



Commission Members:

Beth Rabbitt, John Clark, Marie Gray, Stephen Bensten, Helen Coyne, Alexis Lopez Del Vecchio, Ashley Burdick, William Elting, Victoria Pelletier (City Councilor), Donna Gartland, Jaime Parker (Chair), Kristen Fulmer, Robert Foster, Katie Mears

Staff: Ethan Hipple Parks (Director of Parks, Recreation, and Facilities), Alex Marshall (Parks Director), Jessica Teesdale (SEA PAF)

City of Portland
Parks Commission Agenda
January 4, 2024 at 5:00 PM

City Hall Kippy Richardson Conference Room 24 located on the ground level of City Hall

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.

MEETING ACCESS INFORMATION

The Parks Commission will conduct this meeting in-person from City Hall Kippy Richardson Conference Room 24 located on the ground level of City Hall.

Public comments may only be submitted in person or in writing.

To submit written public comment on an agenda item, email parkscommission@Portlandmaine.gov Submissions must be received by 12:00 pm the day before the Parks Commission meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the name of the agenda item (see below).

To view this meeting please visit the Livestream <https://portlandme.portal.civicclerk.com/event/6291/media>

- I. Call to Order
 - II. General Citizen Comment Period
 - a. Citizen Comments 12.7.2023 through 1.3.2024
 - III. Agenda Items
 - a. Acceptance of Meeting Minutes: December 7, 2023
 - b. New Business
 - i. Thomas Park-Presentation and Vote
 - ii. Parks Commission Role and Charter
 - iii. Committee Assignments
- Community Outreach Committee-Greenspace Gathering
Annual Report and Inventory Committee

Park Initiative Committee

Finance Development Committee

c. Old Business

i. Annual Report

ii. Encampment Statement submitted to Council

d. Communications and Updates

i. Parks Report

ii. Land Bank Commission Report

iii. Green Space Gathering

e. Commissioner requests for Agenda Items

IV. Adjournment

TO : Portland Parks Commission
RE: Confirmation of "Thomas Park "

ATTN : Please add to packet for meeting 4 January 2024

2 January 2024

Dear Parks Commission :

This letter is to repeat my support for recognizing "Thomas Park ", Portland, under its proper name, and to add it to the list of city parks protected under City Code Chapter 18.

As one of the advocates in 2014 who drew up the first list of parks and open spaces to protect under city law, I can attest that we advocates knew that names, clarifications, and changes would be made to this important list, and always said so at the time. This is one of those times.

I have previously provided to Director Hipple my list of research indicating that "Thomas Park " was one of the very first small parks donated to the City in 1913, and extracts from Portland City Directories showing that the parcel was officially known to all as "Thomas Park " in following years. This research should be in your packets.

BUT – in times like today, the modern question is : " What's in a name ? Why Care now? Were these "Thomas " people the Real Deal ? "

The answer is FOR SURE – the Thomas family was the Real Deal. In many ways – in generosity, public spirit, far-sightedness, and an open heart for others – in the 19th Century they preceeded the generous Baxters of Portland in the 20th Century.

The Thomas family were merchants who were Abolitionists long before that was fashionable, or safe. Their mansion at the corner of Congress and India Street was known as "Cozy Corner. " There, Charlotte Thomas (sister of the first Elias Thomas) kept an open door to all in need ; she was known to all Portland as "Aunt Charlotte. "

A guest at her dinner table was likely to sit by Frederick Douglass, William Lloyd Garrison, or Susan B. Anthony on one side and on the other a hungry homeless person who knocked on her door.

Page 2

Long before their public gifts included parks , their quiet gifts to the Widow's Wood Society, the City Milk Fund, and many more, warmed winter homes, fed children, bought shoes and found jobs for those in need.

The Thomas family never asked for public thanks. Proof of this is attached.

PLEASE NOTE : you are the first people to see this in Two Hundred Years.

In the War of 1812, the Portland privateer "The Dash " was lost at sea with all hands. One crewman was a young African American named William Anderson who left behind a widow and an infant son. Quietly, Elias Thomas took the son under his guardianship, supported the widow, educated the son, and set him up in business. Thomas sought no publicity for this. It was lost to history until 2023, when research on the Dash turned it up. (See attached, crewman # 2)

Deeds speak louder than words ; words are often lost, and forgotten. But such a deed as this – saving a grieving widow and providing a path for an orphan of color – speak loudly about Elias Thomas.

The Thomas mansion was lost in the Great Fire of 1866. The Thomas story has sadly faded into history. There are no monuments to the Thomas family – only memories and a small city park they gave to future times.

The park is a small thing, but represents so much more. The name represents the spirit of faith in the future that we must hope Portlanders still believe in, and still will act like we have that faith.

For these reasons, and more, I believe the name of " Thomas Park " should be confirmed. Thank you for taking this under consideration .

Sincerely,

Herb Adams *hadams@smccme.edu*

Adjunct Professor Social Sciences
SMCC -- 2 Fort Road
So. Portland, ME 04106

Roster of men lost on the Dash
(Ron Romano, May 2023 update)

			age	source	cenotaph at	Find-a-grave	notes	on Dash?
1	Adams	Robert	22	Adams: <i>A Genealogical History of Robert Adams of Newbury, Mass...</i> (1900). page 120			Adams: "He was a mariner, and unmarried; was lost on the privateer <i>Dash</i> 21 Jan. 1815."	very likely
2	Anderson	William		[1820 Pension files]			[He was a Seaman. His widow Sophia Anderson applied for pension renewal. The in 1829, Sarah Small applied for a pension extension for William Jr., was was under 16 in 1825 and under guardianship of Elias Thomas] Research note: William certainly African American. A vital record of marriage is found in 1811 Portland for William Anderson and Saviah Gerrish, both of whom were Black. (Saviah may have been a poor transcription for Sophia). Then in 1829 Sarah Small partitioned for continued pension for William Jr., who was then under the guardianship of Elias Thomas. There was a 40-year-old Black woman named Sarah Small living in Portland then, and Elias Thomas was a well-to-do merchant in the city, and while he was white, not Black, he is celebrated to this day as an Abolitionist.	confirmed
3	Bennett	Job Jr.	41	[1820 Pension files] Sinnott: <i>Sinnott Genealogy</i> (1910), page 55			[He was a Seaman. His widow Anna Bennett applied for pension renewal. Attestation letter from Josiah W. Mitchell noted that she was living in Freeport with her children at the time.] Sinnott: "Job Bennett, Jr. was an ardent patriot and was lost on the privateer <i>Dash</i> of Freeport, Me., in 1815"	confirmed
4	Bennett	John		Thurston & Cross: <i>Three Centuries of Freeport, Maine</i> (1940), pp 62 - 64		yes [lost at sea]	The original findagrave listing for US Navy Seaman John Bennett in 1815 noted that he died on the Portsmouth NH based <i>Wasp</i> (left port July 1814 and never heard from again) but gave no details proving he was aboard. Thurston & Cross include him as one of 16 Freeport men on the <i>Dash</i> (but do not list Job Bennett Jr. who is proven to have been on the <i>Dash</i> ...)	need more info
5	Cobb	Smith W.	22	Stone reads "Lost at sea, Jan. 1815"	Eastern Cemetery	yes	He was Portland-based, like the <i>Dash</i> , and this was the one ship known to have been lost from Portland that month and year.	very likely
6	Cumpston	Henry	33	[1820 Pension files]	Evergreen Cemetery	yes (JJ)	[He was the Prize Master. His widow Lydia Skelton—married 1803— applied for pension renewal]	confirmed
7	Cushing	Nathaniel	17	Cushing: <i>The Genealogy of the Cushing Family</i> , (1905), page 138			"Lost in the privateer <i>Dash</i> , Feb., 1815"	very likely
8	Dovre (Duer)	John Alexander		[1820 Pension files]			[He was the Cook's Mate. He married Sally Burnison in 1814, and they had no children. She remarried—to Samuel Powers of Portland—in 1817. This surname is under Duer in the marriage records. John was an African American aboard the <i>Dash</i> , as confirmed by his VR of marriage to Sally Burnison.	confirmed
9	Frost	George	40	Secondary listing on stone for wife Sarah, who died 1848. It reads, "...who was lost at sea in Jan. 1815, at age 40"	Portland St. Cemetery, South Berwick	yes	The inscription strongly suggests he was on the <i>Dash</i> . The fact that his wife died 30 years later with a stone in South Berwick does not mean they weren't in Portland in 1815...	very likely
10	Hunnewell	Nathaniel	27	Dole: <i>Windham in the Past</i> (1916), page 450.			Dole: "Lost in the Privateer <i>Dash</i> in the War of 1812."	very likely



December 28, 2023

Jaime Parker, Chair
Portland Park Commission
Portland, Maine 04101

Dear Mr. Parker,

On behalf of the neighbors of Libbytown and surrounding community, this letter is written for Portland Park Commission's January, 4th, 2024 meeting. We request your support in rectifying two city errors: (1) correcting the park's name to "Thomas Park"; (2) adding Thomas Park to the list of city parks protected under the City of Portland Code of Ordinances Chapter 18 Parks, Recreation and Public Buildings and Grounds.

Thomas Park, referred to today as "Lowell Park" is a neighborhood treasure that we aim to protect. We are grateful that the Elias Thomas Family had the vision, over 100 years ago, to gift this land to the City of Portland to serve as an official city park. Thomas Square Park, founded December 19, 1913, located at 64 Burnham Street, between Lowell, Burnham and Congress Streets, Triangle shape, 17,176.56 square feet. Thomas Park perimeter is surrounded by a ring of nine Linden trees. It has had many uses over the years, our goal is to re-energize this park that has laid dormant with a new vision to activate Thomas Park, transforming it into a welcoming and friendly city park for public use and enjoyment. We see this Park as complementary to the upcoming Libbytown Safety and Accessibility project, which we are highly supportive of.

Thank you in advance for considering our request. It is vitally important to us and our community to achieve our goals with your support.

Sincerely,

The Executive Board of the Libbytown Neighborhood Association
Emma Scudder, Chair
Liana Wolk, Vice Chair,
Damon Yakovleff, Treasurer
Fred Dillon, Secretary



Jessica Teesdale <jteesdale@portlandmaine.gov>

A concerned neighbor

2 messages

Shannon Sinclair <s.sinclair827@gmail.com>

Thu, Dec 28, 2023 at 10:19 AM

Reply-To: s.sinclair827@gmail.com

To: council@portlandmaine.gov, citymanager@portlandmaine.gov, mdion@portlandmaine.gov, afournier@portlandmaine.gov, pali@portlandmaine.gov, rrodriguez@portlandmaine.gov, atrevorrow@portlandmaine.gov, rphillips@portlandmaine.gov, ksykes@portlandmaine.gov, abullett@portlandmaine.gov, vpelletier@portlandmaine.gov, parkscommission@portlandmaine.gov, dwest@portlandmaine.gov
Cc: Richard Cooch <rcooch@gmail.com>

Good morning all,

My name is Shannon Cooch and I live on Briggs St here in Portland with my husband, Richard. I grew up in New Hampshire and loved visiting Portland. After living on the west coast for 10 years, I moved back to New England and chose Portland to call home. I have lived in Portland now for 3 years and the changes that have happened since are heartbreaking.

In the last month alone, the police have been to mine or a neighboring home multiple times, you may check your call logs for reference. Mine and my husband's vehicles have been broken into too many times to count, both unfortunately being damaged by screwdrivers and other tools. Christmas packages with presents from my parents along with irreplaceable homemade gifts from our 5 year old niece were all stolen from our porch.

I write this email this morning through tears because I am absolutely depleted with the news of yet another postponing of cleaning up the Harbor view encampment. I fear the postponing is just going to continue and there is no end in sight for this crime ridden encampment.

I am riddled with anxiety over how dangerous my neighborhood has become and am scared to live here. We even have to sleep with our lights on in hopes to ward off homeless burglars. Every time we call the police to report a crime- whether it be theft of our personal property, witnessing drug use in public, harassment, machetes being swung around, indecent exposure, public defecation, used needles everywhere, you name it- the police share our frustrations with the encampment and that their "hands are tied" so we need to call city council. Which we are then met with the opinions of specifically Anna Trevorow, Roberto Rodriguez, and Victoria Pelletier, telling us we need to have compassion and that it is inhumane to clean up the park. Where is the compassion for the law abiding, tax paying, residents of Portland? Is it not inhumane for the citizens that work and pay hard earned money to live in Portland be protected as well? Why is it okay for us to have to live like this? The homeless are choosing to live in a drug infested encampment because they are being hand delivered food, drugs, clothes, and whatever else they need. They are even out delivering to Harbor view in the rain this morning, despite the city not being able to work in the rain to clear the encampment.

My husband and I both proudly support our newly elected Mayor Mark Dion and the direction he is trying to take the city of Portland. Please, I beg of you as a desperate citizen to please protect us and remember the housed have rights too. Please continue to sweep encampments and clean up the city.

Respectfully,
Shannon Cooch

Ethan Hipple <ehipple@portlandmaine.gov>

Thu, Dec 28, 2023 at 11:22 AM

To: Jessica Teesdale <jteesdale@portlandmaine.gov>, Alex Marshall <amarshall@portlandmaine.gov>

For the Parks Commission packet.

E

Ethan Hipple

Director of Parks, Recreation and Facilities Department
City of Portland, ME
[212 Canco Rd, Suite A](#)
[Portland, Maine 04103](#)

207-808-5400

ehipple@portlandmaine.govParks, Rec and Facilities Instagram: [@portlandmeprf](https://www.instagram.com/portlandmeprf)Parks, Rec and Facilities [email newsletter](#)Sign up to receive [city news & alerts](#)Report issues via [SeeClickFix](#)www.portlandmaine.gov

----- Forwarded message -----

From: **Ethan Hipple** <ehipple@portlandmaine.gov>

Date: Thu, Dec 28, 2023 at 11:12 AM

Subject: Re: A concerned neighbor

To: <s.sinclair827@gmail.com>Cc: Danielle West <dwest@portlandmaine.gov>

Hi Shannon,

Thanks for your email. I agree the situation is completely unsustainable, and I'm so sorry to hear about the impacts to you and your family.

I have been an outspoken proponent of clearing encampments because I think it is inhumane to allow them to remain, and we can do better. Getting people indoors to shelter and housing is the answer, not leaving people to fester in hopeless and dangerous conditions outdoors. I think the impacts to neighbors, park visitors, and businesses are unacceptable.

We postponed today's clearing because it is raining and in the high 30's for the next few days. That is a recipe for hypothermia for people who are taking down their shelter and in transition, and would unnecessarily put people at serious risk. The cleanup of the park will take place next week, conditions allowing. Restoration will take many months, but we will bring this park back to life in the spring, similar to what we have accomplished at Bayside Trail, Fore River Trail, and Marginal Way.

Take care, and thanks for your letter.

Ethan

Ethan Hipple

Director of Parks, Recreation and Facilities Department

City of Portland, ME

[212 Canco Rd, Suite A](#)[Portland, Maine 04103](#)

207-808-5400

ehipple@portlandmaine.govParks, Rec and Facilities Instagram: [@portlandmeprf](https://www.instagram.com/portlandmeprf)Parks, Rec and Facilities [email newsletter](#)Sign up to receive [city news & alerts](#)Report issues via [SeeClickFix](#)www.portlandmaine.gov

[Quoted text hidden]



December 28, 2023

Dear Portland Park Commission:

We are very excited that "Lowell" Park is on the agenda for the Park Commission's January 4th, 2024 meeting. We have worked closely with Nick Zaccaro, Libbytown Neighborhood Association; Elias Thomas III, and City Councilor Regina Phillips, District 3 for the past year. Our research reveals this land has been a city park for over one hundred years. We believe it's time to rectify two outstanding city errors. They are as follows:

- (1) correcting the park's name to "**Thomas Park**";
- (2) adding Thomas Park to the list of city parks protected under the **City of Portland Code of Ordinances Chapter 18 Parks, Recreation and Public Buildings and Grounds.**

We greatly appreciate your considerations and look forward to City Council approval.

Thank you!

Best,

Carol Schiller, President
University Neighborhood Organization



Jessica Teesdale <jteesdale@portlandmaine.gov>

Harborview Memorial Park

Davi Smitti <smitti79@gmail.com>

Wed, Dec 20, 2023 at 3:49 PM

Reply-To: smitti79@gmail.com

To: council@portlandmaine.gov, citymanager@portlandmaine.gov, mdion@portlandmaine.gov, afournier@portlandmaine.gov, Pious Ali <pali@portlandmaine.gov>, rrodriguez@portlandmaine.gov, Rosanne Graef <rgraef@zwi.net>, atrevorrow@portlandmaine.gov, rphillips@portlandmaine.gov, ksykes@portlandmaine.gov, Steve Campbell <stevecampbell434@gmail.com>, abullett@portlandmaine.gov, Victoria Pelletier <vpelletier@portlandmaine.gov>, parkscommission@portlandmaine.gov

I'm forwarding another complaint about further damage to our park, namely the trees.

[Lawn Damage - Issue #15771689 - Portland, ME - SeeClickFix - Web and Mobile Government 311](#)

I must say, I am curious as to what waiting a week is going to change, other than increasing the odds that somebody dies of exposure or in a fire in a tent, or further damages trees?

What happened to the, "We have sufficient shelter beds, so we are going to start enforcing the park ordinances and stop camping in the city"?

A querulous citizen,
David Smith
75 State Street unit 128
Portland 04101



Parks Commission December 2023 Meeting Minutes

Present Commission Members: Beth Rabbitt, John Clark, Marie Gray, Ashley Burdick, William Elting, Donna Gartland, Jaime Parker (Chair), Robert Foster

Not Present: Victoria Pelletier (City Councilor), Alexis Lopez Del Vecchio, Kristen Fulmer, Helen Coyne, Stephen Bentsen, Katie Mears

Staff: Alex Marshall Parks Director, Jen DeRice Assistant Parks Director, Jessica Teesdale Senior Executive Assistant

I. Call to Order–introduction Jen Derice Assistant Parks Director

II. General Citizen Comment Period in person–no comments

III. Agenda Items

a. Acceptance of Meeting Minutes: 10/5/2023–motion approved unanimously

b. New Business

i. Exploring Commission Statement on Parks–motion approved unanimously

General discussion: Ashley Burdick, Marie Gray, William Elting, John Clark, Donna Gartland, Robert Foster, Jaime Parker,

Alex Marshall provided Parks department feedback and answered specific questions

The Commission decided to edit the letter and finalize during the meeting.

ii. Annual Report Approval–General discussion: Jaime Parker, Rob Foster, Donna Gartland, Beth Rabbit, John Clark, William Elting,

c. Old Business

i. Green Space Gathering: Updates remain as a standing topic. No discussion

ii. Outreach Committee Contact List Update Jaime parker and William Elting Volunteered to manage

d. Communications and Updates

i. Parks Report- Question: John Clark: Winter Ops and timeline target? Alex provided Winter Ops Overview, Encampment Update. There was a Request for information about Fitzpatrick Stadium plan

ii. Land Bank Commission Report- Rob Foster will have Land Bank Annual Report at January Meeting

iii. Annual Strategic Planning Meeting-Plans in progress

iv. Other Committee Updates-Commission is overfull by one seat. Alex M and Jaime P. will send correspondence to commissioners with an Advisory role plan.

e. Commissioner requests for Agenda Items

IV. Adjournment

Parks, Recreation and Facilities Management

Ethan Hipple

Director Parks, Recreation, Facilities

Alex Marshall

Parks Director



Proposal: Dedicate Lowell St Parcel as a Park, and name it Thomas Park

The Lowell St parcel is a 0.4 acre parcel of City-owned land bounded by Lowell St, Congress St and Burnham St. It is adjacent to the former Denny's and the north-bound Exit 5 on 295. Until a recent census and redistricting, the parcel was located in District 3, but now lies in District 2. The land is currently city-owned, is un-designated, and is not currently listed as a Park in Chapter 18 of City Code. The Department of Parks, Recreation and Facilities currently maintains it as green space, mows the lawn, and cares for the Linden trees on site.

The property was donated to the City in 1913 (sold for \$1) by the Thomas family. The deed contains language that states that the property shall remain as public green space or it will revert to the heirs of the family. We are in possession of copies of City Reports from 1928 that refer to Thomas Square as a designated City Park. However, Chapter 18 of City code no longer lists Thomas Square or Thomas Park as a City Park, and no staff members recall it being a designated City park, or having the Council remove the designation as a City park. Regardless, the City continues to care for the space as public green space, so is in compliance with the deed restrictions.

In February of 2023, descendants of the Thomas family reached out to the City to ask that the parcel be restored as an officially dedicated park, and that it be named Thomas Park, in honor of the family that gave it to the City. The Department of Parks, Recreation and Facilities spent multiple months considering the request and vetting the documentation, consulting with Corporation Counsel, GIS and Archives Division, and our Transportation and Engineering Division at Public Works. We have held numerous meetings with the family and District 3 Councilor Phillips.

Dedicating this parcel as a park would further the Council goal of preserving green space in a historically low-income, CDBG eligible neighborhood, and would further the City's goals of providing green spaces within a 10 minute walk of all residences.

As the City is already maintaining this space, the cost of maintenance will be negligible. There are no plans for major capital improvements at this time. Park improvements in the future would consist of picnic tables, signage, and park seating, which would be covered in the existing Parks Operating Budget. The neighborhood association is currently funding installation of tree lighting.

After this 9 month review process, the Department of Parks, Recreation and Facilities supports this proposal to dedicate this land as a park, and to name it Thomas Park in recognition of the family that gifted this public space to the people of Portland.

Know all Men by these Presents, That

We, Elias Thomas, William Widgery Thomas, and Helen Thomas Payson all of Portland in the County of Cumberland and State of Maine, being all the children and devisees under the will of Elias Thomas, late of said Portland, deceased,

in consideration of one dollar and other considerations, to us said City of Portland, a body politic and corporate, created and existing under the laws of the State of Maine, paid by

the receipt whereof We do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said City of Portland and its successors, a certain lot or parcel of land situated in said Portland near "Libby's Corner" so called, and bounded and described as follows: viz:—Beginning at a point where the northerly side line of Congress Street is intersected by the westerly side line of Lowell Street, thence running west-erly by Congress Street, eight and fifty-three one hundredths (8.53) feet, more or less, to an angle in said Congress Street, thence north westerly by Congress Street, two hundred and sixty-three and ninety-five one hundredths (263.95) feet more or less, to Burnham Street, thence easterly by Burnham Street, one hundred and forty-three and eighth-nine one hundredths (143.89) feet, more or less to Low-ell Street, thence southerly by Lowell Street, two hundred thirty-and thirty-two one hundredths (230.32) feet, more or less, to the point of beginning, containing seventeen thousand one hundred and seventy-six and fifty-six one hundredths (17,176.56) square feet, of land, more or less Being the first parcel of land des-cribed in a deed from Elizabeth Pullen to said Elias Thomas, dated March 26, 1901 and recorded in Cumberland County Registry of Deeds, Book 702, Page 90. This conveyance is made upon and subject to the following express conditions, to wit:— 1. Said land shall be kept and maintained either as an open green, a public park, or a public playground, and shall be used for no other purpose. 2. No building or permanent structure of any kind (fountains, fences and statues excepted) shall be erected or placed upon said land. No act of Legislature of the State of Maine, authorizing said City of Portland, or its successors, to construct public buildings upon public grounds, or upon this particular land, shall be effectual to avoid the foregoing condition. Upon breach of either of the foregoing conditions, this deed shall immediately become null, void, and of no effect, and said land shall thereupon revert to said grantors or their heirs. Said Grantor, further stipulate and said City of Portland by accepting this conveyance covenants and agrees for itself and its successors, that if said land or any part thereof shall at any time hereafter be taken for any purpose by process of eminent domain, said grantors or their heirs shall be entitled to all damages paid, or to be paid, for said taking, and shall have all such rights and remedies in relation thereto as they would have if they were absolute owners of said land.—

To Have and to Hold the same, together with all the privileges and appurtenances thereunto belonging, to the said City of Portland and its successors, forever. heirs and assigns forever; And-----do covenant with the said heirs and assigns, that-----will warrant and-----defend the premises to-----the said-----heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through or under me.

In Witness Whereof We the said Elias Thomas, William Widgery Thomas and Helen Thomas Payson, and Dorothea Brayton Thomas, wife of the said Elias Thomas, Mary Cate Thomas, wife of the said William Widgery Thomas, and Richard C. Payson, husband of the said Helen Thomas Payson, joining in this deed as Grantors and relinquishing and conveying all rights in the above described premises, have hereunto set our hand and seal this nineteenth day of December in the year of our Lord one thousand nine hundred and thirteen.

Signed, Sealed and Delivered in presence of
A.K. Butler to E.T., W.W.T. & H.T.P. Elias Thomas Seal.
Eva G. Tarbox to D.B.T. Dorothea Brayton Thomas Seal.
Charlotte Thomas. William Widgery Thomas Seal.
Annie L.P. Harrison. May Cate Thomas Seal.
Helen Thomas Payson Seal.
Richard C. Payson Seal.

State of Maine, Cumberland, ss. December 19, 1913

Personally appeared the above named, Elias, Thomas, William Widgery Thomas, and Helen Thomas Payson and acknowledged the above instrument to be their free act and deed.

BEFORE ME, A.K. Butler. Justice of the Peace.

RECEIVED February 4, 1914, at 1 o'clock 40 m. P. M., and recorded according to the original.

Elias Thomas III
Post Office Box 7
Acton, Maine 04001-0007

February 8, 2023

Honorable Kate Snyder

City of Portland

389 Congress Street

Portland, Maine 04101

(207) 874-8941

ksnyder@portlandmaine.gov

Ethan Hipple

Director of Parks, Recreation and Facilities Department

City of Portland, ME

212 Canco Rd, Suite A

Portland, Maine 04103

207-808-5400

ehipple@portlandmaine.gov

Dear Mayor Snyder & Mr. Hipple:

My family gave the City of Portland a generous gift, Thomas Park. I am the living descendant of the Elias Thomas Estate. We are extremely proud of our heritage and many contributions our family has made to the City of Portland. This letter is written requesting the following:

- 1. Correct Lowell Street Park name to Thomas Park name. Our family gave the City of Portland this generous land gift located at 64 Burnham Street. It is a triangle shaped park comprised of 17,176.56 square feet, located between Congress Street, Burnham Street and Lowell Street. Thomas Park's perimeter is outlined by a ring of nine Linden trees that are evenly spaced. Please see below deed dated December 19, 1913 for your review. Thomas Park is 110**

years old city park, known to our family as Thomas Park. We can find no evidence that the council ever voted to change the name, but historic references confirms the name it was given, Thomas Park. We want this error corrected to Thomas Park.

2. According to Portland Property Search the original park size was reduced from 17,176.56 square feet to 12,447 square feet. We were never notified about size reduction. We want the correction of the park name and it's preservation of the land for the purpose for which it was given, a City park for public use.

3. Request that you correct the City's maps and all public information that the City disseminates about the city's public parks to include Thomas Park name, install City of Portland Park sign identifying the park as "Thomas Park" founded in 1913.

4. Respect the family's interest as a stakeholder in any planning for the use of the property by consultations and the sharing of any proposed future plans for this property with us.

It is our desire to work closely with you and the City of Portland to correct these errors.

If you have any questions, please email: elias@exitkeyrealestate.com.

We look forward to your response and want this rectified as soon as possible.

Could you please outline action plan and timeline to fulfill our requests.

We greatly appreciate your swift response.

Sincerely yours,

Elias Thomas, III

Cc. Danielle West, Interim City Manager, City Manager's Office

(207) 874-8689, citymanager@portlandmaine.gov

Michael Goldman, Acting Corporation Counsel

(207) 874-8480, mig@portlandmaine.gov

From: Herb Adams <hadams@smccme.edu>
Sent: Monday, February 27, 2023 9:55 PM
To: Carol Schiller; elias@exitkeyrealestate.com; Nick Noyes
Subject: More on Thomas Park

Some research time in the Library today reveals the following. When I am in my SMCC office I will scan all of these out to you for our case. This is what I have :

1. 1922 City Report -- Parks Commission report notes this is the 10th anniversary of the 1913 creation of the Portland Parks Commission.

Hence, the donation of Thomas Park back in 1913 was one of the VERY FIRST donations of a new city park under the then-new commission and would have been known to everyone.

2. 1923 City Report -- pg. 128 clearly lists "Thomas Square , .39 acres " as one of the city's 258.83 acres of holdings (And it is not the smallest -- those are AndrewsSquare and Monument Square)

3. 1915 City Report -- pg. 440, as of December 31, 1915 , lists Thomas Square as .39 acres in the 181.97 acres of 14 total city parks and public grounds (This is the first mention of this brand-new park I can find in City Reports. Obviously everyone would have known about it .)

Do we know the date of the gift of Thomas Square in 1913 ? That way I can check the 3 city papers for any mention of it.

All this just adds validity to the city's acknowledgment of the existence of this small but pleasant piece of the city.

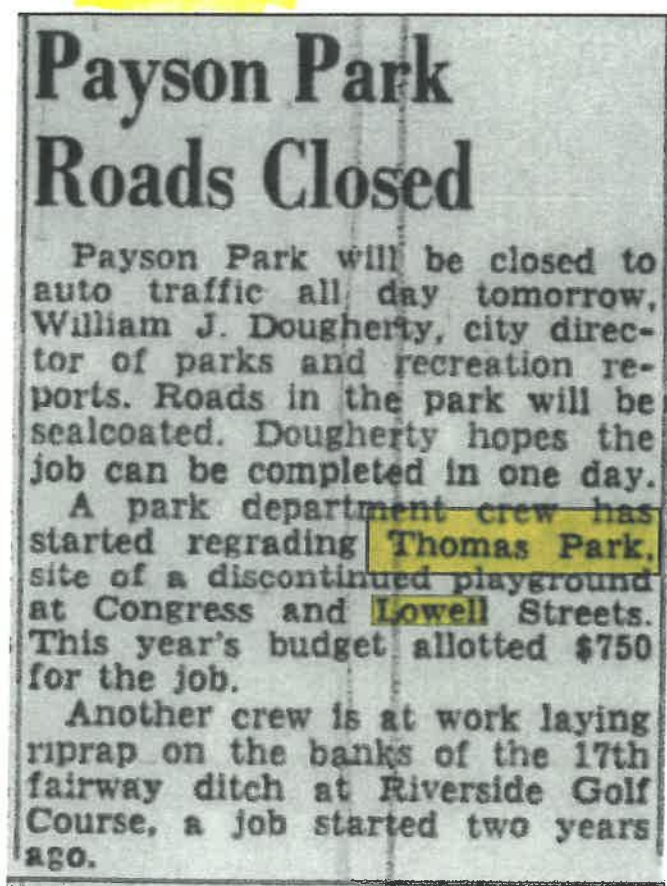
More to follow soon as time allows.
Best Wishes to All

From: S. Nick Zaccaro <snzaccaro@gmail.com>
Sent: Thursday, February 23, 2023 10:25 PM
To: ethomas@metrocast.net
Cc: Carol Schiller
Subject: Re: Thomas Park - introductions & research

I just found a reference to the "Thomas Park" name as late as 1952.

Evening Express
28 Aug 1952, Thu · Page 15

✂ CI



On Thu, Feb 23, 2023 at 10:14 PM S. Nick Zaccaro <snzaccaro@gmail.com> wrote:
Hello Elias,

I just noticed the below email to Earle seems to have only been sent to me. I wanted to make sure you also sent it to him.

I've attached the articles Carol referenced which list Thomas/Lowell Park as an official park. I believe at least Parks Director Alex Marshall has seen these clippings.

Nick

LOT OF LAND ON CONGRESS ST., OP-
posite the new Thomas Park. at West
End, lately presented to the City; one of
th most desirable locations for resi-
dences or for an apartment house, which
is actually needed. Lot will be divided
and sold 50x100 if necessary, or will sell
100x100 square feet. W. F. DRESSER, 80
Exchange street. 24 6t Fel

Green Space

used heavily

Official list of city's parks...

There are probably a lot more parks in Portland than you thought. Here is the official list of city parks, their location and facilities.

Back Cove Park: Preble Street Extension and Interstate 295, soccer field. Back Cove is a lookout site for migrating waterfowl.

Barrows Park: The wedge of green past Vannah Avenue as you pull onto Baxter Boulevard.

Bayside Park: Fox and Anderson streets; playground, basketball court, baseball diamonds, tennis courts.

Baxter Wood: Stevens, Forest and Hartley trails.

Pearl, Federal, Congress and the Franklin Arterial, benches.

Lowell Street Park: Congress and Lowell, at **Thomas Square** where the Lowell Street Professional building is located.

Longfellow Park: between Longfellow, Noyes and Oakdale streets, cement benches, flower bed.

Martin's Point Park: Land set aside at Marine hospital which will get a walkway and picnic area sometime this summer.

North Street Park: Next to old Jack Elementary School; playground.

Oakleigh Park: near the Boulevard, softball field, generally

Section Of Douglass St. Dump Becomes Modern Playground

Activities Transferred From Lowell Street; Latter Site Will Be Park

Children in the area around Congress Street and Park Avenue had a new playground and new equipment today.

Richard S. Westgate, director of recreation for the City of Portland, announced that playground activities were transferred this morning from the small and poorly located playground at Congress and Lowell Streets to a much larger area at the Congress Street end of Douglass Street.

This area, on what was the Douglass Street dump, has been graded, and an area 330 feet by 260 feet has been made into a playground and softball field. The old Lowell Street playground will become a small park according to William J. Dougherty, director of parks and recreation.

Westgate said the new playground is nearly five times as large as the old, but the principal

advantage is that it is away from the heavy Congress Street traffic and is therefore much safer for the children.

Miss Phyllis Wheeler, who has been playground leader at Lowell Street will supervise activities at the new playgrounds.

Westgate said new equipment has been installed at the new playground, where the children will have the customary swings, slides, teeter-boards and sand-boxes.

The softball field will be an additional facility the children will like, he said, but hardball will not be permitted.

Dougherty said this is the first step in the ultimate development of a 23-acre tract into a large recreational area, a development it has been estimated would cost \$165,000. He declared the new
(Continued on Page 18, 3rd Col.)

CITY OF PORTLAND, MAINE

FINANCIAL

The receipts for Evergreen Cemetery for the year ending

December 24, 1928, are as follows:

Received for Burials	\$5,203.70
Received for Foundations	3,456.40
Received for Care	3,839.14
Received for Grading	1,940.00
Received for Plants	1,302.53
Received for General Labor	1,077.46
	\$16,709.23

Note.—See Auditor's Statement for financial report.

PARK COMMISSION

Report for the Year 1928

TABLE OF AREAS UNDER THE CONTROL OF THE

PARK COMMISSION

1. Amshouse Valley Lot (northerly side of Park Ave.)	14.18 acres
2. Andrews Square (line and West Sts., west corner)	.05 "
3. Baxter Boulevard	28.83 "
4. Boothby Square (Fore St., at Pearl St.)	.11 "
5. Caldwell Square (Woodford St. and Stevens Ave.)	.12 "
6. Caldwell Square (northerly side Park Ave.)	52.70 "
7. Deering's Oaks (northerly side Park Ave.)	53.76 "
8. Eastern Promenade	.46 "
9. Eastern Promenade (corner Brighton and Deering Aves.)	4.55 "
10. Fessenden Park (adjoining Eastern Promenade)	1.07 "
11. Fort Allen Park (North St.)	3.51 "
12. Fort Sumner Park (North St.)	.34 "
13. Lincoln Park and Extension and Oakdale Sts.	.10 "
14. Land at Noyes, Longfellow and Oakdale Sts.	.52 "
15. Monument Square (ornamental circle)	23.01 "
16. Noyes Park (Bedford St., Deering and Brighton Aves.)	47.75 "
17. Presumpscott Park (Stevens Ave.)	.39 "
18. Payson Park, The Edward (Ocean Ave.)	.30 "
19. Thomas Square (Congress and Lowell Sts.)	18.91 "
20. Trinity Square (Forest Ave. and Coyle St.)	.19 "
21. Western Promenade	
22. Winslow Park (Forest Ave. and Winslow St.)	262.85 "
Total Area	

ANNUAL REPORT

CEMETERIES CARED FOR OUT OF PARK FUND

1. Eastern Cemetery—Corner of Mountfort St. and Washington Ave.
2. Western Cemetery—Vaughan St.
3. East Deering Cemetery—Presumpscott St.
4. George St. Cemetery—George St. and Ocean Ave.
5. Longfellow Cemetery—Edwards St.
6. North Deering Cemetery—Maplewood St.
7. Riverton Cemetery—Forest Ave.
8. Stroudwater Cemetery—Westbrook St.

IMPROVEMENT EXPENDITURES

The ratio of improvement expenditures to maintenance costs is always of interest. The Portland Park Commission shows a total improvements expenditure of \$48,775.84. This figure includes \$5,000.00 bond payment on the tannery purchase (addition to Deering's Oaks); \$3,000.00 bond payment on the (addition to Deering's Oaks) for the property along Park Avenue and Forest Avenue; \$2,000.00, a final payment on the land at Deering Avenue, Brighton Avenue and Bedford Street, purchased several years ago from the Deering heirs. The improvement figure (less above bond payments), or \$48,775.84, reflects the following betterments in the Park System.

Amshouse Lorr (\$116.87). Filling to grade the area which is to serve as an athletic field.

Baxter Boulevard (asphalt-macadam construction) (\$27,581.34). This is the largest item of improvement accomplished by the Commission in 1928. This work is a continuation of the macadam construction begun at the easterly end of Washington Ave. in 1927. The work was started late in April and, in spite of the worst weather conditions, was completed July 3rd. The area improved was 11,855 square yards. The macadam cost was \$25,961.34. The unit cost was \$2.23 per square yard. Imported trap rock was used in the wearing surface. It cost \$2.55 per ton f. o. b. Portland. The unloading and hauling was done by contract by the Morrill Coal and Wood Company, at \$.75 per ton. The base course

REPORT OF PARK COMMISSION, 1923

ORGANIZATION

CARROLL S. CHAPMAN, *Chairman ex-officio*

FRANKLIN R. REDLON

WILLIAM O. THOMPSON

SETH W. CLARK

WILLIAM J. DOUGHERTY, *Sec'y-Treas.*FRANK C. GOODRICH, *Superintendent*

TABLE OF AREAS OF PARKS, SQUARES, ETC.

Designation.	Area.
Andrews Square,	.05 acres
Alms-house lot,	14.18 "
Baxter Boulevard,	28.83 "
Boothby Square,	.11 "
Deerings Oaks,	51.22 "
Eastern Promenade,	59.20 "
Fessenden Park,	.46 "
Fort Allen Park,	45.55 "
Fort Sumner Park,	1.07 "
Lincoln Park,	3.51 "
Monument Square,	.10 "
Presumpscot Park,	28.01 "
Edward Payson Park,	47.75 "
Thomas Square,	.30 "
Trinity Square,	.30 "
Western Promenade,	18.91 "
Winslow Park,	.10 "
Total,	258.83 "

RECEIPTS AND EXPENDITURES

RECEIPTS	
Balance from year 1922,	\$.58
Appropriation (1923),	100,954.73
Receipts from miscellaneous sources,	3,382.10
Total,	\$104,937.41
EXPENDITURES	
Alms-house lot,	\$ 373.01
Baxter Boulevard,	24,915.46
Cemeteries, Deering section,	125.78
Park Commission cottage and greenhouse,	6,906.75
Deerings Oaks,	6,761.12
Eastern Promenade and Fort Allen Park,	2,614.97
Eastern Cemetery,	631.40
Edward Payson Park,	4,092.49
Forestry,	3,023.26
General,	2,592.90
Land payment,	5,799.99
Lincoln Park,	1,952.02
Motor transportation,	2,393.22
Office, salaries and insurance,	4,853.89
Presumpscot Park,	90.00
Recreation Commission (12½% of Park Dept. appropriation and last quarter annual payment carried forward from 1922,)	15,587.40
Small parks and squares,	1,751.47
Schools,	28.00
Snow and ice,	2,186.50
Stable,	1,690.68
Trinity Square,	99.25
Tools and equipment,	1,423.22
Western Promenade,	2,218.24
Western Cemetery,	2,549.49
Winslow Park,	193.51
Total,	\$104,004.62

Thomas Square Park
1913 to Present

Park Description:

Thomas Square Park, founded December 19, 1913, located at 64 Burnham Street, between Lowell, Burnham and Congress Streets, Triangle shape, 17, 176.56 square feet . Thomas Park perimeter is surrounded by a ring of nine Linden trees.

Park Commission Reports list Thomas Square in 1913, 1922 reports, showing the park size was.39 acres. The 1914 Richard Atlas map shows the park was 17,176. Square feet.

Documents:

1. **Dec. 19, 1913 Deed:** Estate of Thomas Elias - Thomas Park Gift to City of Portland

2. **1914 Richard Atlas:** Plate 7

Alternative Title - Libby Town, West End (western section) .

This map shows the park, 17,176 square feet. The name is not shown.

Park Commission Reports:

3. **1915** Park Commission Report, Thomas Square

4. **1922** Park Commission Report 10th Annual

5. **1923** Park Commission Report, Thomas Square reference .39 acres

6. **1926** Park Commission Report,

7. **1940?** Portland City Guide, Lowell Street Playground, Congress, Burnham, and Lowell Streets, is a municipal playground with a supervised play program; regular playground equipment is available. Portland Guide, Recreational Facilities section, page xLi (n 44) -

Link: <https://archive.org/details/portlandcityguid00unse/page/n43/mode/2up?ref=ol&view=theater&q=lowell>

News Articles/Info:

Jan. 14, 1772 Elias Thomas was born - Died August 3, 1872 , 100 years old

April 17, 1869 - William and Elias Thomas go to court due to a fight provoked when called liar. Portland Press Herald, Page 3

August 9, 1872 (For the press.) Correction

Elias Thomas. Mr. Editor: — As there are some inaccuracies in the notice of Elias Thomas in your paper of this morning, I enclose you a sketch of his life as drawn by the late Honorable William Willis. Etc Portland Daily Press, page 3

May 11, 1875 Elias Thomas & Co., Flour, Groceries and Provisions, 86 Commercial Street. Thomas' Block Portland. Ad Portland Daily Press, page 3

May 10, 1890 Some of Portland's Venerable Citizens, Portland Daily Press, page 5

Nov. 23, 1896 "William W. Thomas - Death of An Aged and Prominent Citizen, 93 Years of Active Life." The Portland Daily Press, page 3

Nov. 30, 1896 Mr. Thomas's Will. He Gives \$50,000 in Public Bequest .

A Large Portion of the Property Place in Trust - Elias and Hon. W.W. Thomas as Made Trustees and Executors - Many Charitable Institutions Remembered.

The will of the late William W. Thomas was presented for probate Saturday....Witnessed by Byron D. Verrill, Henry C. Small and Fred E. Alen , Continued ...signed December 22, 1894 ..Portland Daily Press, page 3

Jan. 29, 1897 Funeral of General Thomas. Address Delivered by Rev. Mr. Hack of the Second Parish, Portland Daily Press, page 3

Sept. 23, 1902 Obituary Mrs. Elias Thomas, Jr. Eleanor Libby Holt's parents were Julia Libby & William Holt. Her grandfather was Harrison J. Libby. Married to Mr. Thomas last July 16th, 1902 or 1901?

July 14, 1903 Obituary Mrs. Elias Thomas. Daughter of Hon. S. P. Brown in DC, after marrying Mr. Thomas she moved to Portland. Survived by her husband, a daughter, Mrs. Richard C Payson, and two sons Elias Thomas, Jr and William W. Thomas.

March 7, 1904 Social Gossip - Mr. Elias Thomas, Jr., is at the Trochta, Havana, Cuba. Evening Express, page 3

January 11?, 1906 Elias Thomas, Jr & Dorothea Perkins 2nd Wedding Reception at Danforth Street.

January 14, 1906 "Gathering for Elias & Dorothea's wedding reception at Danforth Street house". Portland Sunday Telegram, page 10

1909 Elias Thomas, Jr Born - Died May 1995. Parents were Elias & Dorothea Perkins Thomas.

1910 Factory designed by John Calvin Stevens, on corner of Lowell & Cherry Streets, 1932 Corbin -Holmes Shoe Co. employs 520; Homes, Stickney & Walker Shoe Company; Holmes Stickney, Inc Shoe & Company,

October 19, 1913 Sunday Morning (Regarding Death of Mr. Elias Thomas) Commercial Portland was dealt, a hard blow, and its social life sustained a serious loss in the death of Mr. Elias Thomas. He was born in this city, and had been prominent in its activities and interest for years, all projects designed for the advancement of his native place and the betterment of its citizenship, found in him, an ardent, champion and sturdy supporter. His business career which extended over a long period was characterized by unusual success. For years, Mr. Thomas was recognized as one of our strong and representative citizens, and one who had contributed his full share to the stability and prosperity of the city. Portland Sunday Telegram, Page 16

April 26, 1914 News paper Ad: "Lot of Land on Congress St., Opposite the new Thomas Park, at West End, lately presented to the City: one of the most desirable locations for residences or for an apartment house, which is actually needed. Lot will be divided and sold 50 x 100 if necessary, or will sell 100 x 100 square feet. W. F. Dresser, 80 Exchange Street."

Portland Sunday Telegram, page 31

June 15, 1918 Elias Thomas, Candidate for State Senate, Evening Express , pg 5

September 5, 1920 Saturday, Sept. 11, Big Day For Children of Portland, Portland Sunday Telegram, page 11

July 23, 1922 - "Portland Playgrounds Care For More Than 19,000 Children" Portland Sunday Telegram, page 10 A

August 29, 1922: " Park Commission Doing Big Job in Adding to City's Beauty. Thomas Square listed. Evening Express, page 12

September 1, 1931 Six-Year-Old Margaret V. Axelson Awarded First Prize In Annual Playground Doll Parade And Pageant, Portland Press Herald, page 2

August 26, 1930 5,000 Watch Annual Doll Carriage Parade Here, Portland Press Herald, page 13

September 28, 1941 Miss Thomas To Be Wedded Oct. 25 In First Parish Church, Portland Press Herald, page 15

August 11, 1948 - "Section of Douglass St. Dump Becomes Modern Playground, Activities Transferred from Lowell Street; Latter Site Will Be Park". Portland Evening Express, Front page

March 27, 1952: City Plans Action To Protect Run Down Fore Street Park. Thomas Square listed. Evening Express, page 40

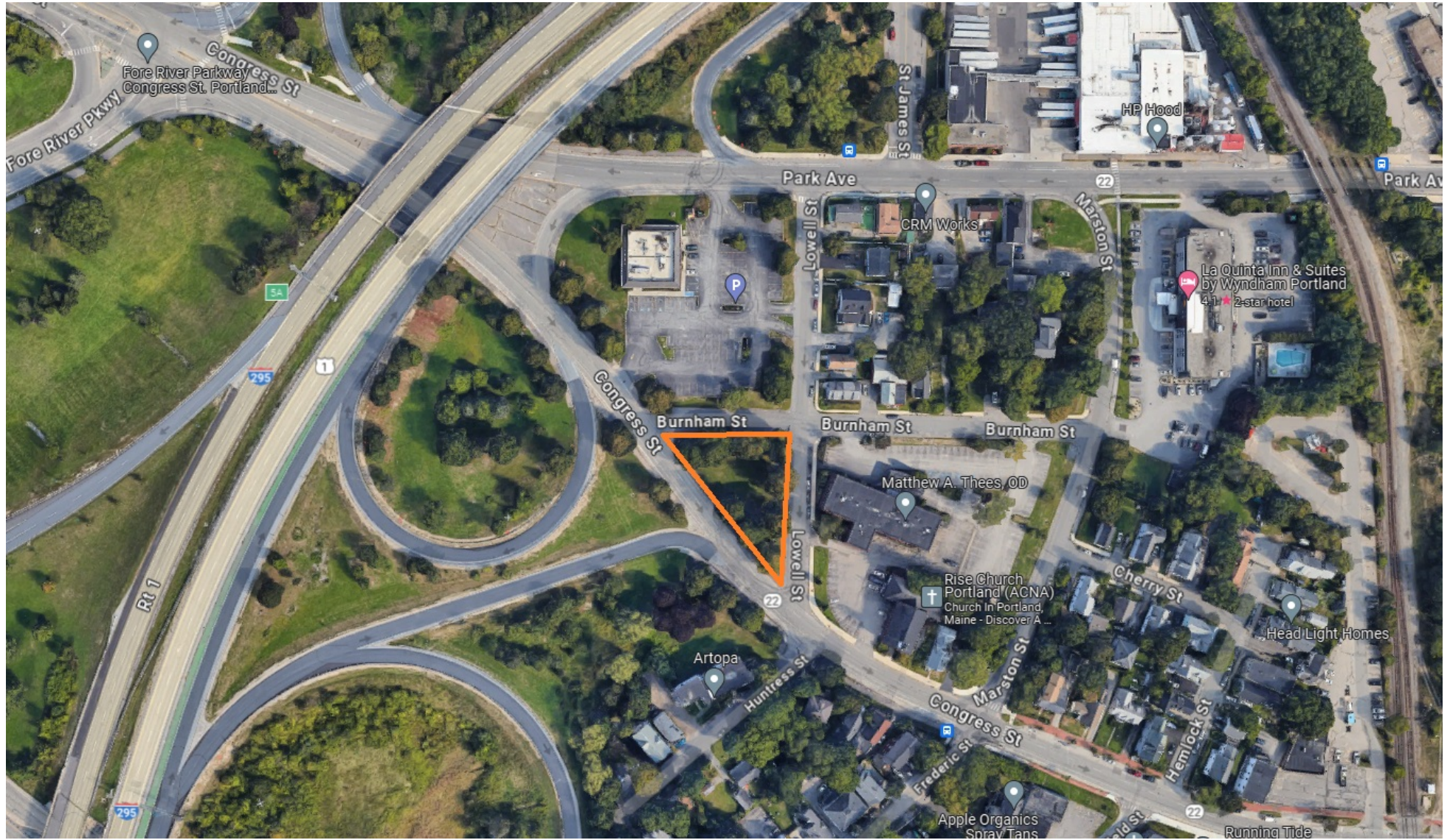
October 30, 1963 50 Years Ago - William Widgery Thomas was today elected to fill vacancy in the office of president at the Canal National Bank created a few weeks ago by the death of his father, Elias Thomas. Evening Express, page 20

July 6, 1983: Lowell Street Park: Congress and Lowell, at Thomas Square where the Lowell Street Professional Building is located.
Evening Express, page 5

July 6, 1983 Neighborhood Park used heavily . Official list of city's parks..Lowell Street Park. Evening Express, page 5

May 31, 1995 Obituary Elias Thomas, Jr. Survived by wife, Irene Goodson Thomas; 3 daughters, Irene Andrew, Eliza Lawrence, Sally Cushman, and son, Elias III .





Chapter 18 PARKS, RECREATION AND PUBLIC BUILDINGS AND GROUNDS*

***Cross reference(s)**--Sports, games prohibited in cemeteries, § 7-133; land use, Ch. 14; streets, sidewalks and other public places, Ch. 25.

State law reference(s)--Parks, trees and playgrounds, 30 M.R.S.A. § 3801 et seq.

Art. IA. In General, §§ 18-1--18-10

Art. IB. Dedication of Parks and Public Grounds, §§ 18-11--18-15

Art. II. Regulations for Parks and Public Grounds, §§ 18-16--18-65

Art. III. Public Landings, §§ 18-66--18-80

Art. IV. Airport Facilities, §§ 18-81--18-85

Art. V. Waterfront Facilities §§ 18-96--18-99

ARTICLE IA. IN GENERAL

Sec. 18-1. Reserved.

Sec. 18-2. Reserved.

Sec. 18-3. Reserved.

Sec. 18-4. Reserved.

Sec. 18-5. Reserved.

Sec. 18-6. Reserved.

Sec. 18-7. Reserved.

Sec. 18-8. Reserved.

Sec. 18-9. Reserved.

Sec. 18-10. Parks Commission.

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

(1) Several city parks and public grounds including, but not limited to, Deering Oaks, Eastern Promenade, Western Promenade, Baxter Woods, Baxter Pines, Riverside Golf Course, Payson Park and Stroudwater Park are already all protected by and through deed covenants and restrictions;

(2) The city's cemeteries are already protected by Chapter Seven (7) of the Portland City Code;

(3) The Land Bank has protected twenty-six (26) properties for

18-1

conservation and preservation purposes;

(4) Therefore, in order to enhance these existing protections on the city's parks and public grounds, the city council hereby amends the city's parks ordinance as follows:

(b) *Established.* There shall be a commission composed of thirteen (13) members which shall be known as "Parks Commission," hereinafter referred to as the "commission."

(c) *Composition.* One (1) member of the city council, who is on the Transportation, Sustainability and Energy Committee, shall be appointed annually by the city council. One (1) member representing Friends of Deering Oaks; one (1) member representing Friends of the Eastern Promenade; one (1) member representing Friends of Evergreen Cemetery; and one (1) member representing Portland Trails shall be appointed for three-year terms by the city council. Seven (7) members representing the public-at-large and one (1) member representing the Land Bank Commission shall be appointed for three-year terms by the city council. Such three-year terms shall be staggered so that no more than three (3) members representing the public-at-large are appointed in any one (1) year. All members shall serve until their successors are appointed, for a period, however, not to exceed sixty (60) days after expiration of the term. The commission may from time to time establish such subcommittees as it deems appropriate.

(d) *Duties.* The duties of the commission shall include:

- (1) Soliciting, encouraging and accepting private contributions to the city, in cash or in kind, whether by gift, trust, or subject to conditions; provided any gift in kind and that the form of any trust or conditions has been approved by the city council or is ratified by the city council;
- (2) Making recommendations to the city council as to the sale of dedicated parks and public grounds (as described in section 18-14 below) and disposition of trust funds held for parks, trails and open space;
- (3) Maintaining inventories of parks, trails and open space needs as it determines to be desirable;
- (4) Submitting an annual report to the city council regarding the state of the city's parks and public grounds and

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;
- (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; and
- (8) Adopting reasonable rules for the conduct of its meetings, which rules shall include provisions for public comment.

(Ord. No. 50-83, 6-20-83; Ord. No. 70-09/10, 10-5-09; Order 203-13/14, 5-28-2014; Ord. No. 116-14/15, 1-5-2015)

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;
Noyes 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.

(Order 203-13/14, 5-28-2014; Order 89-21/22, 3-7-2022)

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.

(Order 203-13/14, 5-28-2014)

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.
(Order 203-13/14, 5-28-2014)

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.

No vehicle either loaded or unloaded, used for the transportation of freight, materials or other like commodities shall be allowed on any of the roadways of the parks or public grounds, except with the prior written consent of the parks authority; provided, however, that such vehicle owned or employed by the city may be permitted in the parks or public grounds for the purpose of maintenance or repair work.
(Code 1968, § 501.1)

Cross reference(s)--Traffic and motor vehicles, Ch. 28.

Sec. 18-18. Loitering in parks.

Except as provided below for Tommy's Park and Post Office Park, no person shall stop, loiter, be or remain in any of the parks of the city or in any of the paths, drives, streets, boulevards or roadways of the parks between the hours of 10:00 p.m. and 6:30 a.m. of the day immediately following, except for the purpose of traveling across or through such parks; nor shall any person park an automobile and remain therein between the hours of 10:00 p.m. and 6:30 a.m. of the day immediately following on any of the drives, streets, boulevards, promenades or roadways within the parks of the city, unless said person or persons has the prior written authorization of the city manager to be in said park or parks or their drives, streets, boulevards, promenades or roadways during the aforementioned hours.

No person shall stop, loiter, be or remain in Tommy's Park or Post Office Park or in any of the paths of these two parks between the hours of 1 a.m. and 6:30 a.m. on any given day, except for the purpose of traveling across or through such parks.
(Code 1968, § 711.20; Ord. No. 11-84, 6-6-84; Ord. No. 197-00, 5-1-00)

Cross reference(s)--Loitering generally, § 17-1.

Sec. 18-19. Operation of motor vehicles.

(a) No person shall operate a vehicle of any description in any of the parks or public grounds at a rate of speed in excess of such special speed regulations as shall be posted at the entrance of the parks or public grounds; nor shall any such vehicle be driven on or over any part of such parks or public grounds except on or over duly designated roadways; nor shall any such vehicle be operated on any such roadways in the parks or public grounds by those learning to operate such vehicles, except on any such roadways or parts thereof as may be designated for such purpose by the parks authority.

(b) No person shall stop, stand, park or operate a vehicle of any description in Deering Oaks Park in violation of traffic regulations adopted by order of the city council. Upon adoption of any such order, the parks authority, through the city traffic engineer, shall post the traffic regulations in Deering Oaks Park in accordance with such order, or as such order may be later amended. All violations of this subsection (b) shall be enforced in the same manner as violations of the traffic schedule are enforced pursuant to chapter 28 of this Code.

(Code 1968, § 501.2; Ord. No. 226-94, 2-28-94)

Cross reference(s)--Traffic and motor vehicles, Ch. 28.

Sec. 18-20. Operation of buses.

No vehicle engaged in the conveyance of passengers over regular routes shall be operated on any roadways or parts thereof except those that may be designated for such purposes by the parks authority.

(Code 1968, § 501.4)

Cross reference(s)--Traffic and motor vehicles, Ch. 28; vehicles for hire, Ch. 30.

Sec. 18-21. Vandalism prohibited.

No person shall in any manner cut, mar, deface, injure or destroy any growth, structures, fences or other erections in or upon any of the parks or public grounds.

(Code 1968, § 501.5)

Sec. 18-22. Littering prohibited.

No person shall deposit or leave refuse of any kind in or upon any of the parks or public grounds except in containers specifically provided for such refuse.

(Code 1968, § 501.6)

Cross reference(s)--Garbage, wastes and junk, Ch. 12.

Sec. 18-23. Waters regulated.

No person shall swim, bathe or wade in any fountain, pond or stream located in or upon the parks or public grounds except as specifically permitted by the parks authority, and no person shall send or throw any animal or thing in or upon the waters, or disturb or annoy any water fowl, or place any boat upon the waters, except as specifically permitted by the parks authority.

(Code 1968, § 501.7)

Sec. 18-24. Skating and sliding.

Skating or sliding shall not be permitted in any parks or public grounds, or on any waters in such parks or public grounds, unless specifically authorized by the parks authority.

(Code 1968, § 501.8)

Sec. 18-25. Mobile food service establishments.

No person shall operate a mobile food service establishment in any park or on any public grounds except in accordance with the provisions of this section.

- (a) *Permit authority.* The city manager or his designee is authorized to issue revocable, nontransferable permits for the operation of licensed mobile food service establishments in any park or on any public grounds, including but not limited to recreation areas and playing fields. Said permits may be subject to such terms and conditions as the city manager or his designee deems advisable, including restrictions on the time, place and manner of operation; however, no such permit shall be issued or remain valid without the holder's maintaining adequate public liability and other insurance coverage protecting the city at all times.
- (b) *Permit fees.* The fees for issuance of permits authorized under this section shall be the same as provided in section 25-27 for street and sidewalk occupancy permits.
- (c) *Revocation; trespass.* Permits authorized under this section may be revoked at any time by the city manager or

his designee upon actual notice to the holder. Any person who remains on or returns to any park or public grounds for the purpose of operating a mobile food service establishment without a valid permit issued under this section shall be liable for trespass.

- (d) *Exceptions.* This section shall not apply to the operation of mobile food service establishments in any park or on any public grounds by or in conjunction with the sponsor of any festival, celebration or other special event authorized by the city council.

(Ord. No. 655-84, § 1, 5-30-84)

Sec. 18-26. Reserved.

Sec. 18-27. Reserved.

Sec. 18-28. Reserved.

Sec. 18-29. Reserved.

Sec. 18-30. Reserved.

Sec. 18-31. Reserved.

Sec. 18-32. Reserved.

Sec. 18-33. Reserved.

Sec. 18-34. Reserved.

Sec. 18-35. Reserved.

Sec. 18-36. Reserved.

Sec. 18-37. Reserved.

Sec. 18-38. Reserved.

Sec. 18-39. Reserved.

Sec. 18-40. Permit required.

(a) Any person who desires to conduct or sponsor an event at a park or public ground of the city in which it could reasonably be assumed that twenty-five (25) or more persons might gather or participate shall first apply for and obtain a permit from the permitting authority as defined in section 18-41. The application for a permit shall be filed with the appropriate permitting authority no later than thirty (30) days prior to the proposed event.

(b) An application for a permit shall be accepted by the permitting authority no earlier than eighteen (18) months prior to the proposed event.

(c) Applications for permits filed less than thirty (30) days prior to the proposed event shall be subject to a late fee which

shall be established by order of the city council.

(d) Events sponsored or conducted by the city shall be exempt from permitting requirements.

(e) Athletic events regulated by the recreation department are exempt from this requirement.

(f) The council shall define by order the parks and public grounds to which this permit requirement shall apply, and such order shall be kept on file in the office of recreation.*
(Ord. No. 203-91, 1-23-91; Ord. No. 56-05/06, 9-19-05)

*** Editor's note** - The list below was passed by Council Order 257-91 on 2-20-91, and amended by Council Order 54 passed on 9-19-05.

ORDERED, that the following parks and public grounds shall be subject to the permitting requirements of Section 18-40 of the Portland City Code:

Back Cove Park	Lobsterman Park
Baxter Woods	Longfellow Square
Bayside Park	Marginal Way Field
Bell Buoy Park	Monument Square
	Noyes Park
	Payson Park
Belmeade Park	Pleasant Street Park
Boothby Square	Post Office Park
Capisic Pond Park	Presumpscot Park
Congress Square	Public school facilities and grounds
Deering Oaks Park	Subject to agreement with the
Dougherty Field	Portland School Dept.
Eastern Promenade	Riverton Park
Fessenden Park	Stroudwater Park
Fort Allen Park	Tommy's Park
Fort Sumner Park	Western Promenade
Ganley Plaza	
Harbor View Park	
Lincoln Park	

Sec. 18-41. Permitting authority; regulations.

(a) The director of parks and recreation or his designee shall be the permitting authority for events in which it could reasonably be assumed that twenty-five (25) or more persons might gather or participate.

(b) The city council shall be the permitting authority for

events in which it could reasonably be assumed that two thousand (2,000) or more persons might gather or participate; or any event which is proposed to last longer than three (3) consecutive days, regardless of the number of persons anticipated to gather or participate.

(c) The parks and recreation department may promulgate from time to time such reasonable rules and regulations as may be required to implement this ordinance.

(d) The rules shall be enacted in the same manner as the rules for solid waste disposal are promulgated, prescribed in section 12-105(b) and (b.1) of this code, with the exception that the rules will go into effect twenty (20) days after enactment by the director unless stayed by action of the city council. Proposed rules shall be delivered to the council as a communication prior to the enactment.

(Ord. No. 203-91, 1-23-91; Ord. No. 56 05/06, 9-19-05)

Sec. 18-42. Permit application.

A person seeking issuance of a permit hereunder shall file an application with the parks and recreation department. The application shall state:

- (a) The name and address of the applicant;
- (b) The name and address of the person, corporation or association sponsoring and/or conducting the activity;
- (c) The day and hours for which the permit is desired;
- (d) The park or portion thereof for which such a permit is desired;
- (e) An estimate of the anticipated attendance or patronage; and
- (f) Any other information which the superintendent shall find reasonably necessary to a fair determination as to whether a permit should issue hereunder.

(Ord. No. 203-91, 1-23-91; Ord. No. 56-05/06, 9-19-05)

Sec. 18-43. Parks commission review.

Within five (5) days of receipt of the complete application

for a permit, the permitting authority shall provide a copy of the complete application to the chairperson of the parks commission for review. The commission shall have the opportunity to render an opinion within seven (7) days of the receipt of the complete application on the issuance of the permit, which opinion shall be advisory in nature. A copy of the advisory opinion of the commission shall be provided to the applicant.

(Ord. No. 203-91, 1-23-91; Ord. No. 70-09/10, 10-5-09)

Sec. 18-44. Standards for issuance.

(a) The permitting authority shall issue a permit if it finds:

- (1) The proposed event or activity shall not endanger the health and safety of all persons who visit the park;
- (2) Adequate parking facilities exist and are available to accommodate the proposed event or activity in the park;
- (3) Adequate sanitary facilities exist and are available to accommodate the proposed event;
- (4) The event or activity shall not cause damage from destruction or overuse to or overuse of the grounds, equipment, vegetation, buildings, fences or other amenities in the park;
- (5) The proposed event or activity would not unreasonably disturb persons who occupy land which is adjacent to such park; and
- (6) The park or portion thereof desired has not been reserved for other use at the day and hour required in the application.

(b) When issuing the permit, the permitting authority may designate the specific area within the park or the park system where the event shall be permitted to take place, based upon the foregoing criteria.

(Ord. No. 203-91, 1-23-91)

Sec. 18-45. Duties of permittee.

(a) The permittee shall be responsible for designating a person who shall be in charge of the conduct of the event or

activity and who shall be on the park grounds while the event or activity is being conducted.

(b) The permittee shall be responsible for keeping the park clean and free from debris.

(c) Where structures are to be erected in the park, the permittee shall be responsible for complying with building code requirements including, but not limited to, section 626.0 of the building code dealing with temporary structures.

(d) For events where more than two thousand (2,000) individuals are anticipated to gather or participate in the event or activity in the park, the permittee shall provide a bond in the form of cash, certified check or surety bond from a surety company qualified to do business in the State of Maine in an amount of not less than two thousand dollars (\$2,000.00). Such bond shall be utilized to guarantee cleanup of the area and shall be applied against claims by the city for excessive damage to real or personal property in the park.

Activities protected by the first amendment to the United States or Maine Constitution, other than commercial speech, are exempt from subparagraph (d) if the permit for the activity allows the activity to use park space for eight (8) hours or less in one calendar day.

The foregoing exemption shall not apply to an event or activity intended or scheduled to occur more than fourteen (14) cumulative hours in a period of seven (7) consecutive days during which its permit allows exclusive use of park space. For the purpose of this subparagraph an event or activity shall be considered to be using park space during the time in which a permit allows the exclusive use of the space, whether or not the event or activity is actually occurring during that entire time, and whether or not the applicant allows other uses to occur during that time. The department's determination of the need for exclusive use shall be final.

(e) The permittee shall procure and furnish evidence to the city of public liability insurance and automobile liability insurance coverage in amounts not less than four hundred thousand dollars (\$400,000.00) per person, for bodily injury, death, and property damage, protecting the permittee and the city from such claims.

Activities protected by the first amendment to the United States or Maine Constitution, other than commercial speech, are exempt from subparagraph (e) if the permit for the activity allows the activity to use park space for eight (8) hours or less in one calendar day.

The foregoing exemption shall not apply to an event or activity intended or scheduled to occur more than fourteen (14) cumulative hours in a period of seven (7) consecutive days during which its permit allows exclusive use of park space. For the purpose of this subparagraph an event or activity shall be considered to be using park space during the time in which a permit allows the exclusive use of the space, whether or not the event or activity is actually occurring during that entire time, and whether or not the applicant allows other uses to occur during that time. The department's determination of the need for exclusive use shall be final.

(Ord. No. 203-91, 1-23-91; Ord. No. 308-01/02, 7-15-02; Ord. No. 56-05/06, 9-19-05)

Sec. 18-46. Deposit to cover cost to the city.

In addition to the bond required under section 18-45, upon notification from the director of parks and recreation, the applicant shall deposit with the director of finance a cash deposit sufficient to cover the cost to the city, as estimated by the director of parks and recreation and/or director of public works, for repair of damages to the park and for its restoration, and sufficient to pay the expense, as estimated by the director of parks and recreation, of any city employees required to supervise, inspect, setup and cleanup related to the conduct of the event or activity.

(Ord. No. 203-91, 1-23-91; Ord. No. 56-05/06, 9-19-05)

Sec. 18-47. Repair and restoration of park by the city.

In the event of damage to real or personal property in the park, the city shall cause the repair and restoration of the park to be skillfully and properly done in a timely manner and shall keep an account of the expense thereof, and in such case, the permittee shall pay the city an amount equal to the whole of the expense incurred by the city.

(Ord. No. 203-91, 1-23-91)

Sec. 18-48. Permit fees.

Fees for the issuance of permits authorized under section 18-40 shall be established by order of the city council and kept on file in the office of recreation.

The fees established pursuant to this section or any other fees for city services shall not apply to activities protected by the first amendment to the United States or Maine Constitution, other than commercial speech, if the permit for the activity allows the activity to use park space for eight (8) hours or less in one calendar day.

The foregoing exemption shall not apply to an event or activity intended or scheduled to occur more than fourteen (14) cumulative hours in a period of seven (7) consecutive days during which its permit allows exclusive use of park space. For the purpose of this subparagraph an event or activity shall be considered to be using park space during the time in which a permit allows the event or activity exclusive use of the space, whether or not the activity is actually occurring during that entire time, and whether or not the applicant allows other uses to occur during that time. The department's determination of the need for exclusive use shall be final.

(Ord. No. 203-91, 1-23-91; Ord. No. 56-05/06, 9-19-05)

Sec. 18-49. Appeals.

(a) Any person who is aggrieved by the failure of the director of parks and recreation or his or her designee to issue a permit may appeal the same to the city manager by written request filed with the office of the city manager within five (5) days from the receipt of the decision of the permitting authority. The city manager shall designate himself or any agent or employee to act as a hearing officer in the appeal. The hearing officer shall provide the applicant the opportunity to be heard regarding the issuance of the permit. The hearing officer shall issue a written decision within five (5) days of the close of the hearing.

(b) Any person who is aggrieved by the decision of a hearing officer or the failure of the city council to issue a permit may appeal to superior court, pursuant to the provisions of Rule 80B of the Maine Rules of Civil Procedure.

(Ord. No. 203-91, 1-23-91; Ord. No. 56-05/06, 9-19-05)

Sec. 18-50. Outdoor dining in city parks.

Any person who desires to utilize city park space for the

purposes of conducting outdoor dining operations, including, but not limited to the placement of tables and chairs in park space for purposes of such dining operations, must obtain a permit from the Department of Parks and Recreation for such operations in accordance with chapter 25, article II, division 2, sections 25-26 et seq. (Ord. No. 223-01/02, § 1, 5-6-02; Ord. No. 93-07/08, 3-3-08)

- Sec. 18-51. Reserved.**
- Sec. 18-52. Reserved.**
- Sec. 18-53. Reserved.**
- Sec. 18-54. Reserved.**
- Sec. 18-55. Reserved.**
- Sec. 18-56. Reserved.**
- Sec. 18-57. Reserved.**
- Sec. 18-58. Reserved.**
- Sec. 18-59. Reserved.**
- Sec. 18-60. Reserved.**
- Sec. 18-61. Reserved.**
- Sec. 18-62. Reserved.**
- Sec. 18-63. Reserved.**
- Sec. 18-64. Reserved.**
- Sec. 18-65. Reserved.**

ARTICLE III. PUBLIC LANDINGS

Sec. 18-66. Stopping regulated.

(a) All public landings owned and/or managed by the city shall be posted to indicate the limits on the usage of the landing, including time limits. No person shall stop, dock or tie up any boat or vessel at the ends of or alongside of any public landing owned and/or managed by the city for any purpose or length of time in violation of the limitations posted.

(b) No person shall stop, dock or tie up any boat or vessel at the ends of or alongside of any public landing or portion thereof owned and/or managed by the city that is posted and/or marked in a manner that indicates that the landing is for public safety vessels only.

(Code 1968, § 702.1; Ord. No. 602-71, 12-20-71; Ord. No. 68-88, 7-18-88; Ord. No. 287-07/08, 6-16-08)

Sec. 18-67. Enforcement.

(a) It shall be the duty of the city manager, or his or her designee, to provide for the enforcement of the provisions of this article. Failure to comply with the posted time and usage limitations at any public landing owned and/or managed by the city shall constitute a violation and shall be punishable by affine as provided in section 1-15.

(b) In addition to issuing citations for violations of this article, such officers as may be designated by the city manager are hereby authorized to order any boat or vessel stopped, docked or tied up in violation of the provisions of this article to be removed. If such boat or vessel shall not be promptly removed after notice to the owner or person in charge thereof to remove, or if the owner cannot be readily found for the purpose of such notice, such officers shall cause the same to be removed to some suitable place at the expense of the owner of such boat or vessel.

(c) Any person violating any provision of this article, other than section 18-66(b), shall have the option in lieu of going to court of paying a waiver fee of twenty-five dollars (\$25.00) prior to their scheduled court appearance date listed on the summons.

(d) The city manager or his or her designee shall have the authority to promulgate rules or regulations, including time and usage limitations for the public landings, not inconsistent with the provisions of this article, the charter, or with the laws or regulations of the state or the United States of America, which rules shall govern and control the use of any public landing owned and/or managed by the city. Such rules shall be kept on file in the city manager's office.

(Code 1968, § 702.2; Ord. No. 372-91, 5-20-91; Ord. No. 287-07/08, 6-16-08)

Sec. 18-68. Fees.

Fees for the use of any public landing owned and/or managed by the city shall be established by order of the city council and kept on file in the city manager's office.

(Ord. No. 372-91, 5-20-91; Ord. No. 287-07/08, 6-16-08)

Sec. 18-69. Reserved.

Sec. 18-70. Reserved.

Sec. 18-71. Reserved.

Sec. 18-72. Reserved.

Sec. 18-73. Reserved.

Sec. 18-74. Reserved.

Sec. 18-75. Reserved.

Sec. 18-76. Reserved.
Sec. 18-77. Reserved.
Sec. 18-78. Reserved.
Sec. 18-79. Reserved.
Sec. 18-80. Reserved.

ARTICLE IV. AIRPORT FACILITIES

Sec. 18-81. Responsibility of airport director.

The airport director shall have the responsibility for the direction and control of aviation and all other activities, whether commercial or noncommercial, at the Portland International Jetport. He or she shall have responsibility for the care, maintenance and control of all property comprising the Jetport, including all fixtures, equipment, runways, roadways, ramps, and of all property owned by the city contiguous to the Jetport.

(Code 1968, § 503.1; Ord. No. 417-79, 12-17-79; Ord. No. 311-80, 11-3-80; Ord. No. 124-89, § 2, 10-2-89; Ord. No. 57-91, 7-15-91; Ord. No. 174-09/10, 3-15-10)

Sec. 18-82. Off-airport motor vehicle rental businesses operating on the Portland International Jetport.

(a) *Purpose.* This section is enacted for the purpose of reasonably regulating the business use of public airport facilities by private motor vehicle rental companies which are located off airport property; preserving good order and peace at the airport; providing for the public health, safety and welfare; helping to defray the costs of constructing, operating, maintaining and improving the public airport facilities through the imposition of reasonable user fees; and regulating the use of public facilities in the furtherance of private commercial activities.

(b) *Definitions.*

Airport customer is any person who arrives at the airport by aircraft and is transported from the airport to the location of an off-airport motor vehicle rental business in its courtesy vehicle.

Courtesy vehicle is a motor vehicle which carries permittee's airport customers to or from the airport.

Off-airport motor vehicle rental business is an individual,

corporation, partnership, or other entity or person offering and providing to the public rental motor vehicles, including without limitation, automobiles and other four-wheel passenger vehicles, for hire, to be driven by the lessee.

Permittee is an individual, corporation, partnership, or other entity or person operating at, entering on or exiting from airport property under a permit issued by the director of waterfront and transportation facilities pursuant to subsection (c) below. Permittee includes the officers, employees, agents or anyone acting on behalf of or with permission of permittee.

(c) *Permit required.* No person engaging in an off-airport motor vehicle rental business shall operate at, enter upon or use airport property for the purpose of providing pickup or dropoff service for airport customers except under an executed, written contract with the city specifically permitting the operation of such services at the airport. Without limiting the authority granted elsewhere in this article, the airport director is authorized to enter into off-airport business permit agreements which authorize such permittees to conduct certain business operations on airport property in exchange for the payment of a reasonable user fee. Said agreements shall provide for the payment of annual user fees based upon a percentage of the gross revenues from its airport customers, as follows:

- (1) Effective July 1, 1995, through June 30, 1998, or the date upon which occupancy is allowed to all successful bidders, whichever is later:
 - a. Zero percent on the first two hundred thousand dollars (\$200,000.00) in gross revenues; and
 - b. Four (4) percent on the gross revenues above two hundred thousand dollars (\$200,000.00).
- (2) Effective July 1, 1998, or the date upon which occupancy is allowed to all successful bidders, whichever is later:
 - a. Zero percent on the first two hundred thousand dollars (\$200,000.00) in gross revenues; and
 - b. Six (6) percent on the gross revenues above two hundred thousand dollars (\$200,000.00).

- (d) *Rules and regulations.* The airport director may issue

such rules and regulations as may be necessary to implement this section, such rules and regulations to be issued pursuant to section 18-83. Permittees shall comply with all existing applicable airport rules and regulations, as they may be amended from time to time, including without limitation, mandatory minimum insurance requirements.

(Ord. No. 164-95, § 1, 2-6-95; Ord. No. 174-09/10, 3-15-10)

Sec. 18-83. Rules and regulations authorized.

(a) The airport director shall have the authority to prescribe reasonable rules and regulations not inconsistent with this article, the Charter or contractual obligations of the city or with the laws or regulations of the state or the United States of America to effectuate the responsibilities and duties set forth in section 18-81. Such rules and regulations, when duly promulgated in accordance with the provisions of this article, shall govern, control and establish conditions applicable to the activities of all lessees, licensees, business invitees, and all other persons physically present at the aforesaid properties. Such rules and regulations may include a schedule of reasonable commercial charges, which may be revised from time to time, payable to the city, for the privilege of transacting business other than by lease or contract, at or upon the Portland International Jetport. Such charges may include a percentage of either gross or net revenue derived from commercial activities at the Jetport. Rules, regulations and schedules of fees shall be promulgated by the airport director. He or she shall transmit copies of such proposed rules or regulations or fees to the city manager and to the clerk of the city and shall within one (1) day thereafter display a notice at a prominent place in the Portland International Jetport to the effect that a rule or rules or regulations covering certain specified types of activity, or affecting certain classes of persons, is being proposed, that such rule or regulation will be effective fifteen (15) business days from the date appearing on the notice unless otherwise ordered by the city manager, that written comments or objection should be filed with the city manager no later than ten (10) business days from the date of the notice; and that the full text of the proposed rule or rules or regulations may be seen at the office of the airport director or at the office of the city clerk during normal business hours during the ten-day period. Required notice for such rule or regulation will also be posted on the city of Portland website.

(b) At the end of the fifteen-day period provided above, if the city manager has not disapproved such proposed rule or rules or

regulations, the rule or rules or regulations shall be then effective, but if the city manager shall have noted his or her disapproval of it, the rule or rules or regulations shall not take effect. Once a rule or regulation has taken effect as provided hereinbefore, it shall continue in full force and effect until changed by subsequent rule or regulation until, and to the extent that it later conflicts with an applicable statute, ordinance or rule or regulation. In emergency situations, as declared by the city manager with reference to this article, any rule or regulation so designated shall be effective immediately upon being displayed at the Portland International Jetport. Such emergency rule or regulation shall terminate at the expiration of sixty (60) days or upon a declaration of the end of the emergency, whichever occurs first, unless it has then been made effective in accordance with the procedure set forth above for new rules and regulations. Notice of such rule or regulation will also be posted on the City of Portland website.

(c) All rules or regulations shall be kept in the possession of the airport director and shall be available for inspection during all normal business hours.

(Code 1968, §§ 503.2, 503.3; Ord. No. 417-79, 12-17-79; Ord. No. 311-80, 11-3-80; Ord. No. 124-89, § 3, 10-2-89; Ord. No. 174-09/10, 3-15-10)

Sec. 18-84. Violations.

(a) Any person violating this article or any rule or regulation made hereunder, including violations of a rule or regulation requiring payment of a charge to do business at the Jetport premises described herein, shall be ordered to leave the premises by the airport director, his or her duly authorized deputy, any authorized security officer, or by any peace officer of the state. The person so ordered shall immediately leave the premises. Any person failing to obey such an order shall be deemed a trespasser and shall be removed from the premises forthwith. No person charged with the enforcement of this article and acting for the city in the discharge of his or her duties as set forth in this article shall render himself or herself personally liable for any damage that may occur to any person or property as a result of his or her acts or duties.

(b) Any violation of this article, or any rule or regulation made pursuant hereto, other than a rule or regulation requiring payment of a charge to do business on the city property, shall be punishable by a fine as provided in section 1-15.

(Code 1968, §§ 503.4, 503.5; Ord. No. 417-79, 12-17-79; Ord. No. 311-80, 11-3-80;

Ord. No. 174-09/10, 3-15-10)

Sec. 18-85. Enforcement.

The airport director, his or her authorized representative, and any authorized law enforcement officer may, prior to commencement of court action, issue a notice of violation to any person charged with a violation of this article or any rule or regulation made pursuant hereto. Such notice shall be in a form approved by the city manager and shall provide a method to be established from time to time by order of the city council by which a person charged with a violation of this article or any such rule or regulation may waive court action with respect to the violation by payment of a specified fee within a stated period of time.

(Ord. No. 307-82, § 503.7, 1-4-82; Ord. No. 174-09/10, 3-15-10)

Sec. 18-86. Reserved.
Sec. 18-87. Reserved.
Sec. 18-88. Reserved.
Sec. 18-89. Reserved.
Sec. 18-90. Reserved.
Sec. 18-91. Reserved.
Sec. 18-92. Reserved.
Sec. 18-93. Reserved.
Sec. 18-94. Reserved.
Sec. 18-95. Reserved.

ARTICLE V. WATERFRONT FACILITIES

Sec. 18-96. Responsibility for waterfront facilities.

Except as otherwise provided by lease, the city manager, or his or her designee, shall have the responsibility for the director and control of all activities, whether commercial or noncommercial, at the International Marine Terminal, the Fish Pier, the Maine State Pier and the Ocean Gateway Facility. He or she shall have the responsibility for the care, maintenance and control of all property comprising the International Marine Terminal, Fish Pier, the Maine State Pier and the Ocean Gateway Facility, including all fixtures, equipment, runways, roadways, ramps, slips, dolphins and of all property owned by the city contiguous to such properties.

(Ord. No. 174-09/10, 3-15-10)

Sec. 18-97. Rules and regulations authorized.

(a) The city manager, or his or her designee, shall have the authority to prescribe reasonable rules and regulations not inconsistent with this article, the Charter or contractual obligations of the city or with the laws or regulations of the state or the United States of America to effectuate the responsibilities and duties set forth in section 18-96. Such rules and regulations, when duly promulgated in accordance with the provisions of this article, shall govern, control and establish conditions applicable to the activities of all lessees, licensees, business invitees, and all other persons physically present at the aforesaid properties. Such rules may include a schedule of reasonable commercial charges, which may be revised from time to time, payable to the city, for the privilege of transacting business other than by lease or contract, at or upon the International Marine Terminal, Fish Pier, the Maine State Pier and/or the Ocean Gateway facility. Such charges may include a percentage of either gross or net revenue derived from commercial activities at each of the premises. Rules, regulations and schedules of fees shall be promulgated by the city manager or his/her designee. He or she shall transmit copies of such proposed rules and regulations or fees to the clerk of the city and shall within one (1) day thereafter display a notice at the affected facility or facilities and in city hall to the effect that a rule or rules or regulations covering certain specified types of activity, or affecting certain classes of persons, is being proposed, that such rule or regulation will be effective fifteen (15) business days from the date appearing on the notice unless otherwise ordered by the city manager, that written comments or objection should be filed with the city manager no later than ten (10) business days from the date of the notice; and that the full text of the proposed rule or rules or regulations may be seen at the office of the city clerk during normal business hours during the ten-day period. Notice of such rule or regulations, the rule or rules or regulations shall be then effective, but if the city manager shall have noted his or her disapproval of it, the rule or rules or regulations shall not take effect. Once a rule or regulation has taken effect as provided hereinbefore, it shall continue in full force and effect until changed by subsequent rule or regulation or until, and to the extent that it later conflicts with an applicable statute, ordinance or rule or regulation. In emergency situations, as declared by the city manager with reference to his article, any rule or regulation so designated shall be effective immediately upon being displayed at the affected facility or facilities. Such emergency rule or regulation shall terminate at the expiration of sixty (60) days or upon a declaration of the end of

the emergency, whichever occurs first, unless it has then been made effective in accordance with the procedure set forth above for new rules and regulations. Required notice for such rule or regulation will also be posted on the City of Portland website.

(c) All rules or regulations shall be kept in the possession of the city manager or his or her designee and shall be available for inspection during all normal business hours.
(Ord. No. 174-09/10, 3-15-10)

Sec. 18-98. Violations.

(a) Any person violating this article or any rule or regulation made hereunder, including violations of a rule or regulation requiring payment of a charge to do business at the premises described herein, shall be ordered to leave the premises by the city manager, his or her duly authorized deputy, any authorized security officer, or by any peace officer of the state. The person so ordered shall immediately leave the premises. Any person failing to obey such an order shall be deemed a trespasser and shall be removed from the premises forthwith. No person charged with the enforcement of this article and acting for the city in the discharge of his or her duties as set forth in this article shall render himself or herself personally liable for any damage that may occur to any person or property as a result of his or her acts or duties.

(b) Any violation of this article, or any rule or regulation made pursuant thereto, other than a rule or regulation requiring payment of a charge to do business on the city property, shall be punishable by a fine as provided in section 1-15.

Sec. 18-99. Enforcement.

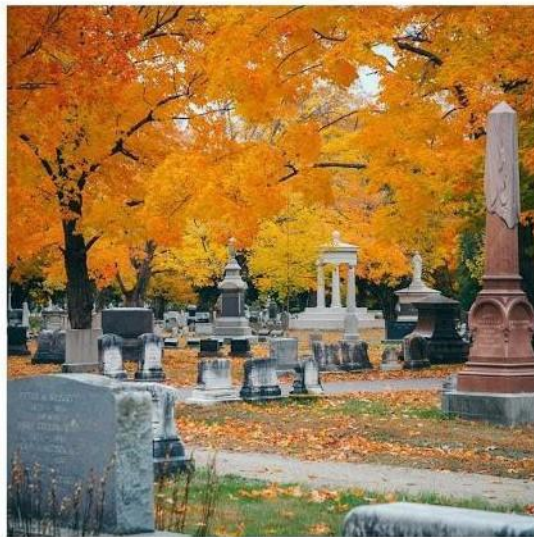
The city manager, or his or her authorized representative, and any authorized law enforcement officer may, prior to commencement of court action, issue a notice of violation to any person charged with a violation of this article or any rule or regulation made pursuant hereto. Such notice shall be in a form approved by the city manager and shall provide a method to be established from time to time by order of the city council by which a person charged with a violation of this article or any such rule or regulation may waive court action with respect to the violation by payment of a specified fee within a stated period of time.

City of Portland
Code of Ordinances
Sec. 18-85

Parks, Recreation and Public Buildings and Grounds
Chapter 18
Rev. 3-15-2010

(Ord. No. 174-09/10, 3-15-10)

***Editor's Note**—Pursuant to Order 174-09/10, passed on March 15, 2010 the
amendments made to Article V are effective retroactively to May 19, 2008.



Parks Handbook

Portland, Maine

May 2021

Welcome and Introduction

Thank you for your interest and your involvement in Portland's parks. Portland's parks and open spaces are a treasure – an important element of who we are as a community. They anchor Portland's spectacular natural setting and offer repose and recreation for the population of Maine's largest city and for its many visitors. Portland's parks belong to all of us, and they depend upon all of us. We welcome your contribution to protecting and improving this precious legacy!

This Handbook is intended as a primer on Portland's parks and their management, with particular attention to the respective roles of elected officials, city staff, and volunteer groups – especially, parks Friends Groups and the Parks Commission. Our hope is that the information provided here will help inform and stimulate public participation in the important business of protecting and improving Portland's parks. It is especially directed to new parks and open spaces Friends Groups and to individuals that may be interested in starting such a Friends Group. We hope that this information will also be useful to other Portland residents with a particular interest in parks and open spaces – including incoming members of the Parks Commission and Portland residents who may wish to apply to serve on the Parks Commission as vacancies arise. We have tried to provide sources throughout where interested individuals can find further information on the topics addressed here.

Portland Parks Commission Portland, Maine May 2021

Cynthia Loebenstein (chair)
Michael Mertaugh (vice chair)
Zach Anchors
Marie Gray
Jon
Kachmar
Ana Lagunez
Maya Lena
Shaylyn MacKinnon
Jaime Parker
Nathan Robbins
Amy Segal
Mayor Kate Snyder

TABLE OF CONTENTS

Portland’s Park Legacy	1
What is a Friends Group?	1
Park Management	1
Parks Master Plans	2
The Parks Commission	2
Creating a Friends Group	3
Registering your Friends Group	5
Organization of Friends Groups	5
Bylaws	5
Functioning as a Friends Group	5
Historic Preservation Approvals	6
Financing Friends Group Activities	6
Cost Sharing with the City	7
The City’s Budget Process	7
Memoranda of Understanding	8
Ongoing Communications	8
City of Portland Meetings	9

Annexes

I.	Parks Friends Groups in Portland Maine	10
II.	Parks in the City of Portland Maine	12
III.	City-Approved Parks Master Plans, Portland Maine	14
IV.	Parks Commission 2016 CIP Recommendations	15
V.	Sample Bylaws (Friends of the Eastern Promenade)	16
VI.	Parks, Recreation, and Facilities Department Capital Improvement Plan Timeline	22
VII.	Sample Memorandum of Understanding (City of Portland and Friends of the Eastern Promenade)	24

Portland's Park Legacy

Of all the cities in the United States, few can compete with Portland's unique natural setting - overlooking the rugged beauty of Casco Bay, the islands and seaway to the East, and the White Mountains to the West. Portland's parks and open spaces ensure that these priceless vistas can be enjoyed by present and future generations of Portland residents and visitors. They also offer opportunities for healthy exercise and relaxation in neighborhoods throughout the city. Among its open spaces, Portland's cemeteries offer respectful places for burial and commemoration of Portland's deceased loved ones.

Portland's parks and open spaces did not just happen. They resulted from the vision, dedication, and generosity of many Portland residents, friends, and public officials over the past two centuries.¹ Safeguarding Portland's existing parks for the benefit of future generations and creating new parks as the city continues to develop will require continuing vigilance and commitment by the citizens of Portland. Friends Groups have played an important role as advocates for Portland's parks since the creation of the first parks and open spaces friends groups in 1991². As of March 2021, there are fourteen Friends Groups for specific parks and open spaces in Portland (listed in Annex I). In addition, two organizations³ represent trails and community gardens, which are features of many of Portland's parks.

What is a Friends Group?

A Friends Group is a volunteer group of individuals who come together to protect and improve a specific park or open space. An essential characteristic of a Friends Groups for any of Portland's parks is this concern for the overall protection and improvement of a park or open space, rather than for any particular aspect or use of a park or open space. Friends groups advocate for park needs and provide ongoing operational, programmatic, or fundraising support for the park or open space that they represent. In doing so, Friends Groups work closely with the Parks, Recreation, and Facilities Department and with the Parks Commission.

Park Management

The Parks, Recreation and Facilities Department manages Portland's 77 parks and open spaces (listed in Annex II) under policies established by the elected City Council and recorded in city ordinances. The Department comprises a large and diverse workforce of full-time and part-time staff and volunteers who plan, manage, and carry out day-to-day operations for the city's parks, recreation programs, and facilities. More information about the Portland park system, staff, and programs is available on the Department's website:

¹ *Bold Vision: the Development of the Parks of Portland, Maine*

(<https://www.portlandlandmarks.org/shop/bold-vision>) presents an excellent description of the history of Portland's parks.

² The Friends of Evergreen Cemetery

³ Portland Trails and Cultivating Community

<https://www.portlandmaine.gov/182/Parks-Recreation-Facilities>).

The city ordinances and regulations governing use of Portland's parks and open spaces are described in various chapters of the City Code -- particularly Chapter 18 (on Parks, Recreation, and Public Building), Chapter 7 (on Cemeteries), and Chapter 2 (on Land Bank properties).⁴

Parks Master Plans

In addition to these formal regulations, an important source of guidance on goals and priorities for Portland's parks and open spaces is the various Master Plans that have been developed through a consultative public process and adopted by the City Council. Friends Groups often play an important role in developing these master plans. Currently there are thirteen such parks and open spaces Master Plans (listed in Annex III). Most of these Master Plans are posted on the city's website at: <https://www.portlandmaine.gov/1943/Park-Master-Plans-and-Projects>.

The City-wide parks master plan entitled *Green Spaces, Blue Edges*⁵ (1993, updated in 2001) provides an overall vision for Portland's parks and open spaces. It also includes many assessments and recommendations about specific parks and open spaces. Some park-relevant assessments and recommendations are also included in the Master Plans that the city has adopted for Bayside (2000) and the Eastern Waterfront (2006), as well as the Pedestrian and Bicycle chapter in the City's *Comprehensive Plan* (2012).⁶

The Parks Commission

The Parks Commission is a volunteer body entrusted with assisting the city in oversight and stewardship over Portland's parks (<https://www.portlandmaine.gov/345/Parks-Commission>). The thirteen members of the parks Commission¹ are appointed by the City Council to serve for three-year terms. Six of the members represent specific groups: one designated City Councilor and one representative each from the Friends of Deering Oaks, Friends of the Eastern Promenade, Friends of Evergreen Cemetery, and the Land Bank Commission. The other seven commissioners are selected at large.

The mission of the Portland Parks Commission is to advocate for the enhancement and stewardship of our parks and open spaces, to review and propose projects that impact parks and open spaces and recommend appropriate action, to foster collaboration among park users and the City, to promote public access and enjoyment of our parks and open spaces, and to advocate for public and private funding for parks and open spaces. The Parks Commission holds monthly meetings that are open to the public. Representatives of Friends Groups and interested public are welcome to attend. These meetings are usually held on the first Thursday of each month at 5:00 PM in Room 24 of City Hall, but under the current pandemic restrictions they are being held remotely through public-accessible Zoom meetings. Notices of upcoming meetings, meeting agendas,

⁴ These can be accessed on the city's website: <https://www.portlandmaine.gov/131/City-Code>.

⁵ Available at: <http://www.portlandmaine.gov/DocumentCenter/View/3380/Green-Spaces-Blue-Edges>.

⁶ Available at: <https://www.portlandmaine.gov/DocumentCenter/View/18269/Portlands-Plan-2030-with-Appendices>.

minutes of prior meetings, and links for remote meeting participation are provided on the City's website: <https://www.portlandmaine.gov/345/Parks-Commission>.

One of the Parks Commission's functions is to serve as a clearinghouse between parks friends groups and the Department of Parks, Recreation, and Facilities -- particularly in the process of developing proposals for new park investments under the city's annual Capital

Improvement Plan (CIP) budget. Each year under the city's annual budget review process⁷ -- the Parks Commission make recommendations to the City Council on park improvements that it considers to be of highest priority for the annual CIP budget. The Parks Commission makes these recommendations based on explicit ranking criteria and information provided by the Parks, Recreation, and Facilities Department and Friends Groups. The Parks Commission's budget recommendations and justifications for the FY 2016 CIP are provided in Annex IV as an illustration of the types of considerations that enter into the Commission's recommendations. Consultation with the Parks Commission by Friends Groups on their proposals for park improvements can help inform the Parks Commission's annual CIP budget recommendations.

Another function of the Parks Commission is to support the formation of new parks Friends Groups and to improve Friends Groups' effectiveness by identifying best practices and promoting their spread. This Handbook is intended to help serve those purposes.

Creating a Friends Group

Friends Groups usually start as an initiative of one or a few committed individuals who have a vision for protecting and improving a park or open space that is not represented by an existing friends group, and who are willing to commit the time and effort necessary to help make that vision a reality. This initial concept is followed by efforts to involve neighbors and stakeholders in the creation of a new organization to advocate for those protections and improvements. To ensure legitimacy of the new organization, it is important that these efforts to enlist new members include a broad spectrum of current and potential park users that share the love of the place, the vision for its improvement, and the commitment to work to achieve that vision.

Here is an illustrative sequence of steps for creating a new Friends Group:

Preparation

- Reach out to existing parks Friends Groups to learn how they work and any information they can share with you.
- Inform the Parks Commission of your interest in starting a Friends Group and ask for their help in getting started.

First meeting

Designate one person to moderate the meeting and keep it focused.

- Have an agenda and take notes.

- Ask attendees to sign in and provide their contact information and park interest areas.
- Ask attendees to introduce themselves and describe their interests and concerns for the park.
- Introduce your concepts and ideas for the park and get feedback; identify issues and have a brainstorming session on how they may be resolved.
- Develop a list of tasks to be accomplished by the next meeting and identify who is to be responsible for accomplishing tasks.
- Set up your next meeting time and location.
- Expand potential membership by encouraging attendees to bring someone with them to the next meeting.
- Ensure you've included surrounding residents who may be interested in activities at the park/site.

Second meeting

Focus on some initial key priorities and getting down to business. Topics may include:

- Choosing a group name
- Establishing a mission and a vision
- Setting up a plan for first-year goals
- Setting up a Facebook page or simple website
- Organizing your first Friends Group program and/or event with the public
- Setting up a community outreach plan

Effective Friends Groups have a clear understanding of their purpose and what they want to accomplish. The mission statement, vision, goals and objectives of the group should align with the goals of the city as expressed in the parks Master Plans and in the operational program of the Parks, Recreation, and Facilities Department.

The mission statement should be oriented to the protection and improvement of the park, and be broad enough to accommodate an evolving work program. The vision is an image of what your park could become in ideal circumstances. Vision is what creates a focus for collaboration and motivates partners to act and donors to contribute to the effort. It also guides decision making and evaluation and creates the boundaries for partnership. Strategic objectives or goals are the actions for carrying out the mission to reach your vision. They should be small, tangible steps and tasks that help you achieve the mission. Those steps and tasks will eventually become the Friends Group's annual work plans, to be discussed, agreed, and implemented with the Parks, Recreation, and Facilities Department.

Ideally, strategic objectives should be based on an assessment of present conditions, identified needs, and proposed improvements or changes. But they needn't be elaborate to start with; they can be refined and expanded as the group acquires experience. In establishing its own mission statement and goals and objectives, it will often be helpful for the new Friends Group to refer to other Friends Groups' mission statements and goals and objectives, as well as the goals and objectives set out in the city's overall parks master plan, Green Spaces, Blue Edges

Registering your Friends Group

Most Friends Groups register with the IRS as a 501(c)3 non-profit organization. Acquiring 501(c)3 status provides advantages of tax exemption for qualified contributions and makes it easier for Friends Group officers, Board, and members to obtain protection from personal liability for any

actions of the Friends Group. The IRS website

(<https://www.irs.gov/charities-non-profits/application-for-recognition-of-exemption>) has detailed instructions to guide you through the steps involved in registering as a 501(c)3 non-profit organization.

Once the Friends Group has registered as a 501(c)3 organization, it should consult with an insurance professional to acquire the appropriate insurance coverage based on the group's structure and activities. Insurance policies should include at a minimum general liability insurance and coverage for directors and officers.

Friends groups are not required to incorporate, but may wish to do so in order to be eligible for other programs and potential grant sources. To incorporate, a Friends Group must develop Articles of Incorporation and register with the Maine Secretary of State (<https://www.maine.gov/sos/cec/corp/nonprofitresources.html>).

Organization of Friends Groups

Friends Groups' Boards of Directors play a crucial role in the work of all Friends Groups. Ideally, Board membership should reflect a diversity of park stakeholders, demographics, and professions, with a common commitment to the improvement of the park and a shared vision of what the park could become. Standing committees of Friends Groups can be helpful for carrying out more in-depth work on specific topics such as outreach, fundraising, event programming, and monitoring of park use, and making recommendations to the Board and membership on future decisions and actions.

Bylaws

Bylaws are rules and procedures that describe how the Friends Group conducts its meetings and activities. They are adopted by the members and can only be changed by the organization. Bylaws include a description of the organization's purpose, membership rights and qualifications, election and voting procedures, titles of officers and Board members, terms and responsibilities, and rules for amending the by-laws. Some organizations may want to make all significant decisions at membership meetings, while other organizations may delegate more responsibilities to their Board and officers. Sample Bylaws (for the Friends of the Eastern Promenade) are provided in Annex V.

Functioning as a Friends Group

In order to function effectively, Friends Groups need to maintain a close working relationship with the Parks, Recreation, and Facilities Department and maintain an active and engaged membership. The activities of Friends Groups take many forms. Some parks Friends Groups have focused on activating the park by programming events in the park. Others have concentrated on improving facilities, access, maintenance, or landscape improvements (including

removal of invasive species). These collaborations typically involve a three-way partnership

between the Parks, Recreation, and Facilities Department, the Friends Group, and the Parks Commission. Friends Groups have often played a lead role or collaborated with the Parks, Recreation, and Facilities Department in developing a Master Plan for the park.

Some instances of collaboration involve a more active role for the Friends Group. Friends Groups may, for example, directly commission studies or preparation of master plans and other plans for park improvements. In rarer cases, the City may allow Friends Groups to play a more independent role in managing activities on the park site under policies, rules, and standards agreed with the Parks, Recreation and Facilities Department. An example is the City's agreement in recent years to allow the Friends of Congress Square Park to manage the programming of public events there. The terms of his agreement are recorded in a Memorandum of Understanding between the Friends of Congress Square Park and the City. This agreement is updated as necessary from time to time to reflect changes as implementation progresses.

Historic Preservation Approvals

Work involving material changes in any of the City's twelve historical districts⁸ and National Registry of Historic Places (including Deering Oaks Park, Eastern Cemetery, Eastern Promenade, Evergreen Cemetery, Fort Gorges, Lincoln Park, and Western Promenade) needs to follow historical preservation guidelines and often requires review and approval by the city's Historic Preservation Board⁹ and historic preservation staff¹⁰ in the Planning and Urban Development Department. A summary of the historic preservation guidelines and links to the city's historic preservation ordinance are provided on the city's website: <https://www.portlandmaine.gov/772/Historic-Preservation-Review-Standards>.

Financing Friends Group Activities

An important activity for all Friends Groups is to plan: a) the financing needs for their basic operational costs such as insurance premiums, website development and maintenance, and mailing and other costs of communicating with members, and b) a financing strategy to meet those needs. Only the largest Friends Groups have paid staff – usually limited to an executive director. Ideally, paid staff can more than cover their costs through the additional fund-raising that they generate. But caution is advised in engaging paid staff because the ongoing budget outlay to cover salary costs can easily consume resources that are needed for activities that directly benefit the park. In the event that paid staff are engaged, staff overhead costs should in all cases comprise a modest share of total revenues. Some Friends Groups -- the Friends of Deering Oaks is a good example -- have raised large sums for the benefit of their park without the benefit of paid staff.

Friends Groups generate funds to cover their basic operational costs in a variety of ways, including membership dues, business sponsorships, and special events such as open space tours. These activities also serve to enhance and promote the park or open space and educate the public about the organization's mission. New Friends Groups are encouraged to network with other,

⁸ <http://www.portlandmaine.gov/1626/Local-Historic-Districts>.

⁹ <https://www.portlandmaine.gov/210/Historic-Preservation-Board>

¹⁰ <https://www.portlandmaine.gov/766/Historic-Preservation>

established Friends Groups for guidance and suggestions on their fundraising strategies. The Maine Association of Nonprofits¹¹ is another valuable source of information on fundraising options and organizational suggestions for Friends Groups.

Once a Friends Group has managed to cover its operational costs, a preoccupying question for most Friends Groups is how to raise funds to meet the cost of park improvements. Sometimes a proposed activity may consist of work by Friends Group members themselves and volunteers that it organizes, requiring no special financing. But more typically Friends Group activities involve contracted work for park improvements. Most Friends Group initiatives in Portland parks involve the Friends Group raising funds for an agreed activity and transferring those funds to the city for implementation. Implementation typically involves a combination of work by Parks, Recreation, and Facilities Department staff and contracted procurement of equipment and/or services. Examples are the restoration work that was carried out recently at Fort Allen Park by the Friends of the Eastern Promenade and the City and the recent restoration of the fountain and the ongoing fence restoration at Lincoln Park by the Friends of Lincoln Park and the City. (Because both these projects involved historical parks, they also required approval by the Historical Preservation Board and historical preservation staff in the Planning and Urban Development Department.)

Cost Sharing with the City

These examples illustrate the role of Friends Groups in raising funds for City-approved projects. Funds are raised through a variety of means, including project-specific public and corporate fundraising campaigns and grant financing. Financing of the park intervention typically involves cost sharing by the Friends Group and the City, combining funds raised by the Friends Group from public donations and grants with funds from the City's annual Capital Improvement Plan (CIP) budget. Once a Friends Group has identified a potential project that it would like to propose for the park, it should discuss the proposal with the Parks, Recreation, and Facilities Department to see whether it is consistent with the City's plans for the park and whether any City funding has been planned for that activity.

Sometimes Friends Groups advocate for improvements in a park without actually contributing to the cost of implementation. But while these efforts are sometimes successful, experience has shown that Friends Groups' proposals for specific park improvements are most likely to be successful if the Friends Group is able to make a significant contribution to the cost of the improvement. There is fierce competition for the limited city budget funds that are available for capital improvements in Portland's parks. Even when there is general agreement on the desirability of a particular park improvement, it often requires a long wait before funds are actually made available under the city's CIP.

The City's Budget Process

Each year, each of the line departments of the City prepares a rolling ten-year investment

¹¹ <https://www.nonprofitmaine.org>

proposal. For investments in parks and open spaces, the Parks Commission also independently prepares its recommendations for parks and open spaces investments based on criteria that it establishes in advance and information provided by the Parks, Recreation, and Facilities Department and by various Friends Groups. The Parks Commission's CIP recommendations are forwarded to the City Manager along with the Parks, Recreation, and Facilities Department's recommendations. The City Manager then reviews the various Departmental budget requests, with particular attention to the request for the next fiscal year. After consulting with the departments to clarify any questions about their submissions, the City Manager adjusts the budget requests according to his own ranking criteria and a reckoning of the likely limits on the overall CIP for the next fiscal year. The City Manager then sends the adjusted and consolidated CIP proposal for the next fiscal year to the City Council, where it is reviewed by the Council's Finance Committee. At the same time, the Parks Commission's CIP recommendations and rationale are communicated to the City Council to take into account during its CIP deliberations. Further adjustments may be made at this stage of review by the City Council's Finance Committee. The version of the CIP budget that is ultimately recommended by the Finance Committee is then sent to the whole Council for review and approval. An illustrative timeline and ranking criteria for the Departmental budget approval process are provided in Annex VI.

Funds for a particular project are not actually available until they are approved under the annual CIP budget by the City Council and until funds for that investment are appropriated by the Finance Department. All CIP funds are borrowed in the commercial municipal bond market for varying repayment periods, depending on the expected service life of the investment. The City's borrowing capacity is limited by the size of the city's revenue base. As a result, unanticipated reductions in City revenues can lead to an unexpected reduction in the size of the CIP, as we saw in 2020 due to the impact of the Covid19 pandemic.

Memoranda of Understanding

This Handbook describes the basic parameters of partnership between Friends Groups, the Parks, Recreation and Facilities Department, and the Parks Commission in carrying out park-related initiatives. All collaborations between Friends Groups and the City which involve significant physical improvements in a park require that both parties sign a project-specific Memorandum of Understanding (MOU) describing the activities to be carried out and the roles and responsibilities of each. The MOU for the Fort Allen Park project is provided as an example in Annex VII.

Ongoing Communications

Good communication is critical for an effective organization in which members stay involved and committed. Newsletters and regular meetings are proven ways to maintain a high level of interest and participation. A yearly survey of park/open space interests and any current issues is also a good way to encourage communication and engender interest and participation. Many associations distribute their newsletters via email to members, stakeholders and community leaders

to encourage a continuing dialogue. Using the Internet to set up group email lists and/or an association website can be an especially useful tool in all of these efforts. The time and expense of a website should be well worth the effort given the savings in printing and distribution of materials versus traditional methods.

Good communication with City officials and staff is also crucial. Effective Friends Groups maintain close communications with Parks, Recreation, and Facilities management and staff on all questions relating to their park or open spaces. In addition, they maintain visibility with the City Council and City Manager's office and project a spirit of willingness, cooperation and patience in advocating for their proposed park improvements. Patience often yields eventual success, as the experience of the Friends of Lincoln Park in getting City approval for restoration of the Lincoln Park fountain and fence attests.

City of Portland Meetings

It is vitally important that Friends Groups stay abreast of city developments that potentially affect their park or open space. Once established, Friends Groups will generally receive notice of proposed changes or development proposals that directly affect their park or open space. However, there are many other government actions that may affect your park or open space directly or indirectly that will require your effort to keep informed of. By appointing a member of your Friends Group as city liaison to monitor the City of Portland meeting schedule, you can stay abreast of the decisions being made and have input into those decisions. The City website homepage¹² provides a complete weekly schedule and agendas for all City of Portland public meetings. Portland City Council meetings are generally held on the first and third Mondays of each month at 5 PM in Council Chambers at Portland City Hall (or virtually during the pandemic restrictions). The Parks Commission meets at 5:00 PM on the first Thursday of each month usually in room 24 on the lower level of City Hall. During the pandemic restrictions on public gatherings, Parks Commission meetings are held virtually, with access through the city's website: <https://www.portlandmaine.gov/345/Parks-Commission>.

PARKS FRIENDS GROUPS IN PORTLAND, MAINE

Friends of Capisic Pond

<https://www.facebook.com/FriendsOfCapisicPondPortlandMaine/>

Andy Graham, agraham43@mac.com

Friends of Congress Square Park

<https://congresssquarepark.org>

David LaCasse, loafinit@maine.rr.com

Friends of Deering Oaks

<https://www.deeringoaks.org>

<https://www.facebook.com/FriendsOfDeeringOaks/>

Anne Pringle, oldmayor@maine.rr.com

Friends of the Eastern Promenade

<https://easternpromenade.org>

<https://www.facebook.com/FriendsoftheEasternPromenade/>

Heidi Powell

Friends of Evergreen Cemetery

<https://www.facebook.com/friendsofevergreen/>

David Little, authorartist775@gmail.com

Friends of Fort Gorges

<https://friendsoffortgorges.org>

<https://www.facebook.com/fortgorges>

/ Paul Drinan, pdrinan@gmail.com

Friends of Fort Sumner Park

<https://www.facebook.com/Friends-of-Fort-Sumner-Park-1795639307350083/>

Jaye Gorham, jaye@portsidereg.com

Friends of Harborview Park

Pamela Shaw, pskhmail@gmail.com

Friends of Lincoln Park Frank/Sharon Reilly

<https://lovelincolnpark.org>

<https://www.facebook.com/Friends-of-Lincoln-Park-1520655631529674/>

Frank and Sharon Reilly, FSReilly@aol.com

Friends of Payson Park

<https://www.facebook.com/FriendsOfPaysonPark/>

Susan Lavigne, lavigne719@gmail.com

Friends of Riverton Trolley Park (inactive)

Spirits Alive (Eastern Cemetery)

<https://www.spiritsalive.org>

<https://www.facebook.com/spiritsalive/>

Janet Alexander, 445ray@gmail.com

Stewards of Western Cemetery (inactive)

Friends of Western Promenade

<https://www.friendsofwesternprom.org>

<https://www.facebook.com/FriendsofWesternPromenade/> Matthew Hyde, hydemg@gmail.com

PARKS IN THE CITY OF PORTLAND MAINE

Dedicated Parks Listed in both the Parks Ordinance and the Land Bank

Ordinance: Back Cove Park and Trail

Barrows Park/Baxter's Sundial

Baxter Pines

Baxter Woods

Bayside Park (also known as Stone Street Playground)

Bell Buoy Park

Belmeade Park

Capisic Pond Park

Clark Street Park

Congress Square Park

Deering Oaks Park

Dougherty Field

Eastern Promenade Park, East End Beach, Fort Allen Park

Fessenden Park

Fort Gorges

Fort Sumner Park

Fox Field/Kennedy Park

Harbor View Park and Tate-Tyng Park

Heseltine Park

Lincoln Park

Lobsterman Park

Longfellow Square

Monument Square

Munjoy South Playground

Payson Park

Peppermint Park

Pleasant Street Park

Post Office Park

Riverside Golf Course

Riverton Trolley Park (incorrectly listed as Riverton Park in the Ordinances)

Stroudwater Parks (There are 2 listed in the Ordinances)

Taylor Street Park

Tommy's Park

Western Promenade Park

Dedicated Parks Listed in the Parks Ordinance but not the Land Bank Ordinance

Andrews Square (This park consists only of a flagpole)
Bayside Trail
Bedford Park
Boothby Square
Boyd Street Gardens
Bramhall Square
Caldwell Square
Clark Street Playground
Longfellow Park
Marada Adams Playground (located at the corner of Beckett and O'Brien Streets)
Martin's Point Park
Nason's Corner Park
Pedro Field
Pleasant Street Playground
Quaker Park
South Street Playground
Tate-Tyng Playground
Trinity Park
Winslow Park

Dedicated Park Listed in the Land Bank Ordinance but not in the Parks Ordinance

University Park

CITY-APPROVED PARKS MASTER PLANS, PORTLAND MAINE

- Baxter Boulevard (no date),
- Capisic Pond Sustainability Plan (2012),
- Deering Oaks (1994),
- Dougherty Field (2008),
- Eastern Cemetery (2001),
- Eastern Promenade (2003),
- Evergreen Cemetery (1994),
- Fort Sumner Park (2006),
- Lincoln Park (2014),
- Payson Park (2000),
- Western Cemetery (2001), and
- Western Promenade (2019).

In addition to the above, there is a Master Plan for the Ocean Avenue Recreation Area (2006), which is not listed as one of Portland's parks and open spaces in either the Parks ordinance or the Land Bank ordinance. A Preservation Plan that embodies some of the same content as a Master Plan is in preparation for Fort Gorges. There is also the city-wide parks Master Plan entitled *Green Spaces, Blue Edges* (1993, updated in 2001) which includes many assessments and recommendations about specific parks and open spaces. Some park-relevant assessments and recommendations are also included in the Master Plans which the city has adopted for Bayside (2000) and the Eastern Waterfront (2006), as well as the Pedestrian and Bicycle chapter in the city's *Comprehensive Plan* (2012). Most of these Master Plans are posted on the city's website at: <https://www.portlandmaine.gov/1943/Park-Master-Plans-and-Projects>.

Annex IV

PARKS COMMISSION'S 2016 CIP RECOMMENDATIONS

Ranking Criteria:

1. progress on Congress Square Park, for which there are high expectations following the recent citizen's initiative and Council ordinance,
2. proposals for improving overall parks oversight,
3. proposals for design studies and master plans that refine cost estimates and move projects closer to implementation readiness, and
4. completion of projects that are very close to completion and embody significant costsharing.

Ranking	Originator	Activity	Amount	Comments
1	Friends of Congress Square Park	Renovation of ground-level option for Congress Square Park	\$1,033,400	Citizens' referendum and Council action underline priority. KMDG design study completed.
2	Parks Commission	Preparation of annual report	\$20,000	Proposed as recurring item for operating budget
3	Parks Commission and Friends of Deering Oaks	Recruitment of four seasonal park rangers, and staff for Deering Oaks Park "castle"		Proposed as recurring item for operating budget
4	Parks Commission	Update of Parks Master Plan, <i>Green Spaces</i> , <i>Blue Edges</i>	\$30,000	Preparation is to involve Friends groups, and is to include development of maintenance guidelines and associated input requirements.
5	Friends of Lincoln Park	Design study for restoration of Lincoln Park	\$20,000	To include options reflecting alternative scenarios for Franklin Street redesign.
6	Friends of Evergreen	Update of Evergreen Cemetery Master Plan	\$20,000	
7	Friends of Deering Oaks	Design study for lavatory facility for Deering Oaks Park	\$20,000	
8	Friends of Evergreen	Landscape design for Stevens Avenue site improvements	\$10,000	
9	Friends of the Eastern Prom	Completion of connection to Cousin's Memorial	\$8,500	Complements \$30,000 of private financing.
10	Spirits Alive	Completion of restoration of Victorian tool shed at Eastern Cemetery	\$18,000	Cost estimate prepared by project architect and City's Facilities Division.
11	Friends of Deering Oaks	Lighting replacement for Deering Oaks Park	\$168,000	Recommended in 1994 Master Plan. Would yield cost savings and improved efficiency, as well as esthetic benefits. Has DPS estimated cost savings?
12	West End Neighborhood Association	Outdoor furniture, playground equipment, signage, waste receptacles	Not provided	
13	Friends of Evergreen	Removal of hazardous trees and planting of new trees	\$450,000	Unhealthy trees present a public safety liability.

**SAMPLE BYLAWS
(Friends of the Eastern Promenade)**

1.1 Name. The name of the Corporation is Friends of the Eastern Promenade.

1.2 Purposes. The Corporation is organized exclusively for charitable and educational purposes within the meaning of section 501(c)(3) of the United States Internal Revenue Code. In particular, the Corporation's purposes are to preserve the significant historic public landscape, protect the environmental integrity, and enhance recreation use of the Eastern Promenade in Portland, Maine.

ARTICLE II – MEMBERS

2.1 Membership Eligibility. Membership is open to any individual over 18 years of age, or any entity, that supports the purposes of the Corporation. There shall be no separate membership classes.

2.2 Membership Dues/Donations. Members must pay annual dues as determined by the Board of Directors.

2.3 Voting Rights of Members. Each Member in good standing shall have the right to vote for the Directors of the Corporation and on any other matters submitted by the Board of Directors to the Membership, as further set forth in these Bylaws. Each Member shall have one vote; provided, however, that no more than two Members from a given household shall have the right to vote.

2.4 Membership Meetings.

a. Regular meetings. Regular meetings of the Members may be held at such time and place as the Board of Directors may determine.

b. Special Meetings. Special meetings of the Members may be called at any time by the President, by the Board of Directors, or by petition in writing signed by not fewer than

twenty-five (25) Members of the Corporation entitled to vote and filed with the Secretary. Ten (10) days' written notice as to the time, place, and subject matter of the Special Meeting must be given to all voting members. At such Special Meetings no business shall be transacted which is not specified in the notice of the meeting.

c. Annual Meetings. An Annual Meeting of members of the Corporation shall be held in every calendar year, under the direction of the Board of Directors, for the purpose of electing Board members, hearing reports and conducting such other business as may properly come before the Corporation.

d. Quorum. At any meeting of the Members, ten (10) Members shall constitute a quorum. Any meeting may be adjourned by a majority of the votes cast upon the question, whether or not a quorum is present, and the meeting may be held as adjourned without further notice. When a quorum is present at any meeting, a majority of the votes properly cast by members shall decide any question.

ARTICLE III – DIRECTORS

3.1 Powers. The business and affairs of the Corporation, its supervision, control and direction, shall be conducted and managed by its Board of Directors, which shall exercise all of the powers of the Corporation. Subject to the terms and conditions of the Articles of Incorporation, and these By-laws, as amended from time to time, it is intended that the directors as referred to herein have the same rights, powers, obligations and functions as are ascribed to and imposed upon directors for non-profit corporations under applicable law. Except as otherwise specifically set forth herein, the Board of Directors may by general resolution delegate to committees and officers of the Corporation such powers as it sees fit.

3.2 Election and Composition of Board. Until the first annual meeting of the membership the incorporators shall serve as the Board of Directors. At the first annual meeting of the members of the Corporation, and at each annual meeting thereafter, the directors then in office, having due regard to the corporate mission, the city-wide and regional significance of the historic Eastern Promenade, and its constituency, shall present a slate of nominees for election by the membership to hold office until the election and qualification of their respective successors. The Board of Directors shall be maintained by such staggered elections as may be necessary to elect approximately one third of the Board every year. The number of directors shall be not less than five nor more than twenty-one (exclusive of honorary directors).

3.3 Absences; Resignation; Removal; Vacancies. A director shall make every effort to attend the regular and special meetings of the Board, and if unable to attend a meeting shall notify the president in advance. Any director who misses more than three (3) meetings annually without being excused by the president shall be notified by the president of such failure to attend and will thereafter be subject to possible removal by the Board for

non-attendance. Any director may resign at any time by giving written or electronic mail notice to the President or the Board of Directors and may be removed at any time in accordance with applicable law. Any vacancy in the Board of Directors occurring during the year, including any vacancy created by an increase of the number of directors, may be filled for the unexpired portion of the term by the directors then serving, although less than a quorum, by an affirmative vote of the majority thereof, and any director so elected shall hold office until the election and qualification of a successor.

3.4 Honorary Directors. The Corporation may have an unlimited number of honorary directors who shall be entitled to notice of and the right to attend all meetings of the Board, but who shall not have the right to vote.

An honorary director shall be appointed by the Board of Directors at its discretion, with the honorary director's term of appointment to be determined by the Board.

3.5 Annual Meeting. As soon as practicable after each annual meeting of the membership, the newly elected directors shall meet for the purpose of electing officers and the transaction of other business, and if a quorum of the directors be then present, no prior notice of such meeting shall be required to be given.

3.6 Regular Meetings. The Board of Directors shall establish a schedule for regular meetings of the Board.

3.7 Special Meetings. Special meetings of the Board of Directors may be called by the President or the Secretary and must be called by either of them on the written, or digital request of one-fifth (1/5) of the members of the Board.

3.8 Notice of Meetings. Notice of all directors' meetings, except as hereinotherwise

provided, shall be given either by mailing the same at least three (3) days before the meeting, or by digital means at least one (1) day before the meeting, to the usual business, residence, or digital address of the director as indicated in the Corporate records. At any meeting at which every director shall be present, even though without notice, any business may be transacted.

3.9 Quorum; Voting. At all meetings of the Board of Directors a majority of the directors shall be necessary and sufficient to constitute a quorum for the transaction of business and the act of a majority of the directors present at any meeting at which there is a quorum shall be the act of the Board of Directors. If at any meeting there is less than a quorum present, a majority of those present may adjourn the meeting from time to time without further notice to any absent director.

3.10 Informal Action by Directors. Any action required or permitted to be taken at any meeting of the Board of Directors, or of any committee thereof, may be taken without meeting, if a written consent to such action is signed by, or digital consent is received from, all members of the Board or of such committee, as the case may be, and such consent is filed with the minutes of the proceedings of the Board or committee.

3.11 Telephone Meetings. Members of the Board of Directors, or a committee of the Board, may participate in a meeting by means of a conference telephone, or similar communications equipment, if all persons participating in the meeting can hear each other at the same time. Participation in a meeting by these means constitutes presence in person at the meeting.

ARTICLE IV – OFFICERS

4.1 Executive Officers. The Executive Officers of the Corporation shall be a President and a Vice President, who shall be selected from among the Board of Directors, a Secretary, a Treasurer, and such other officers with such powers and duties not inconsistent with these By-laws as may be appointed and determined by the Board of Directors. Any two offices may be held by the same person, provided that the President shall not also be a Vice-President.

4.2 Resignation, Removal; Vacancies. Any officer may resign at any time by giving written or electronic mail notice to the President, or the Board of Directors, and may be removed from office by the vote of the directors at any time, in accordance with applicable law. In case any office of the Corporation becomes vacant by death, resignation, retirement, disqualification, or any other cause, the Board of Directors, by majority action, may select an officer to fill such vacancy.

4.3 President. The President shall preside at all meetings of the Board of Directors. The President shall have and exercise general charge and supervision of the affairs of the Corporation and shall do and perform such other duties as are customary to the office and as may be assigned to that office by the Board of Directors.

4.4 Vice President. At the request of the President, or in the event of absence or disability, the Vice President shall perform the duties and possess and exercise the powers of the President and shall perform such other duties as the Board of Directors may determine.

4.5 Secretary. The secretary shall keep the minutes of all meetings of the Board of Directors in books provided for that purpose. The Secretary shall attend to the giving and serving of all notices of the Corporation; the Secretary shall have charge of the minutes and such other records as the Board of Directors may direct, may attest to the accuracy of such books and records and shall perform such other duties as are customary to that office and as may from

time to time be directed by the President or the Board of Directors.

4.6 Treasurer. The Treasurer shall have the custody of all funds, property and securities of the Corporation, subject to such regulations as may be imposed by the Board of Directors. When necessary or proper, the Treasurer shall endorse on behalf of the Corporation for collection, checks, notes, and other obligations, and shall deposit the same to the credit of the Corporation at such bank or banks or depository as the Board of Directors may designate. The Treasurer shall, in general, perform all duties incident to the office of Treasurer, including a general supervision and control of the accounts of the Corporation, subject to the control of the Board of Directors.

4.7 Other Officers. The Board of Directors may elect or appoint any such other officers and assistant officers as they may deem necessary, who shall have such authority and perform such duties as from time to time may be prescribed by the President or by the Board of Directors.

ARTICLE V – COMMITTEES

5.1 Committees. The Board of Directors may also appoint from their number, or from among such other persons as the Board may see fit, such committees as the Board may determine, which shall in each case have such powers and duties as shall from time to time be prescribed by the Board. Provided, however, that every such committee have as a member at least one director from the Board. The President shall be a voting member ex officio of each committee appointed by the Board of Directors.

5.2 Executive Committee. There shall be an Executive Committee composed of the officers of the corporation and the committee chairs, which shall have such powers and duties as shall from time to time be prescribed by the Board.

5.3 Rules. Records of Proceedings. Each Committee may prescribe rules and procedures for the call and conduct of its meetings. Each Committee shall keep regular minutes of its proceedings and shall report the same to the Board of Directors and the President.

5.4 Standing Committees. The Board may establish such standing committees as it deems necessary or advisable. Each Standing Committee will submit to the Board an annual action plan with a budget. The Board is responsible for reviewing, approving and prioritizing the action plan of each committee.

ARTICLE VI - CORPORATE ASSETS AND EARNINGS

6.1 No part of the net earnings of the Corporation shall inure to the benefit of any member, director or Officer of the Corporation, or any private individual, excepting solely such reasonable compensation that the Corporation shall pay for services actually rendered to the corporation, or allowed by the corporation as a reasonable allowance for authorized expenditures incurred on behalf of the Corporation, and no member, director or Officer of the Corporation, or any private individual, shall be entitled to share in the distribution of any of the corporate assets on dissolution of the corporation (except that a member, director or Officer may receive property of the Corporation in exchange for fair market value compensation to the Corporation).

6.2. This corporation shall exist in perpetuity, but in the event of dissolution of the Corporation

or the termination of its activities, the assets of the Corporation remaining after the payment of all its liabilities shall be distributed exclusively to one or more organizations organized and operated exclusively for such purposes as shall then qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended and as a charitable, religious, eleemosynary, benevolent or educational corporation within the meaning of Title 13-B, of the Maine Revised Statutes as amended, or shall be distributed to the federal government, or to a state or local government, for a public purpose.

6.3 Notwithstanding any other provision of these Articles, the Corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as now enacted or hereafter amended.

ARTICLE VII – MISCELLANEOUS

7.1 Corporate Seal. The Board of Directors may provide a suitable seal, containing the name of the Corporation, which seal shall be in the charge of the Secretary.

7.2 Fiscal Year. The fiscal year of the Corporation shall be the calendar year.

7.3 Records and Reports. The Corporation shall keep correct and complete records of account and of its transactions and minutes of the proceedings of its Board of Directors and of any committee. The President or the Secretary of the Corporation shall prepare or cause to be prepared annually a full and correct statement of the affairs of the Corporation, including a balance sheet and a financial statement of operations for the preceding fiscal year, which shall be submitted at the annual meetings of the Board of Directors and filed within twenty days thereafter at the principal office of the Corporation.

ARTICLE VIII – INDEMNIFICATION

8.1 Indemnification. The Corporation shall, to the full extent of its power to do so provided by law, including without limitation Section 714 of Title 13-B of the Maine Revised Statutes Annotated, indemnify any and all present and former members, officers, trustees, employees, committee members and agents of the Corporation against expenses, including attorneys' fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by them in connection with any action, suit or proceeding in which they, or any of them, are made parties, or a party, by reason of their being members, or agents of the Corporation; except in relation to matters as to which any such person shall be finally adjudicated in any such action, suit or proceeding not to have acted in good faith in the reasonable belief that his or her action was in the best interest of the Corporation, or, with respect to any criminal action or proceeding, where such person is finally adjudged to have had reasonable cause to believe that his or her conduct was unlawful. Such indemnification shall be made in accordance with the procedures set forth in Maine Revised Statutes Annotated, Title 13-B, Section 714, subsection 3, as the same may be amended from time to time. Such indemnification shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any other by-law, agreement, or otherwise.

ARTICLE IX AMENDMENTS

9.1 BY-LAWS. The Board of Directors shall have power to make, alter, amend, and repeal the By-laws of the Corporation by vote of a majority of all of the directors present at any regular or special meeting.

9.2 Articles of Incorporation. The members shall have power to amend the Articles of Incorporation of the Corporation by vote of a majority of the members present at any regular or special meeting; provided, the Board of Directors shall adopt a resolution setting forth the proposed amendment and direct that it be submitted to a vote at a subsequent membership meeting. Written or digital notice setting forth the proposed amendment or a summary of the changes shall be given to each member entitled to vote thereon at least ten (10) days but not more than fifty (50) days prior to the date of the said membership meeting, said notice to be sent to the business, residence, or digital address indicated in the Corporate records.

PARKS, RECREATION, AND FACILITIES DEPARTMENT CAPITAL IMPROVEMENT PLAN TIMELINE

Project Selection Criteria

- **Legal Obligations:** Court orders, compliance with state or federal legislation
- **Park Equity:** 10 minute access to a park or trail, distribution between neighborhoods, populations served, islands, etc...
- **Compliance with Adopted Plans and Studies:** Match with city priorities
- **Impact of Service to Public:** Safety issues, improved service delivery
- **Access:** ADA access, facilities for diverse age groups
- **Departmental or Community Priority:** The project is important to a Departmental mission or community interest. Does the project meet a demonstrated need from the community?
- **Funding Source:** The project includes a match from grants, federal or state match, community fundraising
- **Budget Impact:** The project decreases operating expenses
- **User Group:** Does the project serve a diverse user group, or a particular user group that is not already well-served?
- **Prior Phases:** Projects that are a continuation of viable projects funded in past years.

May--July:

1. Department of Parks, Recreation and Facilities issues call to stakeholders (Friends and Neighborhood Groups, the schools, and the public) for project proposals.
 - a. Department of Parks, Recreation and Facilities will publicize the existing 10-year Parks Capital Improvement Plan, so that stakeholders will be aware of the current city-wide 10-year schedule of projects and prioritization.
 - b. If a stakeholder group submits more than one project for consideration, the projects should be listed in an itemized, prioritized list.
 - c. Stakeholders submitting projects not already on the 10-year Parks Capital Improvement Plan should include cost estimates from a qualified engineer, contractor or landscape architect.
2. Project Requests and cost estimates due to Department of Parks, Recreation and Facilities by July 19.

July

1. Department of Parks, Recreation and Facilities compiles and reviews project requests. Sources:
 - a. Existing 10-year Capital Improvement Plan
 - b. Unfunded requests from prior years
 - c. Portland Open Space Vision and Implementation Plan, Parks Master Plans, Facilities Master Plans, Athletic Facilities Task Force Plan, City Comprehensive Plan, and other relevant plans
 - d. Departmental knowledge and professional insight
 - e. Requests from Friends Groups, schools, and other stakeholders
2. Projects from stakeholders are submitted as requests. Department of Parks, Recreation and Facilities will review all requests and either:
 - a. Add to 10-year Parks Capital Improvement Plan according to 10-year schedule and budget parameters.

- b. File the project request if deemed inappropriate, undesirable, or unfeasible.
- 3. Department of Parks and Recreation prepares and submits 10-year Capital Improvement Plan to Parks Commission by July 31.
 - a. Includes in submission all requests from stakeholders
 - b. Includes in submission all recommended projects for upcoming fiscal year.

August—September

- 1. Parks Commission reviews project proposals for upcoming fiscal year by undertaking these steps:
 - a. Review materials submitted by the Department of Parks and Recreation (which includes requests from public stakeholders)
 - b. Conduct a public meeting(s) to hear from Friends Groups, Neighborhood Associations, and other interested stakeholders
 - c. Following public meeting(s), Parks Commission shall provide recommendations on projects being proposed for upcoming fiscal year, submitted to Department of Parks and Recreation by September 30.

October

- 1. Final review of 10-year Capital Improvement Plan by Department of Parks, Recreation and Facilities.
- 2. Backup materials prepared, quotes finalized for projects being recommended for upcoming fiscal year.
- 3. Staff input of CIP requests into City financial system by October 31.

November

- 1. Department of Parks, Recreation and Facilities submits the final Departmental recommendation to the City Manager's office; attaches the Parks Commission Recommendations.

**SAMPLE MEMORANDUM OF UNDERSTANDING
(City of Portland and the Friends of the Eastern Promenade)**

WHEREAS, the City of Portland (Portland) is a municipality under the laws of the State of Maine with a principal location at 389 Congress Street, Portland, Maine 04101 (“Portland”); and

WHEREAS, the Friends of the Eastern Promenade is a non-profit corporation under the laws of the State of Maine with a principal place of business in Portland, Maine (“Friends”); and WHEREAS, Fort Allen Park is one of Portland’s premiere public outdoor spaces due to its historical significance, monuments and panoramic views of Casco Bay and Portland Harbor; and

WHEREAS, the Eastern Promenade Master Plan, adopted as part of Portland’s Comprehensive Plan in 2003, recommends improvements to Fort Allen Park; and

WHEREAS, the restoration of Fort Allen Park has been identified as a priority project by the Friends (hereinafter the “Fort Allen Restoration Project”); and

WHEREAS, the purpose of this Memorandum of Understanding (“MOU”) is to address the City and the Friends’ collaboration to restore Fort Allen Park; and

NOW THEREFORE, in consideration of the following, the City and the Friends hereby agree as follows:

1. The Friends and the City will establish a working group including members of the City’s Department of Public Services and the Friends to oversee the Fort Allen Restoration Project;
2. The aforementioned working group will work together collaboratively to make all decisions in connection with the Fort Allen Restoration Project. In the event, however, that there is any disagreement between the City and the Friends, the City shall have be the final decision maker with regard to all aspects of the Fort Allen Restoration Project;
3. The Fort Allen Restoration Project including, but not limited to, the development and construction phases will be conducted in accordance with the City Code and State law requirements including, but not limited to, the City’s Site Plan and Historic Preservation Ordinances;
4. The Friends shall provide funds to hire a consulting team to perform the research, planning, design, development, bidding and construction of the Fort Allen Restoration Project;
5. The Friends will pursue additional funding including, but not limited to, grants, donations and/or organizational funds for the implementation of the Fort Allen Restoration Project; and
6. The City will pursue funding including, but not limited to, capital improvement funds, grants, in-kind services and/or other financial sources, for the implementation of the Fort Allen Restoration Project;

This agreement represents the entire agreement between the Friends and the City with regard to the Fort Allen Restoration Project and supersedes and replaces all terms and conditions of any prior agreements, arrangement, negotiations and/or representations. This agreement may not be modified except for in writing executed by the Friends and the City.

Seen and Agreed to this _____ day of November, 2011.

WITNESS

FRIENDS OF THE EASTERN PROMENADE

_____ Diane Davison, President

WITNESS

CITY OF PORTLAND

_____ Mark A. Rees, City Manager

2021- 2023

Parks Commission

Annual Report



Mayor Dion and Honorable Councilors;

I am pleased to present the Parks Commission Annual Report for 2021 through 2023 for your review.

Our city's parks are treasured public assets that provide essential safe spaces for physical activity and social connections. Other linked public spaces like trails and pedestrian-friendly streets create a stronger transportation system that connects neighborhoods to parks and schools, reduces traffic and parking congestion, and mitigates the effects of climate change.

While issues such as the pandemic, inflation, and a housing crisis have strained budgets and presented new challenges to the city over the last several years, they've also illuminated the necessity of robust parks, trails, and open spaces for our city's public and environmental health. The pandemic, in particular, shone a light on the fact that moving around outdoors is critical for individual and collective physical, mental, and social health and well-being.

The housing and encampment crisis is ongoing, and testing our ability to care for the most vulnerable in our community, many of whom are using parks and public spaces as a refuge. A significant side effect of this crisis is the toll this use is taking on parks and the staff that manage them. We must work to find better solutions for the housing crisis and also protect the integrity of these essential spaces.

Because parks and trails are so vital to our city's public and environmental health, it is important they receive the funding needed to serve the community well. The status quo is untenable given the new challenges confronting the Department. For example, there is an immediate need for personnel who are specifically trained for the social work and communication that has become a regular part of the job for Parks staff. When up to 50% of a Director's or Manager's time is spent directly on the issue of unhoused people in parks, we need a commensurate increase in funding for the Department to ensure all other essential work can also be completed.

The Parks Commission has thus established three objectives for advocacy and attention in 2024, and hopes to align these goals with 2024 Council priorities:

- 1. Obtain additional funding for the Parks Recreation and Facilities (PRF) Department, commensurate with increased work loads, new duties, and public valuation of parks trails and open spaces. Continue to invest in the PRF Department in order to meet public expectations for quality public resources and services.**
- 2. Focus park and trail investments— including staff time and resources— on equitably meeting the needs of underserved neighborhoods and populations and on areas of the city that have been historically under-resourced.**
- 3. Increase mobility and access to public spaces by envisioning streets and trails as linear parks, providing safety, a more balanced transportation system and a stronger economy.**

Respectfully submitted,

Jaime Parker, Chair, Portland Parks Commission

More Detail on the Commission's Objectives

1. Obtain additional budget for the Parks Recreation and Facilities Department to increase staff headcount in order to address several growing, critical issues, and secure additional federal funding to help the City defray the cost of maintaining services:

- The Forestry Division is in a severely diminished position with most urgent staffing needs.
 - “Forest City” has over 20,000 trees lining our public roadways and many more on public properties, with additional ARPA-funded investments planned in areas like Bayside
 - There are currently insufficient human resources to sustain proper tree maintenance / other tree work, impacting stormwater interception, reduced air pollution, urban heat island mitigation, and wildlife habitat
 - Additional Forestry staff can also be deployed to assist with snow removal efforts in the winter months
- Mitigate impact of homelessness crisis on city parks resources and staff
 - Parks staff is bearing the largest brunt of this ongoing issue, and the problem is longstanding with negative effects on staff mental health
 - The Parks staff work with this population is beyond the scope of their existing training, skills, and resources
 - The department need staff who can collaborate with social service agencies to help the parks staff with cleaning and maintaining encampments areas in public parks
- Consider hiring a grant writer to secure federal funding to close budget gaps and defray city expenses.
 - PRF staffing does not currently support a dedicated grant-writing position, closing off significant avenues for additional revenue generation
 - Federal government awards hundreds of billions of dollars in grants to state and local governments each year to help finance city services such as health care, education, social services, infrastructure, and public safety.
 - The application process is complex; requiring a dedicated staff member. Grant awards will reduce dependency on the city budget.
 - For example, a small city of around 13,000, [Steamboat Springs](#) has a grant writer program and applies for about 40 grants per year with a dedicated team, securing much needed funding

2. Focus on underserved neighborhoods and populations in park and trail investments other

- Using outreach and inclusionary practices, invite more people from the community to join conversations about parks and civic investments in our open spaces and trails, in alignment with goals of Parks and Recreation
 - Engage with neighborhoods and communities without existing “Friends” groups, to ensure fair representation for these communities
 - Focus Greenspace Gathering (Parks Commission Annual Meeting) on hearing from constituents in underserved neighborhoods
 - CIP inclusion of pavilions/picnic areas and other amenities that appeal to a broad

range of park users

- Make continued progress towards equitable park and open space access
 - While the City has made great strides towards objectives for walkability to parks and open spaces, access is not universal.
 - CIP decisions must continue to prioritize closing these gaps as well as ensure equitable development of amenities valued by communities furthest from opportunity.
 - The Parks Commission will continue to advocate for these focus areas.

3. Increase mobility and access to public spaces

- Connecting neighborhoods and the city: being within a 1/4 mile of a park is only useful if it is safe and pleasant to get there.
- Linear parks and green streets: parks need accessibility, and are greatly enhanced by being connected with safe, efficient routes and pathways.
 - Our City Code and Design Manual should support best practices in urban design that consider all users of streets and public ways
 - Shared Streets, Skinny Streets, and low-speed streets are examples of proven enhancements to the built environment.
 - Sidewalk and Trail plowing should be supported by equipment and staffing commensurate with winter operations on our streets.
 - Strengthen connections to transit, and pedestrian amenities at and on routes to transit stops, with a focus on previously underserved areas.
 - Trails can be highly cost effective ways to achieve greater mobility, and fall squarely within the purview of the PRF Department
 - Partner groups like Portland Trails and the Bicycle Coalition of Maine stand ready to work with the City to greatly increase and enhance non-auto transportation.

TABLE OF CONTENTS

Overview

New Developments

Accomplishments & Improvement Projects

Park Finance

Capital Improvement Projects

Survey of Park Friends Groups

Agenda Items November 2020-October 2023

Parks Inventory for the 2020 City of Portland, Maine Parks Commission Report

OVERVIEW

The Portland Parks Commission (PC)¹ is required to submit an annual report to the city council regarding the state of the city's parks and public grounds and make specific recommendations therein about suggested goals and improvements for the parks and public grounds per City Code (Sec. 18-10(d)(4)). The primary audience for the report is Portland's City Council. It is the hope of the PC that anyone interested in, or is an advocate for, the enhancement and stewardship of our parks and open spaces also enjoy and make use of this report. Reports are completed annually and built on previous reports.

The Portland Park System includes over 67 parks and playgrounds, 7.5 miles of multi use trails, 10 community gardens, 2 stadiums, 16 cemeteries and dozens of athletic fields and courts, all spread across 1,000+ acres of land.

Explore the parks: <https://www.portlandmaine.gov/1898/Parks-Trails-and-Playgrounds>

The Parks Commission is composed of citizen volunteers approved by the City Council and supported by staff from the Parks Recreation and Facilities Department.

Current Parks Commissioners

Jaime Parker, Chair, Portland Trails 2022-2025
Beth Rabbitt, Vice Chair, Public-at-large 2022-2025
John Clark, Public-at-large 2023-2026
Alexis Lopez Del Vecchio, Public-at-large 2023-2026
Ashley Burdick, Public-at-large 2023-2026
William Elting, Public-at-large 2022-2025
Donna Gartland, Public-at-large 2022-2025
Kristen Fulmer, Public-at-large 2021-2024
Robert Foster, Land Bank Representative 2021-2024
Helen Coyne, Public-at-large 2021-2024
Marie Gray, Friends of Deering Oaks 2021-2024
Stephen Bentsen, Public-at-large 2021-2024

Previous Parks Commissioners

Zack Anchors, Friends of Eastern Promenade 2017-2020
Colette Bouchard, Public-at-Large 2017-2020
Jon Kachmar, Land Bank Representative 2020-2023
Cynthia Loebenstein, Friends of Evergreen Cemetery (Chair 2019-present) 2015-2021
Ana Lagunez, Public-at-large 2018-2021
Craig Lapine, Public-at-large 2015-2020
Meri Lowry, Land Bank Representative 2010-2019
Michael Mertaugh, Public-at-Large (V. Chair 2019-present) 2014-2020
Nathan Robbins, Public-at-Large (V. Chair 2018-2019) 2015-2021

¹ <http://www.portlandmaine.gov/345/Parks-Commission>

Amy Segal, Public-at-Large 2017-2020
Dory Waxman, Public-at-Large (Chair 2017-2019) 2015-2021
Caitie Whelan, Public-at-Large (stepped down Oct 2020) 2019-2022
Mayor Kate Snyder, City Council Representative, 2019-present
Brian Batson, City Council Representative 2018-2019

Current City Staff Department of Parks, Recreation, and Facilities (DPRF)

Ethan Hipple, Director of Parks, Recreation and Facilities Department
Alex Marshall, Parks Director
Jennifer DeRice, Assistant Parks Director
Jessica Teesdale, Executive Assistant
Madeline Groeger, Administrative Associate

Parks Commission Subcommittees:

- Annual Report & Inventory
- Finance
- Parks Initiatives
- Community Outreach

NEW DEVELOPMENTS

Some of the more significant developments reported in Park Commission meetings over the time period:

- Futsal Court installation at Kennedy Park
- Dougherty Field Skatepark expansion
- Stroudwater Preserve Bridge and open space planning
- Preble Fields Stormwater and Field restoration project
- Western Prom Master Planning and implementation
- Dougherty Field playground and pathway planning
- Portland Parks Conservancy established
- Portland Youth Corps established
- Eastern Prom and Fish Point vegetation clearing and improvement projects
- Riverton Trolley Park Master Plan
- Baxter Pines Forest Management planning and implementation
- Playground planning and implementation at Lyseth, Dougherty, Talbot School
- Browntail Moth mitigation at Deering Oaks
- Baxter Woods Leash Law changes
- Public Toilet program expansion
- Riverton Preserve planning
- Deering Oaks ADA walkway planning and implementation
- Community Garden expansions and fencing
- Food Truck program at Eastern Prom
- Canopy Project and tree planting efforts in Bayside and city-wide
- Portland Harbor Commons planning

- Union Branch Trail planning
- Congress Square redesign
- North Deering Park acquisition and opening
- Encampment issues in City parks and trails
- VEranda Street Waterfront Park
- C3 Concert proposal at Payson Park
- Big Belly trash receptacles
- Payson Park Playground and pathway planning and implementation
- Maine Conservation Corps yearly partnership with Portland Trails in Presumpscot River Preserve

PARK FINANCE

The operational expenditures of the various departments in the city are met by a combination of General Fund budget allocations and retained revenues from fees, grants, and other sources.

In most budget years, over two-thirds of the Parks, Recreation, and Facilities Department's operating expenditures are met by retained revenues from fees and user charges, with the General Fund budget making up the difference.

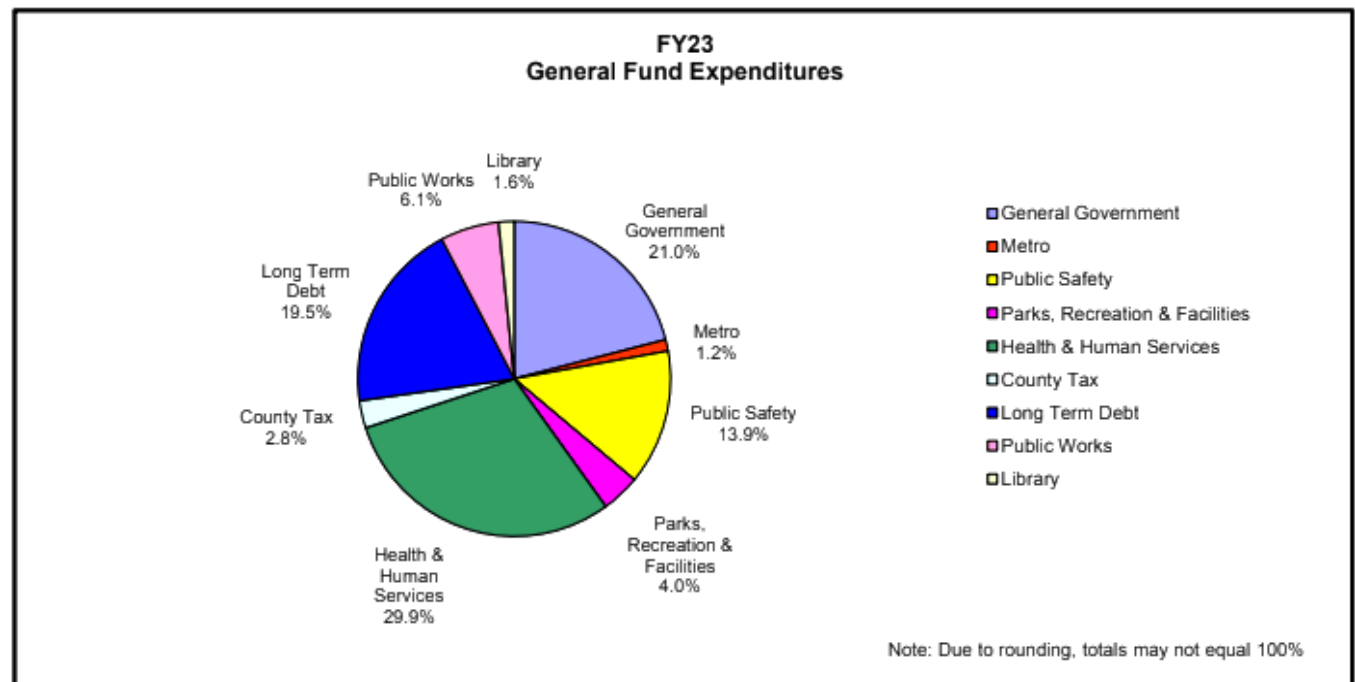
Several facilities managed by the Department—including the Riverside Golf Course, Merrill Auditorium, and Expo Center—cover most of their operating costs through retained revenues. Revenues have historically exceeded operational expenditures, for some of these facilities.

City Budget Comparisons

It is a useful context to understand how budgeting for Parks fits into the larger City of Portland budget. At a macro level the total city budget for FY2023 is \$477 million (including Schools). The Parks Recreation and Facilities budget is \$11.4 million, with Parks plus Forestry at \$2 million, and Recreation at \$1.86 million. Other departments are shown below.

Department	\$ in millions
City plus Schools	477
PRFD	11.4
Parks	1.2
Forestry	.88
Recreation	1.86
Facilities and other	7.46
DPW	17
HHS	55
Fire	20.34
Police	16.7

Based on these figures, Parks plus Forestry account for only .44% of the total City Budget. With the entire PRF Department accounting for 4%.



CAPITAL IMPROVEMENT PROJECTS

Each year the Parks, Recreation and Facilities Department is awarded funds through the CIP process based on recommendations from department heads, with input from citizens, Friends groups and the Parks Commission. Below are the CIP allocations for FY 2021 through 2024.

FY 2021

Appropriation New Bond Authorization

Parks, Rec & Public Assembly

Lyseth Playground Replacement	275,000	275,000	
Portland Exposition Building Renovation Plan	165,000	165,000	
Deering Oaks ADA Walkway Paving	149,000	149,000	
Riverton Preserve ADA Trail	96,000	96,000	
Wilde Chapel Emergency Repairs	75,000		75,000
Riverton School Basketball Reconstruction	69,000	69,000	
Evergreen Cemetery Frontage Improvements	53,000	53,000	
Golf Course Improvements/ADA Updates	50,000	50,000	
Portland Public Aquatics - New Pool Engineering / Planning	50,000	50,000	
Dougherty Field Irrigation	46,000	46,000	
Box Boom Lighting Project	40,000	40,000	
Rubber Flooring Completion - Ice Arena	37,000	37,000	
Payson Park Tennis & Basketball Courts Sealing/Painting	29,000	29,000	
Longfellow Playground Climbing Net	27,000	27,000	

FY 2022

Facilities

Facilities & Waterfront	212 Canco Roof Replacement	325,000	325,000
Facilities & Waterfront	Offices & Customer Service Areas A/C Installation	150,000	150,000
Fire Department	Riverton Station - Boiler Room Upgrades	150,000	150,000
Parks & Rec	Golf Course Upgrades - HVAC and Drainage	115,000	115,000
Parks & Rec	Evergreen Cemetery Columbaria Phase II	108,000	108,000
Public Schools	Masonry Repair at Deering High School	150,000	150,000
Public Schools	Technology & Fire Alarm System Upgrades - PIES	100,000	100,000
Public Schools	Install fire sprinkler system - PIES	130,000	130,000
Public Schools	Door Access Controls - King and Lincoln	115,000	115,000
Public Works	Federal Street Cemetery Wall Repair	35,000	35,000

Parks, Fields, Trails

Parks & Rec	Skatepark Expansion	50,000	50,000
Parks & Rec	ADA Walkway Paving--Deering Oaks	118,000	118,000
	Court Resurfacing - Reiche and West End (Various), Lyman		
Parks & Rec	Moore, Fox St, Talbot School	97,000	97,000
Planning & Urban Development	Congress Square Redesign - Construction Drawing Completion	50,000	50,000

FY 2023

PARKS & RECREATION

Parks, Fields, Trails	Congress Square Redesign	900,000	900,000		
Parks, Fields, Trails	Dougherty Skate Park Expansion	235,000	235,000		
Parks, Fields, Trails	Riverton Trolley Park Rehabilitation	125,000	125,000		
Parks, Fields, Trails	Longfellow Playground Design	50,000	50,000		
Parks, Fields, Trails	Portland Harbor Common	75,000	75,000		
Facilities	Bridge Over Dole Brook (Emergency Replacement)	255,000	255,000		
Facilities	Riverton Pool Filter Replacement	130,000	130,000		
Parks, Fields, Trails	Back Cove Trail Reconstruction	95,000	95,000		

FACILITIES

Facilities	Replace Deck 2 Pavement and Membrane	550,000	550,000		
Facilities	Sealants and Concreate Repairs Levels 2 and 3 290K one year and levels 4	290,000	290,000		
Facilities	Portland Ocean Terminal Structural Repair	375,000	75,000	300,000	(3)
Facilities	212 Roof Replacement (4 Phases)	270,000	270,000		
Facilities	Police Dispatch Renovation/Expansion	115,000	0	115,000	(2)
Facilities	90 Anderson St - Exterior Upgrades	100,000	100,000		
Facilities	Observatory - Painting and Other Maintenance	70,000	70,000		
Facilities	Replace Concrete Steps/Railings & Other	200,000	0	200,000	(2)
Marine	On going pile/pier work at OG and P.O.T	125,000	125,000		
Facilities	Ocean Ave - Roof Replacement	65,000	65,000		
Facilities	Bramhall - Boiler Room Upgrades	155,000	155,000		
Facilities	Additional Appropriations for Previously Approved Capital Projects	3,250,000	0.00	3,250,000	(5)

FY 2024

PARKS & RECREATION

Parks, Rec & Public Assembly	Deering Oaks ADA Sidewalks and Curbing - Tennis Court Rd (State to D	335,000	335,000		
Parks, Rec & Public Assembly	Preble Field Fitness Course	30,000	20,000	10,000	(3)
Parks, Rec & Public Assembly	Great Diamond Island Basketball Court Reconstruction	35,000	35,000		
Parks, Rec & Public Assembly	Clark Street, Tyng-Tate Playground Replacement and Reiche Design	150,000	150,000		
Parks, Rec & Public Assembly	Evergreen Cemetery Expansion Plan - Phase III	100,000	100,000		
Parks, Rec & Public Assembly	Riverton Tennis Conversion to Pickleball Courts	150,000		150,000	(3)
Parks, Rec & Public Assembly	Court Resurfacing: Various Tennis/Pickleball & Basketball Courts	50,000		50,000	(3)
Parks, Rec & Public Assembly	Dougherty Athletic Field - Additional Funding for Completion	145,000		145,000	(3)
Parks, Rec & Public Assembly	Lyseth Playground - Additional Funding for Completion	80,000	80,000		
Planning & Urban Developme	Congress Square Redesign	700,000	500,000	200,000	(3)

MAJOR COMPLETED PARKS PROJECTS 2021 TO 2023

Year Completed	Project	City Funding	Partner Funding	Total Cost	Funding Source
2023	Payson Park Playground	\$350,000		\$350,000	CIP
2023	Talbot School Basketball Reconstruction	\$69,000	\$55,680	\$124,680	CIP/CDBG
2022	Deering Oaks ADA Walkway --State St to Ravine, Pond Edge	\$118,000		\$118,000	CIP
2023	Deering Oaks ADA Walkway-- Playground to Ravine Walkway	\$149,000		\$149,000	CIP
2023	Acquisition: North Deering Park	\$80,000	\$720,000	\$800,000	Land Bank, TPL, ORLP, LMF
2023	Skatepark Expansion	\$305,000	\$103,470	\$408,470	CIP, Foundations, Private Donations
2023	Dougherty Field Improvements: Basketball and Playground	\$345,000		\$345,000	CIP
2022	Western Prom Signage (Large)		\$20,000	\$20,000	Maine Med
2022	Acquisition: Redlon Woods	\$112,500	\$112,500	\$225,000	Land Bank, Private Fundraising
2022	Acquisition: Riverton Trolley Park Parcels	\$27,000	\$23,000	\$50,000	Land Bank, Private
2021	Dougherty Field Playground CDBG Equipment Purchase		\$137,000	\$137,000	CDBG
2022	Evergreen Cemetery Columbarium Phase II	\$108,000		\$108,000	CIP
2022	Lyseth Playground	\$325,000		\$325,000	275K CIP, 50K impact fees
2022	Western Prom Wall Repair--Valley St Auto Garage	\$25,000	\$12,500	\$37,500	WP license fee
2022	Public Restrooms, Vault Toilets: Payson Park Playground, Payson Park Tennis, Evergreen Cemetery, Dougherty Field	\$75,000		\$75,000	CIP
2022	Public Restrooms, Metal City Toilets: Deering Oaks/Park Ave, Eastern Prom Tennis, Fox Field		\$75,000	\$75,000	CDBG

2023	Public Restrooms, Metal City Toilets: Monument Way, Fish Pier, Spring Street		\$75,000	\$75,000	ARPA
2021	Evergreen Cemetery Frontage Improvements	\$53,000	\$24,000	\$77,000	Nauman Trust
2021	Fox Field Basketball Lighting	\$95,000		\$95,000	Sustainability office LED grant
2021	Futsal Court and lighting at Fox Field	\$174,000		\$174,000	CDBG, CIP, Impact Fees
2021	Longfellow Playground Netclimber	\$27,000		\$27,000	CIP
2021	Payson Tennis and Basketball Resurfacing	\$29,000		\$29,000	CIP
2021	Western Prom Master Plan		\$40,000	\$40,000	Grant and Friends Group
2021	Amethyst Lot Interim Park	\$340,000		\$340,000	CIP
2023	Community Garden Shed and Fence Replacements	\$137,000		\$137,000	CDBG
2021	Maine Med: Western Prom Switchback Trail Improvements		\$50,000	\$50,000	
2021	Riverton Softball Drainage and Erosion	\$65,000		\$65,000	CIP
2023	Deering Oaks Playground Replacments	\$55,000		\$55,000	CIP
			Total	\$4,511,650	

In the previous three years, the Department has completed the major projects shown above, along with numerous other smaller projects, ongoing maintenance and repairs, public engagement and, as noted elsewhere, a very large increase in dealings with people experiencing homelessness and the resulting encampments.

AGENDA ITEMS NOVEMBER 2020-OCTOBER 2023

Meetings of the Park Commission with links to agendas for quicker access to packets of meeting agendas, notes and supporting materials.

- [November 2020](#)
- [December 2020](#)
- [January 2021](#)
- [February 2021](#)
- [February 2021 Strategic Planning Meeting](#)
- [March 2021](#)
- [April 2021](#)
- [May 2021](#)
- [May 2021 Greenspace Gathering](#)
- [June 2021](#)
- [July 2021](#)
- [August 2021](#)
- [September 2021](#)
- [October 2021](#)
- [November 2021](#)
- [December 2021](#)
- [January 2022](#)
- [February 2022](#)
- [February 2022 Strategic Planning Meeting](#)
- [March 2022](#)
- [April 2022](#)
- [May 2022](#)
- [June 2022](#)
- July 2022 (no meeting)
- [August 2022](#)
- [September 2022](#)
- [October 2022](#)
- [November 2022](#)
- [December 2022](#)
- January 2023(no meeting)
- [February 2023](#)
- [March 2023](#)
- [April 2023](#)
- [May 2023](#)
- [June 2023](#)
- July 2023(no meeting)
- [August 2023](#)
- [September 2023](#)
- [October 2023](#)
- [November 2023](#)

PARKS INVENTORY FOR THE 2023 CITY OF PORTLAND, MAINE PARKS COMMISSION REPORT

Park Inventory

The following sources were used in drafting the below inventory of Parks of Portland, Maine: 1. Section 2-44, City Code for City of Portland, Maine, revised 7/10/14 (the “Land Bank Ordinance”) 2. Section 18-11, City Code for City of Portland, Maine, revised 5/28/14 (the “Parks Ordinance”)

N.B. School playgrounds and athletic fields are not included in the park inventory even though the City of Portland does maintain and fund ongoing maintenance and replacement. PARKS IN THE CITY OF PORTLAND, MAINE

Dedicated Parks Listed in both the Parks Ordinance and the Land Bank Ordinance:

Back Cove Park and Trail
Barrows Park/Baxters Sundial
Baxter Pines
Baxter Woods
Bayside Park, also known as Stone Street Playground Bell Buoy Park
Belmeade Park
Capisic Pond Park
Clark Street Park
Congress Square Park
Deering Oaks Park
Dougherty Field
Eastern Promenade Park, East End Beach, Fort Allen Park
Fessenden Park
Fort Gorges
Fort Sumner Park
Fox Field/Kennedy Park
Harbor View Park and Tate-Tyng Park
Heseltine Park
Lincoln Park
Lobsterman Park
Longfellow Square
Monument Square
Munjoy South Playground
North Deering Park (added 12/23)
Payson Park
Peppermint Park
Pleasant Street Park
Post Office Park
Riverside Golf Course
Riverton Trolley Park (incorrectly listed as Riverton Park in the Ordinances)
Stroudwater Parks (there are 2 listed in the Ordinances)
Taylor Street Park
Tommy’s Park

Western Promenade Park

Dedicated Parks Listed in the Parks Ordinance and Not the Land Bank Ordinance:

Andrews Square – N.B. This Park consists of a flagpole only

Bayside Trail

Bedford Park

Boothby Square

Boyd Street Gardens

Bramhall Square

Caldwell Square

Clark Street Playground

Tate-Tyng Playground (not in alphabetical order because of association with Harborview Park)

Longfellow Park

Marada Adams Playground N.B. This Park is located at the corner of Beckett and O’Brion Streets and is not the Adams School Playground Martin’s Point Park

Nason’s Corner Park

Pedro Field

Pleasant Street Playground

Quaker Park

South Street Playground

Trinity Park

Winslow Park

The Parks Commission notes that University Park is listed in the Land Bank Ordinance and not in the Parks Ordinance. University Park is therefore included on the Land Bank Registry as a Land Bank property that is not a park.

A Statement from the Portland Parks Commission On The Protection of Parks and Open Spaces in Encampment Policy Decision-Making

The City of Portland Parks Commission, representing a diverse group of community volunteers dedicated to the stewardship of our parks and Open spaces, acknowledges the pressing need to address the city's growing housing crisis and its impact on people experiencing homelessness. We are deeply committed to fostering accessible, enjoyable, and sustainable public spaces.

First, we recognize the critical need to provide support and solutions for our community members experiencing homelessness. Their well-being and dignity are paramount in any policy decisions. We do not believe it is our role to recommend specific approaches or policies for addressing the complexity and challenges of this issue. In addition to being nonexperts with less proximity to those working on the ground, we represent diverse viewpoints on solutions to be pursued. We urge those with more expertise and proximity to continue to bring forward and adopt solutions that can urgently address these needs of our community members experiencing homelessness in ways that prioritize their humanity and safety above all.

As members of the Commission, and bound to our chartered mandate, we want to shine a light more narrowly on two factors we believe need to be part of Council deliberations on proposed solutions and ways to budgetarily resource them:

First, impact on people charged with protecting our parks and open spaces. We are aware of the ways addressing long-term encampments is affecting our front-line Parks and Recreation employees, who are charged with ensuring the health of these spaces. We have asked them to manage increased workload and emotional stress, personal safety risks (including exposure to hazardous materials), and diversion of already very limited resources to address an incredibly complex challenge for which we have offered little training or support. The staff's work matters, deeply, and if we are to ask this we must acknowledge and resource it at levels commensurate with the challenge.

Second, long-term impact on community spaces. Portland's parks and open spaces are a treasure - an important element of who we are and our commitment to equitable access to nature, exercise, well-being, and recreation for the broader community, including our children, citizens without private outdoor spaces, and visitors. These spaces' existence is the result of the vision, dedication, stewardship, and generosity of many residents and friends in the past and with intent for the future. We know they are valued by a broad range of community members.

Long-term camping in our public parks and open spaces can have significant long-term ecological and social impacts, ranging from degradation and needed restoration of natural resources and habitats to public health concerns and making open spaces less available to other users in need of access. These impacts and the cost of resolution and rehabilitation must be a factor in decisions while at the same time recognizing the urgent needs for action in the present.

As the City Council deliberates on future proposals regarding the uses of our parks and open spaces, we urge a balanced and thoughtful approach that considers the multifaceted implications of such policies. The Portland Parks Commission is committed to being a part of this vital conversation and to finding solutions that respect the needs of our community members experiencing homelessness while preserving the integrity and accessibility of our parks and open spaces for future generations.

Respectfully,

Jaime Parker, Chair, Portland Trails

Beth Rabbitt, Vice Chair, at-large

And, Appointed Members of the Portland Parks Commission

Green Space Gathering 2024

Parks Commission Goals

1. Obtain additional budget for the Parks Recreation and Facilities Department.
 - Forestry Division
 - Support impact of people experiencing homelessness
 - Grant writer
 2. Focus on underserved neighborhoods and populations in park and trail Investments.
 - Invite more people from the community to join the conversation about parks and civic investments
 3. Increase mobility and access to public spaces - envision streets and trails as linear parks, providing safety, a more balanced transportation system and a stronger economy.
-
- Date/Time:
 - 2024 - will schedule for May; potentially **Thursday May 2nd 5:30** if we use traditional Parks Commission meeting date
 - Location: Riverton Trolley Park?
 - Activity: **CIP**
 - Continue to educate on CIP process?
 - Activity: **Parks Friends Groups** will be invited to set up tables with materials, etc. **Neighborhood Groups** also invited to attend and share materials
 - Do we ask another Group to co-host with Parks Commission again? Is the Friends of Riverton Trolley Park active?
 - Other Riverton area community groups such as Talbot school?
 - Theme: TBD. If at Riverton Trolley Park could explore biking, bandstand for public performances, historical native american fishing area, Parks Conservancy, etc.

- Format ideas from 2023 - panel discussion / short presentations and then discussion
 - perhaps Liz C. Park Ranger and Portland Trails Inclusion Manager (Jaimie suggested)
 - Someone involved with the Skate Park Expansion in Dougherty Field? They worked through a lot of red tape and funding issues to make it happen and its currently under construction.
 - Congress Square Park person? They seem to be evolving their uses of the Park and it'd be interesting to hear what drives that and how they select their programming.
 - Park as Art: Nan Cumming - Portland Parks Conservancy: she could talk about Riverton Trolley Park and how they are developing the bike park there.
 - Pamela Moulton or Tempo Ars Maine
<https://tempoartmaine.org/projects/beneath-the-forest-beneath-the-sea/> The artist and group behind the pink art installations in Payson Park
 - **Wabanaki educator associated with Portland Schools**
 - Outdoor classroom use in Portland Public Schools
 - Food truck vendor

- Format idea - offer small group activity / discussion 20-30 minute break out sessions
 - Forage in the park activity
 - Yoga in the park activity
 - Smaller group discussion about visions for how to use the parks

- Other Thoughts:
 - Invitations and announcements
 - Food
 - Raffle or give away prizes
 - Ways for the public to provide feedback to Parks Commission beyond email - surveys, social media, QR codes?