

**Remote HHS and Public Safety
Committee Agenda**
November 12, 2024 at 5:30 PM
Remote Via Zoom



MEMBERS

Councilor April Fournier, At-Large, Chair
Councilor Roberto Rodriguez, At-Large
Councilor Anna Trevorow, District 1
Councilor Victoria Pelletier, District 2

To submit written public comment on an agenda item, email HHSPS@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Health & Human Services and Public Safety 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).

The Health & Human Services and Public Safety Committee will conduct this meeting remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

You are invited to a Zoom webinar.

When: Nov 12, 2024 05:30 PM Eastern Time (US and Canada)

Topic: Remote HHS and Public Safety Meeting

Please click the link below to join the webinar:

<https://portlandmaine-gov.zoom.us/j/82270108825?pwd=D49XTXHkbwafKbauOUEDf41V6tymJp.1>

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1. Announcements
2. Review and Approval of Minutes from October 8, 2024
 - a. October 8, 2024 Minutes
3. Regulation of Explosives (Fire Marshal Jason Grant and Associate Corporation Counsel Amy McNally)

Regulation of Explosives Presentation and moving of Chapter 11 to Fire Prevention Rules and Regs.

- a. Chapter 11
 - b. Staff Memo
4. Warming Shelter Update (Caity Hager, EMA Coordinator)
- a. Warming Plan Memo
5. Update on Syringe Service Program Action Plan (Bridget Rauscher, Interim Director of Public Health)
- a. SSP Action Plan Update
6. Bayside Update (Chief Mark Dubois, Police Department)
7. Next Meeting: January 14, 2025

Tuesday, October 8, 2024, 5:30pm, Remote Meeting

Committee Attendance: Roberto Rodriguez (At-Large), Anna Trevorow (District 1), Victoria Pelletier (District 2), Kate Sykes (District 5), Mark Dion; Mayor.

City Staff: Jessie Lemieux, Executive Assistant for Fire Department; Keith Gautreau, Fire Chief; Mark Dubois, Police Chief; Dena Libner, Assistant City Manager; Greg Jordan, Assistant City Manager; Maggie McLaughlin, Director of Health and Human Services.

Announcements

Review and Approval of Minutes from September 2024

Minutes moved by Councilor Trevorow and seconded by Councilor Pelletier

Unanimous vote to approve

Staff Communication (Dena Libner, Assistant City Manager)

Warming shelter update - More to come in November, tentatively optimistic to have a third party to provide a winter warming shelter for unhoused residents.

Shelter Licensing Ordinance (Councilor Sykes)

Review of documents in the backup section. Right to shelter.

Met with various stakeholders on the issue of shelter licensing. Summarized issues in the past in the Memo.

There are parts of shelter licensing that are valuable and we could revisit, but want to guarantee, in the City of Portland, to guarantee the right to shelter to anyone who asks for it.

Issues with Right to Shelter and how to regulate shelters. Listed in documents.

Also discusses State funding, zoning and recoding, and Chapter 15 Ordinance.

Look at this from the perspective of what we want the shelter licensing to do for us, not a reactive standpoint.

Councilor Pelletier- Did not support this in 2021.

Wants shelter providers to have low barriers, making sure they do not need to jump through any bureaucratic hoops.

Racial Equity goals - wants a racial impact assessment

Councilor Trevorow- Tricky part with any kind of licensing or regulatory policy is navigating that line with ensuring safety, health, best practices and not to be too burdensome on the organization providing these services.

Wants a flexible policy by means of looking at what best examples are being used now. Interested in seeing shelters in recode as there was an issue with shelter numbers in certain mapping areas. Can we expand the area that allows shelter to exist? Is changing the definition of a shelter one way to achieve that goal?

We have been challenged in the last few years to live up to the value of the sheltering policy as when it was implemented before we didn't have the numbers that we do today to navigate. Reiterated that this is a question of policy.

Dena Libner - Cannot speak on legal, financial or operational implications because legal hasn't had a chance to fully review. It would be helpful for the committee to consider whether or not it is interested in revisiting the concept of a shelter licensing mechanism and clarifying what the purpose of that mechanism is. To provide formal city oversight over shelter operations and their impact on the neighborhood they are located in, and to separate out the right to shelter as a different city policy altogether.

Mayor Dion- Right to shelter from a legal lens implicates responsibilities from the city and causes a financial impact on the taxpayers.

Ganley Proclamation - The idea that we take everyone in the city as our problem.

He was committed to those individuals to get shelter.

The original idea of the policy was to deploy shelter services in other parts of the city.

The issue then was not resolved.

Opinion that the committee should send this along to staff for legal and cost purposes.

Councilor Rodriguez - Open to this being considered by the committee. Starting over with new framework. Asking staff to do a deeper dive with more substance, discussing financial implications, operation, resources, requirements, etc.

Bayside Update (Chief Mark Dubois, Police Department)

Calls for service are up 13 percent from last year.

911 calls Sept - 731

Officer initiated calls for service Sept - 407

Arrests in Bayside with an average of 70/month, last year 40/year.

Bayside assigned officers create a community policing atmosphere.

Behavioral health teams are part of numbers and a huge help in our response.

Staff Update (Maggie McLaughlin, Director of Health & Human Services)

The job was advertised five days ago, closing on the 25th.

One application in currently.

Next meeting is November 12th, 2024

Meeting adjourned at 6:18pm.

Chapter 11 STANDARD FOR BLASTING AND REGULATION OF EXPLOSIVES

11. Blasting

11.1. **Scope.** The purpose of this article is to protect the public's health, safety, and general welfare by regulating and controlling blasting operations within the city.

11.2. Definitions:

11.2.1. Small Blast: Trench blast or removal of under fifty (50) cubic yards of rock material.

11.2.2. Medium Blast: Removal of 50-300 cubic yards of rock material.

11.2.3. Large Blast: Removal of over 300 cubic yards of rock material.

11.2.4. All notification or submittal to the Fire Department referenced in this chapter, unless part of the blasting permit submittal shall be via Email to fireprevention@portlandmaine.gov.

11.3. Permit Submittal Requirements:

11.3.1. **All Blast Operations:** All blasting operations shall require a blasting permit from the Portland Fire Department prior to any blasting. All applications for blasting permits shall be made through the City of Portland Permitting and Inspection Department CSS portal at https://selfservice.portlandmaine.gov/EnerGov_Prod/SelfService#/home.

11.3.1.1. The permit application shall include the name and qualifications of the independent seismologist or blasting consultant proposed to conduct the pre-blast surveys.

11.3.1.2. The permit application shall include the name and qualifications of the independent seismologist or blasting consultant proposed to monitor and report blasting vibrations to the Fire Department.

11.3.2. **Medium Blast Operations:** For medium blast operations, the permit application must include a blasting submittal. The blasting submittal must include, at a minimum, the following information:

11.3.2.1. Description of Test Blast, Drill Pattern

11.3.2.2. Description of Production Blasting, Drill Pattern

11.3.2.3. Explosives to be used during wet and dry conditions

11.3.2.4. Stemming material and depth

11.3.2.5. Description of matting used to prevent fly rock

11.3.2.6. Description and location of blasting signs

11.3.2.7. Type of seismograph to be used

11.3.2.8. Description of proposed transportation and storage of explosives

11.3.2.9. Signature of blasting contractor testifying to the accuracy of the above information

11.3.3. **Large Blast Operations:** For large blast operations, the permit application must include a drilling pattern and loading plan, referred to herein as a "blasting plan." for review and approval. A model blasting plan is provided at the end of this document and shall include, at a minimum, the following information:

- 11.3.3.1. The sequence and schedule of blasting rounds, including a general description of the proposed approach for developing each bedrock excavation area.
- 11.3.3.2. A diagrammatic description of the typical blast pattern to be used, including pre-splitting pattern if pre-splitting is required.
- 11.3.3.3. Diameter, spacing, burden, depth and orientation of each drill hole relative to the "free face", along with details of the delay pattern.
- 11.3.3.4. A diagrammatic description of the loading plan for a typical production hole including charge weights and distribution of primer, explosives and stemming within a typical hole.
- 11.3.3.5. Estimation of ground vibration levels at nearest adjacent structures.
- 11.3.3.6. Written evidence of the licensing, experience, and qualifications of the blaster who will be responsible for loading and firing each shot.
- 11.3.3.7. A listing of the number and type of instrumentation proposed to be used to monitor vibrations and airblast overpressures.
- 11.3.3.8. Safety procedures, security measures, and warning sequences.

11.4. Pre-Blast Survey:

- 11.4.1. Pre-blast surveys are required for all blasting operations. The blasting contractor will hire an independent seismologist or blasting consultant to perform pre-blast surveys on all structures (contingent upon property owner agreement) within the distances specified below. The independent seismologist or blasting consultant shall not be an employee of the contractor, subcontractor, explosives manufacturer, or explosives distributor.

Size of blast	Scope of pre-blast survey
Small Blast	Within 250 feet of the perimeter of the blasting site
Medium Blast	Within 500 feet of the perimeter of the blasting site
Large Blast	Within 600 feet of the perimeter of the blasting site

11.4.2. Pre-Blast Survey Offer Notice:

- 11.4.2.1. Along with your permit submittal, the contractor shall provide the following documentation to the Fire Department:

- 11.4.2.1.1. A map or plan showing the perimeter of the blast site and the buildings within the

pre-blast survey area.

- 11.4.2.1.2. A list of property owners contacted (in accordance with the distances listed in the table, above).
- 11.4.2.1.3. Verification (certificate of mailing) that the subject property owners were notified of the pre-blast survey work.
- 11.4.2.1.4. A copy of the pre-blast survey offer notice.
- 11.4.2.1.5. Whether each offer to conduct a pre-blast survey was either accepted, rejected, or there was no response.

- 11.4.2.2. The contractor shall retain a copy of each pre-blast survey and offer notice for their records until the development project receives a final certificate of occupancy or is otherwise deemed complete by the City. Nothing herein shall be construed to discourage repeated efforts by the blasting contractor to contact eligible property owners via phone, hand delivery, or other method in addition to provision of the required offer notice letter.

11.4.3. Pre-Blast Survey Documentation:

- 11.4.3.1. All pre-blast surveys shall include documentation of interior subgrade and above grade accessible walls, ceilings, floors, roof and visible exterior as viewed from the grade level. Where significant cracks or damage exist, or for more complex structural defects, photographs or video shall be taken.
- 11.4.3.2. A high- quality videotape survey with appropriate audio description of the locations, conditions, and defects may substitute for a written pre-blast survey. Where necessary, notes and sketches may also be submitted as part of a video pre-blast survey in order to highlight or elaborate on certain aspects of the video documentation.

11.4.4. Pre-Blast Survey Conditions Report:

- 11.4.4.1. The pre-blast surveys shall include a conditions report for each property. The conditions report may be presented as narrative, photographs, video or a combination thereof. Conditions reports shall summarize the condition of each building and define areas of concern, including deteriorated structures or utilities, structures housing sensitive equipment, and/or manufacturing processes that are sensitive to vibrations.

11.4.5. Verification:

- 11.4.5.1. Verification that all pre-blast surveys and conditions reports have been completed shall be submitted to the Fire Department at least two weeks prior to commencing any drilling and/or blasting operations.

11.5. Notification to Neighbors

- 11.5.1. Notice of blasting operations shall be provided in accordance with the requirements listed in Portland Code of Ordinances Chapter 10 section 10-118. For medium and large blasts, please also refer to the additional notification requirements during construction, described in Section 11.8 and 11.9 of this document (Blast Warning and Blasting Schedule). A model notice is included at the end of this document.

11.6. Complaint Protocol

- 11.6.1. The blasting contractor shall be solely and completely responsible for the safety of all persons and property during the performance of work. The blasting contractor shall have full and complete responsibility for the handling, discharging, or settling of any and all damage or annoyance claims resulting from the blasting activities on the project.
- 11.6.2. Complaints shall be submitted to both the blasting contractor and to the Fire Department throughout the duration of blasting operations. If a property owner submits a complaint regarding alleged blasting-related damages, the independent seismologist or blasting consultant shall contact the property owner within 24 hours of receiving the complaint to discuss the basis for the complaint, review applicable blasting records, and evaluate the reasonableness of the complaint. If a reasonable basis for the complaint is verified, the independent seismologist or blasting consultant shall conduct a second condition survey of the property within 48 hours of receiving the complaint to identify any changes in the property conditions. A condition survey report summary shall be submitted to the permit holder and verification that the condition survey was completed and shall be submitted to the Fire Department within two weeks of the second condition survey being conducted.

11.7. Hours of Blasting and Storage of Explosives

- 11.7.1. Hours of blasting operations shall be limited to those defined in Chapter 10, Section 10-119 of the City Code of Ordinances.
- 11.7.1.1. Blasting shall occur Monday through Friday, between the hours of 9 a.m. and 4 p.m., unless otherwise approved by the AHJ.
- 11.7.1.2. Requests for extension of hours of blasting must be submitted by the applicant in writing to the AHJ.
- 11.7.2. Only the amount of explosives necessary for the day's work shall be brought to the site, and explosives shall be transported and stored in approved magazines when not in use.

11.8. Blast Warning

- 11.8.1. International Blast Warnings shall be utilized for all blasting operations, as described below:

3 horns	5 minutes before blast
2 horns	1 minute before blast
1 horn	All clear

- 11.8.2. Large Blasts: For large blasts, all persons within 600 feet of the blasting area shall be notified of the "warning" and "all-clear" signals through notices left in mailboxes and signs posted in the vicinity of the blasting site.

11.9. Blasting Schedule (Medium and Large Blasts, only)

- 11.9.1. For medium and large blasts, the blasting contractor shall prepare and submit a blasting schedule to the property owner, the general contractor and the Fire Department at least 10 business days prior to commencing blasting operations. The schedule shall include name and contact information for the blasting contractor, blasting area locations, planned dates and times of blasts, access restrictions to the blast areas, and warning signal protocols.
- 11.9.2. During construction, the blasting contractor shall coordinate the blasting schedule with the property owner and the general contractor.
- 11.9.3. The morning of a planned detonation, the blasting contractor shall notify the Public Safety Communication (pscommunications@portlandmaine.org) and Fire Department (fireprevention@portlandmaine.org) via email of the planned time of the blasts (+/- one hour), the location where the blasting is to occur, and the amount of explosives to be used. At least 24 hours prior to any blast, the blasting contractor shall inform all property owners who requested notice of the blasting schedule (+/- one hour).

11.10. Vibration Limits and Ground Vibration Monitoring

- 11.10.1. The seismograph must be set up at the closest structure to record each blast event. Ground vibration from all blasting operations shall be measured in terms of peak particle velocity (inches per second, ips) and frequency (Hertz). The permissible maximum ground vibration at existing nearby structures shall be limited to values established by the U.S. Bureau of Mines 3 to avoid cracking or structural damage in residential structures. Particle velocity shall be recorded in three mutually perpendicular directions. Ground vibration for residential structures shall not exceed the following limits:

Type of Structure	Maximum PPV (ins/s)	Maximum PPV (ins/s)
	Frequencies below 40 HZ	Frequencies 40 HZ or greater
Modern Homes (drywall interior)	.75	2.0
Older Homes (Plaster on wood lath for interior walls)	.50	2.0

- 11.10.2. Deteriorated structures or utilities, structures housing sensitive equipment, and/or manufacturing processes that are sensitive to vibrations may require lower PPV limits than those listed above. If information obtained from the pre-blast surveys indicates lower limits are required for certain structures, the independent seismologist or blasting consultant shall identify the limits applicable to a specific structure, and the blasting contractor shall incorporate such provisions in the features of the blasting plan.

- 11.10.3. In the event the blasting contractor's blasting round results in ground vibrations closely approaching the stated limits, the blasting operations shall be modified to reduce ground vibrations.
- 11.10.4. In the event the blasting contractor's blasting round results in ground vibrations exceeding the stated limits at structures, the blasting contractor shall cease all blasting activities and submit a written report to the property owner and the general contractor, copied to the Fire Department. This report shall describe corrective action to be taken on the next shot. The next shot shall not be loaded until the blast site property owner and the general contractor acknowledge, in writing, copied to the Fire Department, that a design change is being attempted.
- 11.11. **Flyrock Control (Large Blasts, only)**
- 11.11.1. For large blasts, blasting mats, soil, or other equally serviceable material shall be utilized for all blast rounds to prevent the throw of flyrock from the blasting area.
- 11.12. **Pre-Blast Safety Meeting (Medium and Large Blasts, only)** For medium and large blasts, prior to any blasting the blasting contractor will conduct a pre-blast safety meeting with all contractors to familiarize them with blast signals and precautions.
- 11.13. **Test Blasts (Large Blasts, only)** For large blasts, prior to commencing full-scale blasting, the blasting contractor shall demonstrate the adequacy of the proposed blasting plan by drilling, blasting, and excavating short test sections using small charges and the required monitoring instruments. The blasting contractor shall develop site specific scaled distance relationships from the test blast rounds to determine the allowable charge weight of explosives to be detonated per delay.
- 11.14. **Personnel**
- 11.14.1. All employees of the blasting contractor working on site during the blasting operation shall be trained in the use and handling of explosives.
- 11.14.2. Large Scale Blasts: For large scale blasts, the blasting contractor shall be required to carry liability insurance (XCU) coverage in an amount no less than \$2,000,000. For all blasts, the blasting contractor shall be a company specializing in the use of explosives for breaking rock and licensed in the State of Maine. The blaster or foreman responsible for the loading and firing of each shot, as well as the person responsible for designing and directing the blasting operation, shall have at least five years of documented experience with similar work responsibilities. If controlled blasting methods are required, these individuals shall have at least five years of documented experience in controlled blasting techniques.
- 11.15. **Record Keeping and Reporting**
- 11.15.1. For large blasts, Blast monitoring and analysis shall be conducted by the independent seismologist or blasting consultant. A minimum of two (2) seismograph instruments will be used to monitor vibrations and airblast pressures for each blast. The seismographs used by the seismologist or blasting consultant for blast monitoring shall comply with the following requirements:
- 11.15.1.1. Velocity range: 0.005 to 10.0 inches per second.
- 11.15.1.2. Seismic frequency range: 2 to 250 Hz, within zero to -3 dB of an ideal flat response.

- 11.15.1.3. Acoustic frequency range: 2 to 250 Hz flat, -3 dB at 2 Hz + 1 dB.
- 11.15.1.4. Sound range: 100 to 140 dB (linear).
- 11.15.1.5. Measure, display, and provide a permanent time history record of the event, including both ground vibration and airblast.
- 11.15.1.6. Measure the three mutually perpendicular components of particle velocity in directions vertical, radial, and perpendicular to the vibration source.
- 11.15.1.7. The seismograph shall display and provide a record of:
 - 11.15.1.7.1. the date and time of the event
 - 11.15.1.7.2. identifying information concerning the company
 - 11.15.1.7.3. the location of the seismograph and of the blast
 - 11.15.1.7.4. trigger levels
 - 11.15.1.7.5. verification the instrument was set for "continuous" and not "manual" readings
 - 11.15.1.7.6. instrument serial number
 - 11.15.1.7.7. the date of the most recent calibration
- 11.15.1.8. The seismograph shall be calibrated as often as necessary, but at least once every 12 months, and must be performed to a standard traceable to the National Institute of Standards and Technology.
- 11.15.1.9. Blast monitoring data obtained by the independent seismologist or blasting consultant must be available for inspection on the blasting site, and be submitted in writing to the Applicant within 24 hours following each blast. A model blast monitoring report is included at the end of this section.

11.15.2. Blasting Log:

- 11.15.2.1. A blasting log summarizing details of the round as shot, weather conditions, proximity of the blast location to nearest structures, exact locations of monitoring instruments, and the results of blast monitoring at each instrument location shall be maintained daily for every blast. The blasting log shall be available for inspection on-site, shall be submitted in writing to the permit holder within 24 hours following each blast. The contractor shall retain a copy of each pre-blast survey and offer notice for their records until the development project receives a final certificate of occupancy or is otherwise deemed complete by the Fire Department.

11.16. Airblast Overpressure Limits

- 11.16.1. The peak airblast overpressure at any inhabited building not owned or controlled by the developer shall not be allowed to exceed 133 decibels (linear) when measured by an instrument with a high pass system and a lower frequency limit of 2 Hz.
- 11.16.2. The seismologist or blasting consultant shall monitor, record, analyze and report airblast pressure

resulting from the blasting activities. In the event the blasting contractor's blasting round results in airblast overpressures approaching the stated limits, the Applicant may require the blasting contractor to modify the blasting operations to reduce airblast overpressures. In the event the blasting contractor's blasting round results in airblast overpressures exceeding the stated limits at structures, the blasting contractor shall cease all blasting activities and submit a written report to the permit holder, and copied to the Fire Department. This report shall discuss the corrective action to be taken on the next shot, and the next shot shall not be loaded until the permit holder acknowledges, in writing, that a design change is being attempted.

11.17. Carbon Monoxide (CO) Control

11.17.1. If any blasting operations are to occur within two hundred and fifty (250) feet of any structure, the blasting company shall:

11.17.1.1. Submit a carbon monoxide (CO) management plan to the Fire Department with the Blasting Application for review and approval. The plan shall detail strategies that will be employed by the blasting company throughout blasting operations to prevent and mitigate the health and safety risks associated with possible CO migration away from the blast site and into abutting structures. CO management plans shall be tailored to the specific nature of blasting operations but shall include, at a minimum, two or more of the following actions:

11.17.1.1.1. Effort to determine the presence and location of one or more operable Carbon Monoxide detector(s) within abutting structures. Where operable Carbon Monoxide detectors are not present, they shall be temporarily provided and placed in the basement of the structure, or on the first floor if there is no basement, until at least 24 hours after completion of blasting operations.

11.17.1.1.2. Immediate excavation of individual shots, with holes remaining vented for an adequate time to allow any CO produced by the blast to dissipate into the atmosphere. Safe CO levels in the blast hole shall be confirmed by a CO detector before the hole is backfilled.

11.17.1.1.3. Identify and document active and abandoned sewer connection locations and sealed drains locations for abutting structures as part of the pre-blast survey in order to identify structures that may pose an increased risk for CO migration. This information is available through the City of Portland Department of Public Works.

11.17.1.2. Notify all commercial and residential abutters of the blast site at least 24 hours prior to the start of blasting by means of door hangers left at both front and rear primary building entrances. Reasonable effort shall be made to also provide face-to-face notification to all building owners and/or occupants of abutting buildings. The language provided on the door hanger is provided at the end of this section.

11.17.2. If a carbon monoxide detector is in alarm during blasting operations, the blasting company or building occupant shall call 911 immediately. In addition to calling 911, the blasting company shall contact the Fire Department at (207) 874-8405 to notify them of the emergency. The blast location shall be excavated immediately and shall remain open to the atmosphere until CO is no longer detectable in the blast hole.

MODEL BLASTING PLAN

Removal of over 300 cubic yards of rock material

The purpose of the Blasting Plan is to describe anticipated rock excavation requirements for the project, and outline proposed blasting operations, vibration control criteria, and monitoring/reporting protocols, and to protect surrounding properties from damage related to proposed blasting activities.

- 1. Project:**
- 2. Project Location:**
- 3. Estimated Quantity: (cubic yards in-ground measurement) of Rock to be Blasted:**
- 4. Project Description:**

Describe the project for which blasting is required. Include lot size, building construction type, number of units, etc. Refer to site/grading plans. Specify anticipated depth of fills and cuts.

- 5. Site and Subsurface Conditions:**

Provide a detailed description of the site, including but not limited to existing conditions, elevations, terrain character, topography, soil conditions, groundwater depths, depth of bedrock, etc.

- 6. Surrounding Properties, Utilities and Wells:**

Describe surrounding properties, specifying use and type of construction. Include a vicinity map with the outlines of existing structures located within a site radius equal to the minimum radius required for pre-blast condition surveys. Indicate the location of all utilities in the vicinity, including water, sewer, stormwater, and natural gas. Indicate the location of drinking wells in a 2000 ft radius of the property.

- 7. Anticipated Project Areas Requiring Blasting:**

Indicate on a site plan the areas where blasting is expected to occur. Provide a narrative characterizing the blasting/excavation work, the estimated total number of cubic yards of material to be removed by blasting, and an estimate of the number of blasts required to remove the specified amount of material. Include a proposed Bedrock Excavation Plan showing approximate bedrock excavation areas, variations in the depth of bedrock excavation requiring blasting, and areas where controlled perimeter blasting methods will be used (if any). Describe the distance of proposed blasting to the nearest structures and underground utilities.

Attachments:

- A. Site Plan**
- B. Radius Plan**
- C. Proposed Bedrock Excavation Plan**
- D. Model Notification Letter**
- E. Model Offer of Pre-Blast Survey Notice**
- F. Model Blast Monitoring Report**

MODEL NOTIFICATION LETTER

Dear Neighbor:

We are sending you this letter to inform you that we will be blasting ledge in preparation for the project on (Street). As required by City Ordinance, prior to any blasting, neighbors within (250, 500, 600)feet of the blast area shall be notified in writing prior to the blast. We will begin blasting on (date). We expect the blasting to last for (days). By City Ordinance, blasting will occur between 9:00am – 4:00pm, Monday through Friday.

The procedure for the blast will be as follows: Just before the blasting is due to begin, a horn will sound to signal people in the immediate area of the upcoming blast. The horn will blow in the following sequence:

- 3 long horns – 5 minutes before the blast
- 2 long horns – 1 minute before the blast
- 1 long horn - All clear for the blast to proceed.

Please Note: Toxic gasses, including carbon monoxide (CO), are a byproduct of the detonation of explosives. Carbon monoxide is a poisonous, colorless, odorless, and tasteless gas. Exposure to raised levels of carbon monoxide can be hazardous or deadly. It is possible, in instances of incomplete combustion of explosives and where an open pathway is present, for carbon monoxide to travel from the blast site into nearby buildings. The Portland Fire Department encourages all Portland residents to install carbon monoxide detectors in their homes and workplaces to prevent exposure to hazardous levels of carbon monoxide. Carbon monoxide detectors should be installed in the basement and on all levels of structures.

If you have any questions, please call any of the following numbers:

Blasting Contractor: (xxx) xxx-xxxx

City of Portland Fire Prevention Bureau: (207) 874-8400

For damage complaints, please contact the Fire Prevention Bureau at fireprevention@portlandmaine.gov to log the complaint and request inspection and documentation of the damage. Please do not hesitate to call if you have any questions or concerns.

Sincerely,

Blasting Contractor

MODEL OFFER OF PRE-BLAST SURVEY NOTICE

Date

Dear Neighbor:

We are sending you this letter to inform you that we will be blasting ledge in preparation for the project on (street).

As required by City Ordinance, prior to any blasting, a pre-blast survey of all structures within (250, 500, 600)feet of the blast area shall be conducted to establish a baseline against which any claims of damage caused by this blasting can be judged. Your property is within the (250, 500, 600) ft radius. A pre-blast survey will be performed at no cost to you if you would like to have it done.

To request that a pre-blast survey be done of your residence, please complete the enclosed survey form in its entirety and mail it back in the enclosed stamped envelope no later than (date).

Pre-blast condition surveys for this project will be performed by (xxx) . A representative from (xxx) will call you to set up an appointment to perform the survey. A seismologist or a qualified technician working under the direction of a seismologist from (xxx) will then make a videotape of the interior and exterior condition of your residence. The pre-blast survey records will be kept in a locked file until the development project receives a final certificate of occupancy or is otherwise deemed complete by the City, at which time they will be destroyed.

If you have any questions, please contact (xxx) at (xxx) xxx-xxxx

Thank you,

Blasting Contractor

Door Hanger Model Language

Fact Sheet

This notice serves as a reminder that blasting operations will be occurring in your neighborhood in the next day or two. By now you should have also been notified in writing by the Blasting Company who will be doing this work. For the public's safety, the City of Portland requires contractors of blasting operations to monitor for the release of any carbon monoxide gas traveling into occupied buildings. This notice describes what carbon monoxide is, identifies potential signs of carbon monoxide build-up and steps for you to follow.

What is carbon monoxide?

Carbon monoxide (CO) is an odorless, colorless gas that can cause sudden illness or death.

Where is CO found?

CO is found in combustion fumes, such as those produced by cars and trucks, small gasoline engines, stoves, lanterns, burning charcoal and wood, and gas ranges and heating systems. **CO is also a byproduct of blasting operations in the ground.** CO from any of these sources can build up in enclosed or semi-enclosed spaces. People and animals in these spaces can be poisoned by breathing it.

Protection from CO:

The best protection from CO poisoning is early detection through the installation of working carbon monoxide detectors in your home.

What are the symptoms of CO poisoning?

The most common symptoms of CO poisoning are headache, dizziness, weakness, nausea, vomiting, chest pain, and confusion. High levels of CO inhalation can cause loss of consciousness and death. Unless suspected, CO poisoning can be difficult to diagnose because symptoms mimic other illnesses. People who are sleeping or intoxicated can die from CO poisoning before ever experiencing symptoms.

Emergency Contact:

If you or anybody in the building experiences any of the symptoms or your CO detector goes into alarm **please call 911 immediately.**

If you have general questions regarding blasting operations in your neighborhood or carbon monoxide, please contact:

**Portland Fire Department
Fire Prevention Bureau
380 Congress Street
Portland, ME 04101
(207) 874-8400
fireprevention@portlandmaine.gov**

...

Article IX. REGULATION OF EXPLOSIVES

Sec. 10-110. Purpose

The purpose of this article is to protect the public's health, safety, and general welfare by regulating and controlling blasting operations within the city.

Sec. 10-111. Applicability

This article shall apply to all blasting operations ~~related to construction and development of real estate~~ within the city. The ~~City of Portland Technical Manual~~ Fire Department Rules and Regulations are incorporated into this article by reference. Standards listed in the Fire Department Rules and Regulations shall be additional to the provisions of this article.

Sec. 10-112. Definitions

For the purposes of this article, the following words and phrases shall have the respective meanings ascribed to them:

Blasting operations means the use of explosives for purposes of breaking up and removing soil, rock or ledge ~~related to construction and development of real estate~~ within the City.

Explosives means any material or container containing a chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustible materials or other ingredients in such proportions, quantities, or packaging that an ignition by fire, by friction, by compound or mixture may cause such a sudden generation of highly heated gasses that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, but shall not mean the components for handloading rifle, pistol and shotgun ammunition, or fireworks.

Sec. 10-113. Permit Required

No person may conduct blasting operations within the city without first obtaining a permit from the Fire Department, as

required by ~~the this~~ Article and National Fire Protection Association "NFPA" 1 Fire ~~Prevention~~ Code and NFPA 495 Code, as adopted and amended in ~~Chapter 10 of the City of Portland Code of Article II of this Chapter~~. Fees for this permit shall be as established by order of the City Council.

Sec. 10-114. Application Requirements

Prior to the issuance of a permit the following information shall be submitted to the City:

- a. A blasting plan shall be submitted by the applicant to the ~~Building Authority~~ AHJ for all projects where more than 300 cubic yards of material shall be removed. The blasting plan shall conform to the provisions of this article and of the Fire Department rules and regulations.
- b. A blasting submittal shall be submitted to the ~~Building Authority~~ AHJ where between 50 and 300 cubic yards of material shall be removed. The blasting submittal shall conform to the provisions of this ~~article~~ ordinance and ~~of Section 3 of the City of Portland Technical Manual and the~~ Fire Department rules and regulations
- ~~c.~~ A blasting application shall be submitted to the ~~Planning Authority~~ AHJ where less than 50 cubic yards of material shall be removed, or where utility trench work in the accepted public right of way, including City or Portland Water District infrastructure is proposed. Small blasts where less than 50 cubic yards of material shall be removed are not required to submit either a blasting plan or blasting submittal. Such projects must conform to the ~~National Fire Protection Association-NFPA~~ Fire Prevention Code and applicants shall submit a monitoring report upon request. Information provided in the blasting application shall confirm that the proposed small blast conforms to all applicable provisions of this ordinance and ~~the Fire Department rules and regulations of Section 3 of the City of Portland Technical Manual.~~
- d. A blasting plan or blasting submittal may be required for any blasting operation at the discretion of the ~~Building Authority~~ AHJ when it determines that conditions at or near the site of the blasting operations warrant the provision of a plan.

Sec. 10-115. Storage and handling

All explosives shall be stored and handled in accordance with the provisions of this code, the laws of the State of Maine, and the ~~National Fire Protection Association~~ NFPA 1 Fire ~~Prevention~~ Code and NFPA 495 Code.

Sec. 10-116. Enforcement

In the event that there are ~~more than three documented~~ violations of the blasting plan, blasting submittal, or blasting permit, or any other violation of this article, a stop work order may be issued on all construction or development related to the permitted operation. The permittee shall then be required to submit a revised blasting plan to the ~~Planning Authority~~ AHJ for review and approval. Work shall not be allowed to continue until the revised blasting plan is approved.

Sec. 10-117. Penalties

In addition to the possibility of a stop work order in the event of a violation, the permittee shall be subject to the following penalties:

1st offense	\$ 500 1,000
2nd offense	\$ 1 2,000
Subsequent offenses	\$ 1 2,000

Sec. 10-118. Notice requirements

a. Basic noticing requirements

At least 10 days prior to the start of any blasting operation, notice shall be published in a newspaper of local publication and shall be mailed by first class mail to all property owners within the distance specified below of the perimeter of the blasting site:

1. **Small blast (trench blast or under 50 cubic yards of rock removed).** All property owners within 250 feet of the perimeter of the blasting site.
2. **Medium blast (removal of 50-300 cubic yards of rock material).** All property owners within 500 feet of the perimeter of the blasting site.

- 3. Large blast (removal of over 300 cubic yards of rock material).** All property owners within 600 feet of the perimeter of the blasting site.

b. Content of notice

Notice shall conform to the model notice contained in the Fire Department rules and regulations ~~Section 3 of the City of Portland Technical Manual~~ and shall include a description of the proposed blasting operations, estimated schedule and duration of blasting operations, description of the blasting signals to be used during operations, the complaint protocol and the complete address, telephone numbers and email contact for the blasting contractor, ~~the Building Authority,~~ and the Fire Department where neighbors and property owners may request further information and notification.

c. Additional noticing requirements

- ~~1-~~ For medium blasts where 50-300 cubic yards of rock material is to be removed, and large blasts where over 300 cubic yards of rock material is to be removed, additional notification requirements shall apply during construction, as detailed in the Fire Department rules and regulations ~~Section 3 of the City of Portland Technical Manual.~~
- ~~2-~~ If blasting operations are to occur within 250 feet of any structure, additional notification requirements shall apply, as detailed in the Fire Department rules and regulations ~~Section 3 of the City of Portland Technical Manual.~~ in order to prevent adverse public health and safety impacts due to blasting-related carbon monoxide migration.

Sec. 10-119. Hours of blasting

Blasting shall occur Monday through Friday, between the hours of 9 a.m. and 4 p.m., unless otherwise approved by the ~~Planning Authority~~ AHJ. Requests for extension of hours of blasting must be submitted by the applicant in writing.

Sec. 10-120. Waivers

- ~~1-~~ Upon written request by the applicant, ~~the Building Authority, based on a positive recommendation by the Fire Department,~~ the AHJ may waive all or a portion of the blasting provisions of this article and the Fire Department rules and regulations ~~Section 3 of the City of Portland Technical Manual.~~ provided that all waivers are consistent with the purposes set forth in Section 10-110 ~~Section 22.1.~~

Sec. 10-121. Suspension of blasting operations

If it is determined that blasting operations pose any risk to public health, safety, or general welfare, ~~the Building Authority or the Fire Chief~~ the AHJ or their designee shall have the authority to suspend the blasting permit at any time until they deem it safe for blasting operations to continue.

Office of Corporation Counsel

Michael Goldman, *Corporation Counsel*

Amy McNally, *Associate Corporation Counsel*

Nicole Albert, *Associate Corporation Counsel*

Rachel Millette, *Associate Corporation Counsel*

Avery A. Dandreta, *Associate Corporation Counsel*



MEMORANDUM

To: Health and Human Services and Public Safety Committee

From: Amy McNally, Associate Corporation Counsel

Date: November 7, 2024

Subject: Amendments to Chapter 10 - Regulations of Explosives and updates to the Fire Prevention Rules and Regulations

On November 4, 2024, the City Council approved comprehensive revisions to Chapter 14 of the City's Code of Ordinances ("ReCode"). Regulation of Explosives was previously included in Article 22 of Chapter 14. The amended version of Chapter 14 adopted in ReCode deletes Article 22 entirely. The intent behind removing Article 22 from Chapter 14 was to relocate the provisions regulating explosives to Chapter 10, which governs fire prevention and protection.

The draft of a proposed new Article IX to be included in Chapter 10 has been provided in the backup materials for review. This new Article IX largely mirrors the language and regulations that were contained in former Article 22 of Chapter 14 with a few minor changes. First, the new Article IX requires applicants to submit their blasting permits and corresponding documents to the "authority having jurisdiction" instead of the planning authority. Section 10-2 of the City Code defines the "authority having jurisdiction" as the chief of the fire department or their duly authorized representative. The new Article IX also incorporates the Fire Department Rules and Regulations instead of the Technical Manual for additional details and requirements related to blasting. The Fire Department Rules and Regulations have been updated to include a new Chapter 11 which covers blasting and regulation of explosives. The revised rules and regulations are included in the backup materials as well. Lastly, the new Article IX also contains a modest increase in the penalties for violations.

The purpose and substance of this ordinance regulating explosives and blasting in the City is largely the same as it was when it was included in Chapter 14. The change mainly shifts which department is tasked with reviewing permits and enforcing compliance with these regulations. I understand Fire Department staff support moving these provisions to Chapter 10 and bringing review and enforcement authority under the umbrella of the Fire Department. I look forward to discussing this in more detail and answering any questions you may have at the meeting on Tuesday, November 12th.



Staff Memo To:

Health and Human Services & Public Safety Committee
Councilor April Fournier, Chair

Date: November 12, 2024

Re: Agenda Item #4 Warming Shelter Update

MEETING DATE

November 12, 2024

AGENDA ITEM

Agenda Item #4 Warming Shelter Update

PURPOSE

To provide information about the 2024–2025 Winter Warming Plan, which is designed to prevent exposure–related hazards among individuals experiencing homelessness.

COMMITTEE WORK PLAN/CITY COUNCIL GOAL ALIGNMENT

The Committee’s 2024 Work Plan includes a presentation of staff’s winter warming shelter plans.

BACKGROUND/ANALYSIS

The City of Portland’s winter warming plan and shelter process includes outreach services provided by City of Portland staff, warming stations, and an overnight shelter operated by private partners. Its purpose is to prevent exposure–related hazards among individuals experiencing homelessness.

The plan will be activated when, during the months of November to March, the daily low temperature reaches 15 degrees or below, or snow accumulation of more than 10 inches occurs. The City’s Emergency Management Coordinator will monitor the National Weather Service forecast and alert partners when the activation criteria has been met.

When the plan is activated, Commonsense will open a temporary overnight warming shelter at First Parish Church for unsheltered adults. During the day, community partners will operate public warming stations; in addition, the Portland Public Library will be open to all during normal business hours.

Notice of when the warming shelter at First Parish will be opened will be shared with community social services providers via email, as well as on City social media accounts, City website (banner), 2-1-1, Cumberland County Emergency Management Agency website and Maine Emergency Management Agency warming center website.

FISCAL IMPACT

The activation of the winter warming plan does not carry an unanticipated fiscal impact.

CONCLUSION(S)

N/A

PRIOR COMMITTEE REVIEW

N/A

PREPARED BY

Caity Hager
Emergency Management Coordinator
Fire Department

Aaron Geyer
Social Services Director
Health & Human Services Dept.

ATTACHMENTS

N/A

City of Portland | Health and Human ServicesMaggie McLoughlin, *Director*Shaza Stevenson, *Deputy Director*

To: Health and Human Services & Public Safety Committee
Councilor April Fournier, Chair

From: Bridget Rauscher, *Interim Public Health Director*

Date: Nov. 4, 2024

Re: Progress on Syringe Services Program Evaluation

MEETING DATE

Nov. 12, 2024

AGENDA ITEM

Agenda Item #5 - Syringe Services Program Update

PURPOSE

To update the Health and Human Services & Public Safety Committee on progress made by HHS and other Departments on addressing syringe litter in the City of Portland.

COMMITTEE WORK PLAN/CITY COUNCIL GOAL ALIGNMENT

While the Committee's 2024 work plan does not include consideration of policies specific to syringe exchange, related topics, such as chronic homelessness and opioid settlement funds, have been or are scheduled for discussion over the course of the calendar year.

BACKGROUND/ANALYSIS

This memo provides an update on the action plan presented to the Committee in July 2024 and the initial update provided in September 2024. The Syringe Services Program (SSP) Action Plan was developed in response to concerns regarding syringe litter. Progress continues to be made toward each of the objectives, as summarized below.

As discussed in September, the City of Portland has seen an increase in syringe litter, with the greatest concentration in the neighborhoods of Bayside, East Bayside, and Parkside. This has also led to an increase in reports by concerned citizens. In a September 2024 presentation to the Committee, staff provided an update on the progress of the plan to decrease the number of improperly discarded syringes, strengthen data collection and data quality, and respond to community concerns regarding safety.

Since January 2024, the Harm Reduction Services Program has seen a nearly 300% increase in demand for SSP-related services. This is reasonably associated, in part, to a temporary decrease in the provision of harm reduction services offered by commonspace, Portland's only other certified SSP. However, this change does not alone account for the drastic increase in need. Other factors likely include, but are not limited to: an increase in overall clientele,

increased physical complications and needs secondary to substance use disorder, and a lack of overall access to healthcare, housing, and other social and behavioral services.

Improvement Plan Outcomes (Aug 1 – Oct 31)

Due to the challenging nature of the issue, in the first full quarter of the SSP Operational Improvement Plan, there have been early positive outcomes of note, including:

- Approval of Syringe Redemption Program
 - This pilot program, to begin within the second quarter of the SSP Improvement Plan, will be funded with Opioid Settlement Funds
- Implementation of Harm Reduction Ambassador program:
 - Three harm reduction ambassadors, with living experience, have contributed to syringe litter cleanup, peer-to-peer education, and distribution of personal sharps containers
- Improved return of syringes:
 - Despite October being the largest month in the history of Portland’s SSP, 72% of syringes that were distributed were returned to SSP staff, up from 58% and 53% in August and September, respectively
 - 93% (over 15,000) of reported community sharps were properly disposed of in both September and October, up from 79% in August
 - 154 SeeClickFix reports in October, down 33% from September

SSP Operational Improvement Plan	
Objective 1	Decrease the number of improperly discarded syringes
Strategy 1	Strengthen client education about proper syringe disposal and incentivize clients to return their used syringes
1.1 Progress: • Implemented SSP client education aimed at increasing safe syringe disposal. • Established a Harm Reduction Ambassadors program, which is now working to enroll SSP clients. This program will empower clients to act as leaders in their community, providing outreach and education, and be compensated in return. • Proposed a syringe redemption pilot program modeled after successful programs in Boston and New York City, approved by Portland City Council (as outlined above) • Launched Harm Reduction Ambassador Program (as outlined above) • Improved return of syringes in October (as outlined above)	
Strategy 2	Develop a multi-pronged approach to syringe pick-up operations
1.2 Progress: • Increased syringe clean-up by Public Health staff from 5-7 to approximately 12 hours/week. In addition to building in an extra hour each weekday, staff are also increasing syringe cleanup during scheduled harm reduction outreach and other community-based work. Staff pay special attention to areas indicated by GIS mapping of improperly disposed syringes. • Harm reduction ambassadors engaging in cleanup efforts 3-5 hours/week • DPW will increase the number of staff trained to properly collect and dispose of syringes.	

	- Added five community sharps containers, with four additional containers planned, in locations identified both as areas of need and within previously planned vault bathrooms. - Distributed 800 sharps containers to 414 clients (from Aug 1 - Nov 1)
Strategy 3	Hold community conversations with Harm Reduction Program clients
1.3 Progress:	- Held 3 focus groups with 27 SSP clients regarding barriers to usage of community and/or personal sharps containers, as well as alternative solutions to reducing syringe litter that would be more manageable for clients. - While a range of feedback was received, there was a common theme related to individual fear, shame, and stigma related to their substance use, resulting in quick disposal of syringes, regardless of access to sharps containers. As such, the harm reduction team will work to create educational opportunities for members of the public addressing SUD-related shame and stigma. These may take the form of online training, community meetings, social media campaigns, etc. Additionally, harm reduction staff will continue to seek client feedback on service provision, access to safe disposal, and referrals for substance use and/or mental health disorder treatment.
Objective 2	Improve data systems to provide more accurate information and evaluate program efficacy
Strategy 1	Standardize information on syringes collected on City property by City personnel
2.1 Progress:	- Held initial interdepartmental leadership meeting on 8/14 to discuss collaborative efforts to improve consistency in data collection and reporting related to syringe litter cleanup. - Met with frontline Parks, Rec & Facilities and Public Works staff directly involved with syringe litter cleanup. Received feedback on experience, suggestions for improved collection and collaboration, and requests for additional safety equipment. - Identified and addressed inconsistencies in reporting and use of ArcGIS across relevant departments.
Strategy 2	Improve client data collection efforts
2.2 Progress:	- Incorporated municipality and/or zip code of residence into the data collection tool used for each exchange. - From 8/1 - 11/1, 85.7% (606 unique clients) of respondents reported living in a zip code within Portland. Of that, 92.9% (563 unique clients) report their zip code as 04101. - The remaining 14.3% (101 unique clients) report living in a municipality outside of Portland. - Analyzing data comparing frequent exchange users reporting Portland zip codes and volume of syringes distributed to and collected from these clients in an effort to identify disposal trends. - Determined that exchanges made during outreach yielded, on average, fewer returned syringes per exchange than on site exchanges. - Began tracking the outcomes of client referrals.
Strategy 3	Improve documentation, training, and management practices to create and transform collected information into a live dashboard.

- Harm Reduction and data management staff continue to meet regularly to collect and analyze data to improve coordinated service delivery, identify areas of need (“hotspots”), target outreach services (syringe cleanup, overdose prevention/naloxone distribution, syringe exchange as allowed, patient navigation services, etc.). - As data points of importance are identified, relevant forms are updated to capture desired information.	
Objective 3	Respond to community concerns re: safety
Strategy 1	Attend neighborhood association meetings in areas with increased reports of improperly disposed syringes to solicit feedback, share improvement plans, and present information on residential and business reporting and pick-up options.
3.1 Progress: Attended the Bayside Neighborhood Association meeting on 9/3, to address the problem at hand, provide education and safety strategies, answer relevant questions and concerns, and receive feedback from community members. Members of BNA inquired about scheduling an overdose recognition and response training.	
Strategy 2	Promote syringe reporting resources to Portland businesses and residents.
3.2 Progress: - Updated promotional materials to include access to education on safe collection of sharps on private property. - Working to create social media campaigns and website updates for businesses to obtain safe collection education and equipment from Portland Public Health.	

FISCAL IMPACT

N/A

CONCLUSION(S)

After the first three months of implementation, it appears that the SSP Action Plan will be incrementally successful in helping to reduce syringe litter. The foundational work done to increase collaboration between City departments, deploy additional staff for targeted syringe cleanup, engage community members, and identify barriers has opened communication pathways, built relationships, and yielded initial positive changes based upon October reports. The approach for the current quarter includes: refining variables of importance, analyzing See Click Fix and DPW dispatch data in order to identify and respond to hotspots earlier, continuing to support SSP clients in overcoming access barriers, and fostering community-wide relationships. Additionally, this quarter will include implementation of Portland’s Syringe Redemption Pilot Program, which is anticipated to rapidly support reduced syringe litter.

PRIOR COMMITTEE REVIEW

Committee Discussion on June 11, 2024

Committee Discussion on July 9, 2024

Committee Discussion on September 10, 2024

PREPARED BY

Bridget Rauscher
Interim Public Health Director
Health and Human Services

Maggie McLoughlin
Director
Health and Human Services