

# Legislative Update

Mark Molloy, Lynch Associates, Inc.



## Dangerous Precedent... Ballot Initiative Filed To Artificially Limit Water And Sewer Water Rates

As discussed at the last two UCANE Government Relations Committee meetings, a proposed ballot initiative petition that would limit annual increases in water and sewer rates to 2<sup>1/2</sup> percent was recently approved by the Massachusetts Attorney General as meeting the minimum threshold necessary to advance to the larger signature gathering stage. Proponents have until Dec. 7<sup>th</sup> to gather and file the signatures of 68,911 registered Massachusetts voters. The Legislature can enact the proposal like any other statute before the first Wednesday in May 2012. Since that is not likely to happen, proponents will have to garner another 11,485 signatures of registered voters by July 3<sup>rd</sup> to get the petition on the November 2012 statewide ballot.

UCANE officials believe that this ballot initiative not only sets a dangerous precedent relative to municipalities' abilities to maintain their existing water and sewer systems; this proposed ballot question would further limit our Commonwealth's investment in its water infrastructure in the future. According to a recent story in the Worcester Telegram and Gazette, municipal advocates also worry about the proposal's origin and its potential impact on communities. In the same article, Geoffrey Beckwith, MMA Executive Director, declared, "It's a terrible idea. It would have a very negative impact on the economy. Cities and towns would not be able to expand their water and sewer facilities to accommodate any economic growth."

The proponents have hired National Ballot Access Inc., a Lawrenceville, GA based professional signature-gathering firm to assist them in the next phase of signature gathering. According to the Tele-

gram and Gazette article, the petition was signed and submitted by 15 people, most of them from the Burlington area. "Two of the sponsors, Richard D. Callahan of Burlington and Bruce Steele of Billerica, said they were asked by their friend Caleb J. Kirby of Burlington to sign the petition. 'Mr. Steele said many of the early signers were at a social gathering when Mr. Kirby, an insurance agent in Derry, New Hampshire, read the petition and asked people to sign it.'"

As the proponents must now collect over 68,000 signatures, there is a chance you may encounter one of their representatives in the communities where you live or work.

*In the interest of maintaining our Commonwealth's ability to address its significant water infrastructure, I suggest that you do not sign any ballot initiatives related to this issue. UCANE will keep its members apprised of the movement of this initiative, if any, throughout the process.*

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## UCANE Asks Governor To Assist Municipalities With One-Time Grant Program To Address Short-Term Water Infrastructure Needs

In an effort to help local municipalities address the myriad of water infrastructure concerns they currently face, UCANE recently wrote to Governor Patrick asking him to consider the creation of a one-time grant program for municipalities to address short term water infrastructure needs. Recognizing the over \$700 million surplus the Commonwealth realized at the end of FY'11, UCANE has undertaken an effort to help municipalities in the short and long term.

In particular, the letter stated:

“[T]he lifeblood of any municipality is its water and wastewater infrastructure. Public health and economic development are impossible without clean water. Yet, in these tight fiscal times municipalities are struggling to maintain, much less improve their existing water and wastewater systems. Given your Administration’s commitment to municipalities, you are in a position to provide some immediate relief to our communities. While you have wisely advocated that much of the Commonwealth’s recent surge in tax collections be invested in the state’s “rainy day” fund, a small portion of that revenue invested

in our water and wastewater infrastructure will yield multiples of that in the future. The recent ARRA grant funding proved the short-term effectiveness of these grants to create many projects resulting in many well-paying jobs.

To that end, a modest appropriation, made possible by directing no more than \$30 million from the Commonwealth’s recent surge in tax revenue, will allow municipalities to maintain their current systems – whether through needed pipe replacements or pipe lining. Simply put, the creation of this one-time, grant program will allow municipalities to ensure they are able to continue to provide clean water while maintaining a foundation for economic growth. While these funds will certainly not address our Commonwealth’s entire water and wastewater needs, they will allow municipalities to make these improvements – without increasing their residential water and sewer rates.”

UCANE will follow-up with the Governor’s Office on this matter shortly, and will continue to work with the Administration to develop other water infrastructure solutions. *continued on page 31*

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## One Warren In... One Warren Out In Race For U.S. Senate

**A**s Massachusetts Democrats ramp up efforts to challenge incumbent United States Senator Scott Brown, Elizabeth Warren, the Harvard professor credited with bringing strong consumer advocacy to the nation's capital, declared her intention to run for the seat. Within a short period of time, Newton Mayor Setti Warren announced his departure from the race. In withdrawing his candidacy, Mayor Warren conceded one of the biggest factors was the strong support Democratic faithful showed Elizabeth Warren.

Mayor Warren's withdrawal appears to demonstrate a change in tactics on behalf of the state Democratic Party. Warren, an Iraq war veteran serving as the state's first popularly elected black mayor, also worked in the White House under former President Bill Clinton and as a staffer for U.S. Senator John Kerry. It was thought his record of accomplishment would serve well against Senator Brown, the former State Senator and State Representative who currently serves in active reserve for the military. With Elizabeth Warren, some feel the Democratic race will focus on economic issues while stoking traditional partisan divides.

While Mayor Warren will continue as Chief Executive Officer of the City of Newton, other Democrats running for the seat include City Year youth program co-founder Alan Khazei, immigration attorney Marisa DeFranco, State Representative Tom Conroy, Newton residents Herb Robinson and Robert Massie, who unsuccessfully ran for lieutenant governor in 1994.

## Is A Tax Cut Just Around The Corner, On The Agenda Or Even Under Consideration?

# YES

**A**s the Commonwealth looks at its finances from the end of the fiscal year, the economic picture, while not as bright as during the heady days of the late 1990s/early 2000s, appears to offer some promising signs. To that end, leading Beacon Hill Democrats are beginning to acknowledge the possibility that a reduction in the state income tax rate might further stimulate the economy.

In comments before a local Chamber of Commerce, Senate President Therese Murray acknowledged that officials are looking at a possible tax reduction early next year – one that could deliver \$114 million in tax relief. In signaling a new look at the Commonwealth's tax rate, Senate President Murray noted that state tax collections grew 7.2 percent between fiscal 2010 and fiscal 2011 and by 5 percent in the most recent three months.

A 2002 state law that raised taxes included provisions allowing the income tax rate of 5.3 percent to drop in annual 0.5 increments if tax revenue growth benchmarks were met. While the Senate President offered the fact the tax break is being considered, she did temper her remarks that the remaining three months of the calendar year would serve as a bellwether for the proposal's overall likelihood of introduction or, even, passage.

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## MWRA Wins Regional Contest For Drinking Water Quality While Charles River Cited For Excellence From International River Association

September was a month of awards for two prominent Massachusetts organizations. First, the Massachusetts Water Resources Authority (MWRA) took home the 2011 award for "New England's Best" drinking water in a contest held at the New England Water Works Association's annual conference in Newport, Rhode Island. The competition included an international panel of judges comprised of David LaFrance, AWWA Executive Director; Dennis Kelleher, AWWA Vice President; and Tunde Ogunsanwo, of Nigeria, Africa. With eight entries from across New England, each sample was tasted at room temperature, then scored on a scale of 1 to 10.

Fall brought more than accolades to the Charles River Watershed Association as it won a prestigious environmental award in September. In doing so, the Association prevailed over projects from more than 20 countries, to win the International Riverprize. The prize recognizes "visionary and sustainable excellence in river management," according to the association, which accepted the award and a check for \$230,000 in Brisbane, Australia. The association also received a \$100,000 grant to share its expertise with other river protection groups.

CRWA's Executive Director Bob Zimmerman, Deputy Director Margaret VanDeusen, and Director of Projects Kate Bowditch accepted the award at the 14<sup>th</sup> International River Symposium in Brisbane, Australia. CRWA will receive a grant to share its river restoration expertise with a river organization in a developing nation.

In 1965, when CRWA was founded, the Charles was an open sewer: tetanus shots and antibiotics were standard treatment for anyone unfortunate enough to fall in. Today, the Charles is heralded as the cleanest urban river in the United States by the U.S. Environmental Protection Agency. The Riverprize recognizes and rewards this rejuvenation. International River Foundation CEO Matthew Reddy says "Charles River should be congratulated for their achievement; it joins the ranks of iconic rivers like the Thames, Danube and Mekong."

CRWA will use the prize money to continue to improve and protect the health of the Charles through fisheries restoration, water-sensitive design, and development of tools and practical solutions to watershed problems, including the growing problem of nutrients carried by stormwater to the river.



Matthew Reddy (far left) with CRWA representatives including Robert Zimmerman (far right). Credit: International River Foundation

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## Senator Kerry, Congressman Markey And Congressman McGovern Announce MA To Receive \$15.6 Million To Build, Upgrade Transportation Centers

In news from Washington, DC, Senator John Kerry, along with Congressmen Edward Markey and Jim McGovern, announced that Massachusetts will receive over \$15.6 million in federal funding from the U.S. Department of Transportation. The funds will be used to construct two intermodal transit centers and upgrade additional intermodal transit, commuter rail and ferry stations across the state.

According to federal officials, the following projects will receive funding:

- South Weymouth Commuter Rail Station  
Weymouth, MA  
Access Improvements and Enhancements  
\$8,011,800
- Wonderland Intermodal Transit - Revere, MA  
Improvement Project Construction  
\$2,106,296
- Salem Intermodal Station  
Communications and Track Improvements  
\$1,543,315
- Hingham Marine Intermodal Station  
Construction of the Marine Intermodal Center  
\$1,273,304
- Auburndale Commuter Rail Station  
Installation of Fiber Optic Cable  
\$1,380,000
- South Shore Ferry - Hingham, Hull, Quincy  
Dock Improvements  
\$926,696
- Greater Attleboro - Taunton Reg. Transit Authority  
Construction of Attleboro Intermodal  
Transportation Center  
\$451,440



## U.S. EPA Reports Only Ten Unhealthy Air Days In Massachusetts This Year

Weather conditions and a drop in ozone-creating chemical emissions helped reduce the number of so-called unhealthy air days in Massachusetts this year, according to the United States Environmental Protection Agency. The number represents a decrease of 28% in unhealthy days. Massachusetts experienced ten unhealthy air days this year, down from 14 in 2010. EPA officials also announced that peak ozone concentrations have dropped "significantly" over the last 30 years, helping to reduce unhealthy air days, which averaged about 37 per year during the 1990s.

As reported by the EPA, high temperatures speed the formation of ground-level ozone; therefore, the

number of hot days influences the number of unhealthy air days. As an example, EPA officials reported that in Hartford, Connecticut, temperatures surpassed 90 degrees on 16 days this summer, compared to 34 during the summer of 2010. Officials say reduced pollution from cars and power plants is helping cut ground-level ozone. As well, new car emissions standards since 2004 have led to vehicles that are between 77 and 95 percent cleaner than older models. Finally, according to the agency, federal rules approved this summer will further require 27 states to significantly reduce power plant emissions. According to EPA data, the lowest number of unhealthy air days recorded in Massachusetts since 1983 was seven in 2009. ■

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