

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

**November 19, 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	Mayor Scott Avedisian
Aaron Guckian, Secretary	Peter Ruggiero, Warwick Legal Counsel
Steven Sylven, P.E.	Kendra Beaver, WSA Special Legal Counsel
Gary Jarvis	Jim Boyd, CRMC Policy Analyst
Peter Ginaitt	Rev. Edward J. Wilson, Jr.
	Attorney Robert Flaherty
	Mr. and Mrs. Hamilton
	Mr. Mark Wronoski
	Mr. and Mrs. Ciolfi
<b>Staff Present:</b>	
Janine L. Burke, Executive Director	Steve Zubiago, Legal Counsel
Joel F. Burke, Superintendent	Patrick F. Doyle, Assistant Superintendent
James E. Feeney, III, Program Manager	John E. Martin, Billing Services Manager
Lynn F. Owens, Administrative Coordinator	

- 1. Call to Order** At 5:33 p.m. Chairman Sullivan called this meeting to order.
- 2. Open Call for Executive Session pursuant to Rhode Island General Law 42-46-5 (a) (2) to consider Warwick Wastewater Treatment Facility Final Consent Agreement: RIPDES Permit No. RI0100234.**

Mr. Guckian moved that the Warwick Sewer Authority convene in executive session in accordance with Rhode Island General Laws 42-46-4 and 42-46-5 (a) (2) Litigation to consider the Warwick Wastewater Treatment Facility Final Consent Agreement. Mr. Ginaitt seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

At 5:33 p.m. the Board entered executive session. Mayor Avedisian, City Solicitor Peter Ruggiero, WSA Special Legal Counsel Kendra Beaver, Superintendent Burke and Assistant Superintendent Doyle sat in on the executive session.

## **Return to Open Session**

At 6:26 p.m. the Board returned from executive session. Mr. Guckian moved that the minutes of the preceding executive session be kept closed in accordance with Rhode Island General Laws 42-46-4 and 42-46-5 (a) (2) Litigation, Wastewater Treatment Facility Final Consent Agreement. Mr. Ginaitt seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

## **3. Approval of Minutes**

### **a. Approval of minutes from regular meeting held October 22, 2009.**

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

## **4. Administrative Items**

### **a. Director's Report**

i. **Financial Report** Director Burke stated the monthly budget reports were not available due to our early meeting date.

ii. **Administrative Schedule** Director Burke stated the City Council held a special session this afternoon to consider a few items, one of which was PCR 186-09, Councilwoman Taylor's request that WSA appear before the Council to address constituent concerns regarding the WSA.

Director Burke stated the resolution was approved; a special session is scheduled for Wednesday, December 16, 2009 at 6:30 p.m. Director Burke, WSA Board members, WSA employees James Feeney and Joel Burke, and WSA legal counsel are asked to appear.

iii. **Approval of 2010 Board meeting schedule**

ACTION: Mr. Jarvis moved approval of the 2010 Board meeting schedule. Mr. Sylven seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

### **b. Chairman's Report**

## **5. Operations & Maintenance Division**

### **a. Warwick Wastewater Treatment Facility Final Consent Agreement: RIPDES Permit No. RI0100234.**

ACTION: Mr. Jarvis made a motion to sign the Final Consent Agreement, seek the advice and consent of the Mayor, and send the Final Consent Agreement to the City Council for approval, with full disclosure on anticipated funding requirements. Mr. Guckian seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

Mr. Guckian asked that the Board declare the reasons why the decision was made to sign the Final Consent Agreement. Director Burke stated that the alternative to entering into a consent agreement with RIDEM is litigation, and the success of litigation is questionable. She said the cost of litigation could be at least \$500,000, and WSA cannot borrow the funds to sue RIDEM. Director Burke stated if WSA proceeds with litigation, the end result would be a new permit from RIDEM (which may include similar treatment/operational requirements and associated costs). She said West Warwick and Cranston received similar permits and have entered into consent agreements with RIDEM.

**b. RFP #2010-48: Facilities Plan Amendment & Preliminary Design of Treatment Plant Upgrades for Nutrient Removal**

**i. Progress Report**

**ii. Award of Contract**

ACTION: Director Burke stated in April 2009, the RI Department of Environmental Management announced Warwick's new RIPDES permit. She said WSA recognized that in order to comply with the permit modifications, professional engineering services were needed. She stated WSA began the process of selecting a qualified engineering firm to assist us with a Facilities Plan Amendment & Preliminary Design of Treatment Plant Upgrades for Nutrient Removal to comply with the permit. She stated a Selection Committee was established to consider applicants to the RFP and came to a consensus on the three most qualified firms.

Director Burke stated a scope of services was prepared and the three qualified firms submitted cost/level of effort estimates for the scope of services. She said a project schedule and/or timeline for completion was submitted with cost estimates. Director Burke stated please be aware that the Scope of Services upon which the cost proposals were based is not a complete scope of the work that will be required as part of this contract. She said the Scope included only the work involved through the preliminary design. She said we fully expect that contract amendments will be required to address final design, construction administration, construction supervision, start-up services and preparation of operations and maintenance manuals. Director Burke stated we have reserved the right, if we are unhappy with the services of the selected firm, to go out to bid again for these additional services. She said however, it is our intention to ensure continuity in the design and construction of these required treatment facility upgrades.

Director Burke stated a thorough review of the three proposals was conducted, including numerous follow up requests and reference checks. She stated I am asking the Board to approve entering into contract negotiations with AECOM. She said we will bring the contract, including the negotiated price, back to the Board for final approval. Director Burke

asked that Board member Steve Sylven continue to be involved in this process.

Mr. Sylven moved approval allowing Director Burke to begin negotiations with AECOM. Mr. Guckian seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

**6. Industrial Pretreatment Division** No business considered.

**7. Billing Services Division**

**a. Rev. Wilson, St. Rose Church Corporation, 163 Inman Avenue, Plat 348 Lot 219: Requesting Deferment of Sewer Assessment**

ACTION: Rev. Wilson and Attorney Robert Flaherty attended the meeting to appeal the sewer assessment on the convent located at 163 Inman Avenue, a St. Rose Church Corporation property. Attorney Flaherty stated seven religious sisters live in the building which includes a chapel. He said the sisters support the school and the parish community. Attorney Flaherty asked that the assessment be deferred and argued that the use of the church owned property is similar to that of other church owned properties currently in deferment. He said the intent of the appeal is to save the parish money.

Director Burke stated WSA's enabling legislation allows for deferment of church owned properties used solely for religious purposes. She said she believes WSA has been consistent in our interpretation of the law.

Board members discussed the enabling legislation that allows for deferment of assessments on church owned properties and options available to St. Rose Church Corporation. Director Burke offered to look into the matter further by researching WSA assessments on other lands held by religious corporations.

The Board agreed to table this matter to the December 17, 2009 meeting.

**b. Appeal of Regulation No. 53 Guidelines for On-Site Grant Funds**

**i. Mrs. Barbara A. Cioffi, 359 Ring Avenue, Plat 295 Lot 455**

ACTION: Mr. and Mrs. Cioffi present to ask for on-site grant funds to help defray the cost of improving their failed cesspool. Mr. Martin stated the property is within our Facilities Plan but there is no sewer service available; the improvements have been completed.

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

**ii. Mr./Mrs. Mark Wronoski, 396 George Arden Ave., Plat 346 Lot 162**

ACTION: Mr. Wronoski present to ask for on-site grant funds to help defray the cost of improving their failed on-site waste disposal system. Mr. Martin

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stated the property is within our Facilities Plan but there is no sewer service available; the improvements have been completed.

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

**iii. Mr./Mrs. Jason Hamilton, 34 Beatrice Ave., Plat 355 Lot**

ACTION: Mr. and Mrs. Hamilton present to ask for on-site grant funds to help defray the cost of improving their failed cesspool. Mr. Martin stated the area is within our Facilities Plan but there is no sewer service available; improvements have been completed.

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.

**c. Annual Deferment of Sewer Assessment on City Owned Properties**

ACTION: 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.

**d. Abatement of Sewer Assessments**

Name	Service Address	Reason	Amount
Warwick Housing Authority	2220 Warwick Avenue Plat 339, Lot 0024	Assessment has been deferred for 32 years. WSA enabling legislation allows deferment for only 20 years.	\$8,870.00
Warwick Housing Authority	2220 Warwick Avenue Plat 339, Lot 0028	Assessment has been deferred for 32 years. WSA enabling legislation allows deferment for only 20 years.	\$5,518.20
Norwood Baptist Church	48 Budlong Avenue Plat 296, Lot 0067	Assessment has been deferred for 30 years. Valid lien no longer exists.	\$2,590.00
Pilgrim Lutheran Church	1817 Warwick Avenue Plat 328, Lot 0297	Assessment has been deferred for 30 years. Valid lien no longer exists.	\$3,626.53

ACTION: Tabled for next meeting.

**e. Abatement of Sewer Assessments**

Name	Service Address	Reason	Amount
Roxanne Carter	v/l State Street Plat 357 Lot 0436	Service connection received in 2007. Assess at \$52.00 per foot rather than \$82.00 per foot.	\$1,200.00
Alan R. Fredette Wendy S. Linden	v/l Miller Avenue Plat 336 Lot 0208	Parcel does not have a service connection.	\$1,509.76
Ronald R. S. Picerne Trust	895 Bald Hill Road Plat 260 Lot 0057	Developer installed line in 2005. Assess at 53%.	\$24,739.84
Denise Nemchev	v/l Capron Farm Drive Plat 369 Lot 0022	Resolve SBOR appeal; reserve right to re-assess upon development	\$4,920.00

ACTION: 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.

**f. Sewer Usage Abatement**

<b>Name</b>	<b>Service Address</b>	<b>Reason</b>	<b>Amount</b>
Frank Merlino, MD	1183 Buttonwoods Avenue Plat 374 Lot 0075	Deduct meter installed; adjust bill based on actual indoor water usage	\$178.17
Frank Merlino, MD	1175 Buttonwoods Avenue Plat 374 Lot 0072	Deduct meter installed; adjust bill based on actual indoor water usage	\$895.13
Jesse Richard	1 Fleet Avenue Plat 293 Lot 0908	Deduct meter installed; adjust bill based on actual indoor water usage	\$285.04
Nicole A. Valliere	516 Church Avenue Plat 339 Lot 0290	Broken outside water faucet; water was not returned to plant for treatment	\$1,057.69

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

**8. Construction Division**

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

Construction Division Program Manager Jim Feeney reviewed progress being made in the Governor Francis II sewer project area and the Sandy Lane sewer project area. He said the Bellevue Avenue sewer extension is complete.

The Board discussed the Longmeadow project and brainstormed ideas to incentivize connections as soon as service is available.

**b. F. R. Mahoney & Associates, Inc.: E-One Grinder pumps**

**i. Purchase authorization**

ACTION: Recording of vote.

Mr. Ginaitt moved approval effective October 22, 2009. Mr. Sylven seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

At 7:17 p.m. the Board took a short recess.

At 7:26 p.m. the Board returned to open session.

**9. Mandatory Sewer Connection Program**

**i. Presentation of Amended Approach**

ACTION: Director Burke presented to the Board a WSA Mandatory Sewer Connection Program "History, Authorities and Implementation Plan". Director Burke stated she has emailed the Board a draft of proposed changes to the enabling legislation providing authority to order connections within one year of notice. She said penalties for failure to comply would be a usage bill; exemptions and deferrals would be clearly defined.

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Following the presentation, Mr. Ginaitt stated WSA should send forward to the City Council a recommendation from this Board stating that the City use all available resources, in conjunction with CRMC, to create a wastewater management district (WWMD).

Mr. Jim Boyd, CRMC policy analyst, stated the URI Cooperative Extension and RIDEM are available to assist the City in the development of a WWMD. He stated there are a number of communities throughout the state that have a WWMD, where sewer service is not feasible and economically not possible because the area is not densely populated. He said in adopting a state approved WWMD it also makes that city eligible for Clean Water Finance Agency funding through grants and loans. He said the community in turn loans that out to individual property owners so that they can replace cesspools and failed systems and bring them up to code with current regulations.

Mr. Boyd stated is my understanding that RIDEM is in the process of finalizing some draft rules for the RI Cesspool Phaseout Act (enacted in 2007) to implement that legislative mandate for cesspool phaseout. He said there are about 800 properties in Warwick that must have those cesspools replaced no later than January 2013.

Director Burke stated she is looking for direction from the Board on moving the Mandatory Connection Program forward. Mr. Ginaitt suggested one comprehensive program be implemented, with a very structured approach versus a piecemeal, area by area plan. Mr. Guckian concurred with that suggestion. Chairman Sullivan stated this plan has to be sent to the City Council for their approval, and then the General Assembly. Director Burke stated we need to phase in the Program due to limited resources.

Mr. Guckian suggested an op-ed piece be submitted to the Beacon highlighting the issue of the RI Cesspool Act, to make people aware of the phaseout and to talk about connecting to sewers where sewers are available. He suggested the WSA website link viewers to the RIDEM site for more information on the RI Cesspool Phaseout Act.

Director Burke stated she will prepare for the Board a list of properties affected by the cesspool phaseout.

ii. **Authorization to move forward Amended Approach**

Mr. Ginaitt suggested Director Burke reduce the PowerPoint presentation to a one-page synopsis of key facts and figures and distribute to the Board prior to December 16<sup>th</sup>.

**iii. Capron Farms enforcement action**

Director Burke stated one hundred percent connection is required in the Capron Farms project area by April 2010. She said she has been working with legal counsel on an enforcement action plan that involves grouping the remaining unconnected properties (65) together and using a public health argument to force connection. She said warning letters will be sent, and thirty days prior to end of the one-year period, notice of penalties will be sent. Director Burke stated she has reached out to the Council persons in the area to explain our plan. She said we need to show the State that we are trying to comply with their connection requirement.

**10. Consent Agenda – 2010 Drainlayer Licenses (Renewal)**

- a. ELJ, Inc., 703 Metacom Avenue, Bristol
- b. Dennis Diffley Sewer Cleaning (Dennis J. Diffley, Sr.), 2650 Warwick Ave.
- c. Dennis Diffley Sewer Cleaning (Dennis J. Diffley, Jr.), 2650 Warwick Ave.

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.

**11. Consent Agenda – Correspondence**

- a. WSA Sewer Assessment Abatement (Jackson) Plat 260 Lot 0045 (10-23-09)
- b. Recorded WSA Resolution pertaining to (Jackson) Plat 260 Lot 0045 (10-26-09)
- c. Title insurance certificate on Plat 314 Lot 69 (10-24-09)
- d. WSA correspondence to congressional representatives (10-29-09)
- e. WSA October 2009 financial report to the City Council (11-3-09)
- f. WSA to RI Housing & Mortgage Corp. on Sewer Tie-In Loan Fund (11-2-09)

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.

**12. New Business**

**13. Old Business**

- a. Buttonwoods Fire District sewer assessment
- b. WSA sewer assessment deferment policy

**14. Miscellaneous Items**

- a. Economic Stimulus Package

Director Burke stated she received a call from Representative Kennedy's office stating they will work with Representative Langevin's office on acquiring additional economic stimulus funds for WSA when available.

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**b. Sewer Tie In Loan Fund**

Director Burke stated we are still ironing out some legal issues. She said we will be the first community to sign on to the Sewer Tie-In Loan Fund.

**15. Adjournment**

Mr. Jarvis 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 8:21 p.m. this meeting ended.

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Aaron Guckian, WSA Secretary

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Date of Approval