

MEMORANDUM

TO: Public Safety Committee

FROM: Mary Costigan
Associate Corporation Counsel

DATE: December 5, 2008

RE: **Minutes of the Public Safety Committee Meeting held on November 5, 2008**

Councilor Marshall, Chair of the Public Safety Committee, convened the meeting at 5:35 p.m. with Councilors Duson and Donoghue present.

The Committee voted unanimously to approve the minutes of the October 14, 2008 meeting.

The Committee then took action on the following item:

Sidewalk Snow Removal

Mary Costigan explained that the amendments to Chapter 25 regarding sidewalk snow removal were back before the committee after being sent to the full Council, to the Finance Committee and back to the Council. The proposed amendments, which were approved by the committee at its January 8, 2008 meeting, change the sidewalk snow removal ordinance by requiring only those residential property owners whose property is located within mainland District 1 or District 2 responsible for clearing snow from their sidewalks. The ordinance will still apply to all commercial properties located throughout the city. The amendments also include a provision granting the City Manager authority to suspend or delay the snow and ice removal obligation during emergencies.

Mike Bobinsky of Public Services stated that the Finance Committee approved an additional 30 miles of sidewalks to be cleared by the City both on and off the peninsula and an expenditure of \$110,000 in contingency from the FY09 budget to cover the related costs. He explained the criteria used to select the additional sidewalks, including school walking routes, arterials and collectors, bus stop routes, width of sidewalk, proximity to shopping, medical or recreational centers, and mobility between neighborhoods. He said his department can't support the enforcement efforts. He stated he hoped the expansion program is substantial enough to allow the committee to go further than the amendments. He then explained the two maps before the committee. He noted that the 2007-2008 route resulted in 63 miles of sidewalks plowed by the Department of Public Services. Under this plan, there will be just under 90 miles of plowed sidewalks. He stated the department will use a private contract to plow the one of the new routes.

Councilor Donoghue asked if the routes were prioritized. Mike Bobinsky answered that the priority was school walking routes.

Councilor Donoghue then asked if there were missing links in bus routes, specifically the omission of Munjoy Street and the Maine Medical Center area. Mike Bobinsky answered that Maine Med was covered.

Councilor Duson asked about the green and the red map, specifically what streets were taken out and how will we communicate to homeowners in that area? Mike Bobinsky answered that Whitney was removed between Brighton and Congress because Saint Patrick's School was no longer open. He also stated that the department can communicate that to the property owners.

Councilor Duson asked if the department would consider plowing one of the streets between Brighton to Congress because Whitney would no longer be plowed. She then asked about the standards for clearing and whether those standards included clearing a path through the snow bank at every bus stop.

Mike Bobinsky answered that bus stop snow removal was on a complaint basis, if someone called the department would do more snow removal at a specific bus stop. He stated he hoped to work with other resources, the jail, for example, to assist with snow removal, because at the current staffing level the department couldn't do it. He stated he was also planning on contacting Metro to ask for their assistance.

Councilor Duson asked if Councilor Cohen had passed on her question about clearing bus stops? Mike Bobinsky said he could do that, and Councilor Duson mentioned she had requested it of Councilor Cohen last week.

Councilor Dan Skolnik asked how old the snow removal ordinance was. Mary Costigan said she could find out.

Councilor Skolnik asked how the City plows around obstructions. Mike Bobinsky answered that the department trims trees, etc., and they work around other obstructions to the best of their ability.

Councilor Skolnik then requested a sense of how many streets in Portland which have 25 mph speed limits do not receive sidewalk plowing. Mike Bobinski answered that that brought in most streets and the budget wouldn't allow that.

Councilor Skolnik asked how many passes with a plow are presumed in each route when the numbers were run? Mike Bobinski answered that there was about \$100,000 in the contingency fund, and they were doing the maximum with that money.

Councilor Skolnik then asked whether Public Services was committed to the expanded routes even if the ordinance wasn't passed. Mike Bobinsky answered that the department was prepared to do the routes, but not prepared to do enforcement. He stated that last year the department removed snow from 80 properties, but with the reduction in his staff of 25 employees, he could no longer support an enforcement effort.

Councilor Skolnik asked if that meant the department couldn't clear snow from noncompliant properties? Mike Bobinsky answered that yes, his resources are very limited.

Councilor Skolnik asked where the snow was going to go. Mike Bobinsky said it simply stayed in the right of way, and Councilor Skolnik clarified that he was talking about the removed snow. Mike Bobinsky answered that the plan was to store the snow at the outer Congress Street site. He mentioned that snow melting technology was very expensive.

Councilor Marshall then opened the floor for public comment.

Daniel Charkovsky of 519 St. John Street asked if commercial property includes apartment buildings. He went on to state that his sidewalks are not plowed, and he does 150 feet of sidewalk with each snowfall. He wanted to push for an expanded route to St. John Street, noting that kids walk to school there. He was concerned about how fast people drive on St. John Street and would like something to slow traffic down.

Rosemary of St. John Street stated she would also like something done about speed and snow on St. John Street. Her friend has to walk through snow to school and climb over snow banks on St. John Street, and she was wondering if we could do something about it.

Jenny Olten of North Deering had two concerns. She sees the areas that aren't plowed as valuable as the ones that are plowed. She would like the entire community to have the discussion and be creative. She stated she is visually impaired, walks her five year old to school and it is unsafe to walk in the streets. She stated she would like to think there's a way to set something up to get sidewalks plowed. She said it was extremely important to discuss what parts of the sidewalks are plowed. She stated it was common to go until there was an opening and wind up in the snowbank. She stated she wanted to know there's some discussion also about cut-throughs at crosswalks.

Nancy Page Akers stated that she was homeless, so plowed streets are important. She stated that technology can be used to help keep bus stops cleared, and Americorps are available to help as well.

Jim Fipps, CEO of Iris Network, stated he applauds the expanded sidewalk initiative, and wants to encourage the committee to continue the requirement for residents to remove snow from sidewalks. He stated that many of his clients rely on the bus system, and it is difficult to use the Metro when bus stops aren't cleared. He noted that there was a lot of money in requiring and building sidewalks, but there was no money in clearing sidewalks. He stated that clear sidewalks are important for many people, not just those with disabilities. He reiterated that homeowners should be required to clear sidewalks, as it is difficult to take advantage of cleared sidewalks and the Metro if they can't get there.

Trish Carbono of St. John Street stated that people should still have to clear sidewalks. She suggested taking some of the money and put it into a program to assist people who have a hard time clearing sidewalks

Ted Broder stated that he had the great idea of putting a number on every plow that drives around Portland and collect a fee. He also stated that he thought plows should plow bus stops.

Joan Sheedy of Munjoy Hill stated she runs a program for sidewalk snow clearing for those over 65, which provides free shoveling for seniors. She works with local schools and

organizations for volunteers. She also works with pre-release prisoners at the jail and Deering and Cheverus High Schools. She stated she tells her shovelers to shovel a path to the bus stops.

Gary Higginbottom of Cushman Street stated that the Senate spent 35 million of Portland dollars overseas. He said that the infrastructure of sidewalks is 12 months of the year and should be plowed. He stated that the cost is excessive for the City to clear all the sidewalks, and noted that it should be publicized that there's an increase in removal by the City.

Collette Bouchard of Bayside talked about creating a business improvement district in Bayside for funding of sidewalk snow removal. She was glad Portland Street had been added for removal, but she was concerned about not enforcing removal by residential homeowners.

In response to the question regarding apartment buildings as commercial property, Mary Costigan answered that yes, apartment buildings with more than 4 units is considered commercial property.

Mike Bobinsky stated he will take a look at the intersection of St. John Street and Falmouth Street. Councilor Marshall noted that the question is about speed and safety. Mike Bobinsky responded that there was a mechanism for asking about safety, but he would work with the police regarding speed, and will add that intersection to the snow removal list.

Mike Bobinsky answered the question about access holes at intersections by confirming that the plows will open holes in banks and intersections, and also will try to time plow trucks and sidewalk clearing more carefully to keep the holes clear.

Councilor Donoghue stated he wanted to know whether one had the right to walk in the road when the sidewalks aren't clear. He asked if the code was clear that pedestrians can walk in the roadway if the sidewalk is impassable.

Councilor Skolnik asked how people can learn about Joan Sheedy's program. Ms. Sheedy responded that she has media announcements on channels 2 and 4, and also advertises for help in newspapers. Councilor Skolnik stated it should be on the City's website as well, and asked if it could be expanded beyond seniors. Ms. Sheedy answered that there was a waiting list last year.

Councilor Marshall stated he was in support of keeping ordinance with modifications. He suggested building in language regarding priority enforcement areas. He suggested they should work on alternative language for the November 17th Council meeting as a competing order. He stated that alternative language should require: (1) openings at intersections, (2) the right of pedestrians to walk in the street if the sidewalk is impassible, (3) the ability of the City manager to create delay of enforcement if necessary and (4) create an appeal process.

Councilor Donoghue moved Order 135 as written.

Councilor Duson requested some clarity regarding the current ordinance and the order. Mary Costigan clarified.

Councilor Duson asked if at the staff level, the City had the capacity to respond to complaints off-peninsula? Mike Bobinsky answered that challenges exist, but the question was really for the inspections department.

Councilor Duson noted that the responsibility to clear sidewalks still applies off-peninsula, and asked if there was some ability for the City to respond to hazardous situations? Mike Bobinsky answered that the City would respond to a hazard.

Councilor Duson stated she had been at several places on this topic. She said she gets complaints and concerns from both sets of interests, those who can't clear the sidewalks and those who can only get around by using sidewalks. She stated she has been back and forth on this, but has decided she can't go with a proposal that would codify a situation that makes it harder for people to get around in winter.

Councilor Donoghue stated he was in favor of having it on the books, but had questions about the difference between Order 135 and the ordinance as is.

Councilor Marshall stated that the amendments give the City manager the ability to delay enforcement.

Councilor Skolnik stated he was all in favor to add language crafted last year regarding the delay of enforcement. He asked how people will learn about the delay. Councilor Donoghue suggested the same manner as snow bans, etc.

The Committee voted 3-0 to amend Order 135-08/09 and the existing ordinance to require property owners on corner lots to create openings in snowbanks at crosswalks and to authorize the City Manager to delay enforcement of the ordinance. The Committee also voted 3-0 to recommend the existing ordinance, as amended, be passed by the full council in lieu of Order 135.

The meeting was adjourned at 7:30 p.m.