1. Parks Commission

Documents: AGENDA 6 2 16.PDF, PARKS COMMISSION MINUTES 4 7 16.PDF, MENARIO MEMO.PDF, 160402_GOULD L1.PDF, GOULD ST PICS.PDF, GOULD STREET PARK AND TRAIL.PDF, PORTLANDOPENSPACESPESTICIDEPROPOSAL2016.PDF, 4-28-2016 MEMO TO PC.PDF, TPL FINANCING STUDY.PDF, ANNUAL REPORT COMMITTEE MINUTES APRIL 11_2016.PDF

Gregory A. Mitchell
Director, Economic Development Department

Commission Members: Carol Hutchins, Craig Lapine, Cynthia Loebenstein, Diane Davison, Chair, Dory Waxman, Jaime Parker, Meri Lowry, Michael Mertaugh, Nathan Robbins, Steve Morgenstein, Travis Wagner and Councilor Belinda Ray

Parks Commission
Agenda
June 2, 2016
5 PM
City Hall
389 Congress Street ~ Room 24
(Basement)

Please note allotted times for each agenda item

I. Citizen Comment Period (5 min)

II. Agenda Items

A. Acceptance of Meeting Minutes- April 7, 2016 (3 min)

B. New Business (40 min)
- Officially welcome Ethan Hipple as new Parks Director
- Review proposal to name park near Nickelodeon after former City Manager John Menario
- Gould Street – Portland Trails Project (materials by Ethan)
- Pesticide Policy – Ethan Hipple

C. Communications/Updates (2 min)
- Paige Button, Lead Park Ranger, resignation
- Jill Mulkerin – New seasonal Ranger

D. Unfinished Business (30 min)
- TAPC – Danforth St.
- Green Space Gathering – Dory
  - Lincoln Park – CIP (spotlight)
- Park Initiatives
  - Park Signage – Sally DeLuca, Ethan Hipple & Jeff Tarling
  - Friends & Community Partners
- Finance Committee – TPL finance report – Michael
- Annual report/Inventory Committee

E. Commissioner requests for Agenda Items (5 min)

The Mission of the Portland Parks Commission is to advocate for the enhancement and stewardship of our parks and open spaces. Review and propose projects that impact parks and open spaces and recommend action.
Foster collaboration among park users and the City.
Promotes public access and enjoyment.
Advocate for public and private funding for parks and open spaces.
Enjoy Portland for Life

PARKS COMMISSION
Thursday, April 7, 2016
City Hall ~ Room 24
5:00 p.m.

Attendees: Diane Davison, Sally DeLuca, Carol Hutchins, Steve Morgenstein, Travis Wagner, Rick Knowland, Michael Mertaugh, Nathan Robbins, Jaime Parker, Meri Lowry, Ethan Hipple, Laurie Mondor.

Citizen Comment Period – Anne Pringle stated that the Castle lease negotiations took longer than they had hoped and they should have by the end of May and have it go before City Council on April 25, 2016.

Acceptance of Meeting Minutes – March 2016
A motion was made by Diane Davison to accept the meeting minutes. Meri then brought up that it should be stated on the minutes which organization each person was representing and it was agreed the minutes would reflect: Carol Schiller, representing UNO and Laurie Davis, representing, WONA. The motion was seconded by Nathan Robbins. Motion was passed; all in favor.

Communications - Sally Deluca handed out an organizational chart of Parks, Recreation and Facilities Management staff and the official name change was effective April 1st. She discussed the budget, revenues and expenditures for the department. The department will be starting to hire Park Rangers next week. Paige Button is our year round Park Ranger and she will be reporting to the Park Manager. Regarding the Park Manager position, they have interviewed some candidates and hope to have a decision soon. Joe will help in the transition. Michael Mertaugh requested a copy of the budge and Sally informed him once it is adopted by the City Council she would let him know.

Amethyst Lot – Sally has no update at this time. $80,000 to help design on open space. Michael questioned how the open space would be utilized and are we working together with Portland Company. CIP had 1st reading on Monday and final reading will be on 4/25/16.

Unfinished Business FoLP – Lincoln Park walkways and fountain are planned for this fall. Nathan raised the question about in the past was this planned to just be pieced together. Sally asked for Ethan Owens input on this and he said overall this does not work, as you would want the same products and then concern of money issued for this year to year. Nathan then asked if we could stabilize things until we get enough CIP money to whole project, which Michael responded that he felt it would be a multiyear budget.

CSP – Nathan mentioned they were having Sunday night movies and wondered if we could do the same in other parks to make cost effective since he believed that we had the rental of the movie for a week. Pat O'Donnell, representing FoCSP, said that there is a licensing fee that was paid and allows for showing in one park only. Sally then mentioned to Pat that she might want to check if there was a motion picture fee that would need to be paid for the right to show movies as that is something that Sally has run into in the past.

Sub Committee Reports – 7th Annual Green Space Gathering - Dory was unable to attend meeting as away on vacation. Carol let us know that the committee would like to hold this on October 6, 2015 at 5pm at East End School. The committee was hoping to find/get a large park map and maybe using this somehow for demonstrate/game. Nathan mentioned that Portland Trails has a nice map. The 5pm start was then questioned as may be too early and 6pm may be a better start time to allow families to attend. Michael asked if we had learned any lessons in the past that could be helpful to get more of the public to attend the event. It was suggested that possibly having the top three parks that have something going on and doing a presentation regarding this. Meri suggested welcoming the Land Bank into this event as well and said she would email. Sally then mentioned that the Expo or possibly Ocean Gateway might be a nice space to use so that demonstrations and activities for the kids which could draw in more people. Both of these sites also have beer/wine license, which also may help the turnout. Diane then said we should probably have some criteria for submissions to the event. Ethan Hipple then mentioned having a keynote speaker, which might also help draw in people.

Finance/Fundraising – Michael said they have not had a meeting. He requested operation budge from Sally to help this.

Park Initiatives – Steve said we have done steps already; ballpark is $18,000 to $25,000 to get us started and would allow us to get a template. Sally said there is no money. Grants were brought up as a possibility but it was agreed that if we applied for any this would have to be for next year. Sally said she would let them know of any grants. Fort Sumner and Payson Park were then mentioned as they are parks with a trust fund/endowments. Sally suggested that Jeff Tarling might like to join the next sub-committee meeting and the committee agreed they would like any kind of help with this. They would like something that will last, equip all parks. The possibility of partnering with a friends group to help with the cost was also discussed and also putting this into a cycle if money from the City is needed. Nathan then questioned if these signs could be made in-house and if we had the ability and Michael mentioned the possibility of maybe holding a design competition with local art schools.

Annual Report/Inventory – Travis said they had met last Monday. He said that there were 20 parks not listed anywhere and this would be a multiyear project. Then there is the question of what is the criteria for a park. He stated more to follow. Sally requested that volunteer hours be recorded, as she does need this information for reporting.

<u>Requests for Agenda Items</u> – Michael stated that he would get the Trust for Public Land report and make sure everyone has. Sally then brought up if there might be a conflict of interest with members being on various committees such as Green Space Coalition and Friends Group. Michael felt that members would recognize and use judgement. Meri felt person should recuse himself or herself from voting. It was felt a discussion on ethics should be considered.

Portland, Maine | Yes. Life's good here.

Memorandum

TO: Parks Commission
FROM: Michael Murray, Assistant to the City Manager
SUBJECT: Menario Plaza
DATE: May 1, 2016

OBJECTIVE:

The objective is to name the urban plaza adjacent to the Temple Street Garage, bordered by Federal Street, Temple Street, and Middle Street for former City Manager John E. Menario.

BACKGROUND:

The City of Portland wants to acknowledge the many accomplishments of John E. Menario, who served as Portland City Manager from 1967 – 1975. During Mr. Menario's tenure, Portland exhibited extraordinary growth and transformation citywide. From the construction of new public facilities to the creation of new housing, all areas of Portland benefited from Mr. Menario's guidance. Downtown Portland and the Old Port were not exempt from his influence. In particular, the area where Middle Street, Spring Street, Temple Street and Union Street intersect is defining example of Mr. Menario's lasting effect on the city. The sale of the former Falmouth Hotel site for the Canal Plaza development, the approval to construct a municipal parking garage on Temple Street, and the selection of City property for the Cumberland County Civic Center on Spring Street all happened during this time (see attachment 1).

Appropriately, next to the Temple Street Parking Garage, there is a plaza area that extends from Federal Street to Middle Street, bisected by the entrance to the parking garage. Assessor's records indicate it is a single parcel 032 X002. The majority of the plaza is an urban hardscape, with some raised planting areas. The southern end of the plaza is the site of the Lobsterman Statue, and has been locally known as Lobsterman Park. The majority of the plaza is zoned B3, with the southern tip being zoned ROS (see attachment 2). It is the request of the City of Portland to re-name the entire plaza area Menario Plaza, in honor of Mr. Menario, with the Lobsterman Park area an inclusive part of the plaza.

SUPPORTING DOCUMENTS:

There is a precedent of urban parks contained within a larger, single parcel in the City of Portland. Bell Buoy Park is such an area, as it is a part of the Maine State Pier. Moon Tide Park at Ocean Gateway is another example.

Staff has researched the history of the plaza, and has determined that the plaza was born from a re-alignment of Temple Street. (See attachment 3).

The Lobsterman Statue, originally located in the rotunda at Portland City Hall, was re-dedicated on July 22, 1977, when it was relocated to the plaza. A plaque at the base of the statue reads:

The Maine Lobsterman
by Victor Kahill
For the World's Fair A.D. 1939
Placed in this Public Square
By the Portland City Council A.D. 1977

Since that time, the southernmost end of the plaza has been referred to as Lobsterman Park or Lobsterman Plaza.

In 2014, Sec. 2-44 of Portland City Code was revised to add 35 parks and open spaces to the Land Bank Commission included the southernmost end of the plaza:

…Lobsterman Park (032 X002 - only including land south of the entrance to parking garage) (urban open public space)… (see attachment 4).

Additionally, in 2014, the Portland City Council amended Sec. 18-11 of Portland City Code and specifically added the Lobsterman Park area to the review of the Parks Commission, along with 51 other parks and open spaces (see attachment 5).

OUTCOME:

After the reviews conducted by the Portland Parks Commission and the Portland Land Bank Commission, and following the adoption of a future City Council Order, a dedication ceremony for John E. Menario Plaza will be planned for later this summer. Currently, private donations are being raised to pay for the purchase and installation costs associated with a commemorative plaque and base. The plaque and base will be in the style similar to the plaque and base associated with the Portland Freedom Trail (see attachment 6), and will be reviewed by the Portland Public Art Committee for appropriateness.

Attachment 1

City of Portland

Summary of Major Accomplishments and Activties

June 1967 - December 1975

Public Properties -

- New Terminal Building - International Jetport
- New Parking Lot - International Jetport
- New Access Road - International Jetport
- Relocation of North-South Runway - International Jetport
- Extension of East-West Runway - International Jetport
- Installation of Instrument Landing System - International Jetport
- New Maintenance Building - International Jetport
- New Access Road to Maintenance Building
- New 9-hole Golf Course
- Major Renovation of City Hall Auditorium including rebuilding and relocating Kotzschmar Memorial Organ
- Established a Major Building Repairs Account and Priority Procedure for systematic renovation of all major public buildings
- New Municipal Parking Garage - Spring Street
- Acquired Open Space Land on Peaks Island
- Expansion and Renovations of Portland City Hospital
- New City Greenhouse
- Expansion of Hall School
- New International Ferry Terminal
- New Riverton Fire Station
- Expansion of Rosemont Fire Station - Stevens Avenue
- New Public Safety Building and East End Neighborhood Center
- Major Renovations of Deering High School
- Land Purchase for future construction of Central Public Works Garage

Public Properties -

.New West-End Elementary School (Reiche School)

.New Vocational School

.Demolition of Jackson School for Parking

.Demolition of Woolson School for Parking

.New Crash Station - International Jetport

.New Riverton Elementary School

.Approval and Financing to Construct New Munjoy Hill Fire Station and Neighborhood Facility

.New Riverside Recreational Facility Building

.Approval to Construct Second Municipal Parking Garage on Temple Street

.Sale of Land to Maine Medical Center for Construction of Diagnostic Center

.Selection of City Property for new Cumberland County Civic Center

.Acquisition of former Marine Hospital for $1.00

.Expansion of Terminal Apron and Taxiways - International Jetport

.Sale of Gulliver's Field to Westbrook College

.New Warehouse at International Ferry Terminal

.Leased land to FAA for construction on New Control Tower

.Lease of land for new Delta Airline Cargo Building - International Jetport

.Sale of Downtown #1 for Telephone Company Expansion

.Lease of Butler School for Housing Units

.Renovations of former Arber Street Fire Station for Sewer Division Headquarters

.Sale of Dyer flats for nursing home construction

.Sale of former Falmouth Hotel Site for Canal Plaza Development

.Sale of "Baby Bayside" to Commercial Distributors, Inc. and C. H. Robinson Paper Co. and E. W. Noyes & Sons

.Purchase of Cushman Garage for Public Works use

.Sale of Exchange Street Property to St. Joseph the Provider

Public Properties -

- Sale of Front Street Property to P.H.A. for housing
- Demolition of Lee Recreation Center
- Sale of land on Riverside Street for Skating Rink
- Sale of Brighton Avenue property for private motel
- Sale of Portion of Rocky Hill site for expansion of Brockway-Smith Co.

Housing and Neighborhood Development -

- Bramhall Code Enforcement Program
- Deering Center Code Enforcement Program
- Longfellow Code Enforcement Program
- Danforth Street Neighborhood Development Program
- Bayside Neighborhood Development Program
- Old Port Exchange Area
- "Baby Bayside" - City's first unassisted Urban Renewal Program
- "Golden Triangle" - City's second unassisted Urban Renewal Program
- Munjoy Hill Neighborhood Conservation
- Front Street Public Housing (50 units)
- Riverton Housing Project (150 units)
- Scattered Sites Housing Project (100 units)
- Franklin Towers Housing Project (200 units)
- Harbor Terrace Housing Project (150 units)
- Washington Gardens Housing Project (100 units)
- Maine Way Program (Comprehensive Central Business District Renewal)
- Housing Demolition Program (Removed 150 isolated dilapidated structures)
- Modified Taxing Policy on Federally subsidized private housing construction making possible Auburn Terrace (164 units), Codman Project on Danforth Street (166 units), Deering Pavilion (200 units)

Housing and Neighborhood Development -

- Established City-Wide Housing Rehabilitation Loan and Grant Program
- Dedication of Eastern & Western Proms as Parkland

Environmental Efforts -

- "Operation Junklift" followed by a Junk Car Ordinance eliminating the proliferation of abandoned vehicles.
- Amendments to the Rodent and Vermin Ordinance to improve enforcement.
- Construction of Sewage Treatment Plant on outer Congress Street.
- Amendment to Municipal Code requiring sanitary facilities in all dwelling units
- Virginia-Carter Street Interceptor
- Completion of a 6-year master plan to provide sewer facilities to all areas of the City
- Implementation of the 1st year of the Sewer Master Plan
- Participation with Portland Water District for a Regional Sewage Treatment Program.
- Leased land and rights-of-way to Water District for Regional System
- Implemented a study to determine "sewer rate charges"
- Closed the "open burning dump" in the West End
- Opened Land Reclamation Project on Riverside Street (controlled disposal)
- Comprehensive Dutch Elm Diseased Trees Removal Program
- Adoption of Oil Pollution Control Ordinance
- Adoption of Ordinance Limiting Hours of Construction
- Contribution and Participation in Solid Waste Sanitary Landfill System
- New Subdivision Ordinance improving quality of residential areas

Transportation Network -

- Franklin Street Arterial
- Spring Street Arterial

City Services -

.Downtown Sidewalk Snow Removal financed from assessments

.Contractual agreement with Maine Medical Center for public use of hospital garage.

.Controlling sources of Lead Poisoning

.Opening of V.D. Clinic

.Embracing Federal Flood Insurance Program

Organization and Administration -

.Model Cities Organization & Procedure in 5-year Comprehensive Demonstration

.Comprehensive Wage and Classification Survey

.Major Computer Installation with numerous applications

.Systematic review of all licenses and permit fees

.Establishing position of Deputy Police Chief

.Comprehensive reorganization of Police Department

.Elimination of Civil Defense as a Department and reorganized as Division in Fire Department

.Contribution and Participation in Council of Governments

.Consolidation of School Nursing with Health Department's Nursing Division

.Substantial improvement of employee fringe benefits, e.g., medical insurance, life insurance, sick leave, vacation schedules, in-service training, educational incentives, pensions, etc.

.Established Council Committee on Housing

.Adoption of BOCA Building Code

.Contribution and Participation in Greater Portland Transit District

.Expanding Civil Service Commission from 3 to 5 members

.New Land Development Plan

.Initial Phases of new Zoning Ordinance

.Adoption of National Fire Prevention Code

.Establishing Data Processing Division in Finance Department

Organization and Administration -

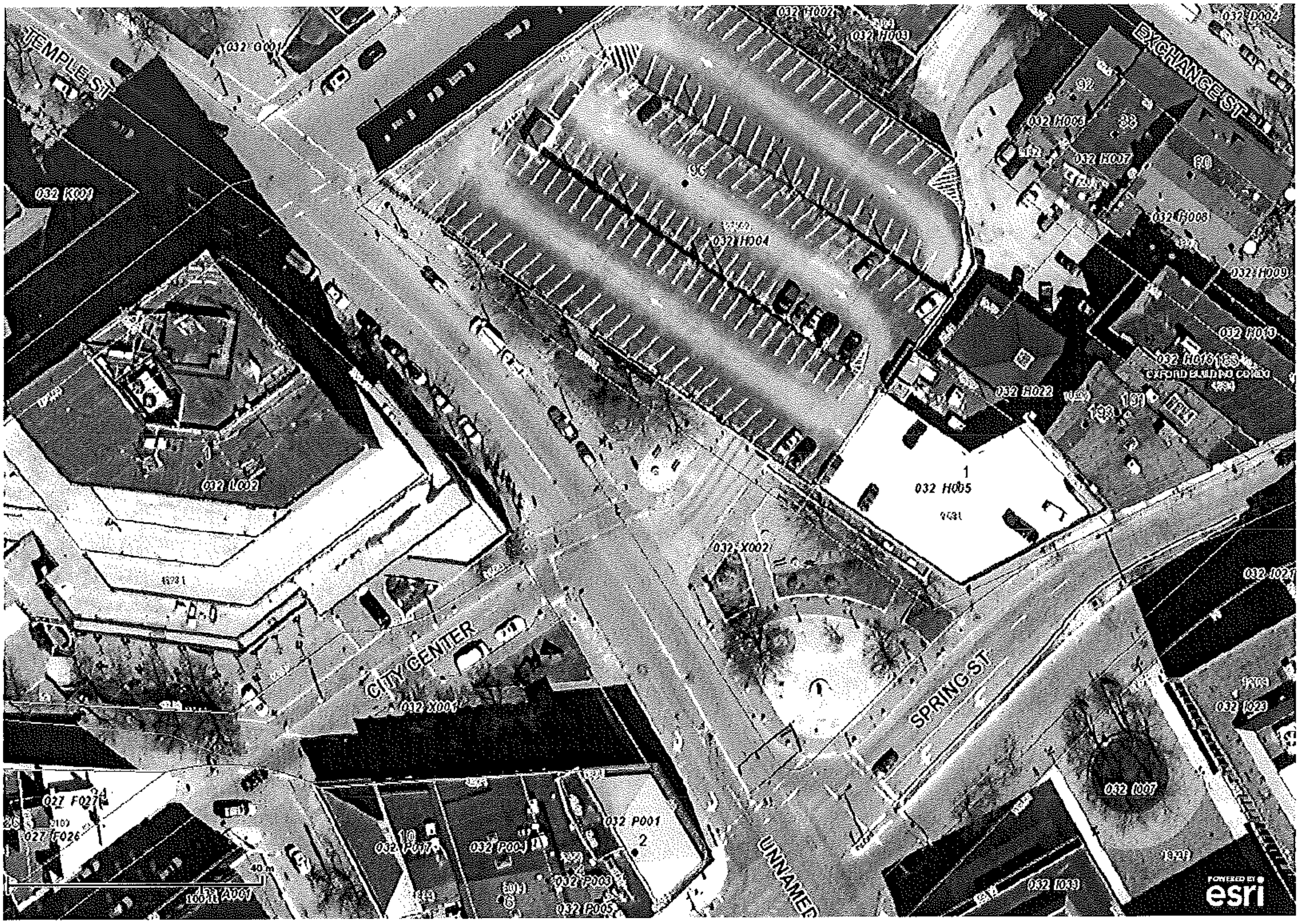
- Contracting Health Services with South Portland and Falmouth
- Established position of Police Legal Advisor
- Revaluation
- Adoption of an Affirmative Action Plan
- Tax Sharing Contract with the Town of Sanford on NEECO Development
- Increasing Board of Appeals from 5 to 7 members
- Establishing Welfare Guidelines
- Consolidation of Health Department and Welfare Department into the Department of Health and Social Services
- Elimination of sidewalk assessments when "ordered in" by the City
- Negotiated 35 labor contracts without a work stoppage
- Established full-time Corporation Counsel position

Department Head Appointments -

- Robert D. Curley, Personnel Director (June, 1967)
- Deane S. Stevens, Director of Finance (August, 1967)
- William M. Dow, Code Enforcement Director (August, 1967)
- Robert R. Hawkines, Model Cities Director (December, 1967)
- Douglas W. Steele, Police Chief (March, 1968)
- Clark M. Neily, Economic Development Director (July, 1968)
- F. Worth Landers, Director of Public Works (July, 1968)
- Robert L. Brown, Building Inspection Director (June, 1968)
- John G. DePalma, Finance Director (January, 1969)
- John S. Dexter, Jr., Assistant City Manager (January, 1969)
- Richard E. Anderson, Sr., Parks and Recreation Director (May, 1969)
- Donald E. Megathlin, Jr., Planning Director (May, 1969)
- Arthur A. Hughson, Public Health Director (February, 1970)
- John S. Dexter, Jr., Model Cities Director (May, 1970)
- Harold F. Parks, Assistant City Manager (June, 1970)
- Jadine R. O'Brien, Model Cities Director (August, 1971)
- Donald E. Whitman, Aviation & Public Buildings (April, 1972)
- William B. McClaran, Police Chief (June, 1972)
- Louis J. Hannigan, Personnel Director (August, 1972)
- George A. Flaherty, Assistant City Manager (May, 1973)
- David C. Bittenbender, Welfare Director (July, 1974)
- Merle R. Mahany, Hospital Administrator (September, 1974)
- William J. O'Brien, Jr., Corporation Counsel (April, 1974)
- Alan J. Munroe, Director of Aviation and Public Buildings (April, 1974)
- David C. Bittenbender, Health and Social Services Director (October, 1975)
- George A. Flaherty, Public Works Director (October, 1975)
- Neal W. Allen, III, Assistant City Manager (November, 1975)

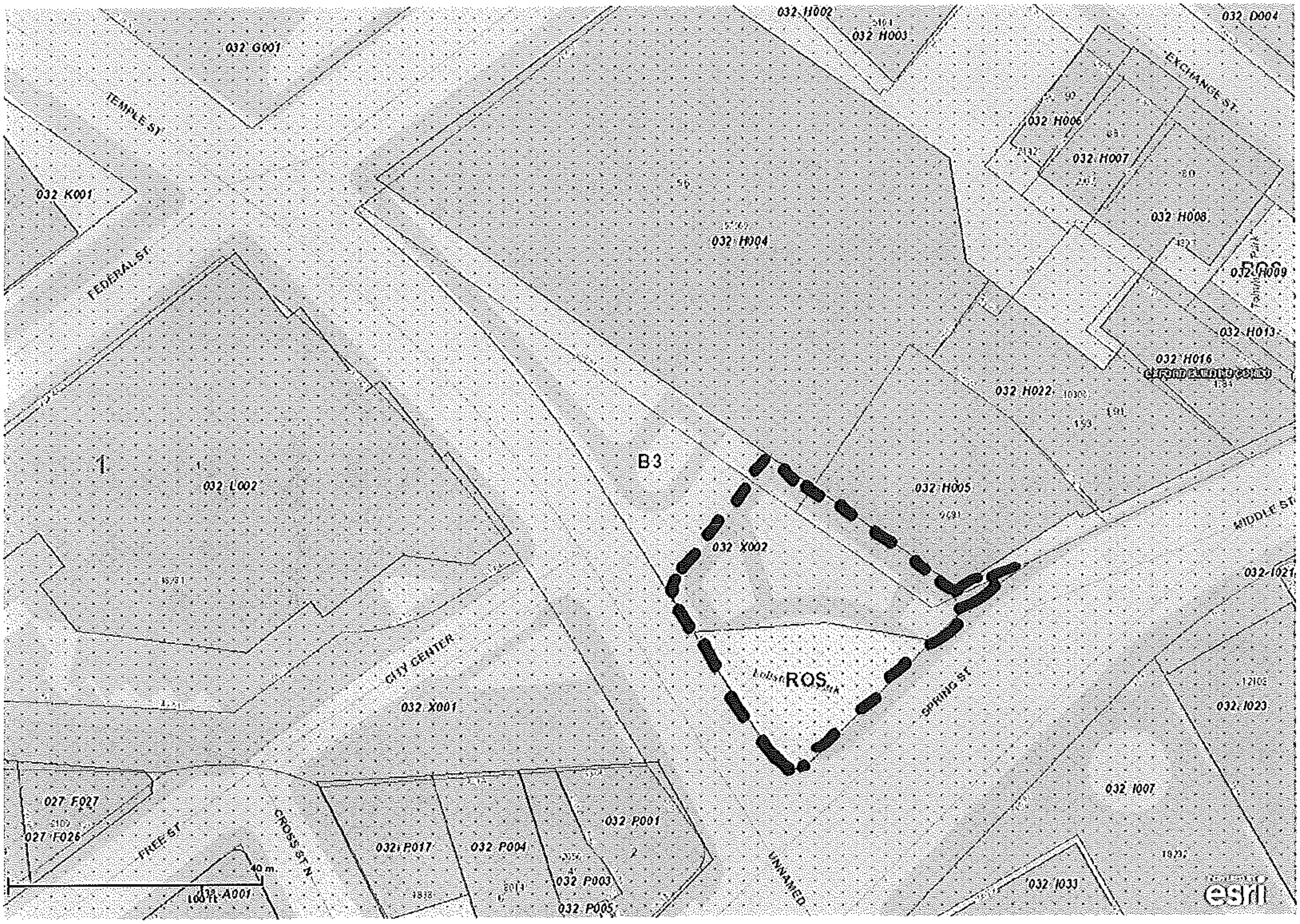
Parcel 032 X002

Aerial Photo



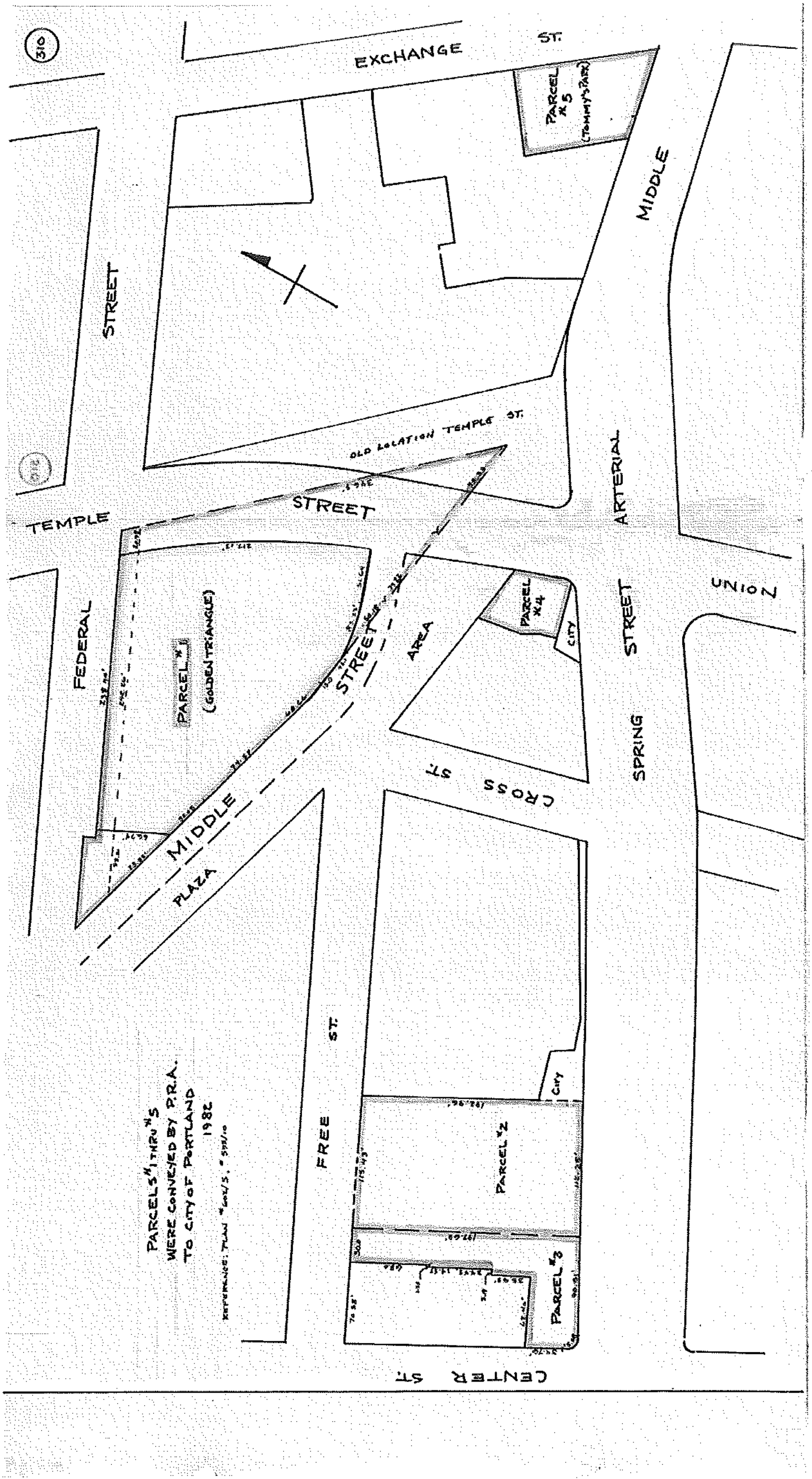
Attachment 2

Parcel 032 X002



LANDBANK DESIGNATION

ATTACHMENT 3



Each Director of the board of the Greater Portland Transit District representing the City of Portland on the effective date of this amendment, or thereafter, shall be appointed annually for a term of one (1) year and until his or her successor is appointed. Each Director so appointed shall serve at the pleasure of the City Council.
(Ord. No. 659-86, § 1, 6-16-86)

ARTICLE III-A. PORTLAND LAND BANK COMMISSION; FUND

Sec. 2-41. Definitions.

As used in this article, unless the context indicates otherwise, the following terms have the following meanings:

Commission means the Portland **Land Bank** commission established pursuant to section 2-42.

Land Bank means property interests of the types provided in section 2-43(a) which are purchased, acquired or dedicated for the conservation and open space purposes hereunder.

Land Bank fund means the fund established hereunder for the purchase of property interests for the conservation and open space purposes hereunder or for making grants or loans for such purposes.

Property interest means any fee simple interest in real property and any lesser interest therein, including without limitation, conservation restrictions and easements.
(Substitute Ord. No. 233, § 1, 4-5-99)

Sec. 2-42. Commission Established.

(a) *Findings.* The City Council hereby finds that:

1. There is a need to balance development within the municipality with conservation of open space important for wildlife, ecological, environmental, scenic or outdoor recreational values;

2. there are insufficient financial resources currently in place to plan for, and acquire significant open space lands or easements which are or may become available within the municipality or in adjoining buffer areas; and

3. there is a need to supplement the city's open space conservation efforts, without duplicating the efforts of other public and private groups including the Portland Planning Board, Portland Trails and the Portland Parks Commission.

Therefore, in order to ensure the conservation and preservation of limited open space with important wildlife, ecological, environmental, scenic or outdoor recreational values, there is hereby established a Portland Land Bank Commission, Portland Land Bank and a Portland Land Bank Fund.

(b) *Purposes.* It shall be the purpose of the commission to:

1. work for the acquisition and conservation of open space within the City, as defined in §2-43(a) below;

2. cooperate with other agencies and parties on wetlands mitigation projects;

3. recommend on a priority basis the acquisition of various interests in real estate in order to effectuate the goals of this article;

4. accept gifts and funds from both private and public sources and to disburse such funds in accordance with the commission's approved budget for the purposes hereunder;

5. act as a liaison to other public and private nonprofit agencies involved in planning, acquisition, disposition, and management of conservation and open space land within the municipality; and

6. recommend an annual budget to the City Manager and City Council to carry out its purposes.

(c) *Appointment of commission.* The Portland Land Bank Commission shall consist of and be administered by nine (9) persons appointed by the City Council for staggered three-year terms. Except as provided below for non-voting members, the members must be legal residents of the municipality and shall serve without compensation. One member of the commission shall be appointed from the City Council. Neither a municipal employee nor member of the Planning Board or Board of Appeals may be a member of the commission. To the extent feasible, representation on the board shall be diversified, including without limitation, members representing environmental or conservation interests, the Parks Commission, economic development, business and financial interests, and the public generally. There shall be a resident from each of the City Council districts on the commission.

(d) *Non-voting members.* In addition to the nine voting members, the Board of Directors of Portland Trails and of Maine Audubon Society shall each appoint one person from each of their memberships to serve as non-voting members of the commission for three (3) year terms. The only eligibility requirement for appointment to the non-voting positions shall be membership in the respective group which they represent. Such non-voting members shall serve at the pleasure of their appointing Board of Directors.

(e) *Vacancies.* In the event of a permanent vacancy in the voting members, the City Council shall, within 120 days of its occurrence, appoint a person to serve for the unexpired term.

(f) *Removal.* Voting members of the commission may be removed by the City Council for cause, after notice and hearing. Without limiting the foregoing, excessive absences from regularly scheduled meetings shall be considered cause for removal.

(g) *Organization of commission.* The commission shall annually elect a chair, a secretary and a treasurer from among its voting members and shall adopt reasonable rules for the conduct of its meetings, which rules shall include provisions for public comment substantially the same as those provided by City Council rules for standing council committees. The decisions of the commission shall be by majority vote of those present and voting and no business may be transacted without a majority of the voting members present; provided, however, five (5) votes shall always be required to authorize a grant or loan for acquisition of, or to recommend to the council the disposition of, any property interest acquired or disposed of hereunder. The Commission shall keep accurate records of its meetings and actions and shall file an annual report with the City Manager.

(h) *Powers and duties of commission.* The Commission:

1. Shall file annually with the City Council a registry of all open space of the types in section 2-43(a), publicly or privately owned, located within the city or abutting the City as potential buffer areas, for the purpose of providing information pertinent to property utilization, protection, development or use of such open space. The registry must show all property interests then currently held by the city, including a description of the use of those interests and all acquisitions, improvements or dispositions of all property interests held by the city at any time during the year preceding each filing. The commission shall determine and list in the registry the open space lands which meet the criteria in section 2-43(a) and which have significant value for preservation through the land bank, and those which are of lesser or no value for preservation and those which are more appropriate for other uses. The foregoing determinations shall include a prioritized list of any recommended acquisitions for the Land Bank, as well as the commission's rationale for its determinations. The commission shall actively seek comments on the proposed registry from the Planning Board, Friends of the Parks, city departments, and the general public at a public hearing prior to adopting the registry or revision to the registry and forwarding it to the council for review. Said registry or revision thereto shall be subject to the approval of the City Council;

2. May solicit and recommend to the City Council the acceptance of gifts of any real property interests or of funds to further the conservation and open space goals of this article;

3. May recommend to the City Council the disposition of all or any portion of the property interests listed in the registry and held by the city; shall review any request to use, improve or permanently dispose of a property interest prior to review by a council committee or the city council; and may review any proposed disposition of city tax-acquired property interests and make its own recommendations thereon to the City's tax acquired property committee, council committees and/or the City Council;

4. May obtain such professional services as are necessary in order to perform its duties, including development and updating of the Commission's registry, provided, however, to the extent possible, City staff shall assist the Commission;

5. May act as a liaison for the activities of public and private conservation bodies organized for similar purposes;

6. May make recommendations to, and participate with, the city and other agencies and parties in regard to wetlands mitigation plans and projects;

7. May apply for federal, state and local funds for which it may be eligible, subject to the approval of the City Council;

8. May advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary; and

9. Shall submit to the City Manager annually an operating and capital budget for all expenses and projects of the Commission, which shall include a separate budget for expenditures from the Land Bank fund, which expenditures will be limited to the purposes for which this fund is dedicated. Commission expenditures shall not exceed its annual operating and capital budget, unless otherwise amended by the City Council.

(Substitute Ord. No. 233-99, §1, 4-5-99; Ord. No. 204-13/14, 4/28/2014; By Referendum, 6-10-14)

Sec. 2-43. Establishment of Land Bank.

(a) *Acquisition of property interests.* Property interests acquired and held for the purposes hereunder shall be considered as the land bank and may consist of any of the following types of land and interests in land:

1. Ocean, harbor, river, stream, or pond frontage and adjoining back lands;

2. Fresh or saltwater marshes, estuaries, flood plains and adjoining uplands;

3. Islands;

4. Land for future passive public outdoor recreational use, including hiking trails, bicycle paths, green belts and high elevations with a view;

5. Aquifers, aquifer recharge areas and other ecologically fragile or significant property;

6. Properties with unique historical or geological characteristics or otherwise important to the community's cultural welfare;

7. Woods or forest land;

8. Farmland or wildlife habitat;

9. Open spaces which help to shape the settlement pattern of the community by promoting the neighborhood concept and discouraging sprawl;

10. Vacant parcels of land, vacant buildings and properties or buildings and properties in significant disrepair which may be reclaimed for the purpose of establishing natural areas for conservation and open space land;

11. Conservation or trail easements and other similar interests in land; or

12. "Urban open public spaces" such as parks, plazas and squares where people have the opportunity to recreate and hold events.

Said Land Bank property interests may be held in the name of the city or in the name of a private nonprofit organization when acquired from the City or with the assistance of a grant or loan from the land bank fund. All acquisitions of property interests under this article shall be subject to the approval of the City Council, unless previously approved through adoption of the Commission's annual budget.

(b) *Maintenance of land.* The Commission and the City government shall retain any Land Bank property interest acquired pursuant to this article and maintained in the Land Bank predominantly in its natural, scenic or open condition, except as otherwise provided in this article. Except upon the approval, in accordance with section 2-43(c), of the commission, the City Council, and, where applicable, the voters in a municipal election, or where required by state or federal law, and where appropriate, subject to the Constitution of Maine or state law, the commission or the City government shall not allow:

1. Construction or placing of buildings; roads, other than paths for recreational use; signs; billboards; other advertising, utilities or other structures on or above the surface, except in furtherance of the conservation, open space, and recreation purposes of this article. Notwithstanding the foregoing, this provision shall not prohibit any of the following within any predominantly improved or non-forested areas of a Land Bank property interest: recreational structures, outdoor restaurant seating, outdoor markets, outdoor performance spaces, signs, and other advertising. Furthermore, predominantly unimproved or forested Land Bank property interests, or portions thereof, shall remain in their existing unimproved and forested condition. For the purposes of this subsection, a golf course shall be deemed a predominantly improved and non-forested area;

2. Dumping or placing of trash, waste or unsightly or offensive material;

3. Removal or destruction of trees, shrubs or other vegetation, except where necessary for management purposes and to enhance natural systems or open-space uses;

4. Excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such manner as to affect the surface, except limited grading to enhance the open-space uses of the land;

5. Surface use except for purposes permitting the land or water area to remain predominantly in its natural, scenic or open condition; or to permit the land to continue to support the cultural or recreational values for which it was acquired;

6. Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation, except as may be necessary or convenient in urban open public spaces described in section 2-43(a)(12); or

7. Other acts or uses detrimental to the cultural, natural, scenic or open condition of the land or water areas.

(c) *Disposition of property interests.*

(1) Except as set forth in section 2-43(c)(2), any request to sell or otherwise dispose of, or the City's lease, use or improvement in a manner otherwise prohibited by this article, of any property interest in the Land Bank, or the removal of

any property interest from Land Bank designation or dedication, shall become effective only after review and recommendation thereon by the commission, and either (i) the approval of seven (7) members of the City Council and the approval of the majority of votes cast in a municipal election through the process set forth for an ordinance initiated by the City Council in section 9-45; or (ii) the approval of eight (8) members of the City Council; provided, however, such use, improvement or disposition must be legally consistent with the terms of any gift or grant of funds or property which was used for the acquisition of that property interest. Nothing herein is intended, nor shall it be deemed, to prevent or prohibit the sale or development of all or a portion of any property interest purchased with land bank funds to the extent legally consistent with the terms of its acquisition and approved by seven (7) members of the City Council; provided, however, that the fund shall be reimbursed all of its costs and expenses for such purchase from such sale or development, including without limitation the purchase price, or pro rata share thereof, of the property interest. Further provided, however, that no voter approval in a municipal election shall be required in the event of a sale or disposition to a nonprofit corporation having a primary purpose of land conservation, or for a transaction in which there is no net loss of land to the entire contiguous area of the Land Bank Property interest.

(2) Notwithstanding the requirements set forth in section 2-43(c)(1), for any request to lease, use or improve a Land Bank property interest, in a manner otherwise prohibited by this article, which, in isolation or when aggregated with other such actions within the previous five (5) years, comprises less than five thousand (5,000) square feet or less than ten percent (10%) of the total area of the Land Bank property interest, whichever is smaller, shall become effective only after review and recommendation thereon by the commission and the approval of six (6) members of the City Council, and shall not require voter approval in a municipal election. For the purpose of this subsection, the total area of the property interest shall be the entire contiguous area of that Land Bank Property interest, as measured by the City's tax assessor office.

(Substitute Ord. No. 233-99, §1, 4-5-99; Ord. No. 204-13/14, 4/28/2014; By Referendum, 6-10-14)

Sec. 2-44. Specific Properties Dedicated as Land Bank Property Interests.

In addition to those properties currently designated or dedicated as Land Bank property interests, the following properties are hereby dedicated as Land Bank property interests:

(a) Back Cove Park and Trail (429 K001, 166 X001, 165 X001, 158 X001, 157 X001, 139 X001, 128 X001, 440 A001, 442 B001, 442 X001, 441 X001, 009 X001, 008 X001, 440 X001)

(b) Barrow's Park/Baxter Sundial (128 F001)

(c) Bayside Park (026 H001, 026 H002, 026 H008)

(d) Baxter Pines (133 A001-A017, 133 B001-B013, 133 B016-B020)

(e) Baxter Woods (137 E012, 136 D004, 135 A005)

(f) Bell Buoy Park (444 A001)(including only the existing brick and grass area around bell buoy)(urban open public space)

(g) Belmeade Park (111 A001)

(h) Capisic Pond Park (224A X001, 224A E016, 224 X001, 192 C001 192 H018, 192 H019, 192 H020, 192 H029, 223 A002, 223 A003)

(i) Clark Street Park (057 K010)

(j) Congress Square Park (037 E001)(urban open public space)

(k) Deering Oaks Park (050 A001, 049 B001, 035 I001, 035 G001, 035 F001)

(l) Dougherty Field (080 L001, 079 B001, 066 A002)

(m) Eastern Promenade Park, East End Beach, Fort Allen Park (008 A003, 008 A007, 010 B006, 015 G001, 006 A001, 006 A002, 006 A006, 006 B003,005 E004, 005 E001, 005 E002, 006 B001, 005 E008, 004 C002, 004 C001, 004 A001, 001 A001, 001 A003, 001 C007, 001 C006, 001 C005, 001 C004, 001 C001, 002 A014)

(n) Fessenden Park (081 C006)

(o) Fort Gorges (110 A010)

(p) Fort Sumner Park (012 Q015, 013 K015)

(q) Fox Field/Kennedy Park (023 B001)

(r) Harbor View Park and Tate-Tyng Park (043 A001, 043 A002, 043 A003, 043 A004, 043 A005, 043 A006, 043 A007, 043 A008, 043 A009, 043 A010, 043 A011, 043 A013, 044 D001)

(s) Heseltine Park (129 C001)

(t) Lincoln Park (028 B001)(urban open public space)

(u) Lobsterman Park (032 X002 - only including land south of the entrance to parking garage)(urban open public space)

(v) Longfellow Square (no separate tax parcel)(only including statue and circular grassy area immediately surrounding statue)(urban open public space)

(w) Monument Square (027 G001)(urban open public space)

(x) Munjoy South Playground (017 G008)

(y) Payson Park (159 G001, 163 L006, 164 A001, 165 A001, 166 A001, 166 A009, 167 B009, 167 B010)

(z) Peppermint Park (021 F002)

(aa) Pleasant Street Park (039 F025)

(bb) Post Office Park (032 D005)(urban open public space)

(cc) Riverside Golf Course (but excluding land on or within three hundred (300) feet of the parking lots and land on and within three hundred (300) feet of the existing clubhouse (building 1158) and three other buildings (buildings 1140, 1200, and 1260) and excluding any land on or within three hundred (300) feet of the Riverside Recycling Facility)(361 A002, 360 A001, 362 A001, 363 A001, 359 A001, 358, A001, 364 A001, 357 A001, 365 A001, 366 A001, 367 A001)

(dd) Riverton Park (325 C008, 361 A001)

(ee) Stroudwater Park (213 E003, 213 E004)

(ff) Taylor Street Park (057 A006, 057 A009, 057 A010, 057 A018)

(gg) Tommy's Park (032 H009)(urban open public space)

(hh) University Park (436 B001, 438 B001) and

(ii) Western Promenade Park (064 E024, 068 E001, 070 C001, 071 A011, 071 A002, 071 A007).

Dedication of the above-listed properties as Land Bank property interests shall not affect any rights and interests of record held by third parties existing on the effective date of this ordinance. The above-listed properties may be removed from such dedication by the same process set forth in section 2-43(c).
(By Referendum, 6-10-14)

Sec. 2-45. Land Bank Fund.

(a) *Establishment of fund.* The City shall establish a municipal

ATTACHMENT 5

~~making specific recommendations therein about suggested goals and improvements for the parks and public grounds;~~

~~(5) Encouraging educational programs, through the schools or otherwise, in forestry education or other relevant subjects it determines to be beneficial to the parks programs of the city;~~

~~(6) Undertaking such other activities as to enhance the parks, trails and open space programs of the city as it deems appropriate from time to time; and~~

~~(7) Conducting an annual meeting of all parks, trails and open space advocacy groups to discuss annual projects and to recommend goals and priorities for capital improvement projects to the city council.~~

(Ord. No. 50-83, 6-20-83; Ord. No. 70-09/10, 10-5-09; Order 203-13/14, 5-28-2014)

Cross reference(s)--City boards, commissions, committees, etc., § 2-31 et seq.

ARTICLE IB. DEDICATION OF PARKS AND PUBLIC GROUNDS

Sec. 18-11. Parks and Public Grounds Dedicated. The following parks and public grounds are hereby subject to the provisions within this Article:

Andrews Square;
Back Cove Park and Trail;
Barrow's Park/Baxter Sundial;
Bayside Park/Stone Street Playground;
Bayside Trail;
Baxter Pines;
Baxter Woods;
Bedford Park;
Bell Buoy Park:
Belmeade Park;
Boothby Square;
Boyd Street Gardens;
Bramhall Square;
Capisic Pond Park;
Caldwell Square;
Clark Street Park;
Congress Square (specifically the remaining 1/3 of Congress Square);
Clark Street Playground;

Deering Oaks Park;
Dougherty Field;
Eastern Promenade Park(including East End Beach and Trail);
Fessenden Park;
Fort Allen Park;
Fort Gorges;
Fort Sumner Park;
Fox Field/Kennedy Park;
Harborview View and Tate-Tyng Park and Playground;
Heseltine Park;
Lincoln Park;
Longfellow Park;
Longfellow Square;
Lobsterman Park;
Marada Adams Playground;
Martin's Point Park;
Monument Square;
Munjoy South Playground;
Nason's Corner Park;
Payson Park;
Peppermint Park;
Pedro Field;
Pleasant Street Park and Playground;
Post Office Park;
Quaker Park;
Riverside Golf Course;
Riverton Trolley Park;
South Street Playground;
Stroudwater Park (Waldo Street and Westbrook Street);
Taylor Street Park;
Tommy's Park;
Trinity Park;
Western Promenade Park; and
Winslow Park.

Sec. 18-12. Use and Maintenance of Parks and Public Grounds. The City shall retain all parks and public grounds dedicated in section 18-11 predominantly in their natural, scenic, open and/or intended condition. Notwithstanding the foregoing, this provision shall not prevent the City from the following:

(a) Improving or maintaining dedicated parks and public grounds in a manner consistent with the design of the park or public ground or approved master plan;

(b) Using dedicated parks or public grounds for any of the following:

(1) Athletic contests;
(2) Playgrounds and/or recreational structures;
(3) Outdoor restaurant seating;
(4) Outdoor markets;
(5) Outdoor performance spaces or performances;
(6) Signs and other advertising;
(7) Food trucks or vendors; and/or
(8) Festivals; or

(c) Granting permits, licenses or leases (no more than one (1) year or less in length) for the use, maintenance and/or improvement of dedicated parks or public grounds.

Sec. 18-13. Inalienability of Parks and Public Grounds. Except as authorized in sections 18-12 and 18-14, dedicated parks and public grounds may not be removed from the list in section 18-11, or used, sold and/or permanently disposed of for non-recreational purposes.

Sec. 18-14. Disposition of Parks and Public Grounds. Any request to a council committee or the city council to add or remove a dedicated park or public ground from the list in section 18-11, sell or otherwise permanently dispose of a dedicated park or public ground for non-recreational purposes, or establish a use and/or improvement other than those listed in 18-12, shall be reviewed by the parks commission who shall provide an advisory opinion on any such request prior to review by the council committee and the city council, and shall only become effective upon review and approval by seven (7) members of the city council.
(Order 203-13/14, 5-28-2014)

Sec. 18-15. Reserved.

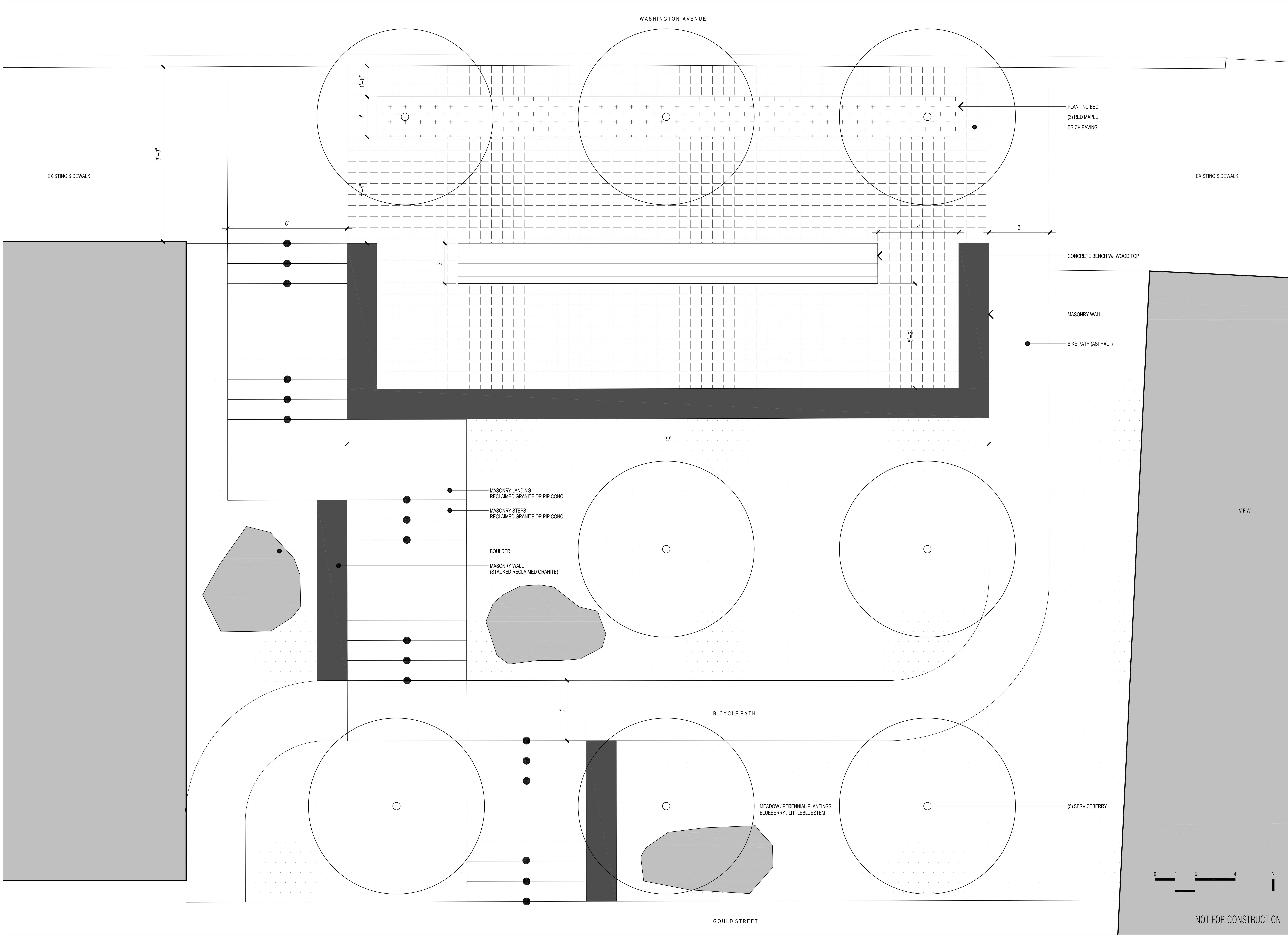
ARTICLE II. REGULATIONS FOR PARKS AND PUBLIC GROUNDS

Sec. 18-16. Scope.

The provisions of this article shall apply to any of the parks or public grounds belonging to or under the control of the city.
(Code 1968, § 501.1)

Sec. 18-17. Trucks prohibited.

ATTACHMENT 6



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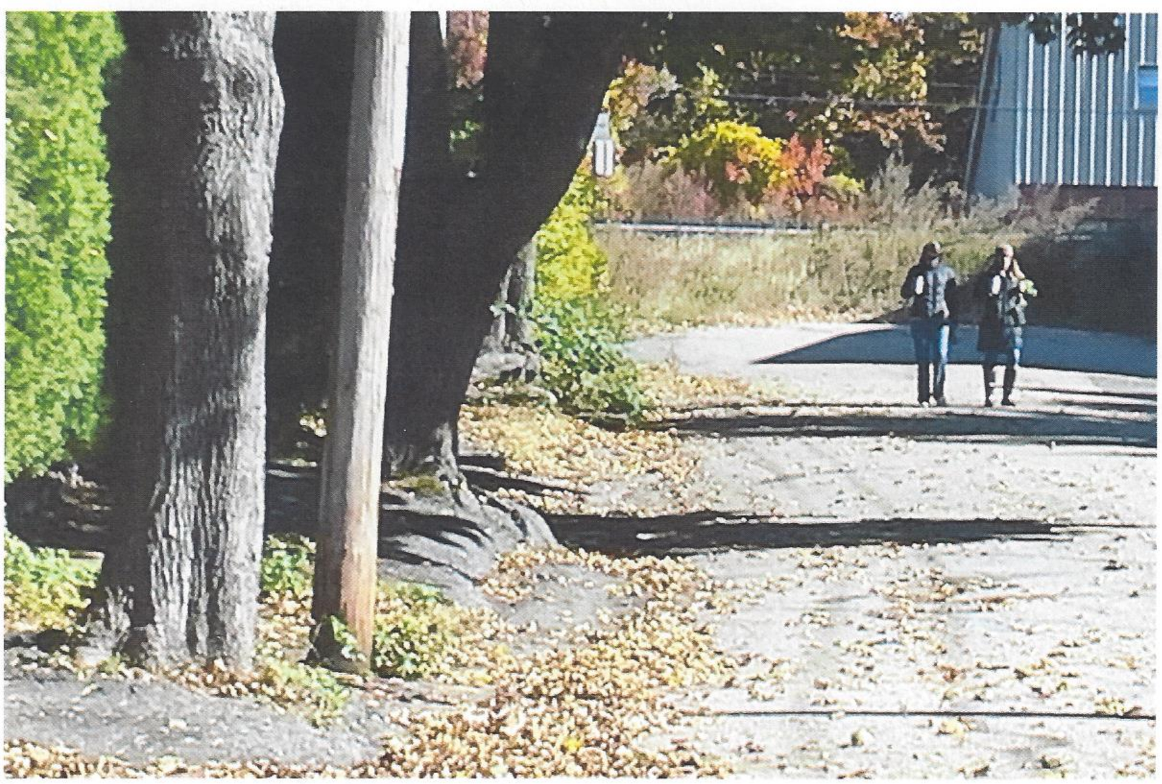
GOULD STREET PARK
PORTLAND MAINE

No:	Revision / Submission	Date:

revisions:
date: MARCH 2, 2016
scale: As Noted
drawn: XX
checked: XX

L1.0
MATERIALS PLAN

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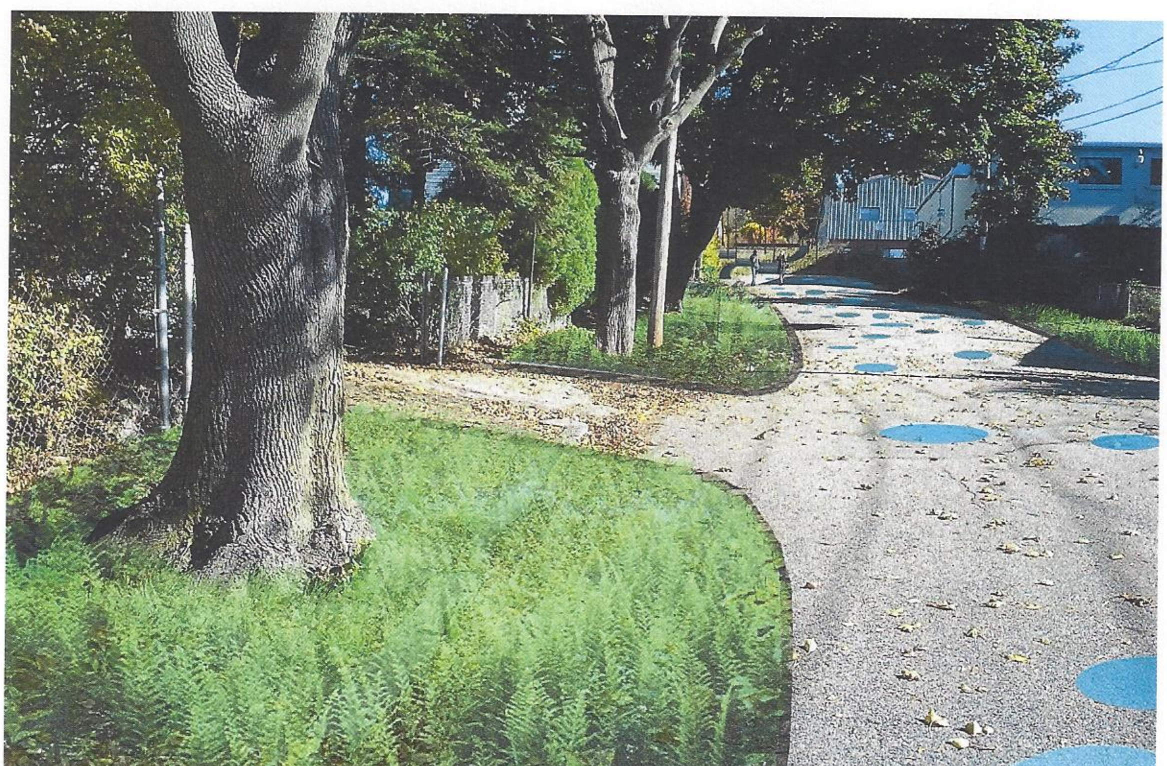
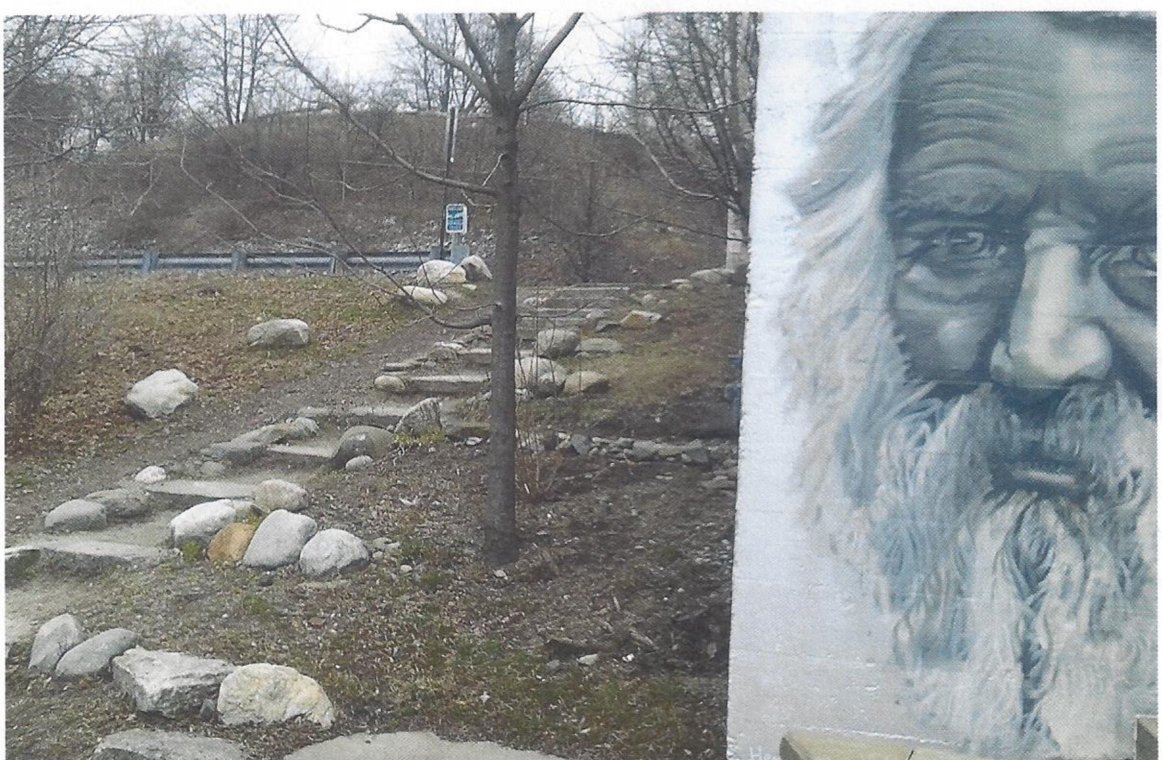



Gould St




PORTLAND
TRAILS
A Nonprofit Urban Land Trust | www.trails.org

Gould Street Park and Trail

The **Gould Street Park and Trail** project is a community driven effort to improve the safety, appearance and function of the top of Gould Street. Currently this area is overgrown with weeds, trash-strewn, and largely ignored. Though steep, many people do currently use Gould Street as a short-cut between Washington Avenue and the Anderson Street neighborhood.

Over the past several months, Portland Trails, in partnership with the East Bayside Neighborhood Organization (EBNO) has reached out to numerous abutters and community members, and received feedback and ideas on how to better utilize this space. With help from local designers and residents, Portland Trails developed a concept design for a neighborhood pocket-park and trail connection which will become a true community asset.

By using salvaged materials, volunteer labor and existing assets this project can be completed without any expense to the City of Portland. Portland Trails has received a grant to cover some of the associated costs, as well as funding to hold a celebration event nearby.

As residents, business owners and abutters we support this effort to enhance our neighborhood public spaces.

Name/affiliation	**Address**	**Signature**	**Date**

Portland Open Spaces

Integrated Pest Management Proposal 2016

Prepared by:

- *Ethan Hipple, Parks Director*
- *Ethan Owens, Athletic Facilities Manager*
- *Jeff Tarling, City Arborist*
- *Gene Pierotti , Golf Course Superintendent*
- *Troy Moon, Sustainability Coordinator*

Guiding Principles

- City staff take a precautionary, incremental, and science-based approach to minimizing public exposure to pesticides on City Property.
- Pesticide use (organic or synthetic) on City property should be strongly regulated, with clear guidelines (such as this document) for staff managing public lands.
- City staff support continuing the "no-pesticide" policy on certain properties, eliminating pesticides use in certain areas, and reducing them in other areas, depending on the property classification.
- Certain areas within the Riverside Golf Course would be exempted, while pesticides could be eliminated or reduced in other areas of the golf course.
- City staff will continue to follow Integrated Pest Management principles, utilizing pesticides in limited areas as simply one tool to control pests, along with other effective measures such as maintaining turf and plant health by aeration, overseeding, irrigation, cutting height, etc…
- Follow the *Precautionary Principle* in reducing and regulating all pesticide use (organic and synthetic) whenever possible.
    - Definition of "Precautionary Principle": *When human activities may lead to morally unacceptable harm that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that harm. (Source: UNESCO 2015, United Nations Educational, Scientific, and Cultural Organization)*
- The term "organic" or "non-synthetic" does not mean that products are tested and safe for the public. City staff will follow the science and guidelines from Environmental Protection Agency and Maine Board of Pesticide Control before using *any* product.
    - The International Agency for Research on Cancer (IARC) lists many naturally-occurring and organic substances that are *possibly* carcinogenic in humans: sodium nitrates, coffee, bracken fern, tobacco, alfatoxins in fungi, areca nuts, coal tar, betel quid, and wood dust are prominent examples (http://monographs.iarc.fr/ENG/Classification). The science tells us that the organic nature of a substance does not necessarily make it safe for humans, nor does the synthetic nature of a substance make it unsafe for humans.
- City staff will utilize the following science-based guidelines to minimize public exposure to all pesticides:
    - Follow Best Management Practices as developed by Maine Board of Pesticides Control (adopted 2/24/2012)
    - All pesticides (organic and synthetic) used on City property must be Environmental Protection Agency tested and listed.
    - Additional City Practices and Procedures as detailed in this document
- Only State Licensed Applicators may apply pesticides (organic or synthetic) on City property.

Action Plan Summary

- Continue following State of Maine Best Management Practices as defined by Maine Board of Pesticide Control.
- Continue practice of requiring that all City employees who apply pesticides carry Commercial Applicator Licenses and that they attend required continuing education classes.
- Reduce or eliminate total amount of pesticides (organic and synthetic) used on city properties according to plan below.
- Develop 2 test sites on City Athletic Fields where we can completely eliminate pesticide use on half of field and compare results to areas treated with pesticides. These tests would occur over a 3 year period. These test sites would allow the testing of various techniques and would allow us to gauge the public's willingness to live with a higher percentage of weeds, insect pests, and exposed earth on their playing fields. Details below.

Training and Certification

- Any City staff member who will apply any pesticide (organic or synthetic) shall maintain a State Applicator License.
    - The city currently employs
        - 2 Master Applicators (Golf Course Superintendent and City Arborist)
        - 4 Commercial Applicator Licensees (Athletic Field Maintenance Departments).
        - 8 Commercial Applicators in Parks and Cemeteries Division
- Staff shall continue to keep certifications current and attend continuing education sessions.
- In order to receive a Commercial Applicator License, individuals must go through extensive training in Best Management Practices, Integrated Pest Management.

City of Portland Pesticide Plan

Staff have categorized city open space properties into 4 categories. On some lower level properties such as playgrounds, right of ways, etc… (Levels 3 and 4), staff and the public can tolerate a higher level of weeds and insects and pesticide use will eliminated entirely. On higher priority levels (Levels 1 and 2) such as high-use and varsity playing fields, synthetic pesticide use will continue according to State of Maine Board of Pesticide Control Best Management Practices.

- **Level 1**—Highest care areas, e.g., Hadlock Field, some varsity playing fields, high-use fields that get excessive wear and tear.
- **Level 2**—High care areas, e.g., practice fields or multipurpose fields. May include varsity fields or high visibility lawn areas depending on the school.
- **Level 3**—Moderate care areas, e.g., playgrounds, low-use areas, common areas. May include practice fields and some lawn areas depending on the school
- **Level 4**—Lowest care areas, e.g., most park lawn areas, natural areas, fence lines, property edges, slopes, utility areas, ditches or trails

Test Sites: All-Organic Playing Surfaces

In the calendar year 2016, two organic/synthetic test sites will be created, observed, and documented. These are Level 1 sites that otherwise would have continued to receive synthetic pesticides under this proposal.

We propose to treat and monitor these sites for 3 years to test results and collect feedback about the public's willingness to live with more pests, insect infestations, and exposed earth on public playing fields. It generally takes two or three years for turf to decrease dependence on pesticides. Staff will monitor for this length of time to ensure that organic methods have a chance to work.

Because of differences between sites in soil composition, sunlight, drainage, and level of use, we propose to test organic and synthetic products side by side at the same site so that those variables are equalized. Organic products will used on half of the field, and synthetic products will be used on the other half of the field. Extensive before and after documentation will occur, as well as a written plan documenting the test parameters and guidelines. All test sites will continue to receive Best Management Practices of high-mowing, mulching, aeration, topdressing with compost and sand, and overseeding. The findings will be recorded and put into a report form on an annual basis.

- Site 1: Quinn Field at Deering Oaks Park
- Site 2: Payson Softball Field B (not varsity field)

Low-Use Fields (Levels 3 and 4)

- Discontinue synthetic pesticide use
- Continue to follow BMPs for total turf health: high-mowing, mulching, aeration, topdressing, overseeding.

Because of lower use at these fields, the turf is able to rest and recover following use. Because of of lower use, we can maintain higher grass height, which creates a healthier turf that can naturally outgrow pest species such as crabgrass and dandelions. Fields in this category include Breakwater Field, Payson Park Fields, Riverton Field Complex.

Hadlock Field, Varsity, and High-Use Athletic Fields (Levels 1 and 2)

- Continue to use pesticides following State of Maine Best Management Practices until 3-year report on Test Sites (detailed above) is complete.
- Continue to follow BMPs for total turf health: high-mowing, mulching, aeration, topdressing, overseeding.

For optimal turf health, facility managers try to limit use of grass fields to between 200-500 hours of activity per year. Because of Portland's energetic and recreation-minded population, and a limited number of fields, use of our athletic fields is extremely high--upwards of 1,000 hours per year--at certain fields such as Deering Oaks Fields, Dougherty Field Complex, and Deering High School Fields.

The turf on these fields sees continual use throughout the growing season with cleats, tackling, sliding, running, and other high-impact uses. Because of such high wear and tear on these fields, the turf takes a beating and needs continual irrigation, over-seeding, mulching, aeration, deep-tining, top dressing with compost, and the occasional use of pesticides and fertilizers. These practices encourage turf growth and health in an environment where grass will not naturally grow and thrive.

Pesticides are not just used for aesthetics, but to decrease weeds which compete with turf grasses for nutrients, water, and sunlight. They also eliminate pests such as grubs and other harmful insects which can literally turn a field into a dirt patch within a couple weeks. Pesticides prolong the life of high-use fields and reduce the need for complete field turf replacement every 5-7 years. Encouraging grass growth through use of pesticides also prevents exposing bare earth, which creates sediment runoff which is detrimental to water quality.

Weeds are problematic at Athletic Fields not just because they out-compete the natural grasses, but they create a bumpy and irregular playing surface for games such as soccer and baseball. For sports that are under increasing scrutiny to decrease injuries and concussions, providing a level and safe playing surface is a priority for the City and the organizations that run youth and adult sports leagues.

Another alternative exists to maintain high use fields without the use of synthetic pesticides. That is to simply replace the turf every 5-7 years when it becomes unusable due to high use, weeds, grubs, and other pests.

The City has 55 fields in the Level 1 and 2 categories. The estimated cost for one varsity level field replacement is $167,700 to $222,200, depending on the size of the field (see attachment for breakdown of cost). The extraordinarily high cost of field turf replacement every 5-7 years will be a significant burden on taxpayers and will likely have a chilling effect on many other improvements and backlogged maintenance to our public spaces since so much money and labor will be funneled into turf replacement.

Staff are very concerned that an immediate pesticide ban on Athletic Fields will cause an unknown amount of damage to the City's assets. We do not yet know what the outcome would be of such an action, and other communities that have placed similar bans on their properties are struggling to continue to maintain their assets.

Staff propose to instead develop Test Sites (detailed above) to develop Best Management Practices using organic products, observe results, and collect feedback from users and residents. By taking a reasoned approach, we can strike a balance between reducing overall pesticide use and maintaining our well-loved and heavily-used City assets.

Riverside Golf Course (Level 1)

- Cornell University and the State of New York are conducting a long-range study with the intent of developing practices to reduce pesticide use at Golf Courses. They are currently 9 years into the study and have made many findings on Best Management Practices that are being implemented at courses throughout the region. However, after 9 years of study, they have determined that it is not yet possible to maintain a playable surface without at least minimal use of synthetic pesticides as part of an Integrated Pest Management plan.
- Because there is no known organic product(s) that will maintain the high-quality turf required for a quality putting green, all putting greens will continue to be managed using Integrated Pest Management. This will include the use of synthetic pesticides.
- On areas other than putting greens, switch to a 3 year rotation in which we divide the course up into three 9-hole zones. Synthetic pesticides will only be applied to one of the 9-hole zones each year, leaving the other two zones synthetic pesticide-free for 2 years.
- Not only will this reduce our synthetic pesticide use from current levels, it will allow golfers with sensitivities to pesticides to choose to golf in an area that has not been treated in that current year.
- Neonicotinoids are known to have a negative impact on pollinator populations and therefore they shall not be used anywhere upon the facility. There is a product (Acelepryn) that works as well as any neonicotinoid.
- Continue to seek certification as a National Audubon Society Golf Course Sanctuary.
- As the Cornell--New York State study publishes findings, adapt their recommendations for use at Riverside Golf Course.
- Continue to follow Maine State BMPs for total turf health: high-mowing, mulching, aeration, topdressing, overseeding.
- Complete Integrated Pest Management Plan for Riverside Golf Course attached.
- FB Environmental has been contracted to provide third party monitoring and reporting of pesticide practices and complete National Audubon Society Sanctuary Golf Course certification.

- Staff will complete certification as a National Audubon Society Sanctuary Golf Course by July 2018. This certification requires reducing, but not eliminating, use of synthetic pesticides. The program consists of:
  - Environmental Planning
  - Wildlife and Habitat Management
  - Chemical Use Reduction and Safety
  - Water Conservation
  - Water Quality Management
  - Outreach and Education

The Vineyard Golf Club on Martha's Vineyard is currently the only golf course in the US known to have switched to strictly organic pesticides.

Their maintenance routine involves involves labor-intensive and expensive methods such as the following (source: http://www.nytimes.com/2010/08/17/sports/golf/17vineyard.html?_r=0):

- Staff manually remove dew from the grass each morning with a whip-like device to reduce fungal disease
- Staff fly in roundworms from Iowa on dry ice to combat grubs
- Staff wash the shoes of the members to keep unwanted seeds and soils from entering their facility.
- Staff have regularly torn out and replaced their turf, tees, and greens in order to maintain a playable surface using only organic pesticides.

Operating a luxury golf course with expensive maintenance costs such as these has made The Vineyard Golf Club only accessible to the ultra-wealthy: membership fees currently consist of a $350,000 initiation fee followed by a $12,000 annual membership fee.

The Riverside Golf Course prides itself on providing affordable golf to all Portland residents and visitors. Until better and more cost-effective organic methods are developed, providing an adequate playing surface is only feasible by utilizing an Integrated Pest Management plan (including pesticides on a limited basis).

Please see attached complete Integrated Pest Management Plan for Riverside Golf Course.

Playgrounds (Level 3)

- Continue current practice of no synthetic pesticide use.

In order to minimize children's exposure to pesticides, the public can accept a higher level of pests in their playgrounds and within a 25-foot buffer zone surrounding the playground. No synthetic pesticides will be applied in these areas, with a minimal number of exemptions for dangerous plants and stinging/biting insects (see "Exemptions" below).

Open Spaces (Level 4)

- Continue current practice of no synthetic pesticide use

The staff and the public can accept a higher level of pests in these areas including most park lawn areas, natural areas, fence lines, property edges, slopes, utility areas, ditches or trails. No synthetic pesticides will be applied in these areas, with a minimal number of exemptions for dangerous plants and stinging/biting insects (see "Exemptions" below).

Cemeteries (Level 3)

- Continue current practice of no synthetic pesticide use

The staff and the public can accept a higher level of pests in these areas that are often used as recreational areas. No synthetic pesticides will be applied in these areas, with a minimal number of exemptions for dangerous plants and stinging/biting insects (see “Exemptions” below).

City Trees (Adapted from 2009 Ontario Provincial ban on pesticides)

Since trees are important to protecting our climate, Commercially Licensed Applicators can use synthetic or organic pesticides with the written opinion of a tree care professional that states that the use of the pesticide is necessary to protect the health of the tree. Homeowners and licensed exterminators can also buy and use biopesticides and lower risk pesticides (e.g., *Btk* - a biopesticide sprayed over Ontario cities for Gypsy moth control) to care for trees without requiring an opinion from a tree care professional.

Trees & forests are important environmental assets for our community. Their long term health may require protection from invasive pests, like Dutch Elm Disease, Hemlock Wooley Adelgid, Emerald Ash Borer and Asian Longhorn Beetle. We also can experience outbreaks of insect pests like Browntail Moth that favor coastal climates and effect trees along with causing a risk to public health. In all cases we opt to use the best response possible with the lowest environmental impact. Two recent pest outbreaks in Portland include Hemlock Wooley Adelgid (HWA) & Winter Moth our response has included biological control using parasitic flies which feed exclusively on the target pest. Portland’s response to Dutch Elm Disease includes preventive fungicide treatments injected into the trunk vs spraying foliage. We urge residents to contact licensed Maine Arborist firms to evaluate and plan the proper approach to tree pests.

Exemptions *(applies to all properties within City limits)*

- Dangerous Plants: Poison Ivy, etc...
- Invasive Plants: Plants listed on the state list http://www.maine.gov/dacf/mnap/features/invasive_plants/invsheets.htm of known invasive plants. Includes Japanese knotweed, purple loosestrife, etc…
- Biting or stinging insects within 25 feet of human activity: Hornets, Wasps, etc…
- Swimming Pools
- Pet Supplies
- Disinfectants
- Rodent control
- Insect repellents
- Paints, stains and wood preservatives

Waivers (adapted from South Portland Ordinance)

In cases that threaten the public health and safety by creating a hazardous situation, individuals and/or companies may apply for a waiver from the provisions of this plan. These waivers would apply to situations not already addressed in this document.

The Integrated Pest Management Committee shall meet monthly and review and decide whether to issue waivers. The Committee shall be made up of:

- City Parks, Recreation, and Facilities Director or their designee
- City Stormwater Coordinator
- City Arborist (Master Applicator License)
- Private Landscaping Professional (must hold Maine Board of Pesticide Control Master Applicator License), appointed by the City Manager
- Citizen at Large, appointed by the City Council

A waiver application is a public record stating the proposed location(s), and timing of the use, substance(s), and amounts to be applied, the date(s) of application, and the reason for requesting use of a synthetic pesticide. The Integrated Pest Management Committee shall decide whether to issue a waiver, and for what duration. The Integrated Pest Management Committee must find all three of the following conditions exist in order to approve a waiver for the application of a prohibited pesticide:

1. That natural and organic methods have proven unsuccessful
2. The application of pesticides will not occur within 25 feet of a tributary, creek, stream, river, lake, or drainage ditch.
3. That the granting of the waiver will not result in material damage to other properties in the vicinity nor be detrimental to the public health, safety or welfare

Annual Financial Impact

The table below illustrates the annual cost of Integrated Pest Management methods (including organic, synthetic and biological controls) VS organic-only pesticides. Also includes labor required to apply the products. Does not include fertilizer costs.

	Integrated Pest Management *(Current practice includes use of organic, biological, and synthetic methods)*			**Organic Pest Management** *(Alternative practice would only consist of organic and biological methods)*		
	Labor	**Materials**	**Notes**	**Labor**	**Materials**	**Notes**
Athletic Fields	$500	$5,000	20 worker hours x $25/hour. Integrated Pest Management promotes turf health by top-dressing with compost, high-mowing, mulching, aerating, and limited pesticide use.	$1,500	$18,750	Organic material is 25% more expensive per unit, and needs to be applied 3x instead of 1x. Increased labor for multiple applications.
Golf Course	$3,718	$24,000	145 worker hours x $25.64/hour. Integrated Pest Management promotes turf health by top-dressing with compost, high-mowing, mulching, aerating, and limited pesticide use. Increased Cost of non-Neonicotinoids	$11,154	$90,000	Organic material is 25% more expensive per unit, and needs to be applied 3x instead of 1x. Increased labor for multiple applications. **NOTE: multiple studies have shown that golf playing surfaces are not sustainable using only organic products, no matter the cost.**
Tree Care and Horticulture	$500	$2,325	20 hours x 1 worker x $25/hour. Dutch Elm Disease Injections, Horticultural Bed treatments. Biological treatments are often used instead of pesticides.	$500	$2,906	Material is 25% more expensive per unit. Labor stays the same for horticulture since workers are visiting the garden beds 3x weekly regardless.
Parks	$0	$0	No pesticides routinely applied in parks	$0	$0	
Playgrounds	$0	$0	No pesticides routinely applied in playgrounds	$0	$0	
Cemeteries	$0	$0	No pesticides routinely applied in cemeteries.	$0	$0	

Sub Totals	$4,718	$31,325		$13,154	$111,656	
Grand Total	**$35,043**			**$124,810**		

Benchmarking Current Synthetic Pesticide Use

Current use of Synthetic pesticides across all city properties. Below are amounts used for 2015 growing season (April—October). These are only applied at Golf Course, Level 1 and 2 Athletic Fields, and selectively on invasive species.

- Ballfields
    - 5 gallons of Roundup for infield prep, invasive species
    - 2,000 lbs of weed and feed (active ingredient 2, 4-D variety)
- Forestry
    - 2.5 gallons of Roundup for invasive species
- Golf Course
    - 98 gallons fungicides
    - 26 gallons herbicides
    - 27 gallons growth regulators
    - 12 gallons insecticides

Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

TO: Parks Commission

FROM: Lori Paulette, Senior Executive Assistant

DATE: April 28, 2016

SUBJECT: Request to Purchase all or a portion of 471 Danforth Street/71-A-2

The Tax-Acquired Property Committee (a City staff Committee comprised of representatives of the Assessor's office, City Manager's office, Corporation Counsel, Economic Development, Finance, Planning, and Public Works), reviewed and discussed the request by the Marshalls to purchase the above property currently in the Land Bank. After discussion, it recommended that the Land Bank property be preserved, and that the City grant a drainage easement to the Marshalls on that portion that encroaches on the Land Bank Property, marked with an "XXX" on the attached map – p. 4 of 12.

The Land Bank Commission reviewed this at its April 14, 2016 meeting, where it unanimously recommended to the Parks Commission and the City Council to approve extending this drainage easement to the Marshalls as recommended by TAPC.

In anticipation of a Parks Commission vote, we expect to bring this to the City Council for a vote in June.

Enclosure

Cc: Sally DeLuca, Parks, Recreation, and Facilities Director
Greg Mitchell, Economic Development Director
Doug Roncarati, Storm Water Program Coordinator/Public Works
Jeff Tarling, City Arborist

Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

TO: TAPC

FROM: Lori Paulette

DATE: February 18, 2016

SUBJECT: Application to Purchase All or a Portion of City-Owned 471 Danforth Street (71-A-2)

The City has received an application to purchase all or a portion of the above lot (portion would be approx. 30' x 77' sq. ft.) as the applicants own the abutting property at 467 Danforth. The applicants noted that the prior owner had encroached on the City's property for over 60 years, and they now would like purchase all or a portion to help with easements of the existing placement of the garage, driveway, and drainage. They would like to use it as enhanced garden and yard space – not changing its current use.

471 Danforth Street is City-owned vacant land, containing .35 acres (15,360 sq. ft.), with an assessed value of $76,800, and zoned ROS – minimum lot size is 2 acres; it is currently in the Land Bank.

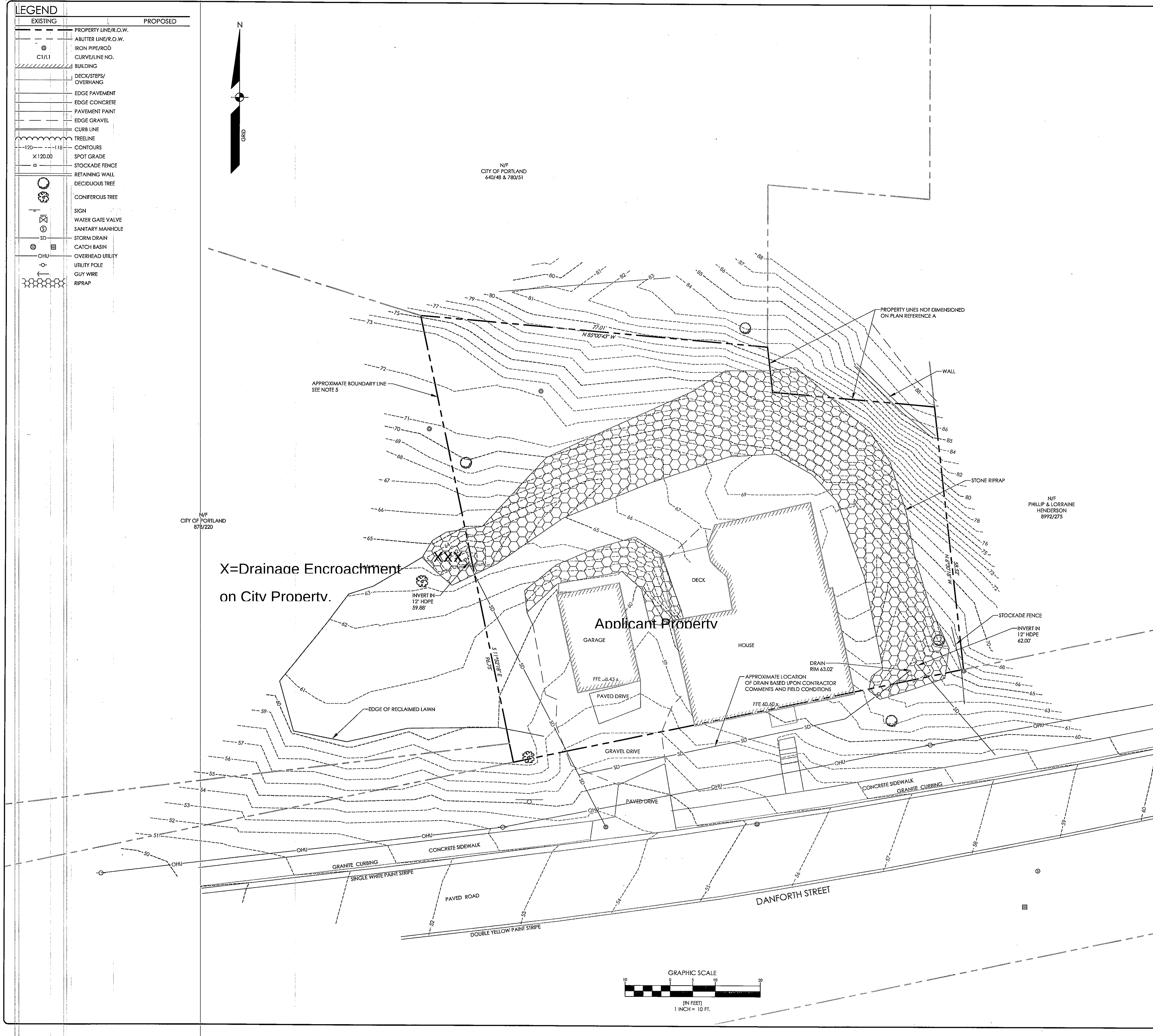
City engineering notes that to their knowledge, there are no deed restrictions to this parcel of City land, unlike other City-owned Western Prom parcels.

A Department wide survey has been done, with the survey results indicating that it would not be in the best interest of the City to sell all or a portion of this lot in order for the City to continue to have access for drainage work, as well as a potential trail through the property connecting to Western Prom (see map of potential trail from Portland Trails).

In the alternative to a sale, in speaking with City Arborist Jeff Tarling, he would be in favor of providing a 10' wide easement to the Applicants. This would take care of the current drainage encroachment onto the City's property.

This is being submitted to TAPC for its recommendation to the City Manager, and ultimately to the City Council, as to whether to move forward with an easement, or sell a 10-foot portion, or advise the Marshalls that the City is not interested in selling any of this property and no easement either.


existing tobogan run
trail
DANFORTH ST
525
proposed danforth
connector
52
48
50
future
xwalk/connection to
W. Commercial Trail
467
481
501
COMME



GENERAL NOTES:

1. THE RECORD OWNERS OF THE PARCEL ARE WILLIAM AND KATHERINE MARSHALL BY DEED RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 31098, PAGE 81.
2. THE PROPERTY IS SHOWN AS LOT 3 WITHIN BLOCK A ON THE CITY OF PORTLAND TAX MAP 71.
3. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON AN ON THE GROUND FIELD SURVEY BY SEBAGO TECHNICS, INC. PERFORMED IN NOVEMBER OF 2014.
4. THE BOUNDARY INFORMATION SHOWN HEREON IS BASED SOLELY UPON PLAN REFERENCE A AND FOUND CONTROL POINTS FROM PLAN REFERENCE A, PROVIDED TO THIS SURVEYOR IN AUTOCAD FORMAT BY THE CITY OF PORTLAND.
5. PLAN REFERENCES:
   A. PLAN OF CITY PROPERTY AT 54 WESTERN PROMENADE AND 471 DANFORTH STREET, VALLEY STREET TO VAUGHN STREET, BY THE CITY OF PORTLAND, MAINE PUBLIC SERVICES DEPARTMENT, ENGINEERING DIVISION, DATED JANUARY 31, 2013.
6. PLAN ORIENTATION IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, BASED SOLELY UPON PLAN REFERENCE A. ELEVATIONS DEPICTED HEREON ARE NGVD29 CITY DATUM, BASED ON MONUMENT 100 SHOWN ON PLAN REFERENCE A, BEING ELEVATION 47.045 FEET PER EMAIL FROM BILL SCOTT OF THE CITY ENGINEERING DIVISION.
7. UTILITY INFORMATION DEPICTED HEREON IS COMPILED USING PHYSICAL EVIDENCE LOCATED IN THE FIELD. UTILITIES DEPICTED HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND/OR DESIGNERS NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-888-DIG-SAFE) AND FIELD VERIFY EXISTING UTILITIES PRIOR TO CONSTRUCTION AND/OR EXCAVATION.

MATTHEW W. EK, PLS 2117

DESIGNED	CHECKED
-	MWE

REV:	BY:	DATE:	STATUS:
B	MWE	11/20/14	RELEASED FOR CITY SUBMISSION
A	MWE	11/19/14	SUBMITTED TO CLIENT FOR REVIEW

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

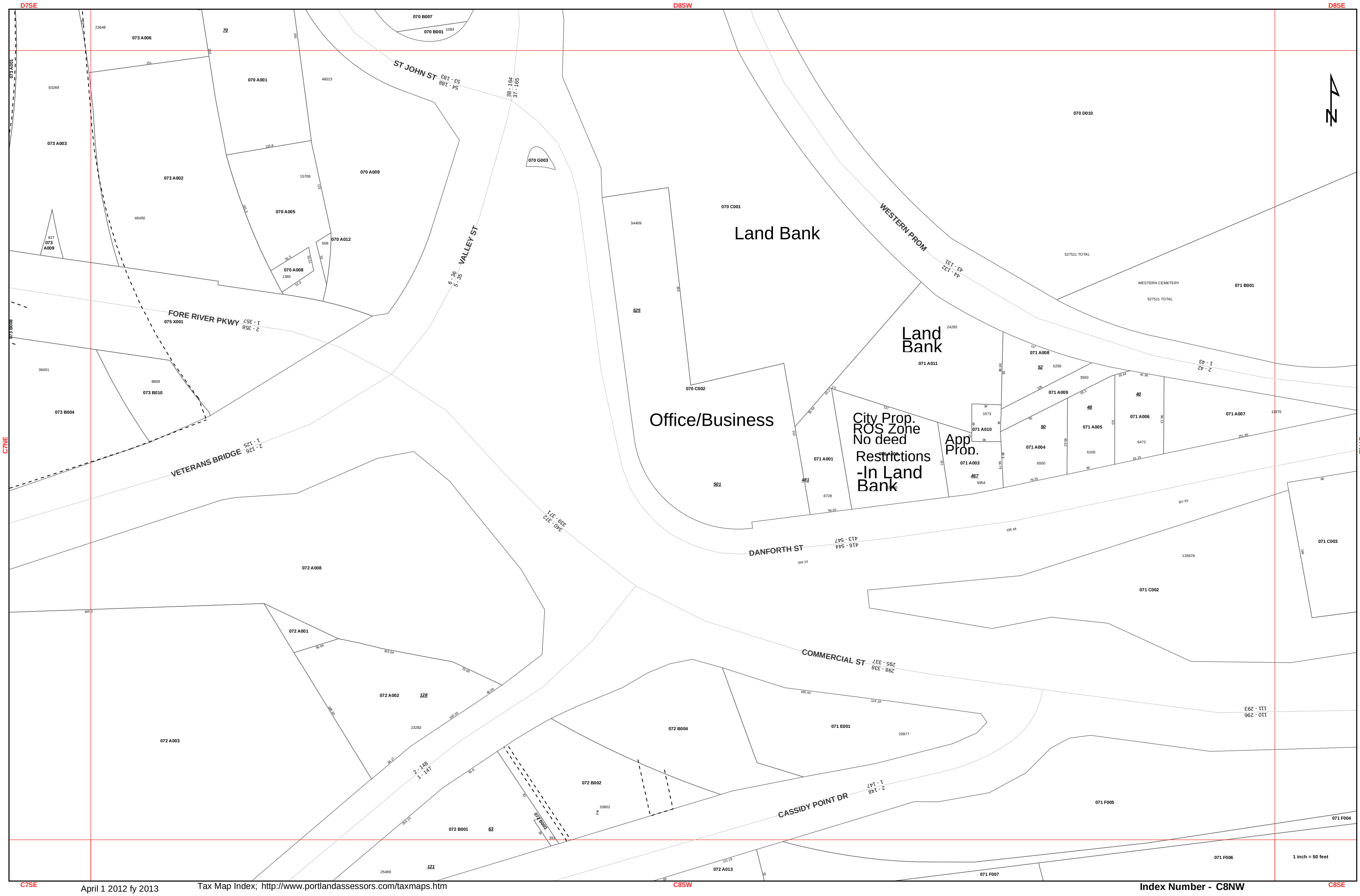
SEBAGO TECHNICS
WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd. - Suite 1A South Portland, ME 04106 Tel. 207-200-2100
250 Goddard Rd. - Suite B Lewiston, ME 04240 Tel. 207-783-5656

AS-BUILT SURVEY PLAN
OF:
MARSHALL PROPERTY
467 DANFORTH STREET
PORTLAND, MAINE
FOR:
MAST CONSTRUCTION CORPORATION
17 MAST ROAD
SCARBOROUGH, MAINE 04074

PROJECT NO.	SCALE
14405	1" =10'

SHEET 1 OF 1

14405EC.dwg, TAB: 24x36



D7SE
D8SW
D8SE
C7NE
D7NE
C7SE
C8SW
C8SE
N
ST JOHN ST
VALLEY ST
WESTERN PROM
FORE RIVER PKWY
VETERANS BRIDGE
DANFORTH ST
COMMERCIAL ST
CASSIDY POINT DR
Land Bank
Land Bank
Office/Business
City Prop.
ROS Zone
No deed
Restrictions
-In Land
Bank
App
Prop.
070 B007
070 B001
073 A006
070 A001
070 A009
070 A005
070 A008
070 A012
070 G003
070 C001
070 C002
070 D010
073 A003
073 A002
073 A009
075 X001
073 B010
073 B004
071 A011
071 A008
071 A009
071 A010
071 A001
071 A003
071 A004
071 A005
071 A006
071 A007
071 B001
071 C003
071 C002
072 A008
072 A001
072 A002
072 A003
072 B004
071 E001
072 B002
072 B001
072 A013
071 F005
071 F004
071 F006
071 F007
WESTERN CEMETERY
527511 TOTAL
1 inch = 50 feet

City of Portland
Application for Purchase of City Acquired Property

Please complete this form and return to:

Economic Development Department
City of Portland
389 Congress Street Rm. 308
Portland ME 04101

If you have any questions regarding this form, the City's rules for disposition of tax acquired property or City owned property, please contact the Economic Development Department at (207) 874-8683, Ext. 5, or via email at ljn@portlandmaine.gov

Please print clearly or type:

I. Property Address for acquisition from the City:

Chart, Block & Lot Number(s) Map 71, Block A, Lot 2
(From Assessor's Maps) 471 Danforth St. Portland ME 04102

(Phone number for City Tax Assessor's Office (207) 874-8486)

II. Applicant Information

Name William H : Katherine M. Marshall Phone 620.747.0116

Address 467 Danforth St. Portland ME 04102

Years at current address 2 years

Are you or have you ever been employed by the City of Portland? Yes No

If yes, indicate dates employed and position: / / to / /

Position ______ Dept. ______

Please list any relatives employed by the City of Portland

______

______

III. Property Profile of City-Controlled Lots Being Requested to Purchase

Please circle the type of property Vacant Lot Residential Commmercial/Indust.

Do you currently own abutting property? Yes No

If yes, please indicate the Chart, Block and Lot Number(s) and Street Address:

Map 71, Block A, Lot 3
467 Danforth St.
Portland, ME 04102

State in detail your proposed use for the property you are interested in purchasing. If the proposed use of the property is changed from its current use or if a building is proposed, attach a sketch and measurements. Add another sheet if additional space is needed.

We are interested in purchasing all or part of the adjoining property to ours at 467 Danforth, which will help with the easements of the existing placement of the garage, driveway and drainage. The previous owners occupied much of this abutting lot during their 60 years of ownership. Rather than just occupy this space we would like to purchase it and use it as enhanced garden and yard space, not changing its current use. At a later time, we would consider returning the garage to a double garage per the 1924 historical photo of the 467 Danforth property.

IV. Purchase Price

What price are you offering for the property? __________

How do you intend to pay for the property? Cash X Financing ________

If you intend to obtain financing for the property, please indicate the name, contact name, address and telephone number of the institution or company providing the loan.

If you intend to use cash for the purchase, please provide proof of funds to close by attaching a copy of your financing source, such as bank statements, gift letters, etc.

When would you be prepared to take possession of the property?

Immediately.

V. Contingencies

If there are any contingencies as part of the proposed purchase, please indicate below

VI. Applicant's Acknowledgement

The applicant acknowledges that this is an application for the purpose of acquiring City property and only represents an expression of interest in property which the City of Portland holds a title interest. The applicant further acknowledges that all sales of City property may require final approval by the Tax Acquired Property Committee, Finance Director, City Manager, Housing or Community Development Comnmittees and the City Council. This document is merely an expression of interest on the part of the applicant.

Applicant acknowledges and understands that the process of acquiring tax acquired property, or City-owned property, requires several steps as outlined below:

1. This is a buyer beware process. Prior to submitting an application, the prospective buyer should perform research on the property to assess what can be done with the property. With respect to vacant lots, the buyer should check with the City's Zoning Administrator to assess whether or not the proposed use is compatible with the City Zoning Requirements. If a building is involved, the buyer should inquire about building codes with the City's Building Inspection Office.

2. The buyer should understand that there is no guarantee that the City will accept the offer. Furthermore, the City may decide not to sell the property based on a review of City needs for the property at the time the offer is made.

3. In accordance with State and local regulations, each owner of property that is in jeopardy of losing this property through real estate tax foreclosure is given 60 days to redeem the property. In most cases, this has already been done. There may be cases however, where this has not been done and the applicant may have to wait until the re-

quired sixty days have expired.

4. In accordance with City rules, abutters and nearby property owners must be notified of a proposed sale of both tax-acquired and City-owned property. This provides abutters and nearby owners an opportunity to submit an offer of their own or to make the case that the City should retain the property. The amount of each offer submitted is not shared with anyone until such time as the appropriate committees have reviewed the offers.

5. The applicant acknowledges that the disposition of tax acquired and City owned property must adhere to rules adopted by the City Council. These rules are attached to this application for your review.

6. The buyer will be required to sign a Purchase and Sale Agreement and may be required to submit a deposit.

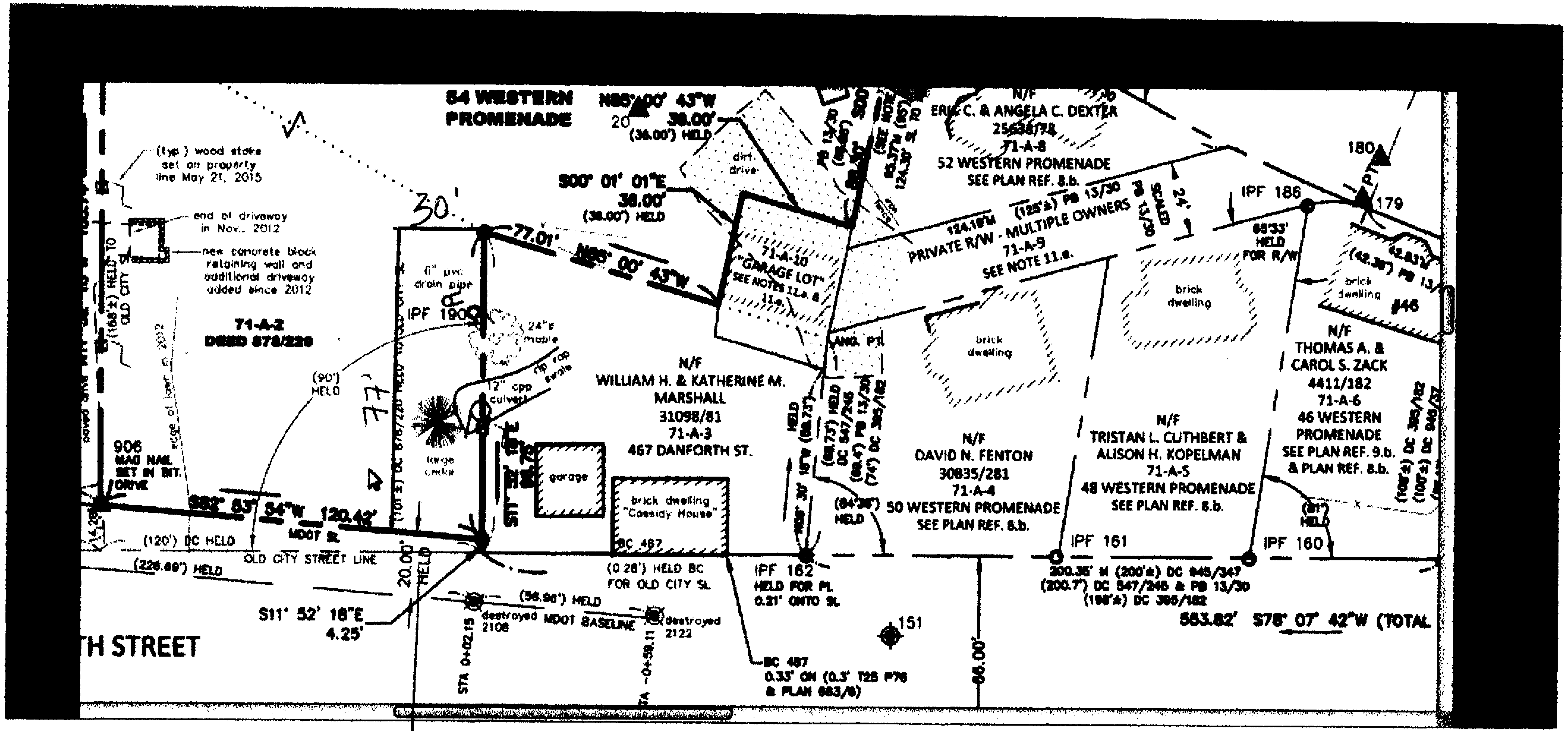
7. Once a sale is approved via an executed Purchase and Sale Agreement, the buyer should perform a title search, a property survey and other "due diligence" tasks deemed necessary to assess any other potential liabilities that may be associated with the property. In most cases, the City will provide a quit claim deed only.

>>>>>>>>>>THIS IS A BUYER BEWARE PURCHASE. THE BUYER ASSUMES ANY AND ALL R ASSOCIATED WITH THE PROPERTY.

8. Any land sold for development purposes shall be subject to site plan and/or subdivision review. In particular, any residential property on which three (3) or more houses will be constructed shall be subject to subdivision review, whether or not such development constitutes a subdivision under te or loacl statutes or ordinances.

Applicant/buyer has read and understands the accompanying rules adopted by the City Council and the process and risks described herein.

Applicant Signature	Date



30' x 77'

=2310 sq ft.

71 A002 City-Owned Vacant Land

Google Maps 467
4~~57~~ Danforth St

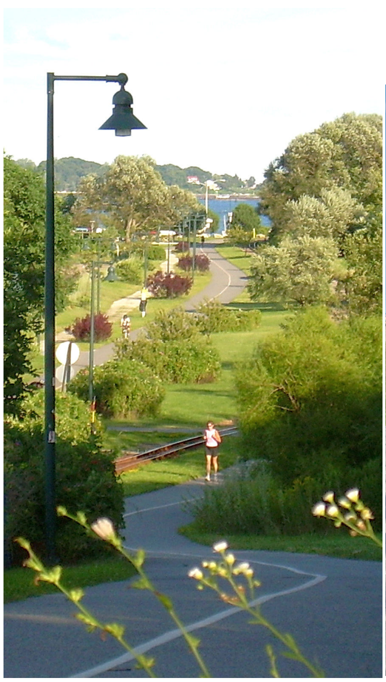
Image capture: Oct 2015 © 2016 Google

Portland, Maine

Street View - Oct 2015

CONSERVATION FINANCE FEASIBILITY STUDY : MARCH 2015

CITY OF PORTLAND, MAINE



THE TRUST for PUBLIC LAND

CONSERVING LAND FOR PEOPLE

Portland, Maine Yes. Life's good here.

Sheila Hill-Christian
Deputy City Manager, Executive Department

March 11, 2014,

Wolfe Tone, State Director
The Trust for Public Land
30 Danforth Street, Suite 106
Portland, ME 04101

Dear Mr. Tone:

By this letter, the City of Portland officially requests technical advice and assistance from The Trust for Public Land. Specifically, we are requesting your assistance in accomplishing the following four goals:

1. The development of common definitions that describe publicly owned open spaces and a corresponding inventory of our publicly owned open spaces organized according to those definitions.
2. The development, with public involvement of an assessment tool and public engagement process for determining which spaces to preserve and which spaces present opportunities for affordable housing development and other complementary neighborhood uses.
3. An assessment of the resources required to properly steward and maintain our inventory of publicly owned open spaces.
4. Examine options with regard to creating sustainable funding mechanisms that would allow us to properly steward and maintain our current inventory of publicly owned open spaces as well as create opportunities for the acquisition of open space property when appropriate.

As we shared during our meeting, Portland Trails is a trusted nonprofit with well-established roots in the community that is currently pursuing grant funding to support a citywide open space planning initiative. This work will be done in partnership with the City of Portland and other nonprofit groups. We believe that aligning your resources with this and other existing efforts will benefit the overall project.

As part of your advice and assistance, we understand you may work with City staff to undertake feasibility research, conduct a public opinion survey, and develop strategies for our consideration. We also ask that your research include careful review and consideration of existing relevant master plan documents.

We are interested in not only the factual information that you can provide to us but also your organization's opinions and recommendations.

389 Congress Street / www.portlandmaine.gov / tel. 207-874-8689 / tty 207-874-8936 / fax. 207-874-8669

Wolfe Tone, State Director
The Trust for Public Land
March 11, 2014
Page 2

This request will continue in effect for any advice you offer or presentations you submit for the use of the city related to such matters. In addition, we would like to take this opportunity to request that you continue to be available to provide technical advice and assistance in this area and on related matters in the future.

We agree that the accomplishment of these goals will not be possible without the alignment of the various interested parties, constituencies and open space initiatives to ensure there is cross communication and collaboration with the existing City of Portland Parks Commission and City staff. We are committed to working with the Trust for Public Land to ensure this happens.

Thank you for your organization's contribution to the work of the City of Portland.

Sincerely,

Sheila Hill Christian

Sheila Hill Christian
Deputy City Manager

c: Mark Rees, City Manager

TABLE OF CONTENTS

INTRODUCTION

The Trust for Public Land (TPL) is a national nonprofit land conservation organization working to protect land for people, ensuring healthy, livable communities for generations to come.

. TPL helps conserve land for parks, greenways, recreation areas, watersheds and wilderness. To date, TPL has helped protect over 4,500 properties, totaling more than 3.2 million acres in 50 states.[1] Operating in Maine since 1989, TPL has partnered with private landowners, communities and government agencies to protect nearly 70 special places, conserving almost 160,000 acres valued at greater than $140 million.[2]

The Trust for Public Land's Parks for People program is working with the City of Portland and local partners to create, improve and manage a citywide network of parks and playgrounds that will provide Portland's 66,000 residents with access to outdoor recreational spaces.[3] For example, in 2011, TPL helped to create Portland's Bayside Trail, assisting with efforts to raise $1.6 million to complete the project after the City of Portland purchased the 13.2-acre former railroad property that runs through the Bayside neighborhood from the Eastern Promenade to Deering Oaks Park. TPL also helped create Canco Woods Park in conjunction with the Friends of Canco Woods in 2012.

To help public agencies or land trusts acquire land and finance parks, the Trust for Public Land's Conservation Finance program assists communities in identifying and securing public financing. TPL offers technical assistance to elected officials, public agencies, and community groups to design, pass and implement public funding measures that reflect popular priorities. Since 1996, TPL has been involved in nearly 500 successful ballot measures and dozens of successful legislative campaigns that have created more than $57 billion for parks, land conservation and restoration, including eight measures in Maine. Voters across the country have approved 81 percent of the ballot measures that have been supported by the Trust for Public Land. Recent urban successes include the passage of a 2013 property tax in Newark, New Jersey that will generate $22 million for parks and open space. Additionally, the passage of coordinated sales tax measures in the City of St. Louis, Missouri and St. Louis County, Missouri in April 2013 will generate more than $600 million for regional parks and trails. In 2012, the Trust for Public Land supported ballot measures in Austin, Texas and San Francisco, California that generated $30 million and $195 million respectively for parks, open space, and recreation in those cities.

The City of Portland asked the Trust for Public Land to explore public funding options available to fund parks and land conservation efforts in the city. Given the substantial investment of time and resources required for a successful conservation finance initiative, preliminary research is essential to determine the feasibility of such an effort. This study focuses on the implementation of a dedicated open space tax and open space bond, as well as the use of impact fees and tax increment financing

[1] The Trust for Public Land, TPLnet, *Facts and Figures* (accessed September 4, 2014, https://net.tpl.org/click/marketing/aboutthetrustforpublicland/factsandfigures/b.4431.r.22975.html?filename=Statistics+w+data+as+of+093013.pdf).
[2] The Trust for Public Land, TPLnet, Summary of Closings from 4/1/1973 to 7/31/2014 (accessed September 4, 2014, https://net.tpl.org/click/projectslegal/projects/b.4189.r.25044.html?filename=Summary+Report+by+State.pdf).
[3] The estimated 2013 population for Portland, ME is 66,318. U.S. Census Bureau, "State and County QuickFacts: Portland (city), Maine" (accessed September 4, 2014, http://quickfacts.census.gov/qfd/states/23000.html).

districts in Portland. The research provides a stand-alone, fact-based reference document that can be used to evaluate considerations for implementing new funding from an objective vantage point.

EXECUTIVE SUMMARY

The City of Portland has expressed interest in meeting several goals related to its open spaces and park resources. In addition to gaining a better understanding of its existing inventory of open space lands, the city is interested in identifying spaces for preservation, assessing the resources required to steward and maintain its open spaces, and examining options to create sustainable funding mechanisms to support the operations, maintenance, and acquisition of open space. The creation of a dedicated public funding source in the city could help to address both capital and stewardship needs for its parks system.

Significant opportunities exist to create parks and open spaces in the City of Portland and to fund open space maintenance and acquisition. At the heart of the most successful open space funding programs around the country is a substantial, long-term, dedicated source of local revenue. With a reliable source of funds, local governments are able to establish meaningful parks and open space priorities that protect the most valuable resources, are geographically distributed, and otherwise meet important goals and values. Furthermore, local governments with significant funds are well positioned to secure and leverage funding from the other local, state, federal, and private sources.

Local governments in Maine can create funding for parks and open spaces through the creation of a dedicated property tax, general obligation bond, impact fee, or the use of tax increment financing.

The City of Portland has the ability to issue a $5 million bond at a cost to the average household of just over $12 dollars. Any bond over $3.85 million would require voter approval per Portland's Debt Management Policy.[4] Bond funding could *not* be used for park operation and maintenance needs.

Portland also has the ability to generate substantial open space tax revenue at a modest per household cost. For example, an open space tax of 10-cents per $1,000 of assessed value would generate roughly $756,000 per year, at a cost of about $23 a year for the average homeowner.

Maine voters have shown strong support for funding open space measures—approving 17 state and local funding questions (89.5 percent) since 1991. In Portland, voters have been highly supportive of recent state conservation measures, including a 2014 water infrastructure bond which garnered 81 percent support in Portland.

[4] Official Statement Date February 3, 2015

OVERVIEW

The City of Portland has a total of 1,075 acres of parkland;[5] about 300 acres of that parkland was acquired over the past 10 years.[6] Based on the estimated 2013 population, that is approximately 16.2 acres per 1,000 residents.[7] Measured another way, 7.9 percent of the city's 13,638 acres is devoted to parks.[8] That is low compared to other U.S. cities. Total city spending on parks was about $__ million in 20__, about $___ per resident – which is, considering the median city park spending was $73 per resident in 2013.[9]

The Land Bank Commission was established by the Portland City Council in 1999. The Land Bank is responsible for identifying and protecting open space resources within the City of Portland. The Land Bank has created an inventory of open space resources and makes recommendations to the City Council about significant properties to prioritize for conservation. The Land Bank has also established a fund that allows it to accept gifts and funding to acquire new open space properties.

Examples of recent park investments in Portland include the following:

Canco Woods is a 12.75-acre parcel near Back Cove that was purchased by the City of Portland's Land Bank and placed under protective easement by Portland Trails in 2012. It is open to the public and contains forested trails, wildlife habitat, and a vernal pool. Funds for this project were provided by the City of Portland, Friends of Canco Woods, foundations, and private donors.

Portland's Bayside Trail was created in 2011. This project began when the City of Portland purchased the 13.2-acre former railroad property that runs through the Bayside neighborhood from the Eastern Promenade to Deering Oaks Park. Today, the Bayside Trail has turned a former industrial area into a livable, walkable, vibrant urban amenity. The trail, together with pocket parks, gardens, and public gathering areas, is a focal point for cultural activities and community programs, contributes to the economic vitality of the city, and improves the quality of life for the tens of thousands of residents, workers, and visitors.

Current Funding

Local

At the municipal level, maintenance funding for parks in Maine largely comes from town or city operating budgets. Capital needs are typically met through the issuance of general obligation bonds. The City of Portland borrows money to finance its Capital Improvement Program and other capital assets and activities. The most recent Capital Improvement Plan recommends general fund support for

[5] City of Portland, *Capital Improvement Plan: FY 2013-FY2017* (July 2012).
[6] http://www.portlandmaine.gov/ArchiveCenter/ViewFile/Item/529
City of Portland Maine Comprehensive Annual Financial Report For the Fiscal Year Ended June 30, 2013
[7] The estimated 2013 population for Portland, ME is 66,318. U.S. Census Bureau, "State and County QuickFacts: Portland (city), Maine" (accessed September 4, 2014, http://quickfacts.census.gov/qfd/states/23/2360545.html).
[8] U.S. Census Bureau, "State and County QuickFacts: Portland (city), Maine" (accessed September 4, 2014, http://quickfacts.census.gov/qfd/states/23/2360545.html).
[9] This includes capital and operations spending. Peter Harnik, Abby Martin, and Tim O'Grady, *City Park Facts 2014* (The Trust for Public Land, February 2014, accessed September 30, 2014, https://www.tpl.org/sites/default/files/files_upload/2014_CityParkFacts.pdf).

six park projects. These projects require $2.3 million general fund resources, and bring in $1.74 million in grants and other funding.[10]

The City of Portland has been highly successful in attracting private investment in parks. Many of its parks have non-profit citizens' organizations, or friends groups, that work to maintain the properties, promote park use, and raise money for their enhancement and preservation. These groups include Friends of Capisic Pond Park, Friends of Congress Square Park, Friends of Deering Oaks, Friends of the Eastern Promenade, Friends of Evergreen Cemetery, Friends of Lincoln Park, Friends of Western Cemetery, and others. Additionally, investments are made in area parks by Greater Portland Landmarks, Groundwork Portland, and Portland Trails.[11]

State

Maine has a long history of preserving open space and farmland. The Land for Maine's Future Program is the state's primary funding vehicle for conserving land. LMF has helped to preserve over 560,000 acres of conservation and recreation lands. Special protected places include 52 water access sites, 37 working farms comprising of over 8,900 acres, 20 commercial working waterfront properties, 1,200 miles of shore lands, and 158 miles of former railroad corridors for recreational trails.[12]

Between 1987 and 2012, Maine voters approved all six Land for Maine's Future bond referendums. The 1987 referendum established the program with $35 million to fund the purchase of lands and conservation easements of statewide importance. Maine voters subsequently approved additional referendums in 1999 for $50 million, in 2005 for $12 million, in 2007 for $35.5 million, in 2010 for $9.75 million and in 2012 for $5 million.[13]

LMF is administered by the Maine Department of Agriculture, Conservation and Forestry. The program can be used to fund projects including conservation and recreation lands, farmland protection, working waterfront access protection, and public access to Maine waters for boating, fishing, and swimming. Municipalities and non-governmental organizations are the key partners and direct beneficiaries of this state conservation program. LMF funds can be used to cover up to 50 percent of the total eligible project costs, thus leveraging the investments made by local municipalities and other project partners.[14]

The LMF program has been used to protect land in the City of Portland. The 48-acre Presumpscot River Preserve was protected with LMF funds by the City of Portland Land Bank Commission and Portland Trails. This nature preserve provides popular hiking and mountain biking opportunities for residents and visitors to Portland. The City of Portland's Parks and Recreation Department owns the Preserve, and shares management responsibilities with Portland Trails, who holds a conservation easement on the Preserve.[15]

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[10] City of Portland, *Capital Improvement Plan: FY2013-FY2017* (July 2012, p 25).
[11] Denise C. Albert, Stephan C. Howick, Keith Hansen, *Portland Parks and Recreation: Master Plan Report* (City of Portland, Department of Parks and Recreation, February 2002).
[12] Maine Department of Agriculture, Conservation, and Forestry, "Land for Maine's Future" (accessed September 4, 2014, http://www.maine.gov/dacf/lmf/index.shtml).
[13] The Trust for Public Land, *Land Vote* (accessed February 21, 2014, www.landvote.org).
[14] Maine Department of Agriculture, Conservation and Forestry, *Land for Maine's Future Program: Proposal Workbook* (December 2013, http://www.maine.gov/dacf/lmf/docs/2013workbook/2013workbook.pdf).
[15] Natural Resources Council of Maine, "Presumpscot River Preserve and Walton Park Water Access Site" (November 5, 2013, accessed September 4, 2014, http://www.nrcm.org/projects-hot-issues/woods-wildlife-and-wilderness/land-for-maines-future-conservation/presumpscot-river-preserve-and-walton-park-water-access-site/).

While LMF funds can be used within Portland's boundaries, it is important to note that LMF funds may not be used for facilities or other organized recreational activities (e.g. ballparks, tennis courts, or playgrounds). Continued use of LMF funding by the city will likely require municipal matching capabilities. Thus, establishing a dedicated source of funding for parks and open space is essential.

Federal

The U.S. federal government is an important partner for state and local governments, parks and conservation organizations, and community advocates in Portland. The programs are administered by federal agencies but vary in how funds are delivered for conservation projects. For example, some of these program funds are directed to the states, which in turn decide what projects to fund, while other program funds are granted by a federal agency through a competitive process.

Each program has different requirements and offers various partnership opportunities (e.g. applying through the state, working with private landowners, etc.) that should be further evaluated to determine the most likely funding outcomes.

One example of a federal funding mechanism that is available to the City of Portland is the stateside LWCF program. The City of Portland has received several Stateside LWCF grants over the years and these grants have been used for development, acquisition, and redevelopment. Since 2004, grants exceeding $65,000 have been made for the redevelopment of the East End Playground and the development of the Portland Skate Park.[16]

[16] Investigate West, "Land and Water Conservation Fund Grants: Maine" (accessed February, 24, 2014, http://www.invw.org/data/lwcf/grants-me.html).

CHOOSING A LOCAL FUNDING STRATEGY

Generally, there are three broad-based types of revenue sources available to local governments to pay for parks and land conservation: discretionary annual spending (i.e. budget appropriations), creation of dedicated funding streams such as voter-approved special taxes, and the issuance of voter-approved bonds. The financing options utilized by a community will depend on a variety of factors such as taxing capacity, budgetary resources, voter preferences, and political will. While most local governments can create funding for parks and recreation through their budgetary process, this either happens infrequently or does not yield adequate funding.

In The Trust for Public Land's experience, local governments that create funding via the budget process provide substantially less funding than those that create funding through ballot measures. As elected officials go through the process of making critical budgetary decisions, funding for land conservation lags behind other public purposes and well behind what voters would support. It is often quite difficult to raise taxes without an indisputable public mandate for the intended purpose.

The power of conservation finance ballot measures is that they provide a tangible means to implement a local government's vision. With their own funding, local governments are better positioned to secure scarce funding from state or federal governments or private philanthropic partners. Having a predictable funding source empowers municipalities to establish long-term conservation priorities that protect the most valuable resources, are geographically distributed, and otherwise meet important community goals and values.

Nationwide, a range of public financing options has been utilized by local jurisdictions to fund parks and open space, including general obligation bonds, the local sales tax, and the property tax. Less frequently used mechanisms have included real estate transfer taxes, tax increment financing districts, impact fees, and income taxes. The ability of local governments to establish dedicated funding sources depends upon state enabling authority.

Conservation finance measures are not right for every local government or they might not be the best approach at the moment. Budget appropriations and other revenue mechanisms that can be implemented by the local government, such as developer incentives, may well serve as short-term funding options while parks and conservation proponents develop a strategy and cultivate broad support for longer-term financing options.

Nationwide, big cities have an impressive track record of passing funding measures for parks and open space. Since 1996, voters in cities and urban counties across the country approved 137 of 153 such measures for a 90 percent success rate (even higher than the national average for all conservation measures which is 76 percent approval). Bonding is by far the most common funding mechanism employed by cities—accounting for 70 percent of the parks ballot measures—followed by the property tax and sales tax at 14 percent each.

Local Conservation Finance in Maine

Under the home rule provision in state law, towns and cities in Maine are free to raise and appropriate revenue for any public purpose.[17] As such, the State of Maine authorizes communities to use various revenue sources for parks and recreation purposes including general obligation bonds and property taxes. In almost all past circumstances in Maine, acquisition of private land for these proposes has involved the issuance of a bond.[18] Property taxes have not yet been used at the municipal level in Maine to raise a dedicated funding source for parks and recreation purposes; however, unlike general obligation bonds, they provide flexibility in allowing for maintenance as well as acquisition. Both of these funding mechanisms may require approval by the electorate; however, Maine voters have shown strong support for funding parks and open space measures—approving 17 state and local funding questions (94 percent) since 1996. The most common finance mechanism utilized by local jurisdictions in the state is bonding, which accounted for 94 percent of ballot measures. Local measures have passed in Falmouth, Freeport, Kittery, Saco, Scarborough, and York with $15.4 million in conservation funds approved (see Appendix A).[19]

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[17] State of Maine, Maine Constitution (Article VIII, Part Second, accessed February 24, 2014, http://www.maine.gov/legis/const/#a8); 30-A MRSA §2101; Maine Department of Administrative and Financial Services, Maine Revenue Services, Title 30-A, Part 2, Chapter 101, Section 5721 (accessed September 4, 2014, http://www.maine.gov/revenue/propertytax/propertytaxlaw/lawbook/title30a.html).
[18] Personal communication with Geoff Herman, Maine Municipal Association, February 24, 2014.
[19] Trust for Public Land, *LandVote* (www.landvote.org).

General Obligation Bond

Legal Background

To raise funds for capital improvements, such as land acquisition or building construction, Maine towns and cities may issues bonds. There are two types of bonds: general obligation (GO) bonds and revenue bonds. GO bonds are essentially loans taken out by a government and secured by the jurisdiction's full faith, credit, and taxing power to make timely payments. A revenue bond is a municipal bond whose debt service is payable solely from the revenues derived from operating the facilities acquired or constructed with the proceeds of the bonds (e.g. debt that is secured solely by the revenues generated by Portland Jetport operations).

Issuing bonds, presents a number of advantages. Borrowing can provide the community with the revenue and flexibility it needs up front to fund large-scale park and open space projects, when land is available and less expensive than it will be in the future. Bonds ensure a steady stream of funding that is not dependent on the fluctuations of the operating budget. Costs are typically spread out over a long time horizon, and therefore are borne by both current and future beneficiaries. GO bonds are a popular open space financing tool at local levels across the country.

On the other hand, financing charges accrue, debt ceilings limit the amount of bonds a community can issue, and convincing voters of the merits of incurring debt can sometimes be challenging. There is generally stiff competition for GO bonds among many programs in need of financing. Municipalities must be mindful of how continued increases in debt will affect its bond ratings, as ratings can influence the interest rate charged on the loans. Finally, the use of bond funds is limited to acquisition and does not include maintenance or development purposes.

Under state statute, municipalities have the authority to issue general obligation bonds for any type of capital improvements. The general debt limit is 7.5 percent of the municipality's last full state valuation, or any lower percentage or amount that the municipality may set. The 7.5 percent limit can be exceeded for schools, sewer/sanitation, energy facilities, and airports, but the total aggregate debt may never exceed 15 percent of the municipality's last full state valuation or any lower percentage or amount that a municipality may set.[20]

Portland's City Charter further addresses the issuance of bonds. Section 11 addresses the issuance and sale of bonds for uses including land acquisition. It specifies that any order authorizing the issue of bonds must be approved by vote of at least seven members of the City Council and no order shall be passed without adequate public notice. Public notice must be given in two public places at least two weeks before the final action of the city. It must also be posted at least twice in a general circulation newspaper at least two weeks before the final action. The City Council may also post notice on its website or other location it deems fit. Section 16 of the City Charter indicates that a voter referendum is required for certain City Council actions, including orders authorizing the issuance of general obligations securities in a principal amount greater than five one-hundredths of one percent of the last certified state valuation of the city for a single capital improvement or item of capital equipment. While this would be relevant for a single land acquisition, it would not likely apply to an open space bond for

[20] Maine Revised Statutes Annotated, Title 30-A, Section 5702.

multiple acquisitions or parkland infrastructure. In Portland, this would require voter approval if a GO bond were to be issued for a single capital improvement in the amount of $3,853,600 or more.[21]

Revenue Raising Capacity in Portland

In Portland, the 2015 state valuation is $7,707,200,000, up from $7,551,450,000 in 2014.[22] According to Portland's Debt Management Policy, the city shall maintain an outstanding GO debt total that complies with State law, which currently limits long-term debt outstanding to 15 percent of the State-assessed valuation of the city. Thus, total aggregate debt (including schools, sanitation, and airports) may not exceed $1,156,080,000 and the general debt limit for municipal purposes in Portland is $578,040,000. As of June 2014, Portland has $180 million in outstanding general obligation debt for municipal purposes. [23] Thus, Portland could borrow roughly $386 million for municipal purposes. However, in addition to state laws, Portland's Debt Management Policy outlines additional policies that must be considered as part of an analysis of projected annual debt service impact.

According to Portland's debt affordability measures, the following should be adhered to:[24]

- **Debt per capita should not exceed the moderate range set by Moody's, currently at $5,000**. Currently, GO debt per capita is $4,435.[25] With a 2014 population of 66,318, the limit for debt by this measurement is $331,590,000.[26]

- **Net debt service payments cannot be more than 15 percent of general fund expenditures**. According to a February 2015 official bond statement current debt service payments are 4.85 percent of the general fund expenditures. 15 percent would represent approximately $40.3 million.

- **Net debt service payments may also not exceed 1.5 percent of per capita income.** Current per capita income is $44,487 ($667 is 1.5 percent). Multiplied by the population of 66,318, the limit not to exceed is $44,234,106 [27]

- **Additionally, total outstanding debt should not exceed 5 percent of the state equalized valuation of the city**, or $377,572,500.

If the town issued a $2.5 million, 20-year general obligation bond, with a 5 percent interest rate, it would incur additional annual debt service of approximately $201,000. [28] The average homeowner

[21] The state's 2015 valuation of Portland is $7,707,200,000. ($7,707,200,000*0.0005=$3,853,600).
[22] Maine Revenue Services, Department of Administrative and Financial Services "State Valuation History 2003-2015" (accessed February 2015, http://www.maine.gov/revenue/propertytax/sidebar/state_valuation_history.htm).
[23] http://www.portlandmaine.gov/ArchiveCenter/ViewFile/Item/574).
[24] Note that these numbers are for overall debt, not simply for municipal purposes, indicating that Portland is not in danger of reaching its bonding limit
[25] June 2014 CAFR
[26] U.S. Census Bureau, "State and County Quick Facts: Portland, Maine (city)" (accessed September 26, 2014, http://quickfacts.census.gov/qfd/states/23/2360545.html)
[27] U.S. Department of Commerce, Bureau of Economic Analysis, "Regional Data: GDP and Personal Income" (accessed September 26, 2014, http://www.bea.gov/itable/iTable.cfm?ReqID=70&step=1#reqid=70&step=30&isuri=1&7022=20&7023=7&7024=non-industry&7033=-1&7025=5&7026=38860&7027=2012&7001=720&7028=-1&7031=5&7040=-1&7083=levels&7029=20&7090=70). Personal communication with Cathy Ricker, City of Portland Controller, February 2015.
[28] 5 percent was the highest interest rate on Portland's 2014 GO bonds. Source: Electronic Municipal Market Access

would pay an additional $6 per year. A $7.5 million bond issue for parks and open space would cost each homeowner roughly $18 per year and add about $602,000 million to the city's annual debt service.

Exhibit 2. Portland Bond Financing Costs

Portland Bond Financing Costs*					
Bond Issue		Annual Debt Service	Mill Levy Increase	Average Cost per Household**	
$	1,000,000	$ 80,243	0.01	$	2.43
$	2,500,000	$ 200,606	0.03	$	6.06
$	5,000,000	$ 401,213	0.05	$	12.13
$	7,500,000	$ 601,819	0.08	$	18.19
$	10,000,000	$ 802,426	0.11	$	24.25
$	15,000,000	$1,203,639	0.16	$	36.38
$	20,000,000	$1,604,852	0.21	$	48.51
**Assumes a 20-year bond issued at a 5.0% interest rate.*					
**The total taxable valuation for FY 2015 is $7,559,562,660.*					
***Based on the 2015 average home value of $228,500. Does not include exemptions.*					

Implementation

Portland's City Council can issue debt with or without voter ratification, depending on the circumstances of the debt to be issued. According to Portland's Debt Management Policy, the issuance of general obligation debt requires seven affirmative votes from members of the City Council.[29] However, orders and resolves must also be approved by the voters if they commit the city to spend, over more than one year, tax funds greater than five and a half one-hundredths of the last certified state valuation. The total state valuation in 2015 was $7,707,200,000; thus, any obligation in excess of $3,853,600 would require voter approval.

Usually, a general obligation bond may reach the ballot through referral from the city government or via voter petition; however, in Portland a bond may not be placed on the ballot via voter petition. In order for a bond to be placed on the ballot in Portland, the City Council would have to provide the referendum question to election officials at least 45 days before the election. This allows adequate time for the absentee ballots to be printed and made available for use in the 30 days prior to the election.[30] As a general rule in Maine, municipal officers have the power to place a referendum question before the voters at any time, as long as certain notices and protocols are followed. The scheduling of local elections, unless otherwise stated in the municipal charter, can occur at any time, not necessarily at the general election or any other specified state election, such as a primary election.[31] Open space ballot measures have generally been held on general elections on the Tuesday, after the first Monday in

[29] Portland Maine, Debt Management Policy, October 6, 2011.
[30] Personal Communication with Geoff Herman, Maine Municipal Association, April 14, 2014.
[31] The City's election codes authorize a process of citizen initiative for legislative matters provided they are not budgetary or financial in nature. Personal Communication with Geoff Herman, Maine Municipal Association, October 2, 2014.

November. To place a measure on the November 3, 2015 ballot would require the City Council to provide the referendum question to election officials by September 20, 2015.

Bond questions must contain the total interest necessary for the retirement of the bond. The form of the ballot question for the referred measure is as follows:

> "Shall the order or resolve entitled "____[bond issue]___" be approved?

While the required language is limited to the above statement, recent bond measures indicate considerable flexibility in the wording of the ballot question. (See Appendix B for an example of ballot language.)

Over the past decade Portland voters in have seen two bond measures (no tax measures) on municipal ballots.[32]

- In June 2007 voters rejected a $1 million bond (and the reallocation of $4 million in previously approved bonds for the Portland Public Library) to be used for the "purchase, renovation, furnishing, and equipping of the Portland Public Market for use as the Portland Public Library." The measure garnered 44 percent support.

- In June 2008, 69 percent of voters approved a $19,690,417 bond for the "design, construction, and equipping of Ocean Avenue Elementary School."

The most recent land conservation measure was the approval in Kittery of a $150,000 bond to acquire land for conservation in June 2013. The measure passed with 85 percent support and the language for the question was as follows:

Shall the Town of Kittery Council be authorized to issue bonds in a total amount not to exceed $150,000, which bonds shall be matched by at least $500,000 in Federal funds and other private contributions, for the purpose of partially funding the purchase of two agricultural conservation easements on the 300 acre Rustlewood Farm, owned by the Johnson family, which easements will be held by the Kittery Land Trust and will preserve open space and maintain farmland in Kittery, safeguard the scenic views along Wilson Road, protect the headwaters of Spruce Creek, provide public access for walking, hunting, and winter recreational activities?

[32] Personal communication with City Clerk's office, Carolyn Dorr. February 2015

Property Tax (Open Space Tax)

Legal Background

Under the home rule provision in state law, towns and cities are free to raise and appropriate revenue for any public purpose.[33] Maine has a municipal property tax levy limit, referred to as L.D. 1, that applies to the amount that can be levied for municipal operations (e.g. road maintenance, libraries, parks and recreation).[34] The tax levy limit does not apply to taxes raised for schools, counties, tax increment finance districts or overlays. The limit allows municipalities to increase property taxes, but only by an amount equal to the growth of *statewide* personal income plus *local* property development within the municipality.[35] In addition, a municipality is required to lower its property tax levy limit in any year by an amount equal to the amount of money it receives from the state that it can use instead of property taxes. The current municipal property tax levy limit is calculated each year by adding the growth limitation factor to the previous year's limit. There are two components to this factor: 1) the income growth factor, which is calculated by the Maine Office of Policy and Management, and 2) the property growth factor, which is equal to the value of newly taxable property divided by the total assessed value for all property.

A municipality can exceed or increase its property tax levy limit by a majority vote of the legislative body that normally approves the budget. Exceeding the limit is usually reserved for unexpected circumstances such as a natural disaster, federal mandate, or citizen initiative because it surpasses the limit in that year but requires that year's limit be used as the base for next year's limit. Increasing the limit allows the municipality to surpass the limit in that year and reset the limit so that the amount actually levied becomes the new limit and is used as the base for the next year's calculation. If the municipal budget is approved by a council, the limit can be increased or exceeded by a majority vote of the council. The decision of the council can be put to a referendum vote if a petition containing signatures of 10 percent of a municipality's registered voters is submitted to the town or city clerk within 30 days of the council vote.[36] The opportunity for the voters to petition for a referendum vote on the council's decision is not provided if the municipal charter prohibits a petition and referendum process.[37]

Revenue Raising Capacity in Portland

The municipal property tax levy limit was $68,799,475 for Portland in FY2014. The 2015 Growth Limitation Factor was 2.12 percent (a 1.09 percent real personal income growth factor plus a 1.03

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[33] State of Maine, Maine Constitution (Article VIII, Part Second, accessed February 24, 2014, http://www.maine.gov/legis/const/#a8); 30-A MRSA §2101.

[34] In Maine, an L.D. is a legislative document, measure, bill, or law. In 2004, Governor Baldacci presented LD 1 to lower Maine's tax burden and the property tax burden of Maine residents. In 2005, the Legislature passed LD 1 by wide margins in both houses. LD 1 is now law (Public Law 2005, Chapter 2).

[35] The limit is designed to prevent municipalities from adopting a tax levy that exceeds the levy limit from one year to the next by more than a) a specified growth limitation factor which is based on the 10-year average real personal income growth (but no more than 2.75 percent) plus a property growth factor when the state and local tax burden ranks the highest 1/3 of all states or b) the 10-year average real personal income growth, plus forecasted inflation, plus a property tax growth factor when the state and local tax burden ranks the highest 1/3 of all states. Maine Office of Policy and Management, "Municipal Property Tax Levy Limit – Frequently Asked Questions" (accessed September 4, 2014, http://www.maine.gov/economist/ld1/faq/index.shtml#LevyLimitDef).

[36] Maine Office of Policy and Management, "Municipal Property Tax Levy Limit – Frequently Asked Questions" (accessed September 4, 2014, http://www.maine.gov/economist/ld1/faq/index.shtml).

[37] Moors and Cabot Investments, Official Statement Dated January 28, 2014. Page 13.

percent property growth factor). The FY2015 property tax levy is $66,113,217, approximately $4,721,096 below the L.D. 1 levy limit of $70,834,313.[38] If the Council were to establish a property tax levy that exceeds the property tax levy limit, then the excess would have to be approved in a separate article by a majority of the entire City Council; however, since this would only be done in the case of a natural disaster or other event, any revenue for parks that is generated using a property tax should not increase Portland's levy above the limit. This source would not be considered "dedicated" funding as the property tax allocation would have to be decided on an annual basis by the City Council through the budget process.

With an estimated tax base of $7,559,562,660,[39] Portland has the ability to generate substantial open space tax revenue at a modest per household cost. For example, an open space tax of $0.10 per $1,000 of assessed value would generate roughly $756,000 per year, at a cost of about $22.85 per year for the average homeowner.[40] Over a five-year period, this tax would raise $3.78 million at present taxable valuations; over 10 years, it would raise $7.56 million. Portland's FY2015 tax rate of $20 per $1,000 of value costs the average homeowner about $4,570 annually.[41]

Exhibit 1. Estimated Revenue and Cost of Additional Mill Rate (Tax Rate)

Estimated Revenue and Cost of Additional Mill Rate (Tax Rate)				
Mill Rate (Tax Rate) Increase	**Taxable Valuation***	**Annual Revenue**	**Cost/Year/$100k House**	**Cost/ Year/ Avg. Home****
0.10	$ 7,559,562,660	$ 755,956	$ 10.00	$22.85
0.15	$ 7,559,562,660	$ 1,133,934	$ 15.00	$34.28
0.20	$ 7,559,562,660	$ 1,511,913	$ 20.00	$45.70
0.25	$ 7,559,562,660	$ 1,889,891	$ 25.00	$57.13
0.30	$ 7,559,562,660	$ 2,267,869	$ 30.00	$68.55
0.35	$ 7,559,562,660	$ 2,645,847	$ 35.00	$79.98
0.40	$ 7,559,562,660	$ 3,023,825	$ 40.00	$91.40
**The total taxable valuation for FY 2015 is $7,559,562,660.*				
***Based on the average home value of $228,500 (FY 2015). Does not include exemptions.*				

Implementation

[38] City of Portland, Maine, *Estimate of FY2015 Allowable Municipal Tax Levy Based on L.D.1* (provided by Rick Blackburn, Assessor, City of Portland, September 9, 2014).
[39] The total taxable assessed value for FY 2015 is $7,559,562,660. Personal Communication with Rick Blackburn, Assessor, City of Portland, September 9, 2014.
[40] Portland's average home value for FY2015 is $228,500. Personal Communication with Rick Blackburn, Assessor, City of Portland, September 9, 2014.
[41] In Portland, property taxes are levied according to a mill rate. The mill rate is the dollars and cents per $1,000 of value that is paid in property taxes. The FY 2015 mill rate is $20 per $1,000 of value. Personal Communication with Rick Blackburn, Assessor, City of Portland, September 25, 2014; Portland, Maine, "How Is the Mill Rate (Tax Rate) Determined?" (accessed September 26, 2014, http://www.portlandmaine.gov/147/How-is-the-mill-rate-tax-rate-determined).

In Portland, as is the case with other Maine municipalities, property tax rates are determined as part of the budget process. That is, the City Council approves the budget each year and its assessors determine what tax rate is needed to generate the revenues required by the budget. In other states such as Massachusetts and Vermont, municipalities have created a dedicated open space property tax that is adopted through a separate, non-budget related process.

In Maine, a dedicated property tax is unlikely to be implemented as part of a non-budget related process. An enforceable dedication of property taxes would only be possible if a provision was established in the municipal charter to dedicate a percentage of property taxes for open space.[42] Alternatively, Portland's City Council could vote to enact an ordinance to dedicate a property tax for open space purposes; however, such an ordinance could easily be repealed, amended, or otherwise sidestepped by the City Council if it were no longer desirable. Furthermore, it is unlikely for a municipal legislature to dedicate revenue because it reduces budgetary flexibility in uncertain economic circumstances and establishes funding priorities with which future legislatures may not agree. Thus, the most likely way to harness property tax revenue for open space purposes would be to appropriate funding during the annual budget process.

Implementation via City Council Vote

Portland's City Council could create an ordinance to dedicate a property tax for open space purposes. Alternatively the City Council could appropriate funding during the annual budget process. According to Portland's City Charter, every ordinance, order, and resolve requires the affirmative vote of at least five members of the City Council. However, orders and resolves must be approved by the voters if they commit the city to spend, over a term greater than one municipal year, municipal tax funds greater than five and a half one-hundredths of the last certified state valuation for a single capital improvement or item of capital equipment.[43] The total state valuation in 2015 was $7,707,200,000; thus, any obligation in excess of $3,853,600 would require voter approval if it met the criteria above. An open space tax would not be used for a single capital improvement and the City Council would not be required to submit it to a voter referendum. The same is true for the city budget. For example, on May 19, 2014, the City Council adopted Portland's $221 million FY 2015 budget that, when combined with the education budget, boosted the property tax rate from $19.41 per $1,000 to $20 per $1,000 of assessed value.[44]

Implementation via Ballot

In Portland a tax may not be placed on the ballot via voter petition. As a general rule in Maine, municipal officers have the power to place a referendum question before the voters at any time, as long as certain notices and protocols are followed. The scheduling of local elections, unless otherwise

[42] Charters can only be created or changed by secret ballot election, and charter adoption or revision is accomplished under the statutory process only by means of a specially created charter commission. Geoffrey Herman, "Municipal Charters: A comparative analysis of 75 Maine charters" (from *Maine Townsman*, August 1992, accessed October 2, 2014, https://memun.org/SchoolsProject/Resources/themes/charters.htm).
[43] City of Portland, *Code of Ordinances, Article I, Part I Charter* (Revised December 6, 2012).
[44] David Harry, "Portland passes $221 million budget that raises taxes 3 percent; residents fret about being taxed out of city, mayor blames state government" (*Bangor Daily News*, May 20, 2014, accessed September 26, 2014, http://bangordailynews.com/2014/05/20/news/portland/portland-passes-221-million-budget-that-raises-taxes-3-percent-residents-fret-about-being-taxed-out-of-city-mayor-blames-state-government/).

stated in the municipal charter, can occur at any time, not necessarily at the general election or any other specified state election, such as a primary election.[45]

If the City Council wanted to place a referendum question before the voters of Portland, they would have to provide the referendum question to election officials at least 45 days before the election. This would allow adequate time for the absentee ballots to be printed and made available for use in the 30 days prior to the election.[46] Open space ballot measures have generally appeared at general elections on the Tuesday, after the first Monday in November. If the City of Portland wanted to place a measure on the November 3, 2015 ballot, they would have to provide the referendum question to election officials by September 20, 2015. The ballot question is required to be worded as follows: "Shall the order or resolve entitled '____________', be approved?"[47]

Citizen Initiatives

Over the past 10 years there have been three citizen initiatives voted on in Portland:

- November 2010- Allowing legal immigrants (but non-citizens) 18 yrs. and older who are residents of Portland to register to vote and vote in municipal elections; (Failed)
- November 2013- Legalizing the recreational use of marijuana by adults 21 or older; (Passed)
- June 2014-Amending the Land Bank Commission Ordinance (Passed):
  - establishing a new eligibility category "urban open public spaces"
  - designating an additional 35 land bank properties
  - stronger protection for all land bank properties

Impact Fees

Legal Background[48]

A municipality may enact an ordinance under its home rule authority requiring developers to finance the construction of off-site capital improvements or the payment of impact fees instead of the construction. An impact fee may be imposed that results in a developer(s) paying the entire cost of an infrastructure improvement.

Infrastructure facilities and capital improvements that can be financed through impact fees include waste water collection and treatment facilities, municipal water facilities, solid waste facilities, fire protection facilities, roads and traffic control devices, and parks and other open space or recreational areas.

Impact fee ordinances must meet the following requirements:

[45] The City's election codes authorize a process of citizen initiative for legislative matters provided they are not budgetary or financial in nature. Personal Communication with Geoff Herman, Maine Municipal Association, October 2, 2014.
[46] Personal Communication with Geoff Herman, Maine Municipal Association, April 14, 2014.
[47] City of Portland, *Code of Ordinances, Article I, Part I Charter* (Revised December 6, 2012).
[48] Maine Revised Statutes Annotated, Title 30-A, §4354.

1. The amount of the fee must be reasonably related to the development's share of the cost of infrastructure improvements made necessary by the development or, if the improvements were constructed at municipal expense prior to the development, the fee must be reasonably related to the portion or percentage of the infrastructure used by the development.
2. Funds received from impact fees must be segregated from the municipality's general revenues. The municipality must expend the funds solely for the purposes for which they were collected.
3. The ordinance must establish a reasonable schedule under which the municipality is required to use the funds in a manner consistent with the capital investment component of the comprehensive plan.
4. The ordinance must establish a mechanism by which the municipality must refund impact fees, or the portion of impact fees, actually paid that exceed the municipality's actual costs or that were not expended according to the schedule under this subsection.

The establishment of an impact fee ordinance would require approval by the Portland City Council. [49]

Current Use of Impact Fees

Impact fees are widely used in Maine. They are generally narrow in scope, limited to fees on subdivisions or large developments for road or sewer infrastructure improvements directly related to the development; however, several southern Maine communities have implemented impact fees to create revenue for the creation, expansion, or modification of recreational facilities or open space. As is the case in other states, the laws governing impact fees in Maine preclude the use of impact fees for operations and maintenance costs; they are intended for capital improvements and infrastructure. [50]

For example, in 2001 the Town of Cumberland adopted its Recreational Facilities and Open Space Impact Fee Ordinance to maintain the Town's financial capacity to provide adequate public facilities to meet the additional needs for recreation and open space created by future residents. The ordinance explains that new residential development will bear a proportional or reasonably related share of the cost of new, expanded or modified recreational infrastructure through the payment of impact fees. These impact fees may be used to pay for site acquisition and capital improvements (e.g. acquisition of land or easements including conservation easements or development rights).[51] Since 2001, impact fees have raised over $873,700 for Cumberland's recreational facilities and open spaces. On average it generates $72,810 per year.[52]

Additionally, the Town of Pownal made amendments to its impact fee ordinance in 2008. The ordinance includes fees for recreation, open space, public works, solid waste, and public safety. Impact fees are charged for any construction or development that involves the creation of a new dwelling unit

[49] Personal communication with Maine Planning & Urban Development Department, October 2014
[50] http://www.maine.gov/dacf/municipalplanning/docs/impactfeemanual.pdf Page 3
[51] Town of Cumberland, *Recreational Facilities and Open Space Impact Fee Ordinance of The Town of Cumberland, Maine* (accessed March 14, 2014, http://cumberlandmaine.com/wp-content/uploads/2010/08/Impact_Fee_2nd_Amendments_current_adopted_7_23_12_fillable_application1.pdf).
[52] Calculated over the twelve year period from 2001 to 2013. Personal communication with Pam Bosarge, Town of Cumberland, March 19, 2014.

or business. The impact fees are collected by the Board of Selectmen and are then available for capital costs for infrastructure improvements including acquisition of land or conservation easements. New residential development of single family homes greater than two bedrooms is subject to the recreation and open space impact fees. Pownal's recreation and open space impact fees are assessed on a per bedroom basis. The recreation fee is $336 per bedroom. The open space fee is $127 per bedroom.[53] Since these fees were instituted, the recreation fee has generated $16,128 and the open space fee has generated $6,096.[54]

The City of Saco also established impact fees to pay for public improvements as the city grows. The recreation facilities impact fee is $1,200 per single family home that is subject to the fee, and the open space recreation impact fee is $499.[55] The impact fee has generated an average of $63,000 per year for recreation and open space combined, or a total of $718,579 for facilities and $264,076 for open space.[56] A copy of the Saco Impact Fee Ordinance is provided as an example in Appendix C.

Revenue Raising Capacity in Portland

Portland does not currently use impact fees to offset the cost of public facilities that are related to development.

The average impact fees for parks nationwide are $2,774 for single-family units and $2,086 for multi-family residences.[57]

While Portland does not collect impact fees per se, they do collect contributions to master plans and facilities plans under our site plan ordinances. The relevant provision of the Land Use Code is Article V, Site Plan, Section 14-526(c).

They could add an open space plan with an investment plan to the comp plan, and utilize this provision to collect contributions, the advantage of an impact fee ordinance is that it would spell out the method of allocating the contributions, and other provisions consistent with the state statute cited above.

[53] Pownal, Maine, *Impact Fee Ordinance* (accessed March 14, 2014, http://www.pownalmaine.org/vertical/sites/%7BE22E4F8E-90D9-49E3-A5FC-00AC79420AA6%7D/uploads/Impact_Fee_Ordinance.pdf).
[54] Personal communication with Scott Seaver, Tax Collector and Treasurer, Town of Pownal, Maine, March 18, 2014.
[55] Saco, Maine, "Impact Fees" (accessed March 14, 2014, http://www.sacomaine.org/departments/codes/impactfees.shtml).
[56] Personal communication with Richard Lambert, Code Enforcement Officer, City of Saco, March 18, 2014; Personal communication with Cheryl Fournier, Finance Director and Tax Collector, City of Saco, April 3, 2014.
[57] Duncan Associates, *National Impact Fee Survey 2012* (accessed September 29, 2014, http://www.impactfees.com/publications%20pdf/2012_survey.pdf).

Tax Increment Financing Districts (TIF)

Legal Background

Tax Increment Financing (TIF) is an economic development program authorized under state law to support municipal projects. The TIF program allows municipalities to provide financial assistance to local economic development projects and programs— from infrastructure, municipal economic development programs and staff, to business expansions— by using new property taxes that result from new commercial or residential investment associated with the corresponding increase in property value.[58]

Current Use of TIFs

There are at least 355 active tax increment financing districts in Maine. TIF is used in Portland to encourage major new construction, renovation, and rehabilitation projects within the city. TIF districts are approved by the Portland City Council on a case-by-case basis and may include a credit enhancement for the project. A minimum of $1 million in new taxable investment property value for commercial and industrial development and $500,000 for affordable housing development is needed to qualify for a TIF. [59]

Historically, TIF use for land acquisition was limited to purchasing land to clear the way for infrastructure projects or corporate development; however, in the last 20 years TIF has also supported the purchase and development of parks and open space as long as it only allows for the purchase of open space if it is necessary to facilitate a development and job creation. The implementation of TIF for parks and open space is challenging because these areas generally do not generate tax revenue by themselves or attract development that would generate incremental revenue. Despite this challenge, several Maine communities have developed applications of TIF to support open space and land conservation within their municipalities. TIF funding may not be used for operation and maintenance. [60]

In Bangor, city officials enacted a TIF that dedicates 25 percent of new tax revenue in a commercial development area for the acquisition of open space that protects or enhances water quality. These funds will be used to purchase property or conservation easements, public access projects and water quality improvement efforts. The TIF, which began in 2008, is expected to generate approximately $1 million in revenue over a 10 year period. In 2013, funds generated from this TIF were used to secure a matching grant from the publicly-funded Maine Natural Resources Conservation Program to obtain a 93-acre parcel.

In Belfast, revenue from a downtown TIF district is being used to pay for the development of a waterfront community trail, the half-mile Belfast Harbor Walk. The City Council designated roughly $800,000—approximately half of the total project cost. TIF revenue leveraged state and federal funding for the project as well.

[58] Portland, Maine, *Portland TIF Policy* (February 4, 2013).
[59] Portland, Maine, *Portland TIF Policy* (February 4, 2013).
[60] Personal communication with Laura Santini-Smith, Maine Department of Economic and Community Development

Implementation

Maine communities wishing to utilize TIF financing for open space or resource protection purposes must be careful to ensure that funded projects are directly related to allowing current or future development in the area and are cautioned to work closely with legal advisors or the Maine Department of Economic and Community Development to ensure that a TIF proposal meets state requirements. Because there are many unique variables, this report does not evaluate the revenue-raising capacity of a potential TIF district in Portland.

ELECTION TRENDS

As mentioned earlier in this report, cities across the country have an impressive track record of passing funding measures for parks and open space. Since 1996, voters in cities and urban counties across the country have approved 137 of 153 such measures for a 90 percent success rate. Maine also has a strong track record, passing 17 of 18 state and local parks and open space funding measures since 1996, with a success rate of 94 percent.

In Portland, voters have been highly supportive of recent state conservation and other fiscal related measures as illustrated in Exhibits 3 and 4. Portland voter support for Land for Maine's Future bonds has been consistently higher than the overall statewide support.

Exhibit 3. Statewide conservation-related measures in Portland[61]

Year	Measure	Yes	No	Percent Portland Yes	Statewide Percent Yes
2012	Land for Maine's Future $5M bond issue	26,366	8,172	72	58
2010	Land for Maine's Future $9.75M bond issue	19,975	6,037	74	59
2007	Land for Maine's Future $35.5M bond issue (including $17M in conservation funds)	9,754	3,264	75	63
2005	Land for Maine's Future $12M bond issue	15,027	5,073	75	65
1999	Land for Maine's Future $50M bond issue	16,299	3,990	80	69

Exhibit 4. Other fiscally-related statewide measures in Portland[62]

Year	Measure	Yes	No	Percent Portland Yes	Statewide Percent Yes
2013	$14,000,000 Bond - Maine Army National Guard	9,629	5,045	63	57
2013	$15,500,000 Bond - University of Maine System	11,735	3,140	77	60
2013	$100,000,000 Bond - Infrastructure	12,374	2,404	82	71
2013	$4,500,000 Bond - Maine Maritime Academy	10,204	4,513	67	52
2013	$15,500,000 Bond - Maine Community College System	12,194	2,719	80	65
2012	$11,300,000 Bond - University of Maine System, Maine Community College System, and Maine Maritime Academy	23,224	11,102	63	46
2012	$51,500,000 Bond - Infrastructure	28,278	6,296	77	69
2012	$7,925,000 Bond - Drinking Water Systems and Wastewater Treatment	27,940	6,453	76	60
2010	$5,000,000 Bond - Dental Care Access	17,543	8,353	65	49

[61] Maine Bureau of Corporations, Elections, and Commissions, "Election Results" (accessed September 29, 2014, http://www.maine.gov/sos/cec/elec/prior1st.htm).
[62] Maine Bureau of Corporations, Elections, and Commissions, "Election Results" (accessed September 29, 2014, http://www.maine.gov/sos/cec/elec/prior1st.htm).

As of January 2015, the City of Portland has 52,665 active registered voters, including 24,486 Democrats (46 percent), 7,003 Republicans (13 percent), 3,105 Green Independents (6 percent), and 18,071 unenrolled (34 percent).[63]

2014 Midterm Elections

The 2014 Maine gubernatorial election was held on November 4, 2014. Governor Paul LePage won reelection with 48 percent support. The senate seat held by Susan Collins was also up for election, which she won with 67 percent support. Maine voters also elected the members of the Maine Legislature (State Senators and State Representatives). Additionally, Maine voters approved six bond issues and rejected one citizen's initiative, which would have put restrictions on certain bear hunting practices. One bond question resulted in the approval of a $10 million bond to ensure clean water and safe communities across the state, and will include drinking water protection and wetland restoration.[64] The measure passed stateside with 65 percent support and in Portland with 81 percent support.

The 2015 election in Portland will determine the next mayor. It will also decide who will replace one at-large member of the City Council as well as the City Council members that represent Districts 1 and 2. In terms of the statewide elections, a local group in Maine is currently working to get a referendum question on the ballot via the citizen's petition process. The ballot question would focus funding for campaigns. Specifically, the legislation would increase total public funds available to gubernatorial candidates from $1.2 million to $3.2 million, increase funds for House of Representatives candidates from about $5,000 to $16,500, and increase funds for Senate candidates from $21,455 to $65,000. It also would return the cap on private donations to gubernatorial candidates to $750, which was the limit before an increase to $1,500 in recent years by LePage and the Legislature. The current law means that individual donors can contribute up to $3,000 through the primary and general election. The proposal would end the system's reliance on the General Fund, which pays for most of state government, by imposing a 15 percent surcharge on all fines and penalties levied by the state ranging from traffic tickets to Department of Environmental Protection fines. Additionally, it would require new governors to fully disclose donations and spending during their transition into and would bar top officials of political action committees from running for office.[65]

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[63] State of Maine, Secretary of State, "Registered and Enrolled Voters – Statewide" (accessed January 23, 2015, http://www.maine.gov/sos/cec/elec/r-e-active.pdf).
[64] Maine Bureau of Corporations, Elections, and Commissions, "Upcoming Elections" (accessed September 29, 2014, http://www.maine.gov/sos/cec/elec/upcoming.html).
[65] Christopher Cousins, "Petition drive to strengthen clean election system to kick off Friday" (*Bangor Daily News*, July 19, 2013, accessed September 22, 2014, http://bangordailynews.com/2013/07/19/politics/petition-drive-to-strengthen-maines-clean-election-system-kicks-off/); David Carkhuff, "'Clean elections' advocates push for 2015 referendum" (Portland Daily Sun, January 22, 2014, accessed September 22, 2014, http://www.portlanddailysun.me/index.php/newsx/local-news/11218-clean-elections-advocates-push-for-2015-referendum).

CITY GOVERNMENT

Portland operates under a Council/Mayor/Manager form of local government with a nine-member City Council that includes the mayor. Each of the city's five voting districts elects one council member, with four members elected at large (including the mayor). All members except the mayor are elected for three-year staggered terms. The mayor is elected at large for a four year term with a two year consecutive term limit.[66] As of 2015, the Mayor of Portland is Michael F. Brennan. City Council member are shown in Exhibit 5.

Exhibit 5. Portland City Council

Portland City Council		
Name	**Seat**	**Expires**
Michael F. Brennan	Mayor	2015
Kevin J. Donoghue	District 1	2015
David A. Marshall	District 2	2015
Edward J. Suslovic	District 3	2016
Justin Costa	District 4	2017
David Brenerman	District 5	2017
Jill C. Duson	At Large	2017
Jon C. Hinck	At Large	2016
Nicholas M. Mayodones, Jr.	At Large	2015

Portland is currently undergoing administrative staff changes. City Manager, Mark Rees, recently resigned, and the city is also currently working to fill several other high-level vacancies, including the directors of finance, human resources, and health and human services.[67]

[66] Moors and Cabot Investments, Official Statement Dated January 28, 2014.
[67] Kevin Miller, "Portland City Manager Mark Rees Stepping Down" (*Portland Press Herald*, August 18, 2014, accessed September 25, 2014, http://www.pressherald.com/2014/08/18/portland-city-manager-mark-rees-to-resign/).

Appendix A: History of Municipal Open Space Bond Measures in Maine

Municipal Open Space Bond Measures in Maine						
Jurisdiction Name	**Year**	**Description**	**Conservation Funds at Stake**	**Conservation Funds Approved**	**Status**	**% Yes**
Kittery	2013	Bond for the purchase of 300-acre Rustlewood Farm	$150,000	$150,000	Pass	84.83%
York	2012	Bond for purchase of 10 acre open space parcel	$300,000	$300,000	Pass	72.88%
Scarborough	2009	Bond for the conservation of natural areas	$1,000,000	$1,000,000	Pass	67.61%
Windham	2009	Bond for the preservation of Clark Farm	$1,000,000	-	Fail	47.37%
Falmouth	2007	Bond for the preservation of open space	$5,000,000	$5,000,000	Pass	69.42%
Scarborough	2003	Bond for natural areas, environmentally sensitive areas, recreation	$2,500,000	$2,500,000	Pass	71.10%
York	2003	Advisory measure to dedicate funds for land acquisition, conservation easements	-	-	Pass	69.00%
Saco	2002	Question 2, bond for parks,recreation	$1,500,000	$1,500,000	Pass	67.51%
Falmouth	2001	Special Referendum; Bond for land acquisition and open space preservation	$1,500,000	$1,500,000	Pass	72.86%

Freeport	2000	Bond issue to fund town land bank for acquisition of open space, wildlife habitat and farmland preservation	$500,000	$500,000	Pass	63.24%
Scarborough	2000	Bond for parks and land conservation	$1,500,000	$1,500,000	Pass	74.99%
Falmouth	1997	Question 2, Bond for Recreation, Open Space	$1,000,000	$1,000,000	Pass	76.25%
Freeport	1996	Bond for Specified Land Parcel for Recreation	$450,000	$450,000	Pass	50.23%

Appendix B: Municipal Ballot Language

Referendum Question No. 1

Shall the Order entitled, "Order authorizing the Town of Scarborough to issue bonds not to exceed a total of $1.5 million for the purchase of land and interests in land throughout the town for purposes of conservation of natural areas, providing public access and recreation, and protection of wildlife habitat, and scenic or environmentally sensitive areas" be approved?

YES
NO

EXPLANATION AND RECOMMENDATION: Approval of this question would allow (not require) the Town of Scarborough, on approval of the Town Council, to issue UP to $1.5 million of bonds to fund future purchases of properties or rights to properties for the following purposes:

To provide or maintain public access.
To allow passive or active recreation.
To conserve water quality, natural resources, or other natural areas.
To provide easements for walking or biking trails.
To preserve significant historic sites.
To preserve sites which can be considered part of the character to the community.
To add to existing conservation and public areas.

Bonds will only be issued as needed to fund specific projects. It is likely that $1.5 million would be issued as a number of smaller bonds over the next several years as potential land purchases are evaluated for overall benefit to the people of Scarborough, and, if deemed the best opportunities, recommend to the Town Council for purchase. The Town Council may choose to establish by ordinance a board to assist with the evaluation process.

Approval of this appropriation would allow the Town of Scarborough to seek significant matching funds, both private and public, from sources such as the Land for Maine's Future Program and the Maine Outdoor Heritage Fund.

All municipal bonds are subject to an annual independent audit. The Town Council recommends approval of this question.

FINANCIAL STATEMENT

1.	Total Indebtedness	$35,059,806.37
	A. Bonds outstanding and unpaid:	2,111,000.00
	B. Bonds authorized and unissued:	1,500,000.00
	Total:	$38,670,806.37
2.	Costs At an estimated maximum interest rate of 6% for a 20-year maturity, the estimated costs of this bond issue will be:	

Principal:	$ 1,500,000.00
Interest:	866,250.00
Total Debt Service:	$ 2,366,250.00

3. Validity

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not effected by reason or the variance.

S/ Joseph F. Ziepniewski Treasurer

Appendix C: City of Saco Impact Fee Ordinance[68]

Section 1601. General Provisions for Impact Fees

1601-1. PURPOSE
The purpose of these impact fee provisions is to ensure that new development in Saco will be accomplished in a safe and healthful manner and that such development will bear a proportional or reasonably related share of the cost of new, expanded or modified infrastructure necessary to service the development through: 1) the payment of impact fees that shall be dedicated to paying for the needed improvements, or 2) the construction of appropriate improvements as provided for herein.

1601-2. AUTHORITY
These impact fee provisions are adopted by the City under the authority of 30A M.R.S.A. § 4354 and its statutory and constitutional home rule provisions. 1601-3. PAYMENT OF IMPACT FEES
The impact fees provided for under this article shall be paid to the City of Saco in care of the Code Enforcement Department.

1601-4. IMPACT FEE ACCOUNTS
All impact fees collected under the provisions of this article shall be segregated and accounted for in separate impact fee accounts designated for the particular improvements in question. The impact fee accounts are as follows.
1. Recreational Facilities Impact Fee Account
2. Open Space Facilities Impact Fee Account

1601-5. USE OF IMPACT FEES
Impact fees collected under the provisions of this article shall be used only to pay for the capital cost of the infrastructure improvements specifically associated with the fee as identified below. No portion of the fee shall be used for routine maintenance or operational activities. The following costs may be included in the capital cost of the infrastructure improvement:
1. acquisition of land or easements including conservation easements,
2. engineering, surveying and environmental assessment services directly related to the design, construction and oversight of the construction of the improvement,
3. the actual construction of the improvement including, without limitation, demolition costs, clearing and grading of the land, and necessary capital equipment,
4. mitigation costs,
5. legal and administrative costs associated with construction of the improvement including any borrowing necessary to finance the project,
6. debt service costs including interest if the City borrows for the construction of the improvement,
7. relocation costs, and
8. similar costs that are directly related to the project.

1601-6. REFUND OF IMPACT FEES
Impact fees shall be refunded in the following cases:

[68] Saco, Maine. "Article 16 – Impact Fees" (accessed September 26, 2014, http://www.sacomaine.org/departments/codes/zoning16.pdf). Please see PDF for complete ordinance including appendix.

1. If a building permit is surrendered or if a subdivision or site plan approval lapses without commencement of construction, the permit holder or developer shall be entitled to a refund, without interest, of any impact fee paid in conjunction with that project. A request for a refund shall be made in writing to the City Planner and shall occur within ninety (90) days of the lapse of the approval or the expiration of the permit.
2. Any fees collected that are not spent or obligated by contract for the specified improvements by the end of the calendar quarter immediately following ten (10) years from the date the fee was paid shall be returned to the current owner of the property for which the fee was paid together with interest calculated at three (3) percent per year from the date of the payment of the fee.

1601-7. MODIFICATION OF IMPACT FEES

The City Council may, by formal vote following a public hearing, reduce or eliminate the payment of a required impact fee if it finds that:
1. The developer or property owner who would otherwise be responsible for the payment of the impact fee voluntarily agrees to construct the improvement for which the impact fee would be collected or an equivalent improvement approved by the City Council, or
2. The developer or property owner is required, as part of a development approval by the City or a state or federal agency, to make or to pay for infrastructure improvements that are of the same nature as the improvement to be funded by the impact fee, or
3. The project subject to the impact fee involves the construction of affordable housing as defined by the U.S. Department of Housing and Urban Development or the Maine State Housing Authority. If only part of the project is affordable housing, the Council may waive only the portion of the fee attributable to the affordable units, or
4. The project involves the construction of elderly congregate housing assisted living, or other eldercare facilities.

1601-8. REVIEW AND REVISION

The City Council shall periodically review each impact fee established under this chapter. If the Council finds that the anticipated cost of the improvement has changed or that the identification of developments subject to the fee is no longer appropriate, the Council may adopt changes in the impact fee.

Section 1602. Recreational Facilities and Open Space Impact Fee

1602-1. DESCRIPTION OF THE IMPROVEMENTS

This project involves the acquisition of land for and the development of new community-wide recreational facilities and the acquisition of land or conservation easements for use as substantially undeveloped open space and the related development of these parcels to facilitate their role and use as open space. The recreational facilities portion of this impact fee may be used for the following improvements.
1. The development of the City's former landfill on the Foss Road into a multipurpose community recreational complex.
2. The development of a skating area at Pepperell Park or another location.
3. The construction of a baseball field at the Middle School Recreational Area.
4. The construction of pedestrian and bicycle trails including the City's share of the cost of the development of the Eastern Trail.
5. The acquisition of land for the future development of community recreation facilities, and/or

6. The development of other community recreational facilities that expand the City's supply of recreational areas or facilities. The open space facilities portion of this impact fee may be used for the following improvements:
1. The acquisition of land or conservation easements for use as substantially undeveloped open space and the related development of these parcels to facilitate their role and use as open space.

1602-2. NEED FOR THE IMPROVEMENTS
The need for community recreation facilities and open space is a function of the size of the community's population. As the community grows, it needs more recreation land, fields, playgrounds, natural areas, and open spaces. The City's adopted Comprehensive Plan identifies the need to expand the supply of recreational facilities and open space to serve a growing population. The need for the specific improvements is set out in the City of Saco's Recreational Facilities and Open Space Impact Fee Methodology.

1602-3. ACTIVITIES SUBJECT TO THE FEE
Any construction or development that involves the creation of a new dwelling unit as defined by the zoning ordinance including single family homes, apartment units, manufactured housing units, and mobile homes shall be subject to the payment of an impact fee for this project except as provided below:
1. No impact fee shall be paid if the dwelling unit is located in a subdivision that was approved by the Saco Planning Board prior to the date of adoption of this Article.
2. No impact fee shall be paid if the dwelling unit is located in a subdivision which is a complete application under review by the Saco Planning Board prior to the date of adoption of this Article.
3. The recreational facilities portion of the impact fee shall not be paid if the unit is located in a residential subdivision or other residential development that has provided recreational facilities in accordance with the requirements of the City's Subdivision Regulations.
4. The open space portion of the impact fee shall not be paid if the unit is located in a residential subdivision or other residential development that has provided open space in accordance with the requirements of the City's Subdivision Regulations.
5. No impact fee shall be paid if the new dwelling unit is to be constructed on a lot where a dwelling unit has been demolished or permanently removed from use within the last twelve months. The fee shall be charged for any unit beyond the number demolished or permanently removed from use.
6. No impact fee shall be paid if the dwelling unit is moved from one lot within the city to another lot within the city.
7. Downsizing Provisions for Elderly Homeowners (Amended 7/2/02) Persons building new single-family dwelling units which meet the requirements of subparagraphs A through D of this subsection are not required to pay the recreation and open space impact fee. However the transfer of the property by any means during the five years following the issuance of a building permit shall require that the impact fee be paid. Likewise the property shall not be leased or rented during the five years after the issuance of a building permit unless the impact fee is paid. An agreement outlining the limitations on the waiver shall be recorded at the York County Registry. Evidence of the recording shall be presented to the code enforcement officer before the building permit is issued.
A. The person or persons proposing to build the new single-family dwelling unit have previously owned and occupied an existing permanent residence in Saco and paid property taxes on it continuously for at least 20 years.
B. The owner(s) is/are selling or transferring their existing permanent residence in Saco and are planning to make the new house their permanent residence.

C. At least one owner of the proposed house is 62 years old or older.
D. The proposed house is a single-family dwelling unit with one or two bedrooms.

1602-4. CALCULATION OF THE FEE

The recreational facilities and open space impact fee is a per capita fee and is based upon the City's Impact Fee Calculation Methodology. The per capita fee consists of a recreational facilities component and an open space component. The amount of the fee paid by a development project shall be determined by multiplying the per capita fee by the number of people expected to reside in the project. The following occupancy ratios shall be used in determining the fee unless the applicant provides verifiable written documentation from an independent, objective source demonstrating other occupancy levels:

Single family dwellings and mobile homes	3.2 people/unit
Dwelling unit in a two-family or multi-family dwelling with:	
a. one bedroom	1.2 people/unit
b. two bedrooms	2.0 people/unit
c. three or more bedrooms	3.0 people/unit
Dwelling unit in elderly housing, assisted living facility, or other eldercare facility limited to occupancy by households sixty-five years of age or older	1.2 people/unit

1602-5. IMPACT FEE

Fees shall be determined by Council after a public hearing.

1602-6. COLLECTION OF THE FEE

The Code Enforcement Officer shall collect the impact fee prior to the issuance of any building, plumbing or other permit for residential construction that is subject to the fee. The amount of the fee shall be based upon the procedure set out in subsection 1602-4 above. The City Administrator may approve the payment of impact fees over time in accordance with an approved payment schedule provided that appropriate arrangements are in place to guarantee collection of the fees.

1602-7. EFFECTIVE DATES

This impact fee shall be applicable to activities subject to the impact fee 30 (thirty) days after the date of adoption of this Article.

For any questions or more information please contact:

Linda Orel
New England Conservation Finance Director
The Trust for Public Land
Linda.Orel@tpl.org
Phone: 617-371-0526

April 16, 2016

Diane Davison, Chair

Parks Commission

RE: Annual Report and Inventory Committee Update

Diane,

The Annual Report and Inventory Committee (Travis Wagner, Meri Lowry, and Craig Lapine) met on Monday, April 11, 2016. Listed below are a summary of actions and items.

- Our timeline for the annual report is to present a draft to the Commission at the July meeting. It is possible some FY-related data will not yet be available. This will provide us with a month to complete the document for presentation to the City Council in August and finalization for the Green Space Gathering in October.
- Given the reorganization of the parks administration, the annual report needs to be reorganized because the first report contained sections for each of the two separate divisions. We will be seeking a meeting with Sally DeLuca to obtain her input on suggestions to reorganize the Annual Report. We also will be verifying with Sally the data needs and availability for the report.
- We are recommending a decoupling of the inventory from the written annual report. We recommend that the inventory be published as a standalone document to be posted on the Commission's website and be maintained and updated on a as-needed basis.
- Given the discrepancy in the parks (i.e., parks, squares, and plazas) between various city documents and the TPL report, we will be attempting to develop a single inventory. Meri Lowry will be taking the lead on comparing the various inventories and identifying a suggested definition of parks for the purposes of the Commission and the ordinance. This may require City Council action. She will be presenting a draft to the committee by May 11. The goal is to present a draft to the Commission at the June meeting.
- Instead of an inventory merely listing names of parks, plazas, and squares, the committee is recommending to add amenities and other important features of each space as part of the inventory. Craig Lapine will be developing an amenity-

based inventory survey sheet. The goal is to send this out to friends groups and schools to elicit their assistance in identifying existing amenities at spaces while also engaging the community with their parks. We plan to have a draft survey form for the committee by May 11 with the goal of presenting a draft to the Commission at the June meeting.

- We have identified a preliminary list of pressing needs/issues of concern for the Parks Commission for the next year, which is a key section in the Annual Report. The issues identified thus far include:

    1. Finalization of the inventory
    2. Funding mechanisms
    3. Signage

    - We will be asking the other two committees to write a paragraph or two to discuss numbers 2& 3above suitable for the Annual Report and its audience.