

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

3 In Re: NBC Monthly Board Meeting

4 DATE: September 23, 2009
5 TIME: 11:00 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 Bruce Campbell
14 Michael DiChiro
15 Jonathan K. Farnum
16 Leslie Gray III
17 Joseph Kimball
18 John MacQueen
19 Joan P. Milas
20 Al Montanari
21 Alan Nathan
22 Michael Salvatore
23 Richard Worrell

24 ALSO PRESENT:

- 25 Rich Bernier, NBC
26 Patricia Boucher, Bacon & Company, CPAs, LLC
27 Tom Brueckner, NBC
28 Diane Buerger, NBC
29 Jamie Cook, NBC
30 Travis Costa, NBC
31 Terry Cote, NBC
32 Nathan Daggett, NBC
33 Junel Decena, NBC
34 Eric Feroldi, NBC
35 Leah Foster, NBC
36 Harold Gadon, CAC
37 Kyle Gannon, NBC
38 Karen Giebink, NBC
39 Maureen Gurghigian, FSC
40 Jennifer Harrington, NBC

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1 ALSO PRESENT, cont.

2 Laurie Horridge, NBC
Joanne Maceroni, NBC

3 Bill McConnell, CDM
Paul Nordstrom, NBC

4 Joe Pratt, Louis Berger Group
Brian Steere, NBC

5 Jamie Samons, NBC
Art Sheridan, NBC

6 Rebecca J. Songolo, NBC
Mark Thomas, NBC

7 Thomas Uva, NBC

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1 (BOARD MEETING COMMENCED AT 11:14 A.M.)

2 CHAIRMAN MESOLELLA: Recognizing a quorum,

3 we will call the meeting of the Board of Commissioners

4 of September 23, 2009 to order at 11:14. Welcome back,

5 everyone. I hope everyone had a great summer, and we

6 will begin this meeting with a very extensive agenda.

7 The first order of business is Approval of the

8 Previous Minutes of July 22, 2009. Have all of our

9 members had an opportunity to review the previous

10 minutes, and if so, are there any comments or

11 corrections?

12 COMMISSIONER SALVADORE: Move for approval,

13 Mr. Chairman.

14 COMMISSIONER FARNUM: Second.

15 CHAIRMAN MESOLELLA: We have a motion to

16 approve the July 22nd meeting, seconded by Commissioner

17 Farnum. Discussion on the minutes. Further discussion.

18 THE COMMISSION: (No response)

19 CHAIRMAN MESOLELLA: Hearing none, all of

20 those that are in favor 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: Before we move on to
3 Old Business, I would like to take this opportunity to
4 introduce to the Board, our staff, guests and employees,
5 our newest Commissioner, Joan Milas. Commissioner will
6 be representing the fine Town of Lincoln.
7 We understand now that Commissioner MacQueen will be
8 representing Cumberland, formerly of Lincoln, and Joan
9 Milas is going to be representing Lincoln. Welcome,
10 Joan. I think you'll find this very interesting.

11 COMMISSIONER MILAS: Thank you very much.

12 CHAIRMAN MESOLELLA: Moving right along,
13 next order of business, Old Business. Is there any Old
14 Business to come before the Commission? Old Business.

15 THE COMMISSION: (No response)

16 CHAIRMAN MESOLELLA: Hearing none, we're
17 moving right along. I would like to move Item Number 5
18 to the next item before we move on to the Executive

19 Director's Report, if there's no objection from the
20 Members of the Board.

21 THE COMMISSION: (No response)

22 CHAIRMAN MESOLELLA: Hearing none --

23 RAYMOND MARSHALL: Can I object? No, I'm
24 just kidding.

25 CHAIRMAN MESOLELLA: We'd like to make the

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1 presentation on Acknowledgment of Awards.

2 RAYMOND MARSHALL: This is our continuing
3 process of trying to make sure that the Commissioners
4 are made aware of the great work that our staff does day
5 in and day out, being recognized by any number of
6 organizations throughout the course of the year, and we
7 have three awards here that we're all very proud of.

8 The first award is from NACWA, which is the National
9 Association of Clean Water Agencies, for the 2009 Public
10 Information Education Award for Printed Material, and
11 that was the book that was done, Rafael Cuello put this
12 together with photos from Peter Goldberg. It was the
13 subject of the art display down the road at Conley's
14 Wharf last spring. I believe you all received a copy of
15 this.

16 I know the Awards Committee at NACWA was really blown

17 away with this and just how good it was and how
18 impressive it was, and a well-deserved award. I'd like
19 Rafael to come up here, and we'll present him with the
20 award that he so richly deserves.

21 (APPLAUSE/AWARD PRESENTATION)

22 RAYMOND MARSHALL: The next award was given
23 to us by the Underground Construction Association of
24 America. It's the 2009 Outstanding Project of the Year
25 for our CSO Abatement Program Phase I.

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1 This award was actually presented back in June, and
2 one of our consultants was in attendance at the meeting,
3 which was held in Las Vegas, none of us were able to go.
4 So, I'd like Tom Brueckner and Rich Bernier to come up
5 and have a photo opportunity.

6 As you probably know in a project like this to really
7 be successful, you have to have really great design and
8 then really good construction management, Tom being
9 responsible for the engineering, Rich being responsible
10 for the construction, so they both deserve the credit
11 for this.

12 (APPLAUSE/AWARD PRESENTATION)

13 RAYMOND MARSHALL: So, you guys will have to
14 figure out how to share that, maybe it's like the

15 Stanley Cup where you pass it along. I'd also like to
16 thank, associated with that award, Joe Pratt from the
17 Louis Berger Group who was intimately involved. Joe,
18 would you like your picture taken? We can -- no? But
19 thanks for all your great work, too, Joe, throughout the
20 entire project.

21 The last award this morning we'll acknowledge is a
22 significant one. It's given by the U.S. Environmental
23 Protection Agency. They don't really give too many
24 awards, but our Pretreatment staff managed to win one,
25 which is very difficult to do.

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1 I don't know how many of you have seen the
2 Pretreatment Report that they publish every March. I
3 think it is, now it's a huge volume of information. The
4 program is very well defined. It's very well run, and
5 we are one of the examples in the Nation on how it
6 should be done.

7 I know that we get many inquiries from around the
8 country as to how we're doing, and believe it or not,
9 there are actually some people who are just beginning
10 their programs; and we have a fine-tuned machine here.

11 So, I'd like the individuals who are primarily
12 responsible for leading the group, several other

13 Pretreatment staff members are also here, and so I'd
14 like Kerry Britt, Nathan Dean and Abby Sweeney to come
15 up and receive the award.

16 (APPLAUSE/AWARD PRESENTATION)

17 RAYMOND MARSHALL: And they work under the
18 direction of Tom Uva. Tom said he didn't want his
19 picture taken today, so we're just going to have the
20 other three as part of the photo. Thank you.

21 And if you're interested in more detail on what the
22 Pretreatment group does on a monthly or daily basis,
23 every month in my Executive Director's Report, which is
24 published on the Board of Commissioners' website,
25 they're usually somewhere in the middle of that report,

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1 and it details all of their activities. So, again,
2 congratulations, everyone. You do a great job, and you
3 make me very proud.

4 CHAIRMAN MESOLELLA: Moving right along,
5 Item Number 4, the Executive Director's Report. Do you
6 have a report for us today, Mr. Secretary?

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

8 CHAIRMAN MESOLELLA: Proceed.

9 RAYMOND MARSHALL: Notice how the staff has
10 taken the good sense of leaving the room before I start

11 this, but in any event...

12 The effluent quality has been very good at both
13 plants with Field's Point running in the mid-teens and
14 Bucklin Point in the single digits. I'll review
15 Operations and Engineering first. That's on Page 2
16 through 15.

17 At Field's Point, the Tunnel Pump Station and the
18 tunnel itself has really operated exactly as we
19 anticipated it would over the last several months since
20 we last met. We had one big event which was a tropical
21 storm at the end of August, and with that storm, we
22 reached 980 million gallons of flow captured since that
23 time. We have accepted even more flow into the tunnel,
24 and now we have exceeded 1 billion gallons, as the
25 Chairman mentioned the other night at the WaterFire

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1 event. This is beyond the expectations that we had had
2 based upon the computer modeling in terms of the amount
3 of capture for just Phase I. Now, we have to bear in
4 mind that it has been a wet year, so that probably has
5 something to do with it for sure.

6 It has allowed DEM to open the shellfishing beds
7 early on a couple of occasions now after just four days
8 of closure rather than seven, and there have been fewer

9 beach closures in the upper bay.
10 I know that the people in Conimicut, they have a
11 newsletter there, and they're very happy; and they have
12 published that fact in their newsletter. So, all of
13 that in a wet year is a significant accomplishment, and
14 hopefully, as we march forward with the subsequent
15 phases, our water quality will improve to even a greater
16 degree.

17 At the Ernest Street Pumping Station, our Maintenance
18 group has performed several significant repair and
19 replacement activities on the influent sewerage pumps as
20 they get a great deal of wear and are used, of course,
21 every day, and with a wet year they've been used a
22 significant amount this year. So, they did a really
23 good job renovating the pumping system there as well as
24 our grit systems and our return activated sludge pumps
25 and final clarifiers.

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1 At Bucklin Point, I mentioned in an earlier committee
2 meeting that the total nitrogen removal at that facility
3 is down to around 7 parts per million. The system is
4 designed for 8, and there'll be an item before you a
5 little later in the meeting to approve the design
6 contract to bring that down to 5.

7 There's a small area immediately adjacent to the
8 plant. It's called Bishops Bay, and it's, like, a mud
9 flat area; and what we have seen there over many years
10 is what they call a midge fly population that likes to
11 breed in there, and so we've worked with the community
12 to try to control that; and we've applied the second
13 application of the larvicide to keep that nuisance
14 condition down.

15 It's a naturally-occurring situation, but we do have
16 one overflow that goes into that area, previously on a
17 regular basis, but now that we've upgraded the plant use
18 the old clarifiers as wet weather tanks, it's much less
19 frequent; but we still continue the practice as a show
20 of support for the neighbors immediately adjacent to the
21 plant.

22 And we have been making very good progress at Bucklin
23 Point integrating the Asset Management Program into the
24 daily activities of the Maintenance Section at that
25 facility.

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1 In Interceptor Maintenance there were no dry weather
2 bypasses in August, and they inspected all the
3 regulators and tidegates during the month making sure
4 that there's no extraneous flow coming back in during my

5 high tides.

6 We've made good progress on interceptor cleaning and
7 inspection contracts both on the Woonasquatucket
8 Interceptor in North Providence and the Seekonk River
9 Interceptor along the East Side. That totals about 4.8
10 miles of pipe in both of those projects.

11 Our Engineering Division has been busy with issuing
12 several RFQPs. A couple of those will come before you
13 today for approval. They've made great progress on the
14 Design of CSO Phase II, both the Woonasquatucket River
15 Interceptor, Seekonk Interceptor and the sewer
16 separation job.

17 These are very challenging and complicated projects,
18 so we have to be very careful about where we place the
19 pipe and how we untangle the maze of utilities that are
20 located in the areas that we'll be working in. So, it
21 is progressing very well, but it is a very painstaking
22 process.

23 We've also made really good progress on the Johnston
24 Facilities Plan. The Town seems to be really happy we
25 are working with them on the phasing of their sewers so

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1 that we can make sure that our interceptors are ready to
2 accept any expansion that they'll see in their

3 community, and it will allow us to capture more
4 customers when that happens.

5 And in the North Providence Inflow Study where we're
6 doing the smoke testing, that is also progressing well.

7 We're probably 70 percent done, and we have found a few
8 areas of inflow that will need to be removed, however,
9 not to the extent so far that we thought that we would.

10 Under the Construction Division, which is on Pages 16
11 and 17 in my report, the Biological Nutrient Removal
12 Contract that you approved back in July, Daniel
13 O'Connell's Sons is the contractor, we have received
14 state MBE and EEO approvals. Contracts have been
15 signed, and that contract will be funded with American
16 Recovery Act money.

17 We received an offer of 55 million dollars, which is
18 almost exactly what the low bid was out of that 55
19 million dollars in loan through Clean Water Finance,
20 there will be a 15 percent loan forgiveness component,
21 so that's about 8.3 million dollars of the principal we
22 will not have to pay back, so it's essentially free
23 money, that was good; and I think that the interest rate
24 on the remaining balance to be paid is less than 1
25 percent. So, it's a pretty good deal.

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1 However, nothing is truly free. There is a Buy
2 American clause that's associated with all of this money
3 that is going to require an extensive amount of
4 paperwork, so you either have to Buy American products,
5 or you have to receive a waiver if no product that you
6 need is, say, a particular type of pump is made in
7 America. So, we're trying to gear up for that whole
8 paper chase.

9 The problem we're having is that neither the DEM, EPA
10 nor the Office of Inspector General can tell us what
11 they want prior to starting the job, so we're sort of
12 inventing the wheel for them, I guess. We are working
13 closely with them and are making sure we have
14 communications after every meeting in a written format
15 so we can document that what we've agreed to or what we
16 all think we agreed to, but that will be interesting as
17 it develops.

18 When the Federal Construction Grant's Program was in
19 its heyday in the '70s and '80s, there was a similar
20 paperwork requirement that evolved as the projects
21 started to roll out, so we're going to be on the cutting
22 edge of this program.

23 Construction is also getting ready for several
24 projects that you will approve today at the Ernest
25 Street Pump Station at the end of the tunnel for an odor

1 control system and the Lincoln Septage Station. You
2 will hear a little bit more about those later, and that
3 will keep our Construction group busy for the next
4 several years along with the Biological Nutrient Removal
5 Contract.

6 The Central Avenue Pump Station project in Johnston
7 is really progressing well. It's about half done at
8 this point, and we've been coordinating with the Town on
9 that because they are installing some lateral sewers in
10 a neighborhood immediately adjacent to the Central Ave.
11 Pump Station.

12 And the Animal Control Facility that we're building
13 for the City of Providence, it has received State Fire
14 Marshall approval, and we found out this morning that we
15 got the State Building Commission's permit to begin that
16 project, so we'll start breaking ground in the next week
17 or so.

18 In the Administration and Finance Division, which is
19 covered on Pages 18 to 24, I mentioned the ARRA monies
20 through Clean Water Finance, and that took quite a bit
21 of paperwork and quite a bit of working with the Clean
22 Water Finance people by our financial people in order to
23 make that all come together.

24 Our loan has been structured with our financial
25 advisor, First Southwest, so that no additional rate

1 relief is required for that loan, and we should be
2 closing on that in the next week or so. Our official
3 statement was finalized in preparation for that
4 borrowing.

5 We went through a credit review process with
6 Standard & Poor's. I think many of you heard that in
7 the Finance Committee meeting, and we have maintained
8 our double A minus rating which is quite significant
9 considering the situation that faces our Nation and our
10 local economy. So, having a double A rating is almost a
11 gold standard at this point, so we're very proud of
12 that.

13 We have an investment banking proposal before you
14 today. The Finance Committee approved it earlier, so
15 that took quite a lot of Finance's time going through
16 that process; and we are getting ready to convert to
17 monthly billing; that will start October, so we've been
18 running all of the other new programs and the testing
19 and generating, for example, bills, and we're trying to
20 make sure that there are no -- or that we catch as many
21 problems that may occur in the conversion process. So,
22 those bills will be going out in October.

23 Accounting was busy with our outside auditors. You

24 will hear from them in the next several minutes. Bacon
25 & Company are the CPA's; it came out very well. I won't

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1 give you all the details because we'll have Pat Boucher
2 do that, so that she has, I don't steal any of her
3 thunder.
4 Human Resources has worked very closely with our
5 staff and with United Health because we have converted
6 our health care insurance carrier from Blue Cross to
7 United Health in order to save 185,000 dollars in this
8 fiscal year. That went into effect August 1st. We had
9 a number of meetings with staff and explained what was
10 going on and helped them fill out all the paperwork so
11 they can have a continuation of coverage that so far has
12 been very successful. In addition, they have planned
13 and scheduled a flu shot clinic for our employees which
14 is now scheduled for October 13th.

15 Policy, Planning & Regulation, which begins on Page
16 25 and runs through 37, we have been working with DEM on
17 our revised permits for our two plants. Every time our
18 permit expires, DEM raises the bar and wants us to do
19 more and provide additional information and get down to
20 excruciating levels of detail that many times we think
21 has merit and then other times we do not. So, we are

22 not shy about expressing our concerns and our
23 disagreement. We have put that in a written response to
24 them. So, that process will continue over the next
25 several months before they finally issue some new

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1 permits to us for both Field's Point and Bucklin Point.
2 We've been working with the Town of Cumberland to
3 help them address some odor control problems that they
4 have in the northern part of Cumberland. From the
5 Highland Corporate Park the sewers are not ours, but the
6 Town is at a loss to try to solve some of the odor
7 problems that are occurring up there; and it's basically
8 because the park operates in a significant way during
9 the week, but on the weekend, there's not a lot of
10 activity there.
11 They have a pumping station associated with that
12 park, so the sewerage sits in the wet well and then the
13 force main over the weekend, and then when they start up
14 again on Monday morning, the odors that emanate from
15 there are a real nuisance to the neighbors that are
16 immediately down the street from that pumping station.
17 So, the Town has looked to us for some technical
18 guidance. We have given it to them, and I believe
19 they're going to be approaching us in a more formal

20 manner in the near future to give them even additional
21 help. So, we'll keep you apprised of that situation as
22 it unfolds, but as you know, we're always willing to
23 help out our member communities so that we can provide
24 the service that everyone expects us to.
25 We've met with the Watson Terminal Services people

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1 who operate the Port here. We've had some problems with
2 fugitive dust from the coal piles that are immediately
3 adjacent to our plant, and they are looking to come up
4 with a solution so on windy days when the wind blows
5 from an easterly direction that we don't get a coating
6 of coal dust on our eastern boundary; and it can be a
7 problem for us, but we've been working with them to try
8 to resolve that matter. Next Tuesday September 29th at,
9 is it 8 a.m., Tom?

10 MR. UVA: Yes.

11 RAYMOND MARSHALL: At Conley's Wharf we are
12 going to be acknowledging the users of our system who
13 have been the most compliant with our rules and
14 regulations for discharges, and we term those our 2008
15 Merit Awards. All of the Commissioners are invited.
16 We will also acknowledge the sponsors of our annual
17 Chairman's Woonasquacket River Cleanup event. For

18 those that participated in a significant way, it's a way
19 that we can get some good public relations and create
20 bonds and relationships with the people that we service.
21 So, that's next Tuesday, Conley's Wharf. If you need
22 more information, talk to Tom Uva, Tuesday, September
23 29th at 8 a.m.
24 Additionally, we continue to take many samples every
25 month and analyze them in a multitude of ways, 2,000

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1 samples, 7,600 analyses, so that continues unabated.
2 And as far as our wind turbine project goes, and this
3 is on Page 36 in my report, if you read through there,
4 you'll see that we've had numerous contacts with the
5 FAA. It's, frankly, been very frustrating to get an
6 answer from them. That's what my report reflects.
7 However, I do have good news in that the last couple
8 of days Tom and his staff being as persistent as they
9 are finally were able to, I think, achieve the
10 breakthrough, and that was by going to the local people
11 here at Green to get them to buy into our proposed
12 project at a height, a wind turbine height, that we
13 think will be meaningful.
14 And in fact, even just the last couple of days we've
15 received a modeling program where a consultant that

16 works for the Green Airport people has modeled a flight
17 path and how our wind turbines would infringe or not
18 infringe in this case, actually, on their airspace.
19 That might be something that we want to show the
20 Commissioners at the next meeting.
21 It's really pretty cool, and it also shows, Save the
22 Bay is also interested in erecting a wind turbine, but
23 apparently, theirs is right in the glide path and would
24 be a problem based on the height that was originally
25 presented; so it also shows theirs, but we were happy to

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1 hear that the people at the airport were supportive of
2 our proposal.
3 Finally, in Executive, which we go from Page 38 to 48
4 which describes what's going on there, Legal is
5 preparing for the November 5th Lien Sale. We started
6 out with about 380 accounts owing about 620,000 dollars,
7 and so far we've collected about 164 or 165,000 through
8 the end of August. That pace will pick up in the next
9 several weeks as we get closer to Lien Sale day. The
10 redemptions become more and more frequent.
11 They've also spent a lot of time on the Buy American
12 issue that I mentioned meeting with the various Federal
13 agencies and State agencies trying to make sure we

14 understand what it is they want us to document as we
15 move headlong into that project.
16 And then there's been any number of other
17 interactions with the communities that we service.
18 We've also had to deal with EPA on several other matters
19 that have to do with easements and hazardous waste sites
20 that we have an easement on, so they've been very busy.
21 That's all detailed in my report.
22 In the Public Affairs group, we have begun another
23 Woon Watershed Explorers Program year. Cynthia is, I
24 think, out at a school right now, and that should be
25 successful and even more interesting for the kids, and

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1 you know that she received the award from NACWA for the
2 photo book that Rafael put together.
3 Under Labor Relations, we are beginning to prepare
4 for negotiations with our unions. The contract expires
5 at the end of this fiscal year, that is, June 30th, and
6 we need to begin negotiations with them to negotiate a
7 new Collective Bargaining Agreement with both the
8 Laborers and Council 94. We joint collectively
9 bargained with them.
10 We are also involved in health care arbitration on
11 our switch from Blue Cross to United. The Laborers

12 Union grieved the change. We denied the grievance.
13 They asked for arbitration, and they also went to court
14 to try to get a TRO issued, and Judge Silverstein did
15 not grant them a TRO. Instead he said, I want you to
16 both submit to accelerated arbitration.
17 He selected an arbitrator from a list that half of
18 whom are provided by the Narragansett Bay Commission;
19 the other half were provided by the Union. He ordered
20 that discovery be done in August, that the hearing be
21 conducted in September, and we've conducted three out of
22 the five that are scheduled. We have one tomorrow and
23 then one again on Saturday, and he wants a decision by
24 the end of October.
25 What the arbitrator is supposed to determine is

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1 whether the two plans are substantially equivalent.
2 That's the term that's used in the Collective Bargaining
3 Agreement that allowed us to make this change with 30
4 days notice, which we provided we believe a
5 substantially equivalent. We made a concerted effort to
6 make sure that it was, and any bumps in the road that we
7 may have hit over the last, say, two months, we've been
8 able to work through, and we're hoping for a successful
9 outcome on this. We have no way of controlling that,

10 except to provide a good argument for why we think it's
11 substantially equivalent and all the steps that we took
12 to get there.

13 So, I'll keep you posted on what the results of that
14 arbitration is. It will probably be the end of October,
15 though, before a decision is finally issued. With that,
16 I am done, Mr. Chairman.

17 CHAIRMAN MESOLELLA: Thank you, Ray, for
18 your report. Do any of our members have any questions
19 or comments relative to the Executive Director's Report?

20 COMMISSIONER SALVADORE: I have a question,
21 Mr. Chairman, outside of the Executive Director's
22 Report. There's a rumor going around that the Obama
23 Administration is sending or will send a team to review
24 our wind turbines. Is there any truth to that?

25 RAYMOND MARSHALL: Have you heard anything

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1 about that, Tom? I have not.

2 MR. UVA: No, but we'll be sure to invite
3 President Obama, if he wants to come down and take a
4 look at it and give us some money to install it.

5 COMMISSIONER SALVADORE: Okay, so, it's
6 false.

7 CHAIRMAN MESOLELLA: Thank you. Before we

8 move on to Committee Reports and Action Items Resulting,
9 we have prepared a luncheon for our Commissioners. I
10 understand that some of our Commissioners may have to
11 leave early, so we can take a recess, if you'd like,
12 before we go on to Action Items, if you want to have
13 some lunch or get some lunch, and we will then continue
14 on with the meeting. What's the pleasure of the Board?

15 COMMISSIONER SALVADORE: Let's go forward.

16 CHAIRMAN MESOLELLA: All right. Move
17 forward?

18 COMMISSIONER SALVADORE: Get it over with.

19 CHAIRMAN MESOLELLA: You make it sound so
20 painful. In any event, if any of the Commissioners have
21 to leave --

22 COMMISSIONER MacQUEEN: He's on a diet,
23 though.

24 CHAIRMAN MESOLELLA: When he goes over there
25 and finds out that I got all of the macaroons already,

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1 they're upstairs in my office, he won't have any
2 interest.

3 Okay, then, moving right along, we will now move to
4 Committee Reports and Action Items Resulting. The first
5 committee reporting, of course, is Construction,

6 Engineering and Operations Committee. Commissioner

7 Salvadore, do you have a report for us today?

8 COMMISSIONER SALVADORE: I certainly do,
9 Mr. Chairman.

10 CHAIRMAN MESOLELLA: Then proceed.

11 COMMISSIONER SALVADORE: We met earlier this
12 morning. We have seven action items for the Board of
13 Commissioners. The first being, Review and Approval of
14 Resolution 2009:24, Award of Contract 302.14C, Tunnel
15 Odor Control, and we recommend passage, Mr. Chairman.

16 CHAIRMAN MESOLELLA: Okay. We have a
17 motion. Do we have a second?

18 COMMISSIONER FARNUM: Second.

19 CHAIRMAN MESOLELLA: We have a second from
20 Commissioner Farnum to approve Resolution 2009:24,
21 Contract 302.14C, title Tunnel Odor Control. Most of
22 our members were here during that discussion. Do we
23 need an explanation, or can we proceed with approval and
24 a vote?

25 THE COMMISSION: (No response)

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1 CHAIRMAN MESOLELLA: If no explanation is
2 necessary, all of those in favor of the motion to
3 approve Resolution 2009:24 will say aye.

4 THE COMMISSION: Aye.

5 CHAIRMAN MESOLELLA: Are there any opposed?

6 THE COMMISSION: (No response)

7 CHAIRMAN MESOLELLA: There are none opposed,
8 and the motion carries.

9 (MOTION PASSED UNANIMOUSLY)

10 CHAIRMAN MESOLELLA: Further report.

11 COMMISSIONER SALVADORE: Second item, Item
12 B, is, Review and Approval of Resolution 2009:25, Award
13 of Contract 707:00C, Lincoln Septage Equipment
14 Replacement, and CEO recommends passage, Mr. Chairman.

15 CHAIRMAN MESOLELLA: We have a motion to
16 approve Resolution 2009:25, Award of Contract 707:00C,
17 Lincoln Septage Equipment Replacement.

18 COMMISSIONER MONTANARI: Second.

19 CHAIRMAN MESOLELLA: Commissioner Montanari
20 seconds the motion. Is there further discussion on the
21 resolution? Further discussion.

22 THE COMMISSION: (No response)

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

25 THE COMMISSION: Aye.

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1 CHAIRMAN MESOLELLA: Are there any opposed?

2 THE COMMISSION: (No response)

3 CHAIRMAN MESOLELLA: And the motion carries.

4 (MOTION PASSED UNANIMOUSLY)

5 COMMISSIONER SALVADORE: Item C, Mr.

6 Chairman, Review and Approval of Resolution 2009:26,

7 Award of Contract 122.00C, Flow Control Efficiencies at

8 the Ernest Street Pump Station, and we urge passage,

9 Mr. Chairman.

10 CHAIRMAN MESOLELLA: Thank you. We have a

11 motion to approve Resolution 2009:26, Award of Contract

12 122.00C, Flow Control Efficiencies at the Ernest Street

13 Pump Station. Do we have a second?

14 COMMISSIONER FARNUM: Second.

15 CHAIRMAN MESOLELLA: Second, Commissioner

16 Farnum. Is there further discussion on the issue of

17 Resolution 2009:26? Further discussion.

18 THE COMMISSION: (No response)

19 CHAIRMAN MESOLELLA: Hearing none, all of

20 those that are in favor of approval 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 that motion carries.

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1 (MOTION PASSED UNANIMOUSLY)

2 CHAIRMAN MESOLELLA: Further report,
3 Commissioner Salvatore.

4 COMMISSIONER SALVADORE: Item D, Review and
5 Approval of Resolution 2009:27, Authorization to Enter
6 into an Agreement for Contract 09:809-00D with CDM to
7 provide Professional Engineering Services for Design of
8 Upgrade of Nitrogen Removal and Other Improvements at
9 the Bucklin Point Wastewater Treatment Facility, and CEO
10 recommends approval, Mr. Chairman.

11 CHAIRMAN MESOLELLA: We have a motion to
12 approve Resolution 2009:27, Authorization to Enter into
13 an Agreement for Contract 09:809-00D with CDM to provide
14 Professional Engineering Services for Design of Upgrade
15 of Nitrogen Removal and Other Improvements.

16 We had quite a lengthy discussion with the
17 Construction, Engineering and Operations Committee.
18 Many of the members were present during that discussion.
19 Is there any need for more detailed discussion on the
20 matter?

21 THE COMMISSION: (No response)

22 CHAIRMAN MESOLELLA: If not, we have a
23 motion to approve. Is there a second?

24 COMMISSIONER DiCHIRO: Second.

25 CHAIRMAN MESOLELLA: Commissioner DiChiro

1 seconds the motion. Further discussion. Further
2 discussion.

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 the motion carries.

11 (MOTION PASSED UNANIMOUSLY)

12 CHAIRMAN MESOLELLA: Further business.

13 COMMISSIONER SALVADORE: Item E, Review and
14 Approval of Resolution 2009:28, Authorization of
15 Increase of Procurement Amount for Wonderware Software
16 Project Number 809, and CEO recommends approval, Mr.
17 Chairman.

18 CHAIRMAN MESOLELLA: I noticed you used
19 maximum restraint.

20 COMMISSIONER SALVADORE: I almost said
21 underwear.

22 CHAIRMAN MESOLELLA: To make editorial
23 comment, and I appreciate that. Okay, we have a motion
24 to approve Resolution 2009:28, Authorization to Increase

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1 Do we have a second?

2 COMMISSIONER FARNUM: Second.

3 COMMISSIONER MONTANARI: Second.

4 COMMISSIONER MacQUEEN: Second.

5 CHAIRMAN MESOLELLA: Commissioner Farnum,

6 Commissioner Montanari, Commissioner MacQueen. Further

7 discussion on Resolution 2009:28. Further discussion,

8 anyone?

9 THE COMMISSION: (No response)

10 CHAIRMAN MESOLELLA: Hearing none, all of

11 those that are in favor will say aye.

12 THE COMMISSION: Aye.

13 CHAIRMAN MESOLELLA: Are there any opposed?

14 THE COMMISSION: (No response)

15 CHAIRMAN MESOLELLA: There are none opposed,

16 and that motion carries.

17 (MOTION PASSED UNANIMOUSLY)

18 CHAIRMAN MESOLELLA: Further report.

19 COMMISSIONER SALVADORE: Item F, Review and

20 Approval of Resolution 2009:29, Authorization for HMI

21 Integration Services Procurement Project Number 809, and

22 CEO recommends approval, Mr. Chairman.

23 CHAIRMAN MESOLELLA: Thank you very much.

24 We have a motion to approve Resolution 2009:29,

25 Authorization for HMI Integration Services Procurement

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1 Project 809. Is there a second?

2 COMMISSIONER MacQUEEN: Second.

3 COMMISSIONER MONTANARI: Second.

4 CHAIRMAN MESOLELLA: Commissioner MacQueen,

5 Commissioner Montanari. Further discussion on

6 Resolution 2009:29. Further discussion.

7 THE COMMISSION: (No response)

8 CHAIRMAN MESOLELLA: Hearing none, all of

9 those that are in favor will say aye.

10 THE COMMISSION: Aye.

11 CHAIRMAN MESOLELLA: Are there any opposed?

12 THE COMMISSION: (No response)

13 CHAIRMAN MESOLELLA: There are none opposed,

14 and the motion carries.

15 (MOTION PASSED UNANIMOUSLY)

16 CHAIRMAN MESOLELLA: Further report.

17 COMMISSIONER SALVADORE: Our last item,

18 Item G, and we're over the top, Review and Approval of

19 Resolution 2009:30, Authorization to Acquire Easements

20 Necessary to Access and Maintain NBC Interceptors

21 located in the Town of Cumberland, and CEO recommends
22 approval, Mr. Chairman.

23 CHAIRMAN MESOLELLA: Thank you. We have a
24 motion to approve 2009:30, Authorization to Acquire
25 Easements. Is there a second?

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1 COMMISSIONER MacQUEEN: Second.

2 COMMISSIONER FARNUM: Second.

3 CHAIRMAN MESOLELLA: Commissioner MacQueen,
4 Commissioner Farnum. Further seconds?

5 THE COMMISSION: (No response)

6 CHAIRMAN MESOLELLA: Discussion. Discussion
7 on the motion, 2009:30.

8 THE COMMISSION: (No response)

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

11 THE COMMISSION: Aye.

12 CHAIRMAN MESOLELLA: Are there any opposed?

13 THE COMMISSION: (No response)

14 CHAIRMAN MESOLELLA: There are none opposed,
15 and that motion carries.

16 (MOTION PASSED UNANIMOUSLY)

17 CHAIRMAN MESOLELLA: Further report,
18 Commissioner Salvadore?

19 COMMISSIONER SALVADORE: That concludes our
20 report for Wednesday, September 23rd, Mr. Chairman.

21 CHAIRMAN MESOLELLA: Thank you very much.
22 Next committee reporting is the Finance Committee.

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: There are three
3 resolutions that were approved by the Finance Committee
4 I present to the full Board. The first is Resolution
5 2009:31, Recommendation for Qualification of Investment
6 Banking Service Providers, and I move approval of the
7 resolution.

8 CHAIRMAN MESOLELLA: We have a motion to
9 approve 2009:31, Recommendation for Qualification of
10 Investment Banking Service Providers. Is there a
11 second?

12 COMMISSIONER KIMBALL: Second.

13 CHAIRMAN MESOLELLA: Commissioner Kimball
14 seconds the motion. Discussion on the motion.

15 THE COMMISSION: (No response)

16 CHAIRMAN MESOLELLA: Hearing none, all of

17 those who are in favor will say aye.

18 THE COMMISSION: Aye.

19 CHAIRMAN MESOLELLA: Are there any opposed?

20 THE COMMISSION: (No response)

21 CHAIRMAN MESOLELLA: There are none opposed,

22 and the motion carries.

23 (MOTION PASSED UNANIMOUSLY)

24 CHAIRMAN MESOLELLA: Further report.

25 COMMISSIONER ANDRADE: Yes, Mr. Chairman.

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1 The next Resolution is 2009:32, Authorization to Approve
2 and Accept the Comprehensive Annual Financial Report for
3 Fiscal Year 2009, and I believe we'd like to have the
4 representative from Bacon & Company make the
5 presentation again to the full Board.

6 CHAIRMAN MESOLELLA: Where's Karen?

7 MS. BOUCHER: Thank you. Do you want me to
8 just give a brief overview?

9 CHAIRMAN MESOLELLA: That would be
10 appreciated.

11 MS. BOUCHER: You want to have lunch. I
12 gave our report to the Finance Committee before and
13 highlighted about 10 or 15 items. I'll only highlight 4
14 or 5.

15 Page 10 and 11 is the Audit Opinion, which is an
16 unqualified opinion which means it's a clean opinion.
17 The statements are presented in conformance with
18 generally accepted accounting principles.
19 Page 19 and 20 of the statements is your statement of
20 net assets. It shows total assets of approximately 745
21 million dollars and total liabilities of approximately
22 440 million resulting in net assets of approximately
23 305 million.
24 Your overall increase in net assets for the year was
25 18,175,814, and of that increase, 5,870,000 was in your

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1 unrestricted net assets. The balance of that was your
2 increase in capital, investment and capital. Page 21
3 reflects your total revenues and expenses to arrive at
4 that 18,175,814, the change for the year.
5 I guess on Page 49 and 51 is your Budgetary
6 Statement, just expenditures, operating expenditures on
7 a budgetary basis. Favorable overall over budget or
8 under budget, I should say, of approximately 3.5
9 million.
10 Page 71 is our report on your Internal Control and
11 Compliance. I'm happy to report no significant
12 deficiencies or material weaknesses reported and no

13 incidences of findings of noncompliance based on our
14 audit procedures.

15 And again this year there's been no management letter
16 issued, and that's the summary. I just want to make you
17 aware that this report has been approved by the Auditor
18 General's Office as a component unit report, in the
19 State's report.

20 There's a few minor adjustments to the report you
21 received, primarily typo errors and some wording they
22 want to incorporate in the State audit note. That's
23 pretty much it. Any questions?

24 COMMISSIONER ANDRADE: Mr. Chairman, I move
25 approval of Resolution 2009:32.

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1 COMMISSIONER FARNUM: Second.

2 CHAIRMAN MESOLELLA: Okay. Motion to
3 approve Resolution 2009:32, Authorization to Approve and
4 Accept the Comprehensive Annual Report for FY 2009.

5 COMMISSIONER FARNUM: Second.

6 COMMISSIONER NATHAN: Second.

7 COMMISSIONER KIMBALL: Second.

8 CHAIRMAN MESOLELLA: Second Commissioner
9 Farnum, Commissioner Nathan, Commissioner Kimball. Do
10 any of our members have any questions regarding the

11 audit? Commissioner Kimball.

12 COMMISSIONER KIMBALL: There's no management
13 letter issued this year.

14 MS. BOUCHER: No management letter.

15 COMMISSIONER KIMBALL: Could you just
16 elaborate on that a little bit for us? Is that a, do
17 you have many clients in your practice where a
18 management letter is issued?

19 MS. BOUCHER: Actually, I do not. I do a
20 lot of government work and government entities, and
21 usually there is a management letter generated. You're
22 one of the few that does not have one.

23 COMMISSIONER DiCHIRO: What does that mean?

24 MS. BOUCHER: Well, a management letter, I
25 mean, if had you significant material weaknesses, those

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1 would be reported right in this document. A management
2 letter is other areas for improvement, deficiencies that
3 we would note. I mean, we could issue one real petty,
4 small, little things, I guess. My preference of how I
5 would do things, but not really saying there's an
6 internal control problem. As I come across things, if I
7 raise an issue, a lot of times it's already being
8 addressed or it has been addressed, so there's no need

9 to report that.

10 If something comes up that I see in reviewing the
11 minutes here and I ask a question and it's already been
12 addressed by the time I am out there doing my audit, so
13 there would be no need to report anything of that
14 nature.

15 Management letters usually are things less
16 significant than a deficiency in material weakness or
17 significant deficiencies. Nothing really worth noting
18 that I would report.

19 COMMISSIONER KIMBALL: So, the controls are
20 in place and are working --

21 MS. BOUCHER: Very good internal control.

22 COMMISSIONER KIMBALL: -- and we can
23 effectively rely on the controls to ensure that the
24 financial information that we're receiving is accurate.

25 MS. BOUCHER: Yes. The new standards

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1 require us to do an even more in-depth look at your
2 internal controls over the last couple of years and
3 document certain things, and really from that I can say
4 there are very good internal controls.

5 The specific approvals and just the oversight and a
6 lot of different things, the financial reporting that

7 you receive and that the departments receive, the
8 Division lets you monitor what's going on, and so
9 there's no surprises. Very few audit adjustments, if
10 any. Actually, the audit adjustments really were client
11 adjustments after they had closed the books, not what we
12 consider audit adjustments.

13 CHAIRMAN MESOLELLA: Could you comment again
14 and maybe in a little more detail on your specific
15 process for reviewing internal control with Staff?

16 MR. BOUCHER: Well, it's pretty extensive.
17 Obviously, in the Accounting and Finance area, I spend a
18 lot of time. We go through all the different
19 procedures, purchasing, payroll, investment, debt, all
20 of your processes we have to obtain an understanding, go
21 in Customer Service with the collections, billings.
22 So, I look at all the different areas that would have
23 an impact on your financial statements and make sure
24 that the controls that you say you have actually are
25 working. That's the important thing.

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1 We also conduct interviews with various staff, which
2 we call fraud inquiries and other inquiries; we do that
3 as well, to identify any significant risk areas that we
4 might want to take a better look at.

5 So, it's very extensive, our documentation. I would
6 say it's probably 30 to 40 percent of the time on the
7 audit is before we can start looking at the numbers,
8 it's looking at all your policies and procedures.

9 I read your minutes, bylaws, any changes yearly just
10 to make sure if any of those changes are going to have
11 an impact on your financial statements. I don't know if
12 that answers your question.

13 CHAIRMAN MESOLELLA: It does. Do any of our
14 members have any other questions regarding the Annual
15 Financial Report?

16 THE COMMISSION: (No response)

17 CHAIRMAN MESOLELLA: Thank you very much.
18 All right. We have a motion to approve Resolution
19 2009:31. We have a second.

20 COMMISSIONER KIMBALL: Second.

21 CHAIRMAN MESOLELLA: Commissioner Kimball
22 seconds the motion. All of those that are in favor. Is
23 there further discussion on the Resolution?

24 THE COMMISSION: (No response)

25 CHAIRMAN MESOLELLA: All of those in favor

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1 will say aye.

2 THE COMMISSION: Aye.

3 CHAIRMAN MESOLELLA: Are there any opposed?

4 THE COMMISSION: (No response)

5 CHAIRMAN MESOLELLA: There are none opposed,
6 and Resolution 2009:31 passes.

7 COMMISSIONER ANDRADE: It's 32.

8 CHAIRMAN MESOLELLA: I beg your pardon. It
9 is 2009:32, sorry. Moving right along, Commissioner
10 Andrade, do you have a further report?

11 COMMISSIONER ANDRADE: Yes, I do, Mr.
12 Chairman. The next Resolution that was approved by the
13 Committee earlier this morning was Resolution 2009:33,
14 Recommendation for Use of Environmental Enforcement
15 Funds. I don't know if you wanted me to explain that,
16 but I move approval of the Resolution.

17 CHAIRMAN MESOLELLA: We have a motion to
18 approve Resolution 2009 --

19 COMMISSIONER ANDRADE: 33. It's not on the
20 agenda, but it's 33.

21 CHAIRMAN MESOLELLA: Thank you, I appreciate
22 that. We have a motion to approve Resolution 2009:33.
23 Do I have a second?

24 COMMISSIONER KIMBALL: Second.

25 COMMISSIONER SALVADORE: Second.

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1 CHAIRMAN MESOLELLA: Commissioner Kimball
2 second, Commissioner Salvadore second. Do any of our
3 members need an explanation as for the use of the
4 Environmental Enforcement Funds? I think many of our
5 members were here during that process.

6 COMMISSIONER NATHAN: Have we ever done that
7 before with the Realtors?

8 CHAIRMAN MESOLELLA: No, we have not done
9 that before. We have awarded Environmental Enforcement
10 Funds for educational programs that further our Mission.
11 I think Laurie gave us a presentation earlier today, and
12 I think, basically, this furthers our Mission for
13 operating efficiently. Are you familiar with --

14 COMMISSIONER NATHAN: I think it's a good
15 idea, and it puts us ahead of the curve, rather.

16 CHAIRMAN MESOLELLA: Oh, sure. I think it's
17 a very useful use of our funds, very worthwhile. So, is
18 there further discussion on the Resolution?

19 THE COMMISSION: (No response)

20 CHAIRMAN MESOLELLA: Okay. All of those in
21 favor of Resolution, of Use of Environmental Enforcement
22 Funds will say aye.

23 THE COMMISSION: Aye.

24 CHAIRMAN MESOLELLA: Are there any opposed?

25 THE COMMISSION: (No response)

1 CHAIRMAN MESOLELLA: There are none opposed,
2 and the motion carries. Further report.

3 COMMISSIONER ANDRADE: That concludes the
4 report of the Committee.

5 CHAIRMAN MESOLELLA: Thank you very much.
6 Committees reporting, Personnel Committee.

7 COMMISSIONER CAMPBELL: No report.

8 CHAIRMAN MESOLELLA: Rules and Regulations
9 Committee.

10 RAYMOND MARSHALL: No report.

11 CHAIRMAN MESOLELLA: Long-Range Planning, no
12 report. The next committee reporting is the Citizens
13 Advisory Committee, Group.

14 MR. GADON: Thank you, Mr. Chairman. Not
15 wishing to delay lunch, I'll hasten my report. The CAC
16 held an interesting meeting last Wednesday with a quorum
17 present. A former member, Chamdraskar Monhanty, has
18 returned to work in Rhode Island and is now serving as
19 an alternate. Another young member resigned due to his
20 moving to South Carolina.

21 Jane Sherman, a member serving on the Woonasquatucket
22 River Council, announced that the 5,000 dollar grant
23 from the NBC Environmental Enforcement Funds was
24 successfully used to support 24 at-risk youths who
25 served as River Rangers during the summer.

1 Our secretary, Howard Schacter, President of Plastic
2 Recycling, received an award for Innovation with Advance
3 Technology.

4 Since our meetings are open to the public and our
5 minutes a matter of public record, we had a visitor,
6 Grant Dulgarian, a long-time follower of NBC actions.
7 He objected to the NBC rate increase hearing and lack of
8 sufficient notice, the NBC move to monthly billing, and
9 to the two-year moratorium of Phase II of the CSO
10 project not being strictly followed, plus some other
11 concerns. Jamie Samons responded appropriately to his
12 concerns as reported in the minutes of our meeting.

13 Mr. Dulgarian and the Committee, however, did all
14 agree that with the advent of monthly billing notices,
15 NBC ratepayers can now be timely forwarded notices of
16 interest to them. Mr. Dulgarian indicated he may attend
17 future CAC meetings.

18 We have a meeting of the CAC definitely scheduled to
19 be held on December 9th at the Johnson & Wales Dining
20 Museum. There is usually a charge to the museum. We
21 invite any interested members to come on December 9th
22 for a tour of the museum and attend our meeting. I'll
23 remind you of this at the next Board Meeting in

24 November. Our next CAC meeting is October 28th. Thank
25 you.

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1 CHAIRMAN MESOLELLA: Thank you, Harold. The
2 next committee would be the Executive Committee. The
3 Executive Committee did not meet. The next committee
4 reporting, Ad Hoc Committee on Compensation.

5 COMMISSIONER KIMBALL: No report.

6 CHAIRMAN MESOLELLA: No report. Ad Hoc
7 Committee on Internal Ethics. Commissioner DiChiro.

8 COMMISSIONER DiCHIRO: Yes, Mr. Chairman.
9 We had a meeting of the Ad Hoc Committee on Internal
10 Ethics on August 20th of this year. It was a rather
11 spirited meeting, and we discussed a number of issues
12 that came up that were previously discussed at a Board
13 meeting involving concerns with Beta Engineering and
14 then concerns with possible conflict of interest.
15 We had an issue with the confusion between Mr.
16 DeAngelis being labeled Board Counsel. There was a
17 confusion whether he was General Counsel or not to the
18 Board, or General Counsel to the Bay Commission. I
19 think those issues were fully vetted; they were fully
20 discussed, and I think they were resolved to everyone's
21 satisfaction that there were no ethical concerns or no

22 conflicts of interest.

23 And as far as Mr. DeAngelis, it was explained to
24 everyone that he is Board Counsel, and I see his name
25 tag has been adjusted to that. So, it says Board

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1 Counsel now which is a clarification. He always has
2 been Board Counsel in my mind, but I think some
3 Commissioners were confused as to his role, but he is
4 the Counsel to the Board; so there are no issues there,
5 I believe.

6 The other issue was, there was, like I said, a
7 spirited discussion, and a motion came up to consider
8 abolishing the Committee, the Ad Hoc Ethics Committee;
9 and I counseled against that, and at this point, that
10 would be in order for this full Board to consider; but I
11 would suggest that at this point, we leave the Ad Hoc
12 Ethics Committee as it is as a tool to use in case there
13 was any other dissension or concerns, we can refer it to
14 the Committee; and discuss it as we have been.

15 In my summary, I would just say we should probably
16 leave, my recommendation as Chairman is to leave the Ad
17 Hoc Internal Ethics Committee as it is, and if anyone
18 has any concerns, they can always refer them to us.

19 CHAIRMAN MESOLELLA: Okay. This

20 procedurally, there was a motion advanced --

21 COMMISSIONER DiCHIRO: Yes.

22 CHAIRMAN MESOLELLA: -- there was a vote.

23 COMMISSIONER DiCHIRO: Yes.

24 CHAIRMAN MESOLELLA: There was a vote of a
25 motion by the Board, so you're asking that we,

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1 basically, withhold action on that?

2 COMMISSIONER DiCHIRO: Right. I'd ask that
3 we not refer that to the full Board, unless anyone wants
4 to make a motion to the full Board, but I guess it would
5 have to be a motion made to the full Board on that.

6 CHAIRMAN MESOLELLA: We would, and that
7 would have to come from the Committee or the Chair. We
8 can defer action on that, if that's your pleasure.

9 COMMISSIONER DiCHIRO: Yes.

10 CHAIRMAN MESOLELLA: We will defer action on
11 the motion offered in the past by the Committee until
12 further discussion.

13 COMMISSIONER DiCHIRO: Right.

14 CHAIRMAN MESOLELLA: Further report.

15 COMMISSIONER DiCHIRO: No further report.

16 That concludes the report.

17 CHAIRMAN MESOLELLA: Any questions for the

18 Chairman regarding the Ad Hoc Committee Ethics Committee

19 Meeting?

20 THE COMMISSION: (No response)

21 CHAIRMAN MESOLELLA: Hearing none, moving

22 right along, Legislative Report. Joanne, do you have a

23 report for us today?

24 MS. MACERONI: Yes, Mr. Chairman. I have at

25 all of your seats a brief report of legislation that

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1 passed that would either be of interest or affect the

2 NBC. There aren't too many bills on here, and it's

3 still not my final report.

4 The General Assembly is scheduled to go back in

5 October the 28th and 29th. I don't anticipate that any

6 of the bills that we've been following will be taken up

7 at that time, so this may be my final report; but in the

8 event there are, I will be reporting back to you in

9 November.

10 And just, I think all of these bills are

11 self-explanatory. I just want to point out that the one

12 legislation, piece of legislation that we had a major

13 concern was the addition of sewers in Dig Safe, and

14 through group meetings with all of the parties of

15 interest, we were able to keep sewers out of Dig Safe

16 and still address the concerns of the utility
17 contractors by requiring our sewer authorities to
18 maintain as built. I would be happy to answer any
19 questions.

20 CHAIRMAN MESOLELLA: We have the Legislative
21 Report. Do any of our members have any questions of
22 Joanne regarding the Legislative Report?

23 THE COMMISSION: (No response)

24 CHAIRMAN MESOLELLA: Thank you, Joanne.

25 MS. MACERONI: Thank you.

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1 CHAIRMAN MESOLELLA: The next report is the
2 Chairman's Report. A couple of things. You may have
3 read in the newspaper recently that the City of
4 Providence has expressed an interest in selling its
5 sewer lines. I don't know if any of the Commissioners
6 have read any of that.

7 I don't know exactly what they're intending to do,
8 except that the Mayor has called me and asked for a
9 meeting. I expect to meet with him, actually, one week
10 from today to find out exactly what his intent is.

11 The Board knows we've reported in the past that there
12 has been legislation introduced through the General
13 Assembly by the City of Providence, basically, to force

14 NBC to take over the City of Providence laterals. We
15 objected to that, and the bill was not successful in its
16 passage.

17 So, I don't know exactly what he's intending to do,
18 but hopefully at our next Board meeting I'll be able to
19 report on the City of Providence sewer laterals.
20 Commissioner Campbell.

21 COMMISSIONER CAMPBELL: If those lateral
22 sewer lines do not generate any income for anybody, so
23 why would they have any value?

24 CHAIRMAN MESOLELLA: Well, I can't speak for
25 the Mayor, but I think what he intends to do is to sell

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1 the system, collect the revenue, and then have the
2 independent operator assess users of the system. That's
3 what I think is happening. I mean, why would it have
4 any value if they can't generate any revenue from it?

5 So, we had this discussion with them many times, and
6 we told them that if we would get some portion of the
7 budget, what they currently allocate to maintenance, we
8 would start to have that discussion, but if we were not
9 going to get that portion of the money they allocate in
10 their general fund, the maintenance of sewer laterals,
11 we would have no revenue to support the maintenance; and

12 all of our member communities would object that were,
13 basically, owning and maintaining Providence sewer lines
14 without doing the same, having equal treatment. So, on
15 that basis we objected.

16 We have offered to have a very comprehensive
17 discussion, not only with the City of Providence, but
18 all of our member community about how we can be more
19 efficient; but that hasn't actually happened yet, but as
20 I suggested earlier, I think that's in the pipeline for
21 all of the communities.

22 It's very obvious that Narragansett Bay Commission is
23 a very successful operation, and I think our member
24 communities would like to capitalize on that success; so
25 I see that's in the pipeline, but we'll see what the

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1 Mayor has up his sleeve. That's the first thing.

2 The second thing is I would like to commend and
3 congratulate this Board for their foresight. You heard
4 the Executive Director during his report suggest that
5 we're going to be getting 55 million dollars in stimulus
6 money, and as a result of the foresight of this Board,
7 NBC was way ahead of the curve.

8 When everyone was scrambling to submit a project that
9 would qualify for stimulus funds, Narragansett Bay

10 Commission as a result of an authorization by this Board
11 to advance design of other projects that we're
12 interested in, we were ready to go, and just waiting for
13 the money, and credit goes to this Board for having the
14 foresight to approve that resolution; and I just want to
15 thank you for that.

16 Saturday night was a great night. I want to thank
17 our sponsors, Louis Berger, Gilbane, Camp, Dresser &
18 McKee, Jacobs Associates -- who am I missing -- CH2MHill
19 for their support and sponsorship of WaterFire night.

20 We celebrated one year, almost one year of successful
21 operation. We treated 1 billion gallons as of September
22 12th of raw sewerage that would otherwise run into
23 Narragansett Bay.

24 The event was well-received. It was a beautiful
25 event. I thank the Commissioners who came and am sorry

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1 that the other Commissioners were unable to attend. It
2 was a wonderful ceremony. Other than that, our next
3 Board Meeting is November the 4th. Make a note.

4 I would just like to say one other thing. There were
5 some articles written about the new dog pound that will
6 be under construction we hope in the next several days.

7 There were in-depth discussions between staff and the

8 City of Providence Administration and the City Council
9 and a new Commission that was established.
10 I think after significant discussions, they realized
11 that we made or the City made a good decision in moving
12 forward with NBC to develop this project and that we
13 expect it's going to be very successful. Both NBC and
14 the City of Providence free up this area for the
15 purposes of our construction of our new facilities, and
16 it should be moving along pretty smoothly from here on
17 in.

18 Having said that, the Chairman has no further report.
19 Is there any other business to come before the
20 Commission? New business or other business.

21 THE COMMISSION: (No response)

22 CHAIRMAN MESOLELLA: Commissioner Salvadore.

23 COMMISSIONER SALVADORE: Move to adjourn,
24 Mr. Chairman.

25 CHAIRMAN MESOLELLA: We have a motion to

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1 adjourn.

2 COMMISSIONER WORRELL: Second.

3 COMMISSIONER KIMBALL: Second.

4 CHAIRMAN MESOLELLA: Second Commissioners

5 Worrell and Kimball. All those in favor of adjournment

6 will say aye.

7 THE COMMISSION: Aye.

8 CHAIRMAN MESOLELLA: Any opposed?

9 THE COMMISSION: (No response)

10 CHAIRMAN MESOLELLA: The Committee meeting

11 is adjourned, and I invite you to stay for the luncheon.

12 Thank you very much.

13 (MOTION PASSED UNANIMOUSLY)

14 (BOARD MEETING CLOSED AT 12:15 P.M.)

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1 CERTIFICATE

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

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IN WITNESS WHEREOF, I hereunto set my hand
this 9th day of October 2009.

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

DATE: September 23, 2009

IN RE: NBC Monthly Board Meeting

HEARING OF: Narragansett Bay Commission

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