

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
BOARD OF CERTIFICATION OF OPERATORS  
OF WASTEWATER TREATMENT FACILITIES**

**DRAFT MINUTES FOR NOVEMBER 6, 2002**

**Members in Attendance:** Julia Forgue, Fred Kurdziel, Bill Patenaude, Jon Schock and Tom White

**Others in Attendance:** Greg Schultz, Esq., DEM Legal Services  
Traci Lima, DEM

Mr. Patenaude called the meeting to order at 9:30.

The first order of business was the review of the closed October 29, 2002 meeting minutes.

**After review, Mr. Schock motioned to approve the minutes with amendments discussed by the Board. Mr. Patenaude seconded the motion. All members present voted in favor and the motion passed.**

The next item on the agenda was the review of the open October 29, 2002 meeting minutes.

**After review, Mr. White motioned to approve the minutes with amendments discussed by the Board. Mr. Schock seconded the motion. All members present voted in favor and the motion passed.**

The next item on the agenda was an update of Mr. Timothy Barry. Mr. Schultz informed the Board that Mr. Barry accepted an offer of settlement for a 6-month suspension of his operator's license and the successful completion of a Board-approved training session. Mr. Schultz is in the process of drafting a consent agreement.

**After brief discussion Mr. Shock made a motion to allow the Chair of the Board, Bill Patenaude to sign the consent agreement on behalf of the Board without Board approval. Mr. White seconded the vote. Ms. Forgue stated she would like to look at the consent agreement before it was given to Mr. Barry. Therefore, the consent agreement will be made available for the Board's review before the Chair executes it. All members present voted in favor of passing the motion as amended.**

The next item on the agenda was the review of exam applications. Mr. Patenaude had 3 applications that needed Board review.

The first application was that of Mr. James Legare. Mr. Legare is applying to take the Grade 4 exam. Mr. Patenaude explained the history of Mr. Legare's operations history at the Narragansett WWTF, and the information submitted to the Board by the Narragansett WWTF superintendent in writing and in a later phone conversation, which provided more accurate description of Mr. Legare's duties. According to Mr. Nettleton, Mr. Legare's position is in fact one of direct responsible charge of the Grade 3 facility even if the superintendent is on site.

**Mr. White made a motion to issue Mr. Legare approval to take the Grade 4 based on the series of communications with both Mr. Legare and Mr. Nettleton and the determination that Mr. Legare works in a full-time position in direct responsible charge. Ms. Forgue seconded the motion, all present voted in favor and the motion passed.**

The next application was from a Mr. Norman Blank. On the application Mr. Blank's title is Chief of Maintenance. Mr. Blank is applying to take his Grade 3 license. According to the Regulations, maintenance employees are not allowed to attain a Grade 3 license. A letter accompanied Mr. Blank's application from David Komiega, superintendent of the Warren WWTF, further explaining Mr. Blank's duties at the plant. In absence of the Plant Manager, operators must report to Mr. Blank. Mr. Blank also oversees 2 operators as a regular part of his duties. Ms. Forgue noted that sometimes an individual's job title and description are not always related, as they are not always up to date. Mr. Patenaude recommended to the Board that it use Mr. Komiega's job description of Mr. Blank's duties.

**Mr. Schock motioned to approve Mr. Blank's application for Grade 3 examination provided that DEM – O&M section approve that Mr. Blank is in direct responsible charge and an organizational chart is provided and approved by the O&M section. Mr. White seconded the motion. Ms. Forgue and Messers. Dionne, Patenaude, Wright voted in favor of the motion, while Mr. Kurdziel abstained from the vote. As such, the motion passed.**

The third application was from a Mr. David Gaipo; he is applying for the Grade 3 exam. Mr. Patenaude informed that Board that a review of Mr. Gaipo's application resulted in a determination that the stated position did not match what the Town of Westerly had submitted in a draft staffing plan. The fact that the preceding day was a government holiday (Election Day) precluded resolving the matter before the Board meeting. As such, Mr. Patenaude recommended a course of action that would allow for additional information to be gathered. Should such information attest to Mr. Gaipo's qualifications for Grade 3 examination, the Board would allow that subsequent approval as an administrative action to be taken by Mr. Patenaude.

**A motion was made by Mr. Patenaude to gain more information from both the town and Mr. Gaipo to include a flow chart staffing plan, duties and hours from Mr. Gaipo. This information would then**

**require acceptance and approval by DEM's O&M section. Mr. Patenaude would then seek Board approval of the application for Grade 3 examination by a phone vote. Mr. White seconded the motion, all present voted in favor and the motion passed.**

**Mr. Schock motioned to adjourn the meeting, seconded by Mr. Kurdziel. All members voted in favor and the motion passed.**

The next meeting was scheduled for Wednesday, December 4, 2002 at 9:30 am in conference room 280C in the Office of Water Resources on the 2<sup>nd</sup> floor of the Department of Environmental Management, 235 Promenade Street, Providence.