



Committee on Public Works & Utilities and the Northampton City Council

Committee Members:

Chair: Councilor Dennis P. Bidwell

Vice-Chair Councilor James Nash

Councilor William H. Dwight

Councilor David A. Murphy

MEETING AGENDA

Date: January 30, 2017

Time: 4:00 p.m.

**Location: City Council Chambers
212 Main St., Northampton, Massachusetts**

1. Meeting Called to Order and Roll Call: On a roll call the following committee members were present: Councilor Bidwell, Councilor Nash, Councilor Murphy, and Councilor Dwight.

2. Public Comment: None

3. Election of Committee Officers:

When Councilor Adams resigned in May, Councilor Bidwell stepped in as Vice-Chair to assume some of the duties of the Chair. There was never a formal election to make Councilor Bidwell the Chair. The committee will hold elections for both the Chair and the Vice-Chair.

Councilor Dwight moved to open nominations for Chair and nominated Councilor Dennis Bidwell; Councilor Murphy seconded the motion. There were no other nominations.

Councilor Dwight moved to close nominations; Councilor Murphy seconded the motion. The committee voted to elect Councilor Bidwell on a voice vote of 4 Yes, 0 No.

Councilor Dwight moved to open nominations for Vice-Chair; Councilor Murphy seconded the motion. Councilor Dwight nominated Councilor David Murphy; Councilor Murphy declined the nomination. Councilor Dwight nominated Councilor James Nash; Councilor Murphy seconded the nomination.

Councilor Dwight moved to close nominations; Councilor Murphy seconded the motion. The committee voted to elect Councilor Nash on a voice vote of 4 Yes, 0 No.

4. Approve Minutes of the November 28, 2016 Meeting

Councilor Dwight moved to approve the minutes of November 28, 2016; Councilor Murphy seconded the motion. The motion was approved on a voice vote of 4 Yes. 0 No.

5. Plans for Future Meetings - updates & discussion

The committee discussed items for upcoming agendas.

Councilor Bidwell spoke with Mayor Narkewicz about what his timetable might look like for water sewer rates. At the February 2016 Public Works Committee meeting, a public hearing was held concerning the proposed rates. If the Mayor brings forward proposed rates at the February 16, 2017 City Council meeting, it is possible that a public hearing will be held in February to discuss this topic.

The second subject for February concerns Columbia Gas; they have been proactive at working with the community in Springfield and Northampton around gas leaks. At the last meeting the committee discussed whether to invite Steve Bryant, the company's President. While Mr. Bryant is here, perhaps there may be an opportunity to discuss the gas moratorium.

Councilor Bidwell invited Mr. Michael Vito to introduce himself and participate in the discussion. Mr. Vito worked for the City for a number of years and covered City news as a reporter. He is a consultant for Columbia Gas focusing on community outreach. He also acts as a representative for the company in the Northampton area. Mr. Vito reports that Mr. Bryant is excited about coming to the February meeting. Mr. Bryant would like a sense from the committee about how the meeting and discussion will be structured.

Councilor Bidwell notes that the genesis for this idea was a conversation with the DPW Director. The Director reflected how it is easier to address gas leaks when streets are already torn up and notes that a good working relationship with the utility company helps to keep projects flowing. In addition, Councilor Bidwell has been sitting in on community meetings led by Marty Nathan of the Two Degrees group. They have been drawing attention to the magnitude of the gas leaks, including those that are not dangerous to structures and people. Mr. Bryant attended one such meeting that was held in the home of Marty Nathan. Mr. Bryant has been taking a leadership role in defining a methodology for identifying gas leaks.

Councilor Dwight reflected that normally the President of Columbia Gas would discuss items with the Executive of a municipality, not the City Council. The Council and its committees have no authority; the Council acts as an information processing center. The discussion will be an informal description of on-going projects and objectives of the company. The Director of the DPW will be invited to participate in the discussion. Councilor Dwight pointed out that under the new City Charter, the committee is limited on what can be asked of the DPW Director. She can only respond to things in which she has been given advance notice. The meeting will be informational and councilors can share with their constituents the information provided at the meeting. Given that the relationship between the City and the Utility Company has been positive and cooperative, the meeting can be used as a way to share and exchange information.

Councilor Bidwell wondered if it would be advantageous to write up questions in advance of the meeting. The information that is provided doesn't need to be technically detailed. Councilor Bidwell points out that the approach Columbia Gas is employing can serve as a model to other communities. Councilor Dwight feels that there is likely to be an audience.

Councilor Bidwell advised that the meeting will be structured in such a way as to invite people to speak on the topic with an expectation that there would be other people in the audience, including the press. Councilor Murphy noted that specific questions addressing specific concerns should not be expected to be addressed. There is already a process in place to handle this and that process should be followed. Councilor Bidwell suggested that perhaps ground rules can be established and announced at the beginning of the meeting. Councilor Dwight suggested a public comment period prior to beginning the discussion. Questions can be posed by the audience at the beginning of the meeting. Councilor Murphy advised that members of the public should not have the expectation that questions asked by them will be answered immediately.

Councilor Bidwell will put together a list of questions and share them with one other committee member. When the questions are agreed upon, he will send them to the invited participants. Councilor Nash suggested reaching out to Marty Nathan's group. He questioned whether the community group wanted equal time to share information during the forum. Councilor Bidwell thought that giving time to each of the groups would be a good idea. He also will stress the informality of the meeting to avoid lengthy presentations.

Councilor Dwight points out that the Chair will have the opportunity to set the tone for the meeting, including how questions from the community might be addressed. Councilor Murphy points out that unplanned questions may require follow-up at a future time. This meeting is not an opportunity to share specific concerns or to have specific needs met. Councilor Bidwell will work to establish specific ground rules for the meeting and announce them during the meeting. He will work on a list of questions and ask Councilor Nash to look over the list. In the meantime, he will work with the Mayor to see whether departmental participation is possible.

During the second part of the meeting, which does not involve the DPW, the committee can discuss the gas moratorium. Councilor Bidwell notes that prior to him joining the Council, the City Council approved a resolution that made reference to pipeline moratoriums. He thought the resolution called upon the gas company to explain the reason for the moratorium. He is not sure whether there was any follow-up on the matter. Mr. Bryant indicated that it was possible that there would be news about the moratorium sometime in February. The committee looks forward to hearing any update that is available.

Mr. Vito recounted that Columbia Gas established a liquid natural gas facility in Easthampton near the Northampton line. In the winter time when there is such a high demand, extra gas could be put in the line from the liquid natural gas tank. And while more capacity was granted from Tennessee Gas, the tremendous growth in the Northampton/Easthampton area was larger than even the Springfield and Brocton areas. This occurred when oil prices skyrocketed. Councilor Nash recalls that there were great incentives to switch to natural gas as well.

Councilor Dwight noted that the discussion about the moratorium will be more philosophical in nature focusing on sustainability, conversions, construction and development. He believes that there was confusion on the part of the public as perhaps they perceived that the moratorium was a direct result of the pipeline issue. Perhaps Mr. Bryant could clear up part of the misconception.

Councilor Bidwell recently discussed the change in plans that the Village Hill developer may need to make because of the moratorium. What are the chances the MassDevelopment could have natural gas as an option? He is sure that they would be interested in knowing. Also, from a development point of view, the Chamber of Commerce has concerns about the continuation of the moratorium. Councilor Bidwell doesn't need think that questions need to be posed to Mr. Bryant; perhaps he could let the community, by way of

the committee, know if there is a solution in sight. Mr. Vito cautioned that there may be some elements that Mr. Bryant may not be able to discuss if negotiations are on-going at that point.

Councilor Bidwell asked that Mr. Vito express appreciation for Mr. Bryant's willingness to participate in a committee discussion.

Councilor Nash wondered about the order of the discussions. Councilor Bidwell thought it might be wise to discuss the gas leaks issue first, since City staff will be asked to participate.

Councilor Bidwell asked the committee if they were willing to proceed with the discussion if Director LaScaleia could not participate. Councilor Dwight suggested that if she could not participate, perhaps she would be willing to provide a memorandum addressing the questions posed by the committee.

Moving on, Councilor Bidwell thought that if the public hearing concerning water/sewer rates did not happen in February, it will likely happen in March. He recognizes that the setting of these rates is one of the first building blocks for the City's budget.

Councilor Dwight asked if the water/sewer rate discussion would be separate from the stormwater discussion. Councilor Bidwell thought that it would be. He recalled the recent presentation about the subject given by Director LaScaleia. The information presented at the Council meeting was important and might be helpful to have the same conversation with the public. Councilor Dwight noted that the Council approved the initial legislation for a stormwater fee and will continue to authorize any modifications to the City codes. The fees can be modified with Council approval. Councilor Murphy noted that there is an agreement that the fund would be capped at \$2million. If the cap were to go away then the Council would need to revisit the issue.

Councilor Dwight stated that despite the fact that there were two years of conversation and public participation prior to implementing a stormwater fee, he feels it is appropriate to have a refresher. He notes that there is an organization calling for an appeal of the fee and this might be the best opportunity to re-explain all of the challenges associated with trying to have a way to subsidize the stormwater management system. Perhaps involving previous members of the stormwater utility committee might be worthwhile. Perhaps they can explain why this particular model to fund the utility was chosen, as opposed to taking the money out of the general fund. Also, the reason behind making this a fee instead of a tax can be explained. Councilor Bidwell asked if it was important to re-educate the public about how the fee was established in addition to how the stormwater utility works. Councilor Dwight thought this would be useful information. Regarding the format, provided that the Mayor is agreeable, he thought the DPW could participate to explain what the process is, what the challenges are, and what the mandates are for.

Councilor Bidwell asked whether it was necessary to "open a can of worms". Councilor Dwight feels that can is being opened already by the group who wants to challenge the fee in court. Councilor Murphy recalls that there opportunities built in to the program to mitigate the fee. Perhaps offering a quick recap about the program and how to mitigate the fee for qualified individuals or businesses would be beneficial. Councilor Nash loved Director LaScaleia's presentation. He notes that the stormwater fee fund is being used all over the City. The system doesn't just move stormwater into the Connecticut River. Stormwater also gets under the City's roadways. People use these roads to transport across the City. By using the stormwater fees to pay for the infrastructure, the fee serves every member of the community. Councilor Nash saw plenty of evidence that the money is going to good projects all over the City. He has heard complaints and he believes that the people with the biggest complaints are ones not on the path of the flood control system in the downtown area.

Councilor Bidwell asked about the Credit Policy that Council reviews annually. Councilor Dwight recalls that policy breaks down the abatements that are awarded and what categories they fall into. As adjustments are made in the abatements, the same amount of money needs to be collected city wide. So what's included is how this impacts the formula. Regarding the policy itself, the City Council can vote only to accept the contents; the contents themselves cannot be modified by the legislative body. Here is an extract from the City's Code Book §280-10:

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"The Department of Public Works shall annually develop a proposed Stormwater Management and Flood Control Utility Credit Policy ("Credit Policy"). The Director shall submit the proposed Credit Policy to the Mayor, who may approve, modify and approve, or disapprove the Credit Policy. The Credit Policy as approved by the Mayor shall be submitted by the Mayor to the City Council for approval. The City Council may approve or disapprove the Credit Policy as submitted. The Stormwater Management and Flood Control Utility Credit Policy will define potential credits or adjustments such as: for stormwater improvements, undeveloped land with protected status, multiple undeveloped parcels under single ownership, seniors, low income, educational programs, and others. The Stormwater Management and Flood Control Utility Credit Policy shall be available for inspection by the public at the Department of Public Works and on the City website."

When last accepted, the DPW did a presentation to the full City Council before voting to accept the policy. Councilor Bidwell will check with the Mayor about what the timing will be for submitting an updated policy.

While there are no indications that changes to the fee structure are in the works, Councilor Dwight points out that there are frequent conversations about whether there is a glaring problem with the formula that needs to be corrected. So far this does not seem to be the case. If there were any changes, they would be introduced to Council for a vote. There are members of the public who are currently interested in repealing the fee.

Last year the Committee on Finance and the Committee on Public Works and Utilities held public hearings concerning water and sewer rates. Those meetings were held in February after the proposed rates were submitted. Councilor Dwight recalled that last year a new formula was being introduced. Councilor Bidwell will talk with the Mayor about has timing to introduce water and sewer rates.

In February, the committee could hold a water/sewer rate public hearing in addition to the gas leaks/moratorium discussion. If water and sewer rates are not brought forward before the February meeting, then the water/sewer public hearing will take place in March. Perhaps in April the committee could look to have a discussion about stormwater and flood control system. Nationally there is both a Public Works Appreciation week and an Infrastructure Week in May. Councilor Bidwell believes that the DPW is planning something for both of those weeks and he suggests that the committee join in on whatever is planned. He has no interest in trying to do something independently, however, he is in favor of promoting whatever plans develop by City departments.

6. **New Business:** None

7. **Adjourn:** At 5:00 pm Councilor Dwight moved to adjourn the meeting; Councilor Murphy seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

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