

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

3 In Re: NBC Monthly Board Meeting December 2008

4 DATE: February 11, 2009
5 TIME: 11:00 a.m.
6 PLACE: Narragansett Bay Commission
7 Corporate Office Building
8 One Service Road
9 Providence, RI 02905

10 PRESENT:

- 11 Vincent Mesoletta, Chairman
12 Raymond Marshall, Secretary-Executive Director
13 Robert Andrade, Treasurer
14 Richard Brown
15 Richard Burroughs
16 Bruce Campbell
17 Michael DiChiro
18 Jonathan K. Farnum
19 Leslie Gray III
20 Joseph Kimball
21 John MacQueen
22 Alan Nathan
23 Michael Salvadore
24 Leo Thompson
25 Richard Worrell

26 ALSO PRESENT:

- 27 Sherri Arnold, NBC
28 Rich Bernier, NBC
29 Francie Brown, NBC
30 Tom Brueckner, NBC
31 Diane Buerger, NBC
32 Tony Dalmazzi, NBC
33 Leah Foster, NBC
34 Karen Giebink, NBC
35 Jennifer Harrington, NBC
36 Laurie Horridge, NBC
37 Stephen Lallo, NBC
38 Joanne Maceroni, NBC
39 Karen Musumeci, NBC
40 Joe Pratt, Louis Berger Group
41 Jamie Samons, NBC
42 Deborah Samson, NBC

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1 (HEARING COMMENCED AT 11:05 A.M.)

2 CHAIRMAN MESOLELLA: Recognizing a quorum,

3 we will call the February 11, 2009 meeting of the

4 Narragansett Bay Commission to order.

5 First order of business is the approval of the

6 previous minutes of December 17th. Have our members had

7 an opportunity to review the previous minutes, and if

8 so, are there any comments or corrections regarding the

9 previous minutes of December 17th? On the previous

10 minutes?

11 THE COMMISSION: (No response)

12 COMMISSIONER SALVADORE: Move approval, Mr.

13 Chairman.

14 COMMISSIONER FARNUM: Second.

15 CHAIRMAN MESOLELLA: We have a motion to

16 approve the previous minutes. Seconded by Commissioner

17 Farnum. All those in favor will say aye.

18 THE COMMISSION: Aye.

19 CHAIRMAN MESOLELLA: Are there any opposed?

20 THE COMMISSION: (No response)

21 CHAIRMAN MESOLELLA: There are none opposed,

22 and the motion carries.

23 (MOTION PASSES UNANIMOUSLY)

24 CHAIRMAN MESOLELLA: Next order of business

25 is Old Business. Is there any Old Business to come

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1 before the Commission, Old Business of any nature? The

2 matter of Old Business?

3 THE COMMISSION: (No response)

4 CHAIRMAN MESOLELLA: Hearing none, we're

5 moving right along to Item Number 4, which is the

6 Executive Director's Report. Do you have a report for

7 us today, Mr. Secretary?

8 RAYMOND MARSHALL: Yes, I do, Mr. Chairman.

9 CHAIRMAN MESOLELLA: Proceed.

10 RAYMOND MARSHALL: Thank you. Okay,

11 beginning on the second page of my report, you'll see

12 that there's some interesting numbers in terms of what

13 we've been seeing at the treatment plants.

14 You probably recall that December, as well as

15 November, was a very wet month, and our average flow at

16 Field's Point was 62 million gallons per day; and

17 generally, the average is around 45, so you can see

18 that's quite an increase during that month.

19 And part of it is due to the fact that the tunnel is

20 now capturing flow that we hold and then pump into the

21 treatment plant when we have the capacity to address it.
22 Overall, we had approximately a 38 percent increase
23 in the amount of flow treated at Field's Point during
24 the month of December, and it has affected treatment or
25 was affecting treatment during that particular time.

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1 You can see our BOD number there, which is one of the
2 measures that we have to report to DEM was probably
3 twice what it usually is.
4 The solids numbers stayed about the same, but the BOD
5 number went up; and that has to do with the impacts from
6 the tunnel. We've been analyzing it. We have made some
7 process modifications, and we seem to have that back
8 down in the range that it needs to be; but we did have
9 one or two exceedances of the permit on a daily basis.
10 There were three days, as I recall, and the percent
11 removal is lower than it needs to be. It shows 77
12 percent, and it should be around 85 percent.
13 Now, while the Solids number hasn't changed, percent
14 removal was 1 percent off of where it needs to be
15 because the flow becomes far more dilute when you start
16 pumping in the tunnel flow. And by the way, to this
17 date, we've had eight storms. We've captured a total of
18 475 million gallons of flow. We've given 365 million of

19 that full secondary treatment, and about 110 million
20 we've given it the primary plus chlorination. So, it
21 has absolutely changed the dynamics of how we run the
22 Field's Point Treatment Plant.

23 Frankly, we're still on the learning curve trying to
24 figure out what the best process parameters to adjust to
25 in order to meet all of the permits that we have to meet

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1 as well as make sure we keep the flow moving out of the
2 tunnel for the next rain event.

3 Over at Bucklin Point, again, the flows were higher
4 than normal. In fact, they were about 47 percent higher
5 than normal on total flow treated over the course of the
6 month, and however, because there's no tunnel water
7 associated with that influent, the numbers are about the
8 same as they normally are, down in the teens.

9 So, it's been a period of adjustment during the month
10 of December and into January, and as I mentioned, I
11 believe that we now have established a set of parameters
12 different from the way we were running, and we should be
13 able to learn over the next several months.

14 As we move into springtime and we start getting
15 additional rains and snow melt, we'll continue to make
16 adjustments, and we're keeping DEM apprised each step

17 of the way.
18 Let's see. Why don't we move to Page 5. I just
19 wanted to let you know that we at Bucklin Point continue
20 to monitor the amount of siloxane or silica products
21 that we're getting into the plant. They are dropping,
22 and what that affects is our ability to use the digester
23 gas to generate electricity.
24 We're trying to make sure that it remains low, and
25 its stable, and then we'll have to put together an RFP

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1 of some type to see what we can get for people to,
2 outside vendors to submit a technology where we could
3 generate electricity and not have the siloxane
4 interference that we were certain to have just several
5 months ago. So, that was an interesting development at
6 Bucklin Point in the month of December.
7 On to Page 6, in the Interceptor Maintenance group
8 during the month of December, we had no dry weather
9 overflow events during the month of December. We didn't
10 have any dry weather days either, so I guess that has
11 something to do with it, but a lot of wet weather
12 activity. The crews were very busy making sure that the
13 regulators remain free and able to accept all of the
14 rainstorms and the snow amount that we had.

15 And moving on to Page 7, they're also responsible,
16 Interceptor Maintenance is, for running the Lincoln
17 Septage Station, and that was busy even in the month of
18 December, which sometimes that slows down, so we had
19 nearly 300 trucks and approximately over 700,000 gallons
20 of material discharged up in Lincoln at the Septage
21 Station, which also points to the fact that that's a
22 pretty important service that we offer to the community.
23 The Engineering group has been very busy. They have
24 been working on any number of projects, some of which
25 are on their normal tracks, some we've accelerated the

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1 design up a little bit to be ready for any economic
2 recovery money. Those include the Field's Point
3 Biological Nutrient Removal Contract. We are waiting
4 for DEM's final approval on those plans. It should be
5 arriving here in the next couple of weeks we hear.
6 That project is well positioned for any economic
7 recovery money that may flow to the state. I'll get to
8 that at the very end of my report. I'll let you know
9 what we know.
10 On Page 8, Phase II of the CSO Facilities are well
11 past the 30 percent design point now. We are waiting
12 for DEM's final approval of the 30 percent design plans,

13 but overall, the feedback we get from them is they're
14 pretty happy with what we're showing them. They just
15 have so much to do, and their staff has been somewhat
16 depleted by the recent wave of retirements that they're
17 not able to get to things as quickly as they normally
18 would.

19 On the same page, Page 8, the Louisquisset Pike
20 Interceptor, a potential economic recovery project. We
21 have wrapped that project up now. The plans and specs
22 are ready to go, should we get some attractive funding
23 for them.

24 We are also making good progress on the Johnston
25 Facility Plan. We're working with the Town and the

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1 North Providence Inflow Study, which is the smoke
2 testing project you approved back in December. The
3 contract is all set. We should begin that in the next
4 several weeks.

5 And on Page 9, the one project that I want to point
6 out to you is the Central Avenue Pump Station
7 Replacement. Again, the project potentially is ready
8 for economic recovery money. Plans and specs are just
9 about ready, and it's all a matter of timing now.

10 The construction group has finished up a couple of

11 projects. The Bucklin Point Facility renovation, which
12 includes our Disaster Relief facilities over there,
13 we're in the punch-list phase now. The project is
14 complete. There are just some items that need to be
15 cleaned up, so we can close that project out.
16 The Regulatory Compliance Building, this is on Page
17 10, by the way, is in the conceptual planning phase
18 work. We'll be having a presentation for you in the
19 next month or two which will give you an idea of what's
20 happening down here at Field's Point in general. We'll
21 show you all the land that we own, where our facilities
22 are currently located, and where we plan to locate the
23 new facilities, and we'll give you an idea of what those
24 new buildings will look like as they're currently under
25 development. There are some revisions being made.

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1 And part of that will be, we'll show you where we're
2 going to move the new animal control facility for the
3 City of Providence. There's an action item a little
4 later for your approval. The CEO acted on it this
5 morning, so we're making really good progress on a
6 number of those projects.
7 The tunnel pump station itself, we're working on
8 punch-list items, and as you know, we have not been able

9 to pave Ernest Street. We'll get to that in the next
10 couple of months as the weather improves. Hopefully,
11 today's an indication of where we're going with the
12 weather, and that will just about wrap that project up.
13 The tunnel operation, by the way, in addition to the
14 flow item that I gave you a little earlier, we do have
15 one issue, and that's odors at the upstream end, up at
16 the Foundry area, and we've been working diligently on
17 that.
18 We're going to be installing some carbon filters as a
19 first step method of addressing the odors, and we're
20 also going to design a more sophisticated system to
21 handle those odors, should the filters not meet the
22 desired intent.
23 The people are experiencing some periodic and
24 annoying odors. It is a situation that was evaluated
25 during design, and it was not conclusive that we would

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1 have problems based upon other tunnels and other
2 locations, but those people are just close enough and
3 located in the wind pattern where it has been a problem.
4 With that, we have met with the people. The Chairman
5 was at the meeting, and there were probably 20 people
6 there all together, 20 residents. Overall, they were

7 able to express their concern, and we told them that
8 we're not going to walk away from the problem, that we
9 are going to address it; and we will eliminate it.

10 It may be some time before we can find a permanent
11 fix, but in the meantime, we're going to try those
12 carbon filters, and hopefully, that will give them some
13 relief; but I wanted to let you know about that in case
14 you've read about it or heard about it. It was on
15 Channel 6 at one point a few months ago.

16 Moving to Administration and Finance, Page 12, Karen
17 gave a report a little earlier. Overall, the budget is
18 doing relatively well. It's more of a revenue issue
19 than it is an expense issue, but I think we have things
20 pretty well under control. If you need more details,
21 she can, meaning Karen, she can answer your questions.

22 We did receive notification that we received the GFOA
23 Distinguished Budget Presentation Award with Special
24 Performance Measure Recognition, and we'll honor those
25 Staff Members at the next meeting, along with all of the

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1 employee awards.

2 We are working hard to develop a 2010 Operating
3 Budget for your consideration. We're meeting with all
4 of the Divisions now and going through each line item in

5 anticipation that we will get some favorable
6 consideration from the PUC on the rate increase that
7 we've requested.

8 We did submit on December 22nd to the PUC for that
9 rate increase, and they have come back with a number of
10 questions that our Finance Accounting people have been
11 addressing as they come in because they do come in in
12 waves.

13 Page 14, the IT Section had another month where
14 they've been able to fend off any unwelcome intrusions
15 into our network, although there have been many
16 attempts. On Page 14 you can see some of the statistics
17 as to what the IT people have to put up with on a daily
18 or even an hourly basis. So, it's pretty much non-stop,
19 and they're always working to upgrade our system to try
20 to stay a step ahead of the bad guys, as they say.

21 Customer Service, which begins on the bottom of Page
22 14, we were able to bill in December 4.2 million for
23 those people that are served by the Pawtucket Water
24 Board organization, and we also sent out bills for all
25 other customers in the second week of January; and I

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1 believe it was yesterday we received about 1.3 million
2 dollars worth of payments came in, so that was a good

3 day; and we'll continue to work on collections.

4 On Page 15 we give you some statistics. We made over
5 1,800 phone calls, the Customer Service people did
6 during the month of December trying to get people to pay
7 their bills, and we've been using the water termination
8 tool that we have to collect money in December.

9 We've got almost a quarter of a million dollars for
10 the fiscal year to date. That's netted us about 3
11 million in collections. We use that in conjunction with
12 our lien sale process to try to collect as much money as
13 we possibly can. During calendar '08 between the spring
14 and the fall lien sales, we've collected about 1.1
15 million dollars of money that was owed to us.

16 Page 17, Accounting was busy at the end of December,
17 of course, generating W-2 forms and 1099s to employees
18 and vendors. They also paid or generated about 470
19 checks worth about 3.4 million to the people that we do
20 business with, so they've been staying very busy as
21 well.

22 Policy, Planning & Regulation, which begins on Page
23 19, we hosted a meeting for City and Town officials, and
24 we had nine cities and towns as well as the DEM, EPA and
25 DOT attend a meeting in this room in December, and we

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1 went over with them all the new operation and
2 maintenance requirements that DEM has promulgated in the
3 last part of 2008.

4 Many of the cities and towns that members of our
5 service district aren't able to keep up with all of
6 these regulations, and sometimes aren't able to get
7 their arms around them because they have so many other
8 things that they're responsible for that we try to offer
9 these seminars wherever we can, and I believe they all
10 found it very helpful. It's also helpful to DEM and EPA
11 because they're able to make sure that if there are any
12 questions that they're able to address them in forums
13 like the one that we hosted.

14 On Page 20, the Environmental, Safety & Assistance
15 group has been busy working on all of our Emergency
16 Preparedness Planning through the Local Emergency
17 Planning Committees (LEPC). We do Lab Spill Control
18 Drills, we measured indoor air quality and try to keep
19 up with all of the safety training that we feel our
20 folks need on a regular basis.

21 Some of it is standard. Some of it is sponsored by
22 vendors that we do business with. For example, the
23 Beacon who handles our Workers' Comp, so we're always
24 trying to stay on the forefront of making sure our staff
25 has the equipment that they need, and they're well

1 trained; so that they can conduct their work safely on a
2 day-to-day basis.

3 On Page 22, the Pretreatment staff completed the year
4 with a 5 percent increase in the inspections that they
5 do for commercial and industrial facilities, a total of
6 1,750 which is, like I said, a 5 percent increase over
7 the prior year, just to give you a few statistics from
8 one year to the next.

9 On Page 23, the permit group issued 318 permits in
10 2008 which resulted in about 158,000 dollars of permit
11 fees. They're also responsible for the Stormwater
12 Mitigation Program that we run, and they've won numerous
13 awards. And in 2008, there were a number of projects
14 that, based on a three-month storm, which is what the
15 tunnel is designed for, we got well over 700,000 gallons
16 of flow avoided going into the tunnel and effectively
17 increasing the effectiveness of the tunnel, which is one
18 way of looking at that.

19 The Lab, which starts on Page 24, but the stat I want
20 to show you on Page 25 is that they also had an increase
21 in the number of analyses that they did, the 100,000
22 mark now, which is about 2,000 more than the prior year;
23 so there's a 2 percent increase on what they had done
24 the year before with no additional staff during 2008.

25 And EMDA are the ones that actually take the samples,

1 and they collected a total of just over 24,000 samples
2 or about almost an 8 percent increase over the number
3 that we had to take in 2007. Again, with the same
4 staffing level that we had during the prior year.

5 On Pages 28 and 29, we list for you a number of
6 grants that we've been able to obtain through the Policy
7 and Planning group, and they have to do with energy
8 conservation as well as removal of materials known as
9 fats, oil and greases.

10 And we have been working with other organizations,
11 such as DEM and URI and EPA on a number of these.
12 They're not large grants, but they're an indication of
13 what may come in the future. It also enhances our
14 status in the wastewater community, and we're able to
15 help out other organizations that, again, aren't as
16 sophisticated as ours; but still need to implement a
17 number of these programs, and it behooves us to work
18 with the regulators to help the others in Rhode Island
19 who need similar programs but aren't quite sure where to
20 begin; and the advantage is that we get the grant money
21 to do that.

22 And then on Page 31 in terms of septage, which I
23 talked about what happened in December, but overall, in

24 2008, we had an increase of almost 8 percent in the
25 amount of material that was discharged at our facility,

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1 and we also increased revenue by almost 8 percent for
2 those discharges.

3 In Executive we have been working on a number of
4 projects, and that begins on Page 32. Revising all of
5 our contract documents that are part of our construction
6 projects to update them to all of the newest rules and
7 regulations, whether it's State or Federal.

8 We received a favorable decision on the Davol Square
9 issue. That came in on January 2nd. The owner was
10 looking to get 1.6 million dollars for the easement that
11 we took through their property, and that was denied by
12 the judge; and the appraisals that we had done was what
13 we ended up paying for that, for the right to locate our
14 facilities underground along their property line for the
15 Phase I work, so that was good news.

16 The EPA Compliance Order from North Providence, that
17 was issued jointly to them and us. We responded in
18 mid-December. We actually helped out the Town on that
19 one also, but the bulk of the response was very
20 favorable for us; and now we'll see what, how the EPA
21 evaluates it.

22 On Page 34 there's a note on Board Resolutions. We
23 have, or Legal has now, scanned in all the Board
24 resolutions from 1985 to the present, so if you ever
25 want to reference anything or research anything as it

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1 pertains to resolutions that the Board has passed,
2 you're able to do that in an electronic format now, so
3 we find that helpful also. It's much easier to look
4 back on the electronic file than it is on a paper file
5 to go through dozens of three-ring binders trying to
6 find what you're looking for. That was a big step
7 forward.

8 Jumping all the way to Page 38, in terms of Lien
9 Sales, I mentioned that the two that we did in 2008, we
10 collected just about 1.1 million dollars, and we're
11 already preparing for the May 21, 2009 Lien Sale where
12 we've identified 396 properties just under 600,000
13 dollars of outstanding balances; and we've already begun
14 to collect some of that money, and that will accelerate
15 as we get closer and closer to the May 21st date.

16 The Public Affairs Section, and Jamie, in particular,
17 has been instrumental in reaching out to the people in
18 the Foundry area that have odor problems. She has given
19 them her e-mail and cell phone number to contact her

20 whenever they detect an odor, and we've been logging
21 those in so that they feel as though we're paying
22 attention to them and that we're making progress. So,
23 that has helped keep us out of the spotlight for a
24 while, anyway.
25 And then she's been dealing with Congressional staff

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1 on the Economic Stimulus Legislation and helping pull
2 together all of the information that numerous sources
3 are asking for on the ready-to-go projects that we
4 have.
5 So, in addition to dealing with our two senators and
6 our two congressmen and their staffs, we've been dealing
7 with NACWA, which is the National Association of Clean
8 Water Agencies. We belong to that group. You've heard
9 me mention it many times. They've been actively
10 lobbying in Washington on the behalf of wastewater
11 agencies nationwide.
12 We've responded to DEM requests for projects that we
13 have ready to go, the Department of Administration
14 requests for the projects that are ready to go, and of
15 course at the Chairman's urging, we've been pushing hard
16 now for the last four or five months.
17 Our projects are truly shovel ready. Based on a

18 number of organizations and certainly cities and towns
19 here many of the shovel-ready projects so-called are not
20 really in a position to move forward with construction,
21 but if they don't get their names on a wish list, if you
22 will, that they'll never have the opportunity to see any
23 of the money. But the details keep changing almost on a
24 daily basis.
25 The total amount in billions of dollars is 800

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1 billion, 900 billion. You've all read the numbers.
2 In terms of wastewater, 6 billion seems to be where
3 we're going to end up. At one point last week it went
4 up to 12 billion then dropped back to 10 billion and
5 finally settled in, again, at 6 billion. That's
6 nationally, and frankly, that's not anywhere near enough
7 money to address all of the issues that we're all
8 facing.
9 The NACWA members alone have 17 billion dollars of
10 shovel-ready projects, so if they tripled the number in
11 the recovery bill, it would only address the NACWA
12 agency needs; but it is what it is, and 6 billion
13 translates to about 40 million for Rhode Island for
14 wastewater.
15 Now, our Nitrogen Removal Project across the street

16 at Field's Point is 80 million, so you can see that the
17 40 million, again, it's something, but it's not anywhere
18 near what we need as a state to address some of the
19 problems or some of the projects that are on the drawing
20 board or are waiting to go out to bid.

21 The actual nature of that money is still under
22 discussion. In addition, it is not 40 million dollars
23 worth of grants. It looks like in best case, 50 percent
24 of that will be either in the form of a grant or loan
25 forgiveness, and it will be funneled through the Clean

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1 Water Finance Agency and DEM's process, just like any
2 other wastewater project here in Rhode Island.
3 So, they're trying to use the existing mechanisms for
4 disbursing the money, and in the wastewater area they
5 have the Clean Water Finance Organizations in each state
6 and for highways and bridges, for example, that will go
7 through federal highway and state highway administration
8 programs. So, we'll see what they'll do for us.
9 I've talked to Tony Simeone at the Clean Water
10 Finance Agency, and we're in good shape for the projects
11 that we have on the list. We need a heck of a lot more
12 money if we want to get them all funded. But in any
13 event, some of them have to go forward no matter, and on

14 the other hand, there's probably two that if we don't
15 get some really lucrative offer in terms of loan
16 forgiveness, we might just have them wait.
17 They're projects that aren't necessary but that we
18 had on the drawing board, so just by stepping on the
19 accelerator a little bit, we figured we'd have them
20 ready in case. This was a 150 million dollar grant
21 program just for Rhode Island, and it doesn't mean that
22 there won't be another wave of stimulus money that will
23 come up down the road. I heard a couple of groans
24 there. I guess it all depends on what they're going to
25 spend it on, right?

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1 But that's where we are in economic stimulus. I
2 believe they're going to go into Conference Committee
3 now to try to hammer out the differences between the two
4 proposals, and who knows. Hopefully they will shift
5 some of that money from one type of project to
6 wastewater projects, which of course, we all recognize
7 are probably the most important ones in the entire
8 package, so we'll see.
9 Over the next couple of months, maybe at the March
10 meeting we're going to give you a presentation on what's
11 happening here in the Field's Point area. I spoke about

12 that a little earlier. On March 11th we're going to
13 have employee awards. That was postponed from January.
14 And over the next several months, we should have
15 quite a few action items for you as we need to get
16 projects out for bid and construction. At the very
17 least it will be the project at Field's Point, and it
18 will include the Central Ave. Pump Station improvements
19 as well as an interceptor project where we need to line
20 an interceptor on the south side of Providence.
21 So, if you can just kind of keep March 11th, April
22 22nd, May 20th and June 17th free on your calendars,
23 those are our scheduled Board meeting dates because
24 we'll need your approval on any number of items in the
25 next four-month period. Finally, that's it, Mr.

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1 Chairman. Thank you.

2 CHAIRMAN MESOLELLA: That concludes the
3 Executive Director's Report. Do any of our Members have
4 any questions with regard to the Executive Director's
5 Report?

6 THE COMMISSION: (No response)

7 CHAIRMAN MESOLELLA: Questions on the
8 Executive Director's Report?

9 THE COMMISSION: (No response)

10 CHAIRMAN MESOLELLA: Okay. I just have a
11 comment because I think that we should change the
12 Narragansett Bay Commission's name to Narragansett Bay
13 Commission Bank Corp., and then we'll get all the money
14 we want, and we never have to pay it back.

15 COMMISSIONER KIMBALL: Then you'd have to
16 worry what the compensation would be.

17 CHAIRMAN MESOLELLA: Yeah. You'd have to
18 worry about executive comp, you're absolutely right, but
19 that's my suggestion.

20 COMMISSIONER BROWN: Are we going to have
21 our retreat in the Bahamas, then?

22 CHAIRMAN MESOLELLA: A retreat in the
23 Bahamas?

24 COMMISSIONER FARNUM: On our private plane?

25 CHAIRMAN MESOLELLA: Okay. Item Number 5,

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1 Committee Reports and Action Items Resulting. First
2 Committee reporting is the Construction Engineering and
3 Operations Committee. Do you have a report,
4 Commissioner Salvadore?

5 COMMISSIONER SALVADORE: Yes, we do, Mr.
6 Chairman.

7 CHAIRMAN MESOLELLA: Please proceed.

8 COMMISSIONER SALVADORE: The Construction
9 Engineering and Operations Committee met earlier this
10 morning. We have four action items for the
11 Commissioners today. Our first item is Review and
12 Approval of Resolution 2009:01, Authorization to
13 Increase the Amount of Contract 07:303.01D with the
14 Louis Berger Group, Incorporated, for Design Services
15 for Phase II Combined Sewer Overflow Control Facilities,
16 and we move passage, Mr. Chairman.

17 CHAIRMAN MESOLELLA: We have a motion to
18 approve Resolution 2009:01. Is there a second?

19 COMMISSIONER FARNUM: Second.

20 CHAIRMAN MESOLELLA: Commissioner Farnum
21 seconded the motion. Is there a discussion on the
22 motion?

23 THE COMMISSION: (No response)

24 CHAIRMAN MESOLELLA: I think that maybe a
25 brief explanation for the Board Members who were not

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1 present during the discussion. Mr. Director, do you
2 want to give an explanation to the Board?

3 RAYMOND MARSHALL: Yes, sure, I'd be happy
4 to. Back in December of '06, the Board approved the
5 Phase II Design Services which Louis Berger was doing

6 for us in an amount not to exceed 9.2 million. Through
7 the Conceptual Design Report and the Preliminary Design
8 Phase, there have been additional studies that needed to
9 be done, as a project of this complexity is best studied
10 and evaluated extensively before you get into a
11 construction situation, and the benefit of that, I
12 think, is reflected in the result of how the
13 construction for the Phase I tunnel went. The more you
14 investigate and the more you can try to resolve
15 unknowns, the better off you are.

16 And so, as a result, we've had to spend a little more
17 money on preliminary design, 365,000 dollars more, and
18 the final design that we have concluded we need to come
19 to will cost an additional 720,000 dollars.

20 So, at this point, the Louis Berger Group needs just
21 over 1 million dollars, 1,085,000 dollars to complete
22 the design of the Phase II work.

23 In addition, we are asking you for a contingency of
24 500,000 dollars which will remain under the direction of
25 the staff and the Chairman and me as Executive Director

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1 in case anything else comes up during this final design
2 period because this project will now really begin to
3 accelerate as we move through 2009. The construction is

4 scheduled to start in 2010.

5 And because of the summer months, we wanted to have
6 the 500,000 contingency which we would report back to
7 you on any of that amount that we spent, but that we'd
8 be authorized to approve it; we meaning the Executive
9 Director being me and the Chairman. So, the total
10 contract amount limit would then become 10,785,000
11 dollars from the existing 9.2 million that you have
12 already authorized.

13 The project, by the way, includes a new drop shaft to
14 get the flow into the tunnel. The Woonasquatucket
15 Interceptor will range from 4 feet to 6 feet in
16 diameter. The Seekonk River Interceptor will be between
17 4 and 5 feet in diameter, and we have a large sewer
18 separation project up in the Miriam Hospital area.

19 So, it's a complex project. It's required a lot of
20 study and will require some pretty intricate designs
21 over the next, for the remainder of 2009, so we request
22 your approval on that item.

23 CHAIRMAN MESOLELLA: I would just like to
24 add for the Members of the Commission that were not here
25 for the Subcommittee Meeting that this is the matter

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1 that was deferred from last month.

2 As other design issues start to surface, we think
3 it's appropriate and prudent to make this change. We
4 are confident. It is our expectation we will not need
5 to return to this Board for any further scope and change
6 orders for this contract. I think it's a wise and
7 prudent expenditure of funds.

8 We can take the surprises out of the construction by
9 spending a little more money during the design phase. I
10 think it's well spent. So, we have a motion; we have a
11 second. Is there discussion on Resolution 2009:01?

12 THE COMMISSION: (No response)

13 CHAIRMAN MESOLELLA: No discussion. In such
14 case, all those that are in favor will say aye.

15 THE COMMISSION: Aye.

16 CHAIRMAN MESOLELLA: Are there any opposed?

17 THE COMMISSION: (No response)

18 CHAIRMAN MESOLELLA: There are none opposed,
19 and the motion carries.

20 (MOTION PASSES UNANIMOUSLY)

21 CHAIRMAN MESOLELLA: Further report, Mr.
22 Chairman.

23 COMMISSIONER SALVADORE: Our second item,
24 Mr. Chairman, Item B, Review and Approval of Resolution
25 2009:02, Contract 119.00DB Regulatory Compliance

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1 Building Land Acquisition Project - Award of Contract,
2 and CEO moves passage, Mr. Chairman.

3 CHAIRMAN MESOLELLA: We have a motion for
4 approval of Resolution 2009:02. Is there a second?

5 COMMISSIONER BROWN: Second.

6 CHAIRMAN MESOLELLA: Commissioner Brown, was
7 that a second?

8 COMMISSIONER BROWN: Second.

9 CHAIRMAN MESOLELLA: We have a second from
10 Commissioner Brown. Is there discussion on Item B?

11 THE COMMISSION: (No response)

12 CHAIRMAN MESOLELLA: Brief explanation. Why
13 don't you give a brief explanation on the dog pound
14 issue?

15 RAYMOND MARSHALL: A brief explanation is
16 that it's ironic considering how long it's taken us to
17 get to this point. We now own the dog pound land and
18 Service Road. In exchange for that, we agreed to build
19 for the City of Providence on property we own on
20 Terminal Road just past the super structure for the
21 beginning of the tunnel, a new animal control facility.
22 And the way we're going to do that is through a
23 Design/Build Contract.

24 We went out for RFQP back in November. We had nine
25 submissions, narrowed it down to three, did interviews,

1 and the firm chosen is Alhambra Building Company with
2 Torrado Architects. They are out of Warwick.

3 What they did is every submission included a
4 preliminary design so we could see what the building
5 layout would be, what the facility would look like, how
6 they'd orient it on the site, and it also gave them a
7 platform to develop a guaranteed maximum price for us.

8 And so, going through the entire process, the
9 recommended contractor had the lowest guaranteed maximum
10 price and the design that both the members of our staff
11 who are on the Review Committee, there were three, as
12 well as two members from the City of Providence who deal
13 with the Animal Control Facility across the street liked
14 the best, so it was a real nice combination of the best
15 design, the lowest guaranteed maximum price, and the
16 number we are at is 1,173,200 dollars, and we recommend
17 your approval.

18 Construction would start, provided you approve this,
19 probably in April and should be done by the end of 2009,
20 and then they would move to that new facility.

21 CHAIRMAN MESOLELLA: I might add for those
22 who were not here during the Subcommittee Meeting, this
23 is an excellent use of surplus property that the
24 Narragansett Bay Commission currently owns. So, in the

25 final analysis, after 14 years it's actually worked out

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1 pretty well. So, we have a motion; we have a second on
2 Resolution 2009:02. Is there further discussion on the
3 motion?

4 THE COMMISSION: (No response)

5 CHAIRMAN MESOLELLA: Further discussion,
6 Resolution 2009:02?

7 THE COMMISSION: (No response)

8 CHAIRMAN MESOLELLA: Hearing none, all of
9 those that are in favor will say aye.

10 THE COMMISSION: Aye.

11 CHAIRMAN MESOLELLA: Are there any opposed?

12 THE COMMISSION: (No response)

13 CHAIRMAN MESOLELLA: There are none opposed,
14 and the motion carries.

15 (MOTION PASSES UNANIMOUSLY)

16 CHAIRMAN MESOLELLA: Further report, Mr.
17 Chairman.

18 COMMISSIONER SALVADORE: Item C, Review and
19 Approval of Resolution 2009:03, Amendment No. 4,
20 Contract 06.304.38D: Easement Investigations and
21 Improvements, and we recommend passage, Mr. Chairman.

22 CHAIRMAN MESOLELLA: We have a motion to

23 approve Resolution 2009:03.

24 COMMISSIONER FARNUM: Second.

25 COMMISSIONER THOMPSON: Second.

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1 CHAIRMAN MESOLELLA: Seconded by
2 Commissioner Farnum and Commissioner Thompson as well.
3 Ray, a very brief explanation for the Board, please.

4 RAYMOND MARSHALL: Yes. This is a change in
5 the design scope for the work that Vanasse Hangen
6 Brustlin is doing for us in the amount of 28,000 dollars
7 is the increase, and what it is is they are putting
8 together plans and specs for us to clear the easement
9 and allow our vehicles to have access to the overland
10 pipes that we have that run through the woods; and there
11 are some streams that we'll need to cross.

12 And we need to design some culverts, or they need to
13 design some culverts to allow that to happen as well as
14 to do the permitting that's involved in that work. That
15 was not something that was anticipated at the beginning
16 of the contract that they signed on for, so we request
17 your approval on this item.

18 CHAIRMAN MESOLELLA: We have a motion, and
19 we had a second on Resolution 2009:03. Is there
20 discussion? Further discussion on the motion?

21 THE COMMISSION: (No response)

22 CHAIRMAN MESOLELLA: Hearing none, all of
23 those that are in favor will say aye.

24 THE COMMISSION: Aye.

25 CHAIRMAN MESOLELLA: Are there any opposed?

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1 THE COMMISSION: (No response)

2 CHAIRMAN MESOLELLA: There are none opposed,
3 and the motion carries.

4 (MOTION PASSES UNANIMOUSLY)

5 CHAIRMAN MESOLELLA: Another item for
6 consideration, Mr. Chairman?

7 COMMISSIONER SALVADORE: Our last item, Item
8 D, Review and Approval of Resolution 2009:04, Approval
9 to Acquire Land & Structures from Governor Dyer
10 Cooperative Market for Contract 303.01D, Phase II of the
11 CSO Control Facilities Project, and we recommend
12 passage, Mr. Chairman.

13 CHAIRMAN MESOLELLA: Okay. We have a motion
14 to approve Resolution 2009:04.

15 COMMISSIONER BROWN: Second.

16 COMMISSIONER ANDRADE: Second.

17 CHAIRMAN MESOLELLA: Seconded by

18 Commissioner Brown and Commissioner Andrade. Would the

19 Director give the Board a brief explanation.

20 COMMISSIONER WORRELL: Mr. Chairman, I'm

21 sorry. I would like to state that because of the

22 possible conflict of interest that I may have as a

23 member of the Finance Committee of the Paul Cuffee

24 School, which also has an interest in this piece of

25 property, that I be recused from consideration and from

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1 voting on this particular matter.

2 (COMMISSIONER WORRELL RECUSED FROM DISCUSSION/VOTE)

3 CHAIRMAN MESOLELLA: Please let the record

4 reflect that Commissioner Worrell has recused himself

5 from this matter. Under the rules, thank you very much

6 for your recusal.

7 Basically, it's pretty complex. It's a simple issue

8 made complex. The Narragansett Bay Commission is asking

9 the Board of Directors to approve the acquisition and/or

10 the taking of this property by eminent domain of this

11 particular property.

12 The attempted friendly acquisition of this is

13 complicated by the fact that there are some 40

14 stockholders in the Farmers' Market Association coupled

15 with the fact that the attorney for that Association has

16 passed, and communications are very difficult at this

17 time. We're not certain as to who will be representing
18 this Association on a going-forward basis except to say
19 that we're asking this Board to approve the acquisition
20 and/or the condemnation of this property.

21 As we move forward, it's an integral part of our
22 Phase II project. It will, there's a shaft design on
23 that project. We need this approval in order to
24 facilitate moving expeditiously on not only design, but
25 construction of the project.

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1 We're in discussions with them in regards to value.
2 We are doing a round of current appraisals. I
3 understand from legal counsel that we need two
4 appraisals; is that right?

5 MS. HORRIDGE: Two appraisals, and a review
6 appraisal, three.

7 CHAIRMAN MESOLELLA: So, we don't know
8 exactly what the value may end up being. What we're
9 interested in today is to get the Board's acquiescence
10 by approval of Resolution 2009:04, which will allow the
11 acquisition, by friendly acquisition and/or
12 condemnation. That's a brief explanation.

13 Is everyone familiar with the location of the
14 property? It runs between property just past the Cuffee

15 School on Promenade, and it runs to Valley. It's
16 approximately four acres of land. So, is there any, are
17 there any questions or further discussion on Resolution
18 2009:04?

19 THE COMMISSION: (No response)

20 CHAIRMAN MESOLELLA: Hearing none, all of
21 those that are in favor will say aye.

22 THE COMMISSION: Aye.

23 CHAIRMAN MESOLELLA: Are there any opposed?

24 THE COMMISSION: (No response)

25 CHAIRMAN MESOLELLA: There are none opposed,

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1 and the motion carries.

2 (MOTION PASSES UNANIMOUSLY/COMMISSIONER WORRELL

3 RECUSED FROM VOTE)

4 CHAIRMAN MESOLELLA: Further report, Mr.

5 Chairman?

6 COMMISSIONER SALVADORE: That concludes our
7 report for Wednesday, February 11th, Mr. Chairman.

8 CHAIRMAN MESOLELLA: Thank you very much.

9 Our next Committee reporting is the Personnel Committee.

10 Commissioner Campbell, do you have a report for us?

11 COMMISSIONER CAMPBELL: The Personnel

12 Committee met, and approved a, I believe, minor

13 administrative change.

14 CHAIRMAN MESOLELLA: There was an
15 organizational change which does not need Board
16 approval. It's budget neutral, I believe.

17 COMMISSIONER CAMPBELL: Yes, it is.

18 CHAIRMAN MESOLELLA: And it's just,
19 basically, a change, a title change, and it does not
20 need Board approval. That completes your report; is
21 that correct, Commissioner Campbell?

22 COMMISSIONER CAMPBELL: Yes.

23 CHAIRMAN MESOLELLA: The next Committee
24 reporting is the Finance Committee. Commissioner
25 Andrade, do you have a report?

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1 COMMISSIONER ANDRADE: No report today, Mr.
2 Chairman.

3 CHAIRMAN MESOLELLA: No report from the
4 Finance Committee. Moving right along. There was no
5 meeting of the Rules and Regulations Committee. There
6 was no meeting of the Long-Range Planning Committee,
7 except to announce that Commissioner Thompson is now the
8 Chair. He's been appointed Chair of the Long-Range
9 Planning, and we would like to schedule a meeting with
10 Commissioner Thompson and the Committee sometime prior

11 to the next Board Meeting in March. The next Committee
12 reporting is the Citizens Advisory Committee. Harold,
13 do you have a report for us?

14 MR. GADON: Thank you, Mr. Chairman. The
15 CAC met two weeks ago on Jan. 21 with a quorum present.
16 After approval of the previous month's minutes, the 2009
17 schedule was reviewed with our next meeting scheduled
18 for March 4th.

19 Our meeting was being held at the same time NBC was
20 hosting another meeting with the public concerning the
21 odor problem in the Promenade area emanating from the
22 Drop Shaft which the Executive Director did describe.

23 These are problems involving the CSO as it is starting
24 to become operative.

25 We discussed the situation concerning NBC regarding

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1 falling revenues as water usage decreases, some of it
2 due to economy and loss of manufacturing facilities.
3 It's a catch-22 position for NBC with its Pollution
4 Prevention personnel actually trying to help customers
5 reducing their water usage, and therefore, their
6 discharges.

7 It is hoped that possible future consolidation with
8 other wastewater facilities could be made to happen and

9 result in cost efficiencies.

10 It was announced that the rain barrel project has
11 resulted in many barrels being bought by the community
12 and that more will be made available. That concludes my
13 report.

14 CHAIRMAN MESOLELLA: Thank you, Harold.
15 Thank you. I do not believe there were meetings of the
16 Ad Hoc Committee on Compensation and Ad Hoc Committee on
17 Internal Ethics; am I correct?

18 RAYMOND MARSHALL: Correct.

19 CHAIRMAN MESOLELLA: The next report is the
20 Chairman's Report. It's been a very quiet couple of
21 months. I would just like to say that I'm very excited
22 about our presentation of the NBC facility at Field's
23 Point for next month, I guess. I hope that the
24 Committee will be pleased with our future plans.
25 The acquisition of and final selection of the

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1 contractor for the dog pound is certainly, we've been
2 looking forward to that. It really marks the beginning
3 of transition of our appearance in this area. I'm very
4 excited about it. Other than that, the Chairman has no
5 further report.

6 Moving along to Item Number 6 is New Business. Is

7 there any New Business to come before this Committee
8 today? New Business of any kind, any of the
9 Commissioners?

10 THE COMMISSION: (No response)

11 CHAIRMAN MESOLELLA: Item Number 7, is there
12 any business, Other Business of any nature?

13 THE COMMISSION: (No response)

14 CHAIRMAN MESOLELLA: Okay. Item Number 8,
15 Commissioner Salvadore.

16 COMMISSIONER SALVADORE: Move to adjourn,
17 Mr. Chairman.

18 CHAIRMAN MESOLELLA: We have a motion from
19 Commissioner Salvador to adjourn.

20 THE COMMISSION: Second.

21 CHAIRMAN MESOLELLA: And seconded by, I
22 believe, the entire Board. All of those in favor of
23 adjournment will say aye.

24 THE COMMISSION: Aye.

25 CHAIRMAN MESOLELLA: Are there any opposed?

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1 THE COMMISSION: (No response)

2 CHAIRMAN MESOLELLA: There are none opposed.

3 (MOTION PASSES UNANIMOUSLY)

4 CHAIRMAN MESOLELLA: Thank you very much for

5 making yourself available today. Thank you.

6 (HEARING CLOSED AT 11:55 A.M.)

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1 CERTIFICATE

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4 I, Heather Marie Finger, do hereby certify
5 that the foregoing is a true, accurate, and complete
6 transcript of my notes taken at the above-entitled
7 hearing.

6

7 IN WITNESS WHEREOF, I hereunto set my hand
8 this 26th day of February 2009.

8

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HEATHER MARIE FINGER, CSR, NOTARY PUBLIC
MY COMMISSION EXPIRES 4/02/12

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23 DATE: February 11, 2009

24 IN RE: Monthly Board Meeting of the Commission

25 HEARING OF: Narragansett Bay Commission

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