

MEETING SUMMARY

PROJECT: Bristol Stormwater Management Enterprise Fund Feasibility Study

MEETING #: Steering Committee Meeting #2

DATE: Tuesday, January 19, 2016

TIME: 6:00-8:15 PM

LOCATION: Bristol Quinta Gamelin Community Center

ATTENDEES: Steering Committee Members – Joseph Coelho Jr., Anne Kellerman, Ray DeLeo Stan Dimock, John Rego, George Simmons, Paula Martel, Mary Parella (Town Council Member), Joseph Coelho, Edward Stuart Jr. (Town Council Member), Linda Arruda, and Anthony Murgo
Rhode Island Department of Environmental Management (DEM) – Elizabeth Scott
Town of Bristol – Tony Teixeira, Diane Williamson, Edward Tanner, Jose DaSilva, Julie Goucher, Walter Burke
Horsley Witten (HW) –Rich Claytor, Russ Chateauneuf
Amec Foster Wheeler (Amec) – Rich Niles, Elizabeth Flanary
Blue Sky Engineering – Jean Lambert

The second Steering Committee meeting was held at the Bristol Quinta Gamelin Community Center, 101 Asylum Road, Bristol RI on Tuesday January 19, 2016. The goals of the meeting were to review and discuss Bristol's stormwater program costs and priorities, provide additional details about Stormwater Management Enterprise Funds (SMEF), and obtain feedback from members of the Steering Committee.

Summary:

Project Recap/Introduction – Russ Chateauneuf:

- Russ provided introductory remarks and welcomed the committee members. He reviewed the results of the first Steering Committee meeting. He noted that the consensus from meeting #1 that there are unmet stormwater management needs in the Town of Bristol and that the Town should consider alternative funding sources.
- The goals for this meeting were outlined and included the need for committee members to understand and provide input on priorities and costs. An estimate of the current and

projected stormwater program costs was presented. Russ emphasized that committee members need to understand the cost slides fully as the projected costs are the basis for the revenue apportionment to be discussed. Russ reinforced that the future cost figures are based on the existing MS4 permit¹, and that Kevin McBride (DPW) and Julie Goucher (Finance) feel that these added costs are needed to make headway on Bristol's stormwater problems. The results of tonight's meeting will be presented to the Town Council. The team is prepared to answer questions and provide additional information.

- Russ, Liz Scott and Rich Claytor discussed the status of Bristol's current MS4 permit and the anticipated future MS4 permit. The current RIPDES Phase II Stormwater Permit includes six minimum measures as well as other requirements identified in water quality restoration studies known as Total Maximum Daily Load (TMDL) studies. The Town is currently in compliance, though has not fully implemented all requirements of the existing permit.² The new permit, when issued, will likely include additional requirements. Ms. Scott cautioned that though RI's new permit would likely contain similar provisions as the permits to be issued to MA and NH by US EPA, it is too early to say exactly what will be required.

Stormwater Management Enterprise Fund Overview – Rich Niles:

- Rich noted that the MS4 permit provides a regulatory framework to solve water quality problems but may have costs associated with it. He outlined various methods to fund the costs including taxes, user fees and bonds. He noted that the Town predicts a \$500,000 shortfall in funding for future stormwater needs in Bristol.
- A stormwater enterprise fund is one type of funding. This type of fund is typically supported by user fees that are calculated based on the amount of impervious surfaces on each property. There are a variety of rate methodologies that can be used to calculate fees, such as the use of an "Equivalent Residential Unit (ERU)" that serves as a billing unit for a range of property types. While there are a number of approaches to calculate rates, the consultant team used the ERU to simplify the analysis for Bristol. A user fee based approach differs from a property tax based approach in that fees are not assessed based on property value.
- Stormwater programs and enterprise funds in three other New England municipalities were compared. It was noted that every community has different funding requirements

¹ General Permit for Stormwater Discharge from Small Municipal Separate Storm Sewer Systems (MS4s). The general permit is issued under the Rhode Island Pollutant Discharge Elimination System (RIPDES) Program by RIDEM, and is formally referred to as the RIPDES Phase II Stormwater Permit.

² Subsequent to the meeting, Liz corrected her statement regarding the town's compliance with its MS4 permit: "The Town last submitted an Annual Report in 2011 (reporting on compliance in calendar year 2010) at which time it was not fully in compliance with the annual catch basin inspection (and cleaning as necessary) requirement. In addition, the town is considered in non-compliance with the permit for its failure to submit annual reports (reporting on status of compliance with ongoing requirements)."

and stormwater priorities. The goal is that the program be stable, adequate, flexible and equitable.

- The different property types in Bristol were evaluated and the results of all properties are as follows: 75% residential, 11% multi-family, 12% non-residential, and 1% fee exempt (state property). Even though most properties in Town are residential, they do not have the majority of the impervious surfaces. This analysis was obtained by reviewing the Town's assessor data and the impervious surface data layer from the State aerial mapping program.
- Rich explained the discrepancy that large commercial properties pay less if funding for stormwater improvements comes from property taxes even though the commercial properties comprise the majority of impervious surfaces, and thus contribute the most amount of runoff. Further analysis was presented and it was noted that newer commercial properties that utilize a stormwater management system on site could receive a credit since the property does not have as much of an impact on the Town's storm drain system.
- It was noted that there are many funding policies to consider when developing a SMEF. Once these policies are thoroughly vetted, a SMEF in Bristol would be outlined in a Town ordinance and be voted on by the Town Council. The process allows public input. The big question is whether Bristol wants to move forward with this concept. Does a SMEF make sense for Bristol? Are there good reasons for the Town to develop a SMEF?

Steering Committee Member Comments:

- Closing of shellfishing areas: members asked whether these areas were impacted from Bristol's stormwater discharges or if the closures were the result of pollution from other (upstream) communities. The Project Team explained that Bristol is a contributor and the restoration of these areas requires action by Bristol. The public needs to understand the connection to these water quality issues and how the problem can be solved ³.
- What are the administrative costs associated with both the program and the "credit" concept. For example, every tax payer contributes to the school system; would every tax payer also contribute to the SMEF?
- Are Town properties exempt from stormwater fees? The Team agreed that the Town will need to make a policy decision about whether the Town wishes to charge itself stormwater fees for impervious areas owned by the Town. That money could possibly be allocated from general revenues.
- Committee members asked about current and future costs per taxpayer. Need to show the net difference for both future funding mechanisms from current costs.

³ Shellfishing areas are carefully monitored by the State. A key goal of the Clean Water Act is to make all U.S. waters fishable and swimmable. A robust stormwater program can help increase the number of shellfishing days and possibly eliminate conditional closure areas in the Kickemuit River estuary and Mt Hope Bay.

- Could a flat fee be used?
- What are the impacts of stormwater fees on business development? Would these expensed discourage development in Bristol as compared to other nearby Towns without at SMEF?
- Members supported the idea that the public would understand that the Town is acting in the best interest of residents; all residents are impacted by stormwater problems.
- A major benefit of a SMEF is that it provides for dedicated funds to address stormwater problems. Need to clearly show the public how the money will be used to improve the town's stormwater management program.
- A \$1.35M stormwater program seems reasonable and doable.

Steering Committee Written Input:

Committee members were asked, "If we agree we need to improve the stormwater program, what is your comfort level with a fee versus funding through taxes?"

- All responses from the committee members were tallied.
- The average rank on a scale of 1 to 5 was 4, which was: "Best Option – I support a fee".
- Recurring comments noted the need for a simple fee system, equitable fees and an awareness of costs to businesses.

Meeting conclusion

- Russ noted that we are currently in Phase 1 of the study – investigating public support and feasibility of the project. As the project moves forward, detailed costs and rates would be developed. A Town ordinance would be required before final implementation.

Next Steps/Action Items

- Obtain Town Council input and complete draft report for Steering Committee review.
- Meet with Town Council – Tentative for mid February.
- Schedule Third Steering Committee meeting – Tentative for March 22
- Town Council presentation – Tentative for mid April