Finance Committee

TOWN OF HALIFAX

499 Plymouth Street

Halifax, MA 02338

**Meeting Minutes**

**Monday, October 7, 2019**

**Committee Members Present**: Melinda Tarsi, Bill McAvoy, Fred McGovern, Cheryll Zarella-Burke

Also, in attendance in the audience were Town Accountant Sandra Nolan, Town Administrator Charlie Seelig, 2 members from VHB (stormwater presentation), Alan Dias, Cathy Drinan, Karlis Skulte, Gerry Fitzgerald, and 2 other attendees

The meeting was recorded by Area 58

Melinda called the meeting to order at 7:00pm when all members were present.

**Melinda entertained a motion to approve the Meeting Minutes of 9/23/19 as printed.**

Motion: Bill McAvoy

Second: Fred McGovern

**AIF**

Melinda invited the members of VHB to give their presentation on Stormwater and the MS4 regulations.

The board introduced themselves and then Nick from VHB explained that he was an Environmental Planner and he was joined by a colleague who was an Environmental Engineer. They gave a presentation that included why Stormwater matters to Halifax and the new bylaws that were being discussed for Halifax. He explained the 3 things that matter most with stormwater.

1), Minimum Control Measures, 2) Illicit Discharge and 3) Construction Site runoff controls and post construction controls and how the Stormwater regulations are used to protect the water resources of Halifax. He addressed the fact that Halifax needed to answer the following 3 questions:

1) What body in Town will be responsible for enacting/enforcing the bylaws

2) What specific details Halifax might want to add into their bylaws about Stormwater Regulations

3) What the next steps are for Halifax to get the bylaws enacted

Fred asked if MS4 is based on population density, does VHB have an exact number for population in those areas in Halifax? VHB stated that not an exact number at this moment because the information used is based on the last federal census. Fred stated his concern was that after the 2020 census non covered areas may shift to covered areas in Halifax. VHB says that the permit is good for 5 years, so the original one pulled in 2018 would be good until 2023 and then reviewed before a new one was issued, the review would show the new 2020 census figures and a new permit would be based on that population density, so it all catches up eventually.

Cathy Drinan questioned why the word permit is used when it is really something we must do. She is interested in the semantics of choosing the word permit. VHB says the Clean Water Act allows MS4 permits to give permission with what you can do with a water body, so they call it a permit because it gives permission.

Karlis asked if this is a generalized blanket on the MS4 for the whole Town or just the shaded map areas? VHB says Halifax can be more specific in the bylaw we adopt because some portion of Halifax is in MS4 area, but the town could choose to make it a Town Wide bylaw.

Gerry Fitzgerald asked who pays for the permit fee? VHB says that Towns make different approaches to that. Halifax covered under MS4 general permit from the State (so no fee to Halifax) but the Halifax bylaw would/could say who would have to pay other fees (ie: contractors) and how much the fees would be. Gerry asked who gets the money? VHB says the money stays in Halifax. Sandy Nolan suggested that is a good question for Charlie to weigh in on. Charlie says there are no fees in the bylaw itself as it is written right now. The fee amount would be set by whatever department regulates the bylaw. Charlie stated that Halifax could choose to set a general flat fee for a permit or could base the fee on acreage. Charlie hopes that we will determine prior to Special Town Meeting who will oversee this bylaw.

Alan Dias stated that he found the draft of the bylaw very confusing. Alan wants to know if we will add revolving accounts specifically for stormwater fees. Charlie says we could do that but the Board of Health, Conservation Commission and Planning Board all already have revolving accounts, so if one of those Boards becomes the agency that oversees Stormwater regulations, they could use the existing revolving accounts and then just itemize out the stormwater fees in the budget of those revolving accounts. Alan wants to know when the decision will be made on what department will oversee this. He thinks Con Com because of the 5,000 sq ft regulation in the bylaw. Charlie says he may change the 5,000 sq ft regulation to 40,000 sq ft because 5,000 is probably too restrictive and could make homeowners just trying to fix their landscape have to pull a permit. Alan wants to know if those changes and power or authority, will in fact be done by Special Town Meeting. Charlies says that is the purpose of tonight’s meeting to try and determine before STM. Alan asked if there was a time frame (he believed there was) of when we had to accept this bylaw by. Charlie says we are already past due on when we should have had to accept it by. Alan states again that he believes this would be best under the jurisdiction of Conservation Commission. Sandy says that since we have representatives of Conservation, Planning and Board of Health in the room we should ask what their opinions are on who would have jurisdiction? Gerry Fitzgerald says that he feels it would go under Con Com because they deal with a lot of it. Karlis says he thinks it would be rolled in with Con com. Sandy says probably under Con Com but something that Planning would have to keep in mind if a site plan came in to make sure Con Com knows about it if it triggers the Stormwater bylaw. Karlis stated he worried that might bring Con Com into too many other projects where they might not normally be involved. Cathy Drinan offers her opinion that Con Com could have authority and maybe Planning has a check list where it triggers them to ask Con com only if it effects the Stormwater regulations. Then the Planning Board would contact Con Com to enforce regulations, Cathy says it would be good cooperation between the two departments. Karlis worries about too much overlap. Charlie thinks departments (ie: Planning and Con Com) could have different opinions. Sandy stated that happens sometimes and that the Boards could meet to come to a joint (majority) decision on how to proceed. Also, that would mean that applicants would only have to do one presentation if it effected both Planning and Con com (under stormwater). Charlie says that changing the bylaw to address only applicants over 40,000 sq ft would limit the number of applicants. Alan wants to know if the map (MS4) in the presentation would be incorporated into the bylaw. Alan doesn’t want to bump whole Town to MS4 and Charlie agrees. Sandy says bylaw could read that “we go by the accepted State map” and that way as the map changes we automatically change with the map. VHB says if we are only talking about MS4 then Wetland Protection Act needs to be put aside because it is either/or. VHB hasn’t seen a bylaw for MS4 only. VHB says they have never seen a Town do a bylaw that only covers the MS4 areas, it has always (to their knowledge) been a bylaw covering the whole Town. VHB spoke to some of the confusing issues if you decide not to make it Town wide and only cover MS4 areas on the map. VHB says they could try to find other places that may have accepted only MS4 map bylaws, but they cannot think of any. Karlis stated he would like it in the bylaw, clarification on if we are covering only the MS4 areas or this is a Town wide bylaw. Karlis believes currently the bylaw is written broadly to include the whole Town and not just the MS4 areas. VHB agrees again that this is how most Towns handle it, as Town wide. Karlis asks if this checks off a couple of the boxes for us under MS4 acceptance and VHB says yes. Karlis clarifies that this is a requirement for Halifax and the minimum we can do is do the shaded MS4 areas? VHB and Charlie both agree that the minimum we could do is accept the shaded areas. Charlie states that we are already behind and even once we approve at STM, we still must wait a few months for the Attorney General’s office to approve the new bylaw. Sandy clarifies that Rules and Regulations (fees and enforcements) don’t have to go through the AG office, so the bylaw can go to the AG and we can continue to decide fees. Karlis points out some Towns collect Stormwater fees as part of taxation. Charlie says he is not proposing that at this point, he prefers to address applicants with fees. Alan wants to know if changes to bylaw will be made prior to STM. Charlies says that he plans to change the bylaw to 40,000 sq ft prior to STM on 10/21/19.

Bill McAvoy asks if since we are non-compliant now would there be a phase in period? VHB says we are already way behind, and it would be best to enact as soon as possible.

Karlis asked what if Special town Meeting votes it down? Charlie says the EPA could/would fine us.

Melinda Tarsi states that she thinks Fin Com should wait to make a recommendation until just prior to STM to see the new changes. Charlie says he will send emails before STM with changes.

Bill McAvoy wants to know about penalties for non-compliance. VHB states they around $4-5,000 but could be up to $10,000 based on their experience. VHB says it is important to show progress (by the town) to EPA. Charlie says there was a public forum on 10/15/19 about the stormwater topic to try and get people to understand that we need to vote it.

Melinda said she had hoped more members of Planning would have been at this meeting to discuss their STM articles so Fin Com can make recommendations, but she hopes at least Karlis can stay to answer some questions.

Sandy says that Planning articles start at Article 7.

Karlis tells the Fin Com Article 7 is intended to define the minimum for multifamily dwellings to mean more than 2 families (2 families being a duplex not a multifamily).

Article 8 has no questions from Fin Com

Article 9 Melinda wants clarification if it is intended to mean each multifamily must be done on a different lot? Karlis says that is the intent to have one dwelling per lot but he says there is till some debated among Planning Board members. Alan suggests that Fin Com should vote “no” on this article. He stated he was the at the Public Hearing and Town Counsel had some issues because it is so confusing. Melinda states she was also at the hearing and she found it hard because Town Counsel made so many points that it showed there was a lot of disjuncture in this article. Karlis agrees that there is a lot of confusion in the zoning bylaws. The Planning board is trying to just make it at least a little better. Karlis is personally not in favor of this piece meal approach he would prefer to redo the entire Zoning bylaw. Karlis says he thinks this is how the Planning Board feels in general and that with the support of Counsel and the funds to do it, they would prefer to rewrite the entire bylaw at once.

Alan says articles 10, 11 and 12 also need “professional” help. Karlis says that there was not wholehearted support by the Planning Board for all these articles. There are varying opinions even within the Planning Board. Alan says that “we” (the people and Boards) need to talk to the Board of Selectmen to see if we can get help rather than just trying to correct it piece by piece. Melinda states that the Town needs to be proactive. Charlie says maybe they could not redo the entire bylaw but rather all the parts that affect each other and then just redo those intersecting bylaws. Karlis said they want to do the whole thing but may be willing to do what is most palatable for the Town. Melinda says that doing the minimum consensus approach is not necessarily the best option. Melinda stated that she personally did not feel comfortable making a recommendation because things still seem so unclear. Karlis says that Planning Board would really like to just clarify one house per lot and the minimum acreage requirements.

Melinda thanked Karlis for staying to answer questions. Bill McAvoy asked if we don’t make changes will it matter in current litigation ongoing with the Town? Charlie says he can check with counsel, but he believes only bylaws as they stood when litigation started matter. Therefore, changes don’t affect it.

Melinda suggests that Fin Com make recommendations on other articles not related to Zoning/Planning.

Article 20: regarding property donation on Bow St. Fred McGovern asks what we do after the Town accepts ownership? Charlie says it is a useless piece of land.

**Melinda entertained a motion to recommend Article 20**

Motion: Bill McAvoy

Second: Fred McGovern

**AIF**

Article 19: $30,000 line item transfer from School Feasibility Study to Unemployment.

**Melinda entertained a motion to recommend Article 19**

Motion: Bill McAvoy

Second: Fred McGovern

**AIF**

Article 18: $75,000 from Stabilization to pay Plymouth county for two parcels of land on Aldana Rd that they own part of, and we own part of. If we buy out Plymouth county, then we can sell it to the State who is interested and then we will get our money back.

**Melinda entertained a motion to recommend Article 18**

Motion: Bill McAvoy

Second: Fred McGovern

**AIF**

Article 17: Second part of the land sale on Aldana

**Melinda entertained a motion to recommend Article 17**

Motion: Bill McAvoy

Second: Fred McGovern

**AIF**

Article 16: Police Chief. Melinda wants to make sure there is already money in the budget for what the Police Chief wants. There is

**Melinda entertained a motion to recommend Article 16**

Motion: Bill McAvoy

Second: Fred McGovern

**AIF**

Article 15: an article to pay outstanding FY19 bills. Charlie explains he never received a bill until after the FY for law.

**Melinda entertained a motion to recommend Article 15**

Motion: Bill McAvoy

Second: Fred McGovern

**AIF**

Article 14: Charlie recommends this article be passed over

**Melinda entertained a motion to Pass Over Article 14**

Motion: Bill McAvoy

Second: Fred McGovern

**AIF**

Article 13: Bill asks for clarification if we are transferring from Available Funds. Charlie says no, the money is at the state and waiting for us, this is just the Article allowing us to receive the funds.

**Melinda entertained a motion to recommend Article 13**

Motion: Bill McAvoy

Second: Fred McGovern

**AIF**

Melinda suggests we wait on Article 7-12 until right before 10/21/19 STM (zoning articles)

Article 1: Marijuana Establishments allowed in business zones by Special Permit. Charlie states that the Planning Board must recommend this prior to STM or we can’t even vote on it. The Fin Com decides to hold off for now on recommendation, waiting for action by the Planning Board

Alan Dias comments on articles 1, 2 and 3. He says he is a business owner himself and in his personal opinion Marijuana Establishments should be permitted in Industrial Zones not Business Zones. He thinks it might draw too much traffic into business zones that aren’t equipped for that kind of traffic. Melinda says she is thinking traffic in business areas may draw business for the nearby businesses. Alan counters with the fact that there are some places in Halifax where you have houses in business districts, and they could end up with that kind of traffic right near a house. Fred states that allowing marijuana establishments in business zones may also discourage other kinds of businesses from that zone because they may not want to be next to a marijuana establishment.

Article 2: The Fin Com decides to skip for now

Article 3: just fixes a typo noticed in the bylaws.

**Melinda entertained a motion to recommend Article 3**

Motion: Cheryl Zarella Burke

Second: Bill McAvoy

**AIF**

Article 6: Allows for a Special Permit for 6 Upton St to allow for a building after the Town sells it.

**Melinda entertained a motion to recommend Article 6**

Motion: Bill McAvoy

Second: Fred McGovern

**AIF**

Melinda confirms that there will be a Tri-Town Finance Committee meeting held in Halifax at 7pm on 12/9/19.

Melinda suggest that discussion on liaisons is held off until after STM on 10/21/19

**8:48pm Melinda entertained a motion to adjourn**

Motion: Bill McAvoy

Second: Cheryll Zarella Burke

**AIF**

Respectfully submitted,

Linda Cole, Secretary \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Fred McGovern, Clerk