

CITY OF PORTLAND, MAINE
Standing Committee on Sustainability and Transportation
Councilor Belinda Ray (D1), Chair
Councilor Spencer Thibodeau (D2)
Councilor Andrew Zarro (D4)

Minutes March 17, 2021

Members Present: Council Ray, Councilor Thibodeau, Councilor Zarro

Staff Present: Troy Moon, Nell Donaldson, Casey Zorn

Guests: Mayor Snyder, Jesse O'Brien, Bruce Van Note, Jennifer Brickett, Paul Godfrey

Meeting called to order at 5:34 PM.

February Minutes

Councilor Zarro motions to approve the February meeting minutes. Councilor Thibodeau seconds the motion. February minutes passed unanimously, 3-0.

Sustainability Update by Troy Moon

Have been recruiting for Sustainability Associate position and will be announcing decision soon. Recently held meeting with Code Enforcement and on track to adopt IECC 2021 by July 1st. Supporting Maine Department of Environmental Protection (DEP) with their South Portland oil tank investigation. The DEP will be using spraying to neutralize odor smell. City has continued to emphasize need for action on this issue. See-Click-Fixes are an important tool with this project. Have had feedback on Plastic Straw Ordinance such as certain restaurants wanting to use new alternative material bioplastic straws. Drive throughs have also been receiving backlash from customers who do not understand the ordinance. The City will be acquiring four Electric Vehicles (EVs) for the municipal fleet using Efficiency Maine incentives and Hyundai incentives. Because of this program, the City will have no expenditure for lease costs for the duration of the 3 year lease. The City Manager will assign them to departments for use. Will continue to look into opportunities to expand infrastructure. Outreach efforts such as Coffee and Climate have been going well with increasing community engagement. Gave presentations at Westbrook High School and University of Maine Law School. Will be having members of Portland Climate Action Team (PCAT) work as support for benchmarking ordinance. Will be training PCAT members and giving tutorial on benchmarking to building owners in early April.

Committee Comment on Sustainability Update

Councilor Thibodeau has been getting reports of broken poles and issues with other Central Maine Power (CMP) infrastructure. Is there a way to streamline addressing these issues? *Lights on the Eastern and Western Prom related to underground wiring issues, which is part of disagreement with CMP. Will need to go through Public Utilities Commission (PUC) process due to opposing views on this issue. Have expressed to PUC and CMP that these issues need to get resolved soon. For damaged poles which are clearly CMP's responsibility, use See-Click-Fix to report.* Councilor expresses confusion of responsible party with multiple companies on a single

pole and need for easier reporting process. *Will work with CMP to ensure these issues are resolved in best way possible.*

Councilor Zarro wonders if the drive through straw issues have been with chain restaurants and wonders how to engage with these larger companies on local ordinances? *Most chains do want to comply, and this often is a case-by-case basis. Will require continued outreach.* Councilor Zarro appreciates the outreach for this ordinance and how accessible Troy has been on this issue.

Councilor Ray believes the Committee should change the wording of the Straw Ordinance so that alternative material straws can be provided without explicit request. Has also had CMP issues in District 1 and believes this issue is greater than simply Portland, and it is clear that CMP is the common factor in similar municipality disputes. Should make reporting on these issues more transparent.

GPCOG Recovery Project Development Fund with Councilor Ray

The problem, as presented by Greater Portland Council of Governments (GPCOG), is that Maine is poorly positioned to compete for likely infrastructure stimulus. We need to make sure that Maine has shovel-ready projects to submit when stimulus comes. GPCOG recommends creation of project development fund, which would help municipalities finish the last bit of project planning to get projects shovel ready and ready to submit for funding, which would be better for competing for stimulus funding. GPCOG is requesting that the State designate \$10 million of general operating revenues to Recovery Project Development Fund in the 2021 budget and \$25 million in new bond revenue when established. The question at hand is whether the S&T Committee and/or Council should support and move forward with this effort.

Committee Discussion on GPCOG Recovery Project Development Fund

Councilor Zarro believes being well-positioned is the bare minimum. Wonders what percentage of the \$10 Million would benefit the City of Portland directly. *Councilor Ray believes this would not be made clear until the projects are submitted through a proposed application process in which each project would be evaluated on the criteria of how well positioned the project is to create new well-paying jobs, preserve existing well-paying jobs, support recovery of the Maine economy, and improve Maine economic resilience. Portland likely has a lot of projects and would have a good chance to receive some of the support.* Councilor Zarro sees no reason not to support this measure.

Councilor Thibodeau wants to confirm what are the “general operating revenues” and “bond revenue.” *“General operating revenues” refers to the Governor’s budget to go to planning and “bond revenue” is future bond revenue. The original intent, as written and submitted in October, was to have the Governor include this in her budget; she did not. There is now funding that could be used for this order; however, that line in the request is now out of date and will need to be updated.* With these amendments, and as long as this request does not affect Portland’s cut of the recovery bill or future transportation funds, Councilor Thibodeau supports the creation of this fund.

Councilor Ray will also need to confirm that this request is now being put before the Legislature for different funding, no longer before the Governor.

Councilor Ray will create a draft letter from the Sustainability Committee. Will run this by Pious and the Legislative Nominating Committee. Will send around to S&T Committee and others for signing and send over to GPCOG for support.

Public Comment was opened; however, there was no public comment.

PMAC Annual Summary Report with Jesse O'Brien and Troy Moon

Introduction by Jesse O'Brien:

Members of the Pesticide Management Advisory Committee include Jesse O'Brien (chair of PMAC, member South Portland LMAC), Avery Yale Kamila (resident, founder of Portland Protectors, chair of Waiver Committee), Carol Lebinesser (NOFA representative, landscaping company owner), Dr. Priscilla Skerry (naturopathic doctor), Tim Lindsay (commercial pesticide applicator), Karen Snyder (citizen), and Troy Moon (city staffer, member of Waiver Committee). Tim's term is up and there will be a vacancy on the PMAC. This past year, PMAC met about 10 times. Discussed pesticides and pending fertilizer ordinance.

Report Summary and Recommendations presented by Troy Moon:

There were twelve See-Click-Fix reports this past year. This is a great tool that residents should continue to use. Most reports were about signage. PMAC will have to do more work on educating applicators on proper signage. Thirty-six companies submitted applicator report, an increase from last year, a sign that outreach has been successful. Nearly all applications were for exempt applications. Have not fully reviewed the product list for non-exempt applications. No way to know how many people are actually applying in Portland and did not submit. PMAC will have to review application form to make reporting format clearer and improve consistency in responses. Outreach was lowered because of Pandemic; however, there were post cards sent to See-Click-Fix properties, a presentation with NOFA, and website updates. Will continue to work to educate applicators on signage. Hope to collaborate more with neighboring communities to create a regional approach to land care. The PMAC recommends that Portland move forward with a fertilizer ordinance similarly to South Portland's Ordinance. Improperly applied fertilizers are hazardous to Casco Bay and stormwater. The PMAC also recommends that the City Council look at the Heritage Tree Ordinance and take this City-wide. The report includes specific recommendations on the fertilizer ordinance and how it should mirror and differ from the South Portland Fertilizer Ordinance. One of the provisions that the PMAC spoke about at length was South Portland's allowance of a certain pesticide allowed for a number of years in their ordinance for grub use without waiver application; there are differing views on this allowance in a Portland ordinance.

Committee Comments on PMAC Annual Summary Report

Councilor Thibodeau appreciates the work of the PMAC. Emphasizes grub issue as the only issue he has personally heard on the Pesticide Ordinance. Would like to try to support PMAC on this issue when opportunity presents itself.

Councilor Zarro has worked with Avery on Back Cove Neighborhood Association and understands the complexity of these issues. Appreciate the work of the PMAC.

Councilor Ray wonders about sod worm waiver request from Chevrus which was ultimately approved by PMAC and withdrawn by Chevrus. *Troy does not have explicit updates on this, only heard of initial irrigation measures. Jesse adds that sod web worm and bluegrass billbug were more active last year. The outbreak was not that big at Chevrus, but believes the person taking care of the field is very knowledgeable and Jesse will reach out to them. Jesse voices need for leadership from S&T on how to address grubs.* Councilor Ray voices that this could potentially be discussed as a part of the work plan. LMAC (Landcare Management Advisory Committee), heritage tree inclusion in a larger Landcare Management Ordinance, and oversight by the PMAC/LMAC might be a good expansion.

The Portland Transportation Center (PTC) Potential Relocation

Overview presented by Paul Godfrey of HNTB (the consulting agency)

The PTC is currently located at Thompson's Point and is home to Concord Coachlines and Amtrak. The study objectives were two-fold: (1) the customer and (2) the transportation system, which includes ridership, safe connections, etc. Considered bus and rail collated at existing location with improvements, collated at new locations, and at separate locations. This was a phase study approach, which included 8 alternatives and 3 locations (Thompson's Point, Fore River Parkway, and St. John Street) evaluated at Phase 1 in 2019. Used extensive data gathered by transportation agencies and based evaluation on 34 measures of effectiveness in the following 10 categories: safety, mobility, environmental, efficiency, customer accessibility, economic/community development/future vision, parking, costs, funding, and mission. Phase 1 ended with mixed and inconclusive results. Did identify a need for increased parking given pre-Pandemic 2019 conditions. Key takeaway was to include another location to create more alternatives.

Phase 2, which occurred in 2020 included 5 alternatives over 3 locations (Thompson's Point, Union Station/Congress Street, and along St. John Street). These alternatives all assume that buses would remain at original Thompson's Point location given Concord Coaches' strong desire to remain put. Phase 2 alternatives included:

- (NB) No-Build
- (5) Existing PTC location for bus and rail with improvements
- (6) Existing PTC location for bus, new rail south of PTC with improvements
- (7) Existing PTC location for bus with improvements, new rail on St. John Street
- (8) Existing PTC location for bus with improvements, new rail at Union Station

These alternatives were rated on 4 basic needs: meets basic customer needs, meets transportation needs, cost effectiveness, and could this alternative be supported, implemented, and potentially funded. This rating resulted in an ultimate level of reasonableness ranking between alternatives, with Alternative 8 being ranked as the most reasonable, mainly because of its ability to meet customer and transportation needs by improving connections to downtown and other modes of transportation and by increasing ridership and decreasing strain on transportation system. Alternatives 5, 6, and 7 ranked closely behind Alternative 8. Developed concepts for layout of a new Union Station train station.

The Consultant short-term recommendations include the following: (1) develop plan for improving existing PTC, (2) continue evaluating Alternative 8, and (3) incorporate short- and long-term actions into local/state/agency master plans. Long-term recommendations include (1) identifying sources and funding for Alternative 8 if detailed evaluation shows cost effectiveness, (2) implement Alternative 8, and (3) identify public entity that own and/or operates the PTC and new rail station(s).

Maine DOT's Proposed Path Forward presented by Bruce Van Note

The DOT took the recommendation for a new train station at Union Station and overlaid other considerations such as property ownership and eminent domain, funding, and balancing interests. Did ultimately decide to have a separation of facilities, which did not come intuitively. Did study the Y-Track, an older proposal, which did not prove effective. Currently in a place of supporting Northern New England Passenger Rail Authority's (NNEPRA) efforts. Guiding principles for NNEPRA include ensuring the following: (1) new rail facility is open to the public, (2) there will be adequate facilities for connecting modes of access, (3) if developed as part of PPP, a relationship with private partner will clearly define responsibility of costs, (4) operating costs for new facility will remain in line with current PTC, (5) there will be support from City of Portland and owners of property. Will be putting together a written agreement with NNEPRA. If a viable option does not come up in the next couple of years, DOT will pick up this project where the study left off. Also take into account that this study was started before the Pandemic, and currently ridership is still down and we are still in the middle of the Pandemic. At a turning point of starting to think about when ridership is back up and transportation planning is reading to continue.

Committee Comment on PTC Potential Relocation

Councilor Zarro would like the S&T Committee to be given a copy of the slides. Wonders if there is a plan to resume projects such as this in the middle of reduced ridership due to the Pandemic. *Van Note does not see this being a problem since they are still in the planning phases. There will, however, be questions about timing if reduced ridership continues and influence of increased remote work.* Saw that public engagement is occurring this month and wonders about how this will look. *This project has not had a lot of public engagement yet. Did send out surveys. Believes the surveys were confusing because of hypotheticals. Separation of transportation is not a first thought and is not obviously best choice; however, it is worthy of consideration because of legitimate conditions in this case. Still having conversations with stake holders.* On the 34 measures of effectiveness, how is accessibility broken down? *Paul will*

provide link to study on 34 measures to the S&T Committee. A lot goes into each measure. The report is also on the DOT's website.

Councilor Thibodeau thanks DOT and consultant for all of their work on the project and their presentation.

Councilor Ray understand concerns with eminent domain but is also glad it is not completely off the table since we will need to take bold steps to reach carbon neutrality. We need to make transit more accessible and frequent. Very important discovery of options that may work and those that certainly will not work. Thinks the Union Station site is very exciting because of its history and its opportunity as an economic driver. Does believe there is a rebound in transit ridership even with a METRO increase fare. Appreciates need for pause, but Councilor Ray encourages continued forward movement so that we can figure out how to access funds and begin project so that we can actually make progress. Wonders what the end date is on public comment. *One of the reasons DOT is here, is to promote public comment. Will continue to receive and listen to public comment even as NNEPRA takes on the project. The recipient of public comment might change, but the DOT will continue to assist in managing this.*

Public Comment on PTC Potential Relocation

Patricia Quin, Executive Director of NNEPRA: Thanks department for their leadership on this effort. May not agree with all assumptions. Will continue to move forward with this effort. The backup move that the Amtrak Northeaster currently does adds 1.5 hours to daily schedule. Emphasizes need to fix this problem and streamline the service. Appreciates opportunity to work with this group and move forward with economic progress for this region.

Elizabeth Parsons of 44 Winters St is delighted by this study. Has delt with complicated nature of train system here. Supports effort to expand train access.

S&T Committee Work Plan Priorities

For upcoming April meeting, there will be a Transit Tomorrow presentation by GPCOG and Troy will lead a discussion of One Climate Future potential committee actions.

Councilor Zarro recalls Troy's discussion of One Climate Future plan and wonders about some of the low hanging fruit action items or those that currently have political will, for example municipal composting, and whether this will be further discussed.

Troy discusses clean energy and energy efficiency importance. Brings up opportunity to mandate energy disclosure for properties in Portland. Portland is also moving forward with composting pilot project and is expanding this program to include drop offs at community gardens around the peninsula to make this more accessible.

Other items for work plan include introduction on funding mechanisms for sustainability projects and learning about current state of tree canopy and considering expansion of Heritage Tree Ordinance.

Councilor Ray wonders if S&T Committee would like to make the small change to the Plastic Straw Ordinance so that alternative material straws can be provided without request, but plastic straws can still be provided to those with disability with request. The Committee agrees. Councilor Ray will move forward with drafting such an amendment.

Meeting Conclusion

Councilor Zarro motions to adjourn. Councilor Thibodeau seconds the motion. Passed unanimously, (3-0). Meeting adjourned at 7:37 PM.