

RI Department of Environmental Management

OWTS Designer Licensing Review Panel

DRAFT Minutes of Open Session of December 4, 2009

This meeting of the OWTS Designer Licensing Review Panel was conducted at 235 Promenade Street, in Conference Room 280C.

Members of the Panel Present: Al Al DiOrio

Dan Cotta (Partial attendance)

David Burnham

Jim Tavares

Members Absent:

Scott Moorehead, Chairman

Others Present:

Russ Chateauneuf, Chief, DEM Groundwater & Wetlands Protection

Brian Moore, DEM OWTS Program

Brian Sullivan, DEM OWTS Program

Lisa McGreavy, DEM Groundwater & Wetlands Protection

The meeting was called to order at 9:45 A.M.

Minutes of the October 23, 2009 Meeting Open Session:

D. Burnham made a motion to accept the minutes of the Open Session portion of the October 23, 2009 meeting with no revisions. A.

DiOrio seconded the motion. D. Burnham, A. DiOrio, D. Cotta, and J. Tavares voted in favor of the motion. The motion passes.

New Tolling Act:

R. Chateaufneuf notified the panel of new legislation referred to as the Tolling Act which became effective on November 9, 2009 on the date of passage. The act effectively extends permit and approval expiration dates for development-related projects to June 30, 2011. The permit and approvals would need to be valid and in effect as of November 9, 2009 and include any development-related permits and approvals issued by municipalities such as land subdivisions and zoning approvals as well as any development-related permits issued by CRMC and DEM. The department is in process of interpreting the legislation which seems to include a provision that any time left on the permit expiration after November 9, 2009 would be added to the June 30, 2011 end date which may be a challenge for the OWTS Program to calculate specific extended expiration dates for each affected permit issued on a case-by-case basis. Permits that expired prior to November 9 would not benefit from the act. The legislation was drafted with support from the RI builders in response to the current economic conditions in the state. The new act would be beneficial to those in process of developing property who would now not have to re-apply for permits and it would provide a pause until the economy starts moving again. The new regulation is in effect now and the department needs to issue emergency rule changes. The emergency rule changes will only be good for 120 days therefore the

department will need to complete full rule changes for all programs affected in a short period of time. We will also need to post notices with the municipalities and update our database to reflect the extended expiration date. OWTS permits for new building applications are affected; OWTS repair applications are not considered development-related and therefore would not be affected. We will have a better idea of the total number of permits affected once our legal office has completed their interpretation of the legislation. One possible negative impact the new legislation would have on designers would be that there would be less work needed for redesigns and re-submittals in a situation where there is already considerable competition for the declining market as the number of licensed designers has been increasing. The number of OWTS permits issued by the department per year was steady for the last fifteen years until mid 2007 when the number of permits started declining. Currently, permits are down to approximately 450-500 per quarter from 750 per quarter. As expected, the types of permits have also changed to reflect changes in the construction industry in that we are now seeing more repairs than new building applications. Discussion ensued on how municipalities may decide to implement the Tolling act noting towns seemed to be interpreting the act differently.

At approximately 10:10 A.M., in open call, it was announced that the meeting would proceed in Executive Session pursuant to R.I.G.L. 42-46-5 (a) 4, for discussion of conduct of specific designers. D.

Burnham made a motion to enter into Executive session. A. DiOrio seconded the motion. D. Burnham, A. DiOrio, D. Cotta, and J. Tavares voted in favor of conducting business in Executive Session. The motion passes.

Continuation of Open Session

The open meeting was reconvened at 12:55 P.M.

A. Diorio made a motion to reaffirm votes taken in Executive Session and seal the minutes of the Executive Session. J. Tavares seconded the motion. A. DiOrio, J. Tavares, and D. Burnham, voted in favor of the motion. The motion passes.

Votes taken while in Executive Session:

D. Burnham made a motion to accept the minutes of the executive session portion of the October 23, 2009 meeting with no revisions. A. DiOrio seconded the motion. D. Burnham, A. DiOrio, D. Cotta, and J. Tavares voted in favor of the motion. The motion passes.

[Vote to be posted pending Panel approval of Executive Session Minutes]

A. DiOrio made a motion to seal the minutes of the Executive

Session, adjourn the Executive Session, and reconvene the Open Session. J. Tavares seconded the motion. A. DiOrio, J. Tavares, and D. Burnham voted in favor of the motion. The motion passes.

Next Meeting:

R. Chateauneuf stated that a discussion on panel membership and reappointments will be continued at the next meeting at a date to be determined.

D. Burnham made a motion to adjourn. J. Tavares seconded the motion. D. Burnham, J. Tavares, and A. DiOrio voted in favor of the motion. The motion passes.

The meeting adjourned at 1:05 P.M.