

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
SPECIAL CITY COUNCIL MEETING
APRIL 28, 2014

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

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

**State Representative Richard Campbell Will Present a Legislative
Special Sentiment to Lieutenant Janine Roberts.**

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) April 7, 2014 Special City Council Meeting
 April 7, 2014 Regular City Council Meeting
 April 14, 2014 Special City Council Meeting

PROCLAMATIONS:

Proc 28-13/14 (Tab 2)	Proclamation Honoring Richard (“Dick”) Aronson, Owner of Century Tire on Marginal Way – Sponsored by Mayor Michael F. Brennan.
Proc 29-13/14 (Tab 3)	Proclamation Honoring Vernon Cox, Aviation & Transportation Department, as Employee of the Month for April, 2014 – Sponsored by Mayor Michael F. Brennan, Mayor.
Proc 30-13/14 (Tab 4)	Proclamation Honoring Detective Lisa Sweatt as Officer of the Month for April, 2014 – Sponsored by Mayor Michael F. Brennan, Mayor.

APPOINTMENTS:

CONSENT ITEMS:

**Order 205-13/14
(Tab 5)**

Order Declaring “Portland Reggae Fest” as a Festival – Sponsored by Mark H. Rees, City Manager.

This order declares Portland Reggae Fest as a festival to be held Sunday, August 10, 2014. The festival will feature both local and national touring reggae artists.

Green Drinks of Maine, Bangor and Portland are the main beneficiary for the “Portland Reggae Fest”, and will be signing operating agreements along with Waterfront Concerts for usage of the Maine State Pier with the City of Portland’s Public Assembly Facilities Division. Rental Fee and all expenses for City services will be reimbursed by the organizers.

Waterfront Concerts, a Maine limited liability company, will be organizing and producing the “Portland Reggae Fest”. Waterfront Concerts is an experienced concert presenter which currently presents events at Darling’s Waterfront Pavilion and the Cross Insurance Center in Bangor. They also present events at the Androscoggin Bank Colisee in Lewiston, and Merrill Auditorium in Portland.

Live music will be performed by bands from 12:30pm – 9:00pm from a stage set-up on the southeast waterside portion of the pier, oriented northwest towards Franklin Street. 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 Waterfront Concerts’ and/or Green Drinks’ contractor and the City to focus volume on the pier and its immediate environment, limiting any sound impacts in residential areas. While the bulk of the Maine State Pier would be open only to ticket holders that day, access to the schooners that operate from MSP would be preserved all day as would access to, and egress from, the adjacent Casco Bay Lines Terminal and garage.

Beer will be available in a restricted “Beer Garden” area of the pier, to which access would be limited to those twenty one (21) and over. Green Drinks Maine, Bangor and Portland, and Waterfront Concerts shall be responsible for ensuring that all vendors at the Festival have complied with appropriate license requirements, including food service, sale of alcohol and concert licenses. All Security for the event (including the Beer Garden area) will be provided by Public Assembly Facilities Management Staff.

**Order 205A-13/14
(Tab 6A)**

Order Granting Amended License to Redfern LWS LLC Allowing Foundation Footings in Public Right-of-Way - Sponsored by Mark H. Rees, City Manager.

The Department of Planning and Urban Development is bringing forward the request from Paul Peck of Redfern LWS, LCC to the City Council to grant an amended license to Redfern LWS, LLC (owner of West End Place) in order to allow footings to extend into the public right-of-way. On April

7, 2014, the City Council approved a revocable license to allow projecting window bays along Pine and Brackett Streets. As Redfern LWS, LCC prepared the foundation plans, it was determined that the footings for the building extended into the right-of-way. Thus, the applicant is requesting the City Council's approval for an amended revocable license that contains the language previously approved and adds language and a footings plan to the proposed license.

The foundation footings for the West End Place project at 44 Pine Street are roughly 4 feet below grade and extend a depth of seven inches into the Brackett Street right-of-way at five locations (see Exhibit B of proposed license). The length of the footings along Brackett Street varies as follows: 4 feet 2 1/8 inches near Pine Street; 26 feet 10 1/8 inches; 21 feet 10 1/4 inches; 21 feet 10 1/4 inches; and 11 feet 11 inches. Along Pine Street there are two extension that have the following width and depth: width of 6 5/8 inches for a length of 1 foot 7 inches; and a width of 8 1/2 inches for a length of 6 5/8 inches; 5 feet 6 inches; and 8 1/2 inches.

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

LICENSES:

**Order 206-13/14
(Tab 6)**

Order Granting Municipal Officers' Approval of Tao Restaurant LLC d/b/a BaoBao Dumpling House at 133 Spring St. Application for a Class I FSE License – Sponsored by Katherine L. Jones, City Clerk.

Application filed 3/28/14. New City and State applications. Former location of West End Deli.

Five affirmative votes are required for passage after public comment.

**Order 207-13/14
(Tab 7)**

Order Granting Municipal Officers' Approval of Lazzari, LLC d/b/a Lazzari at 618 Congress St. Application for a Class XI Restaurant/Lounge License – Sponsored by Katherine L. Jones, City Clerk.

Application filed 3/28/14. New City and State applications. Former location of Mesa Verde.

Five affirmative votes are required for passage after public comment.

**Order 208-13/14
(Tab 8)**

Order Granting Municipal Officers' Approval of Nova Star Cruises d/b/a Nova Star. Application for a Class I Vessel License – Sponsored by Katherine L. Jones, City Clerk.

Application filed 3/14/14. New City and State applications.

Five affirmative votes are required for passage after public comment.

**Order 209-13/14
(Tab 9)**

Order Granting Municipal Officers' Approval of Sol Food Group, LLC d/b/a El Rayo Taqueria at 101 York St. Application to expand existing alcohol service area for event on May 3 & 4, 2014 –Sponsored by Katherine L. Jones, City Manager.

Application filed 3/27/14. Applicant currently holds a Class I FSE Liquor License with Entertainment without Dance and Outdoor Dining on Private Property. This is for a separate Cinco de Mayo celebration.

Five affirmative votes are required for passage after public comment.

**Order 210-13/14
(Tab 10)**

Order Granting Municipal Officer's Approval of Portland Hunt & Alpine Club, LLC d/b/a Portland Hunt & Alpine Club at 75 Market St. Application to Add Outdoor Dining on Public Property – Sponsored by Katherine L. Jones, City Clerk.

Application filed 4/4/14. Applicant currently holds a Class A Lounge License.

Five affirmative votes are required for passage after public comment.

FY 15 BUDGET ITEMS: PUBLIC HEARING:

PUBLIC COMMENT WILL BE TAKEN AT THIS COUNCIL MEETING ON ALL SCHOOL BUDGET ORDERS. COUNCIL ACTION ON THE SCHOOL BUDGET WILL TAKE PLACE ON MAY 5, 2014, AT 7:00 P.M. THE PUBLIC REFERENDUM ON THE SCHOOL BUDGET WILL BE HELD ON TUESDAY, MAY 13, 2014.

**Order 211-13/14
(Tab 11)**

Order Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Schools for FY 2015 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Orders 211-13/14 to 216-13/14 are orders required by State law 20-A M.R.S.A. §15690 in order to comply with what is known as LD1, a set of state laws passed to control increases in property taxes.

This order provides \$77,617,317 as the amount determined by state law to be the minimum amount the city must appropriate in order to receive the full amount of state funding under the Essential Programs and Services Funding Act.

This requires the city to raise \$61,606,170 as the city's contribution to the total cost of funding public education from K-12 as described in the EPS law. The City's Tax levy for the total for school budget programs of \$101,592,669 will be \$77,469,011.

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

**Order 212-13/14
(Tab 12)**

Order Approving Non-State Funded School Construction Debt Service for Portland Schools for FY 2015 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Non-state funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major capital school construction projects and portions of school construction projects that are not approved for state funding. The bonding of this long-term debt was previously approved by the voters or the City Council.

This order appropriates \$301,352 for the annual payments on debt service previously approved by the voters or the City Council for non-state (local-only) funded school construction projects. The state no longer includes minor capital projects in this calculation. The \$301,352 is in addition to the funds appropriated as the EPS required local share (amount of the city's contribution to the total cost of funding public education from kindergarten to grade 12).

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

**Order 213-13/14
(Tab 13)**

Order Raising and Appropriating Additional Local Funds for Portland Schools for FY 2015 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order appropriates \$14,522,152 in additional city funds over and above regional EPS amount and the non-state funded debt service amount.

This exceeds the EPS funding model by \$12,664,988 and funds the cost of city schools, Kindergarten-12, which are not covered by the state funding model established by the Essential Programs and Services Funding Act.

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

**Order 214-13/14
(Tab 14)**

Order Approving Total School Operating Budget for Portland Schools for FY 2015 – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This order is required by 20-A M.R.S.A. §15690(4)(A). It sets the School Budget required by state law. The total amount recommended for that budget is \$96,309,988.

That is the amount in the budget that under state law will be sent to the voters for approval at a citywide Referendum Election on May 13, 2014. \$76,429,674 of the \$96,309,988 would come from property taxes, \$16,011,147 from state subsidy, and \$3,869,167 from other revenues.

This order does not provide money unless the other General Fund budget orders passed.

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

**Order 215-13/14
(Tab 15)**

Order Appropriating and Raising Funds for Adult Education for FY 2015 as Required by the Maine Revised Statutes, Title 20-A M.R.S.A. §8603-A(1) – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This order raises \$838,660 to support the Adult Education program and appropriates a budget for that program of 1,543,595. The budgets for the Adult Education Program and for the Food Service Program in the next Order (\$3,739,086) are in addition to the \$96,309,988 proposed for the General Fund School Budget. Under the City Charter, the Council must act on this school funding order and the food service order, which are not part of the General Fund budget.

When the amounts for the Adult Education Program (\$1,543,595) and the Food Service Program (\$3,739,086) are added to the proposed General Fund School Budget that must be submitted to the voters (\$96,309,988) it leads to a total for school budget programs of \$101,592,669.

The total school budget (\$101,592,669) will come before the Council for approval as part of the annual Appropriation Resolve on May 19th, if the voters approve the General Fund School Budget submitted to them on May 13th.

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

**Order 216-13/14
(Tab 16)**

Order to Raise Local Funds for Food Service in the Portland Public Schools for FY 2015 – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This order raises \$200,677 to support the Food Service Budget. The total proposed Food Service Program is \$3,739,086, which is in addition to the General Fund School Budget.

Under the City Charter, the Council must act on this school funding order and the Adult Education order, which are not part of the General Fund budget.

When the amounts for the Adult Education Program (\$1,543,595) and the Food Service Program (\$3,739,086) are added to the proposed General Fund School Budget that must be submitted to the voters (\$96,309,988) it leads to a total for school budget programs of \$101,592,669. The total school budget will come before the Council for approval as part of the annual Appropriation Resolve on May 19th, if the voters approve the General Fund School Budget submitted to them on May 13th.

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

COMMUNICATIONS:

**Com 11-13/14
(Tab 17)**

Communication Re: Appointment of Project Advisory Committee (PAC) for the State and High Street Two-Conversion Study - Sponsored by Mayor Michael F. Brennan.

The State and High Street two-way conversion study is starting at this time. TY Lin Associates was selected as project manager/designer of this project. The anticipated schedule is included in the agenda backup.

Staff is recommending the appointment of a Project Advisory Committee (PAC) to assist with the overall project development evaluation and recommendations to our City Council.

The listing of recommended appointees was reviewed with Councilor David Marshall and reflects representative agencies, associations and businesses that were identified in the original RFP – scope of services.

The following individuals are recommended for appointment:

Parkside Neighborhood Association – Emma Holder or Designee
West End Neighborhood Association – Rosanne Graef or Designee
Bayside Neighborhood Association – Steve Hershon or Designee
Friends of Deering Oaks – Anne Pringle or Designee
Friends of Congress Square Park – Frank Turek or Designee
Mercy Hospital – Michael Connolly, Director of Facilities or Designee
Eastland Hotel – Bruce Wennerstrom, General Manager or Designee
Portland Museum of Art – Kristen Levesque or Designee
100 State Street – Anne Thaxter or Designee
Greater Portland Landmarks – Hillary Bassett or Designee
State Theatre – Reached out to Lauren Wayne or Designee
GPCOG/PACTS – Carl Eppich, Senior Transportation Planner or Designee

MaineDOT – Commissioner Dave Bernhardt or Designee
Councilor David Marshall, Co-Chair
Councilor Kevin Donoghue, Co-Chair

Community Advisors

Portland Bicycle and Pedestrian Advisory Committee – Reached out to Jennifer Claster
AAA – Reached out to AAA for contact name
Greater Portland Convention & Visitors Bureau – Reached out to Lynn Tillotson
Portland Downtown District – Reached out to Steve Hewins
Portland Chamber of Commerce – Reached out to Chris Hall
METRO/Greater Portland Transit District – Gregory Jordan/Glenn Fenton

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

RESOLUTIONS:

UNFINISHED BUSINESS:

**Order 200-13/14
(Tab 18)**

Order Authorizing Maine DOT Two-Party Agreement Modification for Traffic Signal Improvements on Congress Street and Skyway Drive - Sponsored by Mark H. Rees, City Manager.

A modification to the existing agreement for MaineDOT to perform traffic signal improvements is necessary due to higher than anticipated design costs, updated construction estimates since the 2011 initial agreement, and the need to extend the project timeline beyond July 2014.

The resulting cost increase requires an additional \$13,000 commitment from the City for the city's local match, bringing the City's total share to almost 25%. MaineDOT intends to put the contract out for bid in May 2014 in order to perform the construction in non-winter conditions.

This project is the third and final portion of a Regional Traffic Signal Coordination effort funded in large part by a Dept. of Energy grant program.

Two corridors have previously been achieved, Brighton Ave and Forest Avenue. This project will upgrade and coordinate seven (7) intersections along outer Congress St. (Routes 9 & 22) and Skyway Drive and is expected to result in a 30% reduction in crashes.

This agreement modification will require an additional \$13,000 for a grand total of \$41,817 as the City's local match towards this \$168,000 project.

Already approved FY10 and FY14 CIP monies, and existing Infrastructure Accounts will provide the necessary local match.

The Department of Public Services recommends approval of this agreement modification in order to upgrade and coordinate the traffic signalization along a heavily used roadway system tied directly to the region's highway system.

This item must be read on two separate days. It was given a first reading on April 7th. Five affirmative votes are required for passage after public comment.

**Order 201-13/14
(Tab 19)**

**Amendment to Portland City Code Chapter 20. Police, Article IV.
Additional Authority Section 20-36 Re: Statewide Arrest Powers –
Sponsored by the Public Safety Health & Human Services Committee,
Councilor Edward J. Suslovic, Chair.**

This order amends City Code Section 20-36 to allow Portland Police Officers to exercise their legal authority to make warrantless arrests beyond the City's jurisdictional limits.

Maine places statutory limits on a police officer's authority to make an arrest outside of the jurisdictional limits of the municipality in which an officer serves.

The Maine legislature has, however, given municipalities the option of granting to police officers statewide arrest powers in any case in which the officer has legal authority to make a warrantless arrest. See 30-A M.R.S.A. 2671 (2-A).

The granting of this statewide arrest power will allow the police department to compete with the increased mobility of criminals while also allowing the police department to investigate and file charges in mobile incidents encompassing multiple crimes and jurisdictions. This amendment will also allow the police department to further enhance collaborative efforts with other local, state, and federal law enforcement partners.

The Public Safety, Health & Human Services Committee met on March 18th and voted unanimously (3-0) to forward this item to the City Council with a recommendation for approval.

This item must be read on two separate days. It was given a first reading on April 7th. Five affirmative votes are required for passage after public comment.

**Order 202-13/14
(Tab 20)**

Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning, Division 25, - Space and Bulk Regulations and Exceptions, Section 14-433 Re: Allowing Accessory Structures in R-3 and R-5 Zones to be Converted to Dwelling Units without Meeting Setback Requirements – Sponsored by the Planning Board, Stuart O’Brien, Chair.

The Planning Board is unanimously recommending a minor zoning text amendment to add the R-3 and R-5 zones to existing text in 14-433 lots of record and accessory structure setbacks for existing buildings that allows pre-1940 carriage houses in the R-4 and R-6 zones to be used as a dwelling unit without meeting the zone setback requirements (but meeting all other zone standards). The amendment also adds some qualifying text to clarify that the conditional use requirements of the R-3 and R-5 zones remain applicable and to ensure that the density objectives of those zones would not be altered.

The existing text in section 4-433 allows for the conversion of carriage houses in the R-4 and R-6 zones and waives the setback requirements of the zone.

The applicant, Mr. Tim Keiter, of 140 William Street, has requested that the existing text be amended to apply to the R-3 zone, where he owns a single family home and would like to have an in-law apartment in an existing 1905 carriage house that does not meet the zone setback requirements.

The Planning Board requested that the R-5 zone also be added to the existing text as some carriage houses are also located in that residential zone.

This item must be read on two separate days. It was given a first reading on April 7th. Five affirmative votes are required for passage after public comment.

**Order 203-13/14
(Tab 21)**

Amendment to City Code Chapter 18 (Parks, Recreation and Public Buildings and Grounds) Re: Dedication and Protection of City Parks – Sponsored by Mayor and City Councilors.

For the past month, the City Council has held workshops (including, but not limited to, a recent workshop with the City Land Bank and Parks Commissions) in an effort to work through the details and specific language of the proposed Parks Ordinance.

As a result of this process, and the prior discussions regarding the Friends of Congress Square citizen initiated referendum, the City Council has recommended that the City's Parks Ordinance be amended to include a list of dedicated and inalienable parks and public grounds, to require the Parks Commission review and advise the City Council with regard to the sale of those parks and public grounds and to require seven (7) votes of the Council to sell a park or public ground.

This item must be read on two separate days. It was given a first reading on April 7th. Five affirmative votes are required for passage after public comment.

**Order 204-13/14
(Tab 22)**

**Amendment to City Code Chapter 2 (Administration) Article III-A
Re: Land Bank Commission Amendments – Sponsored by Mayor and
City Councilors.**

This is a companion order to Order 203-13/14 above. As part of its review and creation of the Parks Ordinance, the City Council has also requested that the Land Bank Ordinance be amended to ensure that its review process is consistent with the proposed Parks Commission review process [outlined above] and to require seven (7) votes (as opposed to the currently required six (6) votes) of the City Council for the removal, sale or disposition of a Land Bank property.

This item must be read on two separate days. It was given a first reading on April 7, 2014. Five affirmative votes are required for passage after public comment.

ORDERS:

**Order 217-13/14
(Tab 23)**

**Order Accepting 2013 Annual Report of the Land Bank Commission –
Sponsored by the Land Bank Commission, Councilor Cheryl A.
Leeman and Thomas Jewel, Co-Chairs.**

The Annual Report is a requirement of the ordinance establishing the Land Bank Commission. Staff has prepared the Annual Report with feedback from Land Bank Commission members and the Co-Chairs. The report includes a summary of activity over the past year, provides an annual budget, a registry of current properties already designated as Land Banks status and recommends 3 parcels identified as University Park, Wooded area North of Riverside Golf Course, and Land along Canco Road from Canco Woods to Tamerlane as designated Land Bank status. The Report was approved by the Land Bank Commission at their April 3 meeting.

Five affirmative votes are required for passage after public comment.

**Order 218-13/14
(Tab 24)**

**Order Approving Sangillos Liquor License Denial Written Decision –
Sponsored by the Danielle West-Chuhta, Corporation Council.**

On April 7, 2014, the City Council voted 5 to 4 (Coyne, Duson, Leeman and Mavodones opposed) to deny renewal of Sangillo's Liquor License. This order approves the record and written decision (both of which are included in the backup materials) with regard to the Council's denial.

Five affirmative votes are required for passage after public comment.

**Order 219-13/14
(Tab 25)**

**Order Approving Contract with the Animal Refuge League of
Westbrook – Sponsored by Mark H. Rees, City Manager.**

The City of Portland contracts annually with the Animal Refuge League (ARL) of Westbrook to meet the state-mandated obligation to provide an animal shelter for the disposition of stray animals or those that are surrendered by their owners.

The annual fee charged by the shelter is based on a per capita charge. In 2013 it was \$1.32 per person based on a population of 66,194 (according to the July 2010 estimated census) for a total charge of \$87,376.08. That charge remains the same for 2014.

In calendar year 2013 through December 31st, the ARL processed 1081 animals from Portland.

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

AMENDMENTS:

**Order 220-13/14
(Tab 26)**

**Amendment to Zoning Map Re: Bramhall, Boothby, Congress,
Longfellow, and Monument Squares; Lobsterman Plaza; and Lincoln,
Tommy's, Post Office, and Bell Buoy Parks – Sponsored by the
Planning Board, Stuart O'Brien, Chair.**

On March 17, 2014, the City Council unanimously voted (8-0, Coyne absent) to request that the Planning Board review and prepare a recommendation on rezoning Portland's Urban Squares from the current underlying zoning to the Recreation Open Space (ROS) zone.

Green Spaces, Blue Edges, the City's most recent open space plan, calls for an integrated system that serves all residents throughout the city and includes implementation recommendations for physical improvements for the urban parks and plazas.

Downtown Vision , the City's plan for the future of downtown Portland, addressed the range of urban open spaces that provide both passive and active recreation opportunities and the importance of the pedestrian links in the system for an integrated park system throughout Portland. The open spaces are defined as urban parks, plazas, pocket parks, and linear parks.

All of the sites recommended to be rezoned are included within the recommendations for open space in Downtown Vision and the sites are all owned by the City of Portland.

The Planning Board held a workshop on the zoning map revisions to the Recreation and Open Space (ROS) Zone on March 25, 2014 and held a public hearing on the proposed amendments on April 8, 2014. The Planning Board voted (5-1, O'Brien opposed, Boepple absent) to recommend to City Council the adoption of the proposed map amendments to rezone Bramhall, Boothby, Congress, Longfellow, and Monument Squares; Lobsterman Plaza; and Lincoln, Tommy's, Post Office, and Bell Buoy Parks to the Recreation and Open Space.

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

**Order 221-13/14
(Tab 27)**

Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning, Division 8.5 R-OS Recreation and Open Space, Sections 14-153, 14-154, 14-157, and 14-158 Re: Revising the Recreation and Open Space Standards - Sponsored by the Planning Board, Stuart O'Brien, Chair.

This is a companion order to Order 220-13/14 above.

The proposed text amendments to the Recreation and Open Space zone eliminate the 2-acre minimum lot size, so the provisions of the zone are applicable to the smaller public open spaces located throughout the city and the purpose statement is revised to reflect the open space goal contained in Downtown Vision. The Planning Board found the proposed changes to be consistent with the Comprehensive Plan and that it is good land use policy to include the urban open spaces in the ROS zone for the city's stewardship. Stuart O'Brien voted against the proposed motions based upon his statement that he suggests a more comprehensive analysis of all of the City's open spaces is required before recommending zoning map and text amendments.

The Planning Board voted (5-1, O'Brien opposed, Boepple absent) to recommend the proposed text amendments to the Land Use Code, Division 8.5. R-OS Recreation and Open Space Zone, which revise the purpose statement, dimensional requirements, and development standards.

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

**Order 222-13/14
(Tab 28)**

**Amendment to Portland City Code Chapter 14. Land Use Article III.
Zoning, Division 28. Jurisdiction of Board of Appeals, Section 14-474
Re: Conditional Use Permit Standards – Sponsored by the Planning
Board, Stuart O’Brien, Chair.**

The Section 14-474 ordinance change is intended to strengthen the City’s conditional use standard and provide guidance with respect to evaluating the impact that a proposed use may have on surrounding properties. Changes to the proposal were made to address Planning Board questions and concerns. Additionally, the Zoning Board of Appeals, which also applies this standard in its work, has been consulted and its suggestions incorporated in this new draft.

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

IN COUNCIL SPECIAL MEETING APRIL 7, 2014 VOL. 129 PAGE 83

ROLL CALL: Mayor Brennan called the meeting to order at 5:30. (Councilor Coyne arrived during the presentation of CDBG. Councilor Donoghue arrived during Resolve 5's public comment.).

ANNOUNCEMENTS:

CDBG Annual Allocation Committee Presentation

PUBLIC HEARINGS:

RESOLUTIONS:

Councilor Marshall recused himself from the meeting of the CDBG, his wife works for Preble Street Teen Center, an applicant for the CDBG Grant.

Resolve 5-13/14 Resolution Adopting the FY 2015 Consolidated Housing and Community Development Annual Action Plan Including Appropriations for Community Development Block Grant Program, Home Program, and Emergency Solutions Grant Program and Certifications Pertaining Thereto – Sponsored by Mark H. Rees, City Manager. This item was given first reading and public hearing on March 17, 2014.

Motion was made by Councilor Suslovic and seconded by Councilor Mavodones to amend Resolve 5 by changing the amounts to reflect the updates in the money that was allocated. Passage 8-0.

Motion was made by Councilor Suslovic, to delete \$51, 527 from Health Care for the Homeless. Add half the amount to Florence House and the other half to After Hour Shelter. No second. Motion failed.

Motion was made by Councilor Duson and Seconded by Councilor Coyne to remove \$55, 000 from Health Care for the Homeless and give \$15,000 to Amistad, \$25,000 to the Florence House and \$15,000 to Wayside Soup Kitchen. Motion failed 1-7 (Duson, Mavodones, Coyne, Hinck, Donoghue, Leeman, Suslovic).

Motion was made by Councilor Duson seconded by Councilor Suslovic to move \$30,000 from Health Care for the Homeless and add it to the Florence house. Passage 7-1 (Brennan).

IN COUNCIL SPECIAL MEETING APRIL 7, 2014 VOL. 129 PAGE 84

ORDERS:

Order 172-13/14 Order Approving the Renewal of the Cumberland County HOME Consortium– Sponsored by Mark H. Rees, City Manager.

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

Order 173-13/14 Order Adopting the Housing and Community Development Citizen Participation Plan – Sponsored by Mark H. Rees, City Manager.

Motion was made by Councilor Coyne and seconded by Councilor Dusen for passage. Passage 8-0.

Motion was made by Councilor Suslovic and seconded by Councilor Coyne to adjourn. Passage 8-0, 7:20 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

IN COUNCIL REGULAR MEETING APRIL 7, 2014 VOL. 129 PAGE 85

ROLL CALL: Mayor Brennan called the meeting to order at 7:40 P.M.(Councilor Donoghue arrived during the proclamations).

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Duson and seconded by Councilor Suslovic to approve the minute of March 17, 2014 Special City Council Meeting and March 17, 2014 Regular City Council Meeting. Passage 8-0 (Donoghue absent).

PROCLAMATIONS:

- | | |
|----------------------|--|
| Proc 24-13/14 | Proclamation Honoring McAuley High School Basketball Team - Sponsored by Mayor Michael F. Brennan. |
| Proc 25-13/14 | Proclamation Honoring Portland High School Boys Basketball Team – Sponsored by Mayor Michael F. Brennan. |
| Proc 26-13/14 | Proclamation Honoring Officer Thien Duong as Police Officer of the Month for February 2014 – Sponsored by Michael F. Brennan. |
| Proc 27-13/14 | Proclamation Honoring Tayag Raynor, Health & Human Services Department, Barron Center, as Employee of the Month for March 2014. |

IN COUNCIL REGULAR MEETING APRIL 7, 2014 VOL. 129 PAGE 86

APPOINTMENTS:

CONSENT ITEMS:

Order 189-13/14 Order Declaring the “2014 Greek Heritage Food Festival June 26-June 28, 2014 – Sponsored by Mark H. Rees, City Manager.

Order 190-13/14 Order Declaring Fenix Theater Company’s “Shakespeare in the Park” as a Festival – Sponsored by Mark H. Rees, City Manager.

Order 191-13/14 Order Declaring “The 12th Annual Greater Portland Festival of Nations” – Sponsored by Mark H. Rees, City Manager.

Order 192-13/14 Order Declaring June 6, 7, & 8 2014 as the “Old Port Festival – Sponsored by Mark H. Rees, City Manager.

Order 193-13/14 Order Granting License to Redfern LWS, LLC – Sponsored by Mark H. Rees, City Manager.

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

LICENSES:

Order 194-13/14 Order Granting Municipal Officers’ Approval of Arcadia National Bar LLC d/b/a Arcadia National Bar at 24 Preble St. Application for a Class A Lounge License – Sponsored by Katherine L. Jones, City Clerk.

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

IN COUNCIL REGULAR MEETING APRIL 7, 2014 VOL. 129 PAGE 87

Order 195-13/14 (Tab 12) **Order Granting Municipal Officers' Approval of Bonfire LLC d/b/a Bonfire Country Brew Works at 37-39 Wharf St. Application for a Class A Lounge License with Outdoor Dining on Public Property – Sponsored by Katherine L. Jones, City Clerk.**

Motion was made by Councilor Hinck and seconded by Councilor Coyne for passage. Passage 9-0.

Order 196-13/14 **Order Granting Municipal Officers' Approval of JBB Hospitality I, LL LLC d/b/a Courtyard Portland Downtown/Waterfront at 321 Commercial St. Application for a Class IA Hotel 40+ Rooms License with Outdoor Dining on Private Property – Sponsored by Katherine L. Jones, City Clerk.**

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

Order 197-13/14 **Order Granting Municipal Officers' Approval of Spree River LLC d/b/a Maps Café at 64A Market St. Application for a Class III & IV Wine & Beer License – Sponsored by Katherine L. Jones, City Clerk.**

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

BUDGET ITEMS:

Order 198-13/14 **Order Receiving and Referring City Manager's Fiscal Year 2015 Municipal Budget to the Finance Committee and Setting Date of Public Hearing on FY 2015 Municipal Budget and FY 2015 Appropriation Resolve – Sponsored by Mark H. Rees, City Manager.**

The Public Hearing on all municipal budget orders and the Appropriation Resolve will be held by the City Council on May 5, 2014, at 7:00 p.m. in City Council Chambers. A City Council workshop to discuss the municipal budget will be held on Monday, May 12th, at 5:30 p.m., in City Council Chambers.

Final City Council action on the municipal budget will take place at the City Council meeting on May 19, 2014, at 7:00 p.m.

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

IN COUNCIL REGULAR MEETING APRIL 7, 2014 VOL. 129 PAGE 88

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

- Order 184-13/14 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. This item was given first reading on March 17, 2014.

Motion was made by Councilor Mavodones and seconded by Councilor Duson for passage. Passage 8-0 (Suslovic out).

- Order 185-13/14 Order Approving 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**
- Sponsored by Mark H. Rees, City Manager. This item was given first reading on March 17, 2014.

Motion was made by Councilor Duson and seconded by Councilor Suslovic for passage. Passage 7-0 (Hinck, Marshall out).

- Order 186-13/14 Order Approving Municipal Agreement between City of Portland and Town of Falmouth Re: Operation & Maintenance of Lighting Related To Martin's Point Bridge and Bicycle/Pedestrian Path**
- Sponsored by Mark H. Rees, City Manager. This item was given first reading on March 17, 2014.

Motion was made by Councilor Mavodones and seconded by Councilor Duson for passage. Passage 8-0 (Marshall out).

- Order 187-13/14 Order Approving Extension of Employment Agreement for City Manager Mark H. Rees – Sponsored by Mayor Michael F. Brennan.**
This item was given first reading on March 17, 2014.

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

IN COUNCIL REGULAR MEETING APRIL 7, 2014 VOL. 129 PAGE 89

Order 188-13/14 Amendment to Portland City Code Re: Exemption of Excise Tax Payments for Deployed Military Personnel – Sponsored by the Finance Committee – Councilor Nicholas M. Mavodones, Jr., Chair. This item was given first reading on March 17, 2014.

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

ORDERS:

Order 199-13/14 Order Approving Lease with Nova Star Cruises Limited Re: Ocean Gateway Facility – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair.

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

Order 200-13/14 Order Authorizing Maine DOT Two-Party Agreement Modification for Traffic Signal Improvements on Congress Street and Skyway Drive - Sponsored by Mark H. Rees, City Manager.

This is its first reading.

AMENDMENTS:

Order 201-13/14 Amendment to Portland City Code Chapter 20. Police, Article IV. Additional Authority Section 20-36 Re: Statewide Arrest Powers – Sponsored by the Public Safety Health & Human Services Committee, Councilor Edward J. Suslovic, Chair.

This is its first reading.

IN COUNCIL REGULAR MEETING APRIL 7, 2014 VOL. 129 PAGE 90

- Order 202-13/14** **Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning, Division 25, - Space and Bulk Regulations and Exceptions, Section 14-433 Re: Allowing Accessory Structures in R-3 and R-5 Zones to be Converted to Dwelling Units without Meeting Setback Requirements – Sponsored by the Planning Board, Stuart O'Brien, Chair.**
This is its first reading.
- Order 203-13/14** **Amendment to City Code Chapter 18 (Parks, Recreation and Public Buildings and Grounds) Re: Dedication and Protection of City Parks – Sponsored by Mayor and City Councilors.**
This is its first reading.
- Order 204-13/14** **Amendment to City Code Chapter 2 (Administration) Article III-A Re: Land Bank Commission Amendments – Sponsored by Mayor and City Councilors.**
This is its first reading.

LICENSE RENEWALS:

- Order 182-13/14** **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. This item was given first reading on March 17, 2014 and was given Public Hearing.**

Motion was made by Councilor Duson and seconded by Councilor Leeman to postpone Order 182 to the May 5, 2014 City Council meeting. To allow the owner of Sangillo's Tavern to work out a management plan with the Police Department. Motion Failed. 4-5(Hinck, Donoghue, Marshall, Suslovic, Brennan).

Motion was made by Councilor Suslovic and seconded by Councilor Donoghue to deny Sangillo's Liquor License. Passage 5-4 (Duson, Mavodones, Coyne, Leeman,).

Motion was made by Councilor Suslovic and seconded by Councilor Donoghue to adjourn. Passage 9-0, 10:25 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

IN COUNCIL SPECIAL MEETING APRIL 14, 2014 VOL. 129 PAGE 91

ROLL CALL: Mayor Brennan called the meeting to order at 6:00 P.M.

BUDGET ITEMS:

Order 205-13/14 Order Receiving and Referring to the Finance Committee the Superintendent's FY2015 Budget Estimate, and Setting a Public Hearing Thereon – Sponsored by Mark H. Rees, City Manager.

The City Council will hold a workshop on the FY15 school budget on Monday, April 28, 2014, at 5:30 p.m. The City Council public hearing on the school budget will be held at a Special City Council meeting on Monday, April 28, 2014, at 7:00 p.m. Council action on the school budget will take place Monday, May 5, 2014, at 7:00 p.m. in City Council Chambers.

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

Motion was made by Councilor Coyne and seconded by Councilor Duson to adjourn. Passage 9-0, 6:20 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

*Proc 28-13/14
Tab 2 4-28-14*

Proclamation Honoring

Richard ("Dick") Aronson

Owner/Century Tire on Marginal Way

WHEREAS, Dick Aronson is the owner of Century Tire Company, a landmark family-owned tire business that has been in Portland for 88 years until its closing on February 14, 2014; and

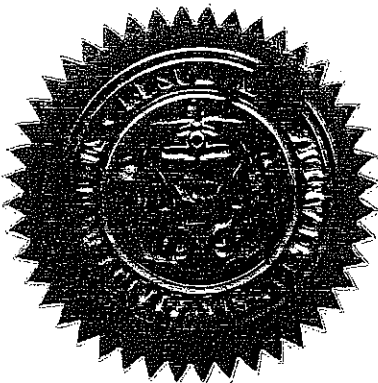
WHEREAS, Century Tire is believed to be the oldest family-owned tire company in New England; and

WHEREAS, Century Tire's loyal customers will miss patronizing the business and interacting with long-time employees, including Jimmy Galvin and his 41-year career at Century Tire and many others with careers spanning 20 to 30 years; and

WHEREAS, The City of Portland has been proud to have this local, family-run tire business on Kennebec Street, particularly in light of competition against national chains which buy and sell tires by the millions; and

WHEREAS, Dick Aronson can be proud of his commitment to running Century Tire since 1961, and then purchasing it in 1976, as well as his varied community service including the City Manager's Business Advisory Council, Portland Economic Development Plan Task Force, the Boys and Girls Clubs of Southern Maine, Maine Mental Health Partners, and the 2001 Member of the Junior Achievement Maine Business Hall of Fame Laureate Honor Roll.

NOW, THEREFORE, BE IT RESOLVED, that I, Michael F. Brennan, Mayor of the City of Portland, and members of the City Council do hereby proclaim recognition and appreciation to Dick Aronson – a great business and community member for Portland for so many years. We are proud, as Your City, to present this Proclamation to you.



Signed and Sealed this 28th day of April, 2014

Michael F. Brennan

**Michael F. Brennan
Mayor, City of Portland, Maine**

*Proc 29-13/14
Tab 3 4-28-14*

PROCLAMATION

**Vernon Cox
Employee of the Month**

April 2014

* * * * *

WHEREAS: **Vernon Cox**, of the Aviation & Transportation Department, has been named the City of Portland Employee of the Month by a committee of his peers and selected for this distinct honor from a workforce of 1,300; and

WHEREAS: This award is presented to **Vernon** in recognition of his duties as an Airport Airfield Electrician at the Portland International Jetport with over 10 years of service. Vernon's co-workers commend his positive attitude, noting that whenever they overhear someone stating "I love my job," it is typically **Vernon**. Even during some of the most difficult and uncomfortable situations **Vernon** is willing to go the extra mile to complete the task; and

WHEREAS: Routinely during winter months **Vernon** is found knee deep in the snow repairing 20-30 taxiway or runway lights and signs. This damage is inevitable given the business and often occurs as a result of co-workers accidentally plowing the lights over; and

WHEREAS: **Vernon** is not the type of person to place blame, but he is the one to step up to the plate to get the job done, smile, and share with his co-workers how he loves his job. **Vernon** truly is an asset to the Aviation & Transportation Department and to the City.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Michael F. Brennan, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim honor and recognition to **Vernon Cox** as **City Employee of the Month, April, 2014.**

Signed and Sealed this 28th day of April, 2014.

Michael F. Brennan, Mayor

Proc 30 - 13/14
Tab 4 4-28-14

PROCLAMATION
HONORING
DETECTIVE LISA SWEATT

WHEREAS, Detective Lisa Sweatt attended and graduated from Fordham University in New York City with a B.A. in Sociology and Criminal Justice. Lisa was also a member of Fordham's equestrian team. She was considered one of the premier equestrian riders in the Northeast.

WHEREAS, Detective Sweatt was sworn in as Portland Police Officer in August of 1998 and attended the Maine Criminal Justice Academy's 60th Municipal /county Basic Police School. During her academy training, Lisa was selected secretary of the class and at graduation received the Professionalism Award for demonstrating the cadet with the highest Esprit DeCorps.

WHEREAS, Detective Sweatt is currently assigned to the Criminal Investigation Division and has been a detective since May of 2006. Prior to her current position as detective, Lisa had been assigned to the day shift, evening shift and overnight shift. Lisa also spent many years as one of the most visible members of the department as a mounted police officer. While as a mounted police officer, Lisa also ran the day-to-day operations at the stables in addition to patrolling the city on horseback. Detective Sweatt is also a member of the Crisis Intervention Team that works closely with the city's mental health community and is also a licensed Emergency Medical Technician.

WHEREAS, Detective Sweatt is the detective assigned to investigate cases that involve domestic violence. She is certainly well respected in her field by members of the District Attorney's Office and Family Crisis. With her expertise in this field, Detective Sweatt taught a class on "Strangulation" in Cape Elizabeth, which was attended by officers, detectives, prosecutors and other that are involved in the investigation of Domestic Violence.

WHEREAS, Detective Sweatt was assigned two domestic violence cases that involve extremely violent suspects within the past month. Due to her dedication, hard work and perseverance, Detective Sweatt was able to prepare strong cases for the District Attorney's Office in order to proceed for prosecuting these violent suspects.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Michael F. Brennan, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim honor and recognition to **Detective Lisa Sweatt as Officer of the Month, March 2014.**

Signed and sealed this 28th day of April, 2014

Michael F. Brennan, Mayor
City of Portland, Maine

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 205-13/14
Tab 5 4-28-14*

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

**ORDER DECLARING
“PORTLAND REGGAE FEST”
AS A FESTIVAL AND APPROVING CONTRACT AND PERMITS THEREFOR**

ORDERED, that the Portland Reggae Fest is hereby declared as a Festival to be held in Portland on Sunday, August 10, 2014; and

BE IT FURTHER ORDERED, that the City Manager is authorized to grant permits to the organizers of the festival, Waterfront Concerts, LLC on behalf of Green Drinks of Maine, Bangor and Portland (“event beneficiaries”), pursuant to Sections 25–27 of the Portland City Code for the following activities:

- Waterfront Concerts, LLC will have the use of the Maine State Pier on Sunday, August 10, 2014 when live music will be performed by bands from 12:30 p.m. to 9:00 p.m.; 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 Waterfront Concerts, LLC and the City to focus volume on the Maine State Pier and its immediate environment; and

BE IT FURTHER ORDERED, that the Festival Area will be closed to street vendors pursuant to Section 19–17 of the Portland City Code and is reserved for the use of Waterfront Concerts, LLC, and event beneficiaries for the purpose of conducting the Festival, 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 Waterfront Concerts, 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 this Festival, other than the following: 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.
- Waterfront Concerts, LLC 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.
- Waterfront Concerts, LLC 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 Waterfront Concerts, LLC.

BE IT FURTHER ORDERED, that the Public Assembly Facilities Management Staff or qualified volunteers will provide security; 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 Waterfront Concerts, LLC and event beneficiaries for the use of the Maine State Pier.

**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 Sheila Hill - Christian

1. Council Meeting at which action is requested (date): April 28, 2014
2. Can action be taken at a later date? Yes X No
Tour would like to announce Festival on May 5, 2014 EST. VIP Presale Wednesday, May 7, 2014
Public on sale Friday, May 9, 2014 12 Noon local

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 "Portland Reggae Fest" as a Festival. Festival is scheduled for Load In 6:00 a.m. Sunday, August 10, 2014, with gates opening at 12 noon, show time 12:30 pm ending 9:00 pm curfew; Load Out will be immediately following performance on the Maine State Pier. Festival areas are bordered by: All of Maine State Pier, up to Portland Ocean Terminal dock and parking / roadway area of Casco Bay Ferry Terminal.

The Artist Performance Schedule:

Soul Rebel Project	12:30pm – 1:00pm
New Kingston	1:45pm – 2:45pm
Etana	3:15pm – 4:15pm
Mighty Mystic	4:45pm – 5:45pm
John Browns Body	6:15pm – 7:15pm
Freddie McGregor	7:45pm – 8:45pm

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

- Festival Declaration
- Allows for control of vendors
- Ability to sell tickets / charge admission
- Granting approval for alcohol sales (Maine State Pier)

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

See above.

IV. FINANCIAL IMPACT

Rental Fee and all costs incurred by City Departments will be reimbursed by Waterfront Concerts/Green Drinks Maine, Bangor and Portland, organizers of this event.

V. STAFF ANALYSIS & RECOMMENDATION

Waterfront Concerts, a Maine limited liability company, will be organizing and producing the "Portland Reggae Fest". Waterfront Concerts is an experienced concert presenter which currently presents events at Darling's Waterfront Pavilion and the Cross Insurance Center in Bangor. They also present events at the Androscoggin Bank Coliseum in Lewiston, and Merrill Auditorium in Portland. Waterfront Concerts and Green Drinks Maine, Bangor and Portland will be signing an Operating Agreement with Recreation and Facilities Management.

The event is comparable to other successful Maine State Pier concerts.



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: April 14, 2014
RE: "Portland Reggae Fest"

I am requesting that the following order be placed on the next City Council agenda: order authorizing the Portland Reggae Fest, scheduled for Sunday, August 10, 2014. The festival will feature both local and national touring reggae artists.

Green Drinks of Maine, Bangor and Portland are the main beneficiary for the "Portland Reggae Fest", and will be signing operating agreements along with Waterfront Concerts for usage of the Maine State Pier with the City of Portland's Public Assembly Facilities Division. Rental Fee and all expenses for City services will be reimbursed by the organizers.

Green Drinks of Maine, Bangor (www.bangorgreendrinks.org) and Portland (www.portlandgreendrinks.com) are independent affiliates of Green Drinks International, (www.greendrinks.org) a global, organic, self-organizing network focused on communicating the value of the natural environment, sharing goals for sustainability and seeking to promote & develop Green initiatives.

Waterfront Concerts, a Maine limited liability company, will be organizing and producing the "Portland Reggae Fest". Waterfront Concerts is an experienced concert presenter which currently presents events at Darling's Waterfront Pavilion and the Cross Insurance Center in Bangor. They also present events at the Androscoggin Bank Colisee in Lewiston, and Merrill Auditorium in Portland.

Live music will be performed by bands from 12:30pm – 9:00pm from a stage set-up on the southeast waterside portion of the pier, oriented northwest towards Franklin Street. 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 Waterfront Concerts' and/or Green Drinks' contractor and the City to focus volume on the pier and its immediate environment, limiting any sound impacts in residential areas. While the bulk of the Maine State Pier would be open only to ticket holders that day, access to the schooners that operate from MSP would be preserved all day as would access to, and egress from, the adjacent Casco Bay Lines Terminal and garage.

Beer would be available in a restricted "Beer Garden" area of the pier, to which access would be limited to those twenty one (21) and over. Green Drinks Maine, Bangor and Portland, and Waterfront Concerts shall be responsible for ensuring that all vendors at the Festival have complied with appropriate license requirements, including food service, sale of alcohol and concert licenses. All Security for the event (including the Beer Garden area) will be provided by Public Assembly Facilities Management Staff.

*Order 206-13/14
Tab 6 4-28-14*

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:

**Tao Restaurant LLC d/b/a BaoBao Dumpling House at 133 Spring St. Application for a Class I
FSE License.**

CITY CLERK



2014 MAR 28 AM 10:15

TAO Restaurant LLC

Owners: Cecile & Cara Stadler
22 Pleasant St.
Brunswick, ME 04011

(207) 725-9002
www.tao-yuan.me
owners@tao-yuan.me

March 24, 2014

Dear Mayor Brennan and Members of the Portland City Council,

Attached please find our application to establish a new restaurant with a license to serve alcoholic beverages. The restaurant will be called *BaoBao Dumpling House*, and be located at 133 Spring Street in the West End. My daughter and I currently own and operate a similar restaurant, called Tao Yuan Restaurant, in Brunswick, Maine. The concept of baobao is to take the more popular menu items from Tao Yuan, in particular dumplings and vegetable sides, and offer them in a more casual setting (lower price point and faster service model) but in greater varieties and, of course, the same food quality. We think this will be a unique and welcome addition to the already diverse restaurant scene in Portland.

My daughter, Cara Stadler, is the executive chef, and has already brought some national attention to Maine. She was the 2013 Maine Eater Chef of the Year, a semi-finalist for the 2013 Eater Young Guns Awards, a James Beard semi-finalist for Rising Star Chef of the Year Award, and named a Food & Wine Best New Chef. (as the "mom", I get to brag a little bit). She and I are determined to work hard on making baobao a success, and are happy to call Maine our home.

Please feel free to contact us with any questions/concerns.

Respectfully,

Cecile Stadler

DrFD
e
alth
kes
ning

OFFICE OF THE CITY CLERK
389 Congress Street
Portland, ME 04101
(207) 874-8557

Application for Food Service Establishment With Alcoholic Beverages

Class of Liquor License Applying for: I.

Business Name (d/b/a): BAOBABO DUMPLING HOUSE Phone: 725-9002 (TAO)
or 389-2162 (Cecile, nm)
Location Address: 133 SPRING ST. ZIP 04101

If new, what was formerly in this location? WEST END DELI (WEST END, INC)

Mailing Address: 109 Holland Dr., Phippsburg, ME ZIP 04562

Contact Person: Cecile Stadler Phone: 389-2162 (nm) / 299-2068 (cell)

Email: cecile@tao-yuan.me

Manager of Establishment: Cecile Stadler Home Phone: 207-389-2162

Landlord of Premises: Cecile Stadler

Address of Landlord: 109 Holland Dr., Phippsburg, ME ZIP 04562

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):

Has 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): Cecile Stadler DOB 10/8/1955

Residence Address: 109 Holland Dr., Phippsburg, ME 04562

Name of Owner(s): Cara Stadler DOB 10/4/1987

Residence Address: 109 Holland Dr., Phippsburg, ME 04562

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

Corporation Name: Tao Restaurant LLC

Corporation Mailing Address: 109 Holland Dr., Phippsburg, ME 04562 ZIP

Contact Person: Cecile Stadler Phone Number: 207-389-2162

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

Name: Cecile Stadler Title: Owner DOB: 10/8/1955

Residence Address: 109 Holland Dr., Phippsburg, ME 04562

Payment Method for Business License and application fees:
Cash, Money Order or Bank Check, Visa or MasterCard

2014 APR 28 AM 10:15

CITY CLERK

PRINCIPAL OFFICERS: (continued)

Name CARA STADLER Title Owner/Chief DOB 10/04/1987
 Residence Address 109 Holland Dr. Phippsburg, ME 04562
 Name _____ Title _____ DOB _____
 Residence Address _____

Type of Food Served: Asian dumplings / asian-inspired small plates

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

Percentage of Sales generated From Food: 75% From Alcohol: 25% (Hbd, these are from existing restr in Brunswick)

Hours and Days of operation: 7 days/wk 11am - 1am

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 have after hours entertainment from 1:00A.M. to 3:00A.M.? Yes _____ No ☒

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

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

Have you applied for an (Public) 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? 1st week of June

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 Manager/Co-Owner Date 3/24/2014

ised 8-31-10

Payment Method for Business License and application fees:
 Cash, Money Order or Bank Check, Visa or MasterCard

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.) Tao RESTAURANT LLC			2. Business Name (D/B/A) BaoBao Dumpling House		
DOB:			DOB:		
DOB:			DOB:		
Address 109 Holland Dr			Location (Street Address) 133 Spring St		
City/Town Portland			State ME		Zip Code 04101
Mailing Address 109 Holland Dr			Mailing Address 109 Holland Dr		
City/Town Phippsburg			State ME		Zip Code 04562
Telephone Number 207-389-2162			Fax Number none		Business Telephone Number 207-725-9002 (Tao)
Federal I.D. # 45-4628344			Fax Number no phone yet.		
Seller Certificate # 1156019			Seller Certificate # 1156019		

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: new restr, same parent company:
Requested inspection date: tbl, 1st wk of June Business hours: Tao Restaurant LLC

9. Business records are located at: presently in Phippsburg, will move to Portland when done

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
1. Cecile Y Stadler	10/8/1955	Detroit, MI
2. Cara J Stadler	10/4/1987	Concord, MA

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

1. Phippsburg, ME / Beijing, China
2. Portland, ME / Beijing & Shanghai, China / Paris, France

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) Previously licensed space of the West End Deli, plus newly excavated basement space

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☐ NO ☐ Applied for: 3/24 (same as this), have sent preliminary emails

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? 420 ft. Which of the above is nearest? Holy Trinity 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: Brunswick, ME on March 24, 20 14
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Cecile Stadler

Signature of Applicant or Corporate Officer(s)

Cara Stadler

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: Tao Restaurant LLC
Business D/B/A Name: BaoBao Dumpling House
2. Date of Incorporation: 2/27/2012
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:

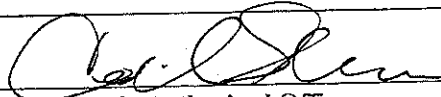
Name	Address Previous 5 Years	Birth Date	% of Stock	Title
Cecile Stadler	Phippsburg, ME/Beijing	10/8/1955	50	Manager
Cara Stadler	Portland, ME/Shanghai/ Beijing/Singapore/ Paris.	10/4/1987	50	Chef

6. What is the amount of authorized stock? 50/50 Partnership Agreement
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: _____

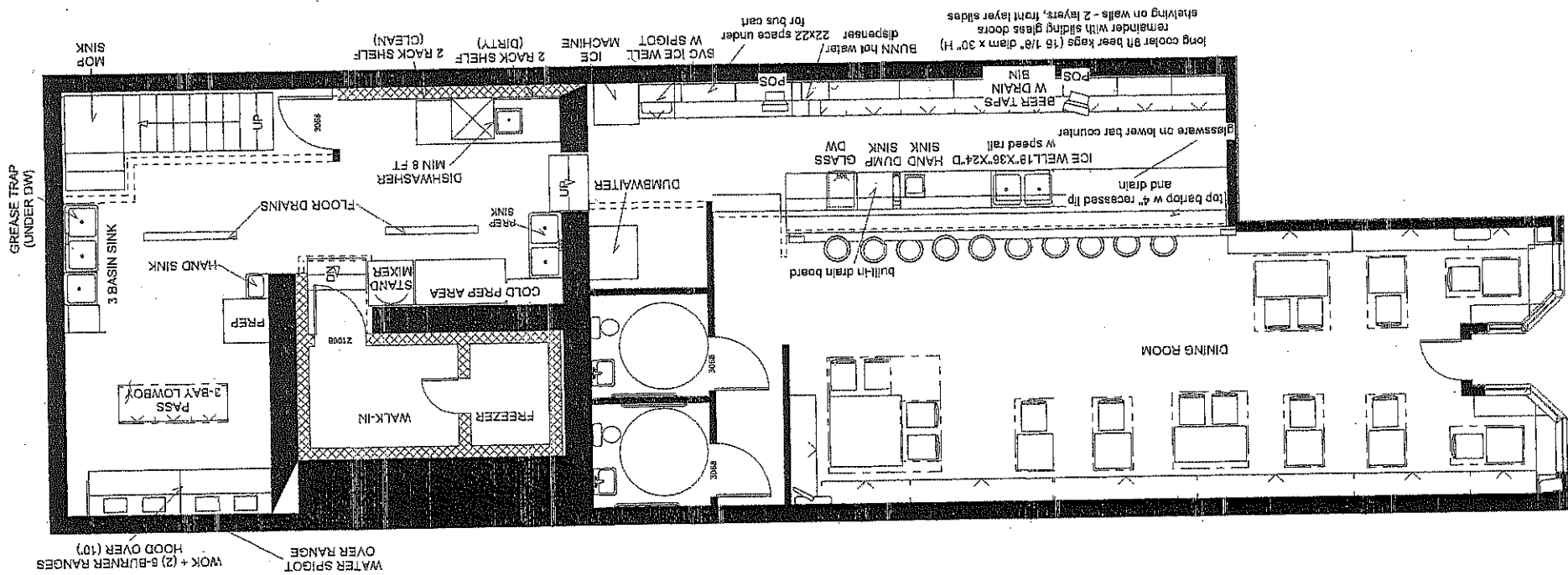
Location: _____ Disposition: _____

Dated at: Brunswick On: 3/24/2014
City/Town Date


Signature of Duly Authorized Officer

Date: 3/24/2014

Cecile Stadler
Print Name of Duly Authorized Officer



To Start

Beijing Black Vinegar Peanuts – 3.80

Cold

Asian Slaw – 5.80

Smashed Cucumbers – 5.80

Spicy Greens – 7.80

Drunk Chicken – 12.80

Smoked Tofu with Buckwheat Noodles – 10.80

Dumplings

Steamed Shao Mai – 6.80

Chicken Cashew Dumplings – 7.80

Kung Pao Chicken Dumplings – 7.80

Mapo Dofu Dumplings – 7.80

Chinese Chive and Curry Dumplings – 7.80

Black Bean Chili Lamb Dumplings – 7.80

Shiitake, Egg, Carrot, Cilantro Dumplings – 7.80

Eggplant, Onion, Yellow Curry Dumplings – 7.80

Tomato Egg Dumplings – 7.80

Fennel Wontons – 7.80

Pork and Cabbage Dumplings – 7.80

Pork and Scallion Wontons – 7.80

Shrimp and Cilantro Dumplings – 7.80

Hot

Dan Dan Mian – 10.80

Chinese Greens – 7.80

Chicken Rice – 14.80

Steamed White Rice – 1.80

Sweet

Red Bean Buns with Sweetened Condense Milk – 6.80

Black Sesame Gelato – 6.80

BaoBao Dumpling House

133 Spring St.



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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 #: MIQ99C103945

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-03-28) :

Inquiries Name(s)

CECILE STADLER (1955-10-08)

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 #: MIQ99C103947

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-03-28) :

Inquiries Name(s) CARA STADLER (1987-10-04)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Business Licensing - BAOBAO DUMPLING HOUSE - PENDIN Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 3/29/2014 9:16 PM
Subject: BAOBAO DUMPLING HOUSE - PENDIN Business License Approval

BAOBAO DUMPLING HOUSE - PENDIN is Approved for their Business License Inspection by the Police Dept.

Date: 3/29/2014

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

April 8, 2014

Cecile & Cara Stadler
109 Holland Dr.
Phippsburg, ME 04562

Re: Tao Restaurant LLC d/b/a BaoBao Dumpling House at 133 Spring St. Application for a Class I FSE License.

Dear Cecile & Cara,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, April 28, 2014 at 7:00 p.m.** for the review of your Class I FSE license application for Tao Restaurant LLC d/b/a BaoBao Dumpling House at 133 Spring 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 5038489

Date 04/09/2014

Time 2:41 PM

156.20

PUBLIC NOTICE

Notice of Public Hearing City of Portland

A Public Hearing will be held on April 28th at 7:00 P.M., in City Council Chambers, 389 Congress St., on the application of Tao Restaurant LLC d/b/a Bao Bao Dumpling House at 133 Spring St. Application for a Class I FSE License. Sponsored by Katherine L. Jones, City Clerk.

#5038489

Ad shown is not actual print size

*Order 207-13/14
Tab 7 4-28-14*

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:

Lazzari, LLC d/b/a Lazzari at 618 Congress St. Application for a Class XI Restaurant/Lounge License.

CITY CLERK

March 28, 2014

2014 MAR 28 PM 1:07

Mayor Michael Brennan
City Council Members

Thank you for taking the time to consider my plan to build Lazzari at 618 Congress St, formerly Mesa Verde. Lazzari will showcase Maine's exceptional local agriculture by employing culinary techniques from across the Mediterranean region. This will be my fourth food business in Portland, I currently own TACO ESCOBARR and am a partner in Blue Rooster Food Company, I was also a partner in Nosh up until last year. I am looking forward to offer what I believe will be another fantastic addition to Portland's growing restaurant industry.

Thank you,

Thomas Barr III
Lazzari
TACO ESCOBARR
Blue Rooster Food Co

A handwritten signature in black ink, appearing to read "Tom Barr", with a stylized flourish at the end.

Office of the City Clerk

389 Congress Street

Portland, ME 04101

(207) 874-8557

CITY CLERK

Application for Food Service Establishment With Alcoholic Beverages

Type of Liquor License Applying for: X1

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

Business Name (d/b/a): LAZZARI Phone: (207) 632-3242

Location Address: 618 CONGRESS ZIP 04101

If new, what was formerly in this location: MESA VERDE

Mailing Address: 618 CONGRESS ZIP 04101

Contact Person: TOM BARR Phone: (207) 632-3242

Manager of Establishment: TOM BARR Home Phone # (207) 632-3242

Owner of Premises (landlord): GEOFFERY RICE

Address of Premises Owner: 658 CONGRESS ZIP 04101

Does the Issuance of this license directly or indirectly benefit any City employee(s)? Yes No X
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 X No . If yes, please list business name(s) and location(s):
TACO ESCOBARR 548 CONGRESS, BLUE ROOSTER FOOD CO - 5 DANA, NOS 4-551 CONGRESS (FORMER)

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

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law? X 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: LAZZARI, LLC (TO BE FORMED)

Corporation Mailing Address: 618 CONGRESS ZIP 04101

Contact Person: TOM BARR Phone Number: (207) 632-3242

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

Name	<u>THOMAS BARR III</u>	Title	<u>OWN</u>	DOB	<u>04/18/84</u>	Residence Address	<u>SCARBOROUGH</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: MEDITERRANEAN

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

Percentage of sales — Generated from Food: 60% Generated from Alcohol: 40%

Hours and Days of operation: S-S 11-1AM

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? : JUNE

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 3-28-11

**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>LAZZARI, LLC</u> DOB: _____		2. Business Name (D/B/A) <u>LAZZARI</u>	
DOB: _____			
DOB: _____		Location (Street Address) <u>616 CONGRESS</u>	
Address <u>176 SPURWINK RD</u>	City/Town <u>PORTLAND</u> State <u>ME</u> Zip Code <u>04101</u>	Mailing Address <u>618 CONGRESS</u>	
City/Town <u>SCARBOROUGH</u> State <u>ME</u> Zip Code <u>04074</u>	City/Town <u>PORTLAND</u> State <u>ME</u> Zip Code <u>04101</u>		
Telephone Number <u>207 632-3242</u> Fax Number _____	Business Telephone Number _____ Fax Number _____		
Federal I.D. # _____	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 \$ _____ 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: JUNE/14
Requested inspection date: 6-15-14 Business hours: 55 11-1
9. Business records are located at: 616 CONGRESS ST
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
THOMAS BARR III	04 18 84	PORTLAND

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

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: GEOFFERY RICE
658 CONGRESS ST, PORTLAND

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? 1/4 mi 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 03 28, 20 19
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: LAZZARI, LLC (to be formed)
Business D/B/A Name: _____
2. Date of Incorporation: TO BE FORMED
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
THOMAS BARR	PORTLAND, SCARBOROUGH	041884	100	Owner

6. What is the amount of authorized stock? 100 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: _____

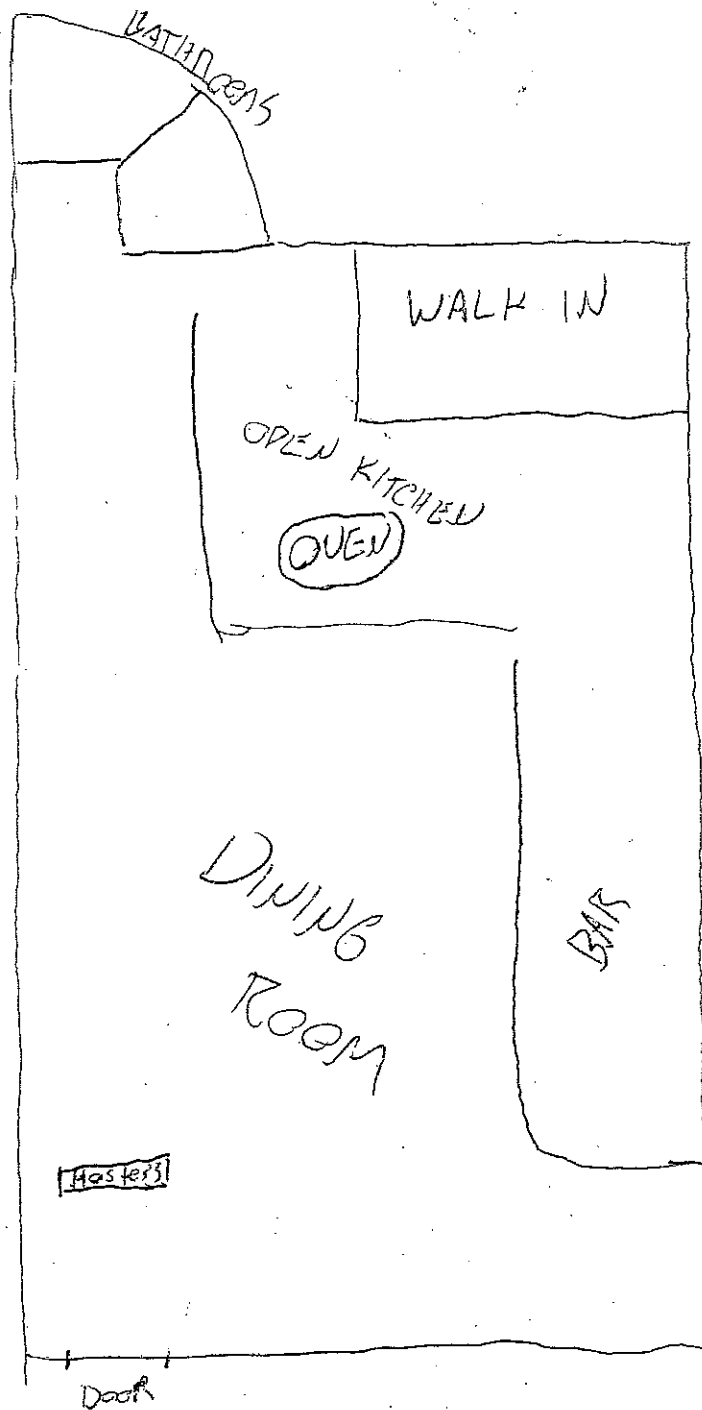
Dated at: _____ On: _____
City/Town Date

Thomas Barr
Signature of Duly Authorized Officer

Date: 3 28 14

THOMAS BARR III
Print Name of Duly Authorized Officer

PREMISE DIAGRAM



CONGRESS ST

- Pizza -

- 2 Rosso - Tomato, Garlic, Thyme, Grated Pecorino
- 4 Margherita - Tomato, HM Mozzarella, Fresh basil
- 7 Clam - Marinated clams, chili Flake, Oregano, HM Mozzarella
- 6 Mushroom - Roasted mushrooms, Sage, HM Mozzarella & Ricotta
- 6 Cheese - HM Mozzarella & Ricotta, Aged Provolone, cherry Peppers, Pecorino & Arugula
- 6 Sausage & onion - Tomato, Fennel Sausage, Red onions, HM Mozz & Pecorino
- 5 Marinara - Tomato, Calabrian chili flake, oregano, olives, white Anchovy & Grana
- 5 Cauliflower - Roasted Cauliflower, Smoked Prosciutto, Provolone, HM Mozzarella & Rosemary
- 5 Calzone - Four cheeses, served with Tomato Sauce & Herbs
- 7 Pepperoni - Tomato, HM Mozzarella, HM Pepperoni & Fresh Basil

- Add ons -

Extra cheese 3	smoked Prosciutto 4	onions 1
Pepperoni 2	cherry Peppers 1	Ricotta 2
Extra basil 1	clams 3	Papini 2
Sausage 2	olives 1	Side Sauce 1.50
Mushrooms 1.50	Anchovy 3	

- Kitchen -

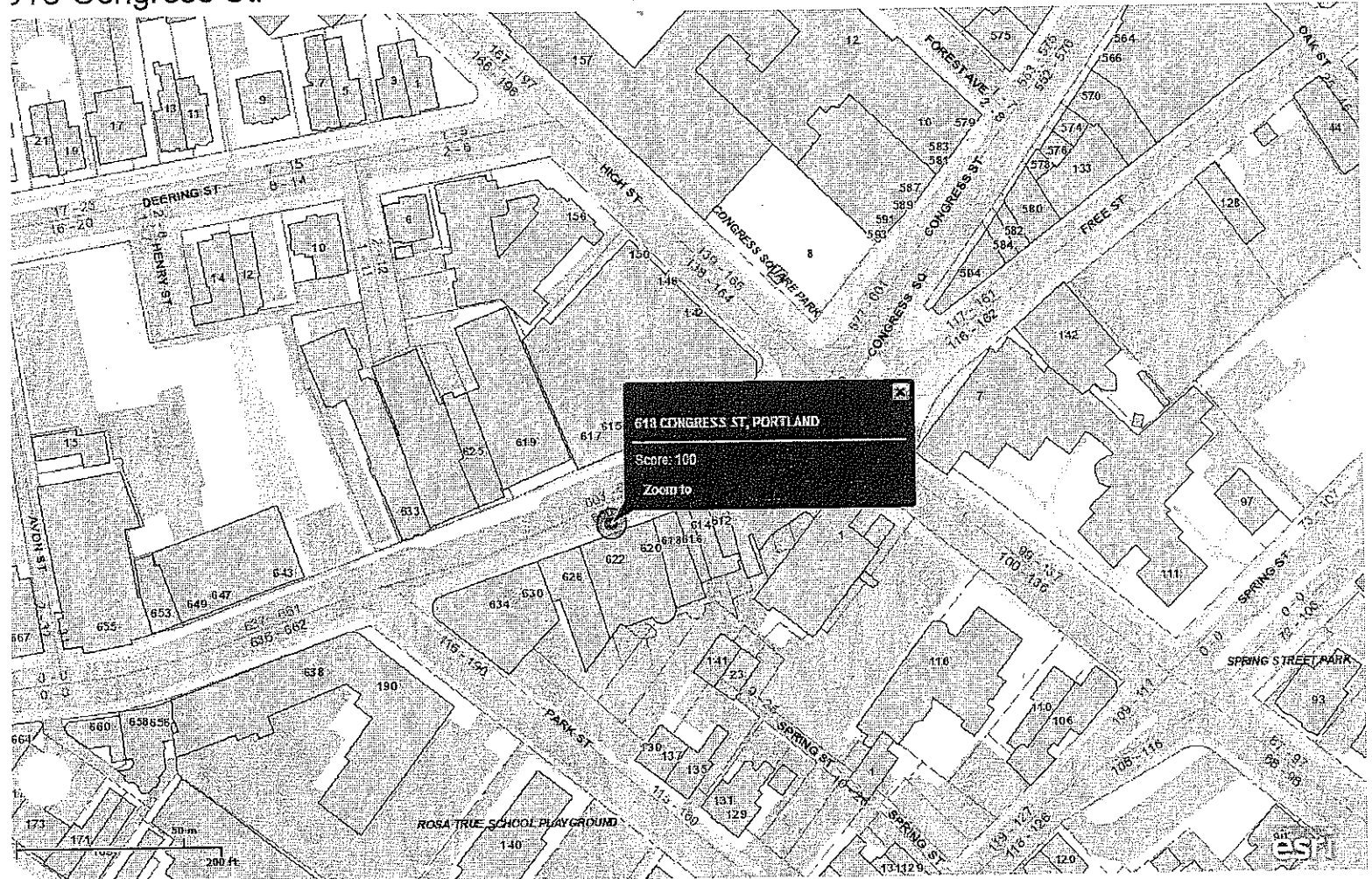
- Garlic Bread - Roasted garlic, 3 cheeses, Parsley & Chives
- Meatballs - Beef, Pork & Lamb, Tomato Sauce, Fresh herbs & Pecorino
- Giardiniera - Pickled Cauliflower, Carrots, Celery & Peppers, Dressed w/ olive oil & Herbs
- Marinated olives - A blend of olives Marinated in Red wine vinegar, garlic & Herbs
- Steamed clams - Pepperoni, garlic, white wine & Herbs
- Raw clams - Calabrian chili & garlic oil, Lemon & oregano
- Sausage & Peppers - HM Fennel Sausage, Marinated Peppers & Sherry Vinegar
- Cauliflower - Roasted with garlic, cherry peppers, Lemon parsley & Grana
- Fried Eggplant - Fried in olive oil, with Tomato Sauce, Fresh herbs & Parm
- Bruschetta - Daily Selection
- Salad - Arugula & Radicchio, Pickled Vegetables, Red wine Vinaigrette & Parm
- Rapini - Sausage, Olives, Lemon & Pecorino
- Escarole - Charred & Served with Toasted bread crumbs Lemon Vin Anchovy & ^{Parm} ~~Parm~~
- Pasta #1 - Spaghetti & Lamb Ragu & Fresh basil and ~~Parm~~ Pecorino
- Pasta #2 - Fusilli w/ Roasted Brussel Sprouts chili Flake & Ricotta
- Antipasto platter - A selection of Meats, cheeses & Vegetables.
- "Gyro" - House Pita, Pork & Lamb marinated in garlic & Herbs, Lettuce, Ricotta, Pickled veg.

- Dessert -

- Gelato: → Vanilla, chocolate, Pistachio, Amaretto + Seasonal & Special
- Tiramisu: Vanilla gelato, Mascarpone, Lady Fingers, Espresso, chocolate
- Panna cotta: Vanilla & Lemon
- Affogato: Gelato with An espresso & Biscotti crumbs

Lazzari

318 Congress St.



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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 #: MIQ99C103951

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on
2014-03-28) :

Inquiries Name(s) THOMAS BARR III (1984-04-18)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Business Licensing - LAZZARI - PENDING Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 3/29/2014 9:15 PM
Subject: LAZZARI - PENDING Business License Approval

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

Date: 3/29/2014

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

April 8, 2014

Lazzari, LLC
Attn: Tom Barr
548 Congress St.
Portland, ME 04101

Re: Lazzari, LLC d/b/a Lazzari at 618 Congress St. Application for a Class XI Restaurant/Lounge License.

Dear Mr. Barr,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, April 28, 2014 at 7:00 p.m.** for the review of your Class XI FSE license application for Lazzari, LLC d/b/a Lazzari at 618 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

Ad ID 5038484

Date 04/09/2014

Time 2:37 PM

156.20

PUBLIC NOTICE

**Notice of
Public Hearing
City of Portland**

A Public Hearing will be held on April 28th at 7:00 P.M., in City Council Chambers, 389 Congress St., on the application of Lazzari, LLC d/b/a Lazzari at 618 Congress St. Application for a Class XI Restaurant/Lounge License. Sponsored by Katherine L. Jones, City Clerk.

#5038484

Ad shown is not actual print size

*Order 208-13/14
Tab 8 4-28-14*

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

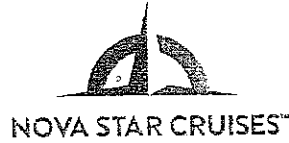
CITY OF PORTLAND
IN THE CITY COUNCIL

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:

Nova Star Cruises Limited d/b/a Nova Star. Application for a Class I Vessel License.

CITY CLERK



2014 MAR 14 PM 3:16

To: Mayor Brennan and Distinguished Members of the City Council
From: Nova Star Cruises Limited
Date: March 10, 2014
Re: Letter of intent for a Liquor License on board Nova Star

Dear All,

I am writing to apply for a City Liquor License for use on board the cruise ferry vessel Nova Star.

It is our desire to serve food and alcoholic beverages to passengers while our ship is docked at Ocean Gateway Terminal. This would be during the time period after passengers have boarded and we are completing vessel operations prior to departing on the daily voyage to Nova Scotia.

In addition, we intend to offer alcohol and food while the vessel is transiting the coastal waters within Casco Bay.

We plan to commence operations with our first sailing on May 1, 2014. Attached are the required documents for your review.

Thank you in advance for your consideration.

Respectfully submitted,


Steven Durrell
V.P. & Chief Operating Officer
Nova Star Cruises Limited

(902) 499-3349

NOVA STAR CRUISES LTD.
30 DAMASCUS ROAD SUITE 201
BEDFORD NS B4A 0C1
CANADA

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

CITY CLERK

Application for Food Service Establishment With Alcoholic Beverages 16

Type of Liquor License Applying for: CLASS I VESSEL

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

Business Name (d/b/a): Nova Star Phone: 415-497-4627
Location Address: 30 Damascus Rd. Suite 201 Bedford Nova Scotia ZIP B4A0C1

If new, what was formerly in this location: _____

Mailing Address: same ZIP _____

Contact Person: Eric T. Junker Phone: 415-497-4627
Manager of Establishment: Fleet Pro Home Phone # 305-573-6355 x 256

Owner of Premises (landlord): Nova Star Cruises Limited

Address of Premises Owner: see above ZIP _____

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: Nova Star Cruises Limited
Corporation Mailing Address: 30 Damascus Road, Suite 201, Bedford NS ZIP B4A0C1
Contact Person: Eric T. Junker Phone Number: 415-497-4627

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

Name <u>Mark Amundsen</u>	Title <u>Pres.</u>	DOB <u>7/25/58</u>	Residence Address <u>1852 State Rd. Eliot, M</u>
Name <u>Steve Durrell</u>	Title <u>V.Pres.</u>	DOB <u>9/2/60</u>	Residence Address <u>131 Sandy Run Hammonds Plains, Nova Scotia</u>
Name <u>Bruce Allain</u>	Title <u>CFO</u>	DOB <u>4/15/62</u>	Residence Address <u>1852 State Rd. Eliot, M</u>
Name _____	Title _____	DOB _____	Residence Address _____
Name _____	Title _____	DOB _____	Residence Address _____
Name _____	Title _____	DOB _____	Residence Address _____

(Please see reverse side)

Type of Food Served: Full Service Restaurant

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

Percentage of sales - Generated from Food: 50% Generated from Alcohol: 50%

Hours and Days of operation: 7 days per week; 3 pm - 12 am

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 1, 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 OPERATIONS MANAGER Date 3/14/14

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.

Business Name (d/b/a): Nova Star Cruises Limited

Location Address: M/V NOVA STAR ZIP _____ Phone 415-497-4627

Will music be electric or acoustical or both? both

Will amplification used? Yes x No _____

If yes, where and at what level? inside/medium

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

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

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

What is the distance to the nearest residential dwelling unit both inside and outside the vessel building from where the entertainment will take place? over 1 mile

Please describe in detail the type and nature of the business and proposed entertainment: business ferry
passenger vessel, entertainment, band

If new applicant, what is your targeted opening date? : May 1, 2014

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 OPERATIONS Date 3/19/14
MANAGER

**Department of Public Safety
Liquor Licensing & Inspection
Division**



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 _____

- ☒ Public Service, Class I Spirituous, Vinous & Malt \$900.00
- ☐ Public Service, Class II Spirituous Only \$550.00
- ☐ Public Service, Class III Vinous Only \$220.00
- ☐ Public Service, Class IV Malt Liquor Only \$220.00
- ☐ Filing Fee (must accompany all applications) \$10.00

ALL QUESTIONS MUST BE ANSWERED IN FULL

The undersigned hereby applies for a license as Passenger Ferry Vessel to sell alcoholic beverages.
Steamboat, Railroad Dining Cars, Pullman Cars or Aircraft

1. APPLICANT(S) (Sole Proprietor, Corporation, Limited Liability Co., Nova Star Cruises, Limited DOB: _____		2. Business Name (D/B/A) Nova Star	
DOB: _____			
DOB: _____			
DOB: _____		Location (Street Address) 30 Damascus Road	
Address	30 Damascus Road	City/Town	Nova Scotia State B4A0C1 Zip Code
Bedford, Nova Scotia B4A0C1		Mailing Address	
City/Town	State	Zip Code	City/Town
Telephone Number	Fax Number	Business Telephone Number	Fax Number
415-497-4627		415-497-4627	
Federal I.D. #	Seller Certificate #		
98-1150798	N/A		

3. Has applicant ever held a liquor license, which was revoked? ☐ Yes ☒ No
If Yes, give date and record _____

4. Has applicant ever been refused a license by this Division? ☐ Yes ☒ No

5. Is applicant a Corporation, Limited Liability Co. or Limited Partnership? ☒ Yes ☐ No
If Yes, complete Supplementary Corporate Questionnaire.

6. If business is New indicate opening date: 5/1/14

**MAINE DEPT OF
PUBLIC SAFETY**

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



MUNICIPAL APPROVAL – VESSELS

The undersigned hereby applies for permission to sell and dispense alcoholic beverages aboard the vessel:

NOVA STAR

In port or docked in the port of: Portland Maine
City/Town State

pursuant to 28A MRSA, Section 1077.

Dated at: _____ on _____, 20____
City/Town Date

License Number: _____

NOVA STAR CRUISES LIMITED

Name of Company

By: _____

Signature

ERIC T. JUNKER

Printed Name

OPERATIONS MANAGER

Title of Signing Officer

STATE OF MAINE

Dated at: _____, Maine _____ ss
City/Town

On: _____
Date

The undersigned being: ☐ Municipal Officers ☐ County Commissioners of the
☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: _____, Maine

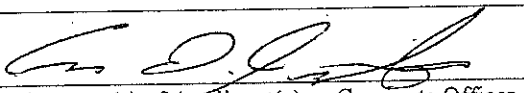
Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, MRSA

NOTE: A separate approval must be obtained for **each** municipality in which you desire to sell and dispense alcoholic beverages. All applications approved by municipal officers must be submitted to the Liquor Licensing & Inspection Division before alcoholic beverages may be dispensed in any port.

7. Dining Car(s) or Steamboat(s) or Pullman(s) or Aircraft(s)

NOVA STAR

Dated at Portland, Maine on March 11 20 14
Town/City State Month/Day Year


Signature(s) of Applicant(s) or Corporate Officer

Eric T. Junker
Printed Name of Applicant(s) or Corporate Officer

OPERATIONS MANAGER

164 State House Station
Augusta ME 04333-0164

Telephone: 624-7220

PublicSerApp / 2003

Fax: 287-3424

MAINE DEPT OF PUBLIC SAFETY

STATE OF MAINE
Liquor Licensing & Inspection Division

164 State House Station
Augusta ME 04333-0164

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

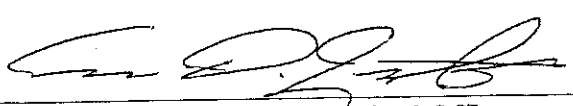


SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES, AND LIMITED PARTNERSHIPS

1. Exact Corporate Name: Nova Star Cruises Limited
Business D/B/A Name: same
2. Date of Incorporation: September 9, 2013
3. State in which you are incorporated: Nova Scotia, Canada
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: March 11, 2014
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percent of stock owned:

Corporate Offices	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title
see attached				

6. What is the amount of authorized stock? 100 Outstanding Stock? 100
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 minor traffic violations, 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

Eric T. Junker OPERATIONS MANAGER
Print Name of Duly Authorized Officer

3/14/14
Date

MAINE DEPT OF PUBLIC SAFETY

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



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

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

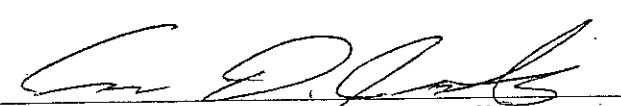
Stockholders	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title
Quest Navigation	Mark Amundsen, Pres.		73	
Argus Marine Holdings Inc.	Steven Durrell, Pres.		17	
Singapore Technologies Marine			10	
See attached				

6. What is the amount of authorized stock? 100 shares Outstanding Stock? 100 shares
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 minor traffic violations, 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

Eric T. Junker OPERATIONS MANAGER
Print Name of Duly Authorized Officer

Profile [Printer Version](#)[Profile Info](#) [People Info](#) [Activites Info](#) [Related Reg's Info](#)**PROFILE** - NOVA STAR CRUISES LIMITED - as of: 2014-03-10 01:58 PM

Business/Organization Name:	NOVA STAR CRUISES LIMITED
Registry ID:	3275393
Type:	N.S. Limited Company
Nature of Business:	
Status:	Active
Jurisdiction:	Nova Scotia
Registered Office:	1100-1959 UPPER WATER STREET HALIFAX NS Canada B3J 3N2
Mailing Address:	1100-1959 UPPER WATER STREET HALIFAX NS Canada B3J 3N2

PEOPLE

Name	Position	Civic Address	Mailing Address
MARK AMUNDSEN	Director	1852 STATE ROAD ELIOT MAINE 03903	
NG SING CHAN	Director	16 BENOI ROAD XXX XXX 629889	
YOM YONG CHYE	Director	16 BENOI ROAD XXX XXX 629889	
STEVE DURRELL	Director	131 SANDY RUN HAMMONDS PLAINS NOVA SCOTIA B4B 1X9	
BRUCE ALLAIN	CHIEF FINANCIAL OFFICER	1852 STATE ROAD ELIOT MAINE 03903	
STEVE DURRELL	VICE PRESIDENT & SECRETARY	131 SANDY RUN HAMMONDS PLAINS NOVA SCOTIA B4B 1X9	

MARK AMUNDSEN	PRESIDENT	1852 STATE ROAD ELIOT MAINE 03903	
DANIEL GALLIVAN, QC	Recognized Agent	1100-1959 UPPER WATER STREET HALIFAX NS B3J 3N2	1100-1959 UPPER WATER STREET HALIFAX NS B3J 3N2

ACTIVITIES

Activity	Date
Change of Directors	2014-01-13
Special Resolution	2013-10-01
Change of Directors	2013-09-26
Address Change	2013-09-26
Appoint an Agent	2013-09-26
Incorporated and Registered	2013-09-26

Show All [Collapse](#)

RELATED REGISTRATIONS

There are no related registrations on file for this company.

QUEST NAVIGATION INC.

DIRECTORS:

MARK H. AMUNDSEN

OWEN B. JOHN

LISA L. ARNOLD

PRESIDENT: MARK AMUNDSEN

TREASURER: MARK AMUNDSEN

SECRETARY: MARK AMUNDSEN

Business Licensing - Re: NOVA STAR LICENSE

From: <ejunker@americanamarine.com>
To: Business Licensing <bl@portlandmaine.gov>
Date: 4/14/2014 10:35 AM
Subject: Re: NOVA STAR LICENSE

Good day,

Yes had a great weekend, went to Nova Scotia! We really need a Ferry! Long drive!

Both Owen and Lisa are in sales and Marketing. Would not be involved in the day to day operation on the vessel.

Best
Eric

Sent from my BlackBerry 10 smartphone.

From: Business Licensing
Sent: Monday, April 14, 2014 10:07 AM
To: Eric Junker
Subject: Re: NOVA STAR LICENSE

Hello Eric,

I hope you had a good weekend. I'm preparing your application materials for the Council meeting and had a question. Could you clarify the roles of Owen B. John and Lisa L. Arnold? They are listed as directors at Quest Navigation, Inc., but their names don't appear elsewhere in the application.

Thank you,
Janice

Business License Administrator

bl@portlandmaine.gov

207.874.8557

>>> Business Licensing 4/8/2014 8:30 AM >>>

Good morning Eric,

As we discussed, the meeting has been changed to the 28th at 7 p.m. in Council Chambers. I'll be sending out a letter today that confirms that shortly.

I haven't heard any objections or concerns from any of the departments so far, so, yes, everything looks to be in order!

Let me know if you have any other questions.

Best,

gov.ns.ca

Government of Nova Scotia

Nova Scotia, Canada

Government of Nova Scotia | gov.ns.ca

[Français](#)

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Text Size: [A+](#) [A-](#)

Profile

 [Printer Version](#)[New Search](#)[Back to Inquiry Results](#)

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PROFILE - ARGUS MARINE HOLDINGS INC. - as of: 2014-03-12 12:19 PM

Business/Organization Name:	ARGUS MARINE HOLDINGS INC.
Registry ID:	3278516
Type:	N.S. Limited Company
Nature of Business:	
Status:	Active
Jurisdiction:	Nova Scotia
Registered Office:	1100-1959 UPPER WATER STREET HALIFAX NS Canada B3J 3N2
Mailing Address:	1100-1959 UPPER WATER STREET HALIFAX NS Canada B3J 3N2

PEOPLE

Name	Position	Civic Address	Mailing Address
STEVEN DURRELL	Director	131 SANDY RUN HAMMONDS PLAINS NS B4B 1X9	
STEVEN DURRELL	PRESIDENT & SECRETARY	131 SANDY RUN HAMMONDS PLAINS NS B4B 1X9	
DANIEL GALLIVAN, QC	Recognized Agent	1100-1959 UPPER WATER STREET HALIFAX NS B3J 3N2	1100-1959 UPPER WATER STREET HALIFAX NS B3J 3N2

ACTIVITIES

Activity	Date
Special Resolution	2014-02-13
Change of Directors	2014-02-07



Print this page | Close this window

CONTACTS

Singapore Technologies Marine Ltd (ST Marine)

7 Benoi Road,
Singapore 629882

Tel: (65) 6861 2244 (24-hour Availability)
Fax: (65) 6861 3028
URL: <http://www.stengg.com>

Hovertrans Solutions Pte. Ltd.
Tel: (65) 6861 2244
Fax: (65) 6861 3028
Email: info@hovertranssolutions.com

Chandrasehgaran Seetharaman
Senior Vice President, Yard - Tuas
Tel : (65) 6864 8618
Fax : (65) 6862 5382
Email: commercial@stengg.com

TWOON Kok Yam
Senior Vice President, Yard - Benoi
Tel: (65) 6860 9100
Fax: (65) 6861 3028
Email: mktg.marine@stengg.com

Teresa LEE
Vice President, Human Resource
Tel: (65) 6860 9278
Fax: (65) 6861 3028
Email: career.marine@stengg.com

Zann CHUA
Manager, Corporate Communications
Tel: (65) 6860 9285
Fax: (65) 6861 3028
Email: comms.marine@stengg.com



Print this page | Close this window

MANAGEMENT TEAM

President	NG Sing Chan	View CV
Senior Vice President / Ag Chief Operating Officer	LIM Nian Hua	
Executive Vice President, Shipbuilding	HAN Yew Kwang	
Senior Vice President, Yard - Benoi	TWOON Kok Yam	
Senior Vice President, Yard - Tuas	CHANDRASEHGARAN Seetharaman	
Senior Vice President / Head, Defence Business	Bernard YEO	
Vice President, Human Resource	Teresa LEE	



CURRICULUM VITAE of
Mr NG Sing Chan
President
Singapore Technologies Marine Ltd

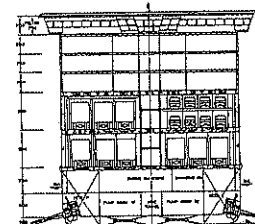
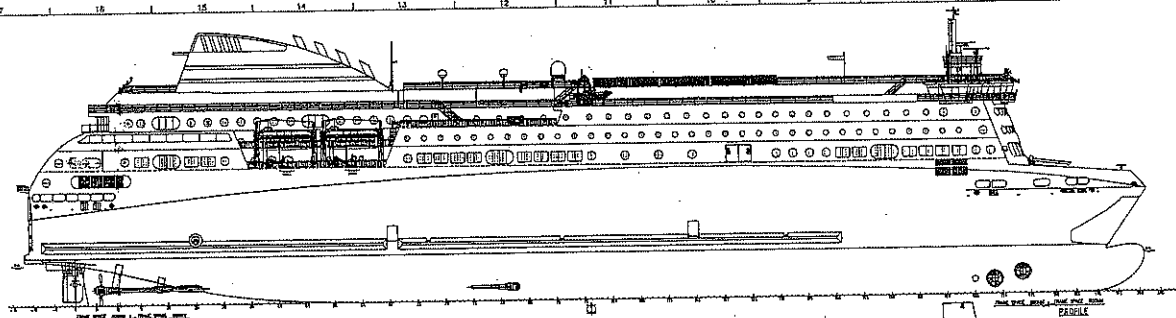
Mr Ng Sing Chan was appointed President, Singapore Technologies Marine Ltd (ST Marine) on 1 May 2010. He had joined ST Marine as its Deputy President and President (Marketing & Business Development) on 1 April 2009 and last held the position of Deputy President and President (Defence Business).

Upon returning from his PSC scholarship with a Masters of Science (Naval Architecture) from the University of Hamburg, Sing Chan joined ST Marine in 1987 (then known as Singapore Shipbuilding and Engineering Ltd) as a Design Engineer and later spearheaded the company's drive towards ISO 9001 certification. The company was the first shipyard outside Japan and Europe to achieve the certification in 1991. Sing Chan held several appointments including Head (QA), Head (Newship Estimating) and Project Manager before being appointed as Engineering Manager in 1991. Sing Chan also holds a MBA in Finance and Banking from the Nanyang Technological University.

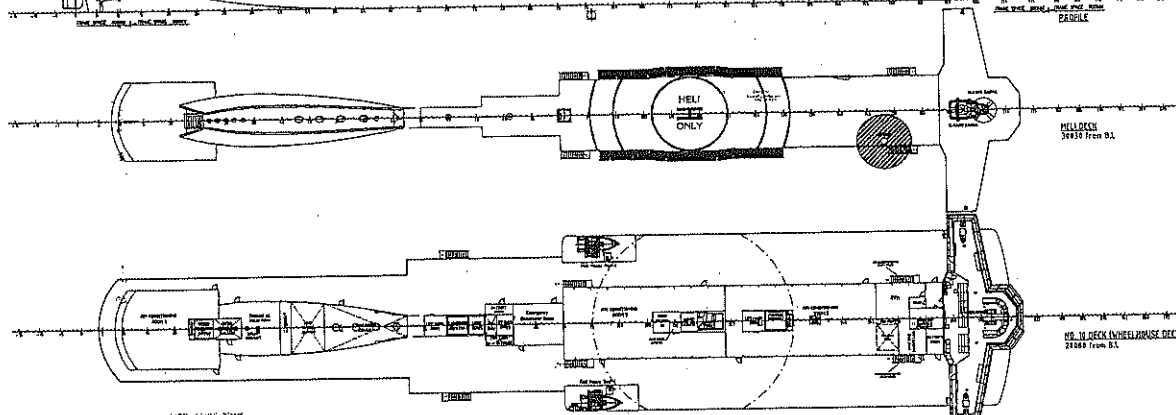
Prior to joining ST Engineering in 2008 as Executive Vice President, Special Projects, Sing Chan was Pan-United Marine Limited's Executive Director. He was instrumental in raising the profile of Pan-United Corporation, of which the shipyard is a member, leading to its public listing in 1993. The shipyard was de-merged in 2004 and was separately listed on the mainboard of the Singapore Stock Exchange in the same year. Sing Chan had risen through the ranks in his 17 years with Pan-United to hold various senior management appointments within the group, including that of Assistant General Manager (Newbuilding and Repair) and Deputy General Manager. In 1997, he was transferred to another company in the Group, spending some 3.5 years developing and operating its China Changshu port cum industrial park. He was appointed President of the Changshu company in 1999 and returned to the shipyard in 2000.

In his new role as ST Marine's new President, Sing Chan shall oversee ST Marine's growth in its core shipbuilding, ship conversion and ship repair businesses. He shall seek to strengthen its position through synergistic investments and acquisitions, as well as pursuing new engines of growth to achieve sustainable and profitable growth for the Marine sector.

A keen reader, Sing Chan also enjoys traveling and is married with two children.

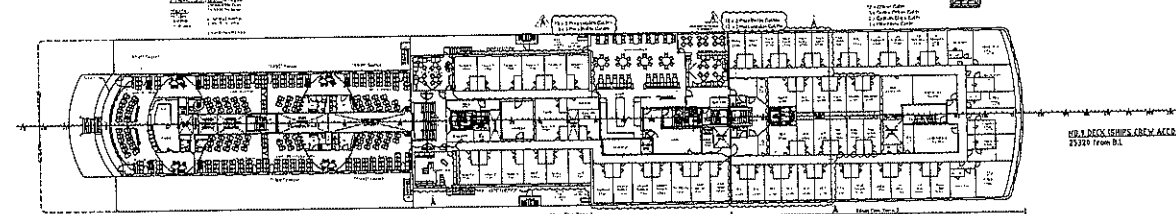


SECTION A-A
SECTION B-B
SECTION C-C
SECTION D-D
SECTION E-E
SECTION F-F
SECTION G-G
SECTION H-H
SECTION I-I
SECTION J-J
SECTION K-K
SECTION L-L
SECTION M-M
SECTION N-N
SECTION O-O
SECTION P-P
SECTION Q-Q
SECTION R-R
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SECTION V-V
SECTION W-W
SECTION X-X
SECTION Y-Y
SECTION Z-Z

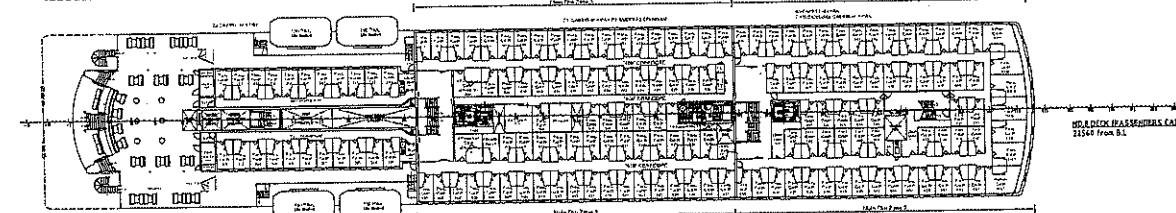


HULL DECK
39910 From B.L.

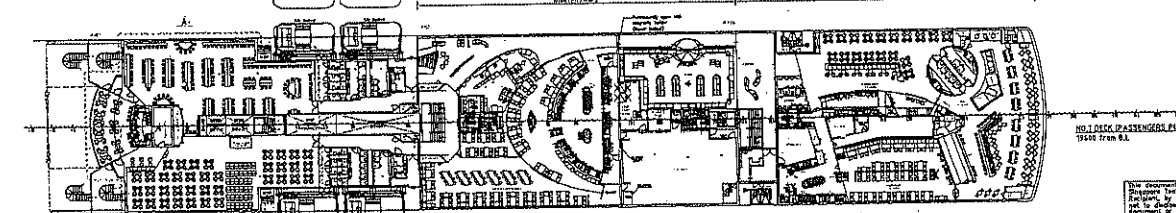
UP. 10 DECK (HELICOPTER DECK)
21880 From B.L.



UP. 1 DECK (TEMP. COOL. ACCOMMODATION)
23220 From B.L.



UP. 1 DECK (PASSENGER CARRIAGE)
23560 From B.L.



UP. 1 DECK (PASSENGER PUBLIC SPACE)
19400 From B.L.

MAIN PARTICULARS
LENGTH OVERALL 16100 H (Approx.)
LENGTH B.P. 14220 H (Approx.)
BREADTH (HOLDED) 32.00 H (Approx.)
DESIGN DRAFT (HOLDED) 6.00 H (Approx.)
DESIGN DRAFT (FULLY LOADED) 6.20 H (Approx.)
SCANTLING DRAFT (HOLDED) 6.00 H (Approx.)
DEPTH TO DECK 3 (MAIN DECK) 8.60 H (Approx.)
DEPTH TO DECK 5 (UPPER DECK) 14.10 H (Approx.)

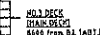
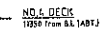
FOR APPROVAL
17 JAN 2014

PROJECT
ENGINEERING

ST Marine
A member of ST Engineering

GENERAL ARRANGEMENT

NO.	DESCRIPTION	DATE	BY	CHKD.
1	DESIGN	17 JAN 2014	17 JAN 2014	17 JAN 2014
2	REVISION			
3	REVISION			
4	REVISION			
5	REVISION			
6	REVISION			
7	REVISION			
8	REVISION			
9	REVISION			
10	REVISION			



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ALL DAY BUFFET SELECTIONS

COLD SELECTION

Seasonal Mixed Mesclun Greens

Greek Salad

Seafood Cobb Salad

Penne Rigatoni Pasta Salad with Broccoli Florets & Pine Nuts

Eastern Coleslaw with Red Bell Pepper Coulis and Mint

Waldorf Salad with diced Celery Roots, crumbled Walnuts, fresh cut Apples and Smoked Chicken Breast

Indonesian Gado Gado Salad with Peanut Dressing

Northern Atlantic Seafood Salad with Root Vegetables, Fennel, Oyster Mushrooms and Sour Cream

Antipasti selection of Cold Cuts including Ham, cured Meats, Salami, Pastrami, Buffalo Mozzarella Cheese, Cheddar Cheese, Olives Roasted Red Bell Peppers, Grilled Squash and Eggplants, Grilled Asparagus, Grilled marinated Squash and Tomatoes

Fresh cut Crudit  of Vegetables to grab, Beetroot, Carrot, Celery, Cherry Tomatoes, Cucumber, Radish, Red and Green Bell Peppers, Broccoli, Cauliflower, Jicama, Maytag Blue Cheese Dip

Daily selection of fresh Nigiri & New York Rolls freshly made

Accompaniments, Kikkoman Soy, Pickled Ginger and Wasabi Marshmallows

Dressings

Blue Cheese, Italian, Red Wine Vinaigrette, Balsamic Vinaigrette, Thousand Island, French Dijon, Caesar, Buttermilk Herbs

SOUP

New England Clam Chowder

Chicken Noodle Consomm 

Tomato Bisque

PIZZA BAR & FLAT BREAD SELECTIONS

Choice of Whole Wheat or Traditional crust

Garlic, Cheese, mixed vegetables, diced ham, sliced Pepperonis, Meat Balls, Olives, diced Tomatoes, diced assorted Bell Peppers, shredded Mozzarella Cheese, grilled Vegetables, sliced Bottom and Crimini Mushrooms, Onions red and yellow, Pickled Jalapeño Peppers

Chef Attended Carving Station

Roasted Prime Rib of Beef served with Horseradish, Dijon Mustard and Au Jus

HOT SELECTION

Pork Baby Back Ribs

Stuffed Pork Loin with Prunes

Chicken Tandoori

Baked Stuffed Haddock

Sheppard's Pie

Vegetable Lasagna

Seasonable Root Vegetables with Herbs

Couscous

Steamed White or Brown Rice

Penne & Spinach Agnelotti

Napoli & Alfredo sauce

BBQ

Vegetable & Chicken Kebab

Minute Steak & Baked Potato

ASSORTED BREADS

White, Whole Wheat, Sour Dough, Baguette Breads

Assortment of Rolls

DESSERT SELECTION

Fresh marinated fruit salad

Mini Fruit Tartlets

Maine Blueberry Pie

Banana Panna Cotta

New York Cheese Cake

Assortment of Home Baked Cookies

White and Dark Fudge Brownies

Hot Apple Cobbler Crumble

Crème Caramel

Canolis

Ice Cream Selections & Condiments

Assorted of Wine Jellies

White & Dark Chocolate Mousse



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 #: MIQ99C092461

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-03-17) :

Inquiries Name(s)

MARK AMUNDSEN (1958-07-25)

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 #: MIQ99C092465

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-03-17) :

Inquiries Name(s)

STEVEN DURRELL (1960-09-02)

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 #: MIQ99C092464

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-03-17) :

Inquiries Name(s)

BRUCE ALLAIN (1962-04-15)

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 #: MIQ99C092462

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on
2014-03-17) :

Inquiries Name(s)

ERIC JUNKER (1955-12-19)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Business Licensing - NOVA STAR - PENDING Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 3/18/2014 11:50 PM
Subject: NOVA STAR - PENDING Business License Approval

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

Date: 3/18/2014

Zone:

Comments: Liquor license approved.

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

April 8, 2014

Troubh Heisler
Attn: Michael Savastik
511 Congress St., Ste. 700
P.O. Box 9711
Portland, ME 04104-5011

Re: Nova Star Cruises Limited d/b/a Nova Star, Application for a Class I Vessel License.

Dear Mr. Savastik,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, April 28, 2014 at 7:00 p.m.** for the review of the Class I Vessel License for Nova Star Cruises Limited d/b/a Nova Star. 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 5038451

Date 04/09/2014

Time 2:36 PM

148.49

PUBLIC NOTICE

Notice of Public Hearing

City of Portland

A Public Hearing will be held on April 28th at 7:00 P.M., in City Council Chambers, 389 Congress St., on the application of Nova Star Cruises Limited d/b/a Nova Star. Application for a Class I Vessel License. Sponsored by Katherine L. Jones, City Clerk.

#5038451

Ad shown is not actual print size

*Order 209-13/14
Tab 9 4-28-14*

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:

Sol Food Group, LLC d/b/a El Rayo Taqueria at 101 York St. Application to expand existing alcohol service area for event on May 3 & 4, 2014.

CITY CLERK

Sol Food Group, LLC

2014 MAR 27 PM 2: 43

P.O. Box 169 * Portland, Maine 04112
Phone: 207-671-5566 * Fax: 207-775-0022
asiawest@aol.com

Portland Mayor and Members of The City Council
389 Congress Street
Portland, Maine 04101

March 26, 2014

To The Portland Mayor and Members of The City Council:

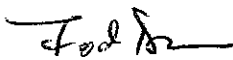
We, Sol Food Group, LLC are requesting permission to expand the scope of our outdoor patio at El Rayo Taqueria for two days only (Sat May 3rd & Sun May 4th, 2014). We are planning a "Cinco de Mayo" celebration at 101 York Street, where we hope to use our parking lot to serve food and alcohol under a large tent. Our plan also includes live music, salsa dancing, face painting, and other festivities. A tent permit application is forthcoming.

We propose to close off the parking lot using 6 foot plastic fencing around the perimeter, leaving one opening on York Street for our patrons to enter and exit the property. We also plan to hire a security guard to monitor the entrance (as a precautionary measure). We have also secured alternative parking in the large parking lot behind our building.

Our hours of operation will our normal business hours (11am to 9pm).

Thank you for your consideration.

Regards,



Tod Dana
President, Sol Food Group

Requested/Approved:
Fire 3/28 / OK 3/28
Health/Zoning 1 / 2-OK 4/1
Police 1 / OK 3/28
Parks & Rec 1 / OK 3/28
T: OK 3/28

Fee: \$35.00 per day pd \$135 ~~CR#~~ 5693
CITY CLERK for single concert
liquor ad
liquor catering

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

2014 MAR 27 PM 2:43

Single Concert / Dance Permit Application

If concert/dance is proposed for outdoors, in a park or on city property, have you obtained the necessary permits from Parks & Recreation? Yes No. If no, please contact Parks & Rec. at 756-8275.

Business/ Group Name(s): SOL FOOD GROUP, LLC d/b/a "EL RAYO"

Mailing Address: P.O. Box 8 Portland, Me. 04112

Business Address: 101 York Street Portland, Me. 04101

Applicant/Contact Person's Name: Tad Dana

Daytime Phone Number: 207-671-5566

Phone number where we can reach you on the day of the event: 207 671-5566

Email address: asia.west@aol.com

Name of Festival/Event: Cinco de Mayo Fiesta

Location of Event: 101 York Street, Portland

Date of Event: May 3+4 Time of Event - From: 11:00 am To: 9:00 pm

Estimated number of attendees: 200

Style of music: (Anytime amplification is involved, give a short description of DJ/band setup, use back of page if a number of bands or musicians are performing) Amplified Acoustic, Latino folk,

Blues, Light rock.
Premises Owner's Name and Address: Harborview LLC / JTB Brown + Sons.

Does the award of this license benefit any City employee? Yes No ✓
If yes, list name(s) and department(s): _____

Read Carefully & Sign:

I/we, understand that any misstatement of material fact in the above application may result in denial of this license or revocation if a license has already been issued.

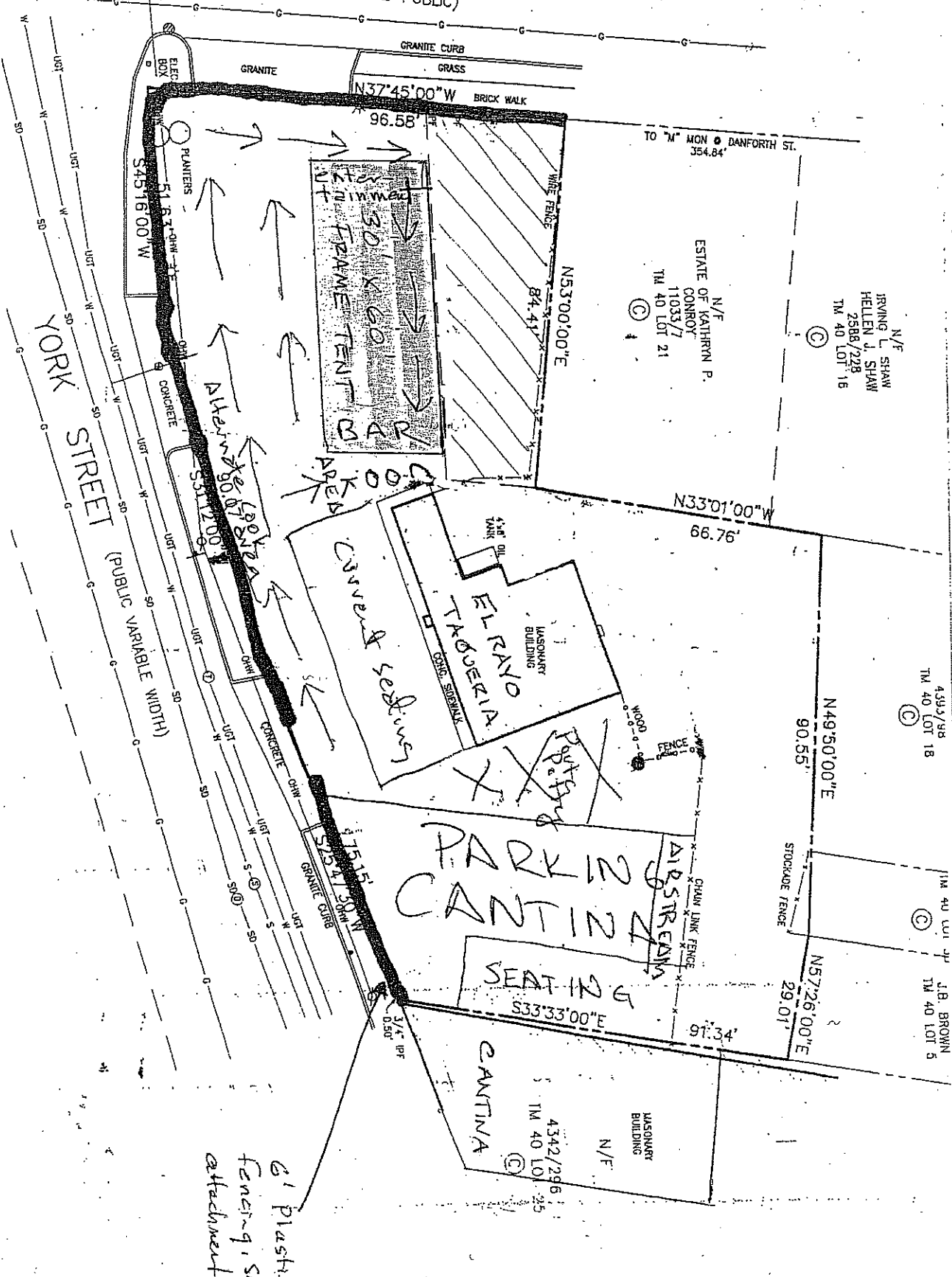
Signature: [Signature]

Date: 3/26/14

2015 FEB 12 PM 2:06

HIGH STREET
(66' WIDE - PUBLIC)

TO CONGRESS STREET
(ONE WAY TRAFFIC)



6' Plastic
fencing, see
attachment

Business Licensing - Re: El Rayo's Cinco de Mayo - 4/3 & 4/4

From: Aaron Pepin
To: Business Licensing
Date: 4/2/2014 11:25 AM
Subject: Re: El Rayo's Cinco de Mayo - 4/3 & 4/4

With the clarifications provided I am good with them holding the event.

Aaron Pepin

>>> Business Licensing 3/31/2014 2:43 PM >>>
Hi,

I've attached all the materials they submitted, which may hold some of your answers. Estimated attendees is 200/day. The map shows where the parking, the tent, and the general layout. Tod should be able to help out with any other questions you may have.

Thanks,
Janice

>>> Aaron Pepin 3/31/2014 1:28 PM >>>

It appears that this event has grown in size from the previous year. If they are using their parking lot for the event where will all of the attendees park? Does the owner have an attendance estimate or what they will cap the event size too? How will they control access and assure that underage persons not gain access to alcohol at the event. There appears to be a lot more questions that the business needs to provide. I am inclined at this point to require them to hire officers for the event. Possibly two officers and a supervisor for the duration of the event.

Sgt Aaron Pepin

>>> Business Licensing 3/28/2014 3:13 PM >>>
Hello,

For your approval:

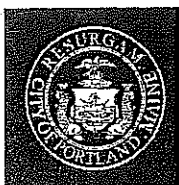
Sol Food Group, LLC d/b/a El Rayo at 101 York St. has submitted applications for their **Cinco de Mayo on May 3rd & 4th from 11 a.m. to 9 p.m. at 101 York St.** They are expanding alcohol service into their parking lot, so they will need to be approved by Council. They will be on the 4/28 Council agenda.

Single Concert permit:
Amplified acoustic, Latino folk, blues, and light rock from 11 a.m. to 9 p.m. both days

They are applying for a tent permit. The premises diagram is attached.

Contact: Tod Dana - 671-5566

Thanks,
Janice



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Office of the City Clerk

Katherine L. Jones, CCM
City Clerk

Carolyn M. Dorr
Deputy City Clerk

April 8, 2014

Sol Food Group, LLC
Attn: Tod Dana
P.O. Box 8
Portland, ME 04112

Re: Sol Food Group, LLC d/b/a El Rayo Taqueria at 101 York St. Application to expand existing alcohol service area for event on May 3 & 4, 2014.

Dear Mr. Dana,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, April 28, 2014 at 7:00 p.m.** for the review of the application to expand the existing alcohol service area for your event on May 3 & 4, 2014 for Sol Food Group, LLC d/b/a El Rayo Taqueria at 101 York 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 5038443

Date 04/09/2014

Time 2:11 PM

171.62

PUBLIC NOTICE

Notice of Public Hearing City of Portland

A Public Hearing will be held on April 28th at 7:00 P.M. in City Council Chambers, 389 Congress St., on the application of Sol Food Group, LLC d/b/a El Rayo Taqueria at 101 York St. Application to expand existing alcohol service area for event on May 3 & 4, 2014. Sponsored by Katherine L. Jones, City Clerk.

#5038443

Ad shown is not actual print size

*Order 210-13/14
Tab 10 4-28-14*

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:

**Portland Hunt & Alpine Club, LLC d/b/a Portland Hunt & Alpine Club at 75 Market St.
Application to add outdoor dining on public property.**

Rcvd 4/4/14

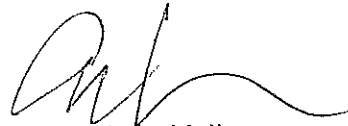
4 April 2014

Mayor and Members of City Council,

Attached is a proposal for an outdoor dining permit for my new business,
Portland Hunt + Alpine Club.

If you're not familiar with us yet, we have been open for 7 months and we're a small bar that serves craft cocktails and Scandinavian-inspired foods, made with locally-sourced ingredients. We're thrilled to be a part of the wonderful food scene in our city and excited at the chance to offer outdoor seating to our guests in the warmer months.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'Andrew Volk', with a stylized, flowing script.

Andrew Volk
Owner / Head Bartender
Portland Hunt + Alpine Club

Rcvd 4/4/14

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 A

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

Business Name (d/b/a): Portland Hunt + Alpine Club Phone: 747-4754

Location Address: 75 Market St Suite 102 ZIP 04101

If new, what was formerly in this location: _____

Mailing Address: 75 Market St Box 5 ZIP 04101

Contact Person: Andrew Volk Phone: 747-4754

Manager of Establishment: Andrew Volk Home Phone # 503-869-9619

Owner of Premises (landlord): East Brown Con

Address of Premises Owner: 100 Commercial St 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): <u>Andrew Volk</u>	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: Portland Hunt + Alpine Club, LLC

Corporation Mailing Address: 75 Market St Box 5 ZIP 04101

Contact Person: Andrew Volk Phone Number: 503-869-9619

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

Name <u>Andrew Volk</u>	Title <u>Manager</u>	DOB <u>12/2/83</u>	Residence Address <u>39 Millie St #1</u>
Name <u>Timothy Volk</u>	Title <u>owner</u>	DOB <u>12/9/53</u>	Residence Address <u>3160 Mt Plimb Rd Charlotte, VT 05245</u>
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: Small meals + Snacks

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

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

Hours and Days of operation: 7 days 4pm-1am

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? : Already open

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 4/4/14

☒ 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.

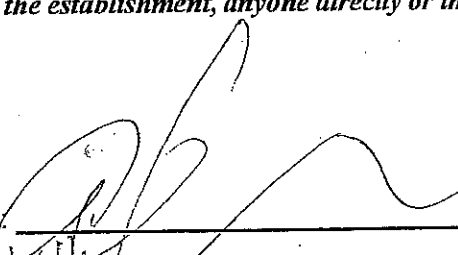
☒ If alcohol is to be served, the permit holder must notify the City's Business Licensing Office in room 203 of City Hall or by telephone at 874-8557 and obtain approval for the service of alcohol outdoors. Additionally, State law requires that any outdoor area serving alcohol be segregated from the 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: 4/4/14

Printed name Andrew Volk

Establishment Portland Hunt & Alpine Club

Location 75 Market St. Suite 102



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: _____		
Pending Council Date: <u>4/28/14</u>		
Location Name & Address: <u>Portland Hunt + Alpine Club</u> <u>75 Market St. Suite 102</u>	Chart <u>028</u>	Block <u>1003001</u>
Owner & Phone #: <u>Andrew Volk 207-747-4754</u>	Total Square Footage of Proposed Seating Area: ¹ <u>~105 SF</u>	
Applicant *must* be owner or lessee Name: <u>Andrew Volk</u> Address: <u>75 Market St Suite 102</u> City, State & Zip: <u>Portland, ME 04101</u> E-Mail: <u>andrew.volk@gmail.com</u>	Annual Fee: <u>\$80</u> Total Sq. Ft.: <u>105</u> Sq. Ft. Fee: (sq ft x \$2) \$ <u>210</u> (Due when issued) Total Fees: \$ <u>290</u> (Permit not issued until all fees are paid)	
Current use: <u>Sidewalk (8' wide)</u>		
Business name: <u>Portland Hunt + Alpine Club</u>		
Seating area dimensions: <u>3' x 35'</u>		
How many chairs? <u>14</u> How many tables? <u>Drink rails.</u>		
☒ Yes Alcohol is served. ☐ No Alcohol being served.		
Who should we contact for the pre-inspection: <u>Andrew Volk, applicant</u>		
Mailing address: <u>75 Market St Box 5 Portland, ME</u> Phone: <u>747-4754</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: 4 April 2014

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.

Portland Hunt +
Alpine Club

Front of building ~50'

75 Market St
Portland, ME

Proposed Outdoor
Seating Plan

~105 sf of
seating area



3' removeable barrier

8' removeable barrier

8'0" to curb

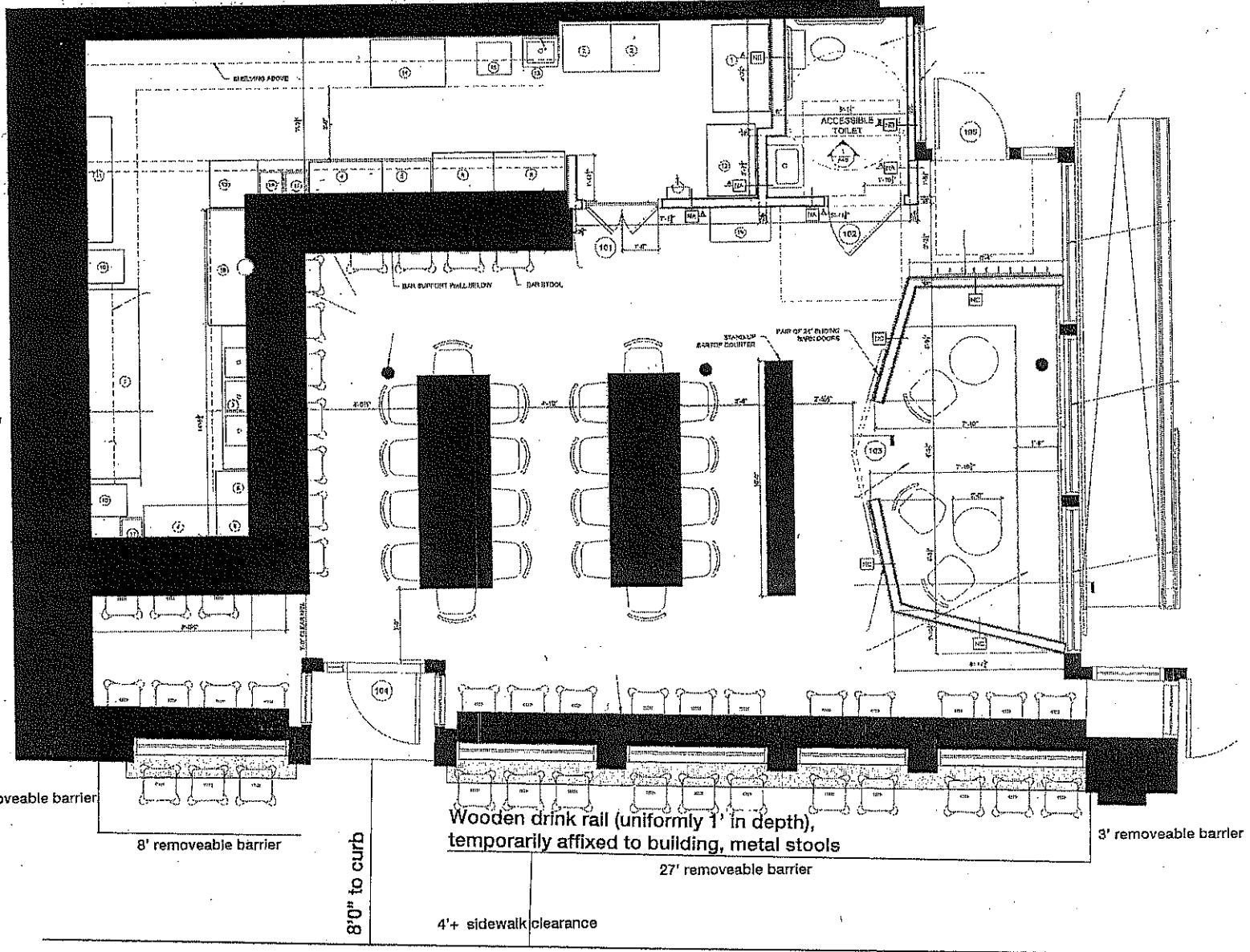
4'+ sidewalk clearance

←--- Market Street

Wooden drink rail (uniformly 1' in depth),
temporarily affixed to building, metal stools

27' removeable barrier

3' removeable barrier





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

April 8, 2014

Portland Hunt & Alpine Club, LLC
Attn: Andrew Volk
75 Market St., Box 5
Portland, ME 04101

Re: Portland Hunt & Alpine Club, LLC d/b/a Portland Hunt & Alpine Club at 75 Market St. Application to add outdoor dining.

Dear Mr. Volk,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, April 28, 2014 at 7:00 p.m.** for the review of the application to add outdoor dining to Portland Hunt & Alpine Club's Class A Lounge 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

Ad ID 5038436

Date 04/09/2014

Time 2:07 PM

163.91

PUBLIC NOTICE

Notice of Public Hearing City of Portland

A Public Hearing will be held on April 28th at 7:00 P.M., in City Council Chambers, 389 Congress St., on the application of Portland Hunt & Alpine Club, LLC d/b/a Portland Hunt & Alpine Club at 75 Market St. Application to add outdoor dining on public property. Sponsored by Katherine L. Jones, City Clerk.

#5038436

Ad shown is not actual print size

Business Licensing - PORTLAND HUNT & ALPINE CLUB Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 4/6/2014 3:02 PM
Subject: PORTLAND HUNT & ALPINE CLUB Business License Approval

PORTLAND HUNT & ALPINE CLUB is Approved for their Business License Inspection by the Police Dept.

Date: 4/6/2014

Zone:

Comments: liquor/out door dining.

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

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 211-13/14
Tab 11 4-28-14*

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

**ORDER APPROVING STATE/LOCAL EPS FUNDING ALLOCATION
FOR PUBLIC EDUCATION FROM KINDERGARTEN TO GRADE 12 FOR
PORTLAND SCHOOLS FOR FY2015**

ORDERED, that under and pursuant to the City's Fiscal Year 2014-2015 Appropriation Resolve [Order No. _____] and applicable state law the City hereby approves the following school budget article for Fiscal Year 2014-2015:

Appropriation for State/Local EPS funding Allocation (20-A M.R.S.A. §15690(1)(A-B)):
That the City appropriates the amount of \$77,617,317 for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, and raises the amount of \$61,606,170 as the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, in accordance with Maine Revised Statutes, Title 20-A, section 15688.

State Mandated Explanation: *The City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the City must raise in order to receive the full amount of state dollars.*

Order 212-13/14
Tab 1a 4-28-14

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

**ORDER APPROVING NON-STATE FUNDED SCHOOL CONSTRUCTION
DEBT SERVICE FOR PORTLAND SCHOOLS FOR FY2015**

ORDERED, that under and pursuant to the City's Fiscal Year 2014-2015 Appropriation Resolve [Order No. _____] and applicable state law the City hereby approves the following school budget article for Fiscal Year 2014-2015.

Appropriation for Non-State Funded Debt Service (20-A M.R.S.A. §15690(2)(A)).

That the City raise and appropriate \$301,352 for the annual payments on debt service previously approved by the legislative body for non-state funded school construction projects and non-state funded portions of school construction projects, in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding public education from kindergarten to grade 12.

State Mandated Explanation: *Non-state funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or the City Council.*

Note: *The state no longer includes minor capital renovation debt in this calculation.*

Order 213 -13/14
Tab 13 4-28-14

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

**ORDER RAISING AND APPROPRIATING ADDITIONAL LOCAL FUNDS FOR
PORTLAND SCHOOLS FOR FY2015**

ORDERED, that under and pursuant to the City's Fiscal Year 2014-2015 Appropriation Resolve [Order No. _____] and applicable state law the City hereby approves the following school budget article for Fiscal Year 2014-2015:

Authorization to Exceed the Portland School Department's Maximum State and Local Spending Target Established Pursuant to Maine Revised Statutes, Title 20-A § 15671-A(4) and Appropriating Additional Local Funds: That the City raises and appropriates \$14,522,152 in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$12,664,988 as required to fund the budget recommended by the Portland Board of Public Education.

The Portland Board of Public Education recommends \$14,522,152 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services Funding model by \$12,664,988: **That amount is needed to cover the School Department's costs that the state's funding model does not recognize or recognize fully, including costs to maintain class size; Special Education costs; PATHS costs; Regular Instruction costs; Facilities Maintenance costs to address deferred maintenance; technology costs as the School Department implements its technology plan; transportation costs; professional development costs; debt service for pension obligation; and debt service capital renovation costs.**

State Mandated Explanation: *The additional local funds are those locally raised funds over and above the City's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the City's budget for educational programs.*

[NOTE: City council approval of this order requires 5 affirmative votes, see 20-A M.R.S.A. section 15671-A(5)(B)(2)(requiring for council approval "a majority of the entire membership of the council") and see Article II, section 11 of the City Charter (requiring 5 affirmative votes for final passage).]

order 214-13-14
Tab 14 4-28-14

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

**ORDER APPROVING TOTAL SCHOOL OPERATING BUDGET
FOR PORTLAND SCHOOLS FOR FY2015**

ORDERED, that under and pursuant to the City's Fiscal Year 2014-2015 Appropriation Resolve [Order No. _____] and applicable state law the City hereby approves the following school budget article for Fiscal Year 2014-2015:

Total School Budget Summary (20-A M.R.S.A. §15690(4)(A)): That the City authorizes the School Committee to expend \$96,309,988 for the Fiscal Year beginning July 1, 2014 and ending June 30, 2015 from the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

Order 215-13/14
Tab 15 4-28-14

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

**ORDER APPROPRIATING AND RAISING FUNDS
FOR ADULT EDUCATION FOR FY 2015 AS REQUIRED
BY THE MAINE REVISED STATUTES, TITLE 20-A M.R.S.A. §8603-A(1)**

ORDERED, that the sum of \$ 1,543,595 is hereby appropriated for Adult Education for Fiscal Year 2014-2015 and that the sum of \$ 838,660 is hereby raised as the local share with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well being of the adult education program.

***Explanation:** Under state law the appropriation for adult education falls outside the total annual budget for public schools addressed in the prior order when it passes the Appropriation Resolve.*

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 216-13/14
Tab 16 4-28-14
JOHN R. COYNE (5)
JON HINCK (A/L)
JILL C. DUSON, (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

**ORDER TO RAISE LOCAL FUNDS
FOR FOOD SERVICE IN THE PORTLAND PUBLIC SCHOOLS for FY2015**

ORDERED, that the sum of \$ 200,677 is hereby raised for the Food Service Program for Fiscal Year 2014-2015; and that the Portland School Department is authorized to expend any unexpended balances, and additional, incidental, or miscellaneous receipts in the interest and for the well being of the food service program.

***Explanation:** This order raises local tax revenues for the food service program.*

Com 11-13/14
Tab 17 4-28-14

Portland, Maine



Yes. Life's good here.

Michael J. Bobinsky
Director of Public Services

To: Honorable Mayor Michael Brennan
From: Michael J. Bobinsky, Director of Public Services
Date: April 17, 2014
Subject: Appointment of Project Advisory Committee (PAC) for the State and High
Two-way Conversion Study

The State and High Street two-way conversion study is starting at this time. TY Lin Associates was selected as project manager/designer of this project. Attached is a copy of the anticipated schedule.

Staff is recommending the appointment of a Project Advisory Committee (PAC) to assist with the overall project development evaluation and recommendations to our city council. The listing of recommended appointees was reviewed with Councilor David Marshall and reflects representative agencies, associations and business that were identified in the original RFP- scope of services.

The following names are recommended for appointment:

Voting Members:

- Parkside Neighborhood Association – Emma Holder or Designee
- West End Neighborhood Association – Rosanne Graef or Designee
- Bayside Neighborhood Association – Steve Hershon or Designee
- Friends of Deering Oaks – Anne Pringle or Designee
- Friends of Congress Square Park – Frank Turek or Designee
- Mercy Hospital – Michael Connolly, Director of Facilities or Designee
- Eastland Hotel – Bruce Wennerstrom, General Manager or Designee
- Portland Museum of Art – Kristen Levesque or Designee
- 100 State Street - Anne Thaxter or Designee
- Greater Portland Landmarks - Hilary Bassett or Designee
- State Theatre – Reached out to Lauren Wayne or Designee
- GPCOG / PACTS – Carl Eppich, Senior Transportation Planner or Designee
- MaineDOT – Commissioner Dave Bernhardt or Designee
- Councilor Marshall, Co-Chair
- Councilor Donoghue, Co- Chair

Portland, Maine



Yes. Life's good here.

Michael J. Bobinsky
Director of Public Services

Community Advisors:

- Portland Bicycle and Pedestrian Advisory Committee – Reached out to Jennifer Claster
- AAA – Reached out to AAA for contact name
- Greater Portland Convention & Visitors Bureau – Reached out to Lynn Tillotson
- Portland Downtown District – Reached out to Steve Hewins
- Portland Chamber of Commerce – Reached out to Chris Hall
- METRO / Greater Portland Transit District – Gregory Jordan/Glenn Fenton

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 200-13/14
~~Tab 22 4-7-14~~
Tab 18 4-28-14*

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

**ORDER AUTHORIZING MAINE DOT
TWO-PARTY AGREEMENT MODIFICATION
FOR TRAFFIC SIGNAL IMPROVEMENTS ON CONGRESS STREET
AND SKYWAY DRIVE**

ORDERED, that the City Manager is authorized to enter into a modification of a two-party agreement between the City of Portland and the Maine Department of Transportation, in substantially in the form attached hereto;

BE IT FURTHER ORDERED, that the City Manager is hereby authorized to execute the modified two-party agreement and any other documents necessary to effect the purpose of the modified agreement.

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Department Heads/City Manager

DATE: March 27, 2014

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

SUBJECT: Order to authorize MaineDOT 2-party agreement modification - Traffic Signal Improvements on Congress St and Skyway Drive

SPONSOR: Mark Rees, City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ **Final Action** April 7, 2014

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

MaineDOT advertisement for this project cannot proceed without the modification in place; plus the current agreement expires in July 2014.

PRESENTATION: N/A

I. SUMMARY OF ISSUE (Agenda Description)

A modification to the existing agreement for MaineDOT's PIN017858.00 to perform Traffic Signal Improvements is necessary due to higher than anticipated design costs, updated construction estimates since the 2011 initial agreement, and the need to extend the project timeline beyond July 2014. The resulting cost increase requires an additional \$13,000 commitment from the City for our Local Match; bringing the City's total share to almost 25%. MaineDOT intends to put the contract out for bid in May 2014 so as to perform the construction in non-winter conditions.

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

See above

III. INTENDED RESULT

This project is the third and final portion of a Regional Traffic Signal Coordination effort funded in large part by a Dept. of Energy grant program. Two corridors have previously been achieved, Brighton Ave and Forest Avenue. This project will upgrade and coordinate seven (7) intersections along outer Congress St. (Route 9 & 22) and Skyway Drive.

IV. COUNCIL GOAL ADDRESSED

"Developing a Transportation System that advances healthy living, minimizes environmental impacts and promotes the local economy."

V. FINANCIAL IMPACT

This agreement modification will require an additional \$13,000 for a grand total of \$41,817 as the City's Local Match towards this \$168,000 project. CIP accounts C10402 and C14401 will provide this necessary Local Match.

VI. STAFF ANALYSIS

The Department of Public Services highly recommends approval of this agreement modification in order to upgrade and coordinate the traffic signalization along a heavily used roadway system tied directly to the region's highway system.

VII. RECOMMENDATION

See above

VIII. LIST ATTACHMENTS

- Modification #1 to Municipal/State agreement for PIN017858.00*
- Original 2011 2-party agreement for PIN017858.00*

Prepared by:

Signature

Date

Internal Use Only
TEDOCS #: _____
CSN#: _____

MODIFICATION # 1 TO MUNICIPAL/STATE AGREEMENT

MaineDOT Program / Division / Office: Multimodal Program

MaineDOT Contact Person: Brian Keezer

Description of Services: TRAFFIC SIGNAL IMPROVEMENTS

DOT Generated #: DOT0711-32598

Project Location: PORTLAND
State P.I.N. #: 017858.00
Federal P.I.N. #: STP01785(800)X
Vendor Customer #: 17A12984

Original Agreement Receivable Amount: \$28,250.00
Current Agreement Receivable Amount: \$41,817.41
Original Agreement Expiration Date: 7/26/14
Current Agreement Expiration Date: 3/31/15

This Modification hereby amends a Municipal/State Agreement (Agreement) that was executed by MaineDOT on July 26, 2011, with City of Portland for Traffic Signal Improvements for the above referenced project as follows:

- ☒ **Section E. of the Agreement:** The second to last sentence of Section E. shall be modified to read: "Local share shall be Eighteen and 83/100 (18.83%) of the total estimated Preliminary Engineering cost of the PROJECT; and Twenty percent (20%) of the total estimated Construction and Construction Engineering cost of the **PROJECT**."
- ☒ **Expiration Date.** The Expiration Date of the Agreement shall be extended from 7/26/14 to 3/31/15.
- ☒ **Revised Appendix A.** See attached Appendix A, Project Scope and Cost Sharing.
- ☒ **Incorporating Appendix B to the Agreement.** See attached Appendix B, Traffic Signal Operation & Maintenance.

All other terms and conditions of the original Agreement shall remain in effect. This Modification hereby becomes part of the original Agreement. MaineDOT and City of Portland, by their duly authorized representatives, have executed this modification to said original Agreement, which shall become effective on the date last signed below.

CITY OF PORTLAND

MAINE DEPARTMENT OF TRANSPORTATION

By: _____
Print Name:

By: _____
Jeffrey Tweedie, Multimodal Program Manager

Date

Date

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.

APPENDIX A
PROJECT SCOPE AND COST SHARING
MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
 Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO TRAFFIC SIGNALS ALONG ROUTE 9, ROUTE 22 AND SKYWAY DRIVE

FEDERAL AID PROJECT NO. STP-1785(800)X
 STATE PROJECT IDENTIFICATION NUMBER (WIN) 17858.00

Project Scope: Coordination of Traffic Signals at seven intersections along Route 9, Route 22 and Skyway Drive.

Funding Outline: The Total Project Capped Cost is **\$157,385.77** and the Parties agree to share costs through all stages of the Project under the terms outlined below. The current Total Project Estimate Cost is **\$168,000.00**. The City Of Portland agrees to pay \$31,203.18 toward participating work and 100% of the costs above \$157,385.77.

Work Element	Portland Share		Westbrook Share		Federal Share		MaineDOT Portion		Total Cost
	%	\$	%	\$	%	\$	%	\$	\$
PE	18.83	\$4,409.26	1.17	\$273.97	80	\$18,732.94			\$23,416.17
ROW	20	0.00	0	0.00	80	0.00			0.00
Construction	20	\$23,000.00	0	0.00	80	\$92,000.00			\$115,000.00
Construction Engineering	20	\$3,793.92	0	0.00	80	\$15,175.68			\$18,969.60
PROJECT SHARES		\$31,203.18		\$273.97		\$125,908.62		\$	\$157,385.77
Current Funding Gap (Current Est. - Total Capped Amt.)		\$10,614.23							
TOTAL ESTIMATED MUNICIPAL SHARE (Receivable Amount)		\$41,817.41							

(Check if applicable)

☐ Additional Work as outlined in Appendix C to this Agreement.

Funding Outline: The Municipality agrees to pay 100% of the costs for the work outlined below.

Additional Work	Cost: 100% Municipal Share
TOTAL COST OF ADDITIONAL WORK REQUESTED BY MUNICIPALITY	\$

Payment:

The Municipality shall submit payment to the Department within 30 days from the invoice date.

1. Prior to award of the contract for Project construction, the Municipality will be invoiced a portion of its share of the cost of the Project. Invoicing will include the following:

- a. 100% of the local share of the Preliminary Engineering and Right of Way costs; plus
- b. Fifty percent (50%) of the local share of the Construction and Construction Engineering cost based on the total bid price of the Project; plus
- c. 100% of all additional work requested by the Municipality (when applicable).

2. **Final Voucher Payment to the Contractor.** A final bill will be created following the Department's final voucher payment to the Contractor, after all quantities are verified, and any required adjustments have been made. The cost of the work for which the Department will bill the Municipality shall be determined by the contract prices and the completed quantities of the work items or, in the event of termination, the local share of Project development cost to the point of termination as stipulated above. The final invoice will include the Municipality's share of any remaining costs.

Invoicing Schedule: The Municipal Payment Schedule shown below includes estimated invoicing dates based upon the estimated schedule and estimated cost of the Project:

Entity Name	Receivable Amount	Estimated Invoice Date
City of Portland	\$4,409.26	5/1/14
City of Portland	\$37,408.15	3/31/15
	\$	
	\$	

APPENDIX B
TRAFFIC SIGNAL OPERATION AND MAINTENANCE

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO
TRAFFIC SIGNALS ALONG
ROUTE 9, ROUTE 22 AND SKYWAY DRIVE

FEDERAL AID PROJECT NO. STP-1785(800)X
STATE PROJECT IDENTIFICATION NUMBER (WIN) 017858.00

- A. The Municipality agrees to operate and maintain the traffic signal to function as designed and installed by the Department, unless approved otherwise as hereinafter provided or as necessary as follows:
1. All malfunctions and deficiencies in the traffic signal or any equipment appurtenant that is not covered by warrantee shall be repaired or corrected expeditiously in accordance with the Institute of Transportation Engineer's (ITE) "Traffic Signal Installation and Maintenance Manual". Any failure to repair or correct the traffic signal to function as designed could, upon written notification from the Department, result in the Department making all necessary repairs at the Municipality's expense.
 2. The visibility of the traffic signal shall be preserved and maintained at all times by removing any visual impairment thereto.
 3. Except in the case of an emergency, no change in operation or modification to the traffic signal or any equipment appurtenant thereto shall be made without the express written approval of the Department.
 4. The Department shall be notified in writing prior to any removal or replacement of the traffic signal or any equipment and appurtenant thereto. Upon removal, such traffic signal or equipment shall be returned to the Department, at no cost to the Department, unless otherwise agreed upon in writing.
- B. The Municipality agrees to be responsible for the electrical service for the traffic signal 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 Municipality agrees to maintain all pavement markings (including stop bars, lane use arrows and all striping necessary to delineate the turning lane) and all traffic control signs as furnished under the project.
-



MUNICIPAL/STATE AGREEMENT

BETWEEN THE

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

AND THE

CITY OF PORTLAND

REGARDING

PROPOSED IMPROVEMENTS TO TRAFFIC SIGNALS ALONG ROUTE 9, ROUTE
22 AND SKYWAY DRIVE

FEDERAL AID PROJECT NO. STP-1785(800) X
STATE PROJECT IDENTIFICATION NUMBER (PIN) 17858.00

This AGREEMENT is entered into on the day and date last signed below by and between the STATE OF MAINE DEPARTMENT OF TRANSPORTATION (hereafter the **DEPARTMENT**) and the CITY OF PORTLAND, a municipal corporation located in the County of Cumberland (hereafter the **MUNICIPALITY**) regarding the planning, development, design, right of way, construction, cost sharing and reimbursement for a project to make improvements to coordinate existing traffic signals along Route 9, Route 22 and Skyway Drive with a portion of the work in Portland, Maine, under Federal Aid Project No: STP 1785(800)X State Project Identification Number (PIN) 17858.00, (hereafter **PROJECT**) as follows:

1. The **DEPARTMENT** agrees to procure and administer a contract to construct the **PROJECT** in accordance with the plans and specifications developed by the **DEPARTMENT**, to which reference is hereby made for a more particular description thereof

Please refer to Appendix A of this AGREEMENT for a brief outline of the scope, limits of work and cost sharing for the entire **PROJECT**.

- B. The **DEPARTMENT**, as administrator of this contract, agrees to pay all project costs subject to cost sharing by the **MUNICIPALITY** as specified below in *Paragraphs D and E*. The **DEPARTMENT** reserves the right to terminate the **PROJECT** for any reason prior to the award of a contract to construct the **PROJECT**.

C. This Paragraph has been omitted intentionally.

D. Upon acceptance of plans, specifications and estimates, the **DEPARTMENT** shall solicit for competitive bids for the **PROJECT**. Upon acceptance of the lowest acceptable responsive, responsible bid to construct the **PROJECT** and fulfillment of all terms set forth above, the **DEPARTMENT** shall award a contract to construct the **PROJECT**. All decisions pertaining to the administration of such a contract and all payments there under shall be the sole discretion of the **DEPARTMENT**.

E. The **MUNICIPALITY** also agrees to pay to the **DEPARTMENT** upon receipt of an invoice immediately following the award of a contract to construct the **PROJECT**, Twenty (20%) percent of the estimated local share towards the cost of the **PROJECT** as estimated in detail upon such award. Local share shall Eighteen and 83/100 (18.83%) percent of the total estimated cost of the **PROJECT**. The remaining Eighty (80%) percent of local share will be invoiced at close out.

a. A final bill will be created at the closeout of the project, after all quantities are verified, and any required adjustments have been made. The cost of the work for which the **DEPARTMENT** will bill the **MUNICIPALITY** shall be determined by the contract prices and the completed quantities of the work items or, in the event of termination, the local share of **PROJECT** development cost to the point of termination as stipulated above.

b. The **MUNICIPALITY** shall review all invoices and submit payment to the **DEPARTMENT** within 30 days.

c. In the event of **PROJECT** termination, all provisions of this AGREEMENT shall become null and void except for those set forth under *Paragraphs B and E* as aforesaid.

F. The **MUNICIPALITY**, at its election, may request that changes be made or work added to the **PROJECT** during the period of construction which benefits the **MUNICIPALITY**, provided the **MUNICIPALITY** agree in writing to pay any additional cost therefor based upon the cost of construction plus an amount not to exceed ten (10%) percent of such construction cost to cover all necessary engineering, inspection and administrative costs associated therewith, unless specified otherwise. All such requests shall be subject to approval by the **DEPARTMENT**. In the event that such changes or work are approved for federal participation in the cost thereof, such additional cost may be reduced to the non-federal share of such cost.

G. The **MUNICIPALITY** agrees to allow the **DEPARTMENT**'s contractor to control all traffic through the work areas on the **PROJECT** as necessary to permit construction thereof in the manner specified in a Traffic Control Plan approved by the **DEPARTMENT**.

H. The **MUNICIPALITY** agrees to alter, move, relocate or remove any municipal property, including all fixtures, facilities or monuments, located on, under or above the ground, which might become necessary to permit construction of the **PROJECT**, which has not otherwise been

provided for during the development of the **PROJECT**, without any cost to the **PROJECT** whatsoever. Any work necessary to do so during the period of construction shall be coordinated with the contractor for the **PROJECT**.

- I. The **MUNICIPALITY** agrees to assure proper adjustment, relocation, or repair of any portion of a service that is located within the limits of the highway right-of-way and connected to any municipal utility, which might become necessary to permit construction of the **PROJECT**. The **MUNICIPALITY** agrees to hold the **DEPARTMENT** harmless from any claims for damages occurring as a result thereof.

J. Intentionally Omitted

- K. The **MUNICIPALITY** agrees to maintain all improvements and fixtures constructed, installed or furnished as a part of the **PROJECT** in such a manner as is necessary to preserve the use and function thereof as intended by the **PROJECT**.

- L. The **MUNICIPALITY** agrees to keep the right-of-way of the **PROJECT** inviolate from all encroachments and agrees to remove, or cause to be removed, any private installation, advertising sign, device or fixture which may encroach thereon.

M. Intentionally Omitted

N. Intentionally Omitted

- O. The **DEPARTMENT** may postpone, suspend, abandon or otherwise terminate this **AGREEMENT** upon thirty (30) days written notice to the **MUNICIPALITY** and in no event shall any such action be deemed a breach of contract. Postponement, suspension, abandonment or termination may be taken for any reason by the **DEPARTMENT** or specifically as the result of any failure by the **MUNICIPALITY** to perform any of the services required under this **AGREEMENT** to the satisfaction of the **DEPARTMENT**.

- P. The **MUNICIPALITY** certifies, by signing this Agreement, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. If the **MUNICIPALITY** is unable to certify to this statement, it shall attach an explanation to this Agreement. The **MUNICIPALITY** shall promptly notify MaineDOT if it or its principals becomes debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

- Q. The **MUNICIPALITY** 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.

- R. All provisions of this AGREEMENT, *except those provided above in Paragraphs J-M* shall expire at **PROJECT** final voucher, or upon final payment by the **MUNICIPALITY** of any **PROJECT** costs as hereinbefore provided, whichever occurs later.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT in duplicate effective on the day and date last signed below.

7-21-11

Date

CITY OF PORTLAND

By: Mark H. Rees

Mark H. Rees, City Manager

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

26 July 2011

Date

By: Dale Doughty

Dale Doughty, Director
Maintenance & Operations

APPENDIX A

MUNICIPAL/STATE AGREEMENT

BETWEEN THE

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

AND THE

CITY OF PORTLAND

REGARDING

PROPOSED IMPROVEMENTS TO TRAFFIC SIGNALS ALONG ROUTE 9, ROUTE
22 AND SKYWAY DRIVE

FEDERAL AID PROJECT NO. STP-1785(800)X
STATE PROJECT IDENTIFICATION NUMBER (PIN) 17858.00

Project Scope: Coordination of existing traffic signals: See Attached

Work Element	Westbrook Share	Portland Share	Federal Share		Total Cost
			MPO Portion	MaineDOT Portion	
Overall project	1,750.00	28,250	120,000		150,000

Payment Schedule:

Entity Name	Payment Amount	Estimated Invoice Date
Payment at award (Westbrook)	1,750	December 2011
Estimated final close out payment (Westbrook)	0	Summer 2012
Payment at award (Portland)	5,600	December 2011
Estimated final close out payment (Portland)	22,600	Summer 2012

CT: _____
TEDOCS#: _____

MODIFICATION TO A COOPERATIVE AGREEMENT
Modification No. 1

PROGRAM: Traffic Engineering
MDOT Contact: James Mansir, Project Manager

Project Location: Portland and Westbrook
State P.I.N. #: 17858.00
Federal P.I.N. #: STP-1785(800)X
Appropriation #: 9095

Original Agreement Date: February 28, 2011
Modified Agreement Date: _____

This Modification hereby amends a Cooperative Agreement that was executed by the Department with PACTS and the Cities of Portland and Westbrook on February 28, 2011 for traffic signal coordination and associated upgrades, along Route 22, as follows:

1. The total estimated cost of the Project shall be increased from \$70,000 to \$150,000.
2. The PACTS (federal share) shall remain at 80% of federally participating costs. However, the capped amount shall increase from \$56,000 to \$120,000.
3. The Portland (local share) shall be revised from 17.5% to 18.83% of federally participating costs. Portland's share shall increase from \$12,250 to \$28,250.
4. The Westbrook (local share) shall be revised from 2.5% to 1.17% of federally participating costs. Westbrook's share will remain at \$1,750.

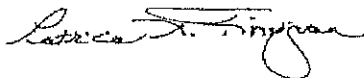
All other terms and conditions of the original Agreement shall remain in effect. The Department, PACTS and the Municipalities by their duly authorized representatives have executed this modification to said original Agreement on the date last signed below.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT effective on the day and date last signed.



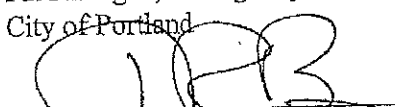
Date 6-20-2011

John Duncan, Director,
Portland Area Comprehensive Transportation System



Date 7-7-2011

Pat Finnigan, Acting City Manager,
City of Portland


Jerre Bryant, City Administrator,
City of Westbrook

Date 7-26-11


Dale Doughty, Director, Bureau of Maintenance and Operations
Maine Department of Transportation

Date 26 July 2011

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 201-13/4
Tab 23 4-7-14
Tab 19 4-28-14*

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 20. POLICE,
ARTICLE IV. Additional Authority
Section 20-36
Re: Statewide Arrest Powers**

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

*1. That Chapter 20, Article IV, Section 20-36 of the Portland
City Code is hereby amended to read as follows:*

Sec. 20-36. Authority granted.

(a) Arrests outside the city's geographic boundaries. In addition to any other authority conferred by law, law enforcement officers of the Portland Police Department who have met the requirements of 25 M.R.S.A., § 2804-C are authorized, pursuant to 30-A M.R.S.A., § 2671, subsection 2-A, to perform the acts listed below while outside the geographic boundaries of the city: to perform any of the acts described in 17-A M.R.S.A., § 15 while the police officers are outside the jurisdiction of the City of Portland if, when possible, the law enforcement agency of the municipality in which the arrest is to be made is notified in advance or, when not possible, the law enforcement agency of the municipality in which the arrest has been made is notified immediately after the arrest.

~~(1) Arrest without warrant a person who has committed in the officer's presence or is committing in the officer's presence a Class A, B or C crime defined in 17-A M.R.S.A. Chapters 9, 11, 13, 17, 27 or 33, while the officer is on or off duty; or~~

~~(2) Arrest without warrant a person for a crime committed in the city if:~~

- a. ~~The arrest is made as part of an ongoing criminal investigation made by an officer while on duty and assigned to the investigation;~~
- b. ~~The law enforcement agency of the municipality in which the arrest is to be made is notified in advance; and~~
- c. ~~If the arrest is authorized by 17-A M.R.S.A. § 15, subsection 1, paragraph A.~~

~~As used in this section, the phrase "committed in the officer's presence or is committing in the officer's presence" has the same meaning as provided in 17-A M.R.S.A. § 15, subsection 2.~~

(b) *Representation of the city in state district court.*
Pursuant to 30-A M.R.S.A. § 2671, subsection 3, a law enforcement officer of the Portland Police Department who is certified by the Maine Criminal Justice Academy, under 25 M.R.S.A. § 2803, subsection 3-A, and approved in writing by the chief of police, may represent the city in district court in the prosecution of alleged violations of ordinances which the officer may enforce.

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Chief Michael J. Sauschuck

DATE: 3/26/14

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

SUBJECT: Statewide Arrest Powers

SPONSOR: n/a

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading April 7, 2014 Final Action _____

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)

Chief Sauschuck will provide explanation as requested.

I. SUMMARY OF ISSUE (Agenda Description)

This agenda item asks the City Council to amend City ordinance section 20-36 to allow Portland Police Officers to exercise their legal authority to make warrantless arrests beyond the City's jurisdictional limits.

It should be noted that this amendment was unanimously voted (3-0) out of the Public Safety sub-committee on March 18th.

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

Maine places statutory limits on a police officer's authority to make an arrest outside of the jurisdictional limits of the municipality in which an officer serves. The Maine legislature has, however, given municipalities the option of granting its police officers statewide arrest powers in any case in which the officer has legal authority to make a warrantless arrest. Title 30-A M.R.S.A. 2671 (2-A).

The granting of this statewide arrest power will allow the police department to compete with the increased mobility of criminals while also allowing us to investigate and file charges in mobile incidents encompassing multiple crimes and jurisdictions. This

amendment will also allow the police department to further enhance our collaborative efforts with other local, state, and federal law enforcement partners.

III. INTENDED RESULT

Ammendment of City ordinance section 20-36.

IV. COUNCIL GOAL ADDRESSED

I believe this ordinance amendment will provide for an enhanced level of customer service while also making our delivery of services more efficient.

V. FINANCIAL IMPACT

None

VI. STAFF ANALYSIS

See attached memo.

VII. RECOMMENDATION

Passage of the ordinance.

VIII. LIST ATTACHMENTS

Copy of a memo explaining this request and the reasoning behind it.

Prepared by:

____MJS_____
Signature

____3/26/14_____
Date

PORTLAND POLICE DEPARTMENT
INTERDEPARTMENTAL CORRESPONDENCE

April 16, 2013

TO: Mayor Brennan
Mark Rees, City Manager
Danielle West-Chuhta, Corporation Counsel

FROM: Michael J. Sauschuck, Chief of Police

SUBJECT: Statewide Arrest Powers

Maine places statutory limits on a police officer's authority to make an arrest outside of the jurisdictional limits of the municipality in which an officer serves. Police officers operating outside of their jurisdictional boundaries must be either acting pursuant to an arrest warrant or as a result of exigent circumstances; i.e. pursuing a fleeing felon. The Maine legislature has, however, wisely given municipalities the option of granting its police officers statewide arrest powers in any case in which the officer has the legal authority to make a warrantless arrest. Title 30-A M.R.S.A. §2671 (2-A).

I am seeking your support in asking the City Council to amend City ordinance section 20-36 to allow Portland officers to exercise their legal authority to make warrantless arrests beyond the City's jurisdictional limits. Police work has evolved over time and police departments have become professional and well-trained agencies that work alongside and partner with federal, state and municipal police departments.

The grant of the power to make statewide arrests allows law enforcement to compete with the increased mobility of criminals, allows a single agency to investigate and file charges in mobile incidents encompassing multiple crimes (abductions, drug trafficking) and facilitates mutual aid agreements between municipal departments. In Portland, our officers participate in a number of inter-agency task forces and have officers assigned on a continuing basis to the Maine Drug Enforcement Agency. The City has also signed mutual aid agreement with every police department in Cumberland County, except Bridgton.

In addition, the department is often called upon to assist the Maine State Police, the United States Marshals, the Maine Warden Service and the Marine Patrol. Our officers also provide our fellow municipal departments with K-9 assistance, drug recognition technicians in cases of impaired driving and our dive team has recently consolidated with South Portland's team.

Specifically, officers with statewide arrest powers will have the authority, pursuant to Title 17-A M.R.S.A. §15 to make warrantless arrests, anywhere in the state, of any person who the officer has probable cause to believe has committed:

- (1) Murder;
 - (2) Any Class A, Class B or Class C crime (all felonies);
-

- (3) Any offense defined in chapter 45 (drug crimes);
- (4) Assault, criminal threatening, terrorizing, stalking, criminal mischief, obstructing the report of a crime or reckless conduct;
- (6) Domestic violence assault, criminal threatening, terrorizing, stalking or reckless conduct;
- (7) Harassment;
- (8) A violation of a protection from abuse or harassment order;
- (9) A violation of a sex offender registration provision; or
- (10) A violation of bail conditions.

This is not a complete list (a copy of the statute is attached) but it does represent the most serious criminal statutes officers are asked to enforce.

This ordinance change will serve to protect and promote the health, safety and welfare of the residents of Portland through prudent, efficient and creative use of department resources. The ability of officers to collaborate with other agencies will ensure that officers can quickly identify and respond to an offender's location, track criminal enterprises or find a victim in need of assistance. I am confident that the increased authority that this ordinance will allow officers to exercise will improve our response to crime and benefit officers by providing them with tort and qualified immunity protection beyond Portland's borders.

I am asking for your permission to bring this issue and the attached ordinance amendment before the Public Safety Committee for their review. Please let me know if you have any questions about this proposal or if you would like to meet to discuss it in greater detail. Thank you.

ARTICLE IV. ADDITIONAL AUTHORITY

Sec. 20-36. Authority granted.

(a) Arrests outside the city's geographic boundaries.

In addition to any other authority conferred by law, law enforcement officers of the Portland Police Department who have met the requirements of Title 25, section 2804-C are authorized, pursuant to 30-A M.R.S.A. § 2671 subsection 2-A to perform the acts listed below while outside the geographic boundaries of the city: to perform any of the acts described in Title 17-A, section 15 while the police officers are outside the jurisdiction of the City of Portland if, when possible, the law enforcement agency of the municipality in which the arrest is to be made is notified in advance or, when not possible, the law enforcement agency of the municipality in which the arrest has been made is notified immediately after the arrest.

~~(1) Arrest without warrant a person who has committed in the officer's presence or is committing in the officer's presence a Class A, B or C crime defined in 17-A M.R.S.A. Chapters 9, 11, 13, 17, 27 or 33, while the officer is on or off duty; or~~

~~(2) Arrest without warrant a person for a crime committed in the city if:~~

~~a. The arrest is made as part of an ongoing criminal investigation made by an officer while on duty and assigned to the investigation;~~

~~b. The law enforcement agency of the municipality in which the arrest is to be made is notified in advance; and~~

~~c. If the arrest is authorized by 17-A M.R.S.A. § 15, subsection 1, paragraph A.~~

~~As used in this section, the phrase "committed in the officer's presence or is committing in the officer's presence" has the same meaning as provided in 17-A M.R.S.A. § 15, subsection 2.~~

(b) Representation of the city in state district court.

Pursuant to 30-A M.R.S.A. § 2671, subsection 3, a law enforcement officer of the Portland Police Department who is certified by the Maine Criminal Justice Academy, under 25 M.R.S.A. § 2803, subsection 3-A, and approved in writing by the chief of police, may represent the city in district court in the prosecution of alleged violations of ordinances which the officer may enforce.

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 202-13/14
Tab 24 4-7-14
Tab 20 4-28-14*

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

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14. LAND USE
ARTICLE III. Zoning,
DIVISION 25. Space and Bulk Regulations and Exceptions,
Section 14-433**

**Re: Allowing Accessory Structures in R-3 and R-5 Zones to be
Converted to Dwelling Units Without Meeting Setback Requirements**

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

*1. That Chapter 14, Article III, Division 25. Space and Bulk
Regulations and Exceptions, Section 14-433 of the Portland City
Code is hereby amended to read as follows:*

**Sec. 14-433. Lots of record and accessory structure setbacks for
existing buildings.**

Any lot of record as of June 5, 1957, and held under separate and distinct ownership from adjacent lots and having a street frontage of forty (40) feet, or to which a means of access has been previously approved by the city council as provided elsewhere in this article, may be considered a buildable lot in any residential zone except as provided below for island residential zones, with a minimum lot size of five thousand (5,000) square feet, except that a lot in the R-6 zone may have a minimum lot size of three thousand (3,000) square feet, provided that the applicable yard dimensions can be met.

A lot in the R-1, R-2, R-3, R-4, R-5, R-5A or R-6 zones that was described in a subdivision plat approved by the Planning Board after June 5, 1981, or a lot of record that conformed to the applicable lot size requirement, lot width and street frontage as of June 5, 1984, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.

Where such a lot has a principal structure which existed as

of July 19, 1988, an accessory structure or building addition may be located within the following side and rear yards, provided that the normal applicable yard requirements cannot be met provided, however, that less restrictive zoning requirements which meet the requirements contained within 14-139(b) for residential small lot development shall apply:

a. R-1, R-2:

Rear yard: Ten (10) feet.

Side yard: Five (5) feet.

b. R-3, R-4, R-5, R-5A, R-6:

Rear yard: Five (5) feet.

Side yard: Five (5) feet.

Any detached or accessory structure in the R-3, R-4, R-5 or R-6 zones, with a ground coverage exceeding two hundred fifty (250) square feet and which was in existence on January 1, 1940, may be converted to dwelling uses ~~units~~ without meeting front, side or rear ~~yard~~ setbacks, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum land area per dwelling unit.

Any such conversion in the R-3 zone or on a nonconforming lot in the R-5 zone shall be a conditional use subject to the requirements of section 14-88(a)2 for lots in the R-3 zone, or to the requirements of section 14-118(a)5 for nonconforming lots in the R-5 zone, and shall be in lieu of any additional dwelling units authorized under sections 14-88 or 14-118.

Any lot of record as of July 15, 1985, and held under separate and distinct ownership from adjacent lots and meeting the applicable street frontage requirements of that time may be considered a buildable lot in the IR-1 and IR-2 zones, provided that the applicable yard dimensions can be met and provided further that a lot in the IR-1 zone shall have a minimum area of ten thousand (10,000) square feet and a lot of the IR-2 zone shall have a minimum area of six thousand five hundred (6,500) square feet unless it is served by both public sewer and public water, in which case it shall have a minimum area of five thousand (5,000) square feet.

A lot in the IR-1, IR-2 and I-B zones that was described in a subdivision plat approved by the Planning Board after July 15, 1982, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.

**City of Portland, Maine
City Council Agenda Request Form**

TO: City Council

FROM: Alexander Jaegerman, Planning Division Director

DATE: March 26, 2014

DISTRIBUTION: Mark Rees, City Manager; Mayor Brennan; Danielle West-Chuhta, Corporation Counsel Sonia Bean, Senior Administrative Assistant; Nancy English

SUBJECT: Order - Ordinance Amendment

SPONSOR: Stuart O'Brien, Chair, Portland Planning Board

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading: April 7th, 2014 Final action: April 23rd, 2014

Can action be taken at a later date: X YES NO If not, why not: _____.

PRESENTATION: Chair of Planning Board, 5 mins

I. SUMMARY OF ISSUE

The Planning Board is unanimously recommending a minor zoning text amendment to add the R-3 and R-5 zones to existing text in 14-433 *Lots of record and accessory structure setbacks for existing buildings* that allows pre-1940 carriage houses in the R-4 and R-6 zones to be used as a dwelling unit without meeting the zone setback requirements (but meeting all other zone standards). The amendment also adds some qualifying text to clarify that the conditional use requirements of the R-3 and R-5 zones remain applicable and to ensure that the density objectives of those zones would not be altered.

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

The existing text in 14-433 allows for the conversion of carriage houses in the R-4 and R-6 zones and waives the setback requirements of the zone. The applicant, Mr Tim Keiter, of 140 William Street, has requested that the existing text be amended to apply to the R-3 zone, where he owns a single family home and would like to have an inlaw apartment in an existing 1905 carriage house that does not meet the zone setback requirements. The Planning Board requested that the R-5 zone also be added to the existing text as some carriage houses are also located in that residential zone.

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

The existing text in 14-433 was added to the ordinance some years ago in response to potential loss of historically important large carriage houses in the West End (which is zoned R-4 and R-6), and its intent was reinforced by the ground coverage and age related qualification. The applicant has a similar carriage house but is located in the R-3, so the intent of the amendment is to allow carriage houses outside the R-4 and R-6 zones to be eligible for the same setback relief and so encourage their reuse.

IV. COUNCIL GOAL ADDRESSED

The proposed ordinance amendment addresses the Council Goal to "promote housing availability" as it offers the opportunity to provide housing for inlaws, or others in need, within certain existing accessory structures such as carriage houses.

V. FINANCIAL IMPACT

There is no financial impact on the City.

VI. STAFF ANALYSIS & RECOMMENDATION

The proposed zoning text amendment (below) corrects a typo (to correct “year” to “yard”) and the Associate Corporation Counsel has added another correction to the original text, to change “uses” to “units”. The new paragraph qualifies the text in respect of the R-3 and R-5 zones and was subject to extensive discussion during the Planning Board review.

Any detached or accessory structure in the R-3, R-4, R-5 or R-6 zones, with a ground coverage exceeding two hundred fifty (250) square feet and which was in existence on January 1, 1940, may be converted to dwelling ~~uses~~ units without meeting front, side or rear yard set backs, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum land area per dwelling unit.

Any such conversion in the R-3 zone or on a nonconforming lot in the R-5 zone shall be a conditional use subject to the requirements of Section 14-88(a)(2) for lots in the R-3 zone, or to the requirements of Section 14-118(a)(5) for nonconforming lots in the R-5 zone, and shall be in lieu of any additional dwelling units authorized under Sections 14-88 or 14-118.

The wording was crafted to maximize clarity, address several of the applicant’s concerns about possible miss-interpretation, and confirm that in the R-3 and R-5 zones only one accessory unit per lot may be created, either in the principle dwelling or in the carriage house- to ensure no unintended increase in density for the zone.

VII. PLANNING BOARD RECOMMENDATION

The Planning Board held a public hearing on March 11th, 2014 and unanimously voted (6-0, Soley absent) to approve the following recommendations:

On the basis of the application, plans, reports and other information submitted by the applicant, the policies and requirements of the R-3 and R-5 zones, the Comprehensive Plan, public comment, staff comments and recommendations contained in in the Planning Board Report for the public hearing on March 11, 2014 for application #2014-007, and the testimony presented at the Planning Board Hearing, the Planning Board finds:

- A. That the proposed text amendment to Section 14-433 to allow defined existing accessory structures in the R-3 and R-5 zones to be converted to dwelling units without meeting the setback requirements is consistent with the Comprehensive Plan; and
- B. That the Planning Board therefore does recommend adoption of the proposed text amendment to 14-433 to the City Council.

VIII. Attachments:

Order for Text Amendment
City Council Report

3/26/2014 JF



CITY COUNCIL REPORT PORTLAND, MAINE

Amendment to Division 25 Space and Bulk Regulations and Exceptions,
Section 14-433 Lots of record and accessory structure setbacks for existing buildings

[To allow defined existing accessory structures in the R-3 and R-5 zones to be converted to dwelling units
without meeting the setback requirements]

Project #: 2014-007 CBL 192-C001001
Tim Keiter, Applicant

Submitted to: CITY COUNCIL	Prepared by: Jean Fraser, Planner
First Reading: April 7 th , 2014	Date: March 26 th , 2014
Second Reading (Hearing): April 23rd, 2014	City Council Report e-plan #2014-007

I. INTRODUCTION

This zoning amendment is proposed to allow existing carriage houses in the R-3 and R-5 zone to be converted to a dwelling unit without meeting the zoning setback requirements but subject to all other standards of the zone, as is already allowed in the R-4 and R-6 zones in ordinance section 14-433 (the carriage house must have been in existence prior to 1940 and at least 250 sq ft in area). The amendment involves adding the R-3 and R-5 zones to the existing text and adding some qualifying text to clarify that the conditional use requirements of the R-3 and R-5 zones remain applicable.

The applicant is a private homeowner who originally requested the amendment to apply to the R-3 zone where he owns a single family home and would like to have an inlaw apartment in an existing 1905 carriage house ([Attachment A](#)).

The applicant's property is located in the R-3 zone at the corner of William Street and Brighton Avenue and abuts the R-5 zone. The lot is large (just over 15,000 sq ft) and the carriage house dates from 1905 with a floor area of about 500 sq ft. It is close to the property boundaries and does not meet the R-3 setback requirements for accessory structures.



The Planning Board requested the amendment be widened to include the R-5 zone so that, if approved, the existing text regarding the reuse of carriage houses would apply to the R-3, R-4, R-5 and R-6 zones.

The Board, staff and the applicant worked together to develop the text amendment that is presented for City Council adoption, which reads:

14-433 ...

Any detached or accessory structure in the R-3, R-4, R-5 or R-6 zones, with a ground coverage exceeding two hundred fifty (250) square feet and which was in existence on January 1, 1940, may be converted to dwelling ~~uses~~ units without meeting front, side or rear yard set backs, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum land area per dwelling unit.

Any such conversion in the R-3 zone or on a nonconforming lot in the R-5 zone shall be a conditional use subject to the requirements of Section 14-88(a)(2) for lots in the R-3 zone, or to the requirements of Section 14-118(a)(5) for nonconforming lots in the R-5 zone, and shall be in lieu of any additional dwelling units authorized under Sections 14-88 or 14-118.

II. PLANNING BOARD RECOMMENDATION

The Planning Board held a public hearing on March 11th, 2014 and unanimously voted (6-0, Soley absent) to approve the following recommendations:

On the basis of the application, plans, reports and other information submitted by the applicant, the policies and requirements of the R-3 and R-5 zones, the Comprehensive Plan, public comment, staff comments and recommendations contained in in the Planning Board Report for the public hearing on March 11, 2014 for application #2014-007, and the testimony presented at the Planning Board Hearing, the Planning Board finds:

- A. That the proposed text amendment to Section 14-433 to allow defined existing accessory structures in the R-3 and R-5 zones to be converted to dwelling units without meeting the setback requirements is consistent with the Comprehensive Plan; and
- B. That the Planning Board therefore does recommend adoption of the proposed text amendment to 14-433 to the City Council.

III. PUBLIC NOTICING

The proposal to amend section 14-433 was posted on the city's web page and advertised in the *Portland Press Herald* at least two weeks before the City Council Hearing. Notices were sent to the interested citizen list.

IV. CURRENT RELEVANT ZONING

The existing text that allows for the conversion of carriage houses in the R-4 and R-6 zones and waives setbacks is quoted below (Division 25 Space and Bulk Regulations ad Exceptions, Section 14-433 *Lots of record and accessory structure setbacks for existing buildings, fourth para*):

Any detached or accessory structure in the R-4 or R-6 zones, with a ground coverage exceeding two hundred fifty (250) square feet and which was in existence on January 1, 1940, may be converted to dwelling uses without meeting front, side or rear year set backs, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum land area per dwelling unit.

It is understood that this provision was added some years ago in response to potential loss of historically important large carriage houses in the West End (which is zoned R-4 and R-6), and its intent was reinforced by the ground coverage and age related qualification.

All residential zones allow for accessory units within the principal structures on the site, with slightly different levels of required review. The review requirements are summarized in the table below. In the R-5 and R-6 zone the issue is complicated by the fact that duplexes are permitted uses.

Table 1: Accessory unit references in residential zones

	R-1	R-2	R-3	R-4	R-5	R-6
Accessory units allowed	Conditional use 14-68 (a) (2)	Conditional use 14-78 (a) (2)	Conditional use and must meet conditions in 14-88 (a) (2)	Conditional use 14-103 (a) (2)	Two family dwelling permitted; on non-conforming lot where dwelling predates 9.3.2008 is conditional.	Two family dwelling permitted; Multi family dwellings resulting from alteration of a structure permitted subject to conditions.
Size limit	>30% of gross floor area of prin bldg. and min of 400 sq ft	>30% of gross floor area of prin bldg. and min of 400 sq ft	>30% of gross floor area of prin bldg. and min of 400 sq ft	Min of 600 sq ft and max volume inc. & not reduce other to less than 1000 sf	30% of gross floor area of prin bldg. and min of 400 sq ft	Min of 600 sq ft and not reduce other to less than 1000 sq ft
Min lot area for cond use	10,000 sq ft pre May 1984; 15,000 sq ft after	8,000 sq ft pre May 1984; 10,000 sq ft after	6,500 sq ft	3000 sq ft per dwelling unit	Min of 4000 sq ft; max of 6000 sq ft	
Carriage house may be converted if pre-1940 and >250 sq ft	[Note: Few carriage houses in this zone]	[Note: Few carriage houses in this zone]		Yes- currently under 14-433		Yes currently under 14-433

V. PROPOSED AMENDMENT

The applicants property is located within the R-3 zone and the applicant seeks to amend the text to allow for the use of the carriage house on this property for an in-law apartment (Attachment A). The application included a proposed text amendment that was discussed at the Planning Board Workshop on 2.11.2014 and the Board directed:

- That the amendment should also add the R-5 zone into the relevant provision (quoted above) that currently refers to the R-4 and R-6 zones;
- That the text amendment suggested by staff in the PB Memo, to include the R-5 zone, should be simplified to avoid repetition, with suggested wording offered by the Chair of the Planning Board.

Staff have addressed the Board's comments and developed the proposed text amendment below:

14-433 ...

Any detached or accessory structure in the R-3, R-4, R-5 or R-6 zones, with a ground coverage exceeding two hundred fifty (250) square feet and which was in existence on January 1, 1940, may be converted to dwelling ~~uses~~ units without meeting front, side or rear yard set backs, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum land area per dwelling unit.

Any such conversion in the R-3 zone or on a nonconforming lot in the R-5 zone shall be a conditional use subject to the requirements of Section 14-88(a)(2) for lots in the R-3 zone, or to the requirements of Section 14-118(a)(5) for nonconforming lots in the R-5 zone, and shall be in lieu of any additional dwelling units authorized under Sections 14-88 or 14-118.

The existing text has been amended to correct a typo (to correct "year" to "yard") and the Associate Corporation Counsel has added the other correction to the original text, to change "uses" to "units".

The new paragraph qualifies the text in respect of the R-3 and R-5 zones and was subject to extensive discussion during the Planning Board review. The wording was crafted to maximize clarity and address several of the applicant's concerns about possible miss-interpretation.

In order to appreciate the full implications of the wording, the cross referenced ordinance sections are quoted below:

Re R-3 Zone - 14.88 (a) 2.

Alteration or construction of a detached single-family dwelling to accommodate one (1) additional dwelling unit for the benefit of homeowners or tenants, provided that:

- a. The accessory unit shall be no more than thirty (30) percent of the gross floor area of principal building and shall have a minimum floor area four hundred (400) square feet; gross floor area shall exclude any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level; gross floor area may include attic space if such space shall be included as habitable space within either dwelling unit;
- b. There shall be no open outside stairways or fire escapes above the ground floor;
- c. Any building additions or exterior alterations such as facade materials, building form, or roof pitch shall be designed to be compatible with the architectural style and to maintain the single-family appearance of the dwelling;
- d. A minimum lot size of six thousand five hundred (6,500) square feet of land area shall be required;
- g. No dwelling unit shall be reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement or attic;
- h. Parking shall be provided as required by division 20 of this article;
- i. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:
 - i. Any additions or exterior alterations such as facade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building;
 - ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.
- j. Either the accessory unit or principal unit shall be occupied by the lot owner, except for bona fide temporary absences.

Re R-5 Zone 14.118 (a) 5.

Alteration of a single-family dwelling existing as of September 3, 2008 on a nonconforming lot to accommodate an accessory dwelling unit within and clearly subordinate the principal structure provided that:

- a. The accessory unit shall have a minimum floor area of four hundred (400) square feet that represents no more than thirty (30) percent of the gross floor area of the principal dwelling unit. Gross floor area shall exclude any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level and may include the attic if such space is habitable.
- b. The principal dwelling unit shall be located on a lot of no less than four thousand (4,000) square feet and no more than six thousand (6,000) square feet;
- c. Either the accessory or principal dwelling unit shall be occupied by the owner of the lot, except for bona fide absences of a temporary nature;
- d. Parking shall be provided as required by Division 20 of this article.
- e. There shall be no open, outside stairways or fire escapes above the ground floor; and
- f. The project shall be subject to Article V for site plan review and approval and the following additional standards:
 - i. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the single family appearance of the building; and
 - ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped properly to screen vehicles from adjacent properties and streets.

VI. STAFF ANALYSIS

The development of the text has addressed the need to ensure clarity on the following four points:

- Clarification that in the R5 zone it only applies to non-conforming lots- as conforming lots could have a duplex as a permitted use if there is adequate lot area;
- Clarification that any accessory unit would be subject to the conditional use provisions of the relevant zone (these would be reviewed by the Zoning Board of Appeals);
- Clarification that in the R3 and R5 zones only one accessory unit per lot may be created, either in the principle dwelling or in the carriage house- to ensure no unintended increase in density for the zone;
- Clarification that all the other dimensional requirements (except setbacks) would apply- which has not been called out in the new text as it is addressed by the existing principle clause and is the same for all four zones.

A further point raised by the applicant concerned the application of the following R-3 conditional use requirement:

14-88 (a) 2 g. *No dwelling unit shall be reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement or attic;*

The applicant is concerned that the application of this requirement is not clear (Attachment B) - would the area of the carriage house be subtracted from the floor area of the principle dwelling? While this would not impact the applicant's ability to convert the carriage house at 140 William Street, it could be problematic where there was a large carriage house and a relatively small main dwelling house.

The Zoning Administrator has confirmed that the floorspace of the accessory unit within a carriage house would not be relevant to this requirement, as the principal dwelling unit would not be altered (Attachment 1).

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan includes the following policy from *HOUSING: SUSTAINING PORTLAND'S FUTURE* – November 18, 2002:

Policy #1: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.

Policy #3: Maintain and enhance the livability of Portland's neighborhoods as the city grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.

The proposed text amendment enhances the livability of the R-3 and R-5 neighborhoods by allowing the applicant and others with similar existing older accessory structures to create an additional dwelling unit to meet the owner's needs (eg for an in law). The cross-references to specific zone sections (in the proposed text) require either the principal unit or the accessory unit to be occupied by the owner of the lot. Therefore the housing provided through conversion of a carriage house is likely to meet a need of the owner, and may allow them to remain in the neighborhood rather than moving to a larger (or smaller) dwelling elsewhere.

The proposed amendment also addresses the Comprehensive Plan Policy:

"State Goal I: To preserve the States historic and archeological resources"

as it facilitates the reuse and preservation of historic structures, such as carriage houses, that may be located in the R-3 and R-5 residential zones.

VIII. PLANNING BOARD RECOMMENDATION

The Planning Board held a public hearing on March 11th, 2014 and unanimously voted (6-0, Soley absent) to approve the following recommendations:

On the basis of the application, plans, reports and other information submitted by the applicant, the policies and requirements of the R-3 and R-5 zones, the Comprehensive Plan, public comment, staff comments and recommendations contained in in the Planning Board Report for the public hearing on March 11, 2014 for application #2014-007, and the testimony presented at the Planning Board Hearing, the Planning Board finds:

- A. That the proposed text amendment to Section 14-433 to allow defined existing accessory structures in the R-3 and R-5 zones to be converted to dwelling units without meeting the setback requirements is consistent with the Comprehensive Plan; and
- B. That the Planning Board therefore does recommend adoption of the proposed text amendment to 14-433 to the City Council.

ATTACHMENTS

Staff comments

1. Zoning Administrator 3.6.2014 re interpretation of 14-88 (a) 2g

Public comments (none received)

Applicants submittal

- A. Applicants application for a Text Amendment
- B. Applicants question re interpretation of 14-88 (a) 2 g

From: Marge Schmuckal
To: Alex Jaegerman; Jean Fraser; Jennifer Thompson
Date: 3/6/2014 8:01 PM
Subject: Re: draft PB report re 14-433 Text Amendment (R-3 and R-5)

Jean,
per your voice mail, I believe you were asking whether the remaining 1,000 sf for a dwelling unit would be affected. that was put into the Ordinance to prevent cutting units in half to make very small, sometimes efficiency units. Using a detached garage would not affect the existing units. They would remain whatever size that they are and would not be reduced in size.

does this answer your question?
Marge

Att. A

KAY HAMLIN & TIM KEITER

140 WILLIAM STREET
PORTLAND, MAINE 04103
(207) 272-0306

January 16, 2014

City of Portland
Planning Division
389 Congress Street, 4th Floor
Portland, Maine 04101

Re: Zoning Text Amendment Application/140 William Street

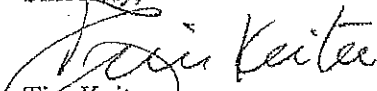
Dear Sir or Madam:

Pursuant to my conversations with Jean Fraser, I am enclosing with this letter the following materials:

1. Completed and signed Zoning Text Amendment Application Form.
2. Our application fee check, made payable to the City of Portland, in the amount of \$2,000.00.
3. Deed copy.
4. Vicinity Map.
5. Site Plan.
6. Proposed Text Change.

If you should need any further information or materials in connection with this application, please don't hesitate to contact me. Many thanks for your help with this application.

Sincerely,


Tim Keiter

Cc: Jean Fraser, Planner

PROJECT ADDRESS: 140 William St.

CHART/BLOCK/LOT: 081 B011 001

DESCRIPTION OF PROPOSED ZONE CHANGE AND PROJECT:

Zoning text change to allow in law apartment in existing carriage house.

CONTACT INFORMATION:

Applicant's Contact for electronic plans	
Name:	
e-mail Address	
work #	
Applicant – must be owner, Lessee or Buyer Name: <u>Tim Keiter</u> Business Name, if applicable: <u>—</u> Address: <u>140 William St.</u> City/State: <u>Portland, ME</u> Zip Code: <u>04103</u>	Applicant Contact Information Work # <u>(207) 774-5100</u> Home# <u>none</u> Cell # <u>(207) 329-5100</u> Fax# <u>(207) 774-5199</u> e-mail: <u>tkeiter@keiterassociates.com</u>
Owner – (if different from Applicant) Name: <u>Tim Keiter + Kay Hamilton</u> Address: <u>140 William St.</u> City/State: <u>Portland, ME</u> Zip Code: <u>04103</u>	Owner Contact Information Work # <u>(207) 774-5100</u> Home# <u>none</u> <u>(207) 272-0306 (KH)</u> Cell # <u>(207) 329-5100 (TK)</u> Fax# <u>(207) 774-5199</u> e-mail: <u>tkeiter@keiterassociates.com (TK)</u> <u>kehamilton@maine.rr.com (KH)</u>
Agent/ Representative Name: <u>none</u> Address: City/State: Zip Code:	Agent/Representative Contact information Work # Cell # e-mail:
Billing Information Name: <u>Tim Keiter</u> Address: <u>140 William St.</u> City/State: <u>Portland, ME</u> Zip Code: <u>04103</u>	Billing Information Work # <u>(207) 774-5100</u> Cell # <u>(207) 329-5100</u> Fax# <u>(207) 774-5199</u> e-mail: <u>tkeiter@keiterassociates.com</u>
Engineer Name: <u>none</u> Address: City/State: Zip Code:	Engineer Contact Information Work # Cell # Fax# e-mail:

Surveyor Name: <i>none</i> Address: City/State : Zip Code:	Surveyor Contact Information Work # Cell # Fax# e-mail:
Architect Name: <i>none</i> Address: City/State : Zip Code:	Architect Contact Information Work # Cell # Fax# e-mail:
Attorney Name: <i>none</i> Address: City/State : Zip Code:	Attorney Contact Information Work # Cell # Fax# e-mail:

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

<i>owner.</i>

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

Existing Use: Describe the existing use of the subject property:

<i>single family residential use with in-home occupation.</i>

Current Zoning Designation(s):

<i>R 3 zone</i>

Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

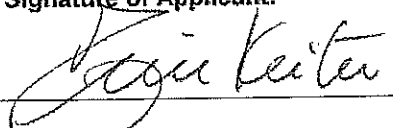
Main structure: single family use with in-home occupation.
Carriage House: additional living unit (in law apartment)
No improvements are proposed except for interior improvements
to carriage house to make it into a living unit.

Site Plan: On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1" = 50'.) Contract and conditional rezoning applications may require additional site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood.

APPLICATION FEE:

Check the type of zoning review that applies. Payment may be made in cash or check payable to the City of Portland.

Zoning Map Amendment ___ \$2,000.00 (from ___ zone to ___ zone)	Fees Paid (office use) ___	The City invoices separately for the following: • Notices (\$.75 each) (notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review is assessed separately.
Zoning Text Amendment ☒ \$2,000.00 (to Section 14- <u>433</u>) (For a zoning text amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example) and language to be added is depicted as underline (example))	___	
Combination Zoning Text Amendment and Zoning Map Amendment ___ \$3,000.00	___	
Conditional or Contract Zone ___ \$3,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)	___	

Signature of Applicant: 	Date: <u>January 16, 2014</u>
---	---

Further Information

In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.

WARRANTY DEED (LONG FORM)

KNOW ALL BY THESE PRESENTS,

THAT I, SUSAN N. BISSENETTE of Scarborough, Cumberland County, Maine, in consideration of one dollar and other valuable consideration paid by TIMOTHY S. KEITER and KAY E. HAMLIN, both of North Yarmouth, Cumberland County, Maine and whose mailing address is 83 Birchwood Terrace, North Yarmouth ME 04097, the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto Timothy S. Keiter and Kay E. Hamlin, as joint tenants, their heirs and assigns forever, the real estate in Portland, Cumberland County, Maine, more fully described on Exhibit A attached to this instrument.

TO HAVE AND TO HOLD the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to Timothy S. Keiter and Kay E. Hamlin, as joint tenants, their heirs and assigns, to them and their use and behoof forever.

AND I DO COVENANT with the Grantees, their heirs and assigns, that I am lawfully seized in fee of the premises; that they are free of all encumbrances except as above noted and further, except for current zoning and land use regulations; that I have good right to sell and convey to the said Grantees to hold as aforesaid; and that I and my heirs shall and will warrant and defend the same to Timothy S. Keiter and Kay E. Hamlin, their heirs and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, Susan N. Bissonnette has hereunto set her hand and seal this 28th day of March, 2005.

SIGNED, SEALED AND DELIVERED
IN PRESENCE OF

(Witness)

Susan N. Bissonnette
SUSAN N. BISSENETTE

STATE OF MAINE
Cumberland, ss.

March 28, 2005

Then personally appeared Susan N. Bissonnette and acknowledged the foregoing instrument to be her free act and deed.

Before me:

Rachel L. Bouchard
Notary Public/Attorney at Law

NOTARY PRINT NAME:

Rachel L. Bouchard

RACHEL L. BOUCHARD
ATTORNEY AT LAW

MAINE REAL ESTATE TAX PAID

EXHIBIT A

140 WILLIAM STREET, PORTLAND, CUMBERLAND COUNTY, MAINE

Portland Assessor's Map 81 Block B Lot 11

A certain lot or parcel of land with the buildings thereon, situated on the southeasterly side of William Street in the City of Portland, County of Cumberland and State of Maine, and being Lots #21 and #22 upon the plan of Fessenden Park in said Portland recorded in the Cumberland County Registry of Deeds in Plan Book 8 Page 87. Said lots are bounded as follows: Beginning on the northeasterly side of Brighton Avenue at the southerly corner of William Street; thence running northeasterly on said William Street one hundred thirty three and eleven hundredths (133.11) feet to a hub; thence southeasterly at right angles with said William Street one hundred twenty-one and one tenth (121.1) feet to a hub; thence southwesterly parallel with said William Street sixty six and three hundredths (66.03) feet to a hub on the easterly side of said Brighton Avenue; thence northwesterly on said Brighton Avenue to the point begun at.

Also a certain other lot or parcel of land situated on William Street in said City of Portland and described as follows: Beginning at a point distant one hundred thirty three (133) feet and eleven (11) inches from the intersection of the easterly sideline of Brighton Avenue and the southerly line of said William Street; thence running southerly along the easterly sideline of land now or formerly owned by one Clark to an iron hub; thence easterly parallel with the southerly sideline of William Street twenty-five (25) feet and six (6) inches to a point; thence parallel with the easterly sideline of said Clark land to a point in the southerly sideline of said William Street; and thence westerly by the southerly sideline of said William Street to the point of beginning; being the westerly half of Lot #20 on plan of Fessenden Park recorded in the Cumberland County Registry of Deeds in Plan Book 8, Page 87, to which plan reference is hereby made.

Meaning and intending to describe and convey the same premises conveyed to Susan N. Bissonnette by the warranty deed of Sumner C. Weeks, Jr. and Carol A. Weeks dated August 9, 1995 and recorded in the Cumberland County Registry of Deeds Book 12050 Page 129.

Received
Recorded-Register of Deeds
Nov. 28, 2005 03:11:19P
Cumberland County
John C. O'Brien

File No. BPA1406

Borrower or Owner Keiter, Timothy & Hamlin, Kay

Property Address 140 William Street

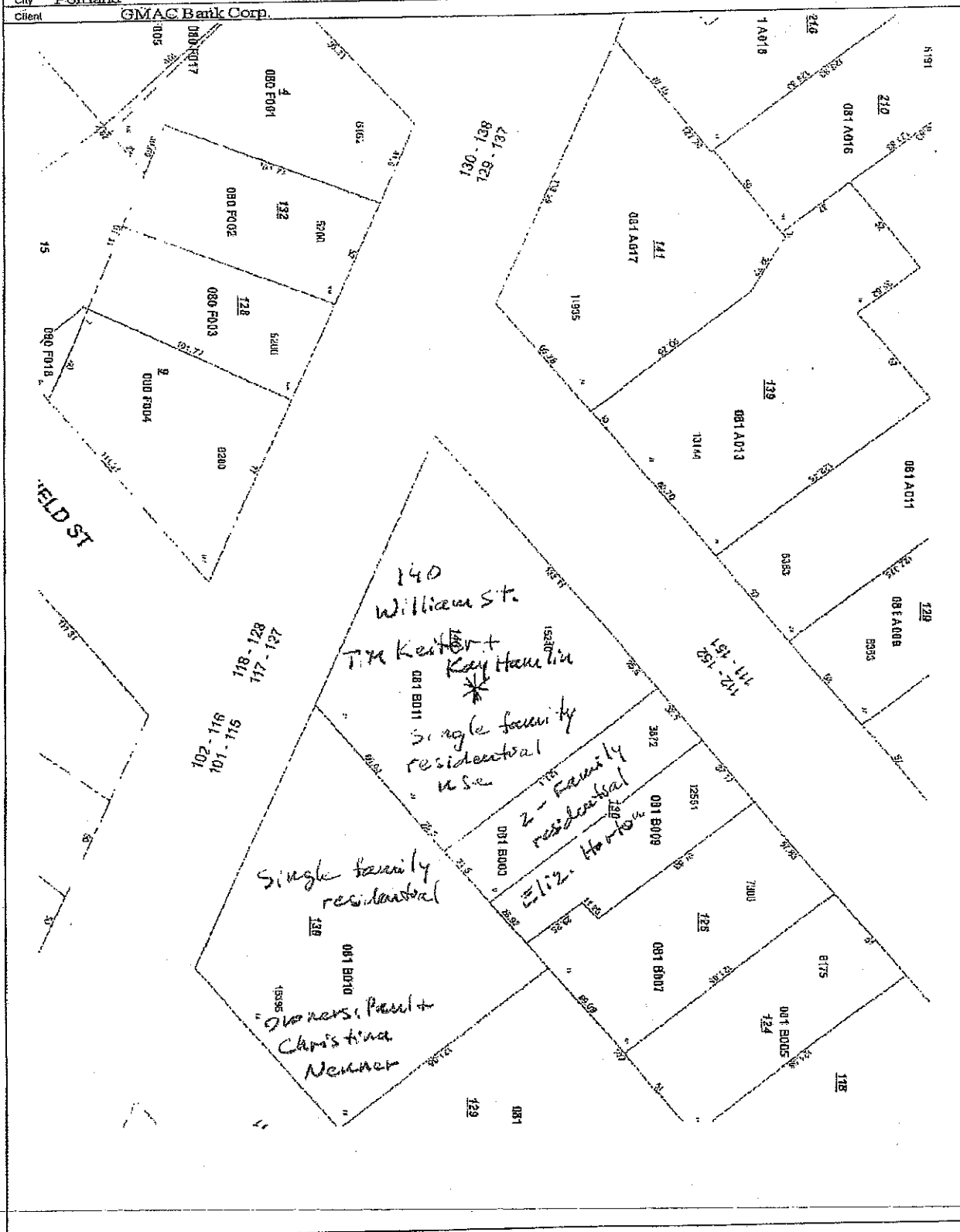
city Portland

County Cumberland

State ME

Zip Code : 04103-4841

Client GMAC Bank Corp.



SITE PLAN

THIS IS NOT A BOUNDARY SURVEY

INSPECTION OF PREMISES

I HEREBY CERTIFY TO Douglas Title Co.
Both Savings Institution and its Title Insurer

The monumentation is ~~not~~ in harmony with current deed description.

The building setbacks are ~~not~~ in conformity with town zoning requirements. "Grandfathered"

The dwelling does not ~~appear to~~ fall within the special flood hazard zone as delineated by the Federal Emergency Management Agency.

The land does not ~~appear to~~ fall within the special flood hazard zone as indicated on community-panel # 230051 0013 B

140 William Street
Portland, Maine

Job Number: 382-47

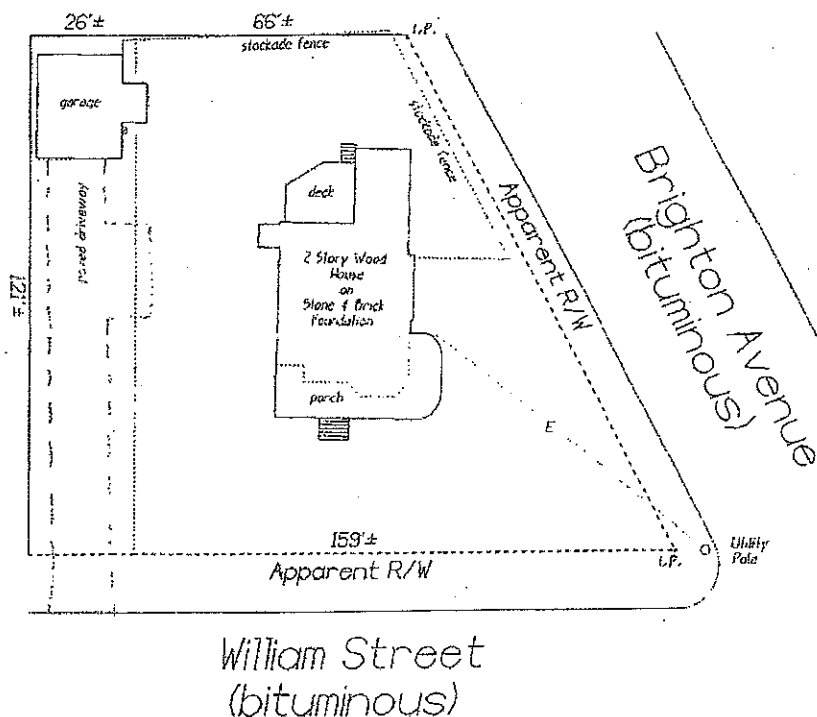
Inspection Date: 02-23-05

Scale: 1" = 40'

BUYER: Timothy Keiter &

Kay E. Hamlin

SELLER: Susan N. Bissonnette



THIS PROPERTY IS SUBJECT TO ALL RIGHTS AND EASEMENTS OF RECORD. THOSE THAT ARE EVIDENT ARE SHOWN. THIS PLAN MIGHT NOT REVEAL CONFLICTS WITH ABUTTING DEEDS.

Bruce R. Bowman

INCORPORATED

199 John Small Road
Chebeague Island, Maine 04017

Phone: (207) 846-1663

Fax: (207) 846-1664



PLAN BOOK 8 PAGE 67 LOT 20,21,22

DEED BOOK 12050 PAGE 129 COUNTY Cumberland

THIS PLAN IS NOT FOR RECORDING

Drawn by: *[Signature]*

Proposed text change to section 14-433 (4th paragraph):

Any detached or accessory structure in the R-3, R-4 or R-6 zones, with a ground coverage exceeding two hundred fifty (250) square feet and which was in existence on January 1, 1940, may be converted to dwelling uses without meeting front, side or rear year-yard set backs, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum land area per dwelling unit. in the R-3 zone, any such conversion to a dwelling use shall be a conditional use subject to requirements (a) through (j) of Section 14-88(a)(2), and shall be in lieu of and not in addition to the additional dwelling unit contemplated by that Section.

Att. B

From: "Tim Keiter" <tkeiter@keiterassociates.com>
To: "Jean Fraser" <JF@portlandmaine.gov>
CC: "Kay Hamlin" <kehamlin@maine.rr.com>
Date: 3/5/2014 3:52 PM
Subject: RE: Further suggestion re Text Amendment
Attachments: Proposed Text Change to Section 14-433 2014-03-05 (TSK clean).doc; Proposed Text Change to Section 14-433 2014-03-05 (TSK redlines).doc

Hi Jean, thanks for your message – I think these changes work!

I am attaching a further redline with a couple of proposals to just clean up the language a little further; please feel free to disregard them but I think the section reads better with them.

In re-reading Section 14-88(a)(2) just now, I noticed that subsection (g) requires that no unit be "reduced" to less than 1,000 square feet, and I just wanted to touch bases with you to confirm that this doesn't interfere with our conversion, since we aren't "reducing" a pre-existing unit.

As always, thanks so much for your help. Please don't hesitate to let me know if I can provide anything further at this point.

Many thanks - Tim

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Wednesday, March 05, 2014 3:27 PM
To: Tim Keiter
Cc: 'Kay Hamlin'
Subject: RE: Further suggestion re Text Amendment

Tim

Sorry for the delay in replying.

There seem to be three points that are at issue:

- * potential conflicting interpretations re the dimensional requirements
- * clarification that any accessory unit would be subject to the conditional use provisions of the relevant zone
- * clarification that in the R3 and R5 zones can only be one accessory unit per lot, either in the principle-dwelling or in the carriage-house

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 203-13/14
Tab 25 4-4-14
Tab 21 4-28-14

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

**AMENDMENT TO CITY CODE CHAPTER 18
(PARKS, RECREATION AND PUBLIC BUILDINGS AND GROUNDS)**

Re: Dedication and Protection of City Parks

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

1. That Chapter 18 (Parks, Recreation and Public
Buildings and Grounds) is amended to read as follows:

...

Art. IA. In General, §§ 18-1--18-1510

Art. IB. Dedication of Parks and Public Grounds, §§ 18-11-
18-15

...

ARTICLE IA. IN GENERAL

...

Sec. 18-10. Parks Commission.

(a) Findings. The City Council hereby finds that:

(1) Several city parks and public grounds including,
but not limited to, Deering Oaks, Eastern Promenade,
Western Promenade, Baxter Woods, Baxter Pines,
Riverside Golf Course, Payson Park and Stroudwater
Park are already all protected by and through deed
covenants and restrictions;

(2) The city's cemeteries are already protected by
Chapter Seven (7) of the Portland City Code;

(3) The Land Bank has protected twenty-six (26)
properties for conservation and preservation purposes;

(4) Therefore, in order to enhance these existing
protections on the city's parks and public grounds,
the city council hereby amends the city's parks

ordinance as follows:

(b) Established. There shall be a commission composed of thirteen (13) members which shall be known as "Parks Commission," hereinafter referred to as the "commission."

(c) Composition. One (1) member of the city council, who is on the Transportation, Sustainability and EnergyHealth and Recreation Committee, shall be appointed annually by the city council. One (1) member representing Friends of Deering Oaks; one (1) member representing Friends of the Eastern Promenade; one (1) member representing Friends of Evergreen Cemetery; and one (1) member representing Portland Trails shall be appointed for three-year terms by the city council. SevenEight (78) members representing the public-at-large and one (1) member representing the Land Bank Commission shall be appointed for three-year terms by the city council. Such three-year terms shall be staggered so that no more than three (3) members representing the public-at-large are appointed in any one (1) year. All members shall serve until their successors are appointed, for a period, however, not to exceed sixty (60) days after expiration of the term. The commission may from time to time establish such subcommittees as it deems appropriate.

(d) Duties. The duties of the commission shall include:

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- (2) Making recommendations to the city council as to the sale of dedicated parks and public grounds (as described in section 18-14 below) and disposition of trust funds held for parks, trails and open space;
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- (4) Submitting an annual report to the city council regarding the state of the city's parks and

public grounds and making specific recommendations therein about suggested goals and improvements for the parks and public grounds;

(54) Encouraging educational programs, through the schools or otherwise, in forestry education or other relevant subjects it determines to be beneficial to the parks programs of the city;

(65) Undertaking such other activities as to enhance the parks, trails and open space programs of the city as it deems appropriate from time to time; and-

(76) Conducting an annual meeting of all parks, trails and open space advocacy groups to discuss annual projects and to recommend goals and priorities for capital improvement projects to the city council.

ARTICLE IB. DEDICATION OF PARKS AND PUBLIC GROUNDS

Sec. 18-11. ~~Reserved.~~ Parks and Public Grounds Dedicated.
The following parks and public grounds are hereby subject to the provisions within this Article:

Andrews Square;

Back Cove Park and Trail;

Barrow's Park/Baxter Sundial;

Bayside Park/Stone Street Playground;

Bayside Trail;

Baxter Pines;

Baxter Woods;

Bedford Park;

Bell Buoy Park;

Belmeade Park;

Boothby Square;

Boyd Street Gardens;

Bramhall Square;

Capisic Pond Park;

Caldwell Square;

Clark Street Park;

Congress Square (specifically the remaining 1/3 of Congress Square);

Clark Street Playground;

Deering Oaks Park;

Dougherty Field;

Eastern Promenade Park (including East End Beach and Trail);

Fessenden Park;

Fort Allen Park;

Fort Gorges;

Fort Sumner Park;

Fox Field/Kennedy Park;

Harborview View and Tate-Tyng Park and Playground;

Heseltine Park;

Lincoln Park;

Longfellow Park;

Longfellow Square;

Lobsterman Park;

Marada Adams Playground;

Martin's Point Park;

Monument Square;

Munjoy South Playground;

Nason's Corner Park;

Payson Park;

Peppermint Park;

Pedro Field;

Pleasant Street Park and Playground;

Post Office Park;

Quaker Park;

Riverside Golf Course;

Riverton Trolley Park;

South Street Playground;

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Winslow Park.

Sec. 18-12.—Reserved. Use and Maintenance of Parks and Public Grounds. The City shall retain all parks and public grounds dedicated in section 18-11 predominantly in its, natural, scenic, open and/or intended condition. Notwithstanding the foregoing, this provision shall not prevent the City from the following:

(a) Improving or maintaining dedicated parks and public grounds in a manner consistent with the design of the park or public ground or approved master plan;

(b) Using dedicated parks or public grounds for any of the following:

- (1) Athletic contests;
- (2) Playgrounds and/or recreational structures;
- (3) Outdoor restaurant seating;
- (4) Outdoor markets;
- (5) Outdoor performance spaces or performances;
- (6) Signs and other advertising;
- (7) Food trucks or vendors; and/or
- (8) Festivals; or

(c) Granting permits, licenses or leases (no more than one (1) year or less in length) for the use, maintenance and/or improvement of dedicated parks or public grounds.

Sec. 18-13.—Reserved. Inalienability of Parks and Public Grounds. Except as authorized in sections 18-12 and 18-14, dedicated parks and public grounds may not be removed from the list in section 18-11, or used, sold and/or permanently disposed of for non-recreational purposes.

Sec. 18-14.—Reserved. Disposition of Parks and Public Grounds. Any request to a council committee or the city council to, add or remove a dedicated park or public ground from the list in section 18-11, sell or otherwise permanently dispose of a dedicated park or public ground for non-recreational purposes, or establish a use and/or improvement other than those listed in 18-12, shall be reviewed by the parks commission who shall provide an advisory opinion on any such request prior to review by the council committee and the city council, and shall only become effective upon review and approval by seven (7) members of the city council.

...

**City of Portland, Maine
City Council Agenda Request Form**

TO: Sonia Bean, Senior Administrative Assistant
Mayor and City Councilors

FROM: Danielle West-Chuhta, Corporation Counsel

DATE: April 1, 2014

- 1) Council meeting at which action is requested: April 7, 2014
- 2) Can action be taken at a later date: _____ YES _____ X NO
If not, why not: City Council wishes to have this item on the agenda now so that the second reading of this item and final action can occur at the upcoming April 28, 2014 City Council meeting.
- 3) This item is sponsored by: Mayor and Members of the City Council. (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 For the past month, the City Council has been holding workshops (including, but not limited to, a recent workshop with the Land Bank Commission and the Parks Commission) in an effort to work through the details and specific language of the City Parks Ordinance. As a result of this process, and the prior discussions the City Council has had with regard to this issue, the Council has recommended that the Parks Ordinance be amended to include a list of dedicated and inalienable City parks and public grounds, to have the Parks Commission advise the City Council with regard to those parks and public grounds and require seven (7) votes of the City Council to sell a park or public ground.

In addition, the City Council has requested that the Land Bank Ordinance be amended to ensure that the Land Bank review process is consistent with the Parks Ordinance review process [outlined above], and to require seven (7) votes (as opposed to the currently required six (6) votes) of the City Council for removal, sale or disposition of a Land Bank property.

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

To have the City Council review the proposed amendments to the Parks Ordinance and Land Bank Commission Ordinance.

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

City Council approval of the Parks and Land Bank Ordinance amendments.

IV. FINANCIAL IMPACT

None anticipated.

V. STAFF ANALYSIS & RECOMMENDATION

City staff (including, but not limited to, Recreation, Planning & Urban Development and the Department of Public Services) has reviewed the proposed amendments to the Parks and Land Bank Ordinances and recommends passage of the proposed amendments.

Attachment – March 21, 2014 Council Workshop Memo and Attachments.

DRAFT

Chapter 18 PARKS, RECREATION AND PUBLIC BUILDINGS AND GROUNDS

ARTICLE I. IN GENERAL

Sec. 18-1. Reserved.
Sec. 18-2. Reserved.
Sec. 18-3. Reserved.
Sec. 18-4. Reserved.
Sec. 18-5. Reserved.
Sec. 18-6. Reserved.
Sec. 18-7. Reserved.
Sec. 18-8. Reserved.
Sec. 18-9. Reserved.

Sec. 18-10. Parks Commission.

(a) Findings. The City Council hereby finds that:

(1) Several city parks and public grounds including, but not limited to, Deering Oaks, Eastern Promenade, Western Promenade, Baxter Woods, Baxter Pines, Riverside Golf Course, Payson Park and Stroudwater Park are already all protected by and through deed covenants and restrictions;

(2) The city's cemeteries are already protected by Chapter Seven (7) of the Portland City Code;

(3) The Land Bank has protected twenty-six (26) properties for conservation and preservation purposes;

(4) Therefore, in order to enhance these existing protections on the city's parks and public grounds, the city council hereby amends the city's parks ordinance as follows:

(b) Established. There shall be a commission composed of thirteen (13) members which shall be known as "Parks Commission," hereinafter referred to as the "commission."

(c) Composition. One (1) member of the city council, who is on the Transportation, Sustainability and EnergyHealth and Recreation Committee, shall be appointed annually by the city council. One (1) member representing Friends of Deering Oaks; one (1) member representing Friends of the Eastern Promenade;

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- (~~76~~) Conducting an annual meeting of all parks, trails and

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Article II. DEDICATION OF PARKS AND PUBLIC GROUNDS

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Baxter Pines;

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Sec.18-15. Reserved.

CITY OF PORTLAND MEMORANDUM

TO: Mayor Brennan and Members of the City Council
CC: Parks Commission; Land Bank Commission; Mark Rees, City Manager; Michael Bobinsky, Department of Public Services Director; Anita LaChance, Recreation and Facilities, Director
FROM: Danielle P. West-Chuhta, Corporation Counsel *DWC*
DATE: March 21, 2014
RE: Parks Ordinance

This memo is provided in response to several questions presented at the City Council Workshop on March 3, 2014 on the Parks Ordinance and to provide some background information regarding the Parks Commission and Land Bank Commission. I have attached a copy of the most recent edited version of the Parks Ordinance (see the draft ordinance attached hereto as Exhibit A), as well as copies of the Land Bank Ordinance, the Friends of Congress Square proposed ordinance, and various other documents to assist in your next workshop discussion. Finally, as you requested, the rezoning of the City's urban squares has been referred to the Planning Board for its review.

I. Existing Restrictions

As I indicated at the March 3rd Workshop, there are current zoning, deed and statutory restrictions that protect most of the City's parks. We have included the current zoning designations for City parks, public grounds and Land Bank holdings in lists that are attached hereto as Exhibits B and C. In addition, the following list is a list of some of the deed restrictions we have found on various City parks:

- (1) The Eastern and Western Promenades are perpetually protected and dedicated as City park lands pursuant to a Council order and a Private and Special Law enacted by the Maine Legislature. See deeds attached hereto as Exhibit D).
- (2) Baxter Woods and Baxter Pines are also required to be perpetually maintained as municipal forests and parks. See Exhibit D.
- (3) Deering Oaks is required to forever be held by the City as a public park and would revert back to the grantors in the event that was not used for that purpose. See Exhibit D.
- (4) Riverside Golf Course also has restrictions placed on a portion of it since some of the course was purchased with land and water conservation funds, which requires the City to continue to use the property for outdoor recreational use in perpetuity. See Exhibit D.
- (5) Payson Park also has restrictions placed on it that required that it be only used for park purposes. See Exhibit D.
- (6) Stroudwater Park has a restriction placed on it that requires that it be used for recreational and park purposes. See Exhibit D.

- (7) University Park has a restriction placed on it that requires that it too be used for and by the public and be maintained in its relatively unimproved state. See Exhibit D.
- (8) Bedford and Fesseden Parks also have a restriction placed on them that requires them to be used for park purposes by the public. See Exhibit D.

II. Matrix re: Two Parks Proposals

You requested that I provide a matrix showing the components of the Friends of Congress Square proposal and the City Council's proposal re: an Ordinance that further protects the City's Parks (see proposals attached hereto as Exhibit A and Exhibit E).

A. Friends of Congress Square Parks Proposal

- Places 35 parks in the Land Bank and has the Land Bank Commission advise the City Council on the disposition and use of Land Bank property.
- Requires 8 votes of the City Council or 6 votes and voter approval in a municipal election for the sale or use of a Land Bank property.
- The proposed ordinance is retroactive, and would therefore (if passed) go into effect as of September 6, 2013 (a date prior to the City Council's approval of the sale of a portion of Congress Square).

B. City Council Parks Ordinance Parks Proposal

- Designates and protects the City's Parks by making them inalienable.
- Has the Parks Commission advise the Council re: city parks.
- Requires 7 votes of the City Council for the sale of a designated park.

III. Should City Cemetery Land Be Included in the Parks Ordinance?

You additionally requested information about the City's cemeteries. As described below, a review of the City's cemetery ordinance (and the protections provided therein), and the on-going nature of the sales that occur at each cemetery, all lead me to conclude that such properties should not be included in the proposed Parks Ordinance.

First, Chapter 7 of the Portland City Code (attached hereto as Exhibit F) already provides protections for the City's cemeteries. It specifically seeks to maintain the cemeteries "as peaceful and beautiful areas as well as reverent symbols of respect for the dead." Chapter 7 at section 7-1. Of special note is section 7-48 which requires that [t]he general care of the cemeteries is the responsibility of the city . . . and includes reasonable and practical care of the unsold areas of the cemeteries, such as park and lawn areas, roads, shrubs and trees . . ." The City Code also specifies that unleashed dogs, sports, games, signs, etc. are prohibited from the city's cemeteries. City Code, Chapter 7, sections 1-133, 135, 137 and 138.

Next, the City on a regular basis sells grave sites and so placing an inalienability restriction on the cemetery property would not be consistent with the proposed language in the Parks Ordinance.

Finally, it should be noted that the land behind Evergreen Cemetery is also already protected through the placement of a conservation easement and is part of the City's Land Bank holdings. See Exhibit C.

IV. Land Bank Commission

Recently, questions have arisen regarding the differences between the Land Bank Commission and the Parks Commission. The Land Bank Ordinance provides a good summary of the distinctions between the two organizations and why the review of city parks should fall within the purview of the City's Parks Commission.

First, the Land Bank ordinance specifies that the Land Bank means and includes property interests, which are purchased, acquired or dedicated for conservation and open spaces purposes. See Land Bank Ordinance, Chapter 2, section 2-41, attached hereto as Exhibit E. The ordinance additionally makes it clear that the Land Bank was formed not to (and should not) duplicate "the efforts of other public and private groups include the Portland Planning Board, Portland Trails and the Portland Parks Commission." See Exhibit E at section 2-42(a)(3).

Furthermore, the Land Bank ordinance indicates that the Land Bank Commission's goal is to preserve land that allows for passive outdoor uses including, but not limited to, wooded areas, wildlife habitats, vacant properties or wetlands, but does not specifically mention or include city parks in this preservation goal. See Exhibit E at section 2-42(a)(3).

Conversely, the City's parks ordinance specifies that the Parks Commission should be the body preserving parks and making recommendations to the City Council regarding disposition of trust funds held for parks, undertaking activities to enhance the parks, and recommending goals and priorities for parks capital improvement projects to the City Council. See Exhibit A at section 18-10(c).

Please note that under the current Land Bank Ordinance, land bank holdings/properties can be sold if approved by six (6) members of the City Council. To be more consistent with the proposed Parks Ordinance, it may be appropriate (if the City Council so chooses) for the Land Bank Ordinance to also be amended to require the approval of seven (7) members of the City Council before such holdings/properties could be sold. See Exhibit E at section 2-43(b)(7).

DRAFT

Chapter 18 PARKS, RECREATION AND PUBLIC BUILDINGS AND GROUNDS

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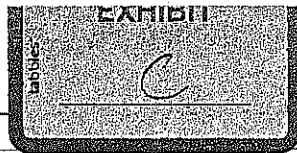
Sec. 18-15. Reserved.

EXHIBIT

B

#	Area	Zoning	Notes
1	Post Office Park	B3	
2	Tommy's Park	B3	
3	Bell Buoy Park	WC2	
4	Lobsterman's Park	B3	
5	Lincoln Park	B3	
6	Eastern Promenade	ROS	(Fort Allen Park is IN Eastern Prom)
7	Fort Sumner Park	R6	
8	Fox Field	ROS	Bayside & Kennedy Park names
9	Deering Oaks	ROS	Deed Restrictions Protecting
10	Western Promenade	ROS	Council Order and State Law Protecting
11	Taylor Street Park	R6	
12	Harbor View Memorial Park	ROS	
13	Back Cove	ROS	
14	Winslow Park	ROS	Preble St Ext @ Baxter Boulevard
15	Pedro Field	ROS	Oakleigh Park?
16	Baxter Boulevard	ROS	Only official Parkway
17	Burrow's Park (Preble St) no longer a park	R5 (inc w street)	Lost most of land to Preble Street Ext.
18	Belmeade Park	R5	
19	Baxter Sundial Park	ROS	Barrows Park alternative name
20	Bedford Park	R5	Deed Restrictions Protecting
21	Fessenden Park	R5	Deed Restrictions Protecting
22	Longfellow Park	R5	
23	Payson Park & Arbor	ROS	Deed Restrictions Protecting
24	Dougherty Field	ROS & R5	
25	Stoudwater Park - Waldo Street	R2	Deed Restrictions Protecting
26	Stroudwater Park - Westbrook Street	R2	Deed Restrictions Protecting
27	Capisic Pond Park	ROS & R3	area south of Macy Street nic (update map)
28	Baxter Pines	ROS	Deed Restrictions Protecting
29	Mayor Baxter Woods	ROS	Deed Restrictions Protecting
30	University Park	R3	Deed Restrictions/Planning Bd Approval Protecting
31	Heseltine Park	R5	
32	Trinity Park	B2b	Forest Ave @ Coyle St (PR RR deed protected)
33	Quaker Park	IM	Forest Ave @ Industrial PW / DEED Protected
34	Oatnuts Park	RPZ	
36	Riverton Trolley Park	ROS	
37	Martin's Point Park	RP	National Park Service Easement Protecting
38	Nayson's Corner Park	R3	Breakwater School
39	Pine Grove Park	ROS	add Land Bank lots to or create RPZ space
40	Riverside Golf Course	ROS	Grant Restrictions Protecting
41	Boyd Street Gardens	R6	Franklin @ Cumberland Ave
	Playgrounds		
42	Stone Street Playground	R6	
43	South Street Playground	R6	
44	Peppermint Park	R6	
45	Pleasant Street Playground	B3	
46	Tyng Tate Playground	R6	
47	Clark Street Playground	R6	
	Trails		
48	Eastern Prom Trail	ROS & WSUZ	
49	Bayside Trail	B5	
50	Back Cove Trail	ROS	
	Land Bank		
51	Hobart Street - Fore River Park	R5 & RPZ	
52	Ocean Avenue Open Space	ROS	
53	Presumpscot River Preserve	RPZ	
54	Letson's Purchase (see LB list)	IM	Across from Riverside GC / near range
	Squares		
55	Andrews Square	R6	Pine @ West (former school)

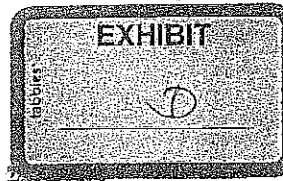
56	Boothby Square	B3		
57	Bramhall Square	B2b		
58	Caldwell Square	R5	Woodfords @ Stevens Avenue	
59	Congress Square	B3		
60	Longfellow Square	B3		
61	Lobsterman's Park	B3		
62	Monument Square	B3		



Existing Land Bank Holdings - 3/20/2014

Code	Name	Approximate Area*	Zone(s)	Notes
E-1	Natick Street Parcels	1.5 AC	R2, IM	Along Riverton Rail Trail & Dole Brook
E-2	Pineloch Drive Parcels	5 AC	RPZ	Owned by PWD; Sewer ROW; Included in Land Bank by permission
E-3	City RPZ Land on Starbird Lane	14.7 AC	RPZ	Contiguous with the Fore River Sanctuary
E-4	City RPZ Land on Rand Road	30.8 AC	RPZ	Behind Rand Road Technology Park, Adjacent to Fore River Sanctuary
E-5	Hobart Street Area	7 AC	R5	Fore River Trail access, Next to sewer pump station site
E-6	Pine Grove Park	8.3 AC	ROS, R3	Also on Park list
E-7	Blueberry Road Parcel	2 AC	RPZ, IM	Parking & access to Stroudwater River Trail
E-8	Conservation Area at Evergreen Cemetery	36.6 AC	ROS	Undeveloped wooded wetland area towards rear of cemetery
E-9	Oatnuts Park	23 AC	RPZ	Also on Park list; Many tax-acquired lots and some private, landlocked parcels
E-10	Presumpscot River Preserve	48 AC	Not Zoned**, RPZ	Under conservation easement held by Portland Trails
E-11	Sheridan Street Property	1.3 AC	R6, C46	Next to Fort Sumner Park
E-12	PATHS Wooded Area	15 AC	R3	Behind PATHS; Critical headwater wetlands of Dole Brook
E-13	Virginia Street Parcels	31.2 AC	R3	Mostly wet, tax-acquired lots; Part of "Ocean Avenue Recreation Area"
E-14	Ocean Avenue Open Space	64.2 AC	ROS, R3	Includes land fill area & Quarry Run Dog Park; Part of "Ocean Avenue Recreation Area"
E-15	Maggie Lane Lot	0.15 AC	R5	Access to Riverton Rail Trail
E-16	Beverly Street Lots - North	0.9 AC	R2	Along Riverton Rail Trail
E-17	Beverly Street Lots - South	0.35 AC	R2	Along Riverton Rail Trail & Dole Brook
E-18	Goodridge Avenue Lots	0.47 AC	R5	Riverton Rail Trail corridor
E-19	North Deering/Riverton Parcels	17.5 AC	R2, R3	Tax-acquired property; Critical headwater wetlands of Dole Brook

E-20	Castine Pines	0.36 AC	R3	Accepted land donation
E-21	Ocean Avenue Recreation Area - Pine Grove Avenue Lots	0.79 AC	R3	Purchased to add to the Ocean Avenue Recreation Area
E-22	Ocean Avenue Recreation Area - Belfast Street Lots	0.41	R3	Purchased to add to the Ocean Avenue Recreation Area
E-23	Ocean avenue recreation Area - Marlborough Road/Trapelos Street Lots	0.29	R3	Purchased to add to the Ocean Avenue Recreation Area
E-24	Dole Brook Driving Range Property	27.4 AC	IM	Purchased to protect the Dole Brook stream buffer & corridor
E-25	Canco Woods	12.9 AC	IL	Collaborative effort between neighborhood, Trust for Public Land & City to protect: Owned by City, but under conservation easement held by Portland Trails
* Size was estimated using GIS information, including parcel data where available. Since not all of the lots within each holding conform to parcel boundaries or are owned by the City, the actual size of each holding is likely to be smaller.				
** Appears that most of this property was not zoned after it was split off as a separate parcel and placed in conservation easement.				



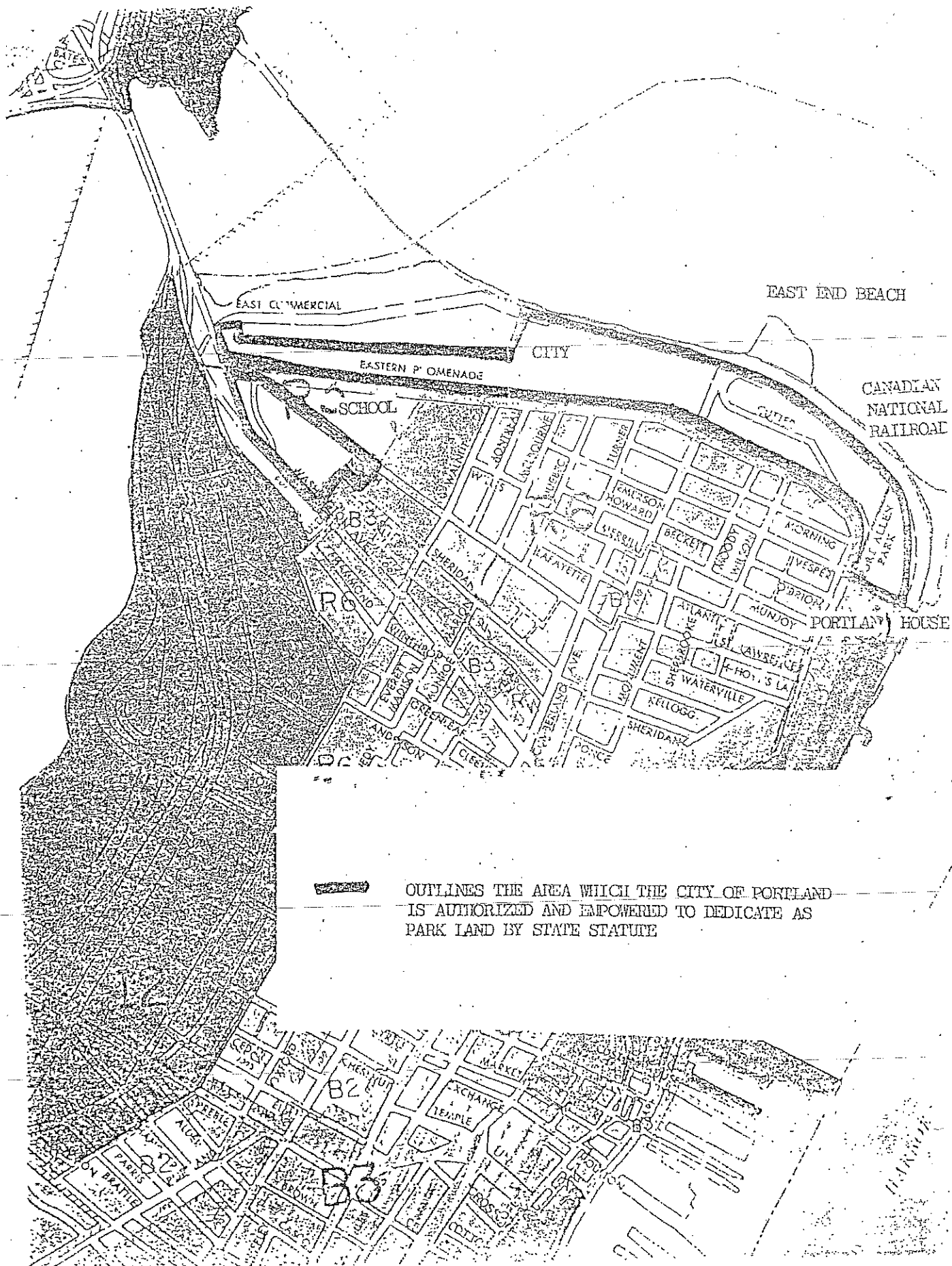
#152

City of Portland,
IN THE CITY COUNCIL

APRIL, 1974

E/W Promenades =
Are perpetually
dedicated as park
lands by
the city
Council
and the
ME Legislature

Ordered, that city-owned lands on the northeasterly side of Eastern Promenade now developed and used for park and recreational purposes, excluding the area designated for use by the Portland Water District, and city-owned lands on the southwesterly side of Western Promenade developed and used for park and recreational purposes be and hereby are dedicated as park land to be forever used only for park and recreational purposes, and that an appropriate document of dedication be submitted to this Council when definitive legal boundaries can be prepared.



OUTLINES THE AREA WHICH THE CITY OF PORTLAND
IS AUTHORIZED AND EMPOWERED TO DEDICATE AS
PARK LAND BY STATE STATUTE

CHAPTER 42

AN ACT Converting Dallas Plantation into the Town of Dallas.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. Town of Dallas, incorporated. Dallas Plantation with the inhabitants therein is hereby incorporated into a town by the name of Dallas. The inhabitants of said town are hereby vested with the powers, privileges and immunities which the inhabitants of towns within the State do or may enjoy. The town hereby created shall take the effects belonging to Dallas Plantation and shall also assume all the obligations thereof.

Sec. 2. First meeting; how called. The board of assessors of the plantation shall issue their warrant, in accordance with the general laws, for an annual meeting to be held, at a time consistent with the normal annual meeting time in 1976. Notification of such meeting shall be filed by the plantation clerk with the Secretary of State for determining the effective date of sections 1 and 3.

Sec. 3. Legislative district. Until the next legislative apportionment of Representatives, the Town of Dallas shall remain in the same legislative district in which Dallas Plantation is now classed.

Sec. 4. Referendum; effective date; certificate to Secretary of State. This Act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters within the territory embraced within the limits of said proposed Town of Dallas, voting by ballot at an election to be specially called and held for that purpose concurrent with the regular 1975 election in November. This meeting shall be called, advertised and conducted according to the Revised Statutes of 1964, Title 30, sections 2061 to 2065. The plantation clerk shall prepare the required ballots, on which he shall reduce the subject matter of sections 1 and 3 of this Act to the following question: "Shall 'An Act converting Dallas Plantation into the Town of Dallas,' passed by the 1975 Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. Upon its acceptance by a majority of the legal voters voting at said meeting, sections 1 and 3 of this Act shall take effect for all purposes hereof at the annual meeting in 1976; provided that the total number of votes cast for and against the acceptance of sections 1 and 3 of this Act at said meeting equaled or exceeded 50% of the total number of votes cast in the plantation at the last gubernatorial election.

The result of the vote shall be declared by the board of assessors of the Plantation of Dallas and due certificate shall be filed by the plantation clerk with the Secretary of State.

Effective October 1, 1975

CHAPTER 43

AN ACT to Specify the Future Use of Certain Lands in the City of Portland.

Be it enacted by the People of the State of Maine, as follows:

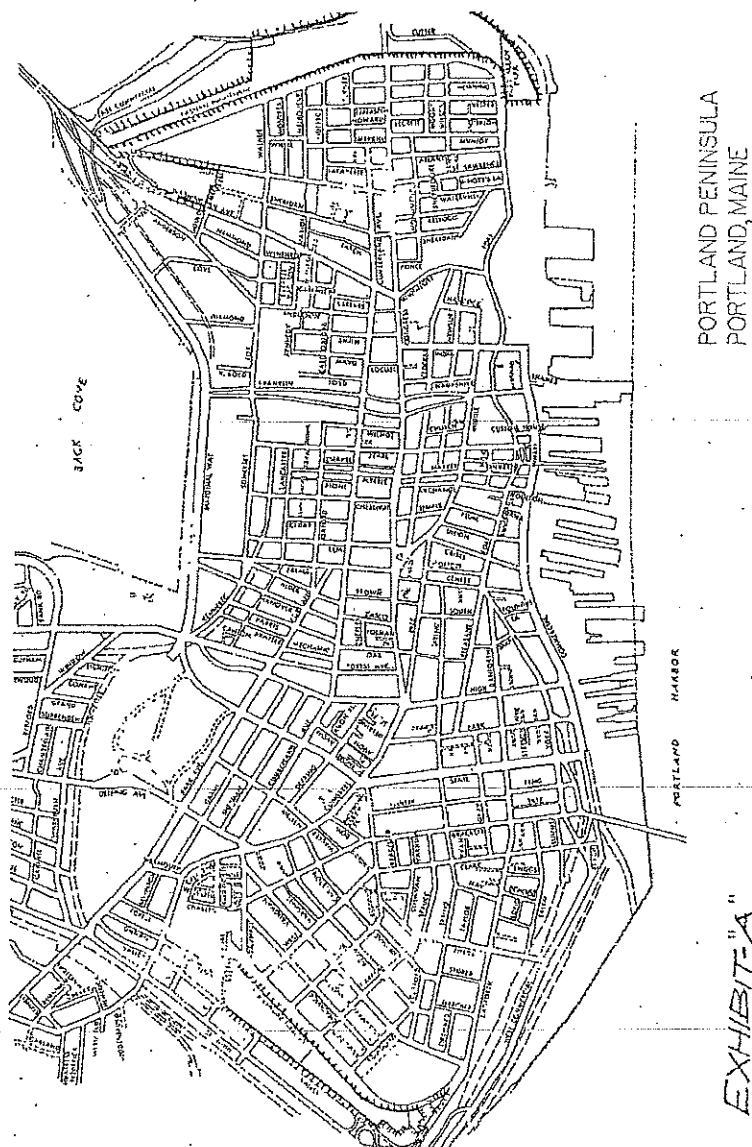
Sec. 1. Dedication of certain lands for park purposes. The City of Portland is authorized and empowered to dedicate the hereinafter described property for perpetual use as park lands, such property having been acquired by condemnation or through the expenditure of public funds by a majority vote

1998
CHAP. 43

PRIVATE AND SPECIAL, 1975

of its city council. Such property, if so dedicated, shall remain and be used solely for park purposes in perpetuity.

Sec. 2. Description. This Act refers only to those certain pieces or parcels of land located in the City of Portland, comprising areas therein commonly known as the Eastern and Western Promenades and shown more particularly as highlighted on the attached plat marked Exhibit "A", which plat is expressly made a part hereof.



Effective October 1, 1975

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City of Portland, Oregon
IN THE CITY COUNCIL

Ordinance, that city-owned lands on the northeasterly side of Eastern Promenade now developed and used for park and recreational purposes, excluding the area designated for use by the Portland Water District, and city-owned lands on the southwesterly side of Western Promenade developed and used for park and recreational purposes be and hereby are dedicated as park land to be forever used only for park and recreational purposes, and that an appropriate document of dedication be submitted to this Council when definitive legal boundaries can be prepared.

D.H. 4/7-4/74

Area Briefs

State Action On Promenades Pondered

Three Eastern Promenade residents say they may have to go to the Legislature to ensure that the Eastern and Western Promenades are properly and perpetually dedicated as parklands.

Mrs. John Irace, Miss Dorothy Plummer and retired Portland High School Principal Howard C. Reiche said Tuesday they weren't satisfied with last week's promenades parkland dedication by the City Council. Reiche said city dedication "isn't granted in perpetuity" and wants the state to enforce the dedication.

The movement to dedicate the promenades as parklands was supported by 3,000 Portland petitioners. The purpose of perpetual dedication, the trio said, would be to prevent future development of the areas.

Baxter
to
Port-
land
City of
Deed

KNOW ALL MEN BY THESE PRESENTS, That I, Percival Proctor Baxter of Portland, County of Cumberland, State of Maine, in consideration of one (\$1.00) dollar and other valuable considerations paid by the CITY OF PORTLAND, a Municipal Corporation incorporated under the laws of the State of Maine and a body politic located in said County of Cumberland, the receipt whereof I do hereby acknowledge, and in furtherance of my desire to convey and donate to the CITY OF PORTLAND an area of land in the Deering District of said Portland, to be held forever by said CITY as TRUSTEE IN TRUST for the benefit of the people of Portland do hereby remise, release, sell, convey and forever quit-claim unto the said CITY OF PORTLAND and its successors to be forever held in trust the following described land located in said CITY, bounded and described as follows --

Baxter
Woods



Required to
be perpetually
maintained
as a park

All my right title and interest in and to a certain tract or parcel of land with the buildings thereon situated between Forest and Stevens Avenues, Hartley Street and Baxter Road, so called in the City of Portland, State of Maine and located and described as follows:

Beginning on the westerly side of Forest Avenue at the northeast corner of the lot of land conveyed by Francis O. J. Smith to Owen Durgin by deed dated August 1875 and recorded in Cumberland County Registry of Deeds in Book 418, Page 501; thence northerly by the westerly side of Forest Avenue 523.0 feet more or less to the southeast corner of the lot of land conveyed by James P. Baxter to Saint Elizabeth's Roman Catholic Asylum by deed dated March 10, 1908, and recorded in said Registry in Book 821, Page 58; thence westerly by land of said Saint Elizabeth's Roman Catholic Asylum and by the lot of land conveyed by James P. Baxter to Roman Catholic Bishop Corporation Sole by deed dated March 10, 1908, and recorded in said Registry in Book 821, Page 59, a distance of 1850.81 feet to the easterly side of Stevens Avenue; thence southerly by the easterly side of Stevens Avenue 253.15 feet to a stone monument marking an angle in said easterly side of Stevens Avenue; thence southerly by said easterly side of Stevens Avenue 290.84 feet to the lot of land conveyed by James P. Baxter to John H. Fogg by deed dated June 14, 1899, and recorded in said Registry in Book 680, Page 31; thence easterly by land formerly of said Fogg 125 feet to a point; thence southerly by land formerly of said Fogg 10 feet to the lot of land conveyed by James P. Baxter to Charles Rich by deed dated July 7, 1879, and recorded in said Registry in Book 461, Page 117; thence easterly by land formerly of said Rich 2.0 feet to the northeasterly corner of said Rich lot; thence southerly by the land formerly owned by said Rich 39.7 feet more or less to the lot of land conveyed by James P. Baxter to Mark F. Fogg by deed dated June 13, 1900, and recorded in said Registry in Book 692, Page 53; thence easterly by land formerly of said Fogg and by the lot of land conveyed by James P. Baxter to Arthur D. Parkhurst by deed dated July 20, 1914, and recorded in said Registry in Book 934, Page 287, a distance of 99.44 feet to the northeast corner of said Parkhurst lot; thence southerly by the easterly line of land now or formerly of said Parkhurst and its continuation across the easterly end of Percival Street and its continuation southerly by other land of said

Grantor a distance of 250 feet to the northerly line of the lot of land conveyed by James P. Baxter to Alvin E. Plummer by deed dated April 13, 1885 and recorded in said Registry in Book 517, Page 372, said point being distant 100 feet from the northerly side of Hartley Street; thence easterly on a line parallel with and distant 100 feet from said northerly line of Hartley Street and by the rear line of lot formerly owned by said Plummer and by the lot of land conveyed by James P. Baxter to Charles E. Spear on October 27, 1889, recorded in said Registry in Book 682, Page 153, and by the lot of land conveyed by James P. Baxter to Fred P. Freeman and William L. Turner by deed dated May 18, 1885, recorded in said Registry in Book 517, Page 479, and by other land of said Grantor and by the lot of land conveyed by James P. Baxter to Alvin E. Plummer by deed dated June 15, 1885, and recorded in said Registry in Book 520, Page 117 a distance of 235.14 feet to the northeasterly corner of the lot formerly owned by said Plummer; thence southerly by the easterly line of land formerly owned by said Plummer 100 feet to the northerly side of Hartley Street; thence easterly by said northerly side of Hartley Street 878.23 feet to the southwesterly corner of the lot of land conveyed by Percival P. Baxter to George I. Geer by deed dated August 19, 1944, and recorded in said Registry in Book 1757, Page 109; thence northerly by the westerly line of land of said Geer 100 feet to the northwest corner of said Geer lot; thence easterly on a line parallel with said northerly side of Hartley Street and by land of said Geer and by the lot of land conveyed by James P. Baxter to Albert F. Mann by deed dated May 10, 1888, recorded in said Registry in Book 546, Page 141, and by the lot of land conveyed by James P. Baxter to Abram H. Milliken and George A. Lovell by deed dated December 7, 1897, recorded in said Registry in Book 660, Page 10 and by the lot of land conveyed by James P. Baxter to Ebenezer M. Gay and John Archibald by deed dated August 6, 1894, recorded in said Registry in Book 613, Page 456, and by the lot of land conveyed by James P. Baxter to the Delano Planing Mill Company by deed dated August 21, 1895, recorded in said Registry in Book 629, Page 117 a distance of 245.4 feet to the northeast corner of said Delano Planing Mill Company lot; thence southerly by land formerly of said Delano Planing Mill Company 8.15 feet to the lot of land conveyed by Martha A. Gray to Mary E. Gray by deed dated July 19, 1894 and recorded in said Registry in Book 615, Page 280; thence easterly by land formerly of said Mary E. Gray and by the lot of land conveyed by Martha A. Gray to Mary E. Gray by deed dated August 31, 1900, recorded in said Registry in Book 692, Page 423, and by the lot of land conveyed by Martha A. Gray to Margaret O'Connor by deed dated April 8, 1903, and recorded in said Registry in Book 733, Page 31 and by the lot of land conveyed by Martha A. Gray to Lillie B. Rowe by deed dated December 16, 1892 recorded in said Registry in Book 604, Page 217 and by the lot of land conveyed by Martha A. Gray to Lillie B. Rowe by deed dated June 30, 1891 recorded in said Registry in Book 582, Page 15 and by the lot of land conveyed by Martha A. Gray to Alvah E. Plummer by deed dated April 30, 1885 recorded in said Registry in Book 517, Page 464 a distance of 387.85 feet to the southwesterly corner of the Owen Durgin lot above mentioned; thence northerly by

the westerly line of the lot formerly owned by said Durgin 75 feet to an iron stake; thence easterly by land formerly owned by said Durgin 86.78 feet to said westerly side of Forest Avenue and the point of beginning.

Together with a right of way 33 feet in width in common with others from Forest Avenue to Stevens Avenue over land of said Saint Elizabeth's Roman Catholic Asylum and land of Roman Catholic Bishop Corporation Sole adjoining the northerly line of the lot above described lot and subject however to a right of way 33 feet in width from Forest Avenue to Stevens Avenue over said above described lot and adjoining the northerly side line of the above described lot.

Said above two strips each 33 feet in width are to be used together for street purposes and were conveyed and reserved in the deeds from James P. Baxter to Saint Elizabeth's Roman Catholic Asylum and to Roman Catholic Bishop Corporation Sole dated March 10, 1908, and recorded in said Registry in Book 821, Pages 58 and 59.

TO HAVE AND TO HOLD the above described premises with all the privileges and appurtenances thereto to said CITY OF PORTLAND as TRUSTEE as aforesaid and its successors in trust and the same shall not be conveyed or encumbered by said City but shall be held forever for the benefit of the people of said Portland

subject to the following terms, restrictions, reservations and conditions

- 1 - shall forever be retained and used by said City in trust for the benefit of the people of Portland as a Municipal Forest and Park and for public recreational and educational purposes the same forever to be known as "MAYOR BAXTER WOODS";
- 2 - shall forever be kept in its natural wild state and as a sanctuary for wild birds, with no streets for public conveyances and no cement walks therein and with only paths and trails for pedestrians, and any trees that shall fall or that may become a menace to life may be removed, but no other trees therein shall be taken down;
- 3 - shall forever be maintained for the sole use of pedestrians; and horses, automobiles and all motor vehicles, except those of the City used solely in caring for said woods, shall forever be excluded therefrom;
- 4 - that the heavy ornamental iron gates now in possession of said City shall be erected by said City either at the Forest Avenue or Stevens Avenue entrance within one year after the date of this deed;
- 5 - that said City shall erect within one (1) year after the date of this deed and shall forever maintain on the land hereby conveyed a suitable bronze marker the said marker to recite the conditions of this gift, the same to be attached to a granite boulder located on said land and provided by said City;

This conveyance is made subject to all of the above mentioned terms, restrictions, reservations and conditions, and I the said PERCIVAL PROCTOR BAXTER COVENANT with the said CITY OF PORTLAND as such Trustee and its successors in trust that I will WARRANT and DEFEND the said premises to the said City and its successors in trust against the lawful claims and demands of all persons claiming by through or under me.

IN WITNESS WHEREOF, I the said PERCIVAL PROCTOR BAXTER being unmarried hereby set my hand and seal this eighth day of April in the year of our Lord one thousand nine hundred and forty-six.

Signed and Sealed in the Presence of

Alice M. Gurney.

Percival Proctor Baxter Seal

STATE OF MAINE :

CUMBERLAND. : SS.

Portland, April 8, 1946

Personally appeared the above named PERCIVAL PROCTOR BAXTER and acknowledged the above instrument to be his free act and deed.

Before me, Alice M. Gurney

Notary Public Notarial Seal

Received April 17, 1946, at 10h 25m A. M., and recorded according to the original

MAINE
FULL DISCHARGE
FORM 21-117

Federal
Ld.Bk.
of
Spr'g.
to
Larrabee
&
Disch.

No. 10-206

KNOW ALL MEN BY THESE PRESENTS, That THE FEDERAL LAND BANK OF SPRINGFIELD, 310 State Street, Springfield, Massachusetts, owner of a certain mortgage given by Joseph S. Larrabee and Susan E. Larrabee to the said THE FEDERAL LAND BANK OF SPRINGFIELD, dated December 31, 1935, and recorded in Cumberland County Registry of Deeds, in Book 1220 at Page 105, does hereby acknowledge that it has received full payment and satisfaction of the same and of the debt thereby secured, and in consideration thereof it does hereby cancel and discharge said mortgage and releases unto the said Joseph S. Larrabee and Susan E. Larrabee and their heirs and assigns forever the premises therein described.

IN WITNESS WHEREOF the said THE FEDERAL LAND BANK OF SPRINGFIELD has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Edward M. Whitaker, its Assistant Treasurer, this 3rd day of April 1946.

THE FEDERAL LAND BANK OF SPRINGFIELD CORPORATE
SEAL

By Edward M. Whitaker

Assistant Treasurer

Signed and Sealed in Presence of

I. B. Welch

COMMONWEALTH OF MASSACHUSETTS COUNTY OF HAMPDEN, SS.

On this 3rd day of April 1946, before me personally appeared Edward M. Whitaker to me personally known, who, being by me duly sworn, did say that he is the Assistant Treasurer of THE FEDERAL LAND BANK OF SPRINGFIELD and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that the said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and the said Edward M. Whitaker acknowledged said instrument to be the free act and deed of said corporation and his own free act and deed.

dms

Before me, Allyn K. Talmadge Notary Public Notarial Seal

Received April 17, 1946, at 11h 50m A. M., and recorded according to the original

1742
8

by waived; and out of all the moneys arising from a sale to retain the amount then due or to become due according to the conditions of this instrument together with the costs and charges of making such sale, and the overplus, if any there be, shall be paid by the party or parties making such sale to the Grantor, its successors and assigns.

NOW, THEREFORE, if the Grantor shall well and truly pay the aforesaid principal sum and interest, ground rents, taxes, insurance or assessments, and all advances which may be made by the Grantee for ground rents, taxes, insurance or assessments, or otherwise, as above provided, according to the tenor and effect of this instrument, and shall faithfully perform all the other conditions and covenants contained in this mortgage and in the note secured hereby, then this mortgage shall be void, otherwise the same shall remain in full force and virtue.

The covenants herein contained shall bind, and the benefits and advantages shall inure to, the respective successors and assigns of the parties hereto. Whenever used, the singular number shall include the plural and the plural the singular.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be signed in its name by its Treasurer, and its corporate seal to be hereunto affixed this 15th day of February, 1944.

Signed, sealed and delivered

in the presence of

D. W. Philbrick

LINDSAY CONSTRUCTION, INC. CORPORATE SEAL

By John C. Lindsay Treasurer

Attest: Donald W. Philbrick Secretary.

STATE OF MAINE,

COUNTY OF CUMBERLAND }

SS:

February 15, 1944.

Then personally appeared the above-named John C. Lindsay, the person who signed the foregoing mortgage as Treasurer of Lindsay Construction, Inc., and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Witness my hand and official seal

Donald W. Philbrick

My commission expires May 20, 1949.

Notary Public Notarial Seal

Received February 16, 1944, at 11-m P.M., and recorded according to the original.

forever used for recreational / um. tree grove purposes.

KNOW ALL MEN BY THESE PRESENTS, That I Percival Proctor Baxter of Portland, County of Cumberland, State of Maine in consideration of one (\$1.00) dollar and other valuable considerations but not exceeding one hundred dollars paid by the City of Portland a body corporate and politic located in said County of Cumberland, the receipt whereof I do hereby acknowledge, and in furtherance of my desire to convey and donate to the City of Portland an area of land in the Deering District of said Portland to be held forever by said City as Trustee in Trust for the benefit of the people of Portland do hereby remise, release, sell and forever quit-claim unto the said City of Portland and its successors in trust the following described land located in said City, bounded and described as follows -

These deeds release P/O land to be used as "Baxter Field".

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See
Book 6689
Page 139, 131
2, 25, 27, 33, 34
41, 43, 49, 53, 54

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All my right, title and interest in and to a certain lot or parcel of land with the buildings thereon if any, situated in the Deering District of said Portland, bounded and described as follows: Beginning on Leland Street, formerly called Smith Street, at its intersection with the northeasterly side line of Mabel Street, said point of beginning being also the most southerly corner of lot No. 2 on plan of land made by Jordan and Richardson, recorded in said Registry of Deeds, plan book 8, page 41; thence southwesterly along Leland Street three hundred ninety-six (396) feet more or less, to land now or formerly of one Conant, formerly known as Presumpscot Park; thence in a westerly direction along the northerly line of said Conant land formerly known as Presumpscot Park to land now or formerly of Artemas Richardson; thence easterly by said Richardson land five hundred thirteen (513) feet more or less, to land now or formerly of Richardson Land Company, said last named point being the most northerly corner of lot No. 34 as indicated on said plan as above referred to; thence southeasterly by said land of Richardson Land Company which direction is along the line of said lot No. 34, seventy-six (76) feet more or less to an angle in the land now or formerly of said Richardson Land Company above mentioned; thence northeasterly by land formerly of said Richardson and across Mabel Street as laid out, to the northeasterly side line of said Mabel Street, said point being also the northwesterly corner of lot No. 11 as indicated on said plan; thence southeasterly along said line of Mabel Street to the point of beginning, excepting and reserving from the said described parcel the lot or land conveyed by James P. Baxter to Abiezer C. Wilson by deed dated August 16, 1911, and recorded in said Registry of Deeds, book 879, page 269; together with any and all my right, title and interest in the fee in Leland Street, Mabel Street, Madeline Street, Bartlett Street and all other ways or streets, whether they are now projected or hereafter may be projected on the above described land, is hereby conveyed. All streets and ways on the above described parcel are subject to such rights as adjoining lot owners may have or subject to such rights as the public may have in same.

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This conveyance is made in Trust upon and subject to the following reservations and conditions namely that said land 1 - forever shall be retained and used by said City for a Municipal Grove and for public recreational purposes, the same to be known as the "Baxter Pines", 2 - forever shall be kept as a sanctuary for wild birds and 3 - that said City shall erect and maintain on the land hereby conveyed a suitable bronze marker the said marker to recite the conditions of this gift and bearing thereon the name of the donor, the same to be attached to a granite boulder located on said land; the cost of said reforestation and of said tablet and boulder to be paid by the grantor herein.

TO HAVE AND TO HOLD the above described premises with all the privileges and appurtenances thereto to said City of Portland as Trustee as aforesaid and its successors in trust to be held forever in trust for the benefit of the people of Portland for and as a Municipal Grove and for public recreational purposes the same to be known as "Baxter Pines" and to be forever kept as a sanctuary for wild birds

BK 1742
P 10

with the said tablet and boulder thereon all as above defined and subject to the above mentioned reservations and conditions, and I the said Percival Proctor Baxter covenant with the said City of Portland and its successors in trust that I will Warrant and Defend the said premises to the said City and its successors in trust against the lawful claims and demands of all persons claiming by through or under me.

IN WITNESS WHEREOF I the said Percival Proctor Baxter being unmarried hereby set my hand and seal this fifteenth day of February in the year of our Lord one thousand nine hundred and forty-four.

Signed and Sealed in the

presence of

Charles J. Nichols

Percival Proctor Baxter

Seal

STATE OF MAINE: SS

CUMBERLAND:

Portland, February 15, 1944.

Personally appeared the above named Percival Proctor Baxter and acknowledged the above instrument to be his free act and deed.

Before me Alice M. Gurney Notary Public Notarial Seal.

Received February 16, 1944, at 11h 25m A.M., and recorded according to the original.

Portland
City of
To
Baxter
Resolu-
tion

CITY OF PORTLAND, MAINE

IN THE CITY COUNCIL

RESOLUTION

Whereas, Honorable Percival P. Baxter offers to donate to the City of Portland a tract of land in the Deering District comprising an area in excess of six acres and being located on Leland, Madeline, Mabel and Bartlett Streets, with a proposal that he, the said donor, will reforest said land at a proper time; and,

Whereas, Honorable Percival P. Baxter further requests that his name be associated with this project by a modest tablet to be erected upon the tract; and,

Whereas, Honorable Percival P. Baxter has long been a benefactor of the people of the State of Maine by numerous gifts of properties to be held in trust for the people of this state; and,

Whereas, he has also been a public benefactor by his many years of service to the people of this state and of this city,

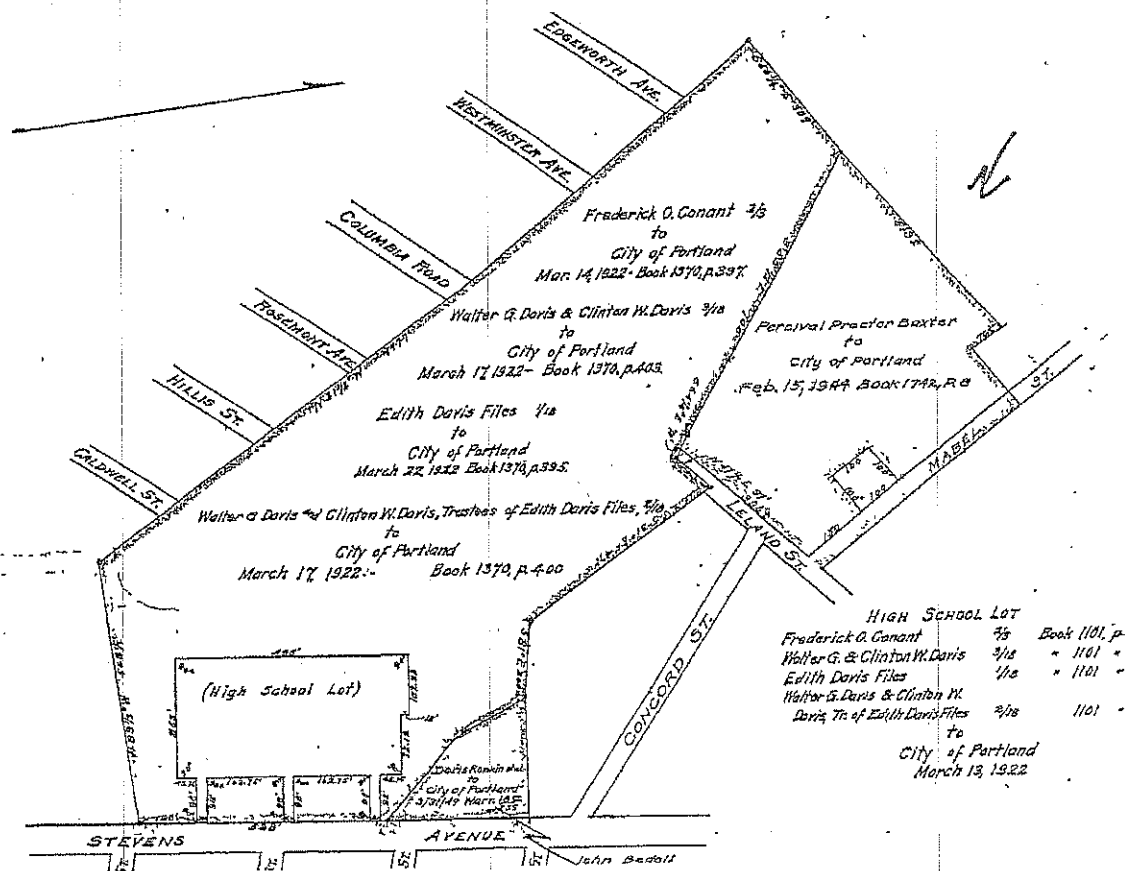
Now, Therefore, Be It Resolved, by the City Council of the City of Portland, in City Council assembled, as follows:

That the City Council does on behalf of the City of Portland express the deep and sincere gratitude of the people of this city to Honorable Percival P. Baxter for his generosity and for his farsighted effort to create this natural beauty spot in the City of Portland,

And Be It Further Resolved that the said City Council does on behalf of the municipality and of the people of said City of Portland accept his gift as aforesaid in accordance with the terms of his letter of January 27, 1944, and the plan

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CITY OF PORTLAND
CITY PROPERTY
REVALUATION SHEET NO. _____
SCALE 1"=200'



785 removed

To have and to hold the aforesaid and bargain premises with all the privileges and appurtenances thereof, for the purposes and subject to the conditions hereinbefore set forth, to the said City of Portland its use and behoof forever. And I do covenant with the said grantee that I am lawfully seized in fee of the premises that they are free of all incumbrances except as hereinbefore set forth, that I have good right to sell and convey the same to the said grantee to hold as aforesaid and that I and my heirs shall and will warrant and defend the same to the said grantee forever against the lawful claims and demands of all persons.

In Witness Whereof I the said Grantor and Jenny M. wife of the said William H. in testimony of her relinquishment of her rights of dower in the above described premises have herunto set our hands and seals this eleventh day of November A.D. 1879.

William H. Fessenden. Seal.

Jenny M. Fessenden. Seal.

State of Maine

Cumberland ss. November 11th 1879. Personally appeared the above named William H. Fessenden and Jenny M. Fessenden and acknowledged the within instrument to be their free act and deed.

Before me

James D. Fessenden

Justice of the Peace.

Approved Clarence Hale
City Solicitor.

Received Dec 3^d 1879. at 12 h 19 m. P. M. and recorded according to the original.

Attest

Francis L. Stevens.

Register.

Conveyed to the
City w/ the condition
that it would
never be a
city park.

P/O

Deering Oaks
Park

Deering acknowledge all Men by these Presents. That We Nathaniel
Deering, Harriet H. Deering, and Henry Deering all
City of Deering in the County of Cumberland, and State
of Maine Margaret D. Gilman wife of Augustus H.
Portland. Gilman, Georgiana D. Wopham wife of Edward C.
Warranty. Wopham, and Marion D. Noyes all of Portland.

in said County and State, in consideration of One Dollar paid by the said City of Portland, the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said City of Portland forever, all our right, title and interest in and to all that tract of land known as Deering's Oaks situated in said Portland, together with certain portions of the stream and marsh adjoining, situated in the town of Deering, being such portions as are included in the proposed new laying out of the Marginal way now pending before the City Council of said Portland, and as shown upon a plan of said new laying out of said way in the office of the City Civil Engineer of said City, with certain flats in said Deering, all of said premises being bounded and described as follows, viz. beginning at the corner formed by the Northerly line of Portland Street, and the Easterly line of Grove Street in said Portland, thence Northerly by said Grove Street to the centre of the channel of the creek between said Deering's Oaks and the town of Deering, thence Easterly by the centre of the channel of said creek to the Northerly line of the new laying out of said Marginal way, thence Easterly by said Northerly line of said Marginal way till it again strikes the centre of said channel, thence Easterly by the centre of said channel to the Northwestern corner of the lot of the late Daniel Winslow in said Deering, thence Southerly by the rear or Westerly line of the lot on the Westerly side of the County Road which leads from Deering's Bridge to Woodfold's corner, to a point opposite to and one hundred (100) feet Westerly from the Northerly end of said Deering's Bridge, thence Southerly, parallel with said Deering's Bridge and one hundred (100) feet Westerly therefrom to land of J. S. Ricker at the foot of Green Street in said Portland, thence Westerly and Southerly by said Ricker's land to land of Carrabee, thence Southerly by said Carrabee's land to said Portland Street, thence Westerly by said Portland Street to point of beginning. Provided however, and this conveyance is made upon the condition that the premises herein described shall be forever held by said City of Port-

land as a public park, otherwise shall revert to said Grantors or their heirs, and provided further that the lands of said Grantors, in the vicinity known as Deering's pasture shall not have their valuation for taxation, as existing in the year A. D. 1878, increased during the next ten years while in the possession of the said Grantors, the said premises herein conveyed, being subject to a right of way herewith reserved to the said Grantors and their heirs for the Portland and Rochester Railroad as now used.

The foregoing premises being conveyed subject to the taxes of the - 1879, which are to be assessed by said City of Portland.

To have and to hold the aforegranted and bargained premises with all the privileges and appurtenances thereof for the purposes and subject to the conditions hereinbefore set forth to the said City of Portland, its use and behoof forever, And we do covenant with the said grantee that we are lawfully seized in fee of the premises, that they are free of all incumbrances, except as hereinbefore set forth, that we have good right to sell and convey the same to the said grantee to hold as aforesaid, and that we and our heirs shall and will warrant and defend the same to the said grantee forever against the lawful claims and demands of all persons.

In Witness Whereof We the said Grantors and Anna M. wife of the said Nathaniel, Edward C. husband of the said Georgiana D. and Augustus H. husband of the said Margaret D. in testimony of their relinquishment of their rights of dower in the above described premises, have hereunto set our hands and seals this twelfth day of November A. D. 1879.

Signed Sealed and
Delivered in presence of
Jno W. Dana, to H. D.
Edward Deering Noyes.

N. Deering Seal.
Harriet W. Deering, Seal.
Henry Deering, Seal.
Margaret Deering Gilman Seal.
Georgiana Deering Whipple Seal.
Marion Deering Noyes, Seal.
Anna M. Deering, Seal.

Edward E. Upham. Seals.
By his Attorney Henry Deering.
Augustus H. Gilman. Seals.
By his Attorney Henry Deering.

Cumberland ss. Nov-12th 1879. Personally appeared the
above named Henry Deering and acknowledged the
above instrument to be his free act and deed.

Before me

A. A. Strout

Justice of the Peace.

Approved Clarence Hale
City Solicitor.

Received Dec 3rd 1879. at 12 h. 19 m P. M. and recorded
according to the original.

Attest

Francis H. Stevens.

Register.

Know all Men by these Presents That We Alice F. Anderson & ~~the~~
Anderson wife of W. H. Anderson of Portland, County of To
Cumberland, and State of Maine, and Mary A. F. City of Portland
Tucker wife of Edgar Tucker of New York City, Coun-
ty and State of New York, in consideration of Six Warrant, ^{thousand}
thousand Dollars paid by the said City of Portland.
the receipt whereof we we do hereby acknowledge, do
hereby give, grant, bargain, sell and convey unto the
said City of Portland forever, all our right title and
interest in and to all that tract of land known as
Deering's Cakes situated in said Portland, and bound-
ed and described as follows, beginning at the corner
formed by the intersection of the Northerly line of
Portland Street, and the Easterly line of Grove Street
in said Portland, thence Northerly by said Grove Street
to the centre of the channel of the creek between
said Deering's Cakes, and the town of Deering, thence
Easterly by the centre of the channel of said creek
to a point opposite the centre of the channel where
it passes under the mill on the Westerly side of
Green Street, and one hundred feet Westerly from
said Green Street, or Deering's Bridge, thence Southerly
parallel with said Deering's Bridge and one hun-
dred feet Westerly therefrom, to land of J. S. Bicker.

edged the within instrument to be his free act and deed,

Before me

James G. Fessenden
Justice of the Peace.

Approved Clarence Keale
City Solicitor.

Received Dec 24 1879 at 12 h. 19 m. P. M. and recorded according to the original.

Attest

Francis G. Stevens Register

Know all Men by these Presents, That We, James Fessenden, et al
J. Fessenden, and Francis Fessenden, both of Portland, Me.
in the County of Cumberland and State of Maine, in City of Portland,
consideration of One Dollar paid by the City of Portland
in said County and State, the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell, and convey unto the said City of Portland forever, all our right title and interest in and to all that tract of land known as Deering's Oaks situated in said Portland together with certain portions of the stream and marsh adjoining situated in the town of Deering, being such portions as are included in the proposed new laying out of the Marginal way now pending before the City Council of said Portland and as shown upon a plan of said new laying out of said way in the Office of the City Civil Engineers of said City together with certain flats in Deering in said County, all of said premises being bounded and described as follows beginning at the corner formed by the intersection of the Northerly line of Portland Street, and the Easterly line of Grove Street, in said Portland, thence Northerly by said Grove Street, to the centre of the channel of the creek between said Deering's Oaks, and the town of Deering, thence Easterly by the centre of the channel of said creek to the Northerly line of the new laying out of said Marginal way, thence Easterly by said Northerly line of said way till it again strikes the centre of said channel, thence Easterly by the centre of said channel to the Northwestern corner of the lot of the late Daniel Winslow in said Deering, thence Southerly by

Warranty, P/O

Deering Oaks
Park

the rear or Westerly line of the lots on the Westerly side of the County road which leads from Deering's Bridge to Woodford's corner to a point opposite to said one hundred (100) feet Westerly from the Northerly end of said Deering's Bridge, thence Southerly parallel with said Deering's Bridge and one hundred feet Westerly therefrom to land of J. S. Reicher at the foot of Green Street, in Portland, thence Westerly and Southerly by said Reicher's land to land of Garrabee, thence Southerly by said Garrabee's land to a point on the Northerly side of said Portland Street, thence Westerly by said Portland Street to the point of beginning.

Provided however and this conveyance is made upon the condition that the premises herein described shall be forever held by said City of Portland, as a public park, otherwise shall revert to said grantors or their heirs, and provided further that the lands of said grantors in the vicinity known as Deering's pastures shall not have their valuation for taxation as existing in the year A. D. 1878, increased, during the next ten years while in possession of the said grantors or their heirs, the said premises herein conveyed, being subject to a right of way herewith reserved to the said grantors and their heirs for the Portland and Rochester Railroad as now used. The foregoing premises being conveyed subject to the taxes for the year A. D. 1879, which are to be assumed by said City of Portland.

To have and to hold the aforegranted and bargained premises with all the privileges and appurtenances thereof, for the purposes and subject to the conditions hereinbefore set forth to the said City of Portland its use and behoof forever, and we do covenant with the said grantee that we are lawfully seized in fee of the premises that they are free of all incumbrances except as hereinbefore set forth, that we have good right to sell and convey the same to the said grantee to hold as aforesaid and that we and our heirs shall and will warrant and defend the same to the said grantee forever against the lawful claims and demands of all persons.

In Witness Whereof We, the said Grantors, and Frances C. wife of the said James D. and Ellen F. wife

of the said Francis, in testimony of their relinquish-
ment of their right of dower in the above described
premises have hereunto set our hands and seals this
----- day of ----- A. D. 1879.

The words in their hands
interlined before signing.

Witness

George M. Clark
to J. D. F. & F. F.

James D. Fessenden. Seal.
Francis Fessenden. Seal.
Francis C. Fessenden. Seal.
Ellen F. Fessenden. Seal.

State of Maine.

Cumberland ss. November 18, 1879. Then personally appear-
ed the above named James D. Fessenden and Francis
Fessenden and acknowledged the above instrument
to be their free act and deed

Before me

George M. Clark.

Justice of the Peace.

Approved Clarence Hale

City Solicitor.

Received Dec 3^d 1879. at 12 h. 19 m. P M and recorded
according to the original.

Attest

Frank B. Stevens

Register.

Extract from the Will of
John Libby 4th

Libby
To

Libby & al.

State of Maine.

Cumberland County.

Probate Office.

Deviser.

Portland December 3^d A. D. 1879.

I hereby certify that the last Will and Testament of
John Libby 4th late of Scarborough in said County.
deceased, was proved, approved and allowed by the
Judge of Probate for said County at a Court held
at Portland on the First Tuesday of December 1879.
and that the following is a true copy of so much
of said Will as devised real Estate in the County a-
foresaid.

First I give and bequeath to my beloved wife Lu-

were "quite successful." The park was also used as an area to transplant trees from the City nursery. Many of the trees along Baxter Boulevard were transplanted from the park.

It was reported in the 1933 annual municipal report that two tennis courts were in the process of being marked out. Two new park drives had recently been cut through making accessible 15 to 20 acres of the park. A year later, the report stated "it is recommended that the present playground be put in better condition. There has been some demand for a soccer field in this park."

By 1943, things hadn't changed too much. There were two tennis courts, one baseball diamond and a small children's playground. Only approximately five acres out of the 47 acres in the park were developed for active recreation. The 1943 recreation report recommended two additional tennis courts, a multi-use hard surface area for a variety of sports, outdoor basketball courts and facilities for field games. Five years later, a road was constructed connecting the park with Baxter Boulevard. An ice skating rink was added to the park the same year.

In 1964, the The Fourth "R" Recreation plan reported the same number of facilities at the park as in 1943.

In 1976, the Longfellow Arboretum was established as a cooperative effort between the Longfellow Garden Club and the City of Portland. The arboretum is on a 3 acre parcel on the southwesterly corner of the park. The arboretum grows exotic plant material for the enjoyment and education of the public.

During the early 1970's, significant changes were made to Payson Park. Two tennis courts were added adjacent to the existing ones, a softball field and additional playground equipment were provided. In the 1980's, changes to the roadway parking and baseball field were undertaken.

The role of Payson Park has evolved through the years. It was originally used as a site for community gardens and a nursery. Gradually, improvements were made to the park but for the first 50 years of the park's existence it had a limited number of facilities. As the largest park adjacent to Baxter Boulevard, it was inevitable that it has become a popular park for the City as a whole as well as adjoining neighborhoods.

Today Payson Park's predominant use is directed to active recreation facilities, including a lighted softball field, baseball field, two little league fields, four tennis courts, a basketball court, a skating rink and a tot lot. A prominent winter use in the park is the sledding hill extending from Ocean Avenue into the park.

Riverside Golf Course *

The opening of the Riverside Golf Course represented a new type of recreation facility for the City. Although the first golf courses in this country were not built until the 1880's, golf very quickly became the craze. Unlike other sports, such as baseball and tennis, that could be quickly accommodated within existing park facilities, a golf course could not because of its inordinately large land requirements.

The Riverside Golf Course was opened in 1929 as a nine hole course. Three years later, US Open Champion Jesse Guilford performed in the first golf exhibition at Riverside. By 1937, the course was expanded to 18 holes using Workers Progress Administration funding. Today, the course is 6,309 yards with a par of 72. The main part of the golf course is about 240 acres.

The 1938 annual municipal report indicated that "in the winter, skiing is enjoyed over the rolling terrain of the course, and a toboggan slide is erected, and an ice pond is provided. In the winter, the course is a popular place for informal winter sports."

The 1943 recreation plan found that "at the present time there is one excellent 18-hole course which, apparently has been adequate to meet the past and present needs. If interest in this spirit should broaden in the future, it may be desirable to consider the construction of an additional course of nine holes in some other section of the city."

In 1961, 25 acres of land was purchased adjoining the course for use as a practice driving range and additional parking.

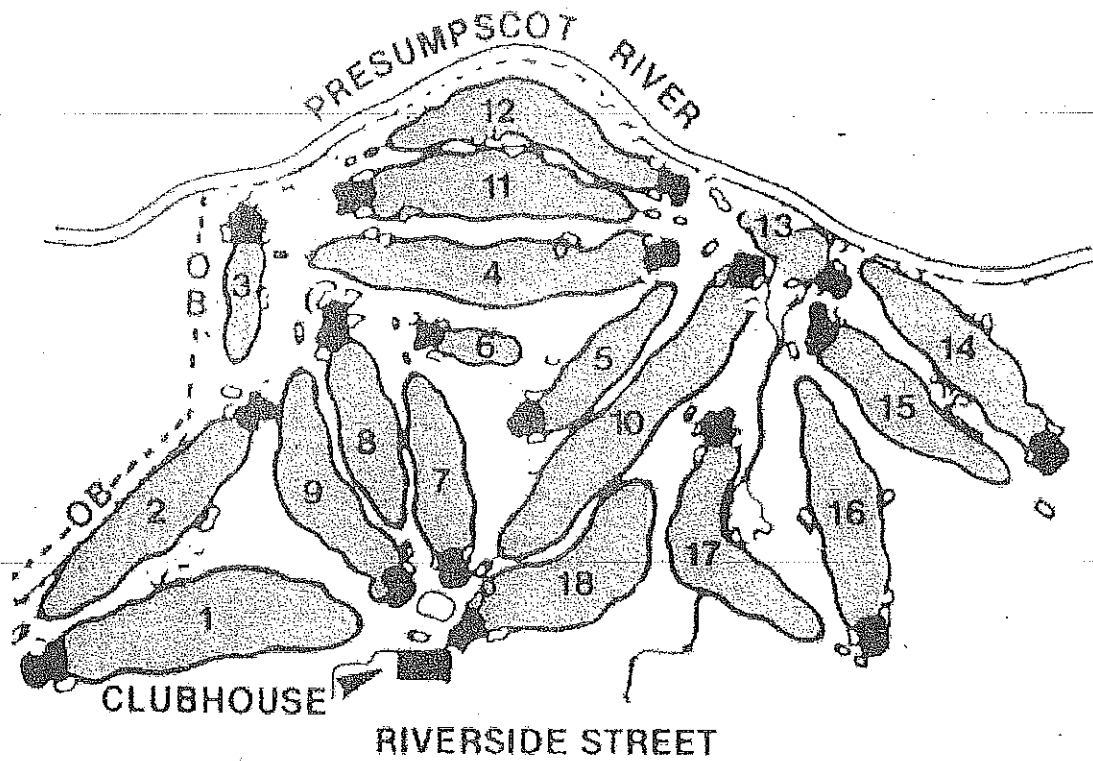
In 1975, the City acquired Hamlin's Pit. This parcel (22 acres) is adjacent to the golf course. With the acquisition of this parcel, the old Riverton Park land was now linked to the golf course (except for a small interruption), providing a continuous tract of recreational land over 1 1/2 miles long and containing about 280 acres. Hamlin's Pit, a former quarry, is currently being used as a reclamation area for construction debris. Long-term plans call for the property to be used as open space. During the early 1960's there was discussion of using this land for an additional nine holes.

A new clubhouse was constructed in 1976. The 6,400 sq. ft. clubhouse includes a restaurant, bar, pro shop, and locker rooms.

A long-term strategy to improve the golf course was outlined in the Ten Year Master Plan for Riverside North Municipal Golf Course. The 1983 plan (see Appendix A) provided a comprehensive list of needed improvements estimated to cost a total of \$956,000.

The Riverside Golf Course and adjacent City-owned land represents a significant resource. Although the site is a bit remote from most of Portland's developed neighborhoods, it is used by residents on a community-wide basis. With Evergreen Cemetery, it is one of the two largest open spaces in the City. The property has the most continuous length of shorefrontage of any city-owned parcel except for Back Cove. The site was originally designed and improved as a golf course, but it is also popular for winter sports. The Portland Shoreway Access Plan recommends that a riverside trail and canoe trail be considered for this property.

Riverside North Course Map



RESOLUTION 335
AUTHORIZING APPLICATION FOR GRANT
FOR ACQUISITION OF LAND FOR GOLF
COURSE EXTENSION

(City Manager)

IN THE CITY COUNCIL

JULY 7, 1965

Read twice and adopted, 8 Yeas.

Attest *Charles H. [Signature]*
City Clerk.

RESOLUTION OF CITY OF PORTLAND, MAINE AUTHORIZING
FILING OF APPLICATION TO ACQUIRE OPEN-SPACE LAND

WHEREAS Title VII of the Housing Act of 1961 provides for the making of grants by the Housing and Home Finance Administrator to States and local public bodies to assist them in the acquisition of permanent interests in land for open-space purposes where such acquisition is deemed essential to the proper long-range development and welfare of urban areas in accordance with plans for the allocation of land to such purposes; and

WHEREAS the City of Portland, Maine desires to acquire a warranty deed to certain land known as the Hamlin Property adjacent to Riverside Municipal Golf Course, which land, in accordance with the Riverside Golf Course Extension adopted by the Portland City Planning Board, is to be held and used for permanent open-space land as a Golf Course; and

WHEREAS Title VI of the Civil Rights Act of 1964, and the regulations of the Housing and Home Finance Agency effectuating that Title, provide that no person shall be discriminated against because of race, color, or national origin in the use of the land proposed to be acquired; and

WHEREAS it is estimated that the total consideration to be paid for the acquisition of said interest will be \$25,734.00:

NOW, THEREFORE, BE IT RESOLVED BY THE City of Portland, Maine AS FOLLOWS:

1. That an application be made to the Housing and Home Finance Agency for a grant in an amount authorized by Title VII of the Housing Act of 1961, which amount is presently estimated to be \$5,000, and that the City of Portland, Maine will pay the balance of the consideration for the acquisition of such interest and the total of all related costs from other funds available to it.

2. That the City Manager is hereby authorized and directed to execute and to file such application with the Housing and Home Finance Agency, to provide additional information and to furnish such documents as may be required by said Agency, to execute such contracts as are required by said Agency, and to act as the authorized correspondent of the City of Portland, Maine.

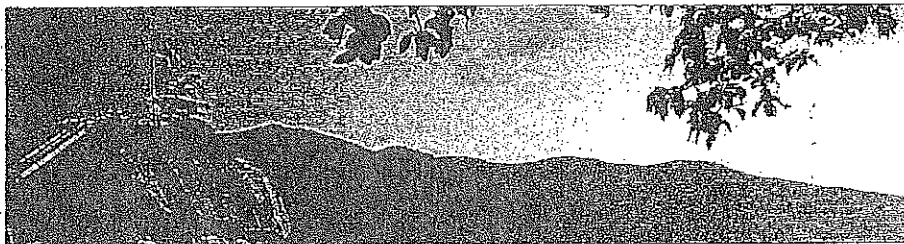
3. That the proposed acquisition is in accordance with the Riverside Golf Course Extension adopted by the Portland City Planning Board for the preservation of permanent open-space land, and that, should said grant be made, the City of Portland, Maine will retain said land for the use designated in said application and approved by the Housing and Home Finance Agency.

NC STATE UNIVERSITY



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LIST SERV

Land & Water Conservation Fund

The Land & Water Conservation Fund (LWCF)

LWCF is a Federal grant program managed through the National Park Service and the NC Division of Parks and Recreation (DPR). The program began in 1965 and has funded 874 park projects in North Carolina providing more than \$74,700,000 in Federal grant funds for outdoor recreation. To learn more about the program and see a list of projects, visit <http://www.nps.gov/lwcf/>

Have an Active LWCF Grant?

Contact your regional RRS consultant for more information about managing your project or to get the required forms to submit reimbursement requests.

For more information check out the:

[LWCF Post Completion Responsibilities: Local Sponsor's Handbook](#)



Have a Park with LWCF Restrictions?

Check our FAQ list below to learn more about management requirements for your park.

FAQs for LWCF funded facilities

DISCLAIMER: The answers below only provide basic information about LWCF restrictions and conversions. Every situation is different and must be evaluated through the proper channels. Always contact your regional RRS consultant to discuss your situation and get information on how to proceed.

Does our park have LWCF Restrictions?

You may check the NPS website to see a list of projects by county. <http://www.lwcf.nps.gov/public/index.cfm> Keep in mind that some park names may have been changed over the years. The local project sponsor (incorporated municipality or county) should have information about the project on file. Also, all funded projects are required to have an official LWCF sign posted in the park. If you are still not sure, please contact your regional RRS consultant to find out.

What does a 6(f) boundary restriction mean?

When a project is assisted with LWCF funds, the grantee submits a site plan depicting funded facilities and outlining the boundaries of the project. Typically, the boundaries are the metes and bounds of the entire park. This boundary is the 6(f) boundary defining the park site as outlined in the LWCF act. The property is restricted to public outdoor recreation use in perpetuity. The land may not be used for any other purpose. Doing so results in a conversion from the signed project agreement, or contract.

How long are restrictions in place?

In perpetuity; LWCF restricts use of the property for outdoor recreation use forever. If your grant was awarded in the early years of the program when development was allowed on leased property, it is possible that the restrictions expire with the lease term. Contact your regional RRS consultant to confirm and discuss the option to continue with restrictions or request they be removed.

L+W Cons. Fund

grant for
jobbed
part of

Riverside

requires

that we

use the

property

for public

outdoor recreational use in perpetuity

If LWCF only funded one facility, is the entire park restricted?

Yes. To determine the exact 6(f) boundaries, we will need to review the original project agreement and application file. That file documents the metes and bounds of the restricted property. If you have added park property since your grant, the new property may not hold 6(f) restrictions. Contact your regional RRS consultant to confirm.

What is a conversion?

There are two types of conversions; one associated with the property, the other with a funded facility.

1. A **property conversion** means that the park site (within the 6(f) boundaries) is being used for purposes other than public outdoor recreation. Examples include, but are not limited to: utility or road easements, sale of property, construction of non-recreation facility such as a pump station, town hall, or fire station within the boundaries.
2. **Facility conversions** occur when a facility constructed with LWCF assistance, such as tennis or basketball courts, playgrounds or trails have been removed from the site or are no longer in proper repair for public use. It may also occur when indoor recreation facilities are constructed on site. This includes enclosing an outdoor pool, even with a bubble.

When should I contact my RRS consultant about proposed changes in my LWCF park?

- LWCF funded facilities in disrepair, outdated or no longer in use
- Proposed changes to park boundaries, including sell of property
- Relocation of facilities within park boundaries
- Development of indoor recreation facilities (including enclosing a pool)
- Utility easement proposed through park property
- Non-recreation use within park boundaries

What if the facility has reached the end its lifetime or usefulness?

Many facilities were constructed with LWCF assistance over 30 years ago. Local sponsors are required to properly maintain and/or replace facilities as needed. If you have a facility (tennis court, for example) that has reached the end of its estimated lifespan and the public no longer needs that facility, the local sponsor may request that it be removed from LWCF restrictions. Contact your regional RRS consultant to discuss the request and get a list of the required documentation to make that request.

What is the process to request a conversion?

Contact your regional RRS consultant to discuss your LWCF site and the potential conversion. He or she will be able to provide conversion instructions based on your particular situation.

May we proceed with changes prior to official conversion approval?

No. Before any changes that are a conversion are made to a project site, approval to proceed must be received from the National Park Service. Keep in mind that not all requests are approved for conversion.

How long does a conversion request take?

Depending on the complexity of your request, the completeness of the documentation you submit and the time of year, your request may take from 3 to 6 months for approval. The request is submitted from the State of NC to the National Park Service.

What happens if we have a conversion without approval?

Contact your regional RRS consultant immediately to discuss the conversion and procedures to follow to remedy the situation. Many times, simple documentation is sufficient. However, if a conversion is unresolved your County or Town is "out of compliance" with their LWCF agreement. This status may negatively effect any other grant applications through the state or Federal system.

Recreation Resources Service
Campus Box 8004
Raleigh, NC 27695-8004
(919) 515-7118 (Phone)
(919) 513-4531 (Fax)



Edward Payson Park

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KNOW ALL MEN BY THESE PRESENTS, that I, William M. Payson Payson of Boston, County of Suffolk, Commonwealth of Massachusetts, upon the conditions to and for the considerations hereinafter set forth, and for public park purposes only City of Portland do hereby give, grant, bargain, sell and convey unto the City of Portland, in the County of Cumberland and State of Maine, a municipal corporation duly established under the laws of said State of Maine, the estate where my father lived for nearly the half century before his decease in 1890, comprising the greater part of the premises described in deed Gerry Cook to Edward Payson, of June 15, 1847, Cumberland Registry of Deeds, Book 203, Page 150, this conveyance being in accordance with what I know would be the wishes of my late brother, Edward Payson, in memory of our late father; and, excepting the part thereof taken for the Back Cove Boulevard, includes the premises between Ocean Avenue and Back Cove in said Portland, bounded as follows, viz: On the northwest seven hundred and sixty (760) feet more or less by said Ocean Avenue; thence on the west and south by land formerly of John G. Warren, deceased, about nineteen hundred and fifty (1950) feet to mean high water mark on Back Cove; thence easterly and northerly along mean high water mark of Back Cove to first boundary line in said Gerry Cook deed and along said line eleven hundred and twenty (1120) feet more or less to land formerly of Benjamin Adams, deceased, and along such land and land formerly owned or occupied by one Wescott to said Ocean Avenue, together with the house and buildings thereon and flats in Back Cove appurtenant thereto; the area of said described premises, supposedly some forty acres, more or less, to be determined by survey as hereinafter provided.

The conditions and considerations of this conveyance above mentioned are that the premises aforesaid shall always be named "The Edward Payson Park" and used for only public park purposes; that before delivery of this deed to said grantee the laws of the State of Maine, to wit, chapter 276 of the Private and Special Laws approved March 30, 1911, which might permit the use of said premises for other than park purposes shall at the next session of the Maine Legislature be either repealed or so amended as to except said premises from the operation thereof, and that such legislative action shall not be changed by referendum; that a survey shall be made of said bounded premises, not including said flats, to determine the number of acres thereof and that the area so determined shall be paid for by said grantee at the rate of five hundred and fifty dollars (\$550) per acre, as follows, viz: Five thousand dollars on delivery of this deed of said City or its Park Commission and the balance at the rate of five thousand dollars (\$5,000) per year until paid, with the right of earlier payment in whole or part at the option of said Park Commission, and that so much of the whole amount as remains unpaid on April 1, 1917, shall thereafter, until paid, bear five per cent. yearly interest, payable October 1st in each year; and that said grantor shall be relieved from the payment of all kinds of tax assessments made after the date hereof on said premises or any considerations named herein.

TO HAVE AND TO HOLD the aforegranted and bargained premises, for public park

purposes and subject to the conditions above stated, with all the privileges and appurtenances thereof to the said City of Portland and its successors as municipal corporations, forever, to its and their use and behoof forever. And I do covenant with the said grantee and its successors as municipal corporations, that I am lawfully seized in fee of the premises; that they are free from all encumbrances; that I have good right to sell and convey the same to said grantee to hold as afore said; and that I and my heirs shall and will warrant and defend the same to the said grantee and its successors as municipal corporations forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said grantor, being unmarried has hereunto set his hand and seal this twenty-third day of December, in the year of our Lord one thousand nine hundred and sixteen.

Signed, sealed and delivered in the presence of

Franklin C. Payson	William M. Payson	Seal
State of Maine. Cumberland, ss.	Portland, December 23, 1916.	Personally appeared William M. Payson, the above named grantor, and acknowledged the above instrument to be his free act and deed.

Before me, Franklin C. Payson
Justice of the Peace.

Received July 9, 1917, at 2h 20m P. M. and recorded according to the original

Baldwin

to
Scribner
N. of F.

WHEREAS Frank E. Baldwin, of Portland, County of Cumberland and State of Maine, by his mortgage deed dated the twenty-ninth day of September 1916 and recorded in Cumberland County Registry of Deeds, Book 970, Page 236, conveyed to Geo. T. Edwards Real Estate Co. of said Portland, a certain lot or parcel of land located at Avalon Highlands in said Portland, bounded and described as follows: Beginning at a point on the southwesterly side of Ardmore Street, distant southeasterly thereon one hundred and forty (140) feet from the southeasterly side of Avalon Road; thence southwesterly and at right angles to Ardmore Street one hundred (100) feet to a point; thence southeasterly and parallel with Ardmore Street forty (40) feet to a point; thence northeasterly and again at right angles to Ardmore Street one hundred (100) feet to said Ardmore Street; thence northwesterly along the southwesterly side line of Ardmore Street forty (40) feet to the point of beginning. Being lot numbered twenty-four (24) as shown on plan of Averton Highlands, recorded in said Registry, Plan Book 12, Page 11, which mortgage was assigned to me by said Geo. T. Edwards Real Estate Co. by its assignment dated October 11th, 1916, and recorded in said Registry, Book 980, Page 43.

And Whereas the conditions of said mortgage have been broken. Now, therefore, by reason of the breach of the condition thereof I claim a foreclosure of said mortgage.

Portland, Maine, July 5, 1917.

Fred G. Scribner

State of Maine. Cumberland, ss. Portland, July 8th, A. D. 1917. I this day made service of this notice of Foreclosure on the within named Frank E. Baldwin of

Stroudwater Park

WARRANTY DEED

KNOW ALL PERSONS BY THESES PRESENTS, that the Stroudwater Village Association, a Maine not for profit corporation with a place of business at 12 Garrison Street, Portland, Maine, in consideration of one dollar (\$1.00) and other valuable consideration paid by the City of Portland, a body politic and corporate with a place of business at 389 Congress Street, Portland, Maine, the receipt whereof is hereby acknowledged, does hereby remise, bargain, sell and convey with Warranty Covenants, to said City of Portland, its successors and assigns, a certain lot or parcel of land described in Schedule A, attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the said Stroudwater Village Association has hereunto caused this instrument to be signed by Elizabeth Hoglund, its duly authorized President, this 10th day of November, 2004.

WITNESS

STROUDWATER VILLAGE ASSOCIATION

Donna M. Katsiaticas

Elizabeth Hoglund
By: Elizabeth Hoglund
Its: President

STATE OF MAINE
CUMBERLAND, ss.

11-10, 2004

Personally appeared the above-named Elizabeth Hoglund, the President of the Stroudwater Village Association, and acknowledged the foregoing to be his/her free act and deed and the free act and deed of the Stroudwater Village Association.

Before me,

Donna M. Katsiaticas
Notary Public/Attorney at Law

Donna M. Katsiaticas
Printed Name

Printed Name

SCHEDULE A

Certain real property, together with any improvements thereon located in the City of Portland, Cumberland County, Maine and more particularly described as follows:

A certain lot or parcel of land with the buildings thereon situated in Portland, at Stroudwater Village, so-called, Cumberland County, State of Maine, bounded and described as follows:

Beginning at an iron pin in the northerly line of Congress Street at the southwesterly corner of land now or formerly owned by William Leavitt; running thence in a southwesterly direction along said northerly line of Congress Street eight-eight and eight-nine hundredths (88.89) feet to the easterly line on Westbrook Street; thence along said easterly line of Westbrook Street ninety-eight and five hundredths (98.05) feet to a stake; thence turning and continuing along said easterly line of Westbrook Street with an interior angle of one hundred seventy-one degrees and four minutes ($171^{\circ} 4'$) one hundred eighty-five and seventy-five hundredths (185.75) feet to a stake in the southerly line of land formerly of one Daniel Dole; thence easterly with an interior angle of fifty-three degrees and fifty-five minutes ($53^{\circ} 55'$) and along the southerly line of said land of said Daniel Dole one hundred sixty-four and sixty-five hundredths (164.65) feet to a stake; thence in a southwesterly direction and along the westerly line of the land now or formerly owned by William Leavitt, two hundred forty-three and eighty-one hundredths (243.81) feet, more or less, to the point or place of beginning.

Less and except that portion of the above-described parcel subject to a taking by the State of Maine by instrument dated September 15, 1987 and recorded in the Cumberland County Registry of Deeds in Book 7992, Page 8.

The property herein conveyed is subject to an easement conveyed by C. Hasty Thompson to Portland Water District dated June 25, 1982 and recorded in said Registry of Deeds in Book 4981, Page 249.

Being the same premises conveyed to the Grantor and Portland Trails herein by deed from January to September 19, 2002 and recorded in the Cumberland County Registry of Deeds in Book 18105, Page 178. Portland Trails conveyed its interest to Grantor herein by deed of even date to be recorded in the Cumberland County Registry of Deeds.

→ This property is subject to the conditions that Grantee, its successors and assigns shall maintain said property for public use, and shall maintain it in the same relatively unimproved state as exists on the date of this conveyance.

This conveyance is further subject to all easements of record and a conservation easement granted by this Grantor to Portland Trails, of even date, to be recorded in the Cumberland County Registry of Deeds. This conveyance is also subject to the condition that Grantor may use the property for its events providing that such events are not inconsistent with the terms of the conservation easement granted to Portland Trails.

This property is further subject to a maintenance agreement of even date on file in the office of the Director of Finance at the City of Portland.

Received
Recorded Register of Deeds
Nov 22, 2004 09:55:16A
Cumberland County
John B O'Brien

University Park

125

Know all Men by these Presents, That

Portland Wharf & Land Company a corporation organized and existing under the laws of the State of Maine and located at Portland in the County of Cumberland and State of Maine

in consideration of one dollar and other valuable considerations paid by City of Portland; a municipal corporation organized and existing under the laws of the State of Maine, and located in said County of Cumberland

the receipt whereof it does hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said City of Portland, its successors and assigns forever, a certain lot or parcel of land situated in said City of Portland, and bounded and described as follows, viz: Beginning at a point in the northerly side line of Harvard Street, as laid out and accepted November 19, 1934, said point being distant 72.60 feet westerly along the northerly side line of Harvard Street, from the second angle in the said northerly side line of Harvard Street easterly of Allen Avenue and said point of beginning being also the point of intersection of the said northerly side line of Harvard Street with the southerly side line of Yale Street as laid out and accepted November 19, 1934; thence southeasterly by the said northerly side line of Harvard Street, as laid out and accepted as aforesaid, a distance of 72.60 feet to the second angle in the said northerly side line of Harvard Street easterly of Allen Avenue; thence easterly by the said northerly side line of Harvard Street and making an included angle of $136^{\circ} 25\frac{1}{2}'$ with the northwesterly direction of the last described course, a distance of 2030.55 feet to the third angle in the said northerly side line of Harvard Street easterly of Allen Avenue; thence northeasterly by the northwesterly side line of Harvard Street and making an included angle of $101^{\circ} 08\frac{1}{2}'$ with the westerly direction of the last described course, a distance of 263.88 feet, more or less, to its intersection with the southerly side line of Yale Street as laid out and accepted as aforesaid; thence westerly by the said southerly side line of Yale Street and making an included angle of $74^{\circ} 43'$ with the southwesterly direction of the last described course, a distance of 2086.06 feet to the first angle in the said southerly side line of Yale Street easterly of Harvard Street; thence southwesterly by the said southerly side line of Yale Street, and making an included angle of $136^{\circ} 54'$ with the easterly direction of the last described course, a distance of 78.29 feet to the intersection of the said southerly side line of Yale Street with the northerly side line of Harvard Street, and the point of beginning. Containing 8.66 acres, more or less.

Meaning and intending to convey the lot of land included within the northerly and westerly side lines of Harvard Street and the southerly side line of Yale Street, as laid out and accepted as public streets or ways on November 19, 1934.

To have and to hold the same for recreational and park purposes; for the erection of school houses, fire stations or other buildings used for strictly municipal purposes.

in full and to hold the same, together with all the privileges and appurtenances thereunto belonging, to the said City of Portland, its successors and assigns forever, so long as the same may be used for the aforesaid purposes. And the said Grantor Corporation does hereby covenant with the said City of Portland, its successors and assigns, that it will warrant and forever defend the premises to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through or under me, it.

U.S.I.R.
\$1.50
D.E.M.--
12/4/34

In Witness Whereof, the said Portland Wharf & Land Company has caused this instrument to be sealed with its corporate seal and signed in its corporate name by David E. Moulton, Treasurer, and Willis B. Moulton, President, thereunto duly authorized,

have hereunto set hand and seal this twenty-seventh day of November in the year of our Lord one thousand nine hundred and thirty-four.

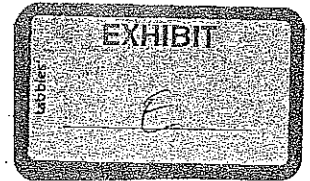
Signed, Sealed and Delivered in presence of

PORTLAND WHARF & LAND CO.
CORPORATE SEAL
By David E. Moulton Treasurer.
Willis B. Moulton President.

County of
State of Maine, Cumberland, ss. December 3, 1934

Then Personally appeared the above named David E. Moulton Treasurer of said Grantor Corporation as aforesaid and acknowledged the foregoing instrument to be his free act and deed, in his said capacity, and the free act and deed of said corporation.
Harry C. Wilbur Justice of the Peace.

RECEIVED December 5 1934 at 10 o'clock 25 m. A. M., and recorded according to the original.



An Ordinance to Strengthen the Portland Land Bank Commission

I. BE IT ORDAINED BY THE CITIZENS OF PORTLAND AS FOLLOWS:

That Chapter 2, Article III-A of the Portland City Code is hereby amended to read as follows:

ARTICLE III-A. PORTLAND LAND BANK COMMISSION; FUND

Sec. 2-41. Definitions.

As used in this article, unless the context indicates otherwise, the following terms have the following meanings:

Commission means the Portland land bank commission established pursuant to section 2-42.

Land bank means property interests of the types provided in section 2-43(a) which are purchased, acquired or dedicated for the conservation and open space purposes hereunder.

Land bank fund means the fund established hereunder for the purchase of property interests for the conservation and open space purposes hereunder or for making grants or loans for such purposes.

Property interest means any fee simple interest in real property and any lesser interest therein, including without limitation, conservation restrictions and easements.
(Substitute Ord. No. 233, § 1, 4-5-99)

Sec. 2-42. Commission Established.

a) *Findings*. The City Council hereby finds that:

1. There is a need to balance development within the municipality with conservation of open space important for wildlife, ecological, environmental, scenic or outdoor recreational values;
2. there are insufficient financial resources currently in place to plan for, and acquire significant open space lands or easements which are or may become available within the municipality or in adjoining buffer areas; and
3. there is a need to supplement the city's open space conservation efforts, without duplicating the efforts of other public and private groups including the Portland Planning Board,

Portland Trails and the ~~Friends of the Portland Parks~~
Commission. Therefore, in order to ensure the conservation and
preservation of limited open space with important wildlife,
ecological, environmental, scenic or outdoor recreational
values, there is hereby established a Portland Land Bank
Commission, Portland Land Bank and a Portland Land Bank Fund.

(b) *Purposes*. It shall be the purpose of the commission to:

1. work for the acquisition and conservation of open space
within the City, as defined in §2-43(a) below;
2. cooperate with other agencies and parties on wetlands
mitigation projects;
3. recommend on a priority basis the acquisition of various
interests in real estate in order to effectuate the goals of
this article;
4. accept gifts and funds from both private and public sources
and to disburse such funds in accordance with the commission's
approved budget for the purposes hereunder;
5. act as a liaison to other public and private nonprofit
agencies involved in planning, acquisition, disposition, and
management of conservation and open space land within the
municipality; and
6. recommend an annual budget to the City Manager and City
Council to carry out its purposes.

(c) *Appointment of commission*. The Portland Land Bank Commission
shall consist of and be administered by nine (9) persons
appointed by the City Council for staggered three-year terms.
Except as provided below for non-voting members, the members
must be legal residents of the municipality and shall serve
without compensation. One member of the commission shall be
appointed from the City Council. Neither a municipal employee
nor member of the Planning Board or Board of Appeals may be a
member of the commission. To the extent feasible, representation
on the board shall be diversified, including without limitation,
members representing environmental or conservation interests,
economic development, business and financial interests, and
the public generally. There shall be a resident from each of the
City Council districts on the commission.

(d) *Non-voting members*. In addition to the nine voting members,
the Board of Directors of Portland Trails and of Maine Audubon

Society shall each appoint one person from each of their memberships to serve as non-voting members of the commission for three (3) year terms. The only eligibility requirement for appointment to the non-voting positions shall be membership in the respective group which they represent. Such non-voting members shall serve at the pleasure of their appointing Board of Directors.

(e) *Vacancies.* In the event of a permanent vacancy in the voting members, the City Council shall, within 120 days of its occurrence, appoint a person to serve for the unexpired term.

(f) *Removal.* Voting members of the commission may be removed by the City Council for cause, after notice and hearing. Without limiting the foregoing, excessive absences from regularly scheduled meetings shall be considered cause for removal.

(g) *Organization of commission.* The commission shall annually elect a chair, a secretary and a treasurer from among its voting members and shall adopt reasonable rules for the conduct of its meetings, which rules shall include provisions for public comment substantially the same as those provided by City Council rules for standing council committees. The decisions of the commission shall be by majority vote of those present and voting and no business may be transacted without a majority of the voting members present; provided, however, five (5) votes shall always be required to authorize a grant or loan for acquisition of, or to recommend to the council the disposition of, any property interest acquired or disposed of hereunder. The Commission shall keep accurate records of its meetings and actions and shall file an annual report with the City Manager.

(h) *Powers and duties of commission.* The Commission:

1. Shall file annually with the City Council a registry of all open space of the types in section 2-43(a), publicly or privately owned, located within the city or abutting the City as potential buffer areas, for the purpose of providing information pertinent to property utilization, protection, development or use of such open space. The registry must show all property interests then currently held by the city, including a description of the use of those interests and all acquisitions, improvements or dispositions of all property interests held by the city at any time during the year preceding each filing. The commission shall determine and list in the registry the open space lands which meet the criteria in section 2-43(a) and which have significant value for preservation.

through the land bank, and those which are of lesser or no value for preservation and those which are more appropriate for other uses. The foregoing determinations shall include a prioritized list of any recommended acquisitions for the Land Bank, as well as the commission's rationale for its determinations. The commission shall actively seek comments on the proposed registry from the Planning Board, Friends of the Parks, city departments, and the general public at a public hearing prior to adopting the registry or revision to the registry and forwarding it to the council for review. Said registry or revision thereto shall be ~~subject to the approval of the City Council;~~

2. May solicit and recommend to the City Council the acceptance of gifts of any real property interests or of funds to further the conservation and open space goals of this article;

3. May recommend to the City Council the disposition of all or any portion of the property interests listed in the registry and held by the city; may review any proposed disposition of city tax-acquired property interests and make its own recommendations thereon to the City's tax acquired property committee, council committees and/or the City Council;

4. ~~May~~ obtain such professional services as are necessary in order to perform its duties, including development and updating of the Commission's registry, provided, however, to the extent possible, City staff shall assist the Commission;

5. May act as a liaison for the activities of public and private conservation bodies organized for similar purposes;

6. May make recommendations to, and participate with, the city and other agencies and parties in regard to wetlands mitigation plans and projects;

7. May apply for federal, state and local funds for which it may be eligible, subject to the approval of the City Council;

8. May advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary; and

9. Shall submit to the City Manager annually an operating and capital budget for all expenses and projects of the Commission, which shall include a separate budget for expenditures from the Land Bank fund, which expenditures will be limited to the purposes for which this fund is dedicated.

Commission expenditures shall not exceed its annual operating and capital budget, unless otherwise amended by the City Council.

(Substitute Ord. No. 233-99, §1, 4-5-99)

Sec. 2-43. Establishment of Land Bank.

(a) *Acquisition of property interests.* Property interests acquired and held for the purposes hereunder shall be considered as the land bank and may consist of any of the following types of land and interests in land:

1. Ocean, harbor, river, stream, or pond frontage and adjoining back lands;
2. Fresh or saltwater marshes; estuaries, flood plains and adjoining uplands;
3. Islands;
4. Land for future passive public outdoor recreational use, including hiking trails, bicycle paths, green belts and high elevations with a view;
5. Aquifers, aquifer recharge areas and other ecologically fragile or significant property;
6. Properties with unique historical or geological characteristics or otherwise important to the community's cultural welfare;
7. Woods or forest land;
8. Farmland or wildlife habitat;
9. Open spaces which help to shape the settlement pattern of the community by promoting the neighborhood concept and discouraging sprawl;
10. Vacant parcels of land, vacant buildings and properties or buildings and properties in significant disrepair which may be reclaimed for the purpose of establishing natural areas for conservation and open space land; ~~or~~
11. Conservation or trail easements and other similar interests in land; or

12. "Urban open public spaces" such as parks, plazas and squares where people have the opportunity to recreate and hold events.

Said Land Bank property interests may be held in the name of the city or in the name of a private nonprofit organization when acquired from the City or with the assistance of a grant or loan from the land bank fund. All acquisitions of property interests under this article shall be subject to the approval of the City Council, unless previously approved through adoption of the Commission's annual budget.

(b) Maintenance of land. The Commission and the City government shall retain any land bank property interest acquired pursuant to this article and maintained in the land bank predominantly in its natural, scenic or open condition, except as otherwise provided in this article. Except upon the approval, in accordance with section 2-43(c), of the commission, the City Council, and, where applicable, the voters in a municipal election, or where required by state or federal law, and where appropriate, subject to the Constitution of Maine or state law, the commission or the City government shall not allow:

1. Construction or placing of buildings; roads, other than paths for recreational use; signs; billboards; other advertising, utilities or other structures on or above the surface, except in furtherance of the conservation, and open space, and recreation purposes of this article. Notwithstanding the foregoing, this provision shall not prohibit any of the following within any predominantly improved or non-forested areas of a Land Bank property interest: recreational structures, outdoor restaurant seating, outdoor markets, outdoor performance spaces, signs, and other advertising. Furthermore, predominantly unimproved or forested Land Bank property interests, or portions thereof, shall remain in their existing unimproved and forested condition. For the purposes of this subsection, a golf course shall be deemed a predominantly improved and non-forested area;

2. Dumping or placing of trash, waste or unsightly or offensive material;

3. Removal or destruction of trees, shrubs or other vegetation, except where necessary for management purposes and to enhance natural systems or open-space uses;

4. Excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such manner as to affect the surface, except limited grading to enhance the open-space uses of the land;

5. Surface use except for purposes permitting the land or water area to remain predominantly in its natural, scenic or open condition; or to permit the land to continue to support the cultural or recreational values for which it was acquired;

6. Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation, except as may be necessary or convenient in urban open public spaces described in section 2-43(a)(12); or

7. Other acts or uses detrimental to the cultural, natural, scenic or open condition of the land or water areas.

(c) *Disposition of property interests.*

(1) Except as set forth in section 2-43(c)(2), Any request to use, ~~improvesell~~ or otherwise dispose of, or the City's lease, use or improvement in a manner otherwise prohibited by this article, of any property interest in the Land Bank, in a manner otherwise prohibited by this article, or the removal of any property interest from Land Bank designation or dedication, shall become effective only after review and recommendation thereon by the commission, ~~and~~ and ~~approval of either (i) the approval of six (6) members of the City Council and the approval of the majority of votes cast in a municipal election through the process set forth for an ordinance initiated by the City Council in section 9-45; or (ii) the approval of eight (8) members of the City Council;~~ provided, however, such use, improvement or disposition must be legally consistent with the terms of any gift or grant of funds or property which was used for the acquisition of that property interest. Nothing herein is intended, nor shall it be deemed, to prevent or prohibit the sale or development of all or a portion of any property interest purchased with land bank funds to the extent legally consistent with the terms of its acquisition and approved by six (6) members of the City Council; provided, however, that the fund shall be reimbursed all of its costs and expenses for such purchase from such sale or development, including without limitation the purchase price, or pro rata share thereof,

of the property interest. Further provided, however, that no voter approval in a municipal election shall be required in the event of a sale or disposition to a nonprofit corporation having a primary purpose of land conservation, or for a transaction in which there is no net loss of land to the entire contiguous area of the Land Bank Property interest.

(Substitute Ord. No. 233-99, §1, 4-5-99)

- (2) Notwithstanding the requirements set forth in section 2-43(c)(1), for any request to lease, use or improve a Land Bank property interest, in a manner otherwise prohibited by this article, which, in isolation or when aggregated with other such actions within the previous five (5) years, comprises less than five thousand (5,000) square feet or less than ten percent (10%) of the total area of the Land Bank property interest, whichever is smaller, shall become effective only after review and recommendation thereon by the commission and the approval of six (6) members of the City Council, and shall not require voter approval in a municipal election. For the purpose of this subsection, the total area of the property interest shall be the entire contiguous area of that Land Bank Property interest, as measured by the City's tax assessor office.

Sec. 2-44. Reserved-Specific Properties Dedicated as Land Bank Property Interests.

In addition to those properties currently designated or dedicated as Land Bank property interests, the following properties are hereby dedicated as Land Bank property interests:

- a) Back Cove Park and Trail (429 K001, 166 X001, 165 X001, 158 X001, 157 X001, 139 X001, 128 X001, 440 A001, 442 B001, 442 X001, 441 X001, 009 X001, 008 X001, 440 X001)
- b) Barrow's Park/Baxter Sundial (128 F001)
- c) Bayside Park (026 H001, 026 H002, 026 H008)
- d) Baxter Pines (133 A001-A017, 133 B001-B013, 133 B016-B020)
- e) Baxter Woods (137 E012, 136 D004, 135 A005)
- f) Bell Buoy Park (444 A001) (including only the existing brick and grass area around bell buoy) (urban open public space)
- g) Belmeade Park (111 A001)
- h) Capisic Pond Park (224A X001, 224A E016, 224 X001, 192 C001, 192 H018, 192 H019, 192 H020, 192 H029, 223 A002, 223 A003)
- i) Clark Street Park (057 K010)
- j) Congress Square Park (037 E001) (urban open public space)

- k) Deering Oaks Park (050 A001, 049 B001, 035 I001, 035 G001, 035 F001)
- l) Dougherty Field (080 L001, 079 B001, 066 A002)
- m) Eastern Promenade Park, East End Beach, Fort Allen Park (008 A003, 008 A007, 010 B006, 015 G001, 006 A001, 006 A002, 006 A006, 006 B003, 005 E004, 005 E001, 005 E002, 006 B001, 005 E008, 004 C002, 004 C001, 004 A001, 001 A001, 001 A003, 001 C007, 001 C006, 001 C005, 001 C004, 001 C001, 002 A014)
- n) Fessenden Park (081 C006)
- o) Fort Gorges (110 A010)
- p) Fort Sumner Park (012 Q015, 013 K015)
- q) Fox Field/Kennedy Park (023 B001)
- r) Harbor View Park and Tate-Tyng Park (043 A001, 043 A002, 043 A003, 043 A004, 043 A005, 043 A006, 043 A007, 043 A008, 043 A009, 043 A010, 043 A011, 043 A013, 044 D001)
- s) Heseltine Park (129 C001)
- t) Lincoln Park (028 B001) (urban open public space)
- u) Lobsterman Park (032 X002 - only including land south of the entrance to parking garage) (urban open public space)
- v) Longfellow Square (no separate tax parcel) (only including statue and circular grassy area immediately surrounding statue) (urban open public space)
- w) Monument Square (027 G001) (urban open public space)
- x) Munjoy South Playground (017 G008)
- y) Payson Park (159 G001, 163 L006, 164 A001, 165 A001, 166 A001, 166 A009, 167 B009, 167 B010)
- z) Peppermint Park (021 F002)
- aa) Pleasant Street Park (039 F025)
- bb) Post Office Park (032 D005) (urban open public space)
- cc) Riverside Golf Course (but excluding land on or within three hundred (300) feet of the parking lots and land on and within three hundred (300) feet of the existing clubhouse (building 1158) and three other buildings (buildings 1140, 1200, and 1260) and excluding any land on or within three hundred (300) feet of the Riverside Recycling Facility) (361 A002, 360 A001, 362 A001, 363 A001, 359 A001, 358, A001, 364 A001, 357 A001, 365 A001, 366 A001, 367 A001)
- dd) Riverton Park (325 C008, 361 A001)
- ee) Stroudwater Park (213 E003, 213 E004)
- ff) Taylor Street Park (057 A006, 057 A009, 057 A010, 057 A018)
- gg) Tommy's Park (032 H009) (urban open public space)
- hh) University Park (436 B001, 438 B001) and
- ii) Western Promenade Park (064 E024, 068 E001, 070 C001, 071 A011, 071 A002, 071 A007).

Dedication of the above-listed properties as Land Bank property interests shall not affect any rights and interests of record held by third parties existing on the effective date of this ordinance. The above-listed properties may be removed from such dedication by the same process set forth in section 2-43(c).

Sec. 2-45. Land Bank Fund.

(a) *Establishment of fund.* The City shall establish a municipal land bank fund to be set up as a separate account within the city to be used to carry out the purposes of this article pursuant to the commission's approved annual budget. Deposits into the fund shall include:

1. Funds appropriated to be deposited into the fund by vote of the City Council;
2. Voluntary contributions of money or other liquid assets to the fund;
3. Any federal, state or private grant or loan funds provided to the land bank fund;
4. Interest from fund deposits and investments;
5. Repayments of loans authorized by the commission and reimbursement upon the sale of property interests from the land bank or acquired with land bank funds; and
6. An annual appropriation of .5% of the total annual capital improvement program.
7. The City Council must approve any expenditure from this fund for the acquisition of property, including but not limited to the cost of options to purchase.

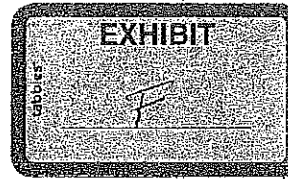
(b) *Authority to grant or loan funds.* In addition to any other authority granted hereunder and subject to its annual budget, the Commission shall have the authority to make grants and loans to private nonprofit groups for the purpose of acquiring property interests in accordance with the purposes of this article. Such grants or loans shall be on such terms as provided by rules of the commission.

(c) *Land bank property management.* The Commission may expend land bank funds for administration, maintenance, management and limited capital improvement of land bank property, provided,

however, such expenditures shall not exceed 10% of the commission's budget without a 2/3 vote of the commission and approval by the City Council.

(d) *Payments; records.* All expenses lawfully incurred carrying out this article must be evidenced by proper vouchers and shall be paid by the City only upon submission of records duly approved by the commission and in a form satisfactory to the City's Finance Director. The City shall prudently invest available assets of the fund and all income from any investment or repayment of any loans shall accrue to the fund. Records of all meetings and transactions under this article shall be kept in accordance with City policies and procedures.
(Substitute Ord. No. 233-99, §1, 4-5-99; Ord. No. 19 03/04, 7-21-03)

II. This Ordinance shall apply and have an effective date, notwithstanding the provisions of 1 M.R.S.A. § 302 and in accordance with section 9-42 hereof, as of September 6, 2013.



Chapter 7 CEMETERIES*

*Cross reference(s)--Streets, sidewalks and other public places, Ch. 25.

State law reference(s)--Cemetery corporations, 13 M.R.S.A. § 1031 et seq.

- Art. I. In General, §§ 7-1--7-20
Art. II. Lot Ownership, §§ 7-21--7-45
Art. III. Care of Lots, §§ 7-46--7-65
Art. IV. Interments, §§ 7-66--7-85
Art. V. Plants, Shrubs and Flowers, §§ 7-86--7-105
Art. VI. Monuments, Tombs, Mausoleums and Other Structures,
§§ 7-106--7-122
Art. VII. Rules of Conduct, §§ 7-123--7-139

ARTICLE I. IN GENERAL

Sec. 7-1. Purpose and intent.

For the mutual protection of lot owners and the cemeteries as a whole, the rules and regulations in this chapter are hereby established for all municipal cemeteries. All lot owners and persons visiting the cemeteries shall abide by such rules and regulations as herein enacted and as hereafter amended, which are intended to assist in maintaining our cemeteries as peaceful and beautiful areas as well as reverent symbols of respect for the dead.

(Code 1968, § 502.1; Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-2. Hours.

Cemetery offices will be open from 8:00 a.m. to 4:30 p.m. Monday through Friday, except holidays. The cemeteries themselves will be open from 8:00 a.m. to sunset each day, except from November first to April first when they will be open from 8:00 a.m. to 4:30 p.m.

(Code 1968, § 502.2(a)(1); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-3. Employees.

(a) Cemetery employees shall not work on Saturdays, Sundays and holidays except that Saturday employment may be permitted by the superintendent of cemeteries for an additional

charge as established by the city council or that employment may be required at times as determined by the department head.

(b) Cemetery employees are not permitted to do any work for lot owners or other persons except upon order of the superintendent of cemeteries but are required to be civil and courteous to all persons visiting the cemeteries.

(c) No gratuity shall be accepted by any cemetery employee.

(Code 1968, § 502.2(a)(2), (a)(3), (a)(5); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-4. Fees.

All fees or charges for services are payable at the cemetery offices, except that interment charges may be payable through any reputable funeral director and any foundation charges for monuments or marker emplacement may be payable through any reputable monument dealer.

(Code 1968, § 502.2(a)(4); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-5. Use of Wilde Memorial Chapel.

Wilde Memorial Chapel located at Evergreen Cemetery is open to the public without charge. Applications for use of the chapel must be made at least twelve (12) hours prior to time desired. The remains of any persons dying from any contagious disease cannot be brought into the chapel for funeral services.

(Code 1968, § 502.10)

Sec. 7-6. Correction of errors.

The cemeteries reserve the right to correct any errors that may be made by them in making interments, disinterments or removals, or in the description, transfer or conveyance of any lot. Errors of lot owners in failing to specify proper interment position, or of monument dealers in failing to clearly specify monument or marker foundation positions will be cause once work is in progress by the cemeteries for a fair additional charge in the event a change is requested.

(Code 1968, § 502.9)

Sec. 7-7. Enforcement.

The superintendent of cemeteries is hereby empowered to enforce the rules and regulations of this chapter and to exclude from the cemeteries any person deliberately violating such rules

and regulations. The superintendent shall have charge of the grounds and buildings within city cemeteries and shall have supervision and control of employees and all persons visiting the cemeteries, whether lot owners or otherwise.
(Code 1968, § 502.11)

Sec. 7-8. Reserved.
Sec. 7-9. Reserved.
Sec. 7-10. Reserved.
Sec. 7-11. Reserved.
Sec. 7-12. Reserved.
Sec. 7-13. Reserved.
Sec. 7-14. Reserved.
Sec. 7-15. Reserved.
Sec. 7-16. Reserved.
Sec. 7-17. Reserved.
Sec. 7-18. Reserved.
Sec. 7-19. Reserved.
Sec. 7-20. Reserved.

ARTICLE II. LOT OWNERSHIP

Sec. 7-21. Prospective purchasers to visit cemeteries.

Persons desiring to purchase lots should visit the cemeteries where the superintendent of cemeteries will aid them in making a selection. Special rules relating to such lots will be explained and a copy of this chapter will be made available to prospective purchasers.
(Code 1968, § 502.3(a))

Sec. 7-22. Details of purchase.

The purchase price must be paid in full at the time of purchase and receipt for such purchase price will be given to the purchaser at that time. Within ten (10) days thereafter a deed and perpetual care bond will be sent to the purchaser by the director of finance. A description of lots contained in such deeds shall be in accordance with cemetery plots which are kept on file in the cemetery offices. It shall be the duty of the lot owner to notify the respective cemetery office of any change in address after purchase.
(Code 1968, § 502.3(b))

Sec. 7-23. Lots not subdivided or sold jointly.

Lots of various sizes are available in the cemeteries and, therefore, no lots will be subdivided. No single lot will be sold to joint purchasers.

(Code 1968, § 502.3(c))

Sec. 7-24. Purchasers-rights in roads, drives or paths.

No easement or right of interment is granted to any lot owner in any road, drive or path within the cemeteries, but such road, drive or path may be used as a means of access to the cemetery or buildings so long as it shall be devoted to such purpose.

(Code 1968, § 502.3(d))

Sec. 7-25. Rights reserved to cemeteries.

The right to enlarge, reduce, replot or change the boundaries or grading of the cemeteries, or a section or sections thereof, from time to time, including the right to modify or change the location of, or remove or regrade roads, drives, or walks, or any part thereof, is hereby reserved. The right to lay, maintain and operate, or alter or change, pipe lines or gutters for sprinkler systems and drainage purposes is also expressly reserved, as well as is the right to use cemetery property, not sold to lot owners, for cemetery purposes, including interment of the dead, or for anything necessary, incidental, or convenient thereto. The cemeteries reserve to themselves, and to those lawfully entitled thereto, a perpetual right of ingress and egress over lots for the purpose of passing to and from other lots.

(Code 1968, § 502.3(e))

Sec. 7-26. Cemeteries not responsible for loss or damage.

All reasonable precautions will be taken to protect lot owners and the property rights of lot owners within the cemeteries from loss or damage, but the cemeteries will not be responsible for loss or damage from causes beyond their reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief-makers, explosions, unavoidable

accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than is hereby provided.
(Code 1968, § 502.3(f))

Sec. 7-27. Terms of agreement with lot owners.

The deed, perpetual care bond and this chapter constitute the sole agreement between the cemeteries, the city and lot owners. The statement of any employee or agent, unless confirmed in writing by an authorized representative of the cemeteries or the city shall in no way bind the cemeteries or the city.
(Code 1968, § 502.3(g))

Sec. 7-28. Repurchase or exchange of lots by superintendent.

The superintendent of cemeteries shall have the authority to purchase outright, or by exchange for other lots on behalf of the city, any unoccupied lot at such price as may be agreed upon by the owner and the superintendent.
(Code 1968, § 502.3(h))

Sec. 7-29. Transfer of lots.

Transfer of lots will not be recognized without the consent of the superintendent of cemeteries, and transfer deeds may be obtained at the offices of the cemeteries.
(Code 1968, § 502.3(i))

Sec. 7-30. Lost or destroyed deeds.

A lost or destroyed deed will be replaced by a new deed upon request upon payment of one dollar (\$1.00).
(Code 1968, § 502.3(j))

Sec. 7-31. Descent of title.

The laws of the state govern the descent of title to cemetery lots, as well as other matters relating to their ownership. It is important that, on the decease of an owner of a lot, the heirs or devisees of such person should file in the office of the respective cemetery full proof of ownership for the purpose of correcting the record. Notarized statements as to relationship and certified copies of wills are normally sufficient.

City of Portland
Code of Ordinances
Sec. 7-31

Cemeteries
Chapter 7
Rev. 12-1-00

(Code 1968, § 502.8)

Sec. 7-32. Reserved.
Sec. 7-33. Reserved.
Sec. 7-34. Reserved.
Sec. 7-35. Reserved.
Sec. 7-36. Reserved.
Sec. 7-37. Reserved.
Sec. 7-38. Reserved.
Sec. 7-39. Reserved.
Sec. 7-40. Reserved.
Sec. 7-41. Reserved.
Sec. 7-42. Reserved.
Sec. 7-43. Reserved.
Sec. 7-44. Reserved.
Sec. 7-45. Reserved.

ARTICLE III. CARE OF LOTS*

*State law reference(s)--Care and maintenance of cemeteries, 13
M.R.S.A. § 1305.

Sec. 7-46. Perpetual care classification.

There are the following four (4) types of perpetual care which may be obtained from the city for the permanent maintenance of lots in cemeteries: (Classes 2nd, 3rd and 4th apply only to Evergreen Cemetery)

- (a) 1st class. 1st class perpetual care includes keeping the turf even and in good condition, the grass properly cut, and the trees and shrubs, as duly authorized, trimmed.
- (b) 2nd class. 2nd class perpetual care embraces any or all divisions in first class care, as well as the proper care and cleaning of all granite, stone, marble, or bronze structures on the lot at the time care is assumed, as well as any future erections expressly specified, but does not include replacement of any such structures.

(c) *3rd class.* 3rd class perpetual care assumes the same care as 2nd class care and, in addition, includes replacement of structures as described above when necessary.

(d) *4th class.* 4th class perpetual care includes all divisions in 1st class care and the care of any tombs, vaults or mausoleums, such as the pointing of joints, keeping walls in place, and the structure as a whole in a suitable and sanitary condition.

(Code 1968, § 502.4(a))

Sec. 7-47. Perpetual care required; may be purchased.

All lots sold after August 19, 1970, must include 1st class perpetual care, except in cases of Sections OO, MM and LL (a) in Forest City Cemetery and Section SG in Evergreen where such requirement is optional, and perpetual care may be purchased to cover any lots previously sold without care.

(Code 1968, § 502.4(b); Ord. No. 441-70, § 1, 7-20-70)

Sec. 7-48. Nature of care provided by cemeteries without cost.

The general care of the cemeteries is the responsibility of the city by and through its superintendent of cemeteries and includes reasonable and practical care of the unsold areas of the cemeteries, such as park and lawn areas, roads, shrubs and trees, which have been established by the cemeteries. In no case shall it mean the maintenance, repair or replacement of any memorial, tomb or mausoleum erected or placed upon a lot, nor the performing of any special or unusual work in the cemeteries.

(Code 1968, § 502.4(c))

Sec. 7-49. Additional care may be purchased.

(a) *By agreement.* Lot owners desiring additional care of their lots may arrange for such care with the superintendent of cemeteries who shall give an estimate of the cost of the work desired. This care may be provided for by annual payments made by the lot owner or by the establishment of a trust fund under such agreement as may be determined between the superintendent and the lot owner. The limitations of this type of care may vary according to the capabilities of the individual cemeteries.

(b) By bequest. In addition to the foregoing, the superintendent of cemeteries is authorized to accept testamentary bequests for additional lot care including, but not limited to, trust funds, upon his determination that the purpose of the bequest can be financially and lawfully implemented. In the event that it cannot be so implemented, the superintendent shall notify the estate's representative to that effect.
(Code 1968, § 502.4(d); Ord. No. 16-90, 6-18-90)

Sec. 7-50. Investment of trust and care funds.

All care funds held by the city, whether trust or perpetual care will be invested by the city as provided by law and will be expended only as provided by the trust or perpetual care agreement.
(Code 1968, § 502.4(e))

Sec. 7-51. Semi-active cemeteries.

Semi-active cemeteries of the city will be maintained as prescribed by the parks authority.
(Code 1968, § 502.4(f))

Sec. 7-52. Who may provide care for lots.

No person except a lot owner, his or her authorized representative, or an employee of the cemeteries, acting under the direction of the superintendent of cemeteries, is permitted to enter the cemeteries for the purpose of caring for lots without special permission of the superintendent of cemeteries secured in advance.
(Code 1968, § 502.4(g))

Sec. 7-53. Lot boundaries not to be defined.

No new lot or grave shall be defined by a fence, rail, curb, hedge, trees or shrubs for the purpose of describing its corners or boundaries.
(Code 1968, § 502.4(h))

Sec. 7-54. Reserved.

Sec. 7-55. Reserved.

Sec. 7-56. Reserved.

Sec. 7-57. Reserved.

Sec. 7-58. Reserved.

Sec. 7-59. Reserved.
Sec. 7-60. Reserved.
Sec. 7-61. Reserved.
Sec. 7-62. Reserved.
Sec. 7-63. Reserved.
Sec. 7-64. Reserved.
Sec. 7-65. Reserved.

ARTICLE IV. INTERMENTS*

*State law reference(s)--Disposal of bodies, 13 M.R.S.A. § 1032.

Sec. 7-66. Funerals in charge of cemeteries.

All funerals entering the cemeteries shall be under the direction of a funeral director who shall abide by the rules and regulations of the respective cemetery, and funeral directors upon arrival at a cemetery must present to the superintendent of cemeteries the necessary burial permit from the city clerk.
(Code 1968, § 502.5(b))

Sec. 7-67. Previous notices required for interments, etc.

The right is reserved by the cemeteries to insist upon at least twenty-four (24) hours' notice of any interment and at least one (1) week's notice of any disinterment or removal. The cemeteries reserve the right to postpone interment time due to acts of nature, God, civil and national emergencies.
(Code 1968, § 502.5(i))

Sec. 7-68. Times for interments.

The cemeteries will be open for interments from 8:00 a.m. to 4:30 p.m., Monday through Friday. Requests for openings prior to 10:00 a.m. on Mondays must reach the cemetery offices before noon on Friday. Any services extending beyond these hours, or Saturday interments, will require an additional charge above the regular interment fee. No interments will be made on Sundays or legal holidays, except on proclamation of an emergency.
(Code 1968, § 502.5(a))

Sec. 7-69. Interments to be authorized by lot owners.

All orders for interments in lots must be signed by the owner of the lot, or his or her authorized representative. When this is impossible because of absence from the city, telegraphic permission will be accepted in lieu of signed authorization.
(Code 1968, § 502.5(d))

Sec. 7-70. Number of interments in single grave.

No interment of two (2) or more bodies shall be made in one (1) grave, except in the case of mother and child, or two (2) infants, buried in one (1) casket. Further variation may be made in the case of cremations within family lots subject to the placing of markers and upon prior approval of the superintendent of cemeteries.
(Code 1968, § 502.5(e))

Sec. 7-71. Location within lot to be designated by owner.

When an interment is to be made in a lot, the location of ~~such interment shall be designated by the lot owner, or his or~~ her authorized representative. Should he or she fail or neglect to make such designation, the cemeteries reserve the right to make the interment in a location designated by the superintendent of cemeteries. The cemeteries shall not be responsible for errors from telephone information lacking precise and proper instructions as to the particular space, size of grave, and location in a lot, where interment is desired.
(Code 1968, § 502.5(f))

Sec. 7-72. Caskets opened only when.

Once a casket containing a body is within the confines of a cemetery, it shall not be opened except by a funeral director or his or her assistants or on an order signed by a court of competent jurisdiction.
(Code 1968, § 502.5(c))

Sec. 7-73. Graves opened only when.

Once an interment has been made, graves will be opened only by officials and employees of the cemeteries in the sole and exclusive judgment of the superintendent of cemeteries that such

opening is proper, necessary, and duly authorized or when the cemetery is directed to make a disinterment by an order of a court of competent jurisdiction and a certified copy of such order has been filed with the superintendent of cemeteries. In all cases the responsibility of the cemetery shall be limited to opening of the grave only and the actual disinterment must be made by the person authorized to do so.

(Code 1968, § 502.5(g))

Sec. 7-74. Outside containers required.

In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, all burials must be made in outside containers constructed of natural stone, or of metal, or of reinforced concrete, or approved synthetics. All such containers must be made and installed so as to meet the specifications established by the superintendent of cemeteries. Outside containers may be procured from any source provided they meet the established specifications. Cement liners may be purchased and installed through the cemeteries, if so desired.

(Code 1968, § 502.5(h))

- Sec. 7-75. Reserved.
- Sec. 7-76. Reserved.
- Sec. 7-77. Reserved.
- Sec. 7-78. Reserved.
- Sec. 7-79. Reserved.
- Sec. 7-80. Reserved.
- Sec. 7-81. Reserved.
- Sec. 7-82. Reserved.
- Sec. 7-83. Reserved.
- Sec. 7-84. Reserved.
- Sec. 7-85. Reserved.

ARTICLE V. PLANTS, SHRUBS AND FLOWERS*

*Cross reference(s)--Vegetation generally, Ch. 29.

Sec. 7-86. Responsibility of cemeteries.

The cemeteries will undertake to maintain, to the extent practicable, the planting of trees and shrubs to preserve its landscape features, but will not undertake to maintain individual plantings, or urns of plants, except when so contracted to do so by special arrangement.

(Code 1968, § 502.6(a))

Sec. 7-87. Plantings; permission may be granted.

No individual beds of shrubbery or flowers shall be permitted on the grounds of the cemeteries, except by special permission of the superintendent of cemeteries, and request for such permission should be accompanied by a scaled sketch of the proposed planting, showing the location and name of the proposed plantings.

(Code 1968, § 502.6(b))

Sec. 7-88. Care of evergreens where authorized.

In the monumental sections of the cemeteries where certain areas allow the planting of evergreens, thought must be given to selection of a hardy variety and one (1) that will not exceed the limits of the location. All evergreens and shrubs must be kept trimmed to within six (6) inches of the lot borders. The cemeteries will, to the extent practicable, trim all evergreens properly placed on lots. Any trees or shrubs exceeding the six (6) inch mark will be severely cut back or removed.

(Code 1968, § 502.6(c))

Sec. 7-89. Plantings on single lots, etc.

No shrubs or evergreens will be permitted on a single grave lot. No plantings of any shrubs or trees will be permitted at individual headstones or flush markers. Plantings on two (2) grave or larger plots must first be approved by the superintendent of cemeteries.

(Code 1968, § 502.6(d))

Sec. 7-90. Floral displays on graves.

Only one (1) floral display is permitted on a grave at any one (1) time. Exceptions to this rule will be permitted during

one (1) week prior to and one (1) week following Memorial Day and at the time of interment. No glass jars, unsightly metal receptacles or breakable flower containers shall be placed on lots. True floral containers, recessed holders and rustic baskets are recommended.
(Code 1968, § 502.6(e))

Sec. 7-91. Regulations covering Memorial Park or nonmonumental areas.

In the Memorial Park or nonmonumental sections of the cemeteries, the primary aim is to create a beautiful expanse of park-like grounds, bordered by appropriate shrubs, trees and gardens. Within such areas all markers shall be flush with the surface. No individual plants within the burial areas will be permitted. Only one (1) floral display shall be permitted on a grave at any one (1) time, with the exceptions as set forth under section 7-90. Except for recessed containers, all plant and flower holders shall be placed upon the individual marker. In the absence of a marker, permission may be granted for the placement of memorial flowers or plants above ground on the normal location of a marker space. Cooperation of lot owners in this area will permit better maintenance and opportunities to improve the appearance and quality of the turf within these areas.

(Code 1968, § 502.6(f))

Sec. 7-92. Right of cemeteries to remove flowers and plants.

The cemeteries shall have the right to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the cemeteries as soon as, in their judgment, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained in the cemeteries.

(Code 1968, § 502.6(g))

Sec. 7-93. Cemeteries not responsible for flowers and plantings.

The cemeteries shall not be responsible for floral pieces, baskets or frames in which or to which floral pieces are placed or attached beyond their acceptance for services held in the cemeteries, and shall not be responsible for frozen plants or herbage of any kind, or for plantings damaged by the elements,

thieves, vandals or by other causes beyond their control. The cemeteries reserve the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants or herbage of any kind without prior approval.
(Code 1968, § 502.6(h))

Sec. 7-94. Removal of unsightly vases, urns.

The cemeteries reserve the right to remove from lots vases or urns not properly painted or otherwise cared for or not filled with plants by June thirtieth.
(Code 1968, § 502.6(i))

- Sec. 7-95. Reserved.
- Sec. 7-96. Reserved.
- Sec. 7-97. Reserved.
- Sec. 7-98. Reserved.
- Sec. 7-99. Reserved.
- Sec. 7-100. Reserved.
- Sec. 7-101. Reserved.
- Sec. 7-102. Reserved.
- Sec. 7-103. Reserved.
- Sec. 7-104. Reserved.
- Sec. 7-105. Reserved.

ARTICLE VI. MONUMENTS, TOMBS, MAUSOLEUMS AND OTHER STRUCTURES*

*State law reference(s)--Mausoleums and vaults, 13 M.R.S.A. § 1341 et seq.

Sec. 7-106. One monument per lot permitted; one marker per grave permitted.

The owner of any lot shall have the right to erect thereon any proper stone or monument upon authorization by the superintendent of cemeteries. Only one (1) monument shall be permitted on a lot which must be located in the center or center rear, unless special permission is granted by the superintendent for placing it otherwise. Only one (1) individual marker per grave is allowed in any of the cemeteries. In certain areas, however, a monument and individual headstones are permitted.

(Code 1968, § 502.7(a))

Sec. 7-107. Site and plans of structures to be approved.

Tombs, vaults or mausoleums can be constructed only in such places and be of such design as shall be approved by the superintendent of cemeteries. Complete plans and specifications must be furnished when request for permission to build is made.

(Code 1968, § 502.7(b))

Sec. 7-108. Single apartments required.

No bodies shall be placed in tombs, vaults or mausoleums except in hermetically sealed, single apartments in a manner satisfactory to the superintendent of cemeteries.

(Code 1968, § 502.7(c))

Sec. 7-109. Materials, size and design of structures.

No monument or other structure on a lot above ground shall be constructed of any other material than cut marble, granite, natural stone, or real bronze. In general, no monument or marker shall exceed a base size from end to end of sixty (60) percent of the width of the lot. However, in certain areas of the cemeteries, the specific design of particular sections has been planned to accept a certain type or size marker. These sections are familiar to local monument dealers, and more detailed information may be had at the offices of the cemeteries concerning such requirements or specifications.

(Code 1968, § 502.7(d))

Sec. 7-110. Foundations required; by whom constructed.

No stone, monument, tomb, vault or other superstructure shall be erected until a suitable foundation is laid. All foundations for monuments shall be not less than four (4) feet in depth. Deeper foundations will be used when deemed advisable by the superintendent of cemeteries. As a guarantee of good work, for the general welfare of the cemeteries, and for protection to lot owners, the cemeteries reserve the right to construct all foundations for such structures. The superintendent of cemeteries may, however, if deemed advisable, authorize under his supervision the construction of such foundation by other qualified contractors.

(Code 1968, § 502.7(e))

Sec. 7-111. Perpetual care required.

All tombs, mausoleums or vaults constructed after August 19, 1970, shall have such provision made for perpetual care as is adequate in each case.
(Code 1968, § 502.7(f))

Sec. 7-112. Reserved.
Sec. 7-113. Reserved.
Sec. 7-114. Reserved.
Sec. 7-115. Reserved.
Sec. 7-116. Reserved.
Sec. 7-117. Reserved.
Sec. 7-118. Reserved.
Sec. 7-119. Reserved.
Sec. 7-120. Reserved.
Sec. 7-121. Reserved.
Sec. 7-122. Reserved.

ARTICLE VII. RULES OF CONDUCT*

*Cross reference(s)--Offenses and miscellaneous provisions, Ch. 17.

Sec. 7-123. Trespass.

No person other than a cemetery employee on authorized duties shall enter any cemetery after the hours or times specified in section 7-2 and any person so entering shall be guilty of trespass.

(Code 1968, § 502.2(b)(1); Ord. No. 591-7, § 1, 11-3-75)

Sec. 7-124. Malicious mischief.

No person shall destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, marker or other structure placed within any cemetery, or any fence, railing, or other work for the protection or ornamentation of any tomb, monument, gravestone, marker or other structure aforesaid, or any cemetery lot within any cemetery.

(Code 1968, § 502.2(b)(3); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-125. Manner of travel by pedestrians.

Persons visiting the cemeteries shall use only the avenues, walks and alleys provided, and no person shall walk upon or across lots or lawns unless necessary and where such avenues, walks or alleys are not provided. The city expressly disclaims responsibility for any injury sustained by any person violating this section.

(Code 1968, § 502.2(b)(2); Ord. No. 59175, § 1, 11-3-75)

Sec. 7-126. Manner of travel by vehicles.

Motor cars and vehicles must be kept under complete control at all times. When meeting a funeral cortege, they must stop until the procession passes. They must not pass a funeral cortege, either stopped or in motion. Mufflers must not be opened, nor the horn sounded within the cemeteries, and all such vehicles shall comply with the following rules:

(a) Maximum speed limit: Fifteen (15) miles per hour.

(b) No vehicle may be driven or parked across or upon any grave, lot or lawn.

(c) Parking or leaving any vehicle on any road or drive in such a way as to prevent any car or vehicle from passing is prohibited and a violation of this section will be cause for the removal of such vehicle by the superintendent of cemeteries at the owner's expense.

(d) Making a complete or partial reverse turn of any vehicle on any road or drive is forbidden.

(Code 1968, § 502.2(b)(4); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-127. Commercial vehicles prohibited.

No commercial vehicle shall be permitted within the limits of any cemetery except those directly involved in the business of the cemetery. The words "commercial vehicle" as used in this particular subsection shall mean a motor vehicle which bears a "Com" license plate as issued by the state or motor vehicle bearing commercial plates issued by any other state.

(Code 1968, § 502.2(b)(5); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-128. Alcoholic beverages prohibited.

No person shall be in possession of or consume any alcoholic beverage within any cemetery.

(Code 1968, § 502.2(b)(6); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Alcoholic beverages generally, Ch. 3.

Sec. 7-129. Commercial enterprises prohibited.

No person shall sell or offer for sale, hire, lease or rent any object, merchandise, property, service or other thing in any cemetery nor shall any person engage in any commercial enterprise in any cemetery except such as is directly involved in the business of the cemetery.

(Code 1968, § 502.2(b)(7); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-130. Solicitations prohibited.

Solicitations, charitable, political or otherwise are prohibited in any cemetery.

(Code 1968, § 502.2(b)(8); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Peddlers and solicitors generally, Ch. 19.

Sec. 7-131. Litter.

No person shall deposit in any cemetery any garbage, sewage, refuse, waste, vegetables, foodstuffs, boxes, tin cans, paper, or other litter or waste material or obnoxious material, except in containers designed for such purposes.

(Code 1968, § 502.2(b)(9); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Garbage, wastes and junk generally, Ch. 12.

Sec. 7-132. Disorderly conduct prohibited.

No person shall behave in a loud, indecent or disorderly manner in any cemetery or except as provided by section 7-138, create any unnecessary disturbance therein.

(Code 1968, § 502.2(b)(10); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Offenses against public peace, § 17-16 et seq.

Sec. 7-133. Sports, games prohibited.

No person shall conduct or participate in any sport, game or contest in any cemetery, except ice skating.
(Code 1968, § 502.2(b)(11); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Parks, recreation and public buildings, Ch. 18.

Sec. 7-134. Minors prohibited in cemeteries; exception.

Children under fifteen (15) years of age are not permitted within the cemeteries, except when accompanied by their parents, guardian or other adult person or by a written note of permission signed by a parent or guardian, giving their telephone number or address.
(Code 1968, § 502.2(b)(12); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-135. Unleashed animals prohibited.

No person shall cause or permit any animal or dog owned by him or her, in his or her custody, or under his or her control, to go at large within any cemetery unless on the walkways and roadways only and held in leash by a responsible person, the leash not to exceed eight (8) feet in length, except as otherwise provided in section 5-15.1 of this Code for control of dogs in city-owned cemeteries.
(Ord. No. 176-96, § 8, 3-4-96)

Editor's note--Pursuant to the adoption of § 5-15.1 of this Code, § 7-135, which prohibited unleashed animals in cemeteries, has been deleted, treated as repealed by said § 5-15.1. Formerly, § 7-135 derived from § 502.2(b)(13) of the city's 1968 Code as amended by Ord. No. 591-75, § 1, adopted Nov. 3, 1975. Subsequently, Ord. No. 176-96, § 8, adopted Mar. 4, 1996, enacted similar new provisions as herein set out.

Sec. 7-136. Unauthorized items removed from lots.

The placing of boxes, shells, toys, ornaments, chairs, settees or similar unauthorized items upon lots will not be permitted, and the superintendent of cemeteries reserves the right to remove any such unauthorized items.
(Code 1968, § 502.2(b)(14); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-137. Signs prohibited.

No sign, notice or advertisement of any kind except directional, identification signs placed by cemetery personnel shall be permitted in any cemetery and the superintendent of cemeteries shall remove same.

(Code 1968, § 502.2(b)(15); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Signs and billboards generally, § 14-366 et seq.

Sec. 7-138. Firearms, fireworks, weapons, etc., prohibited.

The bringing of firearms into any cemetery, except by a military escort, is prohibited. The discharging of, or carrying, offensive weapons of any type, or the hurling of rocks or pellets, or the discharging of fireworks therein is strictly prohibited. This is not to be construed as prohibiting ceremonial volleys with blank charges by properly supervised honor guards as a tribute to a deceased person if such ceremonial undertaking has been previously scheduled with the superintendent of cemeteries.

(Code 1968, § 502.2(b)(16); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Fire prevention and protection, Ch. 10; weapons generally, § 17-41 et seq.

Sec. 7-139. Fishing prohibited.

In cemeteries containing natural or artificial ponds, the act of fishing or carrying tackle is prohibited.

(Code 1968, § 502.2(b)(17); Ord. No. 591-75, § 1, 11-3-75)

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 204-13/14
~~Tab 26 4-7-14~~
Tab 22 4-28-14
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),
ARTICLE III-A
Re: Land Bank Commission Amendments**

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

1. That Chapter 2 (Administration), Article III-A, is amended to read as follows:

Sec. 2-41. Definitions.

As used in this article, unless the context indicates otherwise, the following terms have the following meanings:

Commission means the Portland land bank commission established pursuant to section 2-42.

Land bank means property interests of the types provided in section 2-43(a) which are purchased, acquired or dedicated for the conservation and open space purposes hereunder.

Land bank fund means the fund established hereunder for the purchase of property interests for the conservation and open space purposes hereunder or for making grants or loans for such purposes.

Property interest means any fee simple interest in real property and any lesser interest therein, including without limitation, conservation restrictions and easements.

(Substitute Ord. No. 233, § 1, 4-5-99)

Sec. 2-42. Commission Established.

(a) *Findings.* The City Council hereby finds that:

1. There is a need to balance development within the municipality with conservation of open space important for wildlife, ecological, environmental, scenic or outdoor recreational values;
2. there are insufficient financial resources currently in place to plan for, and acquire significant open space lands or easements which are or may become available within the municipality or in adjoining buffer areas; and
3. there is a need to supplement the city's open space conservation efforts, without duplicating the efforts of other public and private groups including the Portland Planning Board, Portland Trails and the Friends of the Parks Commission.

Therefore, in order to ensure the conservation and preservation of limited open space with important wildlife, ecological, environmental, scenic or outdoor recreational values, there is hereby established a Portland Land Bank Commission, Portland Land Bank and a Portland Land Bank Fund.

(b) *Purposes.* It shall be the purpose of the commission to:

1. work for the acquisition and conservation of open space within the City, as defined in §2-43(a) below;
2. cooperate with other agencies and parties on wetlands mitigation projects;
3. recommend on a priority basis the acquisition of various interests in real estate in order to effectuate the goals of this article;
4. accept gifts and funds from both private and public sources and to disburse such funds in accordance with the commission's approved budget for the purposes hereunder;
5. act as a liaison to other public and private nonprofit agencies involved in planning, acquisition, disposition, and management of

conservation and open space land within the municipality; and

6. recommend an annual budget to the City Manager and City Council to carry out its purposes.

(c) *Appointment of commission.* The Portland Land Bank Commission shall consist of and be administered by nine (9) persons appointed by the City Council for staggered three-year terms. Except as provided below for non-voting members, the members must be legal residents of the municipality and shall serve without compensation. One member of the commission shall be appointed from the City Council. Neither a municipal employee nor member of the Planning Board or Board of Appeals may be a member of the commission. To the extent feasible, representation on the board shall be diversified, including without limitation, members representing environmental or conservation interests, the Parks Commission, economic development, business and financial interests, and the public generally. There shall be a resident from each of the City Council districts on the commission.

(d) *Non-voting members.* In addition to the nine voting members, the Board of Directors of Portland Trails and of Maine Audubon Society shall each appoint one person from each of their memberships to serve as non-voting members of the commission for three (3) year terms. The only eligibility requirement for appointment to the non-voting positions shall be membership in the respective group which they represent. Such non-voting members shall serve at the pleasure of their appointing Board of Directors.

(e) *Vacancies.* In the event of a permanent vacancy in the voting members, the City Council shall, within 120 days of its occurrence, appoint a person to serve for the unexpired term.

(f) *Removal.* Voting members of the commission may be removed by the City Council for cause, after notice and hearing. Without limiting the foregoing, excessive absences from regularly scheduled meetings shall be considered cause for removal.

(g) *Organization of commission.* The commission shall annually elect a chair, a secretary and a treasurer from

among its voting members and shall adopt reasonable rules for the conduct of its meetings, which rules shall include provisions for public comment substantially the same as those provided by City Council rules for standing council committees. The decisions of the commission shall be by majority vote of those present and voting and no business may be transacted without a majority of the voting members present; provided, however, five (5) votes shall always be required to authorize a grant or loan for acquisition of, or to recommend to the council the disposition of, any property interest acquired or disposed of hereunder. The Commission shall keep accurate records of its meetings and actions and shall file an annual report with the City Manager.

(h) *Powers and duties of commission.* The Commission:

1. Shall file annually with the City Council a registry of all open space of the types in section 2-43(a), publicly or privately owned, located within the city or abutting the City as potential buffer areas, for the purpose of providing information pertinent to property utilization, protection, development or use of such open space. The registry must show all property interests then currently held by the city, including a description of the use of those interests and all acquisitions, improvements or dispositions of all property interests held by the city at any time during the year preceding each filing. The commission shall determine and list in the registry the open space lands which meet the criteria in section 2-43(a) and which have significant value for preservation through the land bank, and those which are of lesser or no value for preservation and those which are more appropriate for other uses. The foregoing determinations shall include a prioritized list of any recommended acquisitions for the Land Bank, as well as the commission's rationale for its determinations. The commission shall actively seek comments on the proposed registry from the Planning Board, Friends of the Parks, city departments, and the general public at a public hearing prior to adopting the registry or revision to the registry and forwarding it to the council for review. Said registry or revision

thereto shall be subject to the approval of the City Council;

2. May solicit and recommend to the City Council the acceptance of gifts of any real property interests or of funds to further the conservation and open space goals of this article;
3. May recommend to the City Council the disposition of all or any portion of the property interests listed in the registry and held by the city; shall review any request to use, improve or permanently dispose of a property interest prior to review by a council committee or the city council; and may review any proposed disposition of city tax-acquired property interests and make its own recommendations thereon to the City's tax acquired property committee, council committees and/or the City Council;
4. May obtain such professional services as are necessary in order to perform its duties, including development and updating of the Commission's registry, provided, however, to the extent possible, City staff shall assist the Commission;
5. May act as a liaison for the activities of public and private conservation bodies organized for similar purposes;
6. May make recommendations to, and participate with, the city and other agencies and parties in regard to wetlands mitigation plans and projects;
7. May apply for federal, state and local funds for which it may be eligible, subject to the approval of the City Council;
8. May advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary; and
9. Shall submit to the City Manager annually an operating and capital budget for all expenses and projects of the Commission, which shall include a separate budget for expenditures from the Land

Bank fund, which expenditures will be limited to the purposes for which this fund is dedicated. Commission expenditures shall not exceed its annual operating and capital budget, unless otherwise amended by the City Council.

...

Sec. 2-43. Establishment of Land Bank.

...

(c) *Disposition of property interests.* Any request to use, improve or dispose of any property interest in the Land Bank in a manner otherwise prohibited by this article shall become effective only after review and recommendation thereon by the commission and approval of ~~sevenix~~ (76) members of the City Council; provided, however, such use, improvement or disposition must be legally consistent with the terms of any gift or grant of funds or property which was used for the acquisition of that property interest. Nothing herein is intended, nor shall it be deemed, to prevent or prohibit the sale or development of all or a portion of any property interest purchased with land bank funds to the extent legally consistent with the terms of its acquisition and approved by ~~sevenix~~ (76) members of the City Council; provided, however, that the fund shall be reimbursed all of its costs and expenses for such purchase from such sale or development, including without limitation the purchase price, or pro rata share thereof, of the property interest.

...

DRAFT

ARTICLE III-A. PORTLAND LAND BANK COMMISSION; FUND

Sec. 2-41. Definitions.

As used in this article, unless the context indicates otherwise, the following terms have the following meanings:

Commission means the Portland land bank commission established pursuant to section 2-42.

Land bank means property interests of the types provided in section 2-43(a) which are purchased, acquired or dedicated for the conservation and open space purposes hereunder.

Land bank fund means the fund established hereunder for the purchase of property interests for the conservation and open space purposes hereunder or for making grants or loans for such purposes.

Property interest means any fee simple interest in real property and any lesser interest therein, including without limitation, conservation restrictions and easements.
(Substitute Ord. No. 233, § 1, 4-5-99)

Sec. 2-42. Commission Established.

(a) *Findings.* The City Council hereby finds that:

1. There is a need to balance development within the municipality with conservation of open space important for wildlife, ecological, environmental, scenic or outdoor recreational values;
2. ~~there are insufficient financial resources currently in~~ place to plan for, and acquire significant open space lands or easements which are or may become available within the municipality or in adjoining buffer areas; and
3. there is a need to supplement the city's open space conservation efforts, without duplicating the efforts of other public and private groups including the Portland Planning Board, Portland Trails and the Friends of the Parks Commission.

Therefore, in order to ensure the conservation and preservation of limited open space with important wildlife, ecological, environmental, scenic or outdoor recreational values, there is hereby established a Portland Land Bank Commission, Portland Land

Bank and a Portland Land Bank Fund.

(b) *Purposes.* It shall be the purpose of the commission to:

1. work for the acquisition and conservation of open space within the City, as defined in §2-43(a) below;
2. cooperate with other agencies and parties on wetlands mitigation projects;
3. recommend on a priority basis the acquisition of various interests in real estate in order to effectuate the goals of this article;
4. accept gifts and funds from both private and public sources and to disburse such funds in accordance with the commission's approved budget for the purposes hereunder;
5. act as a liaison to other public and private nonprofit agencies involved in planning, acquisition, disposition, and management of conservation and open space land within the municipality; and
6. recommend an annual budget to the City Manager and City Council to carry out its purposes.

(c) *Appointment of commission.* The Portland Land Bank Commission shall consist of and be administered by nine (9) persons appointed by the City Council for staggered three-year terms. Except as provided below for non-voting members, the members must be legal residents of the municipality and shall serve without compensation. One member of the commission shall be appointed from the City Council. Neither a municipal employee nor member of the Planning Board or Board of Appeals may be a member of the commission. To the extent feasible, representation on the board shall be diversified, including without limitation, members representing environmental or conservation interests, the Parks Commission, economic development, business and financial interests, and the public generally. There shall be a resident from each of the City Council districts on the commission.

(d) *Non-voting members.* In addition to the nine voting members, the Board of Directors of Portland Trails and of Maine Audubon Society shall each appoint one person from each of their memberships to serve as non-voting members of the commission for three (3) year terms. The only eligibility requirement for appointment to the non-voting positions shall be membership in the respective group which they represent. Such non-voting members shall serve at the pleasure of their appointing Board of Directors.

(e) *Vacancies.* In the event of a permanent vacancy in the

voting members, the City Council shall, within 120 days of its occurrence, appoint a person to serve for the unexpired term.

(f) *Removal.* Voting members of the commission may be removed by the City Council for cause, after notice and hearing. Without limiting the foregoing, excessive absences from regularly scheduled meetings shall be considered cause for removal.

(g) *Organization of commission.* The commission shall annually elect a chair, a secretary and a treasurer from among its voting members and shall adopt reasonable rules for the conduct of its meetings, which rules shall include provisions for public comment substantially the same as those provided by City Council rules for ~~standing council committees.~~ The decisions of the commission shall be by majority vote of those present and voting and no business may be transacted without a majority of the voting members present; provided, however, five (5) votes shall always be required to authorize a grant or loan for acquisition of, or to recommend to the council the disposition of, any property interest acquired or disposed of hereunder. The Commission shall keep accurate records of its meetings and actions and shall file an annual report with the City Manager.

(h) *Powers and duties of commission.* The Commission:

1. Shall file annually with the City Council a registry of all open space of the types in section 2-43(a), publicly or privately owned, located within the city or abutting the City as potential buffer areas, for the purpose of providing information pertinent to property utilization, protection, development or use of such open space. The registry must show all property interests then currently held by the city, including a description of the use of those interests and all acquisitions, improvements or dispositions of all property interests held by the city at any time during the year preceding each filing. The commission shall determine and list in the registry the open space lands which meet the criteria in section 2-43(a) and which have significant value for preservation through the land bank, and those which are of lesser or no value for preservation and those which are more appropriate for other uses. The foregoing determinations shall include a prioritized list of any recommended acquisitions for the Land Bank, as well as the commission's rationale for its determinations. The commission shall actively seek comments on the proposed registry from the Planning Board, Friends of the Parks, city departments, and the general public at a public hearing prior to adopting the registry or revision to the registry and forwarding it to the council for review. Said registry or revision thereto shall be subject to the

approval of the City Council;

2. May solicit and recommend to the City Council the acceptance of gifts of any real property interests or of funds to further the conservation and open space goals of this article;
3. May recommend to the City Council the disposition of all or any portion of the property interests listed in the registry and held by the city; shall review any request to use, improve or permanently dispose of a property interest prior to review by a council committee or the city council; and may review any proposed disposition of city ~~tax-acquired property interests and make its own~~ recommendations thereon to the City's tax acquired property committee, council committees and/or the City Council;
4. May obtain such professional services as are necessary in order to perform its duties, including development and updating of the Commission's registry, provided, however, to the extent possible, City staff shall assist the Commission;
5. May act as a liaison for the activities of public and private conservation bodies organized for similar purposes;
6. May make recommendations to, and participate with, the city and other agencies and parties in regard to wetlands mitigation plans and projects;
7. May apply for federal, state and local funds for which it may be eligible, subject to the approval of the City Council;
8. May advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary; and
9. Shall submit to the City Manager annually an operating and capital budget for all expenses and projects of the Commission, which shall include a separate budget for expenditures from the Land Bank fund, which expenditures will be limited to the purposes for which this fund is dedicated. Commission expenditures shall not exceed its annual operating and capital budget, unless otherwise amended by the City Council.

Sec. 2-43. Establishment of Land Bank.

(a) *Acquisition of property interests.* Property interests acquired and held for the purposes hereunder shall be considered as the land bank and may consist of any of the following types of land and interests in land:

1. Ocean, harbor, river, stream, or pond frontage and adjoining back lands;
2. Fresh or saltwater marshes, estuaries, flood plains and adjoining uplands;
3. ~~Islands;~~
4. Land for future passive public outdoor recreational use, including hiking trails, bicycle paths, green belts and high elevations with a view;
5. Aquifers, aquifer recharge areas and other ecologically fragile or significant property;
6. Properties with unique historical or geological characteristics or otherwise important to the community's cultural welfare;
7. Woods or forest land;
8. Farmland or wildlife habitat;
9. Open spaces which help to shape the settlement pattern of the community by promoting the neighborhood concept and discouraging sprawl;
10. Vacant parcels of land, vacant buildings and properties or ~~buildings and properties in significant disrepair which~~ may be reclaimed for the purpose of establishing natural areas for conservation and open space land; or
11. Conservation or trail easements and other similar interests in land.

~~Said Land Bank property interests may be held in the name of~~ the city or in the name of a private nonprofit organization when acquired from the City or with the assistance of a grant or loan from the land bank fund. All acquisitions of property interests under this article shall be subject to the approval of the City Council, unless previously approved through adoption of the Commission's annual budget.

(b) *Maintenance of land.* The Commission shall retain any land

bank property interest acquired pursuant to this article and maintained in the land bank predominantly in its natural, scenic or open condition, except as otherwise provided in this article. Except upon the approval of the City Council or where required by state or federal law, and where appropriate, subject to the Constitution of Maine or state law, the commission shall not allow:

1. Construction or placing of buildings; roads, other than paths for recreational use; signs; billboards; other advertising, utilities or other structures on or above the surface, except in furtherance of the conservation and open space purposes of this article;
- ~~2. Dumping or placing of trash, waste or unsightly or offensive material;~~
3. Removal or destruction of trees, shrubs or other vegetation, except where necessary for management purposes and to enhance natural systems or open-space uses;
4. Excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such manner as to affect the surface, except limited grading to enhance the open-space uses of the land;
- ~~5. Surface use except for purposes permitting the land or water area to remain predominantly in its natural, scenic or open condition; or to permit the land to continue to support the cultural or recreational values for which it was acquired;~~
6. Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation; or
7. Other acts or uses detrimental to the cultural, natural, scenic or open condition of the land or water areas.

(c) *Disposition of property interests.* Any request to use, improve or dispose of any property interest in the Land Bank in a manner otherwise prohibited by this article shall become effective only after review and recommendation thereon by the commission and approval of ~~seven~~⁽⁷⁶⁾ members of the City Council; provided, however, such use, improvement or disposition must be legally consistent with the terms of any gift or grant of funds or property which was used for the acquisition of that property interest. Nothing herein is intended, nor shall it be deemed, to prevent or prohibit the sale or development of all or a portion of any property interest purchased with land bank funds to the extent legally consistent with the terms of its acquisition and approved by ~~seven~~⁽⁷⁶⁾ members of the City Council; provided, however, that the fund shall be reimbursed all of its costs and expenses for such purchase

from such sale or development, including without limitation the purchase price, or pro rata share thereof, of the property interest.

Sec. 2-44. Reserved.

Sec. 2-45. Land Bank Fund.

(a) *Establishment of fund.* The City shall establish a municipal land bank fund to be set up as a separate account within the city to be used to carry out the purposes of this article pursuant to the commission's approved annual budget. Deposits into the fund shall include:

1. Funds appropriated to be deposited into the fund by vote of the City Council;
2. Voluntary contributions of money or other liquid assets to the fund;
3. Any federal, state or private grant or loan funds provided to the land bank fund;
4. Interest from fund deposits and investments;
5. Repayments of loans authorized by the commission and reimbursement upon the sale of property interests from the land bank or acquired with land bank funds; and
6. An annual appropriation of .5% of the total annual capital improvement program.
7. The City Council must approve any expenditure from this fund for the acquisition of property, including but not limited to the cost of options to purchase.

(b) *Authority to grant or loan funds.* In addition to any other authority granted hereunder and subject to its annual budget, the Commission shall have the authority to make grants and loans to private nonprofit groups for the purpose of acquiring property interests in accordance with the purposes of this article. Such grants or loans shall be on such terms as provided by rules of the commission.

(c) *Land bank property management.* The Commission may expend land bank funds for administration, maintenance, management and limited capital improvement of land bank property, provided, however, such expenditures shall not exceed 10% of the commission's budget without a 2/3 vote of the commission and approval by the City Council.

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*Order 217-13/14
Tab 23 4-28-14*

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 ACCEPTING 2014 ANNUAL REPORT
OF THE LAND BANK COMMISSION**

ORDERED, that the 2013 Annual Report of the Land Bank Commission, attached hereto as Attachment A, is hereby accepted.

MEMORANDUM
City Council Agenda Item

TO: Honorable Mayor Michael Brennan, and City Councilors

FROM: Department Heads/City Manager

DATE: April 22, 2014

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

SUBJECT: Agenda Item Title: Communication: Accepting Annual Report of the Land Bank Commission

SPONSOR: Cheryl Leeman, City Councilor, District 4 Councilor

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading: April 28, 2014 Final Action: April 28, 2014

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

PRESENTATION: Michael Bobinsky, Director of Public Services if needed

I. SUMMARY OF ISSUE

Land Bank Annual report for 2013 reflecting past activity and listing previous property designated in Land Bank and City owned property recommended for Land Bank status.

REASON FOR SUBMISSION

The Annual Report is a requirement of the Ordinance establishing the Land Bank Commission. Department of Public Services staff was working with the Co- Chairs of the Commission, including Councilor Cheryl Leeman and Tom Jewell, prepared the annual report and presented the proposed final draft at the Commissions, April 3, 2014 meeting. Commission members offered edits and suggestions and approved the amended Report at the April meeting. The Report is now ready for advancement to the City Council for final action.

II. INTENDED RESULT

Endorsement of the Annual Report and acceptance of the recommended budget for the Commission during 2014.

III. COUNCIL GOAL ADDRESSED

Provides for addressing improved quality of living and enhanced environmental goals by preserving open spaces in the City.

FINANCIAL IMPACT

The adoption of the Annual Report is consistent with the Ordinance establishing the Land Bank Commission and outlines a projected 2014 budget for Land Bank Commission activities. In addition, the parcels recommended for inclusion as Land Bank status are currently City owned property and no purchase of property is required

STAFF ANALYSIS

Staff has prepared the Annual Report with feedback from Land Bank Commission members and the Co -Chairs. The report includes a summary of activity over the past year, provides an annual budget, a registry of current properties already designated as Land Banks status and recommends 3 parcels identified as University Park, Wooded area North of Riverside Golf Course, and Land along Canco Road from Canco Woods to Tamerlane as designated Land Bank status. The Report was approved by the Land Bank Commission at their April 3 meeting and is ready for submission to the City Council. Staff recommends endorsement of the Annual Report.

IV. RECOMMENDATION

The Department of Public Services recommends approval of the Land Bank Commission Annual Report.

LIST ATTACHMENTS

Map of Existing Land Bank property holdings

Prepared by:

Michael J. Bobinsky
Director of Public Services

Date

Portland Land Bank Commission

Report and Registry

For the City Manager
and
Portland City Council



Canco Woods

April 2014

Acknowledgement

The Land Bank Commission is pleased to present its annual report to the City Council whose collective wisdom and vision recognized a “need to balance development within the municipality with conservation of open space important for wildlife, ecological, environmental, scenic or outdoor recreation values” by creating an entity to ensure conservation and preservation of limited open space.

Special thanks and appreciation to the staff support from Mike Bobinsky, Larry Walden, Doug Roncarati and Judy Rosen.

Commission members:

Co-chairs, Tom Jewell (District 4) and
City Councilor Cheryl Leeman (Council Appointee)
Colin Apse (District 1)
Bryan Wentzell (District 2)
Colleen Tucker (District 3)
William Man (District 5)
Meri Lowry (District At-large)
Rene Perry (District At-large)
Breana Behrens (District At-large)
Roger Berle representing Portland Trails

Staff:

Mike Bobinsky, Director Public Services
Doug Roncarati, Stormwater Program Coordinator
Larry Walden, Legal Counsel
Judy Rosen, Senior Executive Assistant

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Executive Summary

This document is the annual report and Registry submitted by the Land Bank Commission as required by the Ordinance created by the Portland City Council in April 1999 for the purpose of identifying and protecting open space resources within the City of Portland.

The bulk of the work for the this year focused on the updating of the map of current holdings of the Land Bank Commission, and identification of properties of interest by priority for future inclusion into the Land Bank Registry. Also, the city tax acquired property list was reviewed for possible properties of interest for preservation.

Additionally, some housekeeping items were taken care of by the Land Bank Commission, i.e., updating and approving the 'Rules' which are "supplementary to the provisions of Chapter (2), Article III-A of the Municipal Code as it relates to procedures" of the Land Bank Commission and establishing a new procedure for agendas.

Introduction

This document is the Annual Report and Updated Registry of Open Spaces as set forth in Section 2-42 (g) of the Ordinance created by the City Council in 1999 which established the Portland and Bank Commission with the following stated purposes:

- 1.) Act as an advocate for the acquisition and conservation of open space within the city;
- 2.) cooperate with other agencies and parties on wetlands mitigation projects;
- 3.) recommend on a priority basis the acquisition of various interest in real estate in order to effectuate the goal of this article;
- 4.) accept gifts and funds from both private and public sources and to disburse such funds for the purposes hereunder;
- 5.) act as a liaison to other public and private nonprofit agencies involved in planning, acquisition, disposition, and management of land within the municipality; and
- 6.) recommend an annual budget to the city manager and city council to carry out its purpose.

The Commission shall annually file a report consisting of two parts, required by City Code provisions, the Registry of Open Space and an operating budget.

The Registry of open space shall list all open space of types in Code Section 2-43 (a), publicly or privately owned, located within the city or abutting the city as potential buffer areas, for the purpose of providing information pertinent to property utilization, protection, development or use of such open space. The Registry must show all property interests then currently held by the city, including a description of the use of those interests and all acquisitions, improvements or dispositions of all property interests at any time of those interests held by the city at any time during each filing.

The types of land and interests specified in Section 2-43 (a) are the following:

- *Ocean, harbor, river, stream or pond frontage and adjoining back lands;*
- *Fresh or saltwater marshes, estuaries, flood plains and adjoining uplands;*
- *Islands;*
- *Land for future passive public outdoor recreational use, including hiking, trails, bicycle paths, green belts and high elevations with a view;*
- *Aquifers, aquifer recharge areas and other ecological fragile or significant property;*
- *Properties with unique historical or geological characteristics or otherwise important to the community's cultural welfare;*
- *Woods or forest land;*
- *Farmland or wildlife habitat;*
- *Open spaces which help shape the settlement pattern of the community by promoting the neighborhood concept and discourages sprawl;*
- *Vacant parcels of land, vacant buildings and properties or buildings and properties in significant disrepair which may be reclaimed for the purpose of establishing natural areas for conservation and open space land; or*
- *Conservation or trail easements and other similar interests in land.*

The Operating Budget for all expenses and projects of the Commission is required to be submitted to the City Manager and City Council by Code Section 2-41 (h) (9). *That Section of the Code specifies that the budget "shall include a separate budget for expenditures from the Land Bank fund, which expenditures will be limited to the purposes for which the fund is dedicated."*

Compliant with the stated requirements in Code, the Land Bank Commission annual Report for 2013 contains its Registry and operating budget.

Description of Current Land Bank Registry Existing Holdings

E-1 Natick Street Property



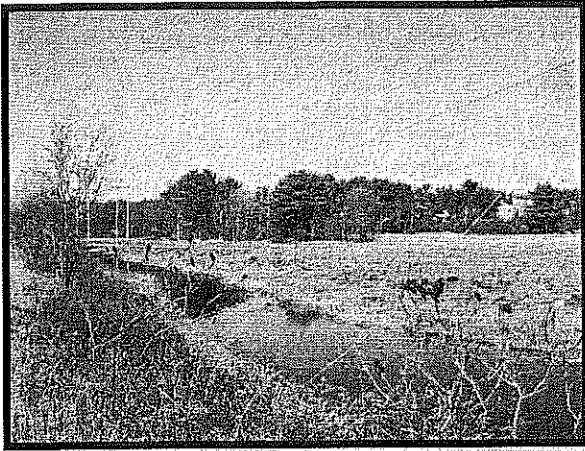
This parcel is contiguous with the northern end of the Interurban Line parcel (HP-19) which, like its counterpart, runs along the western side of the railroad line. The land provides a wooded buffer between the railroad line and adjacent residential development and includes a trail that is heavily used by local residents. A network of wetlands and a stream are also located on the property.

E-2 Pineloch Drive Property

Situated next to Oatnuts Park, this parcel follows a sewer right-of-way and brook, which are flanked on both sides by mixed woodlands. The Portland Water District conveyed this property to the City in 2001. The trail through Oatnuts Park emerges into the cleared right-of-way and follows it for several hundred feet before reentering the woods and continuing on towards the Presumpscot River Preserve.



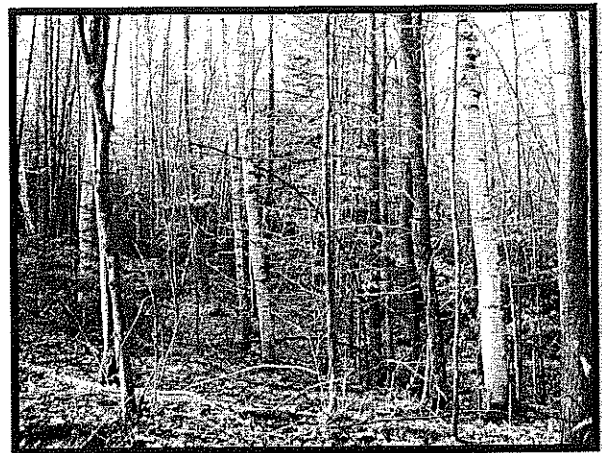
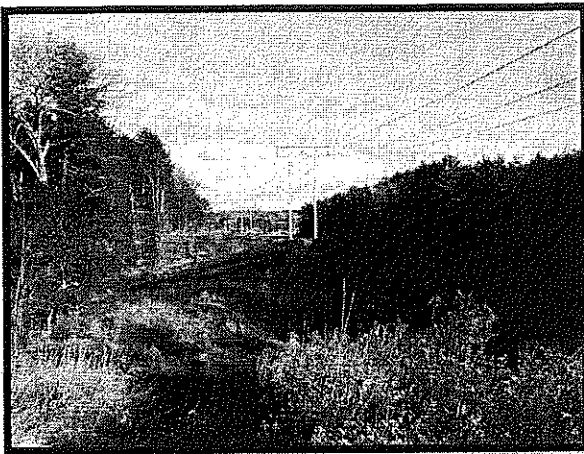
E-3 Starbird Lane RPZ area



This large parcel is located next to the Fore River Sanctuary, at the confluence of Capisic Brook and the Fore River, and consists of a mix of marshland, wet meadow, and woodland. It serves as valuable habitat for migratory waterfowl and other species of wildlife. Future access to this property will be via a trailhead located at the end of Starbird Lane Extension. Forming its southern

border, the railroad line affords excellent views of the marsh.

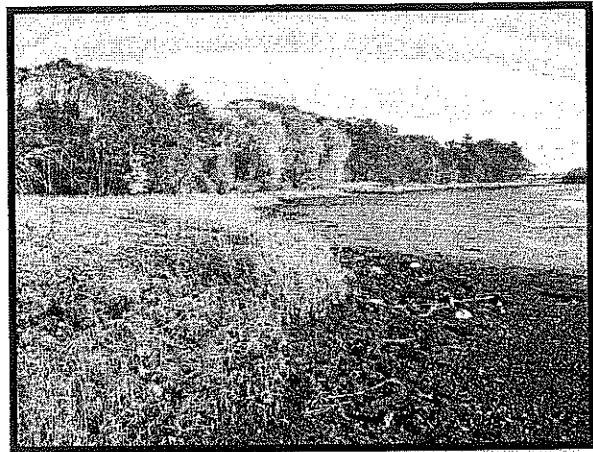
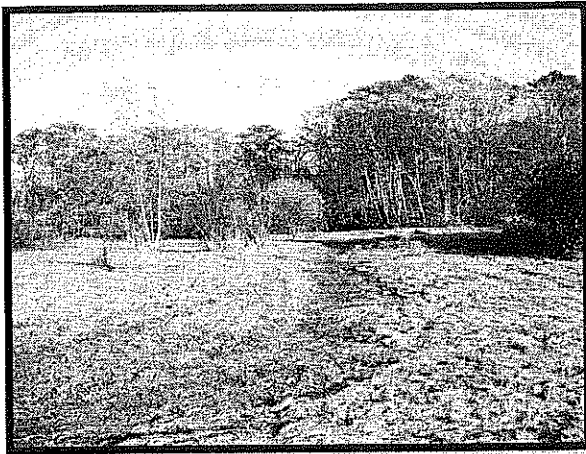
E-4 Rand Road RPZ area



This parcel, along with the Union Water-Power land (HCP-14) is located off Rand Road just to the west of the Fore River Sanctuary. The property is predominantly wooded, with the exception of the CMP right-of-way that runs the length of the parcel. It forms a significant drainage area with many hills and gullies collecting and guiding stormwater toward the Fore River. Consequently, numerous streams and wetlands are located throughout the parcel. The blend of softwoods and hardwoods, shrubs, and ground cover provide abundant habitat for wildlife, including deer. Together these parcels serve as an important wildlife corridor for the Fore River, even though it is bounded to the west by the Maine Turnpike.

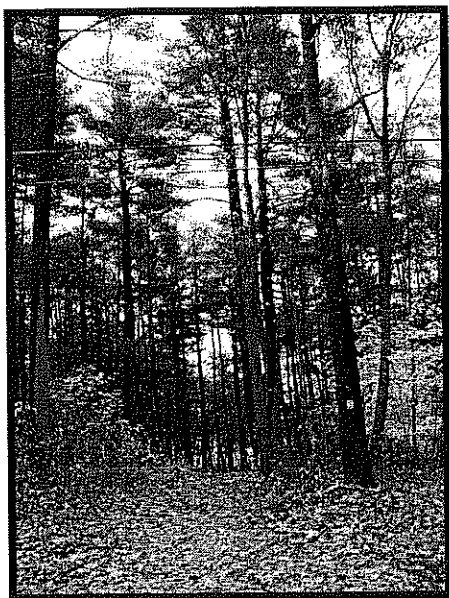
Several footpaths wind through the woods and along the right-of-way, connecting to the Fore River Sanctuary trail system. This includes a trail along the remains of the historic Cumberland and Oxford Canal.

E-5 Hobart Street Property



Situated off Hobart Street these parcels provide public access to and afford spectacular views of the Fore River. It also links with Portland Trails' Fore River Trail on the other side of Hobart Street. Portland Water District maintains a pump station and outfall at the site.

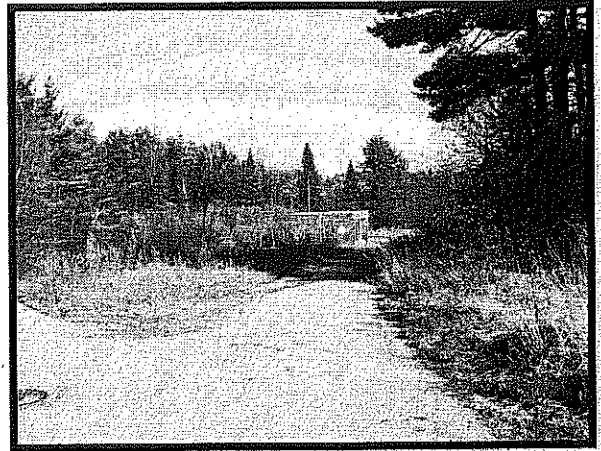
E-6 Pine Grove Park (Ray Street)



Pine Grove Park, as the name implies, is an 8-acre parcel on Ray Street that is mostly covered with mature white pine. Several paths wind through the park bringing attention to interesting ledge outcrops.

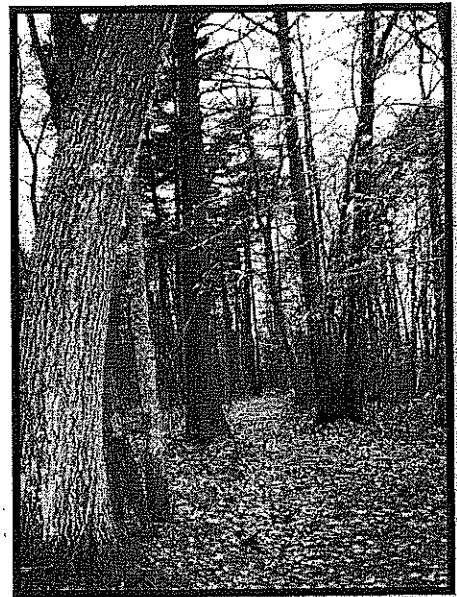
E-7 Land at the end of Blueberry Road

Located along the Stroudwater River at the end of Blueberry Road, this one-acre parcel includes a section of the proposed Stroudwater River Corridor (HCP-15) nearest the Maine Turnpike. This City-owned property provides direct access to the river and Stroudwater Trail. The Portland Water District has a pump station on part of the property. The land is currently afforded some protection by virtue of being in the Resource Open Space Zone (ROS) and the Shoreland Overlay Zone.



E-8 Conservation Land in Evergreen Cemetery

This area at the rear of Evergreen Cemetery just beyond the ponds is a pleasant and inviting refuge of undeveloped woodland, undulating ground and rock outcroppings in the city. It consists primarily of two landscapes. One is a high central area of exposed bedrock vegetated with small trees. The other is lower, more level and somewhat poorly drained woodland with larger trees and an open plain of ground. The tree cover is mixed deciduous and evergreen consisting largely of White and Red Oak species, White Pine and Hemlock, with some Birch and Red Maple. The area is approximately 30 acres in size. It contains a number of existing pedestrian trails.¹ This area, in conjunction with the rest of the cemetery, provides an excellent habitat for a variety of bird species. For this reason Evergreen Cemetery is a favorite spot for birding enthusiasts. During May of 2004, the Maine Audubon Society had about 224 participants for their morning bird walks over a ten-day period. Hundreds of



¹ Text taken from the Evergreen Cemetery Master Plan, Nov. '94, p. 47

others use the site for bird watching, independent of the Maine Audubon Society. In addition, joggers, walkers, cross-country skiers, and dog owners use the area.

E-9 City Owned Parcels in Oatnuts Park



Oat Nuts Park is an approximately 23-acre undeveloped wooded area located off of Summit Street in the North Deering neighborhood. Oatnuts Park is contiguous with the Presumpscot River Preserve. It includes a gated entrance on Summit Street and existing pedestrian trails providing access to the Presumpscot River Preserve and to nearby residential streets.

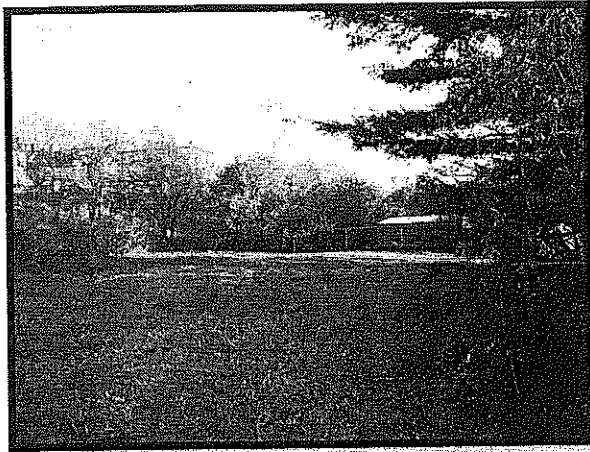
E-10 Presumpscot River Preserve

The 48-acre Presumpscot River Preserve, located in the North Deering neighborhood, is one of the river's largest areas of undeveloped riparian land. The parcel is heavily wooded and many of the steep slopes that traverse the landscape are overgrown and difficult to access. The property includes over 3100 feet of river-frontage, providing direct access to the beauty and peacefulness of the river. The preserve is crossed by a cascading stream and several stream pools. It provides Portland residents with unequalled opportunities within the city for nature study, fishing, and picnicking. Further, with the removal of the Smelt Hill Dam in 2003, alewives are now returning to the lower Presumpscot River for their annual



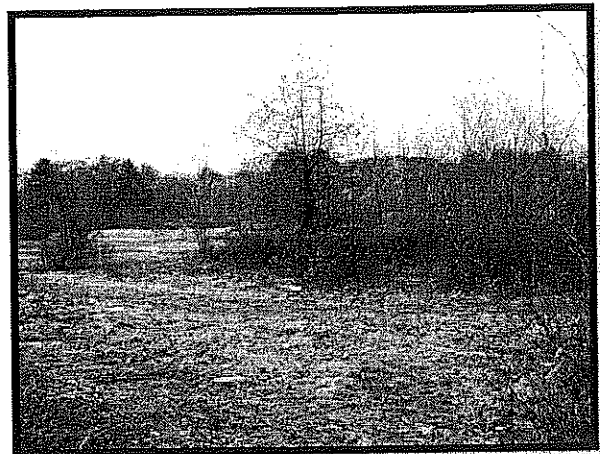
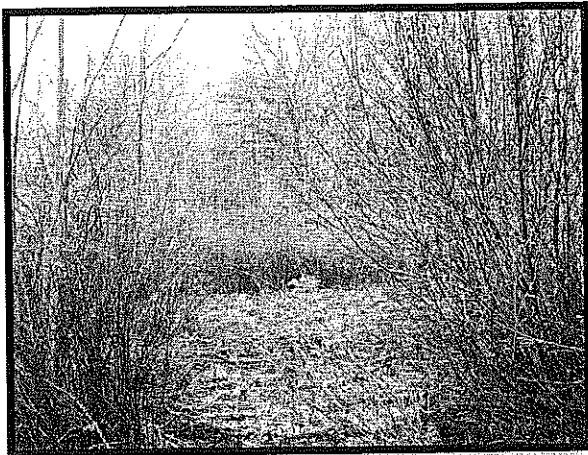
migratory run. They draw a variety of other wildlife to the river including cormorants and osprey, which congregate at Presumpscot Falls looking for an easy meal. The City is cooperatively managing the preserve in conjunction with Portland Trails. There are several wonderful trails that provide direct access to the river within the preserve and beyond its borders.

E-11 Sheridan Street Property (near Fort Sumner Park)



This property forms one of the few areas of open space on the bay side of the Eastern Promenade. The land drops precipitously from the western side of North Street to the eastern side of Sheridan Street, making most of it unsuitable for development. It offers accessible open space between Sheridan Street and North Street, and good views of Back Cove and points west. It links via footpaths to the grounds of the East End School.

E-12 PATHS Wooded Area



Located behind the Portland Arts and Technology High School (PATHS), this land is comprised of a few lightly wooded areas, but is mostly open and includes both scrub-shrub wetlands and granite outcroppings. Over the past ten years the

School has used the land as a training ground for students, who have developed trails and sitting areas. This site lends itself to outdoor education and a nature trail could easily be created there with the help of students. The PATHS property and North Deering/Riverton Parcels (E-19) serve as the headwaters of Dole Brook, a stream that runs west through Riverside Golf Course to connect with the Presumpscot River. Preservation of these wetlands, fields and woodland buffers is critical to protecting water quality within Dole Brook Watershed.

E-13 Virginia Street Parcels

These City-owned, tax-acquired parcels adjacent to Maine Ave and Ray Street are contiguous with the Ocean Ave Open Space (E-14) and part of the Ocean Avenue Recreation Area. This undeveloped land features a mix of shrubs, trees, wetlands and streams. Several trails running through this property connect it to the larger Portland Trails network. The property's proximity to extensive residential neighborhoods creates an exceptional opportunity for recreation, education, and conservation activities.



E-14 Ocean Avenue Open Space



This property is the area formerly used as a landfill on outer Ocean Avenue near the intersection with Presumpscot Avenue. The 60+ acre site includes the capped landfill, Quarry Run Dog Park, and adjacent woodlands and wetland areas, which provide a mix of habitat for a variety of wildlife species including turkeys, deer and fox and song birds, especially migrating sparrows. In fact,

the site is so popular with “birders” that is known as the “Dragon Fields” due to its proximity to the former Dragon Cement quarry. The landfill rises approximately 50-70 feet above the gravel drive at the highest point, affording good views in all directions, including Casco Bay to the south and east. These properties, in combination with the Virginia Street Parcels (E-13) and other nearby City owned tax acquired parcels make up the Ocean Avenue Recreation Area². The Commission has been working to protect additional trails and wildlife habitat, mainly wetland areas, contiguous with these existing holdings.

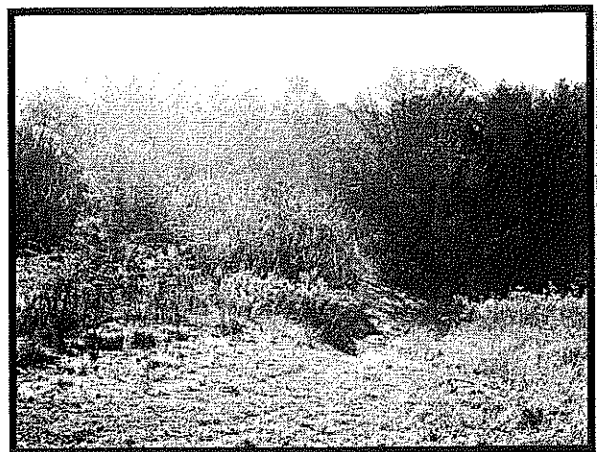
E-15 Maggie Lane Lot



This triangular lot off Maggie Lane, in combination with a trail easement on private property, was acquired in 2008 to provide trail access and linkage along the Riverton Rail Trail. Portland Trails constructed a trail head and boardwalk to connect with the trail network.

E-16 Beverly Street Lots – North

The Beverly Street Lots - North link with southern counterpart and the Natick Street Property along the west side of the Riverton Rail Trail. These lots were acquired to protect the Dole Brook stream corridor, provide access to the trail and to preserve a wooded buffer between the trail and adjacent properties.



² See *An Asset Inventory and Vision Plan for the Ocean Avenue Recreation Area, Portland, Maine* 2006.

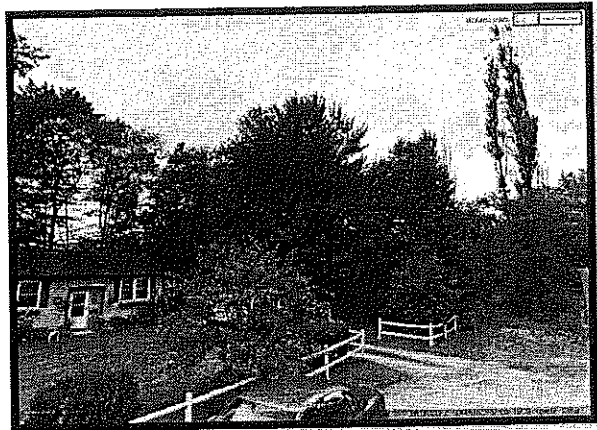
E-17 Beverly Street Lots – South



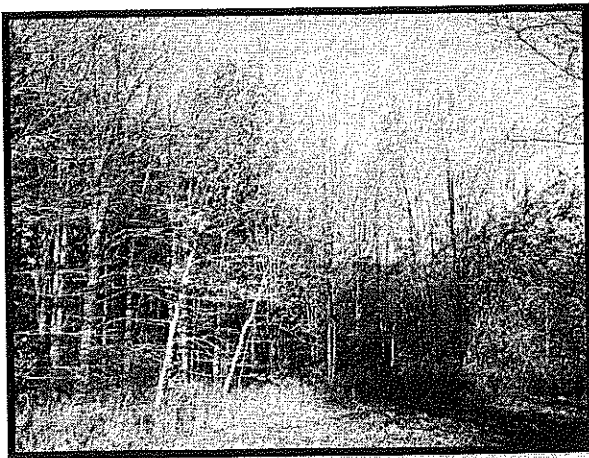
The Beverly Street Lots - South, link with their northern counterpart and the Natick Street Property along the west side of the Riverton Rail Trail. These lots were acquired to protect wetlands associated with Dole Brook, provide access to the trail and to preserve a wooded buffer between the trail and adjacent properties.

E-18 Goodridge Avenue Lots

These wooded lots behind the intersection of Goodridge Avenue and Eleanor Street were acquired in conjunction with the Maggie Lane Lot and a trail easement to provide trail access and linkage along the Riverton Rail Trail. Portland Trails completed the new section of trail in 2010.



E-19 North Deering/Riverton Parcels



This large group of parcels is located north and west of the PATHS Wooded Area (E-12), just across the tracks from the Riverton Rail Trail. These wooded parcels provide connectivity to the Portland Trails network, provide significant wildlife habitat and preserve wetlands and stream buffers essential to maintaining the health of Dole Brook.

E-20 Castine Pines

This attractive grove of pine trees at the intersection of Forest Avenue and Castine Avenue was acquired as conservation land in 2008 through a land swap with a local developer planning to build additional housing on the street.



E-21 Ocean Avenue Recreation Area – Pine Grove Avenue Lots

These lots near Copley Woods Circle were purchased to fill in gaps at the southern edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area. Additional lots near Stepping Stone Lane were also included in this transaction.

E-22 Ocean Avenue Recreation Area – Belfast Street Lots

These lots near Maine Avenue and Ray Street were donated to the Land Bank as conservation land to fill in gaps at the north-western edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area.

E-23 Ocean Avenue Recreation Area – Marlborough Road/Trapelo Street Lots

These lots near Copley Woods Circle were purchased to fill in gaps at the southern edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area.

E-24 Dole Brook Driving Range Property

This property across the street from Riverside Golf Course was once used as a driving range. The land is mostly wooded with the exception of a clearing for the former driving range and slopes towards a ravine that carries Dole Brook on its way to the Presumpscot River. Dole Brook has been identified as an impaired stream by the Maine Department of Environmental Protection, because it does not meet its designated water quality classification due to the impacts of urban stormwater runoff. State and Federal regulations under the Clean Water Act require the City to restore water quality in the brook. This property was placed in the Land Bank to protect the stream corridor, prevent further water quality degradation and potentially provide for passive recreational activities, such as trails or a low-impact driving range.

E-25 Canco Woods



The Canco Woods property was protected in 2012 through a collaborative partnership between neighborhood residents, the Trust for Public Land, Portland Trails, the Land Bank Commission and the former land owner, Union Water-Power Company. This very popular 13-acre wooded area features wetlands, streams and trails. The City also has a sewer right-of-way through a portion of the property. Canco Woods is owned by the City, but Portland Trails holds a conservation easement on it.

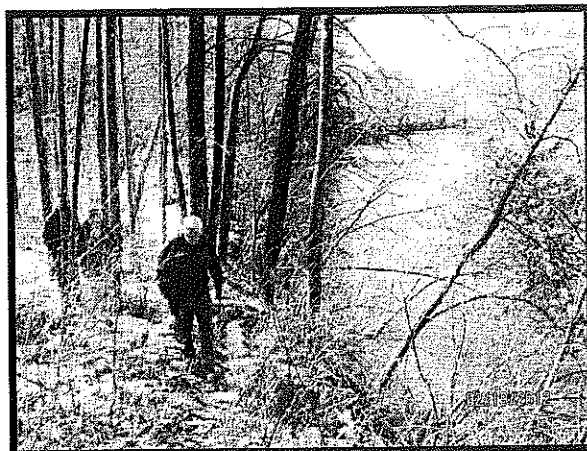
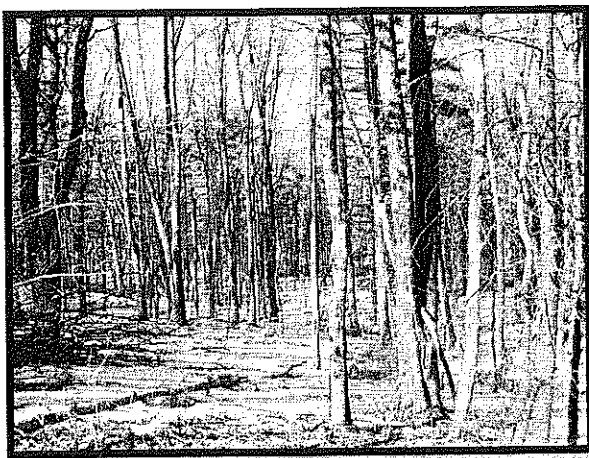
Parcels Recommended for Land Bank Designation

University Park



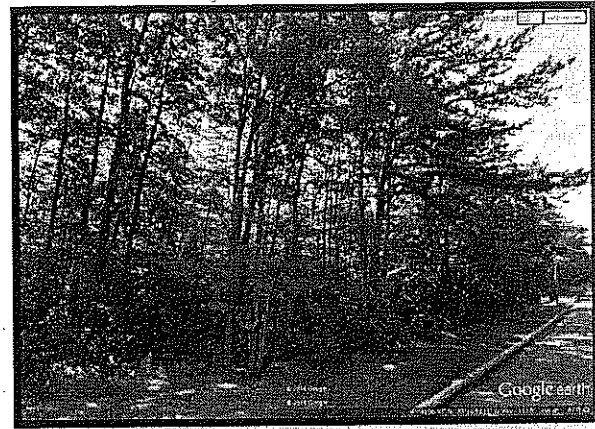
University Park is a narrow, 8+ acre wooded open space off Allen Avenue next to Yale Street. This City-owned land was preserved for neighborhood open space associated with several residential subdivisions planned for the neighborhood. Use of this property is subject to deed restrictions. A lovely woodland trail follows the unimproved Harvard Street right-of-way, which is sandwiched between University Park and undeveloped, privately-owned land to the south. This property was placed in the Land Bank in 2002, but was subsequently removed, by amendment, because it was being considered for other purposes by the City. Fortunately, none of these alternative uses came to be. Since that time University Park has become a favorite place to walk and has been incorporated into the Sebago to the Sea Trail. This open space is long overdue for inclusion in the Land Bank. Consequently, the Land Bank Commission recommends that the University Park be designated as part of the Land Bank inventory.

Wooded Area North of Riverside Golf Course



This large, mostly wooded area owned by the City is located north of Riverside Golf Course along the Presumpscot River. Bounded to the east by the Maine Turnpike, to the west by the river and to the south by the golf course, this roughly 25 acre open space remains essentially landlocked. The terrain varies greatly throughout the property, but generally slopes towards the river. Wetlands, steep divides and streams are scattered throughout the site, large portions of which are prone to flooding. The Sebago to the Sea Trail is one of several popular trails that draw walkers, bird watchers and cyclists to the site. This open space offers a variety of open space values including recreational opportunities, wetland and water resource protection and wildlife habitat preservation. The property is currently zoned for Recreation Open Space (ROS) and a significant portion is within the Shoreland Zone.

Land Along Canco Road



This City-owned wooded property follows along the front of Canco Road from Canco Woods to Tamerlane, where a path connects the sidewalk to Murray Street. The land was retained by the City to provide an open space buffer between a existing residential neighborhood on Murray Street and new, higher-density residential development that was rapidly building up around it.

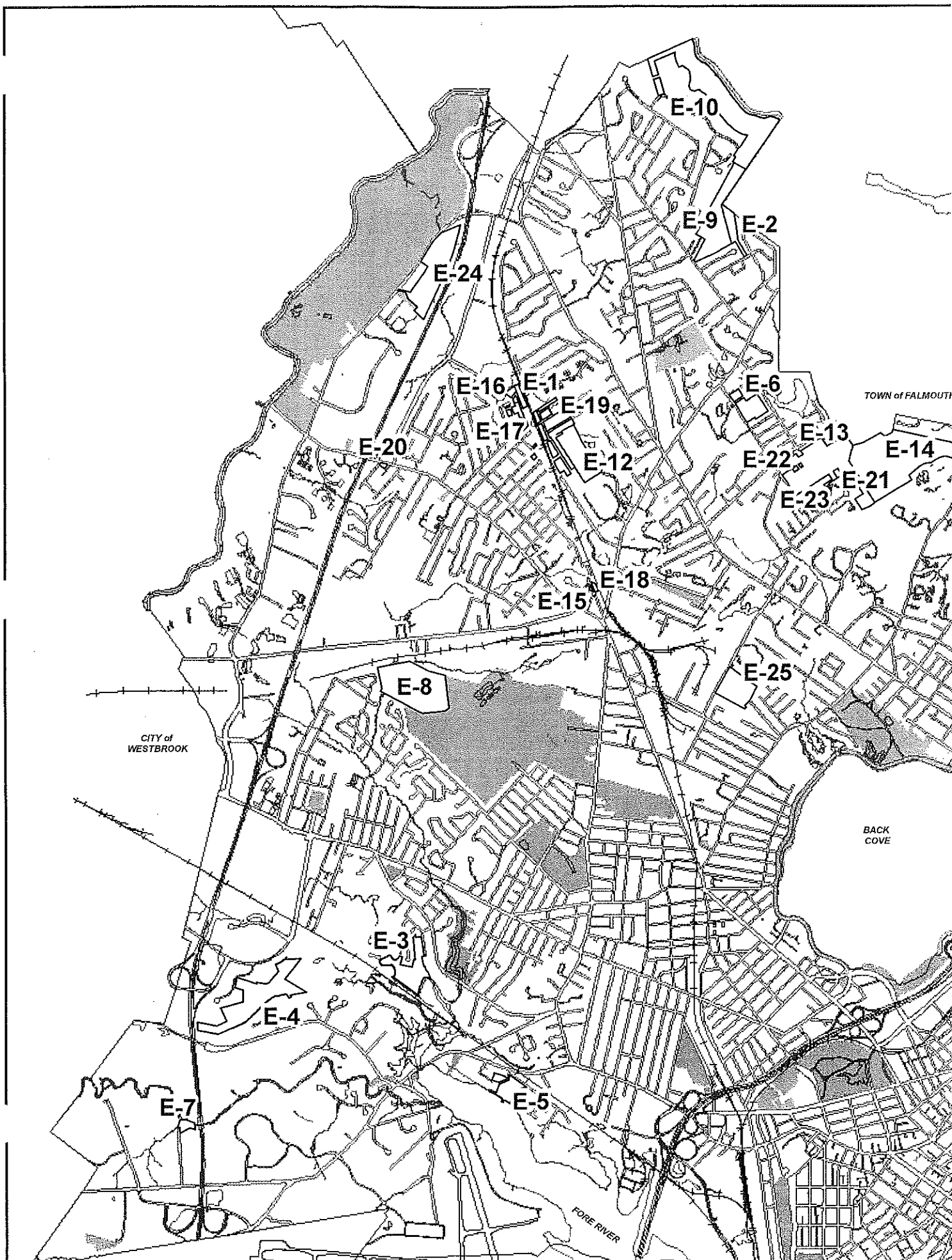
2014 Land Bank Commission Budget

The City Council approved an annual allocation of one half of a percent (.5%) from the Capital Improvement Project (CIP) requiring a budget submission to the Manager and City council each year according to Code Section 2-429 (H) (9) which specifies that the budget "shall include a separate budget of expenditures from the Land Bank Fund, expenditures will be limited to the purposes for which this fund is dedicated."

Beginning Balance March 27, 2014: \$338,310

Expense Categories

Land Purchases:	\$100,000
(Subject to negotiations)	
Appraisals:	\$ 3,000
Surveys:	\$ 5,000
Title and Legal Research:	<u>\$ 5,000</u>
Total Expenses:	\$ 113,000



*Order 218-13/14
Tab 24 4-28-14*

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 THE RECORD AND WRITTEN DECISION
RE: SANGILLO'S TAVERN, LLC RENEWAL APPLICATION FOR A CLASS A
LOUNGE FOOD SERVICE ESTABLISHMENT LICENSE**

ORDERED, that the record compiled by Corporation Counsel of the March 17, 2014 hearing on the application by Sangillo's Tavern, LLC at 18 Hampshire Street for renewal of its Class A Lounge Food Service Establishment License, with a final City Council decision on April 7, 2014, is hereby approved as the official record; and

BE IT FURTHER ORDERED, that the written decision attached hereto as Attachment A is approved as the final written decision of the City Council regarding the application by Sangillo's Tavern at 18 Hampshire Street for renewal of its Class A Lounge Food Service Establishment License.

**DECISION OF THE PORTLAND CITY COUNCIL
DENYING THE RENEWAL OF A LIQUOR LICENSE FOR A
CLASS A LOUNGE FSE**

**IN RE: SANGILLO'S TAVERN, LLC D/B/A SANGILLO'S TAVERN AT 18
HAMPSHIRE STREET**

I. Procedural History

Date of Application for Renewal:	February 19, 2014
License Period:	February 26, 2013 – February 26, 2014
City Council Consideration:	March 17, 2014 (Postponed by the City Council to April 7, 2014)
	April 7, 2014: Public Hearing & Final Council Action: Application for renewal denied by a vote of 5-4 (Coyne, Duson, Leeman and Mavodones Opposed)

II. Procedural Background and Factual Findings

This matter came before the City Council for renewal pursuant to 28-A M.R.S. §653(1). A public hearing was held by the City Council on March 17, 2014, at the conclusion of which the City Council voted eight (8) to zero (0) (Coyne absent) on a motion to postpone final City Council action on the renewal of the license until April 7, 2014. On April 7, after deliberation on the matter, the City Council ultimately voted 5 to 4 (Coyne, Duson, Leeman and Mavodones) to deny the applicant's application for renewal of their Class A lounge FSE license. Councilor Coyne participated in this hearing and the final Council action after reviewing the recorded portion of the March 17, 2014 meeting and all of the documents included in the record.¹

Kathleen T. Sangillo is the manager and Dana Sangillo is the owner of the applicant Sangillo's LLC, which does business as the Sangillo's Tavern located at 18 Hampshire Street in

¹ Councilor Coyne orally indicated this fact on the record on April 7th, and signed an affidavit (that was included in the City Council record) verifying that information.

Portland. (R. 1, 8-9). Ms. and Mr. Sangillo sought the renewal of the Tavern's license to serve food, malt, spirituous and vinous alcohol on a full time basis as a Class A lounge FSE. (R. 8-9).

Sangillo's Tavern is a Class A lounge located in Portland's India Street neighborhood. (R. 8-9). For point of reference, the Old Port, a small geographical area consisting of about five small city blocks, is located across Franklin Street and several large city blocks away from this neighborhood and the Tavern. In fact, there is no other bar that directly abuts the Tavern, and it is instead located in a primarily residential neighborhood.

Sangillo's Tavern's current liquor license was due to expire on February 26, 2014. (R. 8-9). Ms. Sangillo, the bar manager since 2009, filed an application for license renewal with the City Clerk's office on February 19, 2014. (R. 8-9).

The Portland City Council has nine elected members. This matter appeared for the first time on the Council Agenda on March 17, 2014. At that time, the Council had before it the official application for renewal (R. 8-9), and a number of other documents, the most important of which was a Liquor License Review Report prepared by Lt. Gary Hutcheson of the Portland Police Department ("PPD") and dated February 20, 2014 for the review period dated February 26, 2013 to January 30, 2014 (R. 20-24).

Other key documents submitted into the record before the City Council's decision on April 7, 2014 include a PPD Crime Analysis of Calls for Service for Sangillo's Tavern (R. 172), a PPD Crime Analysis for Similarly Sized Bars (R. 173), a legal memorandum (with attachments) prepared by Corporation Counsel's Office (R. 151-157), and an additional memorandum from the PPD, dated March 25, 2014 (R. 170-171), which specifically responded to Council questions posed on March 17, 2014.

The record also included the PPD CAD reports and the Incident Reports that were used by Lt. Hutcheson to create the Liquor License Review, and two (2) packets of materials submitted by the applicant and its attorney. (R. 25-150, 174-202).

It is the longstanding practice of the City Council to refer both new and renewal liquor license applications to the PPD in order that the Department may present the Council with a report describing what, if any, incidents have occurred in or around the applicant's establishment during the preceding license year, the efforts made by PPD to resolve any problems, and the response of the owners or management to those efforts. As the Police Chief testified, the PPD rarely recommends denial. In fact in the past five years, on information and belief, out of the over 200 license applications they reviewed annually, the PPD has only recommended denial on 4 occasions, including this one.

III. March 17, 2014 Hearing

On March 17, 2014, the City Council held a public hearing on this application. (R. 4-5, 7). The applicant was present with its attorney, Mr. Harry Center. Prior to the hearing the applicant submitted a packet of documents all of which were considered by the Council and included in the record (R. 174-189). Mr. Center and his client presented information regarding Sangillo's history and Maine law, and specifically challenged the PPD's practice of attributing calls for service in the immediate vicinity of Sangillo's Tavern to the bar and its patrons.

Police Chief Michael Sauschuck and Assistant Chief Vernon Malloch presented the PPD's report and the case for the Department's recommendation for denial. The report, among other things, indicates that the PPD responded to many calls for service related to the operation of the premises including calls for "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.” (R. 21-24).

The report also lists “Liquor Law Violations and Administrative Premises Violations” and identifies two administrative summonses: one for sale of liquor to a minor, and one for allowing a minor to remain on the premises. (R. 21-24). Both of those violations occurred inside the establishment. The applicant’s attorney indicated on the record that both summonses were being contested, and that the State Liquor Commission had not yet ruled on whether or not violations had actually occurred.

Under the category of “Incidents of Breach of the Peace in the Immediate Vicinity” the PPD report lists the following incidents to which the Department responded: “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.” (R. 21-24).

The report also indicates that the PPD “identified 23 calls for service to the premises 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.” (R. 21-24).

Finally, Lt. Hutcheson’s report contains three pages of details on the incidents related to the operation of Sangillo’s Tavern taken from the PPD CAD reports and incident reports that are also included in the record. (R. 21-24).

It should be noted that both Chief Sauschuck and Assistant Chief Malloch testified and their report indicates that in the PPD’s opinion “in the immediate vicinity” was a short distance in either direction from the bar and included a nearby parking lot. (R. 21-24). They both further stated that the PPD’s policy is to list the calls for service or incidents in that area that fall within

the state law applicable to liquor licenses to the bar nearest to the location of the incident that led to the call for service or the report. Finally, Assistant Chief Malloch also stated that since Sangillo's Tavern is physically separated from other bars in the City of Portland, the calls and incidents in the vicinity (that were identified in the PPD report) were clearly connected to this bar.

In his testimony, Assistant Chief Malloch also identified the effort made by the PPD to meet with the bar manager to discuss these incidents and the recommendations made by the PPD to improve the record/situation at Sangillo's Tavern (R. 17-19, 21-24). The PPD report indicates that "[w]e have been proactive in our efforts to improve safety and restore peace to the neighborhood, meeting with the bar and making suggestions on [which] 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." (R. 21-24).²

Assistant Chief Malloch specifically noted in his testimony that the willingness of the applicant to follow through with most of the Department's recommendations that were made during the early summer of 2013 including, but not limited to, installation of cameras and a door person, but the PPD did not see an improvement in the calls for service/incidents in the immediate vicinity of Sangillo's Tavern. Recently, the PPD also met with the applicant again and recommended additional recommendations, most of which the applicant seemed receptive to with the exception of the PPD's recent recommendation that the bar close at 10pm. (R. 17-19).

² It should be noted that "[o]fficers 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." (R.).

This recommendation was made because the violations outlined in the PPD's reports primarily occurred between the hours of around 11:00pm until 1:00am.

The public hearing portion of the March 17, 2014 meeting concluded at around 12:00a.m. after which the Council decided (8 to 0, Coyne absent) to postpone its deliberations on the application to April 7, 2014. The Council also specifically requested additional written information from the applicant, city staff and the applicant/its attorney, and it received that information prior to the April 7, 2014 meeting. (R. 151-157, 170-173, 190-202).

IV. April 7, 2014 Final Council Action

The second portion of the City Council's review of this renewal application was conducted on April 7, 2014, with all nine (9) Councilors present. The applicant's attorney and the PPD were both given an opportunity to respond to and discuss the Council requested additional materials submitted for the record by both the PPD, city staff and the applicant. Following the close of these presentations, the City Council deliberated on the matter and voted 5 to 4 (Coyne, Duson, Leeman and Mavodones opposed) to deny the renewal of the applicant's liquor license.

V. Decision

This application for renewal of a Class A Lounge FSE liquor license for Sangillo's Tavern, LLC d/b/a Sangillo's Tavern at 18 Hampshire Street is denied for the following reasons:

A. This Applicant violated 28-A M.R.S.A. § 653(2)(D)

Title 28-A M.R.S.A. § 653 (2)(D) provides that one of the grounds for non-renewal of a liquor license includes, but is not limited to,:

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 premise and caused by persons patronizing or employed by the licensed premises.

We find that based on the facts above, the materials contained in the record and the testimony provided at the March 17, 2014 hearing, the incidents and calls for service described in Lt. Hutcheson's license review report dated February 20, 2014, and the PPD additional memorandum dated March 25, 2014, were caused by patrons of Sangillo's Tavern and constitute breaches of the peace, disorderly conduct, and other violations of the law in the vicinity of the licensed premises.

More specifically, the breaches of the peace, disorderly conduct or violations of law that occurred in the immediate vicinity by patrons of Sangillo's Tavern that are of most concern are as follows:

February 20, 2014 PPD Report

1	Assault
3	Persons Refusing to Leave
1	Theft
1	Suspected OUI
1	Drug Sale Investigation
1	Elevated Aggravated Assault with a Gun

In relation to one of the fights described in the February 20, 2014 report, that report states:

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.

(R.22). The PPD incident report for this assault further specifies that the victim of the assault "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 . . . when she pulled into the parking lot, she said the male her friend argued with . . . [who] was with a second

male . . . [who] 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 . . . what the problem was and he tried to strike her, but she ducked out of the way . . . [She said] he then grabbed her hair . . . and she fell to the ground, hitting her knee, while . . . [he] dragged her.” (R. 22).

The report also identifies an assault/fight that occurred on June 30, 2013. (R.23). This event involved a victim who works as a bartender at Sangillo’s Tavern. (R. 146). “On 6-30-13, at approximately 0045 hours, . . . [victim] stated that she returned to Sangillos to pick up her vehicle. [She] . . . was not working at that time . . . [and] spotted a black male . . . walking outside with his shot glass of Hennessey, a liquor . . . [She] told . . . [him] that he was not allowed to take his drink outside . . . [He] responded saying no . . . [and] [she] told [him] he would need to bring the drink back inside the bar or have someone else bring it inside for him. . . [he] . . . responded saying “fuck you bitch, I’m going to punch you in the face” . . . [and] . . . punched her on the left side of her jaw using his right fist. . . [she] was knocked unconscious and fell down to the sidewalk. . . she was unconscious for approximately 1 minute . . . [and] her mouth was bleeding and hurt.” (R. 146).

Finally, the report also states that on “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.” (R. 22).

Despite the claims by the applicant and its attorney that these incidents are not related to patrons of Sangillo’s Tavern (and instead related to people walking home from the Old Port), the record evidence clearly establishes that these incidents of breach of the peace were in the immediate vicinity of Sangillo’s Tavern, and directly involved patrons and/or employees of the

Tavern. In finding the causal connection between these breaches of the peace and the patrons of the Tavern, the City Council relies on the facts outlined in the PPD reports and incident reports, the Assistant Police Chief and Police Chief's testimony presented to the Council, as well as the knowledge of Chief Sauschuck, Assistant Chief Malloch and the PPD officers who regularly patrol this area.

In addition, the spike in incidents in the vicinity of Sangillo's Tavern identified by Lt. Hutcheson in his February 20, 2014 report is clearly documented. The record contains a PPD crime analysis that shows that the Tavern only had 12 incidents/calls for service in 2011-2012; 15 incidents/calls for service in 2012-2013; and 41 incidents/calls for service in 2013-2014. (R. 172).

Overall, we determine that given the numerous incidents (and spike in incidents) identified, and the relative geographic isolation of Sangillo's Tavern from other bars in the City, it is correct to attribute the calls for service/incidents to patrons of the bar, and the owner and manager's failure and that of their employees to control the misbehavior of the bar's patrons.

B. This Applicant Violated 28-A M.R.S.A. § 653(2)(G)

Equally sufficient and independent grounds for denying this license is the fact that two of the bar tenders/servers employed by Sangillo's Tavern, and who are serving alcohol to patrons, have been trained as required by 28-A M.R.S.A. § 653(2)(G).³ The applicant admitted this violation on the record at the March 17, 2014 hearing, and it is further noted in the applicant's attorney's letter to Assistant Chief Malloch dated March 6, 2014. (R. 19).

³ "A license may be denied on one or more of the following grounds . . . [a]fter September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages." 28-A M.R.S.A. § 653(2)(G).

C. *This Applicant Violated 28-A M.R.S.A. § 654*

Finally, this application is also denied based upon the legal considerations outlined in 28-A M.R.S.A. § 654. That section states as follows:

In issuing or renewing licenses, the bureau, the municipal officers or the county commissioners, as the case may be, shall give consideration to:

- A. The character of any applicant;
- B. The location of the place of business;
- C. The manner in which the business has been operated; and
- D. Whether the operation has endangered the safety of persons in or on areas surrounding the place of business.

In this case the applicant's owner is Dana Sangillo. He testified, and the record indicates, that he has owned the bar for almost five (5) years, and that his aunt, Kathleen Sangillo, has operated/managed the bar for that same period of time. Mr. Sangillo also testified that he has some recent experience operating bars and that his aunt has office management experience.⁴ Given this experience, Mr. and Ms. Sangillo should have known of the problems that existed and done a much better job of managing Sangillo's Tavern and its patrons.

The location of this particular bar is physically removed from many of the other City and Old Port bars, but given its location in the residential India Street neighborhood it is vital that whoever is responsible for owning and managing an alcohol serving business does so in a manner that maximizes the safety of not only their employees and patrons but of others who live and frequent the neighborhood.

Instead, the record clearly establishes that the manner in which Sangillo's Tavern has been operated/managed has endangered the safety of persons residing in the areas surrounding

⁴ When questioned by Councilor Suslovic on March 17, 2014, Ms. Sangillo further testified that she did not think that it was legal under Maine law for an underage person (in the case in question, a 19 year-old) to be allowed in the bar whether or not he or she was drinking alcohol.

this place of business. That conclusion rests on the same analysis previously set forth, regarding the public safety violations/incidents/breaches of the peace that have occurred in the vicinity of this bar. The conclusion also rests on Assistant Chief Malloch's testimony indicating that the applicant tried to address the repeated incidents by no longer selling two types of liquor that the so-called alleged "trouble-makers" had been drinking, and on Ms. Sangillo's own testimony that she is the on-site manager of the establishment, but that she consistently goes home and is not present (nor is anyone else) to manage the bar after 5:00 p.m.⁵ The only people working in the bar after 5:00p.m. is a bar tender and occasionally a door person (who is primarily in the door area/outside) on any given evening. This is simply insufficient management, particularly given the spike in incidents that have been identified by the PPD during the renewal period.

The applicant's claim that they are being singled out for unfair treatment because there are other establishments in Portland with more violations is without merit. Each license that comes before the PPD and the Council is considered on its own merits, not in relation to the performance of other facilities. It is no defense when a bar such as this one has violated state law to claim that other bars may have worse violations.

This Council has confidence that the PPD, based on its extensive experience and local knowledge, has a good sense of those facilities that are effectively managing their employees and patrons and reducing public safety problems and risks and those that are not meeting those expectations. Sangillo's Tavern clearly falls into the second category and for that reason, as well as those set forth above, this application is denied.

⁵ Instead, on March 17, 2014, Ms. Sangillo testified that at night she merely manages the bar by reviewing the security cameras from home and/or the videos of the night before, the next day.

Date of Decision on the Record: April 7, 2014

Date of Written Decision Signed: April 28, 2014

**Date Decision mailed to Bureau of
Alcoholic Beverages and the Applicant:** April 29, 2014

Mayor Michael F. Brennan

Councilor Kevin J. Donoghue

Councilor Jon Hinck

Councilor David A. Marshall

Councilor Edward J. Suslovic

*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.

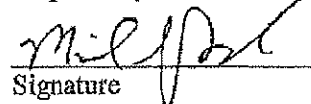
VII. RECOMMENDATION

See above.

VIII. LIST ATTACHMENTS

Copy of the before mentioned report.

Prepared by:


Signature

3-04-14
Date

Ad ID 5017623

Date 03/07/2014

Time 9:42 AM

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

Ad shown is not actual print size

000004

Portland, Maine



Yes. Life's good here.

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

March 6, 2014

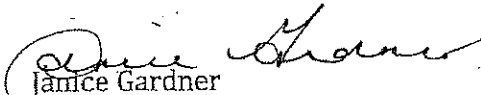
RE: NOTICE OF PUBLIC HEARING

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

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 Jones

City Clerk

THIS LICENSE IS NOT TRANSFERABLE
PLEASE POST IN A CONSPICUOUS PLACE

000006



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

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 BOST, 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-3am) _____

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: 4/16/09

NUMBER OF: PINBALL MACHINES _____ POOL TABLES _____
AMUSEMENT DEVICES 1 ADULT AMUSEMENT DEVICES _____

DISTRIBUTOR: CAROL 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: 4/14/2009
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: _____

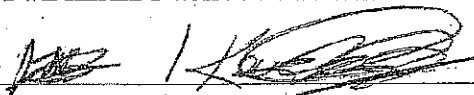
CITY OF PORTLAND
OFFICE OF THE CITY CLERK
389 Congress Street ~ Portland Maine 04101
207-874-8557 FAX 874-8612

EXP DATE: 02/26/2014
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

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.



Liquor Licensing & Inspection

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.)		2. Business Name (D/B/A)	
DANA M SANGILLO DOB: 07/09/84		SANGILLO'S TAVERN LLC	
SANGILLO'S TAVERN LLC DOB:			
Address		Location (Street Address)	
18 HAMPSHIRE ST		18 HAMPSHIRE ST	
City/Town State Zip Code		City/Town State Zip Code	
PORTLAND ME 04101		PORTLAND ME 04101	
Mailing Address		Mailing Address	
S/A		S/A	
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	
207-879-2810 207-247-0303		207-879-2810 207-247-0303	
Federal I.D. #		Seller Certificate #	
0185243		1139514	

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 \$ 90,005 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 ☐

000011

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,

A handwritten signature in cursive script, appearing to read "Janice Gardner".

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

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	CONVERGENCE CA LONG BEACH CA	07/19/84	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: _____

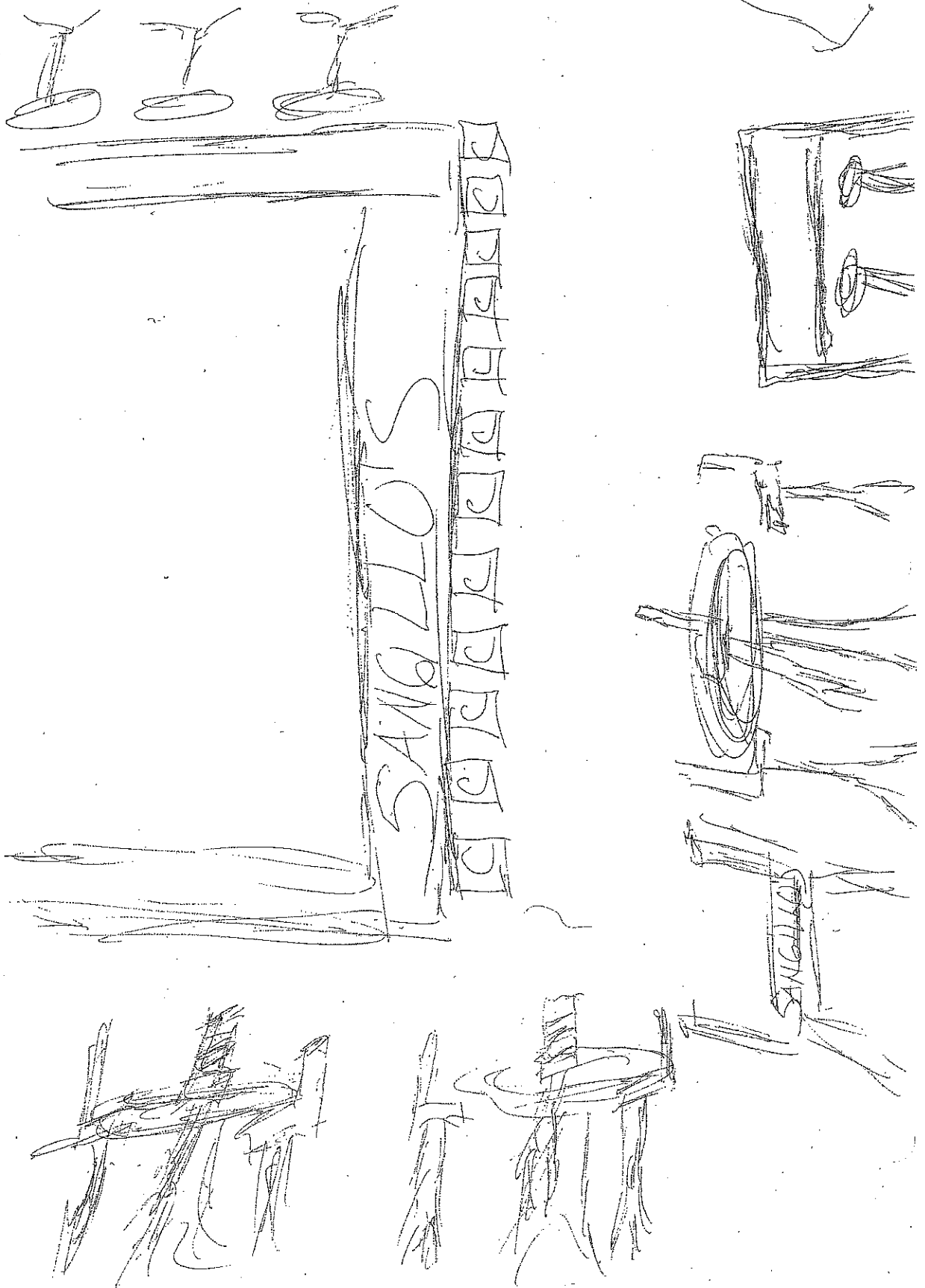
Dated at: PORTLAND, ME 04101 On: _____
City/Town Date

Signature of Duly Authorized Officer

Date: 2/19/2014

DANA M. SANGILLO
Print Name of Duly Authorized Officer

PREMISE DIAGRAM



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	08/07/58	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, AK, WATERBORO - ME 04061
DANA - CULVER 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 4
BAR & 3 STOOLS, 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

Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)



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

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
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234 MAIN STREET
P.O. BOX 468
BIDDEFORD, ME 04005-0468
TELEPHONE: 207-284-4581
FAX: 207-284-2878
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.

000017

**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 an 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.

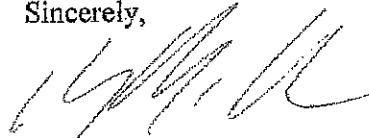
**WOODMAN EDMANDS DANYLIK AUSTIN
SMITH & JACQUES, P.A.**

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

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.

COMPUTER AIDED DISPATCH REPORTS

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14 Computer Aided Dispatch Div: 001 Page: 1
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
130120544 P BAR CHECK 1/12/13 000018 HAMPSHIRE ST P-1B F-A05 E-
GOA/WILL GIVE SA 22:47:09 SANGILLOS
Units Responded: 501 604 608 Time (HH:MM:SS): 0:00:01
Response Time (Call to Arrival-First Unit) Unit #: 604
NOT COUNTED

130270011 P ASSIST CITIZEN 1/27/13 000018 HAMPSHIRE ST P-1B F-A05 E-
PROVIDED SERVICE 0:20:59 SANGILLOS
Units Responded: 401 Time (HH:MM:SS): 0:05:41
Response Time (Call to Arrival-First Unit) Unit #: 401
Narrative: THEFT OF A JACKET WITH 17'S CAR KEYS IN IT STEPHANIE NOWICKI
17 WILL BE STANDING OUT FRONT STEPHANIE NOWICKI
CALL CAME IN ON 911-253-7308 STEPHANIE NOWICKI
Call change from THEFT to ASSTCITZ BY POST4A P 01 0000007627 NICOLE MERRITMAN

130540003 P POSSIBLE OUI 2/23/13 000018 HAMPSHIRE ST P-1B F-A05 E-
NEGATIVE CONTACT 0:08:25 SANGILLOS
Units Responded: 405 604 Time (HH:MM:SS): 0:06:16
Response Time (Call to Arrival-First Unit) Unit #: 405
Narrative: IN THE PARKING LOT HERE, DRIVER ALMOST HIT THE 17 STEPHANIE NOWICKI
DRIVER IS PARKED HERE, STEPHANIE NOWICKI
IT'S NEXT TO A BLK CHRYSLER 300 STEPHANIE NOWICKI
17 THINKS THE OPERATOR IS DRUNK STEPHANIE NOWICKI
17 DOESN'T WANT TO CHECK THE PLATE NUMBER STEPHANIE NOWICKI
17 WANTS TO BE SEEN, HE WILL SEE OFFICERS AT THE CORNER STEPHANIE NOWICKI
HAMPSHIRE AND INDIA STEPHANIE NOWICKI
NOT COUNTED

130540026 P FIGHT 2/23/13 000018 HAMPSHIRE ST P-1B F-A05 E-
GOA 1:31:24 SANGILLOS
Units Responded: 501 502 Time (HH:MM:SS): 0:02:17
Response Time (Call to Arrival-First Unit) Unit #: 501
Narrative: 17 CAN HEAR A FIGHT...PEOPLE SCREAMING...17 THINKS THERE IS CHERYL BREWSTER
20 PEOPLE OUT THERE...NOT WILLING TO LOOK OUT THE WINDOW CHERYL BREWSTER
NOT COUNTED

130740262 P CHECK WELL BEING 3/15/13 000018 HAMPSHIRE ST P-1B F-A05 E-
GOA 14:03:05 SANGILLOS
Units Responded: 102 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: NONE
Narrative: ACROSS FROM MALE LAYING ON THE GROUND ETOH BONNIE RAY

130910327 P MOTOR VEHICLE STOP 4/01/13 000018 HAMPSHIRE ST P-1B F-A05 E-
CITATION ISSUED 17:05:11 SANGILLOS
Units Responded: 305 401 421 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: 401

130960042 P KEEP THE PEACE 4/06/13 000018 HAMPSHIRE ST P-1B F-A05 E-
PROVIDED SERVICE 1:28:11 SANGILLOS

3 units

000026

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14 Computer Aided Dispatch Div: 001 Page: 2
 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
 To: Street #: 000018 Dir: Name: HAMPSHIRE
 Common Name..... SANGILLOS

City: 001 PORTLAND

Call#/DP Type/Disposition

Time Incident Location Map Reference - F/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 KFP APPARENTLY A FEMALE STOLE THE 17S H JESSICA RAMSAY
 AT GENNETTE CARDOLLO-BRANCO
 501: ALL SET HERE

131150019 P FIGHT UNFOUNDED CALL
 4/25/13 000018 HAMPSHIRE ST P-1B F-A05 E-
 0:38:27 SANGILLOS
 Units Responded: 301 304
 Response Time (Call to Arrival-First Unit) Unit #: 301 Time (HH:MM:SS): 0:01:43
 Narrative: 2 PEOPLE FIGHTING ROBERT SELBERG
 4 PEOPLE NO WEAPONS SEEN - CAR OUT FRONT AS WELL - GREEN ROBERT SELBERG
 W/ WHITE LABEL ROBERT SELBERG

131270520 P FIGHT PROVIDED SERVICE
 5/07/13 000018 HAMPSHIRE ST P-1B F-A05 E-
 20:40:34 SANGILLOS
 Units Responded: 302 303 406
 Response Time (Call to Arrival-First Unit) Unit #: 302 Time (HH:MM:SS): 0:02:04
 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 13 1:02:11
 REPORT TAKEN/ENDS CA 5/18/13 000018 HAMPSHIRE ST P-1B F-A05 E-
 12:21:02 SANGILLOS
 Units Responded: 210
 Response Time (Call to Arrival-First Unit) Unit #: 210 Time (HH:MM:SS): 0:00:00

131470334 P PEDESTRIAN CHECK DIP WARNING
 5/27/13 000018 HAMPSHIRE ST P-1B F-A05 E-
 15:44:25 SANGILLOS
 Units Responded: 312
 Response Time (Call to Arrival-First Unit) Unit #: 312 Time (HH:MM:SS): 0:00:00

131640643 P OPEN DOOR/WINDOW FIELD INTERROGATION
 6/13/13 000018 HAMPSHIRE ST P-1B F-A05 E-
 22:59:19 SANGILLOS
 Units Responded: 501 502
 Response Time (Call to Arrival-First Unit) Unit #: 501 Time (HH:MM:SS): 0:00:00

131730033 P FIGHT/LARGE GROUP GOA
 6/22/13 000018 HAMPSHIRE ST P-1B F-A05 E-
 1:10:14 SANGILLOS

000027

SYSTEM: SunGard Data Range: 1/01/13 - 1/30/14 Computer Aided Dispatch Div: 001 Page: 3
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
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: 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 6/27/13 000018 HAMPSHIRE ST F-1B F-A05 E-
PROVIDED SERVICE 1:21:29 SANGILLOS
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 6/28/13 000018 HAMPSHIRE ST F-1B F-A05 E-
GOR/WILL GIVE SA 17:57:28 SANGILLOS
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 MYCOMP 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
SUPE VEH DROVE DOWN COMMERCIAL ST GOING 45 MPH CUTTING OFF CHELSEY BEARD
3 VEH'S CHELSEY BEARD

NO DISPOSITIONS **

131810024 P FIGHT/LARGE GROUP 6/30/13 000018 HAMPSHIRE ST F-1B F-A05 E-
Canceled 1:04:10 SANGILLOS
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 6/30/13 000018 HAMPSHIRE ST F-1B F-A05 E-
FIELD INTERROGATION 1:04:10 SANGILLOS
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 01:04:15
to 13/06/30 01:04:10

JESSICA RAMSAY
JESSICA RAMSAY
JESSICA RAMSAY
JESSICA RAMSAY
JESSICA RAMSAY
JESSICA RAMSAY

000028

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: 4
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 - F/F/E
Call change from FIGHT to BIG82 BY POST4A P 01 0000007548
402: OUT A BUNCH OF PEOPLE ARE SEPERATED

JESSICA RAMSAY
JESSICA RAMSAY

131610032 P FIGHT
GOA

5/30/13 000018 HAMPSHIRE ST P-1B F-A05 E-
1:20:48 SANGILLOS 402 404 601
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): 0:03:14
KEVIN DICKINSON
KEVIN DICKINSON

JESSICA RAMSAY

601: INDIV. SPLIT UP AND WENT THEIR SEPERATE WAYS

131850045 P FIREWORKS
PROVIDED SERVICE

Can't connect.

7/04/13 000018 HAMPSHIRE ST P-1B F-A05 E-
1:28:50 SANGILLOS 501 521
Units Responded: 501 521
Response Time (Call to Arrival-First Unit) Unit #: 501

Time (HH:MM:SS): 0:05:28

131870024 P FIGHT
UNFOUNDED CALL

7/06/13 000018 HAMPSHIRE ST P-1B F-A05 E-
1:13:10 SANGILLOS 505 515 521
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 AGGRESSIVELY TOWARDS EACH
OTHER
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

Time (HH:MM:SS): 0:05:37

STEPHANIE NOWICKI
STEPHANIE NOWICKI
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STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI

Call change from DISTURB to FIGHT IP BY POST5A P 01 00000051
NO WEAPONS SEEN
17 NOTED THAT THE GROUP STARTED PUSHING EACH OTHER
UNK 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 P-1B F-A05 E-
1:04:11 SANGILLOS 601 602 612
Units Responded: 601 602 612
Response Time (Call to Arrival-First Unit) Unit #: 602
Narrative: 6 PEOPLE FIGHTING IN FRONT OF HERE- NO WEAPONS SEEN

Time (HH:MM:SS): 0:03:16
BRIN DULAC

131940038 P GENERAL DISTURBANCE
FIELD INTERROGATION

7/13/13 000018 HAMPSHIRE ST P-1B F-A05 E-
1:21:00 SANGILLOS

000029

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: 5
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
Units Responded: 503 516 504
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

131950021 P SPECIAL ATTENTION CH 7/14/13 000018 HAMPSHIRE ST P-1B F-A05 E-
GOA/WILL GIVE SA ✓ 0:51:04 SANGILLOS
Units Responded: 501 512
Response Time (Call to Arrival-First Unit) Unit #: 501 Time (HH:MM:SS): 0:00:00
Narrative: 501: AVAIL BUT IN PARKING LOT TIL CLOSING JESSICA RAMSAY

131970051 P FIGHT 7/16/13 000018 HAMPSHIRE ST P-1B F-A05 E-
PROVIDED SERVICE 1:31:07 SANGILLOS
Units Responded: 404 412 501 504 506
Response Time (Call to Arrival-First Unit) Unit #: 501 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 7/17/13 000018 HAMPSHIRE ST P-1B F-A05 E-
GOA/WILL GIVE SA ✓ 0:07:18 SANGILLOS
Units Responded: 501
Response Time (Call to Arrival-First Unit) Unit #: 501 Time (HH:MM:SS): 0:00:00

131980024 P SPECIAL ATTENTION CH 7/17/13 000018 HAMPSHIRE ST P-1B F-A05 E-
GOA/WILL GIVE SA ✓ 0:44:24 SANGILLOS
Units Responded: 501 503
Response Time (Call to Arrival-First Unit) Unit #: 501 Time (HH:MM:SS): 0:00:00
Narrative: Call change from FLAG to SAC BY POST4A P 01 0000005009 JENNIFER LEE

131990594 P SPECIAL ATTENTION CH 7/18/13 000018 HAMPSHIRE ST P-1B F-A05 E-
GOA/WILL GIVE SA ✓ 20:39:49 SANGILLOS
Units Responded: 303
Response Time (Call to Arrival-First Unit) Unit #: 303 Time (HH:MM:SS): 0:00:00

132000783 P SPECIAL ATTENTION CH 7/19/13 000018 HAMPSHIRE ST P-1B F-A05 E-
GOA/WILL GIVE SA ✓ 23:54:43 SANGILLOS
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 7/20/13 000018 HAMPSHIRE ST P-1B F-A05 E-
PROVIDED SERVICE ✓ 0:57:11 SANGILLOS
Units Responded: 501 504
Response Time (Call to Arrival-First Unit) Unit #: 501 Time (HH:MM:SS): 0:00:00
Narrative: No issues tonight. Bar cleared out at 0100, instead of 501

000030

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14 Computer Aided Dispatch Div: 001 Page: 6
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
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 PROVIDED SERVICE 7/20/13 000018 HAMPSHIRE ST P-1B F-A05 E-
19:54:18 SANGILLOS
Units Responded: 400
Response Time (Call to Arrival-First Unit) Unit #: 400 Time (HH:MM:SS): 0:00:00
Narrative: ALL SET JESSICA RAMSAY

132010568 P BAR CHECK PROVIDED SERVICE 7/20/13 000018 HAMPSHIRE ST P-1B F-A05 E-
22:40:11 SANGILLOS
Units Responded: 310 311 602 612
Response Time (Call to Arrival-First Unit) Unit #: 310 Time (HH:MM:SS): 0:00:00

132020026 P SPECIAL ATTENTION CH PROVIDED SERVICE 7/21/13 000018 HAMPSHIRE ST P-1B F-A05 E-
0:50:53 SANGILLOS
Units Responded: 601
Response Time (Call to Arrival-First Unit) Unit #: 601 Time (HH:MM:SS): 0:00:00
Narrative: No issues. One call from 26 Hampshire St about people
milling around and 2 people on his lawn. There was no one
one the lawn that I saw and the people milling around
where getting out of the bar not pausing issues. Everyone
clear by 0115.

132020027 P GENERAL DISTURBANCE PROVIDED SERVICE 7/21/13 000018 HAMPSHIRE ST P-1B F-A05 E-
0:54:35 SANGILLOS
Units Responded: 601 602 612
Response Time (Call to Arrival-First Unit) Unit #: 602 Time (HH:MM:SS): 0:01:46
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 ERIN DULAC
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 PROVIDED SERVICE 7/23/13 000018 HAMPSHIRE ST P-1B F-A05 E-
0:49:02 SANGILLOS
Units Responded: 601
Response Time (Call to Arrival-First Unit) Unit #: 601 Time (HH:MM:SS): 0:00:00
Narrative: No issues tonight. Very small crowd. Cleared for other
calls.

000031

SYSTEM: SunSard 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: 7
 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	Call#/DP	Type/Disposition	Time	Incident Location	Map Reference - P/F/E
001	132040509 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	7/22/13 19:05:06	000018 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
	132050544 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	7/24/13 18:13:46	000018 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
	132050729 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	7/24/13 23:52:25	000018 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
	132050021 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	7/25/13 0:42:48	000018 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
	132060745 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	7/25/13 23:52:47	000018 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
	132070481 P	PEDESTRIAN CHECK FIELD INTERROGATION	7/26/13 18:52:37	000018 HAMPSHIRE ST SANGILLOS	P-1B F-A05 E-
			Units Responded: 402		
			Response Time (Call to Arrival-First Unit)	Unit #: 402	Time (HH:MM:SS): 0:00:00
	132080014 P	SPECIAL ATTENTION CH PROVIDED SERVICE ✓	7/27/13 0:49:19	000018 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. One group of 6 people waiting for cab when I cleared, but they were quiet.		
	132100027 P	SPECIAL ATTENTION CH PROVIDED SERVICE ✓	7/29/13 0:56:24	000018 HAMPSHIRE ST SANGILLOS	P-1B F-A05 E-
			Units Responded: 601		
			Response Time (Call to Arrival-First Unit)	Unit #: 601	Time (HH:MM:SS): 0:00:00
			Narrative: No issues. Very quiet. Last people left at 0103 hrs.		
	132130027 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	8/01/13 1:14:12	000018 HAMPSHIRE ST SANGILLOS	P-1B F-A05 E-

000032

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14 Computer Aided Dispatch Div: 001 Page: 8
 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
 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 - E/F/E	Unit #	Time (HH:MM:SS)
132150031 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	8/03/13 00:59:50	000018 HAMPSHIRE ST SANGILLOS	P-1B F-A05 E-	501	0:00:00
132150598 P	BAR CHECK PROVIDED SERVICE	8/03/13 21:28:47	000018 HAMPSHIRE ST SANGILLOS	P-1B F-A05 E-	501	0:00:00
132150667 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	8/03/13 22:50:33	000018 HAMPSHIRE ST SANGILLOS	P-1B F-A05 E-	310	0:00:00
132150034 P	SPECIAL ATTENTION CH PROVIDED SERVICE ✓	8/04/13 0:52:25	000018 HAMPSHIRE ST SANGILLOS	P-1B F-A05 E-	501	0:00:00
132160060 P	FIGHT GOA	8/04/13 1:28:10	000018 HAMPSHIRE ST SANGILLOS	P-1B F-A05 E-	601 604 606	0:06:28
132170027 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	8/05/13 0:58:32	000018 HAMPSHIRE ST SANGILLOS	P-1B F-A05 E-	501	0:00:01
132170030 P	SPECIAL ATTENTION CH PROVIDED SERVICE ✓	8/05/13 1:08:57	000018 HAMPSHIRE ST SANGILLOS	P-1B F-A05 E-	501	0:00:00
132170392 P	PROPERTY/FOUND GOA	8/05/13 5:33:02	000018 HAMPSHIRE ST SANGILLOS	P-1B F-A05 E-	501	

Units Responded: 601 604 606
 Response Time (Call to Arrival-First Unit) Unit #: 601
 Narrative: JUST UP FROM HERE ON HAMPSHIRE, 17 CAN SEE ABOUT 3 PEOPLE
 FIGHTING LOOKS LIKE 2 MALES AND A FEMALE THEY ARE
 WALKING TOWARDS RITE AID. 17 CANT SEE ANY WEAPONS
 NO OTHER DESCRIPTIONS

KIMBERLY PAVLIS
 KIMBERLY PAVLIS
 KIMBERLY PAVLIS
 KIMBERLY PAVLIS

000033

NOT Counted

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14 Computer Aided Dispatch Div: 001 Page: 9
Program: 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/P/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

NO-DISPOSITIONS **

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

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 ARGUING 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 PAST WHEN SHE SAW THIS HIRAM DEL RIO

Cancel call#/type: 132300442 ASSAULT KIMBERLY PAVLIS
Start date/time: 08/18/13 18:12:33 KIMBERLY PAVLIS
Call taker: 7844 KURT ELKANICH KIMBERLY PAVLIS
Call start time changed from 13/08/18 18:14:22 KIMBERLY PAVLIS
to 13/08/18 18:12:33 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-

000034

Portland Police Department

Incident Report

Report 01/10/2014 02:40

Case # 01-14-000255

I N 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			
	Other Phone	Employer Address			
	[REDACTED]				
	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			
	[REDACTED]				
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
	Birth Date	Birth Place			
Occupation : MDEA AGENT					Adult/Juvenile : ADULT

Reporting Officer	Department	Report Status:
RYAN R GAGNON (850)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
/DEN, DANIEL		01/10/2014 05:33
Verifying Officer	Department	Date / Time
SGT DANIEL HAYDEN (8166)	PORTLAND POLICE DEPARTMENT	01/10/2014 05:34

000035

1 of 3

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
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

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Portland Police Department

Incident Report

Report 01/10/2014 02:40

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
ervising 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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3 of 3

01-14-000255

SI

**PORTLAND POLICE DEPARTMENT
EVIDENCE / PROPERTY FORM**

CASE NUMBER	141 - 255	PROPERTY ACQUIRED DATE/TIME	11/20/2014 01:30
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LOCKER#	9	or Handed to () Property Coordinator	SUBMITTED DATE/TIME	11/20/2014 12:45
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OFFICER'S NAME (Print, Sign) <i>Fagna, Ryan</i>	PD ID # (Not Badge #) 850
--	------------------------------

Evidence/Property <u>OBTAINED From:</u>		
Name	Address	Phone
Evidence/Property <u>OWNER:</u> () Same as above or () Owner Unknown:		
Name	Address	Phone

Incident (Circle One)	<u>Other</u>	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	Snop. 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)	000038
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WHITE- With Report

YELLOW-Property File

Portland Police Department

Incident Report

Report 01/10/2014 02:40

Case # 01-14-000255

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
C I D E N T	Dept. Classification		Case Status	Cleared
	INVESTIGATION			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		Department	Report Status:
RYAN R GAGNON (850)		PORTLAND POLICE DEPARTMENT	Approved
Supervising 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

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Portland Police Department

Incident Report

Report 01/10/2014 02:40

Case # 01-14-000255

Ethnic Origin : NONHISPANIC		Body Marks:	
End of Person: 3			

P R O P E R T Y 1	Category	Property Type	Make	Model
	SAFE KEEPING	DRUGS-ILLEGAL	SUSP. COCAINE	
	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	Department	Report Status:
RYAN R GAGNON (850)	PORTLAND POLICE DEPARTMENT	Approved
Supervising 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

000040

Portland Police Department

Incident Report

Report 01/10/2014 02:40

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 PVAN 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

000041

ST

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 Invol : 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	Disposition Date
	ELEVATED AGGRAVATED	
	Location Type	
	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	[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		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	[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 : 19		Adult/Juvenile : ADULT		
	Ethnic Origin : NONHISPANIC		Body Marks:		
	End of Person: 2				

Reporting Officer	Department	Report Status:
L 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

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Portland Police Department

Incident Report

Report 01/28/2014 02:19

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:
PT. 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

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Portland Police Department

Report 01/28/2014 02:19

Incident Report

Case # 01-14-000806

PERSON 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					

NARRATIVE 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 PTL 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

000045

Portland Police Department

Incident Report

Report 01/28/2014 02:19

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 Pavis, 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 L 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

000046

Portland Police Department

Incident Report

Report 01/28/2014 07:35

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 Involv : 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

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01-14-000806

Portland Police Department

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Report 01/28/2014 07:35

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

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01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 02:53

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)				
E V E N T	Day of Week : TUESDAY		Video/Audio (Yes/No) : YES		
	Dispatched : 01/28/2014 01:21		Accident Number : N/A		
	Responded : 01/28/2014 01:21		Officer Vehicle # : 22		
	Arrived : 01/28/2014 01:21		Location Type : SIDEWALKS/ALLEYS		
	Hate/Bias : Unknown		Alcohol Related : UNKNOWN		
	Gang Related : UNKNOWN		Drug Related : UNKNOWN		
	Type of Report : SUPPLEMENT REPORT		Total Damaged Property Value : \$0.00		
	Victim Advocate Involr : NO		Total Stolen Property Value : \$0.00		
	Evidence Technician name (Last First) : N/A		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

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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
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01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 05:33

Case # 01-14-000806

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		Accident Number : NA		
Hate/Bias : Unknown		Officer Vehicle # : 1003		
Gang Related : UNKNOWN		Alcohol Related : UNKNOWN		
Type of Report : SUPPLEMENT REPORT		Drug Related : UNKNOWN		
Victim Advocate Invol : NA		Total Damaged Property Value : \$0.00		
Evidence Technician name (Last First) : ET PELLERIN		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
	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:
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

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Report 01/28/2014 05:33

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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 MICHAEL BENNIS (5313)	Department PORTLAND	Report Status: Approved
Supervising Officer TITCOMB, JACOB W.		Date/Time 01/28/2014 06:47
Verifying Officer PTL JACOB W TITCOMB (6494)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 06:48

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Incident Report

Report 01/28/2014 07:09

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)				
	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	[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 : 70		Employer : [REDACTED]		
	Ethnic Origin : NON-HISPANIC		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:
L 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 Farris (4413)	PORTLAND POLICE DEPARTMENT	01/28/2014 07:38

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01-14-000806

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Report 01/28/2014 07:09

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

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Report 01/28/2014 02:30

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 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)					
Day of Week : TUESDAY					
Dispatched : 01/28/2014 01:22					
Hate/Bias : Unknown					
Gang Related : UNKNOWN					
Type of Report : SUPPLEMENT REPORT					
Victim Advocate Involv : NA/NA					
Evidence Technician name (Last First) : STEARNS, CHRISTOPHER					
Video/Audio (Yes/No) : NA/NA					
Accident Number : NA/NA					
Officer Vehicle # : 1043					
Location Type : CONVENIENCE STORE					
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	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					
Employer : POLICE DEPARTMENT					
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]	[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

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01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 02:30

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

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Portland Police Department

Incident Report

Report 01/28/2014 03:35

Case # 01-14-000806

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)				
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) : CHRISTOPHER STEARNS Video/Audio (Yes/No) : NO/NO Accident Number : NA/NA				
Officer Vehicle # : 1043 Location Type : CONVENIENCE STORE 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
	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 Adult/Juvenile : ADULT					Employer : POLICE DEPARTMENT Body Marks:
End of Person: 1					

PERSON 2	Person Type	Business/Person Name			Business Phone
	WITNESS	[REDACTED]			
	Home Phone	Person Address			
	[REDACTED]	[REDACTED]			
	Other Phone	Employer Address			
		[REDACTED]			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
WHITE	Male				
Birth Date	Birth Place				
Age : 45 Ethnic Origin : NONHISPANIC Adult/Juvenile : ADULT					Employer : [REDACTED] Body Marks:
End of Person: 2					

NARRATIVE 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
		000057

01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 03:35

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

000058

Case # 01-14-000806

Reporting Officer TL 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

000059

01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 04:43

Case # 01-14-000806

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

000060

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)				
D E T	Day of Week : TUESDAY		Video/Audio (Yes/No) : YES/YES		
	Dispatched : 01/28/2014 01:24		Officer Vehicle # : 1011		
	Responded : 01/28/2014 01:24		Location Type : PARKING LOT/GARAGE		
	Arrived : 01/28/2014 01:24		Alcohol Related : UNKNOWN		
	Hate/Bias : Unknown		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 Invol : 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

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

000061

Portland Police Department

Incident Report

Report 01/28/2014 01:24

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 INCENT 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

000062

01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 05:32

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

000063

01-14-000801

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
		000064

01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 05:03

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)				
	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				
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:
L 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
		000065

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

000066

01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 07:02

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		Officer Vehicle #: 1009		
	Hate/Bias: NO		Location Type: PARKING LOT/GARAGE		
	Gang Related: UNKNOWN		Alcohol Related: NO		
	Type of Report: SUPPLEMENT REPORT		Drug Related: YES		
	Victim Advocate Invol: NO/NO		Total Damaged Property Value: \$0.00		
	Evidence Technician name (Last First): NA		Total Stolen Property Value: \$0.00		
	Video/Audio (Yes/No): YES		Total Recovered Property Value: \$0.00		
	Accident Number: NA				

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	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

000067

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

000068

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
C I D E N T	Dept. Classification	Case Status	Case Status Date	Cleared
	ELEVATED AGGRAVATED ASSAULT			
	Common Name			
	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 : N/A Evidence Technician name (Last First) : PELLERIN, FRANK/ STERNS, CHRIS Video/Audio (Yes/No) : YES/NO Accident Number : N/A			
Officer Vehicle # : 1010		Location Type : PARKING LOT/GARAGE 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	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					

N A R R A T I V E 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
PTCOMB, 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

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01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 02:50

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

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Portland Police Department

Incident Report

Report 01/28/2014 18:33

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)				
P E R S O N	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

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01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 18:33

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] WITHIN SIX MONTHS. HE TOLD ME HE CHECKED BACK TO THE FIRST OF JULY 2013.

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 21:09
Verifying Officer PTL JACOB TITCOMB (6494)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 21:09

000072

01-14-000806

Portland Police Department

Report 01/28/2014 04:44

Incident Report

Case # 01-14-000806

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				
Dispatched : 01/28/2014 01:27				
Responded : 01/28/2014 01:27				
Arrived : 01/28/2014 01:27				
Hate/Bias : NO				
Gang Related : UNKNOWN				
Type of Report : SUPPLEMENT REPORT				
Video/Audio (Yes/No) : YES/YES				
Video/Audio (Yes/No) : YES/YES				
Officer Vehicle # : 1002				
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				

N A R R A T I V E	Topic	SUPPLEMENTAL NARRATIVE
	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:
L 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

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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

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Portland Police Department

Incident Report

Report 01/28/2014 03:21

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		Location Type : BAR/NIGHT CLUB		
	Dispatched : 01/28/2014 01:38		Alcohol Related : UNKNOWN		
	Hate/Bias : Unknown		Drug Related : UNKNOWN		
	Gang Related : UNKNOWN		Total Damaged Property Value : \$0.00		
	Type of Report : SUPPLEMENT REPORT		Total Stolen Property Value : \$0.00		
	Officer Vehicle # : 1008		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
ervising Officer		Date/Time
...ITCOMB, 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

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01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 02:06

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	Report Type	
ELEVATED AGGRAVATED ASSAULT			Cleared	
Common Name				
290 CONGRESS 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 Involr : 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
	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
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

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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				
	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 : 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 : Residency Type : Residency Status : 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
Supervising Officer		Date/Time
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

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Portland Police Department

Incident Report

Report 01/28/2014 02:06

Case # 01-14-000806

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
Supervising Officer WITCOMB, JACOB W.		Date/Time 01/28/2014 07:09
Verifying Officer PTL JACOB W WITCOMB (6494)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 07:09

000078

Portland Police Department

Incident Report

Report 01/28/2014 02:06

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

000079

Portland Police Department

Incident Report

Report 01/28/2014 04:46

Case # 01-14-000806

C I D E N T	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 Hate/Bias : NO Gang Related : UNKNOWN Type of Report : SUPPLEMENT REPORT Victim Advocate Invol : NO Evidence Technician name (Last First) : PELLERIN, FRANK.....STEARNS, Video/Audio (Yes/No) : YES			Officer Vehicle # : 1024 Location Type : SIDEWALKS/ALLEYS Alcohol Related : YES Drug Related : YES Total Damaged Property Value : \$0.00 Total Stolen Property Value : \$0.00 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

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Portland Police Department

Incident Report

Report 01/28/2014 04:46

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 DAVID 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

000081

Portland Police Department

Incident Report

Report 01/28/2014 02:47

Case # 01-14-000806

Case #	01-14-000806	Report	01/28/2014 02:47	Occurred From	Occurred To	Report Type	Supplemental
Dept. Classification	ELEVATED AGGRAVATED ASSAULT		Case Status	Case Status Date		Cleared	
Common Name	HAMPSHIRE ST MIDDLE ST PORTLAND, MAINE						
Hate/Bias : NO	Location Type : SIDEWALKS/ALLEYS		Alcohol Related : UNKNOWN				
Gang Related : UNKNOWN	Drug Related : UNKNOWN		Total Damaged Property Value : \$0.00				
Type of Report : SUPPLEMENT REPORT	Total Stolen Property Value : \$0.00		Total Recovered Property Value : \$0.00				
Victim Advocate Involv : NO							
Video/Audio (Yes/No) : YES/YES							
Officer Vehicle # : 1005							

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	Female			UNKNOWN	
	Birth Date	Birth Place				
		UNKNOWN				
Age : 51		Adult/Juvenile : ADULT				
Occupation : UNKNOWN		Employer : UNKNOWN				
Ethnic Origin : NONHISPANIC		Body Marks:				
End of Person: 1						

P E R S O N 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		Adult/Juvenile : ADULT				
Occupation : UNKNOWN		Employer : UNKNOWN				
Operator's License State :		Body Marks:				
Ethnic Origin : NONHISPANIC						
End of Person: 2						

P E R S O N 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		Adult/Juvenile : ADULT				
Occupation : UNKNOWN		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

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Portland Police Department

Incident Report

Report 01/28/2014 02:47

Case # 01-14-000806

Operator's License State : MAINE Ethnic Origin : NONHISPANIC		Body Marks:		
End of Person: 3				
P E R S O N 4	Person Type	Business/Person Name		Business Phone
	WITNESS			
	Home Phone	Person Address		
	Other Phone	Employer Address		
	Race	Sex	SSN	DL Exp. Date
	WHITE	Male		
	Operator's License Number	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 Type		Business/Person Name		Business Phone
WITNESS				
Home Phone		Person Address		
Other Phone		Employer Address		
Race		Sex	SSN	DL Exp. Date
WHITE		Male		
Operator's License Number		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 Type		Business/Person Name		Business Phone
WITNESS				
Home Phone		Person Address		
Other Phone		Employer Address		
Race		Sex	SSN	DL Exp. Date
WHITE		Male		
Operator's License Number		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 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				

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

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01-14-000806

Portland Police Department
Incident Report

Report 01/28/2014 02:47

Case # 01-14-000806

WHITE	Male	UNKNOWN
Birth Date	Birth Place	
Age : 32 Occupation : UNKNOWN Ethnic Origin : NONHISPANIC		
Adult/Juvenile : ADULT Employer : UNKNOWN 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 Occupation : BARTENDER Ethnic Origin : NONHISPANIC					
Adult/Juvenile : ADULT Employer : SANGILLOS 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 Occupation : UNKNOWN Ethnic Origin : NONHISPANIC					
Adult/Juvenile : ADULT Employer : UNKNOWN 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

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01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 02:47

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 recognize 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

000085

01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 04:17

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)				
	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) : PELLERIN, FRANK Video/Audio (Yes/No) : YES/YES Accident Number : N/A		Officer Vehicle # : 1030 Location Type : HIGHWAY/ROADWAY 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	CHARLES HODGDON			
	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			
	Occupation : POLICE OFFICER Ethnic Origin : NONHISPANIC Adult/Juvenile : ADULT		Employer : POLICE DEPARTMENT 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 109 MIDDLE ST PORTLAND, MAINE 04101, CUMBERLAND County			
	Race WHITE	Sex Male	SSN	DL Exp. Date	Operator's License Number
	Birth Date	Birth Place			
	Occupation : POLICE OFFICER Ethnic Origin : NONHISPANIC Adult/Juvenile : ADULT		Employer : POLICE DEPARTMENT Body Marks:		
End of Person: 2					

P E R S O N 3	Person Type	Business/Person Name			Business Phone
	SUSPECT	[REDACTED]			
	Home Phone	Person Address [REDACTED]			
	Other Phone	Employer Address			
	Race BLACK	Sex Male	SSN	DL Exp. Date	Operator's License Number
	Birth Date [REDACTED]	Birth Place			
	Age : 25		Adult/Juvenile : ADULT		

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
		000086

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	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
		000087

01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 04:28

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	[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				
	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:
L 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
		000088

01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 04:28

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

000089

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

000090

01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 02:27

Case # 01-14-000806

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 Involvement : NA		Total Stolen Property Value : \$0.00		
Evidence Technician name (Last First) : PELLERIN		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
	BLACK	Male			
	Birth Date	Birth Place			
Age : 20		Pants : BLACK STONE WSH			
Operator's License State : DELAWARE		Shoes : TAN LUGZ BOOTS			
Ethnic Origin : NONHISPANIC		Hair Color : BLACK			
Min. Height : 5'09"		Hair Length : SHORT (UP TO 1/2")			
Max. Height : 5'09"		Hair Style : SHAVED			
Min. Weight : 145 lbs		Facial Hair : GOTEE			
Max. Weight : 145 lbs		Eye Color : HAZEL			
Adult/Juvenile : ADULT		Build : THIN			
Coat : BLUE WINTN		Complexion : MEDIUM BROWN			
Hat : NA		Glasses : NO			
Shirt : BLACK RD POLO		Body Marks:			
End of Person: 1					

PERSON 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		Body Marks:			
Employer : PORTLAND POLICE DEPT.					
End of Person: 2					

Reporting Officer	Department	Report Status:
CHARLES 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

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Portland Police Department

Incident Report

Report 01/28/2014 02:27

Case # 01-14-000806

P E R S O N	Person Type	Business/Person Name			Business Phone
	OFFICER	CHARLES FRAZIER			
	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 : PORTLAND POLICE DEPT.				
	End of Person: 3				

N A R R A T I V E	Topic	SUPPLEMENTAL NARRATIVE
1	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] [REDACTED] [REDACTED]	

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

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REMAINING DAS. 2-11-14 11 of 4

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 Involv : 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

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

000093

01-14-000806

Portland Police Department

Report 01/28/2014 05:55

Incident Report

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
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Reporting Officer PTL 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

000094

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 Involv : 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 R R 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:
FRANK 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

000095

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

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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 IL 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

000097

01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 05:50

Case # 01-14-000806

Case #	Report	Occurred From	Occurred To	Report Type
01-14-000806	01/28/2014 05:50	01/28/2014 01:21	01/28/2014 01:40	Supplemental
Dept. Classification	Case Status	Case Status Date	Cleared	
ELEVATED AGGRAVATED ASSAULT			01/28/2014 05:50	
Common Name				
18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)				
Day of Week : TUESDAY		Video/Audio (Yes/No) : YES/YES		
Dispatched : 01/28/2014 01:21		Accident Number : N/A		
Responded : 01/28/2014 01:21		Officer Vehicle # : 1030		
Arrived : 01/28/2014 01:22		Location Type : BAR/NIGHT CLUB		
Hate/Bias : NO		Alcohol Related : NO		
Gang Related : UNKNOWN		Drug Related : NO		
Type of Report : SUPPLEMENT REPORT		Total Damaged Property Value : \$0.00		
Victim Advocate Involv : NO/NO		Total Stolen Property Value : \$0.00		
Evidence Technician name (Last First) : PELLERIN, FRANK		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			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	BLACK	Male			[REDACTED]
	Birth Date	Birth Place			
	Age : 25		Employer : U/E		
	Occupation : U/E		Coat : BLUE/RED		
	Operator's License State : [REDACTED]		Hat : BLACK		
	Ethnic Origin : NONHISPANIC		Pants : DARK JEANS		
	Min. Height : 5'98"		Shoes : BLUE		
	Min. Weight : 220 lbs		Body Marks:		
	Adult/Juvenile : ADULT				
End of Person: 1					

N A R R A T I V E 1	Topic	SUPPLEMENTAL NARRATIVE
	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	Department	Report Status:
TL JASON E LEADBETTER (1790)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
FARRIS, TIMOTHY L		01/28/2014 06:56
Verifying Officer	Department	Date / Time
SGT Timothy Farris (4413)	PORTLAND POLICE DEPARTMENT	01/28/2014 06:57

000098

01-14-000806

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 IL 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

000099

01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 03:48

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 03:48	01/28/2014 01:21		Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	ELEVATED AGGRAVATED ASSAULT				
	Common Name				
	18 HAMPSHIRE ST PORTLAND, MAINE				
	Day of Week : TUESDAY		Location Type : HIGHWAY/ROADWAY		
	Hate/Bias : Unknown		Alcohol Related : YES		
	Gang Related : UNKNOWN		Drug Related : UNKNOWN		
	Type of Report : SUPPLEMENT REPORT		Total Damaged Property Value : \$0.00		
	Video/Audio (Yes/No) : YES/YES		Total Stolen Property Value : \$0.00		
	Officer Vehicle # : 1018		Total Recovered Property Value : \$0.00		

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		
			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					

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:
L 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
		000100

01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 03:48

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 ([REDACTED]), 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

000101

01-14-000806

Portland Police Department

Report 01/28/2014 07:31

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 07:31			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] [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

000102

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	Cleared
	LIQUOR ENFORCEMENT INVESTIGATION				01/29/2014 10:34
	Common Name				
O F F E N S E	SANGILLOS - 18 HAMPSHIRE ST PORTLAND, MAINE				
	Day of Week : TUESDAY		Evidence Technician name (Last First) : NO/NO		
	Dispatched : 01/28/2014 01:21		Video/Audio (Yes/No) : NO/NO		
	Responded : 01/28/2014 01:38		Accident Number : NO/NO		
	Arrived : 01/28/2014 01:21		Officer Vehicle # : 1001		
	Map Reference : 1B		Location Type : BAR/NIGHT CLUB		
	Related Cases : 14-000806		Beat Assignment : BEAT 1		
	Hate/Bias : NO		Alcohol Related : YES		
	Gang Related : NO		Drug Related : UNKNOWN		
	Type of Report : INCIDENT REPORT		Total Damaged Property Value : \$0.00		
Victim Advocate Involv : NO/NO		Total Stolen Property Value : \$0.00			
Evidence Technician name (Last First) : NO/NO		Total Recovered Property Value : \$0.00			
O F F E N S E	State Classification				Attempted/Committed
	FURNISHING LIQUOR TO A MINOR				COMMITTED
	Statute/Ordinance		Location Type	Disposition Date	
	FURNISHING LIQUOR TO A MINOR		BAR/NIGHT CLUB		
O F F E N S E	Weapon 1 : ALCOHOL				
	End of Offense: 1				
	State Classification				Attempted/Committed
	POSSESSION OF ALCOHOL BY A MINOR				COMMITTED
O F F E N S E	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	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

000103

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						
	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 : 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 TL 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 Hutcherson (9341)		Department Portland	Date / Time 02/01/2014 19:04

000104

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

000105

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 Sangillo'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
		000106

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

000107

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 KALIN 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
		000108

01-14-0009

14-000958
LIT# 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: JANIA 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: 28 A Section: 1065-4 (or) R&R: _____

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: [Signature] Date: 2/10/14

White & Yellow - D.P.S. copies Pink copy - Officer Hard copy - Licensee / Seller / Server copy

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14 Computer Aided Dispatch Div: 001 Page: 10
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: 501 504
Response Time (Call to Arrival-First Unit) Unit #: 501 Time (HH:MM:SS): 0:02:15
Narrative: H/M, 5'6, MED BUILD, WEARING A WHT COAT AND JEANS, WAS IN THE BAR MAKING TROUBLE TO THE EMPLOYEES AND PATRONS, HE WAS SWEARING AND BEING LOUD, THEY TOLD HIM TO LEAVE, BUT HE'S NOW OUTSIDE SITTING ON THEIR BENCH. THEY THINK HE MAY BE TRYING TO MAKE HIS WAY DOWN TO HIS BOAT (APPARENTLY HE'S STAYING ON IT), BUT FOR NOW, HE'S STILL IN FRONT OF THE BAR.
[REDACTED] NOT WELCOMED AT MILESTONE, BUT IS WELCOME AT SVETLANA MILIKOVIC
OXFORD STR SHELTER..SM SVETLANA MILIKOVIC
MAINE ARREST TRACKING NUMBER RESPONSE GENNETTE CARDULLO-BRANCO
ATN ASSIGNED MB0030500 : 043822B GENNETTE CARDULLO-BRANCO
[REDACTED] GENNETTE CARDULLO-BRANCO
CIN [REDACTED] GENNETTE CARDULLO-BRANCO
001 4424 GENNETTE CARDULLO-BRANCO

132420033 P SPECIAL ATTENTION CH 8/30/13 000018 HAMPSHIRE ST P-1B F-A05 E-
GOA/WILL GIVE SA ✓ 1:00:49 SANGILLOS
Units Responded: 501
Response Time (Call to Arrival-First Unit) Unit #: 501 Time (HH:MM:SS): 0:00:00

132430296 P INTOXICATED PERSON 8/31/13 000018 HAMPSHIRE ST P-1B F-A05 E-
HANDLED BY HOME TEAM 12:52:42 SANGILLOS
Units Responded: HOME
Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00
Narrative: DRUNK OUT FRT CANT WALK MITCHELL LUTKE

132430315 P PERSON(S) REFUSING T 8/31/13 000018 HAMPSHIRE ST P-1B F-A05 E-
GOA 13:04:17 SANGILLOS
Units Responded: 206 207
Response Time (Call to Arrival-First Unit) Unit #: 206 Time (HH:MM:SS): 0:27:10
Narrative: W/M, WEARING RED SOX TSHIRT APPROX 50 YO, HOME TEAM WENT ANTHONY FAVREAU
OVER TO TRY TO HELP HIM AND HE REFUSED. SANGILLOS ANTHONY FAVREAU
WANT HIM MOVED ALONG ANTHONY FAVREAU
HE LEFT ON HIS OWN THEY WILL CALL BACK IF HE RETURNS SANELA NAPIJALO

132510228 P PROPERTY/FOUND 9/09/13 000018 HAMPSHIRE ST P-1B F-A05 E-
REPORT TAKEN 12:24:21 SANGILLOS
Units Responded: 203 205
Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00
Narrative: CALLER HAS A BIKE FOUND OUT FRONT HAS BEEN PAINTED TIMOTHY DUNTON

132540011 P SPECIAL ATTENTION CH 9/11/13 000018 HAMPSHIRE ST P-1B F-A05 E-
GOA/WILL GIVE SA ✓ 0:30:51 SANGILLOS

000110

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14 Computer Aided Dispatch Div: 001 Page: 11
Program: 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: 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 P-1B F-A05 E-
0:19:12 SANGILLOS 412 421 607 511
Units Responded: 400 402
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 SRR/EX42901

MAINE ARREST TRACKING NUMBER RESPONSE
ATTN ASSIGNED MED030500 : 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 OUI
NEGATIVE CONTACT

10/26/13 000018 HAMPSHIRE ST P-1B F-A05 E-
15:51:57 SANGILLOS
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 IF 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 OXT JEANS KEVIN DICKINSON
17 IS ON FOOT, JUST SAW MALE TURN ONTO EXCHANGE TOWARDS KEVIN DICKINSON
THE WATERFRONT

132990444 P LIQUOR VIOLATION
REPORT TAKEN
CITATION ISSUED

10/26/13 000018 HAMPSHIRE ST P-1B F-A05 E-
19:57:27 SANGILLOS
0:00:00
Units Responded: 204 605
Response Time (Call to Arrival-First Unit) Unit #: 605 Time (HH:MM:SS): 0:00:00

133250565 P SPECIAL ATTENTION CH
GOA/WILL GIVE SA

11/21/13 000018 HAMPSHIRE ST P-1B F-A05 E-
23:40:57 SANGILLOS
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 P-1B F-A05 E-
0:57:51 SANGILLOS

13-10804

000111

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14 Computer Aided Dispatch Div: 001 Page: 12
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 - F/F/E
Units Responded: 301 303 501 506 521 Time (HH:MM:SS): 0:03:31
Response Time (Call to Arrival-First Unit) Unit #: 501 CHERYL BREWSTER
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
Call change from BOTHER to BOTHER ID BY POSTSA 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 ME0030500 : 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 PORTPD06 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-
GOR/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 ✓ 22:18:45 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-
GOR/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

000112

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Program: CADSWIN
List: All call types
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SaleGtions by Address Range...: From: Street #: 000018 Dir: Name: HAMPSHIRE
                                To: Street #: 000018 Dir: Name: HAMPSHIRE
Common Name.....: SANGILLOS
                                sfx: ST Modf:
                                sfx: ST Modf:

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140220149 P MOTOR VEHICLE STOP
WARNING ISSUED

W. H. H. H. H.

621 REQ K9 -	SUSAN GORHAM
621: EVERYONE IS SECURED, MEDQU NEEDS TO RESPOND DOWN	SUSAN GORHAM
HAMPSHIRE ST TO SANGILLO'S, MALE HIT UNDER ARMPTT TO THE	SUSAN GORHAM
CHEST	SUSAN GORHAM
621: CORRECTION, 45 CALIBER SHELL CASINGS	JOHNNY GORHAM
WEBSTERBROOK K9 EN ROUTE FROM PD	JENNIFER LEE
622: HAVE DOG STAGE AT CUMBERLAND SIDE OF CATHEDRAL	SUSAN GORHAM
K9 WILL STAGE AT CATHEDRAL PER 621/622	JENNIFER LEE
604: WITH 608, HAVE 1 DETAINED AT FRANKLIN/CONGRESS	SUSAN GORHAM
610: HAVE 1 AT 290 CONGRESS ST	SUSAN GORHAM
602: HAVE 1 AT FEDERAL/HAMPSHIRE	SUSAN GORHAM
407: TO HAMPSHIRE AND FEDERAL	SUSAN GORHAM
601: SHOOTER POSS HAS WHITE SHIRT ???	SUSAN GORHAM
610: ALSO HAVE 1 AT 290 CONGRESS	SUSAN GORHAM
401: DESC FITE MALE I HAVE IN MY CAR	SUSAN GORHAM
407: HAVE 602'S DETAINEE IN VEH 7	SUSAN GORHAM
404: I'M AT SANGILLO'S, HAVE THE SCENE	SUSAN GORHAM
408: BLOCKING CONGRESS/FRANKLIN	SUSAN GORHAM

000113

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14 Computer Aided Dispatch Div: 001 Page: 14
Program: CAD106A 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
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 DRX COLORED, BLK CR
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
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM

Call change from SHOTS to SHOOT BY FORT6A P 61 0000001474

MITCHELL LOTZKE

The following units paged:
CO01P007

ZPAGED
ZPAGED

Recommendation: None available
Units types short:
01 DISPATCHER

ZRECOMD
ZRECOMD
ZRECOMD
ZRECOMD

Case Aborted: 5. Help arrived

PQAM AET

Case Aborted

DELAYED ENTRY FROM 622: ALL UNITS BRING DETAINEES TO FRONT
OF 109 AND STAY IN INDIVIDUAL CRUISERS WAITING FOR CID

PQAM STS

621: [REDACTED]
621: 406 WENT TO MMC WITH MEDCO AND VICTIM
422: 10-8 FROM THE SCENE

SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM

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

JENNIFER LEE
JENNIFER LEE
JENNIFER LEE
SUSAN GORHAM
SUSAN GORHAM

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 DRX OLDER SUV IS B-F
PONYTAIL, PASSENGER IS HEAVY SET, B-M-
***SPEED WARRANT HIT ON 407'S DETAINEE [REDACTED] SMG

SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
JENNIFER LEE
JENNIFER LEE
JENNIFER LEE
SUSAN GORHAM

601: DETAINEE IS [REDACTED] IN INTERVIEW ROOM #1 AT THIS TIME
403: HERE AT PD WITH [REDACTED]
602: HERE AT PD WITH [REDACTED] W/406 & 605
AT 0124: 602 @ FEDERAL/HAMPSHIRE W/3 DETAINEE. W/406 & 605
422 TO 406: MOVE PERIMETER IN TO HAMPSHIRE/CONGRESS

000114

List: All call types

City: 001 PORTLAND

Time

622: HAVE A UNIT RELIEVE 407 AT FPD, 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

CASE [REDACTED] PULLED FOR 603'S WARRANT ARREST
A&T ASSIGNED TO TO [REDACTED] TO PPD BASEMENT

CTN ASSIGNED:
001 9632
002 8382
003 1151

003 11513
IN CHRI NER 1850 AT 01/28/2014 08:41:58
OUT PORTED03 91 AT 01/28/2014 08:41:58 MRI 25598

PHILIP VIOLA
PHILIP VIOLA
KURT ELKANICH

LOUIS LEAHY
PHILIP VIOLA

[illegible]

140290068 P VIOLATION OF BAIL CO 1/29/14 000018 HAMPSHIRE ST P-1B F-A05 E-
REPORT TAKEN/ENDE CA 8:07:08 SANGILLOS

000115

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: 16
Dpt: 001 Date: 1/30/14

Selections by Address Range... From: Street #: 000018 Dir: Name: HAMPSHIRE
To: Street #: 000018 Dir: Name: HAMPSHIRE
Sfx: ST Modf:
Sfx: ST Modf:

Common Name..... SANGILLOS

City: 001 PORTLAND

Map Reference - P/F/E

Call#/DP Type/Disposition

Time Incident Location
Units Responded: 722
Response Time (Call to Arrival-First Unit) Unit #: 722 Time (HH:MM:SS): 0:00:00

140290542 P SPECIAL ATTENTION CR 1/29/14 000018 HAMPSHIRE ST P-1B F-A05 E-
PROVIDED SERVICE ✓ 23:01:52 SANGILLOS
Units Responded: 501
Response Time (Call to Arrival-First Unit) Unit #: 501 Time (HH:MM:SS): 0:00:01

131660035 P FIGHT 6/15/13 000018 HAMPSHIRE ST AREA P-1B F-A05 E-
RESTORED PRACE 1:24:49 SANGILLOS
Units Responded: 521 604 605 621 Time (HH:MM:SS): 0:03:00
Response Time (Call to Arrival-First Unit) Unit #: 606
Narrative: PEOPLE SCREAMING IN THE PARKING LOT
ATLEAST 5 THAT 17 CAN SEE BUT HE THINKS THERE MIGHT BE
MORE, NOW THINKS IT IS A FIGHT
STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI
Call change from DISTORB to FIGHT IP BY POSTER P 01 00000051
NO WEAPONS SEEN
THERE'S A LIGHT COLORED SUV IN THE PARKING LOT
BOTH MALES AND FEMALES
STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI

140120471 P 911 HANG UP CALLS 1/12/14 000018 HAMPSHIRE ST AREA P-1B F-A05 E-
NEGATIVE CONTACT 22:07:51 SANGILLOS
Units Responded: 412
Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00
Narrative: OPEN LINE, CAN JUST HEAR VOICES IN THE BACKGROUND, LIKE A
GENNETTE CARDULLO-BRANCO
CLASS: WPH1 TELCO: ATMO LAT: 043.661395 LON: 070.256087 GENNETTE CARDULLO-BRANCO
GET TOGETHER OR A BAR. GENNETTE CARDULLO-BRANCO
ON CALLBACK, GOT A VM. GENNETTE CARDULLO-BRANCO

000116

SYSTEM: SunGard Data Range: 2/10/14 - 2/10/14 Computer Aided Dispatch Div: 001 Page: 1
 Progm: 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	NO DISPOSITIONS **
140410434 P	FOLLOW UP	2/10/14 000018	HAMPSHIRE ST	P-1B F-A05 E-	
		15:40:33	SANGILLOS		
		Units Responded: 401			
		Response Time (Call to Arrival-First Unit)	Unit #: 401	Time (HH:MM:SS): 0:00:01	

000117

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				
Common Name					
SANGILLOS - 18 HAMPSHIRE ST PORTLAND, MAINE					
Day of Week : SATURDAY					
Dispatched : 05/18/2013 12:21					
Arrived : 05/18/2013 12:21					
Map Reference : 1B					
Hate/Bias : NO					
Gang Related : NO					
Type of Report : INCIDENT REPORT					
Victim Advocate Involv : NO/NO					
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	State Classification		Attempted/Committed
	ASSAULT		COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
	ASSAULT	BAR/NIGHT CLUB	
Weapon 1 : HANDS/FISTS/FEETS			
End of Offense: 1			

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
	BLACK	Female		
	Birth Date	Birth Place		
Age : 22		Body Marks:		
Adult/Juvenile : ADULT				
End of Person: 1				

P E R S O N 2	Person Type	Business/Person Name		Business Phone
	SUSPECT	UNKNOWN		
	Home Phone	Person Address		
	Other Phone	Employer Address		
	Race	Sex	SSN	DL Exp. Date
	BLACK	Male		
	Birth Date	Birth Place		
Min. Age : 21		Adult/Juvenile : ADULT		
Max. Age : 25		Body Marks:		
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

000119

01-13-004024

Portland Police Department

Incident Report

Report 05/18/2013 12:21

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

000120

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 some are. 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

Witnessed By

Time 000121

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 been 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

Incident Report

Report 08/30/2013 00:27

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				
	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 : NON-HISPANIC		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:
OFFICER 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

000123

Portland Police Department
Incident Report

Report 08/30/2013 00:27

Case # 01-13-007989

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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

000124

**PORTLAND POLICE DEPARTMENT
ARREST AND DETENTION REPORT**

CASE # 13-7989 S

ARREST # 043822B

NAME		FIRST NAME		MIDDLE NAME		DOB	AGE	
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	53	
ADDRESS Transient						PHONE #	SS #	
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		POB FATHER				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	
PROBATION ☐ YES ☐ NO	PROBATION OFFICER	DHS CUSTODY ☐ YES ☐ NO	

ARREST DATA (ADULT AND JUVENILE)

DATE/TIME OF ARREST	LOCATION OF ARREST	HANDCUFFED	DOUBLE LOCKED	YES	NO
8/30/13 0027	203 Oxford St	☒	☒	☐	☐
OFFENSE/CHARGE(S) FIRST MOST SERIOUS WITH BAIL OR SENTENCE	TITLE	SECTION	CLASS	DISPOSITION	DOCKET #
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	ARRESTING OFFICER	JAIL OFFICER	OTHER
intox	alcohol		☐	☐	☐
NAME INDEX CHECKED BY	DATE/TIME	PPD #	10-29 CHECK		
J. Smith		75181	☒ YES ☐ NO		
PHOTO	PRINTS	PALMS	RIGHT THUMB PRINT		
☒ YES ☐ NO	☒ YES ☐ NO	☐ YES ☒ NO			
ARRESTING OFFICER'S NAME		OTHER OFFICERS INVOLVED IN ARREST			
J. Smith					
ARRESTING OFFICER'S SIGNATURE		PPD BOOKING OFFICER (IF NOT THE SAME AS ARRESTING OFFICER)			
[Signature]					

000125

Portland Police Department

Incident Report

Report 10/26/2013 19:57

Case # 01-13-009947

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		

OFFENSE	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) Attack Reason : NEITHER GANG OR HATE/BIAS RELATED Weapon 1 : ALCOHOL How Entry : DOOR (FRONT) Where Entry : DOOR (FRONT) Where Exit : DOOR (FRONT)		
End of Offense: 1			

PERSON	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	Operator's License Number
	WHITE	Male			
Birth Date	Birth Place				
Occupation : POLICE OFFICER		Employer : PORTLAND POLICE DEPARTMENT			
Adult/Juvenile : ADULT		Body Marks:			
End of Person: 1					

PERSON	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	Operator's License Number
Birth Date	Birth Place				
Body Marks:					
End of Person: 2					

Reporting Officer	Department	Report Status:
L 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

000126

Portland Police Department

Incident Report

Report 10/26/2013 19:57

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 WHITE	Sex Female	SSN	DL Exp. Date	Operator's License Number
	Birth Date	Birth Place			
	Age : 33 Adult/Juvenile : ADULT				
Body Marks:					
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
	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 WHITE	Sex Male	SSN	DL Exp. Date	Operator's License Number
	Birth Date	Birth Place			
	Age : 19 Adult/Juvenile : ADULT				
Body Marks:					
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 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

000127

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

000128

10/30

S

Portland Police Department
Liquor Enforcement Civilian Participant Witness Statement

Case# 13-9997

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 Kwacic, Andjelko Napijalo

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 go directly to the officers waiting outside and report the circumstances surrounding the sale of the liquor to me.

At approximately 19:47 p.m./a.m., I entered Sanjillo'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 Jenessa L Emmerton

I also made the following [if any] relevant observations in regard to this incident: Officer Napijalo and I walked into Sanjillo's Tavern at approximately 7:47 p.m. we walked up to the bar and we each ordered a Bud Light. The bartender, Jenessa 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	2. Date Prepared	3. Time Prepared
	Underage Alcohol Buy Compliance Check Detail	10/21/13	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 Cunniff, Thomas Kwok, Mark Keller, 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

015174S

State of Maine Case - 13-9922

Notice of Liquor License CA 13-4970

Administrative Violation and
SHORT FORM COMPLAINT

The Department of Public Safety hereby gives notice of an administrative action being brought against:

LICENSEE:

Name: Sangillo's Tavern (individual or corporation)DBA: Sangillo'sAddress: 180 Hampshire StCity/Town: PortlandPremise Lic #: 8183 Tel: [REDACTED]

OR SELLER/SERVER:

Name: Janeesa L FumertonAddress: [REDACTED]City/Town: [REDACTED] Tel: [REDACTED]DOB: [REDACTED] HT: 5'6" WT: 130 HR: DR EYES: BR

In violation of:

Title: 28-A Section: 705(1)(E) (or) R&R:FOR: Sale of liquor to a minor- Did sell liquor to a minor towith [REDACTED] DOB [REDACTED] 94Age 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:

[Signature] Borden 10/26/13
Signature of Person Receiving Document Title (if applicable) Date

[Signature] Portland PD 10/26/13
Signature of Inspector/Officer Agency Date

White & Yellow - D.P.S. copies Pink copy - Officer Hard copy - Licenses / Seller / Server copy

10/30

000135

Portland Police Department

Report 11/23/2013 01:10

Incident Report

Case # 01-13-010804

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		Video/Audio (Yes/No) : NO/NO		
Dispatched : 11/23/2013 01:00		Officer Vehicle # : 1031		
Arrived : 11/23/2013 01:01		Location Type : BAR/NIGHT CLUB		
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		
Video/Audio (Yes/No) : NO/NO		Total Stolen Property Value : \$0.00		
Total Recovered Property Value : \$0.00				

OFFENSE 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			

OFFENSE 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			

OFFENSE 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			

PERSON 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		Date / Time	
SGT DANIEL HAYDEN (8166)		11/23/2013 05:58	
Department			
PORTLAND POLICE DEPARTMENT			

000136

1 of 5

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 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: 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 WHITE	Sex Male	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: 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 WHITE	Sex Female	SSN	DL Exp. Date	Operator's License Number
	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 [REDACTED]	Employer Address Use Address from Incident Location Information			
	Race BLACK	Sex Male	SSN	DL Exp. Date	Operator's License Number
	Birth Date [REDACTED]	Birth Place			
Age : 40			Adult/Juvenile : ADULT		
Occupation : SECURITY			Employer : SANGILLOS		
Ethnic Origin : NONHISPANIC			Body Marks:		

Reporting Officer RYAN 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

000137

01-13-010804

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
Verifying 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

000138

Portland Police Department

Incident Report

Report 11/23/2013 01:10

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

000139

Portland Police Department

Incident Report

Report 11/23/2013 01:10

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

000140

PORTLAND POLICE DEPARTMENT

WITNESS STATEMENT

Offense No. <u>13-10804</u>	Complainant <u>Tina ?</u>	Address <u>- SAME -</u>
Type of Offense <u>Dis. Conduct / Res. to Subst.</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 _____

relative:

I, Emerson Boxill, work as a security guard at Sangillo's Tavern
on 11/22/13. On this date at about 10:30p a 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

000141

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 - 12

EMERSON BOXILL



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

SANGILLO

located at 12 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 000143

Portland Police Officer

Portland Police Department

Incident Report

Report 07/10/2013 11:27

Case # 01-13-006069

NOT IN CLERKS COPY

Case #	01-13-006069	Report	07/10/2013 11:27	Occurred From	06/30/2013 00:45	Occurred To	06/30/2013 01:04	Report Type	Original
Dept. Classification	ASSAULT			Case Status				Case Status Date	
Common Name	SANGILLOS TAVERN - 18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)								
Day of Week	SUNDAY			Video/Audio (Yes/No)	YES				
Dispatched	07/10/2013 10:39			Officer Vehicle #	1002				
Responded	07/10/2013 10:39			Location Type	BAR/NIGHT CLUB				
Arrived	07/10/2013 10:50			Beat Assignment	BEAT 3				
Map Reference	3A			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			Total Recovered Property Value	\$0.00				

OFFENSE	1	State Classification	ASSAULT	Attempted/Committed	COMMITTED
		Statute/Ordinance	ASSAULT	Location Type	BAR/NIGHT CLUB
		Attack Reason	NEITHER GANG OR HATE/BIAS RELATED	Forced Entry	NO
		Weapon 1	HANDS/FISTS/FEETS	Computer Theft	NO
		Weapon 2	OTHER (WEAPON TYPE UNKNOWN)	Structure Occupancy	OCCUPIED
		How Entry	DOOR (FRONT)	Criminal Activity 1	NOT APPLICABLE
		Where Entry	DOOR (FRONT)	Evidence Collected	YES
		Where Exit	DOOR (FRONT)		
End of Offense: 1					

PERSON	1	Person Type	VICTIM	Business/Person Name	Business Phone
		Home Phone		Person Address	
		Other Phone		Employer Address	
		Race	WHITE	Sex	
		SSN		DL Exp. Date	
		Birth Date		Operator's License Number	
		Birth Place			
		Age	22	Hair Color	BROWN
		Occupation	BARTENDER	Hair Length	MEDIUM (UP TO 2")
		Operator's License State	MAINE	Eye Color	HAZEL
		Operator's License Country	UNITED STATES	Build	MEDIUM
		Ethnic Origin	NONHISPANIC	Complexion	FAIR
		Mln. Height	5'07"	Speech	NORMAL
		Mln. Weight	140 lbs	Residency Type	AGENCY STATE
		Adult/Juvenile	ADULT	Body Marks	
End of Person: 1					

PERSON	2	Person Type	SUSPECT	Business/Person Name	Business Phone
		Home Phone		Person Address	
		Other Phone		Employer Address	
		Race	BLACK	Sex	Male
		SSN		DL Exp. Date	
		Birth Date		Operator's License Number	
		Birth Place			

Reporting Officer	James Keddy (4739)	Department	PORTLAND POLICE DEPARTMENT	Report Status:	Approved
Supervising Officer	NUESLEIN JR, JOHN			Date/Time	07/10/2013 15:30
Verifying Officer	JOHN NUESLEIN JR (8358)			Date / Time	07/10/2013 15:30

Portland Police Department

Incident Report

Report 07/10/2013 11:27

Case # 01-13-006069

Min. Age : 22 Max. Age : 25 Ethnic Origin : NONHISPANIC Min. Height : 5'07" Min. Weight : 190 lbs Adult/Juvenile : ADULT Hat : BLK W/WHIT STRIP	Hair Color : BLACK Hair Length : SHORT (UP TO 1/2") Build : LARGE Status : SUSPECT Weapon Held : HANDS/FISTS/FEETS Body Marks:
End of Person: 2	

P E R S O N 3	Person Type	Business/Person Name			Business Phone
	SUSPECT	UNKNOWN UNKNOWN			
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	BLACK	Female			
Birth Date	Birth Place				
Min. Age : 22 Max. Age : 25 Ethnic Origin : NONHISPANIC Min. Height : 5'06" Min. Weight : 120 lbs Adult/Juvenile : ADULT Shirt : BLK/WHIT DRESS					
Hair Color : BLACK Hair Length : DOWN THE BACK Build : THIN Caution : ASSAULTIVE Status : SUSPECT Weapon Held : OTHER (WEAPON TYPE UNKNOWN) Body Marks:					
End of Person: 3					

P E R S O N 4	Person Type	Business/Person Name			Business Phone
	OFFICER	JAMES KEDDY			
	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 : PATROLMAN Ethnic Origin : NONHISPANIC Adult/Juvenile : ADULT					
Employer : POLICE DEPARTMENT Body Marks:					
End of Person: 4					

P R O P E R T Y 1	Category	Property Type	Make	Model
	EVIDENCE	COMPACT DISC - CD		
	Serial #	Color	Description	Condition
	UCR Type : MISCELLANEOUS Associations : [REDACTED]		Quantity/Weight : 1 Value : \$0,000,000.10	
End of Property: 1				

Reporting Officer James Keddy (4739)	Department	Report Status: Approved
Supervising Officer NUESLEIN JR, JOHN		Date/Time 07/10/2013 15:30
Verifying Officer HN NUESLEIN JR (8358)	Department PORTLAND POLICE DEPARTMENT	Date / Time 07/10/2013 15:30

Portland Police Department

Incident Report

Report 07/10/2013 11:27

Case # 01-13-006069

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Topic ORIGINAL NARRATIVE

On 7-10-13, at approximately 1039 hours, I, Officer James Keddy, was assigned to the IO desk. [REDACTED] had come to the police station to file an assault report.

Upon my arrival, I spoke with [REDACTED] at the IO desk as the patrol interview room was occupied at that time. [REDACTED] stated she works at Sangillos Tavern as a bartender. On 6-30-13, at approximately 0045 hours, [REDACTED] stated she returned to Sangillos to pick up her vehicle. [REDACTED] was not working at that time. [REDACTED] spotted a black male, who is known by the name [REDACTED] walking outside with his shot glass of Henessy, a liquor. [REDACTED] told [REDACTED] he was not allowed to take his drink outside. [REDACTED] responded saying "no". [REDACTED] told [REDACTED] he would need to bring the drink back inside the bar or have someone else bring it inside for him. [REDACTED] stated [REDACTED] responded saying "fuck you bitch, I'm going to punch you in the face". [REDACTED] stated [REDACTED] the punched her on the left side of her jaw using his right fist. [REDACTED] stated she was knocked unconscious and fell down to the sidewalk. [REDACTED] stated she was unconscious for approximately 1 minute. [REDACTED] stated her mouth was bleeding and hurt. [REDACTED] stated this assault was recorded by the Sangillos security system. [REDACTED] described [REDACTED] as a black, male, 5-7, 190, short black hair, and wearing a black ball cap with white stripes.

[REDACTED] stated [REDACTED] come to Sangillos as part of a large group. [REDACTED] stated the group accused her of being a "racist" when she accused [REDACTED] of assaulting her. [REDACTED] asked someone to call the police. Upon the arrival of the police officers, the group began calling them "racists" as well. The crowd was dispersed by the police. [REDACTED] stated she spoke with 3 police officers. [REDACTED] stated a female officer told her to bring the security video to the police station when she comes in to file a report.

Shortly afterward, as everyone was leaving the area, [REDACTED] was attempted to return inside of Sangillos. A black female, known only as a cousin of [REDACTED] attempted to punch [REDACTED]. [REDACTED] stated the females friends held her back preventing her from striking [REDACTED]. [REDACTED] stated the female then "split all over me". [REDACTED] stated she went inside the bar and locked the door. [REDACTED] stated the female suspect was part of the same group as [REDACTED]. [REDACTED] stated the suspect female hangs out with [REDACTED]. [REDACTED] described this suspect as a black female, early 20's, 5-5, 120, wearing a black and white striped short dress and heels.

[REDACTED] stated this group, including the 2 suspects, comes to Sangillos Tavern on weekend nights, after 2300 hours at the earliest. [REDACTED] stated she is not on duty when the suspects come to Sangillos Tavern. [REDACTED] stated she would be able to identify the suspects in this case. [REDACTED] believes the suspects to be residents of Portland.

After this assault, [REDACTED] stated she contacted her doctor, who told her she would be fine. On 7-9-13, [REDACTED] had an appointment with her doctor. [REDACTED] was told "her mouth would feel cut up for a little bit but would heal up okay".

[REDACTED] gave me a copy of the Sangillos Tavern security video. I entered the video into property as evidence.

See attached statement and property form.

End of Narrative: 1

Reporting Officer James Keddy (4739)	Department	Report Status: Approved
Supervising Officer NUESLEIN JR, JOHN		Date/Time 07/10/2013 15:30
Verifying Officer YIN NUESLEIN JR (8358)	Department PORTLAND POLICE DEPARTMENT	Date / Time 07/10/2013 15:30

Date/Time: 3/12/14 / 15:06:12

PORTLAND POLICE DEPARTMENT
Narrative Print

Page: 1

Program: CHF004P

se Number: 1-13-006069

***** N A R R A T I V E # 3 *****

RYBECK, KARL	Reported By: RYBECK, KARL V.	10/03/13
	Entered By.: DIAZ, PENELOPE K.	10/04/13
	Reviewed By: GOODALE, DEAN	11/22/13

On 7-18-13 at 1950, I called [REDACTED] There was no answer so I left a message asking her to call me.

On 7-24-13 at 1517 after not hearing from [REDACTED] I decided to walk over to [REDACTED] place of employment (Sangillo's Tavern) to see if she was working. [REDACTED] was, in fact, working. We talked about what happened; there were no changes to her statement that she gave to Officer Keddy on 7-10-13. I told her after watching the video, it is clear what took place. I asked her if she knows the guy that was standing next to her when she got hit. [REDACTED] told me it is her friend [REDACTED] (unknown last name). I told her I would like to talk to [REDACTED] I told her if she sees [REDACTED] have him get ahold of me. She stated she would. [REDACTED] also told me if [REDACTED] is identified she wants to pursue with charges. She added no one at the bar knows [REDACTED] real name. I told her if the suspect is identified, I will let her know. [REDACTED] added there has been a developing problem at Sangillo's with Somali customers after 2300 on weekend nights.

On 7-25-13, I spoke with SLO Officer Anthony Ampezzan reference this incident. He looked at the security video and did not recognize the suspect. He stated he would check with the Somali community and see if he can learn the identity of [REDACTED]

No police report was made on 6-30-13 when officers responded to the report of a fight. I checked the call in HTE and discovered the 911 call was made by [REDACTED] as he and another person were walking by. Earlier when I was speaking to [REDACTED] I asked her why no report was taken. She told me she tried to make a report but the officers refused to listen to her. She was told to bring the security video to the police station when she comes in to file a report. [REDACTED] made the assault report on 7-10-13.

As of 10-03-13, [REDACTED] has not been identified. [REDACTED] also hasn't contacted me. I also haven't heard anything further from [REDACTED] nor of any new problems at Sangillo's.

This case is inactivated pending new developments.

** End of Report **

000147

Portland Police Department

Incident Report

Report 02/21/2014 15:03

Case # 01-13-006069

C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-13-006069	02/21/2014 15:03			Supplemental
	Dept. Classification	Case Status	Case Status Date	Cleared	
	ASSAULT				
	Common Name				
	Total Damaged Property Value : \$0.00 Total Stolen Property Value : \$0.00				
	Total Recovered Property Value : \$0.00				

N A R R A T I V E	Topic	SUPPLEMENTAL NARRATIVE
	1	On 1-28-14 at 0121 there was an incident outside 18 Hampshire Street, Sangillo's Tavern, in which a person was shot, case #14-806. Several people were detained due to this incident; one of them was a black male named [REDACTED]. The talk a couple of days later at the bar was that one of the people involved in the shooting was the same person who assaulted the victim in this case, [REDACTED]. This information was told to me by another detective after he had spoken to the owner of Sangillo's. I didn't hear of this from [REDACTED].
		On 2-07-14 at 1440 while Det. Beaumont and I were speaking with the victim of the shooting, at Maine Medical Center, he was identifying people from a security video. When he got to [REDACTED] he stated, "[REDACTED]". Remembering that name (from this case) I now had a possible suspect.
		On 2-18-14 I reactivated this case. I called [REDACTED] at the phone number I had however the number was no longer in service. On 2-19-14 Det. Vogel was speaking with the owner of Sangillo's and got [REDACTED] new phone number. On 2-19-14 at 1918 I spoke to [REDACTED] via the telephone. An appointment was made for her to come and see me on 2-20-14 at 1730, (5:30pm).
		On 2-20-14 at 1735 I met with [REDACTED]. I told her I wanted to show her a photo array as a possible suspect has been developed. I told her if she sees the person who assaulted her to tell me the photo number. I also told her if she doesn't recognize anyone to tell me that. As I placed the photo array in front of [REDACTED] she stated photo number five. She stated, "That's the guy that punched me in the face". Ms. Ayer picked out [REDACTED].
		I then asked [REDACTED] if she knows [REDACTED]. She told me that [REDACTED] was the person standing next to her when she got punched. She didn't know his last name until I mentioned it. I told her I never received any call from him reference this case. She stated she had told him to call me. I told her if she sees him again to have him call me. She stated she would but added she doubts he will because he is that kind of person.
	I then filled out a medical release form and had [REDACTED] sign it. I also told her once I receive this information this case would be submitted to the District Attorney's Office for a complaint.	
End of Narrative: 1		

Reporting Officer	Department	Report Status:
KARL VON RYBECK (267)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
Verifying Officer	Department	Date / Time
JAN GOODALE (34)	PORTLAND POLICE DEPARTMENT	02/24/2014 11:41

City of Portland Maine

March 18, 2014

MAR 26 2014

For Mayor Brennan and all City Council members:

Office of the Mayor

The following is a letter I have taken the time to compose for each of you. It is in regards to the decision to keep Sangillo's Tavern open. Please take a moment to read this letter, and consider how closing a small business would be detrimental to my job. This letter is written from my experience in working for Kathleen and Dana Sangillo, and I cannot speak for anyone else on the staff, but I truly love my job, and I don't want to struggle looking for something else that I won't enjoy doing. Some people say that you cannot make a career out of being a bartender, but I disagree to the fullest. I am a college graduate, and I have worked for many years in other industries. Nothing pleases me more than being creative in this industry, and I intend to excel at what I do. Thank you for reading; my information is below.

Janessa L. Emmerton
64 Lamb St #1
Westbrook, ME 04092
cell: (207) 615-7937
email: absolutraver@yahoo.com

March 18, 2014

To Whom It May Concern:

I was recently informed of many accusations brought against Sangillo's Tavern. These accusations that have been brought up date back almost a year, and in my years of being a bartender here, I can honestly state that I have never encountered the problems that have been recorded. Shutting down Sangillo's, would be detrimental to many bartenders' lives, families, and patrons. This is an establishment that has been an attraction to many locals as well as tourists for over sixty years. People depend on and support this landmark for their place to go and relax after work, meet up with friends or co-workers, or just to sit alone, meet new people and have a great time. I have become attached to this job as well as this industry, and I cannot imagine having to suddenly leave because of the ignorance and actions of two people who thought wrong one night in January. I often wonder if this incident hadn't occurred, would we still be in this position? Anything that happens outside of the bar without our knowledge, should never fall back on us, as many things can go unseen (outside), we have other patrons to tend to, or we have after hours duties to complete. In my three plus years of being an employee at Sangillo's, I have contacted MEDCU or the police less than a handful of times. If the police have showed up for any reason, I have never seen more than two officers on the scene, and they always make themselves present to the bartender on duty. If any severe issues have occurred on a Friday or Saturday night (our busiest nights), our doorman would be aware and record these incidents. On February 21, 2014 I sat with Kathleen for two and a half hours reading over the calls that were made and deciphering which nights they were made on. None of the calls corresponded with any nights that I had worked, nor did they correspond with the notes made by the doorman. I am sure any other bartender could say the same for their nights. None of us can recall a night where a fight between fifteen plus people occurred, or someone was forced to buy drugs from the bar, or an individual was pulled out of a car and beaten.

I think there should also be some thought on who lives in the neighborhood where Hampshire Street meets Newbury Street. I remember last summer being asked by two police officers if a young man had been seen in the neighborhood because someone had reported to the police that there was suspicious activity on the porch of a neighboring apartment. I hadn't seen the individual they mentioned, but they told me if I did see him, or felt uncomfortable with a certain crowd, to call them.

Sangillo's is a great place to work because I can be my own boss and network with many people. Every bartender is dedicated to what they do, and we can all depend on each other any day or night of the week. There are many other bars and restaurants that manage and see everything that is going on, without physically being present. Sure, it would be great to have another person on staff at night, but for the size of Sangillo's, two people are able to regulate the crowd and keep out the unruly customers. This is why we love working at Sangillo's: the bar is only large enough for one bartender, and this is how we make our money. I have never felt unsafe working here, and I have never known anyone else to feel unsafe. Shutting down the bar without giving management a chance to implement more changes will be upsetting! Portland is known for its local dives, local foods, and small businesses, and this business cannot be thrown away. The bottom line is Sangillo's is a family consisting of both employees and clientele. My hope is that we will be able to keep our jobs, and have a better future with Sangillo's Tavern.

Sincerely,

Janessa L. Emmerton

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CITY OF PORTLAND MEMORANDUM

TO: Mayor Brennan and Members of the City Council
CC: Michael Sauschuck, Chief of Police; Vernon Malloch, Assistant Chief of Police
FROM: Danielle P. West-Chuhta, Corporation Counsel *DW-C*
DATE: March 26, 2014
RE: Follow-up re: Sangillos Liquor License

This memo is provided in response to several questions and requests for additional information at the March 17, 2014 hearing with regard to Sangillos Liquor License Renewal. In addition, I would note that the Police Department has provided additional requested materials as well including a comparison of other similar bars/taverns, a comparison of the yearly calls for service for Sangillos, and a summary memorandum applying the applicable statutory provisions to the facts of this case.

I. Applicable Legal Standard

I have attached the legal memorandum re: standards for denials of liquor licenses as requested by Councilor Leeman. See Memo attached hereto as Exhibit A. As the memorandum clearly states under state law (28-A M.R.S. sections 653 and 654 attached hereto as Exhibit B) the City Council (acting as judges, not legislators) can either grant or deny a liquor license (but not conditionally grant a license). If the Council decides to deny a liquor license it may do so based on any one (1) of the criteria listed in section 653 or based on a combination of factors outlined in section 654.

First, of special importance with regard to Sangillos' liquor license is section 653(2)(D), which requires that there be record evidence of "repeated incidents of record breaches of the peace, disorderly conduct, vandalism or other violations of the law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises." See Exhibit B.

Next, section 653(G) specifies that a liquor license may also be denied if "[a]fter September 1, 2010, sever training . . . has not been completed by individuals who serve alcoholic beverages." See Exhibit B.

Finally, section 654 allows the City Council to deny a liquor license if it determines that the combination of the character of the applicant, the location of the business in question, the problems that have been identified relate to that location, and the manner in which the location has been operated all make this location unsuitable for a liquor license for this applicant in front of you. See Exhibit B.

Therefore, as I stated above, the City Council is acting as a judge in this case and will therefore need to take all of the evidence presented and make findings, credibility

determinations and a conclusion/decision (applying the facts to the law cited above) on the record. I will then draft a formal written decision for your review and approval and it will be sent to the Liquor Bureau and the applicant. The applicant then has fifteen (15) days to appeal that decision to the Liquor Bureau. If such an appeal is filed by the applicant, the City Council's decision will be stayed pending the decision of the Liquor Bureau.

II. Procedural Posture

As you may recall, on March 17, 2014, the applicant and the Police Department both had an opportunity to present their cases (in accordance with the procedure set forth in the attached memorandum attached hereto as Exhibit A). The public also had an opportunity to comment on the license, and the public portion of the hearing was closed.

Please note that the additional requested materials have been provided to the applicant with the understanding that their attorney will be filing a response to those materials prior to the next City Council meeting.

It is also important to note that pursuant to the Council Rules no additional public comment is required prior to final Council action on this item (but can be allowed if the City Council so chooses). See City Council Rule 31(2). It is expected that this item will appear as unfinished business on the April 7, 2014 Council agenda, and that a motion to either grant or deny the license and deliberations thereon will take place at that time.

**CITY OF PORTLAND, MAINE
M E M O R A N D U M**

TO: Mayor Cohen and Members of the Portland City Council

FROM: Gary C. Wood, Corporation Counsel
Ext. 8480

DATE: December 19, 2005

RE: **Criteria and Process for Denying Liquor Licenses**

Legal Criteria.

On hearings before the Council for liquor licenses, the Council sits in a quasi-judicial capacity. You are judges not legislators. What that means is that you listen to the evidence presented by both sides and then reach a conclusion that the license should be granted or denied based upon the evidence that you have found convincing. The hearing is structured somewhat like a trial, but it is not as formal. The key is to make it fair by making sure that both sides get every reasonable opportunity to put in evidence and make comments. That does not mean these hearings have to go for hours, but they do take a lot longer than most items. That makes sense because someone's business is at risk.

If you decide to deny the liquor license based upon the evidence presented to you, you do not have to worry about legal technicalities like the Rules of Evidence because I will take your oral decision and put it into a final written form for you to review and approve.

I have attached a copy of the state statutes relevant to the analysis of liquor licenses that come up before you. The key section is Title 28-A M.R.S.A. Section 653(2). That section lists a number of criteria upon which you can base the denial of a liquor license. All of the subparagraphs (A-F) require the City to have some record (written evidence) upon which to base its action, but only subparagraphs (A) and (E) require an actual conviction for a legal violation before you can use those incidents as the basis for denying a license.

In other words, the police records of incidents of breaches of the peace is a sufficient record under subparagraph (D) upon which to base a denial. We do not have to have a conviction for each of the breaches noted in the police record to use it as the basis for a denial. **Subparagraph (D) is the paragraph that you should normally focus on and use in considering these applications.**



In addition to Section 653, the Sharky's decision in 1993, which found in favor of the Council's ruling to deny a liquor license, opened the door to the application of the criteria in Title 28-A Section 654 (also attached) as grounds for denial. That section does not require us to have a written record in order to apply the criteria nor does it require any convictions. Within that section the key subparagraphs to look at are (B), (C), and (D) in subsection (1). Once you determine the location of the business, identify particular problems that relate to that location, and identify the manner in which it has been operated, you can conclude that the combination of those factors makes this location an unsuitable place for a liquor license in the hands of the applicant before you and deny the license.

In making your findings and conclusions it is helpful if one or more of you specifically reference these two sections as you are addressing the standards.

Process.

The following process is what I recommend that the Mayor follow in these cases:

- (1) The applicant is given an opportunity to make an opening statement if they choose to before the Police Department presents its case;
- (2) The Police Department presents its case, usually through the officer who put together the report recommending denial; that report and supporting documents are in your agenda books. Usually the Police Department simply goes through that report and answers questions; the Council can ask questions at this point or any point through the Mayor;
- (3) The applicant presents his case through his attorney and any witnesses that the attorney chooses to call as well as members of the public who support the application; the applicant is also given an opportunity to submit whatever documents he or she chooses to the Council to be included in the record; as part of the presentation of the applicant's case, the applicant or his or her representative should be given an opportunity to pose questions to the Council that it would like the Police Department to answer (this takes the place of direct cross-examination which would occur in a courtroom);
- (4) The Police Department is given a chance to respond to the presentation made by the applicant and any questions raised by that presentation or the applicant;
- (5) Any other members of the public who wish to speak are given their regular opportunity to comment on the matter;

- (6) The applicant is given a final opportunity to make closing remarks or comments;
- (7) The public portion of the hearing is closed; a councilor makes a motion to grant or deny the application and all councilors comment on that motion stating their position; during this process any member of the Council can ask whatever questions they want of either the Police Department or the applicant;
- (8) The Council votes on the motion (roll call recommended);
- (9) If the Council denies the application, its decision goes into effect when the Liquor Bureau receives our written decision;
- (10) Corporation Counsel prepares a formal written decision for review and approval by Council members;
- (11) The written decision is sent to the Liquor Bureau and the applicant;
- (12) The applicant has 15 days to appeal to the Liquor Bureau; the filing of an appeal stays the Council decision;
- (13) The Bureau sets up a de novo hearing before a hearing examiner (usually within 20 days of the filing of the appeal);
- (14) The de novo hearing is held with Corporation Counsel presenting the City's case using the same evidence presented to the Council
- (15) The Bureau issues its decision (usually within 10 days);
- (16) The Bureau's decision can be appealed to Superior Court within 30 days. If the Bureau's decision supports denial, the Bureau normally issues a temporary license until the appeal period expires.
- (17) If the applicant's appeal, they have to get an injunction or the denial goes into effect.

GCW:tlb
Enc.

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Maine Revised Statutes
Title 28-A: LIQUORS
Chapter 27: APPLICATION PROCEDURE

§653. HEARINGS; BUREAU REVIEW; APPEAL

1. **Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).]

[2003, c. 213, §1 (AMD) .]

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 purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD).]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]

[2009, c. 81, §§1-3 (AMD) .]

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD).]

[1995, c. 140, §6 (AMD) .]

4. No license to person who moved to obtain a license.

[1987, c. 342, §32 (RP) .]

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §32 (AMD). 1987, c. 623, §8 (AMD). 1989, c. 592, §§3,4 (AMD). 1993, c. 730, §27 (AMD). 1995, c. 10, §1 (AMD). 1995, c. 140, §§4-7 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 1999, c. 589, §1 (AMD). 2001, c. 500, §1 (AMD). 2003, c. 213, §1 (AMD). 2009, c. 81, §§1-3 (AMD).

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Maine Revised Statutes
Title 28-A: LIQUORS
Chapter 27: APPLICATION PROCEDURE

§654. ADDITIONAL CONSIDERATIONS FOR LICENSURE

1. Character; location; operation of business. In issuing or renewing licenses, the bureau, the municipal officers or the county commissioners, as the case may be, shall give consideration to:

- A. The character of any applicant; [1987, c. 45, Pt. A, §4 (NEW) .]
- B. The location of the place of business; [1987, c. 45, Pt. A, §4 (NEW) .]
- C. The manner in which the business has been operated; and [1997, c. 373, §63 (AMD) .]
- D. Whether the operation has endangered the safety of persons in or on areas surrounding the place of business. [1987, c. 45, Pt. A, §4 (NEW) .]

[1997, c. 373, §63 (AMD) .]

2. Qualifications of corporations. The bureau, the municipal officers or the county commissioners, as the case may be, may refuse to issue licenses to corporations when any of its officers, directors or stockholders do not possess the qualifications required of unincorporated persons under this section.

[1997, c. 373, §63 (AMD) .]

3. Areas primarily for minors. Without limitation of its other powers, the bureau may not approve as a proper place for the exercise of the license privilege amusement areas primarily for minors, beaches or any other area designed primarily for use by minors.

[1997, c. 373, §63 (AMD) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1997, c. 373, §63 (AMD) .

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STATE OF MAINE
CUMBERLAND, ss.

STATE OF MAINE
Cumberland, ss, Clerk's Office
SUPERIOR COURT
Civil Action
Docket No. CV-93-218 ✓

CITY OF PORTLAND,
Appellant

v.

JAMES ALBERT and GUY
NADEAU, d/b/a Sharkey's,
Appellees

DEC 16 1993

RECEIVED

DECISION AND ORDER

Appellees sought renewal of a license to serve malt, spirituous, and vinous alcohol on a full-time basis as a class A lounge pursuant to 28-A M.R.S.A. § 653(1). The Portland City Council held a public hearing on the application on November 16, 1992. After the completion of the public hearing the City Council decided to deny the application by a vote of 8 to 1. The City Council issued a signed decision on November 23, 1992 and mailed its decision to the Liquor Commission and to the applicant on the same date.

Appellees appealed the decision of the City Council to the State Liquor Commission which conducted a public hearing in Portland on December 15, 1992 pursuant to 28-A M.R.S.A. § 653(3). The three commissioners who were present for the public hearing met on December 16, 1992, in Hallowell to engage in public deliberations on the appeal of Sharkey's. At the conclusion of those public deliberations two members of the Commission voted to grant a liquor license to Sharkey's. The third member of the Commission abstained. The City of Portland now appeals to the Superior Court from the decision of the State Liquor Commission.

DISCUSSION

The court will address the Commission's response to the three grounds for decision of the Portland City Council in denying the license renewal application of Sharkey's. The court will then address some additional considerations cited by the Commission in support of its decision.

- A. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law (28-A M.R.S.A. § 653(2)(D))

The first ground for the denial of Sharkey's license renewal application was a violation of 28-A M.R.S.A. § 653(2)(D) which permits denial for

[r]epeated 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.

The city cited six fighting incidents testified to by Lt. Rizzo and an attack on an Old Port businessman, Frank Akers.

In evaluating the factual basis for this ground of denial, the State Liquor Commission had to apply an exacting legal standard:

If the decision appealed from was to deny the application, the commission may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

28 M.R.S.A. § 653(3)(B). Although the Commission conducts a *de novo* hearing on the appeal, the Commission must conduct that hearing "with appropriate deference paid . . . to any factual findings actually made by the municipal officers." Ullis v. Inhabitants of Boothbay Harbor, 459 A.2d 153, 157 (Me. 1983). The Commission must "uphold the municipal officers' denial of a license application whenever that denial in fact was proper under Title 28—even if the reasons stated by the officers in

their decision would not support the denial." Id. As articulated by the Law Court in another setting involving *de novo* review, the Commission's *de novo* review of questions of fact was "only to test the reasonableness of the conclusions reached."

Jackson Advertising v. State Tax Assessor, 551 A.2d 1365, 1366 (Me. 1988).

Fully cognizant of these legal rules, the Assistant Attorney General advising the Commissioners during their public deliberations gave them the following legal advice:

... the Commission must uphold the city's decision if there is a reasonable basis for the council, council's decision to deny renewal of a license. That means that if a reasonable person, based on the facts that we have, could vote to deny the renewal, the Commission must uphold the city's decision. The Commission is not here to make that decision anew, it is here to decide whether or not Portland was reasonable in deciding as they did.

Transcript of the Public Deliberations of the Commission, December 16, 1992, pp. 15, 16.

This exemplary statement of the law is supplemented by another limitation on the Commission's review authority not mentioned by the Commission's lawyer--the Commission must make a finding that the decision of the Council was without justifiable cause on the basis of "clear and convincing evidence." In other words, to again borrow from another context, the Commission must have "an abiding conviction" that the decision of the Council was without a justifiable or reasonable basis. Taylor v. Commissioner of Mental Health and Mental Retardation, 481 A.2d 139, 153 (Me. 1984). This standard emphasizes the high degree of certitude the Commission must have about the absence of a reasonable basis for the Council's decision before it can override that decision and issue a liquor license.

The Commission's failure to apply the proper standard of review to the § 653(2)(D) ground for denial is demonstrated by its analysis of the assault on Frank Akers, who sustained a broken knee. In its decision, the Council concluded that the attack on Mr. Akers was by Sharkey's patrons. In its decision, the Commission dismisses this factual finding with its observation that Mr. Akers admitted in testimony before the Commission that the alleged assailant may have visited other drinking establishments between the time he left Sharkey's and the time of the assault. Commission Decision, January 29, 1993, p. 5. In its brief in support of its decision, the Commission states that "there is no evidence that the assailant patronized Sharkey's in the nearly two hours prior to the assault." Commission's Brief, p. 5. This statement is simply incorrect. There was in fact such evidence before the Commission in the form of a police report which included a statement of a companion of the assailant, City Exhibit J, p. 3, and the testimony of Lt. Rizzo. Transcript of Hearing, December 15, 1992, p. 159. Hence, the state of the record before the Commission on the causal relationship between the attack on Mr. Akers and patronizing of Sharkey's by the assailant was conflicting. Instead of deferring to the factual finding of the Council on this matter as required by law, and asking only if there was a reasonable basis for the Council's decision on this matter, as there clearly was, the Commission made its own independent factual determination that little weight should be given to Mr. Akers' testimony.

The Commission's entire approach to the Council's denial of the license renewal on the basis of § 653(2)(D) reflects this improper standard of review. The application of an erroneous standard of review is an error of law.

B. Additional considerations for licensure (28-A M.R.S.A. § 654)

The second ground for the denial of Sharkey's license renewal by the Council was 28-A M.R.S.A. § 654(D), which permits consideration of "[w]hether the operation has endangered the safety of persons in or on areas surrounding the place of business." In addition, the Council examined the location of Sharkey's in relation to other establishments serving liquor (28-A M.R.S.A. § 654(1)(B)), and the manner in which Sharkey's was operated (28-A M.R.S.A. § 654(1)(C)).

The Commission dismissed testimony from merchants in the Old Port regarding a deterioration in health and sanitary conditions in the area around Sharkey's primarily because these concerns were not reflected in "conditions of record as required by the statute." Commission Decision, January 29, 1993, p. 8. By its terms, 28-A M.R.S.A. § 654 is not limited to violations of record.¹ The Commission committed an error of law when it dismissed the Council's § 654(D) finding on this basis. The Commission compounded that error by not even addressing the Council's other findings under § 654 relating to the location of Sharkey's and its manner of operation.

C. A violation of any provision of Title 28-A.

The third ground for the denial of Sharkey's license renewal by the Council was a violation of 28-A M.R.S.A. § 709(1)(A)(4) and/or (5) which state that no licensee may "encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes," or "any other practice the

¹ 28-A M.R.S.A. § 653(2)(C) is limited to violations of record. Apparently in recognition that the grounds for granting or denying a license under § 653(2) were too limited, the Legislature provided for additional considerations for licensure under § 654.

specific purpose of which is to encourage customers of the licensee to drink to excess."

The Council specifically found that the "bladder buster" contest run by Sharkey's, in which patrons are challenged to drink four beers in 20 minutes, violated these provisions. Although the Commission notes in passing the testimony of a liquor enforcement officer that such a contest "is not illegal as long as nobody becomes visibly intoxicated," Commission Decision, January 29, 1993, p. 4, the Commission does not address explicitly the city's conclusion that the bladder buster contest violated the cited statutory provisions. To the extent that the Commission by implication adopted the rationale of the liquor enforcement officer, the Commission is wrong as a matter of law. Whether somebody consuming alcohol as a result of a practice whose specific purpose is to encourage customers to drink to excess becomes visibly intoxicated is irrelevant. The prohibition is intended to preclude practices that will result in visible intoxication as a result of drinking to excess. The illegality of the practice depends on what it encourages, not what it achieves. The Council correctly applied the law. The Commission did not.

D. Other considerations cited by the Commission

During the public deliberations of the Commission, one Commissioner indicated a preoccupation with the decision of the Council to cancel a scheduled public hearing on Sharkey's license renewal application on November 2, 1992 to give the applicant more time to respond to a revised police report of the same date

providing a more complete account of police reports involving Sharkey's.² The more complete report was considered at the Council's meeting on November 16.

The Commissioner felt the preparation of this second report was unfair. Transcript of Public Deliberations, pp. 20, 21, 22. This concern prompted the following response from the Commission's attorney:

What I'm trying to point out to the Commission is that if you believe the truth, the fact of the matter is, that those incidents did occur, the additional incidents that appear in the second report, it doesn't matter how they came before the council.

Transcript of Public Deliberations, p. 22.

In response to the stated position of another commissioner that denying a liquor license to Sharkey's will only move problems to other bars in the Old Port, the attorney reminds the commissioners that their decision "has nothing to do with any other establishment down there, except Sharkey's."

Transcript of Public Deliberations, p. 24.

Despite this exemplary legal advice on the irrelevancy of the two concerns raised by the Commissioners, the Commission's written decision incorporates these irrelevant considerations as a basis for the Commission's decision. That is, the Commission states that it was unfair for the Portland Police Department to revise a police report and change that Department's recommendation just hours before a city

² The initial police report prepared by Lt. Rizzo on October 3, 1992 led the City Administrator to recommend renewal of Sharkey's license. The revised report of November 2, 1992 was prepared because the Police Department concluded that the first report was incomplete. The second report recommended denial of Sharkey's license renewal application.

council meeting. Commission Decision, January 29, 1993, p. 9.³ The Commission further states that it accepts the argument of the applicant that it is being singled out by the city for harsher treatment than other establishments. Id. The Commission's reliance on these irrelevant considerations was another error of law.

CONCLUSION

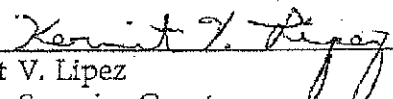
The Commission's numerous errors of law require the court to vacate the Commission's decision to reverse the decision of the City of Portland denying the application of Sharkey's for the renewal of its liquor license. The court will further remand this matter to the Liquor Commission with the directive that it enter an order denying the application of Sharkey's for the renewal of its license.

ORDER

Wherefore, the Order and Entry shall be:

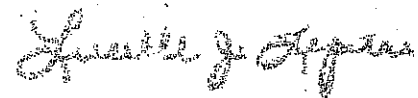
The appeal of the City of Portland is SUSTAINED. This matter is remanded to the Maine State Liquor Commission with the directive that the Commission enter an order denying the application of Sharkey's for the renewal of its license to serve malt, spirituous and vinous alcohol on a full-time basis as a Class A lounge.

DATED: December 16, 1993


Kermit V. Lipez
Justice, Superior Court

³ This statement ignores the fact that the Council canceled the hearing scheduled for November 2 in order to give the applicant an opportunity on November 16 to respond to the revised report.

A TRUE COPY



EXHIBIT

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Chief Michael J. Sauschuck

DATE: 3/25/14

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 original report. We have also included an analysis comparing Sangillo's calls for service for the last three years and a comparative analysis that includes the calls for service for five similarly sized bars. A memo from Assistant Chief Malloch has also been included that serves to break down certain patron related calls for service into specific violations of Title 28A sections 653 2D and 654 1D. These follow up documents were requested by the city council during the council meeting on March 17th.

Prepared by:

Signature

Date

City of Portland Police Department

Memorandum

To: Mayor Brennan and City Councilors

Date: March 25, 2014

From: Assistant Chief Vern Malloch

RE: Sangillo's Tavern Liquor License Renewal

I was asked during the March 17, 2014 meeting of the City Council to identify specific incidents that serve to support a denial of the liquor license renewal application of Sangillo's Tavern. Portions of the information in your backup material can be applied to two specific sections of MRSA Title 28A in support of a denial by a municipality.

The most applicable sections are 653 2D "repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of the law on or in the vicinity of the licensed premise and caused by persons patronizing or employed by the licensed premises." And Section 654 1D "Whether the operation has endangered the safety of persons in or on areas surrounding the place of business."

The information provided is intended as a guide. Below are incidents relating to these particular criteria:

Police report case number 13-4024, the assault of a female patron by a male patron in the parking lot. The victim reports this was a continuation of an argument that occurred inside the bar. It meets the standard under section 653 2D as a disturbance of the peace caused by persons patronizing the establishment. Because a person was injured in this attack it also meets the criteria listed in section 654 1D, endangering the safety of persons in or on areas surrounding the place of business.

Police report case number 13-6069, the assault of an off duty bartender by a patron of the bar. This occurred on June 30, 2013 at 12:45 AM in the parking lot and involved a large fight. It meets the standard under section 653 2D as a disturbance of the peace caused by persons patronizing the establishment. Because a person was injured in this attack it also meets the criteria listed in section 654 1D, endangering the safety of persons in or on areas surrounding the place of business.

Police report case number 13-10804, on November 23, 2013 the bar calls police for an intoxicated patron refusing to leave and causing a disturbance inside. The woman had been at the bar earlier in the evening and returned but was being denied entry. She is arrested and charged with disorderly conduct. It meets the standard under section 653 2D as a disturbance of the peace caused by persons patronizing the establishment.

Police report case number 14-806, on January 28, 2014 at 1:20 AM a man is shot outside the bar. Investigation reveals all the parties involved were patrons of the bar and the shooting is a continuation

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of a dispute that began inside the bar. It meets the standard under section 653 2D as a disturbance of the peace caused by persons patronizing the establishment. Because a person was injured in this attack it also meets the criteria listed in section 654 1D, endangering the safety of persons in or on areas surrounding the place of business.

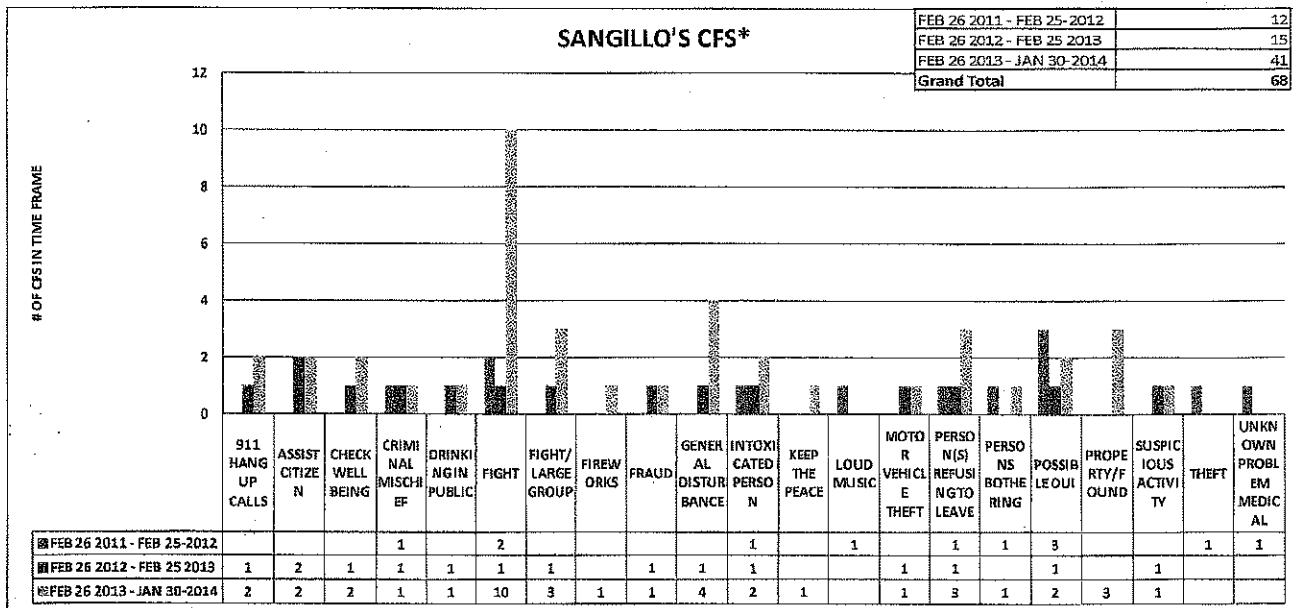
Police dispatch number 131780026, on June 27, 2013 at 1:21 AM a report of 12-15 people who had just left the bar and were yelling and screaming. It meets the standard under section 653 2D as a disturbance of the peace caused by persons patronizing the establishment.

I was also asked to provide a tally of the calls for service and breaches of peace in the area. Police calls to Sangillo's that potentially relate to the operation of the establishment total eleven in our analysis. They are listed in summary on page three of the liquor license review memo. Also listed are 14 calls related to breaches of the peace in the area. There is one additional call that is in your back up material but was omitted from the summary list. CAD number 131810025 June 30, 2013 at 1:04 AM is a report of a large fight in the parking lot. This call was discussed during the March 17 meeting. This brings the total breaches of the peace to fifteen.

Breach of the peace calls generally do not result in the same level of thorough documentation seen in police reports. In most instances we are left to rely on the brief narrative of the 911 call. These do not contain specifics regarding whether the call involves patrons of Sangillo's. You may want to consider that the majority of these calls occur at Sangillo's closing time of 1:00 AM and in very close proximity to the bar. They involve behavior associated with intoxicated people; such as loud arguments, yelling, and fighting. The police reports cited above serve to document the involvement of patrons in those specific instances. While we cannot identify all of the specific calls related to Sangillo's patrons, viewing this information in its totality suggests it would be a reasonable assumption that at least some of the breach of the peace calls involve patrons of Sangillo's.

**Portland Police
Department**

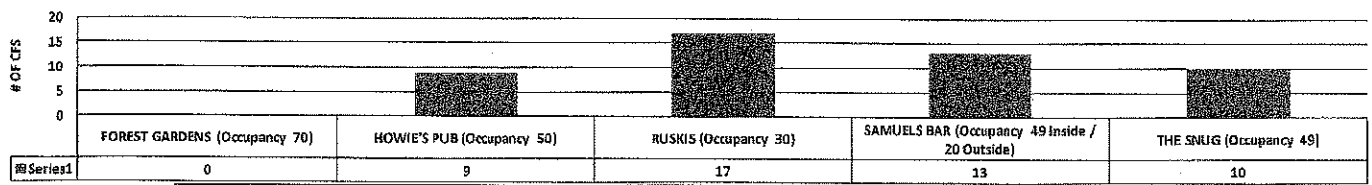
The Portland Police Department
CRIME ANALYSIS
Sangillo's Analysis



* CFS do not include officer initiated calls for service (bar checks).

CRIME ANALYSIS PORTLAND MAINE POLICE DEPARTMENT

CFS PER LOCATION IN 2013



	HOWIE'S PUB	RUSKIS	SAMUELS BAR	THE SNUG	FOREST GARDENS	Grand Total
911 HANG UP CALLS		1	1			2
ALARM/BURGLARY	1	2				3
ASSAULT	1	1	2			4
ASSIST FIRE DEPT				1		1
ASSIST OTHER AGENCY/GENERAL		1				1
BEHAVIORAL HEALTH		1				1
BROKEN DOWN MV	1					1
BURGLARY COMMERCIAL				1		1
CHECK WELL BEING	1	1	1	1		4
CIVIL COMPLAINT				1		1
DOMESTIC DISPUTE				1		1
FRAUD	1					1
GENERAL DISTURBANCE	1	1	1			3
INTOXICATED PERSON			1	2		3
JUVENILE OFFENSE		1				1
LOUD MUSIC	1	2				3
PANHANDLER				1		1
PANIC ALARM	2					2
PD CRASH			1			1
PERSON(S) REFUSING TO LEAVE			1			1
PERSONS BOTHERING			2	1		3
POSSIBLE OUI			2	1		3
SUSPICIOUS ACTIVITY		2	1			3
THEFT		1				1
THREAT/TERRORIZING		1				1
VEHICLE COMPLAINT		2				2
Grand Total	9	17	13	10		49

SANGILLO'S TAVERN, LLC

Council Meeting Submission
Monday, March 17, 2014

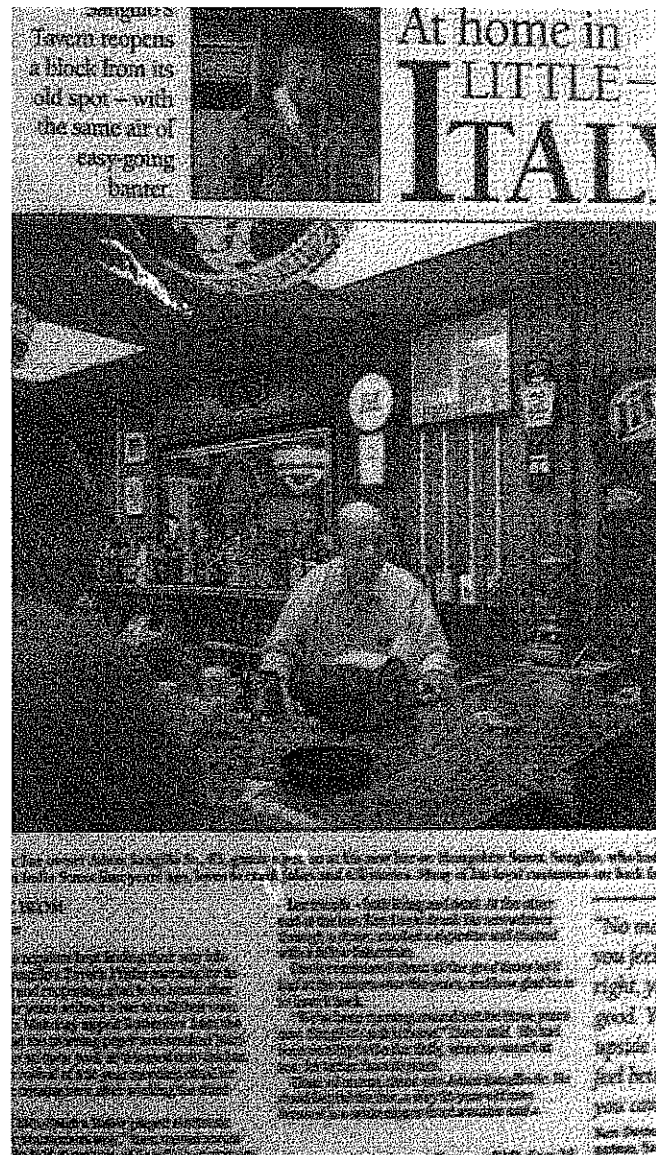


Adam Sangillo, Sr. (1916-2004)

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) .]

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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.

[REDACTED]

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.



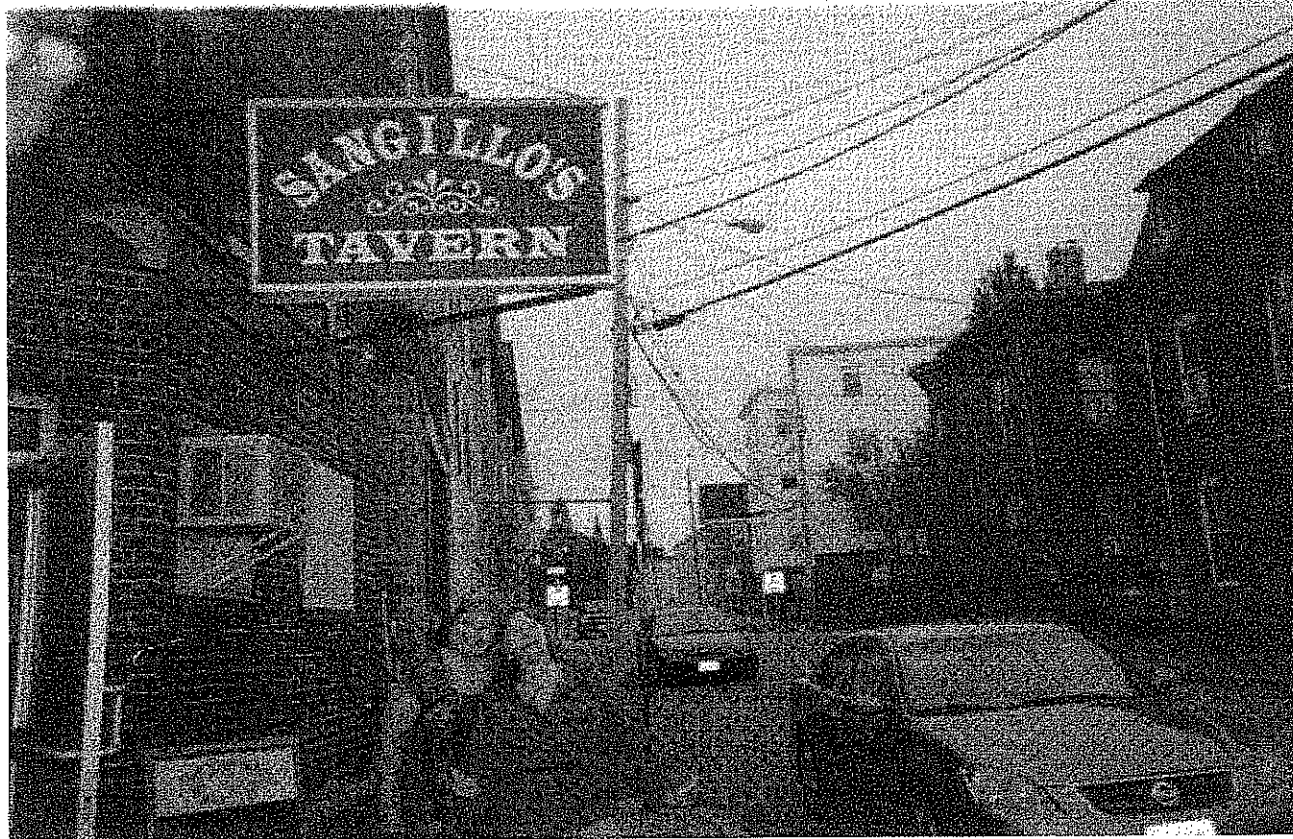
CONCLUSION

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.

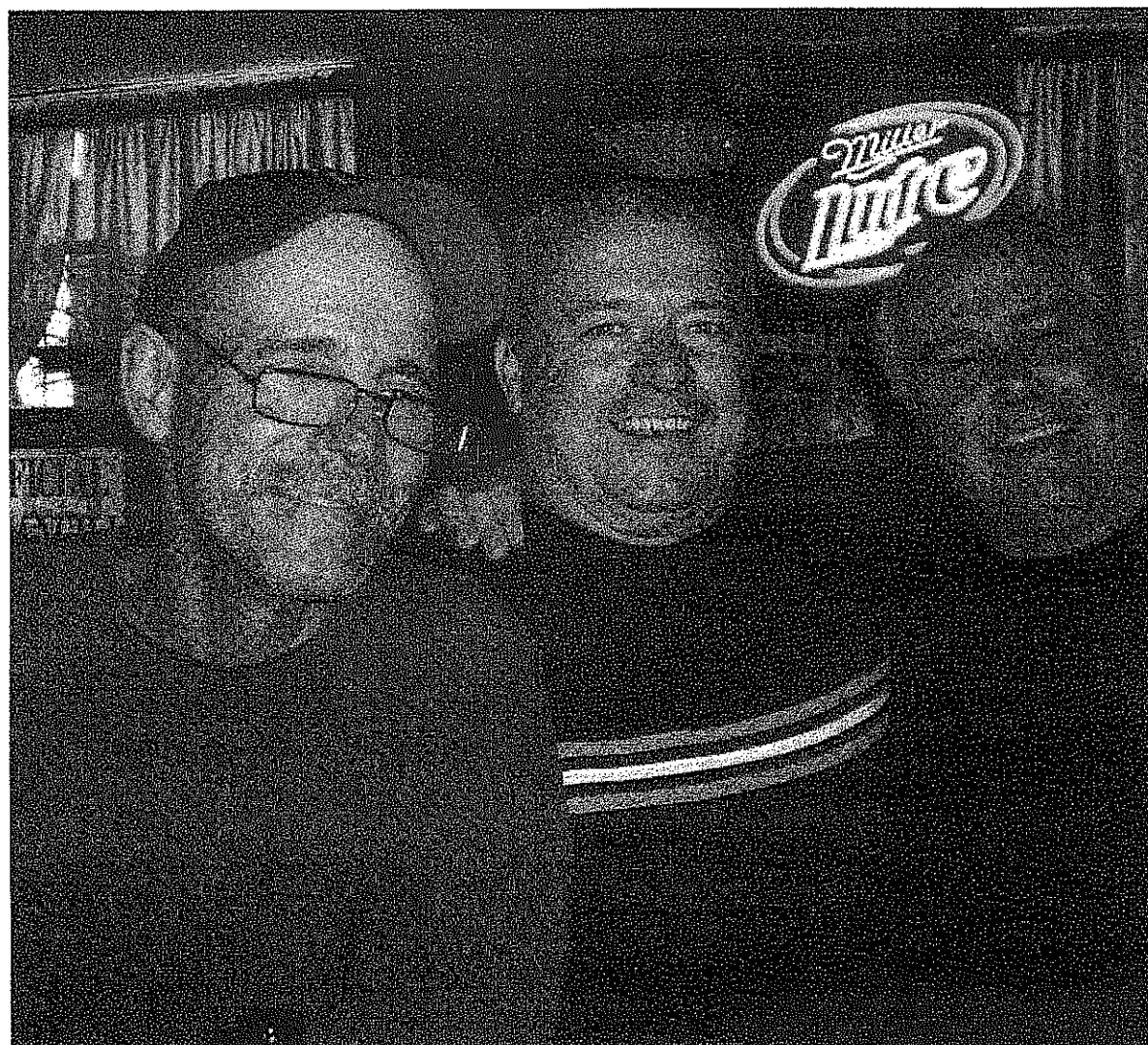
Numerous beers on draft and in the bottle. Great jukebox. Superb banter with the locals. Non-social, conformists stay away."

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)**

PORTLAND CITY COUNCIL MEETING APRIL 7, 2014

Submission by:
Sangillo's Tavern

INTRODUCTION

Dana Sangillo, Kathleen Sangillo, the entire Sangillo family, and the employees of Sangillo's, thank the Portland City Council for their careful attention and patience during the very long March 17, 2014 Hearing. The process that evening was very lengthy and a substantial amount of information was submitted to the Portland City Council. The entire Sangillo family is grateful for the opportunity to address the additional concerns raised by various Council members. Those questions clearly indicate that as of the March 17, 2014 meeting, there was not a sufficient basis to deny Sangillo's liquor license for the first time in over fifty years.

Nothing contained in the additional submissions presented by the Portland Police Department establish a legal basis to deny the license. There is no legal basis for this Council, while sitting as judges, not legislators and accepting evidence in a fair, impartial and unbiased manner, to deny Sangillo's it's 2014 Liquor License.

FAIRNESS

The issue of notice and fairness as to whether Sangillo's management and ownership was aware that their license could have been in jeopardy during 2013, was raised by the City Councilor Suslovick and addressed by Portland Police Chief Michael J. Sauschuck.

PARTIAL TRANSCRIPT OF MARCH 17, 2014 HEARING

Councilor Suslovick: On the question of whether I still need more information or not... um but I think you touched .. I just want to make sure I have the time line clear in my head. So in early July of last year, July of 2013, you directed Senior Lead Officer Ampezzanto umm.. make contact with the management of Sangillos in response to a significant number of neighborhood complaints.

Chief Sauschuck: That's correct. June actually, yes.

Councilor Suslovick: And then as I read the memo ... I believe the memo is from Lieutenant Hutcheson umm that he then followed up in July umm is that correct?

Chief Sauschuck: That's correct.

Councilor Suslovick: Umm and specifically addressed the .. the .. the .. significant issues that caused the police department to have this concern?

Chief Sauschuck: Correct

Councilor Suslovick: And do you recall whether it was either before or after the follow up with Lieutenant Hutchinson that you were then contacted umm by ah Attorney Jerry Conley who was at the time I believe representing Sangillo's management or owner.. um .. in terms ah.. inquiring about is this a.. a .. tell me if I am wrong but inquiring about you know is this putting the ... the .. upcoming liquor license umm.. in jeopardy or not, is that...

Chief Sauschuck: It would have been after the meeting or a conversation between Lieutenant Hutchinson and the Bar.

Councilor Suslovick: So what possible explanation could there be for Attorney Jerry Conley contacting you proactively umm.. if he hadn't had some conversation with either management or ownership at Sangillo's about licensing concerns?

Chief Sauschuck: See no other connection ...uh .. that's where the information must have come from ...uh.. for the attorney to contact the police department and take a proactive approach to asking those questions.

Councilor Suslovick: I...the reason I wanted to just clarify is when were those concerns specifically addressed and why would the lawyer representing the... the... the ..the bar management and ownership ..um .. have gotten involved at that point if licensing wasn't at least one of the topics on the table.

Chief Sauschuck: I think it's a valid question councilor.

Councilor Suslovick: Thank you. .. um.. then.. to that point ..um.. I guess in response to my colleagues questioning about whether we should take this up or not ..um.. I feel that.. ah.. the case has been made ..um.. even without the ..um.. waiting for the final disposition of the two .. um... underage services ..ah.. I feel that the police department has provided ample evidence about ..um.. the number of fights and disturb.. breaches of the peace that have been occurring in the neighborhood to ...sorry I just...

Contrary to the notion that Sangillo's was well aware that its liquor license was in jeopardy, the attached Affidavit, executed by Attorney Gerard P. Conley, clearly demonstrates the situation in the Summer of 2013.

Attorney Jerry Conley was consulted for the sole reason of a neighbor's complaints. Attorney Conley never spoke to the Portland Police Department. Sangillo's had no reason to believe its license was in jeopardy in the Summer of 2013.

During the Summer of 2013, a resident of Hampshire Street, near Sangillo's establishment, Chris Korzen, repeatedly called the Portland Police Department. This fact was confirmed by Assistant Chief Malloch's representation to the Council that half of the calls came from a single individual. Sangillo's fully respects each and every neighbor's right to have peaceful enjoyment of property. Sangillo's management has met with Mr. Korzen and listened carefully to his concerns. Mr. Korzen's own testimony at the March 17, 2014 Hearing indicated that he did not seek a denial of Sangillo's license and he hoped that they could remain open so that he could have a place to "hang out on Christmas when he was sick of dealing with his family". Since that meeting, Kathleen Sangillo has met with Mr. Korzen and listened to his concerns. They have agreed upon a plan whereby Mr. Korzen will meet with neighbors monthly at the bar to go over any concerns he may have. Mr. Korzen's concerns are being addressed with competence and sincerity. This issue should no longer be considered as a basis for denial of Sangillo's license.

AFFIDAVIT

1. My name is Gerard P. Conley, Jr., and I am an attorney duly licensed and authorized to practice law in the State of Maine, with an office here in Portland, Maine.
2. During the Summer of 2013, I was contacted by Kathleen Sangillo, who sought advice from me with respect to questions she had about a neighbor who was constantly calling the Portland Police Department.
3. To the best of my memory, in August of 2013, I attempted to contact Lt. Hutcheson of the Portland Police Department on behalf of Kathleen Sangillo. I never spoke to him.
4. My contact with Kathleen Sangillo beginning on July 29, 2013 was focused on her neighbor, Chris Korzen, and his frequent calls to the Portland Police Department. I characterize my relationship with Kathleen Sangillo as "contact", because I never sent her a bill and my consultation with her was focused on Mr. Korzen's complaints and I was never engaged to handle a licensing issue or potential licensing issue.
5. Contrary to representations made at the March 17, 2014 Portland City Council Meeting, I was not proactively contacting the Portland Police Department on behalf of Sangillo's about licensing concerns.
6. My final contact with Kathleen Sangillo was on August 1, 2013, when I sent her the attached letter (Exhibit 1) indicating that I was waiting for a return telephone call from Lt. Hutcheson. I never spoke to him nor did I ever have any further involvement until I saw newspaper accounts in February of this year about a licensing issue at Sangillo's.

FURTHERMORE your Dependent sayeth not.

3/28/14
Dated

Gerard P. Conley, Jr., Esquire Bar #2195

STATE OF MAINE
YORK, ss.

March, 2013

Personally appeared the above named and made oath that the foregoing statements are true to the best of his own personal knowledge.

Before me,

Notary Public/ Attorney at Law

APPL. C. FOSTER, Notary Public
State of Maine
My Commission Expires 10/21/2015

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Toll Free 877-3515
Portland 524-7884
prosecution@ccdlaw.com

August 1, 2013

Kathleen Sangillo
c/o Sangillo's Tavern
18 Hampden Street
Portland, Maine 04101

Re: Sangillo's Tavern

Dear Kathleen:

I enjoyed meeting you the other day to discuss issues which you have been having with Chris Korzen and the Portland Police Department.

After our discussion, I called Officer [redacted] who is a friend, at the Portland Police Department. He indicated to me that Sangillo's has an excellent reputation amongst the Portland officers who patrol the Old Port.

After my discussion with him, I called Lieutenant Gary Hutchison. I have left a message for him. As of the time of this letter he has not called me back. Once I do have a conversation with him, I will follow-up with you. I am still thinking about how to deal with Mr. Korzen. I will be in touch with you after I speak with Lieutenant Hutchison.

Sincerely,

Gerard P. Cloutier, Jr.

GPC/acf

MINORS

Assistant Chief Malloch's one and one half page response to the City Council's request for specific incidences related to the operation of Sangillo's or caused by the patrons of Sangillo's, fails in its entirety to add any new information. Other than two arrests, none of the calls are related to Sangillo's patrons. To the extent that the Department relies on alleged violations which are pending before the Bureau of Alcoholic Beverages again, those alleged incidents have not been adjudicated and are not the basis for license denial. The Department alleged that Sangillo's management is incompetent, allowing an under-aged individual inside. The only reason for this allegation is because the Department suspects that this individual was involved in the January 28, 2014 shooting event. This was revealed when Sangillo's attorney received unredacted reports from the Bureau of Liquor Enforcement.

It was argued to the council that no minor ever may be present on the premises. This is directly contrary to State Law. The Law is clear and unequivocal: Sangillo's is classified by the Department as a Class A Lounge. By statute minors allowed on the premises when accompanied by a parent, legal guardian, or custodian or as employees or during a period of time when liquor is not being consumed.

28-A M.R.S.A. §1065. Licenses for Class A lounges

4. Minors not allowed on premises. Minors are not permitted to remain on the premises except when:

- A. The minor is accompanied by a parent, legal guardian or custodian as defined in Title 22, section 4002; or [2003, c. 493, §12 (AMD); 2003, c. 493, §14 (AFF).]
- B. The licensee does not permit consumption of liquor on the premises for a specific period of time or event. [2003, c. 493, §12 (AMD); 2003, c. 493, §14 (AFF).]

[2003, c. 493, §12 (AMD); 2003, c. 493, §14 (AFF).]

HISTORY OF COMPLIANCE

The Portland City Council astutely requested information, (given Sangillo's fifty plus year history in this City without issues), about the amount of calls to Sangillo's for the previous two years. The Department's own information clearly establishes that there were very few calls allegedly related to Sangillo's prior to 2013. This makes sense as previously Sangillo's has never had a licensing issue. At the March 17, 2014 Hearing, the Department argued that Sangillo's is not well run, criticized that its owner lives out of state, and complained that it is under staffed. If this is accurate, why were there were very few calls to the establishment in the two years immediately preceding? Perhaps the answer lies in the various changes in that area relating to certain gang activities. The Police Reports submitted at the prior meeting relating to the event of January 28, 2014 repeatedly characterized and referenced throughout the police reports that the shooting was "gang" related.

Sangillo's employee, Nichelle Ayer was assaulted on June 30, 2013. This was a significant assault resulting in personal injury, however until the Department believed that the individual involved in the shooting on January 28, 2014, was also involved with that assault, the Department had absolutely no interest in prosecuting on behalf of Ms. Ayer. Once again, we have a heavily redacted police report submitted, yet that report establishes the developing problems on weekend nights with certain customers. The decision to stop serving Hennessy, which is referenced in these reports, was ridiculed by the Department and an effort was made to portray Sangillo's as being exclusive. As an establishment that was started by Italian immigrants, Sangillo's has never been a premise where any segment of the population was unwelcomed. However, in an effort to address dangerous behavior, Sangillo's undertook efforts, which were dismissed by the Department and for which they were ridiculed. Many establishments in Portland modify their liquor inventory to suit a particular clientele. We now see in these new police reports that the issue of a patron being disrespectful to authority, disrespectful to gender, disrespectful to the rule of law and demanding to drink Hennessy in a public place at their own volition, was precisely the type of behavior Sangillo's was addressing when the liquor was removed from inventory. We respectfully hope that the Portland City Council now sees what the issues are and realizes that the management operation and behavior of the patrons of Sangillo's does not in any way justify a denial of its license.

LACK OF EVIDENCE

The March 25, 2014 Memorandum submitted by the Department in response to the Council's additional requests for information by its own express terms fails to establish a legal basis to deny the Sangillo's liquor license. The Portland City Council expressly requested that the Department demonstrate that the so-called "breach of peace in the area" events relate to the patrons of Sangillo's or the operation of Sangillo's. The legal standard is not whether or not these events occurred simply in the vicinity of Sangillo's. There must be a link to either the operation or patrons in order to justify denial of a license. The Department admits that the calls submitted "potentially" related to the operation. Assistant Chief Malloch expressly states in the last line of his report:

While we cannot identify all of the specific calls related to Sangillo's patrons, viewing this information in its totality suggest it would be a reasonable assumption that at least some of the breach of peace calls involved patrons of Sangillo's.

No governmental agency, court or licensing bureau may deny someone a constitutionally protected property right, i.e. a business license, based upon a "reasonable assumption". This admission by the Department clearly demonstrates that the license must be approved, as the allegations of breaches of the peace calls in the area can not in any way be linked to Sangillo's. The only way this license could be denied would be by the Council to engage in speculation, assumptions, potential possibilities, and not based on a fact or proven event. The need to argue for possibilities and assumptions is because the department does not have sufficient direct evidence to justify denial of the license. Sangillo's management and the citizens of the City of Portland, who spoke on behalf of Sangillo's were dismissed for referencing patrons of the Old Port and residents of the Milestone Foundation for being the cause of these neighborhood disturbances. On the contrary, the fact that the many bars located in the Old Port, which are patronized by residents of the East End, result in many people walking through that neighborhood, combined with the existence of the Milestone Foundation and other individuals in the area causing disturbances completely unrelated to Sangillo's is a fact. It is a sad fact that the neighborhood where Sangillo's is located houses the Milestone Foundation and many homeless people. Kathleen Sangillo personally witness many tragic scenes involving the homeless in the area immediately surrounding Sangillo's. To ignore this fact would be to ignore a reality of life in this neighborhood. The Sangillo family has constantly worked with the Nurse Manager at Milestone, even to the extent of taking clients to the facility. It is an undeniable fact that the Milestone Foundation facility is one-half a block from Sangillo's. It is utterly unfair and completely inaccurate to ignore this and "assume" ever call in the area is caused by a Sangillo's patron.

On March 20, 2014 the Rite Aid on Congress Street was robbed.

Police arrest Portland man in connection with Rite Aid robbery



By Dawn Gagnon, HDN Staff
Posted March 21, 2014 at 7:55 a.m.

PORTLAND, Maine -- A 24-year-old man was arrested Friday in connection with Thursday night's robbery of the Rite Aid pharmacy on Congress Street.

Daniel MacIsaac of Portland is charged with Class A robbery, Portland police Lt. James Sweatt said Friday.

MacIsaac is accused of robbing the Rite Aid at 490 Congress St. at about 8:45 p.m. Thursday, Sweatt said. The suspect entered the store and allegedly threatened a clerk while demanding cash. He claimed to have a gun but none was displayed, police said.

The suspect then left the store on foot with an undisclosed amount of cash. No one was injured, Sweatt said.

MacIsaac was arrested at 211 Cumberland Ave. at about 8:45 p.m. Friday after an investigation by Portland Police Department detectives. The robbery is still under investigation.

Portland Press Herald

THURSDAY, APRIL 3, 2014

News Sports Politics Business Opinion Life & Culture Obituaries

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Yesterday at 6:04 PM

Man stabbed in back at Portland apartment He is taken to a hospital with non-life-threatening injuries, police say.

By Dennis Flaherty
dflaherty@portpressherald.com
Staff Writer

Portland police continue to investigate a stabbing that took place Wednesday night inside an apartment at Bayside Village Apartments at 132 Marginal Way.

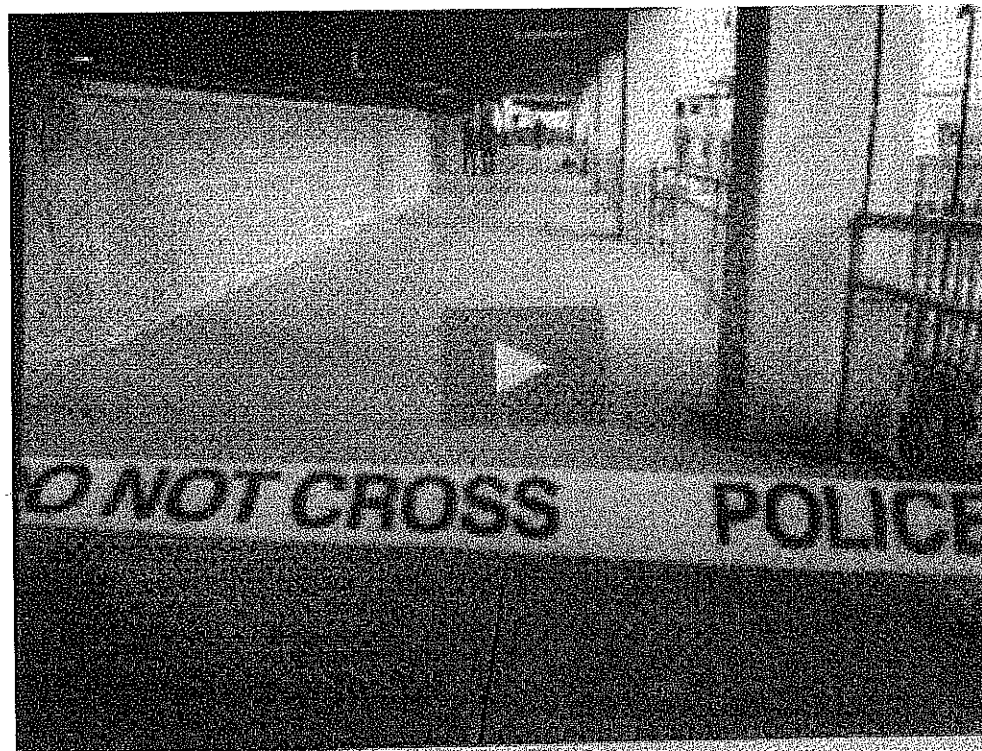
Sgt. Jeff Viola said that two men, who are acquainted with each other, got into an argument around 6:30 p.m. One of the men stabbed the other man in the back with a knife.

The victim was transported by ambulance to Maine Medical Center with non-life-threatening injuries, Viola said. The other man was questioned by police but has not been charged.

Viola said police would not release names because no one has been charged. Viola said he did not know what provoked the violence.

Another recent stabbing in Portland.

The Department is not seeking a revocation of Rite Aid's business license. On March 21, 2014 a violent stabbing occurred on Commercial Street in broad daylight. These events have absolutely nothing to do with the existence and operation of Sangillo's, however, these events clearly demonstrate that many disturbances occur in that area completely unrelated to the existence of Sangillo's Tavern.



There has been a stabbing in the Old Port, right outside Casco Bay Liquor on Commercial Street. Says a four men got into a fight at the Casco Bay Ferry Terminal just after 4 p.m. Friday. The police they've identified all four men are

On the evening before the March 17, 2014 Hearing, eight cruisers surrounded Sangillo's in an effort to demonstrate authority. There was absolutely no disturbance or call relating to Sangillo's that night. This show of force was done without any emergency bubbles illuminated for this unsubstantiated domestic disturbance. This conduct demonstrates a significant pattern of bias against the operation of Sangillo's by the Portland Police Department. The significant assault of its staff person, was largely ignored and that fact is supported by the report submitted (no police report was made on June 30, 2013 when the Officers responded to the report of the fight). However, during the investigation of the January 28, 2014 shooting, has now caused a vigorous investigation into that event. While Ms. Ayer is now grateful for this, we seriously question why her assault and being a victim of a significant crime, was completely ignored by the Department other than to try and justify denial of the license.

RESPONSIBLE COOPERATION

While Sangillo's has clearly demonstrated that there is no issue with ownership or operation, as demonstrated by the fact that prior to this renewal process there has never been an issue with its liquor license, Sangillo's has again re-trained all of its bar staff, having each of them participate in a certified course. The training was held on April 2, 2014, and for some of the staff it was the second or even third time they had gone through such training. However, Sangillo's ownership and management is absolutely committed to being a viable and responsible corporate citizen in the City of Portland. A manager with full authority to handle every aspect of operation will be on duty at all times. A door person will be on duty seven nights a week, which has been the practice for the last year. There are numerous security cameras, which have been repeatedly made available to the Department as a significant resource for their use in prosecution of crimes. Sangillo's cooperated fully with the investigation of January 28, 2014, and any other requests will continue to remain in existence as despite the Department's treatment of Sangillo's. Sangillo's is committed to working with the Department on any issues that should arise in the future and continue to cooperate at any time when it's cooperation is requested.

CONCLUSION

In conclusion, the statutory requirements for denial of a liquor license have not been established by the Department. The Council should deny the Department's recommendation and issue Sangillo's it's 2014 Liquor License.

IN COUNCIL REGULAR MEETING MARCH 17, 2014 VOL. 129 PAGE 78

ROLL CALL: Mayor Brennan called the meeting to order at 7:15 P.M. (Councilor Coyne absent).

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Suslovic and seconded by Councilor Mavodones to approve the minutes of March 3, 2013. Passage 8-0.

PROCLAMATIONS:

Proc 23-13/14 **Proclamation Honoring Mayor's Day of Recognition for National 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 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

IN COUNCIL REGULAR MEETING MARCH 17, 2014 VOL. 129 PAGE 79

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

Order 175-13/14 (Tab 4) **Order Appointing Election Clerks – Sponsored by Katherine L. Jones, City Clerk:**

Motion was made by Councilor Suslovic and seconded by Councilor Donoghue for passage. Passage 8-0.

CONSENT ITEMS:

Order 176-13/14 **Order Calling Special Election and Setting Time for Opening of Polls for Election on May 13, 2014 – Sponsored by Katherine L. Jones, City Clerk.**

Order 177-13/14 **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.**

Motion was made by Councilor Suslovic and seconded by Councilor Mavodones for passage of the consent calendar. Passage 8-0.

LICENSES:

Order 178-13/14 **Order Granting Municipal Officers’ Approval of Slab LLC d/b/a Slab Sicilian Street food 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.**

Motion was made by Councilor Suslovic and seconded by Councilor Marshall for passage. Passage 8-0.

Order 179-13/14 **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.**

Motion was made by Councilor Suslovic and seconded by Councilor Duson for passage. Passage 8-0.

IN COUNCIL REGULAR MEETING MARCH 17, 2014 VOL. 129 PAGE 80

Order 180-13/14 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.

Motion was made by Councilor Suslovic and seconded by Councilor Duson for passage. Passage 8-0.

Order 181-13/14 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.

Motion was made by Councilor Duson and seconded by Councilor Marshall for passage. Passage 8-0 .

Motion was made by Councilor Suslovic and seconded by Councilor Duson to move Order 182 to the end of the agenda. Passage 7-1 (Donoghue).

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 264 12/13 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. This item was given first reading on June 17, 2013. On July 15, 2013 this item was referred back to the committee.

Motion was made by Councilor Suslovic and seconded by Councilor Duson to amend Order 264 by changing January 1, 2014 to January 1, 2015 and adding it everywhere in the Chapter 12 where it need to be changed. Passage 8-0.

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

IN COUNCIL REGULAR MEETING MARCH 17, 2014 VOL. 129 PAGE 81

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 item was given first reading on March 3, 2014.**

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

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 item was given first reading on March 3, 2014.**

Motion was made by Councilor Donoghue and seconded by Councilor Duson for passage. Passage 8-0.

ORDERS:

Order 183-13/14 **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.**

Motion was made by Councilor Donoghue and seconded by Councilor Suslovic for passage. Passage 8-0.

Order 184-13/14 **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.**

This is its first reading.

Order 185-13/14 **Order Approving Maine Department of Transportation Municipal/ State Agreement for Proposed Improvements to Martin's Point Bridge - Sponsored by Mark Rees, City Manager.**

This is its first reading.

IN COUNCIL REGULAR MEETING MARCH 17, 2014 VOL. 129 PAGE 82

Order 186-13/14 **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 is its first reading.

Order 187-13/14 **Order Approving Extension of Employment Agreement for City Manager Mark H. Rees – Sponsored by Mayor Michael F. Brennan.**

This is its first reading.

AMENDMENTS:

Order 188-13/14 **Amendment to City Code Chapter 2 (Administration) - Sponsored by the Finance Committee – Councilor Nicholas M. Mavodones, Jr., Chair.**

This is its first reading.

Order 182-13/14 **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.**

Motion was made by Councilor Marshall and seconded by Councilor Mavodones to postpone Order 182 to April 7, 2014. Passage 8-0.

Motion was made by Councilor Mavodones and seconded by Councilor Hinck to adjourn. Passage 8-0, 11:59 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

IN COUNCIL REGULAR MEETING APRIL 7, 2014 VOL. 129 PAGE 84

ROLL CALL: Mayor Brennan called the meeting to order at 7:40 P.M. (Councilor Donoghue arrived during the proclamations).

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Duson and seconded by Councilor Suslovic to approve the minute of March 17, 2014 Special City Council Meeting and March 17, 2014 Regular City Council Meeting. Passage 8-0 (Donoghue absent).

PROCLAMATIONS:

- | | |
|---------------|---|
| Proc 24-13/14 | Proclamation Honoring McAuley High School Basketball Team
- Sponsored by Mayor Michael F. Brennan. |
| Proc 25-13/14 | Proclamation Honoring Portland High School Boys Basketball
Team – Sponsored by Mayor Michael F. Brennan. |
| Proc 26-13/14 | Proclamation Honoring Officer Thien Duong as Police Officer of the
Month for February 2014 – Sponsored by Michael F. Brennan. |
| Proc 27-13/14 | Proclamation Honoring Tayag Raynor, Health & Human Services
Department, Barron Center, as Employee of the Month for March
2014. |

IN COUNCIL REGULAR MEETING APRIL 7, 2014 VOL. 129 PAGE 85

APPOINTMENTS:

CONSENT ITEMS:

Order 189-13/14 Order Declaring the "2014 Greek Heritage Food Festival June 26-June 28, 2014 – Sponsored by Mark H. Rees, City Manager.

Order 190-13/14 Order Declaring Fenix Theater Company's "Shakespeare in the Park" as a Festival – Sponsored by Mark H. Rees, City Manager.

Order 191-13/14 Order Declaring "The 12th Annual Greater Portland Festival of Nations" – Sponsored by Mark H. Rees, City Manager.

Order 192-13/14 Order Declaring June 6, 7, & 8 2014 as the "Old Port Festival – Sponsored by Mark H. Rees, City Manager.

Order 193-13/14 Order Granting License to Redfern LWS, LLC – Sponsored by Mark H. Rees, City Manager.

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

LICENSES:

Order 194-13/14 Order Granting Municipal Officers' Approval of Arcadia National Bar LLC d/b/a Arcadia National Bar at 24 Preble St. Application for a Class A Lounge License – Sponsored by Katherine L. Jones, City Clerk.

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

IN COUNCIL REGULAR MEETING APRIL 7, 2014 VOL. 129 PAGE 86

Order 195-13/14 (Tab 12) **Order Granting Municipal Officers' Approval of Bonfire LLC d/b/a Bonfire Country Brew Works at 37-39 Wharf St. Application for a Class A Lounge License with Outdoor Dining on Public Property – Sponsored by Katherine L. Jones, City Clerk.**

Motion was made by Councilor Hinck and seconded by Councilor Coyne for passage. Passage 9-0.

Order 196-13/14 **Order Granting Municipal Officers' Approval of JBB Hospitality I, LLC d/b/a Courtyard Portland Downtown/Waterfront at 321 Commercial St. Application for a Class IA Hotel 40+ Rooms License with Outdoor Dining on Private Property – Sponsored by Katherine L. Jones, City Clerk.**

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

Order 197-13/14 **Order Granting Municipal Officers' Approval of Spree River LLC d/b/a Maps Café at 64A Market St. Application for a Class III & IV Wine & Beer License – Sponsored by Katherine L. Jones, City Clerk.**

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

BUDGET ITEMS:

Order 198-13/14 **Order Receiving and Referring City Manager's Fiscal Year 2015 Municipal Budget to the Finance Committee and Setting Date of Public Hearing on FY 2015 Municipal Budget and FY 2015 Appropriation Resolve – Sponsored by Mark H. Rees, City Manager.**

The Public Hearing on all municipal budget orders and the Appropriation Resolve will be held by the City Council on May 5, 2014, at 7:00 p.m. in City Council Chambers. A City Council workshop to discuss the municipal budget will be held on Monday, May 12th, at 5:30 p.m., in City Council Chambers.

Final City Council action on the municipal budget will take place at the City Council meeting on May 19, 2014, at 7:00 p.m.

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

IN COUNCIL REGULAR MEETING APRIL 7, 2014 VOL. 129 PAGE 87

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

- Order 184-13/14 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. This item was given first reading on March 17, 2014.

Motion was made by Councilor Mavodones and seconded by Councilor Duson for passage. Passage 8-0 (Suslovic out).

- Order 185-13/14 Order Approving 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**
- Sponsored by Mark H. Rees, City Manager. This item was given first reading on March 17, 2014.

Motion was made by Councilor Duson and seconded by Councilor Suslovic for passage. Passage 7-0 (Hinck, Marshall out).

- Order 186-13/14 Order Approving Municipal Agreement between City of Portland and Town of Falmouth Re: Operation & Maintenance of Lighting Related To Martin's Point Bridge and Bicycle/Pedestrian Path**
- Sponsored by Mark H. Rees, City Manager. This item was given first reading on March 17, 2014.

Motion was made by Councilor Mavodones and seconded by Councilor Duson for passage. Passage 8-0 (Marshall out).

- Order 187-13/14 Order Approving Extension of Employment Agreement for City Manager Mark H. Rees – Sponsored by Mayor Michael F. Brennan.**
This item was given first reading on March 17, 2014.

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

IN COUNCIL REGULAR MEETING APRIL 7, 2014 VOL. 129 PAGE 88

Order 188-13/14 Amendment to Portland City Code Re: Exemption of Excise Tax Payments for Deployed Military Personnel – Sponsored by the Finance Committee – Councilor Nicholas M. Mavodones, Jr., Chair. This item was given first reading on March 17, 2014.

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

ORDERS:

Order 199-13/14 Order Approving Lease with Nova Star Cruises Limited Re: Ocean Gateway Facility – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair.

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

Order 200-13/14 Order Authorizing Maine DOT Two-Party Agreement Modification for Traffic Signal Improvements on Congress Street and Skyway Drive - Sponsored by Mark H. Rees, City Manager.

This is its first reading.

AMENDMENTS:

Order 201-13/14 Amendment to Portland City Code Chapter 20. Police, Article IV. Additional Authority Section 20-36 Re: Statewide Arrest Powers – Sponsored by the Public Safety Health & Human Services Committee, Councilor Edward J. Suslovic, Chair.

This is its first reading.

IN COUNCIL REGULAR MEETING APRIL 7, 2014 VOL. 129 PAGE 89

- Order 202-13/14** **Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning, Division 25, - Space and Bulk Regulations and Exceptions, Section 14-433 Re: Allowing Accessory Structures in R-3 and R-5 Zones to be Converted to Dwelling Units without Meeting Setback Requirements – Sponsored by the Planning Board, Stuart O'Brien, Chair.**
This is its first reading.
- Order 203-13/14** **Amendment to City Code Chapter 18 (Parks, Recreation and Public Buildings and Grounds) Re: Dedication and Protection of City Parks – Sponsored by Mayor and City Councilors.**
This is its first reading.
- Order 204-13/14** **Amendment to City Code Chapter 2 (Administration) Article III-A Re: Land Bank Commission Amendments – Sponsored by Mayor and City Councilors.**
This is its first reading.

LICENSE RENEWALS:

- Order 182-13/14** **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. This item was given first reading on March 17, 2014 and was given Public Hearing.**

Motion was made by Councilor Duson and seconded by Councilor Leeman to postpone Order 182 to the May 5, 2014 City Council meeting. To allow the owner of Sangillo's Tavern to work out a management plan with the Police Department. Motion Failed. 4-5(Hinck, Donoghue, Marshall, Suslovic, Brennan).

Motion was made by Councilor Suslovic and seconded by Councilor Donoghue to deny Sangillo's Liquor License. Passage 5-4 (Duson, Mavodones, Coyne, Leeman,).

Motion was made by Councilor Suslovic and seconded by Councilor Donoghue to adjourn. Passage 9-0, 10:25 P.M.

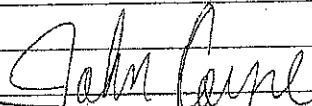
A TRUE COPY.

Katherine L. Jones, City Clerk

Portland City Council
Cumberland, ss.

Dated: April 7, 2014

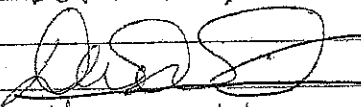
I, John Coyne, Portland City Councilor hereby testify and attest that I have reviewed all city council backup written and submitted materials, as well as the city council minutes from the March 17, 2014 meeting and the recorded testimony of the entire matter before the city council with regard to the liquor license renewal for Sargillo's Tavern at 18 Hampshire Street prior to the city council's April 7, 2014 meeting. I notified Corporation Counsel of this fact via e-mail prior to tonight's April 7, 2014 meeting.


John Coyne,
Portland City Councilor

Dated: April 7, 2014

Personally appeared the above named and made oath that the foregoing statements are true to the best of his own personal knowledge and belief.

Before me,


Attorney at Law

Danielle P. West-Chubla

(ME BAR # 9532)

000214

*Order 219-13/14
Tab 25 4-28-14*

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 CONTRACT WITH THE
ANIMAL REFUGE LEAGUE OF WESTBROOK**

ORDERED, that the attached Agreement with the Animal Refuge League of Westbrook is hereby approved, substantially in the form attached; and

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.

ANIMAL REFUGE LEAGUE KENNEL STATISTICS FOR PORTLAND

INTAKES BETWEEN 01/01/13 AND 12/31/13

	CAT	DOG	KITTEN	OTHER	RABBIT	TOTAL
BORN HERE	5	0	0	0	0	5
CONFISCATE	8	5	0	0	0	13
CREMAT REQ	7	4	0	0	0	11
DISPO REQ	3	0	0	0	0	3
EUTH REQ	4	0	0	7	0	11
FOSTER	133	17	1	0	3	154
LITTERHELP	17	5	0	0	0	22
OWNER SUR	282	60	0	34	23	399
RETURN	23	9	0	1	0	33
STRAY	247	146	1	15	2	411
TRANSFER	10	1	0	0	0	11
WILDLIFE	0	0	0	8	0	8
TOTAL	739	247	2	65	28	1081

AGREEMENT

THIS AGREEMENT made and executed in duplicate this 4th (day) of April (month), 2014, by and between the City of Portland, a municipal corporation with a place of business located in the County of Cumberland, State of Maine (hereinafter "Municipality") and the Animal Refuge League of Greater Portland, a non-profit corporation organized and existing under the laws of the State of Maine, with a principal place of business located at 449 Stroudwater Street, in Westbrook, County of Cumberland, State of Maine, (hereinafter "ARLGP").

WITNESSETH:

WHEREAS, Municipality is required under the laws of the State of Maine to provide shelter at a State licensed animal control shelter (7 M.R.S.A. 3949) for stray and lost dogs, cats, and domesticated animals that are a problem in the community (hereinafter "Animals"); and

WHEREAS, Municipality is required under the laws of the State of Maine to provide services relating to the humane disposition of said Animals in the event they are not claimed by their owners; and

WHEREAS, ARLGP possesses both the expertise and facilities to provide these services;

NOW, THEREFORE, the parties hereby agree as follows:

1. Acceptance of Animals. Provided the ARLGP shelter is not under quarantine as imposed by State humane agent(s), State veterinarian(s), or contract veterinarian(s), ARLGP agrees that it will accept each and every stray, lost and confiscated domestic Animal delivered to it at the ARLGP shelter by a duly authorized Animal Control Officer, Police Officer or citizen of Municipality, provided the Animal was found within the territorial limits of Municipality. Said Animals shall be held for the legal impoundment period, after which the ARLGP will make such disposition as it, in its sole discretion, deems necessary and proper.
2. Delivery of Animals. Provided the ARLGP shelter is not under quarantine, all stray or lost Animals collected by the said Animal Control/Police Officer shall be delivered to ARLGP for the impoundment period provided the Animal Control/Police Officer cannot return the stray or lost Animal to its owner directly.
3. Delivery and Hours of Operation. ARLGP staff are regularly available between 7:00 a.m. and 5:00 p.m. Monday through Friday and between 7:00 a.m. and 4:00 p.m. Saturdays and Sundays. Whenever possible, delivery of said animals should be planned during those hours in order to ensure there is cage/kennel space available. After regular business hours, Animal Control/Police Officer(s) have access to limited temporary kenneling facilities at the ARLGP shelter.
4. Exclusive Rights and Custody. Municipality agrees that all Animals apprehended and seized within the boundaries of the Municipality and delivered to the ARLGP shall be under the exclusive control and custody of the ARLGP. Moreover, Municipality agrees that, so far as it is concerned, the ARLGP shall have the undisputed right, consistent with the laws of the State of Maine, to humanely dispose of every Animal given into its custody in accordance with State laws and the policies and procedures of the ARLGP.
5. Proper Care Required. ARLGP shall comply with animal care standards as required by State law for such Animals while they are in the ARLGP's possession.
6. Rabies Quarantine. The ARLGP shall quarantine on a space available basis for a period of at least ten (10) days, stray dogs and cats in the Municipality which have bitten residents of the

Municipality. Provision for rabies testing, and the costs therein, are the sole responsibility of the Municipality and/or its residents. The ARLGP is not obligated, nor does it have the space, to quarantine privately owned Animals.

7. Fees. For the services provided by the ARLGP, Municipality agrees to pay the ARLGP the total sum of \$87,376.08, which is based on 4 Quarters at the rate of \$1.32 per capita of the Municipality population 66194, from the 2010 Census. All money is payable in advance. Quarterly payments are in the amount of \$21,844.02 each for 4 quarters. The first installment is due on July 1st, 2014 and will be invoiced separately. It is mutually agreed that the fees provided herein may be renegotiated within ten (10) days written notice of either party, said renegotiated fees not to become effective until the annual renewal date, provided said fees are renegotiated not less than thirty (30) days prior to any renewal date.
8. Boarding of Confiscated Animals. The fees noted in Paragraph 7, above, shall cover all boarding for Animals delivered to the ARLGP and held other than those pending court proceedings. It is important to note that in the case of seizures due to cruelty and or neglect, costs and fees for animal care are the municipality's responsibility. The law does provide for the municipality's reimbursement from the animal's owner. ARLGP fee schedules are available upon request.
9. Impoundment Fee Collection and Licensing. The ARLGP agrees that it will require every owner seeking to redeem an impounded Animal to pay the appropriate municipal impoundment fee, plus the cost of board at a rate to be determined by the ARLGP for each day of impoundment from the date of impoundment. Further, the ARLGP will require the owner of every impounded Animal to pay all applicable fees, including veterinary medical and vaccination fees, of an impounded Animal. The ARLGP shall also require proof of licensure prior to releasing a dog into the custody of the owner in accordance with 7 M.R.S.A. 3913(3) (C), as may be amended or will provide owner with a ten (10) day temporary license and forward copies to Municipality.
10. Documentation. The ARLGP agrees to provide to Municipality an annual detailed record of the number of stray or lost Animals seized within the territorial limits of Municipality and received by the ARLGP.
11. Enforcement Activities. Municipality shall be fully responsible for carrying out all enforcement activities required under the laws of the State of Maine and the Ordinances of the Municipality, as may be amended. The ARLGP shall not be required to apprehend or seize any Animals found roaming at large.
12. Donations and Gifts. Any and all donations, contributions, or anything of value given to or received by the ARLGP as a result of any service performed in carrying out the provisions of the Agreement, including but not limited to payments received pursuant to Paragraph 7 above, shall be the exclusive property of the ARLGP, and Municipality shall have no claim or interest therein.
13. Adoption Authority. The ARLGP shall have the sole and exclusive right to determine the responsibility of persons offering to become the owners of unclaimed Animals and the suitability of homes offered, and shall have the sole and exclusive right to accept or reject such applicants for unclaimed Animals.
14. Veterinary Care. As prescribed by 7 M.R.S.A. § 3948, the municipality is responsible for providing proper medical attention to any injured stray companion animal. The ARLGP will not accept any injured stray animal that has not received proper veterinarian medical care. Municipality agrees that it shall obtain appropriate emergency veterinary care for injured Animals prior to delivery to the ARLGP shelter. In the event that Municipality delivers an injured Animal to the ARLGP without first obtaining appropriate emergency veterinary care, the ARLGP, in its

sole discretion, may elect either to refuse acceptance of such Animal or to accept delivery of such Animal and procure the veterinary care it deems necessary or appropriate. Municipality agrees to reimburse the ARLGP for the costs of emergency and required follow up care within ten (10) days from the receipt of an invoice.

At no time will the municipality drop off any injured stray companion animal to the ARLGP during closed hours unless prior arrangements have been made with an ARLGP representative.

15. Animal Control Officers. Municipality agrees that it shall notify the ARLGP, in writing, of the identities of all of its duly authorized Animal Control Officers. Municipality agrees that it will provide each Animal Control Officer with a copy of the animal control laws of the State of Maine contained in the booklet published by the Maine Animal Welfare Board, the sections of the Municipality's Codes or Ordinances which are pertinent to the performance of their duties, and the terms of this Agreement. Animal Control Officers must also be certified as required by Title 7 M.R.S.A. 3947.
16. Independent Capacity. The ARLGP, its officers, employees, agents and volunteers shall act in an independent capacity during the term of this Agreement and shall not act or hold themselves out as officers, employees, agents or volunteers of Municipality. Municipality, its employees, agents and representatives shall act in an independent capacity during the term of this Agreement and shall not act or hold themselves out as officers, employees, agents or volunteers of the ARLGP. Nothing in this Agreement shall be deemed by either party or by any third party as creating a joint venture or partnership between the ARLGP and Municipality.
17. Indemnity. The ARLGP shall, at its own expense, defend, indemnify and save Municipality harmless from and as to all demands, claims, causes of action or judgments as the extent that some loss or claim results from the error, omission, negligence or fault of the ARLGP, its officers, employees or agents.
18. Compliance. The ARLGP agrees to comply with applicable federal and state laws and regulations in the performance of this Agreement.
19. Assignment. This Agreement shall not be assigned by either party without the prior written approval of the other party.
20. Other Services. The ARLGP offers to provide the following services to Municipality at no additional cost to Municipality:
 - a. Cremation Services: The ARLGP will accept for cremation stray or lost Animals, dead on arrival, from animal control officers, or duly authorized law enforcement personnel.
 - b. Telephone Services: To avoid confusion, the ARLGP will take all telephone inquiries regarding reclaiming an Animal and adopting an Animal. Under special circumstances involving suspected abuse or neglect, the Animal Control/Police Officer(s) may request that they be contacted prior to an Animal being reclaimed by its owner.
 - c. Lost and Found Pet Services: ARLGP staff will take lost and found reports to facilitate the return of pets to their owners.
 - d. Education Services: ARLGP staff and volunteers will be available for conducting education programs upon request to any interested community group or organization, including schools, grades K through 12.
21. Term. The term of this Agreement shall be from July 1, 2014, to June 30, 2015.

22. End of Term. At or before the end of the term of this Agreement, the parties shall negotiate the terms and conditions of either an extension of this Agreement or a new Agreement. As long as Municipality is negotiating in good faith, the ARLGP agrees to continue to receive and care for stray and lost Animals pursuant to the terms and conditions of this Agreement as may be in effect at the end of the term. Provided, however, that such obligation shall not exceed three (3) months and that Municipality continues to make quarterly payments as were in effect at the end of the term.
23. Complete Agreement. This Agreement represents the entire agreement between the parties and no oral or prior written matter shall have any force or effect. No amendment shall be effective without prior express written approval signed by both parties hereto. Neither party shall be bound by any conditions not expressly stated in this Agreement.
24. Binding. This Agreement is binding upon, and shall inure to the benefit of the heirs, assigns and successors in interest of the parties hereto.
25. Severability. If any provisions of this Agreement shall be adjudged to be invalid or unenforceable by final judgment of a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity of the Agreement and the remaining provisions of the Agreement shall be construed as if not containing such provision and, thereafter, the rights and obligation of the parties shall be construed and enforced under the remaining provisions of the Agreement.
26. Governing Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Maine.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed on their behalf, in duplicate counterparts, as of the date first above written.

CITY OF PORTLAND

By: _____

Witness: _____

Printed Name: Mark H. Lewis

Printed Name: _____

Its: City Manager

APPROVED AS TO FORM:

CORPORATION COUNSEL'S OFFICE

ANIMAL REFUGE LEAGUE OF GREATER PORTLAND

By: Patsy Murphy

Witness: Joanne Majka

Printed name: Patsy Murphy

Printed Name: Joanne Majka

Its: Executive Director

[Signature]
Finance Director
City of Portland, Maine

Order 220-13/14
Tab 26 4-28-14

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

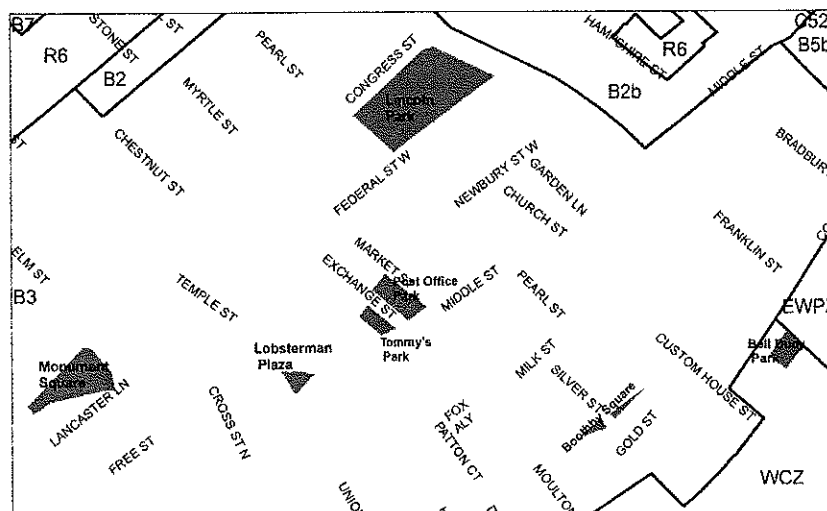
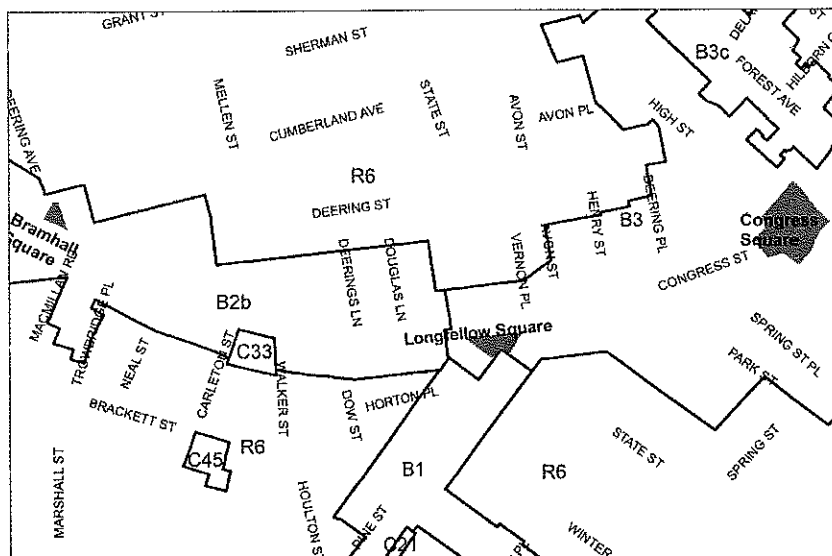
**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**AMENDMENT TO ZONING MAP
RE: BRAMHALL, BOOTHBY, CONGRESS, LONGFELLOW, AND MONUMENT
SQUARES; LOBSTERMAN PLAZA; AND LINCOLN, TOMMYS', POST OFFICE, AND
BELL BUOY PARKS**

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

That the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49, be and hereby is amended by adopting the following map change amendment as depicted in the two area maps below; and specifically adding Bramhall, Boothby, Congress, Longfellow, and Monument Squares; Lobsterman Plaza; and Lincoln, Tommys', Post Office, and Bell Buoy Parks (identified in green on the maps) as Recreation and Open Space.



MEMORANDUM
City Council Agenda Item

TO: Mayor Brennan and Portland City Council

FROM: Alexander Jaegerman, Planning Division Director

DATE: April 11, 2014

DISTRIBUTION: Mark Rees, City Manager, Mayor Brennan, Danielle West- Chuhta, Corporation Counsel, Sonia Bean, Nancy English

SUBJECT: Zoning Map Amendments to Recreation and Open Space Zone for Bramhall, Boothby, Congress, Longfellow, and Monument Squares; Lobsterman Plaza; and Lincoln, Tommys', Post Office, and Bell Buoy Parks and Text Amendments to the Land Use Code, Division 8.5. R-OS Recreation and Open Space Zone

SPONSOR: Stuart O'Brien, Chair, Planning Board

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading: April 28, 2014 **Final Action:** May 5, 2014

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

PRESENTATION: Stuart O'Brien will make a five minute oral presentation on the Planning Board's recommendation. Alexander Jaegerman will be available to answer questions.

I. SUMMARY OF ISSUE (Agenda Description)

On March 17, 2014, the City Council unanimously voted (8-0, Coyne absent) to request that the Planning Board review and prepare a recommendation on rezoning Portland's Urban Squares from the current underlying zoning to the Recreation Open Space (ROS) zone.

The Planning Board held a workshop on the zoning map revisions and text amendments to the Recreation and Open Space (ROS) Zone on March 25, 2014 and held a public hearing on the proposed amendments on April 8, 2014. The Planning Board voted (5-1, O'Brien opposed, Boepple absent) to recommend to City Council the adoption of the proposed map amendments to rezone Bramhall, Boothby, Congress, Longfellow, and Monument Squares; Lobsterman Plaza; and Lincoln, Tommys', Post Office, and Bell Buoy Parks to the Recreation and Open Space. The Planning Board voted (5-1, O'Brien opposed, Boepple absent) to recommend the proposed text amendments to the Land Use Code, Division 8.5. R-OS Recreation and Open Space Zone, which revise the purpose statement, dimensional requirements and development standards.

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

The Council Request form for the March 17, 2014 City Council meeting states that the Council is seeking the Planning Board's recommendation for "...rezoning urban squares (for example,

Longfellow Square, Congress Square, Monument Square or Boothby Square,) to Recreation Open Space ("ROS"). The City Council requested that the Planning Board complete its review prior to April 14, 2014.

III. INTENDED RESULT

As stated in the Council Request form (dated March 11, from Danielle West-Chuhta), the intended result of rezoning of urban squares to ROS is to ensure that the zoning of urban squares is appropriately aligned with their current uses and the City's zoning ordinance. The Planning Board has recommended the rezoning of 10 urban open spaces on the peninsula in order to support those areas as public open spaces. The Planning Board also recommends revisions to the ROS zoning text, which allow smaller scaled public open spaces to be included in the zone and incorporates development standards for public open spaces on the peninsula.

IV. COUNCIL GOAL ADDRESSED

The proposed zoning map and text amendments addresses the City goal to Advance an environmental program that safeguards our natural resources, promotes a healthy lifestyle and supports a sustainable economy.

V. FINANCIAL IMPACT

There is no financial impact.

VI. ANALYSIS

Green Spaces, Blue Edges, the City's most recent open space plan, calls for an integrated system that serves all residents throughout the city and includes implementation recommendations for physical improvements for the urban parks and plazas. Downtown Vision, the City's plan for the future of downtown Portland, addressed the range of urban open spaces that provide both passive and active recreation opportunities and the importance of the pedestrian links in the system for an integrated park system throughout Portland. The open spaces are defined as urban parks, plazas, pocket parks, and linear parks. All of the sites recommended to be rezoned are included within the recommendations for open space in Downtown Vision and the sites are all owned by the City of Portland. The proposed text amendments to the Recreation and Open Space zone eliminate the 2 acre minimum lot size, so the provisions of the zone are applicable to the smaller public open spaces located throughout the city and the purpose statement is revised to reflect the open space goal contained in Downtown Vision. The Planning Board found the proposed changes to be consistent with the Comprehensive Plan and that it is good land use policy to include the urban open spaces in the ROS zone for the city's stewardship. Stuart O'Brien voted against the proposed motions based upon his statement that he suggests a more comprehensive analysis of all of the City's open spaces is required before recommending zoning map and text amendments.

VII. PLANNING BOARD RECOMMENDATIONS

On April 8, 2014, the Planning Board voted (5-1, O'Brien opposed, Boepple absent) that the proposed map amendments to rezone Bramhall, Boothby, Congress, Longfellow, and Monument Squares; Lobsterman Plaza; and Lincoln, Tommys', Post Office, and Bell Buoy Parks to the

Recreation and Open Space zone are consistent with the Comprehensive Plan and recommends their adoption to the City Council.

On April 8, 2014, the Planning Board voted (5-1, O'Brien opposed, Boepple absent) that the proposed text amendments to the Land Use Code, Division 8.5. R-OS Recreation and Open Space Zone with the addition of the term public in 1,2 and 5 of the purpose statement are consistent with the Comprehensive Plan and recommends their adoption to the City Council.

VIII. LIST ATTACHMENTS

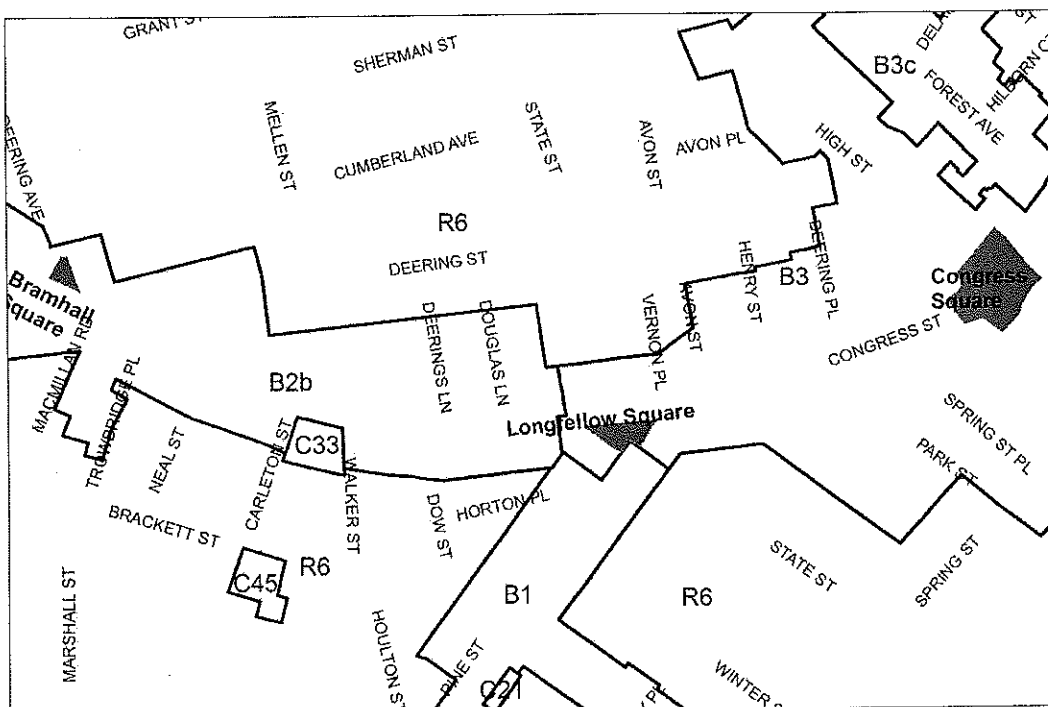
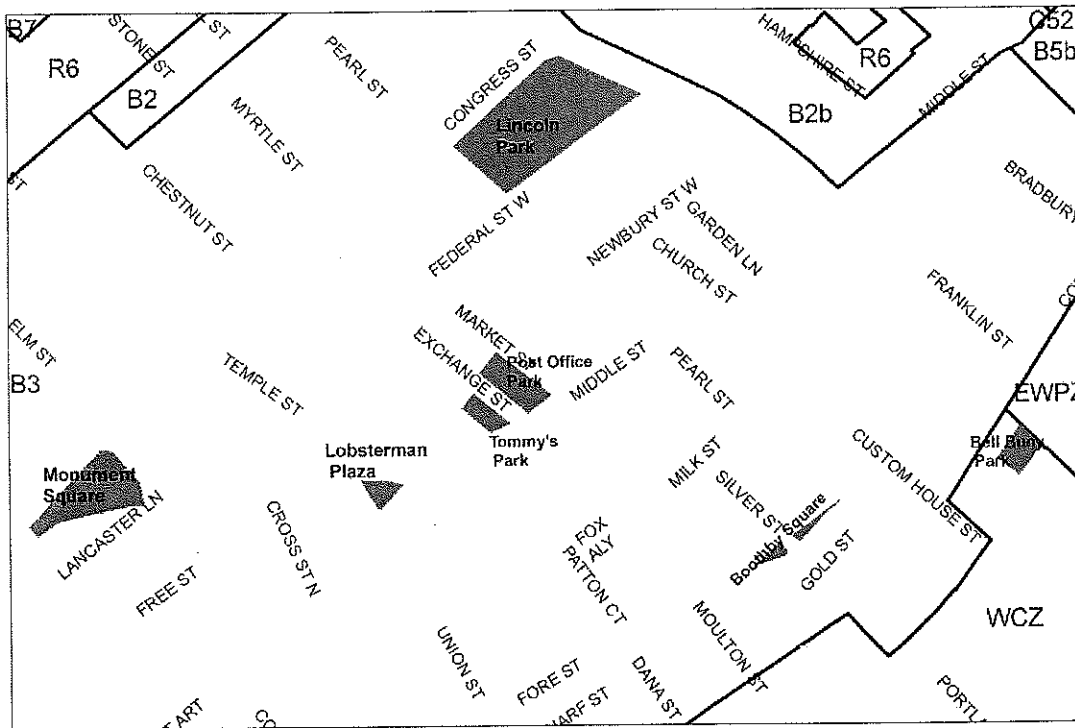
1. Planning Board Report to City Council

Prepared by:

Signature

Date

Zoning Map Amendments to Recreation and Open Space Zone for Bramhall, Boothby,
Congress, Longfellow, and Monument Squares; Lobsterman Plaza; and Lincoln, Tommys', Post
Office, and Bell Buoy Parks
Portland Maine





PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE

Rezoning of Portland's Urban Squares
Zoning Map Amendments to Recreation and Open Space Zone for Bramhall, Boothby,
Congress, Longfellow, and Monument Squares; Lobsterman Plaza; and Lincoln, Tommys',
Post Office, and Bell Buoy Parks
and

Text Amendments to the Recreation and Open Space Zone
City of Portland, Applicant

Submitted to: Portland City Council Submitted by: Portland Planning Board	Prepared by: Barbara Barhydt, Development Review Services Manager Date: April 11, 2014
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I. INTRODUCTION

On March 17, 2014, the City Council unanimously voted (8-0, Coyne absent) to request that the Planning Board review and prepare a recommendation on rezoning Portland's Urban Squares from the current underlying zoning to the Recreation Open Space (ROS) zone. The Council Request form states that the Council is seeking the Planning Board's recommendation for "...rezoning urban squares (for example, Longfellow Square, Congress Square, Monument Square or Boothby Square,) to Recreation Open Space ("ROS")". The City Council requested that the Planning Board complete its review prior to April 14, 2014.

The Planning Board held a workshop on the zoning map revisions and text amendments to the Recreation and Open Space Zone on March 25, 2014 and held a public hearing on the proposed amendments on April 8, 2014. The Planning Board voted (5-1, O'Brien opposed, Boepple absent) to recommend to City Council the adoption of the proposed map amendments to rezone Bramhall, Boothby, Congress, Longfellow, and Monument Squares; Lobsterman Plaza; and Lincoln, Tommys', Post Office, and Bell Buoy Parks to the Recreation and Open Space. The Planning Board voted (5-1, O'Brien opposed, Boepple absent) to recommend the proposed text amendments to the Land Use Code, Division 8.5. R-OS Recreation and Open Space Zone, which revise the purpose statement, dimensional requirements and development standards. Stuart O'Brien voted against the proposed motions based upon his statement that he suggests a more comprehensive analysis of all of the City's open spaces is required before recommending zoning map and text amendments.

A total of 665 notices were sent to property owners within 500 feet of the urban squares and the legal ad appeared in the Portland Press Herald on March 17 and 18, which provided notice for the workshop and the public hearing. Notices will be sent for the City Council public hearing.

II. RECREATION AND OPEN SPACE (ROS) MAP AMENDMENTS

Green Spaces, Blue Edges includes urban open spaces in its inventory of public lands (refer to section IV, Comprehensive Plan Analysis of this report). In general, the policy

recommendations of the plan focus on the larger parks and facilities in the overall system and highlight the natural environment and environmental qualities of the City's open spaces. The plan does call for an integrated system that serves all residents throughout the city and includes implementation recommendations for physical improvements for the urban parks and plazas.

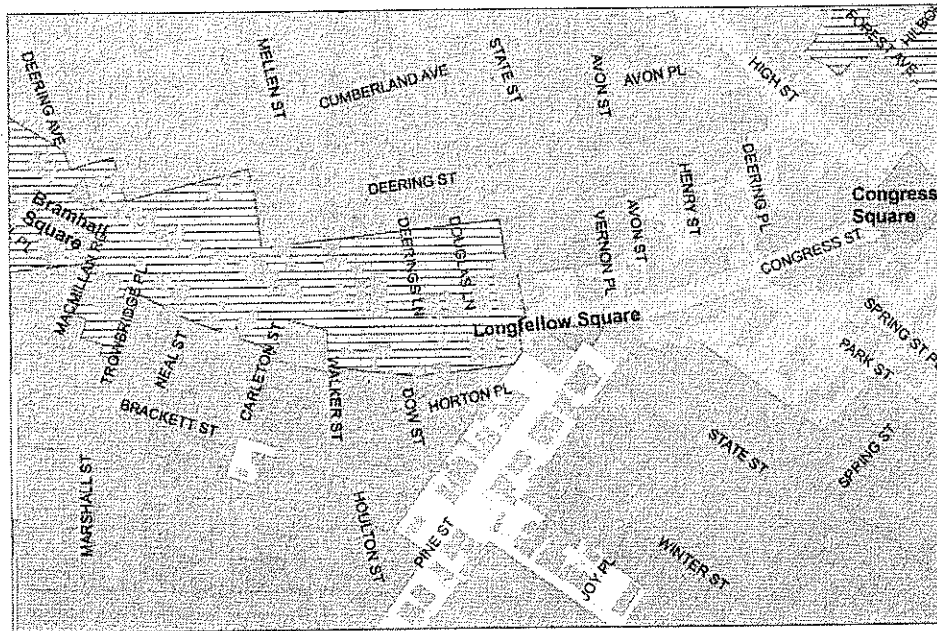
Downtown Vision addressed the range of urban open spaces that provide both passive and active recreation opportunities and the importance of the pedestrian links in the system for an integrated park system throughout Portland (refer to Section IV, Comprehensive Plan Analysis of this report). The open spaces are defined as urban parks, plazas, pocket parks, and linear parks. All of the sites recommended to be rezoned are included within the recommendations for open space in Downtown Vision and the sites are all owned by the City of Portland.

The City Council requested that the Planning Board provide a recommendation on "...rezoning urban squares (for example, Longfellow Square, Congress Square, Monument Square or Boothby Square,) to Recreation Open Space ("ROS"). The Planning Staff developed a list of ten parks and plazas on the peninsula in coordination with Department of Public Services and Corporation Counsel's office based upon a list of parks presented at the Council meeting (Attachment 1). The chart below includes the list of ten public open spaces considered for rezoning, the current zoning classifications, and whether the site has a historic designation or is within a historic district, if applicable.

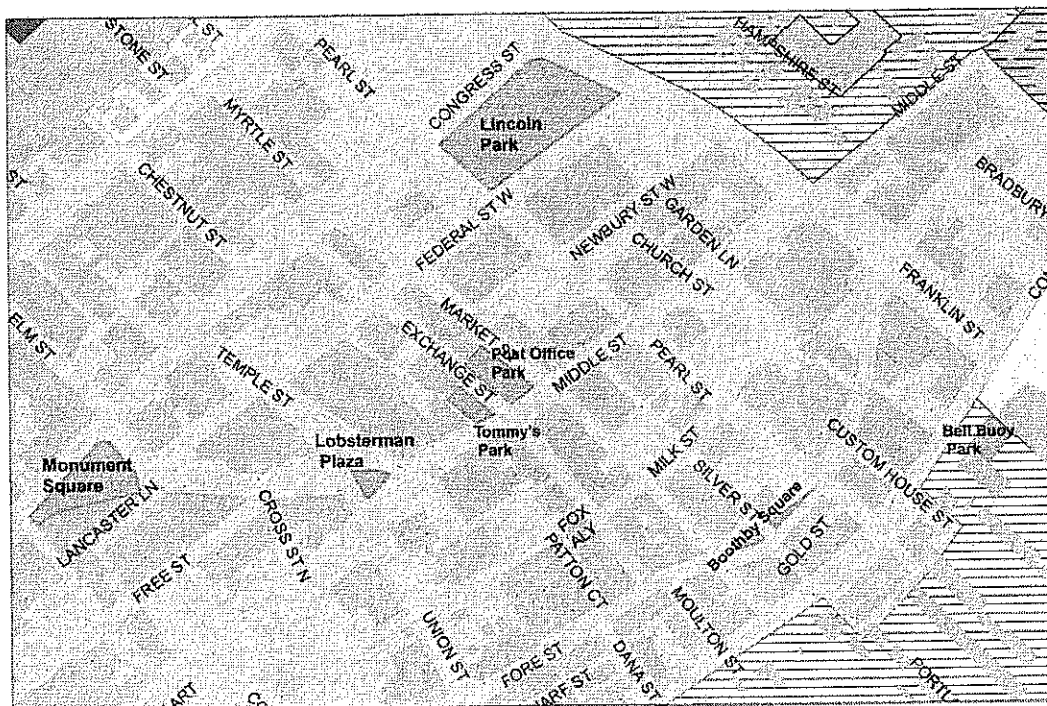
Name of Open Space	Current Zone Classification	Historic District/Landscape
Bell Buoy Park	Waterfront Central Zone	NA
Boothby Square	Downtown Business B-3	Waterfront Historic District
Bramhall Square	Community Business B-2b	Congress Street Historic District
Longfellow Square	Downtown Business B-3	Congress Street Historic District
Congress Square	Downtown Business B-3	Congress Street Historic District
Lincoln Park	Downtown Business B-3	Individually Designated Historic Landscape and within Congress Street Historic District
Lobsterman's Park	Downtown Business B-3	NA
Post Office Park	Downtown Business B-3	Waterfront Historic District
Tommy's Park	Downtown Business B-3	Waterfront Historic District
Monument Square	Downtown Business B-3	Individually Designated and within Congress Street Historic District

Andrews Square on Pine Street is excluded from the list as it is at the tip of the intersection in front of a school converted to housing. There is insufficient land area to define an area for rezoning, but it is within an historic district. As noted at the Planning Board workshop and public hearing, the focus of the proposed zoning amendments is on the public urban squares and small parks located on the peninsula. There are small parks off the peninsula, which were not included in this proposal. The City Council is evaluating open spaces throughout the City. It is anticipated the Council will be seeking the Planning Board's recommendations on zoning designations for public open spaces off-peninsula, including those properties held or overseen by the Land Bank and Parks Commission.

Following are two vicinity maps that show the proposed map amendments for the peninsula. The majority of the public open spaces are along or near the Congress Street corridor with the other sites in the Old Port area. Individual maps for the proposed map amendments follow the vicinity maps.



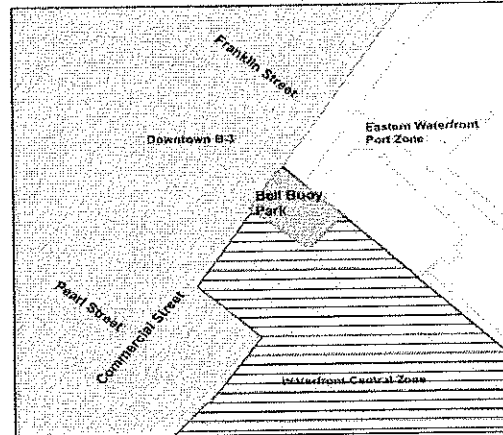
Bramhall, Longfellow and Congress Squares along Congress Street



Monument Square, Lobsterman Plaza, Lincoln Park, Tommy's Park, Post Office Park, Boothby Square and Bell Buoy Park.

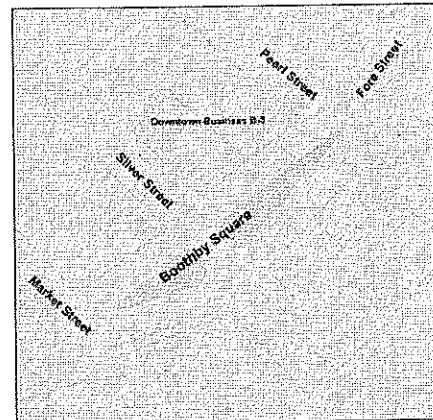
Proposed Individual Map Amendments

1. *Bell Buoy Park: Currently zoned Waterfront Central Zone (WCZ)*



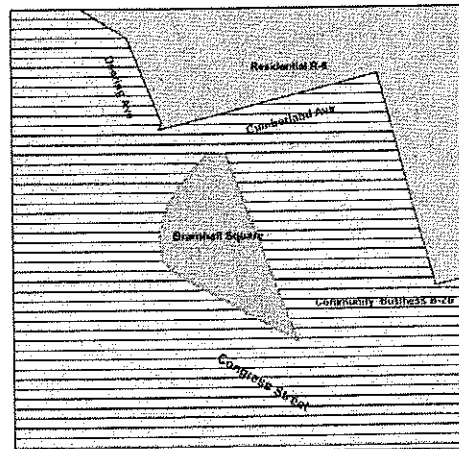
Proposed Map Amendment to
Bell Buoy Park
Rezone from Waterfront Central Zone (WCZ)
to Recreation Open Space (ROS)

2. *Boothby Square – Currently zoned Downtown Business Zone (B-3)*



Proposed Map Amendments to
Boothby Square
Rezone from Downtown Business B-3 to
Recreation Open Space (ROS)

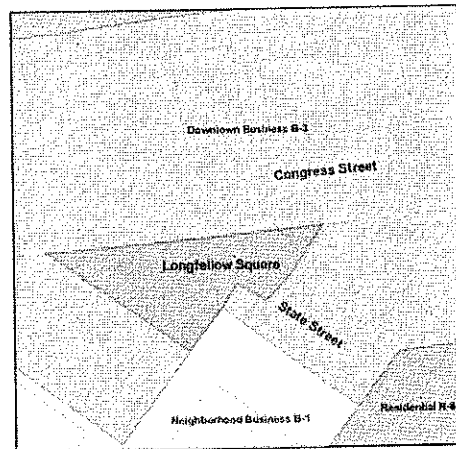
3. *Bramhall Square: Currently zoned Community Business Zone (B-2b)*



Proposed Map Amendment
Bramhall Square
Rezone from Community Business B-2b
to Recreation Open Space (ROS)

4. *Longfellow Square: Currently zoned Downtown Business Zone (B-3)*

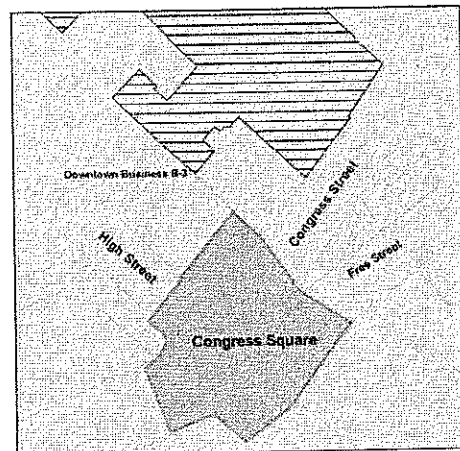
Please note that the Longfellow Square proposal includes areas on both sides of State Street..



Proposed Map Amendment
Longfellow Square
Rezoned from Downtown Business (B-3)

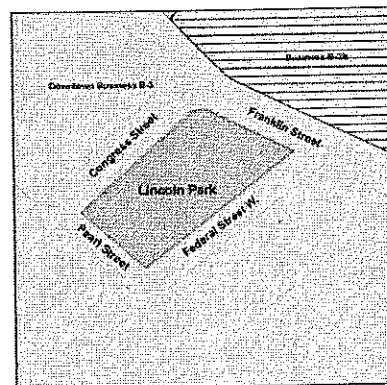
5. *Congress Square: Currently zoned Downtown Business Zone (B-3)*

Please note that the Congress Square proposal includes areas on both sides of the converging streets. The Congress Square proposal incorporates 40 feet of plaza area along Congress Street, but it does not incorporate the area that is part of the purchase and sale agreement with Rockbridge.



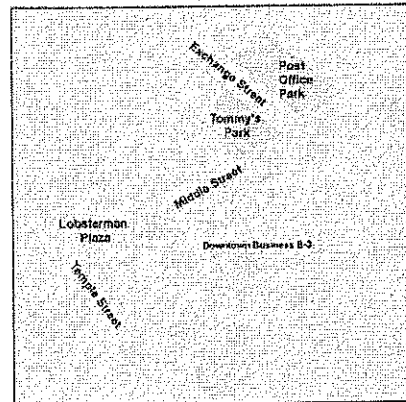
Proposed Map Amendment
Congress Square
Rezoned from Downtown Business (B-3)
to Recreation Open Space (ROS)

6. *Lincoln Park: Currently zoned Downtown Business Zone (B-3)*



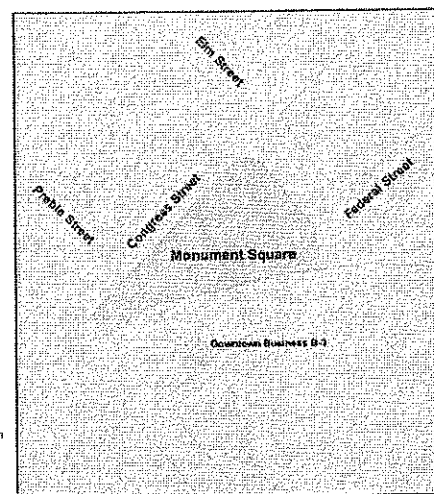
Proposed Map Amendment
Lincoln Park
Rezoned from Downtown Business (B-3)
to Recreation Open Space (ROS)

7. 8. And 9. Lobsterman's Park, Tommy's Park and Post Office Park; Currently zoned Downtown Business Zone (B-3)



Proposed Map Amendments to Lobsterman's Park, Tommy's Park and Post Office Park
Rezone from Downtown Business B-3 to Recreation Open Space (ROS)

10. Monument Square: Currently zoned Downtown Business Zone (B-3)



Proposed Map Amendments to Monument Square
Rezone from Downtown Business B-3 to Recreation Open Space (ROS)

III. RECREATION AND OPEN SPACE ZONE: TEXT AMENDMENTS

The proposed amendments to Division 8.5 R-OS Recreation and Open Space are summarized below and the complete text with proposed amendments is included as Attachment 3.

1. Purpose Statement:

- a. The purpose section of the ROS zone (Sec. 14-153) currently has four purpose statements. A fifth statement is proposed, which is based upon one of the Open Space Goals from the Downtown Vision plan (refer to Comprehensive Plan below). In Downtown Vision the overarching term used is open space, which is then articulated as urban parks, plazas and pocket parks (refer to Section IV, Comprehensive Plan). At the public hearing, the Planning Board recommended that the term "public" be inserted in paragraphs 1, 2 and 5 to

clarify the purpose statement and which is consistent with the Comprehensive Plan terminology. The revised purpose section is as follows:

Sec. 14-153. Purpose.

(a) The purpose of this division is:

1. To preserve and protect public open space as a limited and valuable resource;
2. To permit the reasonable use of public open space, while simultaneously preserving and protecting its inherent open space characteristics to assure its continued availability for public use as scenic, recreation, and conservation or natural resource area, and for the containment and structuring of urban development;
3. To coordinate with and carry out federal, state, regional, and city recreation and open space plans; ~~and~~
4. To provide a suitable location for large-scale regional sports and athletic facilities; ~~and~~
5. To develop a public open space system throughout the Downtown which provides the highest quality parks, plazas, and pedestrian environment.

- b. The ROS purpose statement also provides guidance on potential sites suitable for the ROS zone, which specifically identifies parcels over 2 acres. The proposal is to eliminate the 2 acre minimum, so that the ROS could apply to smaller parks throughout the City. This is consistent with recommendations for public improvements contained within Green Space, Blue Edges, and supports the Downtown Vision goal for an integrated open space system, including the full range of urban open spaces.

(b) The recreation open space zone may include ~~major~~ parcels ~~(over two (2) acres)~~ of public property, and private property legally restricted from intensive use or development through deed, covenant, or otherwise.

2. Permitted Uses:

The permitted uses of the ROS zone are listed under Section 14-154. Examples of the uses include municipal parks, public open spaces, picnic areas, playgrounds and play lots; cemeteries; arboretums, golf courses, excluding miniature golf; boat landings, beaches and marinas for public use; and etc (refer to Attachment 3). The current list of permitted uses does not include events, markets, festivals etc., and these events have been permitted in public open spaces throughout the city under the City's licensing procedures. A new permitted use category is proposed as follows:

(g) Events, activities, and uses licensed by the city, including but not limited to markets, festivals, café seating, concerts, and other gatherings.

3. Space and Bulk Requirements:

There are two proposed amendments to the space and bulk requirements of the ROS zone. The first revision is to exempt public open spaces that are less than 2 acres and that are located on the peninsula from the space and bulk requirements. The proposed language focuses the exemption on the peninsula where open space in the urban center are intensively developed. The proposed language does extend this exemption for off-peninsula locations, which may be more sensitive to development due to environmental conditions or neighborhood context.

The second revision is to eliminate the 2 acre minimum lot size. All other requirements remain the same. The two revisions to Section 14-157 Space and bulk requirements are as follows (refer to Attachment 5 for complete text):

Revision 1

No building or structure of a permanent nature shall be erected, altered, enlarged, rebuilt, or used unless it meets the following requirements except that public open spaces that are less than 2 acres and are on the peninsula are not required to meet the following space and bulk requirements:

Revision 2

~~(d) Minimum lot size: Two (2) acres, except that sewage treatment facilities are not required to meet this standard.~~

4. Development standards for recreation and open space zone.

The development standards for the Recreation and Open Space zone contain development standards to be met and the requirement that the proposals, "... will be reviewed by the Planning Board in conjunction with the site plan review." Currently, the development standards and Planning Board review would apply to parks with 2 acres or more of land area. In 2010, the site plan ordinance was updated and included revised thresholds for development, including provisions for park improvements.

An administrative review of a Level II site plan is required for the following park improvements:

Park improvements consisting of new structures or buildings of less than 10,000 square feet and/or facilities encompassing an area of greater than 7,500 square feet and less than 20,000 square feet, excluding the rehabilitation or replacement in kind of existing facilities.

A Planning Board review of a Level III site plan is required for the following park improvements:

Park improvements consisting of new structures greater than 10,000 square feet and /or facilities encompassing an area of 20,000 square feet or greater, excluding the rehabilitation or replacement of existing facilities. Any park improvements including the provision of new nighttime outdoor lighting or sports, athletic or recreation facilities not previously illuminated.

The Planning Board is recommending that the amendments eliminate the reference to the Planning Board review and cross reference the site plan ordinance, as applicable.

Based upon a review of the Comprehensive Plan, the Planning Board is recommending that the development standards include language that addresses the design objectives for urban open spaces and consistency with adopted city policies and master plans. The proposed amendments are as follows:

Sec. 14-158. Development standards for recreation and open space zone.

All development in the recreation and open space zone shall comply with the following development standards, ~~which shall be reviewed by the Planning Board in conjunction with and shall be reviewed under the site plan ordinance review, as applicable:~~

- (a) All ground areas not used for parking, loading, vehicular or pedestrian areas and not left in their natural state shall be suitably landscaped and designed with quality materials that are consistent with adopted city policy or master plans, and which provide a comfortable, durable, accessible, readily maintainable, and aesthetically pleasing environment.

IV. COMPREHENSIVE PLAN POLICIES

The proposed zoning map amendments and the text amendments were presented At the Planning Board March 25, 2014 workshop. The Board sought more information about the Recreation and Open Space Zone, a definition of urban squares or urban open spaces, and clarity on the term quality materials. Green Spaces, Blue Edges and Downtown Vision are the two comprehensive plan documents relevant to the proposed zoning amendments are summarized below.

A. Green Spaces, Blue Edges

Green Spaces/Blue Edges was first prepared in 1994 and updated in 2002. In the inventory of open space, the plan include cemeteries, the golf course, open space (Fore River Sanctuary and adjoining environmentally sensitive lands), parks, playgrounds, sports center, squares, and schools. The squares listed include Longfellow Square, Congress Square, Monument Square, Boothby Square, Caldwell Square and Andrews Square. There are a number of parks listed on the peninsula, including Lincoln Park, Bramhall Park, Lobsterman Park, Tommy's Park and Post Office Park.

The three Guiding Principles of the Green Spaces, Blue Edges plan address neighborhoods, park management and the interconnected system. The guiding principles and relevant policies are excerpted below:

- Neighborhoods form the foundation of Green Spaces, Blue Edges. The plan exists to serve the health and enjoyment of neighborhood residents.
 - Neighborhoods should have open space focal points.
 - Recreation opportunities should be available for all ages and genders.
 - Neighborhood open space should be within walking distance.
 - Portland residents appreciate their park system.

- Parks and open spaces must be cared for under a sound management system driven by both environmental and human needs. (3 of 7 policies listed below)
 - Appropriate resources must be available for maintenance. The report advocated an increase in operating budget resources for park and facility maintenance.
 - Long-term open space and recreation needs must be defined to insure an adequate share of the ten-year capital improvement budget.
 - Public and private partnerships should be fostered to increase available resources and bolster stewardship of Portland's parks.
- The City and regional parks, open space, recreation and natural features comprise an environmental whole physically connected and interdependent.
 - Green Space, Blue Edges supported a greenbelt of linkage concept for the City's entire park system as a desirable and efficient way to organize and improve the park system.
 - Protection of natural resources as open space has an inherent value to the community beyond its aesthetic or recreation role.

One of the Goals of the Green Space, Blue Edges is as follows:

- Provide a wide range of recreation and open space opportunities to address the athletic, recreation, leisure, ecological, and scenic needs of Portland's diverse population.

Staff Comment: In general Green Spaces, Blue Edges addresses the natural environment, athletic facilities and the full range of recreational opportunities for Portland. It also seeks to support an interconnected system throughout the city. Urban open spaces are not defined nor have specific policy recommendations in the plan; however the public open spaces located on the peninsula are included in the inventory and recommendations for physical improvements to these open spaces are listed in the implementation section. While the policies do not define quality materials, the management policies address the need for adequate resources from multiple sources to support the long-term maintenance of park facilities.

B. Downtown Vision

Downtown Vision was adopted as part of the Comprehensive Plan in 1991. The plan addresses urban spaces in the chapter titled Open Space and Pedestrian Environment (chapter included as attachment 2). It defines a full range of existing open spaces in the Downtown including urban parks, plazas, pocket parks, entry plazas, gardens, and linear parks. Examples include Lincoln Park as an urban park; Monument and Congress Squares as plazas; and Tommy's Park as a pocket park. Downtown Vision also defines interior spaces such as atriums and through-block connections within buildings, as open spaces that promote pedestrian connections. The definitions are as follows:

1. Urban Park: Urban parks are large, predominantly natural, park-like gathering places in or near the Downtown, such as Lincoln Park and Deering Oaks Park.
2. Plaza: Plazas provide an opening in the dense urban fabric, functioning as an outdoor room where people gather to enjoy the quality of the space and to watch other people. Examples Downtown include Monument and Congress Squares and City Hall Plaza.

3. Pocket Park. Pocket parks are smaller open spaces generally framed by buildings and often the result of making creative use of space which remained following the demolition of another structure. Tommy's Park is such a pocket park.
4. Entry Plaza. Entry plazas are open spaces which generally emphasize entry circulation to a building, sometimes with or without landscaping or seating, such as the entrances to the Casco Bank Building and Maine Savings Plaza.
5. Garden. Gardens are intimate, sheltered landscaped areas intended for quiet recreational pursuits such as reading, chess, and brown-bagging by individuals and small groups. An example is the Longfellow House Garden.
6. Interior Atrium. Interior atriums can be dramatic interior open spaces which provide sheltered access to shopping and dining activity during inclement weather, as well as convenient through block passage. Examples include Once City Center.
7. Through-block Connection. Through-block connections facilitate the convenient movement of pedestrians by shortening walking distances between streets. These connections can be extremely valuable during winter months when the pedestrian wishes to minimize exposure to cold or inclement weather. These can be formal and provide access to multiple retail or service business, such as One Monument Way, or for the familiar Downtown pedestrian can be less formal and include passing through businesses which have entrances on two streets...
8. Linear Park. Linear Parks are open spaces which tend to follow an extended linear path either linking specific areas or serving as access to a series of amenities. Examples include the shoreway access route being extended along the central waterfront providing immediate access to a variety of harbor views and activities, the potential connections along abandoned rail lines in both the India Street and Bayside areas, and the Franklin Street Arterial which offers similar open space connection opportunities.
9. Pedestrian Sidewalk Linkages. Perhaps the most common of open spaces, sidewalks along public streets throughout the Downtown are vital open space connections linking other open spaces and various Downtown activities. These connections are also the critical lines of movement between the Downtown and its surrounding neighborhoods. Certain streets, because of the volume of pedestrian activity and because of adjacent cultural facilities, a concentration of businesses, other major open spaces, or important visitor attractions, have been identified as primary pedestrian linkages. Policies regarding ground-floor pedestrian uses, protection of view corridors affecting these linkages, and high levels of pedestrian amenity along these routes are put forward in this Downtown Vision. Examples of these linkages are Congress and Exchange Streets.

The chapter called Open Space and Pedestrian Environment in Downtown Vision includes the following two open space goals:

2. Encourage excellence in urban design and sensitivity to pedestrian scale and interest throughout the Downtown in the construction, renovation, and rehabilitation of streets, pedestrian ways, and open space.
3. Develop an open space system throughout the Downtown which provides the highest quality parks, plazas, and pedestrian environment. Pedestrian

improvements and amenities should utilize the best materials and be carefully-designed to provide a comfortable, durable, accessible, readily maintainable, and aesthetically-pleasing environment.

Downtown Vision also includes a chapter titled “A Design Framework For Downtown”, which forms the basis for the B-3 Design Standards. Under the section “A Design Framework for Future Growth, the following subsection provides guidance on the type and quality of materials for open space and the pedestrian environment.

Designing for the Public Realm: Creating a Rich Urban Fabric

d. Sidewalks, open spaces and pedestrian amenities: New development and City investments should contribute to the quality of the urban streetscape. Brick sidewalks, or a combination of brick with granite or concrete sections are the standard for Downtown. Ornamental pedestrian lighting should be introduced throughout the downtown, with a thematic pedestrian lighting fixture to provide a sense of security, elegance, and vitality into the evening hours. A limited number of lighting standards should be established to provide continuity and identity for gradual distribution throughout the Downtown. Attractive street furniture including benches, bollards, planters and trash receptacles should be installed and maintained. The cylindrical trash receptacle has proved to be an acceptable standard, with the recently introduced “Ironsite” fixture a desirable option where resources permit. Street trees with guards and grates are a valuable contribution to the sidewalk environment. Plazas and pocket parks should be integrated within larger scale development. The location and design of such spaces should promote public use and tie into the Downtown open space network. Care should be taken not to disrupt significant streetwalls with plazas, where continuity of sidewalk, possibly widened, is more appropriate.

The goal from urban design chapter reflects the wording in the open space chapter:

- Develop an open space system throughout the Downtown which provides the highest quality parks, plazas, and pedestrian environment. Pedestrian improvements and amenities should utilize the best materials and be carefully designed to provide a comfortable, durable, accessible and aesthetically pleasing environment. Buildings fronting on pedestrian open space should be of high quality materials, of significant detail and interest to enhance the walking environment, and readily accessible from the pedestrian way.

Staff Comment: Downtown Vision defines the public open spaces on the peninsula and identifies the pedestrian network as components of Portland’s interconnected open space system, as referred to in Green Spaces, Blue Edges. The squares, plazas, and parks proposed for the map amendments to Recreation and Open Space (ROS) are the squares and urban open spaces listed in both plans, Downtown Vision and Green Spaces, Blue Edges.

The term quality material is used in the Open Space policies and the Urban Design chapter of Downtown Vision. The chapters state the improvements should be designed to provide a comfortable, durable, accessible and aesthetically pleasing environment. Since the adoption of Downtown Vision, Portland has adopted policies, master plans and the Congress Street Historic District, which address quality design for the Downtown. For example, the sidewalk material policy adopted by City Council specifies brick sidewalks on the peninsula and the

Technical Manual identifies the type of street light fixtures required in Downtown neighborhoods. There are master plans for Spring Street and Congress Street that articulate streetscape improvements and the recent Rapid Bus Corridor study guides choices regarding street improvements and bus shelter facilities. The recently established Congress Street Historic District extends from Lincoln Park to Bramhall Square, thus exterior improvements on private and public property (including within the street right-of-way) require a certificate of appropriateness under the Historic Preservation Ordinance.

V. PLANNING BOARD RECOMMENDATION

1. Zone Map Amendments:

On April 8, 2014, the Planning Board voted (5-1, O'Brien opposed, Boepple absent) that the proposed map amendments to rezone Bramhall, Boothby, Congress, Longfellow, and Monument Squares; Lobsterman Plaza; and Lincoln, Tommys', Post Office, and Bell Buoy Parks to the Recreation and Open Space zone are consistent with the Comprehensive Plan and recommends their adoption to the City Council.

2. Zoning Text Amendments to the Recreation and Open Space Zone:

On April 8, 2014, the Planning Board voted (5-1, O'Brien opposed, Boepple absent) that the proposed text amendments to the Land Use Code, Division 8.5. R-OS Recreation and Open Space Zone with the addition of the term public in 1,2 and 5 of the purpose statement are consistent with the Comprehensive Plan and recommends their adoption to the City Council.

Attachments:

1. List of Parks for the Council Meeting
2. Downtown Vision: Open Spaces and Pedestrian Environment
3. Proposed Text Amendments to Portland Land Use Code, Division 8.5. R-OS Recreation and Open Space Zone

Approximate Park Acreages: Mainland Portland

East End	Acres
1812 Cemetery	(E. Prom.)
Adams School	1.5
Adams Street/Munjoy South PG	1
Bayside/Fox St. Playfield	4
Boyd St. Open Space	2
Cummings Community Ctr.	0.4
East End Beach	(E. Prom.)
Eastern Cemetery	5.3
Eastern Promenade	68.2
Fort Allen Park	9.33
Fort Sumner Park	1.25
Franklin St. Arterial	1
East End School (formerly Jack School)	5
Loring Memorial	(E. Prom.)
Marginal Way Lot/Festival	3.5
Peppermint Park/Smith St PG	0.5
Portland Observatory	0.1
Total Acres	103.08

Downtown	Acres
Bell Bouy Park	0.11
Boothby Square	0.11
City Hall Plaza	0.15
Congress Square	0.34
Free St. Park/Ford Mnt.	0.22
Lincoln Park	2.5
Lobsterman Plaza	0.34
Longfellow Square	0.25
Monument Square	0.65
Pleasant St. PG	0.5
Post Office Park	0.15
Preble St. Field	3.5
Stone St. PG	0.06
Tommy's Park	0.15
Total Acres	8.27

West End	Acres
Andrews Square	0.05
Bramhall Square	0.2
Clark St. PG	0.26
Deering Oaks	54
Fitzpatrick Stadium	7
Hadlock Field	5
Harbor View Park	2.5
King Middle School	2
McIntyre/Taylor St. Park	0.5
Reiche School	5
Tyng/Tate PG	0.25
Valley Street PG/OLA	2

Western Cemetery	12
Western Prom.	18.5

Total Acres	104
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Oakdale	Acres
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Bedford Park	0.52
Belmeade Park	0.25
Burrow's Park	0.25
Devonshire Park	0.3
Fessenden Park	0.46
Longfellow Park	0.34
Nathan Clifford School	1.53
Pedro Field/Oakleigh Park	1.26
Preble St. Field	3.5
Winslow Park	1.26

Total Acres	9.67
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Rosemont	Acres
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Caldwell Square	0.12
Capisic Park	1.1
Capisic Pond Park	18
Dougherty Field	12
Edward Street Cemetery	0.62
Fore River Park	2.1
Hobart St. Parcel	6.1
Thomas Square	0.46

Total Acres	40.5
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Deering Center	Acres
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Baxter Pines	5.9
Baxter Woods	30
Deering Memorial HS Complex	12
Evergreen Cemetery	239
Lincoln School	2.3
Longfellow School	1.1
Presumpscot Park (at Deering HS)	6.3

Total Acres	296.6
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Ocean Avenue	Acres
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Barrows/Sundial Park	0.53
Baxter Boulevard/Back Cove Park	33.36
Baxter School Playfield	5.63
George Street Cemetery	0.25
Heseltine Park	0.82
Payson Park	47.75
Trinity Park	0.1

Total Acres	88.44
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East Deering	Acres
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East Deering Cemetery	0.6
Martin's Point/School Dept.	1
Presumpscot School	5.4

Total Acres	7
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North Deering	Acres
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Auburn Street Open Space	???
Fobes Cemetery	0.2
Lyseth/Lyman Moore Field	18
Oatnuts Park	15

Ocean Ave Landfill/Quarry Run Dogpark	40
PATH School (PRVTC)	22.3
Pine Grove Park	6.5
Presumpscot River Preserve	60
University Park	8.6

Total Acres 170.6

<i>Riverton</i>	Acres
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Bailey Cemetery	1.2
Letson's Purchase	29.25
Quaker Park	0.8
Reed School Warehouse Open Space	0.65
Riverside Golf Course	242
Riverton Park	19
Riverton School	20

Total Acres 312.9

<i>Nason's Corner</i>	Acres
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Hall School	12
Nason's Corner Park	1.8
Sagamore Village PG	???

Total Acres 13.8

<i>Stroudwater</i>	Acres
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Stroudwater Cemetery	1.22
Stroudwater Park	0.75
Stroudwater Park II (State-owned)	0.5

Total Acres 1.97

1156.8

**Total Acreage for All Parks on
Mainland Portland**

Total City Mainland Acres 11749.2

OPEN SPACE AND PEDESTRIAN ENVIRONMENT

Introduction

Open space in Downtown Portland is made up of a variety of large and small publicly-accessible spaces, as well as the network of streets, sidewalks and through-block connections which tie these areas together and with other Downtown activities and neighborhoods. These open spaces form the gathering places where people downtown come together and interact. The livability of a city is mirrored in the character and quality of its parks and open spaces. Each of Portland's open spaces offers a respite from the buildings and urban hustle around it and a chance to step back and admire the streets, architecture, and general appearance of the City.

Where these public spaces promote human comfort and safety, accommodate and encourage diverse activities, and are located in relation to other activities and pedestrian circulation patterns, they should be full of people and exhibit the vitality and excitement of being Downtown. Downtown Portland is livable to the extent that these parks and pedestrian corridors are used and enjoyed.

Open spaces, including Lincoln Park, Monument, Longfellow and Boothby Squares, City Hall Plaza and nearby Deering Oaks Park contribute an historical context reflecting the growth of the City. These public open spaces reflect the tradition of open space planning which began with City Engineer William Goodwin, Mayor James Phinney Baxter, and the Olmsted Brothers at the turn of the century. More recent open spaces, including Canal Plaza and the plazas at Maine National Bank, Portland Square, and Maine Savings Bank have been incorporated within private development projects.

Connecting these various parks and plazas, the pedestrian sidewalk areas throughout the Downtown are important threads that tie this open space and building fabric together. Every sector of the Downtown economy demands a safe, pleasant and vibrant pedestrian environment to encourage retention and recruitment of businesses, employees, residents, customers and visitors.

Walkable City

The scale of the central business area and the relatively short distances between districts and activities Downtown allow at most a five-to-ten minute walk from any one point to another. Figure ___ provides a general sense of Downtown walking distances and average walking

time. This immediate accessibility encourages face to face interactions, browsing and lunchtime shopping, and the frequent use of parks, plazas and cultural amenities.

Figure ___: Walking Distances

A variety of studies from other cities suggest that the average person has a comfortable walking radius of between 900 and 1,300 feet - a range most of Downtown Portland's major employment and activity centers fall within. The Downtown Parking Study found that the average walking distance of a commuter parking in the Temple Street, Congress Square and Spring Street garages is a relatively short 1.6 blocks, or approximately 600 feet.

Distances which an individual is willing to walk, however, can increase or decrease in response to the pedestrian environment and are affected, too, by expectations and past-practices. Acceptable walking distances can be increased where sidewalks and parks are maintained, street-level activity both on the sidewalk and in the ground-floor uses of buildings are interesting and the character of building, paving, lighting and other elements are inviting. Acceptable walking distances decrease where significant gaps in pedestrian-level uses or a lack of activity or interest to the pedestrian occur, where sidewalks are poorly maintained or the street life uninviting.

In addition, varying weather conditions affect comfort and desirable distances on a day to day basis. The challenge facing the Downtown is to assure a street-level experience that is sufficiently inviting and interesting to

encourage walking and to overcome the automobile-oriented expectations of many who use the Downtown.

Existing Open Space

For a detailed inventory of existing Downtown open space, consult the Downtown Vision Technical Report #4: Urban Form, Open Space and Pedestrian Environment. The Downtown can be categorized into the following general types of public and private open space:

1. Urban Park. Urban parks are large, predominantly natural, park-like gathering places in or near the Downtown, such as Lincoln Park and Deering Oaks Park.
2. Plaza. Plazas provide an opening in the dense urban fabric, functioning as an outdoor room where people gather to enjoy the quality of the space and to watch other people. Examples Downtown include Monument and Congress Squares and City Hall Plaza.
3. Pocket Park. Pocket Parks are smaller open spaces generally framed by buildings and often the result of making creative use of space which remained following the demolition of another structure. Tommy's Park is such a pocket park.
4. Entry Plaza. Entry plazas are open spaces which generally emphasize entry circulation to a building, sometimes with or without landscaping or seating, such as the entrances to the Casco Bank Building and Maine Savings Plaza.
5. Garden. Gardens are intimate, sheltered landscaped areas intended for quiet recreational pursuits such as reading, chess, and brown-bagging by individuals and small groups. An example is the Longfellow House garden.
6. Interior Atrium. Interior Atriums can be dramatic interior open spaces which provide sheltered access to shopping and dining activity during inclement weather, as well as convenient through-block passage. Examples include the One City Center.
7. Through-block Connection. Through-block Connections facilitate the convenient movement of pedestrians by shortening walking distances between streets. These connections can be extremely valuable during winter months when the pedestrian wishes to minimize exposure to cold or inclement weather. These can be formal and provide access to multiple retail or service businesses, such as One Monument Way, or for the familiar Downtown pedestrian can be less formal and include passing

through businesses which have entrances on two streets, such as Porteous, Carroll Reed or Maine National Bank. These connections are enlivened by the merchandise and daily activity of the respective businesses and, in the case of Maine National Bank, by rotating exhibits of local artists which have been placed along the connection.

8. Linear Park. Linear Parks are open spaces which tend to follow an extended linear path either linking specific areas or serving as access to a series of amenities. Examples include the shoreway access route being extended along the central waterfront providing immediate access to a variety of harbor views and activities, the potential connections along abandoned rail lines in both the India Street and Bay-side areas, and the Franklin Street Arterial which offers similar open space connection opportunities.
9. Pedestrian Sidewalk Linkages. Perhaps the most common of open spaces, sidewalks along public streets throughout the Downtown are vital open space connections linking other open spaces and various Downtown activities. These connections are also the critical lines of movement between the Downtown and its surrounding neighborhoods. Certain streets, because of the volume of pedestrian activity and because of adjacent cultural facilities, a concentration of businesses, other major open spaces, or important visitor attractions, have been identified as primary pedestrian linkages. Policies regarding ground-floor pedestrian uses, protection of view corridors affecting these linkages, and high levels of pedestrian amenity along these routes are put forward in this Downtown Vision. Examples of these linkages are Congress and Exchange Streets.

Open Space Network

In a discussion of Downtown open space, two different perspectives are useful in developing policies which promote and enhance livability. The first perspective is "the big picture" of open space throughout the Downtown. Downtown Vision calls for the recognition and enhancement of a Downtown Open Space Network of distinctive individual plazas and parks connected through a network and hierarchy of sidewalk linkages and through-block connections. See Figure _____. Characterizing these open spaces in a network asserts that these spaces work together in a variety of ways to establish the character of the Downtown.

Existing individual open spaces have been inventoried and general recommendations for their improvement are identified in the policy discussion which follows. Specific recommendations for the establishment of new

individual open spaces are discussed as well. The placement of these open spaces and the placement of any additional open spaces must be in coordination with this open space network to assure a supporting relationship and to avoid redundancy and detrimental competition for pedestrian activity.

Linkages are designated based on the locations of principal open spaces and on preferred pedestrian connections between open spaces and from open spaces to other pedestrian activity centers. Where possible, pedestrian linkages are coordinated with existing view corridors, historic building resources, and key commercial and institutional uses. This plan for Downtown open space includes and enhances existing linkages, and also identifies specific additional linkages that are now important or will become important as other elements of Downtown Vision evolve.

The second perspective focuses on the individual park or plaza or other open space and improvements which are needed to make that open space successful. Commitment to a high quality Downtown pedestrian environment must include standards and guidelines addressing what makes

a successful open space and what makes a desirable and vibrant sidewalk setting. Appropriate guidance increases the likelihood that funding for park improvements will result in a usable and enjoyable park.

Open space is a benefit to both the general public and private development. Downtown is fortunate to have several privately-developed but publicly-accessible open spaces which enrich the pedestrian experience. The city must encourage the retention and enhancement of these private open spaces. With intensifying periods of fiscal austerity at the State and local levels in municipalities across the country, the private sector has recognized the benefits of open space and stepped forward in many communities to provide and maintain public spaces.

Figure ____: Downtown Open Space Network

Programming of Open Space

Much of what we enjoy in Portland's open spaces we come upon by chance, such as an encounter with an old friend, the opening of flowers on a warm spring day, the changing colors of autumn foliage, or simply the opportunity to sit back and watch people passing by. A street musician, mime or juggler, and even a haranguing preacher can provide entertainment and diversity.

Many people are also attracted to the Downtown and to particular open spaces by street festivals, craft fairs, and organized musical performances. Programming of activities and events within these open spaces is an important element of the managing and enhancing the Downtown. The crowds drawn into the Downtown for such events as the Old Port Festival, New Years Portland, and other annual events provide opportunities to promote the area's livability and Downtown retail and cultural economy. Cooperative efforts by the City, Intown Portland Exchange, Maine Arts, Inc., and other sponsors have made these events both popular and successful, and have brought added vitality to Downtown open spaces.

Somewhat more controversial is the shared use of open space by private vendors and sidewalk cafes. Vendors complement the lunch crowds by selling food, newspapers, and in other cities, flowers. Sidewalk cafes provide a relaxed setting in which to be served and watch city life go on around us. The seasonal sidewalk cafe helps to attract people to parks and sidewalk areas and, with proper management, can provide a high level of oversight and supervision. Consideration should be given to licensing public space for this purpose. Suitable responsibility for cleanliness and litter patrol should be part of any vendor or cafe licensing scheme. Vendors, while arguably competing with businesses facing higher overhead costs, do provide service to the public and help attract crowds of people. Encouraging and accommodating people, after all, is the point of an open space system.

OPEN SPACE POLICIES

Goals

1. Establish as a top priority the quality and character of the Downtown pedestrian environment in discussions of management, funding, maintenance, and amenity.
2. Encourage excellence in urban design and sensitivity to pedestrian scale and interest throughout the Downtown in the construction, renovation, and rehabilitation of streets, pedestrian ways, and open space.
3. Develop an open space system throughout the Downtown which provides the highest quality parks, plazas, and pedestrian environment. Pedestrian improvements and amenities should utilize the best materials and be carefully-designed to provide a comfortable, durable, accessible, readily maintainable, and aesthetically-pleasing environment.
4. Buildings fronting an open space play a vital role in the success of that open space. They should provide pedestrian-oriented uses and be of high-quality materials, significant detail and interest to enhance the walking environment, be readily accessible from the open space through frequent building entrances and window openings, and should not detract significantly from solar access to open space during hours of heavy use.

Policies

OS1 Open space. Adopt a comprehensive open space component of Downtown Vision with the following policies:

- a.) Link large and small open spaces within the Downtown by designating and enhancing specific priority sidewalks and through-block connections;
 - i. Priority sidewalk linkages

Several key streets serve as the most important pedestrian routes in the Downtown. Figure _____ illustrates the Downtown Open Space Network, highlighting primary sidewalk linkages. Most prominent of these are Congress Street linking Longfellow Square to Lincoln

Park, Exchange and Moulton Streets linking City Hall and Congress Street to the waterfront, and Middle Street linking Monument Square and the Old Port. These routes are fully developed and historically have received the greatest attention in pedestrian improvements. Additional important pedestrian routes in the Downtown are Free Street linking Congress Square with Monument Square and the Old Port and Fore Street linking Gorham's Corner with the Old Port. Portions of each of these streets are important pedestrian connections today and are fronted by sites which, over the next several years, will introduce substantial new development and building rehabilitation making these streets even more important.

Crosswalks along these priority routes are critical to smooth and safe pedestrian movement, and should be carefully located, well-defined, and clearly suggest a pedestrian presence.

These pedestrian routes must be continually and thoroughly maintained and a wide program of improvements including additional lighting and landscaping, amenities such as benches and trash receptacles, and informational and directional signage should be developed to enhance these areas.

Where possible, pedestrians should be protected from inclement weather by awnings, canopies and internal connections between buildings and streets. Heating elements within sidewalks along priority pedestrian areas should be evaluated as potential long-term improvements.

Special amenities such as public art and pedestrian route markers are encouraged to add to the special character of these streets. These streets also are the primary areas identified for mandatory ground floor pedestrian-oriented uses with the objective of actively reinforcing the pedestrian environment.

ii. Other sidewalk linkages

While this plan encourages substantial improvements to primary pedestrian linkages, every pedestrian way Downtown should receive attention. The many streets and sidewalks that weave together the primary linkages and provide access to businesses, institutions and parking areas are part of everyone's normal daily movement through the Downtown. As described in City Services, maintenance in these areas cannot be overemphasized.

iii. Through-block connections

Existing property owners and developers are encouraged to maintain and create through-block connections. The Downtown Urban Design Guidelines provide guidance for the design and placement of these important pedestrian connections.

- b) Integrate this open space system with nearby open space elements such as the shoreway access system, Deering Oaks, and other open space resources, and provide convenient and attractive pedestrian connections to surrounding neighborhoods;

With implementation of Downtown Vision and continued improvements in nearby neighborhoods, several additional streets become more important as pedestrian connections between growth areas, redevelopment areas and surrounding neighborhoods. Forest Avenue, High Street and State Street all offer excellent opportunities to tie the Downtown to Deering Oaks Park. Forest Avenue capitalizes on its role as a Gateway entrance into the Downtown and the presence of major cultural facilities (the Performing Arts Center and the YMCA). High Street links the cultural heart of the Downtown along an historic residential area to the Oaks. State Street links Longfellow Square and the Upper Congress Street area with the Oaks, again passing through an historic residential neighborhood.

Portland Street from Deering Oaks to Preble Street and Preble Street from Portland Street to Monument Square allow an important pedestrian connection between Deering Oaks and the Downtown along a route with a variety of redevelopment and rehabilitation opportunities. On a somewhat longer time frame, Chestnut Street connects redevelopment potential in the Bayside area, including a

possible major new open space, with the Downtown.

In an east-west direction, Spring Street, Middle Street, Congress Street and Cumberland Avenue provide important connections to the East and West End neighborhoods. Commercial Street provides connections for the Downtown in an east-west direction with the Shoreway Public Access system, including the improvements in place and envisioned along the central waterfront, as well as connecting along railroad rights-of-way to eventually complete a path around the perimeter of the peninsula.

Franklin Street should be improved to become an important pedestrian link and boulevard between Back Cove and the central waterfront (See policy OS 2(f.)).

- c) Examine the opportunity to develop new publicly-accessible open spaces within the Downtown and in perimeter areas around the Downtown;

In developing the Downtown Open Space Network, several locations have been identified which support the concept of open spaces along primary pedestrian routes and in areas that now have very little or no designated open space. The City should examine these potential sites, refine a development program based on the needs of the surrounding area and make plans for the acquisition, design and development of these open spaces.

i. High and Spring Street Park

Currently, a City-owned parking lot at the corner of High and Spring Streets offers an opportunity for re-use as a public park and playground along the Spring Street pedestrian linkage to the West End and at the edge of a residential neighborhood. This location also offers a corridor to the Harbor along High Street and the surrounding historic district. Demand for parking in this area should be evaluated and balanced with the opportunity for public open space.

ii. Shapley Park

In support of over 200 existing residences and potentially new residential units in the mid-block area bounded by Shapley, Brown and Oak Streets and Cumberland Avenue, a small public park would provide needed open space to this neighborhood. Coupled with other pe-

destrian improvements, such open space would enhance the character and quality of life in this residential area.

iii. Bayside Common

Open Space should be an integral part of an area development plan and program for the Bayside area. A framework of open space improvements including individual parks and pedestrian connections should be one of the tools used to establish a sense of organization for the entire area and provide amenity attracting private investment.

With a large parcel of railroad property sweeping through the Bayside area, an opportunity for a major public open space existings which could give focus to the entire area's redevelopment. Such an open space could separate automobile-related commercial development which might occur along Marginal Way, from intensive mixed-use office, retail and residential development on land moving up the slope toward Downtown. The City recognizes a need for publicly accessible open space capable of accomodating large crowds at events such as the Deering Oaks and Maine Arts Festivals. This area could provide open space specifically designed for City festivals in a centrally located and easily accessible area.

iv. India Street and Gorhams Corner

The perimeter areas of both India Street and Gorhams Corner currently have no designated public open space. Area Development Plans for these areas must outline opportunities for individual open spaces and pedestrian linkages.

- d) Develop a program to improve landscaping and pedestrian amenities throughout the Downtown, including enhancing accessible open spaces, providing street trees, planters, landscaping, ornamental lighting, public art (See Arts and Culture Policy 6) and street furnishings such as seating and trash receptacles;

In some areas, provision of benches or other amenities by private property owners which can be taken in at night could provide for active day-time use while avoiding potential evening or late-night problems. Care should be taken to assure that such amenities are consistent with an overall program for these items.

- e) Develop a comprehensive program of regular and emergency maintenance of pedestrian amenities (sidewalks, lighting, benches, trash receptacles, bus shelters, kiosks, etc.) and landscaping; (See City Services, Maintenance) and

- f) Encourage the enhancement of the open space system as a component of proposed new development.

Open space is an important element of the Downtown's infrastructure. New development within the Downtown should enhance the use and vitality of these areas. New buildings are encouraged through the Downtown Urban Design Guidelines and through mandatory ground floor pedestrian-oriented uses to add pedestrian activity to the individual parks and sidewalk connections. While added use enhances the safety and vitality of these areas, maintenance costs increase. The City should explore ways to encourage private development to contribute to the maintenance of the pedestrian environment, including a "Percent for Amenities" and an open space impact fee program.

OS2 Specific park improvement plans. Develop and implement specific park improvement plans for public and private parks throughout the Downtown.

Several prominent publicly-owned open spaces within the central Downtown area need substantial improvements. The following public open spaces need special attention:

- a) Congress Square Plaza - The original plan for Congress Square, which included an outdoor cafe and additional amenities, was only partially executed. Since its development, this plaza has suffered from a lack of carefully-programmed activity and maintenance. Congress Square Plaza demands a careful re-assessment of what role the Plaza can and does play in the life of Upper Congress Street, what design alterations are needed to attain that role, and what on-going maintenance and programming will assure the Plaza's continued use.
- b) Lincoln Park - One of the City's historic public parks, Lincoln Park was created following the Great Fire of 1866 as a precautionary fire break between the Downtown and Munjoy Hill. Through much of its history, the Park was the focal point of a strong residential neighborhood to the east and of a civic area dominated by public buildings to the west. As major roadway improvements along Franklin Street were implemented, and as a variety of other businesses and activities in the immediate

area changed or disappeared, activity, interest and attention to the Park disappeared as well. Over the last few years, renewed attention has been focused on the Park. The City has partially restored the centerpiece fountain, the Lincoln Square development proposal has made a commitment to make improvements within the Park, and Lincoln Park has been designated on the National Register of Historic Places.

Before further work is undertaken in Lincoln Park, the City should develop a comprehensive plan for the Park's historic rehabilitation, its adaptation for contemporary uses, and its on-going maintenance.

- c) Boothby Square - Located in the heart of the Old Port area, the City's Waterfront Historic District, Boothby Square was first developed at the turn of the century as a watering spot for horse drawn wagons hauling goods to Commercial Street. Over the years, this green space served as both a welcome public open space, and more recently as a dirt parking area used by patrons and service vehicles of the various surrounding businesses. Within the past year, the City has recovered the square as a public open space, resetting the curbing and installing posts around the perimeter to prohibit vehicular abuse, replanting grass throughout, and providing benches. The City is also pursuing reacquisition of the historic fountain which graced the park until 1946. A broader opportunity exists in this area of the Old Port to reconsider the entire Boothby Square area as bordered by the many buildings which front thereon. Before completing any additional long-term improvements in Boothby Square, the City should undertake a comprehensive plan for the rehabilitation of this area of the Old Port. Such a program might include sidewalk, pedestrian crosswalk and street improvements, street tree planting, ornamental lighting, benches and other pedestrian amenities.

View corridors leading to the waterfront and focused on the Custom House must also be considered. Any proposed facade improvements and new construction on each of two under-utilized lots will be reviewed under the Historic Preservation Ordinance standards.

- d) Post Office Park - Plans are currently underway to convert the existing parking lot at Exchange and Middle Streets to a public park. The City should move forward with completion and implementation of those plans.

- e) Tommy's Park - In coordination with improvements to plans for Post Office Park, the City has developed concept plans for the enhancement of Tommy's Park. Following completion of Post Office Park, the City should move forward with completion and implementation of those plans.

- f) Franklin Street Arterial - By its very form and presence, the Franklin Street Arterial is a major open space component of the Downtown. The Arterial serves as a major Gateway entrance to the Downtown and waterfront, and is an important view corridor. The City should undertake a comprehensive study of the opportunities presented by this linear area, considering the possibility for a richly-landscaped boulevard with pedestrian walkways and bicycle paths in addition to vehicular routes. This linear open space could tie the Downtown more closely to the waterfront, the pedestrian path along the Back Cove, and with multiple uses found along the east of the Arterial.

Several sites offer redevelopment opportunities directly abutting the Arterial. Their urban design plans should reinforce and contribute to those area's open space opportunities. While recognizing the importance of this route for moving traffic into and out of the Downtown, significant pedestrian needs including adequate and safe crosswalks must be met.

- g) Longfellow Square - The City, in cooperation with area property owners and tenants, should prepare a comprehensive plan for improvements to Longfellow Square. The plan should consider a reconfiguration of the plaza and pedestrian circulation patterns, landscaping and its impact on the visibility of the Longfellow monument, lighting and other pedestrian amenities.
- h) Waterfront - The City has developed plans for substantial improvements to the Maine State Pier (partially installed), a significant component of Portland's waterfront walkway system and an important destination relative to Downtown pedestrian amenities. Implementation of proposed open space amenities should move forward. The City should also consider expanding public access network along the waterfront for Downtown residents, employees, and visitors. Particularly extending connections between the Maine State Pier, the Carroll Block and incorporating the abandoned Canadian National Railway properties as open space between the Downtown and Eastern Promenade. Pedestrian connections to the west of the Million Dollar Bridge along West Commercial Street should also be strengthened, extending to

the Western Promenade Park, Harbor View Park, and the Fore River public access trail.

The City should examine developing a major public open space as part of redevelopment on the waterfront in the vicinity of Long Wharf immediately adjacent to the Downtown. Also, the City should look again at carefully integrating public access to the Fish Pier, which was originally part of the pier's plan. The entire waterfront and shoreway access system will soon have signage that will promote greater public use.

- i) Private Open Space - Private owners of publicly accessible open spaces must, with encouragement from the City, maintain and enhance those spaces. Substantial improvements have largely been completed for the Maine Savings Plaza including improved access into adjacent stores and the enhancement of a seating area through landscaping and improved visibility to the street. The Two Portland Square development has created a second plaza area adjacent to the Cross Street pedestrian and view corridor. The future success of this plaza depends upon a build-out of the overall Portland Square development that focuses pedestrian-oriented activities along these open space improvements, and avoids shadowing the space during critical-use periods.

The management and ownership of other Downtown open spaces, such as Canal Plaza, are encouraged to make a careful evaluation of these spaces, and implement improvements which will make these spaces more effective and desirable for active pedestrian use.

OS3 Winter Park Design. Too often parks and plazas are ignored or become an eyesore during winter months. Creative design features which result in parks and open spaces that are visually appealing during that half of the year are encouraged.

OS4 Urban design guidelines. Adopt Downtown Urban Design Guidelines which provide a frame of reference for the City and the development community when reviewing or bringing forward development proposals which are sensitive to the pedestrian and open space needs of the Downtown.

Guidelines are included as Addendum ____ and were developed as a part of this Downtown Vision and revised Downtown zoning. These Guidelines mandate the creation and maintenance of a high quality pedestrian environment. The Guidelines address the following:

1. Pedestrian relationship to buildings
2. Relationship to existing development
3. Sidewalk areas and open space
4. Landscaping, planters, and irrigation
5. Lighting
6. Hardscape, including paving and curbing
7. Pedestrian amenities including such details as benches, trash receptacles, bus shelters, kiosks, artwork and signage.

OS5 Open Space Programming. Develop, as a component of a broader Downtown management program, an expanded and well-supported programming effort for the Downtown's diverse open spaces which attract and entertain visitors from the Greater Portland community on a year-round basis.

OS6 Historic open spaces. Integrate the City's concern for preservation and creative re-use of our historic resources with comprehensive planning and management of the Downtown.

In order to encourage the creative, appropriate rehabilitation of historic open space resources, the following steps are recommended:

- as a component of the Historic Preservation Design Manual, develop a clear discussion of guidelines for the rehabilitation of historic open spaces and of site features within historic districts and related to landmark properties;
- examine existing open spaces throughout the Downtown in order to evaluate the appropriateness of designating additional sites for coverage under the historic preservation ordinance; and
- undertake a study examining the potential use of financial incentives at the local, state, and federal levels as well as mechanisms at the local level which could provide incentive or assistance in the rehabilitation of historically significant open spaces.

OS7 Cafes and Vendors. Sidewalk and plaza cafes and street vendors help to enliven public open spaces, attract the public, and provide a measure of security and control. These uses should be encouraged where appropriate, with proper licensing and regulation to ensure that location, maintenance, character, and hours of operation are appropriate.

Open Space Implementation Action Chart

Recommendation	Timing			How		Implementing Body
	Adopt with Plan	Next 3 Years	3 to 10 Years	Ordinance	Program	
OS1 Open Space						
a. Linkages within Downtown	x	x			x	City
b. Linkages to other areas	x	x			x	City
c. New open space		x	x	x	x	City/Private
d. Provision of amenities	x	x	x	x	x	City/Private
e. Maintenance	x				x	City/Private
f. Private contribution	x			x	x	Private
OS2 Specific Park Improvements						
a. Congress Square Plaza		x			x	City
b. Lincoln Park		x			x	City
c. Boothby Square		x			x	City/Private
d. Post Office Park		x			x	City/Private
e. Tommy's Park		x			x	City
f. Franklin Street Arterial		x	x		x	City/State
g. Longfellow Square		x			x	City
h. Waterfront		x	x		x	City/Private
OS3 Winter Park Design	x				x	City/Private
OS4 Urban Design Standards and Guidelines				x	x	City
OS5 Open Space Programming	x	x			x	Manage/City
OS6 Historic Open Spaces	x	x		x	x	City
OS7 Cafes and Vendors						

DIVISION 8.5. R-OS RECREATION AND OPEN SPACE ZONE

Sec. 14-153. Purpose.

(a) The purpose of this division is:

1. To preserve and protect public open space as a limited and valuable resource;
2. To permit the reasonable use of public open space, while simultaneously preserving and protecting its inherent open space characteristics to assure its continued availability for public use as scenic, recreation, and conservation or natural resource area, and for the containment and structuring of urban development;
3. To coordinate with and carry out federal, state, regional, and city recreation and open space plans; and
4. To provide a suitable location for large-scale regional sports and athletic facilities; and-
5. To develop a public open space system throughout the Downtown, which provides the highest quality parks, plazas, and pedestrian environment.

(b) The recreation open space zone may include ~~major~~ parcels ~~(over two (2) acres)~~ of public property, and private property legally restricted from intensive use or development through deed, covenant, or otherwise.

(Ord. No. 232-81, § 602.7B.1, 11-16-81; Ord. No. 187-01/02, § 2, 4-17-02)

Sec. 14-154. Permitted uses.

The following uses are permitted uses within the recreation and open space zone, subject to the development standards contained herein:

- (a) Municipal parks, public open spaces, picnic areas, playgrounds and play lots;
- (b) Cemeteries;

- (c) Arboretums;
- (d) Golf courses, excluding miniature golf;
- (e) Boat landings, beaches, and marinas for public uses;
- (f) Outdoor ballfields and public athletic fields;
- (g) Swimming pools and tennis courts;
- (h) Picnic groves and areas;
- (i) Natural parks and scenic overlooks;
- (j) Hiking, walking, bicycling or cross-country ski trails;
- (k) Community gardens for cultivation by and for city residents;
- (l) Sewage pumping stations and sewage treatment facilities;
- (m) Sports complexes;
- (n) Accessory uses, including structures or buildings of less than two thousand five hundred (2,500) square feet of floor area.
- (o) Wind energy systems, as defined and allowed in Article X, Alternative Energy.
- (p) Street vendors licensed pursuant to Chapter 19 as a result of a competitive bid process conducted pursuant to Chapter 2 of the City Code.
- (q) Events, activities, and uses licensed by the city, including but not limited to markets, festivals, café seating, concerts, and other gatherings.

(Ord. No. 232-81, § 602.7B.2, 11-16-81; Ord. No. 60-91, § 1, 8-5-91; Ord. No. 187-01/02, § 3, 4-17-02; Ord. No. 33-11/12, 1-18-12; Ord. No. 10-12/13, 7-16-12)

Sec. 14-155. Conditional uses.

The following uses are conditional uses in the recreation and open space zone, subject to approval by the board of appeals.

- (a) Accessory uses with structures or buildings of two thousand five hundred (2,500) square feet or more of floor area;
- (b) Other recreational facilities and uses that are open to the public;
- (c) Water pumping stations.
- (d) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:
 - 1. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and
 - 2. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and
 - 3. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and
 - 4. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and

5. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and
6. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
7. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and
8. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

(e) Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 232-81, § 602.7B.3, 11-16-81; Ord. No. 67-89, § 1, 8-7-89; Ord. No. 60-91, § 2, 8-5-91; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 33-11/12, 1-18-12)

Sec. 14-156. Standards for conditional uses.

In addition to the criteria listed in section 14-474(c), the board of appeals shall consider the following criteria when reviewing conditional uses specified in section 14-155(a), (b) and (c):

- (a) The use shall be in conformity with or satisfy a deficiency identified in a federal, state, regional, or city recreation and open space plan, including but not limited to the state comprehensive outdoor

recreation plan, as such plans may from time to time be created or revised.

- (b) Buildings and structures shall not obstruct significant scenic views presently enjoyed by nearby residents, passersby, or users of the site.
- (c) Indoor recreation or nonrecreational uses shall serve a significant public purpose that cannot reasonably be accommodated outside of the recreation and open space zone.

(Ord. No. 232-81, § 602.7B.4, 11-16-81; Ord. No. 29-09/10, 8-3-09, emergency passage)

Sec. 14-157. Space and bulk requirements.

No building or structure of a permanent nature shall be erected, altered, enlarged, rebuilt, or used unless it meets the following requirements, except that public open spaces that are less than 2 acres and are on the peninsula are not required to meet the following space and bulk requirements:

(a) *Minimum front yard:*

- 1. Principal buildings or structures: Twenty-five (25) feet.
- 2. Accessory buildings or structures: Twenty-five (25) feet.

(b) *Minimum rear yard:*

- 1. Principal buildings or structures: Twenty-five (25) feet.
- 2. Accessory buildings or structures: Twenty-five (25) feet.

(c) *Minimum side yard:*

- 1. Principal buildings or structures: Twelve (12) feet.
- 2. Accessory buildings or structures: Twelve (12) feet.

~~(d) Minimum lot size: Two (2) acres, except that sewage treatment facilities are not required to meet this~~

~~standard.~~

- (e) *Maximum building height:* Thirty-five (35) feet, unless more than one thousand (1,000) feet from a shoreland zone. The maximum building height for buildings located more than one thousand (1,000) feet from a shoreland zone shall be forty-five (45) feet.
- (f) *Maximum coverage of lot by buildings, structures and other impervious site improvements such as paved sidewalks, drives and parking lots:*
 - 1. Sewage treatment facilities: No limit on maximum coverage.
 - 2. Sports complexes: Seventy-five (75) percent of lot area.
 - 3. All other uses: Twenty-five (25) percent of lot area.

(g) *Maximum floor area ratio:* Five-tenths (0.5).

(Ord. No. 232-81, § 602.7B.5, 11-16-81; Ord. No. 67-89, § 2, 8-7-89; Ord. No. 205-93, 2-2-93; Ord. No. 187-01/02, § 4, 4-17-02)

Sec. 14-158. Development standards for recreation and open space zone.

All development in the recreation and open space zone shall comply with the following development standards, ~~which shall be reviewed by the Planning Board in conjunction with and shall be reviewed under the site plan ordinance review,~~ as applicable:

- (a) All ground areas not used for parking, loading, vehicular or pedestrian areas and not left in their natural state shall be suitably landscaped and designed with quality materials that are consistent with adopted city policy or master plans, and which provide a comfortable, durable, accessible, readily maintainable, and aesthetically pleasing environment.
- (b) Natural features, such as mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.
- (c) Loading areas shall be screened and parking areas shall be screened and landscaped so as to avoid a

large continuous expanse of paved area.

- (d) Buildings and structures shall be sited to avoid obstructing significant scenic views presently enjoyed by nearby residents, passersby, and users of the site.
- (e) Storage of commodities and equipment shall be completely enclosed within buildings or provided with screening by a fence, wall, or landscaping.
- (f) The outer perimeter of playfields, play lots, and other active recreational areas shall be screened, or shall be located a reasonable distance from any residential use.
- (g) *Off-street parking:* Off-street parking is required as provided in divisio-n_20 (off-street parking) of this article.

(Ord. No. 232-81, § 602.7B.6, 11-16-81; Ord. No. 240-09/10, 6-21-10)

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3. To coordinate with and carry out federal, state, regional, and city recreation and open space plans; and
4. To provide a suitable location for large-scale regional sports and athletic facilities; and
5. To develop a public open space system throughout the Downtown, which provides the highest quality parks, plazas, and pedestrian environment.

(b) The recreation open space zone may include ~~major~~ parcels ~~(over two (2) acres)~~ of public property, and private property legally restricted from intensive use or development through deed, covenant, or otherwise.

(Ord. No. 232-81, § 602.7B.1, 11-16-81; Ord. No. 187-01/02, § 2, 4-17-02)

Sec. 14-154. Permitted uses.

The following uses are permitted uses within the recreation and open space zone, subject to the development standards contained herein:

(a) Municipal parks, public open spaces, picnic areas, playgrounds and play lots;

(b) Cemeteries;

- (c) Arboretums;
- (d) Golf courses, excluding miniature golf;
- (e) Boat landings, beaches, and marinas for public uses;
- (f) Outdoor ballfields and public athletic fields;
- (g) Swimming pools and tennis courts;
- (h) Picnic groves and areas;
- (i) Natural parks and scenic overlooks;
- (j) Hiking, walking, bicycling or cross-country ski trails;
- (k) Community gardens for cultivation by and for city residents;
- (l) Sewage pumping stations and sewage treatment facilities;
- (m) Sports complexes;
- (n) Accessory uses, including structures or buildings of less than two thousand five hundred (2,500) square feet of floor area.
- (o) Wind energy systems, as defined and allowed in Article X, Alternative Energy.
- (p) Street vendors licensed pursuant to Chapter 19 as a result of a competitive bid process conducted pursuant to Chapter 2 of the City Code.
- (q) Events, activities, and uses licensed by the city, including but not limited to markets, festivals, café seating, concerts, and other gatherings.

(Ord. No. 232-81, § 602.7B.2, 11-16-81; Ord. No. 60-91, § 1, 8-5-91; Ord. No. 187-01/02, § 3, 4-17-02; Ord. No. 33-11/12, 1-18-12; Ord.No. 10-12/13, 7-16-12)

Sec. 14-155. Conditional uses.

The following uses are conditional uses in the recreation and open space zone, subject to approval by the board of appeals.

- (a) Accessory uses with structures or buildings of two thousand five hundred (2,500) square feet or more of floor area;
- (b) Other recreational facilities and uses that are open to the public;
- (c) Water pumping stations.
- (d) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

1. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and
2. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and
3. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and
4. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and

5. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and
6. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
7. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and
8. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

(e) Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 232-81, § 602.7B.3, 11-16-81; Ord. No. 67-89, § 1, 8-7-89; Ord. No. 60-91, § 2, 8-5-91; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 33-11/12, 1-18-12)

Sec. 14-156. Standards for conditional uses.

In addition to the criteria listed in section 14-474(c), the board of appeals shall consider the following criteria when reviewing conditional uses specified in section 14-155(a), (b) and (c):

- (a) The use shall be in conformity with or satisfy a deficiency identified in a federal, state, regional, or city recreation and open space plan, including but

not limited to the state comprehensive outdoor recreation plan, as such plans may from time to time be created or revised.

(b) Buildings and structures shall not obstruct significant scenic views presently enjoyed by nearby residents, passersby, or users of the site.

(c) Indoor recreation or nonrecreational uses shall serve a significant public purpose that cannot reasonably be accommodated outside of the recreation and open space zone.

(Ord. No. 232-81, § 602.7B.4, 11-16-81; Ord. No. 29-09/10, 8-3-09, emergency passage)

Sec. 14-157. Space and bulk requirements.

No building or structure of a permanent nature shall be erected, altered, enlarged, rebuilt, or used unless it meets the following requirements, except that public open spaces that are less than 2 acres and are on the peninsula are not required to meet the following space and bulk requirements:

(a) *Minimum front yard:*

1. Principal buildings or structures: Twenty-five (25) feet.
2. Accessory buildings or structures: Twenty-five (25) feet.

(b) *Minimum rear yard:*

1. Principal buildings or structures: Twenty-five (25) feet.
2. Accessory buildings or structures: Twenty-five (25) feet.

(c) *Minimum side yard:*

1. Principal buildings or structures: Twelve (12) feet.
2. Accessory buildings or structures: Twelve (12) feet.

~~(d) Minimum lot size: Two (2) acres, except that sewage treatment facilities are not required to meet this standard.~~

(e) *Maximum building height:* Thirty-five (35) feet, unless more than one thousand (1,000) feet from a shoreland zone. The maximum building height for buildings located more than one thousand (1,000) feet from a shoreland zone shall be forty-five (45) feet.

(f) *Maximum coverage of lot by buildings, structures and other impervious site improvements such as paved sidewalks, drives and parking lots:*

1. Sewage treatment facilities: No limit on maximum coverage.

2. Sports complexes: Seventy-five (75) percent of lot area.

3. All other uses: Twenty-five (25) percent of lot area.

(g) *Maximum floor area ratio:* Five-tenths (0.5).

(Ord. No. 232-81, § 602.7B.5, 11-16-81; Ord. No. 67-89, § 2, 8-7-89; Ord. No. 205-93, 2-2-93; Ord. No. 187-01/02, § 4, 4-17-02)

Sec. 14-158. Development standards for recreation and open space zone.

All development in the recreation and open space zone shall comply with the following development standards, ~~which shall be reviewed by the Planning Board in conjunction with and shall be reviewed under the site plan ordinance review,~~ as applicable:

(a) All ground areas not used for parking, loading, vehicular or pedestrian areas and not left in their natural state shall be suitably landscaped and designed with quality materials that are consistent with adopted city policy or master plans, and which provide a comfortable, durable, accessible, readily maintainable, and aesthetically pleasing environment.

(b) Natural features, such as mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.

- (c) Loading areas shall be screened and parking areas shall be screened and landscaped so as to avoid a large continuous expanse of paved area.
- (d) Buildings and structures shall be sited to avoid obstructing significant scenic views presently enjoyed by nearby residents, passersby, and users of the site.
- (e) Storage of commodities and equipment shall be completely enclosed within buildings or provided with screening by a fence, wall, or landscaping.
- (f) The outer perimeter of playfields, play lots, and other active recreational areas shall be screened, or shall be located a reasonable distance from any residential use.
- (g) *Off-street parking*: Off-street parking is required as provided in division 20 (off-street parking) of this article.

(Ord. No. 232-81, § 602.7B.6, 11-16-81; Ord. No. 240-09/10, 6-21-10)

Order 221-13/14
Tab 27 4-28-14

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)

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14. LAND USE
ARTICLE III. Zoning,
DIVISION 8.5. R-OS Recreation and Open Space,
Sections 14-153, 14-154, 14-157 and 14-158
Re: Revising the Recreation and Open Space Standards

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

That Chapter 14, Article III, Division 8.5, Sections 14-153, 14-154, 14-157 and 14-158 of the Portland City Code is hereby amended to read as follows:

DIVISION 8.5. R-OS RECREATION AND OPEN SPACE ZONE

Sec. 14-153. Purpose.

(a) The purpose of this division is:

1. To preserve and protect public open space as a limited and valuable resource;
2. To permit the reasonable use of public open space, while simultaneously preserving and protecting its inherent open space characteristics to assure its continued availability for public use as scenic, recreation, and conservation or natural resource area, and for the containment and structuring of urban development;
3. To coordinate with and carry out federal, state, regional, and city recreation and open space plans; and
4. To provide a suitable location for large-scale regional sports and athletic facilities; and
5. To develop a public open space system throughout the

downtown, which provides the highest quality parks, plazas, and pedestrian environment.

(b) The recreation open space zone may include ~~major~~ parcels ~~(over two (2) acres)~~ of public property, and private property legally restricted from intensive use or development through deed, covenant, or otherwise.

Sec. 14-154. Permitted uses.

The following uses are permitted uses within the recreation and open space zone, subject to the development standards contained herein:

- (a) Municipal parks, public open spaces, picnic areas, playgrounds and play lots;
- (b) Cemeteries;
- (c) Arboretums;
- (d) Golf courses, excluding miniature golf;
- (e) Boat landings, beaches, and marinas for public uses;
- (f) Outdoor ballfields and public athletic fields;
- (g) Swimming pools and tennis courts;
- (h) Picnic groves and areas;
- (i) Natural parks and scenic overlooks;
- (j) Hiking, walking, bicycling or cross-country ski trails;
- (k) Community gardens for cultivation by and for city residents;
- (l) Sewage pumping stations and sewage treatment facilities;
- (m) Sports complexes;
- (n) Accessory uses, including structures or buildings of less than two thousand five hundred (2,500) square feet of floor area.

- (o) Wind energy systems, as defined and allowed in Article X, Alternative Energy.
- (p) Street vendors licensed pursuant to Chapter 19 as a result of a competitive bid process conducted pursuant to Chapter 2 of the City Code.
- (q) Events, activities, and uses licensed by the city, including but not limited to markets, festivals, café seating, concerts, and other gatherings.

...

Sec. 14-157. Space and bulk requirements.

No building or structure of a permanent nature shall be erected, altered, enlarged, rebuilt, or used unless it meets the following requirements, except that public open spaces that are less than 2 acres and are on the peninsula are not required to meet the following space and bulk requirements:

(a) *Minimum front yard:*

- 1. Principal buildings or structures: Twenty-five (25) feet.
- 2. Accessory buildings or structures: Twenty-five (25) feet.

(b) *Minimum rear yard:*

- 1. Principal buildings or structures: Twenty-five (25) feet.
- 2. Accessory buildings or structures: Twenty-five (25) feet.

(c) *Minimum side yard:*

- 1. Principal buildings or structures: Twelve (12) feet.
- 2. Accessory buildings or structures: Twelve (12) feet.

~~(d) Minimum lot size: Two (2) acres, except that sewage treatment facilities are not required to meet this~~

standard.

(e) *Maximum building height:* Thirty-five (35) feet, unless more than one thousand (1,000) feet from a shoreland zone. The maximum building height for buildings located more than one thousand (1,000) feet from a shoreland zone shall be forty-five (45) feet.

(f) *Maximum coverage of lot by buildings, structures and other impervious site improvements such as paved sidewalks, drives and parking lots:*

1. Sewage treatment facilities: No limit on maximum coverage.

2. Sports complexes: Seventy-five (75) percent of lot area.

3. All other uses: Twenty-five (25) percent of lot area.

(g) *Maximum floor area ratio:* Five-tenths (0.5).

Sec. 14-158. Development standards for recreation and open space zone.

All development in the recreation and open space zone shall comply with the following development standards, ~~which shall be reviewed by the Planning Board in conjunction with and shall be reviewed under the site plan~~ ordinancereview, as applicable:

(a) All ground areas not used for parking, loading, vehicular or pedestrian areas and not left in their natural state shall be suitably landscaped and designed with quality materials that are consistent with adopted city policy or master plans, and which provide a comfortable, durable, accessible, readily maintainable, and aesthetically pleasing environment.

(b) Natural features, such as mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.

(c) Loading areas shall be screened and parking areas shall be screened and landscaped so as to avoid a large continuous expanse of paved area.

- (d) Buildings and structures shall be sited to avoid obstructing significant scenic views presently enjoyed by nearby residents, passersby, and users of the site.
- (e) Storage of commodities and equipment shall be completely enclosed within buildings or provided with screening by a fence, wall, or landscaping.
- (f) The outer perimeter of playfields, play lots, and other active recreational areas shall be screened, or shall be located a reasonable distance from any residential use.
- (g) *Off-street parking:* Off-street parking is required as provided in divisio-n_20 (off-street parking) of this article.

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
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CITY OF PORTLAND
IN THE CITY COUNCIL

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

**Amendment to Order No. 221-13/14 prepared by
Corporation Counsel**

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

That Chapter 14, Article III, Division 8.5, Sections 14-153, 14-154, 14-157 and 14-158 of the Portland City Code is hereby amended to read as follows:

DIVISION 8.5. R-OS RECREATION AND OPEN SPACE ZONE

Sec. 14-153. Purpose.

(a) The purpose of this division is:

1. To preserve and protect public-open space as a limited and valuable resource;
2. To permit the reasonable use of public-open space, while simultaneously preserving and protecting its inherent open space characteristics to assure its continued availability for public use as scenic, recreation, and conservation or natural resource area, and for the containment and structuring of urban development;
3. To coordinate with and carry out federal, state, regional, and city recreation and open space plans; and
4. To provide a suitable location for large-scale regional sports and athletic facilities; and-
5. To develop a public-open space system throughout the downtown, which provides the highest quality parks, plazas, and pedestrian environment.

(b) The recreation open space zone may include major parcels ~~(over two (2) acres)~~ of public property, and private property legally restricted from intensive use or development through deed, covenant, or otherwise.

Sec. 14-154. Permitted uses.

The following uses are permitted uses within the recreation and open space zone, subject to the development standards contained herein:

- (a) Municipal parks, public open spaces, picnic areas, playgrounds and play lots;
- (b) Cemeteries;
- (c) Arboretums;
- (d) Golf courses, excluding miniature golf;
- (e) Boat landings, beaches, and marinas for public uses;
- (f) Outdoor ballfields and public athletic fields;
- (g) Swimming pools and tennis courts;
- (h) Picnic groves and areas;
- (i) Natural parks and scenic overlooks;
- (j) Hiking, walking, bicycling or cross-country ski trails;
- (k) Community gardens for cultivation by and for city residents;
- (l) Sewage pumping stations and sewage treatment facilities;
- (m) Sports complexes;
- (n) Accessory uses, including structures or buildings of less than two thousand five hundred (2,500) square feet of floor area.
- (o) Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(p) Street vendors licensed pursuant to Chapter 19 as a result of a competitive bid process conducted pursuant to Chapter 2 of the City Code.

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No building or structure of a permanent nature shall be erected, altered, enlarged, rebuilt, or used unless it meets the following requirements, except that public open spaces that are less than 2 acres and are on the peninsula are not required to meet the following space and bulk requirements:

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1. Principal buildings or structures: Twenty-five (25) feet.
2. Accessory buildings or structures: Twenty-five (25) feet.

(c) *Minimum side yard:*

1. Principal buildings or structures: Twelve (12) feet.
2. Accessory buildings or structures: Twelve (12) feet.

~~(d) Minimum lot size: Two (2) acres, except that sewage treatment facilities are not required to meet this standard.~~

(e) *Maximum building height:* Thirty-five (35) feet, unless

more than one thousand (1,000) feet from a shoreland zone. The maximum building height for buildings located more than one thousand (1,000) feet from a shoreland zone shall be forty-five (45) feet.

(f) *Maximum coverage of lot by buildings, structures and other impervious site improvements such as paved sidewalks, drives and parking lots:*

1. Sewage treatment facilities: No limit on maximum coverage.

2. Sports complexes: Seventy-five (75) percent of lot area.

3. All other uses: Twenty-five (25) percent of lot area.

(g) *Maximum floor area ratio: Five-tenths (0.5).*

Sec. 14-158. Development standards for recreation and open space zone.

All development in the recreation and open space zone shall comply with the following development standards, ~~which shall be reviewed by the Planning Board in conjunction with and shall be reviewed under the site plan ordinance review, as applicable:~~

(a) All ground areas not used for parking, loading, vehicular or pedestrian areas and not left in their natural state shall be suitably landscaped and designed with quality materials that are consistent with adopted city policy or master plans, and which provide a comfortable, durable, accessible, readily maintainable, and aesthetically pleasing environment.

(b) Natural features, such as mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.

(c) Loading areas shall be screened and parking areas shall be screened and landscaped so as to avoid a large continuous expanse of paved area.

(d) Buildings and structures shall be sited to avoid obstructing significant scenic views presently enjoyed

by nearby residents, passersby, and users of the site.

- (e) Storage of commodities and equipment shall be completely enclosed within buildings or provided with screening by a fence, wall, or landscaping.
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- (g) *Off-street parking:* Off-street parking is required as provided in divisio-n_20 (off-street parking) of this article.

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CITY OF PORTLAND
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*Order 222-13/14
Tab 28 4-28-14*

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14. LAND USE
ARTICLE III. Zoning,
DIVISION 28. Jurisdiction of Board of Appeals,
Section 14-474
Re: Conditional Use Permit Standards

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

1. That Chapter 14, Article III, Division 28, Section 14-474
of the Portland City Code is hereby amended to read as follows:

Sec. 14-474. Conditional uses.

(a) *Authority.* The board of appeals may, subject to the
procedures, standards and limitations set out in this section,
approve the issuance of a conditional use permit authorizing
development of conditional uses listed in this article.

(b) *Procedure:*

1. *Application.* Applications for conditional use permits
shall be submitted to the building authority. A
nonrefundable application fee, as established from
time to time by the city council to cover
administrative costs and costs of a hearing, shall
accompany each application. The application shall be
in such form and shall contain such information and
documentation as shall be prescribed from time to time
by the building authority but shall in all instances
contain at least the following information and
documentation:

- a. The applicant's name and address and his or her
interest in the subject property;
- b. The owner's name and address if different than
the applicant;

- c. The address, or chart, block and lot number as shown in the records of the office of the assessor of the subject property;
 - d. The zoning classification and present use of the subject property;
 - e. The particular provision of this article authorizing the proposed conditional use;
 - f. A general description of the proposed conditional use;
 - g. Where site plan approval is required by article V of this chapter, a preliminary or final site plan as defined by article V of this chapter.
2. *Public hearing.* A public hearing shall be set, advertised and conducted by the board of appeals in accordance with article VI of this chapter.
3. *Action by the board of appeals.* Within thirty (30) days following the close of the public hearing, the board of appeals shall render its decision, in a manner and form specified by article VI of this chapter, granting the application for a conditional use permit, granting it subject to conditions as specified in subsection (d), or denying it. The failure of the board to act within thirty (30) days shall be deemed an approval of the conditional use permit, unless such time period is mutually extended in writing by the applicant and the board. Within five (5) days of such decision or the expiration of such period, the secretary shall mail notice of such decision or failure to act to the applicant and, if a permit is authorized, shall issue such permit, listing therein any and all conditions imposed by the board of appeals.

(c) *Conditions for conditional uses:*

1. *Authorized uses.* A conditional use permit may be issued for any use denominated as a conditional use in the regulations applicable to the zone in which it is proposed to be located.

2. Standards. The Board shall, after review of required materials, authorize issuance of a conditional use permit, upon a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. The Board shall find that this standard is satisfied if it finds that ~~Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:~~

- a. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
- b. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
- c. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

~~There are unique or distinctive characteristics or effects associated with the proposed conditional use;~~

- ~~b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and~~
- ~~c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.~~

(d) Conditions on conditional use permits. The board of appeals may impose such reasonable conditions upon the premises

benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.

(e) *Effect of issuance of a conditional use permit.* The issuance of a conditional use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the city, including but not limited to a building permit, a certificate of occupancy, subdivision approval and site plan approval.

(f) *Limitations on conditional use permits.* No conditional use permit shall be valid for a period longer than six (6) months from the date of issue, or such other time as may be fixed at the time granted not to exceed two (2) years, unless the conditional use has been commenced or is issued and construction is actually begun within that period and is thereafter diligently pursued to completion; provided, however, that one (1) or more extensions of said time may be granted if the facts constituting the basis of the decision have not materially changed, and the two-year period is not exceeded thereby. A conditional use permit shall be deemed to authorize only the particular use for which it was issued and such permit shall automatically expire and cease to be of any force or effect if such use shall for any reason be discontinued for a period of twelve (12) consecutive months or more.

(g) *Appeals from board decisions.* Appeals from any decision of the board of appeals or, where applicable, the Planning Board respecting a conditional use permit shall be to superior court.

**City of Portland, Maine
City Council Agenda Request Form**

TO: Sonia Bean, Senior Administrative Assistant
Danielle West-Chuhta, Corporation Counsel

FROM: Jennifer L. Thompson, Associate Corporation Counsel

DATE: April 9, 2014

- 1) Council meeting at which action is requested:

1st reading: April 28, 2014

Final action: May 5, 2014

- 2) Can action be taken at a later date: X YES NO
If not, why not:

- 3) This item is sponsored by: Stuart O'Brien, Chair, Planning Board
Recommendation made at the Planning Board meeting on March 25,
2014
(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

The present language of Division 28, Jurisdiction of Zoning Board of Appeals, Section 14-474 of Portland City Code is overly broad.

The proposed amendments make the standards for the issuance of a conditional use permit more clear and detail what conditions must be met.

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

The Section 14-474 ordinance change is intended to strengthen the City's conditional use standard and provide additional guidance with respect to evaluating the impact that a proposed use may have on surrounding properties. Changes to the proposal were made to address Planning Board questions and concerns. Additionally, the Zoning Board of Appeals, which also applies this standard in its work, has been consulted and its suggestions incorporated in this new draft.

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

The proposed language improves the ordinance and is in accord with current case law governing land use regulation.

IV. FINANCIAL IMPACT

There is no financial impact on the City.

V. STAFF ANALYSIS & RECOMMENDATION

The Corporation Counsel's office has reviewed the proposed amendment and recommends its adoption.

Attachments:

[Order] Amendment to Portland City Code Chapter 14. Land Use, Article III. Zoning, Division 28. Jurisdiction of Board of Appeals, Section 14-474 Re: Making the Conditional Use Permit Issuance Standards Clear and Specific

Memorandum from Jennifer L. Thompson to Planning Board

CITY OF PORTLAND

MEMORANDUM

TO: Barbara Barhydt
FROM: Jennifer Thompson
DATE: March 19, 2013
RE: Amendment to Portland City Code Chapter 14, Section 14-474(c)(2)(b)

Gordon Smith, Chair of the Zoning Board of Appeals, has brought it to my attention that the language in Portland's ordinance relating to the standard for granting conditional use approval has previously been ruled unconstitutional by Maine's Law Court. The current language provides, in relevant part:

2. *Standards.* Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:
 - a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
 - b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
 - c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

Portland City Code Ch. 14 § 14-474(c)(2) (emphasis added).

As Gordon has correctly pointed out, in 1983 the Law Court considered this precise language as it appeared in the Town of Brunswick's Ordinance. In *Cope v. Town of Brunswick*, 464 A.2d 223 (Me. 1983), the Court was called on to consider the constitutionality of a provision in the Brunswick ordinance that allowed the Brunswick ZBA to grant an exception to the town's zoning ordinance where an applicant could prove, among other things: "That the use will not adversely affect the health, safety, or general welfare of the public." *Id.* at 224. The Court began its analysis by explaining that provisions of a town ordinance that vest unguided authority in an enforcement authority, such as a ZBA, constitute unconstitutional delegations of legislative authority. *Id.* at 226. According to the Court, "there should be no discretion in the Board of Appeals as to whether or not to grant the permit if the conditions stated in the ordinance exist. That determination should be made by the legislators."

The Court then concluded that a determination as to "[w]hether a use will generally comply with the health, safety and welfare of the public and the essential character of the area . . . is a legislative question." According to the Court, "[t]he delegation" of that determination "is improper if the Board is permitted to decide that same legislative question anew, without specific guidelines which permit the

Board to determine what unique or distinctive characteristics of a particular apartment building will render it detrimental or injurious to the neighborhood.” Consequently, the Court held that the language requiring an applicant to prove that a use “will not adversely affect the health, safety, or general welfare of the public” is facially unconstitutional.

In light of the Court’s holding in *Cope* (a copy of which is attached for your review), I propose amending Portland’s Conditional Use language to further specify the standard. Attached is a copy of the relevant section of Lewiston’s Code, which may offer some guidance on potential language. I draw your particular attention to Section 3 “Standards for conditional use permits.” The City of Portland may not want to be as detailed in the factors that should be taken into consideration, but at the very least I think Section (3)(1) could be adopted in some form to replace the current “adverse affect on health, safety or general welfare” language.

I am interested to hear your thoughts on this and would welcome an opportunity to talk with you about whether and how to proceed from here.