

MICHAEL F. BRENNAN, (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK(A/L)
NICHOLAS M. MAVODONES, JR (A/L).

AGENDA
REGULAR CITY COUNCIL MEETING
MARCH 17, 2014

The Portland City Council will hold a regular City Council Meeting at 7:00 p.m. in the City Council Chambers, City Hall. The Honorable Michael F. Brennan, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) March 3, 2013

PROCLAMATIONS:

Proc 23-13/14 Proclamation Honoring Mayor's Day of Recognition for National
(Tab 2) Service – Sponsored by Mayor Michael F. Brennan.

PRESENTATIONS:

State of the Schools Address – Sarah Thompson, Portland School
Committee, Chair.

APPOINTMENTS:

Order 174-13/14 Order Appointing Wardens and Ward Clerks – Sponsored by
(Tab 3) Katherine L. Jones, City Clerk.

This order appoints the following persons as Wardens and Ward Clerks for
the 2014 calendar year:

Warden	Ward Clerk	Precinct
Denise Shames	Anne Rand	1-1
Carol Morrisette	Christopher Danse	1-2
Fred O'Keefe	Reta Morrill	1-3
Mary Anne O'Malley	Richard Mercier	2-1
Susan Litchman	Priscilla Nelson	2-2
Elaine Spring	Katie Spring	3-1
Gail Hannon	Erlene Stuart	3-2
Elizabeth Cyr	Rosemary Malachowski	4-1
Diane Sbrega	Troy Moon	4-2
Sherwood Merrill	Wealthy Merrill	5-1
George Smythe	Emond Szalajeski	5-2

Five affirmative votes are required for passage after public comment.

**Order 175-13/14
(Tab 4)**

Order Appointing Election Clerks – Sponsored by Katherine L. Jones, City Clerk:

This order appoints Election Clerks for terms beginning on May 1, 2014 and expiring April 30, 2016.

The list of persons appointed as Election Clerks is included in the agenda backup.

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

**Order 176-13/14
(Tab 5)**

Order Calling Special Election and Setting Time for Opening of Polls for Election on May 13, 2014 – Sponsored by Katherine L. Jones, City Clerk.

Pursuant to 20-A M.R.S.A. §1486, a Special City Election shall be held on May 13, 2014, to vote on the school budget referendum.

Pursuant to 21-A M.R.S.A. the polls shall open at 7:00 a.m. and close at 8:00 p.m. on May 13, 2014.

Five affirmative votes are required for passage after public comment.

**Order 177-13/14
(Tab 6)**

Order Declaring “Shipyard Old Port Half Marathon & 5K Road Race” as a Festival and Approving Contract and Permits Therefor – Sponsored by Mark H. Rees, City Manager.

GiddyUp Productions, a Maine limited liability company, will be organizing and producing both the Shipyard Old Port Summer Festival and the Old Port Half Marathon and 5K Road Races. Habitat for Humanity of Greater Portland, Cancer Community Center, and Portland Trails all benefit from the Old Port Half Marathon proceeds.

The festival and races are scheduled for Saturday, July 12, and Sunday, July 13, 2014, on the Maine State Pier, Ocean Gateway Queuing Lanes, Moon Tide Park, and along the proposed road race course, respectively.

Festival areas are bordered by the Maine State Pier, Portland Ocean Terminal dock and parking/roadway area of Casco Bay Ferry Terminal, parking/roadway area in front of Ocean Gateway receiving building, and the Moon Tide Park located directly behind the Ocean Gateway receiving building.

The Shipyard Old Port Summer Festival on Saturday July 12 is scheduled for load in/set up at 4:00 a.m. on Saturday, July 12, 2014, with a health & fitness exhibition, live music and beer garden held from 11:00 a.m. – 10:00 p.m. The load out/cleanup is scheduled to end at 12:00 p.m. on Sunday, July 13, 2014.

Maine State Pier will be used to stage the Shipyard Old Port Summer Festival. While the activities are planned for pre-registered runners, the pier will also remain open with free admission to the public. A portion of the pier will be dedicated to hosting a health and fitness exposition. The exposition will include merchandise and food truck vendors. All vendors will apply for appropriate licensing. Runners will be required to come to the exposition to pick up their registration materials for the race on the following day. Live music will be performed by local bands throughout the day from a stage located on the pier. A 21+ beer-only garden will be set up near the stage and security provided by Public Assembly Facilities Management staff.

The Old Port Half Marathon & 5K is scheduled for load in / set up at 5:00am Sunday, July 13, 2014 with live music and beer garden held from 9:00am – 2:00pm. The load out / cleanup is scheduled to end at 3:00pm Sunday, July 13, 2014. The Half Marathon starts at 7:00 a.m., and the 5K races start at 7:30 a.m. The routes for the race and street closings are included in the agenda backup.

A 21+ beer garden will also be set up in Moontide Park at Ocean Gateway with security provided by Public Assembly Facilities Management staff. In the event that Moontide Park is not available due to construction then the beer garden will be moved to Amethyst Park. In the event of heavy rains the beer garden will be moved into the Terminal building at Ocean Gateway.

Five affirmative votes are required for passage of the Consent Calendar.

LICENSES:

**Order 178-13/14
(Tab 7)**

Order Granting Municipal Officers' Approval of Slab LLC d/b/a Slab Sicilian Streetfood at 25 Preble St. Application for a Class A Lounge FSE License with Entertainment without Dance and Outdoor Dining on Private Property – Sponsored by Katherine L. Jones, City Clerk.

Application filed 2/11/14. New City and State applications. Former location of Maverick's in the former Portland Public Market.

Five affirmative votes are required for passage after public comment.

**Order 179-13/14
(Tab 8)**

Order Granting Municipal Officers' Approval of Kaduceus LLC d/b/a Mercury Inn at 273 State St. Application for a Class V License – Sponsored by Katherine L. Jones, City Clerk.

Application filed 2/14/14. New City and State applications. Business is a B&B with an active City of Portland Food Service Establishment license.

Five affirmative votes are required for passage after public comment.

**Order 180-13/14
(Tab 9)**

Order Granting Municipal Officer's Approval of The Bearded Lady, LLC d/b/a The Jewel Box at 644 Congress St. Application for a Class A Lounge FSE License – Sponsored by Katherine L. Jones, City Clerk.

Application filed 2/13/14. New City and State applications. Former location of the Meg Perry Center.

Five affirmative votes are required for passage after public comment.

**Order 181-13/14
(Tab 10)**

Order Granting Municipal Officer's Approval of Hella Good Tacos LLC d/b/a Steve and Renee's Diner at 500 Washington Ave. Application for Class III & IV Wine & Beer License with Entertainment without Dance and Outdoor Dining on Private Property - Sponsored by Katherine L. Jones, City Clerk.

Application filed 2/10/14. New City and State applications. Change of ownership and addition of beer & wine.

Five affirmative votes are required for passage after public comment.

**Order 182-13/14
(Tab 11)**

Order Granting Municipal Officers' Approval of Sangillo's Tavern at 18 Hampshire St. Renewal Application for Class A Lounge FSE License - Sponsored by Katherine L. Jones, City Clerk.

Renewal application received 2/19/14. Applicant currently holds a Class A Lounge FSE License.

Due to various ongoing issues at the establishment that include a recent shooting, the police department is requesting a denial of the renewal of this liquor license. Included in the agenda backup is a report that provides a data driven public safety argument for denial of a liquor license. A denial will help provide for a safer atmosphere in the India Street neighborhood.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

**Order 264 12/13
(Tab 12)**

Amendment to Portland City Code Chapter 12: Garbage, Waste and Junk Re: Multi-Family Recycling - Sponsored by the Transportation, Sustainability and Energy Committee, Councilor David A. Marshall, Chair.

The Solid Waste Task Force recommended creation of a working group to study multi-family recycling and develop a way to provide residents who live in buildings not served by the City program with comprehensive recycling services. The City Council appointed Councilor Edward J. Suslovic to chair this effort and appointed members including property owners/managers, interested citizens, ecomaine members and sustainability professionals.

After deliberation, this group developed the recommended ordinance that will provide multi-family residents with a comprehensive recycling program. The recommended ordinance would specifically provide building owners the flexibility to continue relationships with existing haulers and to design a program that is most suitable to their property as long as it is convenient and accepts the full range of materials recycled by ecomaine.

The Transportation, Sustainability and Energy Committee previously recommended passage of this proposed ordinance in May, 2013.

The full council revised the proposed ordinance in June, 2013, but ultimately referred it back to the Transportation, Sustainability and Energy Committee in order to allow them to continue working with landlords and property owners on this matter.

The Transportation, Sustainability and Energy Committee held an additional public hearing on the proposed ordinance on September 18, 2013, and again unanimously recommended it to the full council (4-0).

The Committee, however, also rejected the recommendation by the Multi-Family Recycling Task Force to purchase recycling bins for each of the approximately 10,000 units that will begin recycling if this ordinance is adopted.

Since the Committee reviewed this item, City staff has met with members of the Southern Maine Landlord Association to discuss how best to implement the proposed ordinance and to determine what educational and technical assistance the City can provide property owners to best ensure success.

As a result of those discussions, the recommended ordinance requires the City to assist building owners with education and outreach about recycling by creating and distributing informational posters and flyers with information about recycling and waste reduction. Cost will be reduced by distributing this material electronically. The Department of Public Services will use funds included in the Solid Waste budget dedicated to education and outreach, approximately \$3,500 - \$5,000. City staff will also partner with Ecomaine on the development and distribution of educational material.

This item must be read on two separate days. It was given a first reading on June 17, 2013.

Five affirmative votes are required for passage after public comment.

**Order 169-13/14
(Tab 13)**

Order Approving Lease with Purchase Option Agreement with 212 Canco Realty, LLC - Sponsored by the Housing & Community Development Committee, Councilor Kevin J. Donoghue, Chair, and the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Last fall City staff presented a plan to consolidate a number of city operations, including the relocation of some of Public Services Department Bayside operations, Fire Alarm and equipment storage, and Recreation and Facility Management Department to a single new location, along with a recommended funding approach.

At that time, the City Council authorized issuance of \$3.05 million in general obligation debt to support property acquisition to move ahead with the City department consolidation plan (which is included in the back up materials). This was combined with a previous appropriation of \$100,000 for preliminary costs associated with the relocation of City operations out of Bayside.

The original intent was to purchase property located on Canco Road, and it was not expected that we would need to pay for leased space. However, the property was not officially listed for sale.

As a result, through negotiations for the property, a lease/purchase approach has been discussed and accommodates the owners' needs, while securing this key property for the City to help achieve an important long term goal.

Overview of the Property Lease/Purchase Option for 212 Canco Road:

Property Location: The property is located in a "central service delivery location" in an industrially zoned property with adjacent industrial users.

Property Size: 4.2186 acres

Building Square Footage: 68,730

Municipal Assessed Value: \$3,053,370

Market Appraisal: \$2,740,000 based upon the income approach due to existing below market rate tenant leases.

As discussed above, the lease/purchase approach presents the City with a phased approach, over time, to fully implement the department consolidation plan. The lease/purchase option to acquire 212 Canco Road is structured to meet the needs of the property owners and enable City use of approximately fifty-five percent of the building starting this year.

The remaining forty-five percent of the building is occupied by two commercial tenants who have five (5) year leases through to the summer/fall of 2018.

The proposed lease/purchase approach honors the leases of the two existing tenants and enables the City to gain use of the entirety of the building in 2018.

Lease Term and Rates: Rent would be at a fixed cost of \$38,809.60 per year plus annual common area maintenance charges estimated at \$42,638.20

for a total annual cost of \$81,447.80. The proposed rental rates for office and warehouse space are below market.

Property Purchase Price: \$2.9 million fixed for three years. The market value of industrial property is increasing and a fixed acquisition price provides the City with purchase price certainty.

Included in the agenda backup is a worksheet that shows the cash flow for this agreement. The estimated lease cost is \$230,000 for the term up to the purchase option date of March 1, 2017, and there are two options for funding that lease.

Lease payments cannot be made with capital bond funds, so other types of funding need to be considered. One option is to budget annually in the operating budget for the lease costs.

Another option, and the one we are recommending, is to allocate pending land sale proceeds to cover the lease cost. Both the Bayside property sale and the Riverside Street property sale are likely to close within a few months.

Looking back to the original expectation of relocating City operations out of Bayside, it was planned that the sale of land in Bayside would help fund that relocation by paying the mortgage on the Riverside Street land purchase.

While there has been some change in direction for the use of Riverside Street, using sale proceeds from either of these properties is in line with the original intent of the Council.

There would be a three-month period of lease payments in this fiscal year, which would be absorbed within the current year's budget.

The Housing and Community Development Committee met on February 12th and voted 3-0 (Coyne absent) to recommend that the City Manager be authorized to move forward with the lease/purchase option.

The Finance Committee met on February 27th and voted 4-0 to recommend that the City Manager be authorized to move forward with the lease/purchase option.

Council action is needed in the form of two orders, one for the approval of the Lease/Purchase agreement, and the following one for the appropriation of land sale proceeds for the purpose of funding lease payments.

This item must be read on two separate days. It was given a first reading on March 3rd. Five affirmative votes are required for passage after public comment.

**Order 170-13/14
(Tab 14)**

Order Appropriating \$230,000 to Lease 212 Canco Road Space Lease Payments for 212 Canco Road Property – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair, and the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is a companion order to Order 169 above.

This item must be read on two separate days. It was given a first reading on March 3rd. Five affirmative votes are required for passage after public comment.

ORDERS:

**Order 183-13/14
(Tab 15)**

Order Referring to the Planning Board Consideration of the Rezoning of Portland's Urban Squares – Sponsored by Mayor Michael F. Brennan, Councilors Kevin J. Donoghue, Edward J. Suslovic, John R. Coyne, Jon Hinck, and Nicholas M. Mavodones, Jr.

City Council is asking the Planning Board to review and finalize the rezoning of city urban squares (including, but not limited to, Longfellow Square, Congress Square, Monument Square or Boothby Square) to Recreation Opens Space ("ROS"). In order for this rezoning to be acted on at the same time the Council expects to consider its proposed Parks Ordinance amendments, the Council also requests that the Planning Board complete its review prior to April 14, 2014.

Five affirmative votes are required for passage after public comment.

**Order 184-13/14
(Tab 16)**

Order Approving Lease Agreement for Transfer Station by and Between City of Portland and Diamond Cove Homeowners Association - Sponsored by Mark H. Rees, City Manager.

The Department of Public Services has been working with representatives of the Diamond Island Association for several years on the development of a solid waste and recycling transfer station that would serve all island needs on Great Diamond Island and Diamond Cove.

Throughout this process, it was determined that the best location for a transfer station would be on Diamond Cove property.

As a result, City staff has been negotiating with officials of Diamond Cove, and we have now reached an agreement on a long-term lease agreement that will give the City the property rights needed to proceed with the final design, filing site plan and permit applications and eventual construction of the solid waste transfer station. Corporation Counsel has assisted staff with the negotiations and has approved the terms and conditions of the lease. The lease has also been approved and executed by Diamond Cove.

This lease agreement will enable staff to consolidate solid waste and recycling services at one location, serving both the Great Diamond Island and Diamond Cove area of the Island. In addition, the development of the new transfer station allows the City to enhance the efficiencies of managing solid waste and recycling functions for the entire island and eliminates a very inefficient method currently used where all island trash is required to be hauled weekly from the current location since it is not a designated solid waste transfer station.

A companion lease agreement is being finalized at this time, which will formalize use of the Diamond Cove's barge landing for transporting solid waste roll offs and other equipment needed to service Great Diamond Island. Diamond Cove property managers will be allowed to access the transfer station for their communities needs as well, and so it will eliminate the need for hauling their trash to the Great Diamond Island public works yard.

Total project costs are estimated at \$500,000. \$250,000 in funding has been approved as part of the FY14 budget and \$250,000 has been requested and included in the FY15 budget. Funds for completing the design and construction for the new barge landing are also included in the FY14 CIP and FY15 CIP.

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

**Order 185-13/14
(Tab 17)**

**Order Approving Maine Department of Transportation Municipal/
State Agreement for Proposed Improvements to Martin's Point Bridge
- Sponsored by Mark Rees, City Manager.**

The Martins Point Bridge is under reconstruction by Maine DOT. The new replacement bridge will include bridge lighting, a multi-use path and landscaping which features were recommended by stakeholders from the City of Portland and the Town of Falmouth during earlier design work. Maine DOT requires that cities and towns agree to provide for the cost to maintain these features when included in bridge projects. Approval of this City-State Agreement will result in City Council endorsement of this maintenance provision.

A similar agreement was acted on by the Town of Falmouth to recognize the bridge features that are in the Town of Falmouth. The new Bridge will include 27 lights of which 5 are on the bridge and 2 off the bridge on the Portland side and 15 on the bridge and 5 off the bridge on the Falmouth side.

Endorsement of the City State Agreement will also comply with the Maine DOT requirements for the State to provide for these bridge enhancements while recognizing the City's obligation for paying for the cost of the lighting, clearing the multi-use trail, and providing for maintenance of the adjacent landscaping. These features will allow for Martins Point Bridge to be used by all users, including commuters, bicyclists, and pedestrians in a safe manner and is in keeping with the public's expectations for a high quality and efficiently designed bridge.

While the bridge lighting is metered for the City of Portland and the Town of Falmouth for direct billing, the Department of Public Services will be working with the Town of Falmouth on an agreement for sharing maintenance of the bridge light poles, multi-use pathway and the landscaping in the near future. It is important to note that the design of the bridge lights includes a special wireless dimming feature that will enable both Falmouth and Portland to control light levels as needed.

If approved, the incremental cost of maintaining these light features will be incorporated in with the Department of Public Services' operating budget; and due to the use of LED lighting technology, the power costs for the added bridge lighting is estimated to be \$1,000-\$1,500 per year.

The maintenance of the multi-use path (primarily snow removal) and the landscaping will be shared between the Town of Falmouth and the City to keep operating costs minimal.

City staff has been involved with the design and development of the new Martins Point Bridge and the bridge lighting, multi-use path and the landscaping are all features desired by both communities and designed to cost effective for both communities while enhancing "complete streets" design.

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

**Order 186-13/14
(Tab 18)**

Order Approving Municipal Agreement between the City of Portland and the Town of Falmouth Re: Operation & Maintenance of Lighting Related To Martin's Point Bridge and Bicycle/Pedestrian Path within the Project Limits for Martin's Point Bridge Carrying US Route 1 over the Presumpscot River – Sponsored by Mark H. Rees, City Manager.

This order is a companion order to Order 185-13/14 above addressing a required City State Agreement with MDOT for these elements on the Martins Point Bridge which is to be heard on March 17. Staff recommends that both items be acted upon at the same time.

As stated above, there are features within the new bridge that will require on-going maintenance and operations. A Memorandum of Understanding between the City and the Town of Falmouth is needed for the actual operations and maintenance of these features following the completion of the bridge in 2014.

The City and the Town of Falmouth officials have agreed to operate and maintain within their respective municipal limits the Lighting and the Bicycle/Pedestrian Path from the Portland/Falmouth line on the Bridge to the end of the approach work installed under the Martins Point Bridge.

A memorandum of agreement (MOA) was prepared to address the shared responsibilities between Falmouth and Portland. The MOA has been completed and agreed to by the officials from the Town of Falmouth and is now ready to be reviewed and approved by the Town and City Councils. The Town of Falmouth Council acted on and approved this agreement at their March 10th Town Council meeting.

The MOU also calls for the Town of Falmouth to plow the travel lanes on the bridge, and the City of Portland will plow the bicycle/pedestrian path during winter emergencies.

The cost to operate the lights will be shared proportionate to the number of lights the City and Town have on the bridge. The annual cost of the bridge lighting is estimated to be approximately \$3,000 per year, and the snow clearing operations will be incorporated in with the Department's winter budget. Costs will vary depending upon the severity of the winter.

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

**Order 187-13/14
(Tab 19)**

**Order Approving Extension of Employment Agreement for
City Manager Mark H. Rees – Sponsored by Mayor Michael F.
Brennan.**

As required by the current employment agreement for the City Manager, negotiations have been concluded and an extension of the City Manager's contract is now presented for review and approval by the full City Council.

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

AMENDMENTS:

**Order 188-13/14
(Tab20)**

**Amendment to City Code Chapter 2 (Administration) - Sponsored
by the Finance Committee – Councilor Nicholas M. Mavodones, Jr.,
Chair.**

As of 2011, State law allows communities to exempt deployed military personnel from paying excise tax on vehicles registered in their name, by passing a local ordinance. The Mayor asked the Finance Committee, based on a request from the public, to consider this allowance for Portland.

Determining the value of this exemption in excise tax for the city can only be based on a best guess of how many residents would be eligible and the value on their vehicles. There is not much information available on how many other communities in Maine have enacted similar ordinances for this exemption, other than the Town of Scarborough, who had about 50 last year.

The city does approximately 40,000 vehicle registrations per year with an average of \$202 per registration, understanding that there is a wide range of individual tax paid. There is no data to support estimating how many of those would be eligible for the exemption.

Using Scarborough as a base and proportionately calculating similar activity for Portland, staff estimated 165 registrations for a total value of about \$33,000. For perspective, our excise tax revenue last year totaled approximately \$9.7 million.

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

Tab 1 3-17-14

IN COUNCIL REGULAR EVENING MEETING MARCH 3, 2014 VOL. 129 PAGE 72

ROLL CALL: Mayor Brennan called the meeting to order at 7:00 P.M.(Councilors Donoghue, Duson, Hinck, Leeman arrived during Proclamations.)

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Suslovic and seconded by Councilor Mavodones to approve the minutes of February 24, 2014. Passage 5-0.

PROCLAMATIONS:

Proc 20-13/14 Proclamation Recognizing Marty M. Pottenger – Sponsored by Mayor Michael F. Brennan.

Proc 21-13/14 Proclamation Recognizing Desiree Kelly, Planning and Urban Development Department, as Employee of the Month for February, 2014 – Sponsored by Mayor Michael F. Brennan.

Proc 22-13/14 Proclamation Recognizing Read Across America Day – March 3, 2014 – Sponsored by Mayor Michael F. Brennan

APPOINTMENTS:

Order 154-13/14 Order Appointing a Park Ranger as a Constable for 2014 – Sponsored by Mark H. Rees, City Manager.

This order appoints Park Ranger Nathan Robins as a constable effective from 12:01 a.m., March 31, 2014 until 12:00 midnight on October 31, 2014. Pursuant to state law this order prohibits Park Rangers from carrying a weapon or making arrests.

Motion was made by Councilor Suslovic and seconded by Councilor Mavodones for passage. Passage 9-0.

CONSENT ITEMS:

Order 155-13/14 Order Declaring Portland Sea Dogs Mother's Day 5K Race Day - Sponsored by Mark H. Rees, City Manager.

Order 156-13/14 Order Declaring Portland Sea Dogs Father's Day 5K Race Day – Sponsored by Mark H. Rees, City Manager.

Motion was made by Councilor Marshall and seconded by Councilor Suslovic for passage of the Consent Items. Passage 9-0.

LICENSES:

Order 157-13/14 Order Granting Municipal Officers' Approval of 90 Congress Street, LLC d/b/a Lolita at 90 Congress St. Application for a Class I Restaurant with Liquor License with Outdoor Dining on Public Property – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Donoghue and seconded by Councilor Suslovic for passage. Passage 9-0.

Order 158-13/14 Order Granting Municipal Officers' Approval of Cow Plaza Hotel LLC d/b/a Hyatt Place Portland/Old Port at 433 Fore St. Application for a Class I-A 40+ Rooms License – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Suslovic and seconded by Councilor Donoghue for passage. Passage 9-0.

BUDGET ITEMS:

COMMUNICATIONS:

Com 10-13/14 Communication Re: Work Plan Associated with the Portland Economic Development Plan – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair.

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 153-13/14 Order Approving the Interlocal Agreement between Municipalities of Portland, Westbrook, Brunswick, County of Cumberland and State of Maine Department of Public Safety, and Approving the Memorandum of Understanding between the City and Cumberland County – Sponsored by Danielle West-Chuhta, Corporation Counsel. This item was given first reading on February 24, 2014.

Motion was made by Councilor Mavodones and seconded by Councilor Suslovic to amend order 153 by adding authorizing the City Manager to enter into these agreements. Passage 9-0.

Motion was made by Councilor Suslovic and seconded by Councilor Duson for passage. Passage as amended 9-0.

ORDERS:

Order 159-13/14 Order Accepting Sculptures from the Kohler Foundation and Adding These Works to the City's Public Art Collection – Sponsored by the Portland Public Art Committee – Lin Lisberger, Chair.

Motion was made by Councilor Suslovic and seconded by Councilor Marshall for passage. Passage 9-0.

Order 160-13/14 Order Granting a Sewer Utility Easement to Brooklawn Memorial Park Sponsored by Mark H. Rees, City Manager.

Motion was made by Councilor Donoghue and seconded by Councilor Duson for passage. Passage 8-1, (Brennan).

Order 161-13/14 Order Granting a Utility Easement to Brooklawn Memorial park – Sponsored by Mark H. Rees, City Manager.

Motion was made by Councilor Leeman and seconded by Councilor Suslovic for passage. Passage 8-1(Brennan).

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**Order 162-13/14 Order Granting an Access Easement to Brooklawn Memorial Park –
Sponsored by Mark H. Rees, City Manager.**

Motion was made by Councilor Coyne and seconded by Councilor Suslovic for passage. Passage 8-1(Brennan).

**Order 163-13/14 Order Granting an Easement to Time Warner Cable on Jetport
Boulevard – Sponsored by Mark H. Rees, City Manager.**

Motion was made by Councilor Leeman and seconded by Councilor Mavodones for passage. Passage 8-1(Brennan).

**Order 164-13/14 Order Granting a Gas Utility Easement to Unitil on Jetport Boulevard
- Sponsored by Mark H. Rees, City Manager.**

Motion was made by Councilor Leeman and seconded by Councilor Mavodones for passage. Passage 8-1(Brennan).

**Order 165-13/14 Order Granting an Easement to Central Maine Power and Verizon on
Jetport Boulevard - Sponsored by Mark Rees, City Manager.**

Motion was made by Councilor Suslovic and seconded by Councilor Marshall for passage. Passage 8-1(Brennan).

**Order 166-13/14 Citizen Initiative Amendment to Chapter 2 (Administration) of the
Portland City Code to Add Article III-A: Portland Land Bank Commission;
Fund – Sponsored by Katherine L. Jones, City Clerk. Public comment was taken
on this item on February 24, 2014.**

Motion was made by Councilor Suslovic and seconded by Councilor Donoghue to postpone Order 166 indefinitely. Passage 9-0.

**Order 167-13/14 Order Setting Election Date on Citizen-Initiative Ordinance Entitled
Amendment to Chapter 2 of the Portland City Code Re: Article III-A:
Portland Land Bank Commission; Fund – Sponsored by Katherine L. Jones,
City Clerk. Public comment was taken on this item on February 24, 2014.**

Motion was made by Councilor Marshall and seconded by Councilor Suslovic for passage. Passage 9-0.

IN COUNCIL REGULAR EVENING MEETING MARCH 3, 2014 VOL. 129 PAGE 76

Order 168-13/14 Order Setting Election Date on Amendment to Chapter 18 of the Portland City Code Re: Article 1: In General – Sponsored by Katherine L. Jones, City Clerk. Public comment was taken on this item on February 24, 2014.

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to postpone Order 168 indefinitely. Passage 9-0.

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to refer Chapter 18 to Transportation, Energy and Sustainability Committee. Motion failed 3-6 (Duson, Mavodones, Coyne, Hinck, Leeman, Suslovic).

Motion was made by Councilor Coyne and seconded by Councilor Duson to send Chapter 18 to a City Council workshop in March. Passage 7-2 (Donoghue, Marshall).

Order 169-13/14 Order Approving Lease with Purchase Option Agreement with 212 Canco Realty, LLC - Sponsored by the Housing & Community Development Committee, Councilor Kevin J. Donoghue, Chair, and the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This is its first reading.

Order 170-13/14 Order Appropriating \$230,000 to Lease 212 Canco Road Space Lease Payments for 212 Canco Road Property – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair, and the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

Motion was made by councilor Suslovic and seconded by Councilor Coyne to adjourn. Passage 9-0, 10:15 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

Dec 23-13/14
Tab 2 3-17-14

PROCLAMATION

HONORING

Mayors Day of Recognition for National Service

WHEREAS, Service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, The nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and,

WHEREAS, AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation, from educating students for the jobs of the 21st century and supporting veterans and military families to preserving the environment and helping communities recover from natural disasters; and

WHEREAS, National service participants serve in more than 70,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, National service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and,

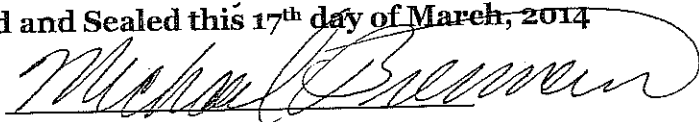
WHEREAS, National service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and,

WHEREAS, AmeriCorps members and Senior Corps volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

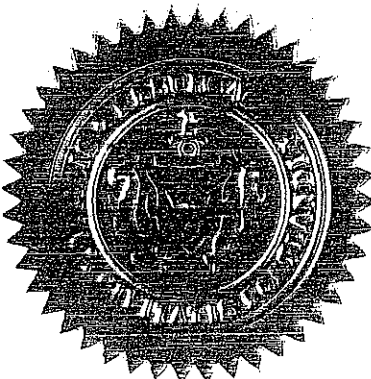
WHEREAS, The Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with mayors across the country to support the Mayors Day of Recognition for National Service on April 1, 2014.

THEREFORE, BE IT RESOLVED that I, **Michael F. Brennan**, Mayor of the City of Portland, and members of the City Council do hereby proclaim April 1, 2014, as National Service Recognition Day.

Signed and Sealed this 17th day of March, 2014



Michael F. Brennan
Mayor, City of Portland, Maine



Order 174-13/14
Tab 3 3-17-14

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

ORDER APPOINTING WARDENS AND WARD CLERKS

ORDERED, that the following persons are hereby appointed as Wardens and Ward Clerks for the 2014 calendar year:

<i>Warden Ward Clerk</i>	<i>Precinct</i>
Denise Shames, Anne Rand	1-1
Carol Morrisette Christopher Danse	1-2
Fred O'Keefe, Reta Morrill	1-3
MaryAnn O'Malley, Richard Mercier	2-1
Susan Lichtman, Priscilla Nelson	2-2
Elaine Spring, Katie Spring	3-1
Gail Hannon, Erlene Stuart	3-2
Elizabeth Cyr , Rosemary Malachowski	4-1
Diane Sbrega, Troy Moon	4-2
Sherwood Merrill, Wealthy Merrill	5-1
George Smythe, Edmond Szalajeski	5-2

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Katherine L. Jones

DATE: March 3, 2014

DISTRIBUTION: (City Manager, Mayor, Sonia Bean, Nancy English)

SUBJECT: Appointing Wardens and Ward Clerks

SPONSOR:

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading ☒ Final Action ☐

Can action be taken at a later date: ☒ Yes ☐ No

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

I. SUMMARY OF ISSUE (Agenda Description)

Order appointing Wardens and Ward Clerks for the 2014 calendar year.

II. REASON FOR SUBMISSION (Summary of Issue/Background)
City Charter – Elections

Section 3. Wardens and ward clerks.

The wardens and ward clerks shall be nominated by the city clerk and appointed by order of the city council. They shall be and remain residents of the city and all other qualifications for appointment shall be as provided in Title 21-A of the Maine Revised Statutes. They shall hold their office for one year from the date of appointment, unless a shorter term is specified by the order of appointment, and until others have been chosen and qualified in their stead.

VIII. LIST ATTACHMENTS

Memo by the City Clerk

Prepared by:

Signature

Date



Office of the City Clerk
Katherine L. Jones, CCM

MEMORANDUM

TO: Mayor Brennan and Members of the Portland City Council
FROM: Katherine L. Jones, City Clerk
DATE: March 4, 2014
RE: Appointment of Wardens and Ward Clerks

I am recommending the following be appointed for the Election year of 2014.

Warden	Ward Clerk	Precinct
Denise Shames	Anne Rand	1-1
Carol Morrisette	Christopher Danse	1-2
Fred O'Keefe	Reta Morrill	1-3
MaryAnn O'Malley	Richard Mercier	2-1
Susan Lichtman	Priscilla Nelson	2-2
Elaine Spring	Katherine Spring	3-1
Gail Hannon	Erlene Stuart	3-2
Elizabeth Cyr	Rosemary Malachowski	4-1
Diane Sbrega	Troy Moon	4-2
Sherwood Merrill	Wealthy Merrill	5-1
George Smythe	Edmond Szalajeski	5-2

Order 175-13/14
Tab 4 3-17-14

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

ORDER APPOINTING ELECTION CLERKS

ORDERED, that the persons on the attached list are hereby appointed as Election Clerks for terms beginning on May 1, 2014 and expiring April 30, 2016

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Katherine L. Jones

DATE: March 3, 2014

DISTRIBUTION: (City Manager, Mayor, Sonia Bean, Nancy English)

SUBJECT: Appointing Election Clerks

SPONSOR: City Clerk

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ ☒ _____ Final Action _____

Can action be taken at a later date: ☒ Yes ☐ No

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

I. SUMMARY OF ISSUE (Agenda Description)

Order appointing Election Clerks for 2014- 2016.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

Title 21-A

21-A MRSA § 503 requires that the municipal officers appoint Election Clerks.

VIII. LIST ATTACHMENTS

Memo by the City Clerk and list of Election Clerks

Prepared by:

Signature

Date



Office of the City Clerk
Katherine L. Jones, CCM

MEMORANDUM

TO: Mayor Brennan and Members of the Portland City Council
FROM: Katherine L. Jones, City Clerk
DATE: March 4, 2014
RE: Appointments of Election Clerks for 2014 – 2016

21-A MRSA § 503 requires that the municipal officers appoint election clerks representing the parties every two years (even numbered years). This must be done by May 1. When the Wardens choose their workers from now through all elections that occur prior to May 1, 2016, they must exhaust this list before calling people to work who are not on the approved list. While the law requires at least two clerks be appointed for each polling place, we use many more than that. For relatively small elections, we have four or five. For larger elections, six to nine are needed.

I am attaching one list in alphabetical order by party, representing Democrats, Republicans, Green Independents and Un-enrolled voters. The list represents a combination of those who have worked the polls in the past and those who are brand new. The parties are supposed to nominate election clerks by April 1. Except for the Un-enrolled voters most of the names on the attached lists were nominated by the parties, and I have added to those lists the names of people who applied after that process.

In the most recent Legislative Session, the law was amended to allow us to hire election clerks residing outside the community, but within the county. This is especially important in Portland, where it is difficult to find enough Republicans to meet the balance of party workers required by Statute. Every effort will be made to hire from within the City Limits, but when necessary, those living outside of Portland will be asked to work.

First Name	Last Name	Address	City	State	Zip	Party	Email			
Laura	Abbott	16 Catherine St.	Portland	ME	4102	D	labbott@maine.rr.com	775-7077	work	831-0461
Heien	Albert	32 Stuart St.	Portland	ME	4103	D		797-6481		
Helen	Anderson	180 Delaware St.	Portland	ME	4103	D	Helen@mathbox.com	797-3158		
Isabel	Anderson	124 Pleasant St., Apt. D	Portland	ME	4101	D	isander1936@yahoo.com	776-3311		
Jennifer	Angelone	20 Hillside Road	Portland	ME	4103	D	jeffiner@awi.net	797-3671		
Jean	Aron	38 Montrose Ave	Portland	ME	4103	D	jean.a@verizonmail.com	899-8866		
Harlan	Baker	44 Mitton Street	Portland	ME	4102	D	hbaker@maine.edu	772-9640	Cell	712-0228
Jill	Barkley	198 High Street #8	Portland	ME	4101	D	jbarkley@gmail.com	332-1297		
Susan	Berkman	226 Stevens Ave #3	Portland	ME	4102	D	susanandmaxine@gmail.com	772-6281	work	871-1156
Ilene	Berman	55 Birchwood Dr.	Portland	ME	4102	D	ileneb@maine.rr.com	773-7883		
Nanette	Blake	30 Murray Street	Portland	ME	4103	D	NDYERBLAKE@gmail.com	978-973-9588		
Doris	Boisvert	11 Alba Street	Portland	ME	4103	D		773-7342	Cell	552-3333
Cameron/Roland	Borton	96 Saint Lawrence St	Portland	ME	4101	D	cjborton@prodigy.net	773-4377		
Joan	Borton	96 Saint Lawrence St	Portland	ME	4101	D	cjborton@prodigy.net	773-4377		
Christopher	Brown	19 Bayview Terrace	Portland	ME	4103	D	CLB@maine.rr.com	774-5231	work	856-1230
Nora	Charles	28 Summer Street #2	Portland	ME	4102	D	noraicharles@yahoo.com	775-1666		
Laurine	Coggings	356 Ray St	Portland	ME	4103	D	LACGRAM@aol.com	797-4981		
Jack	Cole	7 Pine Ledge Terrace	Portland	ME	4103	D	yourhealingjourney@yahoo.com	761-4054	work	776-0897
Darren	Commerford	66 Everett Avenue	South Portland	ME	4106	D	drcommerford@gmail.com	423-0023	work	283-8777
Anne	Conroy	84 Torrey Street	Portland	ME	4103	D	oscarck@prodigy.net	773-2389	Cell	488-1181
Joan	Coyne	36 Salem Street	Portland	ME	4102	D	jocoyne@awi.net	775-3902		
John/Harold	Crabill	240 Pleasant Avenue	Portland	ME	4103	D	hcabill@kw.com	874-8048	work	775-1331
Louis	Cyr	20 Hall Street	Portland	ME	4103	D		774-3891		
Caroline	Delay	11 Heather Road	Portland	ME	4103	D	ddelay@unum.com	797-8289		575-8296
Geraldine	Dongo	90 Chesley Avenue	Portland	ME	4103	D	gdongo1@maine.rr.com	797-5587		
Josephine	Dulac	173 Summit Street	Portland	ME	4103	D	jodulac173@gmail.com	797-3955		
Mary	Dunn	117-5 Sheridan Street	Portland	ME	4101	D	mfd@niftywerks.com	871-7063		299-3581
Shirley	Edwards	16 Ocean Street/P.O. Box 55	Peaks Island	ME	4108	D		766-5509		
Sally	Esposito	60 Curtis Road	Portland	ME	4103	D		797-8655		
Susan	Ferrante	9 Winthrop Street	Portland	ME	4101	D	sferrante@propeople.org	772-8477		
Abraham	Fineberg	44 Woodfield Road	Portland	ME	4102	D	abefine@aol.com	773-3296		
Karen	Friedman	26 Sunset Road	Peaks Island	ME	4108	D	kfrdmn@gmail.com	766-2361		
Cynthia	Frye-Macomber	10 Knight Street	Portland	ME	4103	D	cynthia@fryemacomber.com	878-2945		
Susan	Garfield	125 Stroudwater Road	Portland	ME	4102	D	segme2006@gmail.com	899-4270		
William	Getz	123 Mabel Street	Portland	ME	4103	D	wgetz1@maine.rr.com	712-5398		775-0105
Amelia	Giles	76 Monument Street	Portland	ME	4101	D	ameliagiles@gmail.com	749-3740		662-7154
Kim	Hartley	594 Washington Avenue	Portland	ME	4103	D	khartley123@maine.rr.com	671-3917		
Joan	Healy	68 Newton Street	Portland	ME	4103	D		386-478-6863		
Alan	Hirsch	23 Delaware Court	Portland	ME	4103	D	ahirsch@maine.rr.com	878-6411		
Geraldine	Hirsch	23 Delaware Court	Portland	ME	4103	D	ahirsch@maine.rr.com	878-6411		
Joseph	Hochadel	16 Farmhouse Lane	Portland	ME	4103	D	jmhochadel@gmail.com	878-5828		
Margaret	Innes	30 William Street	Westbrook	ME	4092	D	margaret.innes@gmail.com	854-4053		
Donna	Jones	94 Park Avenue #3	Portland	ME	4101	D	donnajones@awi.net	772-0266		
Wealthyanne	Jordan	11 Haystack Circle	Scarborough	ME	4074	D	wealthy.jordan@maine.gov	885-9491	Work	822-2756
Barbara	Keppei	P.O.Box 10901	Portland	ME	4104	D	bobbik@awi.net	879-2613		
Martha	King	82 westminster Avenue	Portland	ME	4103	D	MIJKing000@aol.com	408-1381		
Joan	Kushner	34 Bayberry Way	South Portland	ME	4106	D		767-1764		

MaryJane	Lambert	10 Greenwood Lane	Portland	ME	14103 D	MJL5@maine.rr.com	797-2103		
Suelle	Large	147 Vaughan Street	Portland	ME	4102 D	ritasrim@gmail.com	772-6007		
Estelle	L'Heureux	11 Bancroft Court	Portland	ME	4102 D	ejlheureux@aol.com	772-0647		
Patricia	Littlefield	33 Hawthorne Road	Portland	ME	4103 D	ntprfkt1@peoplepc.com	828-2340	work	822-2116
Sarah	Lunt	1363 Congress Street #1	Portland	ME	4102 D	sarahlunt@maine.rr.com	653-0940		
Joan	Macisso	27 Wilson Street	Portland	ME	4101 D	munjovmama@hotmail.com	772-7566		
Sandra	Manter	103 Highalnd Street, Apt. B	Portland	ME	4103 D		775-2231		
Ellen	Mahoney	30 Cental Avenue	Peaks Island	ME	4108 D	emahoney@horborviewproperties.com	766-2543	work	321-3601
Lisa	Markushewski	4 Avon Road	Falmouth	ME	4105 D	LAGNEW13@gmail.com	781-8483	Cell	831-5851
Katherine	McCarty	164 Congress Street	Portland	ME	4101 D	kmmccarty@gmail.com	410-688-5544	work	781-6099
Susan	McCloskey	25 Parris Street	Portland	ME	4101 D	smccloskey@maine.rr.com	773-6517		
Elise	Mercier	54 Bartlett Street	Portland	ME	4101 D	bajataadancer@aol.com	773-7831	Cell	332-6873
Richard	Mercier	54 Bartlett Street	Portland	ME	4103 D	rjmercier@aol.com	773-7831	work	774-4257
Carole	Miller	90 Parsons Road	Portland	ME	4103 D	cmiller11@maine.rr.com	761-6565		
Elizabeth	Miller	46 Waterville Street #	Portland	ME	4101 D	elizabethmiller1953@hotmail.com	878-8604		
Katherine	Monsivais	37 Tamarlane	Portland	ME	4103 D		774-6414		
William	Mooradian	105 Stonecrest Drive	Portland	ME	4103 D		797-8208		
MaryAnn	Morin	46 Eastfield Road	Portland	ME	4102 D	ghmsr@maine.rr.com	774-1645		
Gerald	Morin	46 Eastfield Road	Portland	ME	4102 D	ghmsr@maine.rr.com	774-1645		
Linda	Mulkern	67 Madeline Street	Portland	ME	4103 D	lmulkern@maine.rr.com	874-2897		
Antoinette	Muro	33 Great Pond Road	Portland	ME	4108 D	tonimuro1@earthlink.net	766-2639		
Patsy	Muzzy	A-1 Clarimont Court	Portland	ME	4103 D	pmuzzy@maine.rr.com	773-0139		
Janine	Myers	157 Falmouth Street	Portland	ME	4102 D	janine.myers@gmail.com	773-1910		
Priscilla	Nelson	17 Deering Street	Portland	ME	4101 D	pris@maine.rr.com	772-3438		
Johannah	Hart O'Brien	149 Concord Street	Portland	ME	4103 D	hartiohanna1@gmail.com	773-4046		
Patricia	Perrier	2 Forest Park Apt. 1	Portland	ME	4101 D	patperrier@aol.com	871-9482		
Barbara	Perry	7 Ryefield Street	Peaks Island	ME	4108 D	barba+whitehead@maine.rr.com	766-5613		
Anne	Rand	61Melbourne Street	Portland	ME	4101 D	rndanne@aol.com	772-7704	work	773-8198
Kim	Rich	65 Copley Woods Circle	Portland	ME	4103 D	kimrich@maine.rr.com	878-2741	work	772-1880
Penny	Rich	27 Cushman Street	Portland	ME	4102 D	pennyrich8@aol.com	773-7393		865-4761 23333
Dorothy	Rodney	46 Walnut Street	Portland	ME	4101 D	dorothy.rodney@yahoo.com	772-4184		
Melissa	Ross	11 Fuller Street	Portland	ME	4103 D	bluebear1962@hotmail.com			
Dorothy	Rozelle	9 Wayside Road	Portland	ME	4102 D	rozelliedot@yahoo.com	221-0725		
Miniimoh	Salaam	203 Oxford Street	Portland	ME	4101 D	miniimohsalaam@yahoo.com	874-6560		
Eileen	Sanborn	34 Fairmount Street	Portland	ME	4103 D	sanborneilen@yahoo.com	773-3763	Cell	318-7178
Gregory	Savage	100 State Street Apt. 417	Portland	ME	4101 D	savage.6@hotmail.com		Cell	615-5525
Gladyce	Stais	290 Baxter Blvd. #E1	Portland	ME	4101 D	gbs1@maine.rr.com	871-9073		
Gwenddlyn	Stanley	70 Roberts Street	Portland	ME	4102 D	gwsgance@yahoo.com	899-2530	899-2530	
Kathleen	Stevens	260 Vaughan Street	Portland	ME	4102 D	penny.stevens2@verizon.net	780-6750		
Helaine	Stone	615 Washington Avenue	Portland	ME	4103 D	H.STONE@gtw.net	899-0177		
Anita	Talbot	132 Glenwood Avenue	Portland	ME	4103 D		772-6098		
Tom	Valleau	65 Rockalnd Avenue	Portland	ME	4102 D	tvalleau@maine.rr.com	772-6868		
Pat	Valleau	65 Rockalnd Avenue	Portland	ME	4102 D	pvalleau@maine.rr.com	772-6868		
Patricia	Washburn	11 Cushman Street	Portland	ME	4102 D	pjane@journalist.com	251-2143	619-2143	
Barbara	Webster-Queery	11 Heather Road	Portland	ME	4103 D	bjq7@maine.rr.com	797-829		
Richard	Wise	16 Heather Road	Portland	ME	4103 D	rwise@myfairpoint.net	797-8726		
Edith	Yonan	18 Northwood Drive	Portland	ME	4103 D	edithyonan@gmail.com	878-3950		

First Name	Last Name	Address	City	State	Zip	Party	Email			
Brenda	Anderson	223 Brackett St.	Portland	ME	4102	R	BLA1981@hotmail.com	773-0426		
Sandra	Brooks	51 Woodlawn Ave	Portland	ME	4103	R	slgebrooks@aol.com	774-7573		
Helen	Brogan	151 Allen Ave. #201	Portland	ME	4103	R		878-0805	Cell	653-8544
Rose	Carter	13 Montrose Avenue	Portland	ME	4103	R		775-2416		
Corinne	Cartwright	608 Allen Avenue	Portland	ME	4103	R		797-4913		
Jane	Chesebro	1353 Westbrook Street	Portland	ME	4102	R	JHchese37@gmail.com	775-3532		
Robert	Chesebro	1353 Westbrook Street	Portland	ME	4102	R	RAchese38@gmail.com	775-3532	Work	871-0383
Pauline	Castle	308 Seashore Avenue	Portland	ME	4108	R	popocastle@gmail.com	766-2254		
Diane	Clark	203 Island Avenue	Portland	ME	4108	R	dkclark6@verizon.net	766-2101		
Robin	Clark	2 Welch Street/ P.O.Box 69	Portland	ME	4108	R	R1Peak@aol.com	766-5652	Cell	232-5496
Lynn	Colby	46 Clayton Street	Portland	ME	4103	R	lscob@aol.com	797-3948		
Marie	Connolly	10 Chickadee Lane	Raymond	ME	4071	R	mkconnolly@maine.rr.com	221-0568		
Nancy	Crosby	32 Parson Road	Portland	ME	4103	R	dwcros@yahoo.com	772-6405		
Ruth	Curley	6 Pineloch Drive	Portland	ME	4103	R	towanda@maine.rr.com	797-3889		
William	Curley	6 Pineloch Drive	Portland	ME	4103	R	pogoking@maine.rr.com	797-3889		
Robert	Dacey	147 Christy Road	Portland	ME	4103	R	rdacey@maine.rr.com	797-2190		646-2928
Samantha	Depoy-Warren	70 Kent Street	Portland	ME	4102	R	sam@samanthawarrenweddings.com	899-0517		632-0389
Rhonda	Desrochers	358 Main Street	Gorham	ME	4038	R	Rhonda.F.Desrochers@AMPF.com	222-2825		839-9550
Marcia	Dexter	203 Boradway	Portland	ME	4103	R	cshells@maine.rr.com	797-8220		
Tom	Elliman	36 Saine Lawrence Street	Portland	ME	4101	R	tellimanx@yahoo.com	899-1039		
Marcia	Farr	323 Capisic Street	Portland	ME	4102	R	wactwo@maine.rr.com	773-9615		
David	Fernald	45 Eastern Promenade, 5K	Portland	ME	4101	R	david.fernaid@gmail.com	615-8450		
Mary	Fernald	45 Eastern Promenade, 5K	Portland	ME	4101	R	muffief@gmail.com	874-6680	work	772-4841
Halsey	Frank	100 Partridge Circle	Portland	ME	4102	R	hharkerfrank@aol.com	772-6949		771-3251
Francis	Gallant	111 Central Avenue	Peaks Island	ME	4108	R		766-2216		
Gabrielle	Girard	P.O. Box 21	Peaks Island	ME	4108	R		798-0396		
Dwight	Glidden	99 Euclid Avenue	Portland	ME	4103	R	sailstar65@aol.com	878-2603		239-9810
Lynne	Goodwin	139 Ocean Avenue	Portland	ME	4103	R		773-5468		
Pauline	Goss	7 Bramhall Terrace	Portland	ME	403	R		773-5149		
William	Gowen	468 Allen Avenue	Portland	ME	4103	R	wwg914@aol.com	415-1412		
Connie	Haley	140 Eastern Promenade	Portland	ME	4101	R	conniehaley@gmail.com	772-8984		
Helen	Hoglund	80 Pinecrest Road	Portland	ME	4102	R	hfhoglund@yahoo.com	773-3377	Cell	232-6613
Leslie	Holmes	128 Massachusetts Ave.	Portland	ME	4102	R	lhomes2@maine.rr.com		Cell	415-1810
Marianne	Jaffe	89 Central Avenue Apt #11	Peaks Island	ME	4108	R	mjaffei@maine.rr.com	766-0088		
Betty	Johnson	22 Brewer Street	Portland	ME	4102	R		774-3254		
James	Kachmar	83 A Oak Street	Portland	ME	4101	R	jamespkachmar@gmail.com	671-2216	Work	775-7577
Michael	Karatsanos	335 Forest Avenue #412	Portland	ME	4101	R	mkaratsanos@gmail.com	615-3271		
Donna	Katsiaficas	61 Deepwood Drive	Portland	ME	4103	R	dkatsiaficas@pwd.org	797-7563	Work	523-5435 does not want to work at merrill
James	Katsiaficas	61 Deepwood Drive	Portland	ME	4103	R	jdksatsiaficas@perkinsthompson.com	797-7563	work	774-2635 Expo or Grace
Russell	Kenney	61 Abby Lane	Portland	ME	4103	R	rkennev3@maine.rr.com	797-2879		
Marc	Lamontagne	922 Baxter Blvd	Portland	ME	4103	R	mlamontagne@littleseabagolake.net	774-8909	Work	776-3225
Marina	Lewis	38 Hillview Road	Gorham	ME	4038	R	lewis.marina@yahoo.com	839-2958		
Suzanne	Mallman	80 Highland Street	Portland	ME	4103	R	rpmail@maine.rr.com	773-5082		
Shirley	Mitton	21 School Street, Apt. 101	Portland	ME	4102	R	smittton57@yahoo.com	828-0693	work	774-1996
Elizabeth	Mooradian	105 Stonecrest Drive	Portland	ME	4103	R	betmooradian@verizon.net	797-8208		
Sylvia-Anne	Moore	10 Congress Square	Portland	ME	4103	R		450-6000		
Garison	Murrell	239 Woodford Street	Portland	ME	4103	R	gkmurrell@ghi.net	774-0174		
Drusilla	Pedro	46 Mackworth Street	Portland	ME	4103	R	drup@maine.rr.com	772-8803		
Lawrence	Perkins	66 Devon Street	Portland	ME	4102	R	lawrencep@earthlink.net	773-5374		
Ron	Porter	49 Pembroke Street #4	Portland	ME	4103	R	rip_taurus@yahoo.com	899-1897		239-1273
Salvatore	Raia	101 Dennett Street	Portland	ME	4102	R	ralasalvatore@myfairpoint.net	773-9826		
Theresa	Randall	29 Carter Street	South Portland	ME	4106	R	teri1120@yahoo.com	671-1959		
Carolyn	Rumery	1172 Sawyer road	Cape Elizabeth	ME	4107	R		767-4760		

Kathleen	Rummler	115 Crestview Drive	Portland	ME	4103 R	rummler@maine.rr.com	797-7052		
Patricia	Russo	94 Primrose Lane	Portland	ME	4103 R	prusso@maine.rr.com	797-8266	Cell	329-5644
Jon-Robert	Schatz	41 Park Street #3	Portland	ME	4101 R	rschatz02@gmail.com	653-6066		
Jesse	Senore	367 Summit Street	Portland	ME	4103 R	JS-subway@maine.rr.com	878-8033	Work	939-3740
Joan	Smith	45 Whaleback Road	Peaks Island	ME	4108 R	jmsmith@maine.rr.com	766-5855		
Rudolph	Somma	126 Rockalnd Avenue	Portland	ME	4102 R	rudysomma@hotmail.com	239-5005		
Patricia	Stultz	5 Panoramic View Dr.	Portland	ME	4103 R	ilandgr152@aol.com	797-6549		
Peter	Stultz	5 Panoramic View Dr.	Portland	ME	4103 R		797-6549		
Marion	Toppi	47 Pembroke Street	Portland	ME	4103 R		879-7313		
Donna	Walker	116 Christy Road	Portland	ME	4103 R	ajdonna@gmail.com	878-3049		
Kyle	Warren	70 Kent Street	Portland	ME	4102 R	kylescottwarren@gmail.com	632-6112		
Beverly	Waterman	67 DiBiase Street	Portland	ME	4103 R	thewatermans@gmail.com	797-6851		
Amelia	Wise	16 Heather Road	Portland	ME	4103 R	apwise@mavfairpoint.net	797-8726		
Phillip	Wysowski	123 Pennell Avenue	Portland	ME	4103 R		797-6677		
Kathleen	York	105 Deake Street	Portland	ME	4106 R	kate-york@idexx.com	409-6296	Work	556-3784

First Name	Last Name	Address	City	State	Zip	Party	Email			
Janet	Farr	63 Lori Lane	Westbrook	ME	4092	G		854-9339	work	772-1810
John	Piteau	123 Saugus Street	Portland	ME	4103	G		878-9323	Cell	331-0077
Constance	Reagan	24 Sawyer Street	Portland	ME	4103	G	creagan720@gmail.com	650-8008		

First Name	Last Name	Address	City	State	Zip	Party	Email			
Beverly	Dacey	147 Christy Road	Portland	ME	4103	U	rdacey@maine.rr.com	797-2190		337-4347
Gayle	Duncan	7 Deerfield Road	Portland	ME	4101	U	GPDUNC2gwi.net	774-0140		885-1327
Joseph	Fazio	65 Quebec Street	Portland	ME	4101	U	jvmfazio@hotmail.com	450-7940		
Katherine	Fecteau	17 Wolcott Street	Portland	ME	4102	U	katherine.fecteau@yahoo.com	807-4048	work	878-1210
Vondelle	Fieldsend	17 Adams Street/P.O.Box 5	Peaks Island	ME	4108	U	vondelle@outlook.com	766-2503		
Matthew	Fitzgerald	409 Palmer Avenue	Portland	ME	4103	U		797-0686	work	874-8653
Joel	Glass	P.O. Box 1001	Portland	ME	4104	U	jauxie@aol.com	831-0000		
Rosanne	Graef	30 A Salem Street	Portland	ME	4102	U	rgraef@gwi.net	879-6024		
Julia	Haigh	53 Danforth Street #3	Portland	ME	4101	U	jumaha425@gmail.com	409-9666		
Jean	Koster	10 Hillis Street	Portland	ME	4103	U	JLKoster1@maine.rr.com	772-0228		
John	Lufkin	75 Four Winds Road	Portland	ME	4102	U	jlufkin@gorhamsavingsbank.com	828-4559	work	221-8956
Kimberly	MacIsaac	140 Reed Avenue	Peaks Island	ME	4108	U	ramseyroost@maine.rr.com	766-5514		
Elaine	Markos	40 Whaleback Road	Peaks Island	ME	4108	U	evmarkos@verizon.net	978-314-8706		
John	McKenney	1912 Washington Ave.	Portland	ME	4103	U	jmckenney3@maine.rr.com	797-5374		
Zachary	Paakkonen	33 Summer Street #3	Portland	ME	4102	U	zpaakkonen@westendlegal.com	450-5047	work	699-5553
Justin	Palmer	26 Sterling Street	Peaks Island	ME	4108	U	paimerJD@aol.com	232-9959		
Marjorie	Powers	17 Torrington Point	Peaks Island	ME	4108	U	mpowers2@maine.rr.com	766-5952		
Edna	Ramos	24 Mellen Street	Portland	ME	4101	U		780-1272		
Christine	Spinella	377 Cumberland Ave	Portland	ME	4101	U	ronspinella@maine.rr.com	773-4773		
Robyn	Tucker	10 Alder Street #1	Portland	ME	4101	U	robyntckr@yahoo.com	409-2308	Work	773-4381

*Order 176-13/14
Tab 5 3-17-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

**ORDER CALLING SPECIAL ELECTION AND SETTING TIME FOR OPENING
OF POLLS FOR ELECTION ON MAY 13, 2014**

ORDERED, that pursuant to 20-A M.R.S.A. § 1486, a Special City Election shall be held on May 13, 2014 to vote on the School Budget Referendum; and

BE IT FURTHER ORDERED, that pursuant to 21-A M.R.S.A. Sec. 621-A, the polls shall open at 7:00 a.m. and close at 8:00 p.m. on May 13, 2014.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Katherine L. Jones

DATE: March 3, 2014

DISTRIBUTION: (City Manager, Mayor, Sonia Bean, Nancy English)

SUBJECT: Setting Special Election School Budget Referendum

SPONSOR: City Clerk

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading X Final Action

Can action be taken at a later date: X Yes No

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

I. SUMMARY OF ISSUE (Agenda Description)

Calling special Elections and setting time for opening and closing of the polls for the election on May 13, 2014.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

Title 20-A

20-A M.R.S.A. § 1486 a Special City Election shall be held on May 13, 2014

VIII. LIST ATTACHMENTS

Prepared by:

Signature

Date

Order 177-13/14
Tabb 3-17-14

MICHAEL F. BRENNAN, (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L).

**ORDER DECLARING
"SHIPYARD OLD PORT HALF MARATHON & 5K ROAD RACE"
AS A FESTIVAL AND APPROVING CONTRACT AND PERMITS THEREFOR**

ORDERED, that the Shipyard Old Port Half Marathon & 5K Road Race is hereby declared as a Festival to be held in Portland on Saturday, July 12, 2014 and Sunday, July 13, 2014; and

BE IT FURTHER ORDERED, that the races are authorized from 5:00 a.m. – 3:00 p.m. Sunday, July 13, 2014, to be held in Portland, along city streets and trails; and

BE IT FURTHER ORDERED, that the Half Marathon will start at 7:00 a.m. and the 5K Race will start at 7:30 a.m.; and

BE IT FURTHER ORDERED, that Runners will congregate for the start of the Half Marathon in the Ocean Gateway queuing lanes, in the Eastern Promenade area for the 5-K Road Race, and the finish line for both races is at Ocean Gateway; and

BE IT FURTHER ORDERED, that the City Manager is authorized to grant permits to the organizers of the festival, Giddyup Productions, LLC for Habitat for Humanity of Greater Portland, Cancer Community Center, and Portland Trails ("event beneficiaries"), pursuant to Sections 25–27 of the Portland City Code for the following activities:

- Giddyup Productions, LLC will have the use of the Maine State Pier, Ocean Gateway Queuing Lanes, Moon Tide Park, and along the proposed road race course from 4:00 a.m. on Saturday, July 12, 2014 until 12:00 p.m. Sunday, July 13, 2014 with a finish line and post-half marathon celebration to be held from 5:00 a.m. Sunday, July 13, 2014 until 3:00 p.m. Sunday July 13, 2014.; any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained at a reasonable level and be configured by Giddyup Productions, LLC and the City to focus volume on the Ocean Gateway Terminal and Maine State Pier and its immediate environment; and

BE IT FURTHER ORDERED, that the Festival Areas will be closed to street vendors pursuant to Section 19–17 of the Portland City Code and is reserved for the use of Giddyup Productions, LLC, the Race Committee and event beneficiaries for the

purpose of conducting the Shipyard Old Port Half Marathon & 5K Road Race, subject to the direction and control of the City Manager; and

BE IT FURTHER ORDERED, that the City manager is authorized to issue a revocable permit under Sections 25-26 thru 25-30 of Portland City Code to Giddyup Productions, LLC and event beneficiaries subject to the following conditions:

- Under no circumstances may alcoholic beverages be sold or consumed on City of Portland right-of-ways during said event, other than what is approved by City Council. More specifically, as part of this festival, a 21+ beer-only garden will be set up near the stage and security provided by Public Assembly Facilities Management staff on Maine State Pier. A 21+ beer garden will also be set up in Moontide Park at Ocean Gateway with security provided by Public Assembly Facilities Management staff.
- Race organizer shall indemnify the City and hold it harmless from and against all claims arising out of activities during said event, and shall take out and maintain public liability insurance coverage in the amount of at least \$400,000 per occurrence for personal or bodily injury, death, or property for said purposes.
- Conditions for use of grounds, specified in a permit issued from Public Services Event Office, shall be adhered to.
- Race organizers shall have sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival.
- City permit fees and license fees, and costs for city staff assistance, will be paid by the race organizer (race organizer will hire many Police Officers and Parking Control Officers to assist with street closures, detours, and at race intersections).
- Route of the course is subject to change, depending on construction projects along the course and Police recommendations leading up to the race day.

BE IT FURTHER ORDERED, the following streets will be closed to vehicular traffic on Sunday July 13, 2014:

- Thames St. and Commercial St. (both lanes – from India St. to Franklin St.) will be closed to vehicular traffic (6:15 a.m. – 7:15 a.m.)
- Franklin Street (at Commercial St.) (7:00 a.m. – 7:15 a.m. and 7:35 a.m. – 8:30 a.m.);
- Eastern Promenade road (both lanes, from Morning St. to Washington Ave.) (7:20 a.m. – 7:45 a.m.)
- North Street (from Walnut St. to E. Prom), (7:20 a.m. – 7:45 a.m.)

- Cutter Street (6:30 a.m. – 7:45 a.m.)
- North-bound traffic on Washington Ave. (at the intersection with Eastern Prom road), will either be detoured or held back from 7:30 – 8:45a.m. (State Police will close the I-295 Exit 8 ramp onto Washington Ave. from 7:30 – 8:45a.m.)
- Commercial Street (west-bound only, from High St. to Valley St.) (7:00 a.m. – 8:15a.m.)
- Danforth Street (both lanes, from Valley St. to Vaughan St. (7:10 a.m.– 7:40a.m.). The uphill lane will remain closed until 8:05a.m.; downhill lane will open up again to traffic again once the last runner reaches Vaughan Street.
- Danforth Street (west-bound lane, from Clark St. to Vaughan St.) (7:10 a.m. – 8:15a.m.. (Church attendees detoured onto Clark, to Spring, to Emery St.)
- Western Promenade (both lanes from Vaughan St. to Bowdoin St.) (7:15 a.m. – 7:45a.m.)
- Park Street (from York St. to Commercial St.) (6:00 a.m. – 8:15a.m.)
- Beach Street (from York St. to Commercial St.) (7:20 a.m. – 8:10a.m.)

BE IT FURTHER ORDERED, that race intersections will be staffed by Police, PCO's or qualified volunteers so that traffic may proceed when there are no runners nearby; and

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

BE IT FURTHER ORDERED, that the City Manager is authorized to enter into the Agreement with Giddyup Productions, LLC and event beneficiaries for the use of the Ocean Gateway Moon Tide Park on July 12 and 13, and the provisions of said Agreement shall control the use of said Ocean Gateway.

**CITY OF PORTLAND, MAINE
CITY COUNCIL AGENDA REQUEST FORM**

Two copies to be submitted (with supporting material) at least 12 days before Council meeting:

Copies to: Sonia Bean Nancy English
 Mark Rees Danielle West-Chuhta
 Michael Brennan

1. Council Meeting at which action is requested (date): March 17, 2014
2. Can action be taken at a later date? Yes X No
If no, why not?

Habitat for Humanity seeks approval to move forward confidently with planning, marketing, and registration for events.

If a memo addresses the following issues, you may attach and reference the memo, but please highlight it so that staff may easily answer I-V.

I. SUMMARY OF ISSUE

Declare "Shipyard Old Port Summer Festival and Shipyard Old Port Half Marathon & 5K (road race)" as a Festival. Festival is scheduled for Saturday and Sunday, July 12th & 13th, 2014, on the Maine State Pier, Ocean Gateway Queuing Lanes, Moon Tide Park, and along the proposed road race course.

Festival areas bordered by:

All of the Maine State Pier, up to Portland Ocean Terminal dock and parking / roadway area of Casco Bay Ferry Terminal, parking / roadway area in front of the Ocean Gateway Receiving building, and the Moon Tide Park located directly behind the Ocean Gateway Receiving building.

Shipyard Old Port Summer Festival (Saturday 7/12/14)

The Shipyard Old Port Summer Festival is scheduled for load in / set up at 4:00am Saturday, July 12, 2014 with the Health & Fitness Exhibition, Live Music, and Beer Garden held from 11:00am – 10:00pm. The load out / cleanup is scheduled to end at 12:00 p.m., Sunday, July 13, 2014.

Maine State Pier will be used to stage a new pre-race event called the Shipyard Old Port Summer Festival. While the activities are planned for pre-registered runners, the pier will remain open with free admission to the public. A portion of the pier will be dedicated to hosting a health and fitness exposition. The exposition will include merchandise and food truck vendors. All vendors will apply for appropriate licensing. Runners will be required to come to the exposition to pick up their registration materials for the race on the following day. Live music will be performed by local bands throughout the day from a stage located on the pier.

A 21+ beer-only garden will be set up near the stage and security provided by Public Assembly Facilities Management staff.

Portland Trails will be the beneficiary for this event.

Old Port Half Marathon & 5K (Sunday 7/13/14)

The Old Port Half Marathon & 5K is scheduled for load in / set up at 5:00am Sunday, July 13, 2014 with Live Music and Beer Garden held from 9:00am – 2:00pm. The load out / cleanup is scheduled to end at 3:00pm Sunday, July 13, 2014.

This event consists of a half marathon (13.1 miles) and a 5K Road Race. This is the fourth year for this event; however, the routes for both races and location of the 5k start have changed from 2013.

ROUTES: (both races held Sun July 13)

Half Marathon...(start time 7am) route takes runners from Ocean Gateway, west to Commercial Street, and up into the Western Prom area, back down to Commercial Street, where runners continue east, and get onto Fore Street and up to the Eastern Promenade, then down around Back Cove Trail, crossing Tukey's Bridge and continuing on the Eastern Prom Trail, ending back at Ocean Gateway. 2000+ runners.

5K..... (start time 7:30am) route takes runners from the top of Cutter St, north onto Eastern Promenade Road, down the hill to Washington Ave, crossing over Washington Ave. and getting onto Bayside Trail, then getting onto the Eastern Prom Trail running south, and ending at Ocean Gateway. 700 runners.

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

Many volunteers (40+) will staff intersections.

Organizer will hire Police Officers and PCOs to manage major street closures.

Organizer will hire PFD Medcu to patrol the Back Cove and Eastern Prom trails.

Organizer will hire 3 ambulances to be placed on stand-by at positions along the Back Cove and Eastern Prom trails.

A 21+ beer garden will be set up in Moontide Park at Ocean Gateway with security provided by Public Assembly Facilities Management staff. In the event that Moontide Park is not available due to construction then the beer garden will be moved to Amethyst Park. In the event of heavy rains the beer garden will be moved into the Terminal building at Ocean Gateway.

Proceeds benefit Habitat for Humanity of Greater Portland, Cancer Community Center, and Portland Trails.

II. **REASON FOR SUBMISSION** (What issue / problem will this address?)

- Festival Declaration
- Allows for control of vendors
- Granting approval for alcohol sales (Maine State Pier & Moon Tide Park)

III. **INTENDED RESULT** (How does it resolve the issue / problem?)

See above.

IV. **FINANCIAL IMPACT**

All costs incurred by City Departments are reimbursed by **Habitat for Humanity**, organizers of the event.

V. **STAFF ANALYSIS & RECOMMENDATION**

This is the fourth year the Old Port Half Marathon & 5K. Erik Boucher, who is organizing this event with **Giddy Up Productions** for **Habitat for Humanity**, has had a successful working relationship with the City of Portland for last three years of this event and with other similar events. Public Assembly Facilities Staff is confident with the addition of the Shipyard Summer Festival, and recommends approval.



Anita R. LaChance
Director

Department of Recreation & Facilities Management

Andrew J. Downs
Director
Public Assembly Facilities

TO: Mark Rees, City Manager
FROM: Andrew Downs, Director of Public Assembly Facilities
DATE: March 4, 2014
RE: "Shipyard Old Port Summer Festival"
"Shipyard Old Port Half Marathon & 5K Road Race"

I am requesting that the following order be placed on the next City Council agenda: order authorizing the Shipyard Old Port Summer Festival, scheduled for Saturday, July 12, 2014 and the Shipyard Old Port Half Marathon & 5K Road Race, scheduled for Sunday, July 13, 2014.

Although this is the first year for the Shipyard Old Port Summer Festival, this is the fourth year of the Shipyard Old Port Half Marathon. The race has been well organized and successful each year. Interest and attendance at the race has increased each year; this year's Half Marathon should draw 2,500 runners; the 5K - 700 runners. Habitat for Humanity of Greater Portland, Cancer Community Center, and Portland Trails all benefit from the Old Port Half Marathon proceeds.

GiddyUp Productions, a Maine limited liability company, will be organizing and producing both the Shipyard Old Port Summer Festival, and the Old Port Half Marathon and 5K Road Races. GiddyUp Productions has organized the race and other events in the past holding a very good relationship with the City. Habitat for Humanity is the main beneficiary for the events, and will be signing operating agreements for usage of the Maine State Pier and Ocean Gateway areas with the City of Portland's Public Assembly Facilities Division.

Habitat for Humanity of Greater Portland (www.habitatportlandme.org) is an independent affiliate of Habitat for Humanity International, a global, nonprofit housing organization operated on Christian principles that seeks to put God's love into action by building homes, communities and hope.

While the activities on the Maine State Pier on Saturday July 12, 2014 (Shipyard Old Port Summer Festival) are planned for pre-registered runners the pier will remain open with free admission to the public. A portion of the pier will be dedicated to hosting a health and fitness exposition. The exposition will include merchandise and food truck vendors. All vendors will apply for appropriate licensing. Runners will be required to come to the exposition to pick up their registration materials for the race on the following day.

Portland, Maine



Yes. Life's good here.

Anita R. LaChance
Director

Department of Recreation & Facilities Management

Andrew J. Downs
Director

Public Assembly Facilities

Live music will be performed by local bands throughout the day from a stage located on the pier. Any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained at a reasonable level and be configured by Habitat for Humanity's contractor and the City to focus volume on the Maine State Pier and its immediate environment, limiting any sound impacts in residential areas.

Beer would be available in a restricted "Beer Garden" area, to which access would be limited to those twenty one (21) and over. All Security will be provided by Public Assembly Facilities Management Staff.

While the activities on the Ocean Gateway Roadway, Parking Area, and Moon Tide Park on Sunday July 13, 2014 (Shipyard Old Port Half Marathon & 5K) would be reserved for race participants that day, access to the Ocean Gateway Terminal and Convention and Visitors Bureau visitor center would be preserved all day.

Live music will be performed outside the Ocean Gateway Receiving Building. Any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained at a reasonable level and be configured by Habitat for Humanity's contractor and the City to focus volume on the Ocean Gateway Terminal pier and its immediate environment, limiting any sound impacts in residential areas.

Beer would be available in a restricted "Beer Garden" area of Moon Tide Park, to which access would be limited to those twenty one (21) and over. All Security will be provided by Public Assembly Facilities Management Staff.



Michael J. Bobinsky
Director of Public Services

TO: Mark Rees, City Manager
FROM: Michael Bobinsky, Director of Public Services
DATE: March 5, 2014
RE: "Shipyard Old Port Half Marathon & 5K Road Race"

I am requesting that the following order be placed on the next City Council agenda: order authorizing the Shipyard Old Port Half Marathon & 5K Road Race, scheduled for Sunday, July 13, 2014.

This race has been held in the city for a few years now. Each successive year, attendance at the race increases; this year's Half Marathon should draw 2,500 runners; the 5K - 700 runners. Habitat for Humanity of Greater Portland, Cancer Community Center, and Portland Trails all benefit from the Old Port Half Marathon proceeds.

The Order should include the following items: The Shipyard Old Port Half Marathon & 5K Road Race be authorized for Sunday, July 13, 2014, from 5am - 3pm, to be held in Portland, along city streets and trails. Runners will congregate in the Ocean Gateway area (Half Marathon Start) and the Eastern Prom area (5K Race Start). The Half Marathon starts at 7am; the 5K Race starts at 7:30am.

These areas will also be closed to street vendors pursuant to Section 19-17 of the Portland City Code and are reserved for the use of the race organizer, for the purpose of conducting the Shipyard Old Port Half Marathon & 5K Road Race, subject to the direction and control of the City Manager.

The route of the races are as follows: (Please also refer to Maps)

Half Marathon (start time 7am). Route takes runners from Ocean Gateway, west to Commercial Street, and up onto the Western Prom streets, back down to Commercial Street, where runners continue east, and get onto Fore Street, run up to the Eastern Promenade, then down to Washington Ave. – crossing there and continuing around Back Cove Trail, then crossing Tukey's Bridge and continuing down to Bayside Trail, then running south onto the Eastern Prom Trail, ending back at Ocean Gateway. 2500 runners.

5K (start time 7:30am). Route takes runners from the top of Cutter St, north onto Eastern Promenade Road, down the hill to Washington Ave, crossing over Washington Ave. and getting onto Bayside Trail, then getting onto the Eastern Prom Trail running south, and ending at Ocean Gateway. 700 runners.

continued



Michael J. Bobinsky
Director of Public Services

The City Manager is authorized to issue a revocable permit under Sections 25-26 thru 25-30 of Portland City Code to the race organizer subject to the following conditions:

- Under no circumstances may alcoholic beverages be sold or consumed on City of Portland right-of-ways during said event, other than what is approved by City Council.
- Race organizer shall indemnify the City and hold it harmless from and against all claims arising out of activities during said event, and shall take out and maintain public liability insurance coverage in the amount of at least \$400,000 combined simple limit for personal or bodily injury, death, or property for said purposes.
- Conditions for use of grounds, specified in a permit issued from Public Services Event Office, shall be adhered to.
- Race organizers shall have sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival.
- City permit fees and license fees, and costs for city staff assistance, will be paid by the race organizer (race organizer will hire many Police Officers and Parking Control Officers to assist with street closures, detours, and at race intersections).
- Route of the course is subject to change, depending on construction projects along the course and Police recommendations leading up to the race day.

During the Shipyard Old Port Half Marathon & 5K Road Race, streets listed below will be closed to vehicular traffic, Sunday, July 13, 2014: (The city's Traffic Engineer and Police Dept. have endorsed the closures. Many Police Officers and Parking Control Officers will be hired by organizer. Volunteers will also be staffing race intersections.)

During the mass start of the Half Marathon race at 7am, Thames St. and Commercial St. (both lanes - from India St. to Franklin St.) will be closed to vehicular traffic, from approx. 6:45 – 7:15am. Franklin Street (at Commercial St.) will also be closed to traffic while the 2500 runners cross through (approx. 7 – 7:15am). From 7:35 – 8:30am, traffic will be held back at this intersection while runners cross on their return trip from the Western Prom. Commercial Street (from Franklin St. to Beach St.) will have a runners lane down the middle of the street (via large cones and yellow caution tape). Traffic will still flow on both sides of Commercial Street, for a majority of the street.

For the mass start of the 5K race, Eastern Promenade road (both lanes, from Morning St. to Washington Ave.) will be closed to vehicular traffic from 7:20 - 7:45am. This will also necessitate during this time, the closure of North Street (from Walnut St. to E. Prom), other than local traffic to residences and East End School. Cutter Street (assembly area for 5K runners) will be closed to traffic from 6:30 – 7:45am.

continued



Michael J. Bobinsky
Director of Public Services

North-bound traffic on Washington Ave. (at the intersection with Eastern Prom road), will either be detoured or held back from 7:30 - 8:45am. (State Police will close the I-295 Exit 8 ramp onto Washington Ave from 7:30 - 8:45am). This is so runners in both races can cross over Washington Ave.

Commercial Street (west-bound lane only, from High St. to Valley St.) closed from 7:00 - 8:15am.

Danforth Street (both lanes, from Valley St. to Vaughan St.) will be closed to traffic from approx. 7:10 - to 7:40am. The uphill lane will remain closed until 8:05am; downhill lane will open up again to traffic again once the last runner reaches Vaughan Street.

Danforth Street (west-bound lane, from Clark St. to Vaughan St.) will be closed to traffic from approx. 7:10 - 8:15am. (Church attendees detoured onto Clark, to Spring, to Emery St.)

Western Promenade (both lanes from Vaughan St. to Bowdoin St.) will be closed to traffic from 7:15 - 7:45am.

Park Street (from York St. to Commercial St.) will be closed to traffic from 6:00am - 8:15am.

Beach Street (from York St. to Commercial St.) will be closed to traffic from 7:20 - 8:10am.

In the event the start of the half marathon or 5k race is delayed, then the ending times of the above street closures would also be delayed.

Some street areas of the race routes will need to be posted "No Parking." These include Thames Street, Fore Street, Cutter Street, and spaces on streets at some race intersections.

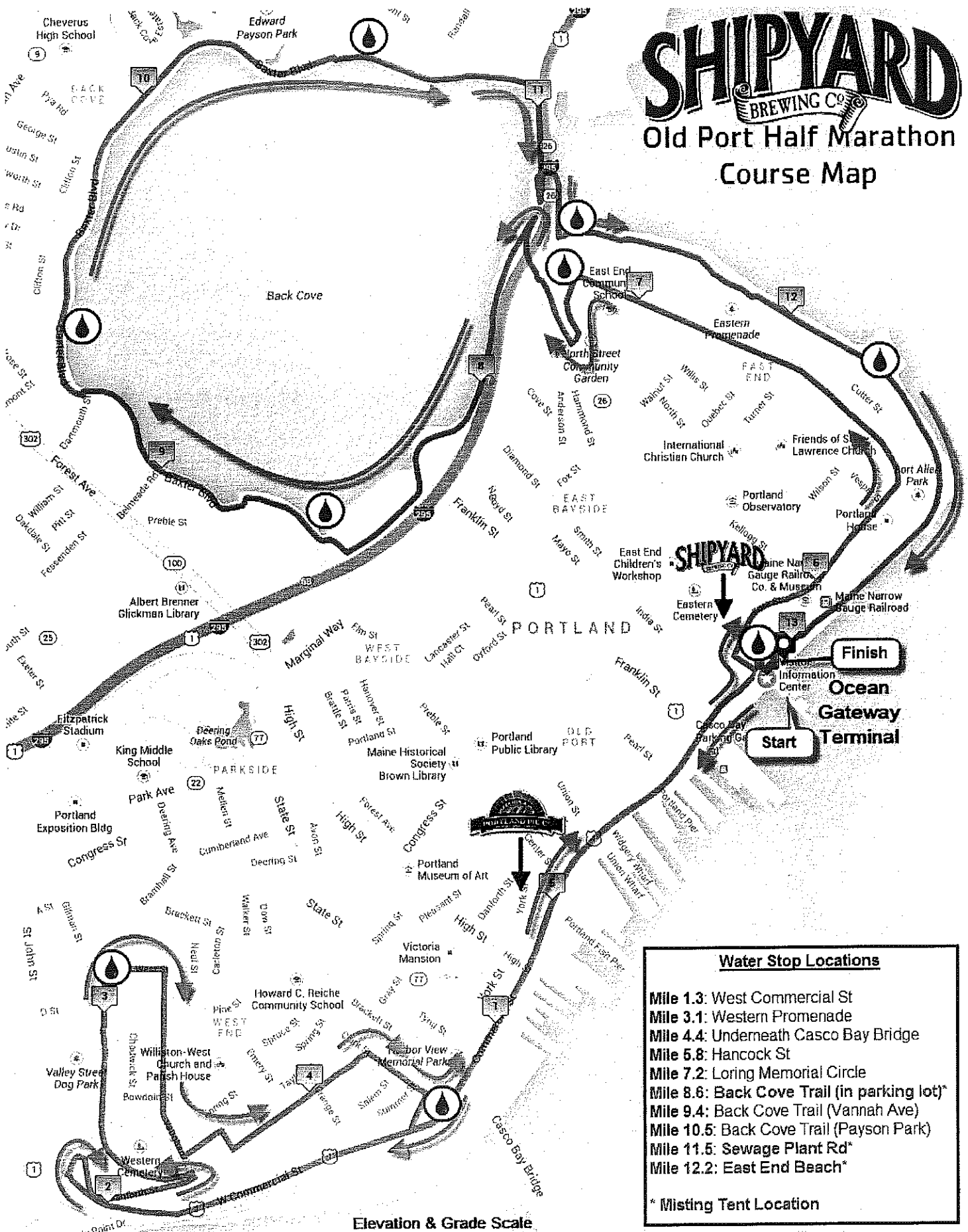
The City Manager is also authorized to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable requirements of said Code have been met regarding the operation of said Festival/Event.

Document prepared by Ted Musgrave, Event Coordinator

SHIPYARD

BREWING CO.

Old Port Half Marathon Course Map

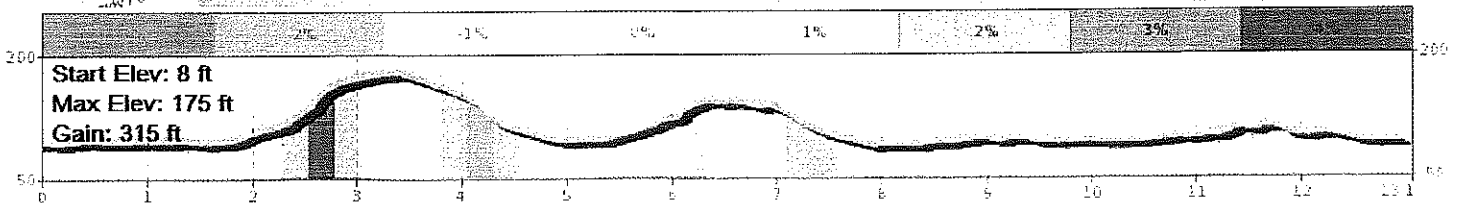


Water Stop Locations

- Mile 1.3: West Commercial St
- Mile 3.1: Western Promenade
- Mile 4.4: Underneath Casco Bay Bridge
- Mile 5.8: Hancock St
- Mile 7.2: Loring Memorial Circle
- Mile 8.6: Back Cove Trail (in parking lot)*
- Mile 9.4: Back Cove Trail (Vannah Ave)
- Mile 10.5: Back Cove Trail (Payson Park)
- Mile 11.5: Sewage Plant Rd*
- Mile 12.2: East End Beach*

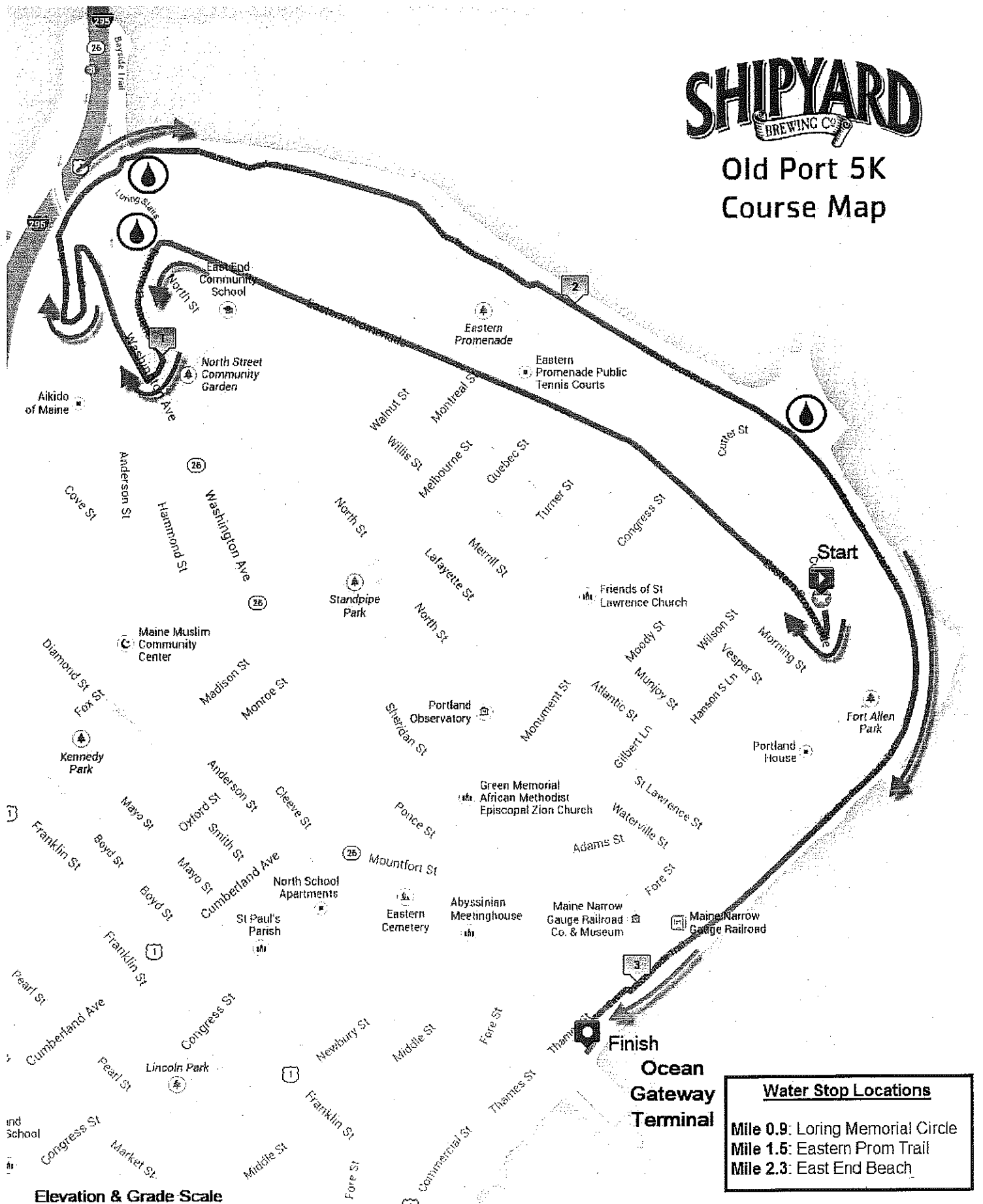
* Misting Tent Location

Elevation & Grade Scale

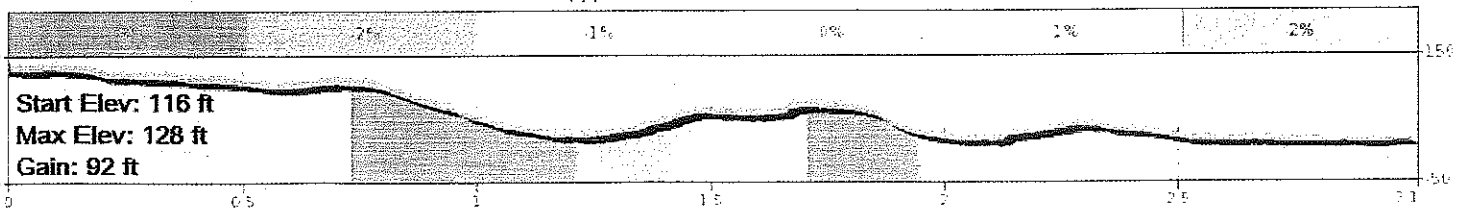




Old Port 5K Course Map



Elevation & Grade Scale



Order 178-13/14
Tab 7 3-17-14

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES (A/L)

ORDER
GRANTING MUNICIPAL OFFICER'S
APPROVAL OF:

Slab LLC d/b/a Slab Sicilian Streetfood at 25 Preble St. Application for a Class A Lounge FSE License with Entertainment without Dance and Outdoor Dining on Private Property.

To Portland City Mayor & Members of City Council,

Our new business venture, SLAB Sicilian Streetfood , will be located in the former Portland Public Market building where Scales Seafood market and restaurant used to reside. SLAB will exemplify the centuries old street-food culture of Sicily by bringing its signature cuisine to Portland. We plan to create a totally new, exciting and modern dining destination.

We have assembled an experienced team consisting of seasoned, recognized chefs and bartenders from the Portland area. We have combined our knowledge of quality food, baked goods, modern cocktails, local craft beers and spirits to create a unique atmosphere and gathering space for all to enjoy. The combination of our multiple years of experience in the local restaurant scene is what we feel sets us apart from the competition.

The goal is to let Portland enjoy Sicilian influenced food while being able to pair it with quality local craft beer and spirits. The menu will consist of the well-known "Slab" pizza, accompanied by unique small plates, and many options for customers with a variety of dietary specifications.

We hope to appeal to all ages and feel our concept will not only be accepted in the city, but sought after by a national audience as well. The restaurant will be open seven days a week from the hours of 11am -1am. The menu may see some changes at special times or hours along with the possibility of opening late one day a week. SLAB will offer an estimated 75 seat inside, as well as a large outdoor patio seating 100 plus people. We are an eager group of qualified talent, looking to bring yet another amazing restaurant to a beautiful vacant space in the city of Portland.

Thank You ,
SLAB. Sicilian Streetfood

CITY CLERK

2014 FEB 11 PM 12:48

CITY CLERK

Office of the City Clerk
389 Congress Street
Portland, ME 04101
(207) 874-8557

2014 FEB 11 PM 12:48

Application for Food Service Establishment With Alcoholic Beverages

Type of Liquor License Applying for: CLASS A LOUNGEPlease check one: (Corporation/LLC/ Non-profit org. ☒) (Sole Proprietor ☐) (Partnership ☐)Business Name (d/b/a): SLAB Sicilian Streetfood Phone: 553-2227Location Address: 25 Peble St. ZIP 04101

If new, what was formerly in this location: _____

Mailing Address: 551 Congress St. ZIP 04101Contact Person: Tobey Maclon Phone: (207) 756-9007Manager of Establishment: Emily Kingsbury Home Phone # (207) 552-5882Owner of Premises (landlord): Steve GoodrichAddress of Premises Owner: P.O. Box 535 Buxton, ME ZIP 04093Does the Issuance of this license directly or indirectly benefit any City employee(s)? Yes ☐ No ☒
If yes, list name(s) of employee(s) and department(s): _____Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Portland? Yes ☒ No ☐ If yes, please list business name(s) and location(s):NOSH KITCHEN BAR, /NOSH LLC.Is any principal officer under the age of 18? Yes ☐ No ☒Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law? NO If yes, please explain: _____

SOLE PROPRIETOR / PARTNERSHIP INFORMATION: (if corporation, leave blank)

Name of Owner(s): MATT MORAN DOB 6/18/74 Residence Address Portland, ME
 Name of Owner(s): JASON LORING DOB 9/29/70 Residence Address Portland, ME
 Name of Owner(s): Tobey Maclon DOB 2/17/84 Residence Address So. Portland, ME
STEVE LANZALOTA 3/20/59 Portland, ME

CORPORATE / LLC / NON-PROFIT ORGANIZATION APPLICANTS: (if sole proprietor, leave blank)

Corporation Name: SLAB LLCCorporation Mailing Address: 551 Congress St. ZIP 04101Contact Person: Tobey Maclon Phone Number: (207) 756-9007

PRINCIPAL OFFICERS: (if more space is needed, please attach a separate page)

Name	<u>MATT MORAN</u>	Title	<u>OWNER</u>	DOB	<u>6/18/74</u>	Residence Address	<u>Portland, ME</u>
Name	<u>JASON LORING</u>	Title	<u>OWNER</u>	DOB	<u>9/29/70</u>	Residence Address	<u>Portland, ME</u>
Name	<u>STEVE LANZALOTA</u>	Title	<u>OWNER</u>	DOB	<u>3/20/59</u>	Residence Address	<u>Portland, ME</u>
Name	<u>EMILY KINGSBURY</u>	Title	<u>MANAGER</u>	DOB	<u>12/30/83</u>	Residence Address	<u>Portland, ME</u>
Name	<u>Tobey Maclon</u>	Title	<u>OWNER</u>	DOB	<u>2/17/84</u>	Residence Address	<u>So. Portland, ME</u>
Name	_____	Title	_____	DOB	_____	Residence Address	_____

(Please see reverse side)

Type of Food Served: BAKEDGOODS, PIZZA.

Please check all that will be served: Beer ☒ Wine ☒ Liquor ☒

Percentage of sales – Generated from Food : _____ Generated from Alcohol: _____

Hours and Days of operation: MON.-SUN. 11am

Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open? Yes _____ No ☒

If no, please explain PIZZA AND BAKEDGOODS, SANDWICHES, small plates.

Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment? Yes ☒ No _____. If yes, give the distance _____.

Will you have entertainment on the premises? Yes ☒ No _____ (If yes, a separate application is required.)

Will you permit dancing on the premises? Yes _____ No ☒

Will you permit dancing after 1:00am? Yes _____ No ☒

Will you have outside dining? Yes ☒ No _____. If yes, please indicate location on diagram.
Also, will the outside dining be on PUBLIC _____ or PRIVATE ☒ property?

Have you applied for an Outdoor Dining Permit? Yes _____ No ☒

Will you have any amusement devices (pinball, video games, juke box)? Yes _____ No ☒.

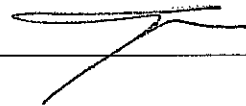
If yes, please list, # of pinball: _____ # of amusements: _____ # of pool tables: _____.

What is your targeted opening date? : MAY 1ST(?)

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

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

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

Signature  Title OWNER Date 2/27/14

Office of the City Clerk
 389 Congress Street
 Portland, ME 04101
 207-874-8557

Supplemental Application for Dancing and Entertainment

Please attach a diagram of floor plan showing where in the facility the entertainment will be setup, the direction of any speakers and where dance floor, if any, will be located.

Business Name (d/b/a): SLAB Sicilian Streetfood

Location Address: 25 Preble St. ZIP 04101 Phone 553-2227

Will music be electric or acoustical or both? Acoustic

Will amplification used? Yes ☒ No ☐

If yes, where and at what level? Not loud. just listening. Background music

Will you permit dancing on the premises? Yes ☐ No ☒

Will you permit dancing or entertainment after 1:00AM? Yes ☐ No ☒

Will recorded music be played: Inside ☐ Outside ☐ Both ☒

What is the distance to the nearest residential dwelling unit both inside and outside the building where the entertainment will take place? 100 ft.

Please describe in detail the type and nature of the business and proposed entertainment: An

addition to the wonderful food, background, amplified acoustic music.

NOT EVERY NIGHT.

If new applicant, what is your targeted opening date? : MAY 1ST?

Does the issuance of this license directly or indirectly benefit any City employee? Yes ☐ No ☒

If yes, list names of employee(s) and department(s).

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.

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 2/7/14

2014 FEB 11 PM 2:48

CITY CLERK

Department of Public Safety
Division

Liquor Licensing & Inspection

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.



BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES N/A.

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

- ☐ RESTAURANT (Class I,II,III,IV)
☐ HOTEL-OPTIONAL FOOD (Class I-A)
☒ CLASS A LOUNGE. (Class X)
☐ CLUB (Class V)
☐ TAVERN (Class IV)

- ☐ RESTAURANT/LOUNGE (Class XI)
☐ HOTEL (Class I,II,III,IV)
☐ CLUB-ON PREMISE CATERING (Class I)
☐ GOLF CLUB (Class I,II,III,IV)
☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) (Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>SLAB LLC.</u>		2. Business Name (D/B/A) <u>SLAB SICILIAN STREET FOOD.</u>	
DOB: _____			
DOB: _____			
DOB: _____		Location (Street Address) <u>25 PREBLE ST</u>	
Address <u>551 CONGRESS ST</u>		City/Town <u>PORTLAND</u>	State <u>ME</u> Zip Code <u>04101.</u>
<u>PORTLAND ME 04101</u>		Mailing Address	
City/Town <u>(207) 553-2227</u>	State <u>(207) 553-2229</u>	City/Town <u>553-2227</u>	State <u>553-2229</u>
Telephone Number	Fax Number	Business Telephone Number	Fax Number
Federal I.D. # <u>46-4173295</u>		Seller Certificate #	

3. If premises are a hotel, indicate number of rooms available for transient guests: N/A.
4. State amount of gross income from period of last license: ROOMS \$ N/A FOOD \$ N/A LIQUOR \$ N/A.
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire, If YES

6. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐

7. If manager is to be employed, give name: EMILY KINGSBURY.

8. If business is NEW or under new ownership, indicate starting date: MAY 1ST ? 2014

Requested inspection date: _____ Business hours: MON-SUN. 11am-1am.

9. Business records are located at: 551 Congress St. PORTLAND, ME 04101.

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine?

YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
MATT MORAN	6/18/74	PORTLAND, ME
JASON LORING	9/29/76	PORTLAND, ME.
TOBBY MOULTON	2/17/84	GLERS FALLS, NY
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
STEPHAN LANZALOTTA 3/20/59 NEW LONDON, CT.		
EMILY KINGSBURY 12/30/83		

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: _____
STEVE GOODRICH PO BOX 535 BUXTON, ME. 04093

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____
INDOOR DINING ROOM, KITCHEN, 2 BATHROOMS

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☐ NO ☒ Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? _____ Which of the above is nearest? _____

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: BANK LOAN - BANBOR SAVINGS

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: PORTLAND, ME on 2/7/2014
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

TOBBY MOULTON

Signature of Applicant or Corporate Officer(s)

STATE OF MAINE
Liquor Licensing & Inspection Unit
164 State House Station
Augusta, Maine 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND
LIMITED PARTNERSHIPS

1. Exact Corporate Name: SLAB LLC
Business D/B/A Name: SLAB Sicilian Streetfood.
2. Date of Incorporation: 7/18/13
3. State in which you are incorporated: MAINE
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
MATT MORAN	Portland, ME - 53 W. HANCOCK ST - 30 DARTMOUTH	6/18/74	23.75	OWNER
JASON LORING	Portland ME - 15 MAINE AVE - 73 OAK	9/29/76	23.75	"
TOBBY MOULTON	Sc. Portland ME 194 W. 11th	2/17/84	23.75	"
STEPHEN LANZALOTA	Portland ME	3/20/59	23.75	"
EMILY KINGSBURY	Portland, ME	12/30/83	5	"

6. What is the amount of authorized stock? 100% Outstanding Stock? _____
7. Is any principal officer of the corporation a law enforcement official? () YES (✓) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES (✓) NO.
9. If yes, please complete the following: Name: _____

Date of
Conviction: _____ Offense: _____

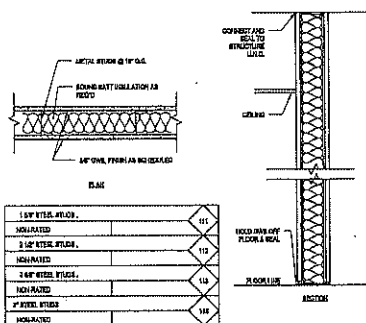
Location: _____ Disposition: _____

Dated at: _____ On: _____
City/Town Date

Signature of Duly Authorized Officer

Date: 2/3/14

Print Name of Duly Authorized Officer



② WALL TYPES INTERIOR

PATIO AREA. (SEE DIAGRAM.)

																														
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

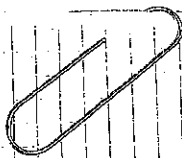
WALL TYPES KEY

① FLOOR PLAN

PLAN NOTES

- 1. PARTITION TYPE 113, U.S.D.
- 2. DIMENSIONS ARE TO FACE OF DRYWALL, TYP.
- 3. PROVIDE INSULATED RESISTANT DRYWALL AT TOILET BOOTH, TYP.
- 4. EXTEND PARTITION TO UNDERNEATH OF SINK AND REAR U.S.D.
- 5. CONSTRUCTION IS UNAVAILABLE TO VISUALLY FIELD CONDITIONS WHICH MAY VARY FROM TYPICAL DETAILS SHOWN ON DRAWINGS, AND NO COPY CLOSE TO DETAILS TO MEET ACTUAL CONDITIONS. AS TO MAINTAIN CONTINUITY OF PARTITION FROM FLOOR TO CEILING AND REAR.
- 6. PROVIDE SUSPENSION TRACK AT TOP OF WALLS WHERE NECESSARY TO DISCARD.

PLAN NOTES



← SERVICE DRIVE. →

SLAB

SERVER WALK-WAY

16' 8"

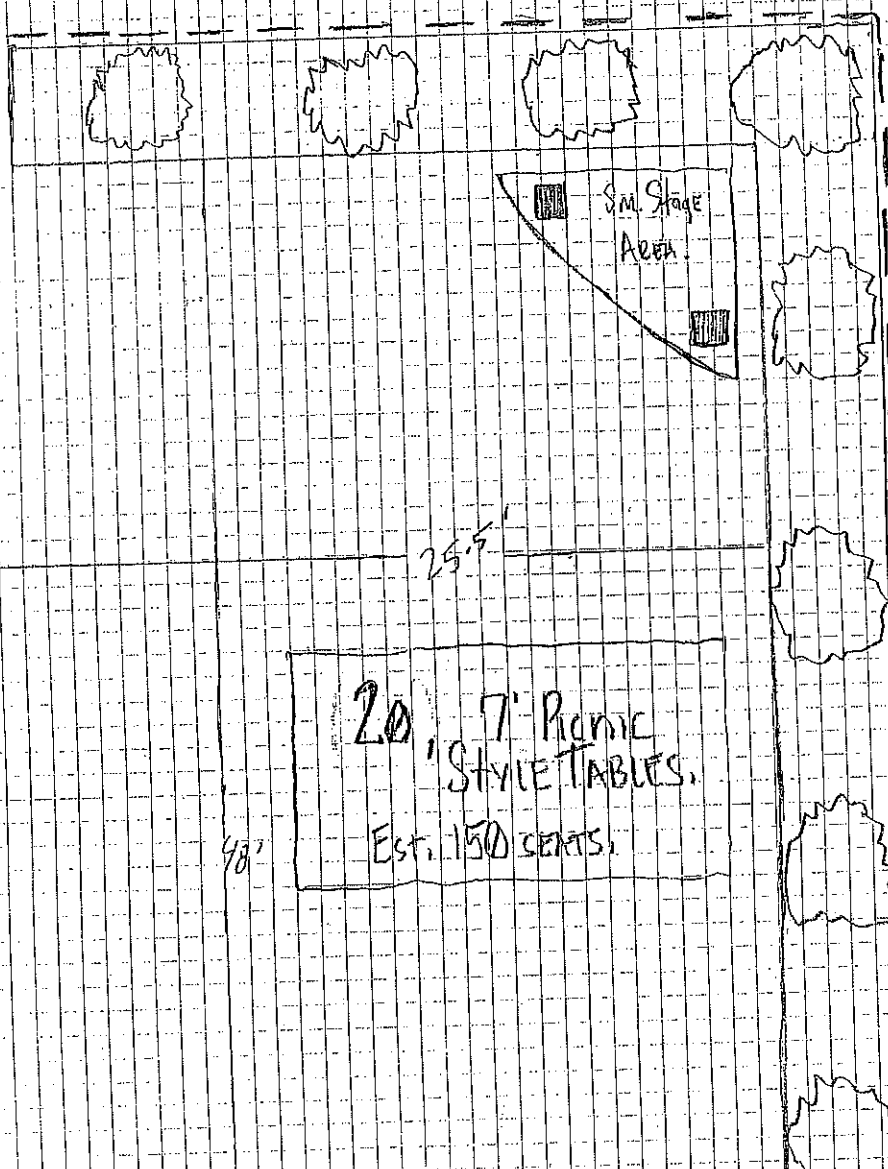
25' 5"

48'

20, 7' Picnic
Style Tables.
Est. 150 SEATS.

SM. Stage
Area

Congress
St. →





Outdoor Dining Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

☒ New Application for Outside Dining <i>PRIVATE</i> ☐ Renewal Application for Outside Dining		
City Clerk signature for liquor license approval: <i>Kathleen L. Jones</i> Pending Council Date: <i>March 17, 2014</i>		
Location Name & Address: <i>320 Cumberland Ave. SLAB LLC.</i> <i>Portland, ME</i>	Chart <i>27</i>	Block <i>A</i>
Owner & Phone #: <i>Tobey Moulton (104) (207) 756-9007</i>	Total Square Footage of Proposed Seating Area: ¹ <i>1530 sq ft.</i>	
Applicant *must* be owner or lessee Name: <i>1011 1/2 St. Tobey Moulton</i> Address: <i>So. 194 Westbrook St.</i> City, State & Zip: <i>So. Portland, ME 04106</i> E-Mail: <i>tobeymoulton@gmail.com</i>		
Annual Fee: <i>\$80</i> Total Sq. Ft.: <i>1530</i> Sq. Ft. Fee: (sq ft x \$2) \$ (Due when issued) Total Fees: \$ (Permit not issued until all fees are paid)		
Current use: <i>N/A</i> Business name: <i>SLAB SICILIAN STREET FOOD</i> Seating area dimensions: <i>48' x 32'</i> How many chairs? _____ How many tables? <i>20 picnic style</i> ☒ Yes Alcohol is served. <i>7 tables (120-150 SEATS?)</i> ☐ No Alcohol being served.		
Who should we contact for the pre-inspection: <i>Tobey Moulton / Matt Morahan</i> Mailing address: <i>551 Congress St. Portland, ME</i> Phone: <i>(207) 756-9007</i>		

PRIVATE

Please submit all of the information outlined in the Outdoor Dining Application Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at www.portlandmaine.gov, stop by the Building Inspections office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of Applicant: _____ Date: *2/7/14*

¹ In no instance shall the total square footage of dining area equal more than 10% of park space, unless the applicant receives a waiver from the Director of Parks and Recreation or his or her designee.

This is not a permit; you may not commence ANY work until the permit is issued.

SLAB

← SERVICE DRIVE →

6'8"

SERVER WALK-WAY

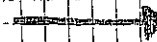
29'5"

9'8"

20, 7' Picnic
Style TABLES.
Est. 150 SEATS.

Sim. Stage
Area

Congress
St.



Slab Sicilian Streetfood

25 Preble St.



copyright 2011 Esri. All rights reserved. Tue Mar 4 2014 04:33:55 PM.

SLaB startup menu (10 items)

the Start

focaccia pile mountain of fresh warm wedges, Partanna oil, Castelvetro olives 5. *vegan*

ceci alla Sicilia rustic smashed orange fried-sage chickpea hummus,
parsley red-onion salad, warm Luna bread wedges. 5. *vegan*

the Slaw crisp shaved Sicilian salad: green cabbage, bulb fennel, red onion, sheared romaine
hearts, julienned carrot and golden beet, whole basil leaf 4.
sweet-tangy lime anise vinaigrette *vegan*
...OR creamy curry orange cumin dressing *vegetarian*

Salumi Sicilian summer sausage, creamy herbed orange black pepper sheep's milk cheese spread,
muffuletta relish, Luna crisps. 7.

pizze

the Slab

Steve's nationally famed original Sicilian "slab": tomato, mozzarella and provolone

1 lb hand-slab 5.

4 lb (4 pc) half-slab (1/2 sheet) 20.

8lb (8pc) full-slab (sheet) 40.

Sfinciuni Palermo street vendor's "pie": mildly spicy casalinga sauce,
caciocavallo, breadcrumbs 3.5

Spicy meat wedge pepperoni, peperoncini, ajvar pepper paste, cheeses 4.

Spicy bean wedge cannellini beans, giardiniera, cheeses 4. *vegetarian*

the Sweet

ice cream cone cannoli 6" waffle-cone, fresh flavored ricotta creams 5.

girelle almond-crust puff pastry spirals with chewy orange-caramel center
plain fistful of flakiness 4. napoleon creampile 7.

caffè'

6oz Sophia's blend 2.

correto ("corrected" with a shot of liquor of choice) 5.



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99C070795

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-02-20) :

Inquiries Name(s) JASON LORING (1976-09-29)

NO MATCH WAS FOUND FOR YOUR REQUEST.



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99C070794

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-02-20) :

Inquiries Name(s) MATT MORAN (1974-06-18)

NO MATCH WAS FOUND FOR YOUR REQUEST.



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99C070796

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-02-20) :

Inquiries Name(s) EMILY KINGSBURY (1983-12-30)

NO MATCH WAS FOUND FOR YOUR REQUEST.



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99C070800

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-02-20) :

Inquiries Name(s) STEVE LANZALOTTA (1959-03-20)

NO MATCH WAS FOUND FOR YOUR REQUEST.



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99C070797

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-02-20) :

Inquiries Name(s) TOBEY MOULTON (1984-02-17)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Business Licensing - SLAB - PENDING Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 2/22/2014 4:39 PM
Subject: SLAB - PENDING Business License Approval

SLAB - PENDING is Approved for their Business License Inspection by the Police Dept.

Date: 2/22/2014

Zone:
Comments: Liquor license.

Lt. Gary L Hutcheson
Portland Police Department
109 Middle St
Portland, Maine 04101
(207) 756-8295



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life - www.portlandmaine.gov

Office of the City Clerk

Katherine L. Jones, CCM
City Clerk

Carolyn M. Dorr
Deputy City Clerk

March 4, 2014

Slab Sicilian Streetfood
Attn: Tobey Moulton
551 Congress St.
Portland, ME 04101

Re: Slab LLC d/b/a Slab Sicilian Streetfood at 25 Preble St. Application for a Class A Lounge FSE License with Entertainment without Dance and Outdoor Dining on Private Property.

Dear Mr. Moulton,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, March 17, 2014 at 7:00 p.m.** for the review of your Class A Lounge FSE License with Entertainment without Dance and Outdoor Dining on Private Property for Slab LLC d/b/a Slab Sicilian Streetfood at 25 Preble St. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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 issue could be postponed.

Should you have any questions or concerns, please do not hesitate to contact our office directly at (207) 874-8557 or by email, BL@portlandmaine.gov

Sincerely,

Janice Gardner
Business License Administrator

Ad ID 5015405

Date 03/04/2014

Time 11:02 AM

PUBLIC NOTICE

**Notice of
Public Hearing
City of Portland**

A Public Hearing will be held on March 17th at 7:00 P.M., in City Council Chambers, 389 Congress St., on the application of Slab LLC d/b/a Slab Sicilian Streetfood at 25 Preble St. Application for a Class A Lounge FSE License with Entertainment without Dance and Outdoor Dining on Private Property. Sponsored by Katherine L. Jones, City Clerk.

#5015405

Ad shown is not actual print size

*Order 179-13/14
Tab 8 3-17-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER
GRANTING MUNICIPAL OFFICER'S
APPROVAL OF:**

Kaduceus LLC d/b/a Mercury Inn at 273 State St. Application for a Class V License.



CITY CLERK

2014 FEB 14 AM 10:46

Mercury Inn
273 State Street
Portland, ME 04101

To The Mayor and Members of The Portland City Council,

Mercury Inn is a new bed and breakfast located at the former Wild Iris Inn on State Street in the Parkside neighborhood. Our mission is to provide comfortable, modern lodging facilities with an emphasis on sustainable environmental practices and engagement with local businesses.

At this time we wish to submit an application for approval for a Class V liquor license in order to provide Maine-based alcohol offerings to our guests. We foresee serving alcohol as a part of food and beer tourism packages, for guests looking for a special bottle to toast their weekend getaway, and for weekend breakfast cocktails, among other modest ideas.

Portland's own abundant offerings, from craft beer to hard cider to mead to spirits are a part of what makes this city so appealing for many who visit, and highlighting these businesses and their products as a part of our business helps to strengthen economic ties between our different industries.

It is our hope that Mayor Brennan and the members of the Portland City Council will approve Mercury Inn for a liquor license so that we may continue to positively and responsibly grow our small business.

Sincerely,

Jacob Krueger Karu & Timothy Karu
Innkeepers & Owners
Mercury Inn

CITY CLERK

2014 FEB 14 AM 10: 46

Office of the City Clerk
389 Congress Street
Portland, ME 04101
(207) 874-8557

Application for Food Service Establishment With Alcoholic Beverages

Type of Liquor License Applying for: Class V

Please check one: (Corporation/ LLC/ Non-profit org. ☒) (Sole Proprietor ☐) (Partnership ☐)

Business Name (d/b/a): Mercury Inn Phone: 207-956-6670

Location Address: 273 State Street, Portland ZIP 04101

If new, what was formerly in this location: Wild Iris Inn

Mailing Address: 273 State Street ZIP 04101

Contact Person: Jacob Krueger Phone: 201-681-1699 mobile

Manager of Establishment: Jacob Krueger + Timothy Karu Home Phone # 207-956-6670

Owner of Premises (landlord): Jacob Krueger + Timothy Karu

Address of Premises Owner: 273 State Street ZIP 04101

Does the Issuance of this license directly or indirectly benefit any City employee(s)? Yes ☐ No ☒
If yes, list name(s) of employee(s) and department(s).

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Portland? Yes ☒ No ☐ If yes, please list business name(s) and location(s):
Mercury Inn - 273 State St.

Is any principal officer under the age of 18? Yes ☐ No ☒

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law? NO If yes, please explain:

SOLE PROPRIETOR / PARTNERSHIP INFORMATION: (if corporation, leave blank)

Name of Owner(s):	DOB	Residence Address
Name of Owner(s):	DOB	Residence Address
Name of Owner(s):	DOB	Residence Address

CORPORATE / LLC / NON-PROFIT ORGANIZATION APPLICANTS: (if sole proprietor, leave blank)

Corporation Name: Kaduceus LLC

Corporation Mailing Address: 273 State Street ZIP 04101

Contact Person: Timothy Karu Phone Number: 207-831-6116 mobile

PRINCIPAL OFFICERS: (if more space is needed, please attach a separate page)

Name <u>Timothy Karu</u>	Title <u>Co-Manager</u>	DOB <u>02/26/85</u>	Residence Address <u>273 State St.</u>
Name <u>Jacob Krueger</u>	Title <u>Co-Manager</u>	DOB <u>11/31/85</u>	Residence Address <u>273 State St.</u>
Name <u>J</u>	Title <u>J</u>	DOB	Residence Address
Name	Title	DOB	Residence Address
Name	Title	DOB	Residence Address
Name	Title	DOB	Residence Address

(Please see reverse side)

Type of Food Served: Breakfast

Please check all that will be served: Beer ☒ Wine ☒ Liquor ☒

Percentage of sales - Generated from Food: _____ Generated from Alcohol: _____

Hours and Days of operation: All day everyday

Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open? Yes _____ No ☒.

If no, please explain We only serve meals at breakfast, otherwise we are not licensed to serve other meals.

Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment? Yes _____ No ☒. If yes, give the distance _____.

Will you have entertainment on the premises? Yes _____ No ☒ (If yes, a separate application is required.)

Will you permit dancing on the premises? Yes _____ No ☒

Will you permit dancing after 1:00am? Yes _____ No ☒

Will you have outside dining? Yes _____ No ☒. If yes, please indicate location on diagram.

Also, will the outside dining be on PUBLIC _____ or PRIVATE _____ property?

Have you applied for an Outdoor Dining Permit? Yes _____ No _____

Will you have any amusement devices (pinball, video games, juke box)? Yes _____ No ☒.

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

What is your targeted opening date? : Already open, not serving

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 Co-Manager/owner Date 1/30/2014

**Department of Public Safety
Division**



Liquor Licensing & Inspection

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

- ☐ RESTAURANT (Class I,II,III,IV)
- ☐ HOTEL-OPTIONAL FOOD (Class I-A)
- ☐ CLASS A LOUNGE (Class X)
- ☐ CLUB (Class V)
- ☐ TAVERN (Class IV)

- ☐ RESTAURANT/LOUNGE (Class XI)
- ☐ HOTEL (Class I,II,III,IV)
- ☐ CLUB-ON PREMISE CATERING (Class I)
- ☐ GOLF CLUB (Class I,II,III,IV)
- ☒ OTHER: Class V - Bed + Breakfast

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) - (Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Kaduceus LLC</u> DOB: _____			2. Business Name (D/B/A) <u>Mercury Inn</u>		
DOB: _____					
DOB: _____			Location (Street Address) <u>273 State Street</u>		
Address <u>273 State Street</u>			City/Town <u>Portland</u>	State <u>ME</u>	Zip Code <u>04101</u>
			Mailing Address <u>273 State Street</u>		
City/Town <u>Portland</u>	State <u>ME</u>	Zip Code <u>04101</u>	City/Town <u>Portland</u>	State <u>ME</u>	Zip Code <u>04101</u>
Telephone Number <u>207-956-6670</u>		Fax Number _____	Business Telephone Number <u>207-956-6670</u>		Fax Number _____
Federal I.D. # <u>46-3643369</u>			Seller Certificate # <u>1166117</u>		

3. If premises are a hotel, indicate number of rooms available for transient guests: 7
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire, If YES

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

7. If manager is to be employed, give name: _____

8. If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: _____ Business hours: _____

9. Business records are located at: 273 State Street, Portland, ME 04101

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine?

YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Jacob Krueger	11/01/1985	Glen Ridge NJ
Timothy Kaku	2/8/1985	Washington D.C.

Residence address on all of the above for previous 5 years (Limit answer to city & state)

FOR BOTH: Portland, ME

Cambridge, MA Somerville, MA, New York City, NY

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

16. Does/do applicant(s) own the premises? Yes ☒ No ☐ If No give name and address of owner: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) See attached

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☐ NO ☐ Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 0.2 miles Which of the above is nearest? Church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: Mortgage with Machias Savings Bank, Machias, ME

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Portland, ME on 2/13/, 20 14

Town/City, State

Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Jacob Krueger

Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIPS

1. Exact Corporate Name: Kaduceus LLC
- Business D/B/A Name: Mercury Inn
2. Date of Incorporation: September 2013
3. State in which you are incorporated: Maine
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
Timothy Kuru	93 Bolton St 04102	2/8/85	50	Manager
	20 West St. #3 04102			
	15 Bristol St #3 02141			
	169 Tremont St. #3 02138			
Jacob Krueger	ALL SAME ADDRESSES	11/1/85	50	Manager

6. What is the amount of authorized stock? Not Corporation Outstanding Stock? _____
7. Is any principal officer of the corporation a law enforcement official? () YES (☒) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES (☒) NO.
9. If yes, please complete the following: Name: _____

Date of Conviction: _____ Offense: _____

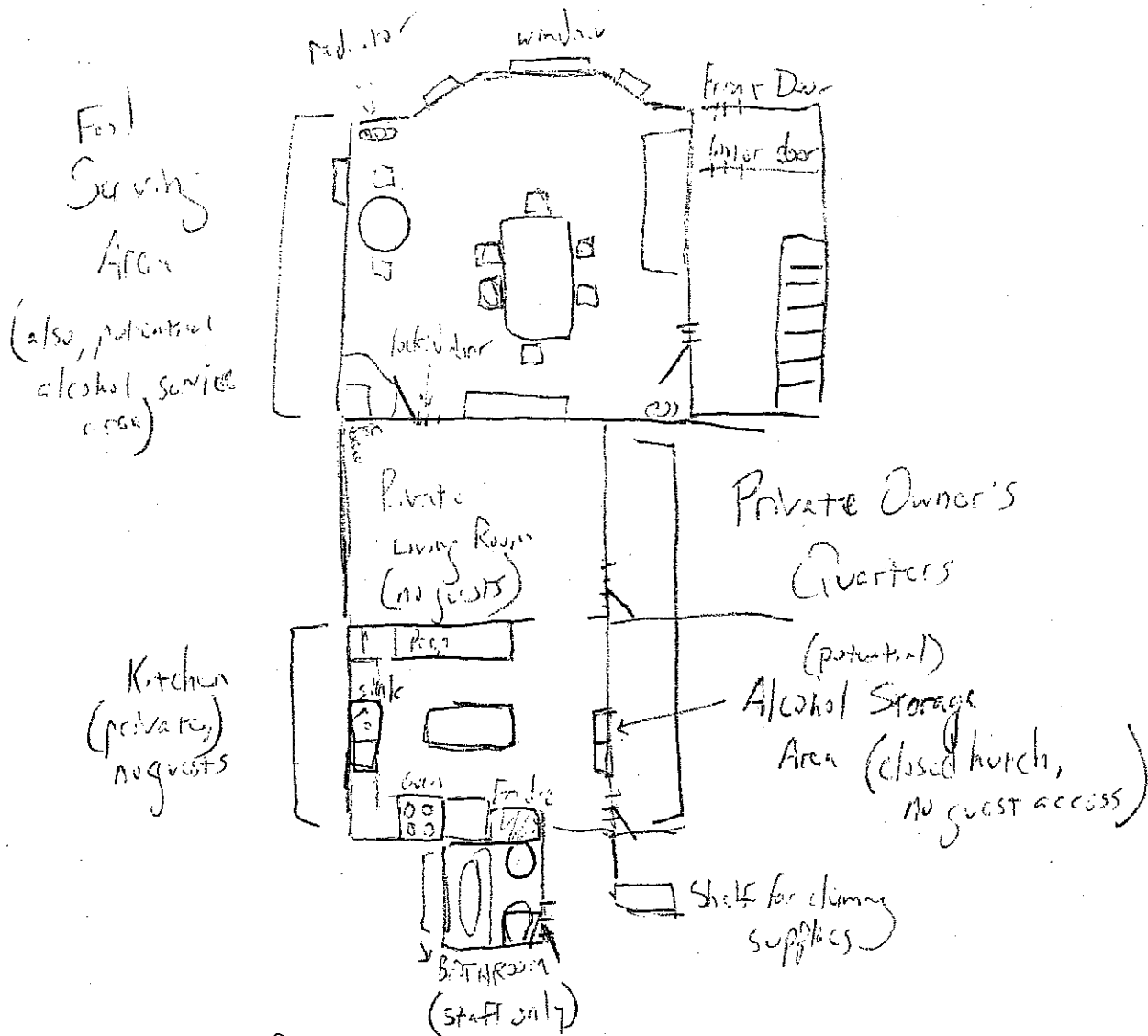
Location: _____ Disposition: _____

Dated at: _____ On: _____ Date

Signature of Duly Authorized Officer

Date:

Print Name of Duty Authorized Officer

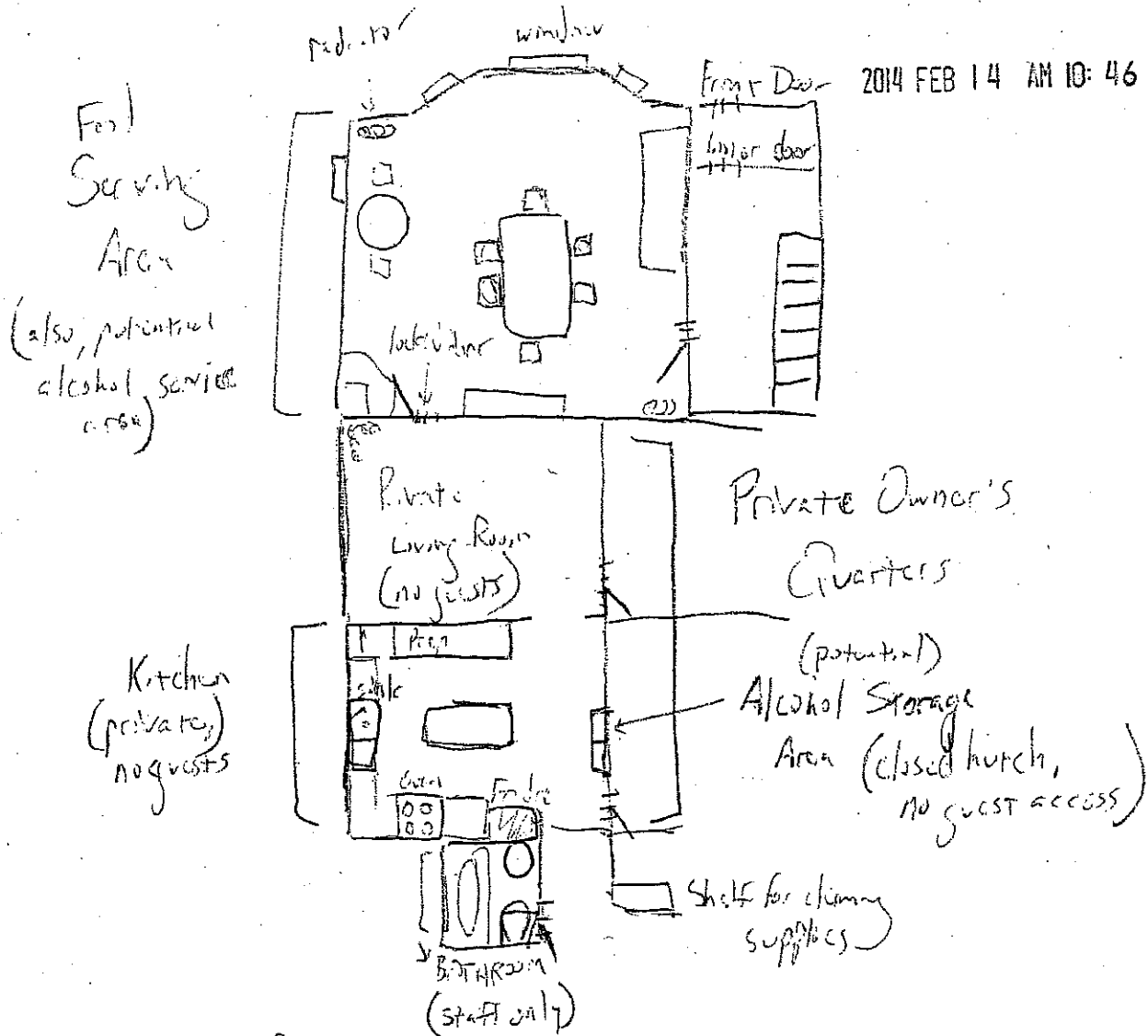


— ≈ 15ft

Mercury Inn
273 State St

Alcohol Storage + Service Areas

2014 FEB 14 AM 10:46

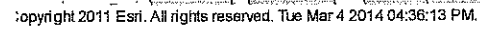


Mercury Inn
273 State St.

Alcohol Storage + Service Areas

273 State St.

273 State St.





CITY CLERK

2014 FEB 14 AM 10:46

Sample Alcohol Offerings Menu for Mercury Inn:

Cocktail Offerings:

- Hot Toddy
 - Black tea, 1 shot of whiskey, cinnamon, honey, and a slice of lemon
- Bloody Mary
- Apple Cider Mimosa
 - Apple cider and champagne
- Hard Cider Bellini
 - Urban Farm Fermentory Cider and peach juice

"Wines":

- Maine Meadworks Meads (purchased by the bottle)
- Champagne (purchased by the bottle)

Malt:

Variety of craft beers from breweries including:

- Baxter Brewing Company
- Bunker Brewing Company
- OxBox Brewing Company
- Portland Beer Company

All sold in individual units.

Menu is subject to change based on price and availability of goods.



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99C070793

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-02-20) :

Inquiries Name(s) JACOB KRUEGER (1985-11-01)

NO MATCH WAS FOUND FOR YOUR REQUEST.



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99C070792

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on
2014-02-20) :

Inquiries Name(s)

TIMOTHY KARU (1985-02-28)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Business Licensing - MERCURY INN Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 2/22/2014 4:36 PM
Subject: MERCURY INN Business License Approval

MERCURY INN is Approved for their Business License Inspection by the Police Dept.

Date: 2/22/2014

Zone:
Comments: liquor license.

Lt. Gary L. Hutcheson
Portland Police Department
109 Middle St
Portland, Maine 04101
(207) 756-8295

Ad ID 5015415

Date 03/04/2014

Time 11:08 AM

PUBLIC NOTICE

**Notice of
Public Hearing
City of Portland**

A Public Hearing will be held on March 17th at 7:00 P.M., in City Council Chambers, 389 Congress St., on the application of Kaduceus LLC d/b/a Mercury Inn at 273 State St. Application for a Class V License. Sponsored by Katherine L. Jones, City Clerk.

#5015415

Ad shown is not actual print size



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Office of the City Clerk
Katherine L. Jones, CCM
City Clerk

Carolyn M. Dorr
Deputy City Clerk

March 4, 2014

The Mercury Inn
273 State St.
Portland, ME 04101

Re: Kaduceus LLC d/b/a Mercury Inn at 273 State St. Application for a Class V License.

Dear Mr. Krueger & Mr. Karv,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, March 17, 2014 at 7:00 p.m.** for the review of your Class V license application for Kaduceus LLC d/b/a Mercury Inn at 273 State St. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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 issue could be postponed.

Should you have any questions or concerns, please do not hesitate to contact our office directly at (207) 874-8557 or by email, BL@portlandmaine.gov

Sincerely,

Janice Gardner
Business License Administrator

*Order 180 -13/14
Tab 9 3-17-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER
GRANTING MUNICIPAL OFFICER'S
APPROVAL OF:**

The Bearded Lady, LLC d/b/a The Jewel Box at 644 Congress St. Application for a Class A Lounge FSE License.

Rec'd 2/13/14

Nathaniel Meiklejohn
The Bearded Lady, LLC
179 State Street Apt. 11
Portland, ME 04101
nanmeikle@gmail.com

February 13, 2014

Mayor Brennan and Members of the City Council
City Hall
389 Congress Street
Portland, ME 04101

Dear Mayor Brennan and Members of the City Council:

The purpose of this letter is to state the intention of acquiring a liquor license for The Jewel Box, a new business located at 644 Congress Street in Portland, owned by The Bearded Lady, LLC, a Limited Liability Company operated by myself, Nathaniel Meiklejohn at the address of 179 State Street Apt. 11, Portland, Maine.

Upon receiving a liquor license, The Jewel Box will operate as a cocktail-centric bar, selling spirit-based beverages using fresh seasonal ingredients, locally made beer, and a food menu comprised primarily of vegetarian fare. The hours of operation will be 5 PM to 1 AM, 7 days a week and will not include entertainment, but will employ the use of a stereo system.

I will personally manage all operations at The Jewel Box. I am TIPS certified and have worked over 10 years in the bar/restaurant industry in Portland. My goal is to further enrich the drinking culture of Portland with a keen attention to responsible drinking, a joy of the cocktail's history through a weekly-changing menu, and a passion for excellent customer service.

A build-out of the space is scheduled for the month of March and April.

It is our hope to open for business on May 20th, 2014 after passing all inspections necessary in the weeks prior.

Respectfully yours,



Nathaniel Meiklejohn

Office of the City Clerk
389 Congress Street
Portland, ME 04101
(207) 874-8557

CITY CLERK

Application for Food Service Establishment With Alcoholic Beverages 2: 27

Type of Liquor License Applying for: CLASS X - CLASS ALCOHOL

Please check one: (Corporation/ LLC/ Non-profit org. ☒) (Sole Proprietor ☐) (Partnership ☐)

Business Name (d/b/a): THE JEWEL BOX Phone: 207-423-5553

Location Address: 644 CONGRESS STREET ZIP 04101

If new, what was formerly in this location: MEG PERRY CENTER

Mailing Address: 644 CONGRESS STREET ZIP 04101

Contact Person: NATHANIEL MEIKLEJOHN Phone: (207)-423-5553

Manager of Establishment: NATHANIEL MEIKLEJOHN Home Phone # 207-423-5553

Owner of Premises (landlord): 638 CONGRESS STREET PARTNERS, LLC

Address of Premises Owner: 104 GRANT STREET, PORTLAND, ME ZIP 04101

Does the Issuance of this license directly or indirectly benefit any City employee(s)? Yes ☐ No ☒
If yes, list name(s) of employee(s) and department(s).

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Portland? Yes ☐ No ☒ If yes, please list business name(s) and location(s):

Is any principal officer under the age of 18? Yes ☐ No ☒

Have applicant, partners, associates, or corporate officers ever been *arrested, indicted, or convicted* for any violation of law? NO If yes, please explain:

SOLE PROPRIETOR / PARTNERSHIP INFORMATION: (if corporation, leave blank)

Name of Owner(s):	DOB	Residence Address
Name of Owner(s):	DOB	Residence Address
Name of Owner(s):	DOB	Residence Address

CORPORATE / LLC / NON-PROFIT ORGANIZATION APPLICANTS: (if sole proprietor, leave blank)

Corporation Name: THE BEARDED LADY, LLC

Corporation Mailing Address: 179 STATE STREET PORTLAND, ME ZIP 04101

Contact Person: NATHANIEL MEIKLEJOHN Phone Number: (207) 423-5553

PRINCIPAL OFFICERS: (if more space is needed, please attach a separate page)

Name	<u>NATHANIEL MEIKLEJOHN</u>	Title	<u>SOLE MEMBER</u>	DOB	<u>8-12-1979</u>	Residence Address	<u>179 STATE ST. APT. 11 PORTLAND, ME</u>
Name		Title		DOB		Residence Address	
Name		Title		DOB		Residence Address	
Name		Title		DOB		Residence Address	
Name		Title		DOB		Residence Address	
Name		Title		DOB		Residence Address	

(Please see reverse side)

Type of Food Served: VEGETARIAN BAR FOOD, SALADS, VARIOUS DIPS, "HOMEMADE" DIPS

Please check all that will be served: Beer ☒ Wine ☒ Liquor ☒

Percentage of sales - Generated from Food: 15% Generated from Alcohol: 85%

Hours and Days of operation: MONDAY - SUNDAY, 5 P.M. TO 1 A.M.

Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open? Yes ☒ No ☐

If no, please explain _____

Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment? Yes ☐ No ☒ If yes, give the distance _____

Will you have entertainment on the premises? Yes ☐ No ☒ (If yes, a separate application is required.)

Will you permit dancing on the premises? Yes ☐ No ☒

Will you permit dancing after 1:00am? Yes ☐ No ☒

Will you have outside dining? Yes ☐ No ☒ If yes, please indicate location on diagram.

Also, will the outside dining be on PUBLIC ☐ or PRIVATE ☒ property?

Have you applied for an Outdoor Dining Permit? Yes ☐ No ☒

Will you have any amusement devices (pinball, video games, juke box)? Yes ☐ No ☒

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

What is your targeted opening date? : MAY 15, 2014

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 2-13-14

Department of Public Safety
Division



Liquor Licensing & Inspection

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☐ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTIONAL FOOD (Class I-A)

☒ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) -(Sole Proprietor, Corporation, Limited Liability Co., etc.)			2. Business Name (D/B/A)		
THE BEARDED LADY, LLC. DOB:			THE JEWEL BOX		
DOB:					
DOB:			Location (Street Address)		
Address			644 CONGRESS STREET		
179 STATE STREET APT. 11			City/Town	State	Zip Code
			PORTLAND	ME	04101
			Mailing Address		
			644 CONGRESS STREET		
City/Town	State	Zip Code	City/Town	State	Zip Code
PORTLAND	ME	04101	PORTLAND	ME	04101
Telephone Number	Fax Number		Business Telephone Number	Fax Number	
207 - 423-5553			207 423 5553		
Federal I.D. #			Seller Certificate #		
46-2185533			1166904		

3. If premises are a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire, If YES

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

7. If manager is to be employed, give name: _____

8. If business is NEW or under new ownership, indicate starting date: MAY 20, 2014

Requested inspection date: MAY 15, 2014 Business hours: MON-SUN 5 P.M. - 1 A.M.

9. Business records are located at: 644 CONGRESS STREET

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
NATHANIEL MEIKLE JOHN	8-12-1979	DOVER, NEW HAMPSHIRE
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
NATHANIEL - PORTLAND, MAINE		

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: 638 CONGRESS STREET PARTNERS, LLC - 104 GRANT STREET, PORTLAND, ME 04101

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) SEE ATTACHED

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? .2 MILES Which of the above is nearest? CHURCH

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

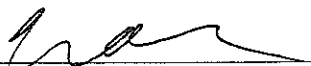
If YES, give details: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: PORTLAND, MAINE on 2-13-14, 20 14
Town/City, State Date

Please sign in blue ink


Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

STATE OF MAINE
Liquor Licensing & Inspection Unit
164 State House Station
Augusta, Maine 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND
LIMITED PARTNERSHIPS

1. Exact Corporate Name: THE BEARDED LADY, LLC
Business D/B/A Name: THE JEWEL BOX
2. Date of Incorporation: 03-05-2013
3. State in which you are incorporated: MAINE
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

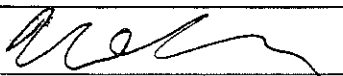
Name	Address Previous 5 Years	Birth Date	% of Stock	Title
NATHANIEL MEIKLEJOHN	179 STATE ST. APT 11	8-12-79	100	OWNER

- 6. What is the amount of authorized stock? \$1000 Outstanding Stock? _____
7. Is any principal officer of the corporation a law enforcement official? () YES (X) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES (X) NO.
9. If yes, please complete the following: Name: _____

Date of
Conviction: _____ Offense: _____

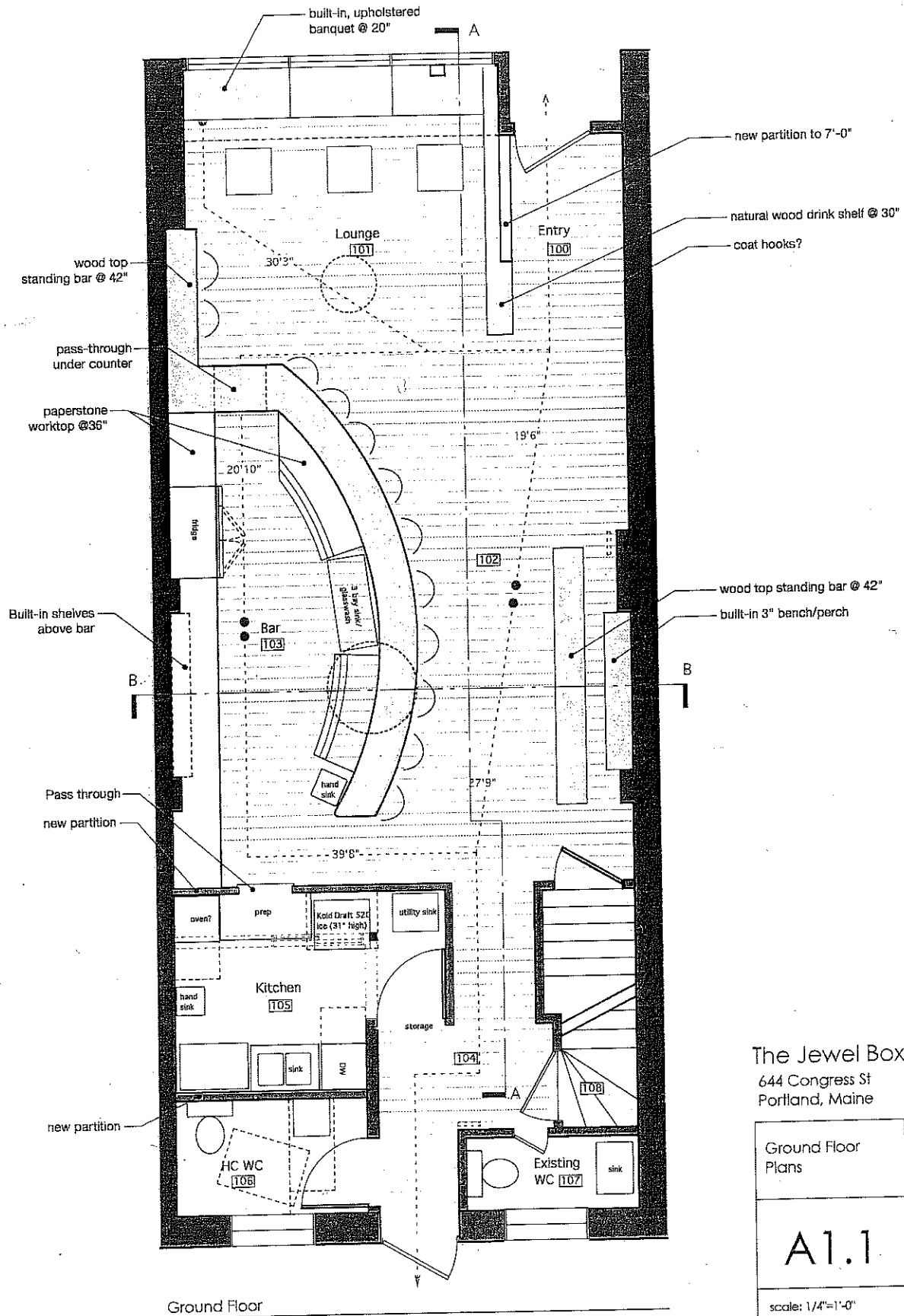
Location: _____ Disposition: _____

Dated at: PORTLAND On: 2-13-14
City/Town Date


Signature of Duly Authorized Officer

Date: 2-13-14

NATHANIEL MEIKLEJOHN
Print Name of Duly Authorized Officer



Ground Floor

PRICING SET _
NOT FOR CONSTRUCTION

The Jewel Box
644 Congress St
Portland, Maine

Ground Floor
Plans

A1.1

scale: 1/4"=1'-0"

1.26.14

Petra Simmons Design
207.632.2625

Occupancy

Ground Level

Total sq ft - 960
 502 - public space @15 sq. ft/ pp = 34
 142 sf ft - employee only space actual staff on duty = 3

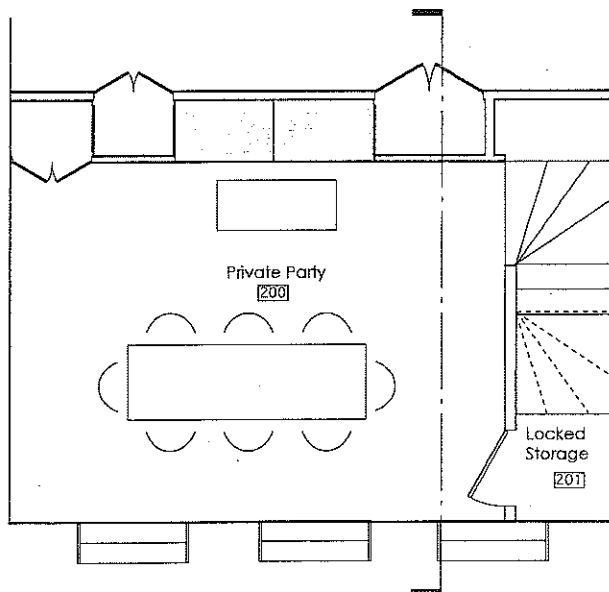
Ground Level

Total sq ft - 213
 190 sq ft - public space @15 sq. ft/ pp = 13
 23 sf ft - locked storage

Total Occupancy - 50

Finish Schedule

Room		Floor	Walls	Ceiling
100	Entry	6" White Oak, stained	Paint or Wallpaper	Paint? TBD
101	Lounge	6" White Oak, stained	Paint and Wallpaper	Paint? TBD
102	Bar Seating	6" White Oak, stained	Paint	Paint? TBD
103	Bar	6" White Oak, stained + Rubber Mats	Paint	Paint? TBD
104	Hall	6" White Oak, stained	Paint or Wallpaper	Paint
105	Kitchen	Marmoleum Sheet or Equal	Paint	Paint
106	HC WC	Marmoleum Sheet or Equal	Paint	Paint
107	Ex. WC	Marmoleum Sheet or Equal	Paint	Paint
108	Stair	Repair or replace treads as needed	Paint	Paint? TBD
200	Party	Paint and seal	Paint	Paint? TBD
201	Storage	Paint and seal	Paint	Paint? TBD



Mezzanine Plan

The Jewel Box
 644 Congress St
 Portland, Maine

Mezzanine Plan
 and Schedules

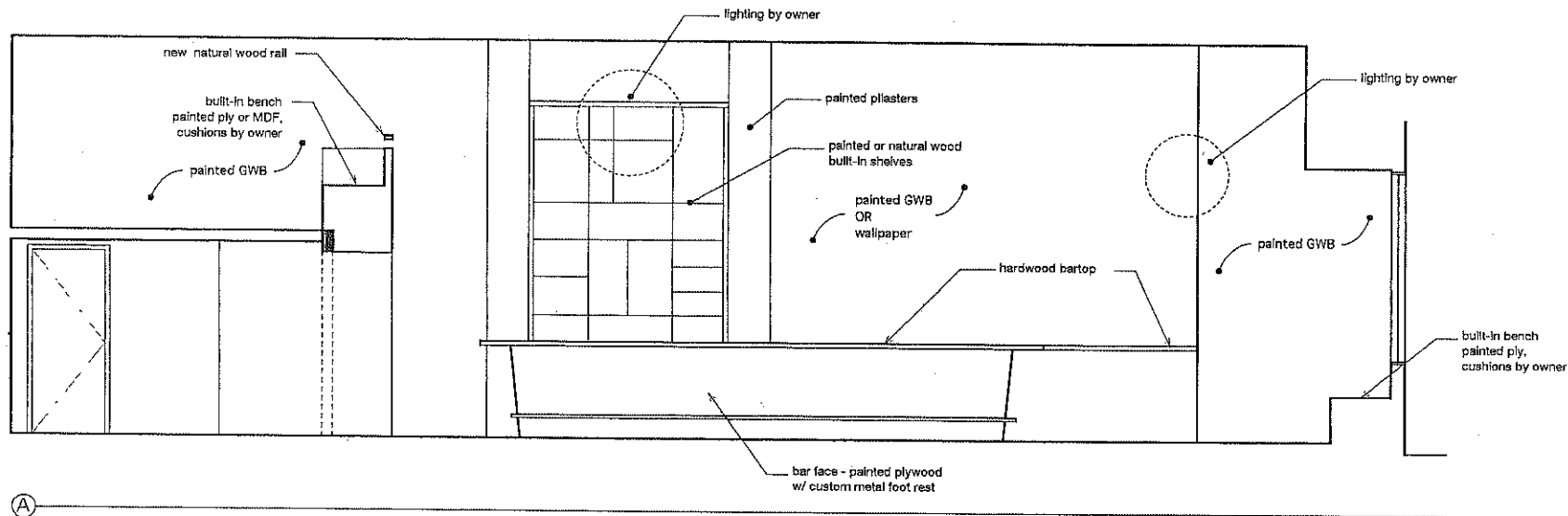
A1.2

scale: 1/4"=1'-0"

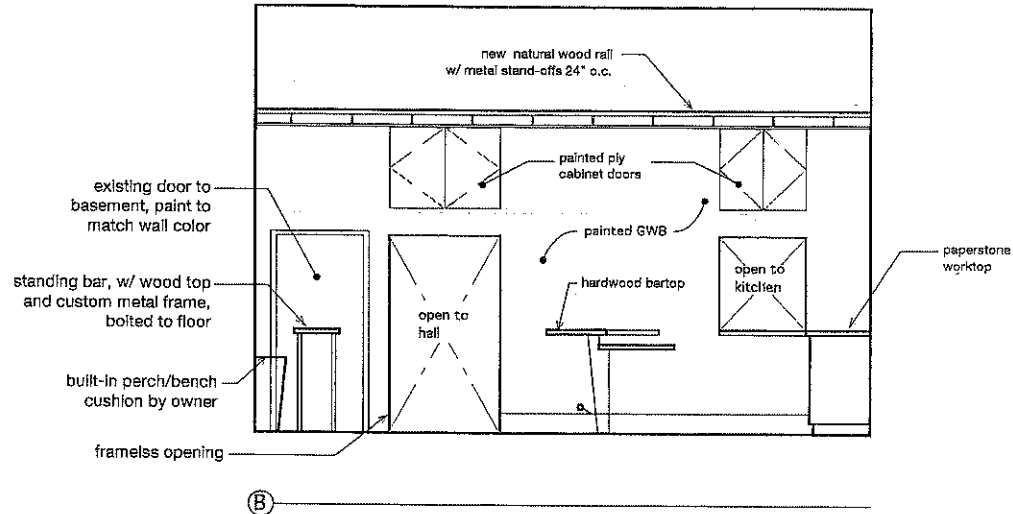
1.26.14

PRICING SET _
 NOT FOR CONSTRUCTION

Petra Simmons Design
 207.632.2625



PRICING SET -
NOT FOR CONSTRUCTION



The Jewel Box
644 Congress St
Portland, Maine

Interior Elevations/
Sections

A 2.1

scale: 1/4"=1'-0"

1.26.14

Petra Simmons Design
207.632.2625

The Jewel Box

644 Congress St



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Welcome to
THE JEWEL BOX

**THIS WEEK'S
COCKTAILS**

THE MARTINEZ

Gin
Sweet vermouth
Luxardo maraschino
Aromatic bitters
Lemon peel

THE LAWN DART

Blanco tequila
Dry gin
Green chartreuse
Lemon/lime juice
Agave syrup
Muddled green pepper

SHERRY TWIST

Whiskey
Amontillado sherry
Cointreau orange liqueur
Cloves & ground pepper
Lemon juice

MAMIE TAYLOR's DYE-JOB

Scotch
Maine Root ginger beer
Lime juice
Ruby port topper

DARK ANGEL

Aged rum
Canton ginger liqueur
Bonai gentian liqueur
Lime juice

**THIS MONTH'S
DRAUGHT BEER**

(\$5)

Infiniti F&D - Deathbed Dry Ale

FOOD

SMALL PLATES

(\$4)

"Quick pickled" seasonal veggies

Mustard-glazed walnuts

3-cheeses: Pecorino, Camembert, Manchego

Dried goodness: Turkish apricots & figs w/honey

Herbs de Provence cured olives

Fresh Southside baguette

Southside pretzel w/cayenne & shallot mustard

Lentil & thyme hummus w/cardamom carrots

ENTREE SPECIAL

(\$10)

Roasted red pepper & cucumber sandwich
w/manchego, water cress & lemon herb aioli
on peasant bread
(choose 1 side from above)

EXTRA DIPS

(\$2)

Smoked-paprika hummus

Caramelized onion & sherry

"Bliss" herbed-yogurt

(All food prepared by Southside Bakery and Micucci's)

APERITIFS

(\$3 per ounce)

Aperol
Bonal
Campari
Fernet Branca
Carpano Antica vermouth
Green chartreuse (\$5)
Noilly Prat sweet & dry vermouths
Dolin vermouths

**NON-ALCOHOLIC
BEVERAGES**

(\$1)

Fever Tree tonic
Maine Root – ginger beer, root beer, Mexican cola
House soda w/fresh juices

ADD BITTERS...

(no charge)

Angostura aromatic
Fee Bros Old-fashioned
Peychaud's
Bittermen's New England Spiced Cranberry
Regan's Orange
Or
(\$5) 1 tiny bottle Underberg digestif

Thank you for trying something new!

Love.



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99C070788

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-02-20) :

Inquiries Name(s) NATHANIEL MEIKLEJOHN (1979-08-12)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Business Licensing - JEWEL BOX - PENDING Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 2/22/2014 4:38 PM
Subject: JEWEL BOX - PENDING Business License Approval

JEWEL BOX - PENDING is Approved for their Business License Inspection by the Police Dept.

Date: 2/22/2014

Zone:
Comments: liquor license.

Lt. Gary L Hutcheson
Portland Police Department
109 Middle St
Portland, Maine 04101
(207) 756-8295

Ad ID 5015421

Date 03/04/2014

Time 11:11 AM

PUBLIC NOTICE

**Notice of
Public Hearing
City of Portland**

A Public Hearing will be held on March 17th at 7:00 P.M., in City Council Chambers, 389 Congress St., on the application of The Bearded Lady, LLC d/b/a The Jewel Box, 644 Congress St. Application for a Class A Lounge FSE License. Sponsored by Katherine L. Jones, City Clerk.

#5015421

Ad shown is not actual print size



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Office of the City Clerk
Katherine L. Jones, CCM
City Clerk

Carolyn M. Dorr
Deputy City Clerk

March 4, 2014

The Jewel Box
Attn: Nathaniel Meiklejohn
179 State St.
Portland, ME 04101

Re: The Bearded Lady, LLC d/b/a The Jewel Box at 644 Congress St. Application for a Class A Lounge FSE License.

Dear Mr. Meiklejohn,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, March 17, 2014 at 7:00 p.m.** for the review of your Class A Lounge FSE license application for The Bearded Lady, LLC d/b/a The Jewel Box at 644 Congress St. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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 issue could be postponed.

Should you have any questions or concerns, please do not hesitate to contact our office directly at (207) 874-8557 or by email, BL@portlandmaine.gov

Sincerely,

Janice Gardner
Business License Administrator

*Order 181-13/14
Tab 10 3-17-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER
GRANTING MUNICIPAL OFFICER'S
APPROVAL OF:**

Hella Good Tacos LLC d/b/a Steve and Renee's Diner at 500 Washington Ave. Application for Class III & IV Wine & Beer License with Entertainment without Dance and Outdoor Dining on Private Property.

Received 2/16/14

Hella Good Tacos LLC
16 brewer St.
Portland, Me,
04102

February 12, 2014

Mayor Brennan and City Council

Letter of Intent to Serve Alcohol

It is our intent to acquire a license to sell Beer and Wine at the location of 500 Washington Ave. Portland, Me. 04103. We are purchasing the business now known as Steve and Renee's Diner and would like to expand the business to offer dinner with the option of local craft beers and a modest selection of wines. These beer and wine choices are intended to accompany meals as we do not desire to be considered a bar or lounge, but an eatery where wine and beer are offered.

In the interest of safety we have serve safe certification for food handling and will be adding any additional training available for our selves and our staff. We are insured with one million dollars coverage via Travelers insurance. Our policy was overseen locally by the Holden Agency.

We believe our reputation as a small business and food cart has been a positive one. We are active in the community- working with Friends of the Eastern Promenade and Portland Bayside Little League- and conscious of the potential we have to positively impact the neighborhood of East Deering as both an employer and neighbor.

We thank you for your consideration.

Hella Good Tacos LLC

Joshua Bankhead- partner



Melissa Bankhead- partner



PD. \$35
chk #616

CITY CLERK

Office of the City Clerk
389 Congress Street
Portland, ME 04101
(207) 874-8557

Application for Food Service Establishment With Alcoholic Beverages

Type of Liquor License Applying for: Class 3 & 4

Please check one: (Corporation) ☒ LLC/ Non-profit org. ☒ (Sole Proprietor ☐) (Partnership ☐) PS

Business Name (d/b/a): Hella Good Tacos LLC Steve & Renee's Diner Phone: 207-310-3974

Location Address: 500 Washington Ave Portland, ME ZIP 04103

If new, what was formerly in this location: Steve & Renee's Diner

Mailing Address: 16 Brewer St Portland, ME ZIP 04102

Contact Person: Melissa Bankhead Phone: 207-310-1090

Manager of Establishment: Melissa / Joshua Bankhead Home Phone # 207-310-3974

Owner of Premises (landlord): Neptune Properties

Address of Premises Owner: 120 Exchange St. Portland ZIP 04101

Does the Issuance of this license directly or indirectly benefit any City employee(s)? Yes ☐ No ☒
If yes, list name(s) of employee(s) and department(s).

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Portland? Yes ☒ No ☐. If yes, please list business name(s) and location(s):
Hella Good Tacos Mobile Food Est. June 2011 Portland, ME

Is any principal officer under the age of 18? Yes ☐ No ☒

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law? No If yes, please explain: _____

SOLE PROPRIETOR / PARTNERSHIP INFORMATION: (if corporation, leave blank)

Name of Owner(s): _____	DOB _____	Residence Address _____
Name of Owner(s): _____	DOB _____	Residence Address _____
Name of Owner(s): _____	DOB _____	Residence Address _____

CORPORATE / LLC / NON-PROFIT ORGANIZATION APPLICANTS: (if sole proprietor, leave blank)

Corporation Name: Hella Good Tacos LLC

Corporation Mailing Address: 16 Brewer St Portland, ME ZIP 04102

Contact Person: Melissa Bankhead Phone Number: 207-310-1090

PRINCIPAL OFFICERS: (if more space is needed, please attach a separate page)

Name <u>JOSHUA BANKHEAD</u>	Title <u>PARTNER</u>	DOB <u>4/21/77</u>	Residence Address <u>16 BREWER ST PORTLAND ME 04102</u>
Name <u>MELISSA BANKHEAD</u>	Title <u>PARTNER</u>	DOB <u>9/17/76</u>	Residence Address <u>16 BREWER ST PORTLAND ME 04102</u>
Name _____	Title _____	DOB _____	Residence Address _____
Name _____	Title _____	DOB _____	Residence Address _____
Name _____	Title _____	DOB _____	Residence Address _____
Name _____	Title _____	DOB _____	Residence Address _____

Dinner BREAKFAST: Eggs, Sausage, Bacon, Pancakes, Diner etc
Lunch: Dinner: TACOS, Burritos, Quesadillas

Type of Food Served: _____

Please check all that will be served: Beer ☒ Wine ☒ Liquor _____

Percentage of sales - Generated from Food: 70 Generated from Alcohol: 30

Hours and Days of operation: SUNDAY - Saturday: M-Th 5^{am} - 10pm Fri-Sat 5^{am} - 2am Sun 8am - 8pm

Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open? Yes _____ No ☒

If no, please explain Some take out & a la carte items will be offered: Breakfast burritos, Tacos, coffee

Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment? Yes _____ No ☒ If yes, give the distance _____

Will you have entertainment on the premises? Yes ☒ No _____ (If yes, a separate application is required.)

Will you permit dancing on the premises? Yes _____ No ☒

Will you permit dancing after 1:00am? Yes _____ No ☒

Will you have outside dining? Yes ☒ No _____. If yes, please indicate location on diagram.
Also, will the outside dining be on PUBLIC _____ or PRIVATE ☒ property?

Have you applied for an Outdoor Dining Permit? Yes ☒ No _____

Will you have any amusement devices (pinball, video games, juke box)? Yes _____ No ☒

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

What is your targeted opening date? : 3/1/14

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 Partner H.L.C. LLC Date 2/10/14

Application attachment to other City license

\$485. With Dance
\$270. Without Dance
\$545. After Hours (1AM-3AM).
Total due: _____

Office of the City Clerk
389 Congress Street
Portland, ME 04101
207-874-8557

Supplemental Application for Dancing and Entertainment

Please attach a diagram of floor plan showing where in the facility the entertainment will be setup, the direction of any speakers and where dance floor, if any, will be located. (B)

Business Name (d/b/a): Hella Good Tacos LLC Steve & Renee's Diner

Location Address: 500 WASHINGTON AVE PORTLAND ZIP 04103 Phone 207 310-3974

Will music be electric or acoustical or both? BOTH

Will amplification used? Yes X No _____

If yes, where and at what level? UNDER 90 decibels

Will you permit dancing on the premises? Yes _____ No X

Will you permit dancing or entertainment after 1:00AM? Yes _____ No X

Will recorded music be played: Inside _____ Outside _____ Both X

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 1000 feet

Please describe in detail the type and nature of the business and proposed entertainment: _____

Food Service Establishment with occasional musical performers

If new applicant, what is your targeted opening date? : 3/1/14

Does the issuance of this license directly or indirectly benefit any City employee? Yes _____ No X

If yes, list names of employee(s) and department(s). _____

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.

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 PARTNER Date 2/24/14

Department of Public Safety
Division



Liquor Licensing & Inspection

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☐ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTIONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER:

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) - (Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Hella Good TACOS LLC</u> DOB:		2. Business Name (D/B/A) <u>STEVE AND RENEE'S DINER</u>	
DOB:		<u>500 Washington Ave.</u>	
DOB:		Location (Street Address)	
Address <u>16 BRENGER ST</u>	City/Town <u>Portland</u>	State <u>ME</u>	Zip Code <u>04103</u>
		Mailing Address	
City/Town <u>Portland</u>	State <u>ME</u>	Zip Code <u>04103</u>	City/Town
Telephone Number	Fax Number	Business Telephone Number	Fax Number
Federal I.D. # <u>45-428920</u>		Seller Certificate #	

3. If premises are a hotel, indicate number of rooms available for transient guests: _____

4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 37900 LIQUOR \$ _____

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire, If YES

6. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☒

7. If manager is to be employed, give name: _____

8. If business is NEW or under new ownership, indicate starting date: 03/01/2014

Requested inspection date: 03/01/2014 Business hours: M-TH 5am-10pm F-SAT 5am-2am

9. Business records are located at: 500 Washington Ave. Portland, ME SUN 5am - 8pm

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
JOSHUA JOE BANKHEAD	04/21/1977	Livermore, CA
Melissa Rose Bankhead (MUNOZ)	09/17/1970	HAYWARD, CA
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Manteca, CA	Manteca, CA	
Portland, ME	Portland, ME	

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/2 mile Which of the above is nearest? School

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Portland, Maine on Feb, 10, 20 14
Town/City, State Date

Please sign in blue ink

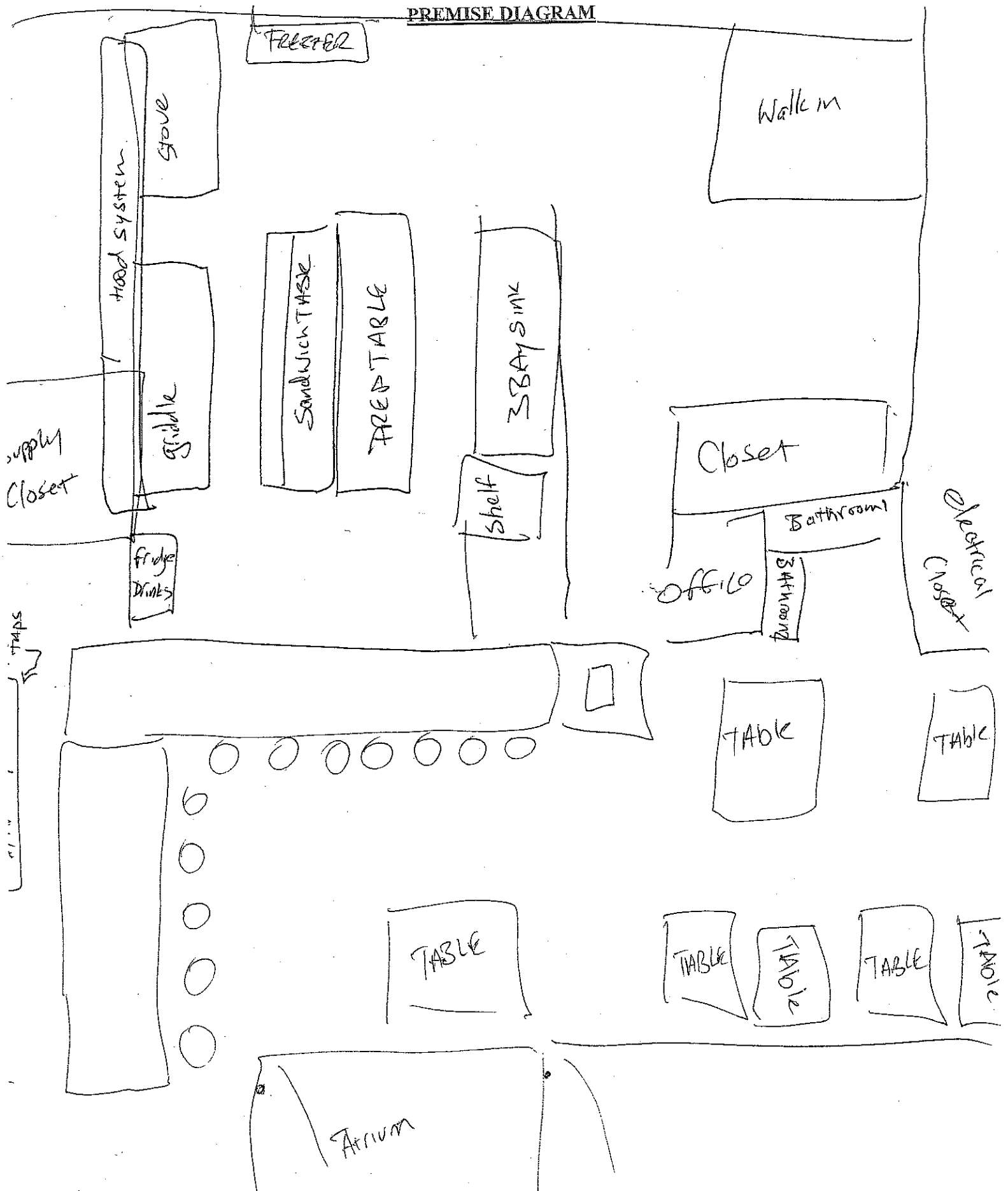
Signature of Applicant or Corporate Officer(s)

JOSHUA BANKHEAD

Signature of Applicant or Corporate Officer(s)

Melissa Bankhead

PREMISE DIAGRAM



Steve and Renee's Diner

500 Washington Ave.



copyright 2011 Esri. All rights reserved. Tue Mar 4 2014 04:35:29 PM.



Outdoor Dining Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

☒ New Application for Outside Dining ☐ Renewal Application for Outside Dining		
City Clerk signature for liquor license approval: _____		
Permitting Council Date: <u>3/17/14</u>		
Location Name & Address: <u>Hella Good Tacos LLC</u> <u>500 Washington Ave</u> (operating as <u>Steve & Renee's Diner</u>) <u>PORTLAND, ME 04103</u>		Chart Block Lot
Owner & Phone #: <u>Hell</u>		Total Square Footage of Proposed Seating Area: ¹ <u>300</u>
Applicant * <u>must</u> * be owner or lessee Name: Address: City, State & Zip: E-Mail:		Annual Fee: <u>\$80</u> Total Sq. Ft.: _____ Sq. Ft. Fee: (sq ft x \$2) \$ _____ (Due when issued) Total Fees: \$ _____ (Permit not issued until <u>all</u> fees are paid)
Current use: <u>Diner: Steve & Renee's Diner</u>		
Business name: <u>Hella Good Tacos LLC</u>		
Seating area dimensions: <u>10 x 20</u>		
How many chairs? _____ How many tables? <u>4 picnic tables</u>		
☒ Yes Alcohol is served. ☐ No Alcohol being served.		
Who should we contact for the pre-inspection: <u>Melissa or Joshua BARKHEAD</u>		
Mailing address: <u>16 BREWER ST PORTLAND ME</u> Phone: <u>207 310-3041</u> <u>OR</u> <u>310-1090</u> <u>3974</u>		

Please submit all of the information outlined in the Outdoor Dining Application Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at www.portlandmaine.gov, stop by the Building Inspections office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of Applicant: _____ Date: 2/10/14

¹ In no instance shall the total square footage of dining area equal more than 10% of park space, unless the applicant receives a waiver from the Director of Parks and Recreation or his or her designee.

This is not a permit; you may not commence ANY work until the permit is issued.

- ☐ The permit holder is responsible for keeping the outdoor seating area clean. The sidewalk area where the tables and chairs are located must be kept neat and free from litter and debris.
- ☐ No food shall be prepared outside.
- ☐ If alcohol is to be served, the permit holder must notify the City's Business Licensing Office in room 203 of City Hall or by telephone at 874-8557 and obtain approval for the service of alcohol outdoors. Additionally, State law requires that any outdoor area serving alcohol be segregated from the rest of the public.
- ☐ All tables and chairs shall be removed prior to a predicted snowfall and while any snow or ice exists within the designated outdoor seating area or within four feet from the boundaries thereof. The City will not be responsible for damage to any tables, chairs or other property that is not properly removed when the City is engaged in sidewalk maintenance activities.
- ☐ The permit holder shall comply with all applicable rules and regulations implemented by the city regarding outdoor dining.

Failure to comply with any of the above conditions will result in revocation or non-renewal of the permit.

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.

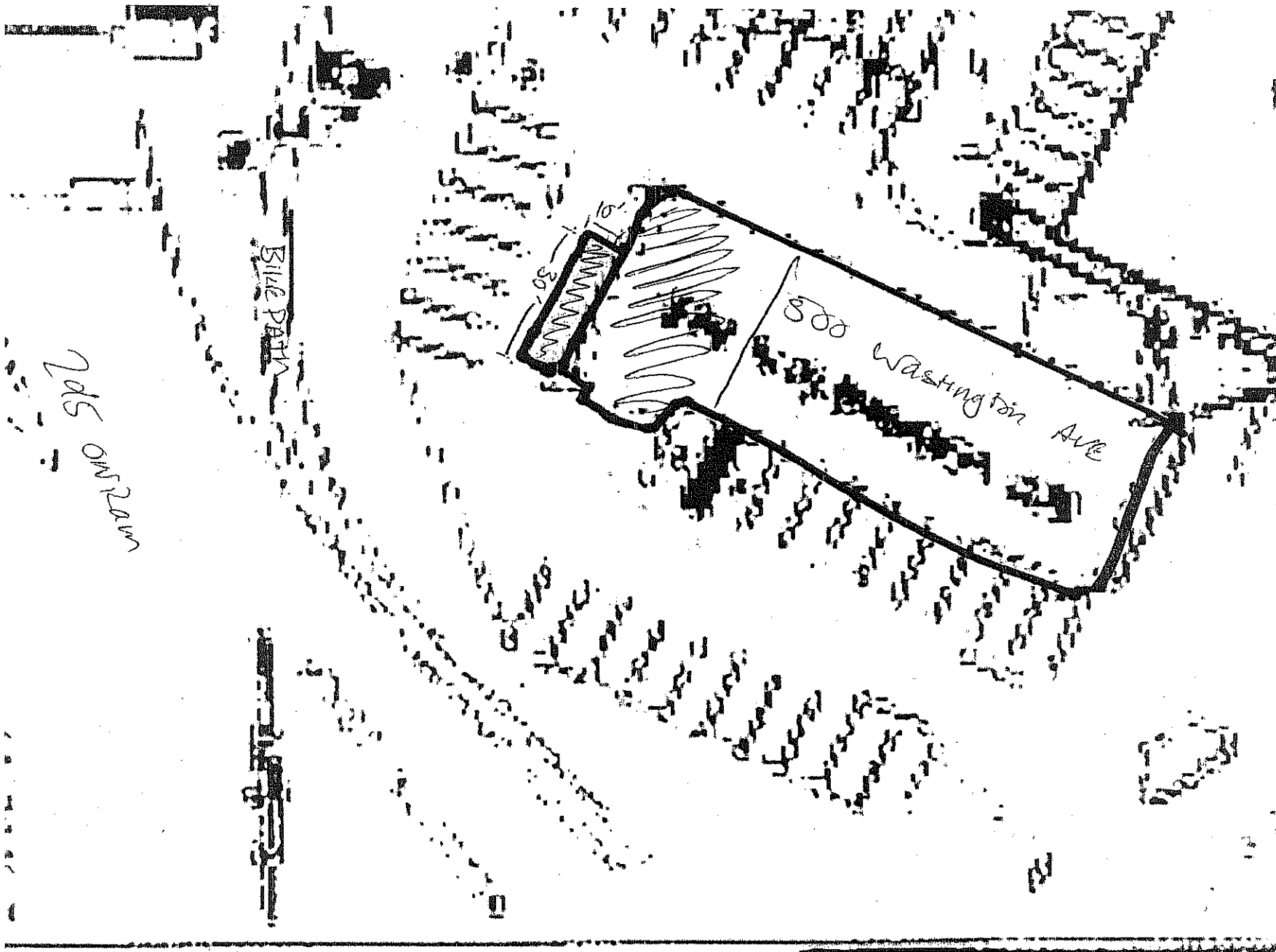
Signed and acknowledged: _____

Date: _____

Printed name _____

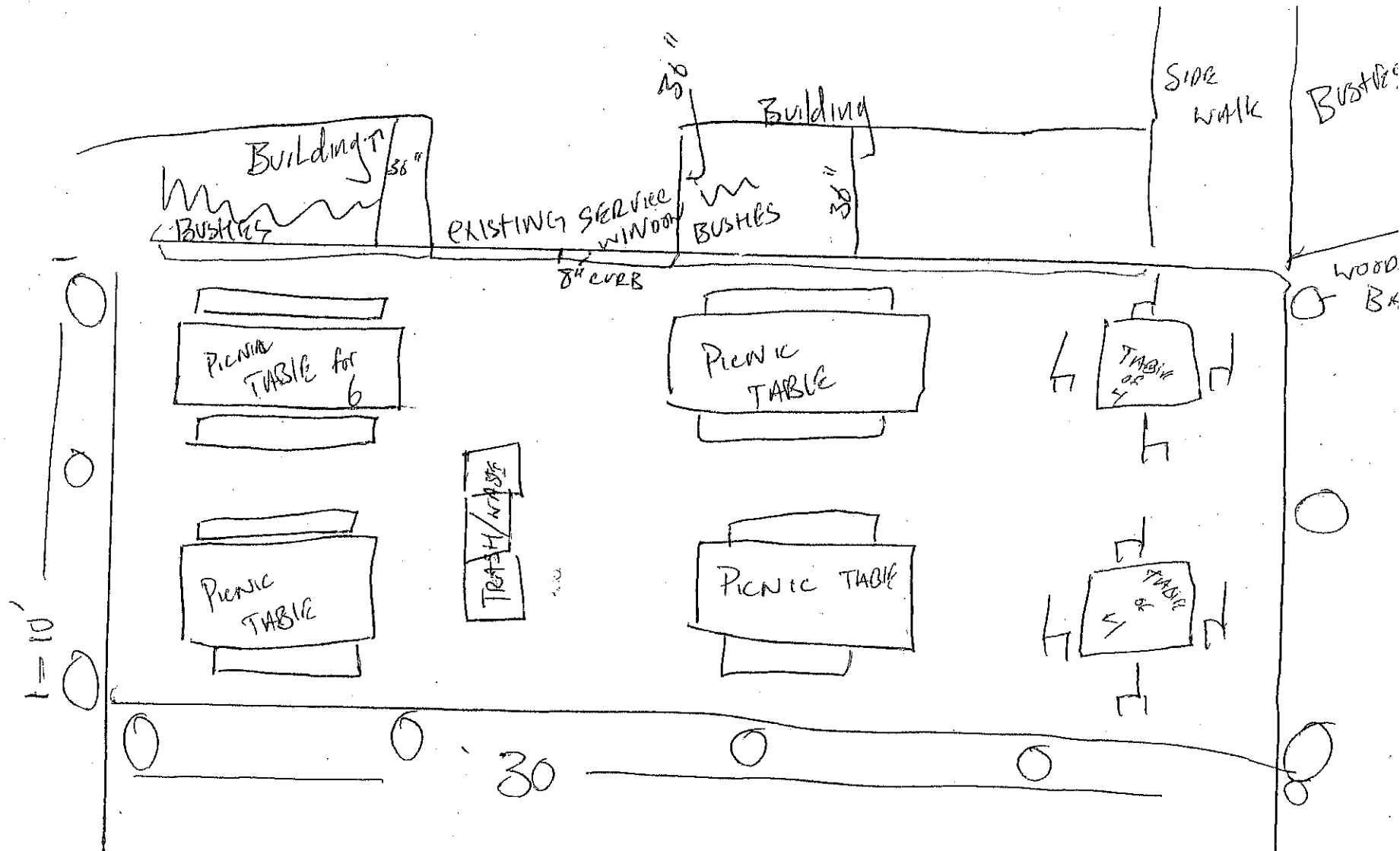
Establishment _____

Location _____

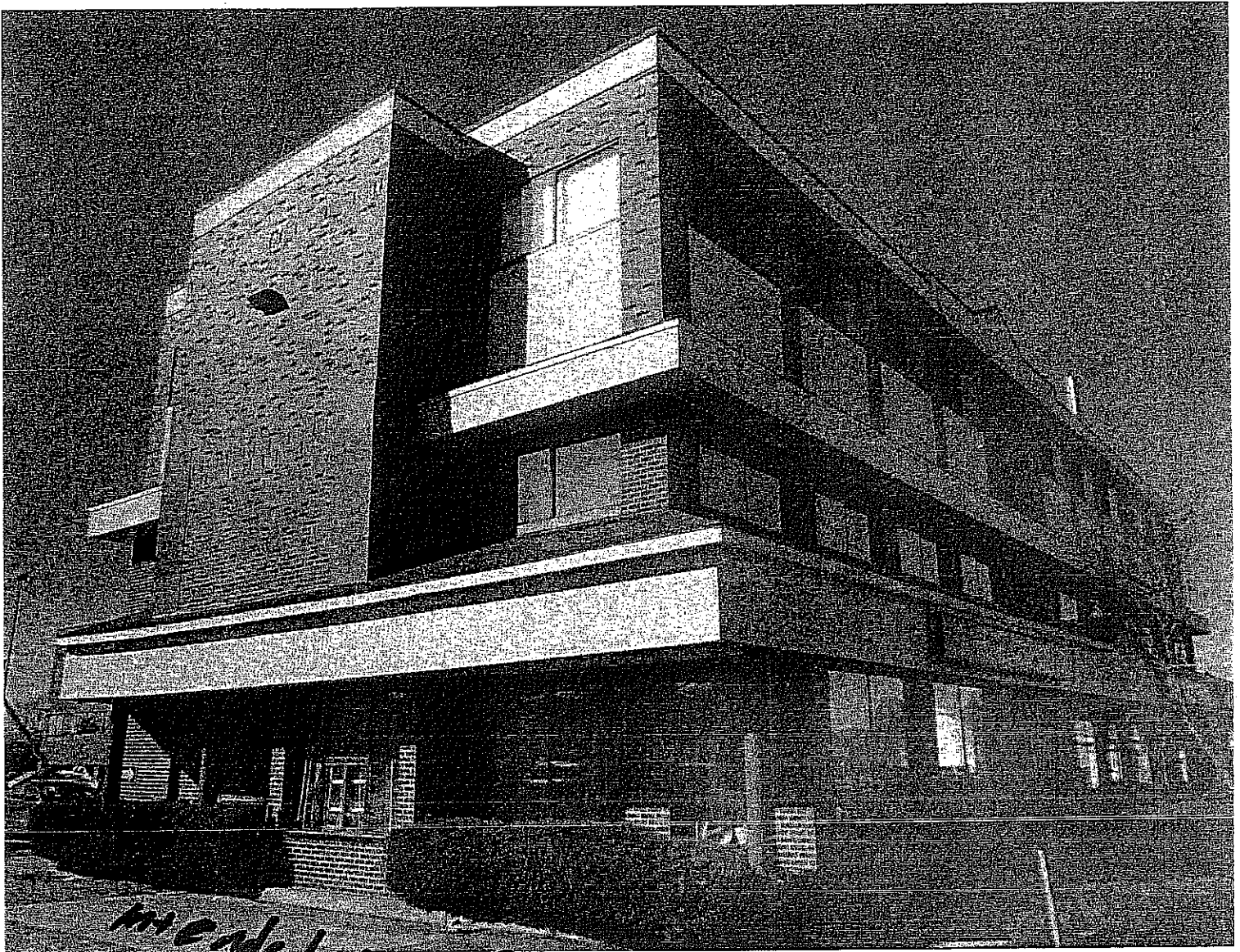


WASHINGTON AVE

LAYOUT OF SEATING FOR OUTDOOR EATING



PARKING LOT



Mixed Area of Use

Products and Services

We are not entering the menu from Steve and Renee's as it currently does not belong to us.

Lunch and Dinner Menu:

A la Carte

Tacos- 2.25+tax

Choice of meat (or veg. substitute) served with salsa, cilantro, and onion on two corn tortillas.

Fish Tacos- 3.25 +tax

Burritos- 6.50 +tax

Choice of meat (or veg. substitute) served with beans, sopa de arroz (spanish rice), cheese, cilantro, onions, lettuce and salsa on a large flour tortilla.

Quesadillas- 5.00 +tax

A large flour tortilla folded in half grilled, filled with cheese salsa, cilantro and onion. (meat can be added for 1.00)

Tamales- 2.00 ea +tax

Corn masa filled with seasoned pork, wrapped in a corn husk and steamed.

Meat choices:

Carne Asada- Sheaved Steak; Carnitas- Braised shredded pork; Pollo Verde- chicken braised in our house salsa verde; Chorizo- house made ground pork sausage; Cabeza- Beef meat from the head of the cow; Al Pastor- Pork roasted on a shwarma style spit; Chile Colorado- cubed pork braised in a mild red chile sauce; Pollo Asado- Grilled chicken thighs

Platos:

Each plate will be served with rice and beans (unless otherwise stated) ensalada (small side salad) and freshly warmed tortillas. The offerings of the plates will vary based on availability and a special menu.

Pollo Alcaparrado (capered chicken): chicken braised in a yucatan style tomato/caper sauce.

Frijol Con Puerco Yucatan Style- Pork shoulder braised in black beans, served with a white rice and yucatan tomato habanero salsa.

Guisado- a family recipe consisting of pan seared pork simmered in a thick rue based sauce that consists of fresh tomato and zucchini

Cameron Achiote- shrimp simmered in an achiote sauce served with a fresh red onion pico de gallo (tomato relish.)

Cameron De Diablo- Shrimp simmered in the devil's sauce. Spicy red chile sauce.

Enchiladas- Choice of chicken or pork rolled sauce, covered in queso and broiled until the cheese is melted.

Chile Rellenos- 2 Poblano peppers, stuffed with cheese, battered and fried to golden perfection.

Apps and Soups:

Guacamole- house made guacamole served with house made chips

Nachos- house chips topped with pinto beans, melted cheese, pico de gallo, and sour cream.

Beverages:

Sodas, horchata, aguas frescas, local craft beer and select wines



Outdoor Dining Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

☒ New Application for Outside Dining ☐ Renewal Application for Outside Dining		
City Clerk signature for liquor license approval: <u>Katherine Jones</u>		
Permitting Committee Date: <u>3/17/14</u>		
Location Name & Address: <u>Hella Good Tacos LLC</u> <u>500 Washington Ave</u> (operating as <u>Steve & Renee's Diner</u>) <u>Portland, ME 04103</u>		Chart Block Lot
Owner & Phone #: <u>Hell</u>		Total Square Footage of Proposed Seating Area: ¹ <u>300</u>
Applicant * <u>must</u> * be owner or lessee Name: Address: City, State & Zip: E-Mail:		Annual Fee: \$80 Total Sq. Ft.: Sq. Ft. Fee: (sq ft x \$2) \$ (Due when issued) Total Fees: \$ (Permit not issued until all fees are paid)
Current use: <u>Diner: Steve & Renee's Diner</u>		
Business name: <u>Hella Good Tacos LLC</u>		
Seating area dimensions: <u>10 x 20</u>		
How many chairs? _____ How many tables? <u>4 picnic tables</u>		
☒ Yes Alcohol is served. ☐ No Alcohol being served.		
Who should we contact for the pre-inspection: <u>Melissa or Joshua Bankhead</u>		
Mailing address: <u>16 Brewer St Portland ME</u> Phone: <u>207 310-3974</u> OR <u>310-1090</u>		

Please submit all of the information outlined in the Outdoor Dining Application Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at www.portlandmaine.gov, stop by the Building Inspections office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of Applicant: [Signature]

Date: 2/10/14

¹ In no instance shall the total square footage of dining area equal more than 10% of park space, unless the applicant receives a waiver from the Director of Parks and Recreation or his or her designee.

This is not a permit; you may not commence ANY work until the permit is issued.



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99C070789

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-02-20) :

Inquiries Name(s) MELISSA R BANKHEAD (1976-09-17)

NO MATCH WAS FOUND FOR YOUR REQUEST.



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99C070790

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-02-20) :

Inquiries Name(s)

MELISSA R MUNOZ (1976-09-17)

NO MATCH WAS FOUND FOR YOUR REQUEST.



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99C070786

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-02-20) :

Inquiries Name(s) JOSHUA J BANKHEAD (1977-04-21)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Business Licensing - STEVE AND RENEES DINER - PENDING Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 3/1/2014 4:37 PM
Subject: STEVE AND RENEES DINER - PENDING Business License Approval

STEVE AND RENEES DINER - PENDING is Approved for their Business License Inspection by the Police Dept.

Date: 3/1/2014

Zone:
Comments: Liquor license.

Lt. Gary L Hutcheson
Portland Police Department
109 Middle St
Portland, Maine 04101
(207) 756-8295

Ad ID 5015409

Date 03/04/2014

Time 11:05 AM

PUBLIC NOTICE

Notice of Public Hearing City of Portland

A Public Hearing will be held on March 17th at 7:00 P.M., in City Council Chambers, 389 Congress St., on the application of Hella Good Tacos LLC d/b/a Steve and Renee's Diner at 500 Washington Ave. Application for Class III & IV Wine & Beer License with Entertainment without Dance and Outdoor Dining on Private Property. Sponsored by Katherine L. Jones, City Clerk.

#5015409

Ad shown is not actual print size



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Office of the City Clerk
Katherine L. Jones, CCM
City Clerk

Carolyn M. Dorr
Deputy City Clerk

March 4, 2014

Hella Good Tacos LLC
16 Brewer St.
Portland, ME 04102

Re: Hella Good Tacos LLC d/b/a Steve and Renee's Diner at 500 Washington Ave. Application for Class III & IV Wine & Beer License with Entertainment without Dance and Outdoor Dining on Private Property.

Dear Mr. & Mrs. Bankhead,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, March 17, 2014 at 7:00 p.m.** for the review of your Class III & IV Wine & Beer License with Entertainment without Dance and Outdoor Dining on Private Property for Hella Good Tacos LLC d/b/a Steve and Renee's Diner at 500 Washington Ave. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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 issue could be postponed.

Should you have any questions or concerns, please do not hesitate to contact our office directly at (207) 874-8557 or by email, BL@portlandmaine.gov

Sincerely,

Janice Gardner
Business License Administrator

*Order 198-13/14
Tab 11 3-17-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER
GRANTING MUNICIPAL OFFICER'S
APPROVAL OF:**

**Sangillo's Tavern, LLC d/b/a Sangillo's Tavern at 18 Hampshire St. Renewal Application for
Class A Lounge FSE License.**

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Chief Michael Sauschuck

DATE: 3/04/14

DISTRIBUTION: City Manager, Deputy City Manager, Mayor, Corporation Counsel,
Sonia Bean, Nancy English

SUBJECT: Sangillo's Liquor License Renewal

SPONSOR: n/a

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading March 17, 2014 Final Action _____

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

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

I. SUMMARY OF ISSUE (Agenda Description)

The liquor license for Sangillo's Bar located at 18 Hampshire Street is currently up for renewal. Due to various ongoing issues at the establishment to include a recent shooting the police department is requesting a denial of the liquor license.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

It is being submitted as part of the liquor license review and renewal process.

III. INTENDED RESULT

The intended result is to inform the council of the various issues the police department has identified in and around Sangillo's during their last licensing period. This information is being provided to support a denial of the renewal request.

IV. COUNCIL GOAL ADDRESSED

The attached report provides a data driven public safety argument for denial of a liquor license. That denial will help provide for a safer atmosphere in the India Street neighborhood.

V. FINANCIAL IMPACT

Potential closure of the business may have a financial impact on taxes and permitting fees.

VI. STAFF ANALYSIS

The police department will defer to corporation counsel on the process for moving this item through the city council.

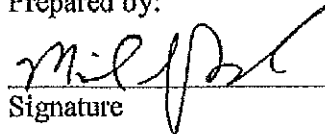
VII. RECOMMENDATION

See above.

VIII. LIST ATTACHMENTS

Copy of the before mentioned report.

Prepared by:


Signature

3-04-14
Date

City of Portland, Maine

Office of the City Clerk

License No. 3853

Issue Date 2/24/2014

AMUSEMENT DEVICES

To all Whom These Presents May Concern:

This is to certify that the Municipal Officers have granted a license to
SANGILLO'S TAVERN, LLC

Doing business as SANGILLO'S TAVERN

at 18 HAMPSHIRE ST

for CLASS A LOUNGE FSE / AMUSEMENT DEVICES

and at that place only on the following conditions:

OCCUPANCY NOT TO EXCEED 30. LICENSE
ADMINISTRATIVELY RENEWED FOR 30 DAYS BEYOND
2/26/14 EXPIRATION DATE.

This license is granted subject to strict observance of all laws, ordinances and regulations enacted for the protection of the City of Portland so far as they may apply and is to continue in force until 3/28/2014 unless sooner revoked.



Katherine L. Jones

City Clerk

**THIS LICENSE IS NOT TRANSFERABLE
PLEASE POST IN A CONSPICUOUS PLACE**



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Office of the City Clerk

Katherine L. Jones, CCM
City Clerk

Carolyn M. Dorr
Deputy City Clerk

February 24, 2014

Sangillo's Tavern
Attn: Kathleen Sangillo
18 Hampshire St.
Portland, ME 04101

Re: Sangillo's Tavern, LLC d/b/a Sangillo's Tavern at 18 Hampshire St. Renewal Application for Class A Lounge FSE License.

Dear Ms. Sangillo,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, March 17, 2014 at 7:00 p.m.** for the review of your application for Sangillo's Tavern, LLC d/b/a Sangillo's Tavern at 18 Hampshire St. Renewal Application for Class A Lounge FSE License. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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 issue could be postponed.

Should you have any questions or concerns, please do not hesitate to contact our office directly at (207) 874-8557 or by email, BL@portlandmaine.gov

Sincerely,

Janice Gardner
Business License Administrator

PUBLIC NOTICE**Notice of
Public Hearing
City of Portland**

A Public Hearing will be held on March 3rd at 7:00 P.M., in City Council Chambers, 389 Congress St., on the application of Sangillo's Tavern, LLC d/b/a Sangillo's Tavern, 18 Hampshire St. Renewal Application for Class A Lounge FSE License. Sponsored by Katherine L. Jones, City Clerk.

#5017623



Office of the City Clerk

Katherine L. Jones, CCM, City Clerk

March 6, 2014

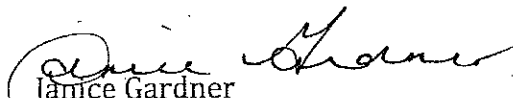
RE: NOTICE OF PUBLIC HEARING

A Public Hearing will be held on Monday, March 17, 2014 at 7:00 P.M. in City Council Chambers, 389 Congress Street, on the application of Sangillo's Tavern, LLC d/b/a Sangillo's Tavern, 18 Hampshire St.

The owner of Sangillo's Tavern is requesting renewal of a Class A Restaurant/Lounge License.

Public comment will be taken at this meeting.

If you have any questions, please call (207) 874-8557.


Janice Gardner
Business License Administrator
bl@portlandmaine.gov

Portland, Maine



Yes. Life's good here.

Office of the City Clerk

Katherine L. Jones, CCM, City Clerk

March 4, 2014

Dept. of Public Safety
Liquor Licensing & Inspection Division
Attn: Diane Downs
164 State House Station
Augusta, ME 04333-0164

Dear Ms. Downs,

I am writing in regards to Sangillo's Tavern at 18 Hampshire St. in Portland. At this time, the Portland Police Department has recommended denial of their Class A Restaurant/Lounge license.

We have administratively extended the expiration of their City of Portland license from 2/26/14 to 3/28/14 while City staff and the Portland City Council consider the recommendation. Per Inspector Smaha's direction, we provided a photocopy (without the Clerk's signature) of the State liquor renewal application Sangillo's submitted to the City Clerk's office and the City of Portland license with the 3/28/14 expiration date to Kathleen Sangillo to provide to your department.

Please let me know if you have any questions or need additional information from us.

Sincerely,

Janice Gardner
Business License Administrator
bl@portlandmaine.gov
874-8557

DATE: _____
INSP: _____
FIRE: _____
PPD: _____
TAXES: _____

CITY OF PORTLAND
OFFICE OF THE CITY CLERK
389 Congress Street ~ Portland Maine 04101
207-874-8557 FAX 874-8612

EXP DATE: 02/26/2014
LICENSE FEES: \$2,680.00
APP FEE: \$25.00
TOTAL DUE: \$2,705.00

CORPORATION/NON-PROFIT ORGANIZATION

CLASS A LOUNGE FSE \$2540 **AMUSEMENT DEVICES \$140**

Business Name: SANGILLO'S TAVERN
Business Address: 18 HAMPSHIRE ST Bus Tel: (207)879-2810
Mailing Address: 18 HAMPSHIRE ST
PORTLAND ME 04101
Owner: SANGILLO'S TAVERN, LLC Bus. Tel: _____ DOB: _____
Address: _____
PORTLAND ME 04101

Business Manager: KATHLEEN T. SANGILLO Home Tel: 229-8336

Days and Hours of Operation: 7 Days per week, MON-SAT 8:00-1:00AM SUN 9:00-1:00AM
DOES THE AWARD OF THIS LICENSE BENEFIT ANY CITY EMPLOYEE? YES _____ NO X

Capacity or Number of Seats: OCCUPANCY NOT TO EXCEED 30. Outdoor Seating? YES _____ NO X

Landlord of Premises: NO

Landlord's Address: 43 WALTON ST PORT, ME 04103

Are you requesting an Entertainment License (including DJ) Yes _____ No X

If yes, check all that apply: with Dance _____ without Dance _____ Amplified _____ Acoustic _____
Inside only _____ Inside and Outside _____ After hours (1am-5am) _____

If no, will recorded music be played Inside only X Inside and Outside _____

Explain: JUKE BOX, ONCE IN A WHILE FOR SPECIAL OCC
ONE MAN GUITAR OR KARAOKE

Date opened: 4/11/09

NUMBER OF: PINBALL MACHINES _____ POOL TABLES _____
AMUSEMENT DEVICES 1 ADULT AMUSEMENT DEVICES _____

DISTRIBUTOR: CARD BAKER OF BAKER MUSIC

Is any principal officer under the age of 18? Yes _____ No X

Give a description of where the beverages are consumed and kept. CONSUMED & KEPT ON PREMISE

Does the owner or business manager have any convictions? Yes _____ No X

***** PLEASE ATTACH A DETAILED DRAWING OF THE FLOOR PLAN. *****

If corporation please include a list of all principle officers, their date of birth and town of residence.

DATE: _____
INSP: _____
FIRE: _____
PPD: _____
TAXES: _____

CITY OF PORTLAND
OFFICE OF THE CITY CLERK
389 Congress Street ~ Portland Maine 04101
207-874-8557 FAX 874-8612

EXP DATE: 02/26/2014
LICENSE FEES: \$2,680.00
APP FEE: \$25.00
TOTAL DUE: \$2,705.00

CORPORATION/NON-PROFIT ORGANIZATION

Exact Corporation Name: SANGILLO'S TAVERN, LLC
Date of Incorporation: 4/11/2009
State in Which you are Incorporated: Maine

LIST ALL PRINCIPAL OFFICERS:

NAME	TITLE	DOB	RESIDENCE
DANA SANGILLO	CO-OWNER	84-07/09	PORTLAND ME 04101
NICK CICCOMANCINI	OWNER OF PREMISES		PORTLAND ME 04103

DATE: _____
INSP: _____
FIRE: _____
PPD: _____
TAXES: _____

CITY OF PORTLAND
OFFICE OF THE CITY CLERK
389 Congress Street ~ Portland Maine 04101
207-874-8557 FAX 874-8612

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LICENSE FEES: \$2,680.00
APP FEE: \$25.00
TOTAL DUE: \$2,705.00

CORPORATION/NON-PROFIT ORGANIZATION

I/WE HEREBY CERTIFY THAT ALL STATEMENTS MADE IN THIS APPLICATION ARE TRUE. I/WE AGREE AND UNDERSTAND THAT ANY MISTATEMENTS OR OMISSIONS OF MATERIAL FACT HEREIN WILL RESULT IN REFUSAL OF LICENSE OR REVOCATION OF LICENSE IF ONE HAS ALREADY BEEN ISSUED. IN ADDITION, I/WE HEREBY AUTHORIZE THE RELEASE OF ANY CRIMINAL HISTORY RECORD INFORMATION TO THE CITY CLERK'S OFFICE OR LICENSING AUTHORITY. IT'S UNDERSTOOD THAT THIS INFORMATION SHALL BECOME PUBLIC RECORD, AND I/WE HEREBY WAIVE ANY RIGHTS OF PRIVACY WITH RESPECT THERETO.

SIGNATURE



DATE

1/2013 for 2014

Department of Public Safety
Division



Liquor Licensing & Inspection

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES 02/26/2014

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☐ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTIONAL FOOD (Class I-A)

☒ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>DANA M SANGILLO</u> DOB: <u>07/09/84</u>			2. Business Name (D/B/A) <u>SANGILLO'S TAVERN LLC</u>		
<u>SANGILLO'S TAVERN LLC</u> DOB: _____					
Address <u>18 Hampshire St</u>			Location (Street Address) <u>18 Hampshire St</u>		
City/Town <u>Portland</u> State <u>ME</u> Zip Code <u>04101</u>			City/Town <u>Portland</u> State <u>ME</u> Zip Code <u>04101</u>		
Telephone Number <u>207-879-2810</u> Fax Number <u>207-247-0303</u>			Business Telephone Number <u>207-879-2810</u> Fax Number <u>207-247-0303</u>		
Federal I.D. # <u>0185243</u>			Seller Certificate # <u>1139514</u>		

3. If premises are a hotel, indicate number of rooms available for transient guests: N/A
4. State amount of gross income from period of last license: ROOMS \$ 0 FOOD \$ 8896.75 LIQUOR \$ 90005 ²⁵
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire, If YES

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

7. If manager is to be employed, give name: KATHLEEN SANGILLO

8. If business is NEW or under new ownership, indicate starting date: 04/16/2009

Requested inspection date: _____ Business hours: _____

9. Business records are located at: 18 Hampshire St, Port ME 04101

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
KATHLEEN T SANGILLO	08/07/52	BIDD, ME
DANA M. SANGILLO	07/09/84	PORT, ME

Residence address on all of the above for previous 5 years (Limit answer to city & state)

67 FAIRVIEW DR, NK, WATERBORO - ME 04061
DANA - CUIVER CITY, CA, LONG BEACH CA

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: N/A Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: NICK CICCIO MANCINI - 43 WALTON ST - PORT ME 04103

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) TAVERN - HAS A BAR & 3 STICKS, 12 CHAIRS AT BAR, 3 TABLES & 3 CHAIRS EACH ONE BENCH

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? .25 Which of the above is nearest? CHURCH

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: PORTLAND, ME on FEB 17th, 20 14
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

STATE OF MAINE
Liquor Licensing & Inspection Unit
164 State House Station
Augusta, Maine 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND
LIMITED PARTNERSHIPS

1. Exact Corporate Name: SANGILLO'S TAVERN LLC
Business D/B/A Name: SANGILLO'S TAVERN
2. Date of Incorporation: 04/16/09
3. State in which you are incorporated: MAINE
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
DANA SANGILLO	CUMBERLAND CA LONG BEACH CA	07/09/84	100	OWNER

6. What is the amount of authorized stock? 1000 Outstanding Stock? 0
7. Is any principal officer of the corporation a law enforcement official? () YES (X) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES (X) NO.
9. If yes, please complete the following: Name: _____

Date of
Conviction: _____ Offense: _____

Location: _____ Disposition: _____

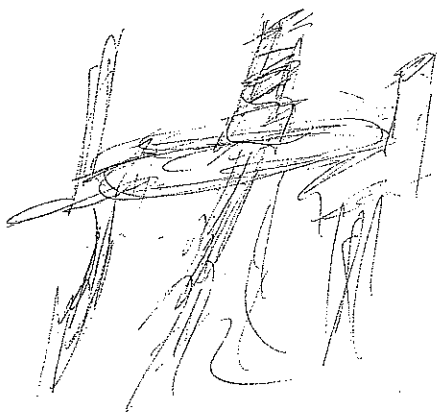
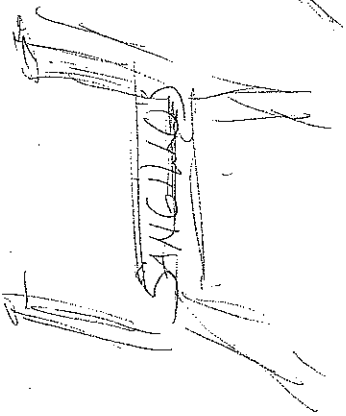
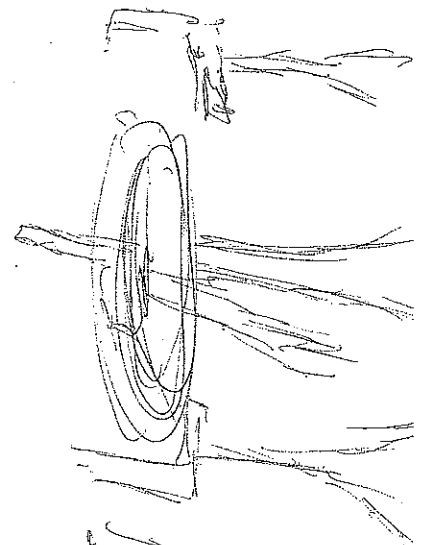
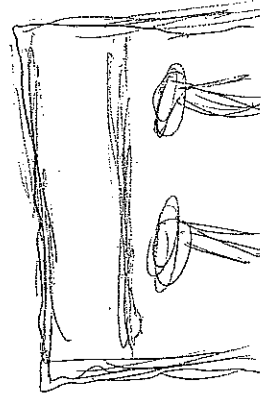
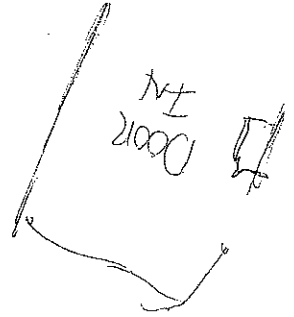
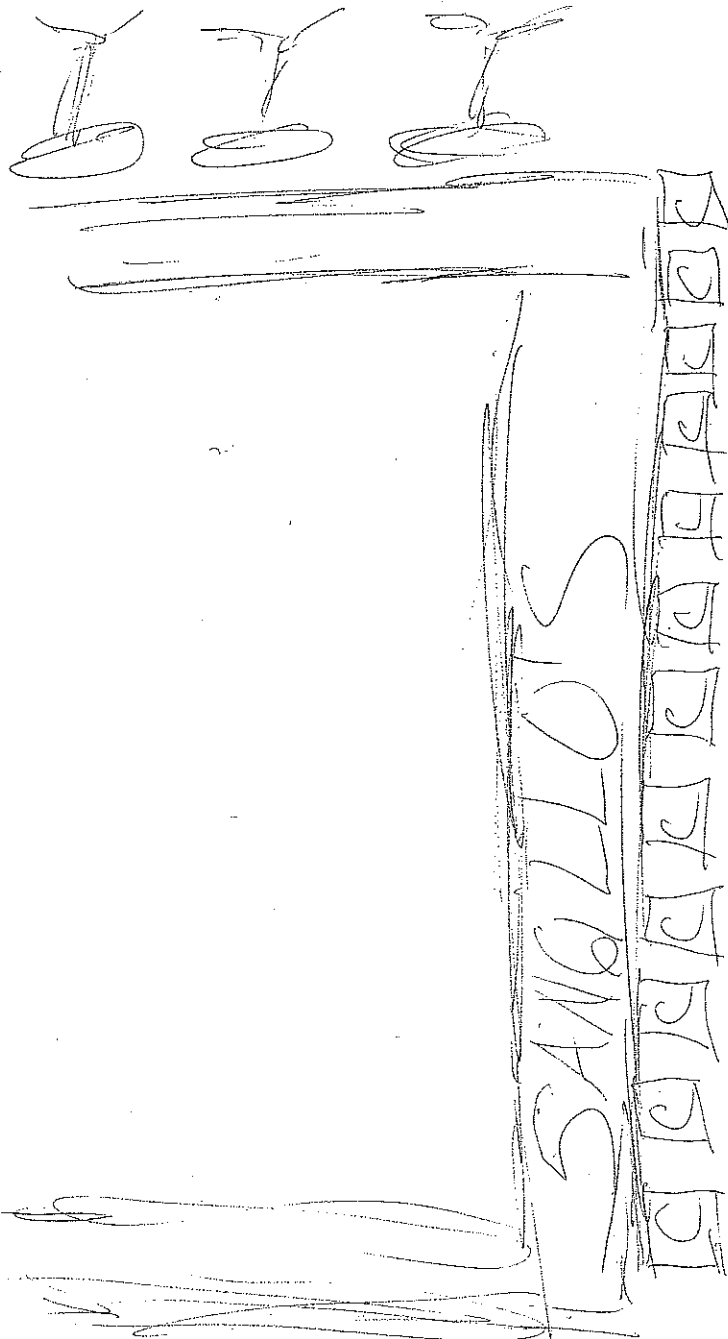
Dated at: PORTLAND, ME 04101 On: _____
City/Town Date

Signature of Duly Authorized Officer

Date: 2/19/2014

DANA M. SANGILLO
Print Name of Duly Authorized Officer

PREMISE DIAGRAM





PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Portland Police Department

Ms. Katherine Sangillo
Mr. Dana Sangillo
Sangillo's Tavern
18 Hampshire Street
Portland, ME 04101

February 20, 2014

Enclosed is a copy of the Police Department report and analysis regarding the renewal application of your liquor license. This report, dated February 20, 2014, details our recommendation to the Portland City Clerk and City Council. We are recommending denial of the application. Any earlier memo that may have been forwarded through the City Clerk's Office can be disregarded.

The Police Department would welcome an opportunity to discuss the report and our recommendation with you, your representative, or your attorney prior to a City Council hearing on the issue. Please feel free to contact me by phone or email to schedule a meeting. I can be reached at 207-874-8548 or VWM@portlandmaine.gov.

Sincerely,

Vernon W. Malloch
Assistant Chief of Police
Portland Police Department

TO: Chief Michael Sauschuck and Portland City Clerk

FROM: Lieutenant Gary Hutcheson

DATE: 02/20/14

LIQUOR LICENSE REVIEW

NAME OF LICENSE: Sangillo's 18 Hampshire St

REVIEW PERIOD: 02/26/2013 to 01/30/14

CALLS FOR SERVICE RELATING TO OPERATION OF PREMISE:

During this period of review the Portland Police Department responded to; one assault, three persons refusing to leave, one theft, a suspected OUI, one drug sale investigation, and an elevated aggravated assault of a person by means of gunshot.

LIQUOR LAW VIOLATIONS AND ADMINISTRATIVE PREMISE VIOLATIONS:

On October 26, 2013 the bar was summonsed administratively for sale of alcohol to a minor as a result of plainclothes compliance detail.

On February 10, 2014 the bar was summonsed administratively for allowing a minor to remain on the premise. The violation occurred on January 28, 2014 and was discovered as part of the investigation into a shooting outside the bar.

INCIDENTS OF BREACH OF THE PEACE IN THE IMMEDIATE VICINITY:

In the area immediately surrounding Sangillo's the Police Department responded to the following calls; two general disturbances as a result of subjects yelling or otherwise being loud in the area, one subject refusing to leave the area, eight incidents involving persons fighting; one person bothering, a person drinking in public and a call to collect hypodermic needles left in the area.

In an effort to reduce calls for service in the area Portland Police Officers provided twenty seven special attention checks, most around the bar closing time.

MISCELLANEOUS INFORMATION:

In early July 2013 Senior Lead Officer Anthony Ampezzan met with management of Sangillo's regarding police calls to the premise and in the area. They discussed ways of reducing the calls in the neighborhood and improving safety. On July 20, 2013 I had a conversation with the bar manager and a follow up conversation with the owner a few days later. I also spoke with Attorney Jerry Connolly who was representing the bar. My conversations followed the same lines as Officer Ampezzan. I advised that our goal was to improve public safety and reduce complaints, not to see the bar closed. It was strongly suggested that the premise hire a door person to provide security and control access to the bar. It was also suggested that they install security cameras to assist them and the department to reduce calls and resolve any incidents that may occur. Both these suggestions were followed by the management.

LIQUOR INSPECTIONS:

There were three documented liquor inspections during the license period under review. One inspection resulted in an administrative summons for sale of liquor to a minor noted above. No violations were detected in the other two inspections.

POLICE DEPARTMENT ANALYSIS:

In analyzing the calls for service we have filtered those calls we do not believe are related to the operation of the bar. This includes calls such as traffic stops and bar checks. We identified 23 calls for service to the premise or the immediate area connected to the operation of Sangillo's. Seven of the calls resulted in police reports being generated, some of which are still under investigation.

A majority of the calls take place after 0100 bar closing in the mostly residential neighborhood.

The following are incident reports related to the operation of Sangillo's filed during this reporting period.

May 18, 2013 at approximately 0100 a female reported being assaulted by an unknown male while leaving the bar. She reports being grabbed by the hair and pulled to the ground. She had her hair ripped out and struck her knee. Other patrons of the bar came to her aid.
Case # 01-13-004024

August 30, 2013 at approximately 0003 officers responded to remove a highly intoxicated subject in front of the bar. Officers attempted to place him in area shelters but were unsuccessful due to his being served trespass notices for the shelter. He was later arrested for criminal trespass after refusing to leave the shelter.
Case # 01-13-007989

October 26, 2013 at approximately 1950 officers working an under age drinking detail sent an under age subject into Sangillo's with no identification. The bar tender served the minor alcohol and the premise was served an administrative violation to the Maine Liquor Commission.
Case # 01-13-009947

November 23, 2013 at approximately 0057 officers were dispatched Sangillo's for an out of control female. The woman had been removed by the door person and was now yelling. Apparently she was upset that her underage friend had been denied entry. She was arrested for disorderly conduct and failure to submit to arrest. She was also served a trespass notice to stay away from the bar.
Case # 01-13-010804

January 10, 2014 at approximately 0130 a police officer was parked across from Sangillo's giving special attention when he was approached by a subject claiming he had been forced to buy cocaine from a patron of Sangillo's for \$200.00. The subject was brought to police headquarters where he turned over 1.5ggw of powder cocaine. An investigation report was filed.
Case # 01-14-000255

January 28, 2014 at approximately 0121 officers responded to a shooting outside Sangillo's. Multiple gunshots were fired in the residential neighborhood. One bullet struck and seriously injured a patron. The victim is expected to survive but is now paralyzed. Case # 01-14-000806

January 28, 2014 while investigating the shooting detectives observed video that shows one of the people involved in the shooting was inside the bar. This person was stopped after the shooting, searched and positively identified as a 19 yr old male with no other ID than his state issued ID. The bar was summonsed for the liquor violation of allowing a minor to remain on the premise.
Case # 01-14-000958

The following is a break down of CAD calls to Sangillo's or in the area and how they have been classified as well as what police resources were required to handle the call.

Premise calls:

131380258- On 04/06/13 at 0129 theft, no report. 1 officer assigned.
131380258- On 05/18/13 at 0100 assault 13-004024. 1 officer assigned.
131640643- On 06/13/13 at 2259 open door/field interview. 2 officers assigned.
132150598- On 08/03/13 at 2128 bar check. 2 officers assigned.
132420004- On 08/30/13 at 0003 Criminal trespass 13-007989. 2 officers assigned.
132430315- On 08/31/13 at 1304 subject refusing to leave. 2 Officers assigned.
132990312- On 10/26/13 at 1551 patron reportedly drove off OUI. 2 officers assigned.
132990444- On 10/26/13 at 1957 sale of liquor to a minor. 2 officers assigned.
133270024- On 11/23/13 at 0057 person bothering arrested 13-010804. 4 officers and 1 sergeant assigned.
140100019- On 01/10/14 at 0130 drug sale investigation. 1 officer assigned.
140280023- On 01/21/14 and 01/22/14 elevated aggravated assault investigation 14-000806. 30 officers from patrol and detectives, 5 sergeants from patrol and CID, 1 CID lieutenant, and 1 Major of patrol assigned.

Breach of peace in the area:

130740262- On 03/15/13 at 1403 intoxicated male laid out. 1 officer assigned.
131270520- On 05/07/13 at 2040 two males fighting. 3 officers assigned.
131470334- On 05/27/13 at 1544 public drinking warning. 1 officer assigned.
131730033- On 06/22/13 at 0110 up to 20 plus persons fighting. 2 officers and 1 sergeant assigned.
131780026- On 06/27/13 at 0121 12 to 15 persons out front intoxicated and yelling. 2 officers assigned.
131810032- On 06/30/13 at 0120 report of 2 women fighting. 3 officers assigned.
131880024- On 07/07/13 at 0104 report of 8 persons fighting broken up by police. 3 officers assigned.
131940038- On 07/13/13 at 0121 report of persons screaming in area. 3 officers assigned.
131970051- On 07/16/13 at 0131 fight call person nearly struck by vehicle knocked to ground being kicked by others. 5 officers assigned.
132020027- On 07/21/13 at 0054 neighbor complaining about persons on his lawn, moved along by police. 3 officers assigned.
132160060- On 08/04/13 at 0128, 2 males and a female fighting. 3 officers assigned.
1321801720- On 08/06/13 at 0950 officer dispatched to collect hypodermic needles on the ground. 1 officer assigned.
132300443- On 08/18/13 at 1812 report of 2 males fighting. 2 officers assigned.
132430296- On 08/31/13 at 1304 intoxicated male out front unable to walk. Home Team assigned.

Special attention checks to reduce calls in the area:

131950021- On 07/14/13 at 0051.

131980024- On 07/17/13 at 0044.
131990594- On 07/18/13 at 2039.
132000783- On 07/19/13 at 2354.
132010043- On 07/20/14 at 0057.
132020026- On 07/21/13 at 0050, connected to breach of peace 132020027.
132040021- On 07/23/13 at 0049.
132040509- On 07/23/13 at 1905.
132050544- On 07/24/13 at 1813.
132050729- On 07/24/13 at 2352.
132060021- On 07/25/13 at 0049.
132060745- On 07/25/13 at 2356.
132080014- On 07/27/13 at 0049.
132100027- On 07/29/14 at 0056.
132130027- On 08/01/13 at 0114.
132150031- On 08/03/13 at 0059.
132150667- On 08/03/13 at 2250.
132160034- On 08/04/13 at 0052.
132170027- On 08/05/13 at 0058.
132170030- On 08/05/13 at 0108.
132340012- On 08/22/13 at 0020.
132420033- On 08/30/13 at 0100.
132540011- On 09/11/13 at 0030.
133250566- On 11/21/13 at 2340.
133270511- On 11/23/13 at 2000.
133300012- On 11/26/13 at 0058.
133540017- On 12/20/13 at 0059.

Recommendation:

The police department recommends denial of the liquor license renewal.

During the past year the police department has become increasingly concerned with the operation of Sangillo's Tavern. Our concern is related to the number and type of police calls to the bar and in the immediate area. We have been proactive in our efforts to improve safety and restore peace to the neighborhood, meeting with the bar and making suggestions on how they can improve. These suggestions have included adding staff to monitor patrons and better control of access to the bar. We have also devoted significant officer resources to providing special attention in the neighborhood and in responding to calls for police service.

Unfortunately our efforts have been unsuccessful. We feel public safety is jeopardized by the continuing operation of this establishment. We are concerned for the neighborhood and patrons of the bar should it remain a licensed liquor establishment.

We do not make this recommendation lightly; we recognize there are significant negative implications for the owner and staff if they are denied a liquor license. But we are balancing this against the safety of the neighborhood and patrons. We do not have confidence that the owner can address these issues.

The police department and neighbors recognized a problem and took steps to reduce breaches of the peace and crimes of violence. We met with the bar owner, manager, and their attorney on several occasions in the month of July. In spite of our repeated discussions with the bar there

have been two liquor violations since that time. Both involved minors on the premise, one being served liquor. This is a Class A tavern that is never permitted to have minors on premise. Neighbors report fights and loud groups after bar closing as patrons from the small bar spill into the residential neighborhood. The police department has dedicated extensive resources to the problem. Officers were positioned outside the bar at closing time on at least 27 occasions. This level of police presence to prevent breaches of the peace and reduce violent crime is unsustainable.

The incident we find most disturbing occurred early in the morning of January 28, 2014. As has happened several other times throughout the past year, patrons of the bar had just left when a disturbance erupted in the street. In this instance three gunshots were fired and a patron of the bar was seriously wounded. Other rounds struck a building and a car. This shooting represents the increased level of violence being seen in the neighborhood and caused by the patrons of Sangillo's.

WOODMAN EDMANDS DANYLIK AUSTIN
SMITH & JACQUES, P.A.

ATTORNEYS-AT-LAW

ROBERT B. WOODMAN
PETER L. EDMANDS
THOMAS DANYLIK
RALPH W. AUSTIN
JAMES B. SMITH
KEITH R. JACQUES
MICHAEL J. O'TOOLE
HARRY B. CENTER II
SANDRA L. GUAY

234 MAIN STREET
P.O. BOX 468
BIDDEFORD, ME 04005-0468
TELEPHONE: 207-284-4581
FAX: 207-284-2078
E-MAIL: hcenter@woodedlaw.com

March 6, 2014

BY E-MAIL AND REGULAR MAIL

Vernon W. Malloch
Assistant Chief of Police
Portland Police Department
109 Middle Street
Portland, ME 04101-104

RE: Sangillo's Tavern

Dear Assistant Chief Malloch:

Thank you for taking the time to meet with Dana and Kathleen Sangillo regarding the pending application for a liquor license for Sangillo's Tavern. As you noted at the outset of our meeting, there has been a Sangillos in Portland, Maine since the 1960's. This is a family business which until very recently has never had any issue with an application or a renewal for a liquor license.

In keeping with this family tradition of compliance and operation of a respectful enterprise, Dana and Kathleen Sangillo appreciated your acknowledgment of their assistance to your department and the Cumberland County District Attorney's Office in the successful prosecution of Eric Gwaro this past summer. Additionally, it was appreciated that you did acknowledge the extraordinary effort of Kathleen Sangillo regarding the most recent incident that occurred on January 28, 2014 on Hamshire Street. Kathleen worked with numerous members of your department to provide all of the security video footage available in order to assist your investigation into that event. They acknowledge that that event has caused concern among their neighbors. It has caused concern to Kathleen and Dana as well for the safety of their employees, regular patrons and the potential adverse effect it would have on their ability to remain in business.

**WOODMAN EDMANDS DANYLIK AUSTIN
SMITH & JACQUES, P.A.**

Vernon W. Malloch
Assistant Chief of Police
March 6, 2014
Page 2 of 3

Kathleen and David understand that due to the fact that their liquor license is up for renewal shortly after this incident, your department needed to address neighborhood concerns regarding that event, along with other concerns before a favorable recommendation for renewal of the liquor license. During our meeting, Kathleen Sangillo, (who has managed the facility since 2009, coinciding with her nephew's ownership of what was previously his father's business), explained numerous operational modifications that she has undertaken since the summer of 2013 to address concerns. As a large urban area, the City of Portland is very diverse, and from time to time undergoes changes. Unfortunately, some of the changes that occurred within the past year have had a detrimental effect on Sangillo's and have resulted in some of the concerns expressed by your department. Kathleen has explained that in addition to the installation of 16 security cameras which provide constant, real time, surveillance of both inside Sangillo's and the adjacent curtilage, they have been using a trained doorman on Friday and Saturday evenings. This employee has been utilizing an identification machine scanner that records the identity of all individuals who are checked for identification upon entering Sangillo's and a record is made as to whether or not these individuals have previously been barred from entering.

Kathleen also explained that a hand written notebook of barred individuals is in existence, and Sangillo's has made a significant effort to bar patrons who are detrimental to both Sangillo's and the neighborhood from conduct as minimal as racial slurs to as serious as fighting. In response to the certain changes that have occurred during the past year, Kathleen has also taken an extraordinary step of limiting the available inventory to patrons by excluding Hennessy and Remy as she determined that the purchase of these liquors was related to detrimental conduct.

In addition, in a serious effort to address the Department's concerns, obtain a favorable recommendation for approval of their liquor license, and yet allow Sangillo's to continue to employ staff, meet expenses and maintain itself as a viable entity they propose additional operational modifications:

- Going forward, Sangillo's will employ a Doorman 7 days a week, starting at 8:00 pm.

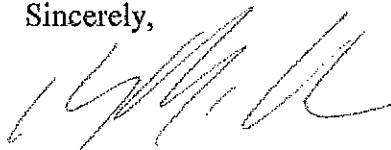
**WOODMAN EDMANDS DANYLIK AUSTIN
SMITH & JACQUES, P.A.**

Vernon W. Malloch
Assistant Chief of Police
March 6, 2014
Page 3 of 3

- Following our Monday, March 3, 2014 meeting they immediately contacted their landlord and will install exterior lighting to the extent allowed, which shall be illuminated at closing time.
- Pursuant to your suggestion a "NO FIREARMS" sign will be posted.
- A manager will be present every night, with full authority to conduct all activity including but not limited to assisting the Portland Police Department as requested.
- All bar staff and servers will participate in a server training program.

Please contact me to discuss this. It is the sincere hope that the Portland Police Department will now recommend approval of the pending liquor license, as the ownership, management and staff of Sangillo's remains committed to the continued existence of the long-standing family business and the health safety and welfare of the City of Portland

Sincerely,



Harry B. Center, II, Esq.

HBC/mab
Enclosure
cc: Katherine Sangillo

COMPUTER AIDED DISPATCH REPORTS

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14
Program: CAD306A Time Window: 0:00:00 - 99:99:99
List: All call types

Computer Aided Dispatch
Call Summary

Div: 001 Page: 1
Dpt: 001 Date: 1/30/14

Selections by Address Range... From: Street #: 000018 Dir: Name: HAMPSHIRE
To: Street #: 000018 Dir: Name: HAMPSHIRE
Common Name..... SANGILLOS

City: 001 PORTLAND
Call#/DP Type/Disposition

Time Incident Location Map Reference - P/F/E

130120544 P BAR CHECK
GOA/WILL GIVE SA
NOT COUNTED
1/12/13 000018 HAMPSHIRE ST P-1B F-A05 E-
22:47:09 SANGILLOS
Units Responded: 601 604 608
Response Time (Call to Arrival-First Unit) Unit #: 604 Time (HH:MM:SS): 0:00:01
Narrative: THEFT OF A JACKET WITH 17'S CAR KEYS IN IT
17 WILL BE STANDING OUT FRONT
CALL CAME IN ON 911-253-7308
STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI
Call change from THEFT to ASSTCITZ BY POSTAA P 01 0000007627 NICOLE MERRIMAN

130270011 P ASSIST CITIZEN
PROVIDED SERVICE
NOT COUNTED
1/27/13 000018 HAMPSHIRE ST P-1B F-A05 E-
0:20:59 SANGILLOS
Units Responded: 401
Response Time (Call to Arrival-First Unit) Unit #: 401 Time (HH:MM:SS): 0:05:41
Narrative: THEFT OF A JACKET WITH 17'S CAR KEYS IN IT
17 WILL BE STANDING OUT FRONT
CALL CAME IN ON 911-253-7308
STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI

130540003 P POSSIBLE OUI
NEGATIVE CONTACT
NOT COUNTED
2/23/13 000018 HAMPSHIRE ST P-1B F-A05 E-
0:08:25 SANGILLOS
Units Responded: 405 604
Response Time (Call to Arrival-First Unit) Unit #: 405 Time (HH:MM:SS): 0:06:16
Narrative: IN THE PARKING LOT HERE, DRIVER ALMOST HIT THE 17
DRIVER IS PARKED HERE,
IT'S NEXT TO A BLK CHRYSLER 300
17 THINKS THE OPERATOR IS DRUNK
17 DOESN'T WANT TO CHECK THE PLATE NUMBER
17 WANTS TO BE SEEN, HE WILL SEE OFFICERS AT THE CORNER
HAMPSHIRE AND INDIA
STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI

130540026 P FIGHT
GOA
NOT COUNTED
2/23/13 000018 HAMPSHIRE ST P-1B F-A05 E-
1:31:24 SANGILLOS
Units Responded: 501 502
Response Time (Call to Arrival-First Unit) Unit #: 501 Time (HH:MM:SS): 0:02:17
Narrative: 17 CAN HEAR A FIGHT...PEOPLE SCREAMING...17 THINKS THERE IS
20 PEOPLE OUT THERE...NOT WILLING TO LOOK OUT THE WINDOW
CHERYL BREWSTER
CHERYL BREWSTER

130740262 P CHECK WELL BEING
GOA
3/15/13 000018 HAMPSHIRE ST P-1B F-A05 E-
14:03:05 SANGILLOS
Units Responded: 102
Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00
Narrative: ACROSS FROM MALE LAYING ON THE GROUND ETOH
BONNIE RAY

130910327 P MOTOR VEHICLE STOP
CITATION ISSUED
4/01/13 000018 HAMPSHIRE ST P-1B F-A05 E-
17:05:11 SANGILLOS
Units Responded: 305 401 421
Response Time (Call to Arrival-First Unit) Unit #: 401 Time (HH:MM:SS): 0:00:00

130960042 P KEEP THE PEACE
PROVIDED SERVICE
4/06/13 000018 HAMPSHIRE ST P-1B F-A05 E-
1:29:11 SANGILLOS

3 units

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14 Computer Aided Dispatch Div: 001 Page: 2
Program: CAD305A Time Window: 0:00:00 - 99:99:99 Call Summary Dpt: 001 Date: 1/30/14
List: All call types

Selections by Address Range: From: Street #: 000018 Dir: Name: HAMPSHIRE Sfx: ST Modf:
To: Street #: 000018 Dir: Name: HAMPSHIRE Sfx: ST Modf:

Common Name: SANGILLOS

City: 001 PORTLAND

Call#/DP Type/Disposition Time Incident Location Map Reference - P/F/E

Units Responded: 501 Time (HH:MM:SS): 0:17:36
Response Time (Call to Arrival-First Unit) Unit #: 501 JESSICA RAMSAY
Narrative: MALE IN PD LOBBY IS GOING TO WALK BACK AND WAIT FOR AN JESSICA RAMSAY
OFFICER OUT FRONT TO KTP APPARENTLY A FEMALE STOLE THE 17S H JESSICA RAMSAY
AT GENNETTE CARDULLO-BRANCO
501: ALL SET HERE

131150019 P FIGHT 4/25/13 000018 HAMPSHIRE ST P-1B F-A05 E-
UNFOUNDED CALL 0:38:27 SANGILLOS
Units Responded: 301 304 Time (HH:MM:SS): 0:01:43
Response Time (Call to Arrival-First Unit) Unit #: 301 ROBERT SELBERG
Narrative: 2 PEOPLE FIGHTING ROBERT SELBERG
4 PEOPLE NO WEAPONS SEEN - CAB OUT FRONT AS WELL - GREEN ROBERT SELBERG
W/ WHITE LABE

131270520 P FIGHT 5/07/13 000018 HAMPSHIRE ST P-1B F-A05 E-
PROVIDED SERVICE 20:40:34 SANGILLOS
Units Responded: 302 303 406 Time (HH:MM:SS): 0:02:04
Response Time (Call to Arrival-First Unit) Unit #: 302 ALEXANDRA COLLINS
Narrative: 2 MALES PHYSICALLY FIGHTING OUTSIDE ALEXANDRA COLLINS
NO WEAPONS ALEXANDRA COLLINS
2 W/MS ALEXANDRA COLLINS
MALES ARE LEAVING NOW, 17 IS YELLING AT A MALE IN THE BACKGR ALEXANDRA COLLINS
OUND ALEXANDRA COLLINS
FIGHTING AGAIN ALEXANDRA COLLINS
W/M BLUE COAT, MAROON SHIRT ALEXANDRA COLLINS
17 IS YELLING AT THEM ALEXANDRA COLLINS
302: ADVISE UNITS TO SLOW DOWN, NOTHING SHOWING SVETLANA MILJKOVIC

131380258 P ASSAULT - Rpt 5/18/13 000018 HAMPSHIRE ST P-1B F-A05 E-
REPORT TAKEN/ENDS CA 12:21:02 SANGILLOS
Units Responded: 210 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: 210

131470334 P PEDESTRIAN CHECK 5/27/13 000018 HAMPSHIRE ST P-1B F-A05 E-
DIP WARNING 15:44:25 SANGILLOS
Units Responded: 312 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: 312

131640643 P OPEN DOOR/WINDOW 5/13/13 000018 HAMPSHIRE ST P-1B F-A05 E-
FIELD INTERROGATION 22:59:13 SANGILLOS
Units Responded: 501 502 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: 501

131730033 P FIGHT/LARGE GROUP 6/22/13 000018 HAMPSHIRE ST P-1B F-A05 E-
GOA 1:10:14 SANGILLOS

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14
Program: CAD306A Time Window: 0:00:00 - 99:99:99
List: All call types

Computer Aided Dispatch
Call Summary

Div: 001 Page: 3
Dpt: 001 Date: 1/30/14

Selections by Address Range... From: Street #: 000018 Dir: Name: HAMPSHIRE
To: Street #: 000018 Dir: Name: HAMPSHIRE
Common Name..... SANGILLOS

Sfx: ST Modf:
Sfx: ST Modf:

City: 001 PORTLAND

Call#/DP Type/Disposition

Time Incident Location Map Reference - P/F/E
Units Responded: 505 506 521
Response Time (Call to Arrival-First Unit) Unit #: 506 Time (HH:MM:SS): 0:02:28
Narrative: GROUP OF 20 FIGHTING IN PARKING LOT KEVIN DICKINSON

Call change from FIGHT to BIG82 BY POST9A P 01 0000006872 KEVIN DICKINSON

131780026 P GENERAL DISTURBANCE
PROVIDED SERVICE

6/27/13 000018 HAMPSHIRE ST
1:21:29 SANGILLOS P-1B F-A05 E-
Units Responded: 501 502
Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00
Narrative: GROUP OF 12-15 PEOPLE OUT ON THE STREET, 43, YELLING AND GENNETTE CARDULLO-BRANCO
SCREAMING. JUST PEOPLE THAT LEFT THE BAR, NO FIGHTING. GENNETTE CARDULLO-BRANCO

131790420 P VEHICLE COMPLAINT
GOA/WILL GIVE SA

6/28/13 000018 HAMPSHIRE ST
17:57:28 SANGILLOS P-1B F-A05 E-
Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00
Narrative: ABAN CALL--CALLER STATING THIS VEH SPEED BY ON COMMERCIAL ST CHELSEY BEARD

Call change from 911HU to MVMCOMP BY POST9A P 01 0000002625 CHELSEY BEARD
THEN TURNED UP INDIA INTO HERE CHELSEY BEARD
STATES 3 YOUNG PEOPLE GOT OUT OF THE VEH HERE CHELSEY BEARD
POSSIBLY 2 YOUNG MALES AND 1 FEMALE CHELSEY BEARD
SUSP VEH DROVE DOWN COMMERCIAL ST GOING 45 MPH CUTTING OFF CHELSEY BEARD
3 VEH'S CHELSEY BEARD

NO DISPOSITIONS **

131810024 P FIGHT/LARGE GROUP
Canceled

6/30/13 000018 HAMPSHIRE ST
1:04:10 SANGILLOS P-1B F-A05 E-
Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00
Narrative: This call was merged to call # 131810025 JESSICA RAMSAY

131810025 P FIGHT/LARGE GROUP
FIELD INTERROGATION

6/30/13 000018 HAMPSHIRE ST
1:04:10 SANGILLOS P-1B F-A05 E-
Units Responded: 401 402 421
Response Time (Call to Arrival-First Unit) Unit #: 401 Time (HH:MM:SS): 0:01:54
Narrative: 15-20 PHYSICALLY FIGHTING, ONE PERSON ON THE GROUND. 17 DOES SVETLANA MILJKOVIC

NO WEAPONS SEEN-PUNCHES THROWN - AT LEAST 10 FOLKS ERIN DULAC
NOT SEE ANY WEAPONS. 17 IS WATCHIGN FROM APAR. GROUP IS SVETLANA MILJKOVIC
MADE UP OF MALES AND FEMALES, BOTH BLK AND WHITE, YOUNGER SVETLANA MILJKOVIC
LOOKING. SVETLANA MILJKOVIC

Cancel call#/type: 131810024 FIGHT/LARGE GROUP
Start date/time: 06/30/13 01:04:10
Call taker: 8546 SVETLANA MILJKOVIC
Dispatcher: 7548 JESSICA RAMSAY
Call start time changed from 13/06/30 01:04:16
to 13/06/30 01:04:10

JESSICA RAMSAY
JESSICA RAMSAY
JESSICA RAMSAY
JESSICA RAMSAY
JESSICA RAMSAY
JESSICA RAMSAY

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14 Computer Aided Dispatch Div: 001 Page: 4
Progrm: CAD306A Time Window: 0:00:00 - 99:99:99 Call Summary Dpt: 001 Date: 1/30/14
List: All call types

Selections by Address Range...: From: Street #: 000018 Dir: Name: HAMPSHIRE
To: Street #: 000018 Dir: Name: HAMPSHIRE

Common Name.....: SANGILLOS

City: 001

PORTLAND

Map Reference - P/F/E

Call#/DP Type/Disposition

Time Incident Location

Call change from FIGHT to BIG82 BY POST4A P 01 0000007548

JESSICA RAMSAY

402: OUT A BUNCH OF PEOPLE ARE SEPERATED

JESSICA RAMSAY

131810032 P FIGHT
GOA

6/30/13 000018 HAMPSHIRE ST
1:20:48 SANGILLOS

P-1B

F-A05

E-

Units Responded: 402 404 601
Response Time (Call to Arrival-First Unit) Unit #: 601
Narrative: 2 WOMEN FIGHTING IN THE STREET
UNK WEAPONS

Time (HH:MM:SS): 0:03:34
KEVIN DICKINSON
KEVIN DICKINSON

JESSICA RAMSAY

601: INDIV. SPLIT UP AND WENT THEIR SEPERATE WAYS

131850046 P FIREWORKS
PROVIDED SERVICE

7/04/13 000018 HAMPSHIRE ST
1:28:50 SANGILLOS

P-1B

F-A05

E-

Units Responded: 501 521
Response Time (Call to Arrival-First Unit) Unit #: 501

Time (HH:MM:SS): 0:05:28

Can't connect.

131870024 P FIGHT
UNFOUNDED CALL

7/06/13 000018 HAMPSHIRE ST
1:13:10 SANGILLOS

P-1B

F-A05

E-

Units Responded: 505 515 521
Response Time (Call to Arrival-First Unit) Unit #: 505
Narrative: IN THE PARKING LOT ACROSS THE ST
A GROUP OF 43 MALES TALKING AGGRESSIVLEY TOWARDS EACH
OTHER

Time (HH:MM:SS): 0:05:37
STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI

THE GROUP THAT WAS CAUSING THE PROBLEM HAS LEFT WALKING
TOWARDS THE WATER.
17 CAN SEE 4 PEOPLE IN THE PARKING LOT RIGHT NOW,
2 IN THE CAR, THINKS IT'S STILL 39,
ONE OF THEM WAS JUST SHOVED
2 FEMALE IN WHITE DRESS
1 RED DRESS
1 MALE WHITE SHIRT

Call change from DISTURB to FIGHT IP BY POSTSA P 01 00000051
NO WEAPONS SEEN
17 NOTED THAT THE GROUP STARTED PUSHING EACH OTHER
UNKN IF IT WAS FOR FUN OR NOT

STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI

131880024 P FIGHT
VERBAL WARNING ISSUE

7/07/13 000018 HAMPSHIRE ST
1:04:11 SANGILLOS

P-1B

F-A05

E-

Units Responded: 601 602 612
Response Time (Call to Arrival-First Unit) Unit #: 602
Narrative: 8 PEOPLE FIGHTING IN FRONT OF HERE- NO WEAPONS SEEN

Time (HH:MM:SS): 0:03:16
ERIN DULAC

131940038 P GENERAL DISTURBANCE
FIELD INTERROGATION

7/13/13 000018 HAMPSHIRE ST
1:21:00 SANGILLOS

P-1B

F-A05

E-

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14 Computer Aided Dispatch Div: 001 Page: 5
Program: CAD306A Time Window: 0:00:00 - 99:99:99 Call Summary Dpt: 001 Date: 1/30/14
List: All call types

Selections by Address Range... From: Street #: 000018 Dir: Name: HAMPSHIRE Sfx: ST Modf:
To: Street #: 000018 Dir: Name: HAMPSHIRE Sfx: ST Modf:
Common Name..... SANGILLOS

City: 001 PORTLAND

Call#/DP	Type/Disposition	Time	Incident Location	Map Reference - P/F/E
131950021 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	7/14/13 000018 0:51:04	HAMPSHIRE ST SANGILLOS	P-1B F-A05 E-
		Units Responded: 503 516 604		
		Response Time (Call to Arrival-First Unit)	Unit #: 503	Time (HH:MM:SS): 0:08:26
		Narrative: 17 CAN HEAR SOME TYPE OF A DISTURBANCE IN THE PARKING LOT SVETLANA MILJKOVIC OF THE RESTAURANT. A BLDNG IS BLOCKING HIS VIEW, HE HEARS SVETLANA MILJKOVIC LOTS OF SCREAMING. HE DIDN'T HEAR ANYONE MENTION ANY SVETLANA MILJKOVIC WEAPONS. SVETLANA MILJKOVIC		
131970051 P	FIGHT PROVIDED SERVICE	7/16/13 000018 1:31:07	HAMPSHIRE ST SANGILLOS	P-1B F-A05 E-
		Units Responded: 404 412 601 604 606		
		Response Time (Call to Arrival-First Unit)	Unit #: 601	Time (HH:MM:SS): 0:01:27
		Narrative: IN STREET - SUV PULLED UP AND ALMOST HIT SOMEBODY - NOW ERIN DULAC THERE ARE PEOPLE KICKING ANOTHER GUY ERIN DULAC I THINK 17 IS TALKING TO PD - HUNG UP ERIN DULAC		
131980003 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	7/17/13 000018 0:07:18	HAMPSHIRE ST SANGILLOS	P-1B F-A05 E-
		Units Responded: 501		
		Response Time (Call to Arrival-First Unit)	Unit #: 501	Time (HH:MM:SS): 0:00:00
131980024 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	7/17/13 000018 0:44:24	HAMPSHIRE ST SANGILLOS	P-1B F-A05 E-
		Units Responded: 501 503		
		Response Time (Call to Arrival-First Unit)	Unit #: 501	Time (HH:MM:SS): 0:00:00
		Narrative: Call change from FEAG to SAC BY POST4A P 01 0000006009 JENNIFER LEE		
131990594 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	7/18/13 000018 20:39:49	HAMPSHIRE ST SANGILLOS	P-1B F-A05 E-
		Units Responded: 303		
		Response Time (Call to Arrival-First Unit)	Unit #: 303	Time (HH:MM:SS): 0:00:00
132000783 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	7/19/13 000018 23:54:43	HAMPSHIRE ST SANGILLOS	P-1B F-A05 E-
		Units Responded: 304 306		
		Response Time (Call to Arrival-First Unit)	Unit #: 304	Time (HH:MM:SS): 0:00:00
132010043 P	SPECIAL ATTENTION CH PROVIDED SERVICE ✓	7/20/13 000018 0:57:11	HAMPSHIRE ST SANGILLOS	P-1B F-A05 E-
		Units Responded: 601 604		
		Response Time (Call to Arrival-First Unit)	Unit #: 601	Time (HH:MM:SS): 0:00:00
		Narrative: No issues tonight. Bar cleared out at 0100, instead of 601		

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14
Prog: CAD306A Time Window: 0:00:00 - 99:99:99
List: All call types

Computer Aided Dispatch
Call Summary

Div: 001 Page: 6
Dpt: 001 Date: 1/30/14

Selections by Address Range... From: Street #: 000018 Dir: Name: HAMPSHIRE Sfx: ST Modf:
To: Street #: 000018 Dir: Name: HAMPSHIRE Sfx: ST Modf:
Common Name..... SANGILLOS

City: 001 PORTLAND

Call#/DP Type/Disposition Time Incident Location Map Reference - P/F/E
0115 like last last week. Moved people along as they came 601
out to minimize crowds on the sidewalk. Everyone was 601
cooperative and there were only a handful of vehicles 601
parked in 63 Middle St lot, only 1 of which was a 601
Sangillos patron. Others came from different bars. 601

132010491 P FOLLOW UP 7/20/13 000018 HAMPSHIRE ST P-1B F-A05 E-
PROVIDED SERVICE 19:54:18 SANGILLOS
Units Responded: 400 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: 400 JESSICA RAMSAY
Narrative: ALL SET

132010568 P BAR CHECK 7/20/13 000018 HAMPSHIRE ST P-1B F-A05 E-
PROVIDED SERVICE 22:40:11 SANGILLOS
Units Responded: 310 311 602 612 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: 310

132020026 P SPECIAL ATTENTION CH 7/21/13 000018 HAMPSHIRE ST P-1B F-A05 E-
PROVIDED SERVICE 0:50:53 SANGILLOS
Units Responded: 601 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: 601
Narrative: No issues. One call from 26 Hampshire St about people 601
milling around and 2 people on his lawn. There was no one 601
one the lawn that I saw and the people milling around 601
where getting out of the bar not pausing issues. Everyone 601
clear by 0115. 601

132020027 P GENERAL DISTURBANCE 7/21/13 000018 HAMPSHIRE ST P-1B F-A05 E-
PROVIDED SERVICE 0:54:35 SANGILLOS
Units Responded: 601 602 612 Time (HH:MM:SS): 0:01:46
Response Time (Call to Arrival-First Unit) Unit #: 602 ERIN DULAC
Narrative: PEOPLE MILLING AROUND- TWO PEOPLE ON NEIGHBORS LAWN ERIN DULAC
17 STATES NO ONE IS SUPPOSED TO BE IN THE PARK LOT ACROSS ERIN DULAC
FROM HERE BUT THERE ARE
601: NO ONE ON THE LAWN, AND PEOPLE GOING IN AND OUT OF THE SVETLANA MILJKOVIC
BAR, NO DISTURBANCE SVETLANA MILJKOVIC

132040021 P SPECIAL ATTENTION CH 7/23/13 000018 HAMPSHIRE ST P-1B F-A05 E-
PROVIDED SERVICE 0:49:02 SANGILLOS
Units Responded: 601 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: 601
Narrative: No issues tonight. Very small crowd. Cleared for other 601
calls. 601

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14
Progrr: CAD306A Time Window: 0:00:00 - 99:99:99
List: All call types

Computer Aided Dispatch
Call Summary

Div: 001 Page: 7
Dpt: 001 Date: 1/30/14

Selections by Address Range... From: Street #: 000018 Dir: Name: HAMPSHIRE Sfx: ST Modf:
To: Street #: 000018 Dir: Name: HAMPSHIRE Sfx: ST Modf:
Common Name..... SANGILLOS

City: 001 PORTLAND

Call#/DP	Type/Disposition	Time	Incident Location	Map Reference - P/F/E
132040509 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA	7/23/13 000018 19:05:06 Units Responded: 303 Response Time (Call to Arrival-First Unit)	HAMPSHIRE ST SANGILLOS	P-1B F-A05 E- Unit #: 303 Time (HH:MM:SS): 0:00:00
132050544 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA	7/24/13 000018 18:13:46 Units Responded: 303 Response Time (Call to Arrival-First Unit)	HAMPSHIRE ST SANGILLOS	P-1B F-A05 E- Unit #: 303 Time (HH:MM:SS): 0:00:00
132050729 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA	7/24/13 000018 23:52:25 Units Responded: 303 Response Time (Call to Arrival-First Unit)	HAMPSHIRE ST SANGILLOS	P-1B F-A05 E- Unit #: 303 Time (HH:MM:SS): 0:00:00
132060021 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA	7/25/13 000018 0:49:48 Units Responded: 501 Response Time (Call to Arrival-First Unit)	HAMPSHIRE ST SANGILLOS	P-1B F-A05 E- Unit #: 501 Time (HH:MM:SS): 0:00:00
132060745 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA	7/25/13 000018 23:56:47 Units Responded: 501 Response Time (Call to Arrival-First Unit)	HAMPSHIRE ST SANGILLOS	P-1B F-A05 E- Unit #: 501 Time (HH:MM:SS): 0:00:00
132070481 P	PEDESTRIAN CHECK FIELD INTERROGATION	7/26/13 000018 18:52:37 Units Responded: 402 Response Time (Call to Arrival-First Unit)	HAMPSHIRE ST SANGILLOS	P-1B F-A05 E- Unit #: 402 Time (HH:MM:SS): 0:00:00
132080014 P	SPECIAL ATTENTION CH PROVIDED SERVICE	7/27/13 000018 0:49:19 Units Responded: 601 604 Response Time (Call to Arrival-First Unit) Narrative: No issues. One group of 6 people waiting for cab when I cleared, but they were quiet.	HAMPSHIRE ST SANGILLOS	P-1B F-A05 E- Unit #: 601 Time (HH:MM:SS): 0:00:00 601 601 601
132100027 P	SPECIAL ATTENTION CH PROVIDED SERVICE	7/29/13 000018 0:56:24 Units Responded: 601 Response Time (Call to Arrival-First Unit) Narrative: No issues. Very quiet. Last people left at 0103 hrs.	HAMPSHIRE ST SANGILLOS	P-1B F-A05 E- Unit #: 601 Time (HH:MM:SS): 0:00:00 601 601
132130027 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA	8/01/13 000018 1:14:12	HAMPSHIRE ST SANGILLOS	P-1B F-A05 E-

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14
Program: CAD306A Time Window: 0:00:00 - 99:99:99
List: All call types

Computer Aided Dispatch
Call Summary

Div: 001 Page: 8
Dpt: 001 Date: 1/30/14

Selections by Address Range... From: Street #: 000018 Dir: Name: HAMPSHIRE
To: Street #: 000018 Dir: Name: HAMPSHIRE
Common Name..... SANGILLOS
Sfx: ST Modf:
Sfx: ST Modf:

City: 001 PORTLAND

Map Reference - P/F/E

Call#/DP	Type/Disposition	Time	Incident Location	Units Responded	Response Time (Call to Arrival-First Unit)	Unit #	Time (HH:MM:SS)
132150031 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	8/03/13 000018 0:59:50 SANGILLOS	HAMPSHIRE ST SANGILLOS	601		501	0:00:00
132150598 P	BAR CHECK PROVIDED SERVICE	8/03/13 000018 21:28:47 SANGILLOS	HAMPSHIRE ST SANGILLOS	405 413		405	0:00:00
132150667 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	8/03/13 000018 22:50:33 SANGILLOS	HAMPSHIRE ST SANGILLOS	310		310	0:00:00
132160034 P	SPECIAL ATTENTION CH PROVIDED SERVICE ✓	8/04/13 000018 0:52:25 SANGILLOS	HAMPSHIRE ST SANGILLOS	601		601	0:00:00
132160060 P	FIGHT GOA	8/04/13 000018 1:28:10 SANGILLOS	HAMPSHIRE ST SANGILLOS	601 604 606		601	0:06:28
132170027 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	8/05/13 000018 0:58:32 SANGILLOS	HAMPSHIRE ST SANGILLOS	601		601	0:00:01
132170030 P	SPECIAL ATTENTION CH PROVIDED SERVICE ✓	8/05/13 000018 1:08:57 SANGILLOS	HAMPSHIRE ST SANGILLOS	601		601	0:00:00
132170392 P	PROPERTY/FOUND GOA	8/05/13 000018 15:33:02 SANGILLOS	HAMPSHIRE ST SANGILLOS				

NOT Counted

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14 Computer Aided Dispatch Div: 001 Page: 9
Progrm: CAD306A Time Window: 0:00:00 - 23:59:59 Call Summary Dpt: 001 Date: 1/30/14
List: All call types

Selections by Address Range... From: Street #: 000018 Dir: Name: HAMPSHIRE Sfx: ST Modf:
To: Street #: 000018 Dir: Name: HAMPSHIRE Sfx: ST Modf:

Common Name..... SANGILLOS

City: 001 PORTLAND

Call#/DP Type/Disposition

Time Incident Location Map Reference - P/F/E

Units Responded: 412
Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00
Narrative: 17 STATES THERE IS A BAG ON THE BENCH WITH A BUNCH OF LANCE MAZER
NEEDLES INSIDE. LANCE MAZER

132180172 P PROPERTY/FOUND
PROVIDED SERVICE

8/06/13 000018 HAMPSHIRE ST
9:50:54 SANGILLOS P-1B F-A05 E-
Units Responded: 103
Response Time (Call to Arrival-First Unit) Unit #: 103 Time (HH:MM:SS): 0:09:56
Narrative: FOUND NEEDLES ETC TIMOTHY DUNTON

132300442 P ASSAULT
Canceled

8/18/13 000018 HAMPSHIRE ST
18:12:33 SANGILLOS P-1B F-A05 E-
Units Responded: 103
Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00
Narrative: This call was merged to call # 132300443 KIMBERLY PAVLIS

NO DISPOSITIONS **

132300443 P FIGHT
UNFOUNDED CALL
GOA

8/18/13 000018 HAMPSHIRE ST
18:12:33 SANGILLOS P-1B F-A05 E-
0:00:00
Units Responded: 305 412
Response Time (Call to Arrival-First Unit) Unit #: 305 Time (HH:MM:SS): 0:04:12
Narrative: MALE VS FEMALE NO WEAPONS SEEN KURT ELKANICH
TO THE LEFT SIDE BY THE BANK KURT ELKANICH
W/FEM BLK SHORTS WHT TOP KURT ELKANICH
W/M PLAID SHORTS WHT SHIRT KURT ELKANICH
FEMALE THREW A COUPLE OF PUNCHES AND SHOVED THE MALE KURT ELKANICH
THEY ARE SEPARATED RIGHT NOW STILL ARGUEING KURT ELKANICH

FOR 4 W/FEMS OUT FRONT YELLING AND PHYSICALLY FIGHTING HIRAM DEL RIO
ONLY FISTS SEEN- NO WEAPONS SEEN OR MENTIONED HIRAM DEL RIO
ALL FEMS IN MED 20'S- 3 HAVE BRO HAIR/ 1 BLN HAIR HIRAM DEL RIO
NO CLOTHING DESC- 17 WAS DRIVING FAST WHEN SHE SAW THIS HIRAM DEL RIO

Cancel call#/type: 132300442 ASSAULT
Start date/time: 08/18/13 18:12:33
Call taker: 7844 KURT ELKANICH
Call start time changed from 13/08/18 18:14:22
to 13/08/18 18:12:33

KIMBERLY PAVLIS
KIMBERLY PAVLIS
KIMBERLY PAVLIS
KIMBERLY PAVLIS
KIMBERLY PAVLIS

132340012 P SPECIAL ATTENTION CH
GOA/WILL GIVE SA ✓

8/22/13 000018 HAMPSHIRE ST
0:20:36 SANGILLOS P-1B F-A05 E-
Units Responded: 501
Response Time (Call to Arrival-First Unit) Unit #: 501 Time (HH:MM:SS): 0:00:00

132420004 P PERSON(S) REFUSING T
REPORT TAKEN

8/30/13 000018 HAMPSHIRE ST
0:03:08 SANGILLOS P-1B F-A05 E-

13-7967

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14
Program: CAD305A Time Window: 0:00:00 - 99:99:99
List: All call types

Computer Aided Dispatch
Call Summary

Div: 001 Page: 11
Dpt: 001 Date: 1/30/14

Selections by Address Range... From: Street #: 000018 Dir: Name: HAMPSHIRE
To: Street #: 000018 Dir: Name: HAMPSHIRE
Common Name..... SANGILLOS

City: 001 PORTLAND

Call#/DP Type/Disposition

Time Incident Location Map Reference - P/F/E
Units Responded: 501
Response Time (Call to Arrival-First Unit) Unit #: 501 Time (HH:MM:SS): 0:00:00

132650010 P PEDESTRIAN CHECK
REPORT TAKEN

9/22/13 000018 HAMPSHIRE ST
0:19:12 SANGILLOS P-1B F-A05 E-
Units Responded: 400 402 412 421 607 511
Response Time (Call to Arrival-First Unit) Unit #: 412 Time (HH:MM:SS): 0:00:00
Narrative: 412: JUVENILES RAN FROM ME INTO 42 NEWBURY AND WENT TO
SANGILLOS ONE HAS A 10-32
KIMBERLY PAVLIS
KIMBERLY PAVLIS

402: 10-29 A HANDGUN - ROSSI .38 SPECIAL EX42901
NO RECORD SER/EX42901

MAINE ARREST TRACKING NUMBER RESPONSE
ATN ASSIGNED ME0030500 : 046932B

CTN ASSIGNED:
001 9775
IN CHRI NBR 674 AT 09/22/2013 01:13:54
OUT PORTPD01 9 AT 09/22/2013 01:13:54 MRI 11713

JESSICA RAMSAY
KIMBERLY PAVLIS

SIDNEY DOYLE
SIDNEY DOYLE
SIDNEY DOYLE
SIDNEY DOYLE
SIDNEY DOYLE
SIDNEY DOYLE
SIDNEY DOYLE

132990312 P POSSIBLE OUT
NEGATIVE CONTACT

10/26/13 000018 HAMPSHIRE ST
15:51:57 SANGILLOS P-1B F-A05 E-
Units Responded: 202 216
Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00
Narrative: MALE JUST LEFT SANGILLOS VERY 43 IS HEADING WEST ON MIDDLE KEVIN DICKINSON

Call change from POSSOUI to POSSOUI IP BY POST3A P 01 000000 KEVIN DICKINSON
17 IS WILLING TO MAKE STATEMENT IF NEEDED KEVIN DICKINSON
W//M LATE 30S EARLY 40S SCRAGGLY HAIR KEVIN DICKINSON
RED JKT JEANS KEVIN DICKINSON
17 IS ON FOOT, JUST SAW MALE TURN ONTO EXCHANGE TOWARDS KEVIN DICKINSON
THE WATERFRONT KEVIN DICKINSON

132990444 P LIQUOR VIOLATION
REPORT TAKEN
CITATION ISSUED

10/26/13 000018 HAMPSHIRE ST
19:57:27 SANGILLOS P-1B F-A05 E-
0:00:00
Units Responded: 204 605
Response Time (Call to Arrival-First Unit) Unit #: 605 Time (HH:MM:SS): 0:00:00

133250566 P SPECIAL ATTENTION CH
GOA/WILL GIVE SA

11/21/13 000018 HAMPSHIRE ST
23:40:57 SANGILLOS P-1B F-A05 E-
Units Responded: 501
Response Time (Call to Arrival-First Unit) Unit #: 501 Time (HH:MM:SS): 0:00:00

133270024 P PERSONS BOTHERING
REPORT TAKEN

11/23/13 000018 HAMPSHIRE ST
0:57:51 SANGILLOS P-1B F-A05 E-

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14
Program: CAD306A Time Window: 0:00:00 - 99:99:99
List: All call types

Computer Aided Dispatch
Call Summary

Div: 001 Page: 12
Dpt: 001 Date: 1/30/14

Selections by Address Range... From: Street #: 000018 Dir: Name: HAMPSHIRE
To: Street #: 000018 Dir: Name: HAMPSHIRE
Common Name.....: SANGILLOS

Sfx: ST Modf:
Sfx: ST Modf:

City: 001 PORTLAND

Call#/DP Type/Disposition

Time Incident Location Map Reference - P/F/E
Units Responded: 301 303 501 506 521
Response Time (Call to Arrival-First Unit) Unit #: 501 Time (HH:MM:SS): 0:03:31
Narrative: FEMALE OUTSIDE BEING 10-95 TRYING TO BREAK A WINDOW CHERYL BREWSTER
B/F 5'2", BOUNCER TOOK HER PASSPORT CHERYL BREWSTER
SHE IS SCREAMING AT THE BOUNCER CHERYL BREWSTER
17 CANNOT SEE HER CHERYL BREWSTER
Call change from BOTHER to BOTHER IP BY POST5A P 01 00000084 CHERYL BREWSTER
BOUNCER WILL NOT LET HER IN CHERYL BREWSTER
301: START ME THE WAGON MAKE IT 10-18 PLEASE JESSICA RAMSAY
301: CLEAR 501 ALL SET JESSICA RAMSAY
MAINE ARREST TRACKING NUMBER RESPONSE JESSICA RAMSAY
ATTN ASSIGNED MEC030500 : 056704B JESSICA RAMSAY
CTN ASSIGNED JESSICA RAMSAY
001 11253 JESSICA RAMSAY
002 11513 JESSICA RAMSAY
IN CHRI NBR 1044 AT 11/23/2013 02:03:13 JESSICA RAMSAY
OUT PORTED06 89 AT 11/23/2013 02:03:13 MRI 1641 JESSICA RAMSAY

133270511 P SPECIAL ATTENTION CH 11/23/13 000018 HAMPSHIRE ST P-1B F-A05 E-
GOA/WILL GIVE SA ✓ 20:00:23 SANGILLOS
Units Responded: 311 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: 311

133300012 P SPECIAL ATTENTION CH 11/26/13 000018 HAMPSHIRE ST P-1B F-A05 E-
PROVIDED SERVICE ✓ 0:58:10 SANGILLOS
Units Responded: 612 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: 612

133300592 P FOLLOW UP 11/26/13 000018 HAMPSHIRE ST P-1B F-A05 E-
PROVIDED SERVICE ✓ 22:10:45 SANGILLOS
Units Responded: 501 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: 501

133540017 P SPECIAL ATTENTION CH 12/20/13 000018 HAMPSHIRE ST P-1B F-A05 E-
GOA/WILL GIVE SA ✓ 0:59:01 SANGILLOS
Units Responded: 501 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: 501

140100019 P FLAGGED DOWN 1/10/14 000018 HAMPSHIRE ST P-1B F-A05 E-
REPORT TAKEN 1:30:38 SANGILLOS
Units Responded: 501 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: 501 JESSICA RAMSAY
Narrative: 501: FLAGGED DOWN, GIVING A RIDE TO PD FOR MALE

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14
Program: CAD306A Time Window: 0:00:00 - 99:99:99
List: All call types

Computer Aided Dispatch
Call Summary

Div: 001 Page: 14
Dpt: 001 Date: 1/30/14

Selections by Address Range... From: Street #: 000018 Dir: Name: HAMPSHIRE
To: Street #: 000018 Dir: Name: HAMPSHIRE
Common Name.....: SANGILLOS

City: 001 PORTLAND
Call#/DP Type/Disposition

Time Incident Location Map Reference - P/F/E
412: REVIEWED MY TAPE FROM AREA, SAW DRK COLORED, BLK OR
MAR CHEVY OLDER MODEL SUV
401: TO 109 WITH SUBJ
606: HAVE 1 OF 403'S DETAINEE TO 109
621: HAVE PARKING SEE ME AT 290 CONGRESS
407: AT 109 WITH DETAINEE
601: HAVE SUBJ AT 109
731: I'M OUT
DISPATCHER'S NOTE - 7 DETAINEES TOTAL WITH 401, 601, 610,
407, AND 403 HAD 3
602: HAVE 406'S SUBJ TO 109

SUSAN GORHAM
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SUSAN GORHAM

Call change from SHOTS to SHOOT BY POST6A P 01 0000001474

MITCHELL LUTZKE

The following units paged:
C001P007

ZPAGED
ZPAGED

Recommendation: None available
Units types short:
01 DISPATCHER

ZRECOMD
ZRECOMD
ZRECOMD
ZRECOMD

Case Aborted: 5. Help arrived

PQAM_ABT

Case Aborted
DELAYED ENTRY FROM 622: ALL UNITS BRING DETAINEES TO FRONT
OF 109 AND STAY IN INDIVIDUAL CRUISERS WAITING FOR CID
621: [REDACTED]
621: 406 WENT TO MMC WITH MEDCU AND VICTIM
422: 10-8 FROM THE SCENE
606: AT 109
COMMAND 4: OUT AT 290 CONGRESS ST
PER LT SWEAT DET LISA SWEAT SGT GOODALE DET RYBECK
AND POSSIBLY A FEW MORE DETECTIVES EN ROUTE ALONG WITH
2 ET'S
422: WILL BE BRINGING CRIME SCENE TAPE TO ASSIST WITH
CONTAINMENT, HAVE UNITS ADVISE IF NEEDED, SMG
407 SAW [REDACTED] A GOLD CHEVY SUBURBAN ON PORTLAND ST
ABOUT 1 MIN AFTER 401 CALLED OUT SHOTS HEARD, SMG
DELAYED ENTRY, 412: DRIVER OF THE DRK OLDER SUV IS B-F
PONYTAIL, PASSENGER IS HEAVY SET, B-M-
***SPD WARRANT HIT ON 407'S DETAINEE [REDACTED] SMG
601: DETAINEE IS [REDACTED] IN INTERVIEW ROOM #1 AT THIS TIME
403: [REDACTED]
602: HERE AT PD WITH [REDACTED]
AT 0124: 602 @ FEDERAL/HAMPSHIRE W/3 DETAINEE. W/406 & 605
422 TO 408: MOVE PERIMETER IN TO HAMPSHIRE/CONGRESS

PQAM_STS
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
JENNIFER LEE
JENNIFER LEE
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JENNIFER LEE
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SUSAN GORHAM

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14
Program: CAD306A Time Window: 0:00:00 - 99:99:99
List: All call types

Computer Aided Dispatch
Call Summary

Div: 001 Page: 15
Dpt: 001 Date: 1/30/14

Selections by Address Range... From: Street #: 000018 Dir: Name: HAMPSHIRE
To: Street #: 000018 Dir: Name: HAMPSHIRE
Common Name..... SANGILLOS

City: 001 PORTLAND

Call#/DP Type/Disposition

Time Incident Location Map Reference - P/F/E
422 TO 412: MOVE TO FEDERAL ST AT REAR OF 290 CONGRESS ST
406: W/PT, MOVING TO ROOM 1039, SCU 3, NO CELL SERVICE,
AND PORTABLE HAS DIED, SMG
621: CLEAR THE SCENE FOR A MIN, TO 109 FOR BATTERY
621: HAVE C TEAM UNIT RELIEVE 412 AT HAMPSHIRE/NEWBURY
621: 10-8, WORKING ON RPT
622: 406 IS ALL SET TO CLEAR MMC AND CAN 10-19 TO WRITE
406: WILL BE AT FRONT ENTRANCE, NEED A RIDE BACK TO 109
604: ENROUTE
405: 10-8, 01-19
406 TO 733: I HAVE THE VICTIM'S CLOTHING, ENROUTE TO 109
604: 10-8
610: 10-8

622: HAVE A UNIT RELIEVE 407 AT PPD, 1ST FLOOR NEAR FAMILY
CRISIS TO STAY WITH WARRANT ARREST.
603: ENROUTE
422: STARTING TO CUT PEOPLE LOOSE NOW 400 UNITS HERE
AT 109 WRITING OR 10-7 AT THIS POINT

BROADWAY TOWING ASSIGNED TO TOW [REDACTED] TO PPD BASEMENT
606: HOLDING THE SCENE

CASE [REDACTED] PULLED FOR 603'S WARRANT ARREST
A&T ASSIGNED TO TO [REDACTED] TO PPD BASEMENT

MAINE ARREST TRACKING NUMBER RESPONSE
ATN ASSIGNED ME0030500 : 067089B
[REDACTED]
CTN ASSIGNED:
001 9632
002 8382
003 11513
IN CHRI NBR 1860 AT 01/28/2014 08:41:58
OUT PORTPD03 91 AT 01/28/2014 08:41:58 MRI 25598

SUSAN GORHAM
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SUSAN GORHAM
JENNIFER LEE
JENNIFER LEE

PHILIP VIOLA
PHILIP VIOLA
KURT ELKANICH

LOUIS LEARY
PHILIP VIOLA

TIMOTHY DUNTON
TIMOTHY DUNTON
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TIMOTHY DUNTON

140280510 P SPECIAL ATTENTION CH 1/28/14 000018 HAMPSHIRE ST P-1B F-A05 E-
PROVIDED SERVICE ✓ 18:46:43 SANGILLOS
Units Responded: 301 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: 301 301
Narrative: stepped into the establishment and there were no 301
customers..all set..jbrown 301

140290068 P VIOLATION OF BAIL CO 1/29/14 000018 HAMPSHIRE ST P-1B F-A05 E-
REPORT TAKEN/ENDS CA 8:07:08 SANGILLOS

OPEN LINE, CAN JUST HEAR VOICES IN THE BACKGROUND.
CLASS: WPH1 TELCO: ATTMO LAT: 043.661395 LON: 070.256087
GET TOGETHER OR A BAR.
ON CALLBACK, GOT A VM.

SYSTEM: SunGard Date Range: 2/10/14 - 2/10/14 Computer Aided Dispatch Div: 001 Page: 1
Program: CAD306A Time Window: 0:00:00 - 99:99:99 Call Summary Dpt: 001 Date: 2/10/14
List: All call types

Selections by Address Range...: From: Street #: 000018 Dir: Name: HAMPSHIRE Sfx: ST Modf:
To: Street #: 000018 Dir: Name: HAMPSHIRE Sfx: ST Modf:
Common Name.....: SANGILLOS

City: 001 PORTLAND

Call#/DP	Type/Disposition	Time	Incident Location	Map Reference - P/F/E		
140410434 P	FOLLOW UP	2/10/14 000018	HAMPSHIRE ST	P-1B	F-A05	E-
		16:40:33	SANGILLOS			
		Units Responded:	401			
		Response Time (Call to Arrival-First Unit)	Unit #: 401			
						Time (HH:MM:SS): 0:00:01

NO DISPOSITIONS **

INCIDENT REPORTS RELATED TO THE PREMISE

Portland Police Department

Report : 05/18/2013 12:21

Incident Report

Case # 01-13-004024

C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-13-004024	05/18/2013 12:21	05/18/2013 01:00	05/18/2013 01:00	Original
	Dept. Classification	Case Status	Case Status Date	Cleared	
	ASSAULT				
O F F E N S E	Common Name				
	SANGILLOS - 18 HAMPSHIRE ST PORTLAND, MAINE				
	Day of Week : SATURDAY		Video/Audio (Yes/No) : NO/NO		
	Dispatched : 05/18/2013 12:21		Officer Vehicle # : IO DESK		
P E R S O N	Arrived : 05/18/2013 12:21		Location Type : BAR/NIGHT CLUB		
	Map Reference : 1B		Beat Assignment : BEAT 1		
	Hate/Bias : NO		Alcohol Related : UNKNOWN		
	Gang Related : NO		Drug Related : NO		
P E R S O N	Type of Report : INCIDENT REPORT		Total Damaged Property Value : \$0.00		
	Victim Advocate Involv : NO/NO		Total Stolen Property Value : \$0.00		
	Video/Audio (Yes/No) : NO/NO		Total Recovered Property Value : \$0.00		
P E R S O N	State Classification				Attempted/Committed
	ASSAULT				COMMITTED
	Statute/Ordinance		Location Type	Disposition Date	
	ASSAULT		BAR/NIGHT CLUB		
P E R S O N	Weapon 1 : HANDS/FISTS/FEETS				
	End of Offense: 1				
P E R S O N	Person Type	Business/Person Name			Business Phone
	VICTIM	[REDACTED]			
	Home Phone	Person Address			
	[REDACTED]	[REDACTED]			
P E R S O N	Other Phone	Employer Address			
	[REDACTED]	[REDACTED]			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	BLACK	Female			
P E R S O N	Birth Date	Birth Place			
	[REDACTED]	[REDACTED]			
	Age : 22		Body Marks:		
	Adult/Juvenile : ADULT				
P E R S O N	End of Person: 1				
P E R S O N	Person Type	Business/Person Name			Business Phone
	SUSPECT	[REDACTED] UNKNOWN			
	Home Phone	Person Address			
	[REDACTED]	[REDACTED]			
P E R S O N	Other Phone	Employer Address			
	[REDACTED]	[REDACTED]			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	BLACK	Male			
P E R S O N	Birth Date	Birth Place			
	[REDACTED]	[REDACTED]			
	Min. Age : 21		Adult/Juvenile : ADULT		
	Max. Age : 25		Body Marks:		
P E R S O N	End of Person: 2				

Reporting Officer	Department	Report Status:
PTL ALISSA J POISSON (222)	PORTLAND POLICE DEPARTMENT	Approved
Revising Officer		Date/Time
NOYES JR, BENJAMIN A.		05/18/2013 14:25
Verifying Officer	Department	Date / Time
Sgt Ben A Noyes (6501)	PORTLAND POLICE DEPARTMENT	05/18/2013 14:26

Portland Police Department

Report 05/18/2013 12:21

Incident Report

Case # 01-13-004024

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Topic

ORIGINAL NARRATIVE

On May 18, 2013, I, Officer Poisson, was working the information desk at the police station. At about 1200 hours, [REDACTED] came in to report that she had been assaulted early that morning outside Sangillo's Tavern at 18 Hampshire Street.

[REDACTED] stated that she was at the bar with a friend, when her friend got into an argument with an unknown male. She said she and her friend decided to leave, but returned later to pick up another friend. [REDACTED] said when she pulled into the parking lot, she saw the male her friend argued with. She said that male was with a second male, later identified as [REDACTED]. [REDACTED] said [REDACTED] came up to her as she got out of her car and put his hand up to stop her from talking. She said she asked [REDACTED] what the problem was and he tried to strike her, but she ducked out of the way. [REDACTED] said [REDACTED] then grabbed her by the hair and started pulling her down to the ground. She said she was holding on to her hair because she was wearing a weave and was afraid he would pull her hair completely out. [REDACTED] said she fell to the ground, hitting her knee, while [REDACTED] dragged her. She said part of her weave did in fact come out and it hurt her head badly.

[REDACTED] said the other people in the parking lot started yelling at [REDACTED] to stop and leave her alone. She said [REDACTED] ran off and she started chasing him to see where he lived. She said she told her friend to call the police, but she does not think she did. [REDACTED] said she chased [REDACTED] towards Rite Aid and he yelled at her that he would "knock her out" if she followed him any further. She said she lost sight of [REDACTED] so she went back to her car with her friend. [REDACTED] said [REDACTED] friend was still in the parking lot, so she started following his car. She said she followed it onto the highway, but it drove to fast for her to keep up. [REDACTED] said this morning, she was in Kennedy Park and saw the vehicle again and located the owner. She said he admitted to seeing [REDACTED] assault [REDACTED] and eventually provided the first name [REDACTED]. She said he also told her that [REDACTED] drives a [REDACTED] Nissan and lives in a [REDACTED] house near Kennedy Park. [REDACTED] said she is continuing to try and found out who [REDACTED] is and where he lives. (see [REDACTED] statement)

[REDACTED] did not have any visible injuries, but stated her head and knee were sore. She said she was unable to go to work today, due to the head pain. [REDACTED] said she wants to press charges for the assault and will contact the police if she sees [REDACTED] in Kennedy Park.

End of Narrative: 1

Reporting Officer ALISSA J POISSON (222)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer NOYES JR, BENJAMIN A.		Date/Time 05/18/2013 14:25
Verifying Officer Sgt Ben A Noyes (6501)	Department PORTLAND POLICE DEPARTMENT	Date / Time 05/18/2013 14:26

6/5/20

PORTLAND POLICE DEPARTMENT

WITNESS STATEMENT

Offense No. <u>40204</u> <u>13-470</u>	Complainant	Address <u>18 Hampshire St</u>
Type of Offense <u>Assault</u>	Date of Occurrence <u>5-18-13</u>	

Statement of: Name [REDACTED] Address [REDACTED]

[REDACTED] Date of Birth [REDACTED] Phone [REDACTED]

Statement Taken By: [REDACTED] In the Presence Of Off. Poisson

At (Location) 109 Middle St

Date 5-18-13 Time 1200 Page 1 of 1

I give my permission to the Portland Police Department to give this report to the Family Crisis Shelter's Intervention Project so that they can provide me with more information about my rights and services available to me.	I give my permission to Cumberland County Jail to block the following telephone number and Inmate telephones to prevent offender from calling while in custody. Telephone Number(s) _____
--	--

Signature _____

Narrative: _____

My name is [REDACTED] and I want to make this statement. Last night, I was at Sangillo's Tavern last night with my friend. She got into an argument with a guy inside the bar that I did not know. We left the bar, but came back later to get someone. When I got out of my car, we saw the same guy again in the parking lot. He was with another male that I had never seen before. The second male put his hand up to me, to stop me from talking, but I hadn't said anything. I asked the male what the problem was and tried to swing at me and hit me. He ducked out of the way, but the male

Signature [REDACTED] Witnessed By [Signature] Time _____

then grabbed me by the hair. I was holding onto my hair because I was wearing a weave and he would have pulled the whole thing off. I fell on the ground and he was dragging me. Part of my hair did come out and I hurt my knee.

People in the parking lot started yelling at him to stop and he ran off. I chased him towards Rite Aid and he said he would "knock me out" if I followed him.

I lost sight of him so I went with my friend [redacted] to get my car. I decided to follow the car of the person he was with because I had beeped at him earlier and thought maybe that started the problem.

I followed the car on the highway but he drove too fast. This morning, I saw the car in Kennedy Park and found the owner. He told me that the male that assaulted me was named [redacted] and that he had a [redacted] Nissan.

[redacted] is a black male in his 20's. He is tall and muscular. I don't know what he was wearing or really what he looks like because it was dark and it happened quickly.

I believe he lives near Kennedy Park in a [redacted] house.

[redacted]

Portland Police Department

Report 08/30/2013 00:27

Incident Report

Case # 01-13-007989

N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-13-007989	08/30/2013 00:27	08/30/2013 00:03		Original
	Dept. Classification	Case Status	Case Status Date	Cleared	
	CRIMINAL TRESPASS			08/30/2013 00:27	
	Common Name				
	OXFORD ST SHELTER - 203 OXFORD ST PORTLAND, MAINE				
	Day of Week : FRIDAY		Video/Audio (Yes/No) : NO/NO		
	Dispatched : 08/30/2013 00:04		Officer Vehicle # : 1012		
	Arrived : 08/30/2013 00:05		Location Type : SHELTER(HOMELESS)		
	Map Reference : 1B		Beat Assignment : BEAT 1		
	Hate/Bias : NO		Alcohol Related : YES		
	Gang Related : NO		Drug Related : NO		
	Type of Report : INCIDENT REPORT		Total Damaged Property Value : \$0.00		
	Victim Advocate Involv : NO/NO		Total Stolen Property Value : \$0.00		
	Video/Audio (Yes/No) : NO/NO		Total Recovered Property Value : \$0.00		

O F F E N S E	State Classification	Attempted/Committed	
	CRIMINAL TRESPASS	COMMITTED	
	Statute/Ordinance	Location Type	Disposition Date
	CRIMINAL TRESPASS	SHELTER(HOMELESS)	
	Attack Reason : NEITHER GANG OR HATE/BIAS RELATED		Where Exit : N/A
	Weapon 1 : N/A	Forced Entry : NO	
	How Entry : N/A	Structure Occupancy : N/A	
	Where Entry : N/A		
	End of Offense: 1		

P E R S O N 1	Person Type	Business/Person Name		Business Phone	
	SUSPECT	[REDACTED]			
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	HISPANIC	Male			
	Birth Date	Birth Place			
	Age : 53	Adult/Juvenile : ADULT			
	Ethnic Origin : NONHISPANIC	Body Marks:			
	End of Person: 1				

P E R S O N 2	Person Type	Business/Person Name		Business Phone	
	VICTIM	City of portland			
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	Birth Date	Birth Place			
	Body Marks:				
	End of Person: 2				

Reporting Officer	Department	Report Status:
FFREY RUTH (2973)		Approved
Supervising Officer		Date/Time
HAYDEN, DANIEL		08/30/2013 05:07
Verifying Officer	Department	Date / Time
SGT DANIEL HAYDEN (8166)	PORTLAND POLICE DEPARTMENT	08/30/2013 05:07

Portland Police Department

Report 08/30/2013 00:27

Incident Report

Case # 01-13-007989

A
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Topic

ORIGINAL NARRATIVE

On Friday, 08/30/13 at approximately 0003 hrs, Ofc R Gagnon and I (Ofc J Ruth) were dispatched to 18 Hampshire St, Sangillo's Bar, for a male refusing to leave.

Upon arrival, we found [REDACTED] on the bench outside very intoxicated. An employee came out and told us he was the one refusing to leave and that they had not served him because of his level of intoxication. We checked with Milestones and [REDACTED] was not welcome there. We then checked with the Oxford St Shelter and they stated [REDACTED] was welcome to come stay for the night. Dispatch spoke to a male named [REDACTED] and spelled his name three times and told them about his level of intoxication and he said [REDACTED] was welcome. Ofc Gagnon drove [REDACTED] to the shelter and I followed behind.

Upon arrival, another staff member came out and informed us that [REDACTED] was not welcome and had been served Criminal Trespass paperwork for the property (owned by the City of Portland). Dispatch checked and [REDACTED] was served criminal trespass paperwork on 04/02/13 (case #13-2599). We told [REDACTED] of the mix up and told him he had to leave. [REDACTED] replied, "F [REDACTED] you, I'm not leaving." We told him he did not have a choice and we were giving him a break because of the mix up. [REDACTED] then said, "F [REDACTED] you. Make me leave you b [REDACTED]" Even though it was obvious he was not going to leave, I then told [REDACTED] he had one more chance to leave or I would arrest him for criminal trespass. [REDACTED] raised both hands with closed fists and squared off on me like he wanted to fight me. [REDACTED] leaned toward me as if he was going to throw a punch, so I stepped to the side and guided him to the ground as he fell due to his level of intoxication. I then placed [REDACTED] in handcuffs and arrested him for criminal trespass. [REDACTED] then went limp and would not walk to the cruiser. Ofc Gagnon and I were able to get him into my cruiser for a transport to CCJ. At CCJ, [REDACTED] continued to swear at staff and threatened to kill them. None of the staff wanted to be a victim of criminal threatening due to knowing he was not capable of carrying out his threats.

This incident was not captured on vehicle 1012's video/audio recording system.

End of Narrative: 1

Reporting Officer JEFFREY RUTH (2973)	Department	Report Status: Approved
Supervising Officer HAYDEN, DANIEL		Date/Time 08/30/2013 05:07
Verifying Officer SGT DANIEL HAYDEN (8166)	Department PORTLAND POLICE DEPARTMENT	Date / Time 08/30/2013 05:07

PORTLAND POLICE DEPARTMENT ARREST AND DETENTION REPORT

CASE # 13-7989 S
ARREST # 043822B

NAME		FIRST NAME		MIDDLE NAME		DOB	AGE	
[REDACTED]		[REDACTED]				[REDACTED]	53	
ADDRESS						PHONE #	SS #	
Transient								
SEX	RACE	NATIONALITY	MARITAL STATUS	BUILD	HEIGHT	WEIGHT	HAIR	EYES
M	H		Single	15	5'7"	170	BLK	BR
GLASSES	DENTURES	MARKS, SCARS, TATTOOS				ALIAS(ES) MAIDEN NAME IF MARRIED		
EDUCATION		OCCUPATION		EMPLOYER ADDRESS			PHONE #	
POB		FOB/FAITH				POB MOTHER		
MILITARY SERVICE		SERVICE NUMBER		BASIS FOR CAUTION			PROBATION	
							☐ YES ☐ NO	
NEAREST RELATIVE		ADDRESS				PHONE #		RELATIONSHIP

JUVENILE DATA

PARENT/GUARDIAN	ADDRESS		RES. PHONE:
			BUS. PHONE
SIGNATURE PARENT/GUARDIAN		REPORT TO YOUTH AID (DATE/TIME)	OFFICER NOTIFYING PARENTS
N/A			
PROBATION	PROBATION OFFICER		DHS CUSTODY
☒ YES ☐ NO			☐ YES ☐ NO

ARREST DATA (ADULT AND JUVENILE)

DATE/TIME OF ARREST	LOCATION OF ARREST	HANDCUFFED	☒ YES ☐ NO
8/30/13 0027	203 Oxford St	DOUBLELOCKED	☒ YES ☐ NO
OFFENSE/CHARGE(S) FIRST MOST SERIOUS WITH BAIL OR SENTENCE	TITLE	SECTION	CLASS
1. Criminal Trespass	17A	402	E
2.			
3.			
4.			

VEHICLE INVOLVED

COLOR	YEAR	MAKE	BODY	REG #	VIN #
LEGAL PAPERS (WARRANTS, DETAINER, MITTIMUS, ETC.)				OTHER PERSON(S) ARRESTED SAME TIME	

SOBRIETY	NARCOTIC DRUGS INVOLVED-TYPE	DRUGS FOUND BY:	
intox	alcohol	ARRESTING OFFICER ☐ JAIL OFFICER ☐ OTHER ☐	
NAME INDEX CHECKED BY	DATE/TIME	PPD #	10-29 CHECK
J Rnth		75131	☒ YES ☐ NO
PHOTO	PRINTS	PALMS	
☒ YES ☐ NO	☒ YES ☐ NO	☐ YES ☒ NO	
ARRESTING OFFICERS NAME		OTHER OFFICERS INVOLVED IN ARREST	
J Rnth			
ARRESTING OFFICERS SIGNATURE		PPD BOOKING OFFICER (IF NOT THE SAME AS ARRESTING OFFICER)	

RIGHT THUMB PRINT

Portland Police Department

Report 10/26/2013 19:57

Incident Report

Case # 01-13-009947

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-13-009947	10/26/2013 19:57	10/26/2013 19:50	10/26/2013 19:57	Original
	Dept. Classification		Case Status	Case Status Date	Cleared
	LIQUOR VIOLATION-ADMINISTRATIVE				10/26/2013 19:57
	Common Name				
	SANGILLOS - 18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)				
	Day of Week : SATURDAY		Evidence Technician name (Last First) : NA		
	Dispatched : 10/26/2013 19:57		Video/Audio (Yes/No) : NO/NO		
	Responded : 10/26/2013 19:57		Accident Number : NA		
	Arrived : 10/26/2013 19:57		Officer Vehicle # : NA		
	Map Reference : 1B		Location Type : BAR/NIGHT CLUB		
	Related Cases : 13-4970[CITA-CITATIONS]		Beat Assignment : BEAT 1		
	Hate/Bias : NO		Alcohol Related : YES		
	Gang Related : NO		Drug Related : NO		
	Type of Report : INCIDENT REPORT		Total Damaged Property Value : \$0.00		
	Victim Advocate Involv : NA		Total Stolen Property Value : \$0.00		
	Evidence Technician name (Last First) : NA		Total Recovered Property Value : \$0.00		

O F F E N S E	State Classification		Attempted/Committed
	ILLEGAL SALE LIQUOR TO MINOR		COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
	ILLEGAL SALE LIQUOR TO MINOR	BAR/NIGHT CLUB	
	SANGILLO'S TAVERN (SUSPECT, Primary Role)		Forced Entry : NO
	Attack Reason : NEITHER GANG OR HATE/BIAS RELATED		Computer Theft : NO
	Weapon 1 : ALCOHOL		Structure Occupancy : OCCUPIED
	How Entry : DOOR (FRONT)		Criminal Activity 1 : SELL
	Where Entry : DOOR (FRONT)		Evidence Collected : NO
	Where Exit : DOOR (FRONT)		
	End of Offense: 1		

P E R S O N	Person Type	Business/Person Name		Business Phone
	OFFICER	ANDJEKO NAPIJALO		
	Home Phone	Person Address		
	Other Phone	Employer Address		
		109 MIDDLE ST PORTLAND, MAINE 04101, CUMBERLAND County		
	Race	Sex	SSN	DL Exp. Date
	WHITE	Male		
	Birth Date	Birth Place		
	Occupation : POLICE OFFICER		Employer : PORTLAND POLICE DEPARTMENT	
	Adult/Juvenile : ADULT		Body Marks:	
	End of Person: 1			

P E R S O N	Person Type	Business/Person Name		Business Phone
	VICTIM	STATE OF MAINE		
	Home Phone	Person Address		
	Other Phone	Employer Address		
	Race	Sex	SSN	DL Exp. Date
	Birth Date	Birth Place		
	Body Marks:			
	End of Person: 2			

Reporting Officer	Department	Report Status:
THOMAS WC KWOK (5821)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
NEVINS, ERIC M.		10/26/2013 23:22
Verifying Officer	Department	Date / Time
SGT ERIC M NEVINS (5845)	PORTLAND POLICE DEPARTMENT	10/26/2013 23:22

Portland Police Department

Report 10/26/2013 19:57

Incident Report

Case # 01-13-009947

P E R S O N 3	Person Type	Business/Person Name			Business Phone
	CITATION	JANESSA L. EMMERTON			
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Female			
	Birth Date	Birth Place			
Age : 33		Body Marks:			
Adult/Juvenile : ADULT					
End of Person: 3					

P E R S O N 4	Person Type	Business/Person Name			Business Phone
	SUSPECT	SANGILLO'S TAVERN			
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Use Address from Incident Location Information				
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE				
Birth Date	Birth Place				
Employer : SANGILLO'S TAVERN		Body Marks:			
End of Person: 4					

P E R S O N 5	Person Type	Business/Person Name			Business Phone
	OTHER PERSON	[REDACTED]			
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
	Birth Date	Birth Place			
Age : 19		Body Marks:			
Adult/Juvenile : ADULT					
End of Person: 5					

N A R R A T I V E 1	Topic	ORIGINAL NARRATIVE			
	On 10/26/2013 at approximately 1950 hours, I (Officer Thomas Kwok) was participating in a liquor enforcement detail with Officer Napijalo and a civilian participant ([REDACTED] D.O.B. [REDACTED] 1994). During this detail, Officer Napijalo and I were in civilian clothes. At this time, Officer Napijalo and Mr. [REDACTED] entered Sangillo's Tavern (located on 18 Hampshire Street) and they ordered two Bud Lights from the bartender (later identified as Janessa L. Emmerton-D.O.B. [REDACTED]). Mr. [REDACTED] used a \$20 bill to purchase the beers and Ms. Emmerton did not ask for his identification or his age. Once Mr. [REDACTED] completed the transaction, he left the tavern with Officer Napijalo. Officer Napijalo and I approached the tavern and identified ourselves with our badges as Portland police officers to Ms. Emmerton. After informing Ms. Emmerton about the liquor enforcement detail, we issued a State of				

Reporting Officer	Department	Report Status:
THOMAS WC KWOK (6821)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
NEVINS, ERIC M.		10/26/2013 23:22
Verifying Officer	Department	Date / Time
SGT ERIC M NEVINS (5845)	PORTLAND POLICE DEPARTMENT	10/26/2013 23:22

01-13-009947

Portland Police Department

Report 10/26/2013 19:57

Incident Report

Case # 01-13-009947

Maine Notice of Liquor License Administrative Violation and Short Form Complaint (Citation #13-4970) for sale of liquor to a minor (Title 28-A Section 705[3][E]).

I informed Ms. Emmerton that I was serving her the summons as a representative of the business and she signed it. After collecting Ms. Emmerton's signature, she was provided a copy of the summons.

Copies of the summons was attached to this report. Please see the copies for more details.

Mr. [REDACTED] provided a witness statement that was attached to this report. Please see the statement for more details.

*The change for the liquor purchased was returned for the \$20 bill that Mr. [REDACTED] had used in the purchase.

End of Narrative: 1

Reporting Officer THOMAS WC KWOK (6821)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer NEVINS, ERIC M.		Date/Time 10/26/2013 23:22
Verifying Officer SGT ERIC M NEVINS (5845)	Department PORTLAND POLICE DEPARTMENT	Date / Time 10/26/2013 23:22

11/10/30
Portland Police Department
Liquor Enforcement Civilian Participant Witness Statement

Case# 13-9447

My name is [REDACTED]. My date of birth is [REDACTED] 94. I am under 21 years of age. On 10/26/13, I participated in a liquor enforcement detail with the following Portland Police Officers: Thomas Kweck, Andjelko Napijala

I received no compensation or benefit of any kind for my participation in this detail. I was instructed to enter the establishments selected by the officers and attempt to purchase a liquor beverage of my choice. I entered these establishments with no forms of identification of any kind. I was provided a sum of money by the officers to complete the purchase. I was instructed that upon completion of the purchase of the liquor beverage, I was to go directly to the officers waiting outside and report the circumstances surrounding the sale of the liquor to me.

At approximately 7:47 p.m./a.m., I entered Sangilla's Tavern which is located at 18 Hampshire Street in Portland. I presented [or was served] the following liquor beverage Bud Light to a person for purchase. The person allowed me to purchase this liquor beverage. The person's description is as follows: Approximate height: 5'5"; Approximate weight: 130 lbs; Hair Color: BR; Eye Color: BR; and other distinguishing characteristics: dressed as a nun for halloween costume.

This person was later identified to me by officers as Jeneisa L Emmerton

I also made the following [if any] relevant observations in regard to this incident: Officer Napijala and I walked into Sangilla's Tavern at approximately 7:47 p.m. We waited up to the bar and we each ordered a Bud Light. The bartender, Jeneisa Emmerton, served both of us our Bud Lights. I then paid for our alcohol and left the tavern.

Printed Name: [REDACTED]

Signature: [REDACTED]

Date: 10/26/13

13-009947 SS

ICS Form 201

INCIDENT BRIEFING	1. Incident Name Underage Alcohol Buy Compliance Check Detail	2. Date Prepared 10/21/13	3. Time Prepared 1500.
4. Map Sketch			
City Wide Situation: On 10/26/2013, Officers are conducting an underage alcohol buy compliance check detail using volunteer civilian minors. The detail will be conducted city wide and randomly target both on-premise and off-premise licensees. Event Date/Time and Location: October 26, 2012, 1900-2300, city wide.			
ICS 201 Page 1 of 5	5. Prepared by (Name and Position) Lt. Gary Hutcheson		

6. Summary of Current Actions

Mission:

To check the compliance of Portland liquor licensees in requiring identification of youthful appearing patrons who attempt to purchase alcohol

Incident Objectives:

- To check the compliance of both on and off-premise liquor licensees city wide
- To issue the appropriate citations for discovered violations
- To keep officers and civilian volunteers safe
- To educate and inform licensees and the general public on underage purchasing of alcohol

Critical Timeline:

1900 HRS: Incident Briefing at 109 Middle St.

1930 HRS: Deploy teams City Wide

2230 HRS: Detail conclusion; start paperwork, after action review

Assignments/Key Tasks:

Incident Commander: On duty shift commander: Sgt. Benjamin Noyes

Responsible for overall management of incident to include notification of Command Staff if appropriate.

Scene Supervisor: Sgt. Eric Nevins

Responsible for organization and deployment of the detail teams. Plainclothes.

Detail Officers: Jeffrey Tulley, Andjelko Napijalo, John Cuniff, Thomas Kwok, Mark Keiler, Matthew Morrison.

Transport civilian participants to random licensed liquor establishments. Attempt purchase of alcohol; Summons when appropriate; maintain a log of checks. Officers are in plainclothes.

Communications:

Channel 1

Briefing:

1900 hrs. at 109 Middle St. Up to three teams will be assigned (East / West / Deering) each with a civilian participant (CP). CP's will be briefed on the operation. Background checks, personal history questionnaire, and liability waivers will be completed and each participant will be photographed. Dispatch will be notified. Sectors Sergeants will be notified in case uniform back-up should be requested.

Operation:

Each team will have an assigned sector and CP. Officer's will randomly choose a licensed liquor establishment (both on and off-premise) within their assigned sector and check for underage ID compliance using the CP. Officers will use discretion on how to enter the establishment covertly while keeping the safety of the CP paramount. Officers will keep a detail log of establishments checked and note the outcome of each check.

The CP will enter the establishment and immediately attempt to purchase alcohol. If the clerk asks the CP to present their ID, the CP shall respond, "I don't have my ID." If the clerk asks the CP for their age or date of birth, the CP shall respond truthfully.

Upon successful completion of a sale the following steps will take place:

- (1) The CP will immediately exit the establishment and present the sealed alcohol purchase to the officer.
- (2) The CP will fill out the civilian participant witness statement regarding the details of the transaction
- (3) The officer will enter the establishment present their identification. They will explain the detail, alleged violation, and request ID from the clerk. The officer will return the alcohol and get a refund from the clerk while answering any reasonable questions the clerk may have. The officer will request production of the State liquor license and then cite the licensee for the appropriate violation.
- (4) The officer will note the violation in their detail log.
- (5) At the conclusion of the detail, the officer will be responsible for completing "Administrative Liquor Violation" report in report manager for each violation cited. A case and citation number should be taken for each reportable violation.

Upon an unsuccessful sale the following steps will take place:

- (1) The CP will immediately exit the establishment and inform the detail officer of the non-sale.
- (2) The officer will note the outcome of the compliance check in their detail log.
- (3) The premise will not be notified at that time of the compliance check.

Operation Conclusion:

At the conclusion of the operation all teams shall meet at 109 for an after action briefing. The discussion shall include a final tally of checks and input from the detail units and CPs regarding the operation. The detail supervisor shall review the following checklist before officially terminating the operation:

- (1) All logs completed and a final outcome report established.
- (2) All unmarked vehicles cleaned and fueled.
- (3) All case numbers and citation numbers checked
- (4) Buy money returned, accounted for and logged back into CID
- (5) Compliance Check Letter prepared for each establishment which successfully complied with the liquor laws during their checks.
- (6) All paperwork completed and forwarded to records (including CP personal history questionnaire).

Violations Anticipated:

Sale of Liquor to a Minor (off-premise)

Sale of Liquor to a Minor (on-premise)

Allowing an Illegality

Refusing Inspection (Also City Ordinance)

Illegal Sale of Alcohol (No liquor license)

See attached Liquor Enforcement Violation cheat sheet

8. Resources Summary

Resources	Resource Identification	ETA	On Scene	Location/Assignment
Liquor Admin Summons	PPD			Packet to each officer
Buy Money	CID			20 per officer
3 Unmarked Cars	Patrol / CID			PPD
City Wide Business List	Crime Analysis			PPD
Liquor Violations Cheat Sheet	PPD			PPD
ICS 201	Page 5			

PPD-ME0030500

015174

State of Maine Case - 13-9947

Notice of Liquor License
Administrative Violation and
SHORT FORM COMPLAINT

The Department of Public Safety hereby gives notice of an administrative action being brought against:

LICENSEE:

Name: Songillo's Tavern (individual or corporation)DBA: Songillo'sAddress: 180 Hampshire StCity/Town: PortlandPremise Lic. #: 8183 Tel: [REDACTED]

OR SELLER/SERVER:

Name: Janessa L FennertonAddress: [REDACTED]City/Town: [REDACTED] Tel: [REDACTED]DOB: [REDACTED] HT: 5'6" WT: 130 HR: PR EYBS: BR

In violation of:

Title: 28-A Section: 705(1)(f) (or) R&R:FOR: Sale of liquor to a minor- Did sell liquor to a minor, towith [REDACTED] DOB [REDACTED] 1994Age 19 (violation) (for cases

involving minors, include minor's age)

which occurred on or about:

Date: 10/26/13 Time: 1950

*** Signing This Notice Is Not An Admission Of Guilt ***

In order to resolve this matter, you or your attorney may, after 14 days from the day of this notice being served upon you, but within 21 days, contact the Commissioner of the Department of Public Safety or his representative by telephone at 624-7231 or in writing to this office, to the attention of the Commissioner, Department of Public Safety, 164 State House Station, Augusta, ME 04333-0087 to indicate whether you intend to admit or deny the violation. If you deny the violation, you will be entitled to have a hearing in a District Court and you will be notified where and when to appear.

I received notice of this Administrative Violation and Short Form Complaint:

<u>[Signature]</u>	<u>Bartender</u>	<u>10/26/13</u>
Signature of Person Receiving Document	Title (if applicable)	Date
<u>[Signature]</u>	<u>Portland PD</u>	<u>10/26/13</u>
Signature of Inspector/Officer	Agency	Date

White & Yellow - D.P.S. copies Pink copy - Officer Hard copy - Licenses / Seller / Server copy

10/30

Portland Police Department

Report 11/23/2013 01:10

Incident Report

Case # 01-13-010804

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-13-010804	11/23/2013 01:10	11/23/2013 00:57	11/23/2013 00:57	Original
	Dept. Classification		Case Status	Case Status Date	Cleared
	DISORDERLY CONDUCT				11/23/2013 01:10
	Common Name				
SANGILLOS - 18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)					
Day of Week : SATURDAY					
Dispatched : 11/23/2013 01:00					
Arrived : 11/23/2013 01:01					
Map Reference : 1B					
Hate/Bias : NO					
Gang Related : NO					
Type of Report : INCIDENT REPORT					
Video/Audio (Yes/No) : NO/NO					
Video/Audio (Yes/No) : NO/NO					
Total Damaged Property Value : \$0.00					
Total Stolen Property Value : \$0.00					
Total Recovered Property Value : \$0.00					

O F F E N S E 1	State Classification		Attempted/Committed
	DISORDERLY CONDUCT		COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
	DISORDERLY CONDUCT	BAR/NIGHT CLUB	
Attack Reason : NEITHER GANG OR HATE/BIAS RELATED		Weapon 2 : HANDS/FISTS/FEETS	
Weapon 1 : ALCOHOL			
End of Offense: 1			

O F F E N S E 2	State Classification		Attempted/Committed
	CRIMINAL TRESPASS		COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
	CRIMINAL TRESPASS	BAR/NIGHT CLUB	
Attack Reason : NEITHER GANG OR HATE/BIAS RELATED			
End of Offense: 2			

O F F E N S E 3	State Classification		Attempted/Committed
	REFUSING TO SUBMIT TO ARREST/DETEN.		COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
	REFUSING TO SUBMIT TO ARREST/DETEN.	SIDEWALKS/ALLEYS	
Attack Reason : NEITHER GANG OR HATE/BIAS RELATED			
End of Offense: 3			

P E R S O N 1	Person Type		Business/Person Name		Business Phone	
	OFFICER		RYAN GAGNON		(207) 874-8575	
	Home Phone		Person Address			
	Other Phone		Employer Address			
			109 MIDDLE ST PORTLAND, MAINE 04101, CUMBERLAND County			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number	
	WHITE	Male				
	Birth Date		Birth Place			
Ethnic Origin : UNKNOWN		Employer : POLICE DEPARTMENT				
Adult/Juvenile : ADULT		Body Marks:				

Reporting Officer		Department	Report Status:
RYAN R GAGNON (850)		PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer			Date/Time
HAYDEN, DANIEL			11/23/2013 05:57
Verifying Officer		Department	Date / Time
SGT DANIEL HAYDEN (8166)		PORTLAND POLICE DEPARTMENT	11/23/2013 05:58

01-13-010804

Portland Police Department

Report 11/23/2013 01:10

Incident Report

Case # 01-13-010804

End of Person: 1					
PERSON 2	Person Type	Business/Person Name			Business Phone
	OFFICER	JESSICA BROWN			(207) 874-8575
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Female			
	Birth Date	Birth Place			
Ethnic Origin : NONHISPANIC			Employer : POLICE DEPARTMENT		
Adult/Juvenile : ADULT			Body Marks:		
End of Person: 2					

End of Person: 3					
PERSON 3	Person Type	Business/Person Name			Business Phone
	OFFICER	PAUL KING			(207) 874-8575
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
	Birth Date	Birth Place			
Ethnic Origin : NONHISPANIC			Employer : POLICE DEPARTMENT		
Adult/Juvenile : ADULT			Body Marks:		
End of Person: 3					

End of Person: 4					
PERSON 4	Person Type	Business/Person Name			Business Phone
	COMPLAINANT	ANDREA LEE			
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Use Address from Incident Location Information				
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Female			
Birth Date	Birth Place				
Adult/Juvenile : ADULT			Body Marks:		
Employer : SANGILLOS					
End of Person: 4					

End of Person: 5					
PERSON 5	Person Type	Business/Person Name			Business Phone
	WITNESS	EMERSON BOXILL			
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Use Address from Incident Location Information				
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	BLACK	Male			
Birth Date	Birth Place				
Age : 40			Adult/Juvenile : ADULT		
Occupation : SECURITY			Employer : SANGILLOS		
Ethnic Origin : NONHISPANIC			Body Marks:		

Reporting Officer	Department	Report Status:
RYAN R GAGNON (850)	PORTLAND POLICE DEPARTMENT	Approved
Verifying Officer		Date/Time
HAYDEN, DANIEL		11/23/2013 05:57
Verifying Officer	Department	Date / Time
SGT DANIEL HAYDEN (8166)	PORTLAND POLICE DEPARTMENT	11/23/2013 05:58

Portland Police Department

Report: 11/23/2013 01:10

Incident Report

Case # 01-13-010804

End of Person: 5

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Topic ORIGINAL NARRATIVE

ON NOVEMBER 23, 2013 AT APPRX. 0057 HRS. I, OFFICER RYAN GAGNON, WAS DISPATCHED TO SANGILLOS TAVERN LOCATED AT 18 HAMPSHIRE ST. THE COMPLAINANT, TINA, ADVISED THAT THERE WAS A FEMALE OUT OF CONTROL.

UPON ARRIVAL, I SAW TWO FEMALES OUTSIDE BUT THEY WALKED OFF. I THEN OBSERVED A FEMALE JUST INSIDE THE DOORWAY AND IT APPEARED AS THOUGH SHE WAS YELLING AT THE BOUNCER. AS SHE CAME OUTSIDE SHE CONTINUED YELLING. SHE WAS UPSET BECAUSE SHE WAS NOT ALLOWED ENTRY AGAIN AND THAT THE BOUNCER HAD NOT RETURNED HER ID. I ASKED HER SEVERAL TIME TO LOWER HER VOICE AND SPEAK WITH ME. THE FEMALE WAS EVENTUALLY IDENTIFIED AT THE CCJ AS [REDACTED]

[REDACTED] REFUSED TO LOWER HER VOICE AND A MALE FRIEND OF HERS ATTEMPTED TO SPEAK WITH HER. AT THIS TIME, I TOLD [REDACTED] THAT I WAS GIVING HER A DISORDERLY WARNING OR GET ARRESTED. OFFICER BROWN ARRIVED ON SCENE. THERE WERE STILL SEVERAL OTHER PATRON EXITING THE BAR AND JUST FORMING A SMALL CROWD OUTSIDE. [REDACTED] WAS ATTEMPTING TO GET SOMEONE TO VIDEO RECORD US. [REDACTED] WAS ALSO TURNING HER ATTENTION BACK TO THE BOUNCER AND ISTIGATING HIM. I TURNED TO THE SECURITY GUARD, EMERSON BOXILL, AND WE WALKED A FEW STEPS AWAY TO TALK.. BOXILL ADVISED THAT [REDACTED] HAD BEEN AT THE ESTABLISHMENT FOR A COUPLE HOURS. ONE OF THE FEMALES (KNOWN AS [REDACTED]) WHO WALKED OFF HAD COME IN BEFORE CLOSING AND WAS REFUSED ENTRY DUE TO HER AGE. AT THIS TIME IS WHEN [REDACTED] BECAME UPSET AND BEGAN TO CREATE A SCENE. ANDREA LEE WAS WORKING AS BARTENDER AND SHE HAD A PATRON CALL US.

BOXILL REQUESTED THAT [REDACTED] BE SERVED CRIMINAL TRESPASS PAPERWORK FOR THE BAR. I TURNED TO [REDACTED] AND ASKED FOR HER ID. [REDACTED] REFUSED TO COOPERATE AND STATED SHE WAS GOING HOME. OFFICER BROWN AND I STOPPED HER AFTER A FEW STEPS AND AS WE PROCEEDED TO HAVE HER SIT ON THE BENCH OUTSIDE SHE LOST HER FOOTING AND FELL ON THE GROUND. [REDACTED] CONTINUED TO YELL AND SWEAR AT US. WE HANDCUFFED HER AND OFFICER BROWN REQUESTED THE ARREST WAGON. AS SHE WAS LOADED IN THE WAGON SHE PROCEEDED TO START KICKING THE DOOR AND SCREAMING.

OFFICER KING ARRIVED AND TRANSPORTED HER TO CCJ. [REDACTED] WAS CHARGED WITH DISORDERLY CONDUCT AND REFUSING TO SUBMIT. SHE WAS ALSO ISSUED A CRIMINAL TRESPASS NOTICE FOR SANGILLOS.

I RETRIEVED A WRITTEN STATEMENT FROM EMERSON BOXILL.

SERGEANT HAYDEN ARRIVED ON SCENE WHEN THE WAGON WAS CALLED OVER BUT CLEARED AFTER HE SPOKE TO ME AND SEVERAL WITNESSES.

[REDACTED] HAD ANOTHER FRIEND, [REDACTED]. SHE REFUSED TO BE INVOLVED AND REQUESTED THAT THE CELL PHONE ON [REDACTED] BE RETURNED SINCE IT BELONGED TO

Reporting Officer RYAN R GAGNON (850)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Servicing Officer HAYDEN, DANIEL		Date/Time 11/23/2013 05:57
Verifying Officer SGT DANIEL HAYDEN (8166)	Department PORTLAND POLICE DEPARTMENT	Date / Time 11/23/2013 05:58

Portland Police Department

Report 11/23/2013 01:10

Incident Report

Case # 01-13-010804

HER. THE PHONE WAS LEFT FOR HER TO PICK UP AT THE POLICE DEPT. THERE WAS ALSO AN PERMANENT RESIDENT ID BELONGING TO ANOTHER FRIEND [REDACTED] WHICH WAS LEFT WITH THE PHONE.

THE INCIDENT WAS NOT RECORDED./RRG/

END OF REPORT.

End of Narrative: 1

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Topic COMMENTS

MAINE MOTOR VEHICLE DRIVER RESPONSE

NAM/ [REDACTED]

ISSUED: [REDACTED]

CLASS: C (NON-CDL)

DRIVER STATUS: SUSPENDED CREDENTIAL STATUS: SUSPENDED

COMMERCIAL CLASS:

CDL DRIVER STATUS: SUSPENDED COMMERCIAL CREDENTIAL STATUS:

RESTRICTIONS: CORRECTIVE LENSES MUST BE WORN(A)

TOTALS: CONVICTIONS: 2 WITHDRAWALS: 3 INCIDENTS: 0

MOST RECENT 11 YEAR HISTORY SHOWN BELOW - USE "DQHA" FOR COMPLETE HISTORY

DRIVER HISTORY CONVICTIONS

DATE OF CONVICTION: 2013-04-08 DATE OF CITATION: 2012-11-04

OFFENSE: DRIVING WHILE LICENSE SUSPENDED HAZMAT: NO

DESC: S-CUMCD (DOCKET:12-7606) REF ID: OAS OUI

DATE OF CONVICTION: 2012-10-11 DATE OF CITATION: 2012-03-10

OFFENSE: DRIVING UNDER THE INFLUENCE OF ALCOHOL HAZMAT: NO

DESC: S-CUMCD (DOCKET:12-1826) REF ID: OUI LIQUOR

DRIVER HISTORY WITHDRAWALS

ACTION: SUSPENDED EFFECTIVE: 2013-04-21 EXTENT: DRIVER

Reporting Officer

AN R GAGNON (850)

Department

PORTLAND POLICE DEPARTMENT

Report Status:

Approved

Supervising Officer

HAYDEN, DANIEL

Date/Time

11/23/2013 05:57

Verifying Officer

SGT DANIEL HAYDEN (8166)

Department

PORTLAND POLICE DEPARTMENT

Date / Time

11/23/2013 05:58

Portland Police Department

Report 11/23/2013 01:10

Incident Report

Case # 01-13-010804

REASON: DRIVING WHILE LICENSE SUSPENDED

BASIS: CONVICTION AUTHORITY: ME

REINSTATEMENT DATE: REINSTATEMENT ELIGIBILITY:2014-04-21

REFERENCE ID: OPERATING AFTER SUSPENSION/OUI LIQUOR

ACTION: SUSPENDED EFFECTIVE: 2012-10-11 EXTENT: DRIVER

REASON: DRIVING UNDER THE INFLUENCE OF ALCOHOL

BASIS: CONVICTION AUTHORITY: ME

REINSTATEMENT DATE: REINSTATEMENT ELIGIBILITY:2012-10-11

REFERENCE ID: OPERATING UNDER THE INFLUENCE OF INTOXICANTS

ACTION: SUSPENDED EFFECTIVE: 2012-04-21 EXTENT: DRIVER

REASON: ADMINISTRATIVE PER SE FOR .08 BAC

BASIS: ADMINISTRATIVE PER SE AUTHORITY: ME

REINSTATEMENT DATE: REINSTATEMENT ELIGIBILITY:2013-04-21

REFERENCE ID: ADMINISTRATIVE ACTION - OPER WITH BAC .08 OR MORE

THIS INFORMATION IS PROVIDED FOR LAW ENFORCEMENT PURPOSES ONLY

End of Narrative: 2

Reporting Officer AN R GAGNON (850)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer HAYDEN, DANIEL		Date/Time 11/23/2013 05:57
Verifying Officer SGT DANIEL HAYDEN (8166)	Department PORTLAND POLICE DEPARTMENT	Date / Time 11/23/2013 05:58

PORTLAND POLICE DEPARTMENT

WITNESS STATEMENT

License No. <u>13-10804</u>	Complainant <u>Tina ?</u>	Address <u>- SAME -</u>
Type of Offense <u>Dis. Conduct / Ref. to Submit</u>	Date of Occurrence <u>11-23-13</u>	

Statement of: Name Emerson Boxill Address 18 Hampshire St.
Portland, ME 04101 Date of Birth [REDACTED] Phone [REDACTED]

Statement Taken By: R. Gagnon In the Presence Of _____
 At (Location) - SAME -

Date 11/23/13 Time 0120 Page 1 of 1

I give my permission to the Portland Police Department to give this report to the Family Crisis Shelter's Intervention Project so that they can provide me with more information about my rights and services available to me.

I give my permission to Cumberland County Jail to block the following telephone number and Inmate telephones to prevent offender from calling while in custody.
 Telephone Number(s) _____

Signature _____

native:

I, Emerson Boxill, work as a security guard at Sargillo's Tavern on 11/22/13. On this date at about 10:30pm ^a ~~several~~ female came into the bar. The female was named [REDACTED]. She was on most of the night till a mutual friend of hers came in around 12:50am. This girl was named [REDACTED]. [REDACTED] was drunk and refused to show me her ID. [REDACTED] became enraged and then her friend [REDACTED] got upset too. [REDACTED] was refusing to leave at this point. Both girls were yelling and the bartender (Andrea Lee) advised to call the police. The officer arrived and [REDACTED] left. [REDACTED] was escorted outside and continued yelling at the police. The cop asked her to lower her voice several times. [REDACTED] kept yelling and swearing. As I spoke to the officer I told him what happened and told him that the bar wanted

Signature _____ Witnessed By R. Gagnon Time 0150

her served trespass paperwork. The officer asked her for her ID and she started to walk off. The officers grabbed her and tried to put her on the wooden bench. The girl was drunk and slipped on the leg of the bench. She continued yelling and screaming as they handcuffed her. I do not want her to return to the bar.

Emerson Boxill

EMERSON BOXILL

27
11/23

13-2684-S



CRIMINAL TRESPASS NOTICE

Portland Police Department

Case # 13-10804

Date 11/23/13

To: [REDACTED]

Address: [REDACTED]

A request has been made to this department that you be ordered not to enter in or be on the property of

SANGICCO

located at 18 HAMPSHIRE ST

Reason for Order DISORDERLY CONDUCT

Title 17-A, Section 402 of the Maine Criminal Code provides:

A person is guilty of criminal trespass if, knowing he is not licensed or privileged to do so:

- A. He enters any dwelling place;
- B. He enters any structure that is locked or barred;
- C. He enters any place from which he may be lawfully excluded and which is posted in a manner prescribed by law reasonably likely to come to the attention of intruders or which is fenced or otherwise enclosed in a manner designed to exclude intruders;
- D. He remains in any place in defiance of a lawful order to leave, which was personally communicated to him by the owner or other authorized person; or
- E. He enters any place in defiance of a lawful order not to enter, which was personally communicated to him by the owner or other authorized person.

Violation of subsection 1, paragraph A, is a Class D. crime.

Violation of subsection 1, paragraph B, C, D, or E, is a Class E. crime.

IN ACCORDANCE WITH THE ABOVE LAW, YOU ARE HEREBY ORDERED TO COMPLY WITH THE ABOVE ORDER. FAILURE TO COMPLY WITH THIS ORDER SHALL RESULT IN THE CRIMINAL CHARGE OF CRIMINAL TRESPASS AGAINST YOU.

Copies to: White-to person named herein as trespasser
Yellow-to department file
Pink-to person named herein as complainant

Appeals Information:
Neighborhood Prosecutor
Portland Police Department
874-8479

Served in hand to the above named person this date.

Date Issued: 11/23/13 Expiration Date: 11/23/14

P. JASON KING

Portland Police Officer

Portland Police Department

Report 01/10/2014 02:40

Incident Report

Case # 01-14-000255

I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000255	01/10/2014 02:40	01/10/2014 01:30	01/10/2014 01:30	Original
	Dept. Classification INVESTIGATION		Case Status	Case Status Date	Cleared 01/10/2014 02:34
	Common Name SANGILLOS - 18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)				
	Day of Week : FRIDAY Dispatched : 01/10/2014 01:30 Arrived : 01/10/2014 01:30 Map Reference : 1B Hate/Bias : NO Gang Related : NO Type of Report : INCIDENT REPORT Video/Audio (Yes/No) : YES/YES				

Video/Audio (Yes/No) : YES/YES	
Officer Vehicle # : 1017	
Location Type : PARKING LOT/GARAGE	
Beat Assignment : BEAT 1	
Alcohol Related : YES	
Drug Related : YES	
Total Damaged Property Value : \$0.00	
Total Stolen Property Value : \$0.00	
Total Recovered Property Value : \$0.00	

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	OFFICER	RYAN GAGNON			(207) 874-8575
	Home Phone	Person Address			
	Other Phone	Employer Address 109 MIDDLE ST PORTLAND, MAINE 04101			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
	Birth Date	Birth Place			
Occupation : POLICE OFFICER					Employer : POLICE DEPARTMENT
Ethnic Origin : NONHISPANIC					Body Marks:
Adult/Juvenile : ADULT					
End of Person: 1					

P E R S O N 2	Person Type	Business/Person Name			Business Phone
	SUSPECT	[REDACTED]			
	Home Phone	Person Address [REDACTED]			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
	Birth Date	Birth Place			
Age : 25					Adult/Juvenile : ADULT
Ethnic Origin : NONHISPANIC					Body Marks:
End of Person: 2					

P E R S O N 3	Person Type	Business/Person Name			Business Phone
	OTHER PERSON	[REDACTED]			
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
	Birth Date	Birth Place			
Occupation : MDEA AGENT					Adult/Juvenile : ADULT

Reporting Officer RYAN R GAGNON (850)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Verifying Officer HAYDEN, DANIEL		Date/Time 01/10/2014 05:33
Verifying Officer SGT DANIEL HAYDEN (8166)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/10/2014 05:34

01-14-000255

Portland Police Department

Report 01/10/2014 02:40

Incident Report

Case # 01-14-000255

Ethnic Origin : NONHISPANIC	Body Marks:
End of Person: 3	

P R O P E R T Y 1	Category SAFE KEEPING	Property Type DRUGS-ILLEGAL	Make SUSP. COCAINE	Model
	Serial #	Color	Description	Condition
	Quantity/Weight : 1.5G		Value : \$0,000,200.00	
	End of Property: 1			

N A R R A T I V E 1	Topic ORIGINAL NARRATIVE
	ON JANUARY 10, 2014 AT APPRX. 0130HRS. I, OFFICER RYAN GAGNON, WAS PARKED IN A MARKED CRUISER IN THE PARKING LOT ACROSS FROM SANGILLOS TAVERN LOCATED AT 18 HAMPSHIRE ST. A MALE WHO LATER IDENTIFIED HIMSELF AS [REDACTED] BY HIS MAINE LICENSE APPROACHED MY CAR. I EXITED THE CAR AND BEGAN SPEAKING WITH HIM. [REDACTED] INITIALLY ASKED FOR A RIDE TO THE POLICE DEPARTMENT. I ADVISED THAT HE COULD WALK OVER HOWEVER INQUIRED WHAT HE NEEDED. [REDACTED] APPEARED A BIT NERVOUS AND STATED THAT HE HAD "STUFF ON HIM" THAT HE WANTED TO TURN INTO AN DRUG AGENT. [REDACTED] STATED THAT THE AGENT NAME WAS [REDACTED] I ASSUMED HE WAS REFERRING TO [REDACTED] WHO I KNOW IS NOT INVOLVED WITH THE DRUG UNIT AT THIS TIME. [REDACTED] INSISTED TO GO TO THE DEPARTMENT AND SPEAK WITH ME FUTHER. I PATTED HIM DOWN FOR WEAPONS AND HAD HIM SIT THE IN THE BACK SEAT. WE DROVE TO THE DEPARTMENT AND I ESCORTED HIM TO THE INTERVIEW ROOM NEAR THE IO DESK. I ASKED [REDACTED] TO PUT WHAT HE HAD ON THE TABLE. [REDACTED] PULLED OUT WHAT APPEARED TO BE AN "EIGHT BALL" OF COCAINE. [REDACTED] ADVISED HE WAS FORCED TO BUY IT FROM A BLACK MALE KNOWN AS [REDACTED] AT THE TAVERN FOR \$200.00. [REDACTED] STATED THAT HE DOES NOT USE COKE BUT WAS ADVISED TO CONTACT THE NEAREST POLICE DEPARTMENT. [REDACTED] ADMITTED THAT HE USE TO SELL MARIJUANA AND WAS PUT IN CONTACT WITH MAINE DRUG BY [REDACTED] OF THE WINDHAM PD. AT THIS POINT, I ASKED CADET [REDACTED] TO STAY WITH [REDACTED] WHILE I ATTEMPTED TO MAKE PHONE CONTACT WITH SA [REDACTED] AND WINDHAM PD. I BRIEFLY SPOKE WITH SGT. BILL ANDREWS OF (WPD) WHO ADVISED THAT HE WAS AWARE OF THIS MALE SINCE HE HAS GROWN UP IN THE TOWN. [REDACTED] HISTORY INCLUDES HANGING OUT WITH FEMALES YOUNGER THAN HIS AGE, BURGLARY, ALCOHOL VIOLATIONS UNDERAGE, ARSON, POSS. OF DRUGS, ETC. SGT. ANDREWS WAS UNAWARE IF [REDACTED] WAS A CONFIDENTIAL INFORMANT. SA [REDACTED] RETURNED MY PHONE CALL AND ADVISED ME THAT [REDACTED] IS NOT A

Reporting Officer RYAN R GAGNON (850)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Verifying Officer DANIEL HAYDEN, DANIEL		Date/Time 01/10/2014 05:33
Verifying Officer SGT DANIEL HAYDEN (8166)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/10/2014 05:34

Portland Police Department

Report 01/10/2014 02:40

Incident Report

Case # 01-14-000255

INFORMANT AND THAT HE WAS NEVER TOLD TO BUY DRUGS AND THEN TURN THEM OVER. [REDACTED] STATED THAT HE WOULD BE IN CONTACT WITH [REDACTED] LATER IN THE WEEK TO DISCUSS THIS INCIDENT. SA [REDACTED] ASKED ME TO PLACED THE SUSPECTED COCAINE IN EVIDENCE AND HE WOULD TEST IT AT A LATER TIME. DUE TO THE CIRCUMSTANCES NO CHARGES WILL BE FILED. I WEIGHED THE SUSPECTED COCAINE PRIOR TO PLACING IT IN AN ENVELOPE AND INTO LOCKER#9. THE SCALE SHOWED 1.5G.

I RETURNED TO SPEAK WITH [REDACTED] AND ADVISE HIM OF THE CONVERSATION WITH SA [REDACTED] [REDACTED] GAVE ME HIS CONTACT INFORMATION AND WAS HEADING TO HIS FRIENDS APARTMENT LOCATED AT [REDACTED] FIRST FLOOR [REDACTED] PHONE [REDACTED]

THE TRANSPORT WAS NOT RECORDED HOWEVER THE INTERVIEW ROOM WAS ACTIVATED.

END OF REPORT./RRG/

End of Narrative: 1

Reporting Officer RYAN R GAGNON (850)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer DEN, DANIEL		Date/Time 01/10/2014 05:33
Verifying Officer SGT DANIEL HAYDEN (8166)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/10/2014 05:34

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**PORTLAND POLICE DEPARTMENT
EVIDENCE / PROPERTY FORM**

CASE NUMBER	14 - 255	PROPERTY ACQUIRED DATE/TIME	11/10/2014 11:30
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LOCKER#	9	or Handed to () Property Coordinator	SUBMITTED DATE/TIME	11/11/2014 12:45
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OFFICER'S NAME (Print, Sign) <i>Fagna, Ryan</i>	PD ID # (Not Badge #) 850
--	------------------------------

Evidence/Property OBTAINED From:		
Name	Address	Phone
Evidence/Property OWNER: () Same as above or () Owner Unknown:		
Name	Address	Phone

Incident (Circle One)	☒ Other	☐ Arrest	☐ Field Interrogation	☐ Juvenile	☐ Citation	☐ Warrant	☐ Traffic Accident
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Offense (Most Serious):	Class (Circle One): A B C D E Civil Unknown
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PROPERTY CATEGORY: 3-Stolen and Recovered; 4-Recovered for Other Jurisdiction; 6-Evidence; 7F-Found; 7C-Confiscated; 9-Safekeeping

ITEM #	PROPERTY CATEGORY	QTY / WEIGHT	ARTICLE DESCRIPTION (INCL: Make, Model, S/N, Value, \$)	DISPOSITION KEEP, RETURN, DESTROY, RETURN TO DMV, OR FOUND	STORAGE CATEGORY/LOCATION (PROPERTY OFFICE USE ONLY)
1	9	1	Supp. 1.5g cocaine MDEA	Keep	

CHAIN OF CUSTODY

ITEM #	DATE/TIME	RELINQUISHED BY NAME (PRINT & SIGN) OR LOCKER # AGENCY (IF NOT PPD)	RECEIVED BY NAME (PRINT & SIGN) AGENCY (IF NOT PPD)	PURPOSE

For Property Office Use Only: (Date & Time Rcvd & Initial)

Portland Police Department

Report 01/10/2014 02:40

Incident Report

Case # 01-14-000255

C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000255	01/10/2014 02:40	01/10/2014 01:30	01/10/2014 01:30	Original
	Dept. Classification		Case Status	Case Status Date	Cleared
	INVESTIGATION				01/10/2014 02:34
	Common Name				
	SANGILLOS - 18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)				
Day of Week : FRIDAY			Video/Audio (Yes/No) : YES/YES		
Dispatched : 01/10/2014 01:30			Officer Vehicle # : 1017		
Arrived : 01/10/2014 01:30			Location Type : PARKING LOT/GARAGE		
Map Reference : 1B			Beat Assignment : BEAT 1		
Hate/Bias : NO			Alcohol Related : YES		
Gang Related : NO			Drug Related : YES		
Type of Report : INCIDENT REPORT			Total Damaged Property Value : \$0.00		
Video/Audio (Yes/No) : YES/YES			Total Stolen Property Value : \$0.00		
			Total Recovered Property Value : \$0.00		

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	OFFICER	RYAN GAGNON			(207) 874-8575
	Home Phone	Person Address			
	Other Phone	Employer Address			
		109 MIDDLE ST PORTLAND, MAINE 04101			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
	Birth Date	Birth Place			
Occupation : POLICE OFFICER			Employer : POLICE DEPARTMENT		
Ethnic Origin : NONHISPANIC			Body Marks:		
Adult/Juvenile : ADULT					
End of Person: 1					

P E R S O N 2	Person Type	Business/Person Name			Business Phone
	SUSPECT	[REDACTED]			
	Home Phone	Person Address			
		[REDACTED]			
	Other Phone	Employer Address			
		[REDACTED]			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
Birth Date	Birth Place				
	[REDACTED]				
Age : 25			Adult/Juvenile : ADULT		
Ethnic Origin : NONHISPANIC			Body Marks:		
End of Person: 2					

P E R S O N 3	Person Type	Business/Person Name			Business Phone
	OTHER PERSON	[REDACTED]			
	Home Phone	Person Address			
		[REDACTED]			
	Other Phone	Employer Address			
		[REDACTED]			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
Birth Date	Birth Place				
	[REDACTED]				
Occupation : MDEA AGENT			Adult/Juvenile : ADULT		

Reporting Officer	Department	Report Status:
RYAN R GAGNON (850)	PORTLAND POLICE DEPARTMENT	Approved
Revising Officer		Date/Time
HAYDEN, DANIEL		01/10/2014 05:33
Verifying Officer	Department	Date / Time
SGT DANIEL HAYDEN (8166)	PORTLAND POLICE DEPARTMENT	01/10/2014 05:34

Portland Police Department

Report 01/10/2014 02:40

Incident Report

Case # 01-14-000255

Ethnic Origin : NONHISPANIC		Body Marks:	
End of Person: 3			

P R O P E R T Y 1	Category SAFE KEEPING	Property Type DRUGS-ILLEGAL	Make SUSP. COCAINE	Model
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	Quantity/Weight : 1.5G		Value : \$0,000,200.00	
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N A R R A T I V E 1	Topic ORIGINAL NARRATIVE
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Reporting Officer RYAN R GAGNON (850)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer HAYDEN, DANIEL		Date/Time 01/10/2014 05:33
Verifying Officer SGT DANIEL HAYDEN (8166)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/10/2014 05:34

01-14-000255

Portland Police Department

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INFORMANT AND THAT HE WAS NEVER TOLD TO BUY DRUGS AND THEN TURN THEM OVER. [REDACTED] STATED THAT HE WOULD BE IN CONTACT WITH [REDACTED] LATER IN THE WEEK TO DISCUSS THIS INCIDENT. SA [REDACTED] ASKED ME TO PLACED THE SUSPECTED COCAINE IN EVIDENCE AND HE WOULD TEST IT AT A LATER TIME. DUE TO THE CIRCUMSTANCES NO CHARGES WILL BE FILED. I WEIGHED THE SUSPECTED COCAINE PRIOR TO PLACING IT IN AN ENVELOPE AND INTO LOCKER#9. THE SCALE SHOWED 1.5G.

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THE TRANSPORT WAS NOT RECORDED HOWEVER THE INTERVIEW ROOM WAS ACTIVATED.

END OF REPORT./RRG/

End of Narrative: 1

Reporting Officer RYAN R GAGNON (850)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer HAYDEN, DANIEL		Date/Time 01/10/2014 05:33
Verifying Officer SGT DANIEL HAYDEN (8166)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/10/2014 05:34

ST

**PORTLAND POLICE DEPARTMENT
EVIDENCE / PROPERTY FORM**

CASE NUMBER 14 - 255 PROPERTY ACQUIRED DATE/TIME 11/10/2014 11:31

LOCKER# 9 or Handed to () Property Coordinator SUBMITTED DATE/TIME 11/11/2014 12:45

OFFICER'S NAME (Print, Sign) Fagna, Ryan PD ID # 850
(Not Badge #)

Evidence/Property **OBTAINED From:**

Name <u>[REDACTED]</u>	Address <u>[REDACTED]</u>	Phone <u>[REDACTED]</u>
------------------------	---------------------------	-------------------------

Evidence/Property **OWNER:** () Same as above or () Owner Unknown:

Name <u>/</u>	Address <u>/</u>	Phone <u>/</u>
---------------	------------------	----------------

Incident (Circle One) Other Arrest Field Interrogation Juvenile Citation Warrant Traffic Accident

Offense (Most Serious): Class (Circle One): A B C D E Civil Unknown

PROPERTY CATEGORY: 3-Stolen and Recovered; 4-Recovered for Other Jurisdiction; 6-Evidence; 7F-Found; 7C-Confiscated; 9-Safekeeping

ITEM #	PROPERTY CATEGORY	QTY / WEIGHT	ARTICLE DESCRIPTION (INCL: Make, Model, S/N, Value, \$)	DISPOSITION KEEP, RETURN, DESTROY, RETURN TO DMV, OR FOUND	STORAGE CATEGORY/LOCATION (PROPERTY OFFICE USE ONLY)
<u>1</u>	<u>9</u>	<u>1</u>	<u>Supp. 1.5g cocaine MDEA</u>	<u>Keep</u>	

CHAIN OF CUSTODY

ITEM #	DATE/TIME	RELINQUISHED BY NAME (PRINT & SIGN) OR LOCKER # AGENCY (IF NOT PPD)	RECEIVED BY NAME (PRINT & SIGN) AGENCY (IF NOT PPD)	PURPOSE

For Property Office Use Only: (Date & Time Rcvd & Initial)

Portland Police Department

Report 01/28/2014 02:19

Incident Report

Case # 01-14-000806

N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 02:19	01/28/2014 01:21		Original
	Dept. Classification		Case Status	Case Status Date	Cleared
	ELEVATED AGGRAVATED ASSAULT				01/28/2014 02:03
	Common Name				
	SANGILLOS - 18 HAMPSHIRE ST PORTLAND, MAINE				
	Day of Week : TUESDAY		Video/Audio (Yes/No) : YES/NO		
	Dispatched : 01/28/2014 01:21		Accident Number : N/A		
	Responded : 01/28/2014 01:38		Officer Vehicle # : 1001		
	Arrived : 01/28/2014 01:21		Location Type : BAR/NIGHT CLUB		
	Map Reference : 1B		Beat Assignment : BEAT 1		
	Hate/Bias : Unknown		Alcohol Related : YES		
	Gang Related : UNKNOWN		Drug Related : UNKNOWN		
	Type of Report : INCIDENT REPORT		Total Damaged Property Value : \$0.00		
	Victim Advocate Involvement : NO/NO		Total Stolen Property Value : \$0.00		
	Evidence Technician name (Last First) : PELLERIN, F. AND STEARNS, C.		Total Recovered Property Value : \$0.00		

O F F E N S E	State Classification		Attempted/Committed
	ELEVATED AGGRAVATED		COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
	ELEVATED AGGRAVATED	BAR/NIGHT CLUB	
	Weapon 1 : HANDGUN		
End of Offense: 1			

P E R S O N 1	Person Type	Business/Person Name		Business Phone
	SUSPECT			
	Home Phone	Person Address		
	Other Phone	Employer Address		
	Race	Sex	SSN	DL Exp. Date
	BLACK	Male		
	Birth Date	Birth Place		
Age : 29		Adult/Juvenile : ADULT		
Ethnic Origin : NONHISPANIC		Body Marks:		
End of Person: 1				

P E R S O N 2	Person Type	Business/Person Name		Business Phone
	SUSPECT			
	Home Phone	Person Address		
	Other Phone	Employer Address		
	Race	Sex	SSN	DL Exp. Date
	BLACK	Male		
	Birth Date	Birth Place		
Age : 19		Adult/Juvenile : ADULT		
Ethnic Origin : NONHISPANIC		Body Marks:		
End of Person: 2				

Reporting Officer	Department	Report Status:
KALI N HAGERTY (8406)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
TITCOMB, JACOB W.		01/28/2014 06:42
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 06:42

Portland Police Department

Report 01/28/2014 02:19

Incident Report

Case # 01-14-000806

P E R S O N 3	Person Type	Business/Person Name			Business Phone
	VICTIM	[REDACTED]			
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	BLACK	Male			
	Birth Date	Birth Place			
	Age : 24		Adult/Juvenile : ADULT		
	Ethnic Origin : NONHISPANIC		Body Marks:		
End of Person: 3					

P E R S O N 4	Person Type	Business/Person Name			Business Phone
	OFFICER	KALI HAGERTY			
	Home Phone	Person Address			
	Other Phone	Employer Address 109 MIDDLE ST PORTLAND, MAINE 04101, CUMBERLAND County			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Female			
	Birth Date	Birth Place			
	Ethnic Origin : NONHISPANIC		Employer : POLICE DEPARTMENT		
	Adult/Juvenile : ADULT		Body Marks:		
End of Person: 4					

P E R S O N 5	Person Type	Business/Person Name			Business Phone
	OFFICER	MICHAEL BENNIS			
	Home Phone	Person Address			
	Other Phone	Employer Address 109 MIDDLE ST PORTLAND, MAINE 04101, CUMBERLAND County			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
	Birth Date	Birth Place			
	Ethnic Origin : NONHISPANIC		Employer : POLICE DEPARTMENT		
	Adult/Juvenile : ADULT		Body Marks:		
End of Person: 5					

P E R S O N 6	Person Type	Business/Person Name			Business Phone
	OFFICER	DAN AUGILERA			
	Home Phone	Person Address			
	Other Phone	Employer Address 109 MIDDLE ST PORTLAND, MAINE 04101, CUMBERLAND County			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	HISPANIC	Male			
	Birth Date	Birth Place			
	Ethnic Origin : HISPANIC		Employer : POLICE DEPARTMENT		
	Adult/Juvenile : ADULT		Body Marks:		
End of Person: 6					

Reporting Officer	Department	Report Status:
KALI N HAGERTY (8406)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
TITCOMB, JACOB W.		01/28/2014 06:42
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 06:42

01-14-000806

Portland Police Department

Report 01/28/2014 02:19

Incident Report

Case # 01-14-000806

R S O N 7	Person Type		Business/Person Name		Business Phone
	OFFICER		DAVE MULRY		
	Home Phone		Person Address		
	Other Phone		Employer Address 109 MIDDLE ST PORTLAND, MAINE 04101 CUMBERLAND County		
	Race WHITE	Sex Male	SSN	DL Exp. Date	Operator's License Number
	Birth Date		Birth Place		
Ethnic Origin : NONHISPANIC Adult/Juvenile : ADULT					Employer : POLICE DEPARTMENT Body Marks:
End of Person: 7					

N A R R A T I V E 1	Topic	ORIGINAL NARRATIVE
	On Monday January 28, 2014 at approximately 0121 hours Officer Bennis and I (Officer Hagerty) were sitting in our vehicles in the business lot of 208 Fore St. My vehicle was facing north toward Congress St. and Officer Bennis's vehicle was facing south toward the waterfront. As we were sitting there we heard a loud "pop" sound go off that sounded like a gun shot. I immediately looked up to the direction I believed the shot came from, toward Congress St. and Officer Bennis turned around in his seat toward the same direction. Officer Bennis said "fireworks or gunshot?" and as he was saying that, two more shots went off. During this time I witnessed 3 males run north on Hampshire St. from directly in front of Sangillos located at 18 Hampshire St. From where my car was parked I had an unobstructed view of the bottom of Hampshire St. and Sangillos. The description of the three males I saw running away from Sangillos is as follows: three black males, the male in the front was wearing a light color sweatshirt with the hood up and dark pants, the second male who was directly behind him was wearing all dark color clothing, and the third male who appeared to be a few feet behind the first two was also wearing dark clothing. I then called out on the radio to dispatch that Officer Bennis and I had just heard what we believed to be gunshots and had three possible suspects fleeing on foot up Hampshire St. toward Congress St. I then took Franklin St. up to Congress St. to the top of Hampshire St. (Officer Bennis took India St. north) and did not see any of the potential suspects at that time. I turned around on Congress St and went back toward Franklin St. then immediately turned back around to the top of Hampshire St. anticipating that one of the suspects may have been waiting to come out or waiting to continue to run in the opposite direction of the police lights that were headed toward Sangillos. While I was sitting at the top of Hampshire St. I witnessed two males who fit the description of the first two suspects (one wearing a light blue sweatshirt with the hood up and the other in almost all black clothing) walk toward Congress St. from the back of the east side of the parking lot of Rite Aid located at 290 Congress St. As they were walking toward Congress St. I notified dispatch of the two males and my location at which time Officer Aguilera pulled up next to me. Officer Aguilera and I approached the two males together, Officer Aguilera had his rifle pointed at them and they both initially put their hands up in the air. I then grabbed the arm of the male who was wearing the light blue sweatshirt (later identified as [REDACTED]) who was compliant with me. The other male (later identified as [REDACTED]) however attempted to put his hands back in his pockets and fidget with his waistband. Officer Aguilera and I yelled at the male to put his hands back up which he did. Officer Aguilera then lowered his rifle and attempted to grab [REDACTED] to search him as well, at which time [REDACTED] took off running back into the	

Reporting Officer KALI N HAGERTY (8406)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
arvising Officer TITCOMB, JACOB W.		Date/Time 01/28/2014 06:42
Verifying Officer PTL JACOB W TITCOMB (6494)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 06:42

Portland Police Department

Report 01/28/2014 02:19

Incident Report

Case # 01-14-000806

parking lot, and headed east behind the Maine Med building that sits on the corner of Congress St. and India St. I notified dispatch that Officer Aguilera was chasing [REDACTED] the direction they went in, that I had lost visual of him, and that I was staying with the suspect [REDACTED] that I had detained. While this was happening I put [REDACTED] in handcuffs and searched him for weapons. As soon as [REDACTED] started to run away [REDACTED] became very nervous, he started shaking, and his voice got high and cracked as he told me that he "didn't know he was going to run".

While I was handcuffing [REDACTED] a second Police vehicle pulled up to behind the Maine Medical building and one of the involved Officers notified dispatch that [REDACTED] was in custody. During this time Officer Bomba and Officer Rozzi arrived to my location, followed by Officer Pavlis, Officer Truax, and Sgt. Mulry. As I was placing [REDACTED] into the back of my vehicle (Veh #1001) and turning on the car's camera, a group of males who were working construction at the Rite Aid were waving their hands towards our direction trying to flag an Officer down. Officer Bomba and Officer Rozzi then walked down and spoke with them. Shortly after they walked down to the Rite Aid Officer Aguilera walked up to me and notified me that Officer Rozzi had located a gun. I waited at my location with [REDACTED] in my vehicle until Sgt. Mulry advised me to drive him to the front of the Portland Police Department (located at 109 Middle St.) and leave him in my vehicle until CID asked him to be brought in for an interview. While [REDACTED] was in my vehicle he made a few statements to me that he "didn't even know that guy" that he just met him while he was walking outside right before we stopped them, and did not know what shooting we were all talking about.

Once CID requested I bring [REDACTED] into the PD, Officer Reeder and I escorted him to the forth floor where Officer Reeder placed him into an interview room in CID while I spoke to Sgt. Goodale. After speaking with Sgt. Goodale and bringing [REDACTED] to CID I had no further contact with him.

I was working in vehicle #1 for this entire incident and the camera was not turned on until I placed [REDACTED] into my vehicle.

End of Narrative: 1

Reporting Officer KALI N HAGERTY (8406)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer TITCOMB, JACOB W.		Date/Time 01/28/2014 06:42
Verifying Officer PTL JACOB W TITCOMB (6494)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 06:42

Portland Police Department

Report 01/28/2014 07:35

Incident Report

Case # 01-14-000806

N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 07:35	01/28/2014 01:21	01/28/2014 01:21	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	ELEVATED AGGRAVATED ASSAULT				01/28/2014 02:03
	Common Name				
	SANGILLOS - 18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)				
	Day of Week : TUESDAY		Video/Audio (Yes/No) : YES/NO		
	Dispatched : 01/28/2014 01:21		Accident Number : N/A		
	Responded : 01/28/2014 01:38		Officer Vehicle # : 1473SJ		
	Arrived : 01/28/2014 01:21		Location Type : BAR/NIGHT CLUB		
	Map Reference : 1B		Beat Assignment : BEAT 1		
	Hate/Bias : Unknown		Alcohol Related : YES		
	Gang Related : UNKNOWN		Drug Related : UNKNOWN		
	Type of Report : SUPPLEMENT REPORT		Total Damaged Property Value : \$0.00		
	Victim Advocate Involvement : NO/NO		Total Stolen Property Value : \$0.00		
	Evidence Technician name (Last First) : PELLERIN, F. AND STEARNS, C.		Total Recovered Property Value : \$0.00		

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	OTHER PERSON				
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			1334083
	Birth Date	Birth Place			
	Age : 57		Adult/Juvenile : ADULT		
	Operator's License State : MAINE		Body Marks:		
End of Person: 1					

P E R S O N 2	Person Type	Business/Person Name			Business Phone
	OTHER PERSON				
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
	Birth Date	Birth Place			
	Age : 31		Body Marks:		
	Adult/Juvenile : ADULT				
End of Person: 2					

V E H I C L E 1	Tag #	Tag Expiration	Year	Make	Model	Vehicle Style
			1988	MERCURY		4 DOOR SEDAN
	Tag Country	Tag State	Vehicle Type	VIN	Category	
	UNITED STATES	MAINE	AUTO		TOW-AWAY	
	Model Free Form : GRAND MAR.			Keys in Vehicle : NO		
Top Color : GRAY			Vehicle Locked : NO			
Bottom Color : GRAY			Insured By : USAA			
Insured : UNKNOWN			Association : OWNER IS			
End of Vehicle: 1						

Reporting Officer	Department	Report Status:
L THOMAS WC KWOK (6821)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
FARRIS, TIMOTHY L.		01/28/2014 05:49
Verifying Officer	Department	Date / Time
SGT TIMOTHY L FARRIS (4413)	PORTLAND POLICE DEPARTMENT	01/28/2014 08:04

01-14-000806

Portland Police Department

Report 01/28/2014 07:35

Incident Report

Case # 01-14-000806

E H I C L E	2	Tag #	Tag Expiration	Year 1996	Make GEO	Model PRIZM	Vehicle Style 4 DOOR SEDAN
		Tag Country UNITED STATES	Tag State MAINE	Vehicle Type AUTO	VIN	Category TOW-AWAY	
	Top Color : PURPLE Bottom Color : PURPLE Insured : NO				Keys in Vehicle : UNKNOWN Vehicle Locked : UNKNOWN Association : OWNER IS		
End of Vehicle: 2							

N A R R A T I V E	1	Topic	SUPPLEMENTAL NARRATIVE
		On 01/28/2014 at approximately 0518 hours, I (Officer Thomas Kwok) was blocking off the intersection at Middle Street and Newbury Street in regards to a shooting that occurred earlier in the night. Sgt. Cashman informed me that two vehicles needed to be towed to the police department's garage. Broadway Towing was assigned to tow a 1996 Geo (Maine registration-) and A&T was assigned to tow a 1988 Mercury (Maine registration-).	
		Broadway Towing was the first tow company to arrive and towed the Geo to the police department without incident. I followed Broadway Towing as it transported the Geo.	
		A&T arrived to the scene at approximately 0630 hours and towed the Mercury without incident. I also followed A&T to the police department.	
		Both vehicle's were stored in the garage and the keys for the Mercury were left with E.T. Stearns and E.T. Pellerin.	
		This is a supplement report to Officer Hagerty's report. Please see Officer Hagerty's original report for more details.	
End of Narrative: 1			

Reporting Officer THOMAS WC KWOK (6821)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer FARRIS, TIMOTHY L.		Date/Time 01/28/2014 05:49
Verifying Officer SGT TIMOTHY L FARRIS (4413)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 08:04

Portland Police Department

Report 01/28/2014 02:53

Incident Report

Case # 01-14-000806

N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 02:53	01/28/2014 01:21	01/28/2014 01:21	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	INVESTIGATION			01/28/2014	01/28/2014 02:00
	Common Name				
18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)					
Day of Week : TUESDAY Dispatched : 01/28/2014 01:21 Responded : 01/28/2014 01:21 Arrived : 01/28/2014 01:21 Hate/Bias : Unknown Gang Related : UNKNOWN Type of Report : SUPPLEMENT REPORT Victim Advocate Involv : NO Evidence Technician name (Last First) : N/A					
Video/Audio (Yes/No) : YES Accident Number : N/A Officer Vehicle # : 22 Location Type : SIDEWALKS/ALLEYS Alcohol Related : UNKNOWN Drug Related : UNKNOWN Total Damaged Property Value : \$0.00 Total Stolen Property Value : \$0.00 Total Recovered Property Value : \$0.00					

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	OFFICER	JACOB TITCOMB			(207) 874-8575
	Home Phone	Person Address			
	Other Phone	Employer Address			
	109 MIDDLE ST PORTLAND, MAINE 04101, CUMBERLAND County				
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
Birth Date	Birth Place				
Occupation: POLICE SERGEANT		Employer: PORTLAND POLICE			
Adult/Juvenile: ADULT		Body Marks:			
End of Person: 1					

N A R R A T I V E 1	Topic	SUPPLEMENTAL NARRATIVE
	On 01/28/2014, I responded to the scene of a shooting on Hampshire Street. I assisted in securing the scene, and also checked on the injured victim. On 01/28/2014 at approximately 0121 hours, I was in uniform in a marked police vehicle. I heard Officer Kali Hagerty radio that there were shots fired in the area of Sangillo's Tavern (18 Hampshire Street), and responded to the area from the Portland Police Department. When I arrived on scene, I parked at the intersection of Middle Street and Hampshire Street. I observed numerous (approximately eight) individuals exiting the bar, and Officer Eric Johnson and Officer Mike Bennis on scene. The individuals exiting the bar were not being entirely cooperative in following commands of Officer Johnson. I also observed an old model Mercury sedan (Maine Registration [REDACTED]) that was exiting the parking lot, but had stopped halfway onto Hampshire Street. Just in front of the Mercury, parked on the side of the street closest to Sangillo's facing south was a small Geo Prizm (Maine Registration [REDACTED]). Soon after my arrival, Sergeant Tim Farris also arrived on scene, and I noticed Officer Brent Abbot on scene (I am not sure when he arrived). Sergeant Farris drove down Hampshire Street and stopped next to Sangillo's, and the rest of the units on scene came up Hampshire Street to meet him. Individuals coming from the bar were detained, and Officer Johnson retrieved identification and contact	

Reporting Officer	Department	Report Status:
JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
TITCOMB, JACOB W.		01/28/2014 02:53
Verifying Officer	Department	Date / Time
PTL JACOB TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 04:14

01-14-000806

Portland Police Department

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Case # 01-14-000806

information for them (see Officer Johnson's report for details). There were three subjects taken into custody that were inside the Mercury (see other Officers reports for details). When we moved forward I noticed an individual lying on the ground, I recognized the individual from my previous contacts with him as [REDACTED] (D.O.B. [REDACTED]). [REDACTED] was lying up against the rear tire and was groaning in pain. [REDACTED] said he had been shot, but could not tell us where. I pulled [REDACTED] down from the tire so he was flat on the ground and I could check his body for injuries. I started pulling his clothing down/up exposing his body to try and find an entry wound. Eventually, Sergeant Farris noticed a small amount of blood on the back of his shirt, and we tracked it to a small puncture wound, that I believed was a gunshot, under [REDACTED] right arm in the area just onto his back. MEDCU was requested and arrived shortly after. [REDACTED] was loaded into the ambulance and Officer Josh McDonald accompanied them to the Maine Medical Center. On the Geo Prizm, I noticed a bullet hold on the driver's side, a little more than a foot off the ground, and Sergeant Farris also pointed out several shell casings that were laying on the ground near the rear of the same vehicle.

I had also seen [REDACTED] earlier in the day at approximately 1800 hours at the Cumberland County Jail. [REDACTED] was there with another male, whom I did not get a good look at because it was dark. I asked [REDACTED] (at the shooting scene) who he was there to see at jail, and he told me [REDACTED], and also told me [REDACTED] or something to that effect. When I asked [REDACTED] if he meant [REDACTED] (D.O.B. [REDACTED]) whom I am familiar with from previous crimes, he told me yes.

I remained on scene and adjusted Officers to block off streets to establish a perimeter around the crime scene. Officers had also detained multiple individuals in the vehicles, so they could be interviewed as soon as possible, and to keep the subjects out of the cold elements (the temperature was approximately 15 degrees). I positioned Officer Thomas Kwok blocking Middle Street at Franklin Street, Officer Erik Richards blocking Middle Street just east of Hampshire Street, Officer Jaynes on Hampshire Street on the south side of the scene, and Officer Abbott on Hampshire Street on the north side of the scene. Officer Johnson and Officer Heather Brown brought the patrons back into Sangillo's to keep them warm.

During my time on scene, I had also spoken to the owner of Sangillo's by phone. Ms. Sangillo informed me that she was unable to access the security footage from Sangillo's cameras at home and she lived an hour away. Ms. Sangillo sounded hesitant to come to the scene, but stated she could preserve the footage online, which I requested she do.

I did not have an opportunity to identify any individuals during my time on scene, see additional reports for details of subjects.

My cruiser camera system (vehicle 22) was activated during this incident.

End of Narrative: 1

Reporting Officer JACOB W TITCOMB (6494)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer TITCOMB, JACOB W.		Date/Time 01/28/2014 02:53
Verifying Officer PTL JACOB TITCOMB (6494)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 04:14

01-14-000806

Portland Police Department

Report 01/28/2014 05:33

Incident Report

Case # 01-14-000806

N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 05:33	01/28/2014 01:21	01/28/2014 01:21	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	ELEVATED AGGRAVATED ASSAULT				
	Common Name				
SANGILLOS - 18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)					
Day of Week : TUESDAY					
Hate/Bias : Unknown					
Gang Related : UNKNOWN					
Type of Report : SUPPLEMENT REPORT					
Victim Advocate Involv : NA					
Evidence Technician name (Last First) : ET PELLERIN					
Video/Audio (Yes/No) : YES					
Accident Number : NA					
Officer Vehicle # : 1003					
Alcohol Related : UNKNOWN					
Drug Related : UNKNOWN					
Total Damaged Property Value : \$0.00					
Total Stolen Property Value : \$0.00					
Total Recovered Property Value : \$0.00					

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	OFFICER	MICHAEL BENNIS			
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE				
	Birth Date	Birth Place			
Occupation : POLICE		Body Marks:			
Adult/Juvenile : ADULT					
End of Person: 1					

A R R A T I V E 1	Topic	ORIGINAL NARRATIVE
	ON 1-28-2014, AT APPROXIMATELY 0121, I OFC. BENNIS WAS ON UNIFORMED PATROL IN A MARKED POLICE CAR. I WAS PARKED NEXT TO OFC. HAGERTY IN HER POLICE CAR IN THE PARKING LOT OF 208 FORE ST. AT THE APPROXIMATE ABOVE TIME I HEARD THREE GUNSHOTS COMING FROM THE AREA OF HAMPSHIRE ST. AND MIDDLE ST. OFC. HAGERTY AND I STARTED FOR THAT AREA AND I WAS ABLE TO SEE FROM FORE ST. A GROUP OF PEOPLE RUNNING UP HAMPSHIRE ST. FROM SANGILLOS TOWARDS CONGRESS ST. I DID OBSERVE ONE SUBJECT THAT WAS RUNNING UP THE STREET WEARING A DARK GRAY SWEATSHIRT. I TURNED LEFT ONTO FORE ST. THEN A RIGHT ONTO FRANKLIN ST. OFC. HAGERTY WAS IN FRONT OF ME AND HEADED NORTH ON FRANKLIN ST. TOWARDS CONGRESS ST. I TOOK A RIGHT ON TO MIDDLE ST. AND HEADED TO THE SCENE. AS I PULLED UP TO THE AREA OF SANGILLOS I OBSERVED SEVERAL PEOPLE IN FRONT OF THE DOORS TO THE BAR AND AN OLDER MODEL GREY MERCURY TRYING TO LEAVE THE PARKING LOT. I BLOCKED THE SOUTH EXIT TO THE PARKING LOT AND TURNED ON MY BLUE LIGHTS. OFC. JOHNSON AND SGT. TITCOMB ARRIVED A SHORT TIME LATER AND WE GAVE VERBAL COMMANDS TO THE PEOPLE STANDING BY THE DOOR TO SANGILLOS TO SIT DOWN. OFC JOHNSON AND SGT. TITCOMB GAVE VERBAL COMMANDS FOR THE THREE PEOPLE INSIDE THE GREY MERCURY TO GET OUT OF THE CAR. I COVERED OFFICERS WHILE THEY SEARCHED ALL THE PEOPLE ON SCENE. I THEN WENT INTO SANGILLOS AND SEARCHED THE BAR FOR WEAPONS OR	

Reporting Officer	Department	Report Status:
CHAEEL BENNIS (5313)	PORTLAND	Approved
Supervising Officer		Date/Time
TITCOMB, JACOB W.		01/28/2014 06:47
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 06:48

Portland Police Department

Report 01/28/2014 05:33

Incident Report

Case # 01-14-000806

SUSPECTS. THE ONLY TWO PEOPLE INSIDE SANGILLOS WERE TWO STAFF MEMBERS WHO STATED THEY ONLY HEARD FIREWORKS OUTSIDE. THEY HAD ALREADY LOCKED THE DOORS FOR THE NIGHT AND I HAD TO KNOCK TO HAVE THEM LET ME IN.

AFTER A SHORT TIME OFC. TITCOMB DIRECTED ME TO TAKE ONE OF THE SUBJECTS ON SCENE AND PLACE HIM IN MY PATROL CAR THEN BRING HIM TO THE STATION. I MADE CONTACT WITH A [REDACTED] WHO WAS ONE OF THE PASSENGERS IN THE MERCURY AND PLACED HIM INSIDE PATROL CAR 3. I THEN TRANSPORTED HIM ACROSS THE STREET TO FRONT OF THE POLICE STATION. AFTER SITTING AT THE FRONT OF THE POLICE STATION FOR SEVERAL MINUTES OFC. RICHARD WHO WAS SITTING IN A PATROL CAR IN FRONT OF ME, TOLD ME THAT HIS DETAINEE, [REDACTED] NEEDED TO GO TO THE BATHROOM. I TOLD HIM TO WATCH BOTH OUR DETAINEES AND WENT INTO THE STATION TO LOCATED A SUPERVISOR TO LET HIM KNOW I WAS BRINGING A PERSON INSIDE TO USE THE RESTROOM. I LOCATED SGT. GOODALE AND INFORMED HIM. I THEN WENT BACK OUTSIDE TO ESCORT [REDACTED] INSIDE TO USE THE BATHROOM. WHEN I GOT BACK OUT TO OFC. RICHARD'S PATROL CAR AND OPENED THE BACK DOOR [REDACTED] HAD URINATED. I DIRECTED OFC. RICHARDS TO WATCH [REDACTED] WHILE I ESCORTED [REDACTED] TO THE BATHROOM INSIDE THE POLICE STATION ON THE FIRST FLOOR. I THEN ESCORTED HIM TO INTERVIEW ROOM 1. SEVERAL MINUTES LATER I THEN WENT BACK TO THE SCENE TO ASSIST THE ET STERNS AND ET PELLERIN IN MAPPING THE SCENE.

End of Narrative: 1

Reporting Officer	Department	Report Status:
MICHAEL BENNIS (5313)	PORTLAND	Approved
Supervising Officer		Date/Time
TITCOMB, JACOB W.		01/28/2014 06:47
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 06:48

Portland Police Department

Report 01/28/2014 07:09

Incident Report

Case # 01-14-000806

N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 07:09	01/28/2014 01:21	01/28/2014 03:15	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	ELEVATED AGGRAVATED ASSAULT				01/28/2014 03:15
	Common Name				
	18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)				
P E R S O N 1	Day of Week : TUESDAY		Officer Vehicle # : 1921RZ		
	Dispatched : 01/28/2014 01:21		Location Type : BAR/NIGHT CLUB		
	Arrived : 01/28/2014 01:25		Alcohol Related : UNKNOWN		
	Hate/Bias : NO		Drug Related : UNKNOWN		
	Gang Related : UNKNOWN		Total Damaged Property Value : \$0.00		
	Type of Report : SUPPLEMENT REPORT		Total Stolen Property Value : \$0.00		
	Victim Advocate Involv : NO		Total Recovered Property Value : \$0.00		
	Video/Audio (Yes/No) : NO/NO				

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	WITNESS				
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
	Birth Date	Birth Place			
	Age : 70		Employer :		
Ethnic Origin : NONHISPANIC		Body Marks:			
Adult/Juvenile : ADULT					
End of Person: 1					

P E R S O N 2	Person Type	Business/Person Name			Business Phone
	OFFICER	JOSEPH JAYNES			
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
	Birth Date	Birth Place			
	Adult/Juvenile : ADULT		Body Marks:		
Employer : POLICE DEPARTMENT					
End of Person: 2					

N A R R A T I V E 1	Topic	SUPPLEMENTAL NARRATIVE
	On January 28, 2014 at 0121 hours, I, Officer Jaynes, responded in an unmarked black Ford Crown Victoria with Maine registration 1921RZ to the area of 18 Hampshire Street to assist with writing statements. When I arrived on scene, I spoke to [REDACTED] of [REDACTED] 1st floor who stated that he witnessed two males walking away from Sangillos bar after he heard three loud bangs followed by the noise of a person moaning.	
	[REDACTED] employee, stated that he was in the bedroom of a [REDACTED] apartment	

Reporting Officer	Department	Report Status:
JOSEPH EDWARD JAYNES (6373)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
FARRIS, TIMOTHY L.		01/28/2014 06:54
Verifying Officer	Department	Date / Time
SGT Timothy Faris (4413)	PORTLAND POLICE DEPARTMENT	01/28/2014 07:38

01-14-000806

Portland Police Department

Report 01/28/2014 07:09

Incident Report

Case # 01-14-000806

owned by [REDACTED] when he heard three loud bangs. [REDACTED] advised that after he heard the bangs he heard the sound of a person moaning. He advised that he walked to the bedroom window which faced Sangillos and observed two males walk diagonally from the area of the front doorway of Sangillos across Hampshire Street toward the northwest corner of his apartment building which was approximately twenty yards away. [REDACTED] stated that it was very dark outside and hard to see. However, he stated he heard the person moaning while the two males casually walked away and out of sight. [REDACTED] advised that the two males would have definitely heard the person moaning because he could hear the person moaning from inside the apartment. [REDACTED] further advised that the males never even turned around to see what the noise was. [REDACTED] advised that the two males were talking to each other. However, he was unable to hear what was being said.

[REDACTED] stated police arrived approximately one and a half minutes after the males walked out of sight. [REDACTED] stated when the lights of the police vehicles shined on a vehicle parked parallel along the west curb of Hampshire Street, he could see what appeared to be shoulders and a head of a person laying on the ground. [REDACTED] stated that he then went out and told police what he observed.

[REDACTED] described the males as one being taller and heavier who wore a jacket and a russian style fur brimmed winter hat and the other was thinner and shorter who wore a jacket. [REDACTED] was unable to provide any further description of the two males.

Please refer to [REDACTED] witness statement attached to this report for further information.

End of Narrative: 1

Reporting Officer L JOSEPH EDWARD JAYNES (6373)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer FARRIS, TIMOTHY L		Date/Time 01/28/2014 06:54
Verifying Officer SGT Timothy Farris (4413)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 07:38

Portland Police Department

Report 01/28/2014 02:30

Incident Report

Case # 01-14-000806

N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 02:30	01/28/2014 01:21	01/28/2014 02:32	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	INVESTIGATION				
	Common Name				
	RITE AID - 290 CONGRESS ST PORTLAND, MAINE (CUMBERLAND County)				
P E R S O N 1	Day of Week : TUESDAY		Accident Number : NA/NA		
	Dispatched : 01/28/2014 01:22		Officer Vehicle # : 1043		
	Hate/Bias : Unknown		Location Type : CONVENIENCE STORE		
	Gang Related : UNKNOWN		Alcohol Related : UNKNOWN		
	Type of Report : SUPPLEMENT REPORT		Drug Related : UNKNOWN		
	Victim Advocate Involv : NA/NA		Total Damaged Property Value : \$0.00		
	Evidence Technician name (Last First) : STEARNS, CHRISTOPHER		Total Stolen Property Value : \$0.00		
	Video/Audio (Yes/No) : NA/NA		Total Recovered Property Value : \$0.00		

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	OFFICER	BRIAN TRUAX			(207) 874-8575
	Home Phone	Person Address			
	Other Phone	Employer Address			
		109 MIDDLE ST PORTLAND, MAINE 04101, CUMBERLAND County			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	Male				
Birth Date	Birth Place				
Adult/Juvenile : ADULT		Body Marks:			
Employer : POLICE DEPARTMENT					
End of Person: 1					

P E R S O N 2	Person Type	Business/Person Name			Business Phone
	WITNESS	[REDACTED]			
	Home Phone	Person Address			
	[REDACTED]	[REDACTED]			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
WHITE	Male				
Birth Date	Birth Place				
[REDACTED]					
Age : 44		Employer : [REDACTED]			
Adult/Juvenile : ADULT		Body Marks:			
End of Person: 2					

N A R R A T I V E 1	Topic	SUPPLEMENTAL NARRATIVE	
	ON 01-28-2014 AT APPROXIMATELY 0121 HOURS, I, OFFICER TRUAX AND OFFICER PAVLIS WERE DISPATCHED TO THE RITE AID STORE LOCATED AT 290 CONGRESS ST, IN RESPONSE TO A POSSIBLE SHOOTING.		
	UPON ARRIVAL, OFFICER'S MADE CONTACT WITH SGT. MULRY WHO ADVISED US TO TAKE WITNESS STATEMENTS FROM THE INDIVIDUAL'S WORKING AT THE RITE AID STORE.		
	AT THIS TIME I MADE CONTACT WITH [REDACTED] SECURITY GUARD, [REDACTED]		

Reporting Officer	Department	Report Status:
BRIAN DANIEL TRUAX (3439)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
TITCOMB, JACOB W.		01/28/2014 06:12
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 06:13

01-14-000806

Portland Police Department

Report 01/28/2014 02:30

Incident Report

Case # 01-14-000806

MR. [REDACTED] WAS ASSIGNED TO THE RITE AID AS A HIRED SECURITY GUARD DURING STORE CONSTRUCTION.

MR. [REDACTED] STATED THAT BETWEEN THE TIMES OF 0100 AND 0130 HOURS HE STEPPED OUTSIDE OF THE STORE AND HEARD WHAT SOUNDED LIKE THREE GUNSHOTS. MR. [REDACTED] THEN WENT BACK INTO THE STORE. A FEW MINUTES LATER, [REDACTED] WENT BACK OUTSIDE AND NOTICED TWO PORTLAND POLICE CRUISER'S GOING UP AND DOWN CONGRESS STREET. MR. [REDACTED] THEN OBSERVED TWO PORTLAND POLICE CRUISER'S ENTER THE RITE AID PARKING LOT. AT THIS TIME HE NOTICED TWO SILHOUETTES WEARING WINTER CLOTHING, WALKING FROM THE EAST SIDE OF THE BUILDING TOWARDS CONGRESS STREET. MR. [REDACTED] COULD NOT PROVIDE ME WITH ANY MORE DETAIL'S OF THE INDIVIDUALS DUE TO THE DARKNESS.

MR. [REDACTED] WITNESSED TWO PORTLAND POLICE OFFICER'S APPROACH THE INDIVIDUALS IN THE PARKING LOT OF THE RITE AID. THE OFFICER'S WERE STATING TO THE INDIVIDUALS TO KEEP THEIR HANDS OUT OF THEIR POCKETS. ONE INDIVIDUAL RAN AWAY FROM AN OFFICER AFTER BEING TOLD TO GET ON THE GROUND. MR. [REDACTED] STATED THAT A MALE OFFICER WITH A RIFLE CHASED THE RUNNING PERSON AWAY FROM THE RITE AID TOWARDS CONGRESS ST. WHILE THE OTHER PERSON WAS STANDING WITH THEIR HANDS UP. MR. [REDACTED] DID NOT SPECIFY WHICH OFFICER REMAINED WITH THE STANDING INDIVIDUAL.

MR. [REDACTED] MENTIONED TO AN OFFICER (DID NOT SPECIFY WHICH OFFICER) THAT THERE WAS AN ITEM ON THE GROUND NEXT TO THE MAINTENANCE PLUS CONSTRUCTION COMPANY PICKUP TRUCK. MR. [REDACTED] THEN WENT BACK INTO THE RITE AID AND REMAINED INSIDE UNTIL I INTERVIEWED HIM.

REFER TO VEHICLE 1043 FOR RECORDING.

SEE ATTACHED STATEMENT.

End of Narrative: 1

Reporting Officer L BRIAN DANIEL TRUAX (3439)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer TITCOMB, JACOB W.		Date/Time 01/28/2014 06:12
Verifying Officer PTL JACOB W TITCOMB (6494)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 06:13

Portland Police Department

Report 01/28/2014 03:35

Incident Report

Case # 01-14-000806

N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 03:35	01/28/2014 01:21	01/28/2014 03:36	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	INVESTIGATION			01/28/2014	
	Common Name				
	RITE AID - 290 CONGRESS ST PORTLAND, MAINE (CUMBERLAND County)				
T	Day of Week : TUESDAY		Officer Vehicle # : 1043		
	Hate/Bias : NO		Location Type : CONVENIENCE STORE		
	Gang Related : UNKNOWN		Alcohol Related : UNKNOWN		
	Type of Report : SUPPLEMENT REPORT		Drug Related : UNKNOWN		
	Victim Advocate Involv : NO/NO		Total Damaged Property Value : \$0.00		
	Evidence Technician name (Last First) : CHRISTOPHER STEARNS		Total Stolen Property Value : \$0.00		
	Video/Audio (Yes/No) : NO/NO		Total Recovered Property Value : \$0.00		
	Accident Number : NA/NA				

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	OFFICER	MATTHEW PAVLIS			
	Home Phone	Person Address			
	Other Phone	Employer Address			
		109 MIDDLE ST PORTLAND, MAINE 04102, CUMBERLAND County			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
WHITE	Male				
Birth Date	Birth Place				
Ethnic Origin : NONHISPANIC		Employer : POLICE DEPARTMENT			
Adult/Juvenile : ADULT		Body Marks:			
End of Person: 1					

P E R S O N 2	Person Type	Business/Person Name			Business Phone
	WITNESS	[REDACTED]			
	Home Phone	Person Address			
		[REDACTED]			
	Other Phone	Employer Address			
		[REDACTED]			
Race	Sex	SSN	DL Exp. Date	Operator's License Number	
WHITE	Male				
Birth Date	Birth Place				
	[REDACTED]				
Age : 45		Employer : [REDACTED]			
Ethnic Origin : NONHISPANIC		Body Marks:			
Adult/Juvenile : ADULT					
End of Person: 2					

N A R R A T I V E 1	Topic	SUPPLEMENTAL NARRATIVE
	ON 01/28/14 AT APPROXIMATELY 0121 HOURS, I, OFFICER MATT PAVLIS WAS WORKING UNIFORMED PATROL. AT THIS TIME OFFICER TRUAX AND I WERE DISPATCHED TO 290 CONGRESS STREET (RITE AID) TO ASSIST OFFICER'S WITH A POSSIBLE SHOOTING. UPON ARRIVAL, OFFICER'S MADE CONTACT WITH SGT. MULRY WHO ADVISED HE NEEDED SOMEONE TO GO SPEAK WITH TWO POSSIBLE WITNESSES [REDACTED] AT THE RITE AID STORE.	

Reporting Officer	Department	Report Status:
L MATTHEW R PAVLIS (9214)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
TITCOMB, JACOB W.		01/28/2014 05:24
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 05:24

01-14-000806

Portland Police Department

Report 01/28/2014 03:35

Incident Report

Case # 01-14-000806

AT THIS TIME I MADE CONTACT WITH A WITNESS WHO WAS POSITIVELY IDENTIFIED VIA A MAINE LICENSE AS [REDACTED]. MR. [REDACTED] STATED HE IS A EMPLOYEE FOR [REDACTED] WHO IS CURRENTLY CONTRACTED OUT TO REMODEL RITE AID AT 290 CONGRESS STREET. MR. [REDACTED] PROVIDED ME WITH THE FOLLOWING INFORMATION.

MR. [REDACTED] STATES ON 01/28/14 AT APPROXIMATELY 0100 HOURS, HE STEPPED OUTSIDE TO THE FRONT OF THE STORE TO SMOKE A CIGARETTE WITH THE SECURITY OFFICER ASSIGNED TO THE PROJECT. WHILE OUTSIDE SMOKING, MR. [REDACTED] HEARD (3) LOUD POPPING SOUNDS WHICH SOUNDED LIKE FIREWORKS. MR. [REDACTED] STATES HE DIDN'T THINK TOO MUCH OF IT AND CONTINUED SMOKING HIS CIGARETTE.

APPROXIMATELY 4-5 MINUTES LATER, MR. [REDACTED] STATES HE FINISHED HIS CIGARETTE AND BEGAN WALKING TOWARD'S HIS WORK PICKUP TRUCK, WHILE THE SECURITY OFFICER WALKED BACK INSIDE. MR. [REDACTED] PICKUP TRUCK WAS PARKED IN FRONT OF THE EAST SIDE OF THE STORE NEAR THE GARBAGE DUMPSTER. THE DUMPSTER IS LOCATED ON THE EAST SIDE OF THE BUILDING AND HAS ACCESS FROM THE FEDERAL STREET SIDE OF THE STORE.

AT THIS TIME MR. [REDACTED] MADE CONTACT WITH (2) MALE'S WHO WERE WALKING THROUGH THE PARKING LOT HEADING TOWARDS CONGRESS STREET. MR. [REDACTED] STATES IT APPEARED THAT THE MALE'S CAME FROM THE AREA NEAR THE DUMPSTER'S. MR. [REDACTED] STATED THE FOLLOWING TO THE MALE'S: "HOW ARE YOU DOING" AND ONE OF THE MALE'S REPLIED "GOOD". AFTER THIS SHORT INTERACTION, MR. [REDACTED] LOCKED HIS TRUCK WHILE THE TWO MALE'S CONTINUED WALKING TOWARD'S CONGRESS STREET. MR. [REDACTED] EVENTUALLY WENT BACK INTO THE STORE AND DID NOT WITNESS ANYTHING FURTHER.

MR. [REDACTED] WAS ONLY ABLE TO PROVIDE THE FOLLOWING DESCRIPTION OF THE MALE'S DUE TO THE DARKNESS AND POOR LIGHTING IN THE PARKING LOT.

- (2) BLACK MALE'S, UNKNOWN AGE.
- BOTH WEARING DARK BAGGY CLOTHING.
- BOTH MALE'S WERE APPROXIMATELY 5'9-5'10 FT WITH A THIN BUILD.
- ONE MALE WAS WEARING A BASEBALL TYPE HAT WITH A STRAIGHT VISOR.

PLEASE SEE STATEMENT. OFFICER TRUAX SPOKE WITH THE SECURITY OFFICER AND COMPLETED A SUPPLEMENT REPORT AS WELL. PLEASE SEE VIDEO/AUDIO FROM VEHICLE 10-43.

End of Narrative: 1

Reporting Officer PTL MATTHEW R PAVLIS (9214)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer TITCOMB, JACOB W.		Date/Time 01/28/2014 05:24
Verifying Officer PTL JACOB W TITCOMB (6494)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 05:24

Portland Police Department

Report 01/28/2014 04:43

Incident Report

Case # 01-14-000806

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 04:43	01/28/2014 01:21	01/28/2014 01:21	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	INVESTIGATION				01/28/2014 02:03
	Common Name				
	SANGILLOS - 18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)				
	Day of Week : TUESDAY		Video/Audio (Yes/No) : YES/NO		
	Dispatched : 01/28/2014 01:21		Accident Number : N/A		
	Responded : 01/28/2014 01:38		Officer Vehicle # : 1001		
	Arrived : 01/28/2014 01:21		Location Type : BAR/NIGHT CLUB		
	Map Reference : 1B		Beat Assignment : BEAT 1		
	Hate/Bias : Unknown		Alcohol Related : YES		
	Gang Related : UNKNOWN		Drug Related : UNKNOWN		
	Type of Report : SUPPLEMENT REPORT		Total Damaged Property Value : \$0.00		
	Victim Advocate Invol : NO/NO		Total Stolen Property Value : \$0.00		
	Evidence Technician name (Last First) : PELLERIN, F. AND STEARNS,		Total Recovered Property Value : \$0.00		
	C.				

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	OTHER PERSON	[REDACTED]			
	Home Phone	Person Address			
	[REDACTED]	[REDACTED]			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male	[REDACTED]		[REDACTED]
	Birth Date	Birth Place			
	[REDACTED]				
	Age : 24		Max. Weight : 142 lbs		
Operator's License State : MAINE		Adult/Juvenile : ADULT			
Operator's License Country : UNITED STATES		Body Marks:			
Max. Height : 6'01"					
End of Person: 1					

N A R R A T I V E 1	Topic	SUPPLEMENTAL NARRATIVE
	On 01/28/2014 at 0121 hours, I (Officer Thomas Kwok) was working a detail and focusing on certain areas in the western areas of Portland. At the time, I was driving an unmarked patrol car (registration #1473SJ) and Officer Erik Richard was in the passenger seat. While driving in the parking lot of La Quinta hotel (340 Park Avenue), Officer Kali Hagerty informed dispatch that she had heard gunshots in the area of Sangillo's Tavern (18 Hampshire Street) and witnessed people running from the area. As a result, I began to drive toward the scene to assist officers and responded in a routine fashion.	
	When Officer Richard and I arrived to the scene, we attempted to assist officers who were detaining a male near the intersection of Federal Street/Hampshire Street. When the subject had been detained, Sgt. Farris was requesting more assistance at Sangillo's Tavern and Officer Richard and I drove further down Hampshire Street to assist him.	
	At the scene, I saw Officer Bennis, Officer Johnson, and Officer Abbott attempting to identify and interview numerous people around Sangillo's. Also, Sgt. Farris and Sgt. Titcomb were assisting the victim of the shooting. I was informed that the crime scene was on Hampshire Street in front of Sangillo's and I could see some bullet casings on the street.	

Reporting Officer	Department	Report Status:
TL THOMAS WC KWOK (6821)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
FARRIS, TIMOTHY L		01/28/2014 05:49
Verifying Officer	Department	Date / Time
SGT TIMOTHY L FARRIS (4413)	PORTLAND POLICE DEPARTMENT	01/28/2014 05:49

Portland Police Department

Incident Report

Report 01/28/2014 04:43

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During this time, a white male was walking on Hampshire Street toward Newbury Street and I stopped him. After checking the male for weapons, I identified him by his Maine identification card as [REDACTED]. Mr. [REDACTED] claimed that he did not take any part or witness the shooting and was walking home ([REDACTED]) from the bar. Mr. [REDACTED] stated that he was at Amigos (9 Dana Street) and he was just walking home when he saw numerous police officers by Sangillo's. Mr. [REDACTED] appeared to be confused on what was happening, but he was very cooperative.

After speaking with Mr. [REDACTED] he was released from the scene and his contact information was also collected.

For the remainder of the shift, I used my patrol car to block the intersection of Spring Street/ Hampshire Street.

Officer Hagerty completed to original report for this incident. Please see Officer Hagerty's report for more details.

End of Narrative: 1

Reporting Officer L THOMAS WC KWOK (6821)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer FARRIS, TIMOTHY L		Date/Time 01/28/2014 05:49
Verifying Officer SGT TIMOTHY L FARRIS (4413)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 05:49

Portland Police Department

Incident Report

Report 01/28/2014 01:24

Case # 01-14-000806

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 01:24	01/28/2014 01:24	01/28/2014 01:24	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	INVESTIGATION			01/28/2014	
	Common Name				
290 CONGRESS ST PORTLAND, MAINE (CUMBERLAND County)					
Day of Week : TUESDAY Dispatched : 01/28/2014 01:24 Responded : 01/28/2014 01:24 Arrived : 01/28/2014 01:24 Hate/Bias : Unknown Gang Related : YES Type of Report : SUPPLEMENT REPORT Victim Advocate Invol : NO/NO Evidence Technician name (Last First) : STERNS CHRIS					
Video/Audio (Yes/No) : YES/YES Officer Vehicle # : 1011 Location Type : PARKING LOT/GARAGE Alcohol Related : UNKNOWN Drug Related : UNKNOWN Total Damaged Property Value : \$0.00 Total Stolen Property Value : \$0.00 Total Recovered Property Value : \$0.00					

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	OFFICER	VINCENT ROZZI			(207) 874-8575
	Home Phone	Person Address			
	Other Phone	Employer Address			
		109 MIDDLE ST PORTLAND, MAINE 04101, CUMBERLAND County			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
Birth Date	Birth Place				
Adult/Juvenile : ADULT					Body Marks:
Employer : POLICE DEPARTMENT					
End of Person: 1					

P R O P E R T Y 1	Category	Property Type	Make	Model
	EVIDENCE	FIREARM - HANDGUN		45 CAL
	Serial #	Color	Description	Condition
		BLACK		USED
UCR Type : FIREARMS		Quantity/Weight : 1		
End of Property: 1				

N A R R A T I V E 1	Topic	SUPPLEMENTAL NARRATIVE
	ON 01-28-2014 AT ROUGHLY 0125HRS I OFC. VINCENT ROZZI WAS ON ROUTINE PATROL IN MARKED POLICE VEHICLE 1011.	
	WHILE ON ROUTINE PATROL I HEARD RADIO TRAFFIC FROM OFC. KALI HAGERTY STATING THAT SHE HEARD GUN SHOTS. SHE ALSO SAID SHE OBSERVED PEOPLE RUNNING FROM THE AREA OF SANGILLOS ON HAMPSHIRE STREET.	
	I DROVE TOWARDS THE AREA FROM WOODFORDS CORNER TO ASSIST THE OTHER OFFICERS WHO WERE ALREADY IN THE AREA.	

Reporting Officer	Department	Report Status:
VINCENT PAUL ROZZI (9848)	PORTLAND PD	Approved
Supervising Officer		Date/Time
TITCOMB, JACOB W.		01/28/2014 05:25
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 05:25

Portland Police Department

Report 01/28/2014 01:24

Incident Report

Case # 01-14-000806

UPON ARRIVAL I MADE CONTACT WITH OFC. HAGERTY. SHE WAS ALONE AND HAD ONE BLACK MALE IN CUSTODY, ON THE SIDEWALK DIRECTLY IN FRONT OF 290 CONGRESS ST. HE WAS WEARING A LIGHT BLUE SWEATSHIRT, BLACK JEANS AND SILVER SNEAKERS. AFTER SHE PLACED THE MALE IN HER PATROL VEHICLE, OFC. BOMBA AND I BEGAN TO CHECK THE AREA FOR THE FIREARM. SGT. FARRIS WAS AT THE SCENE LOCATED AT 18 HAMPSHIRE STREET. HE HAD STATED ONE MALE REPORTED HE HAD BEEN SHOT. SGT. FARRIS ALSO RADIOED, THREE 45 CALIBER CASINGS WERE FOUND.

WHILE CHECKING THE PARKING LOT LOCATED AT 290 CONGRESS STREET, I MADE CONTACT WITH SEVERAL WITNESSES. ONE WITNESS NAMED [REDACTED] TOLD ME "THE GUYS YOU HAVE, THREW SOMETHING UNDER A TRUCK". [REDACTED] THEN POINTED AND LOOKED TOWARDS OFC. HAGERTY'S DIRECTION. OFC. HAGERTY WAS STANDING NEXT TO HER PATROL VEHICLE AT THE ENTRANCE OF 290 CONGRESS STREET. HER CAR WAS PARKED ON CONGRESS STREET IN FRONT OF THE PARKING LOT WHERE SHE HAD PLACED HER SUSPECT IN CUSTODY. [REDACTED] WORKS FOR [REDACTED] WORKING INSIDE THE RITE AID AT 290 CONGRESS STREET. HE ALSO STATED THE INDIVIDUALS WE HAD IN CUSTODY RAN FROM FEDERAL STREET INTO THE PARKING LOT OF 290 CONGRESS STREET.

WHILE CHECKING THE EAST SIDE OF 290 CONGRESS STREET, I CHECKED UNDERNEATH A LARGE GARBAGE DUMPSTER. THE DUMPSTER WAS LOCATED IN THE EXIT OF THE PARKING LOT, ADJACENT TO FEDERAL STREET. I LOCATED A BLACK HANDGUN LAYING UNDER THE DUMPSTER. THE GUN WAS UNDER THE END OF THE DUMPSTER CLOSEST TO FEDERAL STREET. AFTER SPEAKING WITH SGT. FARRIS ON THE RADIO, HE ASKED ME IF THE HANDGUN WAS A 45 CALIBER FIREARM. AT THIS TIME I HAD TO TILT THE WEAPON UP OFF THE GROUND TO CHECK THE ENGRAVED LETTERING ON THE GUN. I FOUND THAT THE CALIBER WAS A 45 CALIBER FIREARM. I WAS WEARING GLOVES WHILE I HANDLED THE FIREARM. I INFORMED SGT. FARRIS ABOUT THE SPECIFICS ON THE FIREARM. OFC. BOMBA AND I STAYED WITH THE FIREARM UNTIL EVIDENCE TECHNICIAN STERNS AND PELLERIN COLLECTED THE EVIDENCE.

VEHICLE 1011 WAS RECORDING AUDIO AND VIDEO DURING THIS INCIDENT.

End of Narrative: 1

Reporting Officer VINCENT PAUL ROZZI (9848)	Department PORTLAND PD	Report Status: Approved
Supervising Officer TITCOMB, JACOB W.		Date/Time 01/28/2014 05:25
Verifying Officer PTL JACOB W TITCOMB (6494)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 05:25

Portland Police Department

Report 01/28/2014 05:32

Incident Report

Case # 01-14-000806

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 05:32	01/28/2014 01:21		Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	ELEVATED AGGRAVATED ASSAULT				
	Common Name				
	SANGILLO'S - 18 HAMPSHIRE ST PORTLAND, MAINE				
	Day of Week : TUESDAY		Officer Vehicle # : 1021		
	Hate/Bias : NO		Location Type : HIGHWAY/ROADWAY		
	Gang Related : UNKNOWN		Alcohol Related : UNKNOWN		
	Type of Report : SUPPLEMENT REPORT		Drug Related : UNKNOWN		
	Victim Advocate Involv : NO/NO		Total Damaged Property Value : \$0.00		
	Evidence Technician name (Last First) : STEARNS/ PELLERIN		Total Stolen Property Value : \$0.00		
	Video/Audio (Yes/No) : NO/NO		Total Recovered Property Value : \$0.00		

N A R R A T I V E	Topic	SUPPLEMENTAL NARRATIVE
	ON 01/28/14 AT APPROXIMATELY 0121 HOURS I, SERGEANT TIMOTHY FARRIS, WAS ON ROUTINE UNIFORMED PATROL. I HEARD RADIO TRAFFIC BY OFFICER KALI HAGERTY AND OFFICER BENNIS REFERENCE SHOTS FIRED ON HAMPSHIRE STREET WITH SEVERAL PEOPLE RUNNING IN VARIOUS DIRECTIONS. I STARTED INTO THE AREA. I HEARD UNITS CALL OUT WITH PEOPLE AT SANGILLO'S BAR, 18 HAMPSHIRE STREET. OFFICERS WERE ATTEMPTING TO STOP INDIVIDUALS INVOLVED IN THE AREA. THE SCENE WAS VERY CHAOTIC. AS I ARRIVED AT SANGILLO'S I OBSERVED A GROUP OF APPROXIMATELY 8 PEOPLE UP AGAINST THE SOUTH WALL OF THE BAR. THEY WERE BEING GIVEN ORDERS BY OFFICERS. I OBSERVED A DARK MERCURY (MAINE REGISTRATION [REDACTED]) THAT CONTAINED APPROXIMATELY THREE MALES. THE VEHICLE APPEARED TO HAVE BEEN LEAVING THE LOT WHEN IT HAD BEEN STOPPED. NONE OF THE INDIVIDUALS SEEMED TO BE COOPERATIVE. I REQUESTED ADDITIONAL UNITS. I SAW A MALE LAYING ON THE GROUND, IN THE ROADWAY, NEXT TO A GEO PRISM (MAINE REGISTRATION [REDACTED]) THE VEHICLE WAS PARKED DIRECTLY IN FRONT OF THE BAR. THE MALE WAS ON HIS BACK AND MOVING AROUND NEXT TO THE LEFT REAR TIRE. HE WAS MOANING AND SCREAMING THAT HE WAS HURT. I WENT TO HIM AND HE SAID THAT HE HAD BEEN SHOT. HE WAS VERY EXCITED AND HARD TO UNDERSTAND. I ASKED HIM WHERE HE WAS SHOT. HE SAID THAT HE DID NOT KNOW. I SCANNED HIS CLOTHES AND BODY AND DID NOT OBSERVE ANY BLOOD, WOUNDS, OR ANYTHING TO INDICATE THAT HE HAD BEEN SHOT. OFFICERS ERIC JOHNSON, ABBOTT, SGT TITCOMB AND I CHECKED THE MALE SEVERAL TIMES (OVER AND UNDER HIS CLOTHES) AND DID NOT LOCATE ANY WOUNDS. I ASKED HIM WHERE HE HAD BEEN SHOT AND HE SAID THAT HE DID NOT KNOW. I ASKED HIM IF HE WAS SURE THAT HE HAD BEEN HIT. HE HANDED ME A 45 CALIBER SHELL CASING. I PLACED IT ON THE GROUND. I PULLED THE MALES ARM UP SO THAT I COULD ROLL HIM OVER TO CHECK HIM AGAIN. I OBSERVED WHAT APPEARED TO BE A GUN SHOT ENTRANCE WOUND NEAR HIS ARM PIT. I DID NOT LOCATE AN EXIT WOUND. I ASKED HIM WHO SHOT HIM AND HE STATED THAT HE DID NOT KNOW. I INFORMED DISPATCH OF THE SITUATION AND REQUESTED A MEDCU STAGE IN THE AREA. OFFICERS REMOVED THE MALES FROM THE MERCURY AND CHECKED EVERYONE FOR	

Reporting Officer	Department	Report Status:
SGT TIMOTHY FARRIS (4413)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
FARRIS, TIMOTHY L.		01/28/2014 06:48
Verifying Officer	Department	Date / Time
SGT Timothy Farris (4413)	PORTLAND POLICE DEPARTMENT	01/28/2014 06:48

01-14-000806

Portland Police Department

Report 01/28/2014 05:32

Incident Report

Case # 01-14-000806

WEAPONS. NONE WERE LOCATED. THE SCENE APPEARED SECURED SO I INSTRUCTED MEDCU TO PULL UP. THEY CHECKED THE MALE AND PLACED HIM IN THE AMBULANCE. I ASSIGNED OFFICER MCDONALD TO THE VICTIM AND HAD HIM RIDE UP WITH HIM (TO MMC).

I LOCATED TWO ADDITIONAL SHELL CASINGS UP THE STREET (NORTH). THEY WERE APPROXIMATELY 6-10 FEET APART. I INSTRUCTED OFFICER ABBOTT TO WATCH THEM UNTIL EVIDENCE TECHNICIANS ARRIVED. I TOLD DISPATCH TO CALL IN THE ET'S. EVIDENCE TECHNICIANS STEARNS AND PELLERIN WERE ASSIGNED.

SERGEANT MULRY CAME TO ASSIST AND TOOK CONTROL OF THE OUTER PERIMETER AND MADE COMMAND NOTIFICATIONS. I INSTRUCTED OFFICERS TO GATHER INFORMATION FROM THE PEOPLE INSIDE AND OUTSIDE THE BAR. BY THIS TIME OFFICERS HAD DETAINED MALES THAT HAD BEEN FLEEING FROM THE SCENE. THEY LOCATED A HANDGUN THAT WAS POSSIBLY INVOLVED IN THE SHOOTING. OFFICER HAGERTY WAS ASSIGNED AS THE PRIMARY OFFICER. SEE HER REPORT AND OFFICER SUPPLEMENTALS FOR FURTHER INFORMATION.

I OBSERVED SEVERAL CAMERAS INSIDE AND OUTSIDE OF SANGILLO'S. ONE OF THE CAMERAS WAS DIRECTLY OUT FRONT AND APPEARED TO BE WITHIN 15-20 FEET OF WHERE THE SHOOTING TOOK PLACE. SERGEANT TITCOMB MADE INITIAL CONTACT WITH THE OWNER OF SANGILLO'S, KATHERINE SANGILLO. I CALLED HER BACK AND REQUESTED THAT SHE RESPOND TO THE BAR SO THAT OFFICERS/ DETECTIVES COULD VIEW AND COLLECT THE VIDEO.

MAJOR KRIER AND SGT CASHMAN RESPONDED TO THE SCENE. OFFICERS DETAINED SEVEN MALES. THEY WERE IMMEDIATELY SEPARATED AND STAGED AT 109 MIDDLE STREET FOR THE CRIMINAL INVESTIGATION DIVISION.

End of Narrative: 1

Reporting Officer SGT TIMOTHY FARRIS (4413)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer FARRIS, TIMOTHY L.		Date/Time 01/28/2014 06:48
Verifying Officer SGT Timothy Farris (4413)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 06:48

01-14-000806

Portland Police Department

Report 01/28/2014 05:03

Incident Report

Case # 01-14-000806

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 05:03	01/28/2014 01:21	01/28/2014 01:21	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	ELEVATED AGGRAVATED ASSAULT				
	Common Name				
	18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)				
P E R S O N	Day of Week : TUESDAY		Officer Vehicle # : 1006		
	Dispatched : 01/28/2014 01:21		Location Type : BAR/NIGHT CLUB		
	Hate/Bias : NO		Alcohol Related : UNKNOWN		
	Gang Related : UNKNOWN		Drug Related : UNKNOWN		
	Type of Report : SUPPLEMENT REPORT		Total Damaged Property Value : \$0.00		
	Victim Advocate Involv : NO/NO		Total Stolen Property Value : \$0.00		
	Video/Audio (Yes/No) : YES		Total Recovered Property Value : \$0.00		

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	VICTIM				
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	BLACK	Male			
1	Birth Date	Birth Place			
	Age : 24 Body Marks:				
Adult/Juvenile : ADULT					
End of Person: 1					

N A R R A T I V E 1	Topic	ORIGINAL NARRATIVE
	ON 01/28/2014, AT 0121 HOURS I, (OFFICER MCDONALD) HEARD OFFICER HAGERTY CALL OUT WITH WHAT SHE THOUGHT WAS SHOTS FIRED IN THE AREA OF HAMPSHIRE ST. OFFICER HAGERTY FURTHER STATED THAT NUMEROUS PEOPLE WERE RUNNING FROM THE AREA.	
	WHEN I ARRIVED IN THE AREA I OBSERVED A BLACK MALE JUMP A FENCE ON FRANKLIN ST. HE WAS JUMPING THE FENCE ABOUT 500 FEET SOUTH OF CONGRESS ST. HE WAS WEARING JEANS AND A WINTER COAT THAT HAD SOME BLACK AND RED DESIGNS. THE MALE WAS RUNNING WEST AND AWAY FROM HAMPSHIRE ST. I DROVE DOWN TO MIDDLE ST THEN BACK UP FRANKLIN ST TO TRY AND DETAIN THE MALE. WHEN I ARRIVED ON SCENE I WAS MET BY OFFICER LEADBETTER AND OFFICER HODGDON. THE MALE WAS QUICKLY DETAINED RIGHT WHERE HE HAD JUMPED OVER THE FENCE. WHILE HE WAS BEING PLACED IN HANDCUFF HE MENTIONED SOMETHING ABOUT A MALE BEING SHOT. I DID NOT IDENTIFY THIS MALE.	
	AT THIS POINT OFFICER HEATHER BROWN AND OFFICER JAYNES ARRIVED ON SCENE. NUMEROUS OFFICERS WERE CALLING OUT WITH NUMEROUS FOOT PURSUITS SO I HAD OFFICER HEATHER BROWN AND OFFICER HODGDON STAY WITH THE MALE WHILE OFFICER LEADBETTER, JAYNES AND I CONTINUED EAST ON FEDERAL ST. WE WERE ON FOOT WHEN WE OBSERVED ANOTHER BLACK MALE WEARING ALL BLACK COMING FROM HAMPSHIRE ST.	

Reporting Officer	Department	Report Status:
JOSHUA D MCDONALD (6255)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
TITCOMB, JACOB W.		01/28/2014 06:24
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 06:25

01-14-000806

Portland Police Department

Report 01/28/2014 05:03

Incident Report

Case # 01-14-000806

THIS MALE WAS WALKING NORTH TOWARDS CONGRESS ST. OFFICER JAYNES WAS ABLE TO DETAIN THIS MALE WITHOUT INCIDENT. I DID NOT IDENTIFY THIS MALE. OFFICER KWOK AND RICHARDS ARRIVED ON SCENE TO ASSIST WITH OFFICER JAYNES WHILE OFFICER LEADBETTER AND I CONTINUED DOWN HAMPSHIRE ST TOWARDS SANGILLOS.

I MADE CONTACT WITH SERGEANT FARRIS WHO POINTED ME TOWARDS THE VICTIM, LATER IDENTIFIED AS [REDACTED] MEDCU5 ARRIVED ON SCENE AND QUICKLY PLACED [REDACTED] INTO THE AMBULANCE. I GOT INTO THE AMBULANCE AND RODE UP TO THE HOSPITAL WITH [REDACTED] I ASKED [REDACTED] IF HE KNEW WHO SHOT HIM AND HE MUMBLED THAT HE DID NOT KNOW. RIGHT AFTER SAYING THIS [REDACTED] APPEARED TO PASS OUT AND I WAS NOT ABLE TO SPEAK WITH HIM AGAIN.

ONCE AT MAINE MEDICAL CENTER MEDICAL STAFF PERFORMED A CAT SCAN AND FOUND THAT A BULLET WAS [REDACTED]

MEDICAL STAFF INFORMED ME THAT [REDACTED] INJURIES WERE NOT LIFE THREATENING BUT HE WAS GOING TO BE SEDATED UNTIL THEY CAN DETERMINE IF THEY ARE GOING TO OPERATE OR NOT.

AFTER LEARNING THAT [REDACTED] INJURIES WERE NOT LIFE THREATENING I GATHERED [REDACTED] CLOTHING FOR EVIDENCE AND CLEARED THE HOSPITAL. AT HEADQUARTERS I TURNED THE CLOTHING OVER TO EVIDENCE TECHNICIAN PELLERIN TO BE TAGGED INTO PROPERTY.

I WAS OPERATING CAR6 AT THE TIME OF THIS INCIDENT.

End of Narrative: 1

Reporting Officer: PTL JOSHUA D MCDONALD (6255)	Department: PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer: TITCOMB, JACOB W.		Date/Time: 01/28/2014 06:24
Verifying Officer: PTL JACOB W TITCOMB (6494)	Department: PORTLAND POLICE DEPARTMENT	Date / Time: 01/28/2014 06:25

Portland Police Department

Report 01/28/2014 07:02

Incident Report

Case # 01-14-000806

C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 07:02	01/28/2014 01:21	01/28/2014 01:21	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	FOUND/CONFISCATED PROPERTY				
	Common Name				
RITE AID - 290 CONGRESS ST PORTLAND, MAINE (CUMBERLAND County)					
Day of Week : TUESDAY Hate/Bias : NO Gang Related : UNKNOWN Type of Report : SUPPLEMENT REPORT Victim Advocate Involv : NO/NO Evidence Technician name (Last First) : NA Video/Audio (Yes/No) : YES Accident Number : NA Officer Vehicle # : 1009 Location Type : PARKING LOT/GARAGE Alcohol Related : NO Drug Related : YES Total Damaged Property Value : \$0.00 Total Stolen Property Value : \$0.00 Total Recovered Property Value : \$0.00					

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	SUSPECT	[REDACTED]			
	Home Phone	Person Address			
		[REDACTED]			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
BLACK	Male				
Birth Date	Birth Place				
Age : 19		Adult/Juvenile : ADULT			
Ethnic Origin : NONHISPANIC		Body Marks:			
End of Person: 1					

P R O P E R T Y 1	Category	Property Type	Make	Model
	FOUND PROPERTY	DRUGS-ILLEGAL	MARIJUANA	
	Serial #	Color	Description	Condition
	NA	GREEN		
Quantity/Weight : USABLE				
End of Property: 1				

N A R R A T I V E 1	Topic	SUPPLEMENTAL NARRATIVE
	ON 1/28/2014, AT APPROXIMATELY 0121 HOURS, [REDACTED] WAS DETAINED IN RELATION TO A SHOOTING THAT TOOK PLACE AT SANGILLO'S TAVERN LOCATED AT 18 HAMPSHIRE STREET. WHEN A PAT DOWN WAS CONDUCTED ON [REDACTED], A SMALL, USABLE QUANTITY OF MARIJUANA WAS DISCOVERED AMONG HIS BELONGINGS. THIS SUSPECTED MARIJUANA WAS CONFISCATED AND LOGGED INTO THE EVIDENCE/PROPERTY ROOM AT THE PORTLAND POLICE DEPARTMENT FOR DESTRUCTION. [REDACTED] WAS LATER RELEASED AFTER QUESTIONING ASSOCIATED WITH THIS INCIDENT.	

Reporting Officer	Department	Report Status:
PTL MATTHEW R MORRISON (9702)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
MULRY, DAVID J.		01/28/2014 07:23
Verifying Officer	Department	Date / Time
David Mulry (8598)		01/28/2014 07:24

Portland Police Department

Report 01/28/2014 07:02

Incident Report

Case # 01-14-000806

	THIS INCIDENT WAS RECORDED. SEE OTHER OFFICERS SUPPLEMENTAL REPORTS FOR THIS INCIDENT.
	End of Narrative: 1

Reporting Officer PTL MATTHEW R MORRISON (9702)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer MULRY, DAVID J.		Date/Time 01/28/2014 07:23
Verifying Officer David Mulry (8598)	Department	Date / Time 01/28/2014 07:24

Portland Police Department

Report 01/28/2014 02:50

Incident Report

Case # 01-14-000806

Case #	Report	Occurred From	Occurred To	Report Type
01-14-000806	01/28/2014 02:50	01/28/2014 01:20	01/28/2014 01:30	Supplemental
Dept. Classification	Case Status	Case Status Date	Cleared	
ELEVATED AGGRAVATED ASSAULT				
Common Name				
290 CONGRESS ST PORTLAND, MAINE (CUMBERLAND County)				
Day of Week : TUESDAY		Officer Vehicle # : 1010		
Hate/Bias : NO		Location Type : PARKING LOT/GARAGE		
Gang Related : UNKNOWN		Alcohol Related : NO		
Type of Report : SUPPLEMENT REPORT		Drug Related : NO		
Victim Advocate Involv : N/A		Total Damaged Property Value : \$0.00		
Evidence Technician name (Last First) : PELLERIN, FRANK/ STERNS, CHRIS		Total Stolen Property Value : \$0.00		
Video/Audio (Yes/No) : YES/NO		Total Recovered Property Value : \$0.00		
Accident Number : N/A				

PERSON 1	Person Type	Business/Person Name			Business Phone
	OFFICER	EVAN BOMBA			
	Home Phone	Person Address			
	Other Phone	Employer Address			
		109 MIDDLE ST PORTLAND, MAINE 04101, CUMBERLAND County			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
Birth Date	Birth Place				
Adult/Juvenile : ADULT		Body Marks:			
Employer : POLICE DEPARTMENT					
End of Person: 1					

NARRATIVE 1	Topic	SUPPLEMENTAL NARRATIVE
	ON 1/28/14 AT APPROXIMATELY 0120 HRS I, OFC BOMBA, WAS ON A ROUTINE PATROL IN THE AREA OF WOODFORDS CORNER WHEN I HEARD OFC HAGERTY CALL ON THE RADIO THAT SHE HEARD POSSIBLE GUNSHOTS AND SAW MULTIPLE MALES RUNNING FROM THE AREA OF SANGILLOS AT 18 HAMPSHIRE ST. AFTER HEARING THE RADIO TRAFFIC, I MADE MY WAY TOWARDS THE SCENE AND PARKED MY CRUISER NEAR CONGRESS ST AT INDIA ST FACING WEST. OFC ROZZI AND I BOTH ARRIVED AT THE SAME TIME. WE BOTH NOTICED THAT OFC HAGERTY HAD ONE BLACK MALE DETAINED AND HE WAS BEING PLACED INTO THE REAR PASSENGER SIDE OF HER CRUISER (#1001). OFC ROZZI AND I WALKED OVER TO ATTEMPT ASSISTANCE. I WAS NOT ABLE TO SEE THE DESCRIPTION OR IDENTIFY THE MALE THAT OFC HAGERTY HAD BECAUSE HE WAS INSIDE THE CRUISER WHEN I WALKED CLOSER. AFTER THE MALE WAS SECURED AND IT WAS DETERMINED THAT OFC HAGERTY WAS ALL SET, I HEARD SGT FARRIS INFORM THAT A MALE VICTIM HAD BEEN SHOT. SGT FARRIS ALSO INFORMED THAT THERE WERE MULTIPLE SHELL CASINGS AT THE SCENE. OFC ROZZI AND I THEN BEGAN TO CHECK THE PARKING LOT AREA OF 290 CONGRESS ST. WHILE CHECKING THE PARKING LOT, I NOTICED OFC AGUILERA, OFC TURNER AND OFC	

Reporting Officer	Department	Report Status:
PTL EVAN T BOMBA (6131)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
TITCOMB, JACOB W.		01/28/2014 05:49
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 05:49

Portland Police Department

Report 01/28/2014 02:50

Incident Report

Case # 01-14-000806

MORRISON HAD ANOTHER BLACK MALE DETAINED BEHIND 284 CONGRESS ST IN THE SOUTHEAST CORNER NEAR THE CHAIN LINK FENCE. THE MALE WAS WEARING A DARK COLORED HOODED JACKET AND JEANS. OFC TURNER AND OFC MORRISON SECURED THE MALE IN THE REAR OF THEIR CRUISER WHICH WAS FACING THE REAR OF THE BUILDING. I WAS LATER INFORMED THAT THE MALE WAS IDENTIFIED AS [REDACTED]

I THEN CONTINUED CHECKING THE PARKING LOT WHERE I OBSERVED EMPLOYEES WORKING IN FRONT OF THE RITE AID ALONG WITH WHAT APPEARED TO BE A PILE OF CLOTHING UNDER ONE OF THEIR WORK TRUCKS. THE TRUCK WAS PARKED FACING WEST IN THE CENTER OF THE LOT NEAR THE BUILDING AND THE CLOTHING WAS TO THE REAR OF THE VEHICLE. I DID NOT MAKE CONTACT WITH THE EMPLOYEES.

A MOMENT LATER, OFC ROZZI ANNOUNCED THAT HE LOCATED A BLACK SEMI AUTOMATIC HANDGUN UNDER A DUMPSTER NEXT TO THE RITE AID. I JOINED OFC ROZZI AND SAW THAT THE HANDGUN WAS NEAR ONE OF THE REAR WHEELS UNDER THE DUMPSTER. THE DUMPSTER WAS ON THE EAST SIDE OF THE RITE AID NEAR THE END OF THE SIDEWALK. THE HANDGUN WAS LAYING ON ITS SIDE WITH THE BARREL POINTED NORTH.

I HELD THE SCENE WITH OFC ROZZI UNTIL ET PELLERIN AND ET STERNS TOOK PHOTOS, COLLECTED THE CLOTHING AND HANDGUN.

VEHICLE 1010 DID CAPTURE VIDEO. I LATER TOOK PHOTOS OF AN INJURY OFC AGUILERA ACQUIRED DURING THIS INCIDENT. [REDACTED]

[REDACTED] I TOOK PHOTOS WITH CAMERA #22.

End of Narrative: 1

Reporting Officer PTL EVAN T BOMBA (6131)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer TITCOMB, JACOB W.		Date/Time 01/28/2014 05:49
Verifying Officer PTL JACOB W TITCOMB (6494)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 05:49

Portland Police Department

Report 01/28/2014 18:33

Incident Report

Case # 01-14-000806

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 18:33	01/28/2014 01:25	01/28/2014 01:25	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	ELEVATED AGGRAVATED ASSAULT				
	Common Name				
	RITE AID - 290 CONGRESS ST PORTLAND, MAINE (CUMBERLAND County)				
	Day of Week : TUESDAY		Video/Audio (Yes/No) : YES/YES		
	Dispatched : 01/28/2014 01:25		Officer Vehicle # : 1011		
	Responded : 01/28/2014 01:25		Location Type : PARKING LOT/GARAGE		
	Arrived : 01/28/2014 01:25		Alcohol Related : UNKNOWN		
	Hate/Bias : NO		Drug Related : UNKNOWN		
	Gang Related : YES		Total Damaged Property Value : \$0.00		
	Type of Report : SUPPLEMENT REPORT		Total Stolen Property Value : \$0.00		
	Victim Advocate Involv : NO/NO		Total Recovered Property Value : \$0.00		
	Evidence Technician name (Last First) : STERNS CHRIS				

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	OFFICER	VINCENT ROZZI			(207) 874-8575
	Home Phone	Person Address			
	Other Phone	Employer Address			
		109 MIDDLE ST PORTLAND, MAINE 04101, CUMBERLAND County			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
	Birth Date	Birth Place			
	Adult/Juvenile : ADULT				Body Marks:
	Employer : POLICE DEPARTMENT				
End of Person: 1					

N A R R A T I V E 1	Topic	SUPPLEMENTAL NARRATIVE
	I OFC. VINCENT ROZZI AM WRITING THIS SUPPLEMENTAL REPORT TO CONFIRM MY ACTIONS WITH AN ARTICLE OF EVIDENCE LOCATED AT 290 CONGRESS STREET. THE DATE OF THE INCIDENT WAS 01-28-2014 AT ROUGHLY 0125HRS. WHILE AT 290 CONGRESS STREET I HAD LOCATED A FIREARM UNDER A DUMPSTER ON THE EASTERN SIDE OF THE RITE AID PHARMACY. AFTER REACHING SGT. FARRIS ON THE RADIO, HE HAD ASKED ME TO CHECK THE CALIBER ON THE WEAPON. THE FIREARM WAS LAYING ON ITS LEFT SIDE. WHILE LOOKING AT THE FIREARM I COULD NOT SEE ANY ENGRAVINGS OR LETTERING THAT WOULD DESCRIBE THE CALIBER. AT THIS TIME I PUT ON MY PATROL GLOVES AND CROUCHED DOWN TO THE WEAPON. I GRABBED THE FIREARM AT THE REAR OF THE UPPER RECEIVER TO TILT THE WEAPON UP SLIGHTLY. I DID SO BY USING MY INDEX FINGER AND MY THUMB ON MY LEFT HAND. AFTER FINDING THE LETTERING ON THE LEFT SIDE OF THE FIREARM, I THEN LAID THE WEAPON BACK ON ITS LEFT SIDE. THE FIREARM AT NO TIME LEFT THE GROUND COMPLETELY. THE FIREARM WAS NOT HANDLED AGAIN UNTIL EVIDENCE TECHNICIANS PELLERIN AND STERNS GATHERED THE FIREARM. AT NO TIME WHILE AT 290 CONGRESS STREET DID I HANDLE ANY OF THE DETAINED SUSPECTS, [REDACTED] BOTH SUBJECTS WERE ALREADY DETAINED BY SEVERAL OTHER OFFICERS. I DID NOT HANDLE ANY OTHER ARTICLES THAT WERE	

Reporting Officer	Department	Report Status:
VINCENT PAUL ROZZI (9848)	PORTLAND PD	Approved
Supervising Officer		Date/Time
TITCOMB, JACOB W.		01/28/2014 21:09
Verifying Officer	Department	Date / Time
PTL JACOB TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 21:09

Portland Police Department

Report 01/28/2014 18:33

Incident Report

Case # 01-14-000806

LOCATED ON SCENE. IN THE 7 YEARS AS A POLICE OFFICER FOR THE CITY OF PORTLAND, I DO NO RECALL HAVING ANY INTERACTIONS WITH EITHER MALE.

THE PATROL GLOVES THAT I WORE TO CHECK THE FIREARM WERE PURCHASED IN MAY 2013. I HAD ASKED THE PORTLAND POLICE DISPATCH TO PERFORM A DETAILED SEARCH TO CONFIRM THAT I HAD NO CONTACT WITH THE MALES WITHIN THE LAST 6 MONTHS. DISPATCHER SYDNEY DOYLE CONFIRMED I HAVE HAD NO CONTACT WITH EITHER [REDACTED] [REDACTED] WITHIN SIX MONTHS. HE TOLD ME HE CHECKED BACK TO THE FIRST OF JULY 2013.

End of Narrative: 1.

Reporting Officer MICENT PAUL ROZZI (9848)	Department PORTLAND PD	Report Status: Approved
Supervising Officer TITCOMB, JACOB W.		Date/Time 01/28/2014 21:09
Verifying Officer PTL JACOB TITCOMB (6494)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 21:09

Portland Police Department

Report 01/28/2014 04:44

Incident Report

Case # 01-14-000806

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 04:44	01/28/2014 01:21	01/28/2014 01:21	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	INVESTIGATION				01/28/2014 00:00
	Common Name				
	SANGILLOS - 18 HAMPSHIRE ST PORTLAND, MAINE				
	Day of Week : TUESDAY		Video/Audio (Yes/No) : YES/YES		
	Dispatched : 01/28/2014 01:27		Officer Vehicle # : 1002		
	Responded : 01/28/2014 01:27		Location Type : BAR/NIGHT CLUB		
	Arrived : 01/28/2014 01:27		Alcohol Related : UNKNOWN		
	Hate/Bias : NO		Drug Related : UNKNOWN		
	Gang Related : UNKNOWN		Total Damaged Property Value : \$0.00		
	Type of Report : SUPPLEMENT REPORT		Total Stolen Property Value : \$0.00		
	Video/Audio (Yes/No) : YES/YES		Total Recovered Property Value : \$0.00		

N A R R A T I V E	Topic	SUPPLEMENTAL NARRATIVE
	1	On Tuesday 1-28-2014 at approximately 0128 hrs I, Officer Reeder, had just gotten into vehicle #1002 to prepare it prior for shift when I heard Sgt. Farris ask for another unit at Sangillo's on Hampshire St. I pulled out of the garage onto Middle St and made my way to Hampshire. I parked my vehicle on Middle St approximately 50 feet back from Hampshire. My blue lights were activated. Once on scene I was directed to three African American males who were sitting on the sidewalk. I was informed the males had already been searched and were the occupants of a vehicle (Maine PC [REDACTED]) that was possibly involved in the incident. I stood by with those three males until direction was given to place everyone that was currently detained in separate cars and then transport them back to 109 Middle St so CID could interview them. Of the three I was watching I escorted [REDACTED] back to my vehicle and placed him in the back after another search. [REDACTED] had a drivers license out of [REDACTED] and said he was the operator of the above mentioned vehicle. The other two occupants were placed in the back of Officer Bennis and Officer Richard's vehicles. The vehicle is registered to [REDACTED], who to the best of my knowledge was not present. A few times [REDACTED] questioned why they were being detained and stated they were inside Sangillo's when they heard the shots. [REDACTED] stated, they came outside shortly after the shots and were trying to leave like everyone else when the police showed up. Other than that [REDACTED] did not offer up any other information. While waiting outside headquarters with [REDACTED] he only left the vehicle one time when Officer Morrison and I escorted him inside headquarters so he could use the restroom. We made sure he did not wash his hands in case there was gun shot residue and he had anything to do with the incident. We also escorted the male inside Officer Bennis' vehicle for the same reason. Officer Richard watched [REDACTED] briefly while I assisted Officer Hagerty escort the male she had detained, [REDACTED], to CID. I was then called away briefly to do a crash report [REDACTED] for a 10-50 that occurred while Officer Abbott was responding to the call. Officer Johnson took over watching [REDACTED] for me. When I was done the crash and made my way back to my car [REDACTED] had been taken inside headquarters. Shortly after I was dispatched to the intersection of Newbury and Hampshire St's to replace Officer Aguilera who had been blocking the road. At the time of this writing I am currently still blocking the road. For further information please see other supplements and Officer Hagerty's original report on this

Reporting Officer	Department	Report Status:
JONATHAN T REEDER (893)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
FARRIS, TIMOTHY L.		01/28/2014 05:51
Verifying Officer	Department	Date / Time
SGT TIMOTHY L FARRIS (4413)	PORTLAND POLICE DEPARTMENT	01/28/2014 05:52

Portland Police Department

Report 01/28/2014 04:44

Incident Report

Case # 01-14-000806

	incident. The portions of this incident I was involved in were captured on video and audio of vehicle #1002.
	End of Narrative: 1

Reporting Officer PTL JONATHAN T REEDER (893)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer FARRIS, TIMOTHY L		Date/Time 01/28/2014 05:51
Verifying Officer SGT TIMOTHY L FARRIS (4413)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 05:52

Portland Police Department

Report 01/28/2014 03:21

Incident Report

Case # 01-14-000806

C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 03:21	01/28/2014 01:21	01/28/2014 00:00	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	ELEVATED AGGRAVATED ASSAULT				01/28/2014 03:15
	Common Name				
18 HAMPSHIRE ST PORTLAND, MAINE					
Day of Week : TUESDAY					
Dispatched : 01/28/2014 01:38					
Hate/Bias : Unknown					
Gang Related : UNKNOWN					
Type of Report : SUPPLEMENT REPORT					
Officer Vehicle # : 1008					
Location Type : BAR/NIGHT CLUB					
Alcohol Related : UNKNOWN					
Drug Related : UNKNOWN					
Total Damaged Property Value : \$0.00					
Total Stolen Property Value : \$0.00					
Total Recovered Property Value : \$0.00					

P E R S O N 1	Person Type		Business/Person Name			Business Phone
	OFFICER		CHRISTOPHER KELLEY			
	Home Phone		Person Address			
	Other Phone		Employer Address			
			109 MIDDLE ST PORTLAND, MAINE 04101			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number	
	WHITE	Male				
Birth Date		Birth Place				
Adult/Juvenile : ADULT		Body Marks:				
Employer : PORTLAND POLICE						
End of Person: 1						

N R A T I V E 1	Topic	SUPPLEMENTAL NARRATIVE
	ON 01/28/14, AT APPROXIMATELY 0139, I BLOCKED EASTBOUND TRAFFIC ON CONGRESS STREET AT FRANKLIN STREET UPON THE REQUEST OF SGT. MULRY. ON 01/28/14, AT APPROXIMATELY 0315, I OPENED UP THIS INTERSECTION TO VEHICULAR TRAFFIC UPON THE REQUEST OF SGT. TITCOMB. DURING MY TIME AT THIS INTERSECTION, I OBSERVED NO NON EMERGENCY VEHICLES PASS EASTBOUND ON CONGRESS STREET.	
End of Narrative: 1		

Reporting Officer	Department	Report Status:
PTL CHRISTOPHER M KELLEY (4116)	PORTLAND POLICE DEPARTMENT	Approved
Verifying Officer		Date/Time
...COMB, JACOB W.		01/28/2014 04:32
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 04:32

Portland Police Department

Report 01/28/2014 02:06

Incident Report

Case # 01-14-000806

Case #	Report	Occurred From	Occurred To	Report Type
01-14-000806	01/28/2014 02:06	01/28/2014 01:10	01/28/2014 01:36	Supplemental
Dept. Classification	Case Status	Case Status Date	Cleared	
ELEVATED AGGRAVATED ASSAULT				
Common Name				
290 CONRESS ST PORTLAND, MAINE (CUMBERLAND County)				
Day of Week : TUESDAY		Officer Vehicle # : 1012		
Hate/Bias : NO		Location Type : SHOPPING MALL		
Gang Related : NO		Alcohol Related : UNKNOWN		
Type of Report : SUPPLEMENT REPORT		Drug Related : UNKNOWN		
Victim Advocate Involv : NO/NO		Total Damaged Property Value : \$0.00		
Evidence Technician name (Last First) : ET PELLERIN, FRANK		Total Stolen Property Value : \$0.00		
Video/Audio (Yes/No) : YES/YES		Total Recovered Property Value : \$0.00		

OFFENSE 1	State Classification		Attempted/Committed
	VIOLATION OF A CONDITIONAL LICENSE		ATTEMPT
	Statute/Ordinance	Location Type	Disposition Date
	VIOLATION OF A CONDITIONAL LICENSE	HIGHWAY/ROADWAY	
Attack Reason : NEITHER GANG OR HATE/BIAS RELATED		Weapon 2 : ALCOHOL	
Weapon 1 : HANDS/FISTS/FEETS			
End of Offense: 1			

OFFENSE 2	State Classification		Attempted/Committed
	REFUSING TO SUBMIT TO ARREST/DETEN.		COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
	REFUSING TO SUBMIT TO ARREST/DETEN.	PARKING LOT/GARAGE	
Attack Reason : GANG RELATED		Weapon 2 : ALCOHOL	
Weapon 1 : HANDS/FISTS/FEETS			
End of Offense: 2			

OFFENSE 3	State Classification		Attempted/Committed
	ASSAULT		COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
	ASSAULT	PARKING LOT/GARAGE	
Attack Reason : GANG RELATED		Weapon 2 : ALCOHOL	
Weapon 1 : HANDS/FISTS/FEETS			
End of Offense: 3			

PERSON 1	Person Type		Business/Person Name		Business Phone
	OFFICER		OFC AGUILERA		
	Home Phone		Person Address		
	Other Phone		Employer Address		
	109 MIDDLE ST PORTLAND, MAINE 04101 ,CUMBERLAND County				
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	HISPANIC	Male			
	Birth Date	Birth Place			
Occupation : POLICE OFFICER		Employer : POLICE DEPARTMENT			
Adult/Juvenile : ADULT		Body Marks:			
End of Person: 1					

Reporting Officer	Department	Report Status:
PTL DAN JOSE AGUILERA (4955)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
PTITCOMB, JACOB W.		01/28/2014 07:09
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 07:09

Portland Police Department

Report 01/28/2014 02:06

Incident Report

Case # 01-14-000806

PERSON 2	Person Type		Business/Person Name		Business Phone	
	SUSPECT		[REDACTED]			
	Home Phone		Person Address			
	Other Phone		Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number	
	BLACK	Male				
Birth Date		Birth Place				
[REDACTED]						
Age : 29 Ethnic Origin : NONHISPANIC Min. Height : 5'11" Max. Height : 5'11" Min. Weight : 170 lbs Max. Weight : 170 lbs Adult/Juvenile : ADULT Coat : DARK Pants : DARK JEANS Hair Color : BLACK Hair Length : SHORT (UP TO 1/2") Hair Style : CURLY Facial Hair : STUBBLE Teeth : NO DISCERNIBLE FEATURES Eye Color : BROWN Build : AVERAGE Complexion : DARK Glasses : NO Hand Use : RIGHT HANDED Caution : ASSAULTIVE Status : ARRESTEE Marital Status : SINGLE Speech : [REDACTED] Residency Type : [REDACTED] Residency Status : [REDACTED] Weapon Held : HANDS/FISTS/FEETS Body Marks :						
End of Person: 2						

NARRATIVE 1	Topic	SUPPLEMENTAL NARRATIVE
	ON 01/28/14, AT APPROXIMATELY 0119 HOURS, I, OFC AGUILERA WAS GETTING READY TO HEAD TO 109 MIDDLE AND END MY SHIFT. I WAS OPERATING VEHICLE 1012.	
	I HEARD OFC HAGERTY OVER THE RADIO SAYING SHE HEARD GUNSHOTS COMING FROM THE AREA OF SANGUILLOS. AT THAT POINT IN TIME I WAS AT THE INTERSECTION OF CONGRESS ST AND PEARL ST. OFC HAGERTY ADVISED THERE WERE PEOPLE RUNNING TOWARDS INDIA ST. I QUICKLY HEADED TO THE AREA TO FORM A PERIMETER. I POSTED MY VEHICLE AT INDIA ST AND CONGRESS ST.	
	I OBSERVED AN SUV DRIVING UP INDIA ST, MAKING A LEFT ONTO CONGRESS ST. THE VEHICLE WAS AN OLDER CHEVY, SUBURBAN/TAHOE TYPE VEHICLE, 4 DOORS AND A CAB. (PLEASE SEE VEH 12 VIDEO RECORDING). THE VEHICLE APPEARED TO HAVE A SLIGHT DARKER COLOR. AT THE TIME I OBSERVED THE VEHICLE, THE AREA WAS NOT WELL LIT. THE VEHICLE WAS COVERED WITH SIGNIFICANT AMOUNTS OF ROAD SALT. IT WAS HARD TO DETERMINED THE EXACT COLOR OF THE SUV EVEN AFTER REVIEWING THE TAPES. THE VEHICLE WAS OPERATED BY A YOUNG BLACK FEMALE, SLIM, DARK CLOTHING, DARK HAIR WITH A PONY TAIL. THERE WAS A MALE PASSENGER WITH HER. THE MALE WAS BLACK, SHORT HAIR AND HEAVY SET. THE VEHICLE WAS LAST SEEN HEADING WEST ON CONGRESS ST HEADING TOWARDS FRANKLIN ART. THERE WERE OFFICERS DETAINING SOME INDIVIDUALS ON FRANKLIN ART. OFFICERS ADVISED THERE WAS A VICTIM THAT WAS SHOT. BESIDES THE SUV I DESCRIBED ABOVE, THERE WERE NO PEDESTRIANS AND NO TRAFFIC IN THAT AREA AT THE TIME. THERE WERE REPORTS OF PEOPLE RUNNING AWAY FROM SANGUILLOS. OFC HAGERTY AND I	

Reporting Officer	Department	Report Status:
PTL DAN JOSE AGUILERA (4955)	PORTLAND POLICE DEPARTMENT	Approved
Verifying Officer		Date/Time
PTL JACOB W. TITCOMB, JACOB W.		01/28/2014 07:09
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 07:09

Portland Police Department

Report 01/28/2014 02:06

Incident Report

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APPROACHED TWO MALES THAT WERE WALKING FROM FEDERAL ST, CUTTING THROUGH 290 CONGRESS ST PARKING LOT. THE MALES WERE YOUNG IN THEIR 20'S. ONE MALE WAS WEARING DARK JACKET AND DARK JEANS. THE OTHER MALE HAD A WHITE SHIRT, JEANS AND SILVER/GREY SHOES. MALE WEARING THE DARK JACKETS WAS LATER IDENTIFIED AS [REDACTED]

THESE MALES KEPT PUTTING THEIR HANDS INSIDE THEIR POCKETS. BOTH MALES WERE SWEATING AND SEEMED AGITATED. I ORDERED THEM TO KEPT THEIR HANDS OUT WHERE I COULD SEE THEM. MALES KEPT PUTTING THEIR HANDS IN THEIR POCKETS IGNORING OFFICERS COMMANDS. OFC HAGERTY PADDED THE MALE WITH THE WHITE SHIRT DOWN FOR WEAPONS. I ORDERED [REDACTED] TO SIT DOWN ON THE GROUND. [REDACTED] PRETENDED HE WAS SITTING DOWN AND SUDDENLY TOOK OFF RUNNING TOWARDS FEDERAL ST.

I RAN AFTER [REDACTED]. I KNOW [REDACTED] THROUGH MANY POLICE RELATED INTERACTIONS. [REDACTED] IS KNOWN TO CARRY WEAPONS (KNIVES) AND IS HOSTILE TOWARDS POLICE. OFC HAGERTY ADVISED DISPATCH OF THE SITUATION. [REDACTED] MADE A LEFT TOWARDS THE BACK OF 272 CONGRESS ST. I TACKLED [REDACTED] DOWN TO THE GROUND BECAUSE HE WAS TRYING TO JUMP A FENCE. [REDACTED] AND I FELL DOWN TO THE GROUND, FACE DOWN. I ENDED UP ON TOP OF HIM. [REDACTED] BEGAN TO FIGHT ME ON THE GROUND. [REDACTED] WAS KICKING AND PUNCHING ME TRYING TO GET AWAY. DURING THE STRUGGLE [REDACTED] PUNCHED MY LEFT KNEE. AT ONE POINT, [REDACTED] REACHED INSIDE HIS POCKET. FEARFUL THAT [REDACTED] WAS CONCEALING A WEAPON, I DELIVER MULTIPLE SOFTENING STRIKES TO HIS SHOULDER AREA WHILE ORDERING HIM TO GIVE UP HIS HANDS. (FINGERS CURLED AND OPEN PALM). [REDACTED] GAVE UP HIS HANDS. I GRABBED HIS HANDS AND PLACED THEM IN THE SMALL OF HIS BACK. I GAVE DISPATCH MY LOCATION. OFC TURNER AND OFC MORRISON ARRIVED TO MY LOCATION AS THE MALE WAS BEING CUFFED. OFC TURNER AND MORRISON PLACED THE MALE INSIDE THEIR CRUISER.

THERE WERE WORKERS AT 290 CONGRESS ST. THESE WORKERS HAVE BEEN THERE ALMOST ALL NIGHT. ONE OF THE WORKERS , WHITE MALE, BROWN HAIR, WEARING A BLUE SWEATER TOLD OFFICERS ON SCENE THE TWO BLACK MALES THAT OFC HAGERTY AND I HAD DUMPED SOME "STUFF" BELOW THEIR TRUCK. WHEN I ASKED THE MALE WHAT KIND OF STUFF IT WAS HE SAID HE DIDN'T KNOW. THE MALE POINTED TO HIS TRUCK THAT WAS PARKED IN THE LOT. OFC ROZZI AND I CHECKED BELOW THE TRUCK AND FOUND A GREY AND BLACK HOODIE. OFC ROZZI AND I CONTINUED TO SEARCH THE AREA, JUST IN CASE THE MALES HAD DITCHED ANY ARTICLE USED IN THE SHOOTING. I OBSERVED OFC ROZZI CHECKING THE BACK DUMPSTER OF 290 CONGRESS ST. OFC ROZZI RECOVERED A HANDGUN THAT WAS POSSIBLY USED IN THE SHOOTING.

I WENT BACK TO MY CRUISER AND CREATED A VIDEO RECORDING. I REVIEW THE VIDEO BUT WAS UNABLE TO GET A PLATE FROM THE SUV I DESCRIBED EARLIER. I GAVE DISPATCH A DESCRIPTION OF THE SUV TO THAT A BOLO COULD BE PUT OUT TO OTHER CITY UNITS. AT THIS TIME, OFC FRAZIER GAVE DISPATCH A PLATE AND THAT VEHICLE WAS SIMILAR TO THE ONE I DESCRIBED.

I RETURNED TO MY CRUISER. I POSTED MY CRUISER BACK AT THE INTERSECTION OF INDIA ST AND CONGRESS ST.

Reporting Officer PTL DAN JOSE AGUILERA (4955)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Servicing Officer TITCOMB, JACOB W.		Date/Time 01/28/2014 07:09
Verifying Officer PTL JACOB W TITCOMB (6494)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 07:09

Portland Police Department

Report 01/28/2014 02:06

Incident Report

Case # 01-14-000806

End of Narrative: 1

Reporting Officer PTL DAN JOSE AGUILERA (4955)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer TITCOMB, JACOB W.		Date/Time 01/28/2014 07:09
Verifying Officer PTL JACOB W TITCOMB (6494)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 07:09

Portland Police Department

Report 01/28/2014 04:46

Incident Report

Case # 01-14-000806

Case #	Report	Occurred From	Occurred To	Report Type
01-14-000806	01/28/2014 04:46	01/28/2014 01:21	01/28/2014 04:00	Supplemental
Dept. Classification	Case Status	Case Status Date	Cleared	
ELEVATED AGGRAVATED ASSAULT				
Common Name				
18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)				
Day of Week : TUESDAY	Officer Vehicle # : 1024			
Hate/Bias : NO	Location Type : SIDEWALKS/ALLEYS			
Gang Related : UNKNOWN	Alcohol Related : YES			
Type of Report : SUPPLEMENT REPORT	Drug Related : YES			
Victim Advocate Invol : NO	Total Damaged Property Value : \$0.00			
Evidence Technician name (Last First) : PELLERIN, FRANK.....STEARNS,	Total Stolen Property Value : \$0.00			
Video/Audio (Yes/No) : YES	Total Recovered Property Value : \$0.00			

N A R R A T I V E	Topic	SUPPLEMENTAL NARRATIVE
	On 1-28-14 at 01:21 hours, I Sgt. David Mulry was on routine patrol driving marked police vehicle (1024) on Riverside St. and heard Officer Haggerty inform dispatch over the police radio that she had heard gunshots near the area of Sangillo's. Several Officer's quickly responded to that area and noticed several people running from the scene. I then heard Officer Haggerty and Officer Aguilera state over the radio that they were in foot pursuit of the potential suspects.	
	As the situation began to unfold, I heard several Officer's inform dispatch that they were continuing to arrive in the area of the shooting and Sgt. Farris also was assigned. I was assigned from Deering and requested over the radio that Sgt. Farris isolate and contain an inner perimeter that consisted of the crime scene at Sangillo's, and I would contain an outer perimeter consisting of the area of 290 Congress St. and Hampshire St. It was at this time that Officer's stated that people were being taken into custody in the area of 290 Congress St.	
	When I arrived in the area I was informed that three people were currently in custody. I heard Sgt. Farris state that there was a shooting victim near Sangillo's and there were several bullet casings at the scene. I then requested that available police units close Congress St. and Franklin St. and Congress St. at India St. Additional streets that were closed were Middle St. at Franklin St. and India St. at Middle St. In closing these streets I believe we had a significant crime scene contained. I then requested a K9 from Westbrook respond to the scene. I requested Dispatch send a blast notification to command staff until I could make the appropriate phone calls and to start the Evidence Tech in on a call out.	
	After several moments I was informed by Officer Rozzi that he had located a .45 cal handgun under the dumpster in the parking lot of 290 Congress St. There was also a light colored sweatshirt that appeared to have been discarded by one of the potential suspects running through that parking lot. These two items were left untouched for ET's Pellerin and Stearns to process.	
	Medcu arrived to take the shooting victim, identified as [REDACTED] to MMC. [REDACTED] was escorted by Officer McDonald. I requested Officer McDonald to collect all of [REDACTED] belongings and to remain with him until further notice.	

Reporting Officer	Department	Report Status:
DAVID MULRY (8598)		Approved
Supervising Officer		Date/Time
MULRY, DAVID J.		01/28/2014 05:48
Verifying Officer	Department	Date / Time
David R Mulry (8598)	PORTLAND POLICE DEPARTMENT	01/28/2014 05:48

Portland Police Department

Report 01/28/2014 04:46

Incident Report

Case # 01-14-000806

	After securing the inner and outer perimeter crime scene's, I learned that there were a total of seven people detained as either suspects or witness'. I requested that all suspects be separated in individual patrol cars and be driven to the front of the police station to remain and wait for CID. The evidence Techs arrived and processed the scene. I requested that any individuals on the inner perimeter scene at Sangillo's be identified. I then drove from 290 Congress St. to the police station to speak further with command staff and CID. All involved Police Officer's were requested to remain on duty until all reports could be completed and sent to CID for review.
	End of Narrative: 1

Reporting Officer VID MULRY (8598)	Department	Report Status: Approved
Supervising Officer MULRY, DAVID J.		Date/Time 01/28/2014 05:48
Verifying Officer David R Mulry (8598)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 05:48

Portland Police Department

Incident Report

Report 01/28/2014 02:47

Case # 01-14-000806

INCIDENT	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 02:47			Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	ELEVATED AGGRAVATED ASSAULT				
	Common Name				
HAMPSHIRE ST MIDDLE ST PORTLAND, MAINE					
Hate/Bias : NO Gang Related : UNKNOWN Type of Report : SUPPLEMENT REPORT Victim Advocate Involv : NO Video/Audio (Yes/No) : YES/YES Officer Vehicle # : 1005					
Location Type : SIDEWALKS/ALLEYS Alcohol Related : UNKNOWN Drug Related : UNKNOWN Total Damaged Property Value : \$0.00 Total Stolen Property Value : \$0.00 Total Recovered Property Value : \$0.00					

PERSON 1	Person Type	Business/Person Name			Business Phone
	WITNESS				
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Female			UNKNOWN
	Birth Date	Birth Place			
		UNKNOWN			
Age : 51 Occupation : UNKNOWN Ethnic Origin : NONHISPANIC					
Adult/Juvenile : ADULT Employer : UNKNOWN Body Marks:					
End of Person: 1					

PERSON 2	Person Type	Business/Person Name			Business Phone
	WITNESS				
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Female			UNKNOWN
	Birth Date	Birth Place			
		UNKNOWN			
Age : 27 Occupation : UNKNOWN Operator's License State : Ethnic Origin : NONHISPANIC					
Adult/Juvenile : ADULT Employer : UNKNOWN Body Marks:					
End of Person: 2					

PERSON 3	Person Type	Business/Person Name			Business Phone
	WITNESS				
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Female			UNKNOWN
	Birth Date	Birth Place			
		UNKNOWN			
Age : 29 Occupation : UNKNOWN					
Adult/Juvenile : ADULT Employer : UNKNOWN					

Reporting Officer	Department	Report Status:
ERIC D JOHNSON (6604)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
TITCOMB, JACOB W.		01/28/2014 06:12
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 06:12

01-14-000806

Portland Police Department

Report 01/28/2014 02:47

Incident Report

Case # 01-14-000806

Operator's License State : MAINE		Body Marks:		
Ethnic Origin : NONHISPANIC		End of Person: 3		
PERSON 4	Person Type	Business/Person Name		Business Phone
	WITNESS	[REDACTED]		
	Home Phone	Person Address		
		[REDACTED]		
	Other Phone	Employer Address		
		[REDACTED]		
	Race	Sex	SSN	DL Exp. Date
WHITE	Male			UNKNOWN
Birth Date	Birth Place			
	UNKNOWN			
Age : 43		Adult/Juvenile : ADULT		
Occupation : UNKNOWN		Employer : UNKNOWN		
Operator's License State : MAINE		Body Marks:		
Ethnic Origin : NONHISPANIC		End of Person: 4		

PERSON 5	Person Type	Business/Person Name		Business Phone
	WITNESS	[REDACTED]		
	Home Phone	Person Address		
		[REDACTED]		
	Other Phone	Employer Address		
		[REDACTED]		
	Race	Sex	SSN	DL Exp. Date
WHITE	Male			UNKNOWN
Birth Date	Birth Place			
	UNKNOWN			
Age : 38		Adult/Juvenile : ADULT		
Occupation : UNKNOWN		Employer : UNKNOWN		
Operator's License State : MAINE		Body Marks:		
Ethnic Origin : NONHISPANIC		End of Person: 5		

PERSON 6	Person Type	Business/Person Name		Business Phone
	WITNESS	[REDACTED]		
	Home Phone	Person Address		
		[REDACTED]		
	Other Phone	Employer Address		
		[REDACTED]		
	Race	Sex	SSN	DL Exp. Date
WHITE	Male			UNKNOWN
Birth Date	Birth Place			
	UNKNOWN			
Age : 45		Adult/Juvenile : ADULT		
Occupation : UNKNOWN		Employer : UNKNOWN		
Ethnic Origin : NONHISPANIC		Body Marks:		
		End of Person: 6		

PERSON 7	Person Type	Business/Person Name		Business Phone
	WITNESS	[REDACTED]		
	Home Phone	Person Address		
		[REDACTED]		
	Other Phone	Employer Address		
	[REDACTED]			
Race	Sex	SSN	DL Exp. Date	Operator's License Number

Reporting Officer	Department	Report Status:
ERIC D JOHNSON (6604)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
TITCOMB, JACOB W.		01/28/2014 06:12
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 06:12

Portland Police Department

Report 01/28/2014 02:47

Incident Report

Case # 01-14-000806

WHITE	Male		UNKNOWN
Birth Date	Birth Place		
Age : 32		Adult/Juvenile : ADULT	
Occupation : UNKNOWN		Employer : UNKNOWN	
Ethnic Origin : NONHISPANIC		Body Marks:	
End of Person: 7			

P E R S O N 8	Person Type	Business/Person Name			Business Phone
	WITNESS				
	Home Phone	Person Address			
	Other Phone	Employer Address			
		Use Address from Incident Location Information			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Female			UNKNOWN
Birth Date	Birth Place				
Age : 57		Adult/Juvenile : ADULT			
Occupation : BARTENDER		Employer : SANGILLOS			
Ethnic Origin : NONHISPANIC		Body Marks:			
End of Person: 8					

P E R S O N 9	Person Type	Business/Person Name			Business Phone
	WITNESS				
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			UNKNOWN
Birth Date	Birth Place				
Age : 24		Adult/Juvenile : ADULT			
Occupation : UNKNOWN		Employer : UNKNOWN			
Ethnic Origin : NONHISPANIC		Body Marks:			
End of Person: 9					

N A R R A T I V E 1	Topic	SUPPLEMENTAL NARRATIVE
	On 1-28-14 I, Officer Eric Johnson, was assigned a routine uniformed patrol in Portland police vehicle 1005. At approximately 0121hrs. Officer Hagerty broadcast via police radio that the sound of shots fired had been heard near Sangillo's, located at 18 Hampshire street, and that three suspects were seen fleeing the scene on Hampshire towards Congress.	
	I immediately responded to the area and arrived at the intersection of Middle street and Hampshire street within seconds. I blocked the intersection with my vehicle and had a clear view up Hampshire and to the front entrance of Sangillo's.	
	As I exited my vehicle I observed a black male laying in the middle of Hampshire street against a car just outside of the bar. The male was calling out pain and rolling on the ground. A group of patrons from the bar began exiting out into the scene and a gray sedan () pulled out of the parking lot of Sangillo's. I ordered the group coming out of the bar to the ground and for the vehicle to	

Reporting Officer	Department	Report Status:
ERIC D JOHNSON (6604)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
TITCOMB, JACOB W.		01/28/2014 06:12
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 06:12

Portland Police Department

Report 01/28/2014 02:47

Incident Report

Case # 01-14-000806

stop. After multiple orders the vehicle stopped halfway onto Hampshire street and the group of seven patrons stopped and lay on the ground just outside of the bar's door.

Once other responding officers arrived on scene we approached the vehicle and ordered the three male occupants out. The three occupants of the car and the seven patrons from the bar were frisked for weapons, while other units attended to the downed male who was confirmed injured by gunfire. The two separate groups were placed away from one another with the group of three from the car sitting on the street curb on the far side of the road.

I confined the seven potential witnesses, along with the two present bar employees inside Sangillo's and identified them all via state issued identification. A few of the witnesses reported hearing three popping sounds from outside but could offer little other information. Most were inebriated. One patron, identified as [REDACTED], stated he had witnessed an argument just prior to the shooting inside the bar. He stated to me that a tall african american male had been arguing with a number of other people including an african american woman. He claimed to be able to identify the tall male if seen again. Officer Brown responded to the scene and took his statement. The other patrons were identified as [REDACTED]. The bartender was identified as Kristine Kurro [REDACTED]. The other employee was Otto Shorey [REDACTED].

The three occupants of the vehicle leaving the parking lot were transported to the Portland police station by Officers responding to the scene. I did not reconize any of these men nor did I identify them. The injured victim was transported to the Maine medical center for treatment.

Once identified the group from the bar were allowed to leave the scene. I remained to assist in securing the scene which included the entrance area of the bar and Mrs. Kurro's vehicle which the victim had been leaning against and which suffered a bullet hole in the drivers door. At approximately 0151hrs. PPD evidence techs arrived on scene. I stayed on to provide scene security until relieved at approximately 0345.

-End of supplement-
EDJ

End of Narrative: 1

Reporting Officer ERIC D JOHNSON (6604)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer TITCOMB, JACOB W.		Date/Time 01/28/2014 06:12
Verifying Officer PTL JACOB W TITCOMB (6494)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 06:12

Portland Police Department

Report 01/28/2014 04:17

Incident Report

Case # 01-14-000806

N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 04:17	01/28/2014 01:19	01/28/2014 01:19	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	ELEVATED AGGRAVATED ASSAULT				
	Common Name				
	18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)				
T	Day of Week : TUESDAY		Officer Vehicle # : 1030		
	Hate/Bias : NO		Location Type : HIGHWAY/ROADWAY		
	Gang Related : UNKNOWN		Alcohol Related : UNKNOWN		
	Type of Report : SUPPLEMENT REPORT		Drug Related : UNKNOWN		
	Victim Advocate Involv : NO/NO		Total Damaged Property Value : \$0.00		
	Evidence Technician name (Last First) : PELLERIN, FRANK		Total Stolen Property Value : \$0.00		
	Video/Audio (Yes/No) : YES/YES		Total Recovered Property Value : \$0.00		
	Accident Number : N/A				

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	OFFICER	CHARLES HODGDON			
	Home Phone	Person Address			
	Other Phone	Employer Address			
		109 MIDDLE ST PORTLAND, MAINE 04101, CUMBERLAND County			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
Birth Date	Birth Place				
Occupation : POLICE OFFICER		Employer : POLICE DEPARTMENT			
Ethnic Origin : NONHISPANIC		Body Marks:			
Adult/Juvenile : ADULT					
End of Person: 1					

P E R S O N 2	Person Type	Business/Person Name			Business Phone
	OFFICER	JASON LEADBETTER			
	Home Phone	Person Address			
	Other Phone	Employer Address			
		109 MIDDLE ST PORTLAND, MAINE 04101, CUMBERLAND County			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
Birth Date	Birth Place				
Occupation : POLICE OFFICER		Employer : POLICE DEPARTMENT			
Ethnic Origin : NONHISPANIC		Body Marks:			
Adult/Juvenile : ADULT					
End of Person: 2					

P E R S O N 3	Person Type	Business/Person Name			Business Phone
	SUSPECT	[REDACTED]			
	Home Phone	Person Address			
	Other Phone	Employer Address			
		[REDACTED]			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	BLACK	Male			
Birth Date	Birth Place				
[REDACTED]					
Age : 25		Adult/Juvenile : ADULT			

Reporting Officer	Department	Report Status:
CHARLES H HODGDON (9998)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
MULRY, DAVID J.		01/28/2014 05:54
Verifying Officer	Department	Date / Time
David R Mulry (8598)	PORTLAND POLICE DEPARTMENT	01/28/2014 05:54

01-14-000806

Portland Police Department

Report 01/28/2014 04:17

Incident Report

Case # 01-14-000806

Occupation : UNKNOWN	Body Marks:
Ethnic Origin : NONHISPANIC	
End of Person:	3

N A R R A T I V E	Topic	SUPPLEMENTAL NARRATIVE
	ON 01-28-14 AT APPROXIMATELY 01:19 HOURS, OFFICER LEADBETTER AND I (OFFICER HODGDON) WERE ON A TRAFFIC STOP AT THE INTERSECTION OF CONGRESS STREET AND PEARL STREET. I WAS DRIVING VEHICLE 1030. AT THIS TIME OFFICER HAGERTY ADVISED OVER THE RADIO THAT SHE HEARD GUN SHOTS IN THE AREA ON INDIA STREET AND HAMPSHIRE STREET.	
	OFFICER LEADBETTER AND I THEN CLEARED OUR TRAFFIC STOP AND WENT TOWARDS THE AREA OF HAMPSHIRE STREET. WHILE TRAVELING SOUTH ON FRANKLIN STREET I SHINED MY SPOT LIGHT ON THE EAST SIDE OF FRANKLIN STREET TOWARDS HAMPSHIRE STREET. I OBSERVED A BLACK MALE JUMP A WIRE FENCE ON THE EDGE OF FRANKLIN STREET AND LAND ON THE SIDEWALK. I THEN STOPPED MY VEHICLE. OFFICER LEADBETTER AND I THEN CROSSED THE MEDIAN THAT SEPARATES THE NORTH AND SOUTH LANES OF FRANKLIN STREET ON FOOT. OFFICER LEADBETTER TOLD THE MALE TO GET ON HIS STOMACH AND HE DID. I THEN DETAINED THE BLACK MALE IN HANDCUFFS. I PATTED DOWN THE BLACK MALE AND FOUND NOTHING EXCEPT PAPERWORK AND A CELL PHONE. I LATER IDENTIFIED THE MALE AS [REDACTED] WAS WEARING A BLACK HAT, BLACK SWEATSHIRT AND DARK PANTS. OFFICER MCDONALD, OFFICER BROWN AND OFFICER JAYNES ALSO ARRIVED ON SCENE. OFFICER BROWN AND I STAYED WITH [REDACTED] WHILE OFFICER LEADBETTER, MCDONALD AND JAYNES SEARCHED THE AREA ON FOOT FOR POSSIBLE SUSPECTS.	
	I PLACED [REDACTED] IN THE BACK SEAT OF VEHICLE 1006. I ASKED [REDACTED] TO TELL ME WHAT HAPPENED ON HAMPSHIRE STREET. [REDACTED] SAID THAT HE WAS AT SANGILLOS TAVERN DRINKING WITH HIS FRIEND. [REDACTED] SAID THAT THERE WAS AN ALTERCATION INSIDE THE BAR BETWEEN SOME PEOPLE. [REDACTED] SAID THAT HE WAS OUTSIDE ON THE SIDEWALK WITH HIS FRIEND AND HEARD TWO POPPING NOISES. [REDACTED] SAID THAT HE THOUGHT THE NOISE WAS FROM FIREWORKS. [REDACTED] TOLD ME THAT HIS FRIEND THEN SAID "OH!". [REDACTED] SAID THAT HIS FRIEND WAS NEXT TO HIM AND HE COULD TELL HIS FRIEND WAS SHOT. [REDACTED] STATED THAT HE DIDN'T SEE A SHOOTER OR A GUN BUT SAW A BLACK GUY IN A WHITE SHIRT RUNNING AWAY FROM HIM. [REDACTED] SAID THAT THE BLACK MALE IN THE WHITE SHIRT ALSO HAD DARK PANTS AND SILVER SHOES ON. [REDACTED] SAID THAT HE TOOK OFF RUNNING AND WENT LEFT WHILE THE MALE IN THE WHITE SHIRT WENT RIGHT. [REDACTED] STATED THAT HE THEN CUT THREW AND ALLEY AND ENDED UP AT THIS LOCATION. OFFICER LEADBETTER THEN TRANSPORTER [REDACTED] TO 109 MIDDLE STREET FOR FURTHER QUESTIONING. THIS INCIDENT WAS RECORDED ON THE CAMERA SYSTEM OF VEHICLE 1030 AND 1006.	
	End of Narrative:	1

Reporting Officer CHARLES H HODGDON (9998)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer MULRY, DAVID J.		Date/Time 01/28/2014 05:54
Verifying Officer David R Mulry (8598)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 05:54

01-14-000806

Portland Police Department

Report 01/28/2014 04:28

Incident Report

Case # 01-14-000806

N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 04:28	01/28/2014 01:21	01/28/2014 01:21	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	ELEVATED AGGRAVATED ASSAULT				
	Common Name				
	SANGILLO'S - 18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)				
	Day of Week : TUESDAY		Officer Vehicle # : 1921RZ		
	Hate/Bias : Unknown		Location Type : BAR/NIGHT CLUB		
	Type of Report : SUPPLEMENT REPORT		Total Damaged Property Value : \$0.00		
	Video/Audio (Yes/No) : NO/YES		Total Stolen Property Value : \$0.00		
	Officer Vehicle # : 1921RZ		Total Recovered Property Value : \$0.00		

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	OTHER PERSON				
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
WHITE	Male				
Birth Date	Birth Place				
Age : 43		Min. Height : 5'8 "			
Occupation : UNKNOWN		Min. Weight : 165 lbs			
Operator's License State : MAINE		Adult/Juvenile : ADULT			
Operator's License Country : UNITED STATES		Body Marks:			
Ethnic Origin : NONHISPANIC					
End of Person: 1					

N A R R A T I V E 1	Topic	SUPPLEMENTAL NARRATIVE
	ON TUESDAY, 01/28/2014 AT APPROXIMATELY 0200 HRS, I, OFC. H. BROWN RESPONDED TO 18 SANGILLO'S TO ASSIST WITH WITNESS STATEMENTS. SGT. FARRIS REQUESTED THAT ALL THE OCCUPANTS INSIDE THE BAR AT THE TIME OF THE SHOOTING BE IDENTIFIED AND INTERVIEW FOR ANY POSSIBLE RELEVANT INFORMATION. OFC. JOHNSON REQUESTED THAT I TAKE A STATEMENT FROM ONE OF THE GENTLEMAN THAT WAS INSIDE. AT THAT TIME, I SPOKE TO A MALE WHO WAS VERBALLY IDENTIFIED AS [REDACTED]. [REDACTED] STATED THAT HE WAS INSIDE THE BAR WHEN HE SAW SEVERAL MALES (APPROXIMATELY TEN) AT THE END OF THE BAR STANDING NEAR THE ENTRANCE. [REDACTED] SAID AT ONE POINT HE LOOKED OVER AND SAW AN UNKNOWN BLACK MALE (UNKNOWN DESCRIPTION). SAY "THAT'S GOING TO BE \$25.00". [REDACTED] SAID IT CAUGHT HIS ATTENTION BECAUSE HE THOUGHT THAT HE MIGHT BE OVER HEARING A DRUG DEAL. [REDACTED] SAID THAT THE BLACK MALE WAS FACING A WHITE MALE IN HIS MID TO LATE TWENTIES. [REDACTED] SAID THEY ALL LOOKED AS IF THEY KNEW EACH OTHER BUT HE HAD NEVER SEEN ANY OF THEM BEFORE AND DID NOT KNOW WHO THEY WERE. [REDACTED] SAID AT ONE POINT HE SAW ANOTHER BLACK MALE (AT LEAST 6'0, LARGER STATURE, LIGHT COLORED PULL OVER SHIRT, DARK PANTS, TRIMMED DARK HAIR) SAY TO THE WHITE MALE THAT "HE WILL FUCK HIM UP". [REDACTED] SAID THE MALE WAS EXTREMELY AGITATED AND ANOTHER UNKNOWN MALE WAS HOLDING HIM BACK. [REDACTED] ADVISED ME THAT HE WOULD RECOGNIZE THEM AGAIN IF HE SAW THEM. [REDACTED] TOLD ME THAT HE DID NOT WITNESS ANY PHYSICAL ALTERCATION OR THE SHOOTING AND DID NOT HEAR ANYTHING ABOUT SOMEONE HAVING A GUN. [REDACTED] SAID	

Reporting Officer	Department	Report Status:
HEATHER MERYLE BROWN (9528)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
FARRIS, TIMOTHY L.		01/28/2014 05:32
Verifying Officer	Department	Date / Time
SGT TIMOTHY L FARRIS (4413)	PORTLAND POLICE DEPARTMENT	01/28/2014 05:32

Portland Police Department

Report 01/28/2014 04:28

Incident Report

Case # 01-14-000806

HE DID NOT WITNESS THEM ALL LEAVING THE BAR.

I PLACED [REDACTED] STATEMENT INTO RECORDS AT POLICE HEADQUARTERS.

END OF SUPPLEMENTAL.

End of Narrative: 1

Reporting Officer HEATHER MERYLE BROWN (9528)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer FARRIS, TIMOTHY L.		Date/Time 01/28/2014 05:32
Verifying Officer SGT TIMOTHY L FARRIS (4413)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 05:32

01-14-000806

Portland Police Department

Incident Report

Report: 01/29/2014 11:02

Case # 01-14-000806

N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/29/2014 11:02			Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	ELEVATED AGGRAVATED ASSAULT				
	Common Name				
	18 HAMPSHIRE ST PORTLAND, MAINE				
	Hate/Bias : Unknown		Total Damaged Property Value : \$0.00		
	Location Type : HIGHWAY/ROADWAY		Total Stolen Property Value : \$0.00		
	Alcohol Related : UNKNOWN		Total Recovered Property Value : \$0.00		
	Drug Related : UNKNOWN				

N A R R A T I V E	Topic	SUPPLEMENTAL NARRATIVE
	1	On 01/29/2014 at approximately 1030 hours, I, Evidence Technician Kevin McCarthy along with Evidence Technician Stearns, went back to Hampshire Street and the scene of the shooting in front of Sangillo's Tavern. In reviewing the scene we looked for the third fired bullet strike. While looking around, I found a horizontal whitish oval mark on the East side of the Northeast Bank (located at the corner of Middle St. and Hampshire St and next to Sangillo's), that was approximately door handle high on a red brick fatade. I looked closer at the mark and it appeared to contain some metallic pieces. The strike indicated the object came from the area of Hampshire Street in front of Sangillo's and ricocheted towards the Pepper Club restaurant on Middle Street. I walked across the street to the sidewalk in front of the Pepper Club and looked around for any bullet fragments. In front of the Pepper Club, on the sidewalk, I found what appeared to be a deformed lead bullet. I advised ET Stearns of my findings. ET Stearns photographed the area and collected the bullet fragment. The photographic images will be on file in the police laboratory under the date and case number. Evidence Technician Kevin McCarthy
		End of Narrative: 1

Reporting Officer	Department	Report Status:
KEVIN MICHAEL MCCARTHY (4363)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
Verifying Officer	Department	Date / Time
DEAN GOODALE (34)	PORTLAND POLICE DEPARTMENT	01/29/2014 11:34

Portland Police Department

Report 01/28/2014 02:27

Case # 01-14-000806

Incident Report

Case #	Report	Occurred From	Occurred To	Report Type
01-14-000806	01/28/2014 02:27	01/28/2014 01:36	01/28/2014 01:36	Supplemental
Dept. Classification	Case Status	Case Status Date	Cleared	
ELEVATED AGGRAVATED ASSAULT			01/28/2014 00:00	
Common Name				
FEDERAL HAMPSHIRE PORTLAND, MAINE				
Day of Week : TUESDAY		Video/Audio (Yes/No) : YES		
Dispatched : 01/28/2014 01:36		Accident Number : NA		
Responded : 01/28/2014 01:36		Officer Vehicle # : 1007		
Arrived : 01/28/2014 01:37		Location Type : HIGHWAY/ROADWAY		
Hate/Bias : NO		Alcohol Related : UNKNOWN		
Gang Related : NO		Drug Related : UNKNOWN		
Type of Report : SUPPLEMENT REPORT		Total Damaged Property Value : \$0.00		
Victim Advocate Involv : NA		Total Stolen Property Value : \$0.00		
Evidence Technician name (Last First) : PELLERIN		Total Recovered Property Value : \$0.00		

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	WITNESS	[REDACTED]			
	Home Phone	Person Address			
	[REDACTED]	[REDACTED]			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	BLACK	Male	[REDACTED]		[REDACTED]
	Birth Date	Birth Place			
	Age : 20 Operator's License State: DELAWARE Ethnic Origin : NONHISPANIC Min. Height : 5'09" Max. Height : 5'09" Min. Weight : 145 lbs Max. Weight : 145 lbs Adult/Juvenile : ADULT Coat : BLUE WINTR Hat : NA Shirt : BLACK RD POLO				
	Pants : BLACK STONE WSH Shoes : TAN LUGZ BOOTS Hair Color : BLACK Hair Length : SHORT (UP TO 1/2") Hair Style : SHAVED Facial Hair : GOTEE Eye Color : HAZEL Build : THIN Complexion : MEDIUM BROWN Glasses : NO Body Marks:				
End of Person: 1					

P E R S O N 2	Person Type	Business/Person Name			Business Phone
	OFFICER	JASON LEADBETTER			
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
	Birth Date	Birth Place			
	Adult/Juvenile : ADULT Employer : PORTLAND POLICE DEPT.				
	Body Marks:				
	End of Person: 2				

Reporting Officer	Department	Report Status:
ARLES FRAZIER (744084)		Approved
Supervising Officer		Date/Time
MULRY, DAVID J.		01/28/2014 05:51
Verifying Officer	Department	Date / Time
David R Mulry (8598)	PORTLAND POLICE DEPARTMENT	01/28/2014 05:51

Portland Police Department

Report 01/28/2014 02:27

Case # 01-14-000806

Incident Report

PERSON

3

Person Type OFFICER		Business/Person Name CHARLES FRAZIER		Business Phone	
Home Phone		Person Address			
Other Phone		Employer Address			
Race WHITE	Sex Male	SSN	DL Exp. Date	Operator's License Number	
Birth Date		Birth Place			
Adult/Juvenile : ADULT					
Employer : PORTLAND POLICE DEPT.					
Body Marks:					
End of Person: 3					

NARRATIVE

1

SUPPLEMENTAL NARRATIVE

Topic
ON 1-28-2014 AT APPROX. 135HRS I OFFICER C. FRAZIER TOOK TEMPORARY CUSTODY OF [REDACTED] IN THE BACK OF POLICE CRUISER #1007. [REDACTED] WAS DETAINED BY OFFICER J. LEADBETTER AS A POSSIBLE WITNESS TO A SHOOTING INCIDENT. [REDACTED] WAS FOUND IN THE AREA OF FEDERAL ST. AND HAMPSHIRE ST.

[REDACTED] WAS DETAINED IN VEHICLE 1007 WITH THE RECORDING DEVICE OPERATIONAL. PORTLAND POLICE DISPATCH CONFIRMED THE [REDACTED] HAS A ACTIVE WARRANT FOR PROBATION REVOCATION P.O. TROY THORTON.

AT APPROX. 0430HRS. I TURNED CUSTODY OF [REDACTED] TO DETECTIVE GIESECKE AT 109 MIDDLE ST.

IT SHOULD BE NOTED THAT [REDACTED] DID MENTION THAT HE WAS RIDING WITH HIS COUSIN IN A GRAND MARQUIS. ADDITIONALLY [REDACTED] STATED THAT HE KNEW SEVERAL OF THE OTHER MALES FROM PHILADELPHIA.

[REDACTED] HAS RELATIONS WITH A [REDACTED] AND IS IN THE PORTLAND AREA VISITING HER.

ADDITIONALLY AS I WAS RESPONDING TO THE AREA OF THE INCIDENT I OBSERVED A 2001 GOLD CHEVORLET TAHOE [REDACTED] DRIVING OUTBOUND ON PARK AVE. TAKING A RIGHT ONTO DEERING AVE. THE VEHICLE WAS DRIVING SLOW AND CAUGHT MY ATTENTION AS I WAS HEADING TO THE AREA.

[REDACTED]

Reporting Officer ARLES FRAZIER (744084)	Department	Report Status: Approved
Supervising Officer MULRY, DAVID J.		Date/Time 01/28/2014 05:51
Verifying Officer David R Mulry (8598)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 05:51

Remaining pgs. all content
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01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 05:55

Case # 01-14-000806

N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 05:55	01/28/2014 01:21	01/28/2014 05:56	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	ELEVATED AGGRAVATED ASSAULT				01/28/2014 05:56
	Common Name				
	SANGILLO'S - 18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)				
	Day of Week : TUESDAY		Video/Audio (Yes/No) : YES/YES		
	Dispatched : 01/28/2014 01:23		Accident Number : N/A		
	Responded : 01/28/2014 01:23		Officer Vehicle # : 1473SJ		
	Arrived : 01/28/2014 01:36		Location Type : BAR/NIGHT CLUB		
	Hate/Bias : NO		Alcohol Related : UNKNOWN		
	Gang Related : NO		Drug Related : UNKNOWN		
	Type of Report : SUPPLEMENT REPORT		Total Damaged Property Value : \$0.00		
	Victim Advocate Invol : NO/NO		Total Stolen Property Value : \$0.00		
	Evidence Technician name (Last First) : STEARNS, CHRIS/PELLERIN, FRANK		Total Recovered Property Value : \$0.00		

N A R R A T I V E	Topic	SUPPLEMENTAL NARRATIVE
	1	ON 01/28/2014 AT APPROXIMATELY 0123 HOURS I, OFFICER ERIK RICHARD WAS WORKING A CRIME SUPPRESSION DETAIL IN AN BLACK UNMARKED CROWN VIC WITH MAINE PASSENGER CAR 1473SJ, WITH OFFICER KWOK. AT THAT TIME OFFICER KWOK AND I HEARD OFFICER HAGERTY CALL OUT ON THE RADIO THAT SHE HAD HEARD SHOTS FIRED AT 18 HAMPSHIRE STREET.
		WHILE IN ROUTE OFFICER KWOK AND I HEARD OFFICER HAGERTY ON THE RADIO STATE THAT THERE WAS ONE PERSON RUNNING AND OFFICER AGUILERA WAS PURSUING THAT PERSON. OFFICER KWOK AND I DROVE BEHIND 290 CONGRESS STREET TO OFFICER AGUILERA'S LOCATION WITH THE SUSPECT. UPON ARRIVAL OFFICER KWOK, OFFICER LEDBETTER AND I SEARCHED THE AREA AROUND OFFICER AGUILERA FOR ANY ADDITIONAL SUSPECTS. WE WERE UNABLE TO LOCATE ANY OTHER SUSPECTS IN THE AREA.
		I THEN HEARD VIA THE RADIO THAT OFFICER'S WERE NEEDED TO HELP WITH THE AREA OF 18 HAMPSHIRE STREET. I MOVED TO THE AREA WHERE I ASSISTED WITH THE OTHER SUSPECTS THAT HAD BEEN DETAINED. I THEN PLACED ONE OF THE DETAINED PEOPLE, [REDACTED] IN THE BACK OF VEHICLE 1005 WHILE HE WAS BEING DETAINED. I ACTIVATED THE IN CAR AUDIO AND VIDEO RECORDER OF VEHICLE 1005 WHILE [REDACTED] WAS IN THE REAR OF THE VEHICLE. THE IN CAR AUDIO AND VIDEO RECORDER WAS UNDER OFFICER ERIC JOHNSON'S NAME DUE TO HIM HAVING THE VEHICLE DURING THE INITIAL CALL. I THEN TRANSPORTED [REDACTED] TO THE FRONT OF 109 MIDDLE STREET, PER INSTRUCTION OF THE CRIMINAL INVESTIGATION DIVISION. I STAYED WITH [REDACTED] UNTIL HE HAD URINATED HIMSELF IN THE REAR OF VEHICLE 1005. [REDACTED] WAS TAKEN INSIDE 109 MIDDLE STREET BY OFFICER BENNIS WHILE I DISINFECTED THE REAR SEAT OF VEHICLE 1005. WHILE [REDACTED] WAS IN THE VEHICLE HE KEPT SAYING "I DIDN'T DO ANYTHING, I WAS JUST DRINKING IN A PUBLIC BAR."
		ONCE I WAS DONE DISINFECTING VEHICLE 1005 I TOOK CONTROL OF THE DETAINEE IN OFFICER BENNIS' VEHICLE (1003). THE DETAINEE IN THAT VEHICLE WAS [REDACTED]. THE IN CAR AUDIO AND VIDEO WAS ACTIVATED PRIOR TO ME TAKING [REDACTED]

Reporting Officer	Department	Report Status:
ERIK MATTHEW RICHARD (2745)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
FARRIS, TIMOTHY L.		01/28/2014 06:45
Verifying Officer	Department	Date / Time
SGT Timothy Farris (4413)	PORTLAND POLICE DEPARTMENT	01/28/2014 06:45

01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 05:55

Case # 01-14-000806

CONTROL OF [REDACTED] I WAS THEN INSTRUCTED TO TAKE [REDACTED] INSIDE 109 MIDDLE STREET TO THE CONFERENCE ROOM ON THE FIRST FLOOR TO AWAIT A DETECTIVE. I STAYED WITH [REDACTED] UNTIL THE DETECTIVE ARRIVED. [REDACTED] DID NOT MAKE ANY STATEMENTS TO ME DURING THAT TIME.
End of Narrative: 1

Reporting Officer DET. ERIK MATTHEW RICHARD (2745)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer FARRIS, TIMOTHY L.		Date/Time 01/28/2014 06:45
Verifying Officer SGT Timothy Farris (4413)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 06:45

Portland Police Department

Incident Report

Report 01/28/2014 19:44

Case # 01-14-000806

N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 19:44	01/28/2014 01:41	01/28/2014 01:41	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	INVESTIGATION				
	Common Name				
	SANGILLOS TAVERN - 18 HAMPSHIRE ST PORTLAND, MAINE 04101 (CUMBERLAND County)				
	Day of Week : TUESDAY		Location Type : BAR/NIGHT CLUB		
	Hate/Bias : Unknown		District : NOT APPLICABLE		
	Gang Related : UNKNOWN		Zone/Division : LATE (00:01-07:59)		
	Type of Report : SUPPLEMENT REPORT		Alcohol Related : UNKNOWN		
	Victim Advocate Invol : NO		Drug Related : UNKNOWN		
	Evidence Technician name (Last First) : PELLERIN, FRANK		Total Damaged Property Value : \$0.00		
	Video/Audio (Yes/No) : NO/NO		Total Stolen Property Value : \$0.00		
	Officer Vehicle # : N/A		Total Recovered Property Value : \$0.00		

V E H I C L E	Tag #	Tag Expiration	Year	Make	Model	Vehicle Style
			1996	GEO	PRIZM	4 DOOR SEDAN
	Tag Country	Tag State	Vehicle Type	VIN	Category	
		MAINE	AUTO		ASSOCIATE	
	Top Color : PURPLE			Insured : UNKNOWN		
Bottom Color : PURPLE			Keys in Vehicle : NO			
Vehicle Disposition : TOWED BY P.D.			Vehicle Locked : YES			
Damage Code : DURING OTHER OFFENSE						
End of Vehicle: 1						

N A T I V E	Topic	SUPPLEMENTAL NARRATIVE
	ON 01/28/2014, AT 1641 HOURS, I, EVIDENCE TECHNICIAN FRANK PELLERIN, RELEASED A PURPLE 1996 GEO PRIZM WITH MAINE REGISTRATION [REDACTED] TO [REDACTED]. THE VEHICLE HAD BEEN TOWED TO THE BASEMENT OF POLICE HEADQUARTERS EARLIER IN THE DAY AND SEARCHED WITH THE OWNER'S PERMISSION IN REGARDS TO A SHOOTING THAT HAD HAPPENED OUTSIDE OF 18 HAMPSHIRE STREET.	
End of Narrative: 1		

Reporting Officer	Department	Report Status:
ANK A PELLERIN (5650)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
CASHMAN, KEVIN		01/29/2014 10:08
Verifying Officer	Department	Date / Time
SGT KEVIN CASHMAN (7097)	PORTLAND POLICE DEPARTMENT	01/29/2014 10:08

Portland Police Department

Incident Report

Report 01/28/2014 05:30

Case # 01-14-000806

N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 05:30	01/28/2014 01:21	01/28/2014 01:21	Supplemental
	Dept. Classification	Case Status	Case Status Date	Cleared	
	ELEVATED AGGRAVATED ASSAULT				
	Common Name				
RITE AID - 290 CONGRESS ST PORTLAND, MAINE (CUMBERLAND County)					
Day of Week : TUESDAY			Officer Vehicle # : 1009		
Hate/Bias : Unknown			Location Type : PARKING LOT/GARAGE		
Gang Related : UNKNOWN			Alcohol Related : UNKNOWN		
Type of Report : SUPPLEMENT REPORT			Drug Related : UNKNOWN		
Victim Advocate Involv : NO/NO			Total Damaged Property Value : \$0.00		
Evidence Technician name (Last First) : ET STEARNS/ ET PELLERIN			Total Stolen Property Value : \$0.00		
Video/Audio (Yes/No) : YES			Total Recovered Property Value : \$0.00		
Accident Number : NA					

N A R R A T I V E	Topic	SUPPLEMENTAL NARRATIVE
	1	ON 1/28/2014, AT APPROXIMATELY 0121 HOURS, I (OFFICER MORRISON) WAS RIDING WITH OFFICER SAM TURNER IN VEHICLE 1009. AT THIS TIME WE WERE ASSIGNED A UNIFORMED PATROL DETAIL.
		AT 0121 HOURS, OFFICER TURNER AND I HEARD OFFICER HAGERTY CALL OVER THE RADIO THAT SHE HAD HEARD A SERIES OF GUN SHOTS COMING FROM THE AREA OF SANGILLO'S TAVERN ON HAMPSHIRE STREET. UPON HEARING OFFICER HAGERTY'S RADIO TRAFFIC, OFFICER TURNER AND I PROCEEDED TO THE AREA WHERE THE SHOTS WERE HEARD. WHILE EN-ROUTE, UPDATES WERE GIVEN BY OFFICERS ON SCENE REGARDING SEVERAL BLACK MALES SCATTERING FROM THE AREA WHERE THE GUN SHOTS WERE HEARD.
		BEFORE ARRIVING IN THE AREA, SGT FARRIS ADVISED THAT HE HAD A MAN DOWN NEAR SANGILLO'S TAVERN WITH A GUN SHOT WOUND UNDERNEATH HIS ARM PIT.
		OFFICER TURNER AND I APPROACHED THE AREA FROM FEDERAL STREET. WHILE ON FEDERAL STREET, WE HEARD OFFICER AGUILERA CALL OUT THAT HE HAD A MALE WHO WAS RUNNING FROM HIM IN THE PARKING LOT OF RITE AID, LOCATED AT 290 CONGRESS STREET. OFFICER TURNER AND I IMMEDIATELY PROCEEDED TO ASSIST OFFICER AGUILERA.
	UPON ENTERING THE RITE AID PARKING LOT FEDERAL STREET, WE OBSERVED OFFICER AGUILERA ON TOP OF A MALE. OFFICER AGUILERA WAS POSITIONED ADJACENT TO RITE AID, BETWEEN CONGRESS STREET AND FEDERAL STREET. OFFICER AGUILERA HAD CAUGHT THIS MALE AGAINST A CHAIN LINK FENCE, A SHORT DISTANCE FROM A DUMPSTER WHICH WAS PLACED AGAINST THE NORTH SIDE OF THE RITE AID BUILDING.	
	AT THIS TIME I WAS NOT AWARE OF THE MALE'S RACE OR IDENTITY. OFFICER AGUILERA YELLED FOR ME TO PLACE THE MALE IN HANDCUFFS. ONCE CLOSE TO OFFICER AGUILERA, I COULD SEE THAT THIS MALE WAS A SKINNY BLACK MALE, WITH A SMALL AMOUNT OF BLACK FACIAL HAIR, WEARING BLUE JEANS AND A PUFFY VEST. I PLACED THE BLACK MALE IN HANDCUFFS. I NOTICED THAT A BLACK, FLAT-BRIMMED HAT WAS LYING NEXT TO THE MALE ON THE GROUND. THIS BLACK FLAT-BRIMMED HAT HAD WHITE OUTLINE OF A DESIGN ON	

Reporting Officer	Department	Report Status:
L MATTHEW R MORRISON (9702)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
MULRY, DAVID J.		01/28/2014 06:18
Verifying Officer	Department	Date / Time
David R Mulry (8598)	PORTLAND POLICE DEPARTMENT	01/28/2014 06:19

01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 05:30

Case # 01-14-000806

THE FRONT, UNKNOWN TO ME AT THE TIME. OFFICER AGUILERA TOLD OFFICER TURNER AND I THAT THE MALE WAS REACHING FOR SOMETHING WHILE RUNNING FROM HIM.

A PAT DOWN OF THE SKINNY BLACK MALE'S PERSON YIELDED TO THE DISCOVERY OF A CLEAR BAGGIE CONTAINING A LARGE AMOUNT OF MARIJUANA. THIS BAGGIE WAS FOUND IN THE FRONT LEFT POCKET OF THE MALE'S VEST. \$1950.00 IN CASH WAS ALSO FOUND IN THE SKINNY BLACK MALE'S LEFT JEANS POCKET. THIS SKINNY BLACK MALE WAS PLACED INSIDE OF VEHICLE 1009 WHILE OFFICERS CANVASSED THE AREA FOR A HANDGUN IN THE AREA.

DURING THIS TIME PERIOD, OTHER UNITS IN THE AREA OF 290 CONGRESS STREET WERE CALLING OUT THAT THEY HAD MORE SUBJECTS DETAINED IN RELATION TO THIS INCIDENT.

A SHORT TIME AFTER PLACING THE SKINNY BLACK MALE INTO VEHICLE 1009, I HEARD OFFICER ROZZI CALL ON THE RADIO THAT HE HAD LOCATED A HANDGUN UNDERNEATH THE DUMPSTER LOCATED ON THE NORTH SIDE OF RITE AID.

WHILE CONDUCTING A SECONDARY SEARCH OF THE PARKING LOT ON THE CONGRESS STREET SIDE OF RITE AID, I NOTICED A DARK COLORED HOODED SWEATSHIRT LYING NEAR SEVERAL PICK UP TRUCKS ON THE CONGRESS STREET SIDE OF THE RITE AID PARKING LOT, DIRECTLY IN FRONT OF RITE AID. OFFICERS ON SCENE WERE ALREADY AWARE OF THE PRESENCE OF THIS SWEATSHIRT. AT THE TIME OF THIS REPORT I AM UNAWARE WHO FIRST POINTED OUT THIS SWEATSHIRT, OR ITS RELATION TO THIS INCIDENT.

UPON THE REQUEST OF ON-SCENE SUPERVISORS, OFFICER TURNER AND I TRANSPORTED THE SKINNY BLACK MALE TO THE PORTLAND POLICE DEPARTMENT TO BE INTERVIEWED BY CID. AT THE TIME OF TRANSPORT, THE SKINNY BLACK MALE IDENTIFIED HIMSELF AS [REDACTED]. I OBTAINED A MUG SHOT OF THE MALE BY THIS NAME AND FOUND THE MALE IN CUSTODY TO MATCH THE MUG SHOT.

OFFICER TURNER AND I REMAINED INSIDE VEHICLE 1009 WITH [REDACTED] UNTIL CID SGT GOODALE REQUESTED THAT HE BE BROUGHT UPSTAIRS TO THE INTERVIEW ROOM. PORTIONS OF THIS CALL, AS WELL AS [REDACTED] TRANSPORT WERE CAPTURED ON THE IN CAR VIDEO SYSTEM IN VEHICLE 1009.

End of Narrative: 1

Reporting Officer JL MATTHEW R MORRISON (9702)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer MULRY, DAVID J.		Date/Time 01/28/2014 06:18
Verifying Officer David R Mulry (8598)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 06:19

01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 05:50

Case # 01-14-000806

Case # 01-14-000806	Report 01/28/2014 05:50	Occurred From 01/28/2014 01:21	Occurred To 01/28/2014 01:40	Report Type Supplemental
Dept. Classification ELEVATED AGGRAVATED ASSAULT		Case Status	Case Status Date	Cleared 01/28/2014 05:50
Common Name 18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)				
Day of Week : TUESDAY Dispatched : 01/28/2014 01:21 Responded : 01/28/2014 01:21 Arrived : 01/28/2014 01:22 Hate/Bias : NO Gang Related : UNKNOWN Type of Report : SUPPLEMENT REPORT Victim Advocate Involv : NO/NO Evidence Technician name (Last First) : PELLERIN, FRANK			Video/Audio (Yes/No) : YES/YES Accident Number : N/A Officer Vehicle # : 1030 Location Type : BAR/NIGHT CLUB Alcohol Related : NO Drug Related : NO Total Damaged Property Value : \$0.00 Total Stolen Property Value : \$0.00 Total Recovered Property Value : \$0.00	

P E R S O N 1	Person Type WITNESS	Business/Person Name [REDACTED]			Business Phone
	Home Phone	Person Address [REDACTED]			
	Other Phone [REDACTED]	Employer Address			
	Race BLACK	Sex Male	SSN	DL Exp. Date	Operator's License Number [REDACTED]
	Birth Date [REDACTED]	Birth Place			
	Age : 25 Occupation : U/E Operator's License State : [REDACTED] Ethnic Origin : NONHISPANIC Min. Height : 5'98" Min. Weight : 220 lbs Adult/Juvenile : ADULT			Employer : U/E Coat : BLUE/RED Hat : BLACK Pants : DARK JEANS Shoes : BLUE Body Marks:	
	End of Person: 1				

SUPPLEMENTAL NARRATIVE

NARRATIVE 1

On Tuesday January 28, 2014 at approximately 0121 hours Officer Hodgdon and I, Officer Leadbetter, were on routine patrol in a marked police vehicle (1030) when we heard Officer Hagerty call out over the radio that she heard shots fired near Sangillos located at 18 Hampshire St. with multiple individuals running away.

Officer Hodgdon and I responded to the area moments later to see a black male wearing a blue and red hooded sweatshirt, dark blue jeans, and blue shoes jumping over a chain link fence on to Franklin St. coming from East Federal St. Officer Hodgdon and I ordered the male to show his hand and to lay down on the ground. Officer Hodgdon then approached the male, later identified as [REDACTED] and placed him in handcuffs for officer safety. At that time Officer H. Brown, McDonald, and Jaynes arrived at our location. Officer H. Brown and Hodgdon stayed at the location putting [REDACTED] into the back of police vehicle 1006, While Officer McDonald, Jaynes, and I searched the area of East Federal St. where [REDACTED] had came from.

While searching the area Officer McDonald, Jaynes, and I saw a black male wearing blue jacket, black

Reporting Officer TL JASON E LEADBETTER (1790)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer FARRIS, TIMOTHY L.		Date/Time 01/28/2014 06:56
Verifying Officer SGT Timothy Farris (4413)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 06:57

Portland Police Department

Incident Report

Report 01/28/2014 05:50

Case # 01-14-000806

polo, dark colored jeans, and tan boots crossing East Federal St. at Hampshire St. Officer McDonald, Jaynes, and I ordered the male, later identified as [REDACTED], to show his hand and to lay down on the ground. Officer Jaynes approached the male and handcuffed him for officer safety. Officer Frazier arrived and placed the male in the back of police vehicle 1007.

I then went back to Officer H. Brown and Hodgdon's location and transported [REDACTED] to the Portland Police Station located at 109 Middle St. at approximately 0153 hours. [REDACTED] stayed in the back seat of the police vehicle until approximately 0240 hours when I brought him into 109 Middle St. to the first floor intoxilyser interview room. While waiting for Detective Dunham, [REDACTED] without being asked any question kept talking about the shooting. [REDACTED] stated that he had been hanging out with his friend [REDACTED] this evening since approximately 1900 hours on Monday January 27, 2014. [REDACTED] That they went to Kennedy Park to buy marijuana before heading to Sangillos. That while at Sangillos a group of males had been arguing inside the bar. When the bar closed and everyone was outside, a male pulled out a hand gun and shot [REDACTED] who was standing next to [REDACTED]. [REDACTED] then ran off for help. [REDACTED] believed that the male was attempting to shoot at a group of four males who were in the parking lot but that he hit [REDACTED] instead. I stayed in the interview room while Det. Dunham interviewed [REDACTED] and brought him outside twice for a smoke. This incident was both video and audio recorded.

End of Narrative: 1

Reporting Officer TL JASON E LEADBETTER (1790)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer FARRIS, TIMOTHY L.		Date/Time 01/28/2014 06:56
Verifying Officer SGT Timothy Farris (4413)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 06:57

01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 03:48

Case # 01-14-000806

Case #	Report	Occurred From	Occurred To	Report Type
01-14-000806	01/28/2014 03:48	01/28/2014 01:21		Supplemental
Dept. Classification		Case Status	Case Status Date	Cleared
ELEVATED AGGRAVATED ASSAULT				
Common Name		Location Type : HIGHWAY/ROADWAY		
18 HAMPSHIRE ST PORTLAND, MAINE		Alcohol Related : YES		
Day of Week : TUESDAY		Drug Related : UNKNOWN		
Hate/Bias : Unknown		Total Damaged Property Value : \$0.00		
Gang Related : UNKNOWN		Total Stolen Property Value : \$0.00		
Type of Report : SUPPLEMENT REPORT		Total Recovered Property Value : \$0.00		
Video/Audio (Yes/No) : YES/YES				
Officer Vehicle # : 1018				

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	OFFICER	BRENT ABBOTT			
	Home Phone	Person Address			
	Other Phone	Employer Address			Operator's License Number
		CUMBERLAND County			
	Race	Sex	SSN	DL Exp. Date	
	WHITE	Male			
	Birth Date	Birth Place			
Ethnic Origin : NONHISPANIC		Employer : POLICE DEPARTMENT			
Adult/Juvenile : ADULT		Body Marks:			
End of Person: 1					

A R R A T I V E 1	Topic	SUPPLEMENTAL NARRATIVE
	ON 01/28/14 AT APPROXIMATELY 0121 HOURS, I HEARD OFFICER HAGERTY OVER THE RADIO CALL OUT THAT SHE HEARD SHOTS FIRED NEAR SANGILLO'S (18 HAMPSHIRE ST). AT THAT TIME I HAD JUST PULLED INTO THE BACK GARAGE OF 109 MIDDLE ST (POLICE STATION). I CONTINUED DOWN THE GARAGE AND TURNED OUT THE DRIVE WAY LEADING TO MIDDLE ST. AS I MADE MY TURN I STRUCK THE PASSENGER SIDE FRONT CORNER AGAINST THE GATE. [REDACTED] OFFICER HAGERTY CALLED OUT THAT THE SUBJECTS WERE RUNNING UP HAMPSHIRE ST TOWARDS CONGRESS. I CONTINUED NORTH ON FRANKLIN ALT AND THEN MADE A U-TURN AND CONTINUED BACK TO THE SCENE AT SANGILLO'S. OFFICER JOHNSON WAS ON SCENE IN FRONT OF SANGILLO'S (MIDDLE ST SIDE). AS I GOT OUT OF MY PATROL CAR I COULD HEAR WHAT SOUNDED LIKE A MALE'S VOICE CRYING OUT IN PAIN. I COULD SEE AND GROUP OF PEOPLE SITTING ON THE GROUND IN FRONT OF SANGILLO'S IN THE PARKING LOT AND A VEHICLE [REDACTED] MERCURY MARQUIS) THAT WAS HALF WAY IN THE PARKING LOT AND THE FRONT END ON HAMPSHIRE ST. I MOVED AROUND TO SEE IF I COULD LOCATE THE MALE THAT WAS CRYING OUT. I NOTICED HIM LYING ON THE GROUND NEXT TO ANOTHER VEHICLE [REDACTED] PURPLE IN COLOR). I MADE MY APPROACH TO THE SUBJECT ON THE GROUND JUST AS SGT. FARRIS WAS DRIVING DOWN HAMPSHIRE ST AND PARKED NEXT TO HIM. THE SUBJECT WAS STATING THAT HE WAS SHOT. WE ASKED HIM WHERE HE WAS SHOT AND THE SUBJECT STATED THAT HE DIDN'T KNOW. WE ASKED HIM WHERE HE WAS HURTING AND THE SUBJECT STATED EVERYWHERE. SGT. TITCOMB, SGT FARRIS, AND I	

Reporting Officer	Department	Report Status:
BRENT D ABBOTT (7173)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
TITCOMB, JACOB W.		01/28/2014 05:49
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 05:49

01-14-000806

Portland Police Department

Report 01/28/2014 03:48

Incident Report

Case # 01-14-000806

MOVED THE SUBJECTS CLOTHES AROUND UNTIL WE LOCATED A SMALL (ENTRY) WOUND BEHIND HIS RIGHT UNDERARM. THERE WAS LITTLE BLOOD BUT THE SUBJECT CONTINUED TO COMPLAIN OF PAIN. WHILE WAITING ON MEDCU SGT. FARRIS AND I LOCATED THREE .45 CAL SHELLS NEAR WHERE THE SUBJECT WAS LYING. THE SUBJECT THAT WAS SHOT ACTUALLY HELD UP ONE OF THE SPENT SHELLS AND SHOWED US. AFTER THE SUBJECT WAS TRANSPORTED TO MAINE MEDICAL CENTER I NOTICED A BULLET HOLE IN THE FRONT DRIVER SIDE DOOR OF THE PURPLE CAR. LOCATED UNDER SGT. FARRIS' PATROL CAR WAS A BLACK HAT (BEANIE). ON THE FAR NORTHWEST SIDE OF THE BUILDING (SANGILLO'S) WERE THREE PASBT BLUE RIBBON BEER CANS. I GUARDED THE SPENT .45 CAL SHELLS, BLACK HAT, PURPLE CAR (██████), AND THREE PASBT BLUE RIBBON BEER CAN UNTIL EVIDENCE TECH STEARNS ARRIVED ON SCENE.

I WAS IN VEHICLE 1018 AND DID NOT HAVE THE RECORDER ACTIVATED.

I HAD NO FURTHER INVOLVEMENT.

End of Narrative: 1

Reporting Officer PTL BRENT D ABBOTT (7173)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer TITCOMB, JACOB W.		Date/Time 01/28/2014 05:49
Verifying Officer PTL JACOB W TITCOMB (6494)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 05:49

01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 07:31

Case # 01-14-000806

N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 07:31			Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	ELEVATED AGGRAVATED ASSAULT				
	Common Name				
	Hate/Bias : NO		Total Damaged Property Value : \$0.00		
	Type of Report : SUPPLEMENT REPORT		Total Stolen Property Value : \$0.00		
	Officer Vehicle # : 1006		Total Recovered Property Value : \$0.00		

N A R R A T I V E	Topic	SUPPLEMENTAL NARRATIVE
	ON 01/28/2014 AT APPROXIMATELY 0600 HOURS I, OFFICER ERIK RICHARD WAS CONDUCTING A VEHICLE INSPECTION OF VEHICLE 1006.	
	UPON INSPECTION OF THE REAR SEAT I FOUND A BLACK STARTER BASEBALL HAT WITH THE WORDS "DESTROY" AND "WORLDWIDE", AS WELL AS A REDWING STITCHED ONTO THE FRONT OF THE HAT. AT THIS TIME IT IS UNSURE WHICH OF THE SEVEN PEOPLE DETAINED AND TRANSPORTED TO 109 MIDDLE STREET WAS IN THE REAR SEAT OF VEHICLE 1006. I PLACED THE HAT INTO EVIDENCE LOCKER #010 AT 109 MIDDLE STREET.	
	I ALSO LATER LEARNED THAT IN MY INITIAL SUPPLEMENT THE PERSON THAT I TRANSPORTED FROM THE SCENE TO 109 MIDDLE STREET GAVE ME THE NAME OF [REDACTED] THE CORRECT NAME OF THE PERSON I TRANSPORTED WAS [REDACTED]	
	End of Narrative: 1	

Reporting Officer	Department	Report Status:
ERIK MATTHEW RICHARD (2745)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
FARRIS, TIMOTHY L.		01/28/2014 08:02
Verifying Officer	Department	Date / Time
SGT TIMOTHY L FARRIS (4413)	PORTLAND POLICE DEPARTMENT	01/28/2014 08:02

01-14-000806

Portland Police Department

Incident Report

Report 02/01/2014 17:11

Case # 01-14-000958

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000958	02/01/2014 17:11	01/28/2014 01:21		Original
	Dept. Classification		Case Status	Case Status Date	
	LIQUOR ENFORCEMENT INVESTIGATION				Cleared 01/29/2014 10:34
	Common Name				
SANGILLOS - 18 HAMPSHIRE ST PORTLAND, MAINE					
Day of Week : TUESDAY Dispatched : 01/28/2014 01:21 Responded : 01/28/2014 01:38 Arrived : 01/28/2014 01:21 Map Reference : 1B Related Cases : 14-000806 Hate/Bias : NO Gang Related : NO Type of Report : INCIDENT REPORT Victim Advocate Involvement : NO/NO Evidence Technician name (Last First) : NO/NO Evidence Technician name (Last First) : NO/NO Video/Audio (Yes/No) : NO/NO Accident Number : NO/NO Officer Vehicle # : 1001 Location Type : BAR/NIGHT CLUB Beat Assignment : BEAT 1 Alcohol Related : YES Drug Related : UNKNOWN Total Damaged Property Value : \$0.00 Total Stolen Property Value : \$0.00 Total Recovered Property Value : \$0.00					

O F F E N S E 1	State Classification		Attempted/Committed
	FURNISHING LIQUOR TO A MINOR		COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
	FURNISHING LIQUOR TO A MINOR	BAR/NIGHT CLUB	
Weapon 1 : ALCOHOL			
End of Offense: 1			

O F F E N S E 2	State Classification		Attempted/Committed
	POSSESSION OF ALCOHOL BY A MINOR		COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
	POSSESSION OF ALCOHOL BY A MINOR	BAR/NIGHT CLUB	
Weapon 1 : ALCOHOL			
End of Offense: 2			

P E R S O N 1	Person Type		Business/Person Name		Business Phone
	SUSPECT		SANGILLOS		
	Home Phone		Person Address		
	Other Phone		Employer Address		
	Use Address from Incident Location Information				
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	Birth Date		Birth Place		
	Employer : SANGILLOS				
Body Marks:					
End of Person: 1					

Reporting Officer	Department	Report Status:
KALI N HAGERTY (8406)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
HUTCHESON, GARY		02/01/2014 19:03
Verifying Officer	Department	Date / Time
Lt. Gary L. Hutcheson (9341)	Portland	02/01/2014 19:04

Portland Police Department

Incident Report

Report 02/01/2014 17:11

Case # 01-14-000958

P E R S O N 2	Person Type	Business/Person Name			Business Phone
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race BLACK	Sex Male	SSN	DL Exp. Date	Operator's License Number
	Birth Date	Birth Place			
	Age : 19			Adult/Juvenile : ADULT	
	Ethnic Origin : NONHISPANIC			Body Marks:	
End of Person: 2					

P E R S O N 3	Person Type	Business/Person Name			Business Phone
	OTHER PERSON	Person Address			
	Home Phone	Employer Address			
	Other Phone	Employer Address			
	Race BLACK	Sex Male	SSN	DL Exp. Date	Operator's License Number
	Birth Date	Birth Place			
	Age : 29			Adult/Juvenile : ADULT	
Ethnic Origin : NONHISPANIC			Body Marks:		
End of Person: 3					

P E R S O N 4	Person Type	Business/Person Name			Business Phone
	OFFICER	KALI HAGERTY			
	Home Phone	Person Address			
	Other Phone	Employer Address 109 MIDDLE ST PORTLAND, MAINE 04101, CUMBERLAND County			
	Race WHITE	Sex Female	SSN	DL Exp. Date	Operator's License Number
	Birth Date	Birth Place			
	Ethnic Origin : NONHISPANIC			Employer : POLICE DEPARTMENT	
Adult/Juvenile : ADULT			Body Marks:		
End of Person: 4					

P E R S O N 5	Person Type	Business/Person Name			Business Phone
	OFFICER	DAN AUGILERA			
	Home Phone	Person Address			
	Other Phone	Employer Address 109 MIDDLE ST PORTLAND, MAINE 04101, CUMBERLAND County			
	Race HISPANIC	Sex Male	SSN	DL Exp. Date	Operator's License Number
	Birth Date	Birth Place			
	Ethnic Origin : HISPANIC			Employer : POLICE DEPARTMENT	
Adult/Juvenile : ADULT			Body Marks:		
End of Person: 5					

Reporting Officer Lt. KALI N HAGERTY (8406)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer HUTCHESON, GARY		Date/Time 02/01/2014 19:03
Verifying Officer Lt. Gary L Hutcheson (9341)	Department Portland	Date / Time 02/01/2014 19:04

01-14-000958

Portland Police Department

Incident Report

Report 02/01/2014 17:11

Case # 01-14-000958

N A R R A T I V E	1	Topic	ORIGINAL NARRATIVE
	On Monday January 28, 2014 shortly after 0120 hours Officer Aguilera and I stopped [REDACTED] and [REDACTED] in front of 290 Congress St. who were suspects in an elevated, aggravated, assault that occurred in front of Sangillos Bar located at 18 Hampshire St. Through the use of his Maine State identification card I was able to positively identify [REDACTED] and discovered that he was 19 years old [REDACTED]. While having contact with [REDACTED] I noticed a strong scent of intoxicants coming from his persons. I was later notified by CID Lt. Sweat that [REDACTED] was on Sangillos video footage drinking inside the bar that night. This report will be sent to CID for further follow up by those who actually watched the footage of [REDACTED] consuming alcohol inside the bar, with the intent of charging Sangillos with the following: Furnishing or allowing consumption of liquor by certain persons prohibited and Possession/ Consumption by a minor.		
End of Narrative: 1			

Reporting Officer CALI N HAGERTY (8405)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer HUTCHESON, GARY		Date/Time 02/01/2014 19:03
Verifying Officer Lt. Gary L. Hutcheson (9341)	Department Portland	Date / Time 02/01/2014 19:04

01-14-000958

Portland Police Department

Incident Report

Report 02/07/2014 10:21

Case # 01-14-000958

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000958	02/07/2014 10:21			Supplemental
	Dept. Classification	Case Status	Case Status Date	Cleared	
	LIQUOR ENFORCEMENT INVESTIGATION				
	Common Name				
	SANGILLO'S - 18 HAMPSHIRE ST PORTLAND, MAINE				
	Location Type : BAR/NIGHT CLUB		Total Stolen Property Value : \$0.00		
	Alcohol Related : YES		Total Recovered Property Value : \$0.00		
	Total Damaged Property Value : \$0.00				

N A R R A T I V E	Topic	SUPPLEMENTAL NARRATIVE
	On 02-07-14 at approximately 0930 hours I Sergeant Dean Goodale was asked by Lieutenant Sweatt to review video footage from Sangillo's. I am the detective supervisor assigned to a shooting that was reported in front of Sangillo's 18 Hampshire Street on 01-28-14 at approximately 0121 hours. During this investigation Officer Kali Hagerty stopped a male named [REDACTED] in the lot of 290 Congress Street. As detectives were conducting the investigation there was video footage of [REDACTED] exiting Sangillo's and walking away from Sandgillo's. Upon further review of the interior video I saw [REDACTED] enter the bar at 12:14:20 and immediately get a drink from a male who does not appear to be an employee and sit down at a table and consume the drink. I am not able to say what was in the drink that [REDACTED] was consuming. I recognize [REDACTED] because of the clothing that he is wearing which is a light blue hooded sweatshirt with a hat that appears to be the Detroit Lions hat with a straight brim that he was wearing when he was stopped. In the video he is also wearing a dark colored vest. When I reviewed the outside camera [REDACTED] is seen walking away wearing the same clothing, however when he is stopped at 290 Congress Street by Officer Hagerty he is not wearing the dark colored vest. He may have given the vest to someone else who was also identified during this investigation. I have made a copy of the footage from interior camera 3 and attached some still photos taken from the video.	
End of Narrative: 1		

Reporting Officer	Department	Report Status:
DEAN GOODALE (34)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
Verifying Officer	Department	Date / Time
DEAN GOODALE (34)	PORTLAND POLICE DEPARTMENT	02/07/2014 10:25

01-14-0009

Portland Police Department

Incident Report

Report 02/10/2014 17:01

Case # 01-14-000958

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000958	02/10/2014 17:01	01/28/2014 01:20	01/28/2014 01:20	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	LIQUOR ENFORCEMENT INVESTIGATION				
	Common Name				
SANGILLOS - 18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)					
Day of Week : TUESDAY			Video/Audio (Yes/No) : NO/NO		
Dispatched : 01/28/2014 01:20			Accident Number : NO/NO		
Responded : 01/28/2014 01:20			Officer Vehicle # : 1001		
Arrived : 01/28/2014 01:20			Alcohol Related : YES		
Hate/Bias : NO			Drug Related : NO		
Gang Related : NO			Total Damaged Property Value : \$0.00		
Type of Report : INCIDENT REPORT			Total Stolen Property Value : \$0.00		
Victim Advocate Invol : NO/NO			Total Recovered Property Value : \$0.00		
Evidence Technician name (Last First) : NO/NO					

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	SUSPECT	DANA SANGILLO			
	Home Phone	Person Address			
	Other Phone	Employer Address			
		Use Address from Incident Location Information			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	UNKNOWN	Female			
Birth Date	Birth Place				
Ethnic Origin : UNKNOWN		Employer : SANGILLO'S			
Adult/Juvenile : ADULT		Body Marks:			
End of Person: 1					

P E R S O N 2	Person Type	Business/Person Name			Business Phone
	OTHER PERSON	KATHERINE SANGILLO			
	Home Phone	Person Address			
	Other Phone	Employer Address			
		Use Address from Incident Location Information			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Female			
Birth Date	Birth Place				
Ethnic Origin : UNKNOWN		Employer : SANGILLO'S			
Adult/Juvenile : ADULT		Body Marks:			
End of Person: 2					

N A R R A T I V E 1	Topic	ORIGINAL NARRATIVE
	On Monday February 10, 2014 at approximately 1630 hours I (Officer Hagerty) was advised by Lt. Hutcheson to serve Sangillo's with a liquor violation summons. After further follow up from Sgt. Goodale from CID; he was able to identify [REDACTED] (one of the males I stopped the night of the shooting that occurred in front of Sangillos) as being inside of the bar that night, [REDACTED] is a minor. Upon my arrival to Sangillo's I met with the manager, Katherine Sangillo. I informed Katherine that I was serving the bar licensee (Dana Sangillo) with a summons for: Allowing a Minor to Remain on the	

Reporting Officer	Department	Report Status:
Lt KALI N HAGERTY (8406)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
HUTCHESON, GARY		02/10/2014 19:22
Verifying Officer	Department	Date / Time
Lt Gary L Hutcheson (9341)	Portland	02/10/2014 19:22

01-14-000958

Portland Police Department

Incident Report

Report 02/10/2014 17:01

Case # 01-14-000958

Premise of a Lounge. Katherine became very upset when I told her we were giving them a summons and began to cry. She told me that she "came in to the bar the night of the shooting at 0300 hours from an hour away and did everything she could to provide the Portland Police Department with every piece of video footage the bar had in order to assist with the investigation, with out question or hesitation". Katherine told me that anytime the Portland Police Department has ever asked anything of her, she has done it and been happy to help. She said that she "could not believe that with everything she did to help, in anyway she could to assist with the shooting investigation, and with how much of her own time and resources she willingly provided to the Department, that they turned around and decided to use that very assistance against her." Katherine told me that this summons has officially ruined her relationship with and lowered her respect of the Portland Police Department.

At that point Katherine signed the summons without issue.

Citation #14-000670

End of Narrative: 1

Reporting Officer PTL KALI N HAGERTY (8406)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer HUTCHESON, GARY		Date/Time 02/10/2014 19:22
Verifying Officer Lt Gary L Hutcheson (9341)	Department Portland	Date / Time 02/10/2014 19:22

01-14-000

14-000959
CIT # 14-00670

015071

State of Maine

Notice of Liquor License

Administrative Violation and
SHORT FORM COMPLAINT

The Department of Public Safety hereby gives notice of an administrative action being brought against:

LICENSEE:

Name: ANITA SANGILLO (individual or corporation)

DBA: Sangillo's

Address: 18 Hampshire St

City/Town: Portland 04101

Premise Lic. #: 8183

Tel: [REDACTED]

OR SELLER/SERVER:

Name: _____

Address: _____

City/Town: _____ Tel: _____

DOB: _____ HT: _____ WT: _____ HR: _____ EYES: _____

In violation of:

Title: 28A Section: 1065-4 (or) R&P: _____

FOR:

Did allow a minor to remain on the premise of a lounge. To wit: [REDACTED]

[REDACTED] Age 19 yrs (violation) (for cases involving minors, include minor's age)

which occurred on or about

Date: 01-28-14 Time: 0014 hrs

• • • Signing This Notice Is Not An Admission Of Guilt • • •

In order to resolve this matter, you or your attorney may, after 14 days from the day of this notice being served upon you, but within 21 days, contact the Commissioner of the Department of Public Safety or his representative by telephone at 624-7231 or in writing to this office, to the attention of the Commissioner, Department of Public Safety, 164 State House Station, Augusta, ME 04333-0087 to indicate whether you intend to admit or deny the violation. If you deny the violation, you will be entitled to have a hearing in a District Court and you will be notified where and when to appear.

I received notice of this Administrative Violation and Short Form Complaint:

Signature of Person Receiving Document: [Signature] Title (if applicable): [Signature] Date: 2/10/14

Signature of Inspector/Officer: [Signature] Agency: PPD Date: 2/10/14

White & Yellow - D.P.S. copies Pink copy - Officer Hard copy - Licensee / Seller / Server copy

SANGILLO'S TAVERN, LLC

Council Meeting Submission
Monday, March 17, 2014



Adam Sangillo, Sr. (1916-2004)

Honorable Mayor Brennan and members of the Portland City Council, on behalf of Dana Sangillo, Kathleen Sangillo, the entire Sangillo family, and Sangillo, LLC, we thank you for this opportunity to address the recommendation of denial of Sangillo's 2014 liquor license.

HISTORY OF SANGILLO'S TAVERN

There has been a Sangillos in the City of Portland, Maine, since the 1950s, when an Italian immigrant named Pat Sangillo, opened Sangillo's Tavern on Cumberland Avenue. His Son, Adam Sangillo, Sr. continued this family tradition operating Sangillo's until his passing in 2004, which resulted in the family enterprise being passed to Adam Sangillo, Jr. Unfortunately, Adam Sangillo, Jr., suffered an untimely death drowning off of Kinney Shores in Saco while swimming in the Summer of 2008. His tragic death thrust his son Dana, who is here tonight, into the ownership of Sangillo's. With the assistance of his Aunt Kathleen Sangillo as Manager, the family has continued to own and operate this long standing City of Portland enterprise. Prior to 2013, Sangillo's has never had an issue or concern with its liquor license. When Sangillo's was approached during the summer of 2013 by the Senior Lead Officer for that section of the City, they believed that this was part of a Community policing activity, which was not focused upon their operation.



Portland Press Herald 1998 (approx.)
Adam Sangillo, Sr. (pictured)



Sangillo Family

Sangillo's management made substantial efforts to address the Portland Police Department's request to reduce calls in the area. The Portland Police Department recommended that Sangillo's Tavern staff a door person, and in fact the Department provided Sangillo's management with the names of some potential employees. Kathleen Sangillo, who manages Sangillo's, has worked for over 20 years in the medical field as a medical office practice manager. She is experienced in searching for employment positions. She placed an employment advertisement in the Portland Press Herald and received over 40 applications for the position. Kathleen interviewed many individuals and conducted full background checks. The person ultimately hired who serves as the current door person passed both a state and federal background check, and has extensive experience working in the City of Portland. During the Summer of 2013, the management of Sangillo's believed that they had established a cooperative working relationship with the Portland Police Department. In fact, Sangillo's management has always cooperated with Portland Police Department.

In 2012-2013 they provided significant support to the prosecution of a violent crime when the perpetrator who was ultimately convicted, claimed as an alibi that he had been at Sangillo's. Sangillo's security tapes revealed that the perpetrator had not been at Sangillo's as claimed. Sangillo's sixteen security cameras located both inside and outside, have been present long before this recent scrutiny by the Portland Police Department. This security system is a strong indicator that the Sangillo family operates an establishment that has absolutely no detrimental issues. Anyone patronizing Sangillo's knows that any illegal or inappropriate conduct is subject to being recorded.

CURRENT CONCERNS

Kathleen Sangillo went to Portland City Hall to tender her license fee for the 2014-2015 renewal in late February, 2014. She was advised by the City Clerk's office that the Portland Police were recommending a denial of the liquor license. She was provided with a four page memorandum authored by Lieutenant Gary Hutchinson recommending denial of the liquor license. Following this, she did obtain counsel for the business and on Monday, March 3, 2014, Dana and Kathleen Sangillo, with counsel, met with Assistant Chief Vernon Malloch and Lieutenant Gary Hutchinson to address the Department's concerns. During that meeting, Assistant Chief Malloch made further recommendations with respect to the operation of Sangillo's, and Sangillo's management agreed to nearly each and every suggestion. This further effort at cooperation with the Portland Police Department with the goal of renewal of the liquor license was again rejected, and at five o'clock on Friday, March 8, 2014, Assistant Chief Malloch advised Sangillo's attorney that the Department would not be changing the recommendation of denial, despite Sangillo's significant and extraordinary efforts.



Sangillo Family – Adam, Sr., Adam, Jr.,
and Kathleen and others

The issue before the Mayor and City council is whether there is a legal reason to deny Sangillo's liquor license. The standard for this is set forth in Maine Law Title 28 M.R.S.A. §653 and set forth as follows:

TITLE 28-a: LIQUORS
Part 3: LICENSES FOR SALE OF LIQUOR
Subpart 1: GENERAL PROVISIONS
Chapter 27: APPLICATION PROCEDURE

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C Crime; [1987, c. 45, Pt. A, §4 (NEW) .]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW) .]
 - C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD) .]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD) .]
 - E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD) .]
 - F. A determination by the municipal officers or county commissioners that the purposes of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD) .]
 - G. After September 1, 2010, a server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages [2009, c. 81, §3 (NEW) .]
- [2009, c. 81, §§1-3 (AMD) .]

This is the sole basis by which the Portland City Council may deny Sangillo's liquor license. The Police Department's recommendation is simply a recommendation. The City Council must follow Maine Law and review whether or not any of the criteria available to allow denying a liquor license is present. Obviously, subsections A and B are not an issue in this hearing. With respect to Section C, there are no conditions of record of waste disposal violations, parking or traffic violations, or other conditions **caused by patrons patronizing or employed by Sangillo's** that unreasonably disturb or interfere with the neighborhood. To the extent that the Portland Police Department attempts to reference a call to collect hyperdermic needles, there is absolutely no evidence to relate the disposal of those needles to any patron or employee of Sangillo's.

Sub section D states an application may be denied as a result of repeated incidences of breach of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises **and caused by persons patronizing or employed by** the licensed premises. Calls to the area alone are not a basis for denial of the license. The calls in the vicinity must be caused by persons patronizing Sangillo's.

Sangillo's last liquor license was renewed in February of 2013. The first call following that renewal listed by the Portland Police Department involving Sangillo's occurred on May 18, 2013 involving an assault. This is a rare event and the conduct of the person involved was immediately reported to the Portland Police. The Portland Police Department recommendation is completely lacking any substantive reports of activity at Sangillo's for the entire months of June, 2013 and July, 2013. On the next to last day of August, nearly 100 days after the last report, the Portland Police were requested at approximately midnight to remove a highly intoxicated subject from in front of the bar. There is no evidence that this person become intoxicated inside Sangillo's. This individual is homeless and was later arrested at the shelter. This incident has nothing to do with the operation of Sangillo's.

In November of 2013, the Portland Police was dispatched to Sangillo's because a woman became out of control due to the fact that Sangillo's denied admission of her underage friend to the premises. This person was arrested by the Portland Police. The management of Sangillo's was following protocol and Maine Law by calling the Police when an underage individual was denied entrance to Sangillo's. It is extremely unreasonable to hold Sangillo's accountable for this event as they were following Maine Law, requesting police services as necessary, and violated no law or rule.

The alleged event of January 10, 2014 appears to be very odd. Portland Police Department frequently parks two vehicles, usually a patrol cruiser along with a transport vehicle in the area of Sangillo's around closing time.

The fact that an individual claims he was "forced to buy cocaine" does not pass a straight face test and it is unfathomable as to how the Portland Police Department believes this actually occurred and/or has anything to do with Sangillo's. In Sangillo's sixty years of operation it has never been known as a location where drugs were sold or obtainable. Sangillo's will continue to do everything possible to discourage any type of such activity. It would appear from the reports that this person has previously worked as or tried to work as an informant.

JANUARY 28, 2014 INCIDENT

In January, 2014, Kathleen Sangillo worked closely with members of the Portland Police Department to assist them in their investigation of the incident that occurred on Hampshire Street which still remains open and under investigation. Kathleen Sangillo thought she was being a responsible business owner and cooperative license holder when she traveled from her home at three o'clock in the morning to provide access to all of Sangillo's security tapes both recording events inside and outside the premises in order to assist the Portland Police.

The incident of January 28, 2014 has been highly publicized. The Portland Police Department stated in the Portland Press Herald the following day that this was not a random act, and that the public was safe. Sangillo's is a public business and as concerned about safety in its neighborhood location as any other neighbor. They were relieved to learn that this was not a random act and apparently some type of issue that has absolutely nothing to do with Sangillo's. This event took place after Sangillo's had closed and outside of Sangillo's premises. It is not the basis to deny Sangillo's its liquor license as the operation of Sangillo's had nothing to do with this event.

ALLEGED LIQUOR BUREAU VIOLATIONS

To the extent that the police rely upon two alleged violations of this title, there are two pending liquor violations which will be vigorously contested before the Maine Bureau of Liquor Enforcement. An October, 2013 sting operation conducted by the Portland Police Department, resulted in numerous local businesses alleged to have sold to an undercover police officer who does not appear to be under twenty-one years of age. This sting operation was designed to utilize police officers who are not youthful in appearance, in order to preclude a request for identification and fine violations. Many other businesses were cited during this sting. Until Sangillo's has the opportunity to explore all aspects of this charge and defend itself, as it is not yet been adjudicated, this should not be considered.

A second referenced pending violation before the liquor board relates to Kathleen Sangillo's cooperation with the Portland Police Department. During their investigation of the events of January 28, 2014, someone from the Portland Police Department claims there is an individual on the security tapes who was not twenty-one years old. They took this opportunity to actually summons Sangillo's for a liquor violation. Sangillo's will vigorously itself against this charge on numerous grounds including but not limited to the fact that there needs to be an accurate and proper identification of this individual, and complete verification of his actual age, it needs to be determined whether or not this individual was in the presence of his parent, guardian, or legal custodian. Sangillo's does find it troublesome that while attempting to work cooperatively with the Portland Police on this violent event, the Portland Police Department took the opportunity to use this incident to summons them for an alleged liquor violation.

CONCLUSION

Based upon the foregoing, the Portland City Council should grant Sangillo's 2014-2015 Liquor License as requested. The recommendation of the Portland Police Department fails to establish repeated incidences **caused by patrons or employees** of Sangillo's. The Sangillo family have been long standing business owners in the City of Portland. They have made substantial operational modifications and have done everything within reason requested by the Portland Police Department to address alleged concerns in their neighborhood. Pursuant to the Laws of the State of Maine governing liquor licenses, there is no basis to deny Sangillo's.

Interior of Sangillo's



The pages that follow are comments and photographs of patrons of this long-standing family business



Sangillo's is one of my favorite small bars in the history of the world and with plenty of good reasons. It is a family owned bar that has been in the same family for years and years.... It is a very small place with many regulars but it is also very friendly to new folks who come wandering in. They have a good jukebox and a TV so that one might watch the red sox game or a soap opera depending on the time of day ... spent many times in here over the years either partying or alone reading in a corner. It's all good.

The Daily C. (Austin, TX) ***** (06/29/2009)

**"I love Sangillos!
Good people
watching and my
kind of clientele."**

**David M. (Portland,
ME) ****
(07/10/2011)**



Tasha J. (Portland, ME)

07/07/2011

“Sangillos; where the bartenders hair is high and the jukebox rocks. I’ve been loving this bar for years ... its pretty swell. Only bar in Portland sketchy enough for a random dog to wander through, but not so sketchy that I wouldn’t go alone. Oh, AND they often serve pickled kielbasa. Flip yeah!





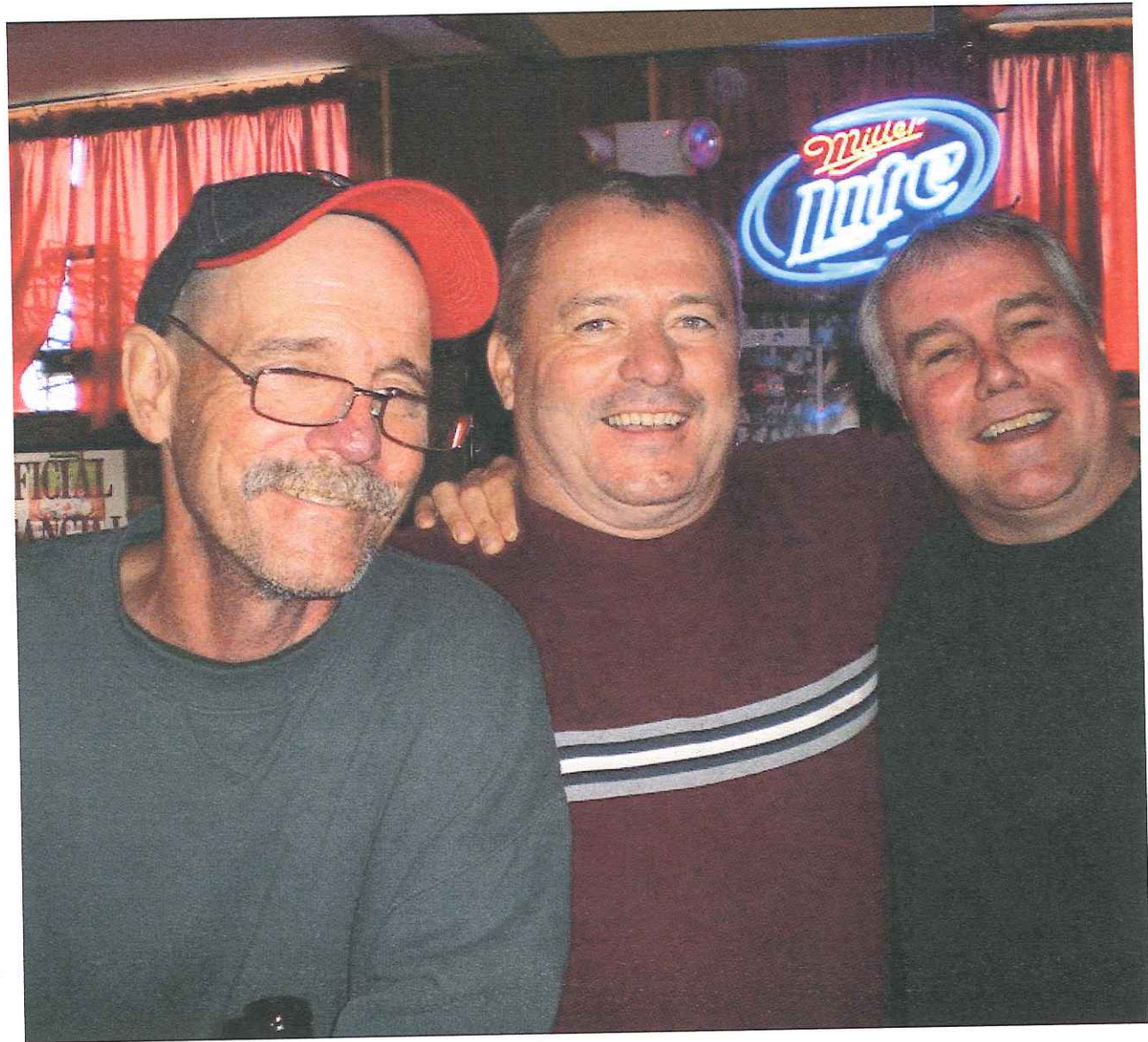
“Thankfully it started pouring down on my way home. Raining so hard I had to find cover in the only open place close by – Sangillo’s. A hole in the wall, a dive, a fun straight up yuppie killer of a place. Numerous beers on draft and in the bottle. Great jukebox. Superb banter with the locals. Non-social, conformists stay away.”

Eric L. (Portland, ME)

****** (7/16/2012)**

“Tiny bar where you can rub elbows with friendly locals over a beer. Nice service and a relaxed atmosphere. I’d venture to guess this would be a favorite of fathers, grandfathers and uncles anywhere.”

**Jessica I (Rocky River,
OH) *****
(10/27/2013)**





"Best dive bar in Portland. Jukebox. Coors Banquet. Friendly atmosphere. One minor drawback: it retains the slightest of smoke stench, presumably from the bygone days of inside smoke allowance."

Nic T. (Somerville, MA)

(03/10/2014)

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

Order 264-12/13
~~Tab 34~~ 6-17-13
~~Tab 13~~ 7-15-13
JOHN R. COLE (S)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)
Tab 12 3-17-14

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 12 GARBAGE, WASTES AND JUNK
ARTICLE II. GARBAGE AND SOLID WASTE REMOVAL/RECYCLING

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

1. That Article II, Garbage and Solid Waste Removal/Recycling,
of the Portland City Code is hereby amended to read as
follows:

Sec. 12-16. Definitions.

The following words and terms as used in this article shall
have the meanings ascribed thereto, unless the context otherwise
indicates:

...

Public works authority shall mean the department of parks
and public services ~~works~~ of the city of Portland.

Recyclable material shall mean paperboard, newspaper,
glass, magazines, junk mail, cardboard, #2 natural plastic and
aluminum cans and foil, and any additional material so
designated by the ~~department of~~ public works authority.
Recyclable material shall be considered waste material for
purposes of this article.

... Suitable recycling containers for recyclable material shall
mean the rectangular plastic bins distributed by the ~~department~~
~~of public works authority~~ or containers designated by the city
for receipt of recyclable material at designated recycling drop
off locations.

Suitable yard waste containers for yard waste material
shall mean a biodegradable plastic bag as designated by the
public works authority.

...

Waste hauler shall mean a person, firm, corporation or
other entity that regularly colects and hauls the solid waste

Form

or recycled goods of another person, firm, corporation or other entity for a fee.

Waste transporter shall mean a person, firm, corporation or other entity, other than the city, that regularly collects and hauls the solid waste that it generates within the city.

...

Sec. 12-17. Solid Waste and recyclable waste collection/service on private roads/eligibility for other city waste disposal or recycling programs.

...

(e) Notwithstanding any other provision of this chapter or code, a property owner must participate in the city's solid waste disposal program in order to be eligible for other city waste disposal or recycling services or programs including but not limited to the city's programs for recycling, large item pickup, hazardous waste disposal and any programs available at the riverside recycling facility.

Sec. 12-17.1. Residential recycling program required.

(a) Any residential property which does not participate in city solid waste collection and recycling under section 12-17 above, must provide a recycling program for all of its residential dwelling units, either directly by doing such collection itself under a city license as a waste transporter, or by contracting with a licensed waste hauler. For purposes of this section, "residential property" shall mean and include any property in which there is a residential dwelling unit, including commercial property as defined in section 12-16 "commercial property", subparagraph (a) and subparagraph (f).

Such recycling program must meet the following minimum standards:

- (1) It must be at least as convenient for the resident as the owner's solid waste collection program for the property;
- (2) It must be a single stream recycling program that includes at least the same materials as those collected by the city's recycling program;

(3) Residential property owners must provide clear and visible signage indicating which container(s) is for recyclables and the types of recyclables collected under the single stream program;

(4) Residential property owners must provide residents with information about the recycling program upon occupancy and provide updates about any changes in the recycling program to all residents; and

(5) Source separated recyclables shall not be commingled with solid waste.

(b) No later than January 1, 2014, any residential property owner who does not have solid waste and recycling collection by the city shall begin a recycling program in compliance with this chapter and any applicable regulations.

(c) If a property owner cannot comply with this section by January 1, 2014, he or she may request an extension to come into compliance. Such extension request shall be filed by October 1, 2013, and shall include an explanation of why the property owner cannot comply by January 1, 2014, and a detailed plan to come into compliance as soon as reasonably possible. The public works authority shall determine whether the property owner has good cause for an extension and may issue an extension reasonable under the circumstances, not to exceed twenty-four (24) months from January 1, 2014. If the public works authority determines the property owner does not have good cause for an extension, it shall issue a notice for the property owner to begin its recycling program within thirty (30) days or be in violation of this section.

(d) The public works authority shall provide educational materials to the residential property owners at the commencement of a recycling program under this section.

(e) The public works authority, or his or her authorized representative, may enforce any violation of this section by issuing a uniform summons and complaint, or at the city's option, a complaint pursuant to 30-A M.R.S.A. §4452. Every day upon which any such violation continues shall be deemed a separate violation. Penalties, including payment of the city's attorney's fees and costs, as provided in section 12-30 shall apply to such violations brought under the uniform summons and complaint. If a violation is brought pursuant to 30-A M.R.S.A. § 4452, penalties provided therein shall apply. In addition to

any such penalties, the city may enjoin or abate any violation of this section by appropriate action.

12.17.21. Bulky Waste Collection.

(a) Bulky Waste shall be collected by the city as prescribed by the rules and regulations for said program established by the Department of Public Services.

...

Sec. 12-30. Violations.

Whoever violates any provisions of this article shall be guilty of an offense. Each day a violation continues shall be deemed a separate violation. The penalty for said offense, in addition to any other fees imposed by this article shall be as follows:

First violation: Fifty dollars (\$50.00).

Second violation: One hundred dollars (\$100.00).

Third violation and above: One hundred fifty dollars (\$150.00)

plus attorney's fees and costs.

CITY OF PORTLAND, MAINE CITY COUNCIL AGENDA REQUEST FORM

Two copies to be submitted (with supporting material) at least 12 days before Council meeting:

- (1) copy to Manager's Office
- (1) copy to Legal Office

- 1) Council Meeting at which action is requested (Date): **March 3, 2014**
2) Can action be taken at later date? Yes x No _____
If no, why not?

If a memo addresses the following issues you may attach and reference the memo, but please highlight it so staff can easily answer I-V.

I. SUMMARY OF ISSUE

The Solid Waste Task Force recommended creation of a working group to study multi-family recycling and develop a way to provide residents who live in buildings not served by the City program with comprehensive recycling services. The City Council appointed Councilor Suslovic to chair this effort and appointed members including property owners/managers, interested citizens, ecomaine and sustainability professionals. After deliberation, this group developed a recommended ordinance that will provide multi-family residents with a comprehensive recycling program. The recommended ordinance would provide building owners the flexibility to continue relationships with existing haulers and to design a program that is most suitable to their property as long as it is convenient and accepts the full range of materials recycled by Ecomaine.

The Transportation, Sustainability and Energy recommended passage of the recommended ordinance in May, 2013. The full council discussed the ordinance in June, 2013 but referred it back to the Transportation, Sustainability and Energy Committee to continue working with landlords and property owners. Since that time, City staff has met with members of the Southern Maine Landlord Association to discuss how best to implement the proposed ordinance and to determine what educational and technical assistance the City can provide property owners to best ensure success. The Transportation, Sustainability and Energy Committee held a further public hearing on the proposed ordinance on Sept. 18, 2013 and unanimously recommended it to the full council. (4-0)

II. REASON FOR SUBMISSION (What issue/problem will this address?)

The Transportation, Sustainability and Energy Committee took up the recommended ordinance during their meeting on September 18, 2013 and voted to recommend it to the full council. (4-0)

III. INTENDED RESULTS (How does it resolve the issue/problem?)

Approximately 10,000 housing units in the City are not served by the City's waste management program. Most of these units do not have access to convenient recycling services. This ordinance will require the owners of multi-family buildings to ensure their tenants or residents by providing access to recycling. The property will have flexibility to design the program to best suit his or her property as long as the program is single sort, makes recycling as convenient as waste disposal and it accepts the same materials accepted by ecomaine.

IV. FINANCIAL IMPACT

The ordinance will require the City to assist building owners with education and outreach about recycling by creating and distributing informational posters and flyers with information about recycling and waste reduction. Cost will be reduced by distributing this material electronically. The Department of Public Services will use funds included in the Solid Waste budget dedicated to education and outreach, approximately \$3500 - \$5000. City staff will also partner with ecomaine on the development and distribution of educational material.

The Transportation, Sustainability and Energy Committee rejected the recommendation by the Multi-Family Recycling Task Force to purchase recycling bins for each of the approximately 10,000 units who will begin recycling if this ordinance is adopted.

V. STAFF ANALYSIS & RECOMMENDATION

Adopting this ordinance will achieve the Solid Waste Task Force recommended goal of providing recycling services to all residential units in the City of Portland. It allows the private building owners flexibility to design and manage a recycling program that best suits their needs and allows them to continue working with private sector waste management companies. The ordinance will not place significant administrative burden on City staff.

Staff recommends the following amendments to the draft ordinance (amendments in red text):

- Section 12-17 (a): Source separated recyclables shall not be commingled with solid waste. The City Manager is authorized to waive this provision in emergency situations.
- Section 12-17 (b): No later than January 1, 2014 2015, any residential property owner who does not have solid waste and recycling collection by the city shall begin a recycling program in compliance with this chapter and any applicable regulations.
- Section 12-17 (c) If a property owner cannot comply with this section by January 1, 2014 2015, he or she may request an extension to come into compliance. Such extension request shall be filed by October 1, 2013-2014, and shall include an explanation of why the property owner cannot comply by January 1, 2014 2015, and a detailed plan to come into compliance as soon as reasonably possible. The public works authority shall determine whether the property owner has good cause for an extension and may issue an extension reasonable under the circumstances, not to exceed twenty-four (24) months from January 1, 2014 2015. If the public works authority determines the property owner does not have good cause for an extension, it shall issue a notice for the property owner to begin its recycling program within thirty (30) days or be in violation of this section.

Prepared by Troy Moon, Environmental Programs and Open Space Manager

Chapter 12 GARBAGE, WASTES AND JUNK*

*Cross reference(s)--Litter in cemeteries, § 7-131; disposal of wastes by food service establishments, § 11-26; littering prohibited in parks, § 18-22; litter removal from sidewalks, § 25-171 et seq.

State law reference(s)--Litter control, 17 M.R.S.A. § 2261 et seq.; solid waste management, 38 M.R.S.A. § 1301 et seq.

- Art. I. In General, § 12-1--12-15
Art. II. Garbage and Solid Waste Removal/Recycling, §§ 12-16--12-45
Art. III. Health Nuisances, §§ 12-46--12-60
Art. IV. Public and Private Dumps, §§ 12-61--12-74
Art. V. Junked Motor Vehicles, §§ 12-75--12-99
Art. VI. Solid Waste Disposal, §§ 12-100--12-119
Art. VII. Rendering Wastes, §§ 12-120--12-205
Div. 1. Generally, §§ 12-120--12-149
Div. 2. Waste Transportation Licenses, §§ 12-150--12-199
Div. 3. Construction and Operation of Rendering Facilities, §§ 12-200--12-205

ARTICLE I. IN GENERAL

Secs. 12-1 --- 12-15. Reserved.

ARTICLE II. GARBAGE AND SOLID WASTE REMOVAL/RECYCLING*

*Editor's note - The Department of Public Works and/or Department of Parks and Public Works wherever referred to herein shall mean the Department of Public Services. ▲

*Editor's note--Ord. No. 157-98, adopted Nov. 16, 1998, amended this article in its entirety, in effect repealing former §§ 12-16--12-30 and enacting similar new provisions in lieu thereof as herein set out. Formerly, such sections derived from §§ 305.1--305.23 of the 1968 Code as amended by Ord. No. 155-76, adopted April 21, 1976; Ord. No. 63-78, §§ 1--4, adopted Feb. 6, 1978; Ord. No. 358-79, adopted Dec. 3, 1979; Ord. No. 249-88, adopted Nov. 28, 1988; Ord. No. 308-89, §§ 1--3, adopted Jan. 30, 1989; Ord. No. 309-89, §§ 1--3, adopted Jan. 30, 1989; Ord. No. 123-89, adopted Oct. 2, 1989; Ord. No. 40-91, adopted July 1, 1991; Ord. No. 41-91, adopted July 1, 1991; and Ord. No. 274-97, adopted May 5, 1997.

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*Editor's note-pursuant to Order 216-06/07 passed on 5/21/07 the disposal fees at Riverside Recycling are hereby established as \$100.00 per ton (commercial) or \$35.00 per yard (small commercial/residential); said fees to go into effect on April 1, 2007. This order amended order 67, 8-2-00 and order 114, 12-3-01; It is also ordered that the Public Works Authority is authorized to charge less than \$100.00 per ton or \$35.00 per yard at any time when it determines, in its sole discretion, that a lesser charge is appropriate.

Sec. 12-16. Definitions.

The following words and terms as used in this article shall have the meanings ascribed thereto, unless the context otherwise indicates:

Authorized collector shall mean employees or contractors of the public works authority or a private collector employed by the owner, occupant, agent or other person having custody of a building.

Building shall mean any structure or vessel, whether public or private, that is adapted to or used: for dwelling occupancy; for the transaction of business; for the rendering of professional services; amusement; the display, or sale or storage of goods, waste, merchandise, articles or equipment; for the performance of work or labor; for office buildings, stores, theatres, markets, restaurants, warehouses, grain processing factories, abattoirs, worship, garages, bakeries; or structures where domestic or other animals or fowl are kept; for sheds, barns, outbuildings, or other structures or premises used as accessory to any such use.

Bulky waste shall mean any items whose large size or weight precludes or complicates their handling by normal collection, processing or disposal methods, as further defined by the rules and regulations of the department of public services.

City street shall mean a street formally accepted by the city council or determined to be a city street by a court decision or other act of law; it includes any publicly owned esplanade or sidewalk abutting the traveled portion of the street.

Commercial property shall mean any property upon which is situated a structure used for commercial or business purposes including, but not limited to, the following:

- (a) Apartment buildings containing ten (10) or more dwelling units;
- (b) Hotels, restaurants, warehouses;
- (c) Markets, bakeries, grocery stores, fruit stands;
- (d) Manufacturing or industrial;
- (e) Business offices; and
- (f) Condominiums.

Discarded goods shall mean any old, worn out, broken or abandoned household or commercial goods, equipment, personal property or materials left on a city street or on public property without authorization from the City. It includes bulky waste.

Occupant shall mean the person that has the use of or occupancy of any building or a portion thereof, whether the actual owner or tenant. In the case of vacant buildings or any vacant portion of a building, the owner, agent or other person having the custody of the building shall have the responsibility of an occupant of the building or portion thereof.

Owner shall mean the actual owner of the building, whether individual, partnership or corporation, or the agent of the building, or other person having custody of the building or to whom the rent is paid.

Public works authority shall mean the department of ~~parks and public services~~ works of the city of portland.

Recyclable material shall mean paperboard, newspaper, glass, magazines, junk mail, cardboard, #2 natural plastic and aluminum cans and foil, and any additional material so designated by the ~~department of~~ public works authority. Recyclable material shall be considered waste material for purposes of this article.

Residential properties shall mean any property upon which is situated a residential structure containing at least one (1) dwelling unit but not more than nine (9) dwelling units.

Solid waste shall mean ordinary household waste including, but not limited to, the following: Garbage, trash, rubbish,

paper, plastics, metal cans, glass, crockery, cold ashes, and refuse.

Suitable container for material other than recyclable material and yard waste shall mean a plastic bag of fifteen (15) gallon or thirty (30) gallon size officially designated for that purpose by council order. The maximum weight of any bag shall not exceed thirty (30) pounds. Bags may be placed in watertight containers with handles, covered by a tight fitting cover free of sharp edges.

Suitable recycling containers for recyclable material shall mean the rectangular plastic bins distributed by the ~~department~~ of public works authority or containers designated by the city for receipt of recyclable material at designated recycling drop off locations.

Suitable yard waste containers for yard waste material shall mean a biodegradable plastic ~~bad bag~~ as designated by the public works authority.

Tobacco or tobacco product shall mean any form of tobacco, including but not limited to cigarettes, cigars, pipe tobacco, chewing tobacco or snuff, and any material or device used in the smoking, chewing or other form of tobacco consumption, including but not limited to cigarette papers and pipes.

Vermin shall mean any noxious offensive animals which shall include but not be limited to insect larvae, flies, bedbugs, roaches, fleas, lice, ants, wasps, beetles, mites, rats, bats, pigeons, starlings and other nuisance birds.

Waste hauler shall mean a person, firm, corporation or other entity that regularly collects and hauls the solid waste or recycled goods of another person, firm, corporation or other entity for a fee.

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Waste material means solid waste, prohibited waste, or bulky waste.

Waste transporter shall mean a person, firm, corporation or other entity, other than the city, that regularly collects and hauls the solid waste that it generates within the city.

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Yard Waste shall mean waste material consisting of leaves, grass or garden waste.

~~Editor's Note: *New Department of Public Works~~
(Ord. No. 157-98, 11-16-98; Ord. No. 31-00, 7-17-00; Ord. No. 197-01, 3-7-01;
Ord. No. 242-05/06, 5-15-06; Ord. No. 122-10/11, 2-23-11; Ord. No. 104-11/12,
2-6-12)

**Sec. 12-17. Solid Waste and recyclable waste collection/service
on private roads/eligibility for other city waste disposal or
recycling programs.**

(a) Solid waste and recyclable material will be collected by the city from all residential properties.

(b) Solid waste and recyclable material shall not be collected by the city from any commercial property except as provided in subparagraph (d) below.

(c) Solid waste and recyclable material shall not be collected by the city from the planned residential urban development (PRUD) project, or development which receives city site plan review and approval and such approval requires private solid waste collection, except as provided in subparagraph (d) below.

(d)

(1) Residential units on privately owned roads. Effective January 1, 2007, solid waste and recyclable material may be collected by the city from residential units on privately owned roads, in apartment buildings, condominium buildings, or buildings within planned residential urban development projects, or within developments which receive or have received city site plan or subdivision review and approval and such approval(s) require permanent private solid waste collection within a specific project, pursuant to a written agreement between all the unit owners or an owner's association representing the unit owners and the city. Such agreement shall require at a minimum that solid waste and recyclable material be placed in suitable containers and that the unit owners otherwise comply with all other applicable provisions of this article and any regulations promulgated by the public works authority.

(2) Residential units not previously receiving collection services on public roads. Effective January 1, 2007 solid waste and recyclable material shall be collected

by the city from residential units not previously receiving collection services on public roads in apartment buildings or condominium buildings that contain at least ten (10) but not more than nineteen (19) units, upon written notification to the public works authority by the property owner, or, in the case of condominiums, the condominium owners' association, that the property owner or association wants the service.

Unit owners and any owners' association shall comply with all other applicable provisions of this article and any regulations promulgated by the public works authority.

- (3) The city may provide the same services to residential units on privately owned roads or on public roads in apartment buildings, or condominium buildings with more than nineteen (19) units, or projects containing more than (19) units, in accordance with all other applicable provisions of this article and regulations promulgated by the public works authority.

- (4) Subparagraphs (1) and (2) above shall not apply to any residential units in any subdivision or other project in which roads have been or will be privately constructed or improved to serve the project with the intention that such roads shall become public roads until such time as the council formally accepts the road.

- (e) Notwithstanding any other provision of this chapter or code, a property owner must participate in the city's solid waste disposal program in order to be eligible for other city waste disposal or recycling services or programs including but not limited to the city's programs for recycling, large item pickup, hazardous waste disposal and any programs available at the riverside recycling facility.

Sec. 12-17.1 Residential recycling program required.

(a) Any residential property which does not participate in city solid waste collection and recycling under section 12-17 above, must provide a recycling program for all of its residential dwelling units, either directly by doing such collection itself under a city license as a waste transporter, or by contracting with a licensed waste hauler. For purposes of

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this section, "residential property" shall mean and include any property in which there is a residential dwelling unit, including commercial property as defined in section 12-16 "Commercial property", subparagraph (a) and subparagraph (f).

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Such recycling program must meet the following minimum standards:

(1) It must be at least as convenient for the resident as the owner's solid waste collection program for the property;

(2) It must be a single stream recycling program that includes at least the same materials as those collected by the city's recycling program;

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(3) Residential property owners must provide clear and visible signage indicating which container(s) is for recyclables and the types of recyclables collected under the single stream program;

(4) Residential property owners must provide residents with information about the recycling program upon occupancy and provide updates about any changes in the recycling program to all residents; and

(5) Source separated recyclables shall not be commingled with solid waste.

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(b) No later than January 1, 2014, any residential property owner who does not have solid waste and recycling collection by the city shall begin a recycling program in compliance with this chapter and any applicable regulations.

(c) If a property owner cannot comply with this section by January 1, 2014, he or she may request an extension to come into compliance. Such extension request shall be filed by October 1, 2013, and shall include an explanation of why the property owner cannot comply by January 1, 2014, and a detailed plan to come into compliance as soon as reasonably possible. The public works authority shall determine whether the property owner has good cause for an extension and may issue an extension reasonable under the circumstances, not to exceed twenty-four (24) months from January 1, 2014. If the public works authority determines the property owner does not have good cause for an extension, it shall issue a notice for the property owner to begin its recycling program within thirty (30) days or be in

violation of this section.

(d) The public works authority shall provide educational materials to the residential property owners at the commencement of a recycling program under this section.

~~(e) All recyclables collected in the city shall be delivered to EcoMaine, (formerly known as Regional Waste Systems).~~

~~(f) The public works authority, or his or her authorized representative, may enforce any violation of this section by issuing a uniform summons and complaint, or at the city's option, a complaint pursuant to 30-A M.R.S.A. §4452. Every day upon which any such violation continues shall be deemed a separate violation. Penalties, including payment of the city's attorney's fees and costs, as provided in section 12-30, shall apply to such violations brought under the uniform summons and complaint. If a violation is brought pursuant to 30-A M.R.S.A. §4452, penalties provided therein shall apply. In addition to any such penalties, the city may enjoin or abate any violation of this section by appropriate action.~~
(Ord. No. 157-98, 11-16-98; Ord. No. 31-00, 7-17-00; Ord. No. 197-01, 3-7-01; Ord. No. 254-02/03, 05-19-03; Ord. No. 242-05/06, 5-15-06; Ord. 99-06/07, 11-20-06)

***Editor's Note:** Pursuant to council order no. 240 passed on May 15, 2006 the residential punch pass program at riverside recycling center, established by council order no. 234 and passed on May 19, 2003 was amended by council order no. 241 and passed on May 15, 2006 and effective as of September 1, 2006 is as follows:

Riverside punch pass program includes:	Fee
Stove/oven (limit of 1 per punch)	\$0.00
Hot water heater (limit of 1 per punch)	\$0.00
Mattress-(limit of 1 per punch)	\$0.00
Boxspring (limit of 1 per punch)	\$0.00
Clothes washer (limit of 1 per punch)	\$0.00
Clothes dryer (limit of 1 per punch)	\$0.00
1 cubic yard miscellaneous (limit of 1 per punch)	\$0.00
1 large miscellaneous item (limit of 1 per punch)	\$0.00
Refrigerator (limit of 1 per punch)	\$0.00
Tires (limit of 1 per punch)	\$0.00
Up to 5 gallons of universal or hazardous waste	\$0.00
Per punch	

The riverside punch pass shall only be issued to city of Portland residents who are eligible for, and participate in, the city's solid waste collection program, and the punch pass shall be limited to ten punches during each twelve months period.

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Editor's Note: Pursuant to Council Order 32-11/12 passed on 4/2/12 and Section 12-17.1 below, the following fee was enacted for bulky waste collection tags:
Large bulky waste tag: \$40
Small bulky waste tag: No Charge

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~~12-17.1~~ 12.17.2 **Bulky Waste Collection.**

(a) Bulky Waste shall be collected by the city as prescribed by the rules and regulations for said program established by the Department of Public Services.

(b) No person shall place bulky waste out for collection by the city unless it is in compliance with the rules and regulations as established by the Department of Public Services for the bulky waste collection program.

(c) The notice provisions of Sections 12-27 and 12-28 of this Article shall not apply to violations of this section.

(d) Whoever violates this Section of this Article shall be guilty of an offense. The penalty for said offense shall be One Hundred Dollars (\$100.00) plus attorneys' fees and costs and costs of proper disposal of the waste material.

(e) For bulky waste collected by the city, the city council shall establish the cost per bulky waste tag by order. (Ord. No. 197-01, 3-7-01; Ord. No. 122-10/11, 2-23-11; Ord. No. 28-11/12, 4-2-12)

Sec. 12-18. Containers to be furnished.

(a) It shall be the duty of every tenant, lessee or occupant of every residential property occupied by not more than two (2) families to provide and keep within the building or upon the lot where the building is situated suitable and sufficient containers to receive the accumulation of solid waste on the premises during the interval between collections.

(b) It shall be the duty of the owner or owner's agent of every residential property occupied or intended to be occupied by more than two (2) families to provide and keep within the building or upon the lot where the building is situated suitable and sufficient containers to receive the accumulation of solid waste on the premises during the interval between collections.

(c) It shall be the duty of the occupant and/or owner or

owner's agent of a hotel, restaurant, boarding house, public warehouse, market, bakery, grocery store, fruit stand or other buildings not referred to in sections (a) and (b) herein to provide and keep within the building or upon the lot where the building is situated suitable and sufficient containers to receive the accumulation of solid waste on the premises during the interval between collections.

(d) For waste collected by the city, the council shall establish the cost per bag by order.

(Ord. No. 157-98, 11-16-98; Ord. No. 116-01/02, 12-3-01)
*Editor's Note: Pursuant to council order #240-05/06 passed on 5/15/06 (effective July 1, 2006) and council order #208-09/10 passed on 5/17/10 (effective July 1, 2010) the blue trash bag fees are as follows: 15 gallon: \$1.00; 30 gallon: \$2.00.

Sec. 12-19. Waste not to accumulate except in suitable storage containers.

(a) The occupants and/or owners of all residential properties shall place or cause to be placed all solid waste and recyclable material in suitable containers and shall not permit any accumulation or deposit of such substances in or about the premises except in such suitable containers.

(b) Any person owning, operating or being in charge of any commercial property shall require that solid waste and recyclable material be stored in suitable containers.
(Ord. No. 157-98, 11-16-98)

Sec. 12-19.1. Recyclable material to be placed in suitable recycling containers/no other material to be placed in or around suitable recycling containers.

(a) Recyclable material shall be placed in a suitable recycling container. No person shall place or cause to be placed in or around any suitable recyclable container any solid waste, garbage or waste matter of any kind.

(b) The notice provisions of Section 12-27 and 12-28 of this Article shall not apply to violations of this Section.

(c) Whoever violates this Section of this Article shall be guilty of an offense. The penalty for said offense shall be double the penalty established in Section 12-30 of this Code plus attorney's fees, costs and the costs of proper disposal of the material.
(Ord. No. 31-00, 7-17-00)

Sec. 12-20. Condition of containers.

(a) All containers used for storage or disposal of solid waste and recyclable material shall be kept clean.

(b) Containers provided in accordance with provisions of this article shall not be removed, destroyed, mutilated or utilized for any purpose other than holding solid waste or recyclable material.
(Ord. No. 157-98, 11-16-98)

Sec. 12-21. Placement for collection; scavenging prohibited.

(a) *Municipal collection.* Suitable containers for collection shall be placed at the curb or on the esplanade between the sidewalk and the gutter not prior to 3:00 p.m. of the day before scheduled municipal collection. Containers placed in the public way on and after such time shall be considered as being intended for collection and, as such, shall be collected by none other than the authorized collector of the public works authority. All emptied containers shall be removed prior to 8:00 p.m. on the day of collection. Such suitable containers shall be covered or securely tied as to prevent spillage, wind-blown littering, or the ingress or egress of flies, rats or other vermin. No person except a legal occupant, owner of the premises, or their authorized agents, or the public works authority shall remove, take or otherwise disturb the waste matter, or any portion thereof so placed for removal.

(b) *Non-municipal collection.* The occupants, owners or authorized agents of every building shall place such suitable containers in a place convenient for the removal of the contents by the persons authorized to collect the same. Such occupants, owners or authorized agents shall place such containers only on the premises occupied or owned by them. No other person except the occupants, the owner of the premises or authorized agent, or an authorized collector shall remove, take or otherwise disturb the waste matter, or any portion thereof so placed for removal.
(Ord. No. 157-98, 11-16-98)

Sec. 12-22. Prohibited wastes.

No person shall place any of the following wastes on the street for municipal collection:

- (a) Hazardous waste: All hazardous waste as defined by federal and state regulatory agencies;

- (b) Hospital waste: All contaminated hospital waste as defined by federal and state laws, i.e., "red bag" pathological anatomical waste;
 - (c) Infectious waste: Wastes which are hazardous by reason of their contamination with infectious materials, i.e., "red bag" waste body parts, pathology lab waste, etc.
 - (d) Human fecal waste;
 - (e) Animal fecal waste which is not contained in a plastic bag;
 - (f) Flammable liquids;
 - (g) Powder and liquid pesticides, herbicides and fungicides;
 - (h) Paint waste and pigments;
 - (i) Construction and demolition debris as defined in section 12-101 of this Code;
 - (j) Electrical capacitors: Contain oils that may contain P.C.B.'s;
 - (k) Special waste as defined by state law, including, but not limited to, asbestos;
 - (l) Laboratory chemicals;
 - (m) Biohazard materials;
 - (n) Plated metal parts;
 - (o) Electrical transformers or parts; and
 - (p) Hot ashes.
 - (q) Discarded goods.
- (Ord. No. 157-98, 11-16-98; Ord. No. 186-99, 1-04-99; Ord. No. 122-10/11, 2-23-11)

Sec. 12-23. Waste not to be thrown in public places; misuse of litter baskets.

- (a) No person shall throw or deposit any garbage, or

tobacco product, or yard waste, solid waste, prohibited waste, or waste matter, or cause the same to be thrown or deposited upon any street, sidewalk, alley, gutter, park, or other public way, or throw or deposit the same in or upon any premises or vacant lot or in any water, or to store or keep the same except in suitable containers as required by this article or in litter baskets as supplied by the city. Where the city has supplied litter baskets, no person shall use the litter baskets for the disposal of large volumes of solid waste.

(b) The notice provisions of Sections 12-27 and 12-28 of this Article shall not apply to violations of this section.

(c) Whoever violates this Section of this Article shall be guilty of an offense. The penalty for said offense shall be One Hundred Dollars (\$100.00) plus attorneys' fees, costs and costs of the proper disposal of the material.
(Ord. No. 157-98, 11-16-98; Ord. No. 197-01, 3-7-01; Ord. No. 122-10/11, 2-23-11; Ord. No. 104-11/12, 2-6-12)

Sec. 12-24. Collection vehicles to be covered.

No person shall transport any garbage or putrescible waste over any public way, street or place within the limits of the city except in properly constructed, watertight vehicles or in suitable containers. Vehicles and containers used to transport solid waste shall be so constructed as to prevent the spillage of such solid waste. Such vehicles and containers shall be covered except during the act of filling or emptying them and shall not be permitted to become foul or offensive.
(Ord. No. 157-98, 11-16-98)

Sec. 12-25. Refusal to collect.

The public works authority may refuse to accept for collection any waste material which:

- (a) Is in a container found to be unsafe to handle or in poor condition. Said container shall be marked by the public works authority with a sticker or tag. If such a container is placed out for collection again in the same condition, it shall be considered as being intended for collection and shall be picked up and disposed of by the public works authority.
- (b) Any solid waste which collection is prohibited hereunder or which is too large to fit into suitable containers or which is over the length, width, weight

or bulk requirements set forth in this article.

- (c) Is in a container other than a suitable container as defined in this article.

(Ord. No. 157-98, 11-16-98)

Sec. 12-26. Conflict with other laws.

Whenever there shall appear in any chapter of this Code provisions which conflict with the provisions of this article, such other provisions shall control, except that wherever this article imposes greater restrictions, then such restrictions shall control.

(Ord. No. 157-98, 11-16-98)

Sec. 12-27. Enforcement.

It shall be the duty of the chief of police or public works authority or their duly authorized representatives to cause the enforcement of the provisions of this article relating to city streets or public property and to prosecute any and all persons violating any such provisions.

It shall be the duty of the chief of police or the building authority, or their duly authorized representatives to cause the enforcement of the provisions of this article relating to private property and to prosecute any and all persons violating any such provisions.

The owner of, and any person having responsibility for, property abutting a city street or sidewalk or esplanade where waste material has been deposited shall be presumed to have deposited same and shall be liable for violations of this article relating to city streets or public property in the absence of evidence to the contrary. Notwithstanding the aforesaid, any owner of and/or any person having responsibility for property abutting a city street or sidewalk or esplanade where any garbage or waste material has been deposited in violation of this article shall cause it to be removed within twenty-four (24) hours of the posting or notification of an order of removal, whichever occurs first, issued by the chief of police or the public works authority or their duly authorized representatives. Oral notice shall only be provided to those persons who have registered their ownership or management interest pursuant to section 6-151 of this Code. Failure to remove such waste within the time specified shall be a violation of this article.

If the waste material has not been removed within twenty-four (24) hours of the posting or notification of an order of removal, whichever occurs first, the public works authority shall arrange to have the waste material removed and shall provide written notice of such removal to the owner of record. The owner of record shall be responsible for the fees for collecting and disposing of the waste material as described in section 12-28 of this article, in addition to the penalties imposed by Section 12-30.
(Ord. No. 157-98, 11-16-98; Ord. No. 122-10/11, 2-23-11)

Sec. 12-28. Collection fee.

After the posting or notification of an order of removal given under section 12-27, the City fee for collecting waste material remaining on the street after twenty-four (24) hours shall be one hundred dollars (\$100.00) for up to one (1) cubic yard. In the event the waste exceeds one (1) cubic yard, the fee shall be an additional one hundred dollars (\$100.00) per cubic yard or portion thereof. The cubic yard cost to dispose of any amount of collected waste at an approved facility shall be the disposal fee and shall be added to the collection fee. Such fees shall be charged each time that the city removes the waste material deposited in violation of this article from the streets or sidewalks or esplanades abutting the property, whether or not additional notice has been given.

Charges assessed pursuant to this article shall be enforceable by lien for the benefit of the city pursuant to section 1-16 of this Code.
(Ord. No. 157-98, 11-16-98; Ord. No. 122/10/11, 2-23-11)

Sec. 12-29. Responsibilities hereunder not transferable.

No contract or agreement between the owner or operator and occupant relating to compliance with the terms of this article shall be effective in relieving any person of the responsibility for compliance with the provisions of this article as set forth herein.
(Ord. No. 157-98, 11-16-98)

Sec. 12-30. Violations.

Whoever violates any provisions of this article shall be guilty of an offense. Each day a violation continues shall be deemed a separate violation. The penalty for said offense, in addition to any other fees imposed by this article shall be as follows:

City of Portland
Code of Ordinances
Sec. 12-15

Garbage, Wastes and Junk
Chapter 12
Rev. 4-28-03

First violation: Fifty dollars (\$50.00).

Second violation: One hundred dollars (\$100.00).

Third violation and above: One hundred fifty dollars
(\$150.00)

| plus attorney's fees and costs.
(Ord. No. 157-98, 11-16-98)

Secs. 12-31 -- 12-45. Reserved.

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Multi-Family Recycling Task Force
Report to the Portland City Council



December 17, 2012

Members of the Multi-Family Recycling Task Force

Councilor Edward Suslovic, Chair

Susan Webster

Tyler Kidder

Mark Adelson

Filomena Troiano

Tom Watson

Kevin Roche

Jan Berlin

Staff:

Troy Moon, Environmental Programs and Open Space Manager

Elizabeth Boynton, Associate Counsel

Introduction

Providing effective recycling programs to residents in large multi-family buildings has long been a challenge for municipal officials and property owners around the country. For a variety of reasons, curbside programs designed to accommodate the needs of single family homes and small apartment buildings often don't meet the needs of tenants in large buildings. Large buildings generate too much waste and recycling to conveniently place at the curb for standard municipal collection. Instead, most building owners place containers in a central location that residents use to deposit waste material. Many cities, including Portland, require building owners to contract with private waste haulers to empty these containers when they are full. To further complicate matters, most multi-family buildings were not designed and built with recycling in mind. This requires property owners and recycling officials to work around space limitations and single purpose elements such as garbage chutes as they work to implement effective recycling programs.

In 1999, the Recycling Advisory Committee, chaired by Councilor Cheryl Leeman, issued a series of recommendations that led to the establishment of the City's successful curbside recycling and pay as you throw trash collection program. This committee realized that the curbside program would not be a good fit for larger buildings and recommended that the Council establish a follow up group to further study multi-family recycling. In 2011, the City Council established the Solid Waste Task Force, co-chaired by Councilor John Anton and Councilor Cheryl Leeman. This group reviewed the City's waste reduction and recycling efforts and issued recommendations for further improvement. Realizing that little progress had been made in the area of multi-family recycling since 1999, the task force again recommended that the City Council create a group of stake holders to address this problem. In August, 2012, the City Council acted on this recommendation and appointed Councilor Edward Suslovic as chair of the Multi-Family Recycling Task Force and charged this group with developing and ordinance that would bring a comprehensive and convenient recycling program to residents of Portland's largest buildings.

The members of the Multi-Family Recycling Task Force represented a range of stakeholders including property owners, building managers, waste handling and sustainability professionals as well as residents of large multi-family buildings. Each member brought specific experiences and expertise to the table. This allowed for broad discussion about achieving recycling and waste reduction goals while keeping

sight of the practical challenges that individual property owners face in their efforts to bring recycling to their tenants.

Recommended elements

Through their discussion, members of the Task Force developed identified several elements that should be included in the City's multi-family recycling ordinance to ensure that Portland residents who are not served by the municipal collection program have access to an effective recycling program.

Element 1: Recycling must be at least as convenient as disposing of waste

In order for a recycling program to be successful, property owners will need to offer their tenants access to recycling opportunities that are at least as convenient as waste disposal. Generally this means placing a recycling container next to a waste receptacle so tenants will not need to carry recyclables any further than waste materials. If building owners offer waste collection at the door, they will need to offer the same service for recyclables. In buildings with a trash chute, the owner will need to locate a recycling container next to the chute in order to ensure equal convenience. Property owners are encouraged to make recycling options more convenient than waste disposal in order to provide an incentive for tenants to recycle.

Element 2: Offer a single stream program consistent with ecomaine's program

Property owners should offer their tenants a comprehensive, single stream recycling program that accepts the same materials accepted in ecomaine's recycling program. This will ensure that residents of multi-family buildings will have the same recycling opportunities as residents who participate in the City's residential recycling program. Single stream programs reduce barriers to recycling by allowing all acceptable materials to be commingled in a single container rather than requiring tenants to separate their materials. Single stream recycling also saves space on limited property footprints because residents can place all of their recyclables in a single container instead of being able to sort their material into two or more separate containers.

Element 3: Offer tenant education and appropriate signage

Property owners will need to provide tenants with information about the recycling program they offer. Residents should receive comprehensive information about the building's waste management and recycling program when they move into the property including a list of the materials accepted for

recycling, where the recycling containers are located and how to access them. Tenants should also be notified whenever there are changes to the program to ensure they know how to participate properly. In addition, each recycling container should have clearly visible signage to indicate its purpose so residents can easily distinguish it from the container for waste material.

Element 4: Building owners and waste haulers must not commingle source separated recyclables with waste material

Building occupants who go to the effort to separate their recyclables from their waste materials must be confident that their recyclables reach the recycling plant. Therefore, property owners and waste haulers must not commingle recyclable materials placed in recycling containers with waste material. Commingling source separated recyclable with solid waste undermines the integrity of the recycling program and discourages residents from participating.

Element 5: Allow property owners flexibility in program design

Waste handling practices and waste handling programs vary widely from building to building and are greatly influenced by a factors including:

- Whether or not recycling was consider as a design element for the building
- Types of existing waste handing infrastructure (trash chutes, dumpsters, roll out carts, etc.)
- Availability of space for waste handling equipment
- Number of non-English speaking tenants
- Number of units requiring service
- Number of tenants living in the building
- Frequency of tenant turnover

Given this, the Task Force recommends that property owners continue to have flexibility to manage waste and recyclables in a manner that most suits their individual needs. Some owners will find it convenient to contact the Department of Public Services to determine whether their building is eligible to receive solid waste and recycling services from the City. Other owners will prefer to work with a private waste hauler to design a recycling solution that will be effective for their property. Each property will have unique challenges and situations that property owners and/or management will be best suited to overcome.

The Task Force recognizes that providing recycling infrastructure in multi-family buildings will not be easy or free. Some property owners will need to invest in waste handling equipment while others will need to make site modifications to create room for recycling containers. Property owners who do not already provide their building residents with a recycling program may see their waste handling costs rise as their waste hauler will add the cost of hauling recyclables to their waste collection invoice. These costs can be contained, however, if building owners aggressively promote recycling to building occupants and reduce the need for waste collection.

Element 6: City Support for Property Owners

Members of the Task Force believe that it is in the City of Portland's interest to support property owners in their efforts to bring recycling to the occupants of their buildings. The City should use the implementation of its successful residential program as a model to guide implementation of the multi-family program. With this in mind, the Task Force recommends:

- **Providing a recycling container for each unit that will begin recycling per the ordinance:**

At the start of the residential curbside program the City delivered a recycling bin to each housing unit that would be participating. This provided residents with a container to collect their materials and provided a visual cue to prompt them to participate. The Task Force recommends that the City repeat this investment and provide an apartment sized recycling container to each unit beginning to recycle under the provisions of this ordinance. The containers should be durable, colored blue (like the curbside containers) and marked with a logo that will brand the recycling effort. As with the curbside recycling containers, Public Services should provide additional or replacement apartment bins for a fee.

- **Providing building owners with educational and technical support**

Before implementing the curbside recycling program, the City developed a range of educational material to inform City residents about the program and how to participate. City staff developed posters and educational material specifically for the multi-family buildings that would be participating in the City's solid waste program in order to support the property owners in their efforts to educate their tenants. The Task Force recommends that the City extend this

effort to include the multi-family buildings that will be required to recycle under the provisions of this ordinance. Staff should develop brochures, signage and posters with general information about the benefits of recycling and the types of material accepted in the recycling program. These materials should be made available to property owners in electronic form so they can add building specific information as required and print them out as needed. City staff should make site visits to multi-family buildings at the request of the building owner in order to provide technical assistance. This should include advice about program design, information about specific recyclables and whether their recycling program complies with the provisions of the recycling ordinance.

- **Publicizing the start of the program**

Should the recommended ordinance become adopted, the City should promote its passage in order to let the residents of multi-family buildings know about their upcoming opportunities to participate in a comprehensive recycling program. This will increase public awareness of the program and drive participation as property owners bring their individual programs on line. Questions about the program from residents will also help City staff identify buildings whose owners may need more information about the program or additional technical support from staff to implement recycling in their building(s).

Implementation

The Multi-Family Task Force recognizes that it will take time for property owners to implement a compliant recycling program in their building(s). They will need to work with waste haulers to arrange service, they will need to educate their building occupants and they may need to make site modifications to incorporate recycling containers into their waste handling infrastructure. Consequently, the Task Force recommends that the multi-family recycling ordinance take effect on **January 1, 2014.**

Some building owners will face greater challenges than others as they work to comply with the recycling ordinance. These include instances where an individual or company owns multiple buildings that require site modifications or where a building owner finds it difficult to acquire necessary waste handling services. In such circumstances, building owners may be allowed an extension in order to make the necessary arrangements to comply with the ordinance. In order to seek an extension, the

property owner should apply to the Public Services Department before October 1, 2013. An application for an extension should provide an explanation of why a property cannot be in compliance by January 1, 2014 and provide a detailed description of how the property owner plans to bring the building into compliance. The Director of Public Services or designee should have the authority to provide the property owner with an extension of up to 24 months to bring the property into compliance. The Task Force believes that all properties can be brought into compliance with the ordinance within this window of time and does not believe there should be any exemptions.

Enforcement:

The Department of Public Services will work to alert the owner of each property that will need to offer recycling per the terms of the proposed ordinance. As part of this outreach, City staff will inform building owners about their obligations under the ordinance and, if requested, offer advice on how to set up their program. The intent of the ordinance is to promote recycling and waste reduction, so the City will work closely with and support property owners who are making a good faith effort to comply. Enforcement action remains a possibility, however, if a property owner refuses to make an adequate recycling program available.

CITY OF PORTLAND, MAINE

CITY COUNCIL AGENDA REQUEST FORM

Two copies to be submitted (with supporting material) at least 12 days before Council meeting:

- (1) copy to Manager's Office
- (1) copy to Legal Office

- 1) Council Meeting at which action is requested (Date): **June 17, 2013**
- 2) Can action be taken at later date? Yes x No _____
- If no, why not?

If a memo addresses the following issues you may attach and reference the memo, but please highlight it so staff can easily answer I-V.

I. SUMMARY OF ISSUE

The Solid Waste Task Force recommended creation of a working group to study multi-family recycling and develop a way to provide residents who live in buildings not served by the City program with comprehensive recycling services. The City Council appointed Councilor Suslovic to chair this effort and appointed members including property owners/managers, interested citizens, ecomaine and sustainability professionals. After deliberation, this group developed a recommended ordinance that will provide multi-family residents with a comprehensive recycling program. The recommended ordinance would provide building owners the flexibility to continue relationships with existing haulers and to design a program that is most suitable to their property as long as it is convenient and accepts the full range of materials recycled by ecomaine.

The Multi-Family Recycling Task Force Report, proposed ordinance and documents reviewed by the Transportation, Sustainability and Energy Committee are attached.

II. REASON FOR SUBMISSION (What issue/problem will this address?)

The Transportation, Sustainability and Energy Committee took up the recommended ordinance during their meeting on May 1, 2013 and voted to recommend it to the full council. (3-0)

III. INTENDED RESULTS (How does it resolve the issue/problem?)

Approximately 10,000 housing units in the City are not served by the City's waste management program. Most of these units do not have access to convenient recycling services. This ordinance will require the owners of multi-family buildings to ensure their tenants or residents by providing access to recycling. The property will have flexibility to design the program to best suit his or her property as long as the program is single sort, makes recycling as convenient as waste disposal and it accepts the same materials accepted by ecomaine.

IV. FINANCIAL IMPACT

The ordinance will require the City to assist building owners with education and outreach about recycling by creating and distributing informational posters and flyers with information about recycling and waste reduction. Cost will be reduced by distributing this material electronically. The Department of Public Works funds included in the Solid Waste budget dedicated to education and outreach,

The Transportation, Sustainability and Energy Committee rejected the recommendation by the Multi-Family Recycling Task Force to purchase recycling bins for each of the approximately 10,000 units who will begin recycling if this ordinance is adopted.

V. **STAFF ANALYSIS & RECOMMENDATION**

Adopting this ordinance will achieve the Solid Waste Task Force recommended goal of providing recycling services to all residential units in the City of Portland. It allows the private building owners flexibility to design and manage a recycling program that best suits their needs and allows them to continue working with private sector waste management companies. The ordinance will not place significant administrative burden on City staff.

Prepared by Troy Moon, Environmental Programs and Open Space Manager

Order 36-12/13

Page: 8-0 (Coyne absent) 8.6.12

F. BRENNAN (MAYOR)

J. DONOGHUE (1)

DAVID A. MARSHALL (2)

EDWARD J. SUSLOVIC (3)

HERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER ESTABLISHING A WORKING GROUP
TO IMPLEMENT THE RECYCLING RECOMMENDATIONS
OF THE SOLID WASTE TASK FORCE
FOR RESIDENTIAL UNITS NOT PARTICIPATING IN THE CITY'S SOLID WASTE PROGRAM**

WHEREAS, the City's Solid Waste Task Force issued its final report on September 7, 2011; and

WHEREAS, that report contains specific recommendations designed to increase recycling in the City; and

WHEREAS, one of those recommendations focuses on improving the participation of multi-family units and other residential units in the City that do not currently participate in the City's solid waste and recycling program; and

WHEREAS, another recommendation is to establish a Working Group of stakeholders to identify obstacles to creating on-site recycling for these residential units and to develop an appropriate implementation strategy for that recycling;

NOW, THEREFORE BE IT ORDERED, that the Working Group is hereby established to implement the recycling recommendations of the Solid Waste Task Force for multi-family and other residential units that do not participate in the City's solid waste program; and

BE IT FURTHER ORDERED, that the Working Group shall complete the following tasks:

- (1) Identify obstacles to the creation, implementation and use of recycling programs for multi-family units and other residential units that do not participate in the City's Solid Waste and Recycling Program; and
- (2) Create and propose to the City Council an ordinance that requires all buildings containing dwelling units that do not participate in the City's solid waste program to provide tenants with an equitable and accessible recycling program that, at a minimum, accepts all of the materials accepted for recycling by ECOMaine and has collection containers located in a convenient place on the property; and
- (3) Forward a final report and proposed ordinance to the Council on or before January 7, 2013; and

BE IT FURTHER ORDERED, that the Department of Public Services and Office of Corporation Counsel will provide staff for the Working Group.



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Public Services Department
Michael J. Bobinsky, Director

To: Members of the Transportation, Sustainability and Energy Committee

From: Troy Moon, Environmental Programs Manager

RE: Follow-Up Information Regarding the Proposed Multi-Family Recycling Ordinance

Date: 5/1/2013

During the Transportation, Sustainability and Energy Committee meeting on February 6, DPS was asked to provide the following information:

- Buildings and units affected by the proposed Multi-Family Recycling Ordinance
- Cost to the City if DPS were to provide trash and recycling service to units not currently served
- The City's legal authority to regulate waste

We have prepared the following for your review.

- **Apartment Buildings:** The Department of Public Services currently provides service to single family homes and apartment buildings with up to nine units. The Department also provides service to 30 buildings with ten or more units. These contain about 550 units. The remaining 165 multi-family apartment buildings are served by private haulers. They contain about 6100 units that are not served by DPS.
- **Condominiums:** The Department of Public Services provides service to about 1000 condo units. Many of these are on peninsula and were formerly single family homes or apartment buildings that were converted to condo units. DPS also provides service to a number of developments who requested service and agree with terms of service. Examples include the homes on Coachlight Lane, Ridge Road and Stoneledge Drive. DPS does not provide service to large buildings organized as condominiums such as Portland House, Promenade Towers and Chandlers Wharf. There are also a number of private developments whose leadership have not requested City collection. These include the condominiums on Northwood Drive, Back Cove Estates and Ricker Park. In total there are about 2200 units that are not served by DPS.
- **Portland Housing Authority:** The City does not provide service to the approximately 1000 units owned by Portland Housing Authority.

In total, there are almost 9,500 housing units in the City of Portland that do not receive solid waste and recycling services from the Department of Public Services.

Cost for City to Collect Trash and Recycling from Units Not Currently Served: The Department's solid waste staff can provide only a preliminary estimate of cost at this time. We are prepared to conduct a more comprehensive study on this issue and report back at a later meeting if desired by Committee Members.

Our general approach would be to integrate as many units into our existing program as possible. DPS collection vehicles currently drive past most condominium units and homes located on private roads every a week. Many of these could be incorporated into expansions of our existing routes. Portland Housing Authority units received service from DPS at one time and many could be reintegrated into our program.

Units in large apartment complexes (such as the development off Auburn Street in North Deering) or in large buildings such as Portland House or Franklin Towers would not fit into our current program. We would need to purchase containers for waste and recycling at these locations as well as specific collection vehicles.

Providing this increased level of service would require a significant capital outlay for additional collection vehicles, carts for waste and recycling and dumpsters for waste and recycling. Our preliminary estimate suggests costs could be in the range of **\$2.25 million**.

If DPS were to add this level of service we could require up to **eight** additional collection personnel at an annual cost of about **\$320,000**. This would enable us serve dumpsters and buildings in traffic sensitive areas of the peninsula in the late evening or early morning. It would also provide staff to cover expanded daytime collection routes in residential areas.

City's Legal Authority to Regulate Waste Management: Corporation Counsel has prepared a memo addressing this question under separate cover.

Multi-Family Buildings Not Served by DPS

Property Location	Units	Property Location	Units
19 EASTERN PROMENADE	11	81 DANFORTH ST	30
42 GREENLEAF ST	15	69 HIGH ST	11
58 NORTH ST	17	32 PLEASANT ST	18
135 SHERIDAN ST	21	305 COMMERCIAL ST	62
193 CONGRESS ST	12	92 DANFORTH ST	12
10 MERRILL ST	13	51 PARK ST	12
250 EASTERN PROMENADE	8	41 STATE ST	27
246 EASTERN PROMENADE	12	51 STATE ST	15
13 EMERSON ST	24	59 STATE ST	42
60 EMERSON ST	12	36 STATE ST	21
119 MORNING ST	28	62 STATE ST	25
151 NORTH ST	62	180 DANFORTH ST	10
248 CONGRESS ST	60	66 HIGH ST	38
1 MIDDLE ST	82	638 CONGRESS ST	95
165 CUMBERLAND AVE	12	131 STATE ST	17
190 OXFORD ST	12	145 SPRING ST	21
289 CUMBERLAND AVE	16	111 STATE ST	12
180 PEARL ST	60	160 STATE ST	13
184 PEARL ST	54	100 STATE ST	170
6 STONE ST	23	63 GRAY ST	10
41 CHESTNUT ST	16	231 STATE ST	30
48 WILMOT ST	15	10 AVON PL	18
439 CONGRESS ST	81	17 DEERING ST	19
312 CONGRESS ST	20	30 DEERING ST	18
77 MARKET ST	31	633 CONGRESS ST	58
75 MARKET ST	16	625 CONGRESS ST	190
TEMPLE ST	72	30 MELLEN ST	13
38 ALDER ST	14	238 STATE ST	13
255 OXFORD ST	17	681 CONGRESS ST	44
341 CUMBERLAND AVE	29	218 STATE ST	17
13 GRANT ST	11	128 PARK AVE	20
471 CUMBERLAND AVE	13	122 PARK AVE	20
461 CUMBERLAND AVE	16	120 PARK AVE	21
447 CUMBERLAND AVE	43	143 GRANT ST	21
231 HIGH ST	10	133 GRANT ST	19
231 HIGH ST	32	125 GRANT ST	13
419 CUMBERLAND AVE	32	94 PARK AVE	16
389 CUMBERLAND AVE	116	286 STATE ST	26
104 OAK ST	29	65 GRANT ST	6
72 OAK ST	37	131 SHERMAN ST	6
15 SHEPLEY ST	20	123 SHERMAN ST	13
11 SHEPLEY ST	40	111 SHERMAN ST	25
18 CASCO ST	62	77 SHERMAN ST	12
37 CASCO ST	88	71 SHERMAN ST	12

264 STATE ST	12	257 CANCO RD	124
563 CUMBERLAND AVE	11	88 YALE ST	14
553 CUMBERLAND AVE	28	240 HARVARD ST	62
497 CUMBERLAND AVE	12	217 CANCO RD	82
485 CUMBERLAND AVE	25	988 WASHINGTON AVE	91
13 GRANITE ST	12	609 OCEAN AVE	34
191 PARK AVE	30	850 BAXTER BLVD	147
162 WASHBURN AVE	12	997 WASHINGTON AVE	13
216 PARK AVE	14	469 BRIGHTON AVE	13
157 GRANT ST	26	1125 BRIGHTON AVE	104
46 DEERING AVE	11	1300 FOREST AVE	16
829 CONGRESS ST	12	824 STEVENS AVE	20
817 CONGRESS ST	12	1390 FOREST AVE	16
12 WEYMOUTH ST	26	1342 FOREST AVE	25
818 CONGRESS ST	48	1500 FOREST AVE	60
794 CONGRESS ST	36	723 RIVERSIDE ST	77
84 CARLETON ST	29	1838 FOREST AVE	45
30 WEST ST	44	1349 FOREST AVE	38
77 PINE ST	39	12 WHITE BIRCH LN	11
730 CONGRESS ST	40	246 AUBURN ST	46
6 WALKER ST	14	238 AUBURN ST	10
690 CONGRESS ST	24	1585 WASHINGTON AVE	11
89 SPRUCE ST	12	65 LAMBERT ST	16
257 SPRING ST	11	326 AUBURN ST	24
213 DANFORTH ST	30	765 OCEAN AVE	12
240 DANFORTH ST	67	57 ALLEN AVE	14
48 SALEM ST	69	145 ALLEN AVE	201
42 BRACKETT ST	16	132 MARGINAL WAY	400
314 SPRING ST	19	10 CONGRESS SQ	160
135 CHADWICK ST	36	129 PARK ST	12
40 WEST ST	12	53 DANFORTH ST	43
88 GILMAN ST	24		
12 FOREST ST	12	Units NOT served	6110
57 FREDERIC ST	20		
50 FREDERIC ST	30		
50 FREDERIC ST	30		
7 ELIZABETH RD	12		
202 DARTMOUTH ST	12		
78 MCKINLEY CT	6		
18 MCKINLEY CT	14		
34 DARTMOUTH ST	217		
331 FOREST AVE	70		
12 PITT ST	12		
68 DEVONSHIRE ST	154		
259 WOODFORD ST	15		
244 WOODFORD ST	19		
237 WOODFORD ST	8		

Portland Housing Authority
Does **Not** Receive Service From DPS

	Dwelling Buildings	Dwelling Units
211 Cumberland Ave	1	200
284 Danforth St	1	150
58 Boyd St	10	46
58 Boyd St	5	24
58 Boyd St	16	100
12 Dermot Ct	2	4
155 Anderson St	1	6
81-87 Salem St	1	3
43 Hammond St	1	4
37 Illsley St	1	1
66 Pembroke St	15	100
34 W. Presumpscot St	18	50
21 Popham St	90	200
2 Riverton Dr	25	150
		1038

DPS Condominium Services

Condos	Collected	Not Collected
	1100	2200

* This includes homes on private streets or drives.

* Many condos on the peninsula were originally single family homes or apartments converted to condos. DPS provides service to most of these units.

*DPS does not serve the largest condo buildings including Portland House, Chandlers Wharf, Promenade Towers

*In 2007, Council authorized DPS to provide service to condo units/developments that agreed to participate in City services and signed a release for City equipment to travel on private roads. Developments continue to join our program moving forward.

MEMORANDUM

TO: Chair David A. Marshall and Members of the
Transportation, Sustainability & Energy Committee

FROM: Jennifer L. Thompson, Associate Corporation Counsel

DATE: May 1, 2013

RE: Questions Regarding Solid Waste

At your February meeting, two (2) questions were put forward relating to the proposed amendments to Chapter 12 of Portland's Code, relating to "Garbage, Wastes and Junk." The questions were as follows:

1. What is the City's authority to regulate commercial waste?
2. Does the City have the ability to specify or control what a private waste hauler would charge to collect recyclables?

The following is a summary of my research and response for each question:

I. City's Regulatory Authority

Under 38 M.R.S. § 1305(1), "[e]ach municipality *shall* provide solid waste disposal services for domestic and commercial solid waste generated within the municipality and may provide these services for industrial wastes and sewage treatment plant sludge." *Id.* (emphasis added).

Because municipalities are required to provide disposal services for domestic and commercial solid waste generated in the municipality, and out of recognition that energy recovered from waste can reduce the cost of solid waste disposal, the Legislature has delegated substantial regulatory authority to municipalities when it comes to solid waste collection and disposal. See 38 M.R.S. § 1304-B(1). 38 M.R.S. § 1304-B(2) provides, in pertinent part:

Subject to the provisions of chapter 24, municipalities are expressly authorized to enact ordinances that control solid waste collection, its transportation or its delivery to a specific facility, when the purpose and effect of such an ordinance is to gain management control over solid waste and enable the reclamation of resources, including energy, from these wastes. This authorization includes, but is not limited to, ordinances:

- A. Requiring segregation of wastes;
- B. Requiring delivery of wastes generated within the municipality, or any portion of those wastes, to a designated disposal or reclamation facility;
- C. Designating certain materials as recyclable and exempt from the provisions of paragraph B; and

D. Designating yard wastes as compost material and requiring delivery of these wastes to a designated composting facility.

Id. (emphasis added).

Given this broad authority to enact ordinances aimed at gaining management control over solid waste, it appears that the City is within the rights afforded by the statute to require the segregation of solid waste (including the segregation of recyclables) and that private landowners make participation in recycling programs available to tenants.

II. Fees

With respect to the authority of the City to dictate the fees charged by private waste haulers: I find no authority for the proposition that the City can directly dictate the price charged by a hauler to its customer – presumably that arrangement would be formalized in a contract and the City would not be a party to it. However, the City does have the authority to influence prices through its licensing powers. So, by requiring licensed haulers to have contracts with Eco Maine or with the City or requiring the payment of a tonnage fee, the City can effectively set a competitive base line and the market would, presumably, set the maximum price that a private hauler could successfully charge.

Chapter 12 GARBAGE, WASTES AND JUNK*

*Cross reference(s)--Litter in cemeteries, § 7-131; disposal of wastes by food service establishments, § 11-26; littering prohibited in parks, § 18-22; litter removal from sidewalks, § 25-171 et seq.

State law reference(s)--Litter control, 17 M.R.S.A. § 2261 et seq.; solid waste management, 38 M.R.S.A. § 1301 et seq.

Art. I. In General, § 12-1--12-15
Art. II. Garbage and Solid Waste Removal/Recycling, §§ 12-16--12-45
Art. III. Health Nuisances, §§ 12-46--12-60
Art. IV. Public and Private Dumps, §§ 12-61--12-74
Art. V. Junked Motor Vehicles, §§ 12-75--12-99
Art. VI. Solid Waste Disposal, §§ 12-100--12-119
Art. VII. Rendering Wastes, §§ 12-120--12-205
Div. 1. Generally, §§ 12-120--12-149
Div. 2. Waste Transportation Licenses, §§ 12-150--12-199
Div. 3. Construction and Operation of Rendering Facilities, §§ 12-200--12-205

ARTICLE I. IN GENERAL

Secs. 12-1 --- 12-15. Reserved.

ARTICLE II. GARBAGE AND SOLID WASTE REMOVAL/RECYCLING*

*Editor's note - The Department of Public Works and/or Department of Parks and Public Works wherever referred to herein shall mean the Department of Public Services.

*Editor's note--Ord. No. 157-98, adopted Nov. 16, 1998, amended this article in its entirety, in effect repealing former §§ 12-16--12-30 and enacting similar new provisions in lieu thereof as herein set out. Formerly, such sections derived from §§ 305.1--305.23 of the 1968 Code as amended by Ord. No. 155-76, adopted April 21, 1976; Ord. No. 63-78, §§ 1--4, adopted Feb. 6, 1978; Ord. No. 358-79, adopted Dec. 3, 1979; Ord. No. 249-88, adopted Nov. 28, 1988; Ord. No. 308-89, §§ 1--3, adopted Jan. 30, 1989; Ord. No. 309-89, §§ 1--3, adopted Jan. 30, 1989; Ord. No. 123-89, adopted Oct. 2, 1989; Ord. No. 40-91, adopted July 1, 1991; Ord. No. 41-91, adopted July 1, 1991; and Ord. No. 274-97, adopted May 5, 1997.

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*Editor's note-pursuant to Order 216-06/07 passed on 5/21/07 the disposal fees at Riverside Recycling are hereby established as \$100.00 per ton (commercial) or \$35.00 per yard (small commercial/residential); said fees to go into effect on April 1, 2007. This order amended order 67, 8-2-00 and order 114, 12-3-01; It is also ordered that the Public Works Authority is authorized to charge less than \$100.00 per ton or \$35.00 per yard at any time when it determines, in its sole discretion, that a lesser charge is appropriate.

Sec. 12-16. Definitions.

The following words and terms as used in this article shall have the meanings ascribed thereto, unless the context otherwise indicates:

Authorized collector shall mean employees or contractors of the public works authority or a private collector employed by the owner, occupant, agent or other person having custody of a building.

Building shall mean any structure or vessel, whether public or private, that is adapted to or used: for dwelling occupancy; for the transaction of business; for the rendering of professional services; amusement; the display, or sale or storage of goods, waste, merchandise, articles or equipment; for the performance of work or labor; for office buildings, stores, theatres, markets, restaurants, warehouses, grain processing factories, abattoirs, worship, garages, bakeries; or structures where domestic or other animals or fowl are kept; for sheds, barns, outbuildings, or other structures or premises used as accessory to any such use.

Bulky waste shall mean any items whose large size or weight precludes or complicates their handling by normal collection, processing or disposal methods, as further defined by the rules and regulations of the department of public services.

City street shall mean a street formally accepted by the city council or determined to be a city street by a court decision or other act of law; it includes any publicly owned esplanade or sidewalk abutting the traveled portion of the street.

Commercial property shall mean any property upon which is situated a structure used for commercial or business purposes including, but not limited to, the following:

- (a) Apartment buildings containing ten (10) or more dwelling units;
- (b) Hotels, restaurants, warehouses;
- (c) Markets, bakeries, grocery stores, fruit stands;
- (d) Manufacturing or industrial;
- (e) Business offices; and
- (f) Condominiums.

Discarded goods shall mean any old, worn out, broken or abandoned household or commercial goods, equipment, personal property or materials left on a city street or on public property without authorization from the City. It includes bulky waste.

Occupant shall mean the person that has the use of or occupancy of any building or a portion thereof, whether the actual owner or tenant. In the case of vacant buildings or any vacant portion of a building, the owner, agent or other person having the custody of the building shall have the responsibility of an occupant of the building or portion thereof.

Owner shall mean the actual owner of the building, whether individual, partnership or corporation, or the agent of the building, or other person having custody of the building or to whom the rent is paid.

Public works authority shall mean the department of parks and public services* of the city of portland.

Recyclable material shall mean paperboard, newspaper, glass, magazines, junk mail, cardboard, #2 natural plastic and aluminum cans and foil, and any additional material so designated by the department of public works authority. Recyclable material shall be considered waste material for purposes of this article.

Residential properties shall mean any property upon which is situated a residential structure containing at least one (1) dwelling unit but not more than nine (9) dwelling units.

Solid waste shall mean ordinary household waste including, but not limited to, the following: Garbage, trash, rubbish,

paper, plastics, metal cans, glass, crockery, cold ashes, and refuse.

Suitable container for material other than recyclable material and yard waste shall mean a plastic bag of fifteen (15) gallon or thirty (30) gallon size officially designated for that purpose by council order. The maximum weight of any bag shall not exceed thirty (30) pounds. Bags may be placed in watertight containers with handles, covered by a tight fitting cover free of sharp edges.

Suitable recycling containers for recyclable material shall mean the rectangular plastic bins distributed by the ~~department of public works~~ authority or containers designated by the city for receipt of recyclable material at designated recycling drop off locations.

Suitable yard waste containers for yard waste material shall mean a biodegradable plastic ~~bag~~ bag as designated by the public works authority.

Tobacco or tobacco product shall mean any form of tobacco, including but not limited to cigarettes, cigars, pipe tobacco, chewing tobacco or snuff, and any material or device used in the smoking, chewing or other form of tobacco consumption, including but not limited to cigarette papers and pipes.

Vermin shall mean any noxious offensive animals which shall include but not be limited to insect larvae, flies, bedbugs, roaches, fleas, lice, ants, wasps, beetles, mites, rats, bats, pigeons, starlings and other nuisance birds.

Waste hauler shall mean a person, firm, corporation or other entity that regularly collects and hauls the solid waste or recycled goods of another person, firm, corporation or other entity for a fee.

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Waste material means solid waste, prohibited waste, or bulky waste.

Waste transporter shall mean a person, firm, corporation or other entity, other than the city, that regularly collects and hauls the solid waste that it generates within the city.

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Yard Waste shall mean waste material consisting of leaves, grass or garden waste.

~~Editor's Note: New Department of Public Works~~
(Ord. No. 157-98, 11-16-98; Ord. No. 31-00, 7-17-00; Ord. No. 197-01, 3-7-01;
Ord. No. 242-05/06, 5-15-06; Ord. No. 122-10/11, 2-23-11; Ord. No. 104-11/12,
2-6-12)

Sec. 12-17. Solid Waste and recyclable waste collection/service
~~on private roads/eligibility for other city waste disposal or
recycling programs.~~

(a) Solid waste and recyclable material will be collected
by the city from all residential properties.

(b) Solid waste and recyclable material shall not be
collected by the city from any commercial property except as
provided in subparagraph (d) below.

(c) Solid waste and recyclable material shall not be
collected by the city from the planned residential urban
development (PRUD) project, or development which receives city
site plan review and approval and such approval requires private
solid waste collection, except as provided in subparagraph (d)
below.

(d)

- (1) Residential units on privately owned roads. Effective
January 1, 2007, solid waste and recyclable material
may be collected by the city from residential units on
privately owned roads, in apartment buildings,
condominium buildings, or buildings within planned
residential urban development projects, or within
developments which receive or have received city site
plan or subdivision review and approval and such
approval(s) require permanent private solid waste
collection within a specific project, pursuant to a
written agreement between all the unit owners or an
owner's association representing the unit owners and
the city. Such agreement shall require at a minimum
that solid waste and recyclable material be placed in
suitable containers and that the unit owners otherwise
comply with all other applicable provisions of this
article and any regulations promulgated by the public
works authority.
- (2) Residential units not previously receiving collection
services on public roads. Effective January 1, 2007
solid waste and recyclable material shall be collected

by the city from residential units not previously receiving collection services on public roads in apartment buildings or condominium buildings that contain at least ten (10) but not more than nineteen (19) units, upon written notification to the public works authority by the property owner, or, in the case of condominiums, the condominium owners' association, that the property owner or association wants the service.

Unit owners and any owners' association shall comply with all other applicable provisions of this article and any regulations promulgated by the public works authority.

- (3) The city may provide the same services to residential units on privately owned roads or on public roads in apartment buildings, or condominium buildings with more than nineteen (19) units, or projects containing more than (19) units, in accordance with all other applicable provisions of this article and regulations promulgated by the public works authority.

- (4) Subparagraphs (1) and (2) above shall not apply to any residential units in any subdivision or other project in which roads have been or will be privately constructed or improved to serve the project with the intention that such roads shall become public roads until such time as the council formally accepts the road.

(e) Notwithstanding any other provision of this chapter or code, a property owner must participate in the city's solid waste disposal program in order to be eligible for other city waste disposal or recycling services or programs including but not limited to the city's programs for recycling, large item pickup, hazardous waste disposal and any programs available at the riverside recycling facility.

Sec. 12-17.1 Residential recycling program required.

(a) Any residential property which does not participate in city solid waste collection and recycling under section 12-17 above, must provide a recycling program for all of its residential dwelling units, either directly by doing such collection itself under a city license as a waste transporter, or by contracting with a licensed waste hauler. For purposes of

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this section, "residential property" shall mean and include any property in which there is a residential dwelling unit, including commercial property as defined in section 12-16 "Commercial property", subparagraph (a) and subparagraph (f).

Such recycling program must meet the following minimum standards:

- (1) It must be at least as convenient for the resident as the owner's solid waste collection program for the property;
- (2) It must be a single stream recycling program that includes at least the same materials as those collected by the city's recycling program;
- (3) Residential property owners must provide clear and visible signage indicating which container(s) is for recyclables and the types of recyclables collected under the single stream program;
- (4) Residential property owners must provide residents with information about the recycling program upon occupancy and provide updates about any changes in the recycling program to all residents; and
- (5) Source separated recyclables shall not be commingled with solid waste.

(b) No later than January 1, 2014, any residential property owner who does not have solid waste and recycling collection by the city shall begin a recycling program in compliance with this chapter and any applicable regulations.

(c) If a property owner cannot comply with this section by January 1, 2014, he or she may request an extension to come into compliance. Such extension request shall be filed by October 1, 2013, and shall include an explanation of why the property owner cannot comply by January 1, 2014, and a detailed plan to come into compliance as soon as reasonably possible. The public works authority shall determine whether the property owner has good cause for an extension and may issue an extension reasonable under the circumstances, not to exceed twenty-four (24) months from January 1, 2014. If the public works authority determines the property owner does not have good cause for an extension, it shall issue a notice for the property owner to begin its recycling program within thirty (30) days or be in

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violation of this section.

(d) The public works authority shall provide educational materials to the residential property owners at the commencement of a recycling program under this section.

~~(e) All recyclables collected in the city shall be delivered to EcoMaine, (formerly known as Regional Waste Systems).~~

~~(fe) The public works authority, or his or her authorized representative, may enforce any violation of this section by issuing a uniform summons and complaint, or at the city's option, a complaint pursuant to 30-A M.R.S.A. §4452. Every day upon which any such violation continues shall be deemed a separate violation. Penalties, including payment of the city's attorney's fees and costs, as provided in section 12-30, shall apply to such violations brought under the uniform summons and complaint. If a violation is brought pursuant to 30-A M.R.S.A. §4452, penalties provided therein shall apply. In addition to any such penalties, the city may enjoin or abate any violation of this section by appropriate action.~~

~~(Ord. No. 157-98, 11-16-98; Ord. No. 31-00, 7-17-00; Ord. No. 197-01, 3-7-01; Ord. No. 254-02/03, 05-19-03; Ord. No. 242-05/06, 5-15-06; Ord. 99-06/07, 11-20-06)~~

*Editor's Note: Pursuant to council order no. 240 passed on May 15, 2006 the residential punch pass program at riverside recycling center, established by council order no. 234 and passed on May 19, 2003 was amended by council order no. 241 and passed on May 15, 2006 and effective as of September 1, 2006 is as follows:

Riverside punch pass program includes:	
Stove/oven (limit of 1 per punch)	\$0.00
Hot water heater (limit of 1 per punch)	\$0.00
Mattress-(limit of 1 per punch)	\$0.00
Boxspring (limit of 1 per punch)	\$0.00
Clothes washer (limit of 1 per punch)	\$0.00
Clothes dryer (limit of 1 per punch)	\$0.00
1 cubic yard miscellaneous (limit of 1 per punch)	\$0.00
1 large miscellaneous item (limit of 1 per punch)	\$0.00
Refrigerator (limit of 1 per punch)	\$0.00
Tires (limit of 1 per punch).	\$0.00
Up to 5 gallons of universal or hazardous waste	\$0.00
Per punch	

The riverside punch pass shall only be issued to city of Portland residents who are eligible for, and participate in, the city's solid waste collection program, and the punch pass shall be limited to ten punches during each twelve months period.

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Editor's Note: Pursuant to Council Order 32-11/12 passed on 4/2/12 and
Section 12-17.1 below, the following fee was enacted for bulky waste
collection tags:

Large bulky waste tag: \$40
Small bulky waste tag: No Charge

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~~12-17.1~~ 12.17.2 Bulky Waste Collection.

(a) Bulky Waste shall be collected by the city as prescribed by the rules and regulations for said program established by the Department of Public Services.

(b) No person shall place bulky waste out for collection by the city unless it is in compliance with the rules and regulations as established by the Department of Public Services for the bulky waste collection program.

(c) The notice provisions of Sections 12-27 and 12-28 of this Article shall not apply to violations of this section.

(d) Whoever violates this Section of this Article shall be guilty of an offense. The penalty for said offense shall be One Hundred Dollars (\$100.00) plus attorneys' fees and costs and costs of proper disposal of the waste material.

(e) For bulky waste collected by the city, the city council shall establish the cost per bulky waste tag by order.
(Ord. No. 197-01, 3-7-01; Ord. No. 122-10/11, 2-23-11; Ord. No. 28-11/12, 4-2-12)

Sec. 12-18. Containers to be furnished.

(a) It shall be the duty of every tenant, lessee or occupant of every residential property occupied by not more than two (2) families to provide and keep within the building or upon the lot where the building is situated suitable and sufficient containers to receive the accumulation of solid waste on the premises during the interval between collections.

(b) It shall be the duty of the owner or owner's agent of every residential property occupied or intended to be occupied by more than two (2) families to provide and keep within the building or upon the lot where the building is situated suitable and sufficient containers to receive the accumulation of solid waste on the premises during the interval between collections.

(c) It shall be the duty of the occupant and/or owner or

owner's agent of a hotel, restaurant, boarding house, public warehouse, market, bakery, grocery store, fruit stand or other buildings not referred to in sections (a) and (b) herein to provide and keep within the building or upon the lot where the building is situated suitable and sufficient containers to receive the accumulation of solid waste on the premises during the interval between collections.

(d) For waste collected by the city, the council shall establish the cost per bag by order.

(Ord. No. 157-98, 11-16-98; Ord. No. 116-01/02, 12-3-01)

*Editor's Note: Pursuant to council order #240-05/06 passed on 5/15/06 (effective July 1, 2006) and council order #208-09/10 passed on 5/17/10 (effective July 1, 2010) the blue trash bag fees are as follows: 15 gallon: \$1.00; 30 gallon: \$2.00.

Sec. 12-19. Waste not to accumulate except in suitable storage containers.

(a) The occupants and/or owners of all residential properties shall place or cause to be placed all solid waste and recyclable material in suitable containers and shall not permit any accumulation or deposit of such substances in or about the premises except in such suitable containers.

(b) Any person owning, operating or being in charge of any commercial property shall require that solid waste and recyclable material be stored in suitable containers.
(Ord. No. 157-98, 11-16-98)

Sec. 12-19.1. Recyclable material to be placed in suitable recycling containers/no other material to be placed in or around suitable recycling containers.

(a) Recyclable material shall be placed in a suitable recycling container. No person shall place or cause to be placed in or around any suitable recyclable container any solid waste, garbage or waste matter of any kind.

(b) The notice provisions of Section 12-27 and 12-28 of this Article shall not apply to violations of this Section.

(c) Whoever violates this Section of this Article shall be guilty of an offense. The penalty for said offense shall be double the penalty established in Section 12-30 of this Code plus attorney's fees, costs and the costs of proper disposal of the material.

(Ord. No. 31-00, 7-17-00)

Sec. 12-20. Condition of containers.

(a) All containers used for storage or disposal of solid waste and recyclable material shall be kept clean.

(b) Containers provided in accordance with provisions of this article shall not be removed, destroyed, mutilated or utilized for any purpose other than holding solid waste or recyclable material.
(Ord. No. 157-98, 11-16-98)

Sec. 12-21. Placement for collection; scavenging prohibited.

(a) **Municipal collection.** Suitable containers for collection shall be placed at the curb or on the esplanade between the sidewalk and the gutter not prior to 3:00 p.m. of the day before scheduled municipal collection. Containers placed in the public way on and after such time shall be considered as being intended for collection and, as such, shall be collected by none other than the authorized collector of the public works authority. All emptied containers shall be removed prior to 8:00 p.m. on the day of collection. Such suitable containers shall be covered or securely tied as to prevent spillage, wind-blown littering, or the ingress or egress of flies, rats or other vermin. No person except a legal occupant, owner of the premises, or their authorized agents, or the public works authority shall remove, take or otherwise disturb the waste matter, or any portion thereof so placed for removal.

(b) **Non-municipal collection.** The occupants, owners or authorized agents of every building shall place such suitable containers in a place convenient for the removal of the contents by the persons authorized to collect the same. Such occupants, owners or authorized agents shall place such containers only on the premises occupied or owned by them. No other person except the occupants, the owner of the premises or authorized agent, or an authorized collector shall remove, take or otherwise disturb the waste matter, or any portion thereof so placed for removal.
(Ord. No. 157-98, 11-16-98)

Sec. 12-22. Prohibited wastes.

No person shall place any of the following wastes on the street for municipal collection:

- (a) **Hazardous waste:** All hazardous waste as defined by federal and state regulatory agencies;

- (b) Hospital waste: All contaminated hospital waste as defined by federal and state laws, i.e., "red bag" pathological anatomical waste;
- (c) Infectious waste: Wastes which are hazardous by reason of their contamination with infectious materials, i.e., "red bag" waste body parts, pathology lab waste, etc.
- (d) Human fecal waste;
- (e) Animal fecal waste which is not contained in a plastic bag;
- (f) Flammable liquids;
- (g) Powder and liquid pesticides, herbicides and fungicides;
- (h) Paint waste and pigments;
- (i) Construction and demolition debris as defined in section 12-101 of this Code;
- (j) Electrical capacitors: Contain oils that may contain P.C.B.'s;
- (k) Special waste as defined by state law, including, but not limited to, asbestos;
- (l) Laboratory chemicals;
- (m) Biohazard materials;
- (n) Plated metal parts;
- (o) Electrical transformers or parts; and
- (p) Hot ashes.
- (q) Discarded goods.

(Ord. No. 157-98, 11-16-98; Ord. No. 186-99, 1-04-99; Ord. No. 122-10/11, 2-23-11)

Sec. 12-23. Waste not to be thrown in public places; misuse of litter baskets.

- (a) No person shall throw or deposit any garbage, or

tobacco product, or yard waste, solid waste, prohibited waste, or waste matter, or cause the same to be thrown or deposited upon any street, sidewalk, alley, gutter, park, or other public way, or throw or deposit the same in or upon any premises or vacant lot or in any water, or to store or keep the same except in suitable containers as required by this article or in litter baskets as supplied by the city. Where the city has supplied litter baskets, no person shall use the litter baskets for the disposal of large volumes of solid waste.

(b) The notice provisions of Sections 12-27 and 12-28 of this Article shall not apply to violations of this section.

(c) Whoever violates this Section of this Article shall be guilty of an offense. The penalty for said offense shall be One Hundred Dollars (\$100.00) plus attorneys' fees, costs and costs of the proper disposal of the material.

(Ord. No. 157-98, 11-16-98; Ord. No. 197-01, 3-7-01; Ord. No. 122-10/11, 2-23-11; Ord. No. 104-11/12, 2-6-12)

Sec. 12-24. Collection vehicles to be covered.

No person shall transport any garbage or putrescible waste over any public way, street or place within the limits of the city except in properly constructed, watertight vehicles or in suitable containers. Vehicles and containers used to transport solid waste shall be so constructed as to prevent the spillage of such solid waste. Such vehicles and containers shall be covered except during the act of filling or emptying them and shall not be permitted to become foul or offensive.

(Ord. No. 157-98, 11-16-98)

Sec. 12-25. Refusal to collect.

The public works authority may refuse to accept for collection any waste material which:

- (a) Is in a container found to be unsafe to handle or in poor condition. Said container shall be marked by the public works authority with a sticker or tag. If such a container is placed out for collection again in the same condition, it shall be considered as being intended for collection and shall be picked up and disposed of by the public works authority.
- (b) Any solid waste which collection is prohibited hereunder or which is too large to fit into suitable containers or which is over the length, width, weight

or bulk requirements set forth in this article.

- (c) Is in a container other than a suitable container as defined in this article.

(Ord. No. 157-98, 11-16-98)

Sec. 12-26. Conflict with other laws.

Whenever there shall appear in any chapter of this Code provisions which conflict with the provisions of this article, such other provisions shall control, except that wherever this article imposes greater restrictions, then such restrictions shall control.

(Ord. No. 157-98, 11-16-98)

Sec. 12-27. Enforcement.

It shall be the duty of the chief of police or public works authority or their duly authorized representatives to cause the enforcement of the provisions of this article relating to city streets or public property and to prosecute any and all persons violating any such provisions.

It shall be the duty of the chief of police or the building authority, or their duly authorized representatives to cause the enforcement of the provisions of this article relating to private property and to prosecute any and all persons violating any such provisions.

The owner of, and any person having responsibility for, property abutting a city street or sidewalk or esplanade where waste material has been deposited shall be presumed to have deposited same and shall be liable for violations of this article relating to city streets or public property in the absence of evidence to the contrary. Notwithstanding the aforesaid, any owner of and/or any person having responsibility for property abutting a city street or sidewalk or esplanade where any garbage or waste material has been deposited in violation of this article shall cause it to be removed within twenty-four (24) hours of the posting or notification of an order of removal, whichever occurs first, issued by the chief of police or the public works authority or their duly authorized representatives. Oral notice shall only be provided to those persons who have registered their ownership or management interest pursuant to section 6-151 of this Code. Failure to remove such waste within the time specified shall be a violation of this article.

If the waste material has not been removed within twenty-four (24) hours of the posting or notification of an order of removal, whichever occurs first, the public works authority shall arrange to have the waste material removed and shall provide written notice of such removal to the owner of record. The owner of record shall be responsible for the fees for collecting and disposing of the waste material as described in section 12-28 of this article, in addition to the penalties imposed by Section 12-30.

(Ord. No. 157-98, 11-16-98; Ord. No. 122-10/11, 2-23-11)

Sec. 12-28. Collection fee.

After the posting or notification of an order of removal given under section 12-27, the City fee for collecting waste material remaining on the street after twenty-four (24) hours shall be one hundred dollars (\$100.00) for up to one (1) cubic yard. In the event the waste exceeds one (1) cubic yard, the fee shall be an additional one hundred dollars (\$100.00) per cubic yard or portion thereof. The cubic yard cost to dispose of any amount of collected waste at an approved facility shall be the disposal fee and shall be added to the collection fee. Such fees shall be charged each time that the city removes the waste material deposited in violation of this article from the streets or sidewalks or esplanades abutting the property, whether or not additional notice has been given.

Charges assessed pursuant to this article shall be enforceable by lien for the benefit of the city pursuant to section 1-16 of this Code.

(Ord. No. 157-98, 11-16-98; Ord. No. 122/10/11, 2-23-11)

Sec. 12-29. Responsibilities hereunder not transferable.

No contract or agreement between the owner or operator and occupant relating to compliance with the terms of this article shall be effective in relieving any person of the responsibility for compliance with the provisions of this article as set forth herein.

(Ord. No. 157-98, 11-16-98)

Sec. 12-30. Violations.

Whoever violates any provisions of this article shall be guilty of an offense. Each day a violation continues shall be deemed a separate violation. The penalty for said offense, in addition to any other fees imposed by this article shall be as follows:

City of Portland
Code of Ordinances
Sec. 12-15

Garbage, Wastes and Junk
Chapter 12
Rev. 4-28-03

First violation: Fifty dollars (\$50.00).

Second violation: One hundred dollars (\$100.00).

Third violation and above: One hundred fifty dollars
(\$150.00)

| plus attorney's fees and costs.
(Ord. No. 157-98, 11-16-98)

Secs. 12-31 -- 12-45. Reserved.

Multi-Family Recycling Task Force
Report to the Portland City Council



December 17, 2012

Members of the Multi-Family Recycling Task Force

Councilor Edward Suslovic, Chair

Susan Webster

Tyler Kidder

Mark Adelson

Filomena Troiano

Tom Watson

Kevin Roche

Jan Berlin

Staff:

Troy Moon, Environmental Programs and Open Space Manager

Elizabeth Boynton, Associate Counsel

Introduction

Providing effective recycling programs to residents in large multi-family buildings has long been a challenge for municipal officials and property owners around the country. For a variety of reasons, curbside programs designed to accommodate the needs of single family homes and small apartment buildings often don't meet the needs of tenants in large buildings. Large buildings generate too much waste and recycling to conveniently place at the curb for standard municipal collection. Instead, most building owners place containers in a central location that residents use to deposit waste material. Many cities, including Portland, require building owners to contract with private waste haulers to empty these containers when they are full. To further complicate matters, most multi-family buildings were not designed and built with recycling in mind. This requires property owners and recycling officials to work around space limitations and single purpose elements such as garbage chutes as they work to implement effective recycling programs.

In 1999, the Recycling Advisory Committee, chaired by Councilor Cheryl Leeman, issued a series of recommendations that led to the establishment of the City's successful curbside recycling and pay as you throw trash collection program. This committee realized that the curbside program would not be a good fit for larger buildings and recommended that the Council establish a follow up group to further study multi-family recycling. In 2011, the City Council established the Solid Waste Task Force, co-chaired by Councilor John Anton and Councilor Cheryl Leeman. This group reviewed the City's waste reduction and recycling efforts and issued recommendations for further improvement. Realizing that little progress had been made in the area of multi-family recycling since 1999, the task force again recommended that the City Council create a group of stake holders to address this problem. In August, 2012, the City Council acted on this recommendation and appointed Councilor Edward Suslovic as chair of the Multi-Family Recycling Task Force and charged this group with developing and ordinance that would bring a comprehensive and convenient recycling program to residents of Portland's largest buildings.

The members of the Multi-Family Recycling Task Force represented a range of stakeholders including property owners, building managers, waste handling and sustainability professionals as well as residents of large multi-family buildings. Each member brought specific experiences and expertise to the table. This allowed for broad discussion about achieving recycling and waste reduction goals while keeping

sight of the practical challenges that individual property owners face in their efforts to bring recycling to their tenants.

Recommended elements

Through their discussion, members of the Task Force developed identified several elements that should be included in the City's multi-family recycling ordinance to ensure that Portland residents who are not served by the municipal collection program have access to an effective recycling program.

Element 1: Recycling must be at least as convenient as disposing of waste

In order for a recycling program to be successful, property owners will need to offer their tenants access to recycling opportunities that are at least as convenient as waste disposal. Generally this means placing a recycling container next to a waste receptacle so tenants will not need to carry recyclables any further than waste materials. If building owners offer waste collection at the door, they will need to offer the same service for recyclables. In buildings with a trash chute, the owner will need to locate a recycling container next to the chute in order to ensure equal convenience. Property owners are encouraged to make recycling options more convenient than waste disposal in order to provide an incentive for tenants to recycle.

Element 2: Offer a single stream program consistent with ecomaine's program

Property owners should offer their tenants a comprehensive, single stream recycling program that accepts the same materials accepted in ecomaine's recycling program. This will ensure that residents of multi-family buildings will have the same recycling opportunities as residents who participate in the City's residential recycling program. Single stream programs reduce barriers to recycling by allowing all acceptable materials to be commingled in a single container rather than requiring tenants to separate their materials. Single stream recycling also saves space on limited property footprints because residents can place all of their recyclables in a single container instead of being able to sort their material into two or more separate containers.

Element 3: Offer tenant education and appropriate signage

Property owners will need to provide tenants with information about the recycling program they offer. Residents should receive comprehensive information about the building's waste management and recycling program when they move into the property including a list of the materials accepted for

recycling, where the recycling containers are located and how to access them. Tenants should also be notified whenever there are changes to the program to ensure they know how to participate properly. In addition, each recycling container should have clearly visible signage to indicate its purpose so residents can easily distinguish it from the container for waste material.

Element 4: Building owners and waste haulers must not commingle source separated recyclables with waste material

Building occupants who go to the effort to separate their recyclables from their waste materials must be confident that their recyclables reach the recycling plant. Therefore, property owners and waste haulers must not commingle recyclable materials placed in recycling containers with waste material.

Commingling source separated recyclable with solid waste undermines the integrity of the recycling program and discourages residents from participating.

Element 5: Allow property owners flexibility in program design

Waste handling practices and waste handling programs vary widely from building to building and are greatly influenced by a factors including:

- Whether or not recycling was consider as a design element for the building
- Types of existing waste handing infrastructure (trash chutes, dumpsters, roll out carts, etc.)
- Availability of space for waste handling equipment
- Number of non-English speaking tenants
- Number of units requiring service
- Number of tenants living in the building
- Frequency of tenant turnover

Given this, the Task Force recommends that property owners continue to have flexibility to manage waste and recyclables in a manner that most suits their individual needs. Some owners will find it convenient to contact the Department of Public Services to determine whether their building is eligible to receive solid waste and recycling services from the City. Other owners will prefer to work with a private waste hauler to design a recycling solution that will be effective for their property. Each property will have unique challenges and situations that property owners and/or management will be best suited to overcome.

The Task Force recognizes that providing recycling infrastructure in multi-family buildings will not be easy or free. Some property owners will need to invest in waste handling equipment while others will need to make site modifications to create room for recycling containers. Property owners who do not already provide their building residents with a recycling program may see their waste handling costs rise as their waste hauler will add the cost of hauling recyclables to their waste collection invoice. These costs can be contained, however, if building owners aggressively promote recycling to building occupants and reduce the need for waste collection.

Element 6: City Support for Property Owners

Members of the Task Force believe that it is in the City of Portland's interest to support property owners in their efforts to bring recycling to the occupants of their buildings. The City should use the implementation of its successful residential program as a model to guide implementation of the multi-family program. With this in mind, the Task Force recommends:

- **Providing a recycling container for each unit that will begin recycling per the ordinance:**

At the start of the residential curbside program the City delivered a recycling bin to each housing unit that would be participating. This provided residents with a container to collect their materials and provided a visual cue to prompt them to participate. The Task Force recommends that the City repeat this investment and provide an apartment sized recycling container to each unit beginning to recycle under the provisions of this ordinance. The containers should be durable, colored blue (like the curbside containers) and marked with a logo that will brand the recycling effort. As with the curbside recycling containers, Public Services should provide additional or replacement apartment bins for a fee.

- **Providing building owners with educational and technical support**

Before implementing the curbside recycling program, the City developed a range of educational material to inform City residents about the program and how to participate. City staff developed posters and educational material specifically for the multi-family buildings that would be participating in the City's solid waste program in order to support the property owners in their efforts to educate their tenants. The Task Force recommends that the City extend this

effort to include the multi-family buildings that will be required to recycle under the provisions of this ordinance. Staff should develop brochures, signage and posters with general information about the benefits of recycling and the types of material accepted in the recycling program. These materials should be made available to property owners in electronic form so they can add building specific information as required and print them out as needed. City staff should make site visits to multi-family buildings at the request of the building owner in order to provide technical assistance. This should include advice about program design, information about specific recyclables and whether their recycling program complies with the provisions of the recycling ordinance.

- **Publicizing the start of the program**

Should the recommended ordinance become adopted, the City should promote its passage in order to let the residents of multi-family buildings know about their upcoming opportunities to participate in a comprehensive recycling program. This will increase public awareness of the program and drive participation as property owners bring their individual programs on line. Questions about the program from residents will also help City staff identify buildings whose owners may need more information about the program or additional technical support from staff to implement recycling in their building(s).

Implementation

The Multi-Family Task Force recognizes that it will take time for property owners to implement a compliant recycling program in their building(s). They will need to work with waste haulers to arrange service, they will need to educate their building occupants and they may need to make site modifications to incorporate recycling containers into their waste handling infrastructure. Consequently, the Task Force recommends that the multi-family recycling ordinance take effect on **January 1, 2014.**

Some building owners will face greater challenges than others as they work to comply with the recycling ordinance. These include instances where an individual or company owns multiple buildings that require site modifications or where a building owner finds it difficult to acquire necessary waste handling services. In such circumstances, building owners may be allowed an extension in order to make the necessary arrangements to comply with the ordinance. In order to seek an extension, the

property owner should apply to the Public Services Department before October 1, 2013. An application for an extension should provide an explanation of why a property cannot be in compliance by January 1, 2014 and provide a detailed description of how the property owner plans to bring the building into compliance. The Director of Public Services or designee should have the authority to provide the property owner with an extension of up to 24 months to bring the property into compliance. The Task Force believes that all properties can be brought into compliance with the ordinance within this window of time and does not believe there should be any exemptions.

Enforcement:

The Department of Public Services will work to alert the owner of each property that will need to offer recycling per the terms of the proposed ordinance. As part of this outreach, City staff will inform building owners about their obligations under the ordinance and, if requested, offer advice on how to set up their program. The intent of the ordinance is to promote recycling and waste reduction, so the City will work closely with and support property owners who are making a good faith effort to comply. Enforcement action remains a possibility, however, if a property owner refuses to make an adequate recycling program available.

Order 169-13/14
~~Tab 22 3-3-14~~
Tab 13 3-17-14

MICHAEL F. BRENNAN, (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L).

**ORDER APPROVING LEASE WITH PURCHASE OPTION AGREEMENT WITH
212 CANCO REALTY, LLC**

ORDERED, that the City Manager is hereby authorized to execute the Lease with Purchase Option Agreement with 212 Canco Realty, LLC for property at 212 Canco Road in substantially the form attached hereto as Attachment 1;

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager to execute said document and any other related documents necessary or convenient to carry out the intent of said document.



Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

TO: Mayor and members of the Portland City Council

FROM: Greg Mitchell, Economic Development Director

DATE: March 14, 2014

cc: Mark Rees, City Manager
Sheila Hill-Christian, Deputy City Manager
Rick Blackburn, Assessor
Michael Bobinsky, Public Services Director
Ian Houseal, Assistant to the City Manager
Anita Lachance, Facilities Management and Recreation Director
Jerry Lamoria, Fire Chief
Ellen Sanborn, Finance Director
Michael Sauschuck, Police Chief

SUBJECT: 212 Canco Road Property Lease/Purchase Option – Additional Information

This Memorandum will provide additional information, requested by the Finance Committee at their February 13, 2014 meeting, related to the above transaction.

Attached is the following with my comments:

- ***Public Service Department Bayside and 90 Anderson Street Property Maps.*** Maps of all City owned Public Services Bayside and 90 Anderson properties are provided.
- ***City Property Disposition Timeframes.*** It is noted that 65 Hanover Street will be available for possible sale or lease, later this year, if the City Council approves the lease/purchase of 212 Canco Road. Also, the possible sale or lease of 90 Anderson Street will be available in upwards of five (5) years when existing commercial tenant leases expire in 212 Canco Road.
- ***Recreation & Facilities Management Department Consolidation Chart.*** See attached chart.
- ***Public Services Department Consolidation Chart.*** See attached chart.
- ***Emergency Operation Center Needs.*** See attached response from the Police and Fire Chiefs.
- ***City Assessed Value Estimates for City owned Bayside Public Services Department Properties and 90 Anderson Street.*** See attached chart showing the breakdown between land

and building values and estimated property market value. It is noted that there are a number of variables which determine the market value of property.

- **212 Canco Road Property Overview.** Attached is a copy of the municipal assessment records for 212 Canco Road. Highlights of this information include:

Land Value:	\$ 393,100
Building Value:	<u>\$2,660,270</u>
Total:	<u>\$3,053,370</u>

If this transaction is approved by the City Council, it is noted that 212 Canco Road would become tax exempt after the City acquires this property resulting in an annual loss of approximately \$59,265.92 (Fiscal Year 2014 taxes).

- **City Debt Service Analysis.** See the attached *projected* debt repayment schedule for all General Fund and Enterprise Fund debt (excluding the Jetport) including the approximately \$3 million bond authorized by the City Council with debt payments beginning in 2017 to coincide with the planned acquisition of 212 Canco Road. On the schedule, the debt repayment for the Canco Road property appears in the row labeled authorized, not borrowed. For the purposes of projecting debt repayment, a twenty year term and 4.5% interest rate is *assumed* for an estimated initial year repayment amount of \$289,750 in 2017 decreasing approximately \$7,000 annually for twenty years.

YEAR	PAYMENT
1	289,750
2	282,888
3	276,025
4	269,163
5	262,300
6	255,438
7	248,575
8	241,713
9	234,850
10	227,988
11	221,125
12	214,263
13	207,400
14	200,538
15	193,675
16	186,813
17	179,950
18	173,088
19	166,225
20	159,363

Bayside City Properties

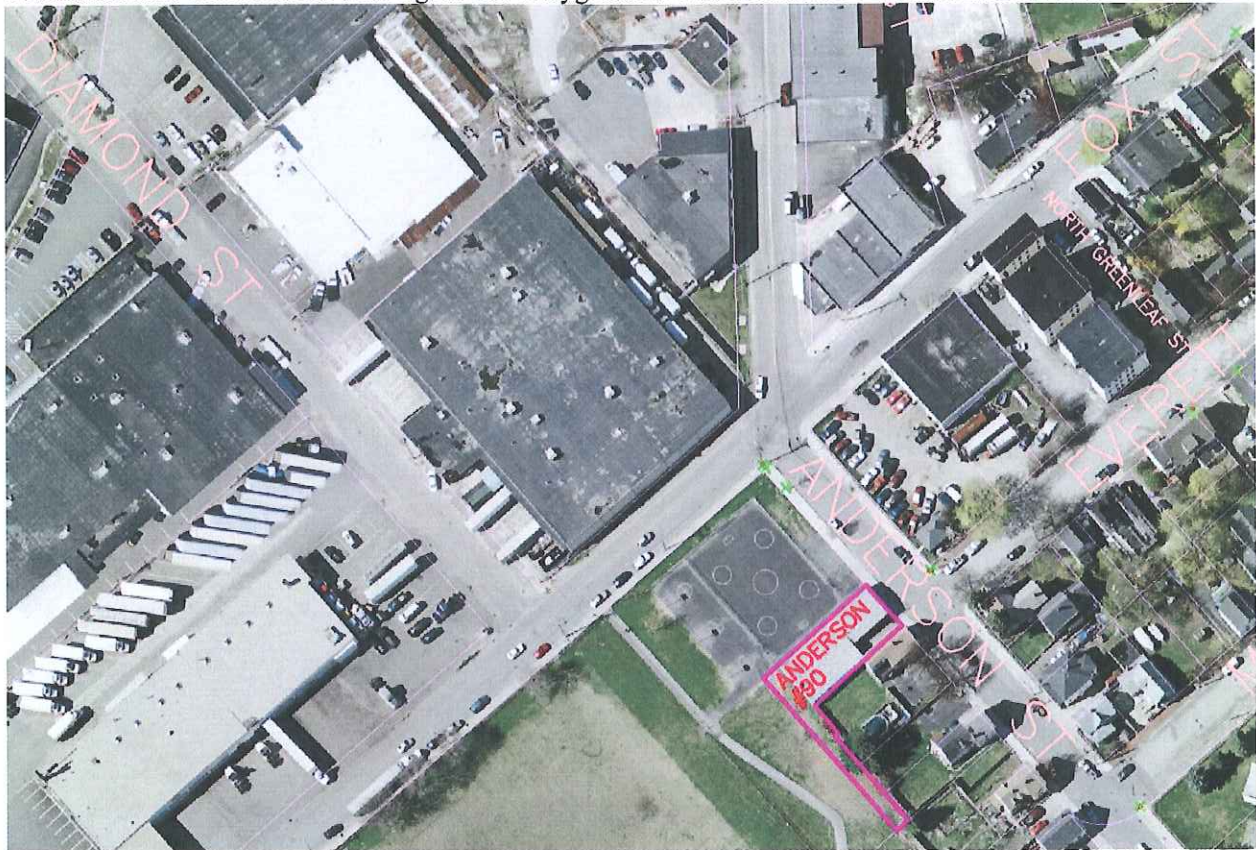
Public Services Main Facilities – Parris St to Kennebec St to Alder St



3/14/2014

Bayside City Properties

Facilities and Recreation Management Playground Maintenance – Anderson St #90



Recreation & Facilities Management Consolidation *						
	65 Hanover	Portland Expo	Cummings Center	PATHS	Horse Barn	90 Anderson St
Administrative Staff	Director of Public Buildings Director of Building Trades Dir of Operations Project Manager	Department Director Dir Public Assembly Facilities Food Service Manager Sales & Marketing Coordinator	Recreation Director Assistant Recreation Director Athletic Facilities Coordinator Recreation Supervisor - 2	Director of Building Trades		
Finance/HR Staff	Administrative Associate	Principal Financial Officer Accountant Office Assistant	Prin. Administrative Officer Administrative Associate			
Support Staff		Office Assistant	Administrative Associate Administrative Assistant			
Working Supervisors	HVAC Coordinator Public Buildings Supervisor	Event Coordinator - 4	Recreation Leader - 4		Athletic Facilities Supervisor	Parks Facilities Technician Parks Supervisor
Workers	HVAC Technician - 5 Master Electrician - 2 Master Plumber - 2 Trades Workers - 6	Event Staff - 6.8 **	Rec. Programmer II - 10.9*** Rec Programmer I - 15.7***	Maintenance Workers - 5 (School Employees)	Maintenance Worker III - 3 Custodial Worker - .5	Parks Facilities Assistant
	Total 22	Total 18.8	Total 39.6	Total 6	Total 4.5	Total 3

* Permanent Staff only, does not include temporary, on-call or seasonal staff

** Reflects Full time equivalents, 15 individuals, employees work at a variety of sites

*** Reflects Full time equivalents, 40+ individuals, employees work at a variety of sites

Department of Public Services staff associated with the sale and relocations of functions from
65 Hanover Street to 212 Canco Road

(1) Transportation Systems Engineer or designate Section Manager

(1) Traffic Supervisor

(2) Traffic Lighting and Signal Control Technicians

(2) Maintenance Worker III's

(1) Traffic Sign Computer Operator



Jerry LaMoria, Fire Chief

Michael Sauschuck, Police Chief

March 13, 2014

Response from Chief LaMoria and Chief Sauschuck

Regarding 212 Canco Road

Why do we need a dedicated space, for the EOC, when the space is used only a few times a year?

Because it is a critical component for managing natural and man-made disasters, and it is a requirement to maintain our eligibility for federal funds and grants.

Will the new EOC space (at 212 Canco Road) be available for other uses?

Yes and that has been a concept all along. The Performance and Management Study for the Fire Department cites a critical need for training space for the Fire Department and this will be well suited to fill both needs. Currently the Fire Department rents space at the Armory on Stevens Avenue in an attempt to meet their need for training space. The space would also be available for Police Department staff, which could free up space at 109 Middle Street.

Can the new mobile command vehicle serve as the EOC?

No - these are two separate functions. The Mobile Command Post is designed to be at the scene of an incident or disaster to assist in the command of on scene resources and operations. The EOC is a coordination center for local policy makers and department decision makers in supporting response and recovery efforts for the community. The EOC is where resources are managed and tracked that support operations in the field.

City Properties in Bayside
3/10/2014

Location	CBL	Assessed Value			Sq. ft.	Acreage	Use	GBA	Zone	L/B Ratio	Tax Val/GBA
		Land	Building	Total							
65 Hanover Street	33-C-3	\$134,000	\$269,030	\$403,030	20,273	0.4654	Traffic Operations/Transportation	7,217	B2b	2.81	\$56
82 Hanover Street	34-G-1 to 4	\$141,200	\$1,382,500	\$1,523,700	36,724	0.8431	Plowing Operations/Lower Garage	40,768	B7	0.90	\$37
52 Alder Street	33-C-15	\$277,500	\$116,400	\$393,900	8,599	0.2181	Building Trades (?)	5,792	B2b	1.48	\$68
			Totals:	\$2,320,630	65,596	1.53		53,777	B2b	1.22	\$43
								mkt rate	\$40		
								mkt val	\$2,151,080		
56 Parris Street	33-A-13-14	\$147,300	\$0	\$147,300	10,213	0.2345	Employee Parking	L/O	B2b		
71 Hanover Street	34-H-4-5	\$111,900	\$23,600	\$135,500	15,102	0.3467	Sand/salt structures	PKG LOT	B7		
			Totals:	\$282,800	25,315	0.58					
				mkt rate	\$35						
				mkt val	\$886,025						
44 Hanover Street	33-B-8	\$3,007,400	\$2,564,300	\$5,571,700	83,996	1.9283	Vehicle Maintenance	36,897	B2b	2.28	\$151
								maintenance garage	18,880		
								mkt rate	\$60		
								mkt val	\$1,132,800		
								office building	18,447		
								mkt rate	\$125		
								mkt val	\$2,305,875		
								total market value by component	\$6,475,780		
land = 4.04 ac		office building	18,447								
office bldg w/ .59 ac		mkt rate	\$125								
remaining land =3.45 ac		mkt val	\$2,305,875								
		land	3.45								
		mkt rate	\$1,200,000 (focus on housing)								
		mkt val	\$4,140,000								
								total market value office w/ vac land	\$6,445,875		

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

City Home Departments City Council E-Services Calendar Jobs

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

Applications

Doing Business

Maps

Tax Relief

Tax Roll

Q & A

browse city services a-z

browse facts and links a-z



Best viewed at
800x600, with
Internet Explorer

CBL	148 A007001
Land Use Type	WHOLESALE
Verify legal use with Inspections Division	
Property Location	212 CANCO RD
Owner Information	212 CANCO REALTY LLC 212 CANCO RD PORTLAND ME 04103
Book and Page	25041/277
Legal Description	148-A-7 CANCO RD 204-222
	183762 SF
Acres	4.2186

Current Assessed Valuation:

TAX ACCT NO.	21606	OWNER OF RECORD AS OF APRIL 2013
LAND VALUE	\$393,100.00	212 CANCO REALTY LLC
BUILDING VALUE	\$2,660,270.00	212 CANCO RD
NET TAXABLE - REAL ESTATE	\$3,053,370.00	PORTLAND ME 04103
TAX AMOUNT	\$59,265.92	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

Building Information:

	Building 1
Year Built	1960
Style/Structure Type	WAREHOUSE
# Units	1
Building Num/Name	1 - NELSON & SMALL DIST
Square Feet	68730

[View Sketch](#)

[View Map](#)

[View
Picture](#)

Exterior/Interior Information:

	Building 1
Levels	01/01
Size	9000
Use	MULTI-USE OFFICE
Height	20
Walls	BRICK/STONE
Heating	HW/STEAM
A/C	CENTRAL

	Building 1
Levels	M1/M1
Size	7000
Use	OFFICE ENCLOSURE
Height	10

Heating	HW/STEAM
A/C	CENTRAL
Building 1	
Levels	01/01
Size	52730
Use	WAREHOUSE
Height	20
Walls	CONC. BLOCK
Heating	UNIT HEAT
A/C	NONE

Other Features:

Building 1	
Structure	OVERHEAD DOOR - WD/MT
Size	9X12

Building 1	
Structure	DOCK LEVELERS
Size	0X0

Building 1	
Structure	OVERHEAD DOOR - WD/MT
Size	9X10

Building 1	
Structure	CANOPY - ROOF/SLAB
Size	1544X1

Building 1	
Structure	SPRINKLER - WET
Size	68730X1

Building 1	
Structure	OVERHEAD DOOR - WD/MT
Size	12X14

Building 1	
Structure	DOCK LEVEL FLOORS
Size	27830X1

Outbuildings/Yard Improvements:

Building 1	
Year Built	1960
Structure	ASPHALT PARKING
Size	65000
Units	1
Grade	C
Condition	3

Building 1	
Year Built	1960
Structure	TRACK RAILROAD
Size	1X540
Units	1
Grade	C
Condition	1

Building 1	
Year Built	1960
Structure	FENCE CHAIN

Size	1X5440
Units	1
Grade	C
Condition	3

Sales Information:

Sale Date	Type	Price	Book/Page
4/25/2007	LAND + BUILDING	\$3,053,370.00	25041/277
10/4/2006	LAND + BUILDING	\$1,017,790.00	24435/193
3/1/1999	LAND + BUILDING	\$0.00	14580/291
11/3/1988	LAND + BUILDING	\$0.00	8551/182

[New Search!](#)

A: FUNDING SUMMARY - GENERAL FUND

	FY14 Auth.	FY15	FY16	FY17	FY18	FY19					
Debt Service											
Current General Fund Debt Service											
City General Obligation	9,890,834	10,019,919	9,172,383	8,351,893	7,539,174	7,169,173	6,016,341	5,478,064	5,011,817	4,550,037	4,011,472
City Loans	123,002	123,002	123,002	123,002	123,002	123,002	123,002	123,002	123,002	123,002	123,002
School General Obligation	4,972,096	5,793,145	5,076,951	4,696,180	3,990,113	3,425,063	3,135,628	2,987,329	2,905,382	2,734,023	2,622,609
School Capital Leases	182,662	182,662	88,905	42,816	-	-	-	-	-	-	-
Total GF Non-POB Debt SVC	15,168,594	16,118,728	14,461,241	13,213,891	11,652,289	10,717,238	9,274,971	8,588,395	8,040,201	7,407,062	6,757,083
Pen. Obligation Bond - City	9,377,276	9,985,356	10,626,295	11,309,463	12,033,670	12,802,135	13,615,707	14,474,866	15,387,500	16,355,152	17,382,194
Pen. Obligation Bond - School	1,278,719	1,361,640	1,449,040	1,542,200	1,640,382	1,745,746	1,856,687	1,973,845	2,098,295	2,230,248	2,370,299
Total POB Debt Service	10,655,995	11,346,996	12,075,335	12,851,663	13,674,052	14,547,881	15,472,394	16,448,711	17,485,795	18,585,400	19,752,493
Total Current GF Debt Svc.	25,824,589	27,465,724	26,536,576	26,065,554	25,327,141	25,265,119	24,747,365	25,037,106	25,525,996	25,992,462	26,509,576
Current GO Enterprise Fund Debt Service											
Sewer Enterprise	6,694,475	6,636,133	6,442,431	6,279,168	6,154,087	5,909,942	5,514,610	5,132,358	4,919,035	4,462,752	3,915,371
Fish Pier Enterprise	77,560	74,408	61,559	54,724	27,858	17,467	13,441	13,015	12,561	12,147	11,720
Total Current GO Ent Debt Service	6,772,035	6,710,541	6,503,990	6,333,892	6,182,045	5,927,409	5,528,051	5,145,373	4,931,616	4,474,899	3,927,091
Authorized, Not Borrowed--est. debt svc											
General Fund	-	-	-	289,750	282,888	276,025	269,163	262,300	255,438	248,575	241,713
Enterprise Funds	-	-	-	-	-	-	-	-	-	-	-
New Issue Debt Service--est. debt svc											
City	-	-	924,585	1,836,631	2,762,675	3,624,537	4,364,172	4,200,928	4,073,858	3,946,788	3,819,717
School	-	-	76,849	227,408	230,280	223,428	216,575	191,193	129,174	125,675	122,176
General Fund--est. debt svc	-	-	1,001,434	2,064,039	2,992,955	3,847,965	4,580,747	4,392,121	4,203,032	4,072,463	3,941,894
Sewer Enterprise--est. debt svc	-	-	849,502	2,162,340	3,762,404	5,474,469	10,124,939	9,753,683	9,622,653	9,492,023	9,361,193
Total Debt Service Est.	32,596,624	34,176,265	34,891,502	36,915,575	38,547,434	40,790,987	45,250,265	44,590,583	44,538,935	44,280,422	43,981,466
Total Debt Service Est. (less POB)	21,940,629	22,829,269	22,816,167	24,063,912	24,872,582	26,243,106	29,777,871	28,141,872	27,053,140	25,695,022	24,228,973
Less Est. Fund Debt Svc. Current and Projected	(6,772,035)	(6,730,541)	(7,353,492)	(8,456,232)	(9,944,649)	(11,401,878)	(15,652,990)	(14,899,056)	(14,554,469)	(13,965,922)	(13,288,284)
Less State reimbursed School Debt Svc (est)	(1,908,047)	(1,871,914)	(1,830,798)	(1,754,834)	(1,744,931)	(1,696,255)	(1,647,276)	(1,596,859)	(1,547,547)	(1,497,874)	(1,447,986)
Net Debt Service Est.	23,915,542	25,593,810	25,707,211	26,654,509	26,858,053	27,692,854	27,949,999	28,094,668	28,436,919	28,815,626	29,245,197
Net Debt Service Est. (less POB)	13,259,547	14,246,814	13,631,876	13,802,846	13,183,201	13,144,973	12,477,605	11,645,957	10,951,124	10,230,226	9,492,704

**EXHIBIT B, contains Paragraph 29 of the
COMMERCIAL LEASE (NET LEASE)
WITH OPTION TO PURCHASE**

29. OPTION TO PURCHASE REAL ESTATE

The LANDLORD hereby grants to the TENANT, its successors and assigns, the exclusive option and right to purchase the premises owned by LANDLORD and located at 212 Canco Road, Portland, Cumberland County, Maine, Map 148, Block A, Lot 7 (the "Property"), more fully described in the deed recorded in the Cumberland County Registry of Deeds in Book 25041, Page 277, attached Exhibit A, subject to the following terms and conditions:

1. Purchase Price and Credit for Lease Payment. The purchase price for the premises shall be Two Million Nine Hundred Thousand Dollars (\$2,900,000). The TENANT represents and warrants that it has the funds required to complete the purchase contemplated by this Option and that a purchase has been approved by all necessary parties and departments within the TENANT.
2. Use. LANDLORD understands that TENANT intends to use this property for municipal needs, but this option is not intended to limit the TENANT's use of this property.
3. Term of Option. As long as the TENANT is not in default of its leasehold obligations set forth below in both of the TENANT leases with LANDLORD described below and as long as the TENANT is then leasing both leaseholds described below, the TENANT may exercise its option to purchase at any time after March 1, 2017; but, no later than October 31, 2018, time being of the essence.
4. Existing Leases. There are now existing four leases of portions of the Property, and the parties expect there to be a fifth, as well; with their term dates, they are:

<u>Tenant</u>	<u>Term start(s)</u>	<u>Term ends</u>	<u>Approx. Sq. Ft</u>
Webber Supply*	7/1/2013	6/30/2018	20,268
Unified Technologies*	11/1/2013	10/31/2018	12,243
Nelson & Small	----	6/30/2014	---
City of Portland	10/1/2013	9/30/2014	18,695
City of Portland	3/1/2014	10/31/2018	19,381

*the above listed "Term ends" date for both the Webber Supply Lease and the Unified Technologies Lease are subject to TENANT extension options as well as LANDLORD early termination provisions.

- a) As long as the TENANT is not in default of its lease hold obligations as set forth in both of the TENANT's leases with the LANDLORD, LANDLORD will cause the Nelson & Small lease as it relates to the existing ground floor and second floor office space to terminate not later than June 30, 2014.
- b) As long as the TENANT is not in default of its leasehold obligations as set forth in both of the TENANT's leases with LANDLORD described below and as long as the TENANT is then leasing both leaseholds described above, LANDLORD will renew both of the TENANT's leases, if requested by the TENANT, to extend the term until the date when LANDLORD conveys the Property to the TENANT. LANDLORD has provided the TENANT with copies of the Webber Supply lease and Unified Technologies lease, prior to the execution of second TENANT Lease of which this option to purchase is a part. At closing, the TENANT will assume the LANDLORD's interest in and obligations under said leases.
- c) As long as the TENANT is not in default of its leasehold obligations set forth in both of the TENANT's leases with LANDLORD described below and as long as the TENANT is then leasing both leaseholds described below, LANDLORD agrees not to lease any portion of the Premises to any party (except to the TENANT) before October 31, 2018, unless TENANT does not exercise its right to lease such space when offered the right below to lease such empty space. Accordingly, LANDLORD will offer any space other than the spaces leased to the TENANT, as and if it becomes available, on the same terms and conditions as in the Lease to which this Option is attached except as to rent which shall be \$4.00 per sq. ft. per year plus all CAMS, taxes and operating expenses, and TENANT shall exercise its right to lease said space within ten (10) days after such notice. If TENANT does not exercise its right to lease such space, LANDLORD shall have the right to lease such space to a third party. Also, LANDLORD will ensure that the entire building on the Property shall be in 'broom clean' condition upon the date when LANDLORD conveys the Property to the TENANT. That said, the sale will be "As Is" with all faults, and the LANDLORD makes no representations as to the condition of the Property.
- d) Upon the execution of this Lease to TENANT, the TENANT and LANDLORD agree to amend the lease with the TENANT dated June 21, 2013 eliminating Tenant's right to terminate on 30 days' notice in Section 3. At the end of the current term of the June 21, 2013, lease (September 30, 2014) the TENANT shall have the right to extend the term of said lease such that the June 21, 2013 lease term ends on October 31, 2018.

5. Exercise of Option. This option to purchase may be exercised by the TENANT so long as it is a tenant in good standing under two different leases with LANDLORD, one dated June 21, 2013 and the other dated January ____, 2014, and both leases are then in full force and effect by giving written notice to LANDLORD by FEDEX or Certified U.S. Mail, return receipt requested, addressed as follows: 212 Canco Realty LLC, Attn: General Manager, 212 Canco Road, Portland, ME 04103, or by delivery in hand to the General Manager of 212 Canco Realty LLC and with a duplicate copy to Leonard M. Nelson, c/o Bernstein Shur, 100 Middle Street, PO Box 9729, Portland, ME 04104-5029.
6. Settlement. Following the exercise of this option to purchase, the closing shall be held within three (3) months of the receipt by LANDLORD of the written Notice of Exercise (the "Closing Period"), time being of the essence at a location and time mutually agreed upon by the parties. Payment of the purchase price shall be by certified bank check or by wire transfer of funds.
7. Inspection and Survey. During the term of the option to purchase, the TENANT, its successors and assigns shall have the right to enter the Property at all reasonable times with prior notice to LANDLORD for the purpose of conducting such inspections, surveys, wetlands, environmental and soils investigation and studies as it deems necessary. The TENANT shall assume all responsibility for such entry, inspections or investigations and shall hold LANDLORD harmless from any claims related to such entry, inspections or investigations.
8. Deed. At the Closing, LANDLORD shall deliver to the TENANT a duly executed and acknowledged Quitclaim with Covenant.

LANDLORD shall pay its share of the real estate transfer tax, if any. The TENANT shall be responsible for the cost of recording the Deed.
9. "Put" in favor of Canco Realty. At any time between the date hereof and October 31, 2018, LANDLORD shall have the right to request the TENANT that it execute its \$2.9 Million option to purchase the Property. In the event the TENANT does not exercise its option right within 90 days of the request, the TENANT's option to purchase the Property shall automatically terminate and be of no further force and effect. Exercise by the TENANT of its lease and option to purchase shall be accomplished by notifying LANDLORD pursuant to Paragraph 5 above.
10. Notices. Any notice under this Option shall be delivered or sent by Fed Ex or certified mail, postage prepaid, return receipt requested, and addressed as follows:

If to Canco Realty, to:
212 Canco Realty LLC
Attn: General Manager
212 Canco Road
Portland, ME 04103

With copy to:
Leonard M. Nelson, Esq.
Bernstein Shur
100 Middle Street
P.O. Box 9729
Portland, ME 04104-5029

If to City, to: City Manager
City of Portland
389 Congress Street
Portland, ME 04101

11. Execution and Recording. This option to purchase set forth in this paragraph 29 of the lease is a portion of the lease between LANDLORD and TENANT and may not be recorded. Upon the request of TENANT a Memorandum of Lease and Option shall be executed in a form eligible for recordation, and may be recorded at TENANT's expense at the Cumberland County Registry of Deeds.
12. Release of Option. Concurrently with this lease being executed, the TENANT shall execute and deliver to LANDLORD a written release, quitclaim deed or other instrument specified by LANDLORD, evidencing the non-exercise or termination of its option rights. The instrument shall be signed and acknowledged in a form eligible for recordation. LANDLORD's attorney shall hold said executed instrument in escrow and shall be entitled to release and record said instrument if a) the option to purchase is not exercised within the Exercise Period; or b) such earlier time as is set forth in Paragraph 9 above; or, c) if either of the two City Leases with Canco Realty described above terminates prior to the City's exercise of this Option; or, d) if the TENANT exercises its option and does not close within the Closing Period.
13. Binding Effect. This option to purchase shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns.
14. Assignment. This option to purchase may not be assigned by the City. Any purported assignment shall be void and in such event the TENANT's rights in this option to purchase shall terminate and be of no further force and effect.

15. Severability. If any provision of this option to purchase is found to be invalid or unenforceable, such finding shall not affect the validity or enforceability of any other provision hereof.
16. Compensation for Option. The City's entering into this Commercial Lease and performing its obligations set forth therein is hereby deemed to be, and include, partial consideration for this option to purchase. Other consideration includes the City's representation and warranty that it has the funds required to complete the purchase contemplated by this option to purchase and that a purchase has been approved by all necessary parties and Departments at the City.
17. Governing Law. This option to purchase shall be governed by and construed in accordance with the laws of the State of Maine.

EXHIBIT A

Doc#: 24527 Sk:25041 Pg: 277

QUITCLAIM DEED

Leonard M. Nelson, Kenneth M. Nelson, and Andrew J. Nelson, holders of a one-third interest by virtue of a Trustees' Deed of Distribution from Leonard M. Nelson and Kenneth M. Nelson as Trustees of the Harold P. Nelson Family Trust dated October 4, 2006 and recorded in the Cumberland County Registry of Deeds in Book 24435, Page 193; Harriette Small, holder of a one-third interest by virtue of a warranty deed from N&S Realty Corp. dated March 1, 1961 and recorded in the Cumberland County Registry of Deeds in Book 2600, Page 210, and 212 Associates, a Maine general partnership, holder of a one-third interest by virtue of a deed from Donald J. Nelson dated December 28, 1984 and recorded in said Registry of Deeds in Book 6659, Page 146 (by and through Leonard M. Nelson, Kenneth M. Nelson, Andrew J. Nelson, Mary Nelson, Merle Nelson, David Small and Betty Small, being all of the general partners of 212 Associates, thereunto duly authorized) (collectively the "Grantors") FOR CONSIDERATION PAID, grant to 212 Canco Realty, LLC, a Maine limited liability company, with a mailing address of 212 Canco Road, Portland, ME ("Grantee") all their right, title and interest in certain real property, together with any improvements thereon, known as 212 Canco Road, in the City of Portland, County of Cumberland and State of Maine, more particularly described in Exhibit A attached hereto and made part of.

WITNESS our hands and seals this 25th day of April, 2007.

WITNESSES:

Claire Connell
Witness

Claire Connell
Witness

Claire Connell
Witness

Claire Connell
Witness

Leonard M. Nelson
Leonard M. Nelson

Kenneth M. Nelson
Kenneth M. Nelson

Andrew J. Nelson
Andrew J. Nelson

Harriette Small
Harriette Small

Claire Connell
Witness

Claire Connell
Witness

212 ASSOCIATES

By: Leonard M. Nelson
Leonard M. Nelson
Its General Partner

By: Kenneth M. Nelson
Kenneth Nelson

Claire Connell
Witness

Claire Connell
Witness

Claire Connell
Witness

Claire Connell
Witness

[Signature]
Witness

By: [Signature]
Mary Nelson

By: [Signature]
Merle Nelson

By: [Signature]
Andrew Nelson

By: [Signature]
David Small

By: [Signature]
Betty Small

STATE OF MAINE
COUNTY OF CUMBERLAND, ss

April 12, 2007

PERSONALLY APPEARED Leonard M. Nelson and acknowledged the foregoing instrument to be his free act and deed, his free act and deed in his capacity as general partner of 212 Associates and the free act and deed of 212 Associates.

Before me,

[Signature]
Peter J. Van Hamel, Attorney-at-Law/Notary Public
Commission Expires:
Print Name:

Exhibit A

A certain lot or parcel of land with buildings thereon, located in the City of Portland, Cumberland County, Maine, bounded and described as follows:

Beginning at an iron pipe at a point in the northwesterly side line of Canco Road in the division line between land conveyed by the City of Portland to Cumberland Securities Corporation by deed dated April 1, 1954 and recorded in Cumberland County Registry of Deeds in Book 2172, Page 4 (now or formerly owned by New England Union Mutual Life Insurance Company and under lease to Central Maine Power Company) and the land herein conveyed, said point being distant northeasterly along said side line of Canco Road 800 feet from the northeasterly side line of Bay Street; thence northeasterly by the northwesterly side line of Canco Road a distance of 219.83 feet to a point and an iron pipe in the northwesterly side line of Canco Road; thence northwesterly by the division line between the land herein conveyed and land now or formerly of Montefusco and making an included angle of $100^{\circ} 58'$ through the west with the southwesterly direction of the northwesterly side line of Canco Road a distance of 417.34 feet to an angle and an iron pipe; thence northwesterly and making an included angle of $165^{\circ} 15'$ through the west with the southeasterly direction of the last described line a distance of 167.55 feet to a copper bolt set in a granite monument; thence on a prolongation in a straight line of the last described course a distance of 84.50 feet to a point and an iron pipe; thence southwesterly and making an angle of 90° with the last described line a distance of 159.06 feet, more or less, to a point and an iron pipe in the easterly side line of the railroad spur right-of-way conveyed by the City of Portland to Quincy Market Cold Storage & Warehouse Company by deed recorded in the Cumberland County Registry of Deeds in Book 2076, Page 145; thence southerly by said easterly side line of said right-of-way about 337 feet to a point and an iron pipe; thence southeasterly by the division line between the land hereby being conveyed and the aforementioned land conveyed by the City of Portland to Cumberland Securities Corporation by deed dated April 1, 1954 and recorded in the Cumberland County Registry of Deeds in Book 2172, Page 4 (now or formerly owned by New England Union Mutual Life Insurance Company and under lease to Central Maine Power Company) a distance of 435.05 feet, more or less, to Canco Road and the point of beginning, said last mentioned division line making an angle of 90° with the northwesterly side line of Canco Road, containing 182,952 square feet. The land hereinabove described is a part of the property acquired by the City of Portland by deed of Goodrich, Stickney & Burnham Land Company, dated April 24, 1944, and recorded in the said Registry of Deeds in Book 1745, Page 244, and by deed of Charles L. Goodrich et als, dated June 10, 1918, and recorded in the said Registry in Book 1010, Page 1. LMAJ

Excepting and reserving, however, from the aforesaid premises and to the City of Portland, its successors and assigns, forever, a right-of-way for the purpose of maintaining, operating, altering, repairing, removing and replacing a sewer line or lines, said right-of-way being bounded and described as follows:

Beginning in the northwesterly side line of Canco Road in the division line between the land being above conveyed and land conveyed to Cumberland Securities Corporation; thence northwesterly by said division line about 435.05 feet, more or less, to the above mentioned railroad spur right-of-way, said right-of-way or easement to be thirty (30) feet wide and to lie wholly on the northeasterly side of the described line.

This conveyance is made upon the express condition that the said Grantee, its successors and assigns, shall not erect, place, or maintain any structures on, above, or under said right-of-way or easement which in any way will interfere with the use of said right-of-way or easement by the City of Portland, its successors and assigns, for the purpose above reserved.

There is also conveyed in the deed the following interest in land:

The right, pursuant to reservations set forth in a certain deed from the City of Portland to Quincy Market Cold Storage & Warehouse Company, dated January 29, 1952 and recorded in the Cumberland County Registry of Deeds in Book 2076, Page 145, to use in common for railroad purposes as therein defined, and

subject to the provisions therein set forth, the railroad spur track constructed by the said Quincy Market Cold Storage & Warehouse Company in the right-of-way referred to therein.

Together with any interests, in any and all, easements and rights of way, now or in the future, benefiting the premises herein conveyed, including without limit, a certain easement conveyed from J.B. Brown & Sons to Harold P. Nelson, et al. their successors and assigns for pedestrian and vehicular ingress and egress, over and upon property of said J.B. Brown & Sons, its successors and assigns, as more particularly described in the Easement Deed dated July 1, 1996 and recorded in the Cumberland County Registry of Deeds in Book 12596, Page 164 to which reference may be had for a more particular description of the easement.

This conveyance is made subject to covenants, agreements, terms and conditions set forth in a deed from the City of Portland to N & S Realty Corp. dated January 14, 1960, and recorded in said Registry in Book 2520, Page 313.

This conveyance includes all of the Grantors' rights in and to any agreements relating to railroad spur and sidetracks which serve said land and buildings.

LMW

Received
Recorded Register of Deeds
Apr 25, 2007 03:49:40P
Cumberland County
Pamela E. Lovley



Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

TO: Mayor and Members of the Portland City Council
Mark Rees, City Manager

FROM: Greg Mitchell, Economic Development Director
Ellen Sanborn, Finance Director

DATE: February 28, 2014

SUBJECT: Item for March 3, 2014 Council Agenda –
212 Canco Road Property Lease/Purchase Option to support City Department
Operations Consolidation

SPONSOR: Housing and Community Development Committee/Finance Committee

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading: March 3, 2014 **Final Action:** March 17, 2014

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

PRESENTATION: Greg Mitchell, Economic Development Director, Overview/10 Minutes

SUMMARY OF THE ISSUE

This Memorandum outlines past City Council approval and financial appropriations to invest \$3.15 million to support a City department operations consolidation plan and recommends City Council action to enter into a lease/purchase option for 212 Canco Road.

City Department Consolidation Plan

Last fall, City staff presented a plan to consolidate a number of City public operations, including the relocation of some of Public Services Department Bayside operations, Fire Alarm and equipment storage, and Recreation and Facility Management Department to a single new location, along with a recommended funding approach. The next page of this memo provides an overview of the department consolidation plan to support a two-phased approach to consolidate listed department services.

City Operations Consolidation Plan continued

<u>Departments Moving</u>	<u>Space Vacated</u>	<u>Efficiencies/Benefits</u>
Currently at 212 Canco:		
Fire Electrical Tactical Equipment New Emergency Command Post	Presumpscot St. (rented space) Presumpscot St. and POT	Allows for leasing opportunities at POT. Provides adequate space for Command Post.
Move to 212 Canco w/Lease:		
Traffic Division City Trades Division	65 Hanover Street 65 Hanover Street	Puts all maintenance in same space allows better standardization. Property available for sale.
To Move to 212 Canco When Purchase Complete:		
Emergency Operations Center (EOC) School Trades Division	Classroom at PATHS Classroom at PATHS	Allows consistent setup for EOC operations. Creates additional space for Casco Bay High School. Put all maintenance in same space.
Playground/Irrigation Crews	90 Anderson Street	Central to all fields and better efficiencies. Property available for sale.
Recreation & Public Assembly Staff from Cummings Center and Expo	Cummings Center Expo Office Area	Better coordinated and more efficient administration of the Recreation and Facilities Management Division. Provides space for Public Health growth.

Property Lease/Purchase Option for 212 Canco Road

An overview of 212 Canco Road transaction with comments includes:

Property Location: The property is located in a “central service delivery location” in an industrially zoned property with adjacent industrial users.

Property Size: 4.2186 acres

Building Square Footage: 68,730

Municipal Assessed Value: \$3,053,370

Market Appraisal: \$2,740,000 based upon the income approach due to existing below market rate tenant leases.

The lease/purchase approach presents the City with a phased approach, over time, to fully implement the department consolidation plan. The lease/purchase option to acquire 212 Canco Road is structured to meet the needs of the property owners and enable City use of approximately fifty-five percent of the building starting this year. The remaining forty-five percent of the building is occupied by two commercial tenants who have five (5) year leases through to the summer/fall of 2018. The proposed lease/purchase approach honors the leases of the two existing tenants and enables the City to gain use of the entirety of the building in 2018.

Highlights of Property Transaction with comments includes:

Lease Term and Rates: Rent at a fixed cost of \$38,809.60 per year plus annual common area maintenance charges estimated at \$42,638.20 for a total annual cost of \$81,447.80. The proposed rental rates for office and warehouse space are below market.

Property Purchase Price: \$2.9 million fixed for three years. The market value of industrial property is increasing and a fixed acquisition price provides the City with purchase price certainty.

Attached is a copy of the draft lease/purchase option.

REASON FOR THE SUBMISSION

The lease/purchase option requires approval by the City Council.

INTENDED RESULT

City Council approval of the lease/purchase option.

COUNCIL GOAL ADDRESSED

Relocation of a portion of Public Services Department operations out of Bayside.

FINANCIAL IMPACT

Last fall, the City Council authorized issuance of \$3.05 million in general obligation debt to support property acquisition to move ahead with the City department consolidation plan. This was combined with a previous appropriation of \$100,000 for preliminary costs associated with the relocation of City operations out of Bayside.

The original intent was to purchase the property and it was not expected that we would need to pay for leased space. However, this property was not officially listed for sale, and as mentioned above, through negotiations for the property the lease/purchase approach accommodated the owners' needs, while securing this key property for the City to help achieve an important long term goal.

Attached is a worksheet that shows the cash flow for this agreement. The estimated lease cost is \$230,000 for the term up to the purchase option date of March 1, 2017, and there are two options for funding that lease.

Lease payments cannot be made with capital bond funds, so we need to consider other types of funding. One option is to budget annually in the operating budget for the lease costs. Another option, and the one we are recommending, is to allocate pending land sale proceeds to cover the lease cost. You will recall that we have both the Bayside property sale and the Riverside Street property sale that are likely to close within a few months. Looking back to the original expectation of relocating City operations out of Bayside, it was planned that the sale of land in Bayside would help fund that relocation by paying the mortgage on the Riverside Street land purchase. While there has been some change in direction for the use of Riverside Street, using sale proceeds from either of these properties is in line with the original intent of the Council.

There would be a three month period of lease payments in this fiscal year, which we would absorb within the current year's budget.

STAFF ANALYSIS

City staff analyses results in a recommendation for approval of the lease/purchase option and financial appropriation approach to the City Council.

RECOMMENDATION

This matter was presented to the HCDC on February 12, which Committee recommended (3-0 – Coyne absent) that the City Manager be authorized to move forward with the lease/purchase option in substantially the form as presented.

The Finance Committee met on February 27th and voted 4-0 to recommend to the City Council the recommended financial appropriation approach to fund payment of the space lease, and also requested additional information to support the City-wide department consolidation plan.

Council action is needed in the form of two Orders, one for the approval of the Lease/Purchase agreement, and one for the appropriation of land sale proceeds for the purpose of funding lease payments.

Attachments:

- Cash Flow Worksheet – pp. 5 and 6
- Aerial of 212 Canco Road – p. 7
- Commercial Lease (Net Lease) With Option to Purchase – pp. 8 to 22

**Canco Road Property
Estimated Cash Flow
February, 2014**

	Assessed Value, 2013	Total AV	Asking Price	Price - AV	Current Taxes
212 Canco Road	\$393,100/\$2,660,670	\$ 3,053,770	\$ 2,900,000	\$ (153,770)	\$ 59,266

Fiscal Year

2014	2015	2016	2017
------	------	------	------

~Assumes occupancy date of new space on April 1, 2014, and all rental payments ending March 1, 2017~

Cash In:

a General Fund budget	\$ 90,000	\$ 99,000	\$ 95,000	\$ 73,500
b Proceeds from sale of property (Bayside/Riverside)		81,448	82,727	62,075
CIP (approved in 2013)	75,000			3,075,000
c Operating costs at 65 Hanover				27,195

Cash Out:

a Rental for Fire Elec/Hazmat WMD	(96,000)	(99,000)	(95,000)	(73,500)
Rental for Facilities/Traffic	(20,362)	(81,448)	(82,727)	(62,075)
Purchase of 212 Canco				(2,900,000)
d Relocation/Renovation	(75,000)			(175,000)
Net Total	\$ (26,362)	\$ 0	\$ 0	\$ 27,195

Notes

- a Fire Department Radio/Alarm operations and HazMat/WMD operations currently rent at 212 Canco (moved from Presumpscot St.); They were relocated from 109 Middle Street (PD) when the Regional Crime Lab was constructed. They are renting an office trailer until we can occupy enough of the building to give them space inside.
- b The overall goal is to begin relocation of DPS out of the Bayside area, which was originally intended to be financially supported by the sale of land in Bayside by paying off the mortgage to TPL on Riverside Street. This move allows the 65 Hanover Street property to be completely vacated. Note that the maintenance staff of the Facilities Division also currently resides in 65 Hanover. Since we cannot purchase the building at this time, proceeds from sale of land in Bayside or Riverside St could be used to fund rental payments until we can exercise our option to buy the property. Note that rental payments cannot be funded by bonds (i.e., CIP), so would otherwise need to be budgeted for in the general fund.
- c We will eventually enjoy savings on the cost of owning and operating 65 Hanover Street, however until we actually dispose of that property we will need to pay for basic utilities and repairs. The estimated date of disposal is two to three years. (FY17 would likely be offset against FD rental in the budget, but displayed here for consistency within the worksheet)
- d This property is in very good condition and requires minimal renovation to accommodate our operations. However, costs of moving and renovating were roughly estimated and may require additional funds at actual moving time.

212 Canco Road



**COMMERCIAL LEASE (NET LEASE)
WITH OPTION TO PURCHASE**

1. PARTIES

212 Canco Realty LLC, a Maine limited liability company, with a mailing address of 212 Canco Road, Portland, ME 04103 ("LANDLORD"), hereby leases to the City of Portland, Maine, a Maine municipality with a mailing address of 389 Congress St., Portland, Maine Attn: Corporation Counsel ("TENANT"), and TENANT hereby leases from LANDLORD the following described premises.
2. LEASED PREMISES

The leased premises are deemed to contain 12,170 square feet of warehouse space, another 5,211 square feet of warehouse/mixed use and shared loading dock space, and 2,000 square feet of second floor office space (a total of 19,381 square feet), all as shown on the attached Exhibit A. The leased premises are located at 212 Canco Road, Portland, Maine. Together with the right to use, in common with others entitled thereto, the hallways and stairways necessary for access to the leased premises. TENANT shall also have the right to use, in common with others, parking spaces at the rear of the building in areas designated by LANDLORD. The leased premises are accepted in "as is" condition except if specifically set forth to the contrary in this Lease. TENANT acknowledges that: a) LANDLORD has made no representations and TENANT is not relying on any representations about the leased premises, their suitability for any particular use and/or the physical condition thereof; and b) that TENANT has conducted its own due diligence inquiries with respect to the leased premises and is satisfied with the results thereof. The shared loading dock space shall be used by the TENANT in common with other persons and other tenants as designated by LANDLORD, fully in accordance and compliance with the reasonable rules and regulations issued by LANDLORD or its building manager from time to time and the TENANT covenants to comply with such rules and regulations.
3. TERM

The term of this Lease shall be until November 1, 2018, unless sooner terminated as herein provided, commencing on April 1, 2014 (the "Commencement Date") provided however, the Commencement Date for the 2,000 square feet of second floor office space shall be the later of July 1, 2014." And however, if by November 1, 2018 TENANT has exercised the right to purchase pursuant to the Option which is part of this agreement, then the term of this Lease shall be continued until the leased premises have been conveyed to the TENANT pursuant to said Option.
4. RENT

TENANT shall pay to LANDLORD base rent at the rate of Five Dollars Fifty Cents (\$5.50) NNN per square foot for the 2,000 square feet of second floor office space and One Dollar Sixty Cents (\$1.60) NNN per square foot for the remaining 17,381 square feet of warehouse space and warehouse/mixed use and shared loading dock space as shown on the attached Exhibit A in the annual amount of Thirty-Eight Thousand Eight Hundred and Nine Dollars and Sixty Cents (\$38,809.60) payable in advance in equal monthly installments in the amount of Three Thousand Two Hundred Thirty-Four Dollars and Thirteen Cents (\$3,234.13) on the first day of each month during the term without deduction or setoff, said rent to be prorated for portions of a calendar month at the beginning or end of said term, all payments to be made to LANDLORD or to such agent and at such place as LANDLORD shall from time to time in writing designate; provided, however, that TENANT shall pay the first month's rent and the last month's rent contemporaneously with the execution of this Lease. If TENANT does not pay base rent, supplemental and additional rents, or other fees and charges when due pursuant to the term of this Lease, then LANDLORD, in its sole discretion, may charge, in addition to any other remedies it may have, a late charge for each month or part thereof that TENANT fails to pay the amount due after the due date. The late charge shall be equal to four percent (4%) of the amount due LANDLORD each month in addition to the rent then due. Notwithstanding the above, until the 2,000 square feet of second floor office space becomes a portion of the leased premises, the annual base rent shall be Twenty-Seven Thousand Eight Hundred and Nine Dollars and Sixty Cents (\$27,809.60) and the monthly base rent shall be Two Thousand Three Hundred Seventeen Dollars and Forty-Seven Cents (\$2,317.47) payable without deduction or off set as set forth above.
5. RENT ADJUSTMENT

Commencing on the Commencement Date, TENANT will pay to LANDLORD as additional rent hereunder, in accordance with subparagraph B of this Article, an amount deemed to be 25.9% of all real estate taxes on the land and buildings of which the leased premises are a part in each year of the term of this Lease or any extension or renewal thereof and proportionately for any part of a fiscal year in which this Lease commences or ends. Notwithstanding the above, if and when the 2,000 square feet of second floor office space becomes a portion of the leased premises, the additional rent percentage shall be deemed to be 28.9% for the remaining term of this Lease. For purposes of this calculation, the building is deemed to contain 67,000 square feet. If LANDLORD obtains an abatement of any such excess real estate tax, a proportionate share of such abatement, less the reasonable fees and costs incurred in obtaining the same, if any, shall be refunded to TENANT.

 - A. TAXES

B. OPERATING COSTS

Commencing on the Commencement Date, TENANT shall pay to LANDLORD as additional rent hereunder in accordance with subparagraph B of this Article, an amount deemed to be 25.9% of all operating expenses. Notwithstanding the above, if and when the 2,000 square feet of second floor office space becomes a portion of the leased premises, the additional rent percentage shall be deemed to be 28.9% for the remaining term of this Lease. For purposes of this calculation, the building is deemed to contain 67,000 square feet. Operating expenses are defined for the purposes of this agreement as operating expenses per annum of the building and its appurtenances and all exterior areas, yards, plazas, sidewalks, landscaping, parking areas, and the like then (i.e. as of said last day of the calendar year concerned) located outside of the building but related thereto and the parcels of land on which they are located (said building appurtenances, exterior areas, and land hereinafter referred to in total as the "building"). Operating expenses include, but are not limited to: (i) all costs of furnishing electricity, heat, air-conditioning, water and sewer and other utility services and facilities to the leased premises and the building; (ii) all costs of any insurance carried by LANDLORD related to the building; (iii) all costs for common area cleaning and janitorial services; (iv) all costs of maintaining the building including the operation and repair of heating and air conditioning equipment servicing the leased premises and the building and any other common building equipment, and all repairs, improvements and replacements required by law or necessary to keep the building in a well maintained condition; (v) all costs of snow and ice removal, landscaping and grounds care; (vi) all other costs of the management of the building, including, without limitation property management fees; and (vii) all other reasonable costs relating directly to the ownership, operation, maintenance and management of the building by LANDLORD. TENANT's share of operating expenses shall be prorated should this Lease be in effect with respect to only a portion of any calendar year.

LANDLORD estimates that taxes and operating costs during the first year of the term of this Lease shall be approximately Two Dollars and Twenty Cents(\$2.20) per square foot. During each year of the term of this Lease, TENANT shall make monthly estimated payments to LANDLORD, as additional rent for TENANT'S share of real estate taxes and operating expenses for the then current year. Said estimated monthly payments shall be made along with base rent payments and shall be equal to one twelfth (1/12) of TENANT'S annualized share of LANDLORD'S real estate taxes and operating expenses for the current year. Within one hundred and twenty (120) days after the end of each calendar year, LANDLORD shall deliver to TENANT a statement showing the amount of such real estate taxes and operating expenses also showing TENANT'S share of the same. In the event that TENANT does not object to such statement in writing within ninety (90) days of receipt of same, such statement shall be deemed accurate. Upon written request by TENANT to LANDLORD made within said ninety (90) day period, LANDLORD shall provide to TENANT reasonable supporting documentation for any item of expense on such statement objected to by TENANT. TENANT shall, within thirty (30) days after such delivery, pay TENANT'S share to LANDLORD, as additional rent, less any estimated payments. If the estimated payments exceed TENANT'S share, then the excess shall be applied to the next year's monthly payments for estimated increases.

UTILITIES

LANDLORD agrees to furnish all utilities as described in section 5.B above. LANDLORD agrees to furnish water for ordinary drinking, cleaning, lavatory and toilet facilities and reasonable heat and air conditioning, if installed as part of the structure of the building so as to maintain the leased premises and common areas of the building at comfortable levels during normal business hours on regular business days of the heating and air condition seasons of each year, to furnish elevator service, if installed as a part of the structure of the building, and to light passageways and stairways during business hours, and to furnish such common area cleaning service as is customary in similar building in said city or town, all subject to interruption due to any accident, to the making of repairs, alterations or improvements, to labor difficulties, to trouble in obtaining fuel, electricity, service, or supplies from the sources from which they are usually obtained for said building, or to any cause beyond LANDLORD'S control.

LANDLORD shall have no obligation to provide utilities or equipment other than the utilities and equipment within the leased premises as of the commencement date of this Lease. In the event TENANT requires additional utilities or equipment, the installation and maintenance thereof shall be TENANT'S sole obligation, provided that such installation shall be subject to the written consent of LANDLORD.

7. USE OF LEASED PREMISES

TENANT may use the leased premises for any purpose or use permitted by law and local ordinance. If such use increases the cost of LANDLORD'S insurance on the building, TENANT shall pay, as additional rent hereunder, any such increase. Neither LANDLORD nor LANDLORD'S BROKER have made any representations to TENANT regarding the uses of the leased premises allowed under applicable law, nor TENANT acknowledges and agrees that TENANT assumes all responsibility and risk for investigating the same.

8. COMPLIANCE WITH LAWS
- TENANT agrees to conform to the following provisions during the entire term of this Lease: (i) TENANT shall not injure or deface the leased premises or building; (ii) No auction sale, inflammable fluids, chemicals, nuisance, objectionable noise or odor shall be permitted on the leased premises; (iii) TENANT shall not permit the use of the leased premises for any purpose other than set forth herein or any use thereof which is improper, offensive, contrary to law or ordinance, or liable to invalidate or increase the premiums for any insurance on the building or its contents or liable to render necessary any alterations or additions to the building; and (iv) TENANT shall not obstruct in any manner any portion of the building not hereby demised or the sidewalks or approaches to said building or any inside or outside windows or doors. TENANT shall observe and comply with all codes, ordinances, laws, regulations and other governmental or quasi-governmental orders or inspections affecting TENANT, the leased premises and/or TENANT's use and all reasonable rules and security regulations now or hereafter made by LANDLORD for the care and use of the leased premises, the building, its facilities and approaches. TENANT agrees to keep the leased premises equipped with all safety appliances and make all accessibility alterations, improvements or installations to the building, and/or accommodations in TENANT'S use thereof required by law or any public authority as a result of TENANT'S use or occupancy of the premises or TENANT'S alterations or additions thereto, which alterations, improvements and installations shall be subject to LANDLORD'S consent as provided in this Lease.
9. MAINTENANCE
- A. TENANT'S OBLIGATIONS
- TENANT acknowledges by entry thereupon that the leased premises are in good and satisfactory order, repair and condition, and covenants during said term and further time as TENANT holds any part of said premises to keep the leased premises (including without limitation windows, doors and all systems serving exclusively the leased premises) in as good order, repair and condition as the same are in at the commencement of said term, or may be put in thereafter, damage by fire or unavoidable casualty and reasonable use and wear only excepted. Notwithstanding anything to the contrary herein, if TENANT has leased ground floor space, TENANT covenants to keep all plate glass windows in good repair and condition and to carry adequate insurance to provide for the replacement of any such plate glass which is damaged or destroyed.
- B. LANDLORD'S OBLIGATIONS
- LANDLORD agrees to maintain and repair the roof, exterior walls and structure of the building of which the leased premises are a part, building systems not exclusively serving the leased premises and the common areas, in the same condition as they are at the commencement of the term or as it may be put in during the term of this Lease, reasonable wear and tear, damage by fire and other casualty only excepted, unless such maintenance or repair is made necessary by fault or neglect of TENANT or the employees, contractors, agents or invitees of TENANT, in which case such maintenance or repair shall be at the expense of TENANT and TENANT shall pay all costs therefor.
10. ALTERATIONS-ADDITIONS
- TENANT shall not make any alterations or additions, or permit the making of any holes in any part of said building (except for nail holes for hanging art), or paint or place any signs, drapes, curtains, shades, awnings, aerials or flagpoles or the like, or permit anyone except TENANT to use any part of the leased premises for desk space or for mailing privileges without on each occasion obtaining prior written consent of LANDLORD. TENANT may install signs of the following dimensions in the following locations, which signs shall be installed at TENANT'S sole expense, in compliance with all applicable laws and ordinances, and subject to LANDLORD's prior approval, which shall not be unreasonably withheld. TENANT shall not suffer or permit any lien of any nature or description to be placed against the building, the leased premises or any portion thereof, and in the case of any such lien attaching to immediately pay and remove the same; this provision shall not be interpreted as meaning that TENANT has any authority or power to permit any lien of any nature or description to attach or to be placed upon LANDLORD'S title or interest in the building, the leased premises, or any portion thereof.
11. ASSIGNMENT-SUBLEASING
- TENANT shall not by operation of law or otherwise, assign, mortgage or encumber this Lease, or sublet or permit the leased premises or any part thereof to be used by others, without LANDLORD'S prior express written consent in each instance (cross out if not applicable). In any case where LANDLORD shall consent to such assignment or subletting, TENANT named herein and any guarantor of this Lease shall remain fully liable for the obligations of TENANT hereunder, including, without limitation, the obligation to pay the rent and other amounts provided under this Lease. For purposes of this Lease, the sale of controlling interest in the stock of a corporate TENANT, sale of the controlling membership interest in an LLC or similar entity, or the change of a general partner of a partnership TENANT shall constitute an assignment of this Lease.
12. SUBORDINATION AND QUIET ENJOYMENT
- This Lease automatically shall be subject and subordinate to any and all mortgages, deeds of trust and other instruments in the nature of a mortgage, that is now or at any time hereafter a lien or liens on the property of which the leased premises are a part and TENANT shall, within ten (10) days after they are requested, promptly execute and deliver such written instruments as shall be necessary to show the subordination of this Lease to said mortgages, deeds of trust or other such instruments in the nature of a mortgage. Provided TENANT performs all of its obligations under this Lease, TENANT shall be entitled to the quiet enjoyment of the leased premises; provided TENANT covenants that it holds the leased premises subject to all easements, covenants and other matters of record, and agrees to abide by same to the extent the same affect the leased premises. TENANT agrees to sign within ten (10) days after they are requested, such estoppel certificates as are requested by LANDLORD or LANDLORD's lender.
13. LANDLORD'S ACCESS
- LANDLORD or agents of LANDLORD may, at all reasonable times during the term of this Lease, enter the leased premises to examine the leased premises and, if LANDLORD shall so elect, to make any repairs or additions LANDLORD may deem necessary and, at TENANT'S expense, to remove any alterations, additions, signs, drapes, curtains, shades, awnings, aerials or flagpoles, or the like, not consented to in writing.

14. INDEMNIFICATION AND LIABILITY

Subject to and limited by the defenses and immunities afforded by the Maine Tort Claims Act and other applicable law, TENANT will defend and, except to the extent caused solely by the negligence or willful conduct of LANDLORD, will indemnify LANDLORD and its employees, agents and management company, and save them harmless from any and all injury, loss, claim, damage, liability and expense (including reasonable attorney's fees) in connection with the loss of life, personal injury or damage to property or business, arising from, related to, or in connection with the occupancy or use by TENANT of the leased premises or any part of LANDLORD'S property or the building, or occasioned wholly or in part by any act or omission of TENANT, its contractors, subcontractors, subtenants, licensees or concessionaires, or its or their respective agents, servants or employees while on or about the leased premises. TENANT shall also pay LANDLORD'S expenses, including reasonable attorney's fees, incurred by LANDLORD in successfully enforcing any obligation, covenant or agreement of this Lease or resulting from TENANT's breach of any provisions of this Lease (including without limitation any attorneys' fees incurred to monitor or intervene in any bankruptcy proceeding involving TENANT), or any document, settlement or other agreements related to this Lease. The provisions of this Article shall survive the termination or earlier expiration of the term of this Lease. Without limitation of any other provision herein, neither LANDLORD, its employees, agents nor management company shall be liable for, and TENANT hereby releases them from all claims for, any injuries to any person or damages to property or business sustained by TENANT or any person claiming through TENANT due to the building or any part thereof (including the premises), or any appurtenances thereof, being in need of repair or due to the happening of any accident in or about the building or the leased premises or due to any act or negligence of TENANT or of any employee or visitor of TENANT. Without limitation, this provision shall apply to injuries and damage caused by nature, rain, snow, ice, wind, frost, water, steam, gas or odors in any form or by the bursting or leaking of windows, doors, walls, ceilings, floors, pipes, gutters, or other fixtures; and to damage caused to fixtures, furniture, equipment and the like situated at the leased premises, whether owned by TENANT or others. Notwithstanding the foregoing, all obligations of indemnification herein by TENANT to the Landlord are subject to, and limited by, the limitation of liability, defenses and immunities available to the TENANT under the Maine Tort Claims Act (14 M.R.S.A. § 8101 et seq.) (as it may be amended from time to time) or under any other applicable law. Landlord shall give the TENANT prompt notice of any matter as to which it may seek indemnity hereunder, and shall not settle any such matter without the City's consent.

15. TENANT'S LIABILITY INSURANCE

LANDLORD acknowledges having been informed by TENANT that TENANT self-insures for the risks generally that would be covered by commercial general liability insurance, in connection with the Maine Municipal Associations 'Risk Management Pool.'

16. FIRE CASUALTY- EMINENT DOMAIN

Should a substantial portion of the leased premises, or of the property of which they are a part, be damaged by fire or other casualty, or be taken by eminent domain, LANDLORD may elect to terminate this Lease. When such fire, casualty, or taking renders the leased premises unfit for use and occupation and LANDLORD does not so elect to terminate this Lease, a just and proportionate abatement of rent shall be made until the leased premises, or in the case of a partial taking what may remain thereof, shall have been put in proper condition for use and occupation. LANDLORD reserves and excepts all rights to damages to the leased premises and building and the leasehold hereby created, accrued or subsequently accruing by reason of anything lawfully done in pursuance of any public, or other, authority; and by way of confirmation, TENANT grants to LANDLORD all TENANT'S rights to such damages and covenants to execute and deliver such further instruments of assignment thereof as LANDLORD may from time to time request. LANDLORD shall give TENANT notice of its decision to terminate this Lease or restore the premises within ninety (90) days after any occurrence giving rise to LANDLORD'S right to so terminate or restore. Notwithstanding anything to the contrary contained herein, LANDLORD'S obligation to put the leased premises or the building in proper condition for use and occupation shall be limited to the amount of the proceeds from any insurance policy or policies or of damages which accrue by reason of any taking by a public or other authority, which are available to LANDLORD for such use.

17. DEFAULT AND
BANKRUPTCY

In the event that:

- (a) TENANT shall default in the payment of any installment of rent or other sum herein specified when due which default is not corrected within seven (7) days after written notice thereof; or
- (b) TENANT shall default in the observance or performance of any other of the TENANT'S covenants, agreements, or obligations hereunder and such default shall not be corrected within ten (10) days after written notice thereof; or
- (c) The leasehold hereby created shall be taken on execution, or by other process of law; or
- (d) Any assignment shall be made of TENANT'S property for the benefit of creditors, or a receiver, guardian, conservator trustee in bankruptcy or similar officer shall be appointed by a court of competent jurisdiction to take charge of all or any part of TENANT'S property, or a petition is filed by TENANT under any bankruptcy, insolvency or other debtor relief law,

then and in any of said cases (notwithstanding any license of any former breach of covenant or waiver of the benefit hereof or consent in a former instance), LANDLORD shall be entitled to all remedies available to LANDLORD at law and equity including without limitation, the remedy of forcible entry and detainer, and LANDLORD lawfully may, immediately or at any time thereafter, and without demand or notice, mail a notice of termination to TENANT, or, if permitted by law, enter into and upon the leased premises or any part thereof in the name of the whole and repossess the same as of its former estate, and expel TENANT and those claiming through or under it and remove it or their effects without being deemed guilty of any manner of trespass, and without prejudice to any remedies which might otherwise be used for arrears of rent or preceding breach of covenant, and upon such mailing or entry as aforesaid, this Lease shall terminate; and TENANT covenants and agrees, notwithstanding any entry or re-entry by LANDLORD, whether by summary proceedings, termination, or otherwise, that TENANT shall, as of the date of such termination, immediately be liable for and pay to LANDLORD the entire unpaid rental and all other balances due under this Lease for the remainder of the term. In addition, TENANT agrees to pay to LANDLORD, as damages for any above described breach, all costs of reletting the leased premises including real estate commissions and costs of renovating the premises to suit any new tenant, and TENANT agrees to reimburse LANDLORD for all attorneys' and paralegals' fees incurred by LANDLORD in connection with a TENANT default, including without limitation such fees incurred in connection with a bankruptcy proceeding.

18. NOTICE

Any notice from LANDLORD to TENANT relating to the leased premises or to the occupancy thereof, shall be deemed duly served, upon mailing to: City of Portland Corporation Counsel, 389 Congress St., Portland, ME 04101-3509, certified mail, return receipt requested, postage prepaid. Such notice shall be deemed served on the date postmarked, and any time period in this Lease running from the date of notice shall commence on the date of postmark. Any notice from TENANT to LANDLORD relating to the leased premises or to the occupancy thereof, shall be deemed duly served, if mailed to LANDLORD by registered or certified mail, return receipt requested, postage prepaid, addressed to LANDLORD at LANDLORD'S address set forth in Article 1, or at such other address as LANDLORD may from time to time advise in writing.

19. SURRENDER

IF TENANT has not exercised its option to purchase and closed on such purchase (as set forth in Paragraph 29 Addendum), or if this Lease terminates for any other reason prior to Tenant exercising its option to purchase, TENANT, shall at the expiration or other termination of this Lease, peaceably yield up the leased premises and all additions, alterations, fixtures (including those installed by TENANT), and improvements thereto in good order, repair and condition, damage by fire, unavoidable casualty, and reasonable wear and tear only excepted, first moving all goods and effects not attached to the leased premises, repairing all damage caused by such removal, and leaving the leased premises clean and tenantable. If LANDLORD in writing permits TENANT to leave any such goods and chattels at the leased premises, and TENANT does so, TENANT shall have no further claims and rights in such goods and chattels as against LANDLORD or those claiming by, through or under LANDLORD, and TENANT shall be deemed to have conveyed such items to LANDLORD unless LANDLORD elects to reject acceptance of the same.

20. HAZARDOUS
MATERIALS

TENANT covenants and agrees that, with respect to any hazardous, toxic or special wastes, materials or substances including asbestos, waste oil and petroleum products (the "Hazardous Materials") which TENANT, its agents or employees, may use, handle, store or generate in the conduct of its business at the leased premises TENANT will: (i) comply with all applicable laws, ordinances and regulations which relate to the treatment, storage, transportation and handling of the Hazardous Materials (ii) that TENANT will in no event permit or cause any disposal of Hazardous Materials in, on or about the leased premises and in particular will not deposit any Hazardous Materials in, on or about the floor or in any drainage system or in the trash containers which are customarily used for the disposal of solid waste; (iii) that TENANT will with advance notice and at all reasonable times permit LANDLORD or its agents or employees to enter the leased premises to inspect the same for compliance with the terms of this paragraph and will further provide upon five (5) days notice from LANDLORD copies of all records which TENANT may be obligated by federal, state and/or local law to obtain and keep; (iv) that upon termination of this Lease, TENANT will at its expense, remove all Hazardous Materials, which came to exist on, in, or under the leased premises during the term of this Lease or any extensions thereof, from the leased premises and comply with applicable local, state and federal laws as the same may be amended from time to time; and (v) TENANT further agrees to deliver the leased premises to LANDLORD at the termination of this Lease free of all Hazardous Materials which came to exist on, in, or under the leased premises during the term of this Lease or any extensions thereof. The terms used in this paragraph shall include, without limitation, all substances, materials, etc., designated by such terms under any laws, ordinances or regulations, whether federal state or local.

21. **LIMITATION OF LIABILITY** TENANT agrees to look solely to LANDLORD'S interest in the building for recovery of any judgment from LANDLORD or any of LANDLORD's partners, managers, or owners, it being agreed that LANDLORD and any other such party is not personally liable for any such judgment. The provision contained in the foregoing sentence shall not limit any right that TENANT might otherwise have to obtain an injunctive relief against LANDLORD or LANDLORD'S successors in interest, or any other action not involving the personal liability of LANDLORD and any other such party. Under no circumstances shall LANDLORD ever be liable for lost profits, indirect or consequential damages.
22. **LANDLORD DEFAULT** LANDLORD shall in no event be in default in the performance of any of its obligations hereunder unless and until LANDLORD shall have failed to perform such obligations within thirty (30) days or such additional time as is reasonably required to correct any such default after notice by TENANT to LANDLORD properly specifying wherein LANDLORD has failed to perform any such obligation. Further, if the holder of the mortgage on the building of which the leased premises are a part notifies TENANT that such holder has taken over LANDLORD'S rights under this Lease, TENANT shall not assert any right to deduct the cost of repairs or any monetary claim against lender or holder from rent thereafter due and accruing, but shall look solely to LANDLORD for satisfaction of such claim.
23. **WAIVER OF RIGHTS** No consent or waiver, express or implied, by either party to or of any breach of any covenant, condition or duty of the other, shall be construed as a consent or waiver to or of any other breach of the same or other covenant, condition or duty.
24. **SUCCESSORS AND ASSIGNS** The covenants and agreements of LANDLORD and TENANT shall run with the land and be binding upon and inure to the benefit of them and their respective heirs, executors, administrators, successors and assigns, but no covenant or agreement of LANDLORD, express or implied, shall be binding upon any person except for defaults occurring during such person's period of ownership nor binding individually upon any fiduciary, any shareholder or any beneficiary under any trust.
25. **HOLDOVER** If TENANT fails to vacate the leased premises at the termination of this Lease and has not exercised its option to purchase the 212 Canco Road premises, then the terms of this Lease shall be applicable during said holdover period, except for base rent, which shall be increased to two (2) times the then-current base rent for the period just preceding such termination; but this provision shall not be interpreted as consent or permission by LANDLORD for TENANT to holdover at the termination of this Lease and the terms of this holdover provision shall not preclude LANDLORD from recovering any other damages which it incurs as a result of TENANT'S failure to vacate the leased premises at the termination of this Lease.
26. **JURY TRIAL WAIVER** NOTWITHSTANDING ANYTHING IN THIS LEASE TO THE CONTRARY, TENANT AND LANDLORD, FOR THEMSELVES AND THEIR SUCCESSORS AND ASSIGNS, HEREBY KNOWINGLY, WILLINGLY, AND VOLUNTARILY WAIVE ANY AND ALL RIGHTS TENANT AND/OR LANDLORD MAY HAVE TO A TRIAL BY JURY IN ANY FORCIBLE ENTRY AND DETAINER ("FED") ACTION OR PROCEEDING BROUGHT BY LANDLORD OR LANDLORD'S SUCCESSORS AND/OR ASSIGNS BASED UPON OR RELATED TO THE PROVISIONS OF THIS LEASE. LANDLORD AND TENANT HEREBY AGREE THAT ANY SUCH FED ACTION OR PROCEEDING SHALL BE HEARD BEFORE A SINGLE JUDGE OF THE APPROPRIATE DISTRICT COURT OR A SINGLE JUDGE OF THE APPROPRIATE SUPERIOR COURT, OR A FEDERAL DISTRICT COURT JUDGE SITTING IN THE DISTRICT OF MAINE.
27. **MISCELLANEOUS** If TENANT is more than one person or party, TENANT'S obligations shall be joint and several. Unless repugnant to the context, "LANDLORD" and "TENANT" mean the person or persons, natural or corporate, named above as LANDLORD and TENANT respectively, and their respective heirs, executors, administrators, successors and assigns. LANDLORD and TENANT agree that this Lease shall not be recordable but each party hereto agrees, on request of the other, to execute a Memorandum of Lease in recordable form and mutually satisfactory to the parties. If any provision of this Lease or its application to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Lease and the application of such provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby and each provision of this Lease shall be valid and enforceable to the fullest extent permitted by law. The submission of this Lease or a summary of some or all of its provisions for examination by TENANT does not constitute a reservation of or option for the premises or an offer to lease said premises, and this document shall become effective and binding only upon the execution and delivery hereof by both LANDLORD and TENANT. Employees or agents of LANDLORD have no authority to make or agree to make a lease or any other agreement or undertaking in connection herewith. All negotiations, considerations, representations and understandings between LANDLORD and TENANT are incorporated herein and no prior agreements or understandings, written or oral, shall be effective for any purpose. No provision of this Lease may be modified or altered except by agreement in writing between LANDLORD and TENANT, and no act or omission of any employee or agent of LANDLORD shall alter, change, or modify any of the provisions hereof. Time is of the essence of this agreement. This Lease shall be governed exclusively by the provisions hereof and by the laws of the State of Maine. The headings herein contained are for convenience only, and shall not be considered a part of this Lease.
28. **BROKERAGE** TENANT warrants and represents to LANDLORD that it has not dealt with any broker, finder or similar person concerning the leasing of the leased premises, and agrees to defend and indemnify LANDLORD against any claim from a broker or finder claiming by or through TENANT. LANDLORD warrants and represents to TENANT that it has not dealt with any broker, finder or similar person concerning the leasing of the leased premises other than The Boulos Company ("LANDLORD'S BROKER"). LANDLORD agrees to pay LANDLORD'S BROKER any commission due upon execution of this Lease, and in the event of any brokerage claims against TENANT by LANDLORD'S BROKER, LANDLORD agrees to defend the same and indemnify TENANT against any such claim.

29. OPTION TO PURCHASE LANDLORD hereby grants TENANT as part of this lease agreement, the right and option to purchase all of the LANDLORD's real property at 212 Canco Road, on the terms and conditions set out in this paragraph 29 as further set forth in the attached continuation of paragraph 29 in Exhibit B, OPTION TO PURCHASE; and the terms and conditions therein are hereby incorporated herein.

DISCLAIMER: THIS IS A LEGAL DOCUMENT. IF NOT FULLY UNDERSTOOD, CONSULT AN ATTORNEY.

IN WITNESS WHEREOF, the said parties hereunto set their hands and seals this ____ day of _____, 2014.

TENANT:

LANDLORD:

City of Portland, Maine
Legal Name of Tenant

212 Canco Realty LLC
Legal Name of Landlord

Signature

Signature

Mark H. Rees, City Manager
NAME/TITLE

NAME/TITLE

Witness to Tenant

Witness to Landlord

Approved as to form:

Approved as to funds:

Corporation Counsel's Office

Finance Department

O:\OFFICE\LARRY\misc real docs\212 Canco\212 Canco City of Portland Lease new space.DOC



Graham
Architects

Kennebunkport,
Maine
1207.947.8830
1.207.947.8831

www.grahamarchitects.com

PROJECT
Existing Conditions
Nelson and Small
212 Canco Road
Portland, Maine

04.14.13

CLIENT
Nelson and Small
212 Canco Road
Portland, ME

CONTRACTOR

STRUCTURAL ENGINEER

INFORMATION

Per: mechanical/electrical and architect

Issue Date: 04.14.13

Drawn By: DG

Checked By: DG

Revised:

1.

2.

3.

4.

TITLE

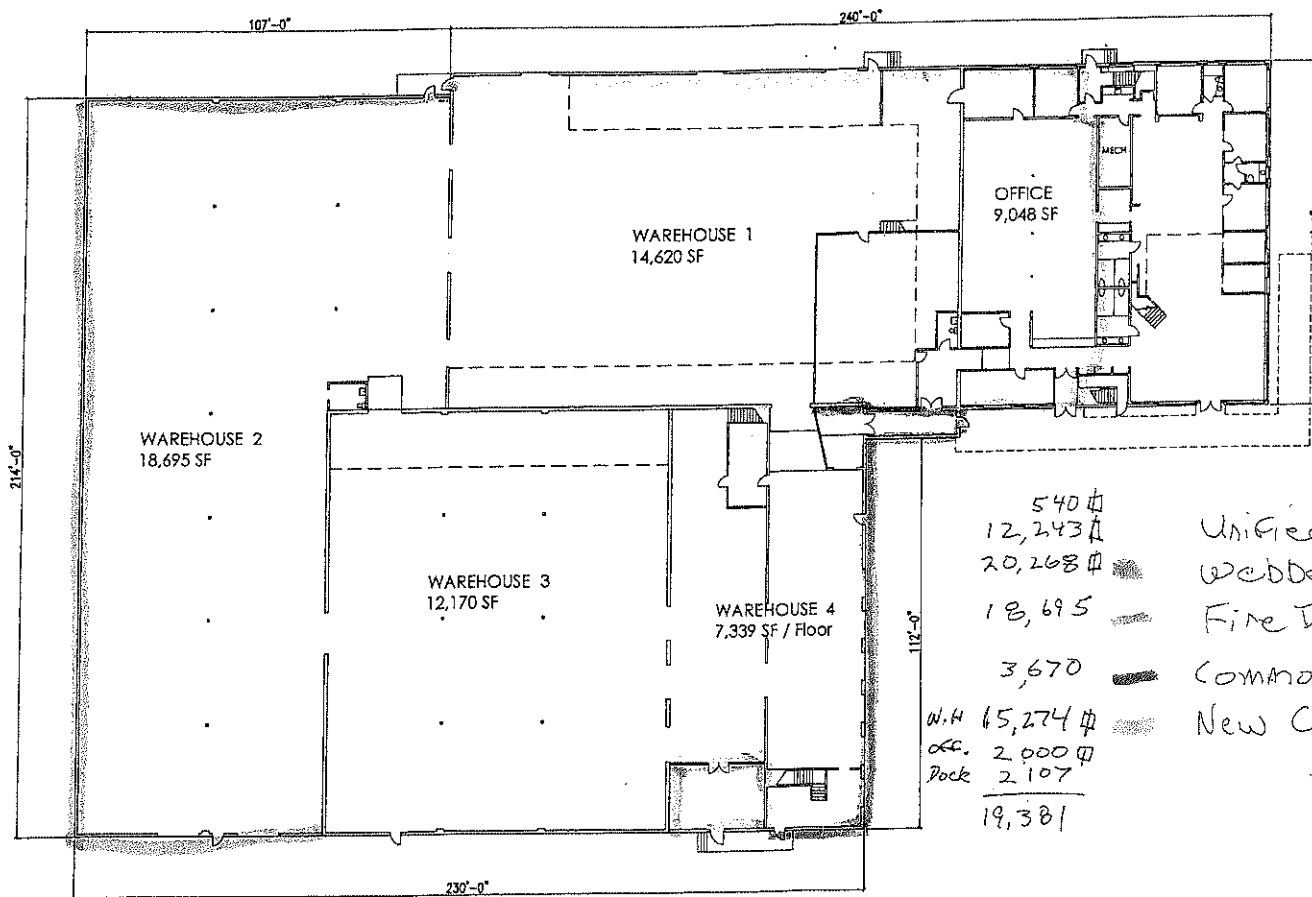
First Floor Plan

SCALE: 1/16"=1'-0"

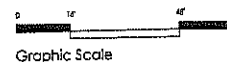
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A101

EXHIBIT A TO COMMERCIAL NET LEASE W/OPTION TO PURCHASE
(212 CANCO ROAD)



1 FIRST FLOOR PLAN
1/16"=1'-0"





Graham
Architects

Kennebunkport,

Maine

1(207) 437-8850

1(207) 447-8831

www.grahamarchitects.com

PROJECT

Existing Conditions
Nelson and Small

212 Canoe Road
Portland, Maine

04.14.13

CLIENT

Nelson and Small
212 Canoe Road
Portland, ME

CONTRACTOR

STRUCTURAL ENGINEER

INFORMATION

Path: m:\architects\version and email

Issue Date: 04.14.13

Drawn By: DG

Checked By: DG

Reviewed:

1.

2.

3.

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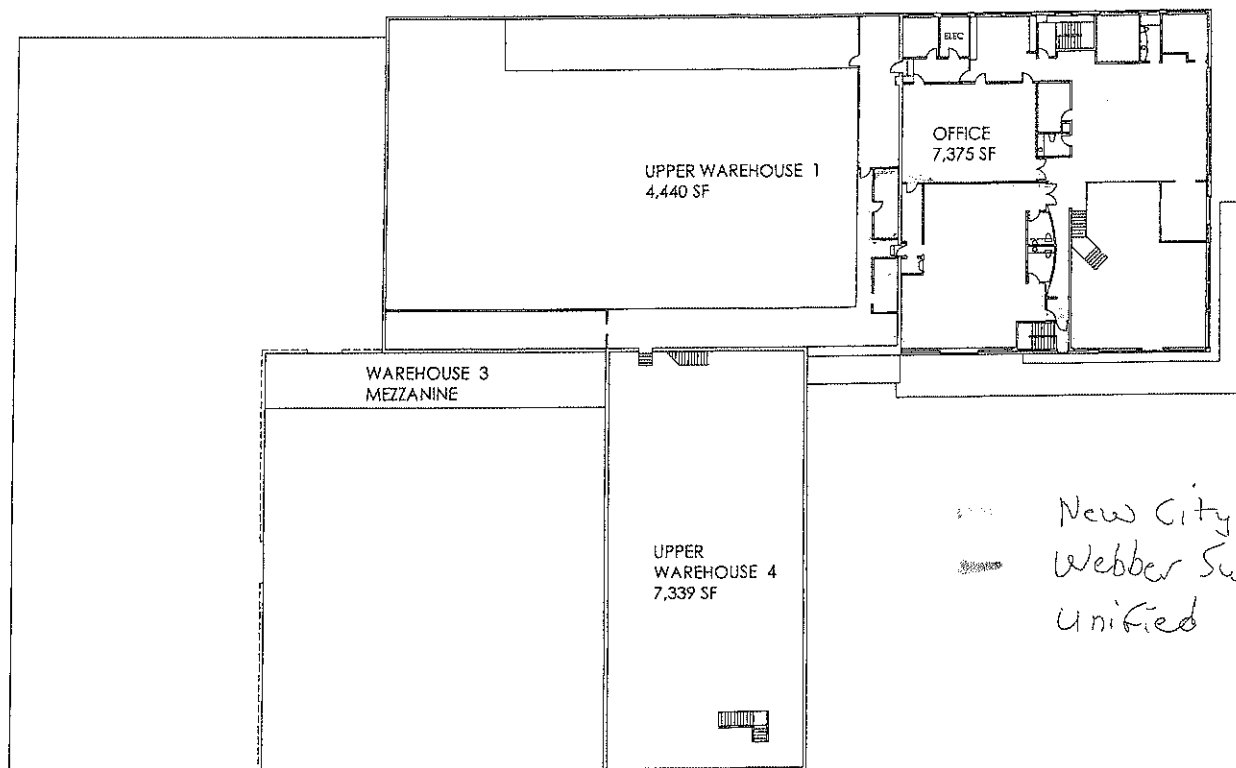
TITLE

Second Floor Plan

SCALE: 1/16"=1'-0"

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A102



1 SECOND FLOOR PLAN
1/16"=1'-0"

0 16' 32' 48'

Graphic Scale

Order 170-13/14
Tab 23-3-3-14
Tab 14 3-17-14

MICHAEL F. BRENNAN, (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L).

**ORDER APPROPRIATING \$230,000 TO LEASE
212 CANCO ROAD SPACE**

ORDERED, that the City Council hereby appropriates \$230,000 to pay for leasing of space at 212 Canco Road for housing City operations, which amount will be funded by proceeds from the sale of City property.

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L).

**ORDER REFERING TO THE PLANNING BOARD CONSIDERATION OF THE
REZONING OF PORTLAND'S URBAN SQUARES**

ORDERED, that the City Council requests that the Portland Planning Board review and recommend to the City Council the rezoning of City's urban squares to Recreation Open Space.

**City of Portland, Maine
City Council Agenda Request Form**

TO: Sonia Bean, Senior Administrative Assistant
Mayor and City Councilors

FROM: Danielle West-Chuhta

DATE: March 11, 2014

- 1) Council meeting at which action is requested:

Referral Order: March 17, 2014: refer to Planning Board

- 2) Can action be taken at a later date: YES X NO
If not, why not: City Council wishes to act now to ask the Planning Board to review and finalize the rezoning of City urban squares (for example, Longfellow Square, Congress Square, Monument Square or Boothby Square,) to Recreation Open Space ("ROS"). In order that this rezoning can be acted on at the same time the Council expects to consider an ordinance amendment concerning the Parks Ordinance, the Council also requests that the Planning Board complete its review prior to April 14, 2014.

- 3) This item is sponsored by: Mayor and City Council present at 3/10/14 City Council Workshop (If the item is sponsored by a Council Committee include the date the committee met and the outcome of the vote.)

If a memorandum addresses the following issues you may attach and reference the memorandum but please highlight it so staff can easily answer I-V.

I. SUMMARY OF ISSUE Review of urban squares in order to make sure the zoning for each such square is ROS.

II. REASON FOR SUBMISSION (What issue/problem will this address?)
To ensure that the zoning of urban squares is appropriately aligned with their current uses and the City's zoning ordinance.

III. INTENDED RESULT (How does it resolve the issue/problem?)
Refer the rezoning of the urban squares to the Planning Board.

IV. FINANCIAL IMPACT None.

V. STAFF ANALYSIS & RECOMMENDATION Agree that the rezoning of the City's urban squares should be reviewed by the Planning Board.

*Order 184-13/14
Tab 16 3-17-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEBMAN (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING LEASE AGREEMENT FOR TRANSFER STATION BY
AND BETWEEN CITY OF PORTLAND AND
DIAMOND COVE HOMEOWNERS ASSOCIATION**

ORDERED, that the Lease Agreement for a Transfer Station by and between City of Portland and Diamond Cove Homeowners Association is hereby approved in substantially the form attached hereto as Attachment 1; and

BE IT FURTHER ORDERED, that the City Manager is authorized to execute the Lease Agreement and any other related documents necessary or convenient to carry out the intent of said Agreement.

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Department Heads/City Manager

DATE: March 5, 2014

DISTRIBUTION: (City Manager, Mayor, Corporation Counsel, Sonia Bean, Nancy English)

SUBJECT: Order Approving Lease Agreement for Transfer Station by and between
City of Portland and Diamond Cove Homeowners Association

SPONSOR: Mark Rees, City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action _____ March 17, 2014 _____

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

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

I. SUMMARY OF ISSUE (Agenda Description)

The Department of Public Services has been working with representatives of the Diamond Island Association for the past few years on the development of a solid waste and recycling transfer station that would serve all island needs on Great Diamond Island and Diamond Cove. It was determine that the best location for the transfer station would be on Diamond Cove property, which requires the City to obtain property rights in order to proceed with the development. City staff has been negotiating with officials of Diamond Cove over the past few years and we have now reached an agreement on a long term lease agreement that will give the City the property rights needed to proceed with the final design, filing site plan and permit applications and eventual construction of the solid waste transfer station. Corporation Counsel has assisted staff with the negotiations and has approved the terms and conditions of the lease.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

City staff has completed negotiations with officials of Diamond Cove and we are very pleased to report the lease has been approved and executed by Diamond Cove. City Council must approve all mult-year lease agreements the City enters into, and approval will enable City staff to complete the design and development of this

important asset on Great Diamond. This lease agreement will enable staff to consolidate solid waste and recycling services at one location, serving both the Great Diamond Island and Diamond Cove area of the Island. In addition, the development of the new transfer station allows the City to enhance the efficiencies of managing solid waste and recycling functions for the entire island and eliminates a very inefficient method currently used where all island trash is required to be hauled weekly from the current location since it is not a designated solid waste transfer station. A companion lease agreement is being finalized at this time, which will formalize use of the Diamond Cove's barge landing for transporting solid waste roll offs and other equipment needed to service Great Diamond Island. Diamond Cove property managers will be allowed to access the transfer station for their communities needs as well and eliminates the need for hauling their trash to the Great Diamond public works yard.

III. INTENDED RESULT

Approval of the Lease Agreement , which provides for a 20 year term with automatic renewal for four (4) additional 20 year terms. Approved lease agreement will enable to staff to complete design, file for site plan applications with the Planning Department and file for needed permits to operate the transfere station and final construction at this Diamond Cove site.

IV. COUNCIL GOAL ADDRESSED

Improved operating efficiencies with a basic island service program, enhance relationships with all island residents.

V. FINANCIAL IMPACT

Total project is estimated to cost \$500,000; Funding has been provided for over two (2) fiscal capital budgets; \$250,000 is included in the FY14 budget and \$250,000 is included in the FY15 Budget. Funds for completing the design and construction for the new barge landing are included in the FY14 CIP and FY15 CIP.

VI. STAFF ANALYSIS

The agreement is historic given previous tensions between the Great Diamond and Diamond Cove neighborhood communities, allows for significant improvements toward efficiencies and cost reductions by consolidating haul trips when compactors are full and having a fully licensed and permitted solid waste transfer station facility to perform basic island functions. Staff wishes to recognize Larry Walden of Corporation Counsel for his legal assistance and Matt Hoffner, Board member of the Diamond Cove Homeowners Association for their roles in achieving agreement.

VII. RECOMMENDATION

Staff recommends approval of the lease agreement

VIII. LIST ATTACHMENTS

Preliminary Site plan

Prepared by: Michael J. Bobinsky, Director of Public Services

Signature

Date

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

*Order 185-13/14
Tab 17 3-17-14*

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT FOR PROPOSED IMPROVEMENTS TO
MARTIN'S POINT BRIDGE**

ORDERED, that the Maine Department of Transportation Municipal/State Agreement for Proposed Improvements to Martin's Point Bridge by and between the City of Portland and Maine Department of Transportation is hereby approved in substantially the form attached hereto as Attachment 1; and

BE IT FURTHER ORDERED, that the City Manager is authorized to execute the Municipal/State Agreement and any other related documents necessary or convenient to carry out the intent of said Agreement.

MEMORANDUM
City Council Agenda Item

TO: Mayor Brennan and City Council

FROM: Michael J. Bobinsky, Director of Public Services

DATE:

DISTRIBUTION: (City Manager, Mayor, Corporation Counsel, Sonia Bean, Nancy English

SUBJECT: Order Approving Municipal Agreement between the City of Portland and the Town of Falmouth regarding the operations and maintenance of lighting and bicycle/pedestrian path on the Martins Point Bridge

SPONSOR: Mark Rees, City Manager,

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action _____ March 17, 2014 _____

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

The Department has a companion order addressing a required City State Agreement with MDOT for these elements on the Martins Point Bridge which is to be heard on March 17; staff recommends both items be acted upon at same time.

PRESENTATION: Michael Bobinsky, if required.

I. SUMMARY OF ISSUE

MaineDOT is completing the reconstruction of the Martins Point Bridge between Portland and Falmouth under a major bridge construction project. There are features within the new bridge that will require on -going maintenance and operations, which are contained in a MDOT City State Agreement, to be acted upon separately by the City Council. A Memorandum of Understanding is needed for the actual operations and maintenance of these features following the completion of the bridge in later 2014.

REASON FOR SUBMISSION

The City and the Town of Falmouth officials have agreed to operate and maintain within their respective municipal limits the Lighting and the Bicycle/Pedestrian Path from the Portland/Falmouth line on the Bridge to the end of the approach work installed under the Martins Point Bridge. A memorandum of agreement (MOA) was prepared to address the shared

responsibilities between Falmouth and Portland. The MOA has been completed and agreed by the officials from the Town of Falmouth and the City of Portland and is ready to be approved by the City Council. The Town of Falmouth Council will act on this agreement at their March 10 Town Council meeting.

II. INTENDED RESULT

Operational efficiencies between the Town of Falmouth and the City of Portland for the maintenance of these bridge features. In addition the MOU calls out that the Town of Falmouth will plow the travel lanes on the bridge and the City of Portland will plow the bicycle/pedestrian path during winter emergencies. The cost to operate the lights will be shared proportionate to the number of lights the City and Town have on the bridge.

III. COUNCIL GOAL ADDRESSED

Promotion of regional or shared municipal services where applicable, and operational in memorandums of agreement.

IV. FINANCIAL IMPACT

Annual cost of the bridge lighting is estimated to be approximately \$3,000 per year and the snow clearing operations will be incorporated in with the Departments annual winter budget. Costs will vary depending upon the severity of the winter.

V. STAFF ANALYSIS

Staff has been working with the Town of Falmouth Town Manager and Public Works Director and feels the shared services are an efficient and cost effective method of addressing the bridge maintenance responsibilities in the future.

VI. RECOMMENDATION

Staff recommends approval of the Agreement

VII. LIST ATTACHMENTS

Copy of the Agreement between the Town of Falmouth and the City of Portland

Prepared by:

Signature

Date

MUNICIPAL AGREEMENT
BETWEEN THE
CITY OF PORTLAND
AND THE
TOWN OF FALMOUTH
REGARDING THE
OPERATION & MAINTENANCE
OF LIGHTING RELATED TO THE MARTIN'S POINT BRIDGE AND
A BICYCLE/PEDESTRIAN PATH WITHIN THE PROJECT LIMITS
FOR
THE MARTIN'S POINT BRIDGE
CARRYING US ROUTE 1
OVER THE
PRESUMPSCOT RIVER

This AGREEMENT is entered into by and between the CITY OF PORTLAND and the TOWN OF FALMOUTH, municipal corporations located in the County of Cumberland (hereafter, respectively, the CITY and TOWN) regarding the operations and maintenance of lighting related to the Martin's Point bridge (the "Lighting"), and a bicycle pedestrian path (the "Bicycle/Pedestrian Path") under Federal Aid Project No. BR-1673/ (100) Project Identification Number 16731.00, (hereafter **PROJECT**) as follows:

A. OPERATION AND MAINTENANCE OF BRIDGE AND APPROACH LIGHTING.

- 1) The **CITY** and the **TOWN** agree to operate and maintain within their respective municipal limits the Lighting from the Portland/Falmouth line on the Bridge to the end of the approach work installed under the **PROJECT** in such a manner as is necessary to preserve the use and function thereof as designed and intended by the **PROJECT** as follows:
 - a. The **CITY** and the **TOWN** shall repair or correct all malfunctions and deficiencies in the Lighting system expeditiously. Each community will be responsible for repairs to physical equipment (fixtures, poles, and wires) within its geographic boundary. The **TOWN** will be responsible for any repairs and maintenance to the control system and shall charge the **CITY** 26% of any related and reasonable costs to repair and maintain the control system. Said control system will be located in the **TOWN**.
 - b. The **CITY** and the **TOWN** agree to be responsible for the electrical service for the Lighting. The **TOWN** will be responsible for payment of all electricity supply, electricity transmission and control communication costs. The **TOWN** will charge the **CITY** 26% of any such charges.
 - c. The **CITY** and the **TOWN** shall preserve and maintain the visibility of the Lighting at all times by removing all visual impairments thereto.

- d. The **CITY** and the **TOWN** shall make no substantial operational changes or modifications to the Lighting without the express mutual written approval.
- e. The **CITY** and the **TOWN** agree to maintain the Lighting with equipment technology equal to or better than what has been installed. More than three years after the expiration of the warranty period for lighting equipment and controls, the **CITY** and **TOWN** may mutually agree to use equipment technology that is less advanced than originally installed if in their judgment it is more reliable than or otherwise preferable to the original equipment.
- f. The **CITY** and the **TOWN** shall assume these maintenance responsibilities upon successful completion, installation, and acceptance of said lighting infrastructure. The **CITY** and **TOWN** shall not be responsible for any defects in materials and workmanship as defined and specified within the Maine Department of Transportation ("MDOT") plans, specifications, and contract between MDOT and their contractor.

B. OPERATION AND MAINTENANCE OF BICYCLE / PEDESTRIAN PATH

- 1) The **CITY** and the **TOWN** agree to remove snow from all sidewalks and the Bicycle / Pedestrian path within the municipal limits, built on the bridge structure as part of the **PROJECT**. The **CITY** will provide snow removal services on the sidewalks and Bicycle/Pedestrian path focusing on the east side of the bridge following the substantial completion of the plowing of the vehicle lanes. Although weather and unforeseen circumstances may be a factor, the removal of snow on the Bicycle and Pedestrian Path will occur no later than 48 hours after the **TOWN** or **CITY** crews complete the plowing the vehicle travel lanes on the Bridge. The **CITY** and **TOWN** will monitor and assess the 48 hour response time on an ongoing basis as needed to ensure appropriate service levels for the communities. The **CITY** and **TOWN** shall mutually agree upon any future changes to the response time and operations relating to the snow removal on the Bicycle/Pedestrian path and the sidewalks.
- 2) The **CITY** and the **TOWN** accept maintenance responsibility for the sidewalks and bicycle pedestrian paths located on bridge structure within each respective community geographic boundary. The **CITY** and the **TOWN** may mutually agree to share in the operational expenses for all maintenance of the sidewalks and bicycle pedestrian paths built on bridge structures. The acceptance of maintenance responsibilities within this agreement is not intended to supersede or diminish existing responsibilities of MDOT or others for capital improvements, operations or maintenance related to the Bridge or the **PROJECT** facilities.

C. OPERATION AND MAINTENANCE OF VEHICLE LANES

- 1) The **CITY** and the **TOWN** agree to remove snow from all vehicle travel lanes, built on the bridge structure as part of the **PROJECT**. The **TOWN** agrees to remove snow from all vehicle travel lanes and paved shoulders during a snow emergency.
- 2) The **CITY** and the **TOWN** accept all maintenance responsibility required by the Maine Department of Transportation for vehicle travel lanes located on the bridge structure within each respective

community geographic boundary. The **CITY** and the **TOWN** may mutually agree to share in the operational expenses for the vehicle lanes built on bridge structures. The acceptance of maintenance responsibilities within this agreement is not intended to supersede or diminish existing responsibilities of MDOT or others, for capital improvements, operations or maintenance related to the Bridge or the **PROJECT** facilities.

3)

D. TRAFFIC CONTROL

- 1) The **CITY** and the **TOWN** agree to maintain all pavement markings and all traffic control signs installed as part of this **PROJECT** jointly and in coordination with each other, and will be responsible for the payment of said maintenance within each community's respective geographic boundary. It is the intent of both the **TOWN** and the **CITY** to use one contractor for the regular pavement marking work as needed and to work jointly on procurement of and sharing equally in the billing for those services.

The **CITY** and the **TOWN** shall implement and use a Traffic Control Plan in compliance with the Manual on Uniform Traffic Control Devices (MUTCD) including a provision for **CITY** and **TOWN** employees and/or contractors entering the State's right-of-way for long-term maintenance.

E. COMPLIANCE WITH APPLICABLE LAWS AND STANDARDS

This Agreement imposes an obligation of good faith and fair dealing on both parties in the execution, performance, interpretation, and enforcement of the Agreement. With a positive commitment to honesty and integrity, the **CITY** and the **TOWN** agree to function in accord with all applicable laws, statutes, regulations, MUTCD, 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.

The parties hereto agree to be bound by the terms and conditions of this Agreement and hereby execute this Agreement effective on the day and date signed by both parties, by their duly authorized representatives.

CITY OF PORTLAND

Witness: _____

DATE: _____

By: _____

Mark H. Rees
City Manager

TOWN OF FALMOUTH

DATE: _____

By: _____

Nathan Poore
Town Manager

MUNICIPAL AGREEMENT
BETWEEN THE
CITY OF PORTLAND
AND THE
TOWN OF FALMOUTH
REGARDING THE
OPERATION & MAINTENANCE
OF LIGHTING RELATED TO THE MARTIN'S POINT BRIDGE AND
A BICYCLE/PEDESTRIAN PATH WITHIN THE PROJECT LIMITS
FOR
THE MARTIN'S POINT BRIDGE
CARRYING US ROUTE 1
OVER THE
PRESUMPSCOT RIVER

This AGREEMENT is entered into by and between the CITY OF PORTLAND and the TOWN OF FALMOUTH, municipal corporations located in the County of Cumberland (hereafter, respectively, the **CITY** and **TOWN**) regarding the operations and maintenance of lighting related to the Martin's Point bridge (the "Lighting"), and a bicycle pedestrian path (the "Bicycle/Pedestrian Path") under Federal Aid Project No. BR-1673/ (100) Project Identification Number 16731.00, (hereafter **PROJECT**) as follows:

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- 1) The **CITY** and the **TOWN** agree to operate and maintain within their respective municipal limits the Lighting from the Portland/Falmouth line on the Bridge to the end of the approach work installed under the **PROJECT** in such a manner as is necessary to preserve the use and function thereof as designed and intended by the **PROJECT** as follows:
 - a. The **CITY** and the **TOWN** shall repair or correct all malfunctions and deficiencies in the Lighting system expeditiously. Each community will be responsible for repairs to physical equipment (fixtures, poles, and wires) within its geographic boundary. The **TOWN** will be responsible for any repairs and maintenance to the control system and shall charge the **CITY** 26% of any related and reasonable costs to repair and maintain the control system. Said control system will be located in the **TOWN**.
 - b. The **CITY** and the **TOWN** agree to be responsible for the electrical service for the Lighting. The **TOWN** will be responsible for payment of all electricity supply, electricity transmission and control communication costs. The **TOWN** will charge the **CITY** 26% of any such charges.
 - c. The **CITY** and the **TOWN** shall preserve and maintain the visibility of the Lighting at all times by removing all visual impairments thereto.

- d. The **CITY** and the **TOWN** shall make no substantial operational changes or modifications to the Lighting without the express mutual written approval.
- e. The **CITY** and the **TOWN** agree to maintain the Lighting with equipment technology equal to or better than what has been installed. More than three years after the expiration of the warranty period for lighting equipment and controls, the **CITY** and **TOWN** may mutually agree to use equipment technology that is less advanced than originally installed if in their judgment it is more reliable than or otherwise preferable to the original equipment.
- f. The **CITY** and the **TOWN** shall assume these maintenance responsibilities upon successful completion, installation, and acceptance of said lighting infrastructure. The **CITY** and **TOWN** shall not be responsible for any defects in materials and workmanship as defined and specified within the Maine Department of Transportation ("MDOT") plans, specifications, and contract between MDOT and their contractor.

B. OPERATION AND MAINTENANCE OF BICYCLE / PEDESTRIAN PATH

- 1) The **CITY** and the **TOWN** agree to remove snow from all sidewalks and the Bicycle / Pedestrian path within the municipal limits, built on the bridge structure as part of the **PROJECT**. The **CITY** will provide snow removal services on the sidewalks and Bicycle/Pedestrian path focusing on the east side of the bridge following the substantial completion of the plowing of the vehicle lanes. Although weather and unforeseen circumstances may be a factor, the removal of snow on the Bicycle and Pedestrian Path will occur no later than 48 hours after the **TOWN** or **CITY** crews complete the plowing the vehicle travel lanes on the Bridge. The **CITY** and **TOWN** will monitor and assess the 48 hour response time on an ongoing basis as needed to ensure appropriate service levels for the communities. The **CITY** and **TOWN** shall mutually agree upon any future changes to the response time and operations relating to the snow removal on the Bicycle/Pedestrian path and the sidewalks.
- 2) The **CITY** and the **TOWN** accept maintenance responsibility for the sidewalks and bicycle pedestrian paths located on bridge structure within each respective community geographic boundary. The **CITY** and the **TOWN** may mutually agree to share in the operational expenses for all maintenance of the sidewalks and bicycle pedestrian paths built on bridge structures. The acceptance of maintenance responsibilities within this agreement is not intended to supersede or diminish existing responsibilities of MDOT or others for capital improvements, operations or maintenance related to the Bridge or the **PROJECT** facilities.

C. OPERATION AND MAINTENANCE OF VEHICLE LANES

- 1) The **CITY** and the **TOWN** agree to remove snow from all vehicle travel lanes, built on the bridge structure as part of the **PROJECT**. The **TOWN** agrees to remove snow from all vehicle travel lanes and paved shoulders during a snow emergency.
- 2) The **CITY** and the **TOWN** accept all maintenance responsibility required by the Maine Department of Transportation for vehicle travel lanes located on the bridge structure within each respective

community geographic boundary. The **CITY** and the **TOWN** may mutually agree to share in the operational expenses for the vehicle lanes built on bridge structures. The acceptance of maintenance responsibilities within this agreement is not intended to supersede or diminish existing responsibilities of MDOT or others, for capital improvements, operations or maintenance related to the Bridge or the **PROJECT** facilities.

3)

D. TRAFFIC CONTROL

- 1) The **CITY** and the **TOWN** agree to maintain all pavement markings and all traffic control signs installed as part of this **PROJECT** jointly and in coordination with each other, and will be responsible for the payment of said maintenance within each community's respective geographic boundary. It is the intent of both the **TOWN** and the **CITY** to use one contractor for the regular pavement marking work as needed and to work jointly on procurement of and sharing equally in the billing for those services.

The **CITY** and the **TOWN** shall implement and use a Traffic Control Plan in compliance with the Manual on Uniform Traffic Control Devices (MUTCD) including a provision for **CITY** and **TOWN** employees and/or contractors entering the State's right-of-way for long-term maintenance.

E. COMPLIANCE WITH APPLICABLE LAWS AND STANDARDS

This Agreement imposes an obligation of good faith and fair dealing on both parties in the execution, performance, interpretation, and enforcement of the Agreement. With a positive commitment to honesty and integrity, the **CITY** and the **TOWN** agree to function in accord with all applicable laws, statutes, regulations, MUTCD, 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.

The parties hereto agree to be bound by the terms and conditions of this Agreement and hereby execute this Agreement effective on the day and date signed by both parties, by their duly authorized representatives.

CITY OF PORTLAND

Witness: _____

DATE: _____

By: _____

Mark H. Rees
City Manager

TOWN OF FALMOUTH

DATE: _____

By: _____

Nathan Poore
Town Manager

*Order 186-13/14
Tab 18 3-17-14*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING MUNICIPAL AGREEMENT BETWEEN THE
CITY OF PORTLAND AND THE TOWN OF FALMOUTH RE: OPERATION &
MAINTENANCE OF LIGHTING RELATED
TO THE MARTIN'S POINT BRIDGE AND A BICYCLE/PEDESTRIAN PATH
WITHIN THE PROJECT LIMITS FOR MARTIN'S POINT BRIDGE
CARRYING US ROUTE 1 OVER THE PRESUMPSCOT RIVER**

ORDERED, that the Municipal Agreement Between the City of Portland and Town of Falmouth is hereby approved in substantially the form attached hereto as Attachment 1; and

BE IT FURTHER ORDERED, that the City Manager is authorized to execute the Municipal Agreement and any other related documents necessary or convenient to carry out the intent of said Agreement.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Department Heads/City Manager

DATE: February 10, 2014

DISTRIBUTION: (City Manager, Mayor, Corporation Counsel, Sonia Bean, Nancy English)

SUBJECT: Agenda Item Title: Order Approving a Maine DOT City-State Agreement for the maintenance and operations of Bridge Lighting, Multi-use Path and landscaping at the new Martins Point Bridge Reconstruction Project

SPONSOR: Mark Rees, City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading February 24, 2014 _____ Final Action _____

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

PRESENTATION: Michael Bobinsky, Director of Public Services

I. SUMMARY OF ISSUE

Order Approving City- State Agreement with the MaineDOT for the Martins Point Bridge, lighting, multi-use pathway and landscape features.

II. REASON FOR SUBMISSION

The Martins Point Bridge is under reconstruction by Maine DOT and CMP Construction. The new replacement Bridge will include bridge lighting, a multi-use path and landscaping which features were recommended by stakeholders from the City of Portland and the Town of Falmouth during earlier design work. Maine DOT requires that City's and Town's agree to provide for the cost to maintain these features when included in Bridge projects. The attached City State Agreement provides for the City Council endorsement for this provision. A similar Agreement will be acted on by the Town of Falmouth to recognize the Bridge features that are in the Town of Falmouth. The new Bridge will include 27 lights of which 5 are on the Bridge and 2 off the Bridge on the Portland side and 15 on the Bridge and 5 off the Bridge on the Falmouth side.

III. INTENDED RESULT

Endorsement of the City State Agreement will comply with the Maine DOT requirements for the State to provide for these Bridge enhancements while recognizing the City's obligation for paying for the cost of the lighting, clearing the multi-use trail, and providing for maintenance of the adjacent landscaping. These features will allow for Martins Point Bridge

to be used by all users, including commuters, bicyclists, and pedestrians in a safe manner and is in keeping with the public's expectations for a high quality and efficiently designed bridge. While the Bridge lighting is metered for the City of Portland and the Town of Falmouth for direct billing, the Department of Public Services will be working with the Town of Falmouth on an agreement for sharing maintenance of the bridge light poles, multi-use pathway and the landscaping in the near future.

IV. COUNCIL GOAL ADDRESSED

Provides for a "Complete Streets" design by incorporating enhanced safety and access features for all users of the Bridge including commuters, bicyclists, and pedestrians. New Bridge ensures safe and efficient access for all users of the Route 1 Corridor between Falmouth and Portland.

V. FINANCIAL IMPACT

The incremental cost of maintaining these features can be incorporated in with the Department of Public Services operating budget and due to the use of LED lighting technology the power costs for the added bridge lighting is estimated to be \$1,000-\$1,500 per year. The maintenance of the multi-use path (primarily snow removal) and the landscaping will be shared between the Town of Falmouth and the City to keep operating costs minimal.

VI. STAFF ANALYSIS

Staff has been involved with the design and development of the new Martins Point Bridge and the bridge lighting, multi-use path and the landscaping are all features desired by both communities and designed to cost effective for both communities while enhancing "complete streets" design. Staff has been working with officials of MDOT on the City State Agreement, and concludes the Agreement is consistent with prior Agreements. Our Corporation Counsel's office has reviewed the Agreement as well and is ready for City Council action. In addition, the design of the bridge lights includes a special wireless dimming feature that will enable both Falmouth and Portland control light levels as needed. A future agreement specifying that arrangement is being developed at this time. A copy of the approved specification for the lighting design is included.

VII. RECOMMENDATION

The Department recommends approval of the Maine DOT City -State Agreement for the Martins Point Bridge lighting, and the maintenance of the multi-use pathway and landscaping.

VIII. LIST ATTACHMENTS

Maine DOT City -State Agreement for the Martins Point Bridge
Bridge Lighting Specifications and Construction Drawings

Michael J. Bobinsky
Director of Public Services

Date

**MUNICIPAL/STATE
AGREEMENT
BETWEEN THE
STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
AND THE
CITY OF PORTLAND
AND THE
TOWN OF FALMOUTH
REGARDING THE
INSTALLATION, OPERATION & MAINTENANCE
OF BRIDGE, HIGHWAY, AND PATH LIGHTING, AND A
BICYCLE/PEDESTRIAN PATH WITHIN THE PROJECT LIMITS
FOR
THE MARTIN'S POINT BRIDGE
OVER
PRESUMPSHOT RIVER
US ROUTE 1
UNDER
FEDERAL AID PROJECT NO. – BR -1673(100)X
PROJECT IDENTIFICATION NUMBER (PIN) – 16731.00**

This AGREEMENT is entered into by and between the STATE OF MAINE DEPARTMENT OF TRANSPORTATION (hereafter the **DEPARTMENT**) and the CITY OF PORTLAND and the TOWN OF FALMOUTH, municipal corporations located in the County of Cumberland (hereafter the **CITY and Town**) regarding the installation, operations and maintenance of bridge, highway, and path lighting (collectively, the "Lighting"), and a bicycle pedestrian path (the "Bicycle/Pedestrian Path") under Federal Aid Project No. BR-1673/ (100) Project Identification Number 16731.00, (hereafter **PROJECT**) as follows:

A. OPERATION AND MAINTENANCE OF BRIDGE AND APPROACH LIGHTING.

- 1) The **DEPARTMENT** agrees to furnish and install the Lighting as part of the **PROJECT** in accordance with the plans and specifications developed for the **PROJECT** (collectively, the "Plans"), to which reference is hereby made for a more particular description thereof. The **DEPARTMENT** shall retain ownership of the Lighting and all equipment appurtenant thereto and agrees to be responsible for any repair or replacement necessary to correct any manufacturer's defect or faulty workmanship therein during the warranty period unless agreed otherwise by the parties hereto.
- 2) The **CITY and Town** agrees to operate and maintain the Lighting from the Portland/Falmouth Town line to the end of the approach work within the City/Town limits installed under the

PROJECT in such a manner as is necessary to preserve the use and function thereof as designed and intended by the **PROJECT** as follows:

- a. The **CITY and Town** shall repair or correct all malfunctions and deficiencies in the Lighting expeditiously. Any failure to correct the Lighting to function as designed could, upon written notification from the **DEPARTMENT**, result in the **DEPARTMENT** making all necessary repairs at the **CITY's** expense.
- b. The **CITY and Town** agrees to be responsible for the electrical service for the Lighting and agrees to execute any necessary documentation required to establish such service and provide any local permits necessary for the installation of such service.
- c. The **CITY and Town** shall preserve and maintain the visibility of the Lighting at all times by removing all visual impairments thereto.
- d. The **CITY and Town** shall make no operational changes or modifications to the Lighting without the express written approval of the **DEPARTMENT**.
- e. The **CITY and Town** shall notify the **DEPARTMENT** in writing prior to any removal or replacement of the Lighting.
- f. The **CITY and Town** agrees to maintain the Lighting with equipment technology equal to or greater than what has been installed.
- a.
 - b. The **CITY and Town** agrees to be responsible for the electrical service for the Bridge Lighting and agrees to execute any necessary documentation required to establish such service and provide any local permits necessary for the installation of such service. The City and Town further agrees to share in the operational expenses for the electrical service and operational costs for the Bridge Lighting Equipment.
 - c. The **CITY and Town** agrees to maintain all pavement markings and all traffic control signs as furnished under the project within the Bridge structure.

B. OPERATION AND MAINTENANCE OF BICYCLE / PEDESTRIAN PATH

- 1) The **DEPARTMENT** agrees to construct the sidewalk and Bicycle/Pedestrian Path for the **PROJECT** in accordance with the Plans.
- 2) **CITY and Town** agree to remove snow from all sidewalks and the Bicycle / Pedestrian path within the municipal limits, built on the bridge structure as part of this project.
- 3) The **CITY and Town** accepts all maintenance responsibility for the sidewalks and bicycle pedestrian paths not located on bridge structures. If at a point in the future the sidewalks or bicycle / pedestrian path require extension or other improvement, the **DEPARTMENT** will share in such cost in accordance with the policy in effect at that time.

C. TRAFFIC CONTROL PLAN

- 1) The **CITY and Town shall** implement and use a Traffic Control Plan in compliance with the Manual on Uniform Traffic Control Devices (MUTCD) including a provision for **CITY** employees and/or contractors entering the State's right-of-way for long-term maintenance.

D. COMPLIANCE WITH APPLICABLE LAWS AND STANDARDS

This Agreement imposes an obligation of good faith and fair dealing on all parties in the execution, performance, interpretation, and enforcement of the Agreement. With a positive commitment to honesty and integrity, the **CITY and Town** and the **DEPARTMENT** agree to function within all applicable laws, statutes, regulations, MUTCD, 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.

The parties hereto agree to be bound by the terms and conditions of this Agreement and hereby execute this Agreement in duplicate effective on the day and date signed by the Department.

CITY OF PORTLAND

DATE: _____

Witness: _____

By: _____

Mark H. Rees

City Manager

Town of Falmouth

DATE: _____

By: _____

Nathan Poore

Town Manager

STATE OF MAINE

DEPARTMENT OF TRANSPORTATION

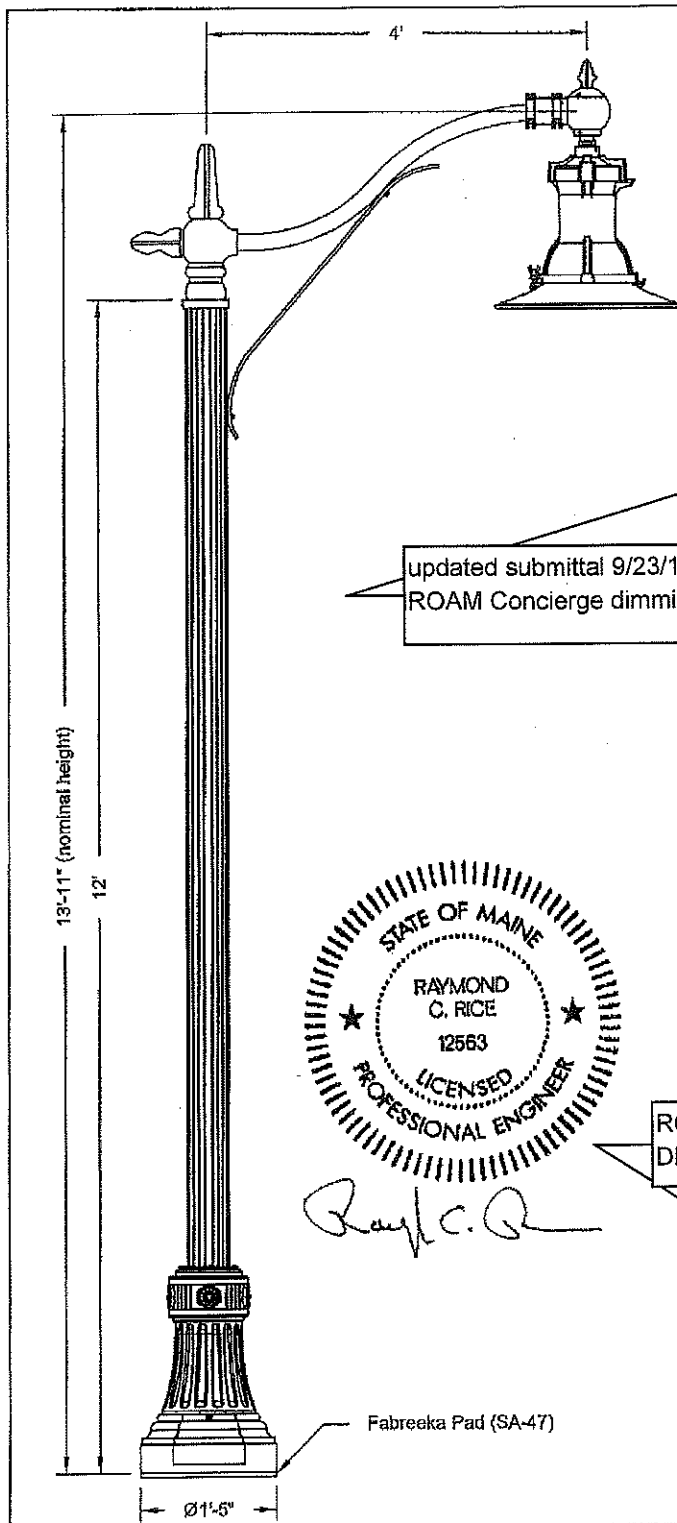
DATE: _____

Witness: _____

By: _____

Dale F. Doughty

Director, Maintenance & Operations



Specifications

POST DESCRIPTION

The lighting post shall be all aluminum construction consisting of a pole cap and a decorative fluted cast aluminum base. The post will be provided with a Fabreeka pad and washers.

MATERIALS

The base shall be heavy wall, cast aluminum produced from certified ASTM 356.1 Ingot per ASTM B-179-85a or ASTM B26-95. The shaft shall be extruded from aluminum, ASTM 6061 alloy. All hardware shall be tamper resistant stainless steel. Anchor bolts to be completely hot dip galvanized.

DIMENSIONS

The post shall be 12'-0" in height with a Ø17" base.

INSTALLATION

The post shall be provided with four, hot dip galvanized L-type anchor bolts to be installed on a 12" diameter bolt circle. A door shall be provided in the base for anchorage and wiring access. A grounding screw shall be provided inside the base opposite the door.

FINISH

The entire assembly shall have a Holophane black finish.

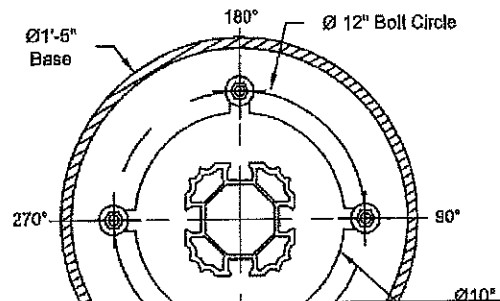
LUMINAIRE

- Esplanade Pedestrian LED
- 55W 700mA 4K CCT
- Auto-Sensing 120-277V
- Shallow Asymmetric Optics
- Deep Skirt, 0-10V Dimming
- Roamview Dimming Control

For complete specifications see LUM_ESPL.

updated submittal 9/23/13. Fixture to be supplied for ROAM Concierge dimming control.

Anchorage Detail



ROAM Concierge catalog number- change the VE to DE (see luminaire spec sheet)

DO NOT USE TO SET ANCHOR BOLTS
CONTACT CUSTOMER SERVICE FOR TEMPLATE

Catalog #'s:

ESPL0554KASB7DMSVE - BHC48/1CABKH - BHLF200RCABK -
NYA12L5J17P08ABGBK - FABREEKA PAD AND WASHERS
RFD151722

Customer Signature

Date



Martins Point Bridge

Portland, Maine

ORDER #: 2066-11-10171-7

TYPE: Bridge

DRAWING #:

TSG 007685

REVISION:

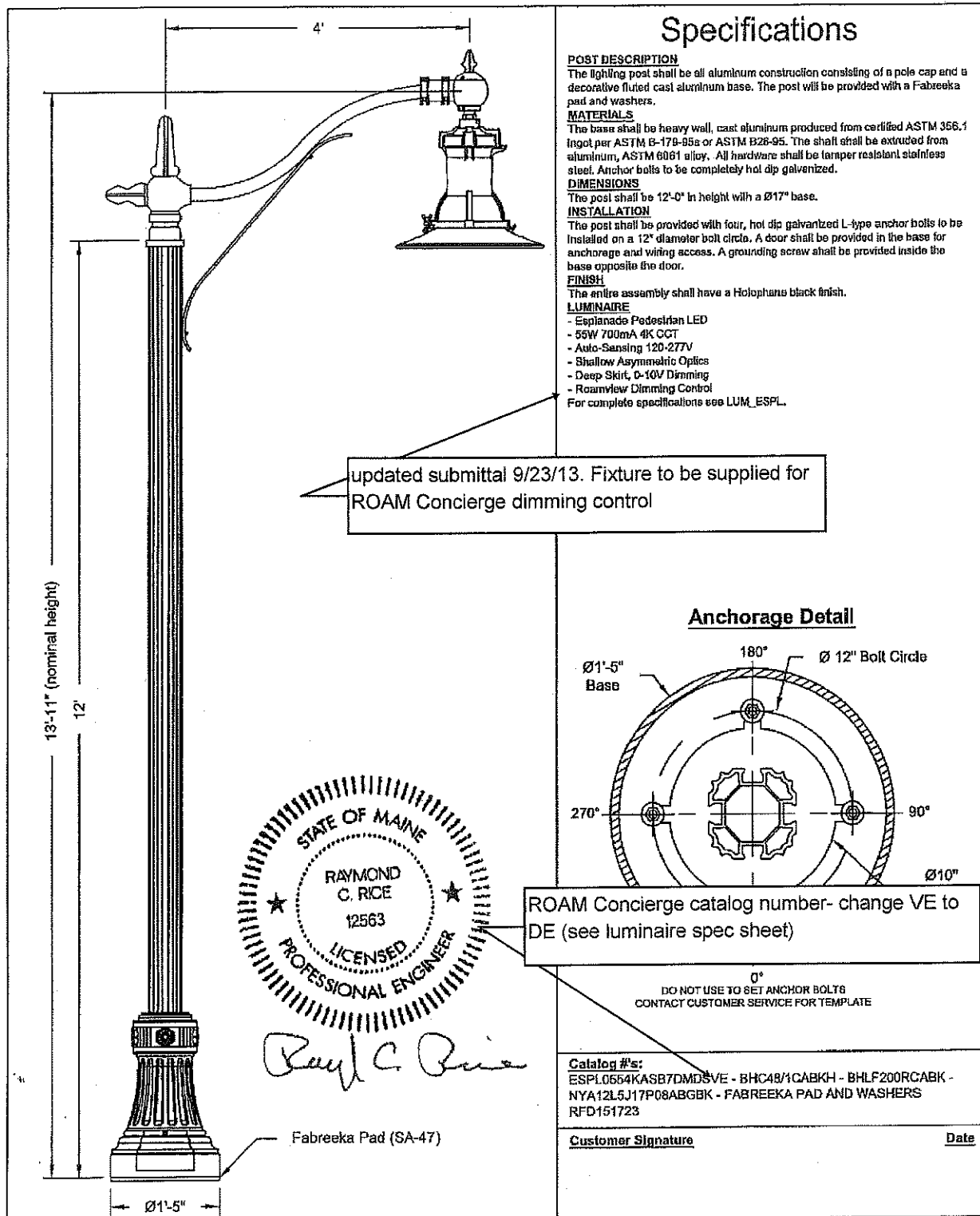
REVISION DATE:

DRAWN: KRW

ORIGIN DATE: 8/12/13

PAGE: 1 of 2

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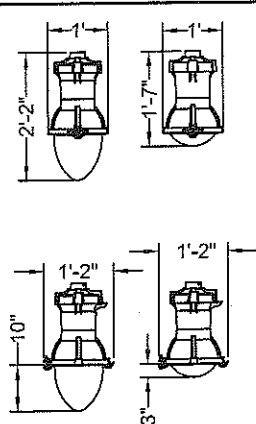


HOLOPHANE®
LEADER IN LIGHTING SOLUTIONS
An Acuity Brands Company

Martins Point Bridge
Portland, Maine

ORDER #: 2066-11-10171-7	TYPE: Off Bridge	DRAWING #:
REVISION:	REVISION DATE:	TSG 007685
DRAWN: KRW	ORIGIN DATE: 6/12/13	PAGE: 2

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Maximum Effective Projected Area - 1.43 ft²
Maximum Weight - 39 lbs.

Martins Point Bridge
MDOT
Revised submittal 9/23/13 for ROAM
Concierge Dimming Control

Wiring Chamber

Top Entry Threaded For 1-1/2" NPT

Hinge 2 Places

Stainless Steel Latch

Teardrop Glass

Electrical/Optical Assembly

Shallow Glass

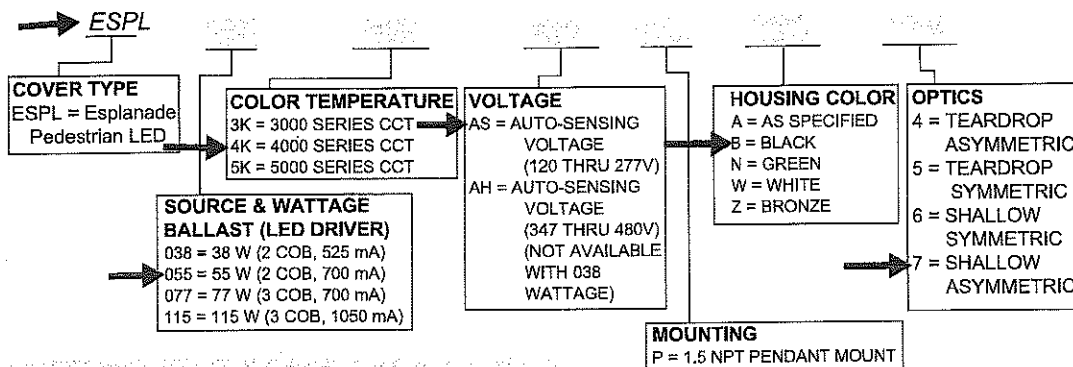
Esplanade®
Pedestrian LED

DECORATIVE
OUTDOOR

HOLOPHANE®
LEADER IN LIGHTING SOLUTIONS
Aq. Acuity Brands Company

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ORDERING INFORMATION:



OPTIONS

- DS = DEEP SKIRT
- SS = SHORT SKIRT
- DM = 0-10V DIMMING (NOT AVAILABLE WITH 038 WATTAGE)
- PND = 0-10V PART-NIGHT DIMMING (NOT AVAILABLE WITH 038 WATTAGE OR AH VOLTAGE)
- DE = ROAM CONCERGE DIMMING CONTROL (NOT AVAILABLE WITH 038 WATTAGE OR AH VOLTAGE)
- VE = ROAMVIEW DIMMING CONTROL (NOT AVAILABLE WITH 038 WATTAGE OR AH VOLTAGE)
- L1H = 1.5 FT. PREWIRED LEADS
- L03 = 3 FT. PREWIRED LEADS
- L10 = 10 FT. PREWIRED LEADS
- L20 = 20 FT. PREWIRED LEADS
- L25 = 25 FT. PREWIRED LEADS
- L30 = 30 FT. PREWIRED LEADS

ACCESSORIES

SPDPLUGIN = REPLACEMENT SURGE PROTECTOR 120-277V
SPDPLUGIN-48 = REPLACEMENT SURGE PROTECTOR 347-480V

FOR TWIST-LOCK PHOTOCONTROL OPTIONS

SEE DECORATIVE FITTERS

- R = TWIST-LOCK PHOTOCONTROL RECEPTACLE
- PCS = SOLID-STATE LIGHTING PHOTOCONTROL 120-277 VOLT (MUST BE USED WITH R OPTION)
- P34 = TWISTLOCK PHOTOCONTROL 347 VOLT (MUST BE USED WITH R OPTION)
- P48 = TWISTLOCK PHOTOCONTROL 480 VOLT (MUST BE USED WITH R OPTION)
- PSC = SHORTING CAP (MUST BE USED WITH R OPTION)

NOTE

Actual performance may differ as a result of end-user environment and application.
Actual wattage may differ by +/- 8% at operating temperature.
347-480V version wattage may differ by +/- 10% at operating temperature.
Specification subject to change without notice.

ORDER #:

TYPE:

DRAWN: JRM

DATE: 5/21/13

DWG NO: LUM ESPL

1 of 2

Specifications

DESCRIPTION

The Esplanade Pedestrian luminaire is styled to replicate the "teardrop" luminaires that lighted boulevards in the first half of this century. Designed for light control and ease of installation and maintenance, the Esplanade Pedestrian has a precision optical system for true street lighting performance.

WIRING CHAMBER

The wiring chamber has a 1-1/2 inch NPT threaded entry for pendant mounting. A stainless steel set screw locks the unit in position. A three station terminal block will accept #16 through #8 wires and is prewired to one half of the plug assembly that connects to the removable electrical module.

ELECTRICAL / REFLECTOR ASSEMBLY

The utilized electrical assembly, composed of the electronic driver, surge protection device, and other selected components is mounted on a removable tray. The assembly is easily accessible by loosening the optical wing nut and opening the optical door. The disconnect plug connect the driver to the terminal block located in the upper housing wiring chamber. On the underside of the electrical assembly facing downward is the LED module, which is sealed to the door assembly cradling the glass lens.

LED MODULE / REFRACTOR DOOR ASSEMBLY

The cast aluminum door cradles a teardrop or shallow prismatic, thermal resistant borosilicate glass refractor that controls the light to provide the desired asymmetric or symmetric distribution. The refractor (and optional decorative skirts) hinges form the main electrical housing and is latched by a corrosion resistant, captive, wing nut assembly. There are two or three COB (Chip on Board) LED's (dependent upon wattage package desired) mounted to an aluminum heatsink for optimum thermal operating characteristics. The LED's are covered and sealed by individual borosilicate glass lens', designed to provide the appropriate asymmetric or symmetric distribution in conjunction with the main teardrop or shallow refractor.

DRIVER

See driver specification sheet for operating details.

FINISH / MATERIAL

The luminaire is finished with polyester powder paint to insure maximum durability. All castings utilize low copper aluminum for maximum corrosion resistance and all exposed hardware is stainless steel.

CSA LISTING

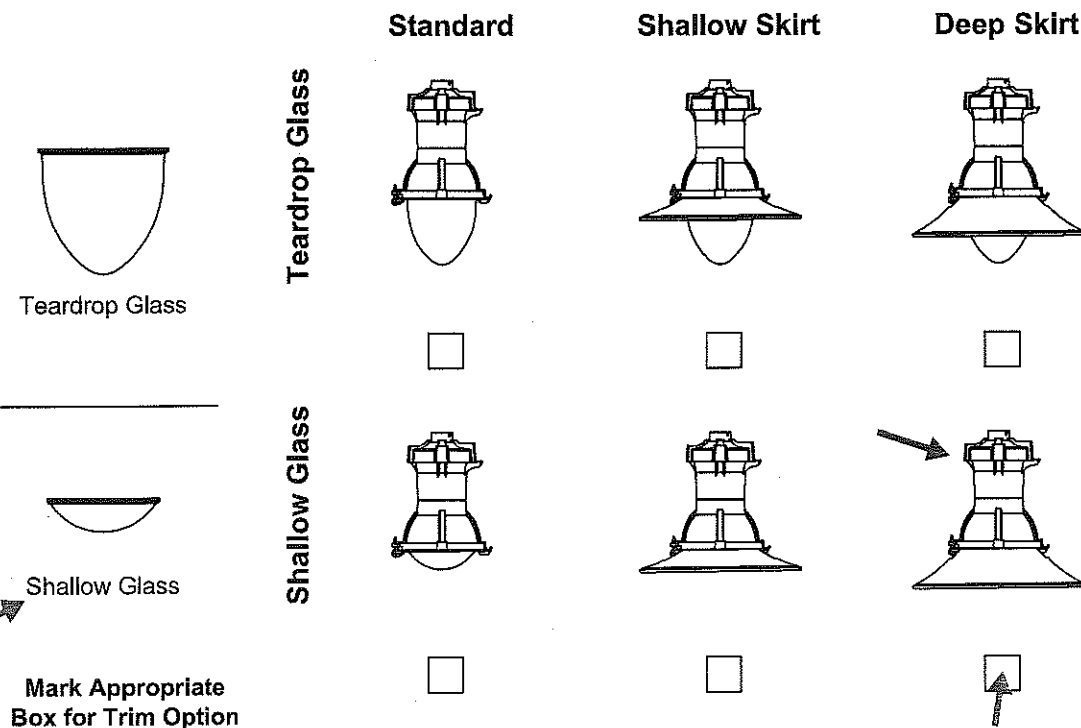
CSA listing suitable for wet locations up to 30 degree C for the 115W version and 40 degree C for the 38W, 55W, and 77W versions.

Esplanade®
Pedestrian LED

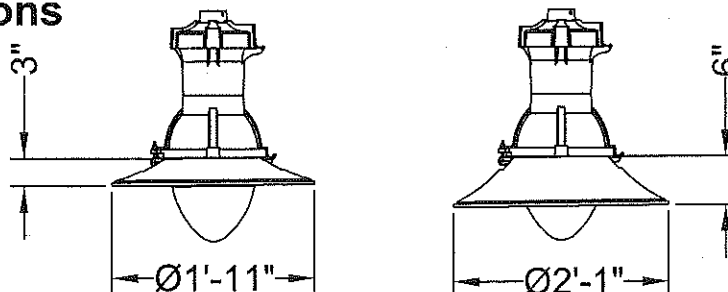
DECORATIVE
OUTDOOR

HOLOPHANE®
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LEADER IN LIGHTING SOLUTIONS

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Skirt Dimensions



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ORDER #:	
TYPE:	
DRAWN:	JRM
DATE:	5/21/13
DWG NO:	LUM_ESPL

*Order 187-13/14
Tab 19 3-17-14*

MICHAEL F. BRENNAN, (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L).

**ORDER APPROVING EXTENSION OF EMPLOYMENT AGREEMENT
FOR CITY MANAGER MARK H. REES**

ORDERED, that the City Council hereby approves the City Manager's Extension and Restatement of Employment Contract, in substantially the same form as attached hereto in Attachment 1.

RENEWAL AND RESTATEMENT OF EMPLOYMENT AGREEMENT

THIS RENEWAL AND RESTATEMENT OF EMPLOYMENT AGREEMENT (hereinafter referred to as "Agreement"), is by and between the City of Portland, Maine, a municipal corporation organized under the laws of the State of Maine (hereinafter referred to as "City"), and Mark H. Rees, who has a mailing address of 42 Buckingham Road, North Andover, MA 01845 (hereinafter referred to by name or as "City Manager").

WITNESSETH:

WHEREAS, the City entered into an Employment Agreement as City Manager of the City of Portland, Maine with Mark H. Rees, effective July 20, 2011, which has recently been amended twice in minor ways, and those amendments are incorporated in the text herein; and

WHEREAS, the City desires to renew and continue the employ of Mark H. Rees as City Manager of the City of Portland, Maine, as provided for said Agreement and in the City Charter of the City of Portland; and

WHEREAS, the City, through its City Council, desires to provide for certain benefits and compensation for the City Manager and to establish conditions of employment applicable to the City Manager; and

WHEREAS, Mark H. Rees desires to accept continued employment as City Manager of the City of Portland under the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the mutual promises as set forth in this Agreement, the parties agree as follows, renewing and restating the original Employment Agreement on the terms herein stated:

Section 1. Employment and Term of Agreement

A. The City of Portland hereby hires and appoints Mark H. Rees as its City Manager, under the terms established herein, to perform the duties and functions specified in the City's Charter and the City Code of Ordinances and to perform such other legally permissible and proper duties and functions as the City Council shall from time to time assign.

B. The City's employment of Mark H. Rees as City Manager commenced on July 20, 2011; this Renewal shall be effective upon signing by both parties, and shall remain in effect for one additional year, that is, until July 20, 2015, or until terminated by the City or by the City Manager as provided herein. No later than three months prior to the Agreement's expiration, that is, April 20, 2015, the City and the City Manager shall notify each other concerning whether or not each party intends to renew this Agreement, subject to negotiations on specific terms and conditions. Should the City and the City Manager both indicate an intention to renew the Agreement, negotiations on the terms of that renewed Agreement shall be started as soon as practical after April 20, 2015.

Section 2. Salary and Evaluation.

A. For the performance of services pursuant to this Agreement, the City agrees to pay the City Manager an annual base salary, as of March 1, 2014, of One Hundred and Forty Six Thousand, Five Hundred Ninety-Eight and 40/100 Dollars (\$146,598.40) payable in installments at the same time and in the same manner as other City employees are paid.

B. The City may increase said base salary and/or other benefits of the City Manager in such amounts and to such an extent as the City Council may determine desirable on the basis of an annual performance evaluation of the City Manager. Such evaluation shall be in such form as the Council deems appropriate.

C. Nothing in this Section shall require the City to increase the base salary or other benefits of the City Manager. Furthermore, the City's failure to conduct any of the scheduled evaluations shall not constitute non-compliance with a material provision of this Agreement.

Section 3. Duties and Obligations.

A. The City Manager shall have the duties, responsibilities and powers of said office under the Charter and Ordinances of the City of Portland. The City Manager agrees to perform all duties and responsibilities faithfully, industriously, and to the best of his ability and in a professional and competent manner.

B. The City Manager shall remain in the exclusive employ of the City and shall devote all such time, attention, knowledge and skills necessary to faithfully perform his duties under this Agreement. The City Manager may, however, engage in educational and professional activities and other employment activities upon receipt of approval by the City Council, provided that such activities shall not interfere with his primary obligations to the City as its City Manager. The City Manager shall dedicate no less than an average of forty (40) hours per week in the performance of his duties hereunder.

C. In no case shall the City Manager serve on the boards or be in the employ of organizations which either have a history of or are likely to be before the City, its boards or committees, for funding, permits, approvals or regulatory activities.

In the event the City Manager shall serve on any other appointed boards or elected boards of any professional organization, or serve on any committees related to his professional activities, and in the event any monies are paid, or gifts received, by the City Manager related to such service, such money or property shall be paid over to or delivered to the City, unless otherwise provided by the City Council.

D. In the event the City Manager is temporarily unable to perform his duties, he shall designate an Acting City Manager for up to sixty (60) days per the City Charter. The City Council shall appoint an acting City Manager in the event of an absence in excess of sixty (60) days.

Section 4. Automobile Allowance and Communications Equipment

The City Manager is required to be on call for twenty-four hour, 7 days per week service. In recognition thereof:

A. The City shall provide the City Manager an automobile allowance of \$450 per month.

B. The City will provide a blackberry, cell phone (or provide an allowance for the same) or other city-provided resources on the same terms as applicable to department heads.

Section 5. Dues and Subscriptions

The City agrees to pay the City Manager's professional dues for membership in the International City/County Management Association, and the Maine Municipal Association. The City shall pay other dues and subscriptions on behalf of the City Manager as are approved in the City's annual budget (on a line item basis) or as authorized separately by the City Council.

Section 6. Professional Development

The City agrees to pay reasonable and customary travel and subsistence expenses for the City Manager's travel to and attendance at the International City/County Management Association's annual conference, the Maine Municipal Association's annual conference and the Maine Town and City Management Association's annual conference. The City may choose to pay for the City Manager's attendance at other seminars, conferences, and committee meetings as it deems appropriate and approves by Council action.

Section 7. Community Involvement

The City recognizes the desirability of representation in and before local civic and other organizations, and encourages the City Manager to participate in these organizations to foster a continuing awareness of the City's activities as well as the community's attitudes and ideas, subject to the limitation in Section 3C above.

Section 8. Vacation and Sick Leave

The City Manager shall earn vacation leave annually accrued as follows: 3 weeks 1-6 years of City service; 4 weeks 7-18 years of City service; 5 weeks 19+ years of City service.

Accrual of sick and vacation leave and payouts shall be on the same terms as applicable to full time non-union employees under the City's Non-Union Personnel Policies and Procedures.

Section 9. Holidays

The City Manager is entitled to the same paid holidays as non-union City employees working a Monday-Friday work week.

Section 10. Health, Dental, Life and Income Protection, Insurance

The City agrees to provide health insurance for the City Manager in the same manner as it provides insurance for its non-union employees and shall pay the cost of life insurance in the value of twice his annual salary, such insurance to be provided through the plan applicable to non-union employees and subject to the rules governing participation in such policies. Such coverage will be effective as provided by those plans.

Should the City not be able to provide health insurance coverage immediately due to policy constraints, it will compensate the City Manager for the cost of his COBRA policy until he can be added to the City's policy.

The City Manager may participate in the City's dental and income protection insurance programs on the same terms as other non-union City employees.

Section 11. Retirement.

The City Manager shall have the option of participating in either the Maine Public Employees Retirement System consolidated plan in the City's regular plan, or in the City's qualified retirement plan for the City Manager under Section 401(a) of the Internal Revenue Code, on the same terms as the regular 401(a) qualified plan for all other employees. The City Manager must participate in one of these two plans, and may participate at his own cost and expense in the City's 457 deferred compensation plan.

Section 12. Termination by the City and Severance Pay

A. The City Manager shall serve at the pleasure of the City Council, and the City Council may terminate this Agreement and the City Manager's employment with the City at any time, for any reason or for no reason.

B. Should a majority of the entire Council (five members) vote to terminate the services of the City Manager "without cause" or for City convenience, then within ten (10) business days following such vote, the Council shall cause the City Manager to be paid any accrued and unpaid salary and benefits earned, including any accrued vacation or sick time per the City's Non-Union personnel policies, but excluding such items and allowances as are used in conducting City business such as, but not limited to, the use of the City computer, the automobile allowance and any blackberry or cell phone, prior to the date of termination based on a forty (40) hour work week. Within forty-five (45) calendar days following the vote to terminate the City Manager's employment, the Council shall cause the City Manager to be paid a lump sum severance pay equal to three (3) months of his base salary, in addition to any accrued salary and other benefits as described above, as full and complete payment and satisfaction of any claims of the City Manager of whatsoever nature arising out of this Agreement, its termination, his City employment or otherwise. As consideration for such payment, the City Manager shall, prior to

receipt thereof, execute and deliver to the City a general release of the City and its Council members and its officers, agents, and employees for all acts and actions (whether accrued or subsequently accruing) from the beginning of time until the date of release, said release to be prepared by the Corporation Counsel.

C. In the event the City Manager is terminated for "just cause," the City shall have no obligation to pay the amounts outlined in Section 12, Paragraph B of this Agreement, other than any accrued unused vacation time. For purposes of this Agreement, "just cause" is defined and limited for purposes of this Agreement to any of the following:

1. Misfeasance, malfeasance and/or nonfeasance in performance of the City Manager's duties and responsibilities.
2. Being charged with or conviction or a plea of guilty or no contest to any Class A, B, C, or D crime.
3. Neglect of duty, including the inability or unwillingness to properly discharge the responsibilities of office.
4. Violation of any substantive City policy, rule, or regulation, which would subject any other City employee to termination.
5. A finding by the Council of any fraudulent act against the interest of the City.
6. A finding by the Council of any act which involves moral turpitude, or which causes the City disrepute.
7. Violation of the International City/County Management Association Code of Ethics.
8. Any other act of a similar nature of the same or greater seriousness.

D. In the event the Council, at any time during the employment term, reduces the salary or other benefits of the City Manager, as identified herein, in a greater percentage than an equivalent across-the-board reduction for all full-time, non-union City employees, or in the event the City allegedly refuses to comply with any other material provision of this Agreement benefiting the City Manager, the City Manager shall notify the Council in writing of the alleged violation. The Council shall have forty-five (45) days from such notice within which to cure the violation, otherwise, the City Manager may at his option, consider such violation as termination "without cause" as of the date of such alleged reduction or refusal, and the severance pay provision and other termination provisions contained herein shall become applicable at the annual salary and benefit level in effect prior to the reduction or refusal.

Section 13. Termination by the City Manager

The City Manager may terminate this Agreement at any time by delivering to the City Council a written notice of termination not later than ninety (90) days prior to the effective date of the termination. If the City Manager terminates this Agreement, then the provisions of Section 12, Paragraph B above regarding the lump sum severance payment, shall not apply. If the City Manager voluntarily resigns pursuant to this Section, the City shall pay to the City Manager all accrued compensation due the City Manager up to the City Manager's final day of employment, including any accrued unused vacation leave and a portion of unused sick leave if the City Manager has more than 3 years of service with the City. The City shall have no further financial obligation to the City Manager pursuant to this Agreement. This subsection shall not prevent the City Manager from collecting any money earned as a result of participation in the City's retirement program, which shall be governed by the applicable rules for such plan.

Section 14. Disability

If the City Manager becomes permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of four (4) consecutive weeks beyond any accrued leave, up to a maximum of sixty (60) days, the City shall have the option to terminate this Agreement, subject to the severance pay provision outlined in Section 12, Paragraph B of this Agreement.

Section 15. Residency and Relocation Expenses

A. The City Manager agrees to establish legal residence within the City within 15 months of his date of hire.

B. [intentionally deleted]

C. [intentionally deleted]

Section 15. Indemnification.

A. City shall defend, save harmless, and indemnify the City Manager against any action for any injury or damage suffered as a result of any act, event, or omission of action that the City Manager reasonably believes to be in the scope of his duties or function, unless he acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. The City will compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon. The City shall not be liable for the acts or omissions of the City Manager committed while acting outside the course and scope of his agreed duties or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. In such instance, the City Manager shall reimburse the City for any legal fees and expenses the City has incurred or otherwise paid, for or on his behalf, in connection with the charged conduct.

B. Said indemnification shall extend beyond the termination of employment and the expiration of this Agreement to provide protection for any such acts undertaken or committed in

his capacity as City Manager, regardless of whether the notice of claim or filing of a lawsuit occurs during or following employment with the City.

C. Nothing herein is intended, nor shall it be construed to waive or modify any immunity or limitation of liability available to the City and/or the City Manager under applicable state law, including but not limited to the Maine Tort Claims Act.

Section 16. Bonding

The City agrees to bear the full cost of any fidelity or other bonds required of the City Manager under any policy, regulation, ordinance or law.

Section 17. Code of Ethics

Inasmuch as the City Manager is an active full member of the International City/County Management Association (ICMA), the "Code of Ethics" promulgated by ICMA is incorporated herein, and by this reference made a part hereof. Said "Code of Ethics" shall furnish principles to govern the City Manager's conduct and actions as City Manager of the City.

Section 18. Attorney's Fees

If any litigation is commenced between the parties concerning any provision of this Agreement or the rights and duties of any person in relation thereto, the party substantially prevailing in such litigation will be entitled, in addition to such other relief as may be granted, to reasonable attorney's fees and expenses incurred in connection therewith, including appellate fees and expenses.

Section 19. General Terms and Conditions

A. If any provision, or any portion thereof, contained in this Agreement is held by a court of competent jurisdiction to be unconstitutional, illegal, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall not be affected and shall remain in full force and effect.

B. The waiver by either party of a breach of any provision of this Agreement by the other shall not operate or be construed as a waiver of any subsequent breach by that party.

C. This Agreement shall be binding upon and inure to the benefit of the heirs at law or personal representative of City Manager.

D. This Agreement contains the entire Agreement of the parties. It may not be changed verbally, but only by an Agreement in writing signed by the parties.

E. Maine law shall govern this Agreement and any litigation that may arise from this Agreement, shall be filed and litigated in the state courts in Portland.

F. Upon City Manager's death, the City's obligations under this Agreement shall terminate except for:

1. Transfer of ownership of retirement funds, if any, to his designated beneficiaries;
2. Payment of accrued leave balances in accordance with this Agreement;
3. Payment of all outstanding hospitalization, medical and dental bills by City insurance policies or plans; and
4. Payment of all life insurance benefits in accordance with the life insurance plan.

G. The parties acknowledge that each has shared equally in the drafting and preparation of this Agreement and, accordingly, no court construing this Agreement shall construe it more strictly against one party than the other and every covenant, term and provision of this Agreement shall be construed simply according to its fair meaning.

H. This Agreement may be executed in duplicate or counterparts, each of which shall be deemed an original and all of which together shall be deemed one and the same instrument. No term, condition or covenant of this Agreement shall be binding on either party until both parties have signed it.

I. The effective date of this Agreement shall be the last date it is executed by either of the parties to this Agreement.

J. Unless otherwise provided herein, the City Manager shall be eligible for all benefits provided to department heads in the City's Non-Union Personnel Policies and Procedures.

Executed by the CITY this _____ day of February ____, 2014

WITNESS

CITY OF PORTLAND

Signature

By: _____

Print Name

Michael Brennan, Mayor

Executed by Mark H. Rees this _____ day of February, 2014

WITNESS

MARK H. REES

Signature

By: _____

Print Name

Mark H. Rees

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MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L).

**AMENDMENT TO CITY CODE CHAPTER 2
(ADMINISTRATION)**

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

1. That Chapter 2 (Administration) is amended to add a new Article X to read as follows:

**Article X. Exemption from Vehicle Excise Tax for
Certain Military Personnel**

Sec. 2-436. Definitions.

As used in this article, unless the context indicates otherwise, the following terms shall have the following meanings:

Deployed for military service or deployment mean active military duty with the state military forces, as defined in Maine Revised Statutes Title 37-B, Section 102, or the United States Armed Forces, including the National Guard and Reserves, whether pursuant to orders of the Governor or the President of the United States, when the duty assignment is in a combat theater or in an area where armed conflict is taking place.

Vehicle means a motor vehicle, mobile home, camper trailer, heavier-than-air aircraft or lighter-than-air aircraft. "Vehicle" does not include any snowmobiles as defined in Maine Revised Statutes, Title 12, Section 13001.

§ 2-437. Exemption granted.

Pursuant to Maine Revised Statutes, Title 36, § 1483-A and as it may be amended from time to time, the City shall exempt from the annual excise tax imposed pursuant to Maine Revised Statutes, Title 36, Section 1482, vehicles owned by a Maine resident who is on active duty

*Order 188-13/H
Tab 20 3-17-14*

serving in the Armed Forces of the United States and who is permanently stationed at a military or naval post, station or base outside of the State of Maine or who is deployed for military service for more than 180 days. To apply for the exemption the resident must provide documentation as required pursuant to Maine Revised Statutes, Title 36, § 1483-A, to the Tax Collector or his or her designee and comply with any policies or rules imposed by the Maine Bureau of Motor Vehicles or Maine Revenue Services in relation to registration procedures or the collection of excise tax.

Request for Council Agenda Item

FROM: Ellen Sanborn, Finance Director

DATE: March 1, 2014

ITEM: Ordinance to allow Exemption of Excise Tax Payments for Deployed Military Personnel

SPONSOR: Finance Committee, Nicholas Mavodones, Chair

COUNCIL MEETING DATE ACTION IS REQUESTED:
March 17, 2014

Can action be taken at a later date? Yes

SUMMARY OF THE ISSUE

As of 2011, State law allows communities to exempt deployed military personnel from paying excise tax on vehicles registered in their name, by passing a local ordinance. The Mayor asked the Finance Committee, based on a request from the public, to consider this allowance for Portland.

REASON FOR THE SUBMISSION

Requires ordinance approval by the City Council.

INTENDED RESULT

City Council approval allowing Finance to exempt deployed military personnel from paying excise on their registered vehicles.

COUNCIL GOAL ADDRESSED

Operate the city government in an efficient and effective manner that is responsive to all segments of the community in a manner that is transparent and accountable.

FINANCIAL IMPACT

Determining the value of this exemption in excise tax for the City can only be based on a best guess of how many residents would be eligible and the value of the tax on their vehicles. There is not much information available on how many other communities in Maine have enacted ordinances for this exemption, other than the town of Scarborough, who had about 50 last year.

We do approximately 40,000 vehicle registrations per year, with an average of \$202 per registration, understanding that there is a wide range of individual tax paid. We have no data to support estimating how many of those would have been eligible for the exemption. Using Scarborough as a base and proportionately calculating similar activity for Portland, we can estimate 165 registrations for a total value of about \$33,000. For perspective, our excise tax revenue last year totaled approximately \$9.7 million.

Also, a bill has been introduced in the Legislature this session to include members of the National Guard or Reserves of the US Armed Forces in this law, which will impact the value of lost revenue. However, we do not anticipate it to be an amount significant enough to deter the Council from approving this ordinance.

RECOMMENDATION

The Finance Committee reviewed the rules and financial impact and at their February 27 meeting, voted 4-0 to recommend Council adoption of such an ordinance.

Attachments:

Draft Minutes from Finance Committee Meeting on February 27

Memo to Finance Committee

A copy of the State Law and definition of "deployment"

**Finance Committee
Meeting Minutes
Thursday, February 27, 2014**

Attendees: Chair Mavodones, Finance Committee members Duson, Marshall and Suslovic (late); members of staff.

Chair Mavodones opened the meeting—called to order.

- 1. Approval of Minutes for January 9, 2014 meeting—approved 3-0**
- 2. Discussion and recommendation on excise tax exemption ordinance for deployed military residents.**

Motion by Councilor Marshall to recommend ordinance approval by the City Council,
Seconded by Councilor Duson; **Passes 3-0.**

- 3. Review and recommendation to City Council on property lease and future acquisition of 212 Canco Road for City Department consolidation.**

After presentation of the issue, the Committee went into executive session to discuss
(Motion by Councilor Duson, second by Councilor Suslovic, passes 4-0)

Returning to public session:

Motion by Councilor Marshall to recommend approval of the property lease and purchase agreement, and appropriation of \$230,000 for lease payments over the term of the agreement. Second by Councilor Duson; **Passes 4-0.**

- 4. Meeting adjourned.**

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Chair Mavodones, Members of the Finance Committee

FROM: Ellen Sanborn, Finance Director



DATE: January 22, 2014

RE: Information on Excise Tax Exemption for Military Residents

At the Mayor and the Committee's request, I am providing information for use in your consideration of an ordinance to allow exemption of payment of excise tax for deployed military residents of Portland.

I have attached a copy of the language in State Statute Title 36, enacted in 2011, that describes this exemption. It allows municipalities to enact an ordinance to allow it for residents who are on active duty, as described in the statute and also as defined in Title 26 as "deployed for military service" (also attached). Residents (or their agent) would need to provide certification from their commanding officer at the time of registration.

Determining the value of this exemption in excise tax for the City can only be based on my best guess at how many residents would be eligible and the value of the tax on their vehicles. I was not able to find much information on how many other communities in Maine have enacted ordinances for this exemption, other than the town of Scarborough, who had about 50 last year.

We do approximately 40,000 vehicle registrations per year, with an average of \$202 per registration, understanding that there is a wide range of individual tax paid. I have no data to support estimating how many of those would have been eligible for the exemption. Using Scarborough as a base and proportionately calculating similar activity for Portland, I would estimate 165 registrations for a total value of about \$33,000. For perspective, our excise tax revenue last year totaled approximately \$9.7 million.

Attached for your review is also a draft ordinance prepared by Legal that would go to the Council for approval with your recommendation.

Maine Revised Statutes

Title 36: TAXATION

Chapter 111: AIRCRAFT, HOUSE TRAILERS AND MOTOR VEHICLES

§1483-A. LOCAL OPTION EXEMPTION FOR RESIDENTS PERMANENTLY STATIONED OR DEPLOYED FOR MILITARY SERVICE OUTSIDE OF THE STATE

A municipality may by ordinance exempt from the annual excise tax imposed pursuant to section 1482 vehicles owned by a resident who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days who desires to register that resident's vehicle in this State. To apply for the exemption, the resident must present to a designated municipal official certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days. For purposes of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces. For purposes of this section, "deployed for military service" has the same meaning as in Title 26, section 814, subsection 1, paragraph A. [2011, c. 313, §1 (NEW); 2011, c. 313, §2 (AFF).]

SECTION HISTORY

2011, c. 313, §1 (NEW). 2011, c. 313, §2 (AFF).

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Maine Revised Statutes
Title 26: LABOR AND INDUSTRY
Chapter 7: EMPLOYMENT PRACTICES

§814. FAMILY MILITARY LEAVE

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Deployed for military service" or "deployment" means active military duty with the state military forces, as defined in Title 37-B, section 102, or the United States Armed Forces, including the National Guard and Reserves, whether pursuant to orders of the Governor or the President of the United States, when the duty assignment is in a combat theater or in an area where armed conflict is taking place. [2005, c. 523, §2 (NEW).]

B. "Employee" means any person who may be permitted, required or directed by an employer in consideration of direct or indirect gain or profit to engage in any employment and who has been employed by the same employer for at least 12 months and has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the employee's family military leave. [2007, c. 388, §1 (AMD).]

C. "Employee benefits" means all benefits, other than salary and wages, provided or made available to employees by an employer and includes group life insurance, health insurance, disability insurance and pensions, regardless of whether benefits are provided by a policy or practice of an employer. [2005, c. 523, §2 (NEW).]

D. "Employer" means:

(1) Any person, partnership, corporation, association or other business entity; and

(2) The State, a county, a municipality or any political subdivision. [2005, c. 523, §2 (NEW).]

E. "Family military leave" means leave requested by an employee who is the spouse, domestic partner or parent of a person who is a resident of the State and is deployed for military service for a period lasting longer than 180 days with the State or United States pursuant to the orders of the Governor or the President of the United States. [2005, c. 523, §2 (NEW).]

[2007, c. 388, §1 (AMD) .]

2. Family military leave requirement. Subject to the requirements of subsection 3, an employer that employs 15 or more employees shall provide each eligible employee up to 15 days of family military leave per deployment, if requested by the employee. Family military leave under this subsection may be taken only during one or more of the following time frames:

A. The 15 days immediately prior to deployment; [2007, c. 388, §2 (NEW).]

B. Deployment, if the military member is granted leave; or [2007, c. 388, §2 (NEW).]

C. The 15 days immediately following the period of deployment. [2007, c. 388, §2 (NEW).]

Family military leave granted under this section may consist of unpaid leave.

[2007, c. 388, §2 (RPR) .]

3. Notice requirements. An employee taking family military leave under this section is subject to the following.