



16 Commissioner Farnum and seconded by  
17 Commissioner Lazieh. Discussion on the previous  
18 minutes? Is there any discussion on the previous  
19 minutes? Hearing none, all in favor will say  
20 "aye." Are there any opposed? There are none  
21 opposed, and the motion carries.

22 Next order of business is old business. Is  
23 there any old business to come before the  
24 Commission today? Old business of any nature?

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1 Hearing none, moving right along to the Executive  
2 Director's Report. Mr. Secretary, do you have a  
3 report for us today?

4 MR. PINAULT: Yes, I do,  
5 Mr. Chairman.

6 MR. CHAIRMAN: Proceed.

7 MR. PINAULT: First of all, we did  
8 not have a November meeting, and the October  
9 report was mailed; so if anyone has any  
10 questions, please see me after. I will be glad  
11 to try and answer them. In your packet is the  
12 November Report with both plants operating well.  
13 On November 30th marked the final day of  
14 operations of the solids handling area of Field's  
15 Point. We stopped dewatering sludge that  
16 evening; and basically, the incinerator and  
17 dewatering equipment is decommissioned; and  
18 coming out of CEO this morning will be a  
19 recommendation for the demolition of those  
20 facilities. Synagro, who is Resource Recovery's  
21 Contractor, has taken over effective December 1;  
22 and things are going very smoothly, and we're  
23 very pleased with that.

24 Just quickly moving along, if you go to

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1 Page 3, summary of treatment results for the  
2 month, both plants met permit limits. Moving on  
3 to biological nutrient removal, we've been  
4 discussing this for quite some time. We held a  
5 Public Meeting on the Field's Point Facility Plan  
6 on November 30th. About 20 members of the public  
7 attended. In addition, Commissioner Burroughs  
8 was also in attendance; and there was a  
9 discussion of the alternatives that we've  
10 evaluated to try and achieve nutrient control at  
11 Field's Point.

12 As far as the status of the permit, the  
13 Chairman and I did meet with Director Sullivan on  
14 October 30 and gave him our position on what  
15 we're trying to accomplish and what we propose  
16 and how to proceed. We have submitted some  
17 proposed language to DEM in early October for

18 settlement language on the appeal of the permit,  
19 and they keep telling us that "we're getting  
20 close." We don't know what that means because we  
21 haven't seen anything in two months. With that,  
22 Laurie Horridge, Counsel, has continued to work  
23 with the Administrative Hearing Officer, pushing  
24 them to try and get a settlement. If not, we're  
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1 ready to pursue that through the administrative  
2 process.

3 As far as Financials go, on Page 7, with  
4 41.6 percent of the fiscal year having gone by,  
5 we're spending at a rate of about 34 percent; so  
6 below our straight-line budget amount. We had  
7 241 personnel on staff. Although we have 281  
8 authorized, there's only 253 funded. On  
9 construction, there will be coming -- as I said  
10 before, with the recommendation of demolition  
11 work out of CEO on Field's Point. On the Main  
12 Spine Tunnel, we had a milestone on December 1.  
13 The boring of the tunnel, which started in March  
14 of '04, was completed December 1. Some of you  
15 you were there; and for those of you that  
16 weren't, we have some video clips we'll be  
17 showing you later on today. Also, in your  
18 packets is a handout, "Breakthrough for Clean  
19 Water" Fact Sheet; and make sure you have a copy  
20 of that. If you have any questions, I'll be glad  
21 to try and answer them.

22 We did have some emergency projects  
23 throughout the month, which was dealt with.  
24 Grotto Brook on the east side of Providence,  
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1 after the storms in October, we had some damage  
2 to our sewer line. We went up, working around  
3 the clock in getting that fixed within a few  
4 days. Lockbridge Street in Pawtucket, we're  
5 working to solve that problem now. We've set up  
6 some bypass pumping, and there's a 70 foot  
7 section of pipe that has to be replaced, and  
8 there was one other area. Home Depot in  
9 Providence, with the storm, actually the West  
10 River was actually diverted into an abandoned  
11 sewer line; and we were getting about an extra 10  
12 million gallons of flow at Field's Point. We  
13 started seeing fish in the plant. We figured  
14 something was up. In a couple of days, that was  
15 identified and very quickly eliminated; and we're  
16 working with a developer out there to try and  
17 recover some of our costs.

18 There's a lot going on. We talked about the  
19 permit; and basically, if you look at the

20 attachments, we have a summary of our financial  
21 statements and all of the project schedules.  
22 Although the winter is upon us, it's still very  
23 active. We're working on the tunnel and tunnel  
24 pump station and wrapping up the work on Charles  
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1 Street. In the next couple of weeks, we'll have  
2 the road completely opened and temporarily paved.  
3 That's the end of my report, Mr. Chairman.

4 MR. CHAIRMAN: The members heard  
5 the Executive Director's Report. Are there any  
6 questions regarding the Executive Director's  
7 Report? Any questions? Okay. Next, Item No. 5  
8 is Committee Reports and Action Items Resulting.  
9 We're going to switch the order. You want to do  
10 finances first? Okay. Let's -- we're going to  
11 switch the order, so let's do Finance Committee  
12 first; and why don't you proceed, Commissioner  
13 Andrade?

14 MR. ANDRADE: Thank you,  
15 Mr. Chairman. Finance Committee met yesterday,  
16 but there are no items to be brought to the full  
17 Board, so that concludes the report of the  
18 Finance Committee.

19 MR. CHAIRMAN: Excellent. Next  
20 order of business is Personnel. Since we changed  
21 the order, we're going to let you go next.

22 MS. MONTANARO: Yes, Mr. Chairman.  
23 We met this morning, and there are two items that  
24 came out of that Committee meeting that need to  
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1 be addressed during the full Board. Item A  
2 Review and Approval of Resolution 2005:35,  
3 Amendment and Restatement of the NBC Deferred  
4 Compensation Plan. We don't have -- Paul, are  
5 you going to address that; or are you going to  
6 have Karen do it?

7 MR. PINAULT: I'll have Karen do  
8 it.

9 MS. GIEBINK: What you have before  
10 you is the resolution that would authorize us to  
11 amend and restate the 457 Deferred Compensation  
12 Plan. It's a number of housekeeping issues to  
13 address changes in IRS code as well as other  
14 language cleanups. This is a plan that is 100  
15 percent funded by employees through pretax  
16 contributions.

17 MR. CHAIRMAN: Are there any  
18 questions regarding -- what resolution is that?

19 MS. MONTANARO: Resolution  
20 2005:35.

21 MR. CHAIRMAN: Resolution 2005:35.

22 Any questions? Comments or questions?

23 MR. LAZIEH: Move to approve.

24 MS. MONTANARO: Second.

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1 MR. CHAIRMAN: We have a motion to  
2 approve that's been seconded. Discussion on  
3 approval of Resolution 2005:35? Hearing none,  
4 all in favor will say "aye." Any opposed? None  
5 opposed, and the motion carries. Further report?

6 MS. MONTANARO: There's one more  
7 item, and that is the Review and Approval of  
8 Resolution 2005:36. It was reviewed and approved  
9 by the Personnel Committee. There's the  
10 Amendment and Restatement of the NBC Non-Union  
11 Defined Benefit Plan. Again, Karen discussed  
12 that with us.

13 MR. CHAIRMAN: Is that the  
14 housekeeping issues?

15 MS. GIEBINK: That's correct.

16 MR. CHAIRMAN: Why don't you give  
17 an explanation of that.

18 MS. GIEBINK: There's basically  
19 two minor changes that this addresses. One has  
20 to do with the language regarding the payment for  
21 benefits as a result of a total and permanent  
22 disability, and the other has to do with the  
23 elimination of the segregation of accounts of  
24 funds of employees that have retired --

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1 participants that have retired. The  
2 recommendation is that the plan will be amended  
3 and restated effective February 1, 2005.

4 MR. CHAIRMAN: There are no  
5 substantive changes?

6 MS. GIEBINK: Pardon me?

7 MR. CAMPBELL: It will be  
8 effective February 2005 or?

9 MS. GIEBINK: Correct. It will be  
10 retroactive.

11 MR. CAMPBELL: Oh, retroactive.

12 MS. GIEBINK: Right. This way the  
13 plan will be complete. Now that there were no  
14 adverse indications with the results. This way  
15 we have one clean document effective February 1,  
16 2005. That's been reviewed with legal counsel.

17 MR. CHAIRMAN: Which will  
18 hopefully simplify the administration of the  
19 plan.

20 MR. LAZIEH: Move to approve,  
21 Mr. Chairman.

22 MS. MONTANARO: Second.

23 MR. FARNUM: Second.

24 MR. CHAIRMAN: We have a motion to  
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1 approve by Commissioner Lazieh and seconded by  
2 Commissioner Farnum and Commissioner Montanaro.  
3 Further discussion on the matter? Is there  
4 further discussion on the matter? Hearing none,  
5 all of those that are in favor will say "aye."  
6 Are there any opposed? There are none opposed,  
7 and the motion carries. I assume that concludes  
8 your report?

9 MS. MONTANARO: It does.

10 MR. CHAIRMAN: Okay then. Moving  
11 right along to Item No. 2, which is the  
12 Construction, Engineering and Operations  
13 Committee. The chairman is not available, so I  
14 chaired the meeting. The five items for action  
15 are listed on your agenda. The first item is  
16 Item A, Review and Approval of Resolution  
17 2005:30, which is award of contract 103.02C,  
18 Demolition of Field's Point Incinerator and  
19 Sludge Processing Facility. Moving forward on  
20 the Solids Handling Program, the Executive  
21 Director in his report referred to the fact that  
22 we've awarded a demolition contract to  
23 Costello --

24 MR. PINAULT: Not awarded.  
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1 MR. CHAIRMAN: I'm sorry. We've  
2 received the bids from five different demolition  
3 contractors. Costello Dismantling was the lowest  
4 bid at \$610,000. I assume that's going to be  
5 awarded soon.

6 MR. PINAULT: If the Board  
7 approves it. It's conditionally awarded.

8 MR. CHAIRMAN: This is a 90-day  
9 demolition program. The bids range from \$610,000  
10 to \$1,011,000. Costello Dismantling was the  
11 lowest, and I would move approval of Resolution  
12 2005:30.

13 MR. MONTANARI: Move to approve.

14 MS. MONTANARO: Second.

15 MR. DiCHIRO: Second.

16 MR. CHAIRMAN: Moved by  
17 Commissioner Montanari and seconded by  
18 Commissioner DiChiro. Discussion on the matter?  
19 If there's no discussion on the matter, all those  
20 that are in favor will say "aye." Are there any  
21 opposed? There are none opposed, and that motion  
22 carries.

23 Item No. 2 is Item B, which is Review and  
24 Approval of Resolution 2005:31, Recommendation to  
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1 Increase the Limit of Change Order Requests for  
2 Construction Contract 808C, Bucklin Point  
3 Digester Siding, Paving and Roofing & Field's  
4 Point Grit Storage Pad. As I explained to the  
5 Construction Engineering and Operations  
6 Committee, there was some additional work that  
7 needed to be done as well as some hidden work,  
8 which -- previously not known that needed to be  
9 taken care of. We would like to increase the  
10 change order for passage for the Executive  
11 Director to --

12 MR. PINAULT: 150,000 above the 5  
13 percent limit currently in place.

14 MR. CHAIRMAN: There's a  
15 resolution in your packet. I would entertain a  
16 motion. Moved by Commissioner Montanari to  
17 approve Resolution 2005:31 increasing the change  
18 order requests. Seconded by Commissioner Cruise.  
19 Further discussion on the matter? Is there any  
20 further discussion on the matter? Hearing none,  
21 all of those that are in favor will say "aye."  
22 Are there any opposed? There are none opposed,  
23 and that motion carries.

24 Moving right along to Item C, Review and  
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1 Approval of Resolution 2005:32, which is  
2 Authority to Advertise for Bids for Contract  
3 304.43C, Cured In-Place Sewer Lining at Various  
4 Locations. The committee entertained this motion  
5 for approval of this resolution. Basically,  
6 sewer line approval at four different locations.  
7 There were four. We learned during the course of  
8 the meeting that there are probably going to be  
9 five. The anticipated costs of these  
10 improvements will exceed 200,000 -- more likely  
11 200,000 or 300,000. This resolution is seeking  
12 approval to advertise for bids. The locations  
13 are specified in your resolution, and the Chair  
14 would accept your motion to approve this  
15 resolution.

16 MR. MONTANARI: So moved.

17 MR. CHAIRMAN: Commissioner  
18 Montanari moves to approve Resolution 2005:32.  
19 Seconded by Commissioner MacQueen. Further  
20 discussion on this matter? Hearing none, all of  
21 those that are in favor of approval will say  
22 "aye." Are there any opposed? There are none  
23 opposed, and that motion carries. Thank you very  
24 much.

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1 Moving right along to Item D, Review and  
2 Approval of Resolution 2005:33, Authority to

3 Advertise for Bids for Contract 304.16C, Elmwood  
4 Avenue Interceptor Repairs. Paul, could you  
5 brief the Commission on this matter?

6 MR. PINAULT: Basically, on the  
7 Elmwood Avenue interceptor, we have two areas  
8 that need some work. One is to remove a gate  
9 which is in our 24 by 42 inch interceptor, which  
10 is in a manhole which is buried in one of the  
11 embankments on the Route 95, so that has to be  
12 opened up or somehow accessed to eliminate that.

13 Also, there's a -- in the median of 95 on  
14 Thurbers Avenue curve, we have a regulator  
15 structure, which is very difficult to access  
16 because we have to shut the highway down, high  
17 speed lanes in both directions. We wanted to go  
18 in there and make some repairs -- changes which  
19 will minimize the problems that we've experienced  
20 in the past. Both of these are estimated to take  
21 about 200,000 and take about 3 months to  
22 complete.

23 MR. CHAIRMAN: Having heard the  
24 Executive Director's explanation of Resolution  
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1 2005:33, do we have a motion?

2 MR. ANDRADE: I like that motion.

3 MR. CHAIRMAN: Commissioner  
4 Andrade moves to approve. Seconded by  
5 Commissioners Montanaro and Lazieh. Further  
6 discussion on Resolution 2005:33?

7 MR. LAZIEH: Is this going to be  
8 done during the winter time?

9 MR. PINAULT: We will initiate  
10 working on this soon. As soon as we can get it  
11 ready; so hopefully, by the first quarter of next  
12 year, we'll be into it.

13 MR. LAZIEH: So unforeseen closing  
14 of the highway on both sides?

15 MR. PINAULT: Well, we're looking  
16 at ways to eliminate -- do this work, minimizing  
17 the closing of the highway, so we're still  
18 tossing around some ideas; so exactly how we'll  
19 approach it, we don't know yet. The work that's  
20 in the embankment can be done without closing  
21 down the highway. If we have to get into the  
22 structure of the median, obviously -- it won't  
23 affect the whole highway, just the high speed  
24 lanes in both directions, which we have done over

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1 the years.

2 MR. FARNUM: It's often shut down  
3 for other reasons anyway.

4 MR. PINAULT: Off peak times.

5 MR. CHAIRMAN: Just to let you  
6 know, our own Richard Bernier is going to direct  
7 traffic during that time. He's going to have a  
8 hardhat and all the requisite wearing apparel for  
9 that task.

10 MR. LAZIEH: Could the  
11 Commissioners get notice beforehand?

12 MR. CHAIRMAN: Further discussion?  
13 Hearing none, all of those that are in favor will  
14 say "aye." Are there any opposed? There are  
15 none opposed, and the motion carries.

16 The last order of business for the  
17 Construction and Operations Committee was  
18 Resolution 2005:34, which is Authorization to  
19 Amend Contract 04:304.10P, the Interceptor Sewer  
20 Capacity Analysis on Route 246 in Lincoln; and I  
21 guess that's partly in North Providence.

22 As the Commission may recall, there have  
23 been several instances along that section of  
24 pipe. The pipe was acquired by the Narragansett  
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1 Bay Commission from three previous owners, I  
2 guess, primarily Burrillville Racing Commission,  
3 which was the previous owner of the Lincoln  
4 Greyhound Park. There has been substantial  
5 growth in the area. The pipe is certainly  
6 substandard pipe.

7 Why we've taken on the responsibility of  
8 maintaining that pipe, we did not have ownership.  
9 We do now own it. It needs to be upgraded; and  
10 basically, what we're asking to you approve here  
11 is a change order to increase the amount of the  
12 full-monitoring contract in the amount of  
13 \$46,000, so we can determine exactly the capacity  
14 of that pipe can deal with, taking special  
15 consideration to anticipated growth at Lincoln  
16 Greyhound Park. At the meeting, Commissioner  
17 Montanari moved approval. Are you doing so  
18 again?

19 MR. MONTANARI: Yes.

20 MR. CHAIRMAN: Commissioner  
21 Montanari moves approval of Resolution 2005:34.  
22 Seconded by Commissioner Cruise. Is there any  
23 discussion? Further discussion on the matter?  
24 Further discussion on the matter? Hearing none,  
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1 all of those that are favor will say "aye." Are  
2 there any opposed? There are none opposed, and  
3 that motion carries. That concludes the business  
4 of the Construction Engineering and Operations  
5 Committee for this morning.

6 The next order -- the next committee

7 reporting would be the Legislative Committee.

8 MR. PINAULT: No report.

9 MR. CHAIRMAN: Okay. Rules and  
10 Regulations Committee.

11 MR. PINAULT: No report.

12 MR. CHAIRMAN: No report. Okay.

13 The Ad Hoc Committee on the Storm Water Rate  
14 Committee.

15 MR. PERKINS: No report.

16 MR. CHAIRMAN: No report. Okay.

17 Citizens Advisory Committee. Harold, I see

18 you're here. Do you have a report for us today?

19 MR. GADON: Yes, I do,

20 Mr. Chairman.

21 MR. CHAIRMAN: Proceed.

22 MR. GADON: The CAC met last week  
23 when we were shown a video of the breakthrough,  
24 which was the culmination of a fantastic

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1 engineering and construction project. The NBC is  
2 to be congratulated on this achievement. We also  
3 had a presentation by Rich Bernier on the Main  
4 Spine Tunnel and the overall CSO construction  
5 progress.

6 We did discuss the November 30 Public  
7 Hearing on nitrogen limits, well moderated by Tom  
8 Bruckner. The DEM is firm on the 5 parts per  
9 million limitation, which appears to be a very  
10 expensive level to achieve as plans are being  
11 formulated. We did have officer elections for  
12 the CAC with myself continuing as Chairman and  
13 Howard Schacter as Secretary.

14 Our schedule for 2006 will be planned in  
15 line with the NBC Board meetings as they are  
16 announced. One thing, on the way over here, over  
17 talk radio at about quarter of 11, NBC was really  
18 being blasted in respect to that 81 year old  
19 woman being evicted from her house. I mentioned  
20 it to Jamie, and she said that that was going to  
21 be addressed. It wouldn't a bad idea, so we all  
22 know how to formulate it because they are really  
23 having a good time with that. We wish you all a  
24 great holiday season and look forward to a

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1 productive 2006.

2 MR. CHAIRMAN: Thank you, Harold.

3 Okay. The next committee reporting is the

4 Executive Committee. The Executive Committee has

5 not met. We will be meeting in January for

6 purpose of discussing the unification of the NBC

7 campus, which is a possible condemnation and

8 acquisition of parts of Burner Street and Service

9 Road. Matters to be discussed before the  
10 Commission a number of times, acquiring this part  
11 here directly across the street from our  
12 treatment plant. That Board will be meeting and  
13 hopefully formulating a recommendation and cost  
14 of action for the Board to consider. That's the  
15 Executive Committee's Report.

16 Next report is the Chairman's Report. Just  
17 a couple of announcements. First, I'd like to  
18 congratulate Jill Colby and Jennifer Harrington  
19 for passing the bar. Congratulations.

20 (APPLAUSE)

21 MR. CHAIRMAN: All right. Second  
22 thing is -- I think it's for the fourth year in a  
23 row. The Commission, of course headed by, you  
24 know, Karen Giebink and Leah Foster and the  
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1 entire administration of the Finance Department  
2 has won the recognition for the Governor's  
3 Finance Officer's Association Award fourth year  
4 in a row. I don't know of anyone else who's  
5 accomplished that, but that's quite an  
6 accomplishment, and I think they should be  
7 congratulated and recognized for doing that.  
8 Congratulations.

9 (APPLAUSE)

10 MR. CHAIRMAN: I left for you --  
11 we're required to publish a schedule of  
12 anticipated meetings for the year with the  
13 Secretary of State. This is on your desk. We  
14 need to file this. We don't necessarily adhere  
15 to it as long as we give proper notice for any  
16 change in the schedule. I thought you should  
17 have this for your records.

18 Oh, yeah. Only a couple of members were  
19 able to attend the breakthrough for the tunnel;  
20 so as our Executive Director stated, after the  
21 meeting, we're going to begin to show a video of  
22 the breakthrough. It was a very eventful and  
23 very proud moment for me and should be for this  
24 entire Board. Although I think I would be remiss  
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1 in not commenting by saying, I thought it was  
2 very appropriate for two United States Senators  
3 to take time out of their very busy day to come  
4 and sit and stay for well over an hour to witness  
5 this historical event.

6 I was very surprised that when it was in the  
7 paper the following day, that although we  
8 appreciated them being there, putting the casual  
9 observer's pictures in the paper; and two United  
10 States Senators who spent a good deal of their

11 time were not properly recognized -- bi-partisan  
12 recognition, which is very rare these days. So I  
13 want to thank Senator Chafee and Senator Reed for  
14 being here. It's a real demonstration of their  
15 support and commitment to this agency and clean  
16 water in Rhode Island, so I think they should be  
17 thanked and want to express our gratitude.

18 Beyond that, I'd like to thank all the  
19 Commissioners for their support throughout this  
20 year. I want to take an opportunity to wish  
21 everyone a very happy, healthy, and safe New  
22 Year; and hopefully, we'll be back here in the  
23 new year 2006 with a very aggressive agenda for  
24 the Board to consider. Having said that, that  
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1 completes the Chairman's Report. Any new  
2 business to come before the Commission?

3 MR. LAZIEH: Mr. Chairman, I was  
4 unable to make it to the breakthrough; but I do  
5 think we should officially congratulate and thank  
6 our Congressional delegation for their support,  
7 dedication, commitment, and their backing  
8 financially with their support in the House and  
9 the Senate; and I offer a resolution that I think  
10 we should direct to them, thanking them and  
11 hoping their continued support in this project  
12 and other projects to benefit the residents of  
13 our state.

14 MR. CHAIRMAN: Thank you. I think  
15 that is absolutely appropriate. Then what we  
16 will do is we will try to frame a proper  
17 resolution, and it will be the first order of  
18 business on the January agenda. Is that  
19 appropriate? We have a motion to prepare a  
20 Resolution for both Senator Reed and Senator  
21 Chafee. Is there a second? Seconded by the  
22 entire Board.

23 MR. PINAULT: Congressmen Lynch  
24 and Kennedy as well.

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1 MR. CHAIRMAN: Seconded by the  
2 entire Board. All of those in favor will say  
3 "aye." Are there any opposed? There are none  
4 opposed, and that motion carries. I also would  
5 like to add for those who didn't make it. I  
6 thought they were blankets, but they are  
7 T-shirts; and since we have so much merchandise,  
8 I thought it would be appropriate to find another  
9 profit center, so we are going into the  
10 merchandising business. Find your appropriate  
11 size here and take shirt or two. I think that's  
12 it.

13 Any other business to come before the  
14 commission? Other business? Harold, I heard  
15 your comments; and I do want to take up that  
16 matter, not to belabor the issue with the Board  
17 and our guests and staff, the issue of -- and I  
18 just became aware of this because I was away for  
19 several days last week. Laurie, I know you had  
20 an opportunity -- Laurie Horridge -- had an  
21 opportunity to meet with the press.

22 MS. HORRIDGE: An opportunity.

23 MR. CHAIRMAN: I know it was a  
24 pleasant experience as it always is dealing with  
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1 the press. Just for the benefit of the  
2 Commissioners, I'd appreciate it very much if you  
3 would run through the history of this account, so  
4 everyone understands and knows in the event that  
5 somebody raises the issue with that.

6 MS. HORRIDGE: This account was  
7 actually selected in the summer of '03 after  
8 about four years of nonpayment, and the bill was  
9 around \$850 at that point in time. We sent out a  
10 pre-lien sale letter to advise the homeowner that  
11 the account would actually go to lien sale if it  
12 weren't paid. We didn't have any interaction  
13 with the homeowner thereafter until about three  
14 days before the sale, a payment of less than half  
15 the amount owed came in. In accordance with our  
16 normal practices, that's not enough to remove it  
17 from the lien sale. Therefore, it went to lien  
18 sale.

19 At that point, the lien sale charges  
20 themselves, title searches, and other costs had  
21 been added to the account; so that account was  
22 sold at the November '03 lien sale for  
23 approximately a thousand dollars -- I don't have  
24 the exact amount with me. It was sold, and we  
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1 then sent another letter. There was certified  
2 mailings that are in the normal course of the  
3 lien sale that were signed for by the homeowner;  
4 and then after the sale, we sent another letter  
5 advising that the property had been sold and that  
6 the homeowner had a year within which to redeem  
7 the property through the NBC. Again, we received  
8 nothing. Nobody ever contacted us.

9 In the normal course, in November of '04,  
10 the person who purchased it at the lien sale  
11 exercised their right to foreclose on the  
12 property. They initiated that foreclosure  
13 process; and while we're not involved with that,  
14 I can tell you that statutorily there are many

15 notices involved with that as well. Those  
16 notices were obviously unheeded again. The  
17 property was foreclosed upon in August of '05; so  
18 in reality, there were numerous notices that were  
19 sent out. We were never contacted, and even the  
20 foreclosure process took almost another year, so  
21 it was two years from the original notices that  
22 went out that the property -- obviously, they  
23 foreclosed in August; and we just heard of this  
24 eviction a few days ago.

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1 I mean, it's an unfortunate incident,  
2 obviously. We had no knowledge of the person's  
3 age or any other information about them, and  
4 actually the mayor's office called this morning  
5 in Providence, and we've spoken with them. They  
6 indicated that the family had been working with a  
7 social worker from the Urban League, which also  
8 no one contacted us from them. That was about  
9 eight months ago; so just so that you're aware,  
10 there's been numerous notices. Nobody ever got  
11 in contact with us until after this eviction,  
12 obviously, was served upon Mrs. Walker.

13 Although this is a very unfortunate  
14 incident, you need to be aware that more than 97  
15 percent of all the properties that we sell at  
16 lien sale are redeemed within that year; and of  
17 the other three percent, most of those are  
18 resolved with the lien sale purchaser within the  
19 foreclosure process. It's very rare this even  
20 happens; and it is, you know, an unfortunate  
21 incident. I'll answer questions if there's any.

22 MR. DiCHIRO: I understand  
23 everything was done legally; but I, too, heard  
24 the radio on the way in; and they were blasting

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1 the Bay Commission and the company that bought  
2 it, saying that now it went from a \$475 bill up  
3 to \$5,000 because of the attorneys's fees and the  
4 interest and costs involved, which I understand  
5 that all of the costs are added on. Has any  
6 thought been given to the NBC buying these bills  
7 back? Like I know with the town -- I've done  
8 town tax sales before -- and have stayed \$2,000  
9 in taxes. Sometimes the town winds up buying  
10 them and just holding onto them, so that would  
11 prevent some of the costs. Because what they  
12 were saying on the radio is this 81 year old  
13 woman has now been evicted, and they are  
14 lambasting the NBC even though we are not  
15 evicting her.

16 MS. HORRIDGE: We've discussed

17 that; but quite frankly, we don't want to be in  
18 the business of buying back these particular  
19 properties. The thing of it is this, I mean, the  
20 Providence tax office has all these properties on  
21 their tax rolls that they have to buy back.

22 MR. DiCHIRO: They buy by default?

23 MS. HORRIDGE: Right. We prefer  
24 not to do that. For us, because we are regulated  
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1 by the PUC, they consider all our money  
2 collectible. In order for to us do that, this is  
3 one of those last resort things that we do, and  
4 we don't want to get back into the position of  
5 actually having to deal with these properties.

6 I know there's great debate. The Chairman  
7 brought up to me, you know, water shut off versus  
8 lien sale. Obviously, none of us like any of  
9 them; but the reality is some people consider the  
10 lien sale process less -- I don't know what the  
11 word is -- less harsh than the water shut off.  
12 Some people get up. They've got to go to work.  
13 You shut their water off. That's a problem. The  
14 lien sale process, at least you have that year  
15 within which to redeem that property; so, you  
16 know, as unfortunate as the incident is.

17 MR. CHAIRMAN: And -- is there any  
18 other questions?

19 DR. BURROUGHS: During the year  
20 that you might redeem it, are you paying the 450  
21 to NBC, or are you paying additional --

22 MS. HORRIDGE: It goes through the  
23 NBC. We actually facilitate that process.  
24 However, we send the money to the lien sale  
0031

1 purchaser.

2 DR. BURROUGHS: Are there  
3 additional charges we have to put on it?

4 MS. HORRIDGE: There are lien sale  
5 charges. There's a cost for the title search of  
6 a couple of hundred dollars and the auctioneer.  
7 There are a few hundred dollars in the lien sale  
8 process.

9 MR. DiCHIRO: Is there interest on  
10 it?

11 MS. HORRIDGE: Yes. The interest  
12 goes also to the lien sale purchaser. It's 10  
13 percent immediately upon the sale, and 1 percent  
14 a month after six months, and we're out of it  
15 after a year.

16 MR. CHAIRMAN: Commissioner  
17 Andrade.

18 MR. ANDRADE: Laurie, you

19 mentioned that 600 wasn't enough to cancel out of  
20 the process. Is it 100 percent required to  
21 cancel out the --

22 MS. HORRIDGE: We normally require  
23 everything to be paid. I will tell you that  
24 there are cases that we have that we consider a  
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1 hardship. We try not to do that, obviously; but  
2 in this case, that wasn't even -- it was never  
3 ever brought to our attention. In fact, we don't  
4 know who or how the payment was made; and it  
5 wasn't a \$600 payment. It was about a \$400  
6 payment; but in any event, there was no  
7 discussions at that time. The payment was just  
8 made.

9 MR. CHAIRMAN: Commissioner  
10 Lazieh.

11 MR. LAZIEH: Mr. Chairman, in our  
12 package, we received a publicity regarding a  
13 mixed reviews on the property tax lien bill that  
14 was passed and the governor has signed on tax  
15 liens. Is it possible to sit with legislative  
16 counsel and possibly look into alternatives of  
17 sewer liens and working with city or state  
18 agencies on a step to provide property owners an  
19 interim help before investors take over?

20 MR. CHAIRMAN: I'm going to  
21 address that in a moment. Did anyone else want  
22 to speak or have a question? Laurie, by way of  
23 information for the Board, when there's a  
24 mortgage encumbrance on the property, banks  
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1 usually step in and pay that, right?

2 MS. HORRIDGE: Yes, they do.

3 MR. CHAIRMAN: So primarily these  
4 properties that are being taken if there's no  
5 mortgage, they're unencumbered. There really  
6 should be equity in the property by which they --  
7 there is a solution. There is a solution if they  
8 really want to --

9 MS. HORRIDGE: Yes.

10 MR. CHAIRMAN: -- they want to  
11 take the time to address it.

12 MS. HORRIDGE: We have met with  
13 the Urban League over the years. The  
14 understanding we have with the Urban League is  
15 that we send a notice to them after the sale of  
16 the properties that were sold, and then we update  
17 that list every 90 days for them as to who has  
18 not been redeemed. We assumed that they used  
19 that list to contact those people and help them  
20 by a financing vehicle, as you're suggesting. An

21 equity line would be so simple on most of these  
22 properties because there is no mortgage.

23 MR. CHAIRMAN: Exactly, so you  
24 anticipated me because -- I just want this Board  
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1 to know that I've spent protracted amount of time  
2 -- the Executive Director, Laurie, and legal  
3 counsel, and myself in protracted discussion with  
4 the Urban League over this problem, with  
5 protracted discussion with Representative --

6 MS. HORRIDGE: Almeida.

7 MR. CHAIRMAN: -- Almeida in  
8 trying to address this problem. With  
9 Representative Lopes, Rita Lopes regarding this  
10 particular issue.

11 MS. HORRIDGE: Senator Acciardo.

12 MR. CHAIRMAN: Senator Acciardo.  
13 We've been through this and through this and  
14 through this, and there are a number of ways that  
15 I think we can address this issue so that these  
16 kinds of circumstances, albeit as sad as they  
17 are, I really -- not -- we are not the villain in  
18 these cases.

19 With specific regard to the Urban League, we  
20 had protracted discussions with them about these  
21 kind of situations; and basically, we've notified  
22 them. We've indicated to them that we are  
23 perfectly willing to cooperate and work with them  
24 on some kind of program. They informed us that  
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1 they were going to get a program together. These  
2 are their specific clients. We know nothing of  
3 these situations.

4 We've gone down the road with just about  
5 everyone on this issue; and again, we keep coming  
6 back to the same conclusion that of all of the  
7 potential solutions, this is the easiest one to  
8 deal with; but if people are not responding, and  
9 people who, like for instance the Urban League  
10 Agency, like this don't take the time to follow  
11 up on behalf of their own particular clientele,  
12 there is very little that we can do.

13 Commissioner Lazieh, to answer your question  
14 directly, there is no doubt in my mind that this  
15 publicity is going to reignite this whole  
16 discussion.

17 I've been before several legislative  
18 commissions and several committee hearings  
19 regarding this. They are very much aware of the  
20 efforts that this Commission takes to try and  
21 keep these kinds of situations to an absolute  
22 minimum. This is one situation in how many?

23 Somebody's going to fall between the cracks. As  
24 far as this Agency is concerned, we make every  
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1 single effort to resolve these issues long before  
2 they become these kinds of problems. There has  
3 been some legislation introduced in the past that  
4 just doesn't cement all the cracks. It is being  
5 taken care of, and I know it will be in  
6 discussions again this legislative session.

7 MR. LAZIEH: Mr. Chairman, I just  
8 wanted that the Commission at this time be seen  
9 as proactive in the future regarding this from  
10 this point on.

11 MR. CHAIRMAN: I can assure you  
12 that we have been. We recognized this problem a  
13 long time ago. I mean, four or five years we've  
14 been working on this long before it became a  
15 legislative issue with regard to what they call  
16 "those property vultures" or whatever they call  
17 them in the press that go to these foreclosure  
18 sales. Long before it became an issue or popular  
19 issue for legislators, we were on it; and we've  
20 done everything, and we'll continue to try to  
21 resolve these issues; and you know, perhaps we  
22 should revisit again maybe through some vehicle  
23 the kinds of things that you described,  
24 Commissioner DiChiro. I looked at Paul, and he  
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1 shook his head like we've thought about that, but  
2 maybe we can shoot another angle because it is a  
3 black eye for the Commission, and the story never  
4 gets told, and that's the unfortunate thing. The  
5 story never gets told. Commissioner Montanari.

6 MR. MONTANARI: I have a question.  
7 Was this individual paying their water bill to  
8 the Water Supply Board?

9 MS. HORRIDGE: I don't really know.  
10 We didn't check into that.

11 MR. MONTANARI: Did they take  
12 action? Isn't our bill issued on the water  
13 usage?

14 MS. HORRIDGE: Our bill is issued  
15 on the water usage. I don't know the answer to  
16 your question though, whether they were current  
17 in their water bill.

18 MR. MONTANARI: Wouldn't they have  
19 taken an action if they weren't being paid?

20 MS. HORRIDGE: They also use the  
21 lien sale process.

22 MR. MONTANARI: Don't you know if  
23 they did?

24 MS. HORRIDGE: I would know if

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1 they had conducted a lien sale, and it showed up  
2 on the title that it had been taken.

3 MR. MONTANARI: I guess my  
4 question is: Why are we taking the action if the  
5 Water Supply Board didn't take an action?

6 MS. HORRIDGE: We don't wait for  
7 the Water Supply Board to do whatever the Water  
8 Supply Board does. We are much more proactive in  
9 collecting our debts than they are. That's a  
10 whole different issue actually.

11 MR. DiCHIRO: Then there's the  
12 issue of the taxes. If you don't pay taxes, they  
13 do the same things in the cities and towns. They  
14 sell properties at tax sales.

15 MS. HORRIDGE: In this case, there  
16 were a number of encumbrances on the property.

17 MR. CHAIRMAN: Harold.

18 MR. GADON: We addressed this in  
19 the CAC a few years ago. We talked about the  
20 water shut off, and then Paul told us even when  
21 they shut off the water and pour the cement down  
22 the valve, and people lose track, and there's  
23 years till it's finally foreclosed.

24 MR. CHAIRMAN: Your point is well  
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1 taken, Commissioner Montanari. Why do we have --  
2 why are we always taking the lead to doing this?  
3 Well, it comes down to in my mind fiscal  
4 responsibility. If we didn't make the effort to  
5 collect overdue accounts, we would be criticized  
6 by the PUC. If you take the necessary effort to  
7 collect the overdue accounts, and you have  
8 situations that result in this unfortunate  
9 situation. It's a very difficult situation  
10 and --

11 MR. MONTANARI: It was only for my  
12 information purposes only. I know our billing is  
13 on the water usage, and I would think primarily  
14 the Water Supply Board would have, but you  
15 answered my question, and I don't want to belabor  
16 the point.

17 MR. CHAIRMAN: How long has this  
18 account been outstanding?

19 MS. HORRIDGE: There hadn't been a  
20 payment in approximately four years before we  
21 took it to lien sale.

22 MR. MONTANARI: Again, they are  
23 still using water I assume?

24 MS. HORRIDGE: Yes. It's not

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1 turned off.

2 MR. CHAIRMAN: I just wanted this  
3 Board to know that we are aware -- we've done,  
4 and I have done, and Paul and Laurie have had  
5 protracted hours and hours and hours and hours of  
6 discussions about this through the years, and  
7 well --

8 MR. DiCHIRO: Maybe it is an  
9 amount we can look at?

10 MR. CHAIRMAN: I tell you what,  
11 since you seem to understand --

12 MR. DiCHIRO: Sometimes.

13 MR. CHAIRMAN: Since you  
14 understand and have a recognition of the issue,  
15 why don't we do this? Why don't you get  
16 involved, Commissioner. In this particular  
17 matter, we would appreciate your expertise and  
18 experience in these matters. Why don't we make  
19 it a point right after the beginning of the year  
20 to sit down -- again, in anticipation that we're  
21 going to be in front of some General Assembly  
22 Committees this year again, so why don't we do  
23 that?

24 Is there any other business? Sorry to have  
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1 to end on that note this meeting, but is there  
2 any other business to come before the Commission  
3 today. If not, we'd like to begin the video  
4 portion of the meeting. I'm hoping that all of  
5 you have an opportunity to stay for awhile. We  
6 have our usual holiday luncheon, and that will  
7 give us an opportunity to socialize a little bit  
8 after the meeting. So having said that --

9 MR. MONTANARI: Motion to adjourn.

10 MR. CHAIRMAN: Motion to adjourn  
11 by Commissioner Montanari. Seconded by  
12 Commissioner Lazieh and the entire Board. Thank  
13 you for everything during the course of the year.  
14 I appreciate it, and this meeting is adjourned.

15 (MEETING ADJOURNED AT 11:55 A.M.)  
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1 C E R T I F I C A T E

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5 I, Shayla N. Fagnoli, Notary Public, do  
6 hereby certify that I reported in shorthand the  
7 foregoing proceedings, and that the foregoing  
8 transcript contains a true, accurate, and  
9 complete record of the proceedings at the  
10 above-entitled hearing.

11

12 IN WITNESS WHEREOF, I have hereunto set my  
13 hand this 14th day of December, 2005.

14

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18 SHAYLA N. FARGNOLI, NOTARY PUBLIC/COURT REPORTER  
19 MY COMMISSION EXPIRES AUGUST 6, 2009.

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