

Infrastructure Committee
January 15, 2013

ATTENDEES

Councilors:

Benjamin Sprague

James Gallant

Pauline Civiello

David Neally

Charles Longo

Patricia Blanchette

Staff:

Art Morgan, City Engineer

Cathy Conlow, City Manager

Norman Heitmann, City
Solicitor

Bradley Moore

Guests:

Tim Woodcock

Laverne Stockwell

Meeting convened approximately 5:00 p.m.

CONSENT AGENDA

1. Abatement Request: 18 North High Street, Account #7316803

Brad Moore explained three commodes were replaced in three units and this was the second request in a twelve month period. According to the City Code there would need to be a property maintenance survey performed at that location. Code performed the survey and responded with a positive recommendation. The request met the criteria and staff recommended granting.

Councilor Sprague moved Staff recommendation and it was seconded.

Councilor Civiello asked Brad if he looked at the status of the requestor's property taxes at the time of an abatement request. Brad responded they were not currently. Councilor Civiello asked if it should be done. Brad stated that would be at the Council's pleasure. Councilor Gallant questioned the legal aspect and Norm Heitmann stated criteria had been set forth in the Ordinance and it would require an amendment to have it credited towards those taxes. Councilor Gallant concurred it would be a good idea for Staff to look into and bring back to this Committee, but thought Government Operations Committee would need to look at it first.

Vote: Unanimous Approval

2. Abatement Request: 334 Union Street, Account #6716202

Moved by Councilor Sprague and seconded by Councilor Civiello, with no discussion.

Vote: Unanimous Approval

AGENDA

3. Easement Request: Bangor Hydro Electric Company Request Easement with the City of Bangor to Provide Service for Waterfront concert Stage.

Art Morgan explained Bangor Hydro Electric Company would install cable and would be energizing the power supply to the stage area on the waterfront. The contractor is completing the work but Bangor Hydro needed the easement to provide power to start the process.

Councilor Sprague moved and Councilor Civiello seconded to move with no further discussion.

Vote: Unanimous Approval

4. City Engineer's Update:

- Old Bangor Police Station: Art stated that last month he reported on the disposition of the old Bangor Police Department. The recommendation was to demolish at the consensus of the Committee. Currently the City is in dialog with the County and reviewing funding sources.

Councilor Gallant stated the Committee would re-visit this later.

- Stormwater Utility Fee: Art stated in May an ordinance was passed for a stormwater utility fee.

Art provided some history: The Members of the Stormwater Review Panel had discussed possible options for the fee to fund the requirements of the stormwater permit. Many members were at this meeting. The Panel thought the utility fee represented the best and fairest option with nearly 40% of fees collected from properties that normally would be exempt from property taxes, such as government and federal owned properties, as well as non-profits. The majority of the remaining fees would come from residential properties at approximately \$22 a year. The alternate to this option was a property based method, but the disadvantages would be that the fee would be assessed on property value as opposed to the actual contribution to the stormwater system and the 40% of City, government, federal, and non-profit owned property would not be required to contribute to a problem they were helping to contribute to. If the City had gone with the property tax based method the cost would have been \$83.

In January the City sent out a letter to all Bangor property owners. And, on January 9, 2013 the City held a public meeting with 36 citizens attending. Some spoke in favor and some were opposed. Since that meeting there had been 125-150 calls from citizens who wished to talk to City Staff. The majority of the calls taken by Staff were asking for how the calculations were figured, and were satisfied once explained. The remainder would need a site visit to their locations when the weather allowed.

Councilor Gallant introduced Councilor Longo who had joined the table.

Councilor Longo stated he attended the public meeting and didn't feel as if there was opposition but rather misunderstandings with some of the facts. He also stated they were all mad at the Federal government and didn't want to see anymore fees imposed. Once receiving the facts and the details were explained, the Committee came on board.

Cathy stated that based on that meeting held it was the intent to hold more public meetings. Previous to the passage of the Ordinance, there were eight to nine meetings. The letter sent to residents also provided an estimated value, reminding also, this was not a bill. The City would work on the billing component at some other time.

Councilor Gallant stated it was important to educate and to educate why there was a need for a stormwater utility fee. With more education, the public would warm up to it.

Councilor Civiello asked if legislation for the classification of streams could be looked at again.

Tim stated the system was frustrating. Back in the early 70's there was the introduction of the Clean Water Act. In 1985, pursuant to federal mandate, classification of streams, rivers, and lakes was done and only took a year's time to do. In 1987 Congress passed a water quality act, introducing stormwater. At that time there was an excellent point pollution program which was effective. Then when moving into non-point pollution they super-imposed the point pollution onto the non-point program. The classifications in 1985 were used as a reference point for the classifications. The classes being: AA, A, B, C. In this area all were a default B except Birch Stream and Kenduskeag from Bullseye Bridge to the confluence of the Penboscot. Mother nature had the capability of creating a class C stream. He reference sluggish streams that didn't get much volume and thriving life forms that contribute. He answered that looking into the legislation would be worth exploring. It had been twenty-seven years since the law was looked at. He pointed out that if forced, may engineer a class C into a class B stream, exact opposite of nature. He also suggested looking at other jurisdictions. He was concern with the stormwater program as there didn't seem to be any end in sight and spending an unlimited fortune before it was done. He commended the Staff on saving tens of millions of dollars through design, innovation, and ability to work with regulators to come up with a sensible solution that regulators had to be persuaded was actually effective.

Councilor Longo asked if an independent group could do a study of the classifications of the streams. Art explained CH2MHILL had looked at the Penjajawoc Stream not for the purpose of reclassification, but to collect data, identifying where the watershed management plan could be strengthened. Classification plans were a national standard, CH2MHILL was not tasked to specifically look at how Maine streams were classified. The City wouldn't realize that much savings by doing a study and it would allocate money away from other projects, may not be that productive.

Councilor Sprague thanked those for their hard work and offered Council support with testimony or letters to legislators and regulators, if necessary.

Council Neally stated Bangor took a progressive and lead like position. Community needed to bind together to take back more autonomy.

Councilor Civiello suggested offering an exemption to single family, owner occupied apartments, but to still collect fees from all other entities giving residential property owners a break.

Councilor Gallant concurred that the fee was fair acrossed all levels and was concern when remove one and keeping the other.

Cathy explained that initially property owner's proposed fee was higher and exemptions were proposed as well. During the cost analysis they found the cost to administer for the one third would create a base fee of \$43 with the option to get down to the high 20s. Over administering was more costly.

Councilor Civiello asked the Committee to consider over how many years the non-profits had not contributed to help the City of Bangor functions.

Laverne Stockwell who served on the stormwater committee spoke to her agreement with the current fees.

Councilor Neally provided an analogy of potential over-regulation and somewhat agreed with Councilor Civiello.

Councilor Blanchette stated Councilor Civiello's suggestion to amend the legislation or create a new one, was close to a workable solution. She urged now was the time to pursue.

Councilor Sprague strongly urged the non-profit bashing had to stop. Non-profits like churches, Husson, PCHC, and John Bapst. had heavy impervious areas. He was reluctant to change the Ordinance. He concurred with the consensus of revisiting legislation.

Councilor Longo questioned the legal stand to impose fee on one but not the other.

Vote: No vote necessary, informational only.

Meeting was adjourned at approximately 5:38 p.m.