

Fred Sullivan
Chairman

Janine L. Burke
Executive Director



Scott Avedisian
Mayor

Warwick Sewer Authority
125 Arthur W. Devine Boulevard
Warwick, RI 02886
Voice: (401) 739-4949 • Fax: (401) 739-1414

BOARD MEETING MINUTES

Thursday, March 28, 2013, 5:30 p.m.
Warwick Sewer Authority Conference Room
125 Arthur W. Devine Boulevard
Warwick, RI 02886

Board Members present:	Guests:
Fred Sullivan, Chairman	Councilman Ed Ladouceur, Ward 5
Aaron Guckian, Secretary	Erik Meserve, P.E., AECOM
Peter Ginaitt	Brian King, P.E., Crossman Engineering
Gary Jarvis	Bernard Jackvony, PLDW, LLC
Steve Sylven, P.E.	Bruce Tobey, PLDW, LLC
	Teno West, PLDW, LLC
	William E. Facente, Community Development
Staff present:	
Janine L. Burke, Executive Director	John Revens, Legal Counsel
Patrick Doyle, Superintendent	Mathew Solitro, Collection Systems Manager
Lynda Ortiz, Finance/Customer Service Mgr.	Lynn F. Owens, Administrative Coordinator

1. Call to Order At 5:35 p.m. Chairman Sullivan called this meeting to order.

2. Approval of Minutes

a. Approval of minutes from the regular meeting held February 26, 2013.

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

3. Billing Services

a. Sewer Usage Abatement

Name	Service Address	Reason	Amount
Thomas Goodrich	66 Church Avenue Plat 337 Lot 255	Customer charged penalty usage fees for failure to connect within one year of purchase; connection made September 2012.	\$661.34

ACTION: Mr. Goodrich not in attendance. Mr. Jarvis moved to hold this item for one month. Mr. Ginaitt seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Held to the April 25, 2013 meeting. Mr. Jarvis directed staff to send a letter to Mr. Goodrich advising him to appear at the next meeting; action will be taken at the April meeting.

b. Sewer Assessment Abatement

Name	Service Address	Reason	Amount
Tracey A. Dunn Christopher Dunn	27 Kristen Court Plat 314 Lot 73	Property is a "corner" lot with all 180 feet of frontage located on Kristen Court. Fair and equitable to assess on longest side plus half the arc of the "corner".	\$3,116.00

ACTION: Mr. and Mrs. Dunn appeared before the Board to appeal their sewer assessment.

Mr. Sylven recused himself from discussion and vote on this item because he knows Mr. Dunn.

Mr. Dunn stated the concern is that their lot is the smallest lot in the cul-de-sac in the surrounding area and their assessment is about double that of their neighbors. He stated he would like to pay on the longest side of the property, as if it were a typical corner lot. Mrs. Dunn passed out two documents to the Board detailing their appeal. She stated the reduction being considered tonight is not fair compared to the assessments of their neighbors.

Director Burke stated the recommended abatement has been approved by this Board before for similarly located lots in other project areas. Mr. Guckian stated the Board is taking steps to make our assessments more fair and equitable. Mr. Ginaitt said the Board was sympathetic to the Dunns' plight but that the enabling legislation must be changed to address these inequities.

Mr. Jarvis stated he chairs a subcommittee that is looking into sewer assessment methods and inequities. He stated he is sympathetic to the situation, however, until changes are made to our enabling legislation, this Board needs to remain consistent when considering appeals.

The Dunns questioned the accuracy of the abatement calculation.

Chairman Sullivan asked Director Burke if she was confident in her calculations, and that precedent has been set in a similar assessment adjustment. Director Burke acknowledged and confirmed both points. Mr. Revens stated for the record, this appeal was not filed in a timely manner. Chairman Sullivan stated we should support the staff recommendation.

Mr. Jarvis suggested a vote on this abatement appeal be held for one month for staff review of the calculations. Attorney Revens suggested the Dunns do not have to appear at the next meeting if they agree the calculations are correct.

Mr. Jarvis moved to hold this item for one month until we verify the numbers. Mr. Guckian seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian and Jarvis voted in favor of the motion. Mr. Sylven recused himself. Motion passes; held for one month.

4. AWT-Phosphorus & Flood Control Project, Contract No. 91

- a. AECOM to submit progress reports and updated combined schedule

ACTION: Erik Meserve, P.E., AECOM, reviewed the progress reports for the combined Phosphorus removal and flood control/levee projects. He stated the phosphorus removal project design is still in the hands of DEM for review and approval; he expects to hear back from them soon. He stated the application for the certificate of approval (for funding purposes) has been prepared for submission.

Mr. Meserve stated AECOM has essentially stopped work on the levee project because WSA ran out of funding (waiting for release of CDBG grant funds). Director Burke stated the release of funds is still being coordinated between the City Administration and the Community Development office. Mr. Ginaitt asked if there is something the Board can do to help move this forward, and suggested a letter be drafted detailing the Board's concerns that this significant project move forward. Mr. Sylven stated he is concerned about funding in light of the extension we received from DEM, which is contingent upon funding the project.

5. Flood Protection and Mitigation

- a. Financial Report of 2010 Flood Expenses

Director Burke reported that RIEMA is in the process of cutting a check for approximately \$3,054,395, for reimbursement of Hart Engineering's work following the Flood. She stated other than reimbursement for a small project or two, WSA has basically been made whole.

- b. Bellows Street Pumping Station

- i. Crossman Engineering to submit progress report

Brian King, P.E., Crossman Engineering, stated construction has started but it has been going slower than anticipated. He passed out photos of the piles that were installed last week. He stated Crossman has not received an acceptable design plan of the precast wet well pump station

from J.H. Lynch. He stated Crossman was looking for more supporting calculations. He said he just learned this week that a new pump station designer (structural engineer) has been retained by Lynch, who is supposed to resubmit the design plans next week. He stated that the contractor has indicated that once the submittal is approved, there is an 8-week timeframe for production and delivery to the site. Mr. King stated during that period there is some preparatory work to be done; the de-watering wells must be drilled, de-watering will begin, and the contractor can begin excavating inside the cofferdam. He stated the contractor expects to complete the work by September; Mr. King anticipated an additional month for completion.

Director Burke stated the original completion date was June 2013. She asked Mr. King to update the contract schedule to reflect the current timeline. Board members discussed with Mr. King the project schedule, contractor delays and their impact on the project. Mr. King stated weekly project meetings are held with the contractor; the meetings are documented. Mr. Sylven asked for clarification on the timeline and the design submittal process, and discussed Crossman's responsibility to manage the project and the contractor. Mr. Sylven noted his concern that there is no mention of this issue in the March 14th meeting minutes.

Mr. Ginaitt suggested a message be relayed to the contractor that the Board is concerned about project delays and a lack of supporting documentation, and the requirement for better performance and timely relay of information. Director Burke plans to attend the next project meeting between J. H. Lynch and Crossman, and will express the concerns of the WSA. Board members Ginaitt and Jarvis assured Mr. King that their issue is not with Crossman but with J. H. Lynch. Director Burke stated she will direct J. H. Lynch to attend the next Board meeting.

Mr. Sylven stated WSA retained Crossman to provide construction administration services for this project and to work in our best interest. He stated his expectations that, as the administrator of the contract, Crossman should know as much information as the contractor about this project. He stated the Board should hold Crossman's feet to the fire. He stated he doesn't have a level of comfort that Crossman really knows what's going on with this project. He suggested Janine sit in on all meetings. He asked if there is language in the contract that requires meetings with all subcontractors. He also noted that nothing in the project meeting minutes gives the status of the project (schedule). Mr. Ginaitt asked that the minutes of the weekly project meetings be sent to the Board members electronically (as well as an updated schedule).

Mr. Sylven suggested that J. H. Lynch attend the April Board meeting. He stated this is a prime example of the ramifications of giving the contractor the responsibility to retain an engineer to design a foundation system. He stated this is a major foundation design, one that our engineering

consultant should be responsible for (the contract provides for the contractor to retain the design engineer).

Mr. King was receptive to the Board's comments and points made during the discussion.

6. Collection Systems Division

- a. Bayside I-III Sewer Project: Amendment to GRA contract/design services
ACTION: Held from 8-23-12.

Director Burke stated there are no updates to report.

- b. Update on status of future sewer construction

DISCUSSION/ACTION: Director Burke stated staff was in the process of compiling information for our discussion with members of the City Council. She stated Mr. Solitro is reviewing some of the engineers' drawings on the previously-designed projects.

7. Operation and Maintenance Division

- a. Emmons Avenue pump station: replacement pump purchase

ACTION: Superintendent Doyle is waiting for additional estimates; this item will be held for one month.

8. Administrative Items

- a. Sewer Connection Grant Program
William Facente, Housing Officer, Warwick Community Development

ACTION: William Facente, housing officer for the City's Community Development office, in attendance to discuss with the Board the sewer connection grant program his office administers on behalf of WSA.

Mr. Facente provided a brief history of the sewer connection grant program. He stated last fiscal year about thirty grants were disbursed. He said this fiscal year his office has processed fifteen grants; seven of those in Gaspee Point. He stated he has taken twenty-two applications. He said the average cost of connection that he has been seeing is in the \$1,700-\$1,800 range. He stated the average annual gross income of qualified recipients is about \$15,000; half the applicants are elderly. He stated HUD income guidelines are used for this program and that exemptions to the income limits are occasionally approved by Director Burke on a case-by-case basis. Mr. Facente stated the grant utilization numbers were high when property owners had to connect. He stated as soon as they didn't have to connect, the calls stopped. He said in his

experience increased water/sewer charges are also a deterrent to connect.

Mr. Facente suggested ways to increase participation in the connection program, including raising the value of the grant to \$1,000 or \$1,200. He stated people are applying for the grant only when they have a failing system and they can't afford to connect, or they are in the process of selling the house. He suggested that raising the value of the grant may spark increased participation. He stated there is currently \$49,000 in the grant account. Mr. Facente stated HUD income guidelines are used for the City's loan and grant programs, but WSA can consider increasing those limits for the sewer connection grant program.

Mr. Facente said his office gets a lot of requests for assistance in improving onsite systems where sewers are not available. He stated the City has a loan program for home repair improvements and suggested WSA contribute grant funds to improving onsite systems.

Mr. Ginaitt suggested raising the value of the grant to \$1,000 for the next twelve months with a reevaluation of the program after that time period.

Chairman Sullivan suggested waiving sewer usage charges for a period for those owners qualifying for the grant program. Mr. Guckian stated we should consult our financial consultant, Dave Bebyn, to review that option.

Mr. Ginaitt moved to raise the value of the sewer connection grant from \$800 to \$1000 effective immediately. Mr. Sylven seconded the motion. Chairman Sullivan, Messrs. Guckian, Ginaitt, Sylven and Jarvis voted in favor of the motion. Motion approved.

The Board thanked Mr. Facente for appearing and for his work with the sewer connection grant program.

b. FY2014 Budget Workshop

ACTION: Director Burke reviewed with the Board, line by line, the draft Fiscal Year 2014 enterprise fund budget. She stated Dave Bebyn of B & E Consulting, LLC, will be at the April meeting to discuss our rates and budget estimates.

Director Burke reported a 0.8% increase in the budget (compared to last year), which does include an estimate for additional debt service to comply with our consent agreement.

Board members discussed staffing and overtime, sewer usage fees, office supplies and equipment costs, networking printers, maintenance contracts for office equipment, an itemization of service contract expenses, cyber security and backup of WSA data, training and education, debt service,

among other items. Director Burke stated the budget for Fiscal Year 2015 will include increased operational costs for phosphorus removal. Board members discussed the SCADA system's redundant servers, backup procedures and disaster recovery.

c. RFP #2013-187 Professional Consulting Services to Review Enabling Legislation for the Warwick Sewer Authority

ACTION: Award of contract

Members of the firm Pannone, Lopes, Devereaux and West, LLC (PLDW), attorneys Bernard Jackvony, Bruce Tobey and Teno West, in attendance.

Mr. Jarvis stated the sewer assessment review committee has reviewed the submitted proposals (3) and has determined that PLDW is the most qualified firm and has the most experience to move WSA forward. Mr. Jarvis made a motion to award the contract to PLDW (terms and conditions defined in the bid specifications and PLDW's bid submittal and letter of engagement). Mr. Ginaitt seconded the motion. Chairman Sullivan, Messrs. Guckian, Ginaitt, Sylven and Jarvis voted in favor of the motion. Motion approved.

Director Burke stated meetings will be set up with the sewer assessment sub-committee and PLDW within the next few weeks.

d. Director's Report
i. Financial Report
ii. Administrative Items
iii. Cesspool Phaseout update

Director Burke stated the monthly budget report was included in the agenda packets. She stated the bid opening for the local limits evaluation is scheduled for April 12th; a NWPCA legislative breakfast is planned for April 16th; and Brown University students will tour the facility on April 24th. She stated she is working on the most up-to-date DEM cesspool phaseout listing of properties by ward.

e. Chairman's Report

Chairman Sullivan stated that he and the Director and legal counsel are meeting with the Council members to go over the need for construction funding and to explain the planned sewer projects in their area. He stated Ms. Burke and Mr. Revens) have already met with the Council President.

f. Sewer Assessment Committee Report (see related item 8.c.)

Mr. Jarvis stated PLDW will spearhead the review of our legislation and proposals that will go to the State House. He expressed his hope that,

coupled with these meetings of support with the City Council, this will get us on the right path to alleviate some of the problems the Board is seeing at each meeting. He stated the Councilman (Ladouceur) heard him speak at the last City Democratic committee meeting that we need to work together as a team to further sewer expansion. He stated the Subcommittee will be meeting with PLDW over the next few weeks to move this forward. Mr. Ginaitt asked for assurances that the Board will be actively involved in this legislative initiative, rather than being dealt with by the attorneys and legal counsel only. He stated this Board has years of experience with the legislative process and wants to know what's happening and participate on a regular basis. Mr. Jarvis encouraged the Board members to attend the upcoming meetings and welcomed their input. Director Burke said she would ask PLDW to draft a plan and present it to the Board for their input and direction.

Mr. Jarvis stated that he relies on the experience of everyone on the Board, as broad as it is, including the experience of legal counsel. Chairman Sullivan encouraged the Board members to send their suggestions to Mr. Jarvis. Board members will be advised of the committee's activity.

9. Drainlayer Consent Agenda – 2013 License Renewal

- a. Robert F. Quirk, 3681 Quaker Lane, North Kingstown

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.

10. Consent Agenda - Correspondence

- a. RIDEM to WSA: RIPDES Permit renewal application (2-22-13)
- b. RICWFA to WSA: wastewater bond/loan questionnaire (2-26-13)
- c. RIDEM to WSA: WWTF Phosphorus Removal Improvements extension of deadline (3-7-13)
- d. Homeowner Safety Valve Company: update report (3-1-13)
- e. WSA to City Council: February 2013 financial report (3-6-13)
- f. RIEMA to WSA: HMGP eligibility report (3-11-13)
- g. WSA RFP #2013-WSA-101 Local Limits Technical Evaluation (3-15-13)
- h. WSA to RIDEM: FY2014 Project Priority List (3-21-13)

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

11. February 26, 2013 Consent Agenda – Correspondence

- a. WSA to RIDEM re: Interceptor Bond Fund Requirements (1-28-13)

- b. WSA to USEPA re: 2012 CMOM Program Annual Report (1-31-13)
- c. WSA to CRMC re: MSCP Quarterly Report (1-31-13)
- d. WSA to City Council re: Monthly financial report (2-1-13)
- e. WSA to RIEMA Hazard Mitigation Grant Program applications (2-15-13)
- f. Homeowner Safety Valve Co. revenue share report (2-11-13)
- g. WSA to RIDEM requesting extension of schedule for project (2-21-13)
- h. WSA to RIDEM re: Compliance Inspection Evaluation (2-22-13)
- i. WSA Director's Monthly report to Mayor Avedisian (2-22-13)

ACTION: No action taken 2-26-13. 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.

12. 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. Sylven asked about the state law requiring connection within one year of sale or transfer. He suggested there be a document that the owner and the buyer sign at the time of closing indicating they are aware of the state law requiring connection within twelve months. Board members asked if this is within the WSA's scope of authority. Ms. Ortiz stated WSA notates the connection requirement on the city's real estate closing form which itemizes water and sewer charges and is sent to either the closing attorney or the realtor upon request prior to the closing; a copy of the state law is attached to that correspondence.

Director Burke explained that the Billing Office now issues letters to the new owner thirty days after the closing, advising the owner of the requirement to connect to the available sewer. A reminder notice is sent six months following the closing, and a notice of violation is sent after one year has passed without the connection being made. She offered to reach out again to the local realtors' group to ask about the best way of relaying this information to potential buyers.

13. Old Business

- a. Amendments to By-Laws
- b. Modifications to Septage Hauling Regulations
- c. IPP Local Limits Study
- d. WSA Resolution Supporting Revenue Bond Issuance for new sewer construction projects
- e. Mandatory Sewer Connection Program/Connect Capable Fee
- f. Infrastructure Improvement: 48" line under Rte. 95
- g. Changes to Enabling Legislation
 - i. Section 2.17 (b) Mandatory Connections (8-23-12 C.R.)
 - ii. RFP #2013-187 Professional Consulting Services (1-24-13)
- h. Phosphorus Removal Project: Deadline extension (8-23-12 C.R.)
- i. WSA Sewer Assessment Deferral Policy (9-27-12 C.R.)

j. WSA GIS Presentation

DISCUSSION/ACTION: Director Burke stated we plan to award a contract for IPP Local Limits evaluation at the April 2013 meeting.

Responding to Mr. Ginaitt's inquiry about the transmission line under Route 95, Director Burke stated the capital budget for FY14 includes funds for the work. Mr. Solitro stated we are working with engineers Wright Pierce to develop a scope of work, examining the best options. Estimated cost: \$750,000.

Mr. Ginaitt asked about the acquisition of property for the relocation of Knight Street. Director Burke stated WSA applied for grant funds to relocate the pump station which is located in the floodway; the application was denied by RIEMA. She stated the lines of communication are open with the property owner.

Mr. Sylven asked about work at Cedar Swamp. Director Burke and Mr. Solitro briefed the Board on planned activity. This item will be added to the regular business section of the agenda; progress reporting will begin.

14. PUBLIC COMMENT PERIOD

At 7:25 p.m. Chairman Sullivan opened the meeting to public comment.

Councilman Ed Ladouceur, Ward 5, shared his comments with the Board regarding continuing sewer expansion in the City. He stated he continues to work with his colleagues on the City Council to get the entire City sewered. He stated there seems to be increased interest in getting this done.

15. Adjournment

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

At 7:27 p.m. this meeting ended.

Aaron Guckian, Secretary

Date of Approval