

Fred Sullivan  
Chairman  
  
Janine L. Burke  
Executive Director



Scott Avedisian  
Mayor

**Warwick Sewer Authority**  
125 Arthur W. Devine Boulevard  
Warwick, RI 02886  
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## **Board Meeting Minutes**

**August 27, 2009, 5:30 p.m.**  
WSA Conference Room  
125 Arthur W. Devine Boulevard  
Warwick, RI 02886

<b>Board Members in Attendance:</b>	<b>Guests:</b>
Fred Sullivan, Chairman	Mr. and Mrs. David Jackson
Aaron Guckian, Secretary	Mr. Roy Dempsey
Steven Sylven, P.E.	Mr. Eugene Nadeau
Gary Jarvis	
Peter Ginaitt	
<b>Staff Present:</b>	
Janine L. Burke, Executive Director	Steve Zubiago, Legal Counsel
James E. Feeney, III, Program Manager	John E. Martin, Billing Services Manager
Lynn F. Owens, Administrative Coordinator	

1. **Call to Order** At 5:37 p.m. Chairman Sullivan called this meeting to order.
2. **Approval of Minutes**
  - a. **Approval of minutes from regular meeting held July 23, 2009.**  
ACTION: Mr. Ginaitt moved passage. Mr. Guckian seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.
3. **Administrative Items**
  - a. **Director's Report**
    - i. **Financial Report**

Director Burke stated this month we provided the Board with two financial reports, one for FY09 and one for FY10. She said the FY09 numbers are not final, several additional significant expenses still need to be added by the Finance Office, and we're still looking at a deficit. She said we are close to issuing the Pretreatment bills for the time period which includes FY09 and then those revenues will be added to the Pretreatment budget for FY09.

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Director Burke stated for the first month of FY10, she can see that chemical expenses are going to warrant close scrutiny this year, although some of the chemicals, like alum, are used seasonally in the summer months. She said we also needed emergency repairs to the headworks resulting from damages caused by a "2 by 4" that came into the plant, so you will see the small "Other Services" account on page 19 is almost half spent. She said on the revenue side of things there hasn't been much activity yet in this first month of the fiscal year. She said the quarterly usage bills will be going out next week but at least a third of those revenues are associated with the previous fiscal year. Director Burke stated with respect to revenues, she expects we are going to take a major hit this first quarter as water usage is down significantly. She said according to the Water Department, usage for July 2009 was only about 153 million gallons compared to over 323 million gallons the previous July.

Director Burke stated the bid for a rate study that we've been working on has been published with the bid opening scheduled for September 21<sup>st</sup>. She said by next month's meeting we will have more information on that.

**ii. Administrative Schedule**

**September 10<sup>th</sup>:** Director Burke stated we have scheduled a public meeting on the Sandy Lane sewer project at 7 PM at the Buttonwoods Community Center. She said we will be hand-delivering notices to all the residents tomorrow and we are required to advertize in a paper of local circulation so we are putting an ad in the Beacon next week.

Director Burke reminded the Chairman that we need an updated Chairman's Message for the website.

**b. Chairman's Report**

**i. Proposed Changes to By-Laws**

Chairman Sullivan stated he does have changes; he will email them to all within the next couple of days.

**ii. Subcommittees**

**4. Billing Services Division**

**a. Sewer Assessment Billing Schedule: authorize staff to examine possibility of creating additional billing cycles**

**ACTION:** This item was put on the agenda at the Chairman's request.

Mr. Martin stated the City is updating the utility billing system. He said the (current) assessment billing program was written in-house some time ago and is outdated. Mr. Martin stated right now the system cannot add more billing cycles. He said once the new system is in, after the first quarter, we can begin to look at adding cycles. Mr. Martin said while it would not be a technical problem to add billing cycles, both Finance and Tax Collection feel that adding billing cycles will not greatly impact cash flow because WSA is not constructing heavily. He asked that this be held until the new system is in place.

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Chairman Sullivan stated this question was brought up regarding the Sandy Lane project; "Is it possible to get our (assessment) money a little sooner?" He said if properties get hooked up (this fall), WSA can't assess them until April. Chairman Sullivan said he talked to the Finance Department and is aware of the new billing system; he wanted the rest of the Board to be aware of this. He said down the road, if construction increases, it may be advantageous to increase the billing cycles.

Mr. Martin said when sewer service becomes available, WSA is required by ordinance to provide a sixty-day notice of assessment prior to billing. He said currently we bill in October and April.

Director Burke stated she would ask Mr. Martin to do an analysis on the impact of billing four times a year versus two times a year. She said there's a lot of work involved in putting out the bills; all factors will be reviewed to see if the increase in revenue is worth it.

No action taken.

**b. Mr. David Jackson, 289 Commonwealth Avenue, Plat 260, Lot 45  
Appeal of sewer assessment, Regulation 44**

ACTION: Mr. and Mrs. David Jackson present.

Mr. Jackson is appealing the following statement in the WSA Application for Deferment of Payment of Sewer Assessment: "It is also understood that, in accordance with Warwick City Ordinances, upon the twentieth anniversary of initial assessment, balance of entire assessment will become due and payable." In accordance with WSA enabling legislation, this statement was added to the application in 2006.

Mr. Jackson is objecting to this new requirement. He said he appeared before the WSA in 1996 and was told he had an indefinite deferment until the property is developed. He believes the assessment acreage formula is based on the speculation of development; he feels his property is not developable, and therefore, he should not have to pay the balance of the assessment.

Director Burke stated WSA's enabling legislation allows for the deferment of a portion of an assessment in certain cases, but only for a twenty-year period. She said WSA is limited by the laws we work under as far as the term of deferment. Director Burke stated WSA did get an opinion from the Planning Department on the possibility of development of Mr. Jackson's property.

Mr. Martin recommended that the assessment stand.

Director Burke stated we have spoken with a local attorney who is reviewing WSA's deferment procedure on behalf of several property owners in a similar situation. It was noted that because there are seven years remaining on Mr.

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Jackson’s twenty-year assessment term, there is time to review the matter, including the possibility of changing the enabling legislation.

Director Burke stated she will look into Mr. Jackson’s 1996 appeal of the assessment and will get more information from the Planning Department. She will remain in contact with Mr. Jackson. No action was taken on this matter.

**c. Mr. and Mrs. Frank Dutra, 23 Johnson Avenue, Plat 345, Lot 0739: Appeal of Regulation No. 53 Guidelines for On-Site Grant Funds**

ACTION: Mr. Ginaitt moved approval. Mr. Jarvis seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

**d. Sewer Usage Abatement**

Name	Service Address	Reason	Amount
Alan Malafronte Jennifer Malafronte	214 Shenandoah Road Plat 236 Lot 0182	WSA billing error	\$55.00

ACTION: Mr. Ginaitt moved approval. Mr. Guckian seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

**e. Sewer Assessment Abatement**

Name	Service Address	Reason	Amount
Anthony Famiano, Jr. William McCormick Life Estate	v/l Morgan Avenue Plat 377 Lot 0021	Assessment is uncollectable due to assessment not being disclosed on original MLC, per city solicitor	\$2,018.88

ACTION: Mr. Martin provided details to the Board on this abatement request. Mr. Jarvis moved approval. Mr. Sylven seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

Mr. Jarvis asked for clarification that all assessments for City-owned property (as well as assessments for churches and cemeteries) have been deferred by WSA, and not abated. Mr. Martin confirmed that several years ago, WSA abated assessments on city properties, but has since corrected this and placed the parcels in deferment status. Director Burke stated over the next few months, the Board will be asked to approve the annual list of assessment deferments for parcels owned by the City, churches and non-profits.

**5. Construction Division**

**a. Project Update Report, August 2009**

Program Manager Jim Feeney reviewed progress being made in the Governor Francis II sewer project area.

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Director Burke stated that, at the Chairman's suggestion, we are reaching out to nine properties owners that were originally included in the GF III project to see if it's possible to include them in the GF II project. She said we had our design engineer take a look at the intersecting areas to see if it was possible to expand the project service area at all. Director Burke stated letters went out today and you will see copies of those in the next Consent Agenda.

Mr. Feeney reported that the State Street sewer extension is complete. He said he has not heard back from Mr. Sholes concerning the Warwick Avenue/Bellevue Avenue sewer extension.

**b. Contract 89: Sandy Lane Sewer Construction, Award of Construction: D'Ambra Construction Co., Inc. (Contract AA), \$1,042,225.00.**

ACTION: Mr. Feeney stated we recommend the use of Contract AA for the construction of the Sandy Lane sewer extension. He said WSA can realize substantial savings by completing this project using Contract AA, as all stubs are in the streets and there is no new pump station required. Mr. Feeney stated D'Ambra Construction Co., Inc. was awarded Contract AA as the low bidder. He said the Rhode Island Department of Environmental Management (RIDEM) needs the Board to approve a Resolution to Construct using Contract AA; additionally, certain language pertaining to stimulus funds will be added to the work order.

A public hearing to review the details of this construction project with property owners will be held on September 10, 2009, 7:00 p.m., at the Buttonwoods Senior Center, 3027 West Shore Road, Warwick.

Mr. Sylven moved approval of the Resolution to Construct using Contract AA. Mr. Ginaitt seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

**6. Consent Agenda – Correspondence**

- a. WSA to Scott Goodinson on Selection Committee (7-24-09)
- b. WSA to RICWFA applying for Sewer Tie-In Loan line of credit (7-27-09)
- c. WSA to RIDEM on use of Contract AA for Sandy Lane sewer project (7-28-09)
- d. WSA to Attorney Sholes et al. on extension of sewers to Bellevue Ave (7-29-09)
- e. WSA press release on notices of violation of connection w/in one year (7-31-09)
- f. WSA notices of violation to six (6) property owners (7-29-09)
- g. Thank you letter from Kim Courcy, Caruso scholarship recipient (7-31-09)
- h. WSA financial report to the City Council (7-31-09)
- i. WSA to CRMC, MSCP quarterly report (7-31-09)
- j. Mr. and Mrs. DeMatteis to WSA on notice of violation (8-5-09)
- k. WSA response to Mr. Dempsey's request for information (8-5-09)
- l. RIDEM to WSA approving use of Contract AA for Sandy Lane (8-5-09)
- m. WSA to RICWFA formally requesting funding for Sandy Lane (8-7-09)
- n. RIDEM to WSA on IPP Inter-Jurisdictional Agreement with W. Warwick (8-7-09)
- o. WSA to RIDEM on Draft Consent Agreement (8-7-09)

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- p. WSA to Capron Farms property owners, second notice to connect (8-12-09)
- q. WSA to RIDEM on use of Contract AA for Sandy Lane sewer project (8-13-09)
- r. WSA notices of violation to nine (9) property owners (8-14-09)
- s. Carrabba's to IPP on late report filing (7-31-09)
- t. WSA director's monthly report to Mayor Avedisian (8-14-09)

ACTION: Mr. Guckian pointed out the thank you note written by Kim Courcy, Caruso scholarship recipient. Mr. Jarvis moved approval of the consent agenda items. Mr. Ginaitt seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

**7. Consent Agenda – 2009 Drainlayer Licenses (Renewal)**

- a. Vendresca Brothers & North End Septic Service, d/b/a Warwick Cesspool Co., Inc., 197 Chestnut Street, Warwick

ACTION: Mr. Jarvis asked if they have been keeping their standards high. Director Burke said she believed so; she had not heard of any problems.

Mr. Guckian moved approval. Mr. Ginaitt seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

**8. New Business:** No new business.

**9. Old Business**

- a. Buttonwoods Fire District sewer assessment/deferment (7-24-08):  
No discussion.

- b. Facilities Plan Review (9-11-08)

Director Burke stated the Technical Selection Committee met on Tuesday, which Mr. Sylven volunteered to serve on. She said it was a very productive meeting. She said we got some great proposals and, as Mr. Sylven commented, any and all of the companies submitting proposals are qualified to do the work. Director Burke stated nonetheless, we came to a consensus on three companies we want to meet with to discuss their proposals in more depth. She said although the letters have not gone out yet, she wanted to share the names of those three companies: Stantec, AECOM, and Wright-Pierce. She said all three specialize in wastewater facilities planning. She said she still needs to type up some "minutes" from the Selection Committee meeting as well as next steps but she was hoping to schedule interviews in mid-September. Director Burke stated she would like to expand the committee to include representatives from Purchasing and Finance as well as invite any/all members of the Board to participate at this point. She said her original schedule to have something for the Board to consider at your September meeting may have been a little aggressive. She said it's going to take some time to do this right.

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Mr. Sylven stated either firm is capable and qualified to look at the treatment plant and create a scheme for meeting biological nitrogen removal. He said it came down to the technical qualifications and the overall project understanding and technical approach of the three firms that we selected. He said he thought everyone that reviewed the proposals was in agreement with those three firms. He said he didn't think we'll be disappointed with either firm.

Mr. Jarvis asked about BETA Group, Inc., and their involvement in the reaffirmation of the Facilities Plan. Director Burke stated she had recently met with them and they explained to her that the 1996 Facilities Plan did not include a true build-out analysis. She said they had used a flat number for commercial/industrial build-out back then. She said when WSA looked at the Facilities Plan in 2008, BETA took a fresh look at the numbers; the problem was it was based on figures from 2005, which was the worst year for inflow/infiltration. She said it was also based on old billing data and old information from the Planning Department as far as build-out for new construction and development. Director Burke stated the Reaffirmation they did was based on that data. She said BETA agreed to look at the current flows, the current billing, the current inflow and infiltration (because we've cut that down significantly) and also the more reasonable current build-out information. She said they committed to resubmitting that to RIDEM to try and get some of our construction project back into the Facilities Plan so we can finance them. She said she told BETA it would be in their best interest to put that in writing, so she could share that with the Board. She said that, nonetheless, we're going to get a fresh set of eyes to look at the numbers through this Facilities Plan Amendment.

Mr. Jarvis stated his concern with BETA is, at the time of that Reaffirmation, the Board debated that information ad nauseam, and BETA stuck to their guns about their data, and they re-did their numbers, and they miraculously changed the numbers to fit the moment. He said he wants BETA to sit in front of him and explain the numbers. He said they took a long time, they got paid some good money to do it, and the numbers were absolutely baloney. He said he's not satisfied with that response and he's wasn't confident they are going to do a good job this time; he personally needs some better convincing.

Director Burke stated she did not think we have any other contractual relationships with BETA at this point.

Mr. Sylven stated if the letter we get from BETA represents the conclusion of their work effort, and we're not happy with the result, we have a right to call them back in to explain their work. He said he didn't know if they're under any obligation to come in and speak to us, if they have been paid in full and have completed their contract; what do we have to hold their feet to the fire? He said he'd be surprised if they are amenable to coming in to explain themselves.

Director Burke stated she is confident WSA will see an explanation letter, with their attempt to get some of those projects back into the Facilities Plan.

**10. Discussion Items**

- a. Economic Stimulus Package: no discussion.
  
- b. Mandatory Sewer Connection Program

Mr. Sullivan stated we've had several meetings; a lot of ideas have been kicked around. He said we're trying to come up with some things that are plausible, changes that we can give to the City Council, changes that will make the people feel better that we're working on it in the right way, we're not trying to hurt anybody. He said he didn't want to bring up anything right now because it's still in the negotiation stage, the idea stage; we are working on it.

- c. Sewer Tie In Loan Fund

Mr. Martin stated WSA has completed its end of the work for this program. He said it is now in the hands of RI Clean Water Finance Agency and RI Housing. He said he is hoping it is ready by the end of next month.

**11. Adjournment**

Mr. Ginaitt moved to adjourn this meeting. Mr. Guckian seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

At 6:33 p.m. this meeting ended.

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WSA Secretary

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Date of Approval