

City of Belfast
SPECIAL CITY COUNCIL MEETING
Belfast City Hall – Council Chambers
Wednesday, April 27, 2016
7:00 P.M.

- 1) Call to order
- 2) Roll call: Mayor Walter Ash, Jr.; Councilors Mary Mortier, Neal Harkness, Eric Sanders, Michael Hurley, John Arrison and City Manager Joseph Slocum.
- 3) Adoption of the agenda
- 4) Further discussion on clearing tree obstructions at the Belfast Airport for runway 15.
- 5) Adjourn



City of
Belfast

Joseph Slocum <citymanager@cityofbelfast.org>

4)

FAA Update Obstruction Removal Request Special City Council Meeting Wed April 27 7pm

5 messages

Joseph Slocum <citymanager@cityofbelfast.org>

Thu, Apr 21, 2016 at 3:52 PM

To: Councilors <councilors@cityofbelfast.org>, Thomas Kittredge <economicdevelopment@cityofbelfast.org>, Tim.Lesiege@maine.gov, Anne Hallee <risingupfarm.anne@gmail.com>

April 21, 2016

Dear Members of Belfast City Council

Re: proposed tree obstruction removal Belfast Municipal Airport

Good afternoon,

This morning I was on a telephone conference with the FAA, the State and our Airport consultant trying to sort out how best to proceed. We were looking to discuss the viability of a more limited project (City only property) given the bids that went out and secondly how we could work with the neighbor so they could self-cut in a way that satisfies the FAA.

The other night the Council said they wanted us to develop a Plan for working with the immediate neighbor, Anne Hallee and Charlie Lazeroff. Today the FAA said it needs this plan now as part of any application for obstruction removal. The deadline for applying for funds is May 1 but after our telephone conference the FAA has apparently given us an extension to May 15th. I have not had the chance to speak with either Anne or Charlie but felt it best to give each of you the same information as soon as possible.

On the phone, the FAA stressed that clear airspace is a significant safety issue and that they would only provide one time funding. Every dollar to maintain air clearance thereafter would be 100% paid for by the City. That means that we accept the funding responsibilities that come with natural future growth.

The FAA then made very clear that it is the City who has a direct legal and contractual obligation (Under all former grants etc.) to maintain clear airspace approaches at the Airport 365 days a year 24 hours a day. Anything less than this is unacceptable to the FAA and they will not hesitate to step in and restrict the use of our existing airport. Also, any failure to make sure this clearance is achieved can lead to an aviation accident and expose the City to a liability.

The FAA emphasized that they have already invested significantly in financing the obstructions survey and they need to see this moving forward at this time. If they do not see an application in May of 2016 for dealing with a significant priority safety issue like clearing obstructions, then our planned application in May 1, 2017 for about \$5,500,000 in discretionary funding to build the parallel taxiway would be in jeopardy. Discretionary funding is not attracted to Airports that have these types of outstanding safety issues. Up until today we had every reason to believe this discretionary funding money would come our way next year. The City has been pursuing this funding for almost 10 years.

The FAA further explained that if we do lose the 2017 discretionary opportunity, then they would not know when such funding might be available again because now it would have to compete with projects throughout New England rather than just Maine.

For the portion of the Tree Clearing Project on City property, we would have a specification requiring the contractor to certify at the end of the work that they have removed all obstructions required under the contract and that nothing left behind penetrates the 20-1 surface. They would likely need a professional surveyor to help make this certification.

, Anne and Charlie, raised serious concerns by the FAA. They want the City to certify under its contractual burden to the FAA, not the neighbors, that the air spaces are clear and that all the trees and obstructions that penetrate are removed. The Council will also want to make sure their work complies with the decision to cut everything 5 feet below the 20 to 1 surface based upon the 2014 study.

Certification can come from a professional land surveyor. Since the decision is to let the neighbor do their own cutting, the Contractor, who is only cutting on City land, will not certify work they do not do. The question is who is going to pay for the professional surveyor to certify the private property has cleared the airspaces consistent with the Council's decision.

As I mentioned Tuesday night we have to agree come to an agreement as to what has to be cut. The State advised me today that the method selected by the Halle Lazaroff property can only identify the front row of trees that would have to be cut as it cannot measure whether or not the trees behind those trees also need to be cut.

This means that if they measure and cut in good faith, the next row behind that row may also need to be cut as well. The Council also stressed the other night that we need some verification that the work has been done to meet the 5 foot standard the Council adopted.

My suggestion would be as follows:

1. The Council award the contract on the City Property that requires the contractor to certify through a professional Surveyor that all of the work the Council directed on the City property has been done and that there are no penetrations to the 20 to 1 surface standard. (Survey to be Funded by the Grant Application)
2. The Council approve a written agreement with Hallee Lazeroff owners that they will cut the trees to meet the 5 foot standard at their own expense by October 15th, 2016.(Not part of the Grant Application)
3. After October 15th, the City will hire and pay for an independent Professional Surveyor to measure the Hallee Lazeroff cutting. If they meet the standard we are all done with that portion of the project. (Not part of the Grant Application)
4. However if after October 15, 2016. Hallee and Lazeroff are found not to meet the Standard then Hallee

Lazeroff will immediately (two weeks) remove the trees that still violate the 5 foot standard and they will further have to reimburse the City for any and all cost associated with the City having to bring the Surveyor back to certify the results. (Not part of the Grant Application)

5. If there are trees on the Hallee Lazeroff Property that continue to violate the Council adopted Standard on November 1, 2016 then the City will move onto the property with their own contractors and Hallee and Lazeroff will reimburse the City for the cost to clear the trees which still fail to meet the Council selected standard as determined by the independent Professional Surveyor. (Not part of the Grant Application)

6. It is likely that the cost of the initial professional survey will have to be paid for 100% by the City as it is not part of the contract with Contractor.

7. The City will file with the FAA written certification of clearance of both projects by the two Surveys. A single tree in either project can destroy the certification.

This proposal provides the necessary verification of clearance that the FAA requires and yet allows an individual property owner to assume the responsibility to manage the task themselves while providing verification for the City that they have done so.

How much will a Surveyor cost the City? No idea at this time.

If the Halle Lazaroff property clears their threatening obstructions within the standard selected by the Council then they should have no further expense or imposition at this time. Future growth and assessment will have to be undertaken by both themselves as well as the City.

The FAA is looking for our Plan and they are looking for it right now. They want to see it as an important part of any application for funding. I have spoken to Tim LeSiege from the State DOT who helps us manage our aviation affairs at the State level. I would like to invite him, our consultant and Anne Hallee to a Special City Council meeting next Wednesday 7:00 pm so that we can discuss these issues and hopefully resolve them in time to still apply for our FAA funding and save our opportunity for funding of our parallel taxiway.

I can not change where we all have all been on this issue, I can only address right now what we need to address now.

Thank you for your consideration.

Joe

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