

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

3 In Re: NBC Monthly Board Meeting - April 2009

4 DATE: April 21, 2009
5 TIME: 11:00 a.m.
6 PLACE: Narragansett Bay Commission
7 Corporate Office Building
8 Providence, RI 02905

9 PRESENT:

10 Vincent Mesoletta, Chairman
11 Raymond Marshall, Secretary-Executive Director
12 Richard Brown
13 Richard Burroughs
14 Bruce Campbell
15 Joseph DeAngelis, Esquire
16 Michael DiChiro
17 Jonathan K. Farnum
18 Joseph Kimball
19 Ronald Leone
20 Al Montanari
21 Alan Nathan
22 Michael Salvadore
23 Leo Thompson
24 Richard Worrell

25 ALSO PRESENT:

26 Sherri Arnold, NBC
27 Rich Bernier, NBC
28 Francie Brown, NBC
29 Tom Brueckner, NBC
30 Diane Buerger, NBC
31 Cecile Cardente, NBC
32 Anamaria Clarkin, NBC
33 Ames Colt, Bays, Rivers & Watersheds Coordination Team
34 Terry Cote, NBC
35 Charlie Donovan, Jr., House Oversight
36 Leah Foster, NBC
37 Harold Gadon, CAC
38 Michael Giammarco, NBC
39 Karen Giebink, NBC
40 Dan Goulet, RI CRMC
41 Meg Goulet, NBC

ALLIED COURT REPORTERS, INC. (401) 946-5500

1 ALSO PRESENT, cont.

2 Jennifer Harrington, NBC

Laurie Horridge, NBC

3 Claudette Kalf, NBC

Joanne Maceroni, NBC

4 Karen Musumeci, NBC

Paul Nordstrom, NBC

5 Joe Pratt, Louis Berger Group

Jamie Samons, NBC

6 Deborah Samson, NBC

Michael Smith, The Maher Corp.

7 Tom Uva, NBC

John Zuba, NBC

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23
24
25

ALLIED COURT REPORTERS, INC. (401) 946-5500

3

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

2 CHAIRMAN MESOLELLA: We will call the
3 Tuesday, April 21st meeting of Narragansett Board of
4 Commissioners to order, and thank you for coming on this
5 dismal day; and we appreciate it.

6 The first order of business is the Approval of the
7 previous minutes of March 11th. Have all of our
8 Commissioners had an opportunity to review the previous
9 minutes, and if so, are there any comments or questions
10 or corrections with regard to the previous minutes of
11 March 11, 2009? The previous minutes?

12 THE COMMISSION: (No response)

13 COMMISSIONER CAMPBELL: Move to approve.

14 COMMISSIONER SALVADORE: Move approval,
15 Mr. Chairman.

16 CHAIRMAN MESOLELLA: We have an approval
17 from Commissioner Salvadore, Commissioner Campbell,
18 Commissioner Kimball. Is there a second?

19 COMMISSIONER MONTANARI: Second.

20 CHAIRMAN MESOLELLA: Second Commissioner

21 Montanari. All of those that are in favor of approval
22 of previous minutes will say aye.

23 THE COMMISSION: Aye.

24 CHAIRMAN MESOLELLA: Are there any opposed?

25 THE COMMISSION: (No response)

ALLIED COURT REPORTERS, INC. (401) 946-5500

4

1 CHAIRMAN MESOLELLA: There are none opposed,
2 and the motion carries. Item Number 3, Old Business.

3 Is there any Old Business to come before the Commission,
4 Old Business of any nature, Old Business?

5 THE COMMISSION: (No response)

6 CHAIRMAN MESOLELLA: Hearing none. The next
7 order of business is Item Number 4, which is the
8 Election of Officers. The Chairman will pass the gavel
9 to the Executive Director/Secretary for nominations for
10 the slate of officers for year 2009-2010.

11 RAYMOND MARSHALL: In conjunction with our
12 enabling legislation as well as the Bylaws, the Board is
13 required to elect their officers at the April meeting
14 every year, and our enabling legislation, that's Section
15 46-25-7 if you care to refer to it, and in our Bylaws
16 it's Article 2, Section 2, so those are the two cites
17 that require the election to be held in April, and we
18 will, or you will elect a Chairman, a Vice Chairman and

19 a Treasurer. So, with that, I'll open the floor to
20 nominations.

21 COMMISSIONER SALVADORE: Mr. Chairman? Mr.
22 Secretary, I'm sorry.

23 RAYMOND MARSHALL: Yes.

24 COMMISSIONER SALVADORE: I knew this was
25 coming up. I knew this was coming up at this meeting,

ALLIED COURT REPORTERS, INC. (401) 946-5500

5

1 so before -- good morning.

2 RAYMOND MARSHALL: Good morning.

3 COMMISSIONER SALVADORE: So, before the
4 meeting I went around, and I got some, asked if anybody
5 would be interested in any one of the three positions,
6 and I got some very colorful responses amongst which
7 are, what are you, crazy? Another one was, don't rock
8 the boat.

9 So, with that in mind, Mr. Secretary, I make a motion
10 that the Secretary casts one vote in support of Vincent
11 Mesolella for Chairman, Angelo Rotella for Vice Chairman
12 and Robert Andrade for Treasurer.

13 RAYMOND MARSHALL: Yes.

14 COMMISSIONER THOMPSON: Second.

15 COMMISSIONER FARNUM: Second.

16 RAYMOND MARSHALL: The Chair has been made

17 and seconded. Are there any other nominations?

18 THE COMMISSION: (No response)

19 RAYMOND MARSHALL: Hearing none, the

20 Secretary will cast one vote for the slate, and the

21 motion carries.

22 (MOTION PASSED UNANIMOUSLY)

23 COMMISSIONER SALVADORE: Congratulations.

24 CHAIRMAN MESOLELLA: Thank you very much. I

25 want to say how much I appreciate your vote of

ALLIED COURT REPORTERS, INC. (401) 946-5500

6

1 confidence again this year. I think you all know that

2 the successful operation of the Narragansett Bay

3 Commission is my passion, and you know I commit my 100

4 percent effort to its Mission and Charter, and I hope

5 not to disappoint you. Thank you.

6 Moving right along, Item Number 5 is the Executive

7 Director's Report. Mr. Secretary, do you have a report

8 for us today?

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

10 CHAIRMAN MESOLELLA: Then proceed.

11 RAYMOND MARSHALL: First of all, I want to

12 thank all the Board members here today for accommodating

13 the change in schedule. I know it's not an easy thing

14 to do, and we appreciate your attention to that.

15 The February Report is on the Board of Commissioners
16 website, and what I'm going to review with you today is
17 the March Report, and beginning on Page 2, I just want
18 to let you know that both our treatment plants are
19 running well. They've settled back into a steady state
20 situation, and both flows and removal are very good.
21 The tunnel has been operating on a regular basis. In
22 March, though, there were only two occasions, one early
23 and one late, the month where we accepted flow, we are
24 now over 500 million gallons of flow captured and
25 treated in the tunnel, so that's a half a billion

ALLIED COURT REPORTERS, INC. (401) 946-5500

7

1 gallons, and that's quite an accomplishment in a short
2 period of time.
3 It has allowed DEM and the Department of Health to
4 look toward shortening the closure period when there is
5 a rain event. They're talking about reducing it by
6 about 40 percent, so that means the shellfish beds would
7 be open 40 percent more of the time. So, that's a very
8 positive step forward as a result of putting that system
9 into operation.
10 The staff has been very busy refurbishing several
11 areas of the plant based upon the information that has
12 tumbled out of the Asset Management Program. We're

13 working on the return sludge pumping station, the plant
14 water pump station given the primary settling tanks, and
15 the gravity thickeners. They're able to take tanks down
16 and to refurbish the internal mechanisms and then put
17 them back online in a smooth fashion without having to
18 interrupt operation.

19 They've also begun having extensive discussions with
20 the Construction group to time all of the work that has
21 to be done on the Biological Nutrient Removal Contract.
22 We will be working on a lot of the different processes
23 within the plant in addition to installing the nutrient
24 removal process, and we need to make sure that we do
25 that in a timely and organized fashion because we need

ALLIED COURT REPORTERS, INC. (401) 946-5500

8

1 to continue to meet our permit on a daily basis. There
2 is no relief from the permit just because you have your
3 treatment plant torn up, so a good, close working
4 relationship is important, similar to what we did over
5 at Bucklin Point a few years ago.

6 And over at Bucklin Point, they are transitioning
7 into the warm season permit levels where we need to
8 achieve nitrogen removal on a regular basis, on a
9 monthly basis, and we're only a few weeks away from that
10 actually going into effect. That runs from May through

11 October, so there's a transition that has to occur over
12 there.

13 And they were able to capture up to 6 million gallons
14 of wet weather flow and avoid any diversion structure
15 overflow events using the new wet weather tanks that
16 were part of the contract I mentioned just a few moments
17 ago. So, things are going well at the treatment plants.

18 Out in the Interceptor system, which is noted on
19 Page 5, there were no dry weather bypasses this month,
20 and the crew was very busy on a number of items, but in
21 particular, inspecting our tidegates which are on the
22 overflow pipes; and you have to do that, as you would
23 imagine, based upon the tides. You have to conduct your
24 inspections appropriately.

25 There were a few adjustments that needed to be made

ALLIED COURT REPORTERS, INC. (401) 946-5500

9

1 and repairs that were implemented in order to keep the
2 flow from coming back into our system when we get the
3 very high tides.

4 They also have made good progress on working with
5 National Water Main on the Seekonk River Interceptor
6 cleaning. They cleaned another 3,000 feet of pipe and
7 removed quite a bit of grit from it, and that allowed,
8 or that allows more flow to pass through the pipes. We

9 actually were able to lower the water surface elevation
10 in a pipe by about a foot, which is pretty significant
11 in a pipe of that size.
12 Engineering has been waiting for DEM's approval of
13 the final design plans for BNR, but they did give us the
14 go-ahead to actually put the job out to bid, they've
15 been involved in the review every step of the way; so
16 we're all confident that that approval was just a
17 formality, and the job is now out to bid with the bid
18 opening currently scheduled for late May. There may be
19 some revisions to that. We're evaluating that as we
20 speak.

21 And we will be awarding one component of that project
22 this morning. We're going to award the blowers to a
23 particular manufacturer, and then every contractor who
24 submits a bid will carry the same blower manufacturer
25 and the same price for the blowers to level the playing

ALLIED COURT REPORTERS, INC. (401) 946-5500

10

1 field. That's such a critical piece of the entire
2 contract. We wanted to make sure that we got a
3 high-quality unit and not just the least-cost item
4 that's out there.

5 Louis Berger who has been our consultant on the CSO
6 job has retained a company called Bowker Associates to

7 help us with some odor issues we're having at the
8 upstream end of the tunnel. We have been causing a few
9 problems for some of the neighbors up there. We've met
10 with them a couple of times, and we're going to be
11 installing an odor control system in order to remedy
12 that situation; and that will be occurring in the next
13 several months as we design and then procure and build
14 that facility.

15 And speaking of the CSO Project, Phase 2 is
16 progressing well, both the Woonasquatucket River and
17 Seekonk River Interceptor as well as the Sewer
18 Separation Project and the Wetland Facility, Central
19 Falls, are well under design, and we're working with DEM
20 to get their approvals and to keep them apprised of
21 everything that we have been proposing.

22 In the Public Relations group, Jamie and her group
23 have been meeting with the neighbors in the area that
24 will be impacted to let them know that we're coming and
25 the type of impacts they can expect to encounter.

ALLIED COURT REPORTERS, INC. (401) 946-5500

11

1 Page 9 of my report I note that the Johnston
2 Facilities Plan is coming to a conclusion. We've met
3 with the Town on a couple of occasions in the month of
4 March, and we're getting a very good exchange of ideas

5 with the Town as to what they see their needs are; and
6 we are able to then determine what we need to do to our
7 system to accommodate their desires, and I gave a
8 presentation to Long-Range Planning to highlight some of
9 the areas in Johnston that may provide us with new users
10 and new sources of revenue.

11 Construction, on Page 11, the Construction Division,
12 we have eight general contractors who have come in to
13 pick up contract documents for that project, and they're
14 all working feverishly to put together their bids. We
15 had a pre-bid meeting last week, and it was well
16 attended.

17 We have received the final report and cost estimates
18 for the new Regulatory Compliance Building, and staff is
19 now evaluating it. It will probably take a month or so
20 to really take a look at what the cost of the project is
21 going to be and what components we want to keep in the
22 project and what we may want to bypass.

23 The Animal Control Facility should be beginning
24 construction some time this month. They received
25 approvals from MBE/WBE and EEO at the State, and so,

ALLIED COURT REPORTERS, INC. (401) 946-5500

1 they should be ready to go, and that's expected to be in
2 operation by the end of this year.

3 The Tunnel Pump Station itself, we're working on the
4 punch list. There are a number of items that need to be
5 attended to before the contractor is totally off the
6 site, and we have good news; and you probably saw the
7 signs as you drove in. Ernest Street is going to reopen
8 on May 5th. So, that will make everyone's life a little
9 bit easier.

10 We wanted to have the signs up there for a couple of
11 weeks before we actually opened the street so that
12 anybody traveling through this area, especially the
13 students at Johnson & Wales, have a heads-up as to what
14 we're planning. We have notified all the neighbors, the
15 City of Providence and the Port, and it should go very
16 smoothly.

17 The interceptor improvement contracts that we do, we
18 have one every year, and we have one that we have a bid
19 opening scheduled for the end of this month. We have
20 six contractors who are interested in that at this
21 point. We're hoping to get a good price on that.

22 And the cost of all of that, of course, is kept track
23 of by our Finance Division, and their report begins on
24 Page 13. They continue to track our Operating Budget
25 for FY '09, trying to make sure that we stay within not

ALLIED COURT REPORTERS, INC. (401) 946-5500

1 only what we have budgeted, but that our expenses match
2 the revenues that are coming in.

3 And while they're doing that, they're also developing
4 the 2010 Operating Budget. That will come before the
5 Finance Committee on May 13th. It will be a noontime
6 meeting here in this building, and that is one week
7 before the next Board meeting; so they'll have the
8 opportunity to review the Budget at that time, they can
9 report to you what they find, and then the Budget itself
10 will come before the entire Board at the June meeting.

11 The rate filing which is Docket 4026 has been fairly
12 active. The PUC has held some public meetings on our
13 request for a rate increase, and they have also asked
14 for additional information, those are known as data
15 requests, and our staff has responded to them.

16 Finance is also putting together our CIP document,
17 which is our Capital Improvement Program. They generate
18 that every year. That will come before you next month
19 at the May Board meeting, and what it does is it lays
20 out all the projects that we plan to do in the next five
21 years, what the cost and schedules are likely to be.

22 Our IT Department is always busy as I note to you
23 every month, and their information begins on Page 13.

24 One thing in particular I want to note as far as IT goes
25 is, we had an outside firm come in to look at our system

ALLIED COURT REPORTERS, INC. (401) 946-5500

1 and to evaluate how we were doing on items such as
2 trying to keep the amount of spam that comes in to our
3 system, and they were effusive in their praise of staff;
4 and we have four separate layers that sift out the spam
5 as it tries to enter into our main system, and our
6 people are doing a very good job keeping that out of our
7 system and causing any problems for us because many
8 times that information carries viruses with it.

9 In Customer Service they collected 3 million dollars
10 last month, made over 4,300 collection calls. Those are
11 noted on Page 16. I'm going to move ahead into the
12 Policy & Planning Group Division. They start on Page
13 20.

14 The Shellfish Transplant Program that we've worked
15 with DEM on, it's probably been over ten years now; the
16 dates are scheduled. They're noted in my report, April
17 29th, May 5th, 7th, 14th and 12th, and if you're
18 interested in more information on those, Tom Uva can
19 provide it to you.

20 If you want to come down and witness one of those
21 transplant activities, you're welcome to attend. Tom
22 might even be able to get you on one of the boats. We
23 have to put you to work, if you do that. Don't wear
24 very good clothes if you're going to do that.

25 It's very well-received by the Shellfishermen's

1 Association, and they have been very appreciative of
2 everything that has happened as a result of the CSO
3 Program and the tunnel going online with the shellfish
4 beds being open sooner than they have been historically,
5 so this is a good program.

6 They actually take the shellfish from polluted areas
7 and move them into clean areas which are then cordoned
8 off by the DEM, and the DEM patrols those areas; and
9 then six months down the road, the shellfishermen can go
10 in and harvest the transplanted product just before the
11 holidays start in November.

12 We've already reviewed the River Cleanup. The date,
13 you all have your shirts. We hope to see some of you
14 there. Even if you can only stop by for a couple of
15 minutes to lend your support, we'd really appreciate it.

16 Page 22, in concert with our Mission here, we are
17 proud to report that our Waste Recycling Program took a
18 big jump in improvement in the last year. We've
19 recycled 40,000 pounds of solid waste.

20 Being an environmental organization, we like to span
21 all of the different areas that that encompasses, and we
22 had a 20 percent increase in 2008 from 2007; and the
23 group that runs that here for us, Jim McCaughey's group

24 has really done a good job promoting that and working
25 with the staff to make it easy for them.

ALLIED COURT REPORTERS, INC. (401) 946-5500

16

1 Page 24, there's a list of about a dozen emergency,
2 or special investigations, our Pretreatment group had to
3 respond to in the last month. It was very active. It's
4 usually not that many. It's one of those months where
5 it seems we're always getting calls, and they're
6 responding very professionally and very effectively
7 helping out any number of other organizations including
8 the Town of Cumberland, Central Falls and also
9 Pawtucket.

10 Our Stormwater Mitigation Program had another project
11 approved. We removed another 200,000 gallons of storm
12 flow, in a three month storm, which is, as you remember,
13 what the tunnel is sized for, so we continue to enhance
14 and build upon the prior success.

15 Our Laboratory on Page 27 is beginning their
16 proficiency testing this month, and they continue to
17 analyze for just a large number of parameters over 8,500
18 last month as they do every month, and they're doing a
19 great job.

20 So, in addition to what they normally have to do,
21 they have to go through the testing process and still

22 crank out all the work that we all expect them to
23 generate. That's based on the 2,300 samples that EMDA
24 brings them every month, so there's never a break in
25 that area of the agency.

ALLIED COURT REPORTERS, INC. (401) 946-5500

17

1 Our energy projects are on the brink of moving to the
2 next phase. The group is working to develop an RFQP to
3 procure some professional help to have the wind turbines
4 designed and built. The Met Tower which is the tower
5 that acquired all the data for us in terms of wind
6 speeds has finally been removed after about a year and a
7 half of data collection got some great information to
8 work with, and we're also going to acquire the same type
9 of services and advice for the Biogas Project over at
10 Bucklin Point; and that's looking more and more
11 promising because the component or the compound siloxane
12 that was causing us problems over there has now
13 decreased dramatically.
14 Septage has been busy taking over almost 250
15 deliveries. That's part of our service that is not
16 always well recognized but it is a big service to the
17 communities that we are responsible to.
18 In Legal, we have a policy that will come before you
19 today that they developed in conjunction with Finance,

20 Identity Theft which the Federal Trade Commission has
21 now required everyone that deals electronically with
22 customer records needs to have in place. We'll explain
23 a little more about that shortly.
24 Legal also wants to remind everyone that your ethics
25 forms are due April 24th. That is a week from Friday.

ALLIED COURT REPORTERS, INC. (401) 946-5500

18

1 The Ethics Commission should have sent those to you in
2 the mail already. If you have them, please fill them
3 out. If the need assistance, contact Jen Harrington,
4 and if you don't have a copy or don't remember receiving
5 a copy, we can help you contact the Ethics Commission
6 and have a copy sent to you.

7 It's the same form that they send us every year. All
8 the Commissioners and all the Directors have to fill it
9 out, and they generally ask the same questions. So,
10 once you've filled it out, assuming nothing major has
11 changed, it's pretty much the same process every year.
12 So, if you need help, contact Jen. Commissioner?

13 COMMISSIONER KIMBALL: Ray, excuse me. The
14 form is due this Friday, this coming Friday, April 24th.

15 RAYMOND MARSHALL: You are right. We're
16 already at the end of the month. I lost track of time.

17 Yes, thank you very much. That is this Friday, which

18 gives us all less time to respond. I don't have as much
19 time as I thought I had, but Jen would have brought that
20 to my attention, I'm sure. She doesn't let me get away
21 with much.

22 The May 21st lien sale, which is the day after our
23 next Board Meeting, we are collecting revenue. We
24 started out with about 400 properties with an
25 outstanding balance of just under 600,000 dollars, and

ALLIED COURT REPORTERS, INC. (401) 946-5500

19

1 we still have about 250 properties left.

2 MS. HARRINGTON: We're down to about 220
3 right now.

4 RAYMOND MARSHALL: 220 right now?

5 MS. HARRINGTON: Right.

6 RAYMOND MARSHALL: So, we must be in the
7 250,000 dollar range of money collected, but that's
8 still quite a few properties that are outstanding for
9 the closeness of the lien sale, so it is a reflection on
10 what's happening out there with people walking away from
11 their properties and banks not responding to notices;
12 and we're hoping that we'll close the gap between now
13 and May 21st, but in addition, if we still have a number
14 of properties available, which clearly we will, that the
15 lien sale purchasers still have an appetite for these

16 properties, and we'll be able to collect our money.
17 Public Affairs has been very busy. I mentioned some
18 of the things they've been doing, meeting with the
19 Foundry neighbors on odor issues, meeting with neighbors
20 that will be impacted by CSO Phase II. We're working
21 with the Met School to develop a pilot science program
22 for 9th and 10th graders.
23 We participated in the Rhode Island State Science
24 Fair. We had a Rain Barrel Distribution Day, and we
25 provided water quality in-class lessons for the nine

ALLIED COURT REPORTERS, INC. (401) 946-5500

20

1 schools and the Woon Watershed Program that Cynthia
2 runs. And we have been in touch with WPRO regarding
3 coverage for the River Cleanup tomorrow, and our
4 Chairman was a guest on the Buddy Cianci Show last week.

5 CHAIRMAN MESOLELLA: I was.

6 COMMISSIONER BROWN: And that he'll clean up
7 something?

8 RAYMOND MARSHALL: Sorry?

9 COMMISSIONER BROWN: It was just completely
10 gratuitous and inappropriate.

11 RAYMOND MARSHALL: Okay, so moving right
12 along. Lastly, I want to let you know that we have
13 reviewed nearly 800 pieces of legislation which have

14 been introduced in the General Assembly, and we have
15 identified which ones may impact us. We have circulated
16 them to staff.

17 We've received input; we've created some position
18 papers. We do have a legislative report which we'll
19 hear a little later, and that will bring you up to date
20 on those that we have particular interest in. And with
21 that, Mr. Chairman, I am finally done.

22 CHAIRMAN MESOLELLA: Thank you very much,
23 Mr. Secretary. Are there any questions or comments
24 regarding the Executive Director's Report?

25 THE COMMISSION: (No response)

ALLIED COURT REPORTERS, INC. (401) 946-5500

21

1 CHAIRMAN MESOLELLA: Okay. Moving right
2 along, Item Number 6 is Acknowledgement of Awards. As
3 you recall last month we did recognize a number of our
4 employees for their excellent performance for the year.
5 Today we would like to make one more presentation, and
6 for that purpose, I'd like to call upon Paul Nordstrom
7 to make an Employee Excellence Award presentation.

8 MR. NORDSTROM: Thank you. This year's
9 third recipient of the 2008 Excellence Award in
10 Operations is Meg Goulet. Meg? You'll have to help me
11 a little bit in this presentation. Meg has been the

12 manager of IM for 5 years, 6 years?

13 MS. GOULET: Five and a half years.

14 MR. NORDSTROM: She's taken a section that
15 was in, stuck in the past in terms of work practices and
16 integrated new programs into place while recognizing
17 that change isn't easy.

18 She's increased training hours for staff, spearheaded
19 the CMOM Program, encouraged staff participation in the
20 Snowplow Rodeo, that's done through DOT. To the point
21 now where she has to limit the number of people that
22 want to go. Instilled a sense of professionalism
23 throughout her staff, and the latest program is a Weight
24 Loss Program, and so as far they've lost --

25 MS. GOULET: I think we're about 56 pounds

ALLIED COURT REPORTERS, INC. (401) 946-5500

22

1 now.

2 MR. NORDSTROM: Fifty-six pounds. So, this
3 recognition of excellence is unique from the standpoint
4 that the spirit of the Employee Awards is that you're
5 nominated from your coworkers, and within the Operations
6 Division, this is the first time where an employee has
7 nominated their manager, and I will try to read through
8 some of this, if you bear with me here.

9 It says, Meg has taken this department to a complete

10 turnaround. She has dealt with changes and conducted
11 herself as a professional. She has taken all the bad
12 and put this aside and has still been able to keep the
13 Department alive. There was a time when most of the
14 employees would not even speak to each other, and one
15 would not even think about going above the call of duty
16 to help. Now they care about the job they do.

17 This is not something that shows on permits or paper,
18 but from a worker's point of view, I've seen the change.
19 We get along; we get the job done, and she gets her job
20 done, short-staffed and all.

21 Meg has taken care in the IM Department. Meg will
22 always help us with problems at home or at work. Seems
23 like this is the only way we can say thanks. Keep this
24 in mind, but there are so many things that she does, she
25 deserves the mention. So, with that, I present this

ALLIED COURT REPORTERS, INC. (401) 946-5500

23

1 award.

2 (AWARD PRESENTATION)

3 CHAIRMAN MESOLELLA: We also have the SECA
4 2008 Campaign Award, and it's going to be presented by
5 our Executive Director, Ray Marshall. Ray?

6 RAYMOND MARSHALL: Every year there's a
7 program called the State Employees Charitable Appeal.

8 It's something that the Bay Commission has participated
9 in for I think since its very existence, and what it is
10 is all of the different departments and divisions within
11 the state solicit from their employees contributions
12 that help any number of charities; I think there are
13 literally hundreds and hundreds of them.
14 And the goal every year is to try to up the ante, if
15 you will, have more people contribute and have a larger
16 amount of money contributed. And one of the key
17 components in making sure that that happens is to have a
18 good coordinator within your organization, someone who's
19 enthusiastic, someone who's not shy, someone who's
20 willing to go out to the different locations, if you
21 have multiple locations like we do, and to ask the
22 people to give.
23 And in this type of environment, you can imagine how
24 difficult that is. You all read about how many
25 charities, their fundraising is down, and they're

ALLIED COURT REPORTERS, INC. (401) 946-5500

24

1 struggling to figure out how they're going to close the
2 gap.
3 I'm happy to report and very proud to report that
4 here at the Bay Commission the SECA Campaign as it's
5 called, this year we had more people contribute, and

6 they contributed a greater amount of money, and for
7 that, the State Employees Charitable Appeal has
8 presented an award to the Narragansett Bay Commission,
9 and to accept that award, I'd like to have our internal
10 coordinator, Claudette Kalf, come up here and accept the
11 award.

12 The amount of work that she does and the amount of
13 coordination it takes, and I want to thank Karen for
14 allowing Claudette to spend her time to go out and do
15 this because she has to do it in addition to her regular
16 duties, so this is not an easy thing to orchestrate; and
17 she has just done a great job year after year, and this
18 year has surpassed all of her other efforts. Claudette,
19 congratulations.

20 (AWARD PRESENTATION)

21 CHAIRMAN MESOLELLA: Moving right along, the
22 next order of business is Item Number 7 which are
23 Committee Reports & Action Items Resulting. The first
24 Committee reporting is the Construction Engineering &
25 Operations Committee. Chairman Salvadore, do you have a

ALLIED COURT REPORTERS, INC. (401) 946-5500

25

1 report for the Commission today?

2 COMMISSIONER SALVADORE: Yes, Mr. Chairman.

3 CHAIRMAN MESOLELLA: Proceed.

4 COMMISSIONER SALVADORE: Construction
5 Engineering & Operations met earlier this morning. We
6 have one action item for the Board of Commissioners this
7 morning, and that is Review and Approval of Resolution
8 2009:06, Authorization to Preselect Turbo Blowers for
9 Contract 109.01C; Field's Point Wastewater Treatment
10 Facility, Nitrogen Removal Facilities and Other
11 Improvements, and CEO recommends approval, Mr. Chairman.

12 CHAIRMAN MESOLELLA: We have a motion to
13 approve Resolution 2009:06. Is there a second?

14 COMMISSIONER BROWN: Second.

15 CHAIRMAN MESOLELLA: Commissioner Brown.

16 COMMISSIONER MONTANARI: Second.

17 CHAIRMAN MESOLELLA: Commissioner Montanari.

18 You heard the Executive Director during his Executive
19 Director's Report talk about the turbo blowers. Are
20 there any questions or comments regarding this
21 procurement? Commissioner Campbell.

22 COMMISSIONER CAMPBELL: I noticed in the
23 newspaper the East Providence Sewer Facility --

24 CHAIRMAN MESOLELLA: Yes.

25 COMMISSIONER CAMPBELL: -- was approved by

ALLIED COURT REPORTERS, INC. (401) 946-5500

1 DEM for a nitrogen limit of 8 parts per million.

2 CHAIRMAN MESOLELLA: Yes.

3 COMMISSIONER CAMPBELL: Are we still
4 shooting for 5 parts per million?

5 RAYMOND MARSHALL: Yes.

6 CHAIRMAN MESOLELLA: Yes.

7 COMMISSIONER CAMPBELL: Why does DEM allow 8
8 parts per million for East Greenwich, I mean East
9 Providence, and only 5 for NBC?

10 COMMISSIONER BROWN: Now I understand. What
11 we ought to do is you guys ought to contract with us and
12 run your flow through our place.

13 CHAIRMAN MESOLELLA: That's a good idea.
14 We're going to send you our flow. It's a good idea.
15 Thank you. I don't have the answer. Tom, maybe. Tom,
16 do you have an answer for Commissioner Campbell?

17 MR. UVA: The 8 parts per million is what
18 was in the original permit. You may recall there were
19 four permits that were issued with limits ranging from 5
20 to 8. Woonsocket was issued a permit. Our two
21 facilities were issued 5, and East Providence was issued
22 8.

23 DEM has indicated to me that they're discharging
24 farther south, and there's a lot less flow, and ours has
25 a lot more pounds of nitrogen that is being released,

ALLIED COURT REPORTERS, INC. (401) 946-5500

1 and that's why our limit is 5.

2 CHAIRMAN MESOLELLA: And of course they can
3 support that with some authority, I'm sure.

4 MR. UVA: I am sure, Mr. Chairman, that they
5 have the legal background behind that.

6 CHAIRMAN MESOLELLA: I'm sure, I'm certain.
7 Okay. Having heard the motion and the second for
8 Approval of Resolution 2009:06, are there further
9 comments or questions regarding the approval?

10 THE COMMISSION: (No response)

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

13 THE COMMISSION: Aye.

14 CHAIRMAN MESOLELLA: Are there any opposed?

15 THE COMMISSION: (No response)

16 CHAIRMAN MESOLELLA: There are none opposed,
17 and that motion carries. Thank you very much, Mr.

18 Chairman. Do you have a further report?

19 COMMISSIONER SALVADORE: No further report
20 from the Chairman.

21 CHAIRMAN MESOLELLA: Thank you. The next
22 committee reporting is the Personnel Committee. I don't
23 believe they have a report.

24 COMMISSIONER CAMPBELL: No report.

25 CHAIRMAN MESOLELLA: There is no report. We

1 had no Finance Committee, Financial Report, but we're
2 ready to take that for the members.

3 Karen, would you care to give your Financial Report
4 for the members, and subsequent to that, we have some
5 action for the full Board.

6 MS. GIEBINK: Good morning. You have before
7 you, I believe, the March 2009 Monthly Financial Report.
8 With respect to Budget vs. Actual, the year-to-date
9 Budget is spending below or is spending below the
10 year-to-date budgeted levels, and savings are in
11 occurring mainly in the Personnel Services and the
12 Operation & Maintenance categories. Under Item B on the
13 first page, you can see that the Union FTE's are at 93
14 percent filled, and that's where we're achieving some of
15 the savings.

16 On Page 2 of the report with respect to the User Fee
17 Billing, we have not billed as projected with respect to
18 consumption, and that's something that I've mentioned
19 before. We did just recently complete our fourth
20 quarter billing, and looking at it on an annual basis,
21 it looks as though we'll bill 6.4 percent under the
22 projected level.

23 In this current rate filing we have before the PUC,
24 it's anticipated that that will be addressed through

25 both the conversion over to the monthly billing as well

ALLIED COURT REPORTERS, INC. (401) 946-5500

29

1 as the division in their pre-filed testimony, as
2 proposed, the recovery of the entire rate increase
3 through flat fees as opposed to the traditional split
4 between consumption and flat fees. That would be to our
5 advantage.

6 On Receivables, overall, the Receivables are looking
7 pretty good. Not a real significant variation between
8 the outstanding amounts a year ago.

9 On Page 3, Cash Investments total 52 million. We've
10 also, in this month's Monthly Report, we've split out
11 the Operating Reserves for the Revenue Stability Fund,
12 that one and a half million dollars that will be set
13 aside annually until we reach 4.5 million, and that's a
14 new reserve that was set up in the last docket.

15 On Page 4 with respect to Long-Term Debt, the
16 Variable Rate Demand Bonds have been remarketing at
17 excellent rates. They were below half percent up
18 through the end of March, and then our letter of credit
19 holder, which is RBS Citizens, was downgraded. Both RBS
20 and Citizens were both downgraded, and as a result, the
21 rates did spike at least temporarily up to 3 1/2
22 percent. Now they're back down to 2 1/2 percent, so it

23 really was a great thing that we're able to achieve the
24 Double A credit ratings, so that enabled us to
25 successfully remarket that.

ALLIED COURT REPORTERS, INC. (401) 946-5500

30

1 Outstanding Debt is 426 million. On Page 5, Total
2 Capital Funds are 24.4 million, and you can see that
3 we've almost completely expended the 2007 Series B (SRF)
4 proceeds.

5 On Page 6 you can see the Capital Payments by Month
6 and Source. Also attached you'll find the Statement of
7 Net Assets, Statement of Revenues, Expenses and Changes
8 in Net Assets as well as the detailed Budget vs. Actual,
9 and that concludes my report.

10 CHAIRMAN MESOLELLA: Thank you, Karen. Do
11 any of our Members have any questions regarding the
12 Financial Report?

13 THE COMMISSION: (No response)

14 CHAIRMAN MESOLELLA: Questions regarding
15 Financial Report?

16 THE COMMISSION: (No response)

17 CHAIRMAN MESOLELLA: Hearing none, then
18 we're going to move along to other Action Items. First
19 Action Item is Review and Approval of Resolution
20 2009:07, which is Recommendation for Use of

21 Environmental Enforcement Funds. Long-Range Planning
22 Committee met earlier today to review a request from the
23 Children's Museum, annually we try to make a commitment
24 to the Children's Museum for their Waterworks.

25 RAYMOND MARSHALL: Waterways.

ALLIED COURT REPORTERS, INC. (401) 946-5500

31

1 CHAIRMAN MESOLELLA: -- Waterways Exhibit.

2 It's the Number 1 exhibit at the Children's Museum.

3 It's highly successful. It's an integral part of our

4 educational program, and the Long-Range Planning

5 Committee approves recommendation to the Finance

6 Committee, approval of that resolution. So, the Chair

7 will accept a motion to approve Resolution 2009.

8 COMMISSIONER SALVADORE: How much is it, Mr.

9 Chairman?

10 RAYMOND MARSHALL: It's \$7,500.

11 COMMISSIONER SALVADORE: 7,500.

12 CHAIRMAN MESOLELLA: 7,5.

13 COMMISSIONER MONTANARI: I will make a

14 motion, Mr. Chairman.

15 CHAIRMAN MESOLELLA: We have a motion by

16 Commissioner Montanari.

17 COMMISSIONER LEONE: Second.

18 COMMISSIONER FARNUM: Second.

19 COMMISSIONER THOMPSON: Second.

20 CHAIRMAN MESOLELLA: Second from

21 Commissioner Leone, I think Commissioner Farnum and

22 Commissioner Thompson. Commissioner Kimball.

23 COMMISSIONER KIMBALL: Mr. Chairman, as a

24 Member of the Board of Directors of the Children's

25 Museum, I should recuse myself from any consideration of

ALLIED COURT REPORTERS, INC. (401) 946-5500

32

1 voting.

2 CHAIRMAN MESOLELLA: So noted. Commissioner

3 Kimball recused himself from consideration of this

4 matter.

5 (COMMISSIONER KIMBALL RECUSED FROM VOTE)

6 CHAIRMAN MESOLELLA: We have a motion; we

7 have a second. Is there further discussion?

8 THE COMMISSION: (No response)

9 CHAIRMAN MESOLELLA: Hearing none, all of

10 these that are in favor will say aye.

11 THE COMMISSION: Aye.

12 CHAIRMAN MESOLELLA: Are there any opposed?

13 THE COMMISSION: (No response)

14 CHAIRMAN MESOLELLA: There are none opposed,

15 and that motion carries.

16 (MOTION PASSED UNANIMOUSLY)

17 CHAIRMAN MESOLELLA: Thank you very much.
18 Moving along, Item B, Review and Approval of Resolution
19 2009:08, Amending and Restating Resolution 2008:37
20 adopted on December 17, 2008 authorizing Narragansett
21 Bay Commission to borrow an amount not to exceed 55
22 million dollars from the Rhode Island Clean Water
23 Finance Agency and authorizing the Commission to issue
24 an amount not to exceed 55 million dollars in revenue
25 bonds. Do I have a motion?

ALLIED COURT REPORTERS, INC. (401) 946-5500

33

1 RAYMOND MARSHALL: Karen will explain that
2 if you would like her to.

3 CHAIRMAN MESOLELLA: Let's take a motion,
4 Commissioner DiChiro moves approval. Second?

5 COMMISSIONER SALVADORE: Second.

6 COMMISSIONER FARNUM: Second.

7 CHAIRMAN MESOLELLA: Second Commissioner
8 Farnum, Commissioner Salvadore. Discussion. Karen.

9 MS. GIBINK: This Resolution would authorize
10 NBC to borrow and issue revenue bonds in an amount not
11 to exceed 55 million dollars which is an increase over
12 the 15 million dollars that was originally authorized by
13 the Board, and what this would allow us to do is to take
14 advantage of any additional funding that would be

15 available to NBC as a result of the Federal Stimulus
16 Package.
17 And right now the Rhode Island Clean Water Finance
18 Agency is still determining the structure of the
19 program. It's supposed to be a combination of
20 low-interest loans as well as principal forgiveness
21 which is another way of saying grant, but they haven't
22 fully designed their program as of yet.
23 I've used an estimate of 55 million dollars so that
24 we can start moving with respect to all the other items
25 that have to happen in order for us to effectively

ALLIED COURT REPORTERS, INC. (401) 946-5500

34

1 borrow and execute this loan, but ultimately, the amount
2 available to NBC would be determined by the RI Clean
3 Water Finance Agency hopefully in the next two weeks or
4 so.

5 The current long-term financing plan was based upon a
6 15 million dollar borrowing from the Clean Water Finance
7 Agency this year, so our rates are designed to support
8 15 million dollars. So, in order for us to effectively
9 borrow and have sufficient debt service coverage for the
10 55 million, it will require rate relief, so that will be
11 something that we will be preparing and filing; and the
12 PUC would issue rate relief within 60 days and that

13 would be on top of the current pending rate increase
14 before the PUC.

15 The bulk of this funding is anticipated to be used
16 with the Nitrogen Removal Project at Field's Point.

17 CHAIRMAN MESOLELLA: So, you've heard an
18 explanation regarding Resolution 2009:08. Are there any
19 questions or comments?

20 THE COMMISSION: (No response)

21 CHAIRMAN MESOLELLA: I also would like to
22 take an opportunity to commend the Board because you may
23 recall that 8 months ago, could be as much as a year ago
24 when we foresaw the stimulus monies coming down the
25 pike, this Board authorized us to go out and look at

ALLIED COURT REPORTERS, INC. (401) 946-5500

35

1 projects that might be in our Capital Improvements Plan,
2 authorized us to go out, get some studies and do some
3 engineering, get them ready just in case the stimulus
4 package was ever passed, and all of that came to
5 fruition; and today we're ready to meet the challenges
6 and take advantage of all that stimulus money.

7 I don't know that other agencies like ours are ready,
8 but we are; and we have always been, so I want to thank
9 the Board for their cooperation in that regard. We have
10 a motion; we have a second for Approval of Resolution

11 2009:08. Is there further discussion?

12 THE COMMISSION: (No response)

13 CHAIRMAN MESOLELLA: Hearing none, all of
14 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 that motion carries. The next order of business is

20 Item C which is Review and Approval of Resolution

21 2009:09, Adoption of the Narragansett Bay Commission

22 Identity Theft Prevention Program. I know no one's

23 interested in stealing my identity, I can tell you for

24 sure, but we need to get a program and adopt a policy.

25 So, Ray, why don't you explain exactly what this is.

ALLIED COURT REPORTERS, INC. (401) 946-5500

36

1 RAYMOND MARSHALL: I'm going to give you the
2 brief overview, and then I'll have Karen expand on it.

3 First of all, we have provided for you an updated

4 version of that Identity Theft Program. There were a

5 few wording changes. I believe a hard copy was left at

6 everyone's place, and we also put the revised version up

7 on the Board of Commissioners site.

8 The Federal Trade Commission has adopted regulations

9 which requires entities such as ours that have
10 confidential customer service information to develop a
11 program which will identify red flags that may indicate
12 identity theft as being attempted or has occurred, and
13 then also outlines a program on how we will respond if
14 we find those red flags waving; and Karen will be in
15 charge of that program, and I think she might want to
16 add a few more details than what I've just given you.
17 Karen?

18 MS. GIEBINK: Basically, what you have
19 before you is two different items. One is the program
20 that needs to be adopted by the Board, and the purpose
21 of the program is to comply, as Ray mentioned, with the
22 Federal Regulations for the Detection, Prevention and
23 Mitigation of Identity Theft. There are some
24 definitions in that program.
25 Through the adoption of this program, the Board of

ALLIED COURT REPORTERS, INC. (401) 946-5500

37

1 Commissioners designates me, lucky me, to be responsible
2 for the oversight, development, implementation and
3 administration of the ID Theft Program. And as part of
4 the process of developing the program, we did identify
5 any relevant red flags, and we conducted an internal
6 risk assessment to evaluate the risk of customers

7 creating fraudulent accounts and the risk of fraudulent
8 manipulation of existing accounts, and we determined
9 that there really is a low risk of identity theft, but
10 we also, in addition to that, we identified applicable,
11 they refer to them as red flags, and those are outlined
12 in the program at the bottom of Page 1 and at the top of
13 Page 2.

14 We've also developed ID Theft Procedures, which is
15 the second document that's attached. Those are fairly
16 detailed, and those will be updated on a fairly regular
17 basis; and that's what our customer service staff would
18 use to make sure that we comply with the regulations on
19 a day-to-day basis.

20 We, as part of the program, we will update the
21 program on no less than an annual basis to reflect any
22 changes in risk to NBC customers or NBC from identity
23 theft. And again, with respect to program oversight, I,
24 as administrator, will be responsible for the
25 implementation policies and procedures that assign

ALLIED COURT REPORTERS, INC. (401) 946-5500

38

1 responsibility for the ID Theft Program.

2 And also, we will be preparing under my direction a
3 report that would be presented to the Board of
4 Commissioners on an annual basis that would address the

5 effectiveness of the ID Theft Policies and Procedures
6 addressing the risk of identity theft, significant
7 issues of identity theft and management's response as
8 well as recommendations for changes to the ID Theft
9 Program. That is something we will be doing on an
10 annual basis.

11 So, attached to that, you will find fairly detailed
12 Identify Theft Program procedures that we will be
13 explaining to the Customer Service staff, and we'll be
14 providing them with training to make sure that we comply
15 with Federal Regulations.

16 CHAIRMAN MESOLELLA: Commissioner Burroughs,
17 do you have a question? You look like you have a
18 question.

19 COMMISSIONER BURROUGHS: No.

20 CHAIRMAN MESOLELLA: Does anyone have a
21 question regarding the Identity Theft Program?

22 THE COMMISSION: (No response)

23 CHAIRMAN MESOLELLA: Commissioner Montanari,
24 would you care to make a motion to approve Resolution
25 2009:09?

ALLIED COURT REPORTERS, INC. (401) 946-5500

39

1 COMMISSIONER MONTANARI: Approve.

2 CHAIRMAN MESOLELLA: You do? Thank you very

3 much. We have a motion to approve Resolution 2009:09,
4 and Commissioner Worrell, I know you're very interested
5 in this.

6 COMMISSIONER WORRELL: Absolutely, yes. I
7 will second it.

8 CHAIRMAN MESOLELLA: If there's anyone whose
9 identity we have to protect, it's yours. We have a
10 second from Commissioner Worrell. Further discussion on
11 the matter?

12 THE COMMISSION: (No response)

13 CHAIRMAN MESOLELLA: Hearing none, all of
14 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 PASSED UNANIMOUSLY)

21 CHAIRMAN MESOLELLA: There is no further
22 report from the Finance Committee. Next Committee
23 reporting is Rules & Regulations. I don't believe there
24 was a meeting. Long-Range Planning did meet earlier.
25 Chairman Thompson was not here, but the Chair did have a

ALLIED COURT REPORTERS, INC. (401) 946-5500

1 meeting.

2 The Committee received a presentation from our
3 Executive Director, Ray Marshall, regarding future
4 expansion plans for the Narragansett Bay Commission
5 service area. It was very detailed and very
6 informative. I expect that we will be making a more
7 detailed presentation, May, maybe, perhaps, for the full
8 Board?

9 RAYMOND MARSHALL: Sure.

10 CHAIRMAN MESOLELLA: Perhaps May. It
11 details some of the expansion opportunities we're
12 looking at in our area and just outside of our service
13 area, and I think you'll be intrigued by it, as I think
14 we all were; and that was the only matter besides the
15 use of Environmental Enforcement Funds taken up by the
16 Long-Range Planning Committee.

17 Next Committee reporting is the Citizens Advisory
18 Committee. Harold, do you have a report for us today?

19 MR. GADON: Yes, I do, Mr. Chairman. The
20 CAC Meeting was held last Wednesday with a quorum
21 present. Kerry Britt, Pretreatment Manager, gave an
22 excellent presentation regarding the pretreatment annual
23 report, which is quite lengthy, but she focused on the
24 main features.

25 We welcomed a new potential member, Kevin MacLeod,

1 whom I met at the Rochambeau Library Public Meeting
2 concerning the proposed construction to take place on
3 the East Side. There were approximately five public
4 members present including some who show up at every NBC
5 neighborhood meeting. Kevin is an environmental
6 scientist for Resources Center, and the Commissioner has
7 agreed to appoint him.

8 With the Chairman's approval, a letter was sent to
9 Johnson & Wales inviting them to appoint a staff member
10 to join the CAC and also suggested that we hold a CAC
11 meeting in their Dining Museum at their Harbor Campus.
12 I hope to receive a speedy response. We congratulate
13 the newly-elected NBC officers. Our next meeting is May
14 13th, and that concludes my report.

15 CHAIRMAN MESOLELLA: Thank you, Harold.
16 Thank you very much. The next Committee reporting is
17 the Executive Committee. There was no Executive
18 Committee meeting this month. I assume that the Ad Hoc
19 Committee on Compensation did not meet.

20 COMMISSIONER KIMBALL: No meeting.

21 CHAIRMAN MESOLELLA: No report. Ad Hoc
22 Committee on Internal Ethics has not met. The next
23 Committee reporting, or the next report is from the
24 Chair. The Chair has no report, except to say that it
25 is my intention to generate for the Board of

1 Commissioners a list of initiatives that we hope, and
2 goals that we hope to undertake at the upcoming year;
3 and I hope to have that prepared for you at our May
4 meeting.

5 And I'd like to review or have at least Joanne review
6 for us, I know we have some issues with the General
7 Assembly. Our legal counsel, Joe D'Angelis, has been
8 meeting I know on one or several of these bills. Joe,
9 do you want to report on this legislation?

10 MS. MACERONI: You have before you my
11 Legislative Report. These are additional bills --

12 CHAIRMAN MESOLELLA: I'm sorry. Joe's done
13 a report on one of these bills I know of.

14 MS. MACERONI: I'm sorry. You said Joe.

15 MR. D'ANGELIS: We have two Joes.

16 CHAIRMAN MESOLELLA: That's right, Joe and
17 Jo. I didn't realize that.

18 MS. MACERONI: We're doing the tag team
19 today.

20 CHAIRMAN MESOLELLA: I didn't realize that.

21 Well, let's do this: Counsel, what bill are you
22 following?

23 MR. D'ANGELIS: 672, Mr. Chair.

24 CHAIRMAN MESOLELLA: Would you provide us
25 with a --

ALLIED COURT REPORTERS, INC. (401) 946-5500

43

1 MR. D'ANGELIS: Let me say at the outset
2 that you are probably the only person in the State that
3 could get me to go back up to the State House and lobby
4 for this, and I'm happy to do so.

5 CHAIRMAN MESOLELLA: Well, thank you.

6 MR. D'ANGELIS: Joanne and I have had the
7 occasion to meet with Senator Lenihan and his staff on a
8 number of occasions. The bill as originally presented
9 probably would have required Ray Marshall to send
10 hundreds of letters as the bill requires, as part of the
11 Oversight Committee's work, to the various individuals
12 in the House Fiscal Office and the Senate Fiscal Office.
13 During the recess, they came out with a proposal that
14 I think Joanne and I have both looked at and staff is
15 going to look at, and I know that there's a meeting
16 tomorrow. The new proposal I think is probably going to
17 be acceptable to the NBC, and we're going to save Ray
18 Marshall a lot of time in terms of having to send
19 hundreds and hundreds of letters every time there's a
20 modification to a contract.
21 So, essentially, the bill will require a report from

22 Ray any time there's a contract increase of 200,000
23 dollars or more. And for big contracts, those contracts
24 over 20 million dollars, whenever the cumulative
25 contract changes are 15 percent or more, then Ray would

ALLIED COURT REPORTERS, INC. (401) 946-5500

44

1 have to send one of these oversight letters to the
2 Senate and the House Fiscal staff.

3 CHAIRMAN MESOLELLA: Joanne, is there a
4 mirror bill from the House?

5 MS. MACERONI: No, there is not.

6 CHAIRMAN MESOLELLA: Just the Senate bill.

7 MS. MACERONI: Just the Senate bill.

8 CHAIRMAN MESOLELLA: On the rest of the
9 Legislative Report, Joanne?

10 MS. MACERONI: What we're doing with this
11 bill, I just would like to touch base on this first
12 bill. There have been several bills introduced this
13 year, both the House and the Senate that would amend the
14 Dig Safe statute.
15 That Statute deals with excavation, underground
16 excavation, and it requires right now that electric,
17 gas, water and telephone companies become members of Dig
18 Safe; and anytime a contractor is going to do any
19 excavation, he or she contacts Dig Safe, and those

20 utilities have to go out and mark their utilities.
21 One bill that was introduced by the utility
22 contractors themselves, which is the bill that I show,
23 the two bills, the House and Senate version that I show
24 here, would now require sewers to be among the utilities
25 that must join Dig Safe.

ALLIED COURT REPORTERS, INC. (401) 946-5500

45

1 Both Paul Nordstrom and I have testified in the House
2 and the Senate against the addition of sewers to the Dig
3 Safe statute for several reasons. One, we feel that
4 it's an unfunded mandate, and it would not only affect
5 Narragansett Bay Commission, it would affect all the
6 cities and towns because they also would have to go out
7 and mark their sewer lines.
8 And we also feel that there really isn't any need for
9 it. The sewers are the lowest utility around, so we
10 don't hit any other utilities; and very rarely does a
11 utility conflict with us. And also, it should be noted
12 that the states surrounding Rhode Island, their Dig Safe
13 does not require sewers to be part of Dig Safe.
14 So, as I said, we've testified in the House and the
15 Senate. The Senate Chair of the Corporations Committee
16 has asked all the sides, all the parties that are
17 interested in the bill to meet, and we'll be meeting

18 tomorrow with the representatives from the utility
19 contractors, also with the PUC who supports our
20 opposition to the addition of sewers and the League of
21 Cities and Towns that also opposes the addition of
22 sewers. So, we'll keep you posted on that. The other
23 bills I think speak for themselves, and I'll continue to
24 keep you posted on any other bills of importance.

25 CHAIRMAN MESOLELLA: Thank you, Jo, and

ALLIED COURT REPORTERS, INC. (401) 946-5500

46

1 thank you, Joe. Okay. No further Legislative Report?
2 Okay. That concludes the Chairman's and Legislative
3 Report. Is there any New Business to come before the
4 Commission, Item Number 8, New Business?

5 THE COMMISSION: (No response)

6 CHAIRMAN MESOLELLA: Item Number 9 is Other
7 Business. Do any of the Commissioners have any other
8 business that they'd care to raise before the Board
9 today?

10 THE COMMISSION: (No response)

11 CHAIRMAN MESOLELLA: If not, Commissioner
12 Salvadore?

13 COMMISSIONER SALVADORE: Motion to adjourn,
14 Mr. Chairman.

15 CHAIRMAN MESOLELLA: We have a motion, Item

16 Number 10, to adjourn, seconded by the entire Board.

17 All in favor will say aye.

18 THE COMMISSION: Aye.

19 CHAIRMAN MESOLELLA: Are there any opposed?

20 THE COMMISSION: (No response)

21 CHAIRMAN MESOLELLA: Thank you all for

22 coming out on this dismal day. I really appreciate it,

23 and we look forward to seeing you next month. Thank

24 you.

25 (HEARING CLOSED AT 12:12 P.M.)

ALLIED COURT REPORTERS, INC. (401) 946-5500

47

1 CERTIFICATE

2

3

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 1st day of May 2009.

8

9

10

11

12

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

13

14

15

16

17

18

19

20

21

22

23 DATE: April 21, 2009

24 IN RE: Monthly Board Meeting of the Commission

25 HEARING OF: Narragansett Bay Commission

ALLIED COURT REPORTERS, INC. (401) 946-5500