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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
NARRAGANSETT BAY COMMISSION

IN RE: MONTHLY BOARD MEETING OF THE COMMISSION

DATE: January 25, 2006
TIME: 11:00 a.m.
Narragansett Bay Commission
Corporate Office Building
One Service Road
Providence, RI 02905

MEMBERS PRESENT:
VINCENT MESOLELLA, CHAIRMAN
ANGELO ROTELLA, VICE CHAIRMAN
ROBERT ANDRADE, TREASURER
THOMAS LAZIEH
MICHAEL SALVADORE
MICHAEL DI CHIRO, JR.
LEO THOMPSON
LESLIE GRAY, III
R. DAVID CRUISE
JOHN MACQUEEN
RICHARD BURROUGHS
JOSEPH KIMBALL
BRUCE CAMPBELL
PAUL PINAULT, SECRETARY

RHODE ISLAND COURT REPORTING
25 SEA VIEW AVENUE
EAST PROVIDENCE, RI 02915

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MR. MESOLELLA: Call the meeting to order on January 25th, 2006 at 11:07. First order of business is the approval of the previous minutes of December 14, 2005. Have the members had an opportunity to review the previous minutes? If so, are there any comments, corrections?

MR. ANDRADE: Mr. Chairman?

MR. MESOLELLA: Mr. Andrade?

MR. ANDRADE: Just one correction. Mr. Deangelis is listed as a board member.

MR. MESOLELLA: I believe you're correct. Correction. So voted. Commissioner Cruise?

MR. CRUISE: I make a motion to approve the minutes.

MR. MESOLELLA: We have a motion to approve the previous minutes, seconded by Commissioner Lazieh and seconded by Commissioner MacQueen. Discussion? Hearing none, all those that are in favor will say aye. Any opposed? There are none opposed, and the motion carries.

Before we move on to old business, I would like to take this opportunity to welcome and introduce to the members and our guests two new members of the

24 Narragansett Bay Commission, Leo Thompson from Scituate,
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1 and Leslie Gray from Bristol. Welcome. I think you'll
2 find the Commission to be an interesting experience.

3 We also have a new appointment to the board who
4 is not with us today. That would be Allen Nathan. And
5 he hails from the Town of Barrington. Those
6 Commissioners replace Commissioner Giusti, Commissioner
7 Montanaro and Commissioner Baker.

8 We would also like to take this opportunity to
9 congratulate our Commissioner Salvadore for his
10 reappointment, and we're thrilled to death to have him
11 back. He's one of your biggest supporters.

12 Okay. Moving right along. Old business. Item
13 number three, Old Business. Is there any old business
14 to come before the Commission? No old business.

15 Item number four is the resolution of
16 appreciation to the Rhode Island Congressional
17 Delegation. You may recall at last month's meeting
18 Commissioner Lazi eh offered a resolution for providing
19 for the resolution of appreciation to our congressional
20 delegation. Of course it was unanimously supported. We
21 have prepared the resolution, and at this time I would
22 ask Vice Chair Rotella to read for the Commission the
23 appropriate resolution.

24 MR. ROTELLA: Thank you, Mr. Chairman. The
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1 resolution of appreciation reads as follows: "Whereas
2 the Narragansett Bay Commission began construction of
3 Phase one of its combined sewer overflow project in
4 2001, and whereas this project is the most important
5 clean water project in Rhode Island addressing the
6 Point source pollution, and whereas there will be
7 four separate resolutions, Senator Jack Reed, Senator
8 Lincoln Chaffee, Congressman Patrick Kennedy and
9 Representative James Langevin have shown great support
10 for the project, and have been instrumental in
11 obtaining \$9 million in federal funds for project
12 construction. And whereas they have shown great
13 support for the Narragansett Bay Commission in its
14 mission to play a leadership role in the protection and
15 enhancement of Narragansett Bay and its tributaries by
16 providing safe and reliable wastewater collection and
17 treatment services to its customers at a reasonable
18 cost, now therefore be it resolved that the
19 Narragansett Bay Commission shall extend its sincere
20 appreciation to, again, Senator Jack Reed, Senator
21 Lincoln Chaffee, Congressman Patrick Kennedy and
22 Congressman James Langevin for their service on behalf
23 of the State of Rhode Island and the ratepayers of the
24 Narragansett Bay Commission."

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1 And again, this will be presented today, and
2 there will be four separate resolutions, one for each of
3 the elected officials.

4 MR. MESOLELLA: Commissioner Lazi eh, you have
5 a formal motion to approve the resolution as presented?

6 MR. LAZIEH: Yes, Mr. Chairman. I so move.

7 MR. MESOLELLA: Okay. Seconded, I assume, by
8 the entire Commission. All in favor will say aye. Any
9 opposed? Motion passes.

10 MR. ROTELLA: I would like to note that this
11 is a shrunken version, and it's in a frame, and we will

12 present them individually.

13 MR. MESOLELLA: Thank you, Commissioner
14 Rotella.

15 MR. ROTELLA: And these will be presented at
16 separate times.

17 MR. MESOLELLA: Next order of business, item
18 number five, which is the Executive Director's Report.
19 Mr. Secretary, do you have a report for us today?

20 MR. PINAULT: Yes, I do, Mr. Chairman. In
21 your packet is the report for December of 2005. I will
22 hit the highlights. First item is the operation for
23 biosolids and sludge processing at Field's Point.
24 Synagro took over operation on December 1st, as

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1 planned, at which time we shut down the incinerator and
2 dewatering system; and that has been going well. We've
3 also been taking reusable equipment from the buildings
4 that will be demolished shortly, and we're ready to
5 turn it over to the demo contractor.

6 On page two under financial, fifty percent of
7 the way through the fiscal year we're spending at a rate
8 of 43.6 percent. So, we're spending below budget. And
9 that was discussed in detail at the Finance Committee
10 meeting this morning. There's a summary of our
11 outstanding revenue bonds. Personnel, we're at 240.
12 Although we have 282 positions, I believe we only have
13 253 funded, and we are working to fill a number of
14 vacancies.

15 Moving along to page four, there's a summary of
16 the treatment results for both facilities, Bucklin Point
17 and Field's Point. For December both of them met
18 permit, even though we had some wet weather.

19 Moving along to page seven, the construction
20 updates on the Main Spine Tunnel. The project is 78
21 percent complete. It is about 300 days behind schedule,
22 which happened right at the beginning of the job, as you
23 will recall, getting down to the bedrock, and we're
24 negotiating the contractor to discuss a time extension.

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1 The 032 facilities next to the Marriott are
2 nearing completion. It's 95 percent complete. And if
3 they haven't opened the road already, they will be doing
4 that any day, and then they would come back in the
5 spring to do the permanent restorations.

6 On page eight, we did have an emergency out in
7 Pawtucket on Lockwood Street. We discussed that in the
8 past. But basically the work has been done. CB Utility
9 came in and put in sheeting and ground water dewatering,
10 and replaced seventy feet of pipe. We're doing other
11 televising work upstream and downstream to see if
12 there's any other areas that need rehab.

13 Going to page nine, the Bucklin Point upgrade,
14 which is about \$60 million, is 99 percent complete and
15 four months ahead of schedule. All major pieces of
16 equipment have been put online, and working out a few
17 minor problems during the warranty, but overall it's
18 going well. I discussed with the chairman this week, as
19 soon as the weather breaks, probably in March, April
20 timeframe, our intent is to have a dedication of the
21 facility, and we will all be invited, and we will have
22 the public information event out there.

23 Also on page nine, the Rhode Island Renewable
24 Energy Fund. We mentioned in the past we received a

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1 \$35,000 grant from EPA to look at alternate energy
2 sources, and our staff is in the process of doing that.
3 We're looking at hydro, biogas, thermal energy. And as
4 we get recommendations, we'll bring those forward to the
5 Board.

6 On the bottom of page ten on permitting, we had
7 a record year for issuing permits. We collected about
8 \$316,000 in permit fees, compared to \$143,000 the
9 previous year. That was a change as a result of
10 amending our rules and regulations which required that,
11 even indirect connections apply for permits, so that way
12 we have a better handle on who is connecting to the
13 system, and that way we make sure they don't slip
14 through the cracks, and they get billed.

15 Skipping ahead to page fifteen on our permits
16 for both Field's Point and Bucklin Point. There's a
17 summary at the top of the page on what's happened over
18 the last few months, but basically we appealed the
19 permits last February, and last Friday DEM sent us a
20 proposed consent agreement to counter our proposal the
21 first week of October. We're reviewing that with staff,
22 and we'll be meeting this afternoon to discuss it. But
23 basically they're holding to their guns to force us to
24 go to five milligrams per liter of nitrogen. They said

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1 something in the letter something like you should have
2 gone to three, but we're going to be good guys and let
3 you go to five, even though everybody else in the state
4 will let you have eight. So, we'll keep you apprised on
5 that.

6 Also, on the Bucklin Point permit, for the wet
7 weather portion of the plant, they're proposing
8 amendments, and we're evaluating those also. Pages 17
9 and 18, I'm going to defer to Laurie Horridge
10 Bissonette, our general counsel, to discuss lien sale
11 matters. In particular the two issues that have hit the
12 press over the last month or so, the Madeline Walker
13 case, and last week the Maria Rosa case in Pawtucket.

14 We've tried to keep the Board informed as these
15 stories broke. We either e-mailed, faxed or mailed fact
16 sheets and re-releases to the Board to keep them posted.

17 Last but not least, to the last page, under
18 miscellaneous. We did have a closing for the
19 \$30 million state revolving fund on December 8th that
20 the Board approved. And as I mentioned, we issued
21 information packets to the Board, General assembly and
22 the media at large on the resale issue. And also we
23 issued today in the newspaper a request for
24 qualifications and proposals for further development and

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1 marketing of some innovative systems that have been
2 developed by NBC staff. And as receive and review those
3 proposals we will keep the Board informed.

4 Attached, there's no litigation, but there is a
5 monthly financial statement and the project schedule for
6 all ongoing construction projects.

7 Does anyone have any questions? I know there's
8 a lot of information here. Hopefully if have you any
9 questions you can always contact me.

10 MR. MESOLELLA: Laurie, do you want to come
11 up and offer to the board -- are you going to talk to
12 us about both Madeline Walker and Maria Rosa as well?

13 MS. BISSONETTE: Yes. Good morning. In the
14 last Board meeting on December 14th, it was the day
15 after we had learned about the Madeline Walker
16 eviction, and we learned about it as you did on the
17 news. Shortly thereafter suit was filed against us and
18 all the lien sale purchasers in this matter and the
19 City of Providence. A court appearance was actually
20 never required because all of the parties of the lien
21 sale purchasers agreed to undo the sale voluntarily as
22 a result of the allegation that Ms. Walker was, in
23 fact, incompetent. And guardians have been appointed
24 for her, both financial, and in terms of this

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1 transaction. I actually signed the settlement
2 agreement this past Monday, so that sale is undone, and
3 I believe that she's home and living there, and that
4 matter is closed.

5 In early January we received notice of a
6 similar foreclosure matter with regard to Maria Rosa, in
7 which we also made the papers and the news. This was a
8 similar situation in terms of this is an account that
9 had been in arrears for a number of years. Numerous
10 late notices; no responses at all from Maria Rosa or
11 anybody known to have anything to do with her. And the
12 NBC followed all the procedures laid out in the
13 statutes. We signed -- she signed personally for the
14 certified notice, but the allegations in the complaint
15 are that she likewise was incompetent to understand
16 these, that the guardian that was appointed by the court
17 did not adequately represent her. And one of the
18 allegations is that due process was not followed, I
19 guess, because we had violated her constitutional right
20 by not providing notice in Portuguese, which is her
21 native language.

22 For the record, and I did present this to the
23 court last week, we actually, on our notice at the top
24 of our notice it actually says, "this matter is an

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1 important real estate matter, please have it translated
2 immediately." And that is in Portuguese on the notice.
3 But for whatever reason, obviously, that didn't occur.
4 That account was also sold at the November '03 sale, so
5 my understanding is that it was foreclosed upon sometime
6 in January of '05, and she was evicted sometime around
7 April of '05.

8 The attorney had apparently filed a previous
9 suit, which did not name the NBC, it simply named the
10 owner of the property now and the lien sale purchasers.
11 I believe that NBC probably wasn't put into the suit
12 because we did follow the statute, and there really were
13 no allegations that NBC had not properly noticed Ms.
14 Rosa. However, the attorney on the other side, the
15 attorney for the owner of the property, is not willing
16 to undo the sale. They have taken the position that
17 they are a bona fide third party purchaser, they are
18 living in the property, they have done extensive
19 renovations to the property. So, they are not -- the
20 situation does not look like its going to go in the
21 Madeline Walker direction.

22 Because of that, it was placed on the trial
23 calendar, which, as everybody knows, is sort of lengthy.
24 As a result of that, after the Madeline Walker matter,

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1 the attorney determined that perhaps bringing NBC into
 2 the case would give it a little renewed interest. That
 3 is essentially why NBC was brought into the matter. It
 4 was on for hearing last Wednesday, which I attended. We
 5 got through all the minimal stuff like, was the house
 6 really sold for \$37.00. No, it wasn't. It was sold for
 7 approximately \$1,100, the actual lien itself. We got
 8 through some of that. Again, there were these
 9 allegations that we violated the constitutional rights
 10 by not providing notice. But we seemed to get through
 11 most of that. The court granted the restraining order,
 12 and all the restraining order does is it prevents the
 13 current owner from selling the property, which
 14 apparently is not a problem in this case, since he's
 15 living there with his family.

16 We're on for court again in the second week of
 17 February, and I or someone on our behalf will attend. I
 18 think this will all hinge on whether or not the current
 19 owner is determined to be a bona fide third party
 20 purchaser, if, in fact, it is found that he is the lien
 21 sale purchaser type, which was the situation in the
 22 Madeline Walker matter, all the people involved with
 23 buying the Walker property along the line were people
 24 that know the process, they were involved with the lien

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1 sale process, and I think the court felt that they all
 2 knew what they were getting into.

3 If it's a third party bona fide purchaser, I
 4 doubt that the court will overturn or undo this sale,
 5 because there's really no grounds for that.

6 So, that explains where we are on the Maria
 7 Rosa situation.

8 But with regard to legislation, obviously as a
 9 result of this there has been legislation introduced to
 10 deal with this issue. The first one was introduced by
 11 Senator Metts, and that would limit the NBC's lien sale
 12 authority to non-residential property.

13 Obviously we would oppose this bill for a
 14 number of reasons. First of all, ninety percent of
 15 everything that goes to the lien sale and ninety percent
 16 of our accounts, are residential accounts, so that's
 17 where we're losing the money, to be frank about it. So,
 18 we are in support of another bill that was actually
 19 introduced last year, and I believe the Governor
 20 supports it as well, which would provide that where a
 21 property is residential, contains less than four units,
 22 Rhode Island Housing has the right to first refusal.
 23 There's that bill, and then there is not filed yet some
 24 legislation from the Governor's office which is similar

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1 to that, except that it sells the properties in bulk to
 2 Rhode Island Housing.

3 We would actually go along with either of those
 4 bills, but I believe the bulk sale one probably makes
 5 more sense. We have met with Norm Orndecker, who is the
 6 Governor's -- I don't know if it's formal or not, but
 7 the chair with regard to this legislative matter. We
 8 have also met with Rhode Island Housing's counsel. And
 9 I think we're prepared to start that process as soon as
 10 possible. Whether, in fact, it even gets into the law
 11 in July, our plan is to actually go forward with Rhode
 12 Island Housing with this lien sale that we're involved
 13 with right now, even prior to the enactment of the law

14 in July. We're trying to work our procedures, because
15 obviously this is a big undertaking for Rhode Island
16 Housing. But they feel confident that they can handle
17 these accounts.

18 So, that's sort of where we are. I know it's a
19 lot of information and kind of complicated. I will
20 entertain any questions.

21 MR. ANDRADE: Laurie, I'm not sure what you
22 mean by the bulk sale.

23 MS. BISSONETTE: The bulk sale means that we
24 actually take all the accounts that we select for lien

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1 sale, we sell them or assign them to Rhode Island
2 Housing, they give us one check to compensate us for
3 that total number, whatever that is, and then they
4 start the process. So, it's different. No sale
5 actually takes place. It differs from the legislation
6 that Almeida and Metts introduced last year, which was
7 reintroduced, in that that would allow Rhode Island
8 Housing to come to the sale, or the day before the
9 sale, and sort of pick and choose which accounts they
10 want to take. I think we're more in favor of the bulk
11 sale approach that the Governor is advocating.

12 MR. ROTELLA: Laurie, I think you're really
13 onto something. I think the point of the matter is
14 that we have no interest in selling properties. The
15 only interest we have is in collecting the dollars that
16 are owed to the Bay Commission, because that affects
17 our rate going forward, and the way we need to account
18 for that money when it comes to rate hearings. So, I
19 think if you come up with some sort of a deal where
20 this bulk sale situation would take place with Rhode
21 Island Housing, or any other state agency who feels
22 that they want to step up, that's going to be a great
23 solution. It's a win/win for everybody, and I commend
24 you for your work on this.

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1 MS. BISSONETTE: One of the issues that keeps
2 coming up, and actually I was remiss in not saying it
3 is why can't we just do water shut offs. That seems to
4 be the line that you keep hearing out there.

5 First of all, NBC's high collection rates keep
6 the overall users fees low. We don't really have
7 control over all the water shutoff situations. We have
8 to coordinate with each local water board. Sometimes
9 the stops themselves, the water stops, are inaccessible,
10 which was the case in the Rosa matter. We could not
11 actually get to the stop and turn it off anyway.
12 Oftentimes most, not most, maybe half the time these
13 properties are abandoned and vacant properties. They
14 are oftentimes not habitable, and no one is living in
15 them. To say nothing of the fact that in these
16 situations neither of these people should have been
17 living in these particular homes. But that's a separate
18 issue. Unlike our write offs are relatively small.
19 Last year we wrote off approximately 110,000, whereas
20 New England Gas, for example, wrote off 7 million,
21 National Grid wrote of 5.7 million. Because we have
22 this sort of authority, we're able to keep our
23 collections really under control, so we don't have a lot
24 of write off. Which, of course, influences everything

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1 else in our finance world, because it allows us to

2 borrow at lower rates, we have a great bond rating. So,
3 it goes all the way through.

4 MR. MESOLELLA: The other issue with regard
5 to water termination is, can you just imagine that one
6 isolated case where water is shut off, and there is an
7 unfortunate event where someone gets sick and needs
8 water, can you imagine what the press would do with
9 regard to that? In the final analysis, the staff has
10 done a great job with collections. I was reminded by
11 Harold Gadon today that as far as three years ago, we
12 actually cancelled a lien sale program while we were in
13 constant and continuous discussions, Ms. Maceroni and I
14 from the state house, with the legislators, trying to
15 resolve issues of notifications, how these lien sales
16 got handled, because obviously we don't take any
17 pleasure in going on with a lien sale.

18 So, unfortunately it's taken on a life of its
19 own now, and we'll be dealing with it, and I'll have
20 more info to comment about it later in the meeting. But
21 basically one of the things that I would like to apprise
22 the members of the Commission of, we send out 80,000
23 bills quarterly. The lien sale, when they originally
24 selected out of 80,000 billings done quarterly, there's

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1 1208 over three years. Eighty percent of those, which
2 is 1,040, were resolved prior to the lien sale. Sold at
3 lien sale was only 168. We helped to redeem -- all but
4 56 were redeemed, and only five percent of those were
5 not redeemed within one year. We don't have any data as
6 to whether or not any of those were foreclosed or not,
7 but we suspect that probably not.

8 So, in the final analysis this is a very, very
9 isolated case. And all the facts regarding these two
10 particular foreclosures have never come to public light.
11 I know that you all have received these in your packets,
12 which are the process that the Narragansett Bay
13 Commission went through with regard to Mrs. Rosa and
14 Madeline Walker. So, I mean, I think our record,
15 Narragansett Bay Commission's record on trying to
16 resolve these kinds of matters is very clear. We've
17 been -- I don't know, Joanne, how many years have we
18 gone to the state house in working with legislators on
19 this particular issue. A protracted number of hours has
20 been dedicated. Numerous times we've appeared and
21 presented testimony to the various legislative
22 committees. And obviously we're committed to resolving
23 these situations to see that they never happen again.
24 But the representation that we put people in the street

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1 for \$36 is somewhat ludicrous. It really is. I know
2 the general assembly and Joanne Maceroni keeps us
3 informed with regard to hearings. Are there any
4 hearings scheduled that you're aware of?

5 MS. MACERONI: Not yet.

6 MR. MESOLELLA: We'll be happy to provide
7 testimony. I think the Governor's bill is appropriate.
8 We haven't actually had a meeting to review it in
9 significant detail, but it appears to be a good
10 solution to a problem we prefer not to deal with.

11 Commi ssi oner Sal vadore?

12 MR. SALVADORE: I have a question. This
13 libel, slander suit that we're anticipating considering
14 against Dennis Langel, what exactly happened there? I

15 have no knowledge of what happened.

16 MR. MESOLELLA: Would you like us to go
17 through the genesis of it, or do you want just an
18 update? I would be happy to discuss the genesis.

19 MR. SALVADORE: Well, I'd like to know what
20 the man said.

21 MR. MESOLELLA: We're going to ask Laurie to
22 do that, but before we get that explanation, I think
23 especially for the benefit of our new commissioners, it
24 should be noted that Dennis Langely served on this

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1 Board. He's from the Urban League, served on this
2 board, is abundantly aware of the efforts that we had
3 made in this particular area. And it's for those
4 reasons, I think, more than any other that I think his
5 comments were totally inappropriate. And Laurie can
6 speak to that.

7 MS. BISSONETTE: There was an actual article
8 that ran in the Pawtucket Times in which Mr. Langely
9 was quoted as saying that the NBC sale targets
10 minorities and low income and that sort of thing. And
11 clearly that's not true. The process itself is
12 completely color blind and blind in every way. We
13 select accounts. We don't even know who the people are
14 when we actually select them. So, he knows that to be
15 erroneous. And I know that for a fact, because a few
16 years ago when he had introduced some legislation, I
17 met with him, as well as Joanne, and we worked out a
18 situation with him whereby every ninety days after the
19 sale we give him a list of any properties that are not
20 redeemed. He then can contact any of those unredeemed
21 property owners and get them the assistance that they
22 need.

23 Unfortunately Madeline Walker and Maria Rosa,
24 that process, they predated that process. Nevertheless,

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1 I don't know whether or not the Urban League actually
2 does contact any of those people. So, that's the
3 genesis, that's the impetus for the actual contemplation
4 of a suit against him.

5 MS. SAMONS: If I could just interrupt. We
6 found out yesterday from the Pawtucket Times that they
7 ran a clarification saying that they didn't attribute
8 but rather that David Langely, that he did not say that
9 about the NBC, but he said that about the resale
10 purchasers. We just got that information yesterday.

11 MS. BISSONETTE: We have subpoenaed certain
12 records, certain interviews that he conducted with
13 various channels, as well as any articles in which he
14 mentioned the NBC, and obviously our counsel will be
15 reviewing them to determine whether there's sufficient
16 facts to go forward.

17 MR. LAZIEH: I want to commend the legal
18 department for getting the facts out and keeping us
19 apprised of what the actual facts are, because
20 unfortunately the Journal can slant things.

21 MR. MESOLELLA: I'm shocked to hear that
22 about the Journal. Anyone have any other comments or
23 any questions for legal counsel?

24 I guess we're still on the Executive Director's

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1 Report.

2 MR. ROTELLA: We're all done with that.

3 MR. MESOLELLA: We're all done with that?
4 Unless anyone has any questions relative to the
5 Executive Director's Report. Okay. Moving right
6 along, we'll move on to item number six, which is
7 Committee reports and Action Items Resulting. The
8 first committee reporting is the Finance Committee.
9 Commissioner Andrade, do you have a report for the
10 Commission today?

11 MR. ANDRADE: Mr. Chairman, the committee
12 met, but we do not have a report, so no action at this
13 time.

14 MR. MESOLELLA: Thank you. The CEO
15 Committee. The chairman chaired that meeting today.
16 There were three items that needed an action. The
17 first item, Item A, is the review and approval of
18 Resolution 2006:01, which is an authorization to amend
19 Contract 704D, Washington Highway and the Omega Pump
20 Station.

21 This was an amendment to an existing contract.
22 There was a motion to approve it. It was passed. For
23 the board, for the benefit of the board, Mr. Vice
24 Chairman, do you want to proceed with that explanation?

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1 MR. PINAULT: Yes, Mr. Chairman. As noted in
2 the memo dated January 13th, back in 2000, after going
3 through a public process, we hired Beta Engineering
4 Group out of Lincoln, Rhode Island to conduct
5 facilities planning to look at two of our pumping
6 stations in the Blackstone Valley district, the
7 Washington Highway station in Lincoln, and the Omega
8 Point in East Providence. The recommendations of the
9 plan were to replace the Washington Highway pump
10 station, because the old station had outlived its
11 useful life, and to replace the force mains along Route
12 116, and to rehab Omega Pond and replace the Omega Pond
13 force mains.

14 That project was designed, went out to bid, and
15 the construction contract was awarded, I believe, in
16 November, to CB Utility. In the ensuing six years or so
17 we've had some problems at Omega Pond in a little
18 building prior to the pump station, which is where we
19 have some bar racks. And we've had Beta look at that,
20 and they've recommended that we pull out the bar racks
21 and put in a grinder system, which would be easier to
22 maintain, and make some other minor modifications to the
23 building. The staff has negotiated a contract amendment
24 for \$67,000 to prepare biddable plans and specifications

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1 for these improvements. They feel it's fair and
2 reasonable for the amount of work to be done. And
3 that's outlined in Resolution 2006:01. Once this work
4 is done, we would go out to bid and come back to the
5 board for the recommendation for the award of the
6 construction.

7 MR. MESOLELLA: Mr. Salvatore, do you have a
8 motion?

9 MR. SALVADORE: I'll move to approve.

10 MR. MESOLELLA: We have a motion to approve.
11 Seconded by Commissioner DiChiara. Further discussion
12 on the motion? Discussion on the motion? Hearing
13 none, all of those that are in support will say aye.
14 Any opposed? None opposed, and the motion carries.

15 Item B is review and approval of Resolution

16 2006: 02, authorization to amend contract 304.24P, CCOM
17 Plan Development. Paul, you might want to proceed with
18 an explanation of that, please.

19 MR. PINAULT: In the summer of '04 we issued
20 a request for qualifications and proposals for a
21 consultant to develop a capacity management and
22 operation maintenance plan for our sewer interceptor
23 system, which is a plan that's highly recommended by
24 EPA. We selected Brown & Caldwell. They have

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1 extensive experience in this nationally. And that
2 contract was awarded for about \$235,000, and they're
3 doing an excellent job. As we were developing the
4 land, one of the things that came to light was that
5 over the last few years we've televised and cleaned
6 about 200,000 linear feet of interceptor sewers, and we
7 continue to sell additional miles every year.

8 Because of the existing workload of the staff,
9 most of these tapes have just been sitting there, and we
10 need someone to go through them to evaluate them on a
11 common basis, and then to make recommendations for
12 sections of the pipes that might need further work,
13 either rehabilitation or replacement.

14 We've worked out a proposed scope of work with
15 Brown & Caldwell to do a condition assessment to develop
16 a standardized rating system, which we will use in the
17 future. They will go through all 200,000 linear feet of
18 tape and make recommendations to us based on this
19 standardized system where we need additional work, and
20 then they'll also develop guidelines so that we can do
21 that on our own in the future.

22 The cost of that piece is \$80,000, and we feel
23 that that is reasonable and fair.

24 The second task is under our consent agreement

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1 with DEM, we have nine things that we have to do under
2 the national CSO Program. One of them is to develop a
3 floatables control plan. And DEM specifically has said
4 that for phase two and three outfalls, which will not be
5 picked up for another five to 15 years, we must
6 implement floatables control as soon as possible.

7 We've done some preliminary work on this. As
8 you know, we've built a large floatables control system
9 on Bucklin Brook in East Providence. It cost us
10 \$850,000 for one, and we have another forty places or so
11 that we need to do this, but we don't have the land
12 available that we did at Bucklin Brook.

13 They recommend to develop this plan for us for
14 \$20,000, which, again, we feel is extremely reasonable.
15 So, our recommendation is to add these two tasks to this
16 present scope, and increase the amount by \$100,000. And
17 it's outlined in 2006: 02.

18 MR. MESOLELLA: You have heard the executive
19 director's explanation. The CEO Committee met earlier
20 today, voted to approve this matter, and we will bring
21 it before the full board for consideration.

22 Commis sioner Lazi eh?

23 MR. LAZIEH: Move to approve.

24 MR. MESOLELLA: We have a motion to approve

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1 2006: 02.

2 MR. ANDRADE: Second.

3 MR. MESOLELLA: Seconded by Commis sioner

4 Andrade. Further discussion? Is there any other
5 discussion on this motion? If there is no discussion,
6 the Chair would like to say that I think this is an
7 extremely important process to help determine the
8 direction of our CIP Program. Tom, do you know what's
9 the expected start date, completion date of the
10 individual inspection?

11 MR. BRUECKNER: It's a condition of
12 assessments. They're going to look at the tapes, and
13 they're going to do a condition assessment. As soon as
14 we get the approval, we'll negotiate the contract.
15 That will take about a month to sign the contract, get
16 it prepared. I think they've stated about six months
17 to do this work, so we should finish by the end of the
18 year.

19 MR. MESOLELLA: Paul, when do we present the
20 CIP plan? What month does that --

21 MR. BRUECKNER: It's done in the spring.

22 MR. MESOLELLA: So, timing-wise?

23 MR. BRUECKNER: It would be next year.

24 MR. MESOLELLA: So, we'll be able to use the

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1 information to make the determination after this June.
2 Okay. We have a motion. We have a second. Further
3 discussion? Hearing none, all of those that are in
4 favor will say aye. Are there any opposed? There are
5 none opposed, and the motion carries.

6 Item C is Review and Approval of Resolution
7 2006:03, authorization to amend Contract 05:907, which
8 is assessment and design of improvements to NBC's
9 laboratory. The executive director basically explained
10 that we have some issues with our laboratory building
11 which is open -- is it 365 days a year, Paul? So,
12 Resolution 2006:03 provides that we enter the contract?

13 MR. PINAULT: We'll amend the contract for
14 \$127,000 to design the recommended improvements to the
15 heating, ventilation and air conditioning system.

16 MR. MESOLELLA: Pretty basic and simple.
17 Discussion? Commissioner MacQueen?

18 MR. MACQUEEN: Commissioner MacQueen moves
19 for approval. Seconded by Lazieh. Are there any
20 comments, questions or discussion? Hearing none, all
21 of those that are in favor of Resolution 2006:03 will
22 say aye. Are there any opposed? There are none
23 opposed. That motion carries. That concludes the
24 report of the CEO committee.

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1 Further committees reporting. Personnel
2 committee.

3 MR. PINAULT: Personnel committee met this
4 morning. We approved two minor changes to the
5 organization plan. Does not need board approval. We
6 also noted at the personnel committee that under our
7 collective bargaining agreements with our unions in the
8 second year of the contract, which we're in, that we
9 have a reopener of health care negotiations, and we
10 will be initiating that shortly, and hopefully we will
11 have a resolution for recommendation to be implemented
12 by July 1.

13 MR. MESOLELLA: Regarding the legislative
14 committee report, as you all know, as a result of the
15 passage of separation of powers, the four legislators
16 who were members of that committee, and who are no

17 longer with us, that was what the committee was
 18 comprised of. I've had some discussions with the
 19 executive director with regard to a legislative
 20 committee, what that might look like, and we're
 21 contemplating the possibility that we may convert that
 22 through some of our members to not only a legislative
 23 committee, but some kind of, not only legislative, but
 24 public legislation committees. I will be making the

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1 necessary appointments for the March 8th meeting. If
 2 anyone wishes to express some interest in serving in
 3 that capacity, I would appreciate if you notify the
 4 executive director, Joanne Maceroni, and we'll make the
 5 necessary appointments to that committee.

6 Other than that, there was no committee report.
 7 Rules and Regulations Committee?

8 MR. CRUISE: No report.

9 MR. MESOLELLA: Ad Hoc Storm Water Rate

10 Committee?

11 MR. PINAULT: No report.

12 MR. MESOLELLA: Citizens Advisory Committee.

13 Harold, you're on.

14 MR. GADON: We did not meet last week, but we
 15 will meet again on March 1st. Informally we did
 16 discuss the lien issues where NBC received unfortunate
 17 publicity in a complicated issue, since one of our
 18 members is a former member of the Rhode Island Housing
 19 Authority. The CAC does congratulate Mike Salvadore on
 20 his reappointment, and welcome Leslie Gray and Mr.
 21 Thompson to NBC. We also congratulate Commissioner
 22 Rotella on his election as Chair of the American Health
 23 Care Association in Washington, D.C., with a staff of
 24 95 employees.

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1 We also noted that Commissioner Perkins and his
 2 family were featured in the October issue of Plating &
 3 Surface Finishing, celebrating 140 years in business for
 4 his R.E. Sturdy Company, four generations.
 5 Unfortunately, with the present business climate, this
 6 will probably be the last generation.

7 MR. MESOLELLA: Thank you, Harold. Next
 8 committee reporting is the Executive Committee. The
 9 Executive Committee did meet this morning earlier. The
 10 purpose of the meeting was to discuss for further
 11 consideration of the unification of our campus, which
 12 would involve the abandonment of Service Road, and
 13 perhaps consideration of further abandonment -- not
 14 abandonment, but condemnation or acquisition, I should
 15 say, of Service Road, and possibly a paper road which
 16 is located behind us, I guess. It was concluded that
 17 Commissioner Rotella and our executive director will
 18 initiate discussions. I don't know if I should say
 19 further discussions. I don't know where we left off
 20 with the city. This has been a matter which has been
 21 pending on the burner for the last year and a half, I
 22 would assume. So, we've decided now to try to conclude
 23 those discussions with the City. Commissioner Rotella
 24 and our executive director will initiate those

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1 discussions with the City. Hopefully we can come to
 2 some conclusions. It would appear that the most
 3 difficult issues to surmount is what's going to happen
 4 with the dog pound, but hopefully all of that will come

5 out of those discussions with the city, and we will
6 reach some conclusions.

7 Anything else I should mention? Providence
8 Port has indicated their interest in being involved in
9 those discussions. During the meeting, our executive
10 director has informed us that the president of
11 Providence Port, Ray Mena, has notified our executive
12 director that there's a company which is interested in
13 locating on the port here, interested in acquiring what
14 was former Bay Commission property, which is the Inge
15 Property, and the property which abuts that, which is
16 currently owned by the Narragansett Bay Commission,
17 where Eco Depot was. So, he declines to say and
18 identify who the company was, except to say that he
19 is -- they are interested in acquiring that property,
20 Narragansett Bay Commission property, which is
21 contiguous, and perhaps even relocating Field's Point
22 Drive, which would impact our discussions with the city
23 of Providence relative to the acquisition or
24 condemnation of that road. Hopefully by March 8th we'll

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1 have some further information. Commissioner Rotella has
2 volunteered to get involved in this process for us.
3 Other than that, there were no other matters to come
4 before the executive committee.

5 Regarding the Chairman's report, historically
6 there has not been a February meeting. This year is no
7 different. Our next meeting will be scheduled for
8 March 8th. Again, I would like to congratulate
9 Commissioner Rotella on his appointment to a very
10 significant national association, and welcome our two
11 new board members, and congratulate Commissioner
12 Salvatore on his reappointment as well. And that
13 concludes the Chairman's report for this month.

14 Moving right along, item number seven, which is
15 new business. Is there any new business to come before
16 the Commission?

17 MR. LAZIEH: Mr. Chairman?

18 MR. MESOLELLA: Proceed.

19 MR. LAZIEH: As I began to mention during the
20 Personnel Committee at the appropriate time, I would
21 submit that the Board congratulate and thank those
22 members who are leaving the board, and be done formally
23 at a board meeting in the future with the chairman and
24 executive director.

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1 MR. MESOLELLA: So noted.

2 MR. PINAULT: I have already contacted both
3 former members. Commissioner Giusti is in Florida for
4 a couple of months, won't be back until May, so he
5 would like to come to the May meeting. And Laurie
6 Montanaro was not available today. She may be
7 available for the March meeting, but we've already got
8 that in the works.

9 MR. MESOLELLA: Thank you. Item number nine.
10 Commissioner Rotella?

11 MR. ROTELLA: I move adjournment.

12 MR. MESOLELLA: We have a motion to adjourn.
13 Seconded by the entire board. All those in favor will
14 say aye. Any opposed? If there are none opposed, the
15 motion carries, the meeting is adjourned. Thank you
16 all very much for coming today. This hearing is
17 adjourned.

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C E R T I F I C A T E

I, Jane F. Cormier, Shorthand Reporter, hereby
certify that the foregoing is a true and accurate
transcription of my stenographic notes of the proceedings
in this matter on the date and time specified in the
caption hereof.

JANE F. CORMIER, CSR.

DATED: February 10, 2006