



Storm Water Advisory Task Force

Emory Ford, Chair
Dan Felten, Vice-Chair

Meeting Minutes

Thursday, May 16, 2013

5:00 pm – 7:00 pm

Public Works Conference Room
125 Locust Street, Northampton, MA

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

Resident Fred Zimnoch questioned how an enterprise fee system would work as related to possible credits that have been discussed. He added that the task force charge of determining a fair fee is important. He said he calculated his tax contribution through real estate tax to pay for the \$2.5 million proposition 2 ½ override that is proposed and compared that to his stormwater fee as proposed under the various fee structures and found that in some cases his fee would be more than his tax bill. Lastly, he questioned why state and federal land should be excluded from a “commons” definition.

5. Discussion and Approval of Minutes from April 25th Meeting, May 2, 2013, and May 9, 2013 meetings

Mr. Dostal indicated he had minor scrivener’s errors to tell Mr. Laurila. The minutes were approved from the April 25th and May 2nd meetings. Approval of the Minutes from the May 9th meeting was postponed since they were not yet prepared.

6. Presentation of any new fee algorithms from committee members

Mr. Reckman introduced a new fee algorithm that he has been working on with Mr. Culhane. A summary table was distributed along with a sample fee calculation sheet. Mr. Reckman indicated that the bill would consist of a shared commons fee and an impervious area fee. The shared commons fee was based on a commons area of 20% which includes City, State and Federal Roadways, rights-of ways and sidewalks. He said that this method was devised to give a break to undeveloped land and agricultural land and place most of the financial burden on developed impervious surface. The proposed model has a tiered system for residential fees for categories of 1-3 family homes

with lot sizes in groups: 1/2 acre, between 1/2 acre and 1 acres, between 1 acre and 3 acres. Mr. Ford asked why Mr. Reckman had changed his mind and now endorses a method that uses a commons fee. Mr. Reckman said that he was trying to balance the value of a bill for undeveloped property and developed property. He said that large commercial properties with a lot of blacktop are the worst and create the most runoff and that under the new method impervious land accounts for 80% of the revenue requirements. Mr. Dostal asked what about the case for a 40-50 acre parcel in preservation. Mr. Reckman said they would just pay the commons fee. He added that credits and exemptions still need consideration, but that the model does build in consideration for undeveloped land. Ms. McGrath asked if the Office of Planning and Sustainability proposed changes to UR-B and UR-C districts had been considered and would more densely developed lots impact the proposal. Mr. Reckman said that the commons fee was a good idea since it allows a way to bill for things that we all benefit from in our city. The commons fee in this new model is 20% of total revenue needed and the cost is shared equally. He said having the City pay for the commons fee using General Fund money is a bad idea because only tax payers contribute to the General Fund. Mr. Culhane said that the 20/80 revenue split is based on the commons area as Mr. Reckman had defined. He indicated that other towns have also used a 20/80 split because it works and the fees come out in an acceptable manner, where everyone makes a contribution. He suggested that exemptions may not be needed if the commons fee is modest. Mr. Dostal questioned the need to raise more revenue to account for possible credits. Mr. Clark suggests another 20-25%. Mr. Reckman indicated that 5-10% is his preference. Mr. Dostal said he wanted to hear a report from Mr. Hellman about credits. Ms. McGrath asked if the commons fee was included in the residential bills. Mr. Reckman said it was and that the commons fee totaled \$400,000 and that if the City paid the commons fee each fee would go down. Mr. Clark asked if the commons portion only is what the City would pay? Mr. Reckman said yes. Mr. Felten said he thought that a vote had been taken that the City would not pay stormwater fees. Mr. Laurila stated he believed that such a vote was taken and reflected in the meeting minutes. Mr. Ford asked Mr. Reckman what caused him to change his proposed method. Mr. Reckman said it's a complicated problem and that he looked at many methods. He added that logic says the City should pay but that very few cities do pay. There are many factors that need to be balanced. Mr. Felten said the commons fee was one of the original ideas brought to the table for discussion. He added that he has trouble with the distinction between the common interest and site specific interests. It's all common interest. All infrastructure is common. He said the motivation of capturing undeveloped land fairly in a fee is good but that the framing of the argument could make it hard for people to understand. Mr. Reckman said it's like schools that benefit some property owners but not all – although taxes from all tax payers contribute to schools and the that we all collectively benefit from this. Mr. Ghiselin said that the commons makes sense if you can bill it right. He said you could subtract the City from the equation and raise the money needed. Mr. Clark asked if there would be vote on the commons. Mr. Ford said that there was a worksheet for consensus building where votes would be taken on various factors. The members agreed that this would be discussed under items 10 and 11.

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

This was discussed under Item 4.

8. Report from Northampton Public Works

No specific report had been requested and none was provided.

9. Discussion by committee on credits and exemptions

Mr. Hellman handed out a document he had prepared (dated May 16th) that described exemptions, credits and incentives. He said that he had offered to look in more detail at budget implications in other communities related to these items but that very little financial data was readily available. Mr. Hellman then proceeded to review the contents of his research document. Mr. Dostal asked if public works staff could provide links to information from the planning department and DPW about stormwater management requirements. Mr. McDonald said this information is available on the City's website and that it can be made available to the Task Force members. Mr. Clark asked if stormwater improvements are required by permit or approval if those systems should be eligible for a credit. Mr. Hellman said that if an improvement has residual benefits that can be inspected and documented it could

be eligible for a credit. Consideration needs to be given to a cut-off for credits. Mr. Ghiselin said that a property owner needs to apply for a credit and prove the long term benefit and reduction in stormwater. The benefit would need to be proven by an inspection each year. Mr. Dostal said that Cooley-Dickinson made significant stormwater improvements and should be eligible for a credit. Mr. Ghiselin agreed. Mr. Hellman suggested that there might be a 5-year credit cycle. Ms. McGrath said that disability and/or senior credits should be considered. Mr. Hellman said that the transfer station permit program used a means-based discount program which could be considered. Mr. Teece said he is 100 percent in favor of credits but that credits may bump up and conflict with caps and exemptions and that those things need to be accounted for. Mr. Clark agreed it is important to hit revenue needs and that he wants significant incentives of all sizes to improve the function of the system. He would like to see visible results and a city-wide effort to improve stormwater systems. Mr. Shennette said he found a credit manual for North East Ohio. He said that a new fee could be implemented and that a system of credits could be worked out in the future.

10. Review of committee comments on Table 1 “Google Docs:

11. Discussion of Principles – Commons, Credits, Exclusions, Caps (minimum and maximum), residential, non-residential, pervious and non-pervious.

Mr. Ford had provided a Worksheet for Consensus Building to the members in advance of the meeting. A poster sized copy of the worksheet was used for discussion purposes and to gauge Task Force members thinking about the listed criteria. Attached to the minutes is a copy of the worksheet as it was filled in. Mr. Felten indicated that caps could be staged or phased in over a 1, 2, or 3 year time frame. Mr. Reckman said he was opposed to any caps and felt that a recommendation for caps would carry little weight. Mr. Hellman said caps are acceptable but he preferred a phase-out and he also favors a hard minimum charge. Mr. Clark asked why caps should be phased out. Mr. Hellman said that caps may be arbitrary and not reflect the reality of funding needs for the City. He added that a review of the caps over 3 or 5 years would make sense. Mr. Ghiselin said that what is more relevant is who decides on the cap. He said it could be a political decision with the City Council ultimately deciding on any cap or rate. He supports the idea of having the City Council responsible for determining caps. Ms. McGrath said she favored caps for about 5 years and then being phased out. Mr. Shennette said was not sure about caps without knowing a formula. He might favor a maximum increase each year but wants to see more detail. Mr. Shennette objected to the May 31st deadline saying it was not enough time to work out the details on things like caps. Mr. Ford suggested that the members continue to fill out the chart and then see where they stand. Mr. Teece said he would vote for a cap rate increase if the Council was responsible for it. Mr. Ford again encouraged the members to decide on basic principles and then move to build a model. Ms. McGrath offered to remove her model from consideration and that she agreed with the new Culhane/Reckman model. Mr. Clark said that his method and Ms. McGrath’s are similar. Mr. Shennette said that Ms. McGrath’s model was based on Westfield’s and that it should be kept in the discussion. Mr. Ford agreed that all models should remain at this point. After the task force supported the concepts of impervious area and gross area, with a split vote on the use of the commons- Mr. Felten said these factors would serve as the crux of fee setting. Mr. Ford said that when the chart is complete it could be presented to the City Council as part of any recommendation(s) and that the City Council could see that there are some split decisions on some of the factors. Mr. Reckman said that the Clark method does not rely on a commons fee. He added that the commons fee could be removed from the new Reckman/Culhane model and the additional 20% of revenue needed would have to added in a different way. Mr. Teece added that a recommendation could be framed that the City Council needs to decide what to propose on some the factors where the Task Force was split. The City Council could make those decisions and that would be one way to move ahead. Mr. Clark expressed concern about the deadline and that public comment might be reduced if the Task Force deadline was extended. He wants the City Council to increase the amount of education and that if the Task Force needs two more weeks that is less time available for public comments when the matter moves forward. Mr. Felten said the City Council may have a hard time educating the public and it would be better if the Task Force recommendations are cleaner. Mr. Hellman said that recommendations could be achieved in two more meetings. He added that meaningful work needs to be done on the recommendations and suggested that staff could prepare a summary on the background work of the Task Force. Mr. Dostal said it was too soon to decide if an extension was needed and that two more meetings should be held to assess the status and then decide if a request for more time should be made. Mr. Ford said he could tell Councilor Specter that the May 31st deadline is not doable to complete the work. Mr. Shennette said in a previous meeting there was a vote that was

approved that said the status of the work would be determined by May 14 and the Task Force would decide on that date whether to request an extension. Mr. Teece agreed with Mr. Ford to tell the Joint Committee that more time is needed and that the October deadline for Council action may turn out not to be as relevant as thought. Mr. Clark asked if an extension should be requested. Mr. Ford confirmed he would tell Mr. Specter that more time is needed and that the Task Force has done due diligence but that there is a lot of work to do. Mr. Reckman made a motion that the City Council be told that the Task Force needs more time. On a vote of 7-2 the motion passed. Mr. Ghiselin and Mr. Reckman were opposed and Mr. Ford abstained.

12. Report Writing – Who Does what?

Mr. Ford stated that he had received an email from Mr. Laurila on May 14, 2013 that summarized the Joint Committee's thoughts about the contents and format of the task force report. The contents of the email as follows:

“Councillor Spector has requested that I send a message to the Task Force in regard to the format and content of recommendations. The City Council-Board of Public Works Conference Committee discussed your request for guidance during their meeting yesterday.

The Conference Committee indicated that one important element of the Task Force work is to vote to recommend or not recommend that a new enterprise fund be implemented as the means to meet City stormwater and flood control obligations. Secondly, they requested that the Task Force make recommendation(s) for a fair and equitable fee structure. If the Task Force can agree on one recommendation with details that should be presented. If more than one fee structure is included in the recommendations the Conference Committee would appreciate information on pros and cons of the different fee structures. As may be appropriate references to fee structures or pieces of fee structures in other towns could be mentioned in the final report. The report should include some description of the basis for decision-making so that the Conference Committee can best understand how decisions were made.

The final format of the recommendations should be a written document - supplied in hard copy and as a pdf document.

The above is based on my notes from yesterdays meeting. If I have not accurately represented the conference committees desires I would ask that this email be elaborated on by the committee members.”

Mr. Shennette asked if the Joint Committee had discussed the May 31st deadline. Ms. McGrath asked if an extension would be requested. Mr. Ford said the deadline was tight and that the Task Force could vote to request more time. Mr. Clark asked if a vote on creating an enterprise fund was part of the Task Force charge. Mr. Felten said that this was not new and that the charge included a language about determining a fair and equitable fee. Mr. Clark said he had an email from Councilor Owen Freeman-Daniels that said an enterprise fund was an option. Mr. Clark then asked if the Task Force was then eliminating other options for funding. Mr. Dostal said fees could be managed like the city ambulance fund or like an enterprise fund. Mr. Teece read from the Task Force charge stating that funding is not a matter of choice and that he said referring back to the charge is important and that any decisions and report back to the City Council should be based on the charge. Mr. Hellman said that Councilor Spector said it would be helpful for a vote about an enterprise fund and that if it's not specifically part of the charge it should be done nonetheless. Mr. Felten said that the first three task force meetings discussed funding options. The Task Force had

debated the merits of an override, general funds a new utility etc. He thought that a specific vote was taken that a new utility was needed, but that the meeting minutes should be checked. He said all methods were discussed and that a utility was determined to be the most effective. Mr. Clark said that he recalls the discussions but does not recall a specific vote and asked if the Task Force was deciding on the need for a utility. Mr. Ford and Mr Dostal stated that the Task Force will only present recommendations. Mr. Clark said a vote should be taken. After some discussion about the language for a motion Mr. Hellman moved that “the Task Force Recommend that funding to deal with the issue of stormwater includes a fee”. Mr. Dostal seconded the motion. The motion passed with 7 votes for. Mr. Shennette opposed and Mr. Teece and Mr. Ford abstained.

13. New Business

No new business was discussed.

14. Public Comments

There were no additional public comments.

15. Setting the Next Meeting date

The next meeting was scheduled for May 23rd at 5:00 p.m. at the Public Works Conference Room

16. Adjourn

The meeting adjourned at 7:05 p.m.