

1 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
2 NARRAGANSETT BAY COMMISSION

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5 IN RE: :

6 MONTHLY BOARD MEETING :

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9 DATE: MARCH 9, 2005
10 TIME: 11:00 A.M.
11 PLACE: ONE SERVICE ROAD
12 PROVIDENCE, RI

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BOARD MEMBERS PRESENT:

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- VINCENT J. MESOLELLA, CHAIRMAN
- MICHAEL A. SALVADORE, ACTING VICE CHAIRMAN
- PAUL PINAULT, SECRETARY
- ROBERT P. ANDRADE, TREASURER
- TOM PERKINS
- JOHN MacQUEEN
- R. DAVID CRUISE
- MICHAEL DiCHIRO
- JOSEPH KIMBALL
- LAURIE MONTANARO
- DR. RICHARD H. BURROUGHS
- THOMAS LAZIEH
- JOSEPH D'ANGELIS, ESQUIRE

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RHODE ISLAND COURT REPORTING
25 SEA VIEW AVENUE
EAST PROVIDENCE, RHODE ISLAND
(401) 437-3366

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1 (MEETING OPENED AT 11:00 A.M.)

2 MR. CHAIRMAN: Okay. We're going
3 to begin the meeting. I would like to ask the
4 Commissioners to take their seats. First order
5 of business is approval of the previous minutes
6 of December 20, 2004.

7 MR. MacQUEEN: So moved.

8 MR. LAZIEH: Second.

9 MR. CRUISE: Second.

10 MR. CHAIRMAN: We have a motion
11 and a second to approve the minutes of December
12 20, 2004. Is there further discussion on the
13 matter? Comments? Questions? Hearing none.
14 All of those that are in favor will say "aye."
15 Any opposed? There are none opposed, and the
16 motion carries. We had a motion by Commissioner
17 MacQueen, and a second by Commissioners Cruise
18 and Lazieh.

19 First order of business is old business. Is
20 there any old business to come before the
21 Commission? Old business?

22 DR. BURROUGHS: In the old
23 business category, I would just like to thank the
24 staff very much for their very informative

1 presentation in February. It was very well done,
2 and I recognize a lot of work goes into it.

3 MR. LAZIEH: Mr. Chairman.

4 MR. CHAIRMAN: Commissioner
5 Lazieh.

6 MR. LAZIEH: I would also like to
7 thank the staff. I was here for that session,
8 and it was my first opportunity to go into the
9 tunnel. That was quite enlightening and looking
10 forward to seeing the completion.

11 MR. CHAIRMAN: Well, hopefully,
12 before it's completed, all the Commissioners will
13 get an opportunity to go into the tunnel. It's
14 quite an experience.

15 MR. LAZIEH: And come back out.

16 MR. CHAIRMAN: It's like a city
17 down there. It makes me not want to come back
18 up.

19 MR. SALVADORE: I'm not going into
20 the tunnel. It's below the grass.

21 MR. CHAIRMAN: When things get too
22 hectic at home, right in the tunnel. Okay. Next
23 order of business: Item No. 4 is a Resolution of
24 Appreciation for our former Commissioner,

1 Representative Peter Ginaitt; and unfortunately,
2 Senator McCaffrey is detained in court. Again,
3 Resolution of Appreciation, Commissioner
4 Salvadore, will you assist?

5 MR. SALVADORE: Resolution of
6 Appreciation: "Whereas, Peter Ginaitt was
7 appointed by the Speaker of the House of
8 Representatives of the State of Rhode Island to
9 the Board of the Narragansett Bay Commission on
10 January 4, 1999, and

11 Whereas, he has shown great support for the
12 Narragansett Bay Commission in its mission to
13 play a leadership role in the protection and
14 enhancement of Narragansett Bay and its
15 tributaries by providing safe and reliable
16 wastewater collection and treatment services to
17 its customers at a reasonable cost, and

18 Whereas, he served on the Narragansett Bay
19 Commission's Legislative and Long Range Planning
20 Committees, has advocated for the Narragansett
21 Bay Commission in the General Assembly, and has
22 promoted clean water through a variety of
23 initiatives,

24 Now therefore be it resolved that the

1 Narragansett Bay Commission shall extend its
2 sincere appreciation to Peter Ginaitt for his
3 service on behalf of the State of Rhode Island
4 and the ratepayers of the Narragansett Bay
5 Commission."

6 (APPLAUSE)

7 MR. GINAITT: Thank you very much.

8 It's been an absolute pleasure. Words cannot
9 describe -- as I said in the last meeting I
10 attended in November -- that this has probably
11 been one of the best -- No. It has not been one
12 of the best. It has been the best organization
13 that I've had the fortunate opportunity to be on
14 the Board. There's always a proud moment. Just
15 an hour ago in my employment at Rhode Island
16 Hospital, I had civil engineers discussing how
17 good it is to deal with NBC. That it is always a
18 positive experience, and it made me proud because
19 it just extends back to all the work that this
20 Board has done; and Paul and Vinny and the rest
21 of the staff here, they do a phenomenal job.

22 Regardless of whether I agree with
23 Separation of Powers, this is a really sad moment
24 having to separate from a true learning

1 experience and being able to bring back to the
2 General Assembly working knowledge of how they
3 actually operate within the State of Rhode
4 Island, so I think it is a tremendous step
5 backwards; but as far as how we do learn,
6 however, we will be doing oversight, and I'm sure
7 that the oversight will always be positive with
8 the Narragansett Bay Commission.

9 MR. CHAIRMAN: While Peter's still
10 here, I would just like to add my own comments
11 with regard to Representative Ginaitt's service
12 on the Board. I said it before, and I'm going to
13 continue to say it, and that is that the
14 Legislators on this Board are going to be sorely
15 missed. The public really has no idea how
16 invaluable their input is on this Board and in
17 the General Assembly, and I just want to give a
18 particular note of thanks to Commissioner
19 Ginaitt.

20 Because not only have you served on this
21 Board, but I know firsthand that he spreads the
22 good word of the work that the Narragansett Bay
23 Commission does on Capitol Hill on a daily basis.
24 The Chairman on the Joint Committee on the

1 Environment and is always telling the members of
2 the General Assembly what a respectable and
3 respectful and productive Board that this is; and
4 for that, we really appreciate the kind words,
5 and you're going to be sorely missed. Thank you,
6 Peter.

7 Okay. Moving right along. Next order of
8 business is the Executive Director's Report. Do
9 you have a report for us, Mr. Secretary?

10 MR. PINAULT: Yes, I do,
11 Mr. Chairman. In your packet is the Monthly
12 Report for the month of January. We mailed out
13 the December report in January. First of all,
14 although we had a very severe January with
15 sub-zero temperatures, both plants operated
16 extremely well. In Solids Handling, we had some
17 problems with freezing of conveyers, and we also
18 had the boiler in the building let go, and we
19 were able to get through that with portable
20 heaters and getting the boiler repaired.

21 If you go to Page 3, there's a summary of
22 the treatment data, and you can see both plants
23 were well below permit limits and did a good job
24 even though we had extremely harsh weather. At

1 Bucklin Point, we have gone out for proposals to
2 contract upgrade services. The contract with
3 Veolia expires June 30 of this year. We did
4 receive three proposals, and we will be having
5 interviews next week; and hopefully, we'll have a
6 recommendation to the Board in April.

7 Just moving along to hit the highlights, on
8 Page 5, Financial: Through the end of January or
9 58.3 percent of the fiscal year, we're spending
10 at a rate of 50 percent, as Karen noted during
11 Finance. State Revolving Loan Fund, we have
12 about 39.9 million left from Pool Loan No. 8,
13 which was borrowed on December 31. Personnel, we
14 are at 242 out of 281.

15 As far as Construction -- again, to hit the
16 highlights, the tunnel is moving along. It's
17 approximately -- it says 7500 feet through
18 January; but through February, it was 8700 feet,
19 roughly. Also, the cabin has been completed, and
20 the roof has been installed, so that's moving
21 along.

22 Overflows 041, 061, 009 are essentially
23 substantially complete, and 032 on Charles and
24 Orms Street is 70 percent complete and on

1 schedule. The Woonasquatucket River Interceptor
2 is moving along. It's over 70 percent complete.
3 It is behind schedule, but we did have some
4 changeovers that were added to accommodate the
5 City and the mall to keep traffic open on the
6 service road, so we have to give them a time
7 extension, and that's being evaluated.

8 The Tunnel Pumping Station will be giving a
9 recommendation out of CEO in a minute. Harold
10 Street Regulator Improvements, a recommendation
11 will be coming out in a minute. During the
12 month, you probably saw that we did have an
13 emergency situation on Harold Street. It was
14 located at the corner of Valley. The connector
15 pipe collapsed over the weekend of February 6th.
16 We worked around the clock to get that repaired,
17 and that was done in a couple of days.

18 On Engineering, the sludge project with
19 Resource Recovery is moving along. They started
20 taking out sludge at the plant at Bucklin Point
21 on January 1 at a reduced rate of \$325 per dry
22 ton. We were paying, I believe, about 384 a dry
23 ton prior to that, so we're saving some money
24 there. Also, they'll be starting construction at

1 Field's Point within the month. They are
2 responsible for taking Field's Point September 1
3 of this year.

4 Nitrogen removal and other improvements,
5 throughout the month, I sent you all of my 40
6 pages and comments that were presented in a
7 public hearing on February 8, which DEM is asking
8 Field's Point, Bucklin Point, and Woonsocket only
9 to go to five milligrams per liter of nitrogen;
10 and although there are six other plants in the
11 state, they're allowing them to go to only 8,
12 which is fairly easy to do, and fairly
13 inexpensive, compared to going to five. We,
14 along with Woonsocket, have objected to going to
15 five for a couple of reasons. One, we feel that
16 the standard should be the same for all the
17 plants, number one, and number two, they haven't
18 given any scientific basis to justify five.

19 They're relying on a 1984 URI study that was
20 done for other purposes, and the people at URI
21 that did the study are still here, and they said
22 the study was never intended for that reason to
23 try and set the load allocations. We basically
24 have agreed that we will reduce nitrogen by 50

1 percent, but to go to -- which is about seven or
2 eight milligrams per liter -- but to go to five
3 is very difficult, basically, because of the
4 cost, not only the capital cost, but the
5 operating cost increases significantly for both
6 chemicals and electricity, and that escalates
7 annually, as you know. So the debate continues.

8 Woonsocket, although they didn't attend the
9 hearing, also submitted about 30 or 40 pages with
10 comments very similar to ours, and the State of
11 Massachusetts Department of Environmental
12 Protection, which is DEM's counterpart, also
13 submitted about 12 pages of comments, noting
14 their concerns and how DEM is approaching this
15 topic.

16 Moving right along. Washington Highway and
17 Omega Pumping Stations on Page 11. We're working
18 on obtaining the necessary easements for those
19 projects. We hope to have those for
20 consideration at the Board meeting next month.

21 On Asset Management, at the retreat for
22 Commissioners on February 9, we reviewed the
23 status of that project, and that's going along
24 well. On Page 12 our Strategic Plan that was

1 adopted by the Board, I believe, about a year and
2 a half ago is being updated by the staff and is
3 being drafted for the Board's consideration
4 hopefully by June of this year.

5 River Restoration, you know we've been
6 working on the Chairman's Restoration Project for
7 several years, and made a big impact in cleaning
8 up Woonasquatucket. We have teamed up with the
9 City of Providence and the Woonasquatucket River
10 Watershed Council and applied to DOT for a
11 \$424,000 federal grant, and we received support
12 from the Mayor of Providence, Senator Chafee, and
13 Congressman Kennedy, plus all the Reps and
14 Senators within the District in that area, so
15 we're hoping that will come to fruition.

16 Moving right along. On the Inge Property,
17 you know we awarded that -- we received an offer
18 on that property a number of months ago. We've
19 gone through the due diligence period, and
20 closing is scheduled on March 16. On the
21 transfer of that property, we will receive
22 \$900,000 in payment for it because we no longer
23 need it.

24 The lien sale for the spring of 2005 is in

1 the works and is scheduled for May 19. We have
2 identified 207 accounts, about 373,000 in amount
3 due, and we're working to have that ready for May
4 19.

5 On Public Affairs, we've completed the
6 printing and distribution of the Annual Report,
7 and you should have received that in the mail.
8 It is an excellent document, and thanks to Jamie
9 Sammons who wrote most of the material for it,
10 did a great job on the layout. Additional copies
11 are available on the back table. In addition,
12 the 2005 Poster Calendar is available. If anyone
13 would like copies, they are also on the back
14 table.

15 We've prepared responses to the Journal
16 regarding several articles on the pension plan,
17 and you should have received copies of those
18 throughout the month. We try to keep you
19 informed on that. We have responded to most of
20 the PUC'S data requests; and my understanding is
21 by Friday of this week, all responses will be
22 submitted. Out of the 117 employees who were
23 eligible to opt into the new plan, 100 have opted
24 into the plan; and our consultant, as part of the

1 process, is revising the actuary analysis; and as
2 soon as we get all of that data, we'll be sharing
3 that with the Board also.

4 Talked about the permit hearing and also
5 sent copies to you of all of our information. We
6 also -- Commissioner Burroughs also asked for
7 copies of the CH2M Hill Facility Plan and reports
8 on the Hydroxyl Pilot Study, so he has a lot of
9 papers that you don't have; but if you'd like
10 copies, let us know, and we'll get you copies of
11 that also.

12 It was mentioned that we had a retreat for
13 Commissioners in February. I would like to thank
14 Commissioners Andrade, Burroughs, Campbell,
15 DiChiro, Lazieh, and Salvadore in particular for
16 taking time out of their schedule. Our staff did
17 work hard, but we get paid, and you don't, and we
18 appreciate your taking the time to attend the
19 briefing; and as Commissioner Lazieh said, he and
20 Commissioner Campbell both also took a tour of
21 the tunnel. If anyone would like to get a tour
22 of that -- some Commissioners have already been
23 in there at least once. Commissioner Andrade has
24 been twice -- let us know and we'll schedule

1 that.

2 The last thing I'd like to mention is Board
3 reference books. Jean Marie has worked very hard
4 putting together -- this is something we've
5 talked about for awhile -- and on the back table,
6 everyone has their own personal copy of a
7 reference book. We will be buying, and we have
8 ordered a bookcase; so if you don't want to take
9 it with you, you can leave it here in the
10 Boardroom; but basically, it has a summary of the
11 statute, up-to-date bylaws -- the Board's
12 bylaws -- all pertinent policies to the Board.
13 There's a section on Ethics, Rules and
14 Regulations, Purchasing, Sewer Use, and what have
15 you. On Personnel, we have copies of the latest
16 labor agreements. On Financial, we have our
17 budget and audit, and then there's a listing in
18 the back of current Commissioners. So I'd like
19 to thank Jean Marie. She did a great job putting
20 this together. She will keep it up to date; so
21 if you leave it here in the Boardroom, it will be
22 easier for her to do it. She will make the
23 changes as they come due. That's the end of my
24 report, Mr. Chairman.

1 MR. CHAIRMAN: Okay. Before I
2 give my own comments, are there any comments or
3 questions regarding the Executive Directors's
4 Report? Comments or questions regarding the
5 Executive Directors's Report?

6 MR. PINAULT: There is one other
7 item. We forgot to hand this out in December.
8 We had -- I think it was mentioned when Karen
9 went over the audit in September on the Defined
10 Contribution Pension Plan which is the 401(a)
11 Plan. A copy is included in your packet. It is
12 for your information. It was a very clean audit.
13 There were no issues. If you have any questions
14 on that, please get them to me or Karen, and
15 she'll get you a response, but I just wanted to
16 make sure you had a copy of that information.

17 MR. CHAIRMAN: Just a couple of
18 comments regarding the Executive Director's
19 Report. He made mention of the lien sale, and
20 it's scheduled for May 19 and made references to
21 the number of accounts that will be involved in
22 that lien sale. I want to inform the Board that
23 I, along with the Executive Director and the
24 Legal Counsel Laurie Horridge Bissinette, have

1 been looking at other methods by which we may
2 collect bills due to the Narragansett Bay
3 Commission other than a lien-sale process.

4 As some of you may recall, last year was a
5 significantly turbulent time for tax sales, lien
6 sales throughout the state. Those people who are
7 least able to afford taxes and payment of utility
8 bills are mostly the ones that are impacted. So
9 we are looking for an alternative way to enforce
10 collection of bills due the Narragansett Bay
11 Commission. I'm hoping that with Laurie that
12 next month I can come back here and report to you
13 on some alternative methods which we are
14 considering and thus solicit your comments.

15 The other thing I was going to say for the
16 Chairman's Report, and that's the issue of
17 nutrient removal and requirements that the
18 General Assembly had imposed on all of the
19 treatment plants throughout the state and the way
20 it's being interpreted -- or may be interpreted
21 -- by the Department of Environmental Management
22 and certain advocacy groups. These are one of
23 the times when representatives from the
24 legislature are particularly valuable on this

1 Commission; and that is that during that hearing
2 process on the mandated reduction of 50 percent,
3 there was really no discussion about how that
4 should be implemented.

5 It was generally thought that all plants
6 should have a reduction of 50 percent, which
7 would be easy to achieve. Now it appears as
8 though certain people are taking a position that
9 it doesn't matter how 50 percent is achieved. It
10 can be 5 percent for you, 2 percent for you, 10
11 percent for that person. We think that's an
12 inequitable situation and one that I think we
13 need to address with the General Assembly, and we
14 need to do it this year.

15 And pursuant to that, I have asked the
16 Executive Director to try to arrange a symposium
17 for interested legislators with regard to
18 nutrient removal because I think in the upcoming
19 month we are going to be hearing more about it,
20 and we need to demonstrate -- have demonstrated
21 to us, before we embark on spending literally
22 tens of millions of dollars on reaching levels
23 that we may be asked to reach, that there is
24 significant data that demonstrates that we need

1 to reach those levels of nutrient removal.

2 And Dr. Burroughs has continued to -- we've
3 had an excellent working relationship with the
4 University of Rhode Island for the last 25 years.
5 We are getting a lot of support on this issue,
6 and the people who are going to pick up the tab
7 for cost of excessive nutrient removal are going
8 to be the people who pay the rates in this
9 Commission, and I feel that we have a
10 responsibility to require the Department of
11 Environmental Management to demonstrate by virtue
12 of hard data where there will be significant
13 cost/benefit ratio if we are required to do more
14 than the 50 percent nutrient removal that was
15 required by the General Assembly.

16 You're going to be hearing more about this
17 in the upcoming months. I know Paul was very
18 vigilant in sending all of the Members the 40
19 page comments for the hearing that was held last
20 month. We think we've made our position very
21 clear. We're going to be asking DEM to provide
22 us and to do the study, which our position is
23 they are required to do in accordance with the
24 United States Environmental Protection Agency,

1 which would give us some data on maximum daily
2 loadings. Until we are satisfied that we have
3 that data, I don't see any reason to embark on
4 some very costly process where there is no
5 demonstrable data to support it.

6 I just want to say that because, ultimately,
7 we have a responsibility to our ratepayers as
8 well, and I think we need to maintain that
9 posture. We're going to be talking about this in
10 the upcoming months, and I know that already
11 there's a lot of consternation about nutrient
12 removals, and I can assure you that Narragansett
13 Bay Commission has always demonstrated that
14 they're a leader in environmental protection. We
15 are not a follower. We are a leader, and we will
16 make sure that we do our part to maintain
17 environmental integrity, but we also have to be
18 cognizant of the cost, and we need to see the
19 real cost to benefit ratio demonstrated to us,
20 and I want to leave this open for discussion.

21 I wanted to raise this issue during this
22 particular portion of the meeting, so that we can
23 solicit comments from the Commissioners, as
24 opposed to just making my comments as part of the

1 Chairman's Report. So having said that, I don't
2 know if there's any other comments. Commissioner
3 Andrade.

4 MR. ANDRADE: I feel that we, as a
5 Board, need to support the Executive Director and
6 his very competent staff and their feelings on
7 this issue. I feel also, as the Treasurer, we
8 really do not have the millions of dollars
9 available to us to put this in place, and we need
10 proof that it really is something that is
11 necessary, so I fully support the Executive
12 Director.

13 MR. CHAIRMAN: Thank you.
14 Commissioner Burroughs.

15 DR. BURROUGHS: I'd just like to
16 comment that I haven't done all my homework yet,
17 and there's a stack of papers and 40 pages, but
18 two observations. One is that it's my
19 understanding that the federal Environmental
20 Protection Agency has not established
21 water-quality criteria for nitrogen in marine
22 waters. It's also my understanding that the
23 Department of Environmental Management has not
24 successfully completed a maximum daily loads

1 study. Both of these things for other pollutants
2 that we've dealt with in the past have been done
3 before NBC was asked to act.

4 MR. CHAIRMAN: Thank you, and
5 that's precisely my point. Provide the data; and
6 if the data suggests that we need to make these
7 improvements, then we will. Absent that data,
8 I'm reluctant to support expending literally tens
9 of millions of dollars to reach those kinds of
10 levels that have been indicated by the
11 Department, and I just want to make sure that the
12 members of this Board are aware that we are
13 confronted with this very, very costly and
14 significant issue in the months ahead. Any other
15 comments regarding either my comments or the
16 Executive Director's Report?

17 MR. ANDRADE: Mr. Chairman, would
18 it be proper to make a motion to show support for
19 the Executive Director and their position that
20 the Bay Commission has?

21 MR. CHAIRMAN: A motion is always
22 in order.

23 MR. ANDRADE: I'll make that
24 motion.

1 MR. CHAIRMAN: I have a motion to
2 support the Executive Director's position on --
3 I'll call it support his position pursuant to the
4 40-page report that he has submitted.

5 MS. MONTANARO: Second.

6 MR. CHAIRMAN: I have a second
7 from Commissioner Montanaro, and Commissioner
8 Salvadore, Commissioner Kimball, Commissioner
9 Burroughs, Commissioner Cruise, Commissioner
10 MacQueen, and Commissioner Perkins.

11 MR. PINAULT: Can someone have
12 either one of the Commissioners DiChiro or Lazieh
13 step back in here?

14 MR. CHAIRMAN: All right, now an
15 editorial comment while we're waiting.

16 THE REPORTER: On or off the
17 record?

18 MR. CHAIRMAN: It can be on the
19 record. I'm not bashful. You've --
20 Commissioners and our guests have read our Annual
21 Report; and, you know, part of that report
22 suggests that -- I like to lead by hands-on
23 example -- and that report suggests what we've
24 known for many, many years. We lead by example.

1 This Board leads by example, and we demonstrate
2 our leadership every day. A person is to wear,
3 you know, a green banner on your sleeve, but we
4 demonstrate it every day. That we -- not only do
5 we believe it, but we practice it. We don't need
6 someone to tell us that we need to be
7 environmentally conscious. That's what the
8 Narragansett Bay Commission is all about, and
9 that's my editorial comments. We have
10 continuously demonstrated our leadership in this
11 area, and we're not going to slack off, and we're
12 going to meet our responsibility.

13 We have a motion to support the Executive
14 Director's 40-page position on nutrient removal,
15 and it was unanimous among the people that were
16 present, and we need your vote on it.

17 MR. DiCHIRO: I'd like to vote in
18 the affirmative.

19 MR. PINAULT: We didn't take a
20 vote yet, we just have a motion and a second.
21 We're up to the vote.

22 MR. CHAIRMAN: Okay -- and
23 Commissioner Lazieh. All of those in favor will
24 say "aye." Are there any opposed? There are

1 none opposed, and the motion carries. Thank you
2 very much, and the rest of the meeting will move
3 pretty quickly. Okay.

4 Committees reporting. CEO Committee: There
5 were three items for action. The first Item A
6 was Resolution 2005:01. There was a
7 recommendation from the Construction,
8 Engineering, and Operations Committee to reject
9 all bids that were submitted regarding that
10 particular contract, which is the Field's Point
11 Pumping Station Project. There was extensive
12 comments from the Executive Director as to why we
13 think it's an appropriate option to take, and I
14 don't think we need to go through it again.
15 Okay.

16 There was a motion to approve that
17 recommendation. Commission Salvadore, you moving
18 passage of Resolution 2005:01?

19 MR. SALVADORE: So moved.

20 MR. CHAIRMAN: We have a motion.

21 MR. LAZIEH: Second.

22 MR. DiCHIRO: Second.

23 MR. CHAIRMAN: Second by

24 Commissioner DiChiro and Commissioner Lazieh.

1 All those that are in favor will say "aye." Are
2 there any opposed? There are none opposed, and
3 the motion carries.

4 Item B was Review and Approval of Resolution
5 2005:02. It is a recommendation to award
6 contract 03:304.14 the Harold Street Regulator
7 Improvements to Iannuccillo Construction in the
8 amount of \$223,000. That matter was passed by
9 the Construction, Engineering, and Operations
10 Committee. Do we have a motion?

11 MR. SALVADORE: Move to approve.

12 MR. CHAIRMAN: We have a motion by
13 Commissioner Salvadore to approve Resolution
14 2005:02. Seconded by Commissioner MacQueen.
15 Discussion? No further discussion. All of those
16 that are in favor will say "aye." Are there any
17 opposed? There are none opposed, and the motion
18 carries.

19 Item No. 3 was Review and Approval of
20 Resolution 2005:03, which is the authority to
21 enter into a contract for Engineering Services to
22 provide an assessment design of improvements for
23 the Narragansett Bay Commission laboratory.
24 That's contract No. 05:907.00. Commissioner

1 Salvadore.

2 MR. SALVADORE: Move to approve.

3 MR. CHAIRMAN: We have a motion to
4 approve. Seconded by Commissioner MacQueen.
5 Further discussion? All of those that are in
6 favor will say "aye." Are there any opposed?
7 There are none opposed, and that motion carries.
8 That concludes Items for Action from the
9 Construction, Engineering, and Operations
10 Committee. Next committee reporting is Finance
11 Committee. Commissioner Andrade.

12 MR. ANDRADE: Finance committee
13 has no report.

14 MR. CHAIRMAN: No further report.
15 Moving right along. Personnel Committee.

16 MS. MONTANARO: No report,
17 Mr. Chairman.

18 MR. CHAIRMAN: No report.
19 Legislative Committee.

20 MR. PINAULT: On the back of the
21 packet is a two-page memo from Joanne Maceroni,
22 Government Affairs Manager, outlining a number of
23 bills that we're reviewing to date. Some of them
24 we will take a position on. Others are still

1 under review; and if anybody has any questions on
2 those, I don't believe any of these are scheduled
3 for hearing yet. We will be -- we don't have a
4 legislative package ourselves. We don't have any
5 legislation that we're introducing. These are
6 just ones that we're monitoring.

7 MR. CHAIRMAN: Rules and
8 Regulations Committee.

9 MR. PINAULT: No report.

10 MR. CHAIRMAN: Ad Hoc Storm Water
11 Rate Committee.

12 MR. PERKINS: No report.

13 MR. CHAIRMAN: Citizens Advisory
14 Committee. Good morning.

15 MR. GADON: Good morning, Mr.
16 Chairman. The CAC meeting was held last week on
17 March 2 with 16 present. Ray Marshall briefed us
18 on the NBC issues that have been getting a great
19 deal of publicity, the pension issue and the
20 nutrient nitrogen removal situation.

21 We especially took note of the Nitrogen
22 Removal situation; and after much discussion, the
23 Committee, in general, was supportive of the NBC
24 position and the statements of Executive Director

1 Paul Pinault stating that more definitive studies
2 were necessary before placing an additional
3 financial burden on the ratepayers. We're also
4 appreciative of the Chairman's support of that;
5 but I say, in general, all except one strongly
6 supported that situation, and it comes up with
7 clean water. How can anybody be against clean
8 water? So that's something that we'll have to
9 keep in mind as the NBC --

10 We do congratulate Mike Salvadore and
11 Dr. Richard Burroughs on their being appointed an
12 additional term on the Board of Commissioners.
13 My understanding is that there is still a
14 question of some long questionnaire that has to
15 be filled out, so I'm not quite sure what their
16 present status is.

17 We did have a potential member, Tim Baker of
18 Bilray Demolition, in Johnston attend our
19 meeting; and we are requesting the Chairman to
20 appoint him to the CAC. We congratulate Public
21 Affairs on an excellent 2004 Annual Report.

22 Warren Towne, the DEM Representative on our
23 Committee, offered to bring a DEM Expect Clean
24 Water issues to brief us at our next meeting on

1 March 30th. That's my report.

2 MR. CHAIRMAN: Thank you very
3 much. Executive Committee and Chairman's Report.
4 Basically, I already discussed the main thrust of
5 my comments today on nutrient removal. I think
6 we should please make a note that our next
7 meeting will be held on April the 6th.

8 Another proud moment, I would like to
9 acknowledge Karen Giebink, Francie Brown, Bill
10 Cox, Richard Harrigan, and Liz Foster because
11 another month with another distinguished award.
12 We won this award for the Distinguished Budget
13 Award from the Government Finance Office for
14 their budget presentation.

15 MR. PINAULT: We should have them
16 all stand.

17 MR. CHAIRMAN: Yes. Please stand
18 up. Just another example why the Narragansett
19 Bay Commission shines as an agency in the state
20 of Rhode Island, and we're very proud. Thank you
21 very much.

22 I think that pretty much concludes the
23 Chairman's Report for today. I want to thank
24 everyone for attending. It got pretty nasty out

1 last night. We have other business. Is there
2 any new business to come before the Commission?
3 Any new business? Other business of any kind?

4 MR. LAZIEH: Mr. Chairman.

5 MR. CHAIRMAN: Mr. Lazieh.

6 MR. LAZIEH: Mr. Chairman, just
7 two items. If we can get an update on -- one is
8 the PUC's review -- their continued review of the
9 pension system; and secondly is the legislation
10 regarding appointments in the Senate, and any
11 bills affecting the NBC regarding the change.

12 MR. CHAIRMAN: Karen, would you
13 kindly address the issue of where we are with the
14 Public Utilities Commission and additional
15 technical.

16 MS. GIEBINK: All right. I'll be
17 brief. Basically, we have to respond to some
18 additional data requests from the Public
19 Utilities Commission. We've committed to give
20 them those final responses by Friday, and we're
21 working diligently to complete them. I assume
22 that once they receive those responses, they will
23 schedule yet another technical meeting, and we'll
24 go on from there. Basically, I believe that in

1 Commissioner Holbrook's last letter he's
2 indicated that he is very interested in this
3 issue and will keep it alive for some time.

4 MR. CHAIRMAN: The other question
5 was basically regarding legislation.

6 MR. LAZIEH: The Separation of
7 Powers regarding appointments.

8 MR. CHAIRMAN: Joanne, can you
9 address that for us?

10 MS. MACERONI: To date the only
11 bill that has been introduced in the General
12 Assembly regarding Narragansett Bay Commission is
13 Senator Lenihan's bill, which is No. 2 on your
14 report. This is the same bill that he introduced
15 last year, and it deals with probably about 15
16 boards and commissions; and with regard to the
17 NBC, all it does is it takes off four
18 legislators. It reduces our quorum because the
19 Board would then be reduced to 19, and it makes
20 all the appointments subject to the advice and
21 consent of the Senate. So that, basically, is a
22 minimal approach, which was what was done with a
23 lot of the other boards and commissions.

24 Nothing to date has been introduced on the

1 House side with regard to the Narragansett Bay
2 Commission, so we're still in the process of
3 seeing what unfolds.

4 MR. ANDRADE: I have a question.
5 The approval by the House or Senate, is that for
6 town-appointed Board Members also?

7 MS. MACERONI: The way the bill,
8 Senator Lenihan's bill, reads it says
9 "appointments," I think it says, "all
10 appointments shall require the advice and consent
11 of the Senate."

12 MR. CHAIRMAN: Further questions?
13 Any other question? Okay. One last item, I
14 think everyone got this. We've had the
15 Certificate of Engagement --

16 MS. GROSSI: Not everyone. This
17 was the list that the State of Rhode Island
18 public information --

19 MR. PINAULT: Secretary of State's
20 Office has a new requirement that we have to have
21 a Certificate of Engagement filled out for each
22 Commissioner. Some of them they had, either from
23 the appointing authority, and others they didn't,
24 and so --

1 MS. GROSSI: The ones I passed out
2 didn't --

3 MR. PINAULT: We filled out for
4 each Commissioner to have all the dates and data
5 available, so we figured it would be easier for
6 them to sign it here today, and we will file
7 those with the Secretary of State. So anyone
8 that received one, if you could fill out the
9 bottom and sign it, and get it to Jean Marie, and
10 then we'll get it notarized and file it with the
11 Secretary of State on your behalf.

12 MR. CHAIRMAN: Okay. You didn't
13 get one?

14 MR. KIMBALL: What is it?

15 MR. PINAULT: It's a Certificate
16 of Engagement; so if you didn't get one, that
17 means your appointing authority, who was the
18 Governor, probably did it on your behalf. A lot
19 of the cities and towns did not do it, so we're
20 just trying to follow up on that.

21 MR. CHAIRMAN: Okay. Is there any
22 other business to come before the Commission this
23 morning? Commissioner Perkins.

24 MR. PERKINS: In our packet with

1 the newspaper clippings there's an article about
2 the mob investigation of a couple of guys that
3 got arrested. Why has our name been mentioned?

4 MR. CHAIRMAN: God only knows. I
5 can't imagine. I know the specific article
6 you're referring to --

7 MR. PERKINS: There's a couple.
8 One guy's got arrested, and one guy is in charge
9 of a cement company.

10 MR. CHAIRMAN: The only thing I
11 can tell you -- I can't speak with any authority
12 on this -- the individual who was the subject of
13 this matter was hired by some subcontractors of a
14 contractor that we hired. Why we're in the
15 paper, I have no idea. I mean, we didn't hire
16 him. We don't know who he is.

17 MR. PINAULT: They hire all their
18 subs, and one of the subs that is doing the
19 pre-cast panels, as they bored the tunnel, they
20 placed pre-cast panels. There's 16,000 of them.
21 That company is the one that has some type of
22 problem. So we had no say obviously in who the
23 contractor selected for any of his subs,
24 including that one, and only by inference because

1 they're doing work on this job, I think that --
2 we have not been contacted by anyone including
3 the press or the FBI or the AG or anyone.

4 MR. PERKINS: I heard it on TV
5 once.

6 MR. PINAULT: That's where we
7 heard it.

8 MR. CHAIRMAN: It's amazing.
9 Every opportunity they get to put this Commission
10 in a negative light, they do it. We have no
11 relationship to this investigation whatsoever.
12 Anyway. Commissioner Salvadore, do you have a
13 motion?

14 MR. SALVADORE: Motion to adjourn,
15 Mr. Chairman.

16 MR. CHAIRMAN: We have a motion to
17 adjourn. Seconded by Commissioner Lazieh. All
18 those in favor will say "aye." Any opposed.
19 There are none opposed. That motion carries, and
20 this meeting is closed.

21 (MEETING CLOSED AT 11:50 A.M.)

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C E R T I F I C A T E

I, Shayla N. Fagnoli, Notary Public, do hereby certify that I reported in shorthand the foregoing proceedings, and that the foregoing transcript contains a true, accurate, and complete record of the proceedings at the above-entitled meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of March, 2005.

SHAYLA N. FARGNOLI, NOTARY PUBLIC/COURT REPORTER
MY COMMISSION EXPIRES AUGUST 6, 2005.

