

City Council Workshop
September 22, 2014
6:03 P.M.
South Portland City Hall Council Chambers

Councilors Present

Gerard Jalbert, Mayor
Linda Cohen
Thomas Blake
Patricia Smith
Michael Pock
Maxine Beecher
Melissa Linscott

Staff Present

Jim Gailey, City Manager

MINUTES

Mayor Jalbert opened the meeting and welcomed all in attendance. He reminded folks that members of the public are invited to comment on each item as it comes before the Council for a period of no more than two (2) minutes. All questions or concerns would be made through the Chair and if they wished to address the City Council they would be asked to please raise their hand and upon being recognized would state their name and address for the records.

1. Draft Ordinance Committee – Discussion of Three Remaining Sections

1.Draft Ordinance Committee – Discussion of Three

Remaining Sections: Jim Gailey, City Manager explained that the City Council has invited the Members of the Draft Ordinance Committee to present Parts 2, 3, & 4 to the City Council. As the Council knows, Part 1 was approved by the City Council on July 21, 2014.

Russ Pierce and David Critchfield of the Draft Ordinance Committee will be in attendance on Monday evening. Unfortunately, Michael Conathan was out of state on business that evening.

He further discussed the committee and further recommendations that they have to present being (see enclosed)

- Part 2 Zoning Implementation or Amendments of the 2012 Update of the Comprehensive Plan
- Part 3 Financial Assurance Rule Applicability
- Part 4 Air Quality Control Air Monitoring System to Protect Public Health

Russ Pierce, Attorney for Normand Hanson & Troy and DOC Committee Member discussed issues that they wanted to bring to the City Council before they disband and added that these further recommendations did not fall into the original charge of the committee but came out of further discussion, issues and recommendations brought up during this time.

#2. - Comprehensive Plan Aspects:

- Further discussion on land use plan, Hill Street Tank Farm being so close to schools, community center, and residential neighborhood. Added that this issue would have been considered today but back when this was built it was not.
- Oil Tank Storage: Fugitive Emissions, Heavy industrial use area, not a great place for attracting new people to this area.
- Maine Industrial District – Zone as a non-conforming use for this areas, and change for future use. Discussion on plan for different zones and not allowing there to come in the future. Should not maintain and use Industrial Zone around mixed use of residential and schools. Amend Comprehensive Plan with certain steps to take for City Council approval for changes to this.

David Critchfield 20 Bay Road DOC Committee Member

#3. - Financial Assurance:

- Discussion on current and future financial assurance.
- Resources needed to take care of situations that could occur with such areas, clean-up, spills, and putting up assurance to make certain that they can take care of a problem if one occurs.

#4. – Measure of Emissions:

- Air Quality within South Portland.
- Finding ways to follow and measure the emission flow.

Public Comment Opened:

Eben Rose 57 Buchanan Street, Portland Pipe Line discussed the current air quality testing that is being done now and people were able to attend and make comments. He felt the need to have monitors set-in place.

South Portland Resident Preble Street agreed with installing monitors as well, further added that all summer tank 27 was being cleaned and gave off fumes in which people became ill from. Further discussion about knowing what we are breathing.

Tess Nacelewicz 25 Robinson Street felt that all three proposals made sense to her, that the air quality measures would be a great help and urged support of the proposals.

Katherine Chapman Beaufort Street was in support of all three proposals here and thanked the Council for this work being done. She agreed with the ideas presented and felt that this was all common sense.

Barbara Dean Preble Street discussed the monitors in place to see about air quality.

BJ Grande D Street was in support of monitoring the air quality; she felt that the air quality has been bad recently and had concern about the school kids being outside during recess. She thanked the City Council as well for the work that has been done.

Jamie Pye Portland was confused on the process, air emissions, DEP, EPA and felt that there are many people involved here with this process. He felt the need for more information on this as well.

Dr. Pricilla Scary is a Naturopath, who had concern regarding air quality issues, and felt the need to have these monitored. She also cautioned on who would do this as well.

Robert Sellend 5 D Street had concern for younger and older people and breathing unsafe air quality and what is coming in on the ships as well.

Tex Haeuser Planning Director discussed moving beyond the issue of Oil Sands and looking into side issues such as Land Use/Zoning and further discussion of these.

Natalie West discussed moving forward on all three (3) proposals and suggested breaking each down and work on each area separately. She further discussed air quality and the monitoring of this as well.

Public Comment Closed:

Councilor Blake felt that all three items are distinct, he asked about the letter to DEP back in April and if there was a reply as of yet? (no) He felt that the letter addressed some great questions and went above and beyond the project here and wondered why.

David Critchfield explained that they did not want to lose anything that came to the meeting table from members or outside citizen groups, and residents. He added that the intent was to make such issues clear, the what, where and when and being able to further discuss items that were not in the immediate charge of the group. He further discussed air emissions, permitting and financial future meetings as well. He discussed support of the three issues, livability as being an issue here and involving and protecting residents so to not be burdened financially. He further discussed outside consultants to help with such areas of air quality and may require more then agencies such as DEP, EPA, Lung Association, and committees such as the Waterfront Advisory Committee and gathering information from such organizations.

Mayor Jalbert discussed the issue of air quality and how it is important here but felt that it is regionally based in wider areas to cover by the EPA and DEP.

Councilor Cohen discussed nonconforming as being a strong area for discussion and was not a fan of the process; however it does not make it go away it continues to be an issue within the city. She felt that the issues are with air emissions, EPA and the DEP would be involved here and also discussed liability issues. She felt that the requirements need to be heightened and that they need professional involved with the process. She asked about smells from the ships offloading and was not sure if that is where it comes from or if it is indeed bad for us, she felt that there were many more questions. She asked about air emission licenses, posting on the web site and having a license on file for people to come in and see.

Councilor Linscott had concern about the letter from the DOC Committee to the DEP and have no response from them yet regarding the questions addressed within the letter. She further discussed measuring of emissions, air quality, and she further discussed nonconforming issues which she is on the fence with and wondered if this would change or stay the same. She added that she was open to change and would like to look further into this issues, she understood that there would be a further long-term issue here as well.

Councilor Beecher agreed with all of her fellow Councilors and further discussed the air monitor that use to be at South Portland High School and was taking down as it did not collect any new data. She felt that they may need to look at this in the future but not at this time. She felt that this was an overload of information and that they needed to process this. She was in great appreciation of the committee and this work that they further took on. She added that they committee should be recognized at a meeting with an official plaque as well. She further discussed the cost to facilitate the committee.

Councilor Pock felt that the charge for this committee went above and beyond the committee work and added that there was no need for further action right now. He felt that they could wait and see and that they have done enough work with the other issues and was not ready to move forward on this. He felt that Portland Pipeline did not have a chance to be involved here and discussed the input of different sources.

Councilor Smith felt that they could look at each item here individually and discuss:

1. **Zones-** being re-created as this happens all the time and would welcome more information on this as well.
2. **Financial Assurance-** they would need to know that they are covered financially and it would not be a good thing if they were to get stuck.
3. **Air Quality** - Which involves monitoring and measuring which is very important and would like to gather this information as the upside is good, being transparent, knowledgeable, etc. with the downside being the cost.

She added that the DOC did not receive compensation for this work only the facilitator and thanked them for their time, efforts and work.

Councilor Linscott discussed the item being that the Draft Ordinance Committee having done their job and are asking to be dis-banned from their duties now. They have done great work, put in wonderful efforts, lots of time and gathered much information that has been shared.

Councilor Cohen discussed sharing this extra information with the public as well and further discussed the letter that they had not heard a reply from which possibly may need a follow up from the City Manager as they many not have recognized a DOC Committee Member.

Councilor Blake agreed that the committee needed to be recognized and that the work be acted upon as this information has been provided and will not be going away,

Councilor Pock also thanked the committee for their work and added that there was no offense to them.

Tex Haeuser, Planning Director discussed information for recommendations to the Council, Land Use that comes up a lot, DEP Air Quality, use of wood stoves.

Mayor Jalbert discussed the DOC being done with their work and that they would have an official proclamation at the next City Council Meeting and thanked them all very much. He added that they need to work more on the items, and gather more information on all areas. He discussed a safety value such as moratoriums for issues that are urgent and felt the need for background work, more information and having experts look into such information on such areas.

Councilor Blake discussed the DEP and how the letter that was sent to them needed to be answered. He added that an Air Quality Workshop was coming up and felt that having that on a workshop agenda was taking action in itself.

Councilor Smith discussed Financial Assurance and how it would be good to have a workshop regarding this item. She felt that Air Quality can be complex and they are having a workshop on this but could possibly have a special one with more information as there is always new information out there.

Mayor Jalbert discussed the American Lung Association and information that they have given out as well as the fact that our vehicles are a number one factor in Air Quality issues. He further discussed ideas of who to bring in that we could narrow down the focus on for a workshop. He further discussed Financial Assurance and using an outside source on this to bring information forward.

Councilor Cohen asked about licenses and Financial Assurance and had further questions on this as well.

Councilor Linscott agreed with the information gathering here and if this did not work then they could do more and continue working on this.

Councilor Pock added that this was a great job done on this item, breaking it down into three areas and the focus on Air Quality and did not agree with the Zone Change.

Jim Gailey City Manager added that he will follow-up with the DEP letter and make a phone call, discussed Air Quality and Financial Assurance items to be looked at further.

The City Council Workshop Adjourned at 8:20 p.m.