

SEWER COMMISSION MINUTES

December 15, 2010 7:00 PM

Mr. Kane - The regular meeting of the Town of North Smithfield Sewer Commission was called to order on Wednesday, December 15, 2010 at 7:01 P.M. at Kendall Dean School.

Roll Call - Mrs. Paul - In attendance was: Mr. DeCelles, Mr. Nordstrom, Mr. Kane, Mr. McGee, and Mr. Connolly. Mr. Carpenter, Acting Superintendent and Mr. Wilcox were also present.

APPROVAL OF MINUTES

MOTION by Mr. Nordstrom, seconded by Mr. Connolly and voted unanimously on a 4-0 aye vote to approve and accept the October 13, 2010 special sewer commission minutes with Mr. McGee who abstained since he was not present at the meeting.

MOTION by Mr. Nordstrom, seconded by Mr. McGee and voted unanimously on 4-0 aye vote to approve and accept the October 20, 2010 regular sewer commission minutes with Mr. DeCelles who abstained since he was not present at the meeting.

REPORT FROM ACTING SUPERINTENDANT-Mr. Carpenter

Mr. Carpenter supplied a report for the months of October and November since there wasn't a November sewer commission

meeting. He indicated that the final approval was done on the SCADA system on November 15 and he is still waiting on some things from Mr. James Geremia that needed to be done by Mr. Leary. He also stated that when he conducted the grinder pump inspections on December 5th there were nine (9) control panels that had corrosion inside the panels and he is still waiting on answers from FR Mahoney.

They have come out and took pictures of all of the panels and waiting for a report to come back from them and what they are going to do regarding that.

Mr. Kane stated that he would like to add to all future agendas to read Report from Sewer Administrator so that Mr. Wilcox can supply a monthly report to the sewer commission.

Mr. Kane asked Mr. Wilcox if any action had been taken about those residents who have not yet connected.

Mr. Wilcox stated that he has sent out letters.

GEREMIA & ASSOCIATES-Payment Requests

Mr. Kane indicated that SCADA payment #4 dated November 19, 2010 for \$12,250.00 had already been approved by the Town Council with their monthly payment of bills due to a miscommunication. This bill was sent directly to the town and it was paid. There was a second bill that had not been paid for \$8,720.00 for the SCADA payment #5 dated November 19, 2010 and it will be going to the council with his monthly

bills.

MOTION by Mr. Nordstrom, seconded by Mr. DeCelles to recommend that the Town Council approve payment #4 for \$12,250.00 for SCADA improvements to James J. Geremia and Associates, Inc. with discussion.

Mr. Kane indicated this was work done at the plant in Woonsocket and there was a lot of confusion and it had already been paid.

MOTION by Mr. Nordstrom, seconded by Mr. DeCelles and voted unanimously on a 5-0 aye vote to recommend that the Town Council approve payment #4 for \$12, 250.00 for SCADA improvement to James J. Geremia and Associates, Inc.

Mr. DeCelles feels that he wouldn't pay the balance of \$8,720.00 of the contract because there isn't a retain age and training still had to be conducted.

Mr. Kane asked Mr. Carpenter what the change order #1 payment request #5 for \$8,720.00 was for.

Mr. Carpenter replied that he didn't know what it was for.

MOTION by Mr. Nordstrom, seconded by Mr. DeCelles to table until they receive further information from Mr. Geremia since there was no

back-up documentation with the change order with discussion.

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Mr. DeCelles asked if they could get a list from Mr. Carpenter regarding any outstanding items.

MOTION AMENDED by Mr. Nordstrom, seconded by Mr. DeCelles and voted unanimously on a 5-0 aye vote to table until they receive further documentation from Mr. Geremia and receive a list from Mr. Carpenter of any outstanding items.

Mr. DeCelles reiterated to Mr. Carpenter that he should make sure that he receives all the necessary training before the bill is paid.

Mr. Nordstrom suggested that Mr. James Geremia produce the list for Mr. Carpenter.

MOTION by Mr. Nordstrom, seconded by Mr. McGee and voted unanimously on a 5-0 aye vote to approve and to recommend that the Town Council approve payment request #21 to James Geremia and Associates, Inc. for \$744.42 for Construction Administration Services for Phase 1B.

MOTION by Mr. Nordstrom, seconded by Mr. DeCelles and voted

unanimously on a 5-0 aye vote to approve and recommend that the Town Council approve payment request #22 to James Geremia and Associates, Inc. for \$438.36 for Construction Administration Services for Phase 1B.

MOTION by Mr. Nordstrom, seconded by Mr. Connolly and voted unanimously on a 5-0 aye vote to approve and recommend that the Town Council approve payment request #19 to Boyle and Fogarty Construction for \$24,525.90 for purchase of grinder pumps.

Mr. Nordstrom asked Mr. Carpenter that Mr. Geremia is suppose to include a cover sheet with these bills to keep track of what was actually bought within the bill.

MR. GREGORY VAN PELT – 5 PARK DRIVE-Request for Unusual and Extreme Hardship

Mr. Kane confirmed with Pat Paul, secretary that he was indeed contacted regarding the meeting, place and time. He was going to attend. He was not present and Mr. Kane stated that he was placed on the agenda at least three other times and since he wasn't present, he asked the commission not to table any further. All members agreed.

ST. PAUL STREET – MR. ROBERT KAZOR – 79 St. Paul Church/School – Request for Extreme and Unusual Hardship

Mr. Kazor is the head of the finance Committee at St. Paul's Church.

Mr. Wilcox reviewed the circumstances and the back-up e-mail that was sent to the Chairman of the school. He stated that the school is not hooked up to the system nor have they been assessed or had any user fees applied due to Ms. Hamilton's request to have it discussed further before having any assessment, user or connection fee provided and it has not be issued to St. Paul's parish/school.

Mr. Kane asked if there were any recommendations from the Administrator regarding this.

Mr. Wilcox stated that the recommendation from the Administrator would be to state all sewer privileges, permits as it was before the October 19, 2010 date and to give them the privilege of connection and a length of time before they start the assessment and connection programmed with them.

Mr. Kane stated that because this is a request for an extreme and unusual hardship, it would be up to the commission's discretion alone for a one year extension of time from the date of approval for unusual conditions to connect.

Mr. Kazor stated that the first communication they received was hand delivered by Mr. Wilcox and Mr. Carpenter and was delivered to a maintenance person who did not forward the information to the church. He then received a telephone call from Mr. Wilcox and didn't

have any idea of what was happening and that is why they are asking for this request.

Mr. Wilcox stated that everyone is suppose to be connected by June 30, 2011, no exceptions.

Mr. Kane asked when the assessment would be issued because the sewer commission does not have the authority to defer the payment of an assessment unless it relates to the installation or recent installation of a new septic system.

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Mr. Wilcox stated that it would be in 2011 with the new assessment but instead of it being the twenty (20) year assessment, it would be nineteen (19) years within that assessment period.

Mr. Kane stated that they are leaving the assessment to the sewer department and it is in their opinion that it is the only feasible time to issue that assessment that comes with the new cycle of June or July 2011, he doesn't believe it would have any bearing on the motion they are making tonight. Because the commission would grant them on the connection side not on the assessment side by what is in the purview on what is in the ordinance. He asked Mr. Wilcox that when someone new moves in mid-year and they have a sewer lot

development fee and move in an assessed district and then they have to begin to start paying for the next coming years their fair share when that assessment is issued.

Mr. Wilcox stated that by the ordinance and the day the origin of the certificate of compliance comes to him, they then issue that assessment. As soon as he receives that certificate from Mr. Benoit, he starts the assessment.

Mr. Kane agreed to go with the one-year extension to connect and request that an assessment be issued payable at the next due date. They would receive all of the benefits including the grinder pumps along with those residents who have already connected.

MOTION by Mr. Nordstrom, seconded by Mr. McGee to request that the Town Council grant a one-year extension to St. Paul's School to connect to the sewer system under the same benefits that they would receive as of October 18, 2010 as if they had notification within that first year with discussion.

Mr. Kane asked if there were any outstanding qualms by the Administrator regarding the usage or assessment of this property.

Mr. Wilcox stated that both Kendall Dean and St. Paul Street schools were both stopped.

Mr. Kane stated that he wants to be reassured by the Administrator that there are no outstanding problems on her side before he brings before the Town Council.

Mr. Wilcox response was that he couldn't guarantee that without the Administrator being there.

Mr. Kane stated that he will not put it on the town council agenda until he has that reassurance.

Mr. Nordstrom stated that the original assessment is recommended by Mr. Geremia at 3 e.d.u.'s.

Mr. Wilcox stated that Mr. Geremia is recommending a pump size for the capacity.

Mr. Kazor stated that it shouldn't be called a school. It should be called a parish hall.

Mr. Wilcox stated that it is still listed as a school under the city and has not been listed as any other building. He indicated that the pump is designed for a school but with the exception that the pump would be installed and referenced by the engineer that the pump size has the ability to be purchased and installed as a duplex pump and they would only use one pump in a system capacity knowing that the school if it would be reinstated put in the second pump and it would

handle the student capacity. He stated that the pump would be undersized and not a full duplex pump.

Mr. Kazor stated that it would never ever be used as a school again for as long as it is still there and he would not like it to be sized as a school. Even when they hold their largest function there yearly for one night, the maximum amount of people would be 150 total. He doesn't want to see them assessed for something that is never going to happen.

Mr. Wilcox explained that the assessment has nothing to do with usage. The assessment is based on the square footage of the building that has been placed.

Mr. Kane explained to Mr. Kazor the usage which is only one.

Mr. Carpenter stated to retro fit the pumps, it would cost the town \$1,900.00 more each to do this. He would not recommend it. He would keep it as a normal duplex, a dual pump and they would alternate and work less.

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MOTION by Mr. Nordstrom, seconded by Mr. McGee and voted unanimously on a 5-0 aye vote to request that the Town Council grant a one-year extension to St. Paul Street School to connect to the sewer

system under the same benefits that they would receive as of October 18, 2010 as if they had notification with that first year, waiving permit costs, holding the grinder pump costs and proving a grinder pump, the extended warranty.

Mr. Kazor requested for the future if there is any communication to be sent to send it directly to St. Paul's Church and the secretary would receive it.

MR. FRANCIS ZYGMUNT – 115 Elizabeth Avenue – Request for Extreme and Unusual Hardship

Mr. Wilcox reviewed the circumstances of Mr. Zygmunt having two properties located on Elizabeth Avenue. One located at plat 3, lot 128 and the other at lot 240. He was asked to have the second quarter sewer assessment checked that Mr. Zygmunt that was being held by the sewer department. He informed the commission that has been put into an account. They were holding the pumps because the two properties didn't have their certificate of compliance that was issued to him to issue the pump to the resident based on the warranty that starts as when they are in the ground. He placed it on hold per the commission's request and the sewer pumps have not been purchased for the properties.

Mr. Kane would like to recommend to the Town Council that at such time a certificate of completion has been issued for these two pieces of property that the benefits be extended. He feels that all

departments, tax collector's office, assessment, sewer commission should be treating them as vacant lots. It would be 1 e.d.u. until such time they are reassessed by the Building Inspector and classified as either a duplex whatever it may be and issued an additional assessment if necessary if greater than 1 e.d.u. or leave it alone.

Mr. Wilcox noted that after June 30, 2011, the cost of the pump will be higher. He isn't sure what that number is. He doesn't know how to provide that costs to the Town Council if he doesn't know what the costs will be.

There was much discussion amongst the commission following.

MOTION by Mr. Kane, seconded by Mr. Nordstrom to recommend to the Town Council that upon receipt of the certificate of completion for plat 3, lot 128 and plat 3, lot 240 that the same benefits that were extended to residents who tied in before October 18, 2010 be extended to Mr. Zygmunt with discussion.

MOTION AMENDED by Mr. Kane, amended seconded by Mr. Nordstrom to recommend to the Town Council that upon receipt of the certificate of completion for plat 3, lot 128 and plat 3, lot 240 that the same benefits that were extended to residents who tied in before October 18, 2010 be extended to Mr. Zygmunt and he has to connect with in one-year from a certificate of completion to connect, he would receive the grinder pump for that piece of property, he would receive

the extended warranty and he wouldn't have to pay the sewer permit fee, the electrical or the plumbing fee with discussion.

Mr. Kane asked Mr. Zygmunt how long is his building permit for.

Mr. Zygmunt stated that it was extended but he was never given an end date. It's been an ongoing thing and as long as it is being worked on. It is his understanding that the permit would never expire until it is completed. That is on lot 128. On lot 240 there is just a foundation and no building. There was no building permit but there was a permit for a foundation only with a septic design.

The MOTION and the second were withdrawn.

Mr. Wilcox commented to just give Mr. Zygmunt the pump.

Mr. Carpenter stated that Mr. Zygmunt approached him before the October 18, 2010 deadline and all he wanted to do was to get the pump installed in the ground and Mr. Carpenter explained to him they didn't know if they could get it fire up and tested because there is no electricity on the property. He personally agrees and would allow him to put the pump in the ground now and in five (5) years, if the house isn't built, then it would be his loss. The warranties are gone.

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Mr. Kane doesn't have any problem with giving Mr. Zygmunt the pump. If he agrees to that. He doesn't agree with paying an assessment greater than what he should be paying right now until the house is done.

Mr. Carpenter stated that will determine the size of the pump.

Mr. Zygmunt stated that it is going to be a duplex which would be the 1.5 e.d.u.

Mr. Kane stated that it would be unfair to him until they would receive a certificate of completion. He feels that the town provide a pump to Mr. Zygmunt and leave it up to the Superintendent's discretion. It would be Mr. Carpenter's decision.

Mr. Carpenter stated that providing it is in by June 30, 2011.

Mr. Kane replied that is it was Mr. Carpenter's prerogative if he would issue a permit and it expired on June 30, 2011 and that it would be up to Mr. Carpenter if there are no objections from the commission on plate 3 lot 128.

Mr. Kane stated that on lot 240 it would be considered a vacant lot and it is assessed at 1 e.d.u. as a vacant property. There is no user

fee until as the ordinance states a certificate of completion, no building plans is received by the Sewer Department. Then a sewer drain layer permit can be pulled, the grinder pump can be purchased as not part of the project.

Mr. Wilcox stated that all assessments are on all hold on plate 3 on both lots, lot 128 and lot 240.

Mr. Kane reiterated that on plat 3 lot 240 is assessed at 1 e.d.u. and is a correct assessment for a vacant lot that should be paid at 1.5 duplex e.d.u. He asked Mr. Wilcox if he was being charged for usage?

Mr. Wilcox stated that he isn't being billed for sewage.

Mr. Kane stated that for plat 3, lot 128 that for Mr. Zygmunt it will be up to the superintendent's discretion to be give a grinder pump and a five (5) year warranty and he will have until June 30, 2011 to connect per the Sewer Commission's former recommendation to the Sewer department that all permits issued for this project expire on June 30, 2011 on that day. Mr. Zygmunt will be responsible for the 1.5 e.d.u. assessment for that property and upon connection and their inspection, he will start paying a usage/access fee associated yearly with that property upon connection. He noted to Mr. Zygmunt that upon that connection he will receive a bill from the Sewer Department. On lot 240, he is currently assessed at 1 e.d.u.

equivalent to one vacant lot. Mr. Zygmunt will not be charged usage until he connects. He can't connect until there is something there. On lot 240, there will be no benefits received. He will receive a credit to his assessment and he will have to go out and purchase a grinder pump when he is ready to connect.

Mr. Wilcox reviewed with the commission everything that was requested by the sewer commission.

Mr. Kane stated that on plat 3, lot 240, he will be issued a credit per the ordinance of \$2,793.00 on the grinder pump.

Mr. Wilcox asked if the letter that should be issued by the sewer commission like the other letters and should be put on the same list as the attachment.

Mr. Kane replied yes.

Mr. Wilcox noted that the pump to be installed on plat 3 lot 128; they will not be able to test the pump.

Mr. Zygmunt stated that you should be able to test the pump.

Mr. Wilcox stated that the resident must come up with water and power to test the pump for them to start the warranty on the pump.

Mr. Zygmunt asked about the 1.5 e.d.u. and how it will be billed.

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Mr. Wilcox stated that he would double check with the Building Inspector to see if it is a proper duplex.

Mr. Kane stated that lot 128, the assessment will not be reinstated and he won't have to start paying until they actually connect. So when he connects, he will receive usage/access fee bill and the assessment bill at the same time. On lot 240, the assessment will be reinstated immediately because that was property done and it is one (1) e.d.u. and is a vacant lot. Anyone that has a vacant property and is in the district has to pay one (1) e.d.u. from day one and has to pay an assessment fee.

Mr. Wilcox stated that the access fee will begin the day after the connection which is \$354.45 divided by four (4) quarters.

FORECLOSURE RECOMMENDATION – 11 Country Way

Mr. Wilcox indicated that 11 Country Way is a foreclosed property and the sewer permit has been issued and placed on hold and wants clarification from the commission and they are looking to get the fee waived.

MOTION by Mr. Nordstrom, seconded by Mr. McGee and voted unanimously on a 5-0 aye vote to recommend to the Town Council to allow 11 Country Way an extension and that they receive the same benefits as those residents who pulled a permit by the October 18, 2010 deadline and connect by the June 30, 2011 deadline.

Mr. Carpenter stated that there are two other foreclosed properties located at 96 and 102 Green Street.

BID PACKETS

Mr. Kane has put the bid packets in the hands of Mr. Geremia, the town engineer and is holding off until a full assessment has been done. They should be here in June, 2011.

MOTION by Mr. Connolly, seconded by Mr. DeCelles and voted unanimously on a 5-0 aye vote to table.

PROJECT CLOSURE REPORT

Mr. Kane requests to remove from all future agenda.

REQUEST FROM ADMINISTRATION – Sewer Use Ordinance Amendments and Sewer Use Charges

Mr. Kane asked if Mr. Wilcox would read the DSF Slatersville Mill e-mail from Ms. Hamilton.

Mr. Wilcox read the e-mail addressed to Mr. Kane that stated as follows: “I would like to make the following request and would like to have a guidance in the development to the sewer ordinance to include commercial buildings, large apartment complexes, in-law apartments, etc., we would also like to have a final determination of the sewer use charges for each.”

Mr. Kane stated that in the ordinance itself, there is nothing stopping the administrator to make amendments to the Town Council because the Town Council controls the ordinance. There is nothing in the ordinance to stop the administrator from bringing specific changes to the sewer commission with or without action from the Town Council.

Mr. Nordstrom noted that there is a process in the sewer ordinance of how the user fee is calculated for all different scenarios that she is talking about.

Mr. Kane read from the Sewer Use Ordinance Amendments listed under “Sewer Use Charges under 8-34-(b) User Classifications, page 16 of the Sewer Use Ordinance the following: User Classifications The Superintendent, in his review of each application for a sewer connection permit, shall, with Commission approval, classify each user as on of the following, according to the number of dwelling unit equivalents of sewage discharges: (1) Class R – Residential, (2) Class C – Commercial, (3) Class M – Miscellaneous (includes institutional) and (4) Class B – Manufacturing.”

He stated “that he is not in support of changing the ordinance since Slatersville Mill’s process was clearly not followed and feels that it was brought upon by mismanagement that has nothing to do with the foreseeable future and that if something is built such as Dowling Village, which should come before the commission, each independent user is suppose to be classified by the sewer commission by recommendation from the Superintendent.”

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He continued to comment on the previous town administrator at the time made up the decision to not follow the ordinance of the sewer lot development fee in an assessed district which DSF fell in the Union Village district. There was a formula to be followed and it wasn’t followed. They do not know how that person came up with the assessment or the usage that was granted for that building. They fought it because they thought it was still too high. If the process was followed, because the law dictates exactly what is suppose to happen and he stated that we would have a leg to stand on. He continued to say that the request by the administrator is making in his opinion makes the process much more complicated. They already clearly states that a user is classified by the sewer commission with the recommendation of the superintendent.

MOTION by Mr. DeCelles, seconded by Mr. Nordstrom that if the town administrator wants the Sewer Commission to consider making any proposed changes to the sewer ordinance, that it be submitted in writing and submitted directly to the Sewer Commission or appear before the commission with discussion.

Mr. Kane asked that the Recording Secretary, Mr. Nordstrom type up the recommendation to the Town Administrator that her requests be placed in writing to the Sewer Commission.

MOTION by Mr. DeCelles, seconded by Mr. Nordstrom and voted unanimously on a 5-0 aye vote that the Recording Secretary, Mr. Paul Nordstrom write a letter to the Town Administrator asking if the Town Administrator requests to the Sewer Commission to consider on making any proposed changes to the Sewer Use Ordinance that it be submitted in writing and present it to the Sewer Commission by writing to one person.

CORRESPONDENCE & COMMUNICATIONS

MOTION by Mr. Nordstrom, seconded by Mr. Connolly and voted unanimously on a 5-0 aye vote to receive and place on file the following: Items A.) 2011 Regular Meeting Calendar and B.) Review of Rules and Regulations will be reviewed at next month's regular sewer commission meeting. C.) Mr. Rene Viera's Connection – 1098 Victory Highway; D.) Carol Sevigny – Appeal Letter.

OLD BUSINESS

Mr. Kane provided a copy of an e-mail to Mr. Carpenter from Mr. James Geremia regarding Silver Pines. He asked Mr. Carpenter if he is ready to go to the council with that?

Mr. Carpenter replied that there are still a few issues and stated that it has something to do with the rezoning at the Silver Pines pump station.

Mr. Kane asked Mr. Carpenter to keep him informed.

Mr. Kane referred to a letter dated February 27, 2009 addressed to the Town Administrator from Mr. Geremia regarding two exemptions, that the sewer commission had acted upon and it has been brought to the attention of the Sewer Department by the Planning Department that there is a plan in the works to turn the right of way into a utility easement to allow the property owner to connect. This just clarifies up to this point of what the status is. The owner has sent a letter to Ms. Hamilton saying that they would not grant permission. Since then, the Berthelette's want to sub-divide the property to the rear of 104 Mendon Road as part of the plans turns the right of way referenced in the letter only a pass and re-pass utility easement. Up to that point there would be no reason possibility that a connection that could be possible.

Mr. Nordstrom stated that it is a vacant lot and they would have to bring it to the commission and have to get a sewer connection permit, building permit etc. There is a letter on record that went to the Town Administrator stating there wasn't any way that the homeowner is going to let them through the right of way and confirms the sewer commission's action.

NEW BUSINESS

Mr. Kane went up for reappointment in front of the Town Council on December 1, 2010 and as a result of that meeting he was not reappointed to the sewer commission. Per the town charter, he will serve until he is replaced or is reappointed.

(Mr. DeCelles left the meeting at 8:56 P.M.)

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OPEN FORUM PURSUANT TO RIGL SECTION 42-46-6 (d)

Ms. Samualian informed the commission that her mom had passed away and she thanked the commission for understanding her needs and addressing her issues and wanted to know that status of her property which has been exempt from the sewers.

Mr. Kane informed Ms. Samualian that she will be receiving a letter

shortly.

ADJOURN

MOTION by Mr. Connolly, seconded by Mr. McGee and voted unanimously on a 5-0 aye vote to adjourn the meeting at 9:00 pm. The meeting adjourned at 9:00 pm.

Respectfully Submitted,

Patricia A. Paul

Commission Secretary