

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

3 In Re: Monthly Board Meeting of the Commission

4 DATE: March 23, 2011  
5 TIME: 11:00 a.m.  
6 PLACE: Narragansett Bay Commission  
Corporate Office Building  
One Service Road  
Providence, RI 02905

7 PRESENT:

- 8 Vincent Mesolella, Chairman
- Raymond Marshall, Secretary–Executive Director
- 9 Angelo S. Rotella, Vice Chairman
- Robert Andrade, Treasurer
- 10 Joseph DeAngelis, Esquire
- Richard Brown
- 11 Richard Burroughs
- Bruce Campbell
- 12 Mario Carlino
- Michael DiChiro
- 13 Jonathan K. Farnum
- Leslie Gray, III
- 14 Ronald Leone
- Joseph Kimball
- 15 John MacQueen
- Alan Nathan
- 16 Richard Worrell

17 ALSO PRESENT:

- 18 Rich Bernier, NBC
- 19 Francie Brown, NBC
- Tom Brueckner, NBC
- 20 Sam Celone, NBC
- Charles Donovan, House Policy
- 21 Leah Foster, NBC
- Harold Gadon, CAC
- 22 Linda George, Senate Fiscal
- Karen Giebink, NBC
- 23 Jennifer Harrington, NBC
- Laurie Horridge, NBC
- 24 Joanne Maceroni, NBC
- Karen Musumeci, NBC

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1 ALSO PRESENT, cont.

2 Joe Pratt, Louis Berger Group  
Jamie Samons, NBC

3 Deborah Samson, NBC  
Thomas Uva, NBC

4 John Zuba, NBC

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1 (MONTHLY BOARD MEETING COMMENCED AT 11:05 A.M.)

2 CHAIRMAN MESOLELLA: Now that Commissioner

3 Leone has arrived, recognizing a quorum, we'll call the

4 meeting of the Narragansett Bay Commission, March 23rd

5 meeting to order.

6 Welcome, everyone. We haven't had a meeting in a

7 couple of months. Obviously, the reason being, we

8 didn't have any substantive business to bring before the

9 Board, and I didn't think it was appropriate just to

10 have a meeting for the sake of having a meeting and

11 interrupting anything else that you might have going

12 those days.

13 So, thank you for attending today. We appreciate it.

14 We do have a number of items on the agenda, the first of

15 which is the approval of the previous minutes of

16 December 2010. Have all of our members had an

17 opportunity to review the previous minutes, and if so,

18 are there any comments, questions or corrections?

19 COMMISSIONER DiCHIRO: Mr. Chairman, I move

20 approval of the minutes, subject to any corrections

21 anyone may have.

22 COMMISSIONER FARNUM: Second.

23 CHAIRMAN MESOLELLA: We have a motion to  
24 approve the previous minutes by Commissioner DiChiro,  
25 seconded by Commissioner Farnum. Discussion, comments.

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1 THE COMMISSION: (No response)

2 CHAIRMAN MESOLELLA: Hearing none, all of  
3 those that are in favor 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 that motion carries.

9 (MOTION PASSED UNANIMOUSLY)

10 CHAIRMAN MESOLELLA: Next order of business,  
11 Item Number 3, is Old Business. Is there any old  
12 business to come before the Commission? Old business.

13 THE COMMISSION: (No response)

14 CHAIRMAN MESOLELLA: Hearing none, next  
15 order of business, Item Number 4, is the Executive  
16 Director's Report. Mr. Secretary, do you have a report?

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

18 CHAIRMAN MESOLELLA: Proceed.

19 RAYMOND MARSHALL: Because this is a  
20 three-month report, I asked the Chairman if I could have  
21 three times more time than I normally have. I'll tell  
22 you what he said, but no. The answer was, no.  
23 Starting on Page 2, the effluent has been very good  
24 at the plant. The flows are back up to springtime  
25 levels, as you might anticipate with the snow melt and

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1 everything.  
2 If you went back and you looked, you'll see that  
3 February was a very low-flow month because everything  
4 was frozen, and nothing was running off; but now the  
5 flows are back to normal, but treatment has been good.  
6 Going to Page 3, we talk about some of the Operations  
7 Activities, especially at Field's Point, it's been very  
8 challenging with the contractor working over there. The  
9 cooperation has been great between both the contractor  
10 and our Operations staff. We've had a few close calls  
11 and some challenging situations, but everything seems to  
12 be working out.  
13 New equipment is going on line almost on a monthly  
14 basis. When we get to the Construction part of the  
15 report, I'll give you an update on what he's been doing,  
16 but as you might have viewed as you drove into the

17 parking lot, they're making excellent progress.  
18 On the top of Page 4, a short mention of the tunnel,  
19 and we captured about 124 million gallons over the  
20 course of the last month, which would have been in  
21 February, and the tunnel is operating the way we all  
22 hoped that it would. So, that's very good. We're  
23 probably over 2 1/2 billion gallons of flow captured and  
24 treated since November 1st of 2008.  
25 Our Maintenance Activities are going well. The new

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1 Asset Management Plan is paying benefits, as Maintenance  
2 is able to focus more on preventative and predictive  
3 maintenance rather than corrective maintenance. We're  
4 trying to stay ahead of all of the problems, and that's  
5 worked out well.

6 At Bucklin Point, if we move to Pages 5 and 6,  
7 everything is going well there, also. We did have one  
8 slight problem with the ultraviolet disinfection system  
9 in the month of February where while it still worked, we  
10 weren't recording what was going on, so that was  
11 something that we had to attend to right away. We still  
12 did the disinfection we needed according to all the  
13 testing, but it was a matter of recording it for DEM  
14 purposes that we had a gap in the recording; but we

15 still kept taking samples.  
16 Interceptor Maintenance, which is also on Page 6, it  
17 starts on Page 6, there were no dry weather overflow  
18 events in either December, January or February. It's  
19 good to report that. The number of alarms at the  
20 pumping stations were minimal, so the stations are  
21 operating well.  
22 The septage receiving station has still been getting  
23 activity, even though we're in the dead of winter over  
24 the last three months, that's shown on Page 7. So, we  
25 have a man up there, although it was closed on Saturdays

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1 all winter, they're still coming in during the week, and  
2 we are receiving income from that activity.  
3 On Page 8, the inspection contract for cleaning and  
4 televising our interceptors, that's been on hold all  
5 winter due to the winter conditions, and essentially,  
6 the winter shutdown. Engineering has been busy,  
7 however, and on Page 9, the area I want to point to in  
8 particular is all the work associated with the Phase II  
9 contracts.  
10 There'll be a dozen contracts that will go out to  
11 complete that phase. The first contract was advertised  
12 last week. We'll open bids in April, about the middle

13 of April. That will probably come before you at the May  
14 meeting, and you'll probably be seeing one or two  
15 contracts associated with Phase II for construction in  
16 each of the next several, or starting in May.

17 Subsequent to that, a contract, probably every month,  
18 will need approving for 7 or 8 months, at least. Some  
19 months will have more than one.

20 But all the approvals have been coming in, while the  
21 plans inspected and submitted to DEM and CRMC and  
22 working with other regulatory agencies or other agencies  
23 that have some jurisdiction, such as the DOT, all the  
24 approvals are coming in for the contracts, and so we're  
25 right on the verge of really putting a lot of work on

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1 the street.

2 The first one will be OF027 area, which is up around  
3 the East Side, east of Miriam Hospital. We have an  
4 action item for you later on relative to that contract.

5 It goes down towards Hope Street and Blackstone  
6 Boulevard. The next one will be in Olneyville. It's  
7 some improvement to some regulators out there.

8 On Page 10 we list a number of other projects going  
9 on. We are working with Resource Recovery, the Town and  
10 DEM, making sure that DEM is comfortable with the

11 loadings that will be coming from the landfill's leeches  
12 so that we can get that additional flow of revenue. The  
13 cooperation amongst Resource Recovery and the town, and  
14 the Bay Commission has been very, very good.

15 In North Providence, we're going to be sending out  
16 some letters to the homeowners. We need to alert the  
17 Town officials before we do that and ask the homeowners  
18 that are directly connected to our pipes to remove their  
19 sump pumps, down spouts, and area drains. We found a  
20 number of those when we did that smoke study work over  
21 the past year.

22 So, that should get the attention of some homeowners,  
23 so it might get a little bumpy for a while; but  
24 something that has to be done because the extra flow is  
25 taking up room in the pipes.

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1 On Page 11, the Biological Nutrient Removal  
2 Facilities at Bucklin Point, the next phase, the plans  
3 are 90 percent done in that that just means that they're  
4 in to DEM for review. We will make the changes as the  
5 review concludes, and that project will probably be  
6 going out to bid sometime later this year, and then  
7 we'll have to upgrade Bucklin Point one more time to  
8 achieve a 5 milligram per liter level for removal for

9 nitrogen.

10 Going to the Construction Division on Page 13, the  
11 upgrade of Field's Point for biological nutrient removal  
12 that Daniel O'Connell's Sons is the contractor on, is  
13 going very well, as I noted earlier.

14 Significant work has been done, and if you just look  
15 at the new operations building, how much they've  
16 completed over the winter months is really remarkable.  
17 They are about, at this point, 50 percent done. They're  
18 about a year ahead of schedule the way they have it  
19 charted out, so that job is going real well.

20 As they complete different items of work, we are  
21 putting those online and utilizing them, and then we  
22 take other tanks off so they can work on the next phase  
23 of the work. So far so good. We have great hopes that  
24 that project will cross the finish line with as much  
25 enthusiasm and positive impacts as it has already.

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1 We will have an action item later on today. We took  
2 bids on demolition of the old dog pound, which is right  
3 across the street here. We have a low bidder and a  
4 recommendation for you to act on later.

5 At the top of Page 14, the wind turbines, we have  
6 been negotiating with Gilbane and the turbine

7 manufacturer on our different conditions of the  
8 contract. We had to work with the City. We had to go  
9 before the City Zoning Board for a height variance. The  
10 hearing was a week ago Monday. It went very well. Now  
11 we have a 20-day comment period, but from the looks of  
12 things, we should be in the clear on that; and we are  
13 now beginning the process of getting the contracts  
14 actually signed.

15 I want to thank Jen Harrington, Rich Bernier and Tom  
16 Uva for the good work they did getting that through the  
17 Zoning Board. It wasn't easy, but I knew that they  
18 could successfully accomplish that. Thank you for that.

19 Administration and Finance on Page 15, we had a  
20 number of filings in with the PUC, and they have  
21 approved our debt service filing for a 3.33 percent rate  
22 increase. We withdrew our general rate filing because  
23 the amount of water use is back up to prior levels, so  
24 we were able to withdraw that; and they okayed that, and  
25 then we had one minor revision to another item, which

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1 are residential properties that are on wells as opposed  
2 to city or town water. Believe it or not, we actually  
3 have a few of those. So, we worked out an agreement on  
4 how we would bill those homeowners.

5 Standard and Poor, as you probably know from the  
6 notices that were sent out to you and the Chairman asked  
7 that Mayors and Administrators of the Cities and Towns  
8 we service also be notified that we have received an AA  
9 minus credit rating, and we maintained it.

10 We also notified members of the General Assembly to  
11 let them know that we're doing our very best in these  
12 rough economic times to maintain a tight ship here, and  
13 apparently, the credit agencies have verified and  
14 confirmed that.

15 The bottom of Page 15, the IRS has taken a look at  
16 our non-union retirement plans to defined contribution  
17 and defined benefits. There will be an action item for  
18 you on that a little later on, and there's some wording  
19 changes they want us to make; but other than that, they  
20 appear to be, we have met their requirements or continue  
21 to meet their requirements.

22 Operating Budget for 2011, which is noted on Page 16,  
23 we're running approximately 6.2 percent below budget,  
24 and we're working hard to generate an FY-12 Operating  
25 Budget starting July 1. That will come before you in

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1 June. That is also reasonable and minimizes any rate  
2 increases, but we're doing the best we can, given the

3 constraints that we have.

4 The bottom of Page 16, there's a note about an  
5 upgrading of the air conditioning system in the IT room.  
6 That's also an action item that will come before you  
7 today. We need to enhance our situation in the computer  
8 room.

9 Going to Page 18, the Customer Service group has been  
10 busy. We've been billing approximately \$6 million per  
11 month for the last three months, December, January and  
12 February, and we've been collecting cash receipts  
13 somewhere in the order of \$5 1/2 million per month for  
14 the last three months. So, the Customer Service group  
15 has been busy accomplishing those two things.

16 We continue to work on water shutoffs. On Page 19,  
17 we show that for February we collected \$468,000, but  
18 it's almost 1.2 million over the last three months; and  
19 that's income that we get by going to water shutoffs and  
20 by making phone calls to the customers who are falling  
21 behind.

22 On Page 19, there's additional information. We  
23 average about 4,000 calls a month to customers  
24 encouraging them to pay their bills, if they start to  
25 fall behind. So, all of that is good. Financially,

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1 we're looking strong right now in this fiscal year.

2 Now I'd like to move to Policy, Planning &

3 Regulation. On Page 22 we're making plans for the

4 Chairman's River Cleanup Day that we have every year.

5 That will be held April 13th from 8:30 to 2 p.m. The

6 rain date is April 14th, the very next day.

7 So, if you're interested in participating, we can get

8 you more information. If you're interested in

9 volunteering, please call Tom Uva's secretary, Kim

10 Kirwin, at Extension 391. That's shown in my report.

11 That's usually a very interesting and a very

12 satisfying day in that we're able to clean up some

13 neighborhoods and clean debris out of the rivers that

14 we're working hard to clean up from a water quality

15 point of view, and this enhances that by making the

16 visual aspects of the river, the riverbanks, just as

17 attractive as the water itself.

18 We continue to enhance our bay model with Chris

19 Kincaid, Dr. Kincaid from URI, and we're now planning a

20 Bay Model Symposium for either late May or early June.

21 We'll keep you posted on the dates. Our intention is to

22 educate regulators and the general public and our

23 environmental groups about the current research efforts

24 going on within the watershed, which, by the way, also

25 includes the area that extends into Massachusetts,

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1 heading up toward Worcester because we have been in  
2 touch with the people at UMass Amherst and the Upper  
3 Blackstone Valley Water Pollution Control District  
4 because they're also doing their own modeling.

5 So, we're going to try to bring everyone together to  
6 present the information that all these scientists have  
7 been gathering and that has been gathered from our  
8 Environmental Monitoring group over the last few years.

9 Our Pretreatment group, if we move on to Page 24 and  
10 25, they have published their annual report. They  
11 submitted it on time. It is quite an extensive  
12 document. If you'd like a copy of it, we can make sure  
13 that you have access to it, and basically, present  
14 everything that they do over the course of the entire  
15 year with the regulatory people, in terms of the  
16 pretreatment efforts.

17 There are few emergency responses that Pretreatment  
18 acted upon. It's on Page 25. Basically, the problems  
19 in sewers that appear to have been caused by grease  
20 problems, we have found a few restaurants that weren't  
21 permitted, so we're working with them to get them  
22 permitted.

23 Our Strategic Plan is being revised, we have been  
24 working on that internally with the staff, and that will  
25 come before you in April, I believe. If not April,

1 we'll get to you in May.

2 Our Stormwater Mitigation Program, which we won an  
3 award for, it starts on the bottom of Page 26, goes over  
4 to Page 27, the number of gallons that we now avoid  
5 going into the system is up to 4.6 million gallons, just  
6 by having private entities do work on their properties  
7 rather than allow their stormwater to continue to come  
8 into our system, and of course that applies to the  
9 combined areas of our system.

10 In the already separated areas in Cumberland, that  
11 stormwater doesn't get in in any event, but in a lot  
12 areas of Providence, Pawtucket, Central Falls where it's  
13 all combined, we've asked them to remove their  
14 stormwater. We work with them, they're very  
15 cooperative. That's equivalent to about 7 percent of  
16 the volume of the tunnel, so it's enhancing the tunnel's  
17 effectiveness by 7 percent because that water doesn't  
18 make it to the tunnel. It now percolates into the  
19 ground, and it gets into a purely storm drain depending  
20 on the application.

21 If you look at the bottom of Page 28, and it rolls  
22 all the way to 32, between EMDA and the Lab. In 2010,  
23 they collected 27,585 samples and analyzed 108,085 lab

24 tests. They have run that number of lab tests on those  
25 samples. So, we do a lot of sampling, and we do a lot

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1 of analyzing for both what's happening in the treatment  
2 plants and what's happening out in the receiving waters.  
3 We're going to spend hundreds of millions of dollars  
4 on CSO facilities. We are trying to document the fact  
5 that water quality is, in fact, improving, and that's  
6 exactly what it's showing. So, hopefully, as we move  
7 down the road, we'll be able to make a case for maybe  
8 reducing the work we do, say, in Phase III of the CSO  
9 Program because of the great strides we've already made.  
10 We have to build a database, and we have to build a case  
11 for that.

12 Going to Page 35, the Executive Division, the 2010  
13 Annual Report has been completed. The 2011 Poster  
14 Calendar is now available. If you'd like a copy, see  
15 Jamie. She can get you one, if you haven't already  
16 received one.

17 The education program at the elementary schools and  
18 the Met School is going strong. They're in the middle  
19 of their year, really, so they'll be having their  
20 end-of-the-year event in May. That is yet to be  
21 scheduled.

22 We will another lien sale coming up on May 5th.  
23 We've identified 380 accounts worth about \$600,000 that  
24 we're trying to collect from those users, and so far, so  
25 good. We're, basically, following the same track that

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1 we normally do in terms of how much money is coming in.  
2 We've been actively involved in the National  
3 Association of Clean Water Agencies activities, that's  
4 the national group we belong to, working on legislation  
5 and rules and regulations for sanitary sewer overflows,  
6 affordability issues and reauthorization of the Farm  
7 Bill, which we're paying close attention to because that  
8 has a big impact on nitrogen loadings. So, we're  
9 participating at the national level as well as the local  
10 level.  
11 We won an award from NACWA for our DVD,  
12 Environmentalism at Work, which I believe you all have a  
13 copy of. We have been involved in collective bargaining  
14 negotiations with our unions and have three more  
15 sessions planned next week. I'll report to you more on  
16 the details of that probably in the next month. We  
17 haven't really gotten down to the details yet. It's  
18 been more of language changes so far.  
19 The last item I want to bring to your attention, I

20 don't know if any of you have seen the program,  
21 Undercover Boss. It's on Sundays at 9:00 on CBS. Well,  
22 next Sunday the CEO of Synagro, who's the company that  
23 handles our biosolids both at Field's and Bucklin Point,  
24 is going undercover. None of it was filmed at Bucklin  
25 Point or Field's Point, but it might give you an idea of

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1 the types of things that they do for us and the nasty  
2 jobs that are involved in running that business.  
3 So, we were just notified of that by Synagro, so even  
4 if you can't, even if don't have the time, maybe you  
5 should DVR it, and then you can go back and watch it  
6 later on the Sunday. The 27th, 9 p.m., it's on CBS. It  
7 might be something that you might want to take a look  
8 at. With that, Mr. Chairman, that concludes my report.

9 CHAIRMAN MESOLELLA: Thank you, Mr.  
10 Secretary. They wanted me to go under, but everybody  
11 knows you. How are you going to get away with that?

12 COMMISSIONER BROWN: You can't surprise  
13 anyone.

14 CHAIRMAN MESOLELLA: No. Who am I going to  
15 surprise?

16 COMMISSIONER WORRELL: You can wear a bow  
17 tie.

18 CHAIRMAN MESOLELLA: All right. The next  
19 order of business is, Committee Reports and Action Items  
20 Resulting. Commissioner Salvadore was unable to attend  
21 today, so the Chair chaired the CEO Committee meeting.  
22 The Board reviewed and passed on a number of  
23 measures. The first item was Item A which is, Review  
24 and Approval of Resolution 2011:01, Award of a Contract  
25 to Demolish the former Animal Control Facility, which is

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1 located directly across the street.

2 There were several respondents, as you can see in  
3 your packet, to the bid. The low bid was submitted by  
4 AA Wrecking Company, Inc., for \$24,750. After award of  
5 this contract, I guess we'll issue the notice to proceed  
6 pretty immediately. So, having said that, I would make  
7 a motion that we approve Resolution 2011:01.

8 COMMISSIONER BROWN: Second.

9 COMMISSIONER LEONE: Second.

10 COMMISSIONER WORRELL: Second.

11 CHAIRMAN MESOLELLA: Seconded Commissioner  
12 Brown and Commissioner Leone and Commissioner Worrell.  
13 It's pretty straightforward. Are there any questions  
14 regarding the award of the demolition contract to AA  
15 Wrecking Company, Inc.?

16 THE COMMISSION: (No response)

17 CHAIRMAN MESOLELLA: Hearing none, all of

18 those who 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: The next order of

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1 business before the CEO Committee was Item B, which is

2 Review and Approval of Resolution 2011:02. It was for

3 Improvements to NBC Interceptors and a Change Order

4 Request. Just for your edification, Ray, do you want to

5 just explain why we need the change order?

6 RAYMOND MARSHALL: On any change order item

7 or any change order contract, we have approval by the

8 Board, the Chairman and I do for 5 percent over the bid

9 price, and that would be about just under \$21,000 on

10 this job; but on one particular location on this

11 project, the contractor ran into some unexpected

12 problems with the waterline and with an additional

13 piece, a stretch of sewer that collapsed, and so we had

14 him fix it on a cost and materials basis, and that alone  
15 adds up to \$23,403.46.  
16 So, we're asking for your approval for the change  
17 order for those two items over and above the 5 percent  
18 that we already have authority for. So, this is an  
19 additional authority, we want to maintain the rest of  
20 the 5 percent, which we have about \$13,000 left, for  
21 anything else that might come up on that job.  
22 He's about halfway done on the job right now, but we  
23 figured seeing that we already had him do the work, the  
24 hole was open. He had to do it. If he had to button it  
25 back up and then open it up again months later, that

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1 would cost twice as much. So, we ask your approval for  
2 Resolution 2011:02 for \$23,403.46.

3 CHAIRMAN MESOLELLA: The Chair will make a  
4 motion to approve Resolution 2011:02.

5 COMMISSIONER FARNUM: Second.

6 COMMISSIONER LEONE: Second.

7 COMMISSIONER CARLINO: Second.

8 CHAIRMAN MESOLELLA: Second Commissioner  
9 Farnum and Commissioner Leone and Commissioner Carlino.

10 Further discussion on 2011:02.

11 THE COMMISSION: (No response)

12 CHAIRMAN MESOLELLA: Discussion.

13 THE COMMISSION: (No response)

14 CHAIRMAN MESOLELLA: Hearing none.

15 Commissioner Carlino.

16 COMMISSIONER CARLINO: Quick question. The

17 \$8,900 for Providence Water, how many feet was that to

18 replace?

19 RAYMOND MARSHALL: It was 30 feet of water

20 line.

21 COMMISSIONER CARLINO: What size?

22 RAYMOND MARSHALL: 8 inch.

23 CHAIRMAN MESOLELLA: You'd take that job,

24 wouldn't you? Further discussion.

25 COMMISSIONER CARLINO: It's expensive. It's

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22

1 a lot.

2 CHAIRMAN MESOLELLA: Further discussion?

3 THE COMMISSION: (No response)

4 THE COMMISSION: Hearing none, all of those

5 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: The next order of  
13 business is Item C, Review and Approval of Resolution  
14 2011:03, Authorization to Amend the Agreement with  
15 National Grid for Replacing of Gas Piping.

16 A number of the members of the CEO Committee were  
17 present, and many of you were not, so this has an  
18 expense affiliated with it; so perhaps, we should go  
19 through the details of it so everyone is aware. Would  
20 you agree with that? Commissioner Worrell, should we go  
21 through this for the rest of the Board?

22 COMMISSIONER WORRELL: Yes.

23 CHAIRMAN MESOLELLA: You would, okay.  
24 Proceed, Ray.

25 RAYMOND MARSHALL: This is associated with

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1 Project 303.05, which is the first Phase II CSO project  
2 that will be out on the streets. As I mentioned, it's  
3 already advertised.

4 Back last year we came to you with a proposal from  
5 National Grid to replace the gas piping in the area that  
6 this project encompasses, which is east of Miriam  
7 Hospital going down toward Hope Street and Blackstone

8 Boulevard.

9 The original footage of gas piping that needed to be  
10 replaced was 9,200 feet, more or less, and the price, or  
11 the cost we're splitting with National Grid, 50/50. Our  
12 share was \$693,000, and that included a 20 percent  
13 contingency.

14 National Grid began the work in October. They  
15 finished about 75 percent of it before the winter came.  
16 They're back out there already, so they should finish  
17 the rest of it in the next several weeks.

18 Subsequent to all of that, we submitted the design  
19 plans to DEM for review. Originally, there were 14  
20 streets we were going to do sewer separation on. That  
21 complied with all the prior approvals and the conceptual  
22 design report to remove overflows for anything less than  
23 what they call a 3-month storm, the same size storm that  
24 the tunnel is designed for.

25 When DEM reviewed the plans for this drainage basin,

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1 which is tributary to that OF027, they determined that  
2 we needed to separate the sewers in the storm drains in  
3 the entire drainage basin which were nine additional,  
4 located on nine additional streets.

5 We had a discussion with them about the merits of

6 doing that, and the fact that it was over and above what  
7 we had already signed on to do.

8 Nonetheless, they said, well, you know what? We're  
9 really not going to give on this, so you either do it,  
10 or you're not getting your approvals.

11 So, rather than hold the project up, and I mean, it  
12 does have environmental benefits because it does remove  
13 more overflows, but we made it clear that going forward,  
14 we can't continue to follow this new standard because it  
15 will become prohibitively expensive. Imagine if we had  
16 tried to build a tunnel, so we didn't have any overflows  
17 at any time under any rainstorms?

18 So, we decided to move forward with it. We added the  
19 extra streets. They are under contract. It's out to  
20 bid right now, and what we did is, we had to go back to  
21 National Grid and say, what will it cost if we used the  
22 same cost-sharing method to remove or to replace the gas  
23 lines on these additional streets, which is another  
24 4,900 feet of gas line?

25 On a 50/50 cost-sharing basis with a 20 percent

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1 contingency, the number we're asking for your approval  
2 on is \$658,000. So, it would be the 693 that you  
3 already approved. If you were to approve this 658, it

4 would be 1.351 million to replace the gas line up in  
5 that area.

6 Now, there's a lot of merit to replacing the gas  
7 lines, rather than trying to work around the older gas  
8 lines that have been in the ground for probably 70 or 80  
9 years anyway, and this is an \$8 million contract just on  
10 the work that we need to have done; so as a percentage  
11 of the contract, it's not that troubling, but the cost  
12 to work around all of the old gas lines could have  
13 approached this number, anyway.

14 So, that's the bottom line on what we need your  
15 approval on. However, I do want to let you know that  
16 the original estimate National Grid gave us was just as  
17 uncertain, and they always say, but you'll pay whatever  
18 it is it takes to get the work done; and their new, or  
19 the price for the new gas line replacement, the new  
20 phase, the next chunk, if you will, is at a  
21 significantly higher unit, like, \$89 a foot versus \$66 a  
22 foot.

23 The point being, we may be coming back to you to ask  
24 for more money on those replacements that you authorized  
25 last year. We have to wait to see how it all shakes

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1 out, but just as a heads up, that may be something that

2 we end up doing.

3 The other thing I want to bring to your attention is  
4 that we have a similar type sewer separation approach on  
5 the west side of Miriam Hospital going down towards  
6 North Main Street and the bus station. We're  
7 reevaluating whether we should take this same approach  
8 in those areas. We actually divided that up into three  
9 contracts.

10 Maybe we can put the gas line replacement into our  
11 sewer contract and have our contractor hire a licensed  
12 National Grid contractor. Maybe we can control the cost  
13 better that way.

14 So, we're talking about that internally, and we need  
15 to have the schedule with National Grid on that, but  
16 frankly, it's a little bit uncomfortable based on some  
17 of the numbers we have here; but we're kind of in the  
18 middle of it now, so we are asking your approval just to  
19 kind of finish up this area, and then we'll reevaluate  
20 whether we want to take exactly the same approach in the  
21 next phase. It could be that National Grid will have a  
22 much better idea of what it will cost them on a per-foot  
23 basis, the next series of contracts, but all that  
24 remains to be seen.

25 We are checking the invoices as they come in from

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1 National Grid. We have someone out watching the work  
2 every day that it's out there proceeding. We're keeping  
3 track of the number the crews, so we are trying to  
4 control the cost and protect our interests as best we  
5 can.

6 Overall, they're doing a good job. It's just the  
7 cost of the job is some cause for concern, but it does  
8 need to get done. So, with that, I ask for approval of  
9 Resolution 2011:03.

10 CHAIRMAN MESOLELLA: Commissioner Rotella.

11 VICE CHAIRMAN ROTELLA: Just a question,  
12 Ray. I'm a little bit concerned about the, I understand  
13 your concern about the overall cost and National Grid  
14 doing the job, but I'm sure you guys will monitor that  
15 and make sure that we get our money's worth in terms of  
16 what National Grid does; but I'm certainly a little bit  
17 more concerned about the Rhode Island DEM and their  
18 change in policy on the way they review the design  
19 plans.

20 This is, obviously, not the last time we're going to  
21 do a job like this, and when you bid these things out  
22 under one assumption and then you come back at some  
23 later date and there are new requirements, what's the  
24 prospect that that's going to happen again?

25 RAYMOND MARSHALL: I can't tell you that it

1 won't. I don't know if you want to make any comment on  
2 this, Tom, seeing that you've had the most direct  
3 discussions with DEM.

4 MR. BRUECKNER: Well, actually, there's  
5 another project that we have out they've reviewed that  
6 we're having a problem with also, it's one of the  
7 wetland overflow 106 facilities. The same situation.  
8 We met with them early on, told them what we wanted to  
9 do, we sent them the information, we sent them the  
10 preliminary design. They reviewed it, made no comments  
11 back to us.

12 We proceeded along that path, finished the  
13 preliminary design plans, submitted it to them, no  
14 comments. Now the final design is to them, now they've  
15 got all sorts of comments. They're telling us they need  
16 more information before they can approve it, even though  
17 we followed the original design we had proceeded with.

18 I think the projects that we're doing in Phase II  
19 related to interceptors we won't have any problems with  
20 because I think that they're very comfortable that what  
21 we're doing is consistent with what they saw in the  
22 conceptual design report.

23 I think the overflow from the wetlands is something  
24 nonconventional, they're not used to, so that's why

25 we've run into problems with that; and I think we've run

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1 into problems with these two sewer separation projects  
2 because of the way they interpreted our original CDRA  
3 report, which is different from the way we interpreted  
4 it.

5 So, I think any of the sewer separation projects we  
6 have, we won't run into that problem in the future.

7 Although there are not very many, these are really the  
8 two major ones.

9 So, aside from the wetlands overflow and this, I  
10 don't think we'll have a problem with the others with  
11 DEM going forward. Certainly all the ones that are in  
12 the current Phase II for interceptor replacement and  
13 demolitions the 12 contracts we have, I think we just  
14 have these three that are at issue. The others, in  
15 fact, I think we got approval for the majority of them  
16 already from DEM. So, these are the three that we're  
17 having a problem with.

18 VICE CHAIRMAN ROTELLA: Thanks, Tom. Please  
19 keep us posted if there's any other significant changes.  
20 Obviously, if we plan on spending "X" number and we end  
21 up spending X times 2 on a considerable number of  
22 projects, it's really going to change the way our budget

23 works in the long haul, so we certainly want to keep an  
24 eye on that. Thank you so much.

25 CHAIRMAN MESOLELLA: While we're on the

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1 subject, and I was going to reserve my comments  
2 regarding that issue under the Chairman's Report, I told  
3 the members of the Construction Engineering Operations  
4 Committee during our meeting about the fact that I had a  
5 meeting with the new director of DEM, Janet Coit. She's  
6 very nice, very cordial, very much aware of NBC  
7 activities.

8 She was on, actually, the original stakeholders  
9 committee 15 years ago when we were reviewing options  
10 for our CSO program. So, she was very much aware of  
11 Narragansett Bay Commission's activities and  
12 achievements.

13 I raised this very issue with her about staffer  
14 arbitrary decision regarding our permit application, and  
15 I explained to her, as I told our CEO Committee, that  
16 while we would have no intention of drawing the line in  
17 the sand regarding this particular project, that on a  
18 going-forward basis, unless the Department could  
19 actually demonstrate in some very significant way that  
20 our application was insignificant, that they just

21 couldn't make these arbitrary decisions to impose  
22 obligations on us and requirements that were going to  
23 result in additional cost.  
24 She seemed to understand that. She explained that  
25 she's just getting her arms around the agency as well,

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1 but she was aware of our reputation, and hopefully, will  
2 not have these issues in the future. I also told her, I  
3 explained a former situation we had, which this Board is  
4 aware of, regarding our nutrient removal limits and why  
5 we were prepared to litigate the issue, and we're not  
6 simply going to go by a requirement that was imposed by  
7 DEM. She understood it.

8 I think we'll be fine. I think at least if that kind  
9 of discussion ensues regarding future permits, that I  
10 think she will be prepared to intercede and mediate  
11 those issues again.

12 So, I was going to reserve those comments for my  
13 Chairman's Report, but since you raised the issue, I  
14 though I'd report it to the Commission.

15 VICE CHAIRMAN ROTELLA: Yes, and again, Mr.  
16 Chairman, I certainly would think it would be a much  
17 more expeditious and economically feasible route to have  
18 some sort of an informal, if you will, dispute

19 resolution situation with the Director before we end up  
20 in court or with litigation.  
21 Again, I think many times, as we've seen, the  
22 directors don't really know what's going on within a  
23 department to some significant detail because A, they're  
24 new, or B, there's just so many things going on it's  
25 almost impossible; but as things continue to happen that

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1 either impede us from a time standpoint or a money  
2 standpoint, I think the directors need to be aware of  
3 what decisions are being made inside their own  
4 departments and how that affects another agency. So, I  
5 certainly would recommend that you do keep an open line  
6 with the director for matters like this.

7 CHAIRMAN MESOLELLA: Well, I think that's  
8 important that we do that. I have done that in the  
9 past. The former director, Mike Sullivan, was very good  
10 about that. He didn't want to interrupt the Mission and  
11 progress of the Commission, so he was good about it.

12 I expect the same from Director Coit. She's very  
13 nice and understanding. She has a big agency to get her  
14 arms around, so in time, I think we'll continue to have  
15 those dialogues.

16 Okay, is there further discussion with regard to

17 Resolution 2011:03? Do we have a motion and a second?

18 We did not.

19 VICE CHAIRMAN ROTELLA: Motion.

20 CHAIRMAN MESOLELLA: We have a motion from

21 Commissioner Rotella to approve Resolution 2011:03.

22 COMMISSIONER BROWN: Second.

23 COMMISSIONER WORRELL: Second.

24 COMMISSIONER DiCHIRO: Second.

25 COMMISSIONER LEONE: Second.

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1 CHAIRMAN MESOLELLA: Second Commissioner  
2 Brown, Commissioner Worrell, Commissioner DiChiro and  
3 Commissioner Leone. Further discussion on the  
4 resolution. Commissioner Carlino.

5 COMMISSIONER CARLINO: Yes. I'm going to  
6 recuse myself. I work for National Grid, and I believe  
7 I actually worked with the Executive Director on the  
8 reimbursement formula for the gas company; so I'll have  
9 to recuse myself.

10 CHAIRMAN MESOLELLA: Please note  
11 Commissioner Carlino is recusing himself from the vote.

12 (COMMISSIONER CARLINO RECUSING FROM VOTE)

13 MR. DeANGELIS: He has to fill out a form.

14 VICE CHAIRMAN ROTELLA: Yes, she's got a

15 form.

16 MS. HARRINGTON: It's being filled out as we

17 speak.

18 CHAIRMAN MESOLELLA: Do we have to wait for

19 him to sign?

20 MS. HARRINGTON: No.

21 CHAIRMAN MESOLELLA: Okay. In such case,

22 all those that in favor will say aye.

23 THE COMMISSION: Aye.

24 CHAIRMAN MESOLELLA: Are there any opposed?

25 THE COMMISSION: (No response)

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1 CHAIRMAN MESOLELLA: There are none opposed,

2 and that motion carries.

3 (COMMISSIONER CARLINO RECUSED FROM VOTE)

4 (MOTION PASSED)

5 CHAIRMAN MESOLELLA: The next order of

6 business is Item D, Review and Approval of Resolution

7 2011:04, Authorization to Acquire Property and/or

8 Temporary and Permanent Easements. Very basically, in

9 conjunction with Phase II of our CSO program, we're

10 asking this Board, subject to proper appraisal being

11 done by appraisers for easements and property, to allow

12 the Executive Director, Chairman to take by either

13 eminent domain and/or by acquisition, property necessary  
14 to continue with our Phase II CSO Program, and the  
15 question was asked --

16 COMMISSIONER BROWN: I was just going to  
17 make a motion.

18 CHAIRMAN MESOLELLA: Thank you. The  
19 question was asked, what's the potential cost of these  
20 acquisition of easements and the fee simple property  
21 would be? I think the answer was, we don't know, but it  
22 could be millions. I think your number was about 2  
23 million, Tom.

24 COMMISSIONER BROWN: It's fair market value.

25 MR. BRUECKNER: Several million.

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1 CHAIRMAN MESOLELLA: Several million, we  
2 don't know, but I think it's fairly safe to say it's  
3 going to be significant, probably a couple of million  
4 dollar range. We don't know the answer yet, but we  
5 still need to go forward with the program.

6 So, these are all subject to appraisal, and so we  
7 would ask your support for Resolution 2011:04. Motion,  
8 Commissioner Brown moves approval.

9 VICE CHAIRMAN ROTELLA: Second.

10 COMMISSIONER CARLINO: Second.

11 COMMISSIONER MacQUEEN: Second.

12 CHAIRMAN MESOLELLA: Seconded by

13 Commissioner Rotella, Commissioner Carlino, Commissioner

14 MacQueen. Further discussion on the matter.

15 THE COMMISSION: (No response)

16 CHAIRMAN MESOLELLA: Hearing none, all of

17 those that 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: The next order of

25 business is Item E, Review and Approval of Resolution

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1 2011:05, which is Authorization to Purchase and

2 Installation of a 300 horsepower pump for the Ernest

3 Street Pumping Station. It's pretty straightforward.

4 We need to acquire this pump, the value of which is

5 about \$235,000.

6 RAYMOND MARSHALL: The motor's 183,000, and

7 installation is 50,000.

8 CHAIRMAN MESOLELLA: So, Resolution 2011:05,

9 do we have a motion?

10 COMMISSIONER FARNUM: Motion.

11 CHAIRMAN MESOLELLA: Commissioner Farnum

12 moves approval of Resolution 2011:05.

13 COMMISSIONER BROWN: Second.

14 COMMISSIONER DiCHIRO: Second.

15 CHAIRMAN MESOLELLA: Seconded by

16 Commissioner Brown, Commissioner DiChiro. Further

17 discussion on this motion. 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 that motion carries.

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1 (MOTION PASSED UNANIMOUSLY)

2 CHAIRMAN MESOLELLA: That concludes the

3 report and items for action for the Construction

4 Engineering and Operations Committee. Next committee

5 reporting is the Finance Committee. Commissioner

6 Andrade, do you have a report today?

7 COMMISSIONER ANDRADE: Yes, I do, Mr.

8 Chairman.

9 CHAIRMAN MESOLELLA: Proceed.

10 COMMISSIONER ANDRADE: The Committee met

11 earlier, and there was one item for action from the

12 Committee, that is Resolution 2011:08, Authorization to

13 Purchase and Install New Air Conditioning Units in the

14 IT Computer Room, and I believe the cost is about

15 \$125,000. It's relatively self-explanatory, and I'd

16 like to make a motion to approve the resolution.

17 CHAIRMAN MESOLELLA: We have a motion to

18 approve Resolution 2011:08.

19 COMMISSIONER DiCHIRO: Second.

20 COMMISSIONER FARNUM: Second.

21 COMMISSIONER LEONE: Second.

22 CHAIRMAN MESOLELLA: Seconded by

23 Commissioner DiChiro, Commissioner Farnum and

24 Commissioner Leone. As Commissioner Andrade said, it's

25 pretty self-explanatory. We need to maintain

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1 temperatures in the computer IT room at something, like,

2 68 degrees.

3 We have substandard cooling now. We have no backup,

4 and I don't think we want our Billing Department to go

5 down, do we, Karen? We've got to send those bills out.

6 All right, so we have a motion and a second. Discussion

7 on Resolution 2011:08.

8 RAYMOND MARSHALL: I just want to note for

9 the record, Mr. Chairman, that this money will come out

10 of Operating Capital in the Operating Budget.

11 MS. GIEBINK: Yes.

12 CHAIRMAN MESOLELLA: Okay. All of those

13 that are in favor will say aye.

14 THE COMMISSION: Aye.

15 CHAIRMAN MESOLELLA: Are there any opposed?

16 THE COMMISSION: (No response)

17 CHAIRMAN MESOLELLA: There are none opposed,

18 and the motion carries.

19 (MOTION PASSED UNANIMOUSLY)

20 CHAIRMAN MESOLELLA: Further report,

21 Chairman Andrade?

22 COMMISSIONER ANDRADE: That concludes the

23 report of the Finance Committee, Mr. Chairman.

24 CHAIRMAN MESOLELLA: Thank you. Next

25 committee reporting, Personnel Committee, Commissioner

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1 Campbell.

2 COMMISSIONER CAMPBELL: The Personnel

3 Committee met, and we have three items that we  
4 considered. The first item was an amendment to the  
5 Organizational Plan, and would you like to speak to that  
6 a little bit?

7         RAYMOND MARSHALL: Sure, I'd be happy to.  
8 Very briefly, there are two positions the Employees have  
9 asked for a desk audit. We've had the Employers'  
10 Association come in and evaluate their duties versus  
11 their job description. They recommended that the O&M  
12 Clerk be upgraded from a 4 to a 5, and the Dispatchers  
13 job, which is a Grade 1, be upgraded to a Grade 3 and  
14 retitled, IM Clerical Assistant.

15 The total value of that on an annual basis for those  
16 upgrades is \$700. It can easily be accommodated within  
17 the FY-11 Budget that we're currently in, and it is  
18 programmed into the FY-12 Budget, too.

19         COMMISSIONER CAMPBELL: Does that require a  
20 vote from the Board?

21         RAYMOND MARSHALL: No.

22         COMMISSIONER CAMPBELL: The second two items  
23 were reviewed together. The first one, Item B, Review  
24 and Approval of Resolution 2011:06, Amendment and  
25 Restatement of the Narragansett Bay Commission Non-Union

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1 Defined Contribution Plan, and then Item C, Review and  
2 Approval of Resolution 2011:07, Amendment and  
3 Restatement of the Narragansett Bay Commission Non-Union  
4 Defined Benefit Plan. I recommend approval of both of  
5 those.

6 CHAIRMAN MESOLELLA: We have a motion to  
7 approve Resolution 2011:06 and 2011:07. Do we have a  
8 second?

9 COMMISSIONER BROWN: Second.

10 CHAIRMAN MESOLELLA: Second Commissioner  
11 Brown. Do you want to give a brief explanation of this  
12 Resolution for our members?

13 RAYMOND MARSHALL: Sure. On 2011:06, which  
14 is the Defined Contribution Plan, it's simply language  
15 changes and modifications based on the IRS review of the  
16 plan. There are no problems; there are no substantive  
17 changes in terms of any benefits or any payments by the  
18 Commission. It's just IRS language that they want us to  
19 add or modify.

20 On the Defined Benefit Plan, which is under 2011:07,  
21 it's the same thing. The IRS has language changes they  
22 want us to make, and in addition, we are adding a late  
23 retirement option, so that someone who turns 65, if they  
24 want to continue to work, that they can continue to  
25 accrue benefits toward a retirement up to the 1 percent

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1 per year, 30-year maximum that we have.

2 Right now, if you turn 65, you have 23 years of  
3 service, let's say, you have to stop accruing benefits.  
4 This would allow you to continue to accrue benefits you  
5 still pay in, in accordance with the same thing you're  
6 doing now, but you'll be able to go up to the 30 percent  
7 limit. That's part of the plan. That provision is not  
8 in there now.

9 We have one that's called a Drop Option, which no one  
10 has utilized, so we're going to eliminate that from the  
11 plan; and substitute it with the late retirement option,  
12 and it's a way of keeping some of the more experienced  
13 employees in the organization, hopefully, for a while.  
14 There's a few of us. So, we ask for your approval on  
15 2011:06 and 2011:07, based on those explanations.

16 CHAIRMAN MESOLELLA: We do have a motion and  
17 a second, I believe we did.

18 COMMISSIONER CAMPBELL: Yes.

19 CHAIRMAN MESOLELLA: Are there any questions  
20 or comments regarding Resolution 2011:06 and 07?

21 COMMISSIONER CAMPBELL: Maybe you should,  
22 and this was an interesting fact, that maybe some people  
23 who weren't here didn't hear about the General Treasurer  
24 reviewing our plans.

25 CHAIRMAN MESOLELLA: Absolutely. Again, I

1 was going to save this for the Chairman's comments, but  
2 in conjunction with this, I was telling, we had a  
3 discussion with the Finance Committee about the fact  
4 that I had the opportunity to speak with the General  
5 Treasurer, Gina Raimondo, several weeks ago.

6 We were talking about the State's situation regarding  
7 pension plans, unfunded liability, so on and so forth,  
8 and I just advised to her that you should take a look at  
9 the NBC program. It's solvent. It works, and we're  
10 happy with it; and if she should show interest and talk  
11 to us about it, that she should give me a call, and she  
12 did.

13 She did call, and requested that we have a meeting  
14 with her, her Chief of Staff, his name is Mark Dingley,  
15 and another fellow, Joe Pratt, not our Joe Pratt, but  
16 who is a pension guy; and the meeting was yesterday with  
17 the Chief of Staff and this other staffer, and my  
18 understanding of it is, once they heard an explanation  
19 of our pension program, that they were very impressed  
20 with it. Perhaps, Ray, you want to note about what  
21 Karen talked about.

22 RAYMOND MARSHALL: Sure. Karen and I, we  
23 went up together. We gave a little handout on what it

24 is we do, all the criteria and all the limits and all of  
25 the conditions, and as we went through it with them,

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1 they had a lot of questions; and as the Chairman  
2 indicated, they were very impressed with what it is that  
3 we do.

4 They found it to be reasonable, but not overly  
5 generous as the State Pension system; but this applies  
6 to our non-union employees, and they indicated to us  
7 that they would love to find a way to apply that to a  
8 certain segment of the State employee population. It's  
9 just, how do they get from where they are to a model  
10 like we have?

11 We had the advantage in that, what we did was  
12 actually an improvement for the non-union employees,  
13 still no way near what the state retirement is, but at  
14 the Chairman's urging, we implemented it back in 2005;  
15 and it's a very, if they're able to implement the plan  
16 at the State level like we have here, they indicated  
17 that the State would be significantly better off in  
18 terms of any financial liabilities regarding pensions in  
19 the State.

20 CHAIRMAN MESOLELLA: All they have to do is  
21 ask us. We told them how to do it. So, thank you,

22 Commissioner Campbell, for raising that issue. We have  
23 a motion. We have a second. Regarding Resolutions  
24 2011:06 and 2011:07, we have a motion and a second.  
25 Further discussion.

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1 THE COMMISSION: (No response)

2 CHAIRMAN MESOLELLA: Hearing none, all of  
3 those that are in favor 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 Campbell?

12 COMMISSIONER CAMPBELL: No further report.

13 CHAIRMAN MESOLELLA: No further report.

14 Okay, the next committee reporting, Rules and  
15 Regulations, I don't believe there's any report.

16 RAYMOND MARSHALL: No report.

17 CHAIRMAN MESOLELLA: Long Range Planning.

18 RAYMOND MARSHALL: No report.

19 CHAIRMAN MESOLELLA: Okay. Citizens

20 Advisory Group.

21 MR. GADON: Thank you, Mr. Chairman.

22 CHAIRMAN MESOLELLA: Proceed.

23 MR. GADON: Thank you. The first CAC

24 Meeting of the year was held on Wednesday, March 16th.

25 A previous member formerly employed by the Bunge Corp.,

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1 and NBC customer, Anthony Ferri, has requested to join  
2 the CAC, which the Chairman has approved. He is also  
3 arranging to have his new employer, Rust-Oleum, of  
4 Attleboro, Mass visit NBC to see how a well-run  
5 wastewater monitoring agency operates.

6 Phil Holmes of the Shellfisherman's Association  
7 thanks NBC for their grant this year and hopes it will  
8 continue on a yearly basis.

9 We did receive information on the possibility of a  
10 potential agreement with the Rhode Island Recovery. We  
11 are looking forward to more detailed information, since  
12 concerns were expressed with the type of effluent  
13 created at the landfill, which Ray referenced today.

14 Jamie Samons reported on her trip to Washington and  
15 of meeting along with other wastewater facilities with  
16 the EPA, and EPA's desire to impose additional  
17 regulations, which is being reviewed by the agencies and

18 Congress.

19 Jamie has also been in contact with the new DEM  
20 Director, which the Chairman referenced today, and we  
21 hope to have her attend our May meeting. We also were  
22 informed that the Providence Zoning approved the  
23 variance needed for the NBC, which was referenced today,  
24 and Phase II CSO contracts are being worked upon. We  
25 expect to have more of our missing members at our next

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1 April 13th meeting. This concludes my report. Thank  
2 you.

3 CHAIRMAN MESOLELLA: Thank you, Harold.

4 Now, moving right along, there was no Executive  
5 Committee meeting, so there's no report. Ad Hoc  
6 Committee on Compensation I don't believe met. Ad Hoc  
7 Committee on Internal Ethics, no report. Legislative  
8 Report, Joanne, do you have a Legislative Report for us  
9 today?

10 MS. MACERONI: Yes, I do, Mr. Chairman.

11 CHAIRMAN MESOLELLA: Oh, well, then proceed.  
12 Step right up.

13 MS. MACERONI: I distributed the report to  
14 you prior to the meeting. Staff and I are still going  
15 through legislation. There were 400 bills posted last

16 Monday from the Senate, so we're still trying to get  
17 through, and I think there's more coming. So, this is a  
18 preliminary report, if you will.

19 As you will notice, there are several bills that have  
20 been reintroduced that we monitored last year, and  
21 they've been reintroduced this year, several regarding  
22 purchasing, which we'll be monitoring, several regarding  
23 tax or lien sale, the lien sale statute which we  
24 support; and we will be monitoring those also.

25 The first bill that you have on the report is one

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1 that we strongly support. It amends the statute  
2 regarding renewable energy, and this was somewhat of  
3 what came out of last session. The bill that we  
4 followed last year and testified on was a bill that we  
5 strongly supported. Unfortunately, at the end, it never  
6 got out of the House, but this one, basically, will do  
7 some of the same things.

8 It's going to allow us to net meter our biogas  
9 projects at Bucklin Point because it's going to take the  
10 restriction off it. Now it only applies to wind  
11 turbines and solar projects, and it also would increase  
12 our eligible net metered systems from 3.5 to 15  
13 megawatts. So, we will be following this and testifying

14 in favor of it.

15 Again, there were several bills that we covered last  
16 year. Last year, if you recall, there were several  
17 bills regarding the PUC and filings of utilities. This  
18 year there was a bill that went a little further than  
19 what they were trying to do last year. Last year they  
20 said, utilities had to wait, could not file every year.  
21 They had to wait two years.

22 They introduced a bill this year that went a little  
23 farther than that and said, the utilities could not file  
24 for a rate increase greater than 2.5 percent over a  
25 24-month period.

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1 I did testify against that bill as I did with, and I  
2 was joined by Providence Water and National Grid, and  
3 the Committee, House Corporations Committee, seemed to  
4 understand that they could not tie the hands of the  
5 utilities and give them a restraint like that because  
6 there were so many things that are beyond our control,  
7 the cost of oil, et cetera.

8 So, I think we were able to successfully argue  
9 against that, and again, there are other bills here I  
10 would be happy to go over if there's anything else that  
11 you have a question on.

12 CHAIRMAN MESOLELLA: Do any of our members  
13 have any questions regarding the legislative issues  
14 we're confronted with? I do have other comments.  
15 Joanne, I don't know the number of the bill, so I'll  
16 ask you to get it. There is a bill currently  
17 circulating the General Assembly, I believe  
18 Representative Ucci is the primary sponsor of it. The  
19 bill deals with the administrative procedures process.  
20 I don't know if our members are familiar with the  
21 Administrative Procedures Act. I will try to briefly  
22 tell you what it is.  
23 What the Administrative Procedures Act is, is that  
24 departments of state government, such as the Department  
25 of Business Regulation, Department of Health, Department

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1 of Environmental Management and others, I suspect all of  
2 them are, there's a process called the Administrative  
3 Procedures Act by which, and we use Administrative  
4 Procedures Act as well, when we want to adopt a  
5 regulation at the NBC, what we do is we have a hearing,  
6 we propose a regulation. There's a hearing. The public  
7 is invited to give comments.  
8 We take the comment under advisement, and then within  
9 30 days after that, we're allowed to file our change in

10 regulation, if we decide to do that after 30 days with  
11 the Secretary of State, and then, basically, it becomes  
12 a regulation which has the force of law.

13 The same thing applies in state government. These  
14 agencies have the ability now to, instead of going to  
15 the General Assembly and ask for statutory change, they  
16 do it by way of what I referred to the Administrative  
17 Procedures Act so they can implement these regulations  
18 which have the force of law.

19 When I was in the General Assembly, we dealt with  
20 this issue, specifically, pursuant to at the time a  
21 discussion of the Separation of Powers issue, because  
22 basically, the argument is that if the Executive Branch  
23 has the ability to create law through an administrative  
24 process, you're infringing on legislative rights to  
25 create law by the statutory process, if you understand

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1 that.

2 So, after I left, it kind of, the issue went away,  
3 but now Representative Ucci has introduced legislation,  
4 which I haven't seen the language, but my understanding  
5 of it is, is that now that, it doesn't abolish the  
6 Administrative Procedures Act, but has a procedure for  
7 the Legislative Procedures Act whereby they have to

8 bring their packages to the General Assembly for  
9 passage. So, that would impact us in some way,  
10 depending on how the General Assembly views quasi public  
11 as a department of state government or as a subdivision  
12 of state government.

13 So, I'm keeping my eyes on that. I have not had an  
14 opportunity to speak with Representative Ucci about it  
15 yet, but Joanne, if you don't mind, try to find that  
16 bill.

17 MS. MACERONI: I have the bill. That's one  
18 that I have reviewed. I need to pass it on to Legal so  
19 that we can internally discuss it, but I don't have the  
20 bill number off the top of my head; but I am aware of  
21 it.

22 CHAIRMAN MESOLELLA: Without getting into a  
23 discussion of the philosophy and merit of the bill, it  
24 would impact us significantly. I'm not saying adverse  
25 or not adverse. I'm just saying, there's an impact to

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1 all of the agencies of state government, one, generally,  
2 it's a concept which I personally support, but it's one  
3 that I think we need to be aware of. That's the one I  
4 think would make the most significant impact on NBC.  
5 So, having said that, are there any other questions

6 regarding the Legislative Report?

7 THE COMMISSION: (No response)

8 CHAIRMAN MESOLELLA: Thank you, Jo. The  
9 Chair's Report, I've already given half of it already.

10 I would just like to remind the members that our next  
11 meeting is scheduled for April the 20th. We're going to  
12 make the luncheon available at all of our meetings now,  
13 rather than by announcement. So, we're keeping the  
14 members here later and later. We want to make sure that  
15 we give you some incentive to stay and to come, so we're  
16 going to be providing lunch for the members at all of  
17 our subsequent meetings.

18 I would just like to talk a little bit about the  
19 letter that I know everyone received a copy of regarding  
20 the good news about our bond rating.

21 We sent out letters to many of the elected officials  
22 across the state, the Governor's office, the Director of  
23 Administration, General Treasurer. Either all or, I  
24 don't know if it was all of the members of the House and  
25 Senate or just those in our district, Joe?

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1 RAYMOND MARSHALL: It's all of them.

2 MR. DeANGELIS: All of them.

3 CHAIRMAN MESOLELLA: All of them. I will

4 tell you the reaction has been phenomenal. I'm getting  
5 an average of two letters a day from members of the  
6 Senate, members of the General Assembly. I spoke with  
7 the Director of Administration just yesterday. He told  
8 me he had sent a letter congratulating us on this and  
9 the good work of the Narragansett Bay Commission, and  
10 our perseverance with regard to the way we manage our  
11 finances is not going unnoticed; and I'm making sure of  
12 that. Every time there's good news, I'm making sure  
13 everybody knows about it because we're not getting that  
14 kind of notice from the Providence Journal.

15 So, for all the people that matter to us, I'm  
16 embarking on my own public relations campaign. So,  
17 that's that.

18 I had my initial meeting with the new Mayor of the  
19 City of Providence, Mayor Tavares. We talked about a  
20 number of issues. It looked like there were going to be  
21 some issues regarding permitting for our turbine  
22 project.

23 I'm happy to say that with the help of Laurie and Jen  
24 and Tom, all of the potential issues have been  
25 mitigated. We now have gone through the zoning process

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1 successfully. The city has embraced the project.

2 They're totally supportive of it. Mayor Tavares himself  
3 has told me he was very much in favor of the project and  
4 supported it.

5 We talked a little bit about some of the issues of  
6 our public programs and that he may be having  
7 constituents call and talk about disruption in their  
8 communities. I told him we were available at any time  
9 to discuss that. We're out in the community often  
10 telling people and asking people how we can mitigate  
11 adverse impacts, why we continue our work. He  
12 appreciated that.

13 There was a very, very brief discussion about the  
14 future of the Providence Water Supply Board. No  
15 conclusions were met. He was already aware that past  
16 discussions had taken place, but there was no further  
17 discussion; and generally, he's very much interested, as  
18 well as the City Council, in activities of the NBC, as  
19 it impacts the City of Providence.

20 So, having said that, there's not much more the  
21 Chairman can report, except to say we have a lot of  
22 ongoing projects. We're very excited about putting some  
23 construction projects in the ground. The economy  
24 certainly needs it, and the construction community is  
25 actually looking to the NBC to get some of this work in

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1 the ground because it seems like we're the only ones  
2 doing that.

3 So, other than that, this is a calendar. It has a  
4 diversity flavor to it. Rafael, it was developed by the  
5 Affirmative Action Committee, and Rafael did, I guess,  
6 did all the graphics here; we're going to pass this out;  
7 it's a very attractive calendar, for your benefit.

8 Thank you, Rafael, this is great and the committee.

9 This is quite unique. Thank you. It depicts diversity  
10 here at the NBC.

11 RAYMOND MARSHALL: It's good to reflect our  
12 employee population's ethnic backgrounds.

13 CHAIRMAN MESOLELLA: So, having said that,  
14 that completes the Chairman's Report for now. Is there  
15 any new business to come before the Commission of any  
16 kind? New business.

17 THE COMMISSION: (No response)

18 CHAIRMAN MESOLELLA: No new business. Other  
19 business, any other business? Commissioner Kimball.

20 COMMISSIONER KIMBALL: Mr. Chairman, I don't  
21 know if anybody's received their annual Rhode Island  
22 Ethics Committee disclosure form. I've been in touch  
23 with them. They have not, as far as I know, they have  
24 not sent them out. They're due by the end of April, I  
25 believe it is.

1 CHAIRMAN MESOLELLA: I thought we didn't  
2 have to do that anymore. No, I'm sorry. It was a joke,  
3 a bad joke. Commissioner Carlino.

4 COMMISSIONER CARLINO: This is for Joanne.  
5 I just noticed that there's a bill regarding requiring  
6 the utilities to repave streets curb to curb.

7 VICE CHAIRMAN ROTELLA: It's in there.

8 COMMISSIONER CARLINO: I want to say, back  
9 in 1998 or 2000 when I was at Providence Gas, the City  
10 of Providence was requiring us to go curb to curb, which  
11 would affect Narragansett Bay, the Electric Company, the  
12 water company, and I had to testify before the Public  
13 Utilities Commission. I think I was representing most  
14 of the utilities at the time.

15 We were greatly impacted, so that's why we were at  
16 the forefront, and we went before the Commission. We  
17 won, and then we created some committees to work with  
18 the state, and how can we mitigate some of the issues  
19 that they have with the potholes and the restoration.

20 So, there's, somewhere within the PUC, there was a  
21 stenographer there, so there's testimony there that  
22 could help Joanne when she goes before that House  
23 Corporation Committee because it was already, they tried  
24 doing it back to 2000. I know it was when Mayor Cianci

25 was in, so it was between '98 and 2000.

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1 CHAIRMAN MESOLELLA: You know, it's not only  
2 the issue of paving curb to curb, but it says, promptly.

3 COMMISSIONER CARLINO: It says, what?

4 CHAIRMAN MESOLELLA: It says, promptly upon  
5 completion of the repair work. Now, well, you know,  
6 that's a waste of money because you got to give it, when  
7 you disturb the ground, you got to give it an  
8 opportunity to settle.

9 When we put in a road, we put the binder down, and we  
10 let that settle for a year; and then we go in and do the  
11 final paving. So, I'm sure testimony's going to come  
12 out on this anyway, but I would make my comments that  
13 it's not a good idea.

14 COMMISSIONER CARLINO: We had gotten a  
15 favorable ruling from the Public Utilities Commission,  
16 so I guess all I'm saying is, it would be good to kind  
17 of reference that. It's already been discussed in the  
18 past, and I know there's testimony out there with the  
19 Public Utilities Commission.

20 CHAIRMAN MESOLELLA: Okay. Any other  
21 business before the Commission this morning?

22 THE COMMISSION: (No response)

23 CHAIRMAN MESOLELLA: Hearing none, before we  
24 adjourn, we have sandwiches and lunch prepared, so make  
25 sure you, hopefully, you'll stay around. Other than

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1 that, Item Number 8, Commissioner Rotella has a  
2 recommendation.

3 VICE CHAIRMAN ROTELLA: Move adjournment.

4 CHAIRMAN MESOLELLA: That is a  
5 recommendation of adjournment.

6 COMMISSIONER CAMPBELL: Second.

7 CHAIRMAN MESOLELLA: Seconded by  
8 Commissioner Campbell and the entire Board. All in  
9 favor of adjournment 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: We are adjourned.

17 Thank you very much for your attendance today.

18 (MONTHLY BOARD MEETING CLOSED AT 12:20 P.M.)

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1           C E R T I F I C A T E

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

7           IN WITNESS WHEREOF, I hereunto set my hand  
8           this 5th day of April 2011.

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

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23 DATE: March 23, 2011

24 IN RE: Monthly Board Meeting of the Commission

25 HEARING OF: Narragansett Bay Commission

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