



Department of Public Works | 860.584.6125

MEMORANDUM

DATE: June 5, 2023

TO: Mayor Jeffrey Caggiano
Board of Public Works

FROM: Raymond A. Rogozinski, P.E., Director of Public Works

RE: **DPW COST SHARING PROGRAM – TREE & WOODED DEBRIS
REMOVAL FROM WATERWAYS**

The Department of Public Works has a program to assist residents with the removal of fallen trees located in rivers within the City. The program provides 50% cost sharing. The purpose of the program is to promote and encourage the removal of fallen trees that block downstream bridges and waterways that cause flooding. Most residents believe that rivers are owned by the City, but they are private property. Properties with frontage on rivers typically own to the center of the river. Therefore, the City does not have the authority to access the river to remove fallen trees.

There have been a number of times in the past, when the Department of Public Works has removed fallen trees from rivers. The removal was performed to reduce the potential of downstream flooding. However, on a multitude of occasions, the City has received claims associated with damage to yards and vegetation from vehicles crossing/accessing private property. The City has also initiated enforcement action against property, to compel property owners to remove fallen trees. Property owners tend to claim that the tree is not theirs, stating that the tree floated down the river onto their property. In other instances, the property owner waits for the next heavy storm to move the tree further downstream.

A copy of the current “Shared Cost Waterway Tree and Wooded Debris Removal Policy” is attached.

The program was implemented in 2013 with \$60,000 (account 3023015-570900-13C12). To date, approximately \$17,250 has been expended, and \$42,750 remains. Based on a review of the attached policy, DPW recommends the following revisions:

1. Limit the program to the removal of fallen/damaged trees or debris impeding the river only. The current policy includes funding to remove/cut dead standing trees within the flood plain and remove invasive species. To date, resident participation in the program has consisted primarily of the removal of fallen trees or debris from waterways.

2. The current program has a cap/limit of \$3,000/year per property. DPW recommends increasing the limit to \$7,000/year (City share). The cost to remove fallen trees has ranged from \$8,000 to \$12,000.
3. Allow commercial and non-profits to be eligible for the program. The current program is limited to residential dwellings (1 to 6 family units).
4. The existing policy details City procurement of a contractor on a yearly “on-call” basis, with work scheduled throughout the year. Based on the limited participation rate of the program, and the limited number of eligible trees or debris within the waterways, work has been scheduled on an “as-needed” basis. In addition, establishing on-call contracts is a challenge, due to variations in work. In order to procure the services of a contractor, the City has issued site specific bids. With that said, procurement of contractors willing to perform the work has been limited. The procurement of a City contractor shall be in accordance with the City’s Purchasing manual.
5. Residents shall be eligible for a loan program, similar to the loan program associated with the sidewalk repair program. As with the sidewalk repair program, documentation of the loan and the ability of the City to lien the property shall be part of the program. See attached loan program.

Thanks for your input in this matter. Please feel free to contact me at 860-584-6113.

POLICITY OF BRISTOL – PUBLIC WORKS

23.16B SHARED COST WATERWAY TREE AND WOODED DEBRIS REMOVAL POLICY

1. Policy Name

23.16B Shared Cost Waterway Tree and Wooden Debris Removal Program Policy

2. Responsible Division and effective date

Engineering Division of the Public Works Department. The Shared Cost Waterway Tree and Wooden Debris Removal program is contingent on availability of funding. Effective Date _____

3. Rationale or Purpose

This program is consistent with the objectives of the City's Flood Damage Prevention ordinance (Code of Ordinances, Appendix D, Section 5-Provisions for Flood Hazard Reduction) in reduction of risk of danger of materials being swept onto other lands to the injury of others and danger to life and property due to flooding. It is in the City's interest to facilitate the clear floodway of the waterway to help assure public safety and alleviate flooding.

4. Policy Statement

The cost sharing program is designed to reduce the cost to property owners for the maintenance of waterways located on private property. A property owner with a dead or damaged tree or wooden debris within the waterway, riparian zone or floodplain on PRIVATE property is eligible to participate in the "Shared Cost Waterway Tree and Woody Debris Removal Program" whereby the City of Bristol will share 50% of the cost of having the tree/debris removed level to the ground and/or to the extent practicable to minimize waterway flow impact. The annual maximum amount that the City will contribute to tree removal is \$3,000 per household. This is a cost sharing program and the City will match the cost with property owners for eligible tree removal up to a \$3,000 cap per household, per fiscal year. Stump removal/stump grinding is not eligible for reimbursement under the Shared Cost Tree Removal Program. Tree removal shall be level to the ground with removal of all brush and branches cut during the operation.

Cost sharing shall be in effect based on availability of funding and will be distributed on a first come, first served basis, unless otherwise determined by the Engineering Division. The program cap is \$60,000.

5. Scope

- 5.1** Cost sharing is limited to maintenance of waterways, riparian zones and floodplains;
- 5.1.1. In need of maintenance for safety reasons,
 - 5.1.2. For removal of damage trees, wooden debris, invasive species, or other impediment,
 - 5.1.3. For a City-hired contractor, licensed and bonded by City, to remove wooden debris from waterways, cost-sharing up to 50% of the Contractors cost,
 - 5.1.4. All tree service contractors participating in the program must have on file with the City Clerk's office a valid certificate of insurance evidencing current liability coverage as required by the City Procurement office.

- 5.1.5. The City of Bristol, its officials, employees and volunteers must be named as additional insured on said certificate as a condition of participation in the Shared Cost Waterway Tree and Woody Debris Removal Program.
- 5.1.6. Cost sharing shall include the restoration of property immediately affected by the work (i.e. stabilization of the slope or other impacted area).
- 5.1.7. Cost sharing shall not include any regulatory costs. Any necessary permits are the responsibility of the Property Owner/Contractor.
- 5.1.8. This program is limited to residential dwellings, defined as 1 to 6 family unit dwellings.

6. Procedures

- 6.1.** Property owners must complete and submit a Program Request form to Public Works to participate in the Shared Cost Waterway Tree and Wooden Debris Removal program.
- 6.2.** The City Engineer, or designee, will respond to the property owner to acknowledge receipt of the request and advise that a site visit will be done to determine the scope of work.
- 6.3.** The City Engineer, or designee, will visit the property address and evaluate the need based on City safety and flood mitigation assessment. The site visit will be documented, with photos as needed, and kept on file in Public Works.
- 6.4.** The City Engineer, or designee, will then send a letter to the property owner and advise them of the findings, and if warranted, will add the property to the list of requests for participation in the Program.
- 6.5.** By September 1st of each year or earlier if warranted by site conditions, Public Works will send notification to a group of property owners from the list (based on funding and contractor availability) to advise that their property will be eligible for the program in the next calendar year.
- 6.6.** The property owner will be required to respond within 30 days to notify the City of their continued interest in participating in the program. If the property owner responds that they still wish to participate, a final inspection will be performed to verify the site condition.
- 6.7.** By December 15th (or earlier if warranted by site conditions), Public Works will send a letter to the property owner and advise them of the final inspection results and provide an estimate based on current contractor costs. The property owner will then have the opportunity to complete the Program Agreement Application, sign and notarize the agreement, and return it to Public Works within 2 weeks of the notification of the quote.
- 6.8.** If the Property Owner chooses to opt out of the program or do not respond, they may not apply again until the next fiscal year.
- 6.9.** Property owners may select a contractor different than the low quote provided the following conditions are met:
 1. Work must be done at a cost equal to or lower than the lowest quote received by the City; and
 2. If the property owner obtains a bid lower than those bids received by the City, the City may agree to award the tree removal project to the contractor (alternate contractor) submitting the low bid to the property owner. However, the City of Bristol reserves the right to review and approve the qualifications of the alternate contractor, and, the alternate contractor must provide proof of liability insurance coverage to the satisfaction of the City's requirements. Under no circumstances will the City reimburse either the property owner or the alternate contractor should the alternate contractor's qualifications not meet with the City's approval or the alternate contractor fail to provide evidence of satisfactory liability insurance coverage. The City will not be party to a tree removal

project that proceeds with an alternate contractor that does not meet the criteria discussed in this section.

- 6.10.** During February (or earlier if warranted by site conditions), the Engineering Division of Public Works will compile the final list of sites to be done that calendar year, and prepare a bid request. Bids will be awarded in March (or earlier if warranted by site conditions), and property owners will then be notified of any cost estimate changes based on the contract award.
- 6.11.** Work will be completed during that calendar year.
- 6.12.** Once the programmed work is complete, the bill for City-approved projects should be sent to Public Works by the contractor. The City will in turn bill the property owner for their portion of the pre-approved work. If a property owner chooses to have additional work done that was not pre-approved by the City, the contractor must bill the property owner directly for that portion of work.
- 6.13.** If a property owner wishes to proceed with work at their own expense due to program delays, they may do so using a licensed and bonded contractor. If the property owner had previously requested to participate in the Waterway Tree and Wooden Debris Removal Program, and an initial assessment/inspection had been performed by the City Engineer prior to the property owner hiring a contractor, reimbursement may be available to them, with appropriate copies of paid invoices, once their property becomes eligible for the Program in a future calendar year.
- 6.14.** All work associated with the Shared Cost Waterway Tree and Wooden Debris Removal program shall be completed in accordance with requirements of the City ordinances, policies and specifications and all applicable regulatory requirements. No reimbursement of cost will be provided without compliance with these requirements. All work must be performed by a contractor licensed and bonded by the City of Bristol. The contractor shall obtain all any permits prior to performing any work. Wetland and floodplain permits, if necessary, are available from Public Works (860-584-6125).

7. Roles/Responsibilities

Property Owner: To be considered for the Shared Cost Waterway Tree and Wooden Debris Removal Program, property owners must submit a Program Request form to Public Works. Once a request has been submitted, property owners are responsible for notifying Public Works if they are no longer interested in participating in the program. Property owners are responsible for taking preventive measures to ensure the safety of the public by maintaining the waterways on their property at all times. Property owners are responsible for submitting all documentation as requested by Public Works: Failure to provide documentation as requested will void the original request to participate the in Program.

Public Works is responsible for visiting the property, determining the need for participation in the program, documenting the results of the visit, and notifying the resident of their findings. Public Works is also responsible for keeping the property owner informed at all stages of the process and for administering the Shared Cost Waterway Tree and Wooden Debris Removal Program Program.

8. Definitions

N/A

Approval authority: Board of Public Works

Approved date: __

Review cycle: Annual

CITY OF BRISTOL – PUBLIC WORKS

23.16A RESIDENTIAL SIDEWALK REPAIR LOAN PROGRAM POLICY

1. Policy Name

23.16A Residential Sidewalk Repair Loan Program Policy.

2. Responsible Division and effective date.

City of Bristol Public Works and Comptrollers Departments.
Effective date 10/02/07

3. Rationale or Purpose

In accordance with City Ordinance Section 21-37, City property owners that own land upon or adjacent to a sidewalk are responsible for the repair, maintenance and for keeping sidewalks in safe condition for the use of the public.

This policy reflects the City's program to offer financial assistance with the cost of sidewalk repairs to property owners for benefit of the safety of the public.

4. Policy Statement

The City offers a Residential Sidewalk Repair Loan Program that is available for necessary sidewalk repair projects where the property owner's portion of the cost exceeds \$300.00 of the total cost which exceeds \$600.00.

5. Scope

Loans will be limited to property owners that participate in the Residential Sidewalk Repair Program and when abutting sidewalks are:

1. In need of repair/replacement for safety reasons.
2. Are repaired or replaced by the contractor retained by the City for sidewalk repair work.

Loans are repaid with biannual payments over a three year period based on the City's borrowing rate at the time the loan is initiated.

Property owners will be billed by the City within thirty (30) days of the project completion. Payments over thirty (30) days past due will be charged a late fee equal to one (1)% per month on the past due amount.

6. Procedures

After requesting to participate in the Residential Sidewalk Repair Program, property owners will be required to complete an application prior to the commencement of work. The application will provide property owners with the option of requesting to also participate in the Loan program.

Once construction is complete, the bill for City-approved repairs will be sent to Public Works by the contractor. The City will then bill the property owner for their portion of the pre-approved work.

If a property owner chooses to have additional work done that was not pre-approved by the City, the contractor must bill the property owner directly for that portion of work. Additional work is not eligible for the loan program.

7. Roles/Responsibilities

To be considered for the Residential Sidewalk Repair Loan Program, property owners must make written application to the Public Works Department.

Property owners are responsible for submitting all documentation as requested by Public Works. Failure to provide documentation as requested will void the original request to participate in the Loan Program.

Property owners are responsible for any and all costs incurred to repair sidewalks that have not been deemed a safety concern by Public Works.

The City of Bristol Comptroller Department is responsible to promptly pay the contractor once invoices are submitted, and to bill property owners in a timely fashion.

Property owners are responsible to remit payments in a timely manner.

8. Definitions

N/A

9. References

See also Policy # 23.16 Residential Sidewalk Repair Program Policy

10. Consequences of Non-Compliance

Property owners that do not repay the Loan received through this program are subject to having a lien placed against their property by the City.

Approval authority: Board of Public Works

Approved date: 10/02/07

Review cycle: Annual