated and executed site visits to police departments throughout the country to conduct research with police personnel.
- Developed and launched a summer internship program. Secured funds, marketed the program, conducted interviews, selected and trained interns.

Community Lodgings (2003-2004), Alexandria, VA

ESL Teacher

- Collaborated with other volunteers to create curriculum for intermediate-level English classes.
- Conducted weekly, two-hour English classes for native Spanish speakers.

National Women's Health Information Center (NWHIC) (2002-2003), Annandale, VA

Bilingual Research Analyst/Guest Editor Manager

- Provided customer service, support and medical counseling to Spanish/English callers of a national women's health hotline.
- Secured articles for Spanish Guest Editor Program by contacting magazines and health organizations.
- Conducted monthly assessments and updates of Spanish/English language health publications on the website.
- Prepared materials and handouts and presented information on NWHIC at national health conferences.

Camp Merrie-Woode (Summer 2002), Sapphire, NC

Director of Dance Program

- Designed dance curriculum and taught beginner, intermediate and advanced ballet and jazz.
- Managed a staff of five dance instructors.

EDUCATION

American University (May 2007), Washington, DC

Master of Public Administration, Concentration Nonprofit Management, Pi Alpha Alpha

Colby College (May 2002), Waterville, ME

B.A. Spanish and Women's Studies, Magna Cum Laude, National Collegiate Hispanic Honor Society

SKILLS/INTERESTS

- Strong proficiency in written and spoken Spanish.
- Strong proficiency: Raiser's Edge, ROI, Team Approach, Adobe InDesign, Microsoft Office.
- Vice Chair of the Portland Public Art Committee.
- Former Treasurer of Mom to Mom of Maine, a nonprofit membership organization for mothers in Southern Maine.
- Portland Public Schools volunteer.
- Volunteer grant writer.
- Have successfully completed five marathons and four half-marathons.

To Whom It May Concern:

I am excited to learn that you are looking for new committee members for the Portland Public Art committee. Over the years I've collected a variety of experiences in public art and I'd love to be able to contribute my knowledge and ideas to the city of Portland.

My introduction to public art came as a Percent for Art Intern with the Maine Arts Commission. During this 8 month internship I participated in a spectrum of Percent for Art processes from gathering and reviewing applications to preparing materials for the Percent for Art committee to review. During this time I was also able to study the history behind Percent for Art and public art in Maine as well as learn about projects that have been completed around the state.

Following this experience, my interest in public art grew to where I focused my graduate studies in Arts Administration on public art. One of my reasons for choosing this program at Boston University was that it offered a Public Art Administration course which I completed in addition to other courses that I could cater to a public art perspective. Through this program I also participated in an internship with the Somerville Arts Council where I was able to learn first-hand how public arts programming can impact communities through economic development. Additionally, I assisted in managing a variety of public art experiences including creating and distributing calls for artists, managing submissions, choosing artists and managing artist relations throughout the project.

I have lived in Portland on and off for a combined 5 years and am currently an Event Planner at MaineHealth. I am interested in becoming involved in the arts in Portland and I think this would be a great opportunity for me to do so.

I look forward to hearing from you about this committee position.

Sincerely,
Gillian Cook

GILLIAN COOK

WORK EXPERIENCE

SKILLS

- Project Management
- Event Planning
- Customer Service
- Excellent written and verbal communication
- Proven ability to organize person work priorities
- Demonstrated ability to work independently and as part of a team
- Microsoft and Adobe produces

EDUCATION

BOSTON UNIVERSITY,

Masters in Arts

Administration, 2014

UNIVERSITY OF MAINE,

Bachelors in Art History,

2009

Applicable Courses-

Public Art Administration

Arts in the Community

Financial Management of

Arts Institutions

MAINEHEALTH, Meeting & Event Planner, January 2019-Present

- Oversees the execution of educational conferences and trainings.
- Develops and manages project timelines for events.
- Collaborates with clients to manage and meet client expectations.
- Provides recommendations for clients to work within budget.
- Fosters relationships with vendors
- Creates reports and evaluations to provide event information and assessments to clients.
- Designs registration websites.
- Designs and distributes mass communications and mailings.
- Successfully produced over 30 events and trainings to date.
- Works collaboratively with all team members to ensure the success of events.

501 COMMONS, Seattle, WA- Volunteer and Program Support Coordinator, Apr. 2017-Sept. 2018

- Managed recruitment and intake of skilled volunteers.
- Provided administrative and event support for Catalyst, Springboard and VIP Manager Corps programs.
- Coordinated 501 Connects, Learn to Serve and Annual Luncheon events.
- Provided administrative support for fundraising initiatives.
- Coordinated planning and execution of events and campaigns for fundraising initiatives.
- Maintained client, volunteer, and fundraising records in Salesforce Database.

NORTHWEST BOYCHOIR, Seattle, WA- Administration and Communications Coordinator, Oct. 2016-Feb. 2017

- First point of contact for Northwest Boychoir members and families.
- Managed email and phone communications; supply ordering, and membership database.
- Managed online, phone, and in-person ticket sales for concerts and events using Total Info database.
- Coordinated communications through website updates and email marketing strategies.
- Worked on special projects for Executive Director as needed.

MAINEHEALTH, Portland, ME- Administrative Coordinator II, Nov. 2015-Aug. 2016

- First point of contact for Chronic Disease program.
- Managed budget, project and administrative tasks for Chronic Disease team.
- Managed meeting scheduling, catering and support for Chronic Disease team

MAINEHEALTH, Portland, ME- Administrative Associate II, Jan. 2015-Nov. 2015

- Managed administrative, project and event support for Director of Marketing.
- Managed project and administrative support for Marketing Manager.
- Provided support for set up and logistics of system wide Leadership Dinner and Board Forum.
- Coordinated special projects on behalf of Senior Leadership.

THE ISABELLA STEWART GARDNER MUSEUM, Boston, MA- Visitor Services Assistant, Dec. 2011-Nov.2014

- First point of contact for visitors and members of the museum.
- Communicated effectively and diplomatically the rules and procedures of the museum.
- In charge of ticket and membership sales, museum information and way-finding instructions.
- Assisted in coordination and logistics for museum's rental events and Annual Gala.
- Answered phones and emails in Box Office.

INTERNSHIP & VOLUNTEER EXPERIENCE

ARTS ADMINISTRATION INTERN, the Somerville Arts Council - January 2014-August 2014

- Produced and distributed newsletters, RFP's and press releases for Art Council events.
- Updated social media for all blog posts, festival announcements and cooking classes.
- Created and edited content for Council blog.
- Generated and managed contracts, invoices, and calls for artists for ArtBeat Festival.
- Managed calls for artist and artist selection for mural project.
- Assisted in program development and coordination for ArtBeat and Ignite Festivals.

MAINE ARTS COMMISSION- Percent for Art Intern Apr. 2010-Dec. 2010

- First point of contact for Percent for Art competition submissions.
- Created Excel spreadsheets with submission information.
- Compiled Power Point presentations for Percent for Art competition committees to review.
- Maintained paper and electronic filing systems.
- Uploaded photos from Percent for Art Projects to website.
- Assisted in research for ongoing projects public art projects.

PORTLAND MUSEUM OF ART- Curatorial Intern Jan. 2008

- Assisted the Curatorial Department with mailing out event notices.
- Updated member files in order to prepare for an upcoming exhibition.
- Participated in a docent training.
- Assisted Education Department in vacation week activity.
- Organized and updated current and historic artist files.
- photocopying, filing, Microsoft Office intensive.

UNIVERSITY OF MAINE HUDSON MUSEUM - Collections Volunteer
Sept. 2007- Nov. 2007

- Assisted digitally cataloging items from the Native American collection for inventory.
- Took measurements and physical descriptions and entered them into the museum's database.

KAT ZAGARIA BUCKLEY

CURATOR

[REDACTED]
Portland, Maine 04101
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appointments Committee Chairman
C/O Katherine L. Jones, City Clerk
City of Portland
389 Congress Street
Room 203
Portland, Maine 04101

February 4, 2022

To the Appointments Committee Chairman,

My name is Kat Zagaria Buckley, and I am writing to submit my candidacy to become a member of the City of Portland's Public Art Committee. I have long been interested in public art and civic engagement and see serving on the Portland Public Art Committee as an opportunity to give to my new city. I have over 12 years of experience working in the arts and hold a Master of Arts in Modern and Contemporary Art History, Theory, and Criticism from the School of the Art Institute of Chicago. Given my work and passion for the arts, a place on the Public Arts Committee would be an honor.

I have a track record of involvement in the arts in my previous cities. While in Philadelphia, I was an active member of the Public Art Association. I also frequently attended City Hall hearings that affected the arts and organized support for arts funding initiatives. My career trajectory in the arts is evident from my time at the Barnes Foundation, the Art Institute of Chicago, and now, the University of Southern Maine. I focus on understanding how our history informs contemporary works. My education and experience would allow me to be an ideal steward of our city's historical pieces while also acting as an impartial juror of contemporary works and bids that may come our way.

I see the arts as an essential part of life to be prioritized alongside infrastructure and streets. I also am passionate about ensuring equitable access to the arts. Given my interests, I see a position on the Public Art Committee as ideally suited for me. I also believe serving on this committee would allow me to better involve myself in my new city. Thank you for your time and consideration. I hope to hear from you soon.

Warm regards,

Kat Zagaria Buckley

Kat Zagaria Buckley
[REDACTED]

KAT ZAGARIA BUCKLEY

CURATOR

CONTACT

[REDACTED]
[REDACTED]
Portland, Maine
[REDACTED]
[REDACTED]
[REDACTED]

PROFILE

Kat Zagaria is a curator of interdisciplinary modern and contemporary art. She curates shows with an eye towards re-imagining societal canons and hierarchies. She believes in the power of art that questions dominant social hegemonies by critiquing the place of media and culture within the economy and earthly ecologies. Her exhibitions are both transformational and transitive and deal with creation as a generative verb, constantly changing and in flux.

EDUCATION

DOCTORATE OF PHILOSOPHY, PRACTICE IN CURATING

University of Reading and
the Zurich University of the Arts, 2025
(remote part-time, expected)

MASTER OF ARTS, MODERN AND CONTEMPORARY ART HISTORY, THEORY, AND CRITICISM

School of the Art Institute of Chicago
Chicago, 2015-2017

BACHELOR OF FINE ARTS, ART HISTORY

CONCENTRATIONS IN CURATORIAL STUDIES AND BOOK ARTS
Maryland Institute College of Art
Baltimore, 2007-2010

CAPABILITIES

Art Curation
Adobe Creative Suite
Project management
Collections management
Exhibition planning
SketchUp (AutoCAD)
Acquisitions and justifications
Microsoft Office Suite
Dual US/Italian Citizen

MUSEUM & GALLERY EXPERIENCE

DIRECTOR OF ART EXHIBITIONS AND OUTREACH

University of Southern Maine | Portland, ME

2021 – Present

CURATORIAL FELLOW

John Michael Kohler Arts Center | Sheboygan, WI

2019-2021

ASSISTANT DIRECTOR, VISUAL RESOURCES CENTER

University of Chicago, Department of Art History | Chicago, IL

2018-2019

ASSISTANT REGISTRAR AND EXHIBITIONS SPECIALIST

Newberry Library | Chicago, IL

2017-2018

CURATORIAL INTERN, DEPT OF MODERN & CONTEMPORARY ART

Art Institute of Chicago | Chicago, IL

2016-2017

KAT ZAGARIA BUCKLEY

CURATOR

EXHIBITIONS

CALL/RESPONSE: Hannah Barnes and Susan Klein - Curator 2021
USM Art Galleries | Portland, ME

HIGH TOUCH - Curatorial Fellow 2021-22
John Michael Kohler Arts Center | Sheboygan, WI

ANTHONY OLUBUNMI AKINBOLA: MAGIC CITY - Curatorial Fellow 2021
John Michael Kohler Arts Center | Sheboygan, WI

BRIDGET MOSER: MY CROPS ARE DYING BUT MY BODY PERSISTS - Curatorial Fellow
John Michael Kohler Arts Center | Sheboygan, WI

EDM HOUSE - Curatorial Fellow 2020-21
John Michael Kohler Arts Center | Sheboygan, WI

INSCRIPTIONS OF AN IMMENSE THEATRE by Ailbhe Ní Bhriain - Curatorial Fellow 2020
John Michael Kohler Arts Center | Sheboygan, WI

BETWEEN YOU AND ME - Curatorial Fellow
John Michael Kohler Arts Center | Sheboygan, WI

TÊTE À TÊTE: EMBODYING DIALOGUES - Curator 2019-2020
Zhou B Art Center | Chicago, IL

FABRIC OF THE UNIVERSE - Curator
The Adler Planetarium | Chicago, IL

RELIGIOUS CHANGE AND PRINT: 1450-1700 - Exhibitions Specialist 2017
The Newberry Library | Chicago, IL

THE MASTER OF FINE ARTS SHOW - Graduate Curatorial Fellow
The Sullivan Galleries, School of the Art Institute of Chicago | Chicago, IL

TEXT/ILE - Curator 2018
Joan Flasch Artists' Books Collection; The Stolbun Collection | Chicago, IL

AWARDS

CURATOR-IN-RESIDENCE 2022
Kulturfactory 1-week residency | Domicello, Italy

KAT ZAGARIA BUCKLEY

CURATOR

AWARDS, CONTINUED

SHORTLIST FOR OPEN STUDY/RESEARCH AWARD

2019

Fulbright US/UK Commission

GRADUATE SCHOLAR

2017-18

The Newberry Library | Chicago, IL

SPRING GRADUATE PROFESSIONAL DEVELOPMENT AWARD

2017

Department of Art History, School of the Art Institute of Chicago | Chicago, IL

GRADUATE CURATORIAL FELLOW

Institute for Curatorial Research, School of the Art Institute of Chicago | Chicago, IL

SPRING GRADUATE PROFESSIONAL DEVELOPMENT AWARD

2016

Department of Art History, School of the Art Institute of Chicago | Chicago, IL

FALL GRADUATE PROFESSIONAL DEVELOPMENT AWARD

Department of Art History, School of the Art Institute of Chicago | Chicago, IL

SPRING GRADUATE TRAVEL GRANT

Office of the Graduate Dean, School of the Art Institute of Chicago | Chicago, IL

WHO'S NEXT IN THE PHILADELPHIA ARTS SCENE

2015

Billy Penn | Philadelphia, PA

STUDENT LEADERSHIP AWARD

2010

Office of Student Activities, Maryland Institute College of Art | Baltimore, MD

MERIT SCHOLARSHIP

Department of Art History, Maryland Institute College of Art | Baltimore, MD

SCHOLARSHIP

Studio Art Centers International | Florence, Italy

WINIFRED F. GORDON STUDY ABROAD SCHOLARSHIP

Study Abroad Office, Maryland Institute College of Art | Baltimore, Italy

LEADERSHAPE SCHOLARSHIP

2009

Office of Student Activities, Maryland Institute College of Art | Baltimore, MD

CONE SISTERS COURSE SCHOLARSHIP

2008

Baltimore Museum of Art | Baltimore, MD

KAT ZAGARIA BUCKLEY

CURATOR

CONFERENCE PRESENTER

ART IN PUBLIC PLACES - Chair

2020

The 108th Annual College Art Association Conference. February 14, 2020.

CURATING ON THE MARGINS: WOMEN AND CURATORIAL PRAXIS - Panelist

The 108th Annual College Art Association Conference. February 14, 2020.

NO MORE REALITY: PHILIPPE PARRENO AND THE DIFFICULTIES OF CATALOGING NEW MEDIA

2019

Art Library Students and New Art Library Society Professionals/Visual Resources Association Emerging Professionals and Students (ARLIS/VREPS) 2018 Virtual Conference, New Media Challenges and Solutions for Art Information Professionals. Virtual conference, November 10, 2018.

WEAVING NOMADISM

2018

Artistic Expressions and the Great War: 100 Years On. New York, New York: Hofstra University, November 9, 2018.

EXAMINING LEGAL AND ILLEGAL ARTICULATIONS OF PROTEST THROUGH TATYANA FAZLALIZADEH'S STOP TELLING WOMEN TO SMILE PROJECT

Nevertheless They Persisted: The Aesthetics of Resistance, part of the 49th Annual Northeast Modern Language Association Convention, Pittsburgh, PA, April 12, 2018.

PEGGY GUGGENHEIM AND THE EXHIBITION OF 31 WOMEN

2017

Poster session in Women Artists: Shows, Exhibitions, Societies: Collective Exhibitions of Women Artists, 1876-1976, Jeu de Paume, Paris, France, December 8-9, 2017.

EXAMINING LEGAL AND ILLEGAL ARTICULATIONS OF PROTEST THROUGH TATYANA FAZLALIZADEH'S STOP TELLING WOMEN TO SMILE PROJECT

The University of California San Diego Visual Arts 10th Annual Ph. D. Symposium: Rethinking Art History: Center and Periphery, University of California San Diego, San Diego, CA, March 3, 2017.

EMILIE FLÖGE: GESAMTKUNSWERK EMBODIED

2016

Fashion: Now & Then: Fashion as Art, LIM College, New York, NY, October 21, 2016.

WE HOPE FOR BETTER THINGS; IT WILL ARISE FROM THE ASHES: EXPLORING THE AESTHETICS OF POSTMODERN RUIN PHOTOGRAPHY IN DETROIT

10th Annual Critiquing Culture Conference, George Mason University, Fairfax, VA, October 1, 2016.

KAT ZAGARIA BUCKLEY

CURATOR

CONFERENCE PRESENTER, CONTINUED

LAVINIA FONTANA: IMMORTALIZING MORALITY

2016

The Twenty-Fifth Annual Parsons/Cooper Hewitt Graduate Student Symposium on the History of Design, The Cooper Hewitt, Smithsonian Design Museum, New York, NY, April 8, 2016.

EMILIE FLÖGE: GESAMTKUNSTWERK EMBODIED

Consumption and Detritus: Stories of Construction and Reconstruction, The Annual Graduate Humanities Conference, Concordia University, Montréal, QC, Canada, March 5, 2016.

SELECTED PUBLICATIONS

WEAVING NOMADISM

2021

Transnational Culture: Conference Proceedings from Artistic Expressions & The Great War: 100 Years On. Bern, Switzerland: Peter Lang Publishing. Invited contributor; forthcoming.

EMILIE FLÖGE: GESAMTKUNSTWERK EMBODIED

2020

Berg Encyclopedia of World Fashion and Dress in the Berg Fashion Library. <https://www.bloomsburyfashioncentral.com/products/berg-fashion-library/encyclopedia/berg-encyclopedia-of-world-dress-and-fashion-west-europe/emilie-flöge-designing-dress-reform-in-fin-de-siecle-vienna>.

INTERSECTIONS OF CARE AND ALTERBIOPOLITICS AS MANIFESTED THROUGH THE MASK

A Trace of Fashioned Violence. <http://www.fashionedviolence.com>

REVIEW: KG GNATOWSKI: SOME KIND OF DUTY AT DEPAUL ART MUSEUM

2019

TEXTILE: Cloth and Culture. <https://www.tandfonline.com/doi/figure/10.1080/14759756.2019.1622938?scroll=top&needAccess=true>.

REVIEW: WEAVING NOMADISM: POSTWAR TAPESTRY BETWEEN PARIS AND NEW YORK

Art Libraries Society of North America (ARLIS/NA) Reviews.

<https://www.arlisna.org/publications/reviews/1747-weaving-modernism-postwar-tapestry-between-paris-and-new-york>.

KAT ZAGARIA BUCKLEY

CURATOR

SELECTED PUBLICATIONS, CONTINUED

REVIEW: ART IMAGE EXPLORATION SPACE (ARIES)

2019

ARLIS/NA *Multimedia & Technology Reviews*. <https://www.arlisna.org/publications/multimedia-technology-reviews/1708-aries>.

REVIEW: VIENNA SINCE 1900 COMPLETE

ARLIS/NA *Reviews*. <https://www.arlisna.org/publications/reviews/1685-vienna-1900-complete>.

VITRINE: SELECTED PUBLICATIONS BY THE HANS ULRICH OBRIST ARCHIVE

2017

Editor, credited as Kat Buckley. 2017.

WE HOPE FOR BETTER THINGS; IT WILL ARISE FROM THE ASHES: EXPLORING THE AESTHETICS OF POSTMODERN RUIN PHOTOGRAPHY IN DETROIT

Written under Buckley, Kat. *Kritikos* 13 (Winter 2016/17). <http://intertheory.org/buckley.htm>.

PHILADELPHIA'S STEPCHILD SYNDROME

2015

Edited by Julius Ferraro. *CurateThis*, December 9, 2015. <http://curatethisphilly.com/2015/12/09/philadelphias-stepchild-syndrome/>.

PUBLIC ART IN PHILADELPHIA

2014

PaperClips215, December 14, 2014. <http://paperclips215.com>

KAT ZAGARIA'S OASIS IN THE TREES

Edited by Emma Fried-Cassorla. *Philly Love Notes*, October 16, 2014. <http://www.phillylovenotes.com/kat-zagaria-pavillion-in-the-trees/>.

Phoebe Cole

[REDACTED]
Portland, ME
[REDACTED]

City of Portland
389 Congress Street
Portland, ME 04101

To Whom It May Concern,

I'm writing to express my interest in the open Portland Public Art Committee Role. After seven years working throughout the public art non-profit and creative production sectors of New York, I'm so happy to have returned to Portland Maine and bring my arts administration and project leadership skills back to the place and communities I know. With this role, I see a real opportunity for impact across Portland creative and cultural landscape.

I joined Art Production Fund (APF), a non-profit with a mission of producing, commissioning, and producing ambitious public art projects, as a project manager in late 2018. Much of my role there focused on commissioning public art, especially in connecting with "Art In Focus," an ongoing public art partnership between APF & Rockefeller Center. During the first yearlong exhibition program, APF commissioned five artists to activate the Rockefeller campus through site-specific installations, vinyl murals, and one immersive art-retail experience. As the program developed, I carved out a role which centered around working closely with artists, galleries, fabricators, and installation teams to execute installations within this landmarked location's structural confines. With this work, I understand the nuances of commissioning, placing and maintain public art and earnestly would love to bring these skills to the greater Portland community.

Through the work I've done with Art Production Fund, I've learned that public visibility is some of the best cultural currency for cities, artists, and non-profits. I see using Public Art as a tool for generating this currency at the core of what I can offer to the Portland city council in this role.

Sincerely,
Phoebe Cole

PHOEBE COLE

Creative Project Manager, Arts Administrator, & Producer with a diverse professional history spanning contemporary art, production, and non-profit platforms.



Experience	Project Manager, Art Production Fund	New York, NY	2018 - 2021
	• Build and manage Art in Focus, an ongoing public art partnership with Rockefeller Center, advocate for artist creative integrity and supervise timelines, maintaining high levels of team effectiveness, and proactively for five exhibition programs yearly. • Working closely and collaboratively with artists and their studio teams and galleries, I help navigate projects from initial proposal through contract negotiation, fabrication, installation logistics, press/social strategies, and programming development. • Plan and execute organization 300 person annual gala to digital workshops, program lectures, and public tours, supporting the organization's mission of reaching new audiences and expanding awareness through contemporary art.		
	Agent / Producer, Serlin Associates	New York, NY	2014 - 2018
	• Produced multifaceted creative productions with exceptional attention to detail for the agency's roster of New York and European Photographers and Illustrators. Overseeing vendor relationships, managing city permitting, on-sight coordination, invoicing, budget management, and post-production for multiple projects simultaneously. • Demonstrated ability to build and maintain relationships with artists, clients, and VIP talent, fostering productive workflow, and providing essential support during high volume productions. • Drive agency print production operations, including managing asset delivery, retouching, archive development, and annual portfolio reviews.		
	Gallery Assistant, Vessels Gallery	Boston, MA	2013 - 2014
	• Overhauled gallery inventory system through the application of File Maker cataloging system for organizing and recording loans and consignments of fine art ceramics and sculptures. • Coordinated with artists and vendors to prepare solo and group exhibitions, assist with installation, transport logistics, and facilitate artist talks.		
	School Partnerships Fellowship, Isabella Stewart Gardener Museum Boston, MA 2012 - 2014		
	• Collected, transcribed, and analyzed data for the Education Department, focusing on formative school partnership program evaluations of aesthetic development. • Led evidence-based visual thinking strategies (VTS) discussions with local partnership program high school students, centered around the museum's collection of paintings, textiles, and sculptures. • Worked collaboratively on interdepartmental educational partnerships, including teacher professional development and VTS training for volunteers and community partners.		

Education	B.A. Arts Administration, cum laude, Simmons College	Boston, MA	2013
	• Concentration in Communications and Art History, Minor in Photography • Trustman Fellowship Recipient & Alicia Craig Faxon Award in Art History		

Proficiency	• Adobe Creative Suite (Photoshop, InDesign, Bridge), Digital & Darkroom Photography • Microsoft Office Suite, Google G Suite, Trello, Launch Metrics, Filemaker, Little Green Light, • Google Analytics, Readymag, Facebook Charities, Instagram Donate, Later Social Analytics		
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Sharon Dennehy


Portland, Maine

Dear Appointments Committee,

I have read with great interest the announcement for seats on The Portland Public Arts Committee. I would like to introduce myself as a candidate for this position. I have a distinguished career as an arts curator and have represented, administered, and chaired a diverse selection of boards and committees within the Arts sector. My passion for arts curation and background in project administration have produced a singular skillset of artistic ability and expertise in the logistics of public art and exhibitions.

I began NOTCH8 gallery (IG: [@notch8gallery](#)) in Atlanta, Georgia in 2014, as an alternate art space and gallery that showcased local artists and featured curated exhibitions with urban artists with a mission to connect community and art. Throughout my ownership of NOTCH8 gallery, I enjoyed years of artistic concept creation, artist selection, and exhibit installations. As owner and curator, I was the recipient of multiple local awards: 2018 & 2016 Best of Atlanta – Best Gallery in Creative Loafing and 2018 & 2017 Best of Atlanta – Best Gallery in Atlanta Tribune Magazine. I recently relocated to Portland Maine, to transition NOTCH8 for art consultations and curating.

I have experience in the evaluation of artist proposals and the identification of the logistical aspects in successful projects through my positions within the public art sector, Art on the BeltLine Committee, the Living Walls Conference, and Eyedrum Art Committee. In this area I have coordinated work with individual property owners, city, and government entities to determine the need for permits and bonds from different levels of government in city, county, and Department of Transportation. This included defining the technical aspects of completing a public art project such as lifts, scaffolding, and road and sidewalk closures.

After much consideration, I recently relocated to Portland in part due to the great history of supporting the arts, appreciation and preservation of historical architecture, and the community of talented local artists and artisans. As an artist and curator, I am an ardent supporter of public art. I believe that it is important to look at public art through the lens of the viewer. I have great interest in a seat on The Portland Public Arts Committee and would welcome an opportunity to contribute my experience in the arts to the future of Public Art in Portland.

Thank you for your time and consideration. I look forward to learning more about The Portland Public Arts Committee position.

Sincerely,

Sharon Dennehy

Sharon Dennehy

Portland, Maine

Experience

Licensed REALTOR

2021 - Present

Maine Life Realty Group brokered by eXp Realty

Portland, ME

- Associate Broker with CIPS (Certified International Property Specialists) and GREEN Designations

Owner and Curator

2014 - Present

NOTCH8 Productions, LLC

Atlanta, GA and Portland, ME

- Purchased warehouse property in Atlanta, GA in 2014
- Opened artist studio rentals and a gallery that showcased local urban artists
- Featured curated exhibitions with the goal of establishing a conduit which connects community and art
- Recipient of multiple awards: 2018 & 2016 Best of Atlanta – Best Gallery - Creative Loafing; 2018 & 2017 Best of Atlanta – Best Gallery - Atlanta Tribune Magazine
- In 2021 relocated Notch8 to Portland, Maine for art consultations and curation

Real Estate Agent

2019-2021

Engel & Völkers Atlanta

Atlanta, GA

- Licensed REALTOR with CIPS and GREEN Designations

Owner and Curator

2012-2015

Nelson Street Gallery

Atlanta, GA

- Opened contemporary art gallery and performance space showcasing street art and local artists
- Curated exhibitions and worked with artists to help bring their vision to fruition

Co-owner and Administrator

1986-2014

Sosebee Services, Inc.

Atlanta, GA

- Office Administrator and bookkeeper

Customer Service Agent

1977-1991

Delta Airlines

Atlanta, GA

- Worked as a Customer Service Agent at the main terminal ticket counter

Art Committees and Boards

Music Panelist

2011-2014

Fulton County Arts Council

Atlanta, GA

- Music Panelist for “New and Emerging Music” and Music Panelist for “Small Music Groups”
- Read grants, observed performances, and wrote evaluation reports for committee review to determine grant awards and monetary awards

Advisory Board Member

2011-2014

MASS Collective

Atlanta, GA

- Advisory board member at MASS Collective. A collaborative space for makers, projects, and concepts

Sharon Dennehy

Portland, Maine

Board Member and Co-Chair Art Committee 2010-2013
Eyedrum Art & Music Gallery Atlanta, GA

- Secretary of Executive Board at Eyedrum. A non-profit focused on contemporary art and experimental music
- Co-Chair of Art Committee, curated exhibitions, and reviewed artist proposals

Volunteer 2010-2013
Living Walls Street Art Conference Atlanta, GA

- Procured walls for murals for “The Living Walls” and acted as liaison between artists and property owners. The Living Walls Street Art Conference unites street artists and scholars from across the globe to engage in meaningful discourse about our public spaces

Founding Committee Member and Music Events Producer 2010-2012
Art on the BeltLine Atlanta, GA

- Curated outdoor murals, art projects, and music events for the Atlanta BeltLine. A project to revitalize abandoned railroad tracks with public transit and walking trails to connect 40 neighborhoods and parks

Administrator and Administrative Director 2005-2009
Atlanta Silverbacks Professional Soccer League Atlanta, GA

- Administrator: Silverbacks Professional Women’s Team
- Administrative Director: Atlanta Silverbacks Youth League
- Co-Director: Atlanta Silverbacks Tournament of Champions, 2007 & 2008

Board Member and Chair Grants Committee 1998-2002
Council of Intown Neighborhoods and Schools Atlanta, GA

- Board Member of nonprofit that supports Atlanta's Midtown schools through community engagement, advocacy, and investment
- Grants Committee reviewed and awarded grants to educators for projects to enhance learning experience

PTA President, Vice President, and Chair of Art and Music Committee 1995-1999
Morningside Elementary School Atlanta, GA

- As Art and Music Committee chair, brought in artists and musicians to enhance curriculum and experiences in the Arts

Visiting Artist 1995-1999
Atlanta Public Schools Atlanta, GA

- Worked with students at Elementary School on art projects: painting murals, sculpting, and as art assistant

Personal Exhibitions

Watercolorist Present
Visual Artist GA and NC

- Exhibitions: Art in Bloom Gallery – Clayton, GA; Penny’s Garden Art Gallery– Mountain City, GA; The Bascom Gallery – Highlands, NC; Quinlan Visual Art Center – Gainesville, GA; Callanwolde Arts Center – Atlanta, GA

Portland, ME 04101

Appointments Committee Chairman
City of Portland
389 Congress Street
Portland, ME 04101

Please find this letter and my attached resume as conformation of my interest in applying for the District 1 volunteer position on the Rent Board. As way of background, I currently work as an economist for the Department of Health and Human Services, Centers for Medicare and Medicaid Programs. Specifically, I work in the Division of Payment Analysis and Policy responsible for policy analysis and regulations. Prior to that, I worked in the private sector doing consulting for Tufts Health Plan which involved traveling to local area hospitals and medical practices with the intention of training, optimizing hospital revenue, and creating analytical reports used for diagnosing patients. During my academic career, the conclusion of which I earned a Masters degree in Economics from Boston University in 2015, I had previously worked in property management working as an intern consultant for The Michelson Organization while completing my bachelors in Orlando, Fl.

I grew up in Orlando, Fl as a second generation American with a parent from Iran. Having grown up in a working class household, I had been accustomed to the issues facing working class renters. In the past 7 years since I finished my education, I have lived in metro-Orlando, Washington D.C., Boston, and Portland. I have experienced whole subsets of statutes and local regulations as they apply to renters and the outcome of living in environments with all different types of efficiency in understanding and applying local rental regulations properly. I believe given my experience working in property management, my education, experience living in so many different areas, my clear understanding of regulatory language, and my experience being from a multi-cultural household would make me an ideal fit for this volunteer position.

Sincerely,

Amir Familmohammadi

Amir Familmohammadi

Economist

Home : Orlando, FL (currently teleworking)

EDUCATION

Masters

Sep 2014 – May 2015

Boston University

Major : Economics

Bachelors

Aug 2010 – May 2014

University of Central Florida

Major : Economics

Minor: Political Science

SKILLS

Research, Design, & Analysis Tools:

SAS, SPSS, STATA, R, Tableau, Matlab, Cognos, R, Data-Warehouses, CMS Integrated Data Repository Environment (IDR), Drupal

Office Tools: Advanced-level skill in Excel, Access, PowerPoint, and Word

Expertise: Public policy, regulatory writing, risk adjustment, statistical analysis, healthcare markets, Medicare Parts C & Part D, Medicaid ACOs, big data analytics, consulting, public speaking, leading-teams

COURSEWORK

- Drupal Certification Course
- SAS Programming I
- SAS Programming II
- SAS Macro Language
- SAS Macro 2: Advanced Techniques
- SAS Introduction to ANOVA, Regression, and Logistic Regression
- Introduction to Regulation Writing I
- Advanced Regulation Writing
- CMS Integrated Data Repository (IDR) Environment Training
- Federal Acquisition Certification for Contracting Officer's Representatives (FAC-COR) Level 1
- Certified Risk Adjustment (CRC) and ICD-10 Coding (Training Only)

EXPERIENCE

Economist – Division of Payment Analysis & Policy

Centers for Medicare and Medicaid Services | Baltimore MD

May 2019 – Current

- Complete research and analyze economic issues specific to the Medicare Parts C & D population using IDR, Encounter Data (EDPS), Risk Adjustment Payment System (RAPS), Health Plan Management System (HPMS), and other internal data sources
- Serve as subject matter expert for Parts C & Part D regulatory guidance, regulation writing and rule-making, Medicare statutes, healthcare policy, and current events
- Manage explanatory and predictive modeling to analyze behavioral, economic, demographic and health-specific factors impacting Medicare Parts C & D payment models, including projecting payment impacts of proposed rules to Medicare
- Interpret data, prepare briefing reports, and respond to technical policy inquiries received from Congress, the industry, healthcare researchers, and the media
- Oversee Part C & Part D bidding, medical loss ratio submissions, Parts C & Part D payment policy inquiries, and COVID-19 legislative payment changes
- Participate in drafting of regulatory documents including the MA Advance Notice, MA Rate Announcement, regulatory impact analysis, and annual proposed rules

Strategy and Operations Consultant – Enterprise Risk Adjustment

Tufts Health Plan | Boston MA

Nov 2016 – May 2019

- Served as the primary risk adjustment subject matter expert for the Medicare Advantage, public plans, and commercial Network
- Managed MassHealth ACO partnerships and served as the subject matter expert on ACO risk adjustment
- Collaborated with major external healthcare business partners, government agencies, and vendors to oversee successful completion of RAPS and EDPS submissions
- Performed analysis and strategic planning to monitor opportunity gaps on a physician, practice, hospital, and member level
- Developed financial modeling for risk adjustment programs to account for degradation factors and contractual risk arrangements
- Lead and developed strategic initiatives overseeing a team of consultants

Contract Specialist – Network Contracting & Performance Management

Tufts Health Plan | Boston MA

Jul 2015 – Nov 2016

Intern - Consultant

The Michelson Organization | Orlando FL

May 2011 – Aug 2014

INVOLVEMENTS

Office of Refugee Resettlement (ORR) Volunteer

Unaccompanied Children Mission | El Paso, TX

Apr 2021 – May 2021

- Federal volunteer detail through DHHS to provide youth care and case management support for unaccompanied children at the U.S. – Mexico border
- Primary duties included support oversight assuring the children have access to basic human rights protection

Big Brother Volunteer

Big Brothers and Big Sisters | Boston MA

Mar 2016 – Aug 2019

Keynote Speaker on Healthcare Reform

American Academy of Professional Coders | Boston MA

Mar 2017

[REDACTED]
Portland, ME 04101
[REDACTED]

Appointments Committee Chairman
c/o City Clerk
389 Congress St
Portland, ME 04101

To the City Clerk:

As a longtime resident of District 2, it is my honor to re-apply for my on our city's new Rent Board. Please find my professional CV attached (with a few small tweaks for this particular position), and additional information below.

While recent illness has prevented me from attending a Rent Board meeting yet, I have had a meeting with our chair to bring me up to speed and will be at the next meeting on February 6th. I look forward very much to my participation and involvement in this crucial new civic institution.

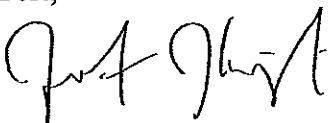
Not much has changed since my last application. I have lived in Portland for the majority of the last twenty-plus years, during which I have been a tenant, an owner-occupier, and a landlord; I have seen the many changes—good and bad—which have washed over our city during this time, and it is my resolve now to take part in helping to manage some of them.

Change *must always* be managed, of course, and it should be managed for our common benefit. This is the promise of democracy. It should be an appropriate group effort, and it should include individuals whose experience and skills cover the full spectrum of relevant areas and affected populations. I believe that my time on both sides of the landlord-tenant relationship, as well as my education and professional experience in social work, hospitality, conflict mediation, and property management put me in an excellent position participate as an informed and fair member of our new Rent Board. It would be my full intent to *always* make balanced decisions on the things which impact both our landlords and tenants. I am not a doctrinaire, I understand both sides in this relationship, and I know that it takes both sides of this equation to make a city work.

New landlords and owners have rejuvenated the housing stock in Portland—a desperately needed action for our aging homes—but that has not infrequently come at the cost of individuals losing their communities and their ability to stay in a city that they love and help make function. There is more than enough room to help landlords recoup investments with profit for their efforts *and* allow Portlanders to remain Portlanders. It is my hope and belief that I can contribute positively to this process so that living in Portland works for everyone.

The establishment of the Rent Board is an exciting new chapter in the story of our city, I look forward to reappointment to a full term. Please don't hesitate to be in touch if there are any questions.

Best,



Josef Kijewski

Josef Kijewski

EDUCATION

Doctorate in Gerontology **Fall 2019-Current**
University of Massachusetts - Boston

Master of Social Work **Spring 2019**
University of New England, Portland, Maine
Integrated Practice (Clinical & Community Tracks)
Interprofessional Honors Distinction
Certificate in Aging Diversity
Areas of focus: Gerontology, Hospice/Palliative Care

Bachelor of Arts, Theater **May 2013**
Bates College, Lewiston, Maine
Minor: Russian Studies

RESEARCH AND TEACHING

Graduate Assistant **Fall 2019-Spring 2020**
Gerontology Institute – UMass Boston

- Development and direction of Institute 35th Anniversary Symposium, including speaker series, registration, event production, and documentation.
- Development and implementation of new system for tracking and promoting academic research on the part of institute fellows and departmental researchers.
- Promotion of institute activities through multiple platforms.

Graduate Assistant **Fall 2018-Spring 2019**
Center for Excellence & Aging in Health, University of New England

- Working with Dr. Thomas Meuser in developing the Center's relationship with residents at the Motherhouse, a former convent in Portland, Maine that has recently been converted into mixed-income senior housing for occupancy in 2019; long-term goals include Legacy Scholar Participation and longitudinal research studies.
- Initiation and maintenance of Legacy Scholars Program, a project to generate a large body of willing seniors available as potential and regular participants for gerontological research projects at the university.
- General promotion of the center and activities with community outreach and relationship building.

Teaching Assistant **Fall 2018-Spring 2019**
Department of Social Work, University of New England

- Instruction for graduate students on filmmaking skills and documentary interviewing for work with seniors.
- Leading and assisting with group discussions and in-class activities, and providing general academic support.
- Arranging class involvement with senior populations, on- and off-site.

Developer – Legacy Beliefs Board Game **2018-2019**
Center for Excellence & Aging in Health, University of New England

- Research and development of all-ages board game to promote intergenerational discussion of legacy values under the supervision of Dr. Thomas Meuser.
- Design, 2D and 3D printing, and experimentation with physical game design, rules, and playability.
- Coordination of test runs with target populations.
- Development of game as 'pitchable' product to gaming companies.

Qualitative Ethnographic Researcher,

October 2018

48 Hour Hospice Home Immersion, Division of Geriatrics, University of New England College of Osteopathic Medicine

- PI: Marilyn Gugliucci, PhD.
- Lived in Gosnell Memorial Hospice Home in Scarborough, Maine, for 48 hours, working with interprofessional staff to provide full spectrum of patient care, family support, and post-mortems for 18 patients.
- Interviewed staff and patients/families extensively on experiences in hospice, roles in care, and attitudes towards death and dying.
- Continuous ethnographic journaling with submissions to and real-time responses from PI.

PROFESSIONAL TRAININGS & INTERNSHIPS

Internship, Hospice Care & Education Facility

Jan 2019

St. Christopher's Hospice, London, UK

- Two-week planned internship with 2-3 day rotations working alongside providers in in-patient care, home-based care, pastoral & spiritual services, education, and bereavement.

Hospice Social Worker Internship

2018-present

VNA Home Health & Hospice, South Portland, ME

- Conduct intake evaluations, post-admit interviews, and patient/family education on hospice principles and available resources.
- Conduct routine visits, charting, and casework as necessary.
- Developing life review/reminiscence therapy program for palliative care division, with future roll-out to hospice and home health divisions.
- Individual and group bereavement counseling.
- Provide community-based hospice education by request.

Palliative Care Training

Sept 2018

St. Christopher's Hospice, London, UK

- Week-long training in all aspects of palliative care and hospice work, including hospice and palliative care principles, bereavement, medication, spiritual issues, interdisciplinary teams, working with dementia, and sexuality.
- International cohort of students (social workers, doctors & medical students, nurses) provided extensive alternative perspectives and approaches through cross-cultural and interdisciplinary comparisons.
- Ongoing regular communication via web-based video conference calls to keep participants up-to-date on how we have incorporated training into our practice, as well as work through new concerns or problems.

Medical Social Work/Care Coordination Intern

2017-2018

The Cedars – Geriatric Rehabilitation Unit, Portland, ME

- Intake and initial social work/psychological evaluations.
- Conducted interdisciplinary team meetings with patients and families.
- Management of insurance/Medicare/managed care paperwork, updates, and appeals.
- Regular shadowing/assistance to other professions in facility (NPs, OT/PTs, activities, RNs & CNAs)

GRANTS, HONORS, AND AWARDS

Health Resources & Services Admin/University of New England,

“Training in Aging and Diversity”, \$10,000

2018

University of New England, “School of Social Work Scholarship

Funding”, \$10,000 yearly

2017-2019

Montana Human Rights Network - Walt Brown Human Rights Award

2004

Presentations

Kijewski, J. *A Year in Hospice: Reflections on Death and Living*. UNE School of Social Work Student Organization Lecture, Portland, ME. **2019**

Kijewski, J., Musick, K. *SNAP: An Interprofessional Program to Improve Aging in Place*. UNE Interprofessional Education Collaborative Poster Session, Portland, ME. **2018**

Kijewski, J., Hennessy, J., Petit, N., Lessard, M. *Aging in Diversity: The Behavioral Needs of Older Adults*. Interprofessional Education Collaborative Anchor Event, Portland, ME. **2017**

Kijewski, J. *The Tricky Business of Art, Propaganda, and Social Activism: Walt Brown Human Rights Award Recipient Lecture*. Montana Human Rights Network Banquet, Helena, MT, Montana. **2004**

Scholarly or Professional Memberships

Gerontological Society of America

Maine Medical Center Expansion Advisory Group / Neighborhood Advisory Committee

Relevant Professional Experience

Member Service Guide

2021-present

Devoted Health, Waltham, MA

- Work with members of this Medicare Advantage plan to access benefits, services, and providers.
- Handle grievances and appeals of plan decisions and provider/network performance.
- Working to ensure referrals and prior authorizations are generated and reviewed/approved correctly.
- Refer individuals to clinical and social service triage departments as appropriate.

Rooms & Revenue Manager

2015-2017

The Press Hotel, Portland, ME

- Revenue management, including: generation and utilization of in-house and external statistical data regarding pricing, market trends, rooms commitment, and demand prediction to maximize facility use and revenue-generating capacity across transient, event, and business segments; forecasting on a monthly and yearly basis for budget and departmental goal development; conferencing with sales department for event and rooms-block pricing.
- Daily management of all Marriott systems (reservations, reporting, global) and maintenance of dataflow between onsite and corporate property management systems.
- Property-wide resource and staff trainer for all Marriott booking, rewards, and analytics software.

Supervisory Ranger, Seasonal

2007-2013 (seasonal)

Glacier National Park, St. Mary, MT

- Responsible for staff of seven between multiple duty locations, handling fee collection, visitor education, and compliance with park resource regulations.
- Generated trackable/reportable data regarding resource utilization, camping site income, visitor experience, problem areas, and infrastructure needs.
- Yearly analysis with recommendations of above data to relevant departments for future implementation, along with program for yearly review of compliance with federal requirements for operations.
- Development and roll-out of comprehensive campground operations guide and training program for Visitor Use Rangers.

Manager – Tillinger's

2007-2014 (seasonal)

Boston, MA

- Responsible for training teams of customer service reps & concierges in high-end hospitality, conflict resolution, and front-line property management services.

- Project consulting for 'troubled' properties or management teams, including diagnosis, training strategies, and implementation.
- Temporary front-line manager as needed.

Organizer/Documentarian

1997-2004 (various)

Montana Human Rights Network, Helena, MT

- Development of anti-gay harassment prevention training for high school teachers and administrators by adapting GLSEN educational model to local needs and producing regionally-appropriate resource materials (such as program guides and a video documentary featuring in-state youth).
- Directed fundraising activities and grant applications to support anti-harassment trainings statewide.
- Created program to direct thousands of volumes of surrendered white supremacist literature to artists for use as raw materials in work addressing issues of racism.
- Co-director of statewide response (rallies, media, testimony, protests) against proposed anti-gay constitutional amendment.
- Organized activism education training retreats for high school students.

Program Support/Food Preparation

2005-2006

Elderworks Senior Day Program for Adults with Mental Illness, Portland, ME

- Preparation, serving, and clean-up of breakfast and lunch for 15-20 geriatric clients daily, with full consideration of client preferences, dietary needs, and restrictions.
- Use of minimal cash budget and access to Maine's central food bank to meet required needs.
- Managed daily arrival and departure of all clients.
- Support of social worker activities such as group therapy, art therapy, movement classes, and field trips.

References

Emma Holder

President, Parkside Neighborhood Association

[REDACTED] 101

[REDACTED] 4

[REDACTED] g

Shelley Cohen-Konrad, Ph.D.

Director, School of Social Work

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Tim Karu

Owner, Mercury Inn

[REDACTED]

[REDACTED]

Kathy Stanford

[REDACTED]

Former Colleague

[REDACTED]r
[REDACTED]
[REDACTED]
[REDACTED]



Office of the City Clerk
Katherine L. Jones, CMC

MEMORANDUM

TO: Mayor Kate Snyder and Members of City Council
FROM: Katherine L. Jones
DATE: March 4, 2022
RE: Appointments

The Nominating Committee met on February 22, 2022 and March 2, 2022 and voted 2-0 (Snyder absent) to send the following recommendations to the Various Boards and Committees.

Name	Board and Committee	Expiration
Carol Laboissonniere	Pesticide Management Advisory Committee	03-30-2025
Jessie O'Brien	Pesticide Management Advisory Committee	03-30-2025
Beth Rabbit	Parks Commission	06-30-2025
Katie Mears	Parks Commission	06/30/2024
Cheri Musgrave	Parks Commission	06/30/2024
Kristen Fuller	Parks Commission	06/30/2023
Simon Rucker	Land Bank Commission	06/30/2025
Jon Kachmar	Land Bank Commission	06/30/2025
Brian Wasser	Land Bank Commission	06/30/2025
Thomas Valteau	Portland Housing Authority	06/30/2027
Joan White	Portland Housing Authority-Resident	06/30/2027
Linda Atkinson	Civil Service Employment Subcommittee	06/30/2025
Kenneth Lewis	Police Citizen Review Subcommittee	03/30/2025
Jean Desruisseaux	Police Citizen Review Subcommittee	03/30/2025
Regan Sweeney	Rental Housing Advisory Committee	03/30/2025
Jonathan Kruzfeld	Rental Housing Advisory Committee	03/30/2025
Anna Berke	Portland Public Art Committee	06/30/2025
Gillian Cook	Portland Public Art Committee	06/30/2025
Katilyn Buckley	Portland Public Art Committee	06/30/2025
Phoebe Cole	Portland Public Art Committee	06/30/2024
Sharon Dennehy	Portland Public Art Committee	06/30/2023
Amir Familmohammadi	Rent Board District 1	03/30/2025
Josef Kijewski	Rent Board District 2	03/30/2025

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: March 7, 2022

SUBJECT: Order 168-21/22 Appointing Danielle P. West to the Executive Board of the Portland Technology Park Condominium Association - Sponsored by Kate Snyder, Mayor

SPONSOR: Kate Snyder, Mayor
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/21/2022

Final Action 3/21/2022

Can action be taken at a later date: Yes If action cannot be taken at a later date, please explain why

PRESENTATION: Mary Davis will be available to answer questions.

I. SUMMARY

The City is the Declarant (developer) of the Portland Technology Park and, as such, the City Council appoints three members of the Executive Board to govern the affairs of the Portland Technology Park Condominium Association.

II. AGENDA DESCRIPTION

Former City Manager Jon Jennings was appointed President of the Executive Board of the Portland Technology Park Condominium Association on 1/18/2017, together with Christopher Branch as Treasurer and Eric Swanson of Patrons Oxford Insurance as Secretary. It is being requested that the Council appoint Interim City Manager Danielle P. West as President of the Board. The appointees need not be unit owners. The Housing and Economic Development Department provides staff assistance to the Board.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Portland Technology Park was developed by the City of Portland on City-owned land. This condominium business campus was approved for seven units and has all environmental permits in place. Presently, Technology Park Drive provides access to four development sites with utilities. Patrons Oxford Insurance purchased Unit 4 in 2016 for its new headquarters which opened in 2017. The sale of Unit Four to Patrons is what initiated the creation of the Portland Technology Park Condominium Association and the need for an Executive Board to govern its affairs.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result is to appoint Interim City Manager Danielle P. West as President of the Executive Board so that the Board can move forward with overseeing the management of the affairs of the condominium association.

V. FINANCIAL IMPACT

There will be no financial impact in appointing the members of the Executive Board.

VI. STAFF ANALYSIS AND BACKGROUND

The Executive Board of the Portland Technology Park Condominium Association needs to be in place in order to administer the affairs of the Association. A budget needs to be adopted and then approved by the members of the condo association. It will cover the cost of insurance and services to maintain the Park.

VII. RECOMMENDATION

Staff recommends that the City Council appoint to the Executive Board Interim City Manager Danielle P. West as Board President. The Housing and Economic Development Department provides staff assistance to the Board.

VIII. LIST ATTACHMENTS

None

Prepared by:

Mary Davis, Division Director

Date: 03/07/2022

MEMORANDUM
City Council Agenda Item

FROM: Jill Domingos
DATE: February 22, 2022
SUBJECT: Order 169-21/22 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Russell Townsend - Sponsored by Danielle P. West, Interim City Manager
SPONSOR: Danielle 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

The State requires Council approval of the transfer of forfeited cash to the Portland Police Department.

II. AGENDA DESCRIPTION

This order authorizes the City Council to approve the transfer of \$1,212.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Russell Townsend.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department.

III. BACKGROUND

The State Forfeiture Statute, 15 M.R.S.A. § 5824 (3) and § 5826(6), requires that before any forfeitable item may be transferred to a State agency, County or municipality, the legislative body of that entity must publicly vote to accept the item.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Funds may be transferred to the Portland Police Department for deposit in the drug investigations account.

V. FINANCIAL IMPACT

The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor.

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Townsend Transfer of Funds 3.21.2022
2. Townsend Forfeiture

Prepared by:
Jill Domingos

Date: 02/22/2022

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 APPROVING TRANSFER OF FUNDS
UNDER
15 M.R.S. §§ 5824(3) and 5826(6)
RE: RUSSELL W. TOWNSEND**

ORDERED, that the City Council hereby approves the transfer of \$1,212.00 in forfeited assets in the case of State of Maine vs. Russell W. Townsend from the State of Maine to the City of Portland, pursuant to 15 M.R.S. § 5824(3) and § 5826(6) and as provided in the attached “Approval of Transfer.”

STATE OF MAINE
Cumberland, SS

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-20-4007

State of Maine

v.

Russell W. Townsend,
Defendant;

And

\$1,212.00 U.S. CURRENCY
Defendant In Rem

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City of Portland
Approval of Transfer
15 M.R.S. §5824(3)
and §5826(6)

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem*, namely \$1,212.00 U.S. Currency on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the portion of the Defendant *In Rem*, namely \$1,212 to the City of Portland, Maine pursuant to 15 M.R.S. §5824(3) and §5826(6) on March 21, 2022.

Dated: _____

Mayor
(Impress Legislative Body Seal Here)

AARON M. FREY
ATTORNEY GENERAL



TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

125 PRESUMPSCOT ST., SUITE 26
PORTLAND, MAINE 04103
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

November 16, 2021

Portland Police Department
Chief Frank Clark
109 Middle Street
Portland, ME 04101

RE: State of Maine vs. Russell Townsend
Cumberland County Unified Criminal Court Doc. No. CR-20-4007
Criminal Forfeiture
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Clark:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) In Rem will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) In Rem are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) In Rem to a Department, Agency, County or Municipality based upon the "substantial contribution" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) In Rem or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or

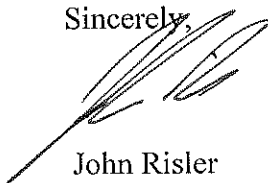
municipal approval in anticipation of the final order of forfeiture. However, final forfeiture is not guaranteed and both the municipal legislative body and the law enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "John Risler", written over a horizontal line.

John Risler
Assistant Attorney General

JR/lmn
Enclosure

STATE OF MAINE
Cumberland, ss

UNIFIED CRIMINAL COURT
Docket No. CR- 20-4007

State of Maine	}	
	}	City of Portland
v.	}	Approval of Transfer
	}	15 M.R.S. §5824(3) and §5826
Russell W. Townsend	}	
Defendant;	}	
	}	
And	}	
	}	
\$1,212.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and §5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant In Rem namely \$1,212.00, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the Defendant(s) In Rem to the City of Portland, Maine pursuant to 15 M.R.S. § 5824(3) and §5826(6) as approved on _____2021.

Mayor

(Impress municipal legislative body seal here)

MEMORANDUM
City Council Agenda Item

FROM: Jill Domingos
DATE: February 22, 2022
SUBJECT: Order 170-21/22 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Ryan Egeland - Sponsored by Danielle P. West, Interim City Manager.
SPONSOR: Danielle 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

The State requires Council approval of the transfer of forfeited cash to the Portland Police Department.

II. AGENDA DESCRIPTION

This order authorizes the City Council to approve the transfer of \$614.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Ryan Egeland.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department.

The money from these forfeiture orders will be deposited into the Portland Police Department's drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department's Law Enforcement Addiction Advocacy Program.

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

III. BACKGROUND

The State Forfeiture Statute, 15 M.R.S.A. § 5824 (3) and § 5826(6), requires that before any forfeitable item may be transferred to a State agency, County or municipality, the legislative body of that entity must publicly vote to accept the item.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Funds may be transferred to the Portland Police Department for deposit in the drug investigations account.

V. FINANCIAL IMPACT

The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor.

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Egeland Transfer of Funds 3.21.2022
2. Egeland Forfeiture

Prepared by:
Jill Domingos

Date: 02/22/2022

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 APPROVING TRANSFER OF FUNDS
UNDER
15 M.R.S. §§ 5824(3) and 5826(6)
RE: RYAN EGELAND**

ORDERED, that the City Council hereby approves the transfer of \$614.00 in forfeited assets in the case of State of Maine vs. Ryan Egeland from the State of Maine to the City of Portland, pursuant to 15 M.R.S. § 5824(3) and § 5826(6) and as provided in the attached “Approval of Transfer.”

STATE OF MAINE
Cumberland, SS

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-19-4309

State of Maine

v.

Ryan Egeland,
Defendant;

And

\$614.00 U.S. CURRENCY
Defendant In Rem

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City of Portland
Approval of Transfer
15 M.R.S. §5824(3)
and §5826(6)

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem*, namely \$614.00 U.S. Currency on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the portion of the Defendant *In Rem*, namely \$614.00 to the City of Portland, Maine pursuant to 15 M.R.S. §5824(3) and §5826(6) on March 21, 2022.

Dated: _____

Mayor
(Impress Legislative Body Seal Here)

AARON M. FREY
ATTORNEY GENERAL



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

125 PRESUMPSCOT ST., SUITE 26
PORTLAND, MAINE 04103
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

December 7, 2021

Portland Police Department
Chief Frank Clark
109 Middle Street
Portland, ME 04101

RE: State of Maine vs. Ryan Egeland
Cumberland County Unified Criminal Court Doc. No. CR-19-4309
Criminal Forfeiture
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Clark:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) In Rem will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) In Rem are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) In Rem to a Department, Agency, County or Municipality based upon the "substantial contribution" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) In Rem or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or

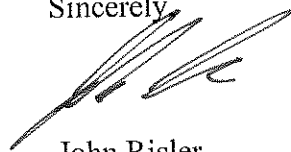
municipal approval in anticipation of the final order of forfeiture. However, final forfeiture is not guaranteed and both the municipal legislative body and the law enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely

A handwritten signature in dark ink, appearing to read 'John Risler', with a stylized flourish at the end.

John Risler
Assistant Attorney General

JR/Imn
Enclosure

STATE OF MAINE
Cumberland, ss

UNIFIED CRIMINAL COURT
Docket No. CR- 19-4309

State of Maine	}	
	}	City of Portland
v.	}	Approval of Transfer
	}	15 M.R.S. §5824(3) and §5826
Ryan Egeland	}	
Defendant;	}	
	}	
And	}	
	}	
\$614.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and §5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant In Rem (namely \$614.00), on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the Defendant(s) In Rem to the City of Portland, Maine pursuant to 15 M.R.S. § 5824(3) and §5826(6) as approved on _____ 2021.

Mayor

(Impress municipal legislative body seal here)

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 4, 2022

SUBJECT: Order 171-21/22 Granting Municipal Officers' Approval of Bread and Olive LLC, dba Bread and Olive. Application for Class XI Restaurant/Lounge at 937 Congress Street - Sponsored by Danielle P. 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 2/22/22. New City and State applications. Location was previously Five Spot Sandwich Shop.

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. Bread and Olive
2. Bread and Olive_Council Packet

Prepared by:

Date: 03/04/2022

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:

**Bread and Olive LLC, dba Bread and Olive. Application for Class XI Restaurant/Lounge
at 937 Congress Street**



Bread & Olive

January 17, 2022

Bread and Olive LLC
dba Bread & Olive
251 Valley Street
Portland, ME 04102

City of Portland City Council
Mayor Snyder
389 Congress Street
Portland, ME 04101

Dear Mayor Snyder and Council Members,

I write to request your consideration for granting a Liquor License to Bread and Olive LLC to operate a new establishment at 937 Congress Street. (Formerly Sonny's Variety and The Five Spot)

Bread & Olive will operate seven days a week with a variety of offerings including, cheese and charcuterie plates, olives, nuts, soups and salads along with a selection of spreads and dips served with local and house made loaves and flat-breads. We will also offer a small plate menu of "specials" that might include dishes like grilled vegetables, shrimp or scallops, pasta or rice dishes or a chef's saute special.

A small dessert menu will feature items we've created and served for the past 16 years at our Bar of Chocolate venue on Wharf Street. Flour-less tortes, rum cakes, cheesecakes and creme brulee will be offered on a rotating basis. We will also be offering coffees, cappuccinos, cocktails, wine and champagne along with an assortment of bottled beer.

We look forward to serving the residents, workers and visitors of this neighborhood and to joining other long time businesses and institutions in this growing and improving part of our city.

Thank you for your consideration.

Sarah Martin


Bread and Olive
937 Congress Street



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

Business Information					
Establishment Name (d/b/a):	Bread and Olive	Phone:	207 450.3290		
Location Address:	937 Congress Street		Zip: 04102		
If new, what was formerly at this location:	Five Spot Sandwich Shop				
Mailing Address:	251 Valley Street Portland, ME		Zip: 04102		
Contact Person:	Sarah Martin	Phone:	207 450.3290		
Contact Person Email:	boccafe@hotmail.com				
Manager of Establishment:	Sarah Martin	Date of Birth:	3/1/1966	Phone:	207 450.3290
Owner of Premises (Landlord):	Tnn at St John (937 Congress Street + LLC)				
Address of Premises Owner (Landlord):	935 Congress Street Portland, ME		Zip: 04102		

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
Bread and Olive LLC		251 Valley Street Portland, ME Zip: 04102	
Contact Person:	Sarah Martin	Phone:	207 450.3290
Principal Officers			
Title	Date of Birth	Residence Address	
Sarah Martin	Owner	3/1/1966	251 Valley Street Portland, ME 04102
Class of Liquor License:		Class A Restaurant Lounge Class XI	

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

bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Small Plates, charcuterie, cheese, salads, Breads.		
Please circle all that will be served:	Beer	Wine	Liquor
Projected percentage of sales:	Generated from Food: 40%	Generated from Alcohol: 60%	
Hours & days of operation:	Six Days 3 to midnight		

QUESTIONS

Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open? *Most items will require tableware but will also* Y/N ☒

If No, please explain: *include small plate finger food such as nuts, cheeses, cured meats etc*

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

If yes, give the distance:

Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.) Y/N ☒

Will you permit dancing after 1:00 a.m.? Y/N ☒

Will you have outside dining? (If yes, an Outdoor Dining Application is required) Y/N ☒

If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).

Will you have any amusement devices (pinball, video games, juke box)? Y/N ☒

If yes, please list: # of amusements: _____ # of pool tables: _____

What is your targeted opening date? *April 1, 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):

Smartin Services LLC dba The Bar of Chocolate 38 Wharf Street

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 Sarah Martin 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 *Sarah Martin* Title Owner Date 2/16/22

Bread & Olive



Bites

Garlic mushrooms

Bread and dip

Bread & olives

Tea sandwiches

Single Tapas (Olives, Nuts, Cheese)

Cold

Salad du jour

Shrimp ceviche

Hummus/ Tapenade

Fruit and Cheese Plate

Charcuterie plate

Hot

Garlic shrimp w/crusty bread

Pizzette du jour

Soup du jour

Caprese Panini

Check out specials board

Dessert

Crème Brûlée

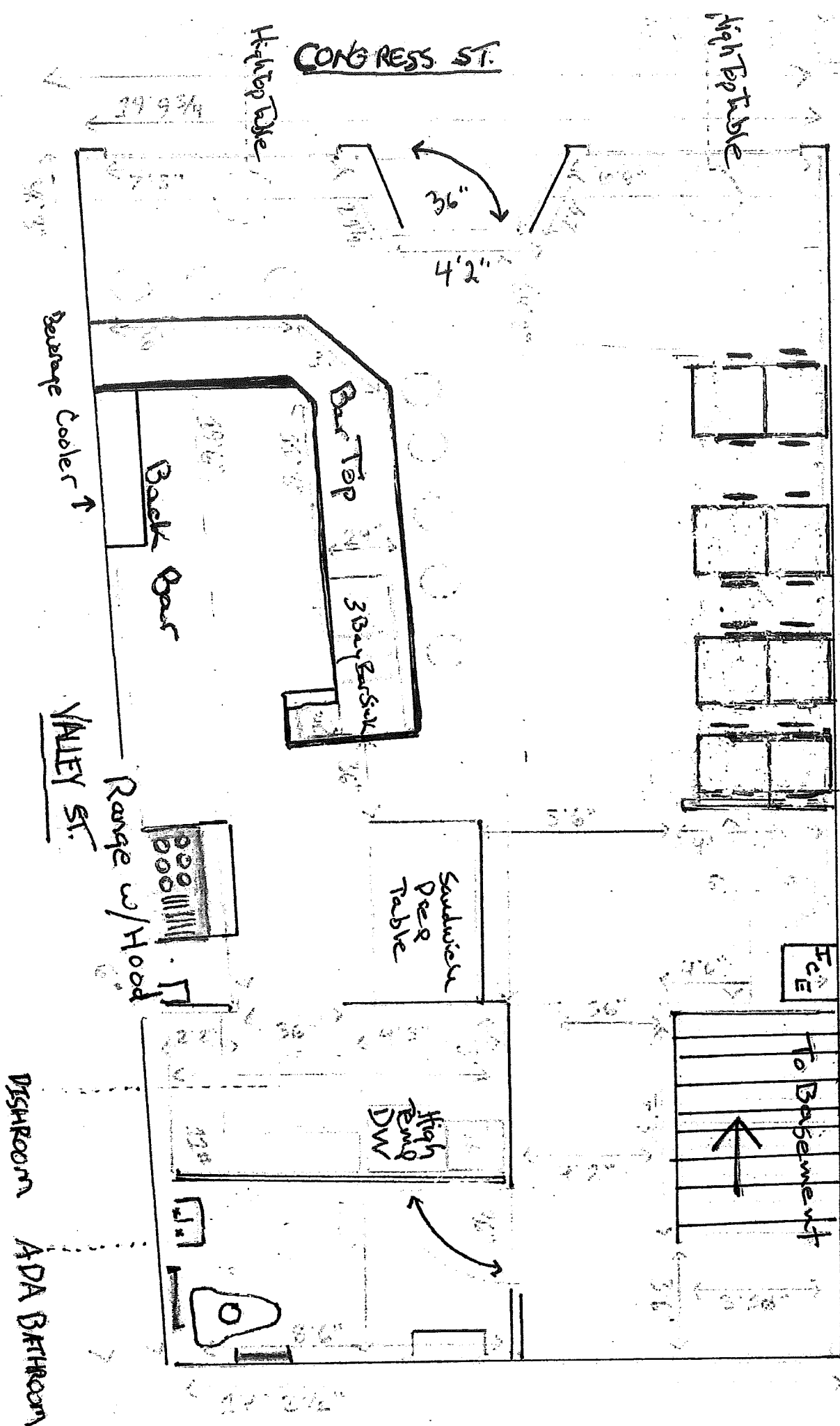
Flourless Chocolate Torte

Check out the specials board

Bread and Olive 937 Congress St Portland

GROUND FLOOR

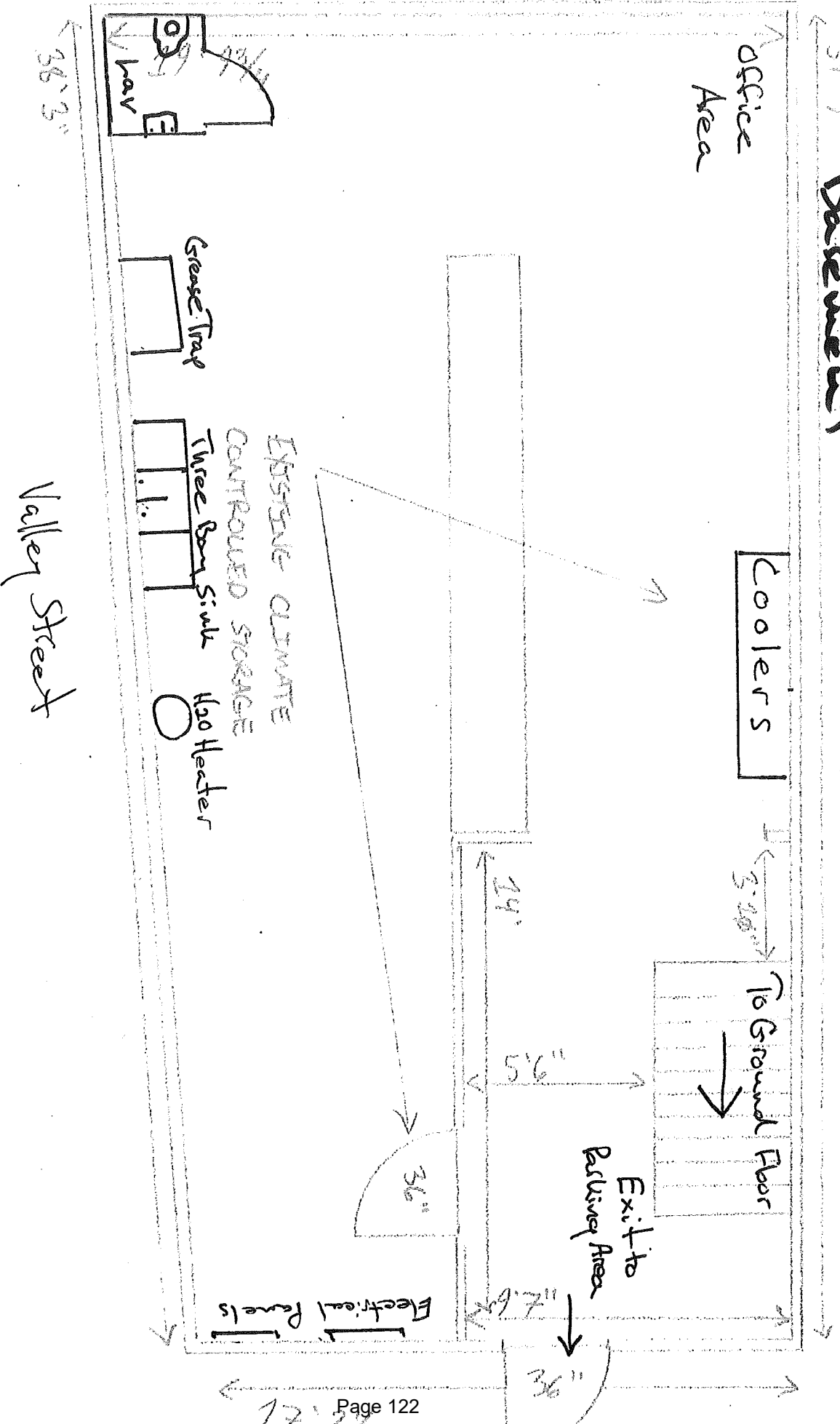
SEWER STATION



Bread and Olive 437 Congress St Portland

37'9" Basement

Congress Street



Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on March 21, 2022 at 5:00 P.M., virtually, Bread and Olive LLC, dba Bread and Olive. Application for Class XI Restaurant/Lounge at 937 Congress Street - Sponsored by Danielle West, Interim City Manager



CITY OF PORTLAND
Permitting and Inspections Department

March 3, 2022

Bread and Olive LLC
251 Valley Street
Portland, ME 04102

**Re: Bread and Olive LLC, dba Bread and Olive. Application for Class XI
Restaurant/Lounge at 937 Congress Street**

Dear Bread and Olive LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday March 21, 2022 at 5:00 p.m.**, for the review of application for Class XI Restaurant/Lounge at 937 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 March 18, 2022.

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



Zachary Lenhart <zlenhart@portlandmaine.gov>

Bread and Olive

Eric Nevins <erick@portlandmaine.gov>

Sat, Mar 5, 2022 at 1:40 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Approved

On Thu, Mar 3, 2022 at 4:08 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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



Zachary Lenhart <zlenhart@portlandmaine.gov>

Bread and Olive

Zoning <zoning@portlandmaine.gov>
To: Zoning <zoning@portlandmaine.gov>
Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>

Fri, Mar 4, 2022 at 10:59 AM

A Class A Restaurant Lounge (Class XI) is a permitted use in the B-2 Zone, per Table 6-C of Chapter 14.

Ann Machado
Zoning Administrator

[Quoted text hidden]

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 4, 2022

SUBJECT: Order 172-21/22 Granting Municipal Officers' Conditional Approval of Tangible Alchemy LLC dba Urban Farm Fermentory Renewal Application for a Combined Entertainment License at 200 Anderson Street - Sponsored by Danielle P. 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 10/18/2021. Applicant currently holds a Class III & IV FSE with Combined Entertainment and Outdoor Dining on Private Property.

Staff recommends this license be conditioned per 4-55 (a) to state: Outdoor Entertainment must cease by 10:00pm and Indoor Entertainment must cease by 11:00pm.

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. Urban Farm Renewal Order with Findings of Fact 03.21.2022
2. UFF Renewal_Council Packet

Prepared by:

Date: 03/04/2022

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)

**CONDITIONAL APPROVAL OF
TANGIBLE ALCHEMY LLC dba URBAN FARM FERMENTORY
RENEWAL APPLICATION FOR A COMBINED ENTERTAINMENT LICENSE
AT 200 ANDERSON STREET**

WHEREAS, the City of Portland’s Department of Permitting and Inspections issues entertainment licenses pursuant to City Code provision 4-55(a). This provision states that, with limited exceptions, such “(l)icenses shall be granted, denied, suspended, revoked, or granted with a condition or conditions as necessary to protect the public health, safety and welfare and in accordance with Chapter 15;” and

WHEREAS, Urban Farm Fermentory was issued their current Combined Entertainment License for their 200 Anderson Street location (Location) in October of 2020; and

WHEREAS, Urban Farm Fermentory uses an audio system that limits the volume of music played during events on the premises to seventy-seven (77) dBA and eighty-five (85) dBC; and

WHEREAS, Section 4-57(a) of the City of Portland Code of Ordinances, prohibits activities on the licensed premises that generate noise that exceeds eighty-five (85) dBA or (95) dBC; and

WHEREAS, despite the volume limits imposed by Urban Farm Fermentory’s audio system, the City of Portland’s Police Department received a total of twenty-seven (27) noise complaints regarding loud music at the Location between September 5, 2020 and July 10, 2021; and

WHEREAS, in response to these complaints Urban Farm Fermentory has worked collaboratively with the City to attempt to identify additional methods for mitigating the sound generated at the Location in an effort to reduce impacts on surrounding properties; and

WHEREAS, on October 21, 2021, representatives of Urban Farm Fermentory met with Portland’s Sound Oversight Committee to discuss noise mitigation measures undertaken at the Location, including halting most outdoor events, installing additional sound insulation inside the venue, and moving the entrance to the venue; and

WHEREAS, between July 23, 2021 and September 4, 2021, Portland's Police Department received eleven (11) additional complaints regarding noise generated at the Location. Only two (2) complaints were made before 10:00pm; one was informational, and the other was canceled. Two (2) additional complaints were made between the hours of 10:00pm and 11:00pm. The remaining seven (7) were made after 11:00pm; and

WHEREAS, although there has been a reduction in complaints received as a result of mitigation efforts taken by Urban Farm Fermentory, the complaints received between July 23, 2021 and the timing of those complaints reveals that further sound mitigation efforts are needed to protect the public health and welfare by eliminating the source of the majority of post-mitigation noise complaints; and

WHEREAS, allowing Indoor and Outdoor Entertainment to occur at the Location during limited hours acknowledges Urban Farm Fermentory's efforts toward sound mitigation while also protecting the public health and welfare;

NOW THEREFORE, BE IT ORDERED, that the Municipal Officers of the City of Portland hereby conditionally grant Tangible Alchemy LLC dba Urban Farm Fermentory (Urban Farm Fermentory) Renewal Application for a Combined Entertainment License at 200 Anderson Street as detailed below:

- Outdoor Entertainment must cease by 10:00pm and Indoor Entertainment must cease by 11:00pm.



CITY OF PORTLAND
Permitting and Inspections Department
Renewal Application for an Entertainment License

Must Include:

- ☐ 8 1/2" x 11" diagram showing layout of the premises to include dimensions, locations of dancing, seating, toilet rooms and means of egress.
- ☐ Sound Mitigation Plan (**not required if renewal application for indoor only entertainment)
 - o Prepared and Certified by a Professional Sound Engineer
 - o Details of methods used to minimize the impact on entertainment on the surrounding uses
 - o Speaker Locations and directions
 - o Sound System details and controls
 - o Stage and site layout and direction
 - o Noise cancelling or mitigating measures proposed
 - o Anticipated Sound readings
 - Indoors Entertainment-8 feet from any outer wall
 - Outdoor/Combined Entertainment-Property line and closest residence
 - o On-Site monitor when attendees are expected to exceed 250

Business Information			
Business Name (d/b/a):	Urban Farm Fermentory	Phone:	2076537406
Location Address:	200 Anderson st Portland Maine	Zip:	041001
Owner Name:	Eli Cayer	Phone:	2076537406
Owner Email:	eli@fermentory.com		
Contact Person responsible for Entertainment:	eli cayer	Phone:	same
Contact Person Email:	same		
Manager of Establishment:	same	Phone:	same
Manager Email:	same		

About Your Establishment

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

the establishment is the public extension of the Urban Farm Fermentory, a small farm winery / brewery we provide samples and pour of our products onsite and for take away, accompanied by locally produced

food items. We also host private and public special events of all kinds.

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

Signature Eli Title founder/owner Date 8/1/21

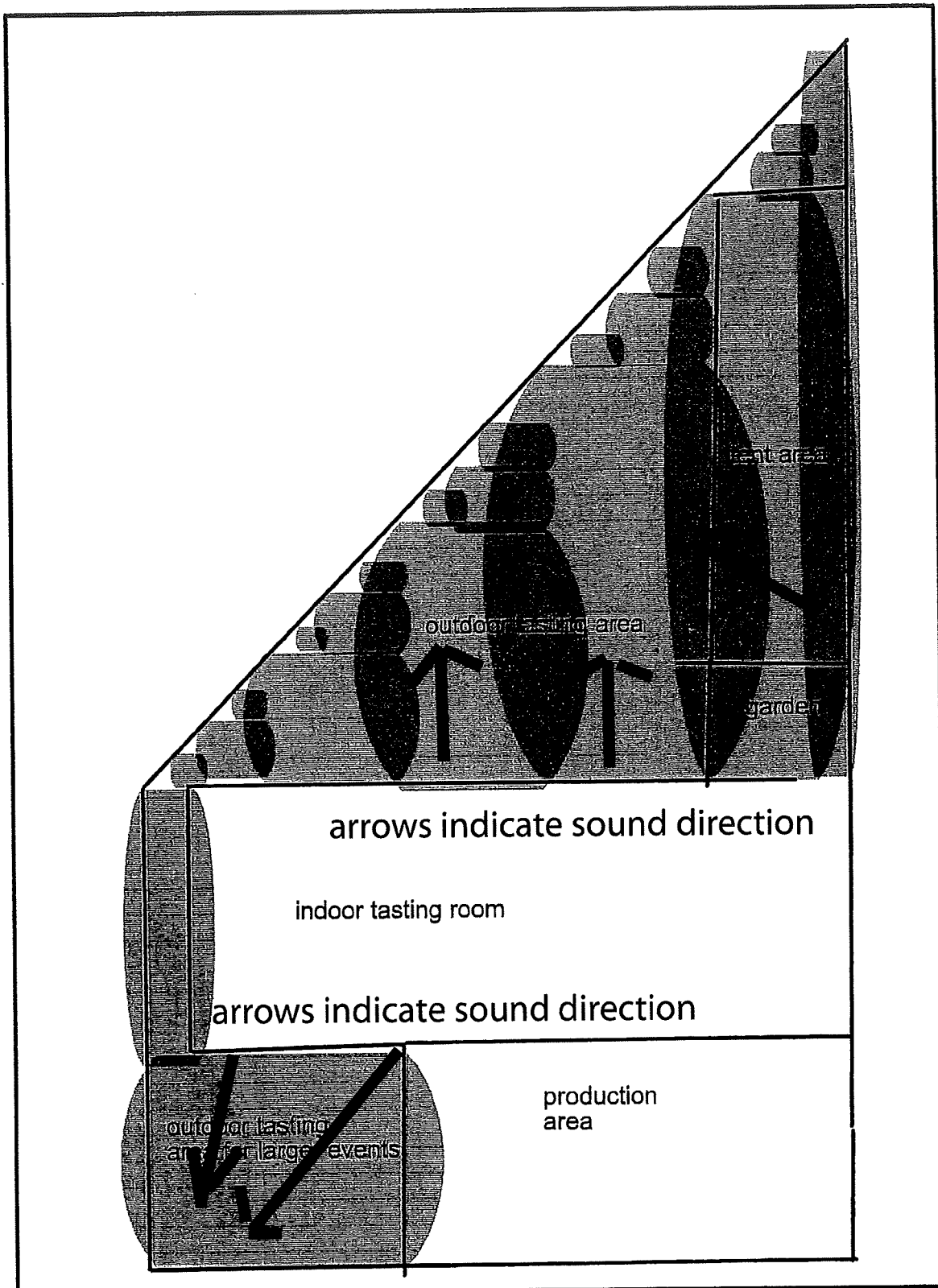
For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at www.portlandmaine.gov

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

bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department



Noise abatement and control proposal for:

Urban Farm Fermentory

200 Anderson Street
Portland, ME 04101

Prepared by:

Michael Savant

Audio Engineer and Live Sound Technician
System Designer, CEA
401-651-1056
michael@wearethesubculture.com

Upon examining the space known as the Rail Yard at 200 Anderson Street, Portland Maine as part of expanding usage at Urban Farm Fermentory our team has come up with the following methods to be coupled with existing measures already in place to contain sound and maintain legal limits.

Rail Yard:

1. Sound absorption walls and paneling shall be used to insulate the area where potential audio could travel towards neighboring residencies.
2. Speakers shall be evenly distributed throughout the rail yard to maintain a lower level of volume while providing more coverage, resulting in a lack of need for higher decibels which will keep the entire area well below legal limits.
3. A multiple point system will be used to assure separate control over the low, mid and high frequencies of the sound to easily isolate any portion that may potentially travel beyond allowed areas to maintain legal limits at all times. This proactive approach has yet to be taken on the premises and, although complex, is the preferred method of much larger venues with adjacent properties that contain residential tenants.
4. Extensive sound checks are to be conducted, including measurements at property lines, before performances to maintain proper levels are met.
5. DJ booth/stage are to be placed in an area that faces away from neighboring residencies to keep the source point at the furthest corner of the property possible.

Existing plan for the entire property:

1. Urban Farm Fermentory staff (henceforth referred to as UFF) and any hired performers will be informed of and have available the regulations set forth by the city of Portland in regards to permissible sound levels and maintain a modest 65-76 dBC as an internal mandate.

2. Regular weighted db measurements will be taken at property boundaries via a professional meter kept on the premises during all musical performances.
3. A wireless mixing console with full volume and tonal control will be installed and used during music performances. This console will allow immediate adjustments of audio levels from the property line to assure compliance.
4. All performers will be made aware of the noise ordinance and sign a waiver demanding their participation in these efforts to maintain respectable and legal levels of noise.
5. The placement of all speakers used in amplified performances will be made only after consulting professional audio engineers and involve the use of abatement techniques via paneling and other objects both inside of the building and in the front lot to assure ample control of noise.
6. Outside speakers for the front lot will be deployed in a manner that enables opposite amplitude phasing to utilize destructive interference. This method of placement will assure that the amplified music will stay contained in the designated area via dramatically lowering the sound waves ability to travel long distances.
7. UFF staff will document measurements and work with local authorities to assure that these parameters are respected and a mutual goal of continued compliance and neighborly continuity is maintained.



PORTLAND POLICE DEPARTMENT

Memorandum

DATE: July 27, 2021
TO: Jessica Hanscombe
FROM: Lieutenant Glen McGary
RE: Urban Farm Fermentory

On 7-21-2021 I met with Eli Cayer and his staff at Urban Farm Fermentory, 200 Anderson Street. He introduced me to Michael Savant who he has hired as the audio engineer for the business. Using an iPad with a program named Behringer XR12, Michael can control the various levels of sound coming from the system and this helps with finding the right solution to the neighbor complaints. This system also "collars" the dBA at 77 and dBC at 85. Using this system, Eli went to the location where neighbors were complaining on the hill. The sound was funneling to this particular location. He talked with Michael, who was making adjustments to the various parts of the sounds (just like an equalizer) back in the venue. They found that by doing this, the sound inside was about the same level and feature, but the part that was being heard on the hill was not there. They hope that this will keep the sound from disturbing the neighbors.

We talked about keeping the doors closed and Eli noted that they were changing the location of entry for events to keep problematic areas from releasing noise into the neighborhood. He also noted that all doors will be shut, with openings only for people coming and going.

Eli sent us the letter that he sent to the neighborhood and he noted that he has received positive feedback from it. He is hopeful that these changes will help and will continue to work with Michael on sound-absorbing panels for the inside of the venue. This was a very productive meeting where Eli and his staff had found solutions to the neighbor complaints. The police department is optimistic that this hard work will result in the decrease in complaints.

Attached is a proposal from Sub-Cul*Ture

Lieutenant Glen McGary



PORTLAND POLICE DEPARTMENT

Memorandum

DATE: October 22, 2021
TO: Jessica Hanscombe
FROM: Lieutenant Glen McGary
RE: Urban Farm Fermentory

On 10-21-2021 the Sound Oversight Committee met with Eli Cayer to review his Combined Entertainment License. During this meeting, Mr. Cayer reviewed the changes he has made since his meeting with me on 7-21-2021.

The Committee discussed the changes and the complaints that have been made. They found that since Mr. Cayer has not violated the ordinance and complaints have decreased, they are satisfied with the licensee continuing.

Attached is my previous memo regarding my initial meeting with Mr. Cayer and the minutes from the 10-21-2021 Sound Oversight Committee Meeting.

Lieutenant Glen McGary

Sound Oversight
October 21, 2021
Portland Police Department

Committee Members Present: Lt. Glen McGary (Portland Police Department), Chuck Fagone (Certified Code Enforcement Officer-Permitting and Inspections), Jack Murray (Sound Engineer and Portland Citizen), Bob Waitkevitch (Portland Business Owner)

Additional City Staff Present: Jessica Hanscombe (Director of Permitting and Inspections), Zack Lenhart (Licensing and Housing Safety Manager-Permitting and Inspections), Kelly Crotty (Police Information Technician-Portland Police Department)

Business Owner Present: Eli Cayer (Urban Farm Fermentory)

Lt. McGary opened the meeting up after introductions. He recapped the meeting he had with Mr. Cayer on July 21, at Urban Farm. Lt McGary referred to the memo he wrote regarding that meeting. Since that meeting, there have been 7 complaints with zero violations of the ordinance.

Eli Cayer spoke about his business and the changes he have made since his meeting with Lt. McGary. He has:

- Bought professional meter
- Monitoring both wave lengths
- Stopped the majority of events outside
- Sound insulating inside
- Sound engineer came in and now staff can lower the system via an ipad
- Moved the entrance to the side from the front

Committee members asked follow up questions at this time regarding the decibel limits when complaints were called in (none exceeded the allowable decibel limit).

Committee members are satisfied with the changes he has made since the July 21st meeting and recommend no further changes.



CITY OF PORTLAND
Permitting and Inspections Department

Memorandum

To: Mayor Snyder and Members of the City Council

From: Jessica B. Hanscombe-Director of Permitting and Inspections
Lt. McGary-Portland Police Department

Date: March 3, 2022

RE: Urban Farm Fermentory Entertainment Renewal

Staff is recommending that the City Council place conditions on Urban Farm Fermentory's entertainment license. Pursuant to Sec. 4-55 (a) of the City Code, the Council can grant a license "with a condition or conditions as necessary to protect the public health, safety and welfare." This license will be conditioned to state: Outdoor Entertainment must cease by 10:00pm and Indoor Entertainment must cease by 11:00pm. Staff is recommending this based on the timing of the complaints in that neighborhood.



CITY OF PORTLAND
Permitting and Inspections Department

SENT VIA EMAIL

8/24/2021

URBAN FARM FERMENTORY
200 ANDERSON ST
PORTLAND, ME 04101
eli@fermentory.com

RE: 200 ANDERSON ST
PORTLAND, ME 04101

010 E001001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Eli Cayer,

The City of Portland Permitting and Inspections Department inspected the above-referenced property on 8/24/2021 and found violations of the City of Portland Code of Ordinances, which are listed on the attached page(s). You are hereby ordered to correct these violations and a reinspection is scheduled for **09/24/2021 10:00 AM**. If you need to reschedule, you must contact us no less than 72 hours before your inspection date at (207)874-8703. Please be aware that reinspections will only be rescheduled once. If you do not show for the scheduled reinspection you will be charged a \$150 re-inspection fee.

If you do not correct the attached violations by the dates given, then this matter will be referred to the City of Portland Corporation Counsel for legal action, and may include civil penalties in the minimum of \$100 per day, and other legal remedies

This constitutes an appealable decision under Sec. 6-96 of the City of Portland Code of Ordinances. You may appeal this decision by filing an appeal within 10 days of the date on this notice. Please contact the Zoning Division at zoning@portlandmaine.gov for appeal forms. If you choose to not appeal this notice, then you may be barred from challenging the City's determinations in the future.

Please contact me at the email and phone number listed below if you have questions about the violations, corrections or timeline.

Sincerely,

Digitally signed by Evan Dunkle
Date: 2021.08.24 13:22:23
-04'00'

Evan Dunkle
Code Enforcement Officer
edunkle@portlandmaine.gov
(207) 874-8729



City of Portland Inspection Worksheet

Case Number:	BLDG2103476	Case Module:	Permit Management
Inspection Date:	08/24/2021	Inspection Status:	In Violation
Inspector:	Evan Dunkle	Inspection Type:	Building/Land Use
Job Address:	200 Anderson St Portland, ME 04101	Parcel Number:	010 E001001

Contact Type	Company Name	Name
Agent/Representative	184 ANDERSON ST., LLC	
Owner	Urban Farm Fermentary	Eli Cayer

Checklist Item	Passed	Comments
General Comments	False	Please address and correct all violations before deadline or fees may be assessed

Noncompliance

Code Name	Comments	Deadline
City Code 6-92 Work requiring a permit No person may commence work constructing, enlarging, altering, repairing, moving, converting, demolishing or changing building structure, plumbing systems or electrical systems without first obtaining a permit from the building authority.	Storage Containers added to the parking lot without a building permit. Our system shows a permit (BLDC2021-02155) was applied for but additional information was requested on 08-03-2021. An additional information email was also re-sent on 08-18-2021. Please supply the needed additional information	09/24/2021
City Code 6-92 Work requiring a permit No person may commence work constructing, enlarging, altering, repairing, moving, converting, demolishing or changing building structure, plumbing systems or electrical systems without first obtaining a permit from the building authority.	Rail Yard Platform Structure was built without permit - Our system shows a permit has been applied for (BLDC2021-02185) but additional information was requested on 08-13-2021.	09/24/2021
City Code 6-92 Work requiring a permit No person may commence work constructing, enlarging, altering, repairing, moving, converting, demolishing or changing building structure, plumbing systems or electrical systems without first obtaining a permit from the building authority.	Tent and Stage in the South Parking Lot - Tent permits expire after 180 days. The previous issued tent permit TENT2020-00113 expired on 05-13-2021. A stage has also been added in the northern section of this tent. I have confirmed this stage structure does require a permit. Our system shows a new tent permit TENT2021-00184 has been applied for but additional information was requested on 07-14-2021. The required stage building plans and materials can be added to this TENT2021-00184 permit application. Please supply the required stage information and additional requested information	09/24/2021
City Code 6-92 Work requiring a permit No person may commence work constructing, enlarging, altering, repairing, moving, converting, demolishing or changing building structure, plumbing systems or electrical systems without first obtaining a permit from the building authority.	Door and Window additions behind the bar area in the tasting room. We do not have any permit information regarding the window in the bathroom hallway, window being the bar service area and door in the corner behind the bar service area. If this was previously covered in an issued building permit, please let us know the Building permit number. Otherwise a Commercial Alteration Permit is required.	09/24/2021

INSPECTION WORKSHEET COMPL-061853-2021

City Code 6-92

Work requiring a permit

No person may commence work constructing, enlarging, altering, repairing, moving, converting, demolishing or changing building structure, plumbing systems or electrical systems without first obtaining a permit from the building authority.

Green House Structure on back (west side) of building - We do not have any permit records regarding the Green House on the west side of the building. As per dated google earth photos, this structure was added in approximately 2015 and looks to have also been expanded since then. We do not have a permit covering this structure in our records. A Commercial Addition permit is required for the Green House. If a permit was previously issued for this structure, please let us know the permit number.

09/24/2021

City Code 6-92

Work requiring a permit

No person may commence work constructing, enlarging, altering, repairing, moving, converting, demolishing or changing building structure, plumbing systems or electrical systems without first obtaining a permit from the building authority.

Biodiesel Pump requires a Tank Permit. The biodiesel pump currently located in the parking lot requires Bollard protection and a Tank permit. Please apply for a Tank Permit.

09/24/2021

NFPA 101-4.5.8, 4.6.13

Sprinkler System Maintenance

Existing sprinkler systems must be maintained in good working order.

Several areas of the building space have been modified and are no longer adequately protected by the existing automatic suppression system. Before the deadline you shall supply a stamped or sealed letter from a Maine licensed sprinkler installer outlining any areas of deficient coverage and a plan of correction. Please also have the contractor verify the system has been installed and is being maintained to the current NFPA 13 standard. If a City of Portland Sprinkler Permit is required for the required upgrades, this permit must be applied for prior to the deadline.

09/24/2021

NOISE COMPLAINTS

CADCALL#	Call Time & Date	Address	Common Name	TYPE OF CALL	CAD CALL DISPOSITION eng
202490012	9/5/2020 12:23AM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	
202490526	9/5/2020 09:03PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
202490601	9/5/2020 11:43PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	
202550529	9/11/2020 09:03PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	UNFOUNDED CALL
202560018	9/12/2020 01:04AM	82 HANOVER ST	THE YARD	LOUD MUSIC	
202560019	9/12/2020 01:05AM	82 HANOVER ST	THE YARD	LOUD MUSIC	PROVIDED SERVICE
202560021	9/12/2020 01:05AM	82 HANOVER ST	THE YARD	LOUD MUSIC	
202560527	9/12/2020 10:11PM	82 HANOVER ST	THE YARD	LOUD MUSIC	PROVIDED SERVICE
202560574	9/12/2020 11:32PM	82 HANOVER ST	THE YARD	LOUD MUSIC	PROVIDED SERVICE PROVIDED SERVICE
202560583	9/12/2020 11:50PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
202770545	10/3/2020 11:53PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
202830588	10/9/2020 11:10PM	82 HANOVER ST	THE YARD	LOUD MUSIC	PROVIDED SERVICE
202980011	#####	200 ANDERSON ST		LOUD MUSIC	PROVIDED SERVICE
203030463	#####	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE

NOISE COMPLAINTS

CADCALL#	Call Time & Date	Address	Common Name	TYPE OF CALL	CAD CALL DISPOSITION eng
203060004	11/1/2020 12:04AM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
203460031	#####	40 WESTLAND AV	ITALIAN HERITAGE CENTER	LOUD MUSIC	GOA
210650460	3/6/2021 10:53PM	82 HANOVER ST	THE YARD	LOUD MUSIC	PROVIDED SERVICE
210860001	3/27/2021 12:03AM	82 HANOVER ST	THE YARD	LOUD MUSIC	PROVIDED SERVICE
210990541	4/9/2021 11:22PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
211020478	4/12/2021 09:20PM	82 HANOVER ST	THE YARD	LOUD MUSIC	UNFOUNDED CALL
211270511	5/7/2021 09:58PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
211280452	5/8/2021 09:39PM	200 ANDERSON ST		LOUD MUSIC	PROVIDED SERVICE
211280481	5/8/2021 11:33PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
211330532	5/13/2021 09:48PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
211330535	5/13/2021 10:05PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	
211480554	5/28/2021 11:06PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	UNFOUNDED CALL
211530471	6/2/2021 07:01PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
211530534	6/2/2021 08:42PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	GOAWILL GIVE SA
211620575	6/11/2021 11:29PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	

NOISE COMPLAINTS

CADCALL#	Call Time & Date	Address	Common Name	TYPE OF CALL	CAD CALL DISPOSITION eng
211620575	6/11/2021 11:29PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
211700004	6/19/2021 12:17AM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
211710005	6/20/2021 12:16AM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	UNFOUNDED CALL
211770003	6/26/2021 12:17AM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
211840524	7/3/2021 09:21PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
211840533	7/3/2021 09:44PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
211840554	7/3/2021 10:41PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
211840573	7/3/2021 11:39PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
211910511	7/10/2021 09:34PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
211910563	7/10/2021 11:11PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
212040596	7/23/2021 10:28PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
212110650	7/30/2021 11:50PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	GOAWILL GIVE SA
212120444	7/31/2021 07:51PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	INFORMATION ONLY
212120530	7/31/2021 10:38PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE

NOISE COMPLAINTS

CADCALL#	Call Time & Date	Address	Common Name	TYPE OF CALL	CAD CALL DISPOSITION eng
212120562	7/31/2021 11:45PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
212180682	8/6/2021 11:38PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	INFORMATION ONLY
212190550	8/7/2021 11:44PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE
212200399	8/8/2021 04:32PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	CALL CANCELED
212250642	8/13/2021 11:22PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	UNFOUNDED CALL
212250644	8/13/2021 11:32PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	
212470542	9/4/2021 11:50PM	200 ANDERSON ST	URBAN FARM FERMENTORY	LOUD MUSIC	PROVIDED SERVICE



CITY OF PORTLAND
Permitting and Inspections Department

March 3, 2022

Tangible Alchemy
200 Anderson Street
Portland ME 04101

Re: City Council requesting renewal of Tangible Alchemy dba Urban Farm Fermentory's Combined Entertainment license at 200 Anderson Street.

Dear Eli Cayer

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday March 21, 2022 at 5:00 p.m.**, for the review of application for Urban Farm Fermentory's Combined Entertainment license at 200 Anderson 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 March 18, 2022.

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 March 21, 2022 at 5:00 P.M., virtually, Tangible Alchemy LLC dba Urban Farm Fermentory. Renewal application for a Combined Entertainment license at 200 Anderson Street - Sponsored by Danielle West, Interim City Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 4, 2022

SUBJECT: Order 173-21/22 Granting Municipal Officers' Approval of Casablanca Tours LLC, dba Casablanca Tours. Application for Class I FSE with Combined Entertainment at 18 Custom House Wharf - Sponsored by Danielle P. 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 2/16/22. 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. Casablanca Tours
2. Casablanca_Council Packet

Prepared by:

Date: 03/04/2022

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:

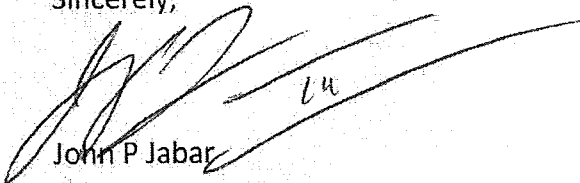
**Casablanca Tours LLC, dba Casablanca Tours. Application for Class I FSE with
Combined Entertainment at 18 Custom House Wharf**

To Whom It May Concern:

As the owners of the Vessel DBA: Casablanca Tours located at 18 Custom House Wharf, Portland, ME, 04101 we request the opportunity to be heard by the town of Portland for a liquor license at the city's next public hearing.

We appreciate the consideration and look forward to positive, safe, continued work with the city of Portland.

Sincerely,

A handwritten signature in black ink, appearing to read 'JP Jabar', with a long horizontal flourish extending to the right.

John P Jabar
Partner
Casablanca Tours LLC



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	Casablanca Tours LLC Phone: 207 712-4247
Location Address:	18 Custom House Wharf, Portland Zip: 04101
If new, what was formerly at this location:	
Mailing Address:	18 Custom House Wharf, Portland ME Zip: 04101
Contact Person:	Beth Poitras Phone: 207 831-1324
Contact Person Email:	Beth@Casablancaine.com
Manager of Establishment:	Beth Poitras Date of Birth: 11/24/60 Phone: 207 831-1324
Owner of Premises (Landlord):	Casablanca Tours LLC
Address of Premises Owner:	18 Custom House Wharf Portland Zip: 04101

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
Casablanca Tours LLC		2 Union St Portland, ME Zip: 04101	
Contact Person:	John Sabar	Phone:	207 712-4247
Principal Officers	Title	Date of Birth	Residence Address
Joseph Christopher	Manager	1/7/71	P.O. Box 10, The Forks, ME
Kevin Casey	Member	11/26/65	179 Cushman Hill Rd, MA
John Sabar	Member	9/27/87	133 York St Portland, ME
Dan McNutt	Member	5/17/78	496 Congress St, Portland, ME
Class of Liquor License:		Class 1	

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

bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	B&B / Pub		
Please circle all that will be served:	Beer	Wine	Liquor
Projected percentage of sales:	Generated from Food: 200,000	Generated from Alcohol: 75,000	
Hours & days of operation:	M-S, 12-7		
QUESTIONS			Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?			Y/N
If No, please explain:			
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?			Y/N
If yes, give the distance:			
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)			Y/N
Will you permit dancing after 1:00 a.m.?			Y/N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)			Y/N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).			
Will you have any amusement devices (pinball, video games, juke box)?			Y/N
If yes, please list: # of pinball machines: 0 # of amusements: 0 # of pool tables: 0			
What is your targeted opening date? 4/1/22			
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): Three Dollar Deweys			
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, John Subos do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

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

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

Signature [Signature] Title Owner Date 2-16-22



CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

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

Business Information	
Business Name (d/b/a):	Casablanca Tours
Location Address:	18 Custom House Wharf
Owner Name:	Joseph Christopher
Owner Email:	Joe@threerivers
Contact Person responsible for Entertainment:	Beth Poitras
Contact Person Email:	Beth@casablancamaine.com
Manager of Establishment:	Beth Poitras
Manager Email:	Beth@casablancamaine.com

About Your Establishment

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

Combined entertainment
vessel

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

Signature [Signature] Title owner Date 2-16-22

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



ENTERTAINMENT POLICIES & PROCEDURES

We are now required by the city of Portland to have a sound mitigation plan in place. We are asking our scheduled entertainment to sign this policy and agree to the rules and regulations that we are required to follow per our liquor license.

Live Entertainment May Occur
Monday – Sunday

No Earlier than 11am and No Later than 10pm

Casablanca Cruises will be taking 2 readings during each charter at 2 designated spots and will record decibel levels at each spot. The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the waterfront central zone shall not exceed seventy-five (75) decibels on the A scale at the boundaries of any lot, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices.

We agree to these terms and regulations and will adjust accordingly if needed.

Entertainment Name: Casablanca Tours LLC

Date: 1/6/22

Entertainment Representative Signature: _____

Date: 1/6/22

Casablanca Representative Signature: _____

Date: 2/16/22

[illegible]

MAINE DEPT OF
PUBLIC SAFETY

STATE OF MAINE
Liquor Licensing & Inspection Division

164 State House Station

Augusta ME 04333-0164

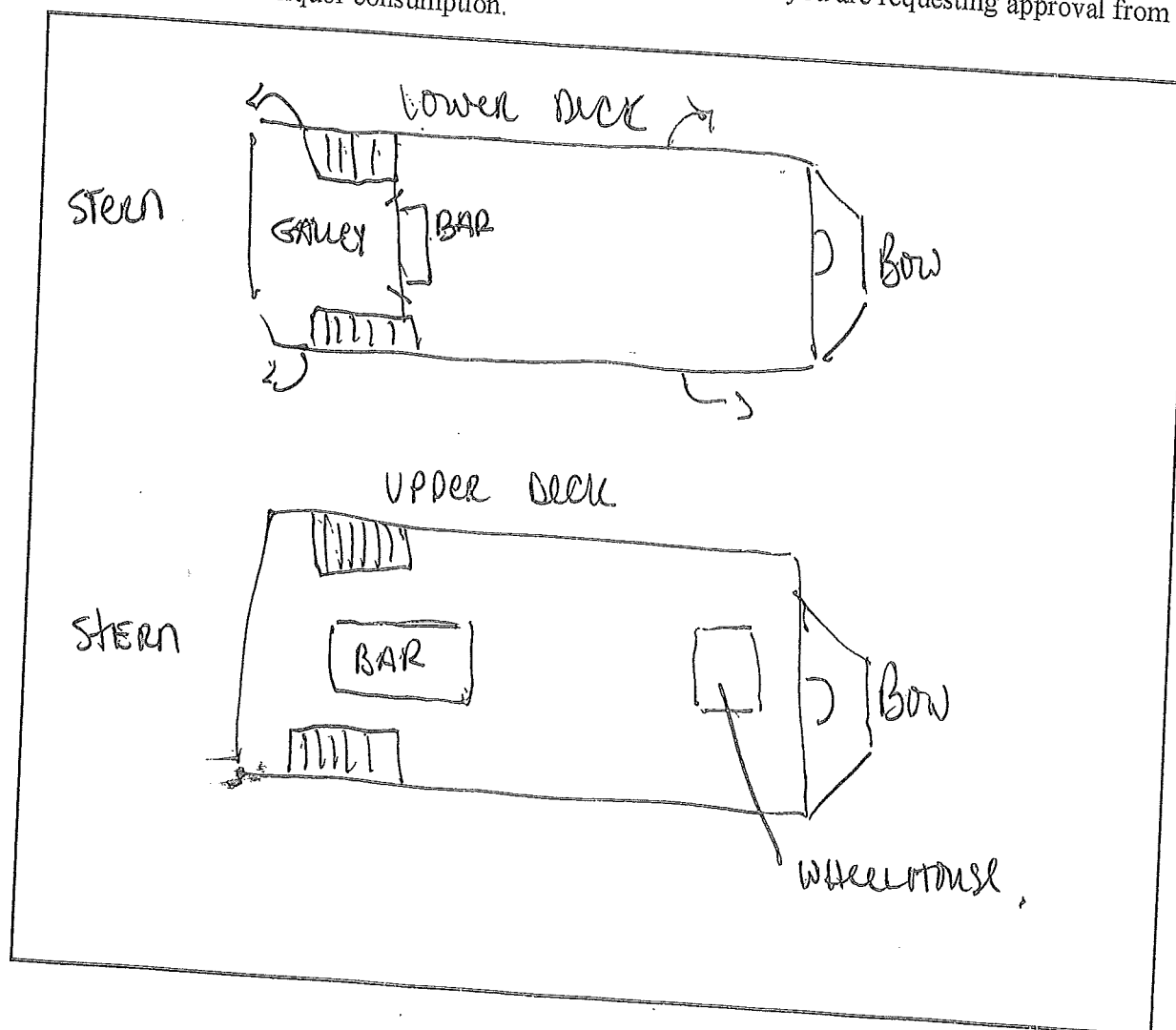
Tel: (207) 624-7220 Fax: (207) 287-3424



SUPPLEMENTAL APPLICATION FORM
ON-PREMISE DIAGRAM

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Liquor Licensing & Inspection Division is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Department for liquor consumption.



On/OffPremDiag2003

Steak & Eggs*

8oz. Grilled New York Strip, Any Style Eggs, Served with Home Fries & Choice of Toast - 17

Lobsterman's Breakfast*

Choice of French Toast or Pancake, Two Eggs Any Style with Choice of Meat, Served with Home Fries & Choice of Toast - 12

Two Egg Breakfast*

Two Eggs Any Style Served with Home Fries & Choice of Toast - 6

Add Meat - 4

Bacon • Sausage Patty or Links Canadian Bacon • Ham

Pancakes and Gravy*

House Made Buttermilk Pancakes, Two Poached Eggs, Served with Traditional Sausage Gravy - 10

Casco Bay Omelet*

Mixed Lobster, Crab Meat, Cherry Tomatoes, Avocado, Goat Cheese & Fennel, Hollandaise Served with Home Fries & Choice of Toast - 18

M.Y.O.*

Served Home Fries & Choice of Toast - 12

Choose 3 Ingredients:

Veggies

Spinach Asparagus Broccoli Tomatoes Sweet Bell Peppers Mushrooms Pico de Gallo Arugula Avocado Purée Onions Caramelized Onions

Meat

Bacon Canadian Bacon Sausage Crab (MP) Ham Lobster (MP)

Cheese

Cheddar Pepper Jack American Feta Goat Cheese Swiss

Add 2 for Egg Whites

Sides

House Made Hash - 8

8oz New York Strip Steak - 12

Bacon (3) - 4

Sausage Patty - 4

Sausage Links (3) - 4

Canadian Bacon (2) - 4

Ham - 4

Egg* - 2

Pancake (1) - 4

French Toast (1) - 4

Home Fries - 4

Fruit Salad - 4

Oatmeal - 4

Maple Syrup - 2

Toast - 2

Bagel - 4

Muffin of the Day - 3

Choice of Toast

White • Wheat • Rye Cinnamon Raisin • English Muffin

1% service charge will be added to parties of 6 or more & respectfully ask to limit splitting of checks.

*This food is or may be served raw or undercooked or may contain raw or undercooked foods. Consumption of this food may increase the risk of foodborne illness. Please check with your physician if you have any questions about consuming raw or undercooked foods.



Lobster Rockport

Buttermilk Biscuit with Poached Eggs, Lobster, Asparagus & Tomato Cream Sauce - MP

Corned Beef Hash*

House Made Corned Beef Hash, Served with Any Style Eggs, Home Fries & Choice of Toast - 14

Thick-Cut French Toast

Three Slices of Golden Cinnamon French Toast - 10

Buttermilk Pancakes

Three Buttermilk Pancakes - 10
Add any 3 of the following:
Blueberries • Strawberries • Chocolate Chips • Walnuts • Pineapple • Coconut

Seasonal Fruit & Yogurt

Seasonal Fruit, Strawberry or Blueberry Yogurt served with Almond, Honey & Raisin Granola - 9

Porthole Benedicts*

Served with Home Fries

Traditional Eggs Bennie

Two Poached Eggs, Canadian Bacon on an English Muffin with Hollandaise Sauce - 12

Florentine Bennie

Sautéed Spinach & Caramelized Onions - 12

Hash Bennie

11

Lobster Bennie

Butter with Lobster & Asparagus - 19

Breakfast Sandwich*

Fried Egg Topped with Cheddar Cheese, Served on a Grilled English Muffin with Home Fries - 6

Add Meat 4

Bacon • Ham • Sausage • Canadian Bacon • Lobster MP

Drinks

Coffee - 3

Juice - 3

Orange • Cranberry • Apple • Grapefruit • Pineapple - V-8

Milk - 3

White or Chocolate

Iced Tea - 3

Lemonade - 3

Soda - 3

Pepsi Products

PORTHOLE AWARD WINNING

Bloody Mary

Our Homemade Mix - 8

Mimosa - 8

Beth's Medicine

Coffee, Grand Marnier, Bailey's - 11

Irish Coffee

Jameson and Bailey's - 11

lite



Denotes a Porthole Favorite



Sound Mitigation Review

Date:	3/9/2022				
Business	Casablanca Tours				
Applicant	Beth Poitras				
DESCRIPTION				yes	no
Sound system appropriate for the size venue				Yes	
Performance space located in an appropriate location				Yes	
Performance space facing in an appropriate direction to control sound				Yes	
Surrounding surfaces appropriate to control sound				Yes	
Additional sound absorbing features					
additional notes					
Approved				Yes	
DIRECT ALL INQUIRIES TO:					
Kevin Schneck					
(207) 756-8433					
kschneck@portlandmaine.gov					

Casablanca Tours

Glen McGary <glenm@portlandmaine.gov>

Thu, Mar 3, 2022 at 4:35 PM

To: Zachary Lenhert <zlenhert@portlandmaine.gov>

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

PPD Approves

[Quoted text hidden]

--

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

Casablanca Tours

Zoning <zoning@portlandmaine.gov>

Tue, Mar 8, 2022 at 3:11 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhert <zlenhert@portlandmaine.gov>, Ann Machado <amachado@portlandmaine.gov>

Zack -

The vessel for Casablanca Tours is moored at 18 Custom House Wharf which is located in the WCZ (Waterfront Central Zone). Section 10.3.3.A.7 allows "commercial marine transport and excursion services". As a vessel providing "excursion services", they are allowed to serve liquor and meals on the vessel, so a Class A restaurant (Class I) is permitted as is a combined entertainment license.

Ann Machado
Zoning Administrator
[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

March 3, 2022

Casablanca Tours LLC
18 Custom House Wharf
Portland, ME 04101

Re: Casablanca Tours LLC, dba Casablanca Tours. Application for Class I FSE with Combined Entertainment at 18 Custom House Wharf

Dear Casablanca Tours LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday March 21, 2022 at 5:00 p.m.**, for the review of application for Class I FSE with Combined Entertainment at 18 Custom House Wharf. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on March 18, 2022.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Z Lenhert".

Zachary J. Lenhert
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on March 21, 2022 at 5:00 P.M., virtually, Casablanca Tours LLC, dba Casablanca Tours. Application for Class I FSE with Combined Entertainment at 18 Custom House Wharf - Sponsored by Danielle West, Interim City Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 4, 2022

SUBJECT: Order 174-21/22 Granting Municipal Officers' Approval of Fermentation and Distillation LLC, dba Liquid Riot Bottling Company. Application for Indoor Entertainment at 250 Commercial Street - Sponsored by Danielle P. 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 2/28/22. New City application. Owner currently holds a Class XI Restaurant/Lounge with Outdoor Dining on Private Property.

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. Liquid Riot
2. Liquid Riot _ Council Packet

Prepared by:

Date: 03/04/2022

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:

**Fermentation and Distillation LLC, dba Liquid Riot Bottling Company. Application for
Indoor Entertainment at 250 Commercial Street**

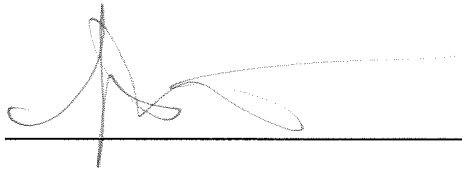
February 28, 2022

Liquid Riot Bottling Company
250 Commercial St
Portland, ME 04101
(207) 221-8889

To whom this may concern,

We are an existing business here in Portland Maine, Liquid Riot Bottling Company. We are looking to add an Entertainment License to our Liquor License.

Thank you for your time and consideration

A handwritten signature in dark ink, appearing to read 'Matthew Marrier', is written over a horizontal line.

2/28/2022

Matthew Marrier, VP of Operations



CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

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

Business Information	
Business Name (d/b/a):	Liquid Riot Bottling Company Phone: 207 221-8889
Location Address:	250 Commercial St Portland ME Zip: 04101
Owner Name:	Eric Michaud Phone: 207 756-4454
Owner Email:	eric@liquidriot.com
Contact Person responsible for Entertainment:	Matthew Marrier Phone: 802 363-7070
Contact Person Email:	matthew@liquidriot.com
Manager of Establishment:	Same as Above Phone: Same
Manager Email:	" " " "

About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment: Brewery, Distillery, Restaurant.
 Looking to have a live band from time to time. Back ground music. For instance we will be hosting the ~~MAINE~~ NE Brewers Craft Summit after party. Small band. No dancing. Sound at a level people can still talk and enjoy the space. 99 guests

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

Signature [Signature] Title VP of Operations Date 2/24/2022

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

Liquid Riot Bottling Co.

February 28th, 2022

Sound Mitigation Plan

(**not required if renewal application for indoor only entertainment)

o Prepared and Certified by a Professional Sound Engineer

o Details of methods used to minimize the impact on entertainment on the surrounding uses – You can't hear any of the speakers from outside. It's a very small sound system that's pretty basic for restaurant use.

o Speaker Locations and directions – 8 small speakers located at each corner of the room with 2 speakers on each side in between the corners. All are points towards the center of the room.

o Sound System details and controls – JBL Control SB-210-BK Compact 2-10 inch subwoofer, JBL Control 25AV-BK5.25 inch 2 way speakers, Crown CDI1000CDI Series Amplifier.

o Stage and site layout and direction - No Stage

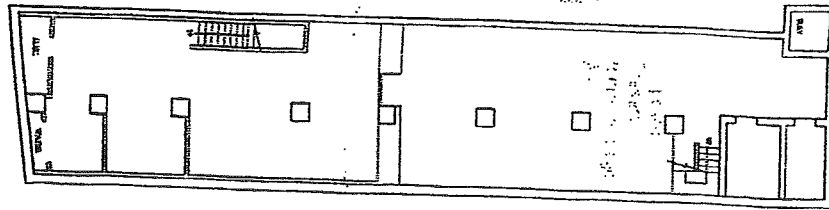
o Noise cancelling or mitigating measures proposed – We have sound absorbing boards on the ceiling.

o Anticipated Sound readings - You can't hear any of the speakers from outside. It's a very small sound system that's pretty basic for restaurant use.

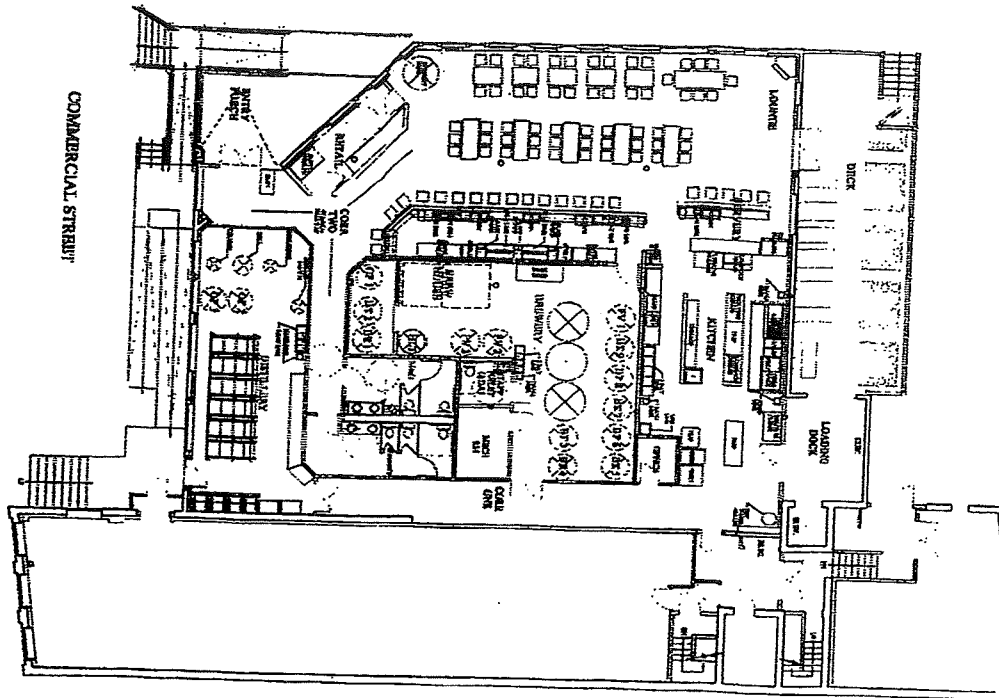
▪ Indoors Entertainment-8 feet from any outer wall You can't hear any of the speakers from outside. It's a very small sound system that's pretty basic for restaurant use.

▪ Outdoor/Combined Entertainment-Property line and closest residence Non resident area. And can't hear any sound coming from inside the building.

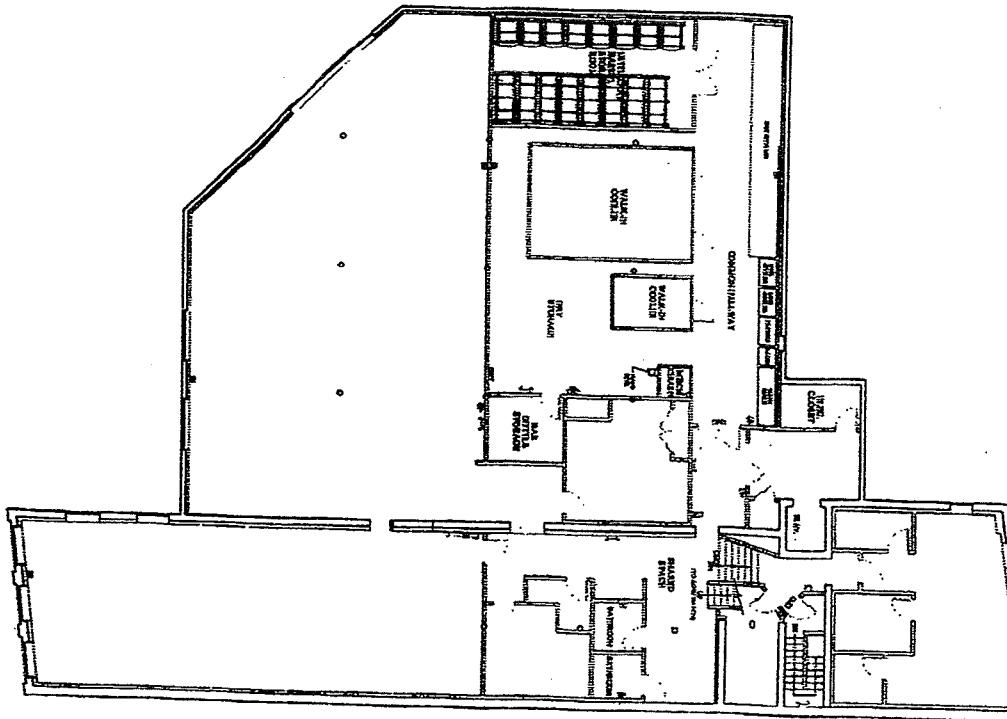
o On-Site monitor when attendees are expected to exceed 250 – We will never have over 99 people here at one time. That is our max cover count.



1 | LBBC BASEMENT FLOOR PLAN
SCALE 1/8"=1'-0"



2 | LBBC 1st FLOOR PLAN
SCALE 1/8"=1'-0"



3 | LBBC 2nd FLOOR PLAN
SCALE 1/8"=1'-0"

Liquid Riot

Glen McGary <glenm@portlandmaine.gov>

Thu, Mar 3, 2022 at 4:35 PM

To: Zachary Lenhert <zlenhert@portlandmaine.gov>

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

PPD Approves

[Quoted text hidden]

--

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

City of Portland

Sound Mitigation Review

Date: 3/9/2022

Business Liquid Riot Bottling Co.

Applicant Eric Michaud

DESCRIPTION	yes	no
Sound system appropriate for the size venue		Yes
Performance space located in an appropriate location		Yes
Performance space facing in an appropriate direction to control sound		Yes
Surrounding surfaces appropriate to control sound		Yes
Additional sound absorbing features		
additional notes		
Approved		Yes
DIRECT ALL INQUIRIES TO:		
Kevin Schneck		
(207) 756-8433		
kschneck@portlandmaine.gov		

Liquid Riot

Zoning <zoning@portlandmaine.gov>

Mon, Mar 14, 2022 at 10:27 AM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhert <zlenhert@portlandmaine.gov>

Zack -

The legal use of Liquid Riot is restaurant with brewery and distillery. Indoor Entertainment is permitted as an accessory use. The business is located in the Waterfront Central Zone (WCZ) and outside of the Downtown Entertainment Zone.

Ann Machado
Zoning Administrator

[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

March 3, 2022

Fermentation and Distillation LLC
250 Commercial Street
Portland, ME 04101

**Re: Fermentation and Distillation LLC, dba Liquid Riot Bottling Company.
Application for Indoor Entertainment at 250 Commercial Street**

Dear Fermentation and Distillation LLC :

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday March 21, 2022 at 5:00 p.m.**, for the review of application for Indoor Entertainment at 250 Commercial Street. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on March 18, 2022.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Z Lenhert".

Zachary J. Lenhert
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on March 21, 2022 at 5:00 P.M., virtually, Fermentation and Distillation LLC, dba Liquid Riot Bottling Company. Application for Indoor Entertainment at 250 Commercial Street - Sponsored by Danielle West, Interim City Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 4, 2022

SUBJECT: Order 175-21/22 Granting Municipal Officers' Approval of Dock Fore Inc, dba Dock Fore. Application for Outdoor Dining on Public Property at 336 Fore Street - Sponsored by Danielle P. 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 2/16/22. New City application. Owner currently holds a Class XI Restaurant/Lounge with Outdoor Dining on Public Property.

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. Dock Fore
2. Dock Fore_Council Packet

Prepared by:

Date: 03/04/2022

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:**

**Dock Fore Inc, dba Dock Fore. Application for Outdoor Dining on Public Property at 336
Fore Street**



336 Fore St, PORTLAND MAINE, 04103
207-772-8619 , 450-8619

2/9/2022

Mayor Kate Snyder and members of the Portland city council

Mayor Snyder. This letter is to inform you that I have submitted my application for the Portland Outdoor dining program and am seeking your approval.

Thank You

Shaun McCarthy
President
Dock Fore inc.



CITY OF PORTLAND
Permitting and Inspections Department

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

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
Valid April 1-November 15

- ☐ Legal Advertisement Deposit \$100.00
- ☐ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X 160 SF = 132 + 84 = 282
- ☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X _____ SF = _____

Business Information	
Establishment Name (d/b/a):	<u>DOCK FARE</u> Phone: <u>7728619</u>
Location Address:	<u>336 FARE</u> Zip: <u>04101</u>
Mailing Address:	<u>SAME</u> Zip: _____
Contact Person:	<u>SHAWN MCCARTHY</u> Phone: <u>4508619</u>
Contact Person Email:	<u>SMCCARTY@MAINE-TR.COM</u>
Manager of Establishment:	<u>SHAWN</u> Date of Birth: <u>10/19/62</u> Phone: _____
Owner of Premises (Landlord):	<u>DOCK FARE INC</u>
Address of Premises Owner (Landlord):	<u>SAME</u> Zip: _____

Owner Information

Corporate Name		Corporate Mailing Address	
<u>DOCK FARE INC</u>		<u>336 FARE</u> Zip: <u>04101</u>	
Contact Person:	<u>SHAWN</u>	Phone:	<u>4508619</u>
Principal Officers	Title	Date of Birth	Residence Address
<u>SHAWN MCCARTHY</u>	<u>PRES</u>	<u>10/19/62</u>	<u>500 DARTER BLVD, 04103</u>

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

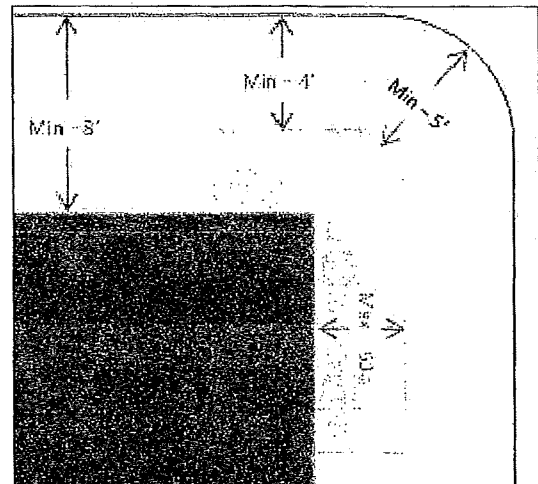


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	CARL
Type of food served:	SOUP, SALAD, PIZZA, CRAB RACK, LOBSTER RACK, SEAFOOD
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	Mon - THU 3:00 - 10:00, Fri & Sat Noon - MID, SUN Noon - 10
Number of Tables	2
Number of Chairs	10

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
< 8'0"	No
≥ 8'0"	Yes – up to 60% of
Sidewalk Type	Sidewalk Passage Width
Standard sidewalk	4'0"
Street corner	5'0"

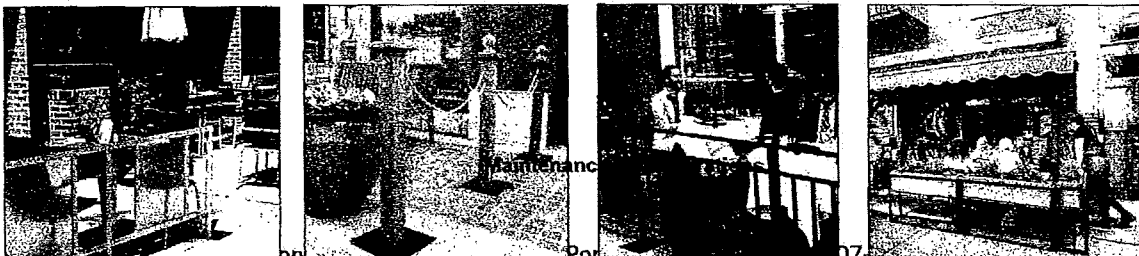


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- If barriers are proposed, they must be free-standing. Physical attachments to a building are not allowed.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

Example barrier types that meet regulation



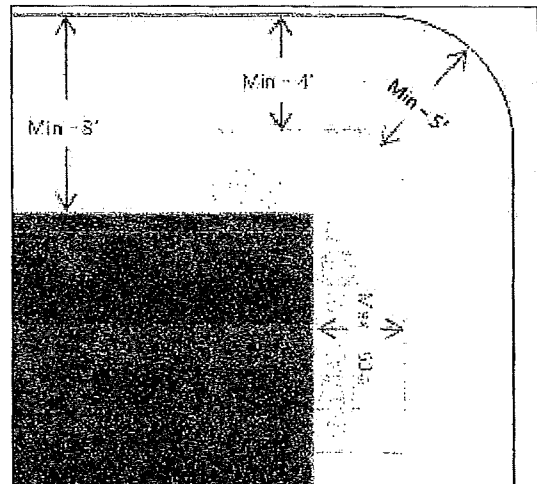


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	CARL
Type of food served:	SOUP, SALAD, PIZZA, CRAB RACK, LOBSTER RACK, SEAFOOD
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	Mon - Thu 3:00 - 10:00, Fri & Sat Noon - 10:00, Sun Noon - 10:00
Number of Tables	2
Number of Chairs	10

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
< 8'0"	No
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Sidewalk Type	Sidewalk Passage Width
Standard sidewalk	4'0"
Street corner	5'0"



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- Shall not exceed 42" in height and may not include commercial signage.

Example barrier types that meet regulation





CITY OF PORTLAND

Permitting and Inspections Department

- 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.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

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

Signature

Title

Date

For Administrative Use Only

Amount: _____
 Date Paid: _____
 CC _____ CA _____ CK _____

Amount: _____
 Date Paid: _____
 CC _____ CA _____ CK _____

	Request Date /	Approval	Notes: _____
FD: _____	_____	_____	_____
Health: _____	_____	_____	_____
PD: _____	_____	_____	_____
Treasury: _____	_____	_____	_____
Zoning: _____	_____	_____	_____

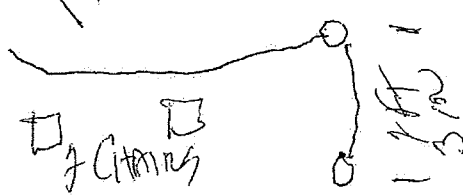
389 Congress Street Room 307 • Portland, Maine 04101 • 207-874-8557

DOCK FARE UPDATED SIDEWALK DIAGRAM FOR OUTSIDE SIDEWALK DINING WITH REDUCED SEE FOOTAGE

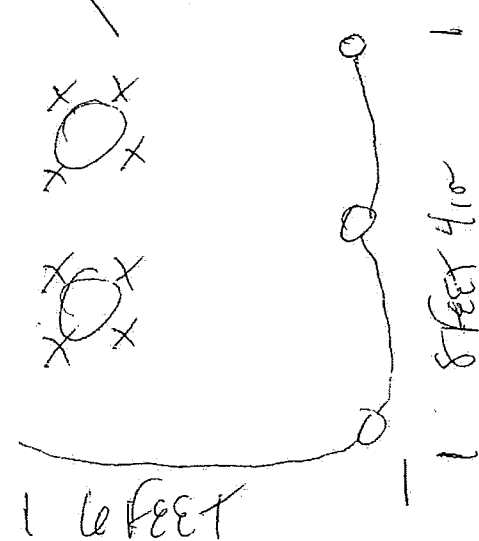
updated
3.10.2022

PROPERTY LINE 336-338 FACE

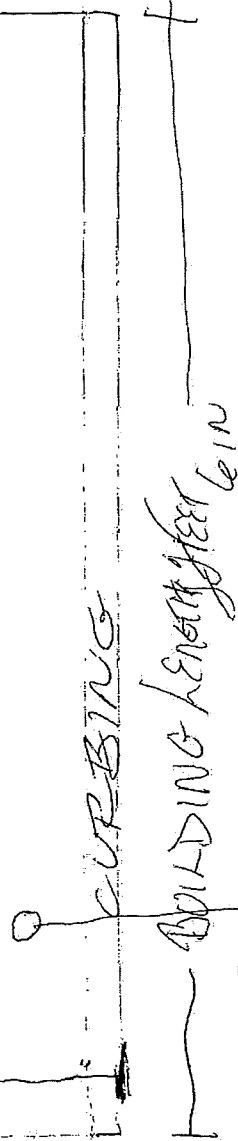
ENTRANCE TO 338 FACE



ENTRANCE TO DOCK FACE
336



9 FEET 9 INCH
PROP LINE 334-336 FACE



○ = BOUND/STATION
— = ROPING TO DEFINE
DINING AREA

2 TABLES
8 CHAIRS

LIGHT POLE
w/ 6 FT CLEARANCE TO
FIRST BOUND
SIDEWALK LENGTH 9 FT 9 IN



Zachary Lenhart <zlenhart@portlandmaine.gov>

Dock Fore

Eric Nevins <ericn@portlandmaine.gov>

Sat, Mar 5, 2022 at 1:37 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Approved

On Thu, Mar 3, 2022 at 4:18 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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



Zachary Lenhart <zlenhart@portlandmaine.gov>

Dock Fore

Zoning <zoning@portlandmaine.gov>

Fri, Mar 4, 2022 at 3:26 PM

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 <erick@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Jeremiah Bartlett <jbartlett@portlandmaine.gov>, John Peverada <jbp@portlandmaine.gov>, Zachary Lenhart <zlenhart@portlandmaine.gov>

Zoning approves.

Thanks,
Jonathan

[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

March 3, 2022

Dock Fore Inc.
336 Fore Street
Portland, ME 04101

Re: Dock Fore Inc, dba Dock Fore. Application for Parklet Outdoor Dining at 336 Fore Street

Dear Dock Fore Inc.:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday March 21, 2022 at 5:00 p.m.**, for the review of application for Parklet Outdoor Dining at 336 Fore Street. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on March 18, 2022.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Z Lenhert".

Zachary J. Lenhert
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on March 21, 2022 at 5:00 P.M., virtually, Dock Fore Inc, dba Dock Fore. Application for Outdoor Dining on Public Property at 336 Fore Street - Sponsored by Danielle West, Interim City Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 4, 2022

SUBJECT: Order 176-21/22 Granting Municipal Officers' Approval of The Miranda Group, dba Blyth and Burrows. Application for Parklet Outdoor Dining at 26 Exchange Street - Sponsored by Danielle P. 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 2/24/22. New City application. Owner currently holds a Class XI Restaurant/Lounge with Indoor Entertainment.

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. Blyth and Burrows
2. Blyth and Burrows_Council Packet

Prepared by:

Date: 03/04/2022

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:

**The Miranda Group, dba Blyth and Burrows. Application for Parklet Outdoor Dining at
26 Exchange Street**

Date: February 18th, 2022

To:

Kate Snyder, Mayor
Pious Ali, At-Large
April Fournier, At-Large
Roberto Rodriguez, At-Large
Anna Trevorow, District 1
Vitoria Pelletier, District 2
Tae Chong, District 3
Andrew Zarro District 4
Mark Dion, District 5
City of Portland
389 Congress St, Portland, ME 04101

From:

Miranda Group dba Blyth & Burrows
Portland, ME

Subject: Letter of intent for continued parklet outdoor dining.

Dear Sir/ Madam,

We hereby submit a letter of intent to extend our Parklet Outdoor Dining for April 15th through November 1st, 2022. In response to the ongoing pandemic, we have offered outdoor dining and we have continued to space our indoor dining. We have many patrons not fully comfortable with cramped or indoor dining. We would like to continue to offer outdoor seating for our patrons who still experience anxiety eating and drinking in indoor spaces.

We are grateful for the City of Portland for the parklet space for 2020 and 2021. It has kept our business alive. We look forward to the continued support in 2022 to keep our employees working and our city thriving.

Sincerely,

Joshua Miranda

Owner



CITY OF PORTLAND
Permitting and Inspections Department

**Parklet Outdoor Dining
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
Valid April 15-November 1.

- ☐ Legal Advertisement Deposit \$100.00
- ☐ 1 Parklet space \$3,000.00 ☒ 2 Parklet spaces \$5,000.00

Business Information			
Establishment Name (d/b/a):	Blyth & Burrows	Phone:	207 613-9070
Location Address:	26 Exchange St. Portland, ME	Zip:	04101
Mailing Address:	The Miranda Group PO Box 4835 Portland, ME	Zip:	04112
Contact Person:	Joshua Miranda	Phone:	207 318-7815
Contact Person Email:	jmiranda@blythandburrows.com		
Manager of Establishment:	Matthew Sherwood	Date of Birth:	9/4/80
		Phone:	207 653-6234
Owner of Premises (Landlord):	Joe Solex, 10 Exchange LLC		
Address of Premises Owner (Landlord):	10 Exchange St, Portland, ME		Zip: 04101

Owner Information

Corporate Name		Corporate Mailing Address	
		Zip:	
Contact Person:		Phone:	
Principal Officers			
	Title	Date of Birth	Residence Address

Barriers

- Shall not include commercial signage.

Maintenance and Operations

- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.



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

Signature

Title

General Manager

Date

2/7/22

For Administrative Use Only

Fire: _____

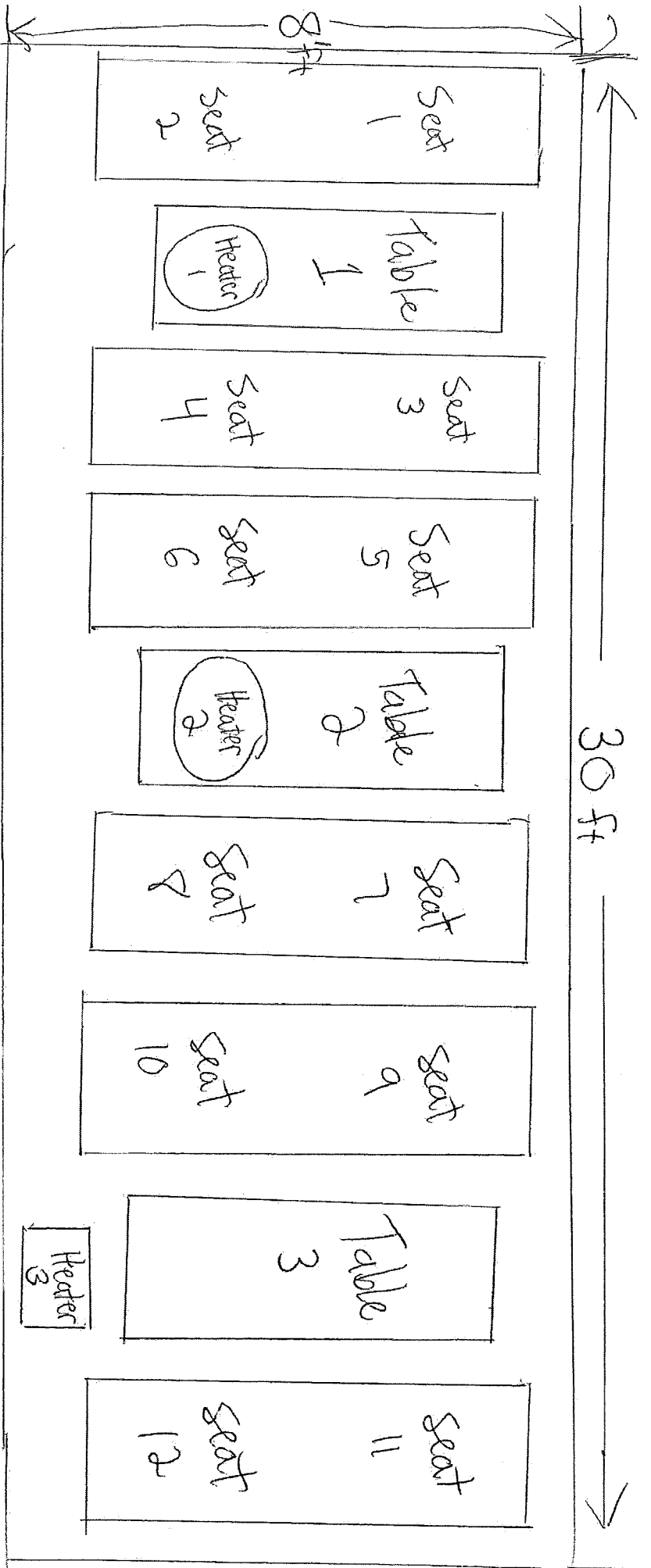
Health: _____

Parking: _____

Permitting: _____

Police : _____

Treasury: _____



Sidewalk

Main Entrance

26 Exchange St.
Blyth & Burrows



Zachary Lenhart <zlenhart@portlandmaine.gov>

Blyth and Burrows

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

Sat, Mar 5, 2022 at 1:42 PM

Approved

On Thu, Mar 3, 2022 at 4:21 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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

Blyth and Burrows

Matthew Coldwell <mcoldwell@portlandmaine.gov>

Mon, Mar 7, 2022 at 12:40 PM

To: Zoning <zoning@portlandmaine.gov>

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

Hi Zach,

I confirm the legal use for 26 Exchange, Blyth & Burrow is Bar/Lounge/Restaurant per permit # 201602235 issued in 2017. Parklet use is ok. Please let me know if you have any questions.

Thank you,

Mac

[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

March 4, 2022

The Miranda Group
26 Exchange Street
Portland, ME 04101

Re: The Miranda Group, dba Blyth and Burrows. Application for Parklet Outdoor Dining at 26 Exchange Street

Dear Miranda Group:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday March 21, 2022 at 5:00 p.m.**, for the review of application for Parklet Outdoor Dining at 26 Exchange 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 March 18, 2022.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Z Lenhart".

Zachary J. Lenhart
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on March 21, 2022 at 5:00 P.M., virtually, The Miranda Group, dba Blyth and Burrows. Application for Parklet Outdoor Dining at 26 Exchange Street - Sponsored by Danielle West, Interim City Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 4, 2022

SUBJECT: Order 177-21/22 Granting Municipal Officers' Approval of Hello Portland LLC, dba Regards. Application for Outdoor Dining on Public Property at 547 Congress Street - Sponsored by Danielle P. 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 2/23/22. New City application. Owner currently holds a Class I FSE.

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. Regards_outdoor dining
2. Regards_Council Packet

Prepared by:

Date: 03/04/2022

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:

**Hello Portland LLC, dba Regards. Application for Outdoor Dining on Public Property at
547 Congress Street**

February 12, 2021

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

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

Re: Hello Portland LLC – Application for Outdoor Dining on Public Property

Dear Mayor Snyder and City Council Members,

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

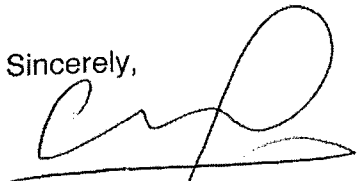
Regards will continue to serve dinner five nights a week from 4-11pm, though it is our intention to open for additional evenings, brunches and lunches as our staffing allows. We are applying for a permit from 11AM-1AM. Our menu focuses on fresh fish and local produce. We anticipate that the majority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

Our outdoor dining extension is for 10 seated guests along the façade of our space on Congress Street.

My partners Kimberly Lund, Neil Ross and I both all extensive experience in restaurant service and management, and will be on premises daily to oversee staff and assist guests during all hours of operation.

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

Sincerely,



Cameron Lewin, Manager, Hello Portland LLC



CITY OF PORTLAND
Permitting and Inspections Department

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

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
Valid April 1-November 15

☒ Legal Advertisement Deposit \$100.00
☒ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X <u>96</u> SF = <u>156</u>
☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X _____ SF = _____

Business Information			
Establishment Name (d/b/a):	<u>REGARDS</u>	Phone:	<u>207 747 5940</u>
Location Address:	<u>547 CONGRESS ST</u>	Zip:	<u>04101</u>
Mailing Address:	<u>547 CONGRESS ST</u>	Zip:	<u>04101</u>
Contact Person:	<u>CAMERON LEWIN</u>	Phone:	<u>718 812 1874</u>
Contact Person Email:	<u>CAMERON@REGARDSMAINE.COM</u>		
Manager of Establishment:	<u>CAMERON LEWIN</u>	Date of Birth:	<u>01-29-1985</u>
		Phone:	<u>718 812 1874</u>
Owner of Premises (Landlord):	<u>NEIL REITER</u>		
Address of Premises Owner (Landlord):	<u>6 SOUTH ST, PORTLAND</u>	Zip:	<u>04101</u>

Owner Information

Corporate Name		Corporate Mailing Address	
<u>HELLO PORTLAND LLC</u>	<u>79 DARTMOUTH ST #1</u>	<u>PORTLAND, ME</u>	<u>04103</u>
Contact Person:	<u>CAMERON LEWIN</u>	Phone:	<u>718 812 1874</u>
Principal Officers	Title	Date of Birth	Residence Address
<u>CAMERON LEWIN</u>	<u>OWNER</u>	<u>1-29-85</u>	<u>79 DARTMOUTH ST #1, PORTLAND ME 04103</u>
<u>NEIL ROSS</u>	<u>OWNER</u>	<u>5-29-86</u>	<u>20 SCHOOL ST #1, PORTLAND ME 04102</u>
<u>KIMBERLY LUND</u>	<u>OWNER</u>	<u>7-22-83</u>	<u>20 SCHOOL ST #1, PORTLAND ME 04102</u>

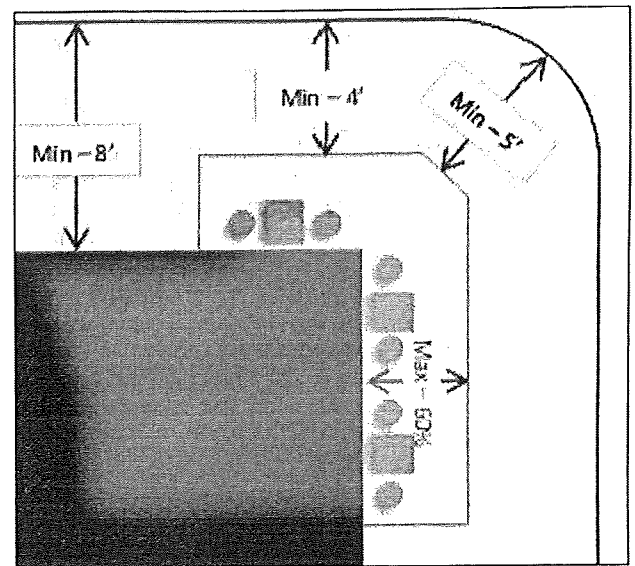


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	CLASS A (CLASS 1)
Type of food served:	CALIFORNIAN AMERICAN
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	M-SU 11AM - 1AM
Number of Tables	3
Number of Chairs	12

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
< 8'0"	No
≥ 8'0"	Yes – up to 60% of
Sidewalk Type	Sidewalk Passage Width
Standard sidewalk	4'0"
Street corner	5'0"

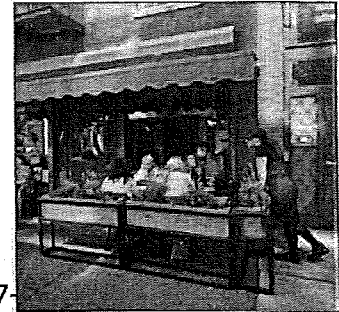
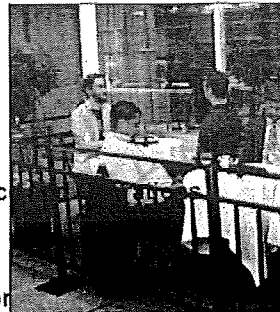
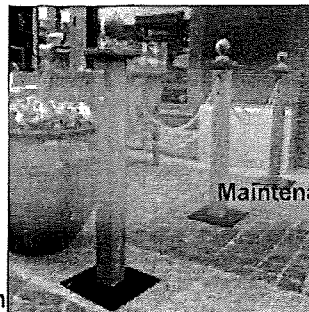
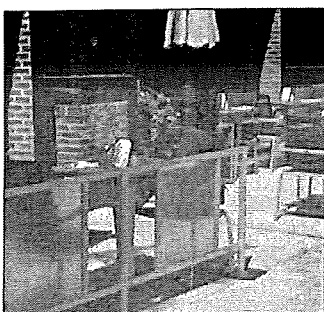


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- If barriers are proposed, they must be free-standing. Physical attachments to a building are not allowed.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

Example barrier types that meet regulation





CITY OF PORTLAND

Permitting and Inspections Department

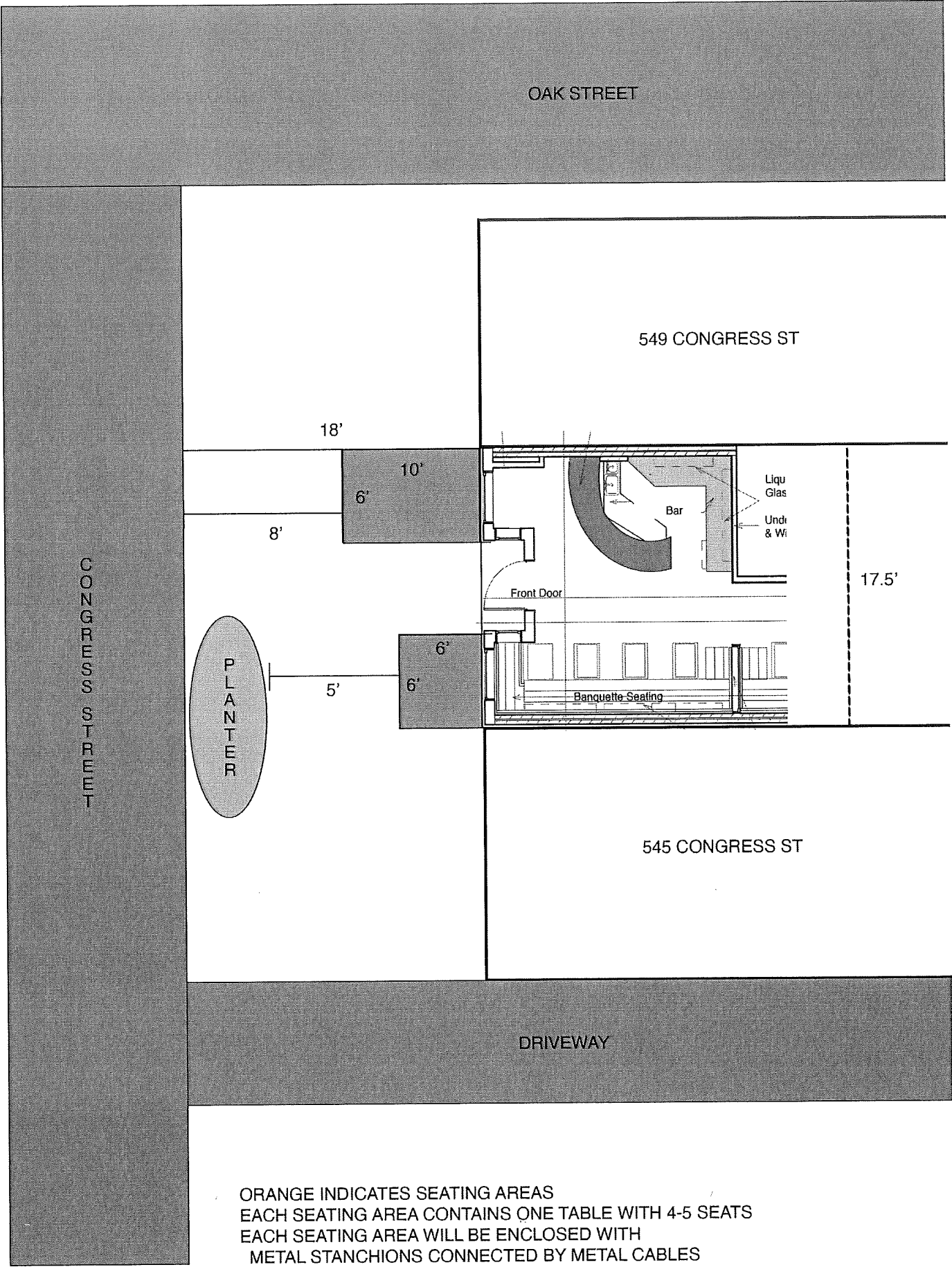
- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

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 [Signature] Title OWNER Date 2-17-22

For Administrative Use Only

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





Zachary Lenhart <zlenhart@portlandmaine.gov>

Regards

Eric Nevins <erick@portlandmaine.gov>

Sat, Mar 5, 2022 at 1:39 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Approved

On Thu, Mar 3, 2022 at 4:23 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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

Regards

Zoning <zoning@portlandmaine.gov>

Fri, Mar 4, 2022 at 12:54 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Jeremiah Bartlett <jbartlett@portlandmaine.gov>, Zachary Lenhart <zlenhart@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>, Treasury Division <treasury@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Matt Sarapas <msarapas@portlandmaine.gov>

Zoning approves.

Thanks,
Jonathan

[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

March 4, 2022

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

Re: Hello Portland LLC, dba Regards. Application for Outdoor Dining on Public Property at 547 Congress Street

Hello Portland LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday March 21, 2022 at 5:00 p.m.**, for the review of application for Outdoor Dining on Public Property at 547 Congress Street. The meeting will take place virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on March 18, 2022.

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 March 21, 2022 at 5:00 P.M., virtually, Hello Portland LLC, dba Regards. Application for Outdoor Dining on Public Property at 547 Congress Street - Sponsored by Danielle West, Interim City Manager

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: March 8, 2022

SUBJECT: Resolve 9-21/22 Adopting the 2022-2026 Five-Year Consolidated Plan and Fiscal Year 2022-2023 Annual Action Plan including Appropriations for Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program and Approving a Substantial Amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan and Certifications Pertaining Thereto, Sponsored by Danielle P. West, Interim City Manager

SPONSOR: Sponsored by Danielle West, 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 3/21/2022

Final Action 4/11/2022

Can action be taken at a later date: No A public notice of these meetings is required and has been published in the Portland Press Herald.

PRESENTATION: Chair of the CDBG Annual Allocation Committee will present the Allocation Committee's recommendations. The City Manager will present her recommendations. HCD Staff are available for questions.

I. SUMMARY

This Resolution adopts the 2022-2026 Five-Year Consolidated Plan and Fiscal Year 2022-2023 Annual Action Plan including Appropriations for Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program and approves a Substantial Amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan

II. AGENDA DESCRIPTION

The U.S. Department of Housing and Urban Development (HUD) requires that communities receiving HUD funding (CDBG, HOME, ESG) undertake a planning process every three to five years to review local affordable housing and community development needs. This process is designed to help communities develop priorities and multi-year goals in coordination with other community plans and resources to make a greater impact within the community.

The 5-Year Consolidated Plan will be submitted to HUD in May, 2022. The City Council approved the goals and priorities included in this plan at their meeting on October 4, 2021. The Annual Action Plan allocates a total estimated budget of \$6,005,657: including CDBG \$1,992,865, HOME, Program Income and Recapture \$1,239,554, ESG \$164,857, Downtown TIF \$120,000, Cotton St. proceeds \$20,000, Lead Safe Housing Program Income \$45,397, Jill C. Duson Housing Trust Fund \$2,172,194. In addition, a substantial amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan will re-program CARES Act funding from CDBG-CV3 \$124,669 and ESG-CV2 funding \$126,121.

The Housing & Economic Development Committee voted (3-0 Zarro absent) to recommend approval of the Housing Program Budget on February 2, 2022. The Emergency Shelter Assessment Committee (ESAC) voted to recommend approval of the ESG budget at their March 17, 2022 meeting.

This item must be read on two separate days. This is its first reading. This item will also receive two public hearings. This is its first public hearing.

III. BACKGROUND

The CDBG Annual Allocation Committee reviewed all applications and made funding recommendations to the City Manager, both sets of recommendations are included in the attachments in the backup materials. The Housing and Economic Development CommitteeFor additional detail, reference is made to the attachments included in the backup materials.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

City Council approval of the 2022-2026 Five-Year Consolidated Plan and Fiscal Year 2022-2023 Annual Action Plan ioutling the allocations for the programming of the Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program received from the U.S. Department of Housing and Urban Development and approval of a substantial amendment CDBG-CV3 and ESG-CV@ funding.

V. FINANCIAL IMPACT

Funding for these activities will be provided through grants from the U.S. Department of Housing and Urban Development.

VI. STAFF ANALYSIS AND BACKGROUND

For additional details, reference is made to the attachments included in the backup materials.

VII. RECOMMENDATION

Staff recommends that the City Council vote to adopt and approve the 2022-2026 Five-Year Consolidated Plan and Fiscal Year 2022-2023 Annual Action Plan including Appropriations for Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program and a Substantial Amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan.

VIII. LIST ATTACHMENTS

1. CDBG 2023 Resolution 3.21.2022
2. 1. Memo to Council budget 22-23
3. 2. Memo budget and cap calculations 2022-2023
4. 3. Allocation Committee Recommendation letter and allocations 3-3-2022
5. 4. City Manager Recommendation Letter 2022 3.9.2022
6. 5. Council Memo CDBGCV3 and ESGCV2
7. 6. Housing Program Budget Memo 03.13.2022
8. 7. ESG Budget 2022-2023 Narrative 3.14.2022
9. Con Plan Draft 2 to website and council 3-16-2022

Prepared by:

Mary Davis, Division Director

Date: 03/08/2022

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)

**RESOLUTION ADOPTING THE 2022-2026 FIVE-YEAR CONSOLIDATED
PLAN AND FISCAL YEAR 2022-2023 ANNUAL ACTION PLAN INCLUDING
APPROPRIATIONS FOR COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM, HOME PROGRAM, AND EMERGENCY SOLUTIONS GRANT
PROGRAM AND APPROVING A SUBSTANTIAL AMENDMENT TO THE
2016-2020 CONSOLIDATED PLAN AND 2019-2020 ANNUAL ACTION PLAN
AND CERTIFICATIONS PERTAINING THERETO**

WHEREAS, the City of Portland, Maine has determined that there are pressing community and neighborhood needs for further federal assistance for housing and community development activities; and

WHEREAS, activities for the Five-Year 2022-2026 Housing and Community Development Consolidated Plan and Fiscal Year 2022-2023 Annual Action Plan have been recommended; and

WHEREAS, the City of Portland will receive an estimated annual allocation from the United States Department of Housing and Urban Development (HUD) of \$1,948,754 of Community Development Block Grant (“CDBG”) Entitlement Funds, for the program year 2022-2023; and the City has also received Community Development funds in the amount of \$44,111 in Housing Development Fund Program income, along with \$20,000 in Cotton Street Proceeds, which is subject to the same regulations as the entitlement funds; and \$120,000 in Tax Increment Financing (TIF) funds; a HOME Program Grant allocation of \$991,679, HOME Program Income and Recaptured Funds of \$247,875; Lead Safe Housing Program Income of \$45,397; local Housing Trust Funds of \$2,172,194; and \$164,857 of Emergency Solutions Grant (ESG) funds; and

WHEREAS, \$124,669 of CDBG-CV3 and \$126,121 of ESG-CV2 will be reallocated to support social services applications submitted and vetted as part of the FY2022-2023 annual CDBG allocation process; and

WHEREAS, the amount of funding to be reallocated from CDBG-CV2 and ESG-CV2 meet the criteria of “substantial amendment” as outlined in the Housing and Urban Development Citizen Participation Plan; and

WHEREAS, the City Council of the City of Portland, Maine, desires to utilize these funds to support housing and community development activities;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Portland, Maine, hereby adopts the FY 2022-2026 Five-Year Consolidated Housing and Community Development Plan and FY 2022-2023 Annual Action Plan; and the estimated annual sums of \$1,948,754 of Community Development Block Grant (“CDBG”) Entitlement Funds, Community Development funds in the amount of \$44,111 in Housing Development Fund Program income, along with \$20,000 in Cotton Street Proceeds, and \$120,000 in TIF funds; a HOME Program Grant allocation of \$991,679, HOME Program Income and Recaptured Funds of \$247,875; Lead Safe Housing Program Income of \$45,397; local Housing Trust Funds of \$2,172,194; and \$164,857 of Emergency Solutions Grant Program are hereby appropriated for the purposes approved in the attached Plan and budgets as provided in the Attached Exhibits; and

BE IT FURTHER RESOLVED, that the City Council of the City of Portland, Maine, hereby adopts the substantial amendment to the FY 2019-2020 Consolidated Housing and Community Development Annual Action Plan including the sums of \$124,669 for the CARES Act Community Development Block Grant Program and \$126,121 for the CARES Act Emergency Solutions Grant Program

BE IT FURTHER RESOLVED, that the City of Portland, Maine, possesses legal authority to apply for the above referenced Community Development Block Grant Program Funds, HOME Program funds and Emergency Solutions Grant Program funds for the Program Year 2022-2023; and

BE IT FURTHER RESOLVED, that the City Manager, Interim City Manager, or designee be authorized to:

- 1) Apply for, accept and expend the estimated annual Community Development Block Grant Entitlement Funds of \$1,948,754 and to expend \$44,111 in CDBG housing program income funds, \$120,000 in TIF, and \$20,000 in Cotton Street proceeds; \$991,679 of HOME Program funds and to expend \$247,875 of program income and recaptured funds; \$45,397 in Lead Safe Housing program income; \$2,172,194 in local Housing Trust Funds; and \$164,857 of Emergency Solutions Grant funds; and
- 2) Officially represent the City of Portland, Maine, in connection with the application, including the execution of contracts on behalf of the City; and
- 3) Act as the certifying officer for HUD environmental documents related to these grants and to execute said documents and any other related documents necessary or convenient to carry out the intent of said grants; and
- 4) Make adjustments to all proposed activities’ budgets as noted below:
 - (a). If estimated allocations decrease, activities under the CDBG, HOME and ESG Programs be proportionately decreased from the estimated

funding levels to match the actual allocation amounts;

(b). If estimated allocations increase, activities under the HOME and ESG Programs be proportionately increased to match the actual allocation amounts; and

(c). If the estimated CDBG allocation increases, any partially funded projects will be proportionately increased until fully funded. Once all recommended projects are fully funded, any remaining balance will be allocated to fully funding unfunded projects from greatest score to least, unless another funding source can be identified for the next eligible project; and

BE IT FURTHER RESOLVED, that the City of Portland, Maine certifies that it will comply with all of the attached assurances and provide such additional information as may be required by the U.S. Department of Housing and Urban Development; and

BE IT FURTHER RESOLVED, that the foregoing FY 2022-2026 Housing and Community Development Consolidated Plan and FY 2022-2023 Annual Action Plan funds are hereby appropriated pursuant to the Budget attached hereto.

Attachments to be added
CDBG Allocation Spreadsheet
Housing Program Budget
ESG Budget



Memorandum

Housing and Economic Development Department Housing and Community Development Program

To: Mayor Snyder and the Portland City Council
Cc: Danielle West, Interim City Manager
From: Mary Davis, Interim Director Housing and Economic Development Department
Date: March 15, 2022
Re: HUD's Consolidated Annual Action Plan 2022-2023

The Consolidated Annual Action Plan includes budgets for the Community Development Block Grant, HOME Program and the Emergency Solutions Grant. The final allocations have not been provided by the U.S. Department of Housing and Urban Development. Therefore, as in prior years, staff is estimating the funding will remain the same as the current year's funding. The City of Portland is estimating to allocate in the Consolidated Annual Action Plan \$6,005,657, which includes allocations from the Department of Housing and Urban Development, program income, and our local funding sources, detailed below:

1. CDBG	\$ 1,948,754	Estimated HUD Allocation 2022-2023
	\$ 8,822	CDBG Housing Program income for Administration
	\$ 35,289	CDBG Program Income
	\$ 120,000*	TIF Funds for Development Activities (\$90,000) and Administration (\$30,000)
	\$ 20,000*	Cotton Street Proceeds for Social Service Activities
	<u>\$ 124,669*</u>	CDBG CARES Act Reprogrammed Funds
	\$ 2,257,534	Total Expected CDBG funds to Allocate for 2022-2023
<i>CDBG Funds by Category for HUD Budget*(does not include TIF, Cotton St, CARES Act proceeds)</i>		
	\$ 398,573	Administration and Planning
	\$ 648,816	Social Services
	<u>\$ 910,187</u>	Development Activity
	\$1,957,576	

Attachments: (1a) CDBG recommendation letter from the City Manager; (1b) Staff Memo to City Manager, (1c) Recommendation Letter from the CDBG Allocation Committee; and (1d) Spreadsheet summarizing the recommendations of the Allocation Committee and City Manager; (1e) Overview of Portland's CDBG program

2. HOME	\$ 991,679	Estimated HUD Allocation 2022-2023
	\$ 161,944	HOME Program Income 2021
	<u>\$ 85,931</u>	HOME Recaptured Funds 2021
	\$ 1,239,554	Total Estimated HOME funds to Allocate for 2022-2023

Other Housing Funding

LEAD	\$ 45,397	Lead Safe Housing Program Income Funds
Trust	<u>\$ 2,172,194</u>	Local Housing Trust Funds
	\$ 2,217,591	

Attached you will find a Memo to the Mayor and City Council from Mary Davis explaining the Housing Budget (2 Housing Budget).

3. Emergency Solutions Grant:	
	\$164,857 Estimated HUD Allocation 2022-2023
	\$126,121 ESG CARES Act Reprogrammed Funds

Attached you will find the proposed Emergency Solutions Grant budget (3 ESG Budget).

Memorandum

Housing and Economic Development Department Housing and Community Development Program



To: City Council
Cc: Danielle West, City Manager
From: Mary Davis, Interim Director Housing and Economic Development Department
Date: March 13, 2022
Subject: **2022-2023 CDBG Budget and Cap Calculations**

In past years, the CDBG budget submitted as part of the HCD Annual Action Plan matched the local CDBG budget presented on the allocation summary sheet. Starting in 2018, the budget differs due to the replacement of program income with TIF funds and Cotton Street proceeds. Staff would like to take the opportunity to address how these changes impact the overall CDBG budget and cap calculations.

CDBG budget and cap calculations: Each year staff calculate the HUD mandated funding caps for the following CDBG funding categories; Planning and Admin, Development Activities, and Social Services. The budget for our local CDBG program is created once the HUD mandated funding caps have been determined. The CDBG budget combines the CDBG entitlement funds with program income, reprogramed funds, and available local funds. These local resources are not included in the cap calculations nor are they required to be included in the HUD CDBG budget.

In past years, the CDBG program received program income from a parcel of land known as the Cotton Street garage. Following the HUD cap calculations, 20% of the program income went to Planning and Admin, 33% went to Social Services, and 47% went to Development Activities. In 2017 the City sold the Cotton Street parcel. In order to make up the loss of program income funds for each category, the City Council allocated \$120,000 of TIF revenue to be used for Planning and Administration (\$30,000) and for TIF-eligible public infrastructure projects (\$90,000). In addition, the City Council allocated \$20,000 from the Cotton Street proceeds to be used for social service activities.

The budget submitted to HUD in the HCD Annual Action Plan excludes local funding for the purposes of HUD mandated cap calculations. The TIF and Cotton Street funds are excluded from the HUD CDBG budget. The difference in the two budgets will be shown on the HUD's Consolidated Annual Action Plan 2022-2023 memo to the City Council.

CITY OF PORTLAND
Housing and Economic Development Department
Housing and Community Development Division

February 18, 2022

Danielle West
Interim City Manager
City Hall
389 Congress Street
Portland, Maine 04101

Dear Ms. West:

We are pleased to submit the Community Development Block Grant (CDBG) Allocation Committee's recommended budget for the 2022-2023 program year.

This letter includes a description of this year's process, how the applications were reviewed and scored, and our recommendations for funding.

The U.S. Department of Housing and Development (HUD) has not released the 2022-2023 allocations, but this information should be available in coming weeks and we are hopeful that the funding will remain at least level with the previous year's funding.

The need for CDBG funds, in general, exceeds the available resources. However, we are fortunate this year in that projected funding is sufficient to fund all of the requested Planning and Administration and Development Activities. The Planning Administration submission was joined by 8 Development Activities projects (down from 9 last year) and 17 Social Service projects (up from 15 last year). The Committee's allocation recommendation, the funding requested and the resulting difference are represented in the following table.

CDBG Funding	ALLOCATION	REQUEST	DEFICIT
	Year 48	Year 48	Year 48
	FY 22-23	FY 22-23	FY 22-23
Planning and Administration	\$404,356	\$404,356	0
Social Service	\$648,816	\$1,369,656	-\$720,840
Development Activities	\$910,187	\$600,872	0
TOTAL	\$1,963,359	\$2,374,884	-\$720,840

389 Congress Street Room 312 • Portland, Maine 04101

APPLICATION PROCESS AND REVIEW

The Allocation Committee Review and Funding Methods

The mandatory applicant's meeting was held remotely on Thursday, October 14, 2021 at 5:00pm via Zoom. CDBG Applications were made available on October 15, 2021 and submissions were due Monday, November 22, 2021 by 4:00pm.

The Committee met 7 times between January 6, 2022 and February 17, 2022 to discuss Administration and Planning, Development Activities, and Social Service applications. The Committee members read each application individually prior to meeting and discussing each as a group. When questions about the applications arose, staff documented the questions and forwarded them to the applicant to respond, and applicant responses were then shared with the Committee and reviewed. Allocation Committee members then scored each application individually, using the scoring matrix structured in accordance with the priorities established by the City Council.

After all the scores were received from Allocation Committee members, staff organized the applications by score from the highest to the lowest within each application category. The City Council has directed the Committee to recommend full funding based on the request of each applicant; therefore, each applicant was awarded full funding in descending order, by total score, until the anticipated funding was exhausted.

Funding Caps

The funding caps for individual projects are set at \$150,000 for Social Service applicants and \$250,000 for Development activities. Administration and Planning funding is limited to 20% of the entire CDBG budget. The 85% Rule for Development Activities specifies that a maximum of 85% of the Development Activity funding can go to fund City applicants, with a minimum 15% reserved for outside organizations. In addition to the 85% rule a public infrastructure set aside of up to 60% of the City's maximum 85% request remains in effect. The 45% Rule for Social Services specifies that a maximum of 45% of the Social Service funding can go to fund City applications, and a minimum of 55% must go to outside requests.

New Applicant Set Aside (20%)

This year's allocations feature a new structure where 20% of funding for both Development Activities and Social Services is set aside for any new projects submitted by applicants that have not previously applied for CDBG funding. These projects must receive a minimum average score of 75 points, but then are ranked among the subset of new applicants for the 20% funding set aside.

This year two applicants met this criteria: *Community Based Domestic Violence Services for Bayside Neighborhood* and *Museum & Theatre After School Clubhouse* which are both Social Services projects.

RECOMMENDATIONS

Administration and Planning Funding

The Committee reviews information regarding Administration and Planning but does not score the application competitively. Administration funding is essential for operating the CDBG program and reporting to HUD. The Planning & Urban Development Department submitted a budget of \$404,356 with the understanding that Administration and Planning funding is limited to 20% of the entire CDBG budget. This year, the 20% cap is \$404,356.

Development Activities Funding

The Committee received 8 Development Activity applications requesting \$600,872 which includes both construction activities and economic development initiatives. For 2022-2023, \$910,187 is available for Development Activity funding. The following table lists in descending scoring point order the applicant organization, program, funding request, and committee recommendation. There is an additional \$309,315 available for development funding which will be rolled into contingency. This contingency can be used to provide gap funding for existing projects or be allocated to new projects as determined by a process set forth in the Citizen Participation Plan.

Organization	Program	Request	Points	Committee Recommendation
Planning & Urban Dev Dept.	CDBG Admin and Planning	\$ 404,356		\$404,356
Coastal Enterprise Inc.	Program	\$ 48,000	93.19	\$48,000
Port Resources	Board Heating System	\$ 32,000	85.44	\$32,000
Habitat for Humanity of Greater Portland	Critical Home Repair Program	\$ 15,000	85.00	\$15,000
COP Department of Public Works	East Oxford St Landscape and Accessibility Improvement Project	\$ 340,000	83.58	\$340,000
Catherine Morrill Day Nursery	Electrical Improvement Plan	\$ 67,687	79.89	\$67,687

Maine Irish Heritage Center	Bell Tower Restoration	\$ 20,000	64.86	\$20,000
Trustees of First Parish Church	Window Restoration	\$ 78,185	64.78	\$78,185

Social Service Funding

The Committee received seventeen (17) Social Service applications, including a \$150,000 request from Community Policing, which will be funded through a set-aside. A total of \$1,369,656 in Social Service requests were received with an estimated \$648,816 in available funding. The following table lists in descending scoring point order the applicant organization, program, funding request, and committee recommendation.

Organization	Program	Request	Points	Committee Recommendation
Police Department	Community Policing	\$150,000	69.56	\$150,000
Through These Doors	Community Based Domestic Violence Services for Bayside Neighborhood	\$91,798	91.72	\$91,798
Children's Museum & Theatre of Maine	Museum & Theatre After School Clubhouse	\$97,469	81.31	\$37,965
Wayside Food Program	Direct Service Program	\$34,000	96.44	\$34,000
Furniture Friends	Basic Needs Expansion	\$25,000	95.28	\$25,000
Preble Street	Joe Kreisler Teen Shelter	\$30,000	94.56	\$30,000
Hope Acts	Support for Homeless and Low Income Asylum Seekers	\$90,000	94.47	\$90,000

Milestone Recovery	HOME Team	\$120,000	94.22	\$120,000
Greater Portland Family Promise	Homelessness Prevention & Housing Services	\$45,000	94.14	\$45,000
Preble Street	Florence House Women's Shelter	\$32,000	93.75	\$25,053
Preble Street	Emergency Food Program	\$71,000	93.17	
Amistad	Mobile Day Space Housing Project	\$150,000	92.67	
Catherine Morrill Day Nursery	Portland CDBG Childcare Voucher Collaborative	\$80,808	92.47	
Catholic Charities	Immigrant Legal Services	\$127,581	91.75	
COP Public Health Division	Mobile Medical Outreach	\$100,000	86.44	
Mayo Street Arts	After School in East Bayside	\$50,000	83.97	
The Opportunity Alliance	Community Services/Homeless Prevention Program	\$75,000	77.22	

ADDITIONAL CONSIDERATIONS

The full funding of Development Activities projects is a relief in light of recent years where many projects had to remain unfunded. However, there are three points related to Social Service projects that deserve additional consideration beyond the scoring rubric we have applied in the above allocations.

First, there is strong consensus within the Committee that the limits of the scoring system and funding availability means that we are leaving competitive applications and critical

services unfunded. While each year we highlight the difficulty in evaluating worthwhile social services, both this year and last there were multiple applicants scoring above 90 that failed to receive funding. There are two types of potential remedies to this that we'd like to suggest:

- There have been motions in recent years to **adjust funding caps** or reduce existing set asides (or both). The committee believes that these should be reconsidered in light of a post-Covid environment where need continues to increase.
- The other potential remedy is an allocation that is either more widely distributed or gives some proportion of funding to the entire group of highest scoring applicants. In practice, this would mean either partial funding above a threshold score, perhaps 90 points; alternatively, all projects scoring above 90 would be selected for funding based on a lottery.

Second, in the first test run of the 'New Program' set aside the Committee met with positive but somewhat mixed results. Having any new applicants is evidence of a healthy program and our expectation is that this set aside will increase interest going forward. Both new programs scored well enough to meet the 75 point minimum threshold. Both programs would provide services that would benefit the City of Portland.

The score of 81.31 for the Children's Museum & Theatre of Maine's project meets the minimum threshold for the new program, but it did not compare well with the rest of the Social Service applicants. Six other unfunded projects scored higher and four of those scored higher by ten points (a significant margin in this system).

The 'New Program' set aside is seeking a balance with established applicants and it is expected that organizations new to CDBG may not score as high. But we would like the Council to consider either an increase in the minimum threshold score or that only fully funded 'new' applicants receive funding with the residual of the 20% set aside returning to the general allocation.

Third, the Committee is aware that the City Council can authorize an allocation of \$20,000 from the Cotton Street parking lot sales proceeds towards CDBG Social Service Activities. In its advisory capacity, the CDBG Allocation Committee recommends applying these funds towards partial funding of Catherine Morrill Day Nursery's Childcare Voucher Collaborative.

We respect that you may have different priorities from those reflected in the Committee's allocation recommendations, and that you have flexibility that is not afforded by the structure of the Committee's scoring system. We look forward to learning of your and the City Council's conclusions regarding CDBG allocations.

Although not directly related to this year's allocation, the committee has reviewed data from previous years to identify trends. Each year, there are a significant number of well-scoring social services applicants which do not receive funding. We recognize that this is a competitive process and wish to keep the rigor of the scoring system; however, we also wish to seek solutions to what may be arbitrary differences in the scoring process. A potential

solution (though not the only one) may be to consider a randomization system for those applicants which are high-scoring, with a specific cut-off score. This practice has been used by other grant programs to increase equity and reduce bias in the grant funding process. The committee will continue to analyze data from previous years to identify opportunities and solutions for increasing consistency and objectivity within the allocation process for consideration by the City Manager and Council.

SUMMARY

Portland is fortunate to have a diverse and talented community of organizations seeking the development of the City and the redress of the needs of its residents. All projects that applied to the program would benefit our City, but scarce funding prevents us from benefitting all of them. This is a competitive process; each applicant competes against all other applicants in their respective Development and Social Services categories.

We thank you for your commitment to this program and hope you are satisfied with the results. We take the opportunity to serve on this committee with the utmost seriousness and diligence and feel the outcomes above reflect our best adherence to the rules and guidance provided.

We offer our recommendations for your consideration. We look forward to seeing you on March 10th and hearing your response.

Sincerely,

The CDBG Annual Allocation Committee for Program Year 2022-2023

Stephen Houdlette, Chair
D. Kelley Young
Janice Hastings
Lawson Condrey
Leslie Clauge

Lucinda Pyne, Vice Chair
Elinor Higgins
Brad Hanscom
Barbara Ginley

Attachments: CDBG Allocation Committee Funding Recommendations 2022-2023 (spreadsheet)

CDBG Allocations 2022-2022

Administration and Planning						Priority Impact/ Goal 30 pts	Guiding Principles 30 pts	Capacity to Deliver 25 pts	Partner/ Collaboration 15 pts	Point Deductions	Total	Committee Recommendation	City Manager Recommendation	Council Allocation
Type	Priority	Organization	Program/ Project	Request										
1	AP	All	Planning & Urban Dev Dept.	CDBG Admin and Planning	\$404,356							\$404,356	\$427,387	\$427,387
Total Admin & Planning Available					\$391,727							Subtotal:	\$404,356	\$427,387
														\$427,387

Development, Economic Development and Construction

Type	Priority	Organization	Program/ Project	Request	30 pts	30 pts	25 pts	15 pts	Point Deductions					
8	EO	EO	Coastal Enterprise Inc.	Portland Microenterprise Assistance Program	\$48,000.00	28.33	27.50	23.53	13.83	0.00	93.19	\$48,000		
7	CON	HA	Port Resources	Group Residence New Radiant Base Board Heating System	\$32,000.00	29.00	27.75	20.06	8.63	0.00	85.44	\$32,000		
3	CON	HA	Habitat for Humanity of Greater Portland	Critical Home Repair Program	\$15,000.00	29.67	28.67	24.50	3.67	-1.50	85.00	\$15,000		
2	CON	NI	COP Department of Public Works	East Oxford St Landscape and Accessibility Improvement Project	\$340,000.00	26.17	25.11	22.11	12.44	-2.25	83.58	\$340,000		
6	CON	EO	Catherine Morrill Day Nursery	Electrical Improvement Plan	\$67,687.00	24.06	27.06	21.78	7.00	0.00	79.89	\$67,687		
5	CON	NI	Maine Irish Heritage Center	Bell Tower Restoration	\$20,000.00	15.56	17.83	22.00	9.72	-0.25	64.86	\$20,000		
4	CON	NI	Trustees of First Parish Church	Window Restoration	\$78,185.00	16.39	17.61	20.17	10.61	0.00	64.78	\$78,185		
			Estimated Total Development, Econ Dev. & Construction Requests	\$600,872										
			Estimated Total HUD Allocated Development Funds Available	\$910,187								Subtotal:	\$600,872	
			Estimated Total Funds Available to City Manager and Council (HUD Funds + TIF)	\$1,009,526								Subtotal:		\$0
			* TIF Funding = \$90,000;											\$0

CDBG Recommendations 2021-2022														
Social Service						Priority Impact/ Goal	Guiding Principles	Capacity to Deliver	Partner/ Collaboration	Point Deductions	Total	Committee Recommendation	City Manager Recommendation	Council Allocation
	Type	Priority	Organization	Program/ Project	Request	30 pts	30 pts	25 pts	15 pts		Total			
9	SS	NI	Police Department	Community Policing (set aside)	\$150,000	22.50	22.67	20.67	4.22	-0.50	69.56	\$150,000	\$150,000	\$150,000
10	SS	ANGHP	Through These Doors	Community Based Domestic Violence Services for Bayside Neighborhood (new program set aside)	\$91,798.00	29.28	28.33	22.33	11.78		91.72	\$91,798		
11	SS	EO	Children's Museum & Theatre of Maine	Museum & Theatre After School Clubhouse (new program set aside)	\$97,469.00	26.00	24.11	20.61	10.58		81.31	\$37,965		
14	SS	ANGHP	Wayside Food Program	Direct Service Program	\$34,000.00	29.56	27.89	24.00	15.00		96.44	\$34,000		
16	SS	ANGHP	Furniture Friends	Basic Needs Expansion	\$25,000.00	28.17	28.00	24.11	15.00		95.28	\$25,000		
20	SS	ANGHP	Preble Street	Joe Kreisler Teen Shelter	\$30,000.00	28.78	27.89	23.50	14.39		94.56	\$30,000		
18	SS	ANGHP	Hope Acts	Support for Homeless and Low Income Asylum Seekers	\$90,000.00	29.11	27.33	23.14	14.89		94.47	\$90,000		
22	SS	ANGHP	Milestone Recovery	HOME Team	\$120,000.00	28.64	28.33	23.28	13.97		94.22	\$120,000		
19	SS	ANGHP	Greater Portland Family Promise	Homelessness Prevention & Housing Services	\$45,000.00	29.06	28.06	22.19	14.83		94.14	\$45,000		
21	SS	ANGHP	Preble Street	Florence House Women's Shelter	\$32,000.00	28.22	28.50	23.50	14.03	-0.50	93.75	\$25,053		
15	SS	ANGHP	Preble Street	Emergency Food Program	\$71,000.00	29.11	28.33	23.44	12.28		93.17			
23	SS	ANGHP	Amistad	Mobile Day Space Housing Project	\$150,000.00	28.64	27.89	22.31	13.83		92.67			
13	SS	EO	Catherine Morrill Day Nursery	Portland CDBG Childcare Voucher Collaborative	\$80,808.00	28.72	27.44	23.64	12.67		92.47			
17	SS	EO	Catholic Charities	Immigrant Legal Services	\$127,581.00	27.33	27.33	23.14	13.94		91.75			
24	SS	ANGHP	COP Public Health Division	Mobile Medical Outreach	\$100,000.00	27.81	27.25	21.63	12.75	-3.00	86.44			
12	SS	NI	Mayo Street Arts	After School in East Bayside	\$50,000.00	24.72	27.11	22.08	13.56	-3.50	83.97			
25	SS	ANGHP	The Opportunity Alliance	Community Services/Homeless Prevention Program	\$75,000.00	25.39	26.78	22.50	3.56	-1.00	77.22			
				Total Social Service	\$1,369,656									
				Total Estimated HUD allocated social service funds available	\$648,816							\$648,816		
				Total estimated funds available to the City Manager HUD +Cotton Street	\$668,816								\$150,000	\$150,000
				* Cotton Street funding										
				new program set aside amount of \$129,763										

Executive Department

Danielle West

Interim City Manager

March 10, 2022



Mayor Snyder and Members of the Portland City Council:

I am pleased to submit to you my recommendations for the Community Development Block Grant (CDBG) Program for the fiscal year beginning July 1, 2022 to June 30, 2023. I would like to note that the U.S. Department of Housing and Urban Development (HUD) has not released the final allocations for the 2022-2023 CDBG, HOME Program and the Emergency Solutions Grant Program (ESG). The recommendations noted here and in the budgets for the HOME and ESG programs are estimates that assume the same funding levels as FY 2021-2022.

To begin, I would like to thank the CDBG Allocation Committee for their dedication and work over the last few months. They began their work at the end of December 2021 and have met almost weekly since then to discuss each application. I reviewed their recommendations and acknowledged the difficult task they had. After reviewing the CDBG applications, I met with Housing and Community Development staff and carefully considered the Allocation Committee's recommendations before forming my attached recommendations. *[City Manager's Recommendations A1.]* As you can see, I made changes to the Allocation Committee's recommendations which I believe align with the City's goals and will assist the City's efforts to meet the many needs within our community.

1) **Social Services.** As in past years, the City received a wide variety of competitive social service applications. Due to the significant needs identified, in addition to the annual CDBG allocation for social services, I am also recommending that CDBG Coronavirus Aid, Relief and Economic Security Act (CARES Act) funding set-aside for day space and ESG CARES Act funding set-aside for street outreach be re-programmed to fund some of the remaining CDBG applications.

This year, the CDBG Program included a set-aside for new applicants with the requirement that to qualify, the applicant must not have received CDBG funding in the past and their application must receive a minimum score of 75. After carefully reviewing the materials, I agree with the Allocation Committee's recommendation that only fully funded "new" applicants receive funding with the residual set-aside returning to the general allocation. Consequently, my recommendation includes reallocating the \$37,965 that would have been awarded to *Children's Museum & Theater After School Clubhouse Program* and using the Cotton Street proceeds and CDBG CARES Act funding in order to fully fund the *Preble Street Florence House Women's Shelter Program* and the *Portland Child Care Voucher Program*. In addition, I

recommend that \$71,000 in CDBG CARES Act funds be used to fund the *Preble Street Emergency Food Program*. Lastly, I also recommend that the *Amistad Mobile Day Space Housing Project* be fully funded using the CDBG CARES Act and ESG CARES Act allocations.

2) **Development Activities.** Funds in this category are used to improve and invest in the physical infrastructure and the economic development of our City. This year, we received 7 applications in this category requesting \$600,872 in funding. While we have not received the final CDBG allocation amount from the federal government, we are estimating that \$910,187 will be available in this category. Therefore, my recommendation is that all development activity applications be fully funded with one adjustment. I recommend utilizing a combination of the annual \$90,000 in Downtown TIF funding plus CDBG funding to fund the Department of Public Works *East Oxford Street Landscape and Accessibility Improvement Project*. This will mean that we will have an estimated \$399,315 in unallocated CDBG Development Activity funding. As a result, at a later date, staff will bring forward recommendations for the use of these unallocated funds.

3) **Administration and Planning.** The Housing and Economic Development Department is required to submit a non-competitive application to the Allocation Committee. The Housing and Economic Development Department submitted a request of \$404,356. These funds are used to both administer the program, as well as fund long range planning work through the Planning Department. Once HUD announces the final allocation, staff will adjust their budget accordingly; therefore I am recommending full funding of this application to administer the program.

The above funding recommendations comply with the regulatory requirements set forth by HUD, while also helping to address the critical needs and gaps in services in our community. I thank you for the opportunity to share my recommendations, and I hope you join me in commending all of the good work being done in our City.

Sincerely,

Danielle West
Interim City Manager

CDBG Allocations 2022-2022

Administration and Planning						Priority Impact/ Goal 30 pts	Guiding Principles 30 pts	Capacity to Deliver 25 pts	Partner/ Collaboration 15 pts	Point Deductions	Total	Committee Recommendation	City Manager Recommendation	Council Allocation
Type	Priority	Organization	Program/ Project	Request										
1	AP	All	Planning & Urban Dev Dept.	CDBG Admin and Planning	\$404,356							\$404,356	\$391,727	
Total Admin & Planning Available					\$391,727							\$404,356	\$391,727	\$0
											Subtotal:	\$404,356	\$391,727	\$0

Development, Economic Development and Construction

Type	Priority	Organization	Program/ Project	Request	30 pts	30 pts	25 pts	15 pts	Point Deductions					
8	EO	EO	Coastal Enterprise Inc.	Portland Microenterprise Assistance Program	\$48,000.00	28.33	27.50	23.53	13.83	0.00	93.19	\$48,000	\$48,000	
7	CON	HA	Port Resources	Group Residence New Radiant Base Board Heating System	\$32,000.00	29.00	27.75	20.06	8.63	0.00	85.44	\$32,000	\$32,000	
3	CON	HA	Habitat for Humanity of Greater Portland	Critical Home Repair Program	\$15,000.00	29.67	28.67	24.50	3.67	-1.50	85.00	\$15,000	\$15,000	
2	CON	NI	COP Department of Public Works	East Oxford St Landscape and Accessibility Improvement Project	\$340,000.00	26.17	25.11	22.11	12.44	-2.25	83.58	\$340,000	\$340,000	*
6	CON	EO	Catherine Morrill Day Nursery	Electrical Improvement Plan	\$67,687.00	24.06	27.06	21.78	7.00	0.00	79.89	\$67,687	\$67,687	
5	CON	NI	Maine Irish Heritage Center	Bell Tower Restoration	\$20,000.00	15.56	17.83	22.00	9.72	-0.25	64.86	\$20,000	\$20,000	
4	CON	NI	Trustees of First Parish Church	Window Restoration	\$78,185.00	16.39	17.61	20.17	10.61	0.00	64.78	\$78,185	\$78,185	
Estimated Total Development, Econ Dev. & Construction Requests					\$600,872									
Estimated Total HUD Allocated Development Funds Available					\$910,187									
Estimated Total Funds Available to City Manager and Council (HUD Funds + TIF)					\$1,000,187								\$600,872	\$0
* TIF Funding = \$90,000;														

CDBG Recommendations 2021-2022														
Social Service						Priority Impact/ Goal	Guiding Principles	Capacity to Deliver	Partner/ Collaboration	Point Deductions	Total	Committee Recommendation	City Manager Recommendation	Council Allocation
	Type	Priority	Organization	Program/ Project	Request	30 pts	30 pts	25 pts	15 pts		Total			
9	SS	NI	Police Department	Community Policing (set aside)	\$150,000	22.50	22.67	20.67	4.22	-0.50	69.56	\$150,000	\$150,000	
10	SS	ANGHP	Through These Doors	Community Based Domestic Violence Services for Bayside Neighborhood (new program set aside)	\$91,798.00	29.28	28.33	22.33	11.78		91.72	\$91,798	\$91,798	
11	SS	EO	Children's Museum & Theatre of Maine	Museum & Theatre After School Clubhouse (new program set aside)	\$97,469.00	26.00	24.11	20.61	10.58		81.31	\$37,965	\$0	
14	SS	ANGHP	Wayside Food Program	Direct Service Program	\$34,000.00	29.56	27.89	24.00	15.00		96.44	\$34,000	\$34,000	
16	SS	ANGHP	Furniture Friends	Basic Needs Expansion	\$25,000.00	28.17	28.00	24.11	15.00		95.28	\$25,000	\$25,000	
20	SS	ANGHP	Preble Street	Joe Kreisler Teen Shelter	\$30,000.00	28.78	27.89	23.50	14.39		94.56	\$30,000	\$30,000	
18	SS	ANGHP	Hope Acts	Support for Homeless and Low Income Asylum Seekers	\$90,000.00	29.11	27.33	23.14	14.89		94.47	\$90,000	\$90,000	
22	SS	ANGHP	Milestone Recovery	HOME Team	\$120,000.00	28.64	28.33	23.28	13.97		94.22	\$120,000	\$120,000	
19	SS	ANGHP	Greater Portland Family Promise	Homelessness Prevention & Housing Services	\$45,000.00	29.06	28.06	22.19	14.83		94.14	\$45,000	\$45,000	
21	SS	ANGHP	Preble Street	Florence House Women's Shelter	\$32,000.00	28.22	28.50	23.50	14.03	-0.50	93.75	\$25,053	\$32,000	
15	SS	ANGHP	Preble Street	Emergency Food Program	\$71,000.00	29.11	28.33	23.44	12.28		93.17		\$71,000	**
23	SS	ANGHP	Amistad	Mobile Day Space Housing Project	\$150,000.00	28.64	27.89	22.31	13.83		92.67		\$150,000	**
13	SS	EO	Catherine Morrill Day Nursery	Portland CDBG Childcare Voucher Collaborative	\$80,808.00	28.72	27.44	23.64	12.67		92.47		\$80,808	**
17	SS	EO	Catholic Charities	Immigrant Legal Services	\$127,581.00	27.33	27.33	23.14	13.94		91.75			
24	SS	ANGHP	COP Public Health Division	Mobile Medical Outreach	\$100,000.00	27.81	27.25	21.63	12.75	-3.00	86.44			
12	SS	NI	Mayo Street Arts	After School in East Bayside	\$50,000.00	24.72	27.11	22.08	13.56	-3.50	83.97			
25	SS	ANGHP	The Opportunity Alliance	Community Services/Homeless Prevention Program	\$75,000.00	25.39	26.78	22.50	3.56	-1.00	77.22			
				<i>Total Social Service</i>	\$1,369,656									
				<i>Total Estimated HUD allocated social service funds available</i>	\$648,816							\$648,816		
				<i>Total estimated funds available to the City Manager HUD +Cotton Street+CARES Act</i>	\$919,606								\$919,606	\$0
				<i>* Cotton Street funding</i>										
				<i>** CARES Act Funding</i>										
				<i>new program set aside amount of \$129,763</i>										

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Interim Director
Housing and Economic Development Department

DATE: March 15, 2022

SUBJECT: Community Development Block Grant CV3 and
Emergency Solutions Grant CV2 CARES Act Funding

I. SUMMARY

This Substantial Amendment to the 2016-2020 Consolidated Plan and the 2019-2020 Annual Action Plan outlines the use of funds received from the U.S. Department of Housing and Urban Development through the CARES Act by re-programming \$124,669 of CDBG – CV3 funding allocated to a day space RFP and \$126,121 of ESG-CV2 funding allocated to Spurwink’s project at 22 Park Avenue.

II. DESCRIPTION

As a result of the federal Coronavirus Aid, Relief and Economic Security Act (CARES Act Public Law 116-136), the City of Portland received supplemental Community Development Block Grant funding (known as CDBG-CV3) and Emergency Solutions Grant funding (known as ESG-CV2). The City Council approved the allocation of \$124,669 from the CDBG-CV3 funding for day space for unhoused individuals. The city issued a RFP seeking development proposals for this project and did not have any responses. Similarly, Spurwink has determined that the services to be offered at 22 Park Avenue need to be available 24 hours a day and the \$126,121 allocated through the ESG-CV2 funding was insufficient to fully staff the program.

These funds must be used to mitigate the impacts of COVID-19. In order to access the funds, the City must submit to the U.S. Department of Housing and Urban Development a Substantial Amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan outlining the use of the funds.

III. BACKGROUND

In addition to providing supplemental funding through the CDBG Program, the CARES Act also provided several temporary waivers and regulatory alternatives to assist communities with expediting the use of the funds to prevent, prepare for and respond to the coronavirus. The City is required by the CARES Act to ensure funding is not used to pay costs if another source of financial assistance is available to pay that cost. Funding recommendations are noted in more detail in the attached funding tables.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Council approval of the Substantial Amendment to the 2016-2020 Consolidated Plan and the 2019-2020 Annual Action Plan outlining the allocations for the reprogramming of supplemental Community Development Block Grant Program (CDBG-CV3) and Emergency Solutions Grant Program (ESG-CV2) received from the U.S. Department of Housing and Urban Development.

V. FINANCIAL IMPACT

Funding for these activities will be provided by a grant from the U.S. Department of Housing and Urban Development.

VI. STAFF ANALYSIS AND BACKGROUND

The CDBG-CV3 and ESG-CV2 funding recommendations were developed with assistance from staff in the

Housing and Economic Development Department and the Health and Human Service Department.

VII. RECOMMENDATION

Staff recommends that the City Council vote to approve the Substantial Amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan.

VIII. LIST ATTACHMENTS

None

Prepared by: Mary Davis

Date: March 14, 2022

CITY OF PORTLAND
Housing and Economic Development Department
Housing and Community Development Division

TO: Mayor Kate Snyder
Members of the Portland City Council
FROM: Mary Davis, Interim Director
Housing and Economic Development Department
DATE: March 13, 2022
SUBJECT: 2022-2023 Housing Program Budget

SUMMARY OF ISSUE

Review and approval by the City Council of the 2022-2023 Housing Program Budget.

REASON FOR SUBMISSION

The Housing and Economic Development Committee met on February 1, 2022 and voted 3-0 (Zarro absent) to recommend approval by the City Council of the 2022-2023 Housing Program Budget.

HOME Program: The Home Investments Partnerships Program (HOME) was established by Congress in 1992. Since 1992, the City of Portland and the Cumberland County HOME Consortium have received almost \$24 million dollars in HOME funding. In 2009 the City became the lead entity in the Cumberland County HOME Consortium (CCHC). The Consortium is a partnership of the communities in Cumberland County that administers HOME Program funds in Cumberland County. The creation of the consortium expanded the financial resources for affordable housing activities in the region. The City retains independent operation of its HOME program. Because the City serves as the “Lead Entity” and City staff administers the County portion of the funding, all administrative funds are retained by the City. The County’s Municipal Oversight Committee controls the allocation of the County’s portion of the HOME funds.

When the Consortium was formed in 2009, it included a “hold harmless” clause to ensure that the City, as an existing HOME grantee, would continue to receive funding equal to its allocation prior to the formation of the consortium. The “hold harmless” formula was based on a comparison ratio to the HOME funding for the Lewiston/Auburn (L/A) Consortium. The formula identified Portland’s “hold harmless” amount at 118% of the HOME allocation for the L/A Consortium. The Cumberland County HOME Agreement did allow for adjustments to be made if the current level of funding to the L/A HOME

Consortium varied from historic levels. Over the years the L/A allocation has decreased which has resulted in the Portland “hold harmless” amount to decrease. As a result, by agreement with the other members of the CCHC, the annual allocation is divided with 57% of the allocation, after the administrative set-aside, to the City and 43% of the allocation to the County.

As a point of reference, if the City were a stand-alone grantee, the estimated HOME allocation for Portland (using a HUD HOME Allocation estimated calculation) would be approximately \$528,440. Of that amount 10% would be set aside for administrative costs (\$52,844) leaving \$475,596 for program funding. Under the current consortium agreement, the city receives the administrative set-aside (\$99,168) along with approximately \$508,731 in program funds. Participation in the HOME consortium benefits Portland as well as the county as a whole.

HUD has not announced the allocation amount for FY 2022-2023. Since we do not have the final allocation amounts, we are estimating the HUD HOME allocation at the same level as the previous year (\$991,679). \$383,780 is reserved for County projects. The budget proposal was developed after a historical review of HOME funding allocations, previous year's budget allocations, program expenditures and program income (loan repayments) received. Currently, the City's HOME Program is divided into three funding categories:

1. Administration
2. Tenant Based Rental Assistance (TBRA)
3. Affordable Housing Development [including the required Community Housing Development Organization (CHDO) set-aside mandated by HUD]

HOME Program Budget	FY 2021-2022 Budgeted (entitlement + program income)	FY 2022-2023 Budget proposal (entitlement + program income)
Administration	\$107,368	\$115,362
Tenant Based Rental Assistance	\$136,392	\$136,392
Affordable Housing Development includes CHDO requirement	\$509,718	\$458,270

LEAD SAFE HOUSING (Program Income): Lead Safe Housing Program Income is generated through repayment of loans given under prior Lead Safe Housing Grants. These funds can only be used for lead safe housing eligible activities. The City also has a Lead Hazard Reduction Grant of \$2,038,041 (over 42 months 1/2/2020-6/30/2023) in funding for lead paint remediation and \$503,655 in funding to assist with code and life safety improvements

Lead Safe Housing Program Income	FY 2021-2022 Budgeted	FY 2022-2023 Budget Proposal
	\$147,923	\$45,397

HOUSING TRUST FUND: Revenue for the Housing Trust Fund is generated from fees triggered by the City's Housing Preservation and Replacement Ordinance, fee-in-lieu contributions from the Inclusionary Zoning Ordinance and Hotel Inclusionary Zoning fee. Including the current balance of the Housing Trust Fund in the Housing Program Budget gives budget authority for the use of the funds. There are no projects or activities currently identified for these funds. The amount budgeted is the maximum that might be expended in

FY23. However, staff continues to recommend a minimum balance in the Trust, so the *effective budget would be \$1,911,107* (\$2,411,107 less \$500,000.) If additional funds are allocated to the Trust based on current discussions, this number might be adjusted based on the outcome.

Housing Trust Fund (HTF) Budget	FY 2021-2022 Budgeted	FY 2022-2023 Budget Proposal
	\$1,455,975	\$1,911,107

STAFF ANALYSIS AND RECOMMENDATION – The proposed Housing Program Budget will be adjusted when HUD announces the fiscal year allocation for the HOME Program. The budget is brought forward at this time to facilitate the release of the City’s Affordable Housing Development and TIF Application on a schedule that works with the Low Income Housing Tax Credit Program at MaineHousing. This budget is forwarded to the full City Council for two Public Hearings (March 21 and April 11), as part of the overall HCD budget. The final budget allocations and Annual Action Plan are submitted to HUD 45 days in advance of the start of the fiscal year (May 15 for the fiscal year beginning July 1, 2022).

At this time staff is requesting approval by the City Council of the FY 22/23 Housing Program Budget as outlined above and summarized in the attached spreadsheet. If the HUD allocation amount is different from the estimate used in this budget, program budgets will be adjusted proportionately.

FY 22/23 Housing Program Budget - Attached

2022-2023 HOUSING PROGRAM BUDGET

02.18.2022

Total HUD HOME Entitlement Allocation	991,679
Portland Program Portion	508,731
Portland Admin Portion	99,168
County Program Portion	383,780

Recommended by HEDC (3-0 Zarro absent) 02.01.2022
Approved by Council TBD
HUD Allocation Date: TBD

REVENUES- Housing Programs

2022-23 HOME Consortium Admin (10% of allocation)
2022-23 HOME Consortium Programming
2021-22 HOME Estimated Program Income*
2021-22 HOME Estimated Program Income Recaptured Funds*
2021-22 HOME Estimated Program Income and Recapture Deduction for County*
2022-2023 Housing Trust Fund
2021-22 Lead Safe Housing Program Income**

REVENUE TOTALS (Portland)

HOME	LEAD Safe Housing Program Income**	Housing Trust Fund	TOTAL BUDGET
99,168			99,168
508,731			508,731
161,944			161,944
85,931			85,931
-145,750			-145,750
		2,172,194	2,172,194
	45,397		45,397
710,024	45,397	2,172,194	2,927,615

** Includes previous unallocated program income FY20 + program income estimate FY21

2022-23 HOUSING Budget by Activity (Portland)

Administration 243023QQ01 (includes 10% of PI)
Tenant-Based Rental Assistance 443023QT01
Affordable Housing Development 243023QA00
CHDO 243023QA00
Lead Safe Housing 243019PLL1 (PLL036)

EXPENDITURE TOTALS (Portland)

HOME	Housing	Trust Fund	BUDGET
115,362			115,362
136,392			136,392
373,481		2,172,194	2,545,675
84,789			84,789
0	45,397		45,397
710,024	45,397	2,172,194	2,927,615

* July -Dec PI & Recapture Actuals FY 21

For FY23 budget PI & Recapture based on actuals from Jan -Dec 2021

2022-23 HOME Consortium COUNTY - approved by MOC on XX.XX.2022

County HOME Program budget provided for reference only; adjusted for final HUD Allocation XX.XX.2022

Allocation of County funds is done by the County's Municipal Oversight Committee

REVENUES- Housing Programs

2022-23 HOME Consortium Non-Portland Programming	County
2021-22 HOME County Program Income and Recapture	383,780
	145,750
	529,530

2022-23 HOUSING Budget by Activity

Affordable Housing Development 243023QC00	County
CHDO 243023QC00	465,566
	63,963
	529,530

City of Portland, Emergency Solutions Grants (ESG) Program

The ESG program provides funding to: (1) engage homeless individuals and families living on the street; (2) improve the number and quality of emergency shelters for homeless individuals and families; (3) help operate these shelters; (4) provide essential services to shelter residents, (5) rapidly rehouse homeless individuals and families, and (6) prevent families/individuals from becoming homeless. Eligible recipients generally consist of states, metropolitan cities, urban counties, and territories, as defined in 24 CFR 576.2. Each recipient must consult with the local Continuum(s) of Care operating within the jurisdiction in determining how to allocate ESG funds.

ESG Essential:

Chestnut Street Family Shelter: Funds pay for staff who provides housing assistance by seeking affordable units, applying for eligible subsidies and accessing transitional housing opportunities and follow-up case management services by assisting with budgets, tenant/ landlord negotiations, and connecting to area resources. There is a need in Portland to expand the essential services with the high number of families arriving. The budget is adjusted to cover 1.25 FTE; this will allow the case manager to work with 5-10 families (17-34 individuals).

ESG Prevention:

Oxford Street Shelter: Funds pay for staff who assist in preventing individuals from becoming homeless and providing necessary case management and referrals.

Rapid Re-housing:

Oxford Street Shelter: Funds pay for staff who assist persons who have become homeless by quickly moving them into permanent housing and providing the necessary case management and referrals to address individual needs.

Proposal for EGS Essential and Preventative grants:

HUD has not yet released ESG allocations for fiscal year 2023. Once the final allocation is announced, any necessary adjustments will be proportionately to increase or decrease the budget to match the final allocation amount.

Proposed 2022-2023 Budget for ESG

Emergency Solutions Grant 2014-2023

rev. 03.14.2022

Program	ESG Budgeted Funding Amount by Fiscal Year									
	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23
Operations: Homeless Health	\$28,993	\$35,391	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Essential Services: Family Shelter	\$21,853	\$26,675	\$28,327	\$28,327	\$28,327	\$27,000	\$52,064	\$52,065	\$82,477	\$82,477
Homeless Prevention: Family Shelter	\$21,853	\$26,675	\$52,369	\$52,369	\$52,395	\$51,200	\$27,865	\$30,412	\$0	\$0
Homeless Prevention: Oxford Street	\$8,972	\$10,952	\$13,800	\$13,244	\$13,262	\$12,950	\$13,815	\$16,363	\$16,363	\$16,363
Rapid Rehousing: Oxford Street	\$35,888	\$43,807	\$55,200	\$55,200	\$55,200	\$54,200	\$55,064	\$55,064	\$55,064	\$55,064
Administration and HMIS	\$5,600	\$6,836	\$12,138	\$12,092	\$12,096	\$11,781	\$12,065	\$12,479	\$10,953	\$10,953
<i>Total (Actual)</i>	\$123,159	\$150,336	\$161,834	\$161,232	\$161,280	\$157,131	\$160,873	\$166,383	\$164,857	\$164,857
<i>Admin/HMIS cap</i>	\$9,237	\$11,275	\$12,138	\$12,092	\$12,096.00	\$12,096	\$12,065	\$12,479	\$12,364	\$12,364

Explanation (FY23)

Operations: Homeless Health	This program is no longer administered by the City of Portland
Essential Services: Family Shelter	Funds pay for staff who provides housing assistance by seeking affordable units, applying for eligible subsidies and accessing transitional housing opportunities and follow-up case management services by assisting with budgets, tenant/ landlord negotiations, and connecting to area resources. There is a need in Portland to expand the essential services with the high number of families arriving. The budget is adjusted to cover 1 .25 FTE, this will allow the case manager to work with 5-10 families (17-34 individuals).
Homeless Prevention: Oxford Street Shelter	Oxford Street Shelter: Funds pay for staff who assist in preventing individuals from becoming homeless and providing necessary case management and referrals.
Rapid Rehousing: Oxford Street Shelter	Funds pay for staff who assist persons who have become homeless by quickly moving them into permanent housing and providing the necessary case management and referrals to address individual needs.
Administration and HMIS	Funding goes to pay for licenses to use HUD's Homeless Management and Information System. Licenses are provided by Maine Housing.
Budget Notes	3.14.2022 HUD has not yet released ESG allocations for fiscal year 2023. Once the final allocation is announced, any necessary adjustments will be proportionately to increase or decrease the budget to match the final allocation amount.

NOTE:

City Council will take public comment on this budget

City of Portland, Maine

2022-2026 Five-Year HUD Consolidated Plan and 2022- 2023 Annual Action Plan DRAFT



Draft #2 – released March 16, 2022

This draft will be updated during the public comment period between March 11th and April 11th as significant changes are made. If you wish to make comments on this draft, please send an email to hmccarthy@portlandmaine.gov or call 756-8089.

Prepared by
Housing & Community Development Division
City of Portland, Maine
389 Congress Street Room 312
Portland, ME 04101



Executive Summary

ES-05 Executive Summary – 24 CFR 91.200(c), 91.220(b)

1. Introduction

The U.S. Department of Housing and Urban Development (HUD) requires jurisdictions to combine the planning and applications for the Community Development Block Grant (CDBG), the HOME Investment Partnership Program and the Emergency Shelter Grant (ESG) into a single submission known as the Consolidated Plan. This Consolidated Plan provides a basis and strategy for the use of federal funds granted to the City of Portland's CDBG and ESG programs as well as the Cumberland County HOME Consortium programs. The City of Portland's Department of Planning and Urban Development, Housing and Community Development (HCD) Division, is the lead entity for managing and distributing the HOME Consortium funding. This Consolidated Plan covers the period beginning July 1, 2016 through June 30, 2021, including five program years.

In addition to the Consolidated Plan, HUD requires jurisdictions to submit an Annual Action Plan which will describe how the funds for a program year will be distributed to address the needs, goals, and priorities identified in the Consolidated Plan. The programs and activities described in the Annual Action Plans are primarily intended to benefit low and moderate income residents of the City of Portland and Cumberland County through the HOME Consortium.

The Consolidated Plan is based on a combination of community outreach, public hearings, consultation with various agencies, and collaboration with non-profit organizations, neighborhood groups, and community stakeholders. Before submittal to HUD, the Consolidated Plan was made available to the public through a 30-day comment period as well as two public hearings.

Definitions used in this Consolidated Plan correspond to the HUD definitions of low income, extremely low income, and moderate income. Additionally, the CDBG program refers to 'eligible areas' as census block groups in which at least 51% of the households have an income less than 80% of the AMI; whereas 'target areas' refer to neighborhoods and census block groups which have the highest concentration (80-95%) of households with an income less than the 80% of the AMI. The boundaries of the 'target areas' will be defined in each Annual Action Plan.

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2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

The objectives and outcomes identified in this Consolidated Plan are based on a combination of HUD-provided data, independent research, community outreach, consultation with various agencies and service providers, and the established goals and priorities of the City of Portland and the Cumberland County HOME Consortium. Based on the information collected, the following goals will be used to allocate funding for the next five years. All programs and activities funded through the CDBG, HOME and ESG programs will help to fulfill one of these four goals:

1. Neighborhood Investment & Infrastructure- Create strong, safe accessible and vibrant neighborhoods.
2. Housing Availability- Increase housing availability and affordability.
3. Economic Opportunity – Create Economic opportunities to transition people out of poverty.
4. Address the Needs of the Growing Homeless Population- Prevent and reduce Homelessness.

3. Evaluation of past performance

Limited financial resources are the City's biggest constraint to meeting the needs and goals of our community. Year after year, the request for funding far exceeds the amount of funds available through the City's CDBG, HOME, and ESG programs. However, the use of the HUD funds allows for an increase in leveraged funds through many of the program's subrecipients. In order to maximize the effectiveness of the HUD funds distributed within our Community, each subrecipient's application goes through an extensive evaluation process.

The needs, goals, and priorities identified in this Consolidated Plan represent a continuing evaluation and evolution the City's CDBG, HOME and ESG programs. As new information becomes available about the needs of our community, HCD staff work with City officials to make sure that the goals of the HUD programs are aligning with the direction and goals of the City. Through the continued evaluation process, HCD staff is able to make sure that the needs of the City are being addressed in every funding cycle.

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4. Summary of citizen participation process and consultation process

The City conducted a number of evaluations in preparation for this Consolidated Plan, including an evaluation of the HUD required Citizen Participation Plan. Through this process, the HCD staff made several improvements to the Citizen Participation Plan. The City holds multiple public meetings each year, including a service providers meeting, to make sure the needs of the community are heard. Per HUD requirement, two public hearings are held each year to allow the public to give input directly to the City Council on how HUD-program funding should be allocated. In addition to the public hearings and meetings, HCD staff welcome meetings with concerned citizens, neighborhood organizations and other community groups. Surveys were sent out to business development professionals, service providers, and residents. Additionally, the City of Portland and Cumberland County jointly engaged in an Analysis of Impediments to Fair Housing process which involved wide outreach through individual interviews, focus groups, and surveys. The HCD staff also serve on several committees and are active members of organizations related to improving the quality of life for low- and moderate-income Portland residents.

5. Summary of public comments

6. Summary of comments or views not accepted and the reasons for not accepting them

7. Summary

This 5 year Consolidated Plan identifies housing and community development needs in both the City of Portland through the CDBG and ESG programs and Cumberland County through the HOME Consortia. The needs assessment and market analysis done in this Consolidated Plan were used to form the Housing and Community Development strategic plan for the next five years. The details of the needs assessment, market analysis, and strategic plan are described in the following document.

The Process

PR-05 Lead & Responsible Agencies - 91.200(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	PORTLAND	

CDBG Administrator	PORTLAND	Housing and Economic Dev Dept, HCD Division
HOPWA Administrator	PORTLAND	Frannie Peabody Center, ME
HOME Administrator	PORTLAND	Housing and Economic Dev Dept, HCD Division
ESG Administrator	PORTLAND	Health and Human Services Department, SS Division
HOPWA-C Administrator		

Table 1 – Responsible Agencies

Narrative

The City of Portland's Housing and Economic Development Department, Housing and Community Development Division (HCD), is the lead entity for managing and distributing HOME funding. The City of Portland and Cumberland County are a HOME Consortium, with 80% of funding directed toward the City of Portland and 20% to Cumberland County. The Cumberland County Community Development Office distributes CDBG funding to all towns and cities in Cumberland County except the City of Portland and the Town of Brunswick, which participates in the State of Maine CDBG program. South Portland and Bridgton have set aside allocations from the County CDBG funding. The City of Portland receives, manages, and distributes its own CDBG allocation. ESG funding is administered and distributed through the City of Portland's Health and Human Services Department with oversight from the Housing and Community Development Division. HOPWA funding is directly granted to, managed, and administered by the Frannie Peabody Center.

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The Consolidated Plan and Annual Action Plan were written jointly by staff in the City of Portland Housing and Community Development Division and Cumberland County based on consultation with myriad individuals and entities who provided feedback and guidance to the process, recommendations, and decision making defining the details of the Plan.

In addition to several focus groups, surveys, and direct outreach to organizations and individuals, the City of Portland has a citizen-centered allocation process for all funding. All CDBG applications for social services and development are scored and reviewed by the CDBG Allocation Committee, a group of 9-13 community members who are chosen through an application process and appointed by the City Council. The Committee recommends funding allocations to the City Manager based on priorities, information provided, performance, and capacity of the applicants. All Allocation Committee meetings are open to the public, with dates and times posted on the City's website in the online calendar. The City Manager reviews the Committee's allocation recommendations and may make additional recommendations. All recommendations are then presented to the City Council at two meetings where public comment is taken consistent with the Citizen Participation Plan; the City Council then makes the final allocation decisions.

The HOME budget is developed by HCD Staff and presented to the Housing and Economic Development Committee, which consists of several members of the City Council. This is a public meeting which is advertised on the City website with notices sent to housing partners, neighborhood organizations, and other interested parties who have registered to receive notice of these meetings. Public comment is taken on the budget.

The Emergency Solutions Grant is presented to the Continuum of Care and the Emergency Shelter Assessment Committee. Both groups discuss the allocations and vote on the budget and activities included in the plan.

The entire Consolidated Plan and Annual Action Plan, including the budgets for CDBG, HOME, and ESG, are presented and discussed at two public hearings consistent with the Citizen Participation Plan. Public comment is taken at both meetings and the City Council makes the final approval decisions.

Consolidated Plan Public Contact Information

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Housing and Community Development Division

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PR-10 Consultation - 91.100, 91.110, 91.200(b), 91.300(b), 91.215(l) and 91.315(l)

1. Introduction

The City of Portland Housing and Community Development Division works with other City divisions and departments, regional coalitions, state programs, and county partners to achieve its goals. The HUD Citizen Participation Plan (CPP) ensures that the City undertakes an effective public process that encourages input and participation from residents, non-profit organizations, and other stakeholders. The CPP also guarantees access to meetings, information, and public hearings on CDBG, HOME, and ESG funded activities, goals, and priorities, as well as provides procedures for reducing barriers to those who may need accommodations to participate. Technical assistance must be provided, upon request to organizations that would like to develop proposals for funding under the City's Housing and Community Development programs.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

The City of Portland utilizes 33% of CDBG funds for social service supports, including housing programs, homeless services, crisis management services, childcare, family support services, substance use disorder services, youth and adolescent support services, senior services, neighborhood-based programs and projects, and health care for the homeless. City staff meets with agencies throughout the year to provide technical assistance and ensure they are serving the needs of target populations while meeting HUD guidelines and regulations.

There are four public housing authorities within Cumberland County: Portland Housing Authority, Brunswick Housing Authority, South Portland Housing Authority, and Westbrook Housing Authority. The City of Portland and Cumberland County collaborate extensively with these housing authorities in several areas including development of affordable housing, recreational activities for at-risk youth, self-sufficiency programs, and vouchers for families, unhoused individuals, and disabled persons. Staff from both the County and City of Portland participate in the Maine Affordable Housing Coalition, which is a collaborative group of developers, Community Action agencies, public housing authorities, investors, housing and service providers, advocates, and others working to increase the supply of quality, affordable housing throughout Maine.

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Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness

The Maine Continuum of Care is a group of service providers who work together in a collaborative planning process to develop programs that address homelessness. Continuums can apply to the U.S. Department of Housing and Urban Development (HUD) for McKinney-Vento funding to support these programs. Local agencies wishing to access these funds must do so through their Continuum's annual CoC NOFA application process. Cumberland County Community Development Division staff members regularly attend Maine Continuum of Care meetings and provide input on plans for regional service provision. City of Portland Staff from the Health and Human Services Department and Housing and Community Development Division coordinate with members of the Emergency Shelter Assessment Committee (ESAC) and the United Way of Greater Portland to support the Continuum of Care and monitor shelter bed usage for single adults, adolescents, and families. ESAC members include shelter providers for singles, adolescents, individuals with mental illness, women, families with children, victims of domestic violence, supportive housing providers, mental health services providers, and general services. ESAC also produces monthly and quarterly statistics on shelter usage and provides a forum to discuss new programs, resource availability, and emerging trends.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS.

The Maine HMIS is a collaborative effort between MaineHousing, the dedicated lead agency, and the Maine Continuum of Care, of which the City of Portland and Cumberland County are members. The Maine Continuum of Care (MCOC) covers the entire State of Maine and supports projects throughout the region. The MCOC's mission is to plan and coordinate an inclusive system that helps Maine people avoid or exit quickly from homelessness, and to address the underlying causes of homelessness. Organizations that receive CoC or ESG (Emergency Solutions Grant) funding are expected to be members in good standing of their local Continuum of Care in order to continue to be eligible for funding.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities.

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Agency	Agency Type	Section of Plan	Consultation and Outcome
City of Portland			
Cumberland County			
Portland Housing Authority	PHA		
Brunswick Housing Authority	PHA		
South Portland Housing Authority	PHA		
Westbrook Housing Authority	PHA		
Maine Affordable Housing Coalition			This agency works to increase affordable housing in Maine, a perennial goal of the City of Portland.
Community Housing of Maine	Housing		
Habitat for Humanity Greater Portland			
Crossroads Community Health			
Tedford Housing			
Through These Doors	Services – Victims of Domestic Violence		

Volunteers of America Northern New England			
Milestone Recovery			
Preble Street			
Maine Equal Justice			
Maine Development Fund			
Black Owned Maine			
CEI Center for Women's Business			
Portland Regional Chamber of Commerce			
Sebago Lakes Chamber of Commerce			
Institute for Family Owned Businesses			
Live + Work in Maine			
Coastal Counties Workforce Solutions			
Maine Department of Economic and Community Development			
Portland Adult Education			

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Lakes Region Adult Education			
Windham/Raymond Adult Education			
Catholic Charities Maine			
Project GRACE			
Standish Department of Parks and Recreation			
Opportunity Alliance			
Town Managers and Planners in Cumberland County			
Harrison Food Bank			
Preble Street			
Greater Portland Council of Governments			
Maine Broadband Coalition			
Broadband Providers*			
Maine Housing	Housing		
Maine Equal Justice			
Alpha One			

Disability Rights Maine			
New England ADA Center			
Oxford St Shelter			
Cumberland County Public Health			
Homeless Voices for Justice			

Table 2 – Agencies, groups, organizations who participated

Identify any Agency Types not consulted and provide rationale for not consulting

All agencies related to public services available in the City of Portland and housing services available in Cumberland County and the City of Portland were consulted, as well as individuals with lived experience. Interviews were conducted with Housing and Public Service providers throughout Cumberland County; see attached summary sheet.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Analysis of Impediments to Fair Housing	City of Portland Housing and Community Development Division and Cumberland County Community Development Division	This plan identifies barriers to Fair Housing within the jurisdiction through robust public outreach and will guide the strategy for mitigating those barriers.
ReCode Portland	City of Portland Planning and Urban Development Division	This plan identified areas for improvement within the current zoning with the goal of creating a new, unified development code to better meet needs of the city in housing, design, conservation, and transportation.
Historic Preservation Impact Study	City of Portland Planning and Urban Development Division	This study identified the impact of the City of Portland's Housing Preservation ordinance.
One Climate Future	The Cities of Portland and South Portland	This plan outlines potential scenarios for climate challenges within the two cities and opportunities for mitigation, particularly in areas where low-moderate income individuals live.
Portland's Plan 2030	City of Portland	This is the comprehensive plan of the City of Portland which outlines goals and policies of the City for housing, sustainability, and the economy.
Maine Won't Wait	Maine Climate Council	This is a four-year plan to mitigate hazards of climate change in order to resiliency.
Transit Tomorrow	Greater Portland Council of Governments	This plan aims to create new connections to suburban and rural communities, while increasing quality of life through complete street policies.
Thrive 2027	United Way	This is a coordinated effort to increase social outcomes for residents of Cumberland County.
Maine Jobs and Recovery Plan	State of Maine Executive and Legislative Branches	This plan outlines goals and funding opportunities for increasing the economic outcomes for Maine residents through the American Rescue Plan.
City of South Portland Housing Assessment and Strategy Report	City of South Portland	This plan, currently in draft form, outlines trends and needs for housing in South Portland.

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Multifamily Housing and Land Use Regulation	Greater Portland Council of Governments	This analysis explored the limits to multifamily housing development within the region to provide a baseline of data for use in regional discussion.
The Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions	State of Maine 130 th Legislature	This report provided to the Legislature barriers and opportunities for increasing housing by studying zoning and land use restrictions.
State of Maine Economic Development Strategic Plan	State of Maine Department of Economic and Community Development	This is a ten-year strategy to address economic challenges and opportunities in Maine including workforce and quality of life.
Portland Housing Authority Strategic Vision Plan	Portland Housing Authority	The document illustrates conceptual design and financial strategies that will allow the agency to be creative in meeting the need for more affordable housing in southern Maine.
Westbrook Housing Authority 2020-2024 Five Year Plan	Westbrook Housing Authority	The scope of this plan pertains only to the Housing Choice Voucher Program (HCV).
2018 Comprehensive Economic Development Strategy	Greater Portland Council of Governments	In 2011, GPCOG was designated by the US Department of Commerce's Economic Development Administration as the Economic Development District for our region; this is the five-year CEDS plan.
Project: Connect Cumberland	Cumberland County	Connect Cumberland is designed to support broadband growth by helping participating communities to develop an Operating Mechanism that will serve as the fiscal agent to pay for major projects, and to contract with ISPs for end-user service and maintenance, and invest financially in strategic infrastructure projects that improve regional broadband expansion, through grants and county funds.

Coastal Counties Workforce Plan	Coastal Counties Workforce Board (CCWB)	This plan communicates CCWB's vision for aligning and integrating local workforce service delivery across federal programs in the region to foster better alignment of Federal investments in job training, integrate service delivery across programs, and ensure that the workforce system is job driven and matches employers with skilled individuals.
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Table 3 – Other local / regional / federal planning efforts

Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l))

Cumberland County reached out multiple times to planners and managers in every town and city within the CDBG consortium and multiple service providers involved in housing and economic development related work in County. Cumberland County and the City of Portland work closely to provide non-duplicative services and consult with MaineHousing on housing projects within the City and County.

Narrative

The City of Portland and Cumberland County consulted with a number of agencies, organizations, and public entities during the development of this plan. These consultations assisted in identifying barriers to housing, potential for increased economic opportunities, and gaps in services for varying populations including individuals who are unhoused or at risk of homelessness, individuals with disabilities, and persons fleeing domestic violence.

PR-15 Citizen Participation - 91.105, 91.115, 91.200(c) and 91.300(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The City of Portland CDBG Priority Task Force is a group of residents appointed by the City Council through an application process to review the goals, needs, and priorities of CDBG program and inform creation of the Consolidated Plan. Although the City had planned numerous in-person outreach events to gather data to inform the work of the Task Force, these events were unable to proceed due to the onset and continuation of the Covid-19 pandemic through 2020. The 2020 Task Force met twelve times between March and September of 2020 in public meetings held mostly virtually due to Covid-19. The task force used data from 477 respondents of targeted surveys for the general public, business owners, social service providers, and past applicants and subrecipients of CDBG funding to update the priorities and goals for the Consolidated Plan.

In addition to the outreach directly undertaken for the creation of the Consolidated Plan, there have been numerous public outreach efforts by various entities within the jurisdiction which provided information relevant to the creation of the Consolidated Plan. HCD Staff attended many of these public outreach efforts including MaineHousing HOME-ARP focus groups, South Portland Housing Forums, and annual City of Portland District meetings. These meetings included a variety of service providers and individuals with lived experience.

Due to the Covid-19 pandemic, most of the outreach efforts were conducted via electronic or print means, which can be problematic for individuals who need accommodations. To mitigate this, HCD staff worked with staff at the Office of Economic Opportunity to make surveys, focus groups, and written materials accessible to individuals for whom English is not a first language. Surveys related to the Analysis of Impediments and Consolidated Plan were translated into the five most prevalent languages in the County: French, Spanish, Portuguese, Arabic, and Somali. Additionally, the City and Cumberland County reached out to providers who work with potentially impacted populations, including low- and moderate-income persons, residents of neighborhoods where CDBG funds are proposed for use, persons with disabilities, and minorities, to identify individuals with lived experience to participate in focus groups as well as distribute surveys and information.

Cumberland County took the following actions to reach County residents either directly or digitally. In order to reach populations with unreliable broadband access, County staff reached out to service providers to identify how they were communicating with their networks and created a survey to be shared through these networks which provided space to describe barriers faced in accessing

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housing, job training, and basic needs services. Staff also created a page on the County website describing the purpose of the Consolidated Plan and importance of diverse resident input. Municipalities within the county were asked to share this information and survey links on their town or city websites and social media, as well as through physical postings within town buildings. Seven public forums were held to inform the public about the Consolidated Plan process and collect public comment.

Public hearings for the Consolidated Plan were held on March 21, 2022 and April 11, 2022. These hearings were noticed in the Portland Press Herald on March 4th, 2022. This information was also posted to the City's website at <http://www.portlandmaine.gov/762/Plans-Reports> and <http://www.portlandmaine.gov/2702/Submitted-Applications> as well as posted on the City's social media accounts. The draft Consolidated Plan was published for review on March 10th, 2022 on the City of Portland's website at <http://www.portlandmaine.gov/762/Plans-Reports>. A notice of public comment was published in the Portland Press Herald on March 4th, 2022, outlining the 30-day public comment period which would begin on March 11th, 2022 and conclude on April 11th, 2022. The public comment period and public hearing dates were also posted on the City's social media accounts.

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Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
	Community Forums (CC and Portland)				All comments were accepted	
	CDBG Task Force					
	Community Development Survey					
	Analysis of Impediments Survey					
	Analysis of Impediments Focus Groups	Organizations and				
	CDBG Allocation Meetings and Website					
	Public Meeting					
	Public Meeting					
	Public Meeting					
	Newspaper Ad					
	Public Meeting		Public Hearings on Consolidated Plan and Annual Action Plan held on March 21, 2022 and April 11, 2022.			
	Council District Meetings					
	Internet Outreach					

Table 4 – Citizen Participation Outreach

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Needs Assessment

NA-05 Overview

Needs Assessment Overview

In recent years, the City of Portland has been experiencing rising housing costs as Portland becomes increasingly attractive for a diverse range of households. Surrounding communities have begun to feel the impact of this change in the market. However, this situation is not unique to our region. Cities across the nation have been experiencing renewed investment and shifting demographics as demand for living in close proximity to urban centers continues to grow. Given market limitations, the development of new housing affordable to current residents has been limited. Increasingly, stories of displacement and household instability are becoming more common as residents struggle to find decent, safe, and affordable housing.

NA-10 Housing Needs Assessment - 24 CFR 91.405, 24 CFR 91.205 (a,b,c)

Summary of Housing Needs

The housing stock in Portland and throughout the Greater Portland Region is aging and reaching the end of useful life for housing. Rehabilitation of aging housing stock often involves extensive energy efficiency efforts because of severe winter weather. The cost involved with rehabilitating older housing can be cost prohibitive in a housing market that is already too expensive for many residents.

Demographics	Base Year: 2009	Most Recent Year: 2017	% Change
Population	276,156	289,125	5%
Households	114,107	118,780	4%
Median Income		\$65,702	

Table 5 - Housing Needs Assessment Demographics

Data Source:	2000 Census (Base Year), 2013-2017 ACS (Most Recent Year)
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Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households	16,245	12,615	20,400	12,390	57,155
Small Family Households	3,953	3,025	6,213	4,429	30,645
Large Family Households	388	548	965	607	3,418
Household contains at least one person 62-74 years of age	3,484	3,226	4,907	2,684	12,650
Household contains at least one person age 75 or older	3,088	2,631	2,844	1,547	3,912
Households with one or more children 6 years old or younger	1,633	1,167	2,088	1,445	5,920

Table 6 - Total Households Table

Data Source:	2013-2017 CHAS
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Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

	Renter					Owner				
	0-30% AMI	>30- 50% AMI	>50- 80% AMI	>80- 100% AMI	Total	0-30% AMI	>30- 50% AMI	>50- 80% AMI	>80- 100% AMI	Total
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	500	150	70	45	765	61	40	25	43	169
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	35	85	135	10	265	15	4	24	0	43
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	185	175	55	59	474	34	79	158	0	271
Housing cost burden greater than 50% of income (and none of the above problems)	5,933	1,373	350	40	7,696	3,494	2,027	1,740	319	7,580
Housing cost burden greater than 30% of income (and none of the above problems)	1,174	2,832	3,157	498	7,661	753	2,078	3,741	2,048	8,620

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Zero/negative Income (and none of the above problems)	740	0	0	0	740	437	0	0	0	437

Table 7 – Housing Problems Table

Data Source:	2013-2017 CHAS
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2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	6,658	1,783	610	154	9,205	3,609	2,147	1,954	362	8,072
Having none of four housing problems	3,456	4,212	7,650	3,792	19,110	1,350	4,454	10,175	8,070	24,049
Household has negative income, but none of the other housing problems	740	0	0	0	740	437	0	0	0	437

Table 8 – Housing Problems 2

Data Source:	2013-2017 CHAS
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3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	2,240	1,134	1,116	4,490	905	1,034	2,092	4,031
Large Related	180	229	85	494	93	184	210	487
Elderly	2,139	1,163	549	3,851	2,532	2,144	1,977	6,653
Other	3,000	2,021	1,799	6,820	805	847	1,224	2,876
Total need by income	7,559	4,547	3,549	15,655	4,335	4,209	5,503	14,047

Table 9 – Cost Burden > 30%

Data Source:	2013-2017 CHAS
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4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	1,945	317	54	2,316	836	631	574	2,041
Large Related	155	25	0	180	93	29	20	142
Elderly	1,544	344	109	1,997	1,901	955	680	3,536
Other	2,692	779	184	3,655	742	444	458	1,644
Total need by income	6,336	1,465	347	8,148	3,572	2,059	1,732	7,363

Table 10 – Cost Burden > 50%

Data Source:	2013-2017 CHAS
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5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households	205	229	165	39	638	53	83	143	0	279
Multiple, unrelated family households	0	0	0	10	10	0	0	39	0	39
Other, non-family households	25	30	25	20	100	4	0	0	10	14
Total need by income	230	259	190	69	748	57	83	182	10	332

Table 11 – Crowding Information - 1/2

Data Source:	2013-2017 CHAS
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	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Households with Children Present								

Table 12 – Crowding Information – 2/2

Describe the number and type of single person households in need of housing assistance.

According to the 2019 5-year ACS estimates, there are 36,267 single person households in Cumberland County with a median income of \$35,018. Almost half (47.3%) of single-person households are renters. In the City of Portland alone, almost 70% of single-person households are renters. Fair Market Rents in 2019 the Portland, ME HUD Metro FMR Area were \$989 for an efficiency and \$1071 for a one bedroom. Through our outreach, we know that rents in the area have skyrocketed since 2019, further exacerbating an already tenuous issue.

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

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Through These Doors, a domestic violence resource center serving Cumberland County, reports 500 annual requests for shelter, which includes folks who made multiple requests. Unfortunately, the organization is able to shelter only 100 adults and twenty children per year.

What are the most common housing problems?

Cost burden is the most significant housing problem in Cumberland County. Although the 2017 CHAS data indicates 91% of total households at 100% HAFMI or less are cost burdened, this problem has significantly worsened since that time. In 2020 in Cumberland County, 68.6% of renter households were unable to afford a median two-bedroom unit according to MaineHousing's affordability index database. This reflects an extreme supply shortage of rental units available which has increased the cost substantially for renters, particularly in the Portland area.

The limited supply of rental units may contribute to instances of housing problems within the jurisdiction by allowing landlords to delay housing maintenance without lowering profit margins in order to find tenants. This may more significantly affect households with an income of 0-30% of HAFMI, as 60% of households at that income level report one or more housing problems. Of those, 64% are renters.

During 2020, housing construction costs skyrocketed due to supply chain issues impacted by the Covid-19 pandemic. Because of this increase in costs, as well as inconsistent or restrictive zoning across towns within the County, creating more affordable housing has been challenging. At the same time, demand for housing in Portland and surrounding communities increased quickly as workers were more mobile due to remote work and chose to seek housing opportunities outside of larger cities and communities. From 2009 to 2017, the population in Cumberland County had increased by 4%; the explosion of interest in the jurisdiction due to the pandemic has further exacerbated the extreme shortage of available units for rent and purchase.

Both of the above points, in tandem with high-density of market-rate buyers in Portland, have led low-, moderate-, and middle-income residents to move to towns surrounding Portland. These towns have fewer affordable units available, intensifying competition of existing stock.

In addition to the difficulty of finding a unit, the administration of public and affordable housing processes is too complicated for many who don't have a high school education, are burdened with survival related responsibilities, or work hours that do not align with the hours during which they could get assistance with these processes.

Are any populations/household types more affected than others by these problems?

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Portland has long been a desirable and welcoming community for immigrants, refugees, and asylum seekers. Unfortunately, the shortage of affordable housing options can be particularly difficult for individuals who may have larger families, limited English, and few resources. Many of the immigrant, refugee, and asylum-seeker families have been forced to seek housing options outside of the greater Portland area. As immigrants/refugees get pushed further away from Portland, they move geographically further away from the only support services who are linguistically equipped and culturally competent enough to identify needs and issues and provide appropriate, sensitive treatment or assistance.

This is true also for individuals with disabilities, domestic violence victims, and other individuals who may have lower incomes who depend on services which may be more readily available, or only available, within the City of Portland. These individuals have difficulty competing for the small number of affordable housing opportunities available due to the lack of significant income as well as the time, energy, or capacity required to compete for limited housing opportunities. Additionally, there are fewer units available with accommodations, leaving disabled people on the aggregate more likely to find housing which doesn't meet their needs or may not have the ability for physical accommodations to be added due to age and deterioration.

Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance

Many refugee and asylum seeking families are at a particularly high risk of residing in the family shelter. Several contributing factors include the State of Maine choosing to no longer reimburse for benefits provided to unlawful immigrants, including people who have expired visas and do not have required paperwork, and the long waiting list for larger subsidized units and Housing Choice Vouchers. Due to the continuous changes in state and local funding, tracking the needs of families who received rapid re-housing assistance and are nearing the termination of that assistance is difficult. This has become especially difficult during the Covid-19 pandemic, as case managers have been unable to meet in person with at-risk families and individuals. Additionally, many families and individuals are currently residing in a number of hotels across the region in order to meet public health spacing recommendations, making it difficult for these families to receive and access consistent services. Many formerly homeless families receiving rapid re-housing assistance may find it difficult to maintain their current housing, and there is a significant lack of affordable housing options available.

The Covid-19 pandemic has also disproportionately affected families and individuals with mental illness by limiting access to services. According to Maine's Plan to End and Prevent Homelessness, Mental Illness and Substance Use were the 2nd and 3rd contributing factors in almost every unhoused population, including families. Poverty was overwhelmingly the first.

Substance misuse, in particular opioid use, has skyrocketed in Maine. Since 2013, annual drug overdose deaths have tripled. In December 2021 alone, there were 51 overdose deaths in Maine; 22% of these were in Cumberland County.

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:

The persons noted above who are no longer eligible for general assistance benefits are primarily refugees, asylum seekers, and persons with mental illness or substance use disorder.

Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness

The housing characteristic linked most closely with instability and increased risk of homelessness is cost burden or loss of subsidy. Families who must choose whether to pay for utilities, food, rent or other necessities, will eventually not be able to make rent or utilities which will eventually lead to eviction. The loss of subsidy will also lead to eviction as the person or family will be unable to pay.

Discussion

Almost 30% of County households have at least one type of housing problem, as noted in the charts above. Of these households with housing problems, housing cost burden is the greatest need with 44% having a housing cost burden greater than 50%, 50.3% of which are renters and 49.7% are owners. Including households facing a housing cost burden of over 30% of household income, the percentage of households increases to 91%, 54% of which are renters and 46% are owners.

Renters in the 0-30% income bracket are more likely to be severely cost burdened (50% or more of income to housing costs, while renters in the 50%-80% AML income level are more likely to pay more than 30% of their income toward housing costs. This same trend is true for

owner households. Affordable housing for low-income residents throughout Cumberland County is extremely limited.

NA-15 Disproportionately Greater Need: Housing Problems - 91.405, 91.205 (b)(2)

Introduction

Cumberland County and Portland have higher concentrations of racial and ethnic groups than Maine as a whole; however, these numbers are still small. According to the 2019 Five-Year American Community Survey, less than six percent (5.8%) of the County population, 3.4% of the state population, and 12.4% of the population in Portland identify as Black/African-American, American Indian/Alaska Native, Asian, Pacific Islander, or some other race. Individuals identifying as Hispanic comprise 2.1% of the population in Cumberland County. This translates to 578 American Indian/Alaska Native individuals, 6,350 Asian individuals, 8,863 Black/African-American individuals, and 6,061 Hispanic individuals out of a County population of 292,307. Because of the small population numbers, coupled with documented underrepresentation of minorities on census and ACS results, it can be difficult to determine disproportionately greater need among minorities based solely on those data sources. Cumberland County and the City of Portland are committed to working with local partners who work with minority populations to identify additional opportunities to alleviate unsafe housing problems.

0%-30% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	12,193	2,878	1,177
White	10,573	2,398	922
Black / African American	750	290	119
Asian	339	130	105
American Indian, Alaska Native	14	25	0
Pacific Islander	0	0	0
Hispanic	250	15	20

Table 13 - Disproportionately Greater Need 0 - 30% AMI

Data Source:	2013-2017 CHAS
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*The four housing problems are:

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1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

30%-50% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	8,853	3,755	0
White	8,018	3,450	0
Black / African American	204	70	0
Asian	175	84	0
American Indian, Alaska Native	38	12	0
Pacific Islander	0	0	0
Hispanic	185	25	0

Table 14 - Disproportionally Greater Need 30 - 50% AMI

Data Source:	2013-2017 CHAS
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*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

50%-80% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	9,490	10,922	0
White	8,661	10,117	0
Black / African American	249	365	0
Asian	119	65	0

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
American Indian, Alaska Native	0	20	0
Pacific Islander	0	0	0
Hispanic	230	180	0

Table 15 - Disproportionally Greater Need 50 - 80% AMI

Data Source:	2013-2017 CHAS
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*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

80%-100% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	3,066	9,297	0
White	2,946	8,897	0
Black / African American	0	60	0
Asian	60	100	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	10	115	0

Table 16 - Disproportionally Greater Need 80 - 100% AMI

Data Source:	2013-2017 CHAS
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*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

Discussion

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Households with low-incomes, and those who identify as Hispanic, Asian, or Black/African-American are disproportionately affected by one or more housing problems. Hispanic households whose incomes are below 80% of AMI are more likely to live in a unit with a housing problem than the jurisdiction has a whole. Asian households with incomes between 50%-100% of AMI are disproportionately affected by a housing problem. Three-quarters of households with incomes less than 30% of AMI have one or more housing problems, and 70% of households at 30%-50% of AMI are experiencing a housing problem. While Black/African-American households represent 3% of the total County population, 3.6% across income levels are experiencing one or more housing problems.

NA-20 Disproportionately Greater Need: Severe Housing Problems - 91.405, 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

Cumberland County and Portland have higher concentrations of minority racial and ethnic groups than Maine as a whole; however, these numbers are still small. According to the 2019 Five-Year American Community Survey, less than six percent (5.8%) of the County population, 3.4% of the state population, and 12.4% of the population in Portland identify as Black/African-American, American Indian/Alaska Native, Asian, Pacific Islander, or some other race. Individuals identifying as Hispanic comprise 2.1% of the population in Cumberland County. This translates to 578 American Indian/Alaska Native individuals, 6,350 Asian individuals, 8,863 Black/African-American individuals, and 6,061 Hispanic individuals out of a County population of 292, 307. Because of the small population numbers, coupled with documented underrepresentation of minorities on census and ACS results, it can be difficult to determine disproportionately greater need among minorities based solely on those data sources. Cumberland County and the City of Portland are committed to working with local partners who work with minority populations to identify additional opportunities to alleviate unsafe housing problems.

0%-30% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	10,267	4,806	1,177
White	8,917	4,056	922
Black / African American	660	380	119
Asian	214	255	105
American Indian, Alaska Native	10	29	0
Pacific Islander	0	0	0
Hispanic	225	45	20

Table 17 – Severe Housing Problems 0 - 30% AMI

Data Source:	2013-2017 CHAS
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*The four severe housing problems are:

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1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

30%-50% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	3,930	8,666	0
White	3,535	7,945	0
Black / African American	109	159	0
Asian	50	209	0
American Indian, Alaska Native	14	32	0
Pacific Islander	0	0	0
Hispanic	65	150	0

Table 18 – Severe Housing Problems 30 - 50% AMI

Data Source:	2013-2017 CHAS
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*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

50%-80% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	2,564	17,825	0
White	2,323	16,411	0
Black / African American	140	474	0
Asian	15	169	0

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
American Indian, Alaska Native	0	20	0
Pacific Islander	0	0	0
Hispanic	65	340	0

Table 19 – Severe Housing Problems 50 - 80% AMI

Data Source:	2013-2017 CHAS
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*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

80%-100% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	516	11,862	0
White	481	11,377	0
Black / African American	0	60	0
Asian	0	160	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	10	115	0

Table 20 – Severe Housing Problems 80 - 100% AMI

Data Source:	2013-2017 CHAS
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*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

Discussion

White households make up 88% of all households with one or more severe housing problems but are almost 92% of the County's population. This demonstrates that racial and ethnic minorities are more likely to experience one or more severe housing problems. Black and African-American households with incomes between 30%-80% of AMI are more likely to experience a severe housing problem than the jurisdiction as a whole; 41% of households at 30%-50% AMI, and 23% of households at 50%-80% of AMI. Hispanic residents with incomes less than 30% of AMI are disproportionately affected by severe housing problems (2% of the total households), and all households (63%) with incomes of less than 30% of AMI are more likely to experience severe housing problems than any other income level. 10,267 households at 0-30% of AMI are experiencing severe housing problems; of those, 87% are White, 6% are Black/African-American, and 2% are Asian.

The small population numbers, coupled with documented underrepresentation of minorities on census and ACS results, can make it challenging to determine disproportionately greater need among minorities based solely on those data sources. Cumberland County and the City of Portland are committed to working with local partners who work with minority populations to identify additional opportunities to alleviate unsafe housing problems.

NA-25 Disproportionately Greater Need: Housing Cost Burdens - 91.405, 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

Cumberland County and Portland have higher concentrations of minority racial and ethnic groups than Maine as a whole; however, these numbers are still small. According to the 2019 Five-Year American Community Survey, less than six percent (5.8%) of the County population, 3.4% of the state population, and 12.4% of the population in Portland identify as Black/African-American, American Indian/Alaska Native, Asian, Pacific Islander, or some other race. Individuals identifying as Hispanic comprise 2.1% of the population in Cumberland County. This translates to 578 American Indian/Alaska Native individuals, 6,350 Asian individuals, 8,863 Black/African-American individuals, and 6,061 Hispanic individuals out of a County population of 292, 307. Because of the small population numbers, coupled with documented underrepresentation of minorities on census and ACS results, it can be difficult to determine disproportionately greater need among minorities based solely on those data sources. Cumberland County and the City of Portland are committed to working with local partners who work with minority populations to identify additional opportunities to alleviate unsafe housing problems.

Housing Cost Burden

Housing Cost Burden	<=30%	30-50%	>50%	No / negative income (not computed)
Jurisdiction as a whole	81,306	20,040	16,148	1,262
White	77,085	18,352	14,686	972
Black / African American	1,194	404	590	134
Asian	1,012	459	234	105
American Indian, Alaska Native	137	28	24	0
Pacific Islander	0	0	0	0
Hispanic	882	360	275	30

Table 21 – Greater Need: Housing Cost Burdens AMI

Data Source:	2013-2017 CHAS
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Discussion

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Cost burden is one of the most significant housing problems in Cumberland County and Portland. Thirty percent of the jurisdiction pays more than 30% of their income for housing. When considering race alone, this increases to 43% for Black or African-American families, 41% for Hispanic families, and 38% for Asian families. Eleven percent (11%) of Black/African-American families and 10% of Asian families are have no or negative income compared to 2% of the jurisdiction as a whole. Although these households do not technically have a cost burden, they still require housing assistance and services.

It should be noted that this analysis was made using data from 2017. From 2017-2021, housing prices have skyrocketed, exacerbating an already significant issue. During that time, there have been two large groups of immigrant, refugee, and asylum-seeker individuals for whom finding housing has been a challenge due to lack of availability of safe, affordable housing. Due to the Covid-19 pandemic, there has been less turnover of units and more competition for units as remote workers move to the area.

NA-30 Disproportionately Greater Need: Discussion - 91.205 (b)(2)

Are there any income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?

Although it can be difficult to identify disproportionate need across racial and ethnic groups due to small numbers and historic undercounting by the Census, there are racial or ethnic groups who have greater need than the jurisdiction as a whole. Black or African-American households and Hispanic households are more likely to experience cost burden than other households, with more Black or African-American households experiencing either severe cost burden or no income. Hispanic households whose incomes are below 80% of AMI are more likely to live in a unit with a housing problem than the jurisdiction as a whole. Asian households with incomes between 50%-100% of AMI are disproportionately affected by a housing problem. Three-quarters of households with incomes less than 30% of AMI have one or more housing problems, and 70% of households at 30%-50% of AMI are experiencing a housing problem. While Black/African-American households represent 3% of the total County population, 3.6% across income levels are experiencing one or more housing problems.

If they have needs not identified above, what are those needs?

A disproportionate number of homeless individuals and those on public housing waitlists are Black or African-American. For immigrants, asylum-seekers, and refugees, language barriers can make it difficult to complete the extensive paperwork and processes needed to obtain housing assistance, and there is a great need for housing navigation services to assist. Many of the services needed are located in Portland; however, limited housing options in Portland, especially for larger units that can accommodate extended family, have pushed immigrant and other low-income families to other towns and cities in Cumberland County where public transportation, culturally competent services, and basic need services are more sparse.

Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?

According to the 2019 ACS 5-Year estimates, 94% of Maine's population is white. Cumberland County is only slightly less white than the state as a whole (91.7%). The two areas in the CCEJ where there are notable concentrations of poverty and minorities are the Redbank/Brick Hill neighborhood of South Portland and the Brown Street/Cumberland Mills/Frenchtown neighborhood of Westbrook. Redbank, located between the Maine Mall and the Portland International Jetport, has been the site of affordable housing since World War II, when units were built for returning veterans. Today, those units as well as affordable developments at Brickhill are the home to many of the immigrant and refugee families that have come to the

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region in recent years. According to the ACS 2019 5-Year estimates, ~10.5% of South Portland residents as a whole identify as non-white, compared with ~8.3% of residents County-wide (or 4.9% of county residents outside of Westbrook, South Portland, and Portland). Brown Street is located in the downtown of Westbrook, which has struggled in recent years due to the decline of manufacturing in the city. According to the ACS 2019 5-Year estimates, ~11% of Westbrook residents identify as non-white, compared with ~8.3% of residents County-wide (or 4.9% of county residents outside of Westbrook, South Portland, and Portland).

Within Portland, there are several neighborhoods which have a higher concentration of specific racial or ethnic groups. Many of these coincide with public housing locations and/or are in HCD eligible areas. The Bayside neighborhoods, bound by I-295, Washington Avenue, Congress Street, and Forest Avenue, has the cities highest concentration of Black or African American residents and Hispanic residents.

NA-35 Public Housing - 91.405, 91.205 (b)

Introduction

There are four public housing authorities in Cumberland County with a total of 1,579 units and 3,331 vouchers: Portland Housing Authority, Westbrook Housing Authority, Brunswick Housing Authority, and South Portland Housing Authority. According to the PIH system, 43% are disabled, 22% are above the age of 62, and less than 1% were homeless at the time of admission. Eighty-five percent (85%) of voucher recipients are white, 12% Black/African-American, and less than 1% Asian, American Indian, Pacific Islander, and Hispanic. The number of families and individuals in Cumberland County and especially the City of Portland seeking housing assistance far outweigh the availability of vouchers, and waiting lists are significant.

Totals in Use

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers in use	0	102	1,579	3,331	334	2,878	28	0	33

Table 22 - Public Housing by Program Type

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Data Source:	PIC (PIH Information Center)
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Characteristics of Residents

	Program Type							
	Certificate	Mod-Rehab	Public Housing	Vouchers				
				Total	Project - based	Tenant - based	Special Purpose Voucher	
							Veterans Affairs Supportive Housing	Family Unification Program
# Homeless at admission	0	0	1	6	0	6	0	0
# of Elderly Program Participants (>62)	0	37	655	724	183	528	2	0
# of Disabled Families	0	60	417	1,430	125	1,244	14	0
# of Families requesting accessibility features	0	102	1,579	3,331	334	2,878	28	0
# of HIV/AIDS program participants	0	0	0	0	0	0	0	0
# of DV victims	0	0	0	0	0	0	0	0

Table 23 – Characteristics of Public Housing Residents by Program Type

Data Source:	PIC (PIH Information Center)
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Race of Residents

Race	Certificate	Mod-Rehab	Public Housing	Program Type					
				Vouchers			Special Purpose Voucher		
				Total	Project - based	Tenant - based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
White	0	95	1,090	2,837	310	2,428	24	0	30
Black/African American	0	4	298	397	13	368	3	0	3
Asian	0	3	158	62	6	53	0	0	0
American Indian/Alaska Native	0	0	23	26	4	21	1	0	0
Pacific Islander	0	0	10	9	1	8	0	0	0
Other	0	0	0	0	0	0	0	0	0

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Table 25 – Race of Public Housing Residents by Program Type

Data Source:	PIC (PIH Information Center)
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Ethnicity of Residents

Ethnicity	Certificate	Mod-Rehab	Public Housing	Program Type					
				Vouchers			Special Purpose Voucher		
				Total	Project - based	Tenant - based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Hispanic	0	4	36	65	6	58	0	0	0
Not Hispanic	0	98	1,543	3,266	328	2,820	28	0	33

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Table 26 – Ethnicity of Public Housing Residents by Program Type

Data Source:	PIC (PIH Information Center)
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Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units:

Limited mobility is a very common problem for many tenants and applicants. There is a need for apartments without interior stairs and ground floor apartments with less exterior stairs, as well as completely accessible units for disabled tenants and applicants. All housing authorities install modified bathroom fixtures including grab bars, raised toilets, and accessible showers in a limited number of units. Special modifications for families with disabled children and the hearing and vision impaired include strobe light doorbells and phones, special locks, and custom window screens. Additionally, some tenants require units that can accommodate physical and emotional support animals.

Brunswick Housing Authority (BHA):

BHA does not track specific disabilities on its waiting list but estimates 2-3 households may need accessible accommodations.

Portland Housing Authority (PHA):

Of the 1,550 applicants on the PHA waiting list, 492 have identified a needed accommodation; 17% of those requests an accommodation for a first floor apartment or other accessibility features due to mobility difficulties. Many requested assistance from case managers or family members with filling out paperwork and understanding the process due to language barriers, vision impairments, or information processing concerns. Although only 32% of applicants have requested accommodation, a total of 45% of waiting list applicants qualify as handicapped or disabled.

South Portland Housing Authority (SPHA):

SPHA currently has approximately 463 individuals or families on the waiting list for units. Of these, 145 are elderly disabled and 137 are non-elderly disabled; for most, accommodations are not identified. A total of forty individuals or families on the waiting list who have requested wheelchair accessible or 1st floor units.

Westbrook Housing Authority (WHA):

WHA is a Housing Choice Voucher only Housing Authority and does not currently have any public housing units.

What are the number and type of families on the waiting lists for public housing and section 8 tenant-based rental assistance? Based on the information above, and any other information

available to the jurisdiction, what are the most immediate needs of residents of public housing and Housing Choice voucher holders?

In 2019, all Public Housing Authorities and the Maine State Housing Authority created a statewide Combined Wait List (CWL) for the Housing Choice Voucher program. The CWL has an option individuals in some communities to choose a preference area based on where they live and work. In 2019, there were 18,223 families on the wait list, an increase of 30% from 2018. Almost 80% of the families qualified as Extremely Low Income, and over half were disabled. Additionally, 42% were families with minor children or dependents. At that time, twenty-six percent (26%) of the families on the waitlist were from Cumberland County.

In 2020, the number of families on the CWL increased by 4,575 to 22,798, with 24% of families in Cumberland County, an increase of 684 families. The largest increase was for families with two people or more, which nearly doubled from 7,991 to 14,204. This increase may be attributed to job losses and changing living situations related to the Covid-19 pandemic. Additionally, units are not turning over at the typical frequency, decreasing the number of available units for voucher holders. Service providers and housing navigators reported that although many families had vouchers, they could not find an appropriate unit for which to use it, further exacerbating financial hardship.

Brunswick Housing Authority (BHA):

Over two-thirds of applicants on the BHA waiting list for assistance are elderly and disabled. The remaining are households with dependent children who are currently either homeless or severely cost burdened. Most of the public housing applicants have an income below 30% of the area median income.

Portland Housing Authority (PHA):

White applicants make up the majority of public housing individuals and families on the waitlist for units in Portland at 67%. Almost 20% of the individuals on the waiting list for public are Black or African-American, 3.42% are American Indian, Alaska Native, Asian, Native Hawaiian, or Other Pacific Islander. Race was not assigned for the remaining 10%.

The greatest need in Portland is for one-bedroom units. Seventy-two percent (72%) of applicants are seeking a one-bedroom unit and have an average wait of 21 months. Those seeking 2-4 bedroom units (26% of applicants) have wait times of between thirteen and seventeen months.

Disabled applicants comprise 45% of those on the waitlist, with most seeking one-bedroom accommodations. A large majority (over 90%) of PHA's applicants' household income is in the extremely low (30% AMI or lower) income bracket. Affordable housing is a critical need to help provide health, safety and stability for these applicants.

South Portland Housing Authority (SPHA):

There are 833 applicants on the Housing Choice Voucher CWL who have a residency preference for South Portland due to living and working in the community. Black or African-American applicants comprise 15% of all applicants on the waitlist. Nineteen percent (19%) of applicants are elderly, and 36% of all applicants identify as disabled. Thirty-seven percent (37%) of applicants are families with children, with 132 applicants seeking units with four or more bedrooms. This may reflect the number of low income refugee and immigrant families in need of affordable housing, as well as a lack of large apartments available in the greater community.

Westbrook Housing Authority (WHA):

Since 2019, WHA has maintained a 99% or higher voucher utilization rate. Voucher recipients have required extensions beyond sixty days to secure affordable apartments. In 2018, Westbrook Housing expanded its "live or work" preference to municipalities within a 10-mile radius of the City of Westbrook, which includes the Cities of Portland and South Portland. The CWL saw minor increases from 2019-2020 in all categories except families with two or more people, which almost doubled. Westbrook Housing saw a significant increase in all categories, which can be attributed to the shift of population from the City of Portland to surrounding communities with more housing options (although still not enough to meet demand).

How do these needs compare to the housing needs of the population at large

Those on the waiting lists for units and vouchers at all four housing authorities are more likely to have a disability and/or be elderly than the population of Cumberland County. The percentage of Black or African-American applicants is disproportionately larger than the percentage of Black or African-American individuals residing in Cumberland County. This may reflect an increasing number of immigrants, refugees, and asylum seekers in the area.

Brunswick Housing Authority (BHA):

According to 2019 ACS data table DP05, only 22% of the population of Brunswick is above the age of 65; however, a significantly greater percentage of housing authority applicants (over 66%) are elderly (above the age of 62). Most, if not all, BHA applicants are extremely low-income.

Portland Housing Authority (PHA):

A large majority (over 90%) of PHA's applicants have a household income in the extremely low (30% AMI or lower) income bracket. Although only 12% of Portland residents have a disability, 45% of PHA applicants are disabled. While 10% of the population in Portland is Black or African-American, this population comprises 20% of PHA applicants.

South Portland Housing Authority (SPHA):

A greater percentage of applicants on the waiting lists are Black or African American (15%), as compared to the 2017 Census Data for demographics for this area (2.1% for South Portland, 2.4% for Cumberland County). There are also a greater number of large families seeking units in South Portland than in other housing authorities.

Westbrook Housing Authority (WHA):

Almost 40% of the Westbrook preference area voucher waitlist is disabled, compared to 12% statewide.

Discussion

Affordable public housing is a great need in Cumberland County. In Portland, one-bedroom apartments are scarce, while South Portland has a greater need for larger family units. All housing authorities have a need to increase the number of accessible apartments for those with ambulatory and mobility challenges. Families seeking units are looking outside Portland to surrounding communities where larger units may be available, although not enough to meet demand. This can be problematic for families in need of services available most readily in Portland.

The waitlist for a voucher is significant; however, even those individuals and families who have obtained a voucher have difficulty finding an appropriate unit in which to use it. There is a great need to increase the amount of affordable housing in the area, particularly for extremely low-income families. Affordable housing is a critical need to help provide health, safety and stability for these applicants.

NA-40 Homeless Needs Assessment - 91.405, 91.205 (c)

Introduction:

Portland homeless shelters, including the Family Shelter, Oxford Street Men's and Women's Shelters, Through These Doors, Milestone Foundation, Joe Kreisler Teen Shelter, and Florence House Women's Shelter sheltered an average of 345 individuals per night last year; this number is lower than previous plans completed because of shelter restrictions due to Covid-19 and the use of hotel rooms through General Assistance to adequately meet overwhelming demand for shelter beds throughout the pandemic. While not including hotels paid through General Assistance, this number still exceeds bed capacity among all shelters by over 35 individuals. The City of Portland's Health and Human Services Department, Social Services Division operates the Family Shelter and Oxford Street Shelter, both the largest shelters serving their respective populations throughout the State of Maine. The Family Shelter offers both preventative services for families at risk of experiencing homelessness and support services to assist families who are homeless to locate housing and achieve stability. Support services on site include assistance with housing placement; training sessions on tenant education (Rent Smart Curriculum); crisis intervention and management, including follow-up services after housing is located; and assistance with public transportation for appointments and self-sufficiency. The vast majority of people accessing the Family Shelter are seeking asylum, arriving directly from the Southern border, therefore many of the supports additionally include community collaboration with programming to embrace and assimilate to health care, schools, employment etc.

The Oxford Street Shelter is a low-barrier shelter which provides safe, temporary shelter for homeless adults, both men and women. The Shelter offers a variety of support services to assist homeless individuals enhance their self-esteem, secure housing, and work towards a housing stability plan. Support services at the Oxford Street Shelter include shower facilities and training on hygiene skills; housing placement assistance; health assistance to Veterans; clinical and outreach services for individuals with mental health concerns; and interpreting services. The Oxford Street Shelter served 848 men and 220 women for a total of 1068 individuals (unduplicated numbers) in 2021. The shelter provided 60,861 bed nights in 2021. A total of 515, or 47.86% of the individuals that stayed at the Oxford Street Shelter were identified as chronically homeless. Based on self-reporting, 23.14% of shelter clients experience mental illness, 90.89% struggle with substance use issues, and 11.9% experience a physical disability or illness. Unfortunately, many clients with significant mental health issues deny having any problems and refuse any form of medication or support.

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If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):

	# of persons experiencing homelessness on a given night		# experiencing homelessness each year	# becoming homeless each year	# exiting homelessness each year	# of days persons experience homelessness
	Unsheltered	Sheltered				
Persons in Households with Adult(s) and Child(ren)		106		317	358	
Persons in Households with Only Children		14		180	66	
Persons in Households with Only Adults		225	1,076 (OSS only)	1,210	169	
Chronically Homeless Individuals			515 (OSS only)			
Chronically Homeless Families						
Veterans			44 (OSS only)			2,245(OSS only)
Unaccompanied Youth		14		180	66	

Persons with HIV						
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In 2021, based on data provided by the City-run Oxford Street and the Family Shelter, there were 970 intakes. This included 215 individuals and 69 families at the Family Shelter and 901 individuals at Oxford Street Shelter. On average, 225 individuals, 38 families (106 individuals), and 14 adolescents totaling 345 individuals each night. Overall there were 125,863 bed nights in the City of Portland, averaging 345 individuals a night. There were 1,707 new intakes across all shelters (individuals), and 593 people placed in housing. 621 persons were experiencing homelessness for the first time. The number of days individuals experience homelessness has increased at the family shelter due to the lack of affordable housing and the increased number of asylum seeking families arriving at the southern border who designate the Family Shelter as their destination. In the calendar year 2021, the Family Shelter welcomed 295 asylum seeking families totaling 974 individuals presenting for emergency shelter. Due to limited covid capacity, families access hotel rooms as overflow for four to five months prior to entry to shelter where they receive housing navigation. Families spend an additional four to five months after entering the shelter: 10 months total average time in shelter. In PY2020, 1,514 unduplicated households were assisted through hotels with general assistance vouchers. Of these, 192 were families with children consisting of 660 individuals. The remaining 1,322 were adult-only households consisting of 1,466 individuals.

In addition, Preble Street manages the Joe Kreisler Teen Shelter and Florence House, a women's shelter. In 2021 there were 180 individuals entering homelessness at the Teen Shelter, which would be unaccompanied youth, and 72 at the Women's Shelter. Chronic homelessness as defined by the U.S. Department of Housing & Urban Development (HUD) and the McKinney-Vento Act: "an individual or family who has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least 1 year or on at least 4 separate occasions in the last 3 years. 47.86% of the persons staying at the Oxford Street Shelter are Chronically Homeless.

At the Oxford Street Shelter, 44 are veterans (based on self-reporting), comprising of 4% of the total individuals served, and totaling 2,245 bed nights. The age of those who stayed are as follows: 4.46% aged 18-24, 10.13% aged 25-30, 24.81% aged 31-40, 18.86% aged 41-50, 14.03% aged 51 – 60, 5.6% aged 61 – 70, and 0.83 % older than 70. Based on self-reporting, 17.38% of shelter clients experience mental illness, 90.89% struggle with substance abuse and 13.02% experience a physical disability or illness. In 2021, 21.65% of the individuals staying at Oxford Street Shelter stayed 1 to 3 Nights, 46% stayed between 4 to 60 Nights, and 32.34% stayed longer than two months.

Nature and Extent of Homelessness: (Optional)

Race:	Sheltered:	Unsheltered (optional)
Ethnicity:	Sheltered:	Unsheltered (optional)

Estimate the number and type of families in need of housing assistance for families with children and the families of veterans.

There are 180 families totaling 607 individuals currently residing in GA funded hotels who are experiencing homelessness. Due to the large number of people presenting for shelter, individuals are immediately sheltered in hotels paid by General Assistance before moving into the Family Shelter as space becomes available. Forty-four individuals (4%) of the total individuals seeking shelter were veterans. Maine has a robust veterans' network which is successful in assisting veterans to obtain services including housing, employment, and counseling; however, many unhoused veterans have co-occurring challenges including substance abuse or mental health needs.

Describe the Nature and Extent of Homelessness by Racial and Ethnic Group.

In 2021, 92% of households staying at the Family Shelter self-reported as being black or African-American. This is largely due to the asylum seeker families who designate the Family Shelter as their destination. In the calendar year 2021, the Family Shelter welcomed 295 asylum seeking families totaling 974 individuals presenting for emergency shelter. Because the Family Shelter has limited capacity due to the Covid-19 pandemic, families access hotel rooms as overflow for four to five months prior to entry to shelter where they receive housing navigation. Families spend an additional four to five months after entering the shelter: 10 months total average time in shelter.

Describe the Nature and Extent of Unsheltered and Sheltered Homelessness.

Portland homeless shelters, including the Family Shelter, Through These Doors, Oxford Street Men's and Women's Shelters, Joe Kreisler Teen Shelter, Milestone Foundation, and Florence House Women's Shelter sheltered an average of 345 individuals per night last year. This number exceeds bed capacity among all shelters by over 35 individuals and excludes hotels provided by General Assistance. In 2021, the Maine Continuum of Care requested and was granted a waiver regarding the unsheltered portion of the PIT Count for 2021 to avoid the risk

of possible exposure to COVID-19 for both volunteers and those they would have been surveying.

Discussion:

Trends from the annual Point in Time Survey of homeless individuals and anecdotal evidence indicate there is still an increasing homeless population in Portland, including a representation of homeless individuals remaining unsheltered during the harshest time of year in Maine. Throughout Cumberland County, town General Assistance programs don't have funding or staff capacity to find or obtain access to safe housing that clients can stay in until they are socioeconomically stabilized. CDBG funding to non-profit organizations reaching out to the city's most vulnerable populations, including the mentally ill and individuals with chronic substance abuse issues, will assist the city in providing programs and resources to serve the needs of the most vulnerable citizens in the community.

NA-45 Non-Homeless Special Needs Assessment - 91.405, 91.205 (b,d)

Introduction

Reviewing the non-homeless special needs populations in Portland, research focused on persons with disabilities both physical and cognitive, the elderly, persons suffering from addiction, victims of domestic violence, and persons with HIV/AIDS. Disabilities can limit the ability of an individual to earn income sufficient to compete in the housing market. Under the federal Fair Housing Act, a person with a disability is defined as any person or person associated with you who has a physical or mental disability that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. Disabilities include hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS and AIDS Related Complex, and cognitive impairments. The housing needs of victims of domestic violence are considered along with the special needs of the non-homeless. The housing needs of persons with disabilities are extremely difficult to determine and quantify.

Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area:

There are 254 individuals receiving treatment from the primary HIV care provider in Cumberland County. Forty-seven percent (47%) were born outside of the United States. Fifty percent (50%) of those receiving care are Black or African-American; 45% are White, and 3% identify as more than one race. Two-thirds of individuals receiving care are over the age of 46. Three percent are under the age of 25. Sixty-one percent (61%) are male, and 37% are female. Two percent (2%) identify as transgender females. Twenty-one percent (21%) of individuals receiving treatment for HIV report temporary or unstable housing status.

Discussion:

The City of Portland is the largest and most diverse community in Maine and is committed to providing fair housing choice to all of its residents. Meeting supportive housing needs for Portland residents and addressing impediments to fair housing choice and community accessibility in Portland will mean focusing on reducing geographic concentrations of race and poverty in specific neighborhoods, informing landlords of fair housing/accommodation regulations for persons with disabilities, and addressing the City's limited supply and high cost of rental and home ownership housing.

NA-50 Non-Housing Community Development Needs - 91.415, 91.215 (f)

Describe the jurisdiction's need for Public Facilities:

Within Cumberland County, there is a lack of gathering spaces for each community. Residents identified a need for community centers, green spaces, and community gardens. Spaces that do exist are often old and have barriers to accessibility; steps should be taken to make existing facilities accessible for individuals with disabilities.

Within the City of Portland, 98.3% of residents identified parks and recreation facilities as important, with a particular emphasis on hiking trails, community gardens, and additional parks. Additionally, accessibility for individuals with disabilities was identified as a need for public facilities, although funding to make non-profit centers accessible had the lowest rankings.

How were these needs determined?

Cumberland County surveyed planners and managers at each town in County as well as the general public in order to identify high, medium, and low priorities.

The City of Portland sent surveys to the general community with 352 participants, social service providers with 76 participants, and Economic Development professionals with 29 participants, and CDBG applicants with 20 participants. The general population survey contained a variety of questions, including need for Public Facilities and priority rankings.

Describe the jurisdiction's need for Public Improvements:

Cumberland County residents identified a desire and need for road and bridge refurbishment, physical connectivity infrastructure such as new sidewalks connecting downtowns to residential areas, and alternative modes of transportation such as foot or bike path construction. Over 90% of survey respondents said roads/bridges were in okay-poor physical condition. County officials and residents also identified broadband expansion as a need, particularly for the more rural areas of the County.

Business owners in the City of Portland specifically identified sidewalk repair and upgrades as the number one priority to support their businesses. Sidewalks and roads were the 2nd priority of the general public, while alternative modes of transportation was first. The economic development survey supports this, with bike racks the 2nd priority for businesses. Broadband infrastructure expansion was not identified as a public improvement need within the City.

Many of the City of Portland’s natural areas, such as Portland Harbor, Nason’s Brook, and especially the Back Cove are designated Combined Sewer Overflow areas. Although the City has made great strides in separating the stormwater and sewer systems, much work remains.

How were these needs determined?

Cumberland County surveyed planners and managers at each town in County as well as the general public in order to identify high, medium, and low priorities.

The City of Portland sent surveys to the general community with 352 participants, social service providers with 76 participants, and Economic Development professionals with 29 participants, and CDBG applicants with 20 participants. The general population survey contained a variety of questions, including need for Public Improvements and priority rankings. The Economic Development survey contained questions about the type of public infrastructure improvements that would best support continued business growth and development within the City.

Describe the jurisdiction’s need for Public Services:

Many of the available social services are offered in the Portland area, making it difficult for County residents to access necessary support services. Cumberland County residents expressed a need to increase the availability of services in outer areas of the County, including the following social services; child care and after school programs; food banks; mental health services; substance abuse services; and social service navigators. Increasing public transportation options would also help people access services and also employment opportunities.

Within the City of Portland, Mental Health services were overwhelmingly the top priority of survey respondents, followed closely by substance abuse services and emergency services to prevent homelessness. Service providers ranked shelter services and housing services for long-term shelter stayers as top priorities. For public services related to economic development, the general population survey and social service provider priorities identified English language skills as a top priority as well as job training and education. The economic development survey respondents prioritized soft skills training, such as time management or conflict resolution. The economic development survey also noted that affordable housing was a larger issue than affordable child care for employee retention.

How were these needs determined?

Cumberland County surveyed planners and managers at each town in County as well as the general public in order to identify high, medium, and low priorities. Additionally, they reached out to social services providers and General Assistance departments around the county.

The City of Portland sent surveys to the general community with 352 participants, social service providers with 76 participants, and Economic Development professionals with 29 participants, and CDBG applicants with 20 participants. The general population survey contained a variety of questions, including need for Public Improvements and priority rankings. The Social Provider survey contained questions about the type of social services that would best support the needs of the growing homeless population in Portland.

Housing Market Analysis

MA-05 Overview

Housing Market Analysis Overview:

In 2002, the City of Portland adopted a Housing Plan with a policy goal to ensure an adequate supply of housing to meet the needs, preferences and financial capabilities of all Portland households. The Plan established a target of maintaining Portland’s current proportion of subsidized units at 20% of the housing stock. In 2014, Portland contracted with the Greater Portland Council of Governments to complete a study entitled 2030 Workforce Housing Demand Study. The report, released in January 2015, found that housing production was not meeting the housing needs of Portland. Since the release of that report, the City of Portland has made significant strides in increasing the availability of housing. In 2021 alone, 535 units within ten new residential buildings were completed – more than double the production goal. Of those units, 132 are affordable to low-income households and 31 were created by the City’s Inclusionary Zoning ordinance. Another 925 housing units were approved by the Planning Board, over three times the annual goal. Approximately 250 of these new units will be on City-owned property, advancing the goal of disposition of city property for the purpose of creating housing.

Despite these achievements, challenges remain. Housing prices have risen significantly in the past five years for both renters and owners. As Portland becomes increasingly unaffordable, low- to moderate-income households are being forced to relocate to communities outside of greater Portland, which can make it difficult to access services and employment. The Covid-19 pandemic has significantly exacerbated housing issues within the City, tightening the turnover rate of units and expanding the length of time unhoused individuals must remain in temporary or shelter housing. Construction costs have skyrocketed, making it more difficult to produce affordable housing.

MA-10 Housing Market Analysis: Number of Housing Units - 91.410, 91.210(a)&(b)(2)

Introduction

Since the 2015 release of the Greater Portland Council of Governments study entitled 2030 Workforce Housing Demand Study, the rate of new housing development has increase. This is in large part due to an improved economy and deliberate focus by the City of Portland on decreasing barriers to housing production.

All residential properties by number of units

Property Type	Number	%
1-unit detached structure	92,650	65%
1-unit, attached structure	7,088	5%
2-4 units	18,679	13%
5-19 units	9,120	6%
20 or more units	8,514	6%
Mobile Home, boat, RV, van, etc	5,650	4%
Total	141,701	100%

Table 31 – Residential Properties by Unit Number

Data Source:	2013-2017 ACS
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Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	200	0%	2,552	7%
1 bedroom	2,578	3%	12,049	32%
2 bedrooms	19,285	24%	13,883	37%
3 or more bedrooms	59,468	73%	8,819	24%
Total	81,531	100%	37,303	100%

Table 32 – Unit Size by Tenure

Data Source:	2013-2017 ACS
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Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs.

There are 105 total housing developments in Cumberland County, the majority of which are located in Portland, currently accessing HUD funding, subsidies by HUD PBRA, insured by HUD, accessing the LIHTC, and utilizing the HOME program, including public housing developments. These housing developments account for 6,742 individual housing units in Cumberland County.

11 units (six in Portland and five additional units within Cumberland County) are affordable to low-income households through the assistance of HUD Project Based Rental Assistance (PBRA). Under Project-Based Housing Vouchers, tenants pay 30% of their monthly income for rent and utilities and HUD pays the owner the difference between the contract rent and the tenant's portion. New residents of Project-based Housing Vouchers can have incomes of no more than 80% of area median income, and 40% must have incomes below 30% of AMI.

17 units (six in Portland and eleven additional units within Cumberland County) are HUD-insured, which requires adherence to low-income use restrictions.

74 units (thirty-nine in Portland, and thirty-five additional units within Cumberland County) make use of the Low-Income Housing Tax Credit Program (LIHTC), which requires that at least 20% of the units are rent-restricted and occupied by households with incomes at or below 50% of AMI, or at least 40% of the units are occupied by households with incomes at or below 60% of AMI.

74 units (thirty-nine in Portland, and thirty-five additional units within Cumberland County) are supported by HOME rental assistance. At least 90% of the units must be occupied by households with incomes at or below 60% AMI, and the remaining 10% can be occupied by households with incomes at or below 80% AMI. In properties with five or more HOME-assisted units, 20% must be set aside for households with incomes at or below 50% AMI.

Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts.

All residential development projects of ten or more units within the City of Portland are required to provide either on-site or off-site affordable/workforce housing units, or make a payment into the Jill C. Dusen Housing Trust Fund, which is used to create affordable housing. A citizen-initiated referendum question, known colloquially as the "Green New Deal", created a provision that greatly reduced the long-term affordability of rental units. The Green New Deal defined workforce units as dwelling units for which rent is affordable to households earning

80% or less of AMI, and the unit is rented to households earning 80% or less of AMI (amended from 100% or less). Workforce home ownership units income requirements were reduced to 80% from 120% AMI. Previously, workforce units within Portland were required to remain affordable for a period of 99 years; the Green New Deal reduced that term to 30, reducing the length of affordability 69 years and affecting long-term affordability for projects that are approved under the new requirements. There are 380 units of Section 8, 711 LIHTC units, and 90 HOME-assisted units whose affordability period is expected to expire between 2022 and 2027.

Does the availability of housing units meet the needs of the population?

A market study completed in September 2019 by The Signal Group (TSG), an affiliate of the National Housing & Rehabilitation Association, found that there is a significant shortfall in the number of affordable units within the Portland Metro Area (PMA) with demand currently exceeding supply by 1,126 housing units. Predictions show that demand will continue to grow and will exceed supply by 1,168 by 2024. The TSG study surveyed 26 Tax Credit developments in the Portland Metro Area, consisting of 1,038 units, and found a 100% occupancy rate. Reported waitlists are up to 5 years for LIHTC properties. Portland Housing Authority's Public Housing waiting list currently has 1,201 households on it. This figure denotes very high demand for affordable rental apartments from low-income households in Portland. The new rental supply coming online in Portland in the foreseeable future is inadequate to meet the City's high demand for housing, especially rent restricted affordable units. In 2021, there is an estimated 14,623 rental units needed for the Portland Metro Area; this demand is projected to increase to 15,064 units by 2026.

There is pent-up demand for affordable rental units in the PMA, demonstrated by (1) the high average occupancy of 99% for LIHTC and subsidized properties; (2) the reported waitlists at affordable properties that exceeds 100 households or 2 years; and (3) 40% (or 13,892) of the current renter households in the Portland Metro Area are rent overburdened.

As part of a strategy for addressing housing issues in the city, *Portland's Plan* establishes a vision where **all who work in Portland also have the option of living in Portland**, and calls for the creation of **2,557 new dwelling units by 2027**. The plan strongly encourages that a substantial portion of new units be affordable to Portland's workforce, identifying a suite of new and existing regulatory tools to promote the creation of affordable housing. The City of Portland is well-positioned to meet its target housing production goal of 2,557 new dwelling units by 2027.

Describe the need for specific types of housing:

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A growing retiree population has increased the demand for housing. An estimated 13.7% of Portland households are headed by a person 65 or older during 2017 (per the US Census Bureau) compared to 12.8% during 2010. By 2026, the number of households age 55+ is projected to increase by 8.4% to 26,057.

During 2019, the Portland Housing Authority administered 1,870 vouchers. There were 3,400 applicants on the waitlist, of which 475 are elderly. There were 1,005 public housing units in Portland with 928 households on the waitlist, and 439 of those are restricted to the elderly and disabled.

In 2021 there was an estimated 14,623 rental units needed in the PMA which will increase to 15,064 projected demand by 2026.

Portland has the largest share of one-bedroom units, leaving families with a need for larger units to seek housing outside of the City. Ninety-seven percent (97%) of owner occupied-housing units contain two or more bedrooms, while 39% of renter units contain one bedroom or less.

Discussion

Since the release of the Greater Portland Council of Governments study entitled 2030 Workforce Housing Demand Study, the rate of new housing development has increased since 2015. The “Medium Growth” forecast is the average of the Low and High forecasts. Under this scenario, Cumberland County would grow by 44,176, people, an increase of 8% per decade. Over the last century, the county’s decennial growth rate has ranged from a high of 16% during the 1940’s to a low of 5% during the 1960’s. Therefore, the Low forecast, at 3% growth, represents a rate lower than in any decade of the last century, while the High forecast, at 14%, is only slightly higher than the pattern of the 1990’s. At 8%, the Medium forecast reflects the average growth rate per decade of the past century. Portland’s goal of maintaining a 25% share of the county’s population is paramount to its vitality and its influence over state and regional politics. As the largest city in one of the nation’s smallest states, Portland exerts an extraordinary influence over Maine’s economy out of proportion with its actual size. Indeed, the number of jobs in the city now outstrips population, making Portland the engine of the largest labor market in Northern New England. Over the last century, Portland’s share of the county’s population has declined from a peak of 56% in 1920 to 24% in 2010. While this share is on a definite downward trajectory, Portland did not yield any ground during the 2000’s. To claim a 25% share of the county’s population, Portland would need to grow by 15,268 people, or 764 people per year, a growth rate of 11.5% per decade. This would bring Portland’s

population to 81,462 people, just past its 1950 peak. In order to reach this 25% share, Portland would need to claim 35% of the county's future growth. In order to accommodate new residents, Portland would need to build 8,636 housing units, or 432 units per year over a 20-year period. This robust growth would be double that witnessed in the 2000's and five times the growth of the 1990's. Another method of calculating housing demand relies on the economic impact of job creation based on the demand from more families purchasing market-rate housing. The purchasing power of those families support more jobs and increase the need for workforce housing. The number of workforce households is multiplied by 62%, which is the percentage of Portland households earning less than the county's median income. The result, 53% is the percentage of workforce housing demand generated by these 100 market-rate units. If the market, in keeping with current production patterns, supplies 29 affordable units for every 100 built, there would still be an unmet gap for 24 affordable units.

MA-15 Housing Market Analysis: Cost of Housing - 91.410, 91.210(a)

Introduction

Housing prices have risen significantly in the past five years for both renters and owners. As Portland becomes increasingly unaffordable, low- to moderate-income households are being forced to relocate to communities outside of greater Portland, which can make it difficult to access services and employment.

Cost of Housing

	Base Year: 2000	Most Recent Year: 2017	% Change
Median Home Value	\$131,200	\$259,400	49%
Median Contract Rent	\$554	\$1029	46%

Table 33 – Cost of Housing

Data Source:	2000 Census (Base Year), 2013-2017 ACS (Most Recent Year)
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Rent Paid	Number	%
Less than \$500	7,266	19.5%
\$500-999	15,289	41.0%
\$1,000-1,499	11,387	30.5%
\$1,500-1,999	2,185	5.9%
\$2,000 or more	1,110	3.0%
Total	37,237	99.9%

Table 34 - Rent Paid

Data Source:	2013-2017 ACS
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Housing Affordability

% Units affordable to Households earning	Renter	Owner
30% HAMFI	4,432	No Data
50% HAMFI	9,452	3,323

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% Units affordable to Households earning	Renter	Owner
80% HAMFI	23,821	14,552
100% HAMFI	No Data	25,446
Total	37,705	43,321

Table 35 – Housing Affordability

Data Source:	2013-2017 CHAS
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Monthly Rent

Monthly Rent (\$)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	989	1,071	1,387	1,829	2,198
High HOME Rent	989	1,071	1,339	1,538	1,696
Low HOME Rent	813	871	1,046	1,209	1,348

Table 36 – Monthly Rent

Data Source:	HUD FMR and HOME Rents
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Is there sufficient housing for households at all income levels?

There is insufficient housing supply for almost every income level, partially due to changes in the housing market due to the Covid-19 pandemic. The statewide public housing waitlist is over 24,000, and providers report that even those who are able to obtain a voucher are unable to find an available unit. Only 12% of rental units are affordable to households making 30% of HAFMI, and only 7.7% of home ownership units are available to households who make 50% of HAFMI.

How is affordability of housing likely to change considering changes to home values and/or rents?

Housing prices in Portland have increased substantially since 2017. Median rents have increased by 41%, while renter median incomes have increased by only 24%. Home prices increased by 37% from 2017 to 2021; they increased 20% in one year from 2020-2021. This means renters who may wish to purchase a home in Portland may be unable to save a down payment as their rent increases, and those who are able to purchase a home may not be able to find one they can afford.

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The increasing unaffordability in Portland has pushed renters and owners into more affordable surrounding communities. As a result, rents and housing prices are increasing in these communities. The median rent in Cumberland County in 2020, according to MaineHousing's affordability index, was \$1,888, a 42% increase from 2017. Median renter incomes have only increased 22% during the same period. The median home price in Cumberland County has increased by 34%, and homeowner median incomes have increased 20%. Out of 4,034 homes purchased in Cumberland County in 2021, only 19% were considered affordable or attainable.

How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

The Fair Market Rent in Cumberland County for a two-bedroom unit is \$1,387, significantly less than the \$1,888 median two-bedroom rent reported by MaineHousing's Affordability Index and from individuals seeking housing. The gap between HOME rents and market rate rent is even greater. The City and County need to significantly increase the production of affordable units and make additional efforts to preserve existing affordable units.

Discussion

The City of Portland contracted with the Greater Portland Council of Governments (GPCOG) to produce a 2030 Workforce Housing Demand Study to examine trends in the Portland housing market in order to help policy makers determine what gaps may exist between what is currently being provided in the market and the City's housing needs. The study utilizes two approaches to an analysis used in other states: the Massachusetts Approach and the California Approach. The Massachusetts Approach is based on the goals articulated in a municipality's comprehensive plan, including the housing plan and individual neighborhood plans. This approach assumes that Portland will capture a certain percentage of the region's population growth, and that the demand from those new households can be projected by the current distribution of housing units by tenure and affordability. The California Approach assumes that the construction of market-rate units attract high income households, which support lesser income households through their support of low-paid service jobs with their purchases of goods and services. The two approaches were deployed to help policymakers determine what percentage of new construction should be made affordable by policy to increase diversity in the city's housing stock.

Portland's Housing Plan establishes as a goal to maintain the city's 25% share of the county's population. In order to create enough affordable housing for the future, this share should be applied to the county's future growth projections. To address this housing plan goal, utilizing

the Massachusetts Approach one calculates the gap between current production trends and future demand, which finds: Approximately 62% of Portland households earn less than the county's median income and if recent construction trends hold, the market, without compulsion, will build affordable units to meet 29% of demand. This leaves a gap between supply and demand of 33%. Utilizing the California Approach if the market, in keeping with current production patterns, supplies 29 affordable units for every 100 built, there would still be an unmet gap for 24 affordable units, or 24% gap.

MA-20 Housing Market Analysis: Condition of Housing - 91.410, 91.210(a)

Introduction

Much of the County's housing stock is old. According to recent ACS data almost 40% percent of the County's housing stock was built before 1960. Overall, the county's housing stock is newer when compared with Portland, where over 60% of units were built prior to 1960. Only 8.2% of Portland's housing stock was built in the last 20 year compared to over 17% of County housing stock.

Describe the jurisdiction's definition for "substandard condition" and "substandard condition but suitable for rehabilitation":

The City of Portland defines substandard condition as “properties unfit for human habitation.” Property unfit for human habitation shall include but not be limited to: (a) Properties which are either damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested in such a manner as to create a serious hazard to the health, safety, and general welfare of the occupants or the public; (b) Properties which lack plumbing, ventilating, lighting or heating facilities or equipment adequate to protect the health, safety and general welfare of the occupants or the public; (c) Properties which, because of their general condition, state of the premises, number of occupants, or location, are so unsanitary, unsafe, overcrowded or otherwise dangerous or detrimental that they create a serious menace to the occupants or the public; (d) Properties which contain lead-based paint substances, as defined by the City.

The City would consider “substandard condition but suitable for rehabilitation” as a property defined as above which is structurally and economically feasible to rehabilitate.

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	20,070	25%	16,388	44%
With two selected Conditions	322	0%	700	2%
With three selected Conditions	12	0%	250	1%
With four selected Conditions	0	0%	0	0%
No selected Conditions	61,135	75%	19,950	54%
Total	81,539	100%	37,288	101%

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Table 37 - Condition of Units

Data Source:	2013-2017 ACS
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Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	14,129	17%	3,915	11%
1980-1999	23,976	29%	7,846	21%
1950-1979	23,302	29%	10,491	28%
Before 1950	20,072	25%	15,016	40%
Total	81,479	100%	37,268	100%

Table 38 – Year Unit Built

Data Source:	2013-2017 CHAS
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Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	43,374	53%	25,507	68%

Housing Units build before 1980 with children present	6,236	8%	4,990	13%
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Table 39 – Risk of Lead-Based Paint

Data Source:	2013-2017 ACS (Total Units) 2013-2017 CHAS (Units with Children present)
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Vacant Units

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units			
Abandoned Vacant Units			
REO Properties			
Abandoned REO Properties			

Table 40 - Vacant Units

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Describe the need for owner and rental rehabilitation based on the condition of the jurisdiction's housing.

Housing in Cumberland County is old and potentially nearing the end of its useful life without intervention. The rental housing stock is older than the owner stock, with 68% of units built before 1980 as opposed to 54% for owner-occupied housing. The Habitat for Humanity Critical HOME Repair program stated that demand for repair services so far outstrips capacity that they are selective about size of projects so as not to spend a disproportionately large share of capacity on any one project. This indicates that not only are there several properties that are in need of repair, but that the repairs can be significant and potentially harmful to occupants. Structural needs, system improvements, energy efficiency, and accessibility for individuals with limited mobility are some of the more frequent repairs needed in older housing units.

Estimate the number of housing units within the jurisdiction that are occupied by low or moderate income families that contain lead-based paint hazards. 91.205(e), 91.405

Although the County has an aging housing stock, it is estimated that only 8% of owner-occupied and 13% of renter-occupied housing units built before 1980 have children present based on the ACS data provided by HUD. Lead based paint causes the most harm to children under the age of six because lead affects cognitive development and functioning; therefore, the Lead Safe Housing Program will focus its strategic planning for dealing with lead paint hazards on these units as a priority. There is however, a very large percentage of housing units in the County with potential lead paint hazards that could affect future populations if not considered early. 54% of owner-occupied housing units built before 1980 have a risk of lead paint hazards and 68% of renter-occupied housing units built before 1980 have the risk of lead paint hazards. Abatement of lead paint hazards is expensive, and there is a limited pool of licensed lead abatement contractors to complete the work. Units occupied by low- or moderate-income households are less likely to have the means or command the rent necessary to abate the lead paint hazards.

Discussion

Much of Portland and the County's housing stock is old and in need of rehabilitation. These units may have deferred maintenance and put families at a greater risk of injury or illness. The City and County are committed to adding safe, sanitary, affordable housing stock to the area.

MA-25 Public And Assisted Housing - 91.410, 91.210(b)

Introduction

There are four public housing authorities in Cumberland County; Portland Housing Authority, Westbrook Housing Authority, Brunswick Housing Authority, and South Portland Housing Authority. Through the HOME Consortium, The City of Portland and Cumberland County work with all four housing authorities, to assure quality, affordable housing opportunities to LMI residents in Cumberland County.

Totals Number of Units

	Certificate	Mod-Rehab	Public Housing	Program Type					
				Total	Project -based	Tenant -based	Vouchers		
							Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers available	0	102	1,626	3,306	267	2,650	205	0	1,004
# of accessible units									

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Table 41 – Total Number of Units by Program Type

Data Source:	PIC (PIH Information Center)
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Describe the supply of public housing developments:

Brunswick Housing Authority (BHA):

Portland Housing Authority (PHA):

South Portland Housing Authority (SPHA):

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Westbrook Housing Authority (WHA): WHA no longer owns or manages any public housing.

Describe the number and physical condition of public housing units in the jurisdiction, including those that are participating in an approved Public Housing Agency Plan:

Brunswick Housing Authority (BHA): BHA manages 191 units at five properties, three which are specifically for senior housing. BHA currently has an application to convert its entire public housing portfolio through the Streamlined Voluntary Conversion (SVC) Program. The repositioned units would be retained by Brunswick Housing Authority with a ground lease executed with the Greater Brunswick Housing Corporation to manage the units.

Portland Housing Authority (PHA): The need for rehabilitation is significantly more than capacity available to address needs.

South Portland Housing Authority (SPHA): SPHA says based on HQS inspections, SPHA units are in “good” condition

Westbrook Housing Authority (WHA): WHA no longer owns or manages any public housing.

Public Housing Condition

Public Housing Development	Average Inspection Score
St. Cyr Courts, South Portland	91
Broad Pines, South Portland	78
Washington Gardens, Portland	92
Sagamore Village, Portland	71
Woodlawn Tower, Portland	67
Bayside East, Portland	78
Franklin Towers, Portland	77

Table 42 - Public Housing Condition

Describe the restoration and revitalization needs of public housing units in the jurisdiction:

Brunswick Housing Authority (BHA): Most current units are old and in need full renovation.

Portland Housing Authority (PHA): \$88 million short of CIP assessment.

South Portland Housing Authority (SPHA): Most units are in good condition.

Westbrook Housing Authority (WHA): Revitalized \$6 million worth of improvements on properties during RAD conversion.

Describe the public housing agency's strategy for improving the living environment of low- and moderate-income families residing in public housing:

Brunswick Housing Authority (BHA): BHA recognizes that providing more safe, affordable, sanitary housing is key to improving the living environments of LMI families currently residing in public housing. They have renovated over fifty units in the past two decades and continue to look for opportunities to purchase existing units to rehab and make available for low income households. Acquisition has been made difficult by skyrocketing housing prices.

Portland Housing Authority (PHA):

South Portland Housing Authority (SPHA):

Westbrook Housing Authority (WHA):

Discussion:

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While the overall condition of the public housing units for Portland Housing Authority, Westbrook Housing Authority, and South Portland Housing Authority are good, the number of units available does not meet the demand.

The main barrier to the creation of new units as well as restoration of existing units is limited funding. The Rental Assistance Demonstration Program (RAD) allows public housing agencies to leverage public and private debt and equity in order to reinvest in the public housing stock, while ensuring the units remain affordable for residents. Westbrook Housing Authority has converted all of its units with the RAD program, and South Portland and Portland Housing Authorities plan to do the same in the coming years.

MA-30 Homeless Facilities and Services - 91.410, 91.210(c)

Introduction

Facilities Targeted to Homeless Persons

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds	Current & New	Current & New	Under Development
Households with Adult(s) and Child(ren)	152				
Households with Only Adults	134	164			
Chronically Homeless Households					
Veterans					
Unaccompanied Youth	24				

Table 43 - Facilities Targeted to Homeless Persons

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Describe mainstream services, such as health, mental health, and employment services to the extent those services are used to complement services targeted to homeless persons

Milestone operates a program called the Homeless Outreach & Mobile Engagement (HOME) Team who provides outreach and community supports to homeless individuals experiencing chronic health and substance abuse issues in Portland. The HOME Team provides daily street outreach, intervention, referrals and transportation of homeless individuals, highly intoxicated individuals, individuals with mental illness and individuals engaging in disruptive behavior. Staff works to engage these individuals in a compassionate manner, encouraging them to access appropriate treatment services.

Individuals in crisis or in need of resources can call, text, or email 211 Maine's hotline to connect to financial, housing, domestic violence, addiction treatment, health care, or mental health services. In 2021, 1,606 Cumberland County residents called for assistance, mostly for COVID-19 immunization, control, or diagnostic information. Other calls were related to housing search, fuel payments, homeless vouchers, rental assistance, mental health, and shelter services.

Preble Street offers an accessible barrier-free resource center for individuals experiencing problems with homelessness, housing, hunger, and poverty. Preble Street services 5,000 people living in poverty each year, including connecting individuals with emergency housing assistance, supporting survivors of human trafficking, and serving tenants at Logan Place, a Housing First program.

List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.

Families with Children: There are two shelters that serve families with children. The City of Portland Family Shelter provides temporary housing to families with children in the form of apartments. While staying at the shelter families learn important life skills, have access to various household items, participate in house meetings to discuss issues and assistance, laundry and transportation services to appointments. Staff also assists with housing placement and follows up case management. Support services on site include assistance with housing placement; training sessions on tenant education (Rent Smart Curriculum); crisis intervention and management, including follow-up services after housing is located; and assistance with public transportation for appointments and self-sufficiency.

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Through These Doors operates an Emergency Shelter for women and children who are experiencing domestic violence. They provide 16 beds, and families can access basic necessities like food, clothing and personal care items. Residents are offered in house education programs, individual advocacy, case management and safety planning.

Unaccompanied Youth: The Preble Street Joe Kreisler Teen Shelter provides 16-24 beds unaccompanied youth ages 12-20. The shelter provides safe, clean overnight accommodations in a secure building, showers, bathrooms, laundry facilities, towels, and personal hygiene products, community living areas, light breakfast and snacks. Additionally staff responds to the crisis that lead to homelessness, provides referrals, link youth to necessary services including substance abuse, counseling and medical facilities.

Chronically homeless- Chronically homeless men and women would stay at the Oxford Street Shelter. The Oxford Street Shelter is a low-barrier shelter which provides safe, temporary shelter for homeless adults, both men and women. The Shelter offers a variety of support services to assist homeless individuals enhance their self-esteem, secure housing, and work towards a housing stability plan. Support services at the Oxford Street Shelter include shower facilities and training on hygiene skills; housing placement assistance; health assistance to Veterans; clinical and outreach services for individuals with mental health concerns; and interpreting services.

Portland and Cumberland County are fortunate to have several community organizations which assist special needs populations. These include, but are not limited to, Frannie Peabody Center, Preble Street, Amistad, Immigrant Legal Advocacy Project, Maine Equal Justice Partners, Milestone, and The Opportunity Alliance. Together these organizations provide access to care through case management, behavioral health counseling, advocacy, utility assistance, and housing assistance programs.

MA-35 Special Needs Facilities and Services - 91.410, 91.210(d)

Introduction

Portland's population has a higher incidence of disability than people in Cumberland County as a whole (13.5% and 11% respectively). There is a much higher incidence of people with "cognitive difficulties" in Portland among adults, and a much higher incidence of disability in the population 65 years or over. 45.2% of the non-institutional population 65 years and over in Portland and 45.2% of the populations has a disability, including hearing difficulty, vision difficulty, cognitive difficulty, ambulatory difficulty, self-care difficulty, and independent living difficulty.

Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs

16.8% of County residents over the age of 65 have an ambulatory difficulty, and 11.5% have an independent living difficulty. In Portland, these percentages are 17.6% and 15.2% respectively. Accessible units are a consistent request of public housing applicants; however, accessible units are scarce. There is a need for first-floor units and units with physical accommodations.

With high rental costs in Portland, many individuals who are elderly, disabled, living with HIV, or experiencing mental illness may be simply unable to cover their living costs and also cover costs of transportation to medical appointments, nutritional care, and medications. Access to HOPWA, ESG, and CDBG funding and supportive services helps to guide clients through the complex financial system of housing and medical care and to support them in accessing the appropriate resources and opportunities to achieve a decent standard of living.

Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

Foster Care: Maine DHHS oversees foster care and contracts with The Opportunity Alliance (TOA) to help youth & families develop healthy transition plans to help youth aging out obtain TH, PH, PSH, or remain in care until they finish their education. TOA & the Teen Shelter work to prevent & actively monitor whether teens are discharged from foster care to the streets or shelters & advocate with Maine DHHS for improved policies and resources. Youth can remain with their foster parents past age 21 to complete their education.

Health Care: Preble Street, through a collaboration with Maine Medical, has opened a triage medical clinic whose goal is to bring unserved homeless and low-income individuals into low barrier medical care (wound management, basic screenings, etc.) and connect them with primary care. Portland's FQHC, Greater Portland Health, has also opened an office near the shelter that offers primary and mental health care for unserved, homeless populations which include walk in hours every day at 9am and 1pm. Additionally, the Oxford Street Shelter has collaborated with the Portland Fire Department to create a Paramedicine program to assist guests with medical needs within the shelter and the neighborhood. The paramedic on duty also helps triage medical emergencies and assists with administering Narcan and addressing overdoses.

Mental Health: 2 of Maine's publicly-funded MH hospitals have a discharge planning process that begins at admission & is pursued during the hospital stay to connect clients back to community supports & housing. A treatment team works with clients and community partners to identify community-based housing & services needed. Maine DHHS' top priority is to use BRAP (TH vouchers) to house those being discharged from psychiatric hospitals. Portland homeless providers have regular discharge meetings with hospitals for "difficult to discharge" patients.

Corrections: The Statewide Homeless Council (SHC) oppose any policy language allowing the release to a shelter or the streets, for any length of time. Maine Department of Corrections (DOC) goal is to not release to shelters but no written policy exists yet.

MA-40 Barriers to Affordable Housing - 91.410, 91.210(e)

Describe any negative effects of public policies on affordable housing and residential investment

Zoning ordinances and requirements can be a significant barrier to affordable housing. Inconsistent zoning across municipalities can make it difficult for developers to easily navigate requirements across communities within the County. The Greater Portland Council of Governments conducted a multi-regional Multifamily Housing and land Use Regulation report which found that zoning laws currently in region create financial and political impediments to developing multi-family affordable housing on 90% of available land. The Transit Tomorrow plan identified the same trend among 50-65% of developable land along proposed regional development corridors.

The City of Portland has taken significant steps recently to reduce negative effects of public policies on affordable housing and residential development. On November 9, 2020 the Portland City Council voted unanimously to adopt a new land use code under Phase I of ReCode, the City's effort to streamline, modernize, and update its land use code to reflect the goals of the City's comprehensive plan (Portland's Plan 2030). The overarching goals of the ReCode process are to create a new code that is user-friendly and enables the City to effectively address issues related to housing, design, preservation, conservation, and transportation. Phase I has involved extensive reformatting, restructuring, and updating of the existing code, as well as a concerted look at streamlining and rationalizing particular areas of existing policy, including the city's Accessory Dwelling Unit, off-street parking, and sign provisions. The result is a well-organized new code, using tables and graphics that will increase predictability and clarity for users of the code. It will also pave the way for Phase II of the Recode process, which will involve better aligning the code with the vision of Portland's Plan for equitable, sustainable, and thriving neighborhoods. Within Phase II, regulatory concepts are classified based upon their relationship with six key themes: uses and use standards, dimensional and design standards; zones; general development standards; parking, loading, and access; landscape; nonconformities; and updates to code structure.

In October of 2021, the City began the process of reviewing its current Historic Preservation Ordinance to identify impact of historic district designations. Since 1990, the City of Portland has had a robust Historic Preservation program, created to recognize, preserve and enhance Portland's historic resources, including individual landmarks, historic commercial and residential districts and historic landscapes. When the City Council first adopted Portland's Historic Preservation Ordinance, they established six local historic districts and five historic landscape districts based on previously designated National Register districts. Since that time,

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the program has expanded significantly to 12 local districts. Approximately 2,000 properties throughout the city, in a diverse range of neighborhoods and contexts, are currently designated as historic properties. Despite the successes of the program, limited data has been collected to document the impact of the program on the economic, cultural and social well-being of the city. As such, the City is seeking to evaluate the impact of historic district designations on Portland's housing market in terms of affordability, supply, and accessibility, as well historic preservation's impact on employment, cultural heritage tourism, sustainability, downtown revitalization, and equity and inclusion.

The city's goal is for the study is to provide an analysis of and where applicable recommendations on the following: Job creation and income generated by historic rehabilitation activity or other preservation efforts in Portland's historic districts; the economic impact of cultural heritage tourism and its relative impact on relation to other forms of tourism in Portland; demonstrated effect of historic districts on property values and rent within those districts are compared to non-historic districts; the role of historic preservation in downtown commercial economic vitality; the contribution of historic preservation to Portland's sustainable development (smart growth principles, energy conservation, climate resilience, green infrastructure, etc.); the social and racial impacts of historic preservation including but not limited to, the opportunities in Portland's historic districts as it is related to the development of low and moderate income housing compared with other, non-historic district parts of the city.

MA-45 Non-Housing Community Development Assets - 91.410, 91.210(f)

Introduction

Greater Portland represents approximately half the State of Maine's economic output, and at the heart of the region Portland provides a welcoming environment for current and future employers and entrepreneurs both large and small. However, there are many challenges for Portland's economy, including a scarcity of office, industrial, and commercial space to meet current demand; an aging workforce; the need to cultivate and attract a workforce with the skills needed in today's economy; low population growth (although in-migration due to the Covid-19 pandemic has shifted this); low household income relative to the region and the country; rising housing costs; and insufficient housing supply. It is critical to address these challenges if Portland is to thrive in the years ahead.

Economic Development Market Analysis

Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	91	39	0	0	0
Arts, Entertainment, Accommodations	4,647	7,574	14	11	-3
Construction	1,126	2,284	3	3	0
Education and Health Care Services	7,618	18,903	23	28	5
Finance, Insurance, and Real Estate	2,982	8,088	9	12	3
Information	697	1,876	2	3	1
Manufacturing	2,077	2,910	6	4	-2
Other Services	1,224	2,624	4	4	0

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Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Professional, Scientific, Management Services	3,892	8,407	12	13	1
Public Administration	0	0	0	0	0
Retail Trade	3,576	5,400	11	8	-3
Transportation and Warehousing	967	1,604	3	2	-1
Wholesale Trade	1,272	2,638	4	4	0
Total	30,169	62,347	--	--	--

Table 45 - Business Activity

Data Source:	2013-2017 ACS (Workers), 2017 Longitudinal Employer-Household Dynamics (Jobs)
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Labor Force

Total Population in the Civilian Labor Force	40,175
Civilian Employed Population 16 years and over	38,265
Unemployment Rate	4.76
Unemployment Rate for Ages 16-24	24.08
Unemployment Rate for Ages 25-65	3.17

Table 46 - Labor Force

Data Source:	2013-2017 ACS
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Occupations by Sector	Number of People
Management, business and financial	10,960
Farming, fisheries and forestry occupations	1,660
Service	4,465
Sales and office	8,825
Construction, extraction, maintenance and repair	1,800
Production, transportation and material moving	1,195

Table 47 – Occupations by Sector

Data Source:	2013-2017 ACS
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Travel Time

Travel Time	Number	Percentage
< 30 Minutes	29,670	83%
30-59 Minutes	4,685	13%
60 or More Minutes	1,220	3%
Total	35,575	100%

Table 48 - Travel Time

Data Source:	2013-2017 ACS
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Education:

Educational Attainment by Employment Status (Population 16 and Older)

Educational Attainment	In Labor Force		Not in Labor Force
	Civilian Employed	Unemployed	
Less than high school graduate	1,160	120	1,205
High school graduate (includes equivalency)	3,960	355	2,455
Some college or Associate's degree	8,105	345	2,000
Bachelor's degree or higher	17,275	415	1,605

Table 49 - Educational Attainment by Employment Status

Data Source:	2013-2017 ACS
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Educational Attainment by Age

	Age				
	18–24 yrs	25–34 yrs	35–44 yrs	45–65 yrs	65+ yrs
Less than 9th grade	10	250	255	535	525
9th to 12th grade, no diploma	730	285	470	690	590
High school graduate, GED, or alternative	1,565	1,625	1,725	3,415	2,410
Some college, no degree	3,210	2,955	1,445	2,840	1,415
Associate's degree	230	1,045	585	1,645	580
Bachelor's degree	1,585	5,515	2,385	4,310	1,505
Graduate or professional degree	110	2,180	1,600	3,365	2,110

Table 50 - Educational Attainment by Age

Data Source:	2013-2017 ACS
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Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	18,340

Educational Attainment	Median Earnings in the Past 12 Months
High school graduate (includes equivalency)	24,445
Some college or Associate's degree	31,460
Bachelor's degree	40,700
Graduate or professional degree	56,935

Table 51 – Median Earnings in the Past 12 Months

Data Source:	2013-2017 ACS
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Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?

The following major employment sectors make up 72% of the share of jobs and 69% of the workers: Education and Health Care Services; Arts, Entertainment, and Accommodations; Professional, Scientific, and Management Services; Retail Trade; and Finance, Insurance, and Real Estate. Education and Health Care Services, the largest sector, make up 28% of jobs and 23% of workers, followed by Arts, Entertainment, and Accommodations with 14% of jobs and 11% of workers. Professional, Scientific, and Management Services have 12% of workers and 13% of jobs, while Retail Trade has 11% of workers but only 8% of jobs. A few sectors have worker shortages when compared to available jobs. Education and Health Care Services shows a worker shortage of 5%, and Finance, Insurance, and Real Estate has a 3% shortage.

Describe the workforce and infrastructure needs of the business community:

Although broadband was not identified in our business outreach as a significant need, it has become a much greater need as more workers began to work remotely and businesses moved online due to the Covid-19 pandemic. Access to broadband would also allow students of all ages, including adult learners, more flexible access classes and professional development opportunities.

The Covid-19 pandemic also highlighted gaps in childcare availability. As schools and daycares closed, working parents had to scramble to provide or find childcare; for parents who could not work from home, many were forced to choose between income and childcare. Affordable childcare was identified as a significant need during survey outreach, with 52.8% of respondents choosing to rank this as very important.

Sixteen percent (16%) of workers travel more than 30 minutes to a job. Improvements to the public transportation system would put the majority of commuters' needs within reach and will

become more vital as rising housing costs continue to push lower-income workers away from Portland. Transportation ranked highly among business owners and residents as a barrier to employment.

Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create.

The Covid-19 pandemic has impacted every sector of the economy. Businesses that experienced growth during the pandemic had a difficult time finding workers as childcare and public transportation became less available, and businesses that offered public-facing services lost significant revenue as they closed or pivoted their business model.

As the pandemic begins to wane and businesses begin to open, workers are looking to change their situations, in some cases seeking additional professional development through classes, workshops, and services. Additionally, more individuals have and are starting their own businesses, making it imperative that they have reliable internet and access to services that can help them grow. Because many workers are choosing remote work, they are seeking smaller cities such as Portland to live, exacerbating an already difficult housing availability situation.

How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?

Overwhelmingly, businesses are reporting difficulty in attracting and retaining qualified workers, especially in sectors such as restaurant and retail, technology, healthcare, and the trades. Additionally, available workers are lacking in some of the soft skills needed to be successful across sectors including but not limited to time management and conflict resolution. Workers and businesses alike have identified a need for additional English Language Learner classes to assist non-English speakers with job-specific language skills.

Management/business/financial and sales/office jobs make up 68% of available jobs. Assuming that these positions require a bachelor's degree, there is a 12.7% discrepancy between employees with bachelor degrees and individuals to fill positions.

Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. Describe how these efforts will support the jurisdiction's Consolidated Plan.

Coastal Counties partnered with several local entities including Adult Education, Adult, Dislocated Worker, and Youth Programs, Community College, the Maine DOL's Vocational

Rehab and Employment Services to create an integrated workforce training development plan for the south and mid coast regions of Maine. Coastal Counties Workforce, Inc. (CCWI), is a non-profit 501(c)(3) entity founded to administer and oversee the delivery of the workforce system's services for the 6 Coastal Counties in Maine (York, Cumberland, Sagadahoc, Lincoln, Waldo and Knox). CCWI is the entity (mechanism) working on behalf of the Region's Local Board and CEO to ensure their responsibilities under federal workforce development law and federal funding are met. CCWI's region is geographically large and diverse and also the most populous, with approximately half of Maine's residents and business community located within the service area.

The initiative gives several benefits to the region, including:

1. The opportunity for regional workforce providers align and integrate services and resources such that potential trainees can be efficiently directed to desired program type no matter point of entry into the system.
2. Constant communication between employers and teaching organizations so training programs can stay aligned with workforce needs.
3. An accessible regional program for local professionals that will help them achieve their skill needs in any area they choose.

Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)?

Yes

If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.

In 2011, the Greater Portland Council of Governments (GPCOG) was designated by the US Department of Commerce's Economic Development Administration as the Economic Development District for our region. In that capacity, GPCOG is responsible for developing and implementing a five-year Comprehensive Economic Development Strategy (CEDS), the most recent of which was released in 2018. One goal of the plan is to reduce regional deficits, which includes reducing poverty and expanding equality through collective impact in education, public health, and affordable housing, and sustaining and expanding affordable housing and infrastructure investments in the region.

There are several other regional and state efforts that may impact Portland. The Maine Jobs and Recovery Plan offers financial support for businesses to survive the pandemic, attract new workers to the state, fund educational opportunities for existing workers, and expand transportation, technological, and sustainability infrastructures. Thrive 207 seeks to facilitate

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wrap-around health and educational services for children, universalize access to education programs that lead to post-secondary completion, and expand behavioral and physical health care access to meet family needs. Transit Tomorrow seeks to make public transportation in greater Portland faster and more affordable than using a vehicle; these efforts are supported by Maine Won't Wait and One Climate Future, which seek to reduce climate hazards through accessible public transportation, clean and efficient development, and directing funding towards addressing climate-related infrastructure needs.

Discussion

Greater Portland represents approximately half the State of Maine's economic output, and at the heart of the region Portland provides a welcoming environment for current and future employers and entrepreneurs both large and small. The city's historic industries, such as manufacturing, fishing, shipping, and tourism, are still relevant and evolving, even as Portland's 21st century economy is increasingly diverse. Portland simultaneously hosts a financial and services center, a growing biotech presence, a thriving local food cluster, a port of international trade, a regional healthcare hub, and a flourishing center of arts and culture. The impact of Portland's economy is felt beyond its physical limits: it has a food culture that serves as a catalyst for renewed agricultural growth in rural Maine; it is home to one of the state's three key ports and its largest airport; and its creative class has begun to spill beyond its borders, helping to revitalize other cities and towns across the state. Portland is increasingly a center for global industry and an international travel destination. Portland's entrepreneurial environment has received national and global recognition. Our food and maker economies continue to thrive as we explore ways to grow our value-added industries such as brewing and distilling, seafood processing, farm-to-table restaurants, and other food producers who build on the high-quality raw materials of local agricultural and natural resources. Remote workers also represent a growing sector of the city's economy, drawn here for Portland's distinct quality of place, and enabled by sound transit and communications systems. Creative and collaborative workspaces are flourishing in the city, providing opportunities to meet the changing needs of the 21st century workforce. There are many challenges for Portland's economy, including a scarcity of office, industrial, and commercial space to meet current demand; an aging workforce; the need to cultivate and attract a workforce with the skills needed in today's economy; low population growth; low household income relative to the region and the country; rising housing costs; and insufficient housing supply. It is critical to address these challenges if Portland is to thrive in the years ahead (Portland's Plan 2030, 2017).

MA-50 Needs and Market Analysis Discussion

Are there areas where households with multiple housing problems are concentrated? (include a definition of "concentration")

A concentration means that the percentage of properties exhibiting a specific characteristic is markedly larger than the percentage of properties exhibiting that characteristic within the jurisdiction. Households on the Peninsula are more likely to be renters and cost burdened than other areas of the City of Portland, particularly in the areas of Bayside, Parkside, and the St John Valley neighborhoods.

Are there any areas in the jurisdiction where racial or ethnic minorities or low-income families are concentrated? (include a definition of "concentration")

Due to the high percentage of rental and public housing, certain neighborhoods exhibit high concentrations of racial or ethnic minorities and low-income families, particularly Parkside and Bayside. Bayside neighborhood is also showing a higher concentration of Hispanic population (16%). A concentration means that the percentage of a specific characteristic is markedly larger than the percentage of individuals with that characteristic within the jurisdiction. This has not occurred because of a deliberate effort to segregate these populations. Areas of higher concentrations of race and poverty occur in the sections of the city where many social service agencies are located as well as affordable housing, including public housing, and public transportation. Many in the refugee and immigrant community choose to live in proximity to their social and cultural network and in areas with better access to schools, public transportation, employment within the city, health care, and affordable housing.

A major challenge in the area is poverty. The HCD area on the Portland peninsula has a concentration of families below the poverty level that is more significant than any other area of the city. However, as noted previously, Portland also offers greater access to affordable housing, social services, public transportation and jobs. Most Black/African American families living below the poverty level in Cumberland County live in Portland. On the other hand, most white families under poverty live in the rest of the county.

What are the characteristics of the market in these areas/neighborhoods?

The Covid-19 pandemic drastically affected the availability of vacant units within Portland. Both individuals seeking units and case managers report difficulty in finding affordable, safe units, and vouchers are often expiring before a suitable unit can be located. Subsidized housing is concentrated on the peninsula, where there is also higher concentrations of populations living

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below poverty and racial minorities. The peninsula also has more accessible resources than other areas of the City.

Are there any community assets in these areas/neighborhoods?

Nearly all of the neighborhoods on the peninsula have active neighborhood associations: Parkside, Bayside, East Bayside, West End, Munjoy Hill, and St. John Valley. Each of the neighborhood associations work to foster a sense of community and neighborhood among its members and fellow citizens, to work for the safety, cleanliness, and livability of its streets and homes, and to work for the preservation, restoration, promotion and appreciation of their neighborhoods and parks. They hold neighborhood meetings, clean ups, and work to inform their neighborhoods about projects at the City that will impact them.

Neighborhoods on the peninsula have a higher concentration of parks, playgrounds, churches, stores, restaurants, shelters, schools, and community resources than other areas of the City. Plus because neighborhoods are dense, amenities are more accessible because residents can access them by walking, biking or taking the bus.

Are there other strategic opportunities in any of these areas?

The areas of with higher concentration of poverty and racial diversity are also the target areas for CDBG funding. Neighborhood improvements and area wide benefit projects are focused on these areas of the City. As a result more neighborhood scale infrastructure projects, playgrounds, parks, trees, and other amenities will be constructed in these neighborhoods, many with accessible features such as ramps.

Additionally the City of Portland is considering creating a Neighborhood Revitalization Strategy Area for certain areas of the peninsula including Bayside, East Bayside and possibly Parkside. This will bring additional resources and focused development in these neighborhoods.

MA-60 Broadband Needs of Housing occupied by Low- and Moderate-Income Households - 91.210(a)(4), 91.310(a)(2)

Describe the need for broadband wiring and connections for households, including low- and moderate-income households and neighborhoods.

In 2018, the Maine Department of Economic and Community Development (DECD) created a “Statewide Broadband Action Plan” which outlines a public/private partnership to increase broadband accessibility in Maine. The Plan includes identifying underserved broadband areas whose available services is less than 25Mbps/3Mbps, the standard at which the FCC considers an address served. It sets the broadband target speed as 100/10.

As part of the State plan, a map was created at <https://maps.sewall.com/connectme/public/> which allows individuals to enter an address and see the speed and providers who can provide service. Portland generally meets the FCC definition of served, with exception of the several Island communities such as Great Diamond Island, Long Island, and Peaks Island.

Within Portland, 86.2% of households have an internet connection, most of which are broadband according to the 2019 ACS 5-year estimates. Almost 7% of households have only a cellular data plan, while 13.8% of households have no internet subscription. Broadband wiring is readily available in mainland Portland; however, for some low- to moderate-income households, the cost of connecting is cost-prohibitive. The islands of Portland, with the exception of Peaks Island, do not have access to broadband speeds greater than 10Mbps/1Mbps.

Describe the need for increased competition by having more than one broadband Internet service provider serve the jurisdiction.

There are several recent regional and state studies and plans outlining the opportunities for expanding broadband access in the area. As part of the “ConnectME” project, a map was created at <https://maps.sewall.com/connectme/public/> which allows individuals to enter an address and see the speed and providers who can provide service. For Portland, Maine’s zip code at 04101, four providers are listed: GWI, Consolidated Communications, Spectrum, and Redzone Wireless. GWI, however, is no longer accepting customers in this market. FirstLight also provides service within the area.

A study from the consumer group Free Press found that adjusted for inflation, the average U.S. consumer broadband bill increased 19 percent from 2017 through 2019. The study also found that providers have consistently either eliminated or hiked the price of slower, entry-level tiers to drive subscribers to more expensive service offerings, pushing affordable broadband even

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further out of reach for those already struggling to afford even basic tiers of service. The cause of this behavior is a direct result of limited competition, heavy consolidation in the sector, regional monopolization, and government policies that for years have failed to fully acknowledge these realities. Although Portland already has several providers, increasing the number of providers will give choice and voice to consumers and result in more competitive pricing as providers vie for a finite number of customers.

MA-65 Hazard Mitigation - 91.210(a)(5), 91.310(a)(3)

Describe the jurisdiction's increased natural hazard risks associated with climate change.

In 2019, the cities of Portland and South Portland created a climate change vulnerability assessment titled "One Climate Future". This report analyzed the potential risks associated with increasingly warming air and water temperatures, more severe and frequent storms, and changes in sea level.

Much of the water, sewer, natural resource, and transportation infrastructure in the two cities is vulnerable to climate change due to its proximity to tidal waters. Over half of the petroleum in Maine enters through the Port of Portland, with storage and terminals located at the mouth of the Fore River.

Increased temperatures may cause algae and bacteria in Sebago Lake, the drinking water source for Portland and South Portland, to bloom and flourish. It also may cause the electrical grid to function less efficiently, potentially impacting the ability of basic sanitation systems to function. This is particularly concerning when considering the impacts of severe storms to these systems.

Severe storms may also impact transportation systems, particularly in Portland, due to flooding. Portland has several high-value arterials with significant traffic; many of these are in areas that could be affected by a sea level rise up to 3.9 feet about the highest astronomical tide. Several areas vulnerable to flooding are in CDBG priority locations, including the Bayside neighborhood.

In addition to more severe storms, sea level rise could also cause significant flooding and damage. Portland utilizes a ferry system whose terminals are located in areas projected to see impacts from sea level rise. Additionally, there are many contaminated sites and hazardous waste storage facilities located in impacted areas, which could be environmentally devastating to the Casco Bay Watershed and surrounding communities if compromised by rising sea levels.

Describe the vulnerability to these risks of housing occupied by low- and moderate-income households based on an analysis of data, findings, and methods.

.A large number of Portland's public and subsidized housing units are located in the Bayside neighborhood, which will likely see increasing flooding due to climate change. Both renters and homeowners will likely see increased household costs due to ballooning flood insurance costs and the need to supply more cooling in buildings ill-equipped for that infrastructure. With a sea level rise of two feet, there would be 43 inaccessible households in Portland, mostly in the Bayside neighborhood; this increases to 697 with a 6-foot rise. These households would be unable to access basic services and/or emergency medical service. The costs to alleviate this concern by upgrading

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roads range from \$2.85 million to \$23.72 million. Flooding may disrupt access to three major grocery stores in the area, making it difficult for residents without a car to access fresh food.

The “One Climate Future” assessment identifies several populations in Portland and South Portland who are socially vulnerable and may be significantly impacted by climate change. The Social Vulnerability Index (SVI) aggregates seventeen measures of social vulnerability by Census block and was specifically developed for Maine communities by the Maine Coastal Risk Explorer Project. The groups identified include individuals over 65, individuals with a disability, individuals who speak English “less than well”, individuals of color, children, and those facing poverty or unemployment. Many of the individuals identified as socially vulnerable live in the Bayside neighborhood in Portland, which has one of the highest risks of impact due to climate change in the two cities. The factors that could disproportionately affect socially vulnerable populations include, but are not limited to: respiratory distress from dust and ground level ozone; increased heat related illness due to warming temperatures and significant impervious surfaces; lack of access to emergency warnings about climate-influenced events; and trauma.

In order to mitigate the effects of climate change on the area, and reduce vulnerability of housing occupied by low- and moderate-income households, the cities of South Portland and Portland have joined forces to create a plan called “One Climate Future” based on the assessment in 2019. Each of the 68 strategies in the plan is analyzed through the lens of creating a future that is equitable, regenerative, and resilient. Several of the strategies focus on areas and initiatives that will increase affordable housing resilient to climate change, decrease impervious surfaces while increasing greenspace, create additional cooling centers, and reduce energy costs, especially for low- and moderate-income households.

Strategic Plan

SP-05 Overview

Strategic Plan Overview

The priorities and goals addressed in the strategic plan are based off of the needs assessment and market analysis from the previous sections. Additionally, the priorities and goals in the strategic plan align with the City Council’s 2020 Goals and Priorities. These goals will be used to guide the City’s investment of resources and allocation of funding for the next five years. The needs, goals and priorities of the City were placed into four categories:

1. Neighborhood Investment & Infrastructure
2. Housing Availability
3. Economic Development
4. Addressing the Needs of the Growing Homeless Population

SP-10 Geographic Priorities - 91.415, 91.215(a)(1)

Geographic Area

Table 52 - Geographic Priority Areas

Bayside Neighborhoods

- The Bayside Neighborhoods consist of the Bayside and East Bayside neighborhoods. It is bound by I-295, Washington Ave, Congress Street, and Forest Ave.
- The Bayside neighborhoods have the highest concentration of homeless shelters and LMI housing in the City. There is a diverse mix of commercial properties within the neighborhood boundaries; including grocery stores and food services, industrial buildings, health care centers.
- In 2015 the City decided to create a 'targeted neighborhood investment' strategy; starting with the Bayside Neighborhoods and moving to a different neighborhood every 2-7 years, depending on community and public infrastructure needs. The Bayside Neighborhoods were chosen as the first targeted neighborhood investment area due to a combination of this area having the highest percentage of LMI residents, a lack of adequate housing and public infrastructure, as well as a high potential for private investments.
- The Bayside neighborhoods have the highest percentage of LMI residents in the City. Many of the roads and sidewalks in this neighborhood are in great need of repair and redesign in order to make the neighborhood safe and sustainable.
- Housing, public infrastructure, neighborhood development, public services

CDBG Target Neighborhoods

- Districts 1, 2 and portions of district 3 on the Portland Peninsula. This consists of eligible census tracts, 1, 2.1, 3, 5, 6, 10, 11, 12, 13.2, 13.3, 15.1, 15.3, and 20.2.1
- The CDBG target neighborhoods include the oldest housing stock in the City, the downtown district, and the highest concentration of public services.
- Members of neighborhood organizations, residents, service providers, and business owners all participated in the creation of this target area.
- Housing, public infrastructure, safety, and public services.

Eligible Census Tracts

- Any census tract where more than 51% of the residents are below 80% of the AMI

This includes: census tracts 1, 2.1, 3, 5, 6, 10, 11, 12, 13.2, 13.3, 15.1, 15.3, and 20.2.1, 21.1.3,

21.2.2, and 22.2

-This area consists of census tracts in the highest and lowest density neighborhoods of the city. The housing type is very diverse, including single family and multi-unit buildings as well as a wide array of businesses and services.

Members of neighborhood organizations, residents, service providers, and business owners all participated

Boundaries of the City of Portland

-Portland consist of high and low density neighborhoods. The housing type is very diverse, including single family and multi-unit buildings as well as a wide array of businesses and services.

-Members of neighborhood organizations, residents, service providers, and business owners all participated in the creation of this target area.

-Housing, public infrastructure, safety, and public services.

General Allocation Priorities

Describe the basis for allocating investments geographically within the state

The City of Portland's priority to allocating resources is to focus them on the areas of the jurisdiction that are in the most need. To determine this the City considered which areas of the City have the highest combination of poverty, minorities, single parents, oldest housing stock, and housing problems. These are located in Census Tracts 5, 6 and 10, which represent East Bayside, Bayside and Parkside neighborhoods respectively. Over the next five years the City of Portland will consider creating a Neighborhood Revitalization Strategy Area to help increase investment in these neighborhoods

In 2015 the City decided to create a 'targeted neighborhood investment' strategy; starting with the Bayside Neighborhoods and moving to a different neighborhood every 2-7 years, depending on community and public infrastructure needs. The Bayside Neighborhoods were chosen as the first targeted neighborhood investment area due to a combination of this area having the highest percentage of LMI residents, a lack of adequate housing and public infrastructure, as well as a high potential for private investments.

On a larger scale, the city will focus federal resources into areas of the City with the highest percentage of LMI residents, which are located primarily on the peninsula in districts 1 & 2. Street, sidewalk, infrastructure, parks, playgrounds, and other area benefit projects will be located in the target neighborhoods to benefit the low and moderate income individuals and families that live there. Due to the amenities and proximity to services, many HOME funded affordable housing projects are also

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located in the target neighborhoods.

Housing rehabilitation and new construction benefit individual persons or households who are low to moderate income, and therefore HOME funds can be spent throughout the City and County, which are the next geographic area priorities.

SP-25 Priority Needs - 91.415, 91.215(a)(2)

Priority Needs

Table 53 – Priority Needs Summary

Neighborhood Investment and Infrastructure

Priority: High

Description:

Public safety and mobility are key components to improving the livelihood of Portland neighborhoods. There is a significant need to build neighborhood sidewalks where none exist, improve ADA compliance, and increase access to alternative modes of transportation. Additionally, there is a need to increase resident's ability to remain or become active and engaged members of their neighborhoods through community based services and programs.

Basis for Relative Priority

In 2019 & 2020 , the Portland City Council identified four goals that identified this need: 1) 15 buses for 15 minutes: Add 15 buses to our fleet allowing us to reduce peak hour wait times to an hour to 15 minutes. 2) Light Hybrid rail to the eastern waterfront: install hybrid electric rail cars to come into Portland's eastern waterfront to reduce traffic. 3) Implement a plan for installation of solar arrays. 4) Increase public transit infrastructure and capacity in the City. The 2030 Comprehensive plan lists the following strategy: Full Service City: 2. Provide services to all residents. Operate City facilities and services in an efficient and effective manner that is responsive to all segments of the community.

Associated Goals: Create strong, safe, accessible and vibrant neighborhoods:

Invest in infrastructure to improve neighborhood assets and build strong, safe, accessible and vibrant neighborhoods. Improve accessibility and livability through age-friendly designs and ADA compliance. Build sidewalks and trails to improve connectivity, increase the use of bicycles as a mode of transportation, and redevelop streetscapes to create shared streets for cars, bikes, and pedestrians that integrate with the fabric of the neighborhood. Support programs that increase safety in neighborhoods for residents and visitors.

Invest in programs and services that address the specific needs of members of the community. Encourage programs that build a sense of inclusiveness, safety, and security within individual neighborhoods.

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Housing Availability

Description: In the 2019 Housing report it was reported that Portland has an affordability gap of \$255,796. In addition, there is a lack of affordable rental housing within Portland's housing supply. The City Council continues to make housing availability and affordability their goal.

Basis for Relative priority: In 2019 & 2020 the Portland City Council identified the following goal to address this need: Increase access to rental and home ownership that is safe, affordable, and accessible.

Associated Goals: Increase housing availability & affordability:

Increase housing availability and affordability to all Portland residents regardless of income, race, ethnicity, and family size. Encourage housing development by removing barriers to traditional urban housing types while ensuring the inclusion of workforce and age-friendly housing in significant development projects.

Economic Opportunity

Description: Portland has a well-developed employment support system with many established providers. However, the system is fragmented, providers work in silos, there is insufficient funding to cover needs of potential workers, and career planning and financial stability are often prioritized less than job placement. Employment retention support is scarce and turnover results in economic uncertainty for employees and higher costs for employers.

Basis for Relative priority: In 2019 & 2020 the Portland City Council identified the following goal: Promote Economic Development in the City in a manner that provides for increased property values, diversification across industry sectors and high paying jobs. Specifically, as it relates to HUD programming and objectives, the Council further identified the need to advance work on the "Minority and Women-owned Business Development Initiative" and secure City Council approval to invest CDBG funds in workforce development.

Associated Goals: Create economic opportunities to transition people out of poverty:

Description: Invest in Portland businesses to enable them to expand to create jobs. Invest in persons wanting to create microenterprises. Engage job seekers in a continuum of services to increase their professional capacity, financial stability, and ability to maintain employment. Focus on difficult to employ populations including homeless, new Americans and single parent head of households. Combine resources and build partnerships between public and private entities to provide opportunities to transition Portland residents out of poverty to sustainable employment and financial stability.

Address the Needs for Growing Homeless Population

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Description: The shelter system in Portland is beyond capacity. Staff and local organizations struggle to deal with overflow strategies to meet increasing need. Data from 2019 showed that 79% of the shelter consumers were new consumers, the average length of stay at the shelter is under 60 days. Homeless Prevention and Rapid Rehousing are key components to help reduce shelter usage and homelessness. Additionally increased case management is needed for those who have mental illness and substance abuse issues to help them navigate the service delivery system.

Basis for Relative priority: In 2019 & 2020 the Portland City Council identified the goal: Continue the effort to reduce homelessness, assist people experiencing homelessness through City, Regional, and State efforts.

Associated Goals: Prevent and Reduce Homelessness:

Description: Prevent individuals and families from becoming homeless and entering into the shelter system. Rapidly rehouse those who enter the shelter system. Provide necessary resources to assist vulnerable population's transition out of homelessness, including housing opportunities for chronically homeless or long-term stayers at homeless shelters.

Narrative (Optional)

SP-30 Influence of Market Conditions - 91.415, 91.215(b)

Influence of Market Conditions

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	A significant number of individuals in City's shelters have been identified as chronically homeless. The City has prioritized efforts to house long-term stayers while providing follow-up services.
TBRA for Non-Homeless Special Needs	Mental illness and substance use disorder are two of the three most common factors in homelessness in Maine.
New Unit Production	Affordable housing is difficult to find, with vouchers often expiring before recipients have found a unit.
Rehabilitation	Much of the City's housing stock is old and nearing the end of its useful life.
Acquisition, including preservation	Preservation of building stock is a focus of the affordable housing development program. The creation of affordable housing that includes the conversion of non-residential property into affordable housing is encouraged as a means of meeting the supply/demand needs mentioned above.

Table 54 – Influence of Market Conditions

SP-35 Anticipated Resources - 91.420(b), 91.215(a)(4), 91.220(c)(1,2)

Introduction

For the Five Year Consolidated Plan, the anticipated resources include federal CDBG, HOME, ESG, and Continuum of Care. The amount of each of these resources is dependent on federal allocation, which can be unpredictable. Estimates assume level funding for the next four years. Lead Safe Housing is program income from past grants. Payments are typically made when owners sell or refinance their homes and are therefore unpredictable; estimates are based on past years income. The Local Housing Trust Fund is funded by the City's Inclusionary Zoning ordinance. CDBG-CV, ESG-CV, and HOME-ARP are one-time allocations in response to the Covid-19 pandemic. Once funds are expended no more are expected.

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Anticipated Resources

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Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public-federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	\$1,948,754	\$44,111	\$146,522	\$2,139,387	\$7,971,460	Up to 33% of funds will be used for public services, 20% for planning and administration, and the remainder to economic development, housing, and public improvement activities.
HOME	public-federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	\$991,679	\$247,875	\$0	\$1,239,554	\$4,958,216	Program income is generated by repayment of HOME program loans.
ESG	public-federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	\$164,857	\$0	\$0	\$164,857	\$659,428	The Emergency Solutions Grant goes to fund both serving those in need of emergency shelter and assistance, and also to prevent homelessness and rapidly rehouse those who are homeless.

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Competitive McKinney-Vento Homelessness Assistance Act	public-federal	Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing						
Jill C Duson Housing Trust Fund	public-local	Acquisition Multifamily rental new construction New construction for ownership	\$2,172,194	\$0	\$0	\$2,172,194	\$0	Local Housing Trust Funds allocated under an annual plan that is approved by the City Council
LIHTC	public-state	multifamily rental, new construction		\$0	\$0		\$0	Low-Income Housing Tax Credits used in conjunction with other sources to create affordable units
CDBG-CV		Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	\$0	\$0	\$286,471.55	\$286,471.55	\$0	CDBG-CV had three allocations. The City received allocations in the first and third allocations.
ESG-CV		Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	\$0	\$0	\$1,023,959	\$1,023,959	\$0	ESG-CV was received by the City of Portland in the first and second allocation rounds.

HOME-ARP		Supportive Services, Tenant-Based Rental Assistance, Non-Congregate Shelter, Rental Housing	\$0	\$0	\$3,500,000	\$3,500,000	\$0	HOME-ARP funds were received as part of the American Rescue Plan and will be used by Cumberland County and City of Portland for eligible activities as outlined in HOME-ARP Plan, currently in production.
Section 8		Rental Assistance		\$0	\$0		\$0	
Section 108		Economic Development	\$0	\$0	\$8,171,058	\$8,171,058	\$0	Section 108 loan funds to support development within the Bayside neighborhood.
Other	Public - federal	Housing multifamily rental rehab	\$45,397	\$0	\$0	\$45,397	\$0	Program Income from prior HUD Healthy Home/Lead Safe Housing Grants. Wherever possible, the City will utilize rehab program funds in combination with lead program income funds to complete additional lead-safe units.
Other	Public-local	Development Activities and Planning/Admin	\$120,000	\$0	\$0	\$120,000	\$0	Funding from TIF to support CDBG-eligible activities.
Other	Public-local	Public Services activities	\$20,000	\$0	\$0	\$20,000	\$0	Funding from sale of property to support CDBG eligible activities.

Table 55 - Anticipated Resources

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Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

CDBG funds are leveraged considerably for their investment. Year 1 of the Consolidated Plan is expecting to leverage \$4,742,053 from the CDBG investment of \$1,948,754. The CDBG Program Application process discourages applicants from using CDBG funds as the sole source of project funding. Applicants must include other resources as leveraged funding. The City will continue to make this a requirement of the program.

The HOME Program leverages considerable funds, primarily through the Affordable Housing Development Program. This program leverages funding from several sources including Low Income Housing Tax Credits, state and federal Historic Tax Credits, state funds from the Maine State Housing Authority and local Housing Trust Funds. The City of Portland meets its match requirement through the expenditure of local General Assistance funds providing tenant based rental assistance to low and very low income households. The City expends General Assistance funds for this purpose, well in excess of the required HOME program match and will continue this assistance.

The ESG Program is expected to provide match funds equal to the amount of ESG funds allocated through the City's General Assistance fund.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

In 2012, the City Council adopted a Housing Investment Policy that requires the Housing & Community Development Committee (HCDC) to complete an annual review of program priorities that includes the type and location of housing, and an analysis of tax acquired or City-owned property that may be included as a development resource. In 2021, the City identified 7 available properties to be used for co-ops, condos, rental units, and a single family unit; combined, this would yield approximately 250 units after development.

Discussion

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The City Council adopted ordinance changes in October 2015, called “Inclusionary Zoning”, that required all new housing developments of 10 units or more meet a 10% workforce housing requirement. The introduction of Inclusionary Zoning ensures critically needed workforce housing is built or, through a fee-in-lieu option, funded for development at a later date. In 2019, Portland amended Chapter 14 of the Land Use Code to require new hotel projects with 10 or more hotel guest rooms within any five-year period, to provide low-income housing for rent on-site, or pay a fee-in-lieu to support affordable housing in the City. The fee-in-lieu is added to funds in the Jill C Duson Housing Trust Fund, a local fund used for the production of affordable housing.

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SP-40 Institutional Delivery Structure - 91.415, 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
City of Portland	Government	Economic Development Homelessness Non-homeless special needs Ownership Planning Rental Neighborhood improvements Public facilities Public services	Jurisdiction
Portland Housing Authority	PHA	Public Housing	Jurisdiction
Preble St	Non-profit organizations	Homelessness	Jurisdiction
Town of Brunswick	Government	Ownership Rental	Jurisdiction
Cumberland County	Government	Ownership Rental	Jurisdiction
Avesta Housing	CHDO	Ownership rental	Region
Community Housing of Maine	CHDO	Non-homeless special needs rental	State
South Portland Housing Authority	PHA	Public Housing	Jurisdiction
Westbrook Housing Authority	PHA	Public Housing	Jurisdiction
Brunswick Housing Authority	PHA	Public Housing	Jurisdiction
Frannie Peabody	Nonprofit	Non-homeless special needs	State
Catherine Morrill Day Nursery	Nonprofit	Economic Development	Jurisdiction
Amistad, Inc	Nonprofit	Homelessness	Jurisdiction
Milestone Foundation	Nonprofit	Homelessness	Jurisdiction

Table 56 - Institutional Delivery Structure

Assess of Strengths and Gaps in the Institutional Delivery System

The City will continue to carry out its Housing and Community Development Plan in partnership with the other management and delivery entities for housing and community development activities. These organizations include the consortium partners, Cumberland County and Brunswick, the Housing and Community Development Division and the Planning Division, the

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City's Health and Human Services Department, the Economic Development Department, the Portland Housing Authority, and a network of individual non-profit housing and social service providers.

The City of Portland Housing and Community Development Division is responsible for overseeing the budget and distribution of the City's CDBG and HOME entitlement funds and development of the Five-Year Consolidated Plan and Annual Action Plan and Consolidated Annual Performance Evaluation Report, as well as ensuring that all programs comply with HUD's federal regulations. The Health and Human Services Department oversees the budget and distribution of the ESG entitlement funds. Additionally the HCD Division administers the City's housing rehabilitation, new construction and homebuyer programs.

City of Portland Social Services Division administers the General Assistance Program, the City's emergency shelters (for single adults and families), transitional housing facilities, housing location services, Family Services Program, job readiness training and employment services and several other support activities in coordination with non-profit housing and social service agencies. Additionally, the Social Services Division administers the HOME funded Tenant Based Rental Assistance Program.

Non-Profit Housing and Social Service Agencies play a large role in directly providing housing and services to low income, homeless, and special needs populations throughout Portland.

Availability of services targeted to homeless persons and persons with HIV and mainstream services

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	Yes	Yes	Yes
Legal Assistance	Yes	Yes	Yes
Mortgage Assistance	Yes	No	No
Rental Assistance	Yes	Yes	Yes
Utilities Assistance	Yes	Yes	Yes

Street Outreach Services			
Law Enforcement	Yes	Yes	No
Mobile Clinics	Yes	Yes	No
Other Street Outreach Services	Yes	Yes	Yes

Supportive Services			
Alcohol & Drug Abuse	Yes	Yes	Yes
Child Care	Yes	No	No
Education	Yes	Yes	No
Employment and Employment Training	Yes	Yes	No
Healthcare	Yes	Yes	Yes
HIV/AIDS	Yes	Yes	Yes
Life Skills	Yes	Yes	No
Mental Health Counseling	Yes	Yes	Yes
Transportation	Yes	No	No

Other			
Other			

Table 57 - Homeless Prevention Services Summary

Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

There are several services available to the homeless and persons with HIV/AIDS in the Community.

The Portland Community Health Center offers an Integrated behavioral Health program that is designed to bring adults into treatment who are experiencing homelessness and are suffering from co-occurring mental health and substance abuse disorders. The goal of the program is to help stabilize individuals in need of health and mental health services and provide housing stabilization, housing placements, residential treatment use, and detox and follow-up treatment.

Milestone operates a program called the Homeless Outreach & Mobile Engagement (HOME) Team who provides outreach and community supports to homeless individuals experiencing chronic health and substance abuse issues in Portland. The HOME Team provides daily street outreach, intervention, referrals and transportation of homeless individuals, highly intoxicated individuals, individuals with mental illness and individuals engaging in disruptive behavior. Staff

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works to engage these individuals in a compassionate manner, encouraging them to access appropriate treatment services.

Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

Working collaboratively, these entities implement the City's Housing and Community Development Plan. The system's strengths include the collaborative manner in which these diverse groups work together to maximize available resources. Portland is a large enough City to have many institutional resources, yet small enough to be able to effectively communicate and collaborate. Currently there are no gaps in types of housing and services, but there is a lack of funding resources. The City and its partners will continue to seek additional resources to improve the system's ability to meet community needs.

Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

The City of Portland will continue to work in collaboration with partner organizations and governments to meet the goals and objectives of this 5 Year Consolidated Plan.

SP-45 Goals - 91.415, 91.215(a)(4)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Neighborhood Investment and Infrastructure	2022	2026	Non-Housing Community Development				

Table 58 – Goals Summary

Goal Descriptions

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)

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SP-50 Public Housing Accessibility and Involvement - 91.415, 91.215(c)

Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)

Activities to Increase Resident Involvements

Is the public housing agency designated as troubled under 24 CFR part 902?

Plan to remove the ‘troubled’ designation

SP-55 Strategic Plan Barriers to Affordable Housing - 91.415, 91.215(h)

Barriers to Affordable Housing

Zoning ordinances and requirements can be a significant barrier to affordable housing. Inconsistent zoning across municipalities can make it difficult for developers to easily navigate requirements across communities within the County. The Greater Portland Council of Governments conducted a multi-regional Multifamily Housing and land Use Regulation report which found that zoning laws currently in region create financial and political impediments to developing multi-family affordable housing on 90% of available land. The Transit Tomorrow plan identified the same trend among 50-65% of developable land along proposed regional development corridors.

Strategy to Remove or Ameliorate the Barriers to Affordable Housing

The City of Portland has taken significant steps recently to reduce negative effects of public policies on affordable housing and residential development. On November 9, 2020 the Portland City Council voted unanimously to adopt a new land use code under Phase I of ReCode, the City's effort to streamline, modernize, and update its land use code to reflect the goals of the City's comprehensive plan (Portland's Plan 2030). The overarching goals of the ReCode process are to create a new code that is user-friendly and enables the City to effectively address issues related to housing, design, preservation, conservation, and transportation. Phase I has involved extensive reformatting, restructuring, and updating of the existing code, as well as a concerted look at streamlining and rationalizing particular areas of existing policy, including the city's Accessory Dwelling Unit, off-street parking, and sign provisions. The result is a well-organized new code, using tables and graphics that will increase predictability and clarity for users of the code. It will also pave the way for Phase II of the Recode process, which will involve better aligning the code with the vision of Portland's Plan for equitable, sustainable, and thriving neighborhoods. Within Phase II, regulatory concepts are classified based upon their relationship with six key themes: uses and use standards, dimensional and design standards; zones; general development standards; parking, loading, and access; landscape; nonconformities; and updates to code structure.

In October of 2021, the City began the process of reviewing its current Historic Preservation Ordinance to identify impact of historic district designations. Since 1990, the City of Portland has had a robust Historic Preservation program, created to recognize, preserve and enhance Portland's historic resources, including individual landmarks, historic commercial and residential districts and historic landscapes. When the City Council first adopted Portland's

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Historic Preservation Ordinance, they established six local historic districts and five historic landscape districts based on previously designated National Register districts. Since that time, the program has expanded significantly to 12 local districts. Approximately 2,000 properties throughout the city, in a diverse range of neighborhoods and contexts, are currently designated as historic properties. Despite the successes of the program, limited data has been collected to document the impact of the program on the economic, cultural and social well-being of the city. As such, the City is seeking to evaluate the impact of historic district designations on Portland's housing market in terms of affordability, supply, and accessibility, as well historic preservation's impact on employment, cultural heritage tourism, sustainability, downtown revitalization, and equity and inclusion.

The city's goal is for the study is to provide an analysis of and where applicable recommendations on the following: Job creation and income generated by historic rehabilitation activity or other preservation efforts in Portland's historic districts; the economic impact of cultural heritage tourism and its relative impact on relation to other forms of tourism in Portland; demonstrated effect of historic districts on property values and rent within those districts are compared to non-historic districts; the role of historic preservation in downtown commercial economic vitality; the contribution of historic preservation to Portland's sustainable development (smart growth principles, energy conservation, climate resilience, green infrastructure, etc.); the social and racial impacts of historic preservation including but not limited to, the opportunities in Portland's historic districts as it is related to the development of low and moderate income housing compared with other, non-historic district parts of the city.

SP-60 Homelessness Strategy - 91.415, 91.215(d)

Describe how the jurisdiction's strategic plan goals contribute to:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Maine State Housing Authority coordinates the efforts of homeless shelters, outreach groups and volunteers who participate in an annual Point in Time Survey of sheltered and unsheltered homeless populations in the State of Maine and City of Portland. The annual census is required of all states on one night in January by the U.S. Department of Housing and Urban Development, and the count provides a snapshot of the number of individuals and families in shelters and on the streets on a given night. For Maine, a count performed in January will represent chronic and truly desperate homelessness because of extreme weather conditions including typical temperatures well below freezing, regular snow accumulation, and minimal daylight hours.

The Emergency Shelter Assessment Committee meets monthly to review homeless data and identify trends, issues, and areas that need improvement.

The Emergency Shelter Client Support & Services Plan Policy guides needs assessments. The policy requires clients to work with their navigator on a plan to secure permanent housing and clients who chose not to participate are asked to leave the shelter, unless circumstances warrant an exception. Also, the Oxford Street Shelter housing placement team now focuses on housing long-term stayers. The City has also added a full-time case manager to work with families experiencing homelessness, resulting in locating permanent housing placements with follow up case management and tenant education services. Preble Street Support Services receives funding from the Veterans Administration to prevent and end homelessness among veterans.

The Homeless Outreach and Mobile Engagement (HOME) Team is a collaboration between the City of Portland, the Portland Downtown District and Milestone to provide outreach and community supports to those with chronic health, mental health and substance abuse issues living on the streets of Portland. The HOME team has become part of the emergency service delivery system for businesses and community members.

SP-65 Lead-based Paint Hazards - 91.415, 91.215(i)

Actions to address LBP hazards and increase access to housing without LBP hazards

The City of Portland has been committed to eliminating lead poisoning in children since 1995 when it received its first HUD Lead Hazard Control Grant. The control and reduction of lead-based paint remains a critical focus of the City of Portland and over the years, nearly 500 units have been made lead-safe in the Greater Portland area. In past years, Portland received and administered federal Lead Hazard Reduction funds and has effectively and successfully addressed the lead hazards prevalent in the City's older housing stock. The effort to create lead safe dwelling units and reduce childhood lead poisoning will continue through the City's Lead Safe Housing Program.

Portland works closely with state and federal partners such as the Maine CDC, Maine DEP and US EPA in order to effectively administer the program, facilitate lead education activities and provide funding for lead abatement to qualifying applicants. The City is at times able to leverage state lead funds from Maine Housing in order to accomplish more work when the federal funding falls short. These partnerships allow all parties to reach a much wider audience with their lead outreach and education efforts, as well as produce a number of lead-safe units in other communities across Cumberland County. This joint effort results from a desire to provide cost-effective, efficient programs to benefit all communities of the region.

The Lead Safe Housing Program is geared to benefit low- and moderate-income families and households. An owner-occupied applicant in the City of Portland must prove that their income is less than 80% of the median area income with a child under six years of age. In order to qualify a rental unit, the building must contain at least 50% of individuals who earn 50% of the area median income. Preference is given to rental units where children reside. Projects outside of the City of Portland will meet HUD income eligibility limits established for Cumberland County.

How are the actions listed above related to the extent of lead poisoning and hazards?

Portland has had a referral process for those children identified with elevated blood lead levels (EBLL) since 1990 when legislation was passed requiring all lead blood tests to be reported to the State of Maine laboratory. The laboratory then reports all EBLL's to the Maine Childhood Lead Poisoning Prevention Program (MCLPPP) and they do an environmental investigation and case management referral to the local public health nurse and community action agency, for lead hazard reduction funding. The City of Portland receives referrals for cases in Portland and a remediation plan is implemented for all income eligible property owners.

Primary prevention measures are a critical focus of Portland's lead hazard reduction efforts. Through education and outreach, we continue to reduce the risk of childhood lead poisoning. Lead notification is given to all property owners, as well as referrals for blood lead testing for children at risk.

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How are the actions listed above integrated into housing policies and procedures?

Integration of lead hazard control policies and procedures are standard practice in all of Portland's housing programs.

SP-70 Anti-Poverty Strategy - 91.415, 91.215(j)

Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan

SP-80 Monitoring - 91.230

Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

For CDBG social service programs, our staff ensures compliance on a monthly or quarterly basis through Performance Reporting & Fund Requisitions from each Agency. Staff tracks the units of service, number of clients served, and income level and demographic information of the clients served. Staff also tracks the disbursements & revenues of each agency, ensuring that each agency is using the grant award for the proposed use in the signed contract. In addition, staff conducts on site monitoring roughly half way through the program year to monitor financial, employee, & reporting policies & procedures. On site, monitoring allows staff and sub recipients the opportunity to address any performance measure issues, and create a remediation plan if necessary. On site monitoring is conducted for new grantees annually, and returning grantees bi-annually.

For CDBG development activity projects, federal requirements are included in all contracts. Staff conducts environmental reviews for all projects, and where applicable receives the appropriate approval from the State Historic Preservation Office. Davis Bacon requirements, and Section 3 when applicable, are explained to each sub-recipient and staff presents the information and reporting requirements to contractors and sub-contractors. Before payment is released, each project must submit a request for payment, supporting invoices from subcontractors, and Certified Payroll forms with verified Davis Bacon wage rates. Due to the COVID-19 pandemic, on-site inspections and interviews were suspended for the 2020 program year.

CDBG & HOME housing projects are monitored regularly to ensure that rent levels, income guidelines & occupancy are being met. The City recently established a new Multi-Family Policies & Procedures Manual, which includes a policy for monitoring the operation phase of each project. The policy includes a process for monitoring Owner occupied properties through an annual mailing to ensure occupancy & tenant requirements are being met. On-going monitoring of large multi-family rental projects is critical to the long-term success of the program and insures that projects serve the intended population.

Monitoring allows the City to identify any financial challenges to project success while there is time for constructive intervention. Typically, tenant income certifications are completed in the spring. The City has a standing Memorandum of Agreement with Maine Housing, who will be completing on-site inspections (including inspection of all HOME assisted units as well as common areas & exterior of each property) on behalf of the City of Portland & the Cumberland County Home Consortium. In addition, the City has a Monitoring policy, which includes conducting a yearly desk-monitoring package for all HOME development projects. The program will allow HCD staff to evaluate risk more effectively & schedule on-

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site visits as needed.

Due to the COVID-19 pandemic, the City of Portland and the Cumberland County HOME Consortium, applied for and received several waivers and suspensions of HOME program requirements. These waivers and suspensions were available through September 30, 2021 and included the waiver of the requirement to perform ongoing on-site inspections of HOME-assisted rental housing. Therefore, no on-site property inspections were conducted in program year 2020.

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MAINE IRISH

HERITAGE CENTER

March 21, 2022

BOARD OF DIRECTORS

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Michael J. Quinlan

EXECUTIVE DIRECTOR

Mary E. McAleney

The Honorable Kate Snyder
Mayor of the City of Portland
389 Congress Street
Portland, ME 04101

Dear Mayor Snyder:

The Maine Irish Heritage Center wishes to thank the CDBG Allocation Committee for supporting our development activity request for the 2022 – 2023 program year. We are also grateful to you, the City Council, and Interim City Manager Danielle West for your consideration of our proposal to help fund our Bell Tower Restoration Project.

We would also like to thank Kelley Walsh, HCD Program Manager, Housing & Community Development Division whose support and guidance has been invaluable to us over the past few years, along with Mary Davis and her entire team at the Housing and Economic Development Department.

Phase one of the Maine Irish Heritage Center's Bell Tower Restoration Project seeks to address structural damage identified on the former St. Dominic's Church iconic bell tower – instantly identifiable as a key feature of Portland's skyline. For well over a century, it has been a beacon welcoming immigrants and inviting diverse communities to share their cultural experiences. This project will ensure that this cherished architectural feature is saved and allow us to continue our critical cultural mission, provide a safe space for community events and preserve this remarkable historic landmark.

The first phase of the Bell Tower Restoration Project addresses an immediate need to repair structural damage and cracked masonry identified on the southeast corner of the tower. Age-related wear and harsh weather have caused displaced, loose, and bulging masonry, elevating this project to priority status. There is recent visual evidence of the worsening condition of this section of the tower, so we have explored every possible avenue to complete this project as soon as possible.

THE HUB OF ALL THINGS IRISH IN MAINE

The Honorable Kate Snyder
March 21, 2022
Page 2

This project will provide safer and more secure access to the Center and supports the City's goal of preventing and eliminating conditions that are detrimental to public health, safety, or welfare. This project also supports the goal of creating strong, safe, accessible, and vibrant neighborhoods through infrastructure improvements, while encouraging a sense of inclusiveness, safety, and security within individual neighborhoods.

With the support of the CDBG program, we will reach the threshold required to begin this critical project during this calendar year. Additional funders of this project include the Davis Family Foundation, Central Maine Power Foundation, and the Alfond Foundation. We are also very proud to have the ongoing support of the Government of Ireland's Emigrant Support Programme. The Irish Government's steadfast support over the years has helped us with both operational and capital funding and an additional request of \$20,000 to support the Bell Tower project is currently pending. The MIHC will complete the required financing package by using funds in our building restoration fund and through a dedicated appeal to our long-time, loyal supporters.

Our partnership with the City of Portland stretches back to 2001 when a passionate group of volunteers worked tirelessly to develop a proposal to preserve this magnificent landmark and retain it as a community center. The transformation of the former St. Dominic's Church into a vibrant community center is a stabilizing force for the neighborhood, preserving its historic character while creating a gathering place for all local residents, regardless of income or background, to enjoy. We embrace our role as a cultural and community center that provides a place for Maine's diverse communities to share their cultural experiences and actively seek opportunities to foster diversity, inclusion, and cross-cultural exchange.

The Board and friends of the Irish throughout Maine are grateful for the longstanding support the City of Portland has shown the MIHC since Mayor Jim Cloutier presented the keys to the building to our founder Jim Walsh in January of 2003. We thank you for your vital support throughout the years.

More recently, we've been the proud recipients of CDBG funds supporting a 2012 project to improve handicapped accessibility, including the installation of an elevator lift, and a ramp to the library; the 2021 restoration of the granite stairway system and this year's project to complete the final piece of our internal accessibility initiatives.

As an organization, we've made enormous progress over the years. We'd like to extend an invitation to you, the City Councilors and City staff members to come for a visit. You'll see that the doors to our grand entrance on Gray Street have recently been restored to their formal glory thanks to a grant from the Irish Government. We'd love to have you enter through those beautiful new doors to learn what else we've been working on.

The Honorable Kate Snyder
March 21, 2022
Page 3

And of course, we extend a warm Irish welcome to members of the community as a gathering place. We are always ready to help support your needs when hosting community meetings. Please feel free to contact us should you ever have the need.

Sincerely,

A handwritten signature in black ink that reads "Robert Kearney". The signature is written in a cursive style with a large, stylized "R" and "K".

Robert Kearney
Board Chair

City Council Meeting: 3/21/2022 0 views



Ann O'Hagan

9:10 AM

to publiccomment@portlandmaine.gov, mcaleney@gmail.com, Bob Kearney

RE: Resolve 9-21/22 Adopting the 2022-2026 Five-Year Consolidated Plan and Fiscal Year 2022-2023 Annual Action Plan including Appropriations for Community Development Block Grant Program.

Please find attached a letter submitting the written comments of the Maine Irish Heritage Center. We appreciate the opportunity to provide our input supporting the Interim City Manager's recommendations.

Kind regards,
Ann O'Hagan
MIHC Board Secretary

The Maine Irish Heritage Center
P.O. Box 7588
Portland, ME 04112

Resolve # 9-21/22. CDBG 0 views



Admin
to publiccomment@portlandmaine.gov, lindashary3@gmail.com

Mar 19

To Portland City Council members,

I am writing to ask that you please support the funding of Building Restorations in the amount of \$78,000.00 at the First Parish Church, 425 Congress St., Portland.

There are a number of exterior windows facing onto Freshman Alley that are in serious disrepair and one that is totally missing altogether and needs to be replaced. As First Parish is a designated Historical Building all restoration of these windows must follow Historic Commission guidelines which add significant cost to the project.

The restoration of these windows will greatly improve energy conservation. They will reduce the current amount of blight presently found as one walks down Freshman Alley. A large number of Portland High school students use this alley daily as do a number of AA participants and others.

Restoring these windows to an operational level means much better air flow and improved lighting for the large meeting room they are located in. The room is used for monthly community dinners, (pre Covid) memorial services and public service interest groups.

I hope you can support the figures shown so we can bring our building facilities back to like new conditions to better serve the immediate community we have been a part of since 1824.

Thank you for considering my request.

Chris Beasley
Buildings and Grounds Committee
First Parish Church
425 Congress St.
Portland, ME

Comment on Resolution 9-21/22 Community Development Block Grants

0 views



Ted Oldham

to publiccomment@portlandmaine.gov

Mar 20

Please include this comment in the Council agenda packet for Order number 9-21/22 Five-Year Consolidated Plan and Fiscal Year 2022-2023 Annual Action Plan including Appropriations for Community Development Block Grant Program, etc.

Thank you for your assistance,

Ted and Sally Oldham
118 Congress Street
Portland, Maine

Dear Members of the City Council,

We are writing to urge you to approve the First Parish in Portland CDBG submission. The iconic First Parish buildings have served the community well through a multitude of activities for Portland's citizens including spiritual, political, educational, musical performance, community celebrations and social gatherings for almost 200 years.

The Meeting House, completed in 1826, was one of the few central downtown buildings to survive the Great Fire of 1866, thanks to its granite construction and slate roof. While recent projects solved challenges regarding the building's physical and virtual accessibility, important work remains to be done to address additional issues with regard to environmental, health, security and energy usage.

The highest priority project to address the above issues, is to restore the seven monumental windows of the Meeting House. These windows are of heroic size, are original and have never been thoroughly rehabilitated. Currently they don't open and are in need of complete restoration. Lead paint and putty must be removed, all hardware and sash balancing systems require renewal and storm/screen windows need to be added. The Belvedere Fund has provided funds to restore one of the seven windows. First Parish's Trustees are funding a second window restoration. These CDBG funds will be used to restore the remaining three windows of the Meeting House sanctuary. Two foyer windows will still need to be restored. This work is being undertaken by local, skilled craftspersons.

First Parish's recent building projects have been carried out in cooperation with the City of Portland, reflecting the buildings' close proximity to Portland High School and its key location and role in the City. We urge you to approve the allocation of CDBG funds to the First Parish Trustees as recommended by both the CDBG Ranking Committee and the Interim City Manager.

Sincerely,

Ted and Sally Oldham
118 Congress Street
Portland, ME

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 7, 2022

SUBJECT: Resolve 10-21/22 Approving the City Council Rules of Procedure - Sponsored by the Rules Committee, Councilor Andrew Zarro, Chair

SPONSOR: The Rules Committee, Councilor Andrew Zarro, Chair

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No If 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

The City Council Rules Committee has met regularly since January 24, 2022 to review the rules and make recommended changes. On March 7, 2022, the committee voted 4-0 to recommend passage of the rule changes presented in this item. Among the rule changes it unanimously approved was a revision to Rule 32, Section 5, requiring persons offering public comment to identify themselves with a first and last name and city of residence and/or Council district. Rule 32 was updated to replace the word "scurrilous" with "abusive or disrespectful." In Rule 19 the word "majority" was replaced by "the prevailing side" for the sake of clarity and best practice under Robert's Rules. Rule 22 revisions would allow a councilor to sit after being recognized before speaking.

In a second vote, the Committee recommended that the full Council consider a change to the timing of public comment on un-agenda items. The committee was generally in agreement that the 6:00 start time can be cumbersome for the Council and members of the public, alike. The committee was divided, however, on whether taking comment at start of the meeting or the end is best.

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

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. Resolve -FY22 Adopting Council Rules of Procedure for 2022 3.21.2022

Prepared by:

Date: 03/07/2022

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)

**RESOLUTION ADOPTING COUNCIL RULES OF PROCEDURE
FOR 2022**

BE IT RESOLVED, that the City Council of the City of Portland, Maine, in the City Council assembled, does hereby adopt the Rules and Orders of the City Council, as attached hereto, as the Rules of Procedure of the City Council.

RULES OF PROCEDURE OF THE CITY COUNCIL

As Amended ~~December 6, 2021~~April 14, 2022

Rule 1. Regular Meetings and Council Workshop Sessions

- A. The regular meetings of the Council shall be held in the room known as the City Council Chamber or such other room as deemed appropriate in City Hall in one session at 5:00 p.m. on the first and third Mondays of each calendar month. When said Monday is a holiday or an election day, the regular meeting shall be held on the following Wednesday, at the same time and place. The date or the time of any regular meeting may be changed by an order passed at a previous meeting of the Council or by warrant for a special meeting called in lieu of a regular meeting; provided however, that said change in date will still provide for two regular meetings in one month. Unless otherwise changed by an order passed at a preceding meeting or by the calling of a special meeting at a different time or place, for like purposes, the Council shall also regularly meet at 6:00 PM on the first Monday of December of each year for the purpose of the inauguration of Portland City Council, the swearing in of Councilors-elect, filling Council committees, adopting rules and orders, and transacting such other business as it may deem appropriate. The public hearing of any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration. The Council deliberation and action on any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration.
- B. With proper notice, workshop sessions of the City Council may be called by five (5) members of the City Council, the

Mayor or the City Manager, as the case may be, for obtaining legal, administrative or policy guidance or for the presentation of information by the City Manager, the City Clerk or Corporation Counsel or their staff. The City Council shall not take votes in workshop sessions; however, the Council may be polled at the workshop to obtain an unofficial sense of the position of the Council on an issue being discussed at the workshop. To the maximum extent possible, materials for such sessions shall be provided to the City Council at least two (2) business days prior to the scheduled workshop. All such workshop sessions shall be open to the public, in accordance with 1 M.R.S. §400 et seq. ("FOAA").

Rule 2. Quorum; Adjourned Meetings

A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours' notice of the time and place of holding such adjourned meeting shall be given to all members who are not present at the meeting from which adjournment is taken.

Rule 3. Enactments

The Council shall act only by ordinance, order, or resolve. Final passage of or amendments to any item shall require five (5) affirmative votes except where a greater number is required by Charter or Ordinance. All ordinances, orders, and resolves, except orders and resolves making an appropriation of money, shall be confined to one subject, which shall be clearly expressed in the title. The appropriation order or resolve shall be confined to the subject of appropriations only.

Rule 4. Ordinance; Style

All ordinances passed by the Council shall be termed "amendments to the Portland City Code" and the enacting style shall be: "Be it ordained by the City Council of the City of Portland, Maine, in City Council assembled."

Rule 5. Order and Resolve; Style

In all votes of command, the form of expression shall be "ordered"; and of opinions, principles, facts or purposes, the form shall be "resolved".

Rule 6. Readings

The reading of any ordinance, order, or resolve shall be by title of the ordinance, order or resolve only, if no member objects.

Rule 7. Reading on Two Separate Days; Waiver

No ordinance, no appropriation resolve, and no order authorizing the expenditure of \$50,000.00 or more shall be passed until it has been read on two separate days, except when the requirement of reading on two separate days has been dispensed with by a vote of seven (7) of the members.

Rule 8. Yeas and Nays Taken; When

The yeas and nays shall be taken upon the passage of all ordinances and orders authorizing the expenditure of money in the amount of \$50,000.00 or more and entered upon the record of the proceedings of the Council by the Clerk. The yeas and nays shall be taken on the passage of an order or resolve when called for by any member.

Rule 9. Ordinances; Effective When

No ordinance shall take effect until thirty (30) days after its passage by the Council, except in the case of emergency ordinances.

Rule 10. Order, Resolve; Effective When

No order or resolve shall take effect until ten (10) days after its passage, except in the case of emergency orders and resolves.

Rule 11. Emergency Ordinances, Orders and Resolves

The Council may, by vote of seven (7) of its members, pass emergency ordinances, orders, or resolves to take effect at the time indicated therein, but such emergency ordinances, orders or resolves shall contain a section in which the emergency is set forth and defined, provided, however, that the declaration of such emergency by the Council shall be conclusive.

Rule 12. Item for Meetings; Filed When

No ordinance, order, resolve, or other document shall be in order for action at any regular meeting of the Council unless such ordinance, order, resolve, or other document shall appear on the Council Agenda.

Items for the Agenda should to the maximum extent possible be received in the office of the City Manager on or before close of the work day ten (10) days prior to the scheduled Council meeting.

Each item for the Agenda shall be submitted with an electronic agenda request form. The form shall 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.

Rule 13. Sponsorship.

Items listed on the Council agenda shall be sponsored as follows:

A. The Mayor shall sponsor any proclamations or resolutions; provided, however, that any Councilor may request the opportunity to sponsor a proclamation that is not deemed "standing" hereunder; and

B. The 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.

C. For purposes of this Section, "standing" proclamations shall include, but not be limited to mean annual holidays, existing anniversaries of prominent events, or proclamations or resolutions that have come before the Council at least two (2) times in the last five (5) years.

Rule 14. Presiding Officer to Chair Meetings

The Presiding Officer shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be called, and, a quorum being present, cause the minutes of the preceding meeting to be read and proceed to business.

Rule 15. Preserve Order Decide All Questions of Order

The Presiding Officer shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.

Rule 16. Declare Votes; Cause Return of Votes

The Presiding Officer shall declare all votes, but if any member doubts a vote, the Presiding Officer shall cause a return of the members voting in the affirmative and in the negative; without debate.

Rule 17. Debate; Rules of

When a question is under debate, the Presiding Officer shall receive no motion but to adjourn, or for the previous question, or to lay on the table, or to postpone to a date certain, or to refer to a committee or some administrative official, or to amend, or to postpone indefinitely, or to call the question; which several motions shall have precedence in the order in which they stand arranged.

Rule 18. Motion to Adjourn; Lay on Table

The Presiding Officer shall consider a motion to adjourn as always in order except on immediate repetition; and that motion and the motion to lay on the table, or to take from the table, shall be decided without debate.

Rule 19. Reconsideration

When a vote is passed, it shall be in order for any member who voted ~~in the majority~~ on the prevailing side, ~~or in the negative on a tie vote~~ to move a reconsideration thereof, at the time, or the next stated meeting, but not afterwards, and when a motion of reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote passed at a previous meeting shall be in order for consideration at the next stated meeting unless an item to that effect is contained in the agenda for such next stated meeting or unless seven (7) of the members consent to such reconsideration.

A citizen petition, or zone change petition, once presented to and finally acted upon by the Council shall not again be received by the Council in the same or substantially the same form for a period of one (1) year next succeeding the Council's final action on the original petition. A member voting on the prevailing side ~~with the majority~~ on the original petition, however, shall be privileged to reintroduce such a petition in accordance with the requirements of this rule.

A liquor license or special entertainment permit, or an amendment proposed by the licensee to an existing license or permit that has been denied by the Council shall not be received

by the Council in the same or substantially the same form for one (1) year from the date of such action unless a shorter period is required by state law.

All other items, once presented to and finally acted upon by the Council, shall not again be offered or received by the Council in the same or substantially the same form within a given Council year (i.e. December - December).

Rule 20. Failure to Pass for Lack of Required Votes

When an item fails to finally pass for lack of the required five (5), or seven (7) affirmative votes, as applicable, and is not otherwise disposed of, the item shall appear on the Agenda as unfinished business at the next succeeding meeting.

Rule 21. Motion for Previous Question

Upon the motion for the previous question being made and seconded, the Presiding Officer shall put the question in the following form: "Shall the main question be now put?". And all debate upon the main question shall be suspended until the motion for the previous question shall be decided. After the adoption of said motion for the previous question by a majority vote, the sense of the Council shall be forthwith taken upon all pending amendments and then upon the main question. Neither is it susceptible of amendment. All questions of order arising incidentally thereon must be decided without discussion whether appeal be had from the Presiding Officer or not.

Rule 22. Manner of Speaking

When a member is about to speak at a Council meeting, ~~he or she shall rise in his or her~~ that member shall rise in place, if physically able to do so, to be recognized and may afterward, while either sitting or standing, sit to ~~and~~ respectfully address the Presiding Officer. All comments by a member under this Rule shall be confined, confine confining himself or

~~herself~~ to the question under debate, and shall avoid personalities.

Rule 23. Length of Statements by Members

During the deliberation on any item and associated amendments, each member shall limit his or her remarks and/or questions, but not including responses to his or her questions, to a total of five (5) minutes. In the event that an item is divided or amended, each member shall be entitled to an additional five (5) minutes of remarks and/or questions. For purposes of clarity, this shall not apply to Councilor questions posed to staff or others prior to the "public comment" portion of any item.

Rule 24. Not to Interrupt

No member speaking shall be interrupted by another, but by a call to order by the Presiding Officer, a point of order by any member or to correct a mistake.

Rule 25. Breach of Rules and Orders

When any member shall be guilty of a breach of any of the rules or orders of the Council, that member may, on motion, be required to make satisfaction therefor, and shall not be allowed to vote, or speak, except by way of excuse, until he or she has done so.

Rule 26. Member Excused From Voting; When

Every member present when a question is put shall vote unless the member is precluded from participation therein because of interest or the appearance of interest or unless she or he is otherwise prohibited by law from participation.

(a) Any member abstaining on grounds of interest or the appearance of interest must do so at the commencement of deliberations on the item under discussion and shall not participate in said deliberations or vote on such item.

(b) Any member abstaining as permitted hereunder shall clearly state such intent, the reason for such abstention and the legal or factual basis therefor prior to the commencement of deliberation on such item.

Rule 27. Motion to be Reduced to Writing; When

Any motion shall be reduced to writing if the Presiding Officer shall so direct.

Rule 28. Division of a Question

Any member may move that a question be divided.

Rule 29. Motion for Referral

Any member can make a motion for referral of any item to a Committee or administrative official. A motion for referral to a Committee or administrative official, until it is decided, shall preclude all amendments of the main question.

Rule 30. Priority of Business

All questions relating to priority of business to be acted upon shall be decided without debate.

Rule 31. Suspension of Rules; Amendment or Repeal

The rules shall not be dispensed with or suspended unless two-thirds as of those present and voting consent thereto; provided, however, that when these rules expressly require a vote larger than said two-thirds such rules shall not be suspended except by an equal or greater vote. No rule of procedure shall be amended or repealed without notice, in writing, being given at the preceding meeting.

Rule 32. Procedure for Addressing Council

Any person wishing to address the Council will be given an opportunity to do so in accordance with the following procedure:

1. No public comment shall be permitted on the following agenda items: informational reports or communications from boards and commissions, staff or other organizations or entities; and administrative action implementing prior action of the Council where that prior action had permitted public comment.

2. On items other than those set forth in 1. above, public comment shall be permitted only once prior to final Council action. Except as specifically decided by the Council, such public comment shall occur at the advertised public hearing or at the second reading of such item by the Council, where the item requires a second reading on a separate date.

3. Persons wishing to address the Council on an item which appears on the agenda, and upon which public comment is permitted under 1. and 2. above, shall wait until the Clerk announces the consideration of such item, at which time they may address the Council on that particular item. However, once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item.

4. Persons wishing to address the Council on an item not appearing on the Council agenda shall only do so at the 6:00 p.m. public comment period reserved on the Council agenda for non-agenda items. Such public comment period shall not extend beyond 7:00 p.m.; provided, however, that upon a vote of a majority of the Council, the public comment period may be reopened at the end of end of the Council's consideration of all other agenda items, excepting adjournment. Notwithstanding the foregoing, the public comment period reserved on the Council agenda for non-agenda items shall not be reopened after 11 p.m.

5. Any person wishing to address the Council shall signify such desire and, when recognized by the Presiding Officer, such person shall give his or her first and last name and address-city of residence, and/or district, organization or individual represented, if any, designate the subject matter on which he or she desires to address the Council, respectfully address only the Presiding Officer, and avoid personalities.

6. When any person or entity is being honored or recognized by the Council, applause shall be permitted. In all other matters, persons present at Council meetings shall not interrupt, nor applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.

7. Any and all signs shall not be permitted in the Council Chambers.

8. Persons addressing the Council on an item prior to start of deliberation on such item by the Council shall be permitted to speak only once on an item, and shall limit their remarks on each item to three (3) minutes. From time to time, the Presiding Officer may grant an extension of this three (3) minute requirement. Such persons shall also confine their remarks to the merits of the pending item. No members of the public shall comment on more than three (3) items, excluding any comment provided pursuant to number 4 above, at any Council meeting unless the Rules of the Council are suspended to allow for comment on each such additional item.

9. The Presiding Officer shall limit or cut off any commentary that is not germane or that is ~~scurrilous, abusive, or not in accord with good order and decorum~~ abusive or disrespectful. No clapping, cheering, jeering, or booing will be tolerated.

10. Any person who shall continue to violate these rules, after warning by the Presiding Officer, may be ejected for the remainder of the meeting then in progress.

Rule 33. Parliamentary Proceedings

In all cases where the parliamentary proceedings are not determined by the foregoing rules, "Robert's Rules of Order" (Newly Revised, 11th Edition) shall be taken as authority to decide the course of the proceedings.

A list of debatable and non-debatable motions is hereby incorporated for reference in Appendix A, attached hereto.

Rule 34. Council Committees

At the commencement of the municipal year members shall be appointed to the following standing Committees, each Committee, except the Housing & Economic Development Committee and the Health & Human Services and Public Safety Committee, which shall have four (4) members, to consist of three (3) members of the Council:

1. Housing & Economic Development Committee;
2. Finance Committee;
3. Health and Human Services and Public Safety Committee;
4. Legislative & Nominating Committee; and
5. Sustainability & Transportation Committee.

A majority of the members of the above standing Committees shall constitute a quorum for the transaction of business.

Rule 35. Council Committees; How Chosen

The members of the Council to serve on the above Committees shall be appointed by the Mayor. The Council may override one or more of such appointments by a vote of at least six (6) members.

Rule 36. Council Committees; Public Comment

The public will be given an opportunity to comment on any item under consideration by the below-named standing Council Committees prior to a final Committee action on that item. Any person addressing the Committee on an item shall be permitted to speak only once on an item, shall give his or her first and last name and ~~address~~-city of residence, and/or district,

organization or individual represented, if any, and shall limit their remarks on each item to three (3) minutes. From time to time, the Presiding Officer of a Committee may extend this period of time pursuant to Rule 31(8). These requirements for public comment shall apply to the following Committees:

1. Housing & Economic Development Committee;
2. Finance Committee;
3. Health and Human Services and Public Safety Committee;
4. Legislative & Nominating Committee; and
5. Sustainability and Transportation Committee.

Nothing herein shall prevent or prohibit any other Committee from accepting public comment if said Committee determines that it wishes to do so.

Notwithstanding the foregoing, no public comment shall be required on the following items: informational reports or communications from boards and commissions, staff or other organizations or entities; and administrative action implementing prior Committee action where that prior action had permitted public comment.

Rule 37. Smoking at Meetings

No person shall smoke in the Council Chamber or at any public meeting in the Portland City Hall. Any person continuing to smoke after warning by the Presiding Officer shall be ejected for the remainder of the meeting then in progress.

Rule 38. Confidentiality

No Councilor shall intentionally disclose or discuss information known to be confidential to or with any person not otherwise authorized or privileged to receive that information, including representatives of the media. For the purpose of this rule, "information known to be confidential" includes

information in any form that has been designated, to the knowledge of the Councilor, as confidential by an employee or agent of the City of Portland, and that is within one or more of the exceptions to the definition of "public record" in the State's Freedom of Access law.

Confidential information includes statements made by individuals participating in executive sessions and includes any documents prepared specifically for an executive session, unless otherwise designated by the City Council in cases where the Council has the exclusive right to waive confidentiality.

Any Councilor who, following a due process hearing, is found to have violated this rule may be disciplined by reprimand.

MEMORANDUM
City Council Agenda Item

FROM: Melissa Graffam

DATE: March 8, 2022

SUBJECT: Order 152-21/22 Approving the Agreements between the Maine Department of Transportation and the City of Portland Re: Forest Avenue Paving -- Sponsored by Danielle P. West, Interim City Manager

SPONSOR: Daielle 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 2/28/2022

Final Action 3/7/2022

Can action be taken at a later date: No This agreement must be approved by City Council and signed by the City Manager as soon as possible to allow Maine Department of Transportation (MaineDOT) to put the contract out to bid immediately to meet target construction start date for this project and hopefully receive better bid pricing due to the earlier bid date.

PRESENTATION: N/A

I. SUMMARY

City Council is being asked to approve the attached Two-Party Municipal/State Agreement and authorize the City Manager to sign it, which would allow MaineDOT to move ahead with its plans to pave Forest Avenue between Congress Street and Park Avenue in 2022.

II. AGENDA DESCRIPTION

This agreement, between the Maine Department of Transportation (MaineDOT) and the City of Portland, obligates MaineDOT to mill and fill Forest Avenue, update and/or install new pedestrian curb ramps to meet ADA requirements, and all appurtenances when MaineDOT's contractor paves Forest Avenue. The original agreement obligates the City to pay for 25% of the work as its municipal share, or an estimated \$65,575.00. Subsequently, an amended agreement was submitted increasing the project costs due to inflation. The amended agreement obligates the City to pay \$116,285 for its municipal share. A separate Utility Agreement for the approximately \$16,800 cost to adjust the manhole frame and covers will be paid from an already funded Water Resources account.

This item must be read on two separate days. It received its first reading on February 28, 2022. On March 7, 2022, it was postponed to March 21, 2022. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Forest Avenue paving project is part of MaineDOT's 2021-2024 work plan. The scope of work includes milling and paving with a 1 ½ inch hot mix asphalt overlay. Construction work on this project is scheduled to begin after April 15, 2022 and be completed in 2022. This project is classified as a pavement preservation project on an urban collector street.

As such, PACTS will pay 75% of the cost of paving as part of its Collector Paving Program. The City will be responsible for 25% of the paving cost and 100% of the cost of making adjustments to its sanitary sewer facilities in the project area.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Forest Avenue paving project will improve the pavement surface and ride quality on a regionally important major urban collector street. PACTS funds will pay for 63% of the paving costs.

V. FINANCIAL IMPACT

The City is obligated to pay 37% of the total construction cost. The total City cost of this work, estimated to be \$116,285, would be paid from a FY23 CIP account established for Paving Rehabilitation. The original estimate has been increased by \$50,710 due to increased construction costs. Please see the attached fiscal impact note for additional information. A separate Utility. Agreement for the cost to adjust the manhole frame and covers will be submitted later; The City is obligated to pay 100% of the utility adjustment cost; funding for that cost will come from a currently available Water Resources account.

VI. STAFF ANALYSIS AND BACKGROUND

Urban collector paving projects such as this one, where MPO pays a majority of the paving costs, are one of the best alternatives for the City in terms of getting the most street paving done for the least expense of City funds. This is an important location in the City of Portland due to its high AADT and designation as a major collector; without this work, this section of Forest Avenue will continue to deteriorate.

VII. RECOMMENDATION

The Department of Public Works recommends approving and signing the subject agreement to allow MaineDOT to pave approximately 0.28 miles of Forest Avenue (from Congress Street to Park Avenue) in 2022.

VIII. LIST ATTACHMENTS

1. MDOT 2-party Forest Ave Paving 2.28.2022
2. Amendment to Order 152 MDOT 2-party Forest Ave Paving 3.7.2022
3. Forest Ave - Congress to Park - Location Map
4. Municipal State Agreement - WIN 24997
5. 24997 Forest Ave - Utility Agreement
6. Fiscal Impact Note - Forest - Congress to Park - Updated

Prepared by:

Melissa Graffam

Date: 03/08/2022

Order 152-21/22

Motion to postpone to March 21, 2022: 9-0 on 3/7/2022

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 APPROVING THE TWO-PARTY AGREEMENTS
BETWEEN THE MAINE DEPARTMENT OF TRANSPORTATION
AND THE CITY OF PORTLAND
RE: FOREST AVENUE PAVING**

ORDERED, that the Two-Party Agreements between the Maine Department of Transportation and the City of Portland are hereby approved, in substantially the forms attached, for paving and other work on Forest Avenue:

- WIN 24997.00, Proposed Improvements to Forest Avenue

BE IT FURTHER ORDERED, that the Interim City Manager or her designee is hereby authorized to sign the two-party agreements and any other documents necessary to effect the purpose of this order.

**AMENDMENT TO ORDER 152-21/22
PREPARED BY CORPORATION COUNSEL
RE: INCREASED PRICE IN REVISED AGREEMENT
FROM \$65,575.00 TO \$144,815**

ORDERED, that the revised Two-Party Agreements between the Maine Department of Transportation and the City of Portland are hereby approved, in substantially the forms attached, for paving and other work on Forest Avenue:

- WIN 24997.00, Proposed Improvements to Forest Avenue

BE IT FURTHER ORDERED, that the Interim City Manager or her designee is hereby authorized to sign the two-party agreements and any other documents necessary to effect the purpose of this order.



MaineDOT use only	
CTM #:	_____
CSN #:	_____
PROGRAM:	<u>Highway Program</u>

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
PROPOSED IMPROVEMENTS TO FOREST AVENUE

(MaineDOT Use Only)

Project Location: Portland
State WIN #: 24997.00
Federal Aid Project #: 2499700

Estimated Municipal Share: \$116,285.00
Vendor Customer #: 17A12984
Agreement Begin Date: _____
Agreement End Date: (5 years from the date last signed below)

This Agreement is entered into between the **Maine Department of Transportation** (hereafter **MaineDOT**) and the **Municipality of Portland**, a municipal corporation located in the County of Cumberland (hereafter the "Municipality") (collectively hereinafter the "Parties").

RECITALS

- A. The scope of work that is the subject of this Agreement consists of making improvements to Forest Avenue, beginning at Congress Street and extending north 0.28 of a mile to Park Avenue, in Portland, Maine, (hereafter the "Project").
- B. The Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the programmed budget, using a process that maximizes communication and cooperation between the Parties.
- C. This Agreement is intended to cover the roles and responsibilities of the Parties during the design, permitting and right-of-way phases of Project development from Project inception through completion of the Project's Plans, Specifications and Estimate (PS&E). This Agreement is further intended to establish the financial obligations of each Party, including that of full Project development through construction.

AGREEMENT

NOW, THEREFORE, in accordance with the foregoing, the Parties agree as follows:

- D. The following checked appendices are hereby incorporated into this Agreement by reference, and any perpetual maintenance appendices shall survive the expiration of this Agreement:
- ☒ Appendix A – Project scope, cost sharing, and payment schedule (*not required for non-monetary agreements.*)
 - ☐ Appendix B – Perpetual Bicycle/Pedestrian Facility Maintenance
 - ☐ Appendix B – Perpetual Drainage Maintenance
 - ☐ Appendix B – Perpetual Landscape Maintenance
 - ☐ Appendix B – Perpetual Operation and Maintenance of Lighting/Flashing Beacon and/or signage with associated light(s)
 - ☐ Appendix B – Perpetual Traffic Signal Operation and Maintenance
 - ☐ Appendix B – Perpetual Traffic Signal Operation and Shared Maintenance

- ☐ Appendix B – Perpetual Bridge Lighting/Approach Lighting Maintenance & Snow Plowing
- ☐ Appendix C – Additional work requested by Municipality

E. Agreement Administration:

1. MaineDOT agrees to procure and administer a contract to construct the Project in accordance with the plans and specifications developed by MaineDOT. This would include any additional plans, specifications and estimates furnished by the Municipality and approved by MaineDOT. When applicable, refer to Appendix A of this Agreement for the outline of the scope, limits of work and cost sharing.
2. MaineDOT shall be the sole administrator of the contract to construct the Project. MaineDOT will pay all Project costs, subject to cost sharing by the Municipality, when applicable, as specified in this Agreement. Neither MaineDOT nor its contractors will be required to pay for inspections and permits from the Municipality.
3. The Municipality agrees that MaineDOT and its contractors are exempt from all local ordinances, including but not limited to the Municipality Noise Ordinance.
4. Upon acceptance of plans, specifications and estimates (PS&E), MaineDOT shall solicit competitive bids for the Project. Upon acceptance of the lowest acceptable responsive, responsible bid to construct the Project and fulfillment of all terms set forth herein, MaineDOT will submit the information to the Municipality, who will have up to five (5) business days to review the information and notify MaineDOT of any questions or concerns. If MaineDOT is not presented with any questions or concerns in the time allotted all decisions pertaining to the acceptance of the bids, the award and administration of the contract and all payments thereunder shall be the sole discretion of MaineDOT.

F. Changes to Project Scope:

5. The Municipality, at its election, may request that changes be made or work added to the Project during the period of construction, provided the Municipality agrees in writing to pay any additional cost plus an amount not to exceed ten (10%) percent of such construction cost to cover all necessary engineering, inspection and administrative costs associated therewith, unless specified otherwise. All such requests shall be subject to MaineDOT approval. In the event that the cost of these changes or work are approved for federal participation, the Municipality's additional cost may be reduced by the amount of the federal contribution.

G. Traffic Control:

6. The Municipality agrees to allow MaineDOT's contractor to control all traffic through the work areas in accordance with the Traffic Control Plan approved by MaineDOT. The development of the Traffic Control Plan will follow the process outlined below:
 - i. MaineDOT's Project Manager (PM) will, when possible, submit the Project for Traffic Analysis and Movement Evaluation (TAME), approximately one year prior to advertisement. Once the results are received, the PM/Regional Traffic Engineer will discuss the proposed Project with the Municipality (scope, limits, day or night work, work window, etc).

- ii. The Municipality will comment on their concerns/issues related to the Traffic Control Plan within two (2) weeks of receipt.
- iii. MaineDOT's PM & Designer will incorporate these comments where practical based on engineering judgment.
- iv. If the Municipality desires, a meeting will be held prior to PS&E to review the Project design, Special Provision 105 – Limitations of Operations, Special Provision 107 - Time, etc.

H. Utilities:

- 7. The Municipality will, at no cost to MaineDOT, assure proper adjustment, relocation, or repair of any portion of a utility service, whether above or below ground, that is located within the limits of the highway right-of-way and connected to any municipal utility, which might become necessary to permit construction of the Project. The Municipality agrees to hold MaineDOT harmless from any claims for damages occurring as a result thereof.
- 8. The Municipality agrees that during and after construction it will apply the requirements of the most recent version of MaineDOT's "Utility Accommodation Rules" as the minimum guidelines not withstanding any municipal rules that are more lenient.
- 9. To the extent that it is statutorily responsible therefore, the Municipality agrees to provide utilities, and to maintain all improvements and fixtures constructed, installed or furnished as a part of the Project in such a manner as necessary to preserve the use and function thereof for the expected period of their normal useful life as determined by accepted engineering and/or industry standards. To the extent any warranty exists for said improvements or fixtures, said warranty shall be first relied on by MaineDOT to address maintenance and/or repairs described in this paragraph.

I. Governing Law:

- 10. The Municipality agrees that except for an emergency, or as allowed in 23 M.R.S.A. § 3351-A, it will prohibit the excavation of the highway within the limits of the Project for a period of at least five (5) years after completion of the Project, and agrees to make all necessary notifications to abutters and occupants of the highway as otherwise required of any municipal government under the provisions of 23 M.R.S.A. § 3351. Thereafter, all future excavations within the right-of-way of the Project shall be regulated and controlled in the manner specified by MaineDOT in its most recent "Utility Accommodation Rules", which is incorporated herein and made a part hereof by reference.
- 11. The Parties agree to: comply with and abide by all applicable State and Federal laws, statutes, rules, regulations, standards and guidelines, including the MUTCD and OSHA standards, and Agreement provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this Agreement.

J. Municipality's Responsibility:

- 12. When applicable, if the Municipality withdraws its financial support for the Project, leading MaineDOT to terminate the Project, the Municipality shall reimburse MaineDOT fully for all

Project costs incurred in reliance on the Municipality's financial obligations outlined herein, including, but not limited to, reimbursement of all federal and state funds expended up to the time of such termination. If the Municipality fails to reimburse MaineDOT for such costs incurred, after receiving an invoice seeking such reimbursement, MaineDOT may exercise its rights of set-off to recover the requested amount.

13. The Municipality agrees to alter, move, relocate or remove, or cause to be, at no cost to the Project, any municipal property, including all fixtures, facilities or monuments, located on, under or above the ground, as necessary to permit construction of the Project, which has not otherwise been provided for during the development of the Project. Any work necessary to do so during the period of construction shall be coordinated with the contractor for the Project.
14. The Municipality will be responsible to keep new or replaced/rehabilitated pedestrian facilities in usable condition including snow and ice control.
15. The Municipality agrees to keep the right-of-way of the Project inviolate from all encroachments and agrees to remove, or cause to be removed, anything that may encroach thereon.
16. When applicable, the Municipality agrees to regulate all entrances to the highway within the limits of the Project in accordance with the provisions of 23 M.R.S.A. § 704.
17. When applicable, the Municipality agrees to limit all on-street parking to the parking spaces as designed and constructed under the Project.

K. Termination:

18. MaineDOT reserves the right to terminate the Project for any reason prior to the award of a contract to construct the Project. MaineDOT also reserves the right to terminate all provisions pertaining to work requested by the Municipality at any time prior to the award of a contract to construct the Project due to failure by the Municipality to comply with any of the conditions and stipulations set forth in this Agreement.
19. MaineDOT may postpone, suspend, abandon or otherwise terminate this Agreement upon thirty (30) days written notice to the Municipality and in no event shall any such action be deemed a breach of contract. Postponement, suspension, abandonment or termination may be taken for any reason by MaineDOT or specifically as the result of any failure by the Municipality to perform any of the services required under this Agreement to MaineDOT's satisfaction.

In the event of Project termination, all provisions of this Agreement shall become null and void except for the financial obligations set forth herein, as well as those *provisions that by their very nature are intended to survive*.

L. Miscellaneous Provisions:

20. **Debarment.** The Municipality certifies, by signing this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency. If the Municipality is unable to certify to this statement, it shall attach an explanation to this Agreement. The Municipality shall promptly notify MaineDOT if it or its principals becomes

debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

21. All provisions of this Agreement, *except those that by their very nature are intended to survive*, shall expire at Project final voucher, or upon final payment by the Municipality of any Project costs as hereinbefore provided, whichever occurs later.
22. **State of Maine's Rights of Set-Off.** MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State of Maine's option to withhold for the purposes of set-off monies due the Municipality under a specific project contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State of Maine for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller. When applicable, MaineDOT reserves the right to withhold or reduce future Local Road Assistance payments to the Municipality for purposes of set-off to recover the amount owed.
23. **Non-Appropriation.** Anything herein to the contrary notwithstanding, the Municipality acknowledges and agrees that although the execution of this agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
24. **Assignment.** No assignment of this agreement is contemplated, and in no event shall any assignment be made without the express written permission of MaineDOT.
25. **Notice.** Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and may be sent via email which shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving party. Alternatively, communications can be mailed via U.S. Mail, Certified or Registered, Return Receipt Requested or sent via a recognized commercial carrier such as, but not limited to Federal Express, that requires a return receipt delivered to the sending party. Said communications, requests or notices shall be sent to the other party as follows:

MaineDOT: Maine Department of Transportation
 24 Child Street
 16 State House Station
 Augusta, ME 04333-0016
 Attn.: LaRay L. Hamilton
 Email: laray.hamilton@maine.gov

Municipality: City of Portland
389 Congress Street #208
Portland, ME 04101
Attn.: Danielle P. West
Email: citymanager@portlandmaine.gov

IN WITNESS WHEREOF, the Parties hereto have executed this AGREEMENT effective on the day and date last signed below.

MUNICIPALITY OF PORTLAND

MAINE DEPARTMENT OF TRANSPORTATION

By: _____
Danielle P. West, Interim City Manager

By: _____
Richard J. Crawford, P.E., Director
Bureau of Project Development

(Date Signed)

(Date Signed)

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.

DRAFT

APPENDIX A
PROJECT SCOPE AND COST SHARING
MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO FOREST AVENUE

FEDERAL AID PROJECT NO. 2499700

STATE PROJECT IDENTIFICATION NUMBER (WIN) 24997.00

Project Scope:

Mill & Fill on Forest Avenue, beginning at Congress Street and extending north 0.28 of a mile to Park Avenue.

Funding Outline:

The Total Project Estimated Cost is \$ 313,010.00 , and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		Project Share				Total Cost
			Federal	Portion	MaineDOT (State) Portion		
	%	\$	%	\$	%	\$	\$
Preliminary Engineering Line 1	25.0%	\$ 2,325.00	75.0%	\$ 6,975.00	0.0%	\$ -	\$ 9,300.00
Preliminaary Engineering Line 2	100.0%	\$ 10,700.00		\$ -		\$ -	\$ 10,700.00
Right of Way	25.0%	\$ -	75.0%	\$ -	0.0%	\$ -	\$ -
Construction Line 1	25.0%	\$ 58,575.00	75.0%	\$ 175,725.00	0.0%	\$ -	\$ 234,300.00
Construction Line 2	100.0%	\$ 34,710.00		\$ -			\$ 34,710.00
Construction Engineering Line 1	25.0%	\$ 4,675.00	75.0%	\$ 14,025.00	0.0%		\$ 18,700.00
Construction Engineering Line 2	100.0%	\$ 5,300.00		\$ -			\$ 5,300.00
PROJECT SHARES		\$ 116,285.00		\$ 196,725.00			\$ 313,010.00
Total Cost of Additional Work Requested by Municipality (Below)	100.0%						
TOTAL ESTIMATED MUNICIPAL SHARE (Receivable Amount)		\$ 116,285.00					

(Check if applicable)

☐ **Additional Work as outlined in Appendix C to this Agreement.**

Funding Outline: The Municipality agrees to pay 100% of the costs for the work outlined below.

Additional Work		Cost: 100% Municipal Share	
TOTAL COST OF ADDITIONAL WORK REQUESTED BY MUNICIPALITY		\$	-

Payment:

The Municipality shall submit payment to MaineDOT within 30 days from the invoice date.

1. Prior to award of the contract for Project construction, the Municipality will be invoiced a portion of its share of the cost of the Project.

Invoicing will include the following:

- a. 100% of the local share of the Preliminary Engineering and Right of Way costs; plus
- b. Fifty percent (50%) of the local share of the Construction and Construction Engineering cost based on the total bid price of the Project; plus
- c. 100% of all additional work requested by the Municipality.

2. Final Voucher Payment to the Contractor. A final bill will be created following MaineDOT's final voucher payment to the Contractor, after all quantities are verified, and any required adjustments have been made. The cost of the work for which MaineDOT will bill the Municipality shall be determined by the contract prices and the completed quantities of the work items or, in the event of termination, the local share of Project development cost to the point of termination as stipulated above. The final invoice will include the Municipality's share of any remaining costs.

Invoicing Schedule: The Municipal Payment Schedule shown below includes estimated invoicing dates based upon the estimated schedule and estimated cost of the Project:

Municipality Name	Receivable Amount	Estimated Invoice Date
City of Portland	\$84,660.00	5/1/2022
City of Portland	\$31,625.00	8/1/2022
City of Portland	Balance	9/1/2023
Total Receivable Amount:	\$116,285.00	



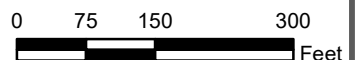
public
works

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

Forest Avenue Park St to Congress St MDOT Paving



Feb 2022





MaineDOT use only	
CTM #:	_____
CSN #:	_____
PROGRAM:	<u>Highway Program</u>

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
PROPOSED IMPROVEMENTS TO FOREST AVENUE

(MaineDOT Use Only)

Project Location: Portland

State WIN #: 24997.00

Federal Aid Project #: 2499700

Estimated Municipal Share: \$65,575.00

Vendor Customer #: 17A12984

Agreement Begin Date: _____

Agreement End Date: (5 years from the date last signed below)

This Agreement is entered into between the **Maine Department of Transportation** (hereafter **MaineDOT**) and the **Municipality of Portland**, a municipal corporation located in the County of Cumberland (hereafter the "Municipality") (collectively hereinafter the "Parties").

RECITALS

- A. The scope of work that is the subject of this Agreement consists of making improvements to Forest Avenue, beginning at Congress Street and extending north 0.28 of a mile to Park Avenue, in Portland, Maine, (hereafter the "Project").
- B. The Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the programmed budget, using a process that maximizes communication and cooperation between the Parties.
- C. This Agreement is intended to cover the roles and responsibilities of the Parties during the design, permitting and right-of-way phases of Project development from Project inception through completion of the Project's Plans, Specifications and Estimate (PS&E). This Agreement is further intended to establish the financial obligations of each Party, including that of full Project development through construction.

AGREEMENT

NOW, THEREFORE, in accordance with the foregoing, the Parties agree as follows:

- D. The following checked appendices are hereby incorporated into this Agreement by reference, and any perpetual maintenance appendices shall survive the expiration of this Agreement:
 - ☒ Appendix A – Project scope, cost sharing, and payment schedule (*not required for non-monetary agreements.*)
 - ☐ Appendix B – Perpetual Bicycle/Pedestrian Facility Maintenance
 - ☐ Appendix B – Perpetual Drainage Maintenance
 - ☐ Appendix B – Perpetual Landscape Maintenance
 - ☐ Appendix B – Perpetual Operation and Maintenance of Lighting/Flashing Beacon and/or signage with associated light(s)
 - ☐ Appendix B – Perpetual Traffic Signal Operation and Maintenance
 - ☐ Appendix B – Perpetual Traffic Signal Operation and Shared Maintenance

- ☐ Appendix B – Perpetual Bridge Lighting/Approach Lighting Maintenance & Snow Plowing
- ☐ Appendix C – Additional work requested by Municipality

E. Agreement Administration:

1. MaineDOT agrees to procure and administer a contract to construct the Project in accordance with the plans and specifications developed by MaineDOT. This would include any additional plans, specifications and estimates furnished by the Municipality and approved by MaineDOT. When applicable, refer to Appendix A of this Agreement for the outline of the scope, limits of work and cost sharing.
2. MaineDOT shall be the sole administrator of the contract to construct the Project. MaineDOT will pay all Project costs, subject to cost sharing by the Municipality, when applicable, as specified in this Agreement. Neither MaineDOT nor its contractors will be required to pay for inspections and permits from the Municipality.
3. The Municipality agrees that MaineDOT and its contractors are exempt from all local ordinances, including but not limited to the Municipality Noise Ordinance.
4. Upon acceptance of plans, specifications and estimates (PS&E), MaineDOT shall solicit competitive bids for the Project. Upon acceptance of the lowest acceptable responsive, responsible bid to construct the Project and fulfillment of all terms set forth herein, MaineDOT will submit the information to the Municipality, who will have up to five (5) business days to review the information and notify MaineDOT of any questions or concerns. If MaineDOT is not presented with any questions or concerns in the time allotted all decisions pertaining to the acceptance of the bids, the award and administration of the contract and all payments thereunder shall be the sole discretion of MaineDOT.

F. Changes to Project Scope:

5. The Municipality, at its election, may request that changes be made or work added to the Project during the period of construction, provided the Municipality agrees in writing to pay any additional cost plus an amount not to exceed ten (10%) percent of such construction cost to cover all necessary engineering, inspection and administrative costs associated therewith, unless specified otherwise. All such requests shall be subject to MaineDOT approval. In the event that the cost of these changes or work are approved for federal participation, the Municipality's additional cost may be reduced by the amount of the federal contribution.

G. Traffic Control:

6. The Municipality agrees to allow MaineDOT's contractor to control all traffic through the work areas in accordance with the Traffic Control Plan approved by MaineDOT. The development of the Traffic Control Plan will follow the process outlined below:
 - i. MaineDOT's Project Manager (PM) will, when possible, submit the Project for Traffic Analysis and Movement Evaluation (TAME), approximately one year prior to advertisement. Once the results are received, the PM/Regional Traffic Engineer will discuss the proposed Project with the Municipality (scope, limits, day or night work, work window, etc).

- ii. The Municipality will comment on their concerns/issues related to the Traffic Control Plan within two (2) weeks of receipt.
- iii. MaineDOT's PM & Designer will incorporate these comments where practical based on engineering judgment.
- iv. If the Municipality desires, a meeting will be held prior to PS&E to review the Project design, Special Provision 105 – Limitations of Operations, Special Provision 107 - Time, etc.

H. Utilities:

- 7. The Municipality will, at no cost to MaineDOT, assure proper adjustment, relocation, or repair of any portion of a utility service, whether above or below ground, that is located within the limits of the highway right-of-way and connected to any municipal utility, which might become necessary to permit construction of the Project. The Municipality agrees to hold MaineDOT harmless from any claims for damages occurring as a result thereof.
- 8. The Municipality agrees that during and after construction it will apply the requirements of the most recent version of MaineDOT's "Utility Accommodation Rules" as the minimum guidelines not withstanding any municipal rules that are more lenient.
- 9. To the extent that it is statutorily responsible therefore, the Municipality agrees to provide utilities, and to maintain all improvements and fixtures constructed, installed or furnished as a part of the Project in such a manner as necessary to preserve the use and function thereof for the expected period of their normal useful life as determined by accepted engineering and/or industry standards. To the extent any warranty exists for said improvements or fixtures, said warranty shall be first relied on by MaineDOT to address maintenance and/or repairs described in this paragraph.

I. Governing Law:

- 10. The Municipality agrees that except for an emergency, or as allowed in 23 M.R.S.A. § 3351-A, it will prohibit the excavation of the highway within the limits of the Project for a period of at least five (5) years after completion of the Project, and agrees to make all necessary notifications to abutters and occupants of the highway as otherwise required of any municipal government under the provisions of 23 M.R.S.A. § 3351. Thereafter, all future excavations within the right-of-way of the Project shall be regulated and controlled in the manner specified by MaineDOT in its most recent "Utility Accommodation Rules", which is incorporated herein and made a part hereof by reference.
- 11. The Parties agree to: comply with and abide by all applicable State and Federal laws, statutes, rules, regulations, standards and guidelines, including the MUTCD and OSHA standards, and Agreement provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this Agreement.

J. Municipality's Responsibility:

- 12. When applicable, if the Municipality withdraws its financial support for the Project, leading MaineDOT to terminate the Project, the Municipality shall reimburse MaineDOT fully for all

Project costs incurred in reliance on the Municipality's financial obligations outlined herein, including, but not limited to, reimbursement of all federal and state funds expended up to the time of such termination. If the Municipality fails to reimburse MaineDOT for such costs incurred, after receiving an invoice seeking such reimbursement, MaineDOT may exercise its rights of set-off to recover the requested amount.

13. The Municipality agrees to alter, move, relocate or remove, or cause to be, at no cost to the Project, any municipal property, including all fixtures, facilities or monuments, located on, under or above the ground, as necessary to permit construction of the Project, which has not otherwise been provided for during the development of the Project. Any work necessary to do so during the period of construction shall be coordinated with the contractor for the Project.
14. The Municipality will be responsible to keep new or replaced/rehabilitated pedestrian facilities in usable condition including snow and ice control.
15. The Municipality agrees to keep the right-of-way of the Project inviolate from all encroachments and agrees to remove, or cause to be removed, anything that may encroach thereon.
16. When applicable, the Municipality agrees to regulate all entrances to the highway within the limits of the Project in accordance with the provisions of 23 M.R.S.A. § 704.
17. When applicable, the Municipality agrees to limit all on-street parking to the parking spaces as designed and constructed under the Project.

K. Termination:

18. MaineDOT reserves the right to terminate the Project for any reason prior to the award of a contract to construct the Project. MaineDOT also reserves the right to terminate all provisions pertaining to work requested by the Municipality at any time prior to the award of a contract to construct the Project due to failure by the Municipality to comply with any of the conditions and stipulations set forth in this Agreement.
19. MaineDOT may postpone, suspend, abandon or otherwise terminate this Agreement upon thirty (30) days written notice to the Municipality and in no event shall any such action be deemed a breach of contract. Postponement, suspension, abandonment or termination may be taken for any reason by MaineDOT or specifically as the result of any failure by the Municipality to perform any of the services required under this Agreement to MaineDOT's satisfaction.

In the event of Project termination, all provisions of this Agreement shall become null and void except for the financial obligations set forth herein, as well as those *provisions that by their very nature are intended to survive*.

L. Miscellaneous Provisions:

20. **Debarment.** The Municipality certifies, by signing this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency. If the Municipality is unable to certify to this statement, it shall attach an explanation to this Agreement. The Municipality shall promptly notify MaineDOT if it or its principals becomes

debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

21. All provisions of this Agreement, *except those that by their very nature are intended to survive*, shall expire at Project final voucher, or upon final payment by the Municipality of any Project costs as hereinbefore provided, whichever occurs later.
22. **State of Maine's Rights of Set-Off.** MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State of Maine's option to withhold for the purposes of set-off monies due the Municipality under a specific project contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State of Maine for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller. When applicable, MaineDOT reserves the right to withhold or reduce future Local Road Assistance payments to the Municipality for purposes of set-off to recover the amount owed.
23. **Non-Appropriation.** Anything herein to the contrary notwithstanding, the Municipality acknowledges and agrees that although the execution of this agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
24. **Assignment.** No assignment of this agreement is contemplated, and in no event shall any assignment be made without the express written permission of MaineDOT.
25. **Notice.** Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and may be sent via email which shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving party. Alternatively, communications can be mailed via U.S. Mail, Certified or Registered, Return Receipt Requested or sent via a recognized commercial carrier such as, but not limited to Federal Express, that requires a return receipt delivered to the sending party. Said communications, requests or notices shall be sent to the other party as follows:

MaineDOT: Maine Department of Transportation
 24 Child Street
 16 State House Station
 Augusta, ME 04333-0016
 Attn.: LaRay L. Hamilton
 Email: laray.hamilton@maine.gov

Municipality: City of Portland
389 Congress Street #208
Portland, ME 04101
Attn.: Danielle P. West
Email: citymanager@portlandmaine.gov

IN WITNESS WHEREOF, the Parties hereto have executed this AGREEMENT effective on the day and date last signed below.

MUNICIPALITY OF PORTLAND

MAINE DEPARTMENT OF TRANSPORTATION

By: _____
Danielle P. West, Interim City Manager

By: _____
Richard J. Crawford, P.E., Director
Bureau of Project Development

(Date Signed)

(Date Signed)

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.

Original **Y** Modification **N/A** MOD No. **N/A**

APPENDIX A
PROJECT SCOPE AND COST SHARING
MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF **PORTLAND**

PROPOSED IMPROVEMENTS TO **FOREST AVENUE**

FEDERAL AID PROJECT NO. **2499700**

STATE PROJECT IDENTIFICATION NUMBER (WIN) **24997.00**

Project Scope:

Mill & Fill on Forest Avenue, beginning at Congress Street and extending north 0.28 of a mile to Park Avenue.

Funding Outline:

The Total Project Estimated Cost is \$ 262,300.00 , and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		Project Share				Total Cost
			Federal	Portion	MaineDOT (State) Portion		
	%	\$	%	\$	%	\$	\$
Preliminary Engineering	25.0%	\$ 2,325.00	75.0%	\$ 6,975.00	0.0%	\$ -	\$ 9,300.00
Right of Way	25.0%	\$ -	75.0%	\$ -	0.0%	\$ -	\$ -
Construction	25.0%	\$ 58,575.00	75.0%	\$ 175,725.00	0.0%	\$ -	\$ 234,300.00
Construction Engineering	25.0%	\$ 4,675.00	75.0%	\$ 14,025.00	0.0%	\$ -	\$ 18,700.00
PROJECT SHARES		\$ 65,575.00		\$ 196,725.00		\$ -	\$ 262,300.00
Total Cost of Additional Work Requested by Municipality (Below)	100.0%	\$ -					
TOTAL ESTIMATED MUNICIPAL SHARE (Receivable Amount)		\$ 65,575.00					

(Check if applicable)**Additional Work as outlined in Appendix C to this Agreement.****Funding Outline:** The Municipality agrees to pay 100% of the costs for the work outlined below.

Additional Work		Cost: 100% Municipal Share	
TYPE OF WORK		\$	-
TYPE OF WORK		\$	-
TYPE OF WORK		\$	-
TOTAL COST OF ADDITIONAL WORK REQUESTED BY MUNICIPALITY		\$	-

Payment:

The Municipality shall submit payment to MaineDOT within 30 days from the invoice date.

1. Prior to award of the contract for Project construction, the Municipality will be invoiced a portion of its share of the cost of the Project.

Invoicing will include the following:

- a. 100% of the local share of the Preliminary Engineering and Right of Way costs; plus
- b. Fifty percent (50%) of the local share of the Construction and Construction Engineering cost based on the total bid price of the Project; plus
- c. 100% of all additional work requested by the Municipality.

2. Final Voucher Payment to the Contractor. A final bill will be created following MaineDOT's final voucher payment to the Contractor, after all quantities are verified, and any required adjustments have been made. The cost of the work for which MaineDOT will bill the Municipality shall be determined by the contract prices and the completed quantities of the work items or, in the event of termination, the local share of Project development cost to the point of termination as stipulated above. The final invoice will include the Municipality's share of any remaining costs.

Invoicing Schedule: The Municipal Payment Schedule shown below includes estimated invoicing dates based upon the estimated schedule and estimated cost of the Project:

Municipality Name	Receivable Amount	Estimated Invoice Date
City of Portland	\$33,950.00	5/1/2022
City of Portland	\$31,625.00	8/1/2022
City of Portland	Balance	9/1/2023
Total Receivable Amount:	\$65,575.00	

TEDOCS #: _____

CT#: _____

CSN#: _____

Program: Highway Program

MAINE DEPARTMENT OF TRANSPORTATION UTILITY RECEIVABLE AGREEMENT

(MaineDOT Use Only)

Project Location: Portland
 State WINs #: 024997.00
 Federal Aid Project #: 2499700

Estimated Agreement Amount: \$ 16,800.00
 Vendor Customer #: 17A12144
 MaineDOT Signed Date: _____
 Forecasted Agreement End Date: October 31, 2022

THIS AGREEMENT entered into the last date signed herein at the end of this agreement, between the **Maine Department of Transportation** (hereafter the “Department”) and **City of Portland**, duly authorized and existing under the Laws of the State of Maine and having an office in the City of **Portland**, County of **Cumberland** (the “Utility”) (the Department and the Utility are collectively referred to as the “Parties”).

1. The Department is implementing a transportation project identified as “Federal Aid Project Number **2499700**; WIN: **024997.00** (the “Project”) for highway improvements in the City of **Portland, Cumberland** County;

2. In connection with the Project, the Department has prepared plans and specification for the Project that resulted in the following determination:

X The Department has identified the locations of existing utility facilities owned and maintained by the Utility and lawfully installed within the limits of the public highway right-of-way and the impact limits of the Project that must be relocated to accommodate the Project (the “Affected Facilities”).

_____ The Utility has expressed an interest in installing new utility facilities within the limits of the public highway right-of-way and the impact limits of the Project (the “Affected Facilities”).

3. **Project Scope:** Affected facilities consist of **six (6)** Sewer Manholes on Forest Avenue, **one (1)** of which needs to be **Rebuilt**, **one (1)** of which needs to be **Modified**, and **four (4)** of which need to be **Adjusted**. The City of Portland will provide all new frames and covers, if needed. Exact locations may be found within the Construction Notes. Old and unused frames and covers will be returned to the City for disposal.

4. The Utility has prepared and provided to the Department the scope of work necessary for relocating or installing the Affected Utilities (the “Utility Work”) and the estimated costs associated therewith, which are outlined in **Appendix A**, attached hereto, and made a part hereof. The costs associated with the Utility Work are the sole responsibility of the Utility.
5. The Parties wish to establish a process for including the Utility Work in the Department’s construction contract for the Project.

NOW, THEREFORE, the Parties agree as follows:

6. Plans, Specifications and Estimate:

- a. The Utility shall, at its own expense, perform and provide all engineering, design and related services related to the Utility Work necessary to enable the Department and/or its consultant to generate construction plans, specifications and an estimate of material quantities for the Utility Work to be included in the Project contract. The Utility will be responsible for locating and recording the location of all Utility Work, including services and other appurtenances within the Project area. To the extent possible and consistent with laws, practices and policies of the Department and the industry, the Utility Work shall be performed in accordance with the plans and specifications provided by the Utility and, if applicable, the most recent version of the Department’s Standard Specifications.
- b. All plans shall be on sheets of the same size used by the Department and be reproducible by black and white printing. Specifications shall be on 8 ½ x 11-inch paper, suitable for binding with the Department’s specifications. The estimate of quantities shall be in the form prescribed by the Department. In the event of field changes to the Utility Work, the Utility shall prepare any additional plans and specifications and the Department shall prepare a Project change order and amend this Agreement incorporating any changes therein. All plans and specifications will be marked with the Federal Aid Project Number referenced in this Agreement.
- c. The Utility will provide the Department with the plans, specifications and an updated estimate as described in Appendix A no later than one month prior to the scheduled advertise date for the Project.
- d. The Utility shall be responsible for obtaining a Utility Location Permit from the Department in accordance with Title 35-A M.R.S.A. Chapter 25 and for recording the location of all utilities in a manner and form to be specified by the Department.
- e. **Standard Approach:** The Department will prepare the Project contract documents to include the Utility Work specified in Appendix A. The Utility agrees to have these items included in the Department’s Project construction contract. Bidders will be required to bid both the Project work and the Utility Work. The Utility Work will be paid for by the Utility, and any changes that increase the Utility Work estimate or

amount will be paid for through a written modification of this agreement approved by both the Utility and the Department.

7. Inspection:

- a. The Utility shall be responsible for providing all engineering and inspection associated with the Utility Work including computing quantities for payment and other incidental and related work unless otherwise stated herein. By the end of each work day, whenever Utility Work is performed, the Utility will provide the Department's on-site representative with an itemized summary of all the Utility Work completed.
- b. The Department shall provide inspection of the quality and compaction of backfill installed in connection with the construction contract, excluding bedding and other special backfills and materials used in the installation of the Utility Work.
- c. If the Utility Work is included in the Project contract pursuant to Section 6.e. above, the Utility agrees to the following:
 - i. Should the Utility find the Project contractor's materials or workmanship to be insufficient in any way, the Utility agrees to inform the Department's on-site representative as soon as possible, but no later than the end of the day in which the problem is identified.
 - ii. As administrator to the construction contract, the Department's on-site representative shall be responsible for authorizing all payments relating to the Utility Work, issuing all directives to the Project's contractor and making the final determination in the event of any disagreements.

8. Ownership of Completed Utilities: Upon completion of the Utility Work the Utility shall assume complete ownership of, and responsibility for, the utility facilities installed in connection with the Utility Work.

9. Claims: The Utility shall be responsible for the prompt review and settlement of any claims arising from or related to the Utility Work or its impact on the Project.

10. Indemnification: The Utility shall indemnify, defend and hold harmless the Department and its officers, employees, agents and assigns, from and against any and all claims, liability or expenses, including but not limited to reasonable attorney's fees and litigation costs (the "Claims"), to the extent such Claims are caused, or alleged to have been caused, by acts or omissions of the Utility or any of its officers, employees, agents, representatives, supervisors, contractors, subcontractors or consultants in connection with the performance of its obligations under this Agreement. Nothing in this Agreement is intended or shall be

construed to waive any defense, immunity or limitation of liability that may be available to the Department or the Utility pursuant to the Maine Tort Claims Act (14 M.R.S. § 8101 *et seq.*) or any other privileges or immunities provided by law. The terms outlined in this section shall survive any termination or expiration of this Agreement.

11. **Buy America Requirements:** This agreement is subject to the requirements of Buy America in accordance with Federal Regulation 23 CFR 635.410 Section 1518. Specific requirements are presented in MaineDOT Standard Specification Section 100, Appendix A, Section 3.A., Buy America which are incorporated and made a part hereof by reference.
12. **Subsequent Excavations and/or Installations:** Except in the case of an emergency, the Utility acknowledges and agrees to refrain from applying for a permit for the excavation of the highway within the limits of the Project for a period of at least **three (3)** years following the completion of the Project and agrees to make all necessary notifications to abutters and occupants of the highway as otherwise required of any municipal government under the provisions of 23 M.R.S.A. § 3351. In all cases, whether an excavation moratorium as described above applies, or as in the case of Light Capital Paving projects where no excavation moratorium applies, the Utility further acknowledges and agrees that all subsequent excavations and/or installations within the right-of-way of the Project limits shall be regulated and controlled in the manner specified by the most recent version of the Department's "*Utility Accommodation Rules*", which are incorporated and made a part hereof by reference. The terms outlined in this section shall survive any termination or expiration of this Agreement.
13. **Non-Appropriation and Termination:** Anything herein to the contrary notwithstanding, the Utility acknowledges and agrees that, although the execution of this Agreement by the Department manifests the Department's intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this Agreement does not create any obligation on behalf of the Department in excess of such appropriations. In the event of unanticipated impacts on the Project, such as, changes in the Project design, or a loss in Project funding, or a delay in advertising or awarding of the contract, the Department may postpone, suspend, abandon or otherwise terminate this Agreement upon thirty (30) days written notice to the Utility and in no event shall any such action be deemed a breach of contract.
14. **Payment:** If the Utility Work is included in the Project contract pursuant to Section 6.e. above, the Utility agrees to reimburse the Department for the full amount of the cost of the utility work. A detailed breakdown of the anticipated cost of the Utility Work is attached hereto and incorporated herein as Appendix A. The Department will issue a final invoice after all the Utility Work is complete, all quantities are verified, and any required adjustments have been made. The Department, at its sole discretion, may issue periodic invoices for portions of the Utility Work as it is being completed. The final invoice will include any

remaining costs or credits. The Utility shall submit payment to the Department within 30 days from the invoice date.

15. Contact Information:

For the Department:		For the Utility:	
Name:	Mark McCue	Name:	Brad Roland
Address:	16 State House Station Augusta, ME 04330	Address:	212 Canco Rd. Portland, ME 04103
E-mail:	mark.j.mccue@maine.gov	E-mail:	brad@portlandmaine.gov
Telephone:	(207) 446-8474	Telephone:	(207) 874-8840

16. No Relief of Responsibilities: Nothing in this agreement is intended, nor shall be interpreted, to relieve the Utility of any responsibilities or duties imposed upon it by law.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective on the date last signed below.

CITY OF PORTLAND

By: _____

Print Name: Danielle West

Title: Acting City Manager
Duly Authorized

DATE: _____

**STATE OF MAINE
DEPARTMENT OF TRANSPORTATION**

By: _____

Print Name: LaRay Hamilton

Title: Senior Project Manager
Duly Authorized

DATE: _____

APPENDIX A

PROJECT SCOPE

MAINE DEPARTMENT OF TRANSPORTATION UTILITY RECEIVABLE AGREEMENT

City of Portland
Forest Avenue

FEDERAL AID PROJECT NOs. **2499700**
STATE PROJECT IDENTIFICATION NUMBER (WINs) **024997.00**

Project Scope: Affected facilities consist of **six (6)** Sewer Manholes on Forest Avenue, **one (1)** of which needs to be **Rebuilt**, **one (1)** of which needs to be **Modified**, and **four (4)** of which need to be **Adjusted**. The City of Portland will provide all new frames and covers, if needed. Exact locations may be found within the Construction Notes. Old and unused frames and covers will be returned to the City for disposal.

ESTIMATE OF UTILITY WORK:

Item #	Pay Item	Estimated Quantity /Unit	Unit Price	Utility Cost
812.162	Adjusting Sewer Manholes to Grade	4 / ea.	\$2,000.00	\$8,000.00
812.163	Modify Sewer Manhole & Adjust to Grade	1 / ea.	\$2,800.00	\$2,800.00
812.164	Rebuild Sewer Manhole & Adjust to Grade	1 / ea.	\$6,000.00	\$6,000.00
Total Cost:				\$16,800.00

ESTIMATED PAYMENT SCHEDULE:

Utility	Payment Amount	Estimated Invoice Date
City of Portland	Final Quantities	10/31/2022

Formula for New Program Costing on Tax R

1) FY22 Valuation:	14,629,000,000	\$14,629,000
2) FY22 Tax Rate (Total City & School): <u>Levy / (Valuation/1000)</u>		\$12.99
(a) FY21 Tax Rate (City):		\$6.22
(b) FY21 Tax Rate (School):		\$6.77
3) FY22 Value of \$0.01 of Tax Rate (Total City & School):		\$146,290

FISCAL IMPACT NOTE	Year 1		Year 2		Year 3	
New Program Cost Data:	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
Example:						
ADD: NEW ITEM ANNUAL EXPENDITURES		\$0		\$7,233		\$7,233
LESS: TOTAL NEW ITEM ANNUAL REVENUES		\$0		\$0		\$0
=NEW ITEM NET TAX RATE IMPACT PROJECTION	\$0	\$0	\$7,233	\$7,233	\$7,233	\$7,233
New Program Impact to the Tax Rate	\$0.0000	\$0.0000	\$0.0005	\$0.0005	\$0.0005	\$0.0005
New Program % Impact on Tax Rate	0.0000%	0.0000%	0.0079%	0.0038%	0.0079%	0.0038%
Tax Rate Including New Program	\$6.22	\$12.99	\$6.22	\$12.99	\$6.22	\$12.99

Notes: The CIP impact will actually begin in 2023 and remain for the 20 year life of the bond.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 8, 2022

SUBJECT: Order 161-21/22 Accepting and Appropriating \$37,500 in Donations for the Portland Youth Corps - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: Interim City Manager Dannielle West

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/7/2022

Final Action 3/21/2022

Can action be taken at a later date: No Would like to accept the donation as soon as possible.

PRESENTATION: Ethan Hipple, Director of Parks, Recreation and Facilities Management will be present at the second reading.

I. SUMMARY

Accept and appropriate \$37,500 in donations to support the Portland Youth Corps program, operated by the Parks, Recreation and Facilities Department.

II. AGENDA DESCRIPTION

The Portland Youth Corps is a collaborative program of the Parks, Recreation and Facilities Department (PRF), the Portland Parks Conservancy (PPC), and Maine Audubon. The Parks, Recreation and Facilities Department operated a pilot program with 24 young people aged 14-17 in 2021, and are expanding the program in 2022 to provide additional leadership opportunities for participants. The Portland Youth Corps aims to provide job training and service opportunities for underserved youth through a summer service program in Portland's parks and open spaces. The direct program expenses are funded through grants and private fundraising, which is being led by the Portland Parks Conservancy. The City is providing overall oversight of the program and in-kind support in the form of staff time.

Current donations for the program that require Council approval and appropriation:

- \$30,000 from Portland Parks Conservancy
- \$7,500 from Maine Audubon (not including the donation of staff time)

This item must be read on two separate days. It received its first reading on March 7, 2022. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Portland Youth Corps is a collaborative program of the Parks, Recreation and Facilities Department (PRF), the Portland Parks Conservancy (PPC), and Maine Audubon. We operated a pilot program with 24 young people aged 14-17 in 2021, and are expanding the program in 2022 to provide additional leadership opportunities for young people who take part. The Portland Youth Corps aims to provide job training and service opportunities for underserved youth through a summer service program in Portland's parks and open spaces. The direct program expenses are funded through grants and private fundraising, which is being led by the Portland Parks Conservancy. The City is providing overall oversight of the program and in-kind support in the form of staff time. Current donations for the program that require Council approval and appropriation:

- \$30,000, Portland Parks Conservancy
- \$7,500, Maine Audubon (in addition to the donation of staff time)

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Council to approve the acceptance and appropriation of this donation.

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Parks, Recreation and Facilities staff oversee and operate the program with generous support and collaboration with the Parks Conservancy and Maine Audubon. Outreach to schools, youth organizations, immigrant communities, and other groups will result in the recruitment of a diverse range of Portland youth to provide valuable service in our parks, while receiving environmental education, job training, leadership development, outdoor adventure, and a stipend.

VII. RECOMMENDATION

The Department of Parks, Recreation and Facilities recommends that this donation is accepted and appropriated by the City Council.

VIII. LIST ATTACHMENTS

1. Accepting and Appropriating \$37,500 in Donations for the Portland Youth Corps 3.7.2022

Prepared by:

Date: 03/08/2022

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 AND APPROPRIATING A \$37,500 IN DONATIONS
FOR THE PORTLAND YOUTH CORPS**

ORDERED, that a donation of \$30,000 from the Portland Parks Conservancy, and a donation of \$7,500 from Maine Audubon, are hereby accepted and appropriated to the Portland Youth Corps, a collaborative program of the Parks, Recreation and Facilities Department,

MEMORANDUM
City Council Agenda Item

FROM: Anne Torregrossa
DATE: March 8, 2022
SUBJECT: Order 162-21/22 Approving the Maine Public Employees Retirement System Special Plan 3C for Certain Non-Union Employees - 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

The Police and Fire unions during contract bargaining negotiated to move from the MainePERS 2C to the 3C retirement plan. The council approved this move on December 6, 2021. Police and Fire command staff were not included in that transition, as they are not part of those bargaining units and are non-union employees. This order is meant to create parity between union and non-union sworn police and fire staff so that employees are not disincentivized from moving into command positions by providing Police and Fire Command staff with the same MainePERS 3C retirement plan.

This item must be read on two separate days. It received its first reading on March 7, 2022. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The City Council approved that the City would provide the Special Benefit Plan 3C (the "Special Plan 3C") through Maine Public Employees Retirement System (MainePERS) to all individuals covered by the collective bargaining agreements between the City and Local 740, International Association of Firefighters, the Portland Police Benevolent Association, and the Portland Police Superior Officers Association, through the approval of collective bargaining agreements on September 8, 2021, November 1, 2021, and November 15, 2021, which it then affirmed on December 6, 2021.

This approval applied only to employees in those bargaining units and did not apply to command staff at the Police and Fire Departments, creating a situation where command staff has a less favorable retirement plan than the union positions, which creates a disincentive to our most talented employees to move up through the ranks. This order will allow command staff in both departments to take advantage of the 3C retirement program and create parity in the retirement system throughout the sworn ranks.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

To provide comparable retirement benefits to command staff in the Police and Fire Departments as are provided to sworn union employees in those departments.

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

Staff recommends approval of the order as presented.

VIII. LIST ATTACHMENTS

1. Copy of PERS Order for non-union 2.28.2022

Prepared by:

Anne Torregrossa

Date: 03/08/2022

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 APPROVING THE MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM
SPECIAL PLAN 3C FOR CERTAIN NON-UNION EMPLOYEES**

WHEREAS, the City Council approved that the City would provide the Special Benefit Plan 3C (the “Special Plan 3C”) through Maine Public Employees Retirement System to all individuals covered by the collective bargaining agreements between the City and Local 740, International Association of Firefighters, the Portland Police Benevolent Association, and the Portland Police Superior Officers Association, through the approval of collective bargaining agreements on September 8, 2021, November 1, 2021, and November 15, 2021;

WHEREAS, on December 6, 2021, the City Council adopted Order 106-21/22, which confirmed allowing such individuals to move to Special Retirement Plan 3C effective January 1, 2022;

WHEREAS, at that time all non-union sworn officers of both the Portland Fire Department and the Portland Police Department were not included in the approval to move to the Special Plan 3C;

WHEREAS, in order to ensure that the City can recruit excellent candidates to its non-union sworn officer positions in the Fire and Police Departments, to maintain equity among sworn civil service employees, and to ensure continuity of retirement benefits for such sworn civil service employees, the City Council wishes to offer the Special Retirement Plan 3C to its non-union sworn members in the Fire and Police Departments; and

WHEREAS, Maine Public Employees Retirement System requires an order from the City Council with respect to the Special Plan 3C;

NOW, THEREFORE, BE IT ORDERED, that:

1. The City agrees to provide Special Plan 3C to all non-union sworn officers of both the Portland Fire Department and the Portland Police Department who work 21 or more hours per week, in accordance with the applicable Personnel policy(s). Special Plan 3C shall be available for service rendered after April 1, 2022. Service rendered before April 1, 2022, remains under the Special Plan 2C.

2. The City agrees to continue to provide Regular Plan AC to all other employees who work 21 hours or more per week and to its elected officials.
3. The City agrees to continue to exclude employees who work less than 21 hours per week, including its election workers, from participating in the Special Plan 3C, Special Plan 2C, and Regular Plan AC.
4. The City Council specifically authorizes Interim City Manager, Danielle West, to sign an amended agreement between the City and the Maine Public Employees Retirement System to effectuate these changes.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 8, 2022

SUBJECT: Order 163-21/22 Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year 2023 Capital Improvement Program in an Amount not to Exceed \$21,145,000 - Sponsored by the Finance Committee, Mark Dion, Chair

SPONSOR: The Finance Committee met on February 24, 2022 and voted unanimously (3-0) to recommend the funding appropriation and bond authorization to the full City Council.

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/7/2022

Final Action 3/21/2022

Can action be taken at a later date: No The City needs to move forward with bidding projects slated for 2022 construction.

PRESENTATION:

I. SUMMARY

This order authorizes, and the companion order appropriates, the issuance of general obligation bonds to fund the FY23 Capital Improvement Plan projects as recommended by the City Manager.

II. AGENDA DESCRIPTION

The Finance Committee met on February 24, 2022 and voted (3-0) to recommend the funding appropriation and bond authorization to the full City Council.

The Fiscal Year 2023 Capital Improvement Plan (FY23 CIP) has been in development since summer 2021 and has been reviewed by the Finance Committee at each of its meetings in 2022. The FY23 Capital Improvement Plan will not increase net debt service related to CIP projects in future City budgets as it was sized to simply offset other CIP debt being retired. The list of 2023 CIP calls for \$30.77M million(M) of new projects but only \$12M of this total will have a net impact to debt service in the general fund operating budget. A variety of other funding sources including the enterprise funds (for sewer and stormwater projects) are being used to finance the remainder. The \$12M was a borrowing target set by Finance staff in order to simply offset general fund CIP being retired. Two orders are required related to the CIP: one authorizing the FY23 CIP bonds; and a second appropriating the proceeds and other funding sources providing City staff with spending authority for the upcoming projects. A complete listing of the projects being authorized is included within the orders.

This item must be read on two separate days. It received its first reading on March 7, 2022. Seven affirmative votes are required for passage after public comment.

III. BACKGROUND

Approval of these orders is a critical component of the City Manager's CIP process. All bond authorization and spending authority must be approved by City Council. City staff is working towards earlier approval of the CIP as this allows the City to get projects out to bid sooner before many of the best contractors have already filled calendars with spring, summer and fall work.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Intended Result: Approval of the FY23 CIP will allow staff to move forward immediately with the included projects, including many City, School and Sewer/Storm water projects which are slated to begin during 2022 including many which are mandated for completion by year end.

City Council Goal Addressed: See detailed list of projects to be funded.

V. FINANCIAL IMPACT

No net fiscal impact to property tax rates as the debt service was sized to offset debt service coming off the books in FY23. Debt service related to CIP will remain flat.

VI. STAFF ANALYSIS AND BACKGROUND

The Capital Improvement Plan is a comprehensive process which began back in summer 2021. Each Department (including the School Department) performs a comprehensive analysis of their capital needs over the upcoming five or ten years. Each Department then ranks their needs based on priority and submits each project. The complete list of citywide needs is then reviewed as a whole, compared to available funding, and a one and five year CIP recommendation is produced. The current FY23 CIP represents the City Manager's recommended CIP after review and presentation of all Department submissions and consideration of input submitted by elected officials.

VII. RECOMMENDATION

We recommend approval of the FY23 CIP Bond Authorization order.

VIII. LIST ATTACHMENTS

1. Portland FY23 CIP Bonds - authorization bond order 3.7.2022
2. Proposed Amendment to FY23 CIP from Mayor Snyder - Portland Harbor Common
3. Stroudwater Dam Memo and Previous Research

Prepared by:

Date: 03/08/2022

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
ROBERTO RODRIGUEZ (A/L)

**ORDER AUTHORIZING GENERAL OBLIGATION BONDS
TO FINANCE A PORTION OF THE CITY'S FISCAL YEAR 2023 CAPITAL
IMPROVEMENT PROGRAM IN AN AMOUNT NOT TO EXCEED \$21,145,000**

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

There be and hereby is authorized and approved the incurring of indebtedness by the City of Portland and the issue and sale of general obligation bonds and notes in anticipation thereof in the aggregate principal amount not to exceed Twenty-One Million One Hundred Forty-Five Thousand Dollars (\$21,145,000) to finance the items identified in the City's 2023 Capital Improvement Program attached hereto as Exhibit A and all other costs (as defined herein) related and ancillary thereto (the "Projects").

BE IT FURTHER ORDERED:

1. That the Finance Director be and hereby is authorized to prepare, issue, and sell such bonds in the name of and on behalf of the City, in the aggregate amount of **\$21,145,000** (the "Bonds") at one time, or from time to time, as one or more separate bond issues, and to determine the date, form, minimum denomination, interest rates (as term bonds or serial bonds or some combination thereof), maturities (with the last maturity not to exceed the maximum term permitted by law) and all other details, terms and provisions, not inconsistent herewith, including the form and manner of their sale and award as he may approve, such approval to be conclusively evidenced by the execution thereof;

2. That the Finance Director be and hereby is authorized to borrow money in anticipation of said Bonds by the issuance and sale of notes or renewal notes in anticipation of said Bonds ("BANs"), and to determine the date, form, minimum denominations, interest rate, maturities (with the last maturity not to exceed 3 years from its date of issuance) and all other details of each issue of BANs, including the form and manner of their sale and award, subject to the provisions of the law, the City Charter and this Order;

3. That the Finance Director be and hereby is authorized to provide that any of the Bonds and BANs hereinbefore authorized be made subject to call for redemption, with or without premium, prior to their stated dates of maturity, as provided in 30-A M.R.S.A. §5772(6), as amended;

4. That the Bonds and BANs issued hereunder shall be signed by the Finance Director and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such

terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof;

5. That the Finance Director is authorized to negotiate, execute, and deliver, in the name of and on behalf of the City such contracts, agreements, investment agreements, certificates, instruments and other documents as may be necessary or advisable, as determined and approved by the Finance Director, in connection with the financing of the Projects and the issuance delivery by the City of the Bonds and BANs, and the investment of the proceeds thereof, including but not limited to a bond purchase agreement, a preliminary official statement and official statement if the Bonds or BANs are underwritten in a public sale, a loan agreement in usual and customary form with the Maine Municipal Bond Bank (the “Bond Bank”), to the extent any of the Bonds or BANs authorized herein are issued pursuant to the State of Maine Clean Water Revolving Loan Fund program or the State School Revolving Renovation Fund, an escrow agreement, a tax compliance agreement, and investment agreements (the “Bond Documents”), which Bond Documents may be in such form and contain such terms, conditions and provisions including, without limitation, the waiving of the City’s sovereign or governmental immunity with respect to the enforceability of any of the forgoing, as may be approved by the Finance Director, such approval to be conclusively evidenced by his execution thereof;

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

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

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

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

10. That the Finance Director be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such Bonds or BANs heretofore authorized in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions

of the foregoing paragraph above regarding physical transfer of Bonds or BANs, and the Finance Director be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the Bonds or BANs for and participate in the Depository Trust Company Book-Entry Only System;

11. That the Finance Director and Mayor from time to time shall execute such Bonds or BANs as may be required to provide for exchanges or transfers of Bonds or BANs as heretofore authorized, all such Bonds or BANs to bear the original signature of the Finance Director and Mayor, and in case any officer of the City whose signature appears on any Bond or BAN shall cease to be such officer before the delivery of said Bond or BAN, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof;

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

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

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

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

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

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

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

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

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

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

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

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

- a. That a Project Account shall be created for the Projects which shall be separate from all other accounts of the City. If operating revenues are to be used to retire the debt, a sub-account will be established;
- b. That the Project Account shall be maintained in accordance with standards set forth by the Bond Bank and in accordance with generally accepted government account standards;
- c. That a final accounting shall be made to the Bond Bank of the total cost of each Project upon completion of the Project performance certification as set out in Section G(3) of the

SRF Regulations and the City acknowledges that the Bond Bank reserves the right at its sole discretion to be provided with a cost certification of the Project as built;

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

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

2023 Capital Improvement Plan New Project Authorizations & Funding Sources

Exhibit A

		Total Appropriation Requested	New General Obligation Bond Funding	Other Funding	
EQUIPMENT & TECHNOLOGY					
Equipment	Replace 30 C5G124 switches	200,000	200,000		
Equipment	109 Middle Street WiFi Upgrades	60,000	0	60,000	(2)
Equipment	Motorola APX6000 Radio Upgrade	300,000	0	300,000	(2)
Equipment	Domestic Hot Water Heater	65,000	65,000		
PARKS & RECREATION					
Parks, Fields, Trails	Congress Square Redesign	900,000	900,000		
Parks, Fields, Trails	Dougherty Skate Park Expansion	235,000	235,000		
Parks, Fields, Trails	Riverton Trolley Park Rehabilitation	125,000	125,000		
Parks, Fields, Trails	Longfellow Playground Design	50,000	50,000		
Parks, Fields, Trails	Portland Harbor Common	75,000	75,000		
Facilities	Bridge Over Dole Brook (Emergency Replacement)	255,000	255,000		
Facilities	Riverton Pool Filter Replacement	130,000	130,000		
Parks, Fields, Trails	Back Cove Trail Reconstruction	95,000	95,000		
PUBLIC WORKS					
Streets/Sidewalks	Portland Technology Park - Extension of Roadways	595,000	0	595,000	(1)
Transportation	Congress Square Intersection Construction Inspection - Additional Items	205,000	205,000		
Facilities	City Retaining Wall Repairs	100,000	100,000		
Transportation	PACTS MPI Paving - Cumberland Ave (Wash to Franklin)	580,000	0	580,000	(5)
Transportation	PACTS Libbytown Project	65,000	65,000		
Transportation	PACTS Washington Avenue Road & Signals (Oxford to Congress)	480,000	480,000		
Transportation	Pavement Preservation Program	1,200,000	0	1,200,000	(5)
Transportation	Sidewalk & ADA Rehabilitation Program	700,000	0	700,000	(5)
Transportation	Water Resource Project Ineligibles (CSO Compliance-SRF Ineligibles)	300,000	0	300,000	(5)
Equipment	Islands 30 Yard Dumpsters	40,000	40,000		
Transportation	DOT MPI - State Street Paving - Pine to York	630,000	630,000		
Transportation	Traffic Signals Upgrade Program	100,000	100,000		
Transportation	PACTS RTMS - Regional Signals, Communications, and Match Money for	20,000	0	20,000	(5)
Transportation	Bike Facility Safety Improvements	50,000	50,000		
Transportation	Traffic Signal Upgrades with Paving Programs	150,000	150,000		
Transportation	High-Speed Communications for Adaptive Signal Corridors and Improved	50,000	50,000		
Transportation	Commercial Street Sidewalk Improvements	50,000	50,000		
Transportation	East Coast Greenway Baxter Blvd/Back Cove to Martins Point	100,000	100,000		
Transportation	Parkside to Libbytown Pathway Phase II	20,000	20,000		
FACILITIES					
Facilities	Replace Deck 2 Pavement and Membrane	550,000	550,000		
Facilities	Sealants and Concreate Repairs Levels 2 and 3 290K one year and levels 4	290,000	290,000		
Facilities	Portland Ocean Terminal Structural Repair	375,000	75,000	300,000	(3)
Facilities	212 Roof Replacement (4 Phases)	270,000	270,000		
Facilities	Police Dispatch Renovation/Expansion	115,000	0	115,000	(2)
Facilities	90 Anderson St - Exterior Upgrades	100,000	100,000		
Facilities	Observatory - Painting and Other Maintenance	70,000	70,000		
Facilities	Replace Concrete Steps/Railings & Other	200,000	0	200,000	(2)
Marine	On going pile/pier work at OG and P.O.T	125,000	125,000		
Facilities	Ocean Ave - Roof Replacement	65,000	65,000		
Facilities	Bramhall - Boiler Room Upgrades	155,000	155,000		
Facilities	Additional Appropriations for Previously Approved Capital Projects	3,250,000	0.00	3,250,000	(5)
SCHOOL DEPARTMENT FACILITIES					
Equipment	PATHS Boiler Replacement (School Request)	630,000	630,000		
Equipment	Portland High School Roof - Phase 1 (Partial Funding of Phase 1)	1,800,000	1,800,000		(4)
Equipment	TAL Renovate Single Use Bathrooms	335,000	335,000		
Equipment	KMS Replace rooftop HVAC units	190,000	0	190,000	(4)
Equipment	PATHS Replace rooftop HVAC units	160,000	0	160,000	(4)
Equipment	LMMS Replace rooftop HVAC units	435,000	0	435,000	(4)
Equipment	ADA Bus 87 replacement	110,000	110,000		

FLEET VEHICLES

Vehicles	Tower Ladder Unit - "Ladder #6"	1,610,000	1,610,000		
Vehicles	Pumper Truck - "Engine #9"	875,000	875,000		
Vehicles	Police Cruisers (07 EA) Replacement - Police	335,000	0	335,000	(2)
Vehicles	LR 64R - W/ McNeilus 25 Yard Rear Loader - Trash Packer	300,000	0	300,000	(5)
Streets/Sidewalks	Single Axle Heavy Plow Truck (Freightliner) w/Permanent Mount Sander	200,000	0	200,000	(5)
Streets/Sidewalks	2.0 Ton Plow Truck w/ Sander	150,000	0	150,000	(5)
Streets/Sidewalks	Holder Sidewalk Machine	150,000	0	150,000	(5)
Vehicles	Cab Over 8 Yard Rear Loader Mini Trash Packer	140,000	140,000		
Vehicles	Service / Road Call Truck for Fleet Department - Fully Outfitted	125,000	125,000		
Parks, Fields, Trails	Golf Course Utility Vehicle REPLACEMENT with Aerifier and core	90,000	90,000		
Vehicles	SUV K9 Police Cruisers - 02 EA	85,000	0	85,000	(2)
Streets/Sidewalks	1.0 Ton - Single Axle Plow Truck	80,000	80,000		
Vehicles	Bucket Van	75,000	75,000		
Parks, Fields, Trails	0.75 Ton Pick up w/ Plow Set Up - PRF Cems (Forest City)	70,000	70,000		
Parks, Fields, Trails	02 EA - NEW Jacobsen Truckster Utility Vehicle w/ Tow Behind Turfco	40,000	40,000		
Streets/Sidewalks	RMV Hot Patcher - 4 Ton	65,000	65,000		
Facilities	7180 Mower Replacements	35,000	35,000		
Vehicles	0.5 Ton Pick Up (no plow / sander) Street Openings	50,000	50,000		
Sub-Total - General Fund		21,625,000	12,000,000	9,625,000	

WATER RESOURCES - SEWER & STORMWATER ENTERPRISE FUNDED PROJECTS

Wastewater	CSO - Close CSO #42	200,000	200,000		(6)
Wastewater	CSO- Fore River Storage SWMM Modeling	500,000	500,000		(6)
Wastewater	CSO-Non SRF Sewer / Storm Consulting and Inspection Services	500,000	500,000		(6)
Wastewater	Forest Avenue / Belmont St. Sewer Separation	150,000	150,000		(6)
Wastewater	CMOM - Pump Station Rehabilitation	670,000	670,000		(6)
Wastewater	Inflow and Infiltration Phase 3 Mitigation	1,100,000	1,100,000		(6)
Wastewater	ESRI Conversion to Utility Network	100,000	100,000		(6)
Vehicles	Combination Unit - Vactor Truck	500,000	500,000		(6)
Wastewater	Pearl Street Sewer/Repair and Storm Drain	100,000	100,000		(6)
Stormwater	Green Infrastructure	200,000	200,000		(6)
Stormwater	Stroudwater Dam	155,000	155,000		(6)
Stormwater	Sagamore Village Green Infrastructure Project	1,300,000	1,300,000		(6)
Wastewater	Coyle's Culley / Ricker Park	550,000	550,000		(6)
Wastewater	Fore Street Sewer Separation	2,000,000	2,000,000		(6)
Wastewater	Center Street Storm Drain	100,000	100,000		(6)
Wastewater	Presumpscot Culvert	155,000	155,000		(6)
Wastewater	Stormwater Neighborhood Infrastructure Improvements	200,000	200,000		(6)
Wastewater	Torrington Avenue Peaks Island Storm Drain Improvements	200,000	200,000		(6)
Wastewater	Reed Avenue Storm Drain Improvements	70,000	70,000		(6)
Wastewater	Bayside Trail Storm Drain	70,000	70,000		(6)
Wastewater	Eastern Prom Storm Drain Replacement	40,000	40,000		(6)
Wastewater	Mechanical Sweeper	285,000	285,000		(6)
Sub-Total - Enterprise Fund		9,145,000	9,145,000	0	

TOTAL	30,770,000	21,145,000	9,625,000
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TOTAL APPROPRIATIONS AND FUNDING SOURCES

(1)	To be funded via Portland Technology Park Sale proceeds	\$	595,000
(2)	To be funded via the appropriation of asset forfeiture funding received from the FBI		1,095,000
(3)	To be funded via cruise ship infrastructure fees		300,000
(4)	To be funded via either the State of Maine Revolving Renovation Fund or PPS ARPA Funds*		785,000
(5)	Funding being utilized from Assigned Fund Balance - Capital Improvement		6,850,000
(6)	To be funded via new borrowing authorization (enterprise fund debt service repayment)		9,145,000
ALL OTHER	To be funded via new borrowing authorization (general fund debt service repayment)*		12,000,000
		\$	30,770,000

Note: New borrowing authorization will not be fully utilized if (a) ARPA funding is utilized for PPS HVAC projects (\$785k) and alternative funding source



TO: Members of the City Council, Danielle West, City Manager;

FROM: Brendan T. O'Connell, Director of Finance

DATE: 3/13/22

**RE: AMENDMENT FROM MAYOR KATE SNYDER TO THE FY23 CAPITAL IMPROVEMENT PLAN
TO ADD \$75,000 TO FULLY FUND PORTLAND HARBOR COMMON PLANNING AND DESIGN**

Portland Harbor Common Project Overview and Background on City Manager Recommendation:

The Portland Harbor Common project seeks to activate existing city land along Portland's Eastern Waterfront as a new city park. This project will involve significant community fundraising, state and federal grants, and public-private partnerships. Seed funding of \$150,000 will allow project planners and design teams to move forward with community engagement, conceptual design, budgeting, and fundraising. The City Manager Recommended Capital Improvement Plan (and the Finance Committee Recommended Capital Improvement Plan) recommended including \$75,000 of the \$150,000 of funding in FY23. The City Manager intends on recommending the remaining \$75,000 in a future budget year after further consideration and discussion of the \$655,000 in operating budget revenue currently generated in the Ocean Gateway Lot, the limited islander parking currently available, and the existing Portland Landing project and associated funding shortfall.

Proposed Amendment: The amendment from Mayor Snyder proposes to fully fund the Portland Harbor Common project at \$150,000 in the current CIP, an increase of \$75,000 in funding for the project. This would allow the Portland Harbor Common planning and design documents to be completed in FY23 and put the project on track for bidding and partial construction in FY24. The Mayor has asked City staff to propose a reduction in another currently recommended FY23 CIP project to offset this amendment – no increase in total FY23 CIP size. If this amendment were to pass City staff would remove \$75,000 from the adjacent Portland Ocean Terminal project as it was always intended to be funded over multiple fiscal years. The fiscal impact of this amendment would be \$0 in FY23 and could be as high as \$327,500 in FY24 and FY25 (dependent on construction start date, assuming loss of half of the current parking from the point construction begins). See fiscal impact table below, estimate 2 cent increase to the mill rate in Year 2 (FY24) and Year 3 (FY25).

FISCAL IMPACT NOTE	Year 1		Year 2		Year 3	
	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
New Program Cost Data:						
Example:						
ADD: NEW ITEM ANNUAL EXPENDITURES		\$0		\$327,500		\$327,500
LESS: TOTAL NEW ITEM ANNUAL REVENUES		\$0		\$0		\$0
=NEW ITEM NET TAX RATE IMPACT PROJECTION	\$0	\$0	\$327,500	\$327,500	\$327,500	\$327,500
New Program Impact to the Tax Rate	\$0.0000	\$0.0000	\$0.0224	\$0.0224	\$0.0224	\$0.0224
New Program % Impact on Tax Rate	0.0000%	0.0000%	0.3599%	0.1723%	0.3599%	0.1723%
Tax Rate Including New Program	\$6.22	\$12.99	\$6.24	\$13.01	\$6.24	\$13.01

CITY OF PORTLAND, MAINE
MEMORANDUM

Property

TO: Stephen T. Honey, City Manager
FROM: Richard P. Flewelling, Assistant Corporation Counsel
SUBJECT: Stroudwater River Dam

DATE: 3/23/83

This memorandum is in response to Paul Rollins' request of February 11, 1983, for information regarding deed restrictions applicable to the Stroudwater River dam.

The dam was conveyed to the City by warranty deed (photocopy attached) of Ralph A. and Ruth B. Leavitt, dated March 21, 1944, and recorded March 30, 1944, in the Cumberland County Registry of Deeds at Book 1732, Page 321. The deed contains the following provision:

"And as part consideration for this conveyance the grantee herein agrees that it will forthwith repair said dam in a proper and workmanlike manner to prevent leakage and that the grantee will at all times hereafter maintain said dam and its foundation in a satisfactory manner; provided, however, that if the said grantee shall fail to so maintain said dam, title to the premises hereby conveyed shall thereupon revert to the said Ralph A. Leavitt, if living, otherwise to his heirs."

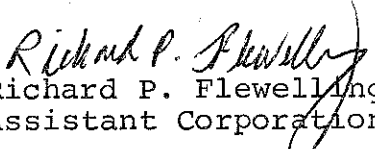
It is clear from this language that, in accepting title to the dam, the City also assumed an obligation to maintain it. It is not clear whether the City has in fact done so "in a satisfactory manner". (William Boothby, City Engineer, reports that he can recall only one act of maintenance - a small patching job several years ago.) However, the City is not necessarily relieved from liability for the dam simply because it may have neglected maintenance (and may, therefore, have lost title to the property); in truth, it would require a judicial determination of the rights and duties of the respective parties before the City could take comfort that title (or liability) had in fact reverted to the grantor or his heirs.

Maine statutes also have some bearing on this question. Title 12, M.R.S.A. §303 (Neglected Dams) requires the owner of any dam to register annually with the Commissioner of Agriculture, Food and Rural Resources, and provides that dams not so registered "shall be deemed abandoned". (Again, Mr. Boothby cannot recall any attempt by the City to comply with this section.) The effect of this, however, is unclear. "Abandoned" dams (12 M.R.S.A. §253) may be awarded by the Commissioner to any person who petitions for ownership, whether or not he had a colorable claim, provided that no one else with a colorable claim comes forward to contest the award. Nevertheless, this does not amount to a conclusive determination that the record owner is no longer liable for the dam; at most, it means that ownership is uncertain.

Stephen T. Honey, City Manager
Re: Stroudwater River Dam

March 23, 1983
Page Two

In sum, while the City may arguably have lost title to the dam under the deed (through lack of maintenance) or under the statute (by failure to register), or both, without a formal adjudication of ownership, this possibility is not so strong as to guarantee that the City would not be liable for destruction of property or loss of life should the dam fail due to negligent maintenance or repair.


Richard P. Flewelling
Assistant Corporation Counsel
cc: William Boothby

CITY OF PORTLAND, GRANTEE

Ralph A. Leavitt

1732-321

To

Deed

City of Portland

All my right, title and interest in and to the following described property situated at Stroudwater in said Portland and bounded and described as follows. Beginning on the southerly bank of the Stroudwater River above the Westbrook Streetbridge at a point 10 feet below or easterly from the point of ledge at the southerly end of the Mill dam; thence southerly parallel with the line of said dam a distance of 10 feet to a point; thence westerly and at right angles to the line of said dam a distance sufficiently far to include said Mill dam and its foundations; thence northerly across said river on a course parallel with said dam and continuing the same course 10 feet beyond the northerly bank of the river to a point; thence easterly and at right angles to the line of said dam to a point 10 feet easterly of the easterly side line of said dam extended northerly; thence southerly across said river parallel with said dam to the point of beginning.

Also for the purpose of repair, improvement and maintenance of said dam, the right to the grantee, its successors and assigns, to enter the premises above described from Westbrook Street across land now owned by Clinton R. Parker on the northerly side of said river.

All the right, title and interest of this grantor in and to all rights of flowage on any part of the Stroudwater River; rights to cut and harvest ice thereon; together with any and all other easements, rights and privileges in or upon said river or the shores and banks thereof.

As part consideration for this conveyance the grantee herein agrees for itself, its successors and assigns, that it will not exercise or use any of the rights, privileges or easements hereby conveyed in connection with the cutting and harvesting of ice on said River for commercial purposes; and that it will pay or abate all unpaid taxes assessed against the property hereby conveyed.

And as part consideration for this conveyance the grantee herein agrees that it will forthwith repair said dam in a proper and workman like manner to prevent leakage and that the grantee will at all times hereafter maintain said dam and its foundation in a satisfactory manner; provided, however, that if the said grantee shall fail to so maintain said dam, title to the premises hereby conveyed shall thereupon revert to the said Ralph A. Leavitt, if living, otherwise to his heirs.

March 21, 1944

Ralph A. Leavitt
Ruth B. Leavitt

March 21, 1944

March 30, 1944

NOTE - For more complete description see Q.C. 1457

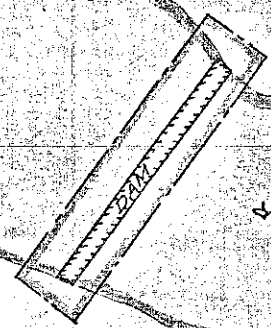
94

CITY OF PORTLAND
CITY PROPERTY
NOT TO SCALE



RALPH A. LEAVITT
TO
CITY OF PORTLAND
DEED B. 1732 P. 321 MAR 21, 44

GARRISON ST.



RIVER

WESTBROOK

STREET

STROUD WATER

Stroudwater Dam Research

Danielle's 12/22/11 Email:

Hello:

I have reviewed and researched the following language in the deed you provided:

Under Maine law, this language creates what is known as a "defeasible fee." This means one of two things: 1) ownership automatically terminates on the happening/non-happening of a certain event; or 2) the grantor/heirs, upon the condition in the deed being broken must affirmatively enter to reclaim the fee. Based on my reading of the language in question, I think that a condition subsequent has been created whereupon the grantor/heirs need to affirmatively enter to reclaim the fee ownership in the dam.

The next question in my mind is how long does the City have to satisfy the condition. The Law Court has held that if the deed does not state the time within which the condition must be satisfied, a reasonable time will be implied. See Mildram v. Town of Wells, 611 A.2d 84, 85 (Me. 1992). It should also be noted that Maine law provides that these types of contingent interests shall become fee simple absolutes if the condition does not occur within thirty (30) years from the date when such fee becomes possessory. 33 M.R.S. section 103. This section, however, is not applicable to a deed that is granted to the City. 33 M.R.S. section 103. Here, I do not think that it is necessary to apply the case law since the language specifies that the condition needs to be maintained "at all times hereafter."

Therefore, I read the deed language to create a requirement that the City needs to maintain the dam at all times. A final more interesting question is to what level this maintenance has to be. The sentence says "satisfactorily" - but does not define this term. One could argue that it could be defined to mean prevent leakage (since the first portion of the sentence indicates this), but I think that another argument could be made that the maintenance does not need to be to that high of a standard since the dam is not used any more. This question would have to be decided by a court.

If you have any questions, please do not hesitate to contact me.

Thanks,

Danielle

Danielle P. West-Chuhta
Associate Corporation Counsel
City of Portland, Maine
(207) 874-8480

MIG research

HN3Typically, the words "fee simple", standing alone, create an absolute estate in the devisee. Brackett v. Ridlon, 54 Me. 426 (1886). The choice of the words "in fee simple" may have been an artless one because Alma Rand's clear intent was to place some kind of limitation upon the devisee. It is an elementary principle of property law that the words "fee simple" followed by a condition or special limitation create a defeasible fee. Hersey v. Purington, 96 Me. 166, 51 A. 865 (1902); C. Moynihan, Introduction to the Law of Real Property 35 (1962). Only two types of defeasible fees are of interest

here: The fee simple determinable and the fee simple subject to a condition subsequent. A fee simple determinable is a fee subject to a special limitation. The principal difference between a fee simple determinable and a fee simple subject to condition subsequent is that the former expires automatically [**7] on the happening or non-happening of a specified event, while the latter is subject to a power in the grantor, called the right of re-entry, to terminate the estate on the happening of a specified event such as, here, a breach of the condition. Moynihan, supra, at 36.

[*499] While no precise and technical words are required to create a conditional fee, terms such as "upon condition that", "provided that", "but if" are language usually held to be indicative of that estate, Moynihan, supra, at 99. We think that the language of the devise, "with the proviso that" is much closer in effect to this language than the phrasing generally associated with a determinable fee. n3 Moreover, the provision contains no language to suggest an automatic reverter upon breach of the conditions. HN4Automatic reverters are not favored in the construction of wills and must be clearly set forth by such apt language as "but only so long as". Farnsworth v. Perry, 83 Me. 447, 22 A. 373 (1891); see Oldfield v. Stoeco Homes, Inc., 26 N.J. 246, 139 A.2d 291 (1958). We need not resort to extrinsic evidence to resolve an ambiguity, for none is present. It is the opinion of this Court that the [**8] estate devised to John under the will of Alma Rand is a fee simple subject to a condition subsequent. This condition creates in the heirs of Alma Rand right of re-entry for condition broken. No one but the heirs-at-law of the testatrix can re-enter for condition broken and until re-entry is made, the estate continues vested in John. Whitmore v. Church of the Holy Cross, 121 Me. 391, 117 A. 469 (1922).

FOOTNOTES

n3 "Thus it has been said that such words as 'so long as', 'until', or 'during', followed by words of reverter, are appropriate to create a fee simple determinable, whereas such words as 'upon condition that' or 'provided that' are the usual indicators of an estate upon condition subsequent." Oldfield v. Stoeco Homes, Inc., 26 N.J. 246, 139 A.2d 291, 296 (N.J. 1958) (the words "as long as" held to create a determinable fee).

Babb v. Rand, 345 A.2d 496, 498-499 (Me. 1975)

Know all Men by these Presents, That

I, Ralph A. Leavitt of Portland in the County of Cumberland and State of Maine,

in consideration of one (1) dollar and other valuable considerations, but not exceeding the sum of one hundred (100) dollars, to me paid by City of Portland, a body corporate and politic, situated in said County of Cumberland,

the receipt whereof I do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said City of Portland, its successors and assigns forever, all my right, title and interest in and to the following described property situated at Stroudwater in said Portland and bounded and described as follows, to wit:

Beginning on the southerly bank of the Stroudwater River above the Westbrook Street bridge at a point ten (10) feet below or easterly from the point of ledge at the southerly end of the mill dam; thence southerly parallel with the line of said dam a distance of ten (10) feet to a point; thence westerly and at right angles to the line of said dam a distance sufficiently far to include said mill dam and its foundations; thence northerly across said river on a course parallel with said dam, and continuing the same course ten (10) feet beyond the northerly bank of the river, to a point; thence easterly and at right angles to the line of said dam to a point ten (10) feet easterly of the easterly side line of said dam extended northerly; thence southerly across said river parallel with said dam to the point of beginning.

Also, for the purpose of repair, improvement and maintenance of said dam, the right to the grantee, its successors and assigns, to enter the premises above described from Westbrook Street across land now owned by Clinton R. Parker on the northerly side of said river.

All the right, title and interest of this grantor in and to all rights of flowage on any part of the Stroudwater River; rights to cut and harvest ice thereon; together with any and all other easements, rights and privileges in or upon said River, or the shores and banks thereof.

As part consideration for this conveyance, the grantee herein agrees for itself, its successors and assigns, that it will not exercise or use any of the rights, privileges or easements hereby conveyed in connection with the cutting and harvesting of ice on said Stroudwater River for commercial purposes; and that it will pay or abate all unpaid taxes assessed against the property hereby conveyed.

And as part consideration for this conveyance, the grantee herein agrees that it will forthwith repair said dam in a proper and workmanlike manner to prevent leakage, and that the grantee will at all times hereafter maintain said dam and its foundations in a satisfactory manner; provided, however, that if the said grantee shall fail to so maintain said dam, title to the premises hereby conveyed shall thereupon revert to the said Ralph A. Leavitt, if living, otherwise to his heirs.

To Have and to Hold the same, together with all the privileges and appurtenances thereunto belonging, to the said City of Portland, its successors heirs and assigns forever.

And I do covenant with the said Grantee, its successors heirs and assigns, that I will warrant and forever defend the premises to the said grantee, its successors heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through or under me.

In Witness Whereof, I, the said Ralph A. Leavitt, and Ruth B. Leavitt, wife of the said Ralph A. Leavitt, joining in this deed as grantors, and relinquishing and conveying all rights by descent and all other rights in the above described premises,

have hereunto set OUR hands and seal this twenty-first day of March in the year of our Lord one thousand nine hundred and forty-four.

Signed, Sealed and Delivered in presence of

Francis P. Freeman to R.A.L.
& R.B.L.

Ralph A. Leavitt Seal
Ruth B. Leavitt Seal

State of Maine, Cumberland, ss. March 21, 1944

Then Personally appeared the above named Ralph A. Leavitt

and acknowledged the above instrument to be his free act and deed.
BEFORE ME, Francis P. Freeman, Justice of the Peace

RECEIVED March 30 19 44 , at 12 o'clock 2 m. P. M., and recorded according to the original.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 8, 2022

SUBJECT: Order 164-21/22 Appropriating Bond Proceeds and other Funds in an Amount not to Exceed \$30,770,000 for the City's Fiscal Year 2023 Capital Improvement Program - Sponsored by the Finance Committee, Mark Dion, Chair

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 3/7/2022

Final Action 3/21/2022

Can action be taken at a later date: No

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

I. SUMMARY

II. AGENDA DESCRIPTION

This is a companion order to the bond authorization order above.

This item must be read on two separate days. It received its first reading on March 7, 2022. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Portland FY23 CIP Bonds - appropriation order 3.7.2022
2. Proposed Amendment to FY23 CIP from Mayor Snyder - Portland Harbor Common
3. Stroudwater Dam Memo and Previous Research

Prepared by:

Date: 03/08/2022

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
ROBERTO RODRIGUEZ (A/L)

**ORDER APPROPRIATING BOND PROCEEDS AND OTHER FUNDS IN AN AMOUNT
NOT TO EXCEED \$30,770,000 FOR
THE CITY'S FISCAL YEAR 2023 CAPITAL IMPROVEMENT PROGRAM**

IT IS HEREBY ORDERED THAT

1. Subject to paragraph 2 and 3 below, the sum of \$30,770,000 be and hereby is appropriated to finance the projects more particularly described in the project list for the City's 2023 Capital Improvement Program attached hereto as Exhibit A, as follows:
 - a. An amount not to exceed \$12,000,000 is appropriated from the proceeds of the City's general obligation bonds to be authorized by the City Council and issued to finance a portion of the costs within Exhibit A related to General Fund projects;
 - b. An amount not to exceed \$9,145,000 is appropriated from the proceeds of the City's general obligation bonds to be authorized by the City Council and issued to finance a portion of the costs within Exhibit A related to Enterprise Fund projects;
 - c. An additional amount not to exceed \$9,625,000 is appropriated as follows;
 1. An amount not to exceed \$300,000 is appropriated from the City's cruise ship infrastructure fee special revenue fund finance a portion of the repairs at the Portland Ocean Terminal included in Exhibit A;
 2. An amount not to exceed \$595,000 is appropriated from Order 100-21/22, the City's sale of Units 6 and 7 in Portland Technology Park ("PTP"), to finance infrastructure projects within the PTP included within Exhibit A;
 3. An amount not to exceed \$785,000 is appropriated from the Portland Public Schools share of American Rescue Plan Act proceeds to fund school HVAC projects and other school infrastructure projects included within Exhibit A;
 4. An amount not to exceed \$1,095,000 is appropriated from the City's asset forfeiture funds from the FBI to finance a portion of the Public Safety projects included within Exhibit A;
 5. An amount not to exceed \$6,850,000 is appropriated from the City's Assigned Surplus Fund Balance – Capital Improvement to finance a portion of the costs of certain projects included within Exhibit A and to provide other funding required for infrastructure projects approved by City Council during 2021.

2. The appropriations set forth in paragraphs 1(a) & (b) above are and shall be contingent upon the approval by the City Council of general obligation bonds for such purposes (the amount appropriated in said paragraph 1(a) & (b) to be adjusted to reflect the principal amount of bonds so authorized) and the issuance and delivery of such bonds (or notes in anticipation thereof) for such purposes. The foregoing appropriations shall also be applied to issuance costs for such bonds (or notes in anticipation thereof).
3. If the actual cost of any 2023 CIP Project differs from the estimated cost on the attached Exhibit A, whether due to completion, delay or abandonment of the Project or for any other reason, the Director of Finance is authorized, in his discretion, to reallocate proceeds of the bonds issued therefore or the other funds appropriated therefore to any other project listed on the 2023 CIP Project List or to any prior CIP project the City Council has approved or may in the future approve as part of the City's annual capital improvement plan.

2023 Capital Improvement Plan New Project Authorizations & Funding Sources

Exhibit A

		Total Appropriation Requested	New General Obligation Bond Funding	Other Funding	
EQUIPMENT & TECHNOLOGY					
Equipment	Replace 30 C5G124 switches	200,000	200,000		
Equipment	109 Middle Street WiFi Upgrades	60,000	0	60,000	(2)
Equipment	Motorola APX6000 Radio Upgrade	300,000	0	300,000	(2)
Equipment	Domestic Hot Water Heater	65,000	65,000		
PARKS & RECREATION					
Parks, Fields, Trails	Congress Square Redesign	900,000	900,000		
Parks, Fields, Trails	Dougherty Skate Park Expansion	235,000	235,000		
Parks, Fields, Trails	Riverton Trolley Park Rehabilitation	125,000	125,000		
Parks, Fields, Trails	Longfellow Playground Design	50,000	50,000		
Parks, Fields, Trails	Portland Harbor Common	75,000	75,000		
Facilities	Bridge Over Dole Brook (Emergency Replacement)	255,000	255,000		
Facilities	Riverton Pool Filter Replacement	130,000	130,000		
Parks, Fields, Trails	Back Cove Trail Reconstruction	95,000	95,000		
PUBLIC WORKS					
Streets/Sidewalks	Portland Technology Park - Extension of Roadways	595,000	0	595,000	(1)
Transportation	Congress Square Intersection Construction Inspection - Additional Items	205,000	205,000		
Facilities	City Retaining Wall Repairs	100,000	100,000		
Transportation	PACTS MPI Paving - Cumberland Ave (Wash to Franklin)	580,000	0	580,000	(5)
Transportation	PACTS Libbytown Project	65,000	65,000		
Transportation	PACTS Washington Avenue Road & Signals (Oxford to Congress)	480,000	480,000		
Transportation	Pavement Preservation Program	1,200,000	0	1,200,000	(5)
Transportation	Sidewalk & ADA Rehabilitation Program	700,000	0	700,000	(5)
Transportation	Water Resource Project Ineligibles (CSO Compliance-SRF Ineligibles)	300,000	0	300,000	(5)
Equipment	Islands 30 Yard Dumpsters	40,000	40,000		
Transportation	DOT MPI - State Street Paving - Pine to York	630,000	630,000		
Transportation	Traffic Signals Upgrade Program	100,000	100,000		
Transportation	PACTS RTMS - Regional Signals, Communications, and Match Money for	20,000	0	20,000	(5)
Transportation	Bike Facility Safety Improvements	50,000	50,000		
Transportation	Traffic Signal Upgrades with Paving Programs	150,000	150,000		
Transportation	High-Speed Communications for Adaptive Signal Corridors and Improved	50,000	50,000		
Transportation	Commercial Street Sidewalk Improvements	50,000	50,000		
Transportation	East Coast Greenway Baxter Blvd/Back Cove to Martins Point	100,000	100,000		
Transportation	Parkside to Libbytown Pathway Phase II	20,000	20,000		
FACILITIES					
Facilities	Replace Deck 2 Pavement and Membrane	550,000	550,000		
Facilities	Sealants and Concreate Repairs Levels 2 and 3 290K one year and levels 4	290,000	290,000		
Facilities	Portland Ocean Terminal Structural Repair	375,000	75,000	300,000	(3)
Facilities	212 Roof Replacement (4 Phases)	270,000	270,000		
Facilities	Police Dispatch Renovation/Expansion	115,000	0	115,000	(2)
Facilities	90 Anderson St - Exterior Upgrades	100,000	100,000		
Facilities	Observatory - Painting and Other Maintenance	70,000	70,000		
Facilities	Replace Concrete Steps/Railings & Other	200,000	0	200,000	(2)
Marine	On going pile/pier work at OG and P.O.T	125,000	125,000		
Facilities	Ocean Ave - Roof Replacement	65,000	65,000		
Facilities	Bramhall - Boiler Room Upgrades	155,000	155,000		
Facilities	Additional Appropriations for Previously Approved Capital Projects	3,250,000	0.00	3,250,000	(5)
SCHOOL DEPARTMENT FACILITIES					
Equipment	PATHS Boiler Replacement (School Request)	630,000	630,000		
Equipment	Portland High School Roof - Phase 1 (Partial Funding of Phase 1)	1,800,000	1,800,000		(4)
Equipment	TAL Renovate Single Use Bathrooms	335,000	335,000		
Equipment	KMS Replace rooftop HVAC units	190,000	0	190,000	(4)
Equipment	PATHS Replace rooftop HVAC units	160,000	0	160,000	(4)
Equipment	LMMS Replace rooftop HVAC units	435,000	0	435,000	(4)
Equipment	ADA Bus 87 replacement	110,000	110,000		

FLEET VEHICLES

Vehicles	Tower Ladder Unit - "Ladder #6"	1,610,000	1,610,000		
Vehicles	Pumper Truck - "Engine #9"	875,000	875,000		
Vehicles	Police Cruisers (07 EA) Replacement - Police	335,000	0	335,000	(2)
Vehicles	LR 64R - W/ McNeilus 25 Yard Rear Loader - Trash Packer	300,000	0	300,000	(5)
Streets/Sidewalks	Single Axle Heavy Plow Truck (Freightliner) w/Permanent Mount Sander	200,000	0	200,000	(5)
Streets/Sidewalks	2.0 Ton Plow Truck w/ Sander	150,000	0	150,000	(5)
Streets/Sidewalks	Holder Sidewalk Machine	150,000	0	150,000	(5)
Vehicles	Cab Over 8 Yard Rear Loader Mini Trash Packer	140,000	140,000		
Vehicles	Service / Road Call Truck for Fleet Department - Fully Outfitted	125,000	125,000		
Parks, Fields, Trails	Golf Course Utility Vehicle REPLACEMENT with Aerifier and core	90,000	90,000		
Vehicles	SUV K9 Police Cruisers - 02 EA	85,000	0	85,000	(2)
Streets/Sidewalks	1.0 Ton - Single Axle Plow Truck	80,000	80,000		
Vehicles	Bucket Van	75,000	75,000		
Parks, Fields, Trails	0.75 Ton Pick up w/ Plow Set Up - PRF Cems (Forest City)	70,000	70,000		
Parks, Fields, Trails	02 EA - NEW Jacobsen Truckster Utility Vehicle w/ Tow Behind Turfco	40,000	40,000		
Streets/Sidewalks	RMV Hot Patcher - 4 Ton	65,000	65,000		
Facilities	7180 Mower Replacements	35,000	35,000		
Vehicles	0.5 Ton Pick Up (no plow / sander) Street Openings	50,000	50,000		
Sub-Total - General Fund		21,625,000	12,000,000	9,625,000	

WATER RESOURCES - SEWER & STORMWATER ENTERPRISE FUNDED PROJECTS

Wastewater	CSO - Close CSO #42	200,000	200,000		(6)
Wastewater	CSO- Fore River Storage SWMM Modeling	500,000	500,000		(6)
Wastewater	CSO-Non SRF Sewer / Storm Consulting and Inspection Services	500,000	500,000		(6)
Wastewater	Forest Avenue / Belmont St. Sewer Separation	150,000	150,000		(6)
Wastewater	CMOM - Pump Station Rehabilitation	670,000	670,000		(6)
Wastewater	Inflow and Infiltration Phase 3 Mitigation	1,100,000	1,100,000		(6)
Wastewater	ESRI Conversion to Utility Network	100,000	100,000		(6)
Vehicles	Combination Unit - Vactor Truck	500,000	500,000		(6)
Wastewater	Pearl Street Sewer/Repair and Storm Drain	100,000	100,000		(6)
Stormwater	Green Infrastructure	200,000	200,000		(6)
Stormwater	Stroudwater Dam	155,000	155,000		(6)
Stormwater	Sagamore Village Green Infrastructure Project	1,300,000	1,300,000		(6)
Wastewater	Coyle's Culley / Ricker Park	550,000	550,000		(6)
Wastewater	Fore Street Sewer Separation	2,000,000	2,000,000		(6)
Wastewater	Center Street Storm Drain	100,000	100,000		(6)
Wastewater	Presumpscot Culvert	155,000	155,000		(6)
Wastewater	Stormwater Neighborhood Infrastructure Improvements	200,000	200,000		(6)
Wastewater	Torrington Avenue Peaks Island Storm Drain Improvements	200,000	200,000		(6)
Wastewater	Reed Avenue Storm Drain Improvements	70,000	70,000		(6)
Wastewater	Bayside Trail Storm Drain	70,000	70,000		(6)
Wastewater	Eastern Prom Storm Drain Replacement	40,000	40,000		(6)
Wastewater	Mechanical Sweeper	285,000	285,000		(6)
Sub-Total - Enterprise Fund		9,145,000	9,145,000	0	

TOTAL	30,770,000	21,145,000	9,625,000
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TOTAL APPROPRIATIONS AND FUNDING SOURCES

(1)	To be funded via Portland Technology Park Sale proceeds	\$ 595,000
(2)	To be funded via the appropriation of asset forfeiture funding received from the FBI	1,095,000
(3)	To be funded via cruise ship infrastructure fees	300,000
(4)	To be funded via either the State of Maine Revolving Renovation Fund or PPS ARPA Funds*	785,000
(5)	Funding being utilized from Assigned Fund Balance - Capital Improvement	6,850,000
(6)	To be funded via new borrowing authorization (enterprise fund debt service repayment)	9,145,000
ALL OTHER	To be funded via new borrowing authorization (general fund debt service repayment)*	<u>12,000,000</u>
		\$ 30,770,000

Note: New borrowing authorization will not be fully utilized if (a) ARPA funding is utilized for PPS HVAC projects (\$785k) and alternative funding source



TO: Members of the City Council, Danielle West, City Manager;

FROM: Brendan T. O'Connell, Director of Finance

DATE: 3/13/22

**RE: AMENDMENT FROM MAYOR KATE SNYDER TO THE FY23 CAPITAL IMPROVEMENT PLAN
TO ADD \$75,000 TO FULLY FUND PORTLAND HARBOR COMMON PLANNING AND DESIGN**

Portland Harbor Common Project Overview and Background on City Manager Recommendation:

The Portland Harbor Common project seeks to activate existing city land along Portland's Eastern Waterfront as a new city park. This project will involve significant community fundraising, state and federal grants, and public-private partnerships. Seed funding of \$150,000 will allow project planners and design teams to move forward with community engagement, conceptual design, budgeting, and fundraising. The City Manager Recommended Capital Improvement Plan (and the Finance Committee Recommended Capital Improvement Plan) recommended including \$75,000 of the \$150,000 of funding in FY23. The City Manager intends on recommending the remaining \$75,000 in a future budget year after further consideration and discussion of the \$655,000 in operating budget revenue currently generated in the Ocean Gateway Lot, the limited islander parking currently available, and the existing Portland Landing project and associated funding shortfall.

Proposed Amendment: The amendment from Mayor Snyder proposes to fully fund the Portland Harbor Common project at \$150,000 in the current CIP, an increase of \$75,000 in funding for the project. This would allow the Portland Harbor Common planning and design documents to be completed in FY23 and put the project on track for bidding and partial construction in FY24. The Mayor has asked City staff to propose a reduction in another currently recommended FY23 CIP project to offset this amendment – no increase in total FY23 CIP size. If this amendment were to pass City staff would remove \$75,000 from the adjacent Portland Ocean Terminal project as it was always intended to be funded over multiple fiscal years. The fiscal impact of this amendment would be \$0 in FY23 and could be as high as \$327,500 in FY24 and FY25 (dependent on construction start date, assuming loss of half of the current parking from the point construction begins). See fiscal impact table below, estimate 2 cent increase to the mill rate in Year 2 (FY24) and Year 3 (FY25).

FISCAL IMPACT NOTE	Year 1		Year 2		Year 3	
	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
New Program Cost Data:						
Example:						
ADD: NEW ITEM ANNUAL EXPENDITURES		\$0		\$327,500		\$327,500
LESS: TOTAL NEW ITEM ANNUAL REVENUES		\$0		\$0		\$0
=NEW ITEM NET TAX RATE IMPACT PROJECTION	\$0	\$0	\$327,500	\$327,500	\$327,500	\$327,500
New Program Impact to the Tax Rate	\$0.0000	\$0.0000	\$0.0224	\$0.0224	\$0.0224	\$0.0224
New Program % Impact on Tax Rate	0.0000%	0.0000%	0.3599%	0.1723%	0.3599%	0.1723%
Tax Rate Including New Program	\$6.22	\$12.99	\$6.24	\$13.01	\$6.24	\$13.01

CITY OF PORTLAND, MAINE
MEMORANDUM

Property

TO: Stephen T. Honey, City Manager
FROM: Richard P. Flewelling, Assistant Corporation Counsel
SUBJECT: Stroudwater River Dam

DATE: 3/23/83

This memorandum is in response to Paul Rollins' request of February 11, 1983, for information regarding deed restrictions applicable to the Stroudwater River dam.

The dam was conveyed to the City by warranty deed (photocopy attached) of Ralph A. and Ruth B. Leavitt, dated March 21, 1944, and recorded March 30, 1944, in the Cumberland County Registry of Deeds at Book 1732, Page 321. The deed contains the following provision:

"And as part consideration for this conveyance the grantee herein agrees that it will forthwith repair said dam in a proper and workmanlike manner to prevent leakage and that the grantee will at all times hereafter maintain said dam and its foundation in a satisfactory manner; provided, however, that if the said grantee shall fail to so maintain said dam, title to the premises hereby conveyed shall thereupon revert to the said Ralph A. Leavitt, if living, otherwise to his heirs."

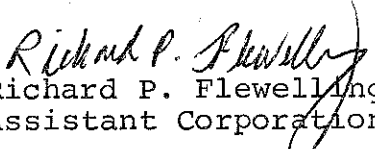
It is clear from this language that, in accepting title to the dam, the City also assumed an obligation to maintain it. It is not clear whether the City has in fact done so "in a satisfactory manner". (William Boothby, City Engineer, reports that he can recall only one act of maintenance - a small patching job several years ago.) However, the City is not necessarily relieved from liability for the dam simply because it may have neglected maintenance (and may, therefore, have lost title to the property); in truth, it would require a judicial determination of the rights and duties of the respective parties before the City could take comfort that title (or liability) had in fact reverted to the grantor or his heirs.

Maine statutes also have some bearing on this question. Title 12, M.R.S.A. §303 (Neglected Dams) requires the owner of any dam to register annually with the Commissioner of Agriculture, Food and Rural Resources, and provides that dams not so registered "shall be deemed abandoned". (Again, Mr. Boothby cannot recall any attempt by the City to comply with this section.) The effect of this, however, is unclear. "Abandoned" dams (12 M.R.S.A. §253) may be awarded by the Commissioner to any person who petitions for ownership, whether or not he had a colorable claim, provided that no one else with a colorable claim comes forward to contest the award. Nevertheless, this does not amount to a conclusive determination that the record owner is no longer liable for the dam; at most, it means that ownership is uncertain.

Stephen T. Honey, City Manager
Re: Stroudwater River Dam

March 23, 1983
Page Two

In sum, while the City may arguably have lost title to the dam under the deed (through lack of maintenance) or under the statute (by failure to register), or both, without a formal adjudication of ownership, this possibility is not so strong as to guarantee that the City would not be liable for destruction of property or loss of life should the dam fail due to negligent maintenance or repair.


Richard P. Flewelling
Assistant Corporation Counsel

cc: William Boothby

CITY OF PORTLAND, GRANTEE

Ralph A. Leavitt

1732-321

To

Deed

City of Portland

All my right, title and interest in and to the following described property situated at Stroudwater in said Portland and bounded and described as follows. Beginning on the southerly bank of the Stroudwater River above the Westbrook Streetbridge at a point 10 feet below or easterly from the point of ledge at the southerly end of the Mill dam; thence southerly parallel with the line of said dam a distance of 10 feet to a point; thence westerly and at right angles to the line of said dam a distance sufficiently far to include said Mill dam and its foundations; thence northerly across said river on a course parallel with said dam and continuing the same course 10 feet beyond the northerly bank of the river to a point; thence easterly and at right angles to the line of said dam to a point 10 feet easterly of the easterly side line of said dam extended northerly; thence southerly across said river parallel with said dam to the point of beginning.

Also for the purpose of repair, improvement and maintenance of said dam, the right to the grantee, its successors and assigns, to enter the premises above described from Westbrook Street across land now owned by Clinton R. Parker on the northerly side of said river.

All the right, title and interest of this grantor in and to all rights of flowage on any part of the Stroudwater River; rights to cut and harvest ice thereon; together with any and all other easements, rights and privileges in or upon said river or the shores and banks thereof.

As part consideration for this conveyance the grantee herein agrees for itself, its successors and assigns, that it will not exercise or use any of the rights, privileges or easements hereby conveyed in connection with the cutting and harvesting of ice on said River for commercial purposes; and that it will pay or abate all unpaid taxes assessed against the property hereby conveyed.

And as part consideration for this conveyance the grantee herein agrees that it will forthwith repair said dam in a proper and workman like manner to prevent leakage and that the grantee will at all times hereafter maintain said dam and its foundation in a satisfactory manner; provided, however, that if the said grantee shall fail to so maintain said dam, title to the premises hereby conveyed shall thereupon revert to the said Ralph A. Leavitt, if living, otherwise to his heirs.

March 21, 1944

Ralph A. Leavitt
Ruth B. Leavitt

March 21, 1944

March 30, 1944

NOTE - For more complete description see Q.C. 1457

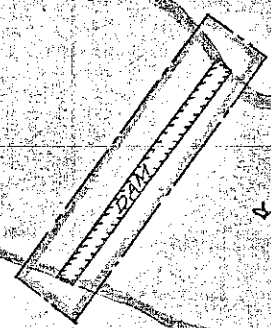
94

CITY OF PORTLAND
CITY PROPERTY
NOT TO SCALE



RALPH A. LEAVITT
TO
CITY OF PORTLAND
DEED B. 1732 P. 321 MAR 21, 44

GARRISON ST.



RIVER

WESTBROOK

STREET

STROUD WATER

Stroudwater Dam Research

Danielle's 12/22/11 Email:

Hello:

I have reviewed and researched the following language in the deed you provided:

Under Maine law, this language creates what is known as a "defeasible fee." This means one of two things: 1) ownership automatically terminates on the happening/non-happening of a certain event; or 2) the grantor/heirs, upon the condition in the deed being broken must affirmatively enter to reclaim the fee. Based on my reading of the language in question, I think that a condition subsequent has been created whereupon the grantor/heirs need to affirmatively enter to reclaim the fee ownership in the dam.

The next question in my mind is how long does the City have to satisfy the condition. The Law Court has held that if the deed does not state the time within which the condition must be satisfied, a reasonable time will be implied. See Mildram v. Town of Wells, 611 A.2d 84, 85 (Me. 1992). It should also be noted that Maine law provides that these types of contingent interests shall become fee simple absolutes if the condition does not occur within thirty (30) years from the date when such fee becomes possessory. 33 M.R.S. section 103. This section, however, is not applicable to a deed that is granted to the City. 33 M.R.S. section 103. Here, I do not think that it is necessary to apply the case law since the language specifies that the condition needs to be maintained "at all times hereafter."

Therefore, I read the deed language to create a requirement that the City needs to maintain the dam at all times. A final more interesting question is to what level this maintenance has to be. The sentence says "satisfactorily" - but does not define this term. One could argue that it could be defined to mean prevent leakage (since the first portion of the sentence indicates this), but I think that another argument could be made that the maintenance does not need to be to that high of a standard since the dam is not used any more. This question would have to be decided by a court.

If you have any questions, please do not hesitate to contact me.

Thanks,

Danielle

Danielle P. West-Chuhta
Associate Corporation Counsel
City of Portland, Maine
(207) 874-8480

MIG research

HN3Typically, the words "fee simple", standing alone, create an absolute estate in the devisee. Brackett v. Ridlon, 54 Me. 426 (1886). The choice of the words "in fee simple" may have been an artless one because Alma Rand's clear intent was to place some kind of limitation upon the devisee. It is an elementary principle of property law that the words "fee simple" followed by a condition or special limitation create a defeasible fee. Hersey v. Purington, 96 Me. 166, 51 A. 865 (1902); C. Moynihan, Introduction to the Law of Real Property 35 (1962). Only two types of defeasible fees are of interest

here: The fee simple determinable and the fee simple subject to a condition subsequent. A fee simple determinable is a fee subject to a special limitation. The principal difference between a fee simple determinable and a fee simple subject to condition subsequent is that the former expires automatically [**7] on the happening or non-happening of a specified event, while the latter is subject to a power in the grantor, called the right of re-entry, to terminate the estate on the happening of a specified event such as, here, a breach of the condition. Moynihan, supra, at 36.

[*499] While no precise and technical words are required to create a conditional fee, terms such as "upon condition that", "provided that", "but if" are language usually held to be indicative of that estate, Moynihan, supra, at 99. We think that the language of the devise, "with the proviso that" is much closer in effect to this language than the phrasing generally associated with a determinable fee. n3 Moreover, the provision contains no language to suggest an automatic reverter upon breach of the conditions. HN4Automatic reverts are not favored in the construction of wills and must be clearly set forth by such apt language as "but only so long as". Farnsworth v. Perry, 83 Me. 447, 22 A. 373 (1891); see Oldfield v. Stoeco Homes, Inc., 26 N.J. 246, 139 A.2d 291 (1958). We need not resort to extrinsic evidence to resolve an ambiguity, for none is present. It is the opinion of this Court that the [**8] estate devised to John under the will of Alma Rand is a fee simple subject to a condition subsequent. This condition creates in the heirs of Alma Rand right of re-entry for condition broken. No one but the heirs-at-law of the testatrix can re-enter for condition broken and until re-entry is made, the estate continues vested in John. Whitmore v. Church of the Holy Cross, 121 Me. 391, 117 A. 469 (1922).

FOOTNOTES

n3 "Thus it has been said that such words as 'so long as', 'until', or 'during', followed by words of reverter, are appropriate to create a fee simple determinable, whereas such words as 'upon condition that' or 'provided that' are the usual indicators of an estate upon condition subsequent." Oldfield v. Stoeco Homes, Inc., 26 N.J. 246, 139 A.2d 291, 296 (N.J. 1958) (the words "as long as" held to create a determinable fee).

Babb v. Rand, 345 A.2d 496, 498-499 (Me. 1975)

Know all Men by these Presents, That

I, Ralph A. Leavitt of Portland in the County of Cumberland and State of Maine,

in consideration of one (1) dollar and other valuable considerations, but not exceeding the sum of one hundred (100) dollars, to me paid by City of Portland, a body corporate and politic, situated in said County of Cumberland,

the receipt whereof I do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said City of Portland, its successors and assigns forever, all my right, title and interest in and to the following described property situated at Stroudwater in said Portland and bounded and described as follows, to wit:

Beginning on the southerly bank of the Stroudwater River above the Westbrook Street bridge at a point ten (10) feet below or easterly from the point of ledge at the southerly end of the mill dam; thence southerly parallel with the line of said dam a distance of ten (10) feet to a point; thence westerly and at right angles to the line of said dam a distance sufficiently far to include said mill dam and its foundations; thence northerly across said river on a course parallel with said dam, and continuing the same course ten (10) feet beyond the northerly bank of the river, to a point; thence easterly and at right angles to the line of said dam to a point ten (10) feet easterly of the easterly side line of said dam extended northerly; thence southerly across said river parallel with said dam to the point of beginning.

Also, for the purpose of repair, improvement and maintenance of said dam, the right to the grantee, its successors and assigns, to enter the premises above described from Westbrook Street across land now owned by Clinton R. Parker on the northerly side of said river.

All the right, title and interest of this grantor in and to all rights of flowage on any part of the Stroudwater River; rights to cut and harvest ice thereon; together with any and all other easements, rights and privileges in or upon said River, or the shores and banks thereof.

As part consideration for this conveyance, the grantee herein agrees for itself, its successors and assigns, that it will not exercise or use any of the rights, privileges or easements hereby conveyed in connection with the cutting and harvesting of ice on said Stroudwater River for commercial purposes; and that it will pay or abate all unpaid taxes assessed against the property hereby conveyed.

And as part consideration for this conveyance, the grantee herein agrees that it will forthwith repair said dam in a proper and workmanlike manner to prevent leakage, and that the grantee will at all times hereafter maintain said dam and its foundations in a satisfactory manner; provided, however, that if the said grantee shall fail to so maintain said dam, title to the premises hereby conveyed shall thereupon revert to the said Ralph A. Leavitt, if living, otherwise to his heirs.

To Have and to Hold the same, together with all the privileges and appurtenances thereunto belonging, to the said City of Portland, its successors heirs and assigns forever.

And I do covenant with the said Grantee, its successors heirs and assigns, that I will warrant and forever defend the premises to the said grantee, its successors heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through or under me.

In Witness Whereof, I, the said Ralph A. Leavitt, and Ruth B. Leavitt, wife of the said Ralph A. Leavitt, joining in this deed as grantors, and relinquishing and conveying all rights by descent and all other rights in the above described premises,

have hereunto set OUR hands and seal this twenty-first day of March in the year of our Lord one thousand nine hundred and forty-four.

Signed, Sealed and Delivered in presence of

Francis P. Freeman to R.A.L.

Ralph A. Leavitt Seal

& R.B.L.

Ruth B. Leavitt Seal

State of Maine, Cumberland, ss. March 21, 1944

Then Personally appeared the above named Ralph A. Leavitt

and acknowledged the above instrument to be his free act and deed.
BEFORE ME, Francis P. Freeman, Justice of the Peace

RECEIVED March 30 19 44 , at 12 o'clock 2 m. P. M., and recorded according to the original.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 16, 2022

SUBJECT: Additional Backup Materials for Orders 163-21/22 and 164-21/22

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. Do NOT write yes or no; that will be automatically generated by the checkbox.

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

I. SUMMARY

II. AGENDA DESCRIPTION

Additional Backup Materials from Finance Committee Review are attached in the Agenda Packet.

Please use the link below to access past Capital Improvement Plans:

<http://www.portlandmaine.gov/479/Capital-Improvement-Plan>

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. City CIP Requests - 2023 through 2027
2. Portland Public Schools - Sebago Technics PPS 20 Year Facilities Assessment of School Buildings
3. 2023 City Manager Recommended CIP - Additional Backup for Requested Appropriations

Prepared by:

Date: 03/16/2022

RAW DATA - City Capital Improvement Plan Requests (City)						CIP Requests - 2023 Through 2027							
ID	CIPID	FY	Classification	Department	Division	ProjectTitle	FundingSource	Total Of Requested	2023	2024	2025	2026	2027
6789	226703	2023	Equipment	Information Technology		Replace 30 C5G124 switches		200,000.00	200,000.00				
6790	152461	2023	Wastewater	Water Resources	Sewer	CMOM - Pump Station Rehabilitation		9,892,000.00	670,000.00	670,000.00	670,000.00	670,000.00	
6791	141793	2023	Wastewater	Water Resources	Sewer	CMOM - Sewer System Renewal		9,200,000.00					
6792	216228	2023	Wastewater	Water Resources	Sewer	Inflow and Infiltration Phase 3 Mitigation		9,350,000.00	1,650,000.00	1,650,000.00	1,650,000.00	1,650,000.00	1,650,000.00
6793	216237	2023	Wastewater	Water Resources	Sewer	ESRI Conversion to Utility Network		450,000.00	100,000.00	100,000.00			
6794	226692	2023	Vehicles	Water Resources	Sewer	Combination Unit - Vactor Truck		500,000.00	500,000.00				
6795	173621	2023	Stormwater	Water Resources	Stormwater	Somerset Street Flood Mitigation Project (Franklin Street)		7,300,000.00	7,000,000.00				
6796	141794	2023	Stormwater	Water Resources	Stormwater	Green Infrastructure		2,822,000.00	200,000.00	200,000.00	200,000.00	200,000.00	200,000.00
6797	194901	2023	Wastewater	Water Resources	Sewer	CSO-Non SRF Sewer / Storm Consulting and Inspection		4,000,000.00	500,000.00	500,000.00	500,000.00	500,000.00	
6798	152384	2023	Wastewater	Water Resources	Sewer	CSO - Close CSO #42		1,125,000.00	200,000.00				
6799	205632	2023	Stormwater	Water Resources	Stormwater	Rand Road Culvert Replacement		3,500,000.00		1,000,000.00	2,500,000.00		
6800	205714	2023	Marine	Water Resources	Stormwater	Stroudwater Dam		465,000.00	155,000.00	205,000.00	5,000.00		
6801	205658	2023	Wastewater	Water Resources	Sewer	Monument Way & Square Sewer / Storm		1,100,000.00		1,000,000.00			
6802	205660	2023	Stormwater	Water Resources	Stormwater	Sagamore Village Green Infrastructure Project	A separate	1,900,000.00	1,300,000.00				
6803	205710	2023	Wastewater	Water Resources	Sewer	Pearl Street Sewer/Repair and Storm Drain	Need to de	4,300,000.00	100,000.00	4,000,000.00			
6804	205661	2023	Wastewater	Water Resources	Stormwater	Fore Street Sewer Separation	This projec	6,100,000.00	2,000,000.00				
6805	216230	2023	Wastewater	Water Resources	Stormwater	Forest Avenue - Clifton to Coyle		1,100,000.00		1,000,000.00			
6806	216231	2023	Wastewater	Water Resources	Sewer	Wharf/Dana Street Sewer Separation		1,500,000.00		1,500,000.00			
6807	216232	2023	Wastewater	Water Resources	Stormwater	Center Street Storm Drain		2,300,000.00	100,000.00	2,000,000.00			
6808	216241	2023	Wastewater	Water Resources	Sewer	CSO - #26 Sewershed		700,000.00		500,000.00			
6809	216243	2023	Wastewater	Water Resources	Sewer	Morrills Corner Sewer Replacement		1,200,000.00	200,000.00		1,000,000.00		
6810	226683	2023	Wastewater	Water Resources	Sewer	CSO- Downtown District Sewer Separation		2,300,000.00			300,000.00	2,000,000.00	
6811	216227	2023	Wastewater	Water Resources	Stormwater	Presumpscot Culvert		1,380,000.00	155,000.00				
6812	226686	2023	Wastewater	Water Resources	Sewer	CSO- Hersey Street and Irving Street Storm	General Fu	3,000,000.00	3,000,000.00				
6813	226688	2023	Wastewater	Water Resources	Stormwater	Stormwater Neighborhood Infrastructure Improvements		1,000,000.00	200,000.00	200,000.00	200,000.00	200,000.00	
6814	226687	2023	Wastewater	Water Resources	Sewer	CSO- West End Sewer Separation		4,200,000.00		200,000.00	2,000,000.00	2,000,000.00	
6815	226689	2023	Wastewater	Water Resources	Stormwater	Western Prom Storm Drain Improvements		1,500,000.00	1,500,000.00				
6816	226685	2023	Wastewater	Water Resources	Sewer	CSO- Franklin Street Sewer Separation- Middle to Con		1,500,000.00				1,500,000.00	
6817	226697	2023	Wastewater	Water Resources	Sewer	Emergency Sewer Repair/Replacement/Rehabilitation		3,000,000.00	500,000.00	500,000.00	500,000.00	500,000.00	500,000.00
6819	236819	2023	Wastewater	Water Resources	Sewer	CSO- Fore River Storage SWMM Modeling		1,000,000.00	500,000.00	500,000.00			
6820	236820	2023	Wastewater	Water Resources	Stormwater	Torrington Avenue Peaks Island Storm Drain Improveme		200,000.00	200,000.00				
6821	236821	2023	Wastewater	Water Resources	Stormwater	Reed Avenue Storm Drain Improvements		1,100,000.00	100,000.00	1,000,000.00			
6822	236822	2023	Wastewater	Water Resources	Stormwater	Bayside Trail Storm Drain		100,000.00	100,000.00				
6823	141009	2023	Transportation	Public Works	Engineering	Water Resource Project Ineligibles (CSO Compliance-S		9,700,000.00	600,000.00	500,000.00	500,000.00	500,000.00	500,000.00
6825	236825	2023	Wastewater	Water Resources	Stormwater	Eastern Prom Storm Drain Replacement		240,000.00	40,000.00	200,000.00			
6827	205647	2023	Facilities	Public Buildings & Water	Canco Road	212 Canco Rd Parks Space/HVAC Upgrades		500,000.00		500,000.00			
6828	205649	2023	Facilities	Public Buildings & Water	Canco Road	212/250 Canco Rd Exterior Wall Maintenance		75,000.00			75,000.00		
6829	205711	2023	212 Canco Rd	Public Buildings & Water	Canco Road	212/250 Canco Rd Window Replacement		200,000.00				200,000.00	
6830	205451	2023	Facilities	Public Buildings & Water	Canco Road	250 Canco Rd Roof Replacement Phase 1	12-\$ 14.00	650,000.00			450,000.00		
6831	205630	2023	Facilities	Public Buildings & Water	Canco Road	250 Canco Rd Portable Generators		170,000.00				85,000.00	
6832	226760	2023	Facilities	Public Buildings & Water	Canco Road	212 Roof Replacement (4 Phases)	Reallocate	1,195,000.00	270,000.00	400,000.00	200,000.00		
6833	226774	2023	Facilities	Public Buildings & Waterfront		Build out vacant space for IT		400,000.00	400,000.00				
6834	216546	2023	Facilities	Public Buildings & Water	City Hall	Interior Renovations /Security Upgrades	The cost es	600,000.00		600,000.00			
6835	194987	2023	Facilities	Public Buildings & Water	City Hall	Passenger Elevator Modernization	Reallocate	700,000.00	400,000.00				
6836	205609	2023	Equipment	Public Buildings & Water	City Hall	City Hall Fire Doors for Common Areas		200,000.00		200,000.00			
6837	194922	2023	Equipment	Public Buildings & Water	City Hall	Mechanical Assist Mobile Storage for Planning		80,000.00					80,000.00
6838	194833	2023	Facilities	Public Buildings & Water	City Hall	Add Sprinkler System	I recomme	350,000.00			350,000.00		

6839	194832	2023	Facilities	Public Buildings & Waterfront	City Hall	Archivist		200,000.00					200,000.00
6840	173562	2023	Facilities	Public Buildings & Waterfront	City Hall	Replace sewer main in tunnel		200,000.00					200,000.00
6841	152255	2023	Facilities	Public Buildings & Waterfront	City Hall	Offices & Customer Service Areas A/C Installation	Combining	600,000.00	150,000.00				
6842	152237	2023	Equipment	Public Buildings & Waterfront	City Hall	Portable 3 Phase Generator		130,000.00				10,000.00	120,000.00
6843	141338	2023	Facilities	Public Buildings & Waterfront	City Hall	Copper Roof Replacement		3,075,000.00		75,000.00	1,500,000.00	1,500,000.00	
6844	141331	2023	Facilities	Public Buildings & Waterfront	Exposition Building	Emergency Egress Access Doors/Concrete Stair Removal		125,000.00	125,000.00				
6845	152325	2023	Facilities	Public Buildings & Waterfront	Exposition Building	Concession Stand Renovation		400,000.00					400,000.00
6846	205446	2023	Facilities	Public Buildings & Waterfront	Exposition Building	Expo - ADA Upgrades		75,000.00		75,000.00			
6848	216346	2023	Facilities	Public Buildings & Waterfront	Exposition Building	Boiler Replacement		420,000.00		420,000.00			
6849	152247	2023	Sidewalks	Public Buildings & Waterfront	Exposition Building	Sidewalks at Exposition Building Entrance	School Dept	160,000.00					
6850	173565	2023	Facilities	Public Buildings & Waterfront	Hadlock Field	Hadlock Concourse Stair Stringers		100,000.00			100,000.00		
6851	184054	2023	Facilities	Public Buildings & Waterfront	Hadlock Field	Metal Siding,Door,Window Replacement		100,000.00			100,000.00		
6852	216265	2023	Facilities	Public Buildings & Waterfront	Hadlock Field	Replace General Admission Seats		250,000.00			250,000.00		
6853	152244	2023	Facilities	Public Buildings & Waterfront	Hadlock Field	Structural Repairs/Roof Covering - Hadlock		490,000.00		150,000.00			
6855	184057	2023	Facilities	Public Buildings & Waterfront	Merrill	Stage Floor Replacement		100,000.00		100,000.00			
6856	194836	2023	Facilities	Public Buildings & Waterfront	Merrill	Retaining Wall		90,000.00		90,000.00			
6857	216344	2023	Facilities	Fire Department	Building Maintenance	Boiler Replacement		500,000.00		500,000.00			
6858	173614	2023	Facilities	Public Buildings & Waterfront	Other Public Buildings	Deering Oaks Restroom Facility (Engineering Only)		575,000.00			575,000.00		
6859	184059	2023	Facilities	Public Buildings & Waterfront	Other Public Buildings	90 Anderson St - Exterior Upgrades		150,000.00	150,000.00				
6860	184340	2023	Facilities	Public Buildings & Waterfront	Other Public Buildings	Observatory - Painting and Other Maintenance		70,000.00	70,000.00				
6861	194929	2023	Facilities	Public Buildings & Waterfront	Other Public Buildings	Forest City/Evergreen Cemeteries Rehab		400,000.00			200,000.00	200,000.00	
6862	141346	2023	Facilities	Public Buildings & Waterfront	Public Safety	Window Replacement Phase 1 of 2		600,000.00		400,000.00	200,000.00		
6863	173573	2023	Facilities	Public Buildings & Waterfront	Public Safety	Replace Concrete Steps/Railings at Main Entrance		200,000.00	200,000.00				
6864	173575	2023	Facilities	Public Buildings & Waterfront	Public Safety	Repoint/Waterproof Building Exterior		300,000.00		300,000.00			
6865	184066	2023	Facilities	Public Buildings & Waterfront	Public Safety	Brick Plaza Replacement		300,000.00		300,000.00			
6866	194835	2023	Facilities	Public Buildings & Waterfront	Public Safety	Master Plan		200,000.00				200,000.00	
6867	152257	2023	Marine (i.e., piers)	Public Buildings & Waterfront	Waterfront	Bollard/ Bit Replacement	A 2.00 dollar	500,000.00			300,000.00		
6868	173581	2023	Marine	Public Buildings & Waterfront	Waterfront	POT - Pile Survey		487,500.00		197,500.00			
6869	173579	2023	Marine	Public Buildings & Waterfront	Waterfront	On going pile/pier work at OG and P.O.T		1,420,000.00	125,000.00	225,000.00	350,000.00		
6870	173601	2023	Marine	Public Buildings & Waterfront	Waterfront	Mega Berth Terminal Structural Painting		100,000.00		100,000.00			
6871	173582	2023	Marine	Public Buildings & Waterfront	Waterfront	Compass Park Ongoing pile/pier work		500,000.00					
6872	173604	2023	Marine	Public Buildings & Waterfront	Waterfront	POT Rail Removal		200,000.00			100,000.00	100,000.00	
6873	184067	2023	Equipment	Public Buildings & Waterfront	Waterfront	Pile Jackets -OG		450,000.00		225,000.00			
6874	141789	2023	Marine (i.e., piers)	Public Buildings & Waterfront	Waterfront	Floats at Maine State Pier/Great Diamond	There is funding	300,000.00		100,000.00	100,000.00		
6875	194843	2023	Facilities	Public Buildings & Waterfront	Waterfront	Terminal Bldg Renovation	Working on	420,000.00				420,000.00	
6876	194923	2023	Streets/Sidewalks	Public Buildings & Waterfront	Waterfront	Great Diamond Island Boardwalk (This is technically a		740,000.00	740,000.00				
6877	194925	2023	Marine	Public Buildings & Waterfront	Waterfront	Peaks Govt Dock		420,000.00		420,000.00			
6878	216363	2023	Marine	Public Buildings & Waterfront	Waterfront	Gangway Extensions		200,000.00				200,000.00	
6879	216548	2023	Facilities	Public Buildings & Waterfront	Waterfront	Berthing Load Test							
6880	226788	2023	Marine	Public Works	Island Services	Replace Boardwalk At Great Diamond Island	This project	500,000.00	500,000.00				
6882	236882	2023	Streets/Sidewalks	Economic Development	Economic Development	Portland Technology Park - Extension of Roadway to L		247,000.00	247,000.00				
6887	226615	2023	Facilities	Parks, Rec & Public Assets	Ice Arena	Ice Arena Foundation Leak Fix		115,000.00	115,000.00				
6888	226618	2023	Facilities	Parks, Rec & Public Assets	Merrill Auditorium	Merrill Auditorium Exterior Door Replacement		70,000.00		70,000.00			
6889	236889	2023	Facilities	Parks, Rec & Public Assets	Merrill Auditorium	Merrill Auditorium Seating Replacement		100,000.00		100,000.00			
6890	236890	2023	Equipment	Parks, Rec & Public Assets	Merrill Auditorium	Merrill Auditorium Display Monitors		75,000.00	75,000.00				
6891	236891	2023	Equipment	Parks, Rec & Public Assets	Merrill Auditorium	Merrill Auditorium Orchestra Pit Lift		260,000.00					260,000.00
6892	236892	2023	Facilities	Parks, Rec & Public Assets	Merrill Auditorium	Merrill Auditorium Loading Dock		100,000.00					
6893	236893	2023	Equipment	Parks, Rec & Public Assets	Merrill Auditorium	Merrill Auditorium Marquee		200,000.00					
6894	236894	2023	Facilities	Parks, Rec & Public Assets	Golf Course	Bridge Over Dole Brook (Emergency Replacement)		255,000.00	255,000.00				
6895	236895	2023	Facilities	Parks, Rec & Public Assets	Golf Course	South Course Bunker Renovation	Currently h	125,000.00	125,000.00				
6896	236896	2023	Facilities	Parks, Rec & Public Assets	Golf Course	Course Improvements		50,000.00		50,000.00			

6897	236897	2023	Facilities	Parks, Rec & Public Ass	Golf Course	Course Improvements		50,000.00			50,000.00		
6898	236898	2023	Facilities	Parks, Rec & Public Ass	Golf Course	Course Improvements		50,000.00				50,000.00	
6899	236899	2023	Facilities	Parks, Rec & Public Ass	Golf Course	Course Improvements		50,000.00					50,000.00
6900	236900	2023	Facilities	Parks, Rec & Public Ass	Golf Course	Course Improvements		50,000.00					
6902	236902	2023	Facilities	Parks, Rec & Public Ass	Ice Arena	Redesign of Office into Locker Room		345,000.00				345,000.00	
6903	236903	2023	Facilities	Parks, Rec & Public Ass	Ice Arena	Sprinkler Upgrade		53,280.00					53,280.00
6904	236904	2023	Facilities	Parks, Rec & Public Ass	Ice Arena	Ice Arena Improvements		50,000.00	50,000.00				
6905	236905	2023	Facilities	Parks, Rec & Public Ass	Ice Arena	Ice Arena Improvements		50,000.00			50,000.00		
6906	236906	2023	Facilities	Parks, Rec & Public Ass	Ice Arena	Ice Arena Improvements		50,000.00				50,000.00	
6907	236907	2023	Facilities	Parks, Rec & Public Ass	Ice Arena	Ice Arena Improvements		50,000.00					50,000.00
6908	236908	2023	Facilities	Parks, Rec & Public Ass	Ice Arena	Ice Arena Improvements		50,000.00					
6911	236911	2023	Facilities	Parks, Rec & Public Ass	Recreation	Reiche Pool Filter Replacement		115,000.00				115,000.00	
6912	236912	2023	Facilities	Parks, Rec & Public Ass	Recreation	Riverton Pool Filter Replacement		130,000.00	130,000.00				
6914	236914	2023	Facilities	Public Buildings & Water	Merrill	Replace Fire/smoke detection / Repair vaulted ceiling		120,000.00	120,000.00				
6916	141013	2023	Transportation	Public Works	Engineering	Pavement Preservation Program	NOTE - 2%	47,900,000.00	1,500,000.00	2,000,000.00	2,500,000.00	2,500,000.00	2,500,000.00
6917	141030	2023	Transportation	Public Works	Engineering	Sidewalk & ADA Rehabilitation Program	Paving Pre	12,900,000.00	600,000.00	1,000,000.00	1,200,000.00	1,200,000.00	1,400,000.00
6918	184138	2023	Transportation	Public Works	Engineering	Franklin Street Signal Improvements and O	MaineDOT	350,000.00	100,000.00				
6919	184325	2023	Transportation	Public Works	Engineering	Street Rehabilitation Program	30% of the	2,350,000.00	100,000.00	200,000.00	250,000.00	250,000.00	250,000.00
6920	184329	2023	Transportation	Public Works	Engineering	Washington Avenue Streetscape Improvements, Oxford		1,300,000.00		100,000.00	750,000.00		
6921	194912	2023	Transportation	Public Works	Engineering	Rehabilitation of Cobblestone / Paver Street	Potentially:	825,000.00	50,000.00	150,000.00	150,000.00	150,000.00	175,000.00
6923	194933	2023	Transportation	Public Works	Engineering	Monument Way & Square Rehabilitation	Possible P	1,500,000.00		250,000.00	500,000.00	500,000.00	
6924	195004	2023	Transportation	Public Works	Engineering	Morrills Corner (State Route 302 and 100)	MaineDOT	1,705,000.00		100,000.00	1,500,000.00		
6925	195007	2023	Transportation	Public Works	Engineering	DOT - MPI - Paving Stevens Avenue	\$500,000 f	1,120,000.00	480,000.00				
6926	141740	2023	Transportation	Public Works	Engineering	PACTS RTMS - Regional Signals, Communications, ar		1,614,270.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00
6927	141708	2023	Transportation	Public Works	Engineering	RR Quiet Zone Compliance Program		1,635,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
6928	173596	2023	Transportation	Public Works	Engineering	Traffic Signal Upgrades with Paving Progra	\$50,000 fo	2,795,000.00	150,000.00	200,000.00	200,000.00	200,000.00	200,000.00
6929	184332	2023	Transportation	Public Works	Engineering	PACTS Washington Avenue Road & Signal	Water Res	680,000.00	480,000.00				
6930	141023	2023	Transportation	Public Works	Engineering	Traffic Signals Upgrade Program		7,673,500.00	500,000.00	500,000.00	700,000.00	700,000.00	750,000.00
6931	194914	2023	Transportation	Public Works	Engineering	Bike Facility Safety Improvements		350,000.00	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00
6932	216435	2023	Transportation	Public Works	Engineering	Wharf Street Reconstruction	Due to loca	1,900,000.00	1,900,000.00				
6933	205699	2023	Transportation	Public Works	Engineering	Intersection Redesign at Fore and Pearl	Other fund	665,000.00	65,000.00	600,000.00			
6936	205709	2023	Transportation	Public Works	Engineering	PACTS TIP - Brighton Avenue Multi-Modal	MaineDOT	3,123,750.00		2,000,000.00	1,000,000.00		
6937	205729	2023	Transportation	Public Works	Engineering	Cutter Street		350,000.00				350,000.00	
6939	215875	2023	Transportation	Public Works	Engineering	High-Speed Communications for Adaptive Signal Corri		700,000.00	50,000.00	100,000.00	100,000.00	100,000.00	125,000.00
6940	216244	2023	Transportation	Public Works	Engineering	Dana Street Reconstruction	Due to loca	1,900,000.00	1,900,000.00				
6941	216407	2023	Transportation	Public Works	Engineering	Congress Square Intersection Construction	All outside	205,000.00	205,000.00				
6942	226662	2023	Transportation	Public Works	Engineering	DOT MPI - Congress St Paving (Pearl to W	\$405,650 f	602,000.00		602,000.00			
6943	226663	2023	Transportation	Public Works	Engineering	DOT MPI - State Street Paving - Pine to Yo	\$332,550 f	630,000.00	630,000.00				
6944	226759	2023	Streets/Sidewalks	Public Works	Engineering	PACTS York St Sidewalk and Street Rehab	75% PACT	250,000.00		250,000.00			
6945	216552	2023	Transportation	Public Works	Engineering	Commercial Street Sidewalk Improvements		550,000.00	50,000.00	100,000.00			
6946	226768	2023	Transportation	Public Works	Engineering	Transportation Preliminary Design		200,000.00	40,000.00	25,000.00	25,000.00	25,000.00	25,000.00
6947	226769	2023	Streets/Sidewalks	Public Works	Engineering	Riverside Street Embankment		55,000.00	55,000.00				
6948	226770	2023	Facilities	Public Works	Engineering	Federal Street Cemetary Wall Repair		135,000.00		100,000.00			
6949	226772	2023	Streets/Sidewalks	Public Works	Engineering	ADA Compliance		600,000.00		150,000.00	150,000.00	150,000.00	150,000.00
6952	194913	2023	Transportation	Public Works	Engineering	Marginal Way Signal Upgrades	(TIF Baysid	350,000.00					350,000.00
6953	236953	2023	Vehicles	Vehicle Maintenance	Fire Departmen	Tower Ladder Unit - "Ladder #6"		1,610,000.00	1,610,000.00				
6955	236955	2023	Vehicles	Vehicle Maintenance	Fire Departmen	Pumper Truck - "Engine #9"		825,000.00	825,000.00				
6959	226707	2023	Equipment	Information Technology		Barron Center WiFi refresh FY 2023		10,000.00	10,000.00				
6962	141804	2023	Vehicles	Vehicle Maintenance	Police Departm	Police Cruisers (07 EA) Replacement - Police - 2 Canir		3,461,895.00	360,895.00	301,000.00	301,000.00	301,000.00	301,000.00
6963	236963	2023	Transportation	Public Works	Engineering	Forest Avenue: State/Marginal to Park/Portland		825,000.00			825,000.00		
6964	236964	2023	Transportation	Public Works	Engineering	Forest Avene Woodford/Revere to Bedford	\$60k in exi	1,375,000.00		125,000.00		1,250,000.00	

6965	236965	2023	Vehicles	Vehicle Maintenance	Fire Department	0.5 Ton Crew Cab - Short Box and Cap - "Car #9"		60,000.00		60,000.00			
6966	236966	2023	Vehicles	Vehicle Maintenance	Fire Department	0.5 Ton Crew Cab - Short Box and Cap - "Service Truck"		60,000.00		60,000.00			
6968	236968	2023	Vehicles	Vehicle Maintenance	Fire Department	Remount of 2018 Ford E450 - "Medcu #3"		190,000.00		190,000.00			
6969	236969	2023	Vehicles	Vehicle Maintenance	Fire Department	1.0 Ton Single Axle, Single Cab with Skid Pump and Tank		150,000.00		150,000.00			
6970	236970	2023	Vehicles	Vehicle Maintenance	Fire Department	1.0 Ton Single Axle, Single Cab with Skid Pump and Tank		150,000.00		150,000.00			
6971	236971	2023	Vehicles	Vehicle Maintenance	Fire Department	Class A Pumper Truck - "GDI Fire Engine"		375,000.00		375,000.00			
6972	236972	2023	Vehicles	Vehicle Maintenance	Fire Department	1.0 Ton Cargo / Work Van - "TAC #1"		80,000.00		80,000.00			
6973	236973	2023	Vehicles	Vehicle Maintenance	Fire Department	1.0 Ton Single Cab and Axle with Utility Box - "Unit #63"		60,000.00		60,000.00			
6974	236974	2023	Streets/Sidewalks	Vehicle Maintenance	Public Works	1.0 Ton - Single Axle Plow Truck		80,000.00		80,000.00			
6975	236975	2023	Streets/Sidewalks	Vehicle Maintenance	Public Works	1.5 Ton - (C3500 or Equivalent) - Single Axle Plow Truck		100,000.00	100,000.00				
6976	236976	2023	Streets/Sidewalks	Vehicle Maintenance	Public Works	Supervisor Truck, Pick Up 0.75 Ton w / Plow		75,000.00		75,000.00			
6977	236977	2023	Streets/Sidewalks	Vehicle Maintenance	Public Works	Supervisor Truck, Pick Up 0.75 Ton w / Plow		75,000.00		75,000.00			
6978	236978	2023	Streets/Sidewalks	Vehicle Maintenance	Public Works	Single Axle Heavy Plow Truck (Freightliner) w/Permanent		200,000.00	200,000.00				
6979	236979	2023	Streets/Sidewalks	Vehicle Maintenance	Public Works	2.0 Ton Plow Truck w/ Sander		150,000.00	150,000.00				
6980	236980	2023	Streets/Sidewalks	Vehicle Maintenance	Public Works	Tool Cat		75,000.00		75,000.00			
6981	236981	2023	Streets/Sidewalks	Vehicle Maintenance	Public Works	0.5 Ton Pick Up		50,000.00		50,000.00			
6982	236982	2023	Streets/Sidewalks	Vehicle Maintenance	Public Works	Sidewalk Machine		150,000.00	150,000.00				
6983	236983	2023	Vehicles	Vehicle Maintenance	Parking / Garage	Small SUV AWD		40,000.00		40,000.00			
6984	236984	2023	Vehicles	Vehicle Maintenance	Parking / Garage	Small SUV AWD		40,000.00		40,000.00			
6985	236985	2023	Vehicles	Vehicle Maintenance	Parking / Garage	Small SUV AWD		40,000.00	40,000.00				
6986	236986	2023	Equipment	Vehicle Maintenance	Public Works	13 Ea - APEX 2 Way Radio Replacement		35,000.00	35,000.00				
6988	205717	2023	Facilities	Public Works	Island Services	Cliff Island Public Works Facilities		300,000.00				300,000.00	
6989	205726	2023	Facilities	Public Works	Island Services	Islands Salt Sheds		120,000.00	60,000.00	30,000.00	30,000.00		
6991	236991	2023	Transportation	Public Works	Engineering	Comprehensive Parking Analysis, Recommendations, &		200,000.00			200,000.00		
6992	236992	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Athletic Facilities	Deering Oaks Infield Upgrades and Irrigation		90,000.00		90,000.00			
6993	236993	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Athletic Facilities	Payson B Softball Drainage and Irrigation		110,000.00		110,000.00			
6994	236994	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Athletic Facilities	Synthetic Turf Field: location TBD		1,250,000.00		1,250,000.00			
6995	236995	2023	Streets/Sidewalks	Parks, Rec & Public Ass	Parks	Evergreen Cemetery and Forest City Cemetery Road R		100,000.00		100,000.00			
6996	236996	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Baxter Boulevard Safety Enhancements --Stairs and R		150,000.00		150,000.00			
6998	236998	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Deering Oaks Pond Wall and Pond-side Plaza Reconst		1,000,000.00		500,000.00	500,000.00		
6999	236999	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	East End Recreational Boat Ramp Reconstruction		300,000.00		300,000.00			
7000	237000	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Fencing: Eastern Prom Sewage Treatment Plant Repla		50,000.00		50,000.00			
7001	237001	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Quarry Run Dog Park Expansion and Renovation (Inva		100,000.00		100,000.00			
7002	237002	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Western Prom Vista Clearing and Plantings		150,000.00		50,000.00		50,000.00	
7003	237003	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Reiche Playground Replacement	Possible LV	300,000.00		300,000.00			
7004	237004	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Athletic Facilities	Deering Oaks Baseball Lights		250,000.00			250,000.00		
7005	237005	2023	Streets/Sidewalks	Parks, Rec & Public Ass	Athletic Facilities	Fitzpatrick Paving and ADA Improvements		235,000.00			235,000.00		
7006	237006	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Dougherty Field Basketball Pavilion	Libbytown	150,000.00			150,000.00		
7007	237007	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Payson Tennis Court lights		200,000.00			200,000.00		
7008	237008	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Valley Street Basketball Reconstruction	Possible fu	85,000.00			85,000.00		
7009	237009	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Park Walkway ADA Paving, various locations		600,000.00		200,000.00	200,000.00		200,000.00
7011	237011	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Deering Oaks Ravine Wading Pool Rehab		475,000.00			475,000.00		
7012	237012	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Fencing: Softball field at Talbot School		50,000.00			50,000.00		
7014	237014	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Fort Gorges Wharf Reconstruction	Possible us	100,000.00	100,000.00				
7016	237016	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Martins Point Access Improvements	Possible LV	150,000.00			150,000.00		
7018	237018	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	University Park Playground		200,000.00			200,000.00		
7019	237019	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Back Cove Guard Rails		100,000.00			100,000.00		
7020	237020	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Back Cove Re-pave Tukey's Bridge Approach		50,000.00			50,000.00		
7021	237021	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Payson Park Cross-Park Trail (Front St to Baseball Par		50,000.00			50,000.00		
7023	237023	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Athletic Facilities	Fitzpatrick Track Resurfacing		100,000.00				100,000.00	
7024	237024	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Athletic Facilities	Fox St Irrigation Replacement		50,000.00				50,000.00	

7026	237026	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Community Garden Fence Repairs/Additior	Possible C	30,000.00					30,000.00	
7027	237027	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Longfellow Basketball Drainage and Reconstruction		175,000.00					175,000.00	
7029	237029	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Deering Oaks Pond Plaza and Dock		100,000.00					100,000.00	
7030	237030	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Deering Oaks Restroom: Brick and Mortar Building		400,000.00					400,000.00	
7031	237031	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Harborview Stairs from Circle Trail Intersection to Com		50,000.00					50,000.00	
7032	237032	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Lincoln Park Fence--Pearl and Federal St		550,000.00			300,000.00		250,000.00	
7034	237034	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Payson Park Ice Skating Rink Lighting		40,000.00					40,000.00	
7035	237035	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Payson Park Parking		250,000.00					250,000.00	
7036	237036	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Western Prom Upper Park Walkway Reconstruction		500,000.00					250,000.00	250,000.00
7038	237038	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Harborview Aging in Place Fitness Course		30,000.00					30,000.00	
7039	237039	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Portable Pumptrack: moveable neighborhood skatepar		75,000.00					75,000.00	
7040	237040	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Stone Street Playground--Upgrade and Splashpad Ero		350,000.00					350,000.00	
7041	237041	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Athletic Facilitie	Ludlow Baseball Field Upgrades		500,000.00						500,000.00
7042	237042	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Athletic Facilitie	Memorial Stadium Concession Stand		250,000.00						250,000.00
7043	237043	2023	Facilities	Parks, Rec & Public Ass	Parks	Evergreen Cemetery Wilde Chapel Masonry		1,000,000.00						500,000.00
7044	237044	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Community Garden Shed Replacements	Possible C	25,000.00						25,000.00
7046	237046	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Lincoln Park Walkway Lights		250,000.00						250,000.00
7047	237047	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Picnic Pavillion: Deering Oaks and Payson Park		300,000.00			150,000.00			150,000.00
7048	237048	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Western Prom Bandstand & Toboggan Run Improveme		150,000.00						150,000.00
7050	237050	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Peaks Island Skate Park		75,000.00						75,000.00
7051	237051	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Athletic Facilitie	Deering High School Field Upgrades		475,000.00					275,000.00	
7052	237052	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Athletic Facilitie	Riverton Softball Lighting Replacement		255,000.00						
7053	237053	2023	Streets/Sidewalks	Parks, Rec & Public Ass	Parks	Evergreen Cemetery Repaving Roads		250,000.00					125,000.00	
7055	237055	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Deering Oaks Tennis and Basketball Court Resurface		75,000.00						
7056	237056	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Payson Additional Basketball Court		100,000.00						
7057	237057	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Lincoln Park Fence--Franklin St		300,000.00						
7058	237058	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Ludlow Pond Drainage		150,000.00						
7059	237059	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Western Prom "NEW" Sidewalk along Western Cemete		250,000.00						
7061	237061	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Peppermint Park--East Bayside Playground		350,000.00						
7062	237062	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Will's Playground (Eastern Prom)		450,000.00						
7066	237066	2023	Vehicles	Vehicle Maintenance	Public Works	Bucket Truck		150,000.00			150,000.00			
7067	237067	2023	Vehicles	Vehicle Maintenance	Public Works	1.0 Ton - Sign Truck		55,000.00				55,000.00		
7069	237069	2023	Vehicles	Vehicle Maintenance	Public Works	Cab Over 8 Yard Rear Loader Mini Trash Packer		140,000.00		140,000.00				
7072	237072	2023	Vehicles	Vehicle Maintenance	Police Departm	Cargo Van - Transit / Sprinter Style		65,000.00				65,000.00		
7073	237073	2023	Vehicles	Vehicle Maintenance	Police Departm	Large SUV - Suburban Body Type		65,000.00				65,000.00		
7074	237074	2023	Vehicles	Vehicle Maintenance	Public Works	0.5 Ton Pick Up (no plow / sander) Street Openings		50,000.00		50,000.00				
7075	237075	2023	Vehicles	Vehicle Maintenance	Public Works	Cargo Van - Used		40,000.00				40,000.00		
7076	237076	2023	Vehicles	Vehicle Maintenance	Public Works	Bucket Van		75,000.00		75,000.00				
7077	237077	2023	Vehicles	Vehicle Maintenance	Public Works	Service / Road Call Truck for Fleet Department - Fully C		150,000.00		150,000.00				
7078	237078	2023	Wastewater	Water Resources	Sewer	CSO- Forest Ave / Belmont St Sewer Separation Projec		5,150,000.00		150,000.00		5,000,000.00		
7079	237079	2023	Equipment	Vehicle Maintenance	Public Works	Mini Road Grader - Peaks Island		180,000.00				180,000.00		
7080	237080	2023	Streets/Sidewalks	Vehicle Maintenance	Public Works	RMV Hot Patcher - 4 Ton		65,000.00		65,000.00				
7082	184225	2023	Facilities	Parking / Garages	Elm Street Gara	Sealants and Concreate Repairs Levels 2 and 3 290K c		585,000.00		290,000.00		295,000.00		
7084	205695	2023	Facilities	Parking / Garages	Temple Street G	Neogard traffic Membrane recoat Temple St		550,000.00		550,000.00				
7085	205696	2023	Facilities	Parking / Garages	Spring Street G	Neogard Traffic membrane Recoat Spring S	none	480,000.00					480,000.00	
7086	205697	2023	Facilities	Parking / Garages	Spring Street G	Roof Deck Traffic Membrane Recoat		150,000.00			150,000.00			
7087	216394	2023	Facilities	Parking / Garages	Temple Street G	Painting of Structural Steel		385,000.00					385,000.00	
7088	216395	2023	Structural Steel P	Parking / Garages	Spring Street G	Painting Structural Steel		325,000.00					325,000.00	
7089	216396	2023	Facilities	Parking / Garages	Temple Street G	Replace Pavement & Membrane		450,000.00			450,000.00			
7091	237091	2023	Facilities	Parking / Garages	Temple Street G	Roof & Level 4 Pavement removal, concrete repairs ar		600,000.00					600,000.00	
7092	237092	2023	Equipment	Fire Department	Emergency Med	Cardiac Monitor Lease		324,888.00		40,064.00	71,206.00	71,206.00	71,206.00	71,206.00

7094	237094	2023	Facilities	Vehicle Maintenance	Recreation and	0.75 Ton Utility Van PRF Expo (Event Services)		45,000.00		45,000.00			
7096	237096	2023	Parks, Fields, Tra	Vehicle Maintenance	Recreation and	02 EA - NEW Jacobsen Truckster Utility Vehicle w/ Tow		40,000.00		40,000.00			
7098	237098	2023	Facilities	Vehicle Maintenance	Recreation and	Forklift for Expo		45,000.00	45,000.00				
7099	237099	2023	Parks, Fields, Tra	Vehicle Maintenance	Recreation and	Golf Course Applicator Sprayer REPLACEMENT		65,000.00	65,000.00				
7100	237100	2023	Parks, Fields, Tra	Vehicle Maintenance	Recreation and	0.75 Ton Pick up w/ Plow Set Up - PRF Cems (Forest C		70,000.00	70,000.00				
7101	237101	2023	Facilities	Vehicle Maintenance	Recreation and	NEW 3/4 Ton Pickup w/ water tank, cleaning kit, trash t		70,000.00	70,000.00				
7102	237102	2023	Parks, Fields, Tra	Vehicle Maintenance	Recreation and	Golf Course Utility Vehicle REPLACEMENT with Aerifie		90,000.00	90,000.00				
7103	237103	2023	Parks, Fields, Tra	Vehicle Maintenance	Recreation and	3135 Replace w/ 6500 Hook n Go Body System w/ chip		140,000.00		140,000.00			
7104	237104	2023	Parks, Fields, Tra	Vehicle Maintenance	Recreation and	NEW Small bucket truck		175,000.00		175,000.00			
7105	237105	2023	Transportation	Public Works	Engineering	PACTS MPI Paving - Cumberland Ave (Wa	\$151,700 f	580,000.00	580,000.00				
7106	237106	2023	Wastewater	Water Resources	Stormwater	Coyles Gully Ricker Park		550,000.00	550,000.00				
7107	237107	2023	Facilities	Parks, Rec & Public Ass	Recreation	Riverton Gym Floor Replacement		150,000.00		150,000.00			
7108	237108	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Court Resurfacing: Various Tennis/Pickleball & Baskett		50,000.00	50,000.00				
7110	226764	2023	Facilities	Fire Department	Building Mainte	Bramhall - Boiler Room Upgrades		155,000.00	155,000.00				
7112		2023	Facilities	Fire Department	Building Mainte	Ocean Ave - Roof Replacement							
7114	237114	2023	Equipment	Public Buildings & Wate	Hadlock Field	Admin/Ticket Office HVAC Replacement ARPA??		100,000.00		100,000.00			
7115	237115	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Deering Oaks ADA Sidewalks and Curbing - Tennis Co		300,000.00	300,000.00				
7116	237116	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Eastern Prom Cleeves Monument ADA Plaza and Walk		100,000.00	100,000.00				
7117	237117	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Clark Street and Tyng-Tate Playground Replacement		100,000.00	100,000.00				
7118	237118	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Longfellow Playground Replacement		350,000.00	350,000.00				
7119	237119	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Back Cove Trail Reconstruction		171,000.00	96,000.00				
7120	237120	2023	Parks, Fields, Tra	Parks, Rec & Public Ass	Parks	Dougherty Skate Park Expansion	Previous c	235,000.00	235,000.00				
7121	237121	2023	Vehicles	Vehicle Maintenance	Public Works	Cargo Van - Used		35,000.00		35,000.00			
7122	237122	2023	Equipment	School Department	School HVAC	PATHS Boiler Replacement (School Request)		630,000.00	630,000.00				
7123	237123	2023	Facilities	Fire Department	Building Mainte	Masonry spot pointing & Waterproofing (Phase 1 of 3)		225,000.00		75,000.00	75,000.00	75,000.00	
7124	237124	2023	Transportation	Public Works	Engineering	Marshall Street - Paving & Sidewalk		260,000.00		260,000.00			
7126	237126	2023	Equipment	Police Department	Uniformd Ops	Motorola APX6000 Radio Upgrade		290,966.13	290,966.13				
7127	237127	2023	Streets/Sidewalks	Public Buildings & Wate	Canco Road	Resurface Parking Lots Phase (1of3)		250,000.00	100,000.00		150,000.00		
7128	237128	2023	Facilities	Fire Department	Building Mainte	Stevens Ave - New Building							
7130	194957	2023	Transportation	Planning & Urban Devel	Transportation	West Commercial Street Pathway - Phase I	\$110,000 f	270,000.00		20,000.00	200,000.00		
7131	194958	2023	Transportation	Planning & Urban Devel	Transportation	East Coast Greenway Baxter Blvd/Back Cove to Martin		115,000.00	100,000.00				
7132	194963	2023	Transportation	Planning & Urban Devel	Transportation	Parkside to Libbytown Pathway Phase II	Other sour	520,000.00	20,000.00	250,000.00	250,000.00		
7133	163160	2023	Parks, Fields, Tra	Planning & Urban Devel	Planning	Congress Square Redesign	A private fu	2,600,000.00	2,300,000.00				
7134	194956	2023	Transportation	Planning & Urban Devel	Transportation	Neighborhood Byway City-wide Network Implementatic		460,000.00		120,000.00	120,000.00		
7135	237135	2023	Facilities	Fire Department	Building Mainte	Ocean Ave - Boiler Upgrade							
7136	237136	2023	Facilities	Fire Department	Building Mainte	Ocean Ave - Sprinkler System							
7137	237137	2023	Facilities	Fire Department	Building Mainte	Ocean Ave - Complete Renovation							
7138	237138	2023	Facilities	Fire Department	Building Mainte	Riverton - Complete Renovation							
7139	237139	2023	Facilities	Fire Department	Building Mainte	Bramhall - Complete Renovation							
7140	237140	2023	Facilities	Fire Department	Building Mainte	Munjoy - Complete Renovation							
7141	237141	2023	Facilities	Fire Department	Building Mainte	Central - Complete Renovation							
7142	237142	2023	Facilities	Fire Department	Building Mainte	Fire Museum - Complete Renovation							
7143	237143	2023	Facilities	Fire Department	Building Mainte	Fire Museum - Boiler Upgrade Oil to Natural Gas							
7144	237144	2023	Facilities	Fire Department	Building Mainte	Peaks Island - Complete Renovation							
7145	237145	2023	Facilities	Fire Department	Building Mainte	Bramhall - Demo Hose Tower and Convert to Usable Space							
7146	237146	2023	Facilities	Fire Department	Building Mainte	Ocean Ave - Windows							
7147	237147	2023	Facilities	Fire Department	Building Mainte	Riverton - Interior Upgrades (2 phases)							
7148	237148	2023	Facilities	Fire Department	Building Mainte	Riverton - Windows							
7149	237149	2023	Facilities	Fire Department	Building Mainte	Bramhall - Interior Upgrades (2 Phases)							
7151	237151	2023	Facilities	Fire Department	Building Mainte	Bramhall - Windows							
7152	237152	2023	Facilities	Fire Department	Building Mainte	Munjoy - Interior Upgrades (2 Phases)							

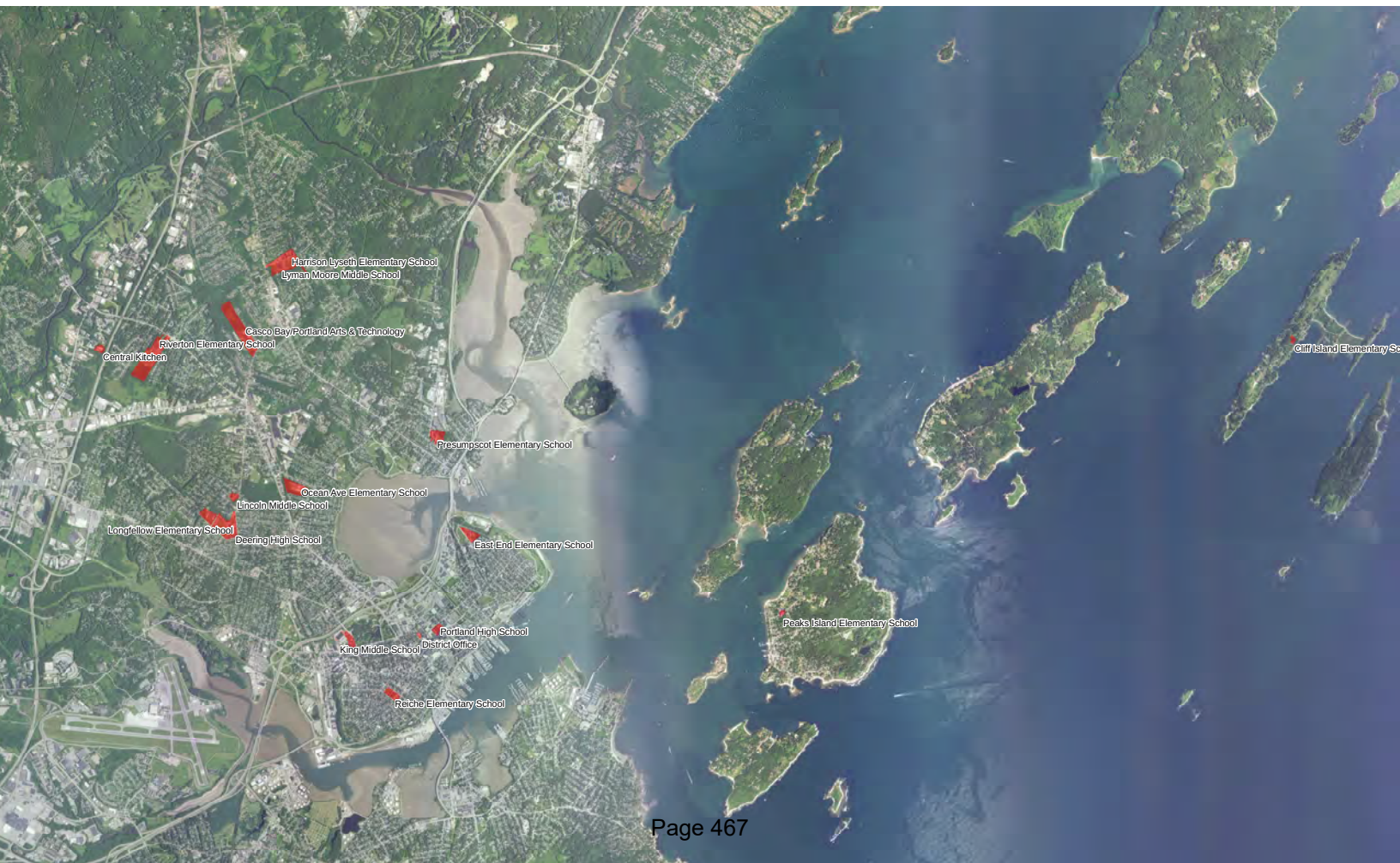
7155	237155	2023	Facilities	Fire Department	Building Maintenance	Munjoy - Fitness Room and PPE Gear Room						
7156	237156	2023	Facilities	Fire Department	Firefighting	Peaks Island Fire/Police - Heat Pump System						
7157	237157	2023	Vehicles	Vehicle Maintenance	Police Department	SUV K9 Police Cruisers - 02 EA	86,000.00	86,000.00				
7158	237158	2023	Parks, Fields, Trails	Parks, Rec & Public Ass	Parks	Great Diamond Island Basketball Court Reconstruction	91,000.00	91,000.00				
7159	237159	2023	Parks, Fields, Trails	Parks, Rec & Public Ass	Parks	Riverton Trolley Park Rehabilitation	125,000.00	125,000.00				
7160	237160	2023	Parks, Fields, Trails	Parks, Rec & Public Ass	Parks	Western Prom Valley Street Stone Retaining Wall Repa	115,000.00	115,000.00				
7161	237161	2023	Facilities	Parks, Rec & Public Ass	Recreation	Senior Day Room Improvements at 212 Canco Rd	100,000.00	100,000.00				
7162	237162	2023	Facilities	Parks, Rec & Public Ass	Ice Arena	Troubh Under Bleacher Sprinkler Coverage	30,000.00	30,000.00				
7163	237163	2023	Transportation	Public Works	Engineering	Arterial Crossing Program	975,000.00	150,000.00	150,000.00	150,000.00	175,000.00	175,000.00
7164	237164	2023	Facilities	Parks, Rec & Public Ass	Recreation	Kiwanis Pool Design and Construction - AR	\$3,800,000	2,700,000.00	2,700,000.00			
7165	237165	2023	Parks, Fields, Trails	Parks, Rec & Public Ass	Parks	Fort Gorges Preservation Plan	320,000.00		120,000.00	200,000.00		
7167	237167	2023	Vehicles	Vehicle Maintenance	Police Department	SUV K9 Police Cruiser - 01 EA	43,000.00		43,000.00			
7168	237168	2023	Streets/Sidewalks	Public Works	Engineering	Ocean Ave Sidewalks	300,000.00	300,000.00				
7169	237169	2023	Transportation	Public Works	Engineering	PACTS Libbytown Project	\$135k from	815,000.00	65,000.00	750,000.00		
7170	237170	2023	Facilities	Public Works	Engineering	City Retaining Wall Repairs		100,000.00	100,000.00			
7172	237172	2023	Facilities	Public Buildings & Water	Waterfront	Portland Ocean Terminal Structural Repair		750,000.00	750,000.00			
7174	237174	2023	Streets/Sidewalks	Public Works	Engineering	Eastern Promenade Roadside Sidewalks		300,000.00	300,000.00			
7175	237175	2023	Equipment	Public Works	Fleet	Islands 30 Yard Dumpsters		40,000.00	40,000.00			
7176	237176	2023	Upgrades for Sen	Public Buildings & Water	Canco Road	Senior Center Upgrades (Parks Request)		110,000.00	110,000.00			
7177	237177	2023	Facilities	Public Buildings & Water	Public Safety	Police Dispatch Renovation/Expansion		115,000.00	115,000.00			
7178	237178	2023	Equipment	Public Buildings & Water	School HVAC	PATHS Boiler Replacement		650,000.00	650,000.00			
7179	237179	2023	Equipment	Fire Department	Firefighting	SCBA Replacement		1,190,835.00		1,190,835.00		
7184	237184	2023	Parks, Fields, Trails	Parks, Rec & Public Ass	Parks	Portland Harbor Common		150,000.00	150,000.00			
7187	237187	2023	Equipment	Barron Center	Environmental	Domestic Hot Water Heater		65,450.00	65,450.00			
7188	237188	2023	Facilities	Barron Center	Environmental	Parking Lot and Walkway Lighting		78,000.00	78,000.00			
7189	237189	2023	Facilities	Barron Center	Environmental	Patio and walkway repairs		76,000.00	76,000.00			
7190	237190	2023	Facilities	Barron Center	Environmental	Storage Garage		93,750.00	93,750.00			
7191	237191	2023	Facilities	Barron Center	Environmental	Paving Project Phase 2 and 3		712,847.00	411,470.00	301,377.00		
7192	237192	2023	Facilities	Barron Center	Environmental	Greenhouse glass replacement		32,000.00		32,000.00		
7193	237193	2023	Facilities	Barron Center	Environmental	New Bathroom in Laundry		40,000.00		40,000.00		
7194	237194	2023	Facilities	Barron Center	Environmental	Energy Management Systems		348,000.00		348,000.00		
7195	237195	2023	Equipment	Barron Center	Environmental	John Deere Lawn Tractor/Snow Blower		29,095.00			29,095.00	
7196	237196	2023	Facilities	Barron Center	Environmental	Replace the Roof Top on A/C chiller		60,000.00			60,000.00	
7197	237197	2023	Facilities	Barron Center	Environmental	Replace Ceiling unit heater in Café		12,000.00				12,000.00
7198	237198	2023	Facilities	Barron Center	Environmental	Replace Ceiling Unit Heaters in 2nd and 3rd central		29,000.00				29,000.00
7199	237199	2023	Facilities	Barron Center	Environmental	Replace all roof top exhaust fans		20,000.00				20,000.00
7200	237200	2023	Equipment	Barron Center	Environmental	Replace Fresh Intake Grills/Actuators		55,000.00				
7203	237203	2023	Equipment	Vehicle Maintenance	Public Works	New Tandem Axle Mack LR or Crane Carrier LET2 Pac		300,000.00	300,000.00			
7204	237204	2023	Facilities	Information Technology		Install Wifi at 109 Middle and DPW for public safety		60,000.00	60,000.00			
7205	237205	2023	Transportation	Public Works	Engineering	Local Match for Forest Avenue PACTS Coll	\$196,725 if	75,000.00	75,000.00			
7206	237206	2023	Equipment	Water Resources	Stormwater	Pelican NP Three Wheel Broom Street Sweeper w/ Dur		285,000.00	285,000.00			
7207	237207	2023	Transportation	Public Works	Engineering	Riverside Street Sidewalk for New Shelter		500,000.00	500,000.00			
7209	237209	2023	Streets/Sidewalks	Vehicle Maintenance	Public Works	RPM Tech / LM220 Snow Blower - Loader Mounted		175,000.00		175,000.00		
								276,701,026.13				
						Note - does not include minor capital, Portland Public Library, Portland Public Schools						

REQUEST FOR PROPOSALS

City of Portland, ME

Facilities Assessment of School Buildings Portland, ME

August 26, 2016





August 26, 2016

City of Portland Purchasing Office
Attention: Matthew F. Fitzgerald
389 Congress Street
Portland, Maine 04101

Re: Facility Assessment of School Buildings

Dear Matt,

Sebago Technics has partnered with the best possible Portland area Engineers and Architects to provide the City of Portland with a strong team; well suited to your needs, with extensive experience related to school facility assessments. Over the last several decades our collective team has provided over two million square feet of building assessments and feasibility studies, for a broad range of project types and institutional clients, throughout the Northeast.

As we assess the building conditions of your education facilities, which we consider pillars of your community, we will apply our expertise in educational facilities to ensure long range plans accommodate 21st century educational philosophies. The comprehensive plan, which will also evaluate related grounds, will include: estimated costs; repair prioritization; recommendations for renovation vs. replacement; and associated property improvements.

We will guide you through a process of information gathering and analysis, conceptualization, development of creative and sustainable solutions, and recommendations that are in line with your vision and goals. We will craft a plan to create enlightened spaces that are energy efficient, easy to maintain, secure, and healthy, while fostering creativity and collaboration consistent with your educational needs. As important, we understand the need for delivering cost effective strategies to the City of Portland, necessary for you to fiscally manage your facilities.

As you review our qualifications, please consider a few key points:

- **Extensive experience in existing condition assessments:** over two million SF of cost effective analysis of building conditions across a wide variety of project and client types.
- **Expert facility planning: with a proven methodology** tailored to meet project requirements and budgets.
- **Leadership in collaboration:** engaging all groups including the Facilities Staff, the School Department Staff, City entities, and other select members of your team to ensure the plan is well supported and properly vetted.
- **LEED® accredited professionals:** focused on sustainability, cost-effective and energy efficient solutions that minimize both your carbon footprint as well as your annual operating costs.
- **Dedicated team leaders who are highly experienced and passionate about educational facility design:** offering an unmatched depth of resources and technical expertise.

Our proven successful working relationship, with all listed team members, coupled with our extensive experience with public school work as well as the City of Portland, will enable us to clearly articulate your future needs and considerations within your extensive school facility assets. We look forward to working with the City of Portland on this important project and continuing our lasting relationship!

Regards,

A handwritten signature in black ink that reads "Kyle S. Mason".

Kyle S. Mason, RLA, LEED® AP
Senior Landscape Architect

Separate Attachment: (32 Pages) Sample of Town of Tyngsborough - Comprehensive Facilities Assessment

**CITY OF PORTLAND, MAINE
R.F.P. # PSD17
REQUEST FOR PROPOSALS TO PROVIDE
FACILITIES ASSESSMENT OF SCHOOL BUILDINGS**

Current Date: August 23, 2016

The attention of firms submitting proposals for the work named in the above Invitation is called to the following modifications to the documents as were issued.

The items set forth herein, whether of clarification, omission, addition and/or substitution, shall be included and form a part of the Contractor's submitted material and the corresponding Contract when executed. No claim for additional compensation, due to lack of knowledge of the contents of this Addendum will be considered.

ALL BIDDERS ARE ADVISED THAT RECEIPT OF THIS NOTICE MUST BE DULY ACKNOWLEDGED ON THE BID PROPOSAL FORM OR BY THE INSERTION OF THIS SHEET, SIGNED, AND SUBMITTED WITH YOUR PROPOSAL.

**MATTHEW F. FITZGERALD
PURCHASING MANAGER**

Please see attached on the following page our response to questions received related to this RFP.

Receipt of **Addendum No. 1** to the City of Portland's **R.F.P. # PSD17, Request for Proposals to Provide Facilities Assessment of School Buildings** is hereby acknowledged.

COMPANY: Sebago Technics, Inc.

NAME: Mark A. Adams President/CEO

SIGNED BY: Mark A. Adams DATE: 8/25/2016

PRINT NAME & TITLE: Mark A. Adams President/CEO

ADDRESS: 75 John Roberts Road, Suite 1A South Portland, ME 04106

ZIP CODE



TABLE OF CONTENTS

City of Portland Request for Proposals for Facilities Assessment of School Buildings

1. Project Approach
2. General Qualifications
3. Personnel and Resources
4. Fee Proposal



1. Project Approach

Maine's largest school system has 17 facilities serving approximately 7,000 students in pre-kindergarten through grade 12 and more than 4,400 adult learners. The district takes full advantage of its location in a vibrant city with a thriving arts life. Schools draw on the resources offered by museums, theaters, local businesses and the city's colleges and universities. Portland's Schools further serve as an asset to the greater Portland community by integrating and Community Centers in many facilities.

From our understanding of the RFQ and our previous work in the Portland area, it is clear that there is a significant need for ongoing investment in the current facilities. This includes a comprehensive review of school facilities, identification of deferred maintenance and capital improvement projects, the repair and/or replacement of building systems that have met their useful life span, and prioritization of the documented improvements/repairs.



▶ *Portland Schools
Aerial View*

Comprehensive Facilities Assessment and Master Plan will allow Portland to address these deficiencies in the most efficient and cost effective manner, through careful long range planning and budgeting.

The scope will be two-fold:

- Perform a physical assessment of the facilities to identify the deficiencies
- Develop a comprehensive 20-year Master Plan and budget for each facility to implement recommended repairs and improvements for all facilities in 5 year increments.

The assessment will include evaluation and documentation of the existing conditions of the buildings you have indicated in the RFP. Our team will review the overall condition of the structures, and compliance with federal, state and local accessibility codes. We will investigate necessary components of the exterior envelopes to assess rain, air, heat, and vapor control. Furthermore, we will evaluate building systems and utilities including HVAC, automatic temperature controls (ATC), electrical, plumbing, fire protection, communications, security, water and waste systems. Our Civil Engineers will review onsite utilities, accessibility, pedestrian access, vehicular movement, MDEP Permit restrictions, Federal LCFW fund restrictions, and site drainage.

The development of the Master Plan will start with a comprehensive analysis of the facility conditions identified in the previous step followed by recommendations to enhance efficiency, achieve cost savings, address critical upgrades and improvements, and improve accessibility. Recommended repairs, replacements, modifications, and improvements for each building will be prioritized into a phased plan over a 20-year period, including options for bundling projects to achieve additional savings. Cost estimates for each recommendation will be provided, including eligibility for energy rebates and incentives.

We strive to find cost-effective, efficient, and flexible solutions that provide the most value and impact. Our methodology focuses on evaluation of important and critical details, while still providing a flexible approach to meet your goals.

General The hallmarks of our process – inclusiveness, predictability, flexibility, and most importantly our careful and attentive listening. Our highly collaborative process, in combination with our successful planning experience, provides you with high degree of control and confidence.

Participation We will work closely with you as a team on an on-going basis throughout every stage of the project. At your direction, we will also meet you and your staff, as well as school, city, and community groups as you deem necessary, to review information, and keep everyone apprised of the project's progress in an inclusive and efficient manner.

Description of the Process Our master planning process has undergone more than three decades of continuous development, aimed at optimizing its effectiveness. We approach master planning with a tried and true six step process. Understanding your mission and strategic goals is the focus of our work. An effective Master Facilities Plan will serve as a roadmap for the realization of your strategic plan.

We provide you with thorough evaluations and support your decision-making, so that decisions are made at the appropriate time to keep the process moving forward. The goal is that once the project is complete, everyone will take pride in the result.

Step 1: Kick-Off

- Assemble the team and clearly define and communicate the project goals and management protocols.

Step 2: Information Gathering

- Gather information and all pertinent reports, documents, and drawings, including work previously done to the buildings.
- Perform on-site tours and surveys of each building, recording observations, and taking photographs.
- Access institutional knowledge by conducting an extensive series of interviews with key people and appropriate officials to discuss the conditions of the buildings, and code compliance.
- Assemble all documents pertaining to existing building facilities and building systems (HVAC, ATC, plumbing, electrical, communications, utilities, and sewer system capacity and connections), roads/walkways, and property in general.
- Review appropriate ADA/handicapped access issues, including state and local jurisdictional factors related to accessibility.
- For each building, present an executive summary containing the overall existing conditions and list critical observations.

► “I was really impressed with how the Lavallee Brensinger team gathered data and information at the beginning of the project in an effort to learn more about our community and school. The gaming exercises were terrific and really encouraged people in the community to get involved.”

Mike Kelley, Principal
The Profile School



Step 3: Information Analysis

- Conduct a high level assessment of the deficiencies identified in the previous step.
- Using a facility condition index to provide a basis for analysis across all of the buildings, evaluate the University's facilities, starting with a general overview of the buildings and then focusing on specific deficiencies.
- Identify, isolate, and prioritize particular problems and issues that need to be resolved.
- Establish the scope of required repairs to assist in determining the Master Plan recommendations.
- Identify opportunities for energy rebates or other incentives.

Step 4: Explore Options

Together we will explore multiple options and recommendations for addressing your long term facility needs.

We synthesize all the data to produce a series of options to address the identified deficiencies, required upgrades, and improvements. It is critical to allow for a thorough and objective investigation of options. These are evaluated and compared against a common set of criteria, both on a quantitative and qualitative cost/benefit basis.

The option evaluation process may require multiple iterations before the final or preferred set of recommendations are identified and selected. Our office typically utilizes tables, charts, and matrices to illustrate these comparisons and conclusions in an easy-to-understand manner. The chosen options are often a hybrid scheme that combines features of other schemes to offer the most advantages/benefits for the least cost.

Step 5: *Create Master Facilities Plan*

The chosen facilities improvements will be refined and published:

- With this background, prepare a preliminary capital plan with various options succinctly showing the advantages and disadvantages, priorities, and approximate costs associated with each option.
- Modify and finalize the preferred plan, including options for bundling projects for greater cost efficiency as well as options for energy upgrades to take advantage of rebates and other incentives.
- Develop a preliminary budget for the implementation of the final plan.
- Prepare an implementation plan for phasing and sequencing future projects, highlighting the work to be done for each phase, and identifying important milestones.

Step 6: *Rollout*

- Present the final Master Plan, implementation plan, and budget to Operations and Finance Committees, School Board and City Council for review and approval.
- Review, familiarization and training of Facilities staff.

Managing the Process

Our staff will work closely with you to facilitate a smooth, efficient, and inclusive process. We will prepare a detailed work plan and schedule for the entire planning project that clearly indicates the sequence and dates for reviews and approvals, deadlines, milestones, lead times, etc.

Facilities Master Plan Schedule

8 Week Duration (for October 31st Completion)

Step 1 – KICK-OFF		DURATION (1 WEEK)
	- Award of contract - Project Team Kick-Off Meeting to review the project goals, schedule and establish protocols for communication.	
Step 2 – INFORMATION GATHERING		DURATION (2 WEEKS)
Objectives	- Obtain all available/pertinent documents, reports, and drawings, including work previously done to the buildings. - Perform on-site tours and surveys of each building. - Conduct interviews with key staff and appropriate Town Officials to discuss needs and deficiencies. - Review appropriate building codes, ADA/handicapped access issues, and any other state and local jurisdictional factors.	
Follow-up/ Deliverable	Prepare existing conditions report for each building, including a list of critical observations.	
Step 3 – INFORMATION ANALYSIS		DURATION (2 WEEKS)
Objectives	- Identify all recommended repairs, replacements, modifications, and improvements that need to be addressed. - Using a facility condition index, prioritize the deficiencies. - Investigate and identify opportunities for energy rebates or other incentives.	
Follow-up/ Deliverable	- Prepare a matrix, by building, organized into categories including general building information, architectural - comprising the site, the building exterior and the building interior, the structural, fire protection, plumbing, mechanical, electrical and telecommunication systems, security, and code compliance. Within each category, provide condition descriptions, recommended action, and priority ranking. - Identify costs for each recommendation.	
Step 4 – EXPLORE OPTIONS		DURATION (1 WEEKS)
Objectives	- Review and discuss proposed recommendations and costs - Agree on priorities for completing projects and long term phasing - Review, evaluate and compare options and costs for bundling projects - Review options for energy efficiency upgrades	
Follow-up/ Deliverable	Prepare draft Facilities Master Plan and Budget	
Step 5 – CREATE MASTER FACILITIES PLAN		DURATION (1 WEEK)
Objectives	- Present and review draft Facilities Master Plan and Budget - Approve draft plan	
Follow-up/ Deliverable	Prepare final Comprehensive Facilities Master Plan	
Step 6 – ROLLOUT - PRESENT & REVIEW FINAL PLAN		DURATION (1 WEEK)
Objectives	Present Master Facilities Plan and findings to Operations and Finance Committees School Board and City Council	
Follow-up/ Deliverable	Prepare additional materials as required to document and illustrate the plan for a referendum, fund raising, and other promotional purposes.	



Organizational Chart

Sub Contractors

Portland Public Schools

SEBAGO TECHNICS

**Kylie Mason, RLA,
LEED® AP**
Senior Landscape
Architect

**Owens A.
McCullough, P.E.
LEED® AP**
Vice President,
Engineering
& Project
Development

Craig A. Burgess, P.E.
Senior Project
Engineer

Architect

Lavallee Brensinger Architects

Lance Whitehead, AIA, RA
Principal-in-Charge

Stephen Laput, AIA, LEED® AP BD+C
Project Manager

Joe Britton III
Project Architect

Carmine DeBlasi
Technical Leader

Cost Estimator

Conestco

Bruce Sanford

Mechanical / Electrical / Plumbing / Engineering

Allied Engineering

Ian MacDonald, P.E., LEED® AP
Lead Mechanical Engineer / Principal

Hank Gierie
Senior Mechanical Designer

Susan Hathaway, LEED® AP
Plumbing and Fire Protection

Catherine Faucher, P.E. LEED® AP
Electrical Engineer / Principal

Stephen Markiewicz
Senior Electrical Designer / Master
Electrician

James Martin, P.E.
Senior Structural Engineer

Structural Engineer

Becker Structural Engineering

Paul Becker, P.E., SECB
President

Ethan Rhile, P.E.
Associate

2. General Qualifications of Firm



College Masterplan Maine



Overall Parcel Layout, General Inventory and Proposed Improvements

Overall Masterplan Graphics

As part of a strategic property acquisition, the College engaged Sebago Technics to evaluate the available parcels and determine potential development value for the college.

Following the study the team was reengaged to help develop a masterplan that would identify opportunities for development and communicate these improvements to the College stakeholders, community, and Departments of Education in support of the land transfer.

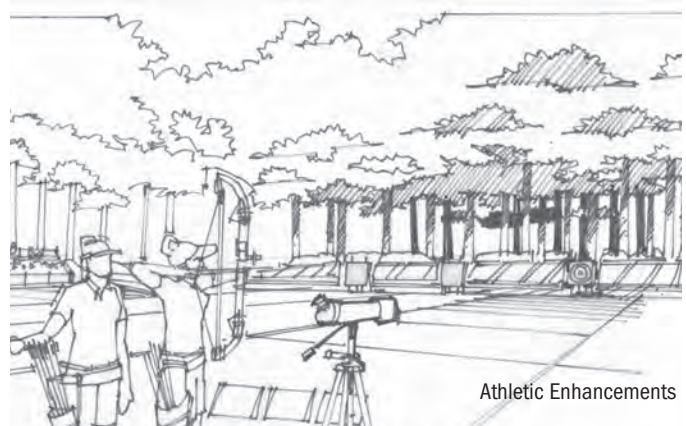
A masterplan focusing on recreational enhancements and connectivity with the existing campus was developed. This masterplan includes expansion opportunities for educational programming including but not limited to: Geology, Horticultural and Biology. Additionally, athletic campus enhancements were considered along with passive recreation including trails for biking, walking and skiing. The masterplan includes approximately 10 miles of looped trails with connections to the Town Common and Bike/Ped trails.

As part of the masterplan process students and faculty were involved for input, considerations and key features such as interpretative trails and common garden research areas associated with current educational research and programming.

The completed masterplan is currently being integrated with overall campus planning and enhancement programs.



Bike/Ped and Skiing Trails



Athletic Enhancements

Fitzpatrick Stadium Field

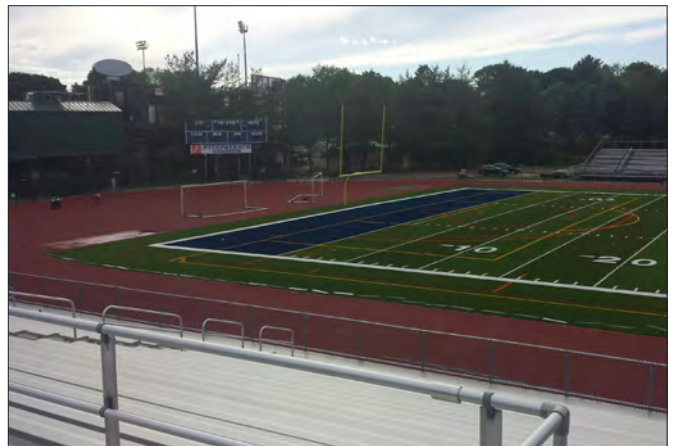
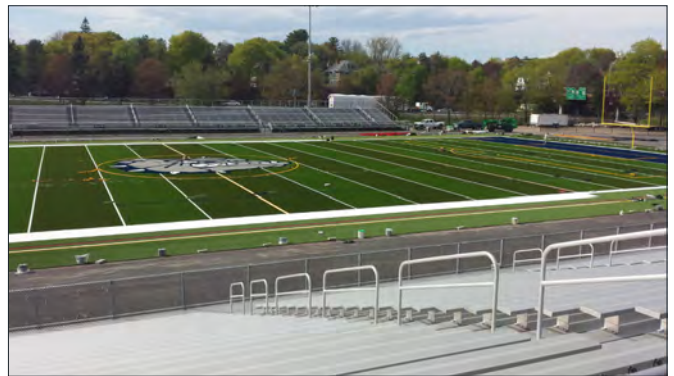
Portland, ME



These pictures show the placement of the new Fitzpatrick Stadium artificial turf, as part of the overall Fitzpatrick Field upgrades for the City of Portland, Maine.

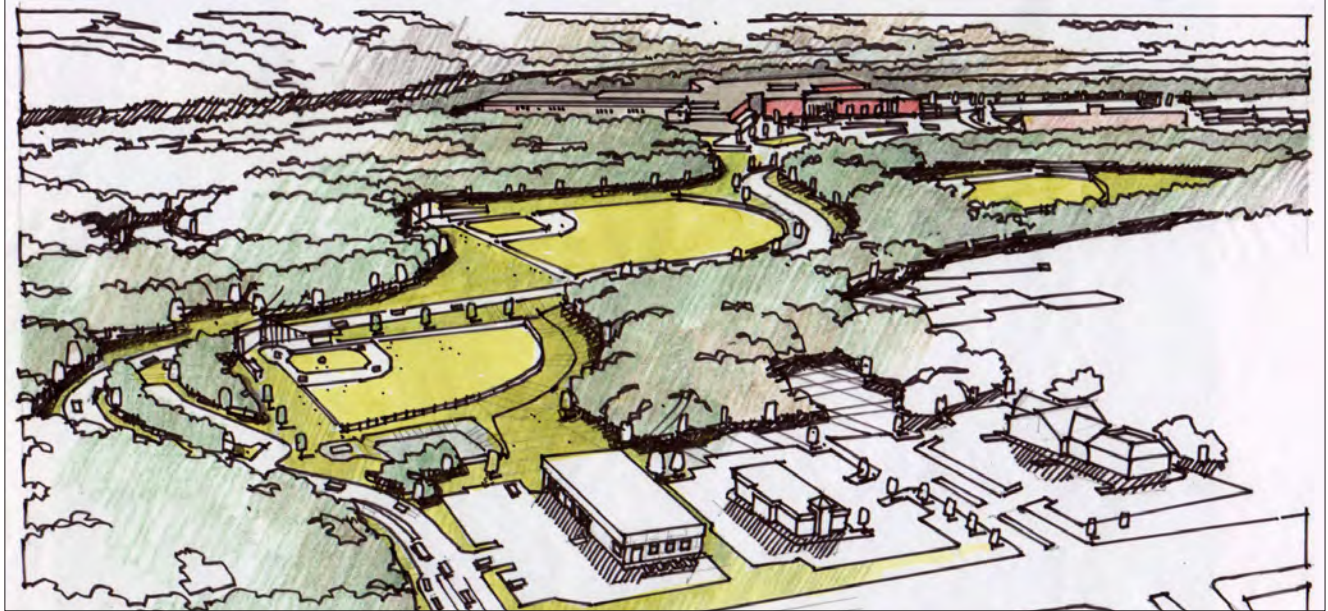
The project included removal of the previous artificial turf surface, modifications to an existing sewer, and repair of a 24inch natural gas main both which exist under the field. The new field artificial turf, manufactured by GreenFields/TenCate was installed by Northeast Turf located in South Portland, Maine. Along with the field turf replacement, the City of Portland also replaced the track surface in June 2015. Sebago Technics provided consulting services of the turf selection, and design of the utilities and drainage design, for all track and field improvements.

Surface Replacement, utilities and drainage improvements



Sanford High School & Regional Technical Center

Sanford, ME



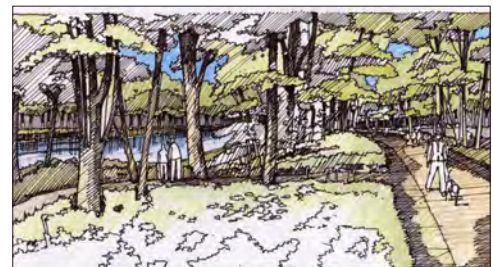
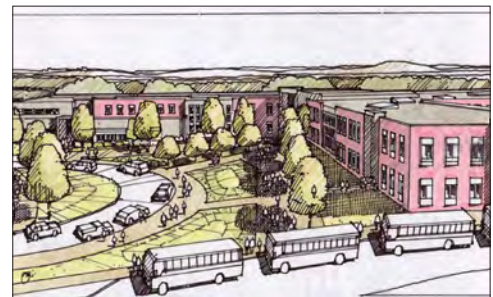
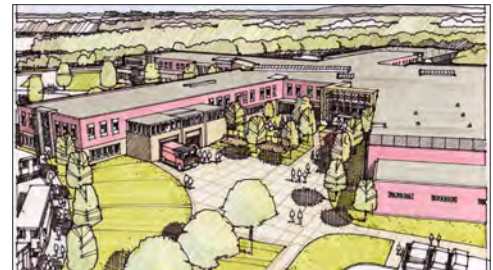
Bird's Eye Illustration of Campus

Partnering with Lavallee Brensinger Architects, Sebago Technics led the site selection, engineering and permitting for a new High School and Regional Technical Center.

Sebago Technics was engaged to identify potential sites that would adequately support development for a new school project. The Sebago team developed a sophisticated GIS database that combined publicly available GIS data with proprietary databases from regulatory agencies, and utility providers. A total of 126 sites were investigated; considerations included topography, freshwater wetlands, vernal pools, floodplains, phosphorous - sensitive watersheds, wildlife habitat, archaeological resources and aquifer recharge/ wellhead protection zones. After careful examination and review with the stakeholders and public, it was determined that a 115 acre site with direct access to Route 109 and Route 4 was best suited site for the development of a new High School and Regional Technical Facility.

Upon site approval from the State Department of Education in August 2014, the team designed the site to best accommodate the new building and amenities, including access roads, parking for over 500 vehicles, a large apron for automotive and large machine training, fire and EMT training areas, pedestrian promenades, a 2,000 seat athletic stadium, baseball field, 2 softball fields, multipurpose fields, 4 tennis courts, significant stormwater infrastructure and associated utilities. The Sanford High School and Technical Center main building is a free-standing state-of-the-art school facility. It will include both traditional High School programs as well as Regional Technical Center programs offered to students of several communities. The 330,000 gross square foot building is predominantly a two-story structure including 4 wings. Each wing has both high school and specialty technical center lab spaces offering a myriad of courses which prepare students for careers and colleges in multiple disciplines including everything from Culinary Arts to Welding. The design utilizes site so that surrounding natural resources are protected.

The team managed a collaborative search and design with significant input from the community, the Sanford School District, the Maine Department of Education, and the Maine Bureau of General Services. The ability to synthesize and present complicated, overlaying technical information was integral to the success of this process and completing all tasks on schedule.





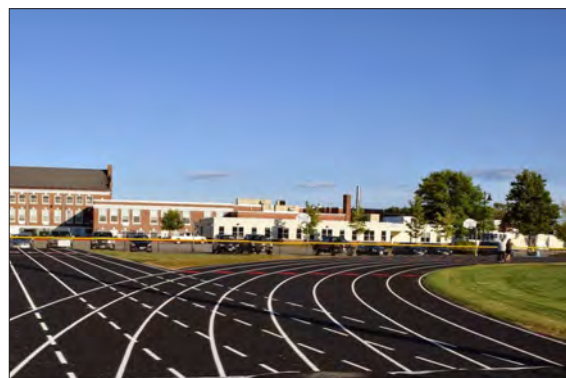
Rendering of Masterplan for WOCSD High School
Expansion and Site Improvements

Working closely with the WOCSD stakeholders and Lavallee Brensinger Architects, Sebago Technics identified opportunities for expansion and development for multiple programs across the campus.

Working in tandem with Lavallee Brensinger Architects (LBPA), Sebago Technics, developed a site expansion concept for the High School. Identifying areas of parking expansion, improved vehicular and pedestrian circulation, and bus routes while maintaining a sense of integration with the site. The existing school is situated within a beautiful outcrop of ledge and mature trees. The goal was to maintain this vegetation and landform without burdening the expansion project. The result was an arrival plaza that provides for separation between modes of transportation while creating a unified sense of arrival for students.

Secondly, Sebago was tasked with intensely evaluating the existing athletic facilities on campus. The findings allowed for development of multiple conceptual improvements for cost estimating. The WOCSD Athletic Committee identified the existing track and athletic field as the most critical improvement and the voters agreed. The original cost estimate allowed for only a 6 lane track and field improvements. However, working closely with the site data, regulatory agencies and specialty consultants, Sebago designed an 8 lane track with necessary improvements within the same existing footprint and under budget. Additionally, an irrigation system for the entire athletic campus was designed and installed. These improvements will enable the WOCSD to host State Track Tournaments onsite and improve the quality and health of all their athletic fields on campus.

Finally, Sebago developed an intensive field management program aimed towards long-term improvements of the fields. The initial roll-out has seen significant success as the field quality has improved dramatically from previous years, showing little wear in critical areas and thick healthy turf in many areas of the athletic field areas.



Congin School

Westbrook, ME



Congin School - Westbrook, Maine

Due to overcrowding and outdated facilities at this neighborhood elementary school, the design team of Winton Scott Architects and Sebago Technics was hired for the school's remodel.

The focus of the site design was a new entrance to the building including a new entry plaza and separate bus and car drop-off areas for students. Existing play areas were improved and relocated, and new lighted parking areas were added.

Sebago Technics' services included land survey, civil/site design, landscape architecture, environmental engineering and permitting.



Fryeburg Academy

Fryeburg, ME



Fryeburg Academy Athletic Facility – Fryeburg, Maine

Permits were reviewed and issued in less than 30 days.

Sebago Technics was retained by Harriman Associates and Fryeburg Academy to provide site/civil and landscape architecture design and site permitting services for the development of a new athletic facility to replace the Academy's former gymnasium which was destroyed by fire in October 2005. The new facility consists of a 42,000 square foot building housing a 3-court field house, administrative offices, men's and women's locker rooms, and a fitness center. The project also includes a 1,088 square foot addition to the Academy's Industrial Arts building adjacent to the Athletic Facility.

Sebago Technics prepared site design plans and applications for local planning board review, a State stormwater permit, and State review of a 4,500 gallon per day engineered septic system. This required the Academy to obtain a Maine Department of Environmental Protection Stormwater Permit addressing both the proposed facility and the campus library development completed in 2002. The project was a fast track development with stormwater and septic system permits being reviewed and issued in less than 30 days from our initial submittals.



Westbrook High School & Regional Vocational School

Westbrook, ME



Aerial of completed school, athletic fields and campus

Sebago Technics was retained by the Westbrook School Department to perform land survey, landscape architecture, civil engineering and regulatory permitting for this project which received state funding for design and construction. In collaboration with Winton Scott Architects, we worked closely with the school administration, instructors and students to develop the site plan for this impressive project. The project consisted of 35,000 square feet of new construction, approximately 25,000 square feet of renovations, and extensive site work.

This Regional Vocational School is one of the most functional facilities in Maine, serving the educational needs for culinary, automotive, building trades, and a special section devoted to child care training and education. The design team worked tirelessly with the building committee and end users to ensure the functionality and aesthetic qualities of the facility. This facility is physically attached to Westbrook High School, and extensive site redesign and construction was necessary to accommodate a state of the art athletic field complex, school bus circulation and parking, and pedestrian safety improvements.

Town of Tyngsborough

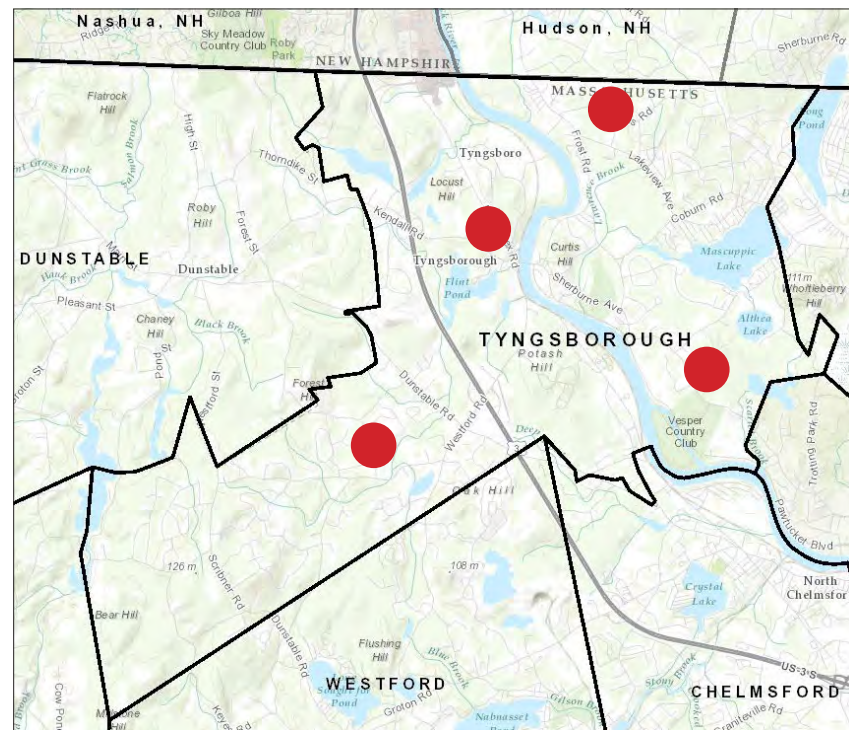
Town Facilities Assessment Tyngsborough, MA

The Town of Tyngsborough and its Public Schools occupy multiple buildings of different generations ranging in 14 to 60 years of age. Over this period of time, security requirements, technology, sustainability, building codes, and accessibility requirements, have all greatly evolved and changed. All of these have an impact on the ability of a facility to function as it was intended and as it needs, in order to serve its occupants into the future.

Lavallee Brensinger Architects and its consultants developed a Comprehensive Facilities Assessment and Capital Spending Plan for the Town's four public schools and its Town Offices.

The scope was two-fold:

- Perform a physical assessment of the facilities and identify the deficiencies.
- Develop a comprehensive, prioritized ten-year Capital Plan, for each facility, to implement the recommended repairs and improvements.



▲ Facility Locations

Town of Tyngsborough
Town Facilities Assessment
Tyngsborough, MA

Process

The assessment of the facilities and development of the Capital Plan was conducted via a three-step process:

Step 1: Information Gathering

The assessment included evaluations and documentation of the existing conditions of the five buildings included in the study. Our team reviewed the overall condition of the structures and compliance with federal, state, local and accessibility codes. We investigated all components of the structural systems and exterior envelopes to assess rain, air, heat, and vapor control. We further evaluated all building systems and utilities including: mechanical, automatic temperature controls (ATC), electrical, plumbing, fire protection, communications, security, and food service equipment. The gathered information was presented in three formats, in increasing degrees of detail, to communicate the existing conditions:

- Existing Conditions Summary.
- Descriptive Narratives.
- Detailed Existing Conditions Facility Matrix including action items, condition levels, and age factors.

LEGEND	
	Excellent - New
	Good - Functional & Maintained
	Fair - Functions, Service Required
	Poor - Failure Anticipated
	Failed - Not Functional
N/A	Not Applicable

BUILDING					
BUILDING COMPONENT / SYSTEM	HIGH SCHOOL	MIDDLE SCHOOL	ELEMENTARY SCHOOL	LAKEVIEW SCHOOL	TOWN OFFICES
SITE					
1. Paved Surfaces / Parking					
2. Landscaping / Play Areas					
3. Stairs / Ramps			N/A		N/A
STRUCTURE					
BUILDING EXTERIOR					
1. Doors & Entrance Systems					
2. Window Systems					
3. Exterior Walls					
4. Roofing Systems					
BUILDING INTERIOR					
1. Floor Finishes					
2. Wall Finishes					
3. Ceiling Finishes					
4. Doors & Frames					
5. Stairs & Elevators				N/A	N/A
6. Toilet Rooms					
7. Casework / Equipment					
8. Signage					
9. Accessibility					

Existing Conditions Summary

TYNGSBOROUGH HIGH SCHOOL

Plumbing Systems Analysis

Presently, the Plumbing Systems serving the building are cold water, hot water, sanitary, waste and vent system, storm drain piping, laboratory waste, vent system, Kitchen waste, vent, and natural gas. Municipal sewer and municipal water service the Building.

The majority of the plumbing systems are original to the building. Portions of the system have been updated as part of building renovation and upgrade projects. The plumbing systems beyond Boiler Room appear to be in good condition. The school plumbing distribution systems could continue to be used with maintenance and replacement of failed components. The copper piping, valves, and insulation are in good condition and can be reutilized in a renovation or addition.

The plumbing fixtures are in good condition. It appears as though most bathroom fixtures are accessible, however, the drinking fountains may not meet current accessibility codes. Current Access Code requires accessible fixtures wherever new plumbing is provided. In terms of the water conservation fixtures, their use is governed by the provisions of the Plumbing and Building Code. Essentially, the code does not require these fixtures to be upgraded, but where new fixtures are installed, as may be required by other codes or concerns, the new fixtures need to be water conserving type fixtures.

Cast iron is used for sanitary and storm drainage. Rainwater from roof areas is collected by interior rain leaders which appear to discharge to a below grade site drainage system. Where visible, the cast iron pipe appears to be in good condition. Smaller pipe sizes appear to be copper. In general, the drainage piping may be reused where adequately sized for the intended new use. Portions of the storm piping are not insulated.

Corrosion Resistant polyethylene piping and mechanical fittings are used for Laboratory waste and vent systems. The Laboratory waste system was directed to an exterior acid neutralization tank, originally. The Staff indicated that the Laboratory waste systems are no longer directed to acid neutralization tank and is now tied into the municipal sanitary drainage system. The types of chemicals being used in the Science



TYNGSBOROUGH MIDDLE SCHOOL

TNGS BROWSBOROUGH MIDDLE SCHOOL			LEGEND				
Condition Level		Age Factor	Action Priority				
0 - Failed - Not Functional	N - New / Recent	1 - Immediate (Years 1 - 2)					
1 - Poor - Failure Anticipated	ESL - w/in Expected Service Life	5 - Short Term (Years 3 - 5)					
2 - Fair - Functions, Service Required	Life	1 - Long Term (Years 6 - 10)					
3 - Good - Functional & Maintained	OB - Obsolete	N/A - Not Applicable					
4 - Excellent - New							
CATEGORY	DESCRIPTION AND GENERAL COMMENTS	RECOMMENDED ACTION	SEE LEGEND			QUANTITY INFO	OTHER NOTES / IMAGES
			COND. LEVEL	AGE FACTOR	ACTION PRIORITY		
STRUCTURAL							
Exterior Wall Construction							
Observations/ Comments:	a. Brick has been pushed out at building corners and has cracked in multiple locations. These conditions are due to the expansion of the brick veneer under varying moisture and temperature conditions (no control joints provided). Mortar joints of cast stone elements are open in multiple locations.	Repair and Repoint brick veneer at necessary locations.	2	ESL	5		
	b. Concrete spalling has occurred at the precast concrete veneer of the Connector Link columns.	Repair concrete.	2	ESL	5		
BUILDING EXTERIOR							
Windows							
Frame Materials	Aluminum - at end of useful life	Recommend replacement	1	OB	5		
Glazing Type and Color	Single pane, opaque spandrel panel. Glazing putty is failed. Spandrel panels are typically cracked. Three broken window at gym.	Replace broken lites immediately. Remove and replace broken spandrel panels. Remove and replace glazing putty. Consider replacing all windows.	1	OB	5		
PLUMBING							
Cold Water System	4" Municipal water service with meter and pressure reducing valve.	Normal testing and maintenance.	3	ESL	5		
Hot Water System	Condensing wall mounted water heater and (2) 120 gallon storage tanks.	Normal testing and maintenance.	4	N	L		

Descriptive Narrative

Detailed Existing Conditions Facility Matrix

Town of Tyngsborough
Town Facilities Assessment
Tyngsborough, MA

Step 2: Information Analysis

A high level assessment of the deficiencies identified in the previous step was conducted. Using the Existing Conditions Facility Matrix, the Town's facilities were evaluated starting with a general overview and then with a focus on specific action items. Particular problems that needed attention were identified, isolated, and prioritized based on a set of evaluation criteria including condition level, age, code compliance, energy and operating efficiency, sustainability, impact on the learning environment, and extending the building life.

TYNGSBOROUGH HIGH SCHOOL
Capital Plan Scope of Work

* Note: All prices presented here are Opinions of Probable Costs. Refer to Methodology and Basis of Costs earlier in this section for assumptions, exclusions, qualifications, and clarifications used to develop these costs.

LEGEND	
Condition Level	Age Factor
1 - Failed - Not Functional	N - New / Recent
2 - Poor - Failure Anticipated	ESL - w/in Expected Service Life
3 - Fair - Functions, Service Required	OB - Obsolete
4 - Good - Functional & Maintained	
5 - Excellent - New	

CATEGORY	DESCRIPTION AND GENERAL COMMENTS	RECOMMENDED ACTION	SEE LEGEND		QUANTITY INFO	EVALUATION CRITERIA										* OPINION OF PROBABLE COST
			COND. LEVEL	AGE FACTOR		SECURITY	HEALTH & SAFETY	CODE COMPLIANCE	ADA / ACCESSIBILITY	SUSTAIN - ABILITY	EXTENDING BLDG. LIFE	OPERATING EFFICIENCY	IMPACT ON LEARN. ENV.	AESTHETICS & APPEARANCE		
Short Term Repairs (Years 2 to 5)																
STRUCTURAL																
Foundations/Drainage:																
Observations/ Comments:	Tiles in cafeteria between column lines were cracked and reportedly need to be replaced often (tripping hazard), suggesting a moisture problem at the slab on grade. Damaged tiles were also observed at slab on grade construction joints; slab shrinkage may also be a contributing factor at these locations.	Recommend moisture testing of the cafeteria slab to determine source and extent of the issue Also recommend video investigation of all underslab piping in this area to determine if there leakage is the cause of the moisture issue	1	ESL	Investigative work											\$6,000
Additional Observations																
Observations/ Comments:	Grade slopes down to exterior stairs leading to basement, causing potential drainage issues.	Continuous maintenance of drains is essential.	2	ESL	Under Maintenance Budget											\$0
BUILDING EXTERIOR																
Entrance Door Systems																
Doors and Hardware	Aluminum pulls, exit devices, door closers appear in good condition, (1) motorized door opener at each line of doors No electrified hardware or door access control	Recommend replacing doors and hardware with a new system of electrified door hardware to implement door access control	2	OB	Budget provided by Town											\$23,852
Fascia, Trim, Soffits &																
Materials	Cementitious soffit material at side entrance (west facade) is cracked and possibly delaminated. This represents a fall hazard.	Remove and replace all loose material.	2	ESL	30 SF											\$2,736
Exterior Stairs and Ladders																
	Concrete landing at east gymnasium exit have pitted and spalled (potential tripping hazard).	Repair concrete.	1	ESL	60 SF											\$6,840
	Grade and drainage slopes down to exterior stairs leading to basement locker rooms; combined with wear from athletic cleats, concrete landings have spalled and are deteriorating	Recommend: -repairing concrete landings -Continuous maintenance of drains is essential -adding a roof canopy over the area to divert some of the water away	1	ESL	250 SF concrete 450 SF of standing seam metal roof canopy, (4) pipe columns											\$76,380

▲ **Recommendations Matrix**

For each recommended action item, a general scope of work was identified which, in turn, was used to establish an estimated budget for that item.

Recommended action items were further grouped based on the urgency of the repair or upgrade:

- Immediate (to be addressed within the next year)
- Short Term (to be addressed within the next 5 years)
- Long Term (to be addressed within the next 10 years)

Town of Tyngsborough
Town Facilities Assessment
Tyngsborough, MA

Step 3: Create Ten-Year Capital Plan

The development of the Capital Plan started with a comprehensive analysis of the facility action items identified in the previous step. Recommended repairs, replacements, modifications, and improvements for each building were further prioritized into a phased plan over a ten-year period, including options for bundling projects to achieve additional savings.

Immediate Recommendations		Short Term Recommendations										Long Term Recommendations											
Year 1 Fiscal Year 2017		Year 2 Fiscal Year 2018		Year 3 Fiscal Year 2019		Year 4 Fiscal Year 2020		Year 5 Fiscal Year 2021		Year 6 Fiscal Year 2022		Year 7 Fiscal Year 2023		Year 8 Fiscal Year 2024		Year 9 Fiscal Year 2025		Year 10 Fiscal Year 2026		TOTALS			
High School																							
Structural Building Exterior Building Interior Food Service Security	\$6,000 \$109,808 \$27,284 \$6,080 \$29,155	Electrical Security	\$753,898 \$225,622	Building Exterior Building Interior Electrical	\$179,404 \$1,750,000 \$2,010,394	Building Exterior Building Interior Electrical	\$174,447 \$184,850 \$1,005,480	Structural Site Electrical Food Service Security	\$9,330 \$468,665 \$2,166,532 \$370,538 \$167,580	Electrical	\$1,172,777	Site Electrical	\$945,957 \$835,316	Mechanical	\$5,542,840	Building Interior Food Service Plumbing	\$2,297,328 \$13,281 \$551,000	Plumbing Electrical Security	\$1,245,260 \$3,636,600 \$848,540				
Subtotal	\$178,327	Subtotal	\$979,520	Subtotal	\$3,939,798	Subtotal	\$1,364,777	Subtotal	\$3,182,625	Subtotal	\$1,172,777	Subtotal	\$1,781,273	Subtotal	\$5,542,840	Subtotal	\$2,881,609	Subtotal	\$5,730,400	\$26,753,946			
Middle School																							
Structural Building Exterior Building Interior Food Service Electrical Security	\$6,840 \$88,283 \$21,280 \$7,220 \$359,338 \$24,784	Abatement Equipment Structural Site Electrical	\$40,000 \$100,000 \$16,000 \$315,609 \$220,340	Abatement Structural Site Building Exterior Electrical	\$100,000 \$30,723 \$401,727 \$3,133,560 \$711,231	Abatement Building Interior Electrical	\$100,000 \$297,734 \$1,300,979	Food Service Mechanical Site Plumbing	\$878,303 \$153,477 \$242,440 \$500,541	Mechanical	\$3,872,588	Fire Protection Electrical	\$889,094 \$3,195,579	Building Exterior Building Interior	\$2,736,597 \$9,499,372								
Subtotal	\$507,734	Subtotal	\$675,949	Subtotal	\$1,268,857	Subtotal	\$3,975,514	Subtotal	\$1,698,713	Subtotal	\$1,033,782	Subtotal	\$742,987	Subtotal	\$3,872,588	Subtotal	\$4,084,673	Subtotal	\$12,235,969	\$30,096,766			
Elementary School																							
Structural Building Exterior Building Interior Food Service Electrical Security	\$4,000 \$2,280 \$0 \$24,320 \$65,824	Electrical Security	\$148,360 \$248,745	Building Exterior Building Interior Electrical	\$306,811 \$40,499 \$1,105,752	Building Interior Food Service Electrical	\$40,499 \$12,252 \$1,105,752	Site Electrical	\$48,040 \$720,094	Structural Building Exterior	\$7,306 \$315,172	Site Plumbing	\$1,228,343 \$315,172	Building Interior	\$1,075,662	Food Service	\$19,836	Mechanical Electrical	\$6,544,249 \$6,217,037				
Subtotal	\$96,424	Subtotal	\$397,705	Subtotal	\$306,811	Subtotal	\$1,158,503	Subtotal	\$768,134	Subtotal	\$322,478	Subtotal	\$1,228,343	Subtotal	\$1,075,662	Subtotal	\$19,836	Subtotal	\$12,761,286	\$18,135,182			
Lakeview School																							
Building Exterior Building Interior Food Service Electrical Security	\$60 \$6,080 \$7,600 \$67,218 \$30,351	Site Structural Plumbing Electrical Security	\$152,112 \$19,172 \$10,000 \$418,950 \$137,043	Structural Building Exterior Electrical	\$65,636 \$177,635 \$268,314	Mechanical Building Interior Electrical	\$1,081,822 \$1,262,436 \$1,262,436	Mechanical Building Interior Fire Protection Security	\$1,262,436 \$586,264 \$317,596 \$92,568	Electrical	\$2,860,150	Building Exterior	\$1,389,760	Building Interior Food Service Plumbing	\$4,616,139 \$49,590 \$139,650	Building Exterior Security	\$1,777,614 \$551,000						
Subtotal	\$111,249	Subtotal	\$737,477	Subtotal	\$511,585	Subtotal	\$1,081,822	Subtotal	\$1,262,436	Subtotal	\$996,428	Subtotal	\$2,860,150	Subtotal	\$1,389,760	Subtotal	\$4,865,379	Subtotal	\$2,328,614	\$16,144,900			
Town Offices																							
Building Exterior Building Interior Mechanical Electrical Security	\$53,200 \$8,816 \$22,808 \$63,494 \$87,494	Building Exterior Building Interior Security	\$8,286 \$44,129 \$121,589	Building Interior Electrical	\$5,214 \$96,824	Site Building Interior	\$58,406 \$16,758	Electrical Plumbing	\$176,145 \$6,517	Structural Building Exterior Fire Protection	\$19,836 \$39,672 \$6,612	Building Interior	\$405,997	Electrical	\$869,037	Mechanical	\$1,747,111	Building Interior Security	\$473,419 \$220,400				
Subtotal	\$235,804	Subtotal	\$174,004	Subtotal	\$102,038	Subtotal	\$75,164	Subtotal	\$182,662	Subtotal	\$66,120	Subtotal	\$405,997	Subtotal	\$869,037	Subtotal	\$1,747,111	Subtotal	\$693,819	\$4,551,750			
YEAR TOTAL	\$1,129,538		\$2,964,655		\$6,129,089		\$7,655,780		\$7,094,576		\$3,591,585		\$7,018,750		\$12,749,887		\$13,598,608		\$33,750,081	\$95,682,550			

▲ *Ten-Year Capital Plan Overview*

The Capital Plan is organized by building and by Plan Year. For each year of the ten-year plan, estimated budgets were identified for each building. The information provided will be used by the Town to plan and budget capital investments as part of their overall Town budget.

The Capital Plan also provides an implementation road map for phasing and sequencing the recommended projects. Access to grant programs, bundling projects by trade, by individual buildings and multiple buildings, and by scheduling were all taken into consideration when scheduling the projects over the ten-year period.

This plan will provide the Town of Tyngsborough with the schedule and budget information it needs to not only maintain its facilities over the next decade, but to also methodically upgrade and enhance them to serve the Town's citizens into the future.

Salem School District
K-8 Master Facilities Plan
Salem, NH



Size

N/A

Building Construction Cost

N/A

Completion

N/A

Project Opportunities

This K-8 Facilities Master Plan details existing conditions and recommends options to address education program deficiencies, permanent kindergarten space, current site opportunities and limitations, as well as potential efficiency gains through construction, reconstruction, and renovation. The project considers existing facility and site plans, specifies required infrastructure changes to MEP, life safety, and security systems. The Plan also provides conceptual design alternatives and related cost estimates that will meet the long-term, K-8 facilities needs of the Salem School District.

Lavallee Brensinger worked closely with the District to develop and execute a comprehensive public communications campaign, which resulted in the first successful vote for school capital improvements in Salem in 20 years. The first phase of the implementation plan is underway and includes additions and renovations to the first three elementary schools: North Salem, Lancaster, and Barron Elementary Schools.

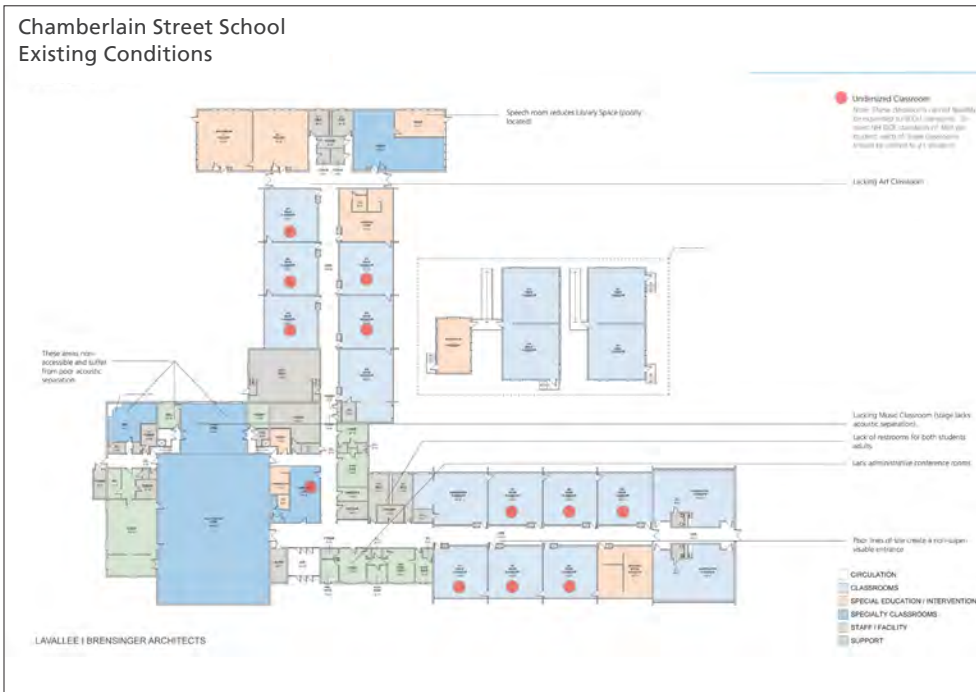
Master Plan included the following schools:

- North Salem Elementary School
- William E. Lancaster Elementary School
- William T. Barron Elementary School
- Mary A. Fisk Elementary School
- Dr. Lewis F. Soule Elementary School
- Walter P. Haighe Elementary School
- Woodbury Middle School

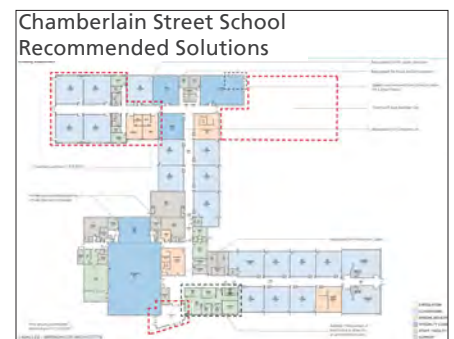
district-wide master plan

Rochester School District
Facilities Analysis and Space Study
Rochester, NH

Chamberlain Street School
Existing Conditions



Chamberlain Street School
Recommended Solutions



Size

Nine Primary Schools

Completion

2012

Project Opportunities

Lavallee Brensinger Architects completed a comprehensive Facilities Analysis and Space Study for the District's nine primary schools. The first phase included a thorough facility assessment of each school. The second phase offered solutions including renovations, re-utilization of spaces, and (in some cases) additions. Lavallee Brensinger defined estimated costs for each upgrade and worked with the School District, Facilities Staff, and the Facilities Committee to prioritize all improvements and create a 20-year Capital Improvements Plan.

In addition, the Study allowed the District to validate the need for a Magnet School (the first public magnet school in NH), which opened in August 2012.

As a result of the successful Study, the Rochester School Board retained Lavallee Brensinger Architects to complete a Facility Analysis and Space Study for the High School, Alternative High School, and Technical Center, which is currently underway

K-12 Education Projects



Allied has been servicing the educational market since the company's inception in 1958. Our projects include new facilities, renovations, alterations, remodeling and retrofit, HVAC upgrades, and needs studies/facilities assessments for K-12, private schools and daycare centers.

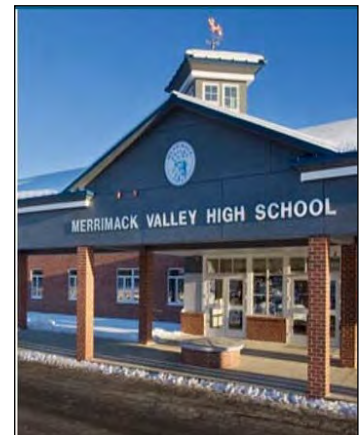


New Facilities

- MSAD 75 Mt. Ararat High School – Topsham, Maine
- Maine Coast Waldorf School (MCWS), new high school – Freeport, Maine
- Caribou K-8 School – Caribou, Maine
- Lebanon Middle School - Lebanon, Maine
- Wells High School - Wells, Maine
- Friends School - Cumberland, Maine
- Kents Hill Private High School New Science Building - Kents Hill, Maine
- North Yarmouth Academy – athletics complex - Yarmouth, Maine
- Farwell Elementary School Lewiston, Maine
- MSAD 57, Massabesic Middle School, (*LEEDTM Certification*) - Waterboro, Maine
- Cony High School - Augusta, Maine
- Lisbon Community School - Lisbon, Maine
- Maranacook Community Arts Center Schematic Design - Readfield, Maine
- South Portland School Department – South Portland, Maine
 - Dyer Elementary School
 - Brown Elementary School
 - Small Elementary School
 - Kaler Elementary School
- Old Town Elementary School - Old Town, Maine
- Windham High School - Windham, Maine
- Barnstead Middle/High School - Barnstead, New Hampshire
- Bridgton Elementary School - Bridgton, Maine
- Poland Regional High School/Whittier Middle School - Poland, Maine
- Oxford Hills Comprehensive High School - South Paris, Maine
- Creative Years Learning Center – Nashua, New Hampshire (*AIA NH Design Award*)

Additions and Renovations

- Waynflete School Additions and Renovations – Portland, Maine
- Brewster Academy Anderson Hall Additions/Renovations - Wolfeboro, New Hampshire
- Riverton Elementary School – Additions - Portland, Maine
- Garland Street School (Addition/Renovation) - Bangor, Maine
- Mattanawcook Junior High School (Addition/Renovation) - Lincoln, Maine



- Merrimack Valley High School (Addition/Renovation) – Penacook, New Hampshire
- Skillin Elementary School (Addition/Renovation) - South Portland, Maine
- Ellsworth High School - Ellsworth, Maine
- Marcia Buker School (Addition/Renovation) - Richmond, Maine
- Moore School Renovation and Expansion/Downtown YMCA and Community Center- Ellsworth, Maine
- The Spurwink School - Casco, Maine
- Waterford Elementary School (Addition/Renovation) - Waterford, Maine
- Oxford Hills Comprehensive High School (Addition/Renovation) - Norway, Maine
- Wales Central School (Addition/Renovation) - Wales, Maine
- MSAD #54 Storage Building Addition

Renovations, Alterations, Remodeling, and Retrofit



- Biddeford Regional Center of Technology, Electrical Design Services – Biddeford, Maine
- Gorham Middle/High School – renovations - Gorham, New Hampshire
- Riverton Elementary School – natatorium upgrade - Portland, Maine
- Brewster Academy – Wolfeboro, New Hampshire
- Lisbon High School Gymnasium - Lisbon, Maine
- Longfellow School Renovations - Cranberry Island, Maine
- MSAD #40, Medomak Valley HVAC Upgrades - Warren, Maine
- MSAD #72, Molly Ockett Middle School - Fryeburg, Maine
- MSAD #72, New Suncook Elementary School - Fryeburg, Maine
- MSAD #72, Brownfield Elementary School - Fryeburg, Maine
- Park Street and Cousins Schools - Kennebunk, Maine
- Brown Elementary School - Berlin, New Hampshire
- Berlin Junior High/Hillside Complex - Berlin, New Hampshire
- Berlin High School - Berlin, New Hampshire
- Windham Primary School - Windham, Maine
- Windham High School - Windham, Maine
- Harrison Middle School - Yarmouth, Maine
- Mount Blue Middle School - Farmington, Maine
- South Portland Maine School Department – South Portland, Maine:
 - Skillin Elementary School
 - Dyer Elementary School
 - Brown Elementary School
- Gould Academy, Bethel, Maine
- Buker Library and Auditorium - Richmond, Maine
- Portland Public Schools Central Kitchen - Portland, Maine
- Dry Mills School Structural Upgrades - Gray, Maine

K-12 Education Projects



Page 3

- Idlehurst Elementary School - Structural Work
- SAD #6 Jack Elementary School Heating Renovations
- RSU #67 Mattanawcook Academy Classroom Wing
- Waterboro Elementary Boiler Replacement - Waterboro, Maine

Facilities Assessments/Studies

- Morse High School – Bath, Maine
- Rollinsford School District Facilities Assessment - Somersworth, New Hampshire
- Portland Public Schools Downtown Facilities Assessment - Portland, Maine
- Casco Bay High School Facilities Assessment - Portland, Maine
- Lisbon High School Facilities Study - Lisbon, Maine
- Scarborough Schools System-Wide Study - Scarborough, Maine
- Westbrook High School Roof Evaluation - Westbrook, Maine
- MSAD #72 Denmark School Roof Evaluation - Denmark, Maine



Building Commissioning Projects

- Falmouth Elementary School Commissioning
- MSAD #6 Elementary School Commissioning
- Durham Elementary School Commissioning
- Westbrook Middle School Commissioning
- AOS #93 Jefferson Village School Commissioning
- RSU#64 New K-5 Elementary School - Corinth, Maine - Commissioning Services



K-12 PROJECTS

Brewster Academy Anderson Hall, Wolfeboro, NH / AIA NH 2015 Honor Awards Recipient
 Freeport High School Addition and Renovation, Freeport, ME
 Lincoln Academy ATEC, Newcastle, ME
 Longfellow School Renovation, Great Cranberry Island, ME
 Merriconeag Waldorf School Community Hall, Freeport, ME
 Nathan Clifford School Redevelopment, Portland, ME
 North Yarmouth Academy Middle School, Yarmouth, ME
 North Yarmouth Academy Science Building, Yarmouth, ME
 Portland High School Courtyard Facade Restoration, Portland, ME
 Sanford High School, Sanford, ME
 South Portland High School Renovations & Additions, South Portland, ME
 The Hyde School Academic Building-Library Wing Addition, Bath, ME
 The Hyde School Dormitory, Bath, ME
 The Hyde School Headmasters House, Bath, ME
 The Hyde School Meeting Center, Bath, ME
 The Hyde School Performing Arts Center Addition, Bath, ME
 Thornton Academy Emery Hall Evaluation, Saco, ME
 Thornton Academy Emery Hall and Main Building Renovations, Saco, ME
 Thornton Academy Science Building Addition, Saco, ME
 Tilton School Alumni and Plimpton Hall, Tilton, NH
 Waynflete Arts Center and Auditorium, Portland, ME / LEED 2009 Silver Certified
 Waynflete Lower School Gymnasium, Portland, ME
 Wells High School Additions and Renovations, Wells, ME



75 York Street, Portland, Maine 04101 ■ 207.879.1838 ■ beckerstructural.com



South Portland High School Additions and Renovations South Portland, Maine

Design of an approximately 190,000 SF addition to an existing building. Construction phasing was necessary to allow for a majority of the new addition to be constructed and occupied prior to the demolition of an existing classroom wing and library. The addition included single, two and three story areas constructed directly adjacent to the existing building. A large self-supporting exterior canopy was also included at the two main entrances. The project also included major renovations to approximately 100,000 SF of the existing building.





Portland High School Courtyard Facade Repair and Connector Reconstruction Portland, Maine

Becker Structural Engineers performed an investigation of the courtyard veneer and existing connector structure which were showing signs of deterioration. Based on Becker Structural Engineers repair documents, the courtyard brick veneer was ultimately replaced down to the main band. The connector was reconstructed with a composite brick masonry system and new I-joist roof structure, replicated the historic detailing of the original design. In addition, the interior connector walking surface was brought into compliance with accessibility codes.



Opinions of Probable Cost ~ Construction Consulting ~ Value Engineering

Educational / Athletic / Community / Recreational

2016

\$40.41 m ~ Lewiston Elementary School/Harriman Architects, Auburn ME (architect) ~ Public school (s-n)
 \$38.10 m ~ Mt. Ararat High School/ PDT Architects, Portland ME (architect) ~ Public school (n)
 \$30.43 m ~ Eastern Aroostook K - 8/ PDT Architects, Portland ME (architect) ~ Public school (n)
 \$19.89 m ~ Brunswick Jordan Acres Elementary School/PDT Architects, Portland ME (architect) ~ Public school (s-n)
 \$18.77 m ~ Saccarappa Elementary School/Harriman Associates, Auburn ME (architect) ~ Public school (s-n-ar)
 \$13.93 m ~ Margaret Chase Smith School/ Harriman Associates, Auburn ME (architect) ~ Public school (n-ar)
 \$ 3.30 m ~ Westbrook Middle School/Harriman Associates, Auburn ME (architect) ~ Public school (r)
 \$ 1.90 m ~ Paul Creative Arts Center/Harriman Associates, Portland ME (architect) ~ University art center (sar)
 \$ 1.81 m ~ Prescott Park Performance Facilities/JSA Architects, Portsmouth NH (architect) ~ Public stage (n-r)
 \$ 1.75 m ~ UNH Catering Goss R&D Facility/Cowan Goudreau Architects, Concord NH (architect) ~ University (r)
 \$ 1.75 m ~ Westbrook Middle School/Harriman Associates, Auburn ME (architect) ~ Public school (r)
 \$ 1.25 m ~ UNH Tenant Fitup NE Passages Goss R&D/Cowan Goudreau Architects, Concord NH (architect) ~ University (r)
 \$ 0.84 m ~ Jeness Beach Bath House/Samyn D'Elia Architects, Ashland NH (architect) ~ State beach (n)
 \$ 0.82 m ~ USM Site Stair Replacement/SMRT, Portland ME (architect) ~ University civil work (s)
 \$ 0.72 m ~ Mattanawcook Academy Reroof/Allied Engineering, Portland ME (engineer) ~ Public school (r)
 \$ 0.72 m ~ Buzzard's Bay Coggeshall House Stairs/ Richard Renner Architects, Portland ME (architect) ~ Private (r)
 \$ 0.63 m ~ Massabesic RSU 57 Ronco Field/PDT Architects, Portland ME (architect) ~ Athletic locker rooms (n)
 \$ 0.51 m ~ USM Philippi Hall Siding Replacement/Building Envelope Specialists, Bangor ME (consultant) ~ Siding work (r)
 \$ 0.45 m ~ Edward J Bouchea Learning Center/WBRC Architects, Bangor ME (architect) ~ Office addition to class complex (r)
 \$ 0.36 m ~ Orrington School Reroof/Northeast Building Consultants, Litchfield ME (consultant) ~ School reroof (r)
 \$ 0.17 m ~ USM Gorham Site Stair Replacement/SMRT, Portland ME (architect) ~ University (s)

2015

\$63.61 m ~ Sanford High School/Lavallee Brensinger Architects, Manchester NH (architect) ~ Public school (n)
 \$35.48 m ~ Mt. Ararat High School/ PDT Architects, Portland ME (architect) ~ Public school (n)
 \$13.74 m ~ Thornton Academy Field House & Gym Core/PDT Architects, Portland ME (architect) ~ Private school (ar)
 \$12.55 m ~ Mollycokett Middle School/Stephen Blatt Architects, Portland ME (architect) ~ Public school (ar)
 \$10.59 m ~ Freeport High School/PDT Architects, Portland ME (architect) ~ Public school (s-ar)
 \$ 8.65 m ~ York Community Auditorium/Harriman Associates, Auburn ME (architect) ~ Performing arts center (ar)
 \$ 6.82 m ~ UNH Child Study & Development Center/Warrenstreet Architects, Concord NH (architect) ~ Child care (s-n)
 \$ 5.84 m ~ USM Law Building Façade/Timothy D. Smith & Associates, Bennington VT (architect) ~ University façade (r)
 \$ 3.54 m ~ Mt. Ararat High School Gym/ PDT Architects, Portland ME (architect) ~ Public school (n)
 \$ 2.82 m ~ Edna Drinkwater School/ Stephen Blatt Architects, Portland ME (architect) ~ Public school (s-ar)
 \$ 2.43 m ~ Micmac Community Wellness Center/WBRC Architects, Bangor ME (architect) ~ Community center (s-n)
 \$ 2.00 m ~ Caribou RSU 39 Demolition/PDT Architects, Portland ME (architect) ~ Campus demolition (r)
 \$ 1.82 m ~ Lewiston Hall UM Augusta (Bangor)/WBRC Architects, Bangor ME (architect) ~ Residence hall (s-ar)
 \$ 1.70 m ~ Onset Bay Discovery Center/Richard Renner Architects, Portland ME (architect) ~ Community beach house (sar)
 \$ 0.68 m ~ Thornton Academy 2/PDT Architects, Portland ME (architect) ~ Private school (r)
 \$ 0.17 m ~ Windham Real School/Lincoln Haney Engineers, Brunswick ME (engineer) ~ Private school ~ (r)
 \$ 0.15 m ~ USM Brooks Dining Hall/PDT Architects, Portland ME (architect) ~ University dining hall (r)

2014

\$24.35 m ~ Wells High School/Lavallee Brensinger Architects, Manchester NH (architect) ~ Public school (s-ar)
 \$21.60 m ~ Corinth K - 12 School/Harriman Associates, Auburn ME (architect) ~ Public school (s-n)
 \$20.58 m ~ Brunswick Jordan Acres Elementary School/PDT Architects, Portland ME (architect) ~ Public school (s-n)
 \$11.49 m ~ Waynflete Academy/Scott Simons Architects, Portland ME (architect) ~ Private academy (s-ar)
 \$ 6.41 m ~ CMCC Academic Building/Harriman Architects, Auburn ME (architect) ~ Sciences building (s-n)
 \$ 3.83 m ~ SMCC Midcoast Bldg 645/SMRT, Portland ME (architect) ~ Community college (s-r)
 \$ 3.41 m ~ Casco Bay High School/PDT Architects, Portland ME (architect) ~ Public school (s-r)
 \$ 2.71 m ~ KVCC Building Upgrades/SMRT, Portland ME (architect) ~ Community college buildings (s-r-n)
 \$ 2.47 m ~ UNH Woodside Apts/Manypenny Murphy Architects, Portsmouth NH (architect) ~ University residences (r)
 \$ 2.32 m ~ Thornton Academy Scammon Science/PDT Architects, Portland ME (architect) ~ Private school (s-ar)
 \$ 0.94 m ~ Portland Public School 353 Cumberland Ave-1st/PDT Architects, Portland ME (architect) ~ Public school (s-n)
 \$ 0.88 m ~ New England Center @ UNH/Manypenny Murphy Architects, Portsmouth NH (architect) ~ University offices (r)
 \$ 0.46 m ~ Hedgehog Park/Warrenstreet Architects, Concord NH (architect) ~ Municipal park (s-n)
 \$ 0.42 m ~ UNH Transit Facility/Warrenstreet Architects, Concord NH (architect) ~ University train station (s-ar)
 \$ 0.39 m ~ USM LAC Renovation/SMRT, Portland ME (architect) ~ University laboratory (r)



3. Personnel and Resources

Sebago Technics only pursues important projects such as yours when we have the best suited staff available to achieve success. We also enjoy long-standing relationships with many exceptional consultants and we are pleased to recommend those we consider to be best suited to your specific needs.

SEBAGO TECHNICS

75 John Roberts Rd.*
South Portland, ME 04106

250 Goddard Rd.
Lewiston, ME 04240

LAVALLEE BRENSINGER ARCHITECTS

305 Commercial St.*
Portland, ME 04101

155 Dow St., Suite 400
Manchester, NH 03101

40 Cambridge St.
Charlestown, MA 02129

ALLIED ENGINEERING

160 Veranda Street
Portland, Maine 04103

BECKER STRUCTURAL ENGINEERS

75 York St # 3
Portland, ME 04101

CONESTCO

222 Mountain Rd.
Raymond, ME 04071

*Office where function of work will be performed.



Registrations:

Registered Landscape Architect

Maine #3335

New Hampshire #064

LEED Accredited Professional

CLARB Certified

LPA Certification, NHDOT

Associations:

American Society of Landscape Architects

Council of Landscape Architects

Registration Board

USGBC (LEED)

Public Speaking:

2012 USGBC - Maine Chapter -

Sustainable and Functional Aesthetics in the Landscape

2012 Maine Healthcare Association

Annual Conference- Recreating exterior spaces to better accommodate your levels of care.

2013 USGBC - New Hampshire Chapter

- Sustainable and Functional Aesthetics in the Landscape

2013 Maine Medical Association-

Accommodating your levels of care - LEED Healthcare, Healing Spaces and Exterior considerations for your practice

2014 Maine Society of Landscape Architects -

Sustainable Strategies for Stormwater in Maine

As the Institutional Practice Leader for Sebago Technics, Inc., Kylie oversees large scale, complex projects serving a range of clients from Public & Private Schools to Medical Provider Campuses to Corporate Campuses. She is the Lead Designer and Project Manager for numerous projects throughout Maine, including multiple Martin's Point Locations throughout Maine, Sanford High School & Regional Technical Center, Animal Refuge League of Greater Portland, and L.L. Bean's Retail, Corporate & Recreational Campuses. She excels in her listening and communication skills, which form the foundation of her strong design ability and her understanding of clients' goals and objectives.

Selected Project Experience - Landscape Architecture & Planning

- **Sanford School District :** Site Selection Study, Site Engineering and Permitting for a New 350,000 s.f. High School and Regional Technical Center in the City of Sanford.
- **Wells School District:** Landscape Architecture for High School Renovation and Expansion project, Athletic Field Study with alternative solutions. New Eight-Lane Track and Athletic Campus improvements.
- **Midcoast School of Technology:** Evaluation of Site for potential building and program expansion, specifically noting areas of spatial relationship to the Maine coast.
- **Morse High School RSU1:** Evaluation and Recommendation of entire District for Site Selection, for new High School and Technical Center heading into Site Engineering, Development and Permitting.
- **Bates College Rowing Facility, Greene, Maine:** State of the Art Rowing Facility, including plaza space, rigging area and parking for Regattas.
- **Bowdoin College Land Acquisition Feasibility and Site Suitability Study:** Evaluation and Recommendation for strategic acquisition of 250 acres as part of the Brunswick Naval Air Station decommissioning.
- **Maine Medical Center Long Range Planning and Parcel Evaluation:** Portland and Scarborough Campus.
- **Martin's Point Healthcare Long Range Planning and Site Development:** Site Selection, Site Engineering and Permitting for innovative new Medical Office Facilities throughout Maine.
- **Animal Refuge League of Greater Portland:** A new 25,000 s.f. facility with associated site improvements. The project required many partnerships to support and provide for an enriching sanctuary for Maine's future companions.
- **Campus Master Plan** for the L.L. Bean Flagship Store & Retail Campus featuring: innovative bioretention/rain gardens considered the first of its kind in Maine and received a LEED Silver Certification; multiple pedestrian plazas, retail vignette opportunities and **Route One Streetscape Enhancements in Freeport, Maine.**
- **L.L. Bean Outdoor Discovery Center at Lower Flying Point,** a new waterfront facility serving thousands of visitors annually. Including; multi-purpose space, visitor orientation space and wrap-around porch with direct access to Casco Bay. This is the flagship for the premiere Maine retailer's Outdoor Discovery Programs.
- The City's representative, project manager and lead designer for the **Gardiner Waterfront Park** Project working side by side with numerous stakeholders to ensure timely delivery of the park. Significant collaboration with the Savings Bank of Maine, having committed \$1 million to the project.
- **Freeport, Maine, Cross Street Extension;** an alternative road designed to reduce traffic along Route 1 in Freeport and improved parking access in the retail corridor. New streetscape with pedestrian connections was implemented, including vehicular recirculation plan.



Education:

University of Colorado, Denver, CO
Bachelor of Science,
Civil Engineering, 1987

Two-Year Educational
Development Course
Leadership & Management, 2004

Registrations:

Professional Engineer: Maine #7122

Certifications:

Maine DOT Local Project Administration
Certification Course, 2005
Re-certification, 2015

LEED Accredited Professional

Memberships:

ACEC Maine – Board of Directors
President (2016-2017)

Rotary International

American Society of Civil Engineers

Former – Town of Gorham, Maine,
Appeals Board, Member and Chairman

Former – Town of Limington, Maine,
Planning Board, Member and Chairman

Mr. McCullough joined Sebago Technics in August of 1987 and is the Vice President of Engineering and Project Development. He is responsible for the overall coordination and management of engineering, quality control, budgeting, planning and providing technical assistance to project managers and technical staff. His experience includes a broad range of civil engineering projects for both public and private clients including the related disciplines of surveying and landscape architecture. Mr. McCullough oversees the progress projects and monitors budgets, schedules, and client satisfaction.

In addition to his management responsibilities, Mr. McCullough is a Senior Project Manager. He works with municipal clients on public works projects, which include engineering review services, inspections, land planning, site and civil design, solid waste transfer and disposal, street reconstruction, utility system designs, airport engineering, site plan reviews, design-build projects, stormwater management/erosion control, construction specifications and regulatory agency applications.

In addition, he provides technical design and project management on private sector projects to include small and large-scale retail, commercial and industrial projects. These projects involve grading/drainage and utility design, public presentations and regulatory permitting. The extent and diversity of projects that Mr. McCullough has been involved with has provided him with a well-balanced technical and working knowledge within the municipal and private sectors.

Representative Projects and Clients:

- **City of Biddeford LAP Sidewalk Project** - Owens provided design and construction administration, and inspection services of this 0.5 ± mile sidewalk in Biddeford, ME.
- **Managed Two General Services Contracts (1993 – 1996, 2000-2004 and 2014 - current)** along with project specific general consulting - City of Portland, ME.
- **Managed a General Services Contract (1996 through 2007 and 2014 - current)** - Portland International Jetport.
- **Lead Design Team & Environmental Investigations** for Baxter Boulevard North Storage Conduit Storage Project (2012-2013), a 2 Million Gallon CSO Storage Project.
- **Roadway Engineering and General Consulting** - Gorham, Casco, Portland and Raymond, ME.
- **Led the programming and feasibility assessment for relocating** the City of Portland Public Services Facility, including site assessments and evaluation of existing structures.
- **Site Investigations, Planning and Engineering Studies for a new Public Works Facility** for the City of Westbrook, Town of Orono, City of South Portland, and City of Portland, ME.
- **Landfill Closings** for the Town of Raymond, Fryeburg, Gorham, Naples, Winterport and City of Portland, ME.
- **Site Feasibility Assessment, Land Planning and Regulatory Permitting** for a new marine ramp on Cliff Island in Casco Bay.
- **Barge Land Planning and Regulatory Permitting** for a new marine landing on Cushing Island in Casco Bay.
- **Commercial Site Development Planning, Engineering, and Permitting** - MMC Laundry Facility, Grondin Commercial Subdivision, engineer design support and review for STI commercial projects.
- **Feasibility Planning, traffic, permitting and site design** for large multi-unit retirement facilities in Portland, Bangor, Kittery, ME, and Derry, NH
- **Concept and feasibility planning** for a Fed-Ex Ground Facility in Westbrook, ME.
- **Lead Project Team** for Investigations and regulatory coordination to secure a VRAP at the former Plan-it recycling facility in Gorham, ME



Education:

Villanova University, Villanova,
Pennsylvania
August 1999 – May 2003
Bachelor of Science,
Mechanical Engineering

Registrations:

Professional Engineer:
Maine #12638

Memberships:

American Society of Civil Engineers

Recognition:

Baxter Boulevard won Maine ACEC
Special Recognition Award for
Engineering Excellence

Baxter Boulevard won 2013 Build
Maine award for AGC Maine

Certifications:

LEED Green Associate

State of Maine Certification for
Inspection and Maintenance of
Stormwater BMP

Mr. Burgess joined Sebago Technics, Inc. (STI) in June of 2012. Having over 10 years of civil engineering experience throughout Maine, Craig is involved in all aspects of roadway and site design, permitting, plan preparation and stormwater analyses. He has been involved with a variety of institutional, municipal and private sector projects.

Craig works directly with municipality representatives for South Portland, Portland, Casco, Gorham, and Wells, ME for improvements to their local infrastructure. His engineered solutions were recognized in late 2013 for the Baxter Boulevard North CSO Storage conduit and Morse Street Sewer Separation Project with the City of Portland. The project won the 2013 Build Maine Award from AGC Maine, and also won the 2014 Maine ACEC Special Recognition Award for Engineering Excellence.

Craig routinely coordinates with clients and internal project managers on projects of diverse caliber. He excels at his communication skills and creative engineered solutions that work to create efficient, aesthetic and cost-effective projects for his clients.

Project highlights include:

Sanford School District: Site selection design, site engineering and permitting for a new 350,000 s.f. high school and regional technical campus in the City of Sanford.

Morse School (RSU 1): Site Selection Study including all sending school communities. Identification, Evaluation and Recommendation for potential relocation considerations.

Martin's Point Healthcare Medical Office Development: Site Engineering and Permitting for innovative new Medical Office Facilities in Gorham, Biddeford and Scarborough.

Wells School District - Wells, ME

New athletic field and track expansion plan. The project was designed, permitted and construction started within 3 months of authorization. The project features an internal underdrained sand filter that received immediate approval from DEP allowing the project to meet treatment exemptions needs cost effectively.

Martin's Point Healthcare - Biddeford, ME

Site Engineering and Permitting for innovative new Medical Office Facilities in Biddeford, Maine.

Lead Engineer for the South Portland Municipal Facility and Westbrook Public Works Facility

Roadway Engineering and General Consulting - Town of Gorham, ME

Baxter Boulevard North Storage Conduit Storage Project (2012-2013): Lead Engineer for a 2 Million Gallon CSO Storage Project in Portland, ME.

Southern Maine Veterans Memorial Cemetery - Springvale, ME: Site engineering, permitting, and construction administration for a new Veterans cemetery serving Southern Maine. The cemetery is located on a 89-acre site and its grounds are large enough for 20,000 plots, both full burial and cremation. It is the first of its kind in Southern Maine and the fourth in the state after those in Augusta and Caribou.

Engineering, Construction Administration for the new crypt construction at Augusta Maine Veterans Memorial Cemetery. The first of its kind in the State of Maine. This new site will inter over 950 Veterans serving our State and Country.

Lance Whitehead, AIA, RA, Senior Associate

Principal-in-Charge

K-12 Studio Leader



Education

Bachelor of Architecture,
Oklahoma State University

Professional Registrations

NH# 4054, ME

Affiliations

American Institute of Architects,
National Council of Architectural Registration Boards
Q.E.D Foundation, Board Member

Awards

Bruce Hamilton AIA Award, 2000

With 17 years of experience, Lance is a highly skilled Senior Associate and Leader of our Education Design Group. He is passionate about education and knowledgeable about all facets of school construction. Lance is exceptionally skilled at presenting and engaging communities and end-users in the design process, ensuring the final solution is creative, thoughtful, and reflective of your shared vision for the school. Lance provides outstanding client service and believes that engagement of all stakeholders is critical to a project's success.

Relevant Experience

East Rochester School

Master Plan, Elementary School,
Significant Additions and
Renovations

Windham School District

K-8 Facilities Master Plan, New
High School, Kindergarten

Timberlane School District

Comprehensive High School /
Middle School Master Plan,
Renovations

Sanford School Department

New High School and Career
Technical Center

Salem School District

High School and Career Technical
Center, Additions and Renovations

**Boys and Girls Club of
Manchester**

New Addition, Renovations

Rochester School Department

Feasibility Study

Sanborn High School

New High School

Barrington High School

New High School (Planning)

Manchester High Schools

City-wide, 22 School Addition
and Renovation Project

Pelham School District

High School, New Addition and
Renovations

**J. Oliva Huot Technical Center,
Laconia High School**

Planning and Design, Addition
and Renovation

The Derryfield School

Gateway Administrative Building

**River Valley Community
College**

Keene Academic Center Master
Plan Renovations

► *"Lance Whitehead is a key reason that this project was embraced by the community and ultimately endorsed by the voters. He is able to convey information about the project in a clear manner, and can respectfully incorporate people's ideas and suggestions into the project."*

*David Theoharides,
Superintendent
Sanford School Department*

Stephen M. Laput, AIA, LEED® AP BD+C, Associate

Project Manager



Education

Bachelor of Architecture, Cornell University

Professional Registrations

MA License #: 20308

NH License #: 3476

ME License #: ARC4225

Affiliations

American Institute of Architects

Boston Society of Architects

National Council of Architectural Registration Boards

U.S. Green Building Council

Lowell Community Health Center Board of Directors

Steve possesses a vast amount of experience in designing dynamic spaces that incorporate technology, sustainability, and design. Steve strives to develop a clear understanding of project goals and to explore all ideas with an open mind to develop the best possible design. He is able to listen to a client's needs and translate their vision into the design. Steve's extensive project experience, thorough understanding of building process, and attention to detail have successfully guided projects for numerous academic facilities, including phased renovations and additions.

Relevant Experience

Town of Tyngsborough

Facility Condition Assessment

Phillips Exeter Academy¹

Dining Facilities Master Plan

Wells High School

Addition and Renovations

Eaglebrook School¹

Master plan

Salem School District

Salem Elementary Schools Phase 2

Holderness School¹

Weld Dining Hall

Morse High School

New High School

Deerfield Academy¹

Center for the Arts

New Dormitory

University of Massachusetts

Dartmouth¹

New Research Building

Keene Family YMCA¹

New Construction

Pelham High School

Addition and Renovation

Eaglebrook School¹

Master plan

Harvard Medical School¹

New Research Building

Laconia School District¹

Laconia Middle School

Masconomet Regional School

District¹

Masconomet Regional High

School and Middle School

¹Steve served as Project Architect and/or Project Manager while employed at ARC/ Architectural Resources Cambridge

Joe Britton III

Project Architect



Joe strives to develop a clear understanding of project goals and to explore all ideas with an open mind to develop the best possible design. Joe's technical skills help the team in creating dynamic spaces that incorporate technology, sustainability, and design.

Education

Master of Architecture, Norwich University (2010)

Professional Registrations

NH #04307

Affiliations

Portland Society of Architecture

Relevant Experience

Salem School District

Soule School K-5, Fisk School K-5,
Haigh School K-5

The Derryfield School

Gateway Administrative Building

Wells High School

Addition and Renovations

J. Olivia Huot Technical Center

Addition and Renovation

Mid-Coast School of Technology

Educational Specifications for
Regional Career Technical Center

Manchester Community College

Student Center

Town of North Hampton

New Police / Fire Safety Center, Library,
Cultural Center and Town Office
Building

Town of Wells

Three Public Safety Facilities

City of Dover

Police Headquarters and
Public Parking Garage

City of Manchester

Police Headquarters and Municipal
Complex

Manchester-Boston Regional

Airport

Renovation Projects

Langdon Public Library

Addition and Renovations

Wadleigh Public Library

New Library

Kingston Community Library

New Library

Carmine DeBlasi

Technical Leader & Code Specialist



Education

Bachelor of Architecture,
Wentworth Institute of Technology

Associates in Architectural Engineering Technology,
Wentworth Institute of Technology

The role of Technical Leader is to ensure that each of our projects is guided by experienced, technical oversight and a deliberate Quality Control process, from project start to finish. Carmine's responsibilities include: document review during each phase of project development for technical accuracy; conformance with Owner's building standards, and constructibility; determination of applicable codes and regulations and related analysis; participation in meetings with regulatory authorities; material research and specifications; and team consultations regarding technical details.

Relevant Experience

Salem School District

Renovations and Additions
Soule Elementary School K-5,
Fisk Elementary K-5 Schools

East Rochester Elementary

Renovations and Additions to
Elementary and Preschool

Sanford School Department

New High School and Career
Technical Center

Salem High School Career and Technical Center

Spaulding High School

Miscellaneous Renovation Projects

Pelham High School

Additions and Renovations

Wells High School

Additions and Renovations

Brewster Academy

Renovations and Upgrades

Mayyim Hayyim Community

Mikveh & Education Center¹
Corporate Center and Educational
Facility

Massachusetts Institute of Technology, MacFarlane Laboratory

Renovations to Building 13 /
(Cambridge Campus)

Massachusetts Institute of Technology, Lincoln Laboratories¹

Renovation to Cafeteria, Sery, and
Public Commons (Lexington
Campus)

Massachusetts Institute of Technology, Katadhin Hill, Lincoln Laboratories¹

New Office and Research Building
(Lexington Campus)

Milford Medical Center

Medical Office Building

Assembly Square - Five Middlesex

Office Renovation

Dover Police Department

Civic Headquarters

University Southern Maine

Science Building C300 Chemistry
Science Building Lab A203
Renovations to Laboratory and
Support Spaces

The Jewish Community Day School¹

Fit-up of K-8 School

¹Carmine served as Project Manager while
employed at Bechtel Frank Erickson Architects

Lead Mechanical Engineer/Principal LEED AP

Ian A. MacDonald, P.E. is a leader in designing complex HVAC and plumbing systems for large municipal/government, correctional, healthcare, commercial and educational buildings. During his career of over twenty years, his work has included buildings for medical, institutional, commercial, and industrial uses throughout New England. Ian is an energy saving and green design expert. He is experienced in both traditional Design/Bid and Design/Build construction delivery methods. Ian's early experience with equipment sales and installation provides him with a practical viewpoint gained from field experience with many operating systems. He completed the ASHRAE Professional Development Course on Building Commissioning and is a **LEED™** Accredited Professional.



Work Related Experience

- Wells High School Addition/Renovation 120,000 s.f. - Wells, Maine
- Morse High School – Bath, Maine
- Midcoast School of Technology – Rockland, Maine
- MSAD 75 Mt. Ararat High School – Topsham, Maine
- Portland Public Schools Central Kitchen - Portland, Maine
- Friends School of Portland - New 14,000 s.f. (1st Passive House) - Cumberland, Maine
- Hanscom Hall Gould Academy – Bethel, ME
- Coastal Maine Botanical Gardens Bosarge Family Education Center – Boothbay, Maine
- Portland Public Library Renovations – Portland, ME
- Waynflete School – Portland, Maine
- Caribou K-8 – Caribou, Maine
- Kents Hill School New Science Building – Kents Hill, Maine
- Brewster Academy – Wolfeboro, NH
- Windham High School, Windham, ME– new 225,000-SF school

Education, Registration, and Affiliation

University of Maine - B.S. in Mechanical Engineering Technology – 1984
Northeastern Univ. - Advanced Studies in Construction Law and Auto Temp. Controls
Registered Professional Engineer – ME, NH, VT, RI, NY, and MA
Member - American Society of Heating, Refrigeration and AC Engineers (ASHRAE)
Member – American Society of Healthcare Engineers (ASHE)
Member - Maine Indoor Air Quality Council
ASHRAE Certified Healthcare Facility Design Professional.
LEED™ (Leadership in Energy and Environmental Design) Accredited Professional

Presentations

- MIAQC - Fresh Air: Optimal HVAC Management for Improved Health, 2013
- MEREDA Deep Energy Retrofits, 2011 (Coastal Maine Botanical Gardens)
- ISANNE Fall 2010 Presentation Sustainable Preservation
- NNECERAPPA 2010 - Geothermal Heating and Cooling (Colby College Schair-Swenson Watson Alumni Center)
- ASHRAE 90.1 HVAC Revisions, 2003 and 2006

Employment History

2005 – Present **Allied Engineering** - Principal
2004 – 2005 M/E Engineering, PC - senior mechanical engineer
2000 – 2004 **Allied Engineering** - senior mechanical engineer
1989 – 2000 SMRT, Inc. – Principal, mechanical engineer
1986 – 1989 Richard D. Kimball Company – mechanical engineer
1984 – 1986 W.D Griffin Company, Inc. – HVAC sales engineer

Engineer-in-Training (EIT) Senior Mechanical Designer

Hank Gierie is a designer with many years experience in design of HVAC and plumbing systems. Hank has construction administration experience which includes sustainable design and energy efficient inspections of newly installed mechanical work, shop drawing review, and addressing contractors' questions.

Education, Registration and Affiliations

University of Maine at Orono; B.S. Mechanical Engineering, 1985, A.S.

Civil Engineering, 1983

Registered Engineer in Training (E.I.) with the State of Maine



Work Related Experience

Design of HVAC and Plumbing systems for the following projects:

- Newmarket Schools Study – Newmarket, NH
- Shapleigh Elementary School – Heating System Upgrade
- Appleton Village School
- Waynflete School
- RSU64 Corinth Elementary School Commissioning
- Wells High School - Wells, Maine
- Riverton Elementary School renovation - Portland, Maine
- Gould Academy
- Lewiston Middle School Steam Boiler Replacement and Upgrade, Lewiston, Maine
- Old Town Elementary School, Old Town, Maine
- Windham High School Additions and Renovations, Windham, Maine
- Gould Academy Hanscom Hall
- UMF Emery Community Art Center
- UMO Lord Hall Renovation---Gallery Museum section and classroom/art section
- USM Energy and controls upgrade studies
- USM Upton Hasting Heat Systems
- USM Science Lab
- UNE Alumni Hall
- UMaine Estabrook Hall

Senior Mechanical Designer (Plumbing and Fire Protection)

Susan has more than 20 years of experience in plumbing, fire protection and mechanical design. She has provided estimating and design of commercial projects throughout the State of Maine. As a designer Susan also meets with prospective clients and other team members to establish the project scope and work cooperatively to create drawings and specifications for the project. She also provides assistance to technicians in the field when questions arise.



Education

Architectural Drafting and Design - CMCC, South Portland, ME - 1989
Associates Degree

LEED Accredited Professional

Proficient in AutoCAD 2014 and Revit 2014

Work Related Experience

- Wells-Ogunquit High School - Plumbing Design
- Waynflete School
- Skyhaven Ambulatory Surgery Center - Plumbing Design
- UNH Parsons EMC Relocation - HVAC and Plumbing Design
- Unum HO1 2014 Interior Renovations – HVAC and Plumbing Design
- Animal Refuge League of Greater Portland - Plumbing Design
- Dana and Verrill
- Patron's and Oxford Insurance
- Inn by the Sea
- Park Danforth
- York Hospital
- Boothbay Harbor Country Club
- 175 Market Street

Projects completed while with previous employers:

- Biddeford High School, Biddeford
- Idlehurst Elementary School, Somersworth NH
- Buxton Elementary School, Buxton
- Fryeburg Academy Performing Arts Center, Fryeburg
- Bridgton Academy, Bridgton UNE Gross Anatomy Lab, Biddeford
- Preble Street Teen Shelter, Portland
- Legacy Memory Care, Falmouth
- Saco Fire Station remodeled into a Housing Unit, Saco
- Gray Public Library, Gray

Electrical Engineer/Principal LEED AP

Catherine A. Faucher P.E. is President and Chief Electrical Engineer at Allied Engineering. In addition to her experience in new construction and renovations for power supply and distribution, lighting and system controls, Cathy has been heavily involved in the design of Technology Systems. This specialized area concentrates on the design of data/voice and other lower voltage wiring and components. Ms. Faucher has attended numerous courses and seminars in this field and supervises technical staff with RCDD credentials. Cathy is also a **LEED™** (Leadership in Energy and Environmental Design) Accredited Professional.



Related Work Experience

- Midcoast School of Technology - Rockland, ME
- Portland Public Schools Downtown Facilities Assessment
- Wells High School Addition/Renovation 120,000 s.f. - Wells, Maine
- Poland Middle/High School, 126,000 sf, Poland, ME (\$18M)
- Rollinsford School District MEP Facilities Assessment - Somersworth, NH
- Merrimack Valley High School (Electrical and Technology Services) - Penacook, NH
- Lisbon High School Gymnasium - Lisbon, ME
- Portland Public Schools Central Kitchen - Portland, Maine
- Friends School of Portland New 14,000 s.f. facility - Cumberland, Maine
- Lebanon Middle School - Lebanon, NH
- MSAD 57, Massabesic Middle School, Waterboro, ME, a 95,000 sf building (\$16M)
- Farwell Elementary School, Lewiston, ME – (\$11M)
- Cony High School, Augusta, ME, a 172,000 sf building addition (\$26M)
- Windham High School, Windham, ME, a 200,000 sf, 5-phase project (\$26M)
- MSAD #17 - Oxford Hills Comprehensive High School, S. Paris, Maine (\$28M)

Education, Registration, and Affiliation

University of Maine - Orono - B.S. Electrical Engineering - 1987

Registered Professional Electrical Engineer (NCEES) - ME, MA

Institute of Electric and Electronics (IEEE)

National Association of Electrical Inspectors

Illuminating Engineering Society (IES)

LEED™ (Leadership in Energy and Environmental Design) Accredited Professional

Employment History

1996 – Present	Allied Engineering – President and Principal in Charge of Electrical Engineering
1995 – 1996	TMP Consulting Engineers - Project Engineer
1993 – 1995	SMRT - Electrical Engineer
1988 – 1993	Oak Point Associates - Electrical Engineer
1987 – 1988	Factory Mutual Engineering - Field Engineer

Senior Electrical Designer/Master Electrician

Stephen R. Markiewicz is a Senior Electrical Designer with many years of electrical industry experience, working as a Master Electrician and Project Manager. His responsibilities have included electrical design, implementation of design, quality control, cost estimating, studies, and scheduling.



Work Related Experience

- Wells High School, Wells, ME
- Lebanon Middle School, Lebanon, NH
- Maranacook Performing Arts Center, Maranacook Community School - Readfield, Maine
- Midcoast School of Technology Report
- Lisbon High School Gymnasium
- Gould Academy Hanscom Hall Renovations
- Brewster Academy Anderson Hall
- Portland Public Schools Central Kitchen, Portland, ME
- Moore Community Center/YMCA Center, Ellsworth, ME
- Portland Public Library Phase I Renovations, Portland, ME
- Westbrook Middle School Commissioning Services
- The Children's Place, Freeport, ME
- The Park Danforth 54-Unit Independent Senior Housing facility and Existing Renovations – Portland, Maine
- Piper Shores Retirement and Assisted Living Facility Addition/Renovation - Scarborough, Maine
- Emery Arts Center – University of Maine, Farmington
- Schair-Swenson-Watson Alumni Center, Colby College, Waterville, ME
- USM Payson 405 Laboratory Renovation
- USM Bioscience Third Floor
- USM Residence Hall Commissioning Services
- USM Wishcamper and Osher Map Library Commissioning Services

Education, Registration and Affiliations

Associated Builders and Contractors - Electrical II, III, IV - 1986-1989
State of New Hampshire Master Electrician since 1989
State of Maine Master Electrician since 1999

Senior Structural Engineer

James Martin has more than 20 years of experience in the building engineering industry. Jim has worked on a wide range of projects including municipal, commercial, education, private industry and residential projects throughout greater New England. Jim is experienced with conceptual design, construction documents, calculations, cost estimating, and specifications. He has provided complete structural upgrade designs in accordance with current building codes and standards for structural steel, reinforced and precast concrete, masonry and timber structural systems.



Work Related Experience

- Casco Bay High School
- Mattanawcook Academy Classroom Wing Roof Study
- Estabrook Hall Renovation - Orono, ME
- Bates College Ladd Library – Lewiston, Maine
- Rivier University Adrienne Hall HVAC Upgrade
- USM Payson 405 Laboratory Renovation
- UNH Electron Microscope Room Design
- Colby Museum of Art Precast Facade
- Northern Maine Technical College, Christie Hall 18,400 s.f. Addition - Presque Isle, ME
- University Health Care (18,600 s.f.) - Saco, ME
- Homewood Suites - Danbury, CT
- East Boston Hilton Garden Inn - Boston, MA
- Hilton Garden Inn - Pittsfield, MA
- Eyecare Medical Group - Portland, Maine
- TruChoice Credit Union - Portland, Maine
- Labelle Winery - Amherst, New Hampshire
- Goodwill Industries - Windham, ME
- Moore School Renovation - Ellsworth, ME
- AFRC Overhead Door Modifications – Bangor Air National Guard
- MaineDOT Acadia Gateway Center - Trenton, Maine
- Department of Human Services (62,000 s.f.) - Augusta, ME

Education, Registration, and Affiliation

University of Maine - B.S. in Civil Engineering Concentration - Structural - 1992

Additional Graduate Courses: Bridge Engineering, Legal Aspects of Engineering and Architecture

Registered Professional Engineer - ME, NH, OH, VA, LA

Member, National Council of Examiners for Engineering and Surveying (NCEES)

Member, Structural Engineering Association of Maine (SEAM)

Member, American Society of Civil Engineers (ASCE)

Paul B. Becker, P.E., SECB President

As the founder of Becker Structural Engineers in 1995, Paul has over thirty five years of structural engineering experience in New England and the Mid-Atlantic States. During his career he has gained specialized expertise in foundation support systems, earth retaining structures, steel framed building systems, cast in place, precast and post-tensioned concrete, masonry and timber construction. He has extensive experience in historic restoration, adaptive reuse, industrial and commercial expansions, concrete restoration, parking structures, failure investigations, value engineering, construction monitoring, and structural evaluations including material testing. His project experience includes commercial, industrial, municipal and educational facilities. Specialty topics include the design and anchorage of pre-cast concrete facades, the design of curtain walls utilizing light gage metal framing, stabilization of historic structures and the upgrading of existing structures, including seismic retrofits. He has served as lead design engineer and project manager responsible for establishing and monitoring schedules, budgets and quality control on projects with construction costs of up to \$40 million. Paul's computer program experience includes STAAD III, RISA-3D, RAM Structural System and AutoCAD. He is a Registered Professional Engineer in Maine, New Hampshire, Vermont, Massachusetts, Georgia, and Connecticut and holds a Master of Science degree in Civil Engineering with a Structural Specialization.



EDUCATION	University of New Hampshire, Master of Science, 1989, Structural Engineering Pennsylvania State University, Bachelor of Science, 1980, Civil Engineering
PROFESSIONAL REGISTRATION	Registered Professional Engineer in the States of Maine (#6554), Massachusetts (#39009), New Hampshire (#6258), New York (#86255) Vermont (#7773), Georgia (#033280), Connecticut (#20725), Rhode Island (#9067), Ohio (#74529), Certified in the Practice of Structural Engineering (#2285-0708)
PROFESSIONAL ASSOCIATIONS	American Concrete Institute American Institute of Steel Construction American Society of Civil Engineers Board Member of Maine Preservation Structural Engineering Association of Maine

Ethan A. Rhile, P.E.

Associate

Ethan joined Becker Structural Engineers in September of 2001 after practicing structural engineering in the Mid-Atlantic states. While at BSE, he has gained design, analysis and inspection experience in a wide variety of structural systems. He has extensive experience in the design of multiple story commercial office buildings, with several projects eclipsing 250,000 square feet. Additionally, Ethan has been involved with industrial, municipal, correctional, healthcare, parking and educational facility projects. He has served as a Project Engineer, responsible for the technical design, quality control, budgeting and construction administration for building projects one to ten stories in height, with construction budgets up to \$60 million. His background includes speciality field evaluation of existing parking structures, timber framing systems, stage rigging grids, bridges, masonry wall systems, terracotta systems and retaining walls. He has an in-depth knowledge of computer software packages included STAAD-III, SAPP 2000, RAM integrated system, AutoCAD, Word and Excel.



EDUCATION	Pennsylvania State University, Bachelors of Science, 1996, Civil Engineering
PROFESSIONAL REGISTRATION	Registered Professional Engineer in the State of Maine (#10266) Commonwealth of Pennsylvania (#057589)
PROFESSIONAL ASSOCIATIONS	American Institute of Steel Construction Structural Engineers Association of Maine

CONESTCO.

**222 Mountain Road
Raymond ME 04071**

**207.627.4099 Telephone
207.627.4099 Telecopier**

Opinions of Probable Cost ~ Construction Consulting ~ Value Engineering

BRUCE M. SANFORD

Construction Consultant - 1994 to current: Conestco., Raymond ME (Principal).

- ~ Direct all phases of company effort in providing accurate opinions of probable cost, constructibility review, and value analyses to architectural, engineering, owner, and developer clients in both the public and private sectors throughout the New England region.
- ~ Perform field inspections and site reviews of prospective, ongoing, or completed construction projects to assure compliance with code and regulatory requirements.
- ~ Advise clients about contractual issues regarding field and office management considerations of the construction process.
- ~ Provide expert witness cost and construction review services in areas of governmental, institutional, industrial, commercial, retail, and high end residential construction.

Construction Administration – Eleven years with major regionally operating general contracting firms.

- ~ Administer capital project estimating, field supervision and inspections, office contract operations, and consultation-sales of design-build and bid-spec general construction.
- ~ Negotiate select profitable contracts in public and private sector.
- ~ Implement code compliance and plan reviews, with presentations to regulatory and oversight authorities.
- ~ Craft conceptual floor plans, elevations, and design-build specifications for projects in concert with constructability standards.
- ~ Direct creation of contract documents and rectify cost projections with corporate budgets.
- ~ Synthesize project management submittals and shop drawing reviews during the contract process and provide material requisitions and field scheduling of construction.

Materials Administration -Three years with prominent wholesale supply firms on the east and west coasts.

- ~ Manage staff in mechanical quotations and plan-spec interpretation involving complex heating, air movement, and plumbing systems.
- ~ Administer streamlining of interbranch purchasing to lower operational costs.
- ~ Direct material planning, scheduling, and purchasing of wholesale house branch operations.
- ~ Instruct team members in technical application of HVAC/valve/plumbing components and tools.

Insurance & Securities – Three years with national leader in personal and business insurance sales.

- ~ National award winning agent work in personal lines in life, health, disability, and property/casualty insurances.
- ~ Registered representative in Maine for securities sales.
- ~ Provided high quality, in depth retirement and income analyses to clientele of wide ranging economic and socio means.
- ~ Operated as independent business agent in tandem with regional home office sales teams in northern and central Maine.

Community and Education

- | | | |
|----------------------|--|---|
| ~ Town of Raymond | Planning Board | 2000 – 2002; 2009 – current.(Vice Chairman) |
| | Comprehensive Plan Committee | 2001 – 2002. |
| | Fire Station Planning Committee | 1999 – 2002. |
| | Rt 302 Redevelopment Committee | 1998 – 2002. |
| ~ Town of Pittsfield | District Representative | 1987 – 1989. |
| ~ American Red Cross | Volunteer | 2000 – 2003. |
| ~ Baseball Umpiring | National Babe Ruth Little League | 1996 – current. |
| | Western Maine Board (High School Baseball) | 1998 – 2004. |
| ~ Baccalaureate | California State University, Chico CA | BA 1977 |
| | History (major) / Bus Admin (minor). | |
| ~ Early Years | Boy Scouts of America | 1962 – 1968. |
| | Life Scout | |
| | Order of the Arrow. | |
| ~ Hobbies | Long distance bicycling, golf, camping, kayaking, canoeing, running. | |



4. Fee Proposal

PROVIDE FACILITIES ASSESSMENT OF SCHOOL BUILDINGS For Portland Public Schools

**** THIS SHEET MUST BE INCLUDED IN YOUR PROPOSAL ****

The undersigned hereby declares that he/she or they are the only person(s), firm or corporation interested in this proposal as principal, that it is made without any connection with any other person(s), firm or corporation submitting a proposal for the same, and that no person acting for or employed by the City of Portland is directly or indirectly interested in this proposal or in any anticipated profits which may be derived there from.

The undersigned hereby declares that they have read and understand all conditions as outlined in this Request for Proposals, and that the proposal is made in accordance with the same.

The bidder acknowledges the receipt of Addenda numbered: 1

COMPANY NAME: Sebago Technics

AUTHORIZED SIGNATURE: Mark A. Adams

DATE: 08/26/2016

PRINT NAME & TITLE: Mark Adams, President / CEO

ADDRESS: 75 John Roberts Rd., Suite 1A, South Portland, ME 04106

E-MAIL ADDRESS: madams@sebagotechnics.com

PHONE NUMBER: Office:207.200.2071 FAX NUMBER: _____

TYPE OF ORGANIZATION - PARTNERSHIP, CORPORATION, INDIVIDUAL, OTHER:
Corporation

STATE OF INCORPORATION, IF APPLICABLE: 01-0377716

FEDERAL TAX IDENTIFICATION NUMBER (Required): Maine

AUTHORIZED SIGNATURE: Mark A. Adams

DATE: 08/26/2016

NOTE: Proposals must bear the handwritten signature of a duly authorized member or employee of the organization submitting a proposal.

Total Proposed Cost: \$ 161,961

We have thoughtfully considered the services needed for the successful development of your Facilities Master Plan. Based on your RFP and related Addendum 1, as well as our understanding of the Portland School Systems, we are pleased to submit the following fee schedule.

Project Managment and Team Coordination - Sebago Technics	\$5,300
Site Analysis - Sebago Technics	\$12,750
Building, Envelope Windows, Door Roof, Walls, Floors, Security and ADA Accessibility - Lavallee Brensinger Architects	\$44,356
Structural Analysis Becker Structural Engineers	\$23,875
Mechanical Analysis - Allied Engineering	\$16,000
Plumbing and Fire Protection Analysis - Allied Engineering	\$8,000
Electrical, Technology, Fire Alarm and Lighting Analysis - Allied Engineering	\$15,680
Construction Cost Estimating - Conestco	\$10,000
Draft Report, Review with Stakeholders Create Final Report - Lavallee Brensinger Architects	\$21,000
Allowance for Reimbursable Expenses	\$5,000
Total	\$161,961

Qualifications

- The proposed fees include services requested within the RFP and Addendum 1.
- The proposed fee excludes the following optional services not requested as part of the RFP. These services, if required, may be provided at hourly rates or via stipulated sum fee proposals.
 - » Site Surveying
 - » Wetlands Mapping and Analysis
 - » Identification and Testing of Hazardous Materials
 - » Geo technical Engineering, Borings, and Testpits
 - » National Fire Protection Agency and International Building Code Reviews
 - » Building Energy Modeling
 - » Life Cycle / Maintenance Cost Analysis
 - » Review of Furnishings and Movable Equipment
 - » Educational Planning, Visioning, or Creation of Educational Specifications
- The proposal assumes that the Portland School Department will provide existing documentation available for each school including site plans, floor plans, and select engineering documents.
- Analysis of existing conditions will be based on readily visible conditions. Select demolition or deconstruction of systems to view non-exposed areas has been excluded.



◀ “We are just the luckiest group of people. The new building has everything you need. It feels like it was built just for me.”

- Nicole Marrigan, Teacher
East Rochester Elementary School

Hourly Rates

SEBAGO TECHNICS

Principal / Landscape Architect	\$135.00
Project Engineer	\$90.00
Project Assitant	\$60.00

LAVALLEE BRENSINGER ARCHITECTS

Principal	\$180.00
Project Manager	\$160.00
Technical Leader	\$180.00
Project Architect	\$161.00
Technician	\$120.00

ALLIED ENGINEERING

Principal	\$185.00
Senior Mechanical Engineer	\$135.00
Plumbing/FP Engineer	\$135.00
Electrical Engineer	\$135.00
Senior Designer	\$115.00

BECKER STRUCTURAL ENGINEERS

Principal/President	\$140.00
Structural Engineer/Associate	\$125.00

CONESTCO

Principal	\$80.00
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City of Portland
2023 City Manager Recommended
Capital Improvement Plan
Additional Backup for Requested Appropriations

Equipment & Technology

Project Title ID 226703

Replace 30 C5G124 switches

Information Technology

Division

Classification Equipment

Project Description

End of Support 6/30/2022, approx \$200,000

Project Justification

Needed for reliable and secure IT network

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2028					☐
2027					☐
2026					☐
2025					☐
2024					☐
2023		\$200,000			☐
Total		\$200,000			

Other Funding Source Description

Operating Budget Impact

Project Title ID 237204

Install Wifi at 109 Middle and DPW for public safety

Information Technology

Division

Classification Facilities

Project Description

109 Middle St has only localized/ temporary grade wifi and needs an enterprise/ office-building style install. Vehicles also need to access wifi for their on-board PCs to get remote support on a less intrusive/ more frequent basis.

Project Justification

Police use mobile devices in many important applications and this is necessary for these to work in areas not previously covered, such as the evidence check-in area.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$60,000				\$60,000

Funding Request

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>Approved Funding</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$60,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$60,000			

Other Funding Source Description

Operating Budget Impact

We buy the hardware outright and there is no ongoing support/ operating budget impact.

Motorola APX6000 Radio Upgrade

Police Department

Division Uniformd Ops Group

Classification Equipment

Project Description

The department has started the process of upgrading the our portable radios by purchasing 75 Motorola APX 600 radios. To complete the upgrade we will need to purchase an additional 75 radios.

Project Justification

The older model Motorola XTS radios are no longer supported by Motorola and a third party vendor must be contracted for all repairs.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$290,966	\$290,966

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$290,966			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$290,966			

Other Funding Source Description

Operating Budget Impact

Domestic Hot Water Heater

Barron Center

Division Environmental Services

Classification Equipment

Project Description

Replace Domestic Hot Water Heater

Project Justification

The existing tank is not holding a temperature of 140 degrees which is vital to to reduce the possibility of bacteria. The replacement of the Hot Water Heater and controls will stabilize the tank temperature.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$65,450	\$65,450

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$65,450			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$65,450			

Other Funding Source Description

Operating Budget Impact

Reduced costs from the manufactuer.

Parks and Recreation

Planning & Urban Development

Division Planning

Classification Parks, Fields, Trails

Project Description

This project includes completing the design work and construction of a redesigned intersection and public open spaces at High Street, Free Street, and Congress Street, called "Congress Square." The project objectives include improving traffic function and safety for all modes, dramatically improving the accessibility of the intersection crossings, sidewalks, and public open spaces, and place-making by creating a more comfortable, functional, and attractive public space.

The intersection design and construction will be coordinated with the DPW signal upgrade project on Congress Street. The funding request includes construction documents and construction phases; the budgets are based on design development level design and estimates prepared by consultant WRT. The project has 2 construction phases - Phase A = roadway improvements (DPW FY21) and Phase B = PMA plaza and Congress Square Park improvements (Planning FY22-23). Phase A will be constructed in 2022. The CIP entry for FY23, totaling \$2,300,000, is to construct Phase B, including the PMA Plaza and Congress Square Park improvements on both sides of Congress Street. Each of these phases is highly leveraged by funding from MaineDOT and contributions raised by the Friends of Congress Square.

The intersection design and construction will be coordinated with the DPW signal upgrade project on Congress Street. The funding request includes construction documents and construction phases; the budgets are based on design development level design and estimates prepared by consultant WRT. The project has 2 construction phases - Phase A = roadway improvements (DPW FY21) and Phase B = PMA plaza and Congress Square Park improvements (Planning FY22). Phase A will be constructed in 2022. The CIP entry for FY23, totaling \$2,300,000, is to construct Phase B, including the PMA Plaza and Congress Square Park improvements on both sides of Congress Street. Each of these phases is highly leveraged by funding from MaineDOT and contributions raised by the Friends of Congress Square.

Project Justification

The primary goal of this project is to improve accessibility, circulation, and safety at this key downtown location which serves as the primary public open space, gathering and event space for many residents in this dense and diverse neighborhood and the city as a whole. This project will create a strong identity and sense of place, improving the usability and aesthetics of Congress Square Park and the PMA plaza. It will also provide economic development benefits by encouraging investment in this part of Congress Street. The abutting property owners, especially the Westin Hotel and Portland Museum of Art, view these spaces as their front porch and rely on the first impression these public spaces create for their visitors and fully support the proposed improvements. Throughout the pandemic, the park has been heavily used, including events such as readings and cultural events in partnership with local establishments, providing invaluable economic development, public health, and civic benefits for the City. The redesign will include an already designed public art installation (funded through the Public Art budget. Congress Square serves all residents and visitors, but it will bring particular benefits to residents of the dense and diverse urban neighborhoods that abut it. As a phased project that has been planned for for over eight years, there is tremendous impetus - in terms of the substantial fundraising efforts of Friends of Congress Square, the completion of the Phase B construction documents currently underway, the designed nad funded art installation, and the complementary intersection redesign slated to begin in 2022 - to complete this long strived for remaking of this crucial public space.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$100,000		\$4,155,000		\$4,255,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2019		\$250,000	\$5,000		☑
2022	\$50,000	\$50,000	\$50,000		☑

Project Title	ID	163160	
2023	\$1,850,000	\$2,300,000	☐
2024			☐
2025			☐
2026			☐
2027			☐
2028			☐
Total	\$1,900,000	\$2,600,000	\$55,000

Other Funding Source Description

A private fundraising effort is underway and expected to raise \$1,850,000 as reflected in the other funding for Phase B construction. ARPA funds may also be requested in the second tranche, but no ARPA funds have been committed at the time of this request. MaineDOT has agreed to fund the PDR and \$1 million towards the construction for the intersection redesign (Phase A).

Operating Budget Impact

The changes in the intersection are anticipated to have an operating budget neutral impact. There will be changes to the roadway configuration that will result in less pavement to plow/maintain. The plaza spaces are designed to require as minimal maintenance as possible with the suggestion that the City continue to enter into a MOU with Friends of Congress Square Park for programming and some maintenance.

Parks, Rec & Public Assembly

Division Parks

Classification Parks, Fields, Trails

Project Description

The Portland Skatepark is due for an expansion due to its popularity and overuse. The Portland Skatepark at Dougherty Field was installed in 2008 using a mix of public and private financing. For the expansion project, we have chosen an approach of a public-private partnership to fund the skatepark expansion. A fundraising campaign started in 2018 has recently gained steam and has a balance of over \$100,000 in gifts and pledges to contribute towards this project.

Project Justification

Soon after installation in 2008, the skatepark became very popular and now regularly has crowds of dozens of skaters, bikers, and scooters of all ages. Through regular observations, we estimate that on an average day in spring, summer and fall, over 200 skaters, bikers and parents visit the skatepark, with many staying an hour or more. It is not uncommon for skaters to wait in line to drop into popular features, and the Parks Division regularly receives feedback from parents, skaters and others concerning the crowded conditions at the skatepark. The skatepark is used year round, and it is not uncommon to see skaters and families digging snow out of the bowls in order to be able to use the skatepark throughout the winter. The skatepark serves a wide range of Portlanders ranging from toddlers on scooters, to teens, to adults and entire families.

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

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

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$408,000		\$408,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023	\$173,000	\$235,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total	\$173,000	\$235,000			

Other Funding Source Description

Previous CIP of \$70,000 and private donations of approximately \$103,000. This request could be funded by impact fees that have been collected currently.

Operating Budget Impact

Riverton Trolley Park Rehabilitation

Parks, Rec & Public Assembly

Division Parks

Classification Parks, Fields, Trails

Project Description

The Riverton Trolley Park has seen centuries of fascinating use from an historic casino ballroom to an amusement park and now a natural open space for all to enjoy. Unfortunately, this space has seen very little improvement funding and an uptick in usage over the years.

Project Justification

In 2020 and 2021, our Department and the Portland Parks Conservancy conducted extensive public outreach in the Riverton neighborhood to discuss desired improvements to this under-utilized open space resource.

Due to the neighborhood feedback, a plan was created to activate this park with trail upgrades, mountain bike trail additions, signage, fencing improvements, parking improvements, and small historic preservation measures. Open spaces are more important than ever today and natural landscapes such as Riverton Trolley Park are high on the list for desirable spaces to recreate for folks.

The pricing sheet shows a \$510,000 cost estimate for which the city is only responsible for \$125,000. The Land and Water Conservation Fund is financing half of the funds while the Portland Parks Conservancy is providing half of the remaining match. The LWCF funds have been approved at the state level at this time.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$510,000		\$510,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023	\$385,000	\$125,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total	\$385,000	\$125,000			

Other Funding Source Description

The Land and Water Conservation Fund is financing half of the funds (\$250K) while the Portland Parks Conservancy is providing half of the remaining match (\$125K). The LWCF funds have been approved at the state level at this time.

Operating Budget Impact

N/A

Longfellow Playground Replacement

Parks, Rec & Public Assembly

Division Parks

Classification Parks, Fields, Trails

Project Description

The Longfellow School Playground is the priority playground for replacement in 2021. The city owns and manages 30 playgrounds ranging from parks, to schools, to islands. Each playground should ideally be replaced every 15-20 years. The Longfellow School Playground is now 20 years old and requires constant maintenance and repair to keep in safe condition for the hundreds of children that use it daily.

Project Justification

This playground is seen as the #1 priority from our Playground Safety Inspectors for the reasons listed below:

- Metal is rotted to the point it can no longer be welded
- Replacement parts are more and more difficult to acquire
- Rubber coatings have worn off to where only sharp and jagged surfaces remain
- Metal needs to be sand blasted and powder coated in order for paint to adhere
- Posts and frames are racked/tilted from all the heavy use
- The degradation is making it increasingly difficult to keep up with repairs

Longfellow Playground is the only playground for the entire Deering Neighborhood and serves the children at Longfellow, Lincoln and Deering High Schools. The nearest playground to Longfellow on a map is Ocean Avenue School to the East and Nasons Corner to the west with Dougherty Field and Rowe School a bit further away.

New age playgrounds require thoughtfulness and intent to accommodate as many users as possible. As seen with the new playground at Talbot School, Longfellow will also incorporate some inclusive elements and safety surfacing. Our goal is to make all our spaces moving forward inclusive to some extent so that any user can recreate and enjoy the space.

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

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$350,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$350,000			

Other Funding Source Description

Operating Budget Impact

Portland Harbor Common

Parks, Rec & Public Assembly

Division Parks

Classification Parks, Fields, Trails

Project Description

The Portland Harbor Common project seeks to activate existing city land along Portland's Eastern Waterfront as a new city park. This project will involve significant community fundraising, state and federal grants, and public-private partnerships. Seed funding of \$150,000 will allow project planners and design teams to move forward with community engagement, conceptual design, budgeting, and fundraising.

Project Justification

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$150,000		\$2,000,000		\$2,150,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$150,000			☐
2024	\$2,000,000				☐
2025					☐
2026					☐
2027					☐
2028					☐
Total	\$2,000,000	\$150,000			

Other Funding Source Description

Operating Budget Impact

Parks, Rec & Public Assembly

Division Golf Course

Classification Facilities

Project Description

Replacement of bridge that was washed out in storm.

Project Justification

This project would provide the emergency replacement of the Dole Brook bridge that washed out during a bad storm this past season. At this time, players must use the bridge located close to the river on the 13th hole that also frequently floods during storms. Due to this flooding there is concern that this bridge will also fail and a portion of the course will be inaccessible. This request would result in the function of two bridges being combined into one thereby reducing future maintenance costs.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$255,000		\$255,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$255,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$255,000			

Other Funding Source Description

Operating Budget Impact

N/A

Riverton Pool Filter Replacement

Parks, Rec & Public Assembly

Division Recreation

Classification Facilities

Project Description

Replacement of current filter and removal of old filter which will require significant site work as it is below grade. It will require the removal of the floor access grid, destruction of the current filter in place and disposal of the materials.

Project Justification

The Riverton Pool was built in 1974 and the current filter is original to the pool. The general life expectancy of a filter built in 1970 was 20-25 years. The project would involve the removal of the current filter which would require lifting the trap door to the filter room and dismantling as much as possible and cutting up the remaining structure. The filter room is 15 feet below the surface of the deck which creates a challenge in removal and replacement. The old filter would be replaced with two smaller more efficient filters that would be placed back in the filter room. The scope of the project includes removal, replacement, disposal, labor and the purchase of a new filter and pump with a current life expectancy of 25 - 30 years.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$130,000		\$130,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$130,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$130,000			

Other Funding Source Description

Operating Budget Impact

If not repaired soon, the pool will be need be shut down.

Back Cove Trail Reconstruction

Parks, Rec & Public Assembly

Division Parks

Classification Parks, Fields, Trails

Project Description

The Back Cove Trail is Portland’s premiere walking and running trail. It borders the beautiful scenic views of Back Cove and also gives you a glimpse of Casco Bay. Thousands of joggers and walkers of all ages use this 3.6 mile trail weekly and that has taken a toll on the stone dust surface. Currently, the trail is filled with large peaks and valleys where water will sit after each storm, causing users to have to weave around and sometimes even steer off the path to avoid a puddle.

Project Justification

This project will correct the shape of a large portion of the trail so that it sheds water properly and maintains a hazard free experience for those using it.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$171,000		\$171,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$96,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028		\$75,000			☐
Total		\$171,000			

Other Funding Source Description

Operating Budget Impact

N/A

Public Works

Project Title ID 236882

Portland Technology Park - Extension of Roadway to Lots 5, 6, and 7

Economic Development

Division Economic Development

Classification Streets/Sidewalks

Project Description

The Phase 1 roadway was completed in 2013 opening up lots 1, 2, and 3. Patrons Oxford purchased Lot 4 and extended the roadway to Lot 4, constructed its new headquarters, and relocated to Portland from Auburn in 2017. This is the last phase for the Tech Park to extend the road with utilities and wetlands fee to open lots 5, 6, and 7 for development.

Project Justification

Aroma Joe's is now interested in purchasing Lots 6 and 7 for a purchase price of \$595,000 to move its headquarters from Warren Avenue to the Park, so it is time to move forward to extend the roadway with utilities and wetlands fee by 350 feet. The estimated cost in May 2021 was \$670,000, and staff is working to get this updated, conservatively estimating \$800,000.

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023	\$553,000	\$247,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total	\$553,000	\$247,000			

Other Funding Source Description

Operating Budget Impact

With the sale of lots 6 and 7 to Aroma Joe's, less the broker's commission fee, this would net the City \$553,000. The CIP Request would be for \$247,000.

Congress Square Intersection Construction Inspection - Additional
Items Beyond DOT Scope

Public Works

Division Engineering

Classification Transportation

Project Description

These funds are to allow for DPW to hire inspection services for the Congress Square project, which exceed the available current funding in our capital funds and the funding from MaineDOT. It duplicates a separate request made to Finance requesting use of existing CIP accounts.

The items associated with this request are those made by Planning Staff and the Friends of Congress Square, which include granite pavers, crosswalks, custom planters and landscaping, and other items above and beyond what will be matched by the \$1,000,000 in MaineDOT funds.

Project Justification

The Congress Square intersection project has been based on a participation of \$1,000,000 from MaineDOT toward direct intersection outcomes, including signal installation, new sidewalks, ramps, and realignment of High and Free Streets. The agreement between MaineDOT and Portland, with this \$1,000,000, totals \$2,654,138.

In an effort to expedite outcomes as well as anticipate likely high bid costs, especially for the specialized landscaping components, the City also put in a purchase order for signal and lighting equipment, for \$293,800.

As expected, the low bid came in over the Engineer's estimate, requiring funding above and beyond that allocated for construction. As a result, this item represents an additional \$205,000 for inspection services.

In total, the cost of all components of this work, inspection services included, are at \$3,152,938.

Additional work elements cited by Planning staff and the Friends of Congress Square include decorative pavers, granite crosswalk treatments, extensive tree work and landscaping, as well as granite-lined planters, some of which would be raised. This request constitutes this portion of the project cost that brings the cost of the project above the amount the state is matching.

The current FY23 request for Inspection Services has also been requested via a series of existing CIP accounts, as follows:

\$33,655.74 from C18104, Paving
\$103,701.22 from C17102 Paving
\$16,028.05 from C20111, Traffic Signal
\$18,743.70 from C20112, PACTS Regional Traffic Management
\$20,103.75 from C21116, Sidewalks
\$12,780 from C19117, Congress Square

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$205,000		\$205,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2028					☐
2027					☐
2026					☐
2025					☐

Project Title	ID	216407	
2024			☐
2023		\$205,000	☐
Total		\$205,000	

Other Funding Source Description

All outside funding sources, including DOT funding and transportation impact fee funding, is included in a separate CIP request, which covers DOT-eligible line items only.

Operating Budget Impact

This request is for \$200,000 for inspection. All constructed-related items have used up the DOT contribution of \$1,000,000

City Retaining Wall Repairs

Public Works

Division Engineering

Classification Facilities

Project Description

Various retaining wall repairs need including along Federal Street and more recently the wall between Commercaill and York Street that needs reinforcement.

Project Justification

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$20,000		\$80,000		\$100,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$100,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$100,000			

Other Funding Source Description

Operating Budget Impact

Project Title ID 237105

PACTS MPI Paving - Cumberland Ave (Wash to Franklin)

Public Works

Division Engineering

Classification Transportation

Project Description

The work includes a 2" mill/fill in Cumberland Avenue from Washington Avenue to Franklin Street, approximately 1,110 feet. The work also includes updating sidewalk ramps to meet ADA requirements, reset or replacement of curb in areas, and striping.

Project Justification

This section of Cumberland Avenue is in disrepair and was rated with a PCI of 56 when it was last evaluated in 2019. This is a busy arterial connecting the East End to Franklin Street and is busy with both motorized and non-motorized traffic. The project will improve the street surface as well as improve curb ramps that will allow pedestrians using the corridor to have a safer and easier trip. A portion of the project will be paid by PACTS as part of their MPI program.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$50,000		\$713,700		\$763,700

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023	\$183,700	\$580,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total	\$183,700	\$580,000			

Other Funding Source Description

\$151,700 from PACTS

\$32,000 from WR fund for drainage work on a Transportation Project

Operating Budget Impact

Improving this street will reduce the maintenance repairs which will reduce maintenance and operation costs.

PACTS Libbytown Project

Public Works

Division Engineering

Classification Transportation

Project Description

The design and future construction for reconfigured Congress Street and Park Avenue in Libbytown, as well as change at St. John Street. This could include streetscape, lighting, and intersection improvements.

Project Justification

The City has long studied changes in this neighborhood, to create safer and more community-oriented streets. PACTS and DOT have committed to design and future construction of this project.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$250,000		\$2,950,000		\$3,200,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023	\$135,000	\$65,000			☐
2024					☐
2025	\$2,250,000	\$750,000			☐
2026					☐
2027					☐
2028					☐
Total	\$2,385,000	\$815,000			

Other Funding Source Description

\$135k from PACTS and MaineDOT for PDR
Anticipated future match potential of \$2,250,000 from PACTS for FY25

Operating Budget Impact

Updates to signals, intersections, roadway paving, sidewalks, and other features will reduplicate maintenance on what is, in many cases, rapidly deteriorating infrastructure.

Project Title ID 184332

PACTS Washington Avenue Road & Signals (Oxford to Congress)

Public Works

Division Engineering

Classification Transportation

Project Description

PACTS is funding list was the rehabilitation of Washington Avenue from Oxford Street to Congress Street, which includes a new roadway surface, sidewalks, and traffic signals/lighting. A portion of the work, sidewalks on the west side of Washington from Cumberland to Oxford, is being pursued separately as a CDBG request. Our remaining Local Match is 25% minus currently available funds (est. = \$485,000) to be used for construction.

Separately requested Sewer Funds will supply City Utility ineligible costs.

Project Justification

Washington Avenue on the Portland Peninsula has a poor pavement condition, and has been identified as a reconstruction candidate. In addition, the sidewalks are relatively narrow, and ramps do not meet current ADA and City design standards. Furthermore, the signal equipment is aging, and at Congress and Washington, MaineDOT has identified critical issues with the condition of the equipment, including the structures.

This portion of Washington Avenue is also in an area experiencing economic growth and new development, and these improvements would help to further accomplish that end.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$350,000		\$2,330,000		\$2,680,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2019		\$150,000	\$150,000		☒
2020	\$150,000	\$50,000	\$50,000		☒
2023	\$2,130,000	\$200,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total	\$2,280,000	\$400,000	\$200,000		

Other Funding Source Description

Water Resources request for ineligible City Utility costs estimated at \$125,000
Other funding includes \$485,000 in existing CIP funding and \$1,645,000 in PACTS funding

Operating Budget Impact

This project will significantly improve a portion of Washington Avenue, with 75% leveraged funds. This should reduce near to medium-term maintenance needs.

Pavement Preservation Program

Public Works

Division Engineering

Classification Transportation

Project Description

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

Project Justification

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

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

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$490,000		\$30,000,000		\$30,490,000

Funding Source

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

Project Title	ID	141013	
2026		\$2,500,000	☐
2027		\$2,500,000	☐
2028			☐
Total		\$230,000	\$47,900,000 \$19,260,000

Other Funding Source Description

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

Operating Budget Impact

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

Public Works

Division Engineering

Classification Transportation

Project Description

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

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

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

Project Justification

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

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

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

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

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

Prior entry:

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

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

Project Title ID 141030

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

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

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

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

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$600,000		\$10,950,000		\$11,550,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2013		\$700,000	\$700,000		☒
2014		\$700,000	\$700,000		☒
2015		\$850,000	\$700,000		☒
2016		\$700,000	\$500,000		☒
2017		\$600,000	\$500,000		☒
2018		\$600,000	\$600,000		☒
2019		\$750,000	\$700,000		☒
2020		\$1,000,000	\$650,000		☒
2021		\$1,000,000	\$500,000		☒
2022		\$600,000	\$600,000		☒
2023		\$600,000			☐
2024		\$1,000,000			☐
2025		\$1,200,000			☐
2026		\$1,200,000			☐
2027		\$1,400,000			☐
2028					☐
Total		\$12,900,000	\$6,150,000		

Other Funding Source Description

Paving Preservation

TIF

CDBG

Operating Budget Impact

In-house staff may be asked to help with small scale repairs that are not a good fit or are too small for a larger contract.

New sidewalk segments may be added to winter sidewalk plow routes and increase operating costs. Rehabilitation of sidewalks and ramps in poor condition will reduce operating costs related to temporary repairs, and may reduce liability claims.

Project Title ID 141009

Water Resource Project Ineligibles (CSO Compliance-SRF Ineligibles)

Public Works

Division Engineering

Classification Transportation

Project Description

To fund portions of the City's 2021 Combined Sewer Overflow (CSO) projects that are not State Revolving Loan Funds (SRF) eligible. Example CY2021 projects include: Western Prom, Sagamore Village, Hersey/Ocean.

Western Prom = \$55,200

Sagamore Village = \$50,000

Hersey/Ocean = \$500,000

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

Project Justification

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

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

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
				\$6,590,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2013		\$500,000	\$500,000		☒
2015		\$1,000,000	\$800,000		☒
2017		\$1,000,000	\$400,000		☒
2018		\$1,000,000	\$600,000		☒
2019		\$2,000,000	\$600,000		☒
2020		\$800,000	\$500,000		☒
2021		\$500,000	\$290,000		☒
2022		\$300,000	\$300,000		☒
2023		\$600,000			☐
2024		\$500,000			☐
2025		\$500,000			☐
2026		\$500,000			☐
2027		\$500,000			☐
2028					☐
Total		\$9,700,000	\$3,990,000		

Other Funding Source Description

Operating Budget Impact

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

Project Title ID 237175

Islands 30 Yard Dumpsters

Public Works

Division Island Services

Classification Equipment

Project Description

Purchase and delivery of three (3) 30 yard, 22' long by 62" high rolloff containers

Project Justification

Existing dumpsters need to be replaced.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$40,000	\$40,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$40,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$40,000			

Other Funding Source Description

Operating Budget Impact

Project Title ID 226663

DOT MPI - State Street Paving - Pine to York

Public Works

Division Engineering

Classification Transportation

Project Description

The project is a 2" mill/fill on State Street from Congress Street to York Street. The project will include milling, paving, ADA upgrades to ramps within the project limits, curb reset or new curb installation, and striping.

Project Justification

The street was evaluated in 2019 and reported to have a PCI of 60; this is very low for a heavily travelled minor arterial. In addition, improvements to the ramps here will improve pedestrian access for a heavily trafficked pedestrian area. As part of the MPI program, a portion of the project costs will be paid for by the state which is a good way to leverage City funds.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$45,000		\$955,295		\$1,000,295

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023	\$370,295	\$630,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total	\$370,295	\$630,000			

Other Funding Source Description

\$332,550 from MaineDOT

\$37,745 from a sewer/stormwater fund (requested separately)

Note: The requested amount includes a 15% contingency, 5% design costs, and 10% inspection costs

Operating Budget Impact

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

Traffic Signals Upgrade Program

Public Works

Division Engineering

Classification Transportation

Project Description

FY 2023 Request: Franklin at Somerset: \$500,000

Project Justification

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

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

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

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

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

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

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$600,000		\$6,515,000		\$7,115,000

Funding Source

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

Project Title	ID	141023		
2019		\$675,000	\$500,000	☒
2020		\$525,000	\$525,000	☒
2021		\$575,000	\$300,000	☒
2022		\$500,000	\$500,000	☒
2023		\$500,000		☐
2024		\$500,000		☐
2025		\$700,000		☐
2026		\$700,000		☐
2027		\$750,000		☐
2028		\$750,000		☐
Total		\$195,000	\$7,673,500	\$3,020,000

Other Funding Source Description

Operating Budget Impact

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

Project Title ID 141740

PACTS RTMS - Regional Signals, Communications, and Match Money for Projects

Public Works

Division Engineering

Classification Transportation

Project Description

RTMS = Regional Transportation Management Systems

FY2023: \$20k

Local support to augment PACTS UPWP funding for regional transportation system upgrades. Includes money for new equipment and especially improved communications. Anticipate requiring approximately \$200,000 to \$300,000 per year, which includes PACTS funding when a project from PACTS requires a match. In FY18 the City began on a project solely dedicated to updates on Auburn Street and Washington Avenue, solely funded with local money. This request would aid in supplying capital for the communications portion of the work.

The FY16 funding request is for component and communications upgrades for the intersections of Congress/India, Congress/Washington, and Washington/Cumberland. The equipment is generally out of date, and in some cases, begun to malfunction. The total request is for \$271,770 in equipment upgrades, plus the PACTS match of \$5,500, for \$277,270. The existing FY15 funds will be allotted between the local match for the Congress Street work (\$82,500), with the remainder going to Washington Avenue and Auburn Street improvements.

Project Justification

The City of Portland has partnered with Portland Area Comprehensive Transportation Study (PACTS), as well as the Cities of Westbrook, South Portland, Biddford, Saco and the Town of Scarborough to oversee the deployment of transportation management systems for the more efficient flow of traffic and improved detection for all modes along the City's major travel corridors. Work to date has included upgrades along Riverside Street, Brighton Avenue and Forest Avenue.

Significant work remains to be done along several major arterials, as well as in-town corridors. Longer-term, the region anticipates upgrading technology to allow for up-to-date emergency vehicle and transit vehicle pre-emption systems.

The FY2022 request is zero, as there are sufficient funds for this upcoming year.

The FY22 requests and beyond are based upon 25% match for \$275,000 projects, likely a combination of signal and communications updates.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$300,000		\$1,502,500		\$1,802,500

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2014	\$22,000	\$78,000	\$80,000		✓
2015	\$22,000	\$167,000	\$165,000		✓
2016	\$269,500	\$277,270	\$100,000		✓
2017	\$22,000	\$222,000	\$222,000		✓
2018	\$30,000	\$260,000	\$260,000		✓
2019		\$270,000	\$270,000		✓
2020		\$200,000	\$200,000		✓

Project Title	ID	141740		
2021	\$0	\$20,000	\$20,000	☒
2023		\$20,000		☐
2024		\$20,000		☐
2025		\$20,000		☐
2026		\$20,000		☐
2027		\$20,000		☐
2028		\$20,000		☐
Total	\$365,500	\$1,614,270	\$1,317,000	

Other Funding Source Description

Operating Budget Impact

This funding will help to supplement the limited money from PACTS and MaineDOT for RTMS upgrades, as well as reducing the strain on the capital available for City signal equipment.

Public Works

Division Engineering

Classification Transportation

Project Description

2019 & 2020: Design and implementation of bikeways between the Portland Transportation Center (PTC)/Fore River Parkway Trail and Park Avenue. This would include bike-friendly intersection design at St. John Street and Park Ave and various configurations of bikeways on Frederic St, Marston St and Park Ave.

10/15/18: The completion of the Park Avenue Separated Bike Lane in 2018 will allow the opportunity in 2019 to monitor the project and determine the th next logical location to put in an additional location.

10/19/17: Construct Bike Lanes on 2 segments of Park Ave.; between Saint John Street and Forest Avenue and Deering, and St John Street to Marston Street. Outcomes are dependent on Bayside Trail Extension Study recommendations due in early 2018.

Project Justification

The recently completed Park Avenue Separated Bike Lane project has highlighted the need for better bike facility connectivity to the west. By improving the intersection of St. John Street and Park Ave and implementing an on-road bike facility on Frederic St, Marston St and the one-way portion of Park Ave, cyclists will have a designated route between the PTC and Downtown. Improvements at the St. John / Park intersection in particular will address several comments, requests and concerns received by the public following the Park Ave project and will connect the bike lanes on St. John St installed in October 2019.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$20,000		\$330,000		\$350,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2019		\$100,000			☒
2023		\$50,000			☐
2024		\$50,000			☐
2025		\$50,000			☐
2026		\$50,000			☐
2027		\$50,000			☐
2028					☐
Total		\$350,000			

Other Funding Source Description

Operating Budget Impact

Additional annual costs for pavement markings will result.

Traffic Signal Upgrades with Paving Programs

Public Works

Division Engineering

Classification Transportation

Project Description

For FY23:

\$50,000 for State at Spring detection/wiring updates

\$50,000 for State at Danforth detection/wiring updates

\$50,000 for State at Congress detection/wiring updates

Project Justification

This request will be to provide updates at the intersections of State Street at Spring and Danforth streets in association with an anticipated MaineDOT MPI paving project.

The City and MaineDOT's paving programs expects to continue a robust period of street repair in coming funding cycles, using CIP requests, as well as anticipated locally-funded projects, and City-Administered paving projects (through the MaineDOT and PACTS MPI programs). However, in the past these type of corridor paving projects have often been saddled with various non-paving costs, like traffic signal features such as video detection, pavement loops, and pedestrian buttons (ADA requirement).

Beginning in FY17, the City sought to keep separate various types of funding for each "type" of corridor improvement.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$200,000			\$2,010,000	\$2,210,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2017		\$185,000	\$150,000		☒
2018		\$210,000	\$210,000		☒
2019		\$800,000	\$500,000		☒
2020		\$300,000	\$100,000		☒
2021		\$150,000	\$100,000		☒
2023		\$150,000			☐
2024		\$200,000			☐
2025		\$200,000			☐
2026		\$200,000			☐
2027		\$200,000			☐
2028		\$200,000			☐
Total		\$2,795,000	\$1,060,000		

Other Funding Source Description

\$50,000 for Walton at Stevens detection updates

\$100,000 for Brighton at Barron Center for detection, wiring, new cabinet

Operating Budget Impact

This work will reduce overtime calls to these deficient locations, reducing overtime costs, and also keep operating budget

requests for basic signal items from being saddled with much larger needs at this location. Addition of detection technologies here will also make for improved performance.

Project Title ID 215875

High-Speed Communications for Adaptive Signal Corridors and Improved Coordination

Public Works

Division Engineering

Classification Transportation

Project Description

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

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

Year 2: Forest Avenue - Woodfords Corner to Morrill's Corner - Needs additional funding for to integrate new signal at Baxter/Vannah

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

Year 4: Brighton Avenue - Nasons Corner to Taft Street

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

Year 6: Forest Avenue - Riverton School to Riverside Street

Project Justification

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

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

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

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

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$5,000		\$695,000		\$700,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$100,000	\$100,000		☒
2023		\$50,000			☐
2024		\$100,000			☐
2025		\$100,000			☐
2026		\$100,000			☐
2027		\$125,000			☐
2028		\$125,000			☐
Total		\$700,000	\$100,000		

Other Funding Source Description

Project Title ID 215875

Operating Budget Impact

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

Public Works

Division Engineering

Classification Transportation

Project Description

Sidewalk improvements from DiMillos to Ri Ra's that includes widening and reseting curb.

Project Justification

5 Year Cost Summary

Planning	Land	Construction	Equipment	Est Total Cost
		\$250,000		\$250,000

Funding Source

Year	Other Funding	Requested Funding	City Mgr Recommended	Funding Type	Approved
2028					☐
2027					☐
2026					☐
2025					☐
2024		\$100,000			☐
2023		\$50,000			☐
2021		\$400,000	\$100,000		☒
Total		\$550,000	\$100,000		

Other Funding Source Description

Operating Budget Impact

Planning & Urban Development

Division Transportation

Classification Transportation

Project Description

Design and construct a safer and more accessible short-to-mid term bikeway facility from Baxter Blvd/Back Cove Trail pathway to the Martin's Point Bridge to serve as the East Coast Greenway link connecting Portland and points north. The East Coast Greenway is a nationally significant bikeway and pedestrian-way envisioned from Key West, Florida to Calais, Maine. The FY2021 appropriation (\$15,000) funded the conceptual design of the bikeway. The FY2023 request will fund construction of the bikeway in 2022 to match the opening date of MaineDOT's reconfigured Veranda Street (November 2022).

Project Justification

A prior feasibility study to provide an upgraded East Coast Greenway connection between the Back Cove Trail/Tukey's bridge to Martin's Point with a shared use pathway was approx. \$4M. Given state and local funding constraints, a mid-term time frame and more affordable approach is to upgrade street crossings and road configurations from the Back Cove Trail at-on Baxter Blvd/Bates Street and on Veranda Street to match with the MaineDOT's replacement of the I-295 overpass at Veranda Street and Veranda Street's reconfiguration to be completed in November 2022.

The bikeway/walkway will be designed to serve the "interested but concerned" cyclists who are typically lower skilled and strongly prefer higher degrees of separation from higher speeds and higher volume motor vehicle traffic. This project will complement MaineDOT's I-295 and Veranda Street projects in November 2022. In addition to the feasibility study, a Road Safety Audit conducted identified significant safety issues with the current roadways: 1) the crossing of Baxter Boulevard 2) the intersection with and crossing of Washington Avenue; and, 3) the I-295/Veranda Street ramps/interchange. The city and MaineDOT projects would address these significant safety issues as well as provide an upgraded bikeway on Bates and Veranda Streets.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$15,000		\$100,000		\$115,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2021		\$15,000	\$15,000		☒
2023		\$100,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$115,000	\$15,000		

Other Funding Source Description

Operating Budget Impact

On and along the road bikeway facilities will minimally impact annual operating budgets primarily through pavement marking and signage maintenance.

Parkside to Libbytown Pathway Phase II

Planning & Urban Development

Division Transportation

Classification Transportation

Project Description

Construction of a shared use pathway/enhanced bikeway from Forest Avenue through-behind Deering Oaks Park-Hadlock Field to connect to the Portland Transportation Center, Fore River Parkway Trail, and the city-wide Neighborhood Byway network. MaineDOT is anticipated to construct Phase I from Forest Avenue to Hadlock Field/Park Avenue along the abandoned Union Branch rail line on the back side of Deering Oaks Park. Phase II will extend the pathway from Park Ave/Hadlock Field to the Fore River Parkway Trail and the Portland Transportation Center. The FY2023 request for \$20,000 covers local match for design for Phase II. The FY2024 request for \$250,000 is for components of Phase I construction which are not anticipated to be covered under an existing agreement with MaineDOT, including funding for pathway landscaping and placemaking. The FY 2025 request is local match for construction of Phase II. Phase I is highly leveraged funding at approximately 90% state/federal and 10% local. Phase II is leveraged at 80% state/federal funding and 20% local.

Project Justification

This project extends the existing Bayside Trail from its terminus in Bayside through Deering Oaks Park to the Portland Transportation Center. Through an existing agreement with MaineDOT, the eastern part of the project, described here as Phase I, will use the abandoned Union Branch rail line. Phase II will continue the trail from Park Avenue/Hadlock Field to the PTC. The trail construction - in combination with other peninsula pathway projects - will transform bicycling and walking on the Portland peninsula, helping complete the circumferential shared use pathway/separated bikeway network that has long been envisioned around Portland's downtown.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$100,000		\$4,450,000		\$4,550,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023	\$80,000	\$20,000			☐
2024	\$2,700,000	\$250,000			☐
2025	\$1,250,000	\$250,000			☐
2026					☐
2027					☐
2028					☐
Total	\$4,030,000	\$520,000			

Other Funding Source Description

Other sources include anticipated 100% MaineDOT construction funding for Phase I. Funding from MaineDOT covers the design of the pathway at 80% with 20% local match. Phase II construction is anticipated to be funded at the same 80%/20% funding split. 2025 anticipated final funding is an estimate that is still subject to change based on possible interactions of this project with the Libbytown 2-way construction project; later year costs and MaineDOT matching funds totals will be updated in future requests.

Operating Budget Impact

Additional funds will be required for winter maintenance/snow clearing per MaineDOT requirements for funded pathways to be maintained and accessible year-round.

Facilities

Project Title **ID** 216396

Replace Pavement & Membrane

Parking / Garages

Division Temple Street Garage

Classification Facilities

Project Description

Replace Pvmnt & Membrane 1/2 level 2 Recoat Travel lanes

Project Justification

Protect concrete and prevent leaks

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023					☐
2024		\$450,000			☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$450,000			

Other Funding Source Description

Operating Budget Impact

Project Title ID 184225

Sealants and Concreate Repairs Levels 2 and 3 290K one year and levels 4 & 5 295K the next year

Parking / Garages

Division Elm Street Garage

Classification Facilities

Project Description

Sealants and Concreate Repairs Levels 2 and 3 one year and levels 4 & 5 the next year

Project Justification

These are standard maintenance issues to preserve the integrity of the structure and prevent more expensive repairs and damage to vehicles.

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$290,000			☐
2024		\$295,000			☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$585,000			

Other Funding Source Description

Operating Budget Impact

Public Buildings & Waterfront

Division Waterfront

Classification Facilities

Project Description

Replace concrete deck spans at front entrance of building. (See engineers report)

Project Justification

The concrete deck slabs have failed as a result of harsh weather and under deck salt water splash.

See engineers report and cost estimate.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$40,000		\$710,000		\$750,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$750,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$750,000			

Other Funding Source Description

Operating Budget Impact

Project Title ID 226760

212 Roof Replacement (4 Phases)

Public Buildings & Waterfront

Division Canco Road

Classification Facilities

Project Description

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

Project Justification

Replace Roof Areas A,B & F as proposed from roof audit 11/2020.

See attached Roof Audit.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$1,195,000		\$1,195,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$325,000	\$325,000		☒
2023		\$270,000			☐
2024		\$400,000			☐
2025		\$200,000			☐
2026					☐
2027					☐
2028					☐
Total		\$1,195,000	\$325,000		

Other Funding Source Description

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

Reducing the 2022 CIP Request to 230K

Operating Budget Impact

Completing sections A,B & F will eliminate all roof repairs including sections
D- Completed summer 2021
E- Completion Winter 2022
Sections remaining include sections C,G as stated in the attached report.

Public Buildings & Waterfront

Division Public Safety

Classification Facilities

Project Description

Expand dispatch work area into the former records office, install a new window on the South wall, improve bathroom & Kitchen facilities.

Project Justification

The existing 24/7 dispatch area was designed for 4-6 positions a telephone and 2 way radio in 1975.

Currently there are 10 positions with 4 monitors each and a complete console for each staff.

The kitchen, lockerroom and bathroom are completely inefficient and much too small. The dispatch space has a single window allowing only minimal natural light into the space.

Adding a window has been a request from staff for sometime. Other PD and dispatch equipment needs have always been the priority.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$15,000		\$100,000		\$115,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$115,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$115,000			

Other Funding Source Description

Operating Budget Impact

90 Anderson St - Exterior Upgrades

Public Buildings & Waterfront

Division Other Public Buildings

Classification Facilities

Project Description

Replace windows, roof, doors. Repair brick and waterproof.

Project Justification

At a minimum funding needs to be provided to protect this asset. This facility is an efficient location to leave machinery on the peninsula. Having everything at Canco Rd is extremely inefficient. Ie lawnmowers/sidewalk plows, etc.

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2028					☐
2027					☐
2026					☐
2025					☐
2024					☐
2023		\$150,000			☐
Total		\$150,000			

Other Funding Source Description

Operating Budget Impact

The roof is in need of replacing, in order to do this the front brick façade needs to be repaired. This work alone is approximately 75k.

Project Title **ID** 184340
Observatory - Painting and Other Maintenance

Public Buildings & Waterfront

Division Other Public Buildings

Classification Facilities

Project Description

Repair, repaint entire structure.

Project Justification

This structure is a landmark and needs to have a 5 yr maintenance plan. The windows are a constant problem due to the exposure. It's been recommended by both the engineer and window fabricator to keep this structure on a maintenance plan.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$70,000		\$70,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$70,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$70,000			

Other Funding Source Description

Operating Budget Impact

275K was invested in this structure in 2013. In order to protect that investment it's adamant the maintenance plan be implemented. The 5 yr plan has yet to be funded.

Public Buildings & Waterfront

Division Public Safety

Classification Facilities

Project Description

Replace existing exterior stairs and railings to meet ADA requirements.

Project Justification

The main entrance steps are concrete and original to the building. With sand/salt being applied for the past 50 yrs the concrete is spawling causing the rebar and steel support beam to deteriorate, exposing serious trip hazards. This entrance is used by the public accessing the Police Station the court house. Currently the stair treads and railings do not meet ADA.

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2028					☐
2027					☐
2026					☐
2025					☐
2024					☐
2023		\$200,000			☐
Total		\$200,000			

Other Funding Source Description

Operating Budget Impact

Serious injuries are possible in the current condition. Providing concrete patches are costly and last only 12-18 months.

Project Title ID 173579

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

Public Buildings & Waterfront

Division Waterfront

Classification Marine

Project Description

Replace failed concrete deck at head of pier. Replace pile caps, stringers as needed.
See report in attachments..

Project Justification

Engineers Recommendations

The areas of heavy spalling and rebar corrosion on the bottom of the slabs, between Stations 0+40 and 0+50, fall directly beneath the driveway into the warehouse structure. Bents 1 and 3 both have failed caps at the same location. These defects, combined with the loss of compressive strength on the top side of the concrete deck, lead us to recommend that the areas directly beneath the driveway be replaced with new concrete decking and timber caps as soon as is practicable, and that access to the remainder of the concrete deck be cordoned off and restricted.

Spans are almost entirely at ten-foot centers, and the solution utilized in 2008 has proven effective. A similar repair, with the additional replacement of timber caps, should prove cost effective and relatively easy to install. TEC Associates would be happy to work with the City on next steps should you wish.

Thank you for asking us to perform this inspection, and please do not hesitate to contact me with any questions.

Sincerely,

TEC Associates

Brendan Amy

Project Engineer

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$2,295,000		\$2,295,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2017		\$170,000	\$170,000		☒
2019		\$225,000	\$150,000		☒
2021		\$225,000	\$175,000		☒
2022		\$100,000	\$100,000		☒
2023		\$125,000			☐
2024		\$225,000			☐
2025		\$350,000			☐
2026					☐
2027					☐
2028					☐
Total		\$1,420,000	\$595,000		

Other Funding Source Description

Operating Budget Impact

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

Project Title **ID**
Ocean Ave - Roof Replacement

Fire Department

Division Building Maintenance

Classification Facilities

Project Description

Replace an existing 40 yr old tar and gravel roof. Add 6" of poly iso insulation, 1/2" cover board and EPDM.

Project Justification

The existing roof is well beyond it's expected 30 yr lifecycle. The roof leaks with heavy rain and snow loads. We've made some positive changes within the facility regarding air quaility, sleeping arrangements for all gender and "Best Practice" decompression space.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$5,000		\$60,000		\$65,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023	\$65,000				☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total	\$65,000				

Other Funding Source Description

Operating Budget Impact

Multiple costly roof repairs and ongoing inside damage.

Project Title ID 226764

Bramhall - Boiler Room Upgrades

Fire Department

Division Building Maintenance

Classification Facilities

Project Description

Boiler Replacement

Generator Removal

HVAC Sytem (50 yrs old) Removal/Replacement

Project Justification

Boiler - The boiler is 80 % efficient and operates year round to provide hot water. This facility has only one boiler, best practice requires heating redundancy. New high-efficient boilers would increase the efficiency to approx 92%.

Generator Removal - The original generator has been replaced with new switchgear and outdoor generator.

HVAC Sytem - Replace system with heat pumps and ERV which is much more efficient and can be designed to serve offices and meeting space on the lower level.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$15,000		\$140,000		\$155,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2028					☐
2027					☐
2026					☐
2025					☐
2024					☐
2023		\$155,000			☐
Total		\$155,000			

Other Funding Source Description

Operating Budget Impact

Operating fuel/electric costs will decrease. Costly expenses for boiler repairs will decrease.
Overall air quality will greatly improve.

Project Title ID

ARPA Forest Avenue Renovations Project

Health & Human Services

Division Public Health

Classification Social Services

Project Description and Justification

Combining key programs from the Social Services and Public Health divisions to a single, centralized location in the city seeks to reduce barriers to those who access vital services as well as enhance organizational efficiency. In addition, the much larger physical space at the Forest Avenue location provides opportunities for program expansion as well as increased opportunity for physical distancing to maintain health and safety for staff and service recipients. \$750,000 was approved during the ARPA process with an additional estimated \$100,000 of surplus fund balance as part of 2023's Additional Appropriations for Previously Approved Capital Projects required to complete the renovations including external project management costs.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$850,000		

Funding Request

<u>Year</u>	<u>Other Funding</u>	<u>Requested ARPA Funding</u>	<u>Approved ARPA Funding</u>	<u>Funding Type</u>	<u>Approved</u>
2023	\$100,000	\$750,000	\$750,000		☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total					

Operating Budget Impact - TBD during FY23 budget process

Project Title **ID**

ARPA Homeless Services Center Project

Health and Human Services

Division Public Health

Classification Social Services

Project Description and Project Justification

Oxford Street Shelter (the current adult shelter) is not well equipped to serve the City's growing homeless service needs. The construction of a one-story, adult emergency shelter, located at 654 Riverside Street would be a huge step forward in addressing this need. The Homeless Services Center (HSC) will be open 24 hours a day, 7 days a week with on-site meals and a wide range of services including: health and mental health care, substance use treatment, housing assistance, peer support, case management, employment assistance and more. The new location will be easily accessible to all. There will be indoor storage lockers, bathrooms and laundry facilities. Clients will be assigned beds and there will be the ability to physically distance and a headboard charging station for safe phone charging. The City also has commitments from over a dozen agencies to provide services on-site, creating a one-stop model. The City has approved use of \$3,500,00 of ARPA funding and received \$3,000,000 from Cumberland County via the County ARPA allocation. These funds have been committed towards initial capital and lease costs and the City needs an estimated additional \$450,000 for sidewalk construction and improved pedestrian access, connecting the HSC on Riverside Street to the nearest METRO bus routes. Staff is requesting approval of these funds as part of the 2023 CIP Additional Appropriations for Previously Approved Capital Projects. Other funding sources are still being investigated and pursued. NOTE - the costs indicated below are in addition to required lease payments as approved by the City Council (approximately \$2.5M annually for 10 years, followed by approximately \$300k annually, indexed to inflation for the next 15 years).

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$6,950,000		

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested</u> <u>ARPA Funding</u>	<u>Approved</u> <u>ARPA Funding</u>	<u>Funding Type</u>	<u>Approved</u>
2023	\$3,450,000	\$3,500,000	\$3,500,000		☐
2024					☐
2025					☐
2026					☐
2027					☐
					☐

Operating Budget Impact .

To be discussed in detail during the FY23 budget process. Existing costs related to Oxford Street shelter will end in March 2023 when HSC is expected to be operational.

Parks, Rec & Public Assembly**Division** Recreation**Classification** Facilities**Project Description**

This project would replace and improve the aging Kiwanis Community Pool, located at Dougherty Field Park in the Libbytown neighborhood. The existing pool was built in 1961 and has received regular maintenance and upkeep, allowing it to last 60 years, which is double the typical 30 year lifespan of an outdoor municipal pool.

Project Justification

In 2019, the Parks, Recreation and Facilities Department worked with the aquatics facility consulting firm Counsilman-Hunsaker to do public outreach on the potential replacement of the Community Pool, along with a feasibility study and cost estimates. The facility is within a qualified census tract. Through polling of aquatic stakeholders and a community meeting, we received valuable feedback from the community about desired features in the new pool. Features desired by the community and included in the feasibility study include:

- Accessibility and inclusivity for all community members, and compliance with Americans with Disabilities Act (ADA)
- Tot and child zero-beach entry with play area areas
- Waterslide tower
- New spraypad with expanded features
- Water current zones
- Shaded areas swimmer use and community gatherings,
- Lap and fitness lanes
- Recreational swimming area

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$6,500,000		\$6,500,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested</u> <u>ARPA Funding</u>	<u>Approved</u> <u>ARPA Funding</u>	<u>Funding Type</u>	<u>Approved</u>
2023	\$2,700,000	\$3,800,000	\$3,800,000		☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total	\$2,700,000	\$3,800,000			

Other Funding Source Description \$3,800,000 awarded in ARPA funds in November 2021 and \$2,700,000 of surplus fund balance was assigned to cover the remainder. This funding is being requested as part of the 2023 CIP Additional Appropriations for Previously Approved Capital Projects

Operating Budget Impact TBD - Previous recommendations based on initial design included the addition of one lifeguard per shift. However the final design of the pool made several scope reductions including removal of the current river. Final assessment of whether additional operating budget expenditures will be performed after project bids are received and any further modifications to the project scope are required.

School Department Facilities



Brendan O'Connell <boconnell@portlandmaine.gov>

Backup Materials for PPS CIP Requests

Douglas Sherwood <sherwd@portlandschools.org>

Thu, Feb 10, 2022 at 2:33 PM

To: "Brendan T. O'Connell" <boconnell@portlandmaine.gov>

Cc: Kaela Gonzalez <kgonzalez@portlandmaine.gov>, Kathie Winchenbach <winchk@portlandschools.org>, Steven Stilphen <stilps@portlandschools.org>, Xavier Botana <botanx@portlandschools.org>

Mr. O'Connell
Brendan

Good afternoon!

We have a fully loaded multiyear capital program bolstered by our comprehensive 2017 Facilities Assessment that indicated we need to invest over \$16 million per year (actually \$320 million over 20 years) just to maintain what we have in place without new initiatives. We know that \$16 million per year will never happen so we explore every avenue to secure funding not just City of Portland CIP. The "new" East End, Ocean Avenue, and Rowe Schools were all state funded. PHS and PATHS were on the last state list but did not score high enough; hence, why Supt Botana recently approached the State Board of Education with an out of cycle request as reported in today's Press Herald. Often times, we are able to leverage other funding sources using City CIP as "collateral" which is the case again this year with recent MDOE approval of our FY22 State Revolving Renovation Fund projects which are guaranteed with a zero percent loan with 30% forgiven if we contribute 70% and complete on time.

Project summaries follow:

1. Portland High School - Roof Replacement (phase 1 - \$1.8 million): The 2017 facilities assessment stated that the roof system had exceeded its useful life and should be replaced within 5 years. The price tag is staggering given limited annual funding so we kept deferring the work and conditions have gone from poor to failing in sections of the 30 plus year old EPDM roof over the original 1867 building and 1919 addition. Seals and lapped edges are cracked. Fasteners are showing through in spots and nearby insulation is soft. Metal flashing is in poor condition with splice joints open and separating. In addition and supported by the MDOE SRRF program (\$250,000), 20 beams have deflected requiring structural reinforcement.

2. King Middle School - Replace rooftop HVAC units (\$188,550 which is supportly fully by the MDOE SRRF program): Though we have thoroughly cleaned our air handling equipment, added ionizers to improve air quality and continue to change air filters regularly, we have yet to replace our end of service life rooftop heating and ventilation equipment required to ensure our filtered air supply volumes meet code and that enough air is being exhausted to permit required air exchanges per hour that are both essential especially during COVID. The project proposes two 5000 cfm heating and ventilating units to serve the cafe, library and 8 classrooms as well as the exhaust systems serving this area of the school and the original 1950s roof ventilators.

3. PATHS - Replace rooftop HVAC units (\$161,350 which is supported fully by the MDOE SRRF program): Yet another urgent indoor air quality project critical to improving air exchanges that have become more critical due to COVID. Narrative in the King Middle School project above also applies here. This project proposes to replace ten 2,000 cfm rooftop exhaust fans.

4. Moore Middle School - Replace rooftop HVAC units (\$432,239 which is supported fully by the MDOE SRRF program): Similar narrative to King and PATHS listed above. We urgently need to replace end of service life equipment to produce sufficient air exchanges as part of our COVID mitigation measures. We plan to replace rooftop heating and ventilating serving the 1996 two story classroom addition as well as the gym and cafeteria as well as the powered toilet exhausts and unit ventilator relief hoods that have all exceeded their service life.

5. PATHS - Replace boiler (\$737,675): We had hoped to replace the boilers at Lincoln Middle School in this CIP, but this project for PATHS listed in our FY24 CIP took its place when boiler #2 failed earlier this fall. We currently have a temporary boiler on standby if necessary to support the 210,000 SF campus when demand exceeds the capability of the one remaining boiler. The HB Smith 17 section 650 Mills steam boiler is original equipment that survived 40 plus years going from burning #6 fuel oil to natural gas in 2013 before the header failed last fall. Replacing this boiler before the next heating season is critical.

6. Transportation - Replace ADA Bus 87 (\$106,020): ADA bus 87 is the next bus to be retired due to age, mileage and serviceability as part of our ten year vehicle replacement plan.

Hope this helps and is timely enough to meet your needs for tonight!

Best
Doug

[Quoted text hidden]

[Quoted text hidden]

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

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October 7, 2021 CIP Request

Location	Project Title	2022	FA Year	Condition Level	Life Cycle	Action Priority	Comments
DHS	Replace windows - final phase	\$345,000	16-20	2	END	L	
PHS	Replace windows - final phase	\$555,000	16-20	2	ESL	L	
Multi	Door access controls - year 4 of 5	\$115,000					new upgrade
PHS	Phase I Roof Replacement	\$1,800,000	1-5	2/3	ESL	S	\$250k req from SRRF
TAL	Renovate single use bathrooms	\$332,049	1-5	0	OBS	S	
KMS	Replace rooftop HVAC units	\$100,000	6-10	2	END	L	\$100k req from SRRF
PATHS	Replace rooftop HVAC units	\$100,000	6-10	2	END	L	\$100k req from SRRF
MMS	Replace rooftop HVAC units	\$250,000	6-10	2	END	L	\$200k req from SRRF
DHS	Replace boiler feed tank, pumps and controls	\$87,255	1-5	1	END	S	
LMS	Replace boilers	\$737,675	6-10	1	END	L	Likely needs to flip to PATHS
CIS	Address exterior electric concerns	\$82,543	1-10	1/2	OBS/END	S/L	
TRNS	ADA Bus 87 replacement	\$106,020					
	Total:	\$4,610,542					

Location	Project Title	2022	FA Year	Condition Level	Life Cycle	Action Priority	Comments			
DHS	Replace windows - final phase	\$0	16-20	2	END	L	move to FY24 - \$345K			
PHS	Replace windows - final phase	\$0	16-20	2	ESL	L	move to FY24 - \$555K			
Multi	Door access controls - year 4 of 5	\$0					move to FY24 - \$115K			
PHS	Phase I Roof Replacement	\$1,800,000	1-5	2/3	ESL	S	\$250K req from SRRF			
TAL	Renovate single use bathrooms	\$0	1-5	0	OBS	S	defer \$332,049 - assess whether or not summer 2022 SRRF project will meet need			
KMS	Replace rooftop HVAC units	\$188,550	6-10	2	END	L	\$170K in orig SRRF request			
PATHS	Replace rooftop HVAC units	\$161,350	6-10	2	END	L	\$120K in orig SRRF request			
MMS	Replace rooftop HVAC units	\$432,239	6-10	2	END	L	\$380K in orig SRRF request			
DHS	Replace boiler feed tank, pumps and	\$0	1-5	1	END	S	defer \$87,255			
PATHS	Replace boilers	\$737,675	6-10	1	END	L				30000
CIS	Address exterior electric concerns	\$0	1-10	1/2	OBS/END	S/L to	defer \$82,543			
TRNS	ADA Bus 87 replacement	\$106,020								
	Total:	\$ 3,425,834								

Fleet Vehicles

Project Title ID 236953

Tower Ladder Unit - "Ladder #6"

Vehicle Maintenance

Division Fire Department

Classification Vehicles

Project Description

Pierce Enforcer All Steer 100' Mid Mount Tower Ladder

Project Justification

This replacement would include the sole Tower Ladder Unit. This truck would serve as both the West End Ladder Company as well as the city wide Tower for uses that include elevated/low level waterway as well fixed platform for high and low angle rescues. This truck will replace a 1994 Pierce unit that has more than well served the city.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$1,610,000	\$1,610,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$1,610,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$1,610,000			

Other Funding Source Description

Operating Budget Impact

Project Title ID 236955

Pumper Truck - "Engine #9"

Vehicle Maintenance

Division Fire Department

Classification Vehicles

Project Description

Pierce Enforcer 1500GPM Pumper

Project Justification

This replacement Engine will primarily serve the Riverton District as well as the second engine for Deering Section as a whole and one of the four city wide. This truck would replace a 1999 Pierce unit that has served the city well.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$825,000	\$825,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$825,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$825,000			

Other Funding Source Description

Operating Budget Impact

Project Title ID 141804

Police Cruisers (07 EA)) Replacement - Police

Vehicle Maintenance

Division Police Department

Classification Vehicles

Project Description

Yearly replacement of 7 marked police cruisers @\$43000 each. Cost assumes all hybrid vehicles.

Project Justification

scheduled replacement / requesting 07 EA for CIP 2023

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$3,402,000	\$3,402,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2028					☐
2027		\$301,000			☐
2026		\$301,000			☐
2025		\$301,000			☐
2024		\$301,000			☐
2023		\$301,000			☐
2021		\$301,000	\$301,000		☒
2019		\$266,000	\$266,000		☒
2018		\$266,000	\$266,000		☒
2017		\$266,000	\$152,000		☒
2016		\$266,000	\$160,000		☒
2015		\$266,000	\$265,000		☒
2014		\$266,000	\$265,000		☒
Total		\$3,402,000	\$1,675,000		

Other Funding Source Description

Operating Budget Impact

Reduced fuel consumption by replacing 6 cylinder gasoline engines with 6 cylinder hybrids. Ford estimates 40% fuel savings over the gasoline engines

Project Title **ID** 236990

LR 64R - W/ McNeilus 25 Yard Rear Loader - Trash Packer

Vehicle Maintenance

Division Public Works

Classification Vehicles

Project Description

LR 64R - W/ McNeilus 25 Yard Rear Loader - Trash Packer for Solid Waste Bill Patnaude

Project Justification

Required to replace active unit #4050 - Year 2007 / Miles 105,471

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$1,500,000	\$1,500,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$300,000			☐
2024		\$300,000			☐
2025		\$300,000			☐
2026		\$300,000			☐
2027		\$300,000			☐
2028					☐
Total		\$1,500,000			

Other Funding Source Description

Operating Budget Impact

Project Title **ID** 236978

Single Axle Heavy Plow Truck (Freightliner) w/Permanent Mount Sander

Vehicle Maintenance

Division Public Works

Classification Streets/Sidewalks

Project Description

Single Axle Heavy Plow Truck (Freightliner) w/Permanent Mount Sander - Streets and Sidewalks

Project Justification

Required to replace active unit #3036 / Year - 2001 - Miles - 36,865

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$200,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$200,000			

Other Funding Source Description

Operating Budget Impact

Project Title ID 236979

2.0 Ton Plow Truck w/ Sander

Vehicle Maintenance

Division Public Works

Classification Streets/Sidewalks

Project Description

2.0 Ton (F550-C5500) Plow Truck w/ Sander - Streets and Sidewalks

Project Justification

Required to replace active unit #3131 / Year - 2006 - Miles - 34,023

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$150,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$150,000			

Other Funding Source Description

Operating Budget Impact

Holder Sidewalk Machine

Vehicle Maintenance

Division Public Works

Classification Streets/Sidewalks

Project Description

Holder Sidewalk Machine - Streets and Sidewalks

Project Justification

Required to replace active unit #8105 / Year - 2005 - Hours - 4,716

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$150,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$150,000			

Other Funding Source Description

Operating Budget Impact

Vehicle Maintenance

Division Public Works

Classification Vehicles

Project Description

Cab Over 8 Yard Rear Loader Mini Trash Packer. Diamond Back / New Way body make and model - Solid Waste Bill Patnaude.

Project Justification

Per Chris Branch: "We are looking into adding a second mini packer to help with the barrell route".

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$140,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$140,000			

Other Funding Source Description

Operating Budget Impact

Vehicle Maintenance

Division Public Works

Classification Vehicles

Project Description

Service / Road Call Truck for Fleet Department- Fully outfitted for both Heavy and Light wheel service.

Project Justification

Service / Road Call Truck - Fully Outfitted for both Heavy and Light Wheel service required to replace Service Truck #2501 model year 2001 with 82,004 miles - Bad Injection pump and low compression on motor.

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$125,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$125,000			

Other Funding Source Description

Operating Budget Impact

Project Title **ID** 237102

Golf Course Utility Vehicle REPLACEMENT with Aerifier and core harvester attachments (priority #1)

Vehicle Maintenance

Division Recreation and Facilities

Classification Parks, Fields, Trails

Project Description

Golf Course Utility Vehicle REPLACEMENT with Aerifier and core harvester attachments (priority #1)

Project Justification

Golf Course Utility Vehicle REPLACEMENT with Aerifier and core harvester attachments (priority #1)

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$90,000	\$90,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$90,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$90,000			

Other Funding Source Description

Operating Budget Impact

SUV K9 Police Cruisers - 02 EA

Vehicle Maintenance

Division Police Department

Classification Vehicles

Project Description

SUV K9 Police Cruisers - 02 EA per Heath Gorham are required.

Project Justification

SUV K9 Police Cruisers - 02 EA per Heath Gorham are required. #1027 is a patrol K9 car, 2014 Ford SUV, 123,500 miles. #1028 is a patrol K9 car, 2014 Ford SUV, 138,000 miles. These are required in addition to the yearly 07 EA squad SUV vehicles. 02 EA @ \$43,000 ea = \$86,000.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$86,000	\$86,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$86,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$86,000			

Other Funding Source Description

Operating Budget Impact

Project Title ID 236975

1.0 Ton - Single Axle Plow Truck

Vehicle Maintenance

Division Public Works

Classification Streets/Sidewalks

Project Description

1.0 Ton - Single Axle Plow Truck - Streets and Sidewalks

Project Justification

Required to replace current active unit #4981 / Year - 1999 - Miles - 78,153

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$80,000	\$80,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$80,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$80,000			

Other Funding Source Description

Operating Budget Impact

Vehicle Maintenance

Division Public Works

Classification Vehicles

Project Description

Bucket Van - Public Buildings / Port Operations - Kathy Alves

Project Justification

Bucket Van - Public Buildings / Port Operations - Required to replace Bucket Truck #2218 model year 2005.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$75,000	\$75,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2028					☐
2023		\$75,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$75,000			

Other Funding Source Description

Operating Budget Impact

Project Title **ID** 237100
0.75 Ton Pick up w/ Plow Set Up - PRF Cems (Forest City)

Vehicle Maintenance

Division Recreation and Facilities

Classification Parks, Fields, Trails

Project Description

0.75 Ton Pick up - PRF Cems (Forest City)

Project Justification

0.75 Ton Pick up- PRF Cems (Forest City) to replace aged out asset #2110.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$70,000	\$70,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$70,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$70,000			

Other Funding Source Description

Operating Budget Impact

Project Title ID 237080

RMV Hot Patcher - 4 Ton

Vehicle Maintenance

Division Public Works

Classification Streets/Sidewalks

Project Description

RMV Hot Patcher - 4 Ton for Marc Spiller Streets and Sidewalks

Project Justification

RMV Hot Patcher - 4 Ton for Marc Spiller Streets and Sidewalks required to replace failed unit #5104 that requires major repairs and is a 1998 model year.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$65,000	\$65,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$65,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$65,000			

Other Funding Source Description

Operating Budget Impact

Project Title **ID** 237074

0.5 Ton Pick Up (no plow / sander) Street Openings

Vehicle Maintenance

Division Public Works

Classification Vehicles

Project Description

0.5 Ton Pick Up (no plow / sander) Street Openings

Project Justification

0.5 Ton Pick Up (no plow / sander) Street Openings required yearly for this department per Chris Branch.

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$50,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$50,000			

Other Funding Source Description

Operating Budget Impact

Project Title ID 236969

1.0 Ton Single Axle, Single Cab with Skid Pump and Tank - "Cushing Fire Engine"

Vehicle Maintenance

Division Fire Department

Classification Vehicles

Project Description

The Replacement vehicle would be a 1.0 Ton single cab with skid pump & tank

Project Justification

This vehicle is placed on the island 6-8 months a year to be used by Fire Crews responding from the mainland to the island. Currently there is a 1981 MACK fire engine that was purchased in 2015 from Windham FD. The truck is in poor condition, however should be replaced with a more suitable type of truck.

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023					☐
2024		\$150,000			☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$150,000			

Other Funding Source Description

Operating Budget Impact

Project TitleID237096

02 EA - NEW Jacobsen Truckster Utility Vehicle w/ Tow Behind Turfco Spreader

Vehicle Maintenance

DivisionRecreation and Facilities

ClassificationParks, Fields, Trails

Project Description

02 EA - NEW Jacobsen Truckster Utility Vehicle w/ Tow Behind Turfco Spreader - Alex Marshall

Project Justification

This is Pesticide Ordinance related. Our crew can not spread top soil efficiently with their current equipment and, like a golf course, this would allow them to hit a large number of acres per day/year with minmal impact to the field.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$40,000	\$40,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023					☐
2024		\$40,000			☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$40,000			

Other Funding Source Description

Operating Budget Impact

Water Resources (Sewer/ Stormwater Enterprise Funds)

CSO - Close CSO #42

Water Resources

Division Sewer

Classification Wastewater

Project Description

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

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

Project Justification

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

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2015		\$75,000	\$75,000		☒
2019		\$100,000	\$100,000		☒
2020		\$250,000	\$250,000		☒
2022		\$500,000	\$500,000		☒
2023		\$200,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$1,125,000	\$925,000		

Other Funding Source Description

Operating Budget Impact

Water Resources

Division Sewer

Classification Wastewater

Project Description

Funding to update the City's India Street and Fore River pump station SWMM models.

Project Justification

Integrated plan mandate from MDEP and EPA to analyze the potential for CSO reduction at the Fore river pump station and Portland Harbor waterfront.

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$500,000			☐
2024		\$500,000			☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$1,000,000			

Other Funding Source Description

Operating Budget Impact

Project Title ID 194901

CSO-Non SRF Sewer / Storm Consulting and Inspection Services

Water Resources

Division Sewer

Classification Wastewater

Project Description

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

Project Justification

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

Inspection services for the following:

Back Cove West Storage Conduit = \$500k

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2020		\$500,000	\$500,000		☒
2022		\$1,500,000	\$1,500,000		☒
2023		\$500,000			☐
2024		\$500,000			☐
2025		\$500,000			☐
2026		\$500,000			☐
2027					☐
2028					☐
Total		\$4,000,000	\$2,000,000		

Other Funding Source Description

Operating Budget Impact

Water Resources

Division Sewer

Classification Wastewater

Project Description

Stormwater on Ashmont and Coyle is currently separated but ties into the sewer on Forest Avenue. Also Forest Avenue's stormwater goes into the sewer. This project would separate Forest Ave, Ashmont St, Coyle St and Belmont St by taking a new storm drain from Back Cove up Belmont St. Coyles Gully also currently goes under 3 building and this project would remove the stormwater from going under The Great Lost Bear, Ricker Park, and 18 Ashmont St.

Project Justification

This would significantly reduce the overflows associated with CSO 13 and 15. PWD is also planning on replacing its water mains from Dartmouth to Arlington St. The street is also slated to be paved.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$150,000		\$5,000,000		\$5,150,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$150,000			☐
2024		\$5,000,000			☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$5,150,000			

Other Funding Source Description

Operating Budget Impact

Water Resources

Division Sewer

Classification Wastewater

Project Description

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

The following projects remain to be completed:

Riverton Replacement with Submersible Pump Station

Castine Replacement of Security Fence

Franklin Street Wet Well Coating

Riverton Street Pump Station Force Main Condition Assessment

SCADA and Hardware Updates

Flowmeters at Pump Stations

Security upgrades at Pump Stations (fencing, gates, lighting)

Project Justification

CIP Year 2023 Projects: Riverton Street Pump Station, Riverside Force Main Condition Assessment, Additional flow meters at Pump Stations, and SCADA upgrades.

The Riverton Pump Station Replacement project is currently under design and will be bid in December 2021. Expected to use most of the existing funds for this project.

Future year CIP work includes a condition assessment of the Riverside Pump Station Force Main, the replacement of coating for the wet well at Franklin Street Pump Station, flow meter installation at the remaining pump stations, ventilation alarms, pump replacements, gate replacement, and various other upgrades as required including SCADA systems and security features.

5 Year Cost Summary

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

Funding Source

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

Project Title	ID	152461	
2027			☐
2028			☐
Total		\$9,892,000	\$7,210,000

Other Funding Source Description

Operating Budget Impact

Water Resources

Division Sewer

Classification Wastewater

Project Description

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

Project Justification

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

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

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

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$1,100,000	\$1,100,000		☒
2023		\$1,650,000			☐
2024		\$1,650,000			☐
2025		\$1,650,000			☐
2026		\$1,650,000			☐
2027		\$1,650,000			☐
2028					☐
Total		\$9,350,000	\$1,100,000		

Other Funding Source Description

Operating Budget Impact

All funding will come from CIP accounts.

Water Resources

Division Sewer

Classification Wastewater

Project Description

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

Project Justification

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

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

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2021		\$25,000	\$25,000		☒
2022		\$225,000	\$225,000		☒
2023		\$100,000			☐
2024		\$100,000			☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$450,000	\$250,000		

Other Funding Source Description**Operating Budget Impact**

There will likely be annual licensing fees.

Combination Unit - Vactor Truck

Water Resources

Division Sewer

Classification Vehicles

Project Description

Replace existing vactor unit (#5074) with a second combination unit that has a hydraulic rodder with debris vacuum.

Project Justification

A second unit will provide the ability to clean pump stations wet wells, combined storage overflow tanks, stormwater treatment units as well as hydroexcavation needs. The existing combo unit (#5064) supports in-house CCTV production work. Existing vactor unit has strong resale or trade in potential per CN Wood.

Cost to go up by 5% within the next 6 months.

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$500,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$500,000			

Other Funding Source Description

Operating Budget Impact

Project Title ID 205710

Pearl Street Sewer/Repair and Storm Drain

Water Resources

Division Sewer

Classification Wastewater

Project Description

Sewer repair and storm drain on Pearl Street between Fore Street and Cumberland Avenue.

Project Justification

Multiple segments of sewer pipe within Pearl Street between Fore Street and Somerset have a high likelihood of failure and are deformed beyond the ability to rehabilitate. Other utility work and the installation of a storm drain be a part of this work and could be part of the planned transportation work for the intersection of Pearl Street and Fore Street. This project is currently requesting money for 100% design.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$300,000		\$4,000,000		\$4,300,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2020		\$200,000	\$200,000		☒
2023		\$100,000			☐
2024		\$4,000,000			☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$4,300,000	\$200,000		

Other Funding Source Description

Need to determine a better idea of costs.

Operating Budget Impact

Green Infrastructure

Water Resources

Division Stormwater

Classification Stormwater

Project Description

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

Project Justification

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

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2024		\$200,000			☐
2025		\$200,000			☐
2026		\$200,000			☐
2027		\$200,000			☐
2019		\$272,000	\$272,000		☒
2020		\$750,000	\$750,000		☒
2016		\$200,000	\$200,000		☒
2017		\$200,000	\$200,000		☒
2018		\$200,000	\$200,000		☒
2022		\$200,000	\$200,000		☒
2023		\$200,000			☐
2028					☐
Total		\$2,822,000	\$1,822,000		

Other Funding Source Description

Operating Budget Impact

Water Resources

Division Stormwater

Classification Marine

Project Description

Monitoring and rehabilitation of existing dam

Project Justification

Replace exsisting Sluice Gate, Drill 3 Peizometers with Data Loggers,
Set 3 Monuments, Construct Bar Screen up stream of Sluice gate, and Repointing of Downstream Face.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$5,000		\$410,000		\$415,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2020		\$100,000	\$50,000		☒
2023		\$155,000			☐
2024		\$205,000			☐
2025		\$5,000			☐
2026					☐
2027					☐
2028					☐
Total		\$465,000	\$50,000		

Other Funding Source Description

Operating Budget Impact

Water Resources

Division Stormwater

Classification Stormwater

Project Description

This project is to install several green infrastructure best management practices throughout the Sagamore Village neighborhood. Practices are all vegetative filters that will manage, reduce, and treat stormwater runoff throughout the development.

Project Justification

Sagamore Village is within the Capisic Brook Watershed and had a project identified within the neighborhood as part of the Watershed Management Plan required by the Maine DEP and MS4 Permit. The original design location is no longer an option due to future development so the City has begin design on smaller treatment options throughout the neighborhood. A previous CIP request for a similar amount was moved to a CIP Outlay account in the operating budget which has allowed for the payment to Ransom Engineering for the design of the potential projects but the construction.

This project has been identified as a required stormwater structural control project in the City's updated Stormwater management plan. This plan is being developed concurrently with the City's next MS4 permit with the DEP. Delivery of this project will be a permit requirement in the City's next 5-year MS4 permit with DEP, which is scheduled to become active on July 1, 2022.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$1,790,000		\$1,790,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2020	\$450,000	\$600,000	\$40,000		☒
2023	\$0	\$1,300,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total	\$450,000	\$1,900,000	\$40,000		

Other Funding Source Description

A separate green infrastructure CIP account will be utilized for the remainder. Additional CIP funding in FY 2020 request should be reduced to \$250,000.00. Total funding required for construction= \$1,590,000.00.

Operating Budget Impact

Coyles Gully Ricker Park

Water Resources

Division Stormwater

Classification Wastewater

Project Description

Coyles Gully storm drain / CSO pipe goes under building 4 of Ricker Park. This project would move the pipe to go around the building and not under it. Currently the pipe is broken under the slab of building 4 for Ricker Park.

Project Justification

Corp Counsel has agreed with the property owner that we would move the pipe out from under the building. The pipe is 20-25 feet deep and is currently broken under the building.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$550,000		\$550,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$550,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$550,000			

Other Funding Source Description

Operating Budget Impact

Water Resources

Division Stormwater

Classification Wastewater

Project Description

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

Project Justification

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

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$100,000		\$4,300,000		\$4,400,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2020		\$100,000	\$100,000		☒
2022		\$4,000,000	\$2,300,000		☒
2023		\$2,000,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$6,100,000	\$2,400,000		

Other Funding Source Description

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

Operating Budget Impact

Project Title ID 216232

Center Street Storm Drain

Water Resources

Division Stormwater

Classification Wastewater

Project Description

Center Street was separated in 1976 with a storm drain which reconnects to the combined sewer in commercial street. The project will remove the connection to the combined sewer and discharge into the Fore River as a separated outfall.

Project Justification

This project will work towards separating the existing drain line to help reduce CSO volumes at CSO #25-Long Wharf.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$300,000		\$2,000,000		\$2,300,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2021		\$200,000	\$200,000		☒
2023		\$100,000			☐
2024		\$2,000,000			☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$2,300,000	\$200,000		

Other Funding Source Description

Operating Budget Impact

Presumpscot Culvert

Water Resources

Division Stormwater

Classification Wastewater

Project Description

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

Project Justification

The sidewall of the existing culvert is failing.
Need additional funds due to increase in prices.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$1,380,000		\$1,380,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2021		\$750,000	\$750,000		☒
2022		\$475,000	\$475,000		☒
2023		\$155,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$1,380,000	\$1,225,000		

Other Funding Source Description

Operating Budget Impact

Water Resources

Division Stormwater

Classification Wastewater

Project Description

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

Project Justification

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

5 Year Cost Summary

Planning	Land	Construction	Equipment	Est Total Cost
		\$1,000,000		\$1,000,000

Funding Source

Year	Other Funding	Requested Funding	City Mgr Recommended	Funding Type	Approved
2022		\$200,000	\$200,000		☒
2023		\$200,000			☐
2024		\$200,000			☐
2025		\$200,000			☐
2026		\$200,000			☐
2027					☐
2028					☐
Total		\$1,000,000	\$200,000		

Other Funding Source Description

Operating Budget Impact

Water Resources

Division Stormwater

Classification Wastewater

Project Description

Storm Drain Extension on Torrington Avenue on Peaks Island.

Project Justification

Project to extend existing storm drain on Torrington Avenue on Peaks Island with the intent of mitigating stormwater flowing from the gravel road and causing private property damage.

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$200,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$200,000			

Other Funding Source Description

Operating Budget Impact

Project Title **ID** 236821

Reed Avenue Storm Drain Improvements

Water Resources

Division Stormwater

Classification Wastewater

Project Description

Drainage Improvements for Reed Avenue on Peaks Island.

Project Justification

Improving ditches and culverts to mitigate drainage issues in the Reed Avenue City easement area on Peaks Island.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$100,000		\$1,000,000		\$1,100,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$100,000			☐
2024		\$1,000,000			☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$1,100,000			

Other Funding Source Description

Operating Budget Impact

Bayside Trail Storm Drain

Water Resources

Division Stormwater

Classification Wastewater

Project Description

Project to extend storm drain from Deering Oaks Parking Lot to Hood Dairy underneath the Bayside Trail Extension which is being proposed in the old Maine DOT rail corridor located between Deering Oaks Park and I-295.

Project Justification

New Storm Drain system to be installed in conjunction with a future Bayside Trail extension towards Hood Dairy to alleviate flooding and to provide future sewer separation opportunities for the north west corner of peninsula.

Initial funding request would be conceptual/feasibility design analysis for the new system.

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$100,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$100,000			

Other Funding Source Description

Operating Budget Impact

Water Resources

DivisionStormwater

ClassificationWastewater

Project Description

Congress to Quebec

Project Justification

This project proposes to replace a failing storm drain system in Eastern Promenade from Congress Street to Quebec Street which has 9 class 5 defects based on the NASSCO pipe rating system. This project will also upsize storm drain capacity in this coordior to prevent flooding issues in at the Congress Street/Eastern Promenade intersection which has periodically resulted in stormwater to flow down the Eastern Promenade Embankment causing erosion issues.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$40,000		\$200,000		\$240,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$40,000			☐
2024		\$200,000			☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$240,000			

Other Funding Source Description

Operating Budget Impact

Project Title ID 237206
Pelican NP Three Wheel Broom Street Sweeper w/ Dual Side
Brooms and Belt Conveyor

Water Resources
Division Stormwater
Classification Equipment

Project Description
Pelican NP Three Wheel Broom Street Sweeper w/ Dual Side Brooms and Belt Conveyor

Project Justification
Required for Water Resources

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$285,000	\$285,000

Funding Request

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>Approved Funding</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$285,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$285,000			

Other Funding Source Description

Operating Budget Impact

Public Comment on Order 163-21/22 (with Order 164): CIP Shenanigans - Golf Course Bridge

0 views



George Rheault

11:59 AM

to Public Comment, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Danielle West-Chuhta, Dena Libner, Jennifer Thompson, Brendan T O'Connell, Hipple, Ethan

Virtually every single line item in the proposed CIP for FY2023 raises questions and alarm about the quality of the work behind what is in front of the City Council.

The Dole Brook golf course bridge is a great example.

Anyone taking a stroll over to the course as I did on Friday will notice that no bridge has been washed out. And in fact, two bridges are in excellent working order. The third has a solid culvert in place along with solid stonework around the culvert. The wooden planks on top of it need replacing (at least a few) but nowhere near \$255,000 worth (see project detail).

The City Council should be asking questions such as below, but instead they rubber-stamp.

1.) WHICH of the current crossings on the attached map will be discontinued as part of this project? The "purple" plant crossings probably are not meant for a golf cart. The "red" bridges are substantial enough for a golf cart and larger vehicles.

2.) Since the golf course is arguably a historic landscape, are there any concerns about removing any of the current crossings?

3.) How will golfers (and winter users) access those parts of the course when whatever Dole Brook crossing is discontinued? Will certain holes be marooned and won't this cause congestion on other course paths and irregular (and delayed) play for paying customers?

Project TitleID 236894

Bridge Over Dole Brook (Emergency Replacement)

Parks, Rec & Public Assembly

Division Golf Course

Classification Facilities

Project Description

Replacement of bridge that was washed out in storm.

Project Justification

This project would provide the emergency replacement of the Dole Brook bridge that washed out during a bad storm this past season. At this time, players must use the bridge located close to the river on the 13th hole that also frequently floods during storms. Due to this flooding there is concern that this bridge will also fail and a portion of the course will be inaccessible. This request would result in the function of two bridges being combined into one thereby reducing future maintenance costs.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$255,000		\$255,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2023		\$255,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
2028					☐
Total		\$255,000			

Other Funding Source Description

Operating Budget Impact

N/A



Public Comment on Orders 163-21/22 and 164-21/22: Additional Sidewalk Snow Plow Request

0 views



John Clark

Mar 18

to publiccomment@portlandmaine.gov, ksnyder@portlandmaine.gov, atrevorrow@portlandmaine.gov, vpelletier@portlandmaine.gov, tchong@portlandmaine.gov, Azarro@portlandmaine.gov, mdion@portlandmaine.gov, pali@portlandmaine.gov, rrodriguez@portlandmaine.gov, afournier@portlandmaine.gov, ehipple@portlandmaine.gov, Citymanager@portlandmaine.gov, pbpac@googlegroups.com



Dear Portland City Council,

The Portland Bicycle and Pedestrian Advisory Committee (PBPAAC) would like to urge the City Council to allocate additional funding the city's Capital Improvement Plan for additional sidewalk snowplows for the Parks, Recreation, and Facilities Department to effectively clear city-plowed sidewalk routes in a timely manner. The current capacity of the Parks Department snowplows severely limits their ability to comply with existing winter sidewalk ordinances which the city imposes on its residents.

The current plow routes consist of over 100 miles of sidewalks divided into five routes, plus an additional route for trails. In meeting with the Parks Department recently, it was learned each route takes six to eight hours to complete an initial run after a storm. However, given the variety of storms and mix of precipitation, it often takes the department two to three days to complete all their sidewalk routes, as multiple runs are typically required to remove heavy snow and ice.

For residents who walk to work or school, this can mean half (or more) of their commutes each week will be on snow covered and icy sidewalks, potentially requiring them to traverse snowbanks and cross at inopportune points or worse, walk in the street. Not only is this a safety hazard, as shown by the multiple vehicle-pedestrian collisions this winter, but it also treats pedestrians as "second-class citizens". The notion of a Portland roadway not being cleared two days after a storm is unheard of and city-managed sidewalk routes should be held to the same standard.

Parks staff are dedicated and passionate about keeping our sidewalks safe and usable year-round and PBPAAC recognizes the improvements in sidewalk snow clearing that have been made in recent years as we also acknowledge the regional labor shortages. Nevertheless, we believe the issue is one of political commitment to resources and capacity building. Specifically: additional staffing and plows.

We would like to formally request the city add funding for one additional plow this year (beyond the one already in the Capital Improvement Plan before you), and two additional plows for the next four years. This would allow the Parks Department to more efficiently clear the existing routes and meet the level of service required by the city's sidewalk ordinance. Additional plows would allow staff to operate in tandem or divide up routes in order to complete them quicker, as well as maintain operations when plows need to be serviced. Given that each route needs to be plowed 2-3 times per storm (which comes out to between 16-34+ hours per route over the course of 1-3 days), the department will likely need 14 plows in total. Setting a plan of adding multiple plows per year will get us to an acceptable level by 2026.

We believe Portland has the potential to be a year-round pedestrian-friendly city and we believe this needs to be prioritized if the city wishes to meet its climate and safety goals. Giving sidewalk clearance the same attention street clearance receives would help see this potential and make Portland a safer, more equitable, more economically viable, and more enjoyable place to live and work.

Respectfully,

--

John Clark (he | him | his)

Chair, Portland Bicycle & Pedestrian Advisory Committee

(207) 712-0480

Public Comment on Order 163-21/22 (with Order 164): CIP Shenanigans - Police Headquarters - 2019 vs. 2022

0 views



George Rheault

12:23 PM

to Public Comment, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorrow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Danielle West-Chuhta, Jennifer Thompson, Brendan T O'Connell, Dena Libner

For those who desire integrity and honesty in our "Capital Improvement Plan" allocation process, it would be helpful for the members of the City Council to explain why a police station that was allegedly severely deficient in 2019 (see excerpt and link below) is now, 3 years later, merely in need of a single \$200,000 upgrade (2X the estimated cost in 2019) [see attachment] with no OTHER medium-term needs identified in the 2023-2027 five-year plan.

[See "Facilities" category under "Replace Concrete Steps/Railings & Other" estimated at \$200,000 and paid for out of an asset forfeiture fund received from the FBI whose current balance and recent account activity has not been provided to the public or the Finance Committee; no information was provided WHEN the City of Portland received these funds from the FBI and why they have not been applied to anything else prior to this upcoming fiscal year]

How do we trust Jon Jennings - with respect to the latest proposed CIP - if in 2019 he declared the police station a disaster area but then, suddenly late last year apparently, on his way out the door, said the police station is in relatively decent shape and would be fine for years to come?

2019 Media Coverage Courtesy of Randy Billings:

Portland considers site near county jail as place for a new police station - Portland Press Herald - March 6, 2019

<https://www.pressherald.com/2019/03/06/portland-may-build-new-public-safety-headquarters/>

Jennings said the public safety proposal is just now coming forward publicly because interim Police Chief Vern Malloch requested \$600,000 to replace the windows at 1 Middle St. The current downtown headquarters is not handicapped accessible and basement, where police store criminal evidence, has been leaking for over 30 years, Malloch. The current headquarters lacks enough parking for police cruisers and employees, he said.

“These are not easy fixes,” Malloch said. “From a policing standpoint, it doesn’t really matter where we’re located in the city.”

In 2017, the city’s capital budget foreshadowed a \$100,000 investment in 2019 to complete a master plan for a public safety building. That funding was not included this year, but again staff signaled an intent to seek \$300,000 for a master planning effort in a few years, as well as \$300,000 to waterproof the building, \$300,000 to replace the brick plaza and \$100,000 to replace the concrete steps and railings. The department has been seeking funding to replace its windows since 2013, when it was estimated to cost \$382,500.



Public Buildings & Waterfront

Division Public Safety

Classification Facilities

Project Description

Replace existing exterior stairs and railings to meet ADA requirements.

Project Justification

The main entrance steps are concrete and original to the building. With sand/salt being applied for the past 50 yrs the concrete is spawling causing the rebar and steel support beam to deteriorate, exposing serious trip hazards. This entrance is used by the public accessing the Police Station the court house. Currently the stair treads and railings do not meet ADA.

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2028					☐
2027					☐
2026					☐
2025					☐
2024					☐
2023		\$200,000			☐
Total		\$200,000			

Other Funding Source Description

Operating Budget Impact

Serious injuries are possible in the current condition. Providing concrete patches are costly and last only 12-18 months.

Public Comment on Order 163-21/22 (with Order 164): CIP Shenanigans - Give the Stroudwater Dam Back to the Leavitt Family

0 views



George Rheault

10:43 AM

to Public Comment, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorrow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Danielle West-Chuhta, Jennifer Thompson, Dena Libner, Brendan T O'Connell

See attached.

It should be noted that Ralph Leavitt and his family only owned the "Stroudwater Dam" for about a year before giving it to the City of Portland in 1944. The Leavitts purchased the dam in 1943 from the then property owner, Clinton Parker, who carved it out of his existing property.

It was a fairly transparent effort to then pass along the costs of maintenance and repair (short-term and very, very long-term) to all the citizens of Portland.

I do not think the current City Council has much of a clue about the history of Stroudwater or the history behind the many different dams along its course since its first settlement by Europeans.

If the Leavitt ancestors wish to assert their rights against the City of Portland for any its failures (past, present, future) to maintain the dam in a "satisfactory manner" and take back the dam, the answer from the City of Portland should be "be our guest - by all means, TAKE IT." We could give them all of the engineering material expensively acquired to date showing that it needs roughly \$500,000 to be shored up. It would be wonderful if they could take on that burden instead of us taxpayers.

Please give the alewives back their river run. Please let them back into the Stroudwater River before they were blocked by the dam and prevented from passing from the Fore River up towards their ancient habitat further into what is now Westbrook.

Know all Men by these Presents, That

I, **Clinton R. Parker** of Portland in the County of Cumberland and State of Maine,

in consideration of one (1) dollar and other valuable considerations, but not exceeding the sum of one hundred (100) dollars, to me paid by **Ralph A. Leavitt** of said Portland,

the receipt whereof I do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said **Ralph A. Leavitt, his heirs and assigns forever**, all my right, title and interest in and to the following described property situated at Stroudwater in said Portland bounded and described as follows, to wit:

Beginning on the southerly bank of the Stroudwater River above the Westbrook Street bridge at a point ten (10) feet below or easterly from the point of ledge at the southerly end of the mill dam; thence southerly parallel with the line of said dam a distance of ten (10) feet to a point; thence westerly and at right angles to the line of said dam a distance sufficiently far to include said mill dam and its foundations; thence northerly across said river on a course parallel with said dam, and continuing the same course ten (10) feet beyond the northerly bank of the river to a point; thence easterly and at right angles to the line of said dam to a point ten (10) feet easterly of the easterly side line of said dam extended northerly; thence southerly across said river parallel with same dam to the point of beginning.

Also, for the purpose of repair, improvement and maintenance of said dam, the right to the grantee, his heirs and assigns, to enter the premises above described from Westbrook Street across land now owned by me on the northerly side of said river.

All the right, title and interest of this grantor in and to all rights of flowage on any part of the Stroudwater River; rights to cut and harvest ice thereon; together with any and all other easements, rights and privileges in or upon said River, or the shores and banks thereof.

As part consideration for this conveyance the grantee herein agrees for himself, his heirs, executors, administrators and assigns, that they will not exercise or use any of the rights, privileges or easements hereby conveyed in connection with the cutting and harvesting of ice on said Stroudwater River for commercial purposes.

~~On Here and in Hold~~ the same, together with all the privileges and appurtenances thereunto belonging, to the said **Ralph A. Leavitt, his** heirs and assigns forever.

And I do covenant with the said **Grantee, his** heirs and assigns, that I will warrant and forever defend the premises to the said **Grantee, his** heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through or under me.

In Witness Whereof, I, the said **Clinton R. Parker**, and **Anena M. Parker**, wife of the said **Clinton R. Parker**, joining in this deed as Grantors, and relinquishing and conveying all rights by descent and all other rights in the above described premises,

have hereunto set our hand and seals this **nineteenth** day of **March** in the year of our Lord one thousand nine hundred and **forty-three**.
Signed, Sealed and Delivered in presence of

Francis P. Freeman to C.R.P.&A.M.P.

Clinton R. Parker Seal

Anena M. Parker Seal

State of Maine, Cumberland, ss. **March 19, 1943**

Personally appeared the above named **Clinton R. Parker**

and acknowledged the above instrument to be his free act and deed.

BEFORE ME, **Francis P. Freeman, Justice of the Peace**

RECEIVED **March 30** 19 44, at 12 o'clock 1 m. P. M., and recorded according to the original.

Public Comment on Order 163-21/22 (with Order 164): CIP Shenanigans - Stroudwater Dam Boondoggle

0 views



George Rheault

Mar 9

to Public Comment, Dena Libner, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorrow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Danielle West-Chuhta, Brendan T O'Connell, Jennifer Thompson

Embedded in the proposed Capital Improvement Plan for FY2023 is a glaring insult (among others) to the 99.9% of Portlanders who won't benefit in the slightest from the wasteful slow-motion renovations being done to the Stroudwater Dam.

Below is some useful background for this year's Council members that they SHOULD be aware of (assuming they bother reading their email) to begin to understand the issues here.

Tae Chong and the rest of the Council are going to have to answer for how this "investment" addresses structural inequality in District 3 and beyond when this solely benefits one of the most exclusive and expensive single-family neighborhoods in our community.

Why do the skatepark kids have to raise private money to expand the skatepark in Libbytown but the affluent homeowners do not have to do similar fund-raising so they can have their useless but pretty dam to look at year-round?

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

From: **George Rheault** <george.rheault@gmail.com>

Date: Wed, Apr 11, 2018 at 4:26 PM

Subject: CIP Funding for Stroudwater Dam

To: Nicholas Mavodones <nmm@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>, <jcosta@portlandmaine.gov>

Cc: Pious Ali <pali@portlandmaine.gov>, <kcook@portlandmaine.gov>, <bbatson@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Councilor Belinda Ray <bsr@portlandmaine.gov>, jduson <jduson@portlandmaine.gov>

I am opposed to the recently offered amendment to budget roughly \$100K for repairs to the Stroudwater Dam.

My primary objection is the basic unfairness of one affluent enclave of the City getting special treatment so late in the CIP process.

Many neighborhood groups and corners of the City have been told (as recently as mid-March) that the CIP "ship" for FY19 had already set sail and that the City Manager would not be entertaining further proposals/changes for this funding cycle. Yet somehow a privileged neighborhood gets the ear of several politicians and suddenly their largely aesthetic community improvement desires leap to the top of the heap in a city severely backlogged in meeting many basic needs.

The political logrolling that inevitably accompanies the annual allocation of scarce City spending is a fact of life. It is within the power of the City Council however to set some meaningful standards and show discipline and integrity in applying those standards. Embracing and approving the Stroudwater Dam request for FY19 would demonstrate a clear failure to do that and makes for a perfect case study for how the CIP process remains broken and unsatisfactory for most Portlanders.

In addition to the process and equity concerns noted above, below are some other pragmatic details that the City Council should take up when it evaluates the Stroudwater Dam CIP request in FY20 or beyond (after postponing it for FY19 consideration).

City Responsibility for Dam Upkeep

- The 1944 transfer of the dam into the City's hands must be thoroughly reviewed. The full deed transfer and any accompanying correspondence or other relevant documents that still exist (including media accounts) should be collected and provided to policy-makers so that the City's obligations to maintain the dam can be made as clear as possible. A story about the 2012 dam inspection characterized the 1944 transfer as perhaps a one-off transaction whereby the City would own the dam if it made immediate repairs to the structure vs. requiring the City to maintain the dam in good working condition for perpetuity. https://www.pressherald.com/2012/07/17/city-gives-172-year-old-dam-a-checkup_2012-07-17/
- As I noted in my public comment to the Finance Committee, deed restrictions are often murky and courts are often easily convinced that interpretative judgments should disfavor expensive and long-term entitlements if that was not the clear intent of the parties made at the time when the restrictions were entered into.
- If the general public is being asked to expend resources on the dam, the Council should be sharing with it all relevant information regarding the basis for that expenditure. Besides the underlying documents, the Council should also consider making public available analysis from the Corporation Counsel regarding the enforceability of the deed restrictions and wiggle room that may exist with respect to the scope of any maintenance requirements. The City Council is free to spend money on the dam for political reasons but its actions should be judged on that basis versus obscuring or outright hiding the fact that it may very well NOT have any strict legal obligation to do so in a particular way or at all.
- This issue has immediate implications as the 2012 engineering report makes explicit in 3.1E that "all leakage" from the face of the dam "stopped" when the water level was lowered slightly to just below a large longitudinal crack in the dam. If preventing "leakage" is required of the City under the deed language, than merely lowering the dam's water level would seem a very cheap solution and buy extra time for the City to sort out its obligations here and craft reasonable and thoughtful plans to address them.

Demonstrate Viability of a Public/Private Partnership

- The City Manager has trumpeted the Peaks Island Library/Community Center renovation that is currently underway as a great example of the City allowing a very discretionary, non-priority project to "jump" the funding queue because significant private dollars were being matched to fund it (in the case of the Peaks example, I believe roughly covering 50% of the cost).
- Since the immediate neighborhood benefit most from the dam's upkeep (which is likely why Ralph Leavitt, a Stroudwater resident at the time and member of the local Portland elite, made the 1944 deal with City in the first place), there should be a private fundraising effort made both in the immediate vicinity and beyond with the promise of a City 1:1 match (assuming the City is required to do anything at all). If, after a year or more, the "locals" fail to contribute significant resources to the dam's repair/maintenance why should the rest of the City pony up for it?

Need to Study Ecological Benefits of Outright Dam Removal

- Stroudwater residents lobbying for the dam repair allocation made a big deal about the existing reservoir behind the dam having tremendous ecological benefits. This seems like conjecture. In fact, the next big step for the City after reviewing the deed restriction, should be investigating what it would take to hire a biology team to study the value of removing the dam altogether (or at least removing the floodgate). Dam removals today are heavily favored by scientists and the Presumpscot River had a major dam removed in 2002 and more are planned along that course in the near future - all heavily lobbied for and cheered on by environmentalists. While there are certainly short-term impacts to a watershed after a dam is removed, the long-term benefits can be great for wildlife and society (and the transition of the water channel can be a lot quicker than people anticipate - See here for more information on the recent science of dam removal: <https://www.fs.fed.us/pnw/science/scifi193.pdf>)
- There are plenty of streams in Greater Portland that provide lovely natural backdrops for hiking and other recreational activities that do NOT depend on a dammed watercourse. So if the Stroudwater River was returned to its natural state, over time, after the shock of the new dissipated, most nearby residents would enjoy the new environment as much as the old and the new creekbed would take its place along with all the other small streams coursing through Portland on the way to Casco Bay but with much less expense to City taxpayers.
- One of the benefits of dam removal is it would greatly reduce the threat of severe upstream flooding in the Stroudwater watershed. During the Planning Board review of the Camelot Farms development, many Stroudwater residents spoke in alarming terms about the run-off impacts of the proposed development especially as climate change makes larger and more frequent precipitation events more likely. Some of those same residents now want the dam repaired and preserved even though its removal would dramatically reduce the chances for flooding of nearby homes. I would think the Stroudwater community needs to decide (assuming it was sincere in raising the flooding concerns) which is worse - catastrophic flooding or the loss of a picturesque dam?

Public Access

- After deferring action on the dam appropriation for FY19, the City Council should tie any further dam expenditures into an examination of overall public access to the Stroudwater River trail. Right now access to the river's loveliest section is

severely constricted. Parking at the Rivers Edge subdivision is very limited (the lot's poor configuration makes it hard for more than a handful of cars to use it at one time which may be by design). I have attached a photo of the unwelcoming signage that confronts those who would wish to park in the adjacent subdivision's mostly empty roadway. Visitors must also contend with turning in and out of a tricky non-signalized road onto Congress St. which is often very busy. Those with disabilities cannot enjoy this access point at all (see attached photo of the huge rustic stone stairway that one must navigate just to get down to the river itself). A recent pedestrian fatality along Congress in this area makes it clear how just arriving at the trailhead is not always easy or entirely safe.

- Other access points to the walking trail are much less convenient and non-intuitive and as one travels east along the trail it becomes decidedly less fun. Various utility easements criss-cross the trail (see photo of the crude oil pipeline to Canada), the massive retaining walls of UNUM's parking fields (and the snow dumping from them) flank a big section of the trail and the roar of the Maine Turnpike quickly becomes ever-present along with a hiker having to cross under the Turnpike's graffiti-tagged bridges without any protection from roadway debris/drainage from above.

- Viewing the pretty little dam itself is not easy either for neighborhood outsiders. No sidewalk exists on the dam side of Westbrook Street and safe on-street parking is not visibly marked. Even getting close to the dam's sluice-gate feels like trespassing (Portland Water District owns the adjacent land and it is unknown what their view of public access here might be). There is no interpretative signage or historical markers that I am aware of and the Casco Bay side of Westbrook Street does not provide any easy public access to view the dam from the edge of the Fore River estuary into which the Stroudwater River dumps. Visitors may be encouraged to park near the exclusive Stroudwater playground but that is not clear either to those driving up Westbrook Street or down from Garrison Street.

- If the residents of the Stroudwater Historic District believe it is easy and convenient for those outside the area to enjoy the dam and the river, then more should be done to encourage public access and visitor wayfaring. This work should be done IN CONJUNCTION with any dam repairs so that the whole City gets the enjoyment from it and not just one tiny corner of the City.

Overall Neighborhood Investment

- The Finance Committee should be placing this or any other neighborhood investment into the context of recent spending in the area. The public should be able to see what other District 3 specific expenditures have been made of late (i.e., within the last 5-10 fiscal years) especially in the immediate vicinity. I have asked the Finance Director for the numbers associated with the recent sidewalk improvements made along the Congress Street frontage where Waldo and Westbrook connect to it which included expensive brick sidewalks and the construction or reconstruction of a stone retaining wall (it is unlikely any of this was historically significant to the area). It is unknown when the Stroudwater Playground was last upgraded but this should be researched and reported (I suspect this playground is extremely underutilized since few families live in the area and multi-family housing is forbidden by zoning). A major investment nearby in Capisic Pond in 2016 for mostly aesthetic reasons makes it hard for District 3 to demand even more funding for non-priority projects like the dam.

- The Stroudwater area receives preferential treatment via historic preservation zoning. This is an ongoing benefit to the area, protecting it from unwelcome development pressures and preventing families of lesser means from ever intruding on the area due to the expensive property values, despite the area's proximity to the center city. These zoning benefits are sometimes hard to quantify but they have certainly elevated property values for long-term homeowners and strongly suggest that private fund-raising should be made to play a significant role in any dam repair efforts as a way of socializing those benefits rather than just having them accrue exclusively to incumbent homeowners.

Public Comment on Order 163-21/22 (with Order 164): CIP Shenanigans - Abuse of Stormwater Enterprise Fund

0 views



George Rheault

Mar 11

to Public Comment, Dena Libner, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Danielle West-Chuhta, Brendan T O'Connell, Christine Grimando, Jennifer Thompson

I would like to formally complain with respect to the use of "Sewer/Stormwater Enterprise Resources" to fund the long-term restoration of the Stroudwater Dam.

Sewer and stormwater fee programs were NOT used to fund the initial rounds of Stroudwater Dam renovations in FY2019 and FY2020.

As the attached Press Herald article makes clear, officials of the City of Portland have acknowledged the Stroudwater Dam serves NO function other than aesthetics. This is purely a pay-off to the affluent taxpayers in the vicinity of the dam who should be shouldering the cost of most, if not all, of this project.

Furthermore, the dam outfall cascades immediately into a tidal zone of the Fore River: at high tide there is sea water mixing with the fresh water falling from the dam face.

Therefore, spending money on the dam provides zero stormwater treatment benefits to the environment (commercial projects via our planning approvals process receive stormwater exemptions when their stormwater discharges directly into places like the Fore River). By definition, a stream is an expression of the existing water table which the dam is impounding into a reservoir. It would actually be BETTER for stormwater run-off and management if the DAM WAS REMOVED since no treatment of any pollution is taking place within the reservoir.

If the Council wishes to pursue this ridiculous pork barrel spending, then it should come from general obligation bonds as was the case previously. To do otherwise may even be unlawful (HINT: you should ask your bond counsel!).

Portland gives 162-year-old dam a checkup

 pressherald.com/2012/07/17/city-gives-172-year-old-dam-a-checkup_2012-07-17/

By Randy Billings

PORTLAND — Engineers opened the floodgates Monday on a 162-year-old stone dam on the Stroudwater River so it could be inspected for damage that city officials believe occurred several years ago when debris struck the upstream wall.

The dam, located near the Westbrook Street bridge, was built in 1850 for floating logs down the Stroudwater River to the Fore River, and was expanded in the 1900s for ice harvesting, according to city records.

Additional Photos



Water is released from a dam during the drawdown of the water level on the Stroudwater River in Portland. At one time the dam was used in logging and grist mill operations. Maine has more than 600 dams listed on the National Inventory of Dams maintained by the U.S. Army Corps of Engineers. The actual number of dams and impoundments is believed to exceed 1,000, however, because the Army Corps' list excludes structures smaller than 4 feet. John Patriquin/Staff Photographer



William Peterlein of Summit Geoengineering Services talks to city workers along the Stroudwater River after the water was lowered so the dam could be inspected. The upstream water level has been dropping, leading officials to suspect there is a leaky sluice gate. Derek Davis/Staff Photographer

Last inspected in 1998, city officials believe the dam was damaged several years ago when heavy rains washed debris down the river and it struck the dam, said Jon Emerson, the city's utilities coordinator. Damage likely occurred to the upstream sluice gate, which allows the city to control upstream water levels, he said.

"Something came down and really hit the framework of that sluice gate quite hard and bent it," Emerson said.

The city was planning to repair the sluice gate, but noticed an apparent leak on the downstream wall, prompting the city to conduct a full dam inspection, he said.

"We wanted to make sure before we did any of that repair work that the structural integrity of the dam was sound," Emerson said.

There are 647 dams in Maine, according to a 2010 inventory conducted by the U.S. Army Corps of Engineers. Only 29 of those were built before 1900.

Records indicate the 150-foot-long Portland dam varies in height from 10 to 16 feet and is part of the Stroudwater National Historic District. In 1944, dam owner Ralph Leavitt of Portland deeded the dam over to the city, provided it “repair said dam in a proper and workmanlike manner to prevent leakage.”

The dam has a history of being used in logging and grist mill operations, but today it has no functional use, Emerson said. “Really, there is no purpose other than aesthetics,” he said.

On Monday morning, crews from Maine-based Summit Geoengineering Services Inc., which is being paid \$5,000 by the city to inspect the dam, opened the sluice gate and drained the river to view both sides of the dam.

The dam can store a maximum of 221,940 cubic meters of water, and its normal reservoir storage is 187,416 cubic meters, according to city records. On a typical day, waters cascade over the top of the dam.

On Monday, the upstream shoreline retreated by 20 to 30 feet when the river was drained, said William Peterlein, co-owner and president of Summit Geoengineering Services.

The inspection, originally scheduled to take place over three days, was complete by Monday afternoon. Peterlein said he would have a report prepared for the city within three weeks outlining recommended repairs.

“It’s in pretty decent shape for the age,” said Peterlein, who noted the sluice gate seemed to be in decent working order. “We’ll probably recommend some basic maintenance.”

The city will use the inspection results to plan for future repairs of the dam, said city spokeswoman Nicole Clegg.

© 2022

Public Comment on Order 163-21/22 (with Order 164): CIP Shenanigans - "Assigned Fund Balance" Slush Fund

0 views



George Rheault

3:08 PM

to Public Comment, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorrow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Danielle West-Chuhta, Dena Libner, Jennifer Thompson, Brendan T O'Connell

The City Council should be carefully scrutinizing the CIP bond orders and asking some tough questions.

For example, why is there NO transparency regarding the use of the "Assigned Fund Balance" CIP slush fund?

If the City Manager's office is taking from one project (approved in a prior year's CIP appropriation) to fund another project (new or old), shouldn't the public have a right to know that?

What is the point of a City Council approval if the money can be moved around behind the scenes after a vote without any public accountability? Flexibility given to city officials may provide some benefits from an operational and financial perspective, but it dramatically undercuts democracy when the public has no visibility at any point when funds are reassigned.

What specific projects "previously approved" in 2021 or earlier needed another \$3.25 million in order to move forward? Shouldn't the Mayor make sure the City Council has a list? Why do these projects need more funds and wasn't the Finance Committee the least bit curious? Cost overruns? Inflation? Scope creep? Incompetence? Knavery?

Facilities

Additional Appropriations for Previously Approved Capital Projects

3,250,000

0.

Did the Finance Committee inquire about what the "Assigned Fund Balance - Capital Improvement" currently contains? Are we robbing Peter to pay Paul? Won't the almost 7 million dollars in bond proceeds being taken from the Assigned Fund Balance below have to be repaid some day with new borrowings by future City Councils?

(5)

Funding being utilized from Assigned Fund Balance - Capital Improvement

5. An amount not to exceed \$6,850,000 is appropriated from the Fund Balance – Capital Improvement to finance a portion of the projects included within Exhibit A and to provide other funding for infrastructure projects approved by City Council during 2021.

Why isn't there a formal "report-back" required when the Director of Finance uses his discretion to reallocate bond proceeds? Apparently our Director of Finance is the "TENTH COUNCILOR" on our City Council - he gets to decide how bond money gets spent (or rather his boss, the City Manager, does) without having to bother with any public process to do so.

- what prior approved projects generated a surplus upon completion allowing such surplus to be redeployed to other projects?
- what prior approved projects are currently delayed and thus their bond monies can be redeployed for the time being?
- what prior approved projects have been "abandoned"?

3. If the actual cost of any 2023 CIP Project differs from the estimated cost A, whether due to completion, delay or abandonment of the Project or for any other reason, the Director of Finance is authorized, in his discretion, to reallocate proceeds from the Project or the other funds appropriated therefore to any other project on the Project List or to any prior CIP project the City Council has approved or may approve as part of the City's annual capital improvement plan.

Public Comment - Order 150-21/22: Corporate Glad-Handing Behind Closed Doors versus Authentic Public Engagement

0 views



George Rheault

3:17 PM

to Public Comment, Dena Libner, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Danielle West-Chuhta, Jennifer Thompson, Michael Goldman, Hipple, Ethan, Alex Marshall, Christine Grimando, Mary Davis

I strongly urge the City Council to revisit (via formal reconsideration) its approval of the Hale Parcel as a Land Bank acquisition to preserve possible housing opportunities there.

Please see attachments sourced here: [Conserving Open Space in Portland, Maine - AVANews Blog](#)

Just like the AVANGRID/Central Maine Power transaction involving the 2021 Rand Road acquisition of 27+ acres, the Hale Parcel in Riverton was very much about a powerful connected business getting an inside track with city officials while the rest of the public (many who are housing insecure) gets completely shut out from any kind of timely and meaningful process, including any real analysis of housing opportunities.

Somewhere between 7-9 acres of developable land with easy access frontage on Rand Road was passed up in order to appease the Land Bank constituency (affluent homeowners) and to give a huge multinational corporation a tax deduction and a PR opportunity (conveniently timed for the controversial HydroQuebec 2021 referendum).

What "stakeholders" is this corporate public relations drone referencing in the AVANGRID blog post cited above and attached here?

No regular people were EVER meaningfully invited to participate openly in any visioning exercises of any kind for the 27+ acre site. And neither were they for the Hale Parcel.

Our City Council loves generating hot air about housing, but when push comes to shove, they never lift a finger if it means upsetting comfortable local elites (who have all the housing they need).

April 20, 2021

Newly acquired 27 acres of conservation land in Portland also protects current preserves



COURTESY / THE BOULOS CO.

Outlined here is the 27.38-acre Rand Road parcel acquired by the city of Portland for conservation.

By Staff

The city of Portland has acquired 27 acres of forested land and plans to preserve the parcel through the municipal land bank, according to a news release Monday.

The property, at 204 Rand Road, will join existing preserves at the adjacent Fore River Sanctuary and Jewell Falls.

The city bought the parcel from the Avangrid Foundation for \$325,000 after the Portland City Council approved the purchase in December. The foundation donated 85% of the appraised value — or roughly \$275,000 — to the Portland Land Bank to support the acquisition.

Drew Sigfridson and Jon Rizzo of the Boulos Co. brokered the deal, which closed Feb. 26.

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This land, near outer Congress Street, has been high-priority open space for several years due to its location, network of trails, and natural and recreational values. With the addition, the city has added protection to the largest remaining undeveloped area around the headwaters of the Fore River.

“When you’re hiking in these woods you are among soaring pine trees, streams and open wetlands,” Portland Land Bank Commission Chair Pat Bailey said in the release. “You feel like you are in a special place but you are right in the heart of Portland.”

The commission is responsible for identifying and protecting open space resources within the city of Portland.

“Sometimes small-dollar transactions have really large impacts and this is an example of one of those sales,” Sigfridson, managing director of the Boulos Co., said in a separate email.

“It took a lot of effort from a lot of committed people looking to do the right thing for Portland Trails, the city of Portland and our local residents. We give a lot of credit to the buyer and the Avangrid Foundation for making this happen. The trails are terrific out there!”

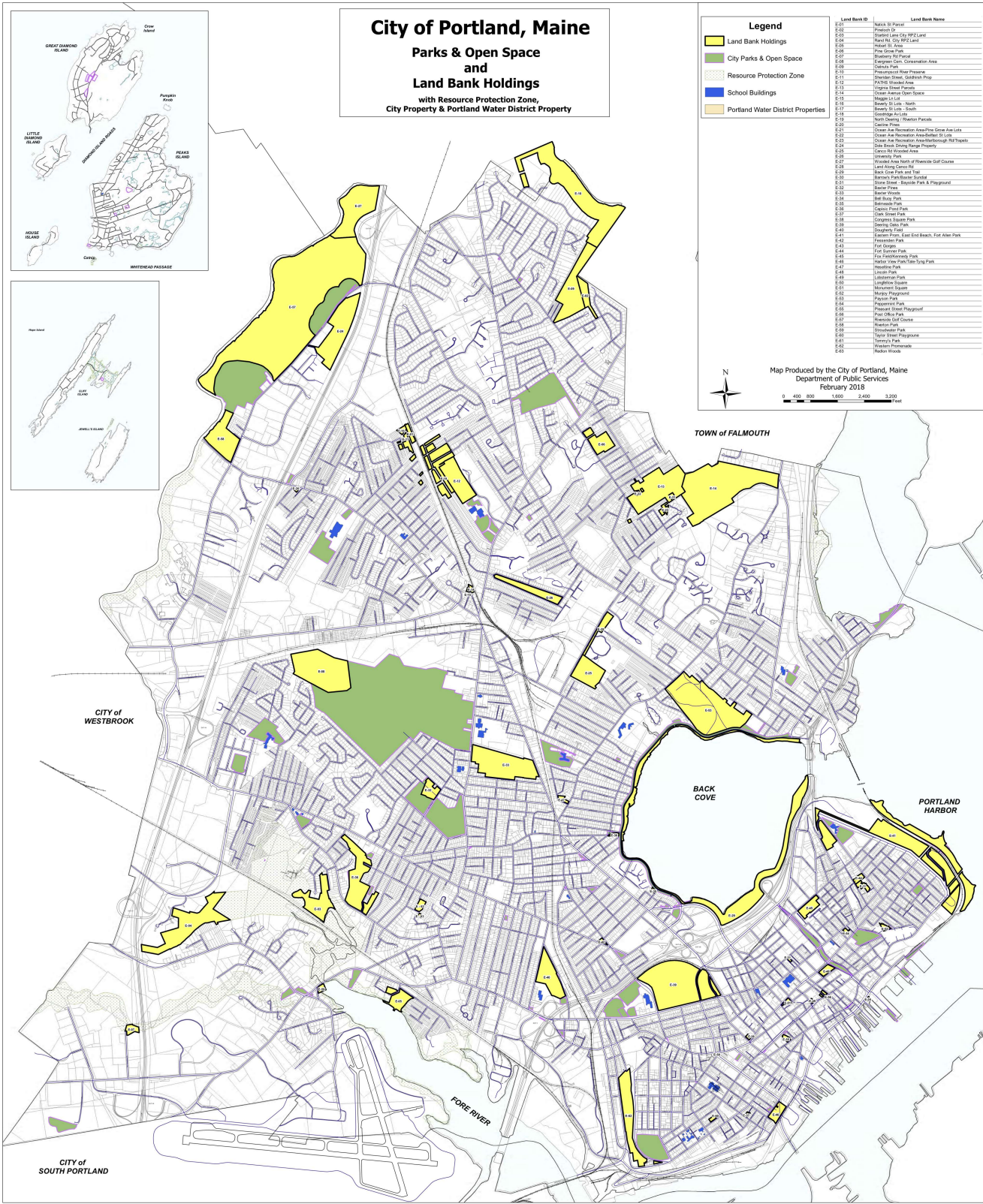
ADVERTISEMENT

The property lies near the city’s western boundary, in a large, undeveloped area comprised of forests, streams and wetlands. The area is an inland waterfowl and wading bird habitat, according to the commission’s 2020 report.

A Central Maine Power Co. right-of-way that runs the length of the parcel. Several footpaths wind through the woods and along the right-of-way, connecting to Portland Trails’ Fore River Sanctuary trail system.

The Avangrid Foundation is the charitable arm of Avangrid Inc. (NYSE: AGR), the parent corporation of Central Maine Power. The foundation worked with the city and Land Bank Commission to assess the best and highest use of the property and then to ensure the parcel would be kept as open space and available to the public.

“At the Avangrid Foundation we look for unique opportunities to partner with our local communities and pursue our mission of environmental stewardship, and this was the perfect opportunity to do both,” said Executive Director Nicole Licata Grant. “We want to thank the Boulos Co. and the law firm of Curtis Thaxter for the additional donation of time and services to bring it to fruition.”



COURTESY / PORTLAND LAND BANK COMMISSION

Seen in yellow are the Land Bank’s holdings throughout Portland.

Public access to the Rand Road property will continue via the trail network maintained by Portland Trails, which can be reached from Rowe Avenue, Starbird Land and Rand Road.

ADVERTISEMENT

The city said that development of the parcel would not only be a lost opportunity to protect a unique natural area, but would degrade the value of adjacent conservation lands.

“This is a big deal for Portland to be able to preserve this 27-acre parcel that helps the city accomplish so many goals at once — from preserving our existing tree canopy and habitat areas, to getting us closer to 100% of our residents living within a 10-minute walk of a park or trail, to creating outdoor recreation and exercise opportunities for walkers, bikers, students, commuters, and dog-walkers,” said Ethan Hipple, the city’s director of Parks, Recreation & Facilities.

“One hundred years from now, when Portland may have grown or changed so much, residents will be thankful that this gem of a property was set aside for the public to share and enjoy forever. The city of Portland and the Land Bank Commission want to thank the law firm of Jewell & Bulger for donating time and services to complete this transaction.”



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Most Popular



Eastport mustard mill-museum looks for new life with \$2M renovation

College Endowments by State (in millions)					
State	2019	2020	2021	2022	% Change
Alabama	1,217	1,217	1,217	1,217	0.00%
Alaska	1,100	1,100	1,100	1,100	0.00%
Arizona	1,100	1,100	1,100	1,100	0.00%
Arkansas	1,100	1,100	1,100	1,100	0.00%
California	1,100	1,100	1,100	1,100	0.00%
Colorado	1,100	1,100	1,100	1,100	0.00%
Connecticut	1,100	1,100	1,100	1,100	0.00%
Delaware	1,100	1,100	1,100	1,100	0.00%
Florida	1,100	1,100	1,100	1,100	0.00%
Georgia	1,100	1,100	1,100	1,100	0.00%
Hawaii	1,100	1,100	1,100	1,100	0.00%
Idaho	1,100	1,100	1,100	1,100	0.00%
Illinois	1,100	1,100	1,100	1,100	0.00%
Indiana	1,100	1,100	1,100	1,100	0.00%
Iowa	1,100	1,100	1,100	1,100	0.00%
Kansas	1,100	1,100	1,100	1,100	0.00%
Kentucky	1,100	1,100	1,100	1,100	0.00%
Louisiana	1,100	1,100	1,100	1,100	0.00%
Maine	1,100	1,100	1,100	1,100	0.00%
Maryland	1,100	1,100	1,100	1,100	0.00%
Massachusetts	1,100	1,100	1,100	1,100	0.00%
Michigan	1,100	1,100	1,100	1,100	0.00%
Minnesota	1,100	1,100	1,100	1,100	0.00%
Mississippi	1,100	1,100	1,100	1,100	0.00%
Missouri	1,100	1,100	1,100	1,100	0.00%
Montana	1,100	1,100	1,100	1,100	0.00%
Nebraska	1,100	1,100	1,100	1,100	0.00%
Nevada	1,100	1,100	1,100	1,100	0.00%
New Hampshire	1,100	1,100	1,100	1,100	0.00%
New Jersey	1,100	1,100	1,100	1,100	0.00%
New Mexico	1,100	1,100	1,100	1,100	0.00%
New York	1,100	1,100	1,100	1,100	0.00%
North Carolina	1,100	1,100	1,100	1,100	0.00%
North Dakota	1,100	1,100	1,100	1,100	0.00%
Ohio	1,100	1,100	1,100	1,100	0.00%
Oklahoma	1,100	1,100	1,100	1,100	0.00%
Oregon	1,100	1,100	1,100	1,100	0.00%
Pennsylvania	1,100	1,100	1,100	1,100	0.00%
Rhode Island	1,100	1,100	1,100	1,100	0.00%
South Carolina	1,100	1,100	1,100	1,100	0.00%
South Dakota	1,100	1,100	1,100	1,100	0.00%
Tennessee	1,100	1,100	1,100	1,100	0.00%
Texas	1,100	1,100	1,100	1,100	0.00%
Utah	1,100	1,100	1,100	1,100	0.00%
Vermont	1,100	1,100	1,100	1,100	0.00%
Virginia	1,100	1,100	1,100	1,100	0.00%
Washington	1,100	1,100	1,100	1,100	0.00%
West Virginia	1,100	1,100	1,100	1,100	0.00%
Wisconsin	1,100	1,100	1,100	1,100	0.00%
Wyoming	1,100	1,100	1,100	1,100	0.00%

College endowments made money last year, and in Maine, some made a lot



NJ group buys Lincolnville inn as extended-stay opportunity

Conserving Open Space in Portland, Maine

May 18, 2021



Photo: digital art rendering of a portion of the Rand Road parcel.

Real estate transactions are notoriously time consuming. Just ask Avangrid Foundation Executive Director **Nicole Licata Grant**.

More than four years ago, the Foundation began the process of figuring out what to do with a 27-acre parcel of land it owned in Portland, ME. The Foundation was tasked with leveraging the property in a way to support the broader philanthropic work and started looking for a suitable partner.

There were opportunities to sell the land for commercial use – with discussions ranging from affordable housing, to light rail, to a for-profit homeless shelter and finally, a parking lot – but Grant knew this was no ordinary parcel and needed the right new steward.

The land, with complicated but pristine terrain, is located along Rand Road in Portland, is adjacent to existing conservation land, connected to a network of trails and at the headwaters of the Fore River Sanctuary. It was only partially developable at best and was environmentally sensitive.

“All of the stakeholders ultimately determined that the way to do the most good for the most people was to preserve the property in perpetuity, for public use, but it took time and flexibility to figure that out” Grant said. The Foundation also knew that in doing so, they would be looking to donate the parcel rather than sell it. Grant says she is “grateful to the Board of the Foundation and partners throughout the corporation who supported this vision.”

After years of discussions with developers, local officials, activists, nonprofits and local business , The City of Portland emerged as a the most suitable partner, touching off more than a year of negotiations, public hearings and legal procedures to ensure that the acquisition was community informed and carried out in good faith. The hard work paid off last month when the Foundation transferred ownership to the city’s Land Bank Commission, donating 85 percent of the appraised value of the parcel, or roughly \$275,000.

The parcel will now be preserved in perpetuity for public use as the city’s largest remaining undeveloped piece of open land. There will be limited development to enable public access and enjoyment.

“At the Avangrid Foundation, we look for unique opportunities to partner with our local communities and pursue our mission of environmental stewardship, and this was the perfect opportunity to do both,” Grant said. “We are so pleased to work with the City’s Land Bank Commission to provide this land for public use. We want to thank the Boulos Company and the Law Firm of Curtis Thaxter for the additional donation of time and services to bring it to fruition.”

The donation allows Portland to keep the parcel as protected open space.

“This is a big deal for Portland to be able to preserve this 27-acre parcel that helps the city accomplish so many goals at once – from preserving our existing tree canopy and habitat areas, to getting us closer to 100% of our residents living within a 10-minute walk of a park or trail, to creating outdoor recreation and exercise opportunities for walkers, bikers, students, commuters, and dog-walkers,” said Ethan Hipple, the City’s

Director of Parks, Recreation & Facilities. “One hundred years from now, when Portland may have grown or changed so much, residents will be thankful that this gem of a property was set aside for the public to share and enjoy forever. The city of Portland and the Land Bank Commission want to thank the law firm of Jewell & Bulger for donating time and services to complete this transaction.”

Read more about the donation here:

<https://www.mainebiz.biz/article/newly-acquired-27-acres-of-conservation-land-in-portland-also-protects-current-preserves>

Public Comment on Order 163-21/22 (with Order 164): CIP Shenanigans - Police Headquarters - 2019 vs. 2022

0 views



George Rheault

12:23 PM

to Public Comment, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorrow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Danielle West-Chuhta, Jennifer Thompson, Brendan T O'Connell, Dena Libner

For those who desire integrity and honesty in our "Capital Improvement Plan" allocation process, it would be helpful for the members of the City Council to explain why a police station that was allegedly severely deficient in 2019 (see excerpt and link below) is now, 3 years later, merely in need of a single \$200,000 upgrade (2X the estimated cost in 2019) [see attachment] with no OTHER medium-term needs identified in the 2023-2027 five-year plan.

[See "Facilities" category under "Replace Concrete Steps/Railings & Other" estimated at \$200,000 and paid for out of an asset forfeiture fund received from the FBI whose current balance and recent account activity has not been provided to the public or the Finance Committee; no information was provided WHEN the City of Portland received these funds from the FBI and why they have not been applied to anything else prior to this upcoming fiscal year]

How do we trust Jon Jennings - with respect to the latest proposed CIP - if in 2019 he declared the police station a disaster area but then, suddenly late last year apparently, on his way out the door, said the police station is in relatively decent shape and would be fine for years to come?

2019 Media Coverage Courtesy of Randy Billings:

Portland considers site near county jail as place for a new police station - Portland Press Herald - March 6, 2019

<https://www.pressherald.com/2019/03/06/portland-may-build-new-public-safety-headquarters/>

Jennings said the public safety proposal is just now coming forward publicly because interim Police Chief Vern Malloch requested \$600,000 to replace the windows at 1 Middle St. The current downtown headquarters is not handicapped accessible and basement, where police store criminal evidence, has been leaking for over 30 years, Malloch. The current headquarters lacks enough parking for police cruisers and employees, he said.

“These are not easy fixes,” Malloch said. “From a policing standpoint, it doesn’t really matter where we’re located in the city.”

In 2017, the city’s capital budget foreshadowed a \$100,000 investment in 2019 to complete a master plan for a public safety building. That funding was not included this year, but again staff signaled an intent to seek \$300,000 for a master planning effort in a few years, as well as \$300,000 to waterproof the building, \$300,000 to replace the brick plaza and \$100,000 to replace the concrete steps and railings. The department has been seeking funding to replace its windows since 2013, when it was estimated to cost \$382,500.



Public Buildings & Waterfront

Division Public Safety

Classification Facilities

Project Description

Replace existing exterior stairs and railings to meet ADA requirements.

Project Justification

The main entrance steps are concrete and original to the building. With sand/salt being applied for the past 50 yrs the concrete is spawling causing the rebar and steel support beam to deteriorate, exposing serious trip hazards. This entrance is used by the public accessing the Police Station the court house. Currently the stair treads and railings do not meet ADA.

5 Year Cost Summary

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

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2028					☐
2027					☐
2026					☐
2025					☐
2024					☐
2023		\$200,000			☐
Total		\$200,000			

Other Funding Source Description

Operating Budget Impact

Serious injuries are possible in the current condition. Providing concrete patches are costly and last only 12-18 months.

Public Comment on Order 163-21/22 (with Order 164): CIP Shenanigans - Give the Stroudwater Dam Back to the Leavitt Family

0 views



George Rheault

10:43 AM

to Public Comment, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorrow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Danielle West-Chuhta, Jennifer Thompson, Dena Libner, Brendan T O'Connell

See attached.

It should be noted that Ralph Leavitt and his family only owned the "Stroudwater Dam" for about a year before giving it to the City of Portland in 1944. The Leavitts purchased the dam in 1943 from the then property owner, Clinton Parker, who carved it out of his existing property.

It was a fairly transparent effort to then pass along the costs of maintenance and repair (short-term and very, very long-term) to all the citizens of Portland.

I do not think the current City Council has much of a clue about the history of Stroudwater or the history behind the many different dams along its course since its first settlement by Europeans.

If the Leavitt ancestors wish to assert their rights against the City of Portland for any its failures (past, present, future) to maintain the dam in a "satisfactory manner" and take back the dam, the answer from the City of Portland should be "be our guest - by all means, TAKE IT." We could give them all of the engineering material expensively acquired to date showing that it needs roughly \$500,000 to be shored up. It would be wonderful if they could take on that burden instead of us taxpayers.

Please give the alewives back their river run. Please let them back into the Stroudwater River before they were blocked by the dam and prevented from passing from the Fore River up towards their ancient habitat further into what is now Westbrook.

Know all Men by these Presents, That

I, **Clinton R. Parker** of Portland in the County of Cumberland and State of Maine,

in consideration of one (1) dollar and other valuable considerations, but not exceeding the sum of one hundred (100) dollars, to me paid by **Ralph A. Leavitt** of said Portland,

the receipt whereof I do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said **Ralph A. Leavitt, his heirs and assigns forever**, all my right, title and interest in and to the following described property situated at Stroudwater in said Portland bounded and described as follows, to wit:

Beginning on the southerly bank of the Stroudwater River above the Westbrook Street bridge at a point ten (10) feet below or easterly from the point of ledge at the southerly end of the mill dam; thence southerly parallel with the line of said dam a distance of ten (10) feet to a point; thence westerly and at right angles to the line of said dam a distance sufficiently far to include said mill dam and its foundations; thence northerly across said river on a course parallel with said dam, and continuing the same course ten (10) feet beyond the northerly bank of the river to a point; thence easterly and at right angles to the line of said dam to a point ten (10) feet easterly of the easterly side line of said dam extended northerly; thence southerly across said river parallel with same dam to the point of beginning.

Also, for the purpose of repair, improvement and maintenance of said dam, the right to the grantee, his heirs and assigns, to enter the premises above described from Westbrook Street across land now owned by me on the northerly side of said river.

All the right, title and interest of this grantor in and to all rights of flowage on any part of the Stroudwater River; rights to cut and harvest ice thereon; together with any and all other easements, rights and privileges in or upon said River, or the shores and banks thereof.

As part consideration for this conveyance the grantee herein agrees for himself, his heirs, executors, administrators and assigns, that they will not exercise or use any of the rights, privileges or easements hereby conveyed in connection with the cutting and harvesting of ice on said Stroudwater River for commercial purposes.

~~In Have and in Hold~~ the same, together with all the privileges and appurtenances thereunto belonging, to the said **Ralph A. Leavitt, his** heirs and assigns forever.

And I do covenant with the said **Grantee, his** heirs and assigns, that I will warrant and forever defend the premises to the said **Grantee, his** heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through or under me.

~~In Witness Whereof~~ I, the said **Clinton R. Parker**, and **Anena M. Parker**, wife of the said **Clinton R. Parker**, joining in this deed as Grantors, and relinquishing and conveying all rights by descent and all other rights in the above described premises,

have hereunto set our hand and seals this **nineteenth** day of **March** in the year of our Lord one thousand nine hundred and **forty-three**.
Signed, Sealed and Delivered in presence of

Francis P. Freeman to C.R.P.&A.M.P.

Clinton R. Parker Seal

Anena M. Parker Seal

State of Maine, Cumberland, ss. **March 19, 1943**

Personally appeared the above named **Clinton R. Parker**

and acknowledged the above instrument to be his free act and deed.

BEFORE ME, **Francis P. Freeman, Justice of the Peace**

RECEIVED **March 30** 19 44, at 12 o'clock 1 m. P. M., and recorded according to the original.

Public Comment on Order 163-21/22 (with Order 164): CIP Shenanigans - Stroudwater Dam Boondoggle

0 views



George Rheault

Mar 9

to Public Comment, Dena Libner, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorrow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Danielle West-Chuhta, Brendan T O'Connell, Jennifer Thompson

Embedded in the proposed Capital Improvement Plan for FY2023 is a glaring insult (among others) to the 99.9% of Portlanders who won't benefit in the slightest from the wasteful slow-motion renovations being done to the Stroudwater Dam.

Below is some useful background for this year's Council members that they SHOULD be aware of (assuming they bother reading their email) to begin to understand the issues here.

Tae Chong and the rest of the Council are going to have to answer for how this "investment" addresses structural inequality in District 3 and beyond when this solely benefits one of the most exclusive and expensive single-family neighborhoods in our community.

Why do the skatepark kids have to raise private money to expand the skatepark in Libbytown but the affluent homeowners do not have to do similar fund-raising so they can have their useless but pretty dam to look at year-round?

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

From: **George Rheault** <george.rheault@gmail.com>

Date: Wed, Apr 11, 2018 at 4:26 PM

Subject: CIP Funding for Stroudwater Dam

To: Nicholas Mavodones <nmm@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>, <jcosta@portlandmaine.gov>

Cc: Pious Ali <pali@portlandmaine.gov>, <kcook@portlandmaine.gov>, <bbatson@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Councilor Belinda Ray <bsr@portlandmaine.gov>, jduson <jduson@portlandmaine.gov>

I am opposed to the recently offered amendment to budget roughly \$100K for repairs to the Stroudwater Dam.

My primary objection is the basic unfairness of one affluent enclave of the City getting special treatment so late in the CIP process.

Many neighborhood groups and corners of the City have been told (as recently as mid-March) that the CIP "ship" for FY19 had already set sail and that the City Manager would not be entertaining further proposals/changes for this funding cycle. Yet somehow a privileged neighborhood gets the ear of several politicians and suddenly their largely aesthetic community improvement desires leap to the top of the heap in a city severely backlogged in meeting many basic needs.

The political logrolling that inevitably accompanies the annual allocation of scarce City spending is a fact of life. It is within the power of the City Council however to set some meaningful standards and show discipline and integrity in applying those standards. Embracing and approving the Stroudwater Dam request for FY19 would demonstrate a clear failure to do that and makes for a perfect case study for how the CIP process remains broken and unsatisfactory for most Portlanders.

In addition to the process and equity concerns noted above, below are some other pragmatic details that the City Council should take up when it evaluates the Stroudwater Dam CIP request in FY20 or beyond (after postponing it for FY19 consideration).

City Responsibility for Dam Upkeep

- The 1944 transfer of the dam into the City's hands must be thoroughly reviewed. The full deed transfer and any accompanying correspondence or other relevant documents that still exist (including media accounts) should be collected and provided to policy-makers so that the City's obligations to maintain the dam can be made as clear as possible. A story about the 2012 dam inspection characterized the 1944 transfer as perhaps a one-off transaction whereby the City would own the dam if it made immediate repairs to the structure vs. requiring the City to maintain the dam in good working condition for perpetuity. https://www.pressherald.com/2012/07/17/city-gives-172-year-old-dam-a-checkup_2012-07-17/
- As I noted in my public comment to the Finance Committee, deed restrictions are often murky and courts are often easily convinced that interpretative judgments should disfavor expensive and long-term entitlements if that was not the clear intent of the parties made at the time when the restrictions were entered into.
- If the general public is being asked to expend resources on the dam, the Council should be sharing with it all relevant information regarding the basis for that expenditure. Besides the underlying documents, the Council should also consider making public available analysis from the Corporation Counsel regarding the enforceability of the deed restrictions and wiggle room that may exist with respect to the scope of any maintenance requirements. The City Council is free to spend money on the dam for political reasons but its actions should be judged on that basis versus obscuring or outright hiding the fact that it may very well NOT have any strict legal obligation to do so in a particular way or at all.
- This issue has immediate implications as the 2012 engineering report makes explicit in 3.1E that "all leakage" from the face of the dam "stopped" when the water level was lowered slightly to just below a large longitudinal crack in the dam. If preventing "leakage" is required of the City under the deed language, than merely lowering the dam's water level would seem a very cheap solution and buy extra time for the City to sort out its obligations here and craft reasonable and thoughtful plans to address them.

Demonstrate Viability of a Public/Private Partnership

- The City Manager has trumpeted the Peaks Island Library/Community Center renovation that is currently underway as a great example of the City allowing a very discretionary, non-priority project to "jump" the funding queue because significant private dollars were being matched to fund it (in the case of the Peaks example, I believe roughly covering 50% of the cost).
- Since the immediate neighborhood benefit most from the dam's upkeep (which is likely why Ralph Leavitt, a Stroudwater resident at the time and member of the local Portland elite, made the 1944 deal with City in the first place), there should be a private fundraising effort made both in the immediate vicinity and beyond with the promise of a City 1:1 match (assuming the City is required to do anything at all). If, after a year or more, the "locals" fail to contribute significant resources to the dam's repair/maintenance why should the rest of the City pony up for it?

Need to Study Ecological Benefits of Outright Dam Removal

- Stroudwater residents lobbying for the dam repair allocation made a big deal about the existing reservoir behind the dam having tremendous ecological benefits. This seems like conjecture. In fact, the next big step for the City after reviewing the deed restriction, should be investigating what it would take to hire a biology team to study the value of removing the dam altogether (or at least removing the floodgate). Dam removals today are heavily favored by scientists and the Presumpscot River had a major dam removed in 2002 and more are planned along that course in the near future - all heavily lobbied for and cheered on by environmentalists. While there are certainly short-term impacts to a watershed after a dam is removed, the long-term benefits can be great for wildlife and society (and the transition of the water channel can be a lot quicker than people anticipate - See here for more information on the recent science of dam removal: <https://www.fs.fed.us/pnw/science/scifi193.pdf>)
- There are plenty of streams in Greater Portland that provide lovely natural backdrops for hiking and other recreational activities that do NOT depend on a dammed watercourse. So if the Stroudwater River was returned to its natural state, over time, after the shock of the new dissipated, most nearby residents would enjoy the new environment as much as the old and the new creekbed would take its place along with all the other small streams coursing through Portland on the way to Casco Bay but with much less expense to City taxpayers.
- One of the benefits of dam removal is it would greatly reduce the threat of severe upstream flooding in the Stroudwater watershed. During the Planning Board review of the Camelot Farms development, many Stroudwater residents spoke in alarming terms about the run-off impacts of the proposed development especially as climate change makes larger and more frequent precipitation events more likely. Some of those same residents now want the dam repaired and preserved even though its removal would dramatically reduce the chances for flooding of nearby homes. I would think the Stroudwater community needs to decide (assuming it was sincere in raising the flooding concerns) which is worse - catastrophic flooding or the loss of a picturesque dam?

Public Access

- After deferring action on the dam appropriation for FY19, the City Council should tie any further dam expenditures into an examination of overall public access to the Stroudwater River trail. Right now access to the river's loveliest section is

severely constricted. Parking at the Rivers Edge subdivision is very limited (the lot's poor configuration makes it hard for more than a handful of cars to use it at one time which may be by design). I have attached a photo of the unwelcoming signage that confronts those who would wish to park in the adjacent subdivision's mostly empty roadway. Visitors must also contend with turning in and out of a tricky non-signalized road onto Congress St. which is often very busy. Those with disabilities cannot enjoy this access point at all (see attached photo of the huge rustic stone stairway that one must navigate just to get down to the river itself). A recent pedestrian fatality along Congress in this area makes it clear how just arriving at the trailhead is not always easy or entirely safe.

- Other access points to the walking trail are much less convenient and non-intuitive and as one travels east along the trail it becomes decidedly less fun. Various utility easements criss-cross the trail (see photo of the crude oil pipeline to Canada), the massive retaining walls of UNUM's parking fields (and the snow dumping from them) flank a big section of the trail and the roar of the Maine Turnpike quickly becomes ever-present along with a hiker having to cross under the Turnpike's graffiti-tagged bridges without any protection from roadway debris/drainage from above.

- Viewing the pretty little dam itself is not easy either for neighborhood outsiders. No sidewalk exists on the dam side of Westbrook Street and safe on-street parking is not visibly marked. Even getting close to the dam's sluice-gate feels like trespassing (Portland Water District owns the adjacent land and it is unknown what their view of public access here might be). There is no interpretative signage or historical markers that I am aware of and the Casco Bay side of Westbrook Street does not provide any easy public access to view the dam from the edge of the Fore River estuary into which the Stroudwater River dumps. Visitors may be encouraged to park near the exclusive Stroudwater playground but that is not clear either to those driving up Westbrook Street or down from Garrison Street.

- If the residents of the Stroudwater Historic District believe it is easy and convenient for those outside the area to enjoy the dam and the river, then more should be done to encourage public access and visitor wayfaring. This work should be done IN CONJUNCTION with any dam repairs so that the whole City gets the enjoyment from it and not just one tiny corner of the City.

Overall Neighborhood Investment

- The Finance Committee should be placing this or any other neighborhood investment into the context of recent spending in the area. The public should be able to see what other District 3 specific expenditures have been made of late (i.e., within the last 5-10 fiscal years) especially in the immediate vicinity. I have asked the Finance Director for the numbers associated with the recent sidewalk improvements made along the Congress Street frontage where Waldo and Westbrook connect to it which included expensive brick sidewalks and the construction or reconstruction of a stone retaining wall (it is unlikely any of this was historically significant to the area). It is unknown when the Stroudwater Playground was last upgraded but this should be researched and reported (I suspect this playground is extremely underutilized since few families live in the area and multi-family housing is forbidden by zoning). A major investment nearby in Capisic Pond in 2016 for mostly aesthetic reasons makes it hard for District 3 to demand even more funding for non-priority projects like the dam.

- The Stroudwater area receives preferential treatment via historic preservation zoning. This is an ongoing benefit to the area, protecting it from unwelcome development pressures and preventing families of lesser means from ever intruding on the area due to the expensive property values, despite the area's proximity to the center city. These zoning benefits are sometimes hard to quantify but they have certainly elevated property values for long-term homeowners and strongly suggest that private fund-raising should be made to play a significant role in any dam repair efforts as a way of socializing those benefits rather than just having them accrue exclusively to incumbent homeowners.

Public Comment on Order 163-21/22 (with Order 164): CIP Shenanigans - Abuse of Stormwater Enterprise Fund

0 views



George Rheault

Mar 11

to Public Comment, Dena Libner, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Danielle West-Chuhta, Brendan T O'Connell, Christine Grimando, Jennifer Thompson

I would like to formally complain with respect to the use of "Sewer/Stormwater Enterprise Resources" to fund the long-term restoration of the Stroudwater Dam.

Sewer and stormwater fee programs were NOT used to fund the initial rounds of Stroudwater Dam renovations in FY2019 and FY2020.

As the attached Press Herald article makes clear, officials of the City of Portland have acknowledged the Stroudwater Dam serves NO function other than aesthetics. This is purely a pay-off to the affluent taxpayers in the vicinity of the dam who should be shouldering the cost of most, if not all, of this project.

Furthermore, the dam outfall cascades immediately into a tidal zone of the Fore River: at high tide there is sea water mixing with the fresh water falling from the dam face.

Therefore, spending money on the dam provides zero stormwater treatment benefits to the environment (commercial projects via our planning approvals process receive stormwater exemptions when their stormwater discharges directly into places like the Fore River). By definition, a stream is an expression of the existing water table which the dam is impounding into a reservoir. It would actually be BETTER for stormwater run-off and management if the DAM WAS REMOVED since no treatment of any pollution is taking place within the reservoir.

If the Council wishes to pursue this ridiculous pork barrel spending, then it should come from general obligation bonds as was the case previously. To do otherwise may even be unlawful (HINT: you should ask your bond counsel!).

Portland gives 162-year-old dam a checkup

 pressherald.com/2012/07/17/city-gives-172-year-old-dam-a-checkup_2012-07-17/

By Randy Billings

PORTLAND — Engineers opened the floodgates Monday on a 162-year-old stone dam on the Stroudwater River so it could be inspected for damage that city officials believe occurred several years ago when debris struck the upstream wall.

The dam, located near the Westbrook Street bridge, was built in 1850 for floating logs down the Stroudwater River to the Fore River, and was expanded in the 1900s for ice harvesting, according to city records.

Additional Photos



Water is released from a dam during the drawdown of the water level on the Stroudwater River in Portland. At one time the dam was used in logging and grist mill operations. Maine has more than 600 dams listed on the National Inventory of Dams maintained by the U.S. Army Corps of Engineers. The actual number of dams and impoundments is believed to exceed 1,000, however, because the Army Corps' list excludes structures smaller than 4 feet. John Patriquin/Staff Photographer



William Peterlein of Summit Geoengineering Services talks to city workers along the Stroudwater River after the water was lowered so the dam could be inspected. The upstream water level has been dropping, leading officials to suspect there is a leaky sluice gate. Derek Davis/Staff Photographer

Last inspected in 1998, city officials believe the dam was damaged several years ago when heavy rains washed debris down the river and it struck the dam, said Jon Emerson, the city's utilities coordinator. Damage likely occurred to the upstream sluice gate, which allows the city to control upstream water levels, he said.

"Something came down and really hit the framework of that sluice gate quite hard and bent it," Emerson said.

The city was planning to repair the sluice gate, but noticed an apparent leak on the downstream wall, prompting the city to conduct a full dam inspection, he said.

"We wanted to make sure before we did any of that repair work that the structural integrity of the dam was sound," Emerson said.

There are 647 dams in Maine, according to a 2010 inventory conducted by the U.S. Army Corps of Engineers. Only 29 of those were built before 1900.

Records indicate the 150-foot-long Portland dam varies in height from 10 to 16 feet and is part of the Stroudwater National Historic District. In 1944, dam owner Ralph Leavitt of Portland deeded the dam over to the city, provided it “repair said dam in a proper and workmanlike manner to prevent leakage.”

The dam has a history of being used in logging and grist mill operations, but today it has no functional use, Emerson said. “Really, there is no purpose other than aesthetics,” he said.

On Monday morning, crews from Maine-based Summit Geoengineering Services Inc., which is being paid \$5,000 by the city to inspect the dam, opened the sluice gate and drained the river to view both sides of the dam.

The dam can store a maximum of 221,940 cubic meters of water, and its normal reservoir storage is 187,416 cubic meters, according to city records. On a typical day, waters cascade over the top of the dam.

On Monday, the upstream shoreline retreated by 20 to 30 feet when the river was drained, said William Peterlein, co-owner and president of Summit Geoengineering Services.

The inspection, originally scheduled to take place over three days, was complete by Monday afternoon. Peterlein said he would have a report prepared for the city within three weeks outlining recommended repairs.

“It’s in pretty decent shape for the age,” said Peterlein, who noted the sluice gate seemed to be in decent working order. “We’ll probably recommend some basic maintenance.”

The city will use the inspection results to plan for future repairs of the dam, said city spokeswoman Nicole Clegg.

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Public Comment on Order 163-21/22 (with Order 164): CIP Shenanigans - "Assigned Fund Balance" Slush Fund

0 views



George Rheault

3:08 PM

to Public Comment, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Danielle West-Chuhta, Dena Libner, Jennifer Thompson, Brendan T O'Connell

The City Council should be carefully scrutinizing the CIP bond orders and asking some tough questions.

For example, why is there NO transparency regarding the use of the "Assigned Fund Balance" CIP slush fund?

If the City Manager's office is taking from one project (approved in a prior year's CIP appropriation) to fund another project (new or old), shouldn't the public have a right to know that?

What is the point of a City Council approval if the money can be moved around behind the scenes after a vote without any public accountability? Flexibility given to city officials may provide some benefits from an operational and financial perspective, but it dramatically undercuts democracy when the public has no visibility at any point when funds are reassigned.

What specific projects "previously approved" in 2021 or earlier needed another \$3.25 million in order to move forward? Shouldn't the Mayor make sure the City Council has a list? Why do these projects need more funds and wasn't the Finance Committee the least bit curious? Cost overruns? Inflation? Scope creep? Incompetence? Knavery?

Facilities	Additional Appropriations for Previously Approved Capital Projects	3,250,000	0.
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Did the Finance Committee inquire about what the "Assigned Fund Balance - Capital Improvement" currently contains? Are we robbing Peter to pay Paul? Won't the almost 7 million dollars in bond proceeds being taken from the Assigned Fund Balance below have to be repaid some day with new borrowings by future City Councils?

(5) Funding being utilized from Assigned Fund Balance - Capital Improvement

5. An amount not to exceed \$6,850,000 is appropriated from the Fund Balance – Capital Improvement to finance a portion of the projects included within Exhibit A and to provide other funding for infrastructure projects approved by City Council during 2021.

Why isn't there a formal "report-back" required when the Director of Finance uses his discretion to reallocate bond proceeds? Apparently our Director of Finance is the "TENTH COUNCILOR" on our City Council - he gets to decide how bond money gets spent (or rather his boss, the City Manager, does) without having to bother with any public process to do so.

- what prior approved projects generated a surplus upon completion allowing such surplus to be redeployed to other projects?
- what prior approved projects are currently delayed and thus their bond monies can be redeployed for the time being?
- what prior approved projects have been "abandoned"?

3. If the actual cost of any 2023 CIP Project differs from the estimated cost A, whether due to completion, delay or abandonment of the Project or for any other reason, the Director of Finance is authorized, in his discretion, to reallocate proceeds from the Project or the other funds appropriated therefore to any other project on the Project List or to any prior CIP project the City Council has approved or may approve as part of the City's annual capital improvement plan.

Public Comment - Order 150-21/22: Corporate Glad-Handing Behind Closed Doors versus Authentic Public Engagement

0 views



George Rheault

3:17 PM

to Public Comment, Dena Libner, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Danielle West-Chuhta, Jennifer Thompson, Michael Goldman, Hipple, Ethan, Alex Marshall, Christine Grimando, Mary Davis

I strongly urge the City Council to revisit (via formal reconsideration) its approval of the Hale Parcel as a Land Bank acquisition to preserve possible housing opportunities there.

Please see attachments sourced here: [Conserving Open Space in Portland, Maine - AVANews Blog](#)

Just like the AVANGRID/Central Maine Power transaction involving the 2021 Rand Road acquisition of 27+ acres, the Hale Parcel in Riverton was very much about a powerful connected business getting an inside track with city officials while the rest of the public (many who are housing insecure) gets completely shut out from any kind of timely and meaningful process, including any real analysis of housing opportunities.

Somewhere between 7-9 acres of developable land with easy access frontage on Rand Road was passed up in order to appease the Land Bank constituency (affluent homeowners) and to give a huge multinational corporation a tax deduction and a PR opportunity (conveniently timed for the controversial HydroQuebec 2021 referendum).

What "stakeholders" is this corporate public relations drone referencing in the AVANGRID blog post cited above and attached here?

No regular people were EVER meaningfully invited to participate openly in any visioning exercises of any kind for the 27+ acre site. And neither were they for the Hale Parcel.

Our City Council loves generating hot air about housing, but when push comes to shove, they never lift a finger if it means upsetting comfortable local elites (who have all the housing they need).

April 20, 2021

Newly acquired 27 acres of conservation land in Portland also protects current preserves



COURTESY / THE BOULOS CO.

Outlined here is the 27.38-acre Rand Road parcel acquired by the city of Portland for conservation.

By Staff

The city of Portland has acquired 27 acres of forested land and plans to preserve the parcel through the municipal land bank, according to a news release Monday.

The property, at 204 Rand Road, will join existing preserves at the adjacent Fore River Sanctuary and Jewell Falls.

The city bought the parcel from the Avangrid Foundation for \$325,000 after the Portland City Council approved the purchase in December. The foundation donated 85% of the appraised value — or roughly \$275,000 — to the Portland Land Bank to support the acquisition.

Drew Sigfridson and Jon Rizzo of the Boulos Co. brokered the deal, which closed Feb. 26.

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This land, near outer Congress Street, has been high-priority open space for several years due to its location, network of trails, and natural and recreational values. With the addition, the city has added protection to the largest remaining undeveloped area around the headwaters of the Fore River.

“When you’re hiking in these woods you are among soaring pine trees, streams and open wetlands,” Portland Land Bank Commission Chair Pat Bailey said in the release. “You feel like you are in a special place but you are right in the heart of Portland.”

The commission is responsible for identifying and protecting open space resources within the city of Portland.

“Sometimes small-dollar transactions have really large impacts and this is an example of one of those sales,” Sigfridson, managing director of the Boulos Co., said in a separate email.

“It took a lot of effort from a lot of committed people looking to do the right thing for Portland Trails, the city of Portland and our local residents. We give a lot of credit to the buyer and the Avangrid Foundation for making this happen. The trails are terrific out there!”

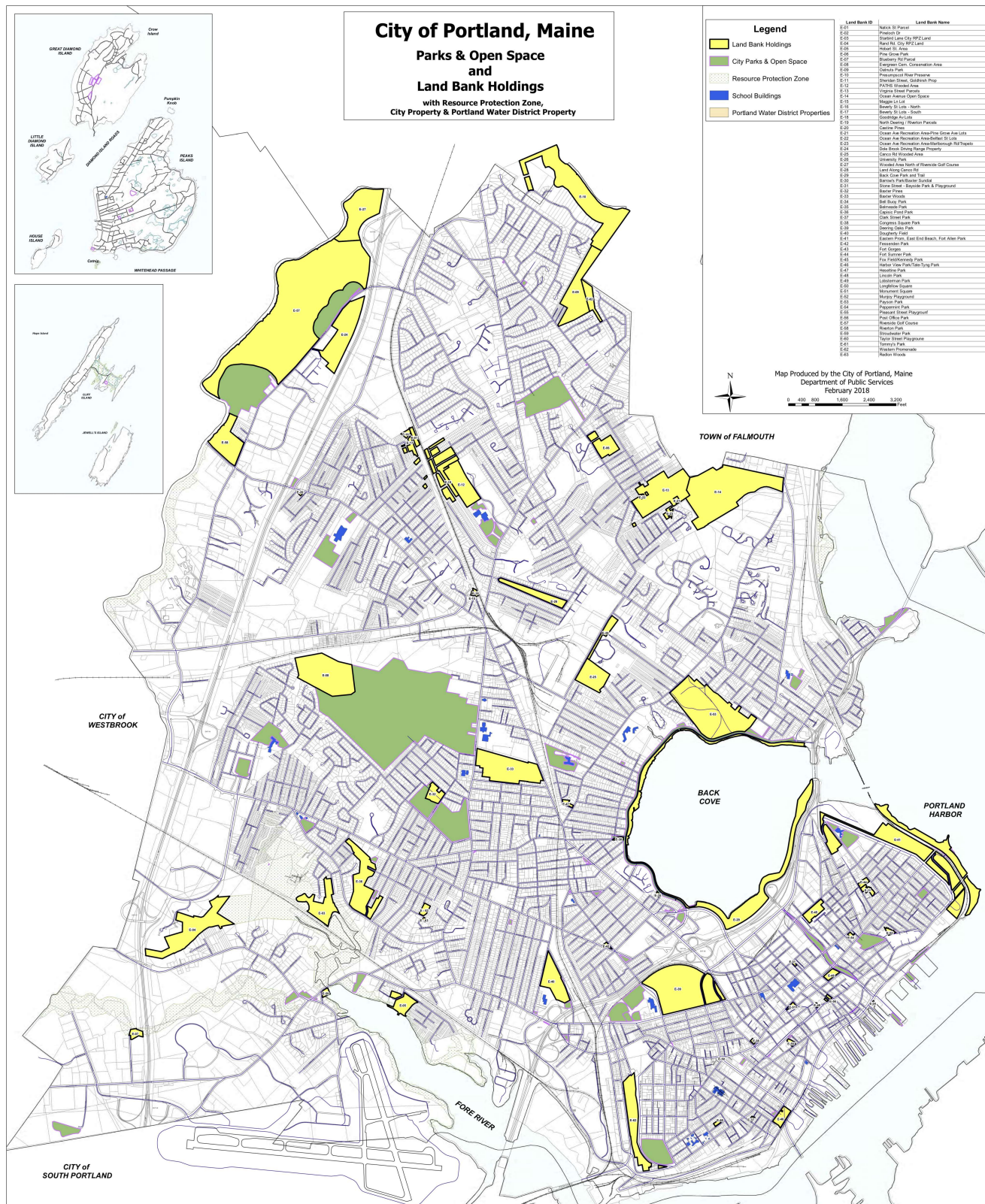
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The property lies near the city’s western boundary, in a large, undeveloped area comprised of forests, streams and wetlands. The area is an inland waterfowl and wading bird habitat, according to the commission’s 2020 report.

A Central Maine Power Co. right-of-way that runs the length of the parcel. Several footpaths wind through the woods and along the right-of-way, connecting to Portland Trails’ Fore River Sanctuary trail system.

The Avangrid Foundation is the charitable arm of Avangrid Inc. (NYSE: AGR), the parent corporation of Central Maine Power. The foundation worked with the city and Land Bank Commission to assess the best and highest use of the property and then to ensure the parcel would be kept as open space and available to the public.

“At the Avangrid Foundation we look for unique opportunities to partner with our local communities and pursue our mission of environmental stewardship, and this was the perfect opportunity to do both,” said Executive Director Nicole Licata Grant. “We want to thank the Boulos Co. and the law firm of Curtis Thaxter for the additional donation of time and services to bring it to fruition.”



COURTESY / PORTLAND LAND BANK COMMISSION

Seen in yellow are the Land Bank's holdings throughout Portland.

Public access to the Rand Road property will continue via the trail network maintained by Portland Trails, which can be reached from Rowe Avenue, Starbird Land and Rand Road.

ADVERTISEMENT

The city said that development of the parcel would not only be a lost opportunity to protect a unique natural area, but would degrade the value of adjacent conservation lands.

“This is a big deal for Portland to be able to preserve this 27-acre parcel that helps the city accomplish so many goals at once — from preserving our existing tree canopy and habitat areas, to getting us closer to 100% of our residents living within a 10-minute walk of a park or trail, to creating outdoor recreation and exercise opportunities for walkers, bikers, students, commuters, and dog-walkers,” said Ethan Hipple, the city’s director of Parks, Recreation & Facilities.

“One hundred years from now, when Portland may have grown or changed so much, residents will be thankful that this gem of a property was set aside for the public to share and enjoy forever. The city of Portland and the Land Bank Commission want to thank the law firm of Jewell & Bulger for donating time and services to complete this transaction.”



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Eastport mustard mill-museum looks for new life with \$2M renovation

Variable	Unit	Sample	2000 Investment	2001 Investment	2002 Investment	2003 Investment	Investment All Years
1. Number of stocks		1,277	10,124	10,746	11,404	11,404	43,078
2. Price-weighted	100,000	11,010	8,100	10,000	12,100	12,100	43,210
3. Price-weighted	100,000	11,010	10,000	12,100	12,100	12,100	45,310
4. Value-weighted	100,000	11,010	10,000	12,100	12,100	12,100	45,310
5. Value-weighted	100,000	11,010	10,000	12,100	12,100	12,100	45,310
6. Value-weighted	100,000	11,010	10,000	12,100	12,100	12,100	45,310
7. Value-weighted	100,000	11,010	10,000	12,100	12,100	12,100	45,310
8. Value-weighted	100,000	11,010	10,000	12,100	12,100	12,100	45,310
9. Value-weighted	100,000	11,010	10,000	12,100	12,100	12,100	45,310
10. Value-weighted	100,000	11,010	10,000	12,100	12,100	12,100	45,310

College endowments made money last year, and in Maine, some made a lot



NJ group buys Lincolnville inn as extended-stay opportunity

Conserving Open Space in Portland, Maine

May 18, 2021



Photo: digital art rendering of a portion of the Rand Road parcel.

Real estate transactions are notoriously time consuming. Just ask Avangrid Foundation Executive Director **Nicole Licata Grant**.

More than four years ago, the Foundation began the process of figuring out what to do with a 27-acre parcel of land it owned in Portland, ME. The Foundation was tasked with leveraging the property in a way to support the broader philanthropic work and started looking for a suitable partner.

There were opportunities to sell the land for commercial use – with discussions ranging from affordable housing, to light rail, to a for-profit homeless shelter and finally, a parking lot – but Grant knew this was no ordinary parcel and needed the right new steward.

The land, with complicated but pristine terrain, is located along Rand Road in Portland, is adjacent to existing conservation land, connected to a network of trails and at the headwaters of the Fore River Sanctuary. It was only partially developable at best and was environmentally sensitive.

“All of the stakeholders ultimately determined that the way to do the most good for the most people was to preserve the property in perpetuity, for public use, but it took time and flexibility to figure that out” Grant said. The Foundation also knew that in doing so, they would be looking to donate the parcel rather than sell it. Grant says she is “grateful to the Board of the Foundation and partners throughout the corporation who supported this vision.”

After years of discussions with developers, local officials, activists, nonprofits and local business , The City of Portland emerged as a the most suitable partner, touching off more than a year of negotiations, public hearings and legal procedures to ensure that the acquisition was community informed and carried out in good faith. The hard work paid off last month when the Foundation transferred ownership to the city’s Land Bank Commission, donating 85 percent of the appraised value of the parcel, or roughly \$275,000.

The parcel will now be preserved in perpetuity for public use as the city’s largest remaining undeveloped piece of open land. There will be limited development to enable public access and enjoyment.

“At the Avangrid Foundation, we look for unique opportunities to partner with our local communities and pursue our mission of environmental stewardship, and this was the perfect opportunity to do both,” Grant said. “We are so pleased to work with the City’s Land Bank Commission to provide this land for public use. We want to thank the Boulos Company and the Law Firm of Curtis Thaxter for the additional donation of time and services to bring it to fruition.”

The donation allows Portland to keep the parcel as protected open space.

“This is a big deal for Portland to be able to preserve this 27-acre parcel that helps the city accomplish so many goals at once – from preserving our existing tree canopy and habitat areas, to getting us closer to 100% of our residents living within a 10-minute walk of a park or trail, to creating outdoor recreation and exercise opportunities for walkers, bikers, students, commuters, and dog-walkers,” said Ethan Hipple, the City’s

Director of Parks, Recreation & Facilities. “One hundred years from now, when Portland may have grown or changed so much, residents will be thankful that this gem of a property was set aside for the public to share and enjoy forever. The city of Portland and the Land Bank Commission want to thank the law firm of Jewell & Bulger for donating time and services to complete this transaction.”

Read more about the donation here:

<https://www.mainebiz.biz/article/newly-acquired-27-acres-of-conservation-land-in-portland-also-protects-current-preserves>

Public Comment on Order 163-21/22 (with Order 164): CIP Shenanigans - Stroudwater Dam Boondoggle

0 views



George Rheault

Mar 9

to Public Comment, Dena Libner, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Danielle West-Chuhta, Brendan T O'Connell, Jennifer Thompson

Embedded in the proposed Capital Improvement Plan for FY2023 is a glaring insult (among others) to the 99.9% of Portlanders who won't benefit in the slightest from the wasteful slow-motion renovations being done to the Stroudwater Dam.

Below is some useful background for this year's Council members that they SHOULD be aware of (assuming they bother reading their email) to begin to understand the issues here.

Tae Chong and the rest of the Council are going to have to answer for how this "investment" addresses structural inequality in District 3 and beyond when this solely benefits one of the most exclusive and expensive single-family neighborhoods in our community.

Why do the skatepark kids have to raise private money to expand the skatepark in Libbytown but the affluent homeowners do not have to do similar fund-raising so they can have their useless but pretty dam to look at year-round?

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

From: **George Rheault** <george.rheault@gmail.com>

Date: Wed, Apr 11, 2018 at 4:26 PM

Subject: CIP Funding for Stroudwater Dam

To: Nicholas Mavodones <nmm@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>, <jcosta@portlandmaine.gov>

Cc: Pious Ali <pali@portlandmaine.gov>, <kcook@portlandmaine.gov>, <bbatson@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Councilor Belinda Ray <bsr@portlandmaine.gov>, jduson <jduson@portlandmaine.gov>

I am opposed to the recently offered amendment to budget roughly \$100K for repairs to the Stroudwater Dam.

My primary objection is the basic unfairness of one affluent enclave of the City getting special treatment so late in the CIP process.

Many neighborhood groups and corners of the City have been told (as recently as mid-March) that the CIP "ship" for FY19 had already set sail and that the City Manager would not be entertaining further proposals/changes for this funding cycle. Yet somehow a privileged neighborhood gets the ear of several politicians and suddenly their largely aesthetic community improvement desires leap to the top of the heap in a city severely backlogged in meeting many basic needs.

The political logrolling that inevitably accompanies the annual allocation of scarce City spending is a fact of life. It is within the power of the City Council however to set some meaningful standards and show discipline and integrity in applying those standards. Embracing and approving the Stroudwater Dam request for FY19 would demonstrate a clear failure to do that and makes for a perfect case study for how the CIP process remains broken and unsatisfactory for most Portlanders.

In addition to the process and equity concerns noted above, below are some other pragmatic details that the City Council should take up when it evaluates the Stroudwater Dam CIP request in FY20 or beyond (after postponing it for FY19 consideration).

City Responsibility for Dam Upkeep

- The 1944 transfer of the dam into the City's hands must be thoroughly reviewed. The full deed transfer and any accompanying correspondence or other relevant documents that still exist (including media accounts) should be collected and provided to policy-makers so that the City's obligations to maintain the dam can be made as clear as possible. A story about the 2012 dam inspection characterized the 1944 transfer as perhaps a one-off transaction whereby the City would own the dam if it made immediate repairs to the structure vs. requiring the City to maintain the dam in good working condition for perpetuity. https://www.pressherald.com/2012/07/17/city-gives-172-year-old-dam-a-checkup_2012-07-17/
- As I noted in my public comment to the Finance Committee, deed restrictions are often murky and courts are often easily convinced that interpretative judgments should disfavor expensive and long-term entitlements if that was not the clear intent of the parties made at the time when the restrictions were entered into.
- If the general public is being asked to expend resources on the dam, the Council should be sharing with it all relevant information regarding the basis for that expenditure. Besides the underlying documents, the Council should also consider making public available analysis from the Corporation Counsel regarding the enforceability of the deed restrictions and wiggle room that may exist with respect to the scope of any maintenance requirements. The City Council is free to spend money on the dam for political reasons but its actions should be judged on that basis versus obscuring or outright hiding the fact that it may very well NOT have any strict legal obligation to do so in a particular way or at all.
- This issue has immediate implications as the 2012 engineering report makes explicit in 3.1E that "all leakage" from the face of the dam "stopped" when the water level was lowered slightly to just below a large longitudinal crack in the dam. If preventing "leakage" is required of the City under the deed language, than merely lowering the dam's water level would seem a very cheap solution and buy extra time for the City to sort out its obligations here and craft reasonable and thoughtful plans to address them.

Demonstrate Viability of a Public/Private Partnership

- The City Manager has trumpeted the Peaks Island Library/Community Center renovation that is currently underway as a great example of the City allowing a very discretionary, non-priority project to "jump" the funding queue because significant private dollars were being matched to fund it (in the case of the Peaks example, I believe roughly covering 50% of the cost).
- Since the immediate neighborhood benefit most from the dam's upkeep (which is likely why Ralph Leavitt, a Stroudwater resident at the time and member of the local Portland elite, made the 1944 deal with City in the first place), there should be a private fundraising effort made both in the immediate vicinity and beyond with the promise of a City 1:1 match (assuming the City is required to do anything at all). If, after a year or more, the "locals" fail to contribute significant resources to the dam's repair/maintenance why should the rest of the City pony up for it?

Need to Study Ecological Benefits of Outright Dam Removal

- Stroudwater residents lobbying for the dam repair allocation made a big deal about the existing reservoir behind the dam having tremendous ecological benefits. This seems like conjecture. In fact, the next big step for the City after reviewing the deed restriction, should be investigating what it would take to hire a biology team to study the value of removing the dam altogether (or at least removing the floodgate). Dam removals today are heavily favored by scientists and the Presumpscot River had a major dam removed in 2002 and more are planned along that course in the near future - all heavily lobbied for and cheered on by environmentalists. While there are certainly short-term impacts to a watershed after a dam is removed, the long-term benefits can be great for wildlife and society (and the transition of the water channel can be a lot quicker than people anticipate - See here for more information on the recent science of dam removal: <https://www.fs.fed.us/pnw/science/scifi193.pdf>)
- There are plenty of streams in Greater Portland that provide lovely natural backdrops for hiking and other recreational activities that do NOT depend on a dammed watercourse. So if the Stroudwater River was returned to its natural state, over time, after the shock of the new dissipated, most nearby residents would enjoy the new environment as much as the old and the new creekbed would take its place along with all the other small streams coursing through Portland on the way to Casco Bay but with much less expense to City taxpayers.
- One of the benefits of dam removal is it would greatly reduce the threat of severe upstream flooding in the Stroudwater watershed. During the Planning Board review of the Camelot Farms development, many Stroudwater residents spoke in alarming terms about the run-off impacts of the proposed development especially as climate change makes larger and more frequent precipitation events more likely. Some of those same residents now want the dam repaired and preserved even though its removal would dramatically reduce the chances for flooding of nearby homes. I would think the Stroudwater community needs to decide (assuming it was sincere in raising the flooding concerns) which is worse - catastrophic flooding or the loss of a picturesque dam?

Public Access

- After deferring action on the dam appropriation for FY19, the City Council should tie any further dam expenditures into an examination of overall public access to the Stroudwater River trail. Right now access to the river's loveliest section is

severely constricted. Parking at the Rivers Edge subdivision is very limited (the lot's poor configuration makes it hard for more than a handful of cars to use it at one time which may be by design). I have attached a photo of the unwelcoming signage that confronts those who would wish to park in the adjacent subdivision's mostly empty roadway. Visitors must also contend with turning in and out of a tricky non-signalized road onto Congress St. which is often very busy. Those with disabilities cannot enjoy this access point at all (see attached photo of the huge rustic stone stairway that one must navigate just to get down to the river itself). A recent pedestrian fatality along Congress in this area makes it clear how just arriving at the trailhead is not always easy or entirely safe.

- Other access points to the walking trail are much less convenient and non-intuitive and as one travels east along the trail it becomes decidedly less fun. Various utility easements criss-cross the trail (see photo of the crude oil pipeline to Canada), the massive retaining walls of UNUM's parking fields (and the snow dumping from them) flank a big section of the trail and the roar of the Maine Turnpike quickly becomes ever-present along with a hiker having to cross under the Turnpike's graffiti-tagged bridges without any protection from roadway debris/drainage from above.

- Viewing the pretty little dam itself is not easy either for neighborhood outsiders. No sidewalk exists on the dam side of Westbrook Street and safe on-street parking is not visibly marked. Even getting close to the dam's sluice-gate feels like trespassing (Portland Water District owns the adjacent land and it is unknown what their view of public access here might be). There is no interpretative signage or historical markers that I am aware of and the Casco Bay side of Westbrook Street does not provide any easy public access to view the dam from the edge of the Fore River estuary into which the Stroudwater River dumps. Visitors may be encouraged to park near the exclusive Stroudwater playground but that is not clear either to those driving up Westbrook Street or down from Garrison Street.

- If the residents of the Stroudwater Historic District believe it is easy and convenient for those outside the area to enjoy the dam and the river, then more should be done to encourage public access and visitor wayfaring. This work should be done IN CONJUNCTION with any dam repairs so that the whole City gets the enjoyment from it and not just one tiny corner of the City.

Overall Neighborhood Investment

- The Finance Committee should be placing this or any other neighborhood investment into the context of recent spending in the area. The public should be able to see what other District 3 specific expenditures have been made of late (i.e., within the last 5-10 fiscal years) especially in the immediate vicinity. I have asked the Finance Director for the numbers associated with the recent sidewalk improvements made along the Congress Street frontage where Waldo and Westbrook connect to it which included expensive brick sidewalks and the construction or reconstruction of a stone retaining wall (it is unlikely any of this was historically significant to the area). It is unknown when the Stroudwater Playground was last upgraded but this should be researched and reported (I suspect this playground is extremely underutilized since few families live in the area and multi-family housing is forbidden by zoning). A major investment nearby in Capisic Pond in 2016 for mostly aesthetic reasons makes it hard for District 3 to demand even more funding for non-priority projects like the dam.

- The Stroudwater area receives preferential treatment via historic preservation zoning. This is an ongoing benefit to the area, protecting it from unwelcome development pressures and preventing families of lesser means from ever intruding on the area due to the expensive property values, despite the area's proximity to the center city. These zoning benefits are sometimes hard to quantify but they have certainly elevated property values for long-term homeowners and strongly suggest that private fund-raising should be made to play a significant role in any dam repair efforts as a way of socializing those benefits rather than just having them accrue exclusively to incumbent homeowners.

Public Comment on Order 163-21/22 (with Order 164): CIP Shenanigans - Abuse of Stormwater Enterprise Fund

0 views



George Rheault

Mar 11

to Public Comment, Dena Libner, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Danielle West-Chuhta, Brendan T O'Connell, Christine Grimando, Jennifer Thompson

I would like to formally complain with respect to the use of "Sewer/Stormwater Enterprise Resources" to fund the long-term restoration of the Stroudwater Dam.

Sewer and stormwater fee programs were NOT used to fund the initial rounds of Stroudwater Dam renovations in FY2019 and FY2020.

As the attached Press Herald article makes clear, officials of the City of Portland have acknowledged the Stroudwater Dam serves NO function other than aesthetics. This is purely a pay-off to the affluent taxpayers in the vicinity of the dam who should be shouldering the cost of most, if not all, of this project.

Furthermore, the dam outfall cascades immediately into a tidal zone of the Fore River: at high tide there is sea water mixing with the fresh water falling from the dam face.

Therefore, spending money on the dam provides zero stormwater treatment benefits to the environment (commercial projects via our planning approvals process receive stormwater exemptions when their stormwater discharges directly into places like the Fore River). By definition, a stream is an expression of the existing water table which the dam is impounding into a reservoir. It would actually be BETTER for stormwater run-off and management if the DAM WAS REMOVED since no treatment of any pollution is taking place within the reservoir.

If the Council wishes to pursue this ridiculous pork barrel spending, then it should come from general obligation bonds as was the case previously. To do otherwise may even be unlawful (HINT: you should ask your bond counsel!).

Portland gives 162-year-old dam a checkup

 pressherald.com/2012/07/17/city-gives-172-year-old-dam-a-checkup_2012-07-17/

By Randy Billings

PORTLAND — Engineers opened the floodgates Monday on a 162-year-old stone dam on the Stroudwater River so it could be inspected for damage that city officials believe occurred several years ago when debris struck the upstream wall.

The dam, located near the Westbrook Street bridge, was built in 1850 for floating logs down the Stroudwater River to the Fore River, and was expanded in the 1900s for ice harvesting, according to city records.

Additional Photos



Water is released from a dam during the drawdown of the water level on the Stroudwater River in Portland. At one time the dam was used in logging and grist mill operations. Maine has more than 600 dams listed on the National Inventory of Dams maintained by the U.S. Army Corps of Engineers. The actual number of dams and impoundments is believed to exceed 1,000, however, because the Army Corps' list excludes structures smaller than 4 feet. John Patriquin/Staff Photographer



William Peterlein of Summit Geoengineering Services talks to city workers along the Stroudwater River after the water was lowered so the dam could be inspected. The upstream water level has been dropping, leading officials to suspect there is a leaky sluice gate. Derek Davis/Staff Photographer

Last inspected in 1998, city officials believe the dam was damaged several years ago when heavy rains washed debris down the river and it struck the dam, said Jon Emerson, the city's utilities coordinator. Damage likely occurred to the upstream sluice gate, which allows the city to control upstream water levels, he said.

"Something came down and really hit the framework of that sluice gate quite hard and bent it," Emerson said.

The city was planning to repair the sluice gate, but noticed an apparent leak on the downstream wall, prompting the city to conduct a full dam inspection, he said.

"We wanted to make sure before we did any of that repair work that the structural integrity of the dam was sound," Emerson said.

There are 647 dams in Maine, according to a 2010 inventory conducted by the U.S. Army Corps of Engineers. Only 29 of those were built before 1900.

Records indicate the 150-foot-long Portland dam varies in height from 10 to 16 feet and is part of the Stroudwater National Historic District. In 1944, dam owner Ralph Leavitt of Portland deeded the dam over to the city, provided it “repair said dam in a proper and workmanlike manner to prevent leakage.”

The dam has a history of being used in logging and grist mill operations, but today it has no functional use, Emerson said. “Really, there is no purpose other than aesthetics,” he said.

On Monday morning, crews from Maine-based Summit Geoengineering Services Inc., which is being paid \$5,000 by the city to inspect the dam, opened the sluice gate and drained the river to view both sides of the dam.

The dam can store a maximum of 221,940 cubic meters of water, and its normal reservoir storage is 187,416 cubic meters, according to city records. On a typical day, waters cascade over the top of the dam.

On Monday, the upstream shoreline retreated by 20 to 30 feet when the river was drained, said William Peterlein, co-owner and president of Summit Geoengineering Services.

The inspection, originally scheduled to take place over three days, was complete by Monday afternoon. Peterlein said he would have a report prepared for the city within three weeks outlining recommended repairs.

“It’s in pretty decent shape for the age,” said Peterlein, who noted the sluice gate seemed to be in decent working order. “We’ll probably recommend some basic maintenance.”

The city will use the inspection results to plan for future repairs of the dam, said city spokeswoman Nicole Clegg.

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Public Comment on Order 163-21/22 (with Order 164): CIP Shenanigans - "Assigned Fund Balance" Slush Fund

0 views



George Rheault

3:08 PM

to Public Comment, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Danielle West-Chuhta, Dena Libner, Jennifer Thompson, Brendan T O'Connell

The City Council should be carefully scrutinizing the CIP bond orders and asking some tough questions.

For example, why is there NO transparency regarding the use of the "Assigned Fund Balance" CIP slush fund?

If the City Manager's office is taking from one project (approved in a prior year's CIP appropriation) to fund another project (new or old), shouldn't the public have a right to know that?

What is the point of a City Council approval if the money can be moved around behind the scenes after a vote without any public accountability? Flexibility given to city officials may provide some benefits from an operational and financial perspective, but it dramatically undercuts democracy when the public has no visibility at any point when funds are reassigned.

What specific projects "previously approved" in 2021 or earlier needed another \$3.25 million in order to move forward? Shouldn't the Mayor make sure the City Council has a list? Why do these projects need more funds and wasn't the Finance Committee the least bit curious? Cost overruns? Inflation? Scope creep? Incompetence? Knavery?

Facilities

Additional Appropriations for Previously Approved Capital Projects

3,250,000

0.

Did the Finance Committee inquire about what the "Assigned Fund Balance - Capital Improvement" currently contains? Are we robbing Peter to pay Paul? Won't the almost 7 million dollars in bond proceeds being taken from the Assigned Fund Balance below have to be repaid some day with new borrowings by future City Councils?

(5)

Funding being utilized from Assigned Fund Balance - Capital Improvement

5. An amount not to exceed \$6,850,000 is appropriated from the Fund Balance – Capital Improvement to finance a portion of the projects included within Exhibit A and to provide other funding for infrastructure projects approved by City Council during 2021.

Why isn't there a formal "report-back" required when the Director of Finance uses his discretion to reallocate bond proceeds? Apparently our Director of Finance is the "TENTH COUNCILOR" on our City Council - he gets to decide how bond money gets spent (or rather his boss, the City Manager, does) without having to bother with any public process to do so.

- what prior approved projects generated a surplus upon completion allowing such surplus to be redeployed to other projects?
- what prior approved projects are currently delayed and thus their bond monies can be redeployed for the time being?
- what prior approved projects have been "abandoned"?

3. If the actual cost of any 2023 CIP Project differs from the estimated cost A, whether due to completion, delay or abandonment of the Project or for any other reason, the Director of Finance is authorized, in his discretion, to reallocate proceeds from the Project or the other funds appropriated therefore to any other project on the Project List or to any prior CIP project the City Council has approved or may approve as part of the City's annual capital improvement plan.

Public Comment - Order 150-21/22: Corporate Glad-Handing Behind Closed Doors versus Authentic Public Engagement

0 views



George Rheault

3:17 PM

to Public Comment, Dena Libner, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Danielle West-Chuhta, Jennifer Thompson, Michael Goldman, Hipple, Ethan, Alex Marshall, Christine Grimando, Mary Davis

I strongly urge the City Council to revisit (via formal reconsideration) its approval of the Hale Parcel as a Land Bank acquisition to preserve possible housing opportunities there.

Please see attachments sourced here: [Conserving Open Space in Portland, Maine - AVANews Blog](#)

Just like the AVANGRID/Central Maine Power transaction involving the 2021 Rand Road acquisition of 27+ acres, the Hale Parcel in Riverton was very much about a powerful connected business getting an inside track with city officials while the rest of the public (many who are housing insecure) gets completely shut out from any kind of timely and meaningful process, including any real analysis of housing opportunities.

Somewhere between 7-9 acres of developable land with easy access frontage on Rand Road was passed up in order to appease the Land Bank constituency (affluent homeowners) and to give a huge multinational corporation a tax deduction and a PR opportunity (conveniently timed for the controversial HydroQuebec 2021 referendum).

What "stakeholders" is this corporate public relations drone referencing in the AVANGRID blog post cited above and attached here?

No regular people were EVER meaningfully invited to participate openly in any visioning exercises of any kind for the 27+ acre site. And neither were they for the Hale Parcel.

Our City Council loves generating hot air about housing, but when push comes to shove, they never lift a finger if it means upsetting comfortable local elites (who have all the housing they need).

April 20, 2021

Newly acquired 27 acres of conservation land in Portland also protects current preserves



COURTESY / THE BOULOS CO.

Outlined here is the 27.38-acre Rand Road parcel acquired by the city of Portland for conservation.

By Staff

The city of Portland has acquired 27 acres of forested land and plans to preserve the parcel through the municipal land bank, according to a news release Monday.

The property, at 204 Rand Road, will join existing preserves at the adjacent Fore River Sanctuary and Jewell Falls.

The city bought the parcel from the Avangrid Foundation for \$325,000 after the Portland City Council approved the purchase in December. The foundation donated 85% of the appraised value — or roughly \$275,000 — to the Portland Land Bank to support the acquisition.

Drew Sigfridson and Jon Rizzo of the Boulos Co. brokered the deal, which closed Feb. 26.

ADVERTISEMENT

This land, near outer Congress Street, has been high-priority open space for several years due to its location, network of trails, and natural and recreational values. With the addition, the city has added protection to the largest remaining undeveloped area around the headwaters of the Fore River.

“When you’re hiking in these woods you are among soaring pine trees, streams and open wetlands,” Portland Land Bank Commission Chair Pat Bailey said in the release. “You feel like you are in a special place but you are right in the heart of Portland.”

The commission is responsible for identifying and protecting open space resources within the city of Portland.

“Sometimes small-dollar transactions have really large impacts and this is an example of one of those sales,” Sigfridson, managing director of the Boulos Co., said in a separate email.

“It took a lot of effort from a lot of committed people looking to do the right thing for Portland Trails, the city of Portland and our local residents. We give a lot of credit to the buyer and the Avangrid Foundation for making this happen. The trails are terrific out there!”

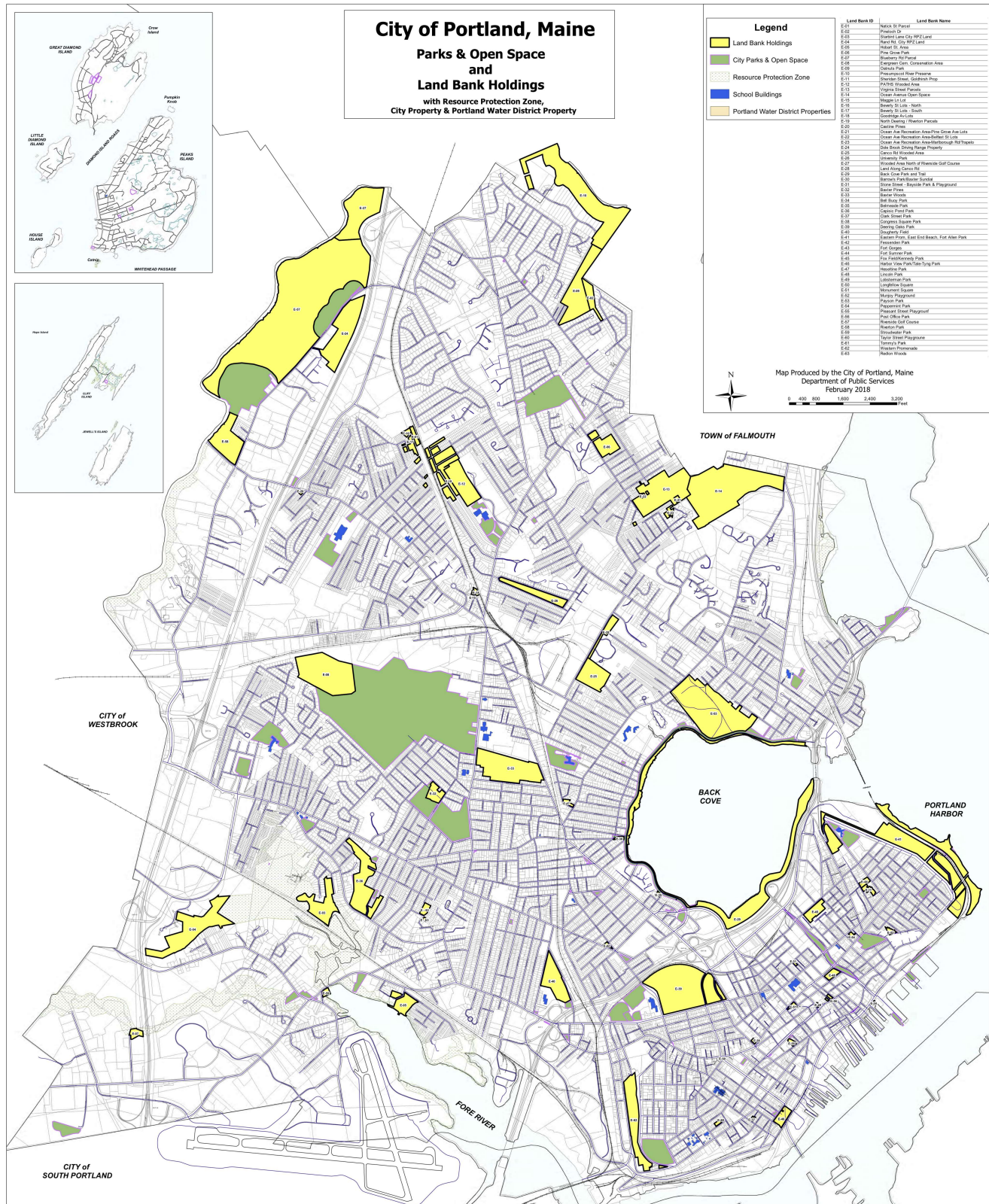
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The property lies near the city’s western boundary, in a large, undeveloped area comprised of forests, streams and wetlands. The area is an inland waterfowl and wading bird habitat, according to the commission’s 2020 report.

A Central Maine Power Co. right-of-way that runs the length of the parcel. Several footpaths wind through the woods and along the right-of-way, connecting to Portland Trails’ Fore River Sanctuary trail system.

The Avangrid Foundation is the charitable arm of Avangrid Inc. (NYSE: AGR), the parent corporation of Central Maine Power. The foundation worked with the city and Land Bank Commission to assess the best and highest use of the property and then to ensure the parcel would be kept as open space and available to the public.

“At the Avangrid Foundation we look for unique opportunities to partner with our local communities and pursue our mission of environmental stewardship, and this was the perfect opportunity to do both,” said Executive Director Nicole Licata Grant. “We want to thank the Boulos Co. and the law firm of Curtis Thaxter for the additional donation of time and services to bring it to fruition.”



COURTESY / PORTLAND LAND BANK COMMISSION

Seen in yellow are the Land Bank's holdings throughout Portland.

Public access to the Rand Road property will continue via the trail network maintained by Portland Trails, which can be reached from Rowe Avenue, Starbird Land and Rand Road.

ADVERTISEMENT

The city said that development of the parcel would not only be a lost opportunity to protect a unique natural area, but would degrade the value of adjacent conservation lands.

“This is a big deal for Portland to be able to preserve this 27-acre parcel that helps the city accomplish so many goals at once — from preserving our existing tree canopy and habitat areas, to getting us closer to 100% of our residents living within a 10-minute walk of a park or trail, to creating outdoor recreation and exercise opportunities for walkers, bikers, students, commuters, and dog-walkers,” said Ethan Hipple, the city’s director of Parks, Recreation & Facilities.

“One hundred years from now, when Portland may have grown or changed so much, residents will be thankful that this gem of a property was set aside for the public to share and enjoy forever. The city of Portland and the Land Bank Commission want to thank the law firm of Jewell & Bulger for donating time and services to complete this transaction.”



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Most Popular



Eastport mustard mill-museum looks for new life with \$2M renovation

College Endowments & Scholarships					
College	2020	2021	2022	2023	2024
Yale University	\$1.2B	\$1.3B	\$1.4B	\$1.5B	\$1.6B
Harvard University	\$1.1B	\$1.2B	\$1.3B	\$1.4B	\$1.5B
Stanford University	\$1.0B	\$1.1B	\$1.2B	\$1.3B	\$1.4B
MIT	\$900M	\$1.0B	\$1.1B	\$1.2B	\$1.3B
University of California	\$800M	\$900M	\$1.0B	\$1.1B	\$1.2B
University of Texas	\$700M	\$800M	\$900M	\$1.0B	\$1.1B
University of Michigan	\$600M	\$700M	\$800M	\$900M	\$1.0B
University of Wisconsin	\$500M	\$600M	\$700M	\$800M	\$900M
University of Illinois	\$400M	\$500M	\$600M	\$700M	\$800M
University of Minnesota	\$300M	\$400M	\$500M	\$600M	\$700M
University of Pennsylvania	\$200M	\$300M	\$400M	\$500M	\$600M
University of Maryland	\$100M	\$200M	\$300M	\$400M	\$500M
University of Washington	\$50M	\$100M	\$200M	\$300M	\$400M
University of Oregon	\$25M	\$50M	\$100M	\$200M	\$300M
University of Arizona	\$12M	\$25M	\$50M	\$100M	\$200M
University of Colorado	\$6M	\$12M	\$25M	\$50M	\$100M
University of New York	\$3M	\$6M	\$12M	\$25M	\$50M
University of Texas at Dallas	\$1.5M	\$3M	\$6M	\$12M	\$25M
University of California at Berkeley	\$750K	\$1.5M	\$3M	\$6M	\$12M
University of Michigan at Ann Arbor	\$375K	\$750K	\$1.5M	\$3M	\$6M
University of Wisconsin at Madison	\$187K	\$375K	\$750K	\$1.5M	\$3M
University of Illinois at Urbana-Champaign	\$93K	\$187K	\$375K	\$750K	\$1.5M
University of Minnesota at Minneapolis	\$47K	\$93K	\$187K	\$375K	\$750K
University of Pennsylvania at Philadelphia	\$23K	\$47K	\$93K	\$187K	\$375K
University of Maryland at College Park	\$12K	\$23K	\$47K	\$93K	\$187K
University of Washington at Seattle	\$6K	\$12K	\$23K	\$47K	\$93K
University of Oregon at Eugene	\$3K	\$6K	\$12K	\$23K	\$47K
University of Arizona at Tucson	\$1.5K	\$3K	\$6K	\$12K	\$23K
University of Colorado at Boulder	\$750	\$1.5K	\$3K	\$6K	\$12K
University of New York at Albany	\$375	\$750	\$1.5K	\$3K	\$6K
University of Texas at Austin	\$187	\$375	\$750	\$1.5K	\$3K
University of California at Los Angeles	\$93	\$187	\$375	\$750	\$1.5K
University of Michigan at Dearborn	\$47	\$93	\$187	\$375	\$750
University of Wisconsin at Milwaukee	\$23	\$47	\$93	\$187	\$375
University of Illinois at Chicago	\$12	\$23	\$47	\$93	\$187
University of Minnesota at St. Paul	\$6	\$12	\$23	\$47	\$93
University of Pennsylvania at Harrisburg	\$3	\$6	\$12	\$23	\$47
University of Maryland at Baltimore	\$1.5	\$3	\$6	\$12	\$23
University of Washington at Tacoma	\$750	\$1.5	\$3	\$6	\$12
University of Oregon at Medford	\$375	\$750	\$1.5	\$3	\$6
University of Arizona at Flagstaff	\$187	\$375	\$750	\$1.5	\$3
University of Colorado at Fort Collins	\$93	\$187	\$375	\$750	\$1.5
University of New York at Binghamton	\$47	\$93	\$187	\$375	\$750
University of Texas at El Paso	\$23	\$47	\$93	\$187	\$375
University of California at San Diego	\$12	\$23	\$47	\$93	\$187
University of Michigan at Flint	\$6	\$12	\$23	\$47	\$93
University of Wisconsin at Stevens Point	\$3	\$6	\$12	\$23	\$47
University of Illinois at Springfield	\$1.5	\$3	\$6	\$12	\$23
University of Minnesota at Duluth	\$750	\$1.5	\$3	\$6	\$12
University of Pennsylvania at Schuylkill	\$375	\$750	\$1.5	\$3	\$6
University of Maryland at Washington	\$187	\$375	\$750	\$1.5	\$3
University of Washington at Everett	\$93	\$187	\$375	\$750	\$1.5
University of Oregon at Ashland	\$47	\$93	\$187	\$375	\$750
University of Arizona at Yuma	\$23	\$47	\$93	\$187	\$375
University of Colorado at Greeley	\$12	\$23	\$47	\$93	\$187
University of New York at State University of New York	\$6	\$12	\$23	\$47	\$93
University of Texas at San Antonio	\$3	\$6	\$12	\$23	\$47
University of California at Merced	\$1.5	\$3	\$6	\$12	\$23
University of Michigan at East Lansing	\$750	\$1.5	\$3	\$6	\$12
University of Wisconsin at Oshkosh	\$375	\$750	\$1.5	\$3	\$6
University of Illinois at Carbondale	\$187	\$375	\$750	\$1.5	\$3
University of Minnesota at Crookston	\$93	\$187	\$375	\$750	\$1.5
University of Pennsylvania at Berks	\$47	\$93	\$187	\$375	\$750
University of Maryland at Eastern Shore	\$23	\$47	\$93	\$187	\$375
University of Washington at Bellingham	\$12	\$23	\$47	\$93	\$187
University of Oregon at Seaside	\$6	\$12	\$23	\$47	\$93
University of Arizona at Nogales	\$3	\$6	\$12	\$23	\$47
University of Colorado at Longmont	\$1.5	\$3	\$6	\$12	\$23
University of New York at SUNY at Albany	\$750	\$1.5	\$3	\$6	\$12
University of Texas at Permian Basin	\$375	\$750	\$1.5	\$3	\$6
University of California at Fullerton	\$187	\$375	\$750	\$1.5	\$3
University of Michigan at Jackson	\$93	\$187	\$375	\$750	\$1.5
University of Wisconsin at Fond du Lac	\$47	\$93	\$187	\$375	\$750
University of Illinois at Macomb	\$23	\$47	\$93	\$187	\$375
University of Minnesota at Morris	\$12	\$23	\$47	\$93	\$187
University of Pennsylvania at Lehigh	\$6	\$12	\$23	\$47	\$93
University of Maryland at Prince George's	\$3	\$6	\$12	\$23	\$47
University of Washington at Everett	\$1.5	\$3	\$6	\$12	\$23
University of Oregon at Medford	\$750	\$1.5	\$3	\$6	\$12
University of Arizona at Yuma	\$375	\$750	\$1.5	\$3	\$6
University of Colorado at Greeley	\$187	\$375	\$750	\$1.5	\$3
University of New York at State University of New York	\$93	\$187	\$375	\$750	\$1.5
University of Texas at San Antonio	\$47	\$93	\$187	\$375	\$750
University of California at Merced	\$23	\$47	\$93	\$187	\$375
University of Michigan at East Lansing	\$12	\$23	\$47	\$93	\$187
University of Wisconsin at Oshkosh	\$6	\$12	\$23	\$47	\$93
University of Illinois at Carbondale	\$3	\$6	\$12	\$23	\$47
University of Minnesota at Crookston	\$1.5	\$3	\$6	\$12	\$23
University of Pennsylvania at Berks	\$750	\$1.5	\$3	\$6	\$12
University of Maryland at Eastern Shore	\$375	\$750	\$1.5	\$3	\$6
University of Washington at Everett	\$187	\$375	\$750	\$1.5	\$3
University of Oregon at Seaside	\$93	\$187	\$375	\$750	\$1.5
University of Arizona at Nogales	\$47	\$93	\$187	\$375	\$750
University of Colorado at Longmont	\$23	\$47	\$93	\$187	\$375
University of New York at SUNY at Albany	\$12	\$23	\$47	\$93	\$187
University of Texas at Permian Basin	\$6	\$12	\$23	\$47	\$93

Conserving Open Space in Portland, Maine

May 18, 2021



Photo: digital art rendering of a portion of the Rand Road parcel.

Real estate transactions are notoriously time consuming. Just ask Avangrid Foundation Executive Director **Nicole Licata Grant**.

More than four years ago, the Foundation began the process of figuring out what to do with a 27-acre parcel of land it owned in Portland, ME. The Foundation was tasked with leveraging the property in a way to support the broader philanthropic work and started looking for a suitable partner.

There were opportunities to sell the land for commercial use – with discussions ranging from affordable housing, to light rail, to a for-profit homeless shelter and finally, a parking lot – but Grant knew this was no ordinary parcel and needed the right new steward.

The land, with complicated but pristine terrain, is located along Rand Road in Portland, is adjacent to existing conservation land, connected to a network of trails and at the headwaters of the Fore River Sanctuary. It was only partially developable at best and was environmentally sensitive.

“All of the stakeholders ultimately determined that the way to do the most good for the most people was to preserve the property in perpetuity, for public use, but it took time and flexibility to figure that out” Grant said. The Foundation also knew that in doing so, they would be looking to donate the parcel rather than sell it. Grant says she is “grateful to the Board of the Foundation and partners throughout the corporation who supported this vision.”

After years of discussions with developers, local officials, activists, nonprofits and local business , The City of Portland emerged as a the most suitable partner, touching off more than a year of negotiations, public hearings and legal procedures to ensure that the acquisition was community informed and carried out in good faith. The hard work paid off last month when the Foundation transferred ownership to the city’s Land Bank Commission, donating 85 percent of the appraised value of the parcel, or roughly \$275,000.

The parcel will now be preserved in perpetuity for public use as the city’s largest remaining undeveloped piece of open land. There will be limited development to enable public access and enjoyment.

“At the Avangrid Foundation, we look for unique opportunities to partner with our local communities and pursue our mission of environmental stewardship, and this was the perfect opportunity to do both,” Grant said. “We are so pleased to work with the City’s Land Bank Commission to provide this land for public use. We want to thank the Boulos Company and the Law Firm of Curtis Thaxter for the additional donation of time and services to bring it to fruition.”

The donation allows Portland to keep the parcel as protected open space.

“This is a big deal for Portland to be able to preserve this 27-acre parcel that helps the city accomplish so many goals at once – from preserving our existing tree canopy and habitat areas, to getting us closer to 100% of our residents living within a 10-minute walk of a park or trail, to creating outdoor recreation and exercise opportunities for walkers, bikers, students, commuters, and dog-walkers,” said Ethan Hipple, the City’s

Director of Parks, Recreation & Facilities. “One hundred years from now, when Portland may have grown or changed so much, residents will be thankful that this gem of a property was set aside for the public to share and enjoy forever. The city of Portland and the Land Bank Commission want to thank the law firm of Jewell & Bulger for donating time and services to complete this transaction.”

Read more about the donation here:

<https://www.mainebiz.biz/article/newly-acquired-27-acres-of-conservation-land-in-portland-also-protects-current-preserves>

MEMORANDUM
City Council Agenda Item

FROM: Melissa Graffam

DATE: March 8, 2022

SUBJECT: Order 165-21/22 Approving the Three-Party Agreement between the Portland Area Comprehensive Traffic System, Maine Department of Transportation and the City of Portland Re: Improvements to Cumberland Avenue - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: Danielle 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 3/7/2022

Final Action 3/21/2022

Can action be taken at a later date: No This agreement must be approved by City Council and signed by the City Manager prior to the project going out to bid. Historically with an earlier bid date bid pricing will be improved.

PRESENTATION: N/A

I. SUMMARY

City Council is being asked to approve the attached Portland Area Comprehensive Transportation System (PACTS) Municipal Partnership Agreement, which would allow the City to move ahead with its plans to improve and pave Cumberland Avenue between Washington Avenue and Smith Street, approximately 0.11 miles. The agreement obligates the City and PACTS to split the project costs.

II. AGENDA DESCRIPTION

This project is part of the Municipal Partnership Initiative (MPI) Program; the City administers the project and typically receives 50% funding from the state MPO. By signing the partnership agreement, it enables the City to proceed with the project and obligates PACTS to pay 41% and the City to pay for 59% of the original estimated project cost; the City share is estimated to be \$178,300.

This item must be read on two separate days. It received its first reading on March 7, 2022. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Cumberland Avenue paving project is part of MaineDOT's 2022 work plan. The scope of the MPI project work includes a 2" mill and fill, curb work, sidewalk work, ADA ramp reconstruction, and re-striping after final paving. We are anticipating the project to go out to bid in 2022 with construction following, after. This project is classified as a pavement preservation project and is part of the MPI Program. The City will be responsible for 59% of the paving cost, or \$178,300 and 100% of any overages to the original estimate. The City subsequently added scope to the project, extending the limits to Franklin Street; this increased the City share to an estimated \$580,000.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Cumberland Avenue Improvements project will improve the pavement surface and ride quality on a regionally important minor arterial. The project will improve sidewalk and ADA ramps for a better and safer pedestrian experience. PACTS will pay for a portion of the project costs

V. FINANCIAL IMPACT

The City is obligated to pay 59% of the estimated paving cost, or \$178,300 and 100% of any overages due to added scope in the project area, estimated to be \$401,700. The total City cost of this project, estimated to be \$580,000, would be paid from a FY23 CIP account established for this project, which is currently pending approval by City Council. Please see the attached fiscal impact note for additional information.

VI. STAFF ANALYSIS AND BACKGROUND

This is a Minor Arterial in the City of Portland with a high AADT, is a major connector from downtown to the East End, and has a large pedestrian presence. Cumberland Avenue was ranked with fair PCI) when it was last evaluated in 2019 but has since had utility work that has further deteriorated the road. Without this project, the road will continue to decline.

VII. RECOMMENDATION

The Department of Public Works recommends approving and signing the subject agreement to allow the City to improve Cumberland Avenue from Washington Avenue to Franklin Street in 2022.

VIII. LIST ATTACHMENTS

1. MDOT PACTS 3-party Cumberland Ave Paving 3.7.2022
2. Cumberland - Wash to Franklin - Project Location Map
3. Fiscal Impact Note - Cumberland Ave - Franklin to Washington
4. 3-Party Agreement Cumberland Avenue 3.7.2022

Prepared by:

Melissa Graffam

Date: 03/08/2022

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 APPROVING THE THREE-PARTY AGREEMENT
BETWEEN THE PORTLAND AREA COMPREHENSIVE TRANSPORTATION
SYSTEM, THE MAINE DEPARTMENT OF TRANSPORTATION,
AND THE CITY OF PORTLAND
RE: IMPROVEMENTS TO CUMBERLAND AVENUE**

ORDERED, that the Three-Party Agreement between the Portland Area Comprehensive Transportation System, the Maine Department of Transportation, and the City of Portland is hereby approved, in substantially the form attached, for paving and other work on Cumberland Avenue:

- WIN 025815.00 , Improvements to Cumberland Avenue

BE IT FURTHER ORDERED, that the Interim City Manager or her designee is hereby authorized to sign the two-party agreements and any other documents necessary to effect the purpose of this order.



public
works

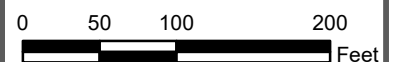
CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS
212 CANCO RD, PORTLAND, MAINE 04103
PHONE (207) 874-8846 FAX (207) 874-8852

Cumberland Ave Paving

Original Scope: Washington Ave to Smith St
New Scope: Washington Ave to Franklin Art



Feb 2022



Formula for New Program Costing on Tax R

1) FY22 Valuation:	14,629,000,000	\$14,629,000
2) FY22 Tax Rate (Total City & School): <u>Levy / (Valuation/1000)</u>		\$12.99
(a) FY21 Tax Rate (City):		\$6.22
(b) FY21 Tax Rate (School):		\$6.77
3) FY22 Value of \$0.01 of Tax Rate (Total City & School):		\$146,290

FISCAL IMPACT NOTE	Year 1		Year 2		Year 3	
New Program Cost Data:	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
Example:						
ADD: NEW ITEM ANNUAL EXPENDITURES		\$0		\$36,076		\$36,076
LESS: TOTAL NEW ITEM ANNUAL REVENUES		\$0		\$0		\$0
=NEW ITEM NET TAX RATE IMPACT PROJECTION	\$0	\$0	\$36,076	\$36,076	\$36,076	\$36,076
New Program Impact to the Tax Rate	\$0.0000	\$0.0000	\$0.0025	\$0.0025	\$0.0025	\$0.0025
New Program % Impact on Tax Rate	0.0000%	0.0000%	0.0396%	0.0190%	0.0396%	0.0190%
Tax Rate Including New Program	\$6.22	\$12.99	\$6.22	\$12.99	\$6.22	\$12.99

Notes: The CIP impact will actually begin in 2023 and remain for the 20 year life of the bond.

*MaineDOT use only*

TEDOCS #: _____

CTM #: _____

CSN #: _____

PROGRAM: Bureau of Planning

State of Maine
DEPARTMENT OF TRANSPORTATION
Portland Area Comprehensive Transportation System
Municipal Partnership Initiative Agreement
Proposed Improvements to Cumberland Avenue
(Payable to Municipality)

*MaineDOT Use Only*Project Location: PortlandEstimated Project Amount: \$330,000.00State WIN: 025815.00MPO Share: \$151,700.00PACTS ID#: PACTSMunicipal Share: \$178,300.00Municipality Id#: VC1000073472

Agreement Begin Date: _____

Agreement End Date: _____

This Cooperative Agreement (the “Agreement”) is entered into by and between the Maine Department of Transportation (MaineDOT), an agency of state government, the **City of Portland (the “Municipality”)**, a municipality in the State of Maine, and the **Portland Area Comprehensive Transportation System (PACTS)**, the designated Metropolitan Planning Organization for the Portland Urbanized Area, and **Greater Portland Council of Governments (GPCOG)**, a fiduciary agent for PACTS. (MaineDOT, the Municipality, PACTS, and GPCOG) are collectively referred to as the “Parties”).

RECITALS

- A.** MaineDOT, through its partnership with Maine’s Metropolitan Planning Organizations (MPOs), is charged with managing and dispersing state and federal funds to support capital improvement projects programmed by the MPOs. PACTS is MaineDOT’s MPO partner for the Portland Urbanized Area.
- B.** PACTS has created and administers a Municipal Partnership Initiative program (the “PACTS MPI Program”), the purpose of which is to participate in the funding of approved collector and/or arterial roadway projects (the “MPI Project(s)”) with the intention of restoring substandard State and State Aid highways to MaineDOT and PACTS minimum standards.

- C. MPI Projects are administered by the municipality in which the project is being constructed. PACTS' participation in an MPI Project is accomplished through its acceptance of the Project into the PACTS MPI Program, and the contribution of state funds allocated to PACTS and disbursed by MaineDOT to the administering municipality on PACTS' behalf (the "PACTS Share"). MPI Project costs not paid by the PACTS Share are paid by the administering municipality.
- D. The work that is the subject of this Agreement consists of a mill and fill on Cumberland Avenue, beginning at Smith Street and extending north 0.11 of a mile to Washington Avenue (the "Project"), and is generally outlined in **Appendix A**, made a part herewith.
- E. PACTS has selected the Project for inclusion in the 2022-2023-2024 MaineDOT Work Plan, using state capital improvement funding allocated by MaineDOT.
- F. The Municipality has approved the Project and supports the decision by MaineDOT and PACTS to program the Project, and is prepared to administer and fund the Project in accordance with the terms of this Agreement.
- G. The Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the programmed budget, using a process that maximizes communication and cooperation between the Parties.
- H. This Agreement is intended to cover the roles and responsibilities of the Parties through full Project development and construction, and to establish the financial obligations of each Party.

AGREEMENT

NOW, THEREFORE, in accordance with the foregoing, the Parties agree as follows:

1. Appendices:

The following appendices are hereby incorporated into this Agreement:

- ☒ Appendix A - PACTS Letter to MaineDOT Outlining Scope and Cost of MPI Project
- ☐ Check if no appendices attached

2. Project Cost Sharing and Payment Schedule:

a. Financial Obligations:

i. Total Project Costs.

- 1. PACTS and the Municipality agree to share in all costs associated with all phases of the Project through construction (the "Total Project Costs") in accordance with the allocations outlined below (the "Party Shares") unless otherwise negotiated by mutual agreement of the Parties.

- a. **PACTS Share** (provided through PACTS' state allocation and disbursed by MaineDOT) - 50% of eligible Project costs, up to a maximum of \$151,700.00.
 - b. **Municipal Share** (provided through the Municipality's obligation of funds) - 50% of eligible Project costs, plus 100% of any and all remaining Project Costs once the PACTS Share has been exhausted (the "Overage").
2. The estimated Total Project Costs are \$330,000.00 (the "Estimated Total Project Costs") and are allocated in the table below. If the Estimated Total Project Costs are adjusted to reflect updated costs, the Municipality will consult with PACTS before such adjustments are approved and implemented.

Total Project Costs	PACTS Share (State MPO Funds) 50% (Max. \$151,700.00)	Municipality's Share 50% + Overage	Estimated Total Cost
Estimated Total Project Costs: <u>\$ 330,000.00</u>			
Estimated Allocated Shares	\$151,700.00	\$151,700.00 +\$26,600.00	\$330,000.00
Total Party Share of Estimated Total Project Costs	\$151,700.00	\$178,300.00	\$330,000.00

- b. **Payment Schedule:** The Municipality shall be the sole administrator of the Project contract(s) and shall pay up front all Project costs, subject to cost sharing by the Municipality and PACTS as specified above.
- i. The Municipality may begin invoicing PACTS for the PACTS Share of eligible Project costs upon 1/3 Project completion. Invoices shall be submitted no more than monthly with a maximum number of invoice submittals not to exceed five (5) invoices for the total Project.
 - ii. The Municipality shall submit to PACTS for reimbursement detailed invoice(s) documenting actual amounts incurred for Project related costs, together with evidence of such invoices having been paid by the Municipality, and identifying PACTS' share of each invoice submitted.
 - iii. Each invoice shall include the Municipality's certification that all amounts claimed are correct, and not previously claimed.
 - iv. PACTS shall review each such invoice and, upon approval, shall forward each invoice to MaineDOT for payment to the Municipality out of PACTS'

allocated state MPO funds. MaineDOT shall reimburse the Municipality accordingly within thirty (30) days of its receipt of such approved invoice(s) in an aggregate amount not to exceed the total PACTS Share.

3. Project Milestones: The Municipality agrees to share information about the Project with PACTS and MaineDOT at the following milestones, as appropriate:

- Project kickoff/initial team meeting/formal public contact;
- Horizontal/Vertical Alignment Complete (HVAC);
- Preliminary public meeting;
- Preliminary Design Report (PDR) complete;
- Formal public meeting(s);
- Plan Impacts Complete (PIC);
- Peer reviews;
- Plans, Specifications and Estimate (PS&E) complete;
- Changes in the Project schedule or engineer's estimate of costs.

4. Project Design, Construction Plans and Specifications:

- a. The Municipality shall prepare, or cause to be prepared, all plans, specifications, engineer's estimates and contract documents for the Project within the scope of work identified above, using a standard project development process to ensure adherence to federal and state regulations (the "Preliminary Project Development Materials").
- b. The Municipality shall retain a Professional Engineer licensed in the State of Maine to oversee all Project activities (the "Project Engineer").
- c. The Project must be designed by a Professional Engineer licensed in the State of Maine (the "Design Engineer") and in compliance with MaineDOT's design standards (the "Design Standards").
 - i. The Design Engineer shall provide certification to the Parties that, in his/her professional opinion, the Project will provide a smooth ride and not reduce the safety, mobility or structural quality of the affected State and/or State Aid Highway.
 - ii. All design documents must be stamped and signed by the Design Engineer in accordance with the provisions of this Section.
- d. MaineDOT reserves the right to review and comment on all plans and specifications with the focus on ensuring that the Project will achieve the anticipated benefits and will not degrade safety.
- e. The Municipality, through its Project Engineer, shall obtain written approval from MaineDOT for any exceptions to the "Design Standards". Submitted documentation shall compare the proposed design to the existing conditions for each proposed exception. Any and all exceptions shall be listed on the cover sheet accompanying the Project plans and submitted to MaineDOT, accompanied by a request for acceptance

- of the Project's design exceptions. All such requests must include the signature and professional stamp of the Professional Engineer responsible for the design of the Project.
- f. In developing the Project, the Municipality shall ensure that the following elements are satisfied:
- i. The Project improvements must have a minimum useful life of ten (10) years;
 - ii. The safety of the corridor and the life of the resulting structural and design elements shall be equal to or better than the existing conditions and design;
 - iii. The structures, roadways and design features affected by the Project work shall, at a minimum, be of equal dimensions to the existing features or structures and shall be of improved quality in terms of materials and utility;
 - iv. The Project shall not introduce any unanticipated safety hazards to the traveling public;
 - v. The Project shall retain the same level or an improved level of mobility of travel within the corridor;
 - vi. The Project shall not in any manner decrease the life expectancy of the affected component(s) of Maine's transportation system;
 - vii. The Project shall meet the most recent Americans with Disabilities Act of 1990 (ADA) design requirements;
 - viii. Traffic control and the safety of pedestrians, bicyclists and the traveling public shall be provided for at all times.
- g. The Municipality shall coordinate with affected utilities to identify existing utility locations and/or any utility relocation impacts that may be created by the development of the Project.
- h. It is expected that the Project can be constructed within the existing right-of-way limits. If that is not the case, the Municipality must provide MaineDOT with a detailed explanation of the property rights required for the Project and shall acquire any such property rights in accordance with all applicable state and federal laws. The PACTS Share may only be applied to costs associated with the acquisition of property rights required for the implementation of the Project.
- i. The Municipality shall perform all necessary federal, state and local permitting activities required in connection with the Project.
- j. Project construction must commence within twelve (12) months and must be certified as complete within twenty-four (24) months of the date of execution of this Agreement. If this timeline is not met, and the Municipality cannot show that it has made a good faith effort to meet this timeline, PACTS retains the right to withdraw any unpaid

portion of the PACTS Share and reallocate its remaining funding to other eligible projects in its service area.

- k. Upon completion of Project construction, the Municipality shall provide certification to MaineDOT from the Project Engineer stating that the Project is complete and has been constructed in accordance with the plans and specifications.

5. Public Involvement:

The Municipality shall be responsible for implementing and leading any and all required public involvement processes and activities, including those required by Maine's Sensible Transportation Policy Act, and any necessary media coordination associated with the any phases of the Project covered by this Agreement.

6. Changes to Project Scope:

The Municipality will consult with MaineDOT and PACTS before implementing any adjustments to the Project scope.

7. Termination:

- a. In the event the Municipality decides to terminate the Project for any reason prior to the award of a contract to construct the Project and that termination under this clause is not directed by MaineDOT and PACTS, the Municipality shall be responsible for covering all Project costs incurred up to the time of termination.
- b. This Agreement may be terminated at any time by mutual written agreement of all Parties.
- c. In no event, shall any such action taken under this subsection be deemed a breach of contract, nor shall it represent any individual Party's waiver of claims for breach of contract or its right to any other remedy it may have pursuant to this Agreement, or at law or in equity.
- d. In the event of Project termination, all provisions of this Agreement shall become null and void except for the financial obligations set forth herein, as well as those provisions to this Agreement that by their very nature are intended to survive.

8. Miscellaneous Provisions:

- a. Quality of Work. PACTS reserves the right to require the Municipality to refund all reimbursements made and to repay PACTS fully for all Projects costs incurred if the work is found to be unsatisfactory.
- b. Reprogramming of Remaining PACTS Funds. Any state MPO funds allocated to the Project that remain unspent following payment of the final invoice and reconciliation of the Project shall be made available to PACTS for reprogramming once the Project is closed out.

- c. Indemnification. To the extent permitted by law, the Municipality and PACTS shall each individually indemnify, defend and hold harmless MaineDOT, its officers, agents and employees from all claims, suits or liabilities arising from the indemnifying Party's own negligent or wrongful acts, errors or omissions or by that Party's officials, employees, agents, consultants or contractors. Nothing herein shall waive any defense immunity or limitation of liability that may be available under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or any other privileges or immunities provided by law. This provision shall survive the termination or expiration of the Project.
- d. Assumption of Responsibility. The Municipality hereby assumes responsibility for all damage to public or private property of any kind resulting from any act, omission, neglect or misconduct of the Municipality, its employees, agents or representatives, and shall ensure that its contractor(s) assume the same responsibility for all damage to public or private property of any kind resulting from any act, omission, neglect or misconduct of its own employees, agents or representatives. This assumption of responsibility shall also include damage to vehicles passing through the Project limits.
- e. Obligation of State Funds. Notwithstanding anything herein to the contrary, the Municipality and PACTS acknowledge and agree that, although the execution of this Agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this Agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
- f. Performance. The Parties will avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this Agreement.
- g. Obligation of Municipal Funds. The Municipality represents that it has received all necessary approvals or authorizations by its governing authorities to approve the Project and enter into this Agreement, and that it has obligated the necessary funds to satisfy its Municipal Share of the Project Costs set out herein.
- h. State of Maine's Rights of Set-Off. MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State of Maine's option to withhold for the purposes of set-off monies due the Municipality under a specific project contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State of Maine for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller.
- i. Assignment. No assignment of this agreement is contemplated, and in no event, shall any assignment be made without the express written permission of the Parties.

- j. Independent Capacity. The Municipality and PACTS, their respective employees, agents, representatives, consultants and contractors shall not act as officers, employees or agents of MaineDOT.
- k. Governing Law. This Agreement shall be construed under the laws of the State of Maine. Additionally, all activities under this Agreement shall be performed in accordance with applicable federal laws and regulations, including without limitation Title 23 in the U.S. Code (USC) for statutory law, Title 23 in the Code of Federal Regulations (CFR) for administrative law, and Title 2 CFR, Part 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.”
- l. Binding Effect. The Parties shall be bound by the terms of this Agreement. This provision shall apply to the Agreement’s executors, their successors, administrators and legal representatives.
- m. Notice. Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and mailed via U.S. Mail, Certified or Registered, Return Receipt Requested or sent via a recognized commercial carrier such as, but not limited to Federal Express, that requires a return receipt delivered to the sending party. Alternatively, communication may be sent via email and shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving party. Said communications, requests or notices shall be sent to the other party as follows:

MaineDOT: Maine Department of Transportation
 16 State House Station
 Augusta, ME 04333-0016
 Attn.: Darryl Belz, PE, Statewide Planning Engineer
 Email: darryl.belz@maine.gov

Municipality: City of Portland
 250 Canco Road
 Portland, ME 04103
 Attn.: Lauren Anderson, PE, Senior Engineer
 Email: landersen@portlandmaine.gov

PACTS: Portland Area Comprehensive Transportation System
 970 Baxter Boulevard, Suite 201
 Portland, ME 04103
 Attn.: Elizabeth Roberts, PE, Transportation Engineer
 Email: eroberts@gpcog.org

Each Party agrees to promptly notify all other Parties of any changes to the above referenced contact information.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective on the day and date last signed.

DS
ER

DocuSigned by:
Kristina Egan
EF67A54B0DDE4EB...

Date 9/14/2021

Kristina Egan, Executive Director *
Greater Portland Council of Governments and
For Portland Area Comprehensive Transportation System
Duly authorized

Date _____

Danielle P. West, Interim City Manager *
Municipality of Portland
Duly authorized

Date _____

Jennifer Langland, Director, Bureau of Planning *
Maine Department of Transportation
Duly authorized

** I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.*

PACTS

Portland Area Comprehensive Transportation System



Darryl Belz, P.E.
Safety/MPO Engineer
Bureau of Planning
Maine Department of Transportation
16 State House Station
Child Street
Augusta, Maine 04433-0016

June 17, 2021

PACTS 2022 Municipal Partnership Initiative Project: Portland, Cumberland Ave Mill and Fill

Darryl,

The following is a request to develop a Municipal Partnership Initiative (MPI) agreement for the above project for the 2022 PACTS MPI program.

On May 25th, 2021, the PACTS Policy Committee approved programming \$151,700 of PACTS' CY2022 state funding allocation for the following project:

Portland, Cumberland Ave Mill and Fill

ADA improvements, bike and parking lanes, and 2" mill and fill from Smith Street to Washington Ave.

The Route Log Miles start at 0.93 and end at 1.04 along Cumberland Ave for a total project length of 0.11 miles.

The scope consists of 2" surface overlay, new pavement markings for bicycle and parking lanes, minor sidewalk and curb improvements, and curb ramp improvements to meet ADA requirements. The total cost estimate is \$330,000.

Construction complete year is scheduled to be 2022.

The funding is 50% state/50% local with a cap of \$151,700 for the state share.

PACTS is requesting a WIN for the project and a three-party agreement to follow.

The municipal contact is Lauren Andersen. She is aware of contract documents needed such as, a scope of work, unit prices and complete specifications. These documents will be similar or the same as a MaineDOT "Book Project", including a set of plans as necessary to be outlined in the pending agreement.

Thank you for your attention to this matter. If you have any questions, please call.

The Metropolitan Planning Organization for the Portland Urbanized Area

970 Baxter Blvd • Portland, Maine 04103

Telephone: (207) 774-9891 • Fax: (207) 774-7149 • www.pactsplan.org

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Chop". The signature is fluid and cursive, with a large initial "C" and a stylized "H" at the end.

Chris Chop
PACTS

cc: Lauren Andersen, City of Portland
Chris Branch, City of Portland
Keith Gray, City of Portland
Harold Spetla, GPCOG

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 7, 2022

SUBJECT: Order 178-21/22 Renaming Farm Field in Payson Park the Ron A. Farr Field -
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 3/21/2022

Final Action

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

PRESENTATION:

I. SUMMARY

Coach Farr has been a Portland Little League Coach for 60 years. City staff, along with the Parks Commission support the renaming of Farm Field in Payson Park to Ron A. Farr Field in honor of his dedication to Portland youth.

II. AGENDA DESCRIPTION

Portland Little League proposed renaming Farm Field in Payson Park to Ron A. Farr Field and the Parks Commission voted unanimously on March 3, 2022 in support of changing the name from Farm Field to Ron A. Farr Field in honor of Ron A. Farr's service and commitment to Portland Little League. Ronald Farr started coaching Little League Baseball in 1962. Every spring and summer for the past 60 years, Ron Farr has been a fixture on Portland's little league diamonds. This order would name the Payson Park Little League field, Ron A. Farr Field.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

In Portland, Maine, 1962 was the year Ronald Farr started coaching Little League Baseball. Every spring and summer for the past 60 years, Ron Farr has been a fixture on our little league diamonds. Ron has influenced over 1200 kids during his tenure with Portland Little League, not to mention the hundreds of coaches he has inspired. Ron Farr's consistent message and philosophy of teaching the fundamentals and ensuring every child has equal opportunities to play have become the playbook for Portland Little League. In fact, "The Ron Farr rule", which is a playing time rule that exceeds the expectations of Little League Baseball of America, is still followed by our league.

During his 60-year tenure, Coach Farr has quite a resume as well! The teams have won 14 League championships and 7 City Championships. Coach Farr has been selected to be the All Star Coach over 20 times and holds the record for coaching 13 consecutive All Star teams. As an All Star Manager coach, Farr's teams won 5 State Championships and reached the New England Regional final in 2007. Coach Farr is proud of each of his players, many of whom have gone on to play on State Championship High School teams, college teams, and even in the Major Leagues. In 2008, Coach Farr was recognized by the Maine Baseball Hall of Fame with the Presidential Award for his volunteer service to his community.

The Parks Commission voted unanimously in support of changing the name from Farm Field to Ron A. Farr

Field in dedication to Ron A. Farr's service and commitment to Portland Little League on March 3rd 2022. Portland Parks fully support this name change.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

For the City Council to approve the renaming of Farm Field to Ron A. Farr Field

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

City staff fully support the renaming of Farm Field to Ron A. Farr Field

VII. RECOMMENDATION

In Portland, Maine, 1962 was the year Ronald Farr started coaching Little League Baseball. Every spring and summer for the past 60 years, Ron Farr has been a fixture on our little league diamonds. Ron has influenced over 1200 kids during his tenure with Portland Little League, not to mention the hundreds of coaches he has inspired. Ron Farr's consistent message and philosophy of teaching the fundamentals and ensuring every child has equal opportunities to play have become the playbook for Portland Little League. In fact, "The Ron Farr rule", which is a playing time rule that exceeds the expectations of Little League Baseball of America, is still followed by our league.

During his 60-year tenure, Coach Farr has quite a resume as well! The teams have won 14 League championships and 7 City Championships. Coach Farr has been selected to be the All Star Coach over 20 times and holds the record for coaching 13 consecutive All Star teams. As an All Star Manager coach, Farr's teams won 5 State Championships and reached the New England Regional final in 2007. Coach Farr is proud of each of his players, many of whom have gone on to play on State Championship High School teams, college teams, and even in the Major Leagues. In 2008, Coach Farr was recognized by the Maine Baseball Hall of Fame with the Presidential Award for his volunteer service to his community.

VIII. LIST ATTACHMENTS

1. Renaming Farm Field Farr Field 3.21.2022
2. Coach Farr (1)

Prepared by:

Date: 03/07/2022

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 RENAMING FARM FIELD IN PAYSON PARK
THE RON A. FARR FIELD**

ORDERED, that the Little League field in Payson Park now known as Farm Field be renamed the Ron A. Farr Field, in honor of Ron A. Farr, for his sixty years of volunteer service as a Little League coach.

The year was 1962, the Beatles had just released their first single, "Love Me Do", Marilyn Monroe was found dead, the Cuban Missile crisis had the United States on the brink of war, and the First Vaccines for Polio were being administered. In Portland, Maine, 1962 was the year Ronald Farr started coaching Little League Baseball. Every Spring and summer for the past 60 years, Ron Farr has been a fixture on our little league diamonds. Ron has had influenced over 1200 kids during his tenure with Portland Little League, not to mention the hundreds over coaches he has inspired. Ron Farr consistent message and philosophy of teaching the fundamentals and ensuring every kid has equal opportunities to play have become the playbook for Portland Little League. In Fact, "The Ron Farr rule", which is a playing time rule that exceeds the expectations for Little League Baseball of America, is still followed by our league.

During his 60 year tenure, Coach Farr has quite the resume as well! He teams have won 14 League championships and 7 City Championships. Coach Farr has been selected to be the All Star Coach for over 20 times and holds the record for coaching 13 consecutive All Star teams. As an All Star Manager coach Farr's teams won 5 State Championships and reached the New England Regional final in 2007. Coach Farr is proud of each of his players, many of which, have gone on to play on State Championship High School teams, College teams, and even in the Major Leagues. In 2008, Coach Farr was recognized by the Maine Baseball Hall of Fame with the Presidential Award for his volunteer service to his community. I

It is a Privilege for Portland Little League and the City of Portland to re name Farm Field, Ronald Farr Field, in honor of Coach Farr. His service and dedication to our community, our league and our kids is second to none!

Thank you for your consideration!

Public Comment for Order 178-21/22: Farm Field Renaming 0 views



George Rheault

11:44 AM

to Public Comment, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Danielle West-Chuhta, Hipple, Ethan, Dena Libner, Jennifer Thompson

Some questions that are NOT addressed in the staff memorandum on this item:

- (1.) Was "Farm Field" named after a person, and if not, how was this ballfield given this current reference?
- (2.) Is it correct to assume that the City will shoulder the expense for upgrading the large billboard signage that currently says "Farm Field"? Any idea how much it will cost and when it will happen?

If the Council wishes to rename the field, they should at least be aware of any past associations given to the site including whether any past honorific would be displaced by the pending action.

It is also a bit confusing since "Loring Memorial Field" appears to be the name given to the adjacent diamond but from the road it looks like the entire little league complex is called "Loring Memorial Field." The other 2 playing diamonds in Payson Park do not appear to have any names associated with them (and are perhaps reserved exclusively for softball).

I would note however that Mr. Farr seems like a truly deserving person for a ballfield to be named after (see attached).

Ron Farr Day: ‘Fifty consecutive years – that’s something else’

 pressherald.com/2012/06/09/fifty-consecutive-years-thats-something-else_2012-06-09/

By Tom Chard

June 9, 2012

PORTLAND – Ron Farr started this season as a coach in the Portland North Little League just like his 50 others.

“I teach them the fundamentals,” he said. “How to catch and how to throw. Hitting comes later. I’m doing the same drills I’ve always done. The kids listen.”

Additional Photos



Ron Farr, longtime Little League coach, is shown at the Portland North Little League field. A cookout to mark Ron Farr Day is planned for 4 p.m. today at the field, behind Lyman Moore Middle School. Tim Greenway/Staff Photographer



Ron Farr works with members of an all-star team at practice at the Portland North Little League field at Lyman Moore Middle School prior to their first game in July 2006. Overall, Farr has coached 20 all-star teams for the league. Gordon Chibroski/2006 Press Herald file



Luke Boyle and Tyler Wiggin and their Portland North Little League team celebrate their state championship victory over Lincoln County in 2007. Coach Ron Farr stands in the background. In two weeks, Farr will coach a Portland North all-star team for the 13th consecutive year. Jack Milton/2007 Press Herald file

Like fundamentals, Farr never gets old.

He started coaching Little League in 1962, shortly after he got married and moved into the North Deering neighborhood, where he still lives. He has coached every year since and has no plans to stop.

“I enjoy the kids. They keep me energized. I look forward to it every year,” he said. “I’m 74, but I feel like I’m 50.”

Today is Ron Farr Day at the Portland North Little League field, off Auburn Street behind Lyman Moore Middle School. A cookout is planned at 4 p.m.

“We’ve invited all the players in the league and their parents,” said Scott Stacey, league president. “We’re trying to get the word out to Ron’s former players and coaches. We’re going to recognize his truly incredible commitment and dedication to the league. The Portland North community is a better place for his involvement.”

“Not even counting baseball,” Stacey said, “the life lessons and experiences alone Ron has taught the youth of North Deering over the years are remarkable.”

Counting his teams and the league’s all-star teams, Farr estimates he has coached close to 1,000 kids, including his son, Ron Farr Jr. — who had a fine career at Deering High School — and several combinations of fathers and sons.

The North Deering area feeds Deering and Portland high schools. Those schools’ baseball programs have been very successful through the years, with several of Farr’s players playing for the Rams or the Bulldogs.

Ryan Flaherty, a rookie with the Baltimore Orioles, played four Little League seasons for Farr.

“I was watching Ryan on TV the other night against Boston,” said Farr. “I’m a Red Sox fan, but when Ryan got a hit I jumped out of my seat.”

Farr recalls the circumstances when he drafted Flaherty as a 9-year-old for his team. Farr’s team had won the league championship the previous season, so he had the last draft pick. There were eight teams in the league.

“Someone came up and told me I should draft Ryan,” said Farr. “I told him that I was pretty sure Ryan wouldn’t be around by the time I made my first pick (eighth overall). But when it got around to my turn to draft, Ryan was still available. I couldn’t believe it. What were the other coaches thinking?”

From that beginning playing organized ball for Farr, Flaherty has reached the major leagues. Farr cherishes an autographed baseball that Flaherty gave him earlier this year.

Dave Wike played for Farr 20 years ago and now is his assistant coach. Wike’s son, Dylan, 12, is playing his fourth season for Farr.

“Mr. Farr is a great coach,” Dylan said. “He knows what he’s talking about. All the drills we do are fun. He’s taught me so much about baseball, but he’s also taught me about life in general.”

Dave Wike, who played for Portland High, said Farr’s enthusiasm for the game hasn’t wavered.

“Fifty consecutive years — that’s something else,” Wike said. “That’s a testimony to Ron’s commitment to the league and to the community of North Deering. Ron still knows the game and the situations. He knows how many pitches our pitchers have thrown and what they have left. He knows how many innings a kid has played and who needs to get into the game.”

In two weeks, Farr will coach one of Portland North's all-star teams for the 13th consecutive year. Overall, he has coached 20 all-star teams for the league. He's never had a team reach the Little League World Series in Williamsport, Pa., but in 2007 he came close.

"We were two games away from Williamsport," said Farr. That team was made up mostly of players who are now at Portland High.

Farr's teams have won 14 Portland North league championships and six City of Portland titles.

Farr, who worked in production for the Portland Press Herald for 45 years, started coaching because of an umpiring gig.

"After I moved into the neighborhood, one of the guys on the street said they were looking for umpires," Farr said. "I enjoyed umpiring, but I told them I would rather coach. There was an opening because a coach was out sick."

A half-century later, Farr is still going strong — and looking forward to next year.

"I'll have nine returning players," he said.

© 2022

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: February 25, 2022

SUBJECT: Order 179-21/22 Accepting and Adopting the 2022 Jill C. Duson Housing Trust Fund Annual Plan - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

SPONSOR: Housing and Economic Development Committee, Councilor Pious Ali, Chair
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/21/2022

Final Action 3/21/2022

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

PRESENTATION: Mary Davis will be available for questions

I. SUMMARY

The 2022 Jill C. Duson Housing Trust Fund Annual Plan is presented for City Council approval

II. AGENDA DESCRIPTION

The Housing & Economic Development Committee met on February 1, 2022 and voted unanimously (3-0) (Zarro absent) to forward this item to the City Council with a recommendation for passage.

The Jill C. Duson Housing Trust fund is established by Section 18.3 of the City Code of Ordinances. Section 18.3.4 states that "each fiscal year the City Council shall adopt a Housing Trust Fund Annual Plan" and that the Housing Committee of the City Council or such other committee as the Council shall designate shall conduct public hearings on the recommended plan and refer the matter to the Council for action". The Plan establishes the allocation priorities of the balance of the Jill C. Duson Housing Trust Fund as of February 2, 2022.

2022 Housing Investment Priorities are to focus on opportunities where other funding resources do not work or are not effective, such as projects designed to create housing affordable for households earning at or below 50% of the area median income (AMI) (family of 4 = \$49,950) and to support public/private partnerships that create workforce housing units that are affordable for households earning 60% to 100% of the AMI (family of 4 at 60% AMI = \$59,940; at 100% AMI = \$99,900 for 2021, 2022 have not been released yet).

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Jill C. Duson Housing Trust fund is established by Section 18.3 of the City Code of Ordinances. Section 18.3.4 states that "each fiscal year the City Council shall adopt a Housing Trust Fund Annual Plan" and that the Housing Committee of the City Council or such other committee as the Council shall designate shall conduct public hearings on the recommended plan and refer the matter to the Council for action". The Plan establishes the allocation priorities of the balance of the Housing Trust Fund as of February 2, 2022.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Annual Plan will establish the allocation priorities of the current balance of the Jill C. Duson Housing Trust Fund, which supports the council's goal to increase access to rental and homeownership housing that is safe, affordable and accessible, with emphasis on the unhoused.

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

2022 Housing Investment Priorities are to focus on opportunities where other funding resources do not work or are not effective, such as projects designed to create housing affordable for households earning at or below 50% of the area median income (AMI) (family of 4 = \$49,950) and to support public/private partnerships that create workforce housing units that are affordable for households earning 60% to 100% of the AMI (family of 4 at 60% AMI = \$59,940; at 100% AMI = \$99,900 for 2021, 2022 have not been released yet).

During the February 1, 2022 meeting of the Housing and Economic Development Committee, the Committee agreed to recommend adoption of the Jill C. Duson Housing Trust Fund Annual Plan while leaving open the possibility of amending the scoring criteria included in the plan as a result of public comment submitted during the meeting. Staff asked for additional time to review the public comment. After careful review and consideration of the public comment submitted, staff do not recommend any changes to the scoring criteria. See the staff memo included as back-up to this item for a more detailed review and analysis.

VII. RECOMMENDATION

Staff is requesting City Council approval of the proposed 2022 Jill C. Duson Housing Trust Fund Annual Plan for the balance (\$2,172,194) existing in the Housing Trust Fund as of February 2, 2022. Any revenue generated above and beyond the existing balance will not be allocated without an amendment to the Annual Plan.

VIII. LIST ATTACHMENTS

1. Jill C. Duson Housing Trust Fund Annual Plan 2022 3.21.2022
2. 2022 Jill C Duson Housing Trust Fund Draft Annual Plan
3. Section 18.3 Jill C. Duson Housing Trust Fund
4. Scoring matrix feedback with staff response

Prepared by:

Mary Davis, Division Director

Date: 02/25/2022

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 AND ADOPTING
THE 2022 JILL C. DUSON HOUSING TRUST FUND ANNUAL PLAN

ORDERED, that the 2022 Jill C. Duson Housing Trust Fund Annual Plan, attached hereto, is
hereby accepted and adopted.

JILL C. DUSON HOUSING TRUST FUND

2022 ANNUAL PLAN

The Jill C. Duson Housing Trust Fund (also referred to as Housing Trust Fund or HTF) is established by Section 18.3 of the City's Code of Ordinances. Section 18.3.4 states that "each fiscal year the city council shall adopt a housing trust fund annual plan" and that the "housing committee of the city council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action."

The Annual Plan establishes the priorities in which the current balance of the Housing Trust Fund would be allocated and should be in conformity with the 2022 City Council Goal "*increase access to rental and home ownership housing that is safe, affordable, and accessible, with emphasis on the unhoused.*"

2022 ANNUAL PLAN

City Ordinance requires that the Jill C. Duson Housing Trust Fund Annual Plan include a description of funding priorities, the amount of funds budgeted, and a description of how funds will be distributed among very-low, low, and moderate income households.

Funding Budget

The funding budget is based on the balance of \$2,672,194 in the Housing Trust Fund as of February 1, 2022. The Housing Trust Fund designs to maintain a minimum balance of \$500,000 in order to have resources to act quickly when there is an emergency, such as a need to cure a potential mortgage default that could result in loss of an affordable unit. This right to cure will be included in the affordable housing covenants that are recorded in the Cumberland County Registry of Deeds for each affordable unit.

The funding available from the Jill C. Duson Housing Trust Fund is \$2,672,194 less \$500,000 or **\$2,172,194.**

Funding Priorities

Housing Trust Fund resources should focus on opportunities where other funding sources do not work or are not effective, such as projects designed to create housing affordable to households earning at or below 50% of the area median income, or projects designed to create housing affordable to households earning 60% to 120% of the area median income.

Priority for the use of Housing Trust Funds will be to support public/private partnerships that create workforce housing units that are affordable to households earning 60% to 100% of the area median income. Projects with mixed income targeting and a mix of bedroom size are strongly encouraged.

Funding Distribution

Housing Trust Funds will be distributed through a competitive application process. A Notice of Funding Availability will be issued at a minimum on an annual basis to notify potential applicants that the application is available. Applications will be reviewed by an evaluation team of City of Portland staff who will evaluate and score each application utilizing the scoring factors outlined in Attachment #1 in order to recommend the most qualified application based on the information submitted. This information will also be included in the annual *Affordable Housing Development and Tax Increment Financing Application*.

Recommendations will be forwarded to the City Council's Housing and Economic Development Committee for review. Housing and Economic Development Committee recommendations will be forwarded to the City Council for final review and approval.

Goals for Distribution

The goal for the distribution of these funds is for the “promotion, retention, and creation of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the city”. Development should be consistent with the City of Portland's Comprehensive Plan and the HUD Five-Year Consolidated Plan. The City of Portland seeks development projects that create contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods. Projects should not require a contract or conditional zone (although other rezoning consistent with the City's Comprehensive Plan may be considered). Resolution of any zoning issues is required before City Council approval of the applicants funding request. Developments should incorporate quality, sustainable design.

Eligible Projects

Projects receiving Housing Trust Funds must create housing units that promote economic diversity with the development and within the neighborhood in which the development is located. New construction, conversion of non-residential property to housing and rehabilitation of existing units that creates or maintains affordable units is eligible

In this Plan, adaptive reuse is defined as creating housing in an existing building that was originally built or designed for a use other than housing.

Housing Trust Fund resources are also intended to promote the retention of affordable housing. Housing Trust Fund resources should also be made available, if necessary, to exercise the City's right of first refusal in connection with potential foreclosure issues with affordable homeownership units. The City shall have a right of first refusal if an affordable unit is forced to sell due to increased fees or has become delinquent in its payments and is in risk of foreclosure or any other legal threats to the Unit's affordability restrictions. The City shall also have the option of using Housing Trust Funds to support affordable units facing large special assessments that may pose a risk to the owner household's ability to maintain their unit's affordability. The City of Portland shall have the right of first refusal to purchase any affordable unit that is in jeopardy of losing its

affordability restrictions due to foreclosure, delinquency of condominium fee payments, or any other cause outside of the agreed upon term of restriction. The City's Right of First Refusal is not intended to infringe upon the ability of a mortgage lender to recapture any money owed by the affordable unit owner. The intent is to ensure affordability of the unit for eligible households.

Financing Parameters

Housing Trust Funds should be a resource of last resort and should be focused on opportunities where other funding sources do not work or are not effective. Applicants requesting financial assistance from the Housing Trust Fund must provide documented efforts made to obtain other private, federal, state or local resources for the project.

Form of Awards

A variety of funding mechanisms will be utilized including no-interest loans, below-market loans, forgivable loans, and grants. Type of funding will be determined after review of a number of factors including amount necessary to make the project feasible, the project type, income targeting, number of affordable units, and duration of the affordability period.

Maximum Award Amount

Awards will be determined on a per affordable unit basis. The average City investment per unit, excluding TIF financing, is approximately \$10,000. The City contribution per unit will not exceed \$18,000. This amount may be adjusted at the discretion of the City Council, only for unusual circumstances where a larger amount is the only way a project that meets other City goals is needed. In those cases, the higher cost per unit ratio must be tied into the goals outlined in the City's Comprehensive Plan.

Affordability Restrictions

Affordability restrictions are required. In the case of rental or cooperative units, the units must remain affordable for the life of the housing unit, which is presumed to be a minimum of ninety (90) years but may be longer. In the case of ownership housing, the units must remain affordable for the longest feasible time while maintaining an equitable balance between the interests of the owner and the interest of the City of Portland. These restrictions must be secured by a declaration of covenants and restrictions recorded in the Cumberland County Registry of Deeds

Affordable Housing Agreement

In the case of ownership housing, the owner of each affordable unit will be required to sign and record in the Cumberland County Registry of Deeds an Affordable Housing Agreement (AHA) with the City and to include the affordability restrictions as a covenant to the project's deed. The Affordable Housing Agreement shall be referenced directly in the property's deed unless

prohibited by federal, state, or local law. In order to guarantee affordability in homeownership units, this recorded covenant will limit increases in sales price according to the calculation defined by the City as defined in the implementation regulations. It will limit the incomes of subsequent buyers to the same income limits initially applied. It will also provide a right of first refusal and other purchase rights to the City or its designee (e.g. another eligible household, or a nonprofit corporation).

Sales must be made through an arms-length arrangement. No employee, agent, stockholder, officer, director, servant, or family member of the Owner or its Management Company, or its employees, agents, or servants thereof, related either by blood, marriage, or operation of law may qualify for a unit financed with Housing Trust Funds or receive any benefit related in any way to the administration or compliance with the conditions contained therein.

Affordability

Affordable means that the percentage of income a household is charged in rent and other housing expenses, or must pay in monthly mortgage payments (including insurance and taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount.

Right of First Refusal

The City of Portland shall have the right of first refusal to purchase any affordable unit that is in jeopardy of losing its affordability restrictions due to foreclosure, delinquency of condominium fee payments, or any other cause outside of the agreed upon term of restriction. The City's Right of First Refusal is not intended to infringe upon the ability of a mortgage lender to recapture any money owed by the affordable unit's owner. The intent is to ensure affordability of the unit for eligible households.

Implementing Regulations

Regulations to further specify the details of the parameters outlined in this Annual Plan, maybe developed, including, but not limited to:

1. Specific methodology for income verification; and
2. Underwriting criteria.

Attachments

- 1) Point System for Evaluating and Scoring Applications
- 2) Sources and Uses of Jill C. Duson Housing Trust Fund

Attachment 1

Point System for Evaluating and Scoring Applications (Max 100)

Policy Objectives: Total 50 Points

Proposed use of funds to achieve the City of Portland's goals and address demonstrated need. **26 points**

Maximum points will be awarded for those applications that:

1. Market Demand - 4 points
 - a. 4 points - high demand, meets the City's income targeting priority,
 - b. 1 point - moderate demand, sufficiently meets the City's income targeting priority
 - c. 0 points - does not demonstrate sufficient market demand, does not meet the City's income targeting priority
2. Zoning - 8 points
 - a. 8 points - development requires no zoning amendments or contract or conditional zone
 - b. 5 points - development requires a zoning amendment which is consistent with the City Comprehensive Plan
 - c. 0 points - development requires rezoning that is not consistent with the City's Comprehensive Plan
3. Economic diversity - 6 points
 - a. 6 points - creates housing options which promote economic diversity within the development **and** within in the neighborhood in which the development is located
 - b. 5 points – creates housing options which promote economic diversity within the neighborhood in which the development is located
 - c. 4 points – creates housing options which promote economic diversity within the development (a mixed-income development)
 - d. 0 points does not promote economic diversity
4. CHDO - 2 points
 - a. 2 points - developer and owner are both controlled by CHDO
 - b. 1 points - either developer or owner are controlled by CHDO
 - c. 0 points neither developer nor owner are controlled by CHDO
5. City Subsidy - 6 points
 - a. 6 points - investment from City is <\$10,000/unit
 - b. 5 points - investment from City is > or = \$10,000 and <\$12,000/unit
 - c. 4 points - investment from City is > or = \$12,000 and <\$14,000/unit
 - d. 3 points - investment from City is > or = \$14,000 and <\$16,000/unit
 - e. 2 points - investment from City is > or = \$16,000 and <\$18,000/unit
 - f. 0 points - investment from City is > or = \$18,000/unit

Impact on surrounding neighborhood, including design compatibility and environmental issues. **24 points**

Maximum points will be awarded for those applications where:

1. Site Selection - 7 points
 - a. 7 points – fully appropriate for use, project supports Comprehensive Plan goal for development along transit nodes and corridors

- b. 5 point – appropriate, some concerns
 - c. 0 points – significant concerns, project does not support Comprehensive Plan goal for development along transit nodes and corridors
- 2. Exterior Design - 5 points
 - a. 5 points - the design is fully consistent with neighborhood design characteristics,
 - b. 3 points - the design is an adequate fit with the neighborhood design,
 - c. 0 points - the design is a significant outlier
- 3. Amenities and unit design - 7 points
 - a. 7 points -amenities & unit design are well thought out and appropriate for residents,
 - b. 5 points - amenities & unit design are adequate,
 - c. 0 points -amenities and unit design raise significant concerns that resident needs will not be adequately addressed
- 4. Environmental - 5 points
 - a. 5 points – Phase I identifies no environmental issues
 - b. 3 points - Phase I identifies an environmental issue, but a Phase II shows a feasible, economically viable resolution which is included in the budgets;
 - c. 0 points - there are significant unresolved environmental issues, or no Phase I has been received.

Underwriting Criteria: Total 50 Points

Financial feasibility, including cost, development budget operating pro forma and the provision of secured and leverage funds. 20 points

Maximum points will be awarded for those applications that:

- 1. Development budget & sources and uses - 10 points
 - a. 10 points - EVERY development budget line item for which there is a City of Portland guideline complies with that guideline AND all other line items are reasonable and customary;
 - b. 8 points - ONE budget line item falls outside City guidelines or outside the standard of “reasonable & customary”;
 - c. 6 points - TWO budget line items item falls outside City guidelines or outside the standard of “reasonable & customary”;
 - d. 0 points - more than two budget items fail to meet City guidelines or fall outside “reasonable and customary”
- 2. Operating pro forma – 10 points
 - a. 10 points - EVERY operating pro forma line item for which there is a City of Portland guideline complies with that guideline AND all other line items are reasonable and customary;
 - b. 8 points - ONE budget line item falls outside City guidelines or outside the standard of “reasonable & customary”;
 - c. 6 points - TWO budget line items item falls outside City guidelines or outside the standard of “reasonable & customary”;
 - d. 0 points - more than two budget items fail to meet City guidelines or fall outside “reasonable and customary”

Applicant's ability to complete project, including development team experience, capacity, project readiness and timeframe for completion. 30 points

Maximum points will be awarded for those applications that:

1. Readiness to proceed - 10 points
 - a. 10 points - at least one letter of commitment or interest is included and ALL projected sources are projected at terms and conditions consistent with the City's prior experience with the funder.
 - b. 5 points - ALL projected sources of funding include letters of commitment, letters of interest, or, if no letter is included, are projected at terms and conditions consistent with the City's prior experience with this funder.
 - c. 0 points - one or more sources are projected on terms that are not consistent with the City's prior experience with the funder and are not documented by letter(s) from funder(s).
2. Track record of development team - 10 points
 - a. 10 points - every development team member has a successful track record with this type of project and at this scale
 - b. 7 points - all but one development team members have a successful track record with this type of project and at this scale; one development team member has relevant experience but at a smaller scale or not of this project type
 - c. 3 points - two development team members, while having relevant experience, are new to this type of project or this scale of development
 - d. 0 points - the development team does not meet the criteria above
3. Current Capacity of development team - 10 points
 - a. 10 points - development team members have exceptional depth of human and financial resources to complete this project;
 - b. 8 points - development team members have the human and financial resources to complete this project;
 - c. 3 points - development team has a staffing gap in a significant role and a plan to address that gap, OR there are some concerns about the financial resources of the team to move the development forward;
 - d. 0 points - the development team does not meet the criteria described above

Attachment 2

Sources and Uses of Jill C. Duson Housing Trust Fund

YEAR	DEPOSITS	YEAR	EXPENDITURES
2002/03	Maine Medical Center HRO	2011	Avesta Oak Street Lofts
2002	Sportsman's Grill HRO	2014	Housing First Pre-Development RFP
2009	Berlin City Auto HRO	2015	65 Hanover & 52 Alder Sts Feasibility Study
2010	Stop n Shop HRO 2010	2017	65 Munjoy Street
2012	Rockbridge/Eastland Park HRO	2019	60 Parris Terr. Downpayment Assistance
2012	Riverwalk/Ocean Gateway HRO	2018	37 Front Street (not yet spent)
2012	118 Congress LLC Easement	2018	63 Front Street (not yet spent)
2017	91 & 97 Belfort Street (sale of TAP)	2018	977 Brighton Avenue
2017	116 Upper A Street (sale of TAP)	2019	83 Middle Street (not yet spent)
2017	443 Congress Street IZ	2019	18 Luther Street
2018	62 India Street IZ	2020	200 Valley Avenue (not yet spent)
2018	Short Term Rental Fee transfer	2020	337 Cumberland Avenue (not yet spent)
2018	0 Thames Street (WEX) sale	2020	Affordable Rental Housing Incentive Program
2019	20 Thames Street IZ & Easement	2021	91 Winter Street (not yet spent)
2019	20 Thames Street (for balcony overhang)	2021	66 State/155 Danforth (not yet spent)
2019	Short Term Rental Penalties		TOTAL EXPENDITURES
2019	Short Term Rental Fee transfer		
2019	56 Hampshire Street Easement fee		
2019	17 Sumac Street (sale of TAP)		
2019	121 Middle Street (HOTEL IZ)		
2020	99 Capisic Street (sale of TAP)		
2020	Short Term Rental Penalties		
2020	Short Term Rental Fee transfer		
2020	22 Bramhall (MMC overhang)		
2020	50 Monument Square IZ		
2020	121 Middle Street (HOTEL IZ)		
2020	Order 89 20/21 Appropriation		
2021	40 Free Street (IZ)		
2021	56 Hampshire Street (IZ)		
2021	1 Center Street (HOTEL IZ)		
2021	Short Term Rental Fee transfer		
2021	Newell Street sale		
2021	10 Hammond Street (IZ)		
2021	22 Hope Avenue (IZ)		
	Previous INTEREST EARNED		
	Total Deposits		BALANCE

HRO - Housing Replacement Ordinance; IZ = Inclusionary Zoning Fee-in-lieu; TAP = Tax Acquired Property as of 2-1-2022



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

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

18.3 JILL C. DUSON HOUSING TRUST FUND

18.3.1 Purpose

The purpose of enacting this section is:

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

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

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

18.3.2 Establishment of the Jill C. Duson Housing Trust Fund

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

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

18.3.3 Management of the trust fund

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

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

- C. Monitoring the use of monies distributed to successful applicants for Housing Trust Fund support to assure on-going compliance with the purposes of the fund and the conditions under which these monies were granted or loaned.

18.3.4 Housing Trust Fund annual plan

- A. Each fiscal year, the City Council shall adopt a Housing Trust Fund annual plan. The City Manager shall submit to the City Council a recommended Housing Trust Fund annual plan, utilizing the revenues of the Housing Trust Fund as well as any other funds the manager may propose as appropriate. The housing committee of the City Council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action.
- B. The Housing Trust Fund annual plan shall include:
 1. A description of all programs to be funded in part or in full by the Housing Trust Fund.
 2. A description of how funds from the Housing Trust Fund will be distributed among very low-income, low-income and moderate-income households.
 3. The amount of funds budgeted for programs funded in part or in full from the Housing Trust Fund.
- C. Priority for the expenditure of funds collected pursuant to Section 18.1 shall be given to the creation of new housing stock, through either new construction or conversion of nonresidential buildings to residential use.

18.3.5 Distribution and use of the Housing Trust Fund's assets

- A. All distribution of principal, interest, or other assets of the Housing Trust Fund shall be made in furtherance of the public purposes set out in Section 18.1.
- B. During each year, the Housing Trust Fund shall disburse as grants or loans so much of the Housing Trust Fund's assets as the City Council in its discretion has approved in the Housing Trust Fund annual plan.
- C. Funds shall not be used for City administrative expenses.
- D. Funds shall not be used for property operating expenses or supporting services.
- E. No grants or loans shall be awarded by the Housing Trust Fund to corporations, partnerships, or individuals who are delinquent at the time of application in the payment of property taxes or other fees to the City of Portland, who have been convicted of arson, who have been convicted of discrimination in the sale or lease of housing under the fair housing laws of the State of Maine, or who have pending violations of current City electrical, plumbing, building, or housing codes or zoning ordinances.

18.3.6 Term of affordability

- A. Whenever funds from the Housing Trust Fund are used for the acquisition, construction, or substantial rehabilitation of an affordable rental or cooperative unit, the City of Portland shall impose enforceable requirements on the owner of the housing unit that the unit remain affordable for the remaining life of the housing unit, assuming good faith efforts by the owner to maintain the housing unit and rehabilitate it



as necessary. The remaining life of the housing unit shall be presumed to be a minimum of 30 years.

- B. Whenever funds from the Housing Trust Fund are used for the acquisition, construction, or substantial rehabilitation of ownership housing, the City of Portland shall impose enforceable resale restrictions on the owner to keep the housing unit affordable for the longest feasible time, while maintaining an equitable balance between the interests of the owner and the interests of the City of Portland.
- C. The affordability restriction requirements described in this subsection shall run with the land and the City of Portland shall develop appropriate procedures and documentation to enforce these requirements and shall record such documentation in the Cumberland County Registry of Deeds.

18.4 CONDOMINIUM CONVERSION

18.4.1 Purpose

The purpose of this section is to regulate the conversion of rental housing to condominiums, to minimize the potential adverse impacts of such conversion on tenants, to ensure that such converted housing is safe and decent, and to maintain a reasonable balance of housing alternatives within the city for persons of all incomes.

18.4.2 Applicability

This section shall apply to the conversion of any rental unit to a condominium unit. For the purposes of this section, developer shall mean any person or other legal entity, but not including an established lending institution unless it is an active participant in a common promotional scheme, who,

whether acting as principal or agent, records a declaration of condominium that includes real estate, any portion of which was previously a rental unit.

18.4.3 Protection of tenants

- A. **Notice of intent to convert.** A developer shall give to each tenant, meaning any occupant in lawful possession of a rental unit, whether by lease, sublease, or otherwise, written notice of intent to convert at least one 120 days before the tenant is required by the developer to vacate. If a tenant has been in possession of any unit within the same building for more than four consecutive years, the notice period shall be increased by 30 additional days for each additional year, or fraction thereof, to a maximum of 240 additional days. The notice shall set forth specifically the rights of tenants under (A), (B), and (C) of this subsection and Subsection 18.4.4, and shall contain the following statement:

If you do not buy your apartment, the developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments. If you have questions about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Department of Permitting & Inspections, City of Portland, 389 Congress Street, Portland, Maine 04101.

- B. If the notice specifies a date by which the tenant is required to vacate, the notice may also serve as a notice of termination under the applicable law of forcible entry and detainer, if it meets the requirements thereof. The notice

CITY OF PORTLAND
Housing and Economic Development Department
Housing and Community Development Division

TO: Mayor Kate Snyder
Members of the City Council

FROM: Mary Davis, Interim Director Housing and Economic Development
Department

DATE: March 13, 2022

SUBJECT: Affordable Housing Development and TIF Application and Jill C. Dusen Housing
Trust Fund Scoring response

Introduction

During the February 1, 2022 meeting of the Housing and Economic Development Committee, the Committee agreed to recommend adoption of the Jill C. Dusen Housing Trust Fund Annual Plan while leaving open the possibility of amending the scoring criteria included within both the Annual Plan and the Affordable Housing Development and TIF Application, if necessary, at a future meeting of the City Council. Staff has reviewed the written public comment received is providing this communication in response.

Staff Analysis

The comments received are well taken and warranted thoughtful consideration to ensure the scoring matrix encourages the type of housing development needed in the city. Additionally, staff recognizes that the City is never the sole investor in a project, and is mindful of creating conflicts with other funding applications or creating unintended funding difficulties that would limit the use of the city's resources. The scoring criteria matrix takes into consideration the criteria of other affordable housing resources frequently used by affordable housing developers. In addition, some funding resources available to the City, such as HOME Program, include requirements that may not be changed and to that extend, the scoring matrix reflects these considerations. Staff does not recommend changes to the scoring criteria at this time.

Scoring Matrix Public Comment (in red) with staff response

ITEM 1

Point System for Evaluating and Scoring Applications (Max 100)

Policy Objectives: Total 50 Points

Proposed use of funds to achieve the City of Portland's goals and address demonstrated need. 26 points

Maximum points will be awarded for those applications that:

1. Market Demand - 4 points (Should this be 5 or 6 points? What about projects that have rare size units like 3, 4 bedrooms? We need to think of what is needed now but also how we want to shape the future inventory, maintain the proper balance so families of different sizes and situations like multi-generational living can be accommodated. These types of developments are more difficult to get completed but they are needed. How do we encourage and assist? Does the City publicly publish City's Targeting Priority? And is this only based on income vs. rental or ownership or addressing groups that can't afford housing but don't qualify for most of the current programs? Is it wiser to take a more comprehensive approach by looking at income as well as program mix (bedrooms and other design features/amenities/walkability)?
 - a. 4 points - high demand, meets the City's income targeting priority,
 - b. 1 point - moderate demand, sufficiently meets the City's income targeting priority
 - c. 0 points - does not demonstrate sufficient market demand, does not meet the City's income targeting priority

STAFF RESPONSE:

- 1) The Application does address and "strongly encourages" projects with "mixed income targeting and a mix of bedroom size".
- 2) The City published its targeting priorities within the annual *Affordable Housing Development and Tax Increment Financing Application*.
- 3) The *Affordable Housing Development and Tax Increment Financing Application* is issued to provide financial assistance to facilitate development of affordable housing in Portland. Section B, General Guidelines, provides the priority use and associated income range.
- 4) Within General Information Section D is the following as regards Affordable Housing Development TIF Districts "designed to be compact and walkable and to include internal open space, other common open space and one or more small-scale nonresidential uses of service to the residents of the development."

ITEM 2

2. Economic diversity - 6 points
 - a. 6 points - creates housing options which promote economic diversity within the development **and** within in the neighborhood in which the development is located
 - b. 5 points – creates housing options which promote economic diversity within the neighborhood in which the development is located
 - c. 4 points – creates housing options which promote economic diversity within the development (a mixed-income development) (why wouldn't this be worth 5 and just neighborhood mix be 4? Isn't this more important and more difficult to accomplish?)
 - d. 0 points does not promote economic diversity

STAFF RESPONSE:

To avoid segregating affordable housing to one location within the City (known as economic segregation), more points are assigned for promoting economic diversity within neighborhoods that are not typically the location of affordable housing development as a means to support and promote economically mixed communities throughout the city.

ITEM 3

4. CHDO - 2 points (This is more likely with rental vs. ownership models. Yes, it is only 2 points but is it that important? And why is CHDO important? Funding sources or board structure?)
- e. 2 points - developer and owner are both controlled by CHDO
 - f. 1 points - either developer or owner are controlled by CHDO
 - g. 0 points neither developer nor owner are controlled by CHDO

STAFF RESPONSE:

Per Title 24- Code of Federal Regulations (HUD, subtitle A, section 92.300, *the participating jurisdiction must reserve not less than 15 percent of the HOME allocation for investment only in housing to be developed, sponsored, or owned by community housing development organizations (CHDO)*). The mandatory set-aside is noted within the annual Application.

ITEM 4

City Subsidy - 6 points (there needs to be consideration to size of units (sf) and number of bedrooms. If the subsidy is \$10K per unit but the units are all 1BR and 450 sf why would it get rated higher than a project with a mix of units with an average size of 3BR and 1200sf? Maybe it is amount of investment per bedrooms and square feet? Also a consideration of how well the project utilizes land is important. The less land required per unit is an important metric and projects that use land intelligently, efficiently and effectively should be rewarded. What about consideration for Property Tax revenue/future requirements for investment and length of affordability? Affordability in perpetuity should be rewarded over a project that is 20, 30 or 45 years)

- a. 6 points - investment from City is < \$10,000/unit
- b. 5 points - investment from City is > or = \$10,000 and <\$12,000/unit
- c. 4 points - investment from City is > or = \$12,000 and <\$14,000/unit
- d. 3 points - investment from City is > or = \$14,000 and <\$16,000/unit
- e. 2 points - investment from City is > or = \$16,000 and <\$18,000/unit
- f. 0 points – investment from City is > or = \$18,000/unit

STAFF RESPONSE

This section of the Application relates to leveraging gap financing per unit. Scoring is not impacted by bedroom count or square footage. A 25 unit project with all one-bedroom units at 450 sf would score the same as a 25 unit project with all three-bedroom units at 1,200 sf. Scoring to promote projects that uses less land per unit (i.e. increased density) would support more studio and one-bedroom units at lower square footage in contradiction to the General Guidelines that strongly encourages proposals with a mix of bedroom size. The affordability term depends on the source of funding and as noted in the Application, and in some cases may be 90 years. Affordable Housing TIF projects must have an affordability period that matches the term of the district, subsequently these projects would lose points for complying with State guidelines should affordability terms be subject to scoring.

ITEM 5

Impact on surrounding neighborhood, including design compatibility and environmental issues.

24 points

Maximum points will be awarded for those applications where:

1. Site selection- 7 points

- a. 7 points - fully appropriate for use, project supports Comprehensive Plan goal for development along transit nodes and corridors (and has less than 1 parking space/unit or maybe 0.75/unit. Otherwise it should get 3 points. Hopefully people living in AH in Portland also work in Portland)
- b. 5 points - appropriate, some concerns
- c. 0 points - significant concerns, project does not support Comprehensive Plan goal for development along transit nodes and corridors (this should be defined as within ½ mile or 1/3 mile to transit corridor, and these projects should acknowledge the commitment to public transport through less parking. So it isn't just location but less parking per unit.)

STAFF RESPONSE:

The Application encourages proposals that support walkability and development along transit nodes and corridors. The required Market Demand typically includes either a walkability index or narrative regarding the distance to key amenities as well as a transit index or narrative addressing how well a specific address is served by public transit. This information is used to determine the level of scoring. In regards to parking, parking requirements are set within the Zoning Ordinance based on location and expected transportation needs.

ITEM 6

2. Exterior Design - 5 points (These are highly subjective and political. This should be left to the PB and Planning Staff processes. It can be used to harm projects and this rating is often a reflection to how much neighborhood pushback there is to any one project and not the true merits of the project. Neighbors should not determine (or be handed the power to effect) appropriateness or competitiveness for funding. My other concern is that if a project isn't given the highest score it may make the project more vulnerable to lawsuits and appeals of PB approvals. The neighbors suing the City could use this scoring criteria to bolster their claim that the project should not have been approved by the PB or HPB. This is dangerous.)
- a. 5 points - the design is fully consistent with neighborhood design characteristics,
 - b. 3 points - the design is an adequate fit with the neighborhood design,
 - c. 0 points - the design is a significant outlier

STAFF RESPONSE:

Scoring is conducted by staff including Housing and Community Development and Planning and Urban Development to ensure proposals are meeting basic Zoning Ordinance requirements. The Planning Board and/or Historical Preservation Board will conduct the site plan review.

ITEM 7

3. Amenities and unit design - 7 points (This is important and could be more specific. Mix of bedrooms, in-unit laundry, bathroom to bedroom ratio other amenities like music rooms, exercise space, outdoor space, gardening opportunities, etc.)
- a. 7 points - amenities & unit design are well thought out and appropriate for residents,
 - b. 5 points - amenities & unit design are adequate,
 - c. 0 points - amenities and unit design raise significant concerns that resident needs will not be adequately addressed

STAFF RESPONSE:

The Application allows for flexibility based on the targeted needs of the households, which varies by project.

ITEM 8

Environmental - 5 points (is this always known at time of application? If not how is it treated? If there is a feasible path forward that is funded should there be any penalty? Doesn't this really only matter if it drives up the cost per unit to a higher level than other considered projects? So the possible detrimental effect is time and money and isn't it considered in other parts of the rating matrix?)

- d. 5 points - Phase I identifies no environmental issues
- e. 3 points - Phase I identifies an environmental issue, but a Phase II shows a feasible, economically viable resolution which is included in the budgets;
- f. 0 points - there are significant unresolved environmental issues, or no Phase I has been received.

STAFF RESPONSE:

Submitting an environmental review indicates the developer is aware of issues that might delay or stop the project from moving forward. Additionally, funding should be committed to projects that have the highest probability of completion; that determination is assisted with an environmental review. Also, HOME funding has a four-year commitment deadline that could be missed should a significant unresolved environmental hazard be discovered on the site.

ITEM 9

Does the project properly utilize the maximum allowable density (base + bonus)?

- b. 10 points – project maximizes the base and bonus density allowed by zoning
- c. 7 points – project utilizes 80% or more of base and bonus density (maximum allowable) but valid reasons prevented full utilization of density.
- d. 0 points – less than 80 % density utilization

STAFF RESPONSE:

The Application does acknowledge and supports “development projects that create contextually appropriate housing density”.

ITEM 10

Underwriting Criteria: Total 50 Points

Financial feasibility, including cost, development budget operating pro forma and the provision of secured and leverage funds. 20 points

Maximum points will be awarded for those applications that:

1. Development budget & sources and uses - 10 points
 - a. 10 points - EVERY development budget line item for which there is a City of Portland guideline complies with that guideline AND all other line items are reasonable and customary;
 - b. 8 points - ONE budget line item falls outside City guidelines or outside the standard of “reasonable & customary”; (Does magnitude matter. If it is 5% over is not the same as being 30% over. Or a budget item that is 2% of budget vs. a line item that is 20% of the budget?)
 - c. 6 points - TWO budget line items item falls outside City guidelines or outside the standard of “reasonable & customary”;
 - d. 0 points - more than two budget items fail to meet City guidelines or fall outside “reasonable and customary”
2. Operating pro forma – 10 points
 - a. 10 points - EVERY operating pro forma line item for which there is a City of Portland guideline complies with that guideline AND all other line items are reasonable and customary;
 - b. 8 points - ONE budget line item falls outside City guidelines or outside the standard of “reasonable & customary”; (Does magnitude matter? If it is +5% vs +25% outside the standard would seem to matter?)
 - c. 6 points - TWO budget line items item falls outside City guidelines or outside the standard of “reasonable & customary”;
 - d. 0 points - more than two budget items fail to meet City guidelines or fall outside “reasonable and customary”

STAFF RESPONSE:

The purpose of following underwriting criteria is to provide clear and transparent standards for decision makers and the development community on the requirements for public investment. Ensuring development budgets comply with City guidelines assists the City as good stewards of limited public resources. The same underwriting criteria apply to all subsidized projects- whether they are outside of compliance by 5% or 30%.

ITEM 11

Track record of development team - 10 points (This criteria is heavily weighted and the language is “prior experience with this type of project” which is subjective but is also exclusionary and biases projects going to the same developers over and over. While this would seem to be justified to protect public monies I am not sure that there is much risk with changing the language to give the City more latitude in scoring. Does the team have the requisite skills to accomplish the project? It doesn’t necessarily have to be with “like” projects. We need to build the ecosystem of developers so that the State and City have more options and more ideas are cultivated to address different

aspects of the affordability and availability of homes. And could staff just assign a number between 1-10 to allow more granularity in the scoring? So instead of discrete 10,7,3 or 0 it could be 8-10, 4-7,1-3 for each category. This would allow Staff or committee a more granularity to acknowledge differences but not make the gap in points so large)

- a. 10 points - every development team member has a successful track record with this type of project and at this scale
- b. 7 points - all but one development team members have a successful track record with this type of project and at this scale; one development team member has relevant experience but at a smaller scale or not of this project type
- c. 3 points - two development team members, while having relevant experience, are new to this type of project or this scale of development
- d. 0 points - the development team does not meet the criteria above

Current Capacity of development team - 10 points (The question is does this team have the ability to bring this project to fruition. The level of financial resources is sometimes important but of course the organizations that are older and have more experience will always win. But these same organizations started out without much financial resources and perhaps without much experience. This scoring means it is very difficult to expand the developer base and to bring in fresh talent. How can we better balance the need to broaden the base and also take smart risks to limit the downside and get better results?)

- a. 10 points - development team members have exceptional depth of human and financial resources to complete this project;
- b. 8 points - development team members have the human and financial resources to complete this project;
- c. 3 points - development team has a staffing gap in a significant role and a plan to address that gap, OR there are some concerns about the financial resources of the team to move the development forward;
- d. 0 points - the development team does not meet the criteria described above

STAFF RESPONSE:

Developer capacity is included in the underwrite process to determine the merit of its development experience, creditworthiness and the experience and qualifications of the entire project development team. Demonstrating prior development experience of comparable size and type developments provides evidence of the developer's capability to plan, construct, market and manage housing. Developers without prior comparable experience may be approved for financing if they can demonstrate capability based on other business endeavors, and credit and financial management history or if they partner with an experienced co-developer.

ITEM 12

General Comments

- 1. The effective use of land should be a consideration
- 2. Points should be awarded for home ownership models. Home ownership projects are much more difficult to develop and need assistance to turn into reality.
- 3. Points should be awarded for projects according to how long they remain affordable. Projects that remain affordable in perpetuity should be rewarded extra points.

4. The distribution of points should be studied. Sensitivity analysis of different scenarios could be run through different models to identify possible detrimental bias, determine most likely outcomes and how different point distribution would impact final scoring to arrive at desired outcomes.

STAFF RESPONSE

- 1) In response to the RFP, the applicant must submit an analysis of the project in relation to local land use regulations and site feasibility, which analysis must include the completion of the Site Information and Criteria Table attached to the Application. Criteria including; area per dwelling unit, maximum lot coverage, maximum height.
- 2) HOME Program funding is for rental housing only, and priority use of the Affordable Housing TIF is to support projects receiving assistance through the LIHTC Program, which is only for the creation of rental units though the Council did approved an AHTIF for a homeownership project that did not apply for LIHTC. Awarding points for homeownership proposals would have the unintended consequence of supporting projects that do not use HOME or LIHTC funding.
- 3) The minimum term of affordability depends on the funding source (i.e. HOME or Jill C. Duson Housing Trust), but is not generally less than 30 years, and in some cases may be 90 years. The ongoing affordability period associated with an Affordable Housing TIF would match the length of the term of the district.
- 4) The Housing and Economic Development Committee conducts an annual review of the Affordable Housing and Development and TIF Application to ensure desired outcomes against City Council housing goals.

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: March 7, 2022

SUBJECT: Order 180-21/22 Approving City Application for Federal Funds to Dredge Public and Private Berthing and Vessel Support Resources and to Develop a Confined Aquatic Disposal (CAD) Cell in Portland Harbor - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

SPONSOR: Housing and Economic Development Committee, meeting held on February 15, 2022, and voted 4-0 to forward this to the City Council for approval.

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/21/2022

Final Action 3/21/2022

Can action be taken at a later date: No Action is requested at the March 21, 2022, Council meeting as the deadline to apply for this Federal RAISE Grant is April 14, 2022.

PRESENTATION: William Needelman/5 Minutes

I. SUMMARY

City staff seeks Council authorization to apply for up to \$25 Million in Federal funds through Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant program to implement planned public and private dredging projects in Portland Harbor.

II. AGENDA DESCRIPTION

This item was reviewed by the Housing & Economic Development Committee at its meeting on February 15, 2022, and voted 4-0 to forward it to the City Council for approval. The Council is being requested to authorize the City Manager to file an application for up to \$25 Million in Federal funding through the Rebuilding American Infrastructure with Sustainability and Equity or RAISE Transportation Discretionary Grant program to implement planned public and private dredging projects in Portland Harbor. Dredging vessel support areas will provide safe and full tide access to berthing, loading, and marine support services. Dredging will also remove and dispose of sediment impacted by historic industrial activities and non-point source pollution. These sediments will be responsibly disposed in a Confined Aquatic Disposal (CAD) cell to be constructed within Portland Harbor as a component of the project. The City of Portland will be the lead applicant for RAISE project funds, with the City of South Portland and the Portland Harbor Commission (PHC) as co-applicants, and critical support provided by the Maine Department of Transportation (MDOT).

Multiple variables may impact the total value of local contributions and the participation of project partners. These variables include potential receipt of Maine ARPA funds (allocated but not approved); MDOT funding (\$3,000,000 committed with additional funds requested to match increased local contributions); approvals for EPA Brownfields funds; and, potential State legislative appropriation.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Dredging the public and private vessel support areas of Portland Harbor has been a long-term priority for the City and the greater waterfront community for many years. These piers, wharfs, marinas, boat yards, and ramps are essential to the ongoing and future economic health and functional water access needs of marine

industry, marine transport, recreational boating, fisheries, and island communities.

The City applied in 2021 under the RAISE program but was not awarded funding. USDOT staff provided feedback on the 2021 application and recommended resubmitting.

Process:

The process resulting in the current request has been underway in earnest since the creation of the Waterfront Coordinator position in 2014. Led by the City of Portland, key project partners include the City of South Portland, the PHC, and MDOT. The process has been highly collaborative with formative participation by private waterfront property owners, the fishing community, State and Federal agencies, and environmental groups including the Friends of Casco Bay. The environmental and economic benefits of harbor dredging are specifically recommended by the Casco Bay Estuary Partnership in their Casco Bay Plan (2016) as approved by the Environmental Protection Agency (EPA).

Working with a grant from the EPA Brownfields Program, the PHC has conducted extensive testing, outreach, design, and permitting for the proposed dredge areas on both sides of the Fore River. The project has benefitted from close partnership with significant funding from MDOT to the City of Portland for development of the CAD cell plan. Additional funds have been provided by the Maine Technology Institute (MTI.)

Technical Support for the process has been led by Stantec Consulting.

In preparation for this and previous applications, workshops presenting the project have been held with the former Economic Development Committee, the Housing and Economic Development Committee, the Sustainability and Transportation Committee, and the full City Councils for both Portland and South Portland.

Community presentations have been made to the Portland Propeller Club and the Waterfront Alliance of Portland Harbor.

The project is fully permitted with the US Army Corps of Engineers and the Maine Department of Environmental Protection.

Project Summary:

In short, over 244,000 cubic yards of material needs to be removed from Portland Harbor to restore lost or degraded berthing areas. Given the environmental state of these sediments, disposal at sea is not an option and the project has identified and permitted a feasible site for a CAD cell to responsibly contain and sequester contaminated materials. The CAD cell site has been identified near the US Coast Station.

In aggregate, +/-108,000 cubic yards of material are estimated for dredging from the Portland side of the Fore River and +/-136,000 cubic yards of material anticipated from the South Portland waterfront. City owned public facilities in Portland alone (East End boat ramps, Ocean Gateway and the Amethyst lot, Maine State Pier, and the Portland Fish Pier) will contribute nearly 52,000 cubic yards of material. The South Portland "Portland Street Pier" is a minor contributor, estimated at +/-2,300 cubic yards. The balance of sediment will come from private piers, boat yards, and marinas throughout the harbor.

The project will benefit 30 private commercial properties, supporting dozens of businesses, hundreds of jobs, thousands of vessels, and millions of dollars in annual economic activity. A comprehensive economic assessment of the direct and indirect value of the project and of the impacted properties is was undertaken in

2020 to further refine the benefits of the project and the costs of inaction. The 2020 AECOM Economic Assessment of Portland Harbor identified over \$1,000,000,000 in annual revenue generated harbor wide by marine industry with employment for over 2800 area residents. Waterfront access is the foundation of this economy.

Additional information and background on the project is found at: <https://portlandharbor.org/raise>

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Portland Harbor dredging and support for the working waterfront have been City Council priorities for many years. The Portland Harbor dredge and CAD cell construction are specifically noted in *Portland’s Plan 2030*, the City’s Comprehensive Plan, and are included in the City’s *Economic Development Plan*. Additionally, the partnerships, water tolerant uses, and collaboration seeking outside funding are supported by the Portland/South Portland Climate Action Plan, *One Climate Future*.

In the short term, dredging will significantly expand and improve berthing and loading access to the harbor for commercial and recreation activities. Long-term preservation and improvements to vessel support areas are consistent with City policies and are an existential necessity for Portland’s working waterfront and the Island communities of Casco Bay.

V. FINANCIAL IMPACT

Preparation and filing of the RAISE application is being funded through the Waterfront TIF Program. As noted above, the City of Portland is a significant waterfront property owner and will need to participate financially based on City facility dredging needs.

The fee amount and distribution is still under discussion, but as much as \$20.62/cubic yard is estimated for private participants and \$29/cubic yard for public facilities. Combining a direct allocation and public tipping fees, the City of Portland’s cost to participate is estimated at+/- \$2,000,000 to come from the Waterfront TIF program over the next several years.

Participants from private facilities in Portland are asked to commit to +/- \$1,150,000 in aggregate.

Existing staffing for the process by the Housing and Economic Development Department will continue as funded through the Waterfront TIF program. As with any project of this complexity, additional soft costs may be needed to move the project forward and would use the Waterfront TIF fund. Staff will work with the City Manager, outside agencies, and private partners to minimize these costs to the extent possible.

The assumed funding structure for the project is provided below (using rounded estimates, subject to confirmation revision prior to application.)

MaineDOT Funds (Matching local, see below)		\$ 6,000,000
Needs confirmation from MDOT		
City Allocation:		
City of Portland	\$ 500,000	
City of South Portland	\$ 500,000	
		\$ 1,000,000
Public Tipping Fees (at \$29/cubic yard)		
City of Portland (51,914 cubic yards)	\$ 1,500,000	
City of South Portland (2348 cubic yards)	\$ 70,000	
		\$ 1,570,000

Private Tipping Fees (at \$20.62cubic yard) (190,000 cubic yards)	\$ 4,000,000	\$ 4,000,000
Total Tipping Fees +City allocations		\$ 6,570,000
(Note: Brownfield revolving loan fund could be used to finance public and private tipping fees)		
Total non-federal contribution		\$12,570,000
Federal Brownfield Targetted Assessment Grant	\$ 1,500,000	
Total Brownfield Assessment funds		\$ 1,500,000
Needs confirmation from EPA		
Total Identified Funds		\$14,070,000
Potential RAISE Application		\$18,000,000

Multiple variables may impact the total value of local contributions and the participation of project partners. These variables include potential receipt of Maine ARPA funds (allocated but not approved); MDOT funding (\$3,000,000 committed with additional funds requested to match increased local contributions); approvals for EPA Brownfields funds; and, potential State legislative appropriation.

If the RAISE grant is awarded, a contract with U.S. Department of Transportation would spell out specific commitments and would return to the City Council for approval, including required City allocations of funds.

VI. STAFF ANALYSIS AND BACKGROUND

See above.

VII. RECOMMENDATION

At the February 15, 2022, Housing and Economic Development Committee meeting, it voted 4-0 to recommend to the City Council authorizing the City Manager to apply up to \$25 Million in Federal RAISE Grant funds to implement planned public and private dredging projects in Portland Harbor.

VIII. LIST ATTACHMENTS

1. Portland Harbor Dredging Application 3.21.2022
2. HEDC Memo and Presentation

Prepared by:

Mary Davis, Division Director

Date: 03/07/2022

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 APPROVING CITY APPLICATION FOR FEDERAL FUNDS TO DREDGE
PUBLIC AND PRIVATE BERTHING AND VESSEL SUPPORT SERVICES AND TO
DEVELOP A CONFINED AQUATIC DISPOSAL CELL IN PORTLAND HARBOR**

ORDERED, that the application for federal funding of up to \$25 million to dredge public and private berthing and vessel support services and to develop a confined aquatic disposal cell in Portland Harbor, named the Portland Harbor Working Waterfront Rehabilitation Project, is hereby approved; and

BE IT FURTHER ORDERED, the Interim City Manager or her designee is authorized to execute the federal funding application and any and all documents necessary to apply for and accept this funding and otherwise carry out the intent of this order.

Memorandum

To: Chair Ali and members of the Housing and Economic Development Committee

From: Bill Needelman, Waterfront Coordinator

Date: February 9, 2022

RE: Update on Portland Harbor Dredge Project and Public Hearing, Vote, and Motion to Recommend to the City Council Authorizing City Application of up to \$25 Million Federal Funds to Dredge Public and Private Berthing and Vessel Support Resources and to Develop a Confined Aquatic Disposal (CAD) Cell in Portland Harbor.

CC: Danielle West, Interim City Manager
Anne McGuire, Deputy City Manager
Mary Davis, Interim Housing and Economic Development Director

Note: Updates to the Committee have been provided advance of applications for federal funding in 2021 and 2020. This memo provides a brief summary of the dredge planning process to date and concentrates on updates and new information. Staff will also be making a presentation at the meeting. For those members of the Committee and the public seeking greater depth, an extensive amount of background and detail on the project is found in the 2021 RAISE application which is posted on the Portland Harbor Commission website at: <https://portlandharbor.org/raise>

Introduction

The City of Portland, with funding from the Maine Department of Transportation and partnership with the Portland Harbor Commission and the City of South Portland, continues to work toward dredging the piers, wharfs, and berthing resources of Portland Harbor. The project additionally includes the creation of Maine's first Contained Aquatic Disposal (CAD) cell to permanently sequester the dredged material. The February 15, 2022 Housing and Economic Development Committee meeting provides an opportunity to update Councilors on recent progress, funding opportunities, and next steps. The EDC and HEDC previously received updates on the Portland Harbor Dredge Project by the Waterfront Coordinator in June 2019, February 2020, and February 2021.

Background

Most observers of Portland's waterfront are aware of the ongoing efforts to dredge berthing and vessel support infrastructure along both shores of the Fore River. Since the creation of the Waterfront Coordinator position in 2014, the City has led this effort and engaged in a consistent process of building public and private partnerships, procuring funding from outside sources, producing technical material, conducting public outreach, and overseeing permitting and design processes needed to secure project funding. Over the last three years, the project team has concentrated on permitting and funding. Having been unsuccessful through two rounds of

Federal funding requests, the project has reached a pivotal juncture and is seeking City Council support and authorization to apply for a new round of funds from the RAISE program administered by USDOT.

Policy Basis

The City policy directing the dredge efforts were established in the year 2000 report, *Investing in our Working Waterfront* (aka, Waterfront II), which also laid the policy basis for the Waterfront TIF program. Private efforts to dredge the piers and wharfs of Portland Harbor go back even further. Waterfront II clearly articulates the need for dredging and the rationale for public assistance. In FY2003, the report was adopted into the City's Comprehensive Plan and the Waterfront TIF program was established. Current policy guidance in *Portland's Plan 2030* and *One Climate Future* reiterate and continue to support dredging for Portland Harbor.

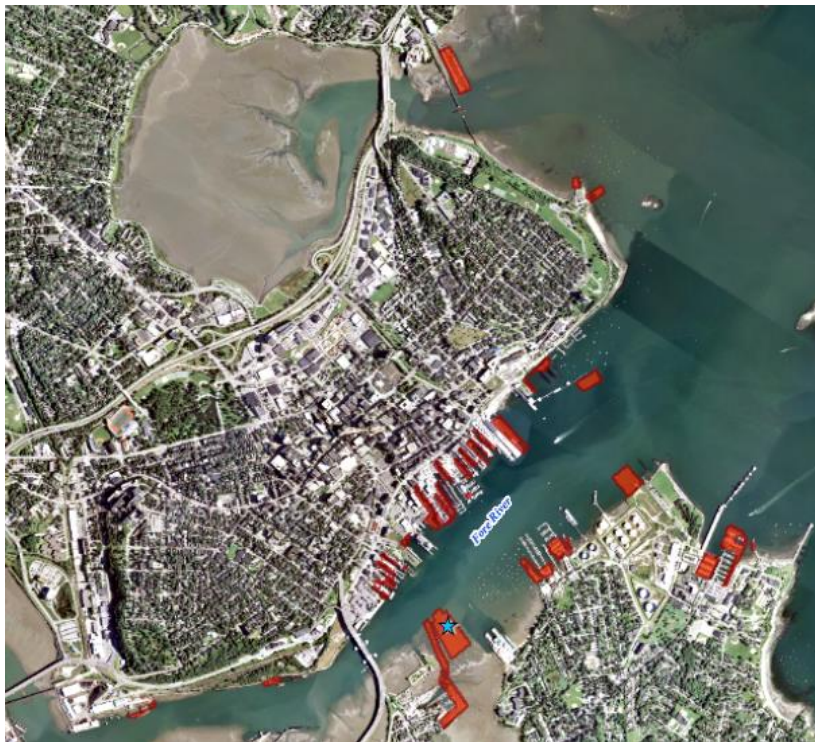
Permitting Status

The dredging of the piers and wharfs and creation of the CAD cell disposal facility are **fully permitted by the Maine DEP and the US Army Corps of Engineers**. The CAD cell permit (issued to the City of Portland) requires that construction on the CAD cell is complete by 2024. The other permits have longer timeframes, but the timeline established for the CAD creates genuine urgency to secure funding for the project as soon as possible.

Dredging Need

Simply put, all urban harbors need dredging eventually. Working waterfronts need sheltered infrastructure to function, and sheltered areas accumulate sediment. The foundation of a working waterfront economy depends on piers, wharfs, ramps, boat yards, and marinas. Working waterfronts exist at the transition between vessels and land. Sediment build up separates the vessel from its "berth" where the vessel interacts with the pier. If the pier cannot support "berthing," the pier no longer serves the working waterfront as functional infrastructure.

To solve the problem of sediment build up, all harbors dredge material to remove sediments and regain or improve water depth needed for vessel service.



Unfortunately, older urban sediments typically contain pollutants that negatively impact the marine environment, while also providing a significant barrier to dredging. Polluted sediment needs a responsible disposal plan, subject to extensive permitting. Such a disposal site for Portland Harbor does not currently exist, although dredging and the CAD Cell are now fully permitted, resulting in no dredging for most berthing resources for decades.

In the Central Waterfront alone, **over 26% of potential berthing has been lost to sediment build up** – over 3000 feet of lost berthing (*enough space to support 60 lobster boats or other smaller commercial vessels*). Other parts of the harbor have experienced similar loss with extensive additional loss of water depth and berthing value. As time passes, marine industry loses capacity while the costs to dredge increases as sediment accumulates.

Dredging Benefits

The benefits of dredging Portland Harbor and creating a CAD cell are multi-faceted and significant.

- **Improved environmental conditions** - Removing contaminants from the harbor bottom and sequestering them into a CAD cell will improved sediment conditions and water quality in the Fore River. The Friends of Casco Bay, the Casco Bay Estuary Partnership, and the fishing community all support the environmental benefits of the project.
- **Future Adaptation for Climate Change** – Returning berthing resources to functional use is critical to creating a solid financial future for working waterfront infrastructure. Climate change adaptation will require large investments and polluted sediments is a major barrier to financing.
- **Supporting an Equitable Economy** – In 2020 the Cities of Portland and South Portland contracted with AECOM to estimate the value of Portland Harbor to the regional economy. According to the final report, there are “*120 marine businesses (not including individual commercial fishing vessels) in Portland and South Portland. These 120 marine businesses have over a billion dollars in annual revenue and provide employment for approximately 2,270 workers. Commercial fishing adds another \$17 million in revenue and 570 jobs.*” *Portland Harbor Economic Assessment and Data Collection, 2020, AECOM, page 9.* Original research by the City HEDD concluded that within 700 regional seafood jobs, that over 70% of workers were either immigrant or minority, with as many as 8 languages spoken at one individual processing facility. Seafood needs a functional harbor, and seafood supports a highly diverse employment base.

Dredge Statistics:

- 244,000 cubic yards of material needs to be removed from Portland Harbor to restore lost or degraded berthing areas, estimated to cost +/- \$40/cubic yard or \$9,760,000.
- 370,000 cubic yards of material to build the CAD cell (which must be “over-dredged” to accommodate the contributing sediments) at an estimated \$30/cubic yard or \$11,100,000.
- +/-108,000 cubic yards of material are estimated for dredging from the Portland side of the Fore River
- +/-136,000 cubic yards of material anticipated from the South Portland waterfront.
- City owned public facilities in Portland (East End boat ramps, Ocean Gateway and the Amethyst lot, Maine State Pier, and the Portland Fish Pier) will contribute nearly 52,000 cubic yards of material.

- The South Portland “Portland Street Pier” is estimated at +/-2,300 cubic yards.
- The balance of sediment will come from 30 private piers, boat yards, and marinas throughout the harbor.

Funding Strategy:

Funding to Date:

To date, a mix of State, Federal, and municipal funding has taken the process from concept to 30% design and permitting. US EPA Brownfields funds awarded to the Portland Harbor Commission (with smaller amounts to the City of Portland) have totaled over \$400,000 targeted toward assessment and permitting of dredging the berthing resources themselves. The Portland Harbor Dredge project is the first Brownfields program project in the nation to fund a submerged lands assessment. MDOT has contributed \$325,000 toward the CAD cell portion of the project. The City of Portland has allocated \$100,000 of Waterfront TIF funding to complete the process of permitting and permit review support. MTI granted \$25,000 to assist with chemical and geotechnical assessments, design and permitting.

The above funds are in addition to years of staff time and thousands of volunteer hours committed by waterfront advocates and members of the Portland Harbor Commission.

Future Project Costs

The above soft costs, while significant, represent only a fraction of the anticipated construction costs moving forward. Including future soft costs for final engineering and design, bidding document prep, mobilization, and mitigation fees, the Portland Harbor dredge project is estimated at +/- \$30,500,000 to \$35,000,000.

Assumed Funding Structure (subject to confirmation revision prior to application)

MaineDOT Funds (Matching local, see below)	\$ 6,000,000
<i>Needs confirmation from MDOT</i>	

City Allocation:

City of Portland	\$ 500,000	
City of South Portland	<u>\$ 500,000</u>	
		\$ 1,000,000

Public Tipping Fees (at \$29/cubic yard)

City of Portland (51,914 cubic yards)	\$ 1,505,506	
City of South Portland (2348 cubic yards)	<u>\$ 68,092</u>	
		\$ 1,573,598

Private Tipping Fees (at \$24/cubic yard)

(190,000 cubic yards)	<u>\$ 4,560,000</u>	
		<u>\$ 4,560,000</u>

Total Tipping Fees +City allocations	\$ 7,133,598
---	---------------------

(Note: Brownfield revolving loan fund could be used to finance public and private tipping fees)

Total non-federal contribution \$ 13,133,598

Federal Brownfield Targetted Assessment Grant \$ 1,000,000

Total Brownfield Assessment funds \$ 1,000,000

Needs confirmation from EPA

Total Identified Funds \$14,133,598

Potential RAISE Application **\$20,323,555**

Multiple variables may impact the total value of local contributions and the participation of project partners. These variables include potential receipt of Maine ARPA funds (allocated but not approved); MDOT funding (\$3,000,000 committed with additional funds requested to match increased local contributions); approvals for EPA Brownfields funds; and, potential State legislative appropriation.

Next Steps

The RAISE application deadline is April 14, 2022.

Staff is requesting that the HEDC vote to recommend to the City Council Authorizing City Application of up to \$25 Million Federal Funds to Dredge Public and Private Berthing and Vessel Support Resources and to Develop a Confined Aquatic Disposal (CAD) Cell in Portland Harbor.

Portland Harbor Dredge Update

Housing and Economic Development Committee

February 15, 2022

Bill Needelman

Waterfront Coordinator
wbn@portlandmaine.gov



Project Partners



Technical Support



Additional Financial Support



An aerial photograph of a harbor area. A large, curved bridge spans the water on the right side. On the left, there is a pier with several boats docked and a building with a blue roof. The water is dark green, and the surrounding land is brown and sandy.

Why Dredge?

All harbors need
maintenance

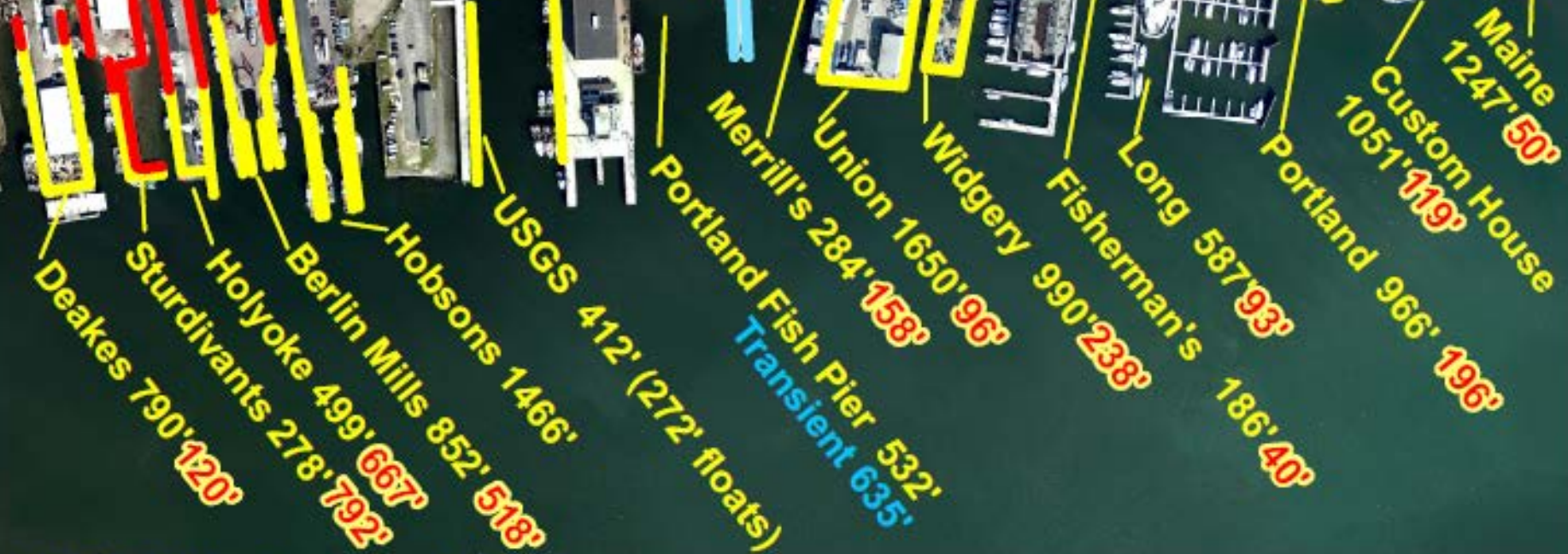


Benefits of Dredging

- Improved and expanded Berthing
- Cleaner Environment

Photo credit:
Parker Poole
Dec. 15, 2020

**+/-26%
loss
to
sedimentation**



**11,790' In Current Use
3,087' Potential
(from dredging)**

WCZ Commerical Berthing Existing and Potential

Why is the Harbor important?

Portland Harbor Economic Assessment and Data Collection, AECOM, 2020

Table 6: Marine Businesses by Industry Category

Category	Revenue	Employment
Commercial Fishing ¹	\$17,000,000	570
Construction Services, incl. Shipbuilding	\$59,000,000	100
Hotels	N/A	N/A
Marine Transportation & Port Services	\$167,000,000	610
Other Retail	\$49,000,000	230
Petroleum	\$365,000,000	120
Professional Services	\$22,000,000	240
Recreation Services	\$84,000,000	420
Restaurant/Bar/Brewery	N/A	N/A
Retail - Food & Beverage ²	\$93,000,000	340
Seafood Manufacturing & Wholesale	\$162,000,000	210
Total	\$1,017,000,000	2,840

Source: AECOM analysis of AtoZDatabases information

N/A – industry category was not included with marine businesses

¹ Revenue and employment data for commercial fishing was from Bureau of Labor Statistics and Bureau of Economic Analysis, as reported to IMPLAN

² Seafood retail accounted for all the Retail – Food & Beverage category for marine businesses

11 of 28

The Waterfront supports Diverse Employment

Regional Seafood firms Surveyed:	11
Response Rate	100%
Total Employment represented:	+/-700
Firms with more than 70 employees	4
Average employees per firm	+/-50
Average % minority or immigrant employees:	50%
Within firms of greater than 70 employees:	73%
Range of % minority or immigrant employees:	0% to 100%
Average # of languages spoken in the plant:	4
Range of # of languages spoken in the plant:	1-8

The numbers are important: However, the project is about people



..and sediment.

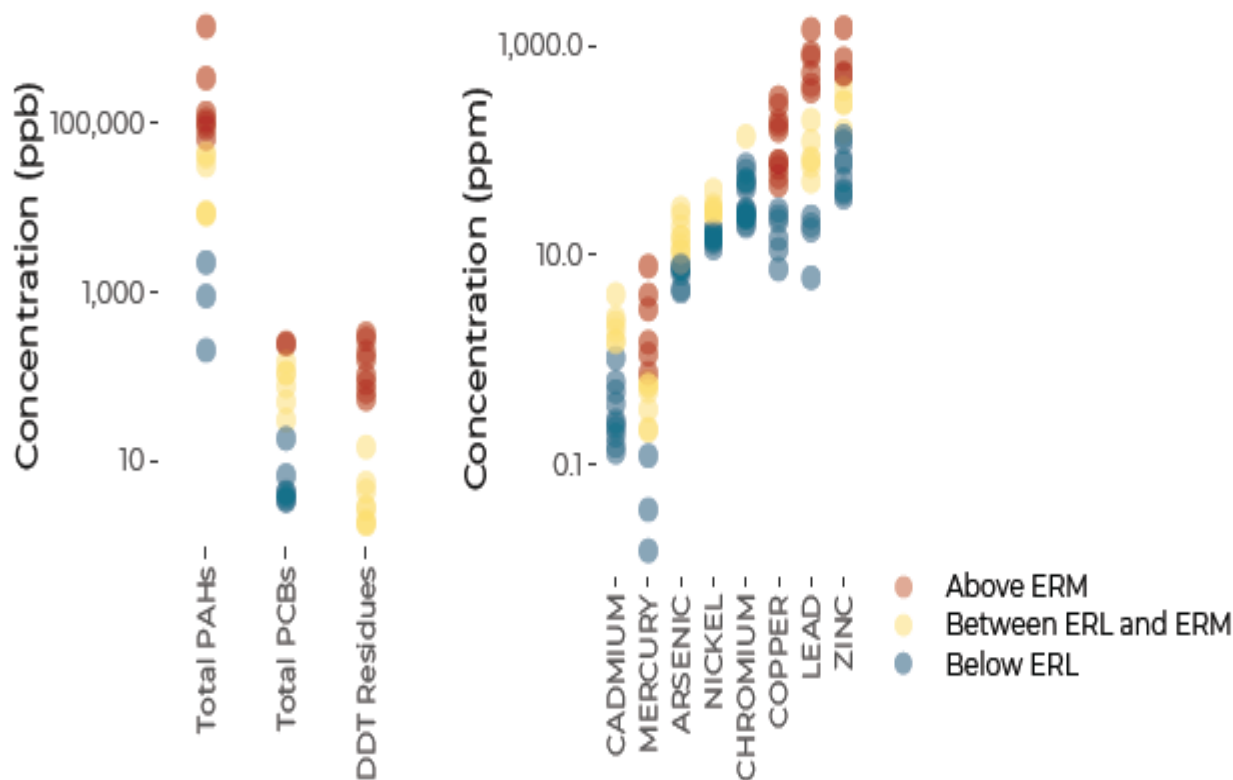
Typical Harbor Sediments



Marine clay below
contaminated muds and
silts



Contaminants are pervasive and long lasting: Cleaning the Harbor is a Public Responsibility



Right: The highest levels of contaminants were generally found along the Portland waterfront. That partially reflects the waterfront's industrial heritage but also decades of runoff from the City and uncontrolled wastes discharged directly to the Bay before construction of wastewater treatment plants.

* Below ERL (effects range low)

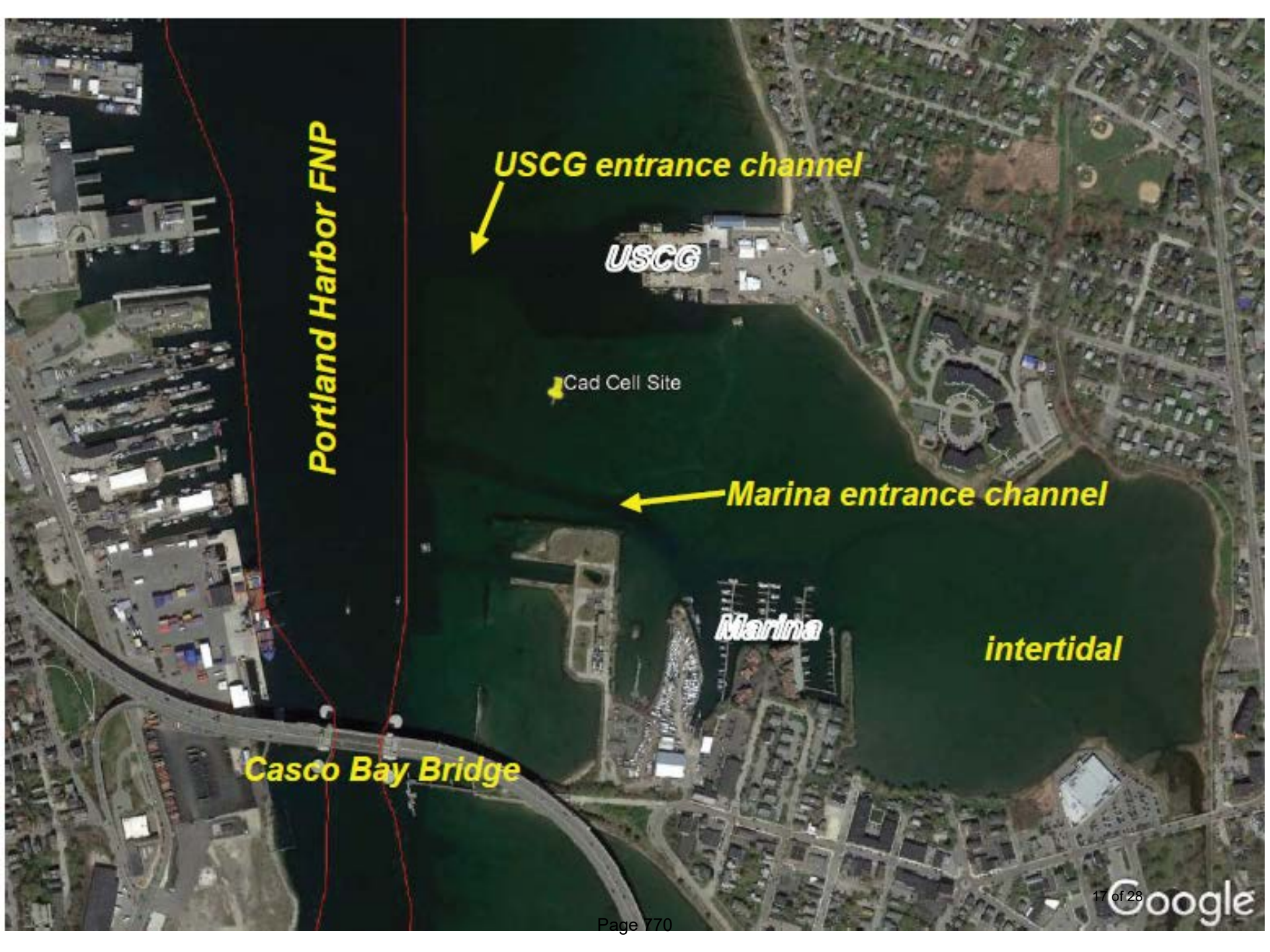
† Between ERL and ERM

‡ Above ERM (effects range median)



Where is dredging needed?

- 30 Property Owners
- 47+ dredge areas
- 244,000 cy sediment
- Goal of 100% participation



Portland Harbor FNP

USCG entrance channel

USCG

Cad Cell Site

Marina entrance channel

Marina

intertidal

Casco Bay Bridge



View looking E-NE from the Casco Bay Bridge at location of proposed CAD cell.

Setback
from
channel

Top of CAD – Tested and approved
for open water disposal

Bottom of CAD – Open Water
Disposal

Setback
from
channel

"Marina
Channel"

SW

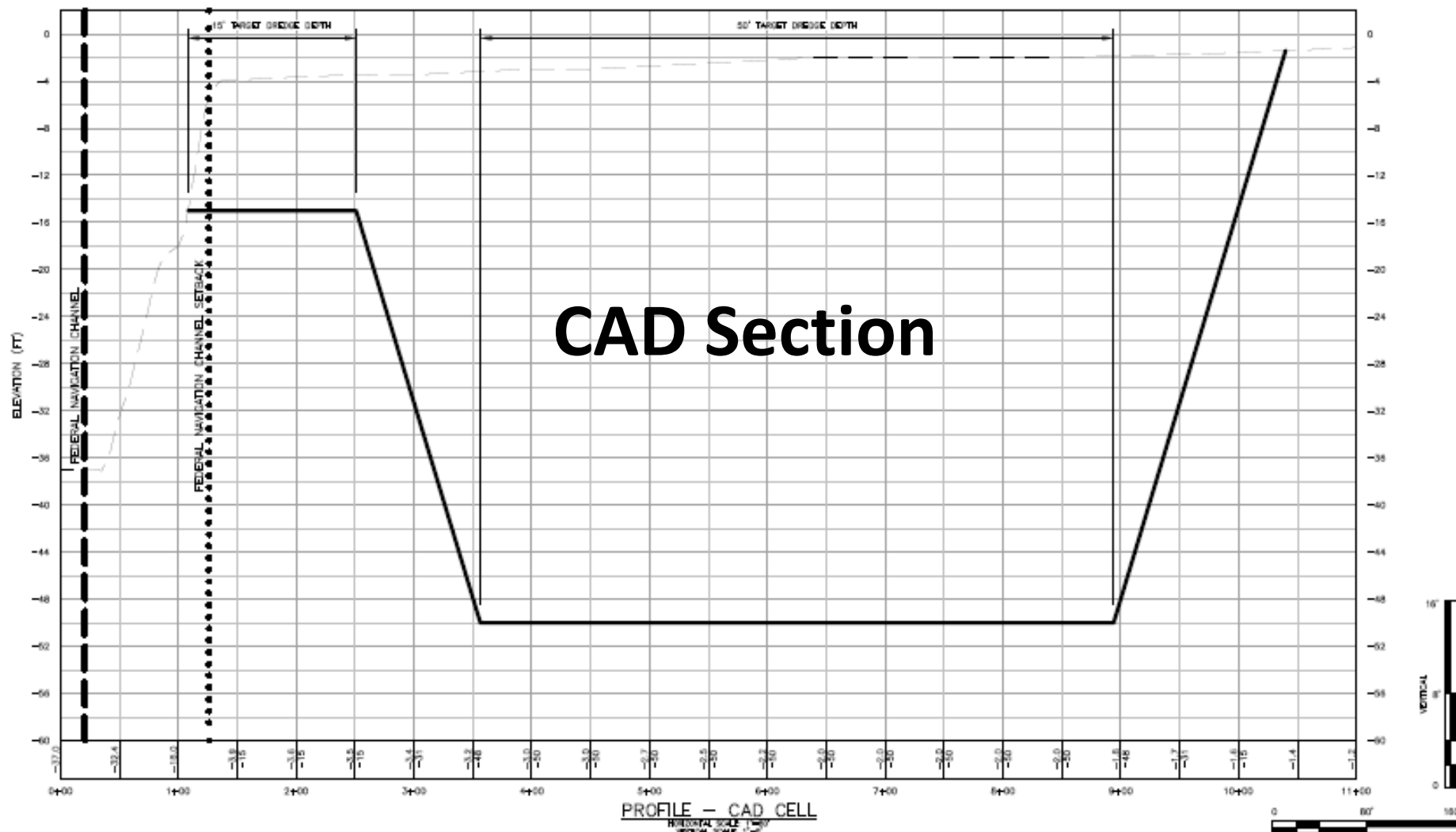
NE

Schematic CAD Cross Section

What is a CAD Cell?

"Confined Aquatic Disposal"

CAD Plan View



- NOTES:
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC. BETWEEN NOVEMBER 29, 2018 THROUGH DECEMBER 1, 2018.
 2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TIDAL DATUM. THE CORRECTION FROM NAVD83 TO MLLW IS 5.25 FEET FOR CASCO BAY.
 3. AN ADDITIONAL 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
 4. SEE SLOPES SHOWN AS THEY ARE INDICATIVE BASED ON PRELIMINARY ANALYSIS AND LIMITED SURVEILLANCE INFORMATION. ADDITIONAL GEOTECHNICAL INVESTIGATIONS WILL BE CONDUCTED FOR FINAL CAD CELL DESIGN. THIS INCLUDES ADDITIONAL BORINGS TO CONFIRM SOIL TYPE, TO BENCH AND FIELD AND LABORATORY TESTING TO DEVELOP SOIL STRENGTH PARAMETERS. THE FIELD AND LABORATORY DATA WILL BE USED TO REVISE THE STABILITY ANALYSIS AND TO DETERMINE FINAL DESIGN SEE SLOPES INCLUDING APPROPRIATE FACTOR OF SAFETY.

Legend

— EXISTING BATHYMETRY

— PROPOSED TARGET DREDGE DEPTH

Client/Project
City of Portland
Portland Harbor
CAD Cell Project

Title
Proposed CAD Cell
Profile

Revision _____ Date 2019.12.02

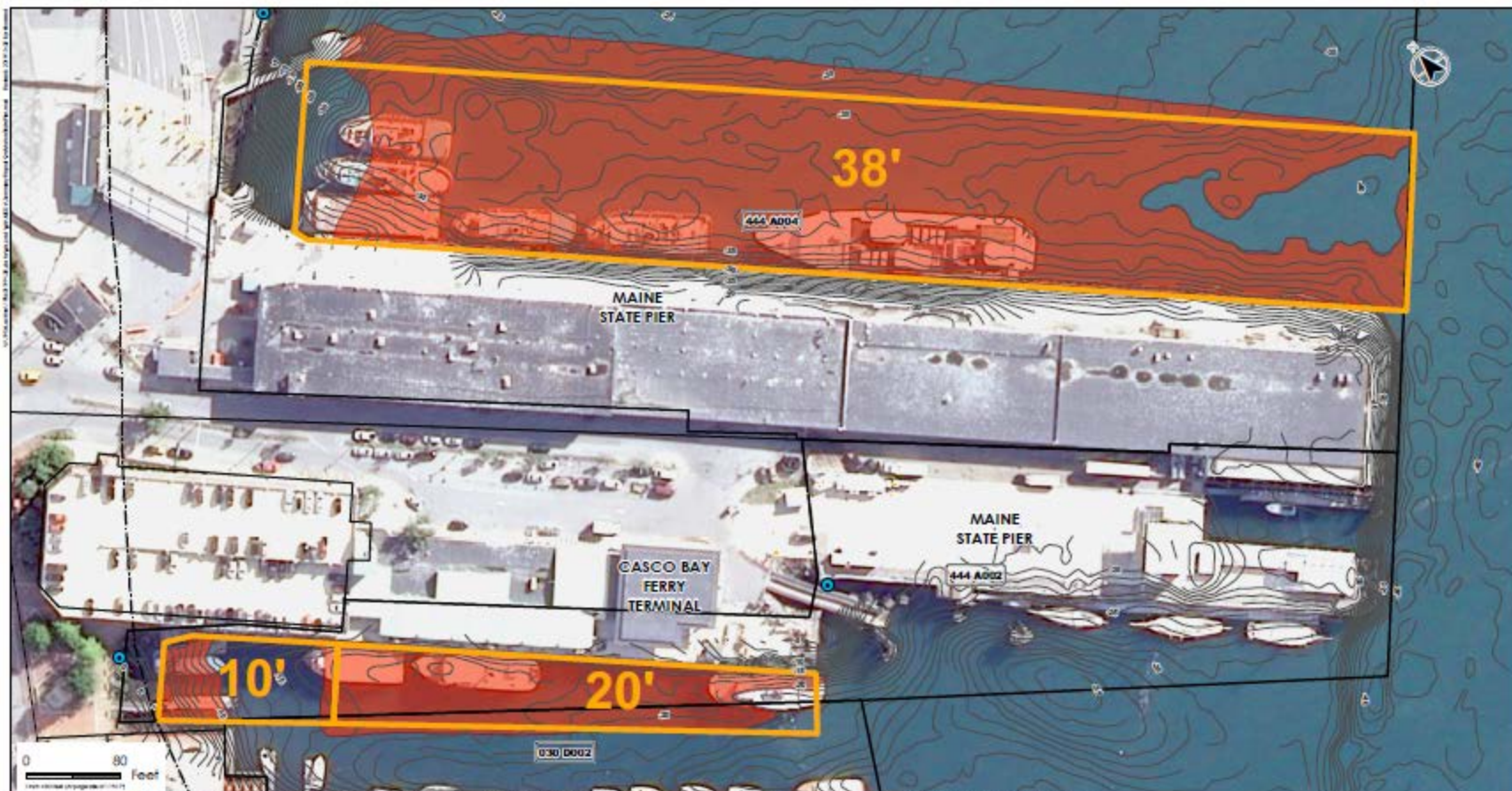
Reference Sheet _____ Figure No. 3

Project No.
195601208



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De:Michaels@stn.com



Legend

- Stormwater Outfall
- 1' Bathymetric Contour
- Wharf/Owner Tax Parcel and Map/Lot
- Tax Parcel
- Approximate Submerged Lands Regulatory Limit
- Dredge Limit and Target Depth
- Estimated Dredge Area

Client	Permit	Map, Book, Lot	Estimated Dredge Volume (cu yd)
City of Portland	Maine State Pier	ADA AD04, 002	20,808

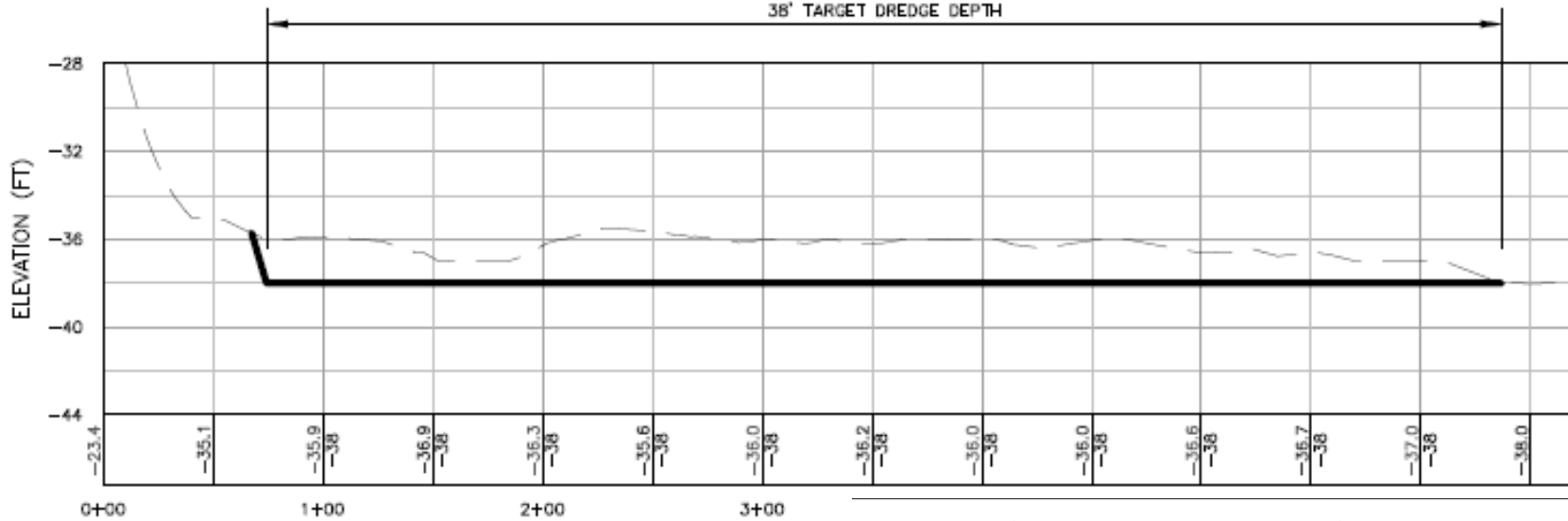
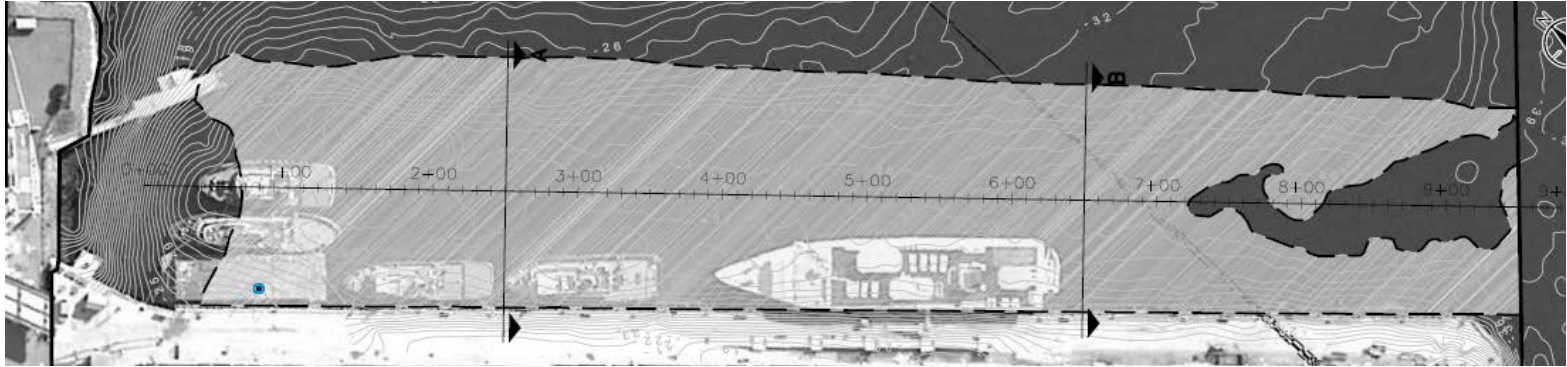
Notes:

- Coordinate System: NAD 1983 StatePlane Maine West FIPS 1002 Feet
- Hydrographic bathymetric survey performed by Apex Companies, LLC, between November 29, 2016 through December 1, 2016.
- Hydrographic survey datum is referenced to Mean Lower Low Water (MLLW) 1985-2001 tidal epoch. The correction from NAVD83 to MLLW is 5.25 feet for Casco Bay.
- Elevation assumptions were made to the existing bathymetric surface where elevation data was missing to complete proposed dredge footprint.
- Results in those areas is approximate.
- An additional 1' overdredge has been applied to each proposed dredge area.
- 2015 coastal Casco Bay aerial orthophoto provided by the State of Maine, Maine Office of GIS and Maine GeoLibrary Board.

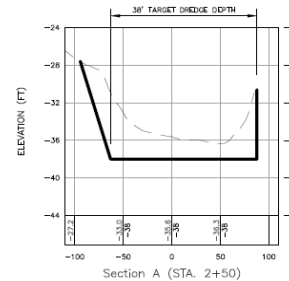
Client/Project
Portland Harbor Commission
Portland Harbor Brownfields
Dredge Project
Figure No.

Title
**Maine State Pier
Proposed Dredge**
10/2/2019

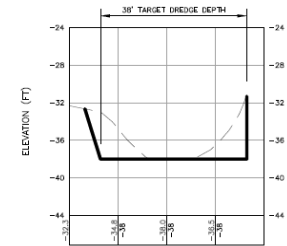
Maine State Pier



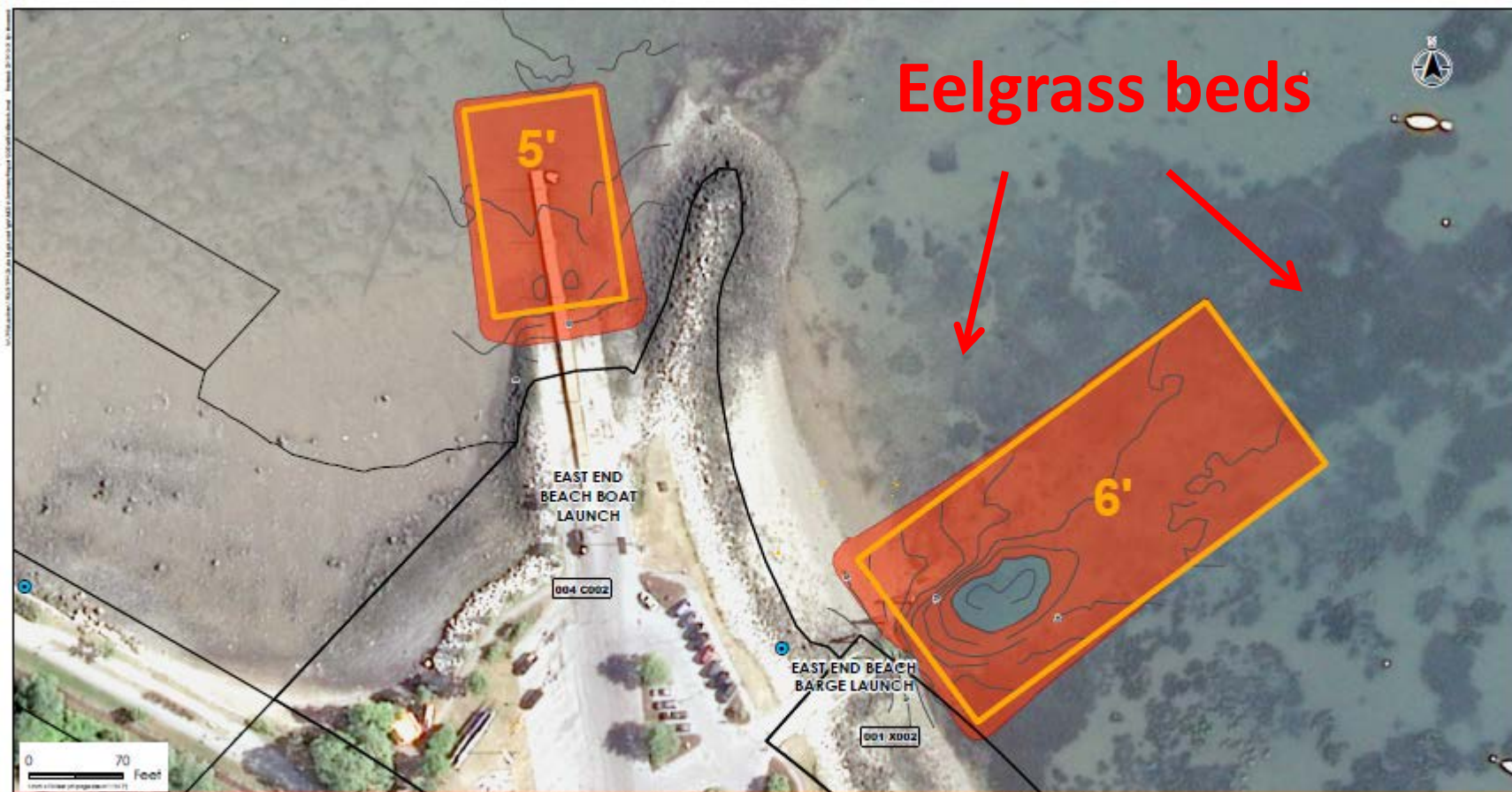
Sample Design: Maine State Pier



Section A (STA. 2+50)



Section B (STA. 6+50)



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004endbeach.mxd



Legend

- Stormwater Outfall
- 1' Bathymetric Contour
- Wharf/Owner Tax Parcel and Map/Lot
- Tax Parcel
- Approximate Submerged Lands Regulatory Limit
- Dredge Limit and Target Depth
- Estimated Dredge Area

Owner	Parcel	Map, Book, Lot	Estimated Dredge Volume (cu yd)
City of Portland	East End Public Launch	004 C002, 001 X002	7,054

Notes:

1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1002 Feet
2. Hydrographic bathymetric survey performed by Apex Companies, LLC, between November 26, 2016 through December 1, 2016.
3. Hydrographic survey datum is referenced to Mean Lower Low Water (MLLW) 1985-2001 tidal epoch. The conversion from NAVD83 to MLLW is 5.25 feet for Casco Bay.
4. Elevation assumptions were made to the existing bathymetric surfaces where elevation data was missing to complete proposed dredge footprints. Results in those areas is approximate.
5. An additional 1' overdredge has been applied to each proposed dredge area.
6. 2016 coastal Casco Bay aerial orthophotos provided by the State of Maine, Maine Office of GIS and Maine GeoLibrary Board.

Client/Project
Portland Harbor Commission
Portland Harbor Brownfields
Dredge Project
Figure No.

Title
**East End Beach
Proposed Dredge**
10/1/2019

05401199

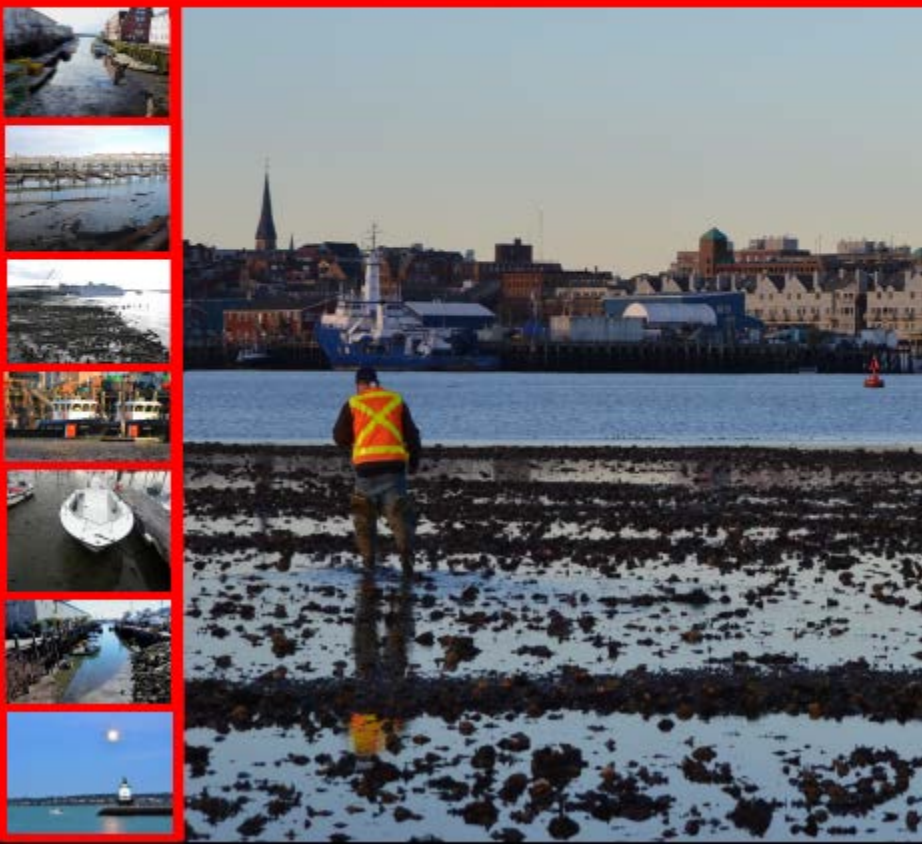
East End Boat Ramps

Process to date:

Portland Harbor Commercial Revitalization:

*Berthing Maintenance Dredge and
CAD Cell Project*

Project Sponsor:	City of Portland, Maine
Co-Sponsor:	City of South Portland, Maine
Co-Sponsor:	Maine Department of Transportation
Co-Sponsor:	Portland Harbor Commission
In Partnership with:	The Waterfront Property Owners and Pier Owners of Portland Harbor



Building Back Portland Harbor's Working Waterfront:

A State of Good Repair and Economic Vitality Project

Project Sponsor:	City of Portland, Maine
Co-Sponsors:	City of South Portland, Maine Maine Department of Transportation Portland Harbor Commission

July 2021



Funding Expectations

Total Project Costs: **+/- \$30 to 35,000,000**

Potential Sources:

- **Federal Grants (RAISE) \$20-22mill**
- **State Transportation Funds –Up to \$6mill in MDOT allocated on a 1 to 1 basis (\$3mill committed, additional funding needs confirmation from MDOT)**
- **Private “tipping fees” based on sediment volume, \$24/cy used for planning purposes, resulting in +/- \$4.5mill (190,000 cubic yards)**
- **City of Portland contribution: \$2mill (52,000 cubic yards of material)**
- **City of South Portland: \$0.5mill (2800 cubic yards of material)**
- **USEPA Brownfields: \$1mill (Needs confirmation from EPA)**

State ARPA or Legislative work may change the above assumptions

Project Schedule - Tentative

- RAISE Grant Application: April 14, 2022
- RAISE Grant Award: August 2022
- CAD Geotech: Fall/Winter 2022/23
- RAISE Funding Agreement: Winter 2022/23
- Predredge/Final Design: Spring 2023
- CAD Project Bid: Summer/Fall 2023
- CAD Construction: Winter 2023? Or Fall/Winter 2024/25
- Dredge Project Bid, Phase 1: Spring 2025
- Dredge Phase 1 Construction: Winter 2025/26
- Dredge Project Bid, Phase 2: Spring 2026
- Dredge Phase 2 Construction: Winter 2026/27

**The Clock Is
Running:
Permits have
been issued
and have
specific time
limits**

Request of the Committee:

**To recommend to the City Council
to authorize staff to apply for a 2022 RAISE
Grant.**

Questions?



Public Comment on Order 180-21/22: Portland Pier Sediment & NIMBYism

0 views



George Rheault

11:44 AM

to Public Comment, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorrow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Danielle West-Chuhta, Dena Libner, Jennifer Thompson, William Needelman

Please see attached some important history regarding the Portland pier dredging project before you. Also this: [01_-_CAD_-_Council_Briefing.pdf \(southportland.org\)](#)

1.) Portland's main harbor channel was last dredged in 2014. The United States Army Corps of Engineers dredged the navigational channel in the middle of the harbor. This was a "maintenance dredge" that the federal agency hopes to undertake every decade or so (it was about 5 years late the last time). The navigational channel runs between 400 and 1,000 feet wide. The areas near the piers were not dredged as part of this project.

2.) As South Portland reported to its City Council years ago, private and public wharf owners have been stymied by the exorbitant costs associated with the testing, dredging, and disposing" of "contaminated" sediments but owners/buyers of real estate (including underwater real estate) take their properties generally in an "as-is" state - which sucks, but it is what it is.

Unfortunately, the "dredging stalemate in Portland Harbor" is the result of NIMBYism that has prevented pier owners from re-inventing their waterfront properties for the 21st century in order to cover the massive increase in costs associated with the new environmental mandates that did not exist even a few decades ago. The stalemate has had significant economic and environmental consequences. In order to maintain their piers, owners would look at other uses for revenue, such as restaurants, hotels, residences and office buildings in order to afford the expense of balancing working waterfront uses with the ACTUAL costs of maintaining active waterfront berthing and pier infrastructure.

3.) A good example is the Ocean Gateway Terminal - a major mega-berth dredging project was easily accomplished there in 2012 with \$280,000 in state funds (almost \$350,000 in 2022 dollars) because the cruise ship industry was an economically viable use that could justify the expense at the time. Other areas under public and private pier ownership have been not been able to afford the high cost of permitting and implementing a dredging project because those piers do not generate sufficient revenue to cover the costs. The further decline of available berthing space due to sediment build up decreases the value of the piers, making dredging less and less affordable as more time passes (generating a vicious cycle). So now our community (and federal government) must subsidize what should be privately funded activities, crowding out

spending in other areas our community (such as affordable housing and community health services).

4.) Some day Portland needs to add up the full cost of decades of NIMBYism in our town. If we want to waste millions in federal subsidies so a privileged few can have their fantasy "working waterfront" and have their waterfront homes and frontage undisturbed by development, then they should shut up about high property taxes and the inconveniences of an unhealthy fragile economy based on low-margin high-volume day tourism because they are directly responsible for those things becoming entrenched in our contemporary Portland.

Three Portland Harbor sites may be used to dump dredged mud

 pressherald.com/2014/10/13/three-portland-harbor-sites-may-be-used-to-dump-dredging-mud/

By Beth Quimby

October 13, 2014

A group working to create a disposal site for dredged sediment from around Portland's waterfront has identified three potential locations in Portland Harbor to bury the mud.

The Portland Harbor Non-Federal Dredge Workgroup will outline its proposal and provide other details about plans for a confined aquatic disposal – or CAD – cell to the Waterfront Alliance, a group of Portland and South Portland marine interests at 4 p.m. Tuesday on the third floor of the Gulf of Maine Research Institute at 350 Commercial St.

A CAD cell is a hole dug into the harbor bottom that is filled with dredged material and capped. It would contain dredged material from Portland Harbor's public and private piers, which are slowly being choked by mud.

The dredge work group, made up of volunteer representatives from marine businesses, port agencies and environmental advocacy groups, as well as federal and local permitting agencies, has been working since January to locate, design and permit a CAD cell. CAD cells have been used in Boston Harbor, Rhode Island and California. A Portland Harbor CAD cell would be a first for Maine.

Bill Needleman, Portland's waterfront coordinator, said the CAD cell would provide an environmentally safe and cheaper alternative to other sediment disposal options.

Important navigation routes are maintained and dredged by the U.S. Army Corps of Engineers. But wharf owners and abutting shoreside land owners are responsible for dredging outside the federal channel.

Much of the mud around Portland's 200-year-old wharves is believed to be laced with contaminants from long-departed industries and modern-day storm water runoff. Contaminated mud may not be dumped at sea at the federally approved dump site off Portland.

Needleman said that dumping a cubic yard of sediment at sea costs about \$22 compared to \$100 for land-side disposal, which makes it unaffordable for many of the 20 private and public wharves, and another half-dozen transportation and fuel terminals in Portland Harbor.

The dredge work group has been working with the lobstermen who use Portland wharves to berth their boats to identify potential sites for the CAD cell that would have the least impact on fishing. Needleman said it would be up to the Portland Harbor Commission and several

federal and state environmental and other permitting agencies to approve the project. He said the U.S Army Corps of Engineers has estimated such a project can take between two and 10 years to complete. He said he hopes the design and permitting can be in place within the next year. Then the effort will switch to finding money to build the CAD cell. He said the project could cost \$6 million to \$10 million.

Charlie Poole, whose family has owned Union Wharf since the mid-1800s, said dredging is essential to keep wharves open. Poole, a member of the dredge work group, said there has been no dredging around Union Wharf since the mid-1990s, when new regulations banned contaminated dredged material from the sea dump site off Portland. He said at one section of Union Wharf, where he once tied a 38-foot fishing boat in the 1970s, the mud bottom is visible at low tide.

Roger Hale Sr., who owns Deakes and Holyoke wharves, called the CAD cell a great idea. He said the last time the wharves were dredged was in 1985 and 1990 when he spent \$125,000 to remove the silt that had built up around the piers.

“That is when we could take it out to sea,” said Hale.

Frank Strout, of Cape Elizabeth, a lobsterman who berths his boat at Union Wharf and is in the working group, said lobstermen are not worried about any impact on fishing grounds in Portland Harbor.

“The need is so great for a project like this. We are losing docking space,” said Strout.

Strout said he met with members of the two local lobster councils and found a lot of support for the Portland Harbor project.

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Portland Harbor dredging project begins this week

 pressherald.com/2014/02/03/portland_harbor_dredging_project_begins_this_week___/

By Tom Bell

February 3, 2014

The Army Corps of Engineers this week will begin dredging the shipping channel in Portland Harbor, a \$9 million project that will remove up to 500,000 cubic yards of sediment and assure depths of 35 feet at mean low tide.

This is the first maintenance dredging of the channel in 15 years, and the work will include drilling through ledge at five high spots in the channel and setting off underwater explosives.

The project is critical because the channel is slowly filling in with sediment, particularly at the edges, said Mark Klopp, president Portland Pilots. The dredging will allow ships to sit lower in the water and carry more cargo, which improves efficiency and saves money, he said.

“It puts everything back to normal,” Klopp said.

In preparation for the dredging, crews since December have been removing lobsters from the harbor and taking them to an undisclosed location on the other side of Fort Gorges. Crews will continue removing lobsters throughout the dredging project, which by state law must be completed by March 15 to avoid interfering with the lobster fishery, which begins in the spring.

The federally funded dredging project was supposed to begin on Nov. 1 but has been delayed because of cold weather conditions that the contractor, Cashman Dredging of Quincy, Mass., encountered at a project in New Haven and Norwalk, Conn., said Dick Ingalls, a South Portland resident who serves on the Maine Port Authority board of directors.

“We are anxiously waiting for them to come,” Ingalls said. “We don’t want to be moving all these lobsters for nothing.”

On Monday, a fleet of Cashman vessels will depart from New Haven and sail to Portland, said Norman Bourque, project manager for Cashman Dredging. The fleet includes a drilling and blasting rig, a dredge with a crane and bucket, a split-hull hopper barge that will carry the sediment to a dump site at sea, and several tugboats

Bourque will be in Portland on Monday. He said the vessels will arrive in Portland in the middle of the week, and work may start Thursday.

The company’s dredge, the Dale Pyatt, is believed to be the largest of its kind in the nation, according to The Boston Globe. It is equipped with a crane and two huge clamshell-shaped attachments for scooping up sediment. A clamshell scoop digs from two directions, trapping mud and waste in between. The barge has living quarters for up to nine people.

While the Dale Pyatt begins dredging the channel in the upper part of the Fore River near the Veterans Memorial Bridge, crews will begin drilling holes in the ledges located in the channel between DiMillo's floating restaurant and the Coast Guard Base in South Portland, Ingalls said.

The holes will be packed with explosives. Because the explosions will occur 35 feet below the surface of the water, the public won't see or hear much, except for bubbles, said Lance Hanna, deputy harbor master.

The sediment will be dumped in a disposal area located 7.1 miles east of Dyer Point in Cape Elizabeth.

Hanna and Portland lobsterman and commercial diver Jim Buxton have been removing lobsters from the harbor, a project budgeted at \$90,000 and paid for by the cities of Portland and South Portland and the Maine Port Authority.

The two men are laying 300 traps in a grid pattern, starting upriver and moving toward the mouth of the harbor. They use special traps that allow them to catch juvenile lobsters. Because lobsters in winter travel to deeper, warmer waters, the men haven't captured that many.

As of Jan. 27, they had captured 62 lobsters, 28,219 green crabs, 10,857 sand crabs, 169 Jonah crabs and two snow crabs.

The green crabs, an invasive species, are being dumped into a barrel. After they are dead, their bodies are dumped offshore.

Once the harbor is cleared of lobsters, Hanna and Buxton plan to set all their traps in a line at the mouth of the harbor to prevent any of the removed lobsters from crawling back into the harbor.

"It will be a wall of traps," Hanna said. "We will be catching anything that moves."

The shipping channel in the outer harbor, from Spring Point Ledge Lighthouse to Portland Head Light, is 47.5 feet deep at mean low tide. That channel has been dredged by private industry, but it's easy to maintain those depths because the tides are strong there, Klopp said.

"That part of the channel flushes itself real well," he said.

Sediment buildup between Portland piers a ‘slowly evolving crisis’

by **Seth Koenig**

September 13, 2011 Updated September 14, 2011

PORTLAND, Maine — A well-known painting by the late Ron Goyette depicts Portland’s Commercial Street in 1902, with majestic schooners pulled right up to the road, their masts towering over the tall, brick waterfront buildings and their bowsprits stretching almost all the way across the street.

It’s one of Casco Baykeeper [Joe Payne](#)’s favorite paintings, but the environmental advocate, and anybody else who strolls along the same street today, sees something very different tied up there.

“Now, you just see dinghies in those same places,” he said.

The buildup of sediment between the 20 piers on the Portland waterfront — four owned by the city and 16 privately owned — has left the water too

shallow near Commercial Street to accommodate anything the size of those old schooners.

A conundrum now vexes the city's waterfront community: Should the city and private pier owners pay exorbitant amounts to dredge the material clogging the space between piers, or adapt to a reality in which, eventually, only smaller boats will be able to dock in Portland? Complicating matters is the fact that today's pier owners, who are staring down dredging costs multiplied tenfold because the sediment is contaminated, are largely not guilty of polluting the muck.

"Between some of those piers, you can stand at low tide," said John Henshaw, executive director of the Maine Port Authority, which leases the city-owned International Marine Terminal. "So obviously you can't berth vessels there if there's no water. They lose their accessibility. It's a slowly evolving crisis. It's been something that's been happening over a long period of time, but it will only get worse."

The Maine Port Authority in 2009 applied for \$10 million in federal grant money to build a contained aquatic disposal — or CAD — cell off the Eastern Promenade. The CAD would essentially consist of a massive underwater hole in which the contaminated material would be left to settle, then be covered over with clean material. However, federal grant money for the project was not awarded.

"I think it's inherently expensive to dredge, and it's that much more expensive in Portland because there's a certain amount of contaminants in the [sediment]," said City Councilor John Anton, the council's representative to the Waterfront Alliance, a group of Portland waterfront stakeholders, such as business owners and fishermen. "We need a plan. The private and public pier owners need to work collectively. It's a tight financial environment. This issue's been out there for a while. The biggest issue since Day 1 has been, 'How are we going to pay for this?'"

According to the Port Authority's grant application, as much as 200,000 cubic yards of material may need to be dug out from between the piers, filling up more than half the 350,000-cubic-yard capacity of the CAD the group hoped to build.

The federal shipping channel the piers reach out toward is the responsibility of the federal government, and the U.S. Army Corps of Engineers maintains dredging of that path. The Army Corps most recently dredged the channel in 1998.

Dick Ingalls, former chairman of the Portland Dredge Committee and Portland Harbor Commission, still acts as a liaison between the port and Army Corps.

He said waterfront stakeholders had hoped to secure funding for the CAD in time for the Army Corps' next slated channel dredging in 2012, so they could seek cost efficiencies in piggybacking on the already scheduled work.

"Now we have no idea what we can do," Ingalls said Tuesday. "At this point, we have no connection with anybody to dredge between the piers."

The responsibility to pay for the dredging work legally falls on the pier owners. That may be a tough pill to swallow. Disposing of relatively clean dredge spoils can cost between \$10 and \$12 per cubic yard, but when the material is found to be polluted, that cost skyrockets to about \$100 per cubic yard.

In addition to the biological testing of the spoils, which Ingalls said cost about \$150,000 per between-pier dredge location, the additional costs come from building the \$10 million CAD with local money or turning to the potentially even more expensive solution of building a hazardous material dumping site upland somewhere.

The kicker is that today's pier owners aren't responsible for the mess they're now obligated to clean up.

"Any contamination in the riverbed sediments area is likely from historic uses dating back over 100 years, at a time when industrial progress trumped environmental impact," reported the Port Authority in its grant application. "Very little, if any, of the existing contaminated material in the sediments of Portland Harbor is the result of actions by the current waterfront owners."

Payne said most of the contamination is in the form of petroleum byproducts, metals and pesticides, for example, mostly from runoff from the nearby city streets.

"If you think of a \$30,000 dredge job, that could be seen as the cost of doing business," said Payne. "At \$300,000, that's not in anybody's business plan. They couldn't make that money back in their lifetime."

Without help in the form of state or federal money, it seems pier owners can choose to either go broke now by paying for a dredging project their books can't accommodate, or to watch their business options erode over time.

"If you're limited to being a dinghy dock, the financial payback isn't going to be as good," Henshaw said. "If you can attract larger vessels, you'd be in a better position to survive."

The Port Authority's grant application goes on to claim that Portland's working waterfront, which includes nearly 3,700 jobs and generates more than \$101 million in annual payroll, "will slowly diminish" without a way to dredge between the piers and wharves that's affordable to the pier owners.

Ingalls said the city still has some time.

“We still have operating room on most of the dock sides of Portland Harbor, except for the very end,” he said, noting that there are only about eight fishing trawlers left competing for space in the port anyway.

In the meantime, Ingalls said, “We’ll do what we’ve been doing for the last 40 years or so. We’ll wait and we’ll hope.”



SETH KOENIG

Seth has nearly a decade of professional journalism experience and writes about the greater Portland region. [More by Seth Koenig](#)

Previous

Old Town woman pleads guilty to methadone clinic mileage scam

Next

Houlton seeks solution for escalating civic center costs

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MEMORANDUM
City Council Agenda Item

FROM: Nell Donaldson

DATE: March 15, 2022

SUBJECT: Order 181-21/22 Approving the Modification of Agreement between the Maine Department of Transportation and Portland Re: West Commercial Street Multi-Use Path - 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 3/21/2022

Final Action 3/21/2022

Can action be taken at a later date: No MaineDOT plans to put this project out to bid soon, and the amendment is needed so that funding matches the latest cost estimate for the project. Emergency approval is requested.

PRESENTATION:

I. SUMMARY

II. AGENDA DESCRIPTION

The Maine Department of Transportation (MaineDOT) and the City are currently co-signatories on a Municipal-State Agreement to fund the design and construction of a segment of the West Commercial Street Trail along the frontage of the Star Match building. The current agreement obligates the state and the City to fund the project at an 80%/20% split. The modification before the Council increases the funding obligations from both parties to reflect revised construction cost estimates. (There are no changes to the funding split.) The City's 20% obligation as a result of the amendment would increase from \$70,698 to \$117,600. This increase in City share will be funded out of infrastructure accounts associated with development projects in the area that have been designated for the purposes of the West Commercial Street Trail construction.

The amendment is needed so that funding matches the latest cost estimate for the project, as this project is about to be sent out to bid. 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

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. MDOT multi-use trail on West Commercial Street Modification to 018865.00 3.21.2022
2. MaineDOT Agreement Modification 1, Portland WIN 018865.00
3. MaineDOT_WIN 018865.00_West Commercial Street Trail_04.04.2017

Prepared by:

Nell Donaldson

Date: 03/15/2022

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 APPROVING THE MODIFICATION OF THE TWO-PARTY
AGREEMENT BETWEEN THE MAINE DEPARTMENT OF
TRANSPORTATION AND THE CITY OF PORTLAND
RE: WEST COMMERCIAL STREET MULTI-USE TRAIL**

ORDERED, that the Modification to the Two-Party Agreement dated April 4, 2017 between the Maine Department of Transportation and the City of Portland is hereby approved, in substantially the forms attached, for a multi-use path on West Commercial Street:

- WIN 018865.00, West Commercial Street Trail

BE IT FURTHER ORDERED, that the Interim City Manager or her designee is hereby authorized to sign the two-party agreements and any other documents necessary to effect the purpose of this order; and

BE IT FURTHER ORDERED, that this item is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately and allow the agreement to be signed and the work sent out to bid.



MaineDOT use only	
CSN: 37404	
AMS ID: 20170504000000000609	
PROGRAM: Multimodal	

MAINE DEPARTMENT OF TRANSPORTATION
Modification 1 to a Locally Administered Project Agreement
With the
City of Portland
Regarding
West Commercial Street Trail

MaineDOT Use Only	
Agreement Amount: \$588,000.00	MaineDOT WIN: 018865.00
Federal Share: \$470,400.00	Federal Project #: TAP-1886(500)
Local Share: \$117,600.00	City's Vendor ID: VC1000073476
Agreement Begin: 04/04/2017	City's DUNS® Number: 07-174-7802
Agreement End: 12/31/2024	CFDA #: 20.205 Highway Planning & Construction

Modification 1 amends a subaward agreement between MaineDOT and the City of Portland that was executed on April 4, 2017 for the Locally Administered Project referenced above, as follows:

- ☐ **Increased Agreement Amount.** The total agreement amount shall be increased by \$234,512.00 to reflect the latest estimate for the Project – rising from \$353,488.00 to \$588,000.00.
- ☐ **Increased Payable Amount.** The maximum payable to the City at the rate of 80 percent of participating costs incurred shall be increased by \$187,609.60 – from \$282,790.40 to \$470,400.00.
- ☐ **Increased Local Share.** The City's 20 percent share of participating costs incurred shall be increased by \$46,902.40 – from \$70,697.60 to \$117,600.00. Additionally, the City shall be fully responsible for all costs exceeding \$588,000.00, unless MaineDOT approves otherwise in writing.
- ☐ **Expiration Date.** The expiration date shall be extended from 04/30/2022 to 12/31/2024.

All other terms and conditions of the original Agreement shall remain in effect without a gap. MaineDOT and the City of Portland, by their duly authorized representatives, have executed this modification to the original Agreement on the date last signed below.

City of Portland

Maine Department of Transportation

By: _____
Danielle P. West, Interim City Manager *

By: _____
Richard J. Crawford, P.E., Director *
Bureau of Project Development

Date: _____

Date: _____

** I certify that the foregoing signature is true and accurate. I further certify – pursuant to 10 M.R.S.A. §9502, et seq. – that the signature, if electronic: (a) is intended to have the same force as a manual signature, (b) is unique to me, (c) is capable of verification, (d) is under my sole control, and (e) is linked to data in such a manner that it is invalidated if the data are changed.*



Paul R. LePage
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

David Bernhardt
COMMISSIONER

April 4, 2017

Nell Donaldson, Senior Planner
City of Portland
Department of Planning & Urban Development
389 Congress Street, 4th Floor
Portland, Maine 04101

Subject: NOTICE TO PROCEED

Preliminary engineering for West Commercial Street Trail, WIN 18865.00

Dear Ms. Donaldson:

Enclosed is the executed agreement for a locally administered project consisting of development of a bicycle-pedestrian trail along West Commercial Street. The City of Portland is authorized to proceed, meaning that Portland may incur reimbursable pre-construction costs such as design and permitting work starting **April 4, 2017**.

Brian Keezer is the MaineDOT project manager assigned to work with Portland on the project. With the agreement in place, please contact him to set up a kickoff meeting to go over the scope of work, budget, schedule and steps in the approval process.

As work progresses, all correspondence and invoices should be directed to Brian:

By mail: Brian Keezer, Project Manager
Multimodal Program, Bureau of Project Development
Maine Department of Transportation
16 State House Station
Augusta, Maine 04333-0016

By telephone: (207) 624-3612
By e-mail: brian.keezer@maine.gov

MaineDOT looks forward to working with Portland to the successful completion of the project.

Sincerely,

Michael Laberge
Local Projects Coordinator



MaineDOT use only

AMS ID: _____
CSN: _____
TEDOCS #: _____

Agreement for a Federal-aid Locally Administered Project

With the

City of Portland

Regarding

West Commercial Street Trail: WIN 018865.00

Total Agreement Amount: \$353,488	Federal Project #: TAP-1886(500)
Federal Share: \$282,790.40 (80%)	Federal Authorization Date: February 27, 2015
Municipal Share: \$70,697.60 (20%)	City's Vendor ID: VC1000073476
Begin Date: Upon MaineDOT's Signature	City's DUNS® Number: 07-174-7802
End Date: Refer to Article 9, "Expiration."	CFDA #20.205: Highway Planning & Construction

This Agreement for a federal-aid project is entered into by the State of Maine Department of Transportation ("MaineDOT,"), with its headquarters at 24 Child Street in Augusta, Maine, and the City of Portland ("the City,"), with its principal offices located at 389 Congress Street in Portland, Maine. **MaineDOT** and the **City** jointly shall be referred to as the "**Parties**."

WHEREAS, this Agreement shall apply to preliminary engineering, right-of-way, construction, and construction engineering work for a multi-use path along West Commercial Street, beginning at an existing sidewalk at the eastern entrance to the Portland Match Company building and continuing 0.41 mile to the end of the Fore River Parkway Trail (the "**Project**.")

WHEREAS, **MaineDOT** selected the **Project** for federal-aid funding and for inclusion in its Work Plan for calendar years 2016-2018; and

WHEREAS, the **City**, as a sub-recipient of federal-aid funding, shall deliver the **Project** as a Locally Administered Project, subject to oversight by **MaineDOT** to ensure that all federal and state requirements are met.

NOW, THEREFORE, in consideration of the foregoing statements, the **Parties** agree to the following terms and conditions:

The following attachments are hereby incorporated into this Agreement:

- ☒ Federal Funding Accountability and Transparency Act Form (signature required);
- ☒ Federal Title VI Assurances (signature required).

ARTICLE 1. ROLES AND RESPONSIBILITIES

1A. **ROLE OF CITY.** The **City** shall assign a full-time employee with appropriate qualifications and current Local Project Administration ("LPA") certification from **MaineDOT** to manage the **Project** and carry out the **City's** responsibilities under this Agreement. This Local Project Administrator shall abide by the guidance in the latest edition of **MaineDOT's Local Project Administration Manual & Reference Guide** ("LPA Manual.") If the certified administrator leaves the employment of the **City** or ceases to oversee the **Project**, the **City** shall stop work and notify the **MaineDOT** Project Manager. **MaineDOT** will determine a course of action.

- ☐ Local Project Administrator for **City**: Helen Donaldson, Senior Planner
Email: hcd@portlandmaine.gov
Phone: (207) 874-8723

1B. **ROLE OF MAINEDOT.** **MaineDOT** will assign a Project Manager to carry out the State of Maine's responsibilities under this Agreement. This person will have the authority to request design changes to meet applicable laws and design standards; accept and reject invoices; review construction activities to ensure compliance with Agreement documents; and take all other action to ensure proper performance of this Agreement.

- ☐ Project Manager for **MaineDOT**: Brian Keezer, Senior Project Manager
Email: brian.keezer@maine.gov
Phone: (207) 624-3612

ARTICLE 2. FINANCIAL PROVISIONS

2A. **UPSET LIMIT.** The estimated cost of the **Project** is **\$353,488** ("Upset Limit.") **Project** costs eligible for federal financial participation shall not exceed this Upset Limit without **MaineDOT's** written approval, through an executed modification to this Agreement.

2B. **MAINEDOT SHARE.** **MaineDOT**, with funding from the Federal Highway Administration ("**FHWA**,") will share in all **Project** costs eligible for federal financial participation at the rate of **80%**, up to a maximum contribution at this rate of **\$282,790.40**.

2C. **LOCAL SHARE.** The **City** shall share in all costs eligible for federal financial participation at the rate of **20%**, or an estimated **\$70,697.60**. Additionally, the **City** shall be fully responsible for costs:

1. Exceeding the Upset limit of this Agreement set forth in Article 2A above;
2. Incurred before the date of notice to proceed, as set forth in Article 3A, "Authorization";
3. Deemed ineligible for federal financial participation.

2D. **MAINEDOT COSTS.** Costs that **MaineDOT** incurs for services performed for the **Project** shall be charged to the **Project**. The **City** shall share in these costs at the rate in Article 2C, "Local Share." **MaineDOT** will reconcile these costs upon completion of the **Project** and deduct the **City's** share of them from the final invoice payment.

2E. **INVOICING.** **MaineDOT** will reimburse the **City** for eligible costs incurred on the **Project** at the rate in Article 2B, "MaineDOT Share." The **City** shall submit invoices in the format provided in Communication 4 from the LPA Manual, as follows:

1. Invoices shall be submitted no more than monthly and no less than quarterly.
2. Each invoice shall document the charges incurred and proof of payment made.
3. Each invoice shall include a progress report for the service period of the invoice.
4. Each invoice shall show **MaineDOT's** and the **City's** portions of **Project** costs, including a running total of costs incurred to date.
5. The **City** must certify that amounts are correct and not claimed previously.
6. Payment of the final invoice from the **City** shall be contingent upon a final inspection of the completed **Project** to determine the acceptability of the work.

- 2F. **FINAL COST.** If the actual cost of the **Project** is less than the Upset Limit, the final amounts owed will be adjusted based on the percentages in articles 2B and 2C.
- 2G. **REPAYMENT.** If the **City** withdraws from the **Project**, leading to cancellation of the **Project** and the loss of federal financial participation, the **City** shall refund all invoice payments from **MaineDOT** and reimburse **MaineDOT** in full for the cost of services performed in connection with the **Project**. Additionally, **MaineDOT** will seek to recover from the **City** any payment made to the **City** for work later deemed ineligible for federal funding under this Agreement.
- 2H. **SET-OFF.** **MaineDOT** shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, **MaineDOT's** option to withhold for the purposes of set-off money due the **City** under a specific contract up to any amounts due and owed to **MaineDOT** with regard to this Agreement any other agreement with **MaineDOT**; money due the **City** any other agreement with any department or agency of the State of Maine, including any agreement for a term commencing before the term of this Agreement; and any amounts due and owed to the State for any reason including, but not limited to, tax delinquencies, fee delinquencies or monetary penalties relative thereto. **MaineDOT** shall exercise its set-off rights in accordance with standard practices of the State including, in cases of set-off pursuant to an audit, the finalization of such audit by **MaineDOT**, its representatives, or the State Controller.
- 2I. **NON-APPROPRIATION.** By law, all financial obligations assigned to **MaineDOT** in this Agreement are subject to budgetary appropriations. The **City** therefore acknowledges and agrees that if **MaineDOT** receives insufficient resources to support this **Project**, if funds programmed for this **Project** are de-appropriated, or if **MaineDOT** does not receive the legal authority to spend money otherwise programmed for this **Project**, **MaineDOT** shall be released from its obligation to make payment under this Agreement.

ARTICLE 3. PROJECT DEVELOPMENT

- 3A. **AUTHORIZATION.** The **City** shall receive written notice to proceed from **MaineDOT** before starting reimbursable work or executing any service contract under this Agreement. This notice shall be contingent upon **MaineDOT** receiving authorization for the **Project** from the **FHWA** and executing this Agreement.
- 3B. **KICKOFF.** The **Parties** shall hold a project kickoff to go over the scope of work, schedule, estimated cost, and legal requirements before reimbursable work may begin.
- 3C. **PROGRESS REPORTS.** The **City** shall provide **MaineDOT** with progress reports at intervals established by **MaineDOT's** Project Manager.
- 3D. **CORRESPONDENCE.** The **City** shall correspond with **MaineDOT** using Communication 1 through Communication 20 from the LPA Manual.
- 3E. **CONSULTANT WORK.** If the **City** intends to contract for consultant services under this Agreement, the **City** shall use a qualifications-based selection method in compliance with the regulations found in 23 CFR Part 172, "Procurement, Management, and Administration of Engineering and Design Related Services," and the guidance found in Section 2 of the LPA Manual, "Consultant Selection." The **City** agrees that:

1. Using price as a ranking factor in the selection of a consultant will render consultant work ineligible for reimbursement from **MaineDOT**.
 2. The **City** shall obtain the **MaineDOT** Project Manager's written approval before awarding any contract.
 3. The **City** shall include the provisions of the *Consultant General Conditions* in all contracts and insert Form FHWA-1273 into all contracts.
 4. The **City** shall obtain **MaineDOT's** written approval before modifying a contract. Work performed on a contract outside of the original scope of work without an approved and executed modification in place shall be ineligible for reimbursement.
 5. The **City** shall evaluate the performance of a consultant upon completion of its contract with the consultant. A copy of the evaluation shall be provided to **MaineDOT**.
- 3F. DESIGN. The **City**, or its contracted consultant, shall prepare design plans, specifications, estimates and contract documents for the **Project**, in accordance with the appropriate reference publications, including but not limited to **MaineDOT's** *Engineering Instructions*, *Highway Design Guide*, *Standard Specifications* and *Standard Details*, as well as the federal *Manual on Uniform Traffic Control Devices for Streets and Highways*. The design of the **Project** shall comply with the Americans with Disabilities Act (ADA).
1. The **City**, or its contacted consultant, shall submit a preliminary design report, design plan impacts, and the final plans, specifications and estimate package (PS&E) to **MaineDOT** for review and acceptance.
 2. The **City** shall ensure that the contract book for the **Project** references **MaineDOT's** *Standard Specifications* and contains the following documents:
 - a. "Buy America" requirements;
 - b. Davis-Bacon prevailing wage rates;
 - c. Form FHWA-1273; and
 - d. Title VI Assurances.
 3. The **City**, or its consultant, shall address to **MaineDOT's** satisfaction all changes requested or concerns expressed by **MaineDOT** before **MaineDOT** will authorize the **City** to advertise for construction bids. Advertising the **Project** without written authorization from **MaineDOT** shall render the entire **Project** *ineligible* for federal-aid funding.
 4. **MaineDOT's** acceptance of the final PS&E package shall not relieve the Engineer of Record of responsibility for the quality of the engineering work for the **Project**.
- 3G. SURVEY. **MaineDOT** will perform all survey work if the **Project** is located on a state highway. Alternatively, the **City** may hire a surveyor pre-qualified by **MaineDOT** using one of the selection methods in Section 2 of the LPA Manual, "Consultant Selection."
- 3H. PUBLIC PARTICIPATION. The **City** shall give the public and all abutters the opportunity to learn about and comment on the **Project**, using a public process appropriate for the scope of work and acceptable to **MaineDOT's** Project Manager. The **City** shall provide **MaineDOT** with a public process certification, in the format provided in Communication 10 from the LPA Manual, as part of the **Project's** environmental package.

- 3I. ENVIRONMENTAL REVIEW. **MaineDOT** will prepare and submit to the FHWA all documentation required under the National Environmental Policy Act ("NEPA"). The **City** shall provide **MaineDOT** with signed Communication 11 from the LPA Manual and the completed NEPA Documentation Checklist to assist with this work.
- 3J. PERMITS. The **City** shall obtain all approvals, permits and licenses required to carry out the **Project**. The **City** shall provide **MaineDOT** with copies of all such documents and an environmental certification in the format of Communication 12 from the LPA Manual, as part of the final PS&E package for the **Project**.
- 3K. UTILITIES. The **City** shall coordinate the **Project** with any affected utility or railroad. The **City** shall provide **MaineDOT** with a utility certification in the format of Communication 13 from the LPA Manual, as part of the final PS&E package. MaineDOT's Utility Accommodation Rules (2014) shall apply to utility relocations.
- 3L. RIGHT OF WAY. The **Parties** will coordinate acquisition of right-of-way as follows:
1. **MaineDOT** will carry out the right-of-way process for sections of the **Project** located on a state highway, in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Uniform Act.")
 2. The **City** shall carry out the right-of-way process for sections of the **Project** located off of the state highway system. In doing so, the **City** shall:
 - a. Follow the Uniform Act and the regulations found in 49 CFR, Part 24.
 - b. Use the federally approved MaineDOT "Right of Way Manual."
 - c. Provide a right-of-way map showing all rights obtained for the **Project**.
 - d. Provide **MaineDOT** with a signed right-of-way certification in the format of Communication 14 from the LPA Manual, as part of the final PS&E package.
 3. The **City** shall dedicate permanently to the **Project** for public use any municipal property needed for the **Project**.
- 3M. ADVERTISE. Upon receiving written authorization from **MaineDOT**, the **City** shall use competitive bidding to hire a construction contractor, as follows:
1. The **City** shall follow the procedures in MaineDOT's *Standard Specifications* (November 2014 Edition), Section 102, "Bidding."
 2. The **City** shall submit bid tabulations to **MaineDOT** for review and shall obtain written approval from **MaineDOT** before awarding a contract.
- 3N. AWARD. Upon receiving written approval from **MaineDOT**, the **City** shall award a contract to the lowest responsive and responsible bidder in accordance with MaineDOT's *Standard Specifications* (November 2014 Edition), Section 103, "Award and Contracting." The **City** shall administer the contract for the duration of the **Project**.
- 3O. CONSTRUCTION. During construction of the **Project**, the **City** shall:

1. Provide a Project Resident who is either a qualified municipal employee with LPA certification or a consultant hired through a qualifications-based selection method.
 2. Hold a pre-construction / pre-utility meeting with **MaineDOT**, the contractor, utilities and any other parties involved in the construction work before any work begins.
 3. Coordinate materials testing necessary to meet the Minimum Testing Requirements that **MaineDOT** established for the **Project**.
 4. Submit contract modifications to **MaineDOT** for review and comment before they are executed. **MaineDOT** reserves the right not to reimburse the **City** for work under a contract modification executed without **MaineDOT's** review and approval.
 5. If applicable, provide **MaineDOT** with revised as-built plans for the completed **Project**.
- 3P. MAINEDOT OVERSIGHT. **MaineDOT** may inspect construction activities, test materials and review documentation to ensure compliance with the **Project** specifications and terms of the construction contract. **MaineDOT** may reject work or materials out of compliance and withhold reimbursement to the **City** for such work or materials.
- 3Q. MAINTENANCE. The **City** shall maintain the completed **Project** for its standard useful life or 20 years, whichever is longer. Maintenance shall consist of general upkeep and repairs necessary to preserve year-round public access to the facility and maintain a firm, stable and slip-resistant surface in all seasons.

ARTICLE 4 – RECORDS & AUDIT

- 4A. **Project** records are printed or electronic plans, specifications, contracts, reports, notes, or other documents prepared by or for the **City**. The **City** shall retain all such records for at least **3 years** from the date either of **MaineDOT's** acceptance of the final invoice for the **Project** or the termination of this Agreement. If any litigation, claim, negotiation or audit has begun before the end of this retention period, all **Project** records shall be kept at least until all issues arising from any such action are resolved.
- 4B. The **City** and any contracted party working on its behalf shall allow authorized representatives of the Federal Government and the State of Maine to inspect and audit **Project** records, as reasonable times. Copies of records shall be furnished at no cost to the federal or state agencies requesting them.
- 4C. Audits shall be performed in accordance with generally accepted government auditing standards and federal regulation 2 CFR, Section 200, Subpart F - "Audit Requirements."

ARTICLE 5. GENERAL PROVISIONS

- 5A. GOVERNING LAW. The **Parties** agree to comply with all applicable federal, state and local laws, regulations, executive orders and ordinances including, but not limited to, the provisions of Title 23 of the Maine Revised Statutes Annotated (MRSA), "Transportation"; Title 23 in the Code of Federal Regulations (CFR), "Highways"; 49 CFR, "Transportation"; and 2 CFR, Section 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards."

5B. INDEMNIFICATION. To the extent allowed by law, the **City** shall indemnify, defend and hold harmless **MaineDOT**, its officers, agents and employees from all claims, suits or liabilities arising from negligent or wrongful act, error or omission by the **City**, its officers, employees, agents, consultants or contractors. Nothing in this article shall waive any defense, immunity or limitation of liability that may be available to either party under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or other privileges or immunities provided by law.

5C. CONFIDENTIALITY. The **City** shall protect the confidentiality of right-of-way negotiations, property appraisals, and engineering estimates of the construction cost in accordance with the provisions of 23 M.R.S.A. Section 63, "Confidentiality of Records."

5D. EQUAL EMPLOYMENT OPPORTUNITY. During the performance of this Agreement, the **City** agrees as follows:

1. The **City** shall not discriminate against any employee or applicant for employment relating to this Agreement because of race, color, religious creed, sex, national origin, ancestry, age, physical or mental disability, or sexual orientation, unless related to a bona fide occupational qualification. The **City** shall take affirmative action to ensure that applicants are employed and employees are treated during employment without regard to their race, color, religion, sex, age, national origin, physical or mental disability, or sexual orientation. The **City** agrees to post in conspicuous places available to employees and applicants for employment notices setting forth the provisions of this nondiscrimination clause.
2. The **City** shall state – in all solicitations or advertising for employees placed by or on behalf of the **City** relating to this Agreement – that all qualified applicants shall receive consideration for employment without regard to race, color, religious creed, sex, national origin, ancestry, age, physical or mental disability, or sexual orientation.
3. The **City** shall cause the foregoing provisions to be inserted in any contract for any work covered by this Agreement so that such provisions shall be binding upon each contractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

5E. INDEPENDENT CAPACITY. The **City**, its employees, agents, representatives, consultants and contractors *shall not* act as officers, employees or agents of **MaineDOT**.

5F. FLOW DOWN. Contracts between the **City** and all third parties shall contain or incorporate by reference applicable provisions of this Agreement.

5G. BINDING EFFECT. The **Parties** shall be bound by the terms of this Agreement, which shall apply to its executors, their successors, administrators and legal representatives.

5H. ENTIRE AGREEMENT. This document represents the entire Agreement between the **Parties**. Neither **MaineDOT** nor the **City** shall be bound by any statement, correspondence, agreement or representation not expressly contained in this Agreement.

ARTICLE 6. CONFLICT OF INTEREST

- 6A. No person or entity with a direct or indirect financial or personal interest in any contract or subcontract for the **Project** shall negotiate, make, accept or approve any such contract or subcontract.
- 6B. The **City** shall refrain from hiring any engineer, lawyer, appraiser, inspector or other professional to provide services for the **Project** who has a direct or indirect financial or other personal interest in any contract or subcontract for the **Project**, other than the person's employment or retention by the **City**. No officer or employee of any such engineer, lawyer, appraiser, inspector or other professional retained by the **City** to work on the **Project** shall have a direct or indirect financial or other personal interest in any real property acquired for the **Project** unless such interest is openly disclosed to **MaineDOT** and such officer, employee or person has not participated in such acquisition for and in behalf of the **City**.
- 6C. No person or entity entering into a contract for the **Project** may have a direct or indirect financial or other interest in the **Project** or its outcome – other than the performance of the contract. This prohibition includes, without limitation: a.) any agreement with, or other interest involving, third parties having an interest in the outcome of the **Project** that is the subject to the contract; b.) any agreement providing incentives or guarantees of future work on the **Project** or related matters; and c.) any interest in real property acquired for the **Project** unless such interest is disclosed to **MaineDOT** before the person or entity entered into the contract.

ARTICLE 7. DEBARMENT

- 7A. By signing this Agreement, the **City** certifies to the best of its knowledge and belief that it and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any federal department or agency. If the **City** cannot certify to this statement, it shall attach an explanation to this Agreement. For the term of this Agreement, the **City** shall notify **MaineDOT** promptly if it or its principals are debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by any federal department or agency.
- 7B. If the **City** contracts with any consultant, contractor or other party pursuant to this Agreement, the **City** shall require that party and its principals to certify that they:
1. Have not within a 3-year period preceding the date of such contract been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with the following: a.) obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; b.) violating federal or state antitrust statutes; and c.) committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
 2. Are not currently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph 1 of this section; and

3. Have not within a 3-year period preceding this Agreement had one or more public transactions (federal, state or local) terminated for cause or default.

7C. The **City** agrees that it shall not hire an outside entity that is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency.

ARTICLE 8 – TERMINATION

8A. **DEFAULT.** **MaineDOT** will send the **City** a Notice of Default, in accordance with Article 8B below, if the **City** commits any of the following actions:

1. Withdraws its support for the **Project**, resulting in cancellation of the **Project**;
2. Fails to advertise the **Project** within 3 years of the execution date of this Agreement;
3. Takes any action that renders the **Project** ineligible for federal-aid funding;
4. Uses **Project** funds for a purpose not authorized by this Agreement;
5. Misrepresents or falsifies any claim for reimbursement;
6. Fails to meet the standards of performance outlined in this Agreement.

8B. **FOR CAUSE.** **MaineDOT** will have just cause to terminate this Agreement in the event of default by the **City**, as defined in Article 8A. **MaineDOT** will give the **City** a cure period of 14 calendar days, effective on the **City's** receipt of Notice of Default. If the **City** fails to address all defaults within this cure period or such longer period as **MaineDOT** may authorize, **MaineDOT** may terminate this Agreement for cause, with these conditions:

1. **MaineDOT** will recover from the **City** all reimbursements made and costs incurred for work on the terminated **Project**.
2. The **City** shall forfeit all federal funds remaining in the terminated **Project**.

8C. **FOR CONVENIENCE.** The **Parties** may terminate this Agreement for convenience by mutual consent for any reason not defined as "default," as follows:

1. **MaineDOT** will reimburse the **City** for federally eligible work performed under this Agreement until the effective date of termination for convenience. The **City's** share of **MaineDOT's** costs for work on the **Project** shall be deducted from the final invoice amount owed to the **City**.
2. **MaineDOT** will reprogram all federal funds remaining in the **Project**.

ARTICLE 9. EXPIRATION

This Agreement shall expire upon **MaineDOT's** payment of the final invoice from the **City** or **5 years** from the final day of the month in which this Agreement was executed, whichever occurs first, except as follows:

1. Article 3Q, "Maintenance," shall be enforced for at least twenty (20) years.
2. Article 4, "Records & Audit," shall remain in effect until all activity pursuant to this provision is completed.

3. Article 5B, "Indemnification," shall remain in effect until specifically terminated by the **Parties** or negated by law.
4. Article 5C, "Confidentiality," shall remain in effect until negated by law.

ARTICLE 10. AGREEMENT APPROVAL

The undersigned municipal representative assures that the **City's** legislative body has approved the **City's** entry into this Agreement, has appropriated or authorized use of required matching funds, and has authorized the representative to sign this Agreement.

IN WITNESS WHEREOF, the **Parties** have executed this Agreement effective on the date last signed below.

City of Portland

By: 
Jon Jennings, City Manager

Date: 3/20/17

Maine Department of Transportation

By: 
William A. Pulver, P.E., Director,
Bureau of Project Development

Date: 4-4-17

I certify that the foregoing signature is true and accurate. I further certify – pursuant to 10 M.R.S.A. §9407 and §9502 – that the signature, if electronic: (a) is intended to have the same force as my LPA Manual signature; (b) is unique to me; (c) is capable of verification; and (d) is under my control.

Federal Funding Accountability and Transparency Act

The **City of Portland** and its contractors may be subject to the provisions of the Federal Funding Accountability and Transparency Act of 2006 as amended and any regulations, policies, procedures and guidance documents adopted pursuant thereto or in connection therewith.

If the Federal portion of the **Project** exceeds \$25,000, an authorized representative from the **City** shall sign this document under (B) below and return it with the **Project** Agreement. Additionally, the **City** shall provide the following information, *if applicable*:

A) The total compensation and names of the top five officers if:

- More than 80% of the **City's** annual gross revenues are from the U.S. Federal Government; and
- Those revenues are greater than \$25 million annually; and
- Compensation information is not already available through reporting to the U.S. Securities and Exchange Commission (SEC).

B) Legal name and DUNS[®] number on file with the Central Contractor Registration (CCR):

City of Portland, Maine

07-174-7802

Sign and Print Legal CCR Name

DUNS[®] Number

Authorized Representative: _____


Jon Jennings, City Manager

U.S. Department of Transportation (U.S. DOT)

Federal Highway Administration – Standard Title VI / Nondiscrimination Assurances

DOT Order No. 1050.2A

The **City of Portland** (the "Recipient") **AGREES THAT**, as a condition of receiving Federal financial assistance from the U.S. Department of Transportation (U.S. DOT) through the Federal Highway Administration (FHWA), it is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory citations hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from the U.S. DOT, including the FHWA.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

The City of Portland, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

- 3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or Agreement subject to the Acts and the Regulations.**
4. If applicable, the Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. If applicable, the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Recipient also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA. You must keep records, reports, and submit the material for review upon request to the FHWA, or their designees in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Recipient gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation. This ASSURANCE is binding on the Recipient, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in it programs. The person signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

DATED 3/23/17

By Jon P. Jennings
Jon Jennings, City Manager
City of Portland

Encl.: Appendices A and E

APPENDIX A TO THE TITLE VI ASSURANCES

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the **Federal Highway Administration**, to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the **Federal Highway Administration**, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the **Federal Highway Administration**, may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.

Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the **Federal Highway Administration**, may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX E TO THE TITLE VI ASSURANCES

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. §6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. §471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. Parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. §47123) (prohibits discrimination on the basis of race, color, national origin and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

MEMORANDUM
City Council Agenda Item

FROM: Melissa Graffam

DATE: March 4, 2022

SUBJECT: Order 182-21/22 Approving the Agreement between the Maine Department of Transportation and the City of Portland Re: State Street Paving - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: Danielle 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 3/21/2022

Final Action 4/4/2022

Can action be taken at a later date: No This agreement must be approved by City Council and signed by the City Manager prior to the project going out to bid. Historically with an earlier bid date bid pricing will be improved.

PRESENTATION: N/A

I. SUMMARY

City Council is being asked to approve the attached Municipal Partnership Agreement, which would allow the City to move ahead with its plans to improve and pave State Street between York Street and Congress Street, approximately 0.44 miles. The agreement obligates the City and MaineDOT to split the project costs.

II. AGENDA DESCRIPTION

This project is part of the State Municipal Partnership Initiative (MPI) Program; the City administers the project and receives a portion of funding from the State. By signing the partnership agreement, the City may proceed with the project to pave State Street and the Maine Department of Transportation is obligated to pay \$335,000 and the City to pay the City share, estimated to be \$630,000. The project scope includes a 2-inch mill and fill, curb work, sidewalk work, ADA ramp reconstruction, and re-striping after final paving.

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

III. BACKGROUND

The State Street paving project is part of MaineDOT's 2022 work plan. The scope of the MPI project work includes a 2 inch mill and fill, curb work, sidewalk work, ADA ramp reconstruction, and re-striping after final paving. We are anticipating the project to go out to bid in 2022 with construction following after. This project is classified as a pavement preservation project and is part of the MPI Program. The City will be responsible for 50% of the original paving cost, or \$335,000 and 100% of any overages to the original estimate. Due to inflation and a major increase in construction prices the City share was subsequently increased to an estimated \$630,000.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The State Street paving project will improve the pavement surface and ride quality on a regionally important minor arterial. The project will improve sidewalk and ADA ramps for a better and safer pedestrian experience. MaineDOT will pay for a portion of the project costs.

V. FINANCIAL IMPACT

The City is obligated to pay 50% of the original estimated paving cost, or \$335,000 and 100% of any overages due to added scope or increased construction costs, estimated to be \$295,000. The total City cost of this project, estimated to be \$630,000, would be paid from a FY23 CIP account established for this project, which is currently pending approval by City Council. Please see the attached fiscal impact note for additional information.

VI. STAFF ANALYSIS AND BACKGROUND

This is a Minor Arterial in the City of Portland with a high Annual Average Daily Traffic rate, is a major connector from downtown Portland to South Portland. State Street was ranked with fair Pavement Condition Index when it was last evaluated in 2019 but has since further deteriorated with large cracks and potholes. Without this project, the road will continue to decline.

VII. RECOMMENDATION

The Department of Public Works recommends approving and signing the subject agreement to allow the City to improve State Street from Congress Street to York Street in 2022.

VIII. LIST ATTACHMENTS

1. MDOT 2-party State Street Paving 3.21.2022
2. 24641.10 State Street - 2- Party Agreement
3. State Street - Location Map
4. State Street - York to Congress - Fiscal Impact

Prepared by:

Melissa Graffam

Date: 03/04/2022

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 APPROVING THE TWO-PARTY AGREEMENTS
BETWEEN THE MAINE DEPARTMENT OF TRANSPORTATION
AND THE CITY OF PORTLAND
RE: STATE STREET PAVING**

ORDERED, that the Two-Party Agreements between the Maine Department of Transportation and the City of Portland are hereby approved, in substantially the forms attached, for paving and other work on State Street:

- WIN 24641.10, Regarding State Street, Portland

BE IT FURTHER ORDERED, that the Interim City Manager or her designee is hereby authorized to sign the two-party agreements and any other documents necessary to effect the purpose of this order.

Internal Use Only	
CTM#:	TEDOCS #: _____
	CSN#: _____

**STATE OF MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL PARTNERSHIP AGREEMENT**

WIN 24641.10

REGARDING

STATE STREET, PORTLAND

This Cooperative Agreement (AGREEMENT) is entered into by and between the MAINE DEPARTMENT OF TRANSPORTATION (“MaineDOT”), an agency of state government with its principal administrative offices located on Child Street, Augusta, Maine, and the **CITY OF PORTLAND** (“MUNICIPALITY”), a municipality in the State of Maine with offices located at **389 Congress Street, Portland, ME.**

WHEREAS,

The CITY OF PORTLAND shall perform a **Mill and Fill beginning at Congress Street, and extending 0.44 miles to York Street** (the “Project”). **The CITY OF PORTLAND** estimates this project at **\$670,000.00.**

The CITY OF PORTLAND SHALL:

- A. Procure all contracts for and oversee the Project on **State Street** for the Work outlined above.
- B. Cause such Work to be performed in accordance with a design by an engineer licensed in the State of Maine. The Licensed Engineer shall provide a certification to the Municipality and to MaineDOT that, in his/her professional opinion, the Project as designed will provide a smooth ride, not reduce the safety, mobility or structural quality of the state [state aid] road. All design documents must be stamped and signed in accordance with this provision by the Professional Engineer.
- C. Agree to secure all necessary Federal, State and Local permits necessary to complete the work. **The CITY OF PORTLAND** also agrees to secure any needed property rights in accordance with all applicable State and Federal Law.
- D. Agrees that any exceptions to State Design Standards shall be documented as part of this process. This documentation shall compare the new design to the existing conditions for each of the exceptions to current design standards. Any such exceptions shall be displayed on the cover sheet for the Project plans with the signature and PE stamp of the engineer responsible for the design of the Project.
- E. Be responsible, within the Project limits, for the following:

- a. Ensuring that the safety of the corridor and the life of the resulting structural and design elements are equal to or better than existing conditions and design;
 - b. Ensuring that the structures, roadways and/or design features affected by the Project work shall, at a minimum, be of improved quality in terms of materials and utility;
 - c. Ensuring that the Project does not introduce safety hazards;
 - d. Ensuring that the Project retains the same level of mobility or improves mobility of travel within the corridor, unless approved traffic calming measures are proposed;
 - e. Ensuring that the Project does not decrease the life expectancy of this component of Maine's transportation system; and,
 - f. Ensuring that the Project meets the current standards of Americans with Disabilities Act of 1990 (ADA) design requirements.
- F. Provide certification through their Engineer to MaineDOT that the Project is complete and was constructed as designed.
- G. Ensure that construction shall commence within EIGHTEEN (18) months and shall be certified complete within THIRTY-SIX (36) months of execution of this agreement. **The CITY OF PORTLAND** may forfeit the unpaid balance of this grant if these deadlines are not met or they can not demonstrate earnest and good faith efforts to meet them.
- H. Be responsible for or cause its contractors to be responsible for all damage to public or private property of any kind resulting from any act, omission, neglect or misconduct of **the CITY OF PORTLAND** or its contractors, including damage to vehicles passing through the Project limits.
- I. Bear all risk of loss relating to the Project and the Work regardless of cause.

MAINEDOT SHALL:

- A. **Provide a maximum \$335,000.00 in State funds supporting the Work stated above.** Reimbursement will be made by the Department at a minimum of 1/3 project completion upon receipt of supporting cost documentation from the Municipality. Payments will be made per Appendix A attached. The Department's Region Engineer shall review the costs and certify their eligibility prior to reimbursement of Municipal Partnership Initiative Funds. Payment by MaineDOT Municipal Partnership Initiative funds shall not exceed **\$335,000.00** or 50% of the actual costs incurred and paid by the Municipality.
- B. **This project has been approved for Calendar Year 2022.** If the **Municipality** commences construction of the project as outlined above prior to January 1, **2022**, the Municipality assumes the risk and responsibility for costs incurred, in the event that funding levels fall below MaineDOT projections. If this occurs, the Municipality will not receive reimbursement from MaineDOT.

The **CITY OF PORTLAND** and MaineDOT agree to function within all applicable laws, statutes, regulations, and AGREEMENT provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this AGREEMENT.

IN WITNESS, WHEREOF, the parties hereto have executed this AGREEMENT effective on the day and date last signed.

CITY OF PORTLAND

Dated: _____

By: _____
Danielle P. West
Interim City Manager

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

Dated: _____

By: _____
David Bernhardt
Director of Maintenance and Operations

APPENDIX A
PROJECT SCOPE AND COST SHARING
MAINE DEPARTMENT OF TRANSPORTATION

Municipal Partnership Initiative Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO: State Street

STATE PROJECT IDENTIFICATION NUMBER (WIN) 024641.10

FUNDED CONSTRUCTION YEAR **2022**

Project Scope:

Funding Outline: The Total Project Estimated Cost is **\$670,000.00** and the Parties agree to share costs through all stages of the Project under the terms outlined below.

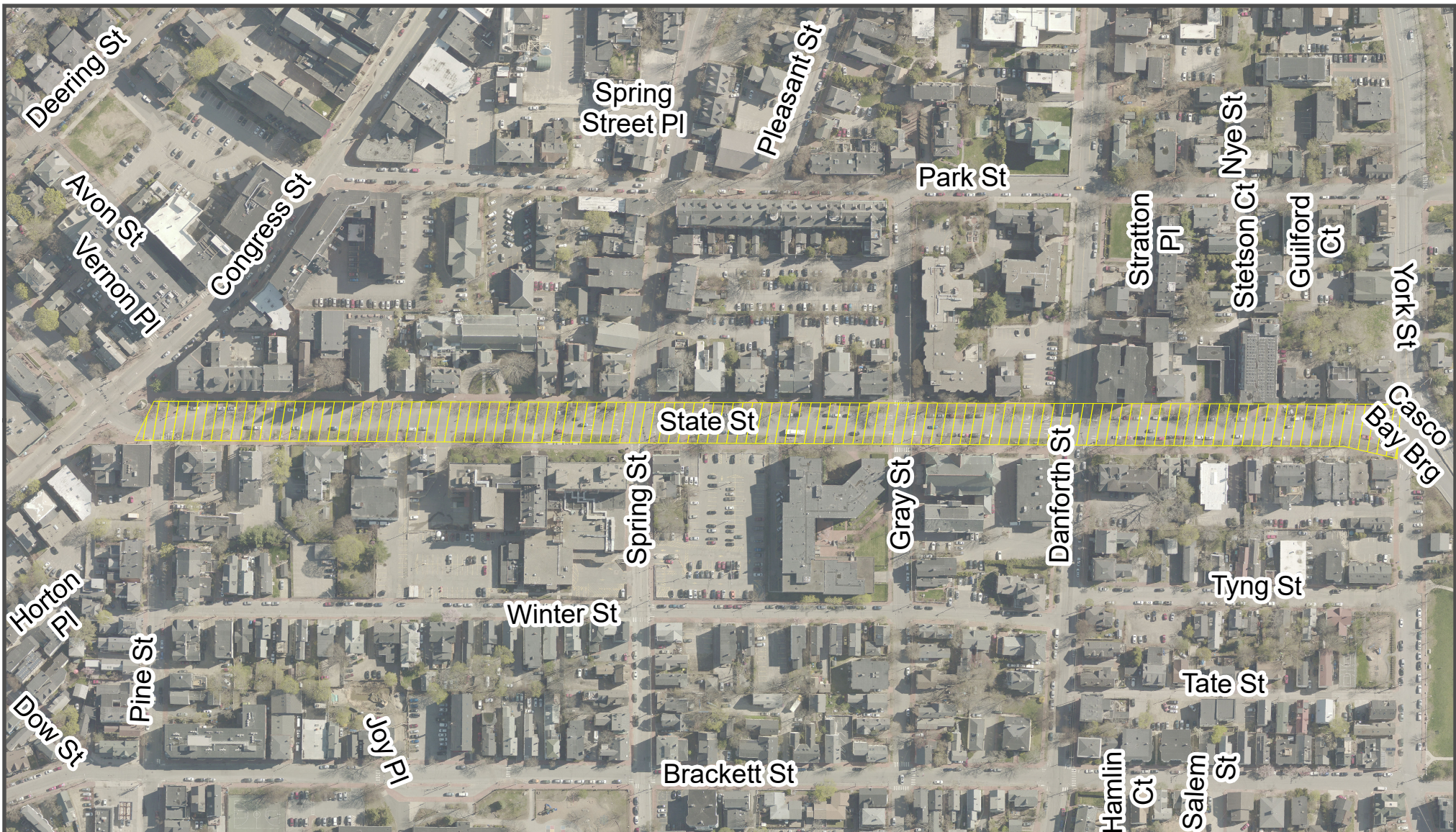
Work Element	Municipal Share		State Share		Total Cost
	%	\$	%	\$	\$
Project Costs	50%	\$335,000.00	50%	\$335,000.00	\$670,000.00
PROJECT SHARES					
Total Cost of Additional Work above agreement estimate	100%				
TOTAL ESTIMATED MUNICIPAL REIMBURSEMENT		\$335,000.00			

REIMBURSEMENT SCHEDULE:

Upon 1/3 project completion the municipality may begin invoicing the Department. Preferred invoicing interval is 1/3, 2/3, final, the Department will accept monthly invoices after 1/3 project completion with a maximum invoice submittal not to exceed 5 invoices.

DESIGN EXCEPTIONS REQUIRED: __ YES X NO

Design exceptions where required for this project. Please see attached approval from MaineDOT Chief Engineer outlining design exceptions.

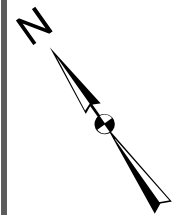


CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS
212 CANCO RD STE B
PORTLAND, MAINE 04103
PHONE (207) 874-8846 FAX (207) 874-8852

State Street York Street to Congress Street

Scope of Work:

**Mill and Fill
ADA Upgrades at Intersections
Striping**



February 2022 DRAWN BY: TSY

0 0.025 0.05
Miles

Formula for New Program Costing on Tax R

1) FY22 Valuation:	14,629,000,000	\$14,629,000
2) FY22 Tax Rate (Total City & School): <u>Levy / (Valuation/1000)</u>		\$12.99
(a) FY21 Tax Rate (City):		\$6.22
(b) FY21 Tax Rate (School):		\$6.77
3) FY22 Value of \$0.01 of Tax Rate (Total City & School):		\$146,290

FISCAL IMPACT NOTE	Year 1		Year 2		Year 3	
New Program Cost Data:	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
Example:						
ADD: NEW ITEM ANNUAL EXPENDITURES		\$0		\$39,186		\$39,186
LESS: TOTAL NEW ITEM ANNUAL REVENUES		\$0		\$0		\$0
=NEW ITEM NET TAX RATE IMPACT PROJECTION	\$0	\$0	\$39,186	\$39,186	\$39,186	\$39,186
New Program Impact to the Tax Rate	\$0.0000	\$0.0000	\$0.0027	\$0.0027	\$0.0027	\$0.0027
New Program % Impact on Tax Rate	0.0000%	0.0000%	0.0431%	0.0206%	0.0431%	0.0206%
Tax Rate Including New Program	\$6.22	\$12.99	\$6.22	\$12.99	\$6.22	\$12.99

Notes: The CIP impact will actually begin in 2023 and remain for the 20 year life of the bond.