



OFFICIAL MINUTES OF:

Meeting of:	Rules & Regulations Committee
Date:	September 29, 2004
Time:	9:00 a.m.

MEMBERS PRESENT

Vincent J. Mesolella, Chairman
Paul Pinault
Al Montanari
Hon. Thomas Lazieh

MEMBERS ABSENT

STAFF AND GUESTS PRESENT

Joanne Maceroni, NBC
Laurie Horridge, Esq., NBC
Karen Giebink, NBC
Sam Celone, NBC
John Zuba, NBC
Stephen Lallo, NBC

Jean-Marie Grossi, NBC
Jamie Samons, NBC
Jillian Colby, NBC
Raymond Marshall, NBC
Thomas Uva, NBC
Annette Jacques, NBC

1. Call to Order

Due to the fact that the former Rules and Regulations Committee Chair Moretti was replaced on the Board, Chairman Mesolella chaired the September 29, 2004 Rules and Regulations Committee meeting. Recognizing a quorum was present, Chairman Mesolella called the September 29, 2004 Rules and Regulations Committee meeting to order at 9:10 a.m.

2. Approval of Minutes – September 24, 2003

Chairman Mesolella asked if all Committee members have had a chance to review the minutes of the September 24, 2003 Rules & Regulations Committee meeting. Commissioner Montanari motioned to approve the minutes of the September 24, 2003 Rules & Regulations Committee as written. Commissioner Lazieh seconded the motion, and the vote taken by the Committee was unanimous. The motion carries.

3. Items for Action:

A. *Review and Discussion of Proposed Revisions to NBC Purchasing Rules and Regulations*

Ms. Jillian Colby of NBC's Legal Section gave a presentation on the Proposed Revisions to NBC's Purchasing Rules and Regulations. She noted that when the Narragansett Bay Commission was created in 1980, 100% of its procurement was solicited through the RI State Office of Purchases. Since, that time, the NBC's Procurement Rules & Regulations have been updated to increase the independent purchasing authority of the NBC until July 1, 1997, when the NBC Board of Commissioners increased the authority of the NBC to procure 100% of its goods and services. Ms. Colby noted that the NBC is proposing modifications to its Purchasing Rules and Regulations to work to clarify NBC procedures already in-place and modify the Rules and Regulations that have been amended by RI General Laws. Below is a summary of the major changes reflected in the draft proposed document:

- The term "Procurement" has been replaced with "Purchasing" throughout most of the document to correspond with the NBC reorganization and division changes.
- Several definitions have been deleted, added or changed to reference those terms contained in the Rules and Regulations.
- Outdated, unnecessary references to the State of Rhode Office of Purchases System have been deleted.
- A section was added allowing NBC's Board of Commissioners to increase the purchasing authority of the Chief Purchasing Officer as they see fit.
- In accordance with RIGL §37-2-22, small purchase authority was increased from five thousand (\$5,000) dollars to ten thousand (\$10,000) dollars for construction, and from two thousand five hundred (\$2,500) dollars to five thousand (\$5,000) dollars for all other purchases.
- A section was added detailing the selection of Design-Build Projects.
- In accordance RIGL §37-2-43, a clause was added providing for the termination of contracts upon notification by the Director of the RIDEM that there has been a final adjudication or other resolution, as a result of which a fine of five thousand (\$5,000) dollars or more has been imposed, that a contractor has violated any state law or regulation pertaining to the protection of fresh water wetlands (Chapter 1 of Title 2), coastal wetlands (Chapter 23 of Title 46), air quality (Chapter 23 of Title 23), water quality (Chapter 12 of Title 46), the installation of individual sewage disposal systems (Chapter 17.1 of Title 42), the handling and/or disposal of solid waste (Chapter 19 of Title 23) or hazardous waste (Chapter 19.1 of Title 23), whether or not such violation has any relation to the contract to be terminated.
- A Residual Clause was added allowing automatic amendments to these rules to reflect changes consistent with the Rhode Island General Laws.

After some discussion, Mr. Pinault stated that the next step would be to advertise both sets of Rules and Regulations for hearing, which will probably be done within the next week or so. We will then review any comments from the public, amend the Rules and Regulations as necessary, and ultimately bring them back to the Committee and Board for adoption, hopefully, at the November 17, 2004 Board Meeting. Assuming the Board approves them, we will file the Rules

and Regulations with the Office of the Secretary of State. They would go into effect 20 days thereafter.

Ms. Annette Jacques of NBC's Legal Section stated that the Rules and Regulations for Use of Wastewater Facilities within the NBC District were last revised in 1994, after the NBC acquired the Blackstone Valley District Commission. The Rules and Regulations are being revised at this time as a general regulatory function and to reflect NBC's recently approved Enforcement Response Plan. The following highlights the major changes in the draft document:

- Narragansett Bay Water Quality Management District Commission has been replaced with the Narragansett Bay Commission. All references to the Commission have been replaced with NBC.
- Article 4 has been reorganized. Indirect sewer connections will require a sewer connection permit from the NBC. A mitigation plan will be required prior to issuance of a stormwater discharge permit.
- The BOD/TSS surcharge limits have been changed to 300 mg/l to reflect previously approved Public Utilities Commission rates and RI DEM approval. The approved pH range has been modified from 5.0 s.u. to 11.0 s.u.
- Article 10 has been reorganized to clearly set forth the enforcement remedies available to the NBC pursuant to the RIDEM approved Enforcement Response Plan.
- Article 14 sets forth the payment and sampling requirements, which the NBC may require of permitted septage haulers.

After some discussion, Mr. Pinault again reiterated that the next step would be to advertise both sets of draft Rules and Regulations for public hearing. Once comments are received and reviewed, NBC staff will bring the Rules and Regulations back before the Committee and Board for their consideration.

4. Other Business

None to report.

5. Adjournment

With no further business to come before the Committee, Chairman Mesoella motioned to adjourn. Commissioner Montanari seconded the motion, and the vote taken was unanimous. The meeting adjourned at 9:36 a.m.

Respectfully submitted,



Paul Pinault, *Secretary*