

Regular City Council Meeting
March 2, 2015

1. Agenda

Documents: [AGENDA ONLY 03-02-15.PDF](#)

2. Agenda With Packet

Documents: [AGENDA AND PACKET 03-02-15.PDF](#)

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

DAVID BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK(A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

AGENDA
REGULAR CITY COUNCIL MEETING
MARCH 2, 2015

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) February 23, 2015

PROCLAMATIONS:

Proc 18-14/15 Proclamation Honoring The January, 2015 Graduates of the Deering
(Tab 2) and Portland High School Jobs for Maine's Graduates Program -
Sponsored by Councilor Justin Costa.

Proc 19-14/15 Proclamation Honoring Officer Graham Hults and Officer Joseph
(Tab 3) Chappell as Officers of the Month for January 2015 – Sponsored by
Michael F. Brennan, Mayor.

APPOINTMENTS:

CONSENT ITEMS:

Order 163-14/15 Order Declaring Saturday, August 1, 2015, as “Picnic Music & Arts
(Tab 4) Festival”, A Festival of Music, Crafts and Local Food – Sponsored by
Sheila Hill-Christian, Acting City Manager.

This order declares Saturday, August 1, 2015 as PICNIC Music & Arts Festival a festival of music, crafts and local food to be held at Lincoln Park from 11:00 a.m. to 6:00 p.m.

In order for this festival to be held, some reserved parking is needed on Federal Street and Congress Streets beside Lincoln Park.

**Order 164-14/15
(Tab 5)**

Order Declaring Saturday and Sunday, August 15 and 16, 2015 as “90th Annual St. Peter’s Bazaar” and Italian Street Festival” and Approving Friday, August 14, 2015, as “St. Peter’s 4-Mile Road Race – Sponsored by Sheila Hill-Christian, Acting City Manager.

This order declares Saturday and Sunday, August 15 and 16, 2015 as the “90th Annual St. Peter’s Bazaar and Italian Street Festival and Friday, August 14, 2015 as the “St. Peter’s 4-Mile Road Race.

The festival blends Italian epicurean delights with games for children and teenagers, games of chance and music and dancing in the evening hours. Attendance at the festival is estimated at 1,500 per night. The 4-Mile Road Race (the 29th annual), held on Friday night, winds its way up to the Eastern Promenade and back to the church. Attendance at the race is estimated at 300 runners.

Street closures are included in the agenda backup.

**Order 165-14/15
(Tab 6)**

Order Declaring Saturday, August 22, 2015 as “50th Annual WCSH6 Sidewalk Art Festival” – Sponsored by Sheila Hill-Christian, Acting City Manager.

This order declares Saturday, August 22, 2015, as “50th Annual WCSH6 Sidewalk Art Festival” to be held on Congress Street from 9:00 a.m. to 4:00 p.m. Rain date is Sunday, August 23rd.

This year, like previous years, festival organizers are requesting that Congress Street (from High Street to Elm Street) be closed to vehicular traffic; High Street, at the intersection of Congress Street, would stay open to commuters (same with Elm Street). Some side streets, connecting to Congress Street, would also possibly be used for artist’s booths. Artists will still be set up on the sidewalk and the parking lane – facing out towards the street. The public would walk in the street and view artist’s work from that vantage point. This frees up more room on the sidewalk for pedestrians to enter shops and for shops to also put out tables (sidewalk sale) if they so desire. Three hundred artists are registered for this year’s event. Artists will be selling their work to the general public.

Street closures are included in the agenda backup.

**Order 166-14/15
(Tab 7)**

Order Declaring Saturday, August 22, 2015, as “Portland Downtown Craft Show” – Sponsored by Sheila Hill-Christian, Acting City Manager.

This order declares Saturday, August 22, 2015, as “Portland Downtown Craft Show” to be held on Congress Street from 9:00 a.m. to 4:00 p.m. The rain date is Sunday, August 23.

The Portland Downtown Craft Show will be presented by the Maine Crafts Association (MCA). Festival organizers are requesting that Congress Street from High Street to State Street be closed to vehicular traffic. High Street, at the intersection of Congress Street, would stay open to commuters (same with State Street). Individual vendors will set up 100-150 10x10 canopy booth spaces on Congress Street. Sidewalks remain open for pedestrians. Emergency lane will be kept open in the middle of the street. 3000 attendees are expected for this event. Vendors will be selling their crafts to the general public.

Street closures are included in the agenda backup.

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

LICENSES:

Order 167-14/15 (Tab 8)

Order Granting Municipal Officers’ Approval of A Space for Grace d/b/a A Space for Grace. Application to add After-Hours Entertainment License at 1 Marginal Way – Sponsored by Katherine L. Jones, City Clerk.

Application filed 2/5/15. New City Application. Applicant holds a current City of Portland Dance Hall License and a State of Maine Bottle Club License. Applicant is a non-profit corporation in good standing with the Maine Department of the Secretary of State. Non-profit bottle clubs are exempt from needing a City of Portland Bottle Club license.

Five affirmative votes are required for passage after public comment.

Order 168-14/15 (Tab 9)

Order Granting Municipal Officers’ Approval of Old Port Slice Bar d/b/a Old Port Slice Bar. Application for a Class XI Restaurant/ Lounge License with Entertainment and Dance at 420 Fore Street – Sponsored by Katherine L. Jones, City Clerk.

Application filed 1/29/15. New City and State Applications.

This is the former location of Joe's New York Pizza. Due to the extenuating circumstances of the fire, the Planning & Urban Development Department worked with the owners to extend the legal use of that space beyond the usual one year timeframe and allow it to be retenanted without triggering a new zoning review.

Five affirmative votes are required for passage after public comment.

**Order 169-14/15
(Tab 10)**

Order Granting Municipal Officers' Approval of Aloha Partners, LLC d/b/a The Sinful Kitchen. Application for a Class I FSE License at 906 Brighton Avenue – Sponsored by Katherine L. Jones, City Manager.

Application filed 2/6/15. New City and State Applications. This is the former location of La Familia Restaurant.

Five affirmative votes are required for passage after public comment.

**Order 170-14/15
(Tab 11)**

Order Granting Municipal Officers' Approval of New England Provisions Co. d/b/a Old Port Lobster Shack. Applications for a Class III & IV (Wine & Beer) License and Outdoor Dining on Private Property at 425 Fore Street – Sponsored by Katherine L. Jones, City Clerk.

Application filed 1/26/15. New City and State Applications. This is the former location of Helene M.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

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

Communication Re: Appointment of New Members to Reed School Re-Use Task Force – Sponsored by Mayor Michael F. Brennan.

The Reed School sits on approximately 2.5 acres on Homestead Avenue in the Riverton neighborhood. Originally a school, it was more recently the central kitchen for the Portland Public Schools. It currently is used for limited storage, and is largely vacant and underutilized.

In September, staff proposed the creation of a citizen's Task Force to the Housing and Community Development Committee, and to Mayor Brennan, to report potential and priority uses of the property and recommend a process to review proposals for re-use of the Reed School property. Several membership slots of the Task Force went unfilled, and three new members, Riverton residents, have been recommended for appointment. These positions fill the vacancies left by the two places held for the Riverton Community Association, which is not currently active, and the one designated for the Riverton PTO, which had an initial designee who was unable to continue, and to date no replacement member.

Reed School Re-Use Task Force Charge

The Reed School Re-Use Advisory Task Force was established to:

- Report potential uses of the property;
- Develop criteria for making final recommendations on the preferred uses of the property;

- Recommend a process to review proposals for re-use of the property; and
- Report findings to the City Council's Housing and Community Development Committee within six months of Task Force inception.

The process would be staffed by the Planning Division, and the task force will be as follows:

Councilor David Brenerman and John Coyne, Co-Chairs
 HCDC Committee Liaison Designee - David Brenerman
 Portland Planning Board Designee - Sean Dundon
 Portland Trails Designee - Kara Wooldrik
 Workforce Housing Designee - Jan McCormick
 Portland Society for Architecture Designee - Leslie Burnham
 Greater Portland Landmarks Designee - Hilary Bassett
 GPCOG Designee - Rebecca Schaffner
 State Representative, District #116 - Denise Harlow
 Parks Commission Designee - Steve Morgenstein
 Neighborhood Resident – Elise Scala
 Neighborhood Resident - Hillary Krapf
 Neighborhood Resident - Dyan Albano
 Neighborhood Resident - Mark Johnson

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

RESOLUTIONS:

**Resolve 5-14/15
(Tab 13)**

**Resolution in Support of the Right of Same-Sex Couples to Marry
- Sponsored by Mayor Michael F. Brennan.**

This Resolution supports The Portland City Council and the Mayor to join with Mayors For the Freedom to Marry, Mayors in the United States Conference of Mayors, and Mayors of the Cities of Los Angeles, New York City and San Francisco, among other municipalities, in support of the Marriage Equality Amicus Brief submitted to the United State Supreme Court in support of equal treatment in the court's consideration of April DeBoer, et al., v. Richard Snyder, et al, a lawsuit concerning the rights of married same-sex couples in the United States.
 Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

ORDERS:

**Order 171-14/15
(Tab 14)**

**Order Amending Traffic Schedule Re: Pine and Brackett Streets
- Sponsored by the Transportation, Sustainability, and Energy Committee, Councilor David A. Marshall, Chair.**

In 2013 a parking change was approved in association with the site plan approval for the West End Place development for Brackett Street south of Pine Street.

Portland's Traffic Engineer, Jeremiah Bartlett was asked to review the decision by the Brackett Street Veterinary Clinic. Based on this review and after discussions with John Peverada, the City's Parking Manager, and Kevin Thomas, Traffic Supervisor, Mr. Bartlett brought a new plan to the Transportation, Sustainability, and Energy Committee.

The width of Brackett Street in this area does not allow for parking on both sides of the street. The new plan offers better site lines, provides for flexible on-street parking that meets the needs of various users and avoids impacts related to the width of the street.

The new parking plan follows:

West side of Brackett Street South of Pine Street (0-227 feet)

3 thirty-minute spaces (from 8 AM to 8 PM)

1 two-hour handicapped spaces;

7 one-hour spaces from (from 8AM to 8PM)

For a total of 11 spaces

East Side of Brackett Street South of Pine Street (0-255 feet)

No parking

Loss of two spaces, two motorcycle spaces and one Ucarshare space.

South Side of Pine Street East of Brackett (0-70 feet)

1 Ucarshare space

2 15-minute parking spaces (8 AM to 8 PM)

South Side of Pine Street West of Brackett (30-50 feet)

2 Motorcycle/Moped Parking

The Transportation, Sustainability, and Energy Committee met on February 18, 2015 and voted 4-0 to forward this item to the City Council with a recommendation for passage.

Five affirmative votes are required for passage after public comment.

**Order 172-14/15
(Tab 15)**

Order Approving Two Party Agreement between the City of Portland and the Maine Department of Transportation Re: Improvements to Forest Avenue – Sponsored Sheila Hill-Christian, Acting City Manager.

This order approves a two-party agreement between the Maine Department of Transportation and the City of Portland regarding the planning, development, design, right-of-way, construction, cost sharing and reimbursement for a project to make improvements to Forest Avenue.

The project scope includes but is not limited to reconfiguring the Forest Avenue traffic pattern at Woodfords Corner and Ocean Avenue, widen sidewalks, add streetscape aesthetics, extend shared lane bikeways, and reduce crossing distances for pedestrians.

The city is also discussing potential additional amenities (including, but not limited to, street finishings, benches and/or higher quality materials) with MDOT and will update the Council on the status of the discussions at a future meeting.

This project has been in discussion for a number of years and the matching and non-matching funds required, \$384,240.75 have been included in the FY 15 Capital Improvement budget. The total cost for the project will be \$1,518,751.00 - \$1,199,000.80 (Federal), \$135,509.45 State, and \$384,240.75 City.

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

AMENDMENTS:

LICENSE RENEWALS:

MICHAEL F. BRENNAN (MAYOR)
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DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
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RESOLUTIONS:

**Resolve 5-14/15
(Tab 13)**

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- Sponsored by Mayor Michael F. Brennan.**

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The Transportation, Sustainability, and Energy Committee met on February 18, 2015 and voted 4-0 to forward this item to the City Council with a recommendation for passage.

Five affirmative votes are required for passage after public comment.

**Order 172-14/15
(Tab 15)**

Order Approving Two Party Agreement between the City of Portland and the Maine Department of Transportation Re: Improvements to Forest Avenue – Sponsored Sheila Hill-Christian, Acting City Manager.

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The project scope includes but is not limited to reconfiguring the Forest Avenue traffic pattern at Woodfords Corner and Ocean Avenue, widen sidewalks, add streetscape aesthetics, extend shared lane bikeways, and reduce crossing distances for pedestrians.

The city is also discussing potential additional amenities (including, but not limited to, street finishings, benches and/or higher quality materials) with MDOT and will update the Council on the status of the discussions at a future meeting.

This project has been in discussion for a number of years and the matching and non-matching funds required, \$384,240.75 have been included in the FY 15 Capital Improvement budget. The total cost for the project will be \$1,518,751.00 - \$1,199,000.80 (Federal), \$135,509.45 State, and \$384,240.75 City.

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

AMENDMENTS:

LICENSE RENEWALS:

IN COUNCIL SPECIAL MEETING FEBRUARY 23, 2015 VOL. 130 PAGE 59

ROLL CALL: Mayor Brennan called the meeting to order at 7:05 P.M. (All Councilors present).

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Suslovic and seconded by Councilor Marshall for approval of the February 9, 2015 City Council Minutes. Passage 9-0.

PROCLAMATIONS:

APPOINTMENTS:

Order 150-14/15 Order Appointing Constables for 2015 Re: Portland Fire Department - Sponsored by Sheila Hill-Christian, Acting City Manager.

In connection with the implementation of findings by the Fire Prevention Task Force, Fire Chief Jerome LaMoria has requested constabulary authority be granted to two officials of the Fire Department, Assistant Chief of Fire Prevention Keith Gautreau and Fire Prevention Captain David Petruccelli.

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

CONSENT ITEMS:

Order 151-14/15 Order Declaring the "2015 Greek Heritage Food Festival" June 25-June 27, 2015 – Sponsored by Sheila Hill-Christian, Acting City Manager.

Order 152-14/15 Order Declaring Fenix Theater Company's "Shakespeare in the Park" as a Festival – Sponsored by Sheila Hill-Christian, Acting City Manager.

Order 153-14/15 Order Declaring "Sundays on the Boulevard" Festival Days in 2015 – Sponsored by Sheila Hill-Christian, Acting City Manager.

Order 154-14/15 Order Declaring Color Vibe 5K Race as a Festival – Sponsored by Sheila Hill-Christian, Acting City Manager.

IN COUNCIL SPECIAL MEETING FEBRUARY 23, 2015 VOL. 130 PAGE 60

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

LICENSES:

Order 155-14/15 Order Granting Municipal Officers' Approval of The Oasis II, LLC d/b/a Oasis. Application for a Class A Lounge License with Entertainment with Dance and Outdoor Dining on Private Property at 42 Wharf Street – Sponsored by Katherine L. Jones, City Clerk.

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

Order 156-14/15 Order Granting Municipal Officers' Approval of The FourFortyThree Club LLC d/b/a Evo. Application for a Class I FSE at 443 Fore Street – Sponsored by Katherine L. Jones, City Clerk.

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

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

Resolve 4-14/15 Resolution Supporting the Federal Clean Power Plan, Stronger Federal Ozone Standards, and all National, State, and Community Efforts to Ensure Healthy Air for Maine Families and Businesses – Sponsored by Mayor Michael Brennan, Councilors Kevin J. Donoghue, Jon Hinck, David A. Marshall, Nicholas M. Mavodones, Jr., Jill C. Duson, David Brenerman.

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

UNFINISHED BUSINESS:

Order 149-14/15 Order Approving the Collective Bargaining Agreement with Police Benevolent Association (PBA) – Sponsored by Sheila Hill-Christian, Acting City Manager. This item was given first reading on February 9, 2015.

IN COUNCIL SPECIAL MEETING FEBRUARY 23, 2015 VOL. I30 PAGE 61

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

ORDERS:

Order 157-14/15 Order Accepting 2014 Annual Report and 2015 Budget Plan of the Portland Public Art Committee – Sponsored by Councilor David A. Marshall and Lin Lisberger, Chair of the Portland Public Art Committee.

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

Order 158-14/15 Order Accepting the Gift of *Puffin* by Bernard Langlais and Adding this work to the City's Public Art Collection – Sponsored by Councilor David A. Marshall and Lin Lisberger, Chair of the Portland Public Art Committee.

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

Order 159-14/15 Order Approving Purchase and Sale Agreement with Sustainable Cliff Island for Cliff Island Property at 16 Fisherman's Cove - Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair.

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

Order 160-14/15 Order Approving Purchase and Sale Agreement with BOPO, LLC for 71 Hanover Street – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair.

Motion was made by Councilor Suslovic to postpone Order 160 to March 2nd. Motion failed lack of a second.

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

Order 161-14/15 Order Granting the First Amendment to Maine Basketball, LLC

IN COUNCIL SPECIAL MEETING FEBRUARY 23, 2015 VOL. 130 PAGE 62

**Arena License Agreement – Sponsored by the Finance Committee,
Councilor Nicholas M. Mavodones, Jr., Chair.**

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

**Order 162-14/15 Order Appointing and Setting Salary of Gina Tapp as Human
Resources Director – Sponsored by Sheila Hill-Christian, Acting City
Manager.**

Motion was made by Councilor Suslovic and seconded by Councilor
Mavodones to waive second reading. Passage 9-0.

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

Motion was made by Councilor Mavodones and seconded by Councilor
Duson to adjourn. Passage 9-0, 8:40 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

Proc 18-14/15
Tab 2 3-2-15

PROCLAMATION

HONORING

The January, 2015 Graduates of the Deering and Portland High School Jobs for Maine's Graduates Program.

WHEREAS, Jobs for Maine's Graduates is a non-profit organization that works in collaboration with high schools throughout the state of Maine; and

WHEREAS, Jobs for Maine's Graduates partners with the Portland Public Schools to operate important educational programs at both Deering and Portland High Schools; and

WHEREAS, In September of 2014 101 students entered the programs at Deering and Portland; and

WHEREAS, These students helped those in their community by creating Public Service Announcements, putting on a fashion show and winter carnival for charity, and running a bottle drive to sponsor a child at Muscular Dystrophy Association summer camp; and

WHEREAS, These same students also learned about what it takes to be successful in the work world through a downtown scavenger hunt, Shark Tank project, and a multitude of team building activities; and

WHEREAS, Several current members of the Portland City Council had the opportunity to visit these same students in the classroom of Ms. Gretchen Scales; and

WHEREAS, 36 of these students successfully completed the first semester program and the others remain on track to complete their respective programs at the end of the current semester.

NOW, THEREFORE, BE IT RESOLVED, THAT I Michael F. Brennan, Mayor of the City of Portland and members of the Portland City Council do hereby recognize and congratulate the students of the Jobs for Maine's Graduates program for all their success in the Jobs for Maine's graduates program.

Signed and sealed this 2nd day of March, 2015



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

Dec 19-14/15
Feb 3 3-2-15

PROCLAMATION

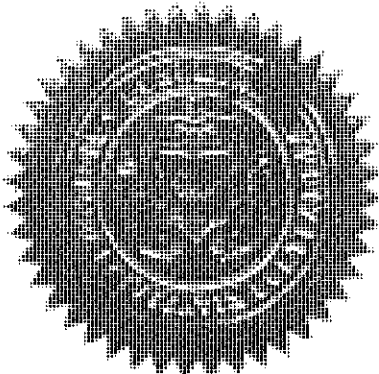
HONORING

OFFICER GRAHAM HULTS AND OFFICER JOSEPH CHAPPELL

- WHEREAS,** **Officers Hults and Chappell** conducted a proactive foot patrol throughout the holiday season providing a popular and visual police presence; and
- WHEREAS,** **Officers Hults and Chappell** effectively enhanced the Police Department's social media footprint using #footbeat to connect with residents and business owners; and
- WHEREAS,** **Officers Hults and Chappell** continue to forward the mission of Community Policing in Portland; and
- WHEREAS,** **Officers Hults and Chappell** help illustrate the working relationship and communication our police department strives to maintain with our residents and visitors; and
- WHEREAS,** **Officers Hults and Chappell** are recognized for their commitment to service and their contributions to public service.

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 both Graham Hults and Joseph Chappell as Officer of the Month for January 2015.

Signed and sealed this 2nd day of March 2015



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

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

*Order 163-14/15
Tab 4 3-2-15*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER DECLARING SATURDAY, AUGUST 1, 2015, AS
"PICNIC MUSIC & ARTS FESTIVAL,"
A FESTIVAL OF MUSIC, CRAFTS AND LOCAL FOOD**

ORDERED, that Picnic, a collaboration by organizers, Noah DeFilippis and Amy Teh, is authorized to use Lincoln Park on Saturday, August 1, 2015 from 11:00 a.m. – 6:00 p.m. for a free event to showcase crafters' and artists' work and live music performances from local bands to the public and declaring such use as a Festival; and

BE IT FURTHER ORDERED, that the festival area (Lincoln Park itself and the abutting sidewalks) will also be closed to street artists pursuant to Section 19-17 of the Portland City Code and is reserved for the use of Picnic for the purpose of conducting the music festival, subject to the direction and control of the City Manager; and

BE IT FURTHER ORDERED, that setup for the festival begins at 8:00 a.m. and organizers will be cleaned up and out of the park by 8:00 p.m. Canopies and tables will be set up on the grass area beside the sidewalks in the park. A small Public Announcement system will be set up in the park near the fountain (with speakers aimed towards Franklin Street); and

BE IT FURTHER ORDERED, that reserved parking is needed on Federal Street (beside Lincoln Park); and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit under Section 25-27 of the Portland City Code subject to the following conditions:

- The Picnic Festival organizers, Noah DeFilippis and Amy Teh, (hereinafter, the Picnic Festival Organizers) shall reimburse the City for all expenses incurred by City Departments for said Festival; and
- The Picnic Festival organizers shall take steps to ensure any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound, be maintained at a reasonable level and be configured by

organizers to create the least amount of noise disturbance to area residents;
and

- The Picnic Festival organizers agree to leave a Noise Control Security Deposit (amount determined by the Public Services Director or designee) on file at the Public Services Event Office; and
- The Picnic Festival organizers shall be solely responsible for trash cleanup at the festival and shall be required to leave a Park Security Deposit (amount determined by the Public Services Director or designee) on file at the Public Services Event Office; and
- Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during said festival; and
- Picnic shall have the sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival; and Food Trucks permitted to park on Congress Street beside Lincoln Park shall not be allowed to park there during this Festival, unless permitted as a Picnic vendor; and
- Conditions for use of grounds and requirements for food service, vending sales, concert licensing, tent and stage installations, and other items specified in a permit issued from Public Services Event Office, shall be adhered to; and
- The Picnic Festival organizers shall indemnify the City and hold it harmless from and against all claims arising out of activities during said Festival, and shall take out and maintain public liability insurance coverage in the amount of at least **\$400,000** per occurrence for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the "Picnic Festival" activities, and the City be endorsed on the policy; and

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



Michael J. Bobinsky
Director of Public Services

TO: Sheila Hill-Christian, Acting City Manager
FROM: Michael Bobinsky, Director of Public Services
DATE: February 13, 2015
RE: **Council Agenda Item – PICNIC Music & Arts Festival**

I am requesting that the following order be placed on the next City Council agenda:

Order declaring Saturday, August 1, 2015, as " PICNIC Music & Arts Festival," a festival of music, crafts, and local food, to be held at Lincoln Park, 11am – 6pm.

PICNIC is a collaborative effort (headed up by festival organizers and co-founders: Noah DeFilippis and Amy Teh, designers and owners of Pinecone+Chickadee, a store and design studio).

The festival will showcase 100+ of the most talented emerging artists from the local indie craft scene. Crafters and artists will sell handmade products. Shoppers can expect clothing, jewelry, prints, bags, dolls, paper goods, housewares, fine art, vintage goods, bicycles, records, and more. In addition, the festival will also feature an eclectic mix of local music with 5-8 bands playing between Noon – 6pm. A few local food vendors will be on site. There is no admission fee to the festival. Participating artists and vendors pay a registration fee to be on site at the event.

Overall attendance for the day is anticipated at 500 people (with 75-100 people in the park at any one time).

Setup for the festival begins at 8am. Organizers will be cleaned up and out of the park by 8pm. Canopies and tables will be set up on the grass area beside the sidewalks in the park, thereby keeping much of the foot traffic to the hardscape areas. A generator will provide power for the musicians and bands. A small PA system will be set up in the park near the fountain (speakers aimed towards Franklin Street).

In order for this festival to be held, some reserved parking is needed on Federal Street and Congress Street (beside Lincoln Park).

The Festival area (Lincoln Park itself and the abutting sidewalks) will be closed to street vendors and artists pursuant to Section 19-17 of the Portland City Code and is reserved for Picnic organizers, for the purpose of conducting the Festival, subject to the direction and control of the City Manager. Organizers also request that the Food Truck parking spots on Congress Street beside Lincoln Park be reserved that day for PICNIC vendors (i.e. give exclusivity to PICNIC food vendors, and not open up those spots to regular food trucks).

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the PICNIC Festival organizers for the use of the above-described area for said Festival, subject to the following conditions:



Michael J. Robinsky
Director of Public Services

- The Picnic Festival organizers, Noah DeFilippis and Amy Teh, shall reimburse the City for all expenses incurred by City Departments for said Festival;
- The PICNIC Festival organizers shall take steps to ensure any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound, be maintained at a reasonable level and be configured by organizers to create the least amount of noise disturbance to area residents;
- The PICNIC Festival organizers agree to leave a Noise Control Security Deposit (amount determined by the Public Services Director or designee) on file at the PS Event Office;
- The PICNIC Festival organizers shall be solely responsible for trash cleanup at the festival and shall be required to leave a Park Security Deposit (amount determined by the Public Services Director or designee) on file at the PS Event Office;
- Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during said festival;
- The PICNIC Festival organizers shall have sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival, and in addition, the Food Truck parking on Congress Street beside Lincoln Park, shall be reserved strictly and exclusively for only PICNIC affiliated vendors;
- Conditions for use of grounds and requirements for food service, vending sales, concert licensing, tent and stage installations, and other items specified in a permit issued from PS Event Office, shall be adhered to; and
- The PICNIC Festival organizers shall indemnify the City and hold it harmless from and against all claims arising out of activities during said Festival, and shall take out and maintain public liability insurance coverage in the amount of at least **\$400,000** per occurrence for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the "PICNIC Festival" activities, and the City be endorsed on the policy.

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

Document prepared by Ted Musgrave, PS Event Coordinator



CITY OF PORTLAND, DEPARTMENT OF PUBLIC SERVICES
PUBLIC PARK & SPACE APPLICATION (3 pages)
55 Portland St. ~ Portland ~ ME ~ 04101
207-874-8826 (Event Office) ~ Fax 207-874-8816
tvm@portlandmaine.gov

For uses of city property, there are typically: 1. fees charged for use of the area
2. a security deposit required 3. insurance required
(There may be fees due and applications required from other City Departments)

TODAY'S DATE	2.1.15	ORGANIZATION NAME	Picnic LLC					
ORGANIZATION ADDRESS	6 Free St		CITY	Portland	STATE	ME	ZIP	04101
CONTACT NAME(S)	Noah DeFilippis, Amy Teh		TITLE	co-founders				
HOME #	WORK	CELL	415.6174	FAX				
EMAIL	ndefilippis@maine.rr.com		EMAIL	picnicportland@gmail.com				

PARK AREA OR PUBLIC SPACE REQUESTED	Lincoln Park and adjoining sidewalks A few (10) parking spaces around the park				
EVENT DAY & DATE(S)	Saturday, Aug 1, 2015		RAIN DAY & DATE(S)	None	
EVENT START TIME (i.e. set-up start time)	8am	EVENT END TIME (i.e. when event cleanup is complete)	8pm	ACTUAL START & END TIME OF EVENT	11am to 6pm

EVENT NAME	EXPECTED ATTENDANCE
picnic Music+Arts Festival	500

DESCRIPTION OF EVENT: Please be specific regarding area of public space/park and describe Event in detail.

NO admission charge to the public.

100+ Crafters and artists will be selling handmade products in a variety of materials. Canopies and tables will be set up on the grass so that attendees may use the sidewalks areas to view merchandise. Shoppers can expect clothing, jewelry, prints, accessories, bags, dolls, paper goods, housewares, fine art, vintage goods, bicycles, records, and much more. The event will also feature live at a small stage/riser. A 20x20 TENT (free-standing) will cover the stage area. Generators will provide power for the bands. 2 Food Vendors will be on site.

A few parking spaces (10) need to be reserved.

Organizer will rent a couple Porta-Restrooms (place on concrete beside the wrought iron fence, close to Federal Street – but just inside the park).

Organizers have requested that the FOUNTAIN be turned on.

IS THERE A REGISTRATION FEE?	yes
IF YES, HOW MUCH?	FEE \$125 per vendor

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?

We will need some reserved parking along Federal St, beside the park

PLEASE CHECK OFF AND ANSWER:

PLEASE SEE ATTACHED FEE SCHEDULE / DEPT. INFORMATION IF YOU ANSWER YES

	X-YES	X-NO	X-NOT SURE
Are you setting up a canopy(s) ? (canopy is 10x10 size) How many: 90+	X		
* Do you wish to set up a tent(s)? (a canopy or tent larger than 10x10 needs to be approved by Public Services and a Tent Permit issued from Inspections Division; please call Inspections for information on their application process / PLEASE give them at least a 2-week notice). Public Services will contact Inspections once the tent	X		

	location is approved so that the Tent Permit Application may go forward. State size(s): 20x20 Exact Location(s) of Tent Placement Requested: by fountain In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233.			
	Will you be setting up tables and/or chairs ? How many tables: 100+ chairs: 150	X		
*	Are other items or equipment being placed on City property ? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:		X	
*	Will there be refreshments at the event? Yes (non-alcoholic) Do you wish to sell food ? yes (If so, you will need approval from Public Services) List food and drink: coffee, tea, wraps, sandwiches, pastries, lemonade, water A Temporary Food Service License (from the City Clerk's Office) is needed, even if food is given away (and even if it is pre-packaged). PLEASE give the Clerk's Office at least a 2-week notice.	X		
*	Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.) ? If so, you will need approval from Public Services, and you will need to apply for a Street Goods Vendor License(s) at the City Clerk's Office. List items you wish to sell: clothing, jewelry, prints, accessories, bags, dolls, paper goods, housewares, fine art, vintage goods, bicycles, records	X		
*	Are you setting up a PA (sound) system ? yes Are you planning on having Amplified Music ? yes Band ? yes DJ ? If so, your event requires a concert license from the City Clerk's Office. (Just voice -- i.e. Press Conference, would not require the license because it is not music). For amplified music/speech, there are time restrictions for the Downtown Parks & Squares (music limited to 11:45am -- 1:15pm, and 1 hour between 5pm - 8pm).	X		
*	Will your event require electricity ? Electricity is available at some of the parks & squares (Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park). Some of these electrical boxes need a key for access.		X GENERATOR	
*	Are you planning on bringing a Grill for a Barbecue ?		X	
*	Will the event require reserved parking spaces / parking meters ? How many? 10 "No Parking" signs may be purchased at Public Services, 55 Portland Street.	X		
*	Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow: no parking signs, cones A few orange vests and cones may usually be borrowed from Public Services, Event Office. Barricades and signs are borrowed from Public Services, Customer Service.	X		
*	Will your event require street closures ? (Please be specific under "Description of		X	
*	Will your event require Police assistance ? An event such as a road race, march in t		X	
*	Will your event require Fire/EMS assistance ? (For a large walk/race, it is		X	
*	Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.)	X		

INSURANCE CERTIFICATE INFORMATION				
*	Will your event require liability Insurance? (For an event such as a walkathon, race, festival, press conference, concert, etc., the city requires insurance coverage - General Liability. The City of Portland needs to be named as additional insured and the policy endorsed in regards to the event activities on that date). If your event has been approved for serving food, Product Liability is also required, in addition to General Liability.	X		
♦ If you answered yes, please have "City of Portland, Maine" listed as an additional insured on the certificate, in this way: certificate must say either: A) "the policy actually is endorsed to name the City of Portland as an Additional Insured" and a copy of the endorsement must come to the City of Portland with the certificate, or B) "the policy already includes an endorsement, such as the General Liability Expansion Endorsement, by which the City of Portland is, in fact, automatically made an additional insured." A Certificate which merely has a box checked under 'Addl Insr,' or which merely states The City of Portland is named as an Additional Insured, will not be acceptable. The amount of coverage must be shown on the certificate, and the minimum coverage amount is \$400,000. Please have your insurance company fax a copy to Public Services: 207-874-8816 or email to tvm@portlandmaine.gov. (Email preferred)				

PUBLIC SERVICES POLICIES

ELECTRICITY

All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements.

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where food is being served. Organizer is to rent some units for the park area. The city currently rents from the porta-restroom company (Associated Septic, 207-799-1980) but organizers do not necessarily need to rent from them.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). The area will be checked following your event and if the park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Public Services has a strict policy that prohibits vehicles from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$10 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. Any tire ruts/damage to the grass areas would mean a forfeit of your security deposits.

TOBACCO FREE ZONES

By city ordinance, smoking is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Please make sure you pass this information along to participants / spectators at the event.

NOTIFICATION

Please keep a copy of this permit on site at all times. City staff may require proof of permit.

REVOCABLE PERMIT

- ♦ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ♦ The City reserves the unconditional right to revoke or revise an issued permit.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES

TYPE INITIALS

ND

DATE

2.1.15

ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form, (should permission be granted to use city property), the above parties agree to indemnify and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

I have read the Assumption of Risk & Liability Agreement

TYPE INITIALS

ND

DATE

2.1.15

CREDIT CARD INFORMATION

Visa or MasterCard Number

0186

Exp Date (Mon/Yr)

06

15

CREDIT CARD WILL ONLY BE CHARGED FOR SECURITY DEPOSIT(S) AS NEEDED

TOTAL AMOUNT(S) DUE TO PUBLIC SERVICES (Please make all security deposit checks out separately)

Permit Fee for use of area: \$40 per hour (i.e. a 3 hour event totals \$120) includes use of elec.
If your event is rained out / cancelled, the bulk of the fee is returned (however \$40 is non-refundable)
Number of Hours of Use: **12 hours**

\$ 480

CC to be charged following event

Vest, Barricade, Cone Deposit: \$10 per/item

\$?

Electricity: \$5per/hr (fee only pertains to 1st Amendment uses – i.e. no charge if paying hourly fee)

\$

Public Space / Park Security Deposit:
Sound Security Deposit \$100 - \$1000

\$ 500 CC on file

Key Deposit: \$50 per key

\$

Other (Porta-Restroom User Fee, etc.)

\$

FOR OFFICE USE ONLY

DATE REC'D APPLICATION

2-12-2015

DATE REC'D INSURANCE

NEED

PERMIT FEE AMT REC'D

\$ 480 via CC

SECURITY DEPOSIT

\$ 500 CC on file

PAYMENT TYPE

VISA

\$

MC

\$

CK #

CK AMOUNT

\$

CASH AMT

\$

Order 164-14/15
Tab 5 3-2-15

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

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER DECLARING SATURDAY AND SUNDAY, AUGUST 15 AND 16, 2015,
AS "90TH ANNUAL ST. PETER'S BAZAAR AND
ITALIAN STREET FESTIVAL"
AND APPROVING FRIDAY, AUGUST 14, 2015, AS "ST. PETER'S 4-MILE
ROAD RACE"**

ORDERED, that Saturday, August 15, and Sunday, August 16, 2015, are hereby declared "90th Annual St. Peter's Bazaar and Italian Street Festival"; and

BE IT FURTHER ORDERED, that the St. Peter's 4-Mile Road Race is approved for 7:00 p.m., Friday, August 14, 2015, with the closing of India Street from Federal to Fore Streets for the start of said Race from 6:55 to 7:10 p.m.; and

BE IT FURTHER ORDERED, that Federal Street from India Street to Franklin Street shall be closed to vehicular traffic on Friday, Saturday and Sunday, August 14, 15 and 16, from Noon to Midnight of each day and shall be posted "No Parking"; and

BE IT FURTHER ORDERED, that the Festival area is closed to street vendors pursuant to Sec. 19-17 of the City Code; and

BE IT FURTHER ORDERED, that the Acting City Manager is authorized to issue a revocable permit under Sec. 25-27 of the City Code to St. Peter's Church for use of the above described area for the Festival, subject to the following conditions:

- The St. Peter's Festival organizers shall be solely responsible for trash cleanup at the festival and shall be required to leave a Park Security Deposit (amount determined by the Public Services Director or designee) on file at the Public Services Event Office; and
- St. Peter's Church shall be responsible for any costs incurred by city departments for the purposes of facilitating the Festival, Road Race, banner hanging, including but not limited to, police department charges, public services fees, parking control fees, inspection services fees, city clerk's license fees and public services event office fees and shall adhere to conditions for use as stated in the permit for use issued by the Public Services Event Office; and

- Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during said festival; and
- The St. Peter's Festival organizers shall have sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival; and
- Conditions for use of grounds and requirements for food service, vending sales, concert licensing, tent and stage installations, and other items specified in a permit issued from PS Event Office, shall be adhered to; and
- The St. Peter's Festival organizers shall indemnify the City and hold it harmless from and against all claims arising out of activities during said Festival, and shall take out and maintain public liability insurance coverage in the amount of at least **\$400,000** per occurrence for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the "St. Peter's Bazaar and Italian Street Festival" activities, and the City be endorsed on the policy; and

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



Michael J. Bobinsky
Director of Public Services

TO: Sheila Hill-Christian, Acting City Manager
FROM: Michael Bobinsky, Director of Public Services
DATE: February 13, 2015
RE: Council Agenda Item – 90th Annual St. Peters Bazaar and Italian Street Festival

I am requesting that the following order be placed on the next City Council agenda:

**Order declaring Saturday and Sunday, August 15 and 16, 2015, as
"90th Annual St. Peter's Bazaar and Italian Street Festival" and approve
Friday, August 14, 2015, as the "St. Peter's 4-Mile Road Race."**

St. Peter's Church and Friary has sponsored this Bazaar & Festival for many years. The festival blends Italian epicurean delights with games for children and teenagers, games of chance and music and dancing in the evening hours. Attendance at the festival is estimated at 1,500 per night. The 4-Mile Road Race (the 29th annual), held on Friday night, winds its way up to the Eastern Promenade and back to the church. Attendance at the race is estimated at 300 runners.

Those attending the 2-day Festival may purchase meals and desserts. Games of chance will also cost a nominal fee. Proceeds are to benefit the church. The stage area, activities and booths are set up in the street. Organizers may request that a Festival banner be hung across Congress Street at the City Hall location.

In order for this festival to be held, a portion of Federal Street (India Street to Franklin Street) needs to be closed to vehicular traffic on **Friday, Saturday and Sunday, August 14, 15 and 16, 2015, from 12 noon to 12 midnight** and posted "No Parking." Hours for the festival are: Saturday + Sunday: 4pm – 10pm. Setup for the festival is on Friday afternoon and evening. There are no rain dates.

In order for the road race to be held, a portion of India Street (Federal to Fore Street) needs to be closed to vehicular traffic for the start of the race from 6:55 – 7:10 p.m. on **Friday, August 14, 2015**. There is no rain date.

The Festival area will be closed to street vendors pursuant to Section 19-17 of the Portland City Code and is reserved for the use of St. Peter's Church, for the purpose of conducting the Festival, subject to the direction and control of the City Manager.

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the St. Peter's Festival organizers for the use of the above-described area for said Festival, subject to the following conditions:



Michael J. Bobinsky
Director of Public Services

- St. Peter's Festival organizers shall be responsible for any costs incurred by City departments for the purposes of facilitating the Festival, Road Race, and banner hanging, including, but not limited to: Police Department charges, Public Services fees, Parking Control fees, Inspection Services fees, and City Clerk's License fees, and organizers shall adhere to conditions for use as stated in the permit for use issued by PS Event Office;
- The St. Peter's Festival organizers shall be solely responsible for trash cleanup at the festival and shall be required to leave a Park Security Deposit (amount determined by the Public Services Director or designee) on file at the PS Event Office;
- Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during said festival;
- The St. Peter's Festival organizers shall have sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival;
- Conditions for use of grounds and requirements for food service, vending sales, concert licensing, tent and stage installations, and other items specified in a permit issued from PS Event Office, shall be adhered to; and
- The St. Peter's Festival organizers shall indemnify the City and hold it harmless from and against all claims arising out of activities during said Festival, and shall take out and maintain public liability insurance coverage in the amount of at least **\$400,000** per occurrence for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the "St. Peter's Bazaar and Italian Street Festival" activities, and the City be endorsed on the policy.

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

Document prepared by Ted Musgrave, PS Event Coordinator



CITY OF PORTLAND, DEPARTMENT OF PUBLIC SERVICES
PUBLIC PARK & SPACE APPLICATION (3 pages)
 55 Portland St. ~ Portland ~ ME ~ 04101
 207-874-8826 (Event Office) ~ Fax 207-874-8816
 tvn@portlandmaine.gov

For uses of city property, there are typically: 1. fees charged for use of the area
2. a security deposit required 3. insurance required
(There may be fees due and applications required from other City Departments)

TODAY'S DATE	February 18, 2015	ORGANIZATION NAME	St. Peter's Festival Committee / St. Peter's Catholic Church					
ORGANIZATION ADDRESS	307 Congress Street		CITY	Portland	ORGANIZATION ADDRESS	307 Congress Street	CITY	Portland
Physical Address: 72 Federal Street, Portland								
CONTACT NAME(S)	Sal Bonetti Denis Lafreniere							
Work #	Church Office: 773-7746 x101		CELL		Work #	Church Office: 773-7746 x101		
EMAIL	salvatorebonetti@yahoo.com		EMAIL	denis.lafreniere@portlanddiocese.org				

PARK AREA OR PUBLIC SPACE REQUESTED	Federal Street (Franklin Arterial to India Street) India Street (and Portland streets) for Road Race Friday Night				
EVENT DAY & DATE(S)	Saturday & Sunday, August 15 th & 16 th Set-up on Friday, August 14 th 2015 (Race on Friday, Aug. 14)		Rain Date	None	
EVENT START TIME set-up start time)	Noon	EVENT START TIME (i.e. set-up start time)	Midnight	EVENT START TIME (i.e. set-up start time)	4 – 10pm Race on Friday Night (7pm start)

EVENT NAME	EXPECTED ATTENDANCE
90 th Annual St. Peter's Bazaar and Italian Street Festival	1,500 expected each day
DESCRIPTION OF EVENT: Please be specific regarding area of public space/park and describe Event in detail.	
Federal Street (from Franklin Arterial to India Street) is scheduled to be closed to vehicular traffic on Saturday, August 15 and Sunday, August 16, 2015, (as well as Friday, August 14th for setup and the road race) in order to hold the 90th annual St. Peter's Bazaar/Street Festival. (Barricades would be placed at India Street, as well as across Hampshire Street.) Hours for the festival are Saturday & Sunday (approx. 4 – 10pm). Setup for the festival is on Friday afternoon and evening. The street (Federal Street) may be closed to traffic from Noon – Midnight each day (for more setup time and breakdown time) – if needed. There will be food booths, games for the children, games of chance, and music in the street during the afternoon and evenings. Booths STAY on the SIDE OF the street during the overnight hours. Money raised by this event goes toward the upkeep of St. Peter's Catholic Church. A St. Peter's Road Race is slated for Friday evening, August 14, start time: 7pm. The route of the 4-miler Race is the same as in previous years: Start at Federal & India intersection. Runners proceed down India St., left on to Fore St., to the E. Prom, loop CB Circle – Loring Memorial, continue on North Street, take a left onto Congress St., then a right back on to E. Prom, then right on to Fore St., then left to Commercial St., then right to Franklin Art., then right to Congress St., then right to India St., ending back at the Federal Street Intersection. There is no rain date. The organizer states that qualified volunteer traffic guides will be stationed at 8 major intersections. In order to hold the race(s), a section of India Street (Congress to Middle) needs to be barricaded to traffic for the start and finish of the race:	
IS THERE A REGISTRATION FEE?	Admission is free to the public (games, food, etc costs extra)
YES, HOW MUCH?	FEE \$ 17 for Race
	STUDENT FEE \$

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN? <i>Parking at area lots, Cathedral Parish, Rite-Aid and on the street</i>

PLEASE CHECK OFF AND ANSWER:

PLEASE SEE ATTACHED FEE SCHEDULE / DEPT. INFORMATION IF YOU ANSWER YES

	X-YES	X-NO	X-NOT SURE
* Are you setting up a canopy(s) ? (canopy is 10x10 size) How many:	X		
* Do you wish to set up a tent(s) ? (a canopy or tent larger than 10x10 needs to be		X	
* Will you be setting up tables and/or chairs ? How many tables: chairs:	X		
* Are other items or equipment being placed on City property ? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:	X		
* Will there be refreshments at the event? Do you wish to sell food ? (If so, you will need approval from Public Services) List food and drink: A Temporary Food Service License (from the City Clerk's Office) is needed, even if food is given away (and even if it is pre-packaged). PLEASE give the Clerk's Office at least a 2-week notice.	X		
* Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.) ? If so, you will need approval from Public Services, and you will need to apply for a Street Goods Vendor License(s) at the City Clerk's Office. List items you wish to sell:	X		
* Are you setting up a PA (sound) system ? Are you planning on having Amplified Music ? Band ? DJ ? If so, your event requires a concert license from the City Clerk's Office. (Just voice – i.e. Press Conference, would not require the license because it is not music). For amplified music/speech, there are time restrictions for the Downtown Parks & Squares (music limited to 11:45am – 1:15pm, and 1 hour between 5pm - 8pm).	X		
* Will your event require electricity ? Electricity is available at some of the parks & squares (Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park). Some of these electrical boxes need a key for access.	X FROM PARISH		
* Are you planning on bringing a Grill for a Barbecue ? Only Gas Grills are allowed in the parks (NO CHARCOAL). Grilling is subject to weather conditions and possibly Fire Dept. review.	X		
* Will the event require reserved parking spaces / parking meters ? How many? "No Parking" signs may be purchased at Public Services, 55 Portland Street.	X		
* Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow: A few orange vests and cones may usually be borrowed from Public Services, Event Office. Barricades and signs are borrowed from Public Services, Customer Service.	X		
* Will your event require street closures ? (Please be specific under "Description of Event")	X		
* Will your event require Police assistance? An event such as a road race, march in the street, or parade would typically require police assistance.	X		
* Will your event require Fire/EMS assistance? (For a large walk/race, it is recommended.)		X	
* Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.)	X RENTED BY PARISH		

INSURANCE CERTIFICATE INFORMATION

* Will your event require liability Insurance? (For an event such as a walkathon, race, festival, press conference, concert, etc., the city requires insurance coverage - General Liability. The City of Portland needs to be named as additional insured and the policy endorsed in regards to the event activities on that date). If your event has been approved for serving food, Product Liability is also required, in addition to General Liability.	X		
♦ If you answered yes, please have "City of Portland, Maine" listed as an additional insured on the certificate, in this way: certificate must say either: A) "the policy actually is endorsed to name the City of Portland as an Additional Insured" and a copy of the endorsement must come to the City of Portland with the certificate, or B) "the policy already includes an endorsement, such as the General Liability Expansion Endorsement, by which the City of Portland is, in fact, automatically made an additional insured." A Certificate which merely has a box checked under 'Addl Insr,' or which merely states The City of Portland is named as an Additional Insured, will not be acceptable. The amount of coverage must be shown on the certificate, and the minimum coverage amount is \$400,000. Please have your insurance company email a copy to Public Services: email to tvm@portlandmaine.gov .			

PUBLIC SERVICES POLICIES

ELECTRICITY

All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements.

BARBECUES - GAS GRILLS ONLY

Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by Public Services and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You must bring a fire extinguisher with you to the grilling area.

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where food is being served. The city currently rents from the porta-restroom company (Associated Septic, 207-799-1980). However, you do not need to use this particular company.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). The area will be checked following your event and if the park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Public Services has a strict policy that prohibits vehicles from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$10 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas would mean a forfeit of your security deposits.**

TOBACCO FREE ZONES

By city ordinance, smoking is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Please make sure you pass this information along to participants / spectators at the event.

NOTIFICATION

Please keep a copy of this permit on site at all times. City staff may require proof of permit.

REVOCABLE PERMIT

The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.

✓ The City reserves the unconditional right to revoke or revise an issued permit.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES

TYPE INITIALS

DJL

DATE

2/18/15

ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form, (should permission be granted to use city property), the above parties agree to indemnify and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

I have read the Assumption of Risk & Liability Agreement

TYPE INITIALS

DJL

DATE

2/18/15

CREDIT CARD INFORMATION

Visa or MasterCard Number

Exp Date (Mon/Yr)

CREDIT CARD WILL ONLY BE CHARGED FOR SECURITY DEPOSIT(S) AS NEEDED

PLEASE MAKE CHECKS PAYABLE TO "CITY OF PORTLAND"

♦ Please make out security deposit checks separate from permit fees.

TOTAL AMOUNT(S) DUE TO PUBLIC SERVICES (Please make all security deposit checks out separately)

Permit Fee for use of area: \$40 per hour (i.e. a 3 hour event totals \$120) includes use of elec. If your event is rained out / cancelled, the bulk of the fee is returned (however \$40 is non-refundable) Number of Hours of Use: charged for 10 hours Permit Fee for Road Race charged separately.	\$ 400 due	Vest, Barricade, Cone Deposit: \$10 per/item	\$???
Electricity: \$5per/hr (fee only pertains to 1 st amendment uses – i.e. no charge if paying hourly fee)	\$	Public Space / Park Security Deposit: Sound Security Deposit \$100 - \$1000	\$ 100 due
Key Deposit: \$50 per key	\$	Other (Porta-Restroom User Fee, etc.)	\$

FOR OFFICE USE ONLY

DATE REC'D	2-19-2015	DATE REC'D	NEED up to	PERMIT FEE	\$ NEED	SECURITY	\$ NEED
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APPLICATION		INSURANCE	DATE coverage	AMT REC'D		DEPOSIT	
PAYMENT TYPE							
VISA	\$	MC	\$	CK #	CK AMOUNT	\$	CASH AMT \$

*Order 165-14/15
Tab 6 3-2-15*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER DECLARING SATURDAY, AUGUST 22, 2015, AS
"50th ANNUAL WCSH6 SIDEWALK ART FESTIVAL"**

ORDERED, that the 50th Annual WCSH6 Sidewalk Art Festival be and hereby is declared on Saturday, August 22, 2015 or, in the event of rain, on Sunday, August 23, 2015; and

BE IT FURTHER ORDERED, that the Festival area shall be Congress Street (the street itself), sidewalks and squares, from High Street to Elm Street (Monument Square) and Oak, Casco, Brown, Center and Preble Streets that connect with Congress Street; and

BE IT FURTHER ORDERED, that the Festival area shall be closed to traffic from 6:00 a.m. to 6:00 p.m. on Saturday, August 22, or the rain date, except High Street shall remain open; and

BE IT FURTHER ORDERED, that a parking ban is hereby authorized beginning Saturday, August 22, 2015 from 6:00 a.m. through 6:00 p.m. In the event the Festival is postponed from August 22 to August 23, the parking ban shall occur twenty-four (24) hours later than stated above; and

BE IT FURTHER ORDERED, that said parking ban shall be on both sides of Congress Street from High Street to Elm Street, including side streets (Oak, Casco, Brown, Preble and Center Streets for one block);

- Vehicles in violation of the "no parking" signs in the Festival Zone (interior roadways) shall be towed at owners' expense; and

BE IT FURTHER ORDERED, that the Festival area will be closed to street vendors and artists pursuant to Section 19-17 of the Portland City Code and is reserved the use of WCSH6, for the purpose of conducting the Festival, subject to the direction and control of the Acting City Manager; and

BE IT FURTHER ORDERED, that the Acting City Manager is authorized to issue a revocable permit under Sec. 25-27 of the Portland City Code to WCSH6

for use of the above described area for the Festival, subject to the following conditions:

- Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during the Festival; and
- WCSH6 shall be responsible for reimbursing the Police Department for services, the Public Services Department for services and permit fees, and the City Clerk's Office for license fees; and
- The WCSH6 Sidewalk Art Festival organizers shall be solely responsible for trash cleanup at the Festival and shall be required to leave a Park Security Deposit (amount determined by the Public Services Director or designee) on file at the Public Services Event Office; and
- The WCSH6 Sidewalk Art Festival organizers shall have sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival; and
- Conditions for use of grounds and requirements for food service, vending sales, concert licensing, tent and stage installations, and other items specified in a permit issued from Public Services Event Office, shall be adhered to; and
- The WCSH6 Sidewalk Art Festival organizers shall indemnify the City and hold it harmless from and against all claims arising out of activities during said Festival, and shall take out and maintain public liability insurance coverage in the amount of at least **\$400,000** per occurrence for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the "WCSH6 Sidewalk Art Festival" activities, and the City be endorsed on the policy; and

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



Michael J. Bobinsky
Director of Public Services

TO: Sheila Hill-Christian, Acting City Manager
FROM: Michael Bobinsky, Director of Public Services
DATE: February 13, 2015
RE: **Council Agenda Item – WCSH6 Sidewalk Art Festival**

I am requesting that the following order be placed on the next City Council agenda:

**Order declaring Saturday, August 22, 2015, as "50th Annual WCSH6 Sidewalk Art Festival," to be held on Congress Street, 9am – 4pm. (Rain Date: Sunday, Aug. 23)
(This festival happens the same date as the Portland Downtown Craft Show is planned for.)**

WCSH-TV has sponsored this Sidewalk Art Festival for many years with great fanfare. This year, like previous years, festival organizers are requesting that Congress Street (from High Street to Elm Street) be closed to vehicular traffic; High Street, at the intersection of Congress Street, would stay open to commuters (same with Elm Street). Some side streets, connecting to Congress Street, would also possibly be used for artist's booths. Artists will still be set up on the sidewalk and the parking lane – facing out towards the street. The public would walk in the street and view artist's work from that vantage point. This frees up more room on the sidewalk for pedestrians to enter shops and for shops to also put out tables (sidewalk sale) if they so desire. 300 artists are registered for this year's event. Artists will be selling their work to the general public.

In order for this festival to be held, a portion of Congress Street and abutting side streets need to be closed to vehicular traffic and posted "No Parking." The street closures will extend along Congress Street - High Street (Congress Square) to Elm Street (Monument Square) and also include the following side streets: one block of Oak, Casco, Brown, Center and Preble Streets leading up to Congress Street. Streets would be closed from **6:00 a.m. – 6:00 p.m. on Saturday, August 22, 2015.** The parking ban would extend the same distance and continue from **1a.m., Saturday, August 22, 2015, until 6:00pm, Saturday, August 22, 2015.** In the event of inclement weather, the parking ban and street closures will be pushed forward to the following day.

The Festival area (Congress Street itself and the abutting side streets, sidewalks and squares between and including High Street to Elm Street) will be closed to street vendors and artists pursuant to Section 19-17 of the Portland City Code and is reserved the use of WCSH6, for the purpose of conducting the Festival, subject to the direction and control of the City Manager.

Vehicles in violation of the "no parking" signs in the Festival Zone (interior roadways) shall be towed at owners expense.



Michael J. Bobinsky
Director of Public Services

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the WCSH6 Sidewalk Art Festival organizers for the use of the above-described area for said Festival, subject to the following conditions:

- **WCSH6 shall be responsible for reimbursing the Police Dept. for services, the Public Services Dept. for services and permit fees, and the City Clerk's Office for license fees.**
- The WCSH6 Sidewalk Art Festival organizers shall be solely responsible for trash cleanup at the festival and shall be required to leave a Park Security Deposit (amount determined by the Public Services Director or designee) on file at the PS Event Office;
- Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during said festival;
- The WCSH6 Sidewalk Art Festival organizers shall have sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival;
- Conditions for use of grounds and requirements for food service, vending sales, concert licensing, tent and stage installations, and other items specified in a permit issued from PS Event Office, shall be adhered to; and
- The WCSH6 Sidewalk Art Festival organizers shall indemnify the City and hold it harmless from and against all claims arising out of activities during said Festival, and shall take out and maintain public liability insurance coverage in the amount of at least **\$400,000** per occurrence for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the "WCSH6 Sidewalk Art Festival" activities, and the City be endorsed on the policy.

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

Document prepared by Ted Musgrave, PS Event Coordinator



CITY OF PORTLAND, DEPARTMENT OF PUBLIC SERVICES
PUBLIC PARK & SPACE APPLICATION (3 pages)
 55 Portland St. ~ Portland ~ ME ~ 04101
 207-874-8826 (Event Office) ~ Fax 207-874-8816
 tvm@portlandmaine.gov

For uses of city property, there are typically: 1. fees charged for use of the area
2. a security deposit required 3. insurance required
(There may be fees due and applications required from other City Departments)

TODAY'S DATE	2-18-2015	ORGANIZATION NAME	WCSH6				
ORGANIZATION ADDRESS	One Congress Sq	CITY	Portland	STATE	ME	ZIP	04101
CONTACT NAME(S)	Debbie Sample TITLE Community Relations Director						
HOME #		WORK	523-2942	CELL		FAX	
EMAIL	Debbie.sample@WCSH6.com		EMAIL				

PARK AREA OR PUBLIC SPACE REQUESTED	Congress Street (from High to Elm Street)..... side streets leading onto that section of Congress Street closed as well... as Some side streets leading onto Congress Street will be used as artist space. Abutting sidewalks Monument Square, Monument Way, Congress Square High Street (AND FREE STREET) will stay open to vehicular traffic				
EVENT DAY & DATE(S)	Saturday, August 22, 2015		RAIN DAY & DATE(S)	Sunday, August 23, 2015	
EVENT START TIME (i.e. set-up start time)	6am	EVENT END TIME (i.e. when event cleanup is complete)	6pm	ACTUAL START & END TIME OF EVENT	9am-4pm

EVENT NAME	EXPECTED ATTENDANCE
WCSH6 Sidewalk Art Festival	300 Artists Thousands of spectators
DESCRIPTION OF EVENT	
WCSH6 is organizing the 49th Annual WCSH6 Sidewalk Art Festival along Congress Street sidewalks (High St to Elm Street) on Saturday, August 22, 2015 from approximately 9am-4pm. The rain date is Sunday, August 23. EVENTS are free and open to the public (no admission charge into festival area). On the same day, on the west side of High Street (Congress St, from High to State), there is a Crafts Festival taking place ON the street. The organizer has requested permission to close streets to vehicular traffic and reserve those streets (and adjoining sidewalks and squares) for artists: Congress Street - from High St to Elm Street (6am to 6pm - High Street would stay open to traffic), sidewalks and squares from High to Elm (Congress Square, Monument Square/One City Center included) and Oak, Casco, Brown, Center and Preble Streets (1 block) connecting with Congress Street. A parking ban along Congress Street and the side streets (just one block) leading into Congress Street is needed, from 6am to 6pm Saturday. Rain would push this to Sunday. Artists will set up along the sidewalk and some will be located on the side of the street; their booths facing outward toward Congress Street. Spectators encouraged to walk in the street. Booths will also fill Congress Square, Monument Square and One City Center sidewalk areas; Spectators will walk in the street and view 300 plus artists' artwork from there. Some porta-restrooms rented by organizer, placed at certain areas along Congress (indented street locations). Vehicles in violation of the "no parking" signs in the Festival Zone (interior roadways) shall be towed at owners expense. Organizer will plan on hiring Police Officers and some PCO's to cover intersections. Will share cost of 2 "roving officers" with the Craft Festival organizer.	
IS THERE A REGISTRATION FEE?	Yes artists pay a fee to participate
IF YES, HOW MUCH?	FEE \$135

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?

PLEASE CHECK OFF AND ANSWER:

PLEASE SEE ATTACHED FEE SCHEDULE / DEPT. INFORMATION IF YOU ANSWER YES

	X-YES	X-NO	X-NOT SURE
Are you setting up a canopy(s) ? (canopy is 10x10 size) How many: 300	X		
Do you wish to set up a tent(s) ? (a canopy or tent larger than 10x10 needs to be		X	
* Will you be setting up tables and/or chairs ? How many tables: chairs:	X		
* Are other items or equipment being placed on City property ? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:	ARTWORK		
* Will there be refreshments at the event? Do you wish to sell food ? (If so, you will need approval from Public Services) List food and drink: A Temporary Food Service License (from the City Clerk's Office) is needed, even if food is given away (and even if it is pre-packaged). PLEASE give the Clerk's Office at least a 2-week notice.		X	
* Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.) ? If so, you will need approval from Public Services, and you will need to apply for a Street Goods Vendor License(s) at the City Clerk's Office. List items you wish to sell:	EACH ARTISTS WILL BE SELLING ARTWORK		
* Are you setting up a PA (sound) system ? Are you planning on having Amplified Music ? Band ? DJ ?		X	
* Will your event require electricity ? Electricity is available at some of the parks &		X	
* Are you planning on bringing a Grill for a Barbecue ?		X	
* Will the event require reserved parking spaces / parking meters ? How many? "No Parking" signs may be purchased at Public Services, 55 Portland Street.	X ALL ALONG CONGRESS ST		
* Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow: A few orange vests and cones may usually be borrowed from Public Services, Event Office. Barricades and signs are borrowed from Public Services, Customer Service.	X		
* Will your event require street closures ? (Please be specific under "Description of Event")	X		
* Will your event require Police assistance? An event such as a road race, march in the street, or parade would typically require police assistance.	X		
* Will your event require Fire/EMS assistance? (For a large walk/race, it is recommended.)		X	
* Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.)	X VARIOUS LOCATIONS		

INSURANCE CERTIFICATE INFORMATION

* Will your event require liability Insurance? (For an event such as a walkathon, race, festival, press conference, concert, etc., the city requires insurance coverage - General Liability. The City of Portland needs to be named as additional insured and the policy endorsed in regards to the event activities on that date). If your event has been approved for serving food, Product Liability is also required, in addition to General Liability.	X		
♦ If you answered yes, please have "City of Portland, Maine" listed as an additional insured on the certificate, in this way: certificate must say either: A) "the policy actually is endorsed to name the City of Portland as an Additional Insured" and a copy of the endorsement must come to the City of Portland with the certificate, or B) "the policy already includes an endorsement, such as the General Liability Expansion Endorsement, by which the City of Portland is, in fact, automatically made an additional insured." A Certificate which merely has a box checked under "Addl Insr," or which merely states The City of Portland is named as an Additional Insured, will not be acceptable. The amount of coverage must be shown on the certificate, and the minimum coverage amount is \$400,000. Please have your insurance company fax a copy to Public Services: 207-874-8816 or email to tyvm@portlandmaine.gov . (Email preferred)			

PUBLIC SERVICES POLICIES

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where food is being served. Organizers will need to rent restrooms for this event. The city currently contracts with the porta-restroom company (Associated Septic, 207-799-1980) though you need not use this particular company.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). The area will be checked following your event and if the park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Public Services has a strict policy that prohibits vehicles from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$10 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas would mean a forfeit of your security deposits.**

TOBACCO FREE ZONES

By city ordinance, smoking is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Please make sure you pass this information along to participants / spectators at the event.

NOTIFICATION

Please keep a copy of this permit on site at all times. City staff may require proof of permit.

REVOCABLE PERMIT

- ♦ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ♦ The City reserves the unconditional right to revoke or revise an issued permit.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES

TYPE INITIALS

DS

DATE

2-18-2015

ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form, (should permission be granted to use city property), the above parties agree to indemnify and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

I have read the Assumption of Risk & Liability Agreement

TYPE INITIALS

DS

DATE

2-18-2015

CREDIT CARD INFORMATION

Visa or MasterCard Number

Exp Date (Mon/Yr)

CREDIT CARD WILL ONLY BE CHARGED FOR SECURITY DEPOSIT(S) AS NEEDED

PLEASE MAKE CHECKS PAYABLE TO "CITY OF PORTLAND"

- ♦ Please make out security deposit checks separate from permit fees.

TOTAL AMOUNT(S) DUE TO PUBLIC SERVICES (Please make all security deposit checks out separately)

Permit Fee for use of area: \$40 per hour (i.e. a 3 hour event totals \$120) includes use of elec. If your event is rained out / cancelled, the bulk of the fee is returned (however \$40 is non-refundable) Number of Hours of Use: 12 hours (\$480) + rain date reservation	\$ 480 due	Vest, Barricade, Cone Deposit: \$10 per/item	\$???
Electricity: \$5per/hr (fee only pertains to 1 st Amendment uses – i.e. no charge if paying hourly fee)	\$	Public Space / Park Security Deposit: Sound Security Deposit \$100 - \$1000	\$ N/A
Key Deposit: \$50 per key	\$	Other (Porta-Restroom User Fee, etc.)	\$

FOR OFFICE USE ONLY

DATE REC'D APPLICATION	2-19-2015	DATE REC'D INSURANCE	NEED	PERMIT FEE AMT REC'D	\$ NEED	SECURITY DEPOSIT	\$ N/A
PAYMENT TYPE							
VISA	\$	MC	\$	CK #	CK AMOUNT	\$	CASH AMT \$

*Order 166-14/15
Tab 7 3-2-15*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER DECLARING AUGUST 22, 2015
"PORTLAND DOWNTOWN CRAFT SHOW" AS A FESTIVAL**

ORDERED, that August 22, 2015 is hereby declared to be the "Portland Downtown Craft Show," sponsored by Maine Crafts Association ("MCA"); and

BE IT FURTHER ORDERED, that the Portland Downtown Craft Show Festival Area, Congress Street from High Street to State Street and abutting side streets Avon and Park and Vernon Place, will be closed from 6:00 a.m. to 6:00 p.m. on August 22, 2015, with parking banned from 1:00 a.m. until 6:00 p.m. on the same day; and

BE IT FURTHER ORDERED, that vehicles in violation of the "no parking" signs in the Festival Area shall be towed at owner's expense; and

BE IT FURTHER ORDERED, that the Portland Downtown Craft Show Festival area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

BE IT FURTHER ORDERED, that the Acting City Manager is authorized to issue a revocable permit to MCA under §25-27 of the City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

- MCA shall be responsible for reimbursing the Police Department and Parking Control Office for services, the Public Services Department for services and permit fee for use of the street, and the City Clerk's Office for licenses;
- MCA shall be solely responsible for trash cleanup at the festival and shall be required to leave a Park Security Deposit (amount determined by the Public Services Director or designee) on file at the Public Services Event Office;
- Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during said festival;
- MCA shall have sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival;

- Conditions for use of grounds and requirements for food service, vending sales, concert licensing, tent and stage installations, and other items specified in a permit issued from Public Services Event Office, shall be adhered to; and
- MCA shall indemnify the City and hold it harmless from and against all claims arising out of activities during said Festival, and shall take out and maintain public liability insurance coverage in the amount of at least \$400,000 per occurrence for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the "Portland Downtown Craft Show" activities, and the City be endorsed on the policy.

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



Michael J. Bobinsky
Director of Public Services

TO: Sheila Hill-Christian, Acting City Manager
FROM: Michael Bobinsky, Director of Public Services
DATE: February 13, 2015
RE: **Council Agenda Item – Maine Crafts Association Portland Downtown Craft Show**

I am requesting that the following order be placed on the next City Council agenda:

Order declaring Saturday, August 22, 2015, as "Portland Downtown Craft Show," to be held on Congress Street, 9am – 4pm. (Rain Date: Sunday, Aug. 23) (This festival happens the same date as the WCSH6 Sidewalk Art Festival is planned for.)

The Portland Downtown Craft Show will be presented by the Maine Crafts Association (MCA). Festival organizers are requesting that Congress Street (from High Street to State Street) be closed to vehicular traffic; High Street, at the intersection of Congress Street, would stay open to commuters (same with State Street). Individual vendors will set up 100-150 10x10 canopy booth spaces on Congress Street. Sidewalks remain open for pedestrians. Emergency Lane kept open in the middle of street. 3000 attendees are expected for this event. Vendors will be selling their crafts to the general public.

In order for this festival to be held, a portion of Congress Street and abutting side streets need to be closed to vehicular traffic and posted "No Parking." The street closures will extend along Congress Street - High Street to State Street (Longfellow Square) and also include the following side streets: Avon St., Park St., and Vernon Pl. leading up to Congress Street. Streets would be closed from **6:00 a.m. – 6:00 p.m. on Saturday, August 22, 2015 (Festival runs 9am – 4pm)**. The parking ban would extend the same distance and continue from **1a.m., Saturday, August 22, 2015, until 6:00pm, Saturday, August 22, 2015**. In the event of inclement weather, the parking ban and street closures will be pushed forward to the following day.

The Festival area (Congress Street itself and the abutting side streets, sidewalks and squares between and including High Street to State Street) will be closed to street vendors and artists pursuant to Section 19-17 of the Portland City Code and is reserved the use of MCA, for the purpose of conducting the Festival, subject to the direction and control of the City Manager.

Vehicles in violation of the "no parking" signs in the Festival Zone (interior roadways) shall be towed at owners expense.



Michael J. Bobinsky
Director of Public Services

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the MCA Portland Downtown Craft Show organizers for the use of the above-described area for said Festival, subject to the following conditions:

- **MCA shall be responsible for reimbursing the Police Dept. and Parking Control Office for services, the Public Services Dept. for services and permit fee for use of the street, and the City Clerk's Office for licenses;**
- The MCA Portland Downtown Craft Show organizers shall be solely responsible for trash cleanup at the festival and shall be required to leave a Park Security Deposit (amount determined by the Public Services Director or designee) on file at the PS Event Office;
- Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during said festival;
- The MCA Portland Downtown Craft Show organizers shall have sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival;
- Conditions for use of grounds and requirements for food service, vending sales, concert licensing, tent and stage installations, and other items specified in a permit issued from PS Event Office, shall be adhered to; and
- The MCA Portland Downtown Craft Show organizers shall indemnify the City and hold it harmless from and against all claims arising out of activities during said Festival, and shall take out and maintain public liability insurance coverage in the amount of at least **\$400,000** per occurrence for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the "MCA Portland Downtown Craft Show" activities, and the City be endorsed on the policy.

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

Document prepared by Ted Musgrave, PS Event Coordinator



CITY OF PORTLAND, DEPARTMENT OF PUBLIC SERVICES
PUBLIC PARK & SPACE APPLICATION (3 pages)
 55 Portland St. ~ Portland ~ ME ~ 04101
 207-874-8826 (Event Office) ~ Fax 207-874-8816
 tvn@portlandmaine.gov

For uses of city property, there are typically: 1. fees charged for use of the area
2. a security deposit required 3. insurance required
(There may be fees due and applications required from other City Departments)

TODAY'S DATE		1/9/15 Revised: 1-22-15		ORGANIZATION NAME		Maine Crafts Association					
ORGANIZATION ADDRESS				PO Box 342		CITY	Gardiner	STATE	ME	ZIP	04345
CONTACT NAME(S)		Sadie Bliss		TITLE		Executive Director					
HOME #	n/a	WORK 207-564-0041		CELL	205-0791		FAX				
EMAIL	sbliss@mainecrafts.org			EMAIL							

PARK AREA OR PUBLIC SPACE REQUESTED		Congress Street (between High and State streets)									
EVENT DAY & DATE(S)		Saturday August 22, 2015		RAIN DAY & DATE(S)		SUN Aug 23 (no permit fee charged for use of rain date)					
EVENT START TIME (i.e. set-up start time)		6am		EVENT END TIME (i.e. when event cleanup is complete)		6pm (?)		ACTUAL START & END TIME OF EVENT		9am – 4pm	

EVENT NAME	EXPECTED ATTENDANCE
Portland Downtown Craft Show Presented by the MCA	3000

DESCRIPTION OF EVENT: Please be specific regarding **area of public space/park** and describe Event in detail.

Individual vendors will set up 10x10 booth spaces on Congress street (closed to cars) between High and State streets.
 Sidewalks remain open for pedestrians EMERGENCY LANE kept open in middle of street

IS THERE A REGISTRATION FEE?	There will be an application fee for non members and booth fees for all vendors.	
IF YES, HOW MUCH?	Member FEE	\$200
	Non Member FEE	\$250

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?
<i>Vendors and attendees will use existing street, lot and garage parking</i>

PLEASE CHECK OFF AND ANSWER:

PLEASE SEE ATTACHED FEE SCHEDULE / DEPT. INFORMATION IF YOU ANSWER YES

	X-YES	X-NO	X-NOT SURE
* Are you setting up a canopy(s) ? (canopy is 10x10 size) How many:	X 100-150		
* Do you wish to set up a tent(s) ? (a canopy or tent larger than 10x10 needs to be		X	
* Will you be setting up tables and/or chairs ? How many tables: 150 chairs: 150 Tables, chairs and other display units will be set up by individual vendors within their canopies	X		
* Are other items or equipment being placed on City property ? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:		X	
Will there be refreshments at the event?		X	
Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.) ? If so, you will need approval from Public Services, and you will need to apply for a Street Goods Vendor License(s) at the City Clerk's Office (874-8557). List items you wish to sell: Crafts, sold by each individual vendor	X CRAFTS		
* Are you setting up a PA (sound) system ?		X	

	Are you planning on having Amplified Music ? Band ? DJ ?			
*	Will your event require electricity ? Electricity is available at some of the parks &		X	
*	Are you planning on bringing a Grill for a Barbecue ?		X	
*	Will the event require reserved parking spaces / parking meters ? How many? "No Parking" signs may be purchased at Public Services, 55 Portland Street (874-8822).	X ALL SPACES ON CLOSED SECTION OF CONGRESS		
*	Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow: A few orange vests and cones may usually be borrowed from Public Services, Event Office. Barricades and signs are borrowed from Public Services, Customer Service.	X BARRICADES AT EACH END OF CLOSED SECTION OF STREET		
*	Will your event require street closures ? (Please be specific under "Description of Event")	X		
*	Will your event require Police assistance? An event such as a road race, march in the street, or parade would typically require police assistance.	X		
*	Will your event require Fire/EMS assistance? (For a large walk/race, it is recommended.)			X
*	Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.)	X PLAN TO RENT ABOUT 20		
*	Do you wish to have a banner over the street to advertise your event ? (Banners hung over Congress St. or Baxter Blvd). Banner inquiries directed to Public Services: 874-8751.			X POSSIBLY

INSURANCE CERTIFICATE INFORMATION

*	Will your event require liability Insurance? (For an event such as a walkathon, race, festival, press conference, concert, etc., the city requires insurance coverage - General Liability. The City of Portland needs to be named as additional insured and the policy endorsed in regards to the event activities on that date). If your event has been approved for serving food, Product Liability is also required, in addition to General Liability.	X I WILL GET A RIDER FROM BY CO.		
♦	If you answered yes, please have "City of Portland, Maine" listed as an additional insured on the certificate, in this way: certificate must say either: A) "the policy actually is endorsed to name the City of Portland as an Additional Insured" and a copy of the endorsement must come to the City of Portland with the certificate, or B) "the policy already includes an endorsement, such as the General Liability Expansion Endorsement, by which the City of Portland is, in fact, automatically made an additional insured." A Certificate which merely has a box checked under 'Addl Insr,' or which merely states The City of Portland is named as an Additional Insured, will not be acceptable. The amount of coverage must be shown on the certificate, and the minimum coverage amount is \$400,000. Please have your insurance company email a copy to Public Services: email to tvn@portlandmaine.gov.			

PUBLIC SERVICES POLICIES

ELECTRICITY

All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you not use electricity, unless all connections and equipment are covered and protected from the elements.

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where food is being served. Organizer will need to rent some. The city currently rents from the porta-restroom company (Associated Septic, 207-799-1980, M-F); organizer need not use this company.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). The area will be checked following your event and if the park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Public Services has a strict policy that prohibits vehicles from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$10 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **any tire ruts/damage to the grass areas would mean a forfeit of your security deposits.**

TOBACCO FREE ZONES

By city ordinance, smoking is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Please make sure you pass this information along to participants / spectators at the event.

NOTIFICATION

Please keep a copy of this permit on site at all times. City staff may require proof of permit.

REVOCABLE PERMIT

The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.

♦ The City reserves the unconditional right to revoke or revise an issued permit.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES	TYPE INITIALS	SB	DATE	1/9/15
---	----------------------	-----------	-------------	---------------

ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form, (should permission be granted to use city property), the above parties agree to indemnify and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

I have read the Assumption of Risk & Liability Agreement	TYPE INITIALS	SB	DATE	1/9/15
---	----------------------	-----------	-------------	---------------

CREDIT CARD INFORMATION

Visa or MasterCard Number				4134	Exp Date (Mon/Yr)	12	16
CREDIT CARD WILL ONLY BE CHARGED FOR SECURITY DEPOSIT(S) AS NEEDED							

TOTAL AMOUNT(S) DUE TO PUBLIC SERVICES (Please make all security deposit checks out separately)

Permit Fee for use of area: \$40 per hour (i.e. a 3 hour event totals \$120) includes use of elec. If your event is rained out / cancelled, the bulk of the fee is returned (however \$40 is non-refundable) Number of Hours of Use: 12 hours	\$ 480 No charge for rain date (via CC)	Vest, Barricade, Cone Deposit: \$10 per/item	\$ TBA
Electricity: \$5per/hr (Note: a fee is not typically charged)	\$	Public Space / Park Security Deposit: Sound Security Deposit \$100 - \$1000	\$ 500 CC on file
Key Deposit: \$50 per key	\$	Other (Porta-Restroom User Fee, etc.)	\$

FOR OFFICE USE ONLY

DATE REC'D APPLICATION	1-12-2015	DATE REC'D INSURANCE	NEED	PERMIT FEE AMT REC'D	\$ 480 CC to be charged	SECURITY DEPOSIT	\$ 500 CC on file
PAYMENT TYPE							
VISA	\$	MC	\$	CK #	CK AMOUNT	\$	CASH AMT \$

Order 167-14/15
Tab 8 3-2-15

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

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

A Space for Grace d/b/a A Space for Grace. Application to add After-Hours Entertainment License at 1 Marginal Way.

CITY CLERK

January 8th, 2015

2015 FEB -5 PM 4: 28

To the Mayor and Members of the City Council:

A Space for Grace is writing to request an After Hours Entertainment license. At A Space for Grace we strive to not only provide the space for people to pursue their passions, but to do so safely. Portland is a beautiful small city with a brimming nightlife and restaurant scene that draws a sizeable crowd from other towns and townships from all around Maine. In our typically rural state of Maine, Portland offers a taste of the city without the travel that would be required of going to Boston, Providence, or New York City.

However for many who enjoy the Old Port on the weekends, travel is still a must. With Portland's ever increasing rental rates, many jobs being located outside of Portland, and the general preference of Mainers to live as close to nature as possible, travelling twenty minutes to an hour to meet friends for a night out in Portland is a common occurrence. While it is possible that many of these commuting patrons will stay at a friend's place in Portland to sleep it off before making the trek back home, it is also true that many do not.

Last call in Maine is at 1 am, meaning these commuters are forced to make the decision whether or not to drink and drive 1 hour sooner than in Boston and Providence. Both cities have ample after hours clubs that provide a place for party-goers to put enough time between their drive and their last drink, which greatly reduces the risk of drunk driving. An average 165 pound male, drinking an average of two 12 oz. beers an hour from 10 pm to 1 am will have a Blood Alcohol Content (BAC) of % 0.097. In the added two hours from 1 am to 3 am that BAC will be reduced to % 0.063. Those two hours could save not only the drivers lives but also the lives of anyone else on the road.

Currently there are few After Hours destinations in the Portland Area: Port City Music Hall, Styxx, and Oasis, which are all located within a half mile of each other in the city's center. However A Space for Grace's location at 1 Marginal Way is unique in that it better serves those living on outer Forest and the Back Bay, while still being a cheap taxi fare from the Old Port. Not only will A Space for Grace's location offer patron's a cool down destination closer to their homes, it will also offer those unwilling to go to the previously mentioned destinations somewhere that isn't an unsanctioned house party.

The Portland community is still reeling from the Noyes Street fire that took the young lives of six community members. The house on Noyes Street was frequented by many members of the Portland Community after countless last-calls. There are many houses in Portland like the one on Noyes Street that operate without proper licensing and outside of the typical safety regulations enforced on destinations like Styxx, Oasis, and A Space for Grace. While there continues to be a lack of safe After Hours options in the city of Portland, it's difficult to honestly say that every precaution is being taken when it comes to the safety of this community. As a non-profit community center in this great small city, we feel it is our duty to see that these precautions are being taken.

Thank you for considering our request for an After Hours Entertainment license.



A. Grace Damon

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): A Space for Grace

Location Address: 1 Marginal Way ZIP 04101 Phone (207) 747-5494

Will music be electric or acoustical or both? Both

Will amplification used? Yes ☒ No ☐

If yes, where and at what level? Main Activities Room (500w)

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? Bayside Apartments (132 Marginal) - 0.3 miles away

Please describe in detail the type and nature of the business and proposed entertainment: Community Center w/ goal of promoting local talent. Entertainment for those sobering up in order to prevent drunk driving in Portland.

If new applicant, what is your targeted opening date? : after hours: March 6th, 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). _____

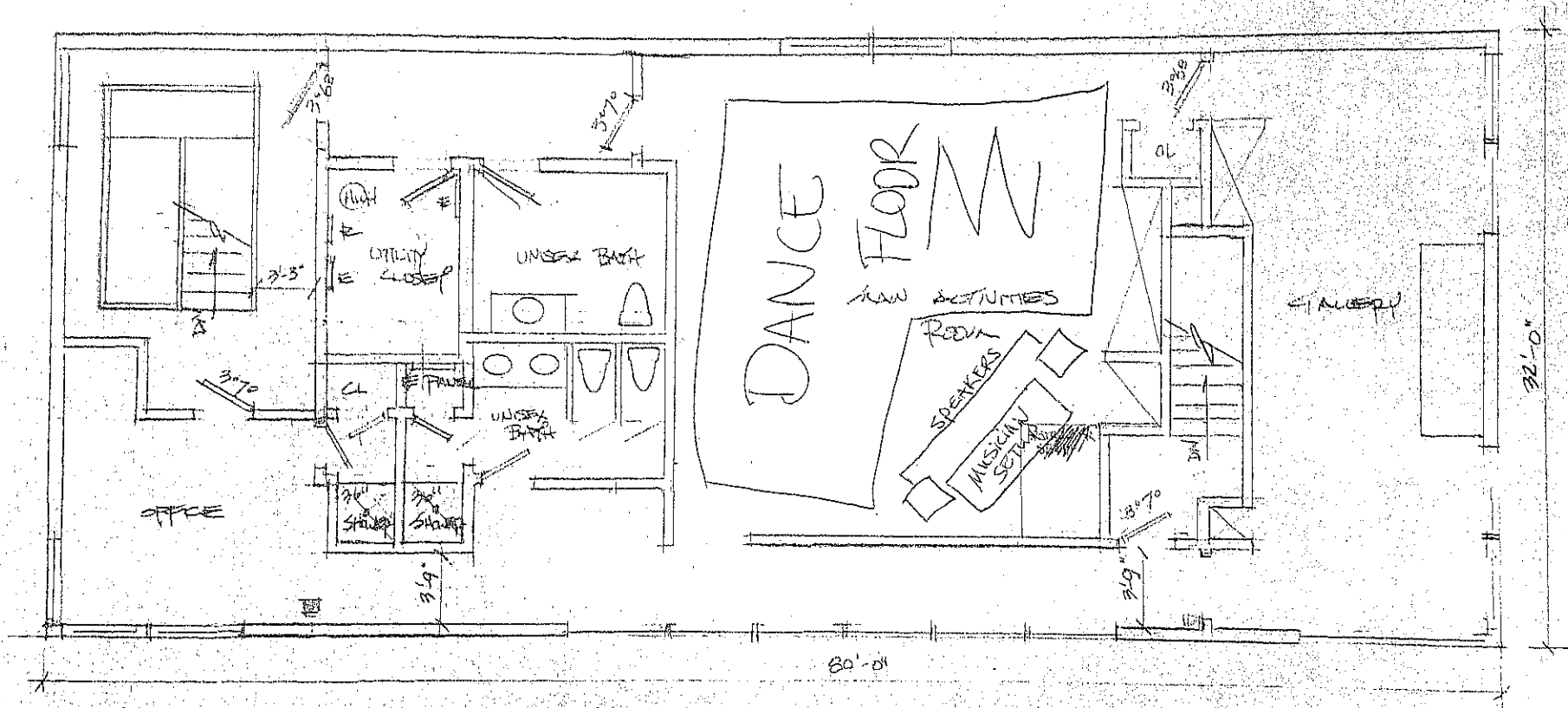
Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation, if one has been granted. Applicant agrees that all taxes and accounts 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 J. Grace Damon Title Owner Date 2/4/15

CITY CLERK
2015 FEB -5 PM 4:28



ONE MARGINAL WAY

2ND FLOOR

1/4" = 1'-0"

ONE MARGINAL WAY

SCALE 1/4" = 1'-0"	APPROVED BY	DRAWN BY JLS
DATE		
SPACE FOR GRACE		DATETIME NUMBER 1001
2 ND FLOOR PLAN		

2/1/15

We at A Space for Grace aspire to provide a safe and positive environment for not only local musicians and artists to perform but also for patrons who have been drinking earlier in the evening to have ample time to sober up before driving home.

We also believe that prevention is key to avoiding any under age drinking and any negative occurrences, therefore we have a strategy in play to ensure this. In most cases, each event will be a completely sober show, however if drinking is involved before 1 am, we will accommodate with the following regulations:

- We will have a doorman to check ID's and to filter out any under age patrons or anyone who may be intoxicated or in bad character.
- There will be signs at the entrance and inside the venue that will state "Absolutely NO open alcoholic beverages allowed on premise past 1am."
- At 12:45am we will perform a 'Last Call', to inform patrons who are drinking that they will have to finish their drink before 1am.
- To ensure that these standards are met we will have security personnel to monitor the entry way as well as inside the venue. Any open containers will be dumped out by 1am.

Again, we aspire to provide patrons, musicians and artists a positive communal environment that will elevate the city of Portland's nightlife culturally and safely.

A. Grace Damon

A. Grace Damon

City of Portland, Maine

Office of the City Clerk

License No. 5582

Issue Date 6/6/2014

To all Whom These Presents May Concern:

This is to certify that the Municipal Officers have granted a license to
A SPACE FOR GRACE

Doing business as SPACE FOR GRACE

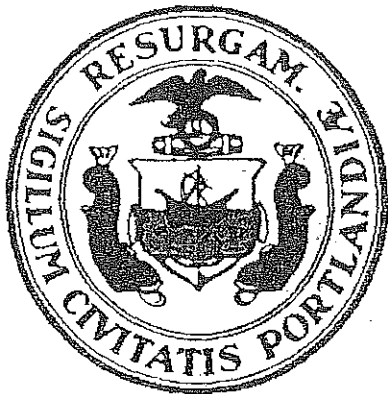
at 1 MARGINAL WAY

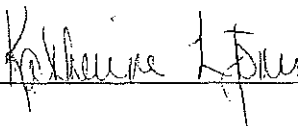
for DANCE HALL /

and at that place only on the following conditions:

OCCUPANCY LIMIT: 49 PEOPLE AT ONE TIME.

This license is granted subject to strict observance of all laws, ordinances and regulations enacted for the protection of the City of Portland so far as they may apply and is to continue in force until 6/30/2015 unless sooner revoked.





City Clerk

THIS LICENSE IS NOT TRANSFERABLE
PLEASE POST IN A CONSPICUOUS PLACE



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0008

RICHARD W. ROSEN
ACTING COMMISSIONER

GREGORY R. MINEO
DIRECTOR

NOTICE OF LICENSURE

Name of Licensee:

A Space for Grace

Date of Issue:

11-21-14

Name of Business:

A Space for Grace

Address:

1 Marginal Way

City, State, Zip:

Portland

Type of Premise:

B40B Club

Type of Privilege:

B40B

Permanent License Number:

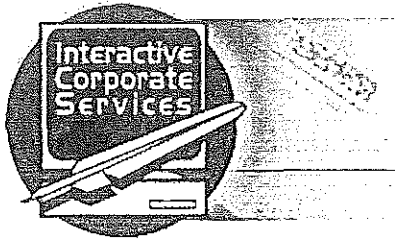
BC-63

This Authorization Expires:

12-21-14

Tony Gustafson
Inspector

Note: Please use this Notice of Licensure as authorization to transact business as documented in this Notice. This Notice must be destroyed upon receipt of the permanent license.



MAINE

Department of the Secretary of State

Bureau of Corporations, Elections and Commissions

Corporate Name Search

Information Summary

Subscriber activity report

This record contains information from the CEC database and is accurate as of: Thu Feb 05 2015 15:55:08. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
A SPACE FOR GRACE	20140258ND	NONPROFIT CORPORATION (T13-B)	GOOD STANDING

Filing Date	Expiration Date	Jurisdiction
12/30/2013	N/A	MAINE

Other Names (A=Assumed ; F=Former)

NONE

Clerk/Registered Agent

GRACE DAMON
PO BOX 1723
PORTLAND, ME 04104

[Back to previous screen](#)

[New Search](#)

Click on a link to obtain additional information.

List of Filings

[View list of filings](#)

Obtain additional information:

Additional Addresses

[Plain Copy](#)

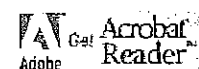
[Certified copy](#)

Certificate of Existence [\(more info\)](#)

[Short Form without
amendments
\(\\$10.00\)](#)

[Long Form with
amendments
\(\\$10.00\)](#)

You will need Adobe Acrobat version 3.0 or higher in order to view PDF files.
If you encounter problems, visit the [troubleshooting page](#).



Business Licensing - SPACE FOR GRACE Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 2/8/2015 6:56 PM
Subject: SPACE FOR GRACE Business License Approval

SPACE FOR GRACE is Approved for their Business License Inspection by the Police Dept.

Date: 2/8/2015

Zone:

Comments: After hours license.

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



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)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C402753

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2015-02-09) :

Inquiries Name(s) ALEGRA TYLER (1969-10-31)

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)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C402752

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2015-02-09) :
Inquiries Name(s) ALEGRA G DAMON (1991-11-21)

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)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C402748

Criminal History Record

Introduction

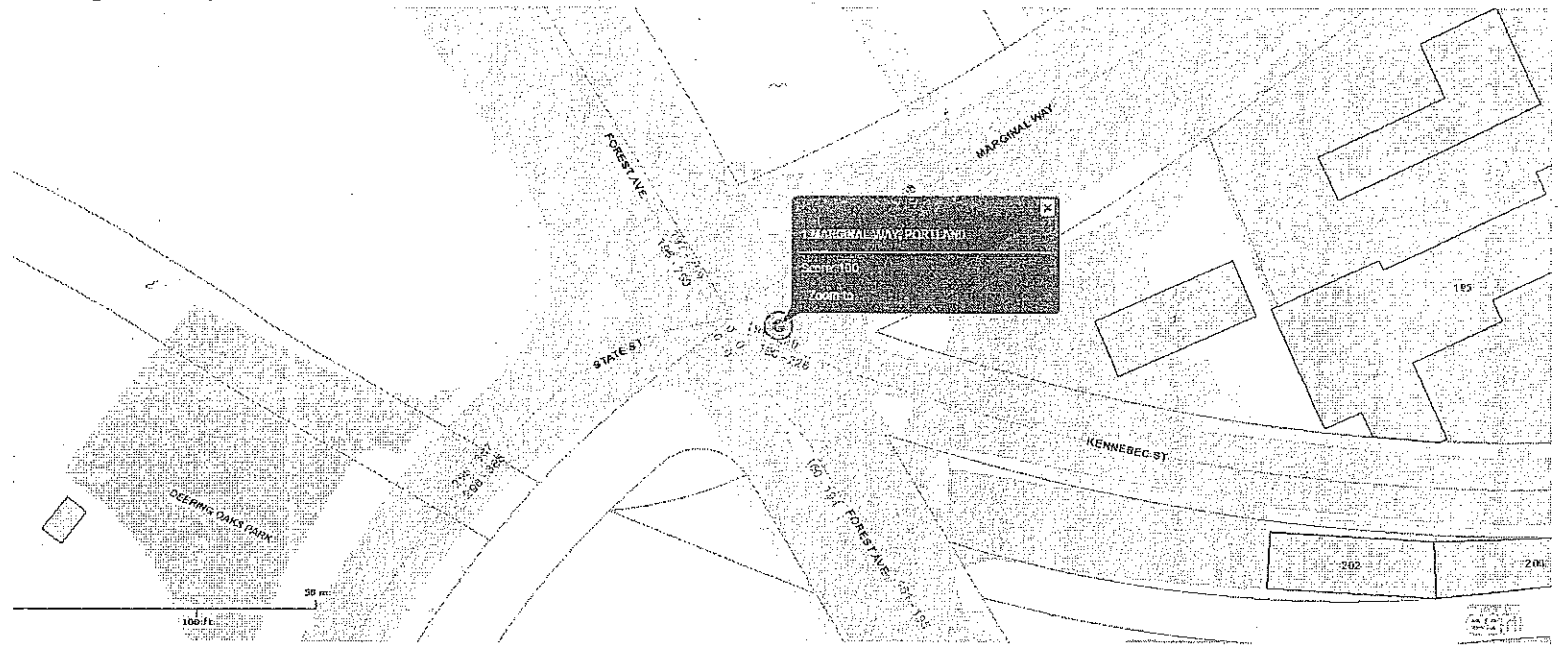
This criminal history record was produced in response to the following request (Produced on 2015-02-09) :

Inquiries Name(s) WILLIAM HODGDON (1971-07-22)

NO MATCH WAS FOUND FOR YOUR REQUEST.

A Space for Grace

1 Marginal Way



Copyright 2011 Esri. All rights reserved. Mon Feb 9 2015 11:54:58 AM.



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

February 18, 2015

A Space for Grace
Attn: A. Grace Damon
P.O. Box 1723
Portland, ME 04104

Re: A Space for Grace d/b/a A Space for Grace. Application to add After-Hours
Entertainment License at 1 Marginal Way.

Dear Ms. Damon,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, March 2nd at 7 p.m.** for the review of your application for A Space for Grace d/b/a A Space for Grace's After-Hours Entertainment License at 1 Marginal Way. 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
207-874-8557
bl@portlandmaine.gov

Order 168-14/15
Tab 9 3-2-15

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

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Old Port Slice Bar d/b/a Old Port Slice Bar. Application for a Class XI Restaurant/Lounge License with Entertainment and Dance at 420 Fore St.

Letter of Intent

Larry Cushing
Mark Deane
January 29, 2015

City of Portland
City Council

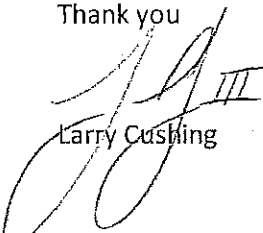
CITY CLERK

2015 JAN 29 PM 2:09

This letter is written to convey our intent to operate the space at 420 Fore St. Portland, Maine (Formerly Joe's New York Pizza), to operate a Pizza restaurant with pub on the second floor.

Our plan is to provide fresh brick oven pizza to lunch and dinner customers. Our place will provide first and second floor seating with a small bar on the second floor.

Thank you


Larry Cushing



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

Application for Food Service Establishment with Alcoholic Beverages License

Business Information:			
Business Name (d/b/a):	Old Port Slice Bar	Phone:	207 615-4501
Location Address:	420 Fore St	Zip:	04101
If new, what was formerly at this location:	Joe's NY Slice Bar		
Mailing Address:	420 Fore St.	Zip:	04101
Contact Person:	Mark Deane	Phone:	207 653-3612
Contact Person Email:	Mark.Deane@Comcast.net		
Manager of Establishment:	Mark Deane	Phone:	
Owner of Premises (Landlord):	4116 Fore Street LLC		
Address of Premises Owner:	PO Box 910 Westbrook, Me	Zip:	04098

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address
Lawrence C. Cusby III	2-4-72	31 Juniper Lane Gray, ME 04038
Mark Deane	8-17-53	34 Patricia Lane Portland, ME 04103

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
Old Port Slice Bar		4116 Fore St. Portland Me 04101	
Contact Person:	Mark Deane	Phone:	207 653-3612
Principal Officers	Title	Date of Birth	Residence Address
Lawrence C. Cusby III	owner	2-4-72	31 Juniper Lane Gray, ME 04038
Mark Deane	owner/manager	8-17-53	34 Patricia Lane Portland, ME 04103

About Your Establishment

Class of Liquor License:	Class XI Restaurant/Lounge	
Type of food served:	Pizza, wings, fries	
Please circle all that will be served:	Beer Wine Liquor	
Projected percentage of sales:	Generated from Food: 90%	Generated from Alcohol: 10%
Hours & days of operation:	Sunday - Saturday 6am - 2am	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y(N)
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y(N)
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	Y(N)
Will you permit dancing on the premises?	Y(N)
Will you permit dancing after 1:00 a.m.?	Y(N)
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y(N)
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	Y(N)
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date? April 1 st 2015	
Does the issuance of this license directly or indirectly benefit any City employee(s)?	Y(N)
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?	Y(N)
If Yes, please list business name(s) and location(s): Roses 330 Fore St.; Pear 1 442 Fore St.; Marks Place 416 Fore St.	
Is any principal officer under the age of 21?	Y(N)
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y(N)
If Yes, please explain:	

I, Lawrence C. Cusack III do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

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

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature [Signature] Title owner Date 1-28-15

For more information about Liquor Licenses, see Portland City Code Chapter 15 at www.portlandmaine.gov and M.R.S.A. Title 28-A at www.maine.gov

CITY CLERK

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

2015 JAN 29 PM 2:09

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): Old Port Slice BarLocation Address: 420 Foa St. ZIP 04101 Phone 207 653-3612Will music be electric or acoustical or both? BothWill amplification used? Yes ☒ No ☐If yes, where and at what level? 2nd Floor; Average VolumeWill 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? 50'

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

2nd Floor bar and Seating for Pizza customers. DJ or small band or acoustical group.If new applicant, what is your targeted opening date? : April 1st 2015Does the issuance of this license directly or indirectly benefit any City employee? Yes ☐ No ☒
If yes, list names of employee(s) and department(s). _____

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

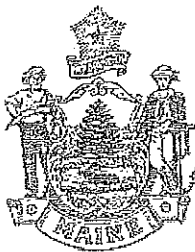
It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

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

Signature [Signature] Title owner Date 1-28-15[Signature][Signature]1/28/15

Department of Public Safety
Division

Liquor Licensing & Inspection



BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

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.

PRESENT LICENSE EXPIRES _____

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.)			2. Business Name (D/B/A)		
Old Port Slice Bar DOB:			Old Port Slice Bar		
DOB:					
DOB:			Location (Street Address)		
Address 446 Fore St.			420 Fore St.		
City/Town Portland State Me Zip Code 04101			City/Town Portland State Me Zip Code 04101		
Mailing Address 446 Fore St.			Mailing Address 446 Fore St.		
City/Town Portland State Me Zip Code 04101			City/Town Portland State Me Zip Code 04101		
Telephone Number 207 653-3612 Fax Number			Business Telephone Number 207 899-3364 Fax Number		
Federal I.D. # 47-2677778			Seller Certificate #		

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

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

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

complete Supplementary Questionnaire, if YES

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

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

8. If business is NEW or under new ownership, indicate starting date: 1-1-15

Requested inspection date: 3-15-15 Business hours: 11am - 2am

9. Business records are located at: 446 Fore St. Portland, Me 04101

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

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
Mark Deane	8-17-53	Leesville, LA
Lawrence C Cusby III	2-4-72	Augusta, ME

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

Mark Deane	34 Patricia Lane Leesville Portland, ME 04103
Lawrence C Cusby III	31 Juniper Lane Leesville 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: _____ 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: _____

416 Fore Street LLC PO Box 910 Westbrook, ME 04098

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) 1st 3rd Floor of

420 Fore St. 2000 sq ft, 1000 sq ft per floor.

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☐ NO ☒ Applied for: Apply Now

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? 100' Which of the above is nearest? Church

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

If YES, give details: _____

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

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

Dated at: Portland, Maine on 1-28, 20 15
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Lawrence C Cusby III



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:

Old Port Slice Bar

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

old Port Slice Bar

3. Date of filing with the Secretary of State: 1-26-15

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 %
Lawrence C Cusby III	31 Juniper Lane Lacey, ME 04039	2-4-72	50
Mark Deane	34 Patricia Lane Portland ME 04103	8-17-53	50

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: _____

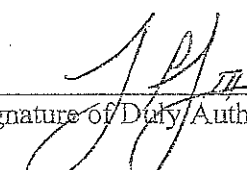
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

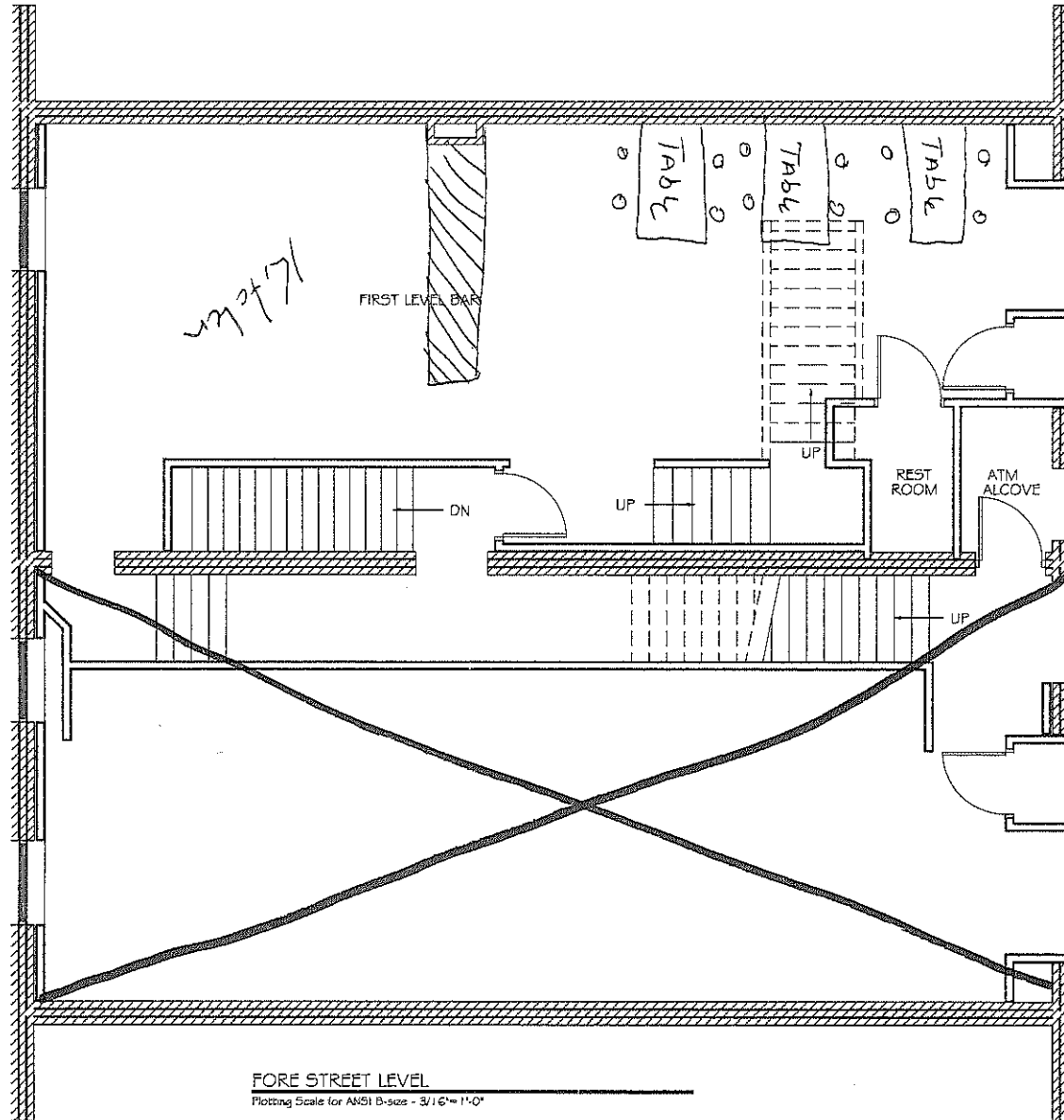
Date 1-28-15

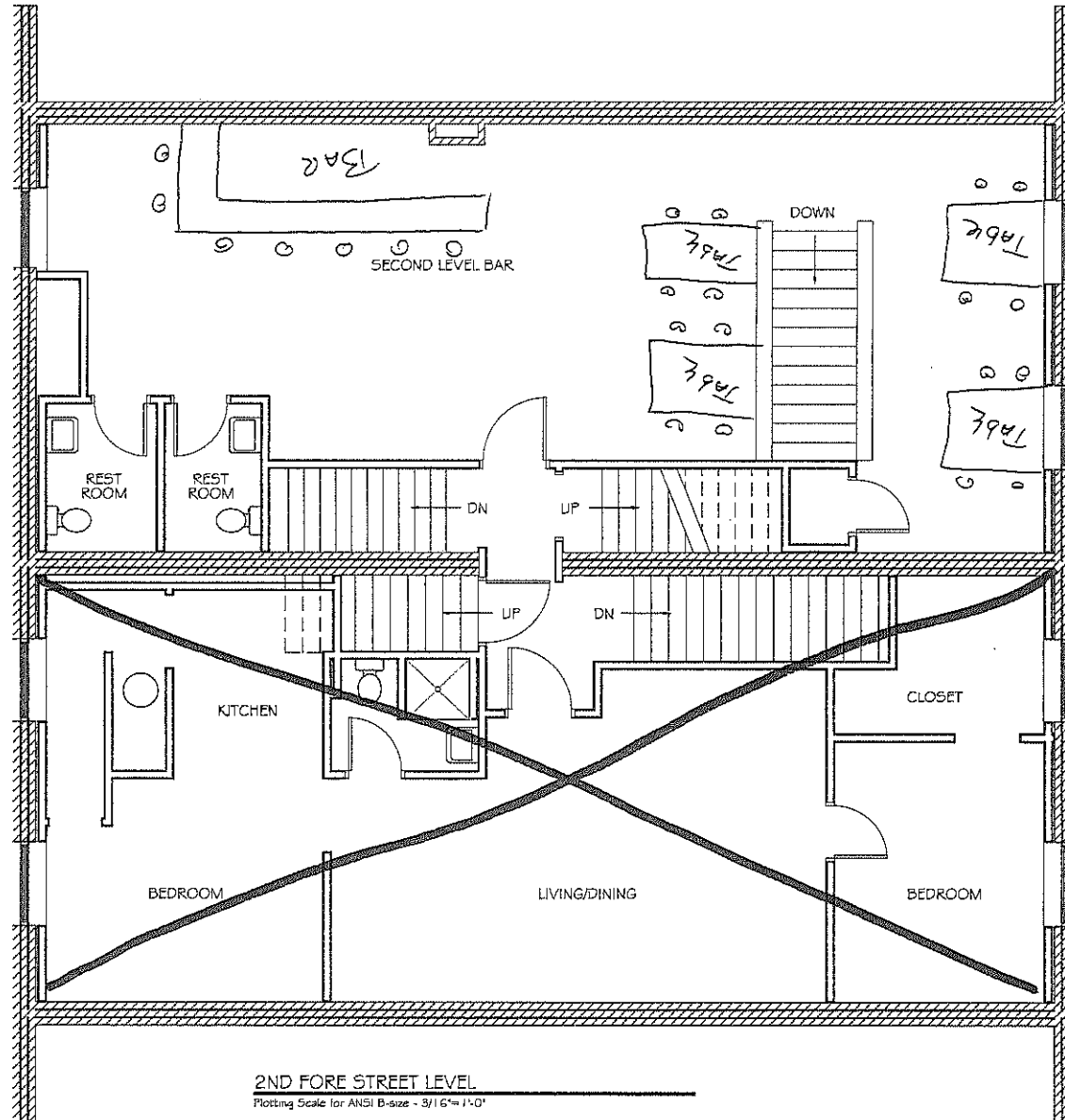
Lawrence C. Cusby III

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

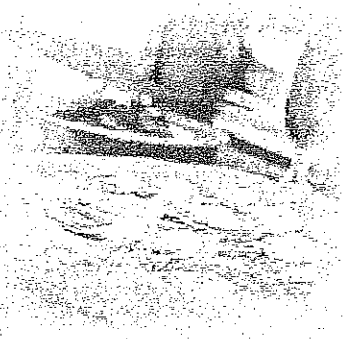




Pizza Menu

Thursday, January 29, 2015 10:55 AM

BUILD YOUR OWN GOURMET PIZZA



Choice of Fresh Toppings
At Joe's, we don't just top our gigantic pizzas, we load them with your favorite ingredients!

Regular Toppings

12" Sm	14" Lg	19" Pizza
1.49	1.99	2.99

Green Peppers • Onions
Tomatoes • Mushrooms
Pineapples • Black Olives
Jalapeno • Red Onions

Humongous

	12" Sm	14" Lg	19" Pizza
Cheese Pizza	9.99	11.99	15.99

Premium Toppings

Oven Roasted Chicken • Ricotta • Shaved Steak • Roasted Red Peppers
Artichoke Hearts • All Natural Bacon • Fresh Basil • Honey Ham • Turkey
Chicken Fingers • Feta Cheese • Fresh Baby Spinach • Extra Cheese (Mozzarella)

Humongous

12" Sm	14" Lg	19" Pizza
1.99	2.99	3.99

Meat Toppings

Pepperoni • Sausage • Meatball • Anchovies • Salami

Humongous

12" Sm	14" Lg	19" Pizza
1.49	1.99	2.99

GOURMET SPECIALTY PIZZA

	12" Sm	14" Lg	Humongous 19" Pizza
Manhattan Loaded	14.99	18.99	25.99
Pepperoni, sausage, meatballs, onions, peppers, mushrooms, bacon & mozzarella			
Super Meaty	14.99	18.99	25.99
Pepperoni, sausage, meatballs, ham & bacon			
Veggie	14.99	18.99	25.99
Onions, peppers, mushrooms, tomatoes, black olives, mozzarella & a hint of fresh garlic			
Meat Pie Gut Buster	n/a	22.99	29.99
Pepperoni, sausage, ham & meatballs in a double crust, topped with mozzarella & bacon			
Joe's Favorite	12.99	15.99	21.99
Our awesome pizza loaded with pepperoni, bacon & mozzarella			
The Frat Boy	14.99	18.99	25.99
Our Greek Pizza loaded with spinach, tomatoes, black olives & fresh feta cheese			
Lasagna Pizza	14.99	18.99	25.99
Sausage, meatball, ricotta, parmesan, oregano & ham			
White Pizza	12.99	15.99	21.99
Mozzarella, ricotta & garlic (no red sauce)			
White Spinach Pizza	14.99	18.99	25.99
Mozzarella, fresh tomato, parmesan, oregano, spinach, ricotta & fresh garlic (no red sauce)			
Greek White Pizza	13.99	17.99	23.99
Olive oil, mozzarella, feta cheese, tomato, garlic & oregano			
Chicken Parmesan	14.99	18.99	25.99
Our cheese pre-topped with grilled chicken, tossed in our homemade parmesan marinara sauce with ricotta			
Buffalo Chicken	13.99	17.99	23.99
Mozzarella, homemade Buffalo sauce & lots of chicken			
Billy Bob's BBQ Chicken	13.99	17.99	23.99
Our fresh crust topped with BBQ sauce then loaded with BBQ chicken			
Chicken Cordon Bleu	14.99	18.99	25.99
Chicken, ham, bacon & mozzarella along with a spicy bleu cheese sauce			
My Thai Chicken Pizza	14.99	18.99	25.99
Thai sweet chili sauce topped with chicken, bacon, pineapple and green peppers finished with grande mozzarella			
Chicken Bacon Bravo	14.99	18.99	25.99
BBQ ranch base, mozzarella, and oven-roasted chicken tossed in BBQ ranch and bacon			
Hawaiian	12.99	15.99	21.99
Tons of ham & pineapple make this a tropical treat			
Margarita Pizza	13.99	17.99	23.99
Tomato, fresh basil & oil base with garlic			
Four Cheese Pizza	14.99	18.99	25.99
Mozzarella, provolone, asiago & parmesan cheeses			
Steak & Bake	14.99	18.99	25.99
Our homemade bleu cheese dressing, mozzarella, shaved steak and bacon			
BBQ Steak	14.99	18.99	25.99
BBQ sauce, mozzarella and shaved steak smothered in BBQ sauce			
Chicken Pesto	14.99	18.99	25.99
Pesto sauce, mozzarella and oven roasted chicken tossed in pesto and tomato			

Business Licensing - OLD PORT SLICE BAR - PENDING Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 2/8/2015 6:56 PM
Subject: OLD PORT SLICE BAR - PENDING Business License Approval

OLD PORT SLICE BAR - PENDING is Approved for their Business License Inspection by the Police Dept.

Date: 2/8/2015

Zone:

Comments: Approved as requested.

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



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)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C402756

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2015-02-09) :

Inquiries Name(s) MARK DEANE (1953-08-17)

NO MATCH WAS FOUND FOR YOUR REQUEST.



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

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C402754

Criminal History Record

Introduction

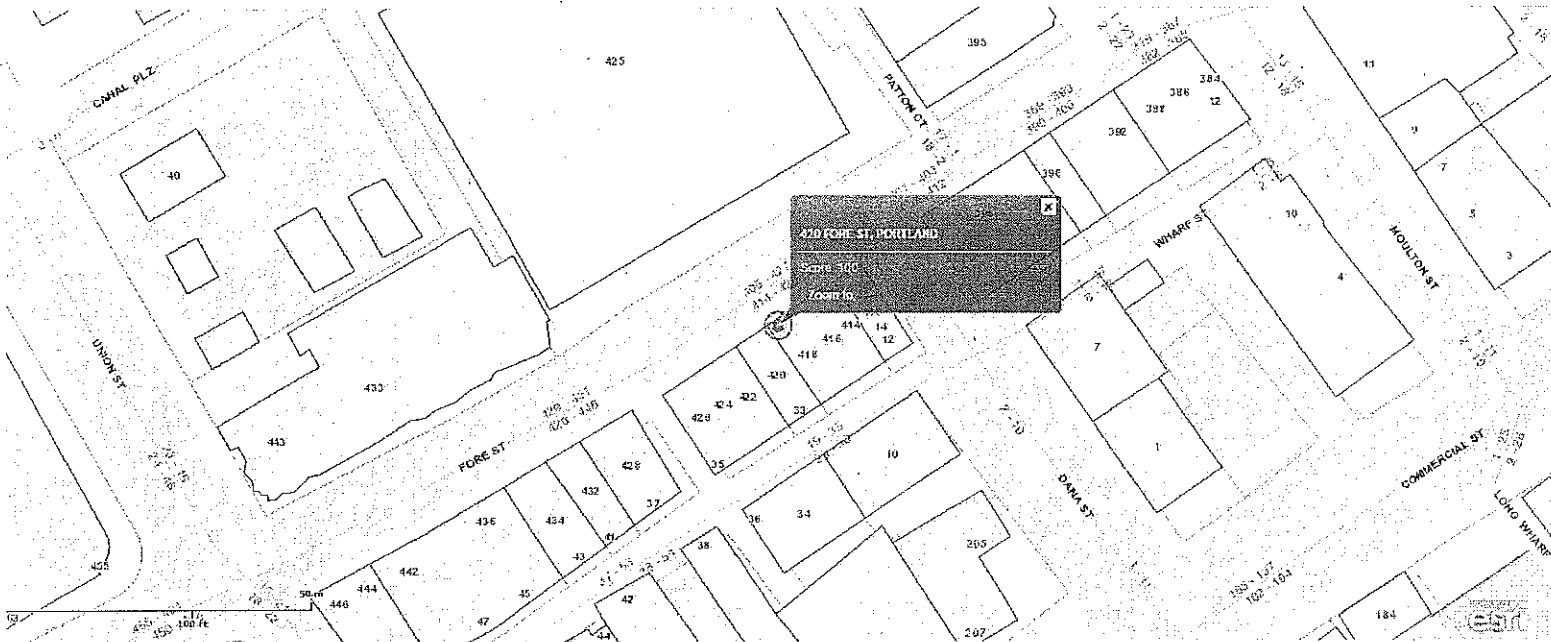
This criminal history record was produced in response to the following request (Produced on 2015-02-09) :

Inquiries Name(s) LAWRENCE C CUSHING (1972-02-04)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Old Port Slice Bar

420 Fore St.



**Office of the City Clerk**

Katherine L. Jones, CCM, City Clerk

February 18, 2015

Old Port Slice Bar
420 Fore St.
Portland, ME 04101

Re: Old Port Slice Bar d/b/a Old Port Slice Bar. Application for a Class XI Restaurant/Lounge License with Entertainment and Dance at 420 Fore St.

Dear Mr. Deane,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, March 2nd at 7 p.m.** for the review of your application for Old Port Slice Bar d/b/a Old Port Slice Bar's Class XI Restaurant/Lounge License with Entertainment and Dance at 420 Fore St. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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

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

Sincerely,

Janice Gardner
Business License Administrator
207-874-8557
bl@portlandmaine.gov

Order 169-14/5
Tab 10 3-2-15

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

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Aloha Partners, LLC d/b/a The Sinful Kitchen. Application for a Class I FSE License at
906 Brighton Ave.**

CITY CLERK

2015 FEB -6 AM 10: 23

David Mallari
33 Overset Rd
Portland, ME 04103
207-229-6453

February 5, 2015

Dear Mayor Michael F. Brennen and Members of the City Council,

I am writing today regarding my intent to open a restaurant called The Sinful Kitchen with the intention to sell alcohol located at 906 Brighton Avenue in Portland.

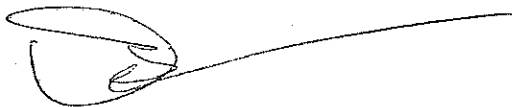
Outer Brighton Avenue is a neighborhood of large corporate franchises. This property will be competing with these national corporate giants and will be a diamond in the rough in this part of Portland. The Sinful Kitchen will be a casual gourmet restaurant that delivers high quality, fresh food from local purveyors that. We intend to serve brunch Wednesday through Sunday and be available in the evenings for small private functions.

With an ever changing economy it is often hard for a very small restaurant to survive from selling food alone. By allowing us a liquor license you are;

- ♦ Allowing a new small business in Portland to thrive
- ♦ Providing your constituents with an alternative to national franchises

I appreciate your time with this matter and hope you will decide to help this "diamond in the rough" shine!

Thank you,

A handwritten signature in black ink, appearing to read "David F. Mallari", with a long horizontal line extending to the right.

David F. Mallari, Chef/Owner

Portland, Maine



Yes, Life's good here.

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

Application for Food Service Establishment with Alcoholic Beverages License

Business Information:	
Business Name (d/b/a):	The Sinful Kitchen Phone: 207-229-6453
Location Address:	906 Brighton Ave Zip: 04102
If new, what was formerly at this location:	La Familia restaurant
Mailing Address:	33 Overset Rd. Portland Zip: 04103
Contact Person:	David Mallari Phone: 207-229-6453
Contact Person Email:	
Manager of Establishment:	David Mallari Phone: 207-229-6453
Owner of Premises (Landlord):	Sarah Galvez
Address of Premises Owner:	68 Craigie St. Zip: 04102

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
Aloha Partners, LLC		33 Overset Rd Portland Zip: 04103	
Contact Person:	David Mallari	Phone:	207-229-6453
Principal Officers	Title	Date of Birth	Residence Address
David Mallari	Manager	6/26/1968	33 Overset Rd Portland, ME 04103
Danae Gendron	manager	9/13/1974	SAA
Kenneth Jordan	Member	9/11/1979	293 Walter St. Portland ME 04102

2015 FEB - 6 AM 10:23

CITY CLERK

About Your Establishment

Class of Liquor License:	I	
Type of food served:	Brunch, Private Dinners	
Please circle all that will be served:	Beer Wine Liquor	
Projected percentage of sales:	Generated from Food: 75%	Generated from Alcohol: 25%
Hours & days of operation:	W - Sunday 8a-2pm ; Evenings when booked for events	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y(N)
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y(N)
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	Y(N)
Will you permit dancing on the premises?	Y(N)
Will you permit dancing after 1:00 a.m.?	Y(N)
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y(N)
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	Y(N)
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date?	
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	Y(N)
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?	Y(N)
If Yes, please list business name(s) and location(s):	
Francisco's Blue House Cafe 1081 Brighton Ave	
Is any principal officer under the age of 21?	Y(N)
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y(N)
If Yes, please explain:	

I David Mallon do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

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 Manager/owner Date 2/5/15

For more information about Liquor Licenses, see Portland City Code Chapter 15 at www.portlandmaine.gov and M.R.S.A. Title 28-A at www.maine.gov

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-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>Aloha Partners, LLC</u> DOB: _____			2. Business Name (D/B/A) <u>The Sinful Kitchen</u>		
DOB: _____					
DOB: _____			Location (Street Address) <u>906 Brighton ave.</u>		
Address <u>33 Overset Rd.</u>			City/Town <u>Portland</u>	State <u>ME</u>	Zip Code <u>04102</u>
			Mailing Address <u>33 Overset Rd.</u>		
City/Town <u>Portland</u>	State <u>ME</u>	Zip Code <u>04103</u>	City/Town <u>Portland</u>	State <u>ME</u>	Zip Code <u>04103</u>
Telephone Number <u>207-229-6453</u>		Fax Number	Business Telephone Number <u>207-229-6453</u>		Fax Number
Federal I.D. # <u>47-2996159</u>			Seller Certificate #		

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

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

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

complete Supplementary Questionnaire, If YES

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

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

8. If business is NEW or under new ownership, indicate starting date: 3/5/15

Requested inspection date: 3/11/15 Business hours: 8a-2pm

9. Business records are located at: 906 Brighton ave.

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
David ^{Francisco} Mallari	6/26/1968	Woonsocket, RI
Denae Anna Gendron	9/13/1974	Concord, NH
Kenneth Jordan	9/11/1977	Bangor, ME
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Portland, ME		

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: _____
Sarah Gulez 68 Craigie St. Portland, ME 04102

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____
Restaurant & 40 seats serving Brunch & Private Parties

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☐ NO ☐ Applied for: 2/6/15

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? 425' Which of the above is nearest? School

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

If YES, give details: Corporate member

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

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

Dated at: Portland, ME on February 3, 2015
Town/City, State Date

Signature of Applicant or Corporate Officer(s)
David Mallari

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)
Denae Gendron



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:

Aloha Partners, LLC

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

The Sinful Kitchen

3. Date of filing with the Secretary of State: 1/29/2015

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 %
David Mallari	33 overset Rd Portland 198 Ocean ave. Portland	6/26/68	DM 42.5 85
Danae Gendron	SAA	9/13/74	DM 42.5 0
Kenneth Jordan	293 walton st. Portland	9/11/79	15

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: Kenneth Jordan

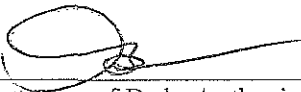
Date of Conviction: 10/11

Offense: Misdemeanor

Location of Conviction: York County, ME

Disposition: Operating Motor vehicle under the influence

Signature:



Signature of Duly Authorized Person

2/5/15

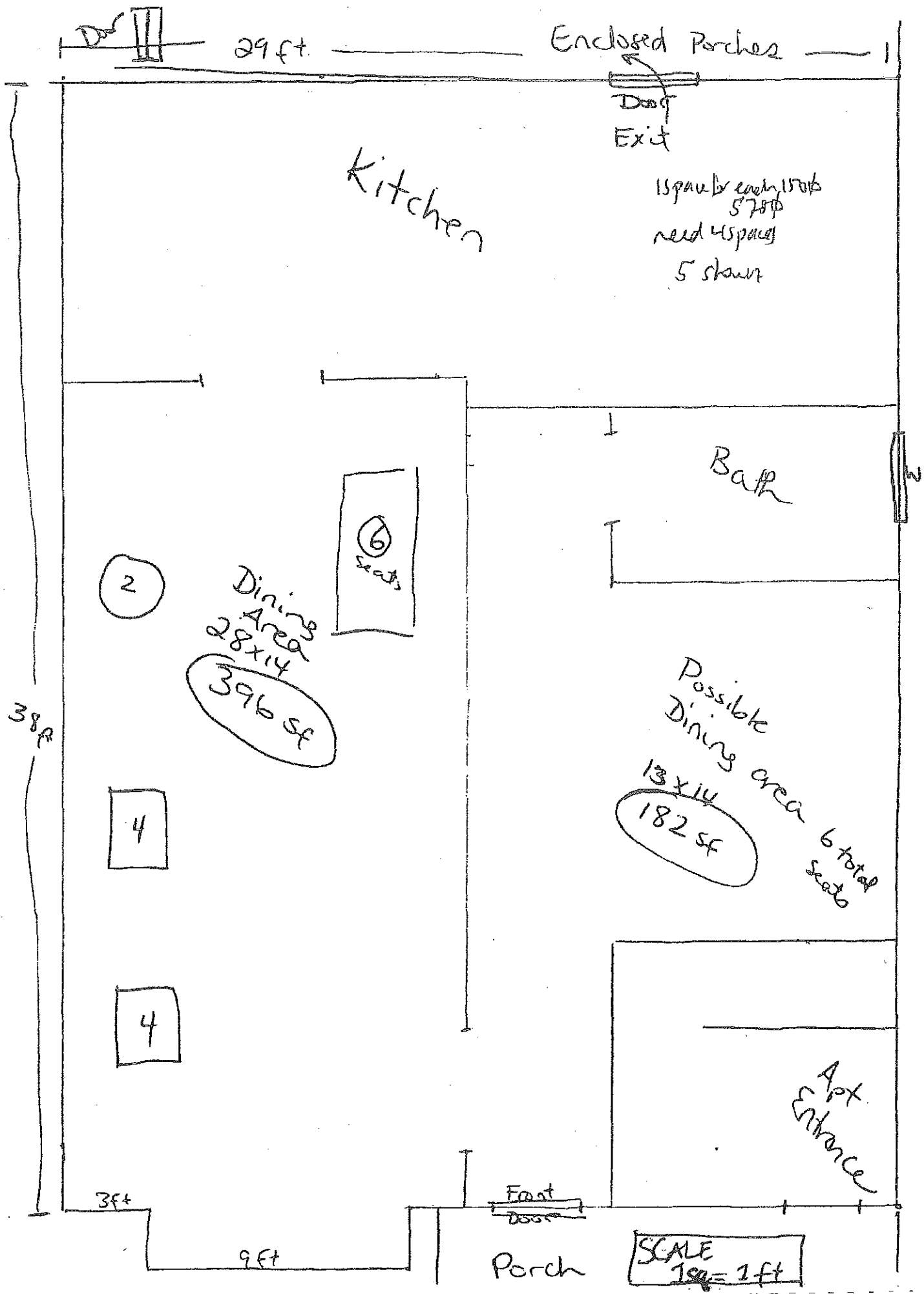
Date

David S. Mallari

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



The Sinful Kitchen
906 Brighton Ave.
Portland, Maine

Brunch Menu

The Benedicts

- Traditional Eggs Benedict with Canadian Bacon and Home Fries.....\$9
Avocado, Crabmeat and Bacon Benedict with Home Fries.....\$10
Eggs Benedict Florentine (wilted Baby Spinach and sliced Tomato) with Home Fries.....\$8

Two Eggs any style

- With Home Fries, toast and choice of Ham, Bacon, Sausage or Canadian Bacon.....\$8
Substitute toast with One Slice of French Toast or Banana Bread.....\$1

Fresh Belgian Waffle

- With Home Fries and Choice of meat.....\$7
Add Strawberry Topping and Whipped Cream.....\$1

Stuffed French Toast or Belgian Waffle

- Two Thick Slices of French Toast or a Waffle stuffed with the Chef's Choice of Delicious fillings
served with Home Fries and choice of meat.....\$10

Monte Cristo

- Two Thick Slices of French Toast filled with Smoked Ham, Roasted Turkey Breast, Cheddar and
Swiss Cheese, served with Home Fries.....\$10

Blue House Cheese Omelet

- Our Three Egg Omelet with choice of Swiss, Asiago, Feta or Cheddar served
with Home Fries and Toast.....\$7

Personalize your Omelet!

Meats:

- Ham, Bacon, Canadian Bacon, Smoked Breakfast Sausage, Maple Sausage, Smoked Chicken
Sausage Patty, Kielbasa...Add \$1 per item Crabmeat, Baby Shrimp...add \$2 per item

Vegetables:

- Red Peppers, Spanish Onion, Bermuda Onion, Button Mushrooms, Baby Portabella, Spinach,
matoes, Pepperocinis, Avocado, Kalamata Olives, Artichoke Hearts, Pesto...add .50 per item

To-

International and Regional Favorites

Greek Omelet

A Three Egg Omelet Filled With Spinach, Tomato, Kalamata Olive, Mushroom, Onion,
Red Peppers and Feta served with Home Fries and Toast\$9

The Big Filipino

Pork Longanisa (A traditional garlic sausage from the Philippines), Chicken Tocino (Marinated
Chicken), rice, tomato salsa, and two over easy eggs.....\$10

Huevos Rancheros

A Southwestern Favorite, Two Eggs any style served on a grilled Cheese Quesadilla, Refried Beans,
topped with our Fresh Salsa, Chipotle Sour Cream and smothered with melted Cheddar,
served with Home Fries.....\$8

From Our Smoker

BBQ Pulled Pork Sandwich

A generous portion of succulent and tender Pulled Pork heaped on a
grilled Bulkie Roll, Served with Cole Slaw and a Pickle.....\$8

Smoked Sausage Platter

Two Eggs any Style with Smoked Kielbasa, Smoked Breakfast Link, Home
Fries and Grilled Corn Bread.....\$10

BBQ Chicken Sandwich

Pulled Chicken Heaped on a Grilled Bulkie Roll Topped With BHC Carolina
BBQ Sauce, Served with Cole Slaw and a Pickle.....\$8

Beverages and Side Orders

Bacon, Breakfast Sausage, Sausage Patties, Kielbasa or Ham.....\$3

Bottomless Cup of Green Mountain Coffee.....\$1.50

Tea.....\$1.50 Milk (chocolate too)...\$1.50 Juice small \$1.50 large..... \$2.50

Home Fries.....\$1.50 One Egg..... \$1.00

February 6, 2015

To whom it may concern,

In the interest of full disclosure, Ken Jordan has prior OUI convictions in the State of Maine and the Court had stated that these records would be sealed. Though Ken has maintained years of consecutive and active sobriety since the 2011 conviction, he will not be involved in day-to-day operations of the business. Ken is willing and happy to discuss and/or meet with the licensing bureau should the need arise.

Thank you for your consideration,

A handwritten signature in black ink, consisting of a stylized 'D' followed by a long horizontal line.

David Mallari
Managing Partner

Aloha Partners, LLC

Business Licensing - SINFUL KITCHEN, THE - PENDING Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 2/17/2015 3:19 PM
Subject: SINFUL KITCHEN, THE - PENDING Business License Approval

SINFUL KITCHEN, THE - PENDING is Approved for their Business License Inspection by the Police Dept.

Date: 2/17/2015

Zone:

Comments: Chief Sauschuck has agreed to the license being issued.

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



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)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C402749

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2015-02-09) :
Inquiries Name(s) DAVID MALLARI (1968-06-26)

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)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C402750

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2015-02-09) :

Inquiries Name(s) DENAE GENDRON (1974-09-13)

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)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C402751

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2015-02-09) :
Inquiries Name(s) KENNETH JORDAN (1979-09-11)

The information in this criminal history record is provided subject to the following caveats:

Important! When a criminal history record and juvenile crime information record check is processed by the State Bureau of Identification using personal identifiers such as name and date of birth, it is possible that the record supplied belongs to another person with the same or essentially similar name and date of birth. Confirmation that convictions relate to person whose record has been requested requires fingerprint comparison. If the information contained in this response will be used to disqualify an applicant for employment, housing, credit, or other benefits or programs, the person making the eligibility determination using this record should provide the applicant with an opportunity to complete or contest the accuracy of the criminal history information in the response. An individual may request amendment or correction of criminal history record information by a criminal justice agency pursuant to 16 M.R.S. section 709.

**THIS RESPONSE IS BEING PRODUCED FOR YOUR REQUEST SENT: 2015-02-09

This record, effective September 1, 2000, contains information relating to persons arrested as fugitives from justice, 15 M.R.S section 201.4 or arrested or charged with Maine crimes. It does not include former crimes no longer classified as criminal, or Class D and E crimes in Title 12 or Title 29-A, former Title 29, unless the crime is alcohol-related or drug-related 25 M.R.S, section 1541.4-A.A. For information regarding excluded Marine Resources crimes in Title 12, contact the Department of Marine Resources. For information regarding excluded Inland Fisheries and Wildlife crimes in Title 12, contact the Department of Inland Fisheries and Wildlife. For information relating to excluded crimes in Title 29-A former Title 29, contact the Secretary of State, Motor Vehicle Division. A list of former crimes is available from this Bureau.

THE FOLLOWING ATN(S) ARE UNSUPPORTED BY FINGERPRINTS IN STATE BUREAU OF IDENTIFICATION FILES:
(888652A, 222650A).

Identification

Subject Name/or potential Alias Name(s)

JORDAN, KENNETH
 JORDAN, KENNETH P
 JORDAN, KENNETH PETER

Subject Description (date information provided listed in parentheses)

State ID Number MEI003878	DOC Number Unknown/NA	
Sex Male	Race White	Skin Tone Fair
Height 600 (2003-04-12) 601 (2002-04-25) 602	Weight 185 (2003-04-12) 185 (2002-04-25) 190	Date of Birth 1979-09-11
Hair Color Brown (2003-04-12) Brown (2002-04-25) Brown	Eye Color Brown (2003-04-12) Brown (2002-04-25) Brown	
Scars, Marks, and Tattoos Unknown/NA		
Place of Birth ME	Citizenship US (2003-04-12) US (2002-04-25)	
Residence		
Residence as of Address	2011-07-02 63 WILLIAMS STREET, #2 PORTLAND, ME 04101	
Residence as of Address	2004-02-25 1519 LAKE STREET SAN FRANCISCO, CA US	
Residence as of Address	2003-04-12 31 GERTRUDE LANE PORTLAND, ME 04102 US	
Residence as of Address	2002-04-25 6756 MAYFLOWER HILL WATERVILLE, ME 04901 US	
Caution Information		
Firearms Disqualified	C - Cleared	

Criminal History

Cycle 001

ATN/Tracking Number 222650A
 Earliest Event Date 2001-01-06

 Arrest/Charge (Cycle 001)
 Arrest/Charge Date 2001-01-06
 Arresting/Charging Agency BUREAU OF LIQUOR ENFORCEMENT HALLOWELL; ME0061800
 Subject Name(s) JORDAN, KENNETH
 Arrest Type Adult
 Charge 1

Charge Number 222650A 001
 Charge Tracking Number 222650A
 Agency BUREAU OF LIQUOR ENFORCEMENT HALLOWELL; ME0061800
 Offense Date 2001-01-06
 Charge Description FURNISHING LIQUOR TO A MINOR
 Statute 28-A MRSA SUBSECTION 2081(A)
 State Sequence Code 890
 Severity Misdemeanor

Prosecutor Disposition No data supplied

 Court Disposition (Cycle 001)
 Court Case Number CR 2001-00071
 Court Agency 7TH DISTRICT COURT WATERVILLE; ME006035J
 Charge 1

Charge Number 222650A 001
 Charge Tracking Number 222650A
 Agency 7TH DISTRICT COURT WATERVILLE; ME006035J
 Offense Date 2001-01-06
 Charge Description FURNISHING LIQUOR TO A MINOR
 Statute 28-A MRSA SUBSECTION 2081(A)
 State Sequence Code 890
 Severity Misdemeanor
 Disposition 2002-08-07; GUILTY

Sentencing (Cycle 001)
 Sentencing Agency 7TH DISTRICT COURT WATERVILLE; ME006035J
 Court Case Number CR 2001-00071
 Charge Number 222650A 001
 Charge Sequence Number 1
 Charge Tracking Number 222650A
 Sentence 2002-08-07; FINED \$500.00

Corrections No data supplied

Cycle 002

ATN/Tracking Number 222684A
 Earliest Event Date 2002-04-25

 Arrest/Charge (Cycle 002)
 Arrest/Charge Date 2002-04-25
 Arresting/Charging Agency WATERVILLE PD; ME0060400
 Subject Name(s) JORDAN, KENNETH P
 Arrest Type Adult
 Charge 1

Charge Number 222684A 001
 Charge Tracking Number 222684A
 Charge Case Number 200210356
 Agency WATERVILLE PD; ME0060400
 Offense Date 2002-04-25
 Charge Description OPERATING UNDER THE INFLUENCE
 Statute 29-A MRSA SUBSECTION 2411(1)
 State Sequence Code 1197
 Severity Misdemeanor

Prosecutor Disposition	No data supplied
Court Disposition	(Cycle 002)
Court Case Number	WATDCCR200201105
Court Agency	7TH DISTRICT COURT WATERVILLE; ME006035J

Charge 1

Charge Number 222684A 001
 Charge Tracking Number 222684A
 Agency 7TH DISTRICT COURT WATERVILLE; ME006035J
 Offense Date 2002-04-25
 Charge Description OPERATING UNDER THE INFLUENCE
 Statute 29-A MRSA SUBSECTION 2411(1)
 State Sequence Code 1197
 Severity Misdemeanor
 Disposition 2002-08-27; GUILTY

Sentencing	(Cycle 002)
Sentencing Agency	7TH DISTRICT COURT WATERVILLE; ME006035J

Court Case Number WATDCCR200201105

Charge Number 222684A 001

Charge Sequence Number 1

Charge Tracking Number 222684A

Sentence 2002-08-27: INCARCERATED 72 hours ALL BUT 0 years 0 months 0 days 0 hours suspended
 2002-08-27: LICENSE SUSPENSION 90 days
 2002-09-12: FINED \$400.00
 2002-09-12: INCARCERATED 48 hours ALL BUT 0 years 0 months 0 days 0 hours suspended
 2002-09-12: LICENSE SUSPENSION 90 days

Corrections	No data supplied
-------------	------------------

Cycle 003

ATN/Tracking Number	069970A
Earliest Event Date	2003-04-12
Arrest	No data supplied
Prosecutor Disposition	No data supplied
Court Disposition	(Cycle 003)
Court Case Number	PORDCCR200302780
Court Agency	9TH DISTRICT COURT PORTLAND; ME003035J

Charge 1

Charge Number 069970A 001
 Charge Tracking Number 069970A

Agency 9TH DISTRICT COURT PORTLAND; ME003035J
 Charge Description OPERATING UNDER THE INFLUENCE
 Statute 29-A MRSA SUBSECTION 2411(1)
 State Sequence Code 1197
 Severity Misdemeanor
 Disposition 2003-06-13; TRANSFER FOR JURY TRIAL

Court Disposition (Cycle 003)
 Court Case Number PORSCCR200301422
 Court Agency SUPERIOR COURT PORTLAND; ME003015J
 Charge 1

Charge Number 069970A 001
 Charge Tracking Number 069970A
 Agency SUPERIOR COURT PORTLAND; ME003015J
 Charge Description OPERATING UNDER THE INFLUENCE
 Statute 29-A MRSA SUBSECTION 2411(1)
 State Sequence Code 1197
 Severity Misdemeanor
 Disposition 2004-01-20; GUILTY

Sentencing (Cycle 003)
 Sentencing Agency SUPERIOR COURT PORTLAND; ME003015J

Court Case Number PORSCCR200301422
 Charge Number 069970A 001
 Charge Sequence Number 1
 Charge Tracking Number 069970A
 Sentence 2004-01-20: FINED \$600.00
 2004-01-20: INCARCERATED 180 days ALL BUT 0 years 0 months 10 days 0
 hours suspended
 2004-01-20: PROBATION 1 years

Corrections No data supplied

Cycle 004

ATN/Tracking Number 888652A
 Earliest Event Date 2011-05-30

Arrest/Charge (Cycle 004)
 Arrest/Charge Date 2011-05-31
 Arresting/Charging Agency BIDEFORD PD; ME0160100
 Subject Name(s) JORDAN, KENNETH
 Arrest Type Adult
 Charge 1

Charge Number 888652A 001
 Charge Tracking Number 888652A
 Charge Case Number 20111333
 Agency BIDEFORD PD; ME0160100
 Offense Date 2011-05-31
 Charge Description OPERATING UNDER THE INFLUENCE-3+ PRIORS
 Statute 29-A MRSA SUBSECTION 2411(1-A)(B)(3)
 State Sequence Code 11520
 Severity Felony

Prosecutor Disposition (Cycle 004)

Agency 9TH DISTRICT COURT PORTLAND; ME003035J
 Charge Description OPERATING UNDER THE INFLUENCE
 Statute 29-A MRSA SUBSECTION 2411(1)
 State Sequence Code 1197
 Severity Misdemeanor
 Disposition 2003-06-13; TRANSFER FOR JURY TRIAL

Court Disposition (Cycle 003)
 Court Case Number PORSCCR200301422
 Court Agency SUPERIOR COURT PORTLAND; ME003015J
 Charge 1

Charge Number 069970A 001
 Charge Tracking Number 069970A
 Agency SUPERIOR COURT PORTLAND; ME003015J
 Charge Description OPERATING UNDER THE INFLUENCE
 Statute 29-A MRSA SUBSECTION 2411(1)
 State Sequence Code 1197
 Severity Misdemeanor
 Disposition 2004-01-20; GUILTY

Sentencing (Cycle 003)
 Sentencing Agency SUPERIOR COURT PORTLAND; ME003015J

Court Case Number PORSCCR200301422
 Charge Number 069970A 001
 Charge Sequence Number 1
 Charge Tracking Number 069970A
 Sentence 2004-01-20: FINED \$600.00
 2004-01-20: INCARCERATED 180 days ALL BUT 0 years 0 months 10 days 0
 hours suspended
 2004-01-20: PROBATION 1 years

Corrections No data supplied

Cycle 004

ATN/Tracking Number 888652A
 Earliest Event Date 2011-05-30
 Arrest/Charge (Cycle 004)
 Arrest/Charge Date 2011-05-31
 Arresting/Charging Agency BIDDEFORD PD; ME0160100
 Subject Name(s) JORDAN, KENNETH
 Arrest Type Adult
 Charge 1

Charge Number 888652A 001
 Charge Tracking Number 888652A
 Charge Case Number 20111333
 Agency BIDDEFORD PD; ME0160100
 Offense Date 2011-05-31
 Charge Description OPERATING UNDER THE INFLUENCE-3+ PRIORS
 Statute 29-A MRSA SUBSECTION 2411(1-A)(B)(3)
 State Sequence Code 11520
 Severity Felony

Prosecutor Disposition (Cycle 004)

Prosecution Date 2011-07-01
 Prosecutor Agency DISTRICT ATTORNEY'S OFFICE ALFRED; ME016013A
 Charge 1

Charge Number 888652A 001
 Charge Tracking Number 888652A
 Offense Date 2011-05-31
 Charge Description OPERATING UNDER THE INFLUENCE-3+ PRIORS
 Statute 29-A MRSA SUBSECTION 2411(1-A)(B)(3)
 State Sequence Code 11520
 Severity Felony
 Prosecutor Action 2011-07-01; ADDED

Prosecutor Disposition (Cycle 004)
 Prosecution Date 2011-07-01
 Prosecutor Agency DISTRICT ATTORNEY'S OFFICE ALFRED; ME016013A
 Charge 1

Charge Number 888652A 001
 Charge Tracking Number 888652A
 Offense Date 2011-05-31
 Charge Description OPERATING UNDER THE INFLUENCE-3+ PRIORS
 Statute 29-A MRSA SUBSECTION 2411(1-A)(B)(3)
 State Sequence Code 11520
 Severity Felony
 Prosecutor Action 2012-01-05; ADDED

Prosecutor Disposition (Cycle 004)
 Prosecution Date 2011-07-01
 Prosecutor Agency DISTRICT ATTORNEY'S OFFICE ALFRED; ME016013A
 Charge 1

Charge Number 888652A 001
 Charge Tracking Number 888652A
 Offense Date 2011-05-31
 Charge Description OPERATING UNDER THE INFLUENCE-3+ PRIORS
 Statute 29-A MRSA SUBSECTION 2411(1-A)(B)(3)
 State Sequence Code 11520
 Severity Felony
 Prosecutor Action 2012-01-05; ADDED

Prosecutor Disposition (Cycle 004)
 Prosecution Date 2011-07-01
 Prosecutor Agency DISTRICT ATTORNEY'S OFFICE ALFRED; ME016013A
 Charge 1

Charge Number 888652A 001
 Charge Tracking Number 888652A
 Offense Date 2011-05-31
 Charge Description OPERATING UNDER THE INFLUENCE-3+ PRIORS
 Statute 29-A MRSA SUBSECTION 2411(1-A)(B)(3)
 State Sequence Code 11520
 Severity Felony
 Prosecutor Action 2011-07-01; ADDED

Prosecutor Disposition (Cycle 004)
 Prosecution Date 2011-07-01
 Prosecutor Agency DISTRICT ATTORNEY'S OFFICE ALFRED; ME016013A

Charge 1

Charge Number 888652A 001
 Charge Tracking Number 888652A
 Offense Date 2011-05-31
 Charge Description OPERATING UNDER THE INFLUENCE-3+ PRIORS
 Statute 29-A MRSA SUBSECTION 2411(1-A)(B)(3)
 State Sequence Code 11520
 Severity Felony
 Prosecutor Action 2011-07-01; ADDED

Prosecutor Disposition (Cycle 004)
 Prosecution Date 2011-07-01
 Prosecutor Agency DISTRICT ATTORNEY'S OFFICE ALFRED; ME016013A
 Charge 1

Charge Number 888652A 001
 Charge Tracking Number 888652A
 Offense Date 2011-05-31
 Charge Description OPERATING UNDER THE INFLUENCE-3+ PRIORS
 Statute 29-A MRSA SUBSECTION 2411(1-A)(B)(3)
 State Sequence Code 11520
 Severity Felony
 Prosecutor Action 2012-01-05; ADDED

Court Disposition (Cycle 004)
 Court Case Number ALFSCCR201101373
 Court Agency SUPERIOR COURT ALFRED; ME016015J
 Charge 1

Charge Number 888652A 001
 Charge Tracking Number 888652A
 Agency SUPERIOR COURT ALFRED; ME016015J
 Offense Date 2011-05-31
 Charge Description OPERATING UNDER THE INFLUENCE-3+ PRIORS
 Statute 29-A MRSA SUBSECTION 2411(1-A)(B)(3)
 State Sequence Code 11520
 Severity Felony
 Disposition 2012-01-03; DISMISSED BY DA/AG - PLED OTHER CHARGE

Charge 2

Charge Number 888652A 002
 Charge Tracking Number 888652A
 Agency SUPERIOR COURT ALFRED; ME016015J
 Offense Date 2011-05-31
 Charge Description OPERATING UNDER THE INFLUENCE-1 PRIOR
 Statute 29-A MRSA SUBSECTION 2411(1-A)(B)(1)
 State Sequence Code 11518
 Severity Misdemeanor
 Disposition 2012-01-03; GUILTY

Sentencing (Cycle 004)
 Sentencing Agency SUPERIOR COURT ALFRED; ME016015J
 Court Case Number ALFSCCR201101373
 Charge Number 888652A 002
 Charge Sequence Number 2
 Charge Tracking Number 888652A

Sentence 2012-01-03: INCARCERATED 364 days ALL BUT 0 years 0 months 90 days 0
hours suspended
2012-01-03: PROBATION 1 years

Corrections No data supplied

Index of Agencies

Agency	SUPERIOR COURT PORTLAND; ME003015J
Agency Telephone	207-822-4105
Address	142 FEDERAL PORTLAND, ME 04101
Agency	9TH DISTRICT COURT PORTLAND; ME003035J
Agency Telephone	207-822-4205
Address	205 NEWBURY ST PORTLAND, ME 04101
Agency	7TH DISTRICT COURT WATERVILLE; ME006035J
Agency Telephone	207-873-2103
Address	PO BOX 397 WATERVILLE, ME 04903
Agency	SUPERIOR COURT ALFRED; ME016015J
Agency Telephone	207-324-5122
Address	PO BOX 160 ALFRED, ME 04002
Agency	SCARBOROUGH PD; ME0030700
Agency Telephone	207-883-6361
Address	246 ROUTE 1 SCARBOROUGH, ME 04074
Agency	WATERVILLE PD; ME0060400
Agency Telephone	207-872-5551
Address	10 COLBY STREET WATERVILLE, ME 04901
Agency	BUREAU OF LIQUOR ENFORCEMENT HALLOWELL; ME0061800
Agency Telephone	207-624-7220
Address	STATE HOUSE STATION 164 AUGUSTA, ME 04333-0164
Agency	BIDDEFORD PD; ME0160100
Agency Telephone	207-282-5127
Address	39 ALFRED ST BIDDEFORD, ME 04005
Agency	DISTRICT ATTORNEY'S OFFICE ALFRED; ME016013A
Agency Telephone	207-324-8001
Address	PO BOX 399 ALFRED, ME 04002

The Sinful Kitchen

906 Brighton Ave.



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

February 18, 2015

Aloha Partners, LLC
Attn: David Mallari
33 Overset Rd.
Portland, ME 04103

Re: Aloha Partners, LLC d/b/a The Sinful Kitchen. Application for a Class I FSE License at 906 Brighton Ave.

Dear Mr. Mallari,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, March 2nd at 7 p.m.** for the review of your application for Aloha Partners, LLC d/b/a The Sinful Kitchen's Class I FSE License at 906 Brighton Ave. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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

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

Sincerely,

Janice Gardner
Business License Administrator
207-874-8557
bl@portlandmaine.gov

Order 170-14/15
Tab 11 3-2-15

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

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

New England Provisions Co. d/b/a Old Port Lobster Shack. Application for a Class III & IV (Wine & Beer) License and Outdoor Dining on Private Property at 425 Fore St.

Letter of Intent

New England Provisions dba
Old Port Lobster Shack
425 Fore St.
Portland, Me 04101

TO: City of Portland
Honorable Mayor and Members of the City Council

Old Port Lobster Shack is respectfully applying for a business license to operate a Seafood Restaurant (Old Port Lobster Shack) on 425 Fore St. The proposed restaurant will be located on the same block where Five Guys Burgers and Gelato Fiasco are located - in the space of Helene M - a woman's apparel retail store. The restaurant will be family oriented with hours of operations between 11am ~ 9:30 PM. It will have sitting inside and outside, the outside dinning will be limited to 6-7 tables in the front of the store -- located on a private patio space. The current outside patio is approximately 20' long and 10' wide. The outside dinning will be closed during the winter months.

Below please find some facts about proposed restaurant.

The proposed restaurant is based on Old Port Lobster Shacks in San Francisco bay areas.

Old Port Lobster Co. (dba Old Port Lobster Shack) was started in 2006 in Redwood City, California. The Lobster Shack establishments are informal, "quick serve" seafood restaurants specializing in lobster prepared in various ways that are commonly found in Maine lobster shacks. The Lobster Shack's signature entrée and most popular menu item is the "Maine Roll" - a top loading east coast style hot dog bun grilled in butter and stuffed with succulent lobster meat.

Old Port Lobster Co. (OPL) is based in the heart of the Silicon Valley and has grown to three locations. In addition, the company operates an extraordinary food truck, the "ShackMobile" - used for large catering and special events throughout California.

OPL has locations in Redwood City, Portola Valley and Westfield Valley Fair Mall, San Jose.

OPL has won numerous food critic awards. Most recently, Old Port Lobster Shack won a major competition, the "Lobster Rumble" in San Francisco, sponsored by New York's City's Tasting Table, bringing home the grand prize for best lobster roll. This award followed Tasting Table's Lobster Rumble in NYC, 2011 where Old Port Lobster Shack was named "Critic's Choice" for best lobster roll by the Huffington Post. The Lobster Shack restaurants are highly rated on Yelp and the original location has close to 2000 reviews. Please see the following links for more information: www.facebook.com/oplobster and www.oplobster.com

Thank you for your consideration.
Respectfully,
Michael Michalski -- Owner
New England Provisions Co.
Dbas/ Old Port Lobster Shack

Portland, Maine



Yes. Life's good here.

End 1/26/15

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

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	OLD PORT LOBSTER Shack Phone: 207 450 7755
Location Address:	425 FORE ST. PORTLAND ME Zip: 04101
If new, what was formerly at this location:	HELENE M LTD
Mailing Address:	425 FORE ST, PORTLAND ME Zip: 04101
Contact Person:	MICHAEL MICHALSKI Phone: 207 450 7755
Contact Person Email:	Michael@OPLobster.com
Manager of Establishment:	Michael MICHALSKI Phone: 207 450 7755
Owner of Premises (Landlord):	EAST BROWN Cow Mgmt. Inc.
Address of Premises Owner:	100 COMMERCIAL ST. PORTLAND ME Zip: 04101

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name	Corporate Mailing Address
NEW ENGLAND PROVISIONS CO.	24 WATERS DR. YARMOUTH ME Zip: 04096
Contact Person:	MICHAEL MICHALSKI Phone: 207 450 7755

Principal Officers	Title	Date of Birth	Residence Address
MICHAEL MICHALSKI	President	4-19-60	24 WATERS Edge Dr. YARMOUTH ME 04096
			PO BOX 6144 Dr. PORTLAND ME, CA 04028

About Your Establishment

Class of Liquor License:	III & IV	
Type of food served:	SEAFOOD	
Please circle all that will be served:	(Beer) (Wine) Liquor	
Projected percentage of sales:	Generated from Food: 80%	Generated from Alcohol: 20%
Hours & days of operation:	11:30-9:30 PM	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y/N
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y/N
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	Y/N
Will you permit dancing on the premises?	Y/N
Will you permit dancing after 1:00 a.m.?	Y/N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y/N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	Y/N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date?	MAY 1st, 2015
Does the issuance of this license directly or indirectly benefit any City employee(s)?	Y/N
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?	Y/N
If Yes, please list business name(s) and location(s):	
Is any principal officer under the age of 21?	Y/N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y/N
If Yes, please explain:	

I Michael Michalewski do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

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 President Date 1/14/2015

For more information about Liquor Licenses, see Portland City Code Chapter 15 at www.portlandmaine.gov and M.R.S.A. Title 28-A at www.maine.gov

BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, ME 04333-0008



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 _____

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.) DOB:	2. Business Name (D/B/A)
NEW ENGLAND PROVISIONS CO. DOB:	NEW ENGLAND PROVISIONS CO.
425 FOREST. DOB:	425 FORE ST.
Address	Location (Street Address)
PORTLAND ME 04101	PORTLAND ME 04101
City/Town State Zip Code	City/Town State Zip Code
PORTLAND ME 04101	425 FORE ST.
City/Town State Zip Code	Mailing Address
207775 7755	PORTLAND ME 04101
City/Town State Zip Code	City/Town State Zip Code
Telephone Number Fax Number	City/Town State Zip Code
207450 7755 207692 2676	207450 7755 207692 2676
Telephone Number Fax Number	Business Telephone Number Fax Number
Federal I.D. # 26-4055656	Business Telephone Number Fax Number
	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 \$ _____ FOOD \$ _____ LIQUOR \$ _____

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

If YES, complete Supplementary Questionnaire

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

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

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

Requested inspection date: _____ Business hours: _____

9. Business records are located at: 425 FORE ST. PORTLAND, ME 04101

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

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
MICHAEL MICHALSKI	4-19-60	POLAND

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

YARMOUTH, MAINE
PORTOLK VALLEY, CA

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

Name: _____ Date of Conviction: _____

Offense: _____ 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 BROW COW MGMT. 100 COMMERCIAL ST. PORTLAND, ME 04101

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) This will be a seafood restaurant serving local seafood.

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

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 0.5 mile Which of the above is nearest? PORTLAND High School.

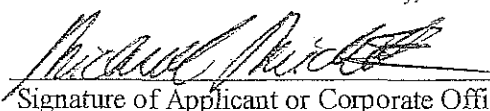
20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: _____

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

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

Dated at: PORTLAND, MAINE on 01 / 09, 20 15
Town/City, State Date


Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name



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:

NEW ENGLAND PROVISIONS CO.

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

OLD PORT LOBSTER SHACK

3. Date of filing with the Secretary of State: 12/19/2008

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 %
MICHAEL MICHAL-SIL I	24 WAILES EDGE DR YARMOUTH ME 04096	4/19/60	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: _____

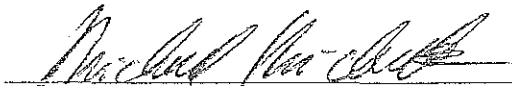
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

Date

1/9/2015

MICHAEL MICHALSKI

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

DISH WASHER

ELEC. PANEL

TANKLESS
WATER HEATER

SODA MACHINE

CO2 / SYRUP
BELOW

(2) POS

BOH

WOMEN

MEN

UP

SOUP STATION

WALK-IN
REF/FREEZER

WINE / BEER

U/C REF.

MENU ABOVE

SHUCKING
STATION

MENU ABOVE

OYSTER

46 SEATING

TRASH /
CONDIMENT

NANA HOLDING DOOR

AWNING ABOVE

PROPOSED FLOOR PLAN

SCALE" 1/4" = 1'-0"

Old Port Lobster
Shack.

425 FORE ST. PORTLAND.



Outdoor Dining Permit Application

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

☒ New Application for Outside Dining ☐ Renewal Application for Outside Dining City Clerk signature for liquor license approval: _____ <u>Pending Council Date:</u>			
Location Name & Address: Old Port Lobster Shack 425 FORE ST, PORTLAND, ME 04101	Chart 032	Block 1041	Lot 41764
Owner & Phone #: Richard East Brown/Cashmere, 207 775 2252	Total Square Footage of Proposed Seating Area:¹ 200		
Applicant *must* be owner or lessee Name: MICHAEL MICHALSKI Address: 425 FORE ST. City, State & Zip: PORTLAND, ME 04101 E-Mail: Michael@OPLobster.com		Annual Fee: \$80 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>RETAIL STORE / WOMAN'S APPAREL</u> Business name: <u>HELENE M 44</u> Seating area dimensions: <u>10X20'</u> How many chairs? <u>12-14</u> How many tables? <u>5</u> ☒ Yes Alcohol is served. ☐ No Alcohol being served.			
Who should we contact for the pre-inspection: <u>MICHAEL MICHALSKI</u> Mailing address: <u>425 FORE ST, PORTLAND, ME 04101</u> Phone: <u>207 450 7755</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: 1/15/2015

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.

SHACK-MADE SWEETS

Maine Blueberry Pie with or without Ice Cream.....	6.50
Blueberry Cobbler with or without Ice Cream	6.50
Key Lime Pie.....	5.00
Blueberry Ice Cream with Maine Maple or Blueberry Syrup.....	3.50

WHITE WINES

	<u>Glass</u>	<u>Bottle</u>
Shack House White, Copolla, CA	6.50	½ carafe 12.00
Shack House White		Pitcher 21.00
SeaGlass, Sauvignon Blanc, Santa Barbara	8.50	26.00
Hess, Sauvignon Blanc, Monterey	8.50	26.00
Oyster Bay, Sauvignon Blanc, (NZ)	8.50	26.00
Kim Crawford Sauvignon Blanc.	½ Bottle	18.00
HogWash, California Rose Wine	10.00	30.00
2012 Rose Table Wine, Zillan, Wash.	8.50	26.00
Vin Alegre, Paso Robles, a dry Rose	8.50	26.00
3 Blind Moose, Pinot Grigio, Acampo, CA	6.50	18.00
SeaGlass, Chardonnay, Santa Barbara County	8.50	26.00
Hess, Chardonnay, Monterey	8.50	26.00
Fish Eye, Chardonnay, Australia	6.50	18.00

RED WINES

Shack House Red, Geyserville, CA	10.00	½ carafe 19.00
Shack House Red		Pitcher 32.00
Fish Eye, Shiraz, Australia	6.50	18.00
Fish Eye, Cabernet Sauvignon, Australia	6.50	18.00

SPARKLING WINE Mionetto, Brut Italian Split 8.50

SAKE Hakutsuru Superior Sake Junmai-Ginjo, Japan bottle only 10.00

DRAFT BEERS – 5.75/Glass, Pitcher -12.75 Sm, 17.75/LG

Shipyard Export Ale & Birra Moretti, Old Thumper

PREMIUM DRAFT BEERS- 6.75/Glass, Pitcher - 14.75 Sm, 19.75/LG

Allagash White Ale, 7.4%abv, Peak Organic Spring Session Ale,

Stella Artois, Strike IPA 9.25%abv,

Shipyard Smashed Blueberry Imperial Porter 9%

Humboldt Brown Hemp Ale, Mission Hefeweizen (Bavarian Style)

SUPER-DUPER PREMIUM BEER - 7.50/Glass – 28.00/Sm Pitcher

Allagash Black Stout, 11.2%
abv

Specialty Bottled Beer: Chimay White, Red or Blue Cap – 7.50

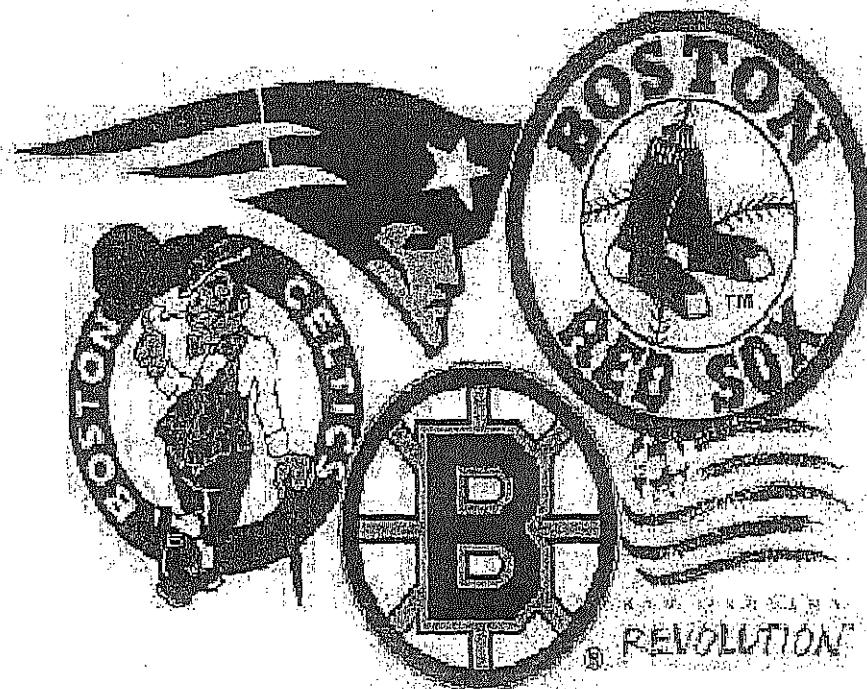
All Bottled Beers- 4.00

Fountain Sodas - 2.50; Bottled Sodas and Bottled Waters – 3.00

* Contains bacon and flour

* Oyster Warning : Eating raw oysters may cause severe illness and even death in persons who have liver disease. (for example alcoholic cirrhosis) Cancer of the liver or other chronic illness that weaken the system. If you eat raw oysters and become ill, you should seek immediate medical attention if you are unsure if you are at risk, you need to consult your physician.

Old Port Lobster Shack



Russell, Lynn, Isaac & Aaron Deutsch, Owners

russell@oplobster.com

REDWOOD CITY

851 Veterans Boulevard, Redwood City, CA 94063

Tel: 650.366.2400 Fax: 650.366.4658

PORTOLA VALLEY

3130 Alpine Rd., Portola Valley, CA 94028

Tel: 650.561.9500 Fax: 650.561.9520

OPEN SINCE FEB. 2006

Open daily at 11:00am 7 days a week

Follow us on Twitter: @lobstershack & Facebook: Old Port Lobster Shack

CHOWDAH'S

New England Clam "Chowdah"	Cup - 5.75; Mug - 7.00
Soup of the Day "Crab Corn Chowdah"	Cup - 5.75; Mug - 7.00
Shack Lobstah Bisque	Cup - 7.75; Mug - 9.75
Shack Gazpacho with Lobster and Shrimp	Cup - 7.75; Mug - 9.75
Rhode Island Red *Chowdah*	Cup - 5.75; Mug - 7.00
Above chowdah's add sour dough bread bowl	2.00

SHACKETIZERS

Steamers (Ipswich soft-shell clams cooked in broth served w/butter)	21.75
Count Neck Clams cooked in white wine & garlic herb butter	16.75
Mussels cooked in white wine and garlic herb butter	14.75
Oysters on the Shell, Duxbury (Raw)* . 1/2 Doz -	16.75; Dozen - 25.75
Fried Whole-Belly Ipswich Clams	18.75
Fried Oysters... 14.75; Fried Scallops... 15.75; Fried Shrimp...	12.75
Beer Battered Coconut Shrimp with Sweet & Sour Sauce	13.75
Fried Calamari served with Cocktail & Shack Tarter Sauce	10.75
Salmon Cakes(2 pcs)	8.75
Popcorn Shrimp	8.75
Sweet Potato Fries	\$4.00
Onion Rings	5.75
Garlic Fries	5.00

THE ULTIMATE LOBSTAH ROLL® and OTHER ROLLS

The Maine Lobstah Roll	19.75
Lobstah mixed with Hellmann's mayo, green onions, salt & pepper	
The Naked Lobstah Roll	19.75
Lobstah meat on a roll served with sides of mayo & butter	
The Double Play Lobstah Roll™	37.00
Two lobstah rolls of your choice in one basket...double your lobstah pleasure	
The Double Play Lobstah & BBQ Roll	25.00
One lobstah roll of your choice & one BBQ(tri-tip,brisket or pork)rolls in one basket	
Maine Jonah Crab Meat Roll	18.75
Fried Clam Roll (6oz of Fried Clams on our signature roll)	19.75
Fried Scallop Roll (6oz of Scallops on our signature roll)	17.75
Oyster Po' Boy (8oz of Fried Oysters on our signature roll)	15.75
(All the rolls & Sandwiches are served with skin-on fries and coleslaw)	

SHACK SHIPYARD BEER BATTERED SPECIALS

Beer Battered Fish (Haddock) and Chips	12.75
Beer Battered Shrimp and Chips	13.75
Beer Battered Coconut Shrimp and Chips w/ Sweet & Sour Sauce	14.75
Beer Battered Salmon and Chips	14.75

SANDWICHES

The Maine Lobstah Melt	19.75
Shack Krabby Patty Melt - made with REAL Maine Crab meat	18.75
Blackened Salmon Sandwich with side of Jalapeño	15.75
Salmon Burger with side of Jalapeño Mayo	12.75
Blackened Tilapia Sandwich with side of Jalapeño Mayo	10.75
Fried Haddock Sandwich with side of Tarter Sauce	12.75
Grilled Chicken Sandwich with side of Shack Chipotle Sauce	8.75
Hamburger or Cheeseburger(\$2 Bacon)	7.75/8.75

LOBSTER SHACK LOBSTAH SPECIALS

Steamed Maine Lobstah - 1 1/4 lb.	21.75 or 2 for 40.00
"BIG BOYS" Lobstah - 2 1/2 lb.	32.75 or 2 for 60.00
(Steamed Lobstah Dinners served with butter, fries, corn on the cob & coleslaw)	
Lobstah Ravioli (shack lobstah bisque)	18.75

RACK and ROLL BBQ SHACK® SPECIALS

Slow Smoked In-House over Pecan Wood

BBQ Pulled Brisket or Tri-Tip	Plate - 12.75; Sand. - 9.75
Tri-Tip Melt(Chipotle Sauce)	12.75
BBQ Pulled Pork	Plate - 9.75; Sand. - 7.75
Pulled Rib Sandwich (rib meat, no bones, on a bun)	10.75

All rolls served on our signature hot dog bun with skin-on fries, coleslaw and pickles
All the above BBQ Plates are served with coleslaw and burnt-end baked beans, one of the following: skin-on fries, mac & 5 cheese. Side Sautéed vegetables add \$3.00

BBQ on the Green....Brisket or Tri-Tip - 12.75; Pulled Pork - 9.75
mixed greens, tomatoes, cucumber, avocado, and sheared cheddar served with a grilled roll
Dressings: Ranch, Blue Cheese, Thousand Island or Caesar

THE 5 CHEESE MAC's at the SHACK's

House-Made with Provolone, Mozzarella, Parmesan, Romano & Cheddar

BAKED Macaroni and 5 Cheese with BBQ Pulled Rib	11.75
BAKED Macaroni and 5 Cheese with BBQ Pulled Pork	10.75
BAKED Macaroni and 5 Cheese with LOBSTAH	19.75
BAKED Macaroni and 5 Cheese with Sautéed Vegetables	8.75
Not So Plain Ole BAKED Macaroni and 5 Cheese	5.75

LOBSTAH SHACK SEAFOOD SPECIALITIES

Captain's Platter - Includes fried fish, shrimp, and Ipswich clams	28.75
First Mate's Plate - Choose two fried items: fish, shrimp, calamari, oysters	22.75
Fried Ipswich Clam Plate	21.75
Fried or Sautéed Shrimp Plate w/ capers, garlic & tomatoes	13.75
Fried or Broiled Scallops	17.75
Fried Calamari Plate	12.75
Fried Haddock Plate or Baked Haddock Plate	12.75
Ritz Cracker Crusted Pan-Seared Tilapia Fillet	10.75
Salmon Your Way: Blackened, Grilled or Garlic Butter	15.75

All the above served with coleslaw and one of the following: skin-on french fries, mac & 5 cheese, or beer battered onion rings. Side Sautéed vegetables add \$3.00

SHACK SALADS

The Big Lobstah Louie	full 21.75; half 16.75
Shrimp Louie	full 17.75; half 12.75
Crab Meat Louie	full 18.75; half 13.75
Shack Louie with Lobstah, Shrimp and Crab	full 27.75; half 21.75
(Romaine-heart, Tomatoes, Cucumbers, Avocado, Hard-boiled Egg, Side Louie Dressing)	
Caesar Salad (add Lob 21.75)	full 7.75; half 4.75
add grilled chicken	-12.75; add BBQ tri-tip -12.75; add blackened salmon -14.75
Nor'easter Salad	full 8.75; half 5.75
(mixed greens with candied pecans, Gorgonzola cheese, apples and blueberry vinaigrette)	

Business Licensing - OLD PORT LOBSTER SHACK - PENDI Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 2/3/2015 4:42 PM
Subject: OLD PORT LOBSTER SHACK - PENDI Business License Approval

OLD PORT LOBSTER SHACK - PENDI is Approved for their Business License Inspection by the Police Dept.

Date: 2/3/2015

Zone:

Comments: All licenses.

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



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

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C394294

Criminal History Record

Introduction

This criminal history record was produced in response to the following request
(Produced on 2015-01-28) :

Inquiries Name(s) MICHAEL MICHALSKI (1960-04-19)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Old Port Lobster Shack

425 Fore St.





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

February 3, 2015

New England Provisions Co.
Attn: Michael Michalski
24 Waters Dr.
Yarmouth, ME 04096

Re: New England Provisions Co. d/b/a Old Port Lobster Shack. Application for a Class III & IV (Wine & Beer) License and Outdoor Dining on Private Property at 425 Fore St.

Dear Mr. Michalski,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, February 23rd at 7 p.m.** for the review of your application for a Class III & IV (Wine & Beer) license for New England Provisions Co. d/b/a Old Port Lobster Shack. 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
207-874-8557
bl@portlandmaine.gov

Com 13-14/15
Tab 12 3-2-15

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Alex Jaegerman, Planning Division Director

DATE: February 18, 2015

DISTRIBUTION: City Manager, Mayor, Sonia Bean, Danielle West-Chuhta,
Nancy English, Julie Sullivan

SUBJECT: Communication Re: Appointment of New Members to the Reed School Re-Use
Task Force

SPONSOR: Mayor Michael Brennan

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading N/A Final Action No Action Required

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

PRESENTATION: None required. Alex Jaegerman will be available to answer questions from City Council.

I. SUMMARY OF ISSUE (Agenda Description)

The Reed School sits on approximately 2.5 acres on Homestead Avenue in the Riverton neighborhood. Originally a school, it was more recently the central kitchen for the Portland Public Schools. It currently is used for limited storage, and is largely vacant and underutilized. In September, staff proposed the creation of a citizen's Task Force to the Housing and Community Development Committee, and to Mayor Brennan, to report potential and priority uses of the property and recommend a process to review proposals for re-use of the Reed School property. Several membership slots of the Task Force went unfilled, and three new members, Riverton residents, have been recommended for appointment. These positions fill the vacancies left by the two places held for the Riverton Community Association, which is not currently active, and the one designated for the Riverton PTO, which had an initial designee who was unable to continue, and to date no replacement member.

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

To communicate these recent Mayoral appointments to the Council and keep the council informed of this planning initiative.

III. INTENDED RESULT

The Council will receive a report on the Task Force's findings, with recommendations for best uses of the property, as well as recommendations for the proposal review process that would follow submission of the report.

IV. COUNCIL GOAL ADDRESSED

Though the Task Force will make final recommendations on the future uses of this property, it is staff's initial assessment that the site and the buildings have the potential to be repurposed for housing. A goal listed in the Goals of the City Council Common Goals and Objectives for 2014 is to *Promote Housing Availability: Provide increased availability in all segments of the housing market while insuring that there is a suitable balance of housing opportunities among those sectors.* The first objective of that goal is to *Complete assessment of and, as appropriate, begin to offer city owned property to construct affordable housing.*

V. FINANCIAL IMPACT

The process is staffed by the Planning Division, and the work of the Task Force requires no additional funding. The potential re-use of an underutilized city property offers positive financial benefits for the city in the future.

VI. STAFF ANALYSIS

The Planning Division welcomes the addition of these three Riverton residents to the Task Force, and will continue to work closely with the group to further the goal of repurposing the Reed School property.

VII. RECOMMENDATION

None.

VIII. LIST ATTACHMENTS

Charge to Reed School Re-Use Task force and modified list of Task Force members.

Prepared by: Christine Grimando

Date: February 18, 2015

Reed School Re-Use Task Force Charge

The Reed School Re-Use Advisory Task Force was established to:

- Report potential uses of the property;
- Develop criteria for making final recommendations on the preferred uses of the property;
- Recommend a process to review proposals for re-use of the property; and
- Report findings to the City Council's Housing and Community Development Committee within six months of Task Force inception.

The process would be staffed by the Planning Division.

Reed School Re-Use Task Force Members

Reed School Re-Use Task Force Members

Councilor David Brenerman and John Coyne, Co-Chairs

HCDC Committee Liaison Designee - David Brenerman

Portland Planning Board Designee - Sean Dundon

~~Riverton Community Association Designees (2) - This group is not active.~~

Portland Trails Designee - Kara Wooldrik

Workforce Housing Designee - Jan McCormick

Portland Society for Architecture Designee - Leslie Burnham

Greater Portland Landmarks Designee - Hilary Bassett

GPCOG Designee - Rebecca Schaffner

Denise Harlow, State Representative, District #116

~~Riverton Elementary PTO Designee - The original designee was not able to continue, no other designees/volunteers have come forward.~~

Parks Commission Designee - Steve Morgenstein

Elise Scala - Neighborhood Resident

Hillary Krapf - Neighborhood Resident

Dyan Albano - Neighborhood Resident

Mark Johnson - Neighborhood Resident

*Resolve 5-14/15
Tab 13 3-2-15*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**RESOLUTION SUPPORTING
THE RIGHT OF SAME-SEX COUPLES TO MARRY**

WHEREAS, Maine same-sex couples have had the right to marry since 12:01 a.m. on December 29, 2012; and

WHEREAS, the right for same-sex couples to marry has now been granted in 37 states; and

WHEREAS, despite enjoying that right in those 37 states, same-sex married couples do not have the rights of a married couple when traveling or upon a move to states that have not granted this right; and

WHEREAS, same-sex married couples living or traveling in states that have not granted them the right to marry may deprive them of the right of married couples for tax equity, family and medical leave, insurance and retirement benefits; and

WHEREAS, same-sex married couples deserve treatment equal to different-sex married couples under the laws of the United States; and

WHEREAS, the City Council passed Resolve 16-08/09 on April 27, 2009 supporting state legislation legalizing same-sex marriage; and

WHEREAS, although the City's voters cast ballots with more than 70 percent in opposition in the referendum to repeal that state law that had granted the right to same-sex marriage in 2009, the statewide vote overturned the state law; and

WHEREAS, three years later, the City Council passed Resolve 3-12/13 on October 15, 2012, supporting the Referendum Question 1, which statewide vote finally granted the right to same-sex marriage in Maine; and

WHEREAS, Mayors For the Freedom to Marry, Mayors in the United States Conference of Mayors, and Mayors of the Cities of Los Angeles, New York City and San Francisco, among other municipalities, have signed in support of the attached Marriage Equality Amicus Brief submitted to the United State Supreme Court in support of equal treatment in the court's consideration of April DeBoer, et al., v. Richard Snyder, et al, a lawsuit concerning the rights of married same-sex couples in the United States; and

WHEREAS, Portland's Mayor and its City Councilors desire to proclaim continued support for the rights of same-sex couples to marry and to enjoy the same rights of married

couples everywhere in the United States by signing the Amicus Brief on behalf of Portland;

NOW, THEREFORE, BE IT RESOLVED by the members of the Portland City Council that the city affirms and commits to the support of this Friends of the Court or *Amicus Curiae* Brief and authorizes the Mayor to sign on its behalf.

In The
Supreme Court of the United States

No. 14-571

APRIL DEBOER, *et al.*,

Petitioners,

v.

RICHARD SNYDER, *et al.*,

Respondents.

On Writ of Certiorari to the United
States Court of Appeals for the Sixth Circuit

BRIEF FOR *AMICI CURIAE* WITH MUNICIPAL INTERESTS:

**[NUMBER] MAYORS, MAYORS FOR THE FREEDOM TO MARRY; THE U.S.
CONFERENCE OF MAYORS; AND THE CITIES OF LOS ANGELES, NEW YORK
AND SAN FRANCISCO AND OTHER MUNICIPALITIES**

IN SUPPORT OF PETITIONERS

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1390 Market Street, 6th Floor
San Francisco, CA 94102
Telephone (415) 554- 4290

VALERIA TANCO, *et al.*,
Petitioners,

v.

WILLIAM EDWARD “BILL” HASLAM, *et al.*,

Respondents.

BRITTANI HENRY, *et al.*,
Petitioners,

v.

RICHARD HODGES, *et al.*,

Respondents.

JAMES OBERGEFELL, *et al.*,
Petitioners,

v.

RICHARD HODGES, *et al.*,

Respondents.

TIMOTHY LOVE, *et al.*, AND GREGORY BOURKE, *et al.*,
Petitioners,

v.

STEVE BESHEAR, *et al.*,
Respondents.

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IDENTITY AND INTEREST OF *AMICI CURIAE* ¹

*Amici Curiae*² are __mayors and _ cities from across the country, from states that have accorded the freedom to marry to all and those that have not. All *Amici* know firsthand the importance of marriage to their communities. Marriage makes citizens healthier, more productive and economically successful, and all municipalities prosper when the right to marry is equally available to all who live within their borders.

Municipalities, as the level of government most closely connected to the citizens they serve, bear a great burden when a target sector of their populace is denied the right to marry. *Amici* attend to the daily needs of their citizens: they provide police and fire services; they handle parks and recreation services, transportation, housing, and a broad range of other services. Some municipalities offer public health and emergency medical services, and family

¹No party nor counsel for a party authored this brief in whole or in part, and no person or entity, other than *amici curiae* or their counsel, made any monetary contribution to fund the preparation or submission of this brief. Respondents have filed blanket consents to the filing of amicus briefs with the Clerk, and Petitioners' letter consent is filed concurrently with this brief.

²*Amici*, which also include the U.S. Conference of Mayors and Mayors for the Freedom to Marry, are listed in the Appendix.

and child services. Under the leadership of mayors and governing bodies, municipalities create and enforce local laws and policies. They perform long-term planning and provide the vision for the future of communities they serve. In performing these tasks, Amici have all seen the benefits that marriage brings to a community.

“Marriages cement families, families build neighborhoods; strong neighborhoods create strong communities; strong communities make strong cities, and cities are the backbone of America.”
Houston Mayor Annise D. Parker, January 20, 2012.

When the freedom to marry is denied, municipalities are the first level of government to suffer the impact.

The amici cities have a long history of implementing local measures designed to ensure the fair and equal treatment of gay and lesbian citizens, and to provide a welcoming environment for visitors. The U.S. Conference of Mayors adopted a resolution declaring its support for marriage equality for same-sex couples, and all attendant rights such as family and medical leave, tax equity, insurance and retirement benefits, and its opposition to the enshrinement of discrimination in the federal or state constitution.”

Denying the freedom to marry is discrimination that undermines local efforts. Amici are united in urging this

Court to reverse the Sixth Circuit and affirm the freedom to marry for all Americans.

SUMMARY OF ARGUMENT

The Sixth Circuit held that gay and lesbian citizens, unlike all other citizens, have no fundamental right to marry. *DeBoer v. Snyder*, 772 F.3d 388 (6th Cir. 2014). According to that court, whether or not this discrete group can marry should be left to the “usually reliable work of the state democratic processes.” 772 F.3d at 396. That is, the freedom to marry – for gays and lesbians but no others – should be placed “in the hands of the state voters.” *Id.* at 403.

In an unbroken line of cases from *Loving v. Virginia*, 388 U.S. 1, 12 (1967) to *Zablocki v. Redhail*, 434 U.S. 374, 384 (1978) and *Turner v. Safley*, 482 U.S. 78, (1987), this Court has held that the freedom to marry is a fundamental right. Amici ask this Court to expressly hold that this fundamental right applies equally to same-sex couples and different-sex couples, it cannot be withheld by popular vote or the whims of a state legislature, and states cannot discriminatorily refuse to respect lawful marriages performed in other states. At least three grounds support this result.

First, excluding a certain class of citizens from marriage undermines the dignity and respect that government owes all its citizens. Gay and lesbian couples live in all of our communities, where they raise children,

support each other in sickness and in health, combine assets, buy homes and otherwise engage in all the indicia of marriage. The stability of these family units directly benefit municipalities. Marriage lessens societal ills such as poverty, homelessness, and crime; when it is denied to a defined class of citizens, they – and their children – are more likely to need the social services that municipalities provide.

Equal treatment under the law, including the freedom to marry, is also a boon to municipalities' local economies, which are largely reliant on the recruitment of talent and diversity in the workforce and in their population. "[D]iverse, inclusive communities that welcome gays, immigrants, artists, and free-thinking bohemians are ideal for nurturing creativity and innovation, both keys to success in the new technology." Richard Florida & Gary Gates, The Brookings Institution, *Technology and Tolerance: The Importance of Diversity to High-Technology Growth* (2001). Institutional discrimination at the state level greatly impedes local governments' ability to achieve that goal. Without marriage equality, public entities face great difficulty attracting the kind of talent that enriches their local economies, diminishing their competitiveness vis-à-vis states (or countries) that permit equal access to marriage.

Second, official recognition of marriage as a fundamental right of all citizens, including gay men and lesbians, is crucial to municipalities' ability to treat

citizens with equal dignity and respect. Long before the current momentum towards ending gay couples' exclusion from marriage, numerous cities had already been at the forefront in enacting local laws and regulations prohibiting discrimination on the basis of sexual orientation, sometimes long before the state counterparts. Those cities have seen the benefits of treating their citizens with equal dignity and respect, a respect that must extend to their full and equal enjoyment of constitutional rights such as the freedom to marry.

Finally, marriage equality cannot have full meaning unless it is recognized uniformly across state lines. The second question before this Court – whether a state may constitutionally refuse to recognize the marriage of a same-sex couple validly married in another state – should be answered with a resounding “no.”

The right to travel is based on the premise that our country is strengthened by the freedom that we all have to move among the various states. It is hard to imagine a greater obstruction to travel than a state law declaring that a family will be dissolved upon entry into another state. Amici, who seek to attract a diverse and vibrant pool of employees, businesses and residents, have a strong interest in ensuring that such blatant constitutional violations of their citizens are not tolerated by this Court.

ARGUMENT

I. DISCRIMINATORY MARRIAGE LAWS IMPAIR THE ABILITY OF MUNICIPALITIES TO TREAT THEIR CITIZENS WITH DIGNITY AND RESPECT.

1. Municipalities know firsthand the importance of marriage to individual dignity, prosperity and social stability.

Jerry Sanders, former mayor of San Diego, California, in explaining his support of marriage equality, said:

“Allowing loving and committed couples to join in marriage has benefits not just for couples and their families – but also for society. Marriage encourages people to take responsibility for each other, provides greater security for children, and helps our country live up to its promises set forth in our founding documents. These are important values for a strong society, and we should encourage them.”

It is well-documented that marriage brings financial and emotional stability to citizens, leading to healthier communities that allow local governments to thrive. Marriage is a “vital social institution.” *Goodridge v. Dep’t of Pub. Health*, 798 N.E.2d 941, 948 (Mass. 2003).

“For those who choose to marry, and for their children, marriage provides an abundance of legal, financial and social benefits. In return, it imposes weighty legal, financial and social obligations.” *Ibid.*

The benefits of marriage were recognized and outlined by the United States District Court for the Northern District of California, much as they have been affirmed in over 60 state and federal rulings in the past two years. The Court found that marriage benefits society because it organizes individuals into “cohesive family units,” provides a “realm of liberty, intimacy and free decision-making,” creates “stable households, and legitimat[izes] children.” *Perry v. Schwarzenegger*, 704 F.Supp.2d 921, 962-63 (N.D. Cal. 2010). And marriage promotes “physical and psychological health,” and increases wealth and “psychological well-being.” *Ibid.*

Marriage also entails significant responsibilities, which in turn benefit municipalities by lessening the need for government support. The *Perry* district court found, for example, that marriage “assign[s] individuals to care for one another and thus limiting the public’s liability to care for the vulnerable,” and “facilitate[s] property ownership.” *Ibid.* Marriage “creates economic support obligations” between adults. *Ibid.* Marriage ultimately forms an economic unit in which two adults support each other not just emotionally but financially and otherwise. The “tangible and intangible benefits of marriage flow to a married couple’s children.” *Ibid.* Accordingly, when

couples are denied the freedom to marry, they and their children lose all the benefits that marriage offers, and are more likely to require the social services municipalities provide.

Discriminatory marriage laws are themselves a form of institutional discrimination that causes psychological harm. Mark L. Hatzenbuehler, Katie A. McLaughlin, Katherine M. Keyes & Deborah S. Hasin, *The Impact of Institutional Discrimination on Psychiatric Disorders in Lesbian, Gay and Bisexual Populations: A Prospective Study*, 100 Am. J. Publ. Health 452-459 (2010). Laws that discriminate on the basis of sexual orientation contribute to “minority stress,” which is “chronic social stress resulting from experiencing prejudice, anticipating further prejudice, harboring internalized homophobia, and attempting to conceal or hide one’s sexual orientation.” Therese M. Stewart and Mollie M. Lee, *The Role of Public Law Offices in Marriage Equality Litigation*, 37 N.Y.U. Review of Law and Social Change 1, 191. Research has shown a strong correlation between this kind of stress and health issues such as anxiety disorders and increased suicide. *Id.* at 193.

Discriminatory marriage laws also encourage private prejudice. The American Psychological Association (APA) found that denying same-sex couples the right to marry “stigmatizes same-sex relationships, perpetuates the stigma historically attached to homosexuality, and reinforces prejudice against lesbian, gay and bisexual people,” and in 2011, it unanimously

approved a resolution in support of full marriage equality. American Psychological Association, Resolution on Marriage Equality for Same-Sex Couples (August 2011), <http://www.apa.org/about/policy/same-sex.aspx>. As then-Mayor of San Diego Jerry Sanders testified during the *Perry* trial, “when government tolerates discrimination against anyone for any reason, it becomes an excuse for the public to do the same thing.” Transcript of Proceedings at 1226, *Perry v. Schwarzenegger*, 704 F.Supp.2d 921 (N.D. Cal. 2010).

These harms all lead to an additional need for services and additional costs for municipalities. For example, when employees miss work because of mental or physical ailments linked to discrimination, the loss of productivity harms municipalities as employers, and lowers tax revenues because local businesses are less productive. *The Role of Public Law Offices in Marriage Equality Litigation, supra* at 195 (2013). When children stay home from school because they fear bullying, school districts lose funding and must spend time and money to help the affected students. *Id.* When gays and lesbians seek medical attention after hate crimes, local governments often pay the price as health-care providers of last resort. *Id.* Even the act of putting marriage to a vote causes harm. The APA has found that statewide campaigns to deny same-sex couples the right to marry “are a significant source of stress to the lesbian, gay and bisexual residents of those states and may have negative effects on their psychological well-being.” *Resolution on*

Marriage Equality for Same-Sex Couples, Adopted by the APA Council of Representatives (August 2011).

Mayors across the country have observed the benefits of assuring the freedom to marry without discrimination. *See, e.g.*, former Washington D.C. Mayor Vincent Gray (“Having enjoyed the freedom to marry in D.C. for nearly two years now, I know firsthand that marriage makes a city stronger”); Chicago Mayor Rahm Emanuel (failure to enact marriage equality is “bad for Chicago, bad for Illinois, and bad for our local economy and the jobs it creates.”); Orlando Mayor Buddy Dyer (“Our city remains committed to equality, and we understand this serves as an additional economic development tool as our community looks to attract talented, creative people and employers and create jobs for all of our residents”); former New York City Mayor Michael Bloomberg (“In only a season, the freedom to marry has already made New York a stronger state...Mayors understand that welcoming committed gay couples to the rights and responsibilities of marriage isn’t just the right thing to do. It’s also the smart thing to do for the diverse, dynamic, forward-looking cities we’re all working to build”); Boston Mayor, the late Tom Menino (“We’ve now had the freedom to marry in Boston for almost eight years. Since then we’ve seen more same-sex couples move to the city, and with that economic development, urban revitalization, and a spirit of pride and progress that are hallmarks of Boston”).

2. In states that deny same-sex couples the freedom to marry, municipalities offer costly workarounds and inferior substitutes to marriage.

In states that deny same-sex couples the freedom to marry, many municipalities have devised “workarounds” to alleviate the disparities between the gay and lesbian population and the heterosexual population. Municipalities should not have to engage in these costly alternatives that would be unnecessary were couples able to enjoy the constitutional freedom to marry.

- A. “Grossing up” to make up for additional tax liabilities.

Although municipalities often provide medical benefits to the registered domestic partners of municipal employees, the value of the added insurance for the domestic partner, who is not a legally-recognized spouse, is taxed. Therefore, some municipalities reimburse the employee for the additional tax liability to offset the inequity. *See, e.g.,* Palm Beach County, *Domestic Partner Tax Equity Policy*, PPM No. CW-P-082; City of Hallandale Beach Resolution No. 2014-140; Miami Beach City Code § 62-128(d); West Palm Beach City Code § 62-66; City of Wilton Manors Resolution No. 2013-0069.

But this practice, called “grossing up,” is quite costly for municipalities. The United States Office of Personnel Management estimates that a net “grossing up” award of \$1,000 could cost the agency \$1,713.80. U.S.

Office of Pers. Mgmt., *Grossing Up Awards: Why and Why Not* <http://www.opm.gov/policy-data-oversight/performance-management/performance-management-cycle/rewarding/grossing-up-awards/>. The New York Times estimates that grossing up for an employee with extra taxes of \$1,200 and \$1,500 will cost the employer from \$2,000 to \$2,500. Tara Siegel Bernard, *A Progress Report on Gay Employee Health Benefits*, N.Y. Times, Dec. 5, 2012.

B. Domestic partnerships.

Domestic partnerships are also costly and complicated for a municipality to administer. While marriage gives rise to a myriad of benefits and incidents, these inadequate marriage proxies entail administrative steps such as registration and notification to all the affected city departments. This administrative burden would not exist if the freedom to marry were available to all citizens.

These bureaucratic structures, moreover, amount to “separate but unequal” family units that render these families outliers within the community. Neither a county nor municipality can approximate the hundreds of benefits, protections and responsibilities available through recognition of a marriage. The marital status offers, for example, a spousal presumption of parentage, protections for surviving spouses through intestacy, protections for children of a couple in a divorce proceeding including both

custody and financial support, federal and state benefits reserved for spouses, and others.

Most importantly, these cobbled-together protections cannot approximate the dignity, societal recognition, security and portability enjoyed by couples who marry.

“[O]nly marriage, legally respected and honored when entered into by same-sex couples under law the same way it is for heterosexual couples, can provide the protections of marriage for families headed by same-sex couples.” Liz Seaton, *The Debate Over the Denial of Marriage Rights and Benefits to Same-Sex Couples and Their Children*, 4 U.Md.L.J. Race Relig. Gender & Class 127 (2004).

The balkanization of marriages, domestic partnerships and civil unions amounts to an unworkable and demeaning approach to civic life. In *Kerrigan v. Dept. Public Health*, 289 Conn. 135 (2008), the Connecticut Supreme Court rejected the state’s classification of family units into same-sex “civil unions” versus marriages for different-sex couples. The Court explained:

“[W]e reject the trial court’s conclusion that marriage and civil unions are “separate” but “equal” legal entities...Although marriage and civil unions do embody the same legal rights under our law, they are by no means ‘equal.’ * * * We do not doubt that

the civil union law was designed to benefit same sex couples by providing them with legal rights they previously did not have. [T]he very existence of the classification gives credence to the perception that separate treatment is warranted for the same illegitimate reasons that gave rise to the past discrimination in the first place. Despite the truly laudable effort of the legislature in equalizing the legal rights afforded same sex and opposite sex couples, there is no doubt that civil unions enjoy a lesser status in our society than marriage. We therefore conclude that the plaintiffs have alleged a constitutionally cognizable injury, that is, the denial of the right to marry a same sex partner.” 289 Conn. at 152; footnote omitted.

Similarly, in *United States v. Windsor*, 133 S.Ct. 2675, 2694 (2013), this Court recognized the destruction to children of living in a “second-tier marriage.” In *Windsor*, that meant a marriage between a same-sex couple that was not recognized by the federal government, but the impact is the same: Living in such an unrecognized family form “humiliates tens of thousands of children now being raised by same-sex couples.” *Ibid.* By treating marriage between same-sex partners differently, “it even more difficult for the children to understand the integrity and closeness of their own family and its concord with other families in their community and in their daily lives.” *Ibid.*

See also In re Marriage Cases, 43 Cal. 4th 757, 845-846 (Cal. 2008) (“affording same-sex couples access only to the separate institution of domestic partnership, and denying such couples access to the established institution of marriage, properly must be viewed as impinging upon the right of those couples to have their family relationship accorded respect and dignity equal to that accorded the family relationship of opposite-sex couples”).

C. State pushbacks on municipalities’ efforts.

Some state marriage bans are so broad that the municipalities within those states cannot provide even these separate systems. At least eighteen states have extended their discriminatory bans by refusing to create or recognize civil unions, domestic partnerships, or any other alternative to marriage. *See e.g.*, Ky. Const. § 233A (“A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized.”)

The City of Kalamazoo, Michigan has faced such a state backlash. It had been offering health care benefits to all employees and their domestic partners when Michigan voters subsequently passed a constitutional amendment that restricted a marriage “*or similar union*” to one man and one woman. Mich. Const. art. 1, § 25 (emphasis added). The state concluded “the City’s policy of offering benefits to same-sex domestic partners violates the amendment’s prohibition against recognizing any ‘similar

union.” Mich. Att’y Gen. Op. 7171 (March 16, 2005). Although Kalamazoo announced its intention to discontinue the benefits plan, it was still challenged in litigation. Ultimately, in 2008, the Michigan Supreme Court agreed that domestic partner benefits violated the state’s expanded marriage ban. *Nat’l Pride at Work, Inc., et al. v. Governor of Michigan*, 732 N.W.2d 139 (Mich. Ct. App. 2008). Determined to provide benefits to their committed-but-unmarried employees, Kalamazoo and other Michigan public entities adopted benefit plans that permitted an employee to designate another adult an “Other Qualified Adult” (“OQA”). In direct response, the Michigan Legislature passed a bill prohibiting these OQA plans. Mich. § 15.583, Act 297 of 2011.

Although this OQA ban was recently declared unconstitutional by a federal district court,³ Kalamazoo’s eight-year struggle is the kind of resistance that a municipality should not have to face. Yet the Sixth Circuit’s decision promises endless such protracted battles for municipalities everywhere. Because marriage is regulated in the first instance at the state level, so long as a state denies marriage to same-sex couples, municipalities within those states can only carry these marriage workarounds so far – and often in the face of constant resistance from the state – simply to provide

³ *Bassett v. Snyder*, 2014 U.S. Dist. LEXIS 159253 (E.D. Mich. Nov. 12, 2014).

same-sex couples and their families with at least a modicum of the benefits available to their different-sex counterparts.

3. Marriage discrimination hampers municipalities' economic growth and their ability to recruit and retain talented employees.

For municipalities as employers, the work environment is particularly important as public entities cannot offer the kind of compensation packages available in the private sector. Instead, fairness and equality in the workplace, and quality of life benefits, are critical for recruiting and retaining the best employees to work for cities themselves.

Further, the most dynamic American city economies are driven by technology and innovation. In the area of high-technology, for example, it has been found that diversity, including the presence of gay men and lesbians, is key to attracting the talent and businesses necessary to thrive:

“Gays can be thought of as canaries of the knowledge economy because they signal a diverse and progressive environment that fosters the creativity and innovation necessary for success in high tech industry.” Richard Florida & Gary Gates, The Brookings Institution, *Technology and Tolerance: The Importance of Diversity to High-Technology Growth* 2 (2001).

Fostering this sort of diversity attracts to the municipality both the desired employees and the businesses that want to hire them. Companies support marriage equality because

“they understand that marriage equality is a mechanism for them to attract and retain talent. It’s not just about gay people, because the truth is, there aren’t enough gay people to make a huge impact. But it signals a kind of openness to people who are different. It sends a signal to people, straight or gay, that this is a place where they can potentially thrive. That’s especially critical for companies that rely on people who have to be creative, entrepreneurial and innovative.” James B. Stewart, *Gay Marriage Bans May Come at a Price*, N.Y. Times, May 11, 2012.

On November 6, 2013, Marsh & McLennan released an exhaustive report quantifying the impact of the “patchwork quilt of marriage laws” on business. It noted:

“With each passing year, more employers are advancing inclusive benefits policies for their employees. In 2013 among large corporations, already 67% that offered health benefits also offered equal access to benefits, and that number is growing by 3% per year. Small and mid-sized companies are adding these benefits at rates of 8% per year. Without a ruling by the Supreme Court affirming freedom to marry nationally, we expect the talent market consensus to consolidate, and a

greater portion of employers will push to equalize benefits and tax treatment for same-sex households. Administrative and tax burdens will grow.” Katie Kopansky & Jerry Cacciotti, Marsh & McLennan Companies, *The Cost of Inconsistency: Quantifying the Economic Burden to American Business from the Patchwork Quilt of Marriage Laws* 9 (October, 2014) at page 15.

Ultimately, inconsistent marriage laws create administrative burdens, and discriminatory marriage laws hamper the ability of cities to recruit and retain diverse, talented workforces.

II. THE FREEDOM TO MARRY IS A FUNDAMENTAL RIGHT OF ALL CITIZENS, INCLUDING GAY AND LESBIAN CITIZENS.

1. Municipalities have witnessed positive changes arising from their longstanding protections against sexual orientation discrimination, and recognizing the fundamental freedom to marry would effectuate similar positive changes.

Mayors and municipalities are often at the forefront of local government efforts to ensure that gay and lesbian citizens are treated with dignity and respect. In 1984, the U.S. Conference of Mayors adopted a resolution, calling for the legal protection of gay and lesbian citizens, followed by dozens of cities adopting such resolutions and

laws. In 1996, the City Council of Los Angeles opposed a state assembly bill, which was ultimately defeated, that would have precluded recognition of marriages between same-sex couples. Los Angeles also issued a resolution opposing the marriage discrimination voter initiatives in 2000 and 2008.

Long before any state recognized marriage equality, and even before any state recognized domestic partnerships, many cities, including Los Angeles, San Francisco and New York, devised laws and regulations to protect against sexual orientation discrimination at the municipal level. Starting in the 1970s, these three cities and others began to adopt laws and policies to eliminate discrimination against, and equalize the status of, lesbians and gay men. Today, these cities have municipal codes prohibiting sexual orientation discrimination in employment, housing and public accommodations and prohibiting employment discrimination by City contractors. L.A. Admin. Code §§ 4.404.1, 4.404.2, 4.860. 10.8.2 *et seq.*; L.A. City Charter §§ 104 and 501; N.Y. Admin. Code §§ 3:240-3:245, 8-107; S. F. Police Code §§ 3301-05, S.F. Admin. Code § 12B.1 *et seq.*

When these provisions outlawing sexual orientation discrimination were first enacted, they were novel and groundbreaking; yet today, cities across the nation have such laws. www.amlegal.com/library.

Cities implementing these protections have seen extraordinary positive changes from them. For example,

San Francisco's Equal Benefits Ordinance has shown a number of positive effects on employees and employers. It has increased the number of employees who are offered domestic partner benefits. It has increased the number of insurance companies that offer domestic partner benefits. And it has helped private companies recruit and retain talented employees. Christy Mallory & Brad Sears, *Requiring Equal Benefits for Domestic Partners*, in *When Mandates Work: Raising Labor Standards at the Local Level* 158-59 (Michael Reich et al., ed. 2014).

Similarly, while Cincinnati once had “the most anti-gay local law our country has ever seen,” which caused the city to lose “close to \$50 million in Convention business, people moved away and [its] image as a world-class city suffer[] tremendously,” it was repealed in 2004 with great positive results. Chris Seelbach, Councilman, City of Cincinnati, Ohio. Human Rights Campaign & Equality Federation Institute, *Municipal Equality Index 2014: A Nationwide Evaluation of Municipal Law* 14 (2014). Since the repeal, Cincinnati has “taken every necessary step to be an LGBT-inclusive city. . . . Steps like extending equal partner health benefits to city employees, creating an LGBT police liaison and requiring all city contractors to agree in writing to an inclusive non-discrimination law.” *Ibid.* Cincinnati is “now a leading voice in the fight for LGBT equality,” and “for the first time in sixty years, [its] population is increasing. And [its] urban core is thriving with good paying jobs, exciting bars

and restaurants, diverse housing and a top-notch park system great for families.” *Ibid.*

Simply put, treating all Americans with dignity and respect under the law is not only the Constitution’s command, it is good for communities and good for the country.

2. Gay men and lesbians share the same fundamental right to marry recognized by this Court again and again.

While a state validly regulates the incidents of marriage that directly impact its governance, such as the distribution of property and responsibility for children, his authority has never given a state license to trample upon the civil rights of those who wish to exercise them. This Court has repeatedly intervened when a state’s regulation of marriage intrudes upon constitutional rights.

In *Zablocki, supra*, the Court acknowledged that marriage is a matter of state domestic policy, but readily overturned a state law that prohibited marriage by an indigent parent who owed child support. 434 U.S. at 380. In *Turner, supra*, the Court recognized that a state could restrict an inmate’s constitutional rights, but nonetheless struck as “facially invalid” its ban on inmate marriages. 482 U.S. at 99. And in *Loving* – the dispositive case here – the Court accepted that marriage was a “social relation” subject to state regulation, but held that the state power

was “not unlimited,” and thus struck a ban on interracial marriage as a violation of Equal Protection. 388 U.S. at 8.

Despite this authority, the Sixth Circuit found that marriages between persons of the same sex are different than other marriages because they are not “deeply rooted” in our nation’s “history and tradition.” But the same was true of interracial marriages in *Loving*, marriages by parents owing child support in *Zablocki* and marriages by inmates in *Turner*. The Court’s emphasis on the right – rather than the attributes of the individuals exercising the right – is necessary and proper. It is the “history and tradition” of marriage itself, not the particular individuals choosing it, that renders marriage a fundamental right.

Likewise, Amici urge this Court to recognize that it is the ultimate freedom to marry – not the sexual orientation or gender of the individuals wishing to exercise the freedom– that is the fundamental right here.

3. In contrast to the positive changes in municipalities that openly recognize the dignity and respect owed to the gay and lesbian population generally, permitting gay people’s freedom to marry to be withheld by popular vote injures and stigmatizes same-sex couples and undermines their dignity and ability to participate fully in society.

“One marker of the hostility and animus directed towards LGBT Americans is the proliferation of attempts

to use state and local ballot measures to repeal or preclude protection against employment discrimination based on sexual orientation or gender identity...[P]roponents of workplace equality for the LGBT minority have had to respond – more frequently than any other group – to repeated, well-funded campaigns to erect barriers against basic civil rights protections.” Brad Sears, Nan Hunter and Christy Mallory, The Williams Institute, UCLA School of Law, *Documenting Discrimination on the Basis of Sexual Orientation and Gender Identity in State Employment* (September 2009).

Conditioning fundamental rights on a group’s popularity with voters is demeaning to the targeted group and toxic to the relationship between the unpopular group and the general population. The uncertainty caused when a group of citizens is targeted in this way is disruptive for all municipalities; in contrast, marriage provides the kind of stability that allows a municipality to thrive.

California’s Proposition 8 was a prime example of what happens when the rights of gays and lesbians may at any time be subject to a vote; it resulted in a state where more than 18,000 same-sex couples were lawfully married but all other gay men and lesbians were barred from exercising that right. Leaving this issue to voters resulted in a “crazy-quilt of marriage regulation that makes no sense to anyone.” Theodore B. Olson, *The Conservative Case for Gay Marriage: Why Same-Sex Marriage is an American Value*,” Newsweek, January 9, 2010. During

this turbulent time in California history, marriage equality was recognized, then taken away, and now is again recognized and settled. As Theodore Olson wrote at the time:

“[T]here are now three classes of Californians: heterosexual couples who can get married, divorced and remarried, if they wish; same-sex couples who cannot get married but can live together in domestic partnerships; and same-sex couples who are now married but who, if they divorce, cannot remarry. This is an irrational system, it is discriminatory, and it cannot stand.” *Ibid.*

This “crazy quilt” imposes a burden on municipalities when they are forced to address such fluctuations in the structures of its families – one of the building blocks of society.

Even in states that currently embrace marriage equality, the idea that the marriage right could be lost in an election denigrates the marital status of those same-sex couples allowed to marry because it can always be taken away. Where the risk of marriage equality vanishing arises with each election, gay men and lesbians must live with the specter that their right to marry can be whisked away at any time. That is precisely the opposite of the stability that marriage – and fundamental rights – are supposed to bring.

4. The Sixth Circuit's decision contravenes the respect and dignity municipalities owe their citizens.

Amici adopt the arguments made by the parties as to the infirmity of the Sixth Circuit's decision, and focus here on specific aspects most germane to municipalities.

Overall, the Sixth Circuit repeatedly showed a fundamental lack of respect for gay men and lesbians. If this Court affirms that decision, thus integrating this disrespect into binding case law, the impact on the gay and lesbian community and the municipalities in which they live would be devastating.

A. The problems the Sixth Circuit posits would arise in a society without marriage for heterosexual couples applies with equal force to the same-sex couples of today who must live without marriage.

After discussing a supposed rationale for the laws at issue – the “responsible procreation” theory that has been rejected by virtually every reviewing court that has heard it – the Sixth Circuit posited:

“Imagine a society without marriage.” *Ibid.*

A society without marriage, the Court found, would lead to a host of problems resulting from the “absence of

rules about how to handle the natural effects of male-female intercourse: children.” *Ibid.*

But the court failed to recognize that the chaos it imagined would be imposed on the families of same-sex couples by its decision.

While the Sixth Circuit’s concerns revolved around biological children and questions of which parents should be responsible for which children, *ibid.*, the undeniable reality is that nearly twenty percent of same-sex couples in the United States are raising children under the age of 18. Gary J. Gates, The Williams Institute, UCLA School of Law, *LGBT Parenting in the United States*, at 1 (Feb. 2013). Most of those children are biologically related to one of their parents. *Id.* at 3, fig. 4. Gay and lesbian families also account for a growing number of foster adoptions. Over 50% of lesbian and gay parents adopted children from the child welfare system, and 60% adopted children from a different race. David M. Brodzinsky, Ph.D, *Expanding Resources for Children III, Research-Based Best Practices in Adoption for Gays and Lesbians*, Evan B. Donaldson Adoption Institute (October 2011).

Gays and lesbians are raising children – biological, adoptive and foster – and these families and children are just as worthy of the rules and stability that marriage brings. The Sixth Circuit’s willingness to leave gay men and lesbians in the chaos it contended would result if different-sex couples did not have marriage shows an

indifference toward the children of same-sex couples. It should not be tolerated by this Court.

B. The Sixth Circuit's willingness to make same-sex couples "wait and see" if their constitutional right to marry will eventually be recognized should not be accepted.

The Sixth Circuit alternatively opined that a state might want to "wait and see before changing a norm," defined as the "traditional" marriage between a man and a woman. 772 F.3d at 404. It found the best solution was to allow "state democratic forces to fix the problems" at a time when those same "democratic forces" preclude gays and lesbians from the benefits and responsibilities of marriage.

This cavalier disregard for ending marriage discrimination should not be accepted. Every day of denial of a constitutional right, and particularly any delay in being able to marry and share in the tangible and intangible protections and responsibilities marriage brings, matters. Because the need to secure the fundamental right of gay men and lesbians to marry is urgent for the residents and employees of municipalities, it is urgent for Amici.

Public entities housed in states that do not recognize marriage equality increasingly are filled with families like that of April DeBoer and Jayne Rowse: two

women in a long-term, committed relationship, both state-licensed foster parents, providing a “stable and loving home for several children, two of whom have special needs.” Pet. pp. 5-6. For this family, Michigan’s marriage discrimination means these women are unable to marry, nor may they both be the legal parent of any of their children. Each parent is a legal stranger to one or more of the children they are raising. A car accident or similar life event could tear their family apart.

Requiring these women to wait for the inchoate “state democratic forces” to decide whether they will ever be able to make their family whole is not something this Court should tolerate.

III.
NON-RECOGNITION LAWS VIOLATE
THE RIGHT TO TRAVEL OF SAME-
SEX COUPLES BY TREATING THEM
AS LEGAL STRANGERS AND
INCREASING THEIR NEED FOR
PUBLIC SERVICES UPON ENTRY
INTO A DIFFERENT STATE.

The employees and residents of municipalities frequently travel to other states for work or pleasure, and sometimes relocate to take a new job or be near family. But when a committed, legally married same-sex couple and their children enter a state whose laws expressly refuse to acknowledge their marriage, their marital and parental

relationships are effectively dissolved for the length of their stay. The denial of rights provided by state law to different-sex married couples creates obstacles for same-sex couples attempting to provide their family with care and support, and forces them to rely instead on public services provided by local municipalities. Such couples are thereby penalized for exercising their constitutional right of interstate travel, resulting in uncertainty and loss of dignity.

“[F]or the peace of the world, for the prosperity of its respective communities, for the well-being of families, for virtue in social life, for good morals, for religion, for everything held dear by the race of man in common, it is necessary that there should be one universal rule whereby to determine whether parties are to be regarded as married or not.” Joel Prentiss Bishop, *New Commentaries on Marriage, Divorce, and Separation*, §856 at p. 369; *see also In re Estate of Lenherr*, 314 A.2d 255, 258 (Pa. 1974) (in an age of easy mobility, it would create inordinate confusion if a marriage valid in one state were held invalid elsewhere).

This Court recognizes a “virtual unconditional personal right, guaranteed by the Constitution to us all” to “be free to travel throughout the length and breadth of our land uninhibited by statutes, rules or regulations which unreasonably burden or restrict this movement.” *Saenz v. Roe*, 526 U.S. 489, 498 (1999). This right is violated by a state law “when it uses any classification

which serves to penalize the exercise of that right.” *Attorney General of N.Y. v. Soto-Lopez*, 476 U.S. 898, 903 (1986).

The Sixth Circuit found the non-recognition laws at issue do not violate the right to travel because they do not prohibit movement in and out of the state. 772 F.3d at 420. But this Court has never required “a direct obstruction” to ingress and egress to find that a state law violates the right to travel. *See, e.g., Toomer v. Witsell*, 334 U.S. 385, 385 (1948) (South Carolina statute requiring nonresident fishermen to pay \$2500 fee while residents pay only \$25). And while a same-sex couple may be free to travel with their family to a non-recognition state, the burdens of such a move continue as long as the couple resides in that state, rendering it more extreme than the waiting-period laws struck in cases such as *Saenz v. Roe, supra*, 526 U.S. 489 (invalidating waiting period for newly arrived citizens to obtain state welfare benefits).

Where a state’s exercise of its police powers is used to impact travel, the Court has declared such actions unconstitutional, consistently striking state laws intended to discourage certain people from living within the state. *See, e.g., Shapiro v. Thompson*, 394 U.S. 618, 629-30 (1969) (California law limiting welfare benefits for new residents); *Memorial Hospital v. Maricopa County*, 415 U.S.

250, 269 (1974) (Arizona statute requiring one-year residency for entitlement to free medical care).

Non-recognition laws similarly impact migration, requiring same-sex couples to surrender their marital status as the price of settling in the state for any reason – whether to pursue a new job opportunity, to care for an elderly or ill relative, or simply to make a fresh start. The right to travel is rendered largely meaningless for married same-sex couples when it is conditioned on making such a sacrifice. “It is difficult to conceive of a more effective method of ensuring that persons do not enter or remain in a locality.” *Lozano v. City of Hazelton*, 620 F.3d 170, 220-221 (3rd Cir. Pa. 2010). And when same-sex couples are deterred from settling in a non-recognition state, local municipalities are hindered in their quest for talented employees and entrepreneurial business interests.

Not knowing whether one will be treated as married when one moves or travels forces married couples to anticipate traumatic events such as illness or death that might occur while traveling, and to take costly and burdensome legal steps to try to replicate family rights that travel automatically with different-sex married couples. Yet, those efforts may still be insufficient to provide protection against the governmental and institutional discrimination promoted by non-recognition laws like the ones at issue.

One illustration of how such discrimination penalizes traveling same-sex couples occurred in 2007, when Janice Langbehn and Lisa Pond traveled with their three children to Florida. Lisa suffered an aneurysm and was rushed to the hospital. Janice was not permitted to see her, despite providing the hospital with documentation of their relationship and previously prepared health care proxies. Janice was told Florida law did not consider her family. By the time she prevailed, hours had passed and Lisa was unconscious; she died later that day. Tara Parker-Pope, *How Hospitals Treat Same-Sex Couples*, The New York Times (May 12, 2009).

While Janice and Lisa were unable to marry in their home state of Washington, their experience is something currently-married same-sex couples must be prepared to face. It shows how even the most determined efforts to duplicate the legal rights that come automatically to different-sex married couples may be futile in the face of implacable discrimination.

On top of the concerns raised by *traveling* to a non-recognition state, same-sex couples *relocating* to such a state are exposed to significant harm by the confusing “crazy quilt” of laws concerning the recognition of their marriages. If they establish a domicile in a non-recognition state, the effective dissolution of their marriage gives rise to complications in matters such as divorce, estate administration and access to state and federal benefits, potentially leaving

one or both spouses dependent on public services. Such complications can have particularly harsh results when child custody and visitation issues arise. Should the relationship of the same-sex couple end while living in a non-recognition state, for example, the non-biological or non-adoptive parent of a child of that marriage may be treated by that state's courts as an unrelated third party. See e.g., *Stadter v. Siperko*, 661 S.E.2d 494, 497-99 (Va. Ct. App. 2008) (lesbian non-parent denied visitation over biological parent's objection because she was unable to show denial of visitation would be detrimental to the child's welfare).

Attempts to protect against such an eventuality may be hampered by the inconsistency in state marriage laws. Last year, a New York judge denied the request of a lesbian mother to adopt the child born to her spouse. Although New York law viewed both women as a legal parent based on their lawful marriage, the couple wanted their rights legally established should they travel to a non-recognition state. The judge, however, ruled adoption was not warranted given their existing legal parent-child relationships. Oren Yaniv, *Brooklyn judge refuses lesbian couple's request to adopt own son*, NY Daily News (Jan. 28, 2014). Should this couple ever travel to a non-recognition state, they will risk having those legal bonds questioned should any life event occur.

For example, if the birth mother died while in the non-recognition state, her spouse could be faced with the

very real possibility that a judge could order their child—born to a legally married couple—live with a distant relative or in foster care while the non-birth parent returns to her domicile state to seek legal recourse and regain custody of her child. That child, in the interim, may suffer unnecessary fear, anxiety and insecurity related to the loss of one parent and separation from the second.

It is just such a potentiality that led a different New York judge to allow an adoption under similar circumstances. *Matter of Sebastien*, 879 N.Y.S. 677 (N.Y. Sur. Ct. 2009) (granting adoption because it was the only option “that will ensure recognition of both Ingrid and Mona as [Sebastien’s] legal parents throughout the entire United States.”). Same-sex couples should not be forced to go through this additional step of adopting their own child nor should they risk losing custody—even temporarily—because they travel to a state that refuses to accept them as a family. Similarly, an individual legally married in a marriage equality state should not have to worry his or her parental status will be questioned by a school official, medical provider, law enforcement authority or emergency personnel merely because the family travels or relocates to a state that refuses to recognize valid same-sex marriages.

But that is exactly the situation some of the Ohio plaintiffs are left in by the Sixth Circuit’s decision.

Because Nicole and Pam Yorksmith, lawfully married in California, are unable to have both their names listed on their children's birth certificates, they fear Pam, the non-biological mother, will not be "recognized with authority to approve medical care, deal with childcare workers and teachers, travel alone with their [children], and otherwise address all the issues parents must resolve." *Henry v. Himes*, 14 F.Supp.3d 1036, 1042 (S.D. Ohio 2014). They are forced to consider that should anything happen to Nicole, their children will be left in the care of the local municipality rather than that of their other mother.

The Constitution affords parents significant rights in the care and control of their children, and these fundamental rights may be curtailed only under exceptional circumstances. *Troxel v. Granville*, 530 U.S. 57, 65-66 (2000) (liberty interest in care, custody and control of one's children is "perhaps the oldest fundamental liberty interest recognized by this Court"). Non-recognition laws interfere with these valued parental rights.

Everyday financial and administrative issues arise for married same-sex couples who relocate to non-recognition states as well. For example, they lose certain Social Security and veterans' benefits that by

statute are based on the law of the state in which they live.⁴ Post-*Windsor*, same-sex married couples may file joint federal tax returns⁵; however, those couples lawfully

⁴ See *Program Operations Manual System*, GN 00210.005, at <https://secure.ssa.gov/apps10/poms.nsf/lnx/0200210005>.

⁵ See I.R.S. Revenue Ruling 2013-17, 2013-38 IRB 201. Noting the state-of-celebration rule had been successfully applied to common-law marriages for over fifty years, the IRS concluded that, “[g]iven our increasingly mobile society,” it was important to have a “uniform rule of recognition that can be applied with certainty . . . for all federal tax purposes.” *Id.* at 10. The I.R.S. recognized the confusion arising from “marriages possibly appearing and disappearing each time a taxpayer moves.” Haniya H. Mir, *Windsor and Its Discontents: State Income Tax Implications for Same-Sex*

married in one state but living in a non-recognition state have a complicated and expensive task in filing their taxes. They must fill out five tax returns: two individual state returns, one joint federal return, and two individual federal returns that will not be filed but are necessary to calculate individual state liabilities.⁶ These couples face costs, confusion and frustration different-sex couples do not encounter.

In finding the Tennessee non-recognition law did not violate the right to travel, the Sixth Circuit asserted “the law does not punish out-of-state new residents in relation to its own born and bred . . . because the State has not expanded the definition of marriage to include gay couples in all settings, whether the individuals just arrived in Tennessee or descend from Andrew Jackson.” 772 F.3d at 420. Essentially, the court held the right to travel was not implicated because Tennessee discriminates against all same-sex couples equally. This rationale minimizes the injuries non-

Couples, Duke Law Journal, vol. 64:53 (2014).

⁶ See e.g., La. Dept. of Revenue, *Revenue Information Bulletin No. 13-024* (Sept. 13, 2013) [at <http://revenue.louisiana.gov/forms/lawspolicies/RIB%2013-024.pdf>].

recognition laws inflict on lawfully married same-sex couples who travel to or settle in such states. The statutes treat these couples in a dissimilar way than different-sex couples; affirmatively penalize their residency by nullifying their marital status for state-law purposes; and impose unique harms that are related to, but not the same as, the harms experienced by couples the state bars from marriage. This differentiation discourages same-sex couples from traveling or relocating to, or remaining in, non-recognition states, potentially lessening the diverse pool from which municipalities seek to draw their residents and employees.

Justice O'Connor once commented, "[I]t is difficult to imagine a right more essential to the Nation as a whole than the right to establish residence in a new State." *Zobel v. Williams*, 457 U.S. 55, 76-77 (1982), O'Connor, J., concurring. For that reason, laws designed to dissuade individuals from moving to a state cannot withstand constitutional scrutiny. *Saenz v. Roe*, *supra*, 526 U.S. at 503-506. By deterring same-sex couples from traveling or moving to states where their legal rights and relationships will not be honored, and penalizing those who do, non-recognition laws violate the constitutional right to travel.

CONCLUSION

As this Court has recognized, the drafters of the Constitution were not specific in outlining "the

components of liberty in its manifold possibilities” because they “knew times can blind us to certain truths and later generations can see that laws once thought necessary and proper in fact serve only to oppress.” *Lawrence v. Texas*, 539 U.S. 558, 578-579 (2003).

This case brings out “certain truths” to which the law has been blind. When the electorate excludes a minority from something as important as the freedom to marry and equal legal respect for their families, federal courts – and this Court in particular – must step in. Amici submit that the class singled out for disparate treatment here – gay and lesbian citizens – should be protected now.

Amici, who include Mayors and municipalities, are all united in respectfully requesting that this Court reverse the judgment of the Sixth Circuit, and hold that states may not deny gay and lesbian couples the freedom to marry nor the equal respect for their lawful marriages.

*Order 171-14/15
Tab 14. 3-2-15*

MICHAEL F. BRENNAN (MAYOR)

CITY OF PORTLAND

DAVID BRENERMAN (5)

KEVIN J. DONOGHUE (1)

IN THE CITY COUNCIL

JILL DUSON (A/L)

DAVID A. MARSHALL (2)

JON HINCK (A/L)

EDWARD J. SUSLOVIC (3)

NICHOLAS MAVADONES JR. (A/L)

JASON COSTA (4)

TRAFFIC SCHEDULE AMENDMENT

Re: Pine and Brackett Streets

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

By deleting under Brackett Street: (all directional references have been corrected in new additions)

Northside – From a point beginning at the intersection of Pine and Brackett Streets and running to a point 30 feet southerly on Brackett – Schedule 1 – No Parking

Northside – From a point beginning at 30 feet from the intersection of Pine and Brackett Streets and running southerly to a point 96 feet on Brackett – Schedule XV – 15 minute parking

Northside – From a point beginning at 96 feet from the intersection of Pine and Brackett Streets and running southerly to a point 104 feet on Brackett – Schedule XXXIV – Motorcycle/Moped parking only -10 hour limit

Northside – From a point beginning at 129 feet from the intersection of Pine and Brackett Streets and running southerly to a point 151 feet on Brackett – Administrative Designation – U Car share

Northside- From a point beginning at 151 feet from the intersection of Pine and Brackett Streets and running southerly to a point 173 feet on Brackett – Schedule XV – 15 minute parking

By Adding under Brackett Street: (all directional references are corrected below)

Eastside – from the intersection of Pine and Brackett Streets and running southerly 255 feet on Brackett Street – Schedule I – No Parking

By Deleting under Brackett Street: (directional references corrected in additions below)

Southside – from a point beginning 25 feet from the intersection of Pine and Brackett Streets and running easterly to a point 104 feet on Brackett Street. – Schedule XV – 15 minute parking

Southside – from a point beginning 120 feet from the intersection of Pine and Brackett Streets and running easterly to the Million Dollar Bridge

Southside – From a point 147 feet westerly of Pine and Brackett Streets and running easterly to a point 25 feet easterly of Pine Street – Schedule I – No parking

By Adding under Brackett Street (directional references corrected)

Westside – From a point beginning at the intersection of Pine and Brackett and running southerly to a point 20 feet from the intersection – Schedule I – No parking

Westside – From a point beginning at the 20 feet from the intersection of Pine and Brackett and running southerly on Brackett to a point 90 feet from the intersection – Schedule XVI – 30 minute parking

Westside - From a point beginning 90 feet from the intersection of Pine and Brackett and running southerly on Brackett to a point 110 feet from the intersection – Schedule XIX – Handicap Parking

Westside - From a point beginning 110 feet from the intersection of Pine and Brackett and running southerly on Brackett to a point 227 feet from the intersection – Schedule VIII – 2 Hour parking (8 AM to 8 PM)

Westside - From a point beginning 227 feet from the intersection of Pine and Brackett and running southerly on Brackett to the Million Dollar Bridge – Schedule I – No Parking

By Adding under Pine Street (directional references corrected in additions) No deletions required.

Southside – - From a point beginning at the intersection of Pine and Brackett Streets and running easterly on Pine Street to a point 20 feet from the intersection – Schedule I – No parking

Southside – - From a point 20 feet from the intersection of Pine and Brackett Streets and running easterly on Pine Street to a point 40 feet from the intersection – Administrative Designation – U Car Share

Southside – - From a point 40 feet from the intersection of Pine and Brackett and running easterly on Pine Street to a point 70 feet from the intersection – Schedule XV – 15 minute Parking (8 AM to 8 PM)

By Deleting under Pine Street (directional references corrected in additions)

Southside – From a point beginning at the intersection of Pine and Brackett Streets and running westerly on Pine Street to a point 50 feet from the intersection – Schedule I – No parking

By Adding under Pine Street

Southside – From a point beginning at the intersection of Pine and Brackett Streets and running westerly on Pine Street to a point 30 feet from the intersection – Schedule I – No parking

Southside – From a point beginning at the intersection of Pine and Brackett Streets and running westerly on Pine Street to a point 30 feet from the intersection to a point 50 feet from the intersection – Schedule XXXIV – Motorcycle/Moped parking

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

**MEMORANDUM
Council Agenda Request**

TO: The City Council of Portland, Maine

FROM: Michael Bobinsky, Director of Public Services

DATE: Feb. 19, 2015

DISTRIBUTION: Sheila Hill-Christian, Acting 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

1. Council meeting at which action is requested:

1st reading 3/2/15

Final action N/A

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

If no, why not?

3. This item is sponsored by: Transportation, Sustainability and Energy Committee, 2/18/15

Councilor David Marshall, District 2, Chair, Transportation Committee

Councilor John Hinck, Vice- Chair At-Large, Transportation Committee

Councilor Kevin Donoghue, District 1, Transportation Committee

Councilor Jason Costa, District 4, Transportation Committee

The Committee Voted 4-0 in favor of this measure.

I. SUMMARY OF ISSUE:

In 2013, a parking change was approved in association with the site plan approval for the West End Place development for Brackett Street South of Pine Street. Portland's Traffic Engineer, Jeremiah Bartlett was asked to review the decision by the Brackett Street Veterinary Clinic. Based on this review and after discussions with John

Peeverada, the City's Parking Manager and Kevin Thomas, Traffic Supervisor, Mr. Bartlett determined that a new plan be brought to the Committee.

II. REASON FOR SUBMISSION:

The width of Brackett Street in this area does not allow for parking on both sides of the street. The new plan offers better site lines, provides for flexible on-street parking that meets the needs of various users and avoids impacts related to the width of the street.

III. INTENDED RESULT:

The new parking plan will offer:

West side of Brackett Street South of Pine Street (0-227 feet)

3 Thirty minute spaces (from 8 AM to 8 PM)

1 Two hour handicapped spaces;

7 One hour spaces from (from 8AM to 8PM)

For a total of twelve spaces

East Side of Brackett Street South of Pine Street (0-255 feet)

No parking

Loss of two spaces, two motorcycle spaces and one Ucarshare space.

South Side of Pine Street East of Brackett (0-70 feet)

1 Ucarshare space

2 15 minute parking spaces (8 AM to 8 PM)

South Side of Pine Street West of Brackett (30-50 feet)

2 Motorcycle/Moped Parking

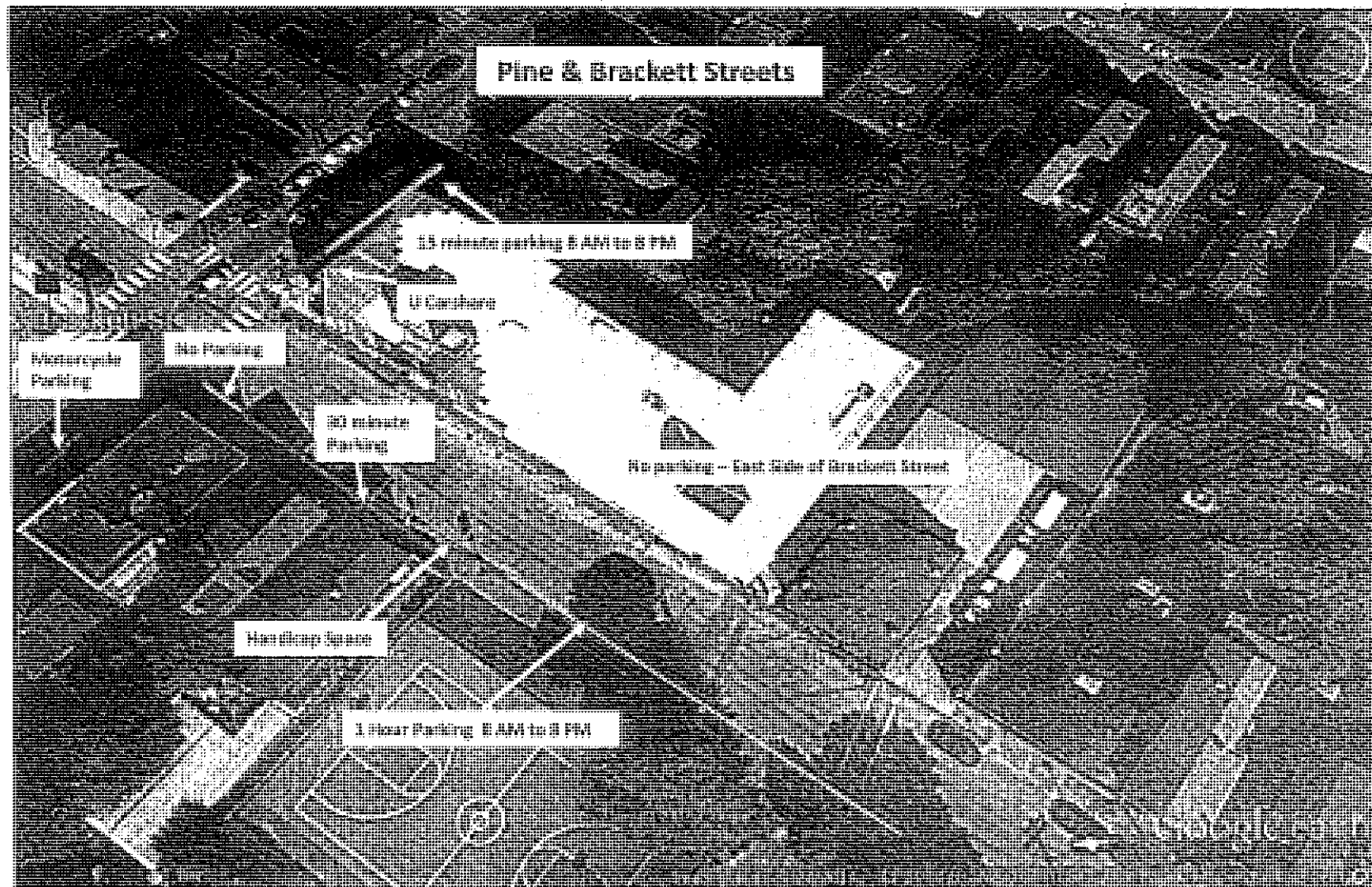
IV. FINANCIAL IMPACT

This installation will require a minimum of four posts and six signs, plus Dig Safe work, staff time (including a supervisor) and the use of a truck. The total cost is estimated to be approximately \$600.00.

V. RECOMMENDATION:

Staff recommends approval of this request.

Attachments: Council Order
Map



*Order 172-14/15
Gab 15 3-2-15*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (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: IMPROVEMENTS TO FOREST AVENUE**

ORDERED, that the Acting City Manager is authorized to enter into the two-party partnership agreement between the City of Portland and the Maine Department of Transportation (MaineDOT), in substantially the form attached, for work on Forest Avenue:

- WIN #020543, Proposed Improvements to Forest Avenue

BE IT FURTHER ORDERED, that the Acting City Manager is hereby authorized to sign the two-party agreements and any other documents necessary to effect the purpose of this order.

CITY OF PORTLAND, MAINE
CITY COUNCIL AGENDA REQUEST FORM

MEMORANDUM
Council Agenda Request

TO: The City Council of Portland

FROM: Michael Bobinsky, Director of Public Services

DATE: Feb. 18, 2015

DISTRIBUTION: Sheila Hill-Christian, Acting 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

1. Council meeting at which action is requested:

1st reading 3/2/15

2nd reading 3/16/15

2. Can action be taken at a later date: _____ Yes ☒ No.

If no, why not? This is a joint project of the Maine Dept. of Transportation (MDOT) and the City of Portland and is subject to MDOT's scheduling.

3. This item is sponsored by: Michael Bobinsky, Director of Public Services

1. Summary of the Issue:

The attached agreement two-party agreement between the Maine Department of Transportation (MDOT) and the City of Portland requires the approval of the City Council before execution. The agreement includes items regarding the planning, development, design, right of way, construction, cost sharing and reimbursement for a project to make improvements to Forest Avenue in Portland.

2. Reason for Submission

City Code requires that all agreements containing either indemnification or cost sharing must be submitted to the City Council for approval.

3. Intended Result

The project scope includes but not limited to reconfiguring the Forest Ave. traffic pattern at Woodfords Corner and Ocean Avenue, widen sidewalks, add streetscape aesthetics, extend shared lane bikeways and reduce crossing distances for pedestrians.

4. Financial Impacts

This project has been in discussion for a number of years and the matching and non-matching funds required, \$384, 240.75 have been included in the FY 15 Capital Improvement Budget. The total cost for the project will be \$1,518,751.00 - \$1,199,000.80 (Federal) \$135,509.45 State and \$384,240.75 City.

5. Recommendation

Staff Recommends approval of this request.



MaineDOT

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

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

PROPOSED IMPROVEMENTS TO FOREST AVENUE

(MaineDOT Use Only)

Project Location: Portland, Forest Ave.
State WIN #: 020543.00
Federal Aid Project #: STP-2054(300)

Estimated Municipal Share: \$149,875.00
Vendor Customer #: 17A12144
Agreement Begin Date: _____
Agreement End Date: (3 years from the date last signed below)

This Agreement is entered into between the Maine Department Of Transportation (hereafter the "Department") and the City of 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 Forest Ave., 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: _____
Sheila Hill-Christian, Acting City Manager

By: _____
Aurele Gorneau, II

(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 FOREST AVENUE

FEDERAL AID PROJECT NO. STP-2054(300)
STATE PROJECT IDENTIFICATION NUMBER (WIN) 020543.00

Project Scope: Reconfigure Forest Ave. traffic pattern at Woodfords Corner and Ocean Ave, widen sidewalks, add streetscape aesthetics, extend shared lane bikeways and reduce crossing distances for pedestrians.

Funding Outline: The Total Project Estimated Cost is \$1,498,751.00, 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
			MPO FEDERAL Portion		MaineDOT (State) Portion		
	%	\$	%	\$	%	\$	\$
Preliminary Engineering	15	33,721.95	80	179,850.40	10	11,240.65	224,813.00
Right of Way	15	9,375.00	80	50,000.00	10	3,125.00	62,500.00
Construction	10	106,156.30	80	849,250.40	10	106,156.30	1,061,563.00
Construction Engineering	10	14,987.50	80	119,900.00	10	14,987.50	149,875.00
PROJECT SHARES		\$164,240.75		\$1,199,000.80		\$135,509.45	\$1,498,751.00
Total Cost of Additional Work Requested by Municipality (Below)	100%	220,000					
TOTAL ESTIMATED MUNICIPAL SHARE (Receivable Amount)		\$384,240.75					

(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
PE - Design to include milling and paving on Forest Ave.	\$10,000
Milling and paving on Forest Ave.	\$200,000
CE - Construction Engineering and inspection/testing	\$10,000
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.

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

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

Entity Name	Receivable Amount	Estimated Invoice Date
Portland	\$53,096.95	3-1-16
Portland	\$165,571.90	7-15-16
Portland	\$165,571.90	12-1-16
	\$	

APPENDIX B
PERPETUAL BICYCLE/PEDESTRIAN FACILITY MAINTENANCE

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO FOREST AVENUE

FEDERAL AID PROJECT NO. STP-2054(300)

STATE PROJECT IDENTIFICATION NUMBER (WIN) 020543.00

The Municipality will be responsible for year round maintenance of new or replaced/rehabilitated bicycle/pedestrian facilities 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. When necessary, the Department reserves the right to undertake maintenance and invoice the municipality.

APPENDIX B
PERPETUAL LANDSCAPE MAINTENANCE

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO FOREST AVENUE

FEDERAL AID PROJECT NO. STP-2054(300)
STATE PROJECT IDENTIFICATION NUMBER (WIN) 020543.00

The Municipality agrees to be responsible for maintenance of planting and landscaping, including structures, including, but not limited to privies, picnic shelters, interpretive panels, and park areas, as installed or modified, as part of the above referenced project upon completion of said project. The Municipality also agrees to maintain such planting and landscaping upon the expiration of all warranties applicable to such landscaping, including the maintenance of all lawn areas, trees, and shrubs. These responsibilities shall include, but are not limited to, the following:

1. Plantings shall be watered during periods of drought or extreme dryness.
2. Measures shall be taken to remove any build-up of winter sand in planting areas.
3. Pruning, trimming, and removal of dead branches to maintain healthy plant growth or so as not to pose safety hazards or unsightly conditions.
4. Measures shall be taken to control disease and insects using appropriate insecticides and to control weeds on a timely basis, including hand weeding, mulching and/or application of herbicides through proper legal application.
5. Dead or dying plant material shall be replaced with new material of the same type and size as originally planted.
6. Lawns and grassy areas shall be mowed at least weekly during the late spring and early summer growing season and at least once a month during the remainder of the growing season, unless unusual weather conditions or rapid growth dictate otherwise.
7. All areas of turf, trees and shrubbery shall be fertilized using suitable materials.
8. All litter and refuse shall be removed expeditiously.
9. The Department shall provide technical assistance to the Municipality upon request, by recommending the materials and procedures necessary for such maintenance.

APPENDIX B
PERPETUAL LIGHTING/FLASHING BEACON OPERATION
AND MAINTENANCE

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO FOREST AVENUE

FEDERAL AID PROJECT NO. STP-2054(300)

STATE PROJECT IDENTIFICATION NUMBER (WIN) 020543.00

- A. The Municipality agrees to operate and maintain the flashing beacon installed under the Project in such a manner as is necessary to preserve the use and function thereof as designed and intended by the Project as follows:
1. The Municipality shall repair or correct all malfunctions and deficiencies in the flashing beacon expeditiously. Any failure to correct the flashing beacon 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 Municipality agrees to be responsible for electrical service for the flashing beacon and agrees to execute any necessary documentation required to establish such service and provide any local permits necessary for installation of such service.
 3. The Municipality shall preserve and maintain the visibility of the flashing beacon at all times by removing all visual impairments thereto.
 4. The Municipality shall make no operational changes or modifications to the flashing beacon without the express written approval of the Department.
 5. The Municipality shall notify the Department in writing prior to any removal or replacement of the flashing beacon.
 6. The Municipality shall maintain all signs and striping necessary or incidental to the operation of the flashing beacon as furnished and installed under the Project.
 7. The Municipality agrees to maintain the beacon with equipment technology equal to or greater than what has been installed.
- B. The Municipality shall implement a Traffic Control Plan in compliance with the Manual on Uniform Traffic Control Devices (MUTCD) including a provision for Municipality employees and/or contractors entering the State's right-of-way for long-term maintenance.

APPENDIX B
PERPETUAL TRAFFIC SIGNAL OPERATION AND MAINTENANCE

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO FOREST AVENUE

FEDERAL AID PROJECT NO. STP-2054(300)
STATE PROJECT IDENTIFICATION NUMBER (WIN) 020543.00

- 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.

APPENDIX C
Additional Work

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO FOREST AVENUE

FEDERAL AID PROJECT NO. STP-2054(300)
STATE PROJECT IDENTIFICATION NUMBER (WIN) 020543.00

1. Description of Work Being Added to Project By The Municipality:

Mill and fill along Forest Ave. from Station 12+50 to 28+50

2. The Municipality agrees to furnish all plans, specifications and estimates necessary to include additional work under the Project; No ☒ - Disregard this Section, or Yes ☐ - as follows:

- a) All plans and specifications shall conform to the standards used by the Department as set forth in the latest version of its *"Highway Design Guide"* and *"Standard Details for Highways and Bridges"* and comply with the Department's Utility Accommodation Policy as set forth in its *"Policy On Above Ground Utility Locations"*.
- b) All plans shall be size "D" drawings measuring 22 inches by 36 inches reproducible in black and white print.
- c) All specifications shall be printed on 8-1/2 inch wide by 11 inch long paper suitable for binding in the Department's proposal book.
- d) The Municipality shall provide a detailed engineer's estimate of the cost of such additional work calculated in a manner acceptable to the Department and allowable for bidding. The Municipality agrees that all cost information developed for such bidding shall be kept confidential pursuant to the provisions of Title 23 of the Maine Revised Statutes Annotated (M.R.S.A.) Section 63.
- e) The Municipality shall obtain all permits, licenses, releases and approvals necessary or incidental to the additional work described in Section 1 above.
- f) The submission of all plans, specifications and estimates; as well as all permits, licenses, releases and approvals shall be done in such a timely manner as not to unreasonably delay the Department's schedule for soliciting bids to construct the Project.
- g) The Municipality may utilize the electronic exchange of CADD data; the Municipality must accept pertinent electronic input data as specified by the Department. A copy of the Department's specifications can be found on its website under Business and CADD support. It

is the responsibility of the Municipality to translate this data into other formats required for use in their design software.

3. Following solicitation of competitive bids for the Project under Paragraph D of the Agreement; but before award of a contract to construct the Project that includes additional work as described in Section 1 above; action must be taken by the Municipality:

- a) If the bid price received for such additional work exceeds the detailed engineers estimate by any more than ten (10%) percent, the Municipality may reject such bid price by notifying the Department in writing within five (5) business days following the opening of such bids. The Municipality may waive such right by doing so in writing anytime prior to or during such period. Otherwise, all decisions pertaining to the acceptance of bids and the award of any construction contract shall be the sole discretion of the Department.
- b) If the bid price for such additional work is acceptable to the Municipality, the Municipality shall pay the Department, an amount equal to the Municipality's share of the estimated cost of such additional work based upon the prices of the successful bidder. Following receipt of payment, the Department agrees to award a contract to construct the Project including the additional work.
- c) The parties agree that any additional adjustments to the amount of any payment or deposit made pursuant to the provisions of subparagraph b) above because of any differences between estimated and actual quantities which effects the actual cost of such additional work shall be due and payable upon determination of final quantities, unless the Department determines that the actual cost of such additional work is expected to differ measurably from the amount of such payment, due to changes in quantities placed or work performed during the period of construction.