

## South Portland City Council *Position Paper of the City Manager*

***Subject:***

**ORDER #216-17/18 – Authorizing the submission of a Shore and Harbor Planning grant application through the Maine Coastal Program, allocating local matching funds from the Cummings Road Business Park TIF account, and accepting awarded funds to be used for planning related to the Portland Street Pier. Passage requires majority vote.**

***Position:***

The Maine Coastal Program is a partnership among local, regional, and state agencies for managing Maine's coastal resources for the public benefit. As part of the program, the Maine Department of Marine Resources (DMR) administers several grants available to municipalities for planning, public access, and infrastructure. One of those grant programs is the Shore and Harbor Technical Assistance Grant, which is available to municipalities for planning that promotes well-managed waterfronts, balanced development of shore and harbor areas, and to advance planning for waterfront infrastructure improvements and shore access.

The City of South Portland owns and operates a municipal fishing pier known as the Portland Street Pier, which is located in Ferry Village at the end of Portland Street on the eastern waterfront (see aerial photo below).



***Maine GIS 2013 Low Tide Aerial Photo***

The City Council has had several discussions about the Portland Street Pier during the past year and a half. There has been general support expressed for improving the facility, and the City has responded with a planning effort to provide the Council the information necessary to make decisions on capital investments based on current needs and potential future improvements.

In April 2017, the City applied for and subsequently received a Shore and Harbor Planning Grant to undertake a Conceptual Plan and Feasibility Study for a possible expansion of the pier. That work has been ongoing since December 2017, after the City contracted with GEI Consultants to facilitate the planning process. To date, the pier has undergone a comprehensive physical assessment, a market study has been completed by the Gulf of Maine Research Institute (GMRI), four conceptual designs have been developed, as well as an economic feasibility analysis. On Monday, April 30<sup>th</sup>, a second stakeholder meeting was held to present this information. This initial planning process is nearing completion and the full results will be presented at a City Council workshop in June.

In anticipation of the next stages of this process, staff is requesting City Council authorize a subsequent Shore & Harbor Planning grant application that would be used to develop detailed design drawings for the pier. The pier design, if pursued, will be based on guidance received from the City Council following the June 2018 workshop, as well as industry stakeholders. Approval for this grant is being requested now because the application is due May 18, 2018. Regardless of which option for the pier is ultimately pursued, the grant funds will be utilized for design implementation. If the City Council chooses to maintain the status quo, staff will request the grant be repurposed to a capital maintenance plan. The maximum grant award is \$30,000 and will require a 25% local match. Staff is recommending the City commit \$10,000 from the Cummings Road Business Park TIF account. The current balance of this account is \$479,534 as of early May 2018.

***Requested Action:***

Council passage of ORDER #216-17/18.



City Manager

# **PROGRAM STATEMENT**

## **FY 2019 Shore and Harbor Planning Grant Program**

**April 6, 2018  
Issued by:**

Maine Coastal Program  
Maine Department of Marine Resources  
21 State House Station  
Augusta, Maine 04333



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## HIGHLIGHTS

### 1. This announcement includes the following grant program:

- Shore and Harbor Management Grant Program, are due Friday, May 18<sup>th</sup>, 2018, 2 P.M.
- In past years, this Program Statement included the Coastal Communities Grant Program (CCG) funded by the Maine Coastal Program and administered by the Maine Municipal Planning and Assistance Program (MPAP) at the Maine Department of Agriculture, Conservation and Forestry. At the time of the issuance of this Program Statement, MPAP may choose to issue a separate call for projects later in 2018 based on the availability of funds.
- Grant program funds cannot be used for construction, purchase of construction materials, acquisition of land, or permit fees.
- Projects reliant on title, right, or interest of a particular location for success, must supply documentation of such. This will not be counted toward the 10-page application limit.

## **SECTION 1. MAINE COASTAL PROGRAM SHORE AND HARBOR PLANNING GRANTS**

### **1.1 Background**

Created in 1978, the Maine Coastal Program is a federal, state, local partnership under the Coastal Zone Management Act of 1972 and one of 34 coastal programs nationwide. Maine's program is a collaborative program that works in partnership with other state agencies, municipalities, regional and other organizations, with the Maine Department of Marine Resources serving as the lead agency.

The MCP works to sustain coastal resources and enhance the coastal-dependent economy through:

- Coastal community planning
- Effective administration of state environmental laws
- Public access planning
- Habitat restoration
- Reduction of non-point source pollution
- Support of coastal stewardship through education, outreach, and volunteer support
- Innovative initiatives in special coastal places.

More information about the Maine Coastal Program can be found at:

<http://www.maine.gov/dmr/mcp/index.htm>

The Maine Coastal Program works collaboratively with the Maine Submerged Lands Program, a division of the Maine Department of Agriculture, Conservation and Forestry. The Submerged Lands Program is involved in the selection of successful applicants and provides considerable funding towards enhancing the Shore and Harbor Management grant's goals and mission. More information about the Maine Submerged Lands Program can be found here:

[http://www.maine.gov/dacf/parks/about/submerged\\_lands.shtml](http://www.maine.gov/dacf/parks/about/submerged_lands.shtml).

### **1.2 Eligibility**

Those eligible to apply for a Shore and Harbor Planning Grant include towns and unorganized townships in Maine's coastal zone, groups of towns/townships in Maine's coastal zone; coastal Regional Planning Commissions; and coastal Councils of Government. Partnerships are encouraged and those proposals documenting strong partnerships that further ensure the success of the project are strongly encouraged. Towns and townships in Maine's coastal zone are listed in the appendix to this Program Statement. You can also access the list and a map here:

<http://www.maine.gov/dmr/mcp/about/index.htm>.

Coastal Regional Planning Commissions and coastal Councils of Government are defined as having some or all of their geography within the Maine coastal zone. Note, however, that funds from this grant program can only be used in the coastal zone covered by these organizations.

### **1.3 Grant Size and Duration**

The Maine Coastal Program plans to allocate approximately \$150,000 for projects under this FY19 Program Statement. The maximum award is \$30,000

### **1.4 Cancellation Notice**

The State reserves the right to cancel this Program Statement at any time.

### **1.5 Final Action**

Awards made through this program are considered final and are not subject to internal agency appeal. Any person aggrieved by a decision may pursue judicial review according to the provisions of 5 MRS §§ 11001 – 11008 within 30 days of the agency decision.

## **SECTION 2. GRANT PROGRAM DETAILS**

### **2.1 Description**

Shore and Harbor Management Grants promote: sound waterfront planning and harbor management, balanced development of shore and harbor areas, advance planning for waterfront infrastructure improvements and access to the shore. Funds may be used for development of plans for waterfront, harbor and mooring areas, development of regulatory and non-regulatory approaches to waterfront conservation and improvement, development of planning studies for public and working access, development of plans and designs for harbor improvements, and development of management plans for municipal waterfront facilities.

A list of potential projects is provided below. Projects are not limited to those listed below, but instead presented as guidance. Shore and Harbor grants are meant to support planning activities that complement or lead to concrete actions, harbor improvements, and management activities in harbor or shorefront areas. These funds may not be used for capital improvements, permit fees, or on-going staff activities. Project funding is provided by both the Maine Coastal Program and the Maine Submerged Lands Program.

Applicants are encouraged to consider projects that contribute to multi-town or regional planning and resource management efforts such as addressing shared bay-wide harbor management and use issues, enhancing efforts to acquire and/or secure public recreational and working access to tidal waters, supporting marine resource management activities, advancing strategic land conservation planning efforts, and contributing to waterfront develop efforts for public access and sustainable eco-tourism.

1. Harbor Planning (especially to implement recommendations consistent with comprehensive plans), including – Development of Harbor Management Plans, creation of Harbor Ordinances, preparation of Mooring Plans, with attendant data bases and mapping support, data collection, mapping, data base development, and analysis activities needed to support harbor planning activities, harbor traffic control and safety planning.

2. Planning and Design Projects for Harbor Improvements – Integration of public access with waterfront development to preserve unique natural, cultural, and village assets that contribute to sustainable development and tourism infrastructure. Planning and design of facilities and improvements for public and working access, dredging studies (non-federal, and for federal match), support for research and demonstration of new materials and techniques for ramps, piers and wharfs, floats, and moorings. Development of plans or strategies to address the impact of coastal storms and flooding on waterfront infrastructure. Planning and design of improvements to existing and aging infrastructure so that it may better serve the waterfront community into the future.
3. Municipal Facilities Management Plans – Management and business plans for operations of municipal fishing piers, marinas, and water access sites and facilities, development of related rules and ordinances, creation of model or standardized lease arrangements for municipal use.
4. Working Waterfront Planning and Improvement Projects – Project planning and development support for projects seeking funding from the Working Waterfront Access Protection Program
5. Right of Way Rediscovery Projects – Research to help communities find and assert public rights-of-way to the shore. Funding provided under this category can be used for deed and legal research and property surveys.
6. Harbor Dredging-related Research Projects – Research to help communities identify and quantify the socio-economic value of federally-designated, shallow-draft harbors maintained by the Army Corps of Engineers (ACOE). Socio-economic research that documents these values can assist a coastal community in working with the ACOE and Maine’s congressional delegation to secure federal funding for ACOE maintenance dredging of small, shallow-draft harbors.

## 2.2 Match

A match, in cash or in-kind, of 25% of total project cost is required. Projects showing a substantial additional municipal share will improve the competitiveness of the project proposal. The project match can include cash and/or documented values of in-kind services. Towns will be required to provide verification of match at a point during the award period.

## 2.3 Proposal Guidelines and Required Format

Grant applications cannot exceed \$30,000. Applications are due by 2:00 pm local time on Friday, **May 18<sup>th</sup>, 2018**. Project proposals will be reviewed and evaluated by a review committee. Final project selection and amount of grant award will be made by the Department of Marine Resources, Maine Coastal Program.

Project applications should include the following sections and information:

### Cover Sheet (or cover letter)

Program Statement: FY2019 MCP Shore and Harbor Grant Program Statement

- Project Title
- Town or region covered
- Grant request amount
- Total Match
- Project Manager and contact information
- Project partners/supporters
- Project start and end dates (month and year)
- Project summary statement (3-5 sentences)

**Executive Summary**

This is a concise summary of the project, methods used to complete the project and deliverables produced. Length should not exceed one or two brief paragraphs.

**Project Description**

This is an explanation of the need (problems and issues) for the project and proposed use of the grant award. This section should cover project steps and tasks, a description of what will be done and how and by whom, and the expected project outcomes and products.

The Project Description must also document, if applicable, how the applicant considered of current flood plain maps and projected sea level rise for the project location using information from the Maine Geological Survey website, <http://www.maine.gov/dacf/mgs/hazards/coastal/index.shtml>.

**Project Schedule**

This section should include a project schedule covering planned phases and tasks, including projected completion dates. The project duration for Shore and Harbor Grants may not extend beyond December 31<sup>st</sup>, 2019. Applicants should plan to complete the proposed project with the initial award of funds, and should not anticipate additional funding for the same project.

**Project Budget**

Include a detailed budget for the funds requested. If this funding is part of a larger package of funding needed to complete this project, please indicate the source of the remaining funds and the status (e.g. “requested”, “in hand”). Applicants are required to submit estimates of project costs according to the three-part format shown below.

***Part 1, Personnel Expenses (Grantee staff only)***

<b>Position Name &amp; Title</b>	<b>Hourly Rate</b>	<b>Number of Project Hours</b>	<b>Salary &amp; Fringe</b>	<b>Total Grantee Personnel Expenses</b>
1.				
2.				
3.				
Totals				

***Part 2, Budget Estimates by Cost Category***

Program Statement: FY2019 MCP Shore and Harbor Grant Program Statement

<b>Cost Category</b>	<b>MCP Grant</b>	<b>Non-Federal Match</b>	<b>Total Cost</b>
Personnel			
Fringe Benefits			
Travel			
Equipment			
Supplies			
Contractual			
Other (specify)			
Indirect			
Totals			

**Note:**

1. MCP will not accept proposals with less than 25% non-federal match.

**Part 3. Sources and Types of Match**

<b>Source of Match</b>	<b>Cash</b>	<b>In-Kind</b>	<b>Total</b>
1.			
2.			
3.			
<b>Total</b>			

**Payment Schedule and Deliverables**

**2.4 Selection and Award Process**

In addition to the Match criteria described in Section B above, the Maine Coastal Program and its partners will use the following criteria to score each application:

- Cost effectiveness (25 points)
- Applicant qualifications and capacity (15)
- Quality of proposal; project feasibility and readiness (15)
- Evidence that the proposed project will make measurable improvements in harbor planning and management and/or public access to the shore (20)
- Ability to quantify economic impact, private investment, and/or leveraged funding directly or indirectly related to this project proposal. (10)
- Consistency of project with and contribution to local and regional efforts and priorities (15)

An evaluation team, comprised of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the Grant Statement.

The MCP reserves the right to communicate and/or schedule interviews/presentations if needed to obtain clarification of information contained in the proposals received. Interviews/presentations are not required, and changes to proposals will not be permitted during any interview/presentation process.

## **2.5 Application Deadline and Submission**

Applications can be submitted either electronically or as a sealed hard copy. Electronic submittals are to be made to [matthew.e.nixon@maine.gov](mailto:matthew.e.nixon@maine.gov) with 'Shore and Harbor Grant Application' in the subject line.

Sealed applications must be clearly marked with the applicant's return address and the notation: "Shore and Harbor Grant Application". Hard copies of applications are to be mailed or delivered to: Matthew Nixon, Maine Coastal Program, 21 State House Station (mailing address), 32 Blossom Lane (physical address), Augusta, ME 04333 by no later than 2:00 PM local time on May 18<sup>th</sup>, 2018. Only applications actually received at 21 State House Station/32 Blossom Lane prior to the stated time will be considered.

The State assumes no responsibility for delays caused by any package or mail delivery service. Postmarking by the due date WILL NOT suffice. FAXED PROPOSALS WILL NOT BE ACCEPTED. Proposals received after the 2:00 PM deadline will be rejected, without exception.

For questions and additional clarification please contact Matthew Nixon in writing at [matthew.e.nixon@maine.gov](mailto:matthew.e.nixon@maine.gov). Please include in the subject line "Shore and Harbor Grants – Questions". A summary of questions and responses will be compiled and posted by Friday May 4<sup>th</sup>, 2018 to the following web page: <http://www.maine.gov/dmr/mcp/index.htm>.

## **SECTION 3. TERMS & CONDITIONS OF GRANT AWARDS**

### **3.1 Grant Agreement**

Grant recipients must enter into a written Grant Agreement with the Maine Department of Marine Resources in the form of a standard State of Maine contract, a template of which is available for viewing at <http://www.maine.gov/purchases/info/forms.html> (form BP54.)

### **3.2 Pre-Award Costs**

The MCP is not liable for any cost incurred by the Grantee or any Grantee subcontractor(s) prior to the contract effective date. The MCP cannot authorize any payments prior to the effective date of a fully executed grant agreement. Liability of the State of Maine and/or the MCP is limited to the terms and conditions of the grant agreement.

### **3.3 Reporting Requirements**

Semi-annual progress reports and a final report are required. The final report must include all

remaining deliverables according to the executed contract.

For projects that require the Grantee to contract with other parties, the Grantee shall provide a copy of the contractual agreement to MCP prior to submitting an invoice for reimbursement or payment.

### **3.4 Non-Federal Matching Funds or Services**

Grantees are obliged to document non-federal matching funds or services contributed to the project. Non-federal match contributions may include:

- Cash contributions, and/or
- In-kind contributions. In-kind contribution is the value of a non-cash contribution to meet a grantee's cost sharing requirements. An in-kind contribution may consist of the value of goods or services, property and equipment or directly benefitting the MCP-funded project.

#### **A. Requirements.**

Non-federal match contributions must be:

1. related directly to tasks in the project work plan;
2. reasonably valued for the work performed and work products produced;
3. conducted between the effective dates of the contract;
4. supported by appropriate documentation;
5. from non-federal sources. Personnel, projects, or services paid with federal funds do not qualify as non-federal match.

#### **B. Valuation of In-Kind Contributions**

1. **Personnel Time Paid for by Project Partner Organizations:** When an employer other than the grantee furnishes free of charge the services for the professional services for an assignment in the employee's area of specialization, the services will be valued at the employee's regular rate of pay, exclusive of the employee's fringe benefits and overhead costs.
2. **Donated Supplies:** The contribution must be valued at the market value of the supplies at the time of donation.
3. **Donated Equipment or Space in a Building:** The contribution must be valued at the fair market rental rate of the equipment or space
4. **Volunteer Work:** Work donated to the project by individuals must be valued at rates consistent with those ordinarily paid for similar work in the grantee's organization. For example, when documenting donated professional services as match, use the amount you would pay the person to do the job for which they are volunteering. If the grantee organization does not have employees performing similar work, the value of donated personnel time must be consistent with those ordinarily paid by other employers for similar work in the area. Maine occupational wage estimates provided by the Bureau of Labor Statistics, U. S. Department of Labor are available at:  
[http://www.bls.gov/oes/current/oes\\_me.html](http://www.bls.gov/oes/current/oes_me.html)

5. Community participation: This refers to community members attending meetings, workshops and events organized by the grantee for work performed under this grant. MCP will accept the most recent volunteer rate applicable to Maine from the website of Independent Sector at: <https://www.independentsector.org/resource/the-value-of-volunteer-time/>.

### **3.5 Travel/Mileage Rate**

The vehicle mileage reimbursement rate is the current rate used by the State of Maine. At the time of issuance of this program statement, that rate is \$0.44 per mile.

## APPENDIX I: MAINE'S COASTAL ZONE

Addison	Edmunds Twp
Alna	Eliot
Arrowsic	Ellsworth
Arundel	Falmouth
Augusta	Farmingdale
Bangor	Frankfort
Bar Harbor	Franklin
Bath	Freeport
Beals	Frenchboro
Belfast	Friendship
Biddeford	Gardiner
Blue Hill	Georgetown
Boothbay	Gouldsboro
Boothbay Harbor	Hallowell
Bowdoinham	Hampden
Bremen	Hancock
Brewer	Harpswell
Bristol	Harrington
Brooklin	Isle au Haut
Brooksville	Islesboro
Brunswick	Jonesboro
Bucksport	Jonesport
Calais	Kennebunk
Camden	Kennebunkport
Cape Elizabeth	Kittery
Castine	Lamoine
Centerville	Lincolnville
Chebeague	Long Island
Chelsea	Lubec
Cherryfield	Machias
Columbia	Machiasport
Columbia Falls	Marion Twp
Cranberry Isles	Marshfield
Criehaven Twp	Matinicus Isle Plt
Cumberland	Milbridge
Cushing	Monhegan Island Plt
Cutler	Mount Desert
Damariscotta	Muscle Ridge Shoals Twp
Deer Isle	Newcastle
Dennysville	Nobleboro
Dresden	North Haven
East Machias	Northport
Eastport	Ogunquit
Edgecomb	Old Orchard Beach

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Orland	South Bristol
Orrington	Southport
Owls Head	South Portland
Pembroke	South Thomaston
Penobscot	Southwest Harbor
Perkins Twp	Steuben
Perry	Stockton Springs
Phippsburg	Stonington
Pittston	Sullivan
Portland	Surry
Prospect	Swans Island
Randolph	Thomaston
Richmond	Topsham
Robbinston	T7 SD
Rockland	T8 SD
Rockport	T9 SD
Roque Bluffs	T10 SD
Saco	Tremont
St. George	Trenton
Scarborough	Trescott Twp
Searsport	Verona
Sedgewick	Vinalhaven
Sipayik (Pleasant Point)	Waldoboro
Sorrento	Warren
South Berwick	Wells
West Bath	
Westport	
Whiting	
Whitneyville	
Winter Harbor	
Winterport	
Wiscasset	
Woolwich	
Yarmouth	
York	



CITY OF SOUTH PORTLAND

LINDA C. COHEN  
Mayor

SCOTT T. MORELLI  
City Manager

EMILY F. SCULLY  
City Clerk

SALLY J. DAGGETT  
Jensen Baird Gardner & Henry

**IN CITY COUNCIL  
ORDER #216-17/18**

District One  
CLAUDE V. Z. MORGAN

\_\_\_\_\_

District Two  
KATHERINE W. LEWIS

\_\_\_\_\_

District Three  
EBEN C. ROSE

\_\_\_\_\_

District Four  
LINDA C. COHEN

\_\_\_\_\_

District Five  
ADRIAN T. DOWLING

\_\_\_\_\_

At Large  
MAXINE R. BEECHER

\_\_\_\_\_

At Large  
SUSAN J. HENDERSON

**ORDERED**, that the City Council hereby authorizes the submission of an application to the Maine Coastal Program under the Shore and Harbor Planning Grant Program; and

**BE IT FURTHER ORDERED**, that the City Council authorizes up to \$10,000 from the Cummings Road Business Park TIF Account (#250462-628809) to be used as a local match toward this project and any future pier-related costs approved by Council; and

**BE IT FURTHER ORDERED**, that if the grant is awarded, the City Council hereby accepts thirty thousand dollars (\$30,000), or any lesser dollar amount, to be credited to the Shore and Harbor Planning Grant Account (#216641-412010-18811), for use by the Parks, Recreation and Waterfront Department for planning related to the Portland Street Pier; and

**BE IT FURTHER ORDERED**, that if the grant is awarded, the aforementioned grant be appropriated to the Shore and Harbor Contracted Services Account (#216662-628809-18811).

Dated: May 15, 2018