



Commission Members:

Chair Jaime Parker, Amy Segal, Jon Kachmar, Marie Gray, Zack Anchors, Eleanor Sears, Beth Rabbitt, Stephen Bentsen, Kristen Fulmer, Cheri Musgrave, and City Councilor Victoria Pelletier.

City of Portland **Parks Commission Agenda**

May 5, 2022

5:00 PM

On the first Thursday of the Month at 5:00 pm, the Portland Parks Commission will conduct a virtual meeting using Zoom.

This meeting will be held remotely pursuant to the Remote Meeting Policy adopted by the Portland Parks Commission and as authorized under 1 M.R.S. 403-B because of the existence of an emergency or urgent issue that requires the committee to meet by remote methods. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be available following the meeting.

For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Please use the link below to join the webinar:

<https://zoom.us/j/91710859101?pwd=MUVLWTVFRG5jUFNxSHIEcTFISk8wZz09>

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*The Mission of the Portland Parks Commission is to advocate for the enhancement and stewardship of our parks and open spaces. Review and propose projects that impact parks and open spaces and recommend action.
Foster collaboration among park users and the City. Promotes public access and enjoyment.
Advocate for public and private funding for parks and open spaces. Enjoy Portland for Life.*

- I. Call to Order
- II. General Citizen Comment Period
- III. Agenda Items
 - a. Acceptance of Meeting Minutes: April 7, 2022 **Action Item (5 min)**
 - b. New Business
 - i. Welcome new Parks Commissioners (5 min)

City of Portland Commissions are not required to take public comment under FOAA and our Ordinance is silent regarding the duties of the Commission. The Commission has the discretion to not allow or allow public comment during its meetings, including the authority to limit the duration of comments. Since the Commission makes recommendations to the City Council, public comment is available at that level.

- ii. Reviewing the role and procedures of the Advisory Commission -Jamie Parker (10 min)
 - iii. Moving forward, a strategic discussion (20 min)
 - iv. Overview of committees and membership (15 min)
 - v. Greenspace Gathering Update- Zack Anchors (15 min)
 - vi. Reminder of upcoming CIP (Capital Improvement Project) - Alex Marshall (5 min)
 - c. Old Business
 - i. April business meeting Food Truck records and vote (1 min)
 - d. Communications and Updates
 - i. Parks Report (5 min)
 - ii. Land Bank Commission Report (5 min)
 - iii. Committee Round Table (15-20 min)
 - e. Commissioner requests for Agenda Items
- IV. Adjournment



Commission Members:

Chair Michael Mertaugh, Vice Chair Jaime Parker, Amy Segal, Jon Kachmar, Marie Gray, Zack Anchors, Eleanor Sears, Beth Rabbitt, Stephen Bentsen, Michael Catania, Cheri Musgrave Katie Mears and City Councilor Victoria Pelletier. **Staff:** Alex Marshall, Samara Ray and Thomas Nickerson.

City of Portland **Parks Commission Agenda**

April 7, 2022

5:00 PM

On April 7th 2022 5:00 pm, the Portland Parks Commission held a meeting using Zoom.

I. Call to Order - Michael Mertaugh called the meeting to order.

II. General Citizen Comment Period (5 min)

George Rheault - Wrote emails to the commission, understood they were reviewed and forwarded on to the commission. Would like to know where the Deering Oaks Castle is currently standing, what bids there are. He would also like to know about the swings in Amethyst Lot, when they will be returned. He also raised the question about the renaming of the little league Farm Field, will a new plaque/sign be made, who is paying for that?

Berry Manter - Supports the Cutter Street relocation, collected signatures and expressed a positive view of the Cutter Street relocation: better access and location. Her concerns are mostly about safety, nothing against Food Trucks.

Diane Davison - Urging the Parks Commission to vet the Food Truck initiative. She was a founding member of Friends of Eastern Prom, served on the Parks Commission for 11 years. In her letters she emphasized that option one is not sustainable. Between Congress and Walnut Street, the playground makes the prom densely populated. Option 1 eliminates the parking in this stretch. The eastern roadway is not a viable option. Options 1 & 2 impact bike lanes. She believes the food trucks can be successful elsewhere in the city and it does not make sense to have them only at the Eastern Prom. Believes that we should be looking for other options elsewhere in the city. The removal of the parking spaces will impact all forms of traffic and will impact the master plan for the area, particularly in the summer. The South East side of the Prom construction will be done in the fall, which is impacting available Parking as well. Option one will need HBV review. The Eastern Prom Master plan. She would like to share the language in her petition.

Micheal Mertaugh - Asked her to hold her comment until the Food Truck section of the meeting.

Diane Davison - Agreed to wait

Karen Snyder - Will wait for the Food Truck section.

Zack Anchors - Asked that all who have Food Truck specific comments wait for the Food Truck section.

Samara Ray - Asked the public to wait or keep their hand up. Three residents confirmed they would wait for the Food Truck discussion.

Eric Anderson - Friends of Doherty Field group, thanks Alex and Ethan for helping them get started.

Michael Mertaugh - No other hands up at this time.

Alex Marshall - We will be announcing the Castle bid winner soon. The swings at Amethyst will return June 1st. Little League will be handing the Farm Field renaming, signage will be handled by the Little League.

III. Agenda Items

a. Acceptance of Meeting Minutes: March 3rd, 2022 Action Item (5 min)

Michael Mertaugh made a motion to approve the Minutes - Marie Gray - Please update the minutes 'Parks Covernancy' section of the minutes. Jon Kachmar - Seconded. Motion passed unanimously

b. New Business

i. Welcome new Parks Commissioners (5 min)

Micheal Mertaugh - Welcomed Cheri Musgrave. Goodbye Samara, thank you for your hard work. Welcome Thom.

Budget Updates (10 min)

Alex Marshall - Worked on the City Budget and operational. Budget will not be going to council on April 11, but on April 25th. Council will be referring the budget to Finance, they will review and return to council. Asks: Parks staff (Manager/Forester)

No questions

ii. Food Truck Presentation- Alex (10 min)

Alex Marshall - Lots of outreach, and public comment: food trucks are not permitted per Chapter 18. We are discussing the use. This is an Operations issue that needs to be handled by the city manager. The Parks Commission is being given an opportunity to comment as a courtesy.

Presentation provided:

Pedestrian Safety - vision issues, proximity to the playground.

Excessive trash - 30 gallon barrels - Solid Waste needs to service 250 barrels a day, however, there is one person who addressed this.

Tree Health - Mature trees and young trees, the compaction of soil is causing the roots to lift up.

Carbon Emissions - Generators running 10+ hours a day, over 12 trucks potentially.

Discussed Option 1 - clarified that street closure planters would be used to close down travel lanes. Discussed how this would help address the above issues. Strictly seasonal April 15 - Oct 15. No perm impacts, all removable.

Adding in-ground trash barrels are being reviewed. Due to the subterranean nature of the device, airflow and heat

are not an issue, smell is deeply reduced. Bi-weekly to once a month. Colorado Springs services these 4X a year.
Tree health - place posts, rope and chain in the roots to help address the compaction.
Carbon emissions - Sources of power are available and we can provide it to the participants.

This is a pilot program - review is key. Vender selection discussion is ongoing.

Option 2 - Mid-slope off cutter street.

Removing 15 parking spaces - modifying the boat trailer parking, moving them to the upper lot, congestion is an issue in summer. Pedestrian safety may be impacted but unconfirmed. Trash would be handled by the large capacity barrels. There are no tree health concerns. No electrical sources, we would need to draw from another area.

End of presentation.

John Kachmer - Thanked Alex for his work - posed a question, if the lower lot is selected if parking on one side would still be approved as it would be a safety improvement.

Alex Marshall - To be determined. Never done before.

Zack Anchors - Friend of Eastern Prom perspective - Sustainability commission meeting discussed that bike traffic would have more space with option A.

Alex Marshall - Travel lane and food trucks would have a buffer space for bike travel space.

Zack Anchors - Friends of Eastern Prom - in the interest of Historic Preservation, do the new trash receptacles need to be approved?

Alex Marshall - We are discussing with HP, the big bellies did not go through them, but Parks is working with HP regarding these high capacity

Zack Anchors- How big are they?

Alex Marshall- They are three feet tall

Micheal Mertaugh- Can they be anything other than the horrendous blue?

Alex Marshall - They are black

Amy Segal- Would like more information about alternative solutions that were previously discussed.

Alex Marshall - Those are the options reviewed, other spaces were not considered as this is where the desired space is. (Mic lost)

Michael Catania - Will hold off.

Zack Anchors - As space is limited, could we move the boat trailers up to the upper lot?

Alex Marshall - It will be an issue, but there will be need for some shuffling to accommodate all the spaces. There are food truck limitations for spaces, including fire safety.

Micheal Mertaugh - Moved the meeting along and opened public comment.

Public comment -

Deirdre Nice - Here to support the language in the citizen's petition, echoes Diane and Berry sentiments.

Patrice Lusamba - Parkering is hard to find in the area, safety is an issue. Supports the Cutter Street option.

Micheal Mertaugh - Asked Diane Davison to discuss the citizen's position.

Diane Davison - Apologized, did not know that her comments would be permitted in this part of the meeting. She wants to make sure the comments she made previously would be considered. Micheal Mertaugh confirmed. Diane continued - folks were eager to sign the petition to move the trucks to Cutter Street. Traffic is an issue. As of 5 pm, they had 350 signatures, and they reached out to park users, property owners, and residents: 2022 Food Truck Pilot Program Petition: we the park users and residents of Munjoy Hill oppose option 1, we strongly recommend the food truck pilot program for 2022 season remove all food trucks from the Eastern Prom roadway, relocation to Cutter street. Rationale: eliminate pedestrian/vehicle conflicts on the roadway, create a safer experience, preserving 30 parking spaces, restoring parking that is currently being used up by the food trucks. Reduce generator noise, food odors and congestion, reduce negative impacts on trees. All changes to the area must be reviewed by appropriate city departments, vendors and historical preservation. Big Belly trash cans and electricity needs to be reviewed. Option alt A would be the best option. Please have vendors use compostable items, have them use their own trash. Hopes for a collaborative effort.

Francis Cloutier - Have been a resident of Munjoy Hill Portland 1976 - would like to speak against Option 1. I Want to talk about two things- Things we love and Style of Governance Believes in protecting the green spaces, they are to be protected from commercial efforts. Style of governance - he is deeply concerned in our style of governance, losing faith in leadership. Proposed that we listen to those appointed to protect the space Would like to move them to Cutter Street or elsewhere. Would like to move these away from the Eastern Prom.

Crandall Toothaker - Resident of Munjoy Hill - Kindness, respect, harmony and homes. Respect should come from all places. Collaborative efforts are deeply important. Love the food trucks, and believe that the location is a poor choice. Believes a win - win is possible. Cutter street is the better option. Keep the traffic flowing and spaces open. As a property owner he worries about the congestion. Cutter Street is closer to restrooms. Handicap spaces could be provided. Smells would be reduced. 30+ places would be restored. Tables and chairs could be placed in these spaces as well.

Francis Cloutier - Spoke previously

Julia Kirby - Resident on Emerson Street - thank you for the presentation. Speaks to the residents - if you live there, food trucks for 6 months is too much. Moving to Cutter Street is the best option.

Evelyn Bowler - Resident of Munjoy - Disagreed with Alex, people are already crossing the street. As a cyclist, the width of the bike lane is important, and needs to be clear. If we do not permit parking between Turner and Congress, how will buses be able to navigate the turn? Have we considered emergency vehicles accommodated?

Michael - Please keep it precise

Karen Snyder - Waterville Street - NHO board met, approved statement - move the trucks to Cutter if that is the only option provided. Please include public comment as many were not included. She supports and recommends the Cutter Street option. Played a generator and encouraged the Cutter Street options to be decided. Amethyst park would have been an excellent option for a permanent food park.

Michael - Please be precise

Mark Nead - Appreciates the approvals - the problem is basic, the busy street should not be used as a food court. A parking lot is best. Supports Cutter Street.

Connie Lunguist - Munjoy Hill resident - supports Cutter Street - not mentioned, if parking is pushed into the neighborhood, this could impact residents.

Mitch Crosby - Eastern Prom: 2 quick questions.

Micheal - No questions

Mitch Crosby - Does not understand why the upper lot is not permitted, why if congestion is an issue, why parking is banned from Congress street?

Haily Long - Lives on Dougless street - would love trucks on Dorgety Field. Parents of small children are concerned that more space on the road would encourage motorists to go faster. Cutter street would be less visible. Either options are great, option A is preferable.

Mary Cansell - Portland Resident - email sent, attached previous emails. Mentioned these concerns. Recommends Cutter Street.

Carol Connor - Montreal street resident - Likes the food trucks moving to Cutter Street.

Samara Ray - Ends the comment section.

Michael Mertaugh- Has reviewed the public comments. Would like to make a proposal, one for the city manager to decide - tried to take into consideration public comment. Believes a win-win situation. No one opposes food trucks, but the location is an issue. Wants to propose a motion to submit a new recommendation to Danielle West

Michael Mertaugh motions - ***The Parks Commission recommend to the city manager the the pilot project be implemented in the following manner: Relocate all food trucks to the mid level parking lot on Cutter Street, limit the total number food trucks to not more than seven, prohibit additional service vehicles for the permitted food trucks at that sight or elsewhere in the park. Provide minimally intrusive electric service for the permitted food trucks in the Cutter Lot and prohibit portable generator use when electric service becomes available. Finally, delay the installation of any other supporting facilities including in ground waste disposal units pending review by city staff, historic protection and the parks commission of the 2022 Pilot experience and any proposed changes.***

Micheal Mertaugh - Do I have a second?

Michael Catania - Seconded

Beth Rabbit - The limitation of 7 trucks comes from where?

Michael Mertaugh - Limit of 7, more than that causes a fundamental atmosphere of the parks. This is a natural refuge from the city. Want to avoid congestion.

Beth Rabbitt - Has heard from Food Truck - the food truck limit should be informed by Cutter lot capacity.

Zack - Could you please clarify what the difference between the plans and this proposal is?

Michael - This is not a hybrid plan, this would move the clientele to the heart of the park. This would not impact the vista of the park. Noise reduction would be possible. Operators would love the options. This is a pilot project.

Zack - As a Easter Prom Friends board rep - very concerned about impact, the current situation is not sustainable. Environmental impacts are to be considered, all options have been reviewed and they are concerned that shifting to Cutter would only shift the problems to the new location. They support the hybrid option, this would help show which option would be best or show that neither are viable.

Eleanor Sears - Please speak to why we need to delay the trash receptacle.

Michael Mertaugh- Feels the Food Truck folks need to be more responsible for the clean up. 30 Gallon can work if serviced, but if additional trash service is needed, the trucks need to be responsible.

Amy Segal - Supports the Friends of Eastern Prom, departed.

Katie Mears - Had similar concerns about the trash, why not try the large capacity. Not every park is not a food court, if the Eastern Prom is not a viable option for the Trucks we embrace that.

Alex Marshall- They, the food trucks, do their best and can clean up around their trucks. We cannot place the responsibility of the barrels on them. We are requiring larger bins and will be providing those, and trying to place barrels in additional locations to clean up wandering diner.

Michael Mertaugh- Why hasn't this been addressed previously?

Alex Marshall- Budget issues prevent us from being able to accommodate this. The in ground option is more efficient.

Michael Catina - This is an elegant solution. It protects the vista, protects parking spaces, will reduce noise if power can be provided. We cannot all agree, and the trucks need to be more responsible with the trash. Approves limiting the number of trucks. The public is clear, seconds the motion.

Chei Musgrave - Supports the proposal, is the upper lot too small?

Alex Marshall - Not a great space, it is at a slant, they CAN operate there but they do not.

Cheri Musgrave- Supports the option.

Zack Anchors- Did we not attach all the emails?

Samara Ray- We included all emails that we received prior to 24 hours. We cannot accommodate last minute emails.

Zack Anchors - The public is upset with the process, they feel they are not being heard. Asked for Alex to comment.

Michael Mertaugh- Asked to move to a vote instead. Would like to clarify what Zack's question was.

Zack Anchors - Has public comment been provided previously?

Michael Mertaugh - the petition is the public comment.

Zack Anchors - could Alex please clarify if this issue has been discussed in previous meetings.

Alex Marshall- Operational changes - commission comes up with the plans, and provides the options to commissions, public feedback is gathered.

Michael Mertaugh moved for a vote:

Yes - 4

No - 3

Abstain - 1

Michael Mertaugh - Asked if we can procedurally go over the option once more.

Jon Kachmer - What is the difference between the options: how is it different than the option #2?

Michael - Option 2 would be a hybrid option, some trucks on the cutter lot, some on the Eastern Prom street. This is not desirable as it interrupts the vista. Portland has a trilling maritime vista, the food trucks are a blight. His motion proposal removes all food trucks from Eastern Prom road.

Alex Marshall- Clarified, option A had alternate options.

Michael Mertaugh- Believes that option 2 is consistent with the actions offered. The petition rejected option 1, option 2. Could revote - Option 2 with the additional restrictions. Moved for another vote:

Michael Mertaugh motions - ***The Parks Commission recommend to the city manager the the pilot project be implemented in the following manner: Relocate all food trucks to the mid level parking lot on Cutter Street, limit the total number food trucks to not more than seven, prohibit additional service vehicles for the permitted food trucks at that sight or elsewhere in the park. Provide minimally intrusive electric service for the permitted food trucks in the Cutter Lot and prohibit portable generator use when electric service becomes available. Finally, delay the installation of any other supporting facilities including in ground waste disposal units pending review by city staff, historic protection and the parks commission of the 2022 Pilot experience and any proposed changes.***

Michael Catania seconded.

Yes - 4

No - 4

Thom Nickerson - technical issues experienced, provided the wrong count (Yes - 3, No - 5)

Measure fails to pass.

Michael proposed we adjourn, seconded.

Unanimous vote to adjourn.

Michael Mertaugh - Opened the floor for commissioner questions.

iii. Greenspace Gathering Update- Zach Anchors (15 min)

c. Communications and Updates

i. Parks Report (5)

ii. Land Bank Commission Report (5)

iii. Committee Updates (10 min)

d. Commissioner requests for Agenda Items

IV. Adjournment

Packet for new Parks Commissioners



Contents:

Rules of the Portland Parks Commission

Parks Handbook

City of Portland Ordinance - Chapter 18 Parks, Recreation, Public Buildings

Rules of the Portland Parks Commission

Article 1. General Provision.

Section 1. These rules are supplementary to the provisions of Chapter 18, Article I of the City Code as it relates to the procedures of the Parks Commission (hereinafter, "Commission") and are adopted pursuant to the authority granted in Section 18-10(c)(1) of said Code.

Section 2. Roberts Rules of order shall supplement these rules and shall control procedures not covered by these rules.

Article II. Officers and Duties.

Section 1. The Commission shall consist of thirteen (13) members as follows: one (1) member of the City Council who is also on the Transportation, Sustainability and Energy Committee; one (1) member representing Friends of Deering Oaks; one (1) member representing Friends of the Eastern Promenade; one (1) member representing Friends of Evergreen Cemetery; and one (1) member representing Portland Trails shall be appointed for three-year terms by the city council; and seven (7) members representing the public-at-large and one (1) member representing the Land Bank Commission, who shall be appointed for three-year terms by the City Council.

Section 2. The officers of the Commission shall be the Chair and Vice-Chair.

Section 3. The Chair and Vice-Chair shall be elected annually by the Commission members at the ~~first regular meeting in January~~ **monthly June Meeting**. The City Council and Land Bank Commission representatives are not eligible to serve as Chair or Vice-Chair of the Commission.

Section 4. The Chair shall appoint chairs and members for those committees as may be appropriate. Chairs of committees shall be appointed from voting members of the Commission.

Section 5. There is no prohibition on officers serving consecutive terms in the same office.

Article III. Meetings.

Section 1. Regular meetings shall be held the 2nd Thursday of each month at 5:00 p.m. or at such other time and location of which notice is given by the Commission.

Section 2. Special meetings may be called by the Chair at the Chair's discretion or upon request of three (3) or more Commission members, provided that a twenty-four (24) hour notice is given to each member.

Section 3. Meetings of any committee or subcommittee of the Commission shall be held at the call of the Commission or the committee chair or by agreement of at least two sub-committee members.

Section 4. The Commission may, by a majority vote, specify a date for an agenda item.

Section 5. The Chair shall set the agenda for regular meetings of the Commission, workshops, public hearing and other meetings.

Article IV. Order of Business.

All regular meetings of the Commission shall proceed as follows:

- a. Roll call and declaration of quorum
- b. Approval of minutes of the previous meeting
- c. Communications
- d. Unfinished Business
- e. New Business
- f. Adjournment

This order of business may be amended for any given meeting in the discretion of the Commission.

Article V. Notice.

Notice of meetings shall be given in the same manner as for City Council standing committees; i.e. by listing in the City calendar, which is distributed to the public, except that in the event of an emergency meeting, best practicable notice will be given.

Article VI. Conduct of Public Hearings

Section 1. The public may be given an opportunity to comment on any item under consideration by the Commission prior to a final Commission action on that item. Rules governing the procedure for such public comment shall be determined by the Commission.

Article VII. Deliberations, Voting, Decisions.

Section 1. Fifty percent (50%) of the members of the Commission either in person or electronically shall constitute a quorum.

Section 2. The Commission may meet and deliberate at any properly called meeting, regardless of the presence of a quorum, or may continue consideration of such matter to any later meeting. However, no final action shall be taken on such a matter without a quorum being present.

Section 3. Recommendations to the City Council shall include facts and the reason or reasons for such recommendation and shall contain a separate statement setting forth the recommendation of the Commission.

Section 4. The Commission will take no final or binding vote on a recommendation to the City Council unless it shall first have stated its findings, reasons and conclusions at a meeting open to the public.

Section 5. When a vote is completed it shall be in order for any member who voted in the majority, in the negative, in a tie vote, or otherwise on the prevailing side, to move for reconsideration thereof at the same or at the next regular meeting but not afterwards; and when the motion for reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote completed at a previous meeting shall be in order for consideration at the next regular meeting unless an item to that effect is contained on the agenda for such regular meeting or unless two-thirds of voting members consent to such reconsideration.

Section 6. In the event of a tie vote, the matter shall be postponed until the next meeting, where it shall be considered as unfinished business.

Section 7. Any member with an interest, or an appearance of an interest, in a question before the Commission shall disclose or abstain from participation in deliberations on the question under discussion and from voting on such question, or said member may be excused from such participation and from voting on the question by majority vote of the commission.

Article VIII. Amendment of Rules

Section 1. These rules may be amended, or suspended, by a two-thirds affirmative vote of the members of the Commission.

Section 2. The proposed amendment must be presented in writing at a regular or special Commission meeting preceding the meeting at which the vote is taken.

Article IX. Annual Report

Section 1. The Commission shall annually file a state of the parks report with the City Council and City Manager on the physical, economic, and social status of each of the City of Portland's parks and/or public spaces and recommendations as to those spaces.



Parks Handbook

Portland, Maine

May 2021

Welcome and Introduction

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

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

Portland Parks Commission Portland, Maine May 2022

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

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Portland's Park Legacy

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

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

What is a Friends Group?

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

Park Management

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

¹ *Bold Vision: the Development of the Parks of Portland, Maine* (<https://www.portlandlandmarks.org/shop/bold-vision>) presents an excellent description of the history of Portland's parks.

² The Friends of Evergreen Cemetery

³ Portland Trails and Cultivating Community

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

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

Parks Master Plans

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

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

The Parks Commission

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

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

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

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

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

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

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

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

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

Creating a Friends Group

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

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

Preparation

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

First meeting

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

- Have an agenda and take notes.

⁷ See "The City's Budget Process", below.

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

Second meeting

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

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

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

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

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

Registering your Friends Group

Most Friends Groups register with the IRS as a 501(c)3 non-profit organization. Acquiring 501(c)3 status provides advantages of tax exemption for qualified contributions and makes it easier for Friends Group officers, Board, and members to obtain protection from personal liability for any actions of the Friends Group. The IRS website (<https://www.irs.gov/charities-non-profits/application-for-recognition-of-exemption>) has detailed instructions to guide you through the steps involved in registering as a 501(c)3 non-profit organization.

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

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

Organization of Friends Groups

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

Bylaws

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

Functioning as a Friends Group

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

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

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

Historic Preservation Approvals

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

Financing Friends Group Activities

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

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

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

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

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

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

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

Cost Sharing with the City

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

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

The City's Budget Process

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

¹¹ <https://www.nonprofitmaine.org>

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

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

Memoranda of Understanding

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

Ongoing Communications

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

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

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

City of Portland Meetings

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

¹² <https://www.portlandmaine.gov/27/Government>

PARKS FRIENDS GROUPS IN PORTLAND, MAINE

Friends of Capisic Pond

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

Andy Graham, agraham43@mac.com

Friends of Congress Square Park

<https://congresssquarepark.org>

David LaCasse, loafinit@maine.rr.com

Friends of Deering Oaks

<https://www.deeringoaks.org>

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

Anne Pringle, oldmayor@maine.rr.com

Friends of the Eastern Promenade

<https://easternpromenade.org>

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

Heidi Powell

Friends of Evergreen Cemetery

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

David Little, authorartist775@gmail.com

Friends of Fort Gorges

<https://friendsoffortgorges.org>

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

/ Paul Drinan, pdrinan@gmail.com

Friends of Fort Sumner Park

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

Jaye Gorham, jaye@portsidereg.com

Friends of Harborview Park

Pamela Shaw, pskhrrmail@gmail.com

Friends of Lincoln Park Frank/Sharon Reilly

<https://lovelincolnpark.org>

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

Frank and Sharon Reilly, FSReilly@aol.com

Friends of Payson Park

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

Susan Lavigne, lavigne719@gmail.com

Friends of Riverton Trolley Park (inactive)

Spirits Alive (Eastern Cemetery)

<https://www.spiritsalive.org>

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

Janet Alexander, 445ray@gmail.com

Stewards of Western Cemetery (inactive)

Friends of Western Promenade

<https://www.friendsofwesternprom.org>

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

PARKS IN THE CITY OF PORTLAND MAINE

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

Ordinance: Back Cove Park and Trail

Barrows Park/Baxter's Sundial

Baxter Pines

Baxter Woods

Bayside Park (also known as Stone Street Playground)

Bell Buoy Park

Belmeade Park

Capisic Pond Park

Clark Street Park

Congress Square Park

Deering Oaks Park

Dougherty Field

Eastern Promenade Park, East End Beach, Fort Allen Park

Fessenden Park

Fort Gorges

Fort Sumner Park

Fox Field/Kennedy Park

Harbor View Park and Tate-Tyng Park

Heseltine Park

Lincoln Park

Lobsterman Park

Longfellow Square

Monument Square

Munjoy South Playground

Payson Park

Peppermint Park

Pleasant Street Park

Post Office Park

Riverside Golf Course

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

Stroudwater Parks (There are 2 listed in the Ordinances)

Taylor Street Park

Tommy's Park

Western Promenade Park

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

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

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

University Park

CITY-APPROVED PARKS MASTER PLANS, PORTLAND MAINE

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

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

Annex IV

PARKS COMMISSION'S 2016 CIP RECOMMENDATIONS

Ranking Criteria:

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

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

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

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

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

ARTICLE II – MEMBERS

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

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

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

2.4 Membership Meetings.

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

b Special Meetings. Special meetings of the Members may be called at any time by the President, by the Board of Directors, or by petition in writing signed by not fewer than twenty-five (25) Members of the Corporation entitled to vote and filed with the Secretary. Ten (10) days' written notice as to the time, place, and subject matter of the Special Meeting must be given to all voting members. At such Special Meetings no business shall be transacted which is not specified in the notice of the meeting.

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

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

ARTICLE III – DIRECTORS

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

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

3.3 Absences; Resignation; Removal; Vacancies. A director shall make every effort to attend the regular and special meetings of the Board, and if unable to attend a meeting shall notify the president in advance. Any director who misses more than three (3) meetings annually without being excused by the president shall be notified by the president of such failure to attend and will thereafter be subject to possible removal by the Board for non-attendance. Any director may resign at any time by giving written or electronic mail notice to the President or the Board of Directors and may be removed at any time in accordance with applicable law. Any vacancy in the Board of Directors occurring during the year, including any vacancy created by an increase of the number of directors, may be filled for the unexpired portion of the term by the directors then serving, although less than a quorum, by an affirmative vote of the majority thereof, and any director so elected shall hold office until the election and qualification of a successor.

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

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

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

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

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

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

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

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

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

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

ARTICLE IV – OFFICERS

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

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

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

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

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

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

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

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

ARTICLE V – COMMITTEES

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

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

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

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

ARTICLE VI - CORPORATE ASSETS AND EARNINGS

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

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

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

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

ARTICLE VII – MISCELLANEOUS

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

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

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

ARTICLE VIII – INDEMNIFICATION

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

ARTICLE IX AMENDMENTS

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

92 Articles of Incorporation. The members shall have power to amend the Articles of Incorporation of the Corporation by vote of a majority of the members present at any regular or special meeting; provided, the Board of Directors shall adopt a resolution setting forth the proposed amendment and direct that it be submitted to a vote at a subsequent membership meeting. Written or digital notice setting forth the proposed amendment or a summary of the changes shall be given to each member entitled to vote thereon at least ten

(10) days but not more than fifty (50) days prior to the date of the said membership meeting, said notice to be sent to the business, residence, or digital address indicated in the Corporate records.

PARKS, RECREATION, AND FACILITIES DEPARTMENT CAPITAL IMPROVEMENT PLAN TIMELINE

Project Selection Criteria

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

May--July:

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

July

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

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

August—September

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

October

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

November

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

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

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

WHEREAS, the Friends of the Eastern Promenade is a non-profit corporation under the laws of the State of Maine with a principal place of business in Portland, Maine (“Friends”); and

WHEREAS, Fort Allen Park is one of Portland’s premiere public outdoor spaces due to its historical significance, monuments and panoramic views of Casco Bay and Portland Harbor; and

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

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

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

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

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

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

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

WITNESS

FRIENDS OF THE EASTERN PROMENADE

_____Diane Davison, President

WITNESS

CITY OF PORTLAND

Mark A. Rees, City Manager

Chapter 18 PARKS, RECREATION AND PUBLIC BUILDINGS AND GROUNDS*

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

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

Art. IA. In General, §§ 18-1--18-10

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

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

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

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

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

ARTICLE IA. IN GENERAL

Sec. 18-1. Reserved.

Sec. 18-2. Reserved.

Sec. 18-3. Reserved.

Sec. 18-4. Reserved.

Sec. 18-5. Reserved.

Sec. 18-6. Reserved.

Sec. 18-7. Reserved.

Sec. 18-8. Reserved.

Sec. 18-9. Reserved.

Sec. 18-10. Parks Commission.

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

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

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

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

conservation and preservation purposes;

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

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

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

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

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

making specific recommendations therein about suggested goals and improvements for the parks and public grounds;

- (5) Encouraging educational programs, through the schools or otherwise, in forestry education or other relevant subjects it determines to be beneficial to the parks programs of the city;
- (6) Undertaking such other activities as to enhance the parks, trails and open space programs of the city as it deems appropriate from time to time;
- (7) Conducting an annual meeting of all parks, trails and open space advocacy groups to discuss annual projects and to recommend goals and priorities for capital improvement projects to the city council; and
- (8) Adopting reasonable rules for the conduct of its meetings, which rules shall include provisions for public comment.

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

Cross reference(s)--City boards, commissions, committees, etc., § 2-31 et seq.

ARTICLE IB. DEDICATION OF PARKS AND PUBLIC GROUNDS

Sec. 18-11. Parks and Public Grounds Dedicated. The following parks and public grounds are hereby subject to the provisions within this Article:

Andrews Square;
Back Cove Park and Trail;
Barrow's Park/Baxter Sundial;
Bayside Park/Stone Street Playground;
Bayside Trail;
Baxter Pines;
Baxter Woods;
Bedford Park;
Bell Buoy Park;
Belmeade Park;
Boothby Square;
Boyd Street Gardens;
Bramhall Square;
Capisic Pond Park;

Caldwell Square;
Clark Street Park;
Congress Square (specifically the remaining 1/3 of Congress Square);
Clark Street Playground;
Deering Oaks Park;
Dougherty Field;
Eastern Promenade Park(including East End Beach and Trail);
Fessenden Park;
Fort Allen Park;
Fort Gorges;
Fort Sumner Park;
Fox Field/Kennedy Park;
Harborview View and Tate-Tyng Park and Playground;
Heseltine Park;
Lincoln Park;
Longfellow Park;
Longfellow Square;
Lobsterman Park;
Marada Adams Playground;
Martin's Point Park;
Monument Square;
Munjoy South Playground;
Nason's Corner Park;
Payson Park;
Peppermint Park;
Pedro Field;
Pleasant Street Park and Playground;
Post Office Park;
Quaker Park;
Riverside Golf Course;
Riverton Trolley Park;
South Street Playground;
Stroudwater Park (Waldo Street and Westbrook Street);
Taylor Street Park;
Tommy's Park;
Trinity Park;
Western Promenade Park; and
Winslow Park.

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

Sec. 18-12. Use and Maintenance of Parks and Public Grounds. The City shall retain all parks and public grounds dedicated in section 18-11 predominantly in their natural, scenic, open and/or intended condition. Notwithstanding the foregoing, this provision shall not prevent the City from the following:

(a) Improving or maintaining dedicated parks and public grounds in a manner consistent with the design of the park or public ground or approved master plan;

(b) Using dedicated parks or public grounds for any of the following:

- (1) Athletic contests;
- (2) Playgrounds and/or recreational structures;
- (3) Outdoor restaurant seating;
- (4) Outdoor markets;
- (5) Outdoor performance spaces or performances;
- (6) Signs and other advertising;
- (7) Food trucks or vendors; and/or
- (8) Festivals; or

(c) Granting permits, licenses or leases (no more than one (1) year or less in length) for the use, maintenance and/or improvement of dedicated parks or public grounds.
(Order 203-13/14, 5-28-2014)

Sec. 18-13. Inalienability of Parks and Public Grounds. Except as authorized in sections 18-12 and 18-14, dedicated parks and public grounds may not be removed from the list in section 18-11, or used, sold and/or permanently disposed of for non-recreational purposes.
(Order 203-13/14, 5-28-2014)

Sec. 18-14. Disposition of Parks and Public Grounds. Any request to a council committee or the city council to add or remove a dedicated park or public ground from the list in section 18-11, sell or otherwise permanently dispose of a dedicated park or public ground for non-recreational purposes, or establish a use and/or improvement other than those listed in 18-12, shall be reviewed by the parks commission who shall provide an advisory opinion on any such request prior to review by the council committee and the city council, and shall only become effective upon review and approval by seven (7) members of the city council.
(Order 203-13/14, 5-28-2014)

Sec. 18-15. Reserved.

ARTICLE II. REGULATIONS FOR PARKS AND PUBLIC GROUNDS

Sec. 18-16. Scope.

The provisions of this article shall apply to any of the parks or public grounds belonging to or under the control of the city.
(Code 1968, § 501.1)

Sec. 18-17. Trucks prohibited.

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

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

Sec. 18-18. Loitering in parks.

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

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

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

Sec. 18-19. Operation of motor vehicles.

(a) No person shall operate a vehicle of any description in

any of the parks or public grounds at a rate of speed in excess of such special speed regulations as shall be posted at the entrance of the parks or public grounds; nor shall any such vehicle be driven on or over any part of such parks or public grounds except on or over duly designated roadways; nor shall any such vehicle be operated on any such roadways in the parks or public grounds by those learning to operate such vehicles, except on any such roadways or parts thereof as may be designated for such purpose by the parks authority.

(b) No person shall stop, stand, park or operate a vehicle of any description in Deering Oaks Park in violation of traffic regulations adopted by order of the city council. Upon adoption of any such order, the parks authority, through the city traffic engineer, shall post the traffic regulations in Deering Oaks Park in accordance with such order, or as such order may be later amended. All violations of this subsection (b) shall be enforced in the same manner as violations of the traffic schedule are enforced pursuant to chapter 28 of this Code.
(Code 1968, § 501.2; Ord. No. 226-94, 2-28-94)

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

Sec. 18-20. Operation of buses.

No vehicle engaged in the conveyance of passengers over regular routes shall be operated on any roadways or parts thereof except those that may be designated for such purposes by the parks authority.
(Code 1968, § 501.4)

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

Sec. 18-21. Vandalism prohibited.

No person shall in any manner cut, mar, deface, injure or destroy any growth, structures, fences or other erections in or upon any of the parks or public grounds.
(Code 1968, § 501.5)

Sec. 18-22. Littering prohibited.

No person shall deposit or leave refuse of any kind in or upon any of the parks or public grounds except in containers specifically provided for such refuse.
(Code 1968, § 501.6)

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

Sec. 18-23. Waters regulated.

No person shall swim, bathe or wade in any fountain, pond or stream located in or upon the parks or public grounds except as specifically permitted by the parks authority, and no person shall send or throw any animal or thing in or upon the waters, or disturb or annoy any water fowl, or place any boat upon the waters, except as specifically permitted by the parks authority.
(Code 1968, § 501.7)

Sec. 18-24. Skating and sliding.

Skating or sliding shall not be permitted in any parks or public grounds, or on any waters in such parks or public grounds, unless specifically authorized by the parks authority.
(Code 1968, § 501.8)

Sec. 18-25. Mobile food service establishments.

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

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

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

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

(Ord. No. 655-84, § 1, 5-30-84)

Sec. 18-26. Reserved.
Sec. 18-27. Reserved.
Sec. 18-28. Reserved.
Sec. 18-29. Reserved.
Sec. 18-30. Reserved.
Sec. 18-31. Reserved.
Sec. 18-32. Reserved.
Sec. 18-33. Reserved.
Sec. 18-34. Reserved.
Sec. 18-35. Reserved.
Sec. 18-36. Reserved.
Sec. 18-37. Reserved.
Sec. 18-38. Reserved.
Sec. 18-39. Reserved.

Sec. 18-40. Permit required.

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

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

(c) Applications for permits filed less than thirty (30) days prior to the proposed event shall be subject to a late fee which shall be established by order of the city council.

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

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

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

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

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

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

Sec. 18-41. Permitting authority; regulations.

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

(b) The city council shall be the permitting authority for events in which it could reasonably be assumed that two thousand (2,000) or more persons might gather or participate; or any event which is proposed to last longer than three (3) consecutive days,

regardless of the number of persons anticipated to gather or participate.

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

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

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

Sec. 18-42. Permit application.

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

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

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

Sec. 18-43. Parks commission review.

Within five (5) days of receipt of the complete application for a permit, the permitting authority shall provide a copy of the complete application to the chairperson of the parks commission for review. The commission shall have the opportunity to render an

opinion within seven (7) days of the receipt of the complete application on the issuance of the permit, which opinion shall be advisory in nature. A copy of the advisory opinion of the commission shall be provided to the applicant.
(Ord. No. 203-91, 1-23-91; Ord. No. 70-09/10, 10-5-09)

Sec. 18-44. Standards for issuance.

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

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

(b) When issuing the permit, the permitting authority may designate the specific area within the park or the park system where the event shall be permitted to take place, based upon the foregoing criteria.
(Ord. No. 203-91, 1-23-91)

Sec. 18-45. Duties of permittee.

(a) The permittee shall be responsible for designating a person who shall be in charge of the conduct of the event or activity and who shall be on the park grounds while the event or activity is being conducted.

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

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

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

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

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

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

Activities protected by the first amendment to the United States or Maine Constitution, other than commercial speech, are exempt from subparagraph (e) if the permit for the activity allows

the activity to use park space for eight (8) hours or less in one calendar day.

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

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

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

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

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

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

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

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

Sec. 18-48. Permit fees.

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

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

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

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

Sec. 18-49. Appeals.

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

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

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

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

Any person who desires to utilize city park space for the purposes of conducting outdoor dining operations, including, but not limited to the placement of tables and chairs in park space for purposes of such dining operations, must obtain a permit from the

Department of Parks and Recreation for such operations in accordance with chapter 25, article II, division 2, sections 25-26 et seq. (Ord. No. 223-01/02, § 1, 5-6-02; Ord. No. 93-07/08, 3-3-08)

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

ARTICLE III. PUBLIC LANDINGS

Sec. 18-66. Stopping regulated.

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

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

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

Sec. 18-67. Enforcement.

(a) It shall be the duty of the city manager, or his or her designee, to provide for the enforcement of the provisions of this article. Failure to comply with the posted time and usage

limitations at any public landing owned and/or managed by the city shall constitute a violation and shall be punishable by afffine as provided in section 1-15.

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

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

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

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

Sec. 18-68. Fees.

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

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

Sec. 18-69. Reserved.

Sec. 18-70. Reserved.

Sec. 18-71. Reserved.

Sec. 18-72. Reserved.

Sec. 18-73. Reserved.

Sec. 18-74. Reserved.

Sec. 18-75. Reserved.

Sec. 18-76. Reserved.

Sec. 18-77. Reserved.

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

ARTICLE IV. AIRPORT FACILITIES

Sec. 18-81. Responsibility of airport director.

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

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

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

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

(b) *Definitions.*

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

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

Off-airport motor vehicle rental business is an individual, corporation, partnership, or other entity or person offering and providing to the public rental motor vehicles, including without limitation, automobiles and other four-wheel passenger vehicles,

for hire, to be driven by the lessee.

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

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

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

(d) *Rules and regulations.* The airport director may issue such rules and regulations as may be necessary to implement this section, such rules and regulations to be issued pursuant to section 18-83. Permittees shall comply with all existing applicable

airport rules and regulations, as they may be amended from time to time, including without limitation, mandatory minimum insurance requirements.

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

Sec. 18-83. Rules and regulations authorized.

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

(b) At the end of the fifteen-day period provided above, if the city manager has not disapproved such proposed rule or rules or regulations, the rule or rules or regulations shall be then effective, but if the city manager shall have noted his or her disapproval of it, the rule or rules or regulations shall not take

effect. Once a rule or regulation has taken effect as provided hereinbefore, it shall continue in full force and effect until changed by subsequent rule or regulation until, and to the extent that it later conflicts with an applicable statute, ordinance or rule or regulation. In emergency situations, as declared by the city manager with reference to this article, any rule or regulation so designated shall be effective immediately upon being displayed at the Portland International Jetport. Such emergency rule or regulation shall terminate at the expiration of sixty (60) days or upon a declaration of the end of the emergency, whichever occurs first, unless it has then been made effective in accordance with the procedure set forth above for new rules and regulations. Notice of such rule or regulation will also be posted on the City of Portland website.

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

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

Sec. 18-84. Violations.

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

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

(Code 1968, §§ 503.4, 503.5; Ord. No. 417-79, 12-17-79; Ord. No. 311-80, 11-3-80; Ord. No. 174-09/10, 3-15-10)

Sec. 18-85. Enforcement.

The airport director, his or her authorized representative, and any authorized law enforcement officer may, prior to commencement of court action, issue a notice of violation to any person charged with a violation of this article or any rule or regulation made pursuant hereto. Such notice shall be in a form approved by the city manager and shall provide a method to be established from time to time by order of the city council by which a person charged with a violation of this article or any such rule or regulation may waive court action with respect to the violation by payment of a specified fee within a stated period of time.
(Ord. No. 307-82, § 503.7, 1-4-82; Ord. No. 174-09/10, 3-15-10)

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

ARTICLE V. WATERFRONT FACILITIES

Sec. 18-96. Responsibility for waterfront facilities.

Except as otherwise provided by lease, the city manager, or his or her designee, shall have the responsibility for the director and control of all activities, whether commercial or noncommercial, at the International Marine Terminal, the Fish Pier, the Maine State Pier and the Ocean Gateway Facility. He or she shall have the responsibility for the care, maintenance and control of all property comprising the International Marine Terminal, Fish Pier, the Maine State Pier and the Ocean Gateway Facility, including all fixtures, equipment, runways, roadways, ramps, slips, dolphins and of all property owned by the city contiguous to such properties.
(Ord. No. 174-09/10, 3-15-10)

Sec. 18-97. Rules and regulations authorized.

(a) The city manager, or his or her designee, shall have the authority to prescribe reasonable rules and regulations not inconsistent with this article, the Charter or contractual

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

regulation will also be posted on the City of Portland website.

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

Sec. 18-98. Violations.

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

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

Sec. 18-99. Enforcement.

The city manager, or his or her authorized representative, and any authorized law enforcement officer may, prior to commencement of court action, issue a notice of violation to any person charged with a violation of this article or any rule or regulation made pursuant hereto. Such notice shall be in a form approved by the city manager and shall provide a method to be established from time to time by order of the city council by which a person charged with a violation of this article or any such rule or regulation may waive court action with respect to the violation by payment of a specified fee within a stated period of time.
(Ord. No. 174-09/10, 3-15-10)

***Editor's Note**—Pursuant to Order 174-09/10, passed on March 15, 2010 the
18-24

amendments made to Article V are effective retroactively to May 19, 2008.

PARKS AND OPEN SPACE REPORT PORTLAND PARKS COMMISSION



JUNE 2019 – OCTOBER 2020

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OVERVIEW

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

The Portland Park System includes over 67 parks and playgrounds, 7.5 miles of multiuse trails, 10 community gardens, 2 stadiums, 16 cemeteries and dozens of athletic fields and courts, all spread across 1,000+ acres of land. Explore the parks: <https://www.portlandmaine.gov/1898/Parks-Trails-and-Playgrounds>

Parks Commissioners

Zack Anchors, Friends of Eastern Promenade 2017-2020
Colette Bouchard, Public-at-Large 2017-2020
Marie Gray, Friends of Deering Oaks, 2018-2021
Jon Kachmar, Land Bank Representative 2020-2023
Cynthia Loebenstein, Friends of Evergreen Cemetery (Chair 2019-present) 2015-2021
Ana Lagunez, Public-at-large 2018-2021
Craig Lapine, Public-at-large 2015-2020
Meri Lowry, Land Bank Representative 2010-2019
Michael Mertaugh, Public-at-Large (V. Chair 2019-present) 2014-2020
Nathan Robbins, Public-at-Large (V. Chair 2018-2019) 2015-2021
Amy Segal, Public-at-Large 2017-2020
Dory Waxman, Public-at-Large (Chair 2017-2019) 2015-2021
Caitie Whelan, Public-at-Large 2019-2022, stepped down Oct 2020.
Mayor Kate Snyder, City Council Representative, 2019-present
Brian Batson, City Council Representative 2018-2019

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

Ethan Hipple, Director of Parks, Recreation and Facilities Department
Sally Deluca, Director of Parks, Recreation and Facilities Department (Retired June 2020)
Alex Marshall, Parks Director
Elizabeth Deletetsky, Administrative Associate
Allison Carrol, Senior Administrative Officer

Subcommittees

Annual Report & Inventory, Finance, Park Initiatives, Community Outreach

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

NEW DEVELOPMENTS

The global pandemic from COVID-19 brought profound changes to the City of Portland's Parks and Open spaces. The budget process was delayed and FY21 funding was not made official until September. Budget cuts had an enormous impact on the Department of Parks, Recreation & Facilities, losing \$2 million in revenues, and an additional 5% of FY20's budget to submit to the City Council. The department lost over 30 full-time equivalent positions, equating to 40 jobs. (see "Park Finance" section for more detail).

The result was a loss of core programming, particularly for recreational programs and at community centers in order to reduce exposure risks and the spread of the virus. All water features and pool facilities openings were delayed. Some did not open due to staffing and CDC guidance. Playgrounds were kept open during the entirety of the pandemic with signage placed for visitors to follow guidelines. The parks also saw chronic issues affecting the city's homeless population exacerbated when the closing of day shelters redirected activity to open spaces where socialization and amenities were present, most prominently at Deering Oaks Park. The unexpected activity at Deering Oaks, particularly at the Edwards Lot quickly elevated to the City Council, underscoring the importance of our parks that serve all community members.

At the same time of reduced capacities within the DPRF, there was a large increase in park use. Parks, Trails and open spaces were busier than ever with individual and family visits. There was virtually no event use or permits, but community use was above what is normally experienced. Community members and businesses sought outdoor spaces for physical and mental health, to hold business meetings, to continue offering classes (e.g. fitness, dance, arts, etc.), among many other activities.

Recreation Staff was reprioritized and joined Parks, Horticulture and the Cemeteries crews during the Spring to help with Spring cleanups, mulching, trash removal, pruning, and flower bed cleanouts along with other shared tasks. It was the most productive Spring the parks ever had because of the high staff levels attributed to these partnerships. Staff were offered furlough or to stay on and work. In total, thirteen staff supported the Park's Division's operations.

For the two months between mid-August and mid-October, the Portland Parks Conservancy focused its volunteer coordination on trash removal in city parks. Supporting the DPRF, they organized clean-ups of Deering Oaks, Eastern Prom, Western Prom, Baxter Woods, Fox Field, and Dougherty Field, coordinated over 230 volunteer work hours (~ \$6,500 value), and collected almost 70 bags of trash (approximately 1,600 gallons).

The last seven months of this reporting period has provided daily reminders of the importance of the City's open spaces – more important now than ever. Parks remain in a precarious situation to fulfill the needs of increasing demands on park infrastructure and the city staff.² Despite the deep budget cuts, staff shortages, and the toll it can take on those maintaining our parks and open spaces, staff brought a level of professionalism and dedication to their work maintaining the parks to a high standard, providing

² <https://www.pressherald.com/2020/08/05/portland-city-managers-proposed-budget-would-cut-65-positions-reduce-property-taxes/>

a safe and healthy respite for the whole community, and strengthened cross-departmental and partner relationships.

Some of the more significant developments reported in Park Commission meetings over the past year:

- The DPRF will hire a second full-time Park Ranger;
- The Parks Conservancy hired a new Parks Conservancy Volunteer Coordinator³;
- PC fall service event at Deering Oaks playground, October 2020;
- Preble Street playing fields and Back Cove South Storage Project;
- Homeless population use of Deering Oaks Park, Summer 2020;
- License agreement to maintain a property encroachment prior to sale of home at Western Promenade, September 2020. Withdrawn following meeting;
- Sally Deluca retired as the Director of Parks, Recreation and Facilities. Ethan Hipple is the new Director of Parks, Recreation and Facilities;
- The 2019 GSG focused on individuals experiencing homelessness and the challenges for parks⁴. A resource guide was developed in conjunction with this meeting.⁵ The 2020 GSG focusing on climate change, sea level rise, impacted areas, and park and open space goals and priorities was scheduled for May 6 at Ocean Gateway – the event was postponed due to the pandemic;
- Several additional interpretive sign locations discussed for Fort Gorges, Longfellow Park, and Riverton Trolley Park;
- Western Promenade Master Plan drafting and review. Process began in February 2019 Meeting with PC and Historic Preservation Board January 2020. Continued February 2020;
- Newly formed Friends of Baxter Woods, meeting with Park Commission, December 2019;
- CIP meetings and workshop, September and October 2019;
- PC visit to Fort Gorges with Friends of Fort Gorges, August 2019. Fort Gorges public forum September 2019⁶;
- Baxter Woods Leash Law Change. PC meetings April 2019 and July 2019. City Council vote 8-1 in favor October 2020; and,
- The Great Black Hawk Statute and Interpretive Panel was installed and dedicated, July 17th.

ACCOMPLISHMENTS & IMPROVEMENT PROJECTS

As of October 2019, the Park Capital Improvement Projects list contained \$739,000 worth of projects identified for FY2020, and \$2,120,960 worth of projects for FY2021. Projects identified under \$25,000 totaled \$171,050 for FY2019, \$214,850 for FY2020, and \$141,750 for FY 2021. Presented below are lists of accomplishments achieved or in progress for Portland parks during this reporting year. This includes several projects that were contemplated for completion through CIP funding:

- Amethyst Lot conversion our 67th park (Grant/Private/Property Sale Funded);

³ <http://www.portlandmaine.gov/2128/Parks-Conservancy> | <https://www.portlandparksconservancy.org/>

⁴ <https://www.youtube.com/watch?v=748o0XxniWA>

⁵ <https://www.portlandmaine.gov/DocumentCenter/View/24877/HomlessServicesResourcesGuide>

⁶ <https://www.portlandmaine.gov/2237/Fort-Gorges> | <http://www.portlandmaine.gov/1946/Fort-Gorges-Preservation-Plan> (Fort Gorges Preservation Plan)

- Riverton Elementary School Playground has been fully funded and groundbreaking occurred on 8/10/20 (CIP, Private, CDBG funded) Completion on September 14th when school started;
- Longfellow Elementary School Net Climber Replacement (CIP Funded);
- Tennis and Basketball Courts Resurfaced at Eastern Prom, Payson Park and Lyman Moore (tennis only) (CIP Funded);
- Baxter Woods Trail Relocation and Outdoor Classroom Improvements;
- Quarry Run Dog Park Improvements. Trails and overall park safety;
- Deering Oaks ZipKrooz. A 3-track with an ADA seat installed between the playground and tennis courts. (Privately funded);
- Western Prom Vista Clearing has begun near Pine Street and Carroll Street. Additional work on plantings and erosion control measures to come as well as invasive mitigation;
- Valley Street Dog Park to receive funding for possible expansion and fence repair work alongside the parking lot and trail improvement to upper Western Prom. The dog park was resurfaced, and some overgrowth vegetation was removed; and,
- The history of Park names was researched and included on the Parks Department website.

Updates to CIP and other projects previously contemplated for completion in 2020/2021:

- Bramhall Square Improvements are designed with an anticipated 2021 installation;
- Congress Square Park Redesign discussions have occurred and are waiting for CIP funding this coming year to begin work;
- Back Cove Trail Regrading and Resurfacing is newly acquired funding and will commence as time allows;
- Deering Oaks and Eastern Prom walkway improvements are being designed. Eastern Promenade design has been completed and was unanimously approved by the Historic Preservation Board. Deering Oaks is in the beginning stages of design. Once completed and if approved, a combination project bid would be advertised for a possible Summer 2021 completion;
- East End Waterfront Access Plan (EEWAP) is waiting for private funding so we can proceed with a portion of the project at this time;
- Western Promenade Master Plan will be presented as a communication to the City Council shortly;
- Western Prom Serpentine Trail has been awarded and improvements will be made fall of 2020. Trail widening and guardrail placement for safer snow removal by staff;
- Evergreen Cemetery Frontage Improvements are still underway with progress completed this summer;
- Dougherty Field Irrigation to be installed at the same time as the playground design and site work in the Spring/Summer of 2021 (CIP Funded);
- Dougherty Field Playground Phase I is going out to bid for design and equipment Fall/Winter 2020. Phase II will be site work and installation in Summer/Fall 2021;
- Dougherty Field Basketball Court Reconstruction is tied to the playground project. Completion will be by Summer/Fall 2021;
- Skatepark Expansion is waiting community fundraising. CIP total is \$340,000;
- The Fox Field/Kennedy Park Futsal Court is under contract with construction beginning Fall 2020 and completion in Spring 2021;

- Fitzpatrick Drainage is in design with assistance from Public Works and Public Buildings. Planned for completion in Summer of 2021;
- Tennis/Basketball Court Resurfacing at Lyman Moore School (basketball), and Riverton park (tennis) and various small park basketball courts are postponed (anticipate being carried out through inclusion in next budget round);
- Lyseth Playground is the next funded playground that we anticipate a design to occur Winter 2020/2021. Installation anticipated for Summer 2021;
- Riverton School Basketball Court Reconstruction is in design. Anticipate a bid process winter of 2020/2021 and installation before school starts in 2021;
- Riverton Softball Drainage is being designed and modified. Anticipated Spring 2021 completion; and,
- Riverton Preserve ADA Trail to be designed in 2020/2021.

PARK FINANCE

The evolution of the operational budget for the Department of Parks, Recreation, and Facilities in FY 2020 and 2021 is shown in Table 1. The operational expenditures of the various departments in the city are met by a combination of General Fund budget allocations and retained revenues from fees, grants, and other sources. In most budget years, over two-thirds of the Parks, Recreation, and Facilities Department's operating expenditures are met by retained revenues from fees and user charges, with the General Fund budget making up the difference. Several of the facilities managed by the Department – including the Riverside Golf Course, Merrill Auditorium, and Expo Center -- cover most of their operating costs through retained revenues. For some facilities managed by the Department, revenues have historically exceeded operational expenditures. (In normal years, Merrill Auditorium revenues are more than four times the level of its operational expenditures.)

**Table 1 – General Fund Expenditures, City of Portland
and Department of Parks, Recreation, and Facilities**
(Finance Department, *Fiscal Year 2021 Appropriation Resolve*)

Budget	FY 2020	FY 2021	% change
City of Portland, All Departments	263,520,934	256,986,420	-2.5%
Total, Parks, Recreation and Facilities Department	11,517,193	9,324,469	-19.0%
- Parks Rec & Facilities Admin	639,408	483,407	-24.4%
- Parks	1,129,821	847,077	-25.0%
- Forestry	710,847	727,060	+2.3%
- Athletic Facilities	811,667	912,822	+12.5%
- Cemeteries	827,545	784,163	-5.2%
- Recreation	1,901,439	1,425,500	-25.0%
- Aquatics	639,302	470,351	-26.4%
- Golf Course	1,100,519	991,379	-9.9%
- Golf Course Restaurant	540,787	227,699	-57.9%
- Ice Arena	595,229	551,074	-7.4%
- Public Assembly Facilities	1,061,236	610,039	-42.5%
- Concessions	418,426	369,979	-11.6%
- Custodial Services	958,378	814,505	-15.0%
- Merrill Auditorium	182,589	109,414	-40.1%

Parks account for just 9.1% of the Department of Parks, Recreation, and Facilities' operational expenditures, and just 0.3% of the city's operational expenditures. This is slightly less than the allocation for Riverside Golf Course, and considerably less than the outlay for recreational programs (Table 1). Parks generate fewer revenues than most programs and facilities, and in normal years thus require a larger share of budget financing than most of the Department's other divisions. In FY 2020, Parks Division revenues were just 8% of its operational expenditures. Although the Parks Division accounts for just 9.1% of the Department's operational budget, it accounted for 19.6 % of the General Fund budget received by the Department in FY 2020.

The disruptions associated with the coronavirus have led to increased expenditure needs in several areas and declining revenues across the board. All Departments have been affected. The General Fund expenditure budget for the city declined by 2.5% in FY 2021 (versus a 5.9% increase the prior year).

The operational budget for the Department of Parks, Recreation, and Facilities declined by 19.0% in FY 2021-- the largest budget decline of any department except for Planning and Urban Development. Within that departmental budget, the budget for parks operations declined by 25.0% (Table 1). The budget allocation for athletic facilities increased by 12.5% in FY 2021, and the forestry allocation increased by 2.3%. Although there were also significant declines for other divisions in the Parks, Recreation, and Facilities Department, including Merrill Auditorium, Riverside Golf Course, Public Assembly Facilities, and Troubh Ice Arena, most of those declines reflect the closure of the facilities concerned and the consequent decline in revenues.

To put the Parks Division's budget situation into context, FY 2021 budget allocations net of revenues for the Department's main revenue-earning divisions like Merrill Auditorium and Riverside Golf Course actually increased in FY 2021. That was not true for the Parks Division. Portland's parks remained open throughout the early months of the pandemic, and many experienced an increase in use as Portland residents sought relief from the pandemic-related confinement and closure of other public gathering spaces. Thus the 25% reduction in the Parks Division's budget was significantly larger in impact than a comparison of gross budget allocations would suggest. That led to particular challenges for the city's parks.

The budget cutback for parks has led to the loss in the FY 2021 budget of a number of staff positions, including the operations coordinator for parks, the parks foreman, four parks maintenance workers, and one athletic field maintenance worker. In addition, a budget freeze has blocked the hiring of staff for several formerly approved positions, including a parks maintenance supervisor, an athletic facilities supervisor, and an arborist. Park maintenance has inevitably suffered; some maintenance tasks have had to be deferred until increased city revenues allow the restoration of a more normal budget for parks operations and maintenance.

The Parks Commission has expressed its concern about the reduced resources for parks operations and maintenance and the consequent impact on the quality of the park experience for Portland residents and visitors. The Commission's Finance Committee has been working with staff of the Department of Parks, Recreation, and Facilities to explore options for supplementing budget financing in order to reverse or at least mitigate the decline.

Parks are public goods as defined by economists: a) they are "non-rival" goods, meaning that one person's benefit doesn't reduce the benefit for others, and b) they are "non-excludable" goods, meaning

that it is not possible or not practical to provide their benefit to one individual without making it available for others to enjoy. Public goods tend to be under-provided in a free market because their characteristics of non-rivalry and non-excludability mean there is an incentive for users not to pay – the “free-rider” problem. For that reason, parks are generally financed and managed by governments, usually at the local level.

Public budgets for parks are by nature particularly vulnerable to budget underfunding because they provide public goods that benefit the entire community. Because their benefits are diffuse, parks do not generate the same level of public advocacy in the budget review process as programs with more targeted benefits – such as schools, and programs for the homeless and other vulnerable groups. This lack of citizen voice during the budget approval process makes park financing particularly vulnerable to underfunding.

The public goods distinction is usually cited as a reason for public rather than private provision. But it also applies to different kinds of publicly provided services – even to services provided by the same department of city government. Public parks provide diffuse benefits to a broad category of “passive” users who benefit from parks even if they do not participate in organized activities in parks. As originally conceived by Mayor James Phinney Baxter and other earlier advocates of Portland’s public park system, the main motivation for creating public parks in the first place was to create natural landscapes and seascapes as a healthy and beautiful alternative to the increasing congestion of urban life. Portland’s Parks today provide these benefits not only to park visitors, but even to people who do not visit parks. An example is the scenic vistas of Casco Bay which benefit everyone who walks, bicycles, or drives along the Eastern Prom and Fore Street.

In more recent years, Portland’s parks have evolved to offer a range of athletic, educational, and recreational activities. Park users who participate in these programs -- for example, Pickleball enthusiasts and Little League parents -- tend to be vocal advocates for “their” programs in parks, whereas there is little or no public advocacy for the ongoing needs of park maintenance and beautification. This is another example of the free rider program, which may help to explain the small share of the Parks Division in the overall departmental budget.

The Parks Commission has discussed with the Department of Parks, Recreation, and Facilities several approaches for mobilizing additional financing for Portland’s parks. The most widespread approach to dedicated park financing is to finance capital costs of park acquisition or improvements through a voter-approved bond issue. Voter-approved initiatives to issue general obligation bonds for parks and park-related purposes have a strong record of success in Maine and around the country:

“Nationwide, big cities have an impressive track record of passing funding measures for parks and open space. Since 1996, voters in cities and urban counties across the country approved 137 of 153 such measures for a 90 percent success rate (even higher than the national average for all conservation measures which is 76 percent approval). Bonding is by far the most common funding mechanism employed by cities—accounting for 70 percent of the parks ballot measures—followed by the property tax and sales tax at 14 percent each.”⁷

⁷ *Conservation Finance Study, March 2015: City of Portland, Maine*, pages 20 and 21. Trust for Public Land, March, 2015.

An important limitation of bond financing, however, is that it is generally limited to capital costs, whereas the main financing challenge for Portland's parks concerns financing of operations and maintenance costs.

Another source of budget supplementation are impact fees levied on new development, with dedicated revenues for park development. An impact-fee financing ordinance was adopted by Portland's City Council in 2018, partly at the recommendation of the Parks Commission. The ordinance makes developers responsible for payment of fees for various kinds of development, with designated portions of each fee designated to be set aside for parks and recreation, transportation, and wastewater treatment. Parks and recreation are designated to receive \$1,126 for each new residential unit, with a similar schedule of fees for other types of development. Since the enactment of the ordinance, the Department of Parks, Recreation, and Facilities has collected \$200,000 in impact fees for parks and recreation facilities.

Under the new impact-fee ordinance, "funds from these accounts shall be distributed to City departments solely for the purpose of capital projects identified in the City of Portland's most recent Impact Fee Study." Thus, under current legislation, impact-fee revenues cannot be used to finance general operations and maintenance of the city's parks.

Yet another source of budget supplementation for parks is from funds raised by parks friends groups through individual and corporate contributions and foundation grants. This is an important source of financing for several parks in Portland, as it has been for parks nationwide. Eastern Promenade Park, Congress Square Park, Deering Oaks Park, Lincoln Park, and Evergreen Cemetery, in particular, have benefited from significant financing by their respective friends groups.⁸ Under the Parks ordinance, the Parks Commission is charged with working with parks friends groups "to discuss annual projects and to recommend goals and priorities for capital improvement projects to the city council."

The Commission is working on strengthening its support to parks friends groups to improve their strategic planning capacity, fund-raising effectiveness, and financial transparency. The Commission's Finance Committee is working with the Department of Parks, Recreation, and Facilities to develop a Memorandum of Understanding that would describe the mutual responsibilities of friends groups and the city in protecting and improving Portland's parks. Together with the Outreach Committee, the Finance Committee is updating the 2017 *Friends and Community Partners Handbook* to strengthen the Commission's support and guidance to friends groups in fundraising and financial reporting.

The Finance Committee also worked with staff of the Parks, Recreation, and Facilities Department to develop the website for the "Love Portland" giving program for parks. The website allows the public to contribute to various categories of park improvements, with specific locations and dedications. Still relatively new, the program has collected \$1,400 to date for the planting of trees in Portland's parks. Although still modest, this financing is making an important contribution to the natural beauty of our parks and to a healthy environment. Hopefully, financing from this source will grow in the future.

⁸ Since 1997, the Friends of the Eastern Promenade have raised \$920,000 for the benefit of the Eastern Promenade Park and Fort Allen.

In sum, the passive benefits of parks are particularly important during the restriction of public gatherings under current measures to limit the spread of the coronavirus. Public visits to parks have increased markedly since the start of pandemic restrictions, even as recreational and athletic programs have been curtailed for public health reasons. Public visits to parks have become increasingly important for the physical and mental health of Portland residents as they seek an escape from pandemic-related confinement. Visits to public parks provide one of the few available sources of healthy exercise and renewal while respecting the prevailing recommendations for social distancing.

Portland has an unusual richness of public parks. But the quality of the park experience is threatened by budget cutbacks for parks operations and maintenance. The Parks Commission urges city authorities to restore budget financing for parks operations and maintenance in the current budget year. We also urge the Council to give parks operations and maintenance greater prominence in future budget years in order to ensure that parks fulfill the vision of their founders⁹ and continue to play a vital role as a source of healthy exercise, renewal, and pride for all Portland residents during the current pandemic and in the future.

⁹ *Bold Vision: the Development of the Parks of Portland, Maine*, edited by Theo H.B.M. Holtwijk and Earle G. Shettleworth, Jr., Greater Portland Landmarks, 1999.

CAPITAL IMPROVEMENT PROJECTS

Park Master Plans, Projects, and Improvement Project Timeline:

- 2021-2030 Capital Improvement Projects and Timeline for Parks¹⁰
- FY2020-FY2024 City of Portland Capital Improvement Plan¹¹

Table 2: Summary of FY20-FY21 CIP Projects and FY19-F21 Projects Under \$25,000 by location or type.

List of projects with anticipated costs. Inclusion does not constitute projects are funded.

<i>Location or Type</i>	<i>Project</i>	<i>FY19-FY21</i>	<i>CIP</i>	<i><25k</i>
<i>Amenities</i>	Picnic Pavilions	\$85,000	X	
	Ping Pong--Outdoor	\$10,000		X
<i>Back Cove</i>	Preble St Synthetic Turf Field*	\$1,250,000	X	
	Baxter Boulevard Safety Enhancements --Stairs and Railings*	\$100,000	X	
	Back Cove Guard Rail	\$100,000	X	
	Back Cove Re-pave Tukey's Bridge Approach*	\$50,000	X	
	Back Cove Trail Reconstruction and Stone Dust Resurfacing	\$75,000	X	
	Back Cove interpretive panel replacement	\$5,000		X
	Back Cove Fitness Course Replacement	\$5,000		X
	Back Cove Guard Rail 1-295	\$10,000		X
<i>Baxter Pines</i>	Baxter pines info kiosk	\$2,500		X
	Baxter pines trail work	\$5,000		X
<i>Bike Park</i>	Bike Park Design	\$10,000		X
<i>Cemetery</i>	Road Reconstruction (Focus for 2021: Evergreen and Forest City)	\$100,000	X	
<i>City-Wide</i>	City-Wide: Fencing Replacement	\$50,000	X	
	City-Wide: Park Walkway ADA Paving (2021 Priorities: Dougherty Field, Payson Park, Lower Western Prom)	\$100,000	X	
<i>Community Gardens</i>	Various Fence Repairs/Additions (3-4 Gardens)	\$30,000	X	
	Various Shed Replacements*	\$25,000	X	
	Fence replacement (10 gardens, 1 fence per year)	\$24,000		X
	General Infrastructure Repair--Water lines, faucets, vandalism	\$3,000		X
	Shed Replacement	\$6,000		X
<i>Congress Square Courts</i>	Congress Square Park Design and Construction	Planning CIP (tbd)		
	Back Cove Fitness Court*	\$100,000	X	
	Fox St Basketball Resurface*	\$30,000	X	
	Payson Tennis and Basketball Court Resurface	\$29,000	X	

¹⁰ <https://www.portlandmaine.gov/1943/Park-Master-Plans-and-Projects>

¹¹ <https://www.portlandmaine.gov/DocumentCenter/View/26951/Capital-Improvement-Plan-FY-2020---FY-2024> (project details in Part B, list of parks projects on pages 134 and 135)

Location or Type	Project	FY19-FY21	CIP	<25k
	Payson Tennis--Add Tennis Court lights*	\$150,000	X	
	Riverton Basketball Reconstruction	\$69,000	X	
	Valley Street Basketball Reconstruction*	\$65,000	X	
	West End Court Resurfacing (Pleasant St, Tyng Tate, Reiche, Taylor)	\$30,000	X	
	Adams St Playground x 1	\$500		X
	Deering Oaks Basketball x 2	\$1,000		X
	Dougherty x 1	\$500		X
	Eastern Prom x 1	\$500		X
	Fox Street x 2	\$1,000		X
	Longfellow School x 1	\$500		X
	Lyman Moore x 2	\$1,000		X
	Payson x 1	\$500		X
	Riverton School x 1	\$500		X
	Valley Street x 1	\$500		X
	West End (Pleasant, Tyng Tate, Reiche, Taylor) x 4	\$2,000		X
	Eastern Prom Practice Wall	\$5,000		X
	Eastern Prom x 3	\$2,400		X
	Lyman Moore x 3	\$2,400		X
	Payson Tennis x 4	\$3,200		X
	Riverton Tennis x 3	\$2,400		X
<i>Deering High School</i>	Deering High School Field Upgrades*	\$275,000	X	
<i>Deering Oaks</i>	Deering Oaks Baseball Lights*	\$250,000	X	
	Deering Oaks Infield Upgrades and Irrigation*	\$75,000	X	
	Deering Oaks Lighting Replacement	LED project		
	Deering Oaks Restroom: "Portland Loo" or similar	\$171,000	X	
	Deering Oaks Sidewalks--ADA walking paths around pond, ADA access to Ravine	\$149,000	X	
	Deering Oaks Castle: ADA railing repair (EO attempting repair)	\$10,000		X
<i>Dougherty Field, Skate Park, Kiwanis</i>	Dougherty Field Irrigation	\$46,000	X	
	Dougherty Skate Park Expansion*	\$290,000	X	
	Skatepark erosion and asphalt	\$8,250		X
	Skatepark Landscaping, Trees, Shrubs, and Picnic Tables	\$6,000		X
	Skatepark water fountain	\$6,000		X
	Kiwanis Playground Seating, Trees, Pergola	\$8,000		X
<i>Eastern Promenade & East End Beach</i>	East End Boat Ramp Reconstruction*	\$300,000	X	
	Eastern Prom Cleaves Monument Plaza and Walkways	\$91,960	X	
	Eastern Prom East End Waterfront Access	\$87,000	X	
	Eastern Prom Invasives/Hillside Clearing	\$75,000	X	
	Eastern Prom 90' Embankment Slide	\$50,000	X	
	Eastern Prom/Back Cove Wayfinding	\$3,000		X
<i>Evergreen Cemetery</i>	Evergreen Driveway Drainage	\$260,000	X	
	Wilde Chapel Masonry (2020 priority: emergency repairs)	\$75,000	X	
	Mackworth St Stairs to Baxter (Public Works?)	\$10,000		X
<i>Fitzpatrick Stadium</i>	Fitzpatrick Paving and ADA Improvements*	\$235,000	X	

Location or Type	Project	FY19-FY21	CIP	<25k
Fore River Trail	Fore River Trail--remove fence, install wood guard rail	\$3,500		X
Fort Gorges	Fort Gorges Preservation Plan (Structural Stabilization)	\$291,000	X	
Fort Sumner	Fort Sumner Lighting*	\$50,000	X	
	Ft Sumner Lighting on Trail	\$10,000		X
	Ft Sumner Master Plan Update	\$5,000		X
	Ft Sumner Water Fountain	\$5,000		X
Harborview	Harborview Lighting	LED project		
Invasive Species	Ongoing Annual Mowing 10 days at \$1000	\$30,000		X
Lincoln Park	Lincoln Park Fence--Congress St	\$275,000	X	
Longfellow Elementary	Ludlow Pond Dirt Road repair	\$2,500		X
	Ludlow Pond Grading	\$15,000		X
Lyseth	Lyseth Playground	\$275,000	X	
Martins Point	Martins Point Access Improvements*	\$150,000	X	
	Martins Point Site Plan: trails, steps, boat access	\$10,000		X
Oatnuts	Oatnuts Trail Improvements	\$5,000		X
Ocean Ave	Ocean Ave Bridge over Drainage Swale	\$5,000		X
Payson	Payson B Softball Drainage and Irrigation*	\$110,000	X	
	Payson Park Bollard Replacement (Replace wood with granite)	\$50,000	X	
	Payson Park Master Plan Update*	\$30,000	X	
	Payson Park Playground	\$250,000	X	
	Payson Park Cross-Park Trail (Front St to Baseball Parking lot)*	\$50,000	X	
	Payson Park Master Plan	\$25,000		X
	Payson Park Walking Paths	\$10,000		X
Peaks Island Dog Park	Peaks Island Dog Park Fence	\$15,000		X
Peppermint	Peppermint Park Entrance Plaza Smith St--Brick	\$10,000		X
Presumpscot School	Presumpscot Playground Retaining Wall, Chip Retention	\$9,500		X
Quarry Run Dog Park	Quarry Run Dog Park Fence Repair	\$20,000		X
	Quarry Run Water Faucet	\$2,500		X
Riverton	Riverton Trolley Park Trails, Water Access Improvements*	\$75,000	X	
	Riverton Trolley Park--new trail kiosk	\$10,000		X
	Riverton Trolley Park Trail	\$5,000		X
Signs	Park Entrance Signs	\$20,000		X
Trail	Sensory Trail (8 ft wide ADA accessible stone dust path with added elements and signage for individuals with hearing loss, sight loss or other physical challenges)	\$96,000	X	
Western Promenade	Western Prom Vista Clearing and Plantings	\$50,000	X	
	Western Prom Switchback Widening	\$10,000		X
	Western Prom Regrade Trail, Erosion Control	\$12,500		X

*Indicates CIP projects in FY22

SURVEY OF PARK FRIENDS GROUPS

Table 3: Results from Park Commission survey of friends groups, 2020

What is the name of your Friends Group?	Friends of Lincoln Park	Friends of Fort Gorges	Friends of Deering Oaks	Peaks Environmental Action Team	The Friends of Fort Sumner Park	Friends of Mayor Baxter Woods	Friends of Western Promenade	Friends of Deering Oaks	Friends of Harbor View Park (part of WENA)
How frequently is your group in communication DPRF?	Often				Occasionally	Occasionally	Often	Often	Often
Have you ever attended a meeting of the PC?	Yes				Yes	Yes	Yes	Yes	Yes
Are you a 501c3 organization?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Does your Friends Group have an Executive Director?	c	Yes	No	No	No	No	No	No	No
How many people serve on the board?	Six	6	Eight (8)	seven	Five	Three	5 Board Members, 3 Advisory Board Members	Seven (7)	No board - a loose team of 4-6 advisors
How many members are in this Friends Group?	estimated 150 via eblasting	While we are not a membership organization, we have an email list of over 5K and a social media reach that exceeds 10K	About 125	15	100+ (but over 300 email addresses)	300+	No formal membership currently. We do have a mailing list of interested parties.	About 200 (about 120 households)	Volunteers, not members
Does the City have a Master Plan for your park?	Yes	No	Yes	No	In process	Yes	In process	Yes	No
Do you use that Master Plan for your park?	Yes	We don't have one to use	Yes	We don't have one to use	We plan to	Yes	We plan to	Yes	No
If your park has one, how do you use your Master Plan?	As a guide in reconstructing an historic landmark, dating back to 1866	N/A	We have followed the MP very carefully since our group was formed in 1997. We estimate that the identified Master Plan projects are now about 75-80% complete.		NA	Use master plan as a guide to identify specific areas of the park's natural habitats for protection, and to target ways we can work with City Staff to better preserve MBW for all park users, as well as the flora and fauna within parks borders.		Actively advocate for completion of elements of Master Plan, raise private funds to supplement City efforts. We do not raise funds for basic City responsibilities, e.g. sidewalks. Estimate Master Plan (1994) is 75-80% complete.	we would like to create a longer-term plan for the park but the social and economic impact of the pandemic and the limitations on the Parks Dept are not promising.
Do you have a Capital Campaign now?	Yes	No	Yes	No	No	No	No	No	No
If yes, how much are you trying to raise for your Capital Campaign?	\$1,600,000	N/A	Just finished capital campaign for the Great Black Hawk sculpture. Successfully raised \$27,000 needed for the project.		We plan to begin a capital campaign to raise funds for lighting along Fort Sumner Trail	N/A	Expect to kick off a Capital Campaign in Fall, 2020 coincident with City adoption of the Master Plan.		We are not raising money for a Capital Campaign.
How much have you raised to date?	confidential at this time	N/A. We're preparing to launch a "preservation campaign".	All.		None	Raised approx. \$2,000 in 2019 Kickoff campaign to support establishing a Friends group - to fight the City's push for a full-time leash law in Mayor Baxter Woods. We are still poised to fight the leash law proposal.	We have raised \$20,000 to date, largely as a match to the HPF grant, collectively underwriting the Master Plan cost.	Over 23 years (1997), FoDO has raised \$920,000 for capital projects and programs.	\$20,800 (not Capital Campaign)
How many volunteer hours did your members perform in the park this past year?	Haven't a clue	500+ off-site, approx. 150 on-site	Two - focused effort: individual donors, foundations, corporations, social media effort.	120	120+-	Estimate hundreds of hours of cleanup by individuals - organized and ad hoc, as well as separate efforts to remove invasives. Currently seeking guidance from City on removal of invasives to implement this aspect of the master plan.	Approximately 200 hours, largely in support of Master Plan	10	250 hours in the park. 400 hrs. in office work.

AGENDA ITEMS JUNE 2019-OCTOBER 2020

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

- Oct 2020
<https://portlandme.civicclerk.com/Web/Player.aspx?id=1711&key=-1&mod=-1&mk=-1&nov=0>
- Sept 2020
<https://portlandme.civicclerk.com/Web/Player.aspx?id=1710&key=-1&mod=-1&mk=-1&nov=0>
- August 2020
No meeting
- July 2020
<https://portlandme.civicclerk.com/Web/Player.aspx?id=1092&key=-1&mod=-1&mk=-1&nov=0>
- June 2020
<https://portlandme.civicclerk.com/Web/Player.aspx?id=1091&key=-1&mod=-1&mk=-1&nov=0>
- May 2020
<https://portlandme.civicclerk.com/Web/Player.aspx?id=1090&key=-1&mod=-1&mk=-1&nov=0>
- April 2020
Meeting cancelled
- March 2020
Meeting cancelled
- Feb 2020
<https://portlandme.civicclerk.com/Web/Player.aspx?id=1087&key=-1&mod=-1&mk=-1&nov=0>
- Jan 2020
<https://portlandme.civicclerk.com/Web/Player.aspx?id=1461&key=-1&mod=-1&mk=-1&nov=0>
- Dec 2019
<https://portlandme.civicclerk.com/Web/Player.aspx?id=1085&key=-1&mod=-1&mk=-1&nov=0>
- Nov 2019
<https://portlandme.civicclerk.com/Web/Player.aspx?id=1084&key=-1&mod=-1&mk=-1&nov=0>
- Oct 2019
<https://portlandme.civicclerk.com/Web/Player.aspx?id=1083&key=-1&mod=-1&mk=-1&nov=0>
- Sept 2019
<https://portlandme.civicclerk.com/Web/Player.aspx?id=1082&key=-1&mod=-1&mk=-1&nov=0>
- Sept 2019 Workshop
<https://portlandme.civicclerk.com/Web/Player.aspx?id=1100&key=-1&mod=-1&mk=-1&nov=0>
- Aug 2019
<https://portlandme.civicclerk.com/Web/Player.aspx?id=97&key=-1&mod=-1&mk=-1&nov=0>
- July 2019
<https://portlandme.civicclerk.com/Web/Player.aspx?id=95&key=-1&mod=-1&mk=-1&nov=0>
- June 2019
Meeting cancelled

PARKS INVENTORY FOR THE 2020 CITY OF PORTLAND, MAINE

PARKS COMMISSION REPORT

Park Inventory

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

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

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

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

Tommy's Park
Western Promenade Park

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

Andrews Square – N.B. This Park consists of a flagpole only
Bayside Trail
Bedford Park
Boothby Square
Boyd Street Gardens
Bramhall Square
Caldwell Square
Clark Street Playground
Tate-Tyng Playground (not in alphabetical order because of association with Harborview Park)
Longfellow Park
Marada Adams Playground N.B. This Park is located at the corner of Beckett and O'Brion Streets and is not the Adams School Playground Martin's Point Park
Nason's Corner Park
Pedro Field
Pleasant Street Playground
Quaker Park
South Street Playground
Trinity Park
Winslow Park

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

Portland Parks Capital Improvements: Projects Over \$25,000

Note: FY 2023 Projects approved in March of 2022												
Annual Total	District	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	Notes
		\$2,149,000	\$3,300,000	\$3,616,000	\$2,695,000	\$2,568,280	\$2,905,000	\$11,605,000	\$1,079,000	\$1,325,000	\$725,000	
Athletic Facilities												
Deering High School Field Upgrades	5			\$275,000			\$200,000					
Deering Oaks Baseball Lights	2			\$250,000								
Deering Oaks Infield Upgrades and Irrigation	2		\$90,000									
Deering Oaks Volleyball Court Replacement	2									\$75,000		
Fitzpatrick Paving and ADA Improvements	2			\$235,000								
Fitzpatrick Stadium Entrance Upgrade	2								\$75,000			
Fitzpatrick to Expo Team Entrance Landscape Upgrades	2								\$100,000			
Fitzpatrick Track Resurfacing	2				\$100,000					\$100,000		
Fox St Irrigation Replacement	1				\$50,000							
Ludlow Baseball Field Upgrades	5					\$500,000						
Memorial Stadium Concession Stand	5					\$250,000						
Payson B Softball Drainage and Irrigation	4		\$110,000									
Riverton Softball Lighting Replacement	5						\$255,000					
Synthetic Turf Field: location TBD	???		\$1,250,000									
Cemeteries												
Evergreen Driveway Drainage and Paving--To be funded by Water Resources	5											Public Works requesting \$ for Stormwater portion
Evergreen Repaving Roads	5				\$125,000		\$125,000					
Evergreen Tree Planting	5											
Road Reconstruction (Evergreen and Forest City)	5		\$100,000									
Wilde Chapel Masonry	5					\$500,000	\$500,000					
Community Gardens												
Various Fence Repairs/Additions (3-4 Gardens (CDBG potential)	Various				\$30,000			\$30,000				Possible CDBG?
Various Shed Replacements	Various					\$25,000			\$25,000			Possible CDBG?
Courts--Tennis, Basketball, Futsal												
Deering Oaks Tennis Court Lights--Add	2								\$350,000			
Dougherty Field Basketball Pavilion***	3			\$150,000								Libbytown NA may be interested in fundraising
Deering Oaks Tennis and Basketball Court Resurface	2						\$75,000					
Eastern Prom Tennis and Basketball Court Resurface	1									\$50,000		
Islands: Great Diamond Island Tennis and Basketball Reconstruction	1	\$75,000										
Longfellow Basketball Drainage	5				\$175,000							
Longfellow Basketball Resurface	5				\$75,000							
Payson Additional Basketball Court***	4						\$100,000					
Payson Tennis--Add Tennis Court lights	4			\$200,000								
Payson Tennis and Basketball Court Resurface	4								\$29,000			
Riverton Tennis Court Reconstruction	5									\$300,000		
Valley Street Basketball Reconstruction	2			\$65,000								Possibly MMC Funded

Portland Parks Capital Improvements: Projects Over \$25,000

Note: FY 2023 Projects approved in March of 2022		2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	Notes
Annual Total	District	\$2,149,000	\$3,300,000	\$3,616,000	\$2,695,000	\$2,568,280	\$2,905,000	\$11,605,000	\$1,079,000	\$1,325,000	\$725,000	
Park Infrastructure												
Baxter Boulevard Safety Enhancements --Stairs and Railings	4		\$150,000									
Bramhall Square Reconstruction*** \$250K budget, \$100K from Maine Medical, \$150 from Public Works CIP	2											
Fencing Replacement: City-wide	various	\$54,500		\$50,000		\$50,000		\$50,000		\$50,000		
City-Wide: Park Walkway ADA Paving, various locations	various		\$200,000	\$200,000		\$200,000		\$200,000		\$200,000		
Congress Square Park Design and Construction	1	Budgeted in Planning and DPW CIP										
Deering Oaks Bandstand Replacement	2							\$400,000				
Deering Oaks Pond Plaza and Dock	2				\$100,000							Potential Kickstart with 2021 Deering Oaks ADA Walkways
Deering Oaks Pond Wall and Pond-side Plaza Reconstruction	2		\$500,000	\$500,000								
Deering Oaks Ravine Wading Pool Rehab	2			\$475,000								
Deering Oaks Restroom: Brick and Mortar Building	2	\$400,000										
Deering Oaks Rose Circle Entrance--Convert to Brick	2							\$50,000				
Deering Oaks ADA Sidewalks and Curbing--Farmers Market Rd. (State to Deering)	2							\$300,000				
Deering Oaks ADA Sidewalks and Curbing--Tennis Court Rd (State to Deering) (ADA)	2	\$300,000										
East End Recreational Boat Ramp Reconstruction	1		\$300,000									
Eastern Prom Cleeves Monument ADA Plaza and Walkways	1	\$92,000										To be coordinated with Public Art restoration of fence and monument
Eastern Prom Cutter Street/Parking Reno--Public Works	1											
Fort Gorges Preservation Plan (Structural Stabilization)	1	\$100,000		\$291,000								\$541K total, Up to \$250K Match with Friends of FT Gorges
Fort Sumner Trail Lighting--to be paid for by Friends Group	1											
Fort Sumner Reconstruction	1										\$450,000	
Harborview Concrete Stair and Plaza: Resurfacing with Granite	2							\$25,000				
Harborview Stairs from Circle Trail Intersection to Commercial St	2				\$50,000							
Lincoln Park Fence--Franklin St	1						\$300,000					
Lincoln Park Fence--Pearl and Federal St	1				\$700,000							
Lincoln Park Walkway Lights	1					\$250,000						
Ludlow Pond Drainage	5						\$150,000					
Martins Point Access Improvements	4			\$150,000								\$150K LWCF match
Payson Park Bollard Replacement (Replace wood with granite)	4	\$50,500										
Payson Park Ice Skating Rink Lighting	4				\$40,000							
Payson Park Master Plan Update	4					\$30,000						
Payson Park Parking	4				\$250,000							
Picnic Pavillion: Deering Oaks and Payson Park	various			\$150,000		\$150,000						
Quarry Run Dog Park Expansion and Renovation (Invasives Removal, Trail resurfacing, fence replacement)	4		\$100,000									
Riverton Trolley Park Rehabilitation and Recreation Improvement Plan (To be matched with private funds and LWCF grant)	5	\$125,000		\$75,000								Parks Conservancy and LWCF 2021
Western Prom Bandstand, Toboggan Run Improvements	2						\$150,000					
Western Prom Walkway Lighting	2								\$150,000			
Western Prom Walkway Reconstruction, Phase II***	2							\$150,000				Possibly funded through MMC?
Western Prom Vista Clearing and Plantings	2			\$50,000		\$50,000						

Portland Parks Capital Improvements: Projects Over \$25,000							DRAFT, as of 5/20/21					
Note: FY 2023 Projects approved in March of 2022		2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	Notes
Annual Total	District	\$2,149,000	\$3,300,000	\$3,616,000	\$2,695,000	\$2,568,280	\$2,905,000	\$11,605,000	\$1,079,000	\$1,325,000	\$725,000	
Playgrounds, Skateparks, and Fitness Courses												
Clark Street Playground	2	\$100,000										
Deering Oaks Playground	2									\$250,000		
Dougherty Skate Park Expansion (\$375 total budget, \$100K private funding in-hand + \$70K CIP funding in-hand)	3	\$205,000										\$340K Total, \$100k of private fundraising
East End School Playground	1								\$250,000			
Harborview Fitness Course***	2				\$30,000							
Longfellow Playground	5				\$200,000							
Peaks Island Playground	1										\$175,000	
Peaks Island Skate Park	1					\$75,000						
Peppermint Park--East Bayside Playground	1						\$200,000					
Portable Pumptrack: moveable neighborhood skatepark	various				\$75,000							can be moved neighborhood to neighborhood, one month at a time, spring--fall
Presumpscot Playground	4							\$200,000				
Reiche Playground (applying for LWCF grant to Match)	2		\$300,000									LWCF Match?
Stone Street Playground--Upgrade and Splashpad Erosion Issues	1				\$200,000							
Stroudwater Playground	3							\$100,000				
Tate Tyng Playground	2	\$150,000										
Taylor Street Playground	2									\$100,000		
University Park Playground (NEW)				\$200,000								
Will's Playground (Eastern Prom)	1						\$450,000					
Trails												
Back Cove Guard Rail	4			\$100,000								
Back Cove Trail Reconstruction and Stone Dust Resurfacing	4,3,1	\$50,000				\$75,000				\$100,000		
Back Cove Re-pave Tukey's Bridge Approach	4			\$50,000								
Bayside Trail Resurfacing--by Public Works	1,2											
Eastern Promenade Sidewalk Resurfacing--by Public Works	1											
Fore River Parkway Trail Resurfacing--by Public Works	2											
Payson Park Cross-Park Trail (Front St to Baseball Parking lot)	4			\$50,000								
Recreation Facilities												
Community Center								\$10,000,000				
Reiche Pool Filter					???							
Riverton Filter Replacement		\$115,000										
Ice Arena												
Foundation Leak Fix		\$112,000										
Redesign (Office to Locker Room)					\$345,000							
Sprinkler Upgrade						\$53,280						
Ice Arena Improvements		\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	
Golf Course												
Course Improvements		\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	

Portland Parks Capital Improvements: Projects Over \$25,000							DRAFT, as of 5/20/21					
Note: FY 2023 Projects approved in March of 2022		2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	Notes
Annual Total	District	\$2,149,000	\$3,300,000	\$3,616,000	\$2,695,000	\$2,568,280	\$2,905,000	\$11,605,000	\$1,079,000	\$1,325,000	\$725,000	
Public Assemblies												
Merrill Display Monitor					\$50,000							
Merrill Exterior Doors		\$120,000										
Merrill Loading Dock							\$100,000					
Merrill Marquee							\$200,000					
Merrill Orchestra Pit Lift						\$260,000						
Merrill Seating Replacement			\$100,000									
FY 2022 Projects Requested by Friends or Neighborhood Groups, but NOT Included in 10 Year CIP plan												

Timeline for Annual Report and Capital Improvement Projects

Prepared by the Portland Park Commission Winter 2017/2018

Annual Report Outline

Chapter 18 PARKS, RECREATION AND PUBLIC BUILDINGS AND GROUNDS

Sec. 18-10. Parks Commission

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

(4) Submitting an annual report to the city council regarding the state of the city's parks and public grounds and making specific recommendations therein about suggested goals and improvements for the parks and public grounds.

Tasks:

1. State of the City's Parks and Public Grounds
2. Recommended Goals
3. Recommended Improvements

Capital Improvement Projects (CIP)

Chapter 18 PARKS, RECREATION AND PUBLIC BUILDINGS AND GROUNDS

Sec. 18-10. Parks Commission

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

(7) Conducting an annual meeting of all parks, trails and open space advocacy groups to discuss annual projects and to recommend goals and priorities for capital improvement projects to the city council.

Key

Print in color. Conforms to CIP and Annual Report periods in the timeline.

'Above the timeline': established by the Capital Improvement Process and Chapter 18 of Portland's City Code

'Below the timeline': summary information

DPRF: Department of Parks, Recreation, and Facilities

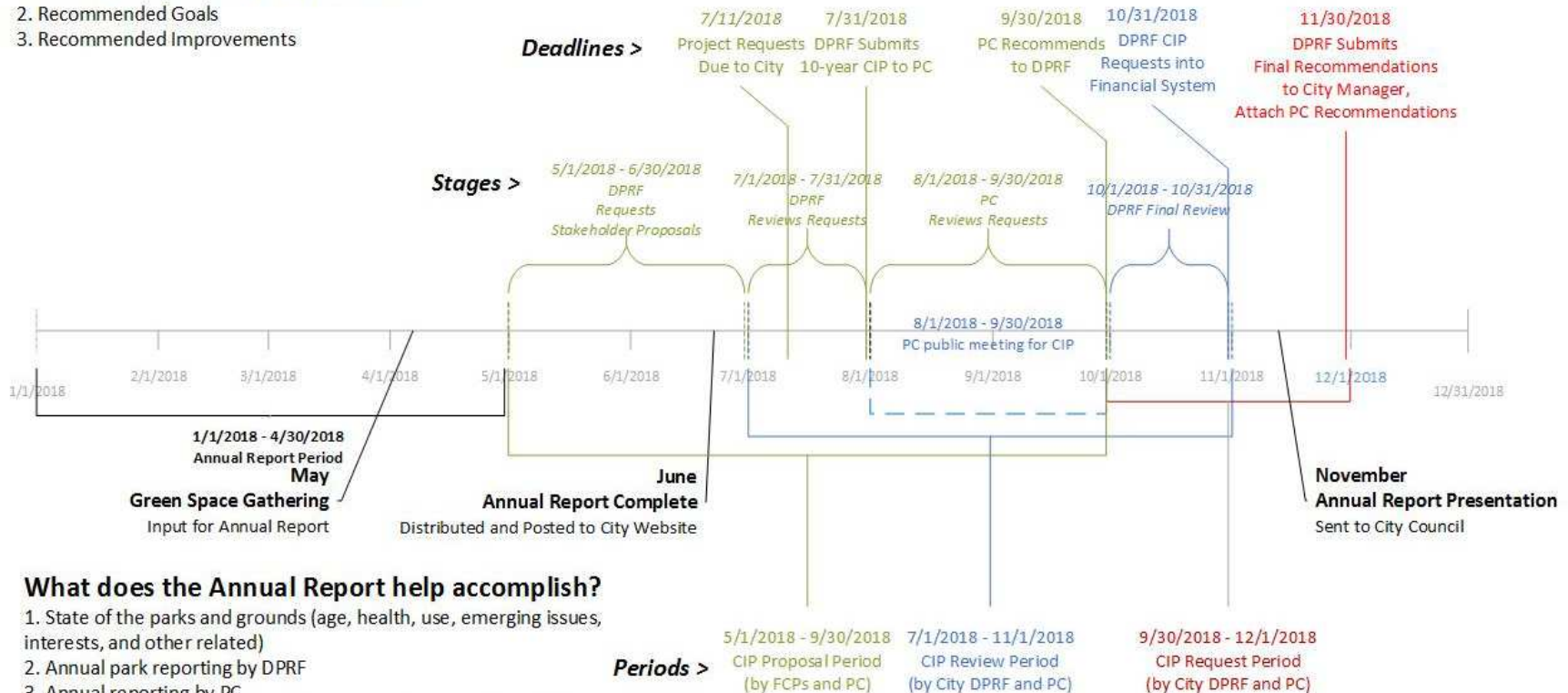
PC: Portland Parks Commission

FCPs: Friends Groups and Community Partners

Deadlines: CIP specific deadlines

Stages: Stages in the CIP process

Periods: CIP proposal, review, and request periods



What does the Annual Report help accomplish?

1. State of the parks and grounds (age, health, use, emerging issues, interests, and other related)
2. Annual park reporting by DPRF
3. Annual reporting by PC
4. Aggregating project proposals from Friends Groups ("FCPs") & Stakeholders
5. Set stage for transition from winter to spring/summer/fall uses

Parks Capital Improvement Plan Timeline

Project Selection Criteria

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

May--July:

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

July

1. Department of Parks, Recreation and Facilities compiles and reviews project requests. Sources:
 - a. Existing 10-year Capital Improvement Plan
 - b. Unfunded requests from prior years
 - c. Portland Open Space Vision and Implementation Plan, Parks Master Plans, Facilities Master Plans, Athletic Facilities Task Force Plan, City Comprehensive Plan, and other relevant plans
 - d. Departmental knowledge and professional insight
 - e. Requests from Friends Groups, schools, and other stakeholders
2. Projects from stakeholders are submitted as requests. Department of Parks, Recreation and Facilities will review all requests and either:
 - a. Add to 10-year Parks Capital Improvement Plan according to 10-year schedule and budget parameters.
 - b. File the project request if deemed inappropriate, undesirable, or unfeasible.
3. Department of Parks and Recreation prepares and submits 10-year Capital Improvement Plan to Parks Commission by July 31.
 - a. Includes in submission all requests from stakeholders
 - b. Includes in submission all recommended projects for upcoming fiscal year.

August--September

1. Parks Commission reviews project proposals for upcoming fiscal year by undertaking these steps:
 - a. Review materials submitted by the Department of Parks and Recreation (which includes requests from public stakeholders)
 - b. Conduct a public meeting(s) to hear from Friends Groups, Neighborhood Associations, and other

interested stakeholders

- c. Following public meeting(s), Parks Commission shall provide recommendations on projects being proposed for upcoming fiscal year, submitted to Department of Parks and Recreation by September 30.

October

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

November

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

PORTLAND

PARKS, RECREATION & FACILITIES

Parks Capital Improvement Project Priority Form

1. Please review the CIP 10 year plan [here](#).
2. Use the form below as a tool to gather your organizations Parks Capital Improvement Project Priorities (over \$25,000) for the relevant park (in your neighborhood) for annual update of 10-year Capital Improvement Plan.
3. Once your organization has come up with priorities please have one person from your organization fill out this [Google Form](#) by July 19th, 2021

Thank you,

Alex Marshall, Parks Director

Priority	Project Name	New or Existing Project?	Cost Estimate (if new project)
1.		☐ New ☐ Existing	
2.		☐ New ☐ Existing	
3.		☐ New ☐ Existing	
4.		☐ New ☐ Existing	
5.		☐ New ☐ Existing	
6.		☐ New ☐ Existing	
7.		☐ New ☐ Existing	
8.		☐ New ☐ Existing	
9.		☐ New ☐ Existing	
10.		☐ New ☐ Existing	
11.		☐ New ☐ Existing	
12.		☐ New ☐ Existing	

Food Truck Location - Eastern Promenade



Jeff Davison<jeffreydavison145@gmail.com>

Apr 18, 2022, 1:57:09 PM (10 days ago)

to Citymanager@portlandmaine.gov, parkscommission@portlandmaine.gov

To Whom It May Concern:

I was notified about the Park commission zoom meeting on the food truck location issue. I was unable to attend the online meeting, but I saw the headline in the PPH the following day that Michael Mertaugh resigned in protest. I read the article which claimed the commission was all about preserving the view, the experience of the Promenade, and that the park is "not a fair ground."

Regarding the food trucks, the current location is very poor and creates additional congestion on top of existing activity from the ballpark, playground, basketball and tennis courts. This is a dangerous situation for pedestrians and motorists alike. There is a bend in the road that makes it even more of a challenge. When there are lines of people at the trucks, you cannot use the sidewalk because of the people blocking the path.

I understand the competing plan of relocating the trucks to Cutter Street was to ban parking on the city side of the street to allow more room for vehicles to pass. Whenever a new building or art center is proposed, the cry goes up about the loss of parking. However, removing 30-50 spaces for food vendors is okay. Some of the parking spaces in that area are taken by the food truck patrons, so eliminating parking options will further exacerbate the problem.

I understand the Commission's mission is to preserve the park's amenities and ensure that it does not become a fairground, but containing the trucks on the first parking lot, like a food court would be ideal. There are even a few picnic tables for patrons to enjoy their food. Maybe the city could plant a row of trees on the median to obscure the site of the trucks. Somehow when the trucks are lined up on the street next to the park, that is an acceptable view, but contain those same trucks a semi-circle shrouded by trees and it becomes a fairground? I have lived here since 1994 and endured the Winter Carnival, the 4th of July Concert, sporting events, amateur pyrotechnicians that explode something when ever their favorite team wins and the parade of muscle cars and recreational ego trikes with 5000 watt sound systems since I have lived here. I have news for you, the Eastern Promenade Park already is a fairground, on track to becoming the next Palace Playland.

I hope this food truck location is not a done deal. Please consider the residents within blocks of the food trucks End have to slog past this frenzy every time they come or go from their home. Also consider residents on Munjoy Hill pay some of the highest real estate taxes in Maine even though our roads look similar to the roads in Ukraine. At some point, it would be nice to receive the services

we are being billed for, and have some regulation over the noisy joy rider and gunpowder enthusiasts.

In my opinion, move the food trucks to the first parking lot. Keep the maximum parking close to where people live, reduce street hazard for a major thoroughfare, improve the view and noise pollution for the people who are actually paying city salaries, and the foodies will still be within in waddling distance for a high cholesterol fix.

Thank you,

Jeff Davison

Jeffrey Davison

[207-831-7582](tel:207-831-7582)



Kris Lape<krislape@aol.com>

Apr 14, 2022, 4:01:44 PM

to parkscommission@portlandmaine.gov

Dear Commission,

I know you have already cast your votes, and discussed this issue.

This is not an easy email for me to write, but I feel I have to let you know of my unique perspective on the food truck issue.

I am one of the unfortunate bereaved mothers who has lost a child. Ezra was 27 when he died unexpectedly 2 1/2 years ago. My husband and I were fortunate enough to find a beautiful spot on the Eastern Prom to place a memorial bench in his honor. I have another young friend whose baby died at birth. They also have a memorial bench for their child Maeve. Her bench is atop the playground, where so many families with children spend their time. It's not easy to find parking, and often these families are having to cross the road to get to the playground. As things are this is so incredibly dangerous. If the city gives the food trucks more parking spots, and takes away the parking on the other side of the street, things will only get more dangerous for pedestrians. Less parking, more searching, and more walking with little kids.

I speak for all of the families who invested time, money and so much thought into these benches that line the entire promenade.

For most of the summer during the days, and early evenings our spaces are too crowded and full of fumes. We are losing the grass and landscaping around the benches in this area. This is a tragedy for all of us. We know these benches are for everyone, so it's not an issue of not wanting to share.

Please take this perspective into account when you evaluate the entire situation.

We love the food trucks, and think they should be moved to Cutter Street. This would bring back the natural beauty and awe of the prom, with it's magnificent views and vast lush hill.

I appreciate your deep consideration of these issues.

Thank you for your time.

Sincerely,

Kris Lape

Kris Lape

Kris Lape Designs

<https://www.instagram.com/krislapedesigns/>

krislape@aol.com

The square foot of a soul

food truck proposals



Lisa Morris<lisa.morris@maine.edu>

Apr 6, 2022, 4:32:57 PM

to ksnyder@portlandmaine.gov, Troy Moon, atreverrow@portlandmaine.gov, Azarro@portlandmaine.gov, vpelletier@portlandmaine.gov, rrodriguez@portlandmaine.gov, Parkscommission@portlandmaine.gov

To: The Parks Commission, Troy Moon, Sustainability Director and City of Portland, and the Sustainability & Transportation Committee,

Please accept these comments for the Parks Commission meeting on April 7, 2022 at 5:00 p.m. regarding food trucks on the Eastern Promenade.

We live a few blocks up from the food trucks. We all spend a lot of time along the Eastern Prom, at the playground, tennis and basketball courts, on the lawn overlooking the beach, on the beach. We love the food trucks and eat at them fairly frequently.

However, we have long had safety concerns related to the location of the trucks and we do not feel that the new idea of removing parking spots on one side and limiting the food truck court to the area between Congress and Turner sufficiently addresses these concerns.

The area is too busy, narrow and congested for a food court. It is too close to the playground, the baseball field, the tennis and basketball courts, which attract a lot of kids and their families. The Eastern Prom is also a high vehicle traffic area, especially in the summer and fall, and everyone is distracted by the view, the good food, the crowds, the fun, including parents, kids, dogs and drivers. We have personally witnessed a number of close calls where distracted drivers almost hit distracted kids crossing the street to get to the playground, a bicyclist maneuvering around people, and an older person walking their dog (they were walking in the street along the trucks because their dog was reacting to the crowds gathered in the sidewalk waiting for food).

Placing a food court along a busy street also slows the speed of the traffic, which normally we don't care about except that we have twice observed drivers made impatient by the slow moving traffic speed up in anger, swerve around cars ahead of them or people crossing the street and drive through the area at much higher than 25 mph.

We much prefer the proposal of relocating the food trucks to the Cutter Street parking lot. It will be safer, further away from the playground, baseball field and courts, and will not worsen the traffic congestion along the Eastern prom. The parking spaces lost to the trucks will be made up for by a return of the spaces along the Eastern prom which are currently taken up by the food trucks. It will reduce congestion along the already busy Eastern prom and restore the walkability of the sidewalk along that stretch of the Eastern prom as well as the view.

Thanks for all your hard work and your consideration of this request.

Lisa Morris and Michelle Morgan

26 Lafayette Street

District 1

--

Lisa Morris, PhD

University of Southern Maine

lisa.morris@maine.edu

[\(207\)-780-5036](tel:(207)-780-5036)

Pronouns: She/Her/Hers

Food Trucks On Eastern Prom



Wayne@redhookdesignalliance.com<Wayne@redhookdesignalliance.com>

Apr 6, 2022, 3:28:28 PM

to Parkscommission@portlandmaine.gov

Member of the Parks Commission,

I am writing with my request that you make your decision on the Food Truck issue keeping in mind that this is a location that people come to for relaxation and to observe the scenic beauty of Casco Bay. While food trucks are pleasant it is a scenic park first and foremost.

Thank You,

Wayne Valzania

27 Merrill St

Portland ME

Anita Stewart<anitacatherinestewart@gmail.com>

Apr 10, 2022, 4:44:43 PM

to parkscommission@portlandmaine.gov

Dear Parks Commission: As a taxpaying resident of Munjoy Hill, I was devastated to learn that Mr. Mertaugh resigned because of the committee's inaction in choosing to regulate the food trucks that have taken over the upper level of the eastern prom park by the playgrounds. They are running commercial businesses in public space and it is unfair to all of us who want to use the park as a park not a food court. We need the city to focus on caring for all its residents.

For over ten years, I have run/walked along the path from the gazebo to the turn around at Back Bay, and I have seen how the trucks have completely altered the way that others can access the park because of their presence. There are a myriad of issues.

1. Safety. The trucks park by the playground and children's baseball field where there is a significant curve in the road. They are wide, so when they park they take up far more of the two lane road than most average vehicles, they are large so they are hard to see over and around, and they don't necessarily park well.

For parents with children: there is no longer much parking on the side of the street where the playground sits. Many park on the opposite side away from the park, meaning that there is a stream of distracted parents and small children crossing the road at random spots between the trucks, often invisible to oncoming traffic. The kids are excited about the park, or cranky about going home making it hard for them and their parents to pay attention to where they are traveling.

Parents are also trying to get small children into car seats in the back of the car on the street side of the automobile often resulting in car doors opened into oncoming traffic as they work to buckle a child in.

As cars maneuver to avoid open car doors, they must cross the yellow lines cars going the opposite way are forced to cross the yellow lines because of the food trucks so the street becomes a bottleneck.

So in the summer months Eastern Prom is basically impassable. As a resident, I've learned to not even try to drive through the mess.

2. Congestion: Not only is the street congested, but the sidewalk is too. The sidewalk is basically a place for groups of people to mill about—trying to choose what to eat, waiting for food, eating, waiting for others to finish. They are focused on their food and on each other, Trying to run/walk on the sidewalk in that area is impossible and because there is a steep hill going down into the playground on the park side, you can't easily skirt the mess. In the height of the summer, I've learned to exit the park, cross the street and travel those blocks crossing back into the park at the tennis

courts. Which means as a person exercising I'm now forced to stop my aerobic exercise to wait for the cars to stop at two cross walks.

3. Food waste: The people coming to eat now have all sorts of stuff that they need to dispose of. Trash piles up in and around the garbage cans, items get left on benches, or on the ground. On a weekend, the mess is incredible for the rest of us who are trying to enjoy the park.

4. Noise: Because each of the trucks has a generator to run a kitchen, the park is turned into a carnival.

5. Commercial abuse of a public space. Back in the day, I fondly remember the ice cream truck pulling up once an hour to provide the children on the playground with treats. It felt great, it felt like part of what should be there. What has now been generated is the equivalent of a mall food court. As a taxpayer, I want to know that the people who are running their businesses on a city street are paying an adequate amount of taxes fees for the right to take away the space from the rest of the public. These businesses don't have the overhead of the many restaurants who struggle to pay for existing spaces. I think the playing field should be even.

I've actually grown quite angry watching how these businesses are turning public streets into their own property. Mr. Tuna parks an average of 4-5 vans in that area on a regular basis. May of the businesses leave their food truck there for weeks on end even when they are not open. It is ugly. It is an abuse of public space.

SOLUTIONS:

MOVE THE LOCATION

1. Move the trucks down into the middle level parking lot. There is room there, there is less traffic there,. As someone who walks the street constantly, that lot is rarely full except for in the height of the summer. It would allow people buying food to go in many directions instead of standing on the sidewalk because it is the only flat spot. This is best for the street traffic. I also love that this might mean that some of the people eating might get a little exercise instead of turning the park into a mall food court where you stand around.

2. Move the trucks to an area of Eastern Prom that is not a curve and not near existing playgrounds or fields. They could move to the area where there is the burial ground, a few yards further down the street but not as far as the tennis court.. It would open parking for the playground.

3. Move the trucks to the area of the eastern prom by the waste water treatment plant. That part of the park is rarely used, It could be a great way to get people using more of the park

4. Make it mobile. Trucks can pull up for 1 hour max, then they need to move to a different location. This would spread food and people out more throughout the park.

REQUIRE BUSINESSES TO MANAGE THEIR WASTE

1. If I'm running a restaurant, I can't just dump my trash on the sidewalk. Each of the trucks should have trashcans that they provide and they are responsible for taking out of the park.

2. Charge a significant waste removal fee if the city is picking up the trash. I pay for purple bags, they should pay for their trash.

3. Require businesses to clean up the area around the food trucks when they are closing up. You sweep the floor in. A restaurant, they should be responsible for the area that their customers are in.

COMMERCIAL ABUSE

1. Trucks and commercial vans should only be able to be parked on the eastern prom when they are operating. This is NOT their permanent store. If the city wants to build permanent stalls, they should do so and charge rates that are commensurate with the cost of renting in the city right now.

I should have contacted you long before now. This abuse has been growing, it is unfair and the system needs to change.

Sincerely,

Anita Stewart

23 O'Brien Street

Portland Maine. 04101

Anne Pringle Comments on Food Truck Proposal

(March 23, 2022 email from Anne Pringle to Sustainability and Transportation Committee)

Councilors,

I have generally been following the food truck issue on the Eastern Prom, because it could well set precedent for other historic parks, such as Deering Oaks, the Western Prom, Lincoln Park, and Baxter Boulevard.

First, there is no question that food trucks are a great amenity to City residents and visitors.

The challenge is how to balance competing interests in various contexts: near existing brick-and-mortar food service operations, in or abutting residential neighborhoods, in parks and open spaces, etc.

While I might be tempted to ask the Committee to postpone action on the Eastern Prom pilot to address the big-picture food truck issue, I understand the need to respond to the concerns raised last year. What strikes me is that the Eastern Prom is becoming a magnet for activity (the big Fourth of July event, the multi-day Winter Festival, and increasing numbers of food trucks), all raising concerns about the impact of such activities on the historic Eastern Prom on its surrounding neighborhood. Obviously the Prom is a public space, available to all, but what is the right balance of uses and impacts, especially in an historic landscape with a detailed Master Plan, developed in a significant public process and supported by the City Council?

As an example, years ago, Deering Oaks was overwhelmed by what was originally a modest one-year festival to celebrate the US Bicentennial in 1975, but became an annual six-day event (the Deering Oaks Family Festival) that attracted 150,000 people to the park, attracted by rides, vendors, etc., set up on the grass. This was perhaps the first example of a natural space suffering significant impact from a popular amenity. As part of the Master Plan process, to assure balance, specific standards were established for special events and vendors.

I am not sure if the Eastern Prom Master Plan has similar use and vendor standards, but this should be explored, perhaps first by the Historic Preservation Board and then the Parks Commission.

It strikes me that accommodating eight food trucks is too many; perhaps a rotating groups of four would be more in balance and have less impact, both visually and otherwise. And I have certainly heard that trash is a huge issue. It should not just be the City's obligation to provide more trash receptacles and clean up discarded trash (daily?!). There should be some defined/required obligation of food truck vendors?

I am not prepared to offer more specific comment on the two options before you tonight, but suggest that you refer them back to the HPB and Parks Commission to provide input to you. I would hope that both can prioritize and respond before your meeting.

Anne Pringle

Neal Street

Food Truck Issue



Berry Manter<berrymanter@yahoo.com>

Apr 7, 2022, 11:56:27 AM

to Parkscommission@portlandmaine.gov, atrevorrow@portlandmaine.gov, dwchuhta@portlandmaine.gov, ksnyder@portlandmaine.gov, Ethan Hipple, Michaelmertaugh@gmail.com

Dear Parks People,

As you know the Eastern Promenade Park is without question the most loved park in the city. I was an early board member of Friends of the Eastern Promenade. The Eastern Promenade Park served the community during the pandemic as crucial social grounds. This led to the food trucks, which gnarled traffic, excessive litter, exhaust and noise from generators, made it unsafe for pedestrians, bicyclists and traffic to navigate.

No one can dispute that. However, "option A", accommodating them along the main road of travel does little to solve community concerns.

In choosing "option A" the committee choice reflected the following failures and oversights:

- Failed to explore the opportunity to enhance Portland's many city parks and neighborhoods that could benefit from and become attractive destinations for food truck businesses by providing a tiered licensing system.
- Failed to explore above system to enhance and serve the growth in food truck businesses within Portland.
- Failed to address an equitable need for the current population of food truck businesses.
- Failed to alleviate traffic issues on the Promenade.
- Eliminates critical parking spaces for residents and park-goers.
- Failed to acknowledge resident livability and expressed concerns of food trucks within yards of their homes.

In choosing "option B", moving them to the large Cutter St. lot, in addition to expanding and enhancing food trucks on new locations:

- Disperses food trucks to a location on the Eastern Promenade removing them from the ever-busy thoroughfare of that roadway.
- Preserves important parking on BOTH sides of the roadway.
- Gives walkers, bikers safety in using this roadway.
- Allows reprieve for residents from unreasonable and unnecessary noise, pollution, loss of parking, etc.
- Provides easy access to food trucks for park visitors, beach goers, as well as trail-walkers.
- Encourages promoting vitality of food resources in other desirable, scenic and recreational areas within Portland. (Portland offers so much more than “the peninsula”, yet little is given to these neighborhoods).

Thank you for all you do. I love the city parks and find the city park staff to be delightful and contributing to one of the BEST reasons Portland is livable and lovable.

Sincerely,
Berry Manter
Portland, ME

a vote for relocation of food trucks



Betty Wuesthoff<jwuest@maine.rr.com>

Apr 7, 2022, 8:50:17 AM

to Parkscommission@portlandmaine.gov, atrevorrow@portlandmaine.gov, dwchuhta@portlandmaine.gov, ksnyder@portlandmaine.gov, Ethan Hipple

Hello friends of the Eastern Promenade,

Thank you for the work you do to protect our parks, especially our treasured Eastern Promenade.

We patronize the food trucks and are regular users of the Eastern Promenade. Their removal to the mid -Cutter Street lot is the better choice.

Relocation will allow for restoration of the grasses worn and gone by overuse ,restoration and preservation of the parking spaces for locals,Mainers arriving from a distance and those " from away", ease passage and increase safety for those with very small children ,those pushing baby carriages,the frail and aged,and joggers who must often navigate through the food lines or move off the sidewalk and into the street for passage.

Thank you for giving serious consideration to relocating the food trucks .

Sincerely,

Betty and John Wuesthoff

11 Morning Street

Portland,Maine 04101

Sent from my iPad

From: merrygoverment@gmail.com <merrygoverment@gmail.com>

Date: Tue, Apr 5, 2022 at 11:50 PM

Subject: Eastern Prom Food Truck Plaza

To: <Michaelmertaugh@gmail.com>, <atrevorrow@portlandmaine.gov>, <dwchuhta@portlandmaine.gov>, <ksnyder@portlandmaine.gov>, <ehipple@portlandmaine.gov>

Hello,

The City of Portland's Standing Committee on Sustainability and Transportation's plan to create a Food Truck Plaza on the Eastern Prom (between Congress and Turner Streets) is fraught with problems. It's biggest tragedy is taking away children's easy access to the playground. I ask you to consider these points before making a decision on the matter:

Change 1: Food Truck Plaza on the Eastern Prom

The plaza would totally change the feel of this Historic District. It will take public space meant for everyone to enjoy and turn it over to for-profit food vendors. This part of the park is already a heavily trafficked area as it's located next to the two ball fields, tennis / basket ball courts, the public garden and most importantly, the playground. This area contains many apartment buildings making it the most densely populated area of the Eastern Prom. Addition of the Food Truck Plaza will only increase the human and vehicle traffic density in this space.

In other areas of the City that have made provisions for street-side dining, large concrete blocks were installed to insure diners safety from passing cars. Will the food truck plaza require the same type concrete structures?

Change 2: 3,000 gallons of underground trash dumpsters in the Eastern Prom Park

The addition of the food trucks to the Eastern Prom has created a serious trash problem. The committee's solution to that problem is to install 3,000 gallons of underground dumpsters. These trash dumpsters are very worrisome.

The Committee's documentation doesn't provide any environmental impact study of these trash dumpsters so citizens have no way of knowing if they will be safe or will leech garbage into the ground. There doesn't appear to have been any research into how the underground trash dumps will effect the root system of the surrounding trees. Also, not contained in the Committee's documentation is any qualified engineering or geological study guaranteeing the drilling, digging and installation of these trash dumps

won't cause erosion problems that could eventually lead to a landslide. I'm my opinion, perforating the side of a hill, without having qualified research into it's affects, can't be a good idea.

Change 3: The plan removes 30 parking spaces from Eastern Prom residents and park visitors and turns them over to a few for-profit food vendors

Most of the lost parking spaces are used by children visiting the playground and ball fields. The Eastern Prom already has parking problems. The problem shouldn't be made worse. While losing parking spaces is hard for the Munjoy Hill residents, it's a travesty for the general public wanting to use the park.

Non-peninsula residents make up the majority of visitors to the ball fields and playground. Eliminating parking for these visitors means children visiting the playground will have to spend more time negotiating the streets. Disabled grandparents will have farther to walk if they want to take their grandchildren to the playground or to watch their grandkids play ball. Again, these spaces were given over to a few commercial business in an area that was never designed for commercial use.

Also, no regulations were mentioned about the food truck vendor's use of extra vehicles. Often, food truck vendors will use as many as six non-food truck vehicles to block their competition and visitors from using parking spots. They also use the extra vehicles as onsite warehouse type storage. These extra vehicles will go months without moving. (Please see attached photographs.) Food truck employees have actually accosted local residents for using on street parking. When the food vendor's employees report for work, they must also use parking space meant for park visitors.





Changes 4 & 5: \$5,000 yearly fee and electrical outlets

In the plan, provisions are made for food trucks to pay a \$5,000 fee but no documentation was provided on the origins of that figure. Is a \$5,000 yearly rental fee commiserate with commercial ocean view real estate that includes trash removal and electricity?

From the documentation provided, it would appear the Standing Committee hasn't conducted good faith due diligence.

I strongly feel commercial businesses don't belong in a public park. But in the interest of compromise, please consider this alternative:

Dedicate the upper Cutter Street parking lot as the Food Truck Plaza and open both sides of the whole Eastern Prom to parking.

Benefits of this option are:

- Would distribute the park visitors to avoid over crowding in one end of the park.
- All the food trucks being in one place would insure they all receive the same amount of potential customers. Food Trucks past problems with getting enough foot traffic (when parked in the Cutter Street parking lots) were caused by food trucks being in two places and it being a rather steep walk down the hill. The easier to access food trucks got more foot traffic. The upper Cutter Street parking lot is farther up the hill

so doesn't require a strenuous walk. If a park visitor is there to dine, they'll go where the trucks are. Having all the trucks in one place would create a fair playing field.

- The upper Cutter Street parking lot would still offer nice views of the water for visitors of the Food Truck Plaza. There are already picnic tables in the area for diners to use.
- Opening up all of the Eastern Prom street for parking on both sides would result in a net positive of parking spots for the park.
- The water side edge of the upper Cutter Street lot could be reserved as handicapped parking insuring the disabled can enjoy the Food Truck Plaza.

I've attached a map illustrating my proposed compromise:



One negative may be the need for electrical cables to be added. I think the ease and speed of installing electricity may have been a deciding factor in the Committee's current location choice. But I'd rather have the trucks kept as they currently are for

another year in favor of building a better permanent solution than rush into a bad decision now.

I know the current Food Truck Plaza plans are meant to be a temporary test, but we all know how temporary solutions often end up as permanent, even if they turned out to be bad ideas.

Thank you for your time and attention to this matter.
David Crosby (12 year Eastern Prom resident)

From: **Diane Davison** <dmdavison5@gmail.com>
Date: Wed, Apr 6, 2022 at 10:25 PM
Subject: 2022 Food Truck Pilot Program
To: Michael Mertaugh <Michaelmertaugh@gmail.com>

Greetings Michael and Parks Commission Members;

I'm reaching out to offer input and perspective on the proposed "Food Truck Pilot Program" for 2022 on the Eastern Promenade.

For those I've not yet had the pleasure to meet, may I provide reference of my involvement with our city's parks.

I'm a 30-year resident of Munjoy Hill; founding member for Friends of the Eastern Promenade in 2006, served as first president and hired as first ED, serving through 2017.

During this time of service, I simultaneously sat on the Parks Commission for 11 years; serving as chair for 3 years. I've had the pleasure of working intimately with city staff, boards, committees and council as well as volunteers and residents to support our parks in a collaborative, community based manner.

Please consider my attached letter which addresses proposed options for food trucks in 2022.

*Thank you for your service,
Diane Davison
207-831-4888*

Greetings STC members, Councilors & City Staff;

I appreciate the opportunity to share observations and numerous safety concerns and overcrowding issues occurring along the historic Eastern Promenade drive where food trucks have taken up residence 7 days a week, 7-8 months of the year.

The Sustainability & Transportation Committee (STC) had initial input from city staff on its agenda in July of 2021. No public comment was taken. "We" (park users and Hill residents) reached out with our concerns on this issue; stayed in touch and we're repeatedly told the plan for spring would be on the "next agenda". We're now approaching the end of March and it is most disappointing this item is just being proposed.

Throughout this time, in several communications, I have emphasized relevance of the Eastern Promenade Master Plan for guiding any improvements or additions within Portland's premier historic park which must include review by Historic Preservation Board (HPB). Parks Commission should also be included in the process of setting short and long-term guidelines for vendors and managing use.

The Eastern Promenade Master Plan (EPMP) was adopted by the city in 2004:

<https://www.portlandmaine.gov/DocumentCenter/View/3377/Eastern-Promenade-Master-Plan>

Foreword: "The purpose of this study is to develop a master plan, treatment plan and implementation plan for the entire property and its relationship to adjacent lands that can be used as a guide for both long and short term planning and improvements.

General goals include rehabilitation of this historic resource in a contemporary context, reinforcement of an overall image that is compatible with the natural and historic assets of this approximately 73 acre park [including the Jack School site], improvement of accessibility, and increasing passive recreation opportunities while maintaining the active recreation components, but not expanding them." Pg 1

"Administrative Management Coordination: Consult with all other appropriate City departments when undertaking improvements projects". pg 6

I acknowledge the effort which has gone into the proposed Food Truck Pilot Program (FTPP). The approach needs to be more comprehensive and consider ALL park users during our brief, busy summer season, including:

- Playground
- Athletic facilities: 2 ball fields, tennis/pickleball & basketball courts, basketball
- Trail use
- Community gardens
- Motorized and non-motorized watercraft
- Beach goers
- Passive recreation; picnicking and bench enjoyment

Long range planning must simultaneously enhance these uses while preventing conflicts between them. A myopic view focused solely on food trucks simply cannot serve the diverse spectrum and growing use within the park.

EPMP landscape character and preservation standards relevant to The Food Truck Pilot Program (FTPP) include:

- Vehicular drives
- Lawns
- Views
- Care & maintenance of street trees
- Pavement materials
- Site amenities & furnishings
- Signage
- Utilities
- Trash receptacles
- Parking

Option 1 should not be advanced for the following reasons:

- Public safety is the #1 priority within the EPMP, “minimizing pedestrian/vehicular conflicts” along the E. Prom roadway as within the park itself. The density of vendors creates extremely hazardous pedestrian/vehicle conflicts making it challenging to navigate along the roadway from Congress St to Loring Circle – in either direction – even if the lanes we’re “shifted”.
- Playground proximity. This conflict should be obvious – children running to and from the playground . . . and food trucks is a dangerous mix; even if traffic is directed one lane further away. The line of trucks (& proposed elimination of parking) prohibits playground access by families who simply want to come play.
- Negative impact on residents who live directly across the Prom from the truck obstruction of views, accompanying odors, noise and 7-month festival atmosphere.

In short – the proposed area is already congested with the various athletic activities and playground enjoyment.

The suggestions within the Option 1 food truck court require HPB review and approval:

- Elimination of 30 (seasonal) parking spaces directly conflicts masterplan recommendations for summer use: *“To accommodate parking demand during the season of athletic field use, it is recommended that parking be allowed on both sides of Eastern Promenade between Congress and Walnut Streets from April 1 to December 1”.*
Pg 35
- Installation of 4 in-ground trash receptacles with 300-gal capacity ea. Requiring a small crane to service the units.
- Root zone delineator installed around each tree to mitigate foot traffic within delicate zones.
- Small signage on the impacts of foot traffic within these zones
- Installation of utilities/electricity; burying conduit from utility boxes down the curb line along the entire stretch of the Food Truck Block with outlets added to a tree delineator post along the curb, between two trucks
- Hardened surface path installed from walkway to the curb line with stone dust pathways and plazas to allow for heavy foot traffic. Permeable pavers explored for future phases of improvements.
- Parklets: trucks could have the ability to create mini parklets with seating in the 10’ between trucks.

Trucks should NOT be granted the opportunity to leave their truck in place at all times!

OPTION 2 is the more appropriate proposal – however, not in hybrid formation.

All food trucks should be located together creating their own “plaza”. Separating them with some remaining along the esplanade does NOT address the any of the issues being presented – it only spreads the problems further into the park.

Having ALL trucks within the middle lot creates a safer destination where people of all ages and walks of life may safely circulate around the trucks. The paved surface area lends itself well to piloting a food truck plaza within the park, to be reviewed and assessed annually with stakeholders, HPB and appropriate city departments. Additionally, this location eliminates:

- Pedestrian/children/vehicle conflicts
- Removal of 30 parking spaces during the season when they’re most needed
- Generator noise, food odors, overpopulation, and view obstruction
- Further tree compaction (historically appropriate remedies must still be made this season)

I support enjoyment of the Eastern Promenade while upholding safety and sustaining quality of life for residents of Munjoy Hill and the many visitors who seek to take in the beauty of the Park and Casco Bay. I look forward to collaborative communication and comprehensive strategy to manage food trucks and all associated issues in the immediate future and beyond.

It is the duty and obligation of the city to take a comprehensive, strategic approach to short and (potential) long term food truck usage on the Eastern Promenade.

Respectfully,
Diane Davison

Parks Commission Members



Edwin Chester<chester@chesterandvestal.com>

Apr 6, 2022, 7:10:33 PM

to Parkscommission@portlandmaine.gov

Park Commision members:

I have been a resident of Munjoy Hill for 45 years. The Eastern Promenade was one of the reasons we moved to this neighborhood. It is a rare gem that needs to be protected and made accessible to the community.

I am a great supporter of having food trucks available at the Promenade. It draws people into this magnificent park and allows them to make the visit a special social event. It is family friendly, And the wide variety of food available makes it a cultural asset.

That being said, I do not believe that the current placement of the food trucks on the roadway at the foot of Congress Street is an appropriate placement of the food trucks.

1. First and foremost, it presents a significant safety threat to all of the users, but especially the elderly and families with small children. Simply removing parking from one side of the street does not resolve that problem in any significant way.

2. The city will have to spend a significant amount of money to provide the infrastructure to support the trucks at the current location. Providing power and traffic management will require the commitment of increasingly scarce tax dollars, even with the increase in licensing costs for the vendors. If it becomes evident that the Promenade location is not sufficiently safe, all that expensive infrastructure will be unnecessary. Finally, the dramatic increase in licensing fees is likely to be a barrier to many potential small entrepreneurs who could provide a greater diversity of food options.

3. Using the lower lot would expose the users to the other assets of the park, including the beach, the trails and the kayaking. The power necessary to run the food trucks is already available in that area.

4. Using the lower lot would spare the inevitable damage to the trees that line the Promenade. Those trees are an essential element of the ambiance of the walk along the Promenade and would be difficult to replace if lost.

I strongly support moving the food trucks to the Cutter Street location and I ask that you reconsider your decision

Ned Chester

--

Edwin P. Chester, Esq.

Chester & Vestal, PA

107 Congress Street

Portland, Maine 04101

[\(207\) 831-3208](tel:(207)831-3208) - mobile

[\(207\) 772-7426](tel:(207)772-7426) - phone

[\(207\) 761-5822](tel:(207)761-5822) - facsimile

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Greetings Parks Commission Members,

I am most grateful the commission has included the Food Truck Pilot Program (FTPP) on this month's agenda. City staff first brought this issue to Sustainability & Transportation Committee (STC) in July 2021. No public comment taken. "We" (park users and residents) reached out; inquired each month about the food truck plan and we're repeatedly told this issue would be on the next agenda". Finally, at the STC meeting brought this issue to its meeting on 3.23.22.

At this meeting, myself and 20 other residents offered comments; 14 opposed "Option 1" pilot program due to safety concerns, overcrowding and numerous other issues included below. 7 people – 4 of them vendors, spoke in favor. Staff and the STC did not acknowledge the concerns expressed – except those of the vendors. There was no acknowledgment or regard for the Eastern Promenade Master Plan (EPMP). As the committee deliberated, it was apparent the only outreach in this effort had been with food truck owners – and the decision to move forward with Option 1 was unanimously supported.

Key reasons Option 1 should NOT be implemented as a pilot program:

Parking needs and concerns must be considered. Food trucks already prevent parking along the playground/water side of this section of the prom.

- **Elimination of 30, additional, seasonal parking spaces means. . .**
 - No direct parking or playground access for families and children.
 - Restricts safe passage within this area for bicycles due to smaller, restricted, relocated travel lanes.
 - Direct conflict with masterplan recommendations for the demands of summer use: *"To accommodate parking demand during the season of athletic field use, it is recommended that parking be allowed on both sides of Eastern Promenade between Congress and Walnut Streets from April 1- December 1". Pg 35*
- **Road closure on SE side of prom due to proposed paving and street moratorium.**
 - Another significant oversight of Option 1, and rationale to move the trucks off the E. Prom drive, is the ongoing construction on the Fore St side of the E. Prom. This project will continue throughout the summer into the fall. There is no vehicular traffic and parking has also been eliminated on this side of the E. Prom.
- **Historic Preservation Board (HPB) review.** In accordance with the EPMP, the following installations and site alterations – even if temporary – require HPB review/approval:
 - Installation of 4 in-ground trash receptacles with 300-gal capacity ea. requiring a small crane to service the units
 - Root zone delineators installed around each tree to mitigate foot traffic within delicate zones.
 - Small signage on the impacts of foot traffic within these zones
 - Installation of utilities/electricity; burying conduit from utility boxes down the curb line along the entire stretch of the Food Truck Block with outlets added to a tree delineator post along the curb, between two trucks
 - Hardened surface path installed from walkway to the curb line with stone dust pathways and plazas to allow for heavy foot traffic. Permeable pavers explored for future phases of improvements.
 - Parklets: trucks could have the ability to create mini parklets with seating in the 10' between trucks.

OPTION 2 hybrid is not the solution.

All food trucks should be located together creating their own food court plaza as a destination. Separating them between the road and the park doesn't address safety and parking concerns on the E. Prom drive and creates competition among the vendors for perceived "ideal location". It also does nothing to address the pedestrian/vehicle conflicts on the E. Prom roadway and sidewalk.

I acknowledge the effort which has gone into the proposed FFTP. The lack of process and transparency in this effort is, however, genuinely flawed. This has not been adequately or appropriately vetted with residents or the public. There has been no historic review or consideration of the guidelines set forth in the EPMP and no regard for the already densely populated, congested usage of the 5-block stretch of land from Congress to Walnut St.

Therefore, the following citizen petition has been created. More than 200 people have signed the petition so far, either in hard copy or electronically via Change.org.

2022 FOOD TRUCK PILOT PROGRAM PETITION

"We" the park users and residents of Munjoy Hill, oppose Option 1. "We" strongly recommend the Food Truck Pilot Program (FTPP) for the 2022 season remove ALL food trucks from the Eastern Prom roadway, relocating them to the middle parking lot on Cutter St. Rationale for this request include:

- Eliminate pedestrian/vehicle conflicts on the roadway.
- Create a safer destination for everyone to enjoy the park and the food truck experience.
- Prevent elimination of 30 parking spaces along the residential side of the E. Prom as proposed within the city's "Option 1" of FTTP.
- Restore 30-40 parking spaces (formerly taken up by the trucks) along the playground side of the Prom for families with small children & strollers; 2 ball fields; tennis/pickleball courts; basketball courts and community gardens.
- Reduce impact of generator noise, overcrowding/congestion, view obstruction and food odors along the E. Prom drive.
- Prevent further tree compaction (*historically appropriate remedies must still be made this season*)

The Eastern Promenade was nominated to National Register of Historic Places in 1989. In accordance with preservation standards for treatment of historic landscapes identified within the Eastern Promenade Master Plan (EPMP), no installation of electricity, excavation, installation of 300 gallon in ground trash receptacles, landscape alterations of lawns to install pavers or stone dust; or other site amenities will be allowed until completion of the 2022 season at which time the Cutter St "Food Truck Pilot Program" location will be reviewed by appropriate city departments, Historic Preservation Board, Parks Commission with public comment obtained by stakeholders/park users and residents as to its success and impacts within the landscape.

"Alt A"

The logical & historically appropriate pilot program for this season is relocating the trucks to the middle lot on Cutter St. noted as "Alt A" in the city's proposal. The paved surface area lends itself well to piloting a food truck plaza within the park. This may then be assessed at the close of the season with stakeholders, HPB and appropriate city departments. Additionally, this location addresses:

- Generator noise in close proximity to residents, food odors, overpopulation, and view obstruction
- Further tree compaction (*historically appropriate remedies must still be made this season*)
- The 5 blocks from Congress to Walnut St will have parking restored along the water/park side of the road to accommodate multi-use recreational facilities in this area.
- Bicycle, pedestrian and children's safety along the E. Prom drive.

Long range planning must simultaneously enhance these uses while preventing conflicts between them. A myopic view focused solely on food trucks simply cannot serve the diverse spectrum and growing use within the park.

EPMP landscape character and preservation standards relevant to The Food Truck Pilot Program (FTPP) include:

- Vehicular drives – lawns – pavement materials – utilities – trash receptacles – care & maintenance of street trees – views – signage & parking.

I support enjoyment of the Eastern Promenade while upholding safety and sustaining quality of life for residents of Munjoy Hill and our many visitors who come to explore the beauty of the park and Casco Bay. How may we work together to ensure the trucks thrive – but not at the expense of ALL other users – particularly children given the location. It is the duty and obligation of the city to take a comprehensive, strategic approach to short and (potential) long term food truck usage on the Eastern Promenade and within Portland.

"Administrative Management Coordination: Consult with all other appropriate City departments when undertaking improvements projects". pg 6

I hope the Parks Commission will endorse "Alt A" as the safe, logical approach for the 2022 food truck pilot program. "We" look forward to reconvening with appropriate city staff, the parks commission, HPB, vendors, neighbors and park users at the conclusion of the season to collaborate on what worked well and what may be improved upon. This must be an ongoing and collaborative effort.

Respectfully,
Diane Davison

Food Truck Proposal



Joseph Pulitano<jpulitano@armltc.com>

Apr 6, 2022, 12:02:27 PM

to o Email, atrevorrow@portlandmaine.gov, dwchuhta@portlandmaine.gov, ksnyder@portlandmaine.gov, Ethan Hipple, Michaelmertaugh@gmail.com

Good Morning,

As a foodie and former chef I absolutely love the food trucks and frequent them often. I also think that they provided a valuable service to the public during the pandemic that hit small businesses and restaurants so hard.

I attended the last public Zoom call that was conducted to present Option A (Promenade) and Option B (Cutter Lot) for the food trucks that have been present on the Promenade over the past few years. Their presence was welcome but there were/are many problems associated with their existence on the Promenade.

I became quite perplexed after the Council vote because Option B Cutter Lot made so much more sense than Option A in so many ways yet the Council voted on Option A.

These are my reasons why Option B is such a better idea:

1. The Promenade would lose 30 parking spaces in Option A
2. The bike lane would be blocked
3. There was no explanation of how delivery trucks (UPS, FedEx, etc.) were supposed to operate without the ability to park – and double parking would cause a dangerous situation for pedestrians.
4. There was a lot of discussion on 'equity' for the food truck operators but how do you provide equity when
 1. Food Truck Permits are only available on a lottery basis
 2. While there was discussion about changing the operating trucks every so often there no discussion as to how long each permit lasts
 3. There was no discussion about who gets the prime months of July & August
 4. There was no plan or discussion for tables or chairs for people to eat at.
5. Cutter Lot can hold more trucks giving equity to those truck who are not so lucky to win a permit or get a permit during peak season

6. Many more vehicles can be parked near the Lot providing many more customers for the trucks
7. There is an infinite amount of room to put picnic tables, chairs, and trash receptacles creating a wonderful food truck experience.

As I said, I was shocked after hearing and seeing both proposals that the Council voted for Option A. The disadvantages of Option A are so clear while the advantages of Option B are so obvious.

Joseph Pulitano

[617-823-2693](tel:617-823-2693)

Food Truck Proposal



Julia Kirby<juliadoylekirby@gmail.com>

Apr 6, 2022, 8:12:03 AM

to Parkscommission@portlandmaine.gov, atrevorrow@portlandmaine.gov, dwchuhta@portlandmaine.gov, Kate Snyder, Ethan Hipple, Michaelmertaugh@gmail.com

Dear Parks Commission,

Please accept these comments for the Parks Commission meeting on April 7, 2022 at 5:00 p.m. regarding food trucks on the Eastern Promenade.

First, we would like to state that we think the food trucks are a lively and fun addition to the activities of the Eastern Promenade Park during the warmer months. Also, they certainly provided a safe and wonderful alternative to eating out during the strict social restrictions of the Pandemic in 2020 and 2021. For all these reasons, we are hopeful a thoughtful compromise can be achieved about their presence in the park.

That being said, the food trucks cannot be allowed to remain in their current space on the Eastern Promenade, creating noise pollution from generators, clogging the street, creating a traffic nightmare and a terrible trash problem. Removing 30 parking spots in an area already at a maximum need for them is not smart, nor does it solve the problem of the noises and smells created by the trucks that the residents across from the park are bombarded with daily.

We are in favor of the trucks being relocated to the middle parking lot on Cutter Street and being contained to a manageable and smaller number (5-8).

As far as trash, we see no reason why the food trucks cannot remove the trash produced by their customers at the end of the evening. Trash/Recycling can be removed and brought to a centralized location in the city at a dumpster site. We are completely against the concept of installing 300 gallon capacity tubes/trash cans in the ground. Attracting vermin and creating bad odors notwithstanding, creating a dump site in a historic park is egregious! These are just some of the reasons we are not in favor of this trash alternative, but believe there is a list a mile long of unanticipated negative issues.

Thank you for your consideration,

Julia Kirby and Sheila Jackson

Munjoy Hill Residents

Emerson Street

Last Night's 4/7 Park Commission Meeting Regarding Food Truck Pilot Program



Karen Snyder<karsny@yahoo.com>

Apr 8, 2022, 8:53:23 AM

to Anna Trevorow, Danielle West, Kate Snyder, Portland's Parks Commission, Andrew Zarro, Pious Ali, Wayne Valzania, Barbara Vestal, Peter Murray, Mary Casale, Maggy W, Mike Hoover, Edwin Chester, Carol Connor, Clare LaVergne, Peter Blackstone, Berry Manter, Nina Schmir, EJ Koch

Dear Councilor Trevorow and City Manager West,

I am rather disturbed by last night's events at the Park Commission meeting [Parks Commission \(civicclerk.com\)](#) regarding the Food Truck Pilot Program. The overwhelming support of Portland residents was to move the food truck pilot program off the Prom and to the Cutter St midslope parking lot.

1. **Over 350 petition signatures (electronic and paper petitions)** were obtained from residents and property owners in a short time requesting **to move the food truck pilot program off the Prom down to Cutter St midslope parking lot.**
2. **14 of the 15 public speakers last night supported the move of the food truck pilot program to Cutter St midslope parking lot.**
3. **All 9 public comment emails attached to agenda** were also in **support of moving the food truck pilot program to Cutter t midslope parking lot.**
NOTE: It is unknown how many public comment emails were actually sent to Parks Commission since the Parks Commission City Staff, Samara Ray did not include all public emails in the agenda packet.
4. **MHNO Board unanimously approved this past Monday 4/4/2022**, a statement requesting **to move the food truck pilot program to the Cutter St midslope parking lot.**

Below is the summary 4/7/2022 Parks Commission meeting, the following happened.

1. Samara Ray, Parks Commission City staff who works for the Parks & Recs in which there seems to be confusion as to how she developed this public comment

agenda packet for the food truck pilot program. In this packet, there were emails sent to Parks Commission on Thursday but missing public comment emails that were sent on Wednesday which I was bcc'd (blind copied) on. Note: Ms. Ray, for some reason, removed all the public email header content detail such as when emails were sent date, to/from , etc. Majority of the public comment emails missing in this agenda packet were also in favor of moving the food truck pilot program to Cutter St. midslope parking lot.

2. Last evening at the beginning of the food truck pilot presentation, Alex Marshall, Parks & Rec Director, stated that this food truck pilot presentation was only a "courtesy", does not require a Parks Commission vote, and stated it is fully allowed in Chapter 18 ordinance only needing City Manager approval.
3. Samara Ray, Parks Commission staff somehow miscounted the Parks Commission vote which the vote was basically to move the food truck pilot from Prom to the Cutter St midslope parking lot. She said it was 5-3 vote against, but it was actually a 4-4 vote tie.

Below was the Parks Commission vote count:

Parks Commission Motion for Vote from Michael Mertaugh Park Commissioner:

Recommends to relocate all food trucks to Cutter St. midslope parking lot, limit to 7 food trucks permit, provide non-intrusive trash receptacles, prohibit generator use when electricity is available, and delay the any installation including inground receptacles until the food truck pilot program completes at the end of 2022 at that time reviewed by City Staff, Historic Preservation Board, etc. (Not exact wording but close)

- **Voted Yes:** Michael Catania, Cheri Musgrove, Marie Gray, Michael Mertaugh
- **Voted No:** Beth Rabbit, Eleanor Sears, Zach Anchors, Jon Kachmar

Please note that the video recording of this meeting was not available this morning but there were plenty of witnesses to attest to above events.

I hope the City will do the right thing and move this food truck pilot program off the Prom down to Cutter St midslope parking lot. It was overwhelmingly supported by the residents of all walks of life.

Regards,

Karen Snyder

Waterville St.

Concerns over Food Truck Pilot Options



Karen Snyder<karsny@yahoo.com>

Apr 6, 2022, 10:35:38 AM

to Portland's Parks Commission, atrevorrow@portlandmaine.gov, dwchuhta@portlandmaine.gov, ksnyder@portlandmaine.gov, Ethan Hipple, Michaelmertaugh@gmail.com

Dear Park Commissioner Chair Mertaugh and Commissioners,

Frederique Law Olmstead was the foremost advocate for parks for all people. Parks in Olmstead's eyes were never intended to bring the city bustle of trash refuse, noise, commercial activity, and pollution into a park system. Parks are suppose to be a refuge from the city, especially for people that can not afford to take a trip to the country or mountains.

I am concerned about the Parks & Recs food truck pilot proposal presented to the 3/23/2022 S&T committee meeting. This proposal was limited in scope and forced residents to choose the "least worse" option which would be the Cutter St midslope parking lot.

As a resident of Munjoy Hill who doesn't live that close to the Prom, for the last 14 years, I have picked up the trash on Eastern Prom on a weekly basis and it has noticeably increased the last couple of years.

I am also a NOFA accredited organic land care professional and it truly pains me to see how the food trucks have environmentally damaged and have polluted the Prom the last couple of years.

- ***Please note at the bottom of this email, provided will be the factual evidence of the environmental pollution and damage in all aspects that these congregating food trucks have impacted the Eastern Promenade park system.***

As I watched the 3/23/2022 S&T meeting where Parks & Recs aggressively presented their food truck pilot program for Eastern Promenade, many of us residents were quite upset how this presentation was clearly favoring the food trucks input with their proposal.

The cons/disadvantage of these food trucks on the Prom seem to heavily outweigh the pros/advantage to having these food trucks on the Eastern Prom

Cons/Disadvantages Food Trucks on the Prom:

1. Takes away 30-40 parking spaces from families with children to access the playground. *(Evidence below)*
2. Food trucks taking advantage of public parking spaces: For example, Mr. Tuna food trucks have permanently parked from 4 to 6 vehicles on the Prom for the last 2 years. *(Evidence below)*
3. Removes parking from the tenants who live on the Prom. *(Evidence below)*
4. Dramatically increased noise pollution from the gas generators, traffic congestion, car idling, commercial noise, etc. *(Evidence of just 1 food truck generator noise is attached below)*
5. Dramatically increased trash waste refuse. *(Evidence below)*
6. Increased tree root and grass root compaction. *(Evidence below)*
7. Parks & Recs recommendations ignoring the Eastern Promenade Master Plan heavily influenced by Olmstead.
8. The Portland taxpayers have had to pay for the last two years increased trash removal from the trash receptacles from 1 or 2 pickups / week to or 2 pickups daily during the summer and the addition of more trash receptacles caused by these food trucks.
9. The park is "activated" but in a negative sense with increased traffic, parking problemsn, and increased amount of trash generated, etc.
10. Because of food trucks gathering, now the food carts are gathering on the prom increasing the congestion. They are also bringing their generators and NOT even staying on the sidewalks as required by their food cart license. *(Evidence below)*.
11. Social media post last summer where people were loudly complaining about the food trucks on the Prom. *(Evidence below)*

Pros/Advantages of Food Trucks On the Prom:

1. Food trucks state the Prom is a good marketing tool considered a "destination" place for their small business.
 - *Note:*
 - *A destination can be anywhere where more than two or more food trucks gather no matter where the location is.*
 - *If location counts to these food trucks, the **best location for food truck gathering in Portland, ME would be Ocean Gateway Park** where it seems to have everything the food trucks want: Constant stream of foot traffic, right on the ocean, and a destination place.*

This park is almost completely paved so it would not impact this park limited amount of vegetation at all and it won't bother any residents but this solution for some reason was ignored by Parks and Rec.



2. Food trucks seem to think the Prom is the ONLY place in the city where food trucks can generate high revenue and foot traffic.

*-Note: The **Ocean Gateway Park** near downtown is very popular with tourists and businesses, especially in summer.*

- It also has never been answered or quantified as to how much of this food truck revenue brings into the City?

- **Please review below evidence of how these food trucks are impacting Eastern Promenade.**
- **Please see attached file for an example of just one food truck generator noise.**



8/23/2021— Two Mr. Tuna vans & one trailer on Eastern Prom near Congress St intersection at 7am

Food Truck Parking on Prom - 2021



8/23/2021 – One Mr. Tuna Truck parked on Morning St at 7am



8/24/2021 – Two Mr. Tuna vans on Eastern Prom with cones keeping other people from parking at 8am



10/10/2021 – Many different food trucks parked on Prom at 8:30am



10/22/2021 – Parking on Prom near playground

Food Truck Tree and Grass Root Impaction Examples- 2021



4/5/2021 – Evidence of tree and grass soil impaction from food trucks.



10/18/2021 – Tree root impaction



11/15/2021 10:30am – Tree and Grass soil impaction are 4 Mr. Tuna vehicles Note: There parked.



10/10/2021 – Grass root Impaction

Food Truck Trash on Prom - 2021



6/21/2021 – Eastern Prom Trash 7am

6/21/2021 – Eastern Prom Trash 7am



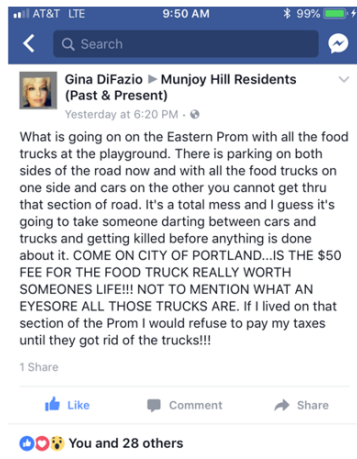
7/27/2021 – Eastern Prom Trash 2pm



8/23/2021 – Eastern Prom Trash 7am



Social Media Posting on Food Truck Traffic Congestion on Prom - 2021



7/31/2021 – FB Posting



10/22/2021 – Eastern Prom 3pm



9/26/2021 – Eastern Prom 11:44am

8/03/2021 – NextDoor Posting

Food Carts On Prom - 2021



8/26/2021- Food Cart Vendor 10am



10/16/2021-Food Cart with a generator NOT on sidewalk at 10am



10/29/2021



10/14/2021-Food mini truck parked on sidewalk with generator

Consequently, I hope the Parks Commission realizes the Parks and Recs proposal was not as robust as it should have been in such a manner that the residents have had to choose the "least worse" option which is the Cutter St. midslope parking lot.

The Parks & Recs food truck pilot proposal has only focused on making sure to keep the food trucks on Eastern Promenade no matter how much environmental pollution and damage and concern of the majority residents.

Additional proposals should have been made for this food truck pilot program which would be to propose the Ocean Gateway Park as a destination food truck park which would have been more appropriate and a better destination place for food trucks with water views, low impact to this parks minimal vegetation, high foot traffic, and no impact to any residents or Eastern Promenade.

Regards,

Karen Snyder

Waterville St.

FoodTruckGeneratorNoise_20211115_.MOV



EJ Koch<ejkoch@gmail.com>

unread,

Apr 6, 2022, 10:49:37 AM

to atrevorror@portlandmaine.gov, Andrew Zarro, Karen Snyder, Michaelmertaugh@gmail.com, Portland's Parks Commission, dwchuhta@portlandmaine.gov, Ethan Hipple, ksnyder@portlandmaine.gov

My apologies for simply tagging on to Karen Snyder's well considered email to you.

I do live near the prom, and I very much want people to be able to come up here and enjoy it. However, I agree entirely with everything Ms Snyder has said. It breaks my heart that the prom, particularly last year, felt like a carnival most of the time, due to the congestion and presence of far too many food trucks. I agree with Ms Snyder that the Ocean Gateway area is likely to be every bit as profitable for the food trucks, and is a far more appropriate place for them to be gathered.

Prior to the appearance of the constant food trucks, people came up on the prom and brought blankets, picnics, and sat or played frisbee, etc., and enjoyed the magnificent view. The excessive

trash and refuse now overflowing and thrown about is clearly a result of commercial activity on the prom.

I did write to city council last year about my concern that some child or someone would be run over there, because of the total lack of visibility on the roadway of the prom. That concern, of course, remains.

Thank you for your consideration.

Erna koch

81 vesper st

Portland

Food Truck Proposal



Mark Read<akawildman@gmail.com>

Apr 6, 2022, 3:19:30 PM

to Parkscommission@portlandmaine.gov, atrevorrow@portlandmaine.gov, dwchuhta@portlandmaine.gov, ksnyder@portlandmaine.gov, Ethan Hipple, Michaelmertaugh@gmail.com

Dear Parks Commission,

Please accept these comments for the Parks Commission meeting on April 7th, 2022 at 5:00pm, regarding the proposal for what to do about food trucks on the Eastern Promenade.

I like food trucks. I use them, and appreciate the scene that they create, allowing for wonderful picnics with a wonderful view for locals and tourists alike.

That said, as a resident of the neighborhood (I own and live at 85 Morning Street), I have serious concerns about their number and their impact. The fact that the Parks Commission is currently considering PERMANENT infrastructure to accommodate what most people imagine is an ad-hoc and small scale, seasonal phenomenon indicates the degree to which this has gotten way out of hand. There are far too many of the trucks there to begin with, which is a big part of the problem. Streets are places of transit, where cars come and go, as well as pedestrians and cyclists. They are not food courts. It is poor urban planning to try and create a food court on a city street. A few food trucks would be the appropriate scale for this kind of commercial activity on a city street. More than that and you create the many problems that you are now facing, and it really is no longer a functioning street. Eliminating parking and moving traffic lanes won't address the more basically misguided idea that streets can be used as food courts. They just draw far far too many people, regardless of where the traffic lanes are. The two uses are simply incompatible to begin with, and that sort of hare-brained jerry rigging is just not a solution. The solution is to reduce the number of food trucks to start with.

However, if the city really wants to create a food court in the park, they do have the Cutter Street parking lot as a potential site. Parking lots are a far more appropriate site for food courts. It would be far safer and less disruptive for all concerned if the food trucks were in a parking lot. As a resident here, I'm not a huge fan of having a food court in the park, but it's a far better option than using a city street for such a purpose.

The proposed "Plan A" is not really a plan at all, it is an ill-conceived and half-cocked notion that shifting a traffic lane and putting in permanent infrastructure will solve a more fundamental problem: streets should function primarily as places of transit, not as food courts. A few food trucks allow the primary function of the street to be maintained. More than that is untenable, and the solutions proposed are woefully insufficient. If you want more than three trucks you need to put them in a parking lot and make the food court there.

We live here, this is a neighborhood. Please listen to us.

Sincerely,

-Mark W. Read

Eastern Prom Pilot Food Truck plan



MARY K CASALE<dirtgirl1@aol.com>

Apr 7, 2022, 2:38:28 PM

to Parkscommission@portlandmaine.gov, michaelmertaugh@gmail.com, Anna Trevarro, Kate Snyder, Ethan Hipple, A
D

Members of the Park's Commission I am enclosing copies of my email correspondence of May -and June of 2021 with regards to the concerns I had at that time with safety etc of the food trucks .

A year has passed and the situation has only been exacerbated.

At the S & T committee last week the over all number of residents of Munjoy Hill spoke in favor of relocating the activity to Cutter St.

I feel that in the cities enthusiasm to support small businesses the essence of what a park is ,has been set aside .

I have resided on Munjoy Hill 45 years -frequented the park as a child when visiting my grandparents, fortunately lived here to witness the re-opening of East End beach , and enjoyed this special park with my children and now with my grandchildren.

The impingement of the food trucks current location on the Promenade seems to not reflect the essence of an Olmsted vision of a place of natural beauty.

I would request you consider a relocation of the food trucks to Cutter St .

Thank you for your time and services to our city .

Mary Casale

< Sent



From: [Mary Casale](#) >

To: [Belinda Ray](#) >

Cc: [Nick Mavadones](#) >

[April Fournier](#) > [Pius Ali](#) >

May 25, 2021 at 3:00 PM



Eastern Promenade Safety

So good to see people out and about enjoying our beautiful Eastern Prom !

I am concerned about the congestion and location of the food trucks however. As you can see the street clearance narrows - a problem for 2 vehicles to pass through , and pedestrians are crossing outside of crosswalk to access trucks . On the sidewalk side it is crowded and not easy for children , carriages , wheelchairs etc. to navigate . Unfortunately Cutter St only allows 3 trucks (2 up top and 1 lower) . I'm wondering if you all could look into this and perhaps find a way to use Cutter St for this activity. Safe access with less congestion



< Sent

Eastern Promenade...

On Fri, May 28, 2021 at 6:22 AM Pious Ali
<pali@portlandmaine.gov> wrote:

Ms Casale

Thank you for bringing this to our attention. I am copying the city manager Mr Jon Jennings and his chief of staff Ms Dena Libner (both copied on this email), they will look into the situation and get back to you. Have a wonderful weekend

Respectfully

Pious Ali

City Councilor At-Large

City Hall

[389 Congress Street](#)

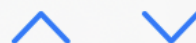
Portland, ME 04101

PALI@PortlandMaine.gov

[2078074283](tel:2078074283)



< Sent



Re: Eastern Promenade Safety

Councilor Ali and Ms Libner,
Thank you for looking into this safety issue so quickly. I look forward to hearing about any solutions you may consider.
Mary Casale

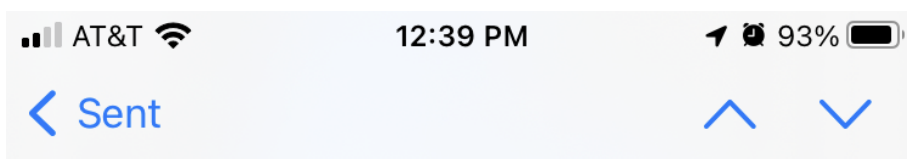
Sent from my iPhone

On May 28, 2021, at 9:10 AM, Dena Libner
<dlibner@portlandmaine.gov> wrote:

Thank you, Councilor. Staff is looking into this to see if solutions are needed to facilitate accessibility or improve traffic safety. We'll let you know if any changes are made.

Warmly,
Dena





Belinda Ray > April Fournier >
John Jennings >
June 14, 2021 at 12:55 PM

Re: Eastern Promenade Safety

Ms Libner ,

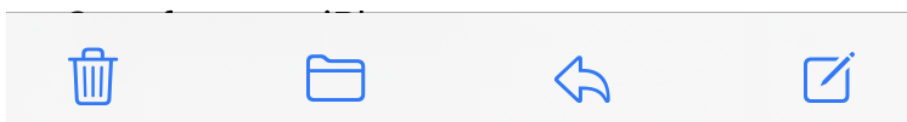
Hi . Just checking back to see how the Food Truck safety issue is progressing.

After speaking with some neighbors recently I understand the trash/garbage problem also warrants attention along with the safety issue.I understand there were 10 trucks there over the past weekend.

It's a beautiful park and a wonderful place to gather. My hope would be that the city will invest in this great asset ,weather it be by administration or council intervention .

Please act on this sooner rather than later , as clearly a pattern is already developing. Thank you for your time and attention to this

Mary Casale



< Sent

Eastern Promenade...

On Jun 14, 2021, at 1:03 PM, Dena Libner
<dlibner@portlandmaine.gov> wrote:

Thank you for checking in, Ms. Casale.

There have been no reported vehicle or pedestrian accidents in this area for the past 5 years, which indicates that the presence of food trucks here does not present a hazard. We do observe that their presence does narrow the roadway, but this tends to result in vehicles slowing down. Such a calming effect is typically a desirable outcome.

We will continue to keep an eye on the area, but given the absence of safety issues we are not inclined to make any changes at this time.

Best,
Dena



< Sent



Mary Casale

6/14/21

To: Dena Cc: Pius, Nick & 3 more... >

Re: Eastern Promenade Safety

Dena,

Well that is great to know that no mishaps or fatalities have occurred.

I think the reflection of the last five years is really not valid . We are just emerging from COVID and social distancing and have not had this many vehicles congregating in this area.

The idea of large trucks narrowing the road as a method of traffic calming is certainly a novel concept. Maybe raised strips such those used on many other streets in our city could be more effective and permanent for traffic calming . Or the bump outs at the crosswalks -I'm seeing those all over the city now.

Could you tell me is there administrative



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Eastern Promenade...

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The idea of large trucks narrowing the road as a method of traffic calming is certainly a novel concept. Maybe raised strips such those used on many other streets in our city could be more effective and permanent for traffic calming . Or the bump outs at the crosswalks -I'm seeing those all over the city now.

Could you tell me is there administrative or councilors resistance to the idea of the relocation of the trucks to a safer area ?

To be proactive in preventing any untoward event would benefit all .

Thank you for your time dealing with this matter .

Mary Casale



< Sent

Eastern Promenade...

On Jun 14, 2021, at 1:03 PM, Dena Libner
<dlibner@portlandmaine.gov> wrote:

Thank you for checking in, Ms. Casale.

There have been no reported vehicle or pedestrian accidents in this area for the past 5 years, which indicates that the presence of food trucks here does not present a hazard. We do observe that their presence does narrow the roadway, but this tends to result in vehicles slowing down. Such a calming effect is typically a desirable outcome.

We will continue to keep an eye on the area, but given the absence of safety issues we are not inclined to make any changes at this time.

Best,
Dena



< Sent

Eastern Promenade...

Sent from my iPhone

On Jun 15, 2021, at 8:27 AM, Belinda Ray
<BSR@portlandmaine.gov> wrote:

Hi Mary.

I would defer to the traffic engineer, et al, as to whether or not there is a safety hazard with the trucks. In truth, I suspect they contribute to traffic calming in the area, and as long as there is adequate distance between any parked vehicles and crosswalks, I wouldn't think pedestrian safety would be negatively impacted either.

However, RE: the trash generated by the food trucks, that is an issue I hope to address at Sustainability and Transportation. We talked about it briefly at an earlier meeting, and I expect it will come up again as we try to figure out how



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Eastern Promenade...

However, RE: the trash generated by the food trucks, that is an issue I hope to address at Sustainability and Transportation. We talked about it briefly at an earlier meeting, and I expect it will come up again as we try to figure out how to handle the overflowing bins and the high volume of trash being generated by food trucks in this area (and other areas in the city).

Best,

Belinda

Belinda S. Ray *(she / her / hers)*

City Council, District 1

389 Congress Street

Portland, ME 04101

BSR@portlandmaine.gov

Sign up for [my newsletter](#) or visit [my blog!](#)



< Sent

Eastern Promenade...



Mary Casale

6/15/21

To: Belinda Cc: Dena & 4 more... >

Re: Eastern Promenade Safety

Belinda

Thanks for your input. I don't know when or for how long the area was observed -that would be helpful to know . But as you can see from the photo cars are lining one side of the street and trucks the other . People are exiting their vehicles and crossing to trucks -not walking up to sidewalk and down to cross walk. (human nature) As I said the sidewalk situation by the playground is congested etc. Plus there is no Bike Lane so bikes are either in the street or in pedestrian walkway. Too much activity squeezed into one small area.

Just appears like with a little bit of relocation a safer environment for all .

Yep - trash ! Will only continue to



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Eastern Promenade...

Yep - trash ! Will only continue to escalate -

Will be interested to hear recommendations.

Thank you for your interest in these matters and your time serving our city .

Mary

Sent from my iPhone

On Jun 15, 2021, at 8:27 AM, Belinda Ray
<BSR@portlandmaine.gov> wrote:

Hi Mary.

I would defer to the traffic engineer, et al, as to whether or not there is a safety hazard with the trucks. In truth, I suspect they contribute to traffic calming in the area, and as long as there is adequate distance between any parked vehicles and crosswalks. I wouldn't think



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Eastern Promenade...

advised that what is written in an e-mail could be released to the public and/or the media if requested.

On Mon, Jun 14, 2021 at 3:12 PM Dena Libner <dlibner@portlandmaine.gov> wrote:

The City's traffic engineer, as well as Parks staff who regularly observe activity in the area, do not recommend a change in the food truck location/configuration at this time.

Best,
Dena

Dena Libner
Chief of Staff
Executive Department
[389 Congress Street](#)
[Portland, ME 04101](#)
E: dlibner@portlandmaine.gov



Food Trucks on the Eastern Prom



Peter Murray<pmurray@gwi.net>

Apr 6, 2022, 11:53:44 AM

to Parkscommission@portlandmaine.gov, Trevorrow Anna, dwchuhta@portlandmaine.gov, Ethan Hipple, Parks Commission Chair, Murray Peter L., ksnyder@portlandmaine.gov, Murray Debby, Vestal Barbara, Valzania Wayne

Dear Mike Mertaugh and Members of the Parks Commission -

This is to ask you all to try a different "Pilot Project" than has been urged on you by the Portland food truck proprietors. How about moving the food truck activity that has grown up on the Eastern Promenade over the last couple of years to a better and safer site at the Cutter Street mid-slope lot just a bit downhill from where the trucks have been congregating on the street on a trial basis for the upcoming good-weather seasons.

While it is not certain that the mid-slope lot will be a better spot for this activity, there are several reasons to think that it might. There is more space for the trucks there and for their customers, provision of electric service and trash collection is simpler and less offensive to the public, there would be space for picnic tables, and the toilet facilities at the East End Beach are close by. The mid-slope lot could become a seasonal "spot" for Portlanders and visitors to go, patronize the food trucks, and enjoy lunch or a snack and the wonderful view offered from that location. If it does not work, we can consider other arrangements next season. It would not be costly to run underground power to this area from the East End Beach. (Wiring could also be installed for a couple of electric car chargers at the mid-slope lot as well!) Temporary trash receptacles could be used pending the experience of the first season.

We know that the current situation (and any arrangement that leaves the trucks on the street on the Prom) has many drawbacks in terms of traffic, safety, crowding, blocking the sidewalk, loss of parking, trash and the like. The currently proposed "pilot" proposal does not really alleviate these drawbacks. Construction of massive underground trash facilities would be a serious cost and blight of the Prom. If we adopt the current proposed pilot, we can be confident that most of the problems will continue. If we try something else, there is a chance that things can be a lot better.

Undoubtedly the trucks would prefer to perch along the Promenade itself, as that is where they get the most exposure. We are all happy to have them available, but would be glad to access them at a spot that imposes less on the public.

Thank you for your consideration of these thoughts,

Sincerely,

PLM

Peter L. Murray

104 North Street

Portland, ME 04101

pmurray@zwi.net

Food trucks



Robert Beebe<rwbeebe50@gmail.com>

Apr 7, 2022, 3:10:12 PM

to dwchuhta@portlandmaine.gov, Parkscommission@portlandmaine.gov

My name is Robert Beebe and I live at 33 Vesper St, Portland. I'm writing to express my concern about the present location of the food trucks. Over the last few years I have seen the numbers grow from one or two to as many as twelve on any given day. Along with the trucks comes the trash and noise and congestion. At one point last summer I counted 18 gasoline powered generators running at the same time. Not only was it noisy but the exhaust smell was ever present. I find it laughable that the city banned smoking in the park but for some reason it's ok to run these for up to 8 hours a day. There is also the safety issue that these trucks create. Numerous times I have had to break quickly to avoid hitting people crossing Eastern Prom, having popped out between the trucks. I recall last summer that someone from the City stated that safety was not a concern in this area. Clearly that person had not spent any time driving down the Prom. My tax money can be better spent on other citizen needs rather than subsidizing the food trucks. Eliminating parking spots with the trucks and proposed plan has made difficult access to the playground and ball fields even more difficult and dangerous. Please consider the above issues when addressing the food truck location. Respectfully Submitted, Robert W Beebe

Sent from my iPad

Eastern Prom Food Truck proposal



SKG !<krichels@hotmail.com>

Apr 7, 2022, 11:20:23 AM

to Parkscommission@portlandmaine.gov, atrevorrow@portlandmaine.gov, dwchuhta@portlandmaine.gov, Ethan Hipple, Michaelmertaugh@gmail.com

Dear Parks Commission,

My husband and I have lived on the East End since we were kids in the 80s. We chose to settle here to raise our family because we love it so much -- the music events at the Gazebo, Fourth of July, and even the idea of food trucks (we remember Flash Lobster!) And we LOVE to see visitors appreciate the vast beauty that we have at our doorstep. Sharing our community with families and folks from all over the world is a lovely aspect of living here.

Unfortunately, the food truck situation last year jeopardized all the things that people love about this space, which are the same reasons people come to visit, have a picnic -- and why it is such good business for the trucks in the first place. The noise, trash and overcrowding diminished the quality of life for residents and really went against the spirit of the Eastern Promenade Master Plan, which aims to protect the space and its historic significance.

The city's proposal has many good merits that deal with the most salient issues: electric outlets to reduce generator noise; limit of 7 trucks instead of the 15+ we saw last year; larger and more trash receptacles (I would suggest more bottle recycling, too).

However, we continue to be concerned about the large congregation of people right near the playground -- crowds of people waiting for food fill up the sidewalk and make it impossible to walk your dog, navigate a stroller, ride a bike, or push a toddler cart. Plus, trucks cause increased traffic congestion and poor sight lines right in this highly congested pedestrian area with lots of little kids (trying to see around a large food truck to check oncoming traffic means you have to be standing in the road, and cars cannot see waiting pedestrians).

We strongly encourage you to consider the Cutter St. lot as a better location for food trucks and parklets.

Thank you,

Sarah & Alex Goan 54 Walnut St

Food Trucks on The Easter Promenade



w.valzania@munjoyhill.org<w.valzania@munjoyhill.org>

Apr 7, 2022, 12:40:41 PM

to Parkscommission@portlandmaine.gov, Trevor Anna, dwchuhta@portlandmaine.gov, Ethan Hipple, Parks Commission Chair, Barbara Vestal, Berry Manter, Carol M. Connor, Clare LaVergne, Karen Snyder, Maggy Wolf, Mary Casale, Mike Hoover, Ned Chester, Ned Chester, Nina Schmir, Peter Blackstone, Peter Murray, Wayne Valzania, Wayne@redhookdesignalliance.com

Dear Mike Mertaugh and Members of the Parks Commission,

I am writing on behalf of the Munjoy Hill Neighborhood Organization Board of Directors and our MHNO members and constituents who have reached out to us regarding the Food Trucks that are growing in popularity and numbers along the Eastern Promenade.

Many have taken advantage of yet another aspect of Portland's food culture to enjoy not only their menu offerings, but also of the unusually beautiful location of the "Eastern Prom" on Casco Bay. As with all things that are successful and popular, growth adds complexity and a need for forward thinking management, and enlightened guidance. It appears that we are at that critical juncture with the Food Trucks on the Promenade.

At present, with the vendors located on the street, several impact and management problems have become evident, aside from the misuse of a busy street that was never intended for anything else other than vehicle and pedestrian traffic. It is obvious to any observer that the added congestion caused by the overlay of the vendor's commercial vehicles, and the folks gathered around them, often crossing the street between them is ripe for an unthinkable life-threatening situation.

What to do?

As luck would have it, there is an opportunity to have both the pleasure of a great food experience and the enjoyment of an exceptionally spectacular location all in a practical, partially in place infrastructure. I speak of the mid-hill parking lot on Cutter St. where there is now boat parking. Without a major investment in new, entirely dedicated, infrastructure, it's possible to conduct a pilot study that could be an improvement for the vendors as well as the public who frequent the food trucks.

Complaints & Solutions:

Congestion caused by too many food trucks: Limit the number of Food Trucks and raise vendor use permit fees significantly to offset maintenance and operational cost borne by the city which ultimately means taxpayer assessment. Permits should be awarded on a lottery or otherwise rotating basis to provide fair access to the existing and new vendors.

Generator Fumes and Noise Pollution: Bring underground power to the lot that will provide power, not only to vendors, but to charging terminals for electric vehicles parked while car owners are enjoying all of the amenities of the park, including boating, and the public beach. With the advent of electric trucks, it won't be long before some of the boat trailers that are parked there will be towed by them.

Trash and Waste: While the underground trash silos seems to make sense, there is something about food waste, densely packed, underground in a damp, moist, New England climate, that just doesn't pass the smell test. Oh, did I say "SMELL". Instead, how about a couple of medium sized dumpsters in an enclosed, nice looking fenced area, that could be emptied by smaller compactor trucks that would also service other locations within the city where the large trucks are also difficult to maneuver. If the pilot study doesn't work out, the dumpster can be hauled away, and the enclosure removed.

In closing, I do not suggest that I am a city or urban planner, or that these are entirely my ideas. Rather they are the ideas that I have gleaned in numerous conversations with residents affected by the present Food Truck situation. I believe they these ideas have merit and should be considered as

sensible intermediate steps in a new and somewhat unforeseen aspect of growth in an unusually attractive and wonderful city. I apologize for the length of this letter, and very much appreciate your time in reading and considering it.

Thank You,

Wayne Valzania, President

Munjoy Hill Neighborhood Organization

Celebrating 40 Years of Community Service

92 Congress Street

Portland, ME 04101

207-274-4918

www.facebook.com/MunjoyHillNeighborhoodOrganization

Join Us !! www.MunjoyHill.org



CITY OF PORTLAND
Parks, Recreation & Facilities Department
Ethan Hipple, Director

CITY OF PORTLAND
Parks, Recreation & Facilities Department
Alex Marshall, Parks Director

Memorandum

TO: Parks Commission and Land Bank Commission

FROM: Alex Marshall, Parks Director, Parks, Recreation and Facilities Department

SUBJECT: Parks Division Update

DATE: May 2022

Parks Division Staffing

- Vacancy: Athletic Facilities Maintenance Worker III
- Vacancy: Forestry Supervisor
- Vacancy: Parks Maintainer
- Vacancy: Park Ranger
- Recently raised starting wage for Seasonal Positions to \$17/hour. Existing Openings:
 - Forestry Watering x2
 - Parks Maintenance x4
 - Playground Maintenance x2
 - Athletic Facilities Maintenance x4
 - Cemetery Maintenance x7

Food Trucks on the Eastern Promenade

2022 will see the implementation of a pilot program for food trucks in the middle lot off Cutter Street at the Eastern Promenade. There will be approximately 10 food truck spaces within this lot that licensed operators will need to apply for to have a chance to utilize one throughout the season. Two food trucks are able to apply for a single spot in order to maximize the time occupying the spaces. Year one will offer a waived license fee for food truck operators to apply for one of these spaces. The existing food truck rules are being amended to reflect the location changes, removal of access to the Eastern Promenade Roadway and improved trash and tree protection. The goal for implementation of this pilot program is June 15, 2022.

CIP Process

In less than a month we will be sending out a letter and form for friends groups and neighborhood associations to fill out to request projects for their respective park. This marks the beginning of the CIP process for the FY24 fiscal year. Folks will have until July 19th to provide their list of prioritized improvements for the Parks Department to then evaluate and insert eligible requests into the Department 10yr CIP plan. Once the 10yr form has been finalized, the Parks Commission will then have a chance to review and commissioners will vote on their prioritized list. The final step before submission to the Finance Director and City Manager is to have the Parks, Recreation and Facilities Department Director formalize the department priority list based on all provided feedback and information.

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Parks, Recreation & Facilities Department
Ethan Hipple, Director

CITY OF PORTLAND
Parks, Recreation & Facilities Department
Alex Marshall, Parks Director

Earth Day ‘Thank You’

Earth Day 2022 was yet again a wonderful display of Community within our parks and open spaces. We want to thank the many groups that took part in cleanup and trail work throughout the course of Friday, Saturday and Sunday. Portland Trails partnered in a City Staff cleanup effort around Canco Woods and University Park. The Eastern Prom had 3 separate cleanups with Deering Oaks, Payson Park, Back Cove and Baxter Woods all having cleanups. These volunteer efforts are an incredibly valuable piece of how these wonderful spaces are maintained throughout the year. None of these efforts would have been as successful without the help of the Park Rangers and Parks Conservancy Volunteer Coordinator who provide guidance and trash bags, gloves, trash pickers and debris removal.

Park Projects and Department Updates

Staff are working on the following Park Improvement projects:

- Park Walkway improvements: Deering Oaks walkway improvements are in the proposal evaluation phase.
- Fitzpatrick Drainage Improvements: Drawings are complete. An RFP is ready to be advertised.
- Talbot School Basketball Court Reconstruction: Additional funding has been secured and the bid will be advertised again as staff time allows.
- Lyseth Playground: A playground manufacturer has been selected with equipment to arrive before the start of the 2022/2023 school year. A site work RFP will be advertised shortly.
- Skate Park Expansion Phase II: Funding has been secured and bid documents have been advertised for a design/build project.
- Stroudwater Bridge: City Parks and Planning staff are working with Portland Trails and the Stroudwater Preserve Development Team to develop the plan for installation of the bridge that sits on the side of Westbrook Street before the I-95 bridge. Grant funding will be essential as City funds are limited.
- Preble Street Field & Stormwater Project: Final design and landscaping plans are being finalized. Fall of 2022 is when the field is anticipated to return with Spring of 2023 as the first playable season.
- Riverton Preserve: Recreation improvement plans are in progress and will consist primarily of a trail network with other improvements. This project is intended to fulfill LWCF conversion requirements, and final approval of the improvement plan rests with the state and National Park Service, which has a public engagement process.
- Riverton Trolley Park: The LWCF grant has been submitted. We are still waiting for federal approval of the grant. The City Council has approved the \$125,000 portion of the required match.
- Western Promenade Welcome Signs: Three new historic Welcome Signs are being ordered and installed as the weather permits. Spring will be the desirable time for this.
- Lower Western Prom Park Improvements: Final design improvements have been made and we



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Parks, Recreation & Facilities Department
Ethan Hipple, Director

CITY OF PORTLAND
Parks, Recreation & Facilities Department
Alex Marshall, Parks Director

are now waiting to secure additional funding to execute the entire project in the Fall of 2022 or Spring of 2023.

- Community Garden Fence and Gate Installations: We will be replacing 6 Community Garden fences and 4 sheds. Bids are being reviewed. Installation of Fences is anticipated for the Fall of 2022 with a backup of Spring 2023. Sheds will be replaced in tandem with the fencing work.