

Minutes of the March 13, 2014 Meeting
Warwick City Council Sewer Review Commission

Meeting was called to order by Councilman Ed Ladouceur, Chairman at 8:17 AM in the conference room at the Warwick Sewer Authority.

Commission members present:

Councilman Ed Ladouceur, Chairman
Councilman Joe Gallucci, Vice Chairman
Peter Ginaitt, Warwick Sewer Authority Board
James Boyd, RI Coastal Resources Management Council
Topher Hamblett, Save The Bay
Angelo Liberti, RI Department of Environmental Management
Representative Frank Ferri, District 22
Michelle Komar, Chairman's Citizen Appointment
Mark Carruolo, Mayor's Chief of Staff

Members not present: Doug Harris, Narragansett Indian Tribe, Senator William Walaska, District 30, Ernie Zmyslinski, City of Warwick Finance Director, David Picozzi, City of Warwick Department of Public Works Director, Aaron Guckian, Warwick Sewer Authority Board

Also present: Janine Burke, WSA Executive Director, Steve Sylven, Warwick Sewer Authority Board, William Russo, Advisor to Committee

March 4th Minutes

Michelle Komar read her suggested changes to the draft minutes; some of which were revised during discussion.

Action: Motion to amend minutes
Moved by: Councilman Gallucci
Seconded by: Representative Ferri
Motion passes (unanimous)

Action: Motion to approve minutes, as amended.
Moved by: Councilman Gallucci
Seconded by: Jim Boyd
Motion passes (unanimous)

Discussion in Regards to Enabling Legislation

Chairman Ladouceur deferred the open microphone session to later in the meeting as he expected Councilwoman Vella-Wilkinson to attend and comment.

Steve Sylven mentioned that the word "change" should read "charge" on line 300 of the WSA Enabling Act.

It became apparent that the WSA representatives at the meeting were using a WSA in-house working copy of enabling legislation with the addition of amendments as discussed at

Commission meetings. This copy was different than the copy of the enabling legislation being used by other Commission members. Ms. Komar asked if all Commission members could be provided the WSA in-house working copy.

The Commission began reviewing the enabling legislation at line 313 in the WSA's proposed amendments document. Ms. Komar asked if contracts with other municipalities and the state should be ratified by the City Council. She referred to the issue of the Consent Agreement with DEM dealing with the treatment plant upgrades that was approved by the WSA and signed by the Mayor, in which the City Council thought that their approval should be required. Mr. Ginaitt expressed his concern and requested a legal review with respect to the separation of powers issue. Mr. Carruolo offered to ask the City Solicitor his opinion on this in comparison to the School Department. He thought there might be case law on this issue.

Upon the arrival of Councilwoman Camille Vella-Wilkinson, the Chairman opened the meeting to public comment.

James Boyajian: Stated that people are hurting and the WSA "can't get blood from a rock". He referred to an article in the Sunday paper about a local food pantry and quoted the Reverend Susan Wrathall. He urged no mandatory connections.

Councilwoman Camille Vella-Wilkinson, Ward 3: The Councilwoman said she appreciated the work of the Commission and also the Commission referring to those connected to sewers as customers, not ratepayers. She spoke about the project in her Ward (Strawberry Field Road II) which had been put off until 2021 due to an underground plume of contamination that had been encountered. She said because of this issue she was looking into identifying that area as a wastewater management district in Ward 3 which would make people eligible for low-interest loans (to replace on-site wastewater treatment systems (OWTS)). She said her constituents around the Airport had a great deal of uncertainty but some of them need to do something to address their wastewater issues.

Roger Durand: Commented that the audio tapes from the Commission meetings are great. He said he went back and listened to the July 22nd meeting. He gave kudos to Angelo Liberti, Jim Boyd and Jane Austin. He said Mr. Liberti had expressed reservations at the meeting about serving on the Commission as did Mr. Boyd. He commented that he found that troubling; he said they should be serving as advisors and that they were crossing the line. He also mentioned that at the previous Commission meeting, Topher Hamblett, Save The Bay, made the comment to keep the connect capable provision as is in the Enabling Legislation so that the proposed amendments would be better received at the General Assembly.

Don Fife: Reiterated what Mr. Boyasian and Councilwoman Vella-Wilkinson said. He commented that Councilman Solomon had recently made mention of 6 foreclosures in his Ward.

Roy Dempsey: Commented that he was unsure what Councilwoman Vella-Wilkinson was proposing and that he could be for it or against it. He said it will probably increase costs. He referred to an article in the Providence Journal that morning and said there was no way he wanted to be tied-in with that group (Narragansett Bay Commission). He said it may be a good idea to tie-in the sewer debt with the City debt and have a combination debt cap which could provide some relief. He spoke about the Bristol-Warren area's issue with beach closures due to storm water. He said they had done plantings and other projects and suggested the Commission

look at this approach. He referred to a recent article in Rhode Island Monthly magazine about storm water. He said there were better ways and approaches to spending money.

Gene Nadeau: Also referred to that morning's Providence Journal article and commented that the NBC bills had gone from \$165 to \$525 per year. With respect to grinder pumps, he said that the Gaspee Point pumps were not free, they cost \$5,000. He referred to a recent Beacon article in which Marjorie (Murphy) was quoted as saying she could smell sewage when it rains. He said he investigated this and could not find one person who smells sewage.

Mr. Liberti asked the Chair for permission to respond to some of the comments. He explained that in the Bristol-Warren area, they had started out attacking cesspools and eliminating cross-connections. He said they built sewers and have great connection rates. He said they are now attacking storm water. He spoke to his role on the SRC and Mr. Boyd echoed his comments. Councilman Gallucci, Councilman Ladouceur and Mr. Ginaitt spoke about the big picture issues facing the Commission. There was some discussion about the front-footage method of assessment and alternative ways of using that method while making it more equitable. Mr. Ginaitt suggested a "round table" with the public to solicit ideas. The Chair supported the idea.

Return to Discussion in Regards to Enabling Legislation

The Commission took up the discussion at line 549 regarding authority to order connections to the sewer system. Ms. Komar suggested this section needed to be looked at as a whole summarizing the subsections as follows: (a) public health reasons, (b) point-of-sale, (c) mandatory connections for new sewer projects and (d) prohibition of mandatory connections except as provide in subsections (a), (b), and (c). Mr. Hamblett said in his opinion subsection (d) should be stricken from the law because he thought it conflicted with the State Cesspool Phaseout Act. There was a discussion about how subsection (d) came to be and Representative Ferri commented that the House vote had been very contentious. The Chair encouraged members of the public to comment at the next meeting about their knowledge of the McCaffrey 2012 amendment to the WSA enabling legislation.

There was a discussion about whether or not the State-wide cesspool phaseout (a General Law) trumps the WSA enabling legislation (a Public Law). Mr. Liberti said it definitely sets up a disparity between homeowners in different areas of the City. He said he would try to get more information as to whether or not there was a conflict. He said that DEM is in process of reviewing the DEM March letters sent out to Warwick residents subject to the State Cesspool Phaseout Act to determine if the sewer connection requirement in letters could hold in light of the 2012 amendment to the WSA Enabling Legislation.

The next Commission meeting dates were scheduled for March 20, 24 and 26 at 8 AM at the offices of the Warwick Sewer Authority.

Councilman Ladouceur adjourned the meeting at approximately 10:07 AM.