

Minutes of the March 24, 2014 Meeting
Warwick City Council Sewer Review Commission

Meeting was called to order by Councilman Ed Ladouceur, Chairman at 8:10 AM in the conference room at the Warwick Sewer Authority.

Commission members present:

Councilman Ed Ladouceur, Chairman
Councilman Joe Gallucci, Vice Chairman
Representative Frank Ferri, District 22
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: Peter Ginaitt, Warwick Sewer Authority Board, 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

Jim Boyasian: Commented that he enjoyed the Commission's company and had nothing else to do which is why he keeps coming to the meetings.

Roy Dempsey: Reference the health and welfare provision of the WSA's enabling legislation. He said that justification was used in the Governor Francis Phase II project area. He said he attended meetings at the Pilgrim Senior Center where he spoke with the Mayor after the meeting. He said the Mayor said he went through the lists of properties and that there were a lot of pump outs, sometimes 2 per year. Mr. Dempsey said there were only about 7 or 8 homes. He said after that he went with Ms. Komar to DEM to check the records. He said DEM found zero complaints and he questioned the basis of the health and welfare argument. He commented that the WSA needed to define the risk and it needs to be something that's valid. He also commented on the information Mr. Liberti had provided the Commission about the definition of a failed cesspool. He questioned that rationale for one of the criteria defining a failed system as one in which the "liquid level in the cesspool is less than 6 inches from the bottom of the pipe that drains into it." He asked if those criteria were random.

Eugene Nadeau: Identified himself as being affiliated with Save The City. He questioned the concern/care of the State representatives on the Commission for the taxpayers of the City of Warwick. He commented that rates are "skyrocketing" and that the State representatives have an agenda.

Public Comment ended at approximately 8:18 AM.

March 20th Minutes

The Chairman said the minutes from the last meeting were not yet prepared and asked for a motion to hold the minutes until the next meeting.

Action: Motion to hold approval of the March 20th meeting to the next meeting

Moved by: Jim Boyd

Seconded by: Michelle Komar

Motion passes (unanimous)

Discussion – Grinder Pumps

The Chair asked for any further comments, suggestions, ideas on grinder pumps. Ms. Burke thought this was an important topic that warranted meetings and follow-up discussions with customer advocates. The Chair recommended a subcommittee of the Sewer Review Commission on this issue with recommendations to factor into the WSA rules and regulations. Councilman Gallucci mentioned the unique situation with properties in his Ward which were connected to the West Warwick sewer system and how those were to be handled. Ms. Komar said a representative from DEM would be a good idea because the grinder pumps are tied-into DEM funding. Mr. Russo commented that there was no other way to get the wastewater to street level in some cases. Ms. Komar suggested someone from the Arnold's Neck neighborhood. Ms. Burke suggested Tom Uva from that area who has written WSA in the past. The Chairman felt there were some inequities that needed to be addressed. Mr. Sylven agreed that the situation was somewhat unfair and suggested a line-item in the operations and maintenance budget for replacement pumps but pointed out that would also set up an inequity for customers who do not have grinder pumps contributing to the replacement grinder pumps.

Discussion in Regards to Enabling Legislation

The Chairman said he had recently re-read Mr. Russo's report and was concerned about the issue of WSA Board member attendance at meetings. He suggested adding an attendance requirement to the section of the enabling legislation dealing with the Board. Mr. Boyd and others suggested that was a topic for the Board's By-Laws which typically include these kinds of details (CRMC management procedures cited as example). Mr. Komar commented that Board attendance at WSA public hearings should be covered as well. Mr. Russo suggested there be a deadline to appoint/approve replacement Board members. Councilman Gallucci suggested 30 days and all agreed that was reasonable and should be added to the enabling legislation at or about Line 126. The Chairman asked for a Resolution from the Commission to the WSA to define good attendance in their By-Laws as attendance at 80% of the meetings. He then made a motion to ask that the WSA By-Law be amended to require attendance at 80% of the meetings unless there was reasonable (narrowly-defined) excuse. Councilman Gallucci suggested defining good attendance as 9 out of 12 monthly meetings.

Action: Motion to ask the WSA to amend their By-Laws to require Board member attendance at 9 out of 12 monthly meetings (unless excused for good cause)

Moved by: Councilman Ladouceur

Seconded by: Michelle Komar, Councilman Gallucci

Motion passes (unanimous)

The discussion on the enabling legislation resumed at Line 549 (mandatory connection requirements). Mr. Boyd distributed a draft of this section for discussion purposes and reviewed it with the group. He mentioned that provisions suggested for Subsection (b) were intended to mirror the State law on Cesspool Phaseout Act of 2007. There was a *lengthy* review of the language and discussion about this controversial issue. It was pointed out that the draft language had struck out the language regarding penalties for the point-of-sale provision. It was suggested to remove Subsection (b)(2) in the draft as that could be address with a wastewater management ordinance. Mr. Boyd then summarized the remaining 3 scenarios address by this section as:

1. Where sewers are available, cesspools would need to be abandoned and sewer connection made by January 1, 2016 (mirrors proposed state law);
2. For on-site wastewater treatment systems (OWTS) permitted prior to January 1, 2000, where sewers are available by January 1, 2020, or at the point of sale; and
3. For on-site wastewater treatment systems (OWTS) permitted after January 1, 2000, within 20 years of completion of the public sewer or at point of sale whichever come first.

Ms. Burke expressed concern with section 3 related to revenues for new construction projects if systems from 2000 are not required to connect until 20 years from the end of construction. The Chairman reiterated his main concern, citing an example from his Ward where a new OWTS was installed in the last 2 years, that property owners get at least 20 years of use of their OWTS before being required to connect to sewers. Councilman Gallucci expressed concerns with the immediate nature of the sewer connection requirements. After subsequent discussion and use of examples in various scenarios, there was general consensus was to change the deadline in section (1) to January 1, 2020.

Ms. Komar pointed out that suggesting these changes would significantly change Subsection (d) which was the 2012 McCaffrey law. She commented that she was surprised Mr. Boyd was going in this direction. She cited the 2006 point of sale provision which she thought was effective, good legislation. She cited the 2012 McCaffrey/McNamara amendment prohibiting mandatory hook-ups, except for public health/safety and property sale/transfer. She cited the 2007 City Council vote against mandatory connections and connect capable fees. She mentioned that Councilman Gallucci had said before the commission that mandatory sewer connection and connect capable fees would not pass the City Council. She expressed other concerns and said she was opposed to the language as presented by Mr. Boyd.

Discussion – Cesspool and Septic System Inspection Guidelines

Mr. Liberti had distributed inspection guidelines for OWTS to the group. He pointed out that there was limited discussion of cesspools because they don't treat the sewage and are defined as substandard. He also mentioned that existing cesspools installations (over 40 years ago) were not based on soil or groundwater data at the time.

The group returned to discussing how/when cesspools should be replaced and whether Warwick should mirror state law or be more stringent. Ms. Komar commented that the State was following Warwick's lead with the point of sale provision in the Cesspool Phaseout Act proposed amendments and we need to leave that. Ms. Komar pointed out that Mr. Boyd's language includes mandatory connection requirements for present and future (connect capable) properties but that WSA's legal consulting counsel had recommended and WSA Board had

approved Subsection (c) originally to impact only future sewered areas. There was much more discussion on the mandatory connection requirements.

Mr. Boyd offered to re-draft the language and circulate for discussion at the March 26th meeting.

Ms. Komar expressed numerous concerns about affordability, especially for the elderly and those on fixed incomes. She suggested the group needed to work on cost reductions and incentives for connecting currently unconnected properties. The Chairman said the Commission absolutely had to address the financial hardship issue and alternative funding sources but that did not have to be dealt with now, that he intended for the Commission to work with the WSA on those issues. He said the current issue was what to do about cesspools in Warwick. Several members expressed concern about all the steps that needed to take place and the timeline for getting the WSA enabling legislation to the General Assembly. The Chairman encouraged everyone to think about these issues for further discussion at the next meeting.

The next Commission meeting date was scheduled for March 26th at 8 AM at the offices of the Warwick Sewer Authority.

Councilman Ladouceur adjourned the meeting at approximately 11 AM.