



Storm Water Advisory Task Force

Emory Ford, Chair
Dan Felten, Vice-Chair

Meeting Minutes
Thursday, May 9, 2013
5:00 pm – 7:00 pm
Public Works Conference Room
125 Locust 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: None.

City Staff Attendees: James R. Laurila, P.E. City Engineer; Doug McDonald, Stormwater Coordinator, Ned Huntley, Director of Public Works

Other Attendees: Terry Culhane, Board of Public Works, Chair.

2. Meeting Called to Order

The meeting was called to order at 5:00 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

Councilor Paul Spector thanked the Task Force for all the work completed to date. He said it would be helpful if the Task Force took a formal vote on whether or not an enterprise is recommended. He said a recommendation will be useful even if all the details cannot be worked out by the Task Force. He said that if the Task Force can make a detailed recommendation that it would be fantastic. Mr. Dostal said the task force can work on a recommended plan but that ultimately it will be up to the City Council to enact any plan and that several public hearings will be needed. Ms. McGrath added that it may be necessary to recommend two plans to encompass all the work that's been done. Mr. Hellman said the final recommendation should include a narrative describing the Task Force process and the issues that were considered and that any unresolved issues should be described. Mr. Ford asked Mr. Spector that the Task Force be provided with information about what format the City Council wants the recommendation to be in. Mr. Spector said it's up to the task force to decide what the format should be but that he felt the idea of a narrative was good. Mr. Spector said he would ask the Joint Committee at their next meeting if they had ideas about the format for recommendations.

5. Discussion and Approval of Minutes from April 25th Meeting and May 2, 2013 meeting

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

6. Presentation of any new fee algorithms from committee members

No new fee algorithms were presented.

7. Format for Committee Report to the City Council and DPW Joint Committee

This was discussed under Item 4.

8. Report from Northampton planning department

The planning department was not present at the meeting and had not been invited to follow-up on their presentation from the previous meeting.

9. Discussion by committee on credits and exemptions

Mr. Hellman presented information about stormwater credits and incentives based on research he completed and was described in his handout. Mr. Ghiselin asked a question about monitoring and maintenance of private stormwater systems that are constructed. Mr. Laurila said that projects that disturb more than one acre of land are required to apply for a City stormwater permit and that the permit requires that a stormwater operation and maintenance agreement be prepared which dictates the needed inspection and operation and maintenance requirements. Mr. Reckman said that a modest credit for residents would be a good idea. He also suggested that certain “big projects” could apply for substantial credits. Non-residential properties could apply for a 20-25% reduction in their fee. He suggested that credits would be for what has been done and incentives would be for forward looking things. Mr. Hellman added that credits would be ongoing and incentives would be one time. Mr. Teece asked how developed and undeveloped property would be defined? Mr. Hellman said more research would be needed to determine that. Mr. Dostal suggested that the City planning office should have definitions that could be used and suggested that Mr. Hellman contact that office. Mr. Felten said that credits and exemptions need to be considered carefully because the these will reduce the overall revenue raised and that more money would need to be raised by property owners that will be fee-paying. He added that incentives and credits could be developed down the road. Ms. Murphy said that credits should be limited to the portion of fees that are related to EPA and drain infrastructure issues and not for flood control. She added that creating credits won't help with the funding issue. Mr. Hellman said that an option would be to establish a floor for the lowest bill and that no bill could be reduced to zero. Ms. McGrath agreed with credits for residential properties and added that residents should be able to do something to improve stormwater and reduce their bill. She added that a floor would be good idea. Mr. Hellman offered to look at incentives and credits in more detail. Mr. Ford requested that Mr. Hellman be prepared to discuss his findings at the next meeting. Mr. Ghiselin asked how far back credits should go. For example, Cooley-Dickinson constructed stormwater improvements a few years ago, would they be eligible for a credit? Mr. Hellman said it was not clear about past actions. Mr. Shennette suggested that there should be no credits issued for past actions. Mr. Clark said that one type of credit offered by some utilities is a free distribution of rain barrels and that this was a good, visible benefit for residents. Mr. Dostal said that the City offers low cost rainbarrels now. Mr. Ghiselin added that projects that build systems to meet the building code or planning department requirements should not get a credit. Mr. Clark said property owners can always do more than what's required by codes and permits.

10. Discussion of the inclusion of “the commons” in fee structure

Three handouts were distributed related to possible definition of the “commons”. One was entitled “The Commons-Definition Possibilities’; and the other two handouts were tables that provided a detailed breakdown of City Properties and Roadways and the other detailed State and Federal properties. Mr. Reckman proposed a fee system where the City would pay the “commons” fee using General Fund money. Mr. Felten said that the Task Force had previously voted against the City paying. He added that fundamentally city money comes from property owners and that using the general fund relies on property taxes to pay the bills as Mr. Reckman is suggesting. Mr. Reckman said that people may ask about the \$400,000 in general fund money that is used now for stormwater related expenses. Mr. Clark suggested that the City Council should be asked what will happen to the \$400,000. Ms. McGrath added that the City will decide what happens to the money in the general fund and that she does not believe in charging a “commons” fee. Mr. Teece said that Mr. Reckman's comments are confusing the issue and that what happens to the

\$400,000 will be a good discussion for the City Council not the Task Force. He said the task force should stick to the \$2million revenue goal plus an amount for possible caps and credits.

Mr. Shennette expressed concern about the lack of public awareness of the task force work and the decisions that they are working on. Mr. Ford said that determining a fair and equitable fee structure is an important part of the Task Force charge. He said the citizen acceptance is beyond the control of the Task Force and he is also frustrated about the lack of outreach. Ms. Murphy said that the appointment of the Task Force, which is composed of City residents, is the first step in public outreach. She added that the City Council and Board of Public Works will need to do more outreach as the process proceeds. Mr. Ghiselin agreed with Mr. Shennette and added that more unanimity in any Task Force recommendations is important, otherwise the recommendation will not be as effective. Mr. Dostal said he expects some dissent among the members. Mr. Hellman agreed with Mr. Ghiselin and said he does not want a lot of dissent and hopes that a program can generally be agreed on. He said options could be presented with the force of recommendation. Mr. Ford said the Task Force will decide how much dissent there will be at the end. Ms. Murphy said she is hoping for an agreement on one of the plans and a basic construct of the key issues. Mr. Reckman said that the public process is important and that the Chamber of Commerce has offered to help with public education and to help people anticipate the new program. Mr. Clark said that the Task Force seems to agree that there is a need to build a new fund to pay for these problems. He added that the Task Force is part of the public education process and that he wants to see consensus on at least two plans.

Ms. McGrath asked if she is the only plan not charging for the “commons”. She offered to change her opinion on this matter. Mr. Laurila said that the Clark Method does not use a “commons” fee. Mr. Felten said that there are several principles that need to be decided including whether there should be a “commons” fee or not. Should there be a simple flat fee? A tiered fee? He said the Task Force needs to build a structure for a fee system without looking at the detailed numbers and then evaluate how to make the final fee system fair. Mr. Clark said exempting the “commons” simplifies fee setting. Mr. Culhane said he was working on a new fee proposal for this meeting but was not ready to present it yet. He said if municipal property is exempt then there should be no municipal shared expense. Fees can be fairly determined without the “commons” fee. The “commons” is a philosophical construct and is unnecessary. Mr. Felten said the commons could be used to develop the floor for a fee system. Ms. Murphy said that it could be possible to use a fee with a portion related to the EPA permit and another portion that would be an infrastructure fee. Mr. Felten said this could be a good idea and that the EPA related budget is about 20% and it could be useful to determine credits and their value.

11. Discussion on “caps”

Ms. McGrath asked if the discussion of caps would also include a discussion of a floor, or bottom fee value. Mr. Ford indicated that both could be discussed. Mr. Clark said he did not favor an overall cap for revenue which is estimated to be about \$2 million. Mr. Hellman said one possibility would be to cap the amount of any increase in the rate for a 3 or 5 year period. Mr. Felten said that caps help ease the implementation of the system in the first few years, this could help with public acceptance, and ease the roll-out. Mr. Teece said Westford and Reading both decided to cap revenue only to find out that they undershot their actual needs. He said the system costs should not be underestimated in order to get a new fee system accepted by the public. The budgets need to be realistic.

Mr. Dostal said that it is important to understand what the impacts of caps would be on an enterprise fund. There was discussion about the amount of general fund money that is spent on stormwater and flood control expense currently. At the first meeting in March, Terry Culhane presented actual and proposed budgets for these expenses. Mr. Ford indicated that earlier in the meeting Mr. Spector had requested that the Task Force vote on whether the City should use an enterprise fund to meet funding requirements for stormwater and flood control. Is an enterprise fund a fair and equitable way to raise the needed funds? Mr. Felten indicated that he needed to check the minutes but he recalled that a discussion of various funding mechanisms had been discussed and the task force had settled on a fee system as the most viable means. Mr. Clark asked if the City would need to hire more staff to comply with forthcoming regulatory requirements. Mr. Laurila said additional staff would be needed and those costs were

reflected in the budget table previously presented by Mr. Culhane. Mr. Culhane added that the General Fund allowance is not sufficient for the required staffing needs. Mr. Ghiselin added that the General Fund is also inequitable.

12. Action Item Review

Mr. Ford said that additional discussion was needed on commons, exclusions, credits and caps. Mr. Hellman said he supported a tiered system for residential fees. Mr. Clark said he likes the idea of caps but needs to make a decision based on how much and what the impact is on revenues. He suggested that limiting the budget increases each year may be one option. (At this point Mr. Laurila distributed and updated table of all proposed fee structures and sample bill amounts.) Mr. Ghiselin said he like the tiers and also lot size as fee factors. Mr. Laurila spoke for a few minutes about the use of runoff factors in fee setting. He said that he had worked with Mr. Culhane during the week with a new fee proposal based on tiered system for residential properties and the use of runoff coefficients for pervious and impervious land. He said one reason that the new fee structure was not presented was that the fees generated using runoff coefficients resulted in fees being higher for undeveloped land and that under this scenario using runoff coefficients impervious land only accounted for 37% of the revenue needs. He added that the EPA (Guidance for Municipal Stormwater Funding) has indicated that fees that rely on runoff coefficients may need to be adjusted if a community wants a higher percentage of revenue coming from developed land. For example, DPW research has found where several communities have split revenues with 80% coming from impervious land and 20% coming from pervious land. EPA has documented that this split has been used and that other splits or adjustment can be made. Mr. Laurila added that an ERU fee like Mr. Clarks relies on 100% of revenue from impervious surface.

Mr. Teece said that getting at the possible use of a commons fee was important. Mr. Ghiselin said he wanted to know what factors could be agreed on in the next meeting. Mr. Teece said some of the factors to be discussed include the use of an enterprise fund, caps and floors on fee among others. Mr. Shennette suggested that the Task Force members review Table 1 that was distributed by Mr. Laurila at the March 13th meeting which describes the various fee setting factors. Mr. Felten suggested that Table 1 be posted as a google document so that each Task Force member could include their thoughts about the factors. Mr. Shennette offered to post Table 1 on google.

13. New Business

There was a brief discussion led by Mr. Ford regarding a public comment at the last meeting about a possible conflict of interest by having former and current Board of Public Works members voting on decisions related to a proposed fee structure. It was generally discussed that there was no conflict of interest by having these appointed members of the task force vote on task force matters.

14. Public Comments

Mr. Clark asked Mr. Zimnoch for specifics about an upcoming public presentation by the Army Corps of Engineers about the City's levee system. Mr. Zimnoch said the representatives of the Army Corps would be presenting information about the City's flood control system on Wednesday May 29th at 7 p.m. at the Bridge Street School. He said all are invited to attend.

15. Setting the Next Meeting date

The next meeting was scheduled for May 16th at 5:00 p.m. at the Public Works Conference Room

16. Adjourn

The meeting adjourned at 7:05 p.m.