

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE BUDGET REPORT

WEDNESDAY, MAY 8, 2006

Present: Ald. Schnipper (Chairman), Weisbuch, Albright, Salvucci, Gentile, Yates, and Lappin

Absent: Ald. Mansfield

Also present: Ald. Coletti, Lennon, Linsky, Lipof, Parker, Baker, Johnson, Merrill and Harney

City personnel: Sandy Pooler (Chief Administrative Officer), Robert DeRubeis (Acting Chief Budget Officer), Robert Rooney (Public Works Commissioner), David Turocy (Deputy Public Works Commissioner), Angela Clark (Executive Administrator; Public Works Department), Karen Griffey (Director of Administration; Public Works Department), Gayle Smalley (Associate City Solicitor) and Maria Pologruto (Permits Engineer; Public Works Department)

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#165-06 **HIS HONOR THE MAYOR**, in accordance with Section 5-1 of the City of Newton Charter, submitting the FY07 Municipal/School Operating Budget totaling \$295,437,277, passage of which shall be concurrent with the FY07-FY11 Capital Improvement Program.

EFFECTIVE DATE OF SUBMISSION: 4/18/06

ACTION: PUBLIC WORKS BUDGET APPROVED 7-0

NOTE: Public Works Department Budget

Commissioner Rooney began the continued discussion of the Public Works Department budget and the addition of the storm water utility program. The Commissioner gave a PowerPoint presentation on the proposed storm water utility program. Commissioner Rooney stated that Newton has a great opportunity in front of it. The proposed program is an innovation. The City's drain system needs maintenance and the utility program is a great way to bring attention to the drainage infrastructure.

Storm water is the run off from precipitation, which flushes the pavement, flushes lawns, picks up nutrients, bacteria, litter, and brings it into the storm drains that lead to wetlands and rivers. Primarily most of the storm drain outfalls dump into the Charles River; however, there are some drain outfalls that dump into the Neponset River. There are twelve miles of riverbank with 108 outfalls and the infrastructure handles about 41 inches of rain annually, which translates to about 12.5 billion gallons of storm water per year. There is no mechanism to routinely repair the storm drain system.

The City needs to look at design and construction of our storm drain infrastructure. The Clean Water Act of 1987 established a permitting requirement mandating control measures that

the City must meet. The City was permitted in 2003; therefore, it is now time to implement a storm water utility program. The EPA's goal is for the Charles River to be fishable and swimmable by 2010. Newton, Watertown, and Waltham all border the Charles River and the EPA is looking at Newton to improve the quality of storm water flowing into the Charles River.

The original estimated revenue projection was \$700,000; however, to be conservative the Commissioner reduced the projection to \$575,000. The new revenue would allow for additional capital projects, which would help meet the permit requirements. Four current Public Work's employees would be transferred to the Storm Water Utility Program accounts and an Environmental Engineer would be hired to oversee the program. The City would develop a storm water management plan and monitor all of the 108 outfalls during both good and bad weather conditions.

The Commissioner reviewed the federal permit specifics. There are six components of the program. The City must develop a storm water management program with annual reporting. Massachusetts General Laws now allow municipalities to charge for drainage facilities similar to water and sewer. Cities and towns can charge a uniform fee for residential properties and a separate uniform fee for commercial properties. A base rate of \$25 per year for each residential lot was determined by the median impervious area. The commercial rate of \$150 per year was determined by the median total impervious area, which is equal to six times that of the median residential property.

To implement the storm water utility program the Board needs to approve an ordinance to establish the utility. The rates would be reviewed and set annually by the Board in conjunction with the water and sewer rates. The elderly discount would apply to the storm water fee. Newton has always been a leader in the area of the environment and the creation of the utility will benefit both the City and residents.

Ald. Yates asked if non-profit institutions would be assessed a commercial or residential fee. The Commissioner explained that the institutions are classified as residential and would be assessed a \$25 annual fee. However, large institutions have many meters and would pay an annual \$25 fee for each meter. Ald. Parker praised the Commissioner for being proactive to this issue. He does not think it is fair to ask people with varying amounts of non-permeable surface to pay one flat fee. He would like to see the fee done as a surcharge on the water rate, so that the more water you use the more you pay. Ald. Salvucci asked whether condominium owners would be charged individually or would the condominium association pay one fee. The Commissioner responded that the condominiums would be charged per meter. Ald. Salvucci did not feel that this was equitable, as each condominium owner is a property owner. Ald. Merrill agreed with Ald. Salvucci; he does not believe that it is equitable for a large condominium complex to be charged \$25. The Commissioner explained that condominiums tend to be smaller with less impervious area. Ald. Salvucci felt that for the sake of equality condominium owners are property owners and they should not be exempt. Ald. Johnson is supportive of the establishment of the storm water utility program. She pointed out that residential property owners would be paying \$.07 a day to improve the environment and allow the City to make repairs to the drain system. Maria Pologruto explained that there is no correlation to allow the City to tie the storm

water fee to the water/sewer usage. If the City were to determine the rate based on individual lot size it would triple the amount of money the City needed to generate to implement and run the program. The fee is not substantial and should not be detrimental to property owners. Ald. Baker pointed out that the statute allows for a flat uniform fee for both residential and commercial property owners. The proposed fee seems to be the best way to begin the program.

Ald. Coletti is frustrated that we are beginning to fund personnel costs through enterprise funds for very basic services that used to be included in property taxes. He pointed out that there are a number of property owners who have put basins and leech pits on their property to take care of run off on their property. These owners are now going to have to pay for run off that their property is not generating. He feels this is a back door way of taking care of something that is a shortfall in the operating budget. Ald. Coletti is concerned that this fee is laying the groundwork for a trash fee. Ald. Coletti pointed out that the City could fine commercial properties for polluting storm water. If the City started fining these properties, the City would have plenty of funding to establish the storm water utility program. The Environmental Engineer should have the capability to fine people who are polluting the storm water. Ald. Coletti informed the Committee that most commercial parking lots have oil/water separators and the State law requires that they be cleaned at least once every six months. He believes that a very small amount of the separators are cleaned every six months, which means that once the separators fill up the oil floats to the surface and goes into the storm drains. Unless the City puts a program in place that forces commercial property owners to clean the separators, the pollution problem is not going to be solved. There should be requirements for commercial property owners to maintain the separators and if they do not, they should be fined. Ald. Coletti asked if the City used the vactor truck to clean out culverts and basins clogged with silt. The Commissioner responded that during storms, it is used for chocked catch basins but it is mainly used for sewage blockages.

Ald. Yates moved approval of the Public Works Department's budget and made a separate motion to approve the acceptance of the storm water utility fee and all of the appropriate legislation that it encompasses. Ald. Weisbuch offered an amendment to Ald. Yates motion for approval by providing for a mechanism for the Commissioner to fine for polluting the storm water. Ald. Yates did not believe that the City could fine under the current statute. He would be in favor of changes in the statute and thinks we should ask the legislators to do that through a resolution. Ms. Smalley explained that there is no set up that would allow for a fine recovery that would be paid back into City's revenues. The City is beginning to look more and more at storm water enforcement and in the near future may be looking at the storm water ordinances. In general, enforcement never leads to a lot of revenue for the City. She would encourage the Board to think of enforcement but not as a revenue raising approach.

Ald. Coletti suggested instituting a permit process for utility companies to pump out their manholes. The utility companies discharge contaminated water into the City's storm drains from their underground system. He would be willing to support the proposed fee if the City will hold the utility companies responsible for polluting. Ald. Coletti thought that the utility companies should hire the vactor truck at \$300 per hour to pump out their underground system.

The Committee voted approval of the storm water utility program and the Public Works Department budget. Ald. Weisbuch will offer a resolution later after he has had to reflect on the language for the item.

Respectfully submitted,

Sydra Schnipper, Chairman