

Memo To: Sandra Tripp-Jones, City Manager

From: Commissioner Steve Rideout

Date: November 12, 2016

Re: City Sidewalks

The purpose of this memo is to provide background for my request that City Council direct staff to research how other cities address the cost of building new sidewalks and fixing or replacing damaged or unsafe sidewalks and/or enforcing the repair and replacement of damaged sidewalks that are not being fixed by the property owners who are currently responsible to do that under existing law.

As we look around the city, we see too many sidewalks that are damaged and need repair. We also see streets that need sidewalks but have none for lack of funding. The city has an enforcement process regarding this issue, but staff that does this work is overwhelmed with other important tasks. As a result this one is rarely done. The appearance to visitors including potential business representatives and homebuyers does not provide the impression we need to portray.

As we are aware, our city code places responsibility for most sidewalk repair and replacement on the property owner – see Sections 3-36 and 16-21. Where the city is required to repair a property owner's sidewalk, the property owner, unless s/he pays for the work, is then assessed that cost and a lien is placed against his property.

Under the current process, property owners who fix their sidewalks must obtain permits from the city engineer for construction, and city staff must do inspections, determine what needs to be repaired or replaced, deal with the property owner to enforce the statute, and then try to collect the money from the property owner if the city has to go ahead and repair or replace the sidewalk.

I recall that the Easton City Council considered legislation that would change how damaged sidewalks were replaced or repaired. While I do not know the final

outcome, I believe that the city would make the repairs and assess a portion of the cost to the property owner.

Currently, Cambridge can do that by making the repairs or replacements and then assessing the cost. If the payment is not received from the property owner for whatever reason, the challenge is that the city is only paid some or all of what is owed when money is provided by the property owner, when the city lien is paid when the property is sold, or if the property is sold at a tax sale. The pursuit of these matters in court cost the city additional money and limit staff time to undertake other duties.

My suggestion is that staff look to see if the current process is working well and efficiently or whether some other process such as the city taking over the responsibility for fixing or replacing all sidewalks and that the task be paid for by a certain percentage of city taxes paid that will be placed in a specific restricted fund for that purpose and that the property owner be required to pay a certain percentage (%) of the project.

Some of the questions to be answered include:

1. How many staff are available for this task and how many are assigned to enforce the law regarding damaged sidewalks?
2. How many complaints are received each year by the city regarding damaged sidewalks or sidewalks that need to be built?
3. How many homeowners in the last 3-5 years have been directed by city staff to fix or replace damaged sidewalks?
4. How long has it taken for those homeowners to make the repairs?
5. How long has it taken for the city to make repairs that homeowners in #3 above failed to do as requested?
6. How much has the city spent in the last 3 -5 years fixing sidewalks that homeowners failed to repair themselves?
7. How much is the city owed by homeowners for the work done in #3 above?
8. How many liens have been placed against the homeowners in #4 above?
9. How many judgments exist and in what total amount regarding sidewalk repair?

Why have the city do it? We need to know in real terms the extent of the problem and what has or has not been done in the past and what is being done now. If the city continues to make repairs without repayment or with reduced repayment, this might indicate that we need to look at a different way to address this problem.

If some change happened in how the city managed its sidewalks, the city would be able to obtain a better price for repairing and replacing sidewalks as it would be contracting with a company to do multiple sidewalks and thus could negotiate a better price for the work. Under the current code, the city must wait until its funding source has adequate resources to undertake new projects. That funding source is the monies received for repayment of work done on sidewalks by the city. With a known tax payment each year, the city will know what is available for this task as a result of tax revenues paid into the city and can move forward with a strategic plan to address this problem throughout the city.