

Fred Sullivan
Chairman

Janine L. Burke
Executive Director



Scott Avedisian
Mayor

Warwick Sewer Authority

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BOARD MEETING MINUTES

Thursday, April 26, 2012, 5:30 p.m.
Warwick Sewer Authority Conference Room
125 Arthur W. Devine Boulevard
Warwick, RI 02886

Board Members in attendance:	Guests:
Aaron Guckian, Secretary	Dave Bebyn, B & E Consulting, LLC
Gary Jarvis	Dennis Setzko, P.E., AECOM
Steven Sylven, P.E.	Erik Meserve, P.E., AECOM
Peter Ginaitt	Attorney Sandy Resnick
	Hugh Fisher
Board Member not present:	Robert and Caren Colombi
Fred Sullivan	Linda and Jarred Cody
	Mark Menard
	Attorney Richard Johnston
	Roy Dempsey
Staff present:	
Janine L. Burke, Executive Director	John Revens, Legal Counsel
Patrick Doyle, Superintendent	Lynda Ortiz, Finance Customer Service Mgr.
Mathew Solitro, Collection Systems Mgr.	Lynn F. Owens, Administrative Coordinator

1. Call to Order At 5:35 p.m. Mr. Guckian called this meeting to order.

2. Approval of Minutes

a. Approval of minutes from the regular meeting held March 22, 2012.

ACTION: Mr. Sylven moved approval. Mr. Jarvis seconded the motion. Messrs. Guckian, Sylven and Jarvis voted in favor of the motion. Mr. Ginaitt unavailable for vote. Motion passes.

3. Billing Services Division

a. Dave Bebyn, CPA, B & E Consulting, LLC, to appear before the Board to review WSA rates and rate structure.

ACTION: Mr. Bebyn presented draft schedules for the Board to review (using updated numbers) which will be finalized with a cover letter:

- Schedule 1 Proforma Cash Flow Projections 2012-2016
- Schedule 2 Revenue Check for Proforma Period
- Schedule 3 Enacted Rates Based on May 2011 Study: Mr. Bebyn pointed out that no modifications to that study has been done; he thinks the rates passed with that study are sufficient
- Schedule 4 Proforma Debt Projections (includes \$2.4 million for the Cedar Swamp pump station line break and \$6 million for improvements at WWTF)
- Schedule 5 Proforma Capital Projections (2012-2016)

Mr. Bebyn pointed out that he sees a downturn in water consumption, which he reflected in his modeling, resulting in a loss of about \$500,000 per year). He stated several deduct meters are being added; he will evaluate this issue at the end of next fiscal year. He stated if this becomes a continuing trend, the Board may want to modify the rates in 2014-15.

Mr. Bebyn noted that some of WSA's capital projects are being pushed out to 2015-16; that's why there's a new line item "Projects Delayed to FY 2017-18". He stated WSA may need to push some projects out to 2017-18, or possibly fund by borrowing. Director Burke stated a needs assessment study is crucial to prioritize capital improvements projects for the collection system.

Mr. Guckian summarized the discussion and clarified that the recommendation is that WSA stay with the same rate structure and rates and revisit it next year. Mr. Bebyn stated yes, no action necessary.

b. Sewer Assessment Abatement

Name	Service Address	Reason	Amount
Sanitas Security Service	v/l Glenham Avenue Plat 323 Lot 303	City gave property to State through Super Funds Program for train station	\$196.10
Sanitas Security Service	v/l Glenham Avenue Plat 323 Lot 304	City gave property to State through Super Funds Program for train station	\$196.10
Sanitas Security Service	61 Glenham Avenue Plat 323 Lot 308	City gave property to State through Super Funds Program for train station	\$588.30
Linda J. Cody	56 School Street Plat 354 Lot 173	Assessment on oddly shaped lot is not fair and equitable; assess on frontage at School Street	\$16,646.00
Robert C. Colombi Caren Colombi	252 Longmeadow Avenue Plat 355 Lot 112	Assessment on oddly shaped lot is not fair and equitable; assess at 120 feet	\$7,298.00
Mark Menard Rita Menard	215 Draper Avenue Plat 354 Lot 302	Reduce assessment to frontage due to CRMC land use restrictions and evidence of wetlands	\$69,552.70
Anthony F. Colapietro	1330 West Shore Road Plat 336 Lot 2	Conservation easement in place with CRMC; assess based on frontage	\$37,782.33

ACTION: The Board considered these items individually. Director Burke provided a summary memo on the abatement recommendations.

Sanitas Security Service: Mr. Jarvis moved approval of the abatement. Mr. Sylven seconded the motion. Messrs. Guckian, Sylven and Jarvis voted in favor of the motion. Mr. Ginaitt unavailable for vote. Motion passes.

Linda Cody: Mrs. Cody present with her son Jarred. Director Burke stated the current assessment on this pie shaped lot (370 feet) is not fair and equitable. She said we are recommending the property be assessed on the School Street side (167 feet) where sewer service was provided. Mr. Jarvis made a motion to accept the abatement. Mr. Sylven seconded the motion. Messrs. Guckian, Sylven and Jarvis voted in favor of the abatement. Mr. Ginaitt unavailable for vote. Motion passes.

Robert and Caren Colombi: Mr. and Mrs. Colombi present. Director Burke stated this is also an irregularly shaped triangle lot. She stated we are recommending the property be assessed on 120 feet of frontage. Mr. Colombi stated we have already connected to sewers, and asked that WSA assess the property based on the average assessment in the neighborhood. Mr. Sylven moved approval of the recommended abatement. Mr. Jarvis seconded the motion. Messrs. Guckian, Sylven and Jarvis voted in favor of the motion. Mr. Ginaitt unavailable for vote. Motion passes.

Mark and Rita Menard: Mr. Menard present with his attorney Richard Johnston. Director Burke provided a memo to the Board on this matter; based on evidence of property restrictions due to freshwater wetlands surrounding the property, WSA is recommending the property be assessed on frontage rather than acreage, which amounts to 179 feet (reduces the assessment by \$69,552.70). Attorney Johnston stated I understand the WSA is agreeable to changing the assessment from the acreage formula to frontage. He stated we also ask that WSA assess the property based on the average assessment in the neighborhood (more equitable). He stated only 40 feet of pipe was laid at the property to provide service. Director Burke pointed out that the property across from 215 Draper has 190 feet of frontage. Mr. Jarvis stated our regulations provide for assessments in one of two ways, acreage or frontage: WSA does not assess based on the length of pipe laid at the property. Mr. Menard asked that he be assessed on 100 feet, comparable to that of his neighbors. Attorney Johnston reviewed the property map with Board members and indicated that approximately 60 feet of the frontage is in the wetlands area.

Mr. Guckian stated the assessment abatement under consideration, changing from acreage to frontage based on wetlands, is straightforward. He stated due diligence is required in order for the Board to consider any additional abatement of the assessment.

Mr. Ginaitt arrived during discussion of this agenda item.

Director Burke stated if Mr. Menard can produce evidence that says his frontage is less than 179 feet, she would consider that. She stated she would also like to see the tax assessor's record on developable square footage on this parcel.

Mr. Jarvis stated based on guidelines WSA must follow, he was inclined to only approve the reduction to frontage, unless they can further prove where the wetlands is on the property at the frontage. Mr. Jarvis suggested this item be tabled for the next meeting.

Mr. Sylven stated this lot is no different than the two triangular lots previously considered. He stated if we take the frontage along the wetlands out of the equation, Mr. Menard's assessment becomes equivalent to others in the area. He stated he would be willing to go forth with a motion to assess the property without the frontage along the wetlands.

Mr. Guckian asked legal counsel to weigh in. Attorney Revens stated the assessment rules of the WSA are frontage and acreage. He stated the Board has to follow the regulations and be consistent. He said the wetlands issue doesn't have anything to do with this other than changing the method of assessment from acreage to frontage.

Mr. Johnston stated if the assessment turns out to create an inequity, which he thinks it does in this case, where everyone in the neighborhood is paying about half for the same use, then the Board can make adjustments.

Mr. Jarvis said he was inclined to say we need to follow the guidelines. Mr. Guckian called for a motion. Mr. Jarvis moved to accept the abatement as listed on the agenda. Mr. Ginaitt seconded the motion. Mr. Sylven voted against the motion. Mr. Ginaitt apologized, and withdrew his second of the motion. As a result, Mr. Jarvis withdrew his motion. No action taken. Mr. Guckian stated we will table this item to our next meeting.

Anthony Colapietro: Director Burke stated the property owner has a recorded CRMC conservation easement on the property, which reduces the usable area to less than one acre. The abatement reflects a shift from the assessment method to the frontage method. Mr. Sylven moved approval. Mr. Jarvis seconded the motion. Messrs. Guckian, Ginaitt, Sylven and Jarvis voted in favor of the motion. Motion approved.

c. Sewer Assessment Abatement

Name	Service Address	Reason	Amount
Bishop Hendricken High School	2615 Warwick Avenue Plat 352 Lot 43	Abate a portion of the assessment for land to be conveyed to developer; assess at current rate when sewers become available	\$10,562.43

ACTION: Attorney Sanford Resnick present representing the proposed purchaser, Hugh Fisher. James Sloan, attorney for the property owner, not present. Mr. Resnick stated the assessment is currently deferred; they have asked that the portion of the property being subdivided be released from the lien and be re-assessed once sewers become available. He stated the church has applied to subdivide the property.

Attorney Revens stated the way I understand the matter, Mr. Resnick's client is going to buy the property, build a subdivision, build a sewer line to serve the homes in the subdivision, and WSA will then assess at 53% of the current rate (in accordance with WSA regulations). Mr. Ginaitt stated I'm hopeful they have done their homework to assess the impact this development will have on the wetlands area, as that serves the

adjacent Morris Farm. Attorney Resnick stated the Diocese did go to RIDEM to get their approval.

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

4. Operation and Maintenance Division

- a. Purchase Authorization: SCADA repeater antenna replacements (5)
R. E. Erickson: \$12,055.00.

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

- b. Bid #2013-3: Wastewater Treatment Chemicals

Superintendent Doyle briefed the Board on the results of the bid and provided them with a spreadsheet of information.

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

5. Facilities Plan Amendment (FPA)

- a. Report on Public Hearing held April 4, 2012: submittal of executive summary

Erik Meserve reported that the public hearing was well received; the comment period ends May 4, 2012, at which time AECOM will respond to comments and add to the final report to be submitted to RIDEM. He stated comments were minimal and easily addressed. Mr. Sylven stated the big issue that came out of that public meeting was, it was clear from some of those who spoke, the levee project should be the priority. He stated at one or more of our previous board meetings, we indicated that that in fact should be a priority. He stated he didn't want to lose focus of that and we have been discussing combining the levee project with construction of the facility improvements to accelerate our flood protection and mitigation efforts. Mr. Guckian stated it's counter-intuitive to spend money on improvements and get flooded again. Mr. Jarvis stated I'm in agreement.

- b. AECOM to submit progress report: see above.
- c. AECOM to submit Scope of Services for Facilities Planning work to final design and construction management : not to exceed \$664,000.

ACTION: Director Burke stated now that we are done with the original AECOM contract for preliminary design and engineering, the next stage is the final design of the work. She stated we have negotiated a scope of services, Mr. Sylven reviewed it; we made some changes to the actual contract amendment. Director Burke stated the scope of services is through final design and does not cover construction administration or inspection services.

Mr. Sylven stated that he had looked at the agreement and looked at the summary that Mr. Setzko provided for the breakdown of hourly rates, man-hours, other direct costs and outside services. He stated that in his professional opinion, based on the level of work and the number of drawings to be produced, the costs are reasonable and acceptable.

Mr. Ginaitt asked who assists WSA with a review of the numbers.

Director Burke stated in this case we relied on Steve Sylven's professional review and comment. She stated in other cases she has checked with professional colleagues and checked the engineer's work on similar projects for other agencies. Mr. Sylven stated having been on AECOM's side of the table, most consulting firms develop their fees using a matrix, using the same concepts in determining their fees.

Mr. Setzko stated from a scheduling perspective, the plan was to get started with final design on May 1, 2012.

Mr. Sylven moved approval of the contract and fee in a not to exceed the amount of \$664,000. Mr. Ginaitt seconded the motion. Messrs. Guckian, Ginaitt, Sylven and Jarvis voted in favor of the motion. Motion approved.

A notice to proceed will follow pending mayoral advice and consent.

6. March 30, 2010 Pawtuxet River Flooding

- a. Financial Report of Flood Expenses: no information presented.
- b. Flood Protection Study: AECOM to submit progress report

Mr. Setzko presented a PowerPoint to the Board outlining the issues examined and the conclusions drawn on the flood protection study. The PowerPoint presentation is included with these minutes. The study examined the existing flood protection system at WSA, which includes the levee, the toe drain (seepage protection), interior drainage and the storm pumping system. Up to date USGS flood elevation numbers were considered in this study. Four levee design alternatives were presented. Estimated cost of recommended options: \$3.5-\$5.0 million. A formal report will be prepared.

Mr. Ginaitt suggested WSA err on the side of caution and design to the 500-year flood event, and recommended WSA expedite the process and maximize available grant funds.

Director Burke stated WSA's initial application for FEMA flood mitigation grant funds to construct improvements to the levee were denied; however, RIEMA has found an example elsewhere in the US where federal hazard mitigation funds were used on levee construction. She stated WSA will continue to work with RIEMA to try to capture and maximize federal funds for the project. She stated the cost benefit analysis conducted supports funding the levee project.

Director Burke stated they will continue to examine the possibility of combining the levee project with the phosphorous project.

- c. Bellows Street Pumping Station
Crossman Engineering to submit progress report

Director Burke stated Crossman's progress report is listed on page 68 of the agenda packet. She stated EDA must review the bid specifications before we go out to bid; Mr. Sylven has been involved in this process.

7. Collection Systems Division

- a. Construction Services

- i. Governor Francis Farms Phase II
Change Order No. 5: Project Close-Out
D'Ambra Const Co., Inc.: (\$49,464.21)

ACTION: Mr. Solitro stated this change order will complete the project; the project came in slightly under budget.

Mr. Jarvis moved approval of this reconciliation/closeout change order. Mr. Sylven moved approval. Messrs. Guckian, Ginaitt, Sylven and Jarvis voted in favor of the motion. Motion approved.

- ii. Bayside IV/Longmeadow

Mr. Solitro stated final paving will be done over the next six to seven weeks.

- b. Engineering Services (Future Project Planning)

- i. Governor Francis Farms Phase III: no change to report.
- ii. Bayside I-III: Director Burke stated WSA continues to meet with the EPA and the Narragansett Indians to get to an agreement on the

Bayside Projects. She stated she was awaiting a proposal from GRA, PAL, and the Narragansetts for continuing archaeological investigations on Tidewater Drive. The next meeting is tomorrow morning at 10 AM.

- iii. Northwest Gorton Pond: Proposal to complete engineering and design work for project area, Garofalo & Associates, Inc.
ACTION: No movement. No action required.
- iv. O'Donnell Hill: Proposal to complete engineering and design work for project area, Garofalo & Associates, Inc.
ACTION: No movement. No action required.

8. Administrative Items

- a. Director's Report
 - i. Financial Report
 - ii. Administrative Schedule

Director Burke stated we met with the Mayor last week to review the proposed WSA budget. She stated we still need to tweak a few numbers and finalize the debt service schedule with the addition of the borrowing for the Cedar Swamp line break. She stated as you can see from our earlier discussions, we have been working with Dave Bebyn to make sure our revenue estimates are as accurate as possible.

Director Burke stated at the beginning of the May Board meeting, WSA will hold a public hearing to review and approve the proposed FY13 budget which she will get out to the Board as soon as the draft is finalized. She stated on May 31st, WSA will present that budget to the City Council.

Director Burke stated she is still keeping a close eye on the FY12 budget.

Director Burke stated on Wednesday, May 2nd, she and Superintendent Doyle will be attending the Atlantic States Rural Water and Wastewater Association's annual conference to accept yet another award for our efforts during The Flood. She stated it's the **Outstanding Operations Award in recognition of WSA's commitment to the protection of public health and Rhode Island waterways.**

- b. Chairman's Report: no report.
- c. Sewer Assessment Committee Report: no report.

9. Consent Agenda – Correspondence

- a. RIDEM to WSA: Insignificant Alteration permit @ Bellows Street (3-11-12)
- b. RIDEM to WSA: 2012 Clean Watersheds Needs Survey (3-22-12)

- c. WSA to RICWFA: Future funding needs (3-30-12)
- d. RI HPHC to WSA: Mill Cove Brook Archaeological Site (4-3-12)
- e. WSA to City Council: March 2012 Financial Report (4-5-12)
- f. WSA to RIDEM: FY2014 Project Priority List (4-9-12)
- g. WSA to Planning Dept.: Capital Projects (4-9-12)
- h. WSA to USEDA: Bellows Street quarterly progress report (4-13-12)
- i. WSA to RIDEM: Application for Order of Approval for Bellows Street pumping station (4-13-12)
- j. WSA to CRMC: March 2012 Quarterly Report on MSCP (4-16-12)
- k. WSA to Mayor Avedisian: Director's March 2012 report (4-16-12)

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

10. New Business

Introduction of new business to be docketed for an upcoming meeting or to be referred to the executive director or legal counsel for comment.

Mr. Ginaitt warned of the FBI's cyber threat alert for July 9, 2012.

Superintendent Doyle stated he will ask R.E. Erickson to provide a letter of support concerning our SCADA system security features.

11. Old Business

- a. WSA Deferment Policy
- b. Mandatory Sewer Connection Program
- c. Amendments to By-Laws
- d. Modifications to Septage Hauling Regulations

- e. Infrastructure Improvement: 48" line under Interstate 95

Director Burke stated we will budget for this over the next two fiscal years.

- f. IPP Local Limits Study
- g. WSA Resolution Supporting Revenue Bond Issuance for new sewer construction projects

12. PUBLIC COMMENT PERIOD

Mr. Roy Dempsey shared his comments with the Board.

13. Adjournment

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

At 7:38 p.m. this meeting ended.

Aaron Guckian, WSA Secretary

Date