

PASCOAG UTILITY DISTRICT - BOARD OF UTILITY COMMISSIONERS

MEETING MINUTES

The regular meeting of the Pascoag Utility District Board of Utility Commissioners will be held on Monday, December 22, 2008 at 6:00 pm in the District office, Pascoag 253 Pascoag Main Street, Pascoag, RI.

Members Present: Chairman Albert Palmisciano, Vice-Chair Ann Polacek, Commissioners William Mageau, Thomas Partridge, Dennis Whitman, Brian Choiniere and Adrien Trudeau

Members Absent:

Also in Attendance: William Bernstein, General Counsel

Chairman Palmisciano opened the meeting at 6:00 pm.

1. Pledge of Allegiance

2. Public Comment

There was no public comment.

3. Committee Comments

4. Good and Welfare of the District

A. Gross Receipt Tax-RI Division of Taxation Decision

Mr. Bernstein presented information on Mr. Ted Garille's behalf. The auditor identified over 2 million dollars in gross receipt sales taxes that had not been paid between the years of 2001-2007. They had then assessed the fees at 4 million dollars. Mr. Bernstein and Mr. Garille sent out a legal memo that asked them to hold off filing the tax until they had received our memo. Mr. Garille was able to meet with the Treasurer-Mr. Frank Caprio to discuss the issue of the Gross Receipt Sales Tax. Mr. Frank Caprio put Mr. Garille in contact with other individuals that could be of more assistance than he could. Pascoag Utility District recently received a phone call from the RI State of Taxation and was informed that the assessment had been cancelled and Pascoag Utility District would not be assessed for those fees.

5. New Business

08-33- Action Item: Resolution on the Pumping of Well 3A

Mr. Bernstein presented information on the Exxon Mobil case. Exxon Mobil wants to pump Well 3A to do tests on the well and analyze the results. PUD's legal team is opposed to this because Exxon Mobil has not identified where the contaminants will go once they are pumped out. They also have not identified if it might change where the plume would go and contaminate more ground water. For this pumping to

be allowed DEM has to provide certification and permission from the landowner (PUD). Mr. Palmisciano stated that a motion would be in order to oppose pump testing at Wells 3 and 3A.

A motion was made by Mr. Choiniere, seconded by Mr. Trudeau. The vote in favor was unanimous.

6. Executive Session

A motion was made by Mr. Trudeau to go into Executive session at 6:22 pm, seconded by Mr. Choiniere. The vote in favor was unanimous.

7. Adjournment

Mr. Partridge made a motion to adjourn, which was seconded by Mr. Trudeau. The vote in favor was unanimous. Chairman Palmisciano adjourned the meeting at 7:01 pm.

All meetings of the Pascoag Utility District are subject to the open meetings laws, which include requirements for access by the physically challenged. Anyone wishing to attend these meetings, who may have special needs for access or services such as a sign language interpreter, must contact the District at 568-6222 forty-eight (48) hours prior to the scheduled meeting.

Brian Choiniere, Secretary
Board of Utility Commissioners

Desarae Downs, Recording Secretary