



Storm Water Advisory Task Force

Emory Ford, Chair
Dan Felten, Vice-Chair

Meeting Minutes

Thursday, April 18, 2013

5:30 pm – 7:30 pm

JFK Middle School – Community Room

100 Bridge Road, Northampton, MA

- Members present:** Alex Ghiselin, Chris Hellman, David Teece, Robert Reckman, Ruth McGrath, Dan Felten, James Dostal, Emory Ford, John Shennette, Megan Murphy Wolf
Members absent: Rick Clarke
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: None
Other Attendees: See attached sign-in sheet

2. Meeting Called to Order

The meeting was called to order at 5:30 pm by Emory Ford, 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 April 4, 2013 Meeting

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

5. Public Comments (At this point and at several points during the Meeting)

Resident Paul Walker said that the stormwater regulations are an unfunded mandate from the federal government and said the requirements have been found to be totally illegal. He said several Cities and towns in different states are appealing the decision about the regulations and that Northampton should too. He said that asking residents about an override and now a rain tax is not right and a better solution is needed. He also said that he thought this meeting was going to be at City Hall based on statements at the last meeting. Dan Felten replied that the comments are appreciated and that the Army Corps of Engineers flood control mandates are much larger financial obligations than the pending EPA stormwater regulations. He said one focus of the task force is to determine how to equitably calculate a fee if the City decides to use a fee system. He encouraged Mr. Walker to bring his specific concerns to the City Council as the process progresses. Resident Fred Zimnoch said he had reviewed the tables of impervious and gross areas for the City and asked how impervious area on a parcel is calculated. He also asked about the accuracy of this measurement and indicated that there is a large variation in parcel sizes across the city and this can impact the fairness of a fee system. He suggested that a histogram be developed to group parcels by size and look at how many parcels in each group. That information would help in determining breakpoints for a tiered fee system. Bob Reckman said that several of the fee proposal to be discuss later in the meeting have tiered systems. Resident Mike Kirby said that lawyers may become involved in this is the fee if implemented by a City Council decision and not by the voters. This could be viewed as a way to go around the public. Resident Mitch Bolotin asked about the

rules for the public to speak. Mr. Felten stated that the Task Force would be accepting comments through-out the meeting and that one of the primary focuses of the Task Force is to determine an equitable way to set stormwater fees. David Teece stated that the algorithm was only one part in the four parts of the task force change. Suzanne Beck introduced herself as a resident and as the Executive Director of the Chamber of Commerce. She stated that the membership of the Chamber of Commerce is interested in the work of the Task Force and that the Chamber could be a valuable source of feedback and input on the fee proposals. She said the Chamber does not question the need to invest in public infrastructure and has seen the need first hand on projects like the redevelopment of the Three County Fairgrounds. She said that poor infrastructure adversely impacts residents and businesses. She said that the principal that the shared responsibility for public streets and sidewalks is a good one. She stressed the need for public education about the work of the Task Force. She said this issue is not on anyone's radar, yet this will impact every property-owner. A thoughtful plan for education is needed and she offered the Chambers help. Mr. Felten said that the Task Force realizes the importance of public education and stated that it is also the responsibility of the City Council and Board of Public Works to get the word out about the issues.

6. Reading of the Final Council Charge to the Committee

Dan Felten read the final council charge to the Committee. He added that he believed that the Task Force had considered ways to meet the cost obligations of the City, had reviewed the approaches taken by other communities and decided that a working on an equitable funding formula was where the Task Force is currently. He stated that several draft fee proposals were to be discussed at this meeting.

7. Task Force Deadline – May 31, 2013

Mr. Felten said that he and Emory Ford had been informed that the City Council/Board of Public Works Conference Committee decided that the Task Force work should be completed by May 31, 2013. Mr. Teece said establishing a new deadline several weeks into the Task Force work was disrespectful to the Task Force and out of order. He added that it was also not following any sense of best practices and was not transparent. He asked who informed the Task Force of this new deadline and how was the decision made. Mr. Felten said that he and Mr. Ford had received an email from Jim Laurila about the new deadline date. Jim Laurila confirmed that at the recent (April 10) Conference Committee meeting they had decided that the Task Force recommendation would be needed by the end of May to provide the time necessary for the City Council and subcommittees to work on the flood control/stormwater ordinance issues through the summer. An important factor is the October deadline for the City to notify the state that they will be starting a new enterprise fund which may also have an impact on the City tax rate. Resident Mitch Bolotin said that many investors in Northampton properties and business have no idea about the work of the Task Force. He questioned if the Task Force wanted input from these people? Would it help the Task Force make a more informed decision? Mr. Reckman said the Task Force was open to ideas for getting the word out to the public. He thought after the Task Force recommendations were made to the City Council that the press coverage would increase. Ms. McGrath added that the Task Force meetings were being recorded and posted on the internet and that the City web-site had all the meeting minutes and other information related to the Task Force work. At the request of the Task Force, Jim Laurila described the process after the Task Force work is complete. Recommendations will be sent to the City Council/Board of Public Works Conference Committee. From there the City Council and the various subcommittees will work with the recommendations and consider and ordinance. Subcommittees may include the finance committee; ordinance committee; and the economic development, housing, and land use committee with the final subcommittee referral to be determined by the City Council. Mr. Ford suggested that if the May 31st deadline was an issue for the Task Force members they could consider resigning, or tell the City Council that the charge can not be completed in that time frame. Mr. Teece said that forcing a decision by the Task Force seven weeks into the work is inappropriate and it looks like the Council is trying to ram-rod this fee through. Mr. Shennette said that the Task Force work needs to be cohesive, consistent, and comprehensive and that May 31st does not provide time to do the job thoroughly. Resident Alan Sharpe told the Task Force to tell the City Council that the deadline cannot be met and that the citizens have a right to due process. He added that any decision of the Task Force will fail and the City will have to live with the liability of that failure. He said that decisions that negatively impact property values are unconstitutional. He thinks that the City Council will accept all

recommendations of the Task Force and that the City will suffer in the long run. He added that the Task Force work is unfair to residents and they have a right to be heard. Mr. Dostal said he agreed with many of the comments made tonight. He added that the Task Force needs to decide what an equitable fee structure would be if the City Council decides to do a new fee. He said based on his experience the City Council would have at least three public hearings about this issue when the Task Force is done. Mr. Felten added that the Task Force could provide multiple alternatives for the City Council to consider. Mr. Hellman said that there was nothing wrong with multiple options. He said that he expects the Task Force recommendations to carry some weight. He mentioned that at an earlier meeting the Task Force was told that the deadline was May 1st, so May 31st provides more time. He felt that the development of fee models could be done in this time-frame and that fee proposals were on the agenda for discussion tonight. He added that the deadline was arrived at logically by working back from the October date to notify the state about a new enterprise fund. He added that the Board of Public Works has had many public meetings and public presentations about the issues surrounding flood control and stormwater issues and he would not apologize for the fact that the public turn-out for those presentations was low.

Mr. Ford made a motion to accept the May 31st deadline. Mr. Dostal asked if this meant the date to complete written recommendations and was told yes. Ms. McGrath asked what if the work was not done. Mr. Felten said the committee would submit whatever work they had completed. Six votes in favor with Mr. Teece voting no and Mr. Ghiselin and Mr. Shennette abstaining. Upon further discussion Mr. Ford withdrew his original motion. Mr. Hellman followed with a motion for the Task Force to use May 31 as a target for completion and that if by May 14th the Task Force needs more time then they will ask the City Council for more time. On a vote of 9-1 the motion passed, with Mr. Teece opposed.

8. Presentation of Stormwater Utility Fee examples by SWTFC members and
9. Discussion of Examples

Terry Culhane's proposed fee structure was distributed to the Task Force and the public. Mr. Culhane walked through his fee proposal and how fees would be calculated. Mr. Hellman asked about undeveloped land and the fact that it may be basically pervious. Mr. Culhane replied that all properties would get a bill as part of their contribution to paying for the "common" impervious across the City. Mr. Ghiselin asked why there were tiers of residential fees and what about lots greater than 5 acres in size. Mr. Culhane replied that lots greater than 5 acres in size would be calculated individually. Mr. Ghiselin said that the City encourages open space preservation and that the cost seems like a lot for open space. Resident Konstantine Sierros said that for new development that results in greater than one acre of disturbance needs to get approval from the City and the permit requires that runoff be addressed. He asked why the fees were being considered. Mr. Culhane described the City's obligations to maintain the flood control and stormwater drainage systems. He added that regulatory rules apply to the discharge of stormwater to rivers and streams. Mr. Teece said Mr. Culhane's proposal is a great first look at a possible framework. He added that there was not time to explore all the details of each proposal tonight. Mr. Dostal added that the City planning office requires stormwater mitigation for new developments and that it is a factor that could be considered in fee structures. Mr. Felten stated that the majority of funding needed is for flood control systems and that the stormwater issue is a smaller part of the funding need. He said that the concept of credits was discussed in previous meetings. He asked Mr. Culhane if his proposal included any credits. Mr. Culhane briefly described his thoughts on credits (refer to the handout).

Bob Reckman's proposed fee structure was distributed to the Task Force and the public. Mr. Reckman provided an overview of his fee proposed fee structure. He indicated that his approach was similar to Mr. Culhane proposal with residential bills being based on tiered system and all properties contributing to the common expense of public infrastructure. He spoke about the importance of getting the word out about the work of the Task Force. He mentioned that a tour of the Hockanum Road Pump Station was scheduled for Monday April 22 at 4 p.m. He briefly discussed having fees set by an elected body (the City Council). Mr. Ghiselin stated that a predictable source of revenue is needed to pay for bonds and City financial obligations. Mr. Reckman said that perhaps the City Council would set the fee based on a Board of Public Works (BPW) recommendation. He added that another option would be for the City Council to set the fee for 5 years and then fee setting would be done by the BPW.

Ruth McGrath's proposed fee structure was distributed to the Task Force and the public. Ms. McGrath described her fee proposal and said it was based on what the City of Westfield had implemented. She indicated that all the details had not been worked out yet, but added that she favored credits, and assistance for low income residents. Mr. Felten mentioned that Westfield has a cap on commercial bills and that Ms. McGrath's did not mention a cap. Without a cap Mr. Felten said that the Veterans Affairs Medical Center would get bill of about \$50,000. Mr. Teece said that more work needed to be done in order to illustrate what the \$0.05 per square foot of impervious area would mean for various properties. Mr. Laurila offered to work with Ms. McGrath to determine some example bills for properties of various sizes.

Dan Felten's proposed fee structure was distributed to the Task Force and the public. Mr. Felten provided an overview of his proposed fee structure. The fee structure included payment by the City for bills, with bill payment coming from general fund revenue. Mr. Felten proposes to use runoff coefficients for impervious and pervious surfaces in order to calculate bills. He also said that his fee is based on a parcel by parcel determination of impervious area. Mr. Felten discussed the concept of the "commons" and that the Task Force should consider how this is best defined. Mr. Reckman said he thought the "commons" should include sidewalks, roads, buildings and parking lots owned by the City. Mr. Ghiselin agreed the City should pay although many Cities exempt City roads. He added that General Fund revenue only comes from taxpayers and that a fee system spreads the cost across all properties in the City. Mr. Reckman requested that a side by side comparison of the fee structures be prepared before the next meeting.

10. Action Item Review

Mr. Laurila agreed to prepare a side by side comparison of fee structures for Task Force use.

11. New Business

The next meeting was scheduled for April 25th at 5:30 p.m. at a location to be determined.

12. Adjourn

The meeting adjourned at 7:40 p.m.