



Commission Members: Chair Pat Bailey, Jayne Foley, Daniel Herzlinger, Jennifer Fox, Robert Foster, Jon Kachmar, Kara Wooldrik, Simon Rucker, Baxter Miatke **Staff:** Ethan Hipple, Doug Roncarati and Samara Ray

City of Portland
Land Bank Commission Minutes
September 8, 2021
5:00 PM

I. Call to Order - Pat Bailey called the meeting to order.

II. Citizen Comment Period - No public comment. Ethan Hipple introduced himself as the Director of Parks, Recreation and Facilities Department and wanted to say he is stepping in to help staff the Commission as a non voting member to replace Michael Murray who has moved to Public Works. Doug Roncarati introduced himself as the City of Portland Stormwater Coordinator liaison to the Land Bank. He has been with the LB since a few years after its inception.

III. Agenda Items

i. Acceptance of the June 9th, 2021 Meeting Minutes

*Corrections to June 9th minutes:

-Accounting is still working on the issues for Rand Road. Pat noted that for the Rand Road transaction, \$50,000 was used of Land Bank money plus closing costs. City staff will work on getting a better report that shows a debit and a credit.

-The appraisal for the Riverton Parcel came in. The asking price is too high based on what the property is worth.

Simon made a motion to approve the minutes with these changes, Baxter seconded. The minutes were approved.

ii. North Deering Park Project Overview - Trust for Public Land Speaker, Phil Dube - Action Item

Simon Rucker introduced the property at 1931 Washington Ave to the Land Bank last year. The occupants of this property reached out to Simon and wanted to conserve the land behind their house. The Land Bank did a soft endorsement of the project. Phil and the Trust for Public Land (TLP) took over this project as the project managers. The project is now being called "North Deering Park" and encompasses acreage behind 1931 Washington Ave and Haverty Field.

TLP has the capacity to run the project and the Land Bank would be looked at as a City Partner. Phil came to the meeting tonight to discuss the money that TLP is requesting from the City of Portland. TLP will get

an appraisal and they will not pay more than fair market value. Phil told the Commission that TLP will try to raise capital to match funds for a \$400,000 Outdoor Recreation Legacy Partnership grant, a federal grant program part of the Land and Water Conservation Fund with the goal of creating outdoor recreation spaces that fall within an urban threshold. ORLP can fund acquisitions and also park development and space activation. TLP is hoping that ORLP, Land for Maine's Future, Land Bank contributions and private fundraising from TLP will raise the \$400,000 to match the grant if it is awarded.. The total budget for this project is close to 1.2 million. This includes partnership grants, staffing and land acquisition.

The Trust for Public Land has submitted a formal application for the ORLP grant. The Trust for Public Land is requesting a vote for a commitment of \$80,000 from the Land Bank today. The Land Bank has contributed to TPL projects in the past. As TLP moves toward closing on this project they would reach out to the Land Bank to get the money that was committed. Closing is projected at Dec 2022, there is an expected delay in the Federal Grant program.

There would be a deed restriction on this land if acquired for public outdoor recreation for all time, iron clad protection. There is no arrangement at this time about who would build the trails on this land. There are 7 or 8 sites in the City that have been funded using these Federal Funds so this is a layer of protection, there is deed restriction that the land can only be used for public outdoor recreation. The intent of this is that the City keep this land protected for all time. Activities could still be permitted to be held at this location. There is no arrangement at this time about who will build the trails or hold the conservation easement if that is the chosen option.

This grant application has been pre approval by the City Council. The Council voted unanimously to give authority for the City Manager to sign the application. Phil mentioned that the Federal Grant applications are delayed and the approximate closing on this project would be December 2022.

Ethan clarified that this is a contribution to purchase a property and it does not have to be part of Land Bank properties. Phil just needs a commitment at this moment for match purposes. Simon explained we need to commit now and disperse in next year's budget.

A motion was made for the Land Bank to commit to financially supporting this project.

***The motion is to commit \$80,000 to the "North Deering Park " project on the defined timeline of the project, North Deering is one of the few neighborhoods with a "high" need for public space within a 10-minute walk. Due to this deficiency, local children use this space as a wooded play space and refer to it as "The Forbidden Forest." The unofficial open space contains well-loved informal trails and wetlands, critical natural infrastructure that can help manage stormwater runoff and floods in this area. This commitment is subject to the Land Bank Ordinance and all rules and regulations of the City of Portland.**

The Chair, Pat Bailey moved to make a vote on this motion. The motion passed unanimously by the Commission.

iii. Treasurer's Report

Old Business- Baxter wanted to note that there is a debit on the provided City account for the closing of Rand Road on Feb 26th, 2021 is correct but the Avangrid donation on March 2nd 2021 for \$275,000 needs to be corrected on the Munis report.

New business, there is a list of land bank maintenance costs from Ethan for a total of 14,200 including time and materials at Riverton Trolley Park. Baxter does not see these expenses hit in the Munis report yet, Baxter thanked Ethan for providing those expenses in advance. There are some other items that are not listed in the Agenda that he wanted the Commission to be aware of.

Baxter reviewed some expenses on the City accounting report provided in the Agenda Packet:

- 06/18/2021 - \$975.00 paid to Dan Anderson Real Estate. Pat noted that this was for the second appraisal for Redlon Woods
- 09/01/2021 - \$825.00 for 36 June Street. Pat noted this is survey work for parcels for bank releases that she will discuss later in the meeting.
- In June 2021 there was a \$52.28 reimbursement and no receipt. Pat thinks that this was for copies for an appraisal.

Ethan said that if Baxter has any questions about invoices and payments the City staff can dig up any detail he may need.

iv. Secretary's Report

Nothing new to report to the Commission.

v. Tax Acquired Parcels Committee List

Simon gave a little background about the list that is on page 9 of the agenda. Every year Simon and Doug go through the list and determine if there are any good fits for the Land Bank. Fortunately the same parcels stay on the list year after year. Red means not interested, yellow means maybe and Green parcels means keep. There are parcels adjacent to Redlon woods that he has labeled green- ideally would become land bank property.. Ethan said there is a committee of City Staff that makes recommendations to the City Manager and the Finance Director on the TAPC list. This committee consists of the Directors of Public Works, Economic Planning, Economic Development, Parks and Recreation and Planning Departments and Corporation Council staff. Ethan is happy to convey this list to the Committee at the next meeting.

Pat noted that the Redlon woods parcels have a 18 month waiting period that ends in December. Then if the past due tax is not paid the City goes through the process of acquiring it. Simon requested a motion to bring this list to the TAPC Committee. Jennifer made a motion to recommend that Ethan take these green lighten projects to the table at the Committees next meeting. Jon seconded the motion. It passed all in favor.

IV. Communications

i. Parks Commission Report

Jon shared that he is the liaison for the Parks Commission. The new Chair is Michael Mertaugh and there are a few new members. The bulk of the September Parks Commission meeting was spent gathering Parks Commission CIP priorities to submit to the City Council. The projects that seemed to receive the most support were: Deering Oaks Rest Rooms, Skatepark Explanation and Fort Gorges. The City is hosting a virtual public workshop on Sept 13th to get public input on ARPA fund spending.

ii. Parks Division Report

Ethan reported that the Land Bank Signage is in hand- the signs have been in office for a while but due to staffing shortages they have not been able to be put up. The hope is to get them up this winter. Ethan wanted to highlight the wrap up of a successful first year of the Portland Youth Corps. Meghan, the Youth Corp Leader recruited 24 young people to work and serve in our parks this summer. Ethan shared that the Dept has \$70,000 budgeted for ongoing drainage issues at Fitzpatrick stadium. This is an engineering project to get the water to drain better and get it to go where it is supposed to go.

iii. Maine Conservation Corps Work at Riverton Trolley Park this Fall

Funds have been pre approved for the Maine Conservation Corps to do work at the Trolley park this fall.

V. Parcel Updates

i. Redlon-

About a year and a half ago the Land Bank agreed to engage Tom Jewel to get some releases on some parcels and help in this project. Pat provided an overview of the parcels in Redlon. The parcels with green lines are in the Land Bank, the 2 purple parcels along Caroline Street are City owned, the 5 parcels in pink are parcels on the TAPC list, the parcels in red are currently owned by a developer trying to extend Caroline street through June street and the blue parcels are what the Land Bank has been working on for some time- they are owned by the Berry Family. About 1.5 years ago an appraisal was done for the house and the blue parcels. The appraisal was not high enough to reach the bank's loan to value ratio to ask for a release- as the Berrys have two mortgages on these properties. A new appraisal was done in the summer of 2021, this time the appraisal met the loan to value criteria to ask the banks for a release. Tom is preparing the releases, Pat authorized a survey of the Berrys house to make sure it meets the set back requirements for the land that would stay encumbered by the loans. It looks like the Land Bank will get releases from both of the banks and then potentially be able to transact with the Berrys. If parcels in pink are acquired by TAPC, we would want to go to the City Council to get them put into the Land Bank. This is the good news, this would be making headway and potentially control the majority of the land in Redlon and maintain it as open space. The not so good news is that the red parcels are being looked at for development. The neighborhood doesn't want this development.

Pat commented that if this development was to go through and you were standing at Stoneledge, you would be looking at a 6 story building and all of the water would drain into these backyards and down into Bancroft.. If Tom Jewel has title costs Pat will continue to work with what has been approved and she will keep Baxter informed on the cost.

Simon asked about the potential for development

ii. Riverton Trolly-Hale Parcel

Jon gave a summary of what was going on with this parcel. The parcel is about an acre, there was an appraisal that came in at \$27,000 around March 2021. The seller would like \$50,000 for the parcel. There were concerns expressed about whether the Land Bank could or should be paying the delta between \$27,000 and \$50,000. There is \$15,000 that has been privately funded which leaves a delta of \$8,000. Jon shared that roughly \$3,000 has already been spent in appraisals for this property. He thinks it would be a good idea to acquire this land while appraisal is still valid.

Simon asked if the Land Bank could legally pay more than fair market value. He sees \$27,000 as a ceiling for what that acquisition would be. Ethan shared that Michael Goldman would need to weigh in on this.

Jon is going to reach out to Michael Goldman and see if paying over the appraised amount would be determined as a private benefit in the tax code. Jon's understanding of this from Michael Goldman is that the rules of a 501 3C do not apply to municipalities. The other question is, is the City Council ok with the Land Bank paying over the appraised amount? Jon will try to get something in writing from Michael about these two questions so the Land Bank can move forward with this parcel.

The question came up, does the City have a policy about how long appraisals last and when a new one would be warranted? Jon said he will ask Michael about this as well.

Pat thanked Dan for looking at the map of development at Redon woods from an engineering perspective.

VI. Adjournment

The October meeting will be a site visit month with a tour of parcels.

Motion to adjourn by seconded by it voted unanimously.