

Aaron Guckian
Chairman

Janine L. Burke
Executive Director



Scott Avedisian
Mayor

Warwick Sewer Authority
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BOARD MEETING MINUTES

Thursday, June 19, 2014, 5:30 p.m.
Warwick Sewer Authority Conference Room
125 Arthur W. Devine Boulevard
Warwick, RI 02886

Board Members present:	Guests:
Aaron Guckian, Chairman	Dennis Setzko, P.E., AECOM
Gary C. Jarvis, Secretary	Brian King, P.E., Crossman Engineering
Steve Sylven, P.E.	Steve Garofalo, P.E. Garofalo Engineering
Gary P. Marino	Paul Roberts, Homeowner Safety Valve Co
Peter Ginaitt	Joseph McCormick
Staff present:	
Janine L. Burke, Executive Director	John Revens, Revens, Revens & St. Pierre
Lynn F. Owens, Administrative Coordinator	Scott Goodinson, Asst. Superintendent
Lynda E. Ortiz, Finance/Cust. Serv. Manager	Mat Solitro, Collection Systems Manager

1. Call to Order At 5:30 p.m. Chairman Guckian called this meeting to order.

2. Pledge of Allegiance Those in attendance rose to recite the Pledge of Allegiance.

3. Approval of Minutes

a. Approval of minutes from the regular meeting held May 22, 2014.

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

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

a. AECOM to submit progress report and updated combined schedule

Dennis Setzko, P.E., presented his monthly report on Contract No. 91:

This Progress Report summarizes activity between May 17, 2014 and June 13, 2014 on Contract 91: Phosphorus Removal Upgrade/Flood Mitigation and Protection Project.

Consent Decree & Funding

- Received approval of FEMA grant for flood mitigation portion of Contract.

Construction Progress

- Executed Contract 91 agreement with Hart.
- Received 4 Requests for Information (RFIs) and responded to 3 RFIs from Hart.
- Received 6 shop drawings and responded to 2 shop drawings from Hart.
- Sent 1 Change Order Proposal to Hart for price proposal. Change Order Proposal prompted by comments from City of Warwick and consists of raising a drainage structure for access purposes after the levee is constructed.
- Processed Hart Payment Application No. 1, broken into two parts: Levee and Phosphorus Building.
- Held pre-construction conference on May 29 with Hart, WSA, RIDEM, and Warwick Fire Department.
- Held conference call with Hart to clarify approach to penetrations made through existing painted surfaces in Utility Building. There will be no testing. Assume residue generated contains PCBs and handle and dispose according to specifications.
- Building and Fire permits – pending.

Permitting

- Responded to RIDOT letter dated May 14, 2014 with comments on the Physical Alteration Permit Application (PAPA) submission.
- Coordinated final right-of-way language with RIDOT and WSA.

Mr. Sylven asked if there is a SWPPP (stormwater pollution prevention plan) on this project. Mr. Setzko stated Hart Engineering is the storm water inspector for the project and would be responsible for filling out the inspection reports.

5. Flood Protection and Mitigation

a. Bellows Street Pumping Station

- i. Crossman Engineering to submit progress report
Brian King, P.E. reviewed the progress report with the Board:
- The pump station has been successfully operating for the past five months. There are no issues with the pumping operation.
- Lynch has completed the site items that remained, including:
 1. Fence posts and bollards

2. Fencing and gate
 3. Permanent stairs
 4. Paving
 5. Landscaping
- Lynch has paved the ETCO parking lot with a surface course overlay, and will be installing the pavement markings.
 - A site walk through was conducted by WSA, Crossman, and Lynch, and identified only minor housekeeping items which were promptly completed.
 - The as-built survey from Lynch will be forwarded to WSA and Crossman for review.

Mr. Sylven and Mr. King discussed retainage fees defined in the contract. Director Burke stated WSA withheld liquidated damages from the last three Lynch invoices.

6. Operations and Maintenance Division

- a. Irving Road electrical control panel
Smith & Loveless: \$17,268.00

ACTION: Assistant Superintendent Goodinson stated he is in the process of taking photos of all the pump stations for the Board's information.

Following review of submitted information, Mr. Ginaitt moved approval of the purchase. Mr. Sylven seconded the motion. Chairman Guckian, Messrs. Ginaitt, Sylven, Jarvis and Marino voted in favor of the motion. Motion approved.

- b. Godwin pump lay flat hoses
Godwin Pumps (Xylem): \$7,571.80

ACTION: Director Burke stated the company will remove and reuse some of the metal fittings at a significant cost savings. Mr. Goodinson said the WSA is now storing the hoses out of the sun and elements to extend their useful life.

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

- c. Warwick Avenue Pumping Station: pump replacement
David F. Sullivan & Associates: \$8,900.00

ACTION: Director Burke stated this capital improvement project is budgeted for fiscal year 2015. She stated that a complete pump rehabilitation would be less expensive, but the station would be without a redundant pump for eight to ten weeks, which is problematic. Mr.

Goodinson stated the motor is in good shape and will be used with the new pump.

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

7. Collection System Division

- a. Award of Bid: Contract CC, Miscellaneous Sewer Extensions and Emergency Pipeline Repairs
Bid opening scheduled for June 16, 2014

Director Burke provided a recommendation memo identifying D'Ambra Construction Co., Inc. as the sole bidder on Contract CC. The memo recommended award of contract to D'Ambra at the submitted unit prices for two years.

ACTION: Mr. Sylven stated the prices were very inflated; he understood the nature of the work is on-call services and emergency repairs. Mr. Sylven stated he compared the vendor's Contract CC bid pricing with Governor Francis Phase II and Longmeadow bid pricing (both D'Ambra contracts), and provided examples of the inflated pricing in Contract CC.

Mr. Sylven stated he'd like to see, for the next contract in two years, a restructuring of the contract to provide for emergency response pricing and normal repair work for the Authority. He stated we've talked about setting up our own services to do the work in-house. He'd like WSA to come up with a budget to purchase the equipment and employ the personnel, and come up with a plan to keep these people busy full time. He pointed out that the Water Department does it.

Mr. Solitro stated last year WSA spent about \$450,000 on this contract. Director Burke stated WSA staff spent significant time reviewing and amending the bid specifications to encourage more competition and that seven vendors picked up the bid package.

Mr. Marino stated he did not like the structure of the contract. He would prefer to see separate rates for planned and unplanned work; cost of materials and hourly rates (time and materials).

Mr. Ginaitt suggested WSA inquire about having the City Department of Public Works do the work for WSA. The Board discussed with legal counsel options available for emergency response services and sewer extension work. Mr. Sylven suggested re-negotiating with the vendor based on time and materials, and allowing developers to use their own contractors.

Mr. Solitro stated the key to D'Ambra's contract proposal is their responsiveness during emergencies and the availability of equipment and materials. Director Burke suggested the WSA amend the award of contract for one year.

Mr. Sylven stated while the prices are inflated, WSA needs an emergency response unit. Mr. Guckian suggested WSA award this contract for one year, and revisit the matter over the next year. Mr. Solitro commented on WSA's oversight of the current contract's provisions and pricing. Mr. Ginaitt stated it appears the contract is well managed by WSA staff. Mr. Marino offered to send WSA a sample contract document using time and materials. Mr. Solitro asked that a sub-committee be formed to assist staff with formation of a new contract for time and materials. Chairman Guckian suggested this item be added to the July agenda for discussion and formation of a subcommittee for this effort.

Mr. Ginaitt moved to award this contract to D'Ambra Construction Co., Inc., for the unit prices listed in their bid submittal for a one-year period while WSA explores its options. Mr. Marino seconded the motion. Chairman Guckian, Messrs. Ginaitt, Jarvis and Marino voted in favor of the motion. Mr. Sylven opposed the motion. Contract approved (4-1) with D'Ambra Construction Co., Inc. for a one-year term beginning July 1.

**b. O'Donnell Hill Sewer Project: Contract Amendment
Garofalo and Associates, Inc.:** \$28,750.00

ACTION: Mr. Steve Garofalo in attendance. Director Burke reviewed her recommendation memo with the Board, seeking to enter into a contract with Garofalo & Associates, Inc., for professional services relative to engineering design and bidding services for the construction of sewers in the O'Donnell Hill neighborhood. Director Burke stated in order to increase the likelihood of funding for this sewer project, WSA needs to be ready to construct. She stated this sewer construction project is scheduled to begin in 2015.

Mr. Sylven asked if this is an amendment to an existing contract or is it a new contract.

Mr. Garofalo explained that the engineering design for this project was completed in 1995 and has sat dormant since then. Director Burke said that O'Donnell Hill was part of a three-phase East Natick project; two phases were completed. She said it was her understanding that, due to lack of funding, the plans for this phase of the project were shelved.

Referring to contract documents submitted by Garofalo, Mr. Sylven pointed out that the verbiage in Article 4.01 has nothing to do with the work that Garofalo was being asked to do on this project. Mr. Garofalo stated this is standard contract that is sent out with all documents when

his company does not receive a contract document. He stated there may be items in the document that are not applicable to this project. Mr. Garofalo stated the service contract they send out will usually come back marked up by the client; that's how the service contract eventually gets established. Mr. Sylven stated he has a number of mark ups to the contract document. Mr. Garofalo encouraged Mr. Sylven to submit his markups. Director Burke stated they can be incorporated into the contract document. She suggested giving Garofalo a sample service contract we've used in the past. Mr. Sylven suggested WSA legal counsel review the contract, and recommended that WSA standardize its contract language with the exception of the description of the work task.

Mr. Sylven stated he has no issue with the value amount of the contract; he thought it was reasonable. He felt what was lacking was an explanation of what the company is going to be doing. (Note: Garofalo submitted an initial proposal on May 23, 2014, itemizing Tasks I-III totaling \$19,800.00. A subsequent/revised proposal document dated May 30, 2014 was submitted listing man-hours associated with Tasks I-III, included a Task IV (4), and listed a modified cost of \$27,400.00. Board members received a copy of the May 30th proposal only. At the table, Director Burke shared the May 23rd proposal with Mr. Sylven. Mr. Sylven stated had he seen the May 23rd document prior to the meeting, his questions would have been answered.)

The Board members discussed the specific tasks associated with the service contract, including updating the permitting, field editing of the drawings, updating of topographic information, mapping and wetlands biologist's activity. Chairman Guckian suggested a synopsis of the project be prepared for distribution to the Board, with updates itemized. He stated WSA's expectations should be conveyed to the professionals providing the service. Director Burke asked for approval of this contract pending either use of a standard contract or legal counsel's review and approval of the Garofalo standard contract.

Mr. Marino stated the property owners in the O'Donnell Hill neighborhood were surveyed about sewers in the area and that a neighborhood meeting is planned for next week to discuss moving forward with the sewer project. He suggested the Board wait for the results of that meeting before considering accepting this design contract and moving forward with sewers. The Board members discussed the cost of extending sewers to the remaining project areas and WSA's directive to sewer the City.

Chairman Guckian suggested the following:

1. Pay Mr. Garofalo for his attendance at the neighborhood meeting as requested by Director Burke
2. Create a standardized contract for design services (with legal counsel review),
3. Define the details of the project and WSA's expectations,

4. Table this item to the next meeting to see the results of the neighborhood meeting.

Mr. Marino was in agreement with the Chairman's suggestions. Director Burke stated that, at Councilman Gallucci's suggestion, WSA sent surveys to the property owners in the area; 35% of owners responded. She stated that in her initial review of the responses, property owners are generally in favor of extending sewers to the area.

Mr. Sylven stated the May 23rd document states Garofalo design work will take ten weeks. Mr. Garofalo stated this timeline does not include review by RIDEM and WSA.

Director Burke stated she needs the assistance of Garofalo and Associates, Inc. at the upcoming neighborhood meeting. The Board authorized Director Burke to engage Mr. Garofalo for his services at the upcoming neighborhood meeting, and tabled consideration of the design services contract to the July 24th Board meeting.

8. Billing Services

- a. Award of Bid #2014-341A
Provide, Develop and Implement Sewer Assessment Software
Vision Government Solutions: \$55,000.00

ACTION: Ms. Ortiz stated the server is on its last leg. She stated we are saving a trial balance once a week. She stated we need a new server and software system.

Mr. Jarvis stated he reviewed the specifications; there is no contingency plan if the existing system fails. Director Burke stated the current sewer assessment billing software cannot operate on any other server than the twenty-year old machine in use now. Mr. Jarvis asked if other municipalities are using this new Vision Government Solutions system and if it works in conjunction with the billing systems already in use. He stated the cost of the software, data conversion and startup is reasonable. Director Burke stated we have a server to use for the software (she will verify with MIS). The Board discussed with staff the technical issues associated with the transfer of data.

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

b. Sewer Pretreatment Fees/Interest Abatement

Name	Service Address	Reason	Amount
Joseph McCormick	163 Kilvert Street Plat 278 Lot 0100	Abate interest charges on pretreatment bills issued to Denise's Diner and Donat's Place. Property owner was not aware of outstanding bills until closing on property, as they were issued and mailed to the business owners. Property owner to pay principal amount owed by tenants to close out accounts.	\$410.35

ACTION: Mr. McCormick in attendance. Director Burke recapped WSA's efforts to issue bills and collect pretreatment fees on a more regular basis. She stated the outstanding fees can be considered a lien against the property; however, WSA has not done a good job in sharing this information with the property owners that have business tenants, that they are ultimately responsible for the bill.

Director Burke stated Mr. McCormick was selling his building and was not aware of the outstanding bills. She stated he's taken responsibility for the debt, but is asking for an abatement of the interest charges. Director Burke stated going forward, WSA will start notifying the owners as well as the business tenants of the pretreatment fees. She stated the annual pretreatment permit must be signed by the property owner; when they sign they will be signaled of the pretreatment fees and their potential liability.

Mr. Ginaitt moved to waive the interest fees. Mr. Sylven seconded the motion. Chairman Guckian, Messrs. Ginaitt, Sylven, Jarvis and Marino voted in favor of the motion. Motion approved.

c. Sewer Assessment Abatement

Name	Service Address	Reason	Amount
One Ninety Six 199 Bethel St LLC c/o Mukesh Tandon	Plat 330 Lot 0196 v/l Church Avenue	Lot size 11.76 acres, assessed in 2006 using acreage formula. Survey and biologist's report confirm that less than one acre of parcel is not wetlands. Re-assess on square footage.	\$133,267.30 \$130,288.22

ACTION: Tabled from January 23, 2014 meeting. Mr. Tandon in attendance.

Director Burke stated the abatement request is based on evidence of wetlands on the property. WSA received the biologist's report confirming the existence of wetlands, and a survey delineating the wetlands area. The survey submitted identified "suitable land area" but did not include the building setback area of the property, which should be included in WSA's consideration of usable land. Director Burke stated WSA confirmed with the surveyor that the usable land (including setback) is 13,854 square feet. Mr. Sylven asked about location of sewer service. Sewer access is available at Old Homestead Road. Mr. Sylven asked about the average assessment in the area. Ms. Ortiz stated most of the lots on Old

Homestead have less than 100 feet of frontage; the assessment rate was \$52.00 per foot (sewers completed in 2006). Ms. Ortiz stated if the abatement is approved, the revised assessment will be \$7,204.08.

Discussion continued about whether the City would allow development of the land accessed at Old Homestead. Mr. Revens stated if the City prohibits the development of that parcel accessed at Old Homestead, or if satisfying city requirements makes development cost prohibitive, Mr. Tandon may consider returning to WSA to request further reduction in assessment fees.

Mr. Sylven moved approval of a \$130,288.22 sewer assessment abatement based on evidence of wetlands. Mr. Jarvis seconded the motion. Chairman Guckian, Messrs. Ginaitt, Sylven, Jarvis and Marino voted in favor of the motion. Motion approved. Property owner to record abatement order in land evidence records prior to abatement taking effect.

9. Administrative Items

- a. Paul Roberts, Homeowner Safety Valve Co., to present a quarterly report on the sewer protection plan and revenue share

Mr. Roberts reported to the Board on the latest enrollment and utilization numbers for the Homeowner Safety Valve insurance program. In addition to the agenda packet documents, Mr. Roberts distributed a June 19, 2014 update report. The Board discussed the utilization statistics by ward, and thanked Mr. Roberts for his presentation.

- b. Financial review of sewer assessment structure, examination of various methodologies.
B & E Consulting, LLC: not to exceed \$6,800.00

ACTION: Chairman Guckian questioned why a review of the assessment structure is being considered, given that proposed changes to the Enabling Legislation were not enacted by the General Assembly.

Director Burke stated WSA has budgeted money for this work. She stated it would help to have this review completed prior to renewed discussions about changing how WSA assesses. She stated having models available will help explain the reasonableness and equity of proposed changes.

Mr. Ginaitt stated we should move this forward to make changes to our rules and regulations. Mr. Revens commented that without changes to the WSA enabling legislation, you are limited in how you can assess for sewers. He stated he was uncertain how the consultant can do modeling given the limiting language in the current enabling legislation. He stated policy decisions need to be made collectively by the WSA, in consultation and coordination with the City Administration and the City Council.

Chairman Guckian tabled this item. Director Burke stated that WSA staff will continue to pre-assess the upcoming sewer projects and collect data that will be useful in future assessment models. Chairman Guckian suggested Director Burke talk to the City Administration. Mr. Sylven pointed out that North Kingstown is assessing per equivalent dwelling units for new sewer construction, and the assessment costs are very high.

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

Director Burke reviewed the budget report as of May 31, 2014. She stated that WSA collected enough pretreatment fine money to give out three scholarships this year. She stated we will plan an awards ceremony over the next few months.

Director Burke stated WSA has planned a groundbreaking for Contract 91 for Monday, June 23rd. July 1st is the next O'Donnell Hill neighborhood meeting. Director Burke will be submitting the first quarterly report of the WSA to the City Council on July 14th.

- d. Chairman's Report

Chairman Guckian thanked the Board for the spirited debate on important issues this evening. He stated the professionalism of this Board is impressive to him. He stated he will continue to try and keep the conversations focused to the topic at hand.

10. Consent Agenda - Correspondence

- a. FEMA Region I announcement of levee funding (5-27-14)
- b. WSA to Alice Westervelt: GFIII land acquisition for pump station (5-30-14)
- c. WSA May 2014 Financial Report to the City Council (6-4-14)
- d. West Warwick to Warwick: Share of Regional WWTF Upgrade (6-4-14)
- e. AECOM to RIDOT re: modifications for flood control mitigation (6-12-14)
- f. WSA to RIEMA re: project worksheet for levee improvements (6-11-14)
- g. RICWFA to WSA re: Series 2014A Loan Requisition (6-13-14)
- h. WSA survey to O'Donnell Hill properties (6-2014)
- i. City Council Resolution R-14-66 Establishing a Study regarding Wastewater Management District in Ward 3 (6-12-14)
- j. City Council Resolution R-14-67 Approving Funding for Mill Cove Bridge on Tidewater Drive (6-12-14)

ACTION: Mr. Jarvis moved to accept the consent agenda items. Mr. Sylven seconded the motion. Chairman Guckian, Messrs. Ginaitt, Sylven, Jarvis 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.

Mr. Marino asked if legal counsel could comment on state law allowing the extension of contracts for professional services up to \$20,000. Board members, Director Burke and legal counsel discussed the purchasing provisions allowed in the WSA enabling legislation. Legal counsel noted that WSA's purchasing process is efficient and concise.

12. Old Business

- a. Amendments to By-Laws
- b. Modifications to Septage Hauling Regulations
- c. Bayside I-III Sewer Project: Amendment to GRA contract/design services
- d. Sewer Assessment Deferment Policy (6-27-13)
- e. Sewer Assessment Deferment: Plat 332 Lot 483 (11-20-13)

DISCUSSION/ACTION: No discussion or action required.

13. PUBLIC COMMENT PERIOD No members of the public present to comment.

14. Open Call to go into Executive Session Pursuant to RIGL 42-46-5 (a) (2) to discuss litigation (J. H. Lynch & Sons, Inc.).

ACTION: No executive session held.

15. Return to Open Session: Vote to seal the minutes of the executive session in accordance with RIGL 42-46-4 and 42-46-7.

ACTION: Not required.

16. Adjournment

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

At 7:55 p.m. this meeting ended.

Gary C. Jarvis, WSA Secretary

Date of Approval

"Minutes are recorded pursuant to the Rhode Island General Laws § 42-46-7 for the purpose of capturing all general information relevant to the meeting. For a more comprehensive assessment of minutes, audio files shall be archived with the Warwick Sewer Authority and available upon request."