

# AGENDA

## PORTLAND FISH PIER AUTHORITY BOARD OF DIRECTORS

Monday, June 18, 2012

3:00 p.m.

Room 209

Portland City Hall

- 1) Welcome and Introductions
- 2) Approval of the Minutes from the April 9, 2012 meeting
- 3) Financial Update – Rhonda Provencher
- 4) Fish Exchange Report – Bert Jongerden
- 5) Discussion on access to Fish Pier by non-tenants – Bert Jongerden
- 6) Dropping Springs relocation expenses
- 7) Review of Tenant leases
- 8) Authority Consent to three recently recorded easements.
- 9) Other Business

***Executive session to discuss tenant leases.***

**Portland Fish Pier Authority  
Board of Directors  
Meeting Minutes  
Monday, April 9, 2012**

**Attendees:** Board Rob Elder, Terry Stockwell, Nick Mavodones, and Mark Rees. Bert Jongerden (PFE), Ellen Sanborn, Rhonda Provencher and Tom Valleau

**1) Welcome & Introductions**

Chair Elder welcomed everyone and opened the meeting.

**2) Approval of minutes from February 13, 2012**

Chair Elder asked for a motion to approve the minutes. Motion made by Terry Stockwell, seconded by Mark Rees. Motion passed 3-0.

**3) Financial Update – Rhonda Provencher**

Rhonda provided board with budget status report as of March 31, 2012. She explained that there is nothing unusual and that revenue looks solid.

**4) Fish Exchange Report– Bert Jongerden**

The fiscal year ended in March and the actual landings were 5.4 million pounds. They had budgeted for 4 million, so they are ahead by 1.1 million. He anticipates a small cash surplus of around \$20-40,000. Bert feels they will have another solid year this year. He has a project going on with whiting fishing. They have had leakage in their refrigeration and have had to shut down a part of the unit. They have ordered a replacement piece of equipment before summertime comes around. The line of credit is at \$100,000 currently and he has approximately \$400,000 in receivables. Discussion was held on the blind auction.

**5) Update on EDA Grant**

Ellen explained that she received the grant approval package but that they had changed the application to construction. She hasn't signed it because she wants to get clarification of what the funds can be used for and has written a letter to the regional office. She said the cooling tower failed on one side and coolant is leaking. The cost is approximately \$45,000 to stabilize it and the FPA has put matching funds aside for this.

**6) Dropping Springs Relocation**

Dropping Springs perspective was that the move would be at no cost to them. As it turned out the trailers could not be sold and had to be disposed of at a cost of \$8,000. They have sent request to Bert to get reimbursed for these costs that they didn't anticipate. Larry explained that there isn't anything in the MOU with that Dropping Springs that they would be reimbursed for the cost of disposing the trailers. Everyone thought that this would be a revenue source. Discussion was held on having Dropping Springs come to the next meeting and bring documentation of the actual cost.

Discussion was held on who should/would pay for this. Ellen said the Authority put up money for this relocation so they would be responsible to pay for this.

**7) MOU – Doughty Brothers Lease Amendment**

This relates to access to the Fish Pier. There have been 3 easements to Waterfront Maine granted. Tamaki has been asked to sign but hasn't as of yet. He wanted to make sure he could use 6' hose to pump water along path a couple times a year.

Motion made by Terry Stockwell to approve MOU with Doughty Brothers, seconded by Ray Swenton. Motion passed 4-0.

Motion made by Ray Swenton to approve and ratify the easements and lease amendment for access around the Waterfront Maine property, including Doughty Brothers and Tamaki, seconded by Terry Stockwell. Motion passed 4-0.

**8) Old Business**

Discussion was held on lease amendment with Vessel Services. Ray stated that everyone has a different lease on the fish pier and he feels that they all should be paying the same amount of rent per sq. ft. There are currently seven different leases. Ellen explained that the leases were written with long terms. Nick feels that the lease negotiations should be handled through the attorney and that the Board should get a calendar of when leases are due.

Meeting adjourned.

**Fish Pier Authority  
FY12 Budget Status  
As of May 31, 2012**

	<b>FY12 Budget</b>	<b>YTD</b>	<b>Balance</b>	<b>%</b>	<b>FY11 YTD</b>	<b>FY12 vs. FY11</b>	<b>%</b>
<b>Revenue:</b>							
<i>Miscellaneous</i>	16,400	14,425	1,975	88.0%	12,424	2,001	16.1%
<i>Berthing</i>	32,484	30,066	2,418	92.6%	30,161	(95)	-0.3%
<i>Parking</i>	259,519	229,439	30,080	88.4%	199,817	29,622	14.8%
<i>Ground Rent (Leases)</i>	138,998	152,922	(13,924)	110.0%	120,466	32,456	26.9%
<b>Total Revenue</b>	<b>447,401</b>	<b>426,852</b>	<b>20,549</b>	<b>95.4%</b>	<b>362,868</b>	<b>63,984</b>	<b>17.6%</b>
<b>Expenditures:</b>							
<i>Admin. and Maint. Services</i>	50,900	23,694	27,206	46.5%	31,275	(7,581)	-24.2%
<i>Memberships/Subscriptions</i>	0	0	0	0.0%	0	0	0.0%
<i>Postage</i>	0	0	0	0.0%	0	0	0.0%
<i>Travel/Training/Meetings</i>	1,000	30	970	3.0%	420	(390)	-92.9%
<i>Contractual Services</i>	22,700	21,671	1,029	95.5%	26,335	(4,664)	-17.7%
<i>Engineering Services</i>	3,000	1,023	1,977	34.1%	560	463	82.7%
<i>Printing/Copying</i>	900	694	206	77.1%	77	617	800.9%
<i>Land/Pier/Building Repair</i>	18,000	14,362	3,638	79.8%	0	14,362	0.0%
<i>Equipment Repair</i>	50	0	50	0.0%	0	0	0.0%
<i>Vehicle and Equip. Rental</i>	0	0	0	0.0%	0	0	0.0%
<i>Insurance</i>	11,650	10,857	793	93.2%	10,114	743	7.3%
<i>Supplies</i>	15,000	10,130	4,870	67.5%	3,063	7,067	230.7%
<i>Electricity</i>	25,000	14,166	10,834	56.7%	18,850	(4,684)	-24.8%
<i>Capital</i>	70,000	33,239	36,761	47.5%	161,045	(127,806)	-79.4%
<i>Debt Service</i>	93,773	36,569	57,204	39.0%	45,190	(8,621)	-19.1%
<b>Total Expenditures</b>	<b>311,973</b>	<b>166,435</b>	<b>145,538</b>	<b>53.3%</b>	<b>296,929</b>	<b>(130,494)</b>	<b>-43.9%</b>
<b>Net Revenues Over(Under) Expenditures</b>	<b>135,428</b>	<b>260,417</b>	<b>(124,989)</b>	<b>192.3%</b>	<b>65,939</b>	<b>194,478</b>	<b>294.9%</b>
<b>CIP Projects</b>							
C07801 Anode Replacement	250,000	211,587	38,413	84.6%			

**CONSENT**

**PORTLAND FISH PIER AUTHORITY**, a Maine non-profit corporation, being the Tenant under Lease dated April 30, 1990, made by and between the City of Portland and Portland Fish Pier Authority, a Memorandum of which is recorded in the Cumberland County Registry of Deeds in Book 22528, Page 291, hereby consents to the granting of the easements referenced below relating to portions of the premises leased pursuant to said Lease, and agrees that its leasehold interest shall be subject to said easements.

**EASEMENT I - DRAINAGE EASEMENT**

Drainage Easement Deed from the City of Portland to Waterfront Maine, LP dated April 29, 2011 and recorded in the Cumberland County Registry of Deeds in Book 29017, Page 261; as corrected by the Corrective Drainage Easement Deed from the City of Portland to Waterfront, Maine Limited Partnership dated March 5, 2012 and recorded in the Cumberland County Registry of Deeds in Book 29528, Page 332.

**EASEMENT II - ACCESS EASEMENT ADJACENT TO BUILDING**

Easement Deed from the City of Portland to Waterfront Maine, LP dated April 29, 2011 and recorded in the Cumberland County Registry of Deeds in Book 29017, Page 264; as corrected by the Corrective Easement Deed from the City of Portland to Waterfront, Maine Limited Partnership dated March 5, 2012 and recorded in the Cumberland County Registry of Deeds in Book 29528, Page 329.

**EASEMENT III – ACCESS EASEMENT TO COMMON AREAS OVER LOT 10 AND OVER COMMON AREAS OF THE FISH PIER PROPERTY**

Easement Deed from the City of Portland to Waterfront Maine Limited Partnership dated April 29, 2011 and recorded in the Cumberland County Registry of Deeds in Book 29066, Page 250; as corrected by the Corrective Easement Deed from the City of Portland to Waterfront, Maine Limited Partnership dated March 5, 2012 and recorded in the Cumberland County Registry of Deeds in Book 29528, Page 326.

IN WITNESS WHEREOF, PORTLAND FISH PIER AUTHORITY has caused this Consent to be executed as of \_\_\_\_\_, 2012.

WITNESS:

PORTLAND FISH PIER AUTHORITY

\_\_\_\_\_

By: \_\_\_\_\_

Robert Elder  
Its President

STATE OF MAINE  
COUNTY OF CUMBERLAND

June \_\_\_\_, 2012

Personally appeared the above-named Robert Elder, President of Portland Fish Pier Authority, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Portland Fish Pier Authority.

Before me,

\_\_\_\_\_  
Notary Public/Attorney-at-Law  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_