

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

3
4 IN RE:
5 MONTHLY BOARD MEETING OF THE COMMISSION
6

7 DATE: MARCH 5, 2008
8 TIME: 11:00 A.M.
9 PLACE: NARRAGANSETT BAY COMMISSION
10 ONE SERVICE ROAD
11 PROVIDENCE, RHODE ISLAND 02905

12 BEFORE: VINCENT MESOLELLA, CHAIRMAN
13 RAYMOND MARSHALL, EXECUTIVE DIRECTOR
14 DR. RICHARD BURROUGHS
15 BRUCE CAMPBELL
16 MICHAEL DICHIRO
17 JONATHAN FARNUM
18 JOSEPH KIMBALL
19 JOHN MACQUEEN
20 ALAN NATHAN
21 ANGELO ROTELLA
22 MICHAEL SALVADORE
23 LEO THOMPSON
24 RICHARD WORRELL
25 LESLIE GRAY
JOSEPH D'ANGELIS
KRISTEN SULLIVAN

26 ALLIED COURT REPORTERS
27 115 PHENIX AVENUE
28 CRANSTON, RI 02920
29 (401) 946-5500

1 ALSO PRESENT:

2

LAURIE HORRIDGE BISSONNETTE

3

KAREN GIEBINK

THOMAS UVA

4

HAROLD GADON

MAUREEN GURGHIGIAN

5

KAREN GRANDE

JENNIFER HARRINGTON

6

TERRY COTE

TOM BRUECKNER

7

STEVE WHITNEY

SHERRI ARNOLD

8

FRANCIE BROWN

CYNTHIA MORISSETTE

9

JAMIE SAMMONS

JOE PRATT

10

LEAH FOSTER

RICH BERNIER

11

AMES B. COLT

DEB SAMSON

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KAREN MUSUMECI

JOANNE MACERONI

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1 (HEARING COMMENCED AT 11:25 A.M.)

2 MR. CHAIRMAN: We'll begin the Board
3 meeting. Okay, recognizing the quorum, we will
4 call the Wednesday, March 5th meeting of the
5 Narragansett Bay Commission to order at 11:20.
6 Good morning everyone. The first order of
7 business is the approval of the previous minutes.
8 Have our members had an opportunity to review the
9 previous minutes of January 23rd and, if so, are
10 there any comments, questions, or corrections?
11 Approval of the previous minutes of January 23rd?

12 MR. ROTELLA: Mr. Chair, I make a motion
13 to approve those minutes.

14 MR. CHAIRMAN: We have a motion to approve
15 the minutes of January 23rd, seconded by
16 Commissioner MacQueen, Commissioner Kimball,
17 Commissioner Salvadore. Further discussion?
18 Hearing none, all those that are in favor will say
19 aye.

20 (VOICE VOTE TAKEN)

21 MR. CHAIRMAN: Any opposed? No one
22 opposed, the motion carries.

23 Item number 3, which is Old Business. Do
24 any of the members have any old business coming
25 before the commission this morning, old business

1 of any kind? Hearing none, moving right along.

2 Next order of business, Executive
3 Director's Report. Do you have a report, Mr.
4 Secretary? Proceed.

5 MR. MARSHALL: Mr. Chairman, I do.

6 MR. CHAIRMAN: Proceed.

7 MR. MARSHALL: Okay. You should have your
8 report in front of you. I'm going to try to go
9 through it quickly. On page 2, we report to you
10 the effluent quality information for January of
11 this year. You can see that the numbers are in
12 the teens at Fields Point, the same as at Bucklin
13 Point. So, treatment continues to go well.

14 Page 3, I just want to bring your
15 attention to the fact on sludge removal, we
16 continue to remove around 23 or 24 dry tons per
17 day at Fields Point. I am happy to report that as
18 of 2007, we have met the goal of 50 percent
19 recycle of our bio-solids. That's a contract we
20 have with Synagro. That was a provision in their
21 contract and in the second year of the contract
22 they were able to meet that. So, we're very proud
23 of that and we think that that's a progressive way
24 of dealing with our by-product.

25 Moving to page 4, we've had some

1 interesting items. If you look at the second
2 paragraph, the second item, it has to do with
3 activities here in the Port of Providence. The
4 Port is ramping up its activity and it is bringing
5 in much larger amounts of coal into the country
6 and is entering here in Providence.

7 They also have a warehouse for aluminum
8 oxide. I'm not exactly sure what they do with
9 that, but both of those generate a fair amount of
10 dust and other nuisance-type of activity. The
11 coal is one that is different than what had
12 traditionally come into the Port of Providence.
13 It's from Malaysia, I believe. It's very subject
14 to spontaneous combustion. So, they have to work
15 the pile on a regular basis in order to keep the
16 hotspots down, and when they don't do that, for
17 example, at night and on the weekends, fire
18 smolders in the coal pile, and depending on the
19 wind direction, drifts onto our plant.

20 So, we've been working with them to try to
21 remedy that issue. It has been one that's been a
22 little tough to get our arms around. They have
23 solved the current problem by shipping the coal
24 out of state. I believe it's headed for -- Tom,
25 where is it headed for?

1 MR. UVA: All over of the East Coast;
2 Virginia, Pennsylvania, all along the East Coast.

3 MR. MARSHALL: So, anyway, that's
4 something new and exciting that we have had to
5 deal with.

6 As you turn to page 5, again, the Bucklin
7 Point Operations. Again, the only item of note is
8 that we're removing seven dry tons per day of
9 bio-solids out of that facility which is about the
10 average we've seen over the past several years,
11 but we're within contractual limit.

12 On page 6, we get into the Maintenance
13 Activities, in particular. We've had some
14 extensive training of the staff on the Washington
15 Highway Pump Station and the Omega Pump Station,
16 two brand new systems that we've had put into
17 place in the last few years through a construction
18 contract totalling about \$5 million.

19 We begin to address Interceptor
20 Maintenance, at the bottom of page 6. We did have
21 one overflow. It occurred at Pitman Street in
22 Providence, and our crews responded very quickly.
23 Only 2,900 gallons went over. So, that was a good
24 response on their part.

25 On the top of page 7 where it says:

1 Status of Best Maintenance Practices, you'll see
2 that we submitted a couple of reports to DEM and
3 EPA, which has to do with how we're managing our
4 collection system. Those are deadlines that they
5 set for us on an annual basis and we continue to
6 meet their expectations.

7 We did do some work on the pump stations
8 throughout the system, and on page 8, we indicate
9 that at the Lincoln Septage Receiving Station that
10 we actually had quite a lot of activity for a
11 January time period, where we had nearly 150
12 trucks and 440,000 gallons of septage. A lot of
13 times you'll see a big drop-off in the winter
14 because the ground is frozen and there's snow
15 coverage. Not a lot of people get their systems
16 pumped out but this year with the fairly mild
17 winter, anyway, they're actively involved in that.

18 Down towards the bottom of page 8, the
19 Grotto Brook Siphon, which is a contract that we
20 had under construction for the last several
21 months, the site in itself is finished and has
22 been turned over to us. Just prior to that, we
23 removed quite a lot of grit just upstream of the
24 new siphon so that it wouldn't plug it immediately
25 after we put it on line. So, we removed about

1 four cubic yards of grit material. That's a
2 fairly significant amount.

3 We did have some damage, as we go onto
4 page 9, of some manholes over by the construction
5 site on the Iway project over on India Street.
6 The contractor over there knocked the top off of a
7 couple of our manholes and it made the temporary
8 repairs, and we agreed on a permanent repair for
9 their final paving activity, which will occur over
10 the next several months or year, or so, but right
11 now everything is stabilized and we continue to
12 operate fine.

13 The TV and cleaning contracts, we have
14 three active ones, one just starting, one about
15 halfway done and one nearly complete.

16 Engineering, which begins on page 9, has
17 been very involved in a number of projects,
18 including the nutrient removal contract over at
19 Fields Point. We'll have an action item for you a
20 little later in the meeting where we want to
21 expand the scope of that project to include some
22 other improvements that we feel would be prudent
23 to make as part of nutrient removal folded into
24 one comprehensive contract.

25 Moving onto page 10, the Tunnel Pump

1 Station, as you know, is scheduled for a
2 completion in the next several months, and we've
3 begun some training and we're developing control
4 strategies for tunnels in-flow and out-flow, how
5 fast you let it come in, how fast do you pump it
6 out? There's a lot of variables and we continue
7 to run through the different scenarios.

8 On page 11, we are actively involved in
9 the design of Phase II, the CSO. The interceptor,
10 the drop shaft at the end of that interceptor, are
11 the subject of a number of evaluations in terms of
12 location and routing. It's turning out to be a
13 challenging design contract but we're confident
14 that we'll come up with something that will be in
15 the best interest of all the parties involved.

16 We also had the sewer separation contract
17 as part of this work, and the Seekonk River
18 interceptor is also in the draft design phase at
19 this point in time. So, we continue to make
20 progress on the next phase of CSO.

21 Moving to page 12, our interceptor work,
22 our interceptor easement work in Cumberland, we've
23 had a reasonable amount of success with dealing
24 with the property owners upon which those
25 easements run, through which those easements run.

1 There are a few buried manholes. Homeowners have
2 filled over the pipe and over some manholes and we
3 are working with them as diplomatically as we can
4 to gain access to those facilities with a
5 reasonable amount of success, I think.

6 We have a couple of other contracts that
7 are in the middle of that page that we'll have out
8 for a bid sometime this summer as we continue to
9 make improvements to our collection system.

10 Page 14 begins with the construction
11 divisions report, and the two remaining CSO
12 contracts, one is regulator modification. We're
13 about two-thirds done on that contract, moving
14 along well, and then the Tunnel Pump Station,
15 which I mentioned a little earlier. Work is going
16 well on that.

17 We do have one problem that we're trying
18 to deal with now, which has to do with soil
19 stabilization as we try to jack the 102 inch pipe
20 on the existing facility, and I'm sure we'll come
21 to a resolution in the next few weeks.

22 On page 16, I think I mentioned earlier
23 that the new Grotto Brook Siphon is now online and
24 the Burrington Street improvement where we jacked
25 under the Amtrak facility, that is done but we

1 still need some work to connect those up. So,
2 overall, that is working out pretty well.

3 India Street Siphon Repairs, we're going
4 to award shortly with your approval. Karen just
5 went through the financial report. 58 percent
6 through the year, about 55 percent is the budget,
7 you'll see that on page 17. We have 241 positions
8 of the 254 positions authorized, filled, and she
9 outlined for you the various cash and investment
10 status. She'll explain when we have action items
11 related to finance about our variable rate demand
12 obligations, which are noted on page 20 what the
13 recent activities on the markets have had on those
14 instruments.

15 All the way through to page 27 is all
16 financial information. You can peruse that at
17 your leisure. Policy Planning and Regulation
18 begins on page 28. We continue to work on the
19 Siloxanes project. Environmental Safety and
20 Technical Assistance is very involved in dealing
21 with the issues I mentioned earlier; the port, the
22 coal and the aluminum oxide dust, as well as
23 metals recycling who has some dust flow over here
24 from their scrap yard. We seem to be well in the
25 way of resolving all of those problems.

1 On page 30, I note that RIDEM came in for
2 an audit of our Pretreatment Program in early
3 January and we found minor issues. So,
4 compliments to the staff on running a good
5 program, and anything that they found would able
6 to be addressed in fairly short order.

7 On page 31, we did have a capacity issue
8 or request from Johnston. This is one of a series
9 that we've had of this nature where developers
10 want to develop land outside the service area that
11 the Town of Johnston has defined, which is
12 basically Route 295, and we keep advising the
13 developers that the town will need to adjust its
14 facilities plan in order for them to be able to
15 get DEM approval to do that.

16 We also explained to them that that's the
17 types of issues that we'll have depending on where
18 they're discharging. So, those issues keep
19 cropping up.

20 On page 32, Stormwater Mitigation project,
21 we're going to remove another -- the developer
22 will remove 100 or so thousand gallons of
23 stormwater from our system, based on a three-month
24 storm. We continue to do a significant amount of
25 sampling, as you can see on page 33, 1,700 samples

1 taken in the month of January. We give some
2 comparisons to the prior January and the total for
3 all of 2007.

4 In terms of compliance with our permit on
5 page 34, we analyzed for many, many parameters.
6 We had a couple of interesting ones. Fields
7 Point, we had a problem with the cyanide level on
8 December 26th, which I don't think we've ever
9 really been able to figure out where that came
10 from, why that occurred, whether it was actually
11 in the waste, whether it was a sampling error,
12 whether it was an analysis error. It was just one
13 of those anomalies and because we encountered it,
14 we have to report it, but there is really no
15 explanation.

16 The day after Christmas isn't a time that
17 you would normally expect, unless it was from an
18 industrial dumper, or something of that nature.
19 So, I don't believe that to be the case unless Tom
20 Uva has a different opinion which he would like to
21 share with us.

22 MR. UVA: We're investigating road salts,
23 cyanide complex in road salts. So, the piles of
24 cyanide salt that you see have hundreds of pounds
25 of cyanide in it, and it's just the time of year

1 where the cyanide goes up a little bit and the
2 wind is blowing from the piles into our effluent
3 sampling equipment and we have a problem. It is
4 one of the other issues we're working with the
5 Port of Providence on.

6 MR. MARSHALL: So, that's a possibility,
7 one would think, that over the course of the
8 months that salt is on the roads that you would
9 see it consistently, but it's just a number that
10 we didn't expect but we continue to investigate
11 it. We had one pH, low pH number at Bucklin Point
12 in January, and it had to do with the caking of
13 the soda ash in the stored silo, which was
14 addressed.

15 Page 35, at the bottom, shows you the
16 number of analyses that the lab has done, 8,800.
17 So, they continue to be a busy group over there.

18 Page 36, we give you a little bit of an
19 update on the various energy programs that we've
20 been working on, we continue to do that, and then
21 we move into executive on page 37, and legal has
22 been busy. In particular, you might want to note
23 that on page -- I'll go right through page -- all
24 the way to page 42, we have a Lien Sale scheduled
25 for May 1. We originally identified 315 accounts,

1 86 of which have already been resolved. We had a
2 presale payment at this point in time of nearly
3 \$120,000, 229 properties remain or accounts remain
4 on the list at this time, but those start to
5 diminish fairly quickly once additional notices go
6 out.

7 Public affairs starts on page 43. We have
8 several activities planned for the spring time.
9 Jamie is going to come up and will give you a
10 little bit of explanation or insight as to what
11 those are, and I believe she is going to try to
12 solicit some volunteers from amongst the board
13 members. But just before she does that, let me
14 mention that Joanne, her government affairs
15 responsibility, has been reviewing 650 pieces of
16 legislation that were introduced to the General
17 Assembly for the potential impact on our
18 operations, and we have found some pretty
19 interesting ones. We have a legislative report
20 for you, which she will fill you in on shortly.
21 Jamie, would you like to make your pitch?

22 MS. SAMONS: Absolutely. Good morning. I
23 just want to -- actually, we're very lucky to have
24 Cynthia here with us this morning. Normally she's
25 wrestling with elementary school kids at this time

1 of the day, so don't mess with her. But we've got
2 a lot of exciting stuff happening this spring and
3 also through the summer and into the fall. We're
4 both here this morning to twist your arms a little
5 bit to see if we can get you to roll up your
6 sleeves and get sweaty with us.

7 I'm going to have Cynthia tell you, first,
8 about our very exciting educational conference
9 that's happening in May, just briefly, and then I
10 will try to get you excited about some stuff that
11 is happening this fall.

12 MS. MORISSETTE: I think most of you were
13 here last year at our conference in May. It's the
14 same basic idea. It's at Goddard Park in Warwick
15 on May 22nd. It's a Thursday, so I know most of
16 you are working, but, if you want to come out, we
17 have lots of activities going on and I will need
18 lots of help on that day. So, you're more than
19 welcome to volunteer, or if you want to just come
20 and see what the kids are doing, that would be
21 great, too. So, you can either call me or e-mail
22 me if you're going to be available and just let me
23 know that you're going to come. That would be
24 excellent.

25 MS. SAMONS: This conference is the

1 culmination or our year-long in-classroom and
2 on-river education programs for elementary school
3 kids, over the course of the school year, has 600?

4 MS. MORISSETTE: About 500.

5 MS. SAMONS: Okay. It just seems like
6 600. Third and fifth graders -- second and fifth
7 graders, I guess, involved this year and every
8 month she goes out to classrooms at eleven
9 different schools and gives a different water
10 quality lesson, and then twice a year they get to
11 go out to different local water bodies and do
12 hands-on water quality testing.

13 It really gives the kids an opportunity to
14 take ownership of their own watershed to get out
15 and see how our daily activities affect streams
16 upon the Narragansett Bay. It also gives the kids
17 a good appreciation for what we do here at the Bay
18 Commission to clean up the water.

19 So, I know the Chairman was there last
20 year and Commissioner Salvadore was there last
21 year. I think they can both attest to the fact
22 that it's a really fun day, a little bit loud, but
23 I highly recommend that if you're interested in
24 coming out and learning a little bit more about
25 those educational programs, that you definitely

1 come. If you think you might be willing to try to
2 herd some third graders, then you give thought to
3 that, as well, and you can contact me, you can
4 contact Cynthia, you can contact the Chairman,
5 we'll get you set up.

6 Now, I am here to ask -- to try to solicit
7 some volunteers for what will be a very exciting
8 event this fall. As all of you know, our Phase I
9 CSO Tunnel is going online this fall in October,
10 and we're trying to plan at this point an
11 appropriate public event for that. I think it's
12 only right that this be something very special.
13 So, what I'd like to ask now is to see if any of
14 you might be willing to come to the table with us
15 as we try to plan this event and as we try to
16 determine who our key audiences will be and how we
17 can most appropriately reach out to them and get
18 people involved. So, you know, we'll be starting
19 to work on that rather quickly, probably within
20 the next couple of weeks. So, if you would like
21 to help us out with that. Yes? Are you
22 volunteering?

23 MR. NATHAN: Yes.

24 MS. SAMONS: Oh, good.

25 MR. NATHAN: So are you, Leo.

1 MR. THOMPSON: I already have.

2 MR. NATHAN: I was waiting to see that arm
3 go up. Commissioner Campbell.

4 MS. SAMONS: All right. Great. The
5 others of you, sleep on it, let me know.

6 MR. MARSHALL: We'll send you an e-mail to
7 remind you.

8 MS. SAMONS: We will send you an e-mail to
9 get you involved in our project.

10 MR. CHAIRMAN: This is a really
11 significant event. I mean, I don't know what else
12 to say. It's a very significant time in the
13 history of the Narragansett Bay Commission. It's
14 a historic time for environmental improvement, bay
15 quality improvement in the State of Rhode Island.
16 We really want to make this a really, really
17 significant and popular event. So, if you can,
18 participate.

19 MS. SAMONS: Have all your best ideas
20 ready and let us know. And then just in the
21 general near future, I've talked to you a couple
22 of times about our Rain Barrel Event. We've got
23 that coming up on Sunday, April 27th. The
24 response has been phenomenal and it looks like
25 right now we're going to have about 700 people

1 here picking up rain barrels.

2 MR. MARSHALL: A lot more than we
3 originally planned.

4 MS. SAMONS: A lot more than we originally
5 planned. Then, in May, we'll be at the Corridor
6 Keepers event along the Blackstone River. It's a
7 really fun event. We've got our educational
8 conference, as well. We'll be at Business Expo.
9 You'll be hearing more from us about our annual
10 Chamber Breakfast to celebrate our Environmental
11 Merit Awards, and then in June, we have our
12 Gallery Night at the Blackstone Valley Tourist
13 Center, the old Peerless Building in Pawtucket,
14 which is always a lot of fun. It's a really
15 spectacular venue. Come on out just for that.

16 So, all right, the three of you I've got,
17 the others of you are thinking about it. All
18 right, thank you, that's all.

19 MR. CHAIRMAN: Jamie, before you go, where
20 are we with the river cleanup?

21 MR. MARSHALL: It's scheduled for Earth
22 Day, April 22nd, with a rain date of the 24th, a
23 Thursday.

24 MR. CHAIRMAN: You're weighing in on this,
25 on this issue? Are you going to weigh in on this?

1 Anything we should know? Why don't you tell the
2 commissioners what the issue is.

3 MS. BISSONETTE: Essentially, the decision
4 came -- well, actually it's not a decision, it's a
5 non-decision by the Ethics Commission.
6 Essentially, the Director of Child Support
7 Enforcement requested permission, I guess you
8 could say, on whether or not it is appropriate
9 under the codes for her to obtain monies from
10 vendors to support a child support conference that
11 goes on annually.

12 Apparently, in the past, the commission
13 always allowed that, verbally gave her an okay, so
14 she thought she was good to go. This year, they
15 asked her to submit it in writing. She submitted
16 it in writing and the Ethics Commission staff
17 approved it, wrote up a decision recommending to
18 the Commission Board that she be allowed to do
19 this, as she had in previous years, as there was
20 really no benefit to her. It was simply a public
21 outreach program that she was sponsoring. And the
22 Board would not approve their own attorney's
23 recommendation and said that they did not agree it
24 was appropriate to solicit vendors for this sort
25 of charitable event.

1 So, as a result of that, we began looking
2 at our own solicitations of various people for
3 participation in the river cleanup, which is,
4 likewise, sort of a charitable event, if you will,
5 charitable project. But, it looks to me -- I
6 spoke with Jason Gramitt from the Ethics
7 Commission about it. Obviously, the staff
8 attorney and the Ethics Commission are on two
9 different sides of this issue. They did not
10 choose to make an actual decision that day, they
11 simply did not approve their own attorney's
12 recommendation.

13 So, when I spoke with Jason Gramitt, we
14 sort of went through how we solicit our own
15 vendors for participation, assistance, during the
16 river cleanup. It appears that basically what we
17 do is we start at one end of the Woonasquatucket
18 River and we drive down the other end and we
19 basically look at all the businesses along the
20 river and we solicit on sort of a broad basis.

21 Some of those people are, in fact,
22 regulated by us, a couple might be vendors, but
23 that sort of broad-based solicitation was not a
24 concern at all for the people that I spoke to at
25 the Ethics Commission. The difference, I think,

1 being that in this situation of the child support
2 conference, they had specifically taken their
3 vendor list, so to speak, and picked out vendors
4 that they had. So, you can see the difference.
5 So, I'm very comfortable with where we're at. Tom
6 and I had gone through our list and we're okay.

7 MR. CHAIRMAN: I personally did not record
8 it, but I did have a chocolate glazed at the last
9 river cleanup. I didn't put that on my report.
10 Do you think I need to report that?

11 MS. BISSONETTE: No, if it's under \$25,
12 you're good to go.

13 MR. CHAIRMAN: I don't know if it was
14 Krispy Kreme or Dunkin' Donuts, I didn't ask.

15 MS. BISSONETTE: No, I think we're okay.
16 We have an outside opinion from outside legal.
17 One of the suggestions was that we actually asked
18 for an advisory opinion before the next cleanup,
19 so that we're very clear about where we're at. If
20 we feel the need to do that, we'll do that, but I
21 think that the broad-based solicitation does it
22 for us. I think we're okay.

23 MR. CHAIRMAN: Okay. So, does everyone
24 understand that? I just thought we would have to
25 have an explanation of that. All right, further

1 report?

2 MR. MARSHALL: I have nothing further,
3 Mr. Chairman.

4 MR. CHAIRMAN: Okay. Commissioner
5 Rotella?

6 MR. ROTELLA: Yes, I have an award from
7 the National Association of Clean Water Agencies
8 that the Narragansett Bay Commission was awarded
9 last month in February. There were only six of
10 these awards in the entire United States for six
11 agencies. It says: The National Association of
12 Clean Water Agencies is pleased to present this
13 honor to the Narragansett Bay Commission of Rhode
14 Island for excellence in utility management and
15 successful implementation of programs that address
16 the range of management challenges facing public
17 waste water utilities in today's competitive
18 environment.

19 So, I just want to make the Board and
20 everyone aware of the national award. Another
21 national award that the Bay Commission has
22 received, I congratulate Ray Marshall and his
23 staff, great job to everybody. We'll pass it
24 around so everybody can read it.

25 MR. CHAIRMAN: Thank you. Congratulations

1 and thank you for that, we're very proud of this
2 achievement. Any further Executive Director's
3 Report?

4 MR. MARSHALL: No, sir.

5 MR. CHAIRMAN: Any comments on the
6 Executive Director's Report? Okay, moving right
7 along. Item number 5, Committee Reports and
8 Action Items Resulting. First Committee
9 reporting, CEO Committee. Commissioner Salvadore,
10 do you have a report?

11 MR. SALVADORE: We do, Mr. Chairman. The
12 CEO Committee met earlier this morning. We have
13 three action items for the Board of Commissioners
14 today. The first being item A: Review and
15 Approval of Resolution 2008:07, Award of Contract
16 304.27C, Gate House at India Street. The CEO
17 Committee recommends passage, Mr. Chairman.

18 MR. CHAIRMAN: We have a recommendation to
19 approve Resolution 2008:07, Award of Contract
20 304.27C, Gate House India Street project, we have
21 a motion. We have a second, Commissioner Farnum
22 and Commissioner MacQueen, discussion on
23 Resolution 2008:07. Hearing none, all those that
24 are in favor say aye.

25 (VOICE VOTE TAKEN)

1 MR. CHAIRMAN: Any opposed? There are
2 none opposed and the motion carries. You have a
3 resolution and explanation in your packet. If you
4 need to go -- I know we're running a little late
5 but if you need a specific explanation, we'll be
6 happy to provide that. I guess most of the
7 commissioners were here during that proceeding
8 anyway.

9 Next order of business is item B.
10 Commissioner Salvadore?

11 MR. SALVADORE: Review and Approval of
12 Resolution 2008:08, Authorization to Amend
13 Contract 00:704.00D with Beta Engineering for
14 Design Services for the Rehabilitation of
15 Washington Highway & Omega Pump Stations. We
16 recommend passing this, Mr. Chairman.

17 MR. CHAIRMAN: We have a motion to approve
18 Resolution 2008:08. Are there any questions
19 regarding that resolution? We have a second by
20 Commissioner DiChiro. Discussion or questions on
21 Resolution 2008:08? Hearing none, all of those
22 that are in favor say aye.

23 (VOICE VOTE TAKEN)

24 MR. CHAIRMAN: Are there any opposed?
25 There are none opposed and the motion carries.

1 Further report, Commissioner Salvadore?

2 MR. SALVADORE: Item C, and our last item:
3 Review and Approval of Resolution 2008:09,
4 Contract Amendment Number 206:109.01D, Design of
5 Biological Nutrient Removable Facilities and other
6 Improvements to the Field's Point Waste Water
7 Treatment Facility. We recommend passing,
8 Mr. Chairman.

9 MR. CHAIRMAN: We have a motion to approve
10 Resolution 2008:09. Do we have a second?
11 Seconded by Commissioner Farnum. I think, and
12 just for the sheer magnitude of this particular
13 item, I think that another brief explanation of it
14 would be appropriate.

15 MR. MARSHALL: That's fine. I'll be happy
16 to do that. Originally, the Board authorized
17 staff to enter into a contract with SEA
18 consultants in the amount of \$1.96 million. That
19 was in December of 2006, for the biological
20 nutrient removal improvement at Fields Point.

21 We have taken the project in steps. The
22 first was to procure technology vendor, and you
23 might remember the long discussion we had on the
24 little plastic disc that I'm holding in my hand
25 here, and that was for about \$120,000. We then

1 went from that contract, working under the same
2 authorization, we then moved into preliminary
3 design. We spent another, approximately \$890,000.
4 This is all outlined in your memo. So, we're just
5 over \$1 million of the 1.96 million authorization.
6 So, we have a remaining value of about 950,000 or
7 so.

8 During the last couple of years, in
9 addition to working on the BNR facilities, we've
10 been actively engaged in many other evaluations
11 and projects here at Fields Point, including our
12 asset management program, which has helped us
13 identify the condition of all of our systems that
14 are currently in place, not only Fields Point but
15 Bucklin Point, and the interceptor system as well.

16 What we found is that a number of the
17 facilities, for example, the selector mechanisms
18 and the primary clarifiers and the secondary
19 clarifiers, are nearing the end of their useful
20 life. Generally, what you find are the standard
21 useful life in a waste water environment for
22 mechanical equipment is about twenty years, and we
23 have reached that point. Now, we've been
24 maintaining, but, like anything else, systems tend
25 to wear out, parts need to be replaced.

1 In some cases, they don't even make this
2 equipment anymore. The manufacturers have long
3 gone out of business. So, we still get the job
4 done, we have a great maintenance staff and we
5 have very creative operations people, but what
6 we've determined is we're probably going to have
7 to have a contract, which would include a series
8 of improvements to those facilities in addition to
9 the BNR, or the nutrient removal contract, and we
10 also have been looking at what future needs we
11 have in terms of our building structures here.
12 Long Range Planning met on this matter back on
13 February 12th, which was after the last board
14 meeting.

15 What we've also concluded was that if
16 we're going to build a new operations building, it
17 would be wise to do it about the same time we do
18 nutrient removal so the new control room can just
19 be put right in the new building. So, factoring
20 in all of those considerations, as well as
21 recognizing how complex this project is going to
22 be, we had exposure to that over at Bucklin Point.
23 When you're working in an existing operating
24 facility and you need to continue to meet your
25 permit without exception, you begin to fully

1 appreciate just how complex it can all be. It's a
2 series of well-orchestrated and planned moves that
3 require the cooperation of operations, the
4 contractor, as well as our construction
5 supervision people.

6 So, what we have concluded is that it
7 would be in the best interest of the Bay
8 Commission to add some additional improvements to
9 the biological nutrient removal contract, and
10 those would include improvements to the grid
11 system, the primary and secondary clarifier
12 system, the sludge thickeners, and include the new
13 operations building. We think that overall we'll
14 get a better pricing for all the work. It will
15 improve the coordination of less disruption of
16 operational activities and will increase the
17 likelihood of meeting our schedule and budget on
18 these projects.

19 What it does do, however, is raise the
20 amount that we need to have you authorize us to
21 enter into a contract for by an additional 1.24
22 million. That's on top of or in addition to the
23 1.96 million, so that the total contract would be
24 for approximately 3.2 million. That's subject to
25 negotiation, we would not exceed that amount. I

1 think this is a prudent step rather than begin the
2 nutrient removal contract and then have to have a
3 second contract occurring almost simultaneously or
4 starting just after the biological nutrient
5 contract. The potential for conflicts and the
6 inability to smoothly coordinate the entire set of
7 activities, as we did over at Bucklin Point, would
8 be something that we would like to avoid. So,
9 we're asking your permission to increase the
10 contract by 1.24 million so that we have a much
11 more comprehensive contract that we believe when
12 we complete in the year 2013, or so, that we'll
13 have a plant that will be ready to move forward
14 for the next ten or more years and we'll have all
15 the major systems addressed at that point.

16 MR. CHAIRMAN: I don't know if we made it
17 clear earlier, these are costs that we would have
18 incurred anyway, just at a later time in our
19 program. So, we're just moving it up and making
20 it more comprehensive. These are not new or
21 additional over run costs. These are just costs
22 that we would have incurred at some later point in
23 our program. I want to make sure that our
24 commissioners understand that.

25 Okay, having said that, do we have a

1 motion to approve Resolution 2008:09? We do. We
2 have a second, Mr. Nathan. Okay, is there further
3 discussion?

4 MR. WORRELL: Second.

5 MR. CHAIRMAN: Seconded by Commissioner
6 Worrell. Further discussion on the Resolution?

7 MR. GRAY: I just have a question: The
8 result of all this is more capital expenditures
9 over time; is that correct?

10 MR. CHAIRMAN: That's correct.

11 MR. GRAY: More than there is in the
12 budget today or the same?

13 MR. MARSHALL: They're part of the CIP.

14 MR. GRAY: So, it's in there anyhow?

15 MR. MARSHALL: Right, it's in there
16 anyhow. It's just a matter of --

17 MR. GRAY: Authorizing the work against
18 the overall budget?

19 MR. MARSHALL: Right.

20 MR. GRAY: But the impact on rates, it's
21 not a rate increase?

22 MR. MARSHALL: No.

23 MR. CHAIRMAN: That was important to make
24 that clear. I wasn't sure if the point was made
25 before. Okay, further discussion? Hearing none,

1 all those that are in favor say aye?

2 (VOICE VOTE TAKEN)

3 MR. CHAIRMAN: Are there any opposed?

4 There are none opposed and the motion to carry.

5 Further report?

6 MR. SALVADORE: That concludes our report.

7 MR. CHAIRMAN: Thank you. The next
8 committee reporting is the Finance Committee. In
9 the absence of Chairman Andrade, our chair of the
10 committee, there were two items for action: Item
11 A: Review and Approval of Resolution 2008:10,
12 Contract for Financial Advisory Services. The
13 committee recommends the retention of First
14 Southwest for a three-year contract. The details
15 of the contract are delineated in your packet, and
16 I would pass the resolution of 2008:10 for the
17 retention of First Southwest for our financial
18 advisor. Seconded by Commissioner Rotella. Any
19 discussion regarding Resolution 2008:10? Hearing
20 none, all those that are in favor will say aye.

21 (VOICE VOTE TAKEN)

22 MR. CHAIRMAN: Are there any opposed?

23 None opposed. Leo Thompson, did you second that
24 motion?

25 MR. THOMPSON: Yes.

1 MR. CHAIRMAN: Would you also add
2 Commissioner Thompson as seconding the motion?

3 The next order of business is item B:
4 Review and Approval of Resolution 2008:11,
5 Authorizing the Substitution of the Credit
6 Facility for our Bonds, 2004 Series A.

7 There was quite a lengthy explanation by
8 Karen Giebink, basically authorizing the Chairman
9 and the Executive Director to react to changes in
10 the financial marketplace. Most of the
11 commissioners were present for that discussion. I
12 would move passage of Resolution 2008:11. We have
13 a second by Commissioner MacQueen. Commissioner
14 Worrell, do you have a question?

15 MR. WORRELL: Yeah, I have a question.

16 MR. CHAIRMAN: Okay, just a moment. We
17 have a motion and a second on the discussion on
18 the matter. Commissioner Worrell?

19 MR. WORRELL: I, unfortunately, was not
20 present for the discussion, but this is fairly a
21 heavy-duty task to weigh it into possible changing
22 around of our whole system by way of
23 restructuring. The question I have, and you may
24 have answered it because I was not aware of
25 2008:10. I don't think I got a copy of that

1 originally, but in any event, my question is,
2 who's going to be your guide, or our guide, as we
3 investigate whether we should be restructuring and
4 refinancing and all of that stuff?

5 MR. CHAIRMAN: Two things: One, the
6 previous resolution authorized us to retain the
7 financial services of First Southwest. Actually,
8 Maureen Gurghigian has been our financial advisor
9 for, I don't know how many years now, but for a
10 very long time. So, she's on board with us. In
11 addition to that, I was explaining earlier, that
12 we have RFPs and RFQs for investment banking
13 services. So, pretty soon, next month, I'll bring
14 to you a recommendation for the retention of an
15 investment banker along with -- in consultation
16 with Maureen Gurghigian from First Southwest,
17 Karen, myself, the Executive Director. We'll make
18 a determination and we'll be able to adjust the
19 various marketing conditions regarding our
20 variable rate debt, our fixed rate debt, and any
21 volatility in the market.

22 MR. WORRELL: Would it be fair to say that
23 First Southwest is our general, generic, overall
24 financial advisor but the RFQ and the RFP that you
25 were just talking about would be specifically on

1 this issue?

2 MR. CHAIRMAN: Well, not specifically on
3 this issue, but for future, I think we would
4 consult them any time we want to make some future
5 move regarding any additional paper. We'll be
6 talking to them as well about whether or not some
7 portion of it should be fixed, some portion of it
8 should be a variable rate. So, I think it would
9 be wise to consult with them in those matters as
10 well.

11 MR. WORRELL: Okay. And that would be
12 with the new entity that you're talking about in
13 addition to First Southwest, I would think?

14 MR. CHAIRMAN: For future issues, yes.

15 MR. WORRELL: Including this issue on --

16 MR. CHAIRMAN: We may consult with them on
17 this issue as well, it's a possibility.

18 MR. WORRELL: Thank you.

19 MR. CHAIRMAN: Further discussion?
20 Hearing none, all those that are in favor will say
21 aye.

22 (VOICE VOTE TAKEN)

23 MR. CHAIRMAN: Are there any opposed?
24 There are none opposed, motions carries. That
25 concludes the Finance Committee report. Next

1 committee report is Personnel. There was no
2 Personnel Committee?

3 MR. MARSHALL: That's correct, no report.

4 MR. CHAIRMAN: Legislative Committee.

5 Joanne, do you have anything you'd like to report
6 this year?

7 MS. MACERONI: In your packet in front of
8 you this morning is my initial Legislative Report,
9 it's not complete, because we're still reviewing
10 and going through legislation and staff is
11 reviewing it. I would be happy to answer any
12 questions that you may have on what you see here,
13 but I think it's self-explanatory. What I've also
14 noted is positions that the staff is recommending
15 that we take on these various pieces of
16 legislation.

17 MR. CHAIRMAN: Thank you.

18 MR. GRAY: May I ask a question, please?

19 MR. CHAIRMAN: Sure.

20 MR. GRAY: The first one seems to be
21 fairly important, the one about the bills that are
22 the separation of powers, as far as the Board is
23 concerned. Do you know the timing on that?

24 MS. MACERONI: No, this legislation may
25 have some different sponsors than last year but

1 it's the same legislation that was introduced last
2 year and the year before.

3 MR. GRAY: So, nothing has happened?

4 MS. MACERONI: Nothing has happened.

5 MR. GRAY: So, there's no reason to expect
6 anything will happen this year either?

7 MS. MACERONI: I don't know. You just
8 don't know what the final outcome is.

9 MR. GRAY: So, it's not new?

10 MS. MACERONI: No, I'm sorry, it's not
11 new.

12 MR. GRAY: Thank you.

13 MR. CHAIRMAN: Any other questions? Rules
14 and Regs.

15 MR. MARSHALL: No report.

16 MR. CHAIRMAN: Long Range Planning?
17 Commissioner Cruise is not here, so I'll report
18 for him. The Long Range Plan Committee did meet
19 February 12th. We received a quite extensive
20 presentation from Tom Uva, Tom Brueckner, Paul
21 Nordstrom on our extension plan. It was quite
22 interesting to be honest with you, the
23 presentation, a lot of the discussion was very
24 interesting. A lot of issues were discussed and
25 I'm hoping that, you know, next month we'll have

1 something to present to the full Board.

2 Issues, haven't written -- or, it's not
3 issues, but we're still waiting for some time and
4 dates on the acquisition of Service Road, which,
5 of course, is an integral part of our plans as it
6 pertains to nitrogen and removal programs and
7 expansion for our future space needs.

8 I think at this point, enough said about
9 that, because we're going to hopefully be making a
10 full report to the full Board next month. That's
11 it for Long Range Planning.

12 Next committee reporting is the Citizens
13 Advisory Committee. Do you have a report for us?

14 MR. GADON: Thank you, Mr. Chairman. CAC
15 meeting was held last Wednesday, February 27th.
16 Since the previous DEM representative has retired,
17 a new DEM member, Eric Beck has joined us and will
18 be attending future meetings.

19 Eric has an excellent background and will
20 provide good insight in areas where DEM and NBC
21 work together as evidenced by the exchange that
22 went on amongst Eric, Howard Schater and Phil
23 Holmes. Phil Holmes, you will remember, had his
24 letter, in support of NBC, published in the
25 Providence Journal.

1 We did review what transpired at the Long
2 Range Planning Committee meeting and will continue
3 to follow that. Jamie also gave us dates from
4 April through June for upcoming NBC sponsored
5 events. She also gave us an article titled,
6 "Fixing America's Infrastructure and at What
7 Cost," which does refer to the trillions of
8 dollars the nation must spend in the next 20 years
9 to upgrade our drinking water and waste water
10 facilities. Municipalities are already struggling
11 with those core costs in their budget. Our next
12 meeting is scheduled for the first week in April.
13 This concludes my report. Thank you.

14 MR. CHAIRMAN: Thank you. Next is the
15 Executive Committee. The Executive Committee did
16 not meet last month, so there is no report.

17 The next committee reporting is the Ad Hoc
18 Committee on Compensation. Commissioner Kimball,
19 do you have a report for us?

20 MR. KIMBALL: We met on February 19th and
21 had a briefing by Paul Martineau of the Employers
22 Association upon the study that they did for us on
23 the NBC Compensation and Benefits Package. There
24 was a lot of discussion and we are -- with the
25 help of the staff, including some additional

1 research and looking into the results of their
2 findings. We plan to meet again on March 18th.

3 MR. CHAIRMAN: Does anyone want to weigh
4 in on the report on the compensation? Several of
5 the members of the commission were there.
6 Anybody? Okay. Let me go back to item number 6,
7 Long Range Planning. There are other members of
8 the commission that were at the meeting. I
9 neglected to ask whether or not they had any other
10 input into my report regarding Long Range
11 Planning? Okay. I don't think the Ad Hoc
12 Committee, the Ethics Committee has met. Neither
13 has the Paperless Board Committee, I don't
14 believe.

15 Basically, I just wanted to inquire of the
16 members of whether or not they're adapting to the
17 system that we're trying to put in place. It
18 seems like everyone seems to be liking the system.

19 MR. CAMPBELL: Well, I did run into a
20 snag. I had been unable to connect to the Board
21 of Director's website through AOL. So, I had made
22 a comment when the notice of this meeting came up
23 that some fellow named Jason started communicating
24 by e-mail with me. I have Verizon, but I choose
25 to use AOL. Well, he suggested that I just go on

1 Internet Explorer through the firewall access, and
2 I did that and it worked. But, AOL will not work.
3 You get the sign-in page when you put your sign-in
4 name and your password, and then you click "go,"
5 and it just goes away.

6 MR. CHAIRMAN: Well, we're not big fans,
7 you know that.

8 MR. GRAY: Mr. Chairman, sometimes if you
9 remove the AOL firewall you may be able to get
10 through.

11 MR. CAMPBELL: Well, I have Verizon, also,
12 so I can go in through Internet Explorer. I
13 didn't understand why AOL wouldn't work.

14 MR. CHAIRMAN: The other thing, of course,
15 is that I've been spending a lot of time in the
16 previous month regarding the issue of our
17 investment banker. I took interviews of at least
18 three of the four. I'm involved, deeply involved,
19 in the financial issues that we're confronted
20 with. In talking with Tom Uva -- Tom, do you have
21 any report on that, the wind energy program? Do
22 you have anything to report if we're moving along
23 on that?

24 MR. UVA: We're moving forward on that.
25 We're submitting the FAA application this month

1 to find out whether we're in the flight path and
2 will be permitted to put up a tower. We applied
3 for a million dollar federal grant to fund it.
4 We're waiting to hear on that. That's moving
5 along. We expect the 50 meter met tower to be
6 installed and we're gathering data from that, and
7 we anticipate to close out the feasibility study
8 by this late spring or early summer. The project
9 at Bucklin Point on using our bio-gas to fuel
10 microturbine, probably about half of the sewage
11 plant up there is moving forward and a private
12 consultant is reviewing our feasibility
13 calculation and is going to make final
14 recommendations for all of these.

15 MR. CHAIRMAN: Other than that, the
16 Chairman has no further report other than to
17 announce the date of the next meeting, which is
18 April 16th. The next order of business is item
19 number 6, which is new business. Is there any new
20 business to come before the Commission this
21 morning -- this afternoon? No new business. Old
22 other business of any kind, any other business?
23 Hearing none, Commissioner Rotella?

24 MR. ROTELLA: Motion to adjourn.

25 MR. CHAIRMAN: Motion to adjourn.

1 Seconded by Mr. DiChiro. All in favor will say
2 aye.

3 (VOICE VOTE TAKEN)

4 MR. CHAIRMAN: Any opposed? There are
5 none opposed and the motion carries. Thank you
6 very much.

7 (HEARING CONCLUDED AT 12:10 P.M.)

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C-E-R-T-I-F-I-C-A-T-I-O-N

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PROVIDENCE, SC.

I, SALLY BRASSARD, do hereby certify that
the foregoing is a true, accurate, and complete
transcript of my notes taken at the above-entitled
proceeding.

IN WITNESS WHEREOF, I have hereunto set my
hand this 7th day of March, 2008.

SALLY BRASSARD, CSR/RPR

NOTARY PUBLIC

MY COMMISSION EXPIRES: 1/16/09

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