

2011 Infrastructure Committee Minutes

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Infrastructure Committee

Tuesday, August 2, 2011

Minutes

Councilors Attending: Geoffrey Gratwick Charles Longo Nelson Durgin Richard Bronson

Staff Attending: Art Morgan Cathy Conlow Norm Heitmann Brad Moore
Jerry Hughes Dana Wardwell

Others Attending: Kim Bartron

Agenda

1. Sewer Abatement Request: 112-114 Sanford Street, Account #4910403
(Abatement Request and Memo from Brad Moore Attached)

Brad explained in June, Staff was asked to wait to sixty days to see how much water was used during this quarter. The July 2011 billing dropped by half, recommendation for denial because the due care clause was not fulfilled.

Councilor Bronson asked what attributed to the decline. Ms Bartron who lived in Pennsylvania stated the meter and reader were replaced. Councilor Bronson asked if the Water District, to which there wasn't to Ms Bartron's knowledge. Brad stated that the rule of thumb was 75 gallons per nine units/person/quarter. Testing was done and the meter tested within PUC guidelines. Councilor Longo asked if it was the policy of the PUC to allow the resident to witness the test. Councilor Palmer suggested to make a deal if that was possible. It was noted that Code did a property maintenance survey after a second request in October 2010 and found no problems.

Councilor Bronson motioned to grant a 50% of the April 2011 proposed abatement. Councilor Durgin seconded after there was clarification of the amount.

Vote: Four Yes/None Opposed

2. Implementation Schedule of Single Stream/Pay-Per-Bag
(Copy of Memo from Dana Wardwell, Implementation Schedule, Copy of Proposed FY12 Solid Waste Budget, Draft Ordinance Attached)

Dana provided a brief summary and said the July 19, 2011 Infrastructure Committee had opted for the better 1.7 mil thickness bag, thirty pounds in the 33 gallon bag, fifteen pounds in the fifteen gallon bag, the fee of 2.00/bag, and the implementation of March 1, 2011. Staff recommended starting March 5, 2012. Cathy noted getting a tentative schedule and ordinance worked out for full Council with a final projected Council date of August 22, 2011.

Councilor Longo was concerned about the costs to the residents and referenced a memo from Jim Ring last year regarding the consumption of 1.5/bags a week for the average household.

There was discussion of other communities who started the program that didn't work out. It was discussed that education may have been a contributing factor. The City would need to ramp up education before February or March. Councilor Bronson suggested the school department assist

as children would be a great instrument. Concern about funds was discussed and Cathy noted that what was identified would also identify ways to pay for it.

Councilor Bronson motioned for Staff to continue with revisions to the solid waste ordinance and Councilor Durgin seconded.

The Committee would like for Greg Louder from the Municipal Review Committee to provide an informational meeting, along with Bob Farrar who serves on the Committee.

Meeting was adjourned approximately 6:02 p.m.

Infrastructure Committee

Tuesday, August 16, 2011

Minutes

Councilors Attending: Geoffrey Gratwick Charles Longo Nelson Durgin Gerry Palmer

Staff Attending: Art Morgan Gerry Hughes Bob Farrar Dana Wardwell
Jerry Hughes

Others Attending: Jim Smith Greg Lounder

Agenda

1. Discussion of Bangor PPB/SS Recycling Impact on PERC and GAT
(Greg Lounder, Executive Director of the Municipal Review Committee will be in attendance.)

Bob Farrar and Greg Lounder, with the Municipal Review Committee provided a brief history of MRC. In the 1980's PERC was formed and entered into a contract for Bangor Hyrdo to buy 162 megawatts of power per year for 30 years, which expires in 2018. 86 existing communities are in the Committee and 47 new. The PERC plant processes 300,000 tons of waste a year. Communities have to pay a Guaranteed Annual Tonnage (GAT), and if they fall short of their anticipated tonnage a penalty imposed. Mr. Lounder explained tip fees: gross/72.00 and net/46.00. Locally, municipalities contribute 2/3 of what they handle, the remainder from out of state. Bangor was noted as being the largest single supplier with an average of 30,000 tons, 10,000 in residential and 20,000 in commercial.

Greg provided handouts to the members and outlined the consequences of Bangor going to the PAYT program. He noted there was a shortfall in 2009 that was waived, however in 2010 the group as a whole had penalties of 98,000. He projected levels would decrease by approximately a 10% drop for the next five years.

If PERC was unable to get municipal solid waste from outside services, project cost of 107.00/ton, wood chips would have to be considered a supplemental source.

Councilor Durgin suggested doing a feasibility study and that the cost of wood chips could escalate and Councilor Palmer mentioned the possibility of wood chips non-availability. They suggested the likelihood of blended with wood chips and municipal solid waste from outside sources. Municipalities collectively were faced with a best case scenario of penalties at \$48,000 and worse being 600,000. Significant planning would need to be done before 2018, such as analysis and formal report of expectations by 2012.

Councilor Durgin requests figures for the Council.

Jim Smith, Assistant City Manager of Brewer noted they had looked into cost effective and environmental friendly alternatives. The final destination of Boston was not a factor but citizen benefits were. He did note that Bangor started off with a program, Brewer did not.

Greg noted stated the Commission needed to do an analysis.

Jerry Hughes informed the members that the trucks used for recycling would need some work should they decide to go back that way.

Art Morgan suggested a workshop. Bob suggested Staff rework the performer, Councilor Gratwick thought at some point a workshop, but more information would come back within eight weeks, and Councilor Longo suggested to keep this at the forefront. Councilor Durgin and Councilor Palmer preferred a workshop.

No motion was necessary.

Meeting adjourned at approximately 6:33 p.m.

Infrastructure Committee

Tuesday, September 6, 2011

Minutes

Councilors Attending: Councilor Blanchette, Councilor Palmer, Councilor Gratwick, Councilor Bronson, Councilor Durgin

Staff Attending: Cathy Conlow, Brad Moore, Norm Heitmann, Art Morgan, Sean Gambrel

Others Attending:

1. Waste Water Treatment Plant Biosolids Disposal Contract
(Memo from Brad Moore, WWTP Superintendent Attached)

Brad explained the fifteen year history with New England Waste Service of MR for the disposal of biosolids at the treatment plant. The request was for a fuel 5% correction factor to be included in the contract. The plan was based on a three month average then figured fuel.

Councilor Bronson moved and Councilor Palmer seconded.

2. Update: Proposal for Kappa Mapping – GIS Mapping Services
(Memo from Art Morgan, Public Services Director and Kappa Mapping Request for Information Attached)

Art stated Sean had been working on parceling the tax assessor maps and noted issues with calibration, dimension, and labeling. The wish was to seek a request for proposal to free Sean to continue his GIS mapping. RFP's were from two local companies familiar with the City of Bangor, Sewall for 16,500 and Kappa for 16,350. Cathy stated 40,000 was in budget for one time mapping.

Art responded to Councilor Bronson that there was an item removed from the Finance Agenda which was the surveying proposal, which was an unrelated item.

Councilor Bronson, Councilor Durgin, and Councilor Gratwick asked for more explanation of the work, detail, and parcel identification, which was explained by Sean.

There was Council concern for the safety of the data and backup. Cathy explained it was backed up off site as well as on a separate network. There were inquiries about city ownership and control as it is made public. Cathy stated the level of control in access how much data would be available to the public would be at the City's discretion.

No vote was necessary as this was an information item. It would go to Finance next then on to Council.

Cathy addressed Councilor Palmer's concern about hackers. She would contact Jeff Courney who had the controls for the firewall. Councilor Palmer wished to speak with Jeff. Sean noted the GIS data is on an entirely different server than the primary server.

3. Update: Proposal for Sewall Surveying for Utilities and Survey Services
(Memo from Art Morgan, Public Services Director, James W. Sewall Company & Shyka, Sheppard, & Garster Proposal for GIS Mapping Services, & RTK Utility Locations Document Attached)

Item tabled.

Meeting adjourned at 5:36 p.m.

Infrastructure Committee
Tuesday, October 4, 2011
City Hall Council Chambers

Councilors:

Patricia Blanchette Charles Longo Nelson Durgin Geoffrey Gratwick
Susan Hawes

Staff:

Brad Moore Dana Wardwell Art Morgan

Guests:

Mr. James Morgan John Frawley John Hanson Dan Cassidy

The Committee convened at 5:00 p.m.

1. **Sewer Abatement: 32 Silver Road, Account #6301901**

Brad Moore explained Mr. Morgan's letter of request. This request was due to a water spigot they attempted to use to wash their dog, that didn't work. When returning from vacation they had discovered the spigot they thought was shut off, was running. They had received a high usage call from Bangor Water and thus proceeding with the request. Staff recommended denial because it didn't meet the criteria for abatement.

Councilor Gratwick requested Brad to explain for the viewing public the terms for abatement, which he did.

Mr. Morgan joined the table and explained the situation and thought it was a faulty spigot. He felt that there was not much difference between a leak in the basement and a faulty valve. This was not intentional, but an accident.

Councilor Blanchette did not have a question, but offered how the ordinance came to be and that abatement was granted one per year. She informed the Committee she would uphold Staff recommendation.

Councilor Blanchette moved and Councilor Durgin seconded staff recommendation to deny abatement.

In discussion, Councilor Longo stated Staff time was worth more than the amount of the abatement. Malfunction, whether inside or out this was a reasonable request. He would be voting against.

Yes: *Councilor Hawes, Councilor Gratwick, Councilor Durgin, Councilor Blanchette.*

No: *Councilor Longo*

2. **Project Canopy: Acceptance of Grant for Tree Planting & Maintenance**

Dana stated this was an annual grant from the Maine Forest Service for planting and pruning trees. Generally the City was successful in receiving the grant except for last year. Hopefully the City would be eligible for \$8,000, with a 100% match which would come from Public Works operating budget and would be used to prune trees in the older sections of the City.

Councilor Blanchette commented that Bangor was conscientious about the maintenance and pruning of the trees, especially keeping trees off electrical lines. She also noted that Aspen Tree Service needed close supervision when pruning and trimming as they butcher trees. This grant was wonderful and encouraged applying for it.

Councilor Blanchette moved Staff to apply for the Project Canopy Grant and Councilor Durgin seconded.

Vote: Unanimous

Discussion:

Councilor Longo wished to point out on page 23 that the spelling on the application of Nicki Farnum and Sarah Stevens was incorrect and wished it to be corrected, which Dana would do.

3. **Review of 2012 Dock Fee Structure**

Art Morgan stated the Harbor Committee, at the last meeting had reviewed the dock rates for 2012 and recommended unanimously that there be no change to the rates.

Councilor Longo agreed with the Committee's recommendation except for the Patience rates should be increased.

Councilor Blanchette said the Committee had discussed extensively that to increase boater use the rates should not be raised due to the economy and high fuel costs for boaters.

Councilor Blanchette moved Staff recommendation that 2012 dock rates remain the same and Councilor Durgin seconded.

Vote: Unanimous

Discussion:

Councilor Durgin stated the rates made sense and was in favor. Councilor Longo was concerned about the rates applying to everyone and was certain why he was silenced when previously mentioning the increase for the Patience.

Councilor Gratwick explained that was not his intension to silence and explained the Patience was operated commercially and commercial was a different topic than the private boater fees.

Councilor Hawes noted the rates hadn't changed for four years and asked if the public was informed of the rates, and were there ads.

Art mentioned this was brought to the Committee early for that purpose.

Councilor Blanchette encouraged starting early.

Councilor Durgin urged Staff to utilize publications and all available resources.

Councilor Longo stated to be serious about the waterfront and it needed more Staff available, not just weekends.

Councilor Gratwick wished to address the topic of the Patience being commercial.

Art explained would be another contract in the spring for the Patience. The Patience split its time between Bangor and Belfast and running an average of two cruises per weekend in Bangor.

Councilor Longo asked about the rate of 700.00 per season and would that be in line with similar vessels that size.

Art explained that their rate was at a rate of a twenty foot vessel and the discount offered as an incentive.

Councilor Durgin said it was important to provide this type of service and Staff needed to look at the satisfaction of that service. He took a short cruise with his grandson and spoke with officials who indicated they were happy with the treatment given by Bangor as opposed to Belfast. The City would be responsible for making this service known to the public. Casual tourist wouldn't know it existed. The Engineering Department was not responsible for publicizing.

Councilor Blanchette stated that they entered into an agreement with the Patience during an economic downslide, without anybody on the waterfront and that it was a struggle to keep a boat of that sized on the river. People don't know it's down there and wasn't sure it was the City's responsibility, perhaps the responsibility of the Convention and Visitor's Bureau or the Downtown Partnership. She referenced Walter 's ability in Central Services to make posters, and suggested perhaps posting those in pubs, restaurants, bulletin boards downtown. She suggested talking to Carrie Tripp and the downtown partnership.

Councilor Hawes informed the Committee that packages were being looked into for cruises and walking tours or cruises and museums.

Councilor Gratwick suggested the topic of advertising go back to the Harbor Committee and return to Infrastructure in February. Also, on page 29, the Revised Harbor Committee Rules should be revised because they were not welcoming, but a "thou shall not" set of rules. The rules would also to come back to Infrastructure in February.

4. Discussion: Federal Channel Restriction

Art provided an overview. The waterfront was a full service harbor with docks and moorings. In 1989 the Army Corp of Engineers authorized a permit for the maintenance and operation of moorings and docking facilities on the Penobscot River at the waterfront. The Army Corp. of Engineers reconsidered the permit, viewing cruise ships as commercial vessels and required a 400' navigation channel be upheld, resulting in the loss of the moorings. Shawn Mahaney with the Army Corp of Engineers explained to Art the process of reinstating services in Bangor. It would require Federal Legislation to reclassify the harbor from a Federal Navigation Channel to a Federal Anchorage, thus allowing Bangor to control where the moorings would set and maintain a 14' by 100' wide navigation channel.

Councilor Gratwick outlined the highlighted areas on the 2009 Mooring Plan and stated an act of Congress would be necessary.

Councilor Durgin said they were working off 1990 data and should develop a new plan for the placing of moorings that would be compatible with the needs. The City should get started and asked if the City Engineer had a plan already to go forward with.

Art recommended asking Carol Woodcock to bring this to Susan Collins attention. Once there was approval, then develop details of moorings and who would place them, etc.

John Frawley from 493 Main Road North in Hampden joined the table. The case could be made that the waterfront from Chamberlain Bridge to the oil tanks was zoned Parks and Open Space and would never be zoned commercial. The Brewer side, upper part of the river had no serviceable shoreline. And to reconsider commercial for the full width and limit commercial use to the point of dock five, reducing it to that area.

Councilor Gratwick noted it was rational.

Dr. Dan Cassidy, Bangor resident from 151 Kenduskeag Avenue joined the table. He stated that at the Harbor Master Association Meetings topics such as the navigation channel and changes to them were discussed. He also stated it would take an act of Congress and project timeframe of up to ten years for a decision to make the change. Current docks were illegal, in that they were in the channel. He suggested making a request at a different level and supported moving forward with official designation change and working with the Army Corp of Engineers to get temporary approval to use the permit.

Councilor Durgin asked if they were in compliance. Art responded they were in compliance.

Councilor Blanchette stated this was a transportation issue and urged they move on this and contact Senator Collin's office along with Mike Michaud. The Army Corp of Engineers being sensitive and suggested professional staff should communicate with them. Also that Senator Collins listened and had worked with Bangor as she had a vested interest and has been responsible for millions of dollars to redevelop the waterfront.

Councilor Gratwick summarized actions required of the Committee. Number one, to ask for congressional legislation and number two, that Staff to start talks with representatives for a change to the navigation channel. Councilor Gratwick requested this item to be brought back to Infrastructure in February.

Council Durgin was still not clear there was a plan and if action was necessary by the Committee this evening.

John Hanson who lives on Mountainview Avenue joined the table. He stated he has been involved for many years and has seen sixty boats in the river from the Sea Dog to the area of Dock 5. He was not convinced that what they were seeking, they didn't currently have. In 1995 he started research and had not seen any congressional action of repeal, reversed action, changed, or altered what Bangor was given. Four to five years ago there were moorings and all of the sudden there wasn't. He was supportive of moving on this but encouraged to do homework and legal research.

Councilor Durgin asked if the 2009 Mooring Plan was implemented or moved on.

Councilor Longo asked if the coal tar project had an impact and if talking with the Army Corp of Engineers has or would open a can of worms.

Art hadn't found the act of congress for that permit. He also noted he wanted to go through the procedure of what should have happened prior to the Army Corp of Engineer permit.

Councilor Blanchette suggested looking into Bill Cohen's papers at the University of Maine or contacted Senators Collins and Michaud with their resources with the records of the U.S. Senate.

Dan Cassidy said the 1990 permit was not an act of Congress. There was a condition that as long as there was no commercial traffic. In 2007 there were rental moorings and the Army Corp of Engineers deemed commercial due to cruise boat traffic. A change would require Congress. Another strategy he suggested would be to acquire permission on a temporary basis.

Councilor Durgin urged to move fast technically and politically.

John Frawley stated he was present when Senator Cohen obtained the permit and it happened in a span of five minutes. Twitchell had installed the floats and the Army Corp of Engineers saw this and said they couldn't have a "for profit" private entity operating within the Federal Channel and was told to take them out. The City then contacted Senator Cohen who showed up at City Hall at the time when the City and the Army Corp of Engineers were in a meeting and within five minutes the Corp was saying "yes Senator, no problem Senator". Agreed that Staff should handle communications and agreed with Councilor Durgin that a plan for private and public moorings, as well as pleasure boat navigation should be developed before contacting Senator Collin's office.

Councilor Gratwick asked for a motion on the Federal Navigation Channel change to Federal Anchorage.

Councilor Longo moved direct Staff to move toward changing the Federal Navigation Channel to a Federal Anchorage and Councilor Durgin seconded.

Art requested the current City Council make that recommendation so as to carry more weight.

Councilor Gratwick stated that it was his thought it would go to full Council, with Chair Hawes permission.

Vote: Unanimous for passage.

Councilor Longo moved that Staff act as City's intermediary between Senators Michaud, Snowe, and Collins, to act on implementing changes for a temporary permit while in negotiating the Federal Navigation Channel to change to a Federal Anchorage.

Councilor Blanchette mentioned she wasn't sure if they had to direct Staff in the form of an Order.

Councilor Hawes stated that this was for Art's request that the full seated Council send it forward, dated now.

Councilor Durgin stated it should go on record what the City Council wanted to do in 2011.

Vote: Unanimous for passage.

Councilor Gratwick asked for a "wish-list" from the Harbor Committee and bring back in a month or two.

5. Discussion: Long Term Lease or Sale of Unused Floats to Hamlin's Marina

Art stated the floats were leased on an annual basis to Hamlin Marina for the unused portions of dock four. Staff was approached by Hamlin's regarding a long term lease or sale of those docks. Staff researched that the docks were bought from Twitchell nearly twenty-one years ago for 2,100.00. Last year rents from Hamlin's were 673.00. He hadn't discussed with Dan Higgins from Hamlin's but proposed a three year lease, that amount being applied to the purchase price of approximately 1,800.00 and they would take over the maintenance.

Councilor Durgin clarified the lease to read unused sections of dock four.

Art stated they could opt to purchase dock four that would be replaced in the near future.

Councilor Blanchette asked the estimated timeframe of when the new dock four, funded by a Boating and Infrastructure Grant (BIG) would be installed.

Art said it would be delivered and installed by a private contractor in May 2012.

Councilor Blanchette addressed the matter of installing and removing the old dock.

Councilor Longo suggested the possibility of just selling them.

Councilor Blanchette wondered what if there was a hang-up with the new dock installation and they sold off the existing docks. Could they use dock five as a backup.

Art responded they couldn't use dock five at that location.

John Frawley stated that it would be ideal to use some (at least three) floats anchored on both ends as a mooring and which would be safer. The advantage was they could charge higher mooring fees.

Art stated dock four was 243' long.

Councilor Gratwick was interested in this suggested.

Councilor Longo motioned to sell the unused sections of dock four at a mutually agreed upon price to the two parties. Councilor Durgin seconded.

Councilor Blanchette requested the amendment to the motion be clarified to note the unused portion of docks in Hamlin's possession for clarity on the Council Order.

Councilor Longo so amended.

Vote: Unanimous for passage.

Discussion:

John Hanson was concerned how the docks got to Hamlin's marina without public notice. He stated there were two interested parties and one of them was looking for docks at the time but wasn't aware of the availability. It was imperative the City let other businesses know when options or opportunities were available.

Councilor Gratwick turned to Councilor Hawes inquiring if the motion was appropriate.

Councilor Hawes said the Committee could reconsider the motion, and asked Art about this going out to bid.

Art did not have an explanation and thought it had gone through the Committee and Council. He also said it would not be economically practical to pick up the docks for sending them to bid as they were already in Hamlin's possession.

John Hanson stated he didn't wish the Committee revise their motion and apologized for bring it up, but wanted to be sure all had opportunities.

Councilor Blanchette stated it came about when Dan Higgins had attended one of the Harbor Committee meetings. She said they should honor the agreement, but advertise for the remainder.

Councilor Gratwick adjourned the meeting at approximately 6:38p.m.

Infrastructure Committee
Tuesday, November 8, 2011
City Hall Council Chambers

Councilors:

Patricia Blanchette	Charles Longo	Nelson Durgin	Geoffrey Gratwick
Gerry Palmer	Richard Bronson		

Staff:

Robert Farrar	Dana Wardwell	Art Morgan	Cathy Conlow
Debbie Cyr			

Guests:

Jerry Livengood	Dan Cassidy
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The Committee convened at 5:00 p.m.

1. **Continued Discussion: Pay-Per-Bag/Single Stream**

Art Morgan explained the City had been considering the municipal solid waste process for some time. And after meetings with the Municipal Review Committee and much consideration, it was determined the Pay-Per-Bag/Single Stream program would not be cost effective. He requested the Committee make a motion to the Council not to recommend this program, at this time.

Councilor Blanchette noted the contract with PERC expired in 2017 and asked when this would be addressed and did the Finance Director have figures as yet. Debbie Cyr responded that MRC was talking with the partnership about renewal but it was still the early stages and perhaps would have some recommendations in 2013. Councilor Blanchette asked about looking into regional recycling. Art responded that it was a consideration being looked at.

Councilor Durgin stated that regardless of which system penalties would still be high. He was not ready to scrap Pay-Per-Bag, but couldn't afford to do it at this time.

Councilor Longo suggested PPB/SS should be "put to bed" and the City should look at other options besides the PERC plant and to look for the most cost effective method.

Councilor Palmer did not wish to "put this to bed". He considered the "non-profits" that don't currently pay for trash pick-up, environmental factors with running diesel trucks, the City's failing equipment. He called on Assistant City Manager, Robert Farrar, who also is a director on the MRC to approach the table. Bob explained to the Committee that there were a lot of variables and unknowns before the expiration date. In two to three years it may be possible to implement the PPB/SS program. If they were to renew a contract it would not be for thirty years, but perhaps ten to fifteen years.

Councilor Blanchette would prefer to start sooner rather than later and asked how Brewer was doing Pay-As-You-Throw Program and were they a member, which Bob verified they were members of MRC and wasn't sure how they've done calculations. He suggested Greg Louder with the MRC could come back to address further questions and concerns of the Councilors. Councilor Blanchette also asked if there were talks with Juniper Ridge, which Bob was not sure or what they were accepting for materials. MRC preference would be to work with PERC, but would look at Norridgewock and Pine Ridge if that didn't work out.

Councilor Longo didn't think other communities looked into this as deeply as Bangor had. And noted their guaranteed annual tonnage might not be as high. He suggested a press release for the citizen's benefit.

Councilor Durgin noted that Bangor produces twenty-five percent, which was significantly higher than other communities. Ultimately taxpayers would pay the price of PPB/SS, and suggested waiting until it was fiscally feasible.

A motion was requested and Councilor Durgin motioned Staff recommendation to deny the amendment of the Solid Waste Ordinance, to which Councilor Longo seconded.

Yes: Unanimous

No:

2. Discussion: Timeline for Installation and Removal of Docks

Art explained the City installed docks in mid-May and removed them in mid-October. There had been suggestions to put in sooner and remove later and to bring it to this Committee for discussion.

Councilor Bronson stated there were no additional costs once the docks were in the water. He noted there must be other alternatives. He preferred a longer season and to use the best equipment instead of mowing around. Art explained that part of the cost savings was the fact they could store the docks close by at Public Works.

Councilor Durgin suggested storing them on the waterfront in a less intrusive location.

Dana explained to the Committee the cranes need to be scheduled ahead of time. He would prefer to set a week. It was also explained that if the ADA dock were even to move 200'-300' it would require an extra crane and a tractor trailer, which increase the cost.

Councilor Palmer asked was Bangor open for business or not? He stated his preference was the earlier the better and to leave them as long as possible. Perhaps in the long term acquire where the storage tanks were behind Hollywood Slots and relocate downstream. Cranes were the most expensive and asked if there were other options. He suggested having University of Maine, Engineering figure it out.

Councilor Blanchette had concerns about leaving docks in later due to potential hazards associated with the icy weather and the safety of Public Works crews. Also those crews had

other tasks such as paving to attend to. She suggested purchasing a spec house to store the docks in.

Councilor Bronson did not agree that Bangor would be threatened with ice that early. He asked with the proposed restaurant being located on the waterfront, where they would store the floats.

Councilor Durgin suggested they would need to look at scheduling of the crane. He was not comfortable with a fixed timeframe for installation and removal.

Art mentioned he was not looking for a formal motion and wished for a discussion before the next season.

Councilor Longo suggested dovetailing to have the docks removed with the start of the winter season of November 1st.

Dan Cassidy preferred to use the docks as much use as possible. He explained that the ADA Heavy Vessel Dock was good for bigger vessels such as the Patience and American Cruise Lines, but not for smaller vessels that could potentially be damaged by it. He stated smaller floats could be floated in but would still need a crane for the ADA dock.

Dana Wardwell preferred the first week of May for installation and removal last week of October, based on weather conditions.

Art explained he had a meeting with Cianbro in Brewer regarding using their crane, however it was significantly more costly to “shift” their crane to do so. Also, the docks would take up space on someone else’s land and they would have to pay rent.

Councilor Palmer indicated that it would be a secure site.

Councilor Longo preferred Dana’s timeline.

Councilor Bronson preferred a more flexible timeframe and Councilor Durgin concurred and stated whatever would be prudent.

End discussion.

Vote: No vote necessary.

3. Discussion & Update: Street Opening Permits & Bangor Gas Company

Art explained that Bangor Gas had been very busy and was struggling with installations and needed to pay attention to cleanup. Last Wednesday issuances of permits were hauled until they could provide a sign of their progress when patching up after a project. The City felt there was significant progress and there would be an anticipated press release tomorrow to notify the public that the City would issue permits once again.

Cathy said that the citizens had made investments and were expecting service this year. The City would hold weekly meetings with Bangor Gas to view their progress on fixing trenches. The patching would be done with advance techniques.

Councilor Bronson stated the City was lucky to have gas here and was supportive of the Staff getting the situation under control. He was concerned about those who had submitted applications in September and October and offered little sympathy. He noted that he had observed the patching in front of his house was of better quality than a couple years ago.

Councilor Palmer stated there was more demand than supply, but Bangor Gas was willing to make it work, as it showed by the attendance at the meeting. He stated the City needed to be more accepting, but also noted the sub-contractor's work could have been better. Bangor Gas has growing pains and need to work with them, they would get better.

Jerry Livengood joined the table upon Councilor Palmer's request. Councilor Palmer asked how far the gas line ran. Jerry said it went to Grandview and that all schools except Downeast had service. And the last college (University of Maine at Bangor) to gain service was currently having the gas infrastructure installed. Councilor Blanchette stated that due warning had been given to Bangor Gas.

Art stated this was an update and the press release was for public awareness that Bangor Gas would continue work.

Councilor Longo was supportive of Staff and noted that Bangor Gas should have some accountability, requesting assurance of no further repeats. Both Cathy and Jerry assured the Committee that they had a solid plan moving forward. Jerry stated they were having growing pains and should have done a better paving job. The sub fell behind and the quality of work was thus given to the right company for future work.

Councilor Gratwick noted the past problems with sub-contractors killing trees and such.

Vote: No vote necessary.

There was no further discussion and the meeting was adjourned at approximately 6:26p.m.

Infrastructure Committee
Tuesday, November 22, 2011
City Hall Council Chambers

Councilors:

Patricia Blanchette	Charles Longo	Nelson Durgin	Geoffrey Gratwick
Susan Hawes	Joseph Baldacci	Cary Weston	Benjamin Sprague

Staff:

Brad Moore	Art Morgan
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Guests:

David Harlan

The Committee convened at 5:00 p.m.

1. **Sewer Abatement Request: 32 Woodview Drive, Account #3740102**

The request was due to extra water usage, excessive usage from toilet that since was replaced. Request met the criteria. Councilor Gratwick moved to pass and it was seconded.

No discussion.

Yes: *Unanimous*

No:

2. **Sewer Abatement Request: 100 Center Street, Account #1201202**

Councilor Hawes moved to grant abatement, which was seconded by Councilor Gratwick.

Councilor Hawes then removed motion to pass based on the fact Staff would need to explain why Staff position was to deny.

Brad Moore explained there was a previous abatement in 2008 for 684.26. There was a subsequent request, resulting in a property maintenance survey by the Code Department, which is required when more than one request is presented in a twelve month period. After doing so, the Committee on August 3rd voted three to two to deny abatement. This would be the fourth request by this owner. Denial of this request was based on the "due care clause" in the City's Code, Part A. Staff felt there was not due care regarding the leak, which was in a vacant section of the property, that was not detected the time.

Councilor Hawes withdrew her previous motion and Councilor Gratwick seconded. She then moved on Staff recommendation to not grant abatement because it didn't meet the criteria. The motion was seconded.

Councilor Gratwick asked of the condition of the premise at the time the property maintenance survey was conducted. Brad explained how the property had no flaws at that time, but would verify with the Code Department.

Councilor Durgin asked about the portion of the memo from Brad that stated the account in the amount of 1,332.62 needed to be brought current by November 18th. Brad responded that this abatement was scheduled to come before the Committee at the last meeting, however Mr. Harlan was unable to attend at that time and the memo was not updated. The new date would be December 9th to bring the account current.

David Harlan joined the table and stated he resided at 6 Horseback Way in Bucksport. He explained that ten years ago he bought apartment buildings and the tenants hadn't reported issues. The request was for a location on the first floor, in an undeveloped area, of a vacant commercial building. There was a bad valve on a sink that caused the leak, which when he discovered had removed all the plumbing. The rate of use was 1,529 gallons a day that went undetected until his quarterly bill and he received notification. He would typically check the building in winter, but since it was summer he didn't as much. He stated he checked his apartment buildings every other month.

Councilor Baldacci noted the due care clause, asked about monitoring, and asked if he had a superintendent. Mr. Harlan explained he and his son were the maintenance department and they have educated their tenants and provided them with every possible phone number to contact him.

Councilor Gratwick would vote no and suggested the bill be split in half.

The motion to deny abatement did not carry.

Vote: Yes, Councilor Blanchette & Councilor Hawes

No, Councilor Gratwick, Councilor Baldacci, Councilor Sprague

Councilor Sprague asked if it could be split in half.

Councilor Blanchette said they could make that decision if so wished but advised about going against Staff recommendation.

Councilor Longo stated that they had often times split the amount on abatements.

Councilor Blanchette didn't remember doing so.

Brad stated that they had made arrangements on abatements in the past.

Councilor Gratwick made a motion to split the billing in half, it was seconded by Councilor Baldacci.

Brad indicated the amount would be 443.37 and be contingent upon the account being brought current.

The motion carried to grant half the abatement upon the contingency that the account be brought current.

Vote: Yes, Councilor Gratwick, Councilor Baldacci, Councilor Sprague

No, Councilor Councilor Blanchette & Councilor Hawes

3. Easement Request: Bangor Hydro Electric Request to Install Conduit at Bangor International Airport

Art explained this was a primary service to two hangars at the Airport that was on City property.

Councilor Gratwick asked if there was any reason it should not be granted, or if there were any red flags.

Art stated he had reviewed and had no reservations about it being granted.

Motioned by Councilor Gratwick and seconded by Councilor Baldacci to pass.

Vote: Unanimous.

4. Authorize Director of Public Services, City Engineer to Start the Discontinuance of a Portion of Kittredge Road

Art explained the road pavement removed and planted with grass and had not been used in approximately a year. The portion was made obsolete when Hogan Road was extended for Walmart. If it had been used it would have created a five legged intersection, and the owner was interested in developing his parcel that abuts it. This action was a matter of housekeeping.

Councilor Gratwick was interested in what the owner was going to develop. He had reservations as mountain bikers used that section and to have this section as an off road trail would be a plus. Concern also was raised about the accessibility for the City Forest. He asked about the location of the new road. He also asked, would the private development of the parcel be greater than for public use?

There was a little discussion regarding the placement of a potential new road.

Councilor Baldacci was concerned about homeowners in the area being notified.

Art stated that there were negotiations about the placement of the new Kittredge Road.

Councilor Blanchette requested the abutters be notified regarding the first Council Reading, so they may provide input to the Council.

Councilor Gratwick preferred this come back to the Infrastructure Committee for further discussion rather than go to the Council level.

Motion was made to start the discontinuation of the portion of Kittredge Road.

*Vote: Yes, Councilor Blanchette, Councilor Baldacci, Councilor Hawes.
No, Councilor Gratwick, Councilor Sprague*

Councilor Hawes stated for the Committee they didn't decide everything and recommended starting the process.

Councilor Longo requested pictures of the area and video for the benefit of the members.

Councilor Blanchette asked to be mindful of the public accommodations.

There was no further discussion and the meeting was adjourned at approximately 5:36p.m.

Infrastructure Committee
Tuesday, December 6, 2011
City Hall Council Chambers

Councilors:

Patricia Blanchette Joseph Baldacci Geoffrey Gratwick James Gallant in for Susan Hawes

Staff:

Brad Moore Art Morgan Cathy Conlow Dana Wardwell

Guests:

The Committee convened at 5:00 p.m.

1. **Accepting Street: City Engineer to Begin the Process of Accepting Whisper Drive as a Public Way**
(Copy of Council Order, Council Action, and Location Map Attached)

Councilor Blanchette briefly explained the City's process for accepting streets and that it had served them well. She would approve.

Councilor Gratwick commented that it was part of "in-building" of the City and good for Bangor. He suggested Art place on his agenda a policy change regarding new development's road widths and impervious pavement, as they are very wide.

Art noted there had been discussions regarding revisions to the Land Development Code.

Councilor Gratwick asked when this would be brought to Committee, if before his term would expired. Art responded that he didn't have a specific date. Councilor Gratwick then requested of Art to pursue it, and come to this Committee in eight to ten weeks. Cathy stated that they could talk about that, as it had taken them off guard.

Councilor Blanchette felt that it would need to be done in procedural steps to allow for public input. And concurred it needed to be looked at.

Vote: Unanimous

2. **Request for Proposal: Structural Analysis & Development of Rehabilitation & Demolition Plans**

(Copy of RFP Attached)

Motion was made by Councilor Gratwick and seconded by Councilor Blanchette to proceed with acquiring request for proposals.

Councilor Blanchette asked the City Manager and City Engineer for background and had a structural engineer evaluated the building that had been vacant for four to five years.

Cathy stated that when she started, the City owned a few buildings that couldn't be used. A portion of the old police building was holding up Court Street. Meetings had been held with the County regarding the property. She stated she thought about deeding it over to the County without them knowing, but then they would have to accept the deed. Also, a structural analysis was done in 2000. There had been significant changes that had occurred with ten years of deterioration.

Art stated the analysis was done in 2001, which pointed to some flaws such as the roof had a quarter of snow load required by Code. The rear wall foundation was inadequate to support without a floor structure. An RFP would allow for two plans and estimates, one for parking and the other to stabilize Court Street and demolish the structure.

Councilor Baldacci asked if there was a budget for this year or next.

Cathy responded there was 250,000.00 this year and would have to add to that in the next budget year.

Councilor Baldacci asked if there were any available funds from Federal or State.

Cathy said they would look into and investigate.

Councilor Baldacci asked if the County would be interested in taking over the property. Cathy responded yes, for parking but the City would need costs first before negotiating with the County.

Councilor Gratwick stated the problem with the location was it had fill and not ledge. He requested Art to put on his agenda the possibility of tiered parking, as this would be a valuable spot in the future.

Vote: Unanimous

3. **Presentation: Staff's Proposal to Meet the City's Clean Water Act Requirements**
(Materials Attached)

Brad Moore started the presentation by explaining the objectives:

- To discuss challenges facing the City concerning environmental regulations pertaining to water quality, wastewater, and stormwater.

- To discuss the approach Staff would like to convey to the U.S. Environmental Agency and the Maine DEP. There were compliance issues that the City would need to deal with and there would be advantages and disadvantages.

Under the Federal Water Pollution Control Act (Clean Water Act) of 1972 provided statutory framework for protecting the nation's water from pollution with the following goals:

- Protect human health.
- All waters in the nation to be swimmable and fishable.

He then outlined the regulatory definitions:

- Clean Water Act (CWA)-These were the amendments to the 1972 Federal Water Pollution Control Act to provide the statutory basis for the NPDES.
- Discharge Elimination System (NPDES)-Permit program of which the Wastewater Treatment Plant has a permit that limits the discharge of treated water into the Penobscot River. He noted there was a provision for States to petition EPA to allow them to administer permits and licenses. Now the City deals with Maine instead of the regulators.
- Maine Pollution Discharge Elimination System (MPDES) – Permit program controls water pollution by regulating point sources that discharge pollutants into the waters of the State.
- Combined Sewer Overflows (CSO) – Parts of the system serve the wastewater needs of the community, but also from water from the streets, catch-basins, down-spouts running into the same line. Problem occurs when the capacity of the lines are exceeded they discharge into the river. The City has a permit for this. There is regulatory pressure to remove CSOs. Eight relief points in the City.
- Sanitary Sewer Overflows (SSO)-Separation of sanitary from sewers. Wastewater coming from homes. The separation of sanitary from the sewer. Problems such as displaced pipe and grease could backup into homes or streets. Required to report on each incident/occurrence.
- Capacity, Management, Operations, and Maintenance (CMOM) – Document to demonstrate the City of Bangor is caring for the collection systems to meet EPA minimum standards.
- Municipal Separate Storm Sewer Systems (MS4)- Separate EPA permit covering the stormwater system. Water from impervious areas carry pollutants and eventually enter into streams and rivers.
- Urban Impaired Stream-There are five in Bangor that don't meet the classification. City of Bangor must improve the quality to State standards.
- Asset Management-These are assets the City has and the conditions and what the City will do to improve them.

Art provided the following background:

- In 1968, the City voluntarily built a primary treatment plant at a cost of approximately three million. The primary functions were to separate larger particles.
- In 1987, A Consent Decree with the State of Maine to separate and eliminate combined sewer overflows.
- In 1991, Consent Decree with the US EPA.
- In 1992, Consent Decree required the secondary treatment plant be built.

- In 1994, with the assistance of CH2MHILL there was approval of a long term plan to eliminate CSOs in Bangor. Formerly there were twenty-three, now there are eight remaining.

Next, Art explained the 1991 map in tiers:

Tier 1: From 1890-1915 stormdrains still exist today.

Tier 2: From 1940-1960 Airport and Dow area.

Tier 3: From 1991-2008 Added new sewers.

From 1991-2008 45.25 miles of sanitary sewers, including in development areas had been installed. 31.97 miles of new & converted storm sewers installed, 21.94 miles of combined sewers were removed from system. Total length of installed system 165.5 miles, cost forty-four million. He then explained in the next map that red notated separation work, green dots represented five existing pump stations, blue was the drain system. Under the map entitled "City-Maintained Sanitary Sewer Infrastructure" the blue areas represented areas separated. Green was the stormwater collection system and red was the remaining combined sewers.

Brad explains the drawings depicting a separated system and how a combined sewer overflow operated in dry weather and during times of overflow, such as with times in the spring. He offered photos of the outfalls when there was a light rain.

The 165 miles of combined sewer systems are maintained by seven employees from the Sewer Fund. Those seven work with marking for dig safe, paving program, and sewer assessment activities such as TV lines, and assessing the condition of parts of the system. Public Works has two full time equivalent employees for the sewer and stormwater maintenance, supported by the General Fund and the Sewer Fund. Their functions include street sweeping, catch basin cleaning, and ditch maintenance.

The City would like to offer an integrated approach to dealing with the regulatory agencies. In a memo from a representative of EPA on October 27, 2011 wrote "...we (EPA proceed as one EPA to assure that we work with states and communities to get the most effective, as well as cost effective approaches for meeting our share objective of clean water that protects public health and the environment." Also, "...we (EPA sometimes assess and implement the best alternative to solve one problem at a time without full consideration of all Clean Water Act obligations..."

An integrated approach would:

- Increase stakeholder involvement at the community level.
- Prioritize various regulatory requirements in different areas of the City.
- Will make decisions based on an affordability study, as priorities are set and projects selected.
- Expand resources in areas of most need while considering all regulatory requirements.
- Move the regulators to consider the total regulatory burden on the City for all the environmental programs.

Brad noted that the City of Bangor preference was to drive as opposed to be driven by the EPA and should do the affordability study.

Cathy explained that if the City didn't do the study then EPA would and tell the City what they think it could afford.

Brad explained the risks associated with an integrated approach:

- US EPA and MEDEP do not follow up with necessary guidance or regulatory changes necessary for integrated approach.

- Some City programs not fully implemented, such as storm system maintenance and identifying storm system assets, which would require time to accomplish.
- Request extended time schedule and new consent decree requirements that need long-term commitment to support.

Staff felt benefits outweighed risks.

Activities currently being worked on:

- CH2MHILL had been assisting the City in assessing the needs of the sewer system and wastewater treatment plant.
- CH2MHILL would provide assistance on assessing the needs of the stormwater system.
- Upon further knowledge of the stormwater collection system, its priorities would be to incorporate in the City's overall integrated approach.
- Meeting with US EPA and Maine DEP on December 14, 2011.

Councilor Baldacci asked what Brad might expect at the December 14th meeting and would any congressional delegation be participating. Brad explained that the meeting was to be sure they were on the right road and Cathy stated they wanted to take this approach with DEP and EPA first.

Councilor Gratwick stated how it was ingenious of Jim Ring to figure out how to store the overflow, his receiving awards for it and asked if more of these would be put in.

Brad responded they would likely be putting more in, but needed to look at that.

Councilor Gratwick asked the frequency of the overflows and Art responded that there were 74 events on the year basis, occurring at different times. He also talked about end of pipe storage with CSOs, which allowed for less expensive, smaller storage, reducing maintenance and construction costs.

Cathy stated this was a unique opportunity to integrate with another consent decree coming. The sanitary stormwater regulations were difficult to negotiate. The affordability study would be necessary and Brad concurred.

Councilor Gallant asked about matching funds or grant availability. Brad stated yes, with CMOM and asset management being an advantage, may open doors.

Councilor Gallant asked about the timeline compliance and urgency. Brad responded they would request fifteen to twenty years, but may be as little seven to ten years.

There was question of using stormwater utility fees, which Brad said a presentation would be going to Infrastructure Committee on the 20th.

There was no further discussion and the meeting was adjourned at approximately 5:52 p.m.

Infrastructure Committee
Tuesday, December 20, 2011
City Hall Council Chambers

Councilors:

Patricia Blanchette	Susan Hawes	Geoffrey Gratwick	Benjamin Sprague
Nelson Durgin	Cary Weston		

Staff:

Brad Moore	Art Morgan	Dana Wardwell	Paul Nicklas
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Guests:

Mary Lingley	Lucy Quimby	Rob Kenerson	Steve Ribble
Mike Poulan	James Garrity	Jim Tyler	

The Committee convened at 5:00 p.m.

1. Sewer Abatement: 27 Linden Street, Account #1100401

(Copy of Request and Memo from WWTP Superintendent, Brad Moore Attached)

Brad Moore explained the request was for water used outside the home for the purpose of a soaker hose to water the garden. The Ordinance did not allow for the intentional use of water outside the home, without a sub-meter. Staff denied request and informed Mary Lingley of the appeals process, thus it was brought to this Committee.

Councilor Gratwick joined the meeting.

Mary Lingley stated that when she received her bill for May 24, 2011 to September 13, 2011 she expected the water bill to be higher but did not expect the sewer bill to be higher, as the water didn't enter into the sewer system. And, that in that timeframe spent two thirds of her time at their camp not at the Linden location. She asked how the bill was calculated.

Councilor Blanchette asked if WWTP had provided her with information. Mary stated that they had. She also asked how a person could know that that sort of a thing could happen. Brad said that in the spring they print a note on the bill saying that if using outside water, please give them a call, they also list the information on the website, as well as when a person opens a new account, the Bangor Water District provides it. In the past there had been inserts with the bills on different colored paper, so as to stand out from the bill.

Councilor Sprague asked Brad to explain the billing of the sewer and water. Brad explained there were separate bills, one for the water and one for the sewer but that both were mailed together. Brad also informed the Committee the abatement would be for \$162.33, if the

abatement was granted. He responded to Mary's question about the calculation process.

That, as prescribed by Code, it was based on the previous year's usage and the abatement would reduce the bill, but there would be a minor charge for water to be pumped through the system. Councilor Gratwick also explained that what water goes in usually comes out. Councilor Blanchette explained the cubic foot used to measure water. If using a sub-meter, the water sent through the meter would be deducted from the sewer bill because it didn't go into the system.

Councilor Weston joined the table.

Councilor Durgin asked if Mary regularly gardened with the use of water, and she responded not in the future, it would have been much cheaper to have a neighborhood child to go over and turn on the hose.

Durgin moved to adopt Staff recommendation and it was seconded by Councilor Gratwick.

Brad added that a sub-meter could be acquired from Bangor Water District for approximately twenty-five to thirty-five dollars and could be simply installed by a plumber or someone who was handy.

Vote: Unanimous

2. **Authorization to Apply for Transportation, Community, & System Preservation Program Grant (Grant to Construct Trails and Sidewalks in Bangor)**

Councilor Blanchette stated this item was straight forward. She also said there would be no conflict of interest. Lucy Quimby, President of Bangor Land Trust being married to Councilor Gratwick, member of the Committee didn't have personal gain.

Lucy Quimby from 1230 Kenduskeag Avenue stated they relied on the expertise of many others for the trails projects. Rob Kenerson, Steve Ribble, and Mike Poulan were asked to join the table and Art was asked to provide information regarding the TCSP grant application.

Art explained the three grant applications and their locations.

- Bangor Trails Trail V: construction of approximately one half of a mile paved bicycle/pedestrian trail, connecting from the end of Sylvan Road to the end of I-95/Stillwater Avenue overpass.
- Union Street, Phase I: construction of a new sidewalk on the westerly side of Union Street from Vermont Avenue to Godfrey Boulevard and attended crosswalks across Vermont Avenue at Union Street, across Union Street at Eastern Maine Healthcare Mall, and across Union Street at Godfrey Boulevard.
- Union Street, Phase 2: construction of a new sidewalk on the westerly side of Union Street from Telecom Drive to Griffin Road and the southerly side of Griffin Road from

Union Street to the Department of Human Services offices and attended crosswalks across Union Street at Griffin Road.

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Rob Kenerson, Director of BACTS stated that Federal requirements were to look at pedestrian facilities along any road that receive federal money, and would pay 80% of the cost for the project.

Councilor Durgin said he was interested in responding to citizen request for sidewalks at Union Street and Griffin Road areas. He asked if grants were received, would the projects start in the spring. Art responded that it would potentially be in early July of FY13.

Councilor Weston asked Dana Wardwell, Director of Public Works if it was customary to double bike/pedestrian paths and advised doing it in the future. Dana indicated yes.

Councilor Durgin asked about additional upcoming projects.

Dana Wardwell explained there were upcoming MDOT projects expected at Maine Avenue to the new Godfrey roundabout, from that new roundabout to Griffin Road. These projects would include widening the shoulders of the roads.

Councilor Sprague asked if the money was allocated already or if it needed to be.

Art responded the money would need to be allocated or use in kind services. Also, that Bangor Land Trust had \$20,000 to contribute to the match.

Councilor Blanchette asked if communities routinely put bike/pedestrian paths in. Rob responded that the Federals required communities to look at those roads that received federal funds and had better have a good reason as to why they didn't have them. He provided outer Ohio Street near Sunbury Village as an example where there wasn't a sidewalk because they needed significant right-of-way and that would nearly triple the cost of construction, due to the acquisition of property.

Councilor Sprague offered his support for the projects.

Councilor Durgin moved on all three TCSP applications to be applied for, Councilor Gratwick seconded.

Councilor Weston asked about the Stillwater area being higher in cost than the other projects. Factors in building the trail included the terrain, size, and lighting as Art explained.

Steve Ribble, 17 James Street provided information about "complete streets", which passed in the Senate last week. He expressed concern for kids/citizens being forced to go through culverts as a means to get from Eastern Maine Community College area to the Mall. He said

due to the Hogan Road widening, no room was left to provide a sidewalk. This trail would provide a legal surface connection.

Councilor Gratwick was supportive of the projects.

Lucy wanted to underline the connectivity. This was the only impassable link needing to be built.

Councilor Durgin also expressed concern for the college students walking. The City would have approximately eight miles of trails.

Councilor Blanchette stated the trails made the City of Bangor more livable. She stated that although this was not a public hearing, she would extend an invitation for input from anyone who wished to speak.

Councilor Weston asked Rob if there was any federal funding for skybridges or walking paths over a road as opposed to around them.

Rob said there was a five percent cut over the next two years. Significant proof must be provided that a safety issue existed. He stated there was a struggle to maintain the existing. He read a letter to the Committee he had written in support of the trails and the other two applications and provided a copy to the members.

Mike Poulan reminded the Committee there was a comprehensive city report from 2008 which outlined trails.

These three items to go to the City Council on December 28, 2011.

Vote: Unanimous

3. Extending Term of the Stormwater Citizen Review Panel

(Memo from Assistant City Solicitor, Paul Nicklas and Proposed Terms Attached)

Paul provided the background for the new members. Since the Clean Water Act of the 1970s, the regulatory agencies of DEP and EPA focused on different aspects of water quality. First the City built the Waste Water Treatment Plant, the City then had to focus on CSO abatements, focus on lakes and major lakes and now must focus on stormwater and streams in particular urban streams. In 2009 there was a Penjajawoc Citizen Review Panel. A few months ago the Stormwater Citizen Review Panel was enacted, and is due to expire in January 2012. The request was for a two year extension of this group until January 1, 2014.

Councilor Durgin moved Staff recommendation and it was seconded. He noted the language that read "less than two months" should read "less than two weeks". Paul responded that the memo was written over a month ago and the item got bumped.

Councilor Gratwick invited others to speak to hear business perspective and suggestions.

James Garrity, Bangor Mall General Manager said the CRP was represented by environmental interests, businesses, and non-profits. The last couple of years they worked very closely with Staff to avoid serious pitfalls, unlike neighbors to the south (Portland). He expressed there was a need to continue this work because DEP expected improvements and the City planned to meet those expectations.

Jim Tyler, Chair of the CRP and landowner also spoke to the need to continue with their ongoing efforts.

James Garrity spoke about the Watershed Management Plans to be used as a benchmark and spoke about the monitoring the watersheds.

Councilor Durgin wanted the public to know this was not a product of the Councilors, but a mandated. The City cannot say no, it must be done as required.

Councilor Blanchette asked about the terms of the existing members.

Paul said there were various terms for the appointed nine member panel, with three terms being up each year. Those three may reapply.

This item to go to the City Council on December 28, 2011.

Vote: Unanimous

Request by Council Chair, Weston to ask Art a question, item not on the agenda:

Councilor Weston asked Art about the Stillwater Avenue Exit status. It was looked at a year ago when Mr. Grant had inquired about allowing a left hand turn off the interstate ramp, onto Stillwater. Then Director, Jim Ring indicated it would seven to ten years to negotiate that and was it still being worked on or would they have to pick it back up and start over again.

Art said it was still being worked on and would require public hearings, recommendations from MDOT and the Federal Highway Commission, then on to legislation.

Councilor Weston requested Art provide periodic progress updates to relay to the citizens.

There was no further discussion and the meeting was adjourned at approximately 6:15 p.m.