

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

3 In Re: Special Board Meeting of the Commission

4 DATE: July 22, 2009  
5 TIME: 8:30 a.m.  
6 PLACE: Narragansett Bay Commission  
7 Corporate Office Building  
8 Providence, RI 02905

9 PRESENT:

- 10 Vincent Mesolella, Chairman  
11 Raymond Marshall, Secretary–Executive Director  
12 Robert Andrade, Treasurer  
13 Joseph DeAngelis, Esquire  
14 Richard Brown  
15 Richard Burroughs  
16 Bruce Campbell  
17 Michael DiChiro  
18 Al Montanari  
19 Alan Nathan  
20 Michael Salvatore  
21 Leo Thompson  
22 Richard Worrell

23 ALSO PRESENT:

- 24 Richard Bernier, NBC  
Laurie Brayton, Senate Fiscal Office  
25 Thomas Brueckner, NBC  
Karen Giebink, NBC  
26 Michael Hagopian, NBC  
Jennifer Harrington, NBC  
27 Joanne Maceroni, NBC  
Karen Musumeci, NBC  
28 Paul Nordstrom, NBC  
Jaime Owen, NBC  
29 Joe Pratt, Louis Berger Group  
Deborah Samson, NBC  
30 Jamie Samons, NBC  
Yamari Tapia, NBC  
31 Mark Thomas, NBC  
Thomas Uva, NBC

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1 (HEARING COMMENCED AT 8:30 A.M.)

2 CHAIRMAN MESOLELLA: We're going to begin

3 the full Board Meeting. If I could ask the

4 Commissioners to kindly take their appointed seats.

5 One, thank you for coming so early in the morning.

6 Recognizing a quorum, we will bring the Wednesday,

7 July 22, 2009, Board of Commissioners meeting to order

8 at 8:33.

9 The first order of business is Approval of the

10 Previous Minutes. Have our members had an opportunity

11 to review the previous minutes?

12 COMMISSIONER SALVADORE: Move for approval,

13 Mr. Chairman.

14 CHAIRMAN MESOLELLA: We have a motion to

15 approve the minutes of June 17, 2009.

16 COMMISSIONER THOMPSON: Second.

17 CHAIRMAN MESOLELLA: Seconded by

18 Commissioner Thompson. Was that Commissioner Thompson?

19 COMMISSIONER THOMPSON: Yes.

20 CHAIRMAN MESOLELLA: Discussion on the

21 previous minutes.

22 THE COMMISSION: (No response)

23 CHAIRMAN MESOLELLA: Further discussion on  
24 the previous minutes.

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 the motion carries.

8 (MOTION PASSED UNANIMOUSLY)

9 CHAIRMAN MESOLELLA: Next order of business  
10 is Old Business. Is there any old business to come  
11 before the Commission; old business of any nature?

12 THE COMMISSION: (No response)

13 CHAIRMAN MESOLELLA: Hearing none, moving  
14 right along, next order of business is the Executive  
15 Director's Report. Mr. Secretary, do you have a report  
16 for us this morning?

17 RAYMOND MARSHALL: I just have two items,  
18 Mr. Chairman, I'd like to bring to the Board's  
19 attention. One is that I wanted to let you know that  
20 the tunnel continues to work well. We've captured

21 almost 800 million gallons, and put it through the  
22 treatment plant to receive the proper treatment; and I  
23 thought it was important to let you know that A, because  
24 of the amount of rain we've been getting in the past  
25 month, which is the last time we met, and also, there

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1 was an article on July 3rd in the Journal which  
2 indicated that the tunnel wasn't able to do its job on  
3 one or two occasions when, in fact, that's exactly what  
4 we expected when we designed it.

5 There are storms that are simply too big for the  
6 tunnel to capture, so we fill the tunnel up; and we shut  
7 it down, and we treat what we capture. So, it's  
8 as-designed. I didn't want anyone to think that it was  
9 operating in any other way. So, we're on our way to 1  
10 billion gallons. That's the goal for the first year.  
11 If it keeps raining, we're going to meet that pretty  
12 easily.

13 COMMISSIONER BROWN: We need to get a sign  
14 like McDonald's.

15 RAYMOND MARSHALL: One billion served.

16 COMMISSIONER BROWN: Yes.

17 RAYMOND MARSHALL: Also, I want to let you  
18 know that I met with all of our staff on all of the

19 shifts at all of our locations over two days back at the  
20 end of June, and everything went very well.

21 The biggest news item that I wanted to deliver to  
22 them was to let them know of the change from Blue Cross  
23 to United Health for our health care coverage, and they  
24 were very receptive; they were very understanding, and  
25 we're now in a process of transitioning our employees

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1 over so that on August 1st, we'll be covered by United  
2 Health.

3 I need to let you know that the unions didn't take it  
4 quite as enthusiastically, and they filed a grievance,  
5 which I denied. They've asked for arbitration, and they  
6 also brought us into court, into Superior Court; and  
7 they asked the judge for a TRO, a Temporary Restraining  
8 Order, and the judge asked the attorneys to go into  
9 Chambers.

10 When they came out, the union agreed to pass on their  
11 request, and we've agreed to accelerated arbitration;  
12 and that will work in our favor because it will get us  
13 an answer sooner than the normal arbitration process  
14 which can take 6 months, 9 months, a year, even. This  
15 will be done in a 3-month period. We'll have discovery  
16 in August, one of the hearings in September, and the

17 arbitrator will rule in October.  
18 In addition, the selection of the arbitrator will be  
19 done by the judge who heard the case as opposed to  
20 someone that the American Arbitration Association  
21 provides.  
22 We provided 5 names to the judge, and the union  
23 provided 5 names to the judge. The judge will select  
24 one of those 10 to actually sit and hear the case. And  
25 the issue is, is the United Health Care Plan

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1 substantially equivalent to the Blue Cross Plan that we  
2 are currently utilizing? And we believe it is in just  
3 about every way. It's not exact; it's not a perfect  
4 match, but it is substantially equivalent. We've taken  
5 great pains to make sure that it is.

6 COMMISSIONER WORRELL: Can you just comment  
7 on the cost differentials?

8 RAYMOND MARSHALL: It will save us 180,000  
9 dollars on an annual basis to go to United Health versus  
10 Blue Cross.

11 COMMISSIONER WORRELL: What's the per  
12 employee? How many union -- we just have to go all the  
13 way. We couldn't go non-union with United and union  
14 with Blue Cross. We couldn't do that, could we?

15 RAYMOND MARSHALL: That's right. Both  
16 United and Blue Cross have stated it's all or nothing.  
17 We either want all your employees in our plan or none.

18 CHAIRMAN MESOLELLA: At the pricing.

19 COMMISSIONER WORRELL: I'm sorry?

20 CHAIRMAN MESOLELLA: At the pricing.

21 COMMISSIONER WORRELL: Ray, is the Plan  
22 fully funded, or is it a self-funded plan?

23 MS. GIEBINK: It's fully insured.

24 COMMISSIONER BROWN: No. I just, when you  
25 get your answer, I'll be very interested in that.

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1 RAYMOND MARSHALL: Okay.

2 COMMISSIONER WORRELL: I had one other  
3 question, too. Could you translate that 180,000 dollars  
4 in percentage? In other words, you had a savings of "X"  
5 percent.

6 RAYMOND MARSHALL: The 180,000 dollars is a  
7 6 percent savings over what Blue Cross was quoting us.

8 COMMISSIONER WORRELL: Okay.

9 CHAIRMAN MESOLELLA: That is a big  
10 efficiency. It's a big number. If you had a 6 percent  
11 across the board, we would be pretty happy.

12 RAYMOND MARSHALL: That's it, Mr. Chairman.

13 CHAIRMAN MESOLELLA: Are there any comments  
14 or questions regarding the Executive Director's Report?

15 COMMISSIONER SALVADORE: I have a question.

16 CHAIRMAN MESOLELLA: Commissioner Salvadore,  
17 proceed.

18 COMMISSIONER SALVADORE: The treatment of  
19 this water that ends up in the tunnel, how much does all  
20 that cost? I've asked that question before.

21 RAYMOND MARSHALL: Our estimates show that  
22 just for electricity, we'll be spending somewhere in the  
23 700,000 dollar range.

24 COMMISSIONER SALVADORE: In chemicals?

25 RAYMOND MARSHALL: They'll be some increase

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1 in chemicals. I'd have to go back and get the exact  
2 numbers for you. I mean, it does increase our  
3 operational cost, no doubt, not just in terms of  
4 chemicals and electricity, but maintenance of the  
5 equipment because we're pushing more flow through.  
6 We're not increasing staff at all, so that doesn't  
7 change, which is a notable accomplishment to treat which  
8 will be equivalent to about 8 percent of our annual flow  
9 without an increase in staffing of our operations  
10 people. And then there's the normal materials and parts

11 that you have to budget for when you have a station of  
12 that size.

13 COMMISSIONER SALVADORE: So, how do we  
14 recover that money, or do we just absorb it?

15 RAYMOND MARSHALL: Well, it's included in  
16 our rate filing request to the PUC, so it is now part of  
17 our rates.

18 CHAIRMAN MESOLELLA: We had a plugged  
19 number, Karen, in our budget, right?

20 MS. GIEBINK: That's correct. We've  
21 included the incremental cost in the rate filing, and we  
22 updated them during the course of the hearing when the  
23 tunnel went on line; and then we also include that  
24 number in the budget.

25 CHAIRMAN MESOLELLA: Do we know what that

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1 number was?

2 MS. GIEBINK: I think Ray's number was good,  
3 between 6 and 700,000 dollars.

4 CHAIRMAN MESOLELLA: How much?

5 MS. GIEBINK: Between 6 and 700,000 dollars,  
6 I think incrementally also putting the cost increase,  
7 but I would like to double-check that figure.

8 COMMISSIONER THOMPSON: Are we able to

9 quantify any of the benefits from it to the  
10 shellfishermen, the beaches and so forth? Who's  
11 benefiting from this clean water and how much?

12 RAYMOND MARSHALL: Tom has been having his  
13 people go out and sample on a regular basis now, so the  
14 data is coming in. I don't know if you have a snapshot  
15 of what's going on, Tom.

16 MR. UVA: It was projected that there would  
17 be a 40 percent increase in shellfishing by the tunnel  
18 going on line, and that's approximately what we're  
19 seeing. Due to the tunnel going online, we've reduced,  
20 as Ray indicated, hundreds of thousands of gallons of  
21 raw sewerage that we're getting into the bay. So, as a  
22 result, a lot less. Even though June was a very rainy  
23 month, there were very limited shellfishing closures.

24 And what DEM doing now is, they go out and sample  
25 after a rain event to determine if they can open the bay

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1 up sooner, and that's already happened twice since the  
2 tunnel went online. So, they expect at least a 40  
3 percent reduction of shellfishing closures. It will  
4 also translate to a reduction of beach closures, and  
5 that's something we're tracking and we're going to be  
6 presenting on paper at the NEWA conference next January

7 in Boston.

8 CHAIRMAN MESOLELLA: Tom, the duration of  
9 the closures is less time as well, right?

10 MR. UVA: Yes. With half of an inch of  
11 rain, Mr. Chairman, the bay, which is the upper bay -- A  
12 will be closed for 7 days, and twice DEM has gone out  
13 and sampled; and they've opened those areas up after 5  
14 days' closure. So, we're seeing great improvements  
15 already. This entire state is benefiting by what is  
16 being funded by our ratepayers.

17 CHAIRMAN MESOLELLA: So, we're getting some  
18 really measurable environmental benefits.

19 RAYMOND MARSHALL: You know, one thing that  
20 you should note is that DEM in conjunction with the  
21 Department of Health, this has nothing to do with  
22 shellfishing, are being very conservative on what  
23 they're doing. They're really trying to make sure that  
24 they get a good database before they just do a card  
25 blanc, you know, opening up the bay after 5 days as

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1 opposed to 7 days. They're trying to take it on a  
2 case-by-case basis and be very careful because, I mean,  
3 after all, the tunnel has only been online for about 8  
4 or 9 months now.

5 And so, my guess is that they'll probably need a  
6 couple of years of data to really be comfortable saying,  
7 okay, now here are all the new standards that have to be  
8 automatic, if you would.

9 CHAIRMAN MESOLELLA: Commissioner Andrade.

10 COMMISSIONER ANDRADE: Is there an update on  
11 the rate filing with the PUC?

12 MS. GIEBINK: The PUC did make a decision at  
13 the open meeting. Basically, NBC and the Division of  
14 Public Utilities and Carriers came to an agreement on  
15 most of the issues. The PUC made a few additional  
16 adjustments. The only outstanding issue was the method  
17 of calculating the operating reserves.

18 They issued their decision, I believe it was July 1st  
19 or 2nd, and they approved the conversion to monthly  
20 billing, they approved the recovery of all the costs  
21 through the fixed fees. So, we have already implemented  
22 the new rates, and we will be converting to monthly  
23 billing in October; and overall, we're pretty pleased  
24 with the outcome of the filing. So, that is done.

25 COMMISSIONER ANDRADE: Is that information

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1 available online with the PUC, when they make a  
2 decision?

3 MS. GIEBINK: Yes. It's posted on the PUC's  
4 website. We update our tariffs also, but in terms of  
5 the travel of the rate case, we don't put that out  
6 there, unless you are interested to put that out there.

7 COMMISSIONER ANDRADE: Thank you.

8 CHAIRMAN MESOLELLA: Any other questions of  
9 the Executive Director relative to his report?  
10 Commissioner Salvadore.

11 COMMISSIONER SALVADORE: On this 100 million  
12 gallon goal that is imminent --

13 RAYMOND MARSHALL: One billion.

14 COMMISSIONER SALVADORE: Can we do a little  
15 PR on this? Because I don't really think the rank and  
16 file populus really understand what is happening here.

17 CHAIRMAN MESOLELLA: Good point.

18 RAYMOND MARSHALL: Yes, that's a very good  
19 question, and I might ask Jamie to step up here, because  
20 the July 3rd article that was written, we did receive a  
21 call from the Journal, and they asked us how things were  
22 going, how's the tunnel operating. Would you like to  
23 relate a little bit of that conversation, Jamie, so the  
24 Commissioners can get a flavor of the mindset reporting?

25 MS. SAMONS: Yes. I received a call from

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1 Peter Lord at the Journal. He is the environmental  
2 reporter, who, as many of you know, is an excellent  
3 reporter. He is one of the, probably I would say he is  
4 the most trustworthy voice at the Journal. He really  
5 understands complex environmental issues, and so we had  
6 a really extensive conversation, about an hour and a  
7 half, about the performance of the tunnel. On that July  
8 3rd, or excuse me, July 1st or 2nd we had a really big  
9 rainstorm, and that was what prompted Peter to call me  
10 to just check in and see how the tunnel was doing.

11 So, we had a big conversation about how well the  
12 tunnel was performing, and at that point in time, we  
13 were running our 100 percent full test on the tunnel as  
14 a part of our permit for the tunnel, so that meant that  
15 as the tunnel approached 100 percent full, the gates  
16 would shut, and then that would, the shutting of those  
17 gates would necessitate some overflow. That's all a  
18 part of the test.

19 So, Peter and I had a great conversation. He was  
20 very impressed by the way the tunnel was working. He  
21 actually said to me when we were on the phone, well,  
22 don't you have any bad news to tell me? What am I going  
23 to say to my editor?

24 So, I was like, yeah, well, you know, the bad news is  
25 that we have about 560 million dollars more work to do,

1 so there's your bad news. But I explained to him the  
2 test and how that would necessitate some overflows, but  
3 they were very pleased with the performance of the  
4 tunnel.

5 So, the article that came out the next day, if you  
6 read the body of the article, it was a very positive  
7 article, but if you read the headlines which was written  
8 by an editor, it was, Sewerage Tunnels Can't Handle a  
9 Large Storm or something like that. Sewerage Tunnel  
10 Fills Up and Requires Overflows. So, that is what, that  
11 is the challenge that we are facing in PR.

12 You know, I will say that we get a lot of good  
13 feedback on the website about the performance of the  
14 tunnel that doesn't always translate into press.

15 RAYMOND MARSHALL: And one other thing that,  
16 I mean, there are other ways to get the good news out,  
17 and one of the items that you have to consider today is  
18 WaterFire has approached us about helping them fund a  
19 WaterFire event which will celebrate, essentially, the  
20 one-year anniversary of the tunnel being online and the  
21 improvement of water quality. So, that's a way that we  
22 can get the word out on how well things are going  
23 without actually needing a good headline in the  
24 Providence Journal, which is, apparently, difficult to  
25 get, yes.

1           COMMISSIONER WORRELL: You know, you  
2 mentioned a minute ago that the tunnel was designed, and  
3 I think this is an answer to Jamie's point. You  
4 mentioned that the tunnel was only designed to handle at  
5 this level, at a particular level.

6           RAYMOND MARSHALL: Yes.

7           COMMISSIONER WORRELL: And people will say,  
8 what good is it? It only does the job --

9           MS. SAMONS: Ninety-eight percent.

10          COMMISSIONER WORRELL: Ninety-eight. Well,  
11 they don't know whether it does the job 98 percent or  
12 50 percent, and it could be that that's one of the  
13 public relations issues that we need to develop to  
14 develop the concept.

15       Yes, we could have gone to 100 percent, but it would  
16 have cost us another 600 million dollars for that 2  
17 percent, so that didn't make any sense. So, clearly,  
18 we, for some reason, made the right decision to design  
19 it as is and not to try to get that last 2 percent which  
20 would have doubled the cost of the overall tunnel. I  
21 mean, that point needs to be made.

22          MS. SAMONS: You know, if you read Peter's  
23 article, he is very good about making those points.

24 It's just that that does not transfer into headlines --

25 COMMISSIONER WORRELL: Yeah, but what you

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1 need to do is, you have to make a point six, at least  
2 three times before general people begin to get it. You  
3 have to make that point over and over and over again.

4 COMMISSIONER BROWN: I don't know how you  
5 bill because I'm not a customer, but could you send out  
6 something with the bills?

7 MS. SAMONS: Absolutely, and that's every  
8 time we send out a bill, we have a billing message on  
9 there that says, you know, your tunnel is working. To  
10 date it's captured 800,000, million blah blah blah  
11 gallons of sewerage.

12 We always, when we do, when we have a rate increase  
13 like we did right now, I always try to put on the other  
14 side of the flyer that says your rates are going up. On  
15 the other side it says, call me, and I'll give you a  
16 free DVD about the tunnel, and so to date, I've sent out  
17 probably 2,000 to 2,500 DVDs about the tunnel.

18 We do a lot of speaking to groups about that as well,  
19 but yes, our bills are, obviously, one of our best ways  
20 of communicating with our customers, and we do see a lot  
21 of feedback from that.

22 COMMISSIONER BROWN: Quite frankly, I'm  
23 shocked that you had problems getting a good story  
24 across.

25 MS. SAMONS: Well, the story was good. It

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1 was just, the headline was bad.

2 COMMISSIONER CAMPBELL: Well, I got your  
3 E-mail, and you said there was a very positive story  
4 coming along; and then when I saw the headline I was  
5 shocked. It was, like, this is crazy.

6 COMMISSIONER BURROUGHS: But not untypical.

7 COMMISSIONER CAMPBELL: The figure 1 billion  
8 gallons, the problem with that number is, it's  
9 impressive, but it doesn't give you a relative sense of  
10 whether that's a big number or a little number, and the  
11 98 percent captured thing really tells us more of a  
12 story than the gross captured gallons.

13 RAYMOND MARSHALL: Good point.

14 CHAIRMAN MESOLELLA: We have, in our budget,  
15 we have a portion of our budget that's related to public  
16 affairs, and maybe the Board needs to revisit  
17 appropriational funds in our budget, a portion of our  
18 budget for doing some of our own advertising.

19 When we talked about the format and the fact that we

20 talked on another matter, we talked about how a lot of  
21 these advertisements or press releases are formatted in  
22 the press, they aren't always inclined to print a press  
23 release, but the way they format these advertisements,  
24 they're really advertisements; but they look like press  
25 releases. I'm sure you've all seen them in the press.

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1 Maybe what we need to be doing is talking about doing  
2 something of that nature, so it really looks like a  
3 press release; it's really paid advertisement from the  
4 Bay Commission. Maybe we should start to look at the  
5 cost of doing something like that. It might be  
6 appropriate at this time. So, that's something we can  
7 consider. Further discussion on the Executive  
8 Director's Report.

9 THE COMMISSION: (No response)

10 CHAIRMAN MESOLELLA: Moving right along, the  
11 reason why we're all here today, Committee Reports and  
12 Action Items Resulting, the first Committee reporting is  
13 the Construction Engineering and Operations Committee.  
14 Commissioner Salvadore, do you have a report for us  
15 today?

16 COMMISSIONER SALVADORE: Yes, we do, Mr.  
17 Chairman.

18 CHAIRMAN MESOLELLA: Proceed.

19 COMMISSIONER SALVADORE: We met at first  
20 light this morning, and we have one action item for the  
21 Board of Commissioners. It's Review and Approval of  
22 Resolution 2009:22, Award of Contract 109.01C,  
23 Biological Nitrogen Removal Upgrade, and CEO recommends  
24 passage, Mr. Chairman.

25 CHAIRMAN MESOLELLA: We have a motion to

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1 approve Resolution 2009:22, 109.01C. Do we have a  
2 second?

3 COMMISSIONER BROWN: Second.

4 COMMISSIONER NATHAN: Second.

5 COMMISSIONER WORRELL: Second.

6 COMMISSIONER BURROUGHS: Second.

7 CHAIRMAN MESOLELLA: We have a second by  
8 Commissioner Brown, Commissioner Nathan, Commissioner  
9 Worrell, Commissioner Burroughs. Discussion on  
10 Resolution 2009:22. Before we actually take the vote,  
11 there's a computation of all the bids that we have  
12 received in your packet. The low bid was for  
13 55,177,000. It's approximately 12 million. The  
14 anticipated budget was in the 70-72 million-dollar  
15 range.

16 RAYMOND MARSHALL: 15 or 17 million less.

17 CHAIRMAN MESOLELLA: So, it's 17 million

18 less. We're very pleased with this. It obviously

19 reflects the economy and contractor's willingness to

20 work close to the bone regarding pricing.

21 The project has, obviously, been anticipated for a

22 long time. We're pleased at the way the numbers came

23 in. So, before we take the vote, are there any other

24 comments, questions regarding Resolution 2009:22?

25 COMMISSIONER WORRELL: The name of the low

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1 bidder?

2 CHAIRMAN MESOLELLA: This is the low bidder.

3 This is the lowest qualified low bidder. Unfortunately,

4 or maybe perhaps I shouldn't say that we were hoping it

5 would be a Rhode Island contractor, but unfortunately,

6 it's not, but Daniel O'Connell is a qualified

7 contractor.

8 Our staff has done its due diligence with regard to

9 his reputation in the industry as well as looking at his

10 bid relative to all the line item items to make sure he

11 complied with all of the requirements in the bid. So,

12 therefore, we have a motion and a second to award the

13 contract. Commissioner Campbell.

14 COMMISSIONER CAMPBELL: I just came in sort  
15 of at the end of the CEO Meeting, and Ray was talking  
16 about how federal stimulus money applied to this  
17 project.

18 CHAIRMAN MESOLELLA: Do you want to go  
19 through that again?

20 RAYMOND MARSHALL: Sure. This will be very  
21 brief. We are going to use all the stimulus money that  
22 we expect to receive from Clean Water Finance for this  
23 project.

24 The last time we spoke, we were looking at a 41  
25 million dollar loan offer with 6.4 million dollars of

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1 loan forgiveness, which is essentially a grant. Through  
2 some intense lobbying of Clean Water Finance and being  
3 in a position to spend money quickly, which we do very  
4 well here, we now have a 55 million dollar loan offer  
5 with an 8.5 million dollar loan forgiveness component to  
6 it. So, that's essentially an 8.5 million dollar grant.

7 So, by being ready with the Board's support and at  
8 the Chairman's urgency, a year ago we stepped on the  
9 accelerator on this job to put ourselves in exactly this  
10 type of position to be able to take advantage of as much  
11 of the funds that flow into the State of Rhode Island as

12 possible. And who knows, we might even be able to drag  
13 a few more million out of them, but we'll see.

14 CHAIRMAN MESOLELLA: Okay. Any other  
15 questions regarding the motion?

16 THE COMMISSION: (No response)

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

19 THE COMMISSION: Aye.

20 CHAIRMAN MESOLELLA: Are there any opposed?

21 THE COMMISSION: (No response)

22 CHAIRMAN MESOLELLA: There are none opposed,  
23 and the motion carries.

24 (MOTION PASSED UNANIMOUSLY)

25 CHAIRMAN MESOLELLA: Chairman Salvadore, do

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1 you have any further report?

2 COMMISSIONER SALVADORE: That concludes our  
3 report for Wednesday, July 22, 2009, Mr. Chairman.

4 CHAIRMAN MESOLELLA: Thank you very much.

5 Moving right along, the next committee reporting is the  
6 Finance Committee. Commissioner Andrade.

7 COMMISSIONER ANDRADE: No report, Mr.  
8 Chairman.

9 CHAIRMAN MESOLELLA: No report. Personnel

10 Committee, Commissioner Campbell.

11 COMMISSIONER CAMPBELL: No report.

12 CHAIRMAN MESOLELLA: Rules and Regulations.

13 RAYMOND MARSHALL: No report.

14 CHAIRMAN MESOLELLA: No report. Long-Range  
15 Planning.

16 COMMISSIONER THOMPSON: No report, Mr.  
17 Chairman.

18 CHAIRMAN MESOLELLA: No report. Citizens  
19 Advisory, Harold.

20 MR. GADON: Just a brief report. Johnson &  
21 Wales, they've agreed to let us use their dining room  
22 for our meeting on December 9th. Thank you.

23 CHAIRMAN MESOLELLA: Executive Committee has  
24 no report. Ad Hoc Committee on Compensation, there is  
25 no report. Ad Hoc Committee on Internal Ethics,

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1 Commissioner DiChiro.

2 COMMISSIONER DiCHIRO: Yes, good morning,  
3 Mr. Chairman. I've spoke informally with a couple of  
4 Commissioners, Commissioner Kimball and Commissioner  
5 Gray. It seems like there are some issues that are  
6 involving ethics and the Bay Commission, and it was  
7 decided that we'd call a meeting of the Ad Hoc Ethics

8 Committee. So, I'm going to ask that we schedule a  
9 meeting probably in conjunction with the next  
10 regularly-scheduled meeting for the Ad Hoc Internal  
11 Ethics Committee to meet.

12 A couple of issues came up. I don't know if it's  
13 necessary to discuss them here. I think it's probably  
14 better to discuss them at the Committee first of all,  
15 and then report back to the full Board at the next  
16 regularly-scheduled meeting after that. I think that is  
17 the best way to handle it.

18 CHAIRMAN MESOLELLA: Commissioner DiChiro,  
19 are you saying you want to do it on the day of the  
20 meeting or a private meeting date?

21 COMMISSIONER DiCHIRO: I have no problem  
22 doing it on the day of the meeting, maybe after the  
23 meeting stay and have a meeting -- another discussion.

24 CHAIRMAN MESOLELLA: Whatever you decide.  
25 Are you expecting the report out at the September

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1 meeting or the October meeting?

2 COMMISSIONER DiCHIRO: Yeah, I guess we  
3 could. If we're going to report at the September  
4 meeting, we can have it some time in August because our  
5 next regularly-scheduled meeting is in September. So,

6 we could probably have it, like, the third week of  
7 August, we could schedule something.

8 CHAIRMAN MESOLELLA: Great. The Ethics  
9 Committee will then meet at the call of the Chair  
10 sometime around the third week in August. All members  
11 will be notified, I assume, of the meeting, so anyone  
12 who wants to attend can attend. Legislative Report.  
13 Joanne, what's happened up there this year, or what's  
14 happening up there? Are they in session, or not in  
15 session?

16 MS. MACERONI: The General Assembly is in  
17 recess, and rumors have it, this is what I read in the  
18 paper, is they may come back at the end of the month.  
19 So, we're kind of in limbo.

20 The one bill that did pass and the Governor signed  
21 was the amendment to the Dig Safe Statute, and the bill  
22 that finally passed was the one that Paul Nordstrom and  
23 I had worked with the other utilities and the utility  
24 contractors on, and we're very pleased with the outcome.

25 The NBC sewers are still kept out of Dig Safe, and

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1 what we will require is that by 2012, we have to require  
2 as-builts from the entities that will be connecting to  
3 our lines. We already require this, so we're already

4 ahead of the game. So, that's my report thus far.

5 Hopefully, if they do adjourn by the end of the summer,

6 I will prepare a final report for you.

7 CHAIRMAN MESOLELLA: Thank you very much.

8 Anything else?

9 MR. DeANGELIS: All set.

10 CHAIRMAN MESOLELLA: Okay. That next report

11 is the Chairman's Report. The Chairman has no report.

12 I think things have been going well. So, the Chairman

13 has no report.

14 The next order of business is Item Number 6, which is

15 New Business. Review and Approval of Resolution

16 2009:23, Recommendation for Use of Environmental

17 Enforcement Funds. The Executive Director has already

18 alluded in his report our recommendation for the use of

19 these funds. Further details?

20 RAYMOND MARSHALL: The only other details

21 which are outlined in the memo that WaterFire approached

22 us. They want to celebrate the one-year anniversary of

23 the tunnel. They want us, and they're going to ask

24 other entities that participated in that activity to

25 help fund the WaterFire event on September 19th.

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1 It will include 75 to 100 illuminated fish that will

2 travel the Providence River suspended on canoes. We're  
3 going to ask each of you to paddle the canoe.

4 COMMISSIONER DiCHIRO: I guess they're not  
5 real fish, are they?

6 RAYMOND MARSHALL: No.

7 COMMISSIONER BROWN: Symbolically, that  
8 could be problematic.

9 RAYMOND MARSHALL: Could be. They want to  
10 acknowledge the great service to the environment and to  
11 the community that the project has resulted in, and this  
12 is one of those opportunities to get very good public  
13 relations where we are more in control or we have  
14 someone controlling the event that is very positive and  
15 very much appreciative of everything that the project  
16 has resulted in. So, Resolution 2009:23 asks for  
17 funding out of the Environment Enforcement Fund in the  
18 amount of 10,000 dollars.

19 COMMISSIONER BROWN: Move to approve.

20 CHAIRMAN MESOLELLA: There's a motion from,  
21 Commissioner Brown moves that we approve the  
22 recommendation for the use of Environmental Enforcement  
23 funds.

24 COMMISSIONER THOMPSON: Second.

25 COMMISSIONER NATHAN: Second.

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1 CHAIRMAN MESOLELLA: Second Commissioner  
2 Thompson, Commissioner Nathan. Discussion on the  
3 matter. Is there further discussion on the matter?

4 COMMISSIONER WORRELL: What's the date of  
5 that event?

6 RAYMOND MARSHALL: September 19th.

7 CHAIRMAN MESOLELLA: I would like to say  
8 that I think we all recognize that a lot of the public  
9 opinion regarding Narragansett Bay Commission is  
10 generated outside our service districts as we can all  
11 imagine a lot of it, the benefits of what we're doing is  
12 felt downstream and really outside our district.

13 So, I really think WaterFire which generates a lot of  
14 interest from outside of our district, that this event  
15 really presents us with an opportunity to put our best  
16 foot forward and start to really publicly talk about  
17 some of the improvements and the benefits of the  
18 Narragansett Bay Commission. So, I think it's a very  
19 worthwhile use of our Environmental Enforcement funds.

20 COMMISSIONER SALVADORE: Who else do they  
21 love besides NBC? Who are the other participants?

22 CHAIRMAN MESOLELLA: WaterFire, with regard  
23 to this event? I think it's their intention to solicit  
24 some of the larger contractors, perhaps, that would  
25 involve --

1 COMMISSIONER SALVADORE: Is Save the Bay in  
2 there?

3 CHAIRMAN MESOLELLA: I don't think they  
4 would be part of this event, our event. There's another  
5 event going on. There are a couple of different events  
6 that night. So, the way I understand the program is,  
7 we'll have our own tent, and that tent will be shared by  
8 some of the major contractors who are also part of the  
9 sponsoring of this event with us. Who might they be?  
10 They might be --

11 RAYMOND MARSHALL: WaterFire is the one  
12 that's actually going to identify the other entities to  
13 solicit from, and they have mentioned a few names. I'd  
14 rather not say at this point in time because I don't  
15 know if they've actually contacted those people, and I  
16 don't want them to find out any other way than through  
17 the WaterFire group.

18 COMMISSIONER NATHAN: I don't think Save the  
19 Bay should be involved. I don't think we should share  
20 this.

21 CHAIRMAN MESOLELLA: I agree. I totally  
22 agree. Commissioner Thompson.

23 COMMISSIONER THOMPSON: Could Jamie bring us  
24 up to date on how we stand on the DVD that we have on

25 the tunnel? I know we were updating that. Is there any

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1 chance that that will be ready for this event?

2 MS. SAMONS: We weren't updating the tunnel  
3 DVD. We were updating the NBC documentary, and we're  
4 actually continuing to do that now.

5 COMMISSIONER THOMPSON: Has that been done  
6 yet?

7 MS. SAMONS: We're still working on it.  
8 It's still in production.

9 CHAIRMAN MESOLELLA: Discussion, further  
10 discussion on use of the Environmental Enforcement  
11 funds. Further discussion?

12 THE COMMISSION: (No response)

13 CHAIRMAN MESOLELLA: We have a motion; we  
14 have a second. All of those 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: I believe that is it  
22 today.

23           RAYMOND MARSHALL: As a small token of  
24 showing up today on this beautiful July day, the  
25 Chairman has some parting gifts for you.

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1           CHAIRMAN MESOLELLA: You know, fortuitously,  
2 of course, we gave out umbrellas at the last Board  
3 meeting, and they came in handy, as we all know; so this  
4 is the new issue, multi-colored issue. I thought the  
5 Commissioners would be interested in having one of  
6 these, so we have one for each of you. So, Mike why  
7 don't you pass those down. I hope you had one last  
8 night.

9           RAYMOND MARSHALL: Hopefully, you will use  
10 these to keep the sun out your eyes at some point.

11          COMMISSIONER SALVADORE: That's a nice hat.

12          CHAIRMAN MESOLELLA: I played my first round  
13 of golf on Monday. I had the first, the very first, I  
14 know Richard has one, the very first issue was a white  
15 hat with a blue visor, right? You still have yours, and  
16 I still have mine, and I wore that Monday at the golf  
17 tournament I played on Monday. That hat is -- how many?

18          VOICE: Twenty-two.

19          CHAIRMAN MESOLELLA: How many?

20          VOICE: Twenty-two.

21 CHAIRMAN MESOLELLA: Sure. I think it's  
22 that at least. Well, it's that at least. So, I still  
23 have it. I know you have one. I don't know how many  
24 there are kicking around, but it's a great hat. So,  
25 enjoy them, and thank you very much for coming today. I

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1 really appreciate it. I know it might have been a bit  
2 of an inconvenience. Is there anything else?

3 RAYMOND MARSHALL: Just one more thing. In  
4 August, we're going to be doing some work on the Board  
5 of Commissioners' website. IT's going to be upgrading  
6 it, so there might be a couple of days if you try to get  
7 on it that you won't be able to because it will be, I  
8 guess they call it under construction; but it should  
9 only be for a brief period of time.

10 And then all of my monthly reports for June, July and  
11 August, which I know you all look forward to reading,  
12 we'll have up there as I complete them. The one for  
13 June will be up in the next couple of days.

14 So, I agree with the Chairman. Thank you for coming  
15 here today. I know it took some time out of your  
16 summer, but this is a big project; and we appreciate  
17 your cooperation.

18 The next meeting is September 23rd, I believe. Yes,

19 September 23rd, and it looks like there's going to be a  
20 very heavy agenda because the staff has been working  
21 hard to bring projects before you for approval.

22 COMMISSIONER WORRELL: Motion to adjourn.

23 CHAIRMAN MESOLELLA: Commissioner Worrell  
24 moves we adjourn.

25 COMMISSIONER MONTANARI: Second.

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1 CHAIRMAN MESOLELLA: Seconded by  
2 Commissioner Montanari. All in favor will say aye.

3 THE COMMISSION: Aye.

4 CHAIRMAN MESOLELLA: Any opposed?

5 THE COMMISSION: (No response)

6 CHAIRMAN MESOLELLA: None opposed, motion  
7 carries, and we are adjourned.

8 (MOTION PASSED UNANIMOUSLY)

9 CHAIRMAN MESOLELLA: Thank you, everyone.  
10 Thank you for coming today. Thank you so much.

11 (HEARING CLOSED AT 9:10 A.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  
7 hearing.

6

7           IN WITNESS WHEREOF, I hereunto set my hand  
8 this 22nd day of July 2009.

8

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

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23 DATE: July 22, 2009

24 IN RE: Special Board Meeting of the Commission

25 HEARING OF: Narragansett Bay Commission

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