

**PORTLAND FISH PIER AUTHORITY
BOARD OF DIRECTORS
February 11, 2019, 3:00 PM
Room 209
389 Congress Street**

- 1. Approval of October 10, 2018 Meeting Minutes**
 - a. Review and approval of October 10, 2018 Meeting Minutes.
- 2. Financial Update/Rhonda Girard Produced; Bill Needelman Presents**
- 3. Fish Exchange Update/Bert Jongerden, PFX, Tom Valleau, PFX President**
- 4. Facilities Update/Phil DiPierro, Project Manager**
- 5. Portland Fish Exchange Lease and Sub-Lease Amendments, Creation of Lot 5-Lot 4 Access Easement, Lot 4 Subdivision Amendment/Bert Jongerden, PFX**
- 6. Proposal to Add Fishing Representation to the PFPA Board of Directors/Bill Needelman**
- 7. Lot 1 Development - Status Update/Bill Needelman**

Draft Agenda

**PORTLAND FISH PIER AUTHORITY BOARD OF
DIRECTORS**

February 11, 3:00pm

Room 209

389 Congress Street

1. Approval of October 11, 2018 Meeting Minutes

Action Item: ***Public Comment***

The draft October 11, 2018 minutes are attached.

2. Financial update - Produced by Rhonda Girard, Finance, presented by Bill Needelman

An up to date financial summary is attached.

3. Fish Exchange update - Bert Jongerden, PFX, Tom Valleau, PFX President

4. Facilities update - Phil DiPierro, Project Manager.

A summary of recent projects is attached

**5. Portland Fish Exchange Lease and Sub-Lease Amendments, Creation of a Lot 5-
Lot 4 access easement, Lot 4 Subdivision amendment** – Bert Jongerden, PFX

1) Approving in concept an amendment to the Portland Fish Exchange lease by adding a parcel for parking use as shown in accompanying exhibit, subject to final document preparation and approval for subdivision amendment by the City of Portland Planning Authority.

2) Approving in concept a pedestrian easement to be granted by Bristol Seafoods (Lot 5) to the Portland Fish Exchange (Lot 4) as shown on the accompanying exhibit, subject to final document preparation and approval for subdivision amendment by the City of Portland Planning Authority.

Action Item: ***Public Comment***

A sketch of proposed easement location and Lot 4 amendment is attached.

6. Proposal to add fishing representation to the PFPA Board of Directors – Bill Needelman

Members of the fishing community have requested representation on the Fish Pier Authority Board of Directors. See attached *Selected Issues* letter to the Waterfront Working Group, supplied to City Economic Development staff by email from Sandra Guay, Esq. January 24, 2019.

Staff will research the process for amending the number and make-up of the Board for reporting at the meeting.

The fishing interests requesting the change have been asked to assign a representative to speak

for the proposal and make a brief presentation to the Board.

Staff will collect questions from Board members for further discussion and potential action at a later meeting(s.)

No action is requested at this time.

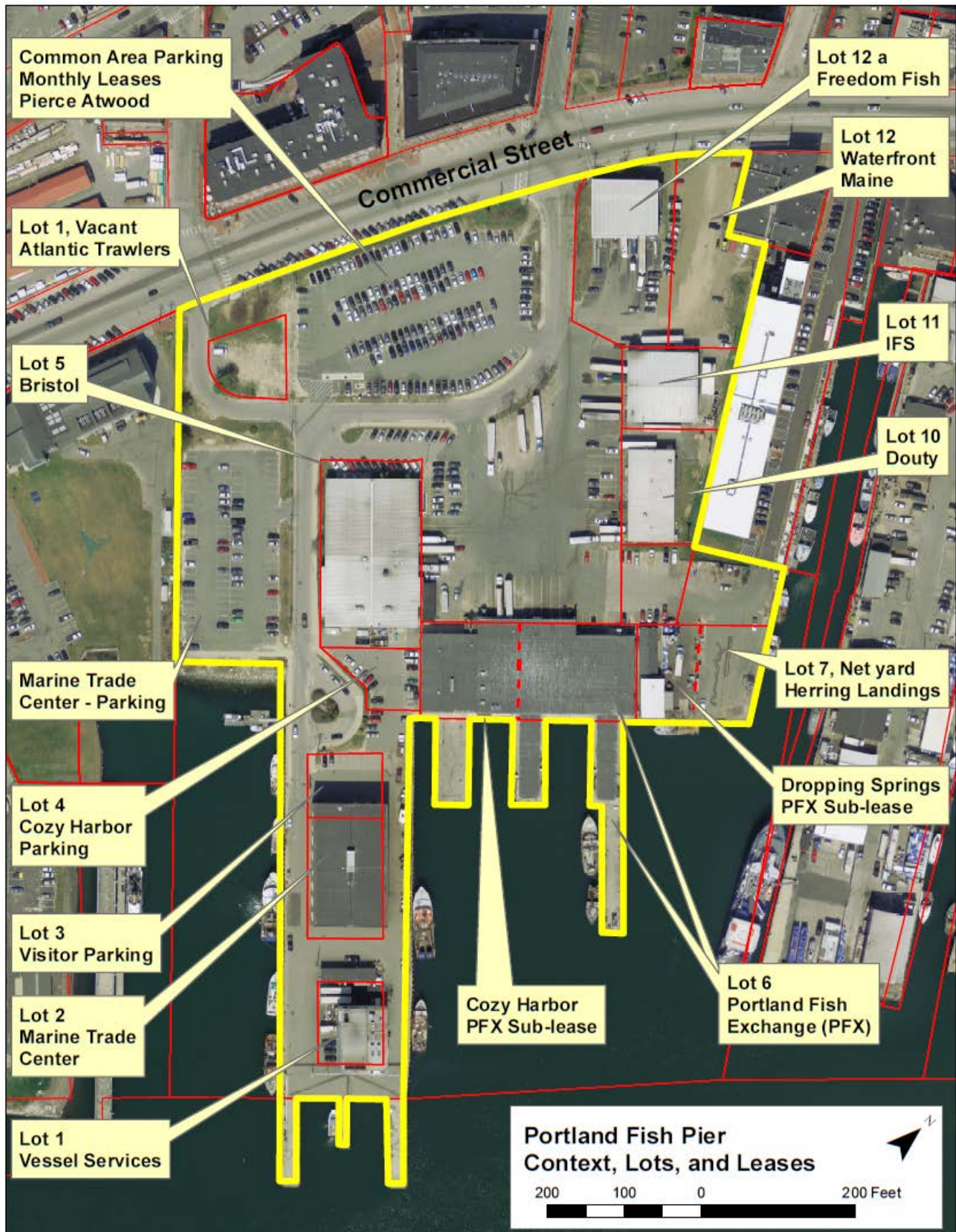
7. Lot 1 Development – Status Update Bill Needelman

Consistent with Exec Session statute--1 MRS 405(6)(C) & (E) the Board may go into Executive Session to discuss this item.

Attachments:

General Information: Orientation aerial photo, Context, Lots, and Leases

Agenda Item 1,	Draft Minutes from the October, 2018 PFPA meeting,
Agenda Item 2,	Financial Update
Agenda Item 4,	Facilities Update
Agenda Item 5,	Lot 4 amendments, Lot 4-5 Easement sketch
Agenda Item 6,	<i>Selected Issues</i> letter to the Waterfront Working Group, supplied to City Economic Development staff by email from Sandra Guay, Esq. January24, 2019.



**PORTLAND FISH PIER AUTHORITY BOARD OF
DIRECTORS**

October 10, 2018, 3:00pm

Room 209

389 Congress Street

Board Members in attendance: Nick Mavodones, Class A Board Member, City Council
Tom Valleau, Ex-Officio, President of the Portland Fish Exchange

Meredith Mendelson, Class B Board Member, DMR
Michael Sauschuck, Ex-Officio, City Manager's Office

Board Members absent: Jennifer Smith, Class C Board Member, MDOT

Staff present: Michael Goldman, Assoc. Corp. Counsel
Phil DiPierro, Project Manager, Facilities
Bert Jongerden, General Manager, Portland Fish Exchange
Bill Needelman, Waterfront Coordinator, Principal Staff

Public in attendance: Dan Jacques, Waterfront Maine, Lot 1
M. Foster, Vessel Services
M. Lannon, Cozy Harbor
Severin Beliveau, Preti Flaherty

1. Approval of August 27, 2018 Meeting Minutes

Motion to approve: *Moved by Valleau, 2nd by Sauschuck: Pass 4-0 by all present*

2. Financial update - Produced by Rhonda Girard, Finance, presented by Bill Needelman

An up to date financial summary was presented at the meeting and is attached to these minutes. Needelman will follow up on a question regarding reduced "misc" revenue reduction from budget.

3. Fish Exchange update - Bert Jongerden, PFX, Tom Valleau, PFX President

Mr. Jongerden reported that 6 months into the fiscal year, the PFX has landed +/-45% of projected auction totals. "Off auction" landings are solid with 8.6 million lbs of herring. Herring quota cuts will hurt next year with landings projected to fall by 75%. Pogies may help offset herring losses.

Mr. Valleau noted that new rates were in effect rising from \$0.21/lb to \$0.24/lb. Goal is to stay in the black. Ms. Mendelson asked if there was push back on the increase? Jongerden had not seen any motion away from the PFX to date and noted that several boats were considering returning or first time landing at the PFX.

4. Facilities update - Phil DiPierro, Project Manager.

A summary of recent projects was presented, a copy of which is attached. Mr. DiPierro added catch basin cleaning to the list.

5. Lot 1 Development – Bill Needelman

At the previous meeting, John Hathaway of Shucks Maine Lobster provided a revised description of the proposal by Maine Sustainable Seafood for development of Lot 1 along Commercial Street.

Recognizing that there are multiple development interests in Lot 1 and after reviewing the board's motion from February 12, 2018, staff recommended that the Board issue a Request for Proposals (RFP) seeking interested parties to develop Lot 1.

To be consistent with the February 12 motion, staff recommended issuing the RFP after November 1, 2018 with proposals to be received in time for reporting out at the December 10 meeting of Board.

The Board and staff discussed timeline and the advisability of having more time available for developers to respond. The Board voice satisfaction with the criteria. At the conclusion of the discussion the timeline was adjusted, with the December meeting of the PFPA moved to January.

- | | |
|--|--|
| 1. Issue and Advertise Lot 1 RFP | November 2, 2018 |
| 2. Close RFP | December 11, 2018 |
| 3. Review Proposals | December 12, to January 8, 2019 |
| 4. Present proposals and Staff recommendation for Board vote on selecting development team for negotiating a land lease. | |
| | January 16, 2019 (date for PFPA meeting) |
| 5. Negotiate land lease with selected development team | |
| | January 17, 2019 to February 6, 2019 |
| 6. Present Draft Land Lease and staff recommendation for Board approval. | |
| | February 12, 2019 |

A copy of the 2015 RFP document seeking interest in Lot 1, which received no offers, was included attached in the meeting packet. It was suggested to staff that a sample lease could be included in the RFP packet.

Public Comment: Severin Beliveau, representing John Hathaway, provided positive feedback on the process.

6. Public Event on the Net Yard – Needelman

Needelman described an event proposed for the Net Yard by playwright Michael Gorman scheduled for October 20 (Saturday) at 6:30pm. The event will be permitted by the City events program and will be adequately insured. Staff will provide feedback at the next meeting.

Attachments:

Agenda Item 2,	Financial Update
Agenda Item 3,	Facilities Update



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Public Buildings Administrative Offices

212 Canco Road Portland, Maine 04103 (207)808-5400

To: Portland Fish Pier Authority Board
From: Philip DiPierro, Facilities Project Manager
Date: October 2, 2018
RE: Facilities Update
CC: Kathy Alves, Facilities Director

Please find below a listing of the monthly improvements to the Portland Fish Pier by the Facilities Department:

Updates for September 2018

- Seabreeze Property Services completed sweeping of the parking lots and roads throughout the facility (except for the Net Yard), completed landscape maintenance including, weeding, tree pruning, mulching plant beds, and providing stone drip edge around portions of the Fish Exchange building.
- Speed limit striping in the Net Yard area was completed.
- A basic visual inspection was completed by City staff of the service piers and the sorting piers to assess the condition of the piles, chocks, wales, ladders, hardware, etc. The inspection will be used as a guide to schedule future maintenance work and repairs.
- A sink hole was discovered behind the sheet pile along the seawall between Vessel Services and the Marine Trade Center. We are in the process of evaluating the damage in order to complete repairs.
- Staff has contacted three engineering firms for proposals to complete a "Limited Routine Inspection" of the sorting piers and the service piers. The inspection will include assessment of the steel piles and cross bracing, pile caps, beams, decking, mooring hardware, and the fender system, with options for an underwater inspection and vertical load ratings.
- A new fire alarm panel has been installed to replace the failed panel in the electrical building behind Vessel Services.
- Camel cleaning has been scheduled with Waterworks Diving Services and is expected to be completed this month.
- Broken piles around the various piers are planned to be replaced.

Updates for May 2018 – August 2018:

- Seabreeze Property Services is being scheduled to sweep the parking lots and roads throughout the facility, to complete landscape maintenance including, weeding, tree pruning, mulching plant beds, and providing stone drip edge around portions of the Fish Exchange building.
- The erosion and drainage repairs have been completed in the netyard area.
- The sidewalk repair along the Portland Fish Pier Road has been completed.
- The catch basin lowering project has been completed.
- Speed limit striping in the netyard area is to be completed within the next month.
- Broken piles around the various piers are planned to be replaced.
- We in the process of getting proposals to add concrete curbing at various locations

around the inside and outside of the Fish Exchange building; to replace sections of the channel-grate drains inside the Fish Exchange building, and to install a dumpster pad under the dumpster at Cozy Harbor.

- Emergency repairs were made to a leaking water line the serves the building leased by Mr. Tamaki.

Updates for February 2018 – April 2018:

- Seabreeze Property Services has been scheduled to start spring cleanup and winter sand removal throughout the facility.

Updates for December 2017 – January 2018:

- The Fish Exchange electrical upgrade is complete as of January 27th.
- The first phase of the ventilation system at the PFEX is scheduled to be installed Saturday, 2/10/18 in the locker room area. The second phase of the system will be installed in the breakroom.

Updates for August - November 2017:

- A new 25yd self-contained compactor was installed at the Fish Exchange.
- Drainage issues in the parking lot at Bristol Seafood were addressed. A catch basin install along with grading and paving improved an ongoing drainage problem in the front parking lot.
- We will be installing a ventilation system at the PFEX in the locker room/common

area. Updates for July 2017:

- Pavement striping has been completed in various areas of the facility. These are changes that were discussed at the Fish Pier Authority Meeting to help with parking issues.
- The first phase of the electrical upgrade for the Fish Exchange has been completed. The components are being designed and will be ready for install in November approximately.
- New composite camels have been installed. (4) at the Fish Pier and (2) at the Fish Exchange.
- We have placed an order for a new 25yd self-contained compactor for the Fish Exchange.

Updates for June 2017:

- The majority of winter sand and spring cleanup was completed in May. Seabreeze will return to finish a few areas.
- We are getting quotes on pavement striping. Work tentatively scheduled for July/August.
- Bert and the electrician are working with CMP to coordinate the first phase of the electrical upgrade project.

Fish Pier Authority
FY19 Budget Status
As of Sept 30, 2018

Agenda 2
Financial Statement
Distributed at the Meeting 10-10-18

Agenda Item 1, 10-10-18 Minutes

	FY19 Budget			FY19 vs.		
	FY19 Budget	YTD	Balance	%	FY18 YTD	FY18
Revenue:				%		
Miscellaneous	14,430	1,405	13,025	9.7%	2,394	(989)
Berthing	29,376	7,085	22,291	24.1%	7,344	(259)
Parking	324,422	86,656	237,766	26.7%	80,390	6,265
Ground Rent (Leases)	178,152	53,720	124,432	30.2%	45,247	8,473
Total Revenue	546,380	148,866	397,514	27.2%	135,376	13,490
Expenditures:						
Admin. and Maint. Services	38,342	6,362	31,980	16.6%	7,092	(730)
Travel/Training/Meetings	1,500	0	1,500	0.0%	0	0
Contractual Services	21,219	1,835	19,384	8.6%	11,198	(9,363)
Engineering Services	23,000	0	23,000	0.0%	0	0
Printing/Copying	400	0	400	0.0%	0	0
Equipment Repair	10,000	8,451	1,549	84.5%	1,000	7,451
Land/Pier/Building Repair	225,000	0	225,000	0.0%	22,500	(22,500)
Insurance	13,440	0	13,440	0.0%	0	0
Supplies	13,500	756	12,744	5.6%	1,451	(695)
Electricity	15,000	1,311	13,689	8.7%	1,517	(206)
Stormwater	20,304	0	20,304	0.0%	0	0
Capital	0	0	0	0.0%	0	0
Debt Service	16,508	3,603	12,905	21.8%	13,617	(10,014)
Total Expenditures	398,213	22,317	375,896	5.6%	58,375	(36,058)
Net Revenues Over(Under) Expenditures	148,167	126,549	21,618		77,001	49,548

Net Revenues Over(Under) Expenditures

Fish Pier Authority
FY19 Budget Status
As of Jan 31, 2019

Agenda Item 2, Financial Statement

	FY19 Budget	YTD	Balance	%	FY18 YTD	FY19 vs. FY18	%
Revenue:							
<i>Miscellaneous</i>	14,430	5,855	8,575	40.6%	11,927	(6,072)	-50.9%
<i>Berthing</i>	29,376	16,903	12,473	57.5%	17,136	(233)	-1.4%
<i>Parking</i>	324,422	237,469	86,953	73.2%	176,500	60,969	34.5%
<i>Ground Rent (Leases)</i>	178,152	107,369	70,783	60.3%	105,365	2,004	1.9%
Total Revenue	546,380	367,596	178,784	67.3%	310,928	56,668	18.2%
Expenditures:							
<i>Admin. and Maint. Services</i>	38,342	10,107	28,235	26.4%	18,066	(7,959)	-44.1%
<i>Travel/Training/Meetings</i>	1,500	0	1,500	0.0%	0	0	0.0%
<i>Contractual Services</i>	21,219	17,862	3,357	84.2%	11,198	6,664	59.5%
<i>Engineering Services</i>	23,000	3,197	19,803	13.9%	0	3,197	0.0%
<i>Printing/Copying</i>	400	0	400	0.0%	0	0	0.0%
<i>Equipment Repair</i>	10,000	15,755	(5,755)	157.6%	6,190	9,565	154.5%
<i>Land/Pier/Building Repair</i>	225,000	19,790	205,210	8.8%	66,383	(46,593)	-70.2%
<i>Insurance</i>	13,440	0	13,440	0.0%	12,850	(12,850)	-100.0%
<i>Supplies</i>	13,500	807	12,693	6.0%	1,677	(870)	-51.9%
<i>Electricity</i>	15,000	6,483	8,517	43.2%	4,612	1,871	40.6%
<i>Stormwater</i>	20,304	0	20,304	0.0%	20,304	(20,304)	-100.0%
<i>Capital</i>	0	0	0	0.0%	0	0	0.0%
<i>Debt Service</i>	16,508	5,222	(5,222)	31.6%	15,403	(10,181)	-66.1%
Total Expenditures	398,213	79,223	302,482	19.9%	156,683	(77,460)	-49.4%
Net Revenues Over(Under) Expenditures	148,167	288,373	(123,698)		154,245	134,128	87.0%



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Public Buildings & Waterfront Administrative Offices

212 Canco Road Portland, Maine 04103 (207) 808-5400

To: Portland Fish Pier Authority Board
From: Philip DiPierro, Facilities Project Manager
Date: February 8, 2019
RE: Facilities Update
CC: Kathy Alves, Facilities Director

Please find below a listing of the monthly improvements to the Portland Fish Pier by the Facilities Department:

Updates for October 2018 - January 2019

- Seabreeze Property Services completed sweeping the Net Yard and the rear of the Marine Trade Center.
- Waterworks Diving Services spent two days cleaning camels around the service piers and along the berthing space on both sides of the pier.
- Tec Associates was hired to complete a Limited Routine Inspection of the sorting piers and the service piers, including an underwater inspection. Wayne Duffett, PE, is in the process of preparing a written report, which is expected to be submitted soon.
- In an effort to eliminate illegal dumping in the Net Yard, a decision has been made to relocate the Net Yard fishing gear recycling area. The current area will be used for parking, and a locking dumpster will be located in close proximity to the Fish Exchange building.
- We plan to complete pile and pier maintenance around the service piers, sorting piers, and berthing space. Various piles will be replaced, some will be pulled and re-bolted, and issues with chocks and wales will be addressed.
- Cathodic protection for each pier has reached the end of its' useful life. We will be looking into soliciting bids to replace the anodes.

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- Emergency repairs were made to a leaking water line that serves the building leased by Mr. Tamaki.

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- We are getting quotes on pavement striping. Work tentatively scheduled for July/August.
- Bert and the electrician are working with CMP to coordinate the first phase of the electrical upgrade project.

Access easement benefiting the tenants and users of Lot 6 accross Lot 5.

12 feet wide running along the northerly boundary of Lot 4 and the westerly boundary of Lot 6.

Portion of Common Area added to the southerly boundary of Lot 4
+/-3300 sq ft
11 parking spaces

Portland Fish Pier Subdivision
Proposed Amendments to
Lots 4 and 5
January 2019

30 15 0 30 Feet

**SELECTED ISSUES PROPOSED FOR REVIEW BY THE
WORKING WATERFRONT GROUP**

A. ZONING RELATED:

1. **Contract/Condition Rezoning must be eliminated for all prohibited uses in all waterfront zones.**
2. **Non-Marine Use Overlay Zone (NMUOZ) must be eliminated.**
3. **The 55% marine use/45% non-marine use designation for ground floors and open areas. (14-311).** To enforce the 55%/45% split, the City is interpreting this so that vacant counts as marine use. This gives owners an incentive to keep areas vacant rather than leasing to marine uses. **This presumption should be reversed** so that vacant counts as non-marine in the calculation of allowable percentages. 14-311(a)(3). The ratio should be amended to 70%/30%.
4. **Revise the provisions which were intended to give marine uses first option to rent vacant ground floor space.** In non-NMUOZ areas 14-311(a)(3) requires ground floor vacancies and change of occupancy to be offered to water dependent/marine uses. Any time there is a change in occupant, it is to be "made available to new marine occupants." The 60 day marketing period and methods, the terms and rates for comparable marine use space, etc. need to be reexamined, as well as how to put a limit on how much the space can be "improved" or changed (e.g. carpet, removal of exterior doors and loading docks, cosmetic finishes, etc.) so that it is no longer realistically usable by water-dependent uses. The standards should require it to remain usable by active water-dependent uses, not marine office uses, and TIF funds should be allocated toward making these occupancies affordable for these non-office marine uses.
5. **The provision on the required City inventory should be examined and enforced. (14-311((a)(3)(d)).**
6. **Reinforce exclusive marine use of the pier edge.** The pier edge reserved for marine uses is only defined as a 5 foot setback from the edge of the pier, bulkhead, or engineered shoreline. It says that area may only be used by marine uses, but there is no requirement that it affirmatively be made available for that use. In theory, it could be kept vacant and as it is now written, this vacant space is allocated toward the 55% requirement for marine uses. This needs to be amended and enforced so that the 5-foot setback (or the current physically available setback) is not reduced or eliminated. The 5-foot setback area (or the current physically available setback) should be combined with dockage rental.

7. **Reexamine and revise contract or conditional rezoning standards in all waterfront zones to make sure they further retention of the working waterfront.** In addition to meeting the performance standards, the intent is that it a proposed non-marine development is only justifiable and will only be allowed *if* it produces a net benefit for one or more water dependent uses -- "without the development the site could not otherwise support an economically viable water-dependent use." There are several other standards. These standards should be reviewed and strengthened to make sure they further the retention of the working waterfront.
8. **Analyze parking provisions to clarify what parking should be allowed in the WCZ and amend as necessary.** Parking is a major competitor for space that is otherwise needed by WDUs to function adequately. 14-311 (d)(8), the performance standard for off-street parking and loading, and the interpretation of permitted uses, should be strengthened to provide a priority for permissible parking for various uses (permitted, conditional, accessory, located inside or outside the zone, on or off the lot) and to determine under what conditions, if ever, a parking structure should be allowed in the WCZ. Parking for any uses not permitted in the zone should be made available only if the parking needs of permitted uses and island parking needs have been satisfied. Enforcement of two parking spots on the piers for captain and crew per commercial fishing boat.
9. **Reexamine/revise key performance standards to make certain they are adequate to protect Water Dependent Uses (WDUs).** Performance standards 15 and 16 (14-311(d) (15 and (16)) are critical for protecting marine uses, particularly WDUs, and giving them priority in the zone. They need to be reexamined to determine how the City is applying them, and to make certain they are adequate and to determine whether it is possible to use these provisions to require that pier owners, where possible, provide the minimum needed by commercial fishing tenants (e.g., a dedicated parking space, access to utilities, storage, loading and offloading space, etc.) and whether they are being used to protect the ability to accommodate potential future WDUs even if WDUs are not currently occupying the space.
10. **Enforcement of zoning.**

B. OTHER ISSUES:

1. Ground fish are coming back – the City needs to plan for future growth, not just for current needs.
2. Portland Pier and Customhouse alleyway access.
3. Coast Guard GMRI point historical parking.

4. Fishermen should have priority for parking on the Fish Pier.
5. Parking sticker, sticker would have to supersede, get rid of Unified (and any other private parking enforcement company), review the parking annually.
6. Two fishermen on the Fish Pier Board of Directors.
7. Permanent committee of Portland Working Waterfront Group (WWG) that oversees zoning, parking, historical access, cruise ships, traffic, to be determined (the WWG submits names from the committee from the group) and for making recommendations to City Council on determining and prioritizing uses for TIF money with equal member of fisherman as wharf owners on the committee.
8. The island fishermen need access/parking to the mainland Portland to buy, sell, repair their boats.
9. Fisherman Memorial Park on the waterfront side located in the WCZ, to be used also as a staging area with a public bathroom. Bell Buoy Park is clogged up, people trying to get into RiRa's. Safety issue for fire boat/emergency access.
10. Fish Pier needs a commercial wharf between Coast Guard base and pier, modern facility for the next generation.
11. Keep the existing non-metered parking on Commercial Street at Becky's, Hobson's Landing, GMRI and reserved spaces for fishermen and island parking in all non-metered zones.
12. No traffic light High and Commercial and no additional traffic lights on Commercial.
13. Construction of Hobson Landing cannot impede traffic and/or parking on Commercial.
14. Elimination of cross walks (or at least a few) and come up with a way to keep traffic flowing, include use of traffic officers at busy times. Possible pedestrian lights. Need to do something about traffic so we can work.
15. Make sure the TIF money goes to a working waterfront. It has to be compatible to marine use at affordable price.
16. Stipend money for committee members.