

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
JULY 21, 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) July 7, 2014

PROCLAMATIONS:

Proc 2-14/15 (Tab 2)	Proclamation Honoring Ronda Jones, Planning & Urban Development Department – Housing & Community Development Division as Employee of the Month for July, 2014.
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APPOINTMENTS:

Order 16-14/15 (Tab 3)	Order Approving Appointment of Councilor Jon Hinck to Portland Downtown District's Board of Directors - Sponsored by Mayor Michael F. Brennan.
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This order appoints Councilor Jon Hinck to the Portland Downtown District's Board of Directors to fill the position vacated by Councilor David Marshall who has resigned after serving seven years as a Board member.

Five affirmative votes are required for passage after public comment.

Order 17-14/15 (Tab 4)	Order Approving Appointment of Michael I. Goldman as Associate Corporation Counsel – Sponsored by Corporation Counsel, Danielle West-Chuhta.
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This order appoints Michael I. Goldman as Associate Corporation Counsel, effective August 4, 2014, at a salary of \$80,800.00 to fill the position that will be vacant on Larry Walden's departure. As specified in the Portland City Charter, Article VI., Section 1(c), this appointment is made by the Corporation Counsel and must be confirmed by the Portland City Council.

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 18-14/15 **Amendment to Traffic Schedule Re: Middle Street – Sponsored by the**
(Tab 5) **Transportation, Sustainability, and Energy Committee, Councilor**
 David A. Marshall, Chair.

The Department of Public Services, the Parking Control Division and METRO request alterations to the Traffic Schedule for modifications of on-street parking to benefit Middle Street and other Old Port area businesses, as well as allowing METRO to consolidate and adjust a stop on Route 8. The change would result in a net increase in six (6) two-hour parking spaces on the south side of Middle Street east of Union Street.

On Middle Street, area business owners have expressed an interest to have the City provide added on-street parking, which is generally at a premium in the Old Port. As such, Parking and DPS staff has begun to look at options for providing such additional parking. At the same time, METRO is completing a system wide review of its stops and operations to improve efficiencies. As such, both the City departments and the transit operator see benefits from this adjustment.

The request was reviewed and unanimously approved by the City's Transportation, Sustainability & Energy Committee at their June 18, 2014 meeting.

Five affirmative votes are required for passage after public comment.

Order 19-14/15 **Amendment to Traffic Schedule Re: Congress Street – Sponsored by**
(Tab 6) **the Transportation, Sustainability & Energy Committee, Councilor**
 David A. Marshall, Chair.

118 Condominiums, LLC received site plan approval on January 28, 2014, and began construction last month.

As part of the project, there is an adjustment of the site access on St. Lawrence Street and removal of access on Congress Street. This change will have the result of a net increase of one parking space.

Although 118 Condominiums, LLC on Munjoy Hill has received site plan approval, the changes to on-street parking, although minor, still warrant submittal and approval by the Transportation, Sustainability and Energy Committee as well as the City Council.

The request was reviewed and unanimously approved by the City's Transportation, Sustainability & Energy Committee at their June 18, 2014 meeting.

Five affirmative votes are required for passage after public comment.

LICENSES:

Order 20-14/15 (Tab 7) **Order Granting Municipal Officers' Approval of A & W Foods LLC d/b/a Ebb & Flow at 100 Commercial St. Application for a Class I FSE License with Entertainment with Dance and Outdoor Dining on Public Property – Sponsored by Katherine L. Jones, City Clerk.**

Application filed 6/20/14. New City and State applications. Former location of Spread.

Five affirmative votes are required for passage after public comment.

Order 21-14/15 (Tab 8) **Order Granting Municipal Officers' Approval of Golden Lotus, LLC Golden Lotus, LLC d/b/a Golden Lotus at 511 Commercial St. Application for a Class I FSE License – Sponsored by Katherine L. Jones, City Clerk.**

Application filed 6/17/14. New City & State applications. Former location of Shanghai Tokyo.

Five affirmative votes are required for passage after public comment.

Order 22-14/15 (Tab 9) **Order Granting Municipal Officers' Approval of Harold T. Andrews Post #17 d/b/a Harold T. Andrews Post #17 at 23 Deering St. Application to Add Outdoor Dining on Private Property – Sponsored by Katherine L. Jones, City Clerk.**

Application filed 6/19/14. New City application. Applicant holds a current Class V (non-profit) license with entertainment with dance.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

**Resolve 1-14/15
(Tab 10)**

Resolution Regarding the City Council Intention to Fund Capisic Pond Improvement Project – Sponsored by Mark H. Rees, City Manager.

The Fiscal Year 2014-2018 approved Capital Improvement Plan provided funding for the Capisic Pond Improvement Project. The permitting work for this project will not be completed in time to allow for construction to begin during the fall of 2014 or spring of 2015.

The City has identified several possible grant sources that may be able to offset the estimated cost of this project. The Fiscal Year 2014 Capital Improvement Plan provided funding for engineering and permitting work to begin.

The city intends to apply for the various grants previously identified and others that may be available during the summer and fall of 2014 and the winter of 2015. By the spring of 2015 the City should know what grants it has been awarded, if any.

This Resolution supports the City Council's intention to fund the Capisic Pond Improvement Project.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

**Order 12-14/15
(Tab 11)**

Order Authorizing General Obligation Bonds to Finance a Portion of the City's Proposed 2015 Capital Improvement Program in an Amount not to Exceed \$15,911,000 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order authorizes the incurring of indebtedness by the City of Portland through the issuance of General Obligation Bonds in the aggregate amount of \$15,911,000 pursuant to the City Charter.

The specific items for which the bond proceeds will be expended are set forth in detail 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 are extinguished.

Draft minutes of the Finance Committee meeting held on June 26th are included in the agenda backup. The Committee voted 4-0 to forward this item to the City Council with a recommendation for passage.

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

**Order 13-14/15
(Tab 12)**

Order Appropriating \$15,911,000 of Bond Proceeds for the City's 2015 Capital Improvement Program – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order appropriates the new general obligation bond proceeds for the following described capital projects and all other related expenses summarized by category as follows:

Transportation Projects	\$6,625,000
Facilities Projects	\$2,355,000
Parks, Fields, & Trails Projects	\$1,298,000
Equipment & Vehicles Projects	\$2,230,000
Sewer/Stormwater Projects	\$3,277,000
Public Art Projects	\$ 63,000
Land Bank Projects	\$ 63,000

Draft minutes of the Finance Committee meeting held on June 26th are included in the agenda backup. The Committee voted 4-0 to forward this item to the City Council with a recommendation for passage.

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

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

Order Reappropriating Surplus Project Funds from Unallotted Sewer Capital Improvement Program Account - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order appropriates \$2,150,000 from unallotted Sewer CIP accounts for specific projects associated with the 2015 Capital Improvement Program. A list of those projects is as follows:

Sewer/Storm Drain for Moody/Wilson Street	\$ 760,000
High/York Street Sewer Separation	410,000
Pump Station Rehab	680,000

Somerset Street Sewer (Elm to Hanover)	160,000
Baxter Woods Detention Pond	80,000
Penrith Road Erosion Repair	60,000
Total	\$2,150,000

A number of sewer/stormwater projects are included as part of the Capital Improvement Program for 2015. Last fall the Council approved the reallocation of finished projects, which at the time left surplus funds available for future projects. This funding is a balance of previously bonded projects and is currently being retired through debt service payments. Using these funds for new projects reduces the amount of new financing needed for 2015 Sewer CIP projects.

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

**Order 11-14/15
(Tab 14)**

Order Approving Two-Party Agreement Between the City of Portland and the Maine Department of Transportation Re: New Signal Equipment for Cumberland Avenue at Preble Street and Elm Street Intersections – Sponsored by Mark H. Rees, City Manager.

MaineDOT is in the process of completing design for the replacement of the signal equipment at the intersection of Cumberland Avenue and Preble Street, with bidding expected in late July, followed by construction later this year. After initial discussions with the Department, they agreed to include replacement of the equipment at this location's sister intersection, Cumberland Avenue at Elm Street as a bid option. Both have outdated equipment, and Cumberland at Elm does not have provisions that meet current Americans with Disabilities Act requirements. The City anticipates funding the additional work via the incoming FY15 Capital Improvement Plan money for signal improvements, as called out in the CIP description.

The cost of the additional signal equipment as well as the improvements to pedestrian access/ADA updates is anticipated to be approximately \$220,000. However, the age of the equipment is such that a disproportionate amount of staff time is spent at this location dealing with maintenance and malfunctions. MaineDOT is investing \$215,000 into the intersection of Cumberland Ave at Preble Street.

The FY15 CIP proposal includes the necessary funding to achieve this outcome. City Council action to appropriate these funds is required to enter into this agreement. Pending this action, the Department of Public Services recommends authorization of this agreement to update the signal equipment, reduce maintenance, and improve operations for vehicles, bicyclists, and pedestrians.

This Order has been taken out of order so it can be acted on after the CIP orders.

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

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

Order Endorsing Projects for Federal and State Funds Through Portland Area Comprehensive Transportation System – Sponsored by the Transportation, Sustainability, and Energy Committee, Councilor David A. Marshall Chair.

The Department of Public Services (DPS) requests formal endorsement to advance four (4) finalist transportation projects through the city's regional Transportation Management Area funding agency known as PACTS. A deadline of July 29, 2014 exists to formally endorse these projects and show community intent to fund construction should they ultimately be awarded. City Council official action on July 21, 2014, is necessary to meet this deadline.

City Council endorsement will result in PACTS advancing four (4) projects thru the steps required to possibly be funded in the 2016-2018 TIP. Regional funding decisions are expected to be complete in August 2014.

The four finalist projects are:

Project Descriptions	110% Cost Estimates
Intersections of Brighton/Deering/Falmouth/Bedford and Deering/Bedford	\$1,958,000
Congress St. signal improvements: Stevens to Fore River	\$302,940
Martin's Point Multi-Use Path/ East Coast Greenway, Phase 1	\$880,000
York St. Sidewalk and pedestrian signals	\$121,273

No "Road Rebuild" projects have advanced for Portland at this time. Collector Paving candidates are not yet known and will require a future endorsement action.

These four finalist projects are for PACTS Transportation Improvement Program (TIP) funding in the 2016-2018 cycle; awards will be announced in late August 2014 and three-party agreements for 2016 projects will be advanced in June 2015. Portland will be responsible for a 25% Local Share of each project's cost, and 100% responsible for 'ineligible' cost items. Examples of ineligibles include:

City utility system adjustments and repairs, upgrades to traffic signal systems and pavement markings, pedestrian system adjustments to curbline, and use of upgraded materials such as brick.

The 25% Local Match requirement for these projects is currently estimated to total \$815,553; that obligation (plus rough estimates for ineligibles) is reflected in the proposed FY16 CIP and will be adjusted as new estimates and information become available.

Our Local Match and other costs must be appropriated by June 2015 in order to enter into three-party agreements at that time. The currently projected 110% value of these four projects totals \$3,262,213. (The 10% extra is per PACTS policy and is intended to help cover the cost estimate fluctuation between project application and construction bid year timing; generally 2-4 years apart.)

The Department of Public Services has advanced these public infrastructure projects through the PACTS process as the most affordable means of implementation. This endorsement step will further that initiative and likely result in highly leveraged awards of regional transportation projects. Failure to endorse will delete these projects from PACTS funding consideration.

The Transportation, Sustainability, and Energy Committee met on June 18, 2014, and voted unanimously (4-0) to forward this item to the City Council with a recommendation for passage.

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

ORDERS:

**Order 23-14/15
(Tab 16)**

Order Granting Easement to Portland Water District – Sponsored by Danielle West-Chuhta, Corporation Counsel.

To service a new hotel several years ago, the Portland Water District installed water lines on Jetport Boulevard and International Boulevard without obtaining an easement from the City of Portland to install them there. An easement has been drafted to rectify the oversight and provide precise information about the placement and existence of the water lines.

Five affirmative votes are required for passage after public comment.

**Order 24-14/15
(Tab 17)**

Order Accepting Transfer of Former Reed School from Portland Public Schools to the City of Portland – Sponsored by Danielle West-Chuhta, Corporation Counsel.

The Portland Board of Public Education voted unanimously on June 24, 2014, to authorize the Superintendent to take all steps necessary to implement the closing of the former Reed School and the transfer of control of the property to the city.

The facility is a 33,692 square foot structure located on 2.5 acres accessed from Homestead Avenue and was most recently used as a Central Kitchen and warehouse. Because the building does not currently operate as a school, state approval of the facility closure and transfer is not required.

The Planning & Urban Development Department has begun the process of establishing a re-use committee to look at possible future uses of this property. The appointment of the members of this re-use committee will be brought forward at a future Council meeting.

Five affirmative votes are required for passage after public comment.

**Order 25-14/15
(Tab 18)**

Order Approving the Collective Bargaining Agreement with Police Superior Officers Benevolent Association (PSOBA) – Sponsored by Mark H. Rees, City Manager.

This order approves the collective bargaining agreement with Police Officers Benevolent Association for January 5, 2014, through December 31, 2016. The prior collective bargaining agreement expired December 31, 2013.

The PSOBA, which is comprised of 32 police lieutenants and sergeants, has reached a tentative agreement with the City. The tentative agreement is within the guidance received by the City Council on June 16th, 2014.

Effective January 5, 2014, employees will receive a general wage increase of 1.0%; effective July 6, 2014, employees will receive general wage increase of 1.0%; January 4, 2015, employees will receive a general wage increase of 1.0%, and effective January 3, 2016, employees will receive a general wage increase of 3%. The wage increases are reflected in the pay plan included in the agenda backup.

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

AMENDMENTS:

LICENSE RENEWALS:

IN COUNCIL REGULAR MEETING JULY 7, 2014 VOL. 130 PAGE 1

ROLL CALL: Mayor Brennan called the meeting to order at 7:26 P.M. (Councilor Coyne absent).

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Suslovic and seconded by Councilor Marshall for approval of the June 16, 2014 minutes. Passage 8-0

PROCLAMATIONS:

Proc 1-14/15 Proclamation Honoring Officer Joe Jaynes as Police Officer of the the Month for May 2014 – Sponsored by Mayor Michael F. Brennan.

APPOINTMENTS:

Order 1-14/15 Order Appointing Constable for 2014 Re: Portland Housing Authority - Sponsored by Mark H. Rees, City Manager.

This order appoints Shannon Rafferty-Roy, Property Manager, for Portland Housing Authority as a Constable.

Motion was made by Councilor Suslovic and seconded by Councilor Marshall for passage. Passage 8-0.

CONSENT ITEMS:

Order 2-14/15 Order Declaring “Samuel Adams Brew & View” as a Festival and Approving Contract and Permits Therefor - Sponsored by Mark H. Rees, City Manager.

Order 3-14/15 Order Approving Transfer of Funds Under 15 M.R.S.A. Secs 5824(3) and 5826(6) – Sponsored by Mark H. Rees, City Manager.

Order 4-14/15 Order Approving Transfer of Funds Under 15 M.R.S.A. Secs 5824(3) and 5826(6) – Sponsored by Mark H. Rees, City Manager.

IN COUNCIL REGULAR MEETING JULY 7, 2014 VOL. 130 PAGE 2

Order 5-14/15 Order Approving Transfer of Funds Under 15 M.R.S.A. Secs 5824(3) and 5826(6) – Sponsored by Mark H. Rees, City Manager.

Motion was made by Councilor Leeman and seconded by Councilor Suslovic for passage of the Consent items. Passage 8-0.

LICENSES:

Order 6-14/15 Order Granting Municipal Officers' Approval of Better Burger Old Port, LLC d/b/a Elevation Burger at 205 Commercial St. Application for a Class IV (Beer) license with Outside Dining on Private Property – Sponsored by Katherine L. Jones, City Clerk.

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

Order 7-14/15 Order Granting Municipal Officers' Approval of One Longfellow Square Inc. d/b/a One Longfellow Square at 1 Longfellow Sq. Application to Add Outdoor Dining on Public Property – Sponsored by Katherine L. Jones, City Clerk.

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

Order 8-14/15 Order Granting Municipal Officers' Approval of Olympia Equity Investors V, LLC d/b/a Hilton Garden Inn Portland Downtown at 65 Commercial St. Application to add Entertainment without Dance – Sponsored by Katherine L. Jones, City Clerk.

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

Order 9-14/15 Order Granting Municipal Officers' Approval of Yemane Tsegai and Akbert Bahta d/b/a Red Sea at 30 Washington Ave. Application for a Class III & IV (Wine & Beer) License – Sponsored by Katherine L. Jones, City Clerk.

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

IN COUNCIL REGULAR MEETING JULY 7, 2014 VOL. 130 PAGE 3

BUDGET ITEMS:

RESOLUTIONS:

UNFINISHED BUSINESS:

AMENDMENTS:

Order 10-14/15 Amendment to Portland City Code Chapter 17 Offenses Article VII – Access to Reproductive Health Care Facilities – Sponsored by Mayor Michael F. Brennan.

Motion was made by Councilor Suslovic and seconded by Councilor Duson to waive the first reading and pass as an emergency passage.
Passage 8-0.

Motion was made by Councilor Suslovic and seconded by Councilor Duson for passage. Passed as an emergency 7-1(Duson).

Motion was made by Councilor Duson to refer Order 10 back to the Public Health and Human Service Committee with charge to identify alternative policies and ordinances intended to protect consumers as they access health care services from their provider of choice; including women and men who seek such services from Planned Parenthood. And bring a recommendation for action to the Council in time to be taken up on the Agenda by the 2nd City Council meeting in September, and seconded by Councilor Leeman for passage. Passage 7-0 (Hinck out).

ORDERS:

Order 11-14/15 Order Approving Two-Party Agreement Between the City of Portland and the Maine Department of Transportation Re: New Signal Equipment for Cumberland Avenue at Preble Street and Elm Street Intersections – Sponsored by Mark H. Rees, City Manager.

This is its first reading.

Order 12-14/15 Order Authorizing General Obligation Bonds to Finance a Portion of the City's Proposed 2015 Capital Improvement Program in an Amount not to Exceed \$15,911,000 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

IN COUNCIL REGULAR MEETING JULY 7, 2014 VOL. 130 PAGE 4

Order 13-14/15 Order Appropriating \$15,911,000 of Bond Proceeds for the City's 2015 Capital Improvement Program – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

Order 14-14/15 Order Reappropriating Surplus Project Funds from Unallotted Sewer Capital Improvement Program Account - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

Order 15-14/15 Order Endorsing Projects for Federal and State Funds Through Portland Area Transportation System – Sponsored by the Transportation, Sustainability, and Energy Committee, Councilor David A. Marshall Chair.

This is its first reading

Motion was made by Councilor Suslovic and seconded by Councilor Marshall to adjourn. Passage 8-0, 8:30 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

*Proc 2-14/15
Tab 2 7-21-14*

PROCLAMATION

**Ronda Jones
Employee of the Month**

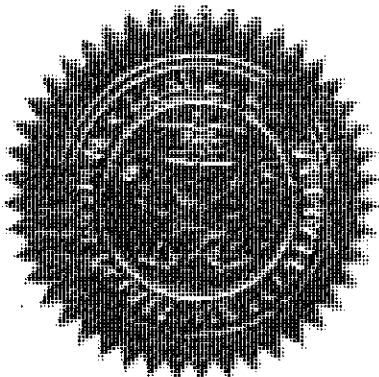
July 2014

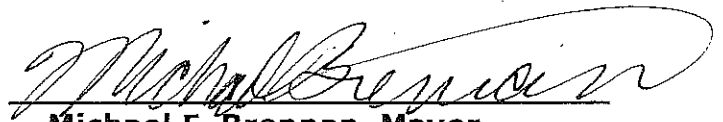
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- WHEREAS:** **Ronda Jones** of the Planning & Urban Development Department, has been named the City of Portland Employee of the Month by a committee of her peers and selected for this distinct honor from a workforce of 1,300; and
- WHEREAS:** This award is presented in recognition of **Ronda's** duties as a Loan Officer in the Housing and Community Development Division with 28 years of service. **Ronda** works tirelessly to meet the needs of her clients; and
- WHEREAS:** **Ronda** spends hours meeting with clients in person, talking with them on the phone, and working behind the scenes to ensure that if they qualify for a housing program they have the opportunity to take advantage of the first time home buyers and residential rehabilitation programs; and
- WHEREAS:** **Ronda** often goes above the call of duty of a loan officer by listening to her clients, lending a sympathetic ear, providing advice and even counseling at times. **Ronda** is dedicated to her job of assisting her clients and their housing needs. She works hard without complaint. **Ronda** is a model of customer service and what a City employee should be. **Ronda** truly is an asset to the Planning & Urban Development Department and to the City.

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

Signed and Sealed this 21st day of July, 2014




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

*Order 16-14/15
Tab 3 7-21-14*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING APPOINTMENT OF JON HINCK TO
PORTLAND DOWNTOWN DISTRICT**

ORDERED, that the City Council hereby appoints Councilor Jon Hinck to the Board of Directors of Portland Downtown District.

*Order 17-14/15
Tab 4 7-21-14*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING APPOINTMENT OF MICHAEL I. GOLDMAN AS
ASSOCIATE CORPORATION COUNSEL**

ORDERED, that Michael I. Goldman is hereby appointed as Associate Corporation Counsel at a salary of \$80,800.00, said appointment to be effective August 4, 2014.

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

TO: Sonia Bean, Senior Administrative Assistant
Mayor and Portland City Councilors

FROM: Danielle West-Chuhta, Corporation Counsel

DATE: July 14, 2014

- 1) Council meeting at which action is requested:

1st reading: Not Required

Final action: July 21, 2014

- 2) Can action be taken at a later date: YES x NO
If not, why not: Corporation Counsel will be losing Associate Corporation Counsel Lawrence Walden at the end of July or very soon after; it has an urgent need for a new attorney in his position. Larry's work is usually focused on real estate matters for Portland Development Corporation, contracts for Purchasing, collections for the Barron Center and more.
- 3) This item is sponsored by: Corporation Counsel

(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

Michael I. Goldman has been offered the position of Associate Corporation Counsel that will be vacant on Larry Walden's departure and he has accepted; as specified in the Portland City Charter, Article VI., Section 1(c), this appointment is made by the Corporation Counsel and must be confirmed by the Portland City Council.

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

Confirmation of Michael I. Goldman's appointment as Associate Corporation Counsel.

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

This item will allow the Office of the Corporation Counsel to remain fully staffed.

IV. FINANCIAL IMPACT

The starting salary offered and accepted by Michael Goldman of \$80,800 falls within the projected budget for the office payroll, and has been reviewed and approved by the City Manager

V. STAFF ANALYSIS & RECOMMENDATION

The Corporation Counsel's office has reviewed the Michael Goldman's resume, interviewed him and contacted his references, and it along with the Human Resources Department recommends his appointment to this position be confirmed.

Attachments:

Order Appointing Michael I. Goldman as Associate Corporation Counsel

Resume

Michael I. Goldman

Legal Experience

Maine Public Employees Retirement System *Attorney* September 2011 - present

- Represent the System in administrative appeals filed by the System's members; defend the System's decisions at administrative hearings involving a variety of disability and service retirement matters; attend depositions of healthcare providers; prepare briefs and other legal memoranda on behalf of the Executive Director.
- Assist the System's general counsel in drafting and revising agency rules.
- Conduct legal research and advise System staff on statutory and regulatory matters affecting the System.

Lambert Coffin *Associate Attorney* August 2005 - present

- Advised businesses, individuals, and lenders in commercial transactions and real estate matters.
- Drafted, reviewed, and analyzed various commercial and real estate transaction documents such as purchase and sale agreements, retail contracts, leases, notes, assignments, and mortgages.
- Represented banks, businesses, and individuals in collections, foreclosures, bankruptcy, and other creditors' rights matters.
- Represented employers and employees in claims involving workplace discrimination, disability benefits, and other employment matters before state and federal courts and agencies.
- Defended businesses and individuals in various general liability/insurance defense cases.
- Supervised paralegals and legal assistants in preparation of pleadings, commercial and real estate transactional documents, correspondence, and other matters.

Maine Supreme Judicial Court *Law Clerk* August 2004 - August 2005

- Analyzed parties' appellate briefs, conducted legal research, and prepared bench memoranda.
- Assisted Justice Jon D. Levy with opinion writing.

Skelton, Taintor & Abbott *Summer Associate* May 2003 - August 2003

- Assisted attorneys in various areas of legal research.
- Drafted memoranda, motions, briefs, and client letters.

Lexis Nexis *Student Representative* August 2002 - May 2003

- Assisted law students with on-line legal research.
- Marketed products and services.

Law Office of Jack Hunt *Student Associate* March 2002 - September 2002

- Prepared memoranda, reviewed files, and assisted attorney with preparation for family and criminal law trials.

Volunteer Lawyers Project *Summer Fellow* June 2002 - August 2002

- Provided legal assistance to low-income clients through Maine Association For Public Interest Law Fellowship.
- Interviewed clients in family law and bankruptcy matters.
- Advised clients in completion of court forms and preparation for hearings.

Michael I. Goldman

Other Work Experience

Café Uffa! Portland, Maine	<i>Chef/Owner</i>	1994 - 1998
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- Directed all aspects of food preparation, menu design, and inventory maintenance.
- Managed 20 employees and made daily business decisions.
- Negotiated successful sale of business after five years of operation.

Saco Middle School, Saco, Maine *Special Education Technician* March 1999 – June 2000

- Assisted students with behavioral problems and learning disabilities.
- Collaborated with teachers to design and implement lesson plans.

Various Restaurants	1984-1994
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- Worked as a cook in various restaurants in Cape Cod; Evanston, Illinois; and Portland, Oregon.

Education

University of Maine School of Law, Portland, Maine 2001- 2004

- J.D. *cum laude*.
- Maine Law Alumni Association Award, 2004.
- Class standing: 8th of 77; Dean's List 5 semesters.
- Maine Law Review, Managing Editor.
- Legal Writing Instructor, 2003-2004.
- Greenberg Memorial Scholarship, 2002-2004.
- Maine Association For Public Interest Law Fellowship, Summer 2002.

Northwestern University, Evanston, Illinois 1986- 1990

- B.A Cultural Anthropology.
- Dean's List, Three Semesters.

Bar Admissions and Memberships

- State of Maine.
- United States District Court for the District of Maine.
- Maine State Bar Association.
- Super Lawyers, Rising Stars 2010, 2011.

Community Service

- Regional Transportation Program; Past President and member of the Board of Directors, Jan. 2006-Dec. 2011.

Interests

- Cooking, gardening, fishing, skiing, travel.

*Order 18-14/15
Tab 5 7-21-14*

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)

TRAFFIC SCHEDULE AMENDMENT

Ordered, that the City of Portland's Traffic Schedule be and hereby is amended as follows:

By deleting under Middle Street:

South Side – from a point 65 feet easterly of Union to a point 165 feet easterly of Union – Schedule IX – Bus Zone

South Side – from a point 165 feet easterly of Union to a point 295 feet easterly of Union – Schedule I – No Parking

By adding under Middle Street:

South Side – from a point 65 feet easterly of Union to a point 185 feet easterly of Union – Schedule XXI – 2 Hour Parking (Metered)

South Side – from a point 185 feet easterly of Union to a point 295 feet easterly of Union – Schedule IX – Bus Zone

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Michael Bobinsky, Director of Public Services

DATE: July 3, 2014

DISTRIBUTION: Mark Rees, City Manager
Michael Brennan, Mayor
Danielle West-Chuhta, Corporation Counsel
Sonia Bean, Executive Assistant
Nancy English, Administrative Assistant
John Peverada, Parking Manager
Eric Labelle, PE, Assistant Director of Public Services/Operations Mgr.
Katherine Earley, PE, Engineering Services Manager
Jeremiah Bartlett, PE, PTOE, Transportation Systems Engineer

SUBJECT: Order – Amendment to Traffic Schedule

SPONSOR: Transportation, Energy & Sustainability Committee; Department of Public Services; Parking Control Division; METRO

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading N/A Final Action July 21, 2014

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

PRESENTATION: None

I. SUMMARY OF ISSUE

The Department of Public Services, the Parking Control Division and METRO request alterations to the Traffic Schedule for modifications of on-street parking to benefit Middle Street and other Old Port area businesses, as well as allowing METRO to consolidate and adjust a stop on Route 8. The change would result in a net increase in six (6) two-hour parking spaces on the south side of Middle Street east of Union Street. The request was reviewed and unanimously approved by the City's Transportation, Sustainability & Energy Committee at their June 18, 2014 meeting.

II. REASON FOR SUBMISSION

On Middle Street, area business owners have expressed an interest to have the City provide added on-street parking, which is generally at a premium in the Old Port. As such, Parking and DPS staff have begun to look at options for providing such additional parking. At the same time, METRO is completing a system wide review of its stops and

operations to improve efficiencies. As such, both the City departments and the transit operator see benefits from this adjustment.

III. INTENDED RESULT

It is the intent that the additional two-hour spaces will provide additional opportunities for patrons in the Old Port to shop and dine without needing to provide more in the way of off-street facilities. This will also provide METRO with the bus stop adjustment it is seeking.

IV. COUNCIL GOAL ADDRESSED

This proposed change addresses both the Council goals of economic development and improving City services. In addition, this also addresses the Council goal to develop a transportation system that advances healthy living, minimizes environmental impacts and promotes the local economy by advancing opportunities for mass transit.

V. FINANCIAL IMPACT

The cost of staff and equipment mobilization, plus meters and posts is estimated to be approximately \$2,000.00. The eight metered spaces will likely generate approximately \$7,500 per year in additional revenue.

VI. STAFF ANALYSIS & RECOMMENDATION

The Department of Public Services and the Parking Control Division have reviewed this change and recommend this action to increase on-street parking at this location and improve traffic flow. METRO has reviewed this change and recommends this action to facilitate updates to their operations.

VII. LIST ATTACHMENTS

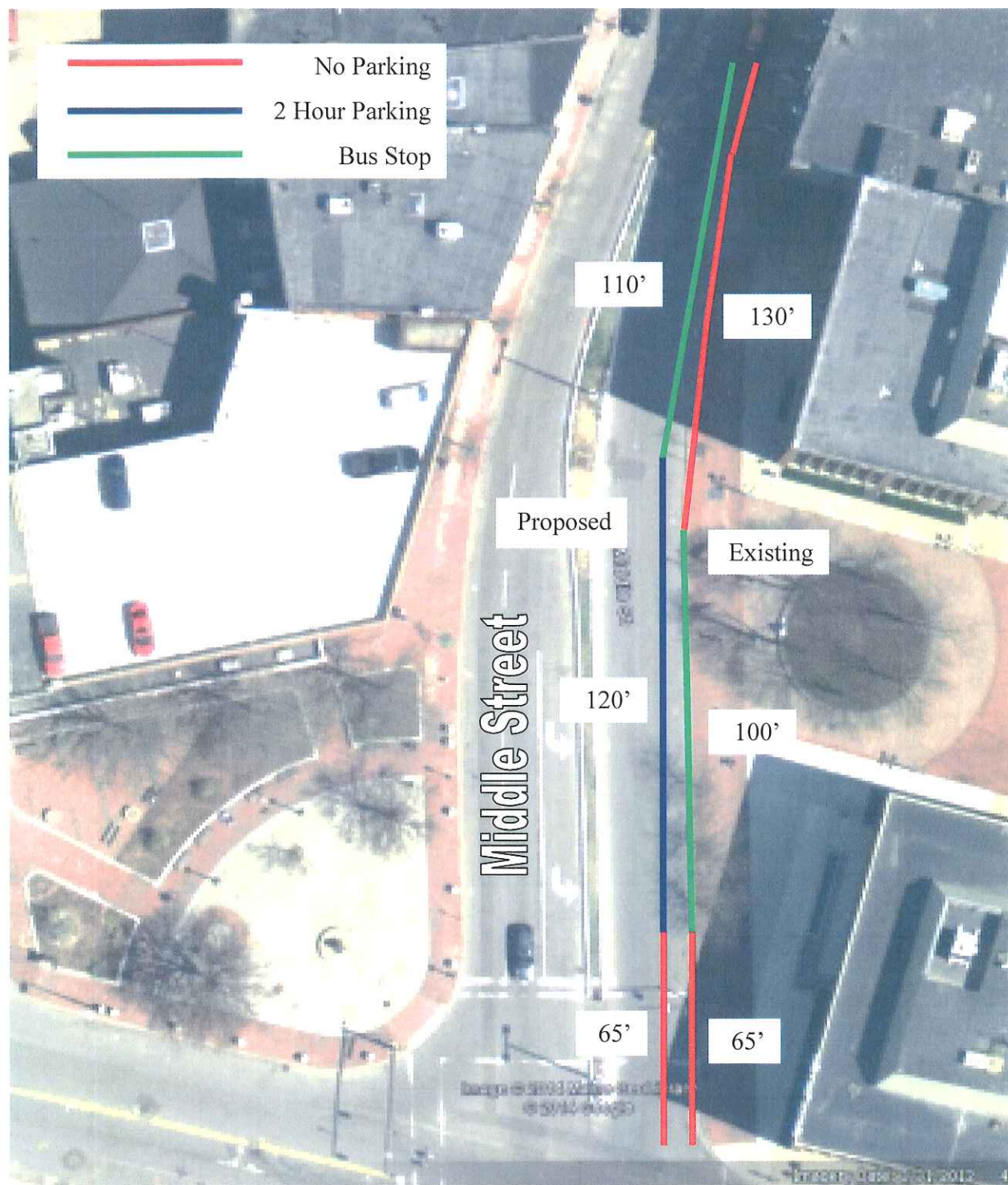
- Exhibit A: Council Order
- Exhibit B: Map

Prepared by:

Signature

Date

Exhibit B



Order 19-14/15
Tab 6 7-21-14

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)

TRAFFIC SCHEDULE AMENDMENT

Ordered, that the City of Portland's Traffic Schedule be and hereby is amended as follows:

By deleting under St. Lawrence Street:

East Side – from a point 75 feet southerly of Congress Street to a point 95 feet southerly of Congress Street – unrestricted parking

By adding under St. Lawrence Street:

East Side – from a point 75 feet southerly of Congress Street to a point 95 feet southerly of Congress Street – Schedule I – No Parking

By deleting under Congress Street:

South Side – from a point 100 feet easterly of St. Lawrence Street to a point 140 feet easterly of St. Lawrence Street – Schedule I – No Parking

By adding under Congress Street:

South Side – from a point 100 feet easterly of St. Lawrence Street to a point 140 feet easterly of St. Lawrence Street – unrestricted parking

[illegible][illegible]

LINE	DESCRIPTION	UNIT	PRICE	AMOUNT	TAX	TOTAL
010	CONCRETE PAVEMENT	SQ YD	1.20	120.00	0.00	120.00
020	ASPHALT PAVEMENT	SQ YD	1.50	150.00	0.00	150.00
030	GRAVEL PAVEMENT	SQ YD	0.80	80.00	0.00	80.00
040	CEMENT CONCRETE	SQ YD	2.00	200.00	0.00	200.00
050	PORTLAND CEMENT	SQ YD	1.80	180.00	0.00	180.00
060	GRAVEL	SQ YD	0.60	60.00	0.00	60.00
070	ASPHALT	SQ YD	1.40	140.00	0.00	140.00
080	CEMENT	SQ YD	1.90	190.00	0.00	190.00
090	PORTLAND CEMENT	SQ YD	1.70	170.00	0.00	170.00
100	GRAVEL	SQ YD	0.50	50.00	0.00	50.00
110	ASPHALT	SQ YD	1.30	130.00	0.00	130.00
120	CEMENT	SQ YD	1.80	180.00	0.00	180.00
130	PORTLAND CEMENT	SQ YD	1.60	160.00	0.00	160.00
140	GRAVEL	SQ YD	0.40	40.00	0.00	40.00
150	ASPHALT	SQ YD	1.20	120.00	0.00	120.00
160	CEMENT	SQ YD	1.70	170.00	0.00	170.00
170	PORTLAND CEMENT	SQ YD	1.50	150.00	0.00	150.00
180	GRAVEL	SQ YD	0.30	30.00	0.00	30.00
190	ASPHALT	SQ YD	1.10	110.00	0.00	110.00
200	CEMENT	SQ YD	1.60	160.00	0.00	160.00
210	PORTLAND CEMENT	SQ YD	1.40	140.00	0.00	140.00
220	GRAVEL	SQ YD	0.20	20.00	0.00	20.00
230	ASPHALT	SQ YD	1.00	100.00	0.00	100.00
240	CEMENT	SQ YD	1.50	150.00	0.00	150.00
250	PORTLAND CEMENT	SQ YD	1.30	130.00	0.00	130.00
260	GRAVEL	SQ YD	0.10	10.00	0.00	10.00
270	ASPHALT	SQ YD	0.90	90.00	0.00	90.00
280	CEMENT	SQ YD	1.40	140.00	0.00	140.00
290	PORTLAND CEMENT	SQ YD	1.20	120.00	0.00	120.00
300	GRAVEL	SQ YD	0.00	0.00	0.00	0.00
310	ASPHALT	SQ YD	0.80	80.00	0.00	80.00
320	CEMENT	SQ YD	1.30	130.00	0.00	130.00
330	PORTLAND CEMENT	SQ YD	1.10	110.00	0.00	110.00
340	GRAVEL	SQ YD	0.00	0.00	0.00	0.00
350	ASPHALT	SQ YD	0.70	70.00	0.00	70.00
360	CEMENT	SQ YD	1.20	120.00	0.00	120.00
370	PORTLAND CEMENT	SQ YD	1.00	100.00	0.00	100.00
380	GRAVEL	SQ YD	0.00	0.00	0.00	0.00
390	ASPHALT	SQ YD	0.60	60.00	0.00	60.00
400	CEMENT	SQ YD	1.10	110.00	0.00	110.00
410	PORTLAND CEMENT	SQ YD	0.90	90.00	0.00	90.00
420	GRAVEL	SQ YD	0.00	0.00	0.00	0.00
430	ASPHALT	SQ YD	0.50	50.00	0.00	50.00
440	CEMENT	SQ YD	1.00	100.00	0.00	100.00
450	PORTLAND CEMENT	SQ YD	0.80	80.00	0.00	80.00
460	GRAVEL	SQ YD	0.00	0.00	0.00	0.00
470	ASPHALT	SQ YD	0.40	40.00	0.00	40.00
480	CEMENT	SQ YD	0.90	90.00	0.00	90.00
490	PORTLAND CEMENT	SQ YD	0.70	70.00	0.00	70.00
500	GRAVEL	SQ YD	0.00	0.00	0.00	0.00
510	ASPHALT	SQ YD	0.30	30.00	0.00	30.00
520	CEMENT	SQ YD	0.80	80.00	0.00	80.00
530	PORTLAND CEMENT	SQ YD				

SEE SHEET C1.4

GRAPHIC SCALE

[IN FEET]
1 inch = 20 feet

[illegible][illegible][illegible]

7	1/17/74	ADJ STREET IMPROVEMENTS, NW, RAY'S CHURCH & BROS
8	1/21/74	ADVERTISE FOR P&A APPROVAL
9	3/21/74	SUBMITTED FOR P&A APPROVAL
10	5/28/74	ADJX CONGRESSIONAL DOCUMENTS
11	1/22/75	ADJX PASSING CHAIR
12	1/24/75	ADJX PERM FOR SHOT ROCK
13	1/27/75	ROSEBUD BRIDGE, WORLD CUP
REV.	DATE	DESCRIPTION
		
118 CONDOMINIUMS, LLC		
118 CONGRESS STREET, PORTLAND ME		
118 on MUNJOY HILL		
118 CONGRESS STREET, PORTLAND, ME		
		
SITE PLAN SCALE: 1" = 40' X 40' DATE: 12/24/83 PROJECT: 118-20-3 SITE PLAN SCALE: 1" = 40' X 40' DATE: 12/24/83 PROJECT: 118-20-3 NW 16/100' 60' 2' C1.2		

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Michael Bobinsky, Director of Public Services

DATE: July 3, 2014

DISTRIBUTION: Mark Rees, City Manager
Michael Brennan, Mayor
Danielle West-Chuhta, Corporation Counsel
Sonia Bean, Executive Assistant
Nancy English, Administrative Assistant
John Peverada, Parking Manager
Eric Labelle, PE, Assistant Director of Public Services/Operations Mgr.
Katherine Earley, PE, Engineering Services Manager
Jeremiah Bartlett, PE, PTOE, Transportation Systems Engineer

SUBJECT: Order – Amendment to Traffic Schedule

SPONSOR: 118 Condominiums, LLC (via Planning Board); Transportation, Sustainability & Energy Committee

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading N/A **Final Action** July 21, 2014

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

PRESENTATION: None

I. SUMMARY OF ISSUE

118 Condominiums, LLC received site plan approval on January 28, 2014 and began construction last month. As part of the project, there is an adjustment of the site access on St. Lawrence Street and removal of access on Congress Street. This change will have the result of a net increase of one parking space. The request was reviewed and unanimously approved by the City's Transportation, Sustainability & Energy Committee at their June 18, 2014 meeting.

II. REASON FOR SUBMISSION

Although 118 on Munjoy Hill has received site plan approval, the changes to on-street parking, although minor, still warrant submittal and approval by the Transportation, Sustainability and Energy Committee as well as the City Council.

III. INTENDED RESULT

The adjustments to on-street parking due to this project will allow for the project to have appropriate access as per the Planning Board approval. In addition, the net increase in on-street parking will benefit a part of the City that experiences significant on-street parking demand.

IV. COUNCIL GOAL ADDRESSED

This proposed change addresses both the Council goals of economic development and improving City services.

V. FINANCIAL IMPACT

It is anticipated that the costs of the new signage will be borne by the Applicant.

VI. STAFF ANALYSIS & RECOMMENDATION

The Department of Public Services and the Parking Control Division have reviewed this change and recommend this action.

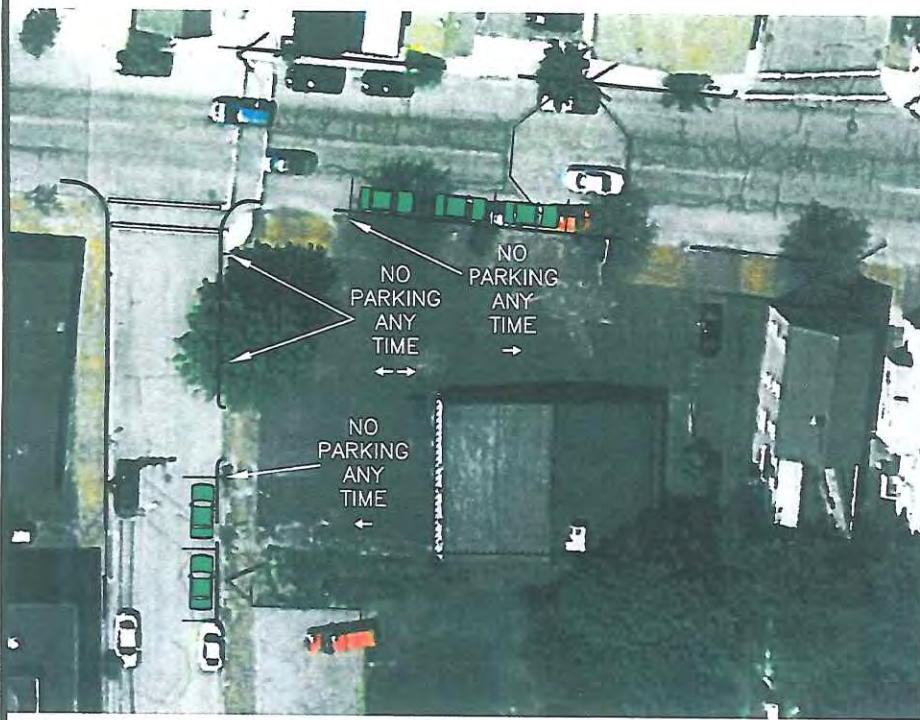
VII. LIST ATTACHMENTS

- Exhibit A: Council Order
- Exhibit B: Map
- Exhibit C: Applicant Letter
- Exhibit D: Site Plan

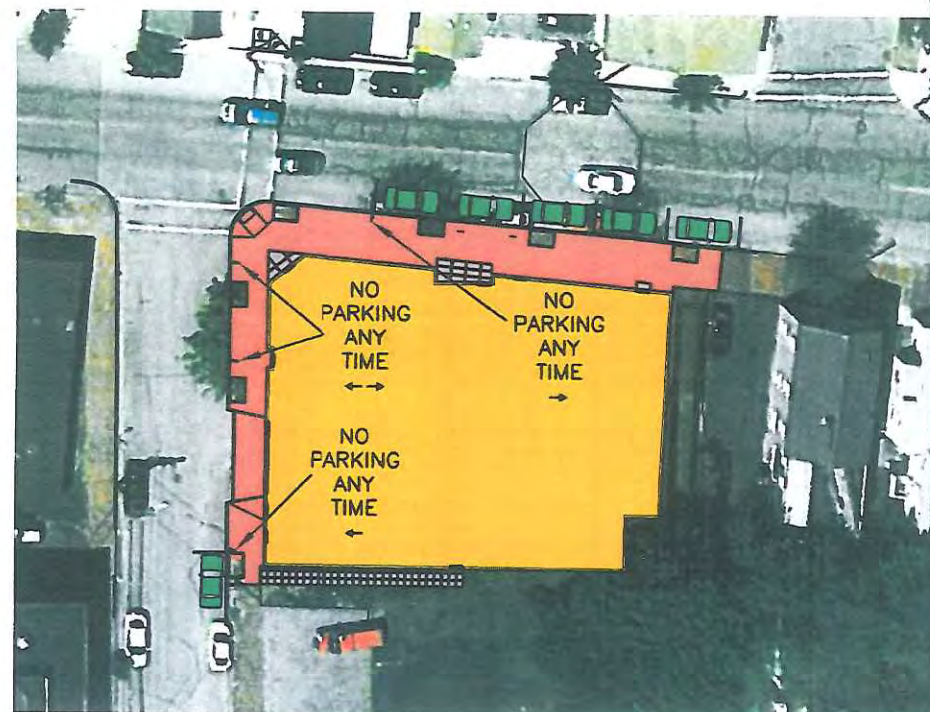
Prepared by:

Signature

Date

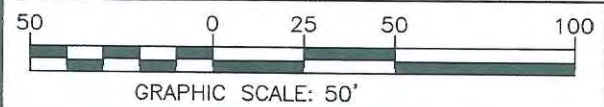


**STREET PARKING
EXISTING CONDITIONS**
5-ON STREET SPACES



**STREET PARKING
PROPOSED CONDITIONS**
6-ON STREET SPACES

REVISED 4/17/14, ADJUST
SPACES TO TREE WELL LOCATIONS



118 STREET PARKING

DATE: FEBRUARY 4, 2014 PROJECT: 13143

118 CONDOMINIUMS, LLC
118 CONGRESS STREET, PORTLAND, MAINE
118 on MUNJOY HILL
118 CONGRESS STREET, PORTLAND, MAINE

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

CITY OF PORTLAND
IN THE CITY COUNCIL

Order 20-14/15
Tab 7 7-21-14

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

A & W Foods LLC d/b/a Ebb & Flow at 100 Commercial St. Application for a Class I FSE License with Entertainment with Dance and Outdoor Dining on Public Property.

June 19, 2014

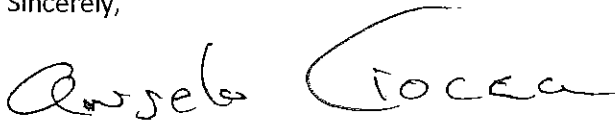
Mayor Brennan and Portland City Council Members,

Thank you for considering our application for a license to serve alcoholic beverages at Ebb & Flow, a new restaurant located at 100 Commercial Street. E & F will harvest local, seasonal ingredients to create the flavors of the Mediterranean, with the prime focus being sustainable seafood.

I have owned Nova Seafoods in Portland, ME, for over 20 years. I am very excited to open a restaurant in Portland with my managing partner, William D'Auvray. Our approach to food will be simple yet refined with an emphasis on quality, available at all price points. Hand-crafted food and drinks will be delivered by a knowledgeable, polished and unpretentious staff, and local artists will perform live music on featured nights. We feel E & F will be a welcome addition to Portland's already incredibly thriving dining scene.

Thank you again for reviewing our application. Please feel free to contact us with any questions or concerns.

Sincerely,

A handwritten signature in dark ink, reading "Angelo Ciocca". The signature is fluid and cursive, with the first name "Angelo" and the last name "Ciocca" clearly distinguishable.

Angelo Ciocca

11 JUN 23 PM 2:00

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

Application for Food Service Establishment With Alcoholic Beverages

Type of Liquor License Applying for: CLASS 1

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

Business Name (d/b/a): Ebb & Flow Phone: _____

Location Address: 100 Commercial Street, Suite 100 ZIP 04101

If new, what was formerly in this location: Spread

Mailing Address: 100 Commercial Street, Suite 100 ZIP 04101

Contact Person: William D'Auvray Phone: (919) 417-1793

Manager of Establishment: William D'Auvray Home Phone # (919) 417-1793

Owner of Premises (landlord): East Brown Cow Property Management - Solely What LLC

Address of Premises Owner: 100 Commercial Street ZIP 04101

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

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

Nova Seafood LTD 555 Commercial Street, Portland, ME 04101

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

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

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

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

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

Corporation Name: A&W Foods LLC

Corporation Mailing Address: 555 Commercial St ZIP 04101

Contact Person: Angelo CioCCA Phone Number: (207) 774-6324

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

Name <u>Angelo CioCCA</u>	Title <u>President</u>	DOB <u>01/25/57</u>	Residence Address <u>25 Olde Colony Lane</u>
Name _____	Title _____	DOB _____	Residence Address <u>C.E 04107</u>
Name _____	Title _____	DOB _____	Residence Address _____
Name _____	Title _____	DOB _____	Residence Address _____
Name _____	Title _____	DOB _____	Residence Address _____
Name _____	Title _____	DOB _____	Residence Address _____

(Please see reverse side)

Type of Food Served: Mediterranean seafood

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

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

Hours and Days of operation: Monday-Sunday 11:00AM - 10:00 PM

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

If no, please explain _____

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

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

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

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

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

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

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

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

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

What is your targeted opening date? : 8/15/2014

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

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

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

Signature Angelo Ciaca Title Resort Date 6/20/14

Application attachment to other City license

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

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

Supplemental Application for Dancing and Entertainment

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

Business Name (d/b/a): Ebb & Flow

Location Address: 100 Commercial Street ZIP 04101 Phone 919-417-1798

Will music be electric or acoustical or both? Acoustical

Will amplification used? Yes _____ No ✓

If yes, where and at what level? _____

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

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

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 0.25 mile

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

Full service restaurant with live music four (4) nights a week

If new applicant, what is your targeted opening date?: 8/15/2015

Does the issuance of this license directly or indirectly benefit any City employee? Yes _____ No ✓
If yes, list names of employee(s) and department(s). _____

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

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

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

Signature Angelo Cicca Title President Date 6/20/14

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
164 STATE HOUSE STATION
AUGUSTA, ME 04333-0164**



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.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES New

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>A+W Foods LLC</u> DOB: _____	2. Business Name (D/B/A) <u>Ebb & Flow</u>
DOB: _____	Location (Street Address) <u>100 Commercial Street</u>
DOB: _____	City/Town <u>Portland</u> State <u>Maine</u> Zip Code <u>04101</u>
Address <u>555 Commercial ST</u>	Mailing Address <u>100 Commercial Street Suite 100</u>
City/Town <u>Portland</u> State <u>Maine</u> Zip Code <u>04101</u>	City/Town <u>Portland</u> State <u>Maine</u> Zip Code <u>04101</u>
Telephone Number <u>207- 774-6324</u> Fax number <u>N/A</u>	Business Telephone Number <u>N/A</u> Fax Number _____
Federal I.D. # <u>47-1095189</u>	Seller Certificate # _____

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

4. State amount of gross income from period of last license: ROOMS \$ N/A FOOD \$ N/A LIQUOR \$ N/A

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: William R D'Auvray

8. If business is NEW or under new ownership, indicate starting date: 6/14/2014

9. Business records are located at: 100 commercial Street Portland Maine 04101

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

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
Angelo Ciocca	1/25/57	Bridgeport, CT
William D'Auvray	10/21/65	NYC

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

Raleigh NC, Ft Lauderdale FL, Naples FL

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: East Brown Cow
Property Management - Solely Wharf LLC
100 commercial street Portland Maine 04101

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) A Mediterranean seafood focused
Full service restaurant and bar, 130 seats in all, 15 barstools, a private dining area with limited outside seating.

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☐ NO ☒ Applied for: 6/20/2014

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? .4 miles Which of the above is nearest?
St. Vincent ? St. Peter's

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: PONTIAC, Me on JUNE 20, 20 14
Town/City, State Date

Angelo Cicca
Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Angelo Cicca
Print Name

Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

- Class I** Spirituous, Vinous and Malt \$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.
- Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.
- Class II** Spirituous Only \$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.
- Class III** Vinous Only \$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.
- Class IV** Malt Liquor Only \$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.
- Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00
CLASS V: Clubs without catering privileges.
- Class X** Spirituous, Vinous and Malt – Class A Lounge \$2,200.00
CLASS X: Class A Lounge
- Class XI** Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.

FILING FEE \$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 164 State House Station, Augusta ME 04333-0164. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.



State of Maine
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement

**Supplemental Information Required for
Business Entities Who Are Licensees**

For Office Use Only:

License #: _____

Date Filed: _____

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

A & W Foods LLC

2. Other business name for your entity (DBA), if any:

Ebb & Flow

3. Date of filing with the Secretary of State: 05/29/2014

4. State in which you are formed: Maine

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Angelo Ciocca	25 Olde Colony lane Cape Elizabeth ME	01/25/1957	100

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: _____ Agency: _____

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

Angelo Ciocca

Signature of Duly Authorized Person

6/20/14
Date

Angelo Ciocca

Print Name of Duly Authorized Person

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
164 State House Station
Augusta, Me 04333-0101
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3424
Email Inquiries: MaineLiquor@Maine.gov

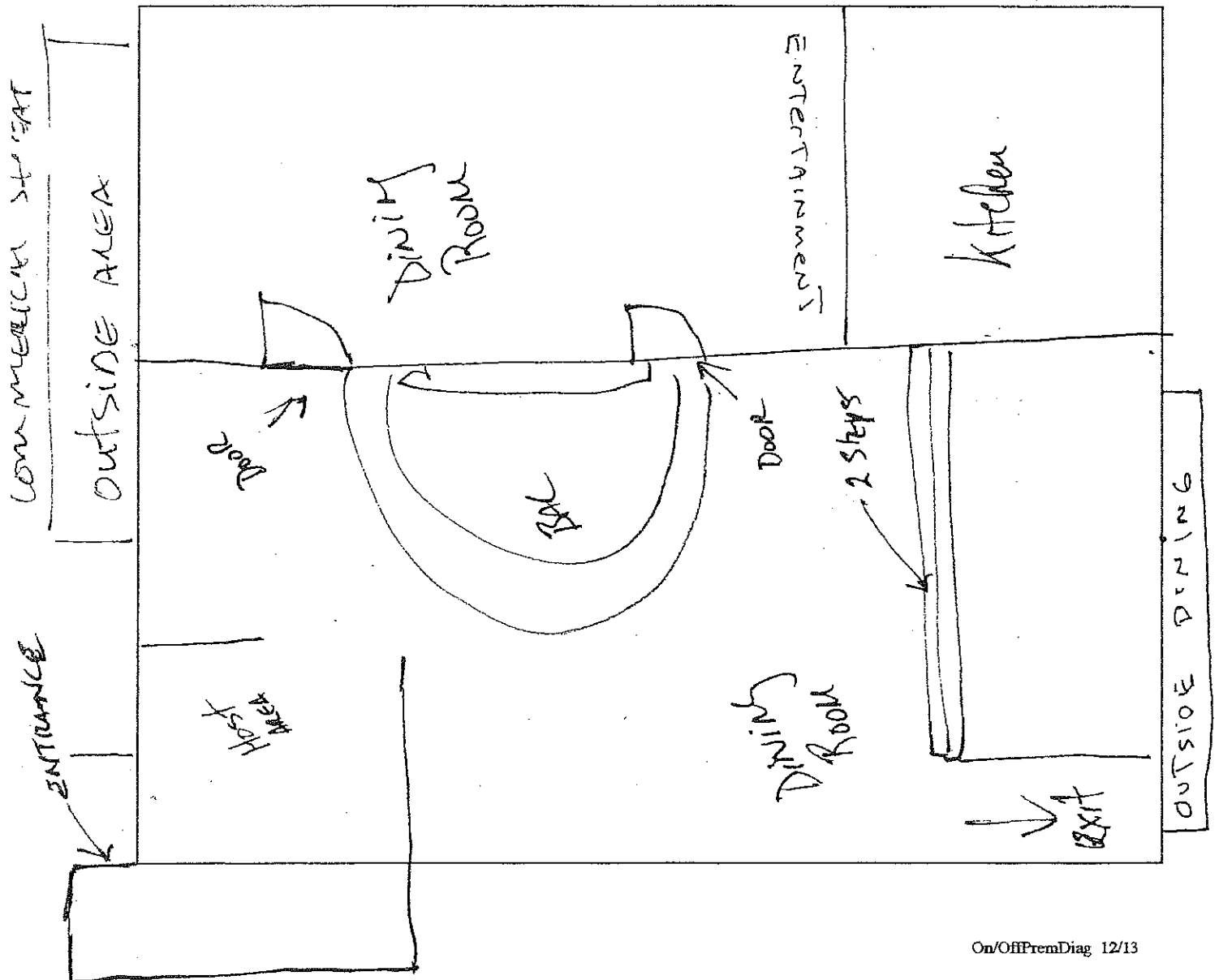


Bureau of Alcoholic Beverages
Division of Liquor Licensing & Enforcement
164 State House Station
Augusta, ME 04330-0164
Tel: (207) 624-7220 Fax: (207) 387-3424

SUPPLEMENTAL APPLICATION FORM ON-PREMISE DIAGRAM

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Division for liquor consumption.



EBB & FLOW SAMPLE MENU

MARKET CRUDOS

Sea salt and lemon-cured organic salmon
Bigeye tuna tartare, sesame lavash
Maine scallop ceviche, gold potato, fried caper
Bronzino cured in sea salt, fennel, tomato water, bacon
Pink shrimp ceviche, lime, tomato jam, chili-salt
Fluke, pink grapefruit, dill, chive oil
Market oyster selections of the day

APPETIZERS

Zucchini fritters, mint and yogurt
Grilled Spanish octopus, northern beans, potato spuma, paprika
Charcuterie plate, pickles (market price)
Fried local goat cheese, quince conserva, grilled Treviso
Alderwood-smoked organic salmon, fennel, mustard seed foccacia
Potatas bravas, Manchego, cheesy-garlic fries
Our meatballs, fried Parmesan, tomato gravy
Beef carpaccio, rocket, Reggiano, baby celery, sea salt
Grilled eggplant, dried feta, tomato, pine nut crust
Maine cultivated mussels, oil-cured tomatoes, leeks, local wine
Ferry clams, our bacon, charred sweet pepper, roasted garlic butter
Portland roll, broiled red rock crab

SALADS AND SUCH

Roasted beets, local goat cheese, baby lettuce, rosemary oil and verjus
Romaine salad, cod sticks, scallion pisto and hazelnut dressing
Organic Salmon crustade, peppercress, quinoa, lemon, chili and sesame
Greek salad of late season tomatoes, Bulgarian feta, Cubanelles, cucumber and oregano
Big green salad, mixed greens, herbs, shallots, lemon and olive oil

CHARCOAL

Grilled squid, prosciutto, chili sauce
Our lamb sausage, grilled onion, fava puree
Local Mackerel
Baby cuttlefish
Char-grilled lamb's tongue, mint chutney
Slow-roasted pork rib chop, roasted figs, onion gratin
Short rib burger, Kaiser roll, onion marmalade, white cheddar, truffle mayo, fries
Prime skirt steak, mushrooms, truffle vinaigrette, crisp shallots
Dry-aged New York strip, three peppercorn sauce, frites
Whole Branzino, roasted fennel, fines herbs, lemon
Swordfish belly, caramelized salsify, arugula

MAIN

Natural, cured half chicken, preserved lemon, gremolata, fresh dug potatoes
Organic slate-roasted salmon, cipolini onion, kale
Sautéed skate wing, sweet shrimp, pine nuts, caper, beurre noisette
Tomato-braised lamb shank, pappardelle
Northeast coast catch Cioppino, rice balls, aioli
Pan-fried Maine lobster and sweet breads, pickled mustard greens, heirloom carrots
Seared Maine scallops, roasted cauliflower, hazelnuts, chive and lemon caramel
Short rib tortoloni, parsnip brodo, charred kale, Reggiano parmesan
Tagliotelle nero, Manila clams, squid, our pancetta, crispy garlic, grilled shishito pepper
Confit of chicken oysters, ricotta gnocci, tomato, thyme butter

☒ The permit holder is responsible for keeping the outdoor seating area clean. The sidewalk area where the tables and chairs are located must be kept neat and free from litter and debris.

☒ No food shall be prepared outside.

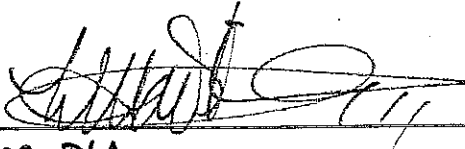
☒ If alcohol is to be served, the permit holder must notify the City's Business Licensing Office in room 203 of City Hall or by telephone at 874-8557 and obtain approval for the service of alcohol outdoors. Additionally, State law requires that any outdoor area serving alcohol be segregated from the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

☒ All tables and chairs shall be removed prior to a predicted snowfall and while any snow or ice exists within the designated outdoor seating area or within four feet from the boundaries thereof. The City will not be responsible for damage to any tables, chairs or other property that is not properly removed when the City is engaged in sidewalk maintenance activities.

☒ The permit holder shall comply with all applicable rules and regulations implemented by the city regarding outdoor dining.

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

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signed and acknowledged: 

Date: 7/7/2014

Printed name William D'Auvray

Establishment Ebb & Flow

Location 100 Commercial St



Outdoor Dining Permit Application

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

☒ New Application for Outside Dining ☐ Renewal Application for Outside Dining		
City Clerk signature for liquor license approval: _____		
Pending Council Date: <u>7/21/14</u>		
Location Name & Address:	Chart	Block Lot
Ebb & Flow 100 Commercial St, Portland, ME 04101		
Owner & Phone #: Angelo Ciocca 207-776-3127	Total Square Footage of Proposed Seating Area: ¹ 300	
Applicant *must* be owner or lessee Name: Angelo Ciocca Address: 555 Commercial St City, State & Zip: Portland, ME 04101 E-Mail: angelo@novaseafood.com	Annual Fee: \$80 Total Sq. Ft.: _____ Sq. Ft. Fee: (sq ft x \$2) \$ _____ (Due when issued) Total Fees: \$ _____ (Permit not issued until all fees are paid)	
Current use: <u>Restaurant</u>		
Business name: <u>Ebb & Flow</u>		
Seating area dimensions: <u>5 ft x 35 ft / 4 ft x 30 ft</u>		
How many chairs? <u>26</u> How many tables? <u>11</u>		
☒ Yes Alcohol is served. ☐ No Alcohol being served.		
Who should we contact for the pre-inspection: <u>William D'Auvray</u>		
Mailing address: <u>139 Park St #1, Portland, ME 04101</u> Phone: <u>919-417-1798</u>		

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

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

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

Signature of Applicant:	Date: <u>6/30/14</u>
-------------------------	----------------------

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

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

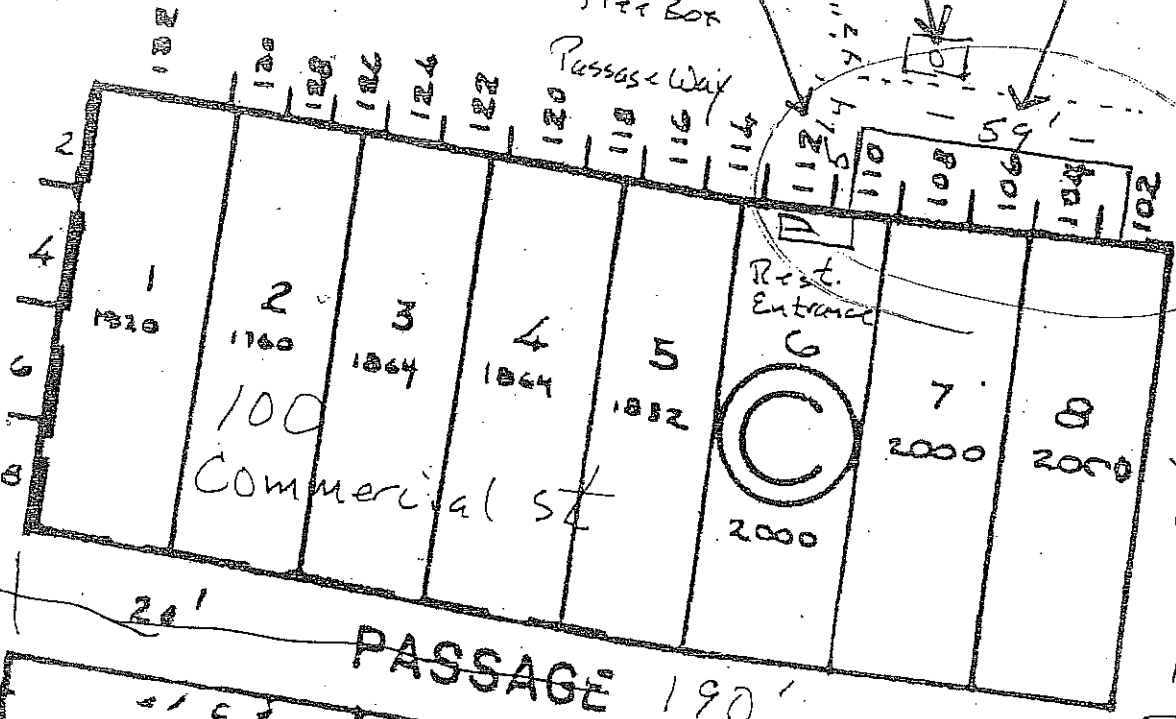
COMMERCIAL

outside
seating
area

5.4'

59.1'

Tree Box
Passage Way



PASSAGE 80' Pearl St

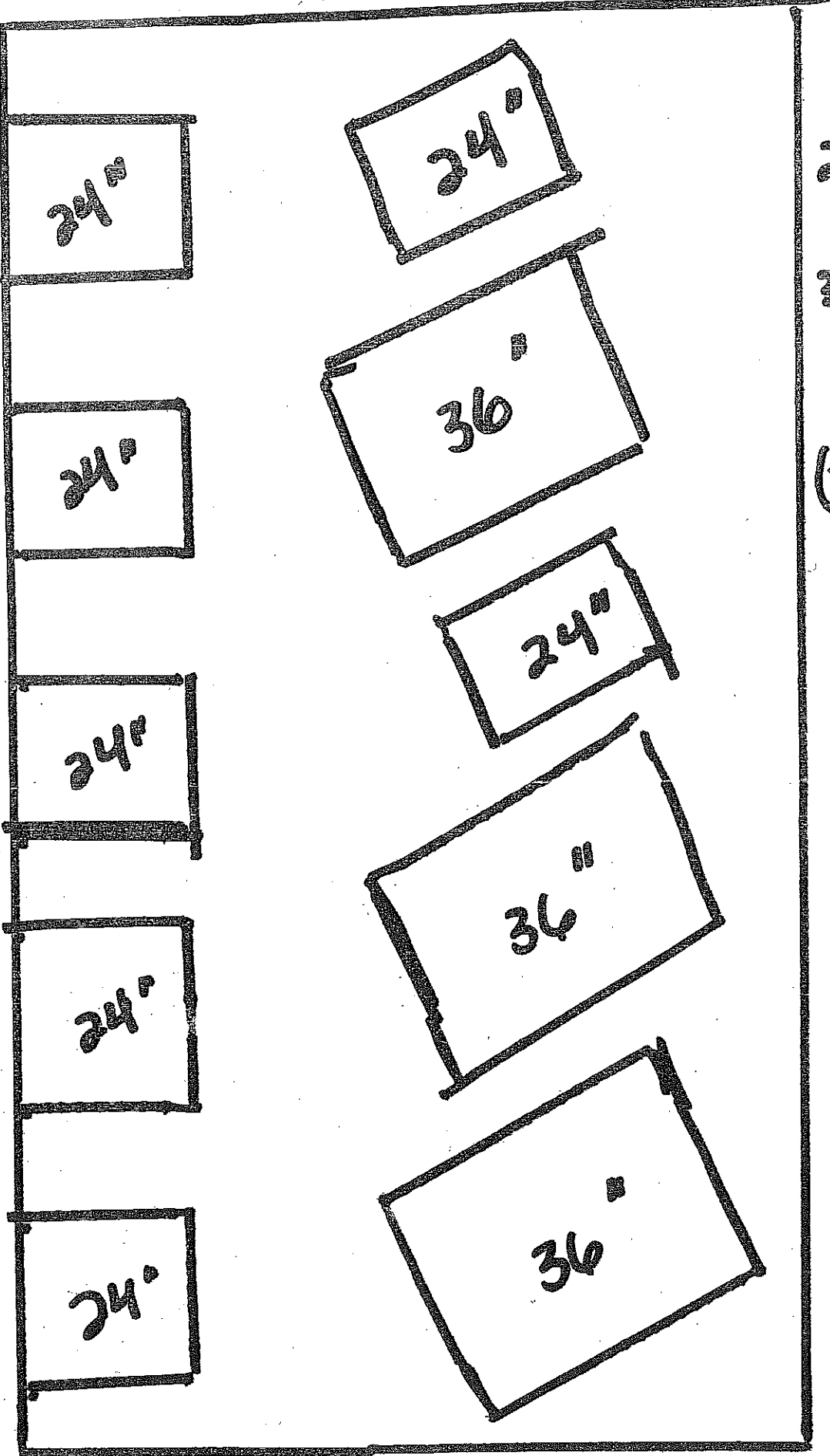
PASSAGE 190'

WHARF
3
12016

DOCK
2
7407

5.4'

39.5'

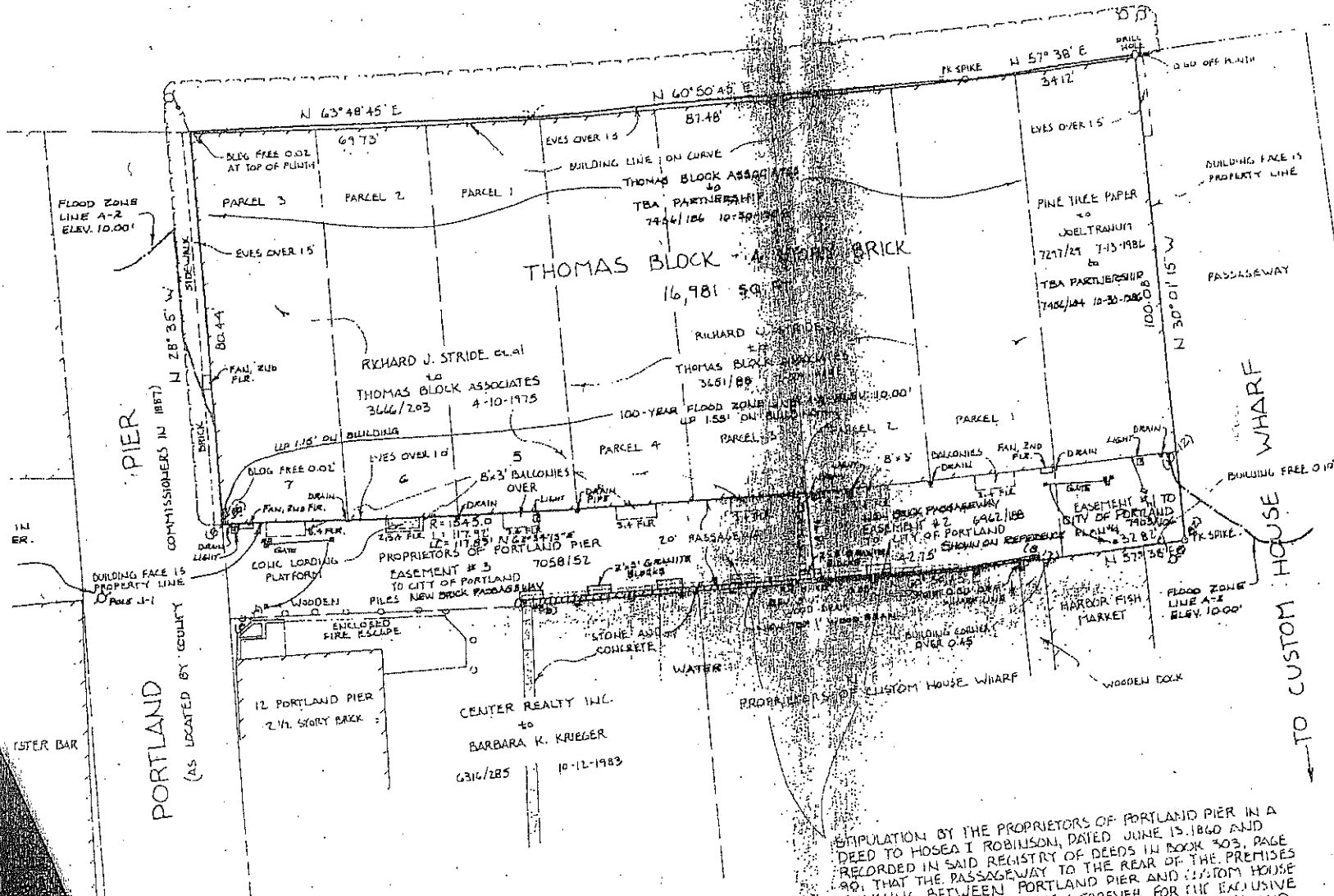


24' = 2
PP1

36' = 4
PP1

(26 total)

COMMERCIAL



MAURICE DREES
TO
RAYMOND H CREIGHTON JR. et al
3305/264 10-2-1972
3 STORY BRICK

42.75
32.82

76.57

STIPULATION BY THE PROPRIETORS OF PORTLAND PIER IN A DEED TO HOSEA I ROBINSON, DATED JUNE 13, 1860 AND RECORDED IN SAID REGISTRY OF DEEDS IN BOOK 303, PAGE 90, THAT THE PASSAGEWAY TO THE REAR OF THE PREMISES RUNNING BETWEEN PORTLAND PIER AND CUSTOM HOUSE WHARF SHALL BE KEPT OPEN FOREVER FOR THE EXCLUSIVE USE AND BENEFIT OF THE OCCUPANTS OF THE STORES AND WAREHOUSES ON THE SOUTHEASTERNLY SIDE OF COMMERCIAL STREET BETWEEN PORTLAND PIER AND CUSTOM HOUSE WHARF



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

Transaction Response #: MIQ99C195065

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on
2014-07-07) :

Inquiries Name(s)

ANGELO CIOCCA (1957-01-25)

NO MATCH WAS FOUND FOR YOUR REQUEST.



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

Transaction Response #: MIQ99C195069

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-07-07) :

Inquiries Name(s)

WILLIAM D'AUVRAY (1965-10-21)

NO MATCH WAS FOUND FOR YOUR REQUEST.



PORTLAND MAINE

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

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

Carolyn M. Dorr
Deputy City Clerk

July 7, 2014

A & W Foods LLC d/b/a Ebb & Flow
Attn: Angelo Ciocca
555 Commercial St.
Portland, ME 04101

Re: A & W Foods LLC d/b/a Ebb & Flow at 100 Commercial St. Application for a Class I FSE License with Entertainment with Dance and Outdoor Dining on Public Property.

Dear Mr. Ciocca,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, July 21st at 7:00 p.m.** for the review of the application of A & W Foods LLC d/b/a Ebb & Flow at 100 Commercial St. for a Class I FSE License with Entertainment with Dance and Outdoor Dining on Public and Private Property. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the City Council has questions regarding the license application. If there is no representation and questions arise, the issue could be postponed.

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

Sincerely,

Janice Gardner
Business License Administrator

Ad ID 5098025

Date 07/07/2014

Time 4:36 PM

PUBLIC NOTICE

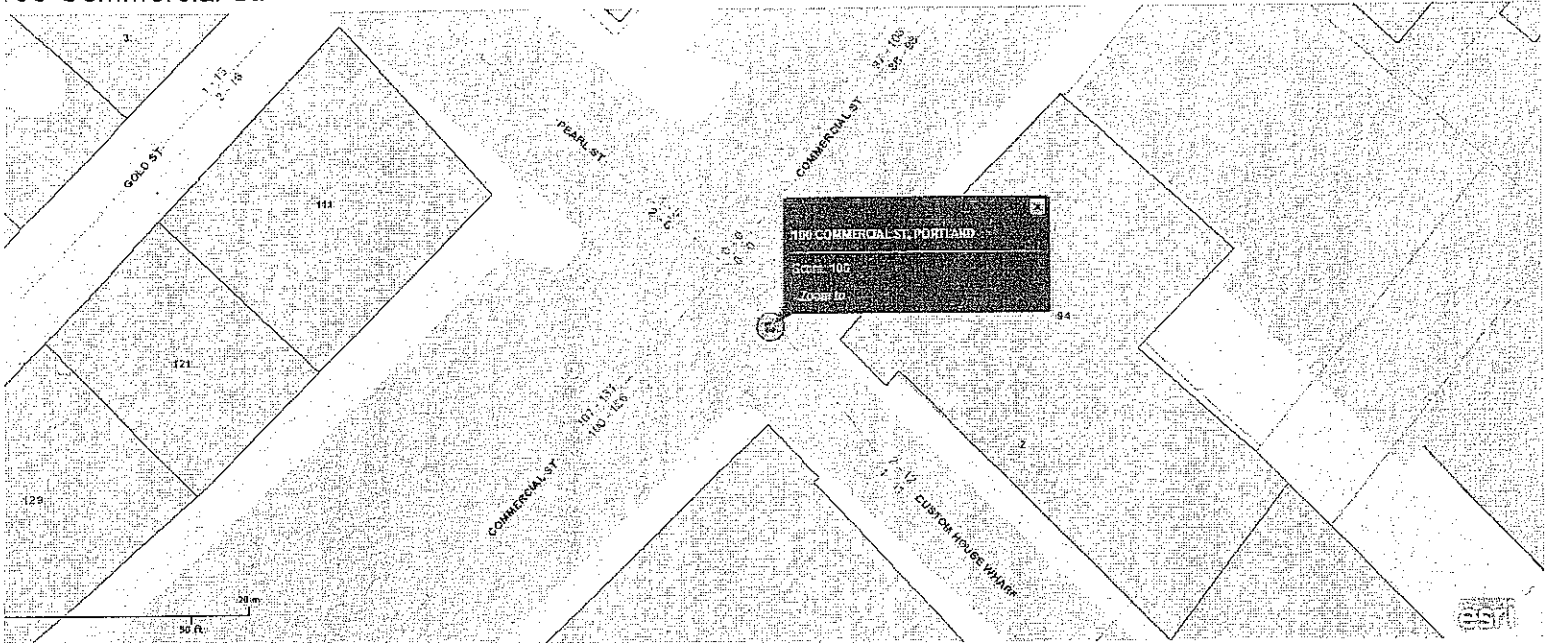
**Notice of
Public Hearing
City of Portland**

A Public Hearing will be held on July 21st at 7:00 P.M., in City Council Chambers, 389 Congress St., on the application of A&W Foods LLC d/b/a Ebb & Flow at 100 Commercial St. Application for a Class I FSE License with Entertainment with Dance and Outdoor Dining on Public Property. Sponsored by Katherine L. Jones, City Clerk.

#5098025

Ebb & Flow

100 Commercial St.



Business Licensing - EBB & FLOW - PENDING Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 7/12/2014 6:41 PM
Subject: EBB & FLOW - PENDING Business License Approval

EBB & FLOW - PENDING is Approved for their Business License Inspection by the Police Dept.

Date: 7/12/2014

Zone:

Comments: Liquor and outdoor dining approved.

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

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

CITY OF PORTLAND
IN THE CITY COUNCIL

Order 21-14/15
Tab 8 7-21-14

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Golden Lotus, LLC d/b/a Golden Lotus at 511 Congress St. Application for a Class I FSE License.

Rcvd 6/17

Portland City Hall
315 Congress Street
Portland Maine 04101
Attention: City Clerk

June 16, 2014

Re: Golden Lotus Restaurant/ 511 Congress Street/ Letter of Intent

Dear Councilors:

My name is Joe Tang. I am writing as the sole member and Manager of Golden Lotus, LLC in connection with the application for a food and liquor license, the City Clerk's office has requested this Letter of Intent describing the new restaurant.

By way of background, I have been in the restaurant business for over 30 years. I first owned and managed a Chinese restaurant in Seabrook, New Hampshire under the name of "Tang's". The restaurant was successful for 20 years and closed in 2007. Thereafter, I was the lead chef/cook at The Wok Inn on Forest Avenue for 7 years until the restaurant closed last year. More recently, I have been engaged as a full-time cook at Empire Chinese on Congress Street.

Last month I became aware that the Chow family, owners of Shanghai Tokyo Restaurant, intend to move back to Boston. We have reached terms for a purchase of the restaurant and assumption of the lease at that location. I will be updating the menu and rebranding the restaurant under "Golden Lotus". I intend to employ ten employees: wait staff, managers, and kitchen staff.

I am sure that councilors are aware that the location has a history of food service businesses and is located a short distance from the former Hu Shang on Brown Street. Dim sum and related menu items make for excellent dinner fare prior to events at the Cumberland County Civic Center and luncheon business is historically strong at this location. We are excited to offer a new brand of healthy Asian food and traditional Chinese food options for families and business clientele.

Thank you for your kind consideration.

Regards,

Joe Tang

A handwritten signature in black ink, appearing to read 'Joe Tang', with a horizontal line extending from the end of the signature.

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

Application for Food Service Establishment With Alcoholic Beverages

Type of Liquor License Applying for: CLASS I

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

Business Name (d/b/a): GOLDEN LOTUS Phone: 603-531-3904

Location Address: 511 Congress Street ZIP 04101

If new, what was formerly in this location: SHANGHAI TKG, Rest.

Mailing Address: 945 Congress Street ZIP 04103

Contact Person: Joe Tang Phone: 603-531-3904 (cell)

Manager of Establishment: Joe Tang Home Phone # 603-531-3904

Owner of Premises (landlord): Ocean Gate LLC (Ed Gardner III)

Address of Premises Owner: 945 Congress Street ZIP 04103

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

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

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

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

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

Name of Owner(s):	<u>N/A</u>	DOB	<u></u>	Residence Address	<u></u>
Name of Owner(s):	<u></u>	DOB	<u></u>	Residence Address	<u></u>
Name of Owner(s):	<u></u>	DOB	<u></u>	Residence Address	<u></u>

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

Corporation Name: GOLDEN LOTUS, LLC

Corporation Mailing Address: 945 Congress Street ZIP 04103

Contact Person: Joe Tang Phone Number:

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

Name	<u>Joe Tang</u>	Title	<u>MGR.</u>	DOB	<u>3/29/54</u>	Residence Address	<u>945 Congress St.</u>
Name	<u>Legal name:</u>	Title	<u></u>	DOB	<u></u>	Residence Address	<u>(parent)</u>
Name	<u>Joseph</u>	Title	<u></u>	DOB	<u></u>	Residence Address	<u>04103</u>
Name	<u>Quinn</u>	Title	<u></u>	DOB	<u></u>	Residence Address	<u></u>
Name	<u></u>	Title	<u></u>	DOB	<u></u>	Residence Address	<u></u>
Name	<u></u>	Title	<u></u>	DOB	<u></u>	Residence Address	<u></u>

(Please see reverse side)

Type of Food Served: ASIAN

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

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

Hours and Days of operation: 7 Days; 11 A.M. - 9 P.M.

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

If no, please explain N/A

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

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

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

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

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

Also, will the outside dining be on PUBLIC N/A or PRIVATE N/A property?

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

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

If yes, please list, # of pinball: N/A # of amusements: N/A # of pool tables: N/A

What is your targeted opening date? : 8/1/14 (Possession 7/1/14)

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

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

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

Signature [Signature] Title MGR. Date 6/11/14

Joseph Cinnamon
AKA Joe Tang

Department of Public Safety
Division



Liquor Licensing & Inspection

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

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTIONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

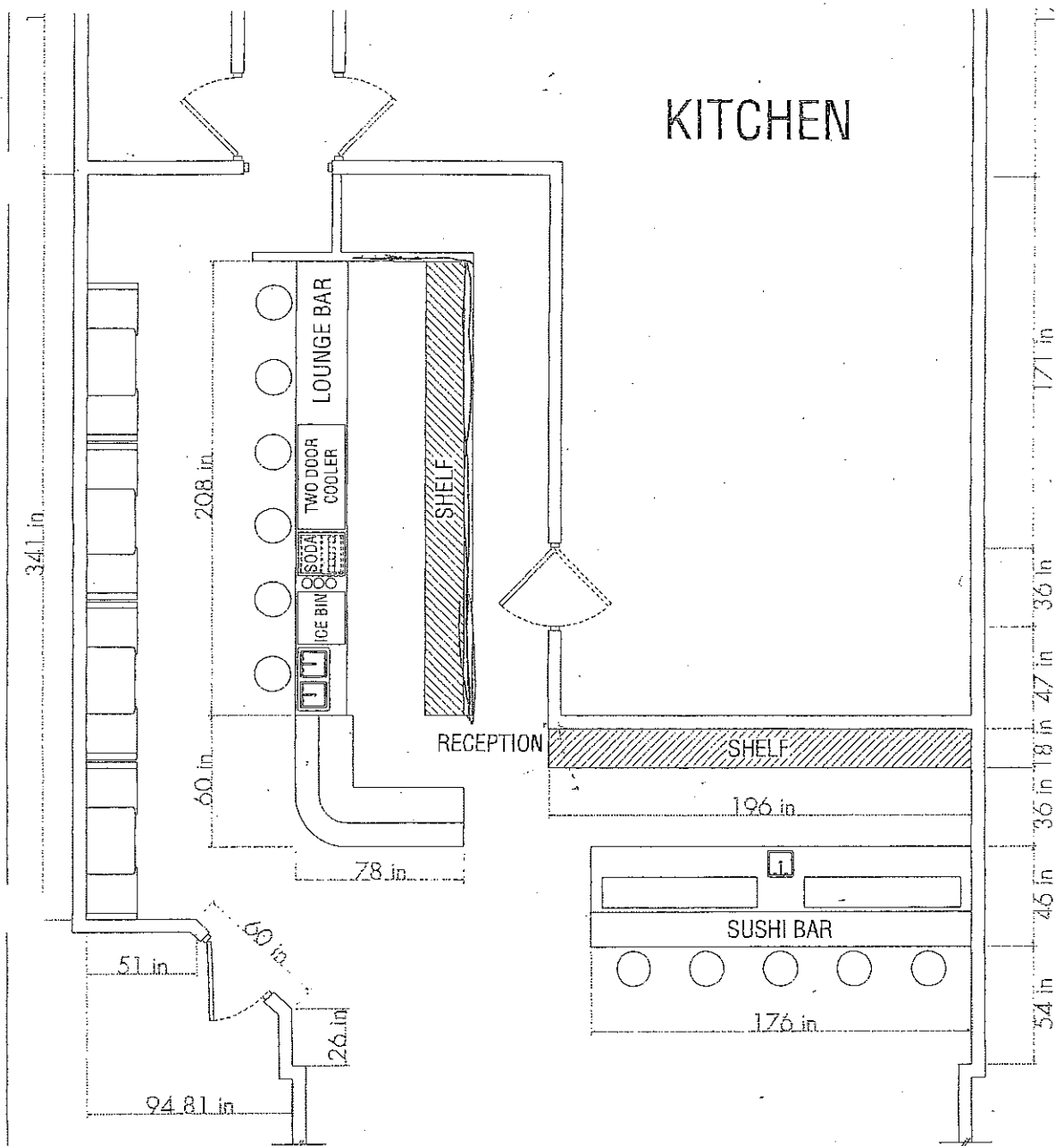
1. APPLICANT(S) (Sole Proprietor, Corporation, Limited Liability Co., etc.)			2. Business Name (D/B/A)		
GOLDEN LOTUS LLC Formed DOB: 6-1-14			SAME NAME		
Address			Location (Street Address)		
511 CONGRESS STREET			511 Congress Street		
City/Town			City/Town		
PORTLAND			PORTLAND		
State			State		
ME			ME		
Zip Code			Zip Code		
04101			04101		
Telephone Number			Business Telephone Number		
207-776-6031			N/A		
Fax Number			Fax Number		
3904			N/A		
Federal I.D. #			Seller Certificate #		
			N/A		

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 \$ NA FOOD \$ _____ LIQUOR \$ _____
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire, If YES

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒ Joseph Ciuman
7. If manager is to be employed, give name: AKATOR TANG (PRINCIPAL)
8. If business is NEW or under new ownership, indicate starting date: 7-1-14
- Requested inspection date: _____ Business hours: _____
9. Business records are located at: 945 Congress St. PORTLAND ME
10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

KITCHEN



©2009 EXCEL SIGN & DECORATION CORP. ALL RIGHTS RESERVED

CUSTOMER NAME: John Chow		ADDRESS: 511 Congress St	
COMPANY: Shanghai Tokyo		CITY: Portland	STATE/ZIP: ME 04101
PHONE: 617-823-7066		FAX:	
SCALE: 0.012	FILE NAME: Floor Plan.FS		ORDER DATE: 11/01/2010
JOB NO.: 101101847P	ESTIMATE: \$ \$0.00	(\$0 = NO PRICE) PLUS 6.25% MATA X	DATE: 11/11/2010

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
Joseph Ciunman	3/29/54	Hong Kong (China)

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

945 Congress St.
Portland ME 04103

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: _____

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

See attached

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☐ NO ☐ Applied for: July 10, 2014

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

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: N/A

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

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

Dated at: Portland Maine on 6-11, 2014
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Legal: Joseph Ciunman
AKA Joe Tang



State of Maine
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement

Supplemental Information Required for
Business Entities Who Are Licensees

For Office Use Only:

License #: _____

Date Filed: _____

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

1. Exact legal name:

GOLDEN LOTUS, LLC

2. Other business name for your entity (DBA), if any:

GOLDEN LOTUS

3. Date of filing with the Secretary of State: _____

4. State in which you are formed: MAINE

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: N/A

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
JOE TANG	945 CONGRESS	3/29/54	100
	PORTLAND		
	37 WOODLAND	3/29/54	
	AVENUE		

7. Is any principal person involved with the entity a law enforcement official?

Yes

☐

No

☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: N/A Agency: N/A

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes

☐

No

☒

10. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature: _____

Go Kas Louis, LLC

Signature of Duly Authorized Person

Date

6-11-14

Print Name of Duly Authorized Person

JOE TASCHE, LLC

Legal name:

Joseph Chiaman

Submit Completed Forms To: Bureau of Alcoholic Beverages

Division of Liquor Licensing and Enforcement

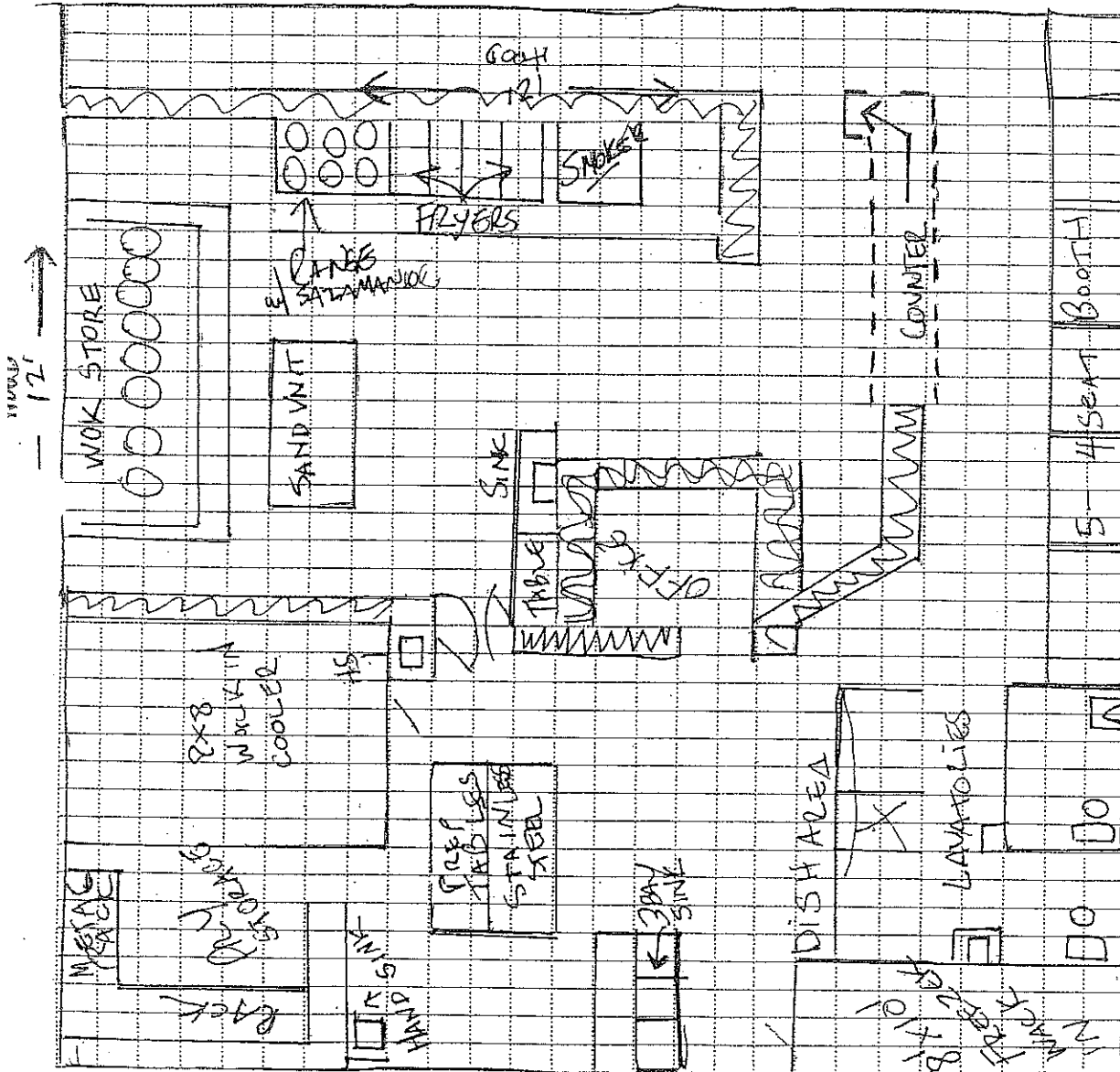
164 State House Station

Augusta, Me 04333-0101

Telephone Inquiries: (207) 624-7220

Kitchen Layout

Use this grid to draw a floor plan including square footage, or provide an engineered floor plan.



Each square is approximately 1/4 inch by 1/4 inch. Please include square Footage.

Floor plan should include the following items:

Sinks:	Toilet Facilities:	Refrigeration:	Facilities:
1. Hand Washing	1. Water Closets	1. Walk-in Coolers	1. Food Preparation Areas
2. Ware Washing	2. Lavatories	2. Walk-in Freezers	2. Food Storage Areas
Utility	3. Urinals	3. Freestanding Coolers	3. Trash/Refuse/Redemption Areas
Food Prep	4. Other	4. Freestanding Freezers	4. Dining Areas
5. Dipper Wells		5. Other	5. Break Rooms/Office
6. Other			6. Equipment/Counters/Seats/Tables
			7. Dry Storage/All Other Storage

TOTAL 2,300 S.F.
INK. DINING



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

Transaction Response #: MIQ99C195068

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-07-07) :

Inquiries Name(s) **JOSEPH CIUMAN (1954-03-29)**

NO MATCH WAS FOUND FOR YOUR REQUEST.



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

Transaction Response #: MIQ99C195073

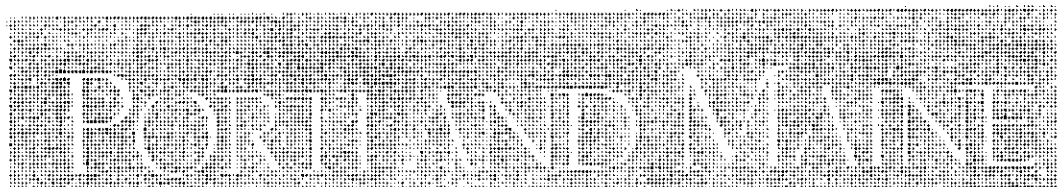
Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-07-07) :

Inquiries Name(s) JOSEPH TANG (1954-03-29)

NO MATCH WAS FOUND FOR YOUR REQUEST.



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

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

Carolyn M. Dorr
Deputy City Clerk

July 7, 2014

Golden Lotus LLC
Attn: Joe Tang
945 Congress St.
Portland, ME 04103

Re: **Golden Lotus, LLC d/b/a Golden Lotus at 511 Commercial St. Application for a Class I FSE License.**

Dear Mr. Tang,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, July 21st at 7:00 p.m.** for the review of the application of Golden Lotus, LLC d/b/a Golden Lotus at 511 Commercial St. for a Class I 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.

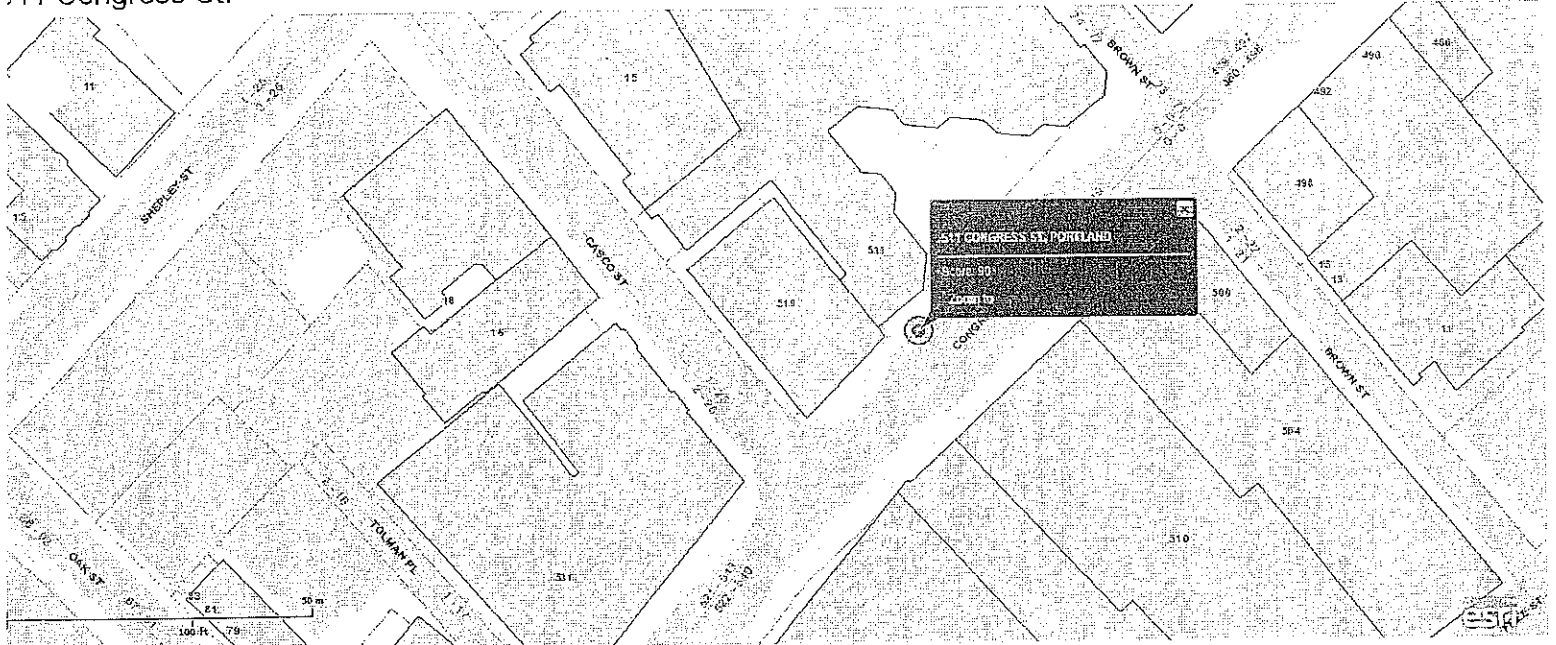
Should you have any questions or concerns, please do not hesitate to contact our office directly at (207) 874-8557 or by email, BL@portlandmaine.gov

Sincerely,

Janice Gardner
Business License Administrator

Golden Lotus

511 Congress St.



Copyright 2011 Esri. All rights reserved. Wed Jul 9 2014 02:08:04 PM.

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

A Public Hearing will be held on July 21st at 7:00 P.M., in City Council Chambers, 389 Congress St., on the application of Golden Lotus, LLC d/b/a Golden Lotus at 511 Commercial St. Application for a Class I FSE License. Sponsored by Katherine L. Jones, City Clerk.

#5098047

IN SUM

Lobster Dumpling
Shanghai Soup Dumpling
Vegetable Dumpling
Har Gow (Shrimp Dumpling)
Shu Mai (Pork + Shrimp stuffing)
Char Siu Bao
(B.B.Q Pork Bun)
Pork Buns
Peking Dumpling
Sticky Rice Pudding

Made on site
Crepes

Mochi
Green tea, Red Bean
Choco Brownie

Appetizer Soup

* Hot + Sour Soup
Wonton Soup
Chez Egg Roll
Vegan Vegetarian Spring Roll
Garlic Green Bean
Sautéed Baby Bok Choy
* Spicy Pork Belly Buns
Peking Duck Buns
B.B.Q Pork
Chinatown style
Honey Walnut Shrimp
* Salt + Pepper Shrimp
Garlic + Pepper Rib

100% Canned

Teeny Tiny Chicken
* Kung Po Chicken + Noodles
* General Tso's Chicken
Orange Chicken
Kale Noodle (Rice Noodle)
Beef Noodle (Rice Noodle)
(Chez) Sweet + Sour Ribs
* Ma Po Tofu

Seafood AND More

* Jalapeno Shrimp
* Jalapeno Lobster ^{egg}
Flounder & Vegetable
Salt + Pepper Flounder
Bacon Fried Rice
Ginger Fried Rice
Soybean Fried Rice

Business Licensing - GOLDEN LOTUS - PENDING Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 7/12/2014 6:43 PM
Subject: GOLDEN LOTUS - PENDING Business License Approval

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

Date: 7/12/2014

Zone:

Comments: Class 1 license approved.

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

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

CITY OF PORTLAND
IN THE CITY COUNCIL

Order 22-14/15
Tab 9 7-21-14

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Harold T. Andrews Post #17 d/b/a Harold T. Andrews Post #17 at 23 Deering St.
Application to Add Outdoor Dining on Private Property.**



Harold T. Andrews Post No. 17
American Legion

Recd 6/19/14

23 DEERING STREET

PORTLAND, MAINE 04101

2013-2014

CURTIS J. BALLANTINE, COMMANDER
TEL. 239-0744

To: City of Portland

The Harold T. Andrews Post #17 American
Legion is requesting An "Outdoor Seating"
Permit For our property At 23 Deering St.

We Are requesting Seating For 20
People, this Seating is to be located At
the rear of 23 Deering St. Photo's And
Drawing with measurement Are enclosed
with this Request.

Thank you For you Attention

Joseph C Rich
Joseph C Rich

Finance Officer

Harold T. Andrews Post #17

re _____
ealth _____
ixes _____
oring _____

389 Congress Street
Portland, ME 04101
(207) 874-8557

Rcvd 6/19/14

Application for Food Service Establishment With Alcoholic Beverages

Class of Liquor License Applying for: Outdoor Seating

Business Name (d/b/a): Harold T Andrews Post #17 Phone: 773-8932

Location Address: 23 Downing St Portland ZIP: 04101

If new, what was formerly in this location? _____

Mailing Address: Same ZIP: _____

Contact Person: Joseph C Rich Phone: 773-8932

Mail: N/A

Manager of Establishment: Joseph C Rich Home Phone: 846-3330

Landlord of Premises: N/A

Address of Landlord: _____ ZIP: _____

Does the issuance of this license directly or indirectly benefit any City employee(s)? Yes _____ No X
If yes, list name(s) of employee(s) and department(s): _____

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

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

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

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

Name of Owner(s): _____ DOB: _____

Residence Address: _____

Name of Owner(s): _____ DOB: _____

Residence Address: _____

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

Corporation Name: Harold T. Andrews Post #17

Corporation Mailing Address: 23 Downing St Portland ZIP: 04101

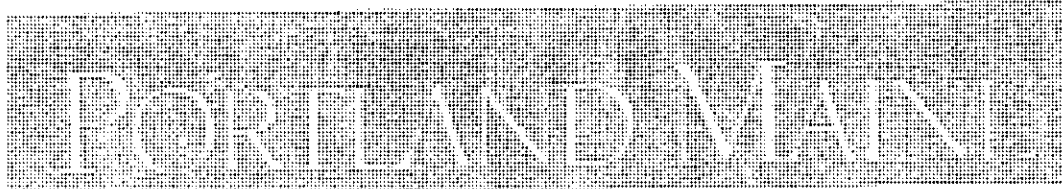
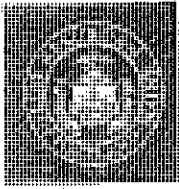
Contact Person: Joseph C Rich Phone Number: 773-8932

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

Name: Greg Mrowka Title: Commander DOB: 7/20/50

Address: Old Orchard, ME

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



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

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

Carolyn M. Dorr
Deputy City Clerk

July 7, 2014

Harold T. Andrews Post No. 17
Attn: Joseph Rich
23 Deering St.
Portland, ME 04101

Re: **Harold T. Andrews Post #17 d/b/a Harold T. Andrews Post #17. Application to Add Outdoor Dining on Private Property.**

Dear Mr. Rich,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, July 21st at 7:00 p.m.** for the review of the application of Harold T. Andrews Post #17 to add Outdoor Dining on Private Property. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the City Council has questions regarding the license application. If there is no representation and questions arise, the issue could be postponed.

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

Sincerely,

Janice Gardner
Business License Administrator

Ad ID 5098041

Date 07/07/2014

Time 12:08 PM

PUBLIC NOTICE

Notice of Public Hearing City of Portland

A Public Hearing will be held on July 21st at 7:00 P.M., in City Council Chambers, 389 Congress St., on the application of Harold T. Andrews Post #17 d/b/a Harold T. Andrews Post #17 at 23 Deering St. Application to Add Outdoor Dining on Private Property. Sponsored by Katherine L. Jones, City Clerk.

#5098041

Ad shown is not actual print size



Jeff Levine, AICP, Director
Planning & Urban Development Department

Tammy Munson, Director
Inspections Division

OUTDOOR DINING PERMIT CHECKLIST

Permits are required for expanding food service establishments to the outside on City Property. The annual fee is \$80.00 plus \$2.00 per square foot of dining area on streets, sidewalks or other public ways and \$80.00 plus \$6.00 per square foot of dining area in city parks. The annual fee is due when you drop off your permit application. The square footage fee is paid when you pick up your permit. *For purposes of fee calculation, the area abutting the buildings which border Monument Square and extending ten (10) feet from the facade of said buildings shall be considered a sidewalk. The ten (10) foot area shall be measured from that portion of the facade that protrudes furthest into the sidewalk. The area beyond the ten (10) foot sidewalk shall be considered park space.*

Outdoor dining is permitted year round under the permit; however, furniture must be removed in inclement weather to allow for sidewalk snow removal.

The permit must be renewed each year.

All of the following information is required and must be submitted. You will also be required to fill out an Outdoor Dining Permit Application.

A plot plan is required and must include:

- ☒ A drawing of the lot, where the building sits on the lot along with the lot and building dimensions
- ☒ The dimensional setback from the sidewalk to the building
- ☒ The location of the street, and if it's a corner lot, the intersecting streets
- ☒ The sidewalk along with its width and curbing location
- ☒ The location of the table and chair placement, including dimensions

(NOTE: there must be a minimum of four feet of open sidewalk from the outer boundary of the seating area to the curb, and a minimum of five feet on corners, and egress from the building must be maintained free of obstruction per the building code and NFPA Life Safety Code).

Additional Requirements:

- ☐ The permit holder is required to produce at the time of submission and maintain public liability insurance coverage in an amount of not less than four hundred thousand dollars (\$400,000) combined single limit for bodily injury, death and property damage, naming the City as an additional insured thereon.

All permits for outdoor dining are issued subject to the following conditions:

- ☒ The tables and chairs must be placed within the permitted area on the sidewalk in such a manner as to allow the free and safe passage of pedestrian traffic. If the tables and chairs are moved and located outside of the permitted outdoor seating area, they must be relocated to within the permitted area. Failure to contain the tables and chairs to the permitted area may result in a reduced permitted area or a revocation of the permit.

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

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

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signed and acknowledged: Joseph C. Rich Date: 6/18/2014
Printed name Joseph C. Rich
Establishment Harold T. Andrews Post #17 American Legion
Location 23 Deering St. Portland, ME 04101



Jeff Levine, AICP, Director
Planning & Urban Development Department

Tammy Munson, Director
Inspections Division

Electronic Signature and Fee Payment Confirmation

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a **legal signature** per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no permit application can be reviewed until payment of appropriate permit fees are ***paid in full*** to the Inspections Office, City of Portland Maine by method noted below:



Within 24-48 hours, once my complete permit application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.



Within 24-48 hours, once my permit application and corresponding paperwork has been electronically delivered, I intend to **hand deliver** a payment method to the Inspections Office, Room 315, Portland City Hall.



I intend to deliver a payment method through the U.S. Postal Service mail once my permit paperwork has been electronically delivered.

Applicant Signature:

Joseph C. Aul

Date:

6/18/14

I have provided digital copies and sent them on:

Date:

NOTE: All electronic paperwork must be delivered to buildinginspections@portlandmaine.gov or by physical means ie; a thumb drive or CD to the office.



Outdoor Dining Permit Application

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

☒ New Application for Outside Dining ☐ Renewal Application for Outside Dining City Clerk signature for liquor license approval: _____ Pending Council Date: <u>7/21/14</u>		
Location Name & Address: <u>Harold T. Andrews Post #17 American Legion 23 Deering St. city</u>		Chart Block Lot
Owner & Phone #: <u>Andrews Post American Legion 773-8932</u>		Total Square Footage of Proposed Seating Area: ¹ <u>200</u>
Applicant *must* be owner or lessee Name: <u>Harold T. Andrews Post #17</u> Address: <u>23 Deering St</u> City, State & Zip: <u>Portland, ME 04101</u> E-Mail: <u>N/A</u>		Annual Fee: <u>\$80</u> Total Sq. Ft.: _____ Sq. Ft. Fee: (sq ft x \$2) \$ _____ (Due when issued) Total Fees: \$ _____ (Permit not issued until <u>all</u> fees are paid)
Current use: <u>Harold T. Andrews Post #17 American Legion</u> Business name: <u>same</u> Seating area dimensions: <u>16 x 11.5</u> How many chairs? _____ How many tables? <u>2 picnic 16 people per table</u> ☒ Yes Alcohol is served. ☐ No Alcohol being served.		
Who should we contact for the pre-inspection: <u>Joseph C. Rich</u> Mailing address: <u>23 Deering St</u> Phone: <u>773-8932</u>		

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

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

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

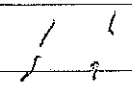
Signature of Applicant: Joseph C. Rich, Finance Officer Date: 6-18-14

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

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

Veering St (5)
Side walk



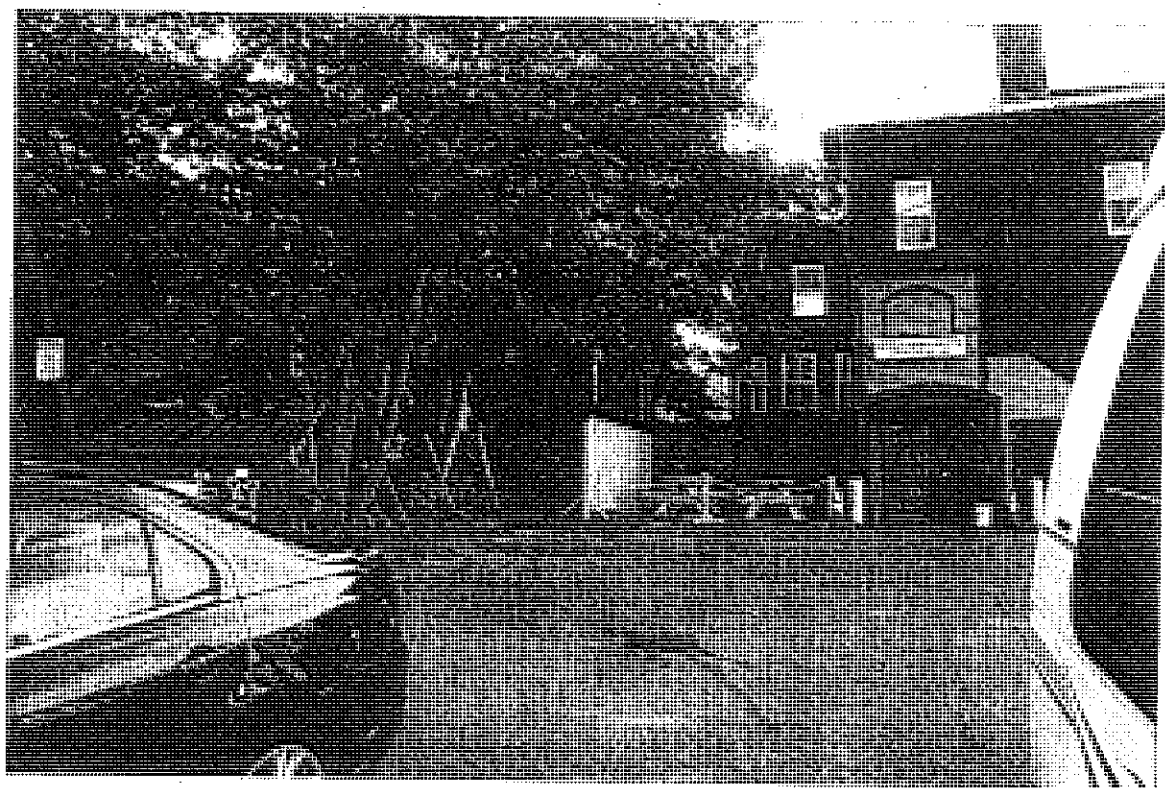
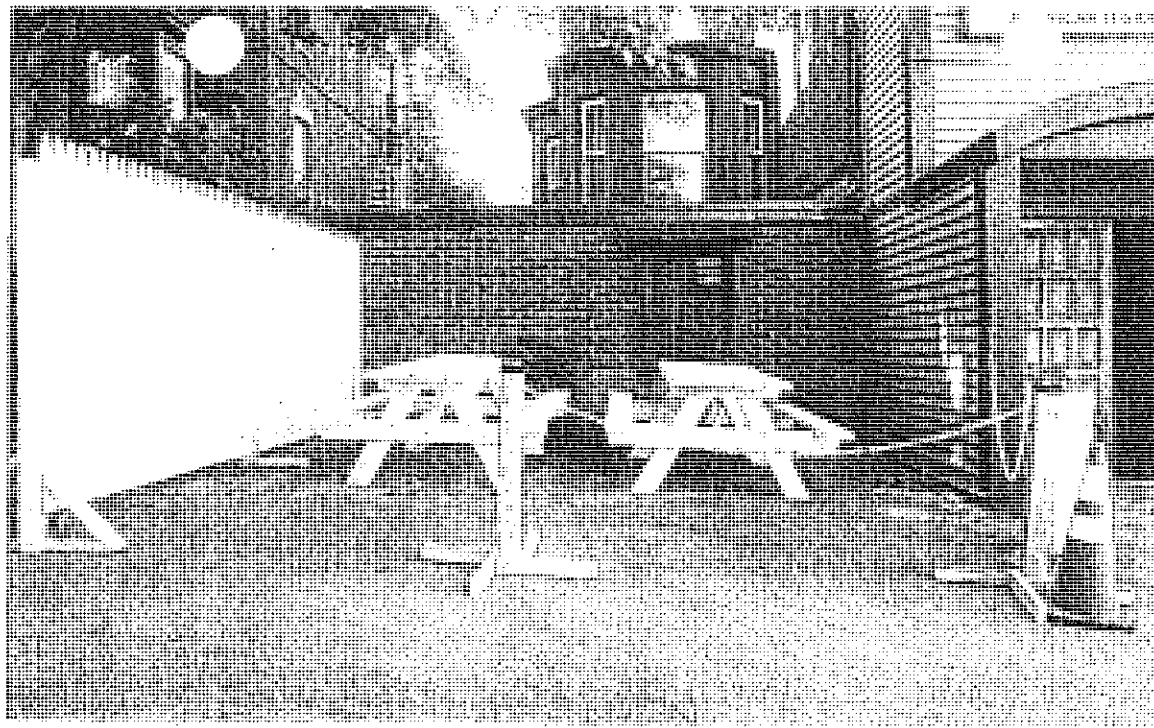
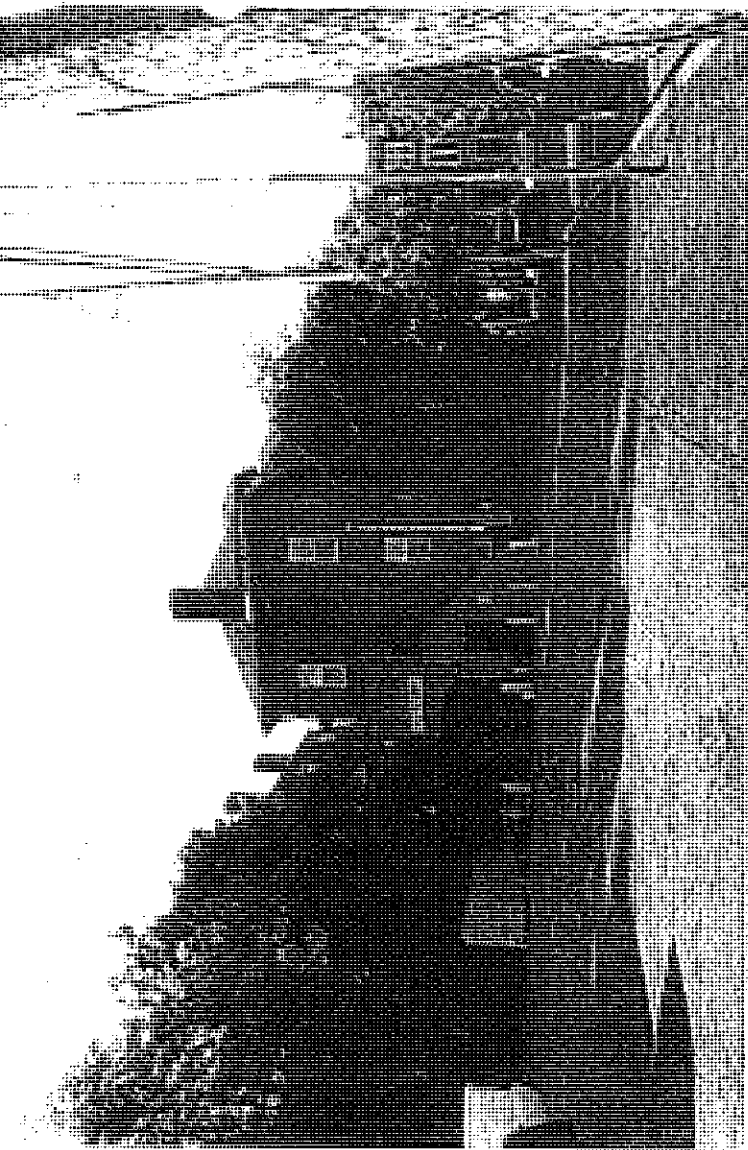
A. Line's AS  Are parking space's.

B. # 1+2 Are picnic table's For outside seating

C. Total ~~feet~~ For patio is
16' X 11.5'

D. Seating For 16 = 2 tables & person

E. Chain Links Around outside of patio



Business Licensing - HAROLD T. ANDREWS POST #17 Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 7/12/2014 6:43 PM
Subject: HAROLD T. ANDREWS POST #17 Business License Approval

HAROLD T. ANDREWS POST #17 is Approved for their Business License Inspection by the Police Dept.

Date: 7/12/2014

Zone:
Comments: Outdoor dining approved.

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

*Resolved 1-14/15
Feb 10 7-21-14*

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)

**RESOLUTION REGARDING THE CITY COUNCIL'S INTENTION TO FUND
CAPISIC POND IMPROVEMENT PROJECT**

WHEREAS, the Fiscal Year 2014 Capital Improvement Plan and Fiscal Year 2015 Capital Improvement Plan recommend funding for the Capisic Pond Improvement Project; and

WHEREAS, the permitting work for this project will not be completed until late 2014; and

WHEREAS, the City has identified several possible grant sources that might be able to offset the estimated cost of this project; and

WHEREAS, the City Council authorized funding in Fiscal Year 2014 for engineering and permitting and plans to authorize partial funding of the project in the Fiscal Year 2015 Capital Improvement Plan; and

WHEREAS, the City intends to apply for various grants identified and others that may be available during the summer and fall of 2014 and the winter of 2015; and

WHEREAS, by the spring of 2015 the City should know what grants it has succeeded in being awarded,

NOW, THEREFORE BE IT RESOLVED BY THE PORTLAND CITY COUNCIL, that the Council intends to fund those portions of the project that are not covered by grant funds in a future Capital Improvement Plan.



MEMORANDUM

To: Mayor and City Council

From: Mark H. Rees, City Manager

Date: July 18, 2014

RE: Resolution Regarding Capisic Pond Improvement Project

The Public Services Department has requested funding for the Capisic Pond Improvement project through the Capital Improvement Plan (CIP). The project is to dredge Capisic Pond to restore wildlife habitat and diversity caused by natural sedimentation and further sedimentation and functionality loss of the pond following expansion of the weir carried out to address flooding issues around and upstream of the pond during storms. It is conjectured by the consulting scientist for the project that changes to the weir allowed cattails to establish and without periodic flooding due to the weir changes, the cattails thrived, affecting the pond further necessitating dredging the pond to restore habitat.

The estimated total cost for Capisic Pond Improvements is \$2,330,000: \$80,000 was funded in 2014 for design/engineering through the Capital Improvement Plan; \$2,250,000 is being requested in 2015.

The project is currently in the final design phase and permit review with the City Planning Department, State DEP and Federal regulators. Permitting is anticipated to be completed in late 2014. Federal and State regulators will be requiring that the project not adversely impact the habitat at Capisic Pond during construction so therefore work must occur only between August and October. Given that permitting will be completed in late 2014; construction could not conceivably start until August 2015 at the earliest.

Since work would not be able to start until late summer, 2015, we have time to identify and apply for grants that may offset the cost of this project to property tax payers and sewer rate payers and, in fact, have already identified several grant programs that the city may be eligible for. However, in discussion with the Council Finance Committee during the CIP review process, there was a desire that assurances be given that should grant funding not be forthcoming that the Capisic Pond Improvement Project would still go forward. To that end, the Resolution was drafted and is being brought forward to the full Council for approval as part of the Council's votes on the entire CIP.

Order 12-14/15
~~Tab 14 7-7-14~~
Tab 11 7-21-14

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
TO FINANCE A PORTION OF THE CITY'S PROPOSED 2015 CAPITAL
IMPROVEMENT PROGRAM IN AN AMOUNT NOT TO EXCEED \$15,911,000**

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 Sixteen Million Four Hundred Eleven Thousand Dollars (\$15,911,000) to finance the items identified in the City of Portland 2015 Capital Improvement Program attached hereto as Exhibit A and all other costs (as defined herein) related and ancillary thereto (the "Projects").

BE IT FURTHER ORDERED

1. That the 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 \$15,911,000 (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 each bond or note 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 Projects, 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 Projects, or any portion thereof, includes, but is not limited to (1) the purchase price or acquisition cost of all or any portion of the Projects; (2) the cost of construction, building, alteration, enlargement, reconstruction, renovation, improvement, and equipping of the Projects; (3) the cost of all appurtenances and other facilities either on, above, or under the ground which are used or usable

in connection with the Projects; (4) the cost of landscaping, site preparation and remodeling of any improvements or facilities; (5) the cost of all labor, materials, building systems, machinery and equipment; (6) the cost of land, structures, real property interests, rights, easements, and franchises acquired in connection with the Projects; (7) the cost of all utility extensions and site improvements and development; (8) the cost of planning, developing, preparation of specifications, surveys, engineering, feasibility studies, legal and other professional services associated with the Projects; (9) the cost of environmental studies and assessments; (10) the cost of financing charges 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; and (11) the cost of all other financing authorized hereunder, whether related or unrelated to the foregoing;

17. That if the actual cost of any Project differs from the estimated cost on the attached Exhibit A, the Director of Finance is authorized, in her discretion to reallocate proceeds of the Bonds to any other listed Project.

18. 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;

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

20. That if the 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.

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

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

23. That 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.

Exhibit A

2015 Capital Improvement Program

**Estimated
Costs**

TRANSPORTATION

PACTS Match--Traffic Signals, Regional Transportation Mgmt System	\$ 165,000
PACTS ineligible costs--Franklin St Paving (Middle to Fox)	125,000
PACTS ineligible costs--Collector Paving (multiple locations)	485,000
PACTS ineligible costs--Commercial Street Paving (High to Franklin)	
Franklin St (Commercial to Middle)	900,000
PACTS ineligible costs--Spring St intersection Temple/Union/Middle	200,000
Paving Rehab	1,750,000
Sidewalk Rehab	700,000
Alley Vault repair	170,000
Portland St Reconstruction & Streetscape	200,000
Forest/State/Marginal/High Intersection Improvements	400,000
Congress/Bramhall pedestrian improvements	100,000
Preble/Elm St Traffic Signal Improvements	230,000
Railroad Quiet Zone Improvements (Woodfords)	400,000
CSO Projects Street/Sidewalk improvements	800,000
Total Transportation	\$ 6,625,000

FACILITIES

Bramhall Fire Station Roof Reinforcement	\$ 50,000
Ice Arena Roof	150,000
Portland Ocean Terminal Roof	210,000
West School Demo	200,000
Burbank Branch Library Elevator	125,000
Great Diamond Island Barge Landing	20,000
Ocean Gateway Queuing Lanes Seawall Repair	450,000
Cliff Island Wharf	270,000
POT Whaling Wall Gabions	225,000
DHS Walkway Repairs	100,000
Casco Bay HS Expansion Ph II	305,000
Lincoln Middle Masonry	250,000
Total Facilities	\$ 2,355,000

PARKS, FIELDS & TRAILS

Capisic Pond Improvements	\$ 563,000
Evergreen Cemetery Wall, PH II	70,000
Payson Park Softball Field upgrades	200,000
Golf Course North Clubhouse improvements	225,000
Hadlock Field Seating replacement	190,000

Payson Park Playground & Splashpad

50,000

Total Parks, Fields & Trails \$ 1,298,000

EQUIPMENT & VEHICLES

Cardiac Monitors \$ 130,000

Computer Server Upgrade/Virtualization 65,000

Parking Meter Replacements 175,000

School Technology Equipment 775,000

PD Cruiser replacement (7) 265,000

FD Ambulance replacement 265,000

DPS Cemetery Backhoe replacement 95,000

DPS Packer replacement 230,000

DPS Sidewalk Tractor replacement 135,000

School Bus 95,000

Total Equipment & Vehicles \$ 2,230,000

SEWER/STORMWATER

CMOM Sewer System Renewal \$ 1,100,000

Capisic Brook Stormwater Treatment System 1,000,000

Capisic Pond Dredging 562,000

Sewer--Catch Basin Cleaner 290,000

Sewer--Dump Truck 50,000

Sewer--2 one-ton Trucks 100,000

Sweeper 175,000

Total Sewer/Stormwater \$ 3,277,000

SubTotal CIP \$ 15,785,000

Art 63,000

Land Bank 63,000

Total CIP \$ 15,911,000

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 13-14/15
~~Tab 15 7-4-14~~
Tab 12 7-21-14

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

**ORDER APPROPRIATING \$15,911,000 OF BOND PROCEEDS FOR THE
CITY'S 2015 CAPITAL IMPROVEMENT PROGRAM**

IT IS HEREBY ORDERED THAT:

1. Subject to paragraphs 2 and 3 below, the sum of \$15,911,000 is hereby appropriated for the projects more particularly described in the project list for the City's 2015 Capital Improvement Program attached hereto as Exhibit A (the "2015 CIP Project List"):
 - a. The sum of \$6,625,000 is hereby appropriated for the projects more particularly described as the **Transportation Projects** on the 2015 CIP Project List.
 - b. The sum of \$2,355,000 is hereby appropriated for the projects more particularly described as the **Facilities Projects** on the 2015 CIP Project List.
 - c. The sum of \$1,298,000 is hereby appropriated for projects more particularly described as the **Parks, Fields and Trails Projects** on the 2015 CIP Project List.
 - d. The sum of \$2,230,000 is hereby appropriated for the projects more particularly described as the **Equipment and Vehicles Projects** on the 2015 CIP Project List.
 - e. The sum of \$3,277,000 is hereby appropriated for the projects more particularly described as the **Sewer / Stormwater Projects** on the 2015 CIP Project List.
 - f. The sum of \$63,000 is hereby appropriated for the projects more particularly described as the **Public Art Projects** on the 2015 CIP Project List.
 - g. The sum of \$63,000 is hereby appropriated for the projects more particularly described as the **Land Bank Projects** on the 2015 CIP Project List.
2. The appropriations set forth in paragraph 1 above are 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) and the issuance and delivery of such bonds or notes in anticipation thereof for such purposes. The foregoing appropriations shall also be applied to issuance costs for such bonds (or notes in anticipation thereof).
3. That if the actual cost of any project differs from the estimated cost on the attached Exhibit A, the Director of Finance is authorized, in her discretion to reallocate proceeds of the bonds issued therefore to any other project listed on the 2015 CIP Project List.

Exhibit A

<u>2015 Capital Improvement Program</u>	<u>Estimated Costs</u>
TRANSPORTATION	
PACTS Match--Traffic Signals, Regional Transportation Mgmt System	\$ 165,000
PACTS ineligible costs--Franklin St Paving (Middle to Fox)	125,000
PACTS ineligible costs--Collector Paving (multiple locations	485,000
PACTS ineligible costs--Commercial Street Paving (High to Franklin)	
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Total Transportation	\$ 6,625,000
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Ice Arena Roof	150,000
Portland Ocean Terminal Roof	210,000
West School Demo	200,000
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POT Whaling Wall Gabions	225,000
DHS Walkway Repairs	100,000
Casco Bay HS Expansion Ph II	305,000
Lincoln Middle Masonry	250,000
Total Facilities	\$ 2,355,000
PARKS, FIELDS & TRAILS	
Capisic Pond Improvements	\$ 563,000
Evergreen Cemetery Wall, PH II	70,000
Payson Park Softball Field upgrades	200,000
Golf Course North Clubhouse improvements	225,000
Hadlock Field Seating replacement	190,000

Payson Park Playground & Splashpad		50,000
Total Parks, Fields & Trails	\$	1,298,000

EQUIPMENT & VEHICLES

Cardiac Monitors	\$	130,000
Computer Server Upgrade/Virtualization		65,000
Parking Meter Replacements		175,000
School Technology Equipment		775,000
PD Cruiser replacement (7)		265,000
FD Ambulance replacement		265,000
DPS Cemetery Backhoe replacement		95,000
DPS Packer replacement		230,000
DPS Sidewalk Tractor replacement		135,000
School Bus		95,000
Total Equipment & Vehicles	\$	2,230,000

SEWER/STORMWATER

CMOM Sewer System Renewal	\$	1,100,000
Capisic Brook Stormwater Treatment System		1,000,000
Capisic Pond Dredging		562,000
Sewer--Catch Basin Cleaner		290,000
Sewer--Dump Truck		50,000
Sewer--2 one-ton Trucks		100,000
Sweeper		175,000
Total Sewer/Stormwater	\$	3,277,000

SubTotal CIP	\$	15,785,000
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Art		63,000
Land Bank		63,000

Total CIP	\$	15,911,000
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MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

Order 14-14/15
~~Feb 16 7 4 14~~
~~Feb 13 7 21 14~~
JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER REAPPROPRIATING SURPLUS PROJECT FUNDS FROM UNALLOTTED
SEWER CAPITAL IMPROVEMENT PROGRAM ACCOUNT**

WHEREAS, the City of Portland previously issued its General Obligation Bonds to finance various Capital Improvement Projects; and

WHEREAS, certain of the Capital Improvement Projects have been completed with project costs less than estimated; and

WHEREAS, such projects were closed and the remaining balances transferred to unallotted Capital Improvement Program accounts; and

WHEREAS, the City Council now desires to reappropriate a portion of the unallotted balances to other Capital Improvement Projects that need additional funds;

NOW, THEREFORE, by the City Council of the City of Portland, be it hereby **ORDERED**, **THAT** \$2,150,000 of unallotted Sewer bond proceeds be and hereby are reallocated and re-appropriated to fund the following Capital Improvement Projects:

Sewer/Storm Drain for Moody/Wilson Street	\$ 760,000
High/York Street Sewer Separation	410,000
Pump Station Rehab	680,000
Somerset Street Sewer (Elm to Hanover)	160,000
Baxter Woods Detention Pond	80,000
<u>Penrith Road Erosion Repair</u>	<u>60,000</u>
Total	\$2,150,000

**CITY OF PORTLAND, MAINE
MEMORANDUM**

TO: Mayor Michael Brennan, Members of the City Council

FROM: Ellen Sanborn, Finance Director

DATE: June 20, 2014

RE: Reallocation of Unallotted Sewer CIP Funds

A number of Sewer/Stormwater projects are included as part of the Capital Improvement Program for 2015. Last fall the Council approved the reallocation of finished projects, which I noted at the time left surplus funds available for future projects. This funding is a balance of previously bonded projects and is currently being retired through debt service payments. Using these funds for new projects reduces the amount of new financing needed for 2015 Sewer CIP projects.

The Finance Committee recommended reallocation of unallotted CIP funds for the attached list of projects at its June 26 meeting, totaling \$2.15 million.

Attached are draft minutes from the June 26 Finance Committee meeting.

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 11 14/15
~~Tab 13 7-7-14~~
Tab 14 7-21-14

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

**ORDER APPROVING TWO-PARTY AGREEMENT
BETWEEN THE CITY OF PORTLAND AND
THE MAINE DEPARTMENT OF
TRANSPORTATION
RE: NEW SIGNAL EQUIPMENT FOR CUMBERLAND AVENUE AT PREBLE
STREET AND ELM STREET INTERSECTIONS**

ORDERED, that the City Manager is authorized to enter into a two-party agreement between the City of Portland and the Maine Department of Transportation, in substantially in the form attached hereto, for the replacement of signal equipment for Cumberland Avenue intersections at Elm Street and Preble Street; and

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

MEMORANDUM
City Council Agenda Item

TO: Portland City Council

FROM: Michael Bobinsky, Director of Public Services

DATE: June 26, 2014

DISTRIBUTION: Mark Rees, City Manager
Michael Brennan, Mayor
Danielle West-Chuhta, Corporation Counsel
Sonia Bean, Executive Assistant
Nancy English, Administrative Assistant
Matt Rancourt, PFO, Public Services
Ellen Sanborn, Finance Director
Katherine Earley, PE, Engineering Services Manager
Jeremiah Bartlett, PE, PTOE, Transportation Systems Engineer

SUBJECT: Order to authorize two-party Agreement with MaineDOT – Commitment to Expenditure for Traffic Signal Project

SPONSOR: Department of Public Services

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading July 7, 2014 **Final Action** July 21, 2014

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

Bidding deadline from MaineDOT

PRESENTATION: None

I. SUMMARY OF ISSUE

MaineDOT is in the process of completing design for the replacement of the signal equipment at the intersection of Cumberland Avenue and Preble Street, with bidding expected in late July, followed by construction later this year. After initial discussions with the Department, they agreed to include replacement of the equipment at this location's sister intersection, Cumberland Avenue at Elm Street as a bid option. Both have outdated equipment, and Cumberland at Elm does not have provisions that meet current Americans with Disabilities Act requirements. The City anticipates funding the additional work via the incoming FY15 Capital Improvement Plan money for signal improvements, as called out in the CIP description.

II. REASON FOR SUBMISSION

Council approval is required to approve the two-party funding agreement between the Department and the City. In order to meet the deadlines for MaineDOT's bidding and construction schedule, the approval from the Council must be provided as of the July 21, 2014 meeting.

III. INTENDED RESULT

The partnership with MaineDOT will result in a single project accomplishing two intersection improvements which will bring very outdated equipment up to the City's current specifications, including improved pedestrian phasing, bicycle detection, and communications to the City's central signal server. In addition, the designs for the equipment account for the possibility of two-way flow on Preble and Elm Streets, so that no structures would need to be relocated if planning efforts slated over the next year or so through the PACTS UPWP process determine that such change is recommended.

IV. COUNCIL GOAL ADDRESSED

This proposed change addresses both the Council goals of economic development and improving City services. In addition, this also addresses the Council goal to develop a transportation system that advances healthy living, minimizes environmental impacts and promotes the local economy by improving the environment for multiple modes of travel.

V. FINANCIAL IMPACT

The cost of the additional signal equipment as well as the improvements to pedestrian access/ADA updates is anticipated to be approximately \$220,000. However, the age of the equipment is such that a disproportionate amount of staff time is spent at this location dealing with maintenance and malfunctions. MaineDOT is investing \$215,000 into the intersection of Cumberland Ave at Preble Street.

VI. STAFF ANALYSIS & RECOMMENDATION

The FY15 CIP proposal includes the necessary funding to achieve this outcome. City Council action to appropriate these funds is required to enter into this agreement. Pending this action, the Department of Public Services recommends authorization of this agreement to update the signal equipment, reduce maintenance, and improve operations for vehicles, bicyclists, and pedestrians.

VII. LIST ATTACHMENTS

- Exhibit A: Council Order
- Exhibit B: Two-party agreement

Prepared by:

Signature

Date



MaineDOT use only	
TEDOCS #:	_____
CT #:	_____
CSN #:	_____
PROGRAM:	_____

**MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT**

**PROPOSED IMPROVEMENTS TO CUMBERLAND AVE. AT PREBLE ST. &
CUMBERLAND AVE. AT ELM ST.**

(MaineDOT Use Only)	
Project Location: <u>Portland</u>	Estimated Municipal Share: <u>\$220,000.00</u>
State WIN #: <u>20200.00</u>	Vendor Customer #: <u>17A12984</u>
Federal Aid Project #: <u>STP-2020(000)</u>	Agreement Begin Date: _____
	Agreement End Date: <u>(3 years from the date last signed below)</u>

This Agreement is entered into between the Maine Department Of Transportation (hereafter the "Department") and the PORTLAND, a municipal corporation located in the County of CUMBERLAND (hereafter the "Municipality") (hereinafter the "Parties") regarding the planning, development, design, right of way, construction, cost sharing and reimbursement for a project to make improvements to CUMBERLAND AVE. AT PREBLE ST. AND CUMBERLAND AVE. AT ELM ST., in PORTLAND, Maine, (hereafter Project) as follows:

The following checked appendices are hereby incorporated into this Agreement by reference:

- ☒ Appendix A – Project scope, cost sharing, and payment schedule
- ☐ Appendix B – Perpetual Bicycle/Pedestrian Facility Maintenance
- ☐ Appendix B – Perpetual Landscape Maintenance
- ☐ Appendix B – Perpetual Lighting/Flashing Beacon Operation and Maintenance
- ☒ Appendix B – Perpetual Traffic Signal Operation and Maintenance
- ☐ Appendix B – Perpetual Bridge Lighting/Approach Lighting Maintenance & Snow Plowing
- ☐ Appendix C – Additional work requested by Municipality

- A. The Department agrees to procure and administer a contract to construct the Project in accordance with the plans and specifications developed by the Department and, subject to Department approval. This would include any additional plans, specifications and estimates furnished by the Municipality. Please refer to Appendix A of this Agreement for the outline of the scope, limits of work and cost sharing.
- B. The Department shall be the sole administrator of this contract. The Department will pay all project costs, subject to cost sharing by the Municipality, when applicable, as specified in this agreement. Neither the Department nor its contractors will be required to pay for inspections and permits from the Municipality.
- C. The Department reserves the right to terminate the Project for any reason prior to the award of a contract to construct the Project. The Department also reserves the right to terminate all provisions

pertaining to work requested by the Municipality at any time prior to the award of a contract to construct the Project because of any failure by the Municipality to meet any of the conditions and stipulations set forth in this Agreement.

- D. Upon acceptance of plans, specifications and estimates, the Department shall solicit competitive bids for the Project. Upon acceptance of the lowest acceptable responsive, responsible bid to construct the Project and fulfillment of all terms set forth herein, the Department will submit the information to the Municipality, who will have up to five (5) business days to review the information and notify the Department of any questions or concerns. If the Department is not presented with any questions or concerns during the time allotted all decisions pertaining to the acceptance of the bids, the award and administration of the contract and all payments thereunder shall be the sole discretion of the Department.
- E. The Municipality, at its election, may request that changes be made or work added to the Project during the period of construction, provided the Municipality agrees in writing to pay any additional cost plus an amount not to exceed ten (10%) percent of such construction cost to cover all necessary engineering, inspection and administrative costs associated therewith, unless specified otherwise. All such requests shall be subject to approval by the Department. In the event that such changes or work are approved for federal participation in the cost thereof, such additional cost may be reduced to the non-federal share.
- F. The Municipality agrees to allow the Department's contractor to control all traffic through the work areas in accordance with the Traffic Control Plan approved by the Department. The development of the Traffic Control Plan will follow the process outlined below:
 - 1. The PM will submit the project for Traffic Analysis and Movement Evaluation (TAME), when possible, approximately one year prior to advertisement. Once the results are received, the PM/Regional Traffic Engineer will discuss the proposed project with the Municipality (scope, limits, day or night work, work window, etc).
 - 2. The Municipality will comment on their concerns/issues (two week timeframe allowed).
 - 3. The PM & Designer will incorporate these comments where practical based on engineering judgment.
 - 4. If the Municipality desires, a meeting will be held prior to PS&E to review the project design, Special Provision 105 – Limitations of Operations, Special Provision 107 - Time, etc.
 - 5. The Municipality will have the opportunity to review and comment.
- G. The Municipality agrees to alter, move, relocate or remove, or cause to be, at no cost to the Project, any municipal property, including all fixtures, facilities or monuments, located on, under or above the ground, as necessary to permit construction of the Project, which has not otherwise been provided for during the development of the Project. Any work necessary to do so during the period of construction shall be coordinated with the contractor for the Project.
- H. The Municipality will, at no cost to the Department, assure proper adjustment, relocation, or repair of any portion of a service, whether above or below ground, that is located within the limits of the highway right-of-way and connected to any municipal utility, which might become necessary to

permit construction of the Project. The Municipality agrees to hold the Department harmless from any claims for damages occurring as a result thereof.

- I. The Municipality agrees that during and after construction it will apply the requirements of the most recent version of the Department's "Utility Accommodation Policy" as the minimum guidelines not withstanding any municipal rules that are more lenient.
- J. To the extent that it is statutorily responsible therefore, the Municipality agrees to provide utilities, and to maintain all improvements and fixtures constructed, installed or furnished as a part of the Project in such a manner as necessary to preserve the use and function thereof for the expected period of their normal useful life as determined by accepted engineering and/or industry standards. To the extent any warranty exists for said improvements or fixtures, said warranty shall be first relied on by MaineDOT to address maintenance and/or repairs described in this paragraph.
- K. The Municipality agrees that except for an emergency, or as allowed in § 3351-A, it will prohibit the excavation of the highway within the limits of the Project for a period of at least five (5) years after completion of the Project, and agrees to make all necessary notifications to abutters and occupants of the highway as otherwise required of any city government under the provisions of 23 M.R.S.A. § 3351. Thereafter, all future excavations within the right-of-way of the Project shall be regulated and controlled in the manner specified by the Department in its most recent *"Rules, Regulations and Policies for Highway Openings"*, which is incorporated herein and made a part hereof by reference.
- L. The Municipality will be responsible to keep new or replaced/rehabilitated pedestrian facilities in usable condition.
- M. The Municipality agrees to keep the right-of-way of the Project inviolate from all encroachments and agrees to remove, or cause to be removed, anything that may encroach thereon.
- N. When applicable the Municipality agrees to regulate all entrances to the highway within the limits of the Project in accordance with the provisions of 23 M.R.S.A. § 704.
- O. The Municipality with city council approval agrees to limit all on-street parking to the parking spaces as designed and constructed under the Project.
- P. The Department shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to the Department's option to withhold for the purposes of set-off any monies owed to the Municipality with regard to this Agreement and any other agreement with the Department, including any agreement for a term commencing prior to the term of this Agreement, plus any amounts owed to the Municipality for any other contract with any State of Maine department or agency.
- Q. To the extent permitted by law, the Municipality shall indemnify, defend and hold harmless the Department, its officers, agents and employees from all claims, suits or liabilities arising from any negligent or wrongful act, error or omission by the Municipality, its officials, employees, agents, consultants or contractors. Nothing herein shall waive any defense, immunity or limitation of liability that may be available to either party under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or any other privileges or immunities provided by law. *Any other provision of this agreement to the contrary notwithstanding, this provision shall survive any termination or expiration of this Agreement.*

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

In the event of Project termination, all provisions of this Agreement shall become null and void except for those set forth under *Appendices A and C, if attached to this Agreement, as well as those provisions that by their very nature are intended to survive.*

- S. The Municipality certifies, by signing this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency. If the Municipality is unable to certify to this statement, it shall attach an explanation to this Agreement. The Municipality shall promptly notify MaineDOT if it or its principals becomes debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- T. The Parties agree to: comply with and abide by all applicable State and Federal laws, statutes, rules, regulations, standards and guidelines, including the MUTCD and OSHA standards, and Agreement provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this Agreement.
- U. All provisions of this Agreement, *except those provided above in Paragraphs J-Q and those that by their very nature are intended to survive*, shall expire at Project final voucher, or upon final payment by the Municipality of any Project costs as hereinbefore provided, whichever occurs later.
- V. Anything herein to the contrary notwithstanding, the Municipality acknowledges and agrees that although the execution of this agreement by the Department manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
- W. No assignment of this agreement is contemplated, and in no event shall any assignment be made without the express written permission of the Department.

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

CITY OF PORTLAND

MAINE DEPARTMENT OF TRANSPORTATION

By: _____
MARK H. REES, CITY MANAGER

By: _____
DALE DOUGHTY, MAINT. &
OPERATIONS DIRECTOR

(Date Signed)

(Date Signed)

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

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

PROPOSED IMPROVEMENTS TO CUMBERLAND AVE. AT PREBLE ST. & CUMBERLAND AVE. AT ELM ST.

FEDERAL AID PROJECT NO. STP-2020(000)
STATE PROJECT IDENTIFICATION NUMBER (WIN) 20200.00

Project Scope: Signal improvements to include new controller, control cabinet, mast arms, foundations, signal heads, and video detection, install ground mount signal heads and upgrade all pedestrian facilities to meet current ADA standards.

Funding Outline: The Total Project Estimated Cost is \$471,000.00, and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		Project Share				Total Cost
			Federal Entity Portion		MaineDOT (State) Portion		
	%	\$	%	\$	%	\$	\$
Preliminary Engineering			90	14,400	10	1,600	16,000
Right of Way			90	0	10	0	0
Construction			90	193,500	10	21,500	215,000
Construction Engineering			90	18,000	10	2,000	20,000
PROJECT SHARES		\$0		\$225,900		\$25,100	\$251,000
Total Cost of Additional Work Requested by Municipality (Below)	100%	220,000					
TOTAL ESTIMATED MUNICIPAL SHARE (Receivable Amount)		\$220,000					

(Check if applicable)

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

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

Additional Work	Cost: 100% Municipal Share
UPGRADE SIGNAL & ADA IMPROVEMENTS AT CUMBERLAND/ELM	\$220,000
TYPE OF WORK	COST
TYPE OF WORK	COST
TOTAL COST OF ADDITIONAL WORK REQUESTED BY MUNICIPALITY	\$220,000

Payment:

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

- Prior to award of the contract for Project construction, the Municipality will be invoiced a portion of its share of the cost of the Project. Invoicing will include the following:
 - 100% of the local share of the Preliminary Engineering and Right of Way costs; plus
 - Fifty percent (50%) of the local share of the Construction and Construction Engineering cost based on the total bid price of the Project; plus
 - 100% of all additional work requested by the Municipality (when applicable).
- Final Voucher Payment to the Contractor.** A final bill will be created following the Department's final voucher payment to the Contractor, after all quantities are verified, and any required adjustments have been made. The cost of the work for which the Department will bill the Municipality shall be determined by the contract prices and the completed quantities of the work items or, in the event of termination, the local share of Project development cost to the point of termination as stipulated above. The final invoice will include the Municipality's share of any remaining costs.

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

Entity Name	Receivable Amount	Estimated Invoice Date
CITY OF PORTLAND	\$220,000	AUGUST 31, 2014
CITY OF PORTLAND	\$TBD	JANUARY 31, 2015
	\$	
	\$	

APPENDIX B
PERPETUAL TRAFFIC SIGNAL OPERATION AND MAINTENANCE

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO CUMBERLAND AVE. AT PREBLE ST. &
CUMBERLAND AVE. AT ELM ST.

FEDERAL AID PROJECT NO. STP-2020(000)X
STATE PROJECT IDENTIFICATION NUMBER (WIN) 20200.00

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

Order 15-14/15
Tab 16 7-4-14
Tab 15 7-21-14

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 ENDORSING PROJECTS FOR
FEDERAL AND STATE FUNDS THROUGH PORTLAND AREA
COMPREHENSIVE TRANSPORTATION SYSTEM**

ORDERED, that the City of Portland proposals for application for Federal and State funds through the Portland Area Comprehensive Transportation System (PACTS), attached hereto, are hereby endorsed.

PACTS Enhanced Project Scoping List -- June 13, 2014

Intersection Proposals				
		Prelim. Rank	Score	110% Cost Estimates
Portland	Intersections of Brighton/Deering/Falmouth/Bedford and Deering/Bedford	2	72.8	\$1,958,000
Portland	Congress St. signal improvements: Stevens to Fore River	3	68.2	\$302,940
Bike-Ped Proposals				
		Prelim. Rank	Score	110% Cost Estimates
Portland	Martin's Point Multi-Use Path/ East Coast Greenway, Phase 1	4	51.7	\$880,000
Portland	York St. Sidewalk and pedestrian signals	5	49.2	\$121,273

MEMORANDUM
City Council Agenda Item

TO: Members of City Council

FROM: Michael Bobinsky, Director of Public Services

DATE: July 1, 2014

DISTRIBUTION: Michael Brennan, Mayor
Mark Rees, City Manager
Danielle West-Chuta, Corporation Counsel
Sonia Bean, Executive Assistant
Nancy English, Admin. Asst. to Corporation Counsel

SUBJECT: *Order to Endorse 4 specific PACTS 16-18 TIP projects*

SPONSOR: *Transportation, Sustainability, and Energy Committee*
Endorsed 4-0 on June 18, 2014

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading July 7, 2014 Final Action July 21, 2014

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

This Order cannot be delayed; endorsement is due to PACTS by July 29, 2014 or the projects do not proceed to funding decision-making in the Fall of 2014.

PRESENTATION: N/A

I. SUMMARY OF ISSUE (Agenda Description)

The Department of Public Services (DPS) requests formal endorsement to advance four (4) finalist Transportation Projects through our regional Transportation Management Area funding agency known as PACTS. A **deadline of July 29, 2014** exists to formally endorse these projects and show community intent to fund construction should they ultimately be awarded; your official action on July 21, 2014 is necessary to meet this deadline.

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

III. INTENDED RESULT

City Council endorsement will result in PACTS advancing four (4) projects thru the steps required to possibly be funded in the 2016-2018 TIP. Regional funding decisions are expected to be complete in August 2014.

The four finalist projects are:

Project Descriptions	110% Cost Estimates
Intersections of Brighton/Deering/Falmouth/Bedford and	\$1,958,000

Deering/Bedford	
Congress St. signal improvements: Stevens to Fore River	\$302,940
Martin's Point Multi-Use Path/ East Coast Greenway, Phase 1	\$880,000
York St. Sidewalk and pedestrian signals	\$121,273

No "Road Rebuild" projects have advanced for Portland at this time. Collector Paving candidates are not yet known and will require a future endorsement action.

IV. COUNCIL GOAL ADDRESSED (Insert Transportation System goal here)

V. FINANCIAL IMPACT

These four finalist projects are for PACTS Transportation Improvement Program (TIP) funding in the 2016-2018 cycle; awards will be announced in late August 2014 and three-party agreements for 2016 projects will be advanced in June 2015. Portland will be responsible for a 25% Local Share of each project's cost, and 100% responsible for 'ineligible' cost items.

Examples of ineligibles include: City utility system adjustments and repairs, upgrades to traffic signal systems and pavement markings, pedestrian system adjustments to curblines, and use of upgraded materials such as brick.

The 25% Local Match requirement for these projects is currently estimated to total \$815,553; that obligation (plus rough estimates for ineligibles) is reflected in the proposed FY16 CIP and will be adjusted as new estimates and information become available. Our Local Match and other costs must be appropriated by June 2015 in order to enter into three-party agreements at that time. The currently projected 110% value of these four projects totals \$3,262,213. The 10% extra is per PACTS policy and is intended to help cover the cost estimate fluctuation between project application and construction bid year timing; generally 2-4 years apart.

VI. STAFF ANALYSIS

The Department of Public Services has advanced these public infrastructure projects through the PACTS process as the most affordable means of implementation. This endorsement step will further that initiative and likely result in highly leveraged awards of regional Transportation projects. Failure to endorse will delete these projects from PACTS funding consideration.

VII. RECOMMENDATION

The Department of Public Services highly recommends endorsement of these four projects so they may be advanced thru the PACTS funding award process.

VIII. LIST ATTACHMENTS

- "PACTS Enhanced Project Scoping List – June 13, 2014"

Prepared by:

Signature

Date

PACTS Enhanced Project Scoping List -- June 13, 2014

Intersection Proposals				
		Prelim. Rank	Score	110% Cost Estimates
Portland	Intersections of Brighton/Deering/Falmouth/Bedford and Deering/Bedford	2	72.8	\$1,958,000
Portland	Congress St. signal improvements: Stevens to Fore River	3	68.2	\$302,940

Bike-Ped Proposals				
		Prelim. Rank	Score	110% Cost Estimates
Portland	Martin's Point Multi-Use Path/ East Coast Greenway, Phase 1	4	51.7	\$880,000
Portland	York St. Sidewalk and pedestrian signals	5	49.2	\$121,273

*Order 23-14/15
Tab 16 7-23-14*

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 EASEMENT
TO PORTLAND WATER DISTRICT**

ORDERED, that an easement is hereby authorized and granted to Portland Water District, in substantially the form attached hereto, for utility access to Jetport Boulevard and International Boulevard; and

BE IT FURTHER ORDERED, that the City Manager is hereby authorized to execute said easement and any other documents necessary to affect the purpose of this Order.

The approval of the acceptance of these easements and authorization of the City Manager to execute any necessary documents on the City's behalf.

IV. FINANCIAL IMPACT

There is no financial impact on the City.

V. STAFF ANALYSIS & RECOMMENDATION

The Corporation Counsel's office has reviewed the easements and recommends that they be accepted.

Attachments:

Order, and
1 Easement, with a map

EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS, that the **CITY OF PORTLAND**, a municipal corporation organized and existing under the laws of the State of Maine and located at Portland, in the County of Cumberland and State of Maine, (the "CITY") in consideration of one dollar (\$1.00) and other valuable consideration paid by **PORTLAND WATER DISTRICT**, a quasi- municipal corporation organized and existing under the laws of the State of Maine, with a mailing address of 225 Douglass Street, Portland, Maine 04104-3553 (the "DISTRICT"), the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey and forever quitclaim with quitclaim covenants to the said **PORTLAND WATER DISTRICT**, its successors and assigns, the right perpetually to enter upon certain parcels of land situated in both the Cities of Portland and South Portland located southwesterly of International Drive in the City of Portland and State of Maine (hereinafter "Easement Area") bounded and described as follows:

- 1) A road or way known as "Jetport Boulevard" and shown on a set of Plans entitled "Construct Jetport Access Road Extension Including Utilities and Reconstruct Parking Lots" Sheets 5 through 8" prepared by Deluca Hoffman Associates dated March, 1998 as revised for Record Drawings on March 1, 2000 and on file at the offices of the CITY and DISTRICT, extending northeasterly from the existing access road to the southwest sideline of Westbrook Street 2800 feet, more or less as shown on said plans.
- 2) A road or way known as "International Boulevard" and shown on a set of Plans entitled "Construction of Airport Access Road AIP-3-23-0038-3595" Sheets 6 and 7 prepared by Deluca Hoffman Associates dated November 1997 as revised March 21, 1997 and on file at the offices of the CITY and DISTRICT, extending southeasterly from the sideline of Congress Street 2400 feet more or less to the Loop Road as shown on said plans.

The **DISTRICT** shall have the following permanent easement rights in the Easement Area described above:

The right to construct, operate, maintain, repair, replace and remove conduits and pipe lines for conveying water with all necessary fixtures or appurtenances, together with the right at all times to make connections with said conduits or pipe lines to land adjoining said Easement Area by means of pipes or services, to install electric or other energized control lines and appurtenances upon or under said Easement Area; to trim, cut down and remove bushes and trees and to remove grass and crops growing on said Easement Area to such extent as in the judgment of the DISTRICT is necessary for any of the above purposes; and to enter upon said Easement Area at any and all times for any of the foregoing purposes; reserving to the CITY, its successors and assigns, the use and enjoyment of said Easement Area for such purposes only as will in no way interfere with the perpetual use thereof by the DISTRICT, its successors and assigns, of all of the

purposes above mentioned, provided that no building of any kind or permanent structure, except pavement and utilities will be erected on said Easement Area by the CITY, its successors and assigns, and that the CITY, its successors and assigns, shall not remove earth from said Easement Area or place fill thereon without the written permission of the DISTRICT. No conduits, pipelines or facilities shall be installed within 5 feet of or above any conduit or pipeline installed by the DISTRICT, except that pipelines and conduits may be installed if they cross perpendicular to the DISTRICT conduits and pipelines with a minimum vertical clearance of one foot.

IN WITNESS WHEREOF, the said City of Portland has hereunto caused this instrument to be signed by _____, its duly authorized _____, this ____ day of _____, 2014.

CITY OF PORTLAND

Witness

By:
Its:

STATE OF MAINE
CUMBERLAND, ss.

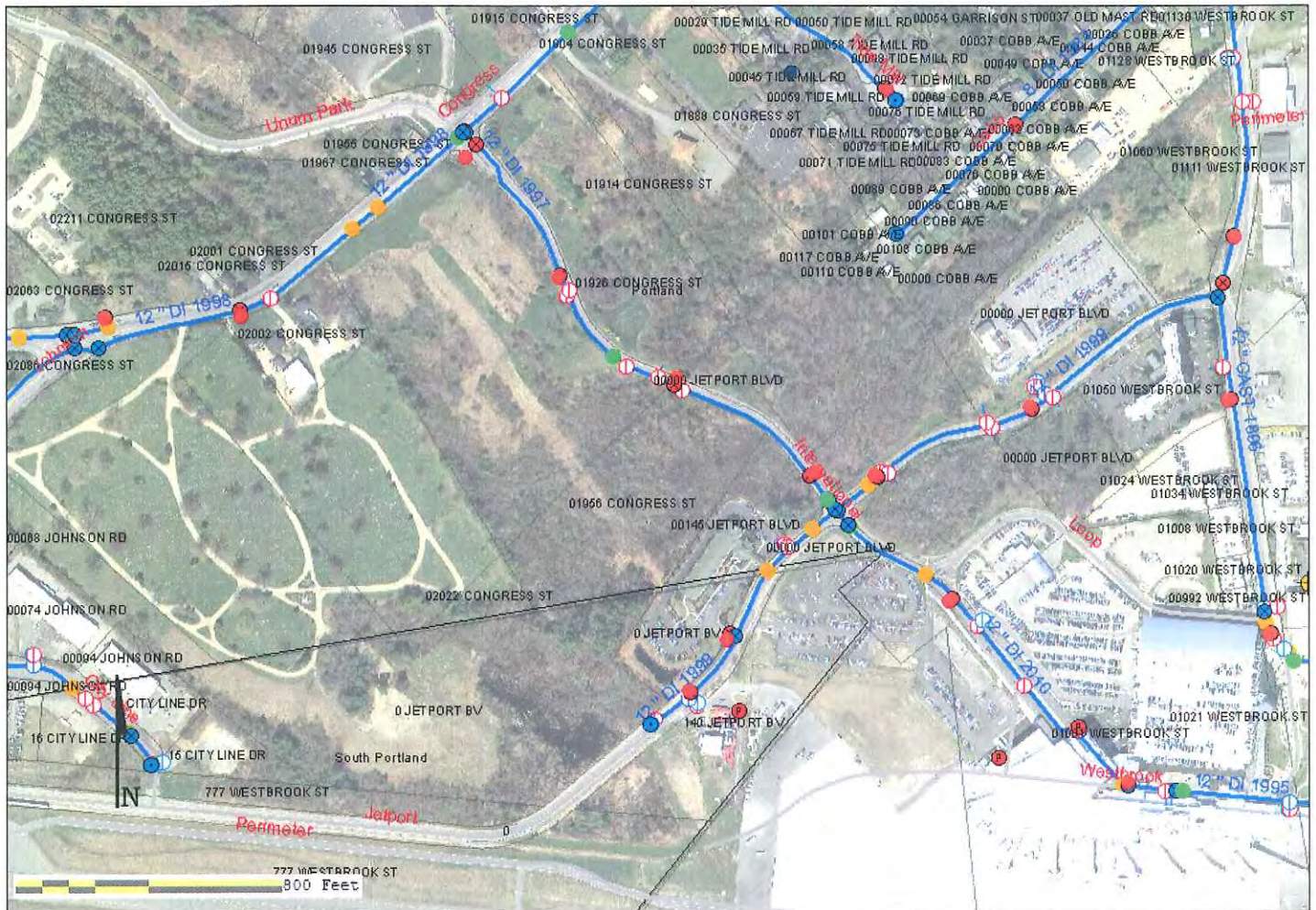
_____, 2014

Personally appeared the above-named _____ in his capacity as the _____ of the City of Portland, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the City of Portland.

Before me,

Notary Public/Attorney at Law

Printed Name



*Order 24-14/15
Tab 17 7-21-14*

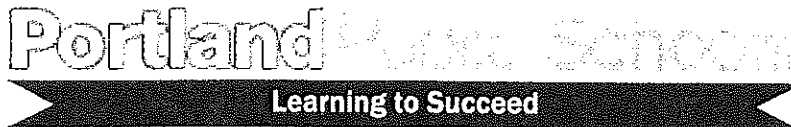
MICHAEL F. BRENNAN (MAYOR)
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**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER ACCEPTING TRANSFER OF CONTROL OF FORMER REED
SCHOOL TO THE CITY OF PORTLAND**

ORDERED, that the City Council hereby accepts the transfer to the City of the former Reed School, and surrounding property, pursuant to 20-A M.R.S.A. §4103 sub-§3.



Administration

Emmanuel Caulk, Superintendent
David Galin, Chief Academic Officer
Michael Wilson, Chief Financial Officer
Peter Eglinton, Chief Operations Officer

196 Allen Avenue, Portland, Maine 04103
(207) 874-8100

July 8, 2014

Mr. Mark Rees
City Manager
City Hall
389 Congress St
Portland, ME 04101

Dear Mark:

The Portland Board of Public Education voted unanimously on June 24, 2014, to authorize the Superintendent to take all steps necessary to implement the closing of the former Reed School and the transfer of control of the property to the city, including notifying the City Manager and City Council. The facility is a 33,692 square foot structure located on 2.5 acres accessed from Homestead Avenue, and was most recently used as a Central Kitchen and warehouse. Because the building does not currently operate as a school, state approval of the facility closure and transfer is not required.

Accordingly, Portland Public Schools can transfer control of the property to the City of Portland. Please let me know if additional steps are required to complete the transfer. Note that later this summer we plan to sell a few remaining pieces of kitchen equipment and relocate stored district materials to other suitable facilities. We would appreciate continued access to the building until our moves are complete. Otherwise, the city can take control of the property effective immediately.

Sincerely,

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

Emmanuel Caulk
Superintendent
Portland Public Schools

Sonia Bean - Fwd: Reed School letter to transfer

From: Danielle West-Chuhta (Danielle West-Chuhta)
To: Sonia Bean
Date: 7/9/2014 2:27 PM
Subject: Fwd: Reed School letter to transfer
Attachments: Reed school Transfer Lttr M Rees 7.8.14.pdf

I think this will have to be placed on the Council agenda - just an FYI - we are looking into it right now - I believe it has to be formally accepted by the Council.

Thanks,

Danielle

>>> Mark Rees 7/9/2014 1:59 PM >>>

Danielle, I should have sent this on to you as well.

Thanks

Mark H. Rees
City Manager
City of Portland, Maine
389 Congress Street
Portland, ME 04101
MHR@portlandmaine.gov
(207)874-8689

>>> Mark Rees 7/9/2014 1:55 PM >>>

fyi

Mark H. Rees
City Manager
City of Portland, Maine
389 Congress Street
Portland, ME 04101
MHR@portlandmaine.gov
(207)874-8689

>>> Patty Apon 7/8/2014 1:52 PM >>>

Attached please find the letter to officially transfer the Reed School facility to the City.

Maine Revised Statutes

Title 20-A: EDUCATION

**Chapter 202: CLOSING AND DISPOSITION OF PUBLIC
ELEMENTARY AND SECONDARY SCHOOL BUILDINGS**

**§4103. DISPOSAL OR OTHER USE OF REAL PROPERTY CLOSED FOR
SCHOOL PURPOSES**

The following shall control the disposition or other use of school buildings which have been closed pursuant to section 4102. [1983, c. 422, §17 (NEW) .]

1. Control. The school building shall remain under the control of the school board.

[1983, c. 422, §17 (NEW) .]

2. Lease, use of proceeds. The school board may lease the building for its fair rental value if there is a reasonable likelihood that the building will be needed again for educational purposes.

A. Leases not to exceed 4 years may be entered and may be renewed at the end of any lease period if the school board determines there is still a reasonable likelihood that the building will be needed again for educational purposes. [1983, c. 422, §17 (NEW) .]

B. The proceeds from the lease shall be used in the following order:

(1) To cover the maintenance costs on the building;

(2) To reduce any outstanding indebtedness on the building; and

(3) To meet educational expenses which have been approved by the legislative body of the administrative unit in the ordinary budgetary process. [1983, c. 422, §17 (NEW) .]

C. Any renovations to a leased building shall be compatible with its reuse as a school building. [1983, c. 422, §17 (NEW) .]

[1983, c. 422, §17 (NEW) .]

3. Transfer to municipality. The school board may transfer control or ownership of the building which does not have any anticipated use as a school building to the municipal officers or inhabitants of the town or towns.

A. The receiving town or towns, if they accept the transfer, shall be liable for any outstanding indebtedness. [1983, c. 422, §17 (NEW) .]

B. If the receiving town or towns are part of a school administrative district or a community school district, then:

(1) If the building had been transferred by the town or towns to the district, the district may require the town or towns to pay the district any debt service expended on the building by the district over the 5 school years prior to the transfer of the building to the town or towns, minus their apportionment of that debt service; or

(2) If the building had been constructed by the district, the district may require the receiving town or towns to pay the district a sum equal to the fair market value of the building, minus the town or town's apportioned share in the building, to be determined in accordance with the cost-sharing formula in effect at the time of the transfer. [1983, c. 422, §17 (NEW) .]

C. Notwithstanding any other provision of law, the receiving town or towns may use the building for municipal purposes. [2001, c. 586, §1 (NEW) .]

[2001, c. 586, §1 (AMD) .]

4. Sale of school building. The school board of the school administrative unit may sell the school building on the open market if it determines that it will have no future use for the building and they have offered to transfer control or ownership to the municipal officers of the town or towns in which the building is located and the municipal officers have not accepted the transfer of control or ownership to the municipal officers or the inhabitants of the town or towns. If the school board is unable to sell the school building on the open market after a reasonable period of time, not to exceed 2 years, then it may attempt to sell the building through sealed bids.

A. Sealed bids shall be solicited a minimum of 60 days prior to being opened. Appropriate notices shall be published in local news media. [1983, c. 422, §17 (NEW) .]

B. The proceeds from the sale of the building shall be disbursed in accordance with section 4104. [1983, c. 422, §17 (NEW) .]

C. The school board of a school administrative unit may convey title to any and all school buildings, regardless of whether they are held in the names of the inhabitants of a municipality, a school administrative district, a community school district, a career and technical education region or a union school. [1991, c. 2, §58 (COR); 2003, c. 545, §5 (REV) .]

[1991, c. 2, §58 (COR); 2003, c. 545, §5 (REV) .]

5. Demolition of building. If the school committee or board of directors determines that it has no future use for a building, if it determines the property could be better used for other educationally related purposes without the building and if the legislative body of the unit approves, the school committee or board of directors may demolish the building on the site and retain the site. The school board may also demolish the building if it has been condemned by local or state officials for health and safety reasons, regardless of whether the site will be retained or sold.

[1983, c. 422, §17 (NEW) .]

SECTION HISTORY

1983, c. 422, §17 (NEW). RR 1991, c. 2, §58 (COR). 2001, c. 586, §1 (AMD). 2003, c. 545, §5 (REV) .

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**Portland Board of Public Education
Business Meeting
Tues, June 24, 2014
7 PM - Business Meeting
Room 250
Casco Bay High School**

Retirement Recognition – 6:00 pm

Business Meeting – 7:00 pm

Call to Order

Pledge of Allegiance

I. Report of the Chair

II. Report of the Students

- a. Eliza D'Anieri - CBHS

III. Report of the Superintendent

- a. Recognitions

IV. Report of the Secretary

- a. Consideration and Action to Approve the Meeting Minutes of June 10, 2014.
[A-109/13/14]

Moved ____ Seconded ____ Voted ____ to Approve the Meeting Minutes of June 10, 2014
[A-109-13/14]

V. Report of the Committees

- a. Curriculum
- b. Operations
- c. Finance
- d. Other Committees and/or member concerns

VI. Consent Items

- a. Peaks Island School received 6 sets of binoculars and 6 books from Oceanside Conservation Trust of Casco Bay to be used in the study of Island Wildlife. [A-110-13/14]
- b. Portland High School received \$2000.00 from Samuel Rosenthal to be used for instructional supplies. [A-111-13/14]
- c. East End Community School received \$400.00 from The Marc Gup Team at Keller Williams Realty to be used to purchase GLEE Club T-shirts. [A-112-13/14]
- d. East End Community School received a total of \$75.00 from the following: Zapoteca Restaurant donated \$50.00 to purchase gift certificates for the Film Festival and El Corazon Food Truck donated \$25.00 for towards a Spanish Language Film as part of the Film Festival [A-113-13/14]



VII. Old Business

a. Consideration and action to authorize the Superintendent to take all steps necessary to implement the closing of Reed School and the transfer of control of the property to the city, including notifying the City Manager and City Council once the state has approved the closure [A-105-13/14].

Moved ____ Seconded ____ Voted ____ to authorize the Superintendent to take all steps necessary to implement the closing of Reed School and the transfer of control of the property to the city, including notifying the City Manager and City Council once the state has approved the closure. [A-105-13/14]

b. Consideration and action to approve the revised Policy IKF - Graduation Policy [A-106-13/14]

Moved ____ Seconded ____ Voted ____ to approve the proposed revisions to Policy IKF (Graduation Policy). [A-106-13/14]

VIII. New Business

a. First Read on revision to Policy JICI- Athletic and Co-Curricular Activities Code of Conduct for Middle and High School. [A-114-13/14]

b. Consideration and action to authorize the superintendent or designee to begin the hiring process on June 25, 2014 through August 31, 2014 for all budgeted vacancies without seeking prior school board approval to advertise. [A-115-13/14]

Moved ____ Seconded ____ Voted ____ to authorize the superintendent or designee to begin the hiring process on June 25, 2014 through August 31, 2014 for all budgeted vacancies without seeking prior school board approval to advertise. [A-115-13/14]

IX. Personnel

a. Consideration and action to approve the personnel items listed [A-116-13/14]

PEA Elections: Effective 9/1/14

Re-election of Probationary Teachers (from 1 year only position): Effective 09/01/14

Brian Dodge	Math/DHS	1.0	\$42,606
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Election of Probationary Teachers: Effective 9/1/14

Amy Stevenson	ESOL/LMS	1.0	\$52,184
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Ms. Stevenson holds a Master of Education in TESOL from City University of New York- City College and a Bachelor of Arts in Social Work from Cornerstone University. For the past three years, Amy has been an ELL Literacy Teacher for the Lewiston Public Schools. Prior to that she worked for the New York City Department of Education as an ESL teacher for seven years.

Erika Schneider	ESOL/DHS	1.0	\$48,716
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Ms. Schneider holds a MA in teacher from City University of New York- Hunter College and a



Portland Public Schools

Learning to Succeed

BA in international affairs from George Washington University. Erika has been working for the South Portland Public Schools for the past two years as an ESL teacher. Her other ESL teaching experience consist of two year at Eugenio Maria De Hostos Intermediate School 318 and three years at Bushwick School for Social Justice.

Kristen Tevanian	Speech/PRS	1.0	\$62,257
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Ms. Tevanian holds a Master of Science for Teachers in Communication Disorders from UNH. For the past nineteen years she has been the Speech Language Pathologist for Oyster River Cooperative Schools.

Matthew Bernstein	Social Studies/CBHS	1.0	\$34,679
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Mr. Bernstein holds a Bachelor of Arts in History from Bowdoin College. For the past year he has been a history teacher at Greene School.

Anthony Spinnracker	Special Ed/OAE	1.0	\$46,074
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Mr. Spinnracker holds a Bachelor of Science in Special and Elementary Education from Gwynedd Mercy University. For the 2013-14 school year Mr. Spinnracker was the long term sub as a resource room teacher at Hall. Prior to that he was a High School Learning Support Teacher for seven years at William Penn School District.

Emily Parr	Special Ed/OAE	1.0	\$52,505
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Ms. Parr holds a CAS of Education in the Teaching Secondary History from University of Newcastle Upon Tyne and a BA in History from University of Newcastle Upon Tyne. For the past eight years Ms. Parr has been a special ed teacher for the Westbrook School Department. Prior to that she was a special ed teacher for Spurwink for two years.

Caroline Robinson	English/CBHS	0.5	\$28,734.50
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Ms. Robinson re-joins Casco Bay High School after being leaving back in 2007. She holds a MA in English from Middlebury College and a BA from Yale University. For the 2013-14 school year Mr. Robinson was an English teacher for Gorham High School. Her prior experience consist of two years at Phillips Academy as an English teacher; one year as a special ed teacher at CBHS; one year at Deerfield Academy as a English Teacher; one year at King Middle School as a English teacher; three years as a English teacher at El Puente Academy for Peace and Justice / NYC DOE; and four years at Booker T Washington / New York City Dept. of Ed. as an English teacher.

Sheila Conlan	Spanish/CBHS	0.5	\$22,376
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Ms. Conlan holds a MS in Education from Saint Joseph's University and BA in Spanish and English from Gettysburg College. For the 2013-14 school year Ms. Conlan was an English teacher at Comunidad de Madrid. Prior to that she was a Spanish teacher Wissahickon School District for one year.

Besty Porada	Math/KMS	1.0	\$46,074
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Ms. Porada holds two MS degrees, one in Education from USM, and the other in accountancy from George Washington University, as well as a BA in Spanish and International Studies from Colby College. Since August of 2013 Ms. Porada has been the Supervisor to Interns in the ETEP Program for USM. Prior to that she worked at King as a math lab teacher for one year. Her other experience consist of one year at Gorham Middle School as the math department chair and three years as an 8th Grade Math & Social Studies Teacher at the same school.

Pamela Porensky	Math/KMS	1.0	\$37,322
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Portland School District

Learning to Succeed

Ms. Porensky holds a BA in Marketing from USM, and is currently enrolled at USM for graduate work in Education. For the 2013-14 school year she has been a 7th grade math teacher at Brunswick School Department.

Moved ____ Seconded ____ Voted ____ to approve the personnel items listed. [A-116 13/14]

X. Board Focus on Educational Issues

- a. East End Community School SIG Review [C-23-13/14]
- b. NCLB Review [C-24-13/14]
- c. Parent Survey Results Presentation [C-25-13/14]

XI. Public Comment Prior to 11:00 PM on any items not on the evening's agenda

XII. Adjournment

Moved ____ Seconded ____ Voted ____ to adjourn the Business Meeting at ____.

Workshop – Immediately following Business Meeting

- a. Committee Priorities and Board/Committee Schedules [W-18-13/14]

Executive Session - Immediately after Workshop

1. Consideration and action to move into Executive Session pursuant to 1 M.R.S.A. Section 405(6) (A) to consider evaluation of an employee. [ES-26-13/14]

Moved ____ Seconded ____ Voted ____ to move into Executive Session pursuant to 1 M.R.S.A. Section 405(6) (A) to consider evaluation of an employee. [ES-26-13/14]

Moved ____ Seconded ____ Voted ____ to move out of Executive Session. [ES-26-13/14]

Upcoming School Board Meetings

Tue, June 24, 7:00 pm Room 250, Casco Bay High School

Upcoming Committee Meetings

Thur, Jun 26, 6:00 pm Joint Finance, Room 209 City Hall

*Order 25-14/15
Tab 18 7-21-14*

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER APPROVING THE COLLECTIVE BARGAINING AGREEMENT WITH
POLICE SUPERIOR OFFICERS BENEVOLENT ASSOCIATION (PSOBA)**

ORDERED, that the attached Collective Bargaining Agreement with the Police Superior Officers Benevolent Association for January 5, 2014 through December 31, 2016, is hereby approved.

**CITY OF PORTLAND, MAINE
MEMORANDUM**

TO: Mayor Brennan and Members of the City Council

FROM: Thomas A. Caiazzo, Labor Relations Manager *TAC*

DATE: July 15, 2014

RE: First Reading - Tentative Agreement with:
Police Superior Officers Benevolent Association (PSOBA)

Staff has reached a tentative agreement with the Police Superior Officers Benevolent Assoc. (PSOBA) on a successor contract. The prior collective bargaining agreement expired December 31, 2013.

The PSOBA, which is comprised of 32 Police Lieutenants and Sergeants, has reached a tentative agreement with the City. The Administration is requesting a first reading on July 21, 2014. The tentative agreement is within the guidance received by the City Council on June 16, 2014.

This memorandum reflects the substantive changes to the expired collective bargaining agreement.

Article 4 - Salaries

4.1.1 Effective January 5, 2014 employees will receive a general wage increase of 1%; effective July 6, 2014 employees will receive a general wage increase of 1.0%; effective January 4, 2015 employees will receive a general wage increase of 1.0% and effective January 3, 2016 employees will receive a general wage increase of 3%. The wage increases are reflected in the attached pay plan.

Appendix A – Pay Plan

Eliminates the first step of each category leaving two (2) steps.

Article 5 – Hours and Overtime

5.5.2 Increase the administrative differential by \$5.00 for each category:
Sergeants from \$60.00/week to **\$65.00/week**
Lieutenants from \$70.00/week to **\$75.00/week**
CID/Patrol Admin Lieutenant from \$80.00/week to **\$85.00/week**

Article 9 – Insurance

9.2 The Union has agreed in principle to the City's proposal to move from the current Health Plan to a new Value Based Insurance Design (VBID) health plan.

Article 10 -- Pensions

To better address recruitment and retention issues within the Police Department, the City agrees to move all eligible participants to the Special 3C retirement plan, 2/3 of average high 3 salary years after 25 years of service, no minimum age.

*This provision is contingent upon the Police Patrol unit (PBA) reaching agreement on their contract as MainePERS requires both units to move to the new retirement plan together.

Article 29 -- Term

This Agreement governs the rights of the parties from January 5, 2014 through December 31, 2016.

The total cost for the three (3) year agreement is approximately \$306,000.

This order will require a second reading at the August 4, 2014 Council meeting.

Cc: Mark Rees, City Manager
Michael Sauschuck, Police Chief
Vernon Malloch, Asst Police Chief
Janice Kimball, Acting Director of Human Resources
Danielle West-Chuhta, Corporation Counsel
Ellen Sanborn, Finance Director
Carlene Kessler, PAO, Human Resources
Clarkson Woodward, PAO, Police Department
Jennifer Lodge, Budget Analyst
Lori Schools, Financial Specialist

Attachment

[illegible]

SOA Contract Tentative Agreement 6/10/14

2.1 below the rank of Major and above the rank of Patrol Officer, thereby including all of the permanent, full time Sergeants and Lieutenants.

4.1.1 4.1.1 Effective January 5, 2014 employees will receive a general wage increase of 1% and effective July 6, 2014 employees will receive a general wage increase of 1%. January 4, 2015 employees will receive a general wage increase of 1%. and effective January 3, 2016 employees will receive a general wage increase of 3%. These wage increases are reflected in the pay plan attached as Appendix A.

4.2 Sergeants who are assigned temporarily to the position of patrol shift commander, when there is no Lieutenant assigned as Patrol Shift Commander, shall be paid the percentage difference between the minimum rate of pay between the sergeant and lieutenant wage rates in addition to their regular base hourly rate for all hours worked in the higher assignment, provided that the duration of the assignment comprises one-half of the total shift or more.

If the Administrative Lieutenant is not on duty, the Sergeant permanently assigned to the Traffic Division shall be paid the percentage difference between the minimum rate of pay between the sergeant and lieutenant wage rates in addition to their regular base hourly rate for all hours worked in the higher assignment, provided that the duration of the assignment comprises one-half of the total shift or more.

If there is no Lieutenant assigned as the A-1 team Patrol Shift Commander, the Sergeant permanently assigned to the JetPort shall be paid the percentage difference between the minimum rate of pay between the sergeant and lieutenant wage rates in addition to their regular base hourly rate for all hours worked in the higher assignment, provided that the duration of the assignment comprises one-half of the total shift or more.

If the Criminal Investigations Division Lieutenant is not on duty, a Sergeant permanently assigned to the Criminal Investigations Division shall be paid the percentage difference between the minimum rate of pay between the sergeant and lieutenant wage rates in addition to their regular base hourly rate for all hours worked in the higher assignment, provided that the duration of the assignment comprises one-half of the total shift or more.

If the Community Affairs Lieutenant is not on duty, a Sergeant permanently assigned to the Community Affairs Division shall be paid the percentage difference between the minimum rate of pay between the sergeant and lieutenant wage rates in addition to their regular base hourly rate for all hours worked in the higher assignment, provided that the duration of the assignment comprises one-half of the total shift or more.

In each occurrence enumerated in this section, administrative differential will be added to this higher rate and the assigned Sergeant will be expected to perform any administrative work related to the higher class assignment that is required.

4.3.1 Superior Officers assigned to one of the following full time specialty positions shall receive pay for their appropriate salary plus a specialty differential per week which is based on time in position step increases:

Lieutenant-Community Policing, Lieutenant-CID, Lieutenant-Internal Affairs, Lieutenant-Administrative (instead of Homeland Security), Lieutenant – Jetport, Sergeant-CID, Sergeant-CRU, Sergeant –Jetport (instead of Emergency Management), Sergeant-Internal Affairs, Sergeant-Training, Sergeant – Community Policing, Sergeant - Traffic

Full time

0-3 years \$30

3-8 years \$35

8+ years \$40

4.3.2 Superior Officers possessing one of the following part time specialty positions shall receive pay for their appropriate salary plus a specialty differential per week which is based on time in position step increases:

Supervisor-Canine Unit, Accident Re-constructionist, Hostage Negotiator, Special Reaction Team, Certified Firearms Instructor, Dive Team, Hazardous Devices Unit, HazMat Technician

Part time

0-3 years \$20

3-8 years \$25

8+ years \$30

4.3.3 Specialists on the Special Reaction Team, Hostage Negotiation Team and the Hazardous Devices Unit will receive specialty pay upon completion of their required training or certification as designated by the Police Chief.

4.3.4 Superior Officers selected to a full time specialty may hold and be compensated for up to one (1) additional part time specialty as listed above.

4.3.5 Current 4.3.3 language

Delete old 4.3.2

4.5.2 delete

5.1.1 eight (8) or ten (10) hours respectively

5.1.4 eight (8) or ten (10) hours per day

5.3.1 **Special Details** - agreed to "employees shall be paid a minimum of six (6) hours pay at the top Lieutenant's pay plus 25% or 1- ½ times the top Lieutenant's pay plus 25%..."

5.5.2 The following administrative differential shall be paid effective *upon the signing of the final agreement*:

Sergeants - \$65.00 per week

Lieutenants - \$75.00 per week

CID/Patrol Admin Lieutenant - \$85.00 per week

5.5.3 delete

5.7 comprised of the Major

6.2 In no instance shall more than 40 (five 8's) or 50 (five 10's) hours of holiday time respectively be carried into the next calendar year.

8.3 "The City further agrees to pay up to **one hundred** dollars (\$100) for repair or replacement..."

8.5 delete....and the Homeland Security Lieutenant

8.6 (new section) Effective January 1, 2014 the CRU Sergeant will be reimbursed by the City for the purchase of articles of clothing that are reasonably necessary for the performance of their duties up to a maximum of \$500.00 per year. This maximum applies to the purchase, maintenance and replacement of civilian clothing.

12.1.1 "the employee shall receive an amount equal to his/her salary at the time of retirement for one-half (1/2) of accumulated sick leave up to a maximum of **900 hours** of pay, provided the employee has a minimum of **480 hours** of sick leave accumulated. Retiring employees with less than **480 hours** shall not receive any payment."

24.1 delete..... D, and E

Appendix A deleted the "Captain" designation and deleted first step in each of the other classifications. There will be two steps in each classification.

Appendix C add business cards, job specific books, outer vest carrier, and promotional study material

Appendix E delete