

Minutes of the November 7, 2013 Meeting
Warwick City Council Sewer Review Commission

Meeting was called to order by Councilman Ed Ladouceur, Chairman at approximately 8:15 AM in Warwick City Hall, Lower Level Conference Room.

Councilman Ladouceur welcomed the Commission members and roll call was taken.

Commission members present:

Councilman Ed Ladouceur, Chairman

Councilman Joe Gallucci, Vice Chairman

Representative Frank Ferri, District 22

Mark Carruolo, City of Warwick Mayor's Chief of Staff

Angelo Liberti, RI Dept. of Environmental Management Appointment

Jane Austin, Save The Bay Appointment

Michelle Komar, Chairman's Citizen Appointment

David Picozzi, City of Warwick Dept. of Public Works Director

Peter Ginaitt, Warwick Sewer Authority

Members not present: Doug Harris, Narragansett Indian Tribe, Senator William Walaska, District 30, Aaron Guckian, Warwick Sewer Authority Board, Chairman, Ernie Zmyslinski, City of Warwick Finance Director, James Boyd, RI Coastal Resources Management Council Appointment

Also present: Janine Burke, Executive Director of the Warwick Sewer Authority (WSA)

Members of the public were given an opportunity to speak. The following issues were raised:

- Public meeting of 10/30 went well if long. Costs might have been presented earlier and they are very high. Concern was raised about the considerable costs ahead for the WSA for replacement of pipes and maintenance. Benefits of upgrades to three plants on the Pawtuxet were questioned. Evidence of quantifiable benefits sought from DEM, with suggestion that General Assembly should take a look at the standards. Commission asked to reconcile estimates of expected useful life of septic systems, given ranges provided of 20 – 40 years. (Roy Dempsey)
- Useful life estimate of 40 years mentioned by Loomis noted. Request made that questions from Senator McCaffrey to Executive Director Burke be responded to and made part of the Commission record. (Roger Durand)
- How is the commission going to insure that sewers are affordable? (Don Fife)

Chairman Ladouceur reviewed issues which the commission expects to look into further including: bid processes, privatization, installation by WSA or City employees, federal assistance, grants, help with grinder pumps. He noted that the term affordable is a subjective term, making it difficult to define, but that the goal is to get the costs down to sustainable levels which will require a balancing act.

Public comment resumed.

- Example of West Warwick plant cited, the lack of a levee there noted. The prospect of the Pawtuxet becoming drinkable, swimmable or fishable given the 13MG/day

discharged by the three plants was dismissed. Cesspool owned by speaker has no problems, has no connection to groundwater and does no damage. Noted the cost of connection, the high water content in sewage and the high cost of sewer rates compared to water rates. [Eugene Nadeau]

Public comment period closed.

Commission members began review of minutes for November 1, but then took up the consideration of the language of the two proposed ordinances. Chairman reminded members that changes were designed to specify projects and to define points at which City Council approval was required.

Ordinance PCO-21-13 dealing with the sewer extension projects was taken up first. The actions taken at the November 1 meeting was reviewed. The commission voted at that time to approve amended bonding language for review by Bond Counsel. It was noted that there had been considerable discussion about the changes with Bond Counsel and that the changes made constitute “a first”. Drafts were provided to members. The only change to the draft was to restore the phrase “limited to” in those sections which were revised to designate the funding as exclusively for the named projects.

A motion was made by Carruolo, and seconded by Gallucci: To approve Ordinance (PCO-21-13) language as amended.

Komar noted that she was not opposed to sewers in the future and explained why she intended to vote no.

- Alternate sources of funding have not been found nor has the Commission identified concrete ways to reduce the sewer project costs.
- The costs for ratepayers are high and it has not been determined if existing ratepayers are to share the costs of new sewer projects.
- Not convinced that changes and commitments have been made to warrant confidence in a “new WSA”.
- Proceeding without developing an MOA or making changes in the enabling legislation is “putting the cart before the horse.” Asked if MOA was binding in light of revenue bond ordinance. Outcomes of votes uncertain in that many steps to get MOA approved – WSA and City Council/Mayor need to agree; and enabling legislation – as planned, would go before City Council for vote and to the RI General Assembly.
- Has not seen fiscal note prepared in response to City Council request. She previously had asked for “soup to nuts” financing plan and none had been provided.

Councilman Gallucci expressed his appreciation for the work of the commission, reminded the group that these were revenue and not general obligation bonds. He emphasized the need to move ahead and his unwillingness to wait another year and asked to move the question.

The motion was approved 8 to 1, with Komar dissenting.

Carruolo reminded the group of the urgency expressed by residents who are faced with making individual decisions regarding their systems and the cloud now over their property values.

Gallucci described the negative reactions to the high cost estimate provided and the need to reduce those costs. He also noted that we have time to do that and that he felt we had a responsibility to consider what is good for the City as a whole.

The commission then took up Ordinance (PCO-23-13) dealing with the plant upgrade and levee improvements.

A motion was made by Ginaitt and seconded by Gallucci approve Ordinance (PCO-23-13) language as amended.

Komar inquired regarding the status of the upgrade design and prospects for funding from RIEMA. Burke reported that WSA was in the process of providing additional information requested by RIEMA. Komar inquired of Liberti whether there was any benefit to “swapping” funding now tentatively allocated by RICWFA for the plant upgrade for funding for sewer extensions. Liberti stated the sewer projects would not be eligible for funding because they are not ready to go to construction and that RICWFA would not hold the other funds. Komar noted the recent 12% rate increase and that the revenue was to fund the plant upgrades.

The motion was approved 9 – 0.

The commission then discussed the work ahead and a recommendation to the City Council regarding the Ordinances.

A motion was made by Carruolo and seconded by Ginaitt to recommend favorable action by the City Council on both Ordinance PCO-21-13 as amended and Ordinance PCO-23-13 as amended.

The Motion was approved 9 – 0.

Commission discussed work ahead, beginning with acknowledgement of the importance of reducing the costs. Other points raised included:

- Entire effort like a complicated construction project, it will take time
- Issue needs to be addressed now, affected citizens in limbo (airport analogy made)
- DEM’s stance on extensions for cesspool owners was described. DEM giving extensions based on inclusion of projects in the WSA Facilities Plan. Statute did not anticipate multiple decision making bodies. DEM assuming good faith on part of the City to allow for the extension on the deadline to replace cesspools.
- Need for WSA to meet construction timetables also noted.
- If sewers are not to be constructed, residents must be helped with septic system financing.
- Residents with small lots, ledge and failing systems need sewers.
- Picozzi reported that City Engineer was just hired to address stormwater problems. Outflows with fecal counts have been traced back to failing systems. City has hundreds of outfalls to test. The cost to correct problems is falling on everyone and the sewage is reaching the Bay. Engineer not available to take on WSA duties given stormwater work load.
- Need to address failing systems and cesspools throughout the city, new cesspool legislation needed.

- Cooperation important going forward. Small group cannot bear all the costs. WSA needs to connect to other City projects, i.e. paving and bridge repair. City need to be honest about where the burden placed.
- Level of funding needed to meet maintenance requirement. Increasing amounts being set aside by WSA. Burke described efforts to increase funding and supplement with grants.

Vice Chairman Gallucci commended the Chair for his outstanding leadership of the Commission. Chairman Ladouceur invited the public to continue to provide input and comment. Future topics to be taken up by the Commission, once the City Council votes on whether to approve going forward include:

More Council oversight, fees, bids, assessments, treatment of people with new systems, extending period for paying assessments, working with DEM and CRMC to define clear standard for failing systems, grinder pumps, role of Public Works, impact of prevailing wage requirements, number and amount associated with exempt properties.

Other topics raised by Komar included: grinder pumps and deduct meters, putting WSA under the PUC, composition of the WSA Board, return to 85% water usage basis, impact on seniors, format for reporting on construction progress, situation of septic owners in limbo due to WSA delaying/changing construction dates.

The Commission reviewed minutes of the November 1, 2013 minutes with amendments from Boyd, Burke, Komar and Liberti.

Motion to approve the minutes as amended was made by Komar and seconded by Carruolo. Motion passed 9 -0.

Commission members reviewed outstanding minutes. Komar agreed to provide list to the Chairman at the end of the day. The next meeting was set for Tuesday, November 12th, in order to approve minutes. Other topics to be discussed include enabling legislation. The Friday November 8, 2013 meeting was cancelled.

Carruolo offered to draft a memorandum for the City Council formalizing the Commission's recommendation. It was agreed that next Commission meeting date is scheduled for Tuesday, November 12th, at 3:00 PM at the Warwick Sewer Authority.

Councilman Ladouceur adjourned the meeting at approximately 10:30 AM.