



Committee on Public Works & Utilities and the Northampton City Council

Committee Members:

Councilor Dennis P. Bidwell, Vice-Chair

Councilor William H. Dwight

Councilor David A. Murphy

Councilor James Nash

MEETING MINUTES

Date: November 28, 2016

Time: 4:00 p.m.

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

1. Meeting Called to Order and Roll Call

At 4:03 pm Councilor Bidwell called the meeting to order and announced that the meeting was being recorded. Present were: Councilors Dwight, Bidwell and Nash. Councilor Murphy was absent.

Welcome to Councilor Nash; this is his first meeting of this committee.

2. Public Comment

Former City Councilor Paul Spector, 74 Massasoit Street, was present to speak during Public Comment. He welcomed Councilor Nash. Mr. Spector served as the Chair to this committee for a number of years. He notes that one of the things the committee looked at was when the EPA and Army Corp of Engineers had new regulations coming down to municipalities concerning stormwater management. This would have lead to very expensive things that the City would need to do in order to comply with the requirements. He notes that if those regulations will no longer be enforced from the outside it will be interesting to see what happens. Given the newly elected president's position on climate change and his overall concerns with the EPA, Mr. Spector suggests that there will be no shortage of topics for the committee to consider: regulations concerning new flood maps given climate change; dams and dykes and how repairs and maintenance will be handled.

3. Approve Minutes of July 14, 2016 Meeting

Councilor Dwight moved to approve the minutes; Councilor Nash seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Absent (Councilor Murphy).

4. Approve Committee's calendar for 2017

Councilor Dwight moved to approve the recommended dates for committee meetings in 2017; Councilor Nash seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Absent (Councilor Murphy). The committee approved the calendar for 2017 as follows:

In general the committee meets on the fourth Monday each month @ 4:00 pm.

Monday, January 30, 2017 (5th Monday)
Monday, February 27, 2017
Monday, March 27, 2017
Monday, April 24, 2017
Monday, May 22, 2017
Monday, June 26, 2017
Monday, July 24, 2017
Monday, August 28, 2017
Monday, September 25, 2017
Monday, October 30, 2017 (5th Monday)
Monday, November 27, 2017
Monday, December 18, 2017 (3rd Monday)

5. Issues to be addressed at upcoming meetings

Councilor Bidwell posed the questions about what the issues might be coming in the future that the committee would be willing to address. Councilor Dwight noted that former City Councilor Paul Spector brought up many interesting points during public comment. Also there is a citizen movement to expand the conversation pertaining to stormwater fees. Councilor Dwight feels it is important to restate why the fees exist, how they exist, and how the formula for the fee was developed. He does point out that this is a Mayoral authority issue where the fees established by the former BPW are enforced by the City. The Council plays no role in this at all. However, the Council is the public access and as a result, there might be an opportunity to have a hearing and allow the public to express their notions and ideas. Also, people who have expressed "push-back" don't seem to be aware of the conversations that lead to the imposition of the fee. Councilor Dwight would be surprised if the established regulations by the EPA and Army Corp of Engineers were rolled back. There is a possibility that the edicts may be relaxed, however, as a community we should decide how to proceed if this happens. He notes that there are many people who believe climate issues pose a real threat and were part of the initial conversation to take action. Councilor Bidwell notes that this was on his list of concerns as well. If the committee were to hold a public hearing this would provide an opportunity for people to air their views. It would also be an opportunity to reeducate the public about the issue as Councilor Dwight pointed out.

Councilor Dwight points out that the committee could only make recommendations. The City Council passed the ordinance which established the stormwater fee and as a result any modifications to the ordinance would come back to the City Council for approval. The ordinance does spell out the methodology by which the rates are determined. The process which established the final ordinance took over two years and included a long debate. The finalized results in the fee schedule show four tiers of fees.

Former Councilor Adams had made a stipulation that was later withdrawn due to the fact that the Council did not have the authority to make such a request. The change request had taken place before the first

and second reading. There was an assertion that the change was made illegally although State Ethics signed off that the changes were done legitimately.

Councilor Bidwell asked if a fifth tier were added or the definition of a tier were changed, would this require an ordinance? Or, if the rate structure within the existing methodology were changed would this only require an administrative change? Councilor Dwight feels that this would need to be discussed with the City Solicitor. He notes that citizens are poised to petition for a referendum but he is not sure what the petitioners are asking for.

Councilor Bidwell explained that there are several issues relative to stormwater utility, including where do where things stand over the next few years regarding changes to EPA and Army Corp or Engineers. Councilor Dwight noted that what was being called for was significant capital investments in a redesign of sewage treatment plant, stormwater management control, the dykes and levee systems, etc. He notes that the City doesn't have the resources to pay for these and what might happen at the federal level has yet to be determined. Some of the impetus to install the fees was regulation changes from the federal level. Councilor Bidwell noted that the current capital plan does address the required changes as mandated by the Army Corp of Engineers. There is a question as to whether those changes will continue to be mandated.

Councilor Dwight reflected that this committee could ask for a status report on systems, maintenance and on-going costs, etc. Councilor Nash feels that doing outreach is a great idea. A recent discussion with a constituent around this particular issue focused on how this fee affects seniors on a fixed income. He also feels that there is a lot of misunderstanding about this fee and why it is needed. Perhaps having the discussion at the Senior Center would be helpful.

Annually there is a stormwater credit policy (an appeal for an abatement) that is reviewed by the Council. This policy may be a way to start the discussion about this fee. The policy allows a credit for stormwater improvements, undeveloped land and protected status, multiple undeveloped parcels, seniors, low income home owners, educational program and others.

Councilor Bidwell asked the best way to search for old ordinances, whether enacted or not. Councilor Dwight explained that existing ordinances that have been enacted are on the City's website. Ones that were never enacted are only available in the City Council Office files.

It occurred to Councilor Bidwell to have a conversation with the DPW Director and others about stormwater and water treatment issues and wastewater. This is partly an outcome of a tour of the City's facilities. The tour was fascinating particularly as a baseline for what the wastewater plant is like now. He feels that the DPW Director is interested in doing anything that gets people a better understanding of the infrastructure that is in place, the needs, and the future of these vital utilities. This might be a conversation about the two utilities, or any changes that are coming down the pipe. Councilor Dwight feels that this event might be poorly attended. Perhaps the committee could work with the Director and the Mayor to host a "get to know the City's infrastructure" event. The model for this would be similar to the NPD citizen's Police Academy. When the first stormwater talks were first started, there was a Board of Public Works. They held tours by invitation and showed what the challenges were. These events were well attended. People asked questions.

Councilor Bidwell talked about National Infrastructure Week. In 2017 it is the week of May 15 – May 19, 2017. He suggested that the Committee could be part of a series of infrastructure events that are being held around the country. A forum could be held along with tours of the facilities. Councilor Dwight noted that the NPD and FRD get a lot more attention than the DPW. He feels that the DPW is shortchanged and that the services that they deliver and maintain are critical. Councilor Bidwell asked when the Mayor might propose new water rates for next year. Presumably the rates would be introduced by the Mayor in time for next year's budget cycle begins, which means likely before May 2017. Councilor Dwight suggested that Councilor Bidwell ask the Mayor how events can be coordinated. Councilor Bidwell agreed to follow up on this.

Councilor Dwight noted that another issue is the LED lights. So far there have been three complaints. Installation is at about 50% and in fact many people don't even realize that lights have changed. Councilor Dwight feels that there is a general misunderstanding about the role that the City Council plays in the process. A few years ago the City Council authorized the funding for the LED Lighting Project. He notes that the prospect of getting any grants to support lighting doesn't seem likely at this point. However, there is an opportunity to educate the community about the benefits of new lighting once the project is complete. It is anticipated that there will be a 78% reduction in lighting costs at some point in the future. Also, light pollution will be reduced by about 58%. Councilor Dwight had thought that more people would be engaged once installation had begun; however, to date only three people have stepped forward to complain. Perhaps an issue might not even materialize; however, it is important for the public to understand that this is part of a holistic effort to reduce greenhouse gases. It is also intended to reduce the cost for lighting as well. Councilor Bidwell points out that of the people who have complained the issue seems to center around why cul-de-sac shields were not at least tried as had been requested. Councilor Dwight recalls that they were installed on a trial basis. He notes that they are not designed for individual lights for a lighting system, but rather a mechanism to prevent light leakage into houses that surround a light, such as what are part of a cul-de-sac.

Councilor Dwight indicates that streets are brighter with a more concentrated type of light with the new lights. He notes that one approach that was suggested was to install cul-de-sac lights on every pole in the City and people could opt out of this style if they chose. This did not conform to opinion of the Mayor and the Sustainability Director's opinion about how to proceed. Instead every light is fitted with a standard light and people can opt for a cul-de-sac light if they choose. Councilor Bidwell asked if there was a procedure to make such a request. Councilor Dwight noted that back in the 1990's the former Police Committee would accept applications to get a light installed after some had been removed on main streets. There were three points of criteria that had to be met in order for a light to be placed back; a petitioner needed to meet two out of three of the criteria. Councilor Dwight believes that the process is being looked at to repurpose it for an appeal process. It will likely be handled by the DPW. Anyone who has concerns should contact Chris Mason. The shielding is not all that difficult to install, however, a process that is adopted will need to be fair and just for all concerned.

About whether this committee should address LED lighting concerns, Councilor Bidwell points out that the Energy and Sustainability will likely continue to have purview of the issues. Councilor Dwight agrees that the E & S committee does seem to be the public access point. It is a Mayoral committee and people do come to talk about this subject. This committee has been advising the Mayor on this issue for a while. At this point Councilor Dwight believes it best to wait until the installation is complete. Given that the

installations will take place in the winter, there will be more exposure about what the lights will do (nights longer, snow, no leaves on trees are all factors).

Councilor Dwight notes that the question right now is what is the best purpose of this committee? He notes that this committee did not exist the way it does now. Formerly the Board of Public Works included councilors on that committee but the committee was a Mayoral committee. He notes that we are still working through a transition phase about how much authority Council has on matters of the Public Works. As a legislative body the City Council is most directly responsive to constituents. The Council does not have authority to dictate policy unless by ordinance. This committee is still struggling with its purpose. The Council has no authority to impose members on the Mayor's committees and boards. The City Council also has no authority to give any instructions or direction to the Mayor's departments.

Councilor Bidwell recalls that the committee talked about having institutional memory members as part of the on-going committee. The answer was "no". The committee felt that as issues developed, experts could be brought in to participate on focused discussions.

Councilor Nash asked what would a mayor or the Mayor like to see this committee doing and what would Council like to see this committee doing? Councilor Dwight noted that it is more appropriate to ask, what would the Mayor not like the committee to do? What the real focus should be is what does the Council want the committee to do. Councilor Dwight feels that the Mayor would likely express objections if he felt that the committee was exceeding its authority or imposing directives to departments. This is a committee that serves the Council. This would be the appropriate committee to act on pertinent matters before the Council. They are likely to be ordinances in which the Council will need to vote. This is the committee that will discuss the certain ordinances for recommendations. Annually the fees are voted upon. This committee will likely play a role with the public about this subject. Public Hearings will likely be held during this committee's meetings. If there are modifications to stormwater ordinances this will likely be handled by this committee as well. This is one of the reasons why this committee doesn't meet that often. Water/sewer fees are part of an annual cycle. This committee will be more active during budget season.

Councilor Bidwell feels it is an appropriate place where the Council stays informed about the operation of the public utilities, issues coming up, and how the Council can be of help, especially in the area of educating the public about what the needs are. Regarding water and sewer, when rates were discussed last year, one rate was defined as a rate that would come to the Council for approval, while the other was deemed a fee. It was shared with the Council for informational purposes only but it was the administration's authority to impose the fee without input/approval from the Council. Councilor Bidwell recalls that he inquired of the Mayor whether it would make sense to have a conversation about bringing both pieces to this committee for the purpose of discussing the rates in totality. Councilor Bidwell recalls that the Mayor was open to discussing this as a possibility.

Councilor Bidwell noted that there are two issues with Columbia Gas: the moratorium that has taken forever; and the progress that has been made concerning gas leaks.

The Council has done a resolution that asked for facts and figures to support the need for a moratorium and there was never any follow-up on this. Perhaps it is time to ask for the information.

Steve Bryant, President of Columbia Gas has shown himself to be very interested in addressing the gas leaks issue and is transparent in their approach. He has become a leader within the utilities industry coming up with a methodology to figure out where the gusher leaks are. He is favor of coming up with a whole new approach to how gas leaks are categorized. Leaks categorized as one, two, and three have been totally on the basis of their risk to human life and property. Large gusher leaks in non-prone areas typically are not addressed; however, Mr. Bryant believes that these leaks need to be addressed as well. He is using Northampton as a laboratory for developing the methodology for finding leaks and fixing them. The work of Columbia Gas is done in cooperation with Public Works. Coordination will improve overall infrastructure project results. Gas leak detection before a paving project, for example, will prevent needless and costly re-work. Councilor Bidwell would like to better understand from Columbia Gas what their long term plans are to implement such an approach state wide. Councilor Dwight points out that Columbia Gas is not an arm of the Executive function and asking a Columbia Gas rep come to talk to this committee about any issue is totally up to the committee. He points out that the moratorium issue has an impact on the City; there are projects pending while the moratorium continues. As this is a critical community issue with economic development and sustainability concerns, perhaps this committee can join with the Energy and Sustainability Commission and Public Works to invite Columbia Gas to speak to the issues.

Councilor Bidwell believes that Steve Bryant would be willing to come to speak to the committee. Councilor Nash notes that Columbia Gas seems to be out in front of the issues. Councilor Bidwell suggests inviting Mr. Steve Bryant, the DPW (with Mayoral approval) and Mr. Marty Nathan (leader of citizen movement) to a meeting and to possibly address gas leaks and the moratorium issue. Councilor Dwight agrees.

During a recent City Council meeting Councilor Dwight had mentioned the possibility of this committee addressing cemetery matters; however, he points out that a number of local neighborhood organizations have gotten together to spruce up various cemeteries throughout the city. He notes that there is a waning budget to address on-going needs and in fact many neighborhood organizations have raised their own money to handle various projects. Perhaps this committee could be the touchstone for conversations and other issues as they come up. Councilor Nash notes that the work done by the Ward 3 neighborhood association has sparked an interest in other city neighborhoods to address similar concerns. This public space could be enjoyed more if it were better cared for. The project began small by looking into replacing a fence but then snowballed into other opportunities to improve the cemetery. The Mayor was helpful at tapping into the perpetual care fund. CPA money was also used to make improvements. Cemeteries were meant to be public spaces; Councilor Nash suggested asking Martha Lyon to come in and speak to the committee about preservation opportunities. Councilor Bidwell recalls residents coming to the City Council meeting to speak about community efforts to improve these public spaces. As private citizens, they were taking care of long neglected pauper graves. Councilor Dwight recalls that project was done in conjunction with donated DPW labor. Councilor Dwight wants this level of volunteerism to continue. In order to maintain these facilities properly it would take volunteer support. CPA funds can be used to support projects, not on-going perpetual care.

Councilor Bidwell reflected that the Congressional Cemetery in Washington D.C. had two problems: the perpetual upkeep and the neighborhood's interest in establishing a dog park. The cemetery is fenced in and certain hours of the day people can only get in if they have contributed dog walking fees. This solution is perhaps not applicable to Northampton; however, the idea may spark other opportunities that will meet the needs of the community while developing a revenue stream for perpetual care. Councilor Bidwell wondered if this committee could take on as an on-going interest staking out the status of city cemeteries

and encouraging a combination of City resources and volunteerism. Councilor Dwight feels that the committee could be responsive to neighborhood groups; when ideas develop rather than present to Council, they could be presented to this committee. After the presentation a report could be made available to the City Council. The purpose of a committee is to maximize the time of the council members. If someone comes up with something a presentation can be made to the committee and then if deemed appropriate, can be brought forward to the Council. Councilor Dwight is not in favor of addressing concerns if nothing has been brought forward. It gives the community a false sense that something is happening when in fact there is nothing happening.

Councilor Dwight feels that the committee has just talked about three or four issues that are appropriate, and have distinct and direct value for discussion.

Councilor Bidwell proposed that at the January meeting he will report back about his conversation with the Mayor. The committee could then get a firmer plan in place for future meetings. Penciled in for February might be Columbia Gas for gas leaks and moratorium updates. In March the stormwater conversation could begin. In April water and sewer needs and rates could be the topic of conversation. In May the committee could host an infrastructure forum which coincides with National Infrastructure Week. Councilor Dwight agreed with the plan.

Councilor Nash asked about construction projects, including roundabouts, Exit 19, and Damon Road plans. Councilor Dwight advised that some projects are state projects while others are handled by DPW. All of the projects cited by Councilor Nash are state projects and the state advises the City about the timeline to complete the projects. Damon Road has been in the works for over 30 years. For the public's purpose the Mayor has been a member of a mixed member body, including citizens. The results have created simpler infrastructure designs for better overall results. A Council representative may be part of that committee; depending on the location of the project the appropriate Council representative would likely be invited to attend. Councilor Dwight doesn't see a role that this committee would play. He also notes that the Transportation and Parking Commission is another Mayoral mixed-member body that would be affected. Councilor Nash recognizes that most of the projects are transportation issues. For future projects, like the roundabout planned for North King Street and Bridge/Damon Road, Councilor Dwight feels that the Mayor would convene the public meeting with the state and affected abutters.

Councilor Nash asked what the appropriate plans would be for other projects, such as planned changes to Prospect Street. Councilor Dwight feels that the committee could offer to host public hearings, or the Mayor can call his own public hearing. The Council and its committees will have no decision making authority so it is unlikely that the committee will host the meeting. Councilor Bidwell recalled that in the past the Council was kept informed about projects, like the Hinckley Street Project. The value in this is to help constituents understand the need for such large scale projects. Councilor Bidwell feels that it would be worthwhile to have the methodology explained about why one project would be prioritized over another. Councilor Dwight sees the value in having such presentations be given to the entire City Council. He points out that City Council meetings are televised while committee meetings are not.

6. **New Business:**

The next regularly scheduled meeting is December 20, 2016 at 4 pm. Councilor Bidwell suggested this committee begin with its list of topics in January 2017 since there is a conflict with one other

committee member on that date. If something comes up, then the committee could plan to meet in December.

7. **Adjourn**: At 5:20 pm Councilor Dwight moved to adjourn the meeting; Councilor Nash seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Absent (Councilor Murphy).

Prepared By:

P. Powers, Administrative Assistant to the City Council

413.587.1210; ppowers@northamptonma.gov