

Minutes of the December 11, 2013 Meeting
Warwick City Council Sewer Review Commission

Meeting was called to order by Councilman Ed Ladouceur, Chairman at 8:39 AM in the Lower Conference Room in City Hall.

Commission members present:

Councilman Ed Ladouceur, Chairman

Steve Sylven, P.E. (for Aaron Guckian), Warwick Sewer Authority Board

Representative Frank Ferri, District 22

James Boyd, RI Coastal Resources Management Council

Angelo Liberti, RI Department of Environmental Management

Michelle Komar, Chairman's Citizen Appointment

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

Members not present: Councilman Joe Gallucci, Vice Chairman, Jane Austin, Save The Bay, Doug Harris, Narragansett Indian Tribe, Senator William Walaska, District 30, Ernie Zmyslinski, City of Warwick Finance Director, Mark Carruolo, City of Warwick Mayor's Chief of Staff, Aaron Guckian, Warwick Sewer Authority Board Chairman

Also present: Janine Burke, WSA Executive Director

Mr. Don Fife shared his comments with the Commission: Will the questions he asked at the last meeting be answered by the Commission? Mr. Ginaitt said that answers can be provided at another time. What is the status of WSA responding to Senator McCaffrey's questions sent to WSA in October? All speakers at WSA are pro-sewers; no opposition; no other discussion.

Following a review of edits and additions to the outstanding/unapproved meeting minutes, Councilman Ladouceur called for approval. The following reflects the votes:

Minutes from November 7th – motion for approval of the minutes (with edits) was made by Michelle Komar, seconded by Dave Picozzi and Frank Ferri and unanimously approved with Jim Boyd abstaining.

Minutes from November 12th – motion for approval of the minutes (with edits) was made by Angelo Liberti, seconded by Frank Ferri and unanimously approved with Jim Boyd abstaining.

Minutes from November 19th – motion for approval of the minutes (with edits) was made by Michelle Komar, seconded by Frank Ferri and Angelo Liberti and unanimously approved with Jim Boyd abstaining.

Minutes from December 5th – motion for approval of the minutes (with edits) was made by Angelo Liberti, seconded by Michelle Komar and unanimously approved with Jim Boyd abstaining.

The group began the discussion of the WSA enabling legislation. Ms. Burke provided color copies of WSA's recommended changes as presented to the City Council as well as the summary that Lynn Owens had prepared describing the various sewer construction assessment methods used by other communities in Rhode Island. Councilman Ladouceur suggested a good place to

start was to establish bullet points as to the items that were the most significant to change, add or delete from the existing enabling legislation. He stressed that he wanted to have the recommendations ready to go no later than the end of January. He opened up the discussion with his list which included more oversight by the City Council, an examination of the rates, mandatory connections or not, connect capable, and current exemptions versus future exemptions.

Ms. Komar suggested the group start with a discussion of the composition of the WSA Board and City Council oversight. She said that WSA delays in sewer projects construction have increased sewer assessments. Also she felt that WSA had made the commitment at the City Council meeting that these projects going forward to provide solutions for resident's failing cesspools and septic systems. She mentioned that Councilman Ladouceur had docketed an item at the last Council meeting regarding Council oversight of WSA. Councilman Ladouceur said he was not prepared to discuss that at this time. Councilman Ladouceur said the Committee's proposal for changes to the WSA enabling legislation will need to be reviewed by various legal counsels with the end result being a workable compromise and final recommendation to be presented to the City Council. One question raised during this discussion was whether a City Council member can serve on the WSA Board. Legal counsel opinions on this question are to be sought by WSA and City Council.

Ms. Komar stressed the oversight issue in order to facilitate the fast-tracking of the sewer construction projects. Mr. Liberti thought that adding levels of oversight could slow down the projects. He commented that the sewer assessment issue seemed to be the primary concern. Councilman Ladouceur spoke to hardship situations. He agreed with Ms. Komar about moving the projects along because that would save money; the goal is to get it done as efficiently and cost-effectively as possible.

Steve Sylven said the obvious major issue was the sewer assessment costs for extending sewers and finishing the Facilities Plan. He said the public was understandably upset about the cost. He said his thought was that everyone that is to be sewered pay equally in the cost. The way to do that was to re-visit the Facilities Plan and come up with an overall cost to complete the City sewer projects and come up with an assessment cost per user or property. He clarified his suggestion would be for all the remaining 10 projects, not just the 6 on the current list. He said to do that you would need to project the construction costs into the future for the year the construction project was to be completed. There was discussion regarding this idea and bringing in a project like Warwick Neck South which had a high cost. There was discussion about the fairness of charges for project areas at the end of the line.

Mr. Liberti suggested taking the 3 or 4 top suggestions for making the assessments equitable and look at them in more detail, running through various scenarios. Mr. Picozzi said it was important to be realistic about the number of projects that can be completed. Councilman Ladouceur thought it was best to focus on the 6 projects that have funding approval and there was general agreement on that.

Ms. Burke made a point that they were talking about changes to the enabling legislation and that she saw the details they were discussing about assessments would be reflected in the regulations. She commented that she was contemplating a more extensive rate study this year and wanted to factor all these ideas into this year's rate consultant engagement. She said WSA's suggestion was to make the enabling legislation generic enough and flexible enough to allow the Board to look at different assessment options. She referred to the list prepared by Lynn Owens where one

community (she thought it was Johnston) has three different methods that they pick and choose from. She said as far as the enabling legislation goes, if everyone's in agreement that the front footage and acreage methods are not working, we should look to eliminate that language and make assessments related to the cost of construction and fine-tune the details in the regulations.

Suggested items for main areas of focus (not necessarily in order of importance) and asked others for their input:

1. Sewer Assessments – equitable method, make affordable, define real hardships, increase loan time period
2. Clearly defining mandatory hook-up requirements (and specifying allowable deferments for approved DEM on-site systems and related maintenance requirements);
3. Position on cesspools;
4. Connect capable;
5. Deferments – there was some discussion about current practices versus incorporating more fairness and whether the changes could be made retroactive. There was general agreement for further examining this issue and fine-tuning the allowable categories for deferments (including hardships) and incorporating that into the recommendations going forward.
6. Process for regular reporting by the WSA to the City Council especially during on-going construction;
7. Allow for possible PUC or NBC involvement or privatization;
8. WSA oversight/administration of on-site wastewater management requirements;
9. Grinder pump services;
10. Examination of usage rates;
11. Go back to WSA practice of usage fees based upon 85% water usage instead of current practice of usage fees based on 100% water usage;
12. Set maximum annual usage rate increase;
13. Council oversight;
14. Composition of WSA Board.

Ms. Komar suggested establishing a maximum annual rate increase. There were some concerns with this suggestions but the group agreed it should stay on the discussion list. She also brought up looking at the composition of the WSA Board to include elected officials (Councilman Ladouceur thought that would require a Charter change but that was also something he had volunteered to work on).

Angelo Liberti departed the meeting at this point and there was no longer a quorum.

Councilman Ladouceur adjourned the meeting at 10:03 AM.

The Next Commission meeting date is scheduled for December 17th at 4 PM, Lower Conference Room at Warwick City Hall.