

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

3 In Re: Monthly Board Meeting of the Commission

4 DATE: December 20, 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
- Mario Carlino
- 12 Michael DiChiro
- Jonathan K. Farnum
- 13 Leslie Gray, III
- Ronald Leone
- 14 Joseph Kimball
- John MacQueen
- 15 Joan P. Milas
- Al Montanari
- 16 Alan Nathan
- Michael Salvatore
- 17 Leo Thompson
- Richard Worrell
- 18

19 ALSO PRESENT:

- 20 Sherri Arnold, NBC
- Rich Bernier, NBC
- 21 Thomas Brueckner, NBC
- Nancy Burroughs, LWV
- 22 Ames B. Colt, RI Bays, Rivers, & Watershed
Coordination Team
- 23 Pam Duckworth, NBC
- Leah Foster, NBC
- 24 Harold Gadon, CAC
- Jason Galego, NBC

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1 ALSO PRESENT, cont.

- 2 Karen Giebink, NBC
- Jennifer Harrington, NBC
- 3 Laurie Horridge, NBC
- Kathryn Kelly, NBC
- 4 Robert Kolb, TD Bank
- Jean Lynch, CAC
- 5 Joanne Maceroni, NBC
- John Motta, NBC
- 6 Karen Musumeci, NBC
- Paul Nordstrom, NBC
- 7 Robert Otoski, CDM
- Joe Pratt, Louis Berger Group,
- 8 Joseph Roberts, NBC
- Jamie Samons, NBC
- 9 John Schopfer, TD Securities
- Dan Smith, NBC
- 10 Thomas Uva, NBC

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1 (MONTHLY BOARD MEETING COMMENCED AT 11:01 A.M.)

2 CHAIRMAN MESOLELLA: Good morning, everyone,
3 and guests.

4 COMMISSIONER SALVADORE: Good morning, Mr.
5 Chairman.

6 CHAIRMAN MESOLELLA: We will commence, call
7 to order the meeting of the Monthly Board Meeting of the
8 Narragansett Bay Commission at 11:01, Tuesday, December
9 20, 2011.

10 The first order of business is the approval of the
11 previous minutes. Have all of our Commissioners had an
12 opportunity to review the previous minutes, and if so,
13 are there any comments, questions or corrections on the
14 previous minutes?

15 THE COMMISSION: (No response)

16 COMMISSIONER SALVADORE: Move passage, Mr.
17 Chairman.

18 CHAIRMAN MESOLELLA: Hearing none,
19 Commissioner Salvatore moves approval of the previous
20 minutes as printed.

21 COMMISSIONER MONTANARI: Second.
22 COMMISSIONER LEONE: Second.
23 CHAIRMAN MESOLELLA: Seconded by
24 Commissioner Montanari and Commissioner Leone. All of
25 those that are in favor will say aye.

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1 THE COMMISSION: Aye.
2 CHAIRMAN MESOLELLA: Are there any opposed?
3 THE COMMISSION: (No response)
4 CHAIRMAN MESOLELLA: There are none opposed,
5 and the motion carries.
6 (MOTION PASSED UNANIMOUSLY)
7 CHAIRMAN MESOLELLA: The second order of
8 business is Old Business. Is there any old business to
9 come before the Commission this morning, old business of
10 any nature?
11 THE COMMISSION: (No response)
12 CHAIRMAN MESOLELLA: Old business. Hearing
13 none, moving right along to the Executive Director's
14 Report. Do you have a report for us today, Mr.
15 Secretary?
16 RAYMOND MARSHALL: Yes, I do, Mr. Chairman.
17 CHAIRMAN MESOLELLA: Proceed.
18 RAYMOND MARSHALL: First of all, I'd like to

19 welcome everyone into the iPad world. Hopefully, you're
20 all getting comfortable with the units that are before
21 you. Joe Robinson and Jason Galego are in the room. If
22 you need help, just kind of throw your hand up, and
23 they'll rush up. Do you guys want to stand up, so each
24 of you knows who you are? These are the guys that will
25 rush to our aid, if we need help. I'll probably be at

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1 the top of the list in that regard.

2 Make sure you fill out the property release form, if
3 you're going to be taking your iPad with you today. We
4 encourage you to do that, so that you become more
5 familiar with it, and hopefully, this is one of many
6 steps we'll be taking to move into a more efficient
7 operation here at the Bay Commission.

8 The other item I'd like to make sure that you have a
9 copy of today is the list of meetings for 2012. Karen
10 will pass the list out to the Board. The poll that we
11 took indicated that Tuesdays were a better day than
12 Wednesdays to hold our meetings, so that's what we have
13 scheduled for 2012.

14 There are eight scheduled meetings, the first one
15 being in January, of course, and then we go March,
16 April, May, June, September, October and December. It's

17 pretty much similar to what we have done in past years,
18 except that they'll be on Tuesdays. The times will not
19 change on the Committee meetings. They'll only vary
20 based upon the length of the agendas.

21 So, having said that, I'll just let you know that the
22 effluent has been excellent at both treatment plants
23 over the past couple of months. Staff is doing a great
24 job operating the facilities.

25 Our CSO tunnel has now captured 3.8 billion gallons

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1 of flow since it opened in November of 2008, and we have
2 had a couple of dry weather overflow events at our
3 regulators, which are caused by a material that washes
4 into the combined sewers. It will flood a few of the
5 connections, and our staff is always out there trying to
6 stay ahead of that problem. It usually occurs right
7 after a large rainstorm.

8 The construction over at Field's Point, you had a
9 tour of new administration building last month. It is
10 progressing steadily. We're about 70 percent complete.
11 Contractors are doing a very good job.

12 Our other construction projects, primarily those
13 associated with Phase II of the CSO Program are just
14 getting started, and then there are four today that are

15 pending your approval. So, a lot of activity in the
16 bidding arena, and construction is just starting to get
17 cranked up. By the spring and summer of 2012, we'll be
18 out there in full force.

19 2012 budget, the fiscal year 2012 is in good shape at
20 this point. We're running about 10 percent below
21 budget, so that's very encouraging.

22 We have several action items for you today in Finance
23 that have to do with borrowing money through the SRF and
24 debt service filings that are associated with that
25 borrowing that we'll need to pay for the construction

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7

1 we'll be doing, and then just a few other minor items.

2 I'm not doing my usual extensive report because we have
3 so many items on the agenda.

4 Our Human Resources group has coordinated a flu shot
5 clinic to try to keep our employees a step ahead of the
6 germs that are floating around out there, and we also
7 have completed a 12-week walking campaign challenge. We
8 had over 100 employees participate in both of those
9 activities, and they're both part of our Wellness
10 Program that we run here at the NBC.

11 Our Environmental Health and Safety Group has been
12 conducting the numerous training sessions, as it is time

13 to renew licensing for CPR and AED, First Aid, Right to
14 Know, Hazardous Waste Handling and Confined Space Entry.
15 We have an inhouse program where we try to keep our
16 employees up to speed on all of those requirements and
17 concerns because the environment we work in is and can
18 be a dangerous one.
19 We've also conducted Audio Grams on our O&M staff.
20 Those are the employees that potentially could be
21 subjected to noise levels 85 decibels and greater.
22 Finally, we have begun our public outreach and
23 neighborhood meetings related to CSO Phase II. Jamie's
24 been out into the Hope Street neighborhood and only
25 those sections of the city to let people know what will

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1 be coming in the next several months and years, that
2 there will be disruptions in their neighborhoods and
3 that we're going to do the best we can to minimize that
4 and to work with them to try to make it as painless as
5 possible.
6 Finally, we held our second World Toilet Day event on
7 November 17th, which was very successful. There will be
8 an item through Finance, Joint Long Range Planning
9 Finance, for your approval for Environmental Enforcement
10 Funds, and that also went well.

11 So, overall, things are going well here at the
12 Commission. We're very busy bidding jobs and getting
13 those awarded, trying to get ready to roll out the new
14 technology that's before you today for the Board
15 Meeting, and we'll have several more projects coming up
16 for your approval after today and probably the spring of
17 this year, which will be more construction that needs to
18 be done in accordance with Phase II. That is it, Mr.
19 Chairman.

20 CHAIRMAN MESOLELLA: Thank you. All of our
21 members have heard the Executive Director's Report, and
22 pursuant to that, are there any comments or questions
23 regarding the Executive Director's report?

24 COMMISSIONER WORRELL: Could you give us an
25 update on the wind towers?

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1 RAYMOND MARSHALL: Sure. The wind turbines,
2 the foundations, there's going to be three turbines.
3 Two of the foundations are in, and one is being worked
4 on right now. We had delivery of the units that sit at
5 the top of the towers, the housing, the generators and
6 the associated equipment. We have not yet received, but
7 are expecting anytime, the towers to be delivered and
8 the blades.

9 MR. BERNIER: Tomorrow and Thursday.

10 RAYMOND MARSHALL: Tomorrow and Thursday

11 they're coming in, okay, and we're storing everything

12 down by the tunnel pump station, that big lot we have

13 down there where we have the overhead crane. So,

14 everything is being stored on that site. That will be

15 the staging area, and then when the contractor is ready,

16 he'll bring in the crane that he needs; and he'll put

17 these in over a several day period, they'll be put up,

18 and we'll let all the Commissioners know prior to when

19 that activity will take place, so if you want to come

20 down and watch one of the wind turbines being put up,

21 you'll be able to do that.

22 COMMISSIONER WORRELL: Any estimate on time?

23 RAYMOND MARSHALL: Any estimate on time,

24 Rich?

25 MR. BERNIER: Probably mid-January, the

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1 third or fourth week of January -- looking to start a

2 month, month and a half --

3 COMMISSIONER WORRELL: The first quarter or

4 therein?

5 RAYMOND MARSHALL: The tip of the blade goes

6 up 365 feet, that's the tip of the blade. I think where

7 the generator is, the housing for the generator is

8 probably about, how much?

9 MR. BERNIER: 223.

10 RAYMOND MARSHALL: 223.

11 VICE CHAIRMAN ROTELLA: That's how tall the
12 pole is?

13 RAYMOND MARSHALL: Yes. The pole will be
14 about twice the height as you go out. If you look
15 across the street at the high mass lighting we have out
16 there, it will be twice that height. That's how tall
17 the tower will be that these units will sit on.

18 COMMISSIONER SALVADORE: Could we get a
19 little publicity on the erection and operation of those
20 turbines so that some other agency down the street will
21 not get the credit?

22 RAYMOND MARSHALL: Yes. We fully intend to
23 contact the media and to let them know that this will be
24 taking place, and hopefully, it will be a day when
25 there's not a lot of happening out there, so they won't

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1 have an excuse to ignore it. However, once they're up,
2 they're going to be kind of hard to ignore, so we're
3 confident that we can attract some positive publicity
4 out of all of this.

5 CHAIRMAN MESOLELLA: Are there any other
6 comments or questions regarding the Executive Director's
7 report?

8 THE COMMISSION: (No response)

9 CHAIRMAN MESOLELLA: Moving right along, the
10 next order of business is Committee Reports and Action
11 Items Resulting. The first committee reporting is the
12 Construction, Engineering and Operations Committee.
13 Commissioner Salvadore, do you have a report for us
14 today?

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

17 CHAIRMAN MESOLELLA: Proceed.

18 COMMISSIONER SALVADORE: We met earlier this
19 morning. By way of explanation to the Board of
20 Commissioners, we had five items that needed to be acted
21 on at the Committee Meeting this morning, but you'll
22 notice there are six here; and Item A is really left
23 over from our November 2nd meeting where we had the
24 Committee Meeting and we approved the item, but we were
25 not able to bring it to the Board of Commissioners

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12

1 because we did not have a quorum, so consequently, it's
2 here this morning, Item A. I hope that explanation

3 suffices. If it doesn't, and you have any questions,
4 please ask me now.

5 THE COMMISSION: (No response)

6 COMMISSIONER SALVADORE: Item A, Review and
7 Approval of Resolution 2011:40, Award of Contract
8 809.00C, Bucklin Point Wastewater Treatment Facility
9 Improvements Evaluation of Low Bidder. Mr. Marshall.

10 RAYMOND MARSHALL: Yes, sir. We accepted
11 six bids on September 29th on this project. The six
12 bidders are listed for you in the memo. We evaluated
13 the bids and noted that there was a discrepancy in the
14 low bidder's submission.

15 In addition, we received a bid protest, an objection
16 to the bid from the second bidder, and the issue was
17 that the low bidder, Walsh Construction, failed to
18 provide the required bid bond as part of his sealed bid
19 package. That immediately disqualified them from
20 consideration.

21 The bid objection that Daniel O'Connell's Sons
22 submitted was valid. We had our legal staff do the
23 necessary reviews. We've reviewed all the regulations
24 and laws pertaining to this to double-check, although
25 what we knew was virtual certainty.

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1 So, we had a couple of options, and we decided that
2 the best option because of the time constraints we're
3 under by DEM was to take the second bidder as the low
4 bidder on this project, which is Daniel O'Connell's
5 Sons, the same contractor that's doing Field's Point
6 right now, and their low bid is \$34,626,000, just under
7 half a million dollars more than what the apparent low
8 bidder was.

9 So, based upon the disqualification of Walsh, we went
10 ahead and evaluated Daniel O'Connell's Sons. Obviously,
11 we know a lot about that firm because they're doing the
12 work for us across the street, as I just noted, and
13 based upon the evaluation of everything that they
14 submitted to us, the recommendation is that we award the
15 contract to Daniel O'Connell's Sons because they are the
16 lowest responsive and responsible bidder. That
17 approval would be subject to contractor at MBE, WBE and
18 EEO requirement approvals from the Department of
19 Administration.

20 This project is to bring our Bucklin Point plant to a
21 lower level of nitrogen removal. Right now it's
22 designed to remove 8 parts per million. It actually
23 does better than that, and this will allow us to take
24 the nitrogen removal down to 5 parts per million when
25 it's fully in place and operational.

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1 CHAIRMAN MESOLELLA: Commissioner Salvadore.

2 COMMISSIONER SALVADORE: Mr. Chairman, CEO
3 recommends approval on this issue.

4 CHAIRMAN MESOLELLA: We have a motion to
5 approve Resolution 2011:40, Award of Contract 809.00C,
6 Bucklin Point Wastewater Treatment Facility Improvements
7 Evaluation of Low Bidder to Daniel O'Connell's Sons. Is
8 there a second?

9 COMMISSIONER MILAS: Second.

10 COMMISSIONER NATHAN: Second.

11 CHAIRMAN MESOLELLA: Commissioner Milas,
12 Commissioner Nathan.

13 VICE CHAIRMAN ROTELLA: I have a question.

14 CHAIRMAN MESOLELLA: We have a motion, we
15 have a second, we have questions. Commissioner Rotella.

16 VICE CHAIRMAN ROTELLA: Do we expect any
17 problem or further action from Walsh Construction,
18 seeing that they were disqualified?

19 RAYMOND MARSHALL: I suppose nothing's
20 beyond the realm of possibility, but this is pretty
21 clear cut. I don't know if you want to make any
22 comment, Rich.

23 MR. BERNIER: Well, we did send them a
24 letter notifying them, and they have not responded.
25 That was two weeks ago, three weeks ago.

1 MS. HARRINGTON: We had a conference call
2 with them as well, and they understood that it was a
3 violation of the law to fail to turn in the bid bond;
4 and it was a mandatory requirement.

5 VICE CHAIRMAN ROTELLA: So, we're not
6 anticipating any lawsuit or anything that might hold up
7 the project in any way, shape or form?

8 MS. HARRINGTON: No. They did not express
9 that either in writing or by phone.

10 VICE CHAIRMAN ROTELLA: It's not
11 anticipated? That's fine, good.

12 COMMISSIONER DiCHIRO: Do we know why they
13 didn't submit a bid bond --

14 CHAIRMAN MESOLELLA: They forgot it.

15 MS. HARRINGTON: It was in the truck.

16 COMMISSIONER DiCHIRO: Okay, then it's not
17 proper to ask them to resubmit it? That wouldn't be
18 proper under the law?

19 RAYMOND MARSHALL: No.

20 MS. HARRINGTON: If the contract is over a
21 million dollars, there is a mandatory requirement that
22 they must submit it with the -- with the package, at
23 time of the bid opening.

24 COMMISSIONER DiCHIRO: So, there's a
25 mistake.

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1 MS. HARRINGTON: There was a mistake.

2 CHAIRMAN MESOLELLA: A very expensive
3 mistake. Commissioner Carlino.

4 COMMISSIONER CARLINO: Just for
5 clarification, for my clarification, these are all
6 sealed bids, correct?

7 RAYMOND MARSHALL: Correct.

8 COMMISSIONER CARLINO: So, it was
9 Narragansett Bay that found that they did not have it.
10 It wasn't Walsh Construction that said they didn't have
11 the bond.

12 RAYMOND MARSHALL: Well, apparently what
13 happened was -- why don't you explain it, Rich, seeing
14 that you were there in person.

15 MR. BERNIER: After I opened the bid,
16 everybody left the room. About 5 minutes later, two
17 gentlemen who were from Walsh came back in with the bid
18 bond in their hand, and they said, we forgot to put
19 these in our package.

20 CHAIRMAN MESOLELLA: But excuse me, Richard,
21 it went beyond that. Was there someone in the room from

22 Daniel O'Connell who witnessed this transaction, and
23 basically said, wait a minute, right?

24 MR. BERNIER: Right.

25 COMMISSIONER CARLINO: And I just wanted to

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1 make sure that was on the record because if something
2 else happens down the road because when you read this,
3 and I read it quickly, but the way I understood it was
4 that it was Walsh that found that they didn't have it;
5 and really it was us during that meeting, so I just
6 wanted to clarify that on the record.

7 MS. HARRINGTON: No, it wasn't, Mr. Carlino.
8 It was Walsh that found out. When they went back to
9 their truck, they realized they left it in the truck.
10 When the bids are actually opened, you put the public
11 copy out and you read it, but after that time, we go
12 through to make sure everything's in there that's
13 required, so we hadn't done that yet. Walsh came back
14 in.

15 COMMISSIONER CARLINO: I said it wrong. I
16 meant, the second bidder, the way I read this was that
17 the second bidder noticed that this bid bond was not,
18 they didn't have it, and I'm saying, how do they know,
19 if it's a sealed bid? I understand why, I understand

20 that.

21 CHAIRMAN MESOLELLA: I think what happened
22 is, when Walsh came in, the Walsh guy came in with the
23 bond. The Daniel O'Connell guy witnessed this process,
24 and at that point sent a letter in, right, a protest.

25 RAYMOND MARSHALL: That's exactly right.

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18

1 They saw them coming back in; they followed them back in
2 because they thought something was unusual; they heard
3 what went on, and that's how they -- so, the Chairman's
4 correct.

5 CHAIRMAN MESOLELLA: So, you're right, Mike.
6 They cost us a half a million dollars. It's a
7 half-a-million-dollar mistake, but that's the law. All
8 right. So, we have a motion, we have a second. Further
9 discussion? Commissioner Worrell.

10 COMMISSIONER WORRELL: My understanding from
11 what has been said is that with this project at Bucklin
12 Point, we're going to be able to take the nitrogen from
13 8 parts per million or perhaps a little less than that
14 right now, down to 5 parts per million at a cost of \$34
15 million.

16 RAYMOND MARSHALL: Yes.

17 COMMISSIONER WORRELL: I think this is an

18 example of what goes on all the time in environmental
19 management where we're all trying to manage the
20 environment.

21 Yes, you can improve the environment, but the
22 question then becomes, at what cost? Here's an example,
23 I think, and everybody wants to improve the environment,
24 but are we willing to spend \$34 million? The answer in
25 this case is, yes.

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1 The point that I'm trying to make is that, yes, the
2 environment can be improved, and it's just a question of
3 money and a grant.

4 CHAIRMAN MESOLELLA: Not to revisit this,
5 two things. You understand and do you recall that at
6 one point were being requested to go from 8 to 3, which
7 we protested, and we didn't see the -- Number 1, no one
8 has proved to us in any significant way that we're
9 recognizing significant improvement in water quality
10 going from 5 to 3. That was the first thing.

11 RAYMOND MARSHALL: Eight to 3.

12 CHAIRMAN MESOLELLA: No. We went up from 5
13 to 3. There was no significant improvement in water
14 quality, but no one's been able to demonstrate that in
15 any significant way, going from 5 to 3, but in addition

16 to that, it will probably cost us how many millions
17 more, another 30 million more?

18 MR. UVA: Approximately another 100 million
19 more for both plants to go to 3 with operating costs.

20 CHAIRMAN MESOLELLA: As you suggested,
21 spending the dollars for environmental improvement is
22 one thing, but the cost benefit ratio is really
23 something that has to be considered.

24 This Board in its infinite wisdom agreed with our
25 staff that this is not something we were prepared to do,

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1 just accept that, and we challenged it, and fortunately,
2 we were able to agree on 5 parts at a cost of about \$35
3 million. Further discussion? Commissioner Milas.

4 COMMISSIONER MILAS: Just a question. Do
5 all of these projects have to go through the Department
6 of Administration? Do they need their approval as well?

7 RAYMOND MARSHALL: For MBE, WBE and EEO
8 only, not for the actual award of the contract. It's
9 just contingent upon those particular plans being
10 approved by the Department of Administration.

11 COMMISSIONER MILAS: Thank you.

12 CHAIRMAN MESOLELLA: Further discussion?

13 THE COMMISSION: (No response)

14 CHAIRMAN MESOLELLA: Hearing none, all of
15 those that in favor of approval of Resolution 2011:40
16 will say aye.

17 THE COMMISSION: Aye.

18 CHAIRMAN MESOLELLA: Are there any opposed?

19 THE COMMISSION: (No response)

20 CHAIRMAN MESOLELLA: There are none opposed,
21 and the motion carries.

22 (MOTION PASSED UNANIMOUSLY)

23 CHAIRMAN MESOLELLA: Further new business,
24 Chairman Salvadore.

25 COMMISSIONER SALVADORE: Second item, Review

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21

1 and Approval of Resolution 2011:44, Authorization to
2 Award Contract 306.00C-Floatables Control
3 Project-Outfalls 205, 219 and 220 to John Rocchio
4 Corporation at a contract price of \$4,202,036, and CEO
5 recommends passage, Mr. Chairman.

6 CHAIRMAN MESOLELLA: We have a motion to
7 approve Resolution 2011:44. Is there a second?

8 COMMISSIONER FARNUM: Second.

9 CHAIRMAN MESOLELLA: Commissioner Farnum
10 seconds the motion. Discussion on Resolution 2011:44.

11 THE COMMISSION: (No response)

12 CHAIRMAN MESOLELLA: Discussion.

13 THE COMMISSION: (No response)

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

16 THE COMMISSION: Aye.

17 CHAIRMAN MESOLELLA: Are there any opposed?

18 THE COMMISSION: (No response)

19 CHAIRMAN MESOLELLA: There are none opposed,
20 and that motion carries.

21 (MOTION PASSED UNANIMOUSLY)

22 CHAIRMAN MESOLELLA: Further new business,
23 Commissioner Salvadore.

24 COMMISSIONER SALVADORE: Item C, Review and
25 Approval of Resolution 2011:45, Authorization to Acquire

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1 Property and/or Temporary and Permanent Easement through
2 Condemnation or Negotiation for Contract 306.00C
3 Floatable Control Facilities. That's tied in with Item
4 B, and CEO recommends approval, Mr. Chairman.

5 CHAIRMAN MESOLELLA: We have a motion to
6 approve Resolution 2011:45. Second?

7 COMMISSIONER FARNUM: Second.

8 CHAIRMAN MESOLELLA: Commissioner Farnum
9 seconds the motion. Is there any discussion on

10 Resolution 2011:45, Authorization to Acquire Property?

11 THE COMMISSION: (No response)

12 CHAIRMAN MESOLELLA: Further discussion.

13 THE COMMISSION: (No response)

14 CHAIRMAN MESOLELLA: Hearing none, all of

15 those that are in favor of approval of 2011:45 will say

16 aye.

17 THE COMMISSION: Aye.

18 CHAIRMAN MESOLELLA: Are there any opposed?

19 COMMISSIONER WORRELL: I'd like to be

20 recorded as not voting on this issue.

21 CHAIRMAN MESOLELLA: Let the record reflect

22 that Commissioner Worrell has recused himself from

23 voting on Resolution 2011:45.

24 VICE CHAIRMAN ROTELLA: Not necessarily

25 recused. He's not voting. He's abstaining.

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1 CHAIRMAN MESOLELLA: He's abstaining.

2 VICE CHAIRMAN ROTELLA: Abstaining, correct.

3 CHAIRMAN MESOLELLA: He's abstaining from

4 the vote. Thank you. All right. We have a motion, we

5 have a second. All of those that are in favor will say

6 aye.

7 THE COMMISSION: Aye.

8 CHAIRMAN MESOLELLA: Are there any opposed?

9 THE COMMISSION: (No response)

10 CHAIRMAN MESOLELLA: There are none opposed,
11 and the motion carries.

12 (MOTION PASSED UNANIMOUSLY/

13 COMMISSIONER WORRELL ABSTAINED FROM VOTE)

14 CHAIRMAN MESOLELLA: Further new business,
15 Commissioner Salvadore.

16 COMMISSIONER SALVADORE: Review and Approval
17 of Resolution 2011:46, Authorization to Amend Contract
18 09:305.01 for Easement Investigations and Improvements
19 for the Blackstone Valley Interceptor in the Town of
20 Cumberland at a contract price of \$156,000, and CEO
21 recommends passage, Mr. Chairman.

22 CHAIRMAN MESOLELLA: We have a motion to
23 approve Resolution 2011:46, Authorization to Amend
24 Contract. Is there a second?

25 COMMISSIONER BROWN: Second.

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24

1 COMMISSIONER LEONE: Second.

2 CHAIRMAN MESOLELLA: Commissioner Brown
3 seconds the motion. Commissioner Leone, did you second
4 that motion?

5 COMMISSIONER LEONE: Yes, I did.

6 CHAIRMAN MESOLELLA: All right. We have a
7 motion, we have a second. Is there any discussion on
8 Resolution 2011:46?

9 THE COMMISSION: (No response)

10 CHAIRMAN MESOLELLA: Further discussion?

11 THE COMMISSION: (No response)

12 CHAIRMAN MESOLELLA: Hearing none, all of
13 those 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 that motion carries.

19 (MOTION PASSED UNANIMOUSLY)

20 CHAIRMAN MESOLELLA: Further new businesses,
21 Commissioner Salvadore.

22 COMMISSIONER SALVADORE: Item E, here comes
23 the big one, Review and Approval of Resolution 2011:47,
24 Authorization to Award Contract 303.03C-CSO Control
25 Facilities Program Phase II-WCSO1 Main at a contract

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25

1 price, \$59,995,000, and CEO recommends passage, Mr.

2 Chairman.

3 CHAIRMAN MESOLELLA: We have a motion to

4 approve Resolution 2011:47. Is there a second?

5 COMMISSIONER FARNUM: Second.

6 CHAIRMAN MESOLELLA: Commissioner Farnum

7 seconds the motion. Is there any discussion on this

8 motion?

9 THE COMMISSION: (No response)

10 CHAIRMAN MESOLELLA: Discussion on

11 Resolution 2011:47.

12 THE COMMISSION: (No response)

13 CHAIRMAN MESOLELLA: Hearing none, all of

14 those that are in favor will say aye.

15 THE COMMISSION: Aye.

16 CHAIRMAN MESOLELLA: Are there any opposed?

17 THE COMMISSION: (No response)

18 CHAIRMAN MESOLELLA: There are none opposed,

19 and the motion carries.

20 (MOTION PASSED UNANIMOUSLY)

21 CHAIRMAN MESOLELLA: Further new business.

22 COMMISSIONER SALVADORE: Our last item, Item

23 F, Review and Approval of Resolution 2011:48,

24 Authorization to Award Contract 303.12C, CSO Control

25 Facilities Program Phase II-WCSO1 Demolition at a price

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1 of \$194,850, and CEO recommends approval.

2 CHAIRMAN MESOLELLA: We have a motion for
3 approval of Resolution 2011:48. Do we have a second?

4 COMMISSIONER FARNUM: Second.

5 COMMISSIONER CARLINO: Second.

6 CHAIRMAN MESOLELLA: Commissioner Farnum,
7 Commissioner Carlino second the motion. Is there a
8 discussion on Resolution 2011:48?

9 THE COMMISSION: (No response)

10 CHAIRMAN MESOLELLA: Do we have a comment,
11 Richard, you'd like to, in part, on this?

12 MR. BERNIER: I think the agenda says
13 Contract 12. It's actually Contract 13. The resolution
14 is correct, but I think on the agenda it's wrong.

15 CHAIRMAN MESOLELLA: So, on the agenda it
16 should be 13 and not 12?

17 MR. BERNIER: Yes.

18 CHAIRMAN MESOLELLA: Is that correction
19 noted? The correction is noted, so it should be
20 Contract 303.13C, correct?

21 VICE CHAIRMAN ROTELLA: Correct.

22 CHAIRMAN MESOLELLA: All right. Having read
23 the correction, we have a motion and we have a second.
24 Is there a further discussion on 2011:48?

25 THE COMMISSION: (No response)

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1 CHAIRMAN MESOLELLA: Further discussion?

2 THE COMMISSION: (No response)

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

5 THE COMMISSION: Aye.

6 CHAIRMAN MESOLELLA: Are there any opposed?

7 THE COMMISSION: (No response)

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

10 (MOTION PASSED UNANIMOUSLY)

11 CHAIRMAN MESOLELLA: Is there further
12 business, Commissioner Salvadore?

13 COMMISSIONER SALVADORE: That concludes the
14 report for CEO Committee on 20 December.

15 CHAIRMAN MESOLELLA: Thank you very much.

16 COMMISSIONER SALVADORE: Thank you.

17 CHAIRMAN MESOLELLA: The next item reporting
18 was the Personnel Committee. The Personnel Committee
19 had a Chair. The Personnel Committee Chair was not
20 available. The Chairman chaired that meeting.

21 There were two recommended changes to the
22 organizational plan. Those changes are in accordance
23 with the memorandum, which should be on your desk,
24 dated December 5 and December 14.

25 None of these changes to the organizational plan have

1 any budgetary impact. If the Board is interested in
2 going through the specifics of the organizational
3 changes, I'm happy to do that.

4 RAYMOND MARSHALL: Because it doesn't have
5 any budgetary impact, the Board doesn't have to act on
6 these, but I'll be happy to explain them, if you'd like
7 me to; but one is just an administrative change, and the
8 other is creating a new position, but we're paying for
9 that position with the position that's already in the
10 budget that we won't be filling this year, so that has
11 no net impact on the Fiscal '12 Budget.

12 CHAIRMAN MESOLELLA: Do we have to vote on
13 this?

14 RAYMOND MARSHALL: No, we don't have to vote
15 on that.

16 CHAIRMAN MESOLELLA: That's just for
17 purposes for reporting change in the organization.

18 RAYMOND MARSHALL: We just have the one
19 resolution, 2011:50, which has to do with the Defined
20 Benefit Plan.

21 CHAIRMAN MESOLELLA: One other matter was
22 the Review and Approval of Resolution 2011:50, which is
23 an Amendment of the Narragansett Bay Commission
24 Non-Union Defined Benefit Plan.

25 Basically, this is not a substantive matter. The

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29

1 Defined Benefit Plan is the subject of and continues to
2 be the subject of an IRS review. There were some
3 recommended changes. I know we will be implementing
4 those recommended changes. Again, there was no fiscal
5 impact.

6 So, having said that, the Chair would move approval
7 of Resolution 2011:50, Amendment of the Narragansett Bay
8 Commission Non-Union Defined Pension Plan. Is there a
9 second?

10 COMMISSIONER BROWN: Second.

11 CHAIRMAN MESOLELLA: Seconded by
12 Commissioner Brown. Is there discussion regarding this
13 matter?

14 THE COMMISSION: (No response)

15 CHAIRMAN MESOLELLA: Discussion regarding
16 Resolution 2011:50.

17 THE COMMISSION: (No response)

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

20 THE COMMISSION: Aye.

21 CHAIRMAN MESOLELLA: Are there any opposed?

22 THE COMMISSION: (No response)

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

25 (MOTION PASSED UNANIMOUSLY)

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30

1 CHAIRMAN MESOLELLA: The next order of
2 business is the Joint Committee, Long Range Planning and
3 Finance Committee. Commissioner Andrade, do you have a
4 report for us today?

5 COMMISSIONER ANDRADE: Yes, I do, Mr.
6 Chairman.

7 CHAIRMAN MESOLELLA: Then proceed.

8 COMMISSIONER ANDRADE: The Committee met and
9 approved four resolutions that I'd like to bring to the
10 full Board for approval.

11 The first of those is Resolution 2011:41, Authorizing
12 the Narragansett Bay Commission to Borrow an Amount not
13 to Exceed \$25 million from the Rhode Island Clean Water
14 Finance Agency Authorizing the Commission to Issue an
15 Amount not to Exceed \$25 million in Revenue Bonds, and I
16 move approval of that resolution, Mr. Chairman.

17 CHAIRMAN MESOLELLA: We have a motion to
18 approve Resolution 2011:41, Authorization of the
19 Narragansett Bay Commission to borrow. Is there a
20 second?

21 COMMISSIONER FARNUM: Second.
22 COMMISSIONER DiCHIRO: Second.
23 CHAIRMAN MESOLELLA: Commissioner Farnum
24 seconds the motion, Commissioner DiChiro seconds the
25 motion as well. Is there further discussion regarding

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31

1 Resolution 2011:41 Authorizing the Narragansett Bay
2 Commission to borrow funds not to exceed 25 million from
3 Clean Water and issue another 25 million in Revenue
4 Bonds?

5 THE COMMISSION: (No response)

6 CHAIRMAN MESOLELLA: Further discussion.

7 Commissioner Worrell.

8 COMMISSIONER WORRELL: This is all part of
9 the Capital Improvement Plan borrowing?

10 CHAIRMAN MESOLELLA: It is. Yes, it is.

11 Further discussion.

12 THE COMMISSION: (No response)

13 CHAIRMAN MESOLELLA: Hearing none, all of

14 those that are in favor will say aye. I

15 THE COMMISSION: Aye.

16 CHAIRMAN MESOLELLA: Are there any opposed?

17 THE COMMISSION: (No response)

18 CHAIRMAN MESOLELLA: There are none opposed,

19 and the motion carries.

20 (MOTION PASSED UNANIMOUSLY)

21 CHAIRMAN MESOLELLA: Further business,
22 Commissioner Andrade.

23 COMMISSIONER ANDRADE: Yes, Mr. Chairman.

24 The next Resolution, 2011:42, is Authorization to File a
25 Compliance Filing for Rate Relief Related to Debt

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32

1 Service with Rhode Island Public Utilities Commission,
2 which relates to the previous resolution, and I move
3 approval.

4 CHAIRMAN MESOLELLA: I have motion to
5 approve Resolution 2011:42, Authorization to File a
6 Compliance Filing. Is there a second?

7 COMMISSIONER KIMBALL: Second.

8 COMMISSIONER MacQUEEN: Second.

9 CHAIRMAN MESOLELLA: Commission Kimball
10 seconds the motion. Commissioner MacQueen, did you
11 second that motion?

12 COMMISSIONER MacQUEEN: Yes.

13 CHAIRMAN MESOLELLA: You did. Also
14 Commissioner MacQueen. Karen what was your
15 understanding of the potential impact?

16 MS. GIEBINK: We estimate 2.25 percent.

17 CHAIRMAN MESOLELLA: Does everyone
18 understand that? The impact of this rate filing on our
19 rates is about 2.25, you said?

20 MS. GIEBINK: Right. It results in an
21 increase of 2.25 percent.

22 COMMISSIONER GRAY, III: Is this our only
23 one this year so far?

24 MS. GIEBINK: It should be the only one this
25 year, but the projects are starting to come in as they

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33

1 go out to bid, and the cash flow needs change, we can
2 determine whether or not we need to do any official
3 borrowing in the market.

4 CHAIRMAN MESOLELLA: Okay. So, we have a
5 motion and a second to approve Resolution 2011:42.
6 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 that motion carries.

15 (MOTION PASSED UNANIMOUSLY)

16 CHAIRMAN MESOLELLA: Further new business,
17 Commissioner Andrade?

18 COMMISSIONER ANDRADE: Yes, Mr. Chairman.
19 Resolution 2011:43, the Recommendation for the Use of
20 Environmental Enforcement Funds in relation to the
21 previously held World Toilet Day, and I move approval.

22 CHAIRMAN MESOLELLA: We have a motion to
23 approve Resolution 2011:43, Recommendation for Use of
24 Environmental Enforcement Funds in the amount of \$2,800.
25 This was an extremely successful educational program

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34

1 promoted by Jamie Samons and Cynthia. This was
2 approved, the use of environmental enforcement funds was
3 approved by this Board last year. This program did get
4 recognition from the National Association for Clean
5 Water Agencies, and we'd like to continue on with this
6 program and recognition of improving sanitary
7 conditions, not only here, but around the world. We
8 have a motion.

9 COMMISSIONER KIMBALL: Second.

10 COMMISSIONER BROWN: Second.

11 COMMISSIONER THOMPSON: Second.

12 CHAIRMAN MESOLELLA: Commissioner Kimball

13 seconds the motion, also Commissioner Brown,
14 Commissioner Thompson. Further discussion on Resolution
15 2011:43.

16 COMMISSIONER SALVADORE: How much is left in
17 the Environmental Enforcement account?

18 CHAIRMAN MESOLELLA: Tommy?

19 MR. UVA: About \$22,000 the last time I
20 checked it.

21 CHAIRMAN MESOLELLA: Approximately 22,000.

22 COMMISSIONER SALVADORE: And growing.

23 CHAIRMAN MESOLELLA: Further discussion.

24 THE COMMISSION: (No response)

25 CHAIRMAN MESOLELLA: All of those in favor

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35

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 the motion carries.

7 (MOTION PASSED UNANIMOUSLY)

8 CHAIRMAN MESOLELLA: The next order of

9 business.

10 COMMISSIONER ANDRADE: The last resolution

11 is Resolution 2011:49, Authorization to Select a
12 Qualified Pool of Investment Banking Service Providers,
13 and I move approval, Mr. Chairman.

14 CHAIRMAN MESOLELLA: We have a motion to
15 approve Resolution 2011:49, Authorization to select a
16 Qualified Pool of Investment Banking Service Providers.
17 We have a motion.

18 COMMISSIONER MILAS: Second.

19 CHAIRMAN MESOLELLA: Second, Commissioner
20 Milas. Discussion.

21 THE COMMISSION: (No response)

22 CHAIRMAN MESOLELLA: By way of background,
23 periodically, we submit a request for proposal to the
24 industry in general for investment banking services. We
25 had had a number of responses. Many qualified firms

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36

1 responded. There was short list of firms, 6, 5. Karen,
2 5, 6?

3 MS. GIEBINK: Five.

4 CHAIRMAN MESOLELLA: Five. The Commission
5 has selected four firms of which to consider. When
6 we're anticipating borrowing needs for some matters you
7 passed today, those firms selected were, among others,
8 TD Securities, which is new to the scene here at

9 Narragansett Bay Commission.

10 We're going to continue on with the Morgan Stanley,
11 with Janney Montgomery and also U.S. Bank & Trust. We
12 have a letter of credit matter with them as well. Those
13 three are currently working with the Narragansett Bay
14 Commission. We're pleased to welcome the addition of TD
15 Securities who were actually represented here today,
16 Bob Colt.

17 So, having said that, we have a motion, we have a
18 second. Is there further discussion on Investment
19 Banking Services?

20 THE COMMISSION: (No response)

21 CHAIRMAN MESOLELLA: Hearing none, all of
22 those that are 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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37

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

3 (MOTION PASSED UNANIMOUSLY)

4 CHAIRMAN MESOLELLA: Further business?

5 COMMISSIONER ANDRADE: That concludes our
6 report.

7 CHAIRMAN MESOLELLA: That concludes the
8 Joint Long Range Planning and Finance Committee report.
9 Next committees reporting are Rules and Regulations. I
10 don't believe there was any meeting or any report.
11 Citizens Advisory Committee. Harold, do you have a
12 report for us today?

13 MR. GADON: Yes, I do, Mr. Chairman.

14 CHAIRMAN MESOLELLA: Well, then, proceed.

15 MR. GADON: Thank you. The CAC did meet
16 Wednesday, December 7th with a quorum present. Our
17 previously scheduled October meeting was canceled due to
18 lack of quorum. We received an update on the CSO Phase
19 II from Rich Bernier with a PowerPoint presentation that
20 was well received.
21 George Redman, a retired CAC member, was honored at
22 the State House with the naming of the George Redman
23 Linear Park at the Washington Bridge. Three CAC
24 members, Jean Lynch, Chris Hannefen and Howard Schacter
25 did attend the open public meeting on NBC construction

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38

1 occurring on the East Side of Providence. Many NBC
2 representatives were present to answer citizen
3 questions.
4 With the Chairman's consent, the CAC did send a

5 letter to Governor Chaffee recommending the
6 reappointment of five Commissioners with expiring terms.
7 A response was received from Steve Houraham, Senior
8 Advisor to the Governor, that they will be afforded the
9 utmost consideration when the positions are reviewed.
10 It's a little confusing as to who appoints who, but I
11 assume that the present Commissioners will continue to
12 serve until reappointed or probably replaced.

13 We are scheduled to meet again next year on January
14 25th, and the CAC wishes you all a Merry Christmas and a
15 Happy New Year. Thank you.

16 CHAIRMAN MESOLELLA: Thank you, Howard. The
17 next committee reporting would be the Executive
18 Committee. There was no Executive Committee meeting,
19 nor was there, to my knowledge, an Ad Hoc Committee on
20 Compensation or Internal Ethics.

21 MR. DiCHIRO: That's correct.

22 CHAIRMAN MESOLELLA: Legislative Report.
23 Joanne, are you reporting today or not?

24 MS. MACERONI: No reporting today, sir.

25 CHAIRMAN MESOLELLA: No Legislative Report.

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1 MS. MACERONI: They will be going back into
2 session in January.

3 CHAIRMAN MESOLELLA: All right. The next
4 report is the Chairman's Report. You all have, I think
5 this memorandum is on your desk, which this is a
6 schedule of the anticipated meeting dates for 2012. The
7 next Board Meeting is scheduled for January 31st.
8 I would like to make sure that everyone takes
9 particular note that our Board Meetings, as a result of
10 a survey of members, indicate that the best meeting day
11 is Tuesday, so the meetings will now be held at the same
12 time but on Tuesday on the following dates.
13 The Chairman, of course, would just like to report
14 that he had been very active with Karen Giebink in
15 reviewing, and we went out also for banking services.
16 As a result of those discussions, we have a lot of other
17 activity that we're involved with for the next couple
18 of months, so we're going to defer that matter for 60 to
19 90 days.
20 You just heard, the Chairman sat through the
21 discussion of investment banking services. It's really
22 exciting. I wish you could all attend to experience the
23 exhilaration in listening to the investment bankers. It
24 was quite exhilarating.
25 Other than that, it's been an exciting year.

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1 Narragansett Bay Commission is doing its part to
2 stimulate the economy in Rhode Island. How many
3 millions have we put out?

4 RAYMOND MARSHALL: How many millions? It's
5 got to be close to probably \$100 million worth of work.

6 CHAIRMAN MESOLELLA: This Board has
7 authorized that construction, over \$100 million in
8 construction work doing our part to invigorate the
9 economy in Rhode Island, and improve the environment.
10 It's something we're very proud of.

11 So other than that and other than to say that I truly
12 appreciate all of your efforts, your participation and
13 the contributions to the agency throughout the year, and
14 I would like to wish you all a very Merry Christmas,
15 Happy New Year and Happy Holiday; and thank you for all
16 of your efforts throughout the year.

17 Moving right along, New Business. Is there any new
18 business to come before the Board at this time? Any new
19 business whatsoever?

20 THE COMMISSION: (No response)

21 CHAIRMAN MESOLELLA: Item Number 7 is Other
22 Business that might remotely involve the Narragansett
23 Bay Commission or its members.

24 THE COMMISSION: (No response)

25 CHAIRMAN MESOLELLA: Before I move on to

1 adjournment, Joanne is steadfastly preparing our holiday
2 brunch. Of course I invite all of our Commissioners to
3 stay, and our guests. Again, before I move on to
4 adjournment, all the best in the upcoming year.
5 Commissioner Rotella.

6 VICE CHAIRMAN ROTELLA: Move adjournment,
7 please.

8 CHAIRMAN MESOLELLA: We have a motion to
9 adjourn the last meeting for the year 2011.

10 COMMISSIONER KIMBALL: Second.

11 COMMISSIONER SALVADORE: Second.

12 COMMISSIONER LEONE: Second.

13 CHAIRMAN MESOLELLA: Seconded by
14 Commissioner Kimball and also Commissioners Salvatore
15 and Leone. Discussion on adjournment.

16 THE COMMISSION: (No response)

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

19 THE COMMISSION: Aye.

20 CHAIRMAN MESOLELLA: Any opposed?

21 THE COMMISSION: (No response)

22 CHAIRMAN MESOLELLA: None opposed, the
23 motion carries, the meeting's adjourned. Thank you.

24 (MOTION PASSED UNANIMOUSLY)

25 (MONTHLY BOARD MEETING CLOSED AT 11:47 A.M.)

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

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

8 IN WITNESS WHEREOF, I hereunto set my hand
9 this 11th day of January 2012.

10

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12

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14 _____
15 HEATHER MARIE FINGER, CSR, NOTARY PUBLIC
16 MY COMMISSION EXPIRES 4/02/12

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DATE: December 20, 2011

24 IN RE: Monthly Board Meeting of the Commission

25 HEARING OF: Narragansett Bay Commission

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