

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**  
**Board of Certification of Operators of Wastewater Treatment Facilities**

**November 16, 2005 Meeting Minutes**

**Members in Attendance:** Fred Kurdziel, Bill Patenaude and Tom White

**Others in Attendance:** Traci Pena and Greg Schultz, RIDEM

The meeting was called to order at 1:45 p.m. As there was no quorum formal discussion nor votes could take place, as such the December 7<sup>th</sup> meeting will be used to discuss the hearing process for upcoming enforcement actions. Mr. Patenaude provided present Board members a pamphlet on DEM's Mediation Program, and hoped to discuss the program in more detail at the December 7<sup>th</sup> meeting. The Mediation Program would offer an individual(s) with the possibility of settling his or her case with the Board without an expensive formal hearing process. (The DEM mediation program provides a third-party intervention. The DEM's Administrative Adjudication Division has 3 certified mediators and the program is on a voluntary basis from both parties. Mediation allows all parties to state his/her case in an unbiased setting.)

Mr. Kurdziel asked how long the mediation process would take. Attorney Schultz said it could take a couple of hours or days, it depended on the circumstances. Mr. Patenaude also offered that either party could drop out of the process at any time so it would be important to move quickly.

The Board will meet on December 7<sup>th</sup> to discuss the matter further.

Attorney Schultz thought Mr. Patenaude might want to recuse himself from voting in such formal hearings due to the duel role of Chairman of the Board and employee of DEM's Operation and Maintenance section. Mr. Patenaude agreed and noted that at the previous meetings the Board voted to give Mr. Schultz authority to take a lead certain investigatory actions so that Mr. Patenaude, as Board Chair, could remain impartial. Both options could be reviewed on a case-by-case basis.

With no other business, the meeting adjourned at 2:20PM.