

CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: City Hall, Council Conference Room
Meeting Date: **Wednesday, November 15, 2023**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE- Occurred prior to meeting start

3. PLEDGE OF ALLEGIANCE- Occurred prior to meeting start

4. ROLL CALL ATTENDANCE

Present: Mayor Carrier, Deputy Mayor Shanahan, Councilor Cullen, Councilor Hackett, Councilor Nemeth, Councilor Warach, Councilor Williams and Councilor Thibodeaux.

Absent: Councilor Muffett-Lipinski

Also Present: City Manager Joyal, City Attorney Wyatt, City Clerk Jerrica Vansylyvong-Bizier

5. PUBLIC FORUM

Citizens are invited to speak on the subject matter of the Workshop. Statements shall be limited to five minutes.

Joe Merullo, 21 Sandy Ln commented the stormwater utility topic is government overreach and improper timing with other increases to cost of living. He asked, what the residents currently pay and what are the true costs of the proposal; is there any relation to the funds that will be collected and remediation of stormwater runoff; what additional costs for payroll will be incurred by this. He requests the Council reject this proposal which is an added tax to the residents.

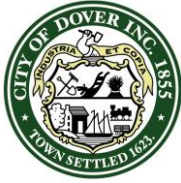
Dan Clark, Farmwood Village is concerned about the added fees for his property. The formula proposed of using square footage will add thousands of dollars fee per month. He would like clarity on how the fees will be determined and what the charges will be.

Alex Cohen, 39 Pine st agrees with Mr. Clark. He is not in favor of the proposed method of an ongoing fee which may result in a slush fund for the City. There are other options that should be done to fix the situation such as all new pavement should be pervious. Special assessments could be done to raise funds for specific solutions such as new piping.

Bill Baber, 5 Gerrys Ln was a member of the committee that looked at the financing for stormwater impacts over a year's time. It was a large, diverse committee who had many discussions and was not unanimous in its deliberations. The evidence is compelling: the City is facing substantial costs in the future and is not currently meeting all of the requirements. The committee determined this is the most equitable method for funding.

Leon Lapierre, 159 Emerald Ln spoke on behalf of his homeowners association. Generally, people are supportive of the initiative, but are concerned about the language regarding credits in relation to pervious/impervious surfaces. He has shared suggestions with various City officials and is willing to do so tonight.

Mary Hebbard, 97 Spruce Ln does not agree that the proposal is equitable. It is government overreach, and the EPA is out of control. The reason impervious surfaces don't work in the Northeast is due to the sand and salt used. The residents don't want this and can't afford it.



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Deputy Mayor Shanahan moved to suspend the rules to allow a non-resident to speak.
Seconded by Councilor Hackett Roll Call Vote: 8-0.

Melissa Paly, Great Bay Piscataqua Water Keeper with Conservation Law Foundation is in support of the stormwater utility. She has been following the process and admires the thoroughness of the City to understand the costs of managing stormwater and determining this equitable process to fund the restoration of the health of the Great Bay estuary. She referenced the 2023 State of our Estuaries report which she had in-hand. She explained what the report highlights as the greatest contributing pollutant and endorsed the proposed plan noting it is equitable in passing the costs to properties with the most stormwater impact and creates a positive incentive for property owners to reduce their fees by reducing their stormwater impact.

Rick Hebbard, 97 Spruce Ln called this a crock and a way for the Administration of the City to gain more funds to spend unwisely. The City should stand up to the EPA and tell them you're not doing it. This should be done by the consent of the people and he doesn't think the consent of the people is in favor of this. The Council reps should represent the constituents.

6. DISCUSSIONS

A. STORMWATER UTILITY

City Manager Joyal noted this has been a long process of studying stormwater utility and the framework for how to implement it. We are at the stage of the process for the Council to determine if this should be implemented or if another means of addressing stormwater-related costs should be used.

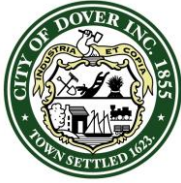
Deputy Mayor Shanahan was part of the committee which studied this with many different experts, engineers, City Staff and property owners.

Deputy Mayor Shanahan explained the City reached an agreement with NHDES, USEPA and CLF which included a stipulation for a committee to be formed to review funding operations for future stormwater and flood resilience efforts. This group met over the course of a 12-month period.

When the committee finished its work, it created a report which was given to Council. The implementation process has been under development. Several public outreach opportunities have occurred and will continue over the coming weeks leading up to an anticipated vote in December.

There are four policy points that the committees are leaving to Council to determine:

- Should the first tier of users start at 1600sq ft rather than the currently proposed 400?
- Order of payment related to at what point of unpayment water would be shut off
- Relates to private roads being exempt
- Relates to the maximum credit available



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The slide show presentation is publicly available.

City Engineer Ken Mavrogeorge began the presentation by reviewing the regulations in place for stormwater utilities and the timeline and steps taken thus far. He explained what stormwater is and the reality of current flood risks and consequences.

Kelly Westover, Stantec presented the benefits of a stormwater utility.

Bill Arcieri, VHB, water resource scientist began the phase II presentation by explaining the utility development process using impervious surface cover data.

David Hyder, Stantec presented the financial analysis, fee structure and credits.

Bill Arcieri, VHB presented the public outreach timeline.

Kelly Westover, Stantec presented phase III: 5-step implementation plan.

At the conclusion of the presentation, board members asked questions and discussed the item.

Deputy Mayor Shanahan confirmed there will be no change to the control of the spending (budget/funding process) for the utility. It will still be part of the budgeting process and reviewed as all budgets are and will not exceed the \$4.2M referenced.

City Manager Joyal noted the FY24 budget includes nearly \$4.3M towards stormwater expenditures. He showed a slide with the projected budgeting for the next several years and the increase is not that much even including funding the billing function. The City is not looking to generate more revenue than what is needed to manage stormwater in the City, whether it's paid by taxpayers, or through the utility fee.

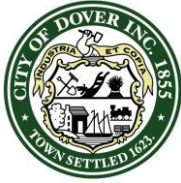
Councilor Thibodeaux wondered how often properties will be reassessed for fees and/or credits as properties are often changing.

David Hyder responded that an appeals process works well.

Councilor Hackett addressed equity in relation to HOAs where there is no option for individual mitigation decisions and wondered which will cost more, the mitigation or the additional fees for a large property like that.

K. Mavrogeorge noted the staff is willing to set up meetings with HOA groups to get these questions answered and gave some options for how an HOA can mitigate fees.

Councilor Nemeth asked if there has been a projection to the number of credits expected to be given and if the funding necessity will be met if those credits (or more) are given. David Hyder addressed this.



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Councilor Cullen asked some clarifying questions about budget lines and language regarding rate increases and commented that it's not expected to be perfect immediately and future Councils may likely make changes to improve the process.

Additional budget numbers were reviewed and discussed.

Deputy City Attorney Jennifer Perez addressed the policy issues that are open for Council discussion. The Council discussed each policy point.

#1

Councilor Cullen spoke in favor of eliminating the .5 ERU 400-1600 sq ft fee category. These small accounts will add administrative work for staff and won't bring in much revenue.

The consensus of the Council is to exempt the 400-1600 sq ft properties and start tier 1 at 1600.

#2

City Manager Joyal noted that if the City moves forward with the utility, a billing system will have to be researched and details figured out. This point 2 may become moot depending on the system decided upon.

He suggested tabling discussion on this point until the project moves forward and the implementation process is underway.

Councilor Cullen is in favor of restructuring the order of payment to start with stormwater and end with water so there is recourse if bills go unpaid.

The consensus of the Council is to take the staff recommendation for the order of payment to be stormwater, sewer, water.

#3

Councilor Thibodeaux agrees with the attorney's recommendation to leave the ordinance as written. It's not fair for residents to take on the fees of private roads.

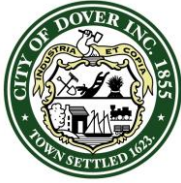
The consensus of the Council is to leave the ordinance as written and not exempt private roads.

#4

Deputy Mayor Shanahan gave some insight to how 100% credit to those who are not treating off-site could lead to an issue. It should be checked about a year after the program starts to see how the credit system is working. He would recommend leaving the ordinance as written for now.

Councilor Cullen commented we want to incentivize people to treat on-site and this is a way of doing that. It's also a path for people who do not want to pay this fee to take steps in that direction.

Councilor Nemeth is in favor of providing a path for residents to receive 100% credit.



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Councilor Williams agrees to offer the option for 100% credit, though she doesn't believe it will have a significant impact on the revenue stream.

Councilor Warach agrees we should provide the opportunity for the full credit.

Deputy City Attorney Perez presented Additional Considerations 1-3.

City Manager Joyal noted the proposed ordinance before the Council is to implement a stormwater utility. This will have a public hearing on December 13th. Deputy City Attorney will draft amendments based on the feedback received tonight which will be prepared prior to that next meeting. The Council will be expected to take a vote at the December 13th meeting.

He wanted to be clear for everyone that though the portion of the property tax bill that goes towards stormwater will decrease (and move to a fee), the property tax bill in total will likely increase due to other factors such as assessments and budget.

7. ADJOURNMENT

Councilor Warach moved to adjourn. Seconded by Councilor Nemeth. Vote: 8-0.