



# Storm Water Advisory Task Force

*Emory Ford, Chair*  
*Dan Felten, Vice-Chair*

## Meeting Minutes

Thursday, April 4, 2013

5:30 pm – 7:30 pm

Hearing Room 18, City Hall

210 Main Street, Northampton, MA

- Members present:** Alex Ghiselin, Chris Hellman, David Teece, Rick Clarke, Robert Reckman, Ruth McGrath, Dan Felten, James Dostal  
**Members absent:** John Shenette, Megan Murphy Wolf, Emory Ford, Norma Roche (resigned from the Task Force)  
**City Staff Attendees:** James R. Laurila, P.E. City Engineer; Ned Huntley, P.E. Director of Public Works; Doug McDonald, Stormwater Coordinator  
**City Councilor Attendees:** Marianne LaBarge  
**Other Attendees:** See attached sign-in sheet

### 2. Meeting Called to Order

The meeting was called to order at 5:30 pm by Dan Felten Vice-Chair.

### 3. Announcement of Audio/Video Recording of Meeting

The meeting was video recorded by North Street Association, Ruth McGrath. Videos of these meetings will be posted on youtube and a link will be placed on the DPW website.

### 4. Discussion and Approval of Minutes from March 14, 2013 Meeting

On a motion made and seconded the draft meeting minutes were approved.

### 5. Public Comments (At several points during the Meeting)

Resident Paul Walker said they he's has read articles where it was found that the Environmental Protection Agency (EPA) overstepped their authority in implementing programs under their Clean Water Act Authority. He believes that it is premature for the City to be considering paying for programs to comply with questionable EPA requirements. He said the City needs help from its congressmen to fight the over-reaching of EPA. Dan Felten pointed out that while the pending EPA stormwater permit is part of the task force discussion it is the requirements of the Army Corps of Engineers (ACOE) for improvements to the flood control system that is a major part of the revenue discussion. Chris Hellman stated the charge of the task force is narrow and about meeting the City's financial obligations for stormwater and flood control in an equitable manner. Mr. Walker asked what the program expenses will be in the future. Mr. Felten said that the Task Force would be recommending to the City Council on an equitable way to set the fees but not what the actual revenue and fee would be. Councilor LaBarge expressed concern about the costs of the program and what the future public process would be. Bob Reckman indicated that the Task Force was to determine a formula for billing and that the actual budget was not relevant to the Task Force discussion. Mr. Felten indicated that the revenue needs were discussed in the first Task Force Meeting and mentioned the possibility of a cap on bills or revenues. Resident Fred Zimnoch asked if the CDM report was being relied on to determine future revenue needs and was told that the CDM report is not being used as a basis for future financial planning. Alex Ghiselin agreed that a formula is to be developed and that future budgets would be reviewed

by the Mayor and City Council. Jim Laurila indicated that a preliminary budget of about \$2 million per year was discussed in the first meeting. Rick Clark stated that he did not want the Task Force to get bogged down on non-Task Force issues and that when the task force work is complete the members are free as residents to be engaged in the future public process with the City Council. Mr. Zimnoch asked of the Task Force deliverable was to calculate a formula to split up the \$2 million into bills. Mr. Felten said yes and the samples of bills would be produced for various formula options.

David Teece said that he felt that the Task Force had not addressed the three key items in the charge. He said the 3<sup>rd</sup> part of the charge was related to a recommendation for a fee formula. The first part of the charge was to examine ways to fund program costs and what other communities have done. The second part of the charge was to look at the new funding in a transparent and equitable way. The third part is to look at actual formulas that could be considered. He said the task force should focus on the first part of the charge and proceed in order as described. Dan Felten stated that in prior meetings there were discussions about the possible use of general fund money and proposition 2 ½ overrides, as well as the possibility of a new fee. The City Council could consider the use of overrides – but the task force needs to determine what a fee structure would be, if the City Council determined that a fee system should be used. Mr. Felten added that on the agenda for tonight was a presentation by Jim Laurila about the experiences of other communities with fee-based systems.

## **6. Reading of the Final Council Charge to the Committee**

This final council charge to the Committee was read aloud.

## **7. Presentation By James Laurila, City Engineer – Stormwater Utilities in other Communities**

Jim Laurila provided an overview of the number and history stormwater utilities across the country. Stormwater utilities have been in-place since the 1970's. Proliferation of utilities across the country can be tied to the flooding effects of Hurricane Andrew and Midwest flooding in 1992. Another jump in the formation of stormwater utilities was connected with the new National Pollutant Discharge Elimination System (NPDES) stormwater rule in 2003. After Hurricane Katrina in 2005, further increases in stormwater utilities can be seen as the ACOE increased requirements for flood control maintenance and certification. Before focusing on New England area utilities, Mr. Laurila said that reviewing what other communities have done is driven by the unique circumstances in each community, such as regulatory drivers, political drivers, revenue needs, data management factors and the overall schedule for a community to meet a new revenue obligation. An overview was provided for stormwater utilities in Reading, MA; Newton, MA; Chicopee, MA; Fall River, MA; Westfield, MA, South Burlington, VT; and Lewiston, ME. The population of each City, the reason for the utility, the year the utility was started, the fee structure, and the approximate budget was discussed for each community.

## **8. Discussion of the Presentation**

At the completion of the presentation Terry Culhane asked to return to Mr. Teece's comments about needing to address the Task Force charge in a systematic way. He explained that the Board of Public Works thought that a fee system would be best way to meet the City's financial obligations for flood control and stormwater. He said these costs should be a shared expense and that using general fund tax revenue is not equitable and is a poor distribution between residential and commercial property and that non-profits do not contribute at all to stormwater/flood control facilities since they do not pay real estate taxes. Churches, Smith College, Cooley-Dickinson Hospital for example do not contribute at all. He said about 25% of the City does not contribute to the General Fund. A new fee system would make everyone contribute to these systems. Mr. Felten asked the Task Force what is the most equitable way to pay for these obligations, a fee, override or another idea? Rick Clark stated that the list of non-profits organizations in the City may not be that long and can the City ask them to pay a Payment in Lieu of Taxes (PILOT) so that they would contribute to the costs of flood control and stormwater. Mr. Teece suggested that the Task Force could recommend to the City Council that non-profits should pay a fee and that everyone should pay a fee. Alex Ghiselin said that Smith College has a long history of being unwilling to pay the City any kind of PILOT. He feels

that Smith would need to pay a fee like they pay for water and sewer use. He added that the residential population pays more now than non-profits and the commercial property owners for the cost of stormwater and flood control facilities. (At this time attention was brought to a table that was handed out entitled "Northampton Impervious Area & Gross Area by Property Types). Bob Reckman stated that 30% of the impervious area in the City was City rights of way. Jim Dostal asked if the City needed to pay a fee. Chris Hellman said that the City departments do pay water and sewer bills and to be consistent it might make sense for the City to pay a stormwater fee if enacted. He added that every property should pay. Mr. Teece made a motion that: "We ask that every property owner participate in whatever our formula is". Mr. Hellman seconded the motion and the motion passed by a vote of 6-1, with Bob Reckman opposed and the meeting chair not voting. Mr. Reckman voted no because he was unsure at this time if the City should receive a bill and pay a fee. After the vote Mr. Felten asked if a fee should be based on impervious area or property value. Jim Laurila stated that he thought the basis of the Massachusetts General Law that allows fee to be charged states that the fee should be a fee for service and not be based on property value. For example, a fee could be based on the gross area of a lot or impervious area on a lot. Flat fees that are charged by some utilities may be based on an average of impervious area for a certain class of property, such as residential.

Resident Mike Kirby commented that there will be a need for incentives and credits if a fee system is used. Mr. Ghiselin agreed that credits are a needed to change behavior and reduce a property's impact on the stormwater system. Mr. Teece said for new development the Planning Board requires stormwater mitigation systems and asked if these owners with new system should pay the same fee as others. He added that a credit would be a good way for social reasons so that people would have an alternative way to take action other than just paying the fee. Jim Laurila stated that the Task Force should think about whether a stormwater system that is built to comply with a Planning Board should be eligible for a credit. Mr. Culhane stated that he thought it might be appropriate for a credit to be issued to an owner that built a stormwater system as part of a regulatory requirement. Mr. Felten reminded the Task Force members that the flood control cost obligations were the greatest part of the budget needs and that any credits for stormwater system should be considered in that light. He added that the Task Force may not have time to develop all the details of what a credit system would look like. Mr. Culhane suggested that the Task Force consider a cap or limit on the amount of credits to be issued and that the details could be worked out later. Ruth McGrath suggested that the credits in Westfield be reviewed.

Bob Reckman suggested that Task Force members come up with actual formulas for fees to be discussed at the next Task Force meeting. Jim Laurila offered to distribute to all task force members sample fee formulas that they develop.

Mr. Ghiselin asked if the Task Force reached consensus about anything? There was discussion about the earlier motion made and approved. A re-vote was made to add clarity to the earlier vote. The motion: "Every property owner, including the City, would participate" was made and seconded and agreed to by a vote of 6-1.

## **9. Plans to encourage outside participation in the Committee's work**

Resident Paul Walker suggested publication of in the newspaper of a question to the community to get their opinion about funding options. Mr. Felten said it was a good idea to get public input on the work of the Task Force. Ms. McGrath said sending fee formula suggestions to Mr. Laurila for discussion at the next meeting was a good idea and added that maybe the fee options could be discussed in the newspaper. Mr. Clark added that showing actual bills for the various formulas and getting that information to the public would be a good idea. Mr. Teece said that the businesses that will be getting a large bill should be given advance warning about their future bills. Mr. Hellman added that the Task Force should not be afraid of a formula that would result in sending a large bill to a large company that can afford to pay for the service. Mr. Teece said transparency in any bill is needed and that another way of educating the public would be to use an insert in current water and sewer bills or some other similar outreach means.

There was a general discussion about gross area factors and impervious area factors and how they might be applied. There is some common good issues to be considered related to public ways. It was discussed that if every property

is to receive a bill, gross area will need to be a factor. It was also discussed that pervious surfaces are part of stormwater solution because there is less run-off from these areas. A discussion of possibly using a tiered rate system for residential units was discussed as a means to be more equitable given the diversity in the size and configuration of residential properties. The available lot data was discussed and the cost of determining specific impervious area for every property was discussed.

#### **10. Action Item Review**

The meeting was summarized that the Task Force had examined ways to meet funding requirements; that a review and discussion had occurred regarding the approach used by other communities to meet funding needs; that as a general principle every property owner should participate, including the City; that impervious area and total property area are factors to be considered for a fee formula; and that credits should be considered.

#### **11. New Business**

Bob Reckman suggested that the Task Force meet to get a tour of the Hockanum Road flood control pump station. The next meeting was scheduled for April 18<sup>th</sup> at 5:30 p.m. at a location to be determined.

#### **12. Adjourn**

No new business items were introduced.