

Minutes from the March 3, 2005 meeting were approved with minor revision. Statements had incorrectly been attributed to Mr. Stabley who was not in attendance.

The recommendations made by each of the four subcommittees and discussed at the subcommittee chairs meeting on March 14, 2005, had been compiled and were distributed at the start of the meeting. Due to the time constraints, an errata sheet along with projected personnel requirements were also distributed.

Mr. Piorko began a presentation on the recommendations. Discussion began upon his reading of Recommendation #1, the creation of a Surface Water Advisory Council (SWAC). Mr. Stickles questioned who would be on SWAC. After lengthy discussion, it was generally agreed that representation may include one member from each county, a representative each from the conservation districts, environmental community, engineering profession, finance, and municipalities such as the Delaware League of Local Governments. Ms. Coats thought the City Wilmington should be included but Mr. Bross noted they should not if they opt out of the county-wide stormwater utility concept. Secretary Hughes stated that the SWAC would also be able to seek expert advise when needed.

Representative Roy asked if members would be paid and Secretary Hughes thought they would not be. Representative Roy noted it would be difficult to attract and retain qualified individuals if not compensated. Ms. Walling suggested that such a committee could not be formed without legislation and that may be a better time to decide membership. Mr. Stickles thought the SWAC should not be rolled into the existing Wastewater Facilities Advisory Council.

Mr. Singleton said the county representatives should be appointed and serve at the pleasure of each county. He also observed that the responsibilities of the SWAC need to be better determined. Mr. Morrill broadened the statement by questioning the framework of a Statewide utility with local operating units. Secretary Hughes said the SWAC's responsibilities would include reviewing budgets and plans and providing general oversight. They would "plot the course, not steer the ship". Senator McBride agreed that many of these details could be resolved at a later date.

Senator Venables noted that all properties in the State would be included but thought most problems were in New Castle County. He asked if money would be transferred across county lines. Representative Roy responded by saying money generated in each county would stay in that county. Representative Roy also asked if the SWAC would be State funded or self funded. Secretary Hughes thought it would be mostly self funded. Mr. Bross noted that it would also have the ability to get grants and pursue other financing options.

Ms. Hansen suggested that the remaining recommendations be reviewed as many questions may be answered. Secretary Hughes agreed, called for another meeting next week, and said discussion regarding the SWAC membership could be continued then.

Secretary Hughes read Recommendation #2 and noted there are currently too many responders and complaints sometimes get lost in the system. Senator Venables asked if a central response unit would be staffed with current personnel. Secretary Hughes thought one additional position would be needed. After minor language changes were made, motion was made and seconded and was carried unanimously.

Minor language changes were made to Recommendations #3 and #4, motions were made and seconded and both were carried unanimously.

Secretary Hughes read Recommendation #5 regarding a stormwater utility. Mr. Piorko elaborated in that the utility concept is a mechanism, not an organization. Senator McBride thought the concept was complex and details could be discussed later while legislation was being developed.

Mr. Stickles noted that since rates would be different in each county, the process for providing credits needed to differ by county too. Representative Roy countered by stating that exceptions should be set by the SWAC so they would be uniform throughout the State. Mr. Stickles asked if municipalities opted out, would their residents be exempt. Secretary Hughes said they would. Mr. Piorko clarified that municipalities opting out would still need to meet certain minimum standards. Mr. Stickles also asked if participating municipalities would receive credit for work they are already performing and was told they would.

There was general agreement that the presented concept of a Statewide utility with county level operating units should be replaced with county level stormwater utilities. Representative Booth thought the recommendation included too many points and it should be broken into several recommendations by paragraph. This was agreed upon. Minor language changes were made to Recommendations #5A and #5B, motions were made and seconded and both were carried unanimously.

For Recommendation #5C, Mr. Morrill thought the SWAC should have the “last word” on fees and credits. Mr. Stickles thought an elected body should have that responsibility. Minor language changes were agreed upon, motion made and seconded and was carried unanimously.

For Recommendation #5D, Mr. Burris thought a flat rate did not account for density differences. Senator Venables asked if a 100 acre farm would be included and was told it would but only the impervious portions. Minor language changes were agreed upon, motion made and seconded and was carried unanimously.

What would have been Recommendation #5E was deleted in its entirety as its language was no longer appropriate based on the conversations of the morning.

Minor language changes were made to Recommendation #6, motion was made and seconded and was carried unanimously.

Secretary Hughes noted the difficulties with Recommendation #7 as the tax ditch law is complex and approximately 200 years old. Mr. Bross stressed the importance of the recommendation by stating tax ditches will have many of the problems that exist elsewhere in the State in the near future as development pressures continue. Mr. Stickles said 159 of the 235 tax ditches in Delaware are in Sussex County and agreed it was very important to address how they will be handled. Representative Booth reiterated Secretary Hughes’ observation regarding the complexity of the law and thought subsuming them into a utility system in five years may not be realistic. Secretary Hughes suggested temporarily leaving this issue and moving on.

Minor language changes were made to Recommendation #8, motion was made and seconded and was carried unanimously.

Motion was made to approve Recommendation #9 without revision, seconded, and was carried unanimously.

For Recommendation #10, Senator Venables asked if the current 5,000 square foot exemption would continue and was told it would. Minor language changes were made, motion was made and seconded and was carried unanimously.

Minor language changes were made to Recommendation #11, motion was made and seconded and was carried unanimously.

For Recommendation #12, Secretary Hughes said that legislation regarding public access onto private lands would be needed. There were several dissenting opinions on the concept and it was agreed to table the recommendation.

Since there were many recommendations not yet discussed as well as those discussed at this meeting but not yet voted upon, Secretary Hughes called for another meeting on the following Thursday with the goal of completing the Task Force's work.

Secretary Hughes asked for comments from the public. Lonnie Webb from Tetra Tech stated his concerns regarding some maintenance aspects but was asked, in the interest of time, to return to the next meeting with more clarified positions. Gary Burcham representing the Delaware Institute for Planning and Design asked when the revised language of the recommendations would be made available to the public. Secretary Hughes thought a revised document would be on DNREC's website early the following week.

The meeting adjourned.

Next Task Force Meeting: Thursday March 24, 2005 at 8:00 a.m.

Future Task Force Meetings: None scheduled.

The March 24 meeting will be at the Delaware National Estuarine Research Reserve just south of Dover. Locations for any future meetings will be announced in advance.