

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
BENJAMIN GRANT (A/L)



SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

CITY COUNCIL MEETING - MARCH 3, 2025

The Portland City Council will hold a City Council Meeting in Council Chambers. Councilor Pious Ali, Mayor Tempore, will preside.

To submit written public comment on an agenda item, email publiccomment@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Council 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 order number (see below).

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall.

To watch this meeting remotely, please visit: <https://portlandme.portal.civicclerk.com/event/7607/media>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ANNOUNCEMENTS:

PRESENTATIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Minutes- February 24, 2025

PROCLAMATIONS:

Proclamation 24-24/25 Recognizing the Month of March as Women's History Month - Sponsored by Pious Ali, City Councilor

CONSENT ITEMS:

Order 135-24/25 Declaring July 10 to August 2, 2025 the Shakespeare in the Park Festival - Sponsored by Danielle P. West, City Manager

The Fenix Theatre Company has requested use of Deering Oaks Park for their annual summer performances to Portland for the 17th season. This summer's production will be Shakespeare's "As You Like It". The City's Parks, Recreation and Facilities Management Department is a co-sponsor of the performances.

These family friendly performances will be staged in the grass area adjacent to the ravine. There is no admission fee charged, but donations will be accepted. Approximately 150 people are expected at each performance. There will be a simple set up and a public

address system will be used.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

Order 136-24/25 Declaring Sundays on the Boulevard Festival Days in 2025 - Sponsored by Danielle P. West, City Manager

Since 2014, Portland City Council has approved the closing of Baxter Boulevard from Vannah Avenue to Catafalque Drive (the east entrance to Payson Park) to vehicular traffic on Sundays (9:00am-4:00pm) in order to facilitate “Sundays on the Boulevard.”

The “Sundays on the Boulevard” committee would like to continue the tradition of offering this recreational opportunity to the public and requests permission to close the boulevard on Sundays, starting on May 4, 2025 through September 28, 2025, with a time frame of 9:00am – 4:00pm.

To facilitate the closure, city staff will erect barricades across Baxter Boulevard.

For “Sundays on the Boulevard,” streets listed below will be closed to vehicular traffic on Sundays, from 9am – 4pm:

- Baxter Blvd. - from Vannah Ave. to Catafalque Dr. (Payson Park east entrance)
- Payson Park, west entrance road - from the tip of the Grass Triangle (by the softball field) to Baxter Boulevard

Five affirmative votes are required for passage of items on the consent calendar after public comment.

COMMUNICATIONS:

Communication 10-24/25 Portland Clean Election Fund Annual Report - by Ashley Rand, City Clerk

This is a annual report required by Chapter 9 Section 9-66 (i).

As a communication this item requires no public comment or formal Council action.

UNFINISHED BUSINESS:

Order 134-24/25 Amendment to Portland City Code Chapter 34 RE: Landcare - Sponsored by Sustainability and Transportation Committee, Regina Phillips, Chair

The Sustainability and Transportation Committee met on February 12, 2024 and voted 2-1 (Councilors Bullett and Ali opposed, Councilor Phillips in favor) against recommending adoption of amendments to Chapter 34 recommended by the Landcare Management Advisory Committee.

On February 3 the Landcare Management Advisory Committee (LMAC) voted 5-2 to recommend amendments to Chapter 34 to exempt the use of chlorantraniliprole to control grub infestations. The LMAC made this recommendation because there is no reliably effective organic treatment for grubs and the EPA classifies chlorantraniliprole as a

"reduced risk" pesticide that presents minimal risk to the environment when applied as directed by the manufacturer. The LMAC also sought to amend provisions of the waiver process that prohibits the use of a broadcast spreader to apply a synthetic pesticide, which is the recommended method of applying chlorantraniliprole.

This item must be read on two separate days. It received its first reading on February 24. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 137-24/25 Setting Public Hearings on Fiscal Year 2025-2026 Annual Action Plan and Appropriations for Community Development Block Grant Program, HOME Program and Emergency Solutions Grant Program - Sponsored by Danielle P. West, City Manager

The United States Housing and Urban Development Department (HUD) requires that the City create an annual plan outlining the proposed activities and the use of funding for the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and HOME funding. In addition, as required under our HUD approved citizen participation process, public hearings are held each spring to consider the City's Housing and Community Development Program proposal for the ensuing year. The CDBG Annual Allocation Committee, appointed by the City Council, reviewed each CDBG application and made funding recommendations. They are given an opportunity to make a presentation to the Council at the first public hearing and citizens may comment on the City's annual plan for the use of the CDBG, HOME and ESG funds at both public hearings. This order sets the dates for the public hearings required for the Annual Action Plan allocation process. The public hearings will be held on April 7, 2025 and May 5, 2025 at a City Council Meeting to be held at 5:00 pm.

Five affirmative votes are required for passage after public comment.

UNAGENDA ITEMS - MOVED FROM THE FLOOR

Resolve 6-24/25-Resolution to Immediately Address Pedestrian Safety Crisis in Portland

This is the only text that will be visible in the agenda, and should be no more than 1-2 paragraphs in length. If there has been committee action, list that as a first sentence. Please do not include read/vote requirements – this language will be added by Legal/City Manager's offices.

EXECUTIVE SESSION:

ADJOURNMENT:

ZOOM INFORMATION:

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall.

<https://portlandme.portal.civicclerk.com/event/7618/media>

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Ali led those present in the Pledge of Allegiance.

ROLL CALL:

Mayor Pro Tem Ali called the meeting to order at 5:00pm

Councilors Present: Councilor Fournier, Councilor Grant, Councilor Sykes, Councilor Ali, Councilor Pelletier, Councilor Michniewicz, Councilor Bullett, Councilor Phillips

Councilors Absent: Mayor Dion

*Mayor Dion joined meeting at 5:55pm

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

Mayor Pro Tem Ali opened the floor for public comment. The following individuals spoke:

Andrew Zarro (District 4), Zach Barowitz (Huntress Street), Jon Kachmar (Portland Trails), George Rheault (Hanover Street)

ANNOUNCEMENTS:

Mayor Dion opened the floor for Council announcements. The following individuals spoke:

PRESENTATIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting- February 3, 2025

Motion was made by Councilor Michniewicz and seconded by Councilor Fournier for passage. Passage: 8-0

Mayor Pro Tem Ali opened the floor for public comment. No one spoke.

CONSENT ITEMS:

Order 132-24/25 Granting Municipal Officers' Approval of Saji LLC, dba Silver Street by Taj. Application for Class A Lounge at 35 Silver Street - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Phillips and seconded by Councilor Fournier for passage. Passage: 8-0

Mayor Pro Tem Ali opened the floor for public comment. The following individuals spoke: Councilor Phillips, Sai Guntaka (Owner of Taj)

UNFINISHED BUSINESS:

Order 82-24/25 Amendment to Portland City Code Chapter 2 RE: Ethics Commission - Sponsored by Michael Goldman, Corporation Counsel

*Point of order. Item was taken out of order and read as the last item on the Agenda. Michael Goldman (Corporation Counsel) gave an overview of this item

Motion was made by Councilor Ali and seconded by Councilor Grant for passage as amended. Passage as amended: 8-1 (Councilor Sykes-No)

Motion to suspend rules to allow for public comment on this order and amendments moved by Councilor Sykes and seconded by Councilor Phillips. Passed 9-0

The following amendments were voted on:

Sykes-Phillips Amendment #1 RE: Code of Ethics "Employees"

Motion was made by Councilor Sykes and seconded by Councilor Phillips for passage. Failed: 3-6 (Councilors Fournier, Grant, Ali, Michniewicz, Bullett, Dion-No)
Mayor Dion opened the floor for Council comment on this amendment. The following individuals spoke: Gary Wood (Vannah Ave), Councilor Sykes, Brandon Mazer (Perkins Thompson), Councilor Bullett, Councilor Phillips, Councilor Pelletier, Councilor Michniewicz, Councilor Grant, Councilor Fournier, Jim Kasaficus (Perkins Thompson), Councilor Ali, Mayor Dion
Amendment Failed.

Grant Amendment #2 RE: School Board and Portland Public School Employees

Motion was made by Councilor Grant and seconded by Councilor Bullett for passage. Passage: 8-1 Councilor Michneivich-No)
Mayor Dion opened the floor for Council comment on this amendment. The following individuals spoke: Councilor Michniewicz, Councilor Ali, Jim Kasaficus (Perkins Thompson) Councilor Grant, Brandon Mazer (Perkins Thompson)
Amendment Passed.

Grant Amendment #3 RE: Role of Corporation Counsel

*Friendly amendment to remove all reference to school
Motion was made by Councilor Grant and seconded by Councilor Phillips for passage. Passage 8-1: (Councilor Sykes-NO)
Mayor Dion opened the floor for Council comment on this amendment. The following individuals spoke: Councilor Grant
Amendment Passed.

Grant Amendment #4 RE: Residency Requirement

Motion was made by Councilor Grant and seconded by Councilor Ali for passage. Passage 5-4
(Councilors Sykes, Ali, Pelletier, Phillips-No)
Mayor Dion opened the floor for Council comment on this amendment. The following individuals spoke: Councilor Grant, Councilor Ali, Councilor Sykes, Councilor Bullett, Councilor Fournier, Councilor Phillips, Councilor Pelletier, Councilor Sykes
*Friendly amendment to reduce years from 5 years to 3 years.
Amendment Passed.

Grant Amendment #5 RE: Quorum and Necessary Vote

Motion was made by Councilor Grant and seconded by Councilor Fournier for passage. Passage 9-0
Mayor Dion opened the floor for Council comment on this amendment. The following individuals spoke: Councilor Grant
Amendment Passed.

Grant Amendment #6 RE: Waiving of Rues

Motion was made by Councilor Grant and seconded by Councilor Ali for passage.

Passage 9-0

Mayor Dion opened the floor for Council comment on this amendment. The following individuals spoke: Councilor Grant, Councilor Sykes, Councilor Pelletier

Amendment Passed.

Grant Amendment #7 RE: Personnel Matters

*Friendly amendment to remove all references to school

*Friendly amendment to reference file amendment with Corporation Counsel and not City Clerk

Motion was made by Councilor Grant and seconded by Councilor Fournier for passage.

Passage 9-0

Mayor Dion opened the floor for Council comment on this amendment. The following individuals spoke: Councilor Grant, Councilor Bullett, Councilor Pelletier

Amendment Passed.

Grant Amendment #8 RE: Complaints

Amendment withdrawn by Councilor Grant

Grant Amendment #9 RE: Appeals to Court

Motion was made by Councilor Grant and seconded by Councilor Pelletier for passage.

Passage 9-0

Mayor Dion opened the floor for Council comment on this amendment. The following individuals spoke: Councilor Grant, Jim Kasaficus (Perkins Thompson), Mayor Dion, Councilor Fournier, Brandon Mazer (Perkins Thompson), Michael Goldman

(Corporation Counsel)

Amendment Passed.

Phillips Amendment #10 RE: Accountability Office Report

Motion was made by Councilor Phillips and seconded by Councilor Sykes for passage.

Passage 5-4: (Councilors Fournier, Councilor Michniewicz, Councilor Bullett, Dion-NO)

Mayor Dion opened the floor for Council comment on this amendment. The following individuals spoke: Councilor Fournier, Councilor Sykes, Councilor Pelletier, Councilor Michniewicz, Jim Kasaficus (Perkins Thompson), Councilor Ali, Brandon Mazer

(Perkins Thompson), Councilor Sykes

Motion passed

Michniewicz Amendment #11 RE: Definitions

*Friendly amendment to remove all references to the School

Motion was made by Councilor Michniewicz and seconded by Councilor Phillips for passage. Motion Failed: 2-7 (Councilors Fournier, Grant, Sykes, Ali, Bullett, Phillips, Dion-No)

Mayor Dion opened the floor for Council comment on this amendment. The following individuals spoke: Councilor Pelletier, Councilor Grant, Brandon Mazer (Perkins Thompson), Mayor Dion, Michael Goldman (Corporation Counsel), Councilor Michniewicz, Councilor Bullett

Motion Failed

Michniewicz Amendment #12 RE: Accountability Officer

Amendment withdrawn

Order 129-24/25 Accepting the Portland Public Art Committee Fiscal Year 2024 Annual Report and Fiscal Year 2025 Budget Plan - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Phillips and seconded by Councilor Michniewicz for passage. Passage: 8-0

Mayor Pro Tem Ali opened the floor for public comment. The following individuals spoke: George Rheault (Hanover Street), Councilor Sykes, Kevin Kraft (Director of Planning and Urban Development)

Order 130-24/25 Accepting and Appropriating a \$15,500 StrengthenME Grant for the Coastal Cumberland County Project - Sponsored by Danielle P. West, City Manager

Troy Moon (Director of Sustainability) gave an overview of this item.

Motion was made by Councilor Sykes and seconded by Councilor Fournier for passage. Passage: 8-0

Mayor Pro Tem Ali opened the floor for public comment. The following individuals spoke: Councilor Michniewicz, Councilor Ali

Order 131-24/25 Amendment to Portland City Code Chapter 10 RE: Regulation of Explosives - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Anna Bullett, Chair

Motion was made by Councilor Sykes and seconded by Councilor Fournier for passage. Passage: 8-0

Mayor Pro Tem Ali opened the floor for public comment. The following individuals spoke: George Rheault (Hanover Street)

ORDERS:

Order 133-24/25 Accepting the 2024 Land Bank Commission Annual Report - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Bullett and seconded by Councilor Fournier for passage. Passage: 9-0

Mayor Pro Tem Ali opened the floor for public comment. The following individuals spoke: George Rheault (Hanover Street), Jon Kachmar (Landbank), Councilor Sykes, Michael Goldman (Corporation Counsel), Councilor Fournier

AMENDMENTS:

Order 134-24/25 Amendment to Portland City Code Chapter 34 RE: Landcare - Sponsored by Sustainability and Transportation Committee, Regina Phillips, Chair

This is first reading.

EXECUTIVE SESSION:

ADJOURNMENT:

Motion was made by Councilor Ali and seconded by Councilor Fournier to adjourn. Passage 9-0 at 8:00pm.

A TRUE RECORD

Ashley Rand, City Clerk

MARK DION (MAYOR)
PIOUS ALI (A/L)
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BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
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REGINA L. PHILLIPS (3)
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KATE SYKES (5)

**PROCLAMATION
RECOGNIZING
THE MONTH OF MARCH AS WOMEN’S HISTORY MONTH**

WHEREAS, women of all races, classes, ethnic backgrounds, and beliefs have made historic contributions to the growth, economic vitality, and overall quality of life in the City of Portland; and

WHEREAS, throughout the history of our city and despite a history of hardship, exclusion, and discrimination, women have strived and sacrificed for equity and equality to ensure that the daughters of Portland have the same opportunities as our sons; and

WHEREAS, despite their numerous contributions and as described in a 2020 report issued by Maine’s Permanent Commission on the Status of Women, Maine women still disproportionately struggle for economic security, experience domestic and sexual violence, lack access to healthcare; and

WHEREAS, throughout history and still today, Portland women have led and lead endeavors to create a more fair and just society for all; and

WHEREAS, for the third consecutive year, a majority of the members of the 2025 City Council are women, helping the Council body better represent the needs and priorities of this population; and

NOW, THEREFORE, BE IT RESOLVED, THAT I, Mark Dion, Mayor of the City of Portland, Maine and members of the City Council, do hereby recognize March 1st through March 31st, 2025 as Women’s History Month.

Signed and sealed this 3rd day of March, 2025



**Mark Dion, Mayor
City of Portland**

MEMORANDUM
City Council Agenda Item

FROM: Rusty Groh
DATE: January 27, 2025
SUBJECT: Order 135-24/25 Declaring July 10 to August 2, 2025 the Shakespeare in the Park Festival - Sponsored by Danielle P. West, City Manager
SPONSOR: Danielle P West, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No Organizer will need time to plan their event.

Does this item involve a new contract with the City: No

PRESENTATION: A representative from Fenix Theatre and Public Assembly Facilities Division will be available to answer any questions at the meeting.

I. SUMMARY

Order declaring Fenix Theatre Company's "Shakespeare in the Park" performances series July 10th 2025 thru August 2nd 2025 in Deering Oaks Park as a festival.

II. AGENDA DESCRIPTION

The Fenix Theatre Company has requested use of Deering Oaks Park for their annual summer performances to Portland for the 17th season. This summer's production will be Shakespeare's "As You Like It". The City's Parks, Recreation and Facilities Management Department is a co-sponsor of the performances.

These family friendly performances will be staged in the grass area adjacent to the ravine. There is no admission fee charged, but donations will be accepted. Approximately 150 people are expected at each performance. There will be a simple set up and a public address system will be used.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

III. BACKGROUND

This will be the 17th year Fenix Theatre has hosted Shakespeare in the Park in Deering Oaks Park.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Council declaring Fenix Theatre Company's Shakespeare in the Park performance series from July 10th thru August 2nd 2025 in Deering Oaks Park as a festival.

V. FINANCIAL IMPACT

The City's Parks, Recreation and Facilities Management Department is a co-sponsor of this event.

VI. STAFF ANALYSIS AND BACKGROUND

The Public Assembly Facilities Division has worked with the organizers on this yearly event and are confident in their ability to host this event.

VII. RECOMMENDATION

It is recommended that the order be declared.

VIII. LIST ATTACHMENTS

1. Consent Item - Declaring July 10 to August 2, 2025 the Shakespeare in the Park Festival
2. 2025 Tier I Parks and Spaces Application
3. Fenix Theatre Company - 2025 Council Agenda Memo

Prepared by:

Rusty Groh

Date: 01/27/2025

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**ORDER DECLARING JULY 10 TO AUGUST 2, 2025
THE SHAKESPEARE IN THE PARK FESTIVAL**

ORDERED, that July 10 to August 2, 2025 is hereby declared to be the Shakespeare in the Park Festival, sponsored by the Fenix Theater Company; and

BE IT FURTHER ORDERED, that the Shakespeare in the Park Festival area shall be Deering Oaks Park Bandstand and adjacent asphalt area, and Farmers Market Roadway; and

BE IT FURTHER ORDERED, that streets in the Shakespeare in the Park festival area may be posted No Parking on Festival days; and

BE IT FURTHER ORDERED, that vehicles in violation of the “no parking” signs in the Festival Area shall be towed at owner’s expense; and

BE IT FURTHER ORDERED, that the Shakespeare in the Park Festival Area shall be closed to licensed street vendors as provided in §19-17 and §19-22 of the Portland City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to the Fenix Theater Company under §§25-26—25-28 of the Portland City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. The Fenix Theater Company shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. Fenix Theater Company shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;
2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival Area;

3. The Fenix Theater Company shall comply with all Public Assembly Facilities Division Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to, but the Public Assembly Facilities Division fees for the use of the park are waived;

4. The Fenix Theater Company shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the Shakespeare in the Park

5. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors, and street goods vendors for the Festival to those vendors the Fenix Theater Company has agreed shall participate;

6. Public Assembly Facilities Division concert license conditions shall be complied with and any and all amplified music and public announcements shall be maintained at a reasonable noise level (A-weighted 85 decibels / C-weighted 95 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level; and

BE IT FURTHER ORDERED, that the City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.



parks,
recreation
& facilities



**TIER I
PUBLIC PARK AND SPACE**

City of Portland, Public Assembly Facilities Division
212 Canco Road Suite A
Portland, Maine 04103
207-808-5434
Rusty Groh - rgroh@portlandmaine.gov

**TIER I APPLICATION FEE \$25.00
EXPECTED ATTENDANCE 25-300**

PAYMENT MUST BE MADE WHEN SUBMITTING COMPLETED APPLICATION

(This is a transferable/non-refundable fee. If your event is permitted, the \$25.00 will be credited toward your permit fee.)

For uses of city property, there are typically: 1) fees charged for use of the area, 2) a security deposit required, and 3) insurance required.
There may be fees due and applications required from other City Departments.

TODAY'S DATE	Januayr 21, 2025	ORGANIZATION NAME	Fenix Theatre Company		
ADDRESS (Street/City/State/Zip)	23 May Street, Portland, ME 04102				
CONTACT NAME(S)	Shane Van Vliet		TITLE(S)	Production Manager & Board Member	
PHONE	207-332-8415	PHONE		PHONE	
EMAIL	marketing@fenixtheatre.com	EMAIL		EMAIL	

PARK AREA / PUBLIC SPACE REQUESTED	Deering Oaks Park - lawn between the bowling green & the pond		
EVENT DAY(S) & DATE(S)	Rehearsal: July 7-10 Performances: July 10- August 2, 2025 (Thursdays-Saturdays) Replace Wednesday, July 23 for Saturday, July 26	RAIN DAY(S) & DATE(S) (50% added fee)	Sundays July 20th and July 27th 2025
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	5pm-8:30pm	EVENT START & END TIME	6:30-8pm

EVENT NAME	EXPECTED ATTENDANCE
Rehearsals and Performances for As You Like It	100-300 people a night

The play will take place on the lawn between the bowling green & the pond. Fenix Theatre Company will have a key to store props/equipment backstage at the bandstand. Electricity from the green box down the path from the lawn will be activated for performances & rehearsals. A canopy or two may be set up on the grass for changing rooms &/or shade cover. City of Portland Parks, Rec & Facilities Department is co-sponsor of this event.

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	Please check: _____ FEE _____ PLEDGES	
IF YES FOR FEES, HOW MUCH?	FEE	\$
	STUDENT FEE	\$

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PLEASE CHECK OFF AND ANSWER: PLEASE SEE ATTACHED FEE SCHEDULE / DEPT. INFORMATION IF YOU ANSWER YES		X-YES	X-NO	X-NOT SURE
*	Are you setting up a canopy(s) ? (10'x10' size or smaller) How many? 1-2	X		
*	Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: https://content.civicplus.com/api/assets/376697a8-b6ac-4a4c-babc-9dbcf1e61eb8 or contact the Permitting and Inspections Department at buildinginspections@portlandmaine.gov or 207-874-8703 for more information. PLEASE apply at least 30 days before your event. Tent/Stage Size(s): Exact Location(s) of Tent/Stage Placement Requested: *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. ***		X	
*	Will you be setting up tables and/or chairs ? How many tables: chairs: 1 table with sound equipment on it	X		
*	Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List: 2 Speakers on Stands and 4-6 small Microphones on the ground across the lawn.	X		
*	Will there be refreshments at the event? Do you wish to sell food ? If so, you will need approval from the Parks, Recreation and Facilities Department and possibly a Temporary Food Service License from the Business Licensing Office. PLEASE provide them at least 30 days advance notice (207-874-8557). List food and drink / Food Trucks, etc.: PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.		X	
*	Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (207-874-8557) – 30 day notice List items you wish to sell:		X	

*	Are you setting up a PA (sound) system? Just for amplified speaking Are you planning on having Amplified Music? Band? DJ? Boom Box? If so, your event may require an Entertainment License . PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	X		
*	Will your event require electricity ? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$40 activation fee is required.	X		
*	Are you planning on bringing a Grill for a Barbecue? Grilling is subject to weather conditions and possibly Fire Dept. review.		X	
*	Will the event require reserved parking spaces / parking meters ? How many? "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.		X	
*	Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow/rent: Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (874-8493).		X	
*	Will your event require street closures ? (Please be specific under "Description of Event") Will your event affect METRO BUS ROUTES ?		X	
*	Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please visit: https://odm.officertrak.com/Portland-PD-ME/auth/signin		X	
*	Will your event require Fire/EMS assistance? (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 874-8400.		X	
*	Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 874-8910 well in advance to arrange.		X	
Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.				
*	Will your event require portable-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$75 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. We will use the porta restrooms already in the park		X	

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INSURANCE CERTIFICATE INFORMATION				
*	Will your event require liability Insurance? (Commercial liability insurance is required for a walkathon, race, festival, press conference, concert, etc. Product liability insurance is also required if the event has been approved for serving food.)	X		
♦ If you answered YES, you shall procure and maintain occurrence-based Commercial General Liability and Product Liability Insurance, when required, in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement, for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. The terms of this permit and the insurance coverage shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the CITY under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. You shall also be responsible for any and all deductibles and/or self-insured retentions. ♦ Both the Certificate of Insurance and Additional Insured Endorsement shall be sent to rgroh@portlandmaine.gov and must state that the policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date).				

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW

The Parks, Rec and Facilities Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receiving City Council approval.

ELECTRICITY

All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements. If a generator is used, please take all necessary measures to ensure safe operation. Bring a fire extinguisher, set generator up away from activities (and combustibles), store fuel source away from the generator and keep children away from the generator.

BARBECUES - GAS GRILLS ONLY

Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by PAFD Office and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You are required to have a fire extinguisher with in the grilling area.

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from on site (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannaford's, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park – Playground + Ravine, *East End Beach - Winter & Early Spring: Just EEB.) If over 150 people are expected to attend the event, a \$75 user fee is required (paid to PAFD). If extra units are rented by the organizer, then no additional user fee is assessed. Porta-restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call a local portable-restroom company.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if the park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

MARKING OF GROUNDS

Please DO NOT mark city property in any permanent way.
DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees.
Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used. If markings remain for more than a few rain storms, event organizers are responsible for removing them.
If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials. You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable).
Please remove all signage immediately following the event.

USE OF CANDLES

It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used this may need to be approved by the Portland Fire Department, please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. **Any damage** (dripped wax absorbed into hardscape causing stains, etc.) **will result in a forfeiture of your security deposit.**

ADA COMPLIANCE

Event organizers must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to

3

provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.

FIREWORKS

Organizers wishing to have fireworks as part of their event must contact the Portland Fire Department directly. Permits will need to be obtained through the Portland Fire Department, the State of Maine and possibly through the US Coast Guard.

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$25 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.**

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$32.50/each*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If the event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). Please make sure signs are removed once the event is complete.

ALCOHOL / SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, marijuana, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Consumption of alcohol is prohibited in public spaces unless specifically approved by City Council. Please inform all participants / attendees.

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require an Entertainment License from the PAFD Office.
 If the Police Dept./City Staff receive noise complaints, they will respond accordingly.
 Please set the PA System up with speakers facing away from businesses/residences to lessen impact.
 Please keep volume levels low out of consideration for nearby residents and businesses.
 The Permittee (organizer) shall not allow the sound emanating from the event to exceed an A-weighted 85 decibels / C-weighted 95 decibels.
 One verbal warning shall be issued if the sound has been found to have exceeded those limits. The warning may be given to the sound board operator or the organizer/organizer's designee. If the decibel limit is found to have been exceeded a second time during the same event, the entertainment license (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELLATION POLICY

Events must be canceled with PAFD prior to the event date in order to be eligible for a refund.
 If canceled within 2 weeks of the scheduled event date, a \$75 cancellation fee may be charged.

NOTIFICATION

Please keep a copy of your event permit on site at all times. City staff may require proof of permit.
 If there are members of the public in the reserved space upon arrival, please present the permit as proof of reservation & approved usage. If you need assistance, please contact the Police Department at (207) 874-8574.
 You may put up temporary A-frame signs to alert the public to your event or place signage on orange cones, etc. Signs are to be up DAY OF EVENT ONLY. Please remove all signage immediately following the event.
 Please call Portland Police Dept. (207) 874-8574 on the day of your event to remind them it is taking place.
 Please notify any nearby neighborhoods, businesses, including restaurants that may have tables out for dining, to alert them to your event.

STREET CLOSURE NOTIFICATION

Should an event involve a Street Closure, lasting longer than an hour, PAFD Office requires organizers to give advanced notification to area businesses, residents and bus companies (in the form of a "Street Closure Sign Off Sheet"). If an event impacts METRO Buses, the organizer (in advance) must discuss detour plans with METRO.

REVOCABLE PERMIT

- ◆ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ◆ The City reserves the unconditional right to revoke or revise an issued permit.
- ◆ Police or City Staff on site may use their discretion to revise conditions of use.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES

TYPE INITIALS

SVV

DATE

1/21/25

ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form (should permission be granted to use city property), the above parties agree to indemnify, defend, and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

I have read the Assumption of Risk & Liability Agreement

TYPE INITIALS

SVV

DATE

1/21/25

PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.

FEE SCHEDULE – UPDATED FEBRUARY 2024

Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.

Simple Event (no registration fee): \$75/hour
 Event with registration or pledges & attendance 25 - 300:
 \$150/hr. Event with registration or pledges & attendance 301+:
 \$250/hr. Film/Photo Shoot: \$150/day
 Public Space/Park Security Deposit: \$100 - \$1000
 Sound Security Deposit: \$100 - \$1,000
 Impact/Street Closure Fee (variable based on impact):
 \$100-\$500 Staff Fee: Event Mgr - \$45/hr. Event Staff -
 \$23-28/hr Administrative Fee (event coordination support):
 \$40/hr. (or more) "No Parking" Signs: \$35.00/ea.
 Event Cancellation Fee: \$75

Electricity (activation/deactivation) Fee: \$40/flat
 Porta Restroom User Fee (if attendance is 150+): \$75
 Entertainment License: \$50
 Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit
 Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit
 Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security
 Deposit Cones: \$2/ea. Rental Fee + \$15/ea. Security
 Deposit
 Safety Vests: \$15/ea. Security Deposit
 Keys: \$50/ea. Security Deposit
 Equipment Delivery Fee: \$100 Each Way (or more)
 Fortification Fee: TBD

CITY OF PORTLAND ACCEPTS CASH, CHECK, MONEY ORDER AND CREDIT / DEBIT CARDS FOR PAYMENT

Checks should be made payable to City of Portland
 There will be a 2.65% processing fee added to all Debit / Credit Card transactions.

TOTAL AMOUNT(S) DUE TO PUBLIC ASSEMBLY FACILITIES DIVISION (Please make all security deposit checks out separately)

Permit Fee for use of area: Number of Hours of Use: Approx.	\$	Entertainment License Fee:	\$
		Equipment Rental Fee:	\$
Staff Fee (on site event support):	\$	Public Space / Park / Sound Security Deposit:	\$
Admin. Fee (event coordination support):	\$	Borrowed / Rented Equipment Deposit:	\$
Electricity Fee (activation/deactivation):	\$	Additional Fees: (Porta-Restroom User Fee, "No Parking" Signs, etc.)	\$
Impact/Street Closure Fee (variable based on impact):	\$		

FOR OFFICE USE ONLY

APPLICATION FEE:	\$ 25.00	PERMIT FEE:	\$	SECURITY DEPOSIT:	\$	INSURANCE NEEDED?	Y / N
DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:	

Merchandise -Do you wish to sell **non-food items** (like T-shirts, crafts, cd's, etc.)? If so, please apply for a **Street Goods Vendor License(s)** at the Business Licensing Office (207-874-8557)

<https://content.civicplus.com/api/assets/9ef5d795-ac26-4794-9e38-c2f0bb9c9f04?cache=1800>

Tents/Stages -Do you wish to set up a **tent(s)** and/or **stage(s)**? A canopy/tent or stage larger than 10'x10' needs a **Temporary Tent or Stage Permit** issued by Building Inspections

<https://content.civicplus.com/api/assets/376697a8-b6ac-4a4c-babc-9dbcf1e61eb8>

Alcohol sales -Do you wish to sell **alcohol**? You must complete the application for a **Liquor License** specific to your event through the State of Maine and submit application to the City of Portland Business Licensing office first. Application will need

City of Portland's approval prior to going to the State. Questions? please contact the Division of Liquor Licensing and Enforcement at (207) 624-7220/email- MaineLiquor@maine.gov.
<https://www.maine.gov/dafs/bablo/liquor-licensing/license-and-permit-applications>

Food Sales - Will there be food vendors? If so, you must apply for a **Temporary Food Service License** from the Business Licensing Office. <https://content.civicplus.com/api/assets/12f35a2a-e2a4-4d87-bf05-9ec89545e996?cache=1800>

Police - Will your event require **Police** assistance? <https://odm.officertrak.com/Portland-PD-ME/auth/signin>

Fire/EMS - Will your event require **Fire/EMS** assistance? Email Fire Department - fireprevention@portlandmaine.gov

Amplified Sound - Will your event have amplified sound. If you are having amplified music at your event you will need to fill out an Entertainment License.

Parks, Recreation and Facilities Management

Ethan Hipple

Director

Andy Downs

Public Assembly Facilities Director

January 22, 2025



TO: Danielle West, City Manager
FROM: Andrew J. Downs, Director of Public Assembly Facilities Division
DATE: January 22, 2025
RE: **Council Agenda Item – Fenix Theatre Company’s 2025
“Shakespeare in the Park” Performance Series**

I am requesting that the following order be placed on
the next City Council agenda:

Order declaring Fenix Theatre Company's "Shakespeare in the Park" performance series,
running Thursday, Friday & Saturday evenings from July 10 through August 2, 2025
(*performances held Wednesday, Thursday & Friday, July 23-25 to accommodate Festival of
Nations on Saturday, July 26)
at Deering Oaks Park, **as a festival.**

The Fenix Theatre Company has requested use of Deering Oaks Park so that they may bring back their annual summer performances to Portland for the 17th season. This summer's production will be Shakespeare's "As You Like It". The City's Parks, Recreation & Facilities Management Department is a co-sponsor of the performances.

EVENT DESCRIPTION: These will be family-friendly performances, scheduled as follows: Thursdays, Fridays & Saturdays, 6:30-8pm (except July 23-25 when performances will take place Wednesday, Thursday & Friday to accommodate Festival of Nations in Deering Oaks Park on Saturday, July 26). These performances are to be staged at the grass area adjacent to the Ravine. There is no admission fee charged, but donations will be accepted. Approximately 150 people are expected at each performance. Rehearsals are scheduled for July 7-9.

A simple set will be used. A public address system will be used.

Friends of Deering Oaks has endorsed the festival. The Parks Commission has also endorsed the festival.

(continued)

The festival zone for the performance series is Deering Oaks Bandstand area, Ravine area, surrounding grass areas, and Farmers Market Roadway. This festival area will be closed to street vendors pursuant to Section 19-17 of the Portland City Code and is reserved for the use of festival organizers for the purpose of conducting the “Shakespeare in the Park” performance series, subject to the direction and control of the City Manager.

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the Fenix Theatre Company for the use of the above-described area for said Festival subject to the following conditions:

Fenix Theatre Company shall indemnify the city and hold it harmless from and against all claims arising out of activities during said events, and shall take out and maintain public liability insurance coverage in the amount of at least \$400,000 per occurrence for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the performances and activities;

Under no circumstances may alcoholic beverages be consumed or sold on the streets or park areas of said area during said festival;

Fenix Theatre Company shall have sole authority over participating vendors at the events and may charge a fee to vendors for the opportunity to vend at the festival;

Any and all amplified music/public announcements shall be maintained at a reasonable level (A-weighted 85 decibels / C-weighted 95 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring businesses, limiting any sound impacts in the area;

Public Assembly Facility Division permit fees for use of the area are waived (Parks, Recreation & Facilities Management Dept. is a co-sponsor of the event); and

Conditions for use of grounds, specified in a permit issued from Public Assembly Facilities Division, shall be adhered to.

The City Manager is also authorized to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable requirements of said Code have been met regarding the operation of said Festival/Event.

Document prepared by Rusty Groh, Booking Coordinator
Public Assembly Facilities Division

MEMORANDUM
City Council Agenda Item

FROM: Rusty Groh
DATE: February 13, 2025
SUBJECT: Order 136-24/25 Declaring Sundays on the Boulevard Festival Days in 2025 - Sponsored by Danielle P. West, City Manager
SPONSOR: Danielle West; City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/3/2025

Final Action 3/3/2025

Can action be taken at a later date: No Organizers need time to plan for closures.

Does this item involve a new contract with the City: No

PRESENTATION: A member of the Parks, Recreation and Facilities Management team will be on hand to answer any questions.

I. SUMMARY

Order Declaring Sundays on the Boulevard Festival as a weekly festival (Sunday May 4th 2025 - Sunday September 28th 2025).

II. AGENDA DESCRIPTION

Since 2014, Portland City Council has approved the closing of Baxter Boulevard from Vannah Avenue to Catafalque Drive (the east entrance to Payson Park) to vehicular traffic on Sundays (9:00am-4:00pm) in order to facilitate “Sundays on the Boulevard.”

The “Sundays on the Boulevard” committee would like to continue the tradition of offering this recreational opportunity to the public and requests permission to close the boulevard on Sundays, starting on May 4, 2025 through September 28, 2025, with a time frame of 9:00am – 4:00pm.

To facilitate the closure, city staff will erect barricades across Baxter Boulevard.

For “Sundays on the Boulevard,” streets listed below will be closed to vehicular traffic on Sundays, from 9am – 4pm:

- Baxter Blvd. - from Vannah Ave. to Catafalque Dr. (Payson Park east entrance)
- Payson Park, west entrance road - from the tip of the Grass Triangle (by the softball field) to Baxter Boulevard

Five affirmative votes are required for passage of items on the consent calendar after public comment.

III. BACKGROUND

Sundays on the Boulevard have been held annually since 2014.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

For the Council to pass the order.

V. FINANCIAL IMPACT

All staffing costs, permit fees and equipment usage will be covered by the organizers.

VI. STAFF ANALYSIS AND BACKGROUND

City staff have been part of Sundays on the Boulevard for the past 11 years. We are supportive of this weekly event.

VII. RECOMMENDATION

It is recommended that the order be passed.

VIII. LIST ATTACHMENTS

1. Consent Item - Declaring Sundays on the Boulevard Festival Days in 2025
2. Sundays on the Boulevard - Sign & Barricade Map 2025
3. Council Memo - SOTB 2025

Prepared by:

Rusty Groh

Date: 02/13/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER DECLARING
SUNDAYS ON THE BOULEVARD FESTIVAL DAYS IN 2025**

ORDERED, that Sundays from May 4, 2025 to September 28, 2025, are hereby declared to be Sundays on the Boulevard Festival Days; and

BE IT FURTHER ORDERED, that the Sundays on the Boulevard Festival Days area shall be Baxter Boulevard from Vannah Avenue to the east entrance to Payson Park; and

BE IT FURTHER ORDERED, that Baxter Boulevard from Vannah Avenue to Catafalque Drive (Payson Park east entrance), and the Payson Park west entrance road from the tip of the grass triangle to Baxter Boulevard shall be closed to traffic from 9:00 a.m. to 4:00 p.m. on every Sunday from May 4, 2025 to September 28, 2025 (*Sundays on the Boulevard will be suspended on Sunday, August 3, 2025 to accommodate the Back Cove Music & Arts Festival taking place in Payson Park.); and

BE IT FURTHER ORDERED, that vehicles in violation of any “no parking” signs in the Festival Area shall be towed at owner’s expense; and

BE IT FURTHER ORDERED, that the Sundays on the Boulevard Festival Days area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit under §25-27 of the City Code to the Sundays on the Boulevard Committee, subject to the direction and control of the City Manager and to the following specific conditions:

1. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival area; and
2. The City of Portland shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the Sundays on the Boulevard Festival; and
3. Assistance from City Departments will be in kind; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue such other temporary licenses, including licenses for food service establishments, as may be required by the City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.



Payson Park & Back Cove Trail



- A CAUTION Sign**
- B ROAD CLOSED Sign**
- C 3 Large Plastic Barricades**
- D 1-2 Sawhorse Barricades**
- E 2 Large Plastic Barricades**
** you may supplement with additional sawhorse barricades on turf**
- F 3 Large Plastic Barricades**
@ Vannah Street

For questions about sign and barricade placements, contact Rusty Groh.
207-808-5434 or rgroh@portlandmaine.gov



Parks, Recreation and Facilities Management

Ethan Hipple

Director

Andy Downs

Public Assembly Facilities Director

January 22, 2025



TO: Danielle West, City Manager
FROM: Andrew J. Downs, Director of Public Assembly Facilities Division
DATE: January 22, 2025
RE: **Council Agenda Item – Sundays on the Boulevard**

I am requesting that the following order be placed on
the next City Council agenda:

Order declaring “Sundays on the Boulevard” as a weekly festival event and declaring Baxter Boulevard (from Vannah Avenue to the entrance of Payson Park) be closed to traffic every Sunday, starting on May 4, 2025 through September 28, 2025 from 9:00am to 4:00pm, in order to allow the public to use that portion of the street as recreational space.

(*Sundays on the Boulevard will be suspended on Sunday, August 3, 2025 to accommodate the Portland Music & Arts Festival taking place in Payson Park.)

EVENT DESCRIPTION: Since 2014, Portland City Council has approved the closing of Baxter Boulevard from Vannah Avenue to Catafalque Drive (the east entrance to Payson Park) to vehicular traffic on Sundays (9:00am-4:00pm) in order to facilitate “Sundays on the Boulevard”.

The “Sundays on the Boulevard” committee would like to continue the tradition of offering this recreational opportunity to the public and requests permission to close the boulevard on Sundays, starting on May 4, 2025 through September 28, 2025, with a time frame of 9:00am – 4:00pm.

To facilitate the closure, city staff will erect barricades across Baxter Boulevard.

For “Sundays on the Boulevard,” streets listed below will be closed to vehicular traffic on Sundays, from 9am – 4pm:

Baxter Blvd. - from Vannah Ave. to Catafalque Dr. (Payson Park east entrance).

Payson Park, west entrance road - from the tip of the Grass Triangle (by the softball field) to Baxter Boulevard.

(continued)

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the Sundays on the Boulevard Committee for the use of the above-described area for said Festival subject to the following conditions:

Under no circumstances may alcoholic beverages be consumed or sold on the streets or park areas of said area during said festival;

Assistance from City Departments will be covered in the operating budget.

The City Manager is also authorized to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable requirements of said Code have been met regarding the operation of said Festival/Event.

Document prepared by Rusty Groh, PAFD Booking Coordinator



Portland Clean Election Fund Annual Report-2024

Overview:

The Portland Clean Election Fund kicked off on June 1, 2023 for the program's very first Election Cycle. Portland's Clean Elections Fund was created in response to Charter Question 3 of the November 8th, 2022 Election which passed with 65.3% of the vote.

The fund applies to candidates running for Mayor, City Council, and the School Board who choose to participate in the City of Portland Clean Election Fund established by Article IV, Section 12 of the City Charter ("Portland's Clean Election Fund"). Candidate participation in Portland's Clean Election Fund is voluntary. Portland's Municipal Candidates are not required to enroll in Portland's Clean Elections Fund and may remain as Traditionally Financed candidates instead of enrolling and all previously existing regulations covering Traditionally Financed campaigns remain in place.

2024 Additions:

In 2024 we launched the online payment system for Qualified Contributions. This launched in June of 2024, just in time for Candidates to utilize for the November 2024 Election. The online portal was used heavily by our candidates. This cut down the need to collect cash and check contributions drastically.

Roughly 80% of the QC contributions came from the online portal vs check/cash contributions.

Fund Breakdown/Balance:

A total of 13 Candidates took part in the Portland Clean Elections Program for 2024. The fund was reduced by City Council from this last budget cycle from \$425,000 to \$300,000. With the reduced fund amount, 59% of the fund was used. The breakdown is as follows:

City Council At-Large	City Council District 2
Candidates-5	Candidate-5
Jessica Falero	Attim Boykin
Benjamin Grant	Nancy English

Grayson Lookner	Catherine Nekoie
Brandon Mazer	Robert O'Brien
Jacob Viola	Wesley Pelletier
City Council District 1	School Board At-Large
Candidate-1	Candidate-1
Sarah Michniewicz	Maya Lena
Robert Todd Morse	

City Council At-Large (5 Candidates)

Initial Fund Disbursement: **\$49,980.60**

Supplemental Funding (Up to 3 rounds): **\$59,994**

Unspent Funds Returned to Program: **\$489.28**

City Council District 1 (2 Candidates)

Initial Fund Disbursement: **\$7,985.70**

Supplemental Funding (Up to 3 rounds): **\$13,330**

Unspent Funds Returned to Program: **\$373.76**

City Council District 2 (5 Candidates)

Initial Fund Disbursement: **\$19,937.94**

Supplemental Funding (Up to 3 rounds): **\$18,662**

Unspent Funds Returned to Program: **\$748.46**

School Board At-Large (1 Candidate)

Initial Fund Disbursement: **\$5,000**

Supplemental Funding (Up to 3 rounds) **\$3,332**

Unspent Funds Returned to Program: **\$892.58**

See next page for Fund Balance Breakdown/Account Remaining

2024 Fund Balance Breakdown

PCE Fund Start Balance	\$300,000.00
Clean Election Donation (Stuart Tisdale)	\$1,553.57
Fund Deposits From Candidates (QC Qualifications)	\$8,591.00
Rejected/Additional QC's Deposited into Fund	\$749.00
Fund Debits (Checks Cut to Candidates)	\$178,222.24
Fees for Online Portal	\$376.25
Unspent Funds Returned to Account from Candidates	\$2,504.08
PCE Fund End Balance for 2023	<u>\$134,799.16</u>

****Additional Breakdown of Revenue & Expenditures of the Fund are provided in the attached spreadsheet***

2025 Goals/Adjustments/Notes:

- Online Campaign Finance Database- This will remain as an active need due to the Ordinance Requirement. In 2023 the City put out a RFP for the database and bids came back way over the anticipated budget (\$500k+). Council decided not to fund this due to cost.
 - Until an affordable solution is met, or this is added to the budget, each year Campaign Finance Reports will be uploaded to our website as its own year, and organized by candidate & report type. Prior years, all reports were combined into a single PDF and uploaded after each election, making it difficult to view individual reports.
- A Special Election is going to be held in June 2025 to fill a vacant At-Large School Board position. Clean Election Funds will also be utilized ahead of the June 2025 Municipal Election.
- Seats open in November 2025
 - City Council At-Large
 - City Council-District 3
 - School Board At-Large (Two Seats)
 - School Board- District 3

Mayor		Required: 200 QCs				ayout \$40,000 (Less Seed Money Balance)				Required: 100 QCs				Payment \$20,000				Required: 100 QCs				Payment \$20,000				Required: 100 QCs				Payment \$20,000			
Candidate		Seed Money Contributor	Seed Money Expenditure	Seed Money Balance	Initial Certification	QC's Submitted	Initial Certification-Payment to Candidate	Supplemental Round 1	QC's Submitted	Supplemental Round 1- Payment to Candid	Supplemental Round 2	QC's Submitted	Supplemental Round 2- Payment to Candid	Supplemental Round 3	QC's Submitted	Supplemental Round 3- Payment to Candid	42 Post Report/Clean Election Money Return to the City																
	Justin Costa	\$2,650.00	\$2,617.00	\$33.00		\$1,190.00		\$39,967.00		\$767.00		\$20,000.00		\$0.00		\$0.00		\$527.90															
	Andrew Zarro	\$4,495.00	\$4,368.02	\$126.98		\$1,045.00		\$39,873.02		\$525.00		\$20,000.00		\$0.00		\$0.00		\$5,870.56															
	Total	\$7,145.00	\$6,985.02	\$159.98		\$2,235.00		\$79,840.02		\$1,292.00		\$40,000.00		\$0.00		\$0.00		\$5,923.31															
City Council At-Large		Required: 100 QCs				ayout \$10,000 (Less Seed Money Balance)				Required: 50 QCs				Payment: \$6,666				Required: 50 QCs				Payment: \$6,666											
Candidate		Seed Money Contributor	Seed Money Expenditure	Seed Money Balance	Initial Certification	QC's Submitted	Initial Certification-Payment to Candidate	Supplemental Round 1	QC's Submitted	Supplemental Round 1- Payment to Candid	Supplemental Round 2	QC's Submitted	Supplemental Round 2- Payment to Candid	Supplemental Round 3	QC's Submitted	Supplemental Round 3- Payment to Candid	42 Post Report/Clean Election Money Return to the City																
	April Fournier	\$399.39	\$0.00	\$399.39		\$500.00		\$9,600.61		\$0.00		\$0.00		\$0.00		\$0.00		\$85.13															
	William Linnell	\$670.00	\$501.19	\$168.81		\$535.00		\$9,831.19		\$282.50		\$6,666.00		\$282.50		\$6,666.00		\$119.20															
	Total	\$1,069.39	\$501.19	\$568.20		\$1,035.00		\$19,431.80		\$282.50		\$6,666.00		\$282.50		\$6,666.00		\$204.89															
City Council District 4		Required: 50 QCs				ayout \$4,000 (Less Seed Money Balance)				Required: 25 QCs				Payment \$2,666				Required: 25 QCs				Payment \$2,666											
Candidate		Seed Money Contributor	Seed Money Expenditure	Seed Money Balance	Initial Certification	QC's Submitted	Initial Certification-Payment to Candidate	Supplemental Round 1	QC's Submitted	Supplemental Round 1- Payment to Candid	Supplemental Round 2	QC's Submitted	Supplemental Round 2- Payment to Candid	Supplemental Round 3	QC's Submitted	Supplemental Round 3- Payment to Candid	42 Post Report/Clean Election Money Return to the City																
	Anna Bullett	\$400.00	\$200.00	\$200.00		\$280.00		\$3,800.00		\$135.00		\$2,666.00		\$0.00		\$0.00		\$861.33															
	Total	\$400.00	\$200.00	\$200.00		\$280.00		\$3,800.00		\$135.00		\$2,666.00		\$0.00		\$0.00		\$861.33															
City Council District 5		Required: 50 QCs				ayout \$4,000 (Less Seed Money Balance)				Required: 25 QCs				Payment \$2,666				Required: 25 QCs				Payment \$2,666											
Candidate		Seed Money Contributor	Seed Money Expenditure	Seed Money Balance	Initial Certification	QC's Submitted	Initial Certification-Payment to Candidate	Supplemental Round 1	QC's Submitted	Supplemental Round 1- Payment to Candid	Supplemental Round 2	QC's Submitted	Supplemental Round 2- Payment to Candid	Supplemental Round 3	QC's Submitted	Supplemental Round 3- Payment to Candid	42 Post Report/Clean Election Money Return to the City																
	Kathryn Sykes	\$500.00	\$500.00	\$0.00		\$265.00		\$4,000.00		\$125.00		\$2,666.00		\$130.00		\$2,666.00		\$1,018.70															
	Total	\$500.00	\$500.00	\$0.00		\$265.00		\$4,000.00		\$125.00		\$2,666.00		\$130.00		\$2,666.00		\$1,018.70															
School Board At-Large		Required: 60 QCs				ayout \$5,000 (Less Seed Money Balance)				Required: 40 QCs				Payment \$1,666				Required: 40 QCs				Payment \$1,666											
Candidate		Seed Money Contributor	Seed Money Expenditure	Seed Money Balance	Initial Certification	QC's Submitted	Initial Certification-Payment to Candidate	Supplemental Round 1	QC's Submitted	Supplemental Round 1- Payment to Candid	Supplemental Round 2	QC's Submitted	Supplemental Round 2- Payment to Candid	Supplemental Round 3	QC's Submitted	Supplemental Round 3- Payment to Candid	42 Post Report/Clean Election Money Return to the City																
	Cody Austin Sims	\$300.00	\$280.00	\$20.00		\$355.00		\$4,980.00		\$0.00		\$0.00		\$0.00		\$0.00		\$918.37															
	Total	\$300.00	\$280.00	\$20.00		\$355.00		\$4,980.00		\$0.00		\$0.00		\$0.00		\$0.00		\$918.37															
Totals		Seed Money Contributor	Seed Money Expenditure	Seed Money Balance	Initial Certification	QC's Submitted	Initial Certification-Payment to Candidate	Supplemental Round 1	QC's Submitted	Supplemental Round 1- Payment to Candid	Supplemental Round 2	QC's Submitted	Supplemental Round 2- Payment to Candid	Supplemental Round 3	QC's Submitted	Supplemental Round 3- Payment to Candid	42 Post Report/Clean Election Money Return to the City																
		\$9,414.39	\$6,466.21	\$948.18		\$4,190.00		\$112,051.82		\$1,824.50		\$51,998.00		\$987.50		\$29,332.00		\$8,923.66															

Fund Start Balance

Clean Election Donation-Made by Dylan Pugh

Clean Election Donation-Made by April Fournier

Fund Deposits (QC Qualifications)

Fund Debit (Checks Cut to Candidates)

Current Clean Elections Fund Balance

\$500,000.00

\$450,000.00

\$400,000.00

\$350,000.00

\$300,000.00

\$250,000.00

\$200,000.00

\$150,000.00

\$100,000.00

\$50,000.00

\$0.00

■ Fund Start Balance

■ Clean Election Donation-Made by Dylan Pugh

■ Clean Election Donation-Made by April Fournier

■ Fund Deposits (QC Qualifications)

■ Fund Debit (Checks Cut to Candidates)

■ Current Clean Elections Fund Balance

Candidate	City Council At-Large	Seed Money Contributions				Seed Money Expenditures		Seed Money Balance		Required: 100 QC's		Payout \$10,000 (Less Seed Money Balance)		Required: 50 QC's		Payout: \$6,666		Required: 50 QC's		Payout: \$6,666		Required: 100 QC's		Payout \$20,000																	
		Initial Certification	QC's Submitted	Initial Certification	Payment to Candidate	Supplemental Round 1	QC's Submitted	Supplemental Round 1	Payment to Candidate	Supplemental Round 2	QC's Submitted	Supplemental Round 2	Payment to Candidate	Supplemental Round 3	QC's Submitted	Supplemental Round 3	Payment to Candidate	Supplemental Round 1	QC's Submitted	Supplemental Round 1	Payment to Candidate	Supplemental Round 2	QC's Submitted	Supplemental Round 2	Payment to Candidate	42 Post Report/Clean Election Money Return to the City															
	Jessica Falero		\$1,275.00		\$1,269.63	\$5.37	\$675.00		\$9,994.63		\$250.00		\$6,666.00		\$0.00		\$6,666.00		\$0.00		\$6,666.00		\$0.00		\$6,666.00		\$0.00														
	Benjamin Grant		\$2,500.00		\$2,500.00	\$0.00	\$515.00		\$10,000.00		\$250.00		\$6,666.00		\$250.00		\$6,666.00		\$0.00		\$6,666.00		\$0.00		\$6,666.00		\$454.55														
	Grayson Lookner		\$1,250.00		\$1,247.56	\$2.44	\$535		\$9,997.56		\$250		\$6,666.00		\$250		\$6,666.00		\$0.00		\$6,666.00		\$250		\$6,666.00		\$34.02														
	Brandon Mazer		\$2,500		\$2,500	\$0.00	\$1,000.00		\$10,000		\$250.00		\$6,666.00		\$250		\$6,666.00		\$0.00		\$6,666.00		\$250		\$6,666.00		\$0.00														
	Jacob Villa		\$2,425		\$2,413.41	\$11.59	\$1,000.00		\$9,986.41		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.71														
	Total		\$9,950.00		\$9,930.60	\$19.40	\$2,396.00		\$49,980.60		\$1,000.00		\$25,664.00		\$750.00		\$19,998.00		\$500.00		\$5,332.00		\$125.00		\$13,332.00		\$489.28														
	City Council District 1																																								
			Seed Money Contributions		Seed Money Expenditures		Seed Money Balance		Initial Certification		QC's Submitted		Initial Certification		Payment to Candidate		Supplemental Round 1		QC's Submitted		Supplemental Round 1		Payment to Candi		Supplemental Round 2		QC's Submitted		Supplemental Round 2		Payment to Candidate		Supplemental Round 3		QC's Submitted		Supplemental Round 3		Payment to Candidate		42 Post Report/Clean Election Money Return to the City
	Candidate		\$488.00		\$488.21		\$0.79		\$275.00		\$3,990.21		\$3,990.21		\$125.00		\$125.00		\$2,666.00		\$125.00		\$2,666.00		\$125.00		\$2,666.00		\$125.00		\$2,666.00		\$125.00		\$2,666.00		\$286.34				
	Sarah Michoniewicz		\$500.00		\$495.49		\$4.51		\$305.00		\$3,995.49		\$3,995.49		\$125.00		\$125.00		\$2,666.00		\$125.00		\$2,666.00		\$125.00		\$2,666.00		\$125.00		\$2,666.00		\$125.00		\$2,666.00		\$87.22				
	Robert Morse		Total		\$998.00		\$983.70		\$14.30		\$580.00		\$580.00		\$250.00		\$250.00		\$5,332.00		\$250.00		\$5,332.00		\$250.00		\$5,332.00		\$125.00		\$5,332.00		\$125.00		\$5,332.00		\$373.76				
	City Council District 2																																								
			Seed Money Contributions		Seed Money Expenditures		Seed Money Balance		Initial Certification		QC's Submitted		Initial Certification		Payment to Candidate		Supplemental Round 1		QC's Submitted		Supplemental Round 1		Payment to Candi		Supplemental Round 2		QC's Submitted		Supplemental Round 2		Payment to Candidate		Supplemental Round 3		QC's Submitted		Supplemental Round 3		Payment to Candidate		42 Post Report/Clean Election Money Return to the City
	Candidate		\$500.00		\$497.28		\$2.72		\$315.00		\$3,997.28		\$3,997.28		\$150.00		\$150.00		\$2,666.00		\$125.00		\$2,666.00		\$125.00		\$2,666.00		\$125.00		\$2,666.00		\$125.00		\$2,666.00		\$125.00		\$2,666.00		\$0.00
	Atim Boykin		\$500.00		\$496.37		\$3.63		\$265.00		\$3,996.37		\$3,996.37		\$50.00		\$50.00		\$2,666.00		\$0.00		\$2,666.00		\$0.00		\$2,666.00		\$0.00		\$2,666.00		\$0.00		\$2,666.00		\$0.00		\$2,666.00		\$720.48
	Nancy English		\$500.00		\$462.80		\$37.10		\$270.00		\$3,962.80		\$3,962.80		\$50		\$50		\$2,666.00		\$0.00		\$2,666.00		\$0.00		\$2,666.00		\$0.00		\$2,666.00		\$0.00		\$2,666.00		\$0.00		\$2,666.00		\$0.00
	Catherine Nelson		\$0.00		\$0.00		\$0.00		\$6.00		\$270.00		\$270.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		
	Robert O'Brien		\$500.00		\$481.39		\$18.61		\$320.00		\$3,981.39		\$3,981.39		\$50.00		\$50.00		\$2,666.00		\$125.00		\$2,666.00		\$125.00		\$2,666.00		\$125.00		\$2,666.00		\$125.00		\$2,666.00		\$125.00		\$2,666.00		\$27.98
	Wesley Pollister		Total		\$2,000.00		\$1,937.94		\$62.06		\$1,440.00		\$1,440.00		\$200.00		\$200.00		\$10,664.00		\$250.00		\$10,664.00		\$250.00		\$10,664.00		\$5,332.00		\$125.00		\$10,664.00		\$5,332.00		\$125.00		\$10,664.00		\$748.46
	School Board At-Large																																								
			Seed Money Contributions		Seed Money Expenditures		Seed Money Balance		Initial Certification		QC's Submitted		Initial Certification		Payment to Candidate		Supplemental Round 1		QC's Submitted		Supplemental Round 1		Payment to Candi		Supplemental Round 2		QC's Submitted		Supplemental Round 2		Payment to Candidate		Supplemental Round 3		QC's Submitted		Supplemental Round 3		Payment to Candidate		42 Post Report/Clean Election Money Return to the City
	Candidate		\$1,500.00		\$1,500.00		\$0.00		\$325.00		\$5,000.00		\$5,000.00		\$200.00		\$200.00		\$1,666.00		\$200.00		\$1,666.00		\$200.00		\$1,666.00		\$200.00		\$1,666.00		\$200.00		\$1,666.00		\$200.00		\$1,666.00		\$892.58
	Maya Lena		Total		\$1,500.00		\$1,500.00		\$0.00		\$325.00		\$325.00		\$200.00		\$200.00		\$1,666.00		\$200.00		\$1,666.00		\$200.00		\$1,666.00		\$200.00		\$1,666.00		\$200.00		\$1,666.00		\$200.00		\$1,666.00		\$892.58
			Totals		\$16,448.00		\$14,352.24		\$95.76		\$4,741.00		\$4,741.00		\$82,904.24		\$1,650.00		\$44,326.00		\$1,450.00		\$44,326.00		\$1,450.00		\$44,326.00		\$750.00		\$18,664.00		\$2,504.08		\$2,504.08		\$2,504.08		\$2,504.08		
	Fund Start Balance				\$300,000.00																																				
	Fund Deposits (QC Qualifications)				\$8,591.00																																				
	Rejected/Additional QC's-Deposited into Fund				\$749.00																																				
	Donations to Fund (Stuart Tidale-Close out account)				\$1,553.57																																				
	Fund Debit (Checks Cut to Candidates)				\$170,232.24																																				
	Online Clean Election Fees				\$376.25																																				
	Unspent Funds Returned to Account from Candidates				\$2,554.58																																				
	Current Clean Elections Fund Balance				\$134,799.16																																				

MEMORANDUM
City Council Agenda Item

FROM: Troy Moon, Sustainability Director

DATE: February 21, 2025

SUBJECT: Order 134-24/25 Amendment to Portland City Code Chapter 34 RE: Landcare -
Sponsored by Sustainability and Transportation Committee, Regina Phillips, Chair

SPONSOR: Regina Phillips, Chair, Sustainability and Transportation Committee
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 2/24/2025

**Final
Action 3/3/2025**

Can action be taken at a later date: Yes If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: No

PRESENTATION:

I. SUMMARY

The amendment would allow the use of chlorantraniliprole to treat grubs and allow the LMAC to issue a waiver for broadcast and pre-emptive applications of pesticides under certain circumstances.

II. AGENDA DESCRIPTION

The Sustainability and Transportation Committee met on February 12, 2024 and voted 2-1 (Councilors Bullett and Ali opposed, Councilor Phillips in favor) against recommending adoption of amendments to Chapter 34 recommended by the Landcare Management Advisory Committee.

On February 3 the Landcare Management Advisory Committee (LMAC) voted 5-2 to recommend amendments to Chapter 34 to exempt the use of chlorantraniliprole to control grub infestations. The LMAC made this recommendation because there is no reliably effective organic treatment for grubs and the EPA classifies chlorantraniliprole as a "reduced risk" pesticide that presents minimal risk to the environment when applied as directed by the manufacturer. The LMAC also sought to amend provisions of the waiver process that prohibits the use of a broadcast spreader to apply a synthetic pesticide, which is the recommended method of applying chlorantraniliprole.

This item must be read on two separate days. It received its first reading on February 24. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

On December 3, 2024, the Sustainability Office received a waiver request from Cheverus High School to treat a severe grub infestation on their athletic fields located on Ocean Avenue. School officials described and documented severe damage to the turf caused by the grubs feeding on the roots of the turf grass as well as damage caused by birds and other animals digging up the fields as they forage for grubs to eat. Over the course of two years, school personnel implemented extensive cultural practices to control grubs and deployed several strategies to deter birds and animals from entering the athletic fields. This included two treatments of an organic product based on the bacterium *Bacillus thuringiensis* (Bt) as well as installation of automated noise-making devices and animal decoys that proved unsuccessful in deterring the foraging wildlife.

Documentation provided by school officials demonstrated damage to their athletic fields, including bare spots and loose turf that threaten the safety of student athletes. To address the grubs, Cheverus filed for an ordinance waiver that would allow them to use an otherwise prohibited pesticide. As required, they documented the problem, demonstrated that they had considered alternatives, and proposed a treatment plan. They proposed the use of Acelepryn (active ingredient chlorantraniliprole), a product classified as “reduced risk” by the EPA. They proposed to follow the application method and application rate recommended on the product label, which is to use a spreader to broadcast the product onto the field surface. As demonstrated in their waiver request, the entire playing surface is the target area impacted by the grubs.

After reviewing the application and the ordinance, Sustainability Office staff determined that they could not accept the waiver request because Chapter 34 prohibits the use of broadcast applications. Corporation Counsel indicated that an appropriate path to address this issue would be to pursue an amendment to the ordinance to exempt the use of Acelepryn to treat grub infestations.

On February 4, 2025, staff presented draft ordinance amendments to the Landcare Management Advisory Committee (LMAC) to hear their comments and feedback. As noted in Chapter 34, the LMAC’s role is to provide advice to the Sustainability Director and City Council regarding the implementation of the Landcare ordinance. The committee held a lengthy discussion with committee members broadly agreeing that any amendment should specify only chlorantraniliprole rather than any reduced risk pesticide. The LMAC agreed that any applications should be reported to the Sustainability Office so that usage of the product may be tracked. The LMAC reconvened on February 11 to further discuss the ordinance amendments. Following discussion, the committee voted 5-2 to recommend the proposed amendments to Chapter 34 to the Sustainability and Transportation Committee.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

.

VI. STAFF ANALYSIS AND BACKGROUND

Chapter 34 generally prohibits the use of synthetic pesticides to control unwanted or destructive plants and insect pests on public and private property. It emphasizes organic methods and best management practices to care for turf and landscapes in order to limit the introduction of potentially harmful substances into the environment. The ordinance provides a process that allows property owners to apply for a waiver granting them the right to apply an otherwise prohibited pesticide under certain circumstances, such as to treat an invasive pest that threatens the environment, to control a pest that threatens public health or safety, or to prevent damage to a structure. Currently, there is no reliably effective organic product available to treat grubs, which can become established even in healthy, well maintained turf. As written, the current language in Section 34-7 regarding waivers disallows broadcast application it prevents the use of chlorantraniliprole, which is the least risk synthetic pesticide available to treat grubs. This means there is not currently a way for a property owner to apply for a waiver if organic methods have failed to treat grubs on their property.

VII. RECOMMENDATION

Grub infestations can occur in any turf environment, even when property owners follow best management practices that create healthy soils. Grubs feed on the roots of the grass plants, which can result in large bare spots and turf with low tensile strength. Animals digging to forage for grubs causes additional turf damage. Damaged turf on athletic fields creates dangerous playing conditions that can result in severe injuries to athletes. The organic products available to treat grubs are not reliably effective in Maine soils. Staff recommends that the City continue to prioritize organic landcare methods but recommends adoption of the proposed amendments to provide a means to control grubs when organic methods fail to do so.

VIII. LIST ATTACHMENTS

1. Amendment - Ch 34
2. Chapter 34 Landcare - Revised 6-17-2024 (PDF)
3. Memo to S_T regarding proposed amendments to chapter 34
4. CheverusPesticideWaiver2024_110724 (1) (2)
5. Cheverus Grub Photos (1)
6. Sykes Amendment 1
7. Phillips Amendment 2
8. 02.24.25 Public Comment - Order 134

Prepared by:

Troy Moon, Sustainability Director

Date: 02/21/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

AMENDMENT TO PORTLAND CITY CODE CHAPTER 34 RE: LANDCARE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. *That the Sections 34-3, 34-5, 34-6, 34-7, 34-11, and 34-13, of the Portland City Code Chapter 34 is hereby amended to read as follows:*

Chapter 34

LANDCARE

...

Sec. 34-3. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the following meaning:

...

Organic pest management means the act of managing or controlling pests through the use of mechanical, cultural, or ~~r~~ biological processes, or through the use of natural, organic, or non-synthetic substances.

...

Soil means the outer, weathered layer of the Earth's crust which can potentially support plant life and is made up of inorganic particles, organic matter, organisms, water and air.

...

Sec. 34-5 Permitted, prohibited, and exempt applications

...

4. Exempt Applications. The following applications are exempt from the provisions of this ordinance (and therefore are allowed):
 - i. Specific health and safety applications. Prohibited pesticides may be used to control plants that are poisonous to the touch, such as poison ivy, pests of significant health importance such as ticks and mosquitoes, and animals or insects that may cause damage to a structure, such as carpenter ants or termites;
 - ii. Golf course applications. Prohibited pesticides may be used on golf courses provided that the course is designated through Audubon International as a Certified Audubon Cooperative Sanctuary;
 - iii. Hadlock Field applications;
 - iv. Treatments for Heritage Elms;
 - v. Applications on fields at High Use Athletic facilities (until January, 2023, unless this date is extended by the City Council);
 - vi. Prohibited pesticides may be used to control the Emerald Ash Borer, Asian Longhorned Beetle, Hemlock Woolly Adelgid, Browntail Moth and other insects identified as invasive by the Maine Forest Service;
 - vii. Right-of-way applications. Prohibited pesticides may be used by a public utility that maintains a right-of-way through the City; and/or
 - viii. Invasive plant applications on city property. Applications to control plants categorized as *currently considered invasive in Maine* by the Maine Department of Agriculture, Conservation, and Forestry.
 - ix. Grub control application: Chlorantraniliprole may be used to control grubs if applied by a Professional Applicator as directed by the manufacturer. All such applications shall be reported to the Sustainability Director.

...

Sec. 34-6. Landcare Management Advisory Committee.

(a) The Landcare Management Advisory Committee ("LMAC") is hereby established. The LMAC shall consist of seven (7) members as follows:

1. The City's Sustainability Director or a City employee appointed by the City Manager;
2. One (1) practicing agronomist appointed by the City Council;
3. Two (2) Maine Board of Pesticides Control-licensed landscape professionals, at least one (1) of whom has experience in organic land care management and is accredited by the Northeast Organic Farming Association in Organic Land Care, each appointed by the City Council; and
4. Three resident or taxpayer representatives appointed by the City Council at least one of whom has experience in organic land care management.

(b) The terms of office of the six (6) LMAC members appointed by the City Council shall be three-year terms, except that the initial appointments after the establishment of the LMAC shall be such that the terms of office of no more than two (2) members shall expire in any single year. The term of office for the City employee LMAC member shall be for as long as the employee holds said employment position.

(c) The LMAC shall advise the City Council and the City's Sustainability ~~Coordinator~~Director with respect to the following:

1. Advising the Sustainability and Transportation Committee and the City's Sustainability ~~Coordinator~~Director of any problems encountered or amendments that may be required to achieve the full and successful implementation of this ordinance;
2. Reviewing and acting upon waiver applications when applicable;
3. Developing and implementing outreach and education as specified in Sec. 34-11 of this ordinance (in coordination with the Sustainability ~~Coordinator~~Director);

...

7. Any additional responsibilities as may be assigned and deemed necessary by the City Council.

(d) PLMAC Officers, meetings and records.

...

Sec. 34-7. Waivers.

(a) In situations that are an emergency, threaten the public health, safety or welfare, or for the control of invasive species that pose a threat to the environment, persons shall apply to the LMAC Waiver Committee for a waiver from the provisions of this ordinance prior to the use/application of a prohibited fertilizer or pesticide or prior to the conduct of a prohibited application.

(b) In addition, Persons may apply to the Waiver Committee for a waiver in order to use a synthetic fertilizer on performance turf or for new development, prior to the actual use of the synthetic fertilizer, if one or more the following conditions exists:

1. The soil temperature is less than 55 degrees Fahrenheit and reasonable grounds exist to justify fertilizer use at that location and at that time;
2. The turf is experiencing high stress due to high use and must be ready for high performance play when the sports season(s) begin; or
3. A suitable organic product that meets the nutrient needs of the soil as specified in a soil test is unavailable.

(c) The waiver application shall be filed with the LMAC Waiver Committee, on a form prescribed by the Committee and shall include the following information: the reason for requesting the use/application of a prohibited pesticide; the proposed location(s) of the proposed application(s); details on the timing(s) of use, substance(s) and amounts to be applied; date(s) of application; and a management plan that includes the narrowest effective application, avoidingexcludes broadcast and preemptive applications when feasible; ~~and a pest identification and threshold report~~. In order to approve a waiver application, the LMAC Waiver Committee must find that all of the following criteria are met:

1. A situation exists that: is an emergency; threatens the public health, safety and/or welfare; involves an invasive species that poses a threat to the environment or requires a non-permitted pest management activity and/or material to protect buildings or structures from damage;

...

(e) In approving any waiver application, the Waiver Committee may also prescribe conditions and safeguards as are appropriate to further the purposes of this ordinance. The waiver decision of the Waiver Committee shall be in writing, with copies provided to the applicant, the LMAC, and the Sustainability ~~Coordinator~~Director, and the City Clerk.

An Aggrieved Party may appeal a written decision of the LMAC Waiver Committee to the City Manager or designee within five (5) business days of the issuance of the committee's decision. The appeal shall be in writing and shall state the basis for the appeal. The City Manager or designee (who shall not be a member of the LMAC) shall act upon the appeal within five (5) business days of receipt of the appeal. The decision of the City Manager or designee shall be in writing, with copies provided to the aggrieved party, the LMAC Waiver Committee, and the Sustainability ~~Coordinator~~Director. The decision of the City Manager or designee shall be final.

...

Sec. 34-11. Outreach and Education.

(a) The Sustainability ~~Coordinator~~Director or designee shall publish notice of this ordinance in a newspaper of general circulation in the City upon adoption and shall attempt to provide information about it to identified retailers and lawn, garden, and tree-care providers serving the City of Portland, as well as to churches, schools, and other institutions in Portland.

...

Sec. 34-13. Enforcement and Remedies.

...

(c) The ~~Permitting Department~~City Manager or designee is authorized to institute, or cause to be instituted by the corporation counsel, in the name of the city, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this article;

...

Chapter 34

LANDCARE

Sec. 34-1. Title.

This chapter shall be known as the City of Portland Landcare Ordinance (hereinafter, the "Ordinance").
(Ord. No. 110-17/18, 1-3-2018; Ord. No. 60-22/23, 9-19-2022)

Sec. 34-2. Purpose.

The purpose of this ordinance is to safeguard the health, safety and welfare of the residents of the City and to conserve and protect the City's waterways and natural resources by curtailing the use of pesticides and fertilizers for turf, landscape and outdoor pest management.
(Ord. No. 110-17/18, 1-3-2018; Ord. No. 60-22/23, 9-19-2022)

Sec. 34-3. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the following meaning:

Aggrieved party means an individual or entity that applies for but is denied a waiver from provisions of this ordinance as described in Section 34-6.

Broadcast application means the spreading of pesticides over an entire area.

Commercial Agriculture means the production of crops for sale, including crops intended for widespread distribution to wholesalers or retail outlets and any non-food crops.

Compost means soil amendment made from decomposing organic matter used to improve soil structure and nutrient holding capacity. For the purposes of this ordinance, compost is not considered a fertilizer.

Emergency means a serious, unexpected, and often dangerous situation requiring immediate action.

Environmentally sensitive areas means areas that are particularly vulnerable to fertilizer nutrient loss and/or where direct transmission of fertilizer nutrients to surface water or ground water is likely. This includes coastal and freshwater wetlands, beaches and sand dunes, streams and tributary streams

EPA means the United States Environmental Protection Agency.

Fertilizer means a substance containing one or more plant nutrients and used for its plant nutrient content. State law requires that all fertilizer products be registered with its department of agriculture prior to distribution.

FIFRA means the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136 et seq.

Golf course means an area of land laid out for playing the game of golf with a series of 9, 18 or more holes. Mini-golf and disc golf courses are not considered golf courses.

Heavy rain event means a rain event producing 0.5 inch or more of precipitation in a one hour period.

High Use Athletic Facilities means the following playing fields located in the following parks as listed in Chapter 18, section 18-11: Fox Field, Quinn Field and Deering Oaks Baseball Field at Deering Oaks Park; Back Cove Park; and Payson A Field in Payson Park. It shall also include Presumpscot Field at Deering High School.

Hydro-seeding means the process of seeding by pumping seed in a mixture of water through a nozzle that sprays the mixture onto a seedbed. The water mixture may also contain add-ins such as fertilizer and certain mulches.

Landcare means a land management approach intended to prevent soil degradation and responsibly manage land resources, and cultivate environmental health.

Landcare Management Advisory Committee (LMAC) means the Landcare Management Advisory Committee as described in this Chapter.

New development means any alteration of land for the purposes of construction or reconstruction redevelopment that

results in soil disturbance and/or compaction, vegetation removal, and/or regrading.

Organic fertilizer means a fertilizer derived from either plant or animal products that contain nutrients for plant growth. It is acceptable for the materials in these fertilizers to have been subjected to biological degradation processes under normal conditions of aging, rainfall, suncuring, air drying, composting, rotting, enzymatic, or anaerobic/aerobic bacterial action, or any combination of these. In order to qualify as organic fertilizer, the materials in these fertilizers may not be mixed with synthetic materials or changed in any physical or chemical manner from their initial state except by manipulations such as drying, cooking, chopping, grinding, shredding, hydrolysis, or pelleting in order to qualify as organic fertilizer. Organic fertilizers are broken down by, and feed, the microbial life in the soil.

Organic landcare means a landcare management technique that integrates cultural, biological, and mechanical practices to build soil health, including practices such as mowing at higher levels, aeration, top dressing with compost, over-seeding, and watering deeply but infrequently, and without the use of toxic pesticides and synthetic fertilizers.

Organic material means the organic matter component of soil, consisting of plant and animal detritus at various stages of decomposition, cells and tissues of soil microbes, and substances that soil microbes synthesize.

Over-seeding means the application of additional turfgrass seeding to existing turf.

Performance turf means grounds devoted to athletic fields and golf courses.

Prills means a small aggregate or globule of a material, most often a dry sphere or pellet. Fertilizers and some detergent powders are commonly manufactured as prills.

Repellant means a substance that deters insects or other pests from approaching or settling.

Invasive Species means a plant or insect that is not native to a particular ecosystem, and whose introduction does or is likely to cause economic or environmental harm or harm to human

health. Invasive species include those plants listed under the Maine Department of Agriculture, Conservation and Forestry's Natural Areas Program as currently invasive, potentially or probably invasive, and highly likely but not currently invasive, as well as those insects listed by the Maine Forest Service as threats to Maine's forests and trees.

Natural, organic or "non-synthetic" means a substance that is derived from mineral, plant, or animal matter and does not undergo a "synthetic" process as defined in the Organic Foods Production Act, 7 U.S.C. § 6502(21), as the same may be amended from time to time.

Organic pest management means the act of managing or controlling pests through the use of mechanical, cultural, or, biological processes, or through the use of natural, organic, or non-synthetic substances.

Person means any individual natural person, partnership, joint venture, society, association, company, club, trustee, trust or corporation; or any officer, agent, employee, or personal representative of any thereof, in any capacity acting either for her or himself or for any other person under either personal appointment or pursuant to law.

Pest shall have the same meaning as the term set forth in 40 C.F.R. § 152.5, as the same may be amended from time to time.

Pest Management means the act of managing or controlling pests through the use of chemical, mechanical, cultural, biological, or genetic measures.

Pesticide means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the EPA. Herbicides, fungicides, insecticides and rodenticides are considered pesticides.

Pests of significant public health importance means the pests listed by the EPA, in conjunction with the U.S. Department of Health and Human Services and the U.S. Department of Agriculture, as pests of significant public health importance.

Preemptive application means the application of pesticides as a measure against something possible, anticipated or feared, i.e., as a preventive or deterrent measure.

Public utility means any transmission and distribution utility, telephone utility, water utility, gas utility, or natural gas pipeline utility that is subject to the jurisdiction of the Maine Public Utilities Commission.

Re-establishment means a procedure involving complete turf removal and seeding or laying sod to establish new turf.

Restricted Entry Interval, also known as the re-entry interval or re-entry time, means the minimum amount of time that must pass after a pesticide is applied to an area before people or pets can safely go into that area. The labels on pesticides provide information about an individual pesticide's REI.

Slope means the ratio of elevation change to horizontal distance, expressed as a percentage. Slope is computed by dividing the vertical distance by the horizontal distance, and multiplying the ratio by 100. For purposes of this Chapter, a slope shall include only those areas with a horizontal distance of at least 50 feet.

Soil means the outer, weathered layer of the Earth's crust which can potentially support plant life and made up of inorganic particles, organic matter, organisms, water and air.

Soil amendment means a soil amendment is material added to soil to improve its physical properties, including, but not limited to, the substances listed on the National List of Allowed and Prohibited Substances, 7 C.F.R § 205.601, as the same may be amended from time to time. For the purposes of this ordinance, a soil amendment is not considered fertilizer.

Soil microbes means living organisms in soil (such as bacteria and fungi), which feed on organic matter and decompose rapidly.

Soil test means the standard soil test offered by the University of Maine Cooperative Extension or a comparable test identified by the City Manager or their designee.
(Ord. No. 245-23/24, 6-17-2024)

Starter fertilizer means a fertilizer formulated for a one-time application at planting or near that time to encourage root growth and to enhance the initial establishment of turf. This is typically a water-soluble product that contains high levels of phosphorus to allow for robust root growth.

Steep topography means slope lengths exceeding 50 feet (horizontal distance) on slopes greater than 15%.

Summer dormancy means the period during mid-summer most commonly observed in un-irrigated lawns when turf growth ceases. Dormancy is characterized by brittle texture and a loss of green color.

Synthetic means a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring sources, except that such term shall not apply to substances created by naturally occurring biological processes.

Synthetic fertilizer means any fertilizer manufactured from one or more synthetic materials and may or may not contain animal parts, animal byproducts, manures or renderings. Synthetic fertilizer bypasses the microbial life in the soil and is taken up by the plant directly.

Total nitrogen means the sum of all fertilizer nitrogen species, including water soluble nitrogen forms, slow release nitrogen forms, and water insoluble nitrogen forms. The percentage of total nitrogen appears as the leftmost number of the grade on fertilizer labels.

Turf means a community of herbaceous plants that can be mowed, including grass and sod; a surface layer of the earth with grass growing on it, usually mowed, including lawns, grass covered medians, athletic fields, golf courses, outdoor event spaces, and the like.

Waiver Committee means the Waiver Committee as described in this Chapter.

Water body means any great pond, river, stream or tidal area as those terms are defined in Chapter 14 of the Portland Code of Ordinances.

Wetland means a coastal or shoreland freshwater wetland as those terms are defined in the City's Zoning Ordinance, Chapter 14 of the Code of Ordinances.

(Ord. No. 110-17/18, 1-3-2018; Ord. No. 60-22/23, 9-19-2022)

Sec. 34-4. Applicability

The following provisions shall apply to all outdoor pest management activities and use of fertilizer conducted within the boundaries of the City of Portland (hereinafter, the "City"), on both public and private land, excluding the exemptions provided in this Chapter.

(Ord. No. 110-17/18, 1-3-2018; Ord. No. 60-22/23, 9-19-2022)

Sec. 34-5 Permitted, prohibited, and exempt applications

(a) Subject to the applicability dates set forth in Sec. 34-14 herein, the following provisions shall apply to all outdoor pest management activities in the City.

1. Permitted Pest Management Activities and/or Materials, except as provided in (b) (3) below:
 - i. Organic Pest Management, except as provided in (b)2 below;
 - ii. Use or application of Synthetic substances specifically listed as "allowed" on the U.S. Department of Agriculture's National List of Allowed and Prohibited Substances (the "National List"); and/or
 - iii. Use or application of Pesticides determined to be "minimum risk pesticides" pursuant to the FIFRA and listed in 40 C.F.R. § 152.25(f) (1) or (2), as may be amended from time to time.
2. Prohibited Pest Management Activities and/or Materials:
 - i. Use or application of Synthetic substances other than those described in (a) (2) above;
 - ii. Use or application of Non-synthetic substances specifically listed as "prohibited" on the National List; and/or
 - iii. The use or application of pesticides (whether natural, organic, "non- synthetic," synthetic or otherwise) within seventy five feet of a water body or wetland.

3. Exempt Pest Management Activities and/or Materials.
The following are exempt from the provisions of this ordinance (and therefore are allowed):
 - i. Use or application of Pest Management Activities and/or Materials in connection with Commercial agriculture;
 - ii. Pet supplies, such as shampoos and tick and flea treatments, when used in the manner specified by the manufacturer;
 - iii. Disinfectants, germicides, bactericides, miticides and virucides, when used in the manner specified by the manufacturer;
 - iv. Insect repellents when used in the manner specified by the manufacturer;
 - v. Rat and rodent control supplies when used in the manner specified by the manufacturer;
 - vi. Swimming pool supplies when used in the manner specified by the manufacturer; and/or
 - vii. General use paints, stains, and wood preservatives, and sealants when used in the manner recommended by the manufacturer.
4. Exempt Applications. The following applications are exempt from the provisions of this ordinance (and therefore are allowed):
 - i. Specific health and safety applications. Prohibited pesticides may be used to control plants that are poisonous to the touch, such as poison ivy, pests of significant health importance such as ticks and mosquitoes, and animals or insects that may cause damage to a structure, such as carpenter ants or termites;
 - ii. Golf course applications. Prohibited pesticides may be used on golf courses provided that the course is designated through Audubon International as a Certified Audubon Cooperative Sanctuary;
 - iii. Hadlock Field applications;
 - iv. Treatments for Heritage Elms;
 - v. Applications on fields at High Use Athletic facilities (until January, 2023, unless this date is extended by the City Council);

- vi. Prohibited pesticides may be used to control the Emerald Ash Borer, Asian Longhorned Beetle, Hemlock Woolly Adelgid, Browntail Moth and other insects identified as invasive by the Maine Forest Service;
 - vii. Right-of-way applications. Prohibited pesticides may be used by a public utility that maintains a right-of-way through the City; and/or
 - viii. Invasive plant applications on city property. Applications to control plants categorized as *currently considered invasive in Maine* by the Maine Department of Agriculture, Conservation, and Forestry.
5. Disclosures. For any exempt applications by the City, disclosure shall be made in the annual report described in Section 34-9 of this ordinance.
6. Exempt Uses. The following uses are exempt from the provisions of this ordinance (and therefore are allowed):

- i. Any use of pesticides mandated by state or federal law or required by an order or decision from a court or state or federal board or agency.

(b) Subject to the applicability dates set forth in Sec. 34-14 herein, the following provisions shall apply to all fertilizer applications in the City.

1. Prohibited Fertilizer Applications. The following prohibitions apply for all fertilizer applications on all turf types:
- i. Applications within 75 feet of a water body or wetland or other environmentally sensitive area are prohibited.
 - ii. Applications on frozen ground or saturated surfaces are prohibited.
 - iii. Applications when a heavy rain event is occurring is prohibited.
 - iv. Applications during summer dormancy or when the ground is partially or wholly frozen are prohibited.
 - v. Applications on impervious surfaces are prohibited; if spills occur on impervious surfaces, they must be swept up immediately.

- vi. Applications with phosphorus are prohibited except where a soil test conducted within the last three years indicates a need for phosphorus, or phosphorous is being used for new development/re- establishment, as specified in subsection (B) below.
- vii. Applications of synthetic fertilizer are prohibited except where a waiver has been granted pursuant to Sec. 34-7 below.
- viii. Application of compost or fertilizers derived from wastewater treatment sludge or from organic residuals remaining after industrial processes (such as paper making) is prohibited within the boundaries of the City of Portland.
- ix. Applications of organic fertilizer not in compliance with subsection (2) below are prohibited.

2. Permitted Fertilizer Applications. The following applications of organic fertilizer are allowed within the limits for the specific application as set forth below:

- i. Except as specified in subsections (ii), (iii), and (iv) below, applications of organic fertilizer, including residential lawns, are allowed only when a soil test conducted within the last three years indicates a need for nitrogen. Applications of organic fertilizer may not contain nutrients in excess of the amount recommended by the completed soil test. Only phosphorus-free, organic fertilizer is allowed for these applications, unless the soil test indicates a need for phosphorus.
- ii. Applications of organic fertilizer on performance turf are allowed as necessary provided that total nitrogen does not exceed 4 lbs per 1,000 square feet per year.
- iii. Applications of organic starter fertilizer for new development may contain phosphorus without a soil test. The fertilizer must be incorporated into top soil 2-3 inches deep. Two fertilizer applications are permitted for one calendar year from the date of first application only. For each application, total nitrogen and phosphorus may not exceed 1 lb. per 1,000 square feet.

- iv. Applications of organic fertilizer for re-establishment of turf may contain phosphorus without a soil test. Unless the application is through hydro-seeding or overseeding, the organic fertilizer must be incorporated into the soil 2-3 inches deep. Fertilizer applications may not exceed 1 lb. of nitrogen and phosphorus per 1,000 square feet per application. Total nitrogen and phosphorus may not exceed 2 lbs. per 1,000 square feet per calendar year from the date of last application.
 - v. Application of organic fertilizer to gardens, including vegetable, flower, and ornamental, may be applied without a soil test, although a soil test is highly recommended. Fertilizer must be incorporated into the soil with a rake or other tool so it is not left exposed on the topsoil.
3. Exempt Fertilizer Applications. Notwithstanding any other provision in this Chapter, the following applications of fertilizer are exempt from the provisions of this ordinance (and therefore allowed without restriction):
- i. Golf course applications. Fertilizers may be used on golf courses provided that the course is designated through Audubon International as a Certified Audubon Cooperative Sanctuary;
 - ii. Hadlock Field applications.
 - iii. Liquid deep root feeding of trees.
 - iv. Fertilization of woody plants and shrubs so long as fertilizer is injected to the root or applied within the drip edge of the plant and incorporated into the soil with a rake or other tool.

(Ord. No. 110-17/18, 1-3-2018; Ord. No. 79-20/21, 9-21-2020; Ord. No. 60-22/23, 9-19-2022; Ord. No. 245-23/24, 6-17-2024)

Sec. 34-6. Landcare Management Advisory Committee.

(a) The Landcare Management Advisory Committee ("LMAC") is hereby established. The LMAC shall consist of seven (7) members as follows:

- 1. The City's Sustainability Director or a City employee appointed by the City Manager;

2. One (1) practicing agronomist appointed by the City Council;
3. Two (2) Maine Board of Pesticides Control-licensed landscape professionals, at least one (1) of whom has experience in organic land care management and is accredited by the Northeast Organic Farming Association in Organic Land Care, each appointed by the City Council; and
4. Three resident or taxpayer representatives appointed by the City Council at least one of whom has experience in organic land care management.

(b) The terms of office of the six (6) LMAC members appointed by the City Council shall be three-year terms, except that the initial appointments after the establishment of the LMAC shall be such that the terms of office of no more than two (2) members shall expire in any single year. The term of office for the City employee LMAC member shall be for as long as the employee holds said employment position.

(c) The LMAC shall advise the City Council and the City's Sustainability Coordinator with respect to the following:

1. Advising the Sustainability and Transportation Committee and the City's Sustainability Coordinator of any problems encountered or amendments that may be required to achieve the full and successful implementation of this ordinance;
2. Reviewing and acting upon waiver applications when applicable;
3. Developing and implementing outreach and education as specified in Sec. 34-11 of this ordinance (in coordination with the Sustainability Coordinator);
4. Seeking the participation, advice and counsel of experts in the fields of organic turf and landscape management, maintenance of trees and shrubs, and organic pest protocol;
5. Encouraging broad community participation, from parents, schools, advocates, and local arboriculture and landscaping businesses, in the activities of the LMAC;
6. Reviewing annual data and issuing a summary report annually by March 31 to the Sustainability and

Transportation Committee, or whatever committee is assigned an oversight role by the City Council, which includes, among other things, a summary of its educational outreach; recommendations on any necessary amendments to this chapter; the number of waivers granted in the past year; and comprehensive data taken from the written documents provided by Applicators and/or Licensed Applicators about the use of pesticides and fertilizers within the City of Portland including, but not limited to:

- i. The amount of pesticides and fertilizers used on privately or publicly owned land in the City of Portland;
 - ii. The reasoning for such use of pesticides and fertilizers; and
 - iii. The specific pesticides and fertilizers that were used.
7. Any additional responsibilities as may be assigned and deemed necessary by the City Council.
- (d) PLMAC Officers, meetings and records.
1. The members shall annually elect a chair and a secretary from their membership;
 2. All meetings of the LMAC shall be noticed and open to the public in accordance with the City's notice policies and Maine's Freedom of Access Act;
 3. A quorum shall consist of four members;
 4. The LMAC shall meet at least five (5) times annually;
 5. Minutes shall be kept of all meetings and posted on the City web page; and
 6. An annual report of the LMAC's activities shall be submitted to the Sustainability and Transportation Committee by March 31 of each year.

(e) LMAC may adopt procedural rules for the conduct of its business not inconsistent with this article. Such rules shall be filed with the City Clerk. All such rules shall be subject to veto, in whole or in part, by the Council within 45 days of such filing. The initial rules shall take effect when filed, subject to veto as provided above. Amendments to the rules shall take

effect upon expiration of said veto period. Any rule may be waived by the chair upon good cause being shown.

(f) Waiver Subcommittee:

1. A subcommittee of the LMAC shall be established annually and consist of the designated City staff member and one (1) other member of the LMAC designated by the Chair;
2. This subcommittee shall be authorized to review and decide waiver applications as described in section 34-7; and
3. The LMAC shall schedule meetings of the Waiver Subcommittee frequently enough to be responsive to waiver requests. All meeting dates shall be posted in advance on the City calendar.

(Ord. No. 110-17/18, 1-3-2018; Ord. No. 60-22/23, 9-19-2022)

Sec. 34-7. Waivers.

(a) In situations that are an emergency, threaten the public health, safety or welfare, or for the control of invasive species that pose a threat to the environment, persons shall apply to the LMAC Waiver Committee for a waiver from the provisions of this ordinance prior to the use/application of a prohibited fertilizer or pesticide or prior to the conduct of a prohibited application.

(b) In addition, Persons may apply to the Waiver Committee for a waiver in order to use a synthetic fertilizer on performance turf or for new development, prior to the actual use of the synthetic fertilizer, if one or more the following conditions exists:

1. The soil temperature is less than 55 degrees Fahrenheit and reasonable grounds exist to justify fertilizer use at that location and at that time;
2. The turf is experiencing high stress due to high use and must be ready for high performance play when the sports season(s) begin; or
3. A suitable organic product that meets the nutrient needs of the soil as specified in a soil test is unavailable.

(c) The waiver application shall be filed with the LMAC Waiver Committee, on a form prescribed by the Committee and shall include the following information: the reason for requesting the use/application of a prohibited pesticide; the proposed location(s) of the proposed application(s); details on the timing(s) of use, substance(s) and amounts to be applied; date(s) of application; management plan that excludes broadcast and preemptive applications; and a pest identification and threshold report. In order to approve a waiver application, the LMAC Waiver Committee must find that all of the following criteria are met:

1. A situation exists that: is an emergency; threatens the public health, safety and/or welfare; involves an invasive species~~;~~ that poses a threat to the environment~~;~~; or requires a non-permitted pest management activity and/or material to protect buildings or structures from damage;
2. The applicant has carefully evaluated all alternative methods and materials including, but not limited to, non-pesticide management tactics, minimum risk pesticides, non-synthetic pesticides, and is choosing to use the minimum amount of the least toxic, most effective pesticide necessary;
3. The applicant will, to the greatest extent practical, minimize the impact of the application on abutting properties; and
4. To the maximum extent possible the grant of the waiver will not be detrimental to the public's health, safety or welfare.

(d) The Waiver Committee shall conduct a hearing on all complete waiver applications received within ten (10) business days of receipt of the complete application and shall seek to issue a written decision on the application within three (3) business days of reviewing an application.

(e) In approving any waiver application, the Waiver Committee may also prescribe conditions and safeguards as are appropriate to further the purposes of this ordinance. The waiver decision of the Waiver Committee shall be in writing, with copies provided to the applicant, the LMAC, ~~and the~~ Sustainability Coordinator, and the City Clerk.

An Aggrieved Party may appeal a written decision of the LMAC Waiver Committee to the City Manager or designee within five (5) business days of the issuance of the committee's decision. The appeal shall be in writing and shall state the basis for the appeal. The City Manager or designee (who shall not be a member of the LMAC) shall act upon the appeal within five (5) business days of receipt of the appeal. The decision of the City Manager or designee shall be in writing, with copies provided to the aggrieved party, the LMAC Waiver Committee, and the Sustainability Coordinator. The decision of the City Manager or designee shall be final. (Ord. No. 110-17/18, 1-3-2018; Ord. No. 60-22/23, 9-19-2022)

Sec. 34-8. Reporting by State of Maine Licensed Applicators.

In addition to complying with the Maine Board of Pesticides Control rules regarding record keeping and reporting requirements as outlined in 01-026 C.M.R. Ch. 50, as amended from time to time, all State of Maine licensed applicators are required to submit to the LMAC an annual summary report on or before February 1st of each calendar year relating to the preceding calendar year. This report shall contain the following information for applications performed in the City in the prior calendar year: target site, pesticide brand name, EPA registration number, total undiluted formulation (in pounds or gallons), and total area treated as listed and as amended on the Commercial Applicator Annual Summary Report required by the Maine Board of Pesticides Control.

(Ord. No. 110-17/18, 1-3-2018; Ord. No. 60-22/23, 9-19-2022)

Sec. 34-9. Management plan and annual reporting for publicly owned parks and open spaces.

The City shall maintain a management plan for public open spaces that shall be posted on the City website. The City Manager or designee shall provide an annual report to the LMAC describing efforts to reduce the use of synthetic pesticides, a description of synthetic pesticides used during the previous year, the reason for their use, and the cost of such pesticide usage.

(Ord. No. 110-17/18, 1-3-2018; Ord. No. 60-22/23, 9-19-2022)

34-10. Public Notification.

Any person shall comply with the following posting requirements.

- (a) For all prohibited pesticide uses or applications:

1. A warning sign shall be posted on the privately or publicly owned land. These signs must be posted before application activities commence on the land and be left in place for at least forty-eight (48) hours after actual application or until expiration of the restricted entry interval indicated by the pesticide label, whichever is longer;
2. All signs shall be at least five (5) inches high and four (4) inches wide in size. Signs shall be attached to the upper portion of a dowel or other supporting device so that the bottom of the sign is not less than 12" and the top of the sign is not more than 48" above the ground. The signs shall be of rigid, weather resistant material substantial enough to be easily read for the duration of the placement;
3. All signs must be light colored (white, beige, yellow or pink) with dark, bold letters (black, blue or green). They shall have lettering that is conspicuous and clearly legible;
4. The sign must include the following:
 - i. The word "CAUTION" in 72-point type;
 - ii. The words "PESTICIDE APPLICATION" in 30-point type or larger;
 - iii. The Maine Board of Pesticides Control designated symbol;
 - iv. Any reentry precautions from the pesticide labeling;
 - v. The name and telephone number of the entity making the pesticide application;
 - vi. The date and time of the application;
 - vii. A date and/or time to remove the sign;
 - viii. the chemical and trade name of the pesticide; and
 - ix. the length of time to remain off the treated area as indicated by the pesticide label; and
5. For licensed applicators, the requirements above are in addition to any requirements that may also apply to State of Maine licensed applicators subject to the Maine Board of Pesticides Control rules, as may be amended from time to time, regarding public notification.

(b) All retailers selling pesticides or fertilizers subject to the provisions of this chapter shall post a sign at the point of sale that contains the following verbiage:

1. Application of synthetic pesticides and fertilizers within the City of Portland must comply with Chapter 34 of the City Code.

(Ord. No. 110-17/18, 1-3-2018; Ord. No. 60-22/23, 9-19-2022)

Sec. 34-11. Outreach and Education.

(a) The Sustainability Coordinator or designee shall publish notice of this ordinance in a newspaper of general circulation in the City upon adoption and shall attempt to provide information about it to identified retailers and lawn, garden, and tree-care providers serving the City of Portland, as well as to churches, schools, and other institutions in Portland.

(b) The LMAC shall prepare and publish materials designed to educate the community about the role of pesticides and fertilizers in the local environment and the benefits of organic fertilizers and pest management. This outreach may include: a community-based social marketing campaign targeting City households and businesses; promotion of professional education and training for State of Maine licensed applicators; distribution of information and news about City practices through Portland internet and web-based resources; public service announcements; news releases and news events; tax bill inserts; posters and brochures made available at City events and applicable locations that serve the public; workshops, trainings, and demonstration projects; targeted outreach to schools; and/or any additional methods deemed appropriate by the LMAC.

(c) The LMAC shall also develop a program to work directly with retailers that sell pesticides and fertilizers in the City of Portland to:

1. Provide educational training for all retail store employees who recommend and sell pesticides or fertilizers for use in the home and garden, highlighting the following:
 - i. federal, state, and local pesticide and fertilizer regulations;

- ii. principles of organic landcare, including pest management and use of fertilizers;
 - iii. pesticide and fertilizer toxicity and health and environmental concerns;
 - iv. proper pesticide display and storage; and
 - v. the role of personal protective equipment, pesticide poisoning symptoms, and emergency procedures in case of spills; and
2. Implement a toolkit consisting of educational materials and signage (i.e., posters, signs, stickers) that can be customized, printed, and placed in stores to help consumers understand this ordinance and alternatives to prohibited pesticides and fertilizers.
- (Ord. No. 110-17/18, 1-3-2018; Ord. No. 60-22/23, 9-19-2022)

Sec. 34-12. Violations.

Any person violating any of the provisions of this ordinance or failing, neglecting or refusing to obey any order or notice of the City Manager or designee issued hereunder shall be subject to enforcement action as provided in §34-13.

(Ord. No. 110-17/18, 1-3-2018; Ord. No. 60-22/23, 9-19-2022)

Sec. 34-13. Enforcement and Remedies.

(a) This ordinance may be enforced by the City Manager or designee;

(b) The City Manager or designee shall have the authority to enact rules and regulations in order to implement the provisions of this ordinance;

((c) The Permitting Department is authorized to institute, or cause to be instituted by the corporation counsel, in the name of the city, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this article; and

(d) Any violation of this chapter shall constitute a civil violation subject to the penalties contained in Portland City Code, Chapter 1, § 1-15.

(Ord. No. 110-17/18, 1-3-2018; Ord. No. 60-22/23, 9-19-2022)

Sec. 34-14. Severability.

If any section, paragraph, sentence, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court, such decision shall not affect the validity of the remaining provisions of this ordinance.

(Ord. No. 110-17/18, 1-3-2018;)

Sec. 34-15. Conflicts with Other Ordinances.

Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of this ordinance or of any other ordinance, regulation or statute, the more restrictive chapter, article or ordinance of the Portland City Code shall control.

(Ord. No. 110-17/18, 1-3-2018)

Sec. 34-16. Effective date; Applicability dates.

In order to allow time for residents and businesses to become familiar with the requirements of this ordinance, the prohibitions on the use of certain products and/or applications (and the related public notification, signage and reporting requirements) shall be effective as follows:

(a) Phase One: Commencing no later than July 1, 2018, the provisions set forth in Sec. 34-5 on outdoor pest management activities shall apply to City-owned property (but not to high use athletic fields or golf courses);

(b) Phase Two: Commencing no later than January 1, 2019, the provisions set forth in Sec. 34-5 on outdoor pest management activities shall apply to private property (but not high use athletic fields or golf courses); and

(c) Phase Three: Commencing no later than January 1, 2023, the provisions set forth in Sec. 34-5 on outdoor pest management activities with respect to high use athletic fields shall apply to public or private property, except that the City Manager or his or her designee may request that the City Council extend this applicability date if he or she determines more time is necessary to transition to organic management practices for these properties and facilities.

(Ord. No. 110-17/18, 1-3-2018; Ord. No. 79-20/21, 9-21-2020)



To: Sustainability and Transportation Committee

Regina Phillips, Chair

MEETING DATE

February 12, 2025

AGENDA ITEM

Agenda Item #3C – Proposed amendments to Chapter 34, Landcare

PURPOSE

To review amendments to Chapter 34 to allow the use of chlorantraniliprole to control grub infestations.

BACKGROUND/ANALYSIS

On December 3, 2024, the Sustainability Office received a waiver request from Cheverus High School to treat a severe grub infestation on their athletic fields located on Ocean Avenue. School officials described and documented severe damage to the turf caused by the grubs feeding on the roots of the turf grass as well as damage caused by birds and other animals digging up the fields as they forage for grubs to eat. Over the course of two years, school personnel implemented extensive cultural practices to control grubs and deployed several strategies to deter the birds and animals from entering the athletic fields. This included two treatments of an organic product based on the bacterium *Bacillus thuringiensis* (Bt) as well as installation of automated noise making devices and animal decoys that proved unsuccessful in deterring the foraging wildlife.

The documentation provided by school officials demonstrates the damage to the athletic fields has created an unsafe playing surface that threatens the safety of student athletes because the ground has become uneven and the damaged turf grass provides poor traction. These conditions increase the likelihood that athletes and officials may trip or fall unexpectedly leading to injuries.



(Photo of field damage and a decoy intended to deter animals from foraging.)

To address the grubs, Cheverus filed for an ordinance waiver that would allow them to use an otherwise prohibited pesticide to treat their fields. As required, they documented the problem, demonstrated that they had considered alternatives, and proposed a treatment plan. They proposed the use of Acelepryn (active ingredient chlorantraniliprole), a product classified as “reduced risk” by the EPA. They proposed to follow the application method and application rate recommended on the product label, which is to use a spreader to broadcast the product onto the field surface. As demonstrated in their waiver request, the entire playing surface is the target area impacted by the grubs.

After reviewing the application and the ordinance, Sustainability Office staff determined that we could not accept the waiver request because Chapter 34 prohibits the use of broadcast applications. Corporation Counsel indicated that an appropriate path to address this issue would be to pursue an amendment to the ordinance to exempt the use of Acelepryn to treat grub infestations.

On February 4, 2025, staff presented draft ordinance amendments to the Landcare Management Advisory Committee (LMAC) to hear their comments and feedback. As noted in Chapter 34, the LMAC's role is to provide advice to the Sustainability Director and City Council regarding the implementation of the Landcare ordinance. The committee held a lengthy discussion regarding draft amendments suggested by staff. The committee members broadly agreed that tightening the proposed language to exempt only chlorantraniliprole rather than any reduced risk pesticide would be advisable and that any applications should be reported to the Sustainability Office so that usage of the product may be tracked. Staff also proposed amending the composition of the waiver subcommittee but, following discussion, has chosen to have further discussion with the LMAC before recommending that change to the Sustainability and Transportation Committee.

The LMAC reconvened on February 11 to consider revised staff recommendations. Following discussion, the committee voted 5-2 to recommend the following amendments be made to Chapter 34 of City Code:

Chapter 34-5 section 4, Exempt Applications: add

ix. *Grub control application: Chlorantraniliprole may be used to control grubs if applied by a Professional Applicator as directed by the manufacturer. All such applications shall be reported to the Sustainability Director.*

Chapter 34-7 Waivers

(c) The waiver application shall be filed with the LMAC Waiver Committee, on a form prescribed by the Committee and shall include the following information: the reason for requesting the use/application of a prohibited pesticide; the proposed location(s) of the proposed application(s); details on the timing(s) of use, substance(s) and amounts to be applied; date(s) of application; and a management plan that includes the narrowest effective application, avoiding ~~excludes~~ broadcast and preemptive applications when feasible; and a pest identification ~~and threshold report~~. In order to approve a waiver application, the LMAC Waiver Committee must find that all of the following criteria are met:

The reasons for the recommendation are:

1. Lack of an organic treatment method to address grub infestations

Healthy, organically maintained turf is highly resistant to grub infestation and damage, but grubs can become established even in healthy turf. When this happens, there are no organic methods that reliably control grub populations in Maine. Researchers continue to explore options such as Milky Spore, which is a type of bacteria that is harmful to grubs, application of nematodes, and application of another bacterium, *Bacillus thuringiensis* (*Bt*). To date, they have not demonstrated effectiveness, as demonstrated by the two failed treatments at Cheverus.

2. Chlorantraniliprole presents minimal impact to the environment and to the public when used as directed on the product label

Using organic practices to build and maintain soil health remains the first defense against grub damage, but in the event of an infestation that causes unacceptable levels of damage, Chlorantraniliprole is a low-risk way to control them. It is classified as a reduced-risk pesticide by the EPA and, as noted on its product label, “When used as directed, this product does not present a hazard to humans or domestic animals.” It is deemed safe enough that the EPA does not require a cautionary signal word such as Caution or Warning. Organic products such as *Bt* and Milky Spore, which are ineffective but currently allowed by our ordinance, must display a cautionary signal word of Caution and note hazards to humans and domestic animals.

Chlorantraniliprole is toxic to aquatic invertebrates but this threat can be mitigated by following the guidance on the product label. Chapter 34 restricts application of any pesticide within 75’ of a waterbody.

3. Athlete safety

According to the Sports Field Management Association, natural turf fields with good quality turfgrass cover have higher traction, cushioning, and resiliency, and lower surface hardness than synthetic surfaces. This reduces the probability of injury in contact sports. Natural turf also provides cooler playing surfaces. However, these advantages are diminished when natural turf fields have damage from grub infestations such as bare spots, uneven playing surfaces, and loose grass surfaces that can cause athletes to fall or slide unexpectedly. This can result in serious injuries.

Having a means to treat grubs will help field managers maintain high quality natural turf playing surfaces that reduce the likelihood of athlete injury.

FISCAL IMPACT

No fiscal impact anticipated.

CONCLUSION(S)

Staff recommends passage of the amendments allowing the use of chlorantraniliprole to treat grubs because there is no effective organic treatment available. Grubs can infest well maintained turf and cause extensive damage that will continue until the population of grubs present in the turf is reduced. While not organic, chlorantraniliprole can effectively control grubs with minimal risk to public health and the environment.

PRIOR COMMITTEE REVIEW

The Landcare Management Advisory Committee discussed this issue on February 4 and will review the final staff recommended amendments on February 11.

PREPARED BY

Troy Moon
Sustainability Director
Executive Department

ATTACHMENTS

Redlined version of Chapter 34 prepared by Corporation Counsel
Cheverus waiver application and back up material



LANDCARE ORDINANCE WAIVER APPLICATION

Landcare Management Advisory Committee (LMAC)

APPLICANT INFORMATION

Applicant Name: ___Cheverus High School_____

Address: _____267 Ocean Ave, Portland Maine 04103_____ Email

Address: ___komich@cheverus.org_____ Telephone Number:

_____[\(207\) 774-6238](tel:(207)774-6238)_____ Submission Date:

I am a: ☐ Resident ☐ Landlord ☒ Business ☐ Municipality ☐ Landscape company

Are you a licensed commercial applicator? ☐ Yes ☒ No

REASON FOR REQUESTING THE USE OF A PROHIBITED FERTILIZER OR PESTICIDE: ☒ Is an emergency and threatens the public health and safety

☐ For the control of invasive plants that pose a threat to the environment (*For a list of Maine Invasive Plants visit: http://www.maine.gov/dacf/mnap/features/invasive_plants/invsheets.htm*) ☐ Required to protect buildings or structures from damage

☒ Using a synthetic fertilizer on performance turf or for new development, with one or more the following conditions:

- I. The soil temperature is less than 55 degrees Fahrenheit and reasonable grounds exist to justify fertilizer use at that location and at that time;
- II. The turf is experiencing high stress due to high use and must be ready for high performance play when the sports season(s) begin; or
- III. A suitable organic product that meets the nutrient needs of the soil as specified in a soil test is unavailable.

Making the right pest identification is important and can be difficult. Resources for pest identification are available at: <http://www.maine.gov/dacf/php/gotpests/invasive-pests.htm>. NOTE: Applications for poisonous plants such as poison ivy, pests of significant health importance such as ticks and mosquitos, and destructive pests such as carpenter ants and termites are exempted under the ordinance. No waiver is necessary to address these pests.

Please provide a detailed account of the problem you would like to address with the proposed fertilizer or pesticide application. Include photos of the problem/pest and of the extent of the problem (this may be number of pests or area covered):

-Japanese Beetle Larvae in the first and second stage instar have been found by three

professional applicators throughout the playing field grass. The fields are weakly rooted as demonstrated by the video of tensile strength. Some areas have been severely damaged from crows and ground animals foraging on the beetle larvae. This has created a UNSAFE PLAYING CONDITION.

What steps did you take to evaluate alternative methods to the proposed fertilizer or pesticide application, including but not limited to, non-fertilizer/pesticide management tactics, minimum risk fertilizers or pesticides, non-synthetic fertilizers or pesticides, and selecting the minimum amount of the least toxic, most effective fertilizer or pesticide necessary.

- Shiny bird deterrents, Fake dogs. - Organic Granular deterrent for ground animals. - Radio controlled devices to deter birds.
- Bacillus Thuriensis (Organic) treatment in August 2023
- Bacillus Thuriensis (Organic) treatment prior to April 2023

PROJECT INFORMATION

What are you treating? ☒ Turf ☐ Shrubs ☐ Trees ☐ Invasive Weeds Address of proposed application:

Please attach a map of the proposed application area (*this may be a sketch, however it should be to scale and include property boundaries, structures, and water bodies*).

Is this application within 75ft. of a waterbody? ☐ Yes ☒ No

Proposed fertilizer or pesticide: *Acelepryn-G Syngenta*

Amount to be applied: *(One (1) application: 2,082 Lbs for 9.25 Acres @100 lbs per acre*

Method of application: ☐ Liquid ☒ Granular ☐ Injection/systemic ☐ Cut stem treatment

Proposed timing(s)/frequency of use: *Once*

Proposed date of application: *Mid April to Mid July, depending on soil temperatures reaching a minimum of 55 degrees*

Please provide a detailed management plan for your proposed application, including how you will minimize the impact of this application on abutting properties and, to the maximum extent possible, ensure that the grant of the waiver will not be detrimental to the public's health, safety or welfare.

Broadcast applications: the spreading of pesticides over an entire area

- Preemptive applications: the application of pesticides as a measure against something possible, anticipated or feared, i.e., as a preventive or deterrent measure

-We would strictly follow Maine's BPC rules and regulations during applications.

- All fields would be closed for a minimum of 24hrs post application.

Broadcast Part: all the playing surface has been identified with grubs. A calibrated broadcast application will be used. **Preemptive Part...** Part of Integrated Pest Management, IPM is understanding the life cycle of the pest and developing a strategy to manage it. In this case since the organic controls have proved not effective the strategy is to use the safest synthetic insecticide, trade name Acelepryn. This product will not affect the grubs currently feeding on the field. These insects will complete their life cycle and undoubtedly lay eggs for a new generation of Japanese Beetles this coming July and in the same fields. The strategy is to focus on the generation of 2025 and 2026. The safest synthetic product to use works as a systemic process. Timing of the application is critical. The insecticide needs to be in the grass plant before the grubs start to feed in the roots.

NOTE: the following applications are prohibited:

- Broadcast applications: the spreading of pesticides over an entire area
- Preemptive applications: the application of pesticides as a measure against something possible, anticipated or feared, i.e., as a preventive or deterrent measure

-We would strictly follow Maine's BPC rules and regulations during applications.

- All fields would be closed for a minimum of 24hrs post application.

In order for the waiver to be considered, all of the fields above must be completed. For questions, please contact Troy Moon in the Sustainability Office at 207-756-8362.

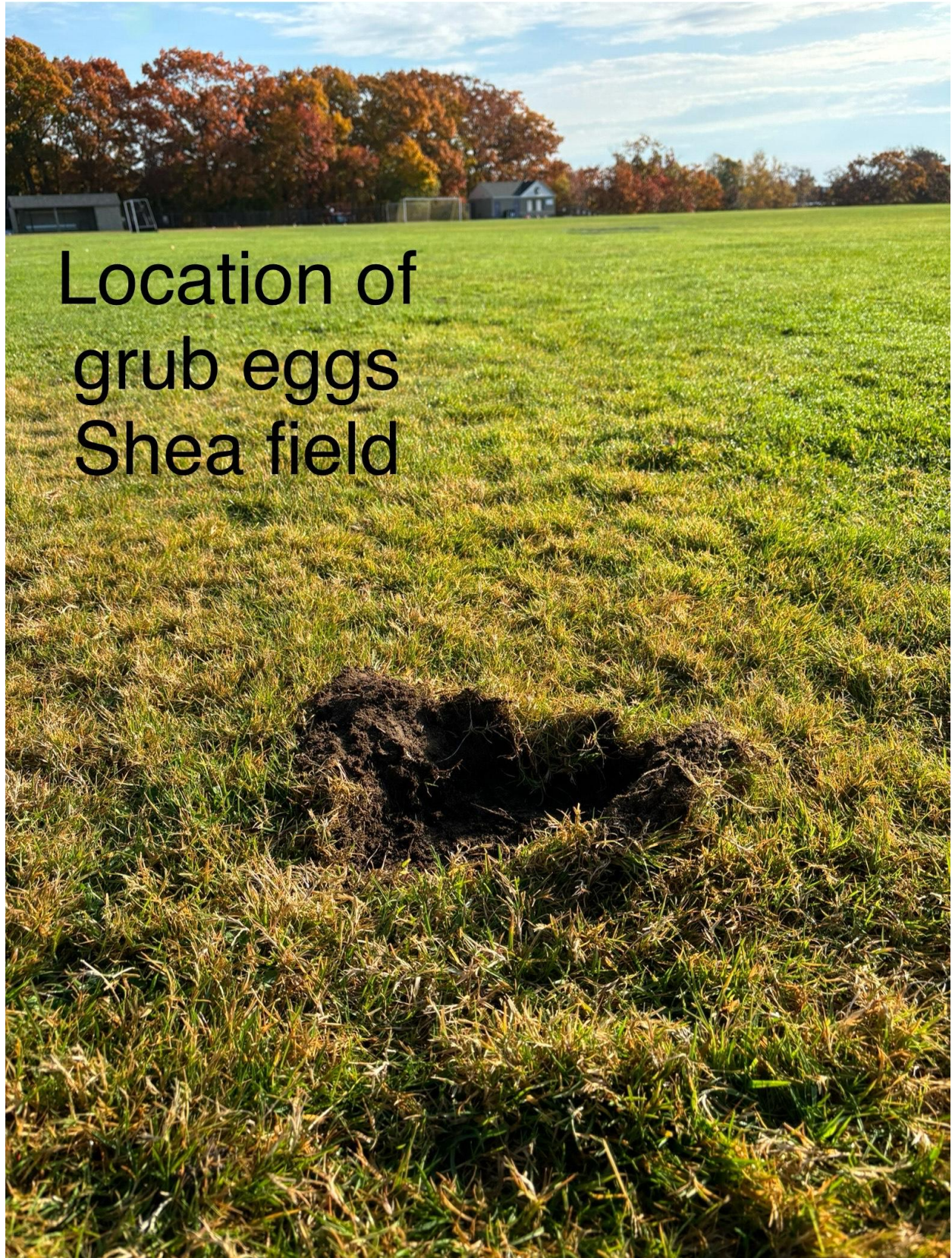
Completed forms may be emailed to landcare@portlandmaine.gov, or mailed or delivered to City Hall, 389 Congress Street, Portland, ME 04101.



Grub present on
baseball field



Grub egg



Location of
grub eggs
Shea field









**AMENDMENT 1 TO ORDER 134-24/25
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR SYKES
RE: RESTORING EXISTING ORDINANCE LANGUAGE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

That Chapter 34 is hereby amended to read as follows:

. . .

Sec. 34-5 Permitted, prohibited, and exempt applications

. . .

4. Exempt Applications. The following applications are exempt from the provisions of this ordinance (and therefore are allowed):

. . .

~~ix. Grub control application: Chlorantraniliprole may be used to control grubs if applied by a Professional Applicator as directed by the manufacturer. All such applications shall be reported to the Sustainability Director.~~

. . .

Sec. 34-7. Waivers.

. . .

(c) The waiver application shall be filed with the LMAC Waiver Committee, on a form prescribed by the Committee and shall include the following information: the reason for requesting the use/application of a prohibited pesticide; the proposed location(s) of the proposed application(s); details on the timing(s) of use, substance(s) and amounts to be applied; date(s) of application; ~~and a management plan that includes the narrowest effective application, avoiding~~ excludes broadcast and preemptive applications when feasible; and a pest identification and threshold report. In order to approve a waiver application, the LMAC Waiver Committee must find that all of the following criteria are met:

. . .

**AMENDMENT 2 TO ORDER 134-24/25
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR PHILLIPS
RE: CHLORANTRANILIPROLE USE ON PERFORMANCE TURF**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

That Chapter 34 is hereby amended to read as follows:

Sec. 34-7 Waivers

. . .

(c) The waiver application shall be filed with the LMAC Waiver Committee, on a form prescribed by the Committee and shall include the following information: the reason for requesting the use/application of a prohibited pesticide; the proposed location(s) of the proposed application(s); details on the timing(s) of use, substance(s) and amounts to be applied; date(s) of application; a management plan that excludes broadcast and preemptive applications, except that the Committee may approve a waiver for broadcast applications of chlorantraniliprole to control grubs on Performance Turf; and a pest identification and threshold report. In order to approve a waiver application, the LMAC Waiver Committee must find that all of the following criteria are met:

Order 134-24/25 Amendment to Portland City Code Chapter 34

Kenneth A. Capron kcapron1@maine.rr.com via portlandmaine.gov
Fri, Feb 28, 1:45 PM (3 days ago)
to jgrondin@portlandmaine.gov, publiccomment@portlandmaine.gov

Kenneth Capron

Mark Dion Mark ole buddy - what kind of expertise in insecticides does Troy Moon have? NONE! You can't tell me that a few professionals might have other options besides the suggested chemical. I would hope the council will insist on real expertise (x3) which will enlighten the issue.

EPA has categorized chlorantraniliprole, the active ingredient in Acelepryn G®, as a "reduced risk" pesticide when used on turf as it has low impact on human health and on the health of non-target organisms (e.g., birds, fish, plants).

Acelepryn Insecticide, manufactured by Syngenta, is a season-long insecticide against major turf and ornamental pests with minimum environmental impact.

This stuff needs to be applied annually to maintain effectiveness. This is not a one-time action.

Speaking of that, what exactly does our golf course use Acelepryn for? Could Cheverus do as we do and put down an artificial turf?

What organics have they used so far? "Once ingested, Milky Spore kills grubs within approximately 3 weeks and continues to propagate while Japanese Beetle grubs are active. Key Features:

Target-specific meaning it is safe for use around people, pets and beneficial insects. Considered harmless to food crops."

Kenneth A. Capron, ret. CPA, Systems Engineer

1375 Forest Avenue D-11

Portland, ME 04103

207-797-7891

kcapron1@maine.rr.com

maglev@maine.rr.com

[Southern Maine Research Institute]

[SkyWay by MicroRail]

[Hope Harbor]

Portland City Code Chapter 34

'Jo Coyne' via Public Comment

Fri, Feb 28, 11:06 AM (3 days ago)

to publiccomment, Pious, Anna, Mark, April, Ben, Sarah, Wes, Regina, Kate, Danielle

Dear Mayor and Councilors,

Please do not vote to approve Order 134-24/25, the proposed amendment to Portland City Code Chapter 34. Approval of the amendment would allow a very high-risk pesticide known as Acelepryn to be applied to all of Portland's athletic fields. The amendment also would legalize preemptive application and broadcast spraying, methods which currently are banned in Portland in order to protect our environment.

Residents and councilors worked very hard in 2018 to pass City Code Chapter 34 in order to protect pollinators, shellfish and other marine life, water and ourselves. Please do not alter city code in any way that will allow use of Acelepryn or any other toxic pesticide in Portland. Safe methods of protecting our athletic fields are available. Let's use them. Thank you.

Jo Coyne
36 Salem Street
Portland ME 04102
207.775.3902
jocoyne@gwi.net

Fwd: No exception in pesticide ordinance!

Maggy W mswnola@gmail.com via portlandmaine.gov
Fri, Feb 28, 10:54 AM (3 days ago) to publiccomment

Please include this letter in the packet for Monday's city council meeting.

Begin forwarded message: From: Maggy W <mswnola@gmail.com>
Date: February 27, 2025 at 3:05:00 PM EST To: smichniewicz@portlandmaine.gov,
afournier@portlandmaine.gov, mdion@portlandmaine.gov, wpelletier@portlandmaine.gov, Anna
Bullett <abullett@portlandmaine.gov>, Kate Sykes <ksykes@portlandmaine.gov>, Pious Ali
<pali@portlandmaine.gov>, Regina Phillips <rphillips@portlandmaine.gov>,
bgrant@portlandmaine.gov Cc: Troy Moon <THM@portlandmaine.gov>
Subject: No exception in pesticide l'ordinance!

To members of the City Council;

I cannot attend Monday's meeting as I will be at my neighborhood association meeting that evening, so I am instead writing to urge you NOT to allow any exceptions to the current pesticide ordinance. Portland passed this ordinance several years ago for many reasons which are more valid than ever today. The chemicals in question such as Acelepryn are toxic to our children, to our marine life, to our pollinators and to the very athletes who would be directly exposed to them if this exception were to be allowed.

We have all read about the problems caused by PFAS in our state and about how we all have microplastics throughout our bodies, including in our brains. For too long we have looked the other way so corporations and businesses profiting from the use of these chemicals do not have to find less harmful alternatives. But why would we make any exception to the protections we agreed were necessary a few short years ago?

As an avid gardener myself, I know that pollinators are critical to our local and national food supplies. I have also noticed fewer pollinators visiting my garden over the past 10 years, as bee and butterfly populations have suffered.

In addition, as a coastal community we have to be even more vigilant to not treat our playing fields or golf courses with these toxins which have already been found in lobsters and other marine life in Casco Bay due to run-off.

Please vote No to refuse the application of toxic chemicals on our athletic fields or anywhere else in our city.

Thank you,
Maggy Wolf
28 Saint Lawrence St
Portland

Public comment for: Order 134-24/25 Amendment to Portland City Code Chapter 34

'Karen Snyder' via Public Comment Fri, Feb 28, 10:02 AM (3 days ago)
to publiccomment@portlandmaine.gov, mdion@portlandmaine.gov,
smichniewicz@portlandmaine.gov, wpelletier@portlandmaine.gov, rphillips@portlandmaine.gov,
abullett@portlandmaine.gov, ksykes@portlandmaine.gov, pali@portlandmaine.gov,
afournier@portlandmaine.gov, bgrant@portlandmaine.gov

Dear Mayor Dion and Members of Portland, ME City Council,

Please do not support Order 134-24/25 which is to weaken the existing LandCare Ordinance (Chapter 34) in order to allow the use synthetic pesticides to treat grubs for the following reasons:

1) On February 12, 2025, the S&T Committee Councilors voted down this amendment proposal at 2:15:00 into the below meeting video link.

<https://portlandme.portal.civicclerk.com/event/7633/files/agenda/15790>

2) On February 11, 2025, even though this amendment was approved by the LMAC board, the LMAC board is now unfairly stacked with pesticide applicators that do NOT even live in Portland (Note: another loop hole that can't seem to get fixed by allowing out of town pesticide applicators to be on the LMAC board in order to have more sway than Portland residents).

<https://portlandme.portal.civicclerk.com/event/7722/files/agenda/15764>

3) The Cheverus field is less than 200 ft from Back Cove.

The below EPA warnings for different Acelepryn products have stated the environmental hazards to aquatic invertebrate and pollinators as shown below.

Product called: Acelepryn EPA Registration Number: 100-1489

2.3 Environmental Hazards

This pesticide is toxic to aquatic invertebrates, oysters and shrimp. Do not apply directly to water. Drift and runoff may be hazardous to aquatic organisms in water adjacent to use sites.

Source:

https://www3.epa.gov/pesticides/chem_search/ppls/000100-01489-20240111.pdf?fbclid=IwY2xjawlZlJxleHRuA2FlbQlXMAABHXwObFRONTLronl3Wv8FVTObvAKf8jVD6A3hhKX84Rvj4oluQpGIStK0yQ_aem_Mro34pimDvdS1gsGAHZKxw

Product called: Acelepryn® Duo EPA Registration Number: 100-1681

2.5 Environmental Hazards

This pesticide is toxic to wildlife and highly toxic to aquatic invertebrates, oysters, and shrimp.

This product is highly toxic to bees exposed to direct treatment on blooming plants or weeds and may cause possible effects to pollinators from exposure to translocated residues in blooming plants. Do not apply this product or allow it to drift to blooming plants or weeds while bees are foraging in or adjacent to the treatment area.

Do not apply directly to water, or to areas where surface water is present, or to intertidal areas below the mean high-water mark. Drift or runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when cleaning equipment or disposing of equipment washwater or rinsate.

Source:

https://www3.epa.gov/pesticides/chem_search/ppls/000100-01681-20230803.pdf?fbclid=IwY2xjawlZlIdleHRuA2FibQIxMAABHU0FvGxJj4UMSEIRreLJJcL9fZQKgCtld2iw2mrt1UTXmMc2YwJoPSq-9A_aem_e7pwJQ7V9oHD9xmA4bhF_g

4) The Chevrus representative stated in the 2/12/2025 S&T Committee meeting that the school will be going to a plastic turf field in the near future so this is a temporary solution to apply this synthetic pesticide. However, by changing the Land Care ordinance, this will then open the door for anyone to apply this synthetic pesticide even if EPA has stated multiple warnings on highly toxic to aquatic invertebrate and pollinators which is shown in point 3 above.

5) The Chevrus representative stated in the 2/12/2025 S&T committee meeting, that the school is pro-life and environmentally conscious. However, the Chevrus representative stated their attempts at organic grub treatments have failed. It is strange there are many other success stories regarding organic treatment of grubs yet, somehow Chevrus High School was unable to accomplish this in order to protect the environment and the children from highly toxic pesticides?

6) The proponents for weakening the land care ordinance have not been able to provide verifiable sources or evidence to actually prove their case.

7) The City continues to NOT provide educational material on more environmentally friendly alternative products and/or methods to treat grubs in a less toxic manner. By NOT providing educational material on organic grub treatments, of course, the perception to residents in general is that will look like getting rid of grubs can only be done is by using the synthetic pesticide called Acelepyrn rather than less environmentally damaging products and/or methods.

In conclusion, I hope the above evidence provided will continue to convince the Portland Maine City Councilors to NOT approve Order 134-24/25 amendment which will weaken the Land Care Ordinance.

Regards,
Karen Snyder
D1 Resident

Public Comment: May 3 City Council Meeting

JoAnn Locktov jlocktov@gmail.com via portlandmaine.gov
Feb 28, 2025, 9:42 AM (3 days ago)
to publiccomment

Hello,
Below please find my Public Comment letter for the May 3 City Council Meeting.
many thanks ~
Warm regards,
JoAnn

Public Comment Letter
March 3 City Council Meeting
Agenda Item:
Order 134-24/25 Amendment to Portland City Code Chapter 34 RE: Landcare -

Dear Mayor Dion and City Council,

I am writing to ask you to oppose the proposed Amendment to Portland City Code Chapter 34 RE: Landcare. The original landmark pesticide ordinance was passed unanimously in 2018. The loophole amendment that has been proposed is directly contrary to the commitment that was hard fought and won to protect our land, residents, wildlife, and water from dangerous pesticides.

The EPA lists the proposed high risk synthetic pesticide as “toxic to wildlife and highly toxic to aquatic invertebrates, oysters and shrimp and highly toxic to bees.” The proposed loophole also legalizes two application methods specifically banned by the Portland City Council because they are so risky and promote the overuse of pesticides: broadcast spraying and preemptive applications.

Why would we use a pesticide with enormous risk that is the exact opposite of protecting our environment when there are acceptable organic alternative methods to take care of the grub invasion?

It will take effort to safely restore the damaged soil at Cheverus High. Please vote to care for our land and repair what we have and not risk irrevocable damage for a toxic quick fix.

Respectfully submitted,

JoAnn Locktov

158 Congress St.

#3

Portland, ME 04101

Let's Protect our Athletes from Injury

Thomas Johnson bgjonsn@gmail.com via portlandmaine.gov
Fri, Feb 28, 9:34 AM (3 days ago)
to publiccomment

Dear City Council Members,

I am writing to ask you to vote in support of the amendment that Cheverus is seeking for the professional application of a pesticide to stop the grub infestation that has damaged the Boulos Stadium field. The organic methods of pest management have been used and have failed. I want the fields to be playable and I want to prevent injuries to athletes.

The pesticide that Cheverus seeks to use is allowed to be used on the Riverside Golf Course, a municipal golf course owned and managed by the City of Portland. Because this pesticide is used on city property, I think it is reasonable that the amendment be approved so it can be used on the Cheverus athletic field.

Sincerely,
Tom Johnson and Anna Donatelli
351 Sherwood street
Portland Maine 04103

TDJ iPhone

Sent from my iPhone

Public comment: Order 134-24/25 Amendment to Portland City Code Chapter 34

Winston Lumpkins winston.lumpkins@gmail.com via portlandmaine.gov Fri, Feb 28, 8:55 AM (3 days ago) to publiccomment, Mark, Wesley, Kate, smichniewicz, bgrant, Pious, April, Anna, Regina

Dear Mayor Dion, Members of the Portland City Council,

I really encourage you to vote against the proposed amendment to the landcare allowing Acelepryn use on athletic fields. While I'm not a parent, and I see that some parents seem to want athletic fields to be treated with this pesticide, I would be concerned about its application if I were a parent: one of the great things about Portland is that we have this landcare ordinance, and therefor, it should be a good place to raise children, compared to place which don't. Children are more susceptible to harm from toxic substances since they're smaller and more vulnerable due to developing hormones...

I'm aware that Acelepryn has recently had a revision to its labeling showing that it's more harmful than was previously thought, and these things invariably seem to eventually be proven to be more dangerous as time goes on. Patchy turf never gave anyone cancer... Pesticides which at the time were thought to be harmless to humans certainly has...

Additionally, Cheverus is in the process of replacing this field with synthetic turf, so this is not a long term problem for them, and allowing everyone unfettered access to this chemical pesticide to help them for one season does not seem worth it.

This pesticide is known to be harmful to aquatic life, and the Cheverus athletic field is quite near both Baxter Boulevard and fall brook, both areas where I often stop on a bike ride to observe various water birds, which eat aquatic life. From cycling along Baxter Boulevard, I also know that water from the direction of this field flows across the road, often creating a frozen hazard in the bike lane- water flows down hill, and further than you'd think. This is just too close to wetlands to use this type of chemical. Not to mention that the amendment would just allow all athletic fields to use it without oversight, which is unacceptable.

Allowing Acelepryn use on athletic fields seems entirely counter to the intent of the landcare ordinance, which should protect both children from pesticide use, and protect their futures by preventing further poisoning of the environment in Portland.

Thanks for your careful consideration,

~Winston

Winston Lumpkins IV (he/him/his)

District 1,
East end,
Portland Maine
winston.lumpkins@gmail.com
207-408-1508

Let's Protect our Athletes from Injury

Daniel Haskell ogerry@gmail.com via portlandmaine.gov
Thu, Feb 27, 6:55 PM (4 days ago)
to publiccomment

Dear City Council Members,

I am writing to ask you to vote in support of the amendment that Cheverus is seeking for the professional application of a pesticide to stop the grub infestation that has damaged the Boulos Stadium field. The organic methods of pest management have been used and have failed. I want the fields to be playable and I want to prevent injuries to athletes.

The pesticide that Cheverus seeks to use is allowed to be used on the Riverside Golf Course, a municipal golf course owned and managed by the City of Portland. Because this pesticide is used on city property, I think it is reasonable that the amendment be approved so it can be used on the Cheverus athletic field.

Sincerely,

Daniel K. Haskell
18 Inverness St.
Portland, ME

Let's Protect our Athletes from Injury

Stephen Molina stephen.l.molina@gmail.com via portlandmaine.gov
Thu, Feb 27, 3:51 PM (4 days ago)
to publiccomment

Dear City Council Members,

I am writing to ask you to vote in support of the amendment that Cheverus is seeking for the professional application of a pesticide to stop the grub infestation that has damaged the Boulos Stadium field. The organic methods of pest management have been used and have failed. I want the fields to be playable and I want to prevent injuries to athletes.

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Sincerely,

Stephen Molina
609 Ocean Ave
Apt 29
Portland, ME 04103

Let's Protect our Athletes from Injury

John Richardson jrichardson2009@gmail.com via portlandmaine.gov

Thu, Feb 27, 3:46 PM (4 days ago)

to publiccomment@portlandmaine.gov

As Portland residents we support the amendment that Cheverus High School is seeking. We believe this amendment should be approved so as to provide parity with the rules Riverside Golf Course operates under. Most importantly this change will help to protect our city's student athletes from unsafe playing conditions.

John & Claire Richardson

Howard Street, Portland, Maine

...

[Message clipped] [View entire message](#)

Let's Protect our Athletes from Injury

Adam Peters adam.peters78@gmail.com via portlandmaine.gov

Thu, Feb 27, 3:44 PM (4 days ago)

to publiccomment

Dear City Council Members,

I am writing to ask you to vote in support of the amendment that Cheverus is seeking for the professional application of a pesticide to stop the grub infestation that has damaged the Boulos Stadium field. The organic methods of pest management have been used and have failed. I want the fields to be playable and I want to prevent injuries to athletes.

The pesticide that Cheverus seeks to use is allowed to be used on the Riverside Golf Course, a municipal golf course owned and managed by the City of Portland. Because this pesticide is used on city property, I think it is reasonable that the amendment be approved so it can be used on the Cheverus athletic field.

Sincerely

Adam Peters

Acelepryn

Chris Everest ceverest1@gmail.com via portlandmaine.gov

Wed, Feb 26, 7:16 PM (5 days ago)

to publiccomment

Please don't listen to the Portland Protectors. When used at the labeled rates, Acelepryn is not toxic at all to pollinators, pets, people, or fish. It also is not the same product as the Acelepryn Duo they are talking about, that product is not registered for use in the State of Maine. Please listen to people who actually know what they are talking about, and allow an exemption for Acelepryn, even Falmouth with their ridiculous ordinance they just passed against their constituents wishes allows for it to be used.

public health and synthetic pesticides

Susan Anspacher susanmtns@gmail.com via portlandmaine.gov

Wed, Feb 26, 4:51 PM (5 days ago)

to publiccomment

Taxpayers have a right to know why Cheverus High School is continually allowed waivers for their grounds. An ordinance was passed to stop synthetic pesticide use. The ordinance was intended to make Portland safer for all of us. These pesticides leach into groundwater. They are absorbed into the air we breathe. The grounds we walk upon. Allowing this anywhere, especially where children play is unconscionable. It is unconscionable to do this to living things.

This two tiered approach is unfair. We can not have one ordinance for the corporation (Cheverus High School) and another for the rest of us. Otherwise, all city government credibility is gone. It is no wonder that few trust government anymore.

I hope you will care enough about the community to end synthetic pesticides once and for all. For all of us.

Susan Anspacher
88 Skylark Road

Say no to pesticides

'Amelia Clancy' via Public Comment

Feb 21, 2025, 8:22 AM (3 days ago)

to publiccomment

Hello,

I'm writing to ask the council to vote against the proposed amendment to the pesticide ordinance. This ordinance is in place to protect our natural environment, water sources, and wildlife. While Acelepro falls into the low toxicity category, its long term impact on the above factors is not yet clear. The toxicity category is determined by testing on rats and simply means is it less toxic than its counterparts, but not proven to be completely safe. I am also concerned that relaxing this ordinance will lead to others using this and other pesticides. I would like you to consider long term testing to determine impact before agreeing to this amendment. If the testing proves safe for our community, then the amendment can be reconsidered.

Thank you for your time,

Amelia Clancy

MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 21, 2025

SUBJECT: Order 137-24/25 Setting Public Hearings on Fiscal Year 2025-2026 Annual Action Plan and Appropriations for Community Development Block Grant Program, HOME Program and Emergency Solutions Grant Program - Sponsored by Danielle P. West, City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/3/2025

**Final
Action 3/3/2025**

Can action be taken at a later date: No A notice of the public hearings must be advertised in the paper along with a public comment period. Approving this item at a later date may not allow sufficient time for notice to be given to the public.

Does this item involve a new contract with the City: No

PRESENTATION: Mary Davis will be available for questions.

I. SUMMARY

This order sets the public hearings required to allocate 2025-2026 funding from the U.S. Department of Housing and Urban Development.

II. AGENDA DESCRIPTION

The United States Housing and Urban Development Department (HUD) requires that the City create an annual plan outlining the proposed activities and the use of funding for the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and HOME funding. In addition, as required under our HUD approved citizen participation process, public hearings are held each spring to consider the City's Housing and Community Development Program proposal for the ensuing year. The CDBG Annual Allocation Committee, appointed by the City Council, reviewed each CDBG application and made funding recommendations. They are given an opportunity to make a presentation to the Council at the first public hearing and citizens may comment on the City's annual plan for the use of the CDBG, HOME and ESG funds at both public hearings. This order sets the dates for the public hearings required for the Annual Action Plan allocation process. The public hearings will be held on April 7, 2025 and May 5, 2025 at a City Council Meeting to be held at 5:00 pm.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The 2025-2026 Annual Action Plan allocates Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and HOME funding for the next fiscal year.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The public hearing process directly affects the city's eligibility for continued federal HUD funding. It provides an opportunity for public comment on the recommended uses of the funds. The activities supported by these grants address housing and homelessness, as well as infrastructure improvements that may impact climate change and sustainability.

V. FINANCIAL IMPACT

The public hearings are a requirement of receiving and allocating HUD funding. There is no additional financial impact as a result of this item.

VI. STAFF ANALYSIS AND BACKGROUND

The City of Portland Housing and Community Development Division takes seriously the responsibility to encourage public review, consideration and feedback. During the Annual Action Plan approval process, HUD requires the City to provide at least two opportunities for the public to comment on the funding allocations. The City follows its Citizen Participation Plan to ensure all who wish to provide input have the opportunity.

VII. RECOMMENDATION

Staff recommends the council approve and set the public hearings for April 7, 2025, and May 5, 2025, for the 2025-2026 Annual Action Plan.

VIII. LIST ATTACHMENTS

1. Order - Setting Public Hearings FY25-26

Prepared by:

Date: 02/21/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER SETTING PUBLIC HEARINGS ON
FISCAL YEAR 2025-2026 ANNUAL ACTION PLAN
AND APPROPRIATIONS FOR COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM, HOME PROGRAM, AND EMERGENCY SOLUTIONS
GRANT PROGRAM**

ORDERED, that public hearings be held on the Fiscal Year 2025-2026 Annual Action Plan and appropriations for the Community Development Block Grant Program, HOME Program, and the Emergency Solutions Grant Program; and

BE IT FURTHER ORDERED, that such hearings be held on April 7, 2025, and May 5, 2025 at City Council Meetings held at 5:00 p.m., in Portland City Hall Council Chambers, 389 Congress Street, or remotely if available as outlined in the City's Remote Participation Policy.

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
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ANNA BULLETT (4)
KATE SYKES (5)

**RESOLUTION TO IMMEDIATELY ADDRESS PEDESTRIAN SAFETY CRISIS IN
PORTLAND**

WHEREAS, another pedestrian life was tragically lost on our streets last night, marking yet another preventable death in a growing crisis of traffic violence in Portland;

WHEREAS, the City of Portland has seen an alarming increase in pedestrian injuries and fatalities, demonstrating an urgent need for immediate action to make our streets safer;

WHEREAS, high vehicle speeds, inadequate lighting, lack of enforcement, and poor pedestrian infrastructure contribute to the dangerous conditions that put lives at risk every day;

WHEREAS, the City of Portland's Council Committee on Sustainability and Transportation is developing a Vision Zero resolution for City Council consideration that will establish a framework for both short-term interventions as well as long-term design solutions to prevent further loss of life;

NOW, THEREFORE, BE IT RESOLVED, that in order to address this pedestrian safety crisis as soon as possible, the City Council of the City of Portland urges the City Manager to take the following immediate actions:

1. Emergency Street Lighting Upgrades

- The City Manager is encouraged to identify and install additional lighting at high-risk intersections and corridors, prioritizing areas where pedestrian fatalities and injuries have occurred.
- The City Manager is encouraged to conduct an urgent audit of street lighting deficiencies, with a plan for rapid deployment of new fixtures.

2. Increased Traffic Enforcement & Officer Presence

- The City Manager is urged to encourage the Portland Police Department to immediately increase traffic enforcement at high-risk locations, including speed enforcement, red-light running, failure-to-yield violations, and

reckless driving, and to deploy officers to problem areas to monitor and deter dangerous driving behavior.

- The City Manager is encouraged to explore the use of automated enforcement tools (such as red-light and speed cameras) for future implementation, and report on the feasibility of the same to the Sustainability and Transportation Committee and the City Council.

3. Immediate Safety Interventions in School Zones

- The City Manager is encouraged to collaborate with Portland's public and private schools to evaluate and implement strategies to prioritize the safety of students, particularly in high school zones, such as Casco Bay and Deering, where students do not benefit from flashing bus signals; and to identify other key risk areas and implement measures such as enhanced crosswalks, better signage, and increased crossing guard presence.

4. Rapid Public Education & Awareness Campaign

- The City Manager is encouraged to launch an immediate public safety awareness campaign, warning drivers to slow down and respect pedestrian crossings
- The campaign should include PSAs, electronic message boards, and deploying speed radar units in critical areas to deter speeding and improve driver awareness.
- The City should work with Portland's public and private schools, businesses, and community groups to distribute safety messaging and encourage safer driving behaviors.

5. Distribution of Reflective Safety Gear

- The City Manager is encouraged to partner with local businesses and advocacy groups and to procure and distribute reflective armbands, vests, and other high-visibility gear to pedestrians, particularly in high-risk areas, and to make such gear available at community centers, libraries, shelters, and other public locations to increase visibility for those walking at night.

6. Immediate Report on High-Injury Locations & Traffic Calming Studies

- The City Council requests that the City Manager produce a detailed report on the locations of pedestrian deaths and injuries, along with a status update on all past and pending traffic calming studies in these areas.
- The report should include recommendations for immediate street design changes, including road narrowing, speed limit reductions, speed radar and pedestrian-focused infrastructure improvements.

BE IT FURTHER RESOLVED, that this resolution serves as a commitment from the City of Portland that pedestrian deaths and serious injuries are unacceptable, and that our response to this crisis will be swift, effective, and ongoing.