

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

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

AGENDA
REGULAR CITY COUNCIL MEETING
MAY 5, 2014

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

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) April 28, 2014 Special City Council Meeting

PROCLAMATIONS:

Proc 31-13/14 Proclamation Recognizing William B. Troubh – Sponsored by
(Tab 2) Mayor Michael F. Brennan.

COMMUNICATIONS:

Com 12-13/14 Communication Re: Portland-Shinagawa Sister City Communique -
(Tab 3) Sponsored by Mayor Michael F. Brennan.

On April 25, 2014 the cities of Portland and Shinagawa, led by Mayors Michael F. Brennan and Takeshi Hamano and assisted by the Friends of Shinagawa and the Shinagawa-ku International Friendship Association, announced the continuation of the Sister City relationship between the two cities on the occasion of its 30th Anniversary.

Several specific programs will occur this year and, hopefully, thereafter.

1. Both cities will carry out two-week homestay programs for young people between the ages of 14 and 18. Youth from Shinagawa will visit Portland, and youth from Portland will hopefully visit Shinagawa. Participants will stay with host families, gain new friends, and develop an appreciation of the cultures of Portland and Shinagawa.
2. Both cities will continue to make all possible efforts to continue the youth sports exchanges, including homestays, with events in both boys' and girls' sports. The youth sports exchanges will hopefully take place in 2016 and every four years. Participants will develop mutual understanding and friendship through sports.
3. Based on the Agreement regarding sending students from Shinagawa to study at the University of Southern Maine, signed by USM and SIFA in October 1992, both cities will continue to make all possible efforts to send students from Shinagawa.
4. Both cities will continue discussing specific exchange programs such as youth homestay, culture, sports, and others.

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

APPOINTMENTS:

**Order 223-13/14
(Tab 4)**

Order Appointing New Warden and New Ward Clerk – Sponsored by Katherine L. Jones, City Clerk.

The City Clerk has one Warden in District 4-2 who has moved out of the City of Portland. Wardens and Ward Clerks are required to live in the City of Portland. As a result, the City Clerk recommends the following for District 4-2.

District 4-2 Troy Moon, Ward Clerk to Warden
 District 4-2 Cynthia Fry-Macomber, Election Clerk to Ward Clerk
 Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

**Order 224-13/14
(Tab 5)**

Order Declaring “Dierks Bentley” in Concert as a Festival and Authorizing a Concerts Presented by Waterfront Concerts on the Maine State Pier Approving Contract and Permits Therefor – Sponsored by Mark H. Rees, City Manager.

This order declares “Dierks Bentley” in concert as a Festival. The festival is scheduled for load in at 7:00 a.m. Thursday, June 12, 2014, with gates opening at 5:30 p.m.

Show time is scheduled for 6:30 p.m. and has an ending 9:00 p.m. curfew. Load out will be immediately following the performance. Festival areas are bordered by all of the Maine State Pier, up to Portland Ocean Terminal dock and parking, and roadway area of Casco Bay Ferry Terminal.

Waterfront Concerts would also like to present a series of concerts this season on the Maine State Pier. All of these concerts would follow the same guidelines imposed by the City of Portland.

With approval moving forward, it would allow Waterfront Concerts to confirm, announce, and put tickets on sale in a more timely fashion. It would also alleviate pressure on the organizer and staff in preparing each concert to be presented to the City Council. Approval of multiple, potential concerts would allow for more activity on the Maine State Pier by eliminating the time constraints and increasing the ability for organizers to confirm bookings. This will apply only to the 2014 outdoor concert season.

Currently, Waterfront Concerts is holding other dates on the Maine State Pier for potential concerts in 2014

They may not use or confirm all of these dates, and they may be inclined to add additional dates. A “season” declaration will allow Waterfront Concerts the flexibility to confirm with the artists and agents in a more timely fashion.

Waterfront Concerts, a Maine limited liability company, has already been approved to organize and present “Three Doors Down: Acoustic” on August 3rd and are seeking approval for “Portland Reggae Fest” on August 10th, which is presented on the April 28th City Council meeting agenda. Staff does not foresee any concerns with other potential events. 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. Green Drinks of Maine, Bangor and Portland will be the main beneficiary for each Waterfront Concerts event, 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 for each event moving forward. Rental Fee and all expenses for City services will be reimbursed by the organizers for each event.

Green Drinks of Maine, Bangor and Portland are independent affiliates of Green Drinks International,)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.

Live music will be performed by bands 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' 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, and the Portland Ocean Terminal.

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.

A "season" festival declaration will allow the Public Assembly Facilities Staff the flexibility to manage the potential events presented by Waterfront Concerts for the 2014 Summer Season. It would alleviate the potential of losing concerts because we were not able to present the event to City Council in the short window the artists' management has to announce the tour, set the on sale date for tickets, and work out the details of the tour. Public Assembly Facilities Division Staff are supportive of the request.

Members of the public will be encouraged to utilize the Community Voice application on the City Web Site to provide feedback regarding outdoor concerts. In addition to responding to specific questions or concerns, staff will utilize the cumulative feedback in making recommendations for future years.

**Order 225-13/14
(Tab 6)**

**Order Calling Election and Setting Time for Opening of Polls
for Primary Election and Municipal Referendum on June 10, 2014 -
Sponsored by Katherine L. Jones, City Clerk.**

This order calls the Primary Election on June 10, 2014, pursuant to 20A-M.R.S.A. §1468

Pursuant to 21-A-M.R.S.A. §621, the hours of poll opening must be set by the municipal officers. This is done for every election; the polls open at 7:00 a.m. and close at 8:00 p.m.

Notices are posted in each district and at City Hall.

**Order 226-13/14
(Tab 7)**

Order Approving Cooperative Agreement between the City of Portland and the Maine Department of Transportation Re: Improvements to Ocean Gateway - Sponsored by Mark H. Rees, City Manager.

The Maine Department of Transportation MDOT has agreed to fund \$640,000 of improvements to the Ocean Gateway marine passenger terminal facility related to the restart of scheduled ferry service between Portland and Yarmouth, Nova Scotia.

The improvements include a line handling catwalk, a passenger gangway, and safety enhancements. MDOT has provided a Cooperative Agreement for the City Manager's signature describing the limits of work and the conditions of funding. The Council is asked to endorse the draft, as may be amended, and direct the City Manager to finalize the agreement with MDOT.

City staff will administer contracting for the proposed improvements, but the State has agreed to fund 100% of the project capital costs.

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

LICENSES:

BUDGET ITEMS: PUBLIC COMMENT WILL BE TAKEN ON ALL MUNICIPAL BUDGET ORDERS

**Order 227-13/14
(Tab 8)**

Order Authorizing FY 2015 Administrative Fees in Various Departments - Sponsored by the Mark H. Rees, City Manager

This order authorizes certain administrative charges.

The increases and new fees are located in the following departments and / or divisions: Fire (EMS); Public Services: Forestry (Community gardens) and Solid Waste (Recycling carts); and Recreation and Facilities Management: Aquatics (Swim Lessons).

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 19th to coincide with consideration of the Appropriation Resolve.

**Order 228-13/14
(Tab 9)**

Order Authorizing City Manager to Enter into Certain Agreements to Implement the FY 2015 Human Resources and Certain Fringe Benefits Budgets - Sponsored by the Mark H. Rees, City Manager.

This order authorizes the City Manager to enter into standard agreements and amendments to standard agreements with providers of services for the fiscal year 2015 in order to implement portions of human resources, medical, workers' compensation, and liability budgets.

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

**Order 229-13/14
(Tab 10)**

Order Re: Self-Insured Liability Program - Sponsored by Mark H. Rees, City Manager.

This order establishes the limit of the city's liability as \$400,000 as required by the Maine Tort Claims Act and states the city's commitment to "self-insure" for such liability by appropriating funds for this purpose.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 19th to coincide with consideration of the Appropriation Resolve.

**Order 230-13/14
(Tab 11)**

Order Authorizing City Manager to Enter into Certain Agreements to Implement the FY 2015 Health and Human Services Budget - Sponsored by Mark H. Rees, City Manager.

This order authorizes the City Manager to enter into standard agreements and amendments to those standard agreements to receive reimbursement for services by the Health and Human Services Department.

In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

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

**Order 231-13/14
(Tab 12)**

Order Authorizing City Manager to Accept Scholarship Trust Donations and Enter into Trust Agreements - Sponsored by Mark H. Rees, City Manager.

This order authorizes the City Manager to accept donations for existing and new scholarship trusts and enter into standard form trust agreements as approved by Corporation Counsel.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 19th to coincide with consideration of the Appropriation Resolve.

**Order 232-13/14
(Tab 13)**

Order Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by Mark H. Rees, City Manager.

This item will give Corporation Counsel a standing authorization to undertake civil actions to collect any delinquent personal property taxes that arise during the course of the fiscal year.

Otherwise it would be necessary for the City Council to specifically authorize each individual legal action. This general authorization will take the place of the case by case approach.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 19th to coincide with consideration of the Appropriation Resolve.

**Order 233-13/14
(Tab 14)**

Order Authorizing Non-Union Wage Adjustment – Sponsored by Mark H. Rees, City Manager.

This Order authorizes the City Manager to make a 1% pay adjustment for all non-union employees effective July 1, 2014 and a subsequent 1% pay adjustment effective January 1, 2015.

Each year budgets permitting, the City of Portland increases the wages and salaries of non-union employees by an amount generally comparable to the amount given to employees covered by collective bargaining agreements.

In addition, it is recommended that a new pay grade 15 be established with the pay and classification plan to accommodate the position of Deputy City Manager.

This order will authorize the City Manager to increase the wages and salaries of non-union employees accordingly and to implement the new pay scale.

The Nomination Committee will meet on May 6th to discuss and vote on this item.

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

**Order 234-13/14
(Tab 15)**

**Order Designating FY15 Funds for Specific Island Services -
Sponsored by the Mark H. Rees, City Manager.**

The municipal budget includes \$40,000 for use on Peaks Island in addition to the funds used to pay for direct and indirect city services. Pursuant to a request from the Peaks Island Council will be used as follows in FY15:

Item A:	Cost of Extending Portland School Department Issued 10 Month Casco Bay Line Passes for Peaks Island Public Middle and High Schools Students to 12 Month Passes	\$5,000
Item B:	Payable to Casco Bay Lines to Purchase Bicycle Tickets for a Summer Bike Ticket Program on Peaks Island.	\$500
Item C:	Quarterly Vouchers in the amount of \$50 per Voucher per Student to the Parents of Children Attending the Peaks Island Elementary School who attain the Age of 10 Years or Older during the School Year.	\$3,000
Item D:	Payable to Casco Bay Islands to Purchase Tickets for Needs Based PI Residents.	\$5,000
Item E:	Allocation to the Island Transportation System for Continued Support of the Only Transportation Service Available to Residents.	\$17,500
Item F:	Allocation to the Peaks Island Council for Administrative Expenses	\$2,500
Item G:	Allocation to the City of Portland Recreation Division as a Contribution towards the Establishment of a Skateboard Park on Peaks Island.	\$1,000
Item H:	Allocation to Peaks Island Tax & Energy Assistance (PITEA) for the Express Purposes of Assisting Eligible Island Residents with Heating Costs.	\$3,000
Item I:	Allocation to the Peaks Island Food Pantry for the Express Purposes of Assisting Eligible Island Residents with Basic Food Needs.	\$1,000
Item J:	Allocation to the Peaks Island Academy for the Express Purposes of Assisting Students' Transportation Needs for Off-island Activities.	\$1,000
Item K:	Issue Vouchers in the Amount of \$84 per Voucher per Student to the Parents of Children Attending Private Schools Off-island.	\$500

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

**Order 235-13/14
(Tab 16)**

Order Authorizing General Obligation Bonds in an Amount not to Exceed \$500,000 – Sponsored by Mark H. Rees, City Manager.

This order authorizes the incurring of indebtedness by the City of Portland through the issuance of General Obligation Bonds in the aggregate amount of \$500,000 pursuant to the City Charter. The bond proceeds will be expended as described in the accompanying Appropriation Order.

This order also authorizes the Director of Finance to prepare, issue, and sell the bonds and also authorizes the Director of Finance, Mayor and Clerk, and other proper officials of the City to perform whatever other acts may be necessary or desirable to effect the issuance, sale, and delivery of the bonds.

Finally, the order requires that sufficient funds for the annual payments of principal and interest on the bonds and any notes issued be included in the tax levy each year until the debt represented by the bonds and any notes is extinguished.

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

**Order 236-13/14
(Tab 17)**

Order Appropriating \$500,000 of Bond Proceeds – Sponsored by Mark H. Rees, City Manager.

This order appropriates the new general obligation bond proceeds for the purpose of settling old Workers' Compensation Claims and all other related expenses.

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

**Order 237-13/14
(Tab 18)**

Order for Fiscal Year 2014-2015 Appropriating \$830,000 From Excess Fund for Casco Bay Transit District (CBITD) - Sponsored by Mark H. Rees, City Manager.

Appropriating \$830,000 from the Casco Bay Island Transit District Excess Fund to Provide Matching Funds for Grants to CBITD Pursuant to the lease agreement between the City and CBITD, Excess Revenues, as defined in the agreement, are accumulated and held until such time as the Council may appropriate them for purposes outlined in the agreement. CBITD has requested \$830,000 to leverage as matching funds for a number of capital grants that are in process of being awarded to them.

The agreement allows for use of Excess funds for capital costs, so this request is acceptable for that purpose.

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

BUDGET RELATED ORDINANCE AMENDMENTS:

**Order 238-13/14
(Tab 19)**

Amendment to Portland City Code Chapter 6 (Buildings and Building Regulations), Article II. Building Code) Section 17 Re: Fees Schedule - Sponsored by Mark H. Rees, City Manager.

This order amends (only) the fees in Chapter 6 §17 as follows:

Chapter 6	Description	Current Fee	Proposed Fee
<i>Sec. 6-17 (a)</i>	<i>Construction Work:</i>		
<i>(1)</i>	<i>Cost of Work Fees:</i>		
	Up to \$1,000.00	\$30.00	\$25.00
	\$1,000.00 or more	\$30.00 + \$10.00 per \$1,000 above \$1,000.00	\$25.00 + \$11.00 per \$1,000 above \$1,000.00
<i>(2)</i>	<i>Belated Fees:</i>		
		Below \$30.00 permit fee...\$50.00 additional	Below \$25.00 permit fee...\$50.00 additional
		Above \$30.00 permit fee...\$100.00 additional	Above \$25.00 permit fee...\$100.00 additional
<i>(3)</i>	<i>Amendments to Application:</i>		
	Up to \$1,000.00	\$30.00	\$25.00
	\$1,000.00 or more	\$30.00 + \$10.00 per \$1,000 above \$1,000.00	\$25.00 + \$11.00 per \$1,000 above \$1,000.00
<i>Sec. 6-17 (b)</i>	<i>Fees for Specific Items (Additional to Cost of Work Fees Above):</i>		
<i>(7)</i>	<i>Stop Work Order Removal</i>	\$100.00	\$300.00
<i>(8)</i>	<i>Certificate of Occupancy Inspection</i>	\$75.00 for each	\$100.00 for each
<i>(10)</i>	<i>Re-inspections</i>	\$75.00 for each	\$150.00 for each

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

**Order 239-13/14
(Tab 20)**

Amendment to Portland City Code Chapter 24 Sewers Article IV. Sewer User Charges Re: Sewer User Charges- Sponsored by Mark H. Rees, City Manager.

In addition to economic increases in operating costs, the City continues to work on compliance with the Environmental Protection Agency (EPA)/Department of Environmental Protection (DEP) for elimination of combined sewer overflows (CSO), at a significant cost. The Tier II plan is just finishing, and the next Tier III plan has been approved and is underway.

Funding of these capital projects, totaling about \$230 million over more than 20 years, requires financing through bond proceeds to allow the cost to be spread over the life of the improvements.

The City is also required to comply with EPA regulation related to MS4 permitting and integrated permit plan, adding additional costs to the Sewer Fund.

The funding for maintenance and capital costs for the Sewer operations is the sewer user fee, set by the City Council, and was expected to increase to accommodate the cost of CSO work and MS4 compliance. This fee was last increased in July of 2013.

The current rate is \$8.35 per hundred cubic feet. The proposed rate for July 1, 2014 is \$8.81 per hundred cubic feet.

This is a unit increase of \$0.46 cents or 5.5%. This equated to an estimated monthly increase of about \$4.60 per four-member household.

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

**Order 240-13/14 Amendment to Portland City Code Chapter 28, (Traffic), Division 1,
(Tab 21) Section 51 Re: Revised Fees – Sponsored by Mark H. Rees, City
Manager.**

Chapter 28	Description	Current Fee	Proposed Fee
<i>Sec. 28-51</i>	<i>Traffic Schedule:</i>		
4	No Parking This Side of Street	\$25.00	\$30.00
5	Double Parking or Obstructing Traffic	\$25.00	\$30.00
6	Parking in Hazardous Area –Fire Hydrant-Crosswalk	\$30.00	\$35.00
7	Snow Removal or Plowing Area	\$30.00	\$35.00
8	No Parking Bus Stop	\$25.00	\$30.00
9	Blocking Driveway (On Complaint)	\$25.00	\$30.00
E	No Parking Zone	\$25.00	\$30.00
F	No Parking Between Signs	\$25.00	\$30.00
G	No Parking Here to Corner	\$25.00	\$30.00
H	No Parking Taxi Stand	\$25.00	\$30.00
J	No Parking Intersection	\$25.00	\$30.00
K	No Parking Sidewalk	\$25.00	\$30.00
L	No Parking / Dual Rear Wheels / Overtime Commercial Vehicle Zone	\$30.00	\$35.00
M	No Parking Against Traffic Flow	\$25.00	\$30.00
N	Posted Emergency No Parking Zone	\$25.00	\$30.00
P	No Parking More than 18" from Curb	\$25.00	\$30.00
Q	No Stopping or Standing	\$25.00	\$30.00
R	No Parking City Lot or Property (Permit Required)	\$25.00	\$30.00
S	No Parking on Esplanade	\$25.00	\$30.00
T	No Parking That Takes More Than One Metered Space	\$15.00	\$20.00

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

APPROPRIATION RESOLVE:

Order 241-13/14 Fiscal Year 2014-2015 Appropriation Resolve - Sponsored by Mark H. Rees, City Manager.
(Tab 22)

This item brings forward the Appropriation Resolve for FY2015 for action by the City Council.

The Resolve contains the City Manager's recommended budget for FY2015 for general municipal purposes in the amount of \$220,851,858. In addition it contains the Finance Committee's recommended budget for FY2015 for school purposes.

The Finance Committee reviewed the Board of Education's recommended budget on April 24, 2014, by a vote of 4-0 recommended support for certain amendments and a final budget amount of \$101,592,669.

The Finance Committee will continue the review of the City Manager's recommended budget on May 8, 2014.

The tax levy based upon the Finance Committee's recommended School Budget and City Manager's budget recommendations is \$75,972,495 for municipal purposes and \$77,469,011 for school purposes. This would result in a combined tax levy of \$153,441,506 for FY 2015. The tax rate based on the combined levies would be \$20.03 per \$1,000 of assessed value, a 3.2% increase

The Appropriation Resolve also directs the Assessor of Taxes to assess a tax upon all real and personal property liable to be taxed as of April 1, 2014 and sets September 12, 2014, as the tax due date, which may be paid in two installments due on September 12, 2014, and March 13, 2015.

The delinquency rate of interest is set at 7.0% per year, and the abatement rate of interest is set at 3.0% per year.

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

SCHOOL BUDGET ITEMS:

Order 211-13/14 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.
(Tab 23)

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. It was given a first reading and public hearing on April 28th. Five affirmative votes are required for passage.

**Order 212-13/14
(Tab 24)**

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. It was given a first reading and public hearing on April 28th. Five affirmative votes are required for passage.

**Order 213-13/14
(Tab 25)**

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. It was given a first reading and public hearing on April 28th. Five affirmative votes are required for passage.

**Order 214-13/14
(Tab 26)**

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. It was given a first reading and public hearing on April 28th. Five affirmative votes are required for passage.

**Order 215-13/14
(Tab 27)**

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. It was given a first reading and public hearing on April 28th. Five affirmative votes are required for passage.

**Order 216-13/14
(Tab 28)**

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. It was given a first reading and public hearing on April 28th. Five affirmative votes are required for passage after public comment.

RESOLUTIONS:

UNFINISHED BUSINESS:

**Order 219-13/14
(Tab 29)**

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. It was given a first reading on April 28th. Five affirmative votes are required after public comment.

**Order 220-13/14
(Tab 30)**

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. It was given a first reading on April 28th. Five affirmative votes are required for passage after public comment.

**Order 221-13/14
(Tab 31)**

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. Planning Board Chairman Stuart O'Brien voted against the proposed motions based upon the fact that he would like a more comprehensive analysis of all of the City's open spaces 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. It was given a first reading on April 28th. Five affirmative votes are required for passage after public comment.

**Order 222-13/14
(Tab 32)**

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. It was given a first reading on April 28th. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 242 (Tab 33)

Order Approving and Authorizing City Manager to Execute the Lease with Portland Pirates LLC for 94 Free Street Space and Parking – Sponsored by the Housing and Community Development Committee – Councilor Kevin J. Donoghue, Chair.

This order approves the Portland Pirates 94 Free Street Space and Parking Lease. A draft Lease for the Pirates to continue to occupy 2,415 square feet of space located at 94 Free Street under revised terms and conditions is included in the agenda backup. It is noted that the Pirates are not interested in leasing the adjacent vacant space, which includes a total of 2,944 square feet. This space will therefore be marketed for rent by city staff.

General terms and conditions include an initial five (5) year term, with one five (5) renewal option, at an annual rent of \$22,797.60, plus market value payment for up to fifteen (15) parking spaces in the Spring Street Parking Garage.

The Pirates are responsible for any tenant fit-up expense, payment of utilities, and costs to modify existing mechanical equipment.

The City will realize annual rental income, effective date of June 1, 2014, in the amount of \$22,797.60 or \$9.44 per square foot for 2,415 square feet. A one (1) percent annual rent increase is included, along with market value payment of up to fifteen (15) parking spaces located in the Spring Street Parking Garage.

On April 23 the Housing and Community Development Committee met and voted 3-0 (Councilor Coyne absent) to forward this item to the City Council with a recommendation for passage.

Five affirmative votes are required for passage after public comment.

**Order 243-13/14
(Tab 34)**

Order Accepting Donation of Lot 261-B-54/109 Rowe Avenue to the City and Forgiving Taxes for FY2014 – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair.

Theodore Dube contacted city staff that he had no interest in retaining ownership of Lot 261-B-54/109 Rowe Avenue, and he was willing to donate it to the city.

The property was left to him when he was a teenager, and he has paid taxes on it since that time – now at \$31.06/yearly; land value is \$1,600; square footage is 2,100. It is important to note that this lot is not developable because it does not meet minimum zoning district lot size requirements.

This request was reviewed by the Tax-Acquired Property Committee (TAPC). In reviewing this request, TAPC considered the lot's buildability, particularly if it were to be combined with abutting City-owned lots. All of these lots are in an R-3 zone that requires a minimum lot size of 6,500 sq. ft. Dube's lot has 2,100 sq. ft., so is not buildable on its own. To make it buildable, it would need to add both City-owned lots (261-B-55 and 261-B-17).

See following table for Dube and City's property specs:

Owner/Lots Abutting Dube Lot:	CBL	Address	Square Feet
"Dube Theodore Thomas Oscar"	261-B-54	109 Rowe Avenue	2,100
City of Portland	261-B-55-56 (2 lots on Rowe Ave)	111 Rowe Avenue	4,200
City of Portland	261-B-17-18 (2 lots behind above)	0 Terrace Avenue	4,200
City Lots Across Paper Street (Terrace Ave.):			
City of Portland	262-C-25	0 Terrace Avenue	2,330
City of Portland	262-C-26-27	0 Terrace Avenue	4,660

Doug Roncarati, Public Services' Stormwater Program Coordinator, has noted that on the map included in the agenda backup, the brown areas are low, wet areas concentrating in a drainage channel that follows Terrace Avenue to Nason's Brook. Runoff from the back of all those properties on Webb Street and Rowe Avenue drain to this area.

This drainage area provides some stormwater management benefits to Dole Brook, provides wildlife habitat, and helps to slow down, absorb, and clean runoff before it gets to this impaired Dole Brook.

Acceptance of this donation will result in the loss of \$31.60 in annual taxes.

The Housing and Community Development Committee met on April 23rd and voted 3-0 (Councilor Coyne absent) that the City Council accept this donation due to the City's need to improve water quality in this watershed area and manage any storm water runoff generated by new and existing development along these streets and for the Council to authorize the write off of taxes for FY14.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

**Order 244-13/14
(Tab 35)**

**Amendment Zoning Map Amendment Re: R-6 Zone in Vicinity of
of Boyd, Oxford, and Mayo Streets -Sponsored by the Planning Board,
Stuart O'Brien, Chair.**

The Planning Board is forwarding a recommendation to rezone a portion of the Portland Housing Authority (PHA) residential campus in East Bayside from R-6 to R-7.

PHA requested a zone change to facilitate development of a proposed 45 unit housing development (called Bayside Anchor). PHA proposes to convert an existing parking lot at the corner of Boyd Street and Oxford Street into an affordable housing project but the resulting lot size doesn't meet the density requirements of the R-6 zone thus the need for a R-7 map amendment.

PHA's zone change application, at staff suggestion, encompassed their entire East Bayside residential property (10.8 acres) to allow for increased flexibility and density for future renovation and infill development of the campus. In considering the PHA proposal, the Planning Board reviewed the entire East Bayside R-6 district so that land use and zoning issues could be reviewed comprehensively rather than on a piecemeal basis.

Public comment during the Planning Board workshops and at the public hearing, as well as neighborhood meetings, was generally opposed to a R-7 designation for the entire neighborhood at this time. However, there was support for the Bayside Anchor project, as well as a willingness to continue a discussion about text and map changes in the R-6 and R-7 zones.

The Planning Board balanced that input with a concern among the majority of the Board that single-parcel rezoning did not usually reflect sound planning for housing opportunities. Based on the analysis of staff and their own thoughts, the Board selected an area of about two blocks, all owned by the PHA, for rezoning along with the Bayside Anchor parcel.

At a public hearing held on April 22, 2014, the Board voted 5 to 2 (Hall and Morrisette opposed) to recommend to the City Council that a portion of the PHA campus (including the Bayside Anchor site) be rezoned from R-6 to R-7. The zone change covers a two-block area in the vicinity of Boyd St., Oxford St. and Mayo St.

For purposes of holding a public hearing, the Board did consider rezoning the entire R-6 zoning district in East Bayside to R-7 including the entire PHA campus. The final vote was based on an analysis of the entire neighborhood and public feedback, and resulted in a recommendation that a discreet set of parcels be rezoned R-7 and that further study and outreach be done before any further rezoning take place.

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

**Order 218-13/14
(Tab 36)**

Order Approving the Record and Written Decision Re: Sangillo's Tavern, LLC Renewal Application for a Class A Lounge Food Service Establishment License - Sponsored by the Danielle West-Chuhta, Corporation Counsel.

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.

On April 7, 2014 City Council voted 5 to 4 (Coyne, Duson, Leeeman, 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.

On April 28, 2014, the City Council unanimously voted to postpone this item to May 5, 2014.

Five affirmative votes are required for passage after public comment.

IN COUNCIL SPECIAL MEETING APRIL 28, 2014 VOL. 129 PAGE 92

ROLL CALL: Mayor Brennan called the meeting to order at 7:10 P.M. (Councilors Coyne, Duson arrived during the Recognition.

ANNOUNCEMENTS:

RECOGNITIONS:

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

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Suslovic and seconded by Councilor Mavodones for passage of the April 7, 2014 Special City Council Meeting, April 7, 2014 Regular City Council Meeting and the April 14, 2014 Special City Council Meeting. Passage 9-0.

PROCLAMATIONS:

Proc 28-13/14 Proclamation Honoring Richard ("Dick") Aronson, Owner of Century Tire on Marginal Way – Sponsored by Mayor Michael F. Brennan.

Proc 29-13/14 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 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 Order Declaring "Portland Reggae Fest" as a Festival – Sponsored by Mark H. Rees, City Manager.

Order 205A-13/14 Order Granting Amended License to Redfern LWS LLC Allowing Foundation Footings in Public Right-of-Way - Sponsored by Mark H. Rees, City Manager.

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

LICENSES:

**Order 206-13/14 Order Granting Municipal Officers' Approval of Tao Restaurant LLC
(Tab 6) d/b/a BaoBao Dumpling House at 133 Spring St. Application for a Class
I FSE License – Sponsored by Katherine L. Jones, City Clerk.**

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

**Order 207-13/14 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.**

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

**Order 208-13/14 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.**

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

**Order 209-13/14 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.**

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to pass as an emergency. Passage 9-0.

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

**Order 210-13/14 Order Granting Municipal Officer's Approval of Portland Hunt &
(Tab 10) 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.**

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

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 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.

This is its first reading.

Order 212-13/14 Order Approviug Non-State Funded School Construction Debt Service for Portland Schools for FY 2015 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

Order 213-13/14 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 is its first reading.

Order 214-13/14 Order Approving Total School Operating Budget for Portland Schools for FY 2015 – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

Order 215-13/14 Order Appropriating and Raising Funds for Adult Education for FY 2015 as Required by the Maiue Revised Statutes, Title 20-A M.R.S.A. §8603-A(1) – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

IN COUNCIL SPECIAL MEETING APRIL 28, 2014 VOL. 129 PAGE 95

Order 216-13/14 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 is its first reading.

COMMUNICATIONS:

Com 11-13/14 Communication Re: Appointment of Project Advisory Committee (PAC) for the State and High Street Two-Conversion Study - Sponsored by Mayor Michael F. Brennan.

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

RESOLUTIONS:

UNFINISHED BUSINESS:

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 item was given first reading on April 7, 2014.

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

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 item was given first reading on April 7th, 2014.

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

IN COUNCIL SPECIAL MEETING APRIL 28, 2014 VOL. 129 PAGE 96

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 item was given first reading on April 7, 2014.

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

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 item was given first reading on April 7, 2014.

Motion was made by Councilor Donoghue and seconded by Councilor Marshall to postpone to June 16, 2014 City Council meeting. Motion failed 2-7 (Duson, Mavodones, Coyne, Hinck, Leeman, Suslovic, Brennan).

Motion was made by Councilor Hinck and seconded by Councilor Suslovic for passage. Passage 7- 2 (Donoghue, Marshall) .

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 item was given first reading on April 7, 2014.

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

ORDERS:

Order 217-13/14 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.

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

IN COUNCIL SPECIAL MEETING APRIL 28, 2014 VOL. 129 PAGE 97

Order 218-13/14 Order Approving Sangillos Liquor License Denial Written Decision – Sponsored by the Danielle West-Chuhta, Corporation Council.

Motion was made by Councilor Susloive and seconded by Councilor Donoghue to postpone Order 218 to the May 5, 2014 City Council Meeting. Passage 9-0.

Order 219-13/14 Order Approving Contract with the Animal Refuge League of Westbrook – Sponsored by Mark H. Rees, City Manager.

This is its first reading.

AMENDMENTS:

Order 220-13/14 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.

This is its first reading.

Order 221-13/14 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 its first reading.

Order 222-13/14 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 – Sponsored by the Planning Board, Stuart O'Brien, Chair.

This is its first reading.

Motion was made by Councilor Suslovic and seconded by Councilor Marshall to adjourn. Passage 9-0, 9:35 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

Proc 31 - 13/14
Tab 2 5-5-14

PROCLAMATION

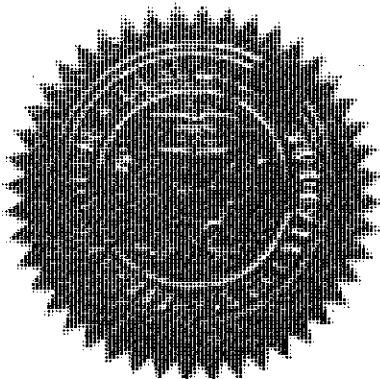
RECOGNIZING

WILLIAM B. TROUBH

- WHEREAS,** William B. Trough was a person who loved being an attorney and public servant for the City of Portland and the State of Maine; and
- WHEREAS,** Bill was born and raised in Portland, graduated from Portland High School, the University of Maine at Orono and received a law degree from University of Maine School of Law; and
- WHEREAS,** He was a candidate for the U.S. House of Representatives, a member of the District Attorney's office and a founding partner of the Portland law firm Trough Heisler and practiced law for more than 50 years; and
- WHEREAS,** Bill was a member of the Portland City Council for 9 years and served 2 terms as Mayor in 1974-1975 and 1983-1984; and
- WHEREAS,** Bill was actively engaged in civic causes and was instrumental in the development of the Portland Waterfront, Portland Sea Dogs, Cumberland County Civic Center and the Portland Ice Arena; and
- WHEREAS,** Bill served as President of the Eastern League of Professional Baseball for six years and was elected to the Maine Baseball Hall of Fame in 1999. He served as general counsel to the Portland Sea Dogs; and
- WHEREAS,** He was a community leader and innovator who always had the best interests of Portland as his top priority.

NOW, THEREFORE, BE IT RESOLVED, THAT I Michael F. Brennan, Mayor of the City of Portland and members of the City Council do hereby recognize William B. Trough for his leadership, dedication and commitment to the State of Maine, the City of Portland, and all its citizens.

Signed and sealed this 5th day of May, 2014



A handwritten signature in cursive script, reading "Michael F. Brennan", is written over a horizontal line.

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

PORTLAND-SHINAGAWA SISTER CITY COMMUNIQUE

Com 12-13/14
Tab 3 5-5-14

April 25, 2014

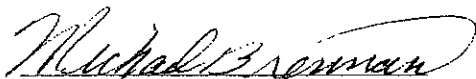
Shinagawa, Tokyo, Japan

The cities of Portland and Shinagawa, led by Mayors Michael F. Brennan and Takeshi Hamano and assisted by the Friends of Shinagawa and the Shinagawa-ku International Friendship Association, are delighted to announce the continuation of the Sister City relationship between the two cities on the occasion of its 30th Anniversary.

With this communiqué, we would like to declare several specific programs that will occur this year and hopefully thereafter:

1. Both cities will carry out two-week homestay programs for young people between the ages of 14 and 18. Youth from Shinagawa will visit Portland, and youth from Portland will hopefully visit Shinagawa. Participants will stay with host families, gain new friends, and develop an appreciation of the cultures of Portland and Shinagawa.
2. Both cities will continue to make all possible efforts to continue the youth sports exchanges; including homestays, with events in both boys' and girls' sports. The youth sports exchanges will hopefully take place in 2016 and every four years. Participants will develop mutual understanding and friendship through sports.
3. Based on the Agreement regarding sending students from Shinagawa to study at the University of Southern Maine, signed by USM and SIFA in October 1992, both cities will continue to make all possible efforts to send students from Shinagawa.
4. Both cities will continue discussing specific exchange programs such as youth homestay, culture, sports, and others.

Mayors Michael F. Brennan and Takeshi Hamano both commit their cities to strengthen the relationship in order to promote mutual friendship and understanding. Both cities wish that the exchange programs and relationship advance more in the future.



Michael F. Brennan
Mayor of Portland, Maine, U.S.A.



Takeshi Hamano
Mayor of Shinagawa, Tokyo, Japan

*Order 223-13/14
Tab 4 5-5-14*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

ORDER APPOINTING NEW WARDEN AND NEW WARD CLERK

ORDERED, that Troy Moon, appointed Ward Clerk, be hereby appointed Warden and Cynthia Fry-Macomber, appointed Election Clerk, be hereby appointed Ward Clerk for District 4-2 for the 2014 calendar year.



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

Office of the City Clerk

Katherine L. Jones, CCM, City Clerk

MEMORANDUM

To: Mayor Brennan, Members of Portland City Council
FROM: Katherine Jones, City Clerk
DATE: April 27, 2014
RE: Warden and Ward Clerk

I have one Warden who has moved out of the City of Portland. City Charter; IV Elections, sec. 3
Wardens and Ward Clerks have to live in the City of Portland. I would like to recommend the
following for District 4-2.

District 4-2 Troy Moon, Ward Clerk, to Warden
District 4-2 Cynthia Fry-Macomber, election clerk, to Ward Clerk.

This will be for all future elections.

*Order 224-13/14
Tab 5 5-5-14*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER DECLARING
“DIERKS BENTLEY” IN CONCERT
AS A FESTIVAL AND AUTHORIZING CONCERTS PRESENTED BY
WATERFRONT CONCERTS ON THE MAINE STATE PIER APPROVING
CONTRACT AND PERMITS THEREFOR**

ORDERED, that Dierks Bentley in Concert is hereby declared as a Festival to be held in Portland on Thursday, June 12, 2014; and

BE IT FURTHER ORDERED, that a Concert Season on Maine State Pier is hereby declared as a series of Festivals in 2014 to be presented by Waterfront Concerts, LLC on behalf of Green Drinks of Maine, Bangor and Portland (“event beneficiaries”); and

BE IT FURTHER ORDERED, that the City Manager is authorized to grant permits to the festival organizers, Waterfront Concerts, LLC on behalf of 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 Thursday, June 12, 2014 when live music will be performed by bands from 6:30 p.m. to 9:00 p.m. and on other dates of the Concert Season on Maine State Pier; any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained at a reasonable level and be configured by 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 and series of Festivals, subject to the direction and control of the City Manager; and

BE IT FURTHER ORDERED, that the City Manager or designee is hereby authorized to issue a revocable permit for each Festival 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 the Festivals, other than at the following: a 21+ beer-only garden to be set up near the stage and security provided by Public Assembly Facilities Management staff.
- Waterfront Concerts, LLC shall indemnify the City and hold it harmless from and against all claims arising out of activities during said Festivals/events, 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 permits issued from Public Services Event Office, shall be adhered to.
- Waterfront Concerts, LLC shall have sole authority over participating vendors at the events and may charge a fee to vendors for the opportunity to vend at the Festivals.
- 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 Festivals; 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): May 5, 2014
2. Can action be taken at a later date? Yes X No
Tour would like to announce concert on May 5, 2014, VIP Pre Sale on May 6, 2014, Public on sale Friday, May 9, 2014, concert will be on Thursday June 12, 2014.

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 "Dierks Bentley" in concert as a Festival. Festival is scheduled for Load In 7:00 a.m. Thursday, June 12, 2014, with gates opening at 5:30pm, show time 6:30 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.

Waterfront Concerts would also like to present a series of concerts on the Maine State Pier. All of these concerts would follow the same guidelines imposed by the City of Portland. With approval moving forward, it would allow Waterfront Concerts to confirm, announce, and put tickets on sale in a more timely fashion. It would also alleviate pressure on the organizer and staff in preparing each concert to be presented to City Council. Approval of multiple, potential concerts would allow for more activity on the Maine State Pier by eliminating the time constraints and increasing the ability for organizers to confirm bookings. This will apply only to the 2014 outdoor concert season.

We would like to declare the "Waterfront Concerts season" a Festival. 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.

Memo with additional information attached.

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

Approval of "Dierks Bentley" in concert and an additional series of concerts would allow the time necessary to announce, sell tickets, and properly promote the individual concerts. With each concert falling under the same guidelines, it would expedite the planning and approval process. This would grant each Waterfront Concerts event over the season:

- A Festival Declaration
- Allowance 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 Fees and all costs incurred by City Departments for all concerts will be reimbursed by Waterfront Concerts/Green Drinks Maine, Bangor and Portland, organizers of these events.

V. STAFF ANALYSIS & RECOMMENDATION

Waterfront Concerts, a Maine limited liability company, has already been approved to organize and present "Three Doors Down: Acoustic" on August 3rd and are seeking approval for "Portland Reggae

Fest” on August 10th, which will be presented on the April 28th City Council meeting agenda. City Staff does not have any concerns with other potential events. 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. Waterfront Concerts and Green Drinks Maine, Bangor and Portland will be signing an Operating Agreement with Recreation and Facilities Management for each event moving forward. These events will be comparable to other successful Maine State Pier concerts.

Members of the public will be encouraged to utilize the Community Voice application on the City Web Site to provide feedback regarding outdoor concerts. In addition to responding to specific questions or concerns, staff will utilize the cumulative feedback in making recommendations for future years.



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: May 1, 2014
RE: Waterfront Concerts – Dierks Bentley and Outdoor Concert “season”

I am requesting that the following order be placed on the next City Council agenda: order authorizing “Dierks Bentley” in concert as a festival, Thursday, June 12, 2014.

Also, authorizing a series of potential concerts presented by Waterfront Concerts on the Maine State Pier, over various dates in 2014.

We would like to formally request a “season” festival declaration where we would be able to maintain holds and confirmations through our office, similar to the process we currently use for events at our other facilities. Each concert will fall under the same guidelines enforced by the City of Portland (Public Assembly Facilities Division). Administrative control over the usage of the Maine State Pier would be maintained. We request this provision so Waterfront Concerts can more actively market the Maine State Pier as a viable option for artists looking for summer outdoor plays in Maine. Shows would specifically be selected to compliment the atmosphere of the Old Port and would be in the genres of Classic Rock, Folk, Country, Alternative and Adult Contemporary. This would apply only for the 2014 outdoor concert season.

Currently, Waterfront Concerts is holding a number of dates on the Maine State Pier for potential concerts in 2014. They may not use or confirm all of these dates, and they may be inclined to add additional dates. A “season” declaration will allow Waterfront Concerts the flexibility to confirm with the artists and agents in a more timely fashion.

Waterfront Concerts, a Maine limited liability company, will be organizing and producing the “Dierks Bentley” concert. Waterfront Concerts has already been approved to organize and present “Three Doors Down: Acoustic” on August 3rd and are seeking approval for “Portland Reggae Fest” on August 10th, which will be presented on the April 28th City Council meeting agenda. We do not foresee any concerns with other potential events. 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. Green Drinks of Maine, Bangor and Portland will be the main beneficiary for each Waterfront Concerts event, 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 for each event moving forward. Rental Fee and all expenses for City services will be reimbursed by the organizers for each event.

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



Anita R. LaChance
Director

Department of Recreation & Facilities Management

Andrew J. Downs
Director

Public Assembly Facilities

value of the natural environment, sharing goals for sustainability and seeking to promote & develop Green initiatives.

Live music will be performed by bands 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' 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, and the Portland Ocean Terminal.

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. Waterfront Concerts will 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.

A "season" festival declaration will allow the Public Assembly Facilities Staff the flexibility to manage the potential events presented by Waterfront Concerts for the 2014 Summer Season. It would alleviate the potential of losing concerts because we were not able to present the event to City Council in the short window the artists' management has to announce the tour, set the on sale date for tickets, and work out the details of the tour. Public Assembly Facilities Division Staff are supportive of the request.

Members of the public will be encouraged to utilize the Community Voice application on the City Web Site to provide feedback regarding outdoor concerts. In addition to responding to specific questions or concerns, staff will utilize the cumulative feedback in making recommendations for future years.

Order 225-13/14
Tab 6 5-5-14

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER CALLING ELECTION AND SETTING TIME FOR OPENING
OF POLLS FOR PRIMARY ELECTION AND
MUNICIPAL REFERENDUM ON JUNE 10, 2014**

ORDERED, that pursuant to 20-A M.R.S.A. § 1486, an Election shall be held on June 10, 2014; and

BE IT FURTHER ORDERED, that pursuant to 21-A M.R.S.A. Sec. 621-A, the polls shall open at 7:00 a.m. and close at 8:00 p.m. on June 10, 2014.



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

Office of the City Clerk

Katherine L. Jones, CCM, City Clerk

MEMORANDUM

TO: Mayor Brennan, Portland City Council
FROM: Katherine L. Jones, City Clerk
DATE: April 28, 2014
RE: Setting the time for opening and closing the polls on June 10, 2014

Pursuant to 21-A-M.R.S.A. § 621, the hours of poll opening must be set by the municipal officers. This is done for every election; the polls open at 7:00 A.M. and close at 8:00 P.M.

Notices are then posted in each district and at City Hall.

Order 226 - 13/14
Tab 7 5-5-14

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
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**CITY OF PORTLAND
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JOHN R. COYNE (5)
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JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING COOPERATIVE AGREEMENT
BETWEEN THE CITY OF PORTLAND AND
THE MAINE DEPARTMENT OF
TRANSPORTATION
RE: IMPROVEMENTS TO OCEAN GATEWAY**

ORDERED, that the City Manager is authorized to enter into a cooperative agreement between the City of Portland and the Maine Department of Transportation, in substantially in the form attached hereto, for improvements to the Ocean Gateway Terminal; and:

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

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Bill Needelman, Waterfront Coordinator

DATE: May 1, 2014

DISTRIBUTION: (City Manager, Mayor, Sonia Bean, Danielle West-Chuhta,
Nancy English)

SUBJECT: Improvements to the Ocean Gateway Terminal - Cooperative Agreement
between MDOT and the City on funding

SPONSOR: Mark Rees, City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading _____ Final Action May 5, 2014

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

All parties are looking to implement improvements to the terminal at the earliest date to facilitate the Nova Star Ferry service.

PRESENTATION: Bill Needelman, Waterfront Coordinator, will be available if needed for questions

I. SUMMARY OF ISSUE

The Maine Department of Transportation MDOT has agreed to fund up to \$640,000 of improvements to the Ocean Gateway marine passenger terminal facility related to the restart of scheduled ferry service between Portland and Yarmouth, NS. The improvements include a line handling catwalk, a passenger gangway, and safety enhancements. MDOT has provided a Cooperative Agreement for the City Manager's signature describing the limits of work and the conditions of funding. The Council is asked to endorse the draft, as may be amended, and direct the City Manager to finalize the agreement with MDOT.

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

While the existing Ocean Gateway facility can accommodate the Nova Star ferry, the proposed infrastructure changes will improve: the capabilities of the terminal, the traveling customer experience, the efficiency of terminal operations, and terminal safety.

III. INTENDED RESULT

After receiving Council endorsement, City staff will seek proposals for implementing the improvements as soon as possible. The estimated cost of improvements totals \$610,000 and the agreement includes a %5 contingency resulting in \$640,000 of available funds.

The agreement expires on December 31, 2014.

IV. COUNCIL GOAL ADDRESSED

Improvements to Ocean Gateway will promote the Transportation goals for mass transit as well as Economic Development goals for increase employment by helping to implement the objective of re-establishing ferry service to Nova Scotia. The City/State agreement and the State's willingness to invest in City infrastructure is a model of Intergovernmental Collaboration as expressed in the City Council Common Goals and Objectives statement.

V. FINANCIAL IMPACT

City staff will administer contracting for the proposed improvements, but the State has agreed to fund 100% of the project capital costs.

VI. STAFF ANALYSIS

Staff has worked closely with both MDOT and the ferry operators to understand the needs of the service and the Ocean Gateway facility. The proposed improvements will enhance the Nova Star service and will add benefits to Ocean Gateway for other marine operations, included the berthing of other vessels.

VII. RECOMMENDATION

Staff recommends endorsement of the City/State agreement.

VIII. LIST ATTACHMENTS

Draft Cooperative Agreement Document

Prepared by:

Bill Needelman, Waterfront Coordinator

April 30, 2014



MAINEDOT use only	
TEDOC'S #:	_____
CT #:	_____
CSN #:	_____
PROGRAM:	OFFICE OF FREIGHT TRANS.
VENDOR ID:	YC1000073-172
EXPIRATION DATE:	DECEMBER 31, 2014

STATE OF MAINE DEPARTMENT OF TRANSPORTATION

COOPERATIVE AGREEMENT

REGARDING

**IMPROVEMENTS TO THE OCEAN GATEWAY TERMINAL TO
ACCOMMODATE DOCKING OF THE QUEST NOVA STAR FERRY**

State Project No. 018543.00

This Cooperative Agreement ("Agreement") is entered into by and between the **MAINE DEPARTMENT OF TRANSPORTATION ("MaineDOT")**, an agency of state government with its principal administrative offices located on Child Street, Augusta, Maine, and the **CITY OF PORTLAND, MAINE** (the "City"), a municipal agency with its principal administrative offices located at 389 Congress Street, Portland, ME 04011, hereinafter the "**Parties**".

WHEREAS, the Project consists of the purchase and installation of a Gangway and Catwalk, and Life Safety Code Compliance by the City;

WHEREAS, the Quest Nova Star Ferry will utilize the Ocean Gateway Terminal to operate a ferry service from Portland, Maine to Yarmouth, Nova Scotia;

WHEREAS, the City will oversee and administer all aspects of the effort required in support of the Project between the execution date of this Agreement and December 31, 2014 at which time this Agreement will expire,

WHEREAS, the City estimates the total Project cost at **\$640,000.00** (see Appendix A);

WHEREAS, this project has been programmed using 100% state funding through MaineDOT;

NOW THEREFORE, the Parties hereby agree as follows:

MAINEDOT:

- A. This is a reimbursement program, MaineDOT will provide up to maximum, not-to-exceed amount of **\$640,000.00** in state funds, in support of the Project.
- B. Will reimburse the City upon receipt of an acceptable invoice for costs incurred on the Project.

THE CITY:

- A. Will provide the labor and materials required to install a Gangway and Catwalk.
- B. Will provide the labor and materials required to ensure compliance with Life Safety Code requirements.
- C. Will request reimbursement by submitting invoices to MaineDOT accompanied by supporting documentation (e.g. copies of paid invoices).
- D. Will require that all subcontracting and other procurements conducted under this Agreement shall be performed in accordance with state regulations, including equal employment opportunities.
- E. Certifies that if it contracts with an entity, that entity, along with its principles must certify that it (a) has not within a 3-year period preceding the date of such contract been convicted of or had a civil judgment rendered against them for commission or fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (State or Local) transaction or contract under a public transaction; violation of State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; (b) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (State or Local) with commission of any of the offenses enumerated in paragraph a of this section; and (c) has not within a 3-year period preceding this Agreement had one or more public transactions (State or Local) terminated for cause or default.
- F. Certifies that 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 State department or agency. If the City is unable to certify to this statement, it shall attach an explanation to this Agreement. The City 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 or State department or agency.

In addition, the City agrees that it will not hire a consultant or contractor who is now debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal or state department or agency.

- G. To the extent permitted by law, the City shall indemnify and hold harmless MaineDOT, its agents and employees from all claims, suits or liabilities arising from any negligent or wrongful act, error or omission by the City, its consultants or contractors. Nothing herein shall waive any defense immunity or limitation of liability that may be available under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or any other privileges or immunities provided by law.
This provision shall survive any termination or expiration of this Agreement

MISCELLANEOUS PROVISIONS:

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

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

THE CITY OF PORTLAND

Date: _____

By: _____
Mark Rees, City Manager

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.

MAINE DEPARTMENT OF TRANSPORTATION

Date: _____

By: _____
Bruce Van Note, Deputy Commissioner MaineDOT

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



Executive Department
Mark H. Rees, City Manager

April 10, 2014

David Bernhardt, P.E., Commissioner
Maine Department of Transportation
Child Street
16 State House Station
Augusta, ME 04333-0016

RE: MDOT funding of improvements to the Ocean Gateway Marine Passenger Terminal related to establishing the Nova Star ferry service between Portland and Yarmouth, Nova Scotia

Dear Commissioner Bernhardt,

With the imminent arrival of the Nova Star ferry in Portland Harbor, please accept the attached estimates for improvements needed for the Ocean Gateway Marine Passenger Terminal. As staffs of the Maine Department of Transportation and the City of Portland have discussed over the last several months, the City is submitting these estimates to MDOT pursuant to State of Maine commitments to participate in funding start up costs to reestablish ferry service between Portland and Yarmouth Nova Scotia.

The City has made every effort to minimize the funds requested to only those infrastructure needs related to the safe berthing of the vessel, the handling of passengers, and life safety code compliance.

The specific funding requests are as follows:

Line Handling Catwalk:	\$491,006.19
Mobile/Manual Passenger Gangway serving decks 3 to 7:	\$72,000.00
Life-safety code compliance:	\$50,000.00 (See note)

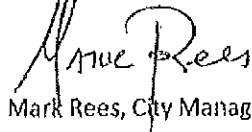
The City's request for funds is based on the attached estimates generated by licensed professionals and reflects our best available knowledge of projected actual costs. *(Note: the Fire Safety estimate is not yet finalized and will be provided upon receipt. The \$50,000 request represents a conservative estimate of providing 1 wall mounted fire hydrant and two new ground hydrants as recommended in the attached draft fire safety assessment.)*

Pending approval of these figures from MDOT and written commitment to fund the described improvements, the City will initiate a competitive bid process in compliance with City procurement requirements. We look forward to working with MDOT to create an memorandum of understanding to describe and document our mutual understanding of transfer and use of the funds.

Please contact Bill Needelman, Waterfront Coordinator (874-8722, wbn@portlandmaine.gov) with any questions and we look forward to receiving written commitments to proceed.

On behalf of the City Council and the citizens of Portland, thank you for the State's continued commitment to Ocean Gateway and the expansion of maritime commerce in Portland Harbor and the State of Maine.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark Rees". The signature is fluid and cursive, with the first name "Mark" and last name "Rees" clearly distinguishable.

Mark Rees, City Manager

CC: Bruce A. Van Note, Deputy Commissioner, MDOT
John Henshaw, Executive Director, Maine Port Authority
Greg Mitchell, Economic Development Director, City of Portland
Ellen Sanborn, Finance Director, City of Portland
Katherine Alves, Director of Operations, City of Portland
Bill Needelman, Waterfront Coordinator, City of Portland



FIRE RISK MANAGEMENT, INC

1 Front St., Bath, ME 04530
207/442-7200 [221-1295 (fax)]
www.fireriskmgt.com

Date: 11 April, 2014

Memo Report

From: W. Mark Cummings, P.E.
To: Mr. Nicholas Ray; TEC
CC: Mr. Bill Needelman; City of Portland, ME
Subject: Fire Safety Assessment of the Ocean Gateway Terminal in Portland, ME.

As requested, Fire Risk Management, Inc. (FRM) has performed a review of the fire safety features associated with the Ocean Gateway Terminal located in Portland, ME. The Pier and its associated terminal buildings, along with the adjacent parking and staging areas, collectively constitute the terminal area. The primary function for this review is to assess the overall code compliance of the Ocean Gateway Terminal facility and evaluate if any additional fire protection features may be needed to support the current plans to once again use this facility to support ferry operations to/from Nova Scotia.

Although the two terminal buildings associated with the Ocean Gateway Terminal appear to be code compliant, with respect to fire and life safety code requirements, the scope of this effort did not include a code assessment of the individual buildings.

Background

The Ocean Gateway Terminal is to be utilized for the loading and unloading of vehicles and passengers to and arriving from Yarmouth, NS on the Nova Star Ferry. The Terminal primarily consists of a Pier and two buildings, the Lower and Main Terminal Buildings, along with the paved areas at the base of the pier that are used for parking adjacent to the Lower Terminal Building and the large enclosed (fenced) area that is used to stage outbound vehicles waiting to load on the ferry and the inbound vehicles that are waiting to clear Customs. The main Pier is approximately 600 ft long and 50 ft wide for the majority of its length; not inclusive of the area occupied by the Main Terminal Building. Attached to the main Pier, at the location of the Main Terminal Building, is another narrow pier section, which runs at an oblique angle to the north, that is used to provide access to what is called the "Megabirth"; that portion of the pier that is used to accommodate larger cruise ships. The Main Terminal Building is located near the end of the main Pier and consists of a two-story structure. A raised walkway is installed along the north side of the main pier that provides access from the 2nd level of the Main Terminal Building and gradually slopes down to pier level at a point near the shoreside end of the main pier; adjacent to the Lower Terminal Building. Both terminal buildings are provided with installed automatic fire sprinkler systems. The Main Terminal Building is provided with a dry-pipe system that is supplied from the sprinkler valve room in the Lower Terminal Building. A (dry) 4-inch water supply pipe is installed below the raised walkway that connects the dry-pipe control valve in the Lower Terminal Building to the sprinkler distribution piping in the Main Terminal Building.

A City fire hydrant is located adjacent to the pier access road; at the corner of Thames and Hancock Streets; City Hydrant #1939. This hydrant is approximately 125 ft from the west wall of the Lower Terminal Building. The nearest adjacent hydrants are located near the south end of the terminal, on the west side of Commercial St. at a point that is adjacent to the Customs inspection areas (City Hydrant # 45) and another hydrant is located at the north end of Thames St., near the access point to the north end of the Lower

Terminal Building's parking lot. No other access to firefighting water exits within the Ocean Gateway Terminal.

Associated with the terminal is the large, enclosed vehicle staging area that is used for queuing vehicles associated with the ferry operations; both incoming vehicles awaiting inspection by Customs Officials and outgoing vehicles awaiting loading on the ferry. The area dedicated for queuing vehicles is approximately 700 ft in length, from the fence line to the north to the Customs Inspection stations at the southern end, and approximately 120 ft in width. Due to a requirement to further isolate the incoming traffic prior to proceeding through the Customs inspection, this queuing area will be further subdivided, lengthwise and along the centerline, by an additional fence; effectively splitting this area into eastern and western halves.

For ferry operations, the outbound passengers not associated with the vehicular traffic will be routed through the Lower Terminal Building; loading either by the vehicle ramp or by a portable gangway from the pier itself. Inbound passengers will be routed to the Main Terminal Building to pass through Customs and then exit through the Lower Terminal building via the raised walkway that runs along the north side of the pier. All passengers associated with cruise ships loading and unloading from the megabirth will generally follow the same process and pathways.

Review and Assessment of Code & Standards Requirements

Although a number of sources have been used in support of the overall fire safety review of the Ocean Gateway Terminal, the primary fire protection requirements that are discussed below are those outlined by the applicable State-adopted National and Municipal code requirements; including those contained in:

- The City of Portland Code of Ordinances, Chapter 10, *Fire Prevention and Protection*
- NFPA 1, *Fire Code*
- NFPA 307, *Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves*
- City of Portland Fire Department Rules and Regulations
- The City of Portland Technical Manual, Section 3 -- *Public Safety*

The applicable chapters of NFPA 307 represent the primary source of most of the fire protection requirements for the terminal site. NFPA 1 was reviewed, but in general, the applicable requirements within this code simply mirror those of NFPA 307. The Fire Prevention and Protection chapter of the City of Portland's ordinances was also reviewed, but again, did not impose any additional requirements beyond those of NFPA 307; albeit the sections of the City's Ordinances, Technical Manual, and Fire Department Rules and Regulations that outline requirements for fire hydrants and access by fire department equipment will need to be adhered to.

A significant aspect of the fire protective measures for a marine terminal is having access to adequate firefighting water. This fact is exhibited in the requirement that fire hydrants and/or hose connections that are connected to an adequate water supply be installed throughout the terminal area. The hydrants should be spaced along the fire access lanes at a distance that does not exceed 300 ft. The closest hydrant to the pier is located at the intersection of Thames and Hancock streets approximately 125 ft from the Lower Terminal Building. The nearest adjacent hydrants are those located to the south, adjacent to Commercial St., and to the north, adjacent to Thames St.; at a distance of 760 ft and 450 ft, respectively. The NFPA also requires that a fire hydrant or hose connection be located no more than 150 ft. from the end of any dead-end access lane. Due to the construction of the Main Terminal Building on the main pier, this requirement would also apply to the pier.

Associated with the hydrant (hose connections) spacing requirements is the need to ensure adequate access is available to the entire terminal area by firefighting equipment (trucks). The standards require fire lanes of at least 20 ft in width be provided such that no point within the terminal is greater than 50 ft from these access lanes. Both NFPA 1 and the City's ordinances include a requirement to provide a "turn-around" area at the end of any "dead-end" fire access lane that is 150 ft or greater.

Chapter 9 of NFPA 307, *General Terminal Operations*, includes a number of requirements that apply to the overall operational requirements for the terminal. This chapter is primarily for the terminal "operator" and outlines requirements for the safe operation of the terminal. This includes items in Section 9.2 that specifically address the need for personnel (operator employees) to be specifically trained in responding to fire and other emergencies. Additionally, Section 9.8 includes a requirement to provide an "International Shore Connection" in accordance with the International Maritime Organization's (IMO) International Convention for the Safety Of Life At Sea (SOLAS), which allows shipboard firemain systems to be connected to the shoreside water supply system. Section 9.10 has a requirement that a means to rapidly notify the fire department in the event of an emergency be provided. No specific means is mandated and this can either be via installed systems, such as manual pull stations located throughout the terminal, or through the use of other communication systems, such as telephones.

Summary and Recommendations:

In general, the primary area of concern, with regards to the Ocean Gateway Terminal being fully compliant with applicable fire protection code requirements, is the lack of adequate access to firefighting water throughout the terminal area. This includes not having access to firefighting water on the main pier itself. Most other code requirements outlined above that are not (currently) specifically defined or documented for the terminal's operation can be accommodated through the development of administrative and/or emergency procedures; such as identifying the means that will be used to rapidly notify the fire department of an emergency. Although it is understood that the primary impetus behind this assessment is to accommodate the use of the terminal to support ferry operations, many of these general requirements also apply to any other use of this terminal, such as when cruise ships are scheduled to make use of this facility.

The available fire water supply system at the terminal does not meet code requirements; primarily as it pertains to the spacing of fire hydrants and hose connections as specified by NFPA 307. Although specific fire access lanes have yet to be defined for the areas within the terminal itself, no direct access to any fire hydrants or hose connections currently exist within the secure areas of the terminal. To fully meet code requirements, it would be necessary to install at least two (2) additional hydrants or hose connections within the enclosed area that is dedicated to the staging of incoming and outgoing vehicles, depending on the configuration of the designated fire access lane(s), as well as two (2) hydrants or hose connections along the main pier. If, as a result of the need to isolate inbound and outbound traffic, the fire department access lanes are to be provided along the east and west sides of the queuing areas, it would be necessary to have at least four (4) additional hydrants / hose connections within this area of the terminal to meet the code's spacing requirements. However, it should be noted that many of the requirements within NFPA 307 are intended to specifically address fire hazards typically associated with marine terminals that handle a wide range of bulk cargo, including hazardous materials. The primary fire hazard that will be present within the Ocean Gateway terminal will be the vehicles themselves, and any contents contained therein. Since the ferry currently programmed to operate from the Ocean Gateway Terminal is not licensed to transport any hazardous materials, no other specific fire or explosion hazards are anticipated as being present within the terminal. Historically, most vehicle fires are limited to the vehicle of origin; albeit the potential does exist for a gas tank or fuel line to rupture, thereby providing the potential for a fire to spread to adjacent vehicles. In either case, it is anticipated that the water supply (fire flow) requirements to control vehicle fires would be less than that needed to control fires involving bulk cargo containers.

With the current configuration of the fire water supply system, the distance from the end of the pier to the nearest water supply source (hydrant) is in excess of 700 ft. NFPA 307 does not specifically mandate the need for a water supply source on the pier itself; other than it can be interpreted as being a portion of the terminal, which is often the interpretation made by the Authority Having Jurisdiction (AHJ). As such the spacing requirements outlined above are applied to the pier as well. In this particular instance, the fact that the Main Terminal Building is located on the pier adds additional fire protection requirements outside of NFPA 307. Specifically, the Main Terminal Building represents an "assembly" occupancy that must be

treated, from the fire protection perspective, the same as if it were constructed on shore; as is the case with the Lower Terminal Building. As such, the requirements of Chapter 18, *Fire Department Access and Water Supply*, of NFPA 1 must also be taken into consideration as part of this review. Based on both the City's requirements and those of NFPA 1, a hydrant with a minimum flow of 1000 gpm would be required to support the fire flow requirements for the Main Terminal Building. Additionally, the City's Fire Department Rules and Regulations cite the use of NFPA 1, Annex E¹ to determine the required numbers and locations of fire hydrants. In this instance, at least one fire hydrant would need to be located within 250 ft of the Main Terminal Building.

Since this pier is installed on pilings, any water supply line to support firefighting operations on the pier will be exposed to the ambient environment, including freezing temperatures during the winter months. Currently, the dry-pipe sprinkler system in the Main Terminal Building is supplied by a 4-inch water line that is installed beneath the raised walkway. This line is supplied from the dry-pipe sprinkler control valve located within the Lower Terminal Building. Although it is unlikely that this 4-inch line can support a minimum flow of 1000 gpm, it represents the most cost-effective means to provide access to fire hose connections on the pier. To accommodate the NFPA 1 and City requirements that a fire hydrant should not be within 40 ft of a building, it would be possible to connect to ("tee off" from) the existing fire water distribution pipe at a point at least 40 ft away from the Main Terminal Building; potentially at the point where the walkway is supported and a wall exists that can be used to support and protect the hose valves and connecting pipe. This fire hose connection can also serve as a means of meeting the requirement to provide an international shore connection, either by having the necessary connection "hard piped" from the new supply line or by providing the necessary adapter that will allow this connection to be attached to the fire hose connection; maintaining the adapter fitting at an accessible location, such as in the sprinkler valve room in the Lower Terminal Building.

Based on initial (rough) hydraulic calculations, coupled with the flow data from hydrant #1939, it is estimated that the 4-inch water supply line could accommodate an approximate flow of up to 750 gpm at the new fire hose connection, while maintaining an acceptable (positive) level of residual pressure. To accommodate a larger flow at this location, it would be necessary to increase the size of the supply pipe. It is estimated that the cost to provide the new hose connection on the pier would be less than \$3k. Although this option does not meet NFPA 307 requirements for fire hydrants or hose connections spaced at 300 ft intervals, nor the NFPA 1 building fire flow requirement of at least 1000 gpm, given the lack of fire hazards that are likely to exist on the pier itself and the presence of the fire sprinkler system within the Main Terminal Building, this option is considered as being adequate to support the necessary firefighting operations.

Also a function of the Main Terminal Building's location, a fire access lane should be provided that extends down the pier to within 50 ft of at least one exterior door that provides access to the building's interior, as well as within 150 ft of all exterior walls of the building. This will require that a 20 ft section of the pier be designated as the fire access lane, such that it cannot be used to store materials or any other use that might cause it to be blocked. Given that the raised walkway already takes up nearly half of the pier's 50-foot width for much of the distance between the head of the pier and the Main Terminal Building, it is likely that this section of pier should be designated as remaining clear at all times. Additionally, if structural data are not readily available, it must be verified that the pier can, in fact, adequately support the weight of fire department vehicles.

Both NFPA 1 and the City's regulations include a requirement to provide a "turn-around area" for firefighting vehicles when a dead-end fire access lane exceeds 150 ft. Based on a review of the City's requirements for the design of a "turn-around" area [Figure I-5 of the City's Technical Manual], the potential exist that the section of pier adjacent to the southeast wall of the Main Terminal Building or the

¹ Paragraph 2.7 of the Fire Department Rules and Regulations erroneously cites "Annex I" of NFPA 1 with regards to locating fire hydrants. NFPA 1 has no Annex I and this paragraph should reference Annex E.

end section of the pier might be sufficient to support this requirement. A portion of the last section of the pier, within the last 75 ft, appears to be nearly 70 ft in width. Equally, depending on the actual height of the overhanging roof at the southeast end of the Main Terminal Building, where the pier is even wider, it might be possible to designate one of these areas as the turn-around point for firefighting vehicles. However, this would be subject to PFD review to assess if this were a feasible option. Otherwise, it will be necessary for any fire department vehicles that transit to the pier to back out. The cost to modify the pier to specifically support a turn-around area would not be considered justified.

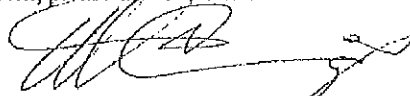
Like most NFPA codes and standards, NFPA 307 includes a caveat that the AHJ has the ultimate authority to determine the appropriate level of fire protection needed, based on the actual hazards that exist. Equally, NFPA 307 also includes the potential for alternate sources fire water and/or types of firefighting equipment to be taken into consideration when evaluating the fire protection needs for the facility; such as the availability of Portland's fire boat.

Based on the evaluation of the code requirements, coupled with the assessment of the specific operations that are planned for the Ocean Gateway Terminal, the following recommendations are provided:

1. Provide designated fire access lanes within the terminal area. Depending on the final plans for the terminal's operations, consideration should be given to having an access lane along the eastern and western boundaries of the vehicle queuing area and along the southern side of the main pier. If it is assumed that the queuing area entry point for fire department vehicles will be from the gates installed in the fence to the north, it will be necessary to identify the means for the fire department vehicles to exit at the southern end, via the Customs area, or provide the necessary turn-around area.
2. If it is anticipated that ferry operations are to be a long-term tenant at the Ocean Gateway Terminal, consideration should be given to providing additional access to fire hydrants within the vehicle queuing areas sometime in the future. Based on the likely fire hazards, along with the potential location for fire access lanes to be located at the eastern- and western-most edges of the queuing areas, it is recommended that a hydrant be located on the east and west sides of queuing area, centered between the fence line to the north and the Customs inspection stations to the south. Until such time as these additional hydrants are added, the PFD should coordinate with the Terminal Operator to develop a pre-fire plan that outlines how access to the firefighting water will be provided, which may include the need to install an additional gate(s) in the fence that separates the queuing area from Commercial and Thames Streets to allow better access to connect hoses to existing hydrants.
3. Coordinate with the PFD to determine if the designation of a turn-around area on the pier is feasible. If so, this area should be designated as remaining free from any other use.
4. Install a new fire hose connection on the pier. This connection should consist of two (2) 2½-inch hose valves. The hose connection is to be more than 40 ft from the Main Terminal Building and will be connected to the existing 4-inch water distribution pipe that currently supplies the sprinkler system in the Main Terminal Building. This connection should also serve as the required International Shore Connection, with the necessary fittings/adapters being provided.
5. The City should ensure that the Terminal Operator has an emergency or safety plan that outlines how all operations within the terminal will be conducted in a safe manner. At a minimum, this plan should include;
 - designation of personnel (terminal staff) responsible for fire safety, along with outlining their responsibilities in the event of an emergency,
 - identifying the means that will be used to provide rapid notification to the fire department in the event of an emergency,

- outlining how the public will be evacuated from within the outbound queuing area if a fire occurs within this area, and
- outlining how and where the public is to be evacuated within the inbound queuing area if a fire occurs within this area; realizing that these individuals have yet to clear Customs and will need to be moved to a designated area(s) that remains secure, yet remote from potential hazards.

Attachment 1 to this memo is provided as a brief summary of the estimated costs to make the upgrades to the fire protection systems within the Ocean Gateway Terminal. Should there be any questions regarding this assessment and the recommendations contained herein, please do not hesitate to contact me.



W. Mark Cummings, P.E.
Principal Fire Protection Engineer

ATTACHMENT 1

Cost Summary of Fire Protection Improvements

At The

Ocean Gateway Terminal

Item	Description	Cost Estimate
1	Install new fire hose station on the Main Pier. Will consist of 4-inch riser (drop) that will be connected to the existing 4-inch supply pipe serving the dry-pipe sprinkler system in the Main Terminal Building. The hose station will consist of two 2-½" gate valves with hose connections & caps. This connection will also serve to support the installation of the required International Shore Connection; either through the use of adapter fittings or from a separate connection and gate valve.	\$3000.00
2	Install two (2) fire hydrants within the fenced area used for queuing the inbound and outbound vehicles. A hydrant is to be located at the east and west sides of the parking area, respectively; approximately centered within the north/south direction. These hydrants to be supplied from a new 6-inch supply main that will be connected to the existing 12" water main, running adjacent to Commercial and Thames Streets. The listed estimated costs is based on approximately 180 ft of 6-inch pipe that will run directly east from a connection point with the existing City water main. If a direct routing is not possible, include approximately \$50 per linear foot (installed) for each additional length of pipe that may be needed beyond that included in this estimate.	\$35,000.00

*Order 2017-13/14
Tab 8 5-5-14*

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 AUTHORIZING FY 2015 ADMINISTRATIVE FEES
IN VARIOUS DEPARTMENTS**

ORDERED, that the administrative fees in the Departments of Fire (EMS), Public Services: Forestry (Community Gardens) and Solid Waste (Recycling carts), and Recreation and Facilities Management: Aquatics (Swim Lessons) be increased as listed in the attached fee schedules; and

BE IT FURTHER ORDERED, that these fees shall be effective on July 1, 2014 unless otherwise noted; and

BE IT FURTHER ORDERED, that all administrative fees currently in effect which are not otherwise changed shall remain in effect for FY 2015.

FY15 REVENUE FEE SCHEDULE CHANGE

Department:

Fire/Medcu

Administrative Fees

<u>Account #</u>	<u>Revenue Description</u>	<u>FY14 Current Fee</u>	<u>FY 15 Proposed Fee</u>
100-2201-341-00-00	Copy of Fire Report	0.00	15.00
100-2203-342-00.00	ALS Non Emergency Transport	520.00	559.00
100-2203-342-00.00	BLS NonEmergency Transport	435.00	468.00
100-2203-342-00.00	BLS Emergency Transport	696.00	748.00
100-2203-342-00.00	ALS Emergency Transport	826.82	888.00
100-2203-342-00.00	ALS 2 Emergency Transport	1,178.00	1,266.00
100-2203-342-00.00	Speciality Care Transport	1,414.00	1,520.00
100-2203-342-00.00	ALS Mileage	16.8/mile	18.06
100-2203-342-00.00	BLS Mileage	16.8/mile	18.06
100-2203-342-00.00	Oxygen	102.00	110.00
100-2203-342-00.00	Airways	138.00	148.00
100-2203-342-00.00	IV Therapy	192.00	206.00
100-2203-342-00.00	EKG	192.00	206.00
100-2203-342-00.00	Intercept	420.00	451.00
100-2203-342-00.00	Defib.	180.00	194.00
100-2203-342-00.00	Critical Care Transfer	780.00	839.00
100-2203-342-00.00	Non-Emergency Mileage	16.8/mile	18.06
100-2203-342-00.00	Capnography	138.00	138.00
100-2203-342-00.00	EZ IO/Intraosseous Access	200.00	275.00
100-2203-342-00.00	Wheelchair Van	54.00	REMOVE
100-2203-342-00.00	Wheelchair Van Mileage	3.00/mile	REMOVE
100-2203-342-00.00	On Scene Treatment	300.00	REMOVE
100-2203-342-00.00	ALS on SceneCare	0.00	888.00
100-2203-342-00.00	ALS 2 on Scene Care	0.00	1,266.00
100-2203-342-00.00	Fire Response to Vehicle Crashes	400.00	400.00
100-2203-342-00.00	Heavy Rescue Utilization	0.00	650.00
100-2203-342-00.00	Rescue Equipment - Spreader	0.00	150.00
100-2203-342-00.00	Rescue Equipment - Cutter	0.00	150.00
100-2203-342-00.00	Rescue Equipment - Rams	0.00	150.00
100-2203-342-00.00	Rescue Equipment - Air Bags	0.00	150.00
100-2203-342-00.00	Level I HazMat Response	0.00	250.00/hour/unit
100-2203-342-00.00	Hazardous Materials Spill Response	0.00	125.00
100-2203-342-00.00	HazMat Plug Kit	0.00	65.00

FY15 REVENUE FEE SCHEDULE CHANGE

Department: 100-3104 Public Services: Forestry/Horticulture

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
100-3104-341.00-00	Charges for Services / Miscellaneous Community gardens annual fee	\$35.00	\$50.00

FY15 REVENUE FEE SCHEDULE CHANGE

Department: 100-3114 Solid Waste

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
100-3114-343.15-00	Charges for Services / Recycling Program / Taxable sales		
	Recycling Bin	\$ 10.00	\$ 10.00
	Recycling Cart	\$ -	\$ 65.00
	Compost Bin	\$ 50.00	\$ 50.00
	Compost Pail	\$ 10.00	\$ 10.00
	Compost Turner	\$ 20.00	\$ 20.00
	Rain Barrel	\$ 65.00	\$ 65.00

FY15 REVENUE FEE SCHEDULE CHANGE

Administrative Fees

Department: Recreation & Facilities Mgmt : Aquatics

Account #	Revenue Description	FY14 Current Fee	FY 15 Proposed Fee
100-3315-347-08-00	Child -- Resident	\$1.00	\$1.00
100-3315-347-08-00	Child - Non-resident	\$2.00	\$2.00
100-3315-347-08-00	Teen - Resident	\$1.00	\$1.00
100-3315-347-08-00	Teen - Non-resident	\$2.00	\$2.00
100-3315-347-08-00	Adult - Resident	\$4.00	\$4.00
100-3315-347-08-00	Adult - Non-resident	\$4.50	\$4.50
100-3315-347-08-00	Senior - Resident (62 & older)	\$2.50	\$2.50
100-3315-347-08-00	Senior - Non-resident (62 & older)	\$3.00	\$3.00
100-3315-347-08-00	Master's - Resident	\$5.00	\$5.00
100-3315-347-08-00	Master's - Non-resident	\$5.50	\$5.50
	Punch Cards		
100-3315-347-08-00	Adult - Resident - 12 punch pass	\$50.00	\$50.00
100-3315-347-08-00	Adult - Non-resident - 12 punch pass	\$56.00	\$56.00
100-3315-347-08-00	Adult - Resident - 20 punch pass	\$82.00	\$82.00
100-3315-347-08-00	Adult - Non-resident - 20 punch pass	\$92.00	\$92.00
100-3315-347-08-00	Adult - Resident - 40 punch pass	\$162.00	\$162.00
100-3315-347-08-00	Adult - Non-resident - 40 punch pass	\$182.00	\$182.00
100-3315-347-08-00	Senior Adult - Resident - 12 punch pass (62 & older)	\$32.00	\$32.00
100-3315-347-08-00	Senior Adult - Non-Resident - 12 punch pass(62 & older)	\$38.00	\$38.00
100-3315-347-08-00	Senior Adult - Resident - 20 punch pass(62 & older)	\$52.00	\$52.00
100-3315-347-08-00	Senior Adult - Non-resident - 20 punch pass (62 & older)	\$62.00	\$62.00
100-3315-347-08-00	Senior Adult - Resident - 40 punch pass(62 & older)	\$102.00	\$102.00
100-3315-347-08-00	Senior Adult - Non-resident - 40 punch pass(62 & older)	\$122.00	\$122.00
100-3315-347-08-00	Senior Adult - Resident - 6-month pass(62 & older)	\$142.00	\$142.00
100-3315-347-08-00	Senior Adult - Resident - yearly pass(62 & older)	\$242.00	\$242.00
100-3315-347-08-00	Adult Aerobics - Resident - 12 punch pass	\$56.00	\$56.00
100-3315-347-08-00	Adult Aerobics - Non-Resident - 12 punch pass	\$62.00	\$62.00
100-3315-347-08-00	Senior Aerobics - Resident - 12 punch pass(62 & older)	\$38.00	\$38.00
100-3315-347-08-00	Senior Aerobics - Non-Resident - 12 Punch pass(62 & older)	\$47.00	\$47.00
100-3315-347-08-00	Masters - Resident - 10 punch pass	\$52.00	\$52.00
100-3315-347-08-00	Masters - Non-Resident - 10 punch pass	\$57.00	\$57.00
	Swimming Instruction		
		Fees are per class	
100-3315-347-08-00	Infant / Toddler / Preschool - Resident	\$6.00	\$6.75
100-3315-347-08-00	Infant / Toddler / Preschool - Non-Resident	\$6.50	\$7.25
100-3315-347-08-00	Level 1 - Level 6 - Resident	\$7.00	\$7.75
100-3315-347-08-00	Level 1 - Level 6 - Non-Resident	\$7.50	\$8.25
100-3315-347-08-00	Gym & Swim - Resident	\$7.00	\$7.75
100-3315-347-08-00	Gym & Swim - Non-Resident	\$7.50	\$8.25
100-3315-347-08-00	Master's Swim - Resident	\$5.50	\$5.50
100-3315-347-08-00	Master's Swim - Non-Resident	\$6.00	\$6.00

FY15 REVENUE FEE SCHEDULE CHANGE

Administrative Fees

Department: Recreation & Facilities Mgmt : Aquatics

Account #	Revenue Description	FY14 Current Fee	FY 15 Proposed Fee
100-3315-347-08-00	Adult Lessons - Resident	\$7.00	\$7.75
100-3315-347-08-00	Adult Lessons - Non-Resident	\$7.50	\$8.25
100-3315-347-08-00	Adult Aerobics - Daily - Resident	\$4.50	\$4.50
100-3315-347-08-00	Adult Aerobics - Daily - Non-resident	\$5.00	\$5.00
100-3315-347-08-00	Senior Adult Aerobics - Daily - Resident(62 & older)	\$3.00	\$3.00
100-3315-347-08-00	Senior Adult Aerobics - Daily - Non-resident(62 & older)	\$3.75	\$3.75
100-3315-347-08-00	Masters Lessons - Resident	\$7.00	\$7.75
100-3315-347-08-00	Masters Lessons - Non-Resident	\$7.50	\$8.25
100-3315-347-08-00	Water Safety Instruction course - Resident	\$302.00	\$302.00
100-3315-347-08-00	Water Safety Instruction course - Non-resident	\$332.00	\$332.00
100-3315-347-08-00	Private Lessons - 1/2 hour - Resident	\$25.00	\$25.00
100-3315-347-08-00	Private Lessons - 1/2 hour - Non-resident	\$30.00	\$30.00
100-3315-347-08-00	Private Lessons - 1 hour - Resident	\$40.00	\$40.00
100-3315-347-08-00	Private Lessons - 1 hour - Non-resident	\$50.00	\$50.00
100-3315-347-08-00	Lifeguard Course - Resident	\$200.00	\$200.00
100-3315-347-08-00	Lifeguard Course - Non-resident	\$215.00	\$215.00
100-3315-347-08-00	Red Cross Course Certification Fee:	\$5.00	\$5.00
	Pool Rental		
100-3315-347-08-00	Pool Rental - Portland Porpoise, per hour	\$20.00	\$20.00
100-3315-347-08-00	Pool Rental - Portland Porpoise, guard per hour	\$20.00	\$20.00
100-3315-347-08-00	Pool Rental - Resident, per hour / Additional guard \$20 hr	\$85.00	\$85.00
100-3315-347-08-00	Pool Rental - Non-Resident, per hour / Additional guard \$20 hr	\$95.00	\$95.00



Portland Fire Department Headquarters Office of the Chief of Department



To: Mark Rees, City Manager
From: Jerome F. LaMoria, Fire Chief
Date: 4.8.14
RE: FY15 Revenue Fee Schedule Changes

Sir,

The Fire Department is proposing several changes for the FY15 Administrative Fee Schedule.

We have added a fee for copies of fire incident reports. We have charged for these reports in the past, however, the fee was never documented in the administrative fee schedule. We have also adjusted this fee from a previous cost of \$25.00 based on research of comparable municipalities.

The fee for wheelchair van service has been removed as the Fire Department no longer offers this service.

We have amended the fee for on scene treatment to more accurately bill for the level of services provided. This is necessary as protocol changes now allow for advanced on scene treatment which may not result in transport. A pertinent example is our cardiac arrest treatments with unsuccessful resuscitation, where no transport takes place.

A number of increases are included in medical interventions and treatment. These are the result of increased costs and changes in allowable billing rates. It is important to note that the increase in fees does not affect Medicare and Medicaid reimbursements at federally determined rates. With about 80% of all patients being covered by Medicare and Medicaid we will not necessarily see a windfall.

The fee for fire response to vehicle crashes was added last year. We have added a number of per-use charges in an effort to help realize additional funding to offset expenditures related to this capability.

The final addition to the fee schedule relates to responses to hazardous material response. We are currently able to bill for vehicle usage and personnel under FEMA guidelines, however, we would like to have the ability to bill for additional items that we have needed to use recently. This is again an effort to help offset expenditures.

Please do not hesitate to contact me should you have any questions or concerns.

FY15 REVENUE FEE SCHEDULE CHANGE

<u>Department:</u>		<u>Fire/Medcu</u>	
		Administrative Fees	
<u>Account #</u>	<u>Revenue Description</u>	<u>FY14 Current Fee</u>	<u>FY 15 Proposed Fee</u>
100-2201-341-00-00	Copy of Fire Report	0.00	15.00
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100-2203-342-00.00	Rescue Equipment - Spreader	0.00	150.00
100-2203-342-00.00	Rescue Equipment - Cutter	0.00	150.00
100-2203-342-00.00	Rescue Equipment - Rams	0.00	150.00
100-2203-342-00.00	Rescue Equipment - Air Bags	0.00	150.00
100-2203-342-00.00	Level I HazMat Response	0.00	250.00/hour/unit
100-2203-342-00.00	Hazardous Materials Spill Response	0.00	125.00
100-2203-342-00.00	HazMat Plug Kit	0.00	65.00



Memo

To: Mark Rees, City Manager
From: Michael Bobinsky, Director of Public Services

CC: Jennifer Lodge, Budget Director
Troy Moon, Environmental Resource/Open Space Manager
Jeff Tarling, City Arborist
Matt Rancourt, Principal Financial Officer

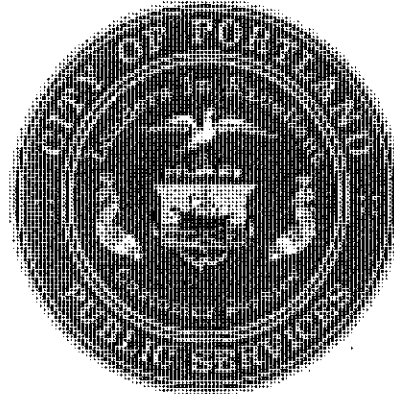
Date: April 09, 2014
Re: Revenue Fee Changes – Forestry Horticulture

Community Garden Fees are user fees, thus the division endeavors to create little or no impact on taxpayers. The Department of Public Services proposes to increase the annual Community Garden Fee from \$35 per plot to \$50 per plot. This increase reflects additional costs related to the provision of necessary supplies to community gardens including; compost, top soil and wood chips for weed control. The increased fee also helps cover costs of maintaining infrastructure including sheds and fences.

FY15 REVENUE FEE SCHEDULE CHANGE

Department: 100-3104 Public Services: Forestry/Horticulture

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
100-3104-341.00-00	Charges for Services / Miscellaneous Community gardens annual fee	\$35.00	\$50.00



Memo

To: Mark Rees, City Manager
From: Michael Bobinsky, Director of Public Services

CC: Jennifer Lodge, Budget Director
Troy Moon, Environmental Resource/Open Space Manager
Matt Rancourt, Principal Financial Officer

Date: April 09, 2014
Re: Revenue Fee Changes – Solid Waste

The Department of Public Services proposes to sell recycling carts for \$65.00 to residents. We have an increasing number of requests for carts from residents who require a large container for their recycling. We want to ensure that the equipment they purchase is compatible with the cart tippers on our trucks and providing the carts directly to the resident ensures this. The fee is set to cover our cost to purchase and set up the cart.

FY15 REVENUE FEE SCHEDULE CHANGE

Department: 100-3114 Solid Waste

Account #	Revenue Description	Current Fee	Proposed Fee
100-3114-343.15-00	Charges for Services / Recycling Program / Taxable sales		
	Recycling Bin	\$ 10.00	\$ 10.00
	Recycling Cart	\$ -	\$ 65.00
	Compost Bin	\$ 50.00	\$ 50.00
	Compost Pail	\$ 10.00	\$ 10.00
	Compost Turner	\$ 20.00	\$ 20.00
	Rain Barrel	\$ 65.00	\$ 65.00

TO: Chairperson & Members of the Finance Committee

FROM: Anita R. LaChance, Director of Recreation & Facilities Management

SUBJECT: Proposed Aquatic Fee Increase

DATE: April 14, 2014

In response to your question during our budget review last week, I have attached a chart showing pool fees in the surrounding area. The one area which we appear to be charging less than our counter-parts is in swim lessons, which prompted this proposed fee increase. Notice of this proposed increase will be posted at each of our pools tomorrow, giving patrons ample notice if they wish to comment prior to City Council action. I have also attached a chart showing all of our current aquatics fees and highlighting the proposed change.

GREATER PORTLAND POOL FEE COMPS							
FACILITY	ADULT LAP	SENIOR LAP	ADULT AEROBICS	MASTERS	YOUTH / TEEN	INSTRUCTION (per class cost)	ADDITIONAL INFO
City of Portland	\$4 res \$4.50 non	\$2.50 res \$3 non (62+)	4.50 res \$5 non	\$5 res \$5.50 non	\$1 res \$2 non	\$6.00 res / 25 min \$6.50 non / 25 min \$7.00 res / 55 min \$7.50 non / 55 min	Additional \$5 per session / ARC began Fall 2011
Cape Elizabeth	\$5 res \$6 non	\$4 res \$5 non (62+)	n/a		\$3 res \$4 non	\$7 / 30 min \$8 / 45 min non res not noted	Monthly: \$35 Quarterly: \$90 Annual: \$300 Non-res: add 10%
Greater Portland Y	\$12	No rate avail			\$8	Free with Family Membership Ind Member: \$61	\$20 Family Guest Pass
Westbrook Pool	\$3.50 res \$4.5 non	\$2 res \$3 non (55+)Only During Senior Lap Swim	\$3.50 res \$4.5 non	\$5 res \$6 non	\$1 res \$2 non	\$10 / 30 or 45 min non res not noted	
South Portland	\$3 res \$4 non	\$2 res \$3 non (60+)	\$3 res \$4 non Zumba \$7/\$8 drop		\$2 res \$3 non	\$5.63 res \$6.88 non	
Cumberland / Greely Pool	\$2 res(\$3 AM/Sat Lap) \$3 non(\$4 Sat Lap)		\$3 res \$4 non \$2.50 sr	\$3.81 res (\$5.50punch \$4.05 non (\$6.50 punch)	\$2 res \$3 non	Pre 30 min / \$6.43 res \$7.86 non Levels 40 min \$7.86 res \$9.29 non	Family \$5 res/ \$6 non

Revised: 4/15/2014

FY15 REVENUE FEE SCHEDULE CHANGE

Administrative Fees

Department: Recreation & Facilities Mgmt : Aquatics

Account #	Revenue Description	FY14 Current Fee	FY 15 Proposed Fee
100-3315-347-08-00	Child – Resident	\$1.00	\$1.00
100-3315-347-08-00	Child - Non-resident	\$2.00	\$2.00
100-3315-347-08-00	Teen - Resident	\$1.00	\$1.00
100-3315-347-08-00	Teen - Non-resident	\$2.00	\$2.00
100-3315-347-08-00	Adult - Resident	\$4.00	\$4.00
100-3315-347-08-00	Adult - Non-resident	\$4.50	\$4.50
100-3315-347-08-00	Senior - Resident (62 & older)	\$2.50	\$2.50
100-3315-347-08-00	Senior- Non-resident (62 & older)	\$3.00	\$3.00
100-3315-347-08-00	Master's - Resident	\$5.00	\$5.00
100-3315-347-08-00	Master's - Non-resident	\$5.50	\$5.50
	Punch Cards		
100-3315-347-08-00	Adult - Resident - 12 punch pass	\$50.00	\$50.00
100-3315-347-08-00	Adult - Non-resident - 12 punch pass	\$56.00	\$56.00
100-3315-347-08-00	Adult - Resident - 20 punch pass	\$82.00	\$82.00
100-3315-347-08-00	Adult - Non-resident - 20 punch pass	\$92.00	\$92.00
100-3315-347-08-00	Adult - Resident - 40 punch pass	\$162.00	\$162.00
100-3315-347-08-00	Adult - Non-resident - 40 punch pass	\$182.00	\$182.00
100-3315-347-08-00	Senior Adult - Resident - 12 punch pass (62 & older)	\$32.00	\$32.00
100-3315-347-08-00	Senior Adult - Non-Resident - 12 punch pass(62 & older)	\$38.00	\$38.00
100-3315-347-08-00	Senior Adult - Resident - 20 punch pass(62 & older)	\$52.00	\$52.00
100-3315-347-08-00	Senior Adult - Non-resident - 20 punch pass (62 & older)	\$62.00	\$62.00
100-3315-347-08-00	Senior Adult - Resident - 40 punch pass(62 & older)	\$102.00	\$102.00
100-3315-347-08-00	Senior Adult - Non-resident - 40 punch pass(62 & older)	\$122.00	\$122.00
100-3315-347-08-00	Senior Adult - Resident - 6-month pass(62 & older)	\$142.00	\$142.00
100-3315-347-08-00	Senior Adult - Resident - yearly pass(62 & older)	\$242.00	\$242.00
100-3315-347-08-00	Adult Aerobics - Resident - 12 punch pass	\$56.00	\$56.00
100-3315-347-08-00	Adult Aerobics - Non-Resident - 12 punch pass	\$62.00	\$62.00
100-3315-347-08-00	Senior Aerobics - Resident - 12 punch pass(62 & older)	\$38.00	\$38.00
100-3315-347-08-00	Senior Aerobics - Non-Resident - 12 Punch pass(62 & older)	\$47.00	\$47.00
100-3315-347-08-00	Masters - Resident - 10 punch pass	\$52.00	\$52.00
100-3315-347-08-00	Masters - Non-Resident - 10 punch pass	\$57.00	\$57.00
	Swimming Instruction		
100-3315-347-08-00	Infant / Toddler / Preschool - Resident	\$6.00	\$6.75
100-3315-347-08-00	Infant / Toddler / Preschool - Non-Resident	\$6.50	\$7.25
100-3315-347-08-00	Level 1 - Level 6 - Resident	\$7.00	\$7.75
100-3315-347-08-00	Level 1 - Level 6 - Non-Resident	\$7.50	\$8.25
100-3315-347-08-00	Gym & Swim - Resident	\$7.00	\$7.75
100-3315-347-08-00	Gym & Swim - Non-Resident	\$7.50	\$8.25
100-3315-347-08-00	Master's Swim - Resident	\$5.50	\$5.50
100-3315-347-08-00	Master's Swim - Non-Resident	\$6.00	\$6.00

FY15 REVENUE FEE SCHEDULE CHANGE

Administrative Fees

Department: Recreation & Facilities Mgmt : Aquatics

Account #	Revenue Description	FY14 Current Fee	FY 15 Proposed Fee
100-3315-347-08-00	Adult Lessons - Resident	\$7.00	\$7.75
100-3315-347-08-00	Adult Lessons - Non-Resident	\$7.50	\$8.25
100-3315-347-08-00	Adult Aerobics - Daily - Resident	\$4.50	\$4.50
100-3315-347-08-00	Adult Aerobics - Daily - Non-resident	\$5.00	\$5.00
100-3315-347-08-00	Senior Adult Aerobics - Daily - Resident(62 & older)	\$3.00	\$3.00
100-3315-347-08-00	Senior Adult Aerobics - Daily - Non-resident(62 & older)	\$3.75	\$3.75
100-3315-347-08-00	Masters Lessons - Resident	\$7.00	\$7.75
100-3315-347-08-00	Masters Lessons - Non-Resident	\$7.50	\$8.25
100-3315-347-08-00	Water Safety Instruction course - Resident	\$302.00	\$302.00
100-3315-347-08-00	Water Safety Instruction course - Non-resident	\$332.00	\$332.00
100-3315-347-08-00	Private Lessons - 1/2 hour - Resident	\$25.00	\$25.00
100-3315-347-08-00	Private Lessons - 1/2 hour - Non-resident	\$30.00	\$30.00
100-3315-347-08-00	Private Lessons - 1 hour - Resident	\$40.00	\$40.00
100-3315-347-08-00	Private Lessons - 1 hour - Non-resident	\$50.00	\$50.00
100-3315-347-08-00	Lifeguard Course - Resident	\$200.00	\$200.00
100-3315-347-08-00	Lifeguard Course - Non-resident	\$215.00	\$215.00
100-3315-347-08-00	Red Cross Course Certification Fee:	\$5.00	\$5.00
	Pool Rental		
100-3315-347-08-00	Pool Rental - Portland Porpoise, per hour	\$20.00	\$20.00
100-3315-347-08-00	Pool Rental - Portland Porpoise, guard per hour	\$20.00	\$20.00
100-3315-347-08-00	Pool Rental - Resident, per hour / Additional guard \$20 hr	\$85.00	\$85.00
100-3315-347-08-00	Pool Rental - Non-Resident, per hour / Additional guard \$20 hr	\$95.00	\$95.00

*Order 228 -13/14
Tab 9 5-5-14*

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 AUTHORIZING CITY MANAGER TO ENTER INTO CERTAIN
AGREEMENTS TO IMPLEMENT THE FY 2015 HUMAN RESOURCES AND
CERTAIN FRINGE BENEFITS BUDGETS**

ORDERED, that the City Manager is authorized to enter into standard agreements and amendments to standard agreements with providers of services for Fiscal Year 2015 as needed in order to implement the Human Resources, Medical, Worker's Compensation and Liability budgets.

CITY OF PORTLAND, MAINE

Memorandum

TO: Mark H. Rees, City Manager

FROM: Michael Miles, Director of Human Resources

MDM

DATE: April 8, 2014

RE: FY15 Budget Order Re: Implementing Human Resources and Fringe Benefit Budgets

Please have the attached Council Order accompany the FY15 budget. This item should be given a first reading on May 5, 2014 and postponed to the May 19, 2014 meeting along with other budget related items.

STATEMENT OF FACT:

ORDER AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN AGREEMENTS TO IMPLEMENT THE HUMAN RESOURCES AND CERTAIN FRINGE BENEFIT BUDGETS.

Each year the City of Portland enters into agreements to provide services contained in budgets tied to departmental programs.

Human Resources contracts for professional training services, physical fitness testing and services for the Civil Service Commission (written examinations, job suitability assessments and medical examinations).

The Medical budget contains contracted services for claims administration.

The Worker's Compensation budget contains contracted services for claims administration and drug and alcohol testing.

This order will authorize the City Manager to enter into such agreements.

MM:jlr

cc: Danielle West-Chuhta, Corporate Counsel
Jennifer Lodge, Budget Analyst

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 229-13/14
Tab 10 5-5-14
JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER RE: SELF-INSURED LIABILITY PROGRAM

ORDERED, that pursuant to Article VII, Sec. 15 of the Portland City Charter there is hereby established a Cumulative Reserve Fund for the purpose of enabling the City to pay losses under its self-insurance program or incurred under any deductible insurance policies, which fund shall continue from year to year and shall not lapse as provided in Article VII, Sec. 7 of the Charter.

BE IT FURTHER ORDERED, that pursuant to 14 M.R.S.A. Sec. 8116, the City Council of the City of Portland hereby states that the City of Portland has self-insured (to the extent set forth herein) against the obligations and liabilities imposed by the Maine Tort Claims Act (hereinafter the "Act"):

1. The Council has, and may from time to time, set aside funds in an account identified as "Liability" to be added to funds previously appropriated and held in reserve, all of which funds have been designed to enable the City to meet the obligations imposed by the Act; and to implement its self-insurance program, including but not limited to, the costs of administration of the program, investigation of claims, and of defense of claims against the City, its officers and employees;
2. The limit of liability assumed by the City is the \$400,000 required by the Act, as it may be amended from time to time, notwithstanding the fact that its appropriation or reserve may exceed the statutory limit of liability;
3. The scope of coverage is limited to those areas for which governmental immunity has been expressly waived by 14 M.R.S.A. Sec. 8104-A, as limited by 14 M.R.S.A. Sec. 8104-B, and 14 M.R.S.A. Sec. 8111. Liability coverage shall not be deemed a waiver of any immunities or limitation of damages available under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, or common law.
4. The fund shall be administered by the City Manager who shall settle all claims and pay all judgments for which the City may be legally liable under the Act or under the law of any jurisdiction to which the City, its officers or employees may be subject.

CITY OF PORTLAND, MAINE

Memorandum

TO: Mark H. Rees, City Manager
FROM: Danielle West-Chuhta, Corporate Counsel 
DATE: April 08, 2014
RE: RESOLUTION RE: SELF-INSURED LIABILITY PROGRAM

STATEMENT OF FACT:

This item is requested upon the recommendation of the Office of the Corporation Counsel. The intent is to clearly indicate that the City's limit of liability is that imposed by the Maine Tort Claims Act, notwithstanding the fact that the annual appropriation or the cumulative reserve may exceed \$400,000. This item should be given a first reading on May 5, 2014 and then postponed to the May 19, 2014 meeting along with other budget related items.

cc: Lawrence Walden, Associate Corporation Counsel
Jennifer Lodge, Budget Analyst

*Order 230-13/14
Tab 11 5-5-14*

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 AUTHORIZING CITY MANAGER TO ENTER
INTO CERTAIN AGREEMENTS TO IMPLEMENT
FY 2015 HEALTH & HUMAN SERVICES BUDGET**

ORDERED, that the City Manager be and hereby is authorized to enter into:

1. Standard agreements and amendments to standard agreements with other governmental agencies for fiscal year 2015 to implement the Health & Human Services operating budget; and
2. Agreements with providers of services and lessors of property to provide services for Health and Human Services programs.

City of Portland, Maine

Memorandum

To: Mark H. Rees, City Manager
From: Ellen Sanborn, Finance Director 
Date: 04/08/14
Re: FY15 Budget Council Order – HHS Agreements

Each year the City of Portland enters into agreements and amendments to those agreements, to receive reimbursement for services provided by the Health and Human Services department.

In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

I have asked Corporation Counsel to prepare the necessary order for inclusion on the May 5th agenda.

*Order 231-13/14
Tab 12 55-14*

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 AUTHORIZING CITY MANAGER TO
ACCEPT SCHOLARSHIP TRUST DONATIONS AND ENTER INTO TRUST
AGREEMENTS**

ORDERED, that the City Manager is authorized to accept donations for existing and new scholarship trusts; and

BE IT FURTHER ORDERED, that the City Manager is authorized to enter into standard form trust agreements as approved by the Corporation Counsel.

Order 232-13/14
Tab 13 55-14

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 AUTHORIZING CORPORATION COUNSEL
TO UNDERTAKE CIVIL ACTIONS TO COLLECT
DELINQUENT PERSONAL PROPERTY TAXES**

ORDERED, the Corporation Counsel, through the use of City Attorneys or Contractors, is hereby authorized to institute legal proceedings on behalf of the City to collect delinquent personal property taxes against debtors who have failed to pay the taxes when due.

City of Portland

Memo

To: Mark H. Rees, City Manager
From: Ellen Sanborn, Finance Director 
Date: April 8, 2014
Re: Agenda Item Request – Authorizing Collection Actions

Please place the attached order on the City Council agenda for first reading and public hearing on May 5th and second reading and passage on May 19, 2014. I am recommending we present this to the City Council for action as it is related to the financial business of the upcoming fiscal year. We have passed this order annually with the budget approved since fiscal year 2003.

This order arises out of the staff proposal to maintain of our efficient personal property tax collections. Many times during the fiscal year our personal property tax standard billing and collection procedures prove to be inadequate, and we need to seek legal assistance from the Corporation Counsel's Office. This could involve a company refusal to pay, a bankruptcy declaration or title dispute or other similar matter that requires legal action.

Corporation Counsel advises that the City Council needs to grant specific authority to file legal actions in these kinds of tax cases. Many times we need to act quickly to ask for legal assistance when information comes to our attention, in order to protect the City's interest. We also want to avoid administrative delays by seeking this general authority from the City Council to collect delinquent personal property taxes when necessary. Delegating this authority greatly enhances our personal property collection efforts.

I have asked Corporation Counsel to prepare the necessary order for inclusion on the May 5th agenda.

*Order 233-13/14
Feb 14 5-5-14*

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 AUTHORIZING NON-UNION WAGE ADJUSTMENT

ORDERED, that a one percent (1%) wage increase effective July 6, 2014 and a one percent (1%) wage increase effective January 4, 2015 are hereby approved and the non-union pay plan adjusted accordingly; and

BE IT FURTHER ORDERED, that a new salary grade 15 (\$110,151 minimum to \$143,104 maximum) is hereby established and the non-union pay plan adjusted accordingly.



Executive Department
Mark H. Rees, City Manager

MEMORANDUM

TO: Mayor and City Councilors
FROM: Mark H. Rees, City Manager 
DATE: May 2, 2014
RE: **Order Approving Salary Increase for Non-Union Personnel**

This Order authorizes the City Manager to make a 1% pay adjustment for all non-union employees effective July 1, 2014 and a subsequent 1% pay adjustment effective January 1, 2015.

Each year budgets permitting, the City of Portland increases the wages and salaries of non-union employees by an amount generally comparable to the amount given to employees covered by collective bargaining agreements.

In addition, it is recommended that a new pay grade 15 be established with the pay and classification plan to accommodate the position of Deputy City Manager.

This order will authorize the City Manager to increase the wages and salaries of non-union employees accordingly and to implement the new pay scale.

**NON-UNION PAY PLAN
EFFECTIVE 07/06/2014 (FY15)**

**COLA Increase
(Grades 1-15) 1.00%**

PAY GRADE		Minimum	Mid-Point	Maximum
I. Deputy City Manager (Exempt)				
15*	Annual	<u>110,151.00</u>	<u>127,525.13</u>	<u>143,104.00</u>
	Weekly	2,118.29	2,452.41	2,752.00
	Hourly	56.49	65.40	73.39
II. Department Heads (Exempt)				
14	Annual	84,415.76	97,090.76	109,785.00
	Weekly	1,623.38	1,867.13	2,111.25
	Hourly	<u>43.29</u>	<u>49.79</u>	<u>56.30</u>
13	Annual	76,752.00	88,296.00	99,840.00
	Weekly	1,476.00	1,698.00	1,920.00
	Hourly	<u>39.36</u>	<u>45.28</u>	<u>51.20</u>
III. Division Heads (Exempt)				
12	Annual	71,194.76	83,265.00	95,355.00
	Weekly	1,369.13	1,601.25	1,833.75
	Hourly	<u>36.51</u>	<u>42.70</u>	<u>48.90</u>
11	Annual	64,642.76	75,640.76	86,716.76
	Weekly	1,243.13	1,454.63	1,667.63
	Hourly	<u>33.15</u>	<u>38.79</u>	<u>44.47</u>
10	Annual	58,831.76	68,854.76	78,819.00
	Weekly	1,131.38	1,324.13	1,515.75
	Hourly	<u>30.17</u>	<u>35.31</u>	<u>40.42</u>
IV. Professional Staff (Exempt)				
9	Annual	53,430.00	62,556.00	71,604.00
	Weekly	1,027.50	1,203.00	1,377.00
	Hourly	<u>27.40</u>	<u>32.08</u>	<u>36.72</u>
8	Annual	48,574.76	56,842.76	65,130.00
	Weekly	934.13	1,093.13	1,252.50
	Hourly	<u>24.91</u>	<u>29.15</u>	<u>33.40</u>
7	Annual	44,167.76	51,694.76	59,221.76
	Weekly	849.38	994.13	1,138.88
	Hourly	<u>22.65</u>	<u>26.51</u>	<u>30.37</u>

**NON-UNION PAY PLAN
EFFECTIVE 07/06/2014 (FY15)**

PAY GRADE		Minimum	Mid-Point	Maximum
V. Hourly Employees (Non-Exempt)				
6	Annual	40,521.00	47,463.00	54,327.00
	Weekly	779.25	912.75	1,044.75
	OT	31.17	36.51	41.79
	Hourly	<u>20.78</u>	<u>24.34</u>	<u>27.86</u>
5	Annual	36,855.00	43,134.00	49,432.76
	Weekly	708.75	829.50	950.63
	OT	28.35	33.18	38.03
	Hourly	<u>18.90</u>	<u>22.12</u>	<u>25.35</u>
4	Annual	33,501.00	39,253.76	44,928.00
	Weekly	644.25	754.88	864.00
	OT	25.77	30.20	34.56
	Hourly	<u>17.18</u>	<u>20.13</u>	<u>23.04</u>
3	Annual	30,459.00	35,665.76	40,833.00
	Weekly	585.75	685.88	785.25
	OT	23.43	27.44	31.41
	Hourly	<u>15.62</u>	<u>18.29</u>	<u>20.94</u>
2	Annual	27,709.76	32,389.76	37,108.76
	Weekly	532.88	622.88	713.63
	OT	21.32	24.92	28.55
	Hourly	<u>14.21</u>	<u>16.61</u>	<u>19.03</u>
1	Annual	25,174.76	29,484.00	33,696.00
	Weekly	484.13	567.00	648.00
	OT	19.37	22.68	25.92
	Hourly	<u>12.91</u>	<u>15.12</u>	<u>17.28</u>

***FY15 Grade 15 Added**

**NON-UNION PAY PLAN
EFFECTIVE 01/04/2015 (FY15)**

COLA Increase
(Grades 1-15) 1.00%

PAY GRADE		Minimum	Mid-Point	Maximum
I. Deputy City Manager (Exempt)				
15	Annual	111,247.76	128,797.76	144,534.00
	Weekly	2,139.38	2,476.88	2,779.50
	Hourly	<u>57.05</u>	<u>66.05</u>	<u>74.12</u>
II. Department Heads (Exempt)				
14	Annual	85,254.00	98,065.76	110,877.00
	Weekly	1,639.50	1,885.88	2,132.25
	Hourly	<u>43.72</u>	<u>50.29</u>	<u>56.86</u>
13	Annual	77,512.76	89,173.76	100,834.76
	Weekly	1,490.63	1,714.88	1,939.13
	Hourly	<u>39.75</u>	<u>45.73</u>	<u>51.71</u>
III. Division Heads (Exempt)				
12	Annual	71,916.00	84,103.76	96,310.76
	Weekly	1,383.00	1,617.38	1,852.13
	Hourly	<u>36.88</u>	<u>43.13</u>	<u>49.39</u>
11	Annual	65,286.00	76,401.00	87,574.76
	Weekly	1,255.50	1,469.25	1,684.13
	Hourly	<u>33.48</u>	<u>39.18</u>	<u>44.91</u>
10	Annual	59,416.76	69,537.00	79,599.00
	Weekly	1,142.63	1,337.25	1,530.75
	Hourly	<u>30.47</u>	<u>35.66</u>	<u>40.82</u>
IV. Professional Staff (Exempt)				
9	Annual	53,956.76	63,180.00	72,325.76
	Weekly	1,037.63	1,215.00	1,390.88
	Hourly	<u>27.67</u>	<u>32.40</u>	<u>37.09</u>
8	Annual	49,062.00	57,408.00	65,773.76
	Weekly	943.50	1,104.00	1,264.88
	Hourly	<u>25.16</u>	<u>29.44</u>	<u>33.73</u>
7	Annual	44,616.00	52,221.00	59,806.76
	Weekly	858.00	1,004.25	1,150.13
	Hourly	<u>22.88</u>	<u>26.78</u>	<u>30.67</u>

NON-UNION PAY PLAN
EFFECTIVE 01/04/2015 (FY15)

PAY GRADE		Minimum	Mid-Point	Maximum
V. Hourly Employees (Non-Exempt)				
6	Annual	40,926.08	47,937.76	54,870.40
	Weekly	787.04	921.88	1,055.20
	OT	31.48	36.88	42.21
	Hourly	<u>20.99</u>	<u>24.58</u>	<u>28.14</u>
5	Annual	37,223.68	43,565.60	49,926.76
	Weekly	715.84	837.80	960.13
	OT	28.63	33.51	38.41
	Hourly	<u>19.09</u>	<u>22.34</u>	<u>25.60</u>
4	Annual	33,835.88	39,645.84	45,377.28
	Weekly	650.69	762.42	872.64
	OT	26.03	30.50	34.91
	Hourly	<u>17.35</u>	<u>20.33</u>	<u>23.27</u>
3	Annual	30,763.72	36,021.96	41,241.20
	Weekly	591.61	692.73	793.10
	OT	23.66	27.71	31.72
	Hourly	<u>15.78</u>	<u>18.47</u>	<u>21.15</u>
2	Annual	27,986.40	32,713.20	37,479.52
	Weekly	538.20	629.10	720.76
	OT	21.53	25.16	28.83
	Hourly	<u>14.35</u>	<u>16.78</u>	<u>19.22</u>
1	Annual	25,426.44	29,778.84	34,032.96
	Weekly	488.97	572.67	654.48
	OT	19.56	22.91	26.18
	Hourly	<u>13.04</u>	<u>15.27</u>	<u>17.45</u>

*order 234-13/14
Feb 15 5-5-14*

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 DESIGNATING FY15 FUNDS FOR SPECIFIC ISLAND SERVICES

ORDERED, that \$40,000 from the FY2015 municipal budget is hereby designated to pay for the Peaks Island services specified in the attached list.

Specific Island Services for Designated FY 2015 Funds

Item A:	Cost of Extending Portland School Department Issued 10 Month Casco Bay Line Passes for Peaks Island Public Middle and High Schools Students to 12 Month Passes	\$5,000
Item B:	Payable to Casco Bay Lines to Purchase Bicycle Tickets for a Summer Bike Ticket Program on Peaks Island.	\$500
Item C:	Quarterly Vouchers in the amount of \$50 per Voucher per Student to the Parents of Children Attending the Peaks Island Elementary School who attain the Age of 10 Years or Older during the School Year.	\$3,000
Item D:	Payable to Casco Bay Islands to Purchase Tickets for Needs Based PI Residents.	\$5,000
Item E:	Allocation to the Island Transportation System for Continued Support of the Only Transportation Service Available to Residents.	\$17,500
Item F:	Allocation to the Peaks Island Council for Administrative Expenses	\$2,500
Item G:	Allocation to the City of Portland Recreation Division as a Contribution towards the Establishment of a Skateboard Park on Peaks Island.	\$1,000
Item H:	Allocation to Peaks Island Tax & Energy Assistance (PITEA) for the Express Purposes of Assisting Eligible Island Residents with Heating Costs.	\$3,000
Item I:	Allocation to the Peaks Island Food Pantry for the Express Purposes of Assisting Eligible Island Residents with Basic Food Needs.	\$1,000
Item J:	Allocation to the Peaks Island Academy for the Express Purposes of Assisting Students' Transportation Needs for Off-island Activities.	\$1,000
Item K:	Issue Vouchers in the Amount of \$84 per Voucher per Student to the Parents of Children Attending Private Schools Off-island.	\$500



Motion: The Peaks Island Council requests the Portland City Council to allocate the following funds to the PIC FY 15 Parking and Transportation Fund in the amount of \$40,000 in accordance with the following items:

Item A: The Peaks Island Council requests the City Manager or his designee to transfer to the Portland School Department \$5,000 to cover the cost of extending Portland School Department issued 10 month Casco Bay Lines passes for Peaks Island public middle and high schools students to 12 month passes.

Mark Rees, City Manager

Date

Item B: The Peaks Island Council requests the City Manager or his designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines to purchase bicycle tickets for a summer bike ticket program on Peaks Island. This program was approved last year and was very successful. The total is not to exceed \$500.

Mark Rees, City Manager

Date

Item C: The Peaks Island Council requests the City Manager or his designee to issue quarterly vouchers in the amount of \$50 per voucher per student to the parents of children attending the Peaks Island Elementary School who attain the age of 10 years or older during the school year. Children who turn 10 years of age during the school year will be eligible for the vouchers only after attaining 10 years of age and will only be eligible for vouchers not yet issued. Total cost allocated is \$3,000.

Mark Rees, City Manager

Date

Items D: The Peaks Island Council requests the City Manager or his designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines to purchase tickets for needs based Peaks Island residents. The needs based criteria has been developed by the Peaks Island Council, and is a continuation of a program funded in FY 14. The total is not to exceed \$5,000.

Mark Rees, City Manager

Date

Item E: The Peaks Island Council requests the City Manager or his designee to provide an allocation of \$17,500 to the Island Transportation System for continued support of the only transportation service available to residents.

Mark Rees, City Manager

Date

Item F: The Peaks Island Council requests the City Manager or his designee to provide an allocation of \$2,500 to the Peaks Island Council for administrative expenses.

Mark Rees, City Manager

Date

Item G: The Peaks Island Council requests the City Manager or his designee to provide an allocation of \$1,000 to the City of Portland Recreation Division as a contribution towards the establishment of a skateboard park on Peaks Island.

Mark Rees, City Manager

Date

Item H: The Peaks Island Council requests the City Manager or his designee to provide an allocation of \$3,000 to Peaks Island Tax & Energy Assistance (PITEA) for the express purposes of assisting eligible island residents with heating costs. Applications for eligibility approved by Peaks Island Clergy and monies are paid by PITEA directly to the fuel company.

Mark Rees, City Manager

Date

Item I: The Peaks Island Council requests the City Manager or his designee to provide an allocation of \$1,000 to the Peaks Island Food Pantry for the express purposes of assisting eligible island residents with basic food needs. The Food Pantry is associated with the Brackett Memorial Church, and Brackett Memorial Church will be the actual recipient of funds, designated to the Food Pantry.

Mark Rees, City Manager

Date

Item J: The Peaks Island Council requests the City Manager or his designee to provide an allocation of \$1,000 to the Peaks Island Academy for the express purposes of assisting students' transportation needs for off-island activities.

Mark Rees, City Manager

Date

Item K: The Peaks Island Council requests the City Manager or his designee to issue vouchers in the amount of \$84 per voucher per student to the parents of children attending private schools off island. Criteria for determination of residency will be directed through the Island/Neighborhood Administrator's Office. Total cost allocated is \$500.

Mark Rees, City Manager

Date

Peaks Island Council
February 26, 2014

For many years, Peaks Islanders have been seeking a public skateboard park as part of the recreation activities on the Island. Skateboarders use public thoroughfares but recognize the danger of these activities.

Here is a direct copy of text from Page 25 of the 2003 Neighborhood-Based Plan for Peaks Island:

Recommendation (Immediate): Work with Island youth, private landowners, Island organizations and the City to find a suitable site for the skateboard park.

Despite the efforts of many adult Islanders, a skateboard park was not built. So, several younger Islanders took it upon themselves to build a small park on the cement site of an old World War II barracks.

That initiative by younger citizens was most commendable. Unfortunately, the park is part of the Peaks Island Land Preserve, which prohibits any change or development on its properties. A subcommittee of the Peaks Island Council was formed in 2013. The group agreed with the PILP to produce a new park before the old one was destroyed and then the barracks site could and would be restored.

Several Islanders, including the young builders and others familiar with skateboard parks, envision a new park in a 100' X 100' corner of Trott Littlejohn Park. This is City-owned land and the Parks and Recreation Department supports putting the Skateboard Park there. We plan to start with a large sloping pad and add specific skating structures as funds become available.

In 2013 the Peaks Island Lions' Club donated \$250 towards the new Skateboard Park. Another \$100 was raised by youngsters riding bicycles at the Annual PeaksFest community celebration. But obviously we need more funding. Therefore, we are asking the Peaks Island Council for a contribution of \$2,000.

Our Skateboard Park Subcommittee of the PIC officially welcomes contributions from the PIC and the Parks and Recreation Department of the City of Portland to proceed to develop the Peaks Island Skateboard Park.

Thank you for your consideration.

C. J. Hoppin
207 766 2593
196 Seashore Avenue

www.cjhoppin.com
choppin@aol.com
Peaks Island, ME 04108

PEAKS ISLAND TAX AND ENERGY ASSISTANCE
P O BOX 126
PEAKS ISLAND, MAINE 04108

Thank you very much for considering a line item in the Peaks Island Council budget for \$3000 for Energy Assistance. When our small group began fundraising in 2005 for tax assistance we never thought we would be in existence in 2014 nor did we think we would be adding energy assistance to our mission. Energy assistance assures every resident, renter or homeowner, that help will be there if and when they need it. From July 1, 2012 and June 30, 2013 Energy Assistance received 30 applications and paid out \$8284. Since July 1, 2013 we have processed 48 applications and paid out over \$13,233 to energy providers and winter is not over yet. The extremely cold weather and the increases in energy costs have made it difficult for some islanders and our assistance has proved to be a necessary part of Island life.

Peaks Island Tax Assistance is a totally independent, non-profit group formed in 2005 to give assistance to our fellow island home owners whose homes are their permanent residences to remain in their homes despite recent extraordinary tax increases. The organization applied for and received 501(c)(3) tax exempt status in 2006. In 2007 Energy Assistance became part of our mission and our name became, Peaks Island Tax and Energy Assistance (PITEA). Our purpose is to confidentially give immediate monetary assistance for energy costs for Peaks Island Residents. We have raised well over \$80,000 and made property tax or energy assistance payments to either City of Portland for taxes or energy companies for energy assistance. Applications for Energy Assistance are given to our Clergy for their approval. PITEA will pay up to \$400 to the appropriate energy provider. Applicants may reapply at any time during the fiscal year. Islanders who do receive PROP or LIHEAP funding may apply to PITEA when their funding runs out. Our purpose is to give assistance on an as-needed basis.

Beyond the immediate benefit to those neighbors who will receive financial assistance with their taxes and/or energy costs, we believe that our committee's work will help to strengthen and stabilize the entire community by engaging hundreds of islanders in this cooperative effort. Further, we hope to lessen the possibility that any Island families will be forced from their homes. Many of these families and individuals are longtime islanders who have paid taxes to the city and contributed to the fabric of this community for generations. We also see our effort as a way to acknowledge and honor these islanders and their contributions. Finally, if our work is successful, it will help to maintain and encourage the social and economic diversity from which our community draws its greatest strength.

Many islanders have generously contributed to our funds directly or through our fundraising events. A long-time summer friend gave us the opportunity to sign up for the MarketAmerica non-profit organization program. Unfranchisees under her tutelage have made it possible for us to receive funds. However, we do not have a dealer in our group so we will be receiving limited assistance. One door is closing and we hope another door will open for fundraising. PITEA has sponsored a variety of events including 4 summer raffles featuring donated items. The PITEA Board continues to plan fundraisers throughout the year. Our Loaf and Ladle Dinners, which are held almost monthly

have been very successful and have added to the sense of community on Peaks. All of the food, paper goods, etc. have been donated by PITEA members so that the per person fees collected are deposited in the tax account or energy account. Our donors may specify that their donations will be used for tax assistance or energy assistance. Those who have given us matching funds through a corporate sponsor know their donations go to energy assistance.

Non-profit accounts for Tax Assistance and for Energy Assistance have been established at Key Bank

ORIGINAL PEAKS ISLAND TAX ASSISTANCE MISSION STATEMENT
From our By-Laws and 501(c)3 application

Peaks Island is a neighborhood of the City of Portland, Maine. The City of Portland conducted a property tax revaluation in 2004-05, which led to skyrocketing assessments for island property. Because Peaks Island is a community that values its diversity, concern was widespread that the tax increases would cause considerable stress for senior citizens and others living on fixed incomes, as well as the young families that keep our school filled with children.

Peaks Island Tax Assistance (PITA) was formed in 2005 to serve as a pro-active, community-based response to this situation. PITA's mission is to assist residents whose ability to remain part of our community is threatened by their inability to afford the property taxes. It works in collaboration with island clergy to direct available funds for the benefit of individuals and families in need. All tax assistance payments will be made directly to the City of Portland.

Order 235-13/14
Tab 6 55-14

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 AUTHORIZING GENERAL OBLIGATION BONDS
IN AN AMOUNT NOT TO EXCEED \$500,000**

FOLLOWING a public hearing of the City Council of the City of Portland, Maine, held upon due notice pursuant to Article VII, Section 9 of the City Charter, IT IS HEREBY

ORDERED THAT:

There be and hereby is authorized and approved the incurring of indebtedness by the City of Portland and the issue and sale of general obligation bonds and notes in anticipation thereof in the aggregate principal amount not to exceed Five Hundred Thousand Dollars (\$500,000) to finance additional capitalization of the Worker's Compensation Fund – Settlement Pool and all other costs (as defined herein) related and ancillary thereto (the "Project").

BE IT FURTHER ORDERED

1. That the Director of Finance be and hereby is authorized to prepare, issue, and sell such bonds in the name of and on behalf of the City, in the aggregate amount of \$500,000 (the "Bonds") at one time, or from time to time, as one or more separate bond issues, and to determine the date, form, minimum denomination, interest rates (as term bonds or serial bonds or some combination thereof), maturities (with the last maturity not to exceed the maximum term permitted by law) and all other details, terms and provisions, not inconsistent herewith, including the form and manner of their sale and award as he may approve, such approval to be conclusively evidenced by the execution thereof;

2. That the Director of Finance be and hereby is authorized to borrow money in anticipation of said Bonds by the issuance and sale of notes or renewal notes in anticipation of said Bonds ("BANs"), and to determine the date, form, minimum denominations, interest rate, maturities (with the last maturity not to exceed 3 years from its date of issuance) and all other details of each issue of BANs, including the form and manner of their sale and award, subject to the provisions of the law, the City Charter and this Order;

3. That the Director of Finance be and hereby is authorized to provide that any of the Bonds and BANs hereinbefore authorized be made subject to call for redemption, with or without premium, prior to their stated dates of maturity, as provided in 30-A M.R.S.A. §5772(6), as amended;

4. That any Bond or BAN issued hereunder shall be signed by the Director of Finance and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof;

5. That the Director of Finance is authorized to negotiate, execute, and deliver, in the name of and on behalf of the City such contracts, agreements, and other documents, including leases, instruments and certificates as may be necessary or appropriate as determined and approved by the Director of Finance in connection with the financing of the Project, which documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Director of Finance such approval to be conclusively evidenced by his execution thereof;

6. That the Director of Finance be and hereby is authorized to select the underwriter for the Bonds or BANs heretofore authorized and the Director of Finance be and hereby is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith;

7. That the Director of Finance be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds or BANs heretofore authorized, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Director of Finance, with the advice of the bond counsel for the City, and that the use and distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with offering the Bonds or BANs for sale be and hereby is approved;

8. That the Director of Finance be and hereby is authorized to select the registrar, paying agent and transfer agent (the "Transfer Agent") for the Bonds or BANs heretofore authorized and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services;

9. That the Bonds or BANs heretofore authorized shall be transferable only on the registration books of the City kept by the Transfer Agent, and said principal amount of the bonds of the same maturity (but not of other maturity) in minimum denominations of \$5,000 and any integral multiple in excess thereof upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a bond the City and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds upon exchanges or transfer thereof to be paid by the person requesting the same;

10. That the Director of Finance be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such Bonds or BANs heretofore authorized in book-

entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraph above regarding physical transfer of Bonds or BANs, and the Director of Finance be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the Bonds or BANs for and participate in the Depository Trust Company Book-Entry Only System;

11. That the Director of Finance and Mayor from time to time shall execute such Bonds or BANs as may be required to provide for exchanges or transfers of Bonds or BANs as heretofore authorized, all such Bonds or BANs to bear the original signature of the Director of Finance and Mayor, and in case any officer of the City whose signature appears on any Bond or BAN shall cease to be such officer before the delivery of said Bond or BAN, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof;

12. That if the Bonds or BANs, or any part of them, are issued on a tax exempt basis, the Director of Finance be and hereby is authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the issue and sale of the Bonds or BANs authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Bonds or BANs to be "arbitrage bonds" or "private activity bonds" within the meaning of Sections 148 and 141 of the Internal Revenue Code of 1986, as amended;

13. That if the Bonds or BANs, or any part of them, are issued on a tax exempt basis, the officers or officials executing the Bonds or BANs be and hereby are individually authorized to covenant and agree, on behalf of the City, for the benefit of the holders of such Bonds or BANs, that the City will file any required reports and take any other action that may be necessary to insure that interest on the notes will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the Bonds or BANs to be subject to federal income taxation;

14. That the officers executing the Bonds or BANs be and hereby are individually authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of such Bonds or BANs, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met;

15. That any or all of the Bonds or BANs issued hereunder may be consolidated with and become a part of any other issue of temporary notes or general obligation bonds authorized to be issued by any previous or subsequent order of the City Council of the City of Portland;

16. That the term "cost" or "costs" as used herein and applied to the Project, or any portion thereof, includes, but is not limited to the cost of financing charges, legal fees and issuance costs, including premiums for insurance, interest for a period not to exceed three years from the issue date of the Bonds, and for any additional period permitted under Section 148 of the Internal

Revenue Code of 1986, as amended, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction;

17. That the Director of Finance, Mayor and Clerk and other proper officials of the City be, and hereby are authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale and delivery of the Bonds or BANs hereinabove authorized;

18. That if any of the officers or officials of the City who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds or BANs so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds or BANs nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds or BANs had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds or BANs, shall be the proper officers and officials of the City, although at the nominal date of such Bonds or BANs any such person shall not have been such officer or official;

19. That if the Director of Finance, Mayor or Clerk are for any reason unavailable to approve and execute the Bonds or BANs or any other documents necessary or convenient to the issuance, execution and delivery of the Bonds or BANs, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.

20. That the Bonds or BANs authorized by this Order are in addition to any bonds or notes previously authorized for the same or similar purposes;

21. That to the extent not payable from other funds, an amount sufficient for the payment of the annual payments of principal and interest on the Bonds or any BANs issued hereunder shall be included in the tax levy of each year until the debt represented by said Bonds or BANs is extinguished.

22. That during the term any of the Bonds (or bonds issued to refund such Bonds) are outstanding, the Director of Finance be and hereby is authorized to issue and deliver refunding bonds to refund some or all of the Bonds then outstanding, and to determine the date, form, interest rate, maturities and all other details of such refunding bonds, including the form and manner of their sale and award. The Director of Finance be and hereby is further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the Director of Finance and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof.

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Chair Mavodones, Members of the Finance Committee

FROM: Ellen Sanborn, Finance Director



DATE: April 28, 2014

RE: Request for \$500,000 in Bonds to Fund Settlements of Long-term Workers' Comp Cases

The Human Resources Department has requested \$500,000 to fund costs and payments in settlements of some of the City's long-term workers' compensation cases. Issuance of General Obligation Bonds for this purpose is allowed under City Charter, and we have issued bonds for this purpose in the past. The most recent issue was for \$1 million in 2004, for which the debt service will be completely paid off this year.

Human Resources has identified, in consultation with our Workers' Comp administrator, 20 cases that have potential to be settled. These cases range from three to twenty years in age, and if settled could allow avoidance of about \$12 million in future costs. While the estimated cost to settle all of these cases is about \$3.6 million, this level of funding at \$500,000 will allow HR to continue working on active cases that are estimated to save up to \$4 million in future costs.

This support two Council Orders, similar to any bond issue; an authorization to issue bonds and an appropriation, both for \$500,000. I would include these bonds in the next regular bond sale.

Order 236 -13/14
Tab 17 5-5-14

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

ORDER APPROPRIATING \$500,000 OF BOND PROCEEDS

IT IS HEREBY ORDERED THAT:

1. Subject to paragraph 2 below, the sum of \$500,000 to finance additional capitalization of the Worker's Compensation Fund – Settlement Pool.
2. The appropriation set forth in paragraph 1 above is and shall be contingent upon the approval by the City Council of general obligation bonds for such purposes (the amount appropriated to be adjusted to reflect the principal amount of bonds or notes so authorized, subject to any reduction as may be specified in the order authorizing such bonds or notes) and the issuance and delivery of such bonds or notes in anticipation thereof for such purposes. The foregoing appropriations shall also be applied to all other costs related and ancillary thereto including but not limited to issuance costs for such bonds (or notes in anticipation thereof).

*Order 237-13/14
Feb 18 5-5-14*

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 FOR FISCAL YEAR 2014-2015 APPROPRIATING
\$830,000 FROM EXCESS FUND FOR
CASCO BAY ISLAND TRANSIT DISTRICT**

ORDERED, that the City Council hereby authorizes and appropriates \$830,000 from the Casco Bay Island Transit District Excess Fund pursuant to the lease agreement between the City of Portland and the Casco Bay Island Transit District.

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Chair Mavodones, Vice-chair Duson, Members of the Finance Committee

FROM: Ellen Sanborn, Finance Director 

DATE: April 14, 2014

RE: Appropriation of Excess Funds for Casco Bay Island Transit District (CBITD)

The lease agreement between the City and CBITD outlines the process of allocating revenue from the Casco Bay Garage operation, which was anticipated to be used to support the ferry service, and potentially other "mass" transportation.

The agreement discusses two funds that address the distribution of net revenue generated to the City by the garage and also facility rent. Attached is the specific language from the lease for these two funds, but in summary, the *Maintenance Fund* receives 50% of the net revenue generated by the garage, which is paid to CBITD on an annual basis. The *Excess Fund*, which went into effect once the debt for the acquisition of the west side of the Maine State Pier was retired, receives the balance of net revenue from the garage and also the rental payments from CBITD for the facility. Both funds are to be used by CBITD for capital needs of the terminal and pier.

As described in the lease, the distribution of the Excess Fund is made, by Council appropriation, only through our annual budget process. The first priority for these funds is for capital needs of CBITD, who must demonstrate that need by making a request to the Council "as part of the City's budget process".

Attached is information from Hank Berg, CBITD General Manager, describing their request for approximately \$830,000 of Excess Funds to use as match funding for a number of federal grants. The current balance in the Excess Fund, which is a component of the City's Fund Balance as an Assigned balance, is \$831,527.

This item will be included as one of the council orders associated with the annual budget.

CBITD Grant Summary

<i>Active</i>	<u>Total</u>	<u>Federal</u>	<u>State</u>	<u>Local Match</u>	<u>PACTS</u>	<u>FTA</u>
AVL/Real time vessel info	\$ 75,000	\$ 60,000		\$ 15,000	Approved	Funding Allocated
SAFETY-LU Urbanized Area Formula	489,628	244,814		244,814	Approved	Funding Allocated
<i>In approval process</i>						
MAP21 Urbanized Area Formula	448,819	359,055		89,764	Approved	Under Review
MAP21 State of Good Repair	682,889	546,311		136,578	Approved	Under Review
<i>To be submitted to FTA</i>						
Preventive Maintenance STP 2	100,000	80,000		20,000	Approved	CBITD writing grant
<i>Proposals under review</i>						
CBITD Terminal Renovation Phase 2	3,200,000	2,560,000	320,000	320,000	NA	Under review
Totals	<u>\$ 4,996,336</u>	<u>\$ 3,850,180</u>	<u>\$ 320,000</u>	<u>\$ 826,156</u>		

CBITD Grant Summary 2014

Rev 1

Active grants

PACTS, MaineDOT and FTA have approved these grants and FTA has released funding

AVL/Real time vessel info

Scope of Work: The funds will be used for the delivery and installation of a regional Computer Aided Dispatch (CAD)/Automatic Vehicle Location (AVL) and Real-time Passenger Information (RTPI) System for the following PACTS transit agencies: the Greater Portland Transit District (METRO); South Portland Bus Service (SPBS); Casco Bay Island Transit District (CBITD).

The transit agencies jointly followed a systems engineering process to develop system specifications, issued the CAD/AVL, RTPI RFP and negotiated price and terms with the vendor chosen by the RFP selection committee. After negotiating a Best and Final Offer a contract template was jointly developed. Each agency will execute individual contracts with the vendor using the contract template.

The Greater Portland Council of Governments is coordinating the procurement process on behalf of the above named transit agencies in accordance with the "Memorandum of Understanding for Joint Solicitation & Cooperative Purchase CAD/AVL Real Time Passenger Information System." The transit agencies will not be negotiating independently any procurement tasks.

The minimum fleet included in this procurement is for a system to outfit 44 vehicles/vessels (METRO 32 buses, CBITD 5 vessels, SPBS 7 buses).

This application is for CBITD's portion of the project.

Security. During a serious situation or an emergency, such as an ill passenger, vehicle breakdown, accident, or illegal activity onboard the transit vehicle the driver can quickly alert dispatch using the mobile data terminals. The dispatcher at the transit operations center will be notified about the incident and will know the precise location of the vehicle. The transit agency will be able to assess, in real time, the situation onboard the transit vehicle and could provide this information to the appropriate public safety officials (e.g., police, fire and rescue). This will help the transit agency and public safety officials respond quickly and appropriately to the incident.

Other Information: The PACTS Transit Committee has planned for all of the other transit agencies to participate when the funding and implementation readiness make it possible. These agencies include: Regional Transportation Program (RTP), Biddeford-Saco-Old Orchard Beach Transit Committee - ShuttleBus /ZOOM (BSOOB), and York County Community Action (YCCAC). All these agencies have been included in the procurement documents as maximum participants.

SAFETY-LU Urbanized Area Formula

Scope of Work: Casco Bay Island Transit District (CBITD) will use the funds to support operational costs.

Grants in approval process

These grants have been approved by PACTS, included in MaineDOT's Surface Transportation Plan, reviewed by FTA and are now in final review by Department of Labor (DOL)

MAP21 Urbanized Area Formula (Second 2013 six month appropriation)

Scope of Work: Casco Bay Island Transit District (CBITD) will use \$168,819 of these funds for Preventive maintenance of its ferries (Machigonne, Maquoit, Aucociso, Bay Mist and Wabanaki), equipment and facility. Preventive maintenance work for the ferries and associated equipment is performed by suppliers/contractors at shipyards and at CBITD's terminal. Suppliers/contractors and in-house staff complete preventive maintenance of the facility and associated equipment.

CBITD will use \$50,000 of these funds to replace two forklifts that are at the end of useful life. The primary and backup forklifts are used to move heavy items around the terminal as well as to and from the vessels. The forklifts are used to move boat equipment, spools of line, passenger benches, oil drums for the vessels, passenger personal belongings, large garbage cans, and more. One forklift is 13 years old and the other is over 18 years old; the typical average useful life of a forklift is 10 years.

CBITD will use \$40,000 of these funds for the procurement of a portable canopy for CBITD's passenger vessel Maquoit II. The canopy will be used to protect an exposed part of the vessel from the elements and sun to extend the useful outside passenger area in inclement weather.

CBITD will use \$190,000 of these funds for specification development and the procurement/installation of a replacement for CBITD's Sage Pro ERP accounting system. These funds will also be used to procure office workstations, servers and associated equipment. In 2013 Sage announced its intent to retire the Sage Pro ERP software effective March 31, 2014. CBITD must replace Sage Pro with a functionally equivalent accounting system.

MAP21 State of Good Repair (Second FY2013 six month appropriation)

Scope of Work: Casco Bay Island Transit District (CBITD) will use \$219,225 of these funds for Preventive maintenance of its ferries (Machigonne, Maquoit, Aucociso, Bay Mist and Wabanaki), equipment and facility. Preventive maintenance work for the ferries and associated equipment is performed by suppliers/contractors at shipyards and at CBITD's terminal. Suppliers/contractors and in-house staff complete preventive maintenance of the facility and associated equipment. \$463,664 of the funds will be used to cover higher than projected bid proposals for CBITD's terminal renovation project (ME-03-0044-01).

Grant to be submitted to FTA

This grant has been approved by PACTS and included in MaineDOT's Surface Transportation Plan; CBITD in process of writing

Preventive Maintenance STP 2

Casco Bay Island Transit District (CBITD) will use these funds for Preventive maintenance of its ferries (Machigonne, Maquoit, Aucociso, Bay Mist and Wabanaki) equipment and facility. Preventive maintenance work for the ferries and associated equipment is performed by suppliers/contractors at shipyards and at CBITD's terminal. Suppliers/contractors and in-house staff complete preventive maintenance of the facility and associated equipment.

Competitive Grant proposals submitted and under review

CBITD Terminal Renovation Phase 2 (FTA Ferry Boat Discretionary funding)

AGE AND NEED: The existing Casco Bay Island Transit District's (CBITD) Ferry Terminal was designed and built in 1988 for an annual capacity of 500,000 passengers. Since then, passenger traffic experienced growth far greater than projected and today the facility handles nearly 1,000,000 passengers annually. Due to the passenger commuter nature of the service, along with the seasonal passenger visitors to the various islands of Casco Bay, vehicle traffic into and out of the facility along with passenger hand freight to the islands has increased such that when added to the passenger volume, reliable service is at the point of being un-manageable. The facility has also become a very active METRO Bus system stop that brings people to and from various areas throughout the city as well as connecting them to other transportation modes like Amtrak, Concord Trailways, Greyhound and the International Jetport. Along with METRO, the facility is served by taxicabs, school buses, tour and excursion vehicles and a variety of delivery vehicles that support the commuter population based on the islands.

READY TO GO: This project is a "ready to go project" and the request for funds is for a one-time improvement project to CBITD's Terminal to improve passenger access to and from the vessels, enhance passenger safety and security throughout the facility and improve the facilities maintenance area.

The estimated cost of the complete Terminal renovation exceeded the available funding. As a result, the project was divided into two Phases. Phase 1 is currently funded with \$3,500,000 by FTA (Project ME-03-0044-01), FHWA (FBD-1836(300)X), State of Maine funds, City of Portland Maine funds and CBITD funds. Phase 1 includes extensive marine infrastructure related improvements, an addition to the south end of the Terminal, facility maintenance repairs, and a portion of the Terminal building improvements.

This proposal is to fund Phase 2 of the Terminal improvement project and will address the site improvements to enhance the safety of passenger and vehicle flow, maintenance department work area improvements as well as the remainder of the terminal building improvements. An additional \$3,200,000 is required for Phase 2 of the project which is estimated to take 17 months to complete.

[Excerpt from Lease Agreement by and between the City of Portland and Casco Bay Island Transit District]

ARTICLE 9. MAINTENANCE FUND.

A. IN order to assist TENANT with expenses associated with major repair and maintenance of the Premises, CITY agrees to establish a Maintenance Fund (hereinafter the "Fund") as provided herein. Said Fund shall be established by the CITY'S Finance Director in a manner he deems to be in accord with generally accepted accounting principles, except to the extent that said principles may be modified by Urban Mass Transportation Administration (hereinafter "UMTA") requirements. Said Fund will consist of Fifty Percent (50%) of the annual net revenues, less the City's annual cost of all casualty insurance purchased by the City covering the Premises and improvement thereon, up to a maximum amount of One Hundred Fifty Thousand Dollars (\$150,000), received by the CITY from the One Hundred and Ninety (190) parking spaces funded by UMTA in the parking garage adjacent to the Ferry Terminal, as described in Article 1. "Net revenues" means gross revenues minus operating costs as defined by the CITY'S Finance Director using generally accepted accounting principles, except as modified by UMTA requirements. TENANT, upon reasonable notice to CITY'S Finance Director and during regular business hours, may review and copy, at its own cost and expense, CITY'S records on the Fund.

B. Use of Fund. The Fund will be available to TENANT to cover the cost, in whole or in part, of any major repairs or maintenance of or on the Premises. Prior to requesting assistance from the Fund, however, TENANT will make a good faith, diligent effort to obtain any State or federal funds available for the capital or similar assistance. CITY will cooperate with and assist TENANT in that effort. If, after reasonable effort, such external funds are not available to TENANT, CITY will disburse funds to TENANT for said major repairs and maintenance under procedures to be established by the CITY'S Finance Director. If said funds are not adequate then TENANT may request assistance of the City Council of the CITY, but nothing herein shall obligate said City Council to provide assistance to TENANT.

Amounts in the Fund may also be used as matching funds for federal or State capital assistance grants, and may be available to TENANT for short-term loans, on terms and interest rates acceptable to the CITY, provided that CITY shall not unreasonably withhold its approval thereof.

C. Eligible Expenditures. The Maintenance Fund will be available for use by TENANT for major capital costs related to its public transportation operations on or from the

Premises, with first priority for capital costs for repair and maintenance of the Premises themselves. Such eligible costs may include, but are not limited to, the following:

1. Replacement of capital equipment;
2. Replacement of motor vehicles used regularly in TENANT'S operations;
3. Major rehabilitation of Ferry Terminal or Vehicle Transfer Bridge;
4. Major resurfacing or rehabilitation of the paved surfaces and the covered walkway within the Premises;
5. Major pier repairs;
6. Energy retrofitting; and
7. Other major repairs and maintenance of a similar kind.

The following are examples of expense which are not eligible for funding from the Maintenance Fund and are part of TENANT'S operating expenses: Spot roof repairs, touchup painting, minor redecking and pavement patching, spot repairs and/or replacement of fixtures, custodial, security or other services, plowing, sanding, or salting of the Premises. Said examples are illustrative only and are not intended to be an exhaustive listing.

- D. Excess Fund: In addition to the foregoing, upon repayment to the CITY of all of its debt service costs associated with acquisition of the west side of the Maine State Pier, CITY shall set aside One Hundred Percent (100%) of the net revenues from all of the UMTA funded parking spaces (i.e., 190 garage parking spaces), and the TENANT'S rental payments, exclusive of the \$150,000 for the Maintenance Fund, and shall make such funds available on a priority basis:

First, to the TENANT for capital costs associated with its public transportation operations in Casco Bay; and

Then, to be disbursed by the CITY to all other mass transportation needs and not limited to capital expenditures.

Decisions as to the distribution and disbursement of said funds shall be made annually as part of the CITY'S budget process and the burden will be on TENANT to justify its need for funds in excess of the Maintenance Fund which shall continue to be available solely for TENANT'S use.

Order 238-13/14
Tab 19 5-5-14

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 6, (BUILDINGS AND BUILDING REGULATIONS),
ARTICLE II. BUILDING CODE, SECTION 17
RE: FEES**

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

1. *That Chapter 6, section 17 of the Portland City Code is hereby amended as follows:*

Sec. 6-17. Fee Schedule.

The applicant shall submit the cost of work in order to determine the permit fee. If the construction cost submitted is less than that as indicated by national standards such as BOCA International or the R.S. Means Company, Inc., the City of Portland reserves the right to reevaluate the proposed project cost based on the referenced national standard and assess the larger of the fees. All building permit applications shall be accompanied by the appropriate fee as established below:

(a) Construction work:

(1) Cost of work fees:

Up to \$1,000.00 ~~\$.30.00~~25.00
\$1,000.00 or more ~~\$.30.00~~25.00 + ~~\$10.00~~
11.00 per \$1,000.00 above \$1,000.00

(2) Belated fees:

Below ~~\$.30.00~~25.00 permit fee . . \$50.00
additional
Above ~~\$.30.00~~25.00 permit fee . . \$100.00
additional

(3) Amendments to application:

Up to \$1,000.00 ~~\$.30.00~~25.00

\$1,000.00 or more ~~.\$30.00~~25.00 + ~~\$10.00~~
11.00 per \$1,000.00 above \$1,000.00

(b) Fees for specific items (additional to cost of work
fees above):

(1) Air conditioning and \$30.00 + \$10.00 per
ventilation systems \$1,000.00 cost

(2) Change of use permit \$30.00 + \$10.00 per
\$1,000.00 cost

(3) Food truck operating
on private property \$30.00

(4) Demolitions:
Structures \$30.00 + \$10.00 per
\$1,000.00 cost

(5) Heating systems-all types. . \$30.00 + \$10.00 per
\$1,000.00 cost

(6) Oil and gas burner. \$30.00 + \$10.00 per
replacement \$1,000.00 cost

(7) Stop work order removal . . ~~\$100.00~~300.00

(8) Certificate of Occupancy. . ~~\$75.00~~100.00 for
each Inspection

(9) Home occupation \$150.00 plus cost of
work

(10) Re-inspections ~~\$75.00~~150.00for each

(c) Fees in lieu of cost of work:

(1) Signs \$30.00 + \$2.00/sq.ft.

(2) Tanks: propane gas, gasoline and fuel oil:

Under 300 gals \$30.00

300 gallons or more \$35.00

Removal. \$30.00

(3) Tent use \$30.00

	(4)	Parking lots	\$100.00
plus	(5)	Subdivision fee.	\$500.00 base fee
			\$25.00 per lot or dwelling unit
	(6)	Hoods, commercial cooking. .	\$30.00 + \$10.00 per \$1,000.00 cost
	(7)	Commercial cooking Appliances	\$30.00 + \$10.00 per \$1,000.00 cost
	(8)	Fire alarm and sprinkler . .	\$30.00 + \$10.00 per \$1,000.00 cost systems
	(9)	Moving building	\$30.00 + \$10.00 per \$1,000.00 cost
	(10)	Metalbestos chimney	\$30.00 + \$10.00 per \$1,000.00 cost

Except as otherwise provided herein, permit fee shall be based upon the estimated or the actual cost of the work for which the permit is required, whichever is greater, including towers, permanent swimming pools and any other structures altered, constructed or demolished. Ten (10) percent of any fee, or ten dollars (\$10.00), whichever is greater, shall be non-refundable to cover the administrative costs.

Portland, Maine



Yes. Life's good here.

Jeff Levine, AICP
Director, Planning & Urban Development Department

Memorandum

To: Mark Rees, City Manager
Ellen Sanborn, Finance Director

From: Jeff Levine, Director

Date: April 8, 2014

Re: Fee changes for Inspections- FY2015

The following fee changes are proposed for FY2015 in Inspections:

FEE	CURRENT RATE	PROPOSED RATE
Building Permit	\$30 for first \$1,000 of value \$10 for each additional \$1,000	\$25 for first \$1,000 of value \$11 for each additional \$1,000
Stop Work Order Removal Reinspection Fee	\$100 \$75	\$300 \$150
Certificate of Occupancy	\$75	\$100

Order 239-13/14
Tab 20 55-14

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 24 SEWERS
ARTICLE IV. SEWER USE CHARGES
RE: SEWER USER CHARGES**

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

- 1. That Chapter 24, Section 24-72 of the Portland City Code is hereby amended to read as follows:*

Sec. 24-72. Sewer user charges.

(a) *Applicability.* There are levied upon all parcels of land charges for cost of treatment of wastewater and for the operation and maintenance of the wastewater system.

(b) *Billing.* Bills for all charges under this article may be sent to the record owner, or to the person requesting water service. Bills shall be sent to each such owner or person every month, except that persons billed quarterly or seasonally by the Portland Water District for water service may be billed quarterly or seasonally for all charges under this article. All payments shall be credited against the oldest outstanding bill sent to such owner or person. Any payments made to the Portland Water District or its agents, which do not indicate to which account they are to be applied, shall be applied as provided by contract between the city and the Portland Water District.

Bills shall contain an amount for sewer user charges, and if delinquent as provided in section 1-16 of this Code, shall include charges for interest to be computed in the same manner as provided for real estate taxes.

(c) *Computation.* The user charges shall be computed in accordance with the following schedule, as from time to time amended, which shall be sufficient to meet costs of the eligible purposes for which such charges may be used. User charges under this section for both dwelling units and commercial units billed for water used after July 1, 2013 the foregoing rate shall be

eight dollars and ~~thirty-five~~eighty-one cents (\$8.3581) per hundred cubic feet of volume for connected parcels of land. The user charge for developed but unconnected parcels of land shall be one dollar and seventy-one cents (\$1.71) per hundred cubic feet of volume. Each metered billing unit shall have a minimum charge of at least one hundred (100) cubic feet per month.

(d) *Purposes for which charges may be used.* Charges and assessments made under this article shall be used consistently with 33 U.S.C.A. § 1281 et seq., and applicable federal regulations for the following purposes:

- (1) To defray the current expenses of operating and maintaining the wastewater system, including any assessment made by the Portland Water District;
- (2) To pay the interest and repay the principal on any outstanding or future indebtedness of the city for construction of sewers heretofore or hereafter constructed within the city;
- (3) To reimburse the city for the cost of computation, billing and enforcement of such charges.

(e) *Collection.* Charges assessed pursuant to this section shall be enforceable pursuant to section 1-16 of this Code.

(f) *Disconnection for nonpayment of charges.* The Portland Water District shall disconnect sewer users with unpaid sewer use charges according to the same terms and procedures used to disconnect water users with unpaid water use charges.

BE IT FURTHER ORDERED, that these fees shall be effective on July 1, 2014 unless otherwise noted.

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Mark Rees, City Manager

FROM: Ellen Sanborn, Finance Director, 

DATE: April 16, 2014

RE: Sewer Fee Rate Increase for FY2014

The City continues to fund projects related to the DEP mandated Combined Sewer Overflow requirements through first the Tier II and now the Tier III approved projects. This includes financing about \$230 million in capital costs over the 20 year time period, which is paid for through the sewer user fee and was anticipated to increase as needed to cover the debt service costs. Also, there are additional requirements related to the consolidated water quality permitting and CMOM compliance, which are reflected in the Sewer Fund budget.

Securing a favorable borrowing rate and receipt of some debt forgiveness funding through the State's revolving loan program and the DEP's stimulus money, along with very favorable construction bids, has offered some relief to the rate increase. Recent rate increases have been:

FY14 3%
FY13 0%
FY12 3%
FY11 3%
FY10 3%

Based on budget and construction cost estimates, we will need a 5.5% increase in the rate to pay for all sewer operations, assessment, and debt service for FY2015. This increase would be effective July 1, 2014.

The current rate is \$8.85 per hcf. The rate as of July 1, 2014, would be \$8.81 per hcf. The estimated monthly increase for a four person household is \$4.60.

Order 248-13/14
Tab 21 5-5-14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
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**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 28, (TRAFFIC),
DIVISION 1, SECTION 51
RE: REVISED FEES**

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

1. That Chapter 28, section 51 of the Portland City Code is hereby amended as follows:

Sec. 28-51. Traffic schedule.

The stopping, standing and/or parking of motor vehicles and movement of traffic are hereby regulated on the streets or parts of streets and ways and on publicly owned property as set forth on the traffic schedule and, when signs are erected giving notice thereof the stopping, standing and/or parking of motor vehicles and movement of traffic shall be regulated as set forth on the schedule for such streets or parts of streets and ways and on such publicly owned property. The traffic schedule shall be updated regularly by the city's traffic engineer and kept on file in the office of the city clerk. Amendments to the traffic schedule shall be made by the traffic engineer acting pursuant to his or her authority under this chapter or by order of the city council.

	<u>Violation</u>	<u>Waiver Fee</u>
1	Expired Meter or receipt/no receipt/receipt face down	\$15.00
C	Prolonged Parking-Feeding Meters	\$20.00
D	Overtime In Time Zone (Green Sign)	\$15.00
T	No Parking That Takes More Than One Metered Space	\$15.00 20.00
3	Overnight Parking (Odd/Even)	\$15.00
4	No Parking This Side Of Street	\$25.00 30.00
E	No Parking Zone	\$25.00 30.00
F	No Parking Between Signs	\$25.00 30.00
G	No Parking Here To Corner	\$25.00 30.00
H	No Parking Taxi Stand	\$25.00 30.00
J	No Parking Intersection	\$25.00 30.00
K	No Parking Sidewalk	\$25.00 30.00
L	No Parking / Dual Rear Wheels/ Overtime Commercial Vehicle Zone	\$30.00 35.00
M	No Parking Against Traffic Flow	\$25.00 30.00

N	Posted Emergency No Parking Zone	\$25.00 30.00
P	No Parking More than 18" from Curb	\$25.00 30.00
Q	No Stopping or Standing	\$25.00 30.00
R	No Parking City Lot or Property (Permit Required)	\$25.00 30.00
S	No Parking on Esplanade	\$25.00 30.00
8	No Parking Bus Stop	\$25.00 30.00
9	Blocking Driveway (On Complaint)	\$30.00 25.00
5	Double Parking or Obstructing Traffic	\$25.00 30.00
6	Parking in Hazardous Area -Fire Hydrant-Crosswalk	\$30.00 35.00
7	Snow Removal or Plowing Area	\$30.00 35.00
A	Parking in Disabled Zone	\$200.00
10	Displaying vehicle for sale	\$25.00
11	Washing, greasing or repairing such vehicle except for repairs necessitated by an emergency	\$25.00
12	Advertising purposes	\$25.00
13	Storage/abandoned vehicle (10 consecutive days)	\$25.00
14	Angle Parking Only	\$25.00
15	Parking a Vehicle 20' or more in Residential Area November-March	\$25.00
16	Camper, Trailer, boat, Etc. Over 24 hrs in any 7 calendar day period	\$25.00
17	Driver to Remain with Vehicle in Taxi Stand	\$25.00

BE IT FURTHER ORDERED, that these fees shall be effective on July 1, 2014 unless otherwise noted.

**CITY OF PORTLAND
MEMORANDUM**

TO: Mark Reese, City Manager

FROM: John Peverada, Parking Manager

DATE: April 9, 2014

RE: Proposed FY15 Fee Increases

TICKETS – Waiver Fees For Parking Violations 100-1801-351-20-00 Ordinance Ch.28-51

We are proposing an increase of \$5 for all existing No Parking and Hazard Zone tickets, as a further deterrent to illegal parking. The last time these fees were increased was July of 2007. We surveyed other cities in New England and found that the proposed rates will be in line with other cities. This increased is projected to increase revenues by \$150,000 per year.

Cc: Sheila Hill Christian, Deputy City Manager
Jennifer Lodge, Budget Analyst

FY15 REVENUE FEE SCHEDULE CHANGE

Ordinance Section 28-51

Department: Parking Division

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
100-18-01-351.20-00	Code Violations Parking Tickets		
	4 No Parking This Side of Street	\$25.00	\$30.00
	5 Double parking	\$25.00	\$30.00
	6 Parking in Hazardous Area	\$30.00	\$35.00
	7 Snow Removal or Plowing Area	\$30.00	\$35.00
	8 No Parking Bus Stop	\$25.00	\$30.00
	9 Blocking or Obstructing Driveway	\$25.00	\$30.00
	E No Parking Zone	\$25.00	\$30.00
	F No Parking Between Signs	\$25.00	\$30.00
	G No Parking Here to Corner	\$25.00	\$30.00
	H No Parking Taxi Stand	\$25.00	\$30.00
	J No Parking Intersection	\$25.00	\$30.00
	K No Parking Sidewalk	\$25.00	\$30.00
	L No Parking / Overtime / Commerical Vehicle Zone	\$30.00	\$35.00
	M No Parking Against Traffic Flow	\$25.00	\$30.00
	N Posted Emergency No Parking Zone	\$25.00	\$30.00
	P No Parking More than 1 8" from Curb	\$25.00	\$30.00
	Q No Stopping or Standing	\$25.00	\$30.00
	R No Parking City Lot or Property (Permit Required)	\$25.00	\$30.00
	S No Parking on Esplanade	\$25.00	\$30.00
	T No Parking More Than One Meter	\$15.00	\$20.00

*Order 241-13/14
Tab 22 5-5-14*

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)

FISCAL YEAR 2014-2015 APPROPRIATION RESOLVE

RESOLVED, that the sum of \$220,851,858 is hereby appropriated for Fiscal Year 2015 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of \$101,592,669 is hereby appropriated for Fiscal Year 2015 for School purposes; and

BE IT FURTHER RESOLVED, that the Assessor of Taxes of the City of Portland be and hereby is directed to assess a tax upon all real estate liable to be taxed therein and to assess the owner of, or such other persons as may be liable by law for, personal property liable to be taxed therein on the first day of April, 2014 and not exempt from taxation, to the aggregate amount of \$75,972,495 for municipal purposes and \$77,469,011 for school purposes for a total tax levy of \$153,441,506 resulting in a tax rate of \$20.03 per \$1,000 of valuation (a 3.2% increase) and in accordance with the provisions of the Statutes of Maine; and

BE IT FURTHER RESOLVED, all taxes assessed as above and committed to the Director of Finance shall be due on September 12, 2014, and payable in two equal installments, the first due on the 12th day of September, 2014, and the second installment due on the 13th day of March, 2015. The delinquency rate of interest shall be seven percent (7%) per annum on all payments received after the respective due dates and the abatement rate of interest shall be three percent (3%) per annum.

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 2/11-13/14
~~Tab 11 4-28-14~~
Tab 23 5-5-14
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. ~~24-07/14~~] 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.*

**Finance Committee
Meeting Minutes
Thursday, April 24, 2014**

Attendees: Chair Mavodones, Finance Committee members Duson, Marshall and Suslovic, School Board members Costa, Davis, Thompson, Vendill, and Trevorrow; members of staff and public.

Chair Mavodones opened the meeting—called to order.

1. Discussion and vote on City and School FY15 operating budgets and associated items.

School staff presented Superintendent's proposed changes to the FY15 budget, based on a reduction in EPS funding from the State. Public comment was taken on City and School budgets.

Motion by Councilor Suslovic to recommend to the City Council the FY15 School Department budget, as revised, of \$101,592,669 with a tax levy of \$77,469,011. **Second** by Councilor Duson. **Passed 4-0.**

- 2.** The Committee agreed by consensus to postpone a vote on the City budget until their meeting on May 8.
- 3.** Meeting adjourned.

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 212-13/14
~~Tab 18 4-28-14~~
Tab 24 5-5-14

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. 24-13/14] 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.*

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 213 - 13/14
Tab 13 4-28-14
Tab 25 5-5-14
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. ~~257-13/14~~ 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).]

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 214-13-14
~~Tab 14~~ 4-28-14
Tab 26 5-5-14

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. 241-13/14] 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.

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 215-13/14
~~Tab 15 4-28-14~~
Tab 27 5-5-14
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~~
Tab 28 5-5-14

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.

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 219-13/14
~~Tab 25 4-28-14~~
Tab 29 5-5-14*

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. Rees

Printed Name: _____

Its: City Manager

APPROVED AS TO FORM:

[Signature]
CORPORATION COUNSEL'S OFFICE

ANIMAL REFUGE LEAGUE OF GREATER PORTLAND

By: Patsy Murphy

Witness: [Signature]

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
Tab 30 5-5-14

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**

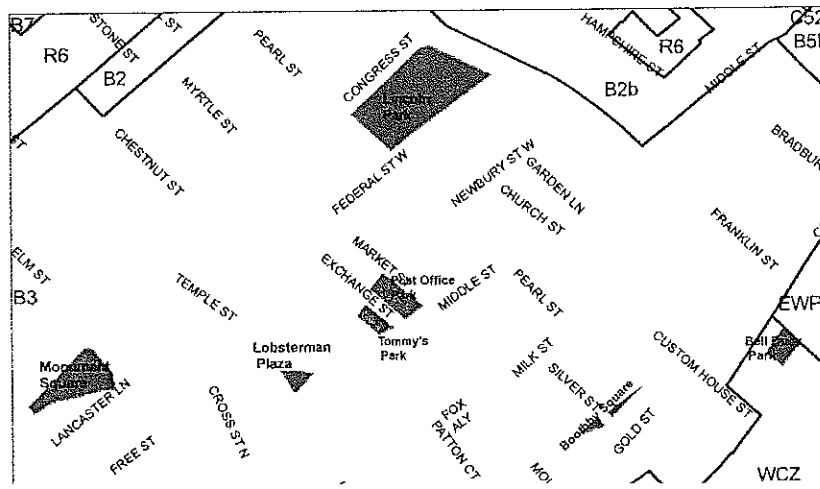
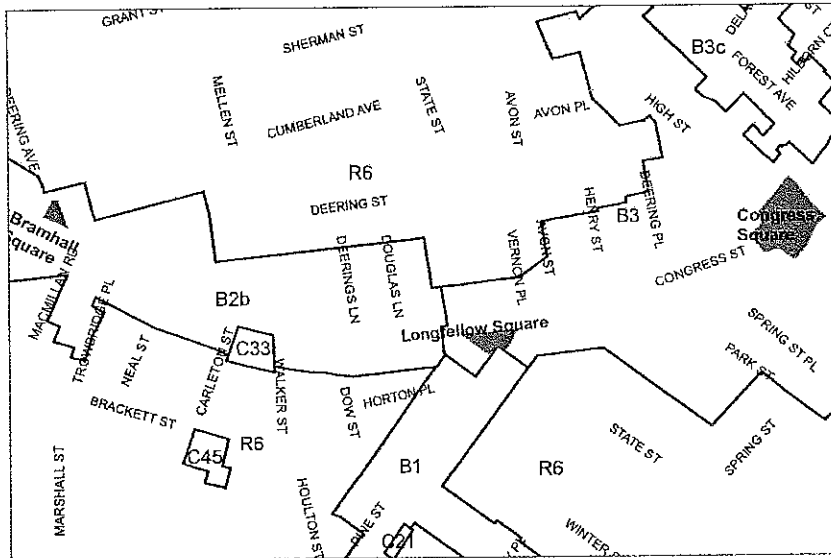
JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

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

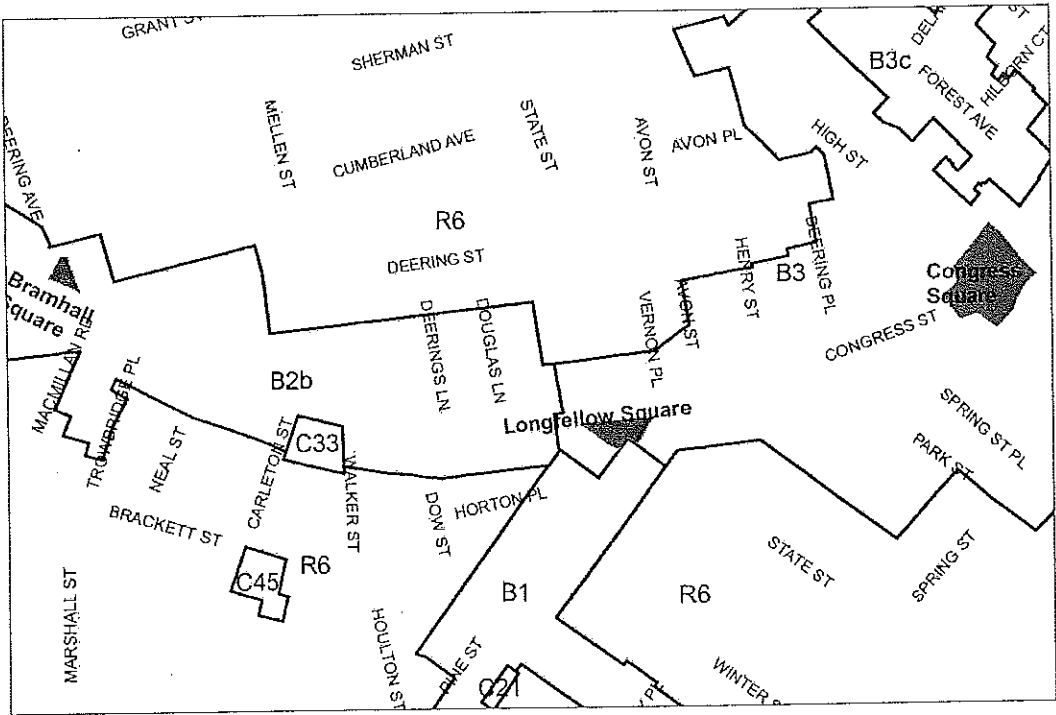
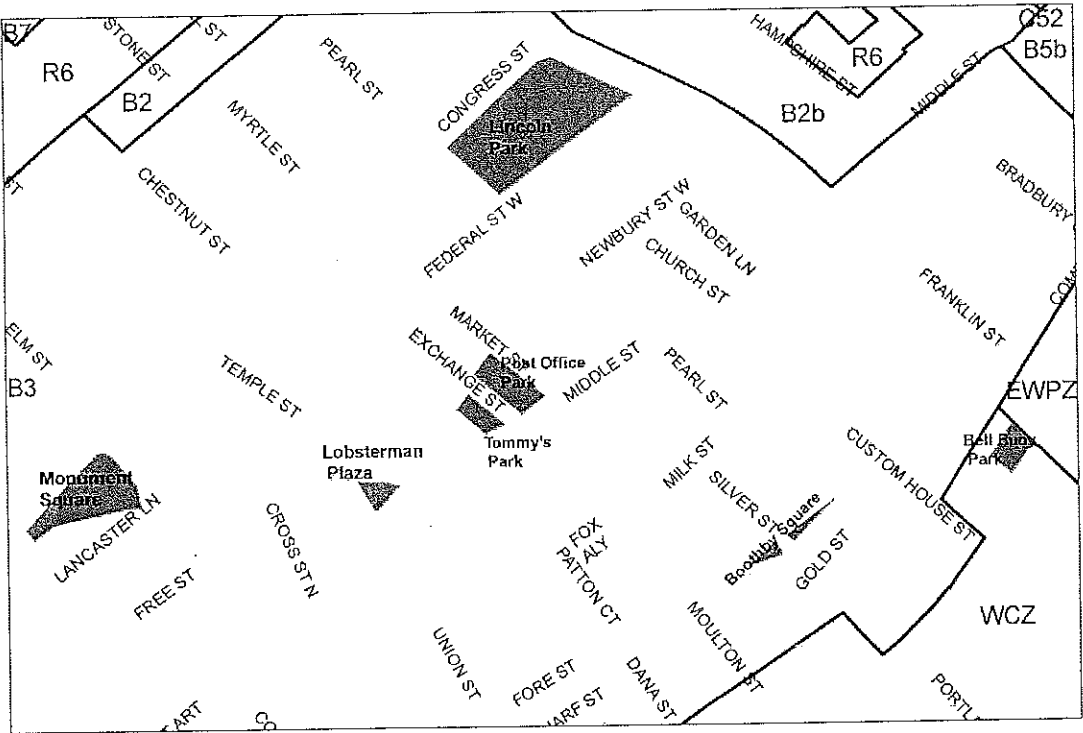
1. Planning Board Report to City Council

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.

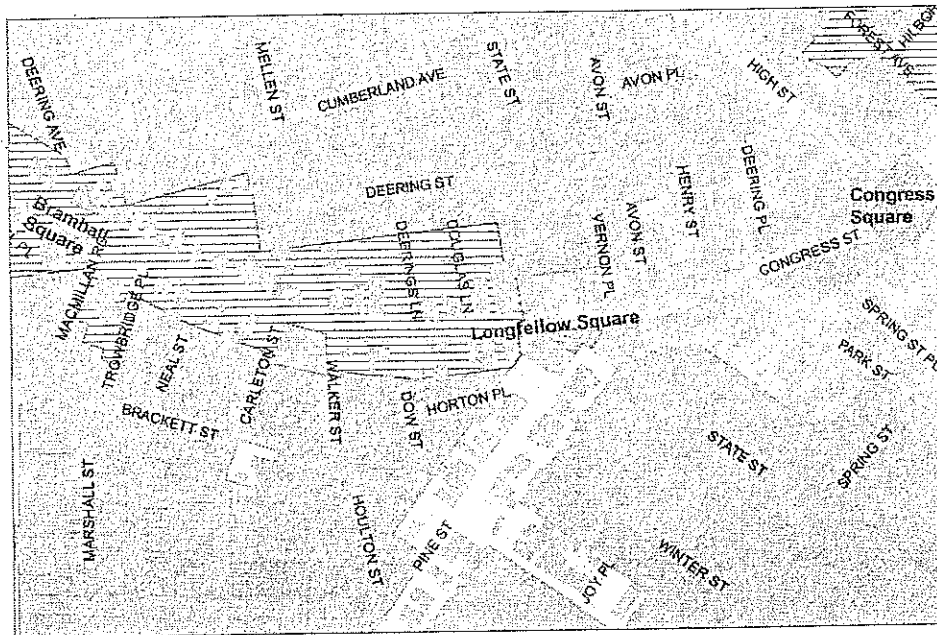
Downtown Vision addressed the range of urban open spaces that provide both passive and active recreation opportunities and the importance of the pedestrian links in the system for an integrated park system throughout Portland (refer to Section IV, Comprehensive Plan Analysis of this report). The open 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.

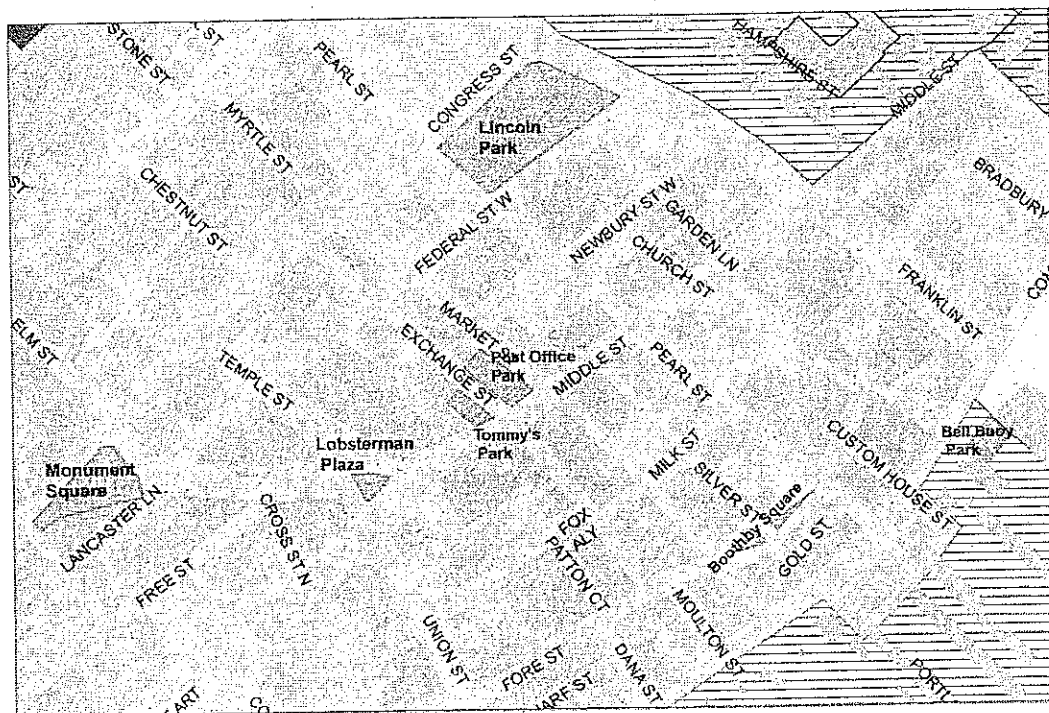
Name of Open Space	Current Zone Classification	Historic District/Landscape
Bell Buoy Park	Waterfront Central Zone	NA
Boothby Square	Downtown Business B-3	Waterfront Historic District
Bramhall Square	Community Business B-2b	Congress Street Historic District
Longfellow Square	Downtown Business B-3	Congress 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.

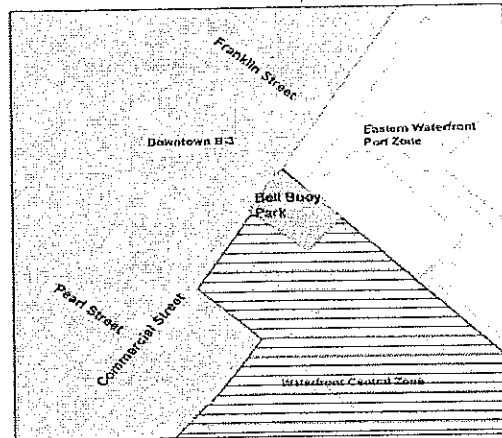


Bramhall, Longfellow and Congress Squares along Congress Street



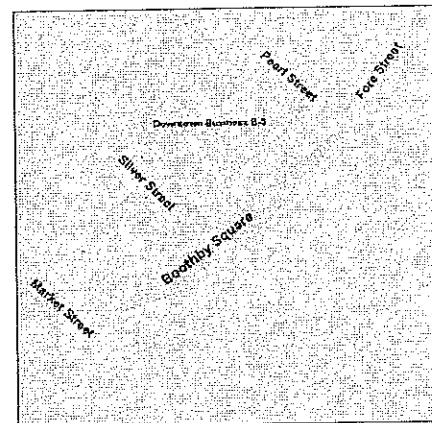
*Monument Square, Lobsterman Plaza, Lincoln Park, Tommy's Park, Post Office Park,
Boothby Square and Bell Buoy Park.*
Proposed Individual Map Amendments

1. *Bell Buoy Park: Currently zoned Waterfront Central Zone (WCZ)*



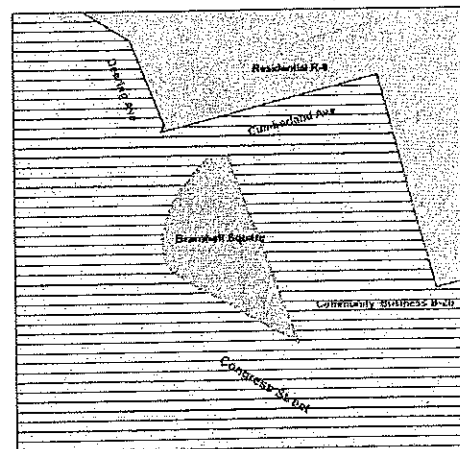
Proposed Map Amendment to
Bell Buoy Park
Rezone from Waterfront Central Zone (WCZ)
to Recreation Open Space (ROS)

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)

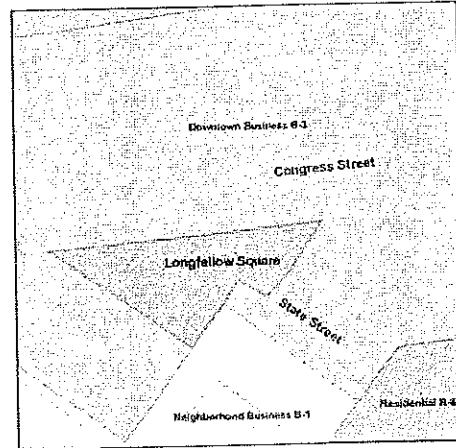
3. *Bramhall Square: Currently zoned Community Business Zone (B-2b)*



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)*

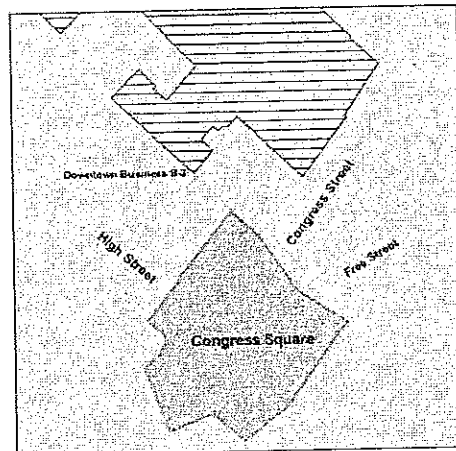
Please note that the Longfellow Square proposal includes areas on both sides of State Street.



Proposed Map Amendment
Longfellow Square
Rezone from Downtown Business (B-3)

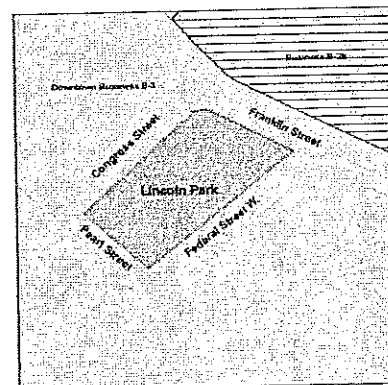
5. *Congress Square: Currently zoned Downtown Business Zone (B-3)*

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.



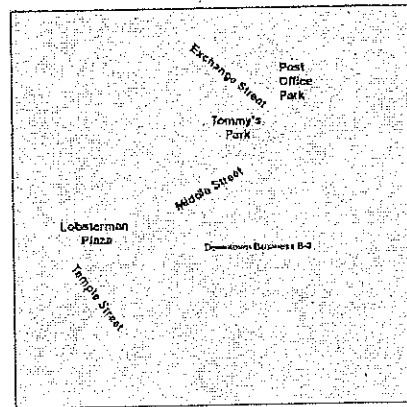
Proposed Map Amendment
Congress Square
Rezone from Downtown Business (B-3)
to Recreation Open Space (ROS)

6. *Lincoln Park: Currently zoned Downtown Business Zone (B-3)*



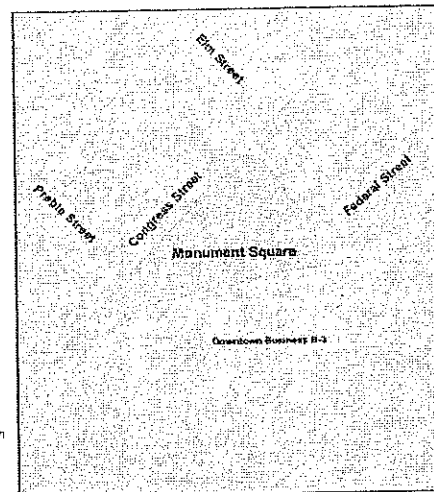
Proposed Map Amendment
Lincoln Park
Rezone from Downtown Business (B-3)
to Recreation Open Space (ROS)

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 Plaza, 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
Oakdale	Acres
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
Rosemont	Acres
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
Deering Center	Acres
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
Ocean Avenue	Acres
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
East Deering	Acres
East Deering Cemetery	0.6
Martin's Point/School Dept.	1
Presumpscot School	5.4
Total Acres	7
North Deering	Acres
Auburn Street Open Space	???
Fobe's 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

Riverton	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

Nason's Corner	Acres
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Hall School	12
Nason's Corner Park	1.8
Sagamore Village PG	???

Total Acres 13.8

Stroudwater	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. Shepley Park

In support of over 200 existing residences and potentially new residential units in the mid-block area bounded by Shepley, Brown and Oak Streets and Cumberland Avenue, a small public park would provide needed open space to this neighborhood. Coupled with other pe-

pedestrian 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)

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~~ 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.

(Ord. No. 232-81, § 602.7B.6, 11-16-81; Ord. No. 240-09/10, 6-21-10)

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 221-13/14
~~Tab 27 4-28-14~~
~~Tab 31 5-5-14~~
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 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 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.

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 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;
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- (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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1. Principal buildings or structures: Twelve (12) feet.
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~~(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:~~

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- (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)
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CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
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NICHOLAS M. MAVODONES, JR (A/L)

Order 222-13/14
Tab 28 4-28-14
Tab 32.5-5-14

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.

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 242 -13/14
Tab 33 5-5-14*

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

**ORDER APPROVING AND
AUTHORIZING CITY MANAGER TO EXECUTE the LEASE
WITH PORTLAND PIRATES, LLC FOR
94 SPRING STREET SPACE AND PARKING**

ORDERED, that the attached lease with the Portland Pirates, LLC for office space and parking at 94 Spring Street is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager to execute said document in substantially the form attached hereto, and any other related documents necessary or convenient to carry out the intent of said document.



Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

TO: Mayor and Members of the Portland City Council

FROM: Greg Mitchell, Economic Development Director

DATE: April 24, 2014

SUBJECT: Order Authorizing City Manager to enter into lease with Portland Pirates
for 94 Free Street Space and Parking

SPONSOR: Housing and Community Development Committee (HCDC)/
Councilor Donoghue, Chair

COUNCIL MEETING DATE ACTION IS REQUESTED:
1ST Reading: May 5, 2013 **Final Action:** May 5, 2013

Can action be taken at a later date? Yes

PRESENTATION: Greg Mitchell/5 Minutes

I. SUMMARY OF ISSUE

A draft Lease for the Pirates to continue to occupy 2,415 square feet of space located at 94 Free Street under revised terms and conditions is attached. It is noted that the Pirates are not interested in leasing the adjacent vacant space, which includes a total of 2,944 square feet. This space will be marketed for rent by City staff.

General terms and conditions include an initial five (5) year term, with one five (5) renewal option, at an annual rent of \$22,797.60, plus market value payment for up to fifteen (15) parking spaces in the Spring Street Parking Garage.

The Pirates are responsible for any tenant fit-up expense, payment of utilities, and costs to modify existing mechanical equipment.

This Lease has been negotiated under the direction of the HCDC.

II. REASON FOR SUBMISSION

The Pirates have been occupying 94 Free Street since 2006 under a lease which has expired. The Pirates wish to continue their occupancy with revised lease terms and conditions.

III. INTENDED RESULT

City Council approval of the Pirates 94 Free Street Lease.

IV. COUNCIL GOAL ADDRESSED

Promote economic development in the City in a manner that provides for increased property values, diversification across industry sector, and high paying jobs.

V. FINANCIAL IMPACT

The City will realize annual rental income, effective date of June 1, 2014, in the amount of \$22,797.60 or \$9.44 per square foot for 2,415 square feet. A one (1) percent annual rent increase is included, along with market value payment of up to fifteen (15) parking spaces located in the Spring Street Parking Garage.

VI. STAFF ANALYSIS

The Pirates current rental rate has been increased from \$6.50 per square foot to \$9.44 per square foot and, under the lease presented, the Pirates are responsible for market value payment for parking in the Spring Street Parking Garage. Staff researched market conditions for space rental charges in the Free Street area and feels that the lease terms and conditions are fair.

VII. RECOMMENDATION

The HCDC voted 3-0 (Councilor Coyne absent) to forward this lease to the City Council for approval as substantially presented; staff concurs.

VIII. LIST ATTACHMENTS

Proposed Pirates space lease.

LEASE AGREEMENT

This Lease is made as of the 1st of June, 2014, by and between the Portland Pirates, LLC a Delaware limited liability company having a place of business in Portland, Maine (hereinafter referred to as "Tenant"), and CITY OF PORTLAND, a Maine Municipality having its principal place of business at 389 Congress St., Portland, Maine (hereinafter sometimes referred to as "Landlord" and sometimes as "City").

WHEREAS, Tenant is in need of office and retail space; and

WHEREAS, Tenant and Landlord entered into a Lease Agreement dated January 20, 2006 pursuant to which Tenant leased a portion of the Spring Street Building/Garage;

WHEREAS, Tenant and Landlord entered into a Revised and Restated Lease Agreement dated July 12, 2010 pursuant to which Tenant continued leased a portion of the Spring Street Garage;

WHEREAS, these prior Lease Agreements between Tenant and Landlord have now expired;

WHEREAS, Landlord now has agreed to again lease a portion of the Spring Street Building/Garage described below to Tenant upon certain terms and conditions (said portion hereinafter "Demised Premises") for five years, with a renewal option; and

WHEREAS, Landlord has sufficient right, title and interest in and to the real property, together with the facilities, easements, rights, licenses, and privileges hereinafter granted, and has full power and authority to enter into this Agreement in respect thereof;

NOW, THEREFORE, in consideration of the mutual covenants and considerations herein contained,

WITNESSETH:

THAT Landlord does hereby lease, demise and let unto Tenant certain portions of the City Building/Garage at 94 Free Street in Portland, Maine, namely the 2,415+/- sq. ft. of office and retail space on the first floor of said Garage (previously used by the Tenant subject to the conditions and covenants hereinafter provided. For the purposes of this Lease, said demised office and retail space shall be deemed to contain Two Thousand Four Hundred Fifteen (2,415+/-) square feet on the first floor of the garage building. Tenant agrees to accept the Premises in "as is" condition without representation or warranty by Landlord as to its condition or fitness for a particular purpose.

1. Term.

- a. The term of this Lease shall be for a period of five (5) years, commencing on June 1, 2014, ending on May 31, 2019. This lease may be renewed upon mutual agreement of the parties, for an additional, second period of five (5) years. Tenant shall provide no less than ninety (90) days' prior written notice of its desire to renew.
- b. Any holding over by Tenant at the expiration of this Lease and any renewals thereof shall not constitute a renewal of the Lease, but at Landlord's election such holding over shall result in a tenancy-at-will from month to month at the same rent in effect at the expiration of the Lease.

2. Rent.

- a. For the first year of the term, commencing on June 1, 2014 the Tenant shall pay to the Landlord as Annual Rent hereunder the sum of Twenty-Two Thousand Seven Hundred Ninety-Seven Dollars and Sixty Cents (\$22,797.60) at \$9.44 per square foot.
- b. For the second year and all subsequent years of the term, rent for the year shall equal the rent for the previous year as adjusted upward one percent (1%).

Effective June 1, 2014 \$22,797.60 per year \$1,899.80 per month
Effective June 1, 2015 \$23,025.58 per year \$1,918.80 per month
Effective June 1, 2016 \$23,255.84 per year \$1,937.97 per month
Effective June 1, 2017 \$23,571.56 per year \$1,964.30 per month
Effective June 1, 2018 \$23,807.28 per year \$1,938.94 per month

- c. This annual rent shall be paid in twelve (12) monthly installments in advance on the first day of each month, and prorated for the fraction of any month.

3. Parking.

Tenant shall have the use of up to fifteen (15) parking spaces based upon availability, at market rate, to accompany its use of the Demised Premises; solely to be used for employee parking. These parking spaces are separate from, and intentionally not included in, the "Agreement Between the City of Portland and Portland Pirates, LLC Re: Parking at Spring Street Garage", executed in 2014.

4. Obligations of Landlord.

The Landlord shall provide, at Landlord's expense the following services:

- a. Maintenance and repair of the roof, exterior walls and structure of the building of which the Demised Premises are a part, reasonable wear and

tear, damage by fire and other casualty only excepted, unless such maintenance or repair is made necessary by fault or neglect of the Tenant or the employees, contractors, agents or invitees of Tenant, in which case such maintenance or repair shall be at the expense of the Tenant and Tenant shall pay all costs therefor;

- b. Maintenance of any Building common areas and any exterior Building grounds, all walkways and parking areas available for use by Tenant, its employees and invitees, including snow and ice removal from the Municipal Parking Garage;

5. Obligations of Tenant.

The Tenant, at the Tenant's expense shall:

- a. HVAC Mechanical Equipment and Fit-up Improvements. Be responsible for the cost of any modifications to existing mechanical equipment to serve 94 Free Street space along with any fit-up improvements.
- b. Maintain the entire portion of the Demised Premises including windows in such repair as on the commencement of this Lease except only for reasonable wear and tear. Casualty damage to windows shall be responsibility of the Tenant;
- c. All maintenance and repairs of the Demised Premises shall be the responsibility of the Tenant, including but not limited to air conditioning/heating system, plumbing, electrical and communication lines, as well any portions of such utility systems located in the Building/Garage but outside the Demised Premises;
- d. Properly bag and remove all trash and garbage;
- e. Provide and be responsible for all cleaning and janitorial services including the cleaning of exterior windows for the Demised Premises.
- f. Pay and be responsible for all utilities pertaining to the Premises including but not limited to all expenses relating to its use of telephone/communication services, electricity, heat, cooling, water and sewer.
- g. Maintain in full force and effect a policy of comprehensive general liability insurance covering the Demised Premises in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence and naming Landlord as an additional insured, and such fire and extended coverage or business interruption insurance for its own property or benefit as it may deem to be appropriate. Such insurance shall be carried through

responsible companies qualified to do business in the State of Maine. Tenant agrees to provide Landlord with a Certificate of Insurance evidencing such coverage (and evidencing that the Landlord is an additional insured) upon request, which shall require no less than 30 days notice to Landlord prior to cancellation thereof.

- h. Tenant shall make no improvements to Demised Premises without prior written approval of Landlord.
- i. Tenant shall replace rugs and repaint Demised Premises when it chooses, such repainting and rug replacement to be done at Tenant's expense.

6. Use of Demised Premises.

The Demised Premises may be used by Tenant and its successors in interest for office/retail purposes during the original and any extended terms of the Lease, and for no other purposes. Tenant will at all times comply with all applicable governmental laws, ordinances, codes, regulations and other requirements in its use of the Demised Premises.

7. Assignment/Subletting.

The lease is not assignable.

8. Casualty Damage.

- a. If the Demised Premises or any part thereof shall be destroyed or damaged by fire or other unavoidable casualty, so that the same shall be thereby rendered unfit for use, then, and in such case, the Rent hereinabove stated or a just and proportional part thereof, according to the nature and extent of injuries sustained, shall be suspended or abated, until the Demised Premises shall have been put in proper condition for use by Landlord. Provided, however, in the event that restoration is not reasonably possible within ninety (90) days after the occurrence of such damage or destruction, then either Landlord or Tenant shall have the right to terminate this Lease by giving the other party written notice of such termination within thirty (30) days after such damage or destruction, and upon the giving of such notice, the term of this Lease shall cease and come to an end as of the date of such damage or destruction and any unearned rent shall be returned to Tenant.
- b. Anything in this Lease to the contrary notwithstanding, Landlord and Tenant each hereby releases the other and its officers, directors, shareholders, agents and employees from any and all liability or responsibility (to the other or anyone claiming through or under them by way of subrogation or otherwise) for any loss or damage to the releasor's

property caused by fire or other peril of the type generally covered by extended coverage endorsements, whether or not the releasor actually carries such insurance coverage and even if such fire or other peril shall have been caused by the fault or negligence of the other party, or anyone for whom such party may be responsible.

9. Return of Demised Premises; Trade Fixtures.

Tenant at the expiration of the Lease term shall peaceably yield up to Landlord the Demised Premises including any renovations or leasehold improvements installed by Tenant during the term hereof, in good repair in all respects, reasonably use and wear and damage by fire and all other unavoidable casualties excepted. Tenant shall have the right to remove all trade fixtures, equipment and other personal property installed or placed by it at its expense in, on or about the Demised Premises; provided, however, all damage caused by or as a result of such removal shall be repaired by Tenant.

10. Signage.

Tenant shall have the right to erect a sign on the Building. Final design of exterior signs shall be subject to Landlord's written approval, which approval shall not be unreasonably delayed or withheld, and shall be in accordance with all local and state governmental laws, ordinance, codes and regulations.

11. Insurance.

The Tenant will maintain at all times during its use and occupancy of the Demised Premises adequate insurance coverage of not less than Four Hundred Thousand Dollars (\$400,000) combined single limit, for general liability insurance and fire legal liability insurance in the minimum amount of One Hundred Thousand Dollars (\$100,000).

The Tenant shall furnish the Landlord with certificates of insurance indicating compliance with this Lease. The certificates shall provide that the coverage may not be cancelled without thirty (30) days advance notice of cancellation to the Landlord, and the Landlord shall be named as an additional insured in all such policies, which shall be stated on such certificates. Any insurance provided by the Tenant shall be primary to any coverage which the Landlord may provide.

12. Indemnity.

Tenant, its successors and assigns, agrees to indemnify and hold harmless Landlord, its successors and assigns, from any claim, costs, liability and expense (including reasonable attorneys' fees) arising from personal injury or property damage to the extent attributable to any negligent acts or omissions or willful

misconduct under this Lease. This agreement includes a contractual obligation by the Tenant to indemnify, defend and hold harmless Landlord and the assumption of certain obligations by the Tenant and Tenant agrees that the terms of this agreement may be enforced against it in a court of competent jurisdiction or through administrative or agency proceedings. Landlord shall give the Tenant prompt notice of any matter as to which it seeks indemnity hereunder, and shall not settle any such matter without Tenant's consent.

13. Covenants of Landlord.

Landlord covenants that it is the owner in fee of the Demised Premises and can and will provide quiet enjoyment of the Demised Premises during the original and any extended terms of the Lease, and that the Lease is signed by a duly authorized individual.

14. Default.

Either party shall be determined to be in default hereunder if it shall fail to perform any obligations stated herein within fifteen (15) days after receipt of notice of such failure from the other party or (if the default is of such nature that it cannot be cured within such period) if it shall fail to commence to cure the default within such period and thereafter diligently prosecute the cure to completion within a reasonable time. Upon such default and failure to cure, the other party shall have the right, at its option, and in addition to any other remedies, to terminate this Lease by giving the party in default written notice thereof and upon the giving of such notice, this Lease and the term hereof shall cease. Upon any termination of this Lease, Tenant shall quit and surrender to Landlord the Demised Premises in accordance with the provisions of Article 8 hereof. If this lease is terminated, Tenant shall remain liable to Landlord for all Rent accrued and unpaid up to the date of such termination, as well as all Rent for the remainder of the term as and when it shall come due.

15. Notices.

Any notice required to be given under this Lease shall be in writing and shall be hand-delivered or sent by U.S. certified mail, return receipt requested, postage prepaid, addressed to the parties as stated below or such other address as either party may designate in writing to which its future notices shall be sent.

To Tenant:

Portland Pirates
94 Free Street
Portland, ME 04101

To Landlord:

Parking Manager
City of Portland
389 Congress Street
Portland, Maine 04101
cc: City Manager, same address

16. Amendment.

Both parties hereto acknowledge and agree that they have not relied upon any statements, representations, agreements or warranties except such as are expressed herein. The terms of this Lease may be modified or amended by the mutual assent of the parties hereto; provided, however, that no such modification or amendment to this Lease shall be binding until in writing and signed by both parties.

17. Inspection and Entry.

The Landlord and/or its agents, may, with reasonable notice, enter to view, show and make any repairs or inspection of the Demised Premises. The Landlord shall have the right of immediate entry without notice in the event of any emergency or if the Tenant fails to pay rent, commits waste, or otherwise fails to comply with terms and conditions hereof.

18. Successors Bound.

The terms, covenants and agreements herein contained shall be for the benefit of and be obligatory upon the heirs, successors and assigns of the respective parties hereto.

19. Governing Law.

This Lease shall be governed by and construed in accordance with the laws of the State of Maine.

20.. Termination For Convenience.

Either party may terminate this Lease on a one hundred eighty (180) day written notice, with no further obligations hereunder.

21. Force Majeure.

Neither Tenant nor Landlord shall be deemed in violation of this Lease if it is prevented from performing any of its obligations hereunder by reason of strikes, boycotts, labor disputes, acts of God, war, acts of superior governmental authority or other reason over which it has no control; provided, however, that the suspension of performance shall be no longer than that required by the force majeure and the party prevented from performance has given written notice thereof to the other party.

22. Non-Waiver.

No waiver of any breach of any one or more of the conditions of this Lease by the Landlord or Tenant shall be deemed to imply or constitute a waiver of any succeeding or other breach hereunder.

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be duly executed as of the day and year first above written.

WITNESS:

Portland Pirates, LLC

By: _____

Name: _____

Its: _____

CITY OF PORTLAND

By: _____

Mark H. Rees
Its City Manager

*Order 243-13/14
Tab 34 5-5-15*

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 DONATION OF LOT 261-B-54/109 ROWE AVENUE TO
THE CITY AND FORGIVING TAXES FOR FY2014**

ORDERED, that the City accepts, with its thanks, the property with lot number 261-B-54 at 109 Rowe Avenue from Theodore Thomas Oscar Dube, offered to the City as a donation, substantially as described in the description in the attached Quitclaim Deed as Exhibit A; and

BE IT FURTHER ORDERED, in consideration of the donation, the property taxes assessed on said property for fiscal year 2014 are forgiven.



Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

TO: Mayor and Members of the City Council

FROM: Greg Mitchell, Economic Development Director
Lori Paulette, Sr. Executive Assistant/Economic Development

DATE: April 24, 2014

CC: Tax-Acquired Property Committee Members
Doug Roncarati, Stormwater Program Coordinator/Public Services

SUBJECT: Order Accepting Donation of Lot 261-B-54/109 Rowe Avenue to the City and
Writing Off Taxes for FY2014

SPONSOR: Housing and Community Development Committee (HCDC)/
Councilor Donoghue/Chair

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading: May 5, 2014 **Final Action:** May 5, 2014

Can action be taken at a later date? Yes

PRESENTATION: Greg Mitchell/5 Minutes

I. Summary of Issue

Theodore Dube contacted City staff about the above lot, particularly that he had no interest in retaining ownership, and he was willing to donate it to the City. The property was left to him when he was a teenager, and he has paid taxes on it since that time – now at \$31.06/yearly; land value is \$1,600; square footage is 2,100. It is important to note that this lot is not developable because it does not meet minimum zoning district lot size requirements.

This request was reviewed by the Tax-Acquired Property Committee (TAPC). In reviewing this request, TAPC considered the lot's buildability, particularly if it were to be combined with abutting City-owned lots (see Attachment 1 - map). All of these lots are in an R-3 zone that require a minimum lot size of 6,500 sq. ft. Dube's lot has 2,100 sq. ft., so it is not buildable on its own. To make it buildable, it would need to add both City-owned lots (261-B-55 and 261-B-17) to make it buildable.

See following table for Dube and City's property specs:

Owner/Lots Abutting Dube Lot:	CBL	Address	Square Feet
"Dube Theodore Thomas Oscar"	261-B-54	109 Rowe Avenue	2,100
City of Portland	261-B-55-56 (2 lots on Rowe Ave)	111 Rowe Avenue	4,200
City of Portland	261-B-17-18 (2 lots behind above)	0 Terrace Avenue	4,200
City Lots Across Paper Street (Terrace Ave.):			
City of Portland	262-C-25	0 Terrace Avenue	2,330
City of Portland	262-C-26-27	0 Terrace Avenue	4,660

Doug Roncarati, Public Services' Stormwater Program Coordinator, has noted that the brown areas on Attachment 1 map are low, wet areas concentrating in a drainage channel that follows Terrace Avenue to Nason's Brook. Runoff from the back of all those properties on Webb Street and Rowe Avenue drain to this area. This drainage area provides some stormwater management benefits to Dole Brook, provides wildlife habitat, and helps to slow down, absorb, and clean runoff before it gets to this impaired Dole Brook.

II. Reason for Submission

This is being submitted to the City Council for approval to accept this donation.

III. Intended Result

The intended result would be land added to the City's ownership in this area to help manage and improve water quality.

IV. Council Goal Addressed

Advance an environmental program that safeguards our natural resources, promotes a healthy lifestyle, and supports a sustainable economy.

V. Financial Impact

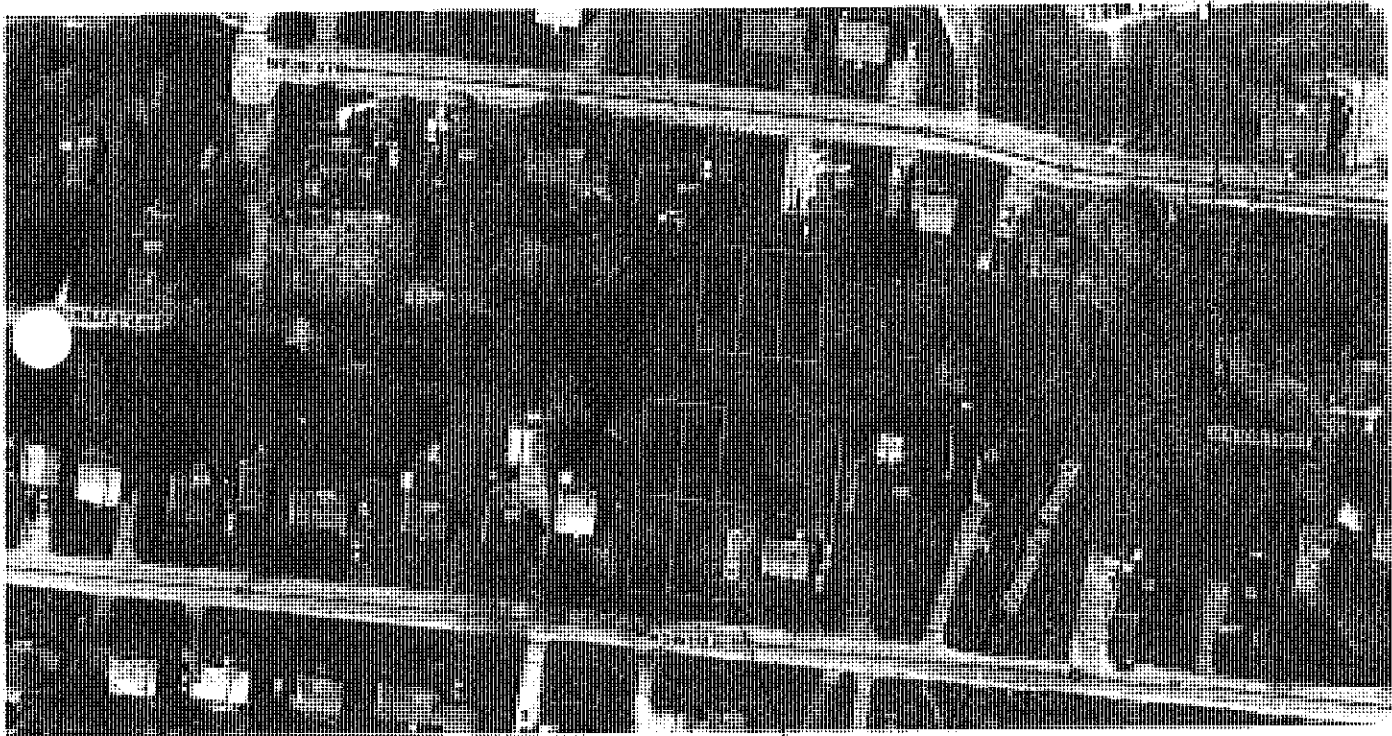
Accepting this donation will result of the loss of annual taxes in the amount of \$31.60.

VI. Staff Analysis/Recommendation

HCDC reviewed this request and recommended (3-0 vote; Councilor Coyne absent) that the City Council accept this donation due to the City's need to improve water quality in this watershed area and manage any stormwater runoff generated by new and existing development along these streets, and for the Council to authorize the write off taxes for FY14.

Attachments: 1. Map showing Dube and City Lots
2. Google Map Showing General Location of 109 Rowe Avenue

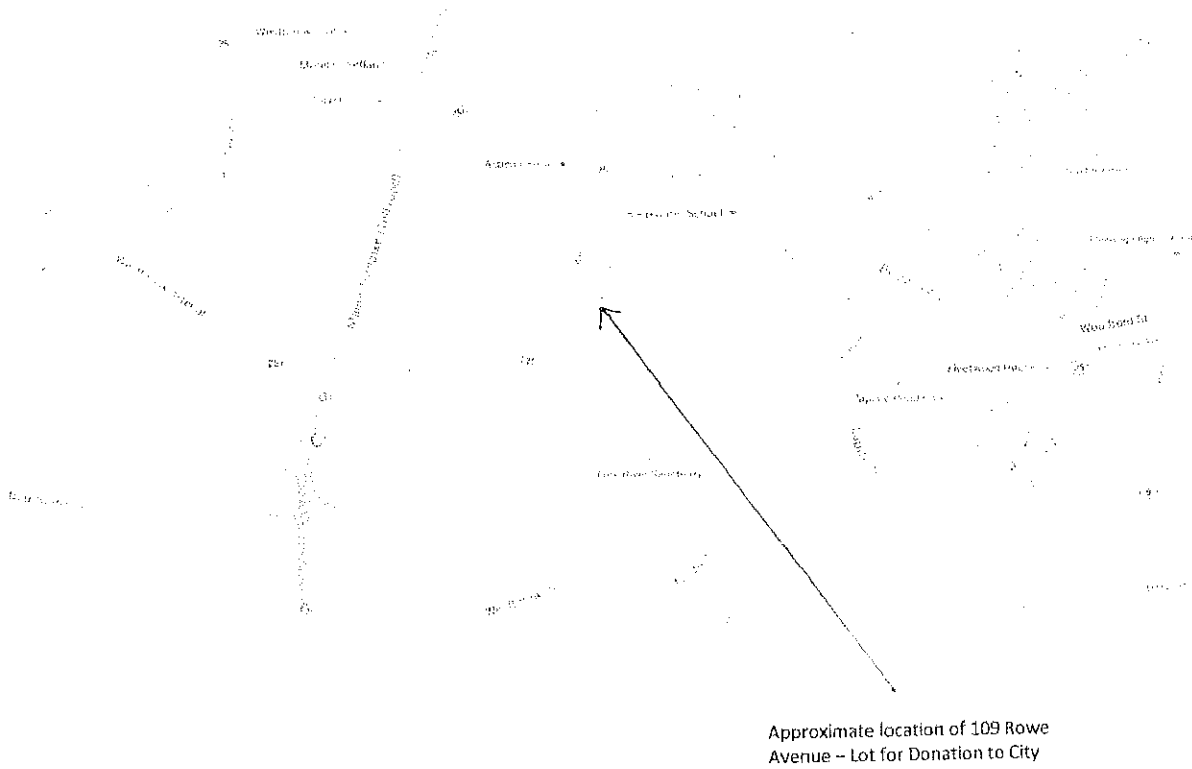
ATTACHMENT 1



CITY LOTS = OUTLINED IN RED

LOT FOR DONATION TO CITY =
HATCHED IN BLUE

ATTACHMENT 2



QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **Theodore T.O. Dube** of _____, as a gift and for no consideration paid by the City of Portland, a body politic and corporate in the County of Cumberland, State of Maine County of Cumberland, State of Maine, the receipt whereof is hereby acknowledged, does hereby grant and convey, with quitclaim covenants, to the said **City of Portland**, its successors and assigns, this certain lot or parcel of land on the west side of Rowe Avenue in Portland, Cumberland County, Maine:

Lot 178, on the plan of Brighton Avenue Terrace, which is recorded at Plan Book 11, Page 13.

Reference is made to the maps of the Assessor of Portland, Tax Map 26, Block B, Lot 54.

Title reference is made to the following events and instruments:

- Abstract of the Will of Ruth L. Sturgis, filed on April 8, 1955, in Cumberland County Registry of Deeds Book 2250, Page 65; the grantor received the subject premises under that will, as part of the remainder of Ruth Sturgis' Estate.
- Deed from Dirgo Title Land Co. to Ruth L. Sturgis, dated October 11, 1925, and recorded in the Cumberland County Registry of Deeds in Book 1192, Page 66.

IN WITNESS WHEREOF, the said Theodore T.O. Dube has hereunto set his hand and seal, this ____ day of _____, 2014.

Witness

Theodore T.O. Dube

STATE OF _____
COUNTY OF _____, ss

_____, 2014

Personally appeared the above-named Theodore T.O. Dube and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public

Printed Name

My Commission expires:

Order 244-13/14
Tab 35 5514

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

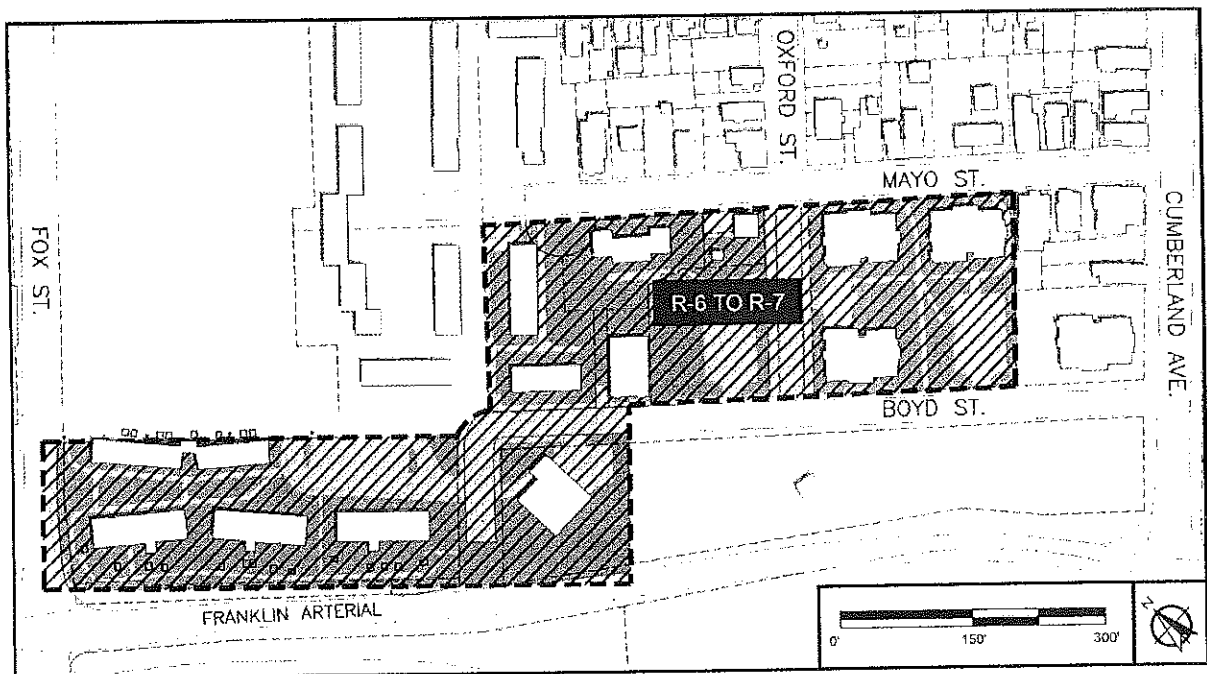
**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**AMENDMENT TO ZONING MAP
RE: R-6 ZONE IN VICINITY OF BOYD, OXFORD AND MAYO STREETS
REZONED TO R-7**

**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 area map below; and specifically rezoning the land now zoned R-6 in the vicinity of Boyd Street, Oxford Street and Mayo Street to the R-7 Zone.



MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Jeff Levine, Director of Planning and Urban Development

DATE: April 23, 2014

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

SUBJECT: Zoning Map Amendment from R-6 to R-7 - Vicinity of Boyd St., Oxford St.
and Mayo St.

SPONSOR: Stuart O'Brien, Chair of the Planning Board

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading May 5, 2014 **Final Action** May 19, 2014

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

Applicant faces a tight timeframe in securing permits and project financing.

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

Planning Board Chair discussing Planning Board recommendation (5 minutes).

Planning Staff providing background info as necessary.

Portland Housing Authority representatives discussing their proposal (5 minutes).

I. SUMMARY OF ISSUE (Agenda Description)

The Planning Board is forwarding a recommendation to rezone a portion of the Portland Housing Authority (PHA) residential campus in East Bayside from R-6 to R-7. PHA requested a zone change to facilitate development of a proposed 45 unit housing development (called Bayside Anchor). PHA proposes to convert an existing parking lot at the corner of Boyd Street and Oxford Street into an affordable housing project but the resulting lot size doesn't meet the density requirements of the R-6 zone thus the need for a R-7 map amendment.

PHA's zone change application, at staff suggestion, encompassed their entire East Bayside residential property (10.8 acres) to allow for increased flexibility and density for future renovation and infill development of the campus. In considering the PHA proposal, the Planning Board reviewed the entire East Bayside R-6 district so that land use and zoning issues could be reviewed comprehensively rather than on a piecemeal basis.

At a public hearing held on April 22, 2014, the Board voted 5 to 2 (Hall and Morrisette opposed) to recommend to the City Council that a portion of the PHA campus (including

the Bayside Anchor site) be rezoned from R-6 to R-7. The zone change covers a two block area in the vicinity of Boyd St., Oxford St. and Mayo St.

Public comment during the Planning Board workshops and at the public hearing, as well as neighborhood meetings, was generally opposed to a R-7 designation for the entire neighborhood at this time. However, there was support for the Bayside Anchor project as well as a willingness to continue a discussion about text and map changes in the R-6 and R-7 zones. The Planning Board balanced that input with a concern among the majority of the Board that single-parcel rezonings did not usually reflect sound planning for housing opportunities. Based on the analysis of staff and their own thoughts, the Board selected an area of about two blocks, all owned by the PHA, for rezoning along with the Bayside Anchor parcel.

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

PHA has requested a zone change to help facilitate the creation of additional housing opportunities on their East Bayside residential campus. The proposed rezoning from R-6 to R-7 provides needed flexibility in accommodating additional housing through infill development. While PHA is pursuing an immediate housing development (Bayside Anchor), this zone change will also provide for future housing opportunities on their campus.

The Planning Board is forwarding a positive recommendation for the rezoning covering a two block area of the PHA campus.

III. INTENDED RESULT

The Planning Board zone change recommendation helps facilitate an affordable housing development and provides needed R-7 zoning flexibility to assist the PHA in their future renovation and expansion of housing opportunities within a portion of their East Bayside residential campus. The Board's rezoning recommendation covers a two block area of the PHA site adjacent to the proposed Bayside Anchor project, in order to provide additional opportunities for infill affordable housing projects in the future.

IV. COUNCIL GOAL ADDRESSED

Promote Housing Availability: Provide increased availability in all segments of the housing market while insuring that there is a suitable balance of housing opportunities among those sectors.

The proposed rezoning allows PHA to move forward with the Bayside Anchor project that provides 36 units of affordable housing and 9 market rate housing units.

V. FINANCIAL IMPACT

There are no known negative municipal financial impacts associated with the zone

change. The zone change enhances opportunities to create affordable housing.

VI. STAFF ANALYSIS

The proposed zone change is consistent with the Comprehensive Plan, and Staff therefore supports the Planning Board's recommendation. Staff had initially recommended a larger area for an R-7 rezoning, which would have been accompanied by a text amendment to the R-7 zone. However, public input suggested that such a change was premature. Staff therefore supports the rezoning as proposed.

Attached is the Planning Board Report on the zoning map amendment.

VII. RECOMMENDATION

The Planning Board at a public hearing held on April 22, 2014 voted 5 to 2 (Hall and Morrisette opposed) that the R-6 to R-7 map amendment (as revised) is consistent with the City's comprehensive plan and therefore recommends the proposed map amendment to the City Council.

For purposes of holding a public hearing, the Board did consider rezoning the entire R-6 zoning district in East Bayside to R-7 including the entire PHA campus. The final vote was based on an analysis of the entire neighborhood and public feedback, and resulted in a recommendation that a discreet set of parcels be rezoned R-7 and that further study and outreach be done before any further rezonings take place..

VIII. LIST ATTACHMENTS

1. City Council Order
2. Planning Board Report

Prepared by:

Richard Kruttschnitt
Signature

4-24-14
Date

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

*Order 218-13/14
Tab 24 4-28-14
Tab 36 5-5-14*

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 to refer both new and renewal liquor license applications to the PPD in order that the Department may present the City Clerk's office, and the City Council (in the case of a recommended denial), 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 not 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 illegal under Maine law for an underage person (in the case in question, a 19 year-old) to be allowed inside 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 182-13/14

Motion and second to DENY passed 5-4 (Duson, Mavodones, Coyne, Leeman) on 4/7/14

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.**

**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 ____ ☒ 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.

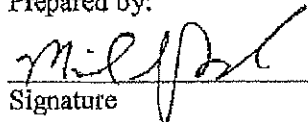
VII. RECOMMENDATION

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

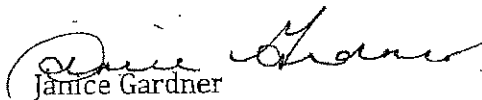
RE: NOTICE OF PUBLIC HEARING

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.

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.

000008

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: _____

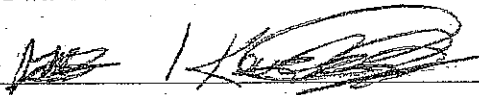
CITY OF PORTLAND
OFFICE OF THE CITY CLERK
389 Congress Street ~ Portland Maine 04101
207-874-8557 FAX 874-8612

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



Liquor Licensing & Inspection

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

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES 02/26/2014

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☒ HOTEL-OPTIONAL FOOD (Class I-A)

☒ CLASS A LOUNGE (Class X)

☒ CLUB (Class V)

☒ TAVERN (Class IV)

☒ RESTAURANT/LOUNGE (Class XI)

☒ HOTEL (Class I,II,III,IV)

☒ CLUB-ON PREMISE CATERING (Class I)

☒ GOLF CLUB (Class I,II,III,IV)

☒ OTHER:

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) (Sole Proprietor, Corporation, Limited Liability Co., etc.)		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	City/Town	State
PORTLAND	ME	PORTLAND	ME
Zip Code		Zip Code	
04101		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 \$ 90005 ²⁵
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire, If YES

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

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

8. If business is NEW or under new ownership, indicate starting date: 04/16/2009

Requested inspection date: _____ Business hours: _____

9. Business records are located at: 18 HAMPSHIRE ST, PORT ME 04101

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

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	CUMBERLAND 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 ☒ NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES ☒ NO.
9. If yes, please complete the following: Name: _____

Date of Conviction: _____ Offense: _____

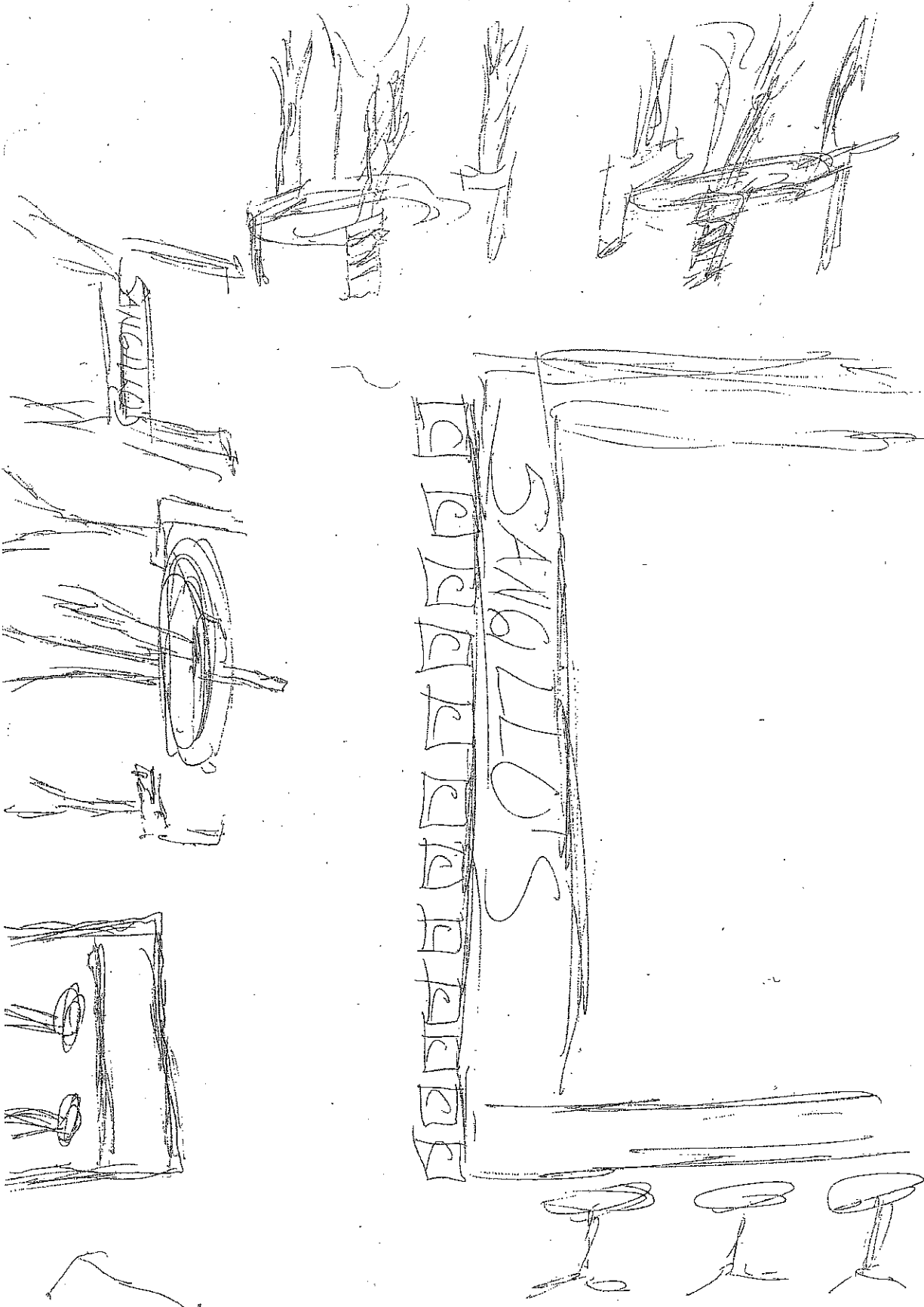
Location: _____ Disposition: _____

Dated at: 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, NK, 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 A
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.

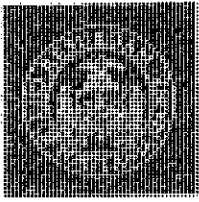
NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: PORTLAND, ME on FEB 17th, 20 14
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

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
SANDRA L. GUAY

234 MAIN STREET
P.O. BOX 468
BIDDEFORD, ME 04005-0468
TELEPHONE: 207-284-4581
FAX: 207-284-2078
E-MAIL: hcenter@woodedlaw.com

March 6, 2014

BY E-MAIL AND REGULAR MAIL

Vernon W. Malloch
Assistant Chief of Police
Portland Police Department
109 Middle Street
Portland, ME 04101-104

RE: Sangillo's Tavern

Dear Assistant Chief Malloch:

Thank you for taking the time to meet with Dana and Kathleen Sangillo regarding the pending application for a liquor license for Sangillo's Tavern. As you noted at the outset of our meeting, there has been a Sangillos in Portland, Maine since the 1960's. This is a family business which until very recently has never had any issue with an application or a renewal for a liquor license.

In keeping with this family tradition of compliance and operation of a respectful enterprise, Dana and Kathleen Sangillo appreciated your acknowledgment of their assistance to your department and the Cumberland County District Attorney's Office in the successful prosecution of Eric Gwaro this past summer. Additionally, it was appreciated that you did acknowledge the extraordinary effort of Kathleen Sangillo regarding the most recent incident that occurred on January 28, 2014 on Hamshire Street. Kathleen worked with numerous members of your department to provide all of the security video footage available in order to assist your investigation into that event. They acknowledge that that event has caused concern among their neighbors. It has caused concern to Kathleen and Dana as well for the safety of their employees, regular patrons and the potential adverse effect it would have on their ability to remain in business.

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.

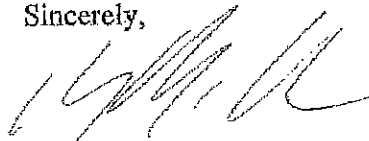
**WOODMAN EDMANDS DANYLIK AUSTIN
SMITH & JACQUES, P.A.**

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

000025

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/E/E
130120544 P BAR CHECK 1/12/13 000018 HAMPSHIRE ST P-1B F-A05 E-
22:47:09 SANGILLOS 604 608
Units Responded: 601 604 608
Response Time (Call to Arrival-First Unit) Unit #: 604 Time (HH:MM:SS): 0:00:01
NOT COUNTED
130270011 P ASSIST CITIZEN 1/27/13 000018 HAMPSHIRE ST P-1B F-A05 E-
PROVIDED SERVICE 0:20:59 SANGILLOS 401
Units Responded: 401
Response Time (Call to Arrival-First Unit) Unit #: 401 Time (HH:MM:SS): 0:05:41
Narrative: THEFT OF A JACKET WITH 17'S CAR KEYS IN IT 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 MERRIMAN

130540003 P POSSIBLE OUI 2/23/13 000018 HAMPSHIRE ST P-1B F-A05 E-
NEGATIVE CONTACT 0:08:28 SANGILLOS 405 604
Units Responded: 405 604
Response Time (Call to Arrival-First Unit) Unit #: 405 Time (HH:MM:SS): 0:06:16
Narrative: IN THE PARKING LOT HERE, DRIVER ALMOST HIT THE 17 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

130540026 P FIGHT 2/23/13 000018 HAMPSHIRE ST P-1B F-A05 E-
GOA 1:31:24 SANGILLOS 501 502
Units Responded: 501 502
Response Time (Call to Arrival-First Unit) Unit #: 501 Time (HH:MM:SS): 0:02:17
Narrative: 17 CAN HEAR A FIGHT...PEOPLE SCREAMING...17 THINKS THERE IS CHERYL BREWSTER
20 PEOPLE OUT THERE...NOT WILLING TO LOOK OUT THE WINDOW CHERYL BREWSTER

130740262 P CHECK WELL BEING 3/15/13 000018 HAMPSHIRE ST P-1B F-A05 E-
GOA 14:03:05 SANGILLOS 102
Units Responded: 102
Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00
Narrative: ACROSS FROM MALE LAYING ON THE GROUND ETOH BONNIE RAY

130910327 P MOTOR VEHICLE STOP 4/01/13 000018 HAMPSHIRE ST P-1B F-A05 E-
CITATION ISSUED 17:05:11 SANGILLOS 305 401 421
Units Responded: 305 401 421
Response Time (Call to Arrival-First Unit) Unit #: 401 Time (HH:MM:SS): 0:00:00

130960042 P KEEP THE PEACE 4/06/13 000018 HAMPSHIRE ST P-1B F-A05 E-
PROVIDED SERVICE 1:28:11 SANGILLOS

3 units

0000026

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14 Computer Aided Dispatch Div: 001 Page: 2
 Program: CAD305A Time Window: 0:00:00 - 99:99:99 Call Summary Dpt: 001 Date: 1/30/14
 List: All call types

Selections by Address Range: From: Street #: 000018 Dir: Name: HAMPSHIRE
 To: Street #: 000018 Dir: Name: HAMPSHIRE
 Common Name: SANGILLOS

City: 001 PORTLAND

Call#/D9 Type/Disposition

Time Incident Location Map Reference - P/P/E
 Units Responded: 501
 Response Time (Call to Arrival-First Unit) Unit #: 501 Time (HH:MM:SS): 0:17:36
 Narrative: MALE IN PD LOBBY IS GOING TO WALK BACK AND WAIT FOR AN JESSICA RAMSAY
 OFFICER OUT FRONT TO KTF APPARENTLY A FEMALE STOLE THE 175 H JESSICA RAMSAY
 AT JESSICA RAMSAY
 501: ALL SET HERE GENNETTE CARDULLO-BRANCO

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 - CAB 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 1/30/14
 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 5/13/13 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 Date Range: 1/01/13 - 1/30/14 Computer Aided Dispatch Div: 001 Page: 3
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: 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 BIG22 BY POST9A P 01 0000006872 KEVIN DICKINSON

131780026 P GENERAL DISTURBANCE
PROVIDED SERVICE

6/27/13 000018 HAMPSHIRE ST P-1B F-A05 E-
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
GON/WILL GIVE SA

6/28/13 000018 HAMPSHIRE ST P-1B F-A05 E-
17:57:28 SANGILLOS
Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00
Narrative: ABAK CALL--CALLER STATING THIS VEH SPEED BY ON COMMERCIAL ST CHELSEY BEARD
Call change from 911HD to MVCOMP BY POST9A P 01 0000002528 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
SUSE VEH DROVE DOWN COMMERCIAL ST GOING 45 MPH CUTTING OFF CHELSEY BEARD
3 VEH'S CHELSEY BEARD

NO DISPOSITIONS **

131810024 P FIGHT/LARGE GROUP
Canceled

6/30/13 000018 HAMPSHIRE ST P-1B F-A05 E-
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
FIELD INTERROGATION

6/30/13 000018 HAMPSHIRE ST P-1B F-A05 E-
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 PHYSICALY 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 WATCHING FROM REAR. 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: CAD306A 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 - E/F/E

Call change from FIGHT to RIG82 BY POST4A P 01 0000007548

JESSICA RAMSAY

402: OUT A BUNCH OF PEOPLE ARE SEPERATED

JESSICA RAMSAY

131810032 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
UNX WEAPONS

Time (HH:MM:SS): 0:03:34
KEVIN DICKINSON
KEVIN DICKINSON

JESSICA RAMSAY

601: INDIV. SPLIT UP AND WENT THEIR SEPERATE WAYS

131850046 P FIREWORKS
PROVIDED SERVICE

7/04/13 000018 HAMPSHIRE ST 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

Can't connect.

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
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Call change from DISTURB to FIGHT IP BY POST5A P 01 00000051
NO WEAPONS SEEN
17 NOTED THAT THE GROUP STARTED PUSHING EACH OTHER
UNKN IF IT WAS FOR FUN OR NOT

STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI
STEPHANIE NOWICKI

131880024 P FIGHT
VERBAL WARNING ISSUE

7/07/13 000018 HAMPSHIRE ST 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: 8 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 Computer Aided Dispatch Div: 001 Page: 5
 Progm: 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

Units Responded: 503 516 504
 Response Time (Call to Arrival-First Unit) Unit #: 503 Time (HH:MM:SS): 0:00:26
 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: 601 612
 Response Time (Call to Arrival-First Unit) Unit #: 601 Time (HH:MM:SS): 0:00:00
 Narrative: 601: AVAIL BUT IN PARKING LOT TIL CLOSING JESSICA RAMBAY

131970051 P FIGHT 7/16/13 000018 HAMPSHIRE ST P-1B F-A05 E-
 PROVIDED SERVICE 1:31:07 SANGILLOS
 Units Responded: 404 412 601 604 606
 Response Time (Call to Arrival-First Unit) Unit #: 601 Time (HH:MM:SS): 0:01:27
 Narrative: IN STREET - SUV PULLED UP AND ALMOST HIT SOMEBODY - NOW ERIN DULAC
 THERE ARE PEOPLE KICKING ANOTHER GUY ERIN DULAC
 I THINK 17 IS TALKING TO PD - HUNG UP ERIN DULAC

131980003 P SPECIAL ATTENTION CH 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

131990534 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: 601 604
 Response Time (Call to Arrival-First Unit) Unit #: 601 Time (HH:MM:SS): 0:00:00
 Narrative: No issues tonight. Bar cleared out at 0100, instead of 601

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
 Dist: 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 601
 milling around and 2 people on his lawn. There was no one 601
 one the lawn that I saw and the people milling around 601
 where getting out of the bar not pausing issues. Everyone 601
 clear by 0115. 601

132020027 P GENERAL DISTURBANCE 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 601
 calls. 601

000031

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: 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

City:	001	PORTLAND							
Call#/DP	Type/Disposition	Time	Incident Location	Map Reference	- P/F/E				
132040509 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	7/23/13 19:05:05	000018 HAMPSHIRE ST SANGILLOS	P-1B	F-A05	E-			
		Units Responded: 303					Unit #: 303	Time (HH:MM:SS): 0:00:00	
		Response Time (Call to Arrival-First Unit)							
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					Unit #: 303	Time (HH:MM:SS): 0:00:00	
		Response Time (Call to Arrival-First Unit)							
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					Unit #: 303	Time (HH:MM:SS): 0:00:00	
		Response Time (Call to Arrival-First Unit)							
132050821 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	7/25/13 0:49:48	000018 HAMPSHIRE ST SANGILLOS	P-1B	F-A05	E-			
		Units Responded: 501					Unit #: 501	Time (HH:MM:SS): 0:00:00	
		Response Time (Call to Arrival-First Unit)							
132060745 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	7/25/13 23:56:47	000018 HAMPSHIRE ST SANGILLOS	P-1B	F-A05	E-			
		Units Responded: 501					Unit #: 501	Time (HH:MM:SS): 0:00:00	
		Response Time (Call to Arrival-First Unit)							
132070481 P	PEDESTRIAN CHECK FIELD INTERROGATION	7/26/13 18:52:37	000018 HAMPSHIRE ST SANGILLOS	P-1B	F-A05	E-			
		Units Responded: 402					Unit #: 402	Time (HH:MM:SS): 0:00:00	
		Response Time (Call to Arrival-First Unit)							
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					Unit #: 601	Time (HH:MM:SS): 0:00:00	
		Response Time (Call to Arrival-First Unit)							
		Narrative: No issues. One group of 6 people waiting for cab when I cleared, but they were quiet.							
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					Unit #: 601	Time (HH:MM:SS): 0:00:00	
		Response Time (Call to Arrival-First Unit)							
		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 - P/F/E

Call#/DP	Type/Disposition	Time	Incident Location	Map Reference - P/F/E	Unit #	Time (HH:MM:SS)
132150031 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	8/03/13 000018 HAMPSHIRE ST 0:59:50 SANGILLOS	P-1B F-A05 E-	501	0:00:00	
132150598 P	BAR CHECK PROVIDED SERVICE	8/03/13 000018 HAMPSHIRE ST 21:28:47 SANGILLOS	P-1B F-A05 E-	501	0:00:00	
132150667 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	8/03/13 000018 HAMPSHIRE ST 22:50:33 SANGILLOS	P-1B F-A05 E-	310	0:00:00	
132150034 P	SPECIAL ATTENTION CH PROVIDED SERVICE ✓	8/04/13 000018 HAMPSHIRE ST 0:52:25 SANGILLOS	P-1B F-A05 E-	601	0:00:00	
132160060 P	FIGHT GOA	8/04/13 000018 HAMPSHIRE ST 1:28:10 SANGILLOS	P-1B F-A05 E-	601 604 606	0:06:28	
132170027 P	SPECIAL ATTENTION CH GOA/WILL GIVE SA ✓	8/05/13 000018 HAMPSHIRE ST 0:58:32 SANGILLOS	P-1B F-A05 E-	601	0:00:01	
132170030 P	SPECIAL ATTENTION CH PROVIDED SERVICE ✓	8/05/13 000018 HAMPSHIRE ST 1:08:57 SANGILLOS	P-1B F-A05 E-	601	0:00:00	
132170392 P	PROPERTY/FOUND GOA	8/05/13 000018 HAMPSHIRE ST 1:53:02 SANGILLOS	P-1B F-A05 E-	601	0:00:00	

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/F/E

Units Responded: 412
 Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00
 Narrative: 17 STATES THERE IS A BAG ON THE BENCH WITH A BUNCH OF LANCE MAZER
 NEEDLES INSIDE. LANCE MAZER

132180172 P PROPERTY/FOUND
 PROVIDED SERVICE

8/06/13 000018 HAMPSHIRE ST
 9:50:54 SANGILLOS P-1B F-A05 E-
 Units Responded: 103
 Response Time (Call to Arrival-First Unit) Unit #: 103 Time (HH:MM:SS): 0:09:56
 Narrative: FOUND NEEDLES ETC TIMOTHY DUNTON

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 FAST WHEN SHE SAW THIS HIRAM DEL RIO

Cancel call#/type: 132300442 ASSAULT
 Start date/time: 08/18/13 18:12:33
 Call taker: 7644 KURT ELKANICH
 Call start time changed from 13/08/18 18:14:22
 to 13/08/18 18:12:33

KIMBERLY PAVLIS
 KIMBERLY PAVLIS
 KIMBERLY PAVLIS
 KIMBERLY PAVLIS
 KIMBERLY PAVLIS

132340012 P SPECIAL ATTENTION CH
 GOR/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

13-7984

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					
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					
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					

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

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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	Property Type	Make
	SAFE KEEPING	DRUGS-ILLEGAL	SUSP. COCAINE
	Model		
	Serial #	Color	Description
	Quantity/Weight : 1.5G	Value : \$0,000,200.00	Condition
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
Verifying 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

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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**PORTLAND POLICE DEPARTMENT
EVIDENCE / PROPERTY FORM**

CASE NUMBER 144 - 255 PROPERTY ACQUIRED DATE/TIME 11/10/2014 01:30

LOCKER# 9 or Handed to () Property Coordinator SUBMITTED DATE/TIME 11/10/2014 02:45

OFFICER'S NAME (Print, Sign) Egna, Ryan PD ID # 850
(Not Badge #)

Evidence/Property OBTAINED From:

Name <u>[REDACTED]</u>	Address <u>[REDACTED]</u>	Phone <u>[REDACTED]</u>
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Evidence/Property OWNER: () Same as above or () Owner Unknown:

Name <u>/</u>	Address <u>/</u>	Phone <u>/</u>
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Incident (Circle One) Other Arrest Field Interrogation Juvenile Citation Warrant Traffic Accident

Offense (Most Serious): Class (Circle One): A B C D E Civil Unknown

PROPERTY CATEGORY: 3-Stolen and Recovered; 4-Recovered for Other Jurisdiction; 6-Evidence; 7F-Found; 7C-Confiscated; 9-Safekeeping

ITEM #	PROPERTY CATEGORY	QTY / WEIGHT	ARTICLE DESCRIPTION (INCL: Make, Model, S/N, Value, \$)	DISPOSITION KEEP, RETURN, DESTROY, RETURN TO DMV, OR FOUND	STORAGE CATEGORY/LOCATION (PROPERTY OFFICE USE ONLY)
<u>1</u>	<u>9</u>	<u>1</u>	<u>Snop. 1.5g cocaine MDEA</u>	<u>Keep</u>	

CHAIN OF CUSTODY

ITEM #	DATE/TIME	RELINQUISHED BY NAME (PRINT & SIGN)-OR LOCKER # AGENCY (IF NOT PPD)	RECEIVED BY NAME (PRINT & SIGN) AGENCY (IF NOT PPD)	PURPOSE

For Property Office Use Only: (Date & Time Rcvd & Initial)

Portland Police Department

Incident Report

Report 01/10/2014 02:40

Case # 01-14-000255

Case # 01-14-000255	Report 01/10/2014 02:40	Occurred From 01/10/2014 01:30	Occurred To 01/10/2014 01:30	Report Type Original
Dept. Classification INVESTIGATION		Case Status	Case Status Date	Cleared 01/10/2014 02:34
Common Name SANGILLOS - 18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)				
Day of Week : FRIDAY Dispatched : 01/10/2014 01:30 Arrived : 01/10/2014 01:30 Map Reference : 1B Hate/Bias : NO Gang Related : NO Type of Report : INCIDENT REPORT Video/Audio (Yes/No) : YES/YES Video/Audio (Yes/No) : YES/YES Officer Vehicle # : 1017 Location Type : PARKING LOT/GARAGE Beat Assignment : BEAT 1 Alcohol Related : YES Drug Related : YES Total Damaged Property Value : \$0.00 Total Stolen Property Value : \$0.00 Total Recovered Property Value : \$0.00				

P E R S O N 1	Person Type OFFICER	Business/Person Name RYAN GAGNON			Business Phone (207) 874-8575
	Home Phone	Person Address			
	Other Phone	Employer Address 109 MIDDLE ST PORTLAND, MAINE 04101			
	Race WHITE	Sex Male	SSN	DL Exp. Date	Operator's License Number
	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 SUSPECT	Business/Person Name [REDACTED]			Business Phone
	Home Phone	Person Address [REDACTED]			
	Other Phone [REDACTED]	Employer Address			
	Race WHITE	Sex Male	SSN	DL Exp. Date	Operator's License Number
	Birth Date [REDACTED]	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 OTHER PERSON	Business/Person Name [REDACTED]			Business Phone
	Home Phone	Person Address			
	Other Phone [REDACTED]	Employer Address			
	Race WHITE	Sex Male	SSN	DL Exp. Date	Operator's License Number
	Birth Date	Birth Place			
	Occupation : MDEA AGENT		Adult/Juvenile : ADULT		

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

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	Property Type	Make
	SAFE KEEPING	DRUGS-ILLEGAL	SUSP. COCAINE
	Model		
	Serial #	Color	Description
	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 DYAN R GAGNON (850)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Verifying Officer HAYDEN, DANIEL		Date/Time 01/10/2014 05:33
Verifying Officer SGT DANIEL HAYDEN (8166)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/10/2014 05:34

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**PORTLAND POLICE DEPARTMENT
EVIDENCE / PROPERTY FORM**

CASE NUMBER	141 - 255	PROPERTY ACQUIRED DATE/TIME	11/10/2014 11:30
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LOCKER#	9	or Handed to () Property Coordinator	SUBMITTED DATE/TIME	11/11/2014	17:45
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OFFICER'S NAME (Print, Sign) <i>Egana, Ryan</i>	PD ID # (Not Badge #) 850
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Evidence/Property OBTAINED From:		
Name	Address	Phone
Evidence/Property OWNER: () Same as above or () Owner Unknown:		
Name	Address	Phone

Incident (Circle One)	☒ Other	☐ Arrest	☐ Field Interrogation	☐ Juvenile	☐ Citation	☐ Warrant	☐ Traffic Accident
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Offense (Most Serious):	Class (Circle One): A B C D E Civil Unknown
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PROPERTY CATEGORY: 3-Stolen and Recovered; 4-Recovered for Other Jurisdiction; 6-Evidence; 7F-Found; 7C-Confiscated; 9-Safekeeping

ITEM #	PROPERTY CATEGORY	QTY / WEIGHT	ARTICLE DESCRIPTION (INCL: Make, Model, S/N, Value, \$)	DISPOSITION KEEP, RETURN, DESTROY, RETURN TO DMV, OR FOUND	STORAGE CATEGORY/LOCATION (PROPERTY OFFICE USE ONLY)
1	9	1	Susp. 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 Recvd & Initial)	000042
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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					
Dispatched : 01/28/2014 01:21					
Responded : 01/28/2014 01:38					
Arrived : 01/28/2014 01:21					
Map Reference : 1B					
Hate/Bias : Unknown					
Gang Related : UNKNOWN					
Type of Report : INCIDENT REPORT					
Victim Advocate Involv : NO/NO					
Evidence Technician name (Last First) : PELLERIN, F. AND STEARNS, C.					
Video/Audio (Yes/No) : YES/NO					
Accident Number : N/A					
Officer Vehicle # : 1001					
Location Type : BAR/NIGHT CLUB					
Beat Assignment : BEAT 1					
Alcohol Related : YES					
Drug Related : UNKNOWN					
Total Damaged Property Value : \$0.00					
Total Stolen Property Value : \$0.00					
Total Recovered Property Value : \$0.00					

O F F E N S E	State Classification		Attempted/Committed
	ELEVATED AGGRAVATED		COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
	ELEVATED AGGRAVATED	BAR/NIGHT CLUB	
Weapon 1 : HANDGUN			
End of Offense: 1			

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	SUSPECT	[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	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			
	[REDACTED]				
	Age : 24		Adult/Juvenile : ADULT		
	Ethnic Origin : NONHISPANIC		Body Marks:		
	End of Person: 3				

P E R S O N	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	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	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:
PTL 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	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: 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

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parking lot, and headed east behind the Maine Med building that sits on the corner of Congress St. and India St. I notified dispatch that Officer Aguilera was chasing [REDACTED] the direction they went in, that I had lost visual of him, and that I was staying with the suspect [REDACTED] that I had detained. While this was happening I put [REDACTED] in handcuffs and searched him for weapons. As soon as [REDACTED] started to run away [REDACTED] became very nervous, he started shaking, and his voice got high and cracked as he told me that he "didn't know he was going to run".

While I was handcuffing [REDACTED] a second Police vehicle pulled up to behind the Maine Medical building and one of the involved Officers notified dispatch that [REDACTED] was in custody. During this time Officer Bomba and Officer Rozzi arrived to my location, followed by Officer Pavlis, Officer Truax, and Sgt. Mulry. As I was placing [REDACTED] into the back of my vehicle (Veh #1001) and turning on the car's camera, a group of males who were working construction at the Rite Aid were waving their hands towards our direction trying to flag an Officer down. Officer Bomba and Officer Rozzi then walked down and spoke with them. Shortly after they walked down to the Rite Aid Officer Aguilera walked up to me and notified me that Officer Rozzi had located a gun. I waited at my location with [REDACTED] in my vehicle until Sgt. Mulry advised me to drive him to the front of the Portland Police Department (located at 109 Middle St.) and leave him in my vehicle until CID asked him to be brought in for an interview. While [REDACTED] was in my vehicle he made a few statements to me that he "didn't even know that guy" that he just met him while he was walking outside right before we stopped them, and did not know what shooting we were all talking about.

Once CID requested I bring [REDACTED] into the PD, Officer Reeder and I escorted him to the forth floor where Officer Reeder placed him into an interview room in CID while I spoke to Sgt. Goodale. After speaking with Sgt. Goodale and bringing [REDACTED] to CID I had no further contact with him.

I was working in vehicle #1 for this entire incident and the camera was not turned on until I placed [REDACTED] into my vehicle.

End of Narrative: 1

Reporting Officer L KALIN 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

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Portland Police Department

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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:
LT THOMAS WC KWOK (5821)	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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Portland Police Department

Report 01/28/2014 07:35

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Case # 01-14-000806

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
	UNITED STATES	MAINE	AUTO			TOW-AWAY
2	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	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	Department	Report Status:
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

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)				
	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 Hagerly 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 000050

01-14-000806

Portland Police Department

Incident Report

Report 01/28/2014 05:33

Case # 01-14-000806

INCIDENT	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)				
DETAILS	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 Involv : 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		

PERSON	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			
ARRATIVE	Occupation : POLICE		Body Marks:		
	Adult/Juvenile : ADULT				
End of Person: 1					

ARRATIVE	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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Portland Police Department

Report 01/28/2014 05:33

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Case # 01-14-000806

SUSPECTS. THE ONLY TWO PEOPLE INSIDE SANGILLOS WERE TWO STAFF MEMBERS WHO STATED THEY ONLY HEARD FIREWORKS OUTSIDE. THEY HAD ALREADY LOCKED THE DOORS FOR THE NIGHT AND I HAD TO KNOCK TO HAVE THEM LET ME IN.

AFTER A SHORT TIME OFC. TITCOMB DIRECTED ME TO TAKE ONE OF THE SUBJECTS ON SCENE AND PLACE HIM IN MY PATROL CAR THEN BRING HIM TO THE STATION. I MADE CONTACT WITH A [REDACTED] WHO WAS ONE OF THE PASSENGERS IN THE MERCURY AND PLACED HIM INSIDE PATROL CAR 3. I THEN TRANSPORTED HIM ACROSS THE STREET TO FRONT OF THE POLICE STATION. AFTER SITTING AT THE FRONT OF THE POLICE STATION FOR SEVERAL MINUTES OFC. RICHARD WHO WAS SITTING IN A PATROL CAR IN FRONT OF ME, TOLD ME THAT HIS DETAINEE, [REDACTED] NEEDED TO GO TO THE BATHROOM. I TOLD HIM TO WATCH BOTH OUR DETAINEES AND WENT INTO THE STATION. TO LOCATED A SUPERVISOR TO LET HIM KNOW I WAS BRINGING A PERSON INSIDE TO USE THE RESTROOM. I LOCATED SGT. GOODALE AND INFORMED HIM. I THEN WENT BACK OUTSIDE TO ESCORT [REDACTED] INSIDE TO USE THE BATHROOM. WHEN I GOT BACK OUT TO OFC. RICHARD'S PATROL CAR AND OPENED THE BACK DOOR [REDACTED] HAD URINATED. I DIRECTED OFC. RICHARDS TO WATCH [REDACTED] WHILE I ESCORTED [REDACTED] TO THE BATHROOM INSIDE THE POLICE STATION ON THE FIRST FLOOR. I THEN ESCORTED HIM TO INTERVIEW ROOM 1. SEVERAL MINUTES LATER I THEN WENT BACK TO THE SCENE TO ASSIST THE ET STERNS AND ET PELLERIN IN MAPPING THE SCENE.

End of Narrative: 1

Reporting Officer 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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Portland Police Department

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)				
T	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			
T	Birth Date	Birth Place			
		[REDACTED]			
	Age : 70		Employer : [REDACTED]		
	Ethnic Origin : NONHISPANIC		Body Marks:		
Adult/Juvenile : ADULT					
End of Person: 1					

P E R S O N 2	Person Type	Business/Person Name			Business Phone
	OFFICER	JOSEPH JAYNES			
	Home Phone	Person Address			
		[REDACTED]			
	Other Phone	Employer Address			
		[REDACTED]			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
T	Birth Date	Birth Place			
		[REDACTED]			
	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
		000053

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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Incident Report

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)				
P E R S O N 1	Day of Week : TUESDAY		Accident Number : NA/NA		
	Dispatched : 01/28/2014 01:22		Officer Vehicle # : 1043		
	Hate/Bias : Unknown		Location Type : CONVENIENCE STORE		
	Gang Related : UNKNOWN		Alcohol Related : UNKNOWN		
	Type of Report : SUPPLEMENT REPORT		Drug Related : UNKNOWN		
	Victim Advocate Involv : NA/NA		Total Damaged Property Value : \$0.00		
	Evidence Technician name (Last First) : STEARNS, CHRISTOPHER		Total Stolen Property Value : \$0.00		
	Video/Audio (Yes/No) : NA/NA		Total Recovered Property Value : \$0.00		

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	OFFICER	BRIAN TRUAX			(207) 874-8575
	Home Phone	Person Address			
	Other Phone	Employer Address			
		109 MIDDLE ST PORTLAND, MAINE 04101, CUMBERLAND County			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	Male				
	Birth Date	Birth Place			
Adult/Juvenile : ADULT					Body Marks:
Employer : POLICE DEPARTMENT					
End of Person: 1					

P E R S O N 2	Person Type	Business/Person Name			Business Phone
	WITNESS	[REDACTED]			
	Home Phone	Person Address			
	[REDACTED]	[REDACTED]			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
Birth Date	Birth Place				
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:
L 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

000055

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

000056

Portland Police Department

Incident Report

Report 01/28/2014 03:35

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 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 Invol : 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		

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	OFFICER	MATTHEW PAVLIS			
	Home Phone	Person Address			
	Other Phone	Employer Address 109 MIDDLE ST PORTLAND, MAINE 04102, CUMBERLAND County			
	Race 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: 1					

P E R S O N 2	Person Type	Business/Person Name			Business Phone
	WITNESS	[REDACTED]			
	Home Phone	Person Address [REDACTED]			
	Other Phone	Employer Address [REDACTED]			
	Race WHITE	Sex Male	SSN	DL Exp. Date	Operator's License Number
	Birth Date	Birth Place			
	Age : 45 Ethnic Origin : NONHISPANIC Adult/Juvenile : ADULT		Employer : [REDACTED] Body Marks:		
End of Person: 2					

N A R R A T I V E 1	Topic	SUPPLEMENTAL NARRATIVE
	ON 01/28/14 AT APPROXIMATELY 0121 HOURS, I, OFFICER MATT PAVLIS WAS WORKING UNIFORMED PATROL AT THIS TIME OFFICER TRUAX AND I WERE DISPATCHED TO 290 CONGRESS STREET (RITE AID) TO ASSIST OFFICER'S WITH A POSSIBLE SHOOTING. UPON ARRIVAL, OFFICER'S MADE CONTACT WITH SGT. MULRY WHO ADVISED HE NEEDED SOMEONE TO GO SPEAK WITH TWO POSSIBLE WITNESSES [REDACTED] AT THE RITE AID STORE.	

Reporting Officer	Department	Report Status:
L MATTHEW R PAVLIS (9214)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
TITCOMB, JACOB W.		01/28/2014 05:24
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 05:24
		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

Portland Police Department

Incident Report

Report 01/28/2014 04:43

Case # 01-14-000806

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 04:43	01/28/2014 01:21	01/28/2014 01:21	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	INVESTIGATION				01/28/2014 02:03
	Common Name				
	SANGILLOS - 18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)				
	Day of Week : TUESDAY		Video/Audio (Yes/No) : YES/NO		
	Dispatched : 01/28/2014 01:21		Accident Number : N/A		
	Responded : 01/28/2014 01:38		Officer Vehicle # : 1001		
	Arrived : 01/28/2014 01:21		Location Type : BAR/NIGHT CLUB		
	Map Reference : 1B		Beat Assignment : BEAT 1		
	Hate/Bias : Unknown		Alcohol Related : YES		
	Gang Related : UNKNOWN		Drug Related : UNKNOWN		
	Type of Report : SUPPLEMENT REPORT		Total Damaged Property Value : \$0.00		
	Victim Advocate 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			
	Birth Date	Birth Place			
	Age : 24		Max. Weight : 142 lbs		
	Operator's License State : MAINE		Adult/Juvenile : ADULT		
	Operator's License Country : UNITED STATES		Body Marks:		
	Max. Height : 6'01"				
End of Person: 1					

N A R R A T I V E 1	Topic	SUPPLEMENTAL NARRATIVE
	On 01/28/2014 at 0121 hours, I (Officer Thomas Kwok) was working a detail and focusing on certain areas in the western areas of Portland. At the time, I was driving an unmarked patrol car (registration #1473SJ) and Officer Erik Richard was in the passenger seat. While driving in the parking lot of La Quinta hotel (340 Park Avenue), Officer Kafi Hagerty informed dispatch that she had heard gunshots in the area of Sangillo's Tavern (18 Hampshire Street) and witnessed people running from the area. As a result, I began to drive toward the scene to assist officers and responded in a routine fashion.	
	When Officer Richard and I arrived to the scene, we attempted to assist officers who were detaining a male near the intersection of Federal Street/Hampshire Street. When the subject had been detained, Sgt. Farris was requesting more assistance at Sangillo's Tavern and Officer Richard and I drove further down Hampshire Street to assist him.	
	At the scene, I saw Officer Bennis, Officer Johnson, and Officer Abbott attempting to identify and interview numerous people around Sangillo's. Also, Sgt. Farris and Sgt. Titcomb were assisting the victim of the shooting. I was informed that the crime scene was on Hampshire Street in front of Sangillo's and I could see some bullet casings on the street.	

Reporting Officer	Department	Report Status:
TL THOMAS WC KWOK (6821)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
FARRIS, TIMOTHY L.		01/28/2014 05:49
Verifying Officer	Department	Date / Time
SGT TIMOTHY L FARRIS (4413)	PORTLAND POLICE DEPARTMENT	01/28/2014 05:49

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)				
	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 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					

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

Report 01/28/2014 01:24

Incident Report

Case # 01-14-000806

UPON ARRIVAL I MADE CONTACT WITH OFC. HAGERTY. SHE WAS ALONE AND HAD ONE BLACK MALE IN CUSTODY, ON THE SIDEWALK DIRECTLY IN FRONT OF 290 CONGRESS ST. HE WAS WEARING A LIGHT BLUE SWEATSHIRT, BLACK JEANS AND SILVER SNEAKERS. AFTER SHE PLACED THE MALE IN HER PATROL VEHICLE, OFC. BOMBA AND I BEGAN TO CHECK THE AREA FOR THE FIREARM. SGT. FARRIS WAS AT THE SCENE LOCATED AT 18 HAMPSHIRE STREET. HE HAD STATED ONE MALE REPORTED HE HAD BEEN SHOT. SGT. FARRIS ALSO RADIOED, THREE 45 CALIBER CASINGS WERE FOUND.

WHILE CHECKING THE PARKING LOT LOCATED AT 290 CONGRESS STREET, I MADE CONTACT WITH SEVERAL WITNESSES. ONE WITNESS NAMED [REDACTED] TOLD ME "THE GUYS YOU HAVE, THREW SOMETHING UNDER A TRUCK". [REDACTED] THEN POINTED AND LOOKED TOWARDS OFC. HAGERTY'S DIRECTION. OFC. HAGERTY WAS STANDING NEXT TO HER PATROL VEHICLE AT THE ENTRANCE OF 290 CONGRESS STREET. HER CAR WAS PARKED ON CONGRESS STREET IN FRONT OF THE PARKING LOT WHERE SHE HAD PLACED HER SUSPECT IN CUSTODY. [REDACTED] WORKS FOR [REDACTED] WORKING INSIDE THE RITE AID AT 290 CONGRESS STREET. HE ALSO STATED THE INDIVIDUALS WE HAD IN CUSTODY RAN FROM FEDERAL STREET INTO THE PARKING LOT OF 290 CONGRESS STREET.

WHILE CHECKING THE EAST SIDE OF 290 CONGRESS STREET, I CHECKED UNDERNEATH A LARGE GARBAGE DUMPSTER. THE DUMPSTER WAS LOCATED IN THE EXIT OF THE PARKING LOT, ADJACENT TO FEDERAL STREET. I LOCATED A BLACK HANDGUN LAYING UNDER THE DUMPSTER. THE GUN WAS UNDER THE END OF THE DUMPSTER CLOSEST TO FEDERAL STREET. AFTER SPEAKING WITH SGT. FARRIS ON THE RADIO, HE ASKED ME IF THE HANDGUN WAS A 45 CALIBER FIREARM. AT THIS TIME I HAD TO TILT THE WEAPON UP OFF THE GROUND TO CHECK THE ENGRAVED LETTERING ON THE GUN. I FOUND THAT THE CALIBER WAS A 45 CALIBER FIREARM. I WAS WEARING GLOVES WHILE I HANDLED THE FIREARM. I INFORMED SGT. FARRIS ABOUT THE SPECIFICS ON THE FIREARM. OFC. BOMBA AND I STAYED WITH THE FIREARM UNTIL EVIDENCE TECHNICIAN STERNS AND PELLERIN COLLECTED THE EVIDENCE.

VEHICLE 1011 WAS RECORDING AUDIO AND VIDEO DURING THIS INCIDENT.

End of Narrative: 1

Reporting Officer 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
	1 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

Incident Report

Report 01/28/2014 05:32

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)				
T	Day of Week : TUESDAY		Officer Vehicle # : 1006		
	Dispatched : 01/28/2014 01:21		Location Type : BAR/NIGHT CLUB		
	Hate/Bias : NO		Alcohol Related : UNKNOWN		
	Gang Related : UNKNOWN		Drug Related : UNKNOWN		
	Type of Report : SUPPLEMENT REPORT		Total Damaged Property Value : \$0.00		
	Victim Advocate Involv : NO/NO		Total Stolen Property Value : \$0.00		
	Video/Audio (Yes/No) : YES		Total Recovered Property Value : \$0.00		

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	VICTIM				
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	BLACK	Male			
1	Birth Date	Birth Place			
	Age : 24	Body Marks:			
Adult/Juvenile : ADULT					
End of Person: 1					

N A R R A T I V E 1	Topic	ORIGINAL NARRATIVE
	ON 01/28/2014, AT 0121 HOURS I, (OFFICER MCDONALD) HEARD OFFICER HAGERTY CALL OUT WITH WHAT SHE THOUGHT WAS SHOTS FIRED IN THE AREA OF HAMPSHIRE ST. OFFICER HAGERTY FURTHER STATED THAT NUMEROUS PEOPLE WERE RUNNING FROM THE AREA. WHEN I ARRIVED IN THE AREA I OBSERVED A BLACK MALE JUMP A FENCE ON FRANKLIN ST. HE WAS JUMPING THE FENCE ABOUT 500 FEET SOUTH OF CONGRESS ST. HE WAS WEARING JEANS AND A WINTER COAT THAT HAD SOME BLACK AND RED DESIGNS. THE MALE WAS RUNNING WEST AND AWAY FROM HAMPSHIRE ST. I DROVE DOWN TO MIDDLE ST THEN BACK UP FRANKLIN ST TO TRY AND DETAIN THE MALE. WHEN I ARRIVED ON SCENE I WAS MET BY OFFICER LEADBETTER AND OFFICER HODGDON. THE MALE WAS QUICKLY DETAINED RIGHT WHERE HE HAD JUMPED OVER THE FENCE. WHILE HE WAS BEING PLACED IN HANDCUFF HE MENTIONED SOMETHING ABOUT A MALE BEING SHOT. I DID NOT IDENTIFY THIS MALE. AT THIS POINT OFFICER HEATHER BROWN AND OFFICER JAYNES ARRIVED ON SCENE. NUMEROUS OFFICERS WERE CALLING OUT WITH NUMEROUS FOOT PURSUITS SO I HAD OFFICER HEATHER BROWN AND OFFICER HODGDON STAY WITH THE MALE WHILE OFFICER LEADBETTER, JAYNES AND I CONTINUED EAST ON FEDERAL ST. WE WERE ON FOOT WHEN WE OBSERVED ANOTHER BLACK MALE WEARING ALL BLACK COMING FROM HAMPSHIRE ST.	

Reporting Officer	Department	Report Status:
JOSHUA D MCDONALD (6255)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
TITCOMB, JACOB W.		01/28/2014 06:24
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 06:25
		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

Portland Police Department

Incident Report

Report 01/28/2014 07:02

Case # 01-14-000806

Case #	Report	Occurred From	Occurred To	Report Type
01-14-000806	01/28/2014 07:02	01/28/2014 01:21	01/28/2014 01:21	Supplemental
Dept. Classification	Case Status	Case Status Date	Cleared	
FOUND/CONFISCATED PROPERTY				
Common Name				
RITE AID - 290 CONGRESS ST PORTLAND, MAINE (CUMBERLAND County)				
Day of Week : TUESDAY				
Hate/Bias : NO				
Gang Related : UNKNOWN				
Type of Report : SUPPLEMENT REPORT				
Victim Advocate Involvement : NO/NO				
Evidence Technician name (Last First) : NA				
Video/Audio (Yes/No) : YES				
Accident Number : NA				
Officer Vehicle # : 1009				
Location Type : PARKING LOT/GARAGE				
Alcohol Related : NO				
Drug Related : YES				
Total Damaged Property Value : \$0.00				
Total Stolen Property Value : \$0.00				
Total Recovered Property Value : \$0.00				

PERSON 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					

PROPERTY 1	Category	Property Type	Make	Model
	FOUND PROPERTY	DRUGS-ILLEGAL	MARIJUANA	
	Serial #	Color	Description	Condition
	NA	GREEN		
	Quantity/Weight : USABLE			
End of Property: 1				

NARRATIVE 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:
DET. 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
Dept. Classification	Case Status	Case Status Date	Cleared	
ELEVATED AGGRAVATED ASSAULT				
Common Name				
290 CONGRESS ST PORTLAND, MAINE (CUMBERLAND County)				
Day of Week : TUESDAY		Officer Vehicle # : 1010		
Hate/Bias : NO		Location Type : PARKING LOT/GARAGE		
Gang Related : UNKNOWN		Alcohol Related : NO		
Type of Report : SUPPLEMENT REPORT		Drug Related : NO		
Victim Advocate Involv : N/A		Total Damaged Property Value : \$0.00		
Evidence Technician name (Last First) : PELLERIN, FRANK/ STERNS, CHRIS		Total Stolen Property Value : \$0.00		
Video/Audio (Yes/No) : YES/NO		Total Recovered Property Value : \$0.00		
Accident Number : N/A				

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
PTITCOMB, 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

000069

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

000070

Portland Police Department

Report 01/28/2014 18:33

Incident Report

Case # 01-14-000806

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-14-000806	01/28/2014 18:33	01/28/2014 01:25	01/28/2014 01:25	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	ELEVATED AGGRAVATED ASSAULT				
	Common Name				
	RITE AID - 290 CONGRESS ST PORTLAND, MAINE (CUMBERLAND County)				
	Day of Week : TUESDAY		Video/Audio (Yes/No) : YES/YES		
	Dispatched : 01/28/2014 01:25		Officer Vehicle # : 1011		
	Responded : 01/28/2014 01:25		Location Type : PARKING LOT/GARAGE		
	Arrived : 01/28/2014 01:25		Alcohol Related : UNKNOWN		
	Hate/Bias : NO		Drug Related : UNKNOWN		
	Gang Related : YES		Total Damaged Property Value : \$0.00		
	Type of Report : SUPPLEMENT REPORT		Total Stolen Property Value : \$0.00		
	Victim Advocate Involv : NO/NO		Total Recovered Property Value : \$0.00		
	Evidence Technician name (Last First) : STERNS CHRIS				

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	OFFICER	VINCENT ROZZI			(207) 874-8575
	Home Phone	Person Address			
	Other Phone	Employer Address			
		109 MIDDLE ST PORTLAND, MAINE 04101, CUMBERLAND County			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
	Birth Date	Birth Place			
	Adult/Juvenile : ADULT				Body Marks:
	Employer : POLICE DEPARTMENT				
End of Person: 1					

N A R R A T I V E 1	Topic	SUPPLEMENTAL NARRATIVE
	I OFC. VINCENT ROZZI AM WRITING THIS SUPPLEMENTAL REPORT TO CONFIRM MY ACTIONS WITH AN ARTICLE OF EVIDENCE LOCATED AT 290 CONGRESS STREET. THE DATE OF THE INCIDENT WAS 01-28-2014 AT ROUGHLY 0125HRS. WHILE AT 290 CONGRESS STREET I HAD LOCATED A FIREARM UNDER A DUMPSTER ON THE EASTERN SIDE OF THE RITE AID PHARMACY. AFTER REACHING SGT. FARRIS ON THE RADIO, HE HAD ASKED ME TO CHECK THE CALIBER ON THE WEAPON. THE FIREARM WAS LAYING ON ITS LEFT SIDE. WHILE LOOKING AT THE FIREARM I COULD NOT SEE ANY ENGRAVINGS OR LETTERING THAT WOULD DESCRIBE THE CALIBER. AT THIS TIME I PUT ON MY PATROL GLOVES AND CROUCHED DOWN TO THE WEAPON. I GRABBED THE FIREARM AT THE REAR OF THE UPPER RECEIVER TO TILT THE WEAPON UP SLIGHTLY. I DID SO BY USING MY INDEX FINGER AND MY THUMB ON MY LEFT HAND. AFTER FINDING THE LETTERING ON THE LEFT SIDE OF THE FIREARM, I THEN LAID THE WEAPON BACK ON ITS LEFT SIDE. THE FIREARM AT NO TIME LEFT THE GROUND COMPLETELY. THE FIREARM WAS NOT HANDLED AGAIN UNTIL EVIDENCE TECHNICIANS PELLERIN AND STERNS GATHERED THE FIREARM. AT NO TIME WHILE AT 290 CONGRESS STREET DID I HANDLE ANY OF THE DETAINED SUSPECTS, [REDACTED] BOTH SUBJECTS WERE ALREADY DETAINED BY SEVERAL OTHER OFFICERS. I DID NOT HANDLE ANY OTHER ARTICLES THAT WERE	

Reporting Officer	Department	Report Status:
VINCENT PAUL ROZZI (9848)	PORTLAND PD	Approved
Supervising Officer		Date/Time
TITCOMB, JACOB W.		01/28/2014 21:09
Verifying Officer	Department	Date / Time
PTL JACOB TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 21:09

000071

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:
LT 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

000073

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

000074

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
Revising Officer		Date/Time
...COMB, JACOB W.		01/28/2014 04:32
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 04:32

000075

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 Involv : NO/NO		Total Damaged Property Value : \$0.00		
Evidence Technician name (Last First) : ET PELLERIN, FRANK		Total Stolen Property Value : \$0.00		
Video/Audio (Yes/No) : YES/YES		Total Recovered Property Value : \$0.00		

OFFENSE 1	State Classification		Attempted/Committed
	VIOLATION OF A CONDITIONAL LICENSE		ATTEMPT
	Statute/Ordinance	Location Type	Disposition Date
	VIOLATION OF A CONDITIONAL LICENSE	HIGHWAY/ROADWAY	
Attack Reason : NEITHER GANG OR HATE/BIAS RELATED		Weapon 2 : ALCOHOL	
Weapon 1 : HANDS/FISTS/FEETS			
End of Offense: 1			

OFFENSE 2	State Classification		Attempted/Committed
	REFUSING TO SUBMIT TO ARREST/DETEN.		COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
	REFUSING TO SUBMIT TO ARREST/DETEN.	PARKING LOT/GARAGE	
Attack Reason : GANG RELATED		Weapon 2 : ALCOHOL	
Weapon 1 : HANDS/FISTS/FEETS			
End of Offense: 2			

OFFENSE 3	State Classification		Attempted/Committed
	ASSAULT		COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
	ASSAULT	PARKING LOT/GARAGE	
Attack Reason : GANG RELATED		Weapon 2 : ALCOHOL	
Weapon 1 : HANDS/FISTS/FEETS			
End of Offense: 3			

PERSON 1	Person Type	Business/Person Name		Business Phone
	OFFICER	OFC AGUILERA		
	Home Phone	Person Address		
	Other Phone	Employer Address		
		109 MIDDLE ST PORTLAND, MAINE 04101, CUMBERLAND County		
	Race	Sex	SSN	DL Exp. Date
	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
Revising 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 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

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Portland Police Department

Report 01/28/2014 02:06

Incident Report

Case # 01-14-000806

End of Narrative: 1

Reporting Officer PTL DAN JOSE AGUILERA (4955)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer TITCOMB, JACOB W.		Date/Time 01/28/2014 07:09
Verifying Officer PTL JACOB W TITCOMB (6494)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 07:09

000079

Portland Police Department

Incident Report

Report 01/28/2014 04:46

Case # 01-14-000806

Case #	Report	Occurred From	Occurred To	Report Type
01-14-000806	01/28/2014 04:46	01/28/2014 01:21	01/28/2014 04:00	Supplemental
Dept. Classification	Case Status	Case Status Date	Cleared	
ELEVATED AGGRAVATED ASSAULT				
Common Name				
18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)				
Day of Week : TUESDAY		Officer Vehicle #: 1024		
Hate/Bias : NO		Location Type : SIDEWALKS/ALLEYS		
Gang Related : UNKNOWN		Alcohol Related : YES		
Type of Report : SUPPLEMENT REPORT		Drug Related : YES		
Victim Advocate Invol: NO		Total Damaged Property Value : \$0.00		
Evidence Technician name (Last First) : PELLERIN, FRANK.....STEARNS,		Total Stolen Property Value : \$0.00		
Video/Audio (Yes/No) : YES		Total Recovered Property Value : \$0.00		

N A R R A T I V E	Topic	SUPPLEMENTAL NARRATIVE
	On 1-28-14 at 01:21 hours, I Sgt. David Mulry was on routine patrol driving marked police vehicle (1024) on Riverside St. and heard Officer Haggerty inform dispatch over the police radio that she had heard gunshots near the area of Sangillo's. Several Officer's quickly responded to that area and noticed several people running from the scene. I then heard Officer Haggerty and Officer Aguilera state over the radio that they were in foot pursuit of the potential suspects. As the situation began to unfold, I heard several Officer's inform dispatch that they were continuing to arrive in the area of the shooting and Sgt. Farris also was assigned. I was assigned from Deering and requested over the radio that Sgt. Farris isolate and contain an inner perimeter that consisted of the crime scene at Sangillo's, and I would contain an outer perimeter consisting of the area of 290 Congress St. and Hampshire St. It was at this time that Officer's stated that people were being taken into custody in the area of 290 Congress St. When I arrived in the area I was informed that three people were currently in custody. I heard Sgt. Farris state that there was a shooting victim near Sangillo's and there were several bullet casings at the scene. I then requested that available police units close Congress St. and Franklin St. and Congress St. at India St. Additional streets that were closed were Middle St. at Franklin St. and India St. at Middle St. In closing these streets I believe we had a significant crime scene contained. I then requested a K9 from Westbrook respond to the scene. I requested Dispatch send a blast notification to command staff until I could make the appropriate phone calls and to start the Evidence Tech in on a call out. After several moments I was informed by Officer Rozzi that he had located a .45 cal handgun under the dumpster in the parking lot of 290 Congress St. There was also a light colored sweatshirt that appeared to have been discarded by one of the potential suspects running through that parking lot. These two items were left untouched for ET's Pellerin and Stearns to process. Medcu arrived to take the shooting victim, identified as [REDACTED] to MMC. [REDACTED] was escorted by Officer McDonald. I requested Officer McDonald to collect all of [REDACTED] belongings and to remain with him until further notice.	

Reporting Officer	Department	Report Status:
DAVID MULRY (8598)		Approved
Supervising Officer		Date/Time
MULRY, DAVID J.		01/28/2014 05:48
Verifying Officer	Department	Date / Time
David R Mulry (8598)	PORTLAND POLICE DEPARTMENT	01/28/2014 05:48

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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

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Portland Police Department

Incident Report

Report 01/28/2014 02:47

Case # 01-14-000806

Case #	Report	Occurred From	Occurred To	Report Type
01-14-000806	01/28/2014 02:47			Supplemental
Dept. Classification		Case Status	Case Status Date	Cleared
ELEVATED AGGRAVATED ASSAULT				
Common Name				
HAMPSHIRE ST MIDDLE ST PORTLAND, MAINE				
Hate/Bias : NO		Location Type : SIDEWALKS/ALLEYS		
Gang Related : UNKNOWN		Alcohol Related : UNKNOWN		
Type of Report : SUPPLEMENT REPORT		Drug Related : UNKNOWN		
Victim Advocate Involv : NO		Total Damaged Property Value : \$0.00		
Video/Audio (Yes/No) : YES/YES		Total Stolen Property Value : \$0.00		
Officer Vehicle # : 1005		Total Recovered Property Value : \$0.00		

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		Body Marks:		
Ethnic Origin : NONHISPANIC		End of Person: 3		
P E R S O N 4	Person Type	Business/Person Name		
	WITNESS	[REDACTED]		
	Home Phone	Person Address		
	Other Phone	[REDACTED]		
		Employer Address		
	Race	Sex	SSN	DL Exp. Date
	WHITE	Male		
Birth Date		Birth Place		
[REDACTED]		UNKNOWN		
Age : 43		Adult/Juvenile : ADULT		
Occupation : UNKNOWN		Employer : UNKNOWN		
Operator's License State : MAINE		Body Marks:		
Ethnic Origin : NONHISPANIC		End of Person: 4		

Operator's License State : MAINE		Body Marks:		
Ethnic Origin : NONHISPANIC		End of Person: 5		
P E R S O N 5	Person Type	Business/Person Name		
	WITNESS	[REDACTED]		
	Home Phone	Person Address		
	Other Phone	[REDACTED]		
		Employer Address		
	Race	Sex	SSN	DL Exp. Date
	WHITE	Male		
Birth Date		Birth Place		
[REDACTED]		UNKNOWN		
Age : 38		Adult/Juvenile : ADULT		
Occupation : UNKNOWN		Employer : UNKNOWN		
Operator's License State : MAINE		Body Marks:		
Ethnic Origin : NONHISPANIC		End of Person: 5		

Operator's License State : MAINE		Body Marks:		
Ethnic Origin : NONHISPANIC		End of Person: 6		
P E R S O N 6	Person Type	Business/Person Name		
	WITNESS	[REDACTED]		
	Home Phone	Person Address		
	Other Phone	[REDACTED]		
		Employer Address		
	Race	Sex	SSN	DL Exp. Date
	WHITE	Male		
Birth Date		Birth Place		
[REDACTED]		UNKNOWN		
Age : 45		Adult/Juvenile : ADULT		
Occupation : UNKNOWN		Employer : UNKNOWN		
Operator's License State : MAINE		Body Marks:		
Ethnic Origin : NONHISPANIC		End of Person: 6		

Operator's License State : MAINE		Body Marks:		
Ethnic Origin : NONHISPANIC		End of Person: 7		
P E R S O N 7	Person Type	Business/Person Name		
	WITNESS	[REDACTED]		
	Home Phone	Person Address		
	Other Phone	[REDACTED]		
		Employer Address		
	Race	Sex	SSN	DL Exp. Date
	WHITE	Male		
Birth Date		Birth Place		
[REDACTED]		UNKNOWN		
Age : 45		Adult/Juvenile : ADULT		
Occupation : UNKNOWN		Employer : UNKNOWN		
Operator's License State : MAINE		Body Marks:		
Ethnic Origin : NONHISPANIC		End of Person: 7		

Reporting Officer		Department	
ERIC D JOHNSON (6604)		PORTLAND POLICE DEPARTMENT	
Supervising Officer		Report Status:	
TITCOMB, JACOB W.		Approved	
Verifying Officer		Date/Time	
PTL JACOB W TITCOMB (6494)		01/28/2014 06:12	
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		Adult/Juvenile : ADULT	
Occupation : UNKNOWN		Employer : UNKNOWN	
Ethnic Origin : NONHISPANIC		Body Marks:	
End of Person: 7			

P E R S O N 8	Person Type	Business/Person Name			Business Phone
	WITNESS				
	Home Phone	Person Address			
	Other Phone	Employer Address			
		Use Address from Incident Location Information			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Female			UNKNOWN
Birth Date	Birth Place				
Age : 57		Adult/Juvenile : ADULT			
Occupation : BARTENDER		Employer : SANGILLOS			
Ethnic Origin : NONHISPANIC		Body Marks:			
End of Person: 8					

P E R S O N 9	Person Type	Business/Person Name			Business Phone
	WITNESS				
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			UNKNOWN
Birth Date	Birth Place				
Age : 24		Adult/Juvenile : ADULT			
Occupation : UNKNOWN		Employer : UNKNOWN			
Ethnic Origin : NONHISPANIC		Body Marks:			
End of Person: 9					

N A R R A T I V E 1	Topic	SUPPLEMENTAL NARRATIVE
	On 1-28-14 I, Officer Eric Johnson, was assigned a routine uniformed patrol in Portland police vehicle 1005. At approximately 0121hrs. Officer Hagerty broadcast via police radio that the sound of shots fired had been heard near Sangillo's, located at 18 Hampshire street, and that three suspects were seen fleeing the scene on Hampshire towards Congress.	
	I immediately responded to the area and arrived at the intersection of Middle street and Hampshire street within seconds. I blocked the intersection with my vehicle and had a clear view up Hampshire and to the front entrance of Sangillo's.	
	As I exited my vehicle I observed a black male laying in the middle of Hampshire street against a car just outside of the bar. The male was calling out pain and rolling on the ground. A group of patrons from the bar began exiting out into the scene and a gray sedan () pulled out of the parking lot of Sangillo's. I ordered the group coming out of the bar to the ground and for the vehicle to	

Reporting Officer	Department	Report Status:
ERIC D JOHNSON (6604)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
TITCOMB, JACOB W.		01/28/2014 06:12
Verifying Officer	Department	Date / Time
PTL JACOB W TITCOMB (6494)	PORTLAND POLICE DEPARTMENT	01/28/2014 06:12

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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 aruging with a number of other people including an african american woman. He claimed to be able to identify the tall male if seen again. Officer Brown responded to the scene and took his statement. The other patrons were identified as [REDACTED]. The bartender was identified as Kristine Kurro [REDACTED]. The other employee was Otto Shorey [REDACTED].

The three occupants of the vehicle leaving the parking lot were transported to the Portland police station by Officers responding to the scene. I did not reconize any of these men nor did I identify them. The injured victim was transported to the Maine medical center for treatment.

Once identified the group from the bar were allowed to leave the scene. I remained to assist in securing the scene which included the entrance area of the bar and Mrs. Kurro's vehicle which the victim had been leaning against and which suffered a bullet hole in the drivers door. At approximately 0151hrs. PPD evidence techs arrived on scene. I stayed on to provide scene security until relieved at approximately 0345.

-End of supplement-
EDJ

End of Narrative: 1

Reporting Officer ERIC D JOHNSON (6604)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer TITCOMB, JACOB W.		Date/Time 01/28/2014 06:12
Verifying Officer PTL JACOB W TITCOMB (6494)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 06:12

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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 Involr : 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 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 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			
		[REDACTED]			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
WHITE	Male	[REDACTED]		[REDACTED]	
Birth Date	Birth Place				
[REDACTED]					
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 WINTR		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

000091

Portland Police Department
Incident Report

Report 01/28/2014 02:27

Case # 01-14-000806

PERSON 3	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

NARRATIVE 1	Topic	SUPPLEMENTAL NARRATIVE
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:
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

000092

REMAINING PAGES 2-11 Content 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:
L 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

Reporting Officer PTL ERIK MATTHEW RICHARD (2745)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Servicing Officer FARRIS, TIMOTHY L.		Date/Time 01/28/2014 08:45
Verifying Officer SGT Timothy Farris (4413)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 08:45

000094

01-14-000806

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					
Hate/Bias : Unknown					
Gang Related : UNKNOWN					
Type of Report : SUPPLEMENT REPORT					
Victim Advocate Involv : NO					
Evidence Technician name (Last First) : PELLERIN, FRANK					
Video/Audio (Yes/No) : NO/NO					
Officer Vehicle # : N/A					
Location Type : BAR/NIGHT CLUB					
District : NOT APPLICABLE					
Zone/Division : LATE (00:01-07:59)					
Alcohol Related : UNKNOWN					
Drug Related : UNKNOWN					
Total Damaged Property Value : \$0.00					
Total Stolen Property Value : \$0.00					
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 : SUPPLEMENTAL 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
	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

000096

Portland Police Department

Incident Report

Report 01/28/2014 05:30

Case # 01-14-000806

THE FRONT, UNKNOWN TO ME AT THE TIME. OFFICER AGUILERA TOLD OFFICER TURNER AND I THAT THE MALE WAS REACHING FOR SOMETHING WHILE RUNNING FROM HIM.

A PAT DOWN OF THE SKINNY BLACK MALE'S PERSON YIELDED TO THE DISCOVERY OF A CLEAR BAGGIE CONTAINING A LARGE AMOUNT OF MARIJUANA. THIS BAGGIE WAS FOUND IN THE FRONT LEFT POCKET OF THE MALE'S VEST. \$1950.00 IN CASH WAS ALSO FOUND IN THE SKINNY BLACK MALE'S LEFT JEANS POCKET. THIS SKINNY BLACK MALE WAS PLACED INSIDE OF VEHICLE 1009 WHILE OFFICERS CANVASSED THE AREA FOR A HANDGUN IN THE AREA.

DURING THIS TIME PERIOD, OTHER UNITS IN THE AREA OF 290 CONGRESS STREET WERE CALLING OUT THAT THEY HAD MORE SUBJECTS DETAINED IN RELATION TO THIS INCIDENT.

A SHORT TIME AFTER PLACING THE SKINNY BLACK MALE INTO VEHICLE 1009, I HEARD OFFICER ROZZI CALL ON THE RADIO THAT HE HAD LOCATED A HANDGUN UNDERNEATH THE DUMPSTER LOCATED ON THE NORTH SIDE OF RITE AID.

WHILE CONDUCTING A SECONDARY SEARCH OF THE PARKING LOT ON THE CONGRESS STREET SIDE OF RITE AID, I NOTICED A DARK COLORED HOODED SWEATSHIRT LYING NEAR SEVERAL PICK UP TRUCKS ON THE CONGRESS STREET SIDE OF THE RITE AID PARKING LOT, DIRECTLY IN FRONT OF RITE AID. OFFICERS ON SCENE WERE ALREADY AWARE OF THE PRESENCE OF THIS SWEATSHIRT. AT THE TIME OF THIS REPORT I AM UNAWARE WHO FIRST POINTED OUT THIS SWEATSHIRT, OR ITS RELATION TO THIS INCIDENT.

UPON THE REQUEST OF ON-SCENE SUPERVISORS, OFFICER TURNER AND I TRANSPORTED THE SKINNY BLACK MALE TO THE PORTLAND POLICE DEPARTMENT TO BE INTERVIEWED BY CID. AT THE TIME OF TRANSPORT, THE SKINNY BLACK MALE IDENTIFIED HIMSELF AS [REDACTED]. I OBTAINED A MUG SHOT OF THE MALE BY THIS NAME AND FOUND THE MALE IN CUSTODY TO MATCH THE MUG SHOT.

OFFICER TURNER AND I REMAINED INSIDE VEHICLE 1009 WITH [REDACTED] UNTIL CID SGT GOODALE REQUESTED THAT HE BE BROUGHT UPSTAIRS TO THE INTERVIEW ROOM. PORTIONS OF THIS CALL, AS WELL AS [REDACTED] TRANSPORT WERE CAPTURED ON THE IN CAR VIDEO SYSTEM IN VEHICLE 1009.

End of Narrative: 1

Reporting Officer JL MATTHEW R MORRISON (9702)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer MULRY, DAVID J.		Date/Time 01/28/2014 06:18
Verifying Officer David R Mulry (8598)	Department PORTLAND POLICE DEPARTMENT	Date / Time 01/28/2014 06:19

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				
	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 : 25		Employer : U/E		
	Occupation : U/E		Coat : BLUE/RED		
	Operator's License State :		Hat : BLACK		
	Ethnic Origin : NONHISPANIC		Pants : DARK JEANS		
	Min. Height : 5'96"		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] [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 DET. 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:
PTL 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 (██████), 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

I 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
	1	ON 01/28/2014 AT APPROXIMATELY 0600 HOURS I, OFFICER ERIK RICHARD WAS CONDUCTING A VEHICLE INSPECTION OF VEHICLE 1006.
		UPON INSPECTION OF THE REAR SEAT I FOUND A BLACK STARTER BASEBALL HAT WITH THE WORDS "DESTROY" AND "WORLDWIDE", AS WELL AS A REDWING STITCHED ONTO THE FRONT OF THE HAT. AT THIS TIME IT IS UNSURE WHICH OF THE SEVEN PEOPLE DETAINED AND TRANSPORTED TO 109 MIDDLE STREET WAS IN THE REAR SEAT OF VEHICLE 1006. I PLACED THE HAT INTO EVIDENCE LOCKER #010 AT 109 MIDDLE STREET.
		I ALSO LATER LEARNED THAT IN MY INITIAL SUPPLEMENT THE PERSON THAT I TRANSPORTED FROM THE SCENE TO 109 MIDDLE STREET GAVE ME THE NAME OF [REDACTED] THE CORRECT NAME OF THE PERSON I TRANSPORTED WAS [REDACTED]
	End of Narrative: 1	

Reporting Officer	Department	Report Status:
ERIK MATTHEW RICHARD (2745)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
FARRIS, TIMOTHY L.		01/28/2014 08:02
Verifying Officer	Department	Date / Time
SGT TIMOTHY L FARRIS (4413)	PORTLAND POLICE DEPARTMENT	01/28/2014 08:02

000102

Portland Police Department

Incident Report

Report 02/01/2014 17:11

Case # 01-14-000958

INCIDENT	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				
OFFENSE	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 Involvement : NO/NO		Total Stolen Property Value : \$0.00			
Evidence Technician name (Last First) : NO/NO		Total Recovered Property Value : \$0.00			
OFFENSE 1	State Classification				Attempted/Committed
	FURNISHING LIQUOR TO A MINOR				COMMITTED
	Statute/Ordinance		Location Type	Disposition Date	
	FURNISHING LIQUOR TO A MINOR		BAR/NIGHT CLUB		
Weapon 1 : ALCOHOL					
End of Offense: 1					
OFFENSE 2	State Classification				Attempted/Committed
	POSSESSION OF ALCOHOL BY A MINOR				COMMITTED
	Statute/Ordinance		Location Type	Disposition Date	
	POSSESSION OF ALCOHOL BY A MINOR		BAR/NIGHT CLUB		
Weapon 1 : ALCOHOL					
End of Offense: 2					
PERSON 1	Person Type		Business/Person Name		Business Phone
	SUSPECT		SANGILLOS		
	Home Phone		Person Address		
	Other Phone		Employer Address		
	Use Address from Incident Location Information				
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	Birth Date		Birth Place		
	Employer : SANGILLOS		Body Marks:		
End of Person: 1					

Reporting Officer	Department	Report Status:
KALI N HAGERTY (8406)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
HUTCHESON, GARY		02/01/2014 19:03
Verifying Officer	Department	Date / Time
Lt. Gary L Hutcheson (9341)	Portland	02/01/2014 19:04

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		Person Address				
	Home 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 Hutcheson (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 # 01-14-000953

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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 KALIN HAGERTY (8406)	Department PORTLAND POLICE DEPARTMENT	Report Status: Approved
Supervising Officer HUTCHESON, GARY		Date/Time 02/01/2014 19:03
Verifying Officer Lt. Gary L Hutcheson (9341)	Department Portland	Date / Time 02/01/2014 19:04

000105

01-14-000953

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 Kait 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

01-14-000958

14-000958

015071

State of Maine
 License # 14-00670 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: NANA SANGILLO (individual or corporation)DBA: Sangillo'sAddress: 18 Hampshire StCity/Town: Portland 04101Premise Lic. #: 8183Tel: [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&P: _____

FOR:

Did allow a minor to
remain on the premise of a
lounge. To wit: [REDACTED]

[REDACTED] Age 19 yrs (violation) (for cases involving minors, include minor's age)

which occurred on or about:

Date: 01-28-14 Time: 0014 hrs

*** Signing This Notice Is Not An Admission Of Guilt ***

In order to resolve this matter, you or your attorney may, after 14 days from the day of this notice being served upon you, but within 21 days, contact the Commissioner of the Department of Public Safety or his representative by telephone at 624-7231 or in writing to this office, to the attention of the Commissioner, Department of Public Safety, 164 State House Station, Augusta, ME 04933-0087 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

Title (if applicable)

Date

Signature of Inspector/Officer

Agency

Date

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: 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 Mod: 1
To: Street #: 000018 Dir: Name: HAMPSHIRE Sfx: ST Mod: 1
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.

GENNETTE CARDULLO-BRANCO
GENNETTE CARDULLO-BRANCO
GENNETTE CARDULLO-BRANCO
GENNETTE CARDULLO-BRANCO
GENNETTE CARDULLO-BRANCO
GENNETTE CARDULLO-BRANCO

NOT WELCOMED AT MILESTONE, BUT IS WELCOME AT OXFORD STR SHELTER. SM

MAINE ARREST TRACKING NUMBER RESPONSE

ATTN ASSIGNED MB00030500 ; 043822B

SVETLANA MILJKOVIC
SVETLANA MILJKOVIC
GENNETTE CARDULLO-BRANCO
GENNETTE CARDULLO-BRANCO
GENNETTE CARDULLO-BRANCO
GENNETTE CARDULLO-BRANCO
GENNETTE CARDULLO-BRANCO

001 4424

132420023 P SPECIAL ATTENTION CH 8/30/13 000018 HAMPSHIRE ST
GOA/WILL GIVE SA ✓ 1:00:49 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

132430296 P INTOXICATED PERSON 8/31/13 000018 HAMPSHIRE ST
HANDLED BY HOME TEAM 12:52:42 SANGILLOS

P-1B

F-A05

E-

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 LUTZKE

132430315 P PERSON(S) REFUSING T 8/31/13 000018 HAMPSHIRE ST
GOA 13:04:17 SANGILLOS

P-1B

F-A05

E-

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 OVER TO TRY TO HELP HIM AND HE REFUSED. SANGILLOS WANT HIM MOVED ALONG

ANTHONY FAVREAU
ANTHONY FAVREAU
ANTHONY FAVREAU

HE LEFT ON HIS OWN THEY WILL CALL BACK IF HE RETURNS

SANELA NAPIJALIC

132520228 P PROPERTY/FOUND 9/09/13 000018 HAMPSHIRE ST
REPORT TAKEN 12:24:21 SANGILLOS

P-1B

F-A05

E-

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
GOA/WILL GIVE SA ✓ 0:30:51 SANGILLOS

P-1B

F-A05

E-

NOT counted in review

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 - 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
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 402 412 421 607 511
Units Responded: 400 402 412 421 607 511 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: 412
Narrative: 412: JUVENILES RAN FROM ME INTO 42 NEWBURY AND WENT TO
SANGILLOS ONE HAS A 10-32

KIMBERLY PAULIS
KIMBERLY PAULIS

402: 10-29 A HANDGUN - ROSSI .38 SPECIAL EX42901
NO RECORD SER/EX42901

JESSICA RAMSAY
KIMBERLY PAULIS

MAINE ARREST TRACKING NUMBER RESPONSE
ATN ASSIGNED M80030500 : 0469328

SIDNEY DOYLE
SIDNEY DOYLE
SIDNEY DOYLE
SIDNEY DOYLE
SIDNEY DOYLE
SIDNEY DOYLE
SIDNEY DOYLE

CTN ASSIGNED:
001 9775
IN CHRI NER 674 AT 09/22/2013 01:13:54
OUT PORTPD01 9 AT 09/22/2013 01:13:54 MRI 11713

132990312 P POSSIBLE OUI
NEGATIVE CONTACT

10/26/13 000018 HAMPSHIRE ST P-1B F-A05 E-
15:51:57 SANGILLOS
Units Responded: 202 215
Response Time (Call to Arrival-First Unit) Unit #: NONE Time (HH:MM:SS): 0:00:00
Narrative: MALE JUST LEFT SANGILLOS VERY 43 IS HEADING WEST ON MIDDLE KEVIN DICKINSON

Call change from POSSOUI to POSSOUI IP BY POST3A F 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 OXI JEANS KEVIN DICKINSON
17 IS ON FOOT, JUST SAW MALE TURN ONTO EXCHANGE TOWARDS KEVIN DICKINSON
THE WATERFRONT KEVIN DICKINSON

132990444 P LIQUOR VIOLATION
REPORT TAKEN
CITATION ISSUED

10/26/13 000018 HAMPSHIRE ST 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

133250566 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

000111

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14 Computer Aided Dispatch Div: 001 Page: 12
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: 301 303 501 505 521 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 IF 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
ATN ASSIGNED M80030500 : 0557048 JESSICA RAMSAY
CTN ASSIGNED JESSICA RAMSAY
001 11283 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-
GOM/WILL GIVE SA ✓ 20:00:23 SANGILLOS
Units Responded: 311 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: 311
133300012 P SPECIAL ATTENTION CH 11/26/13 000018 HAMPSHIRE ST P-1B F-A05 E-
PROVIDED SERVICE ✓ 0:58:10 SANGILLOS
Units Responded: 612 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: 612
133300592 P FOLLOW UP 11/26/13 000018 HAMPSHIRE ST P-1B F-A05 E-
PROVIDED SERVICE ✓ 22:10:45 SANGILLOS
Units Responded: 501 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: 501
133540017 P SPECIAL ATTENTION CH 12/20/13 000018 HAMPSHIRE ST P-1B F-A05 E-
GOM/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

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14 Computer Aided Dispatch Div: 001 Page: 14
Program: CAD106A 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

412: REVIEWED MY TAPE FROM AREA, SAW DRX COLORED, BLK OR
MAR CHEVY OLDER MODEL SUV
401: TO 109 WITH SUBJ
606: HAVE 1 OF 403'S DETAINEES 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

Call change from SHOTS to SHOOT BY PORT6A P 01 0000001474

MITCHELL LOTZKE

The following units paged:
CO01P007

XPAGED
XPAGED

Recommendation: None available
Units types short:
01 DISPATCHER

ZRECOMD
ZRECOMD
ZRECOMD
ZRECOMD

Case Aborted: 5. Help arrived

PQAM_ABT

Case Aborted

DELAYED ENTRY FROM 622: ALL UNITS BRING DETAINEES TO FRONT
OF 109 AND STAY IN INDIVIDUAL CRUISERS WAITING FOR CID

PQAM_BTS

621: [REDACTED]
621: 406 WENT TO MMC WITH MEDCU AND VICTIM
422: 10-8 FROM THE SCENE

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

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 SMG

SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
SUSAN GORHAM
JENNIFER LEE
JENNIFER LEE
JENNIFER LEE

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 408: MOVE PERIMETER IN TO HAMPSHIRE/CONGRESS

SUSAN GORHAM
SUSAN GORHAM

000114

SYSTEM: SunGard Date Range: 1/01/13 - 1/30/14 Computer Aided Dispatch Div: 001 Page: 15
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 - V/F/R	
	422 TO 412: MOVE TO FEDERAL ST AT REAR OF 290 CONGRESS ST		SUSAN GORHAM
	406: W/PT, MOVING TO ROOM 1029, SCU 3, NO CELL SERVICE,		SUSAN GORHAM
	AND PORTABLE HAS DIED, SMG		SUSAN GORHAM
	621: CLEAR THE SCENE FOR A MIN, TO 109 FOR BATTERY		SUSAN GORHAM
	621: HAVE C TEAM UNIT RELIEVE 412 AT HAMPSHIRE/NEWEURY		SUSAN GORHAM
	621: 10-8, WORKING ON RPT		SUSAN GORHAM
	622: 406 IS ALL SET TO CLEAR MMC AND CAN 10-19 TO WRITE		SUSAN GORHAM
	406: WILL BE AT FRONT ENTRANCE, NEED A RIDE BACK TO 109		SUSAN GORHAM
	604: ENROUTE		SUSAN GORHAM
	405: 10-8, 01-19		SUSAN GORHAM
	406 TO 733: I HAVE THE VICTIM'S CLOTHING, ENROUTE TO 109		SUSAN GORHAM
	604: 10-8		SUSAN GORHAM
	610: 10-8		SUSAN GORHAM
	*****		SUSAN GORHAM
	622: HAVE A UNIT RELIEVE 407 AT PPD, 1ST FLOOR NEAR FAMILY		SUSAN GORHAM
	CRISIS TO STAY WITH WARRANT ARREST.		SUSAN GORHAM
	603: ENROUTE		SUSAN GORHAM
	422: STARTING TO CUT PEOPLE LOOSE NOW 400 UNITS HERE		JENNIFER LEE
	AT 109 WRITING OR 10-7 AT THIS POINT		JENNIFER LEE
	BROADWAY TOWING ASSIGNED TO TOW [REDACTED] TO PPD BASEMENT		PHILIP VIOLA
	605: HOLDING THE SCENE		PHILIP VIOLA
	CASE [REDACTED] PULLED FOR 603'S WARRANT ARREST		KURT ELKANICH
	A&T ASSIGNED TO TO [REDACTED] TO PPD BASEMENT		LOUIS LEARY
	MAINE ARREST TRACKING NUMBER RESPONSE		PHILIP VIOLA
	ATN ASSIGNED ME0030500 : 0670892		TIMOTHY DUNTON
	[REDACTED]		TIMOTHY DUNTON
	CTN ASSIGNED:		TIMOTHY DUNTON
	001 9632		TIMOTHY DUNTON
	002 8382		TIMOTHY DUNTON
	003 11513		TIMOTHY DUNTON
	IN CHRI NER 1860 AT 01/28/2014 08:41:58		TIMOTHY DUNTON
	OUT PORTFD03 21 AT 01/28/2014 08:41:58 MRI 25598		TIMOTHY DUNTON

140280510 P SPECIAL ATTENTION CM 1/28/14 000018 HAMPSHIRE ST P-1B F-A05 E-
PROVIDED SERVICE ✓ 18:46:43 SANGILLOS
Units Responded: 301 Time (HH:MM:SS): 0:00:00
Response Time (Call to Arrival-First Unit) Unit #: 301
Narrative: stepped into the establishment and there were no 301
customers...all set...brown 301

140290068 P VIOLATION OF BAIL CO 1/29/14 000018 HAMPSHIRE ST P-1B F-A05 E-
REPORT TAKEN/ENDS CA 8:07:08 SANGILLOS

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

Sfx: ST Modf:
 Sfx: ST Modf:

Selections by Address Range... From: Street #: 000018 Dir: Name: HAMPSHIRE
 To: Street #: 000018 Dir: Name: HAMPSHIRE
 Common Name..... SANGILLOS

City: 001 PORTLAND

Map Reference - P/F/E

Call#/DP Type/Disposition

Time Incident Location
 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 5/15/13 000018 HAMPSHIRE ST AREA P-1B F-A05 E-
 RESTORED PEACE 1:24:48 SANGILLOS
 Units Responded: 521 604 606 621 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 I CAN SEE BUT HE THINKS THERE MIGHT BE
 MORE, NOW THINKS IT IS A FIGHT
 Call change from DISTORB to FIGHT IP BY POSTSA 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
 CLASS: WPH1 TELCO: ATTMO LAT: 043.661395 LGN: 070.256087
 GET TOGETHER OR A BAR.
 ON CALLBACK, GOT A VM.
 GENNETTE CARDULLO-BRANCO
 GENNETTE CARDULLO-BRANCO
 GENNETTE CARDULLO-BRANCO

SYSTEM: SunGard Data Range: 2/10/14 - 2/10/14 Computer Aided Dispatch Div: 001 Page: 1
Program: CAD306A Time Window: 0:00:00 - 99:99:99 Call Summary Dpt: 001 Date: 2/10/14
List: All call types

Selections by Address Range... From: Street #: 000018 Dir: Name: HAMPSHIRE Sfx: ST Modf:
To: Street #: 000018 Dir: Name: HAMPSHIRE Sfx: ST Modf:
Common Name..... SANGILLOS

City: 001 PORTLAND

Call#/DP	Type/Disposition	Time	Incident Location	Map Reference - P/F/E	
140410434 P	FOLLOW UP	2/10/14 000018	HAMPSHIRE ST	P-1E	F-R05 E-
		16:40:33	SANGILLOS		
		Units Responded:	401		Time (HH:MM:SS): 0:00:01
		Response Time (Call to Arrival-First Unit)	Unit #: 401		

NO DISPOSITIONS **

000117

INCIDENT REPORTS RELATED TO THE PREMISE

Report - 05/18/2013 12:21

Case # 01-13-004024

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PERSON

000119

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>10 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 Det. Poisson
At (Location) 109 Middle St

Date 5-18-13 Time 1200 Page 1 of 1

I give my permission to the Portland Police Department to give this report to the Family Crisis Shelter's Intervention Project so that they can provide me with more information about my rights and services available to me.	I give my permission to Cumberland County Jail to block the following telephone number and inmate telephones to prevent offender from calling while in custody. Telephone Number(s) _____
Signature _____	

Narrative: My name is [REDACTED] and I want to make this statement. Last night, I was at Sangillo's Tavern last night with my friend. She got into an argument with a guy inside the bar that I did not know. We left the bar, but came back later to get someone. When I got out of my car, we saw the same guy again in the parking lot. He was with another male that I had never seen before. The second male put his hand up to me, to stop me from talking, but I hadn't said anything. I asked the male what the problem was and tried to swing at me and hit me. He ducked out of the way, but the male

Signature [REDACTED] Witnessed By APK 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 Rte A-1 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 : NONHISPANIC		Body Marks:			
End of Person: 1					

P E R S O N 2	Person Type	Business/Person Name		Business Phone	
	VICTIM	City of portland			
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	Birth Date	Birth Place			
Body Marks:					
End of Person: 2					

Reporting Officer	Department	Report Status:
EFREY 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						PHONE #		SS #	
Transient									
SEX	RACE	NATIONALITY	MARITAL STATUS	BUILD	HEIGHT	WEIGHT	HAIR	EYES	COMPLEXION
M	H		Single	15	5'7"	170	BR	BR	
GLASSES	DENTURES	MARKS, SCARS, TATTOOS				ALIAS(ES) MAIDEN NAME IF MARRIED			
EDUCATION		OCCUPATION		EMPLOYER ADDRESS				PHONE #	
POB				POB MOTHER					
MILITARY SERVICE				SERVICE NUMBER		BASIS FOR CAUTION			PROBATION
									☐ YES ☐ NO
NEAREST RELATIVE			ADDRESS			PHONE #		RELATIONSHIP	

JUVENILE DATA

PARENT/GUARDIAN		ADDRESS		RES. PHONE		BUS. PHONE	
SIGNATURE PARENT/GUARDIAN		REPORT TO YOUTH AID (DATE/TIME)		OFFICER NOTIFYING PARENTS			
N/A							
PROBATION		PROBATION OFFICER				DHS CUSTODY	
☐ YES ☐ NO						☐ YES ☐ NO	

ARREST DATA (ADULT AND JUVENILE)

DATE/TIME OF ARREST		LOCATION OF ARREST		HANDCUFFED		☒ YES ☐ NO	
8/30/13 0027		203 Oxford St		DOUBLE LOCKED		☒ YES ☐ NO	
OFFENSE/CHARGE(S) FIRST MOST SERIOUS WITH BAIL OR SENTENCE				TITLE	SECTION	CLASS	DISPOSITION
1. Criminal Trespass				NA	402	E	
2.							
3.							
4.							

VEHICLE INVOLVED

COLOR	YEAR	MAKE	BODY	REG #	VIN #
LEGAL PAPERS (WARRANTS, DETAINER, MITTIMUS, ETC.)				OTHER PERSON(S) ARRESTED SAME TIME	

SOBRIETY		NARCOTIC DRUGS INVOLVED-TYPE		DRUGS FOUND BY:	
Intox		alcohol		ARRESTING OFFICER ☐ JAIL OFFICER ☐ OTHER ☐	
NAME INDEX CHECKED BY		DATE/TIME		PPD #	10-29 CHECK
J. Routh				75131	☒ YES ☐ NO
PHOTO	PRINTS	PALMS			
☒ YES ☐ NO	☒ YES ☐ NO	☐ YES ☒ NO			
ARRESTING OFFICER'S NAME			OTHER OFFICERS INVOLVED IN ARREST		
J. Routh					
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 1	State Classification		Attempted/Committed
	ILLEGAL SALE LIQUOR TO MINOR		COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
	ILLEGAL SALE LIQUOR TO MINOR	BAR/NIGHT CLUB	
	SANGILLO'S TAVERN (SUSPECT, Primary Role)		Forced Entry : NO
Attack Reason : NEITHER GANG OR HATE/BIAS RELATED		Computer Theft : NO	
Weapon 1 : ALCOHOL		Structure Occupancy : OCCUPIED	
How Entry : DOOR (FRONT)		Criminal Activity 1 : SELL	
Where Entry : DOOR (FRONT)		Evidence Collected : NO	
Where Exit : DOOR (FRONT)			
End of Offense: 1			

PERSON 1	Person Type	Business/Person Name		Business Phone
	OFFICER	ANDJEKO NAPIJALO		
	Home Phone	Person Address		
	Other Phone	Employer Address		
		109 MIDDLE ST PORTLAND, MAINE 04101, CUMBERLAND County		
	Race	Sex	SSN	DL Exp. Date
	WHITE	Male		
Birth Date	Birth Place			Operator's License Number
Occupation : POLICE OFFICER		Employer : PORTLAND POLICE DEPARTMENT		
Adult/Juvenile : ADULT		Body Marks:		
End of Person: 1				

PERSON 2	Person Type	Business/Person Name		Business Phone
	VICTIM	STATE OF MAINE		
	Home Phone	Person Address		
	Other Phone	Employer Address		
	Race	Sex	SSN	DL Exp. Date
Birth Date	Birth Place			Operator's License Number
Body Marks:				
End of Person: 2				

Reporting Officer	Department	Report Status:
1 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	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Female			
	Birth Date	Birth Place			
Age : 33					Body Marks:
Adult/Juvenile : ADULT					
End of Person: 3					

P E R S O N 4	Person Type	Business/Person Name			Business Phone
	SUSPECT	SANGILLO'S TAVERN			
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Use Address from Incident Location Information				
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
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				
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
	Birth Date	Birth Place			
Age : 19					Body Marks:
Adult/Juvenile : ADULT					
End of Person: 5					

N A R R A T I V E 1	Topic	ORIGINAL NARRATIVE
	On 10/26/2013 at approximately 1950 hours, I (Officer Thomas Kwok) was participating in a liquor enforcement detail with Officer Napijalo and a civilian participant (D.O.B. 1994). During this detail, Officer Napijalo and I were in civilian clothes. At this time, Officer Napijalo and Mr. 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.). Mr. used a \$20 bill to purchase the beers and Ms. Emmerton did not ask for his identification or his age. Once Mr. completed the transaction, he left the tavern with Officer Napijalo. Officer Napijalo and I approached the tavern and identified ourselves with our badges as Portland police officers to Ms. Emmerton. After informing Ms. Emmerton about the liquor enforcement detail, we issued a State of	

Reporting Officer	Department	Report Status:
THOMAS WC KWOK (6821)	PORTLAND POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
NEVINS, ERIC M.		10/26/2013 23:22
Verifying Officer	Department	Date / Time
SGT ERIC M NEVINS (5845)	PORTLAND POLICE DEPARTMENT	10/26/2013 23:22

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

11/10/50
Portland Police Department
Liquor Enforcement Civilian Participant Witness Statement

Case# 13-9447

My name is [REDACTED]. My date of birth is [REDACTED] 1994. 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 Kwasick, Andelko Napijale

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 @m/a.m., I entered Sangilla's Tavern which is located at 18 Hampshire Street in Portland. I presented [or was served] the following liquor beverage Bud Light to a person for purchase. The person allowed me to purchase this liquor beverage. The person's description is as follows: Approximate height: 5'5"; Approximate weight: 130 lbs; Hair Color: BR; Eye Color: BR; and other distinguishing characteristics: dressed as a nun for halloween costume.

This person was later identified to me by officers as Jenessa L Emmerton

I also made the following [if any] relevant observations in regard to this incident: Officer Napijale and I walked into Sangilla's Tavern at approximately 7:47 pm. 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

State of Maine Case - 13-9997

015174S

Notice of Liquor License
Administrative Violation and
SHORT FORM COMPLAINT

The Department of Public Safety hereby gives notice of an administrative action being brought against:

LICENSEE:

Name: Songillo's Tavern (individual or corporation)DBA: Songillo'sAddress: 180 Hampshire StCity/Town: PortlandPremise Lic. #: 8183 Tel: [REDACTED]

OR SELLER/SERVER:

Name: Janessa L FennertonAddress: [REDACTED]City/Town: [REDACTED] Tel: [REDACTED]DOB: [REDACTED] HT: 5'6" WT: 130 HR: DR EYES: BR

In violation of:

Title: 24-A Section: 705(1)(E) (or) R&R: [REDACTED]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: 10/13 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 10/24/13
Signature of Inspector/Officer Agency Date

White & Yellow - D.P.S. copies Pink copy - Officer Blue copy - Licensee/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	Department	Date / Time
SGT DANIEL HAYDEN (8166)	PORTLAND POLICE DEPARTMENT	11/23/2013 05:58

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01-13-010804

Portland Police Department

Incident Report

Report 11/23/2013 01:10

Case # 01-13-010804

End of Person: 1					
PERSON 2	Person Type	Business/Person Name			Business Phone
	OFFICER	JESSICA BROWN			(207) 874-8575
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Female			
Birth Date		Birth Place			
Ethnic Origin : NONHISPANIC			Employer : POLICE DEPARTMENT		
Adult/Juvenile : ADULT			Body Marks:		
End of Person: 2					
PERSON 3	Person Type	Business/Person Name			Business Phone
	OFFICER	PAUL KING			(207) 874-8575
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
	WHITE	Male			
Birth Date		Birth Place			
Ethnic Origin : NONHISPANIC			Employer : POLICE DEPARTMENT		
Adult/Juvenile : ADULT			Body Marks:		
End of Person: 3					
PERSON 4	Person Type	Business/Person Name			Business Phone
	COMPLAINANT	ANDREA LEE			
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Use Address from Incident Location Information				
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
WHITE	Female				
Birth Date		Birth Place			
Adult/Juvenile : ADULT			Body Marks:		
Employer : SANGILLOS					
End of Person: 4					
PERSON 5	Person Type	Business/Person Name			Business Phone
	WITNESS	EMERSON BOXILL			
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Use Address from Incident Location Information				
	Race	Sex	SSN	DL Exp. Date	Operator's License Number
BLACK	Male				
Birth Date		Birth Place			
Age : 40			Adult/Juvenile : ADULT		
Occupation : SECURITY			Employer : SANGILLOS		
Ethnic Origin : NONHISPANIC			Body Marks:		
Reporting Officer					
RYAN R GAGNON (850)		Department		Report Status:	
		PORTLAND POLICE DEPARTMENT		Approved	
Supervising Officer					
HAYDEN, DANIEL				Date/Time	
				11/23/2013 05:57	
Verifying Officer					
SGT DANIEL HAYDEN (8166)		Department		Date / Time	
		PORTLAND POLICE DEPARTMENT		11/23/2013 05:58	

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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

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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

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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

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PORTLAND POLICE DEPARTMENT

WITNESS STATEMENT

Case No. <u>13-10804</u>	Complainant <u>Tina ?</u>	Address <u>- SAME -</u>
Type of Offense <u>Dis. Conduct / Ref. to Subvert</u>	Date of Occurrence <u>11-23-13</u>	

Statement of: Name Emerson Boxill Address 18 Hampshire St.
Portland, ME 04101 Date of Birth [REDACTED] Phone [REDACTED]

Statement Taken By: R. Gagnon In the Presence Of _____
 At (Location) - SAME -

Date 11/23/13 Time 0120 Page 1 of 1

I give my permission to the Portland Police Department to give this report to the Family Crisis Shelter's Intervention Project so that they can provide me with more information about my rights and services available to me.

I give my permission to Cumberland County Jail to block the following telephone number and inmate telephones to prevent offender from calling while in custody.

Telephone Number(s) _____

Signature _____

native:

I, Emerson Boxill, work as a security guard at Sangillo's Tavern on 11/22/13. On this date at about 10:30p ^a ~~several~~ female came into the bar. The female was named [REDACTED]. She was the 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

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her served trespass paperwork. The officer asked her for her I.D 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 - 0 12

EMERSON BOXILL

Off 1123

13-2084 S



CRIMINAL TRESPASS NOTICE

Portland Police Department

Case # 13-10804

Date 11/23/13

To: [REDACTED]

Address: [REDACTED]

A request has been made to this department that you be ordered not to enter in or be on the property of

SANGKLO

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 #	Report	Occurred From	Occurred To	Report Type
01-13-006069	07/10/2013 11:27	06/30/2013 00:45	06/30/2013 01:04	Original
Dept. Classification	Case Status	Case Status Date	Cleared	
ASSAULT			07/10/2013 11:42	
Common Name				
SANGILLOS TAVERN - 18 HAMPSHIRE ST PORTLAND, MAINE (CUMBERLAND County)				
Day of Week : SUNDAY				
Dispatched : 07/10/2013 10:39				
Responded : 07/10/2013 10:39				
Arrived : 07/10/2013 10:50				
Map Reference : 3A				
Hate/Bias : NO				
Gang Related : NO				
Type of Report : INCIDENT REPORT				
Victim Advocate Involv : NO				
Video/Audio (Yes/No) : YES				
Officer Vehicle # : 1002				
Location Type : BAR/NIGHT CLUB				
Beat Assignment : BEAT 3				
Alcohol Related : YES				
Drug Related : NO				
Total Damaged Property Value : \$0.00				
Total Stolen Property Value : \$0.00				
Total Recovered Property Value : \$0.00				

OFFENSE	State Classification	Attempted/Committed
	ASSAULT	COMMITTED
	Statute/Ordinance	Disposition Date
	ASSAULT	
	Location Type	BAR/NIGHT CLUB
Attack Reason : NEITHER GANG OR HATE/BIAS RELATED		
Weapon 1 : HANDS/FISTS/FEET		
Weapon 2 : OTHER (WEAPON TYPE UNKNOWN)		
How Entry : DOOR (FRONT)		
Where Entry : DOOR (FRONT)		
Where Exit : DOOR (FRONT)		
End of Offense: 1		

PERSON	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
WHITE				
Birth Date	Birth Place			
Age : 22				
Occupation : BARTENDER				
Operator's License State : MAINE				
Operator's License Country : UNITED STATES				
Ethnic Origin : NONHISPANIC				
Min. Height : 5'07"				
Min. Weight : 140 lbs				
Adult/Juvenile : ADULT				
Hair Color : BROWN				
Hair Length : MEDIUM (UP TO 2")				
Eye Color : HAZEL				
Build : MEDIUM				
Complexion : FAIR				
Speech : NORMAL				
Residency Type : AGENCY STATE				
Body Marks:				
End of Person: 1				

PERSON	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	Male			
Birth Date	Birth Place			

Reporting Officer	Department	Report Status:
James Keddy (4739)		Approved
Supervising Officer		Date/Time
NUESLEIN JR, JOHN		07/10/2013 15:30
Verifying Officer	Department	Date / Time
JOHN NUESLEIN JR (8358)	PORTLAND POLICE DEPARTMENT	07/10/2013 15:30

Portland Police Department

Incident Report

Report 07/10/2013 11:27

Case # 01-13-008069

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 : ██████████		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 Hennessy, 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 HN 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

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

000149

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

000150

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).]

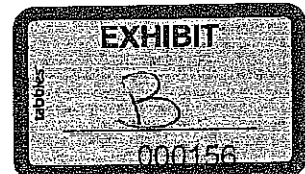
D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact 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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PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

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

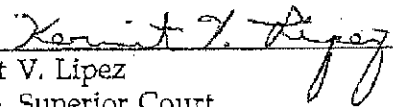
The Commission's numerous errors of law require the court to vacate the Commission's decision to reverse the decision of the City of Portland denying the application of Sharkey's for the renewal of its liquor license. The court will further remand this matter to the Liquor Commission with the directive 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.

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

000170

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.

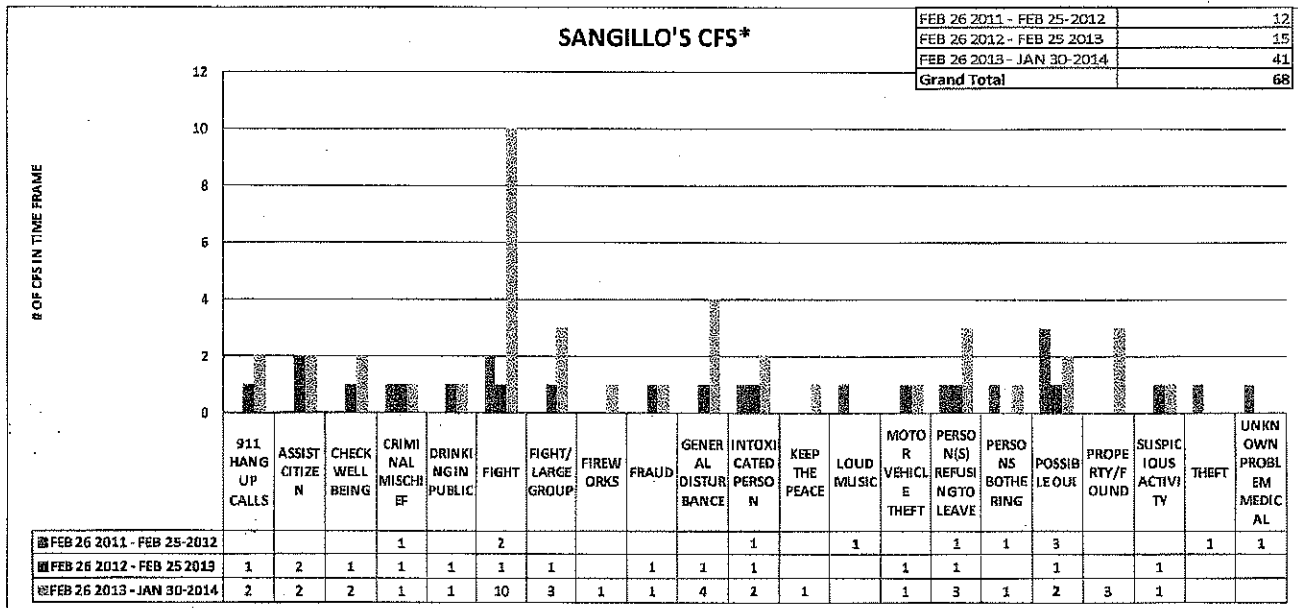
Police dispatch number 131780026, on June 27, 2013 at 1:21 AM a report of 12-15 people who had just left the bar and were yelling and screaming. It meets the standard under section 653 2D as a disturbance of the peace caused by persons patronizing the establishment.

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**

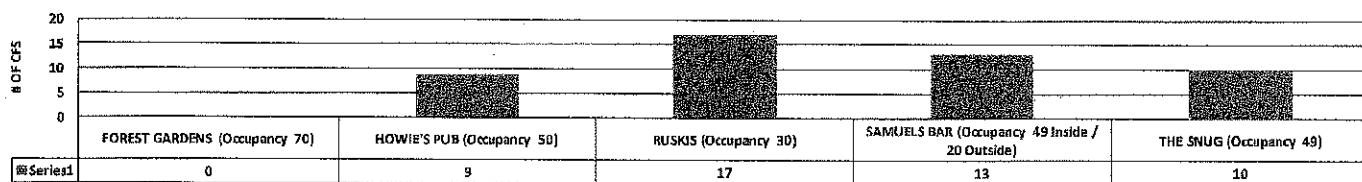
The Portland Police Department
CRIME ANALYSIS
Sangillo's Analysis



* 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

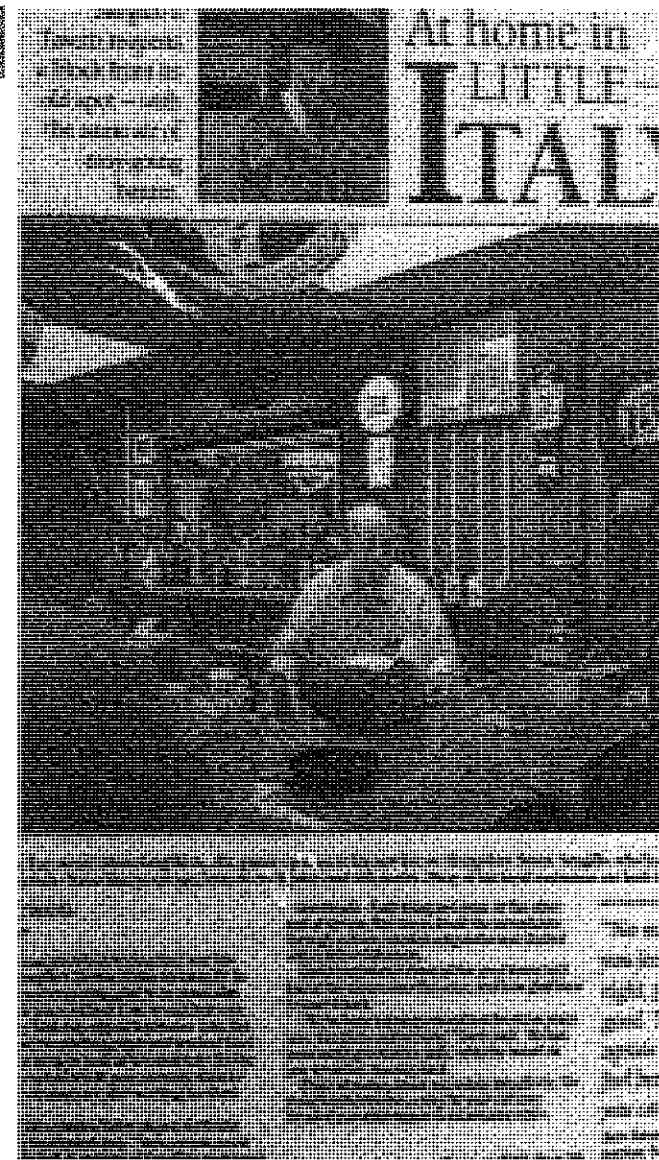


Adam Sangillo, Sr. (1916-2004)

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) .]

[REDACTED]

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.

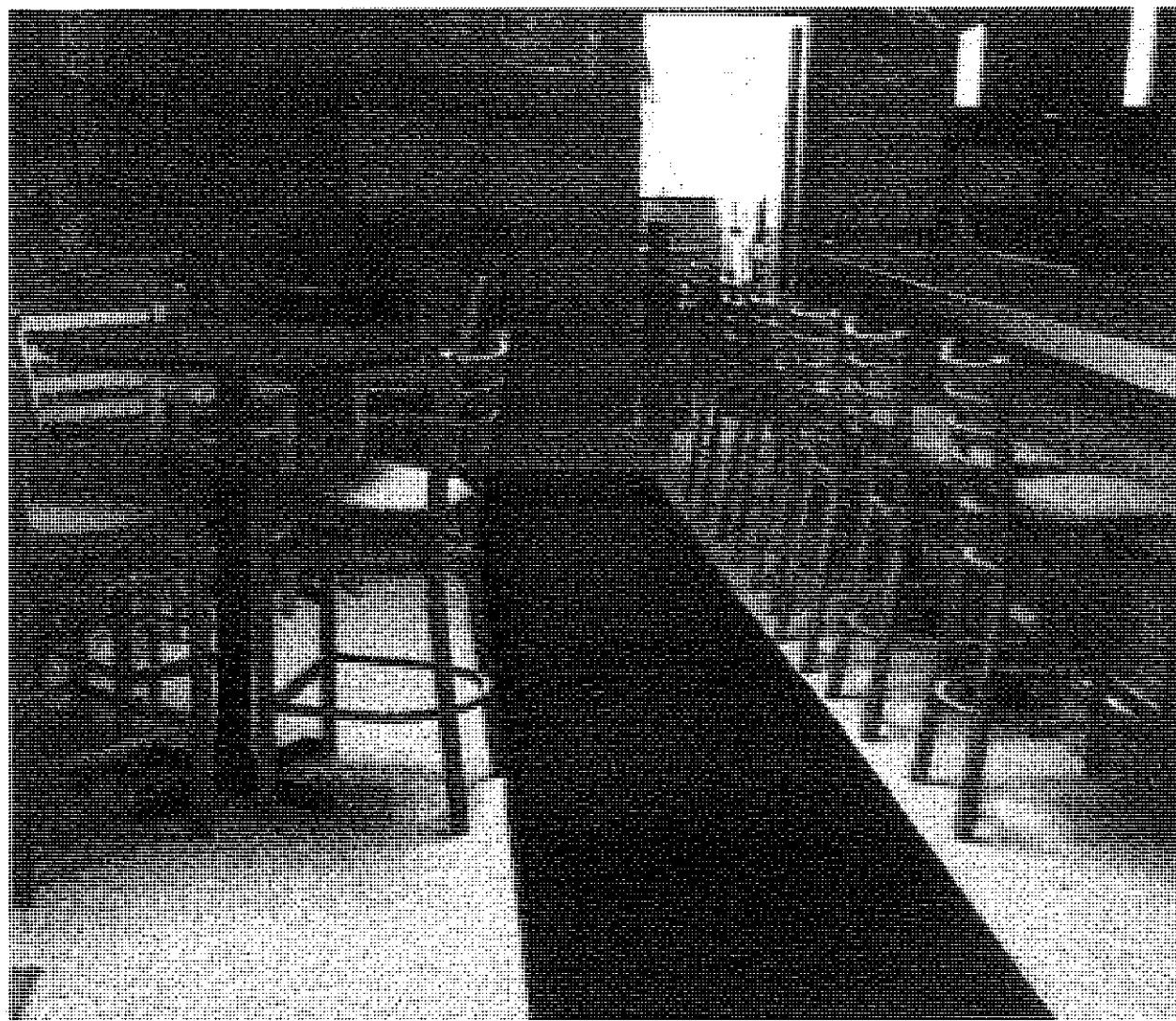
A second referenced pending violation before the liquor board relates to Kathleen Sangillo's cooperation with the Portland Police Department. During their investigation of the events of January 28, 2014, someone from the Portland Police Department claims there is an individual on the security tapes who 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."

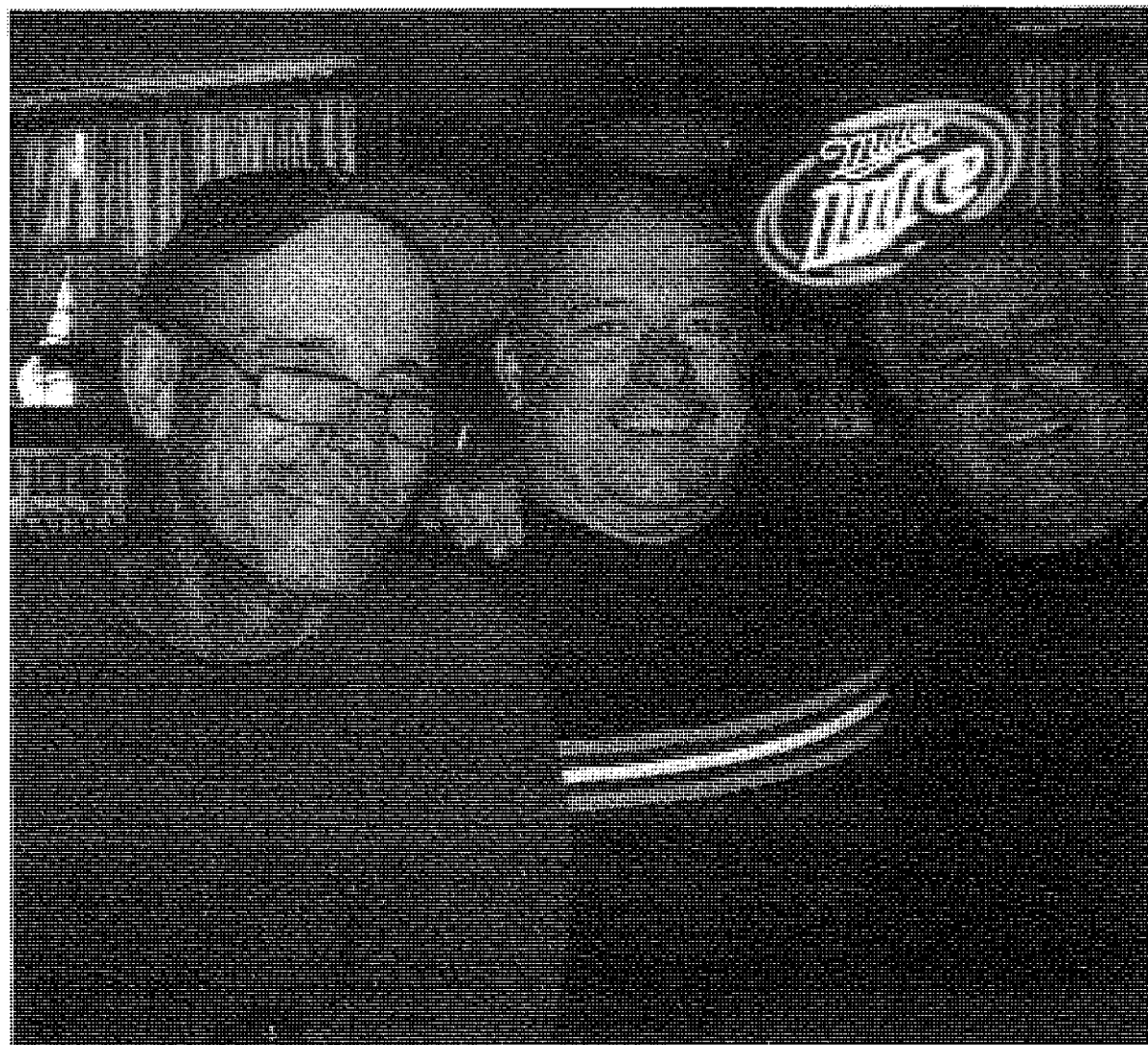
Eric L. (Portland, ME)

***** (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...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.

Dated 3/28/14

Gerard P. Conley, Jr.
Gerard P. Conley, Jr., Esquire Bar #2199

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,

April C. Fortier
Notary Public/ Attorney at Law

APRIL C. FORTIER, Notary Public
State of Maine
My Commission Expires 10/21/2016

CLOUTIER, CONLEY & DUFFETT, P.A.
Attorneys at Law
465 Congress Street
Portland, Maine 04101-3328



Gerard P. Cloutier
Mark A. Cloutier
Gerard P. Conley, Jr.
Thomas W. Cloutier
April C. Duffett
Andrew J. Cloutier
Anne M. Cloutier

April C. Fortier
Telephone 578-5615
Facsimile 578-7884
e-mail: afortier@cloutier.com

August 1, 2013

Kathleen Sangillo
c/o Sangillo's Tavern
183 Longfellow 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, on 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. Conley, Jr.

GPC:et

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 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 The News-Register, Staff Writer

March 20, 2014, 10:00 AM

PORTLAND, Ore. — A man arrested in connection with the robbery of a Rite Aid pharmacy on Congress Street.

Police in Portland arrested a man in connection with the robbery of a Rite Aid pharmacy on Congress Street.

The man was arrested on March 20, 2014, at a Rite Aid pharmacy on Congress Street. The man was arrested on March 20, 2014, at a Rite Aid pharmacy on Congress Street. The man was arrested on March 20, 2014, at a Rite Aid pharmacy on Congress Street.

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Portland Press Herald

Portland, Oregon

News Sports Business Education Opinion Local & Oregon Obituaries

March 20, 2014

Man stabbed in back at Portland apartment

He is taken to a hospital with non-life-threatening injuries, police say.

By The News-Register, Staff Writer

PORTLAND, Ore. — A man was stabbed in the back at a Portland apartment on March 20, 2014. The man was taken to a hospital with non-life-threatening injuries.

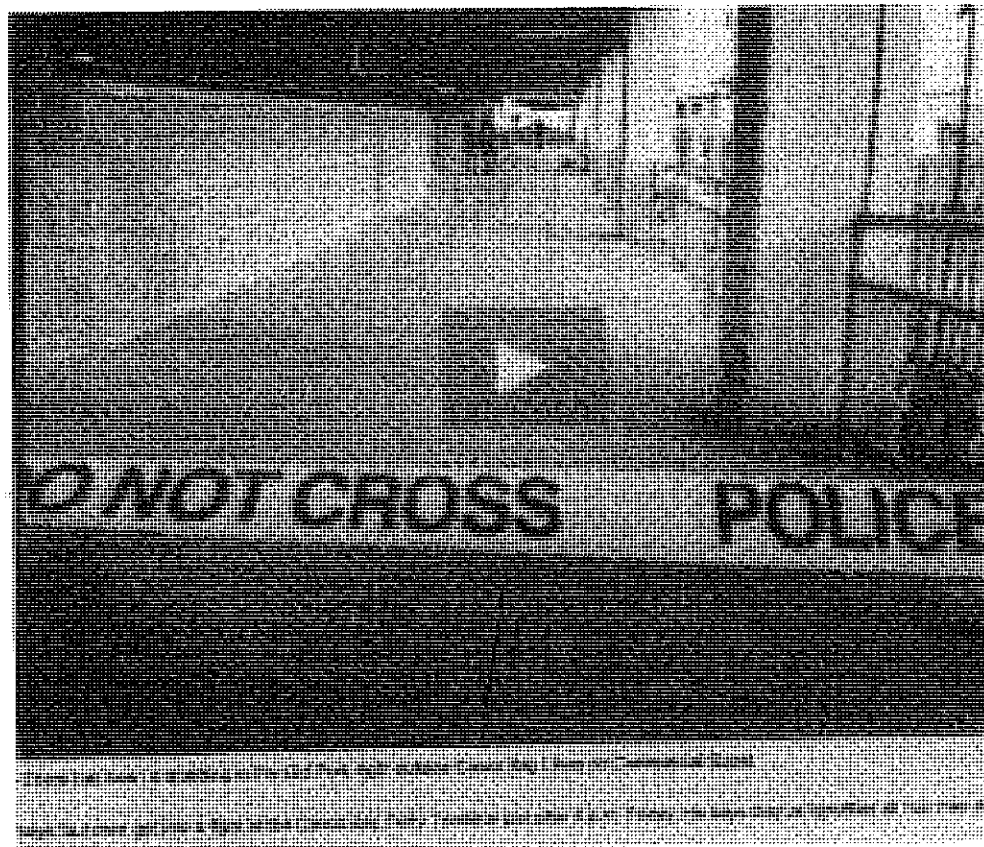
The man was stabbed in the back at a Portland apartment on March 20, 2014. The man was taken to a hospital with non-life-threatening injuries.

The man was stabbed in the back at a Portland apartment on March 20, 2014. The man was taken to a hospital with non-life-threatening injuries.

The man was stabbed in the back at a Portland apartment on March 20, 2014. The man was taken to a hospital with non-life-threatening injuries.

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.



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 Rence'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, 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.

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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.

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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.

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- 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.

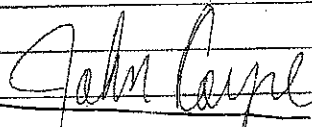
A TRUE COPY.

Katherine L. Jones, City Clerk

Portland City Council
Cumberland, ss.

Dated: April 7, 2014

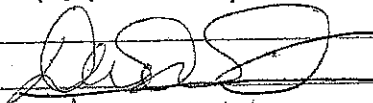
I, John Coyne, Portland City Councilor hereby testify and attest that I have reviewed all city council backup written and submitted materials, as well as the city council minutes from the March 17, 2014 meeting and the recorded testimony of the entire matter before the city council with regard to the 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-Chikita

(ME BAR # 9532)

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