

Minutes of the March 20, 2014 Meeting
Warwick City Council Sewer Review Commission

Meeting was called to order by Councilman Ed Ladouceur, Chairman at 8:16 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
Michelle Komar, Chairman's Citizen Appointment

Members not present: Representative Frank Ferri, District 22, Mark Carruolo, Mayor's Chief of Staff, 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

10 Minute Open Microphone Session

Bob Cushman: Spoke to the changes being sought to the enabling legislation and the things the Commission was looking at including fair and equitable, cost-effective, modernizing the language, and environmental issues. He expressed his concern about striking mayoral consent, saw it as a power grab and said more checks and balances were needed. Said past projects were under-assessed. He cited examples of state legislation to take over city finances. He felt additional problems could occur. He said the City Council and the Mayor need to be able to step in and take control of the Board. He said the WSA needs be held accountable. He referenced the Russo report and it talked about Board members not showing up to meetings. He said language needed to be added to remove Board members. Regarding the budget and hiring he said the WSA was not really independent from the City but in other areas the WSA was autonomous. He asked if WSA could break down its pension costs and life-time health benefit costs and questioned if the WSA pays its own share. He said if the expenses were coming out of the general fund that wasn't fair. He suggested WSA be able to negotiate its own contracts with union employees. Finally, he spoke about debt and the sewer usage bills. He suggested enabling legislation changes to allow re-assessing past projects under-assessed. He commented that he doesn't like that the Board is political, should be non-partisan.

The Chairman allowed 5 more minutes for Mr. Durand to speak regarding the McCaffrey/McNamara legislation.

Roger Durand: Said he wanted to clarify that the City Council vote from 2007 was for no mandatory hook-ups. He said the WSA signed up for Interceptor Bond Funds with mandatory connection requirements. He said Ms. Burke with approval of the Board sent out threatening letters. He said Ms. Burke later admitted it was unenforceable. He said he got involved with the McCaffrey legislation because the Mayor and Councilman Colantuano turned a blind eye. He

said it was all about revenues, not ecology. He said the residents asked for parity not special legislation. He said the legislation did not absolve the Governor Francis Farms residents of paying their assessments within one year. He spoke about the public hearing at the State House. He said many people testified in public, it was not a backroom deal. He reported the vote as 36 to 0 in the Senate in favor and 49 to 19 in the House. He said the Governor vetoes it and the vote to override was 36 to 0 in the Senate and 40 to 2 in the House with Representative Ferri not voting.

Public Comment ended at 8:32 AM.

March 13th Minutes

Michelle Komar read her suggested changes to the draft minutes. Jim Boyd asked for clarification of the meaning of the last sentence attributed to Councilwoman Vella-Wilkinson's comments and it was agreed to be unclear and taken off the record to be clarified later.

Action: Motion to approve minutes, as amended
Moved by: Councilman Gallucci
Seconded by: Peter Ginaitt
Motion passes (unanimous)

Discussion in Regards to Enabling Legislation

Mr. Sylven asked to go back to a previous section before discussing mandatory connections. He suggested at line 295 the word "estimated" be changed to "final" with respect to cost. He said cost should include engineering and financing. Ms. Burke suggested that be added to the definition for sewer assessment at line 70, adding "including but not limited to engineering, inspections, land costs, paving/road restoration and financing."

This led to a discussion about paving costs and appropriate sharing/coordination with City and other utilities. The Chair suggested starting coordination meetings with all the utilities. Mr. Russo suggested the Public Utilities Commission might have a master list of utility projects. It was agreed this was an issue state-wide but that Warwick could be a leader in coordinating underground utility projects. Mr. Sylven voiced his opinion that the policy should be to construct the sewers and patch the trench and that if the City wants a full overlay, the City should pay that cost.

Discussion on the enabling legislation resumed at Line 549 (authority to order connection to sewers). It was agreed that "advise and consent of the mayor" would be restored (Line 552) to order connections in the interest of public health and safety. There was general agreement that this section was important and should remain. Ms. Komar asked when these authorities have been used by the WSA in the past. Ms. Burke mentioned the Capron Farms project area. Ms. Komar suggested that perhaps the City Council should be involved with these decisions. Ms. Burke encouraged Councilman Ladouceur to speak with the Council President about the implementation of this provision with respect to the Capron Farms project which included public meetings, deferments of requirements for financial hardship, and over a 90% connection rate with no fines having been imposed. The Chair thought this section should be left as is.

The group discussed Subsection (b). Mr. Boyd suggested deleting the word “abutting” on Line 592. He also suggested that this section of the enabling legislation creates a disparity with the state law on the phaseout of cesspools. It was noted that the penalty for violations of this section of the law was a sewer usage bill as if the property was connected and suggested that this penalty be applied to Subsection (c) as well. Mr. Boyd suggested creating a new Subsection (d) for penalty provisions that would apply to violations of any of the preceding sections and relabeling what is currently Subsection (d) to Subsection (e).

The discussion about public health and safety led to discussions about inspections of on-site systems and what was considered a failed system, especially for cesspools. Mr. Liberti offered to share some information from DEM’s on-site inspection protocols with the group. The Chair wanted this topic added to the next meeting agenda.

The next Commission meeting date was scheduled for March 24 at 8 AM at the offices of the Warwick Sewer Authority.

Councilman Ladouceur adjourned the meeting at approximately 9:40 AM.