

Aaron Guckian
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, June 27, 2013, 5:30 p.m.
Warwick Sewer Authority Conference Room
125 Arthur W. Devine Boulevard
Warwick, RI 02886

Board Members present:	Guests:
Aaron Guckian, Chairman	Councilwoman Camille Vella-Wilkinson
Steve Sylven, P.E.	Dennis Setzko, P.E., AECOM
Gary P. Marino	Erik Meserve, P.E., AECOM
	Paul Roberts, Homeowner Safety Valve
Board Members not present:	Brian King, P.E., Crossman Engineering
Gary Jarvis, Secretary	Steve Kearns, J. H. Lynch & Sons
Peter Ginaitt	Ed Loffredo, J. H. Lynch & Sons
	Tracy Mello-Mowry, 151 Turner Street
	Roy Dempsey, 4 Killdeer Road
Staff present:	
Janine L. Burke, Executive Director	John Revens, Legal Counsel
Patrick Doyle, Superintendent	Mathew Solitro, Collection Systems Mgr.
Lynda Ortiz, Finance/Customer Service Mgr.	Lynn F. Owens, Administrative Coordinator

1. Call to Order At 5:34 p.m. Chairman Guckian called this meeting to order.

2. Approval of Minutes

a. Approval of minutes from the regular meeting held May 23, 2013.

ACTION: Mr. Sylven moved approval of the minutes as submitted. Mr. Marino seconded the motion. Chairman Guckian, Messrs. Sylven and Marino voted in favor of the motion. Motion approved.

3. Sewer Assessment Committee

a. Report on efforts to amend the Warwick Sewer Authority Enabling Legislation

ACTION: No discussion.

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

- a. AECOM submitted progress reports and an updated combined project schedule

ACTION: Erik Meserve, P.E. stated the phosphorus project is on hold for the moment; the majority of this month's efforts were focused on the flood protection and mitigation portion of the project. He stated we were able to get the latest USGS model runs, which are very close to final. He stated they will be presented to the City later this summer. Mr. Meserve said that, based on the latest numbers, AECOM recommends a top of levee elevation of 33.7 NAVD (34.5 NGVD). This elevation will provide the necessary height for FEMA accreditation purposes, 2.1 feet of freeboard above the March 2010 flood, and 3-feet of freeboard over the predicted 500-year flood which will allow the facility to be designated a critical facility in the future if needed.

Director Burke stated this top of levee elevation is about a foot and a half lower than the preliminary design; this will generally transfer to lower costs.

Mr. Meserve reviewed the progress report with the Board.

Mr. Sylven asked about WSA 's request for an extension from RIDEM. Director Burke stated she is optimistic RIDEM will grant an extension due to our project design funding issues, delays in acquiring the flood elevation data and the pending FEMA grant application. Mr. Sylven asked if January 2014 is the bid date. Mr. Setzko stated yes, depending on the permitting process.

5. Flood Protection and Mitigation

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

Mr. Brian King, P.E., Crossman Engineering, Ed Loffredo and Steve Kearns, J. H. Lynch & Sons, Inc., in attendance.

Mr. King provided the Board with a summary report (in agenda packets) and a revised construction schedule. He stated dewatering continues to be a difficult process at the site. He stated currently a cease and desist order has been issued to Lynch because of difficulties with the originally designed dewatering process and no approved plan to address the difficulties. He stated a well-point system is now being considered for dewatering the site (recommended by Griffin Dewatering Corporation). The engineering firm of GZA has been hired as a geotechnical consultant

to design the well-point system; design submittal is expected following the second week of July. He stated Lynch has submitted a modified schedule, which Crossman is reviewing.

Lynch spokesmen Loffredo and Kearns said they had switched from deep well dewatering to the well-point system because of conditions encountered at the site (boiling conditions). Mr. Loffredo stated we also encountered existing wood sheeting in the trench.

Mr. Guckian asked about the anticipated project completion date. Mr. Loffredo stated the revised schedule takes us into January. Mr. King reminded the Board that the schedule was pushed back initially due to issues with the precast pump station. Mr. Loffredo stated another boring sample will be taken outside the coffer dam and delivered to GZA to aid in the design of the well-point dewatering system.

Chairman Guckian stated we are frustrated as a Board with this delay. Mr. Loffredo stated their intent was never to slow down the project. Director Burke stated until the new dewatering system is approved by Crossman, work is stalled. (The Board received a copy of the cease and desist order.) Chairman Guckian encouraged all to move this forward. Mr. Solitro stated well-point system equipment should be in place by the next meeting.

Chairman Guckian asked for an update email once the dewatering system has been approved and work is progressing. He asked if the delays are causing cost overruns. Director Burke stated she hasn't seen any. Mr. Sylven asked for a copy of the minutes from the weekly progress meetings. He stated at this point in time Lynch is not asking for an extension in time.

6. Operation and Maintenance Division

- a. Aeration tank mixer replacement (2)
Mechanical Solutions, Inc.: \$27,138.00

ACTION: Director Burke stated a whole-scale replacement of our mixers is planned with Contract 91 upgrades; the mixers are critical to meeting our nitrogen limits. She stated we are hopeful we will be reimbursed for the expense when we finance the project. Mr. Sylven stated it's unfortunate we don't have the funds to buy more now, to get bulk prices.

Mr. Sylven moved approval of the purchase of two aeration mixers from Mechanical Solutions. Mr. Marino seconded the motion. Chairman Guckian, Messrs. Sylven and Marino voted in favor of the motion. Motion approved.

- b. Purchase Authorization: Emergency Generators (2)
Milton Caterpillar: \$99,500.00
Emergency purchase authorized June 15, 2013

ACTION: In accordance with WSA Emergency Purchase procedure, formal Board approval is required for this emergency purchase. There is a one-year warranty on these generators.

Mr. Marino moved approval of the purchase. Mr. Sylven seconded the motion. Chairman Guckian, Messrs. Sylven and Marino voted in favor of the motion. Motion approved.

7. Collection System Division

- a. Cedar Swamp Pump Station improvements: progress report

Collection systems manager Mathew Solitro stated improvements include electrical upgrades, HVAC work and inside drop changes. He stated the work has been completed on the inside drop; odors and H₂S readings have dropped significantly as a result of the work. He stated this will translate into fewer odors in the area and will protect our infrastructure. He stated design plans for the upgrades to electrical and HVAC systems are in the works. Director Burke stated we will purchase the electrical equipment directly and install the components in house (using Cedar Swamp loan funds). WSA awaits an easement from National Grid.

- b. Drainlayer License No. 139 – Possible Suspension of license

ACTION: Mr. Solitro stated drainlayer Tom Dipetrillo (Drainlayers, Inc.) was advised of WSA's recommendation to suspend his license for at least three months followed by a one-year probationary period, and opted to accept that penalty and not appear before the Board to challenge the recommendation. The details of this matter were reviewed by the Board. Mr. Solitro stated Mr. Depetrillo met with him and Director Burke and apologized for his actions.

Messrs. Sylven and Marino expressed concern about the infractions and the recommended penalty.

Mr. Sylven moved to suspend the drainlayer's license for a period of four months, retroactive to April 30, 2013, with a one-year probationary period following the suspension period. Mr. Marino seconded the motion. Chairman Guckian, Messrs. Sylven and Marino voted in favor of the motion. Motion approved.

Mr. Solitro stated he will be overseeing Mr. Depetrillo's work following the suspension period. Mr. Depetrillo will be notified in writing of the Board's action.

8. Billing Services Division

- a. Paul Roberts, Homeowner Safety Valve Company, to appear before the Board to report on the Sewer Line Insurance Program.

ACTION: Mr. Paul Roberts provided an update of the Sewer Line Insurance Program in Warwick, and reviewed detailed claims data, a WSA/GIS-generated map of repair locations and customer satisfaction surveys. Board members Sylven and Marino were curious about the pipe material on the line collapses. Director Burke stated she will look into it. Mr. Roberts stated check valves are added when new lines are installed. Director Burke will provide Safety Valve with an updated WSA customer list for future mailings.

- b. Proposed change to sewer assessment policy regarding subdivisions

DISCUSSION/ACTION: At the recommendation of Director Burke, this item was tabled to the July meeting.

- c. Sewer Assessment Abatement

Name	Service Address	Reason	Amount
Tracy Mello	151 Turner Street Plat 348 Lot 568	Property initially assessed on 205 feet; land evidence records indicate the parcel has 200 feet of frontage.	\$260.00
Phillip & Audrey Kydd	40 Metcalf Street Plat 303 Lot 537	Property owner submitted evidence of wetlands; change assessment method from acreage formula to frontage.	\$17,322.94

ACTION: Ms. Tracy Mello in attendance to appeal her sewer assessment. Councilwoman Vella-Wilkinson, Ward 3, in attendance. Turner Street is in her ward.

Director Burke referred the Board to their agenda packets for reference material submitted by Ms. Mello to support her written request for an abatement. Director Burke stated while the evidence presented did not clearly delineate the existence of flagged wetlands, our collections system manager made a site visit and identified a significant drop off of the land. Mr. Solitro stated the grade at the street and the side lot drops significantly into what appears to be wetlands. He stated the lot has approximately 4,000 square feet of usable land.

Based on land evidence records presented by Ms. Mello, WSA is recommending a reduction in initial assessment from 205 feet to 200 feet.

Chairman Guckian asked what the average frontage is for lots in this neighborhood. Director Burke stated approximately 100 feet.

Ms. Mello stated when she was originally assessed in 2005, she claims she did file a written appeal. There are no records that an appeal was filed with the Sewer Board of Review. Ms. Mello filed a written appeal with WSA on May 28, 2013. Director Burke stated while this property was assessed in accordance with WSA regulations (frontage of property), Turner Street is a platted street, but ends at Ms. Mello's driveway. She stated WSA extended the sewer line as far as it needed to in order to provide sewer service to the property. She stated the tax assessor has given the property a "severe topography" designation on the tax assessor's records.

Chairman Guckian stated he thought 205 feet was excessive, and suggested re-assessing the property based on the average frontage in the neighborhood. Mr. Sylven stated he agreed with the Chairman's assessment. He stated he believes everyone should share equally in the cost of extending sewers; but until we can change or enabling legislation, we cannot ensure that. He stated 100 feet of frontage is a fair assessment.

Ms. Mello agreed that she should pay for sewer service, but felt 205 feet was excessive.

Mr. Guckian stated unfortunately this has gone on for eight years. He stated we have to deal with situations like this when they come to us, and deal with it in the most fair and equitable way. Mr. Sylven stated based on the fact that the average assessment in the area is 100 feet, there is an obvious inequity with the 205 feet assessed. He suggested lowering the assessment to 100 feet of frontage.

Mr. Guckian highlighted the fact that without changes to our enabling legislation, situations like this put the Board in a difficult position to rule. He stated he's trying to take a common sense approach to this, but this is a shining example of why we need to change our enabling legislation. Mr. Marino asked if we vote to change the assessment, are we going against the current legislation. Director Burke stated there is a provision in the enabling legislation regarding unusual land that allows the Board the discretion to make adjustments. Mr. Sylven stated it's difficult to make an adjustment and not set a precedent.

Mr. Sylven moved to reduce the assessment to 100 feet, referencing the average assessment of properties in that neighborhood. Mr. Marino seconded the motion. Chairman Guckian, Messrs. Sylven and Marino voted in favor of the motion. Motion approved.

Mr. and Mrs. Kydd not present. Director Burke stated the property owner paid for a biologist's report which identifies the existence of wetlands on the property. A survey was provided delineating the wetlands area. She stated WSA policy allows for a reduction in assessment from acreage to

frontage when evidence of wetlands reduces the assessable portion of the property to less than an acre. Mr. Marino moved approval of the recommended reduction in assessment based on evidence of wetlands. Mr. Sylven seconded the motion, changing the method of assessment from acreage to frontage based on evidence of wetlands on the property. Chairman Guckian, Messrs. Sylven and Marino voted in favor of the motion. Motion approved.

d. Sewer Assessment Deferment (New)

Name	Year	Address	Reason
John Greene School (includes Gorton school building)	1	51 Draper Avenue Plat 354 Lot 48	Municipal property 19.87 acres

ACTION: Director Burke asked that the Board defer this assessment, as the WSA has deferred other municipal property assessments in the past.

Mr. Sylven moved approval of the deferment. Mr. Marino seconded the motion. Chairman Guckian, Messrs. Sylven and Marino voted in favor of the motion. Motion approved.

The Board, legal counsel and staff discussed at length the past practice of deferring sewer assessments and WSA's legal authority (or lack of) to defer. Discussion tabled to the July 2013 meeting.

9. Administrative Items

a. Industrial Pretreatment Program: 2013 Caruso Scholarships

DISCUSSION/ACTION: Director Burke shared with the Board the applications of the winners (only one application from each school was submitted this year). Chairman Guckian stated he has been in touch with the principals of the three public high schools in Warwick (and the career and technical center), to get the word out about these scholarships, in order to get as many applicants as possible going forward. An awards ceremony is planned for the summer; the Board will be advised.

b. Security Measures
 i. MIS Division
 ii. SCADA System

DISCUSSION/ACTION: This item was tabled to the July 2013 meeting.

c. Director's Report
 i. Financial Report
 ii. Administrative Schedule
 iii. Update on PCR 75-13 sponsor Councilman Gallucci authorizing the issuance of revenue bonds for sewer installation

- iv. Update on PCR 58-13 sponsored by Councilman Ladouceur creating a committee to study WSA
- v. Cesspool Phaseout Act

DISCUSSION/ACTION: Director Burke provided the updated budget/financial report. She stated she will not have to serve jury duty. She suggested Chairman Guckian represent WSA on the sewer committee with technical assistance from her. Chairman Guckian agreed to serve, as long as it was okay with the other Board members. Messrs. Sylven and Marino expressed their consent. Director Burke stated the General Assembly is considering expanding the Cesspool Phaseout Act statewide (upon sale or transfer). She stated WSA has property owners in Wards 1 and 5 that are located within 200 feet of a coastal feature and are subject to the current phaseout schedule. She said as long as WSA is moving forward with plans to sewer those areas, and we have funding in place, property owners will be allowed to continue use of functioning cesspools until sewers are available. WSA has formally responded to RIDEM about our plans to fund and build sewers in those phaseout areas.

- d. Chairman's Report: Chairman Guckian reported on the GIS work at WSA; a staff presentation will be made when all Board members are present. He asked that Board members advise WSA if there is a scheduling conflict; staff will try to reschedule meetings when all members can attend.

10. Consent Agenda - Correspondence

- a. EDA approval of change orders on Bellows Street project (6-4-13)
- b. U.S. EPA Environmental Merit Award – Junior WIN Team (6-5-13)
- c. RIDEM to WSA on Industrial Pretreatment Annual Report (6-7-13)
- d. RI Attorney General Open Government Summit (6-10-13)
- e. WSA to City Council on May 2013 WSA Financial Report (6-17-13)

ACTION: Director Burke reported that WSA nominated the Junior WIN Team for the U.S. EPA Environmental Merit Award; they won the award and accepted it yesterday. Mr. Marino made a motion to accept the consent agenda. Mr. Sylven seconded the motion. Chairman Guckian, Messrs. Sylven and Marino voted in favor of the motion. Motion approved.

11. 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.

No new business presented.

12. Old Business

- a. Amendments to By-Laws
- b. Modifications to Septage Hauling Regulations
- c. Mandatory Sewer Connection Program/Connect Capable Fee
- d. Changes to Enabling Legislation: Mandatory Connections
- e. WSA Sewer Assessment Deferral Policy
- f. Bayside I-III Sewer Project: Amendment to GRA contract/design services
- g. Infrastructure Improvement: 48" line under Rte. 95
- h. WSA GIS Presentation: July 2013 meeting
- i. Update on status of future sewer construction
- j. WSA Resolution Supporting Revenue Bond Issuance for new sewer construction projects
- k. Resolution of the Warwick Sewer Authority:
Request for Bond Funding for Phosphorus and Flood Control Project

DISCUSSION/ACTION: Director Burke suggested this listing be updated as many of the items are related to proposed changes to the enabling legislation, which has been put off by the City Council.

13. PUBLIC COMMENT PERIOD

At 7:17 p.m. Chairman Guckian opened the public comment period.

Mr. Roy Dempsey shared his comments with the Board.

At 7:20 p.m. the public comment period ended.

14. Adjournment

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

At 7:21 p.m. this meeting ended.

Gary Jarvis, WSA Secretary

Date of Approval