

## **CITY OF PORTLAND, MAINE**

Standing Committee on Sustainability and Transportation  
Councilor Spencer Thibodeau (D2), Chair  
Councilor Belinda Ray (D1)  
Councilor Jill Duson (A/L)

Minutes  
September 7, 2017

**Members Present:** Councilor Thibodeau, Councilor Ray, Councilor Duson  
**Other Councilors Present:** Mayor Ethan Strimling  
**Staff Present:** Troy Moon, Ethan Owens, Ryan Scott, Gene Pierotti, Chris Kull, Jeff Tarling

### **Review and approve minutes from July 26 and August 16.**

Moved by Councilor Duson, all in favor

### **Sustainability Updates:**

Mr. Moon indicated that the vendor was still delivering cart and would be wrapping up soon. He added that it will take some time to get carts to people who may have been missed. Public Works is working to collect surplus bins from properties that report having too many.

Mr. Moon reported that the LED pilot on Casco Street and Cedar Street had been installed. Residents on those streets have responded by saying they are very pleased with the light levels and the quality of the light. Mr. Moon added that staff would be meeting with the City Manager very soon to discuss recommendations regarding scope and finance options for the streetlight project and that staff hopes to get the project underway within the next few months.

Staff continues to work closely with the DEP on improvements to the Ocean Ave Landfill. The City has submitted a grading plan and a methane venting plan that has met with their approval. We are hopeful that work on the cap can begin shortly. The solar project would begin as soon as the work on the cap is complete.

Mayor Strimling asked about the scope of the streetlight project. Mr. Moon indicated that the plan is to replace all of the existing lights that are owned by CMP with City owned LED lights. The Mayor also asked how the DEP would be reviewing the work on the cap once it was complete. Mr. Moon indicated that they would determine whether the work was done according to the plan they approved.

Councilor Thibodeau summarized progress made on the pesticide ordinance during the last meeting.

Councilor Ray offered suggestions for waivers and the composition of the oversight committee.

Regarding the granting waivers, she indicated that she likes the South Portland format but understands concerns about delegating administrative authority to non city staff. She suggests that a City staff person be on the waiver review committee along with another member of the committee. The City manager should hear appeals. She likes this process because it contains an opportunity for appeal that doesn't exist in Task Force version.

Councilor Duson: Would like there to be an annual report that comes to the Sustainability Committee, not to the full council.

Councilor Thibodeau asked the members whether they would be comfortable replacing section 34-7 of the draft ordinance with Councilor Ray's amendment. All agreed. Councilor Thibodeau asked Mr. Moon to have Corporation Counsel look at language and address concerns especially around notice of public meetings.

Councilor Ray agrees with Councilor Duson that the report should come to Sustainability and Transportation instead of the full council.

Councilor Thibodeau suggests leaving the report date until we figure out the effective date.

Councilor Duson stated the report would be for annual discussion and evaluation. She would like it to include the amount of pesticides used on the exempted city facilities. The City to create an SOP in exchange for any of the exempted areas and report on how it is being implemented.

Councilor Ray discusses a proposal for waivers

Councilor Thibodeau – asks that Corporation Counsel review the process and comment.

Councilor Thibodeau wondered who gets to file an appeal -- the applicant or a person who objects to the application? He asked Mr. Moon to discuss this with Corp Counsel.

Councilor Duson noticed that the Public notification section of the draft ordinance has fallen out somehow and asked that it be added back.

Councilor Thibodeau wondered about a process for noticing the public about applications for waivers?

Councilor Duson stated that if it is a public meeting there would be notice and agenda.

Mayor Strimling wondered whether there could be something saying there has to be notice some time in advance. Maybe the applicant has to provide notice to people within some distance?

Councilor Duson – maybe provision to alert abutters when you apply (land that touches their own)?

Councilor Ray indicated a need to review public notice section and to make sure that signs stay up long enough. There is a high bar for granting waivers. Hopes waiver applications are rare occurrences.

Mayor Strimling wants a member of the public to be able to appeal a waiver.

Councilor Ray feels that appeals should only apply to people who seek the waiver. Needs to seek guidance

Councilor Thibodeau wants to be consistent with other waiver procedures. Get Danielle to provide guidance around who can appeal.

Councilor Ray stated that if waivers are granted too freely the ordinance should be tightened up.

Councilor Duson believes that individuals who do not feel that the ordinance is being implemented properly they should come to the committee.

Mayor doesn't want anyone in the City to be able to appeal, but how do neighbors have an opportunity to weigh in.

Councilor Thibodeau moves to take a look at the memo prepared by Parks Staff. He is ok with the items discussed in the memo but asks committee members whether we need more information than what is provided in the memo.

Councilor Duson appreciated the memo. She supports staff in their efforts to manage open spaces in a professional and environmentally friendly manner. There should be some justification and documentation for any use of pesticides to justify an exemption. Is there a plan to move to better ways of operation? A plan should be on file as part of the exemption. She wants public information around operational practices to document what we're doing and making people aware of it.

Councilor Ray noted that the exemption for invasive species is in the ordinance already. Exemptions for public health and safety threats are included. Need to look at 5 high use athletic fields

Ethan Owens, Assistant Director of Parks, stated that staff is concerned about ability to maintain the high use fields if we removed too many tools. He noted that there have been other communities who have moved away from organics due to problems with athletic fields. He is concerned that we could get to a place where the weed content would be so high that we'd have to replace turf or go to synthetic.

Councilor T asked whether Parks could work on a plan to get to an organic management plan in 3 year?

Mr. Owens loves the idea of reporting. He would like the opportunity to show the committee the fields in question. Parks staff have been working on organics for many years. They use organic fertilizers, which brings weeds. There is no selective weed killers. We use many practices such as aerating. They are concerned about loss of selective weed killers that is organic. He is concerned that the costs to reach the organic level would require resources that will not be available.

Councilor Duson is prepared to offer exemptions to these fields as long as there is good reporting around usage. The team should put down on paper the plan and results for implementing it.

Mr. Owens stated that staff could definitely provide that level of documentation.

Councilor Thibodeau suggested exempting the high use facilities but with a sunset date. Staff could provide and readiness reports about their ability to move to organic. This report could include annual updates and plan and budget implications of moving to organic.

Councilor Ray noted that the committee had exempted high use fields to March of 2020. She suggested moving this back to 2021 and allowing staff to make a case to continue the extension beyond that date.

Councilor Duson likes this suggestion because it provides the opportunity to hold the committee's feet to the fire regarding allocation of financial resources. If the Council doesn't provide the funds to make the transition that is a good case for an extension.

Councilor Ray suggested the Committee take up applications for trees.

Jeff Tarling, City Arborist, stated that he would be ok with restricting spraying. We need to be sure to treat trees at the appropriate time. Tree injections should be exempted. The City encourages biologic control when possible.

Councilor Thibodeau asked whether the exemptions as listed in the draft ordinance are ok or whether more are needed.

Councilor Ray – doesn't want to exempt all trees but would be ok to look at specific applications.

Mr. Tarling indicated the exemptions are good. He expressed concerned that there are too few agronomists available in the region to require that the PMAC have one as a member. Some other specialist might be appropriate

Councilor Duson: Right of way spraying – can we reference the rules specified by the PUC – perhaps Danielle can look at this.

Mayor Strimling liked Councilor Ray's suggestion of exemption until 2021 but would like the exemption to go away unless the Council approves it.

Gene Pierotti rose to explain the practices used at Riverside Golf Course.

Councilor Thibodeau asked what elements of notification and signage should we add? He wondered whether it makes sense to distinguish between City and private properties. He can see advanced notice on public space but it would be difficult to enforce on private property.

Councilor Duson stated that companies should provide certification that they are in compliance with the local ordinance. Can Danielle draft something to be included?

Councilor Thibodeau noted that the Mayor had wanted the public to know when pesticides are being used on a field or golf course. He will follow up with the mayor.

Councilor Thibodeau likes the South Portland approach to education. Both Councilors Ray and Duson agree.

Councilor Thibodeau stated that the committee still needed to look at enforcement.

Councilor Ray noted that the Task Force recommended ordinance mentions specific fines. Should we have that?

Councilor Duson stated that language around seeking compliance should come before taking strong action against people. We should first educate them and take stronger action if they don't comply.

Councilor Ray supports the language in the Task Force ordinance, perhaps a little softer. All agree.

Councilor Thibodeau indicated that the Committee would look for a clean version of the draft ordinance incorporating Committee comments and a redline for the September 20 meeting. There will be two meetings in October. The next one will be on October 12 at 5 PM. The Committee would like to review work plan on September 20.

Motion to adjourn made by Councilor Ray. All in favor