

Members Present: Ian Johnson, Chair, Carolyn Spring, Judy Lucas, Cliff Watts, Ronn Moody, Jo Lown, John Arnold, Brigitte Casemyr. Absent: None.

At 7:06 p.m. Mr. Johnson called the meeting to order in the Selectmen's Meeting Room.

### **Open Forum**

There were no requests to address the Committee.

### **Approval of minutes – Meetings No. 20, March 31, 2008 and No. 21, April 3, 2008, FY2008.**

Mr. Watts moved approval of the minutes of Meetings No. 20, March 31, 2008, and No. 21, April 3, 2008, with changes suggested by committee members. The vote to approve the minutes of Meeting No. 20, March 24, 2008 was 8 in favor with 8 members being present. The vote to approve the minutes of Meeting No. 21, April 3, 2008 was 7 in favor and 1 abstention, with 8 members being present.

**Article Review - ARTICLE 21. Adopt Stormwater Management and Erosion Control Bylaw (DPW Manager)** Carl Balduf, Town Engineer, and Christina Papadopoulos, Junior Engineer, presented the history and development of the Stormwater Management and Erosion Control Bylaw. The Bylaw was written in response to the National Pollutant Discharge Elimination System (NPDES) Stormwater General Permits for "Small Municipal Separate Storm Sewer Systems" (MS4). Phase II requirements mandated that the town implement a Stormwater Management Program by May 17, 2008. Meeting this mandate will require three bylaw changes governing discharges to storm drains (Article 22) and stormwater runoff and erosion control (Article 21.) Ms. Papadopoulos described the formation by the Board of Selectmen of a Water Resources Advisory Committee (WRAC), and the research done to prepare the proposed bylaw. Many surrounding towns were surveyed to compare regulations, exemptions, and penalties. The committee has been meeting for the last year to develop these regulations. Mr. Balduf noted John Walden, DPW Manager, and Selectmen Sue Abladian, Lydia Goldblatt, and Leigh Emery in attendance tonight.

Ms. Lown noted that the proposed bylaw goes beyond what is mandated by state regulations which provide exemptions for single family homes, and asked for information on the number of erosion incidents in the 2,000 square foot range over the last three years. Mr. Balduf could not quantify these incidents, but noted that the department does 60 to 100 site plan permit reviews per year.

Ms. Lown reviewed the applicability and exemptions in the bylaws adopted by surrounding towns, and asked why the committee set the applicable area at 2,000 square feet when no other town was as stringent? Ms. Papadopoulos replied that the applicability and exemptions of surrounding towns were quite varied in terms of area, slope, wetland area designation, and type of permit. Dedham requires a full permit for any activity which disturbs imperviousness or any activity which increases runoff onto public property. Oxford requires a full permit for any alteration of stormwater runoff with no exemptions. Mr. Balduf noted that the WRAC tried to set the limit so that most alterations or additions to single family homes would not require a permit. A 20 ft x 20 ft addition to a home would not be close to the 2,000 ft<sup>2</sup> limit. A 40 ft x 20 ft pool with aprons would probably not be over the 2,000 ft<sup>2</sup> limit. In their experience, disturbed areas of 2,000 ft<sup>2</sup> or greater can cause problems.

Ms. Lown asked why there was no exemption for flat ground and described the process required for a homeowner to get a permit to rototill a 40 foot by 60 foot yard for replanting. Mr. Balduf replied that under certain circumstances there have been problems even on flat ground. There are an endless number of

scenarios, and to quantify them all in the bylaw seemed onerous. A homeowner could stockpile a lot of material 6 feet from a catch basin and with the right weather conditions could achieve a situation with runoff that the town would want to avoid.

Ms. Lown asked why not narrow the 2,000 ft<sup>2</sup> limit to critical areas. Mr. Balduf stated that may need to be studied, as it is stated in the definition but not carried through in the application sections of the bylaw.

Ms. Lown asked the cost to the town for oversight review and inspection of the projects between 2,000 ft<sup>2</sup> and one acre. Mr. Balduf did not have a dollar figure and stated that the plan is to have the Permit Program be incorporated into the existing structure and will be absorbed by existing staff. Mr. Johnson asked if there was a fee for the permit. Mr. Balduf stated that there was and it would follow the current DPW fee structure for permits (\$25 to \$50.)

Ms. Lown asked how long it will take to get a review, from application to permitting. Mr. Balduf stated it will be handled in the same way as building permits, on a first-come first-served basis. Ms. Lown asked if this will require additional man hours. Mr. Balduf stated that it will require more hours. The Department has remained busy for the last three years and the hardest time will be during periods of short staffing due to vacations or other leaves. Mr. Walden noted that this is an EPA mandate, and that the lower numbers were set due to the sensitive nature of the drainage area. The deadline for meeting the mandate is May 17.

Ms. Lown asked why the DEP standards were not used. Mr. Walden stated that these would not cover this area, which is designated a medium stress basin drainage area. Mr. Balduf noted that medium stress basin drainage areas need to follow Federal regulations and *must* minimize loss to groundwater recharge.

Ms. Spring asked why, if these jobs need building permits, this review would not also be part of the building permit review. Mr. Balduf noted that not all jobs that create a disturbance which can affect water quality require building permits.

Ms. Lown noted that some jobs may need to be filed with both the Conservation Commission and the DPW. Are these duplicative filings? Mr. Balduf stated that there will certainly be an overlap in jurisdiction, but many jobs may be mixed drainage with some areas of the site needing Conservation Commission review and other areas being connected to the Municipal Stormdrain System. Ms. Emery noted that the committee wanted to have one place for citizens to begin the process so they picked the DPW. Ms. Emery also stated that the bylaw was crafted to protect the town's resources the most.

Mr. Johnson asked for the financial impact to the town. Mr. Walden stated that the committee wanted to keep the lower end on a casual basis, but be preventive at the same time. Most projects would only require drive-by inspections. Mr. Walden also noted that the cost to clean up drainage problems created by erosion and stormwater runoff problems will be avoided. At this time the cost to the town is not known, but there could be potential costs down the road in terms of manpower.

Ms. Lown asked if smaller projects (2,000 ft<sup>2</sup> to 1 acre) were excluded from Sections 4 through 10 of the bylaw, specifically Section 9 requiring Operations and Maintenance Plan and Section 10 Penalties. Ms. Emery said all violators needed to be responsible for the consequences of their actions.

Ms. Casemyr commented that it seemed that the town was imposing its own unfunded mandate without looking at the cost.

Ms. Spring commented on the construction of the bylaw, suggesting that the Enforcement section needed to be clarified as to who (Conservation Commission or DPW) has jurisdiction over what areas, that applicability of

sections within the bylaw to smaller areas is unclear, and that no expiration time (or that there is no time limit) for permits is stated.

Mr. Balduf stated that the intent is to create a two-tiered permit. Lower level permits do not need to provide an Operations and Maintenance Plan. The 2,000 ft<sup>2</sup> limit applies in areas other than critical areas because the Municipal Separate Storm Sewer Systems (MS4) is in all areas of town. Mr. Danis stated that the WRAC would look at holding a public education meeting about these bylaws before Annual Town Meeting.

### **Proposition 2 ½ Primer – Town Coordinator and Moderator**

Henry Danis, Town Coordinator, Joe Harrington, Town Moderator, and Gregory Franks, Town Counsel, presented information about Proposition 2 ½ and the role of the Advisory Finance Committee. Mr. Johnson began by thanking Mr. Danis, Mr. Harrington, and Mr. Franks for coming and noted that at this time the town is not facing a Proposition 2 ½ situation.

Mr. Danis gave a brief history of Proposition 2 ½ and defined the three types of overrides permitted. A General Override raises the tax rate permanently. A Debt Exclusion is used for large projects such as school buildings. A Capital Exclusion is a one-year increase used to make large purchase (e.g. a fire truck.) For both a Debt Exclusion and a Capital Exclusion once the debt is paid off the tax rate goes back to the original level. All three types of overrides require two steps – a ballot vote and Town Meeting approval. A Referendum election for overrides to be voted after Annual Town Meeting must be held before September 15. A Referendum election for overrides to be voted after a Special Town Meeting must be held within 90 days. The ballot is an authorization not an appropriation. Only the Board of Selectmen can put an override on the ballot. Mr. Danis pointed out Appendix D – Sequencing Options in “Proposition 2½ Ballot Questions: Requirements and Procedures” as a good example of the ways the process can work. Mr. Danis noted that a contingent appropriation approved a Town Meeting must state what is to happen if the override vote fails. For example, voting the Selectmen’s budget at \$350,000 contingent on an override would leave the Selectmen with no budget if the override failed. Voting the Selectmen’s budget at \$250,000 with an additional \$100,000 would leave the Selectmen with a \$250,000 budget if the override failed and \$350,000 if the override passed.

Mr. Harrington stated the overall rule on voting budgets at Town Meeting is to take the largest dollar amount first. Mr. Harrington would ask for a motion of x (the base budget) + y (contingent amount.) If that fails, then he would ask for a motion of x (the base budget.) Both numbers must be voted on at ATM.

Mr. Danis suggested that AFC decisions and recommendations concerning overrides should be discussed with the Board of Selectmen before ATM if possible. He noted that most years the need for an override will be obvious early in the budget process and so it is unlikely that an override situation would not come up until town meeting floor. For Articles, most would fall under a Debt Exclusion rather than a General Override. The General Override is for recurring expenses / general operating budgets. An example of a possible Capital Exclusion could be the Radio Read Water Meters in this year’s warrant.

Mr. Johnson asked about the AFC obligation to recommend a balanced budget. Consensus is that there is not a legal obligation. Mr. Danis noted that there is no legal bar to an ATM appropriating more than the levy limit. The problem with this comes when it is time to set the tax rate. At that time a series of consequences will occur, with the worst case resulting in the town being put in receivership.

The AFC went over a specific scenario, and requested specific language to use for certain situations. Mr. Harrington will write out the language needed in each case.

Mr. Harrington recommended a booklet "Everything You Always Wanted to Know About Levy Limits ... But Were Afraid to Ask: A Primer on Proposition 2½".

### **Budget Update**

Mr. Danis reported on a staffing agreement reached between the Town Clerk and the Assessor. The Town Clerk's Office has been short-staffed for some time. There is a Administrative Assistant position (35 hours/week) in the Assessor's Office that due to increased use of technology is only needed for 10 hours/week. A new position has been created for Administrative Assistant Town Clerk / Assessor's Office for 40 hours/week. This position will be flexible with a base of 30 hours/week in the Town Clerk's Office and 10 hours/week in the Assessor's Office, although the time may change during each department's peak workload. This will cost an additional \$6,000 in salary.

### **Annual Town Meeting Update**

Mr. Harrington noted 33 Articles on the Warrant this year. Some of them are lengthy, but not much is different from prior years. The Wastewater Treatment Plant will be a borrowing rather than raise and appropriate.

### **Discussion on Calendar – Voting Schedule**

Mr. Johnson went over the scheduling for the next two weeks in April. The presentation schedule is:

April 14 – 7:10 p.m., School Department budget presentation

April 17 – 7:10 p.m., Board of Selectmen presentation on Articles, followed by voting on budgets and Articles by AFC Committee

Ms. Dunkle will request presentations by the sponsors of the three new Articles.

### **Liaison Updates**

- Mr. Watts gave a report on the School Committee meeting held on 4/9/08. The School Committee voted for a budget of \$36,343,425, a 3% increase as the Coordinator recommended. Also passed were:
  - cuts to the late busses with savings to be split between Athletics and Fine Arts
  - an increase in the Building Use fees
  - the Transit / Payroll position open due to a retirement will be filled by two people (passed on a split 3-2 vote)
  - increase the Adjustment Counselor position at Gibbons Middle School to full-time, with funds to come from expenses (passed on a split 3-2 vote)

Mr. Watts and Ms. Lucas will meet with Gene Carlo at Assabet next week.

- Ms. Lown passed out copies of information from the State of Massachusetts on the Stormwater Bylaw, and trench definitions and regulations.
- Mr. Arnold reported the Government Study Articles are in the Warrant. The Government Study Committee will be invited to attend the Board of Selectmen presentation on 4/17.
- Mr. Johnson noted the Snow and Ice budget sheet in members' folders. The deficit went down.
- Ms. Casemyr gave a recap of an article in the Worcester Telegram and Gazette on EPA mandates.
- Mr. Johnson spoke about the press release from the School Committee about negotiations with the Teachers Union. The School Committee has requested a non-binding fact finding process that will take at least 60 to 120 days, so there will be no settlement before the May ATM.

### **Comments and Concerns of Committee Members**

No comments or concerns were noted.

### **Adjournment**

At 9:12 p.m. Mr. Watts moved to adjourn the meeting. The vote to adjourn was unanimous (8 members present and in favor).