

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

3 In Re: NBC Monthly Board Meeting

4 DATE: May 20, 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 Robert Andrade, Treasurer  
13 Richard Burroughs  
14 Bruce Campbell  
15 Joseph DeAngelis, Esquire  
16 Michael DiChiro  
17 Jonathan K. Farnum  
18 Leslie Gray, III  
19 Joseph Kimball  
20 John MacQueen  
21 Al Montanari  
22 Angelo S. Rotella, Vice Chairman  
23 Michael Salvatore  
24 Leo Thompson  
25 Richard Worrell

26 ALSO PRESENT:

- 27 Cecille Antonelli, NBC  
28 Sherri Arnold, NBC  
29 Richard Bernier, NBC  
30 Judy Besse, Paradigm Benefits Group  
31 Francie Brown, NBC  
32 Tom Brueckner, NBC  
33 Anamaria Clarkin, NBC  
34 Charlie Donovan, State House Oversight  
35 Leah Foster, NBC  
36 Karen Giebink, NBC  
37 Jennifer Harrington, NBC  
38 Laurie Horridge, NBC  
39 Joanne Maceroni, NBC  
40 Karen Musumeci, NBC  
41 Paul Nordstrom, NBC

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1 ALSO PRESENT, cont.

2 Jamie Samons, NBC  
Deborah Samson, NBC

3 Thomas Uva, NBC  
Lori Vernon, NBC

4 Michael Wallor, Esquire

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1 (HEARING COMMENCED AT 11:07 A.M.)

2 CHAIRMAN MESOLELLA: Good morning, everyone.

3 THE COMMISSION: Good morning, Mr. Chairman.

4 CHAIRMAN MESOLELLA: Recognizing a quorum,

5 we will begin the monthly meeting of the Board of

6 Commissioners of May 20, 2009 at 11:07.

7 First order of business is the approval of the

8 previous minutes of April 21, 2009. Have all of our

9 members had an opportunity to review the minutes, and if

10 so, are there any comments, questions?

11 THE COMMISSION: (No response)

12 CHAIRMAN MESOLELLA: Comments or questions

13 or changes regarding the previous minutes?

14 THE COMMISSION: (No response)

15 CHAIRMAN MESOLELLA: Hearing none, all of

16 those that are in favor of approval of the previous

17 minutes 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 PASSED UNANIMOUSLY)

24 CHAIRMAN MESOLELLA: Next order of business  
25 is Number 3, Old Business. Is there any old business to

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1 come before the Commission, old business?

2 THE COMMISSION: (No response)

3 CHAIRMAN MESOLELLA: Hearing none, moving  
4 along to Item Number 4, which is the Executive  
5 Director's Report. Do you have a report for us today,  
6 Mr. Secretary?

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

8 CHAIRMAN MESOLELLA: Proceed.

9 RAYMOND MARSHALL: This is for April, the  
10 month of April. Beginning on Page 2, we are showing  
11 very good treatment. All the numbers are in the single  
12 digits, and that's excellent treatment, especially when  
13 you consider that the flows are up. It's still as a  
14 result of all the spring rain activity.

15 On Page 3 we outline some of the events surrounding  
16 the tunnel. We had two significant events and captured  
17 over 200 million gallons of flow into this tunnel in  
18 April. We pumped it out, actually, on 24 different days

19 during the month that we, actually, had the flow being  
20 pumped out of the tunnel into the treatment process.  
21 So, since November 1st when the tunnel first when  
22 online, we have now captured and treated 655 million  
23 gallons of combined sewer overflow, so the tunnel is  
24 working as designed.  
25 At Bucklin Point where the tunnel does not affect

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1 what they do, but still the wet weather does, they've  
2 been able to capture an additional 40 million gallons of  
3 flow that would normally have been overflowed into the  
4 wet weather primary tanks we have on line there, and  
5 they're also preparing and now have on line the nitrogen  
6 removal system for the seasonal requirement that we face  
7 from May through October.  
8 So, while that process runs all winter, it doesn't  
9 run at a highly efficient level -- is not required. It  
10 could be the temperatures don't necessarily allow for  
11 it, but they have to ramp out -- and they are now  
12 meeting the criteria that we are expected to meet.  
13 On Page 4, we start the Interceptor Maintenance  
14 Section of the report. There were no dry weather  
15 bypasses in the month of April, and other than that,  
16 they had a pretty routine month.

17 On Page 6, the Interceptor and TV inspection work on  
18 the Seekonk River Interceptor, our contractor identified  
19 a damaged section of the 50-inch brick sewer at India  
20 Point Park, and we were able to determine at the -- that  
21 that is a result of some activity by the DOT's I-Way  
22 project, and so we have been in contact with them, and  
23 we are working with them to get that repaired by their  
24 contractors. So, the bad news is, it's been damaged.  
25 The good news is we are receiving good cooperation from

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1 DOT in terms of getting that resolved.

2 The Engineering Section has many projects underway at  
3 the current time, and they're on Page 6, they begin on  
4 Page 6. We received the DEM's order of approval, that's  
5 the standard approval we have to receive on all of our  
6 projects, and for the Biological Nutrient Removal  
7 Contract which is currently out to bid, more on that  
8 just a little later.

9 The tunnel project, while it has been performing  
10 well, you might recall that I've brought to your  
11 attention that we do have some odors up at the Foundry  
12 end, which is the terminal end of the tunnel, and after  
13 a study, we have determined that we will need to install  
14 two carbon tanks which will process the air that comes

15 out of that shaft on a continual basis, and we are now  
16 moving into pricing that; and we'll move into the design  
17 of it so that we can have it in place at the end of the  
18 next several months. So, I'll keep you apprised on the  
19 process that we make on that effort.

20 Phase II Facilities, the design continues. We have  
21 identified routes, and we're evaluating the geotechnical  
22 conditions along those routes, land acquisitions that  
23 are necessary, and we will still have that project  
24 targeted for construction or beginning construction next  
25 year, 2010. Hopefully, they'll be a next round of

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1 stimulus money, and that project will be in line for  
2 some of that; but time will tell.  
3 We did receive a letter from DEM at the bottom of  
4 Page 8 for the project also known as Floatables Control  
5 where we have CSOs when we do have overflows, material  
6 comes out anywhere from paper wrappers and coffee cups  
7 to soda cans and bottles that are really unsightly, and  
8 DEM now wants us to install a trash rack on three CSOs  
9 that are located in the Bucklin Point service area.  
10 Our pitch to them is, Phase II is moving along.  
11 Allow us to forego those that are in the Field's Point  
12 area which apparently they bought into, but in the

13 Bucklin Point area, they feel that we're too far away  
14 from Phase III to wait that long, so we will be looking  
15 into what type of steps we'll need to take to  
16 accommodate that direction.

17 Construction, which begins on Page 10, as I mentioned  
18 the Field's Point Biological Nutrient Contract is out  
19 for bid. There are nine general contractors that have  
20 expressed an interest, and the bid opening is going to  
21 be delayed until the end of June which will put us in a  
22 position where we may need to ask you to meet for a very  
23 short meeting sometime in the month of July. We'll talk  
24 about that a little more, later on in the meeting.

25 It's a huge contract. There have been a number of

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1 questions by the general contractors in trying to put  
2 together their bids, and the more time we give them to  
3 put together their bids, the less risk they feel they  
4 have to absorb; and therefore, the pricing generally  
5 comes in better. So, that's what we're looking at on  
6 that contract.

7 The Animal Control Facility, the design is ongoing.  
8 They've done some test pits. They've applied for their  
9 foundation permit, and construction should begin any  
10 day.

11 Administration and Finance on Page 12 was spending  
12 below the budgeted level for those of you who knew that  
13 were here for the Finance Committee Meeting, Karen  
14 explained that. User fees are lower than projected for  
15 the year by about 4 percent. Our general rate filing is  
16 progressing through the Division of Public Utilities,  
17 and the Public Utilities Commission process.

18 We have agreement on some items such as the  
19 conversion of monthly billing and allowing the majority  
20 of the rate increase we will receive to be included as  
21 out of the fixed fee as opposed to the variable fee that  
22 we tried, but then there are some other items that we  
23 have not reached an agreement on, and you'll hear more  
24 about that in the Finance Committee's report.

25 The CIP will be before you today which shows all the

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1 projects that we will be doing in the next five years,  
2 six years, that time period.

3 The Customer Service section has been busy, and they  
4 start on Page 14. They have finalized the 4th quarter  
5 billing. It was 13.3 million, and they have also been  
6 able to collect money through water shutoffs. They've  
7 collected about, just over a half a million dollars  
8 through the water shutoff process, and they're busy

9 making collection calls to delinquent accounts and made  
10 nearly 4,000 calls last month to collect outstanding  
11 user fees; so they've been working very hard.  
12 On Page 17 I want to bring to your attention that the  
13 Human Resources group and the Workplace Wellness Program  
14 that they run in conjunction with our health care  
15 provider that we won an outstanding worksite health  
16 award, and the Greater Providence Chamber of Commerce I  
17 believe that they actually have a breakfast that will,  
18 where they will present that award to us at the end of  
19 this month.  
20 Policy, Planning & Regulation starts on Page 18 for  
21 those people who are following along. The Annual River  
22 Cleanup was a great success. Two-hundred thirty-eight  
23 volunteers removed over 100 cubic yards of debris, and  
24 we had a lot of participants from not just our own  
25 staff, but from the City of Providence and a number of

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1 corporate teams and sponsors, so that went very well.  
2 Our Shellfish Transplant Program has begun for 2009,  
3 and the first one was on April 29th. That's in  
4 conjunction with DEM. We had 64 shellfishermen  
5 participate, and that one day, they transplanted over  
6 100,000 pounds of shellfish under the direction of DEM's

7 enforcement group; and there were four or five more  
8 transplants, and I'll bring you up to date on it in my  
9 next report in June that were equally successful.

10 We went down to take a look at the Town of  
11 Portsmouth's wind turbine that they have located at the  
12 high school. That was very informative as we continue  
13 to refine our game plan for our turbines here, so that  
14 was an interesting trip.

15 And we've been working with the Town of Cumberland to  
16 help them mitigate some odor issues that are emanating  
17 from their Highland Corporate Park. They have a pump  
18 station there that accepts flow from that park, and  
19 during the evenings and on the weekends their flows are  
20 low; so there's hydrogen sulfide that's created, and  
21 it's causing a problem with some of the neighbors.  
22 We're just trying to help them along in an effort to  
23 maintain good relationships with our member communities.

24 We ran an energy workshop for all of the treatment  
25 plants here in Rhode Island in the beginning of April.

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1 Fifteen of the 19 wastewater treatment facilities  
2 attended, and this is part of the grant that we received  
3 from EPA several months ago.  
4 Jumping all the way to Page 23, Environmental

5 Monitoring has begun their string of analysis of the  
6 receiving waters, and so they're out there on the boat  
7 taking samples in the bay. We did have two excursions  
8 from our permits because we had a problem with the BOD  
9 analysis on one particular day. That was back on, it  
10 was actually the end of March, so that would have been  
11 recorded in April. So, we just listed a couple of the  
12 violations that we've encountered at the two treatment  
13 plants. None of them major, but violations,  
14 nonetheless. I want to make sure you're aware of those.  
15 Other than that, EMDA and the lab continue to do an  
16 incredible number of samples and analysis month after  
17 month, and hence, the reason why we've asked for two  
18 more laboratory technicians in our existing rate filing.  
19 The percentages of samples and an analysis over the last  
20 several years is somewhere in the 30 to 40 percent  
21 range, and it's now time to add to the staff because the  
22 pace of the activity is really very hectic, and we  
23 expect it to increase even further as DEM evaluates our  
24 new permit which is scheduled to come out at anytime.  
25 Page 27, we just note what's going on in the bio-gas

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1 and the wind energy projects, and both of those we  
2 continue to make progress on. We're trying to identify

3 exactly the method of procurement for those two  
4 projects, and there'll probably be something before you  
5 for consideration at the September Board Meeting in  
6 terms of awarding those contracts.

7 With the springtime, there's more deliveries at the  
8 septic station. That's noted on the Page 28. Received  
9 over 900,000 gallons. It took in nearly 47,000 dollars  
10 in income at that facility.

11 Moving on to the Executive Division on Page 29, Legal  
12 was very busy in the month of April, in particular an  
13 identity theft policy which was approved last month was  
14 a big item of theirs as well as getting ready for the  
15 lien sale which is scheduled for tomorrow, and I believe  
16 we have about 100 properties still on the list?

17 MS. HARRINGTON: We're down to the mid-90s.

18 RAYMOND MARSHALL: Okay, mid-90s. So, every  
19 day people are coming in and paying off their bills, but  
20 we still have I believe that's a record to have on the  
21 list or available for acquisition on lien sale day. So,  
22 hopefully, the appetite for the lien sale acquirers is  
23 still hefty, and they'll all go.

24 Moving toward wrapping this up, on Page 37, Public  
25 Affairs, the Woon Watershed Program that is run out of

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1 Public Affairs, this is the time of year where they  
2 really get the kids outside, and they took them on field  
3 trips; and they also took them to the Bucklin Point  
4 Treatment Plant so they can actually see how some of  
5 what they're learning and how it all comes together.  
6 The conference that's held where 5 or 600 school kids  
7 participate was held yesterday, and it was a big  
8 success. In a related project that's in education, we  
9 have been working at the MET School on their Pilot Water  
10 Quality Science Program. Jamie has been teaching over  
11 there now for the last several weeks on a part-time  
12 basis. She's been over there trying to help them get  
13 that program off and running.  
14 Legislatively, there have been just an incredible  
15 number of bills that we've had to keep up with. We have  
16 been up there testifying on several of them. I think in  
17 the Legislative Report you'll hear a little more about  
18 that, but this is always an active time of year for  
19 those staff members that have to keep track of what's  
20 going on up at the General Assembly.  
21 Other than that, I want you to know that the  
22 so-called stimulus money or the ARRA money, in terms of  
23 wastewater nationally is still, while the amounts have  
24 been identified, the guidelines or the requirements that  
25 we all have to meet to avail ourselves of that are still

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1 under development.

2 We've been working with Clean Water Finance, DEM and  
3 the EPA to try to find out what are the rules to make  
4 sure that we are in compliance. Their response is,  
5 generally, don't worry about it. You guys are fine,  
6 just keep pushing forward. It makes me a little  
7 nervous, but we have been doing that.

8 I was at the NACWA Legislative Meeting two weeks ago  
9 down in DC, and my counterparts from other states are  
10 reporting the same thing, anywhere from, what does buy  
11 American mean? And you'd be surprised at how many  
12 variations of that there are, to, when does the money  
13 actually have to be spent, committed or contracted or  
14 begin construction?

15 There is not a uniform definition for any of those  
16 terms, but in that regard it seems to be that if by  
17 February of 2010 you have a job under construction,  
18 you're fine. You'll be safe. So, that's the good news.  
19 We are trying to keep almost a daily tab on this because  
20 once everyone knows what the final rules are, we want to  
21 make sure that we're in complete compliance. So far so  
22 good.

23 It has been a little hectic sometimes because no one  
24 can truly nail it down, and in that regard, NACWA has  
25 been a big help because they lobby on a national basis

1 working with the EPA and then get feedback from all of  
2 the agencies from the various states that we come from.  
3 So, they've been a very good conduit for us to get our  
4 information from.

5 So, the bid date now for the Biological Nutrient  
6 Removal Contract from Field's Point is going to be moved  
7 to late June to make sure that we can answer all the  
8 questions from the contractors sufficiently, and what  
9 I'd like you to consider, with the Chairman's  
10 permission, is a short meeting in July, late July, say,  
11 July 22nd or 29th.

12 I don't need your commitment now, but I'd like you to  
13 start thinking about it; and we can do it. This is a  
14 little, I'm still a little uncomfortable saying it, at  
15 your convenience, even though I'm asking you to come in  
16 July. We can do it early in the morning; we can do it  
17 at the normal time; we can do it late in the day.

18 I'll have Karen send out an e-mail as to a poll to  
19 see what might be best, and if we can get a quorum on a  
20 particular day, it would be awarding the Biological  
21 Nutrient Removal Contract would be the item. So, we  
22 would need a short CEO Meeting and then a short Board  
23 Meeting. You can be in and out in less than an hour for

24 sure.

25 CHAIRMAN MESOLELLA: The thinking was, of

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1 course, is being July, we don't have any idea at this  
2 point, traditionally we don't meet during the month of  
3 July and August, so that you can contact as many of the  
4 Board members as we could and hopefully round up a  
5 quorum.

6 The meeting doesn't have to be in the morning. It  
7 could be in the morning if that's more convenient for  
8 everyone. It could be towards the end of the day. It  
9 could be a 5:00 meeting, a 6:00 meeting, or an early  
10 evening meeting. It doesn't matter.

11 It will be very item specific to this, and I'll just  
12 try to get a consensus from the members at that time as  
13 to who's available and when they'll be available. So,  
14 that's kind of the thinking and why we hate to impose on  
15 you in the summer months. It's quite an important  
16 issue, and I have to impose on you. It's an absolute  
17 necessity.

18 So, we'll just wait until that time, and then either  
19 I or Karen will call and check on your availability for  
20 no more than an hour, for sure, probably a lot less.

21 So, just kind of leave it at that.

22 RAYMOND MARSHALL: Yes. And that is the end  
23 of my report, Mr. Chairman.

24 CHAIRMAN MESOLELLA: Thank you very much.  
25 Having heard the Secretary's report, do any of our

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1 Members have any comments or questions?

2 COMMISSIONER SALVADORE: I have a question.

3 CHAIRMAN MESOLELLA: Proceed.

4 COMMISSIONER SALVADORE: On Page 11, Ray,  
5 for Contract 304.52C, isn't that an unusual amount of  
6 responses --

7 RAYMOND MARSHALL: Yes.

8 COMMISSIONER SALVADORE: -- on the part of  
9 contractors? What does that signal to you? What does  
10 that say to you?

11 RAYMOND MARSHALL: It signals there's a lot  
12 of people out there that need work, and they're  
13 interested in exploring all the possibilities. Now,  
14 this project is one that will come before the Board.  
15 Insituform is the low bidder on this job. We only  
16 received two bids, but the fact that we had this many  
17 people take plans and specs out to check the job out to  
18 see if it was something they could handle is something  
19 that we wouldn't normally see for a contract of this

20 type.

21 COMMISSIONER SALVADORE: On this list of  
22 bidders, are these the usual people or companies that  
23 would bid on these contracts, or are there new people  
24 amongst these names?

25 RAYMOND MARSHALL: There are both the usual

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1 people and also some new names that we wouldn't see, or  
2 that we wouldn't normally see, excuse me.

3 CHAIRMAN MESOLELLA: Now, I was surprised at  
4 some of the names on this list myself. Typically, you'd  
5 see these names in minor projects. I mean, it's the  
6 sign of the times for sure. Further comment or  
7 questions?

8 COMMISSIONER ANDRADE: I have a question,  
9 Mr. Chair.

10 CHAIRMAN MESOLELLA: Commissioner Andrade.

11 COMMISSIONER ANDRADE: Do we have any  
12 provisions for teleconferencing in on our Board  
13 meetings?

14 RAYMOND MARSHALL: I'm not sure that that  
15 qualifies as under the Open Meetings Law.

16 MS. HORRIDGE: Yes. I think the problem is  
17 that you can actually sit in via teleconference, but the

18 vote, the voting can't be done.

19 CHAIRMAN MESOLELLA: We only did that once,  
20 as I recall. As I recall, it was the late Commissioner  
21 Len Walker, as I recall, it was the only time he ever  
22 did that. I don't know if it was legal then, but  
23 certainly, we know, for sure today it's not, right,  
24 counselor?

25 MR. DeANGELIS: I don't think that's

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1 possible.

2 CHAIRMAN MESOLELLA: We'll see. We'll make  
3 an accommodation. Further comments or questions  
4 regarding the Executive Director's Report?

5 THE COMMISSION: (No response)

6 CHAIRMAN MESOLELLA: Hearing none, moving  
7 right along to the next item, which is Number 5,  
8 Committee Reports and Action Items Resulting.  
9 Commissioner Salvadore, do you have a report for us  
10 today?

11 COMMISSIONER SALVADORE: Yes, Mr. Chairman.  
12 The Construction Engineering and Operations Committee  
13 met earlier this morning. We have four action items for  
14 the Board of Commissioners today. The first being,  
15 Review and Approval of Resolution 2009:10, Award of

16 Contract 304.52C, Improvements to Narragansett Bay  
17 Commission Interceptors, Fiscal Year 2009, and we  
18 recommend passage, Mr. Chairman.

19 CHAIRMAN MESOLELLA: I have a motion for  
20 approval of Resolution 2009:10, Award of Contract  
21 304.52C, Improvements to NBC Interceptors.

22 COMMISSIONER MONTANARI: Second.

23 CHAIRMAN MESOLELLA: Commissioner Montanari  
24 moves, seconds the motion. Discussion on the motion  
25 regarding Resolution 2009:10, is there any discussion on

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1 the motion?

2 THE COMMISSION: (No response)

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

5 THE COMMISSION: Aye.

6 CHAIRMAN MESOLELLA: Are there any opposed?

7 THE COMMISSION: (No response)

8 CHAIRMAN MESOLELLA: There are none opposed,  
9 and that motion carries.

10 (MOTION PASSED UNANIMOUSLY)

11 CHAIRMAN MESOLELLA: Further report.

12 COMMISSIONER SALVADORE: Item B, Review and  
13 Approval of Resolution 2009:11, Award of Contract

14 705.00, RS-Construction Related Services to the Central  
15 Avenue Pumping Station Upgrades, and we recommend  
16 passage, Mr. Chairman.

17 CHAIRMAN MESOLELLA: We have a motion to  
18 approve Resolution 2009:11, Award of Contract 705.00  
19 RS-Construction Related Services-Central Avenue Pumping  
20 Station Upgrades. Is there a second?

21 COMMISSIONER MacQUEEN: Second.

22 CHAIRMAN MESOLELLA: Commissioner MacQueen  
23 seconds the motion. Is there further discussion or  
24 explanation necessary on Resolution 2009:11?

25 THE COMMISSION: (No response)

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

3 THE COMMISSION: Aye.

4 CHAIRMAN MESOLELLA: Are there any opposed?

5 THE COMMISSION: (No response)

6 CHAIRMAN MESOLELLA: There are none opposed,  
7 and that motion carries.

8 (MOTION PASSED UNANIMOUSLY)

9 CHAIRMAN MESOLELLA: Further report,  
10 Commissioner Salvadore?

11 COMMISSIONER SALVADORE: Our third item,

12 Item C, Review and Approval of Resolution 2009:12,  
13 Authorization to Procure Human Machine Interface  
14 Software for Field's Point Wastewater Treatment Facility  
15 and Bucklin Point Wastewater Treatment Facility 109.01C,  
16 and we recommend passage, Mr. Chairman.

17 CHAIRMAN MESOLELLA: I have a motion to  
18 approve Resolution 2009:12 Authorization to Procure HMI  
19 Software for Field's Point and Bucklin Point Wastewater  
20 Treatment Facility 109.01C. Is there a second?

21 COMMISSIONER FARNUM: Second.

22 COMMISSIONER MacQUEEN: Second.

23 CHAIRMAN MESOLELLA: Commissioner Farnum,  
24 Commissioner MacQueen second the motion. I'm going to  
25 have the Executive Director give us a brief explanation

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1 on this so that everyone who was not present during the  
2 Subcommittee Meeting will understand exactly what this  
3 is. Ray?

4 RAYMOND MARSHALL: At each of our treatment  
5 plants, we have a control system that is computer based.  
6 We have on each shift, each and every day we have our  
7 process control monitor that sits there and keeps track  
8 of all the pumps and what's happening in all the tanks,  
9 and of course, you need hardware and software to do

10 that.

11 At Field's Point we have a product that was installed  
12 in the mid-'90s and is really outdated even though there  
13 have been made, we've made some upgrades to it. It's  
14 also a proprietary product, so that any changes we do  
15 want to make, we'd have to call in the vendor and get  
16 the expenses and sometimes there's a timing issue.

17 At Bucklin Point we have a different system of  
18 software, and that was installed in 2004, and we're  
19 beginning to repeat the same process there because as  
20 you know in the technology area after four or five years  
21 both software and hardware can be outdated, which these  
22 are, and we're going to be upgrading Field's Point  
23 anyway, so we'd need new control software.

24 We're also looking at having another upgrade at  
25 Bucklin Point in a couple of years for more nutrient

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1 removal. So, staff has recommended that we have a new  
2 software package introduced that would be the same at  
3 both treatment plants, and that is the one that we're  
4 asking your approval for.

5 They went through a procurement process, RFQP. We  
6 had a Review Committee comprised of both staff members  
7 and an outside consultant who works on projects of this

8 type. We've received the qualifications, reviewed them,  
9 narrowed it down to two, and evaluated them based on  
10 qualifications, costs and their interview; and the final  
11 numbers tumbled out that a firm and a product called  
12 Wonderware Northeast was both the most qualified and the  
13 lowest price.

14 And by installing that software in at both treatment  
15 plants, it will give us consistency or continuity  
16 between two plants as well as the ability to go in and  
17 make changes and to modify the control programs the way  
18 that best suits our needs both initially, so it isn't  
19 a -- product in that regard and will allow us to make  
20 changes as our treatment strategies evolve over the next  
21 several years. So, that's what the project includes,  
22 and we ask for your approval for an amount not to exceed  
23 115,000 dollars.

24 CHAIRMAN MESOLELLA: Okay. Having heard the  
25 explanation, we have a motion, and we have a second to

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1 approve Resolution 2009:12. Discussion? Any discussion  
2 or clarification on the motion and the issue?

3 THE COMMISSION: (No response)

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

6 THE COMMISSION: Aye.

7 CHAIRMAN MESOLELLA: Are there any opposed?

8 THE COMMISSION: (No response)

9 CHAIRMAN MESOLELLA: There are none opposed,  
10 and Resolution 2009:12 passes.

11 (MOTION PASSED UNANIMOUSLY)

12 (COMMISSIONER MICHAEL DiCHIRO IS NOW PRESENT)

13 CHAIRMAN MESOLELLA: Further report, Mr.  
14 Chairman.

15 COMMISSIONER SALVADORE: Our last item, Item  
16 D, Review and Approval of Resolution 2009-13, Fiscal  
17 Year 2011-2015 Capital Improvement Plan, and we  
18 recommend approval, Mr. Chairman.

19 CHAIRMAN MESOLELLA: We have a  
20 recommendation for approval of Resolution 2009:13, which  
21 is the Fiscal Capital Improvement Plan for 2011-2015.  
22 First of all, do we have a second?

23 COMMISSIONER MONTANARI: Second.

24 COMMISSIONER MacQUEEN: Second.

25 CHAIRMAN MESOLELLA: Commissioner Montanari,

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1 Commissioner MacQueen second the motion. On discussion,  
2 we had a very comprehensive explanation of the Capital  
3 Improvement Program which is in your packet. Are we

4 interested in the Board hearing an executive summary of  
5 the CIP Program? It's a very interesting document.  
6 Karen or Sherri, do you want to give us some of the  
7 highlights, or can we move along?

8 COMMISSIONER ROTELLA: I think we should  
9 move along, Mr. Chairman. We had a very comprehensive  
10 report. Most of the members were here. If there are  
11 any questions I'm sure Sherri or anyone else can answer  
12 them.

13 CHAIRMAN MESOLELLA: Does anyone have an  
14 objection to that?

15 THE COMMISSION: (No response)

16 CHAIRMAN MESOLELLA: In such case, I would  
17 just like to say that this report, it was an excellent  
18 preparation and presentation of this report. I want to  
19 compliment all of those that are affiliated with this  
20 preparation, especially Sherri Arnold who made the  
21 presentation today.

22 And this I've always suggested to the Board members,  
23 this along with our budget documents are the most  
24 important documents that this Commission should really  
25 be apprised of and informed of, and it was a pleasure to

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1 receive this today. It was extremely comprehensive,

2 extremely well presented. My compliments to all of  
3 those affiliated with this.

4 And we have a motion and a second to accept and  
5 approve the Capital Improvement Plan for 2011-2015.

6 First of all, are there any questions or comments  
7 regarding the document?

8 THE COMMISSION: (No response)

9 CHAIRMAN MESOLELLA: Hearing none, all of  
10 those 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 the motion carries.

16 (MOTION PASSED UNANIMOUSLY)

17 CHAIRMAN MESOLELLA: Thank you very much.

18 Further report, Mr. Chairman?

19 COMMISSIONER SALVADORE: That concludes our  
20 report for 20 May 2009, Mr. Chairman.

21 CHAIRMAN MESOLELLA: Thank you very much.

22 Moving right along to the Finance Committee Report.

23 Commissioner Andrade, do you have a report?

24 COMMISSIONER ANDRADE: Yes, I do, Mr.  
25 Chairman.

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1 CHAIRMAN MESOLELLA: Proceed.

2 COMMISSIONER ANDRADE: We have two

3 resolutions that were approved by the Finance Committee

4 earlier. The first is Review and Approval that we

5 presented to the full Committee. Review and Approval of

6 Resolution 2009:14, Amending and Restating Resolution

7 Nos. 2008:37 and 2009:08 Adopted on December 17, 2008

8 and April 21, 2009, Respectively, Authorizing the

9 Narragansett Bay Commission to Borrow an Amount Not to

10 Exceed 55 million from the Rhode Island Clean Water

11 Finance Agency and Authorizing the Commission to Borrow

12 an Amount Not to Exceed 55 million in Revenue Bonds, and

13 this resolution because of stimulus money does not

14 change the amount. It remains at 55 million. It just

15 has additional projects eligible for funding, so I would

16 move passage of the resolution.

17 CHAIRMAN MESOLELLA: I have a motion to

18 approve Resolution 2009:14. Do we have a second?

19 COMMISSIONER DiCHIRO: Second.

20 COMMISSIONER FARNUM: Second.

21 CHAIRMAN MESOLELLA: Commissioner DiChiro,

22 Commissioner Farnum second the motion. Is there any

23 discussion or comments regarding Resolution 2009:14?

24 THE COMMISSION: (No response)

25 CHAIRMAN MESOLELLA: All right. Just for

1 clarification purposes, the stimulus funds are under 55  
2 million?

3 COMMISSIONER ROTELLA: Yes.

4 CHAIRMAN MESOLELLA: Just additional  
5 projects.

6 COMMISSIONER ROTELLA: Yes.

7 CHAIRMAN MESOLELLA: Does everyone  
8 understand that?

9 THE COMMISSION: (No response)

10 CHAIRMAN MESOLELLA: We have a motion and a  
11 second. 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 the motion carries.

20 (MOTION PASSED UNANIMOUSLY)

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

23 COMMISSIONER ANDRADE: Mr. Chairman, the  
24 next item is Review and Approval of Resolution 2009:15

25 as amended. Each of the Commissioners should have an

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1 amended copy, hard copy of the resolution. Approval of  
2 Parity for Union and Non-union Employees and the Funding  
3 of Two Lab Technician Positions as requested in the  
4 Narragansett Bay Commission's Current General Rate  
5 Filing with the Public Utilities Commission. I move  
6 approval of the resolution, Mr. Chairman.

7 CHAIRMAN MESOLELLA: Before we go into  
8 discussion, there's a motion to approve Resolution  
9 2009:15 as amended. Is there a second?

10 COMMISSIONER FARNUM: Second.

11 COMMISSIONER DiCHIRO: Second.

12 COMMISSIONER SALVADORE: Second.

13 CHAIRMAN MESOLELLA: Commissioner Farnum,  
14 Commissioner DiChiro, Commissioner Salvadore.

15 Discussion on the motion.

16 COMMISSIONER ANDRADE: Mr. Chairman, if you  
17 don't mind, just a brief explanation of its origin to  
18 the full Board before we vote.

19 CHAIRMAN MESOLELLA: Certainly.

20 COMMISSIONER ANDRADE: The Finance Committee  
21 met last week to review the budget, and during our  
22 review of the budget, we noticed some increases in

23 compensation for union employees and compared that to  
24 the compensation that the Public Utilities Commission is  
25 set to possibly approve for non-union employees; and we

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1 thought that parity was important.

2 The Committee had very good discussions, very long  
3 discussions, very in depth, and at that point  
4 unanimously approved preparation of a resolution to  
5 forward parity between union and non-union employees  
6 feeling that as the Chairman said all of our employees  
7 are important and significant, and we want to treat them  
8 fairly.

9 So, that's where the resolution came from. The  
10 resolution did have a couple of changes. As I said,  
11 it's amended, an amended version, a couple of things on  
12 Page 2 that we felt were necessary to bring forward, and  
13 the Committee this morning approved it.

14 CHAIRMAN MESOLELLA: Discussion regarding  
15 the resolution. Commissioner Gray.

16 COMMISSIONER GRAY, III: I would like to  
17 reiterate my comments that I feel that the amended  
18 language picks a fight with the PUC and may not be --  
19 and I would recommend taking out the amended language.

20 CHAIRMAN MESOLELLA: Is that a motion?

21 COMMISSIONER GRAY, III: Are we moving on  
22 this?

23 CHAIRMAN MESOLELLA: There's a motion, and  
24 there's a second. Is there a motion to accept? If it  
25 is in the form of a motion, that would be to amend the

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1 present resolution. So, I guess the question is,  
2 Commissioner Gray, are you making a motion to amend?

3 COMMISSIONER GRAY, III: Yes. I would like  
4 to make a motion to amend and take out the language in  
5 blue because I don't think it's worth the fight with the  
6 PUC.

7 CHAIRMAN MESOLELLA: There is a motion.  
8 Before we take comments, I think we need, if there's a  
9 second to the motion to amend. Is there a second?

10 COMMISSIONER WORRELL: Well, I'll second it.

11 CHAIRMAN MESOLELLA: Second the motion.

12 COMMISSIONER WORRELL: Yes.

13 CHAIRMAN MESOLELLA: We have a second, the  
14 motion to amend the Resolution 2009:15 as amended.  
15 Discussion. Commissioner DiChiro.

16 COMMISSIONER DiCHIRO: Yes, thank you. I  
17 understand and appreciate the Commissioner's comments,  
18 but Finance did have a lengthy meeting on this; and the

19 reason for this is the disparity that's happening  
20 between union and non-union employees, and the fact that  
21 the PUC seems likely to approve a lower standard of  
22 wages for non-union employees, so I think we have to put  
23 this kind of language in there. I don't think we're  
24 intentionally picking a fight with the PUC. We're just  
25 telling them that we value all of our employees, union

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1 as well as non-union. We value all of them. So, I  
2 think this language needs to be in there.

3 CHAIRMAN MESOLELLA: Further discussion.

4 THE COMMISSION: (No response)

5 CHAIRMAN MESOLELLA: Further discussion.

6 THE COMMISSION: (No response)

7 CHAIRMAN MESOLELLA: Just for purposes of

8 clarification, I want to make certain everyone

9 understands the nature of the motion. If you support

10 the motion that's before you, the original motion to

11 approve 2009:15 as amended, we will vote nay on the

12 motion to amend. Is everyone clear? If you support the

13 original motion, you will vote nay on the motion to

14 amend. Am I correct, counselor?

15 MR. DeANGELIS: Yes.

16 COMMISSIONER WORRELL: I had a question on

17 the reason for inserting that language. I totally  
18 appreciate the concept of employee morale and everybody  
19 working as one team, and I commend that; and I would be  
20 totally in favor of that, but the reason for putting in  
21 the language, I would agree, does look like we're going  
22 to slam the PUC. Can you comment on why that's  
23 necessary to clarify the motion itself?

24 CHAIRMAN MESOLELLA: I can clarify, I think,  
25 the discussion that ensued during the Subcommittee

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1 meeting which is that we wanted to send a message to the  
2 Public Utilities Commission, in this particular case I  
3 believe it would be the Division as well as the Public  
4 Utilities Commission itself, that we believe that these  
5 are management prerogatives, that we believe our  
6 employees should be treated with parity, and we are  
7 trying to send a message that this Board supports its  
8 employees, and we will take the appropriate measures in  
9 the event that the relief is not granted. I mean, I  
10 think we need to tell them that we will --

11 COMMISSIONER WORRELL: Back away from trying  
12 to micro manage us, PUC?

13 CHAIRMAN MESOLELLA: It's not just that.

14 COMMISSIONER ROTELLA: It is that, though,

15 too.

16 CHAIRMAN MESOLELLA: But it is that, it is  
17 that, but it's not just that. We've had this discussion  
18 with the Public Utilities Commission before regarding  
19 trying to reach some parity with our non-union employees  
20 with regard to our pension plans, and basically, all of  
21 the documentation that we submitted to them justified  
22 and supported all of our assertions, but these are  
23 management issues, and I think it's important for to us  
24 send a message to the Public Utilities Commission that  
25 we feel, our Board feels that we have an obligation to

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1 treat our union and non-union employees with parity, and  
2 that if they don't see it in that light that our Board  
3 is ready to stand up and support our employees, and I  
4 think that's fundamentally what this resolution says.

5 COMMISSIONER GRAY, III: If I can just  
6 interject, the resolution without the amendment  
7 basically says that. It says that it's resolved, and if  
8 they don't approve it, you've got the authorization to  
9 pursue it by whatever means possible or available to  
10 equitable compensation. The stuff in blue, basically,  
11 is gratuitous, and I think it's not necessary.

12 COMMISSIONER ANDRADE: Mr. Chairman, I have

13 a question on this motion. Commission Gray says the  
14 lettering in blue, but there's also some red in my copy,  
15 which is the second -- is that included, Commissioner,  
16 in your...

17 COMMISSIONER GRAY, III: I would like to say  
18 that to be clear, the amendments in red and blue I think  
19 are not necessary and gratuitous, and all it does is  
20 announce a fight, and the amendment without it is pretty  
21 clear. I recommend you take it out.

22 CHAIRMAN MESOLELLA: Commissioner Montanari.

23 COMMISSIONER MONTANARI: I have a question.  
24 Am I to understand that all pay raises for non-union  
25 employees are to be approved by the PUC?

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1 CHAIRMAN MESOLELLA: As we understand the  
2 situation now, all of them.

3 COMMISSIONER MONTANARI: All of them. In  
4 other words, if the Commission feels that or whatever  
5 the Director or whatever, however you want, feels that  
6 an individual is worthy of a pay raise, it has to be  
7 approved by the PUC; is that it?

8 CHAIRMAN MESOLELLA: That is in our rate  
9 filing. That's in our rate filing. What the Division  
10 of Public Utilities had said is that we understand that

11 you have an obligation by contract for the 4.25 percent  
12 increase to your union employees. However, you are not  
13 contractually obligated to your non-union employees.  
14 Therefore, we're only going to allow you in your rate  
15 filing 2 percent, and I'm suggesting on it's face it is  
16 fundamentally unfair for them to suggest that. It is  
17 Number 1 a management prerogative.

18 Our management has decided that I think it's an  
19 interference in management prerogative, and it's  
20 fundamentally inequitable; and I'm suggesting that this  
21 resolution as amended and presented demonstrates our  
22 commitment to all our employees, not just to our union  
23 employees, and I'm asking for you support on this  
24 amendment as amended, this resolution as amended.

25 COMMISSIONER MONTANARI: I'll clarify again.

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1 If we wish to approve this amendment, how are we to  
2 vote?

3 CHAIRMAN MESOLELLA: There is a motion by  
4 Commissioner Gray to amend what I have presented to you,  
5 and I'm suggesting that if you support what we have  
6 presented that you will vote nay on his amendment in  
7 2009 as amended. Am I clear? Is everyone clear on this  
8 procedural matter?

9 COMMISSIONER GRAY, III: Can I just be  
10 clear. This resolution not amended, basically, says we  
11 want to treat our employees equitably. The stuff in  
12 blue is not needed, except to kind of rub in the PUC's  
13 face in the whole matter. I recommend, because to  
14 approve the amendment which strikes the blue and red out  
15 of here, this is now going to get voted unamended which  
16 still, basically, says, you guys have the right to go  
17 make your decisions, you just don't have to go and stuff  
18 their face in it. That's all.

19 CHAIRMAN MESOLELLA: I disagree. You stated  
20 your position. So, are we clear procedurally on this  
21 matter? Do I need to repeat?

22 THE COMMISSION: (No response)

23 CHAIRMAN MESOLELLA: There was a motion to  
24 approve resolution 2009 as amended to which I am asking  
25 for your support. Commissioner Gray has asked that we

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1 amend this document by eliminating all the language in  
2 blue and red which is contained on Page 2. If you  
3 support the original document, you will vote nay on the  
4 amendment that Commissioner Gray has offered. Does  
5 everyone understand that?

6 THE COMMISSION: (No response)

7 CHAIRMAN MESOLELLA: Further discussion.  
8 THE COMMISSION: (No response)  
9 CHAIRMAN MESOLELLA: On the motion to amend  
10 Resolution 2009:15 as amended offered by Commissioner  
11 Gray. Is there a motion to approve? All of those that  
12 are in favor will say aye.  
13 COMMISSIONER GRAY, III: Aye.  
14 CHAIRMAN MESOLELLA: All of those opposed  
15 will say nay.  
16 COMMISSIONER ROTELLA: Nay.  
17 COMMISSIONER ANDRADE: Nay.  
18 COMMISSIONER KIMBALL: Nay.  
19 COMMISSIONER CAMPBELL: Nay.  
20 COMMISSIONER BURROUGHS: Nay.  
21 COMMISSIONER WORRELL: Nay.  
22 COMMISSIONER MacQUEEN: Nay.  
23 COMMISSIONER MONTANARI: Nay.  
24 COMMISSIONER DiCHIRO: Nay.  
25 COMMISSIONER FARNUM: Nay.

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1 COMMISSIONER THOMPSON: Nay.  
2 COMMISSIONER SALVADORE: Nay.  
3 CHAIRMAN MESOLELLA: Nay. The motion fails.  
4 (MOTION FAILED)

5 CHAIRMAN MESOLELLA: Now before you is

6 Resolution 2005:15 as amended. Further discussion.

7 THE COMMISSION: (No response)

8 CHAIRMAN MESOLELLA: All of those that are  
9 in favor will say aye.

10 COMMISSIONER ROTELLA: Aye.

11 COMMISSIONER ANDRADE: Aye.

12 COMMISSIONER KIMBALL: Aye.

13 COMMISSIONER CAMPBELL: Aye.

14 COMMISSIONER BURROUGHS: Aye.

15 COMMISSIONER WORRELL: Aye.

16 COMMISSIONER MacQUEEN: Aye.

17 COMMISSIONER MONTANARI: Aye.

18 COMMISSIONER DiCHIRO: Aye.

19 COMMISSIONER FARNUM: Aye.

20 COMMISSIONER THOMPSON: Aye.

21 COMMISSIONER SALVADORE: Aye.

22 CHAIRMAN MESOLELLA: Aye. Are there any  
23 opposed?

24 COMMISSIONER GRAY, III: Nay.

25 CHAIRMAN MESOLELLA: We have one opposed.

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1 Commissioner Gray will be recorded as being opposed, and  
2 the motion carries.

3 (MOTION PASSED 13 TO 1)

4 CHAIRMAN MESOLELLA: Further report,  
5 Commissioner Andrade.

6 COMMISSIONER ANDRADE: That concludes the  
7 report of the Finance Committee.

8 CHAIRMAN MESOLELLA: Thank you very much.  
9 The next committee reporting is Personnel Committee. I  
10 don't believe the Personnel Committee met.

11 COMMISSIONER CAMPBELL: The Personnel  
12 Committee did not meet.

13 CHAIRMAN MESOLELLA: Rules and Regulations  
14 Committee. There was no meeting of Rules and Regs.  
15 Long Range Planning has not met.

16 COMMISSIONER THOMPSON: No meeting.

17 CHAIRMAN MESOLELLA: No meeting for Long  
18 Range Planning. The next committee reporting is the  
19 Citizens Advisory Committee. Harold, that's you.

20 MR. GADON: I thank the two friendly  
21 Commissioners on the left for assigning me a seat at  
22 this table. The CAC meeting was held last Wednesday  
23 with a quorum present. We did have a special guest  
24 thanks to Commissioner Alan Nathan, Jonathan Stone, the  
25 newly appointed Save the Bay Director. Our Executive

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1 Director, Ray Marshall and Tom Uva were also in  
2 attendance.

3 It was a beneficial meeting for both organizations  
4 and gave each a better understanding of the other and  
5 areas in which we have common interests and could work  
6 together. It was felt that Save the Bay made an  
7 excellent choice with Jonathan Stone and expect that we  
8 will hear good things from him in the future, and we do  
9 have a cooperative neighbor.

10 We are continuing to contact our other large  
11 neighbor, Johnson & Wales, to send a staff member to the  
12 CAC meeting and hopes to have that happen this year with  
13 the Chairman's help, if needed.

14 Jim McCaughey from our Pollution Prevention section  
15 gave a fine presentation on the NBC Alternate Energy  
16 Program that Ray Marshall did mention, and the planned  
17 wind turbine at Field's Point and bio-gas at Bucklin  
18 Point were discussed.

19 It was a very interesting meeting and hope that the  
20 projects become a reality with NBC as they move forward.  
21 Enjoy the long upcoming weekend, and our next meeting is  
22 scheduled for June 10th.

23 CHAIRMAN MESOLELLA: Harold, do I understand  
24 that the new Director Stone was here at your last  
25 meeting?

1 MR. GADON: Yes, and he was a very dynamic  
2 person, and I would suggest that you ask Commissioner  
3 Alan Nathan to invite him to one of these meetings to  
4 meet the Committee; and I did mention that, and Alan  
5 Nathan seems to have a good relationship with him.

6 CHAIRMAN MESOLELLA: Okay. The next  
7 committee reporting is the Executive Committee. There  
8 was no Executive Committee meeting. I don't believe  
9 there's any meeting of any of the Ad Hoc committees.  
10 The next report is the Legislative Report. Joanne, do  
11 you have a report? Oh, here it is. Do you have a  
12 report for us today?

13 MS. MACERONI: Just a brief report, Mr.  
14 Chairman, which I'm going to share with our counsel.  
15 For this month, since last month there are two  
16 additional bills that I have put on the report which we  
17 are following, and I wanted to give you feedback on two  
18 additional bills that we had been working on. I'll  
19 handle two bills, and I'll defer to Board Counsel for  
20 the other two bills.

21 First, one of the new bills that we've been following  
22 and working on is Senate Bill S 764 which amends the  
23 Administrative Procedures Act, and initially, the  
24 purpose of the bill is to require any agency or board or  
25 commission when they promulgate rules to notify city and

1 town clerks that they are doing that.

2 The NBC had problems with the initial bill because

3 there was no collation of the information at one point.

4 Everybody would have to be on their own trying to get

5 e-mails from cities and towns, et cetera.

6 We spoke to the sponsor and with the sub-A, there is

7 now an organization and information, and it's all with

8 the Secretary of State, so all of the information will

9 be on their website, and it will be a lot easier for

10 agencies and boards and commissions to get out their

11 information to them.

12 The second item I'd like to discuss is on Page 2. It

13 is a bill that we discussed last month regarding the Dig

14 Safe Statute. Initially, the utility contractors had

15 introduced a bill that would have added sewers to the

16 Dig Safe Statute.

17 Paul Nordstrom and I attended several meetings of a

18 group of stakeholders that was made up of utilities, PUC

19 and utility contractors to try to work out items in the

20 bill that we could not agree on initially.

21 As a result of the meetings and the spirit of

22 cooperation, sub-A came out of that stakeholders group

23 which we were very pleased at. They did decide to keep

24 sewers out of Dig Safe and to address the needs for  
25 accurate recordkeeping which is really the concern of

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1 the utility contractors with the cities and towns.  
2 They added a section to our statute and to the city  
3 and town statute that would require that by the year  
4 2010, everyone has to maintain as-built drawings and  
5 plans on any new and upgrade to their sewer system, and  
6 the NBC already does that; so we're already in  
7 compliance with it, and I think it's something that is  
8 greatly needed for the cities and towns. It's something  
9 that will not cost the cities and towns anything. It's  
10 just a matter of proper recordkeeping, so I'm happy to  
11 say that we were able to prevail in that; and now I will  
12 forward to counsel.

13 MR. DeANGELIS: Thanks, Joanne. 865 which  
14 is also listed in your Monthly Report -- is an  
15 interesting piece of legislation that I think everybody  
16 who is involved in purchasing in Rhode Island is opposed  
17 to it. From what we're able to find out, this is a  
18 piece of legislation that is supported by the smaller  
19 contractors in Rhode Island.

20 The lobbyists for the larger contractors testified,  
21 and while generally in favor of the bill, they have some

22 difficulty with it all, so I'm not sure what's going to  
23 happen. It has been scheduled for another hearing I  
24 believe tomorrow.  
25 But essentially, what the bill does is two things:

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1 It says that at the opening, the actual bids have to be  
2 made available to the public which really makes no sense  
3 because you've got a bunch of bidders who are going to  
4 be handling the bids of their competitors. That really  
5 makes no sense at all.

6 And the second thing is it attempts to change about  
7 40 years of law in this state which generally gives the  
8 discretion to the purchasing agents that absent a bad  
9 faith or corruption or a palatable abuse of discretion.  
10 The courts generally let the purchasing agents, the  
11 decisions stand up as long as it meets the standards of  
12 being the lowest responsible bidder.

13 So, this is the group that's call the Associated  
14 General Contractors. They're looking for it. I am  
15 confident that we'll be able to stop it somewhere along  
16 the line before it ever reaches the Governor's desk.

17 The second bill we worked on was one we reported on  
18 in the past, 672. That passed the Senate Oversight  
19 Committee. I'm not sure if it's passed the Senate yet.

20 MS. MACERONI: It's on the calendar for  
21 today.

22 MR. DeANGELIS: On the calendar. We worked  
23 on a number of changes on this bill, and we're all  
24 agreeable now, the staff here at the NBC, and basically,  
25 it provides for an oversight report in the event of

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1 contract changes in excess, for all contracts in excess  
2 of 500,000 dollars.

3 Whenever the change in orders total 200,000 dollars,  
4 then Mr. Marshall, his agency, would have to send a  
5 report to a number of individuals stating why those  
6 changes have amounted to more than 200,000. So, it's  
7 really not going to come into effect here at the NBC,  
8 except on very rare instances.

9 CHAIRMAN MESOLELLA: Are there any questions  
10 regarding the Legislative Report?

11 THE COMMISSION: (No response)

12 CHAIRMAN MESOLELLA: Jo, is that it on the  
13 Legislative Report?

14 MS. MACERONI: Yes.

15 CHAIRMAN MESOLELLA: All right, thank you.

16 The next report is the Chairman's Report. The Chairman  
17 does not have a long report today, except we've already

18 discussed the potential for a meeting in July, a short  
19 meeting, except to say that the Chair had a couple of  
20 meetings this month, one of which was with our financial  
21 advisor -- and another meeting this morning, to wit,  
22 Vice Chair Rotella attended as well, for consideration  
23 the issue of whether or not we should consider  
24 converting our variable rate debt to a fixed rate debt.  
25 The market seems to be right. The risk curve on it

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1 seems to be appropriate for the Board to consider.  
2 I would like to schedule a meeting with the Chairman  
3 of Finance sometime very soon. We haven't concluded  
4 whether or not that would be appropriate for the Board  
5 to consider, converting of that debt. If that occurs,  
6 the probability that we will combine a conversion from  
7 the variable rate debt to fixed debt and include it with  
8 our next borrowing of about, what are we saying, about  
9 45 million dollars, Karen?  
10 So, we haven't made any conclusions on that, but it  
11 is something that we are considering. It's something we  
12 may offer this Board in the near future.  
13 The other meetings, of course, had to do with the  
14 Collective Bargaining issues which you'll hear in  
15 Executive Session, and other than that, the Chairman has

16 no further report. Do you have anything?

17 RAYMOND MARSHALL: No, Mr. Chairman.

18 CHAIRMAN MESOLELLA: Item Number 6 is New  
19 Business. Is there any new business? Commissioner  
20 Gray.

21 COMMISSIONER GRAY, III: Yes, I do. On  
22 April 19th there was an article in the Projo about a  
23 contractor for the Narragansett Bay Commission that was  
24 being approved for minority status. Has anyone here  
25 read that, or are you aware of it at all? Some of you

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1 are?

2 I have some copies of it. I only made five, so you  
3 may have to share it. If you go to Google and go  
4 April 19th, Projo and minority status, you can pull it  
5 up.

6 CHAIRMAN MESOLELLA: Oh, I read this.

7 COMMISSIONER GRAY, III: Basically, to give  
8 a little summary, there was a contract with the  
9 Narragansett Bay Commission for minority business that  
10 had some issue. It was, it went before the Commission.  
11 And certainly, based on the facts in the article, it  
12 appears that there may be fraud involved. I put that  
13 aside for now, but I think that's worth an

14 investigation. This is a new contract with Rosciti  
15 Construction -- 2008 about 3.3 million dollars in  
16 Narragansett Bay Commission.

17 I do have another issue, and that is the lawyer for  
18 this subcontractor is our general counsel, and my  
19 understanding is that's a conflict of interest. Do you  
20 have any comment on that?

21 CHAIRMAN MESOLELLA: Let's be clear on this,  
22 so for my own purposes. I read this article, but it was  
23 a while back. If I'm not mistaken, this contractor is  
24 not a contractor contracted by the Narragansett Bay  
25 Commission.

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1 COMMISSIONER GRAY, III: Rosciti, her  
2 father's company is on 3.3 million dollars in 2008.

3 CHAIRMAN MESOLELLA: Let's just clarify the  
4 status of this particular minority contractor with  
5 relationship to the Narragansett Bay Commission because  
6 I think that's very important.

7 COMMISSIONER GRAY, III: She's a sub to her  
8 father's company.

9 CHAIRMAN MESOLELLA: I think this is a very  
10 important distinction. So, having said that, before you  
11 reply, counselor, Ray, could you comment on what

12 specifically is her status with regard to the

13 Narragansett Bay Commission?

14 RAYMOND MARSHALL: Well, Wallace

15 Construction has been a sub to a number of contractors

16 that are under contract to us. Each contractor that

17 comes under contract to us has a goal of 10 percent of

18 the contract to go to minority or disadvantaged

19 businesses which is also not just minority, but also

20 women-owned enterprises, and those enterprises come and

21 go, quite frankly, over the years.

22 What we require, and you might recall, whenever we

23 award a contract to a contractor, we usually have the

24 provision in there that says, subject to EEO and MBE/WBE

25 approval, and that is given by the Department of

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1 Administration.

2 We do not determine whether a contractor is a valid

3 DBE or not. That is up to the program that is run under

4 the Department of Administration to make that

5 designation. If they so determine that they are, then

6 they qualify under our goals.

7 The fact that the woman involved, Christina Rosciti,

8 I believe Wallace Construction was up for renewal, as I

9 remember it, because it was owned by an individual, a

10 gentleman who was black, and I believe he passed away,  
11 so there was some movement to have her acquire the  
12 company which is what the Department of Administration  
13 is supposed to evaluate. And again, if they make the  
14 call that they're a legitimate DBE, then our position is  
15 the contractors can utilize them.

16 COMMISSIONER GRAY, III: All right, I  
17 understand that. They're not bringing that up. There  
18 may be an appearance there, but that may be something  
19 you want to investigate separately, I don't know, but  
20 certainly, based on the face value of the Projo report,  
21 certainly -- normal board to do an investigation.

22 My specific question to our general counsel is, is  
23 there a conflict of interest for you to represent this  
24 contractor who has received 780,000 dollars last year  
25 from the NBC as a subcontractor? Is there any conflict

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1 of interest for you to represent her?

2 MR. DeANGELIS: I represented Wallace  
3 Construction Company in a recertification procedure  
4 before the State Minority Business Enterprise  
5 Commission. It was an exhaustive and very  
6 time-consuming process.

7 I think it was necessitated by the fact that Mr.

8 Wallace had passed away, and he left his 51 percent  
9 share of the business to his wife. So, we ended up now  
10 with two women who would still qualify as a minority  
11 business enterprise, one of who was Christina Rosciti,  
12 she owns 49 percent, and Kimberly who owns 51 percent.

13 The agency that conducted this inquiry and their  
14 staff did an exhaustive investigation, and the newspaper  
15 article reports they determined that it was qualified  
16 and should be recertified as it had been certificated  
17 for a number of years for the next one year.

18 COMMISSIONER GRAY, III: But that's not my  
19 question.

20 MR. DeANGELIS: I'm going to get to your  
21 question. I have never participated in providing any  
22 advice or have had any discussions with anyone at this  
23 agency in any way related to Wallace Construction  
24 Company.

25 COMMISSIONER GRAY, III: You don't think

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1 that, are there any conflicts of interest with you as  
2 the general counsel representing a sub before the  
3 Commission?

4 MR. DeANGELIS: If an issue ever arose where  
5 I was being asked for advice with regards to Wallace

6 Construction Company, I, of course, would have to recuse  
7 myself.

8 CHAIRMAN MESOLELLA: I want to get clear on  
9 this because it's an important distinction I don't think  
10 it's been made. Wallace Construction never, and I will  
11 stand corrected, never worked for the Narragansett Bay  
12 Commission, has never received any compensation from the  
13 Narragansett Bay Commission. She was a subcontractor to  
14 someone who won a low bid award of a contract who  
15 qualified under the --

16 COMMISSIONER GRAY, III: I'm not arguing --

17 CHAIRMAN MESOLELLA: I'm just suggesting.  
18 You keep saying she received 700 and some odd thousand  
19 dollars from the Bay Commission. She did not. I will  
20 stand corrected.

21 COMMISSIONER GRAY, III: Okay, I understand.  
22 According to the paper. I understand. I'm just  
23 pointing to the Projo. The Projo may have that  
24 incorrectly.

25 CHAIRMAN MESOLELLA: We know the Projo never

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1 confuses a goods story with facts. We know that for  
2 sure. I want to make sure that is this Board  
3 understands because you keep suggesting she received

4 money from the Narragansett Bay Commission, and that is  
5 a patently false statement. You used the word fraud,  
6 which I, unless you have some concrete information to  
7 the contrary that it's not, I would love to hear it, but  
8 she is not a contractor to the Narragansett Bay  
9 Commission. She is a subcontractor to someone who  
10 placed a low bid and won a legitimate contract --

11 COMMISSIONER GRAY, III: I understand that.

12 CHAIRMAN MESOLELLA: I just want to make  
13 certain that we're clear on that.

14 COMMISSIONER GRAY, III: I understand that.

15 Yeah, okay, but still she was doing work for the  
16 Narragansett Bay Commission under the contract through  
17 her father as a sub, but my only question is, and this  
18 goes to general counsel.

19 My understanding is that there's a conflict of  
20 interest, and I actually went through the process of  
21 asking some other lawyers on this thing, and I'll read  
22 you something from the ones that wrote. He said,  
23 technically, you hear the first comment about the case,  
24 but you're dead right. The general counsel has a  
25 blatant conflict of interest if he represents a company

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1 like this before the MWBE Commission -- disciplined by

2 the Bar or even suspended in some states, unless the  
3 conflict was discussed in the public meeting, and the  
4 Board voted to waive. Some conflicts are not waivable.  
5 The guidelines would be the Code of Professional  
6 Responsibility and the Code of Ethics of the Bar. And  
7 then, of course, there's the Rhode Island Ethics  
8 Commission. So, I don't know, other lawyers even think  
9 this is not allowed.

10 MR. DeANGELIS: I repeat to you, Mr. Gray, I  
11 have never, ever participated in any discussions or  
12 provided any advice relating to Wallace Construction  
13 Company from any member of this Commission or from any  
14 staff member of this Commission.

15 COMMISSIONER GRAY, III: And you don't  
16 think that your position as general counsel and  
17 representing -- as part of the Commission is allowable?

18 COMMISSIONER DiCHIRO: Mr. Chairman, perhaps  
19 this should be in Executive Session, I'm not sure --  
20 legal counsel.

21 COMMISSIONER GRAY, III: No, I was asking a  
22 question.

23 CHAIRMAN MESOLELLA: Laurie, do you want to  
24 weigh in or Jen?

25 MS. HORRIDGE: Yes, if no one minds. First

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1 of all, with all due respect to Joe, he's not general  
2 counsel to the Narragansett Bay Commission. We have  
3 in-house counsel here. My job as the Director of  
4 Executive Affairs, I also do the general counsel job as  
5 well.

6 COMMISSIONER GRAY, III: In the Board  
7 meetings he attended for the last -- he's been referred  
8 to as general counsel.

9 MS. HORRIDGE: Joe has always been  
10 ex-officio of counsel of the Board. That is his  
11 position. However, I will tell you that we have tons of  
12 outside counsel attorneys that whenever they are going  
13 to represent someone in a matter that concerns the NBC,  
14 they have to come to us and request either a waiver, if  
15 that's appropriate, or they have to recuse themselves,  
16 and they can't represent them. They do that.

17 I can tell that you that Joe has never had a matter  
18 involving any company against, involving the NBC before  
19 us. I'd know of it, and it hasn't existed.

20 MR. DeANGELIS: Just to further clarify this  
21 for you, Mr. Gray. I have done a number of MBE  
22 certifications over the 20 something years that I've  
23 practiced. I do not do any legal work for Wallace  
24 Construction Company in terms of advising them as to  
25 bids or construction or other -- I think they have other

1 counsel that do that.

2 I was asked to represent this company because of the  
3 experience I had representing the companies before this  
4 state agency and have other clients that have similar  
5 requests to the state agency.

6 COMMISSIONER GRAY, III: So, you feel that  
7 this is okay? Are there any others that we need to know  
8 about? Are there other people or subs receiving money  
9 directly or indirectly from the Narragansett Bay  
10 Commission that you're representing?

11 MR. DeANGELIS: I'm not a voting member of  
12 this Commission. I'm counsel.

13 COMMISSIONER GRAY, III: I'm sorry. I  
14 thought you were general counsel.

15 MR. DeANGELIS: I don't cast any votes, and  
16 if an issue ever arose involving a client that I had, I  
17 certainly would leave this seat, and I would assume  
18 Laurie would come forward and take the seat.

19 COMMISSIONER GRAY, III: Thank you. All  
20 right.

21 COMMISSIONER THOMPSON: How is all of this  
22 recorded as business, and how do we resolve this and  
23 clear some names here?

24 CHAIRMAN MESOLELLA: I beg your pardon?

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1 this and clear some names and some of the accusations  
2 that have been made?

3 CHAIRMAN MESOLELLA: Well, I have suggested  
4 many times when anyone suggests an impropriety there's a  
5 remedy. The remedy is, if you feel you have a  
6 legitimate claim, there's a process in such case as we  
7 have discussed or anytime -- I will stand corrected, but  
8 the appropriate resolution by anyone who has questions  
9 procedurally or an ethics issue, we have what we all  
10 know to be the Ethics Commission. The proper resolution  
11 would be some kind of filing. That's the way it's done.

12 I mean, for us to argue and debate whether or not  
13 there's been an impropriety or there's a conflict of  
14 interest, that's not an issue that is ever discussed in  
15 this Board. If someone wants to make an allegation,  
16 they have a forum for that. That's my response,  
17 Commissioner Thompson.

18 COMMISSIONER ROTELLA: Well, I have a  
19 comment also. It's obvious that certain members of this  
20 Board are intent on character assassination and  
21 destroying the reputations of people that sit around  
22 this table. I have a right to speak. I have a right to

23 speak, sir.

24 It's obvious to me, and it's obvious to what I've

25 seen that there are people on this Board who have no

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1 other agenda than to disparage the good reputations of  
2 people who sit around this table. I don't know what  
3 that reason is; I have no knowledge of what that reason  
4 is, but that sort of behavior seems to continue; and  
5 every time the behavior is shown or the allegations are  
6 shown to be false, it's a simple, okay, that I was  
7 wrong. I don't think that's acceptable. I don't think  
8 that's acceptable to any of us.

9 And as I said before, and I say it again, I am  
10 appalled at this type of behavior; and I think everybody  
11 else should be because today it's one person; tomorrow  
12 it may be you. The bottom line is that if someone, and  
13 Commissioner Thompson, you point it out very, very well,  
14 if you make an allegation, it goes on the record, and it  
15 sits on the record forever, and people, it's just like  
16 our Chairman points out, just like the Providence  
17 Journal, the allegation goes on the front page, and the  
18 retraction goes on Page 26.

19 And the bottom line is that it's not good behavior.

20 If you have a problem, go to the appropriate people. If

21 you want to call in the FBI, call in the FBI, do what  
22 you want to do, but when you put it on the record here,  
23 you're really, all you're doing is you're making someone  
24 who more than likely is an innocent person look like  
25 they're not, and that offends me.

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1 COMMISSIONER GRAY, III: I don't mean to be  
2 offensive, but basically, it's out of the Projo, and if  
3 something's to come in the Projo --

4 COMMISSIONER ROTELLA: What's on the Projo?

5 COMMISSIONER GRAY, III: There's an article  
6 in the Projo. It mentions the Narragansett Bay  
7 Commission; it's not particularly favorable, and it  
8 should come before the Board.

9 COMMISSIONER THOMPSON: What does it accuse  
10 the Narragansett Bay Commission of doing?

11 COMMISSIONER GRAY, III: It's, basically,  
12 the implication --

13 COMMISSIONER THOMPSON: An implication.  
14 What does it accuse us of?

15 COMMISSIONER GRAY, III: It doesn't accuse  
16 you of anything.

17 COMMISSIONER ROTELLA: Right, exactly.

18 COMMISSIONER THOMPSON: What are you talking

19 about?

20 COMMISSIONER GRAY, III: We have other stuff  
21 that comes up before us, and so, if you have something  
22 that's coming up that's worthy of discussion, I think  
23 it's worthy of discussion.

24 COMMISSIONER ROTELLA: Discussion is, and  
25 again, I think discussion is certainly --

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1 COMMISSIONER GRAY, III: Absolutely, and  
2 normally this would go to the Committee.

3 COMMISSIONER DiCHIRO: I think it's valid to  
4 raise issues, but it's another thing to lob accusations  
5 like this against this --

6 COMMISSIONER GRAY, III: I didn't. I asked  
7 him if he has a conflict of interest.

8 COMMISSIONER DiCHIRO: Right, but the way  
9 you asked him it was almost like implying he does, and  
10 you then said you had other legal opinions to prove he  
11 does; so I have to stick up for Mr. DeAngelis. He's a  
12 man of extreme integrity. He's the former Speaker of  
13 the House, so I believe in his integrity.

14 I believe he's honest and ethical, and the way you  
15 did it was unfair. This should be done in Executive  
16 Session or approached beyond the Board Meeting because

17 there is a record created of what you're doing here.

18 It's not the right way to approach that.

19 COMMISSIONER MONTANARI: I have a question.

20 Mr. DeAngelis represents a lawyers' association.

21 Suppose another member of that law office was

22 representing the Bay Commission. Would you still

23 address this being that he is a member of this law

24 association?

25 COMMISSIONER GRAY, III: My understanding,

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1 I'm not a lawyer, and maybe Mr. DeAngelis can help us.

2 COMMISSIONER MONTANARI: No. I'm asking  
3 you.

4 COMMISSIONER GRAY, III: I thought he was  
5 general counsel --

6 COMMISSIONER MONTANARI: No. I'm saying  
7 that if they sent another attorney, would you still  
8 raise this same question?

9 COMMISSIONER GRAY, III: There are  
10 guidelines for that.

11 MR. DeANGELIS: I don't believe there's any  
12 conflict, Commissioner, because I have never handled any  
13 issues having to do with Wallace Construction Company in  
14 my capacity as counsel to this Commission. So, if I

15 don't provide any advice on the issue, where's the  
16 conflict?

17 COMMISSIONER GRAY, III: Maybe you could  
18 discuss it afterwards --

19 CHAIRMAN MESOLELLA: Further new business,  
20 or any new business to come before this Commission?

21 THE COMMISSION: (No response)

22 CHAIRMAN MESOLELLA: Other business.  
23 Commissioner Rotella.

24 COMMISSIONER ROTELLA: Commissioner, I'd  
25 like to recommend that the Board enter into Executive

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1 Session pursuant to Paragraph 42.46.5 Subsections A2 to  
2 discuss the following matters which are currently in a  
3 negotiation, discussion stage: Number 1, Settlement of  
4 pending litigation, and 2, Collective Bargaining  
5 Discussions.

6 CHAIRMAN MESOLELLA: I have a motion to go  
7 in Executive Session.

8 COMMISSIONER SALVADORE: Second.

9 CHAIRMAN MESOLELLA: Commissioner Salvatore  
10 seconded the motion. All in favor of moving to  
11 Executive Session will say aye.

12 THE COMMISSION: Aye.

13 CHAIRMAN MESOLELLA: Are there any opposed?

14 THE COMMISSION: (No response)

15 CHAIRMAN MESOLELLA: None are opposed, and  
16 the motion carries.

17 (MOTION PASSED UNANIMOUSLY)

18 CHAIRMAN MESOLELLA: I would ask our guests  
19 to please excuse the Board. We will be returning to  
20 Open Session in approximately 20 minutes.

21 (EXECUTIVE SESSION)

22 CHAIRMAN MESOLELLA: We are now in Open  
23 Session.

24 COMMISSIONER ROTELLA: You've got to get the  
25 public to come back.

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1 CHAIRMAN MESOLELLA: Do we have to invite  
2 the public back in?

3 COMMISSIONER ROTELLA: Yes.

4 CHAIRMAN MESOLELLA: Want to open the door,  
5 and say something in the affirmative. So, the Board is  
6 now back in Open Session. Commissioner Rotella.

7 COMMISSIONER ROTELLA: I'd like to make a  
8 motion that the minutes from the Executive Session, the  
9 Closed Session to be sealed.

10 CHAIRMAN MESOLELLA: We have a motion to

11 seal the minutes of Executive Session.

12 COMMISSIONER MONTANARI: Second.

13 COMMISSIONER KIMBALL: Second.

14 CHAIRMAN MESOLELLA: Seconded by

15 Commissioner Montanari, Commissioner Kimball. Further

16 discussion on the motion?

17 THE COMMISSION: (No response)

18 CHAIRMAN MESOLELLA: Hearing none, all of

19 those that are in favor of having the minutes remain

20 sealed will say aye.

21 THE COMMISSION: Aye.

22 CHAIRMAN MESOLELLA: Are there any opposed?

23 THE COMMISSION: (No response)

24 CHAIRMAN MESOLELLA: There are none opposed,

25 and the motion carries.

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1 (MOTION PASSED UNANIMOUSLY)

2 CHAIRMAN MESOLELLA: Going back on the

3 regular agenda now.

4 MR. DeANGELIS: Yes.

5 CHAIRMAN MESOLELLA: Commissioner Rotella,

6 Item 8.

7 COMMISSIONER ROTELLA: I'm assuming it's

8 Adjournment.

9 CHAIRMAN MESOLELLA: It sure is. We have a  
10 motion to adjourn by Commissioner Rotella, seconded by  
11 the entire Board. All of those in favor of adjournment  
12 will say aye.

13 THE COMMISSION: Aye.

14 CHAIRMAN MESOLELLA: Any opposed?

15 THE COMMISSION: (No response)

16 CHAIRMAN MESOLELLA: None opposed, the  
17 motion carries.

18 (MOTION PASSED UNANIMOUSLY)

19 CHAIRMAN MESOLELLA: Thank you so much for  
20 sitting through this. It's a littler later than we  
21 usually go, but it was necessary. Thank you so much. I  
22 appreciate your patience.

23 RAYMOND MARSHALL: I'm going to echo that  
24 thought. Thank you. Next meeting June 17th.

25 (HEARING CLOSED AT 1:12 P.M.)

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1 C E R T I F I C A T E

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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  
hearing.

6

7 IN WITNESS WHEREOF, I hereunto set my hand  
8 this 4th day of June 2009.

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

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23 DATE: May 20, 2009

24 IN RE: Monthly Board Meeting of the Commission

25 HEARING OF: Narragansett Bay Commission

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