



**BOARD OF CERTIFICATION OF OPERATORS
OF WASTEWATER TREATMENT FACILITIES**

Meeting Minutes: Wednesday, February 3, 2016

Members in Attendance: Dr. Janet Baldwin, Paul Desrosiers, Julia Forgue, Fred Kurdziel, Frank McLynch, Bill Patenaude, and Jon Schock

Others in Attendance: Christina Hoefsmit, Esq. and Traci Pena, DEM
Janine Burke-Wells, Scott Goodinson & Charles Labbé (Warwick)

The meeting came to order at 9:30 a.m.

The first order of business was the review of the draft December 2, 2015 meeting minutes.

Mr. Schock motioned to approve the minutes as amended. Ms. Forgue seconded the motion. The motion passed with all members voting in favor.

The next order was the review of the draft January 6, 2016 meeting minutes.

Mr. Schock motioned to approve the minutes as amended. Dr. Baldwin seconded the motion. The motion passed with all members voting in favor.

Per §42-46-4 and §42-46-5(a)(4), Mr. Patenaude motioned to convene into executive session to discuss issues regarding Rhode Island wastewater treatment operators related to possible civil or criminal misconduct. Mr. McLynch seconded the motion. The motion passed with the following roll call: Mr. Patenaude, Mr. McLynch, Mr. Kurdziel, Mr. Desrosiers, Dr. Baldwin, Ms. Forgue, and Mr. Schock voting in the affirmative.

Those at the meeting who were not members of the Board left the meeting.

Mr. Desrosiers motioned to approve the Executive Session minutes of the February 2016 meeting, as amended. Mr. Kurdziel seconded the motion. The motion passed with all eligible members voting in favor.

Note that Mr. Patenaude recused himself from the meeting during deliberations and voting on the matters of the Towns of East Greenwich and Bristol. Mr. Patenaude left the meeting.

Ms. Forgue motioned to send two East Greenwich wastewater treatment operators a letter stating that no further enforcement action would be taken at this time related to events brought before the Board. The letter would also stress the importance of timely reporting of permit violations and exceedances to RIDEM and to also remind them that, as a result of previous matters, a 5-year letter of reprimand remains in their file. Mr. McLynch seconded the motion. With all members voting in favor, the motion passed.

In a subsequent matter, Mr. Schock motioned to send two Bristol wastewater treatment operators a letter stating that no further enforcement action would be taken at this time. The letter would also stress the importance of timely reporting of

permit violations and exceedances to RIDEM. Ms. Forgue seconded the motion. With all members voting in favor, the motion passed.

Mr. Schock motioned to seal the February 3, 2016 executive session meeting minutes. Ms. Forgue seconded the motion. The motion passed with all present voting in the affirmative.

Mr. Schock motioned to resume the meeting into open session. Mr. McLynch seconded the motion. The motion passed with all present voting in the affirmative.

At 11:40 a.m. Mr. Patenaude returned to the meeting along with Janine Burke-Wells, Scott Goodinson and Charles Labbé from the City of Warwick ("City").

Ms. Burke-Wells, Messers. Goodinson and Labbé were before the Board to seek guidance on a plan agreeable to both the Board and the City to have Mr. Labbé obtain a Grade 4 license so he may be offered a promotional opportunity as the Assistant Superintendent at the Warwick WWTF. The Board reviewed a letter dated February 2, 2016, regarding Mr. Labbé's previous application as well as organizational information about the Warwick Sewer Authority. Mr. Labbé is a Grade 2 Rhode Island Operator and a Grade 6C in the Commonwealth of Massachusetts. He was hired by the facility in 2007. In 2008 his application for Grade 3 examination was denied as he lacked direct responsible charge. Board members asked questions of Mr. Labbé.

After discussion, Mr. Patenaude motioned to table the matter so that the Board could attain additional information, such as details on the applicant's current position, a WSA organizational chart, an application, and minutes to a previous meeting regarding a similar situation. Mr. Schock seconded the motion. With all members voting in favor, the motion passed.

Mr. Patenaude motioned to extend the grace period for a number of operator renewals who were contesting their late fees. Mr. Desrosiers seconded the motion. With all members voting in favor, the motion passed.

Mr. Patenaude then asked the Board to allow him to request a decision from the Board's attorneys regarding a challenge to the Board that it had violated the Eight Amendment of the United States Constitution regarding excessive late fees.

Mr. Schock motioned to allow Mr. Patenaude to seek legal counsel and additional information regarding the Eight Amendment of the United States Constitution. Mr. Desrosiers seconded the motion. As such, the motion passed with all members voting in favor.

All other matters were tabled until the next meeting.

Mr. Patenaude motioned to adjourn. Mr. Kurdziel seconded the motion. With all members voting in favor, the motion passed.

The next meeting is scheduled for Wednesday, March 2, 2016 at 9:30 a.m. at the RIDEM – Office of Water Resources, Room 280 located at 235 Promenade St., Providence, RI.