



# Storm Water Advisory Task Force

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

**Meeting Minutes**  
**Thursday, May 2, 2013**  
**5:30 pm – 7:30 pm**  
**City Hall – Hearing Room 18**  
**210 Main Street, Northampton, MA**

- 1. Members present:** Alex Ghiselin, Chris Hellman, David Teece, Robert Reckman, Ruth McGrath, Dan Felten, Emory Ford, John Shennette, Megan Murphy Wolf, Rick Clark, James Dostal

**Members absent:**

**City Staff Attendees:** James R. Laurila, P.E. City Engineer; Doug McDonald, Stormwater Coordinator, Ned Huntley, Director of Public Works, Wayne Feiden, Director of the Office of Planning and Sustainability

**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. Public Comment**

Resident Fred Zimnoch said he compared various tables distributed at past meetings and found some discrepancies in the numbers. Resident David Herships said Philadelphia and other cities have allowed various credits for things such as permeable pavers and that the task force should consider credits like those. Mr. Felten responded that the task force will discuss these as part of any fee structure. Resident Jack Fortier said he was former City Finance Director, former Chair of the Board of Public Works, and chief financial officer at Hampshire College and that he has been closely following the work of the task force. He said he understands the need for a new revenue source but that he is concerned about equity. He said the implementation of a new fee system will feel like a tax and that it will be a condition of the property that you own. He said that there is some appeal to the concept of the “commons” since no one wants to see the City under flood waters. Everyone is responsible for protection of the City. A fee structure will bring some relief to residential tax payers and that sharing the cost burden equitably is very important. He suggested that the task force carefully consider fee limitations by exclusions and suggested that latitude of the fee recommendations will be important so that the debate about the fee system can continue after the task force work is done. Resident Mike Kirby said the largest violator of green infrastructure is the City and he urged that the City be required to pay the fees as an educational and equity issue. He said that it is not right to exclude properties from property beyond the dike, such as the fairgrounds, since stormwater costs apply to those properties.

**5. Discussion and Approval of Minutes from April 25<sup>th</sup> Meeting**

Approval of the minutes was postponed since they were not yet prepared.

**6. Presentation of any new fee algorithms from committee members**

Mr. Hellman asked what the format for the recommendation of a fee algorithm was going to look like? What is the recommendation to contain? Will there be dissenting opinion(s)? Mr. Ford said that at the meeting tonight caps, exclusions, and credits were to be discussed and that opinions about these would be considered. He said there may not be one single recommendation. Mr. Dostal said that a discussion about the flood plain was also an important topic tonight. A new fee method was proposed by Rick Clark. He proposed using an equivalent residential unit (ERU) method. Sample calculations were distributed for the Clark ERU method. Mr. Felten described some of the features of his approach to fee calculations. Mr. Reckman said all models except for the McGrath method uses some form of “commons” fee. Mr. Clark said the ERU does not include a “commons” fee and that it would be helpful to see a comparison of the various fee methods. Mr. Felten discussed possible sources of data for fee calculations including GIS and assessors data. He suggested that the largest square footage of impervious area for a residential property is the building footprint and that data is available at the assessors office. He said that GIS could be used to determine the impervious area of parking lots. Mr. Ghiselin said that there is a problem with the commons fee and that it should be borne equally by the population and that it should be split evenly. Mr. Felten asked how that could be done with various property types like Cooley-Dickinson Hospital and a residential property? Mr. Clark said the majority of the fee could be parcel specific. Mr. Felten discussed some of the contents of a matrix he prepared and distributed entitled “Fair and Equitable Matrix”. Mr. Culhane said that the City currently uses one billing rate for all water customers and one billing rate for all sewer customers. Residents and commercial customers are evenly charged. He suggested that this would make sense for a new stormwater fee.

#### **7. Report from Jim Laurila – DPW – Discussion of potential impacts of exclusions and credits**

Mr. Laurila distributed two summary spreadsheets. These showed Proposed Fee Structures and Sample Bill Comparisons. One table had no exemptions to the fee and the other included certain land exemptions, such that the Task Force could see the impact of exemptions on the remaining fee payers. A third table detailed which properties were assumed to be exempt from the fee.

#### **8. Report from Northampton planning department**

A presentation was made by Wayne Feiden, Director of Planning and Sustainability. A summary table entitled “Stormwater Utility and Open Space” was distributed. Mr. Feiden described the contents of the summary and offered his opinion about categories of land that he felt should be exempt from proposed stormwater fees. A general discussion was held about runoff from the categories of property that Mr. Feiden discussed in terms of stormwater runoff and contributions to flooding. Mr. Teece questioned if a certain type of property is exempt from the fee could another property owner use that basis to dispute their bill? Mr. Ford described that the Felten method relied on runoff factors and that if those factors are applied to a large conservation area that amount of runoff could be determined and that it would create a lot of runoff. The amount could be as much as a parking lot and that the physical facts need to be considered. Mr. Feiden said that conservation and other areas do not require any services. Mr. Ghiselin said that they did not – but that buildings and developments at lower elevations or near wetland areas require flood protection. Mr. Felten added that since every property contributes runoff to a watershed every property should contribute to the fee system. Mr. Dostal asked what is considered the flood plain and what about properties on Island Road or in the area of the Fairgrounds which are not protected by flood control. Should these properties be exempt from a fee since they receive no flood control protection? Mr. Feiden discussed the differences between the more “flashy” floods that would occur along the Mill River versus the larger more slow moving floods that would occur along the Connecticut River. Mr. Clark said doesn’t everyone benefit from flood control protection?

#### **9. Discussion by committee on credits and exemptions**

Mr. Dostal said he wanted to discuss ideas for credits and exemptions. Mr. Hellman distributed a document he prepared entitled “Stormwater Fee Credits/Incentives”. Mr. Hellman presented information on various credits and exemptions used by Newton, MA, South Burlington, VT, Philadelphia, PA, Richmond, VA, Griffin, GA, and

Champaign, IL. Mr. Hellman offered to do more research on the integration of credits and exemptions in to the various plans, the value of these and impacts on revenue needs.

#### **10. Discussion of the inclusion of “the commons”**

Ms. McGrath said she does not agree with the idea of the “commons” fee and that her proposed method does not use it. Mr. Felten said that the fee needs to include a baseline charge for a shared responsibility for flood control and common stormwater expenses. Mr. Ford said that if the Task Force cannot agree on a “commons” fee that this lack of consensus could be communicated to the City Council. Mr. Reckman is also concerned about the “commons” fee and if it’s not included where will the money come from for the City to pay for this responsibility? Ms. Murphy suggested that some residents could say that if the City does not get a bill why should the residents pay a “commons” fee? Mr. Clark said the fee would be simpler if the commons was not included in the calculations. Mr. Felten suggested that possible exemptions could total up to the amount of a “commons” fee. Ms. Murphy said that properties should not be exempt from everything and that bills should not be allowed to be reduced to zero. Mr. Felten said that the “commons” fee could be for all properties and that it can not be split for residential, commercial and open space categories, etc. Mr. Clark asked if the fees could be determined with out a “commons” fee? Don’t separate the “commons” fee out – but it would be spread out within other fee calculations. Mr. Shennette said it is a factor in the fee setting formula and what do you call it?

#### **11. Discussion on “caps”**

The concept of various types of caps was introduced and discussed. Possible caps include: cap for a fee paid by a property owner, a cap on the rate used to calculate fees, a cap on the overall system budget. Mr. Ford asked if someone could research information about caps. Mr. Hellman offered to look into this. Mr. Felten said that caps were used in Westfield and that ultimately a cap did not work because it resulted in inadequate funding for the City’s needs. He added that a transitional type of cap might be an option. Mr. Clark asked if the estimated \$2 million per year budget would change. Mr. Culhane said that the budget was accurate but that one wildcard would be the extent of improvements or replacement of the Hockanum road flood control pump station. Mr. Teece said that the state of the economy will impact the budget as time goes on.

#### **12. Action Item Review**

#### **13. New Business**

Mr. Hellman offered to do more research on credits and exemptions. Mr. Ford said the Task Force has only a limited time to complete its work. Mr. Shennette expressed concern about the Task Force being able to complete the work by May 31<sup>st</sup>. Mr. Teece agreed with Mr. Shennette and that the deadline could not be met. Ms. Murphy said she wanted to keep the deadline and provide the City Council the information they need. Mr. Felten agree with Mr. Teece and Mr. Shennette about the concern of limited time and added that ideally consensus should be arrived at but that it may be necessary to provide the City Council with more than one option. Mr. Dostal agreed and said that they multiple options could be provided and that the Council will have all of the work done by the Task Force as they move forward. Recommendations could include information about exemptions and how to raise the fee. Mr. Clark said the work is important and that the Task Force needs to go through the information being considered and see where they are at the end of the month. Mr. Reckman said there may not be enough time but by the deadline the task Force should provide whatever decisions it can to the Council. Mr. Ghiselin said he agreed with Mr. Clark and that he still did not understand all the basic fee setting concepts and that maybe an option or two could be recommended to the Council. Ms. McGrath agreed and said all the fee factors are on the table and that they have until the end of May to provide ideas and recommendations to the Joint Committee. Mr. Shenette asked if there was any harm in asking for more time? Mr. Hellman agreed with Mr. Ghiselin and Mr. Reckman that there were still questions about fundamental issues, but that progress has been made, and that usable results are apparent. He wants to meet the deadline and provide usable information to the Council. Mr. Ghiselin said based on his experience on the Council they will not deliberate about fee structure options after the task force is done and that they would refer to the Public Works Department to determine the fee structure details if the details are not provided. Ms. Murphy questioned

what needed to be done to get to the end? Mr. Clark said it was like what Mr. Hellman had asked which was what will be turned over to the Council? Should an extension be requested or should something be provided by May 31<sup>st</sup>? Mr. Felten said there are several proposals and a good starting point. There are still issues that need to be worked out including “commons” fee, caps and exemptions. He said it’s important to focus on a fair and equitable structure. Mr. Ford said the Council meets tonight and on May 16 and then their next meeting will be in June. The Task Force is obligated after May 16<sup>th</sup> to update the Council on the status of the work. Mr. Clark asked if Councilor Spector should be invited to the next meeting. Mr. Dostal added that the next Joint Committee meeting is May 13<sup>th</sup>. Mr. Teece said that the Task Force needs to develop a clear, concise and consistent recommendation. He added that if there is confusion about the Task Force conclusions the public will not understand it. He agreed with Mr. Ghiselin that the fee structure determination will become a DPW issue if the Task Force does not reach a clear conclusion. He said determining a fair and equitable structure is a struggle and that there are many factors to consider, such as caps and exemptions. He said the deadline was incorrectly given. Ms Murphy said she felt that her expectation was that the work could be done in the time frame given. Mr. Reckman said the final report could include individual concerns. Mr. Clark said the task force was asked to prepare a fair and transparent system and that if they do not achieve that goal if one cannot be arrived at. Mr. Felten said that the Task Force report may not be perfect and that maybe it ends up being more of a status of work completed.

Mr. Reckman offered to prepare information about possible definitions for the “commons” for discussion at the next meeting. Possible factors include gross areas and impervious areas of City land.

#### **14. Public Comments**

Resident Mike Kirby said that members or former members of the Board of Public works should bow out of any votes regarding exempting the City, because it is a conflict of interest. He said everyone should read the CDM report because it describes millions of dollars in capital projects and that the \$2 million budget is not reflected in that report. Mr. Teece asked if the CDM report was being used by DPW for planning. Mr. Laurila said that the DPW is not referring to the CDM report for establishing budgets. Resident Fred Zimnoch expressed concern about the task force finishing too fast and he wants to make sure that any fees are fair and equitable.

#### **15. Setting the Next Meeting date**

The next meeting was scheduled for May 9<sup>nd</sup> at 5:00 p.m. at a location to be determined.

#### **16. Adjourn**

The meeting adjourned at 7:35 p.m.