

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

3 In Re: Monthly Board Meeting of the Commission

4 DATE: April 10, 2012
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
Joseph DeAngelis, Esquire
10 Richard Burroughs
Bruce Campbell
11 Mario Carlino
Michael DiChiro
12 Jonathan K. Farnum
John MacQueen
13 Joan P. Milas
Al Montanari
14 Michael Salvatore
Richard Worrell
15

16 ALSO PRESENT:

- 17 Cecille Antonelli, NBC
Sherri Arnold, NBC
18 Rich Bernier, NBC
Tom Brueckner, NBC
19 Terry Cote, NBC
Pam Duckworth, NBC
20 Leah Foster, NBC
Meg Goulet, NBC
21 Jennifer Harrington, NBC
Laurie Horridge, NBC
22 Jean Lynch, CAC
Joanne Maceroni, NBC
23 Karen Musumeci, NBC
Paul Nordstrom, NBC
24 Joe Pratt, NBC
Deborah Samson, NBC

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1 ALSO PRESENT, cont.

2 Thomas Uva, NBC
John Zuba NBC

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1 (MONTHLY BOARD MEETING COMMENCED AT 11:13 A.M.)

2 CHAIRMAN MESOLELLA: Good morning, everyone,
3 and welcome. Recognizing a quorum, we will call to
4 order the April 10, 2012 meeting of the Narragansett Bay
5 Commission to order at 11:13.

6 The first order of business is the Approval of the
7 Previous Minutes of March 6th. Have all of our members
8 had an opportunity to review the previous minutes, and
9 if so, are there any comments, questions or corrections
10 on the previous minutes?

11 THE COMMISSION: (No response)

12 CHAIRMAN MESOLELLA: Are there any comments,
13 corrections on the previous minutes?

14 THE COMMISSION: (No response)

15 CHAIRMAN MESOLELLA: Hearing none, all of
16 those that are in favor of the previous minutes will say
17 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 that motion carries.

23 (MOTION PASSED UNANIMOUSLY)

24 CHAIRMAN MESOLELLA: The next order of
25 business is Item Number 3, which is Old Business. Is

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1 there any old business to come before the Commission?

2 Old business?

3 THE COMMISSION: (No response)

4 CHAIRMAN MESOLELLA: Hearing none, moving
5 right along to Item Number 4, which is the Election of
6 Officers. The Chair will turn over the gavel to our
7 Executive Director to take nominations for officers for
8 the years FY-2012 and '13.

9 RAYMOND MARSHALL: Yes, next year, that's
10 correct. The floor is now open for nominations for the
11 offices of Chairman, Vice Chairman and Treasurer of the
12 Bay Commission. Are there any nominations to be
13 entertained?

14 COMMISSIONER THOMPSON: I move that will we
15 re-elect the slate as it now stands.

16 COMMISSIONER DiCHIRO: Second that motion.

17 COMMISSIONER CAMPBELL: I'll second it.

18 COMMISSIONER MONTANARI: Second.

19 RAYMOND MARSHALL: There is a motion with
20 multiple seconds to nominate the current slate, which is
21 Vincent Mesolella as Chairman, Angelo Rotella as Vice
22 Chairman and Bob Andrade as the Treasurer. Is there any
23 discussion?

24 THE COMMISSION: (No response)

25 RAYMOND MARSHALL: Are there any further

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1 nominations?

2 THE COMMISSION: (No response)

3 COMMISSIONER WORRELL: I move the
4 nominations be closed.

5 COMMISSIONER THOMPSON: Second.

6 RAYMOND MARSHALL: So, with the closing of
7 nominations and those being the only nominations, the
8 Secretary gets to cast one vote for the slate as
9 proposed. The motion carries. Congratulations.

10 (MOTION PASSED UNANIMOUSLY)

11 CHAIRMAN MESOLELLA: For my first order of
12 business as Chairman, I would like you to know that I'm
13 going to solicit the Executive Director to give everyone
14 on this Board a raise, at least 100 percent raise to
15 your current compensation.

16 RAYMOND MARSHALL: With the understanding

17 that you do the same for the Executive Director.
18 CHAIRMAN MESOLELLA: I, again, you know I
19 make Narragansett Bay Commission a big part of my life.
20 I appreciate, again, the confidence that the Board
21 showed in me in electing me Chairman again, and once
22 again, I commit to all of you my 100 percent effort to
23 meeting the mission of and the challenges for the
24 Commission. Thank you.
25 Okay, next order of business is Item Number 5, which

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1 is the Executive Director's Report. Mr. Secretary, do
2 you have a report for the Board today?

3 RAYMOND MARSHALL: Yes, I do.

4 CHAIRMAN MESOLELLA: Proceed.

5 RAYMOND MARSHALL: I'm going to do something
6 just slightly different today. On Page 2 of my report,
7 you see all the numbers that have to do with effluent,
8 and I'm not really sure how much that really means to
9 you; so what I have done is I have obtained a copy of
10 effluent from Field's Point fresh out of the tank this
11 morning and a jar of tap water.

12 The outsides of the jars have been sanitized for your
13 protection, and I will pass these around so you can see
14 just how good our effluent is compared to tap water.

15 COMMISSIONER SALVADORE: I thought you were
16 going to drink it.

17 RAYMOND MARSHALL: As long as you don't
18 remove the labels, you're all set.

19 CHAIRMAN MESOLELLA: It's amazing, the
20 clarity.

21 RAYMOND MARSHALL: The work that the men and
22 women do at both of the treatment plants is really
23 amazing, and you can see it there for yourself. So, I
24 won't bother you with the numbers today.

25 I will tell you that over at Field's Point, the

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1 Operations staff continues to coordinate well with the
2 contractor, and that's the reason why Daniel O'Connell's
3 Sons, who is the contractor for what we call Doc, has
4 been able to make such great progress because of the
5 cooperation of our Operations people. I outline that on
6 Pages 3 and 4.

7 Our Maintenance people are staying ahead of the game,
8 over there they're using our Asset Management Plan
9 processing over 1,000 work orders in the last month.
10 So, kudos to our Operations staff.

11 We see a similar type of product over at Bucklin
12 Point. I wasn't able to get a hot-out-of-the-tank

13 sample of that today, but if you look at the numbers,
14 their effluent is just as good.
15 So, they're also getting ready for a big round of
16 construction to begin. The contractor is ramping up
17 over there. They had three years of construction from
18 2002 to 2005, and now they'll have two more years. So,
19 it does significantly complicate the life of the staff
20 at our facilities, but they always rise to the
21 challenge.
22 On Page 8, I mention that Bucklin Point is also
23 embracing the Asset Management Program with great
24 enthusiasm. We try to phase this into Field's Point
25 Interceptor Maintenance and Bucklin Point, and it is

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1 paying big dividends for us.
2 Speaking of Interceptor Maintenance on Page 10, in
3 the month of February, this is a month-old report
4 because the meeting is early in the month, and the March
5 numbers aren't in yet, but we had two dry weather
6 overflows which we found on our own initiative and
7 remedied those. They were both the result of grease
8 blockages in the sewers, hence, the reason why we have a
9 pretreatment program that requires restaurants and other
10 large institutions to have grease removal units as part

11 of their operations to keep of grease out of the sewer,
12 to keep it from coagulating in the sewer and causing
13 overflows of this nature.

14 We did find one dry weather overflow that was not
15 part of our system but was just off our system -- Branch
16 Avenue on Veazie Street, our EMDA staff found some
17 suspicious looking turbulence in the West River. They
18 followed it back, and there's a private sewer that has a
19 manhole associated with it that the top is completely
20 missing, not just the frame and cover, the entire top of
21 what we call the cone of the manhole; and that was
22 bubbling sewerage out into the West River.

23 We immediately cleared the blockage, and we've been
24 trying to track down the owner. We think we've
25 identified the owner, but they have no capability to

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1 remedy this problem; so we're going to have our forces
2 go out and do it if they're not already working on it
3 today.

4 The reason why it's important to us is because we
5 have a lot of surcharging in the Branch Avenue
6 interceptor, and we think in part it might be that part
7 of the West River is flowing into our Branch Avenue
8 interceptor through this manhole opening; so we have a

9 vested interest in getting this resolved.
10 It's never as simple as you'd expect it to be or you
11 anticipate it will be. It is on the edge of the river.
12 It's in the wetlands areas, so we've had to go through
13 DEM to get their approval before we can actually go out
14 there and do the work, and that's all identified on Page
15 11.

16 Jumping to Page 14 of my report, the Engineering
17 Section has been busy on several items, but I do want to
18 point out, the water quality monitoring of Narragansett
19 Bay that Dr. Kincaid from URI is doing for us has really
20 been providing some really big dividends for us and for
21 others in the region. DEM is interested in this model
22 now as is Region 1 EPA, the Mass DEQ, which is
23 equivalent to DEM, and some of the other dischargers
24 into the Narragansett Bay Watershed.

25 There has been some very interesting information that

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1 he has developed, Dr. Kincaid, on how much of an effect
2 wind direction and speed has on the movement of the
3 water within the bay. People speculate about those
4 things, but to actually model it and demonstrate it is
5 very significant and will continue to pay dividends for
6 us as we go into the future and are now trying to refine

7 the model even more.
8 Engineering's been busy on their Phase II facilities
9 for CSO obtaining easements. We have many easements to
10 obtain. On some of the contracts, we have all the
11 easements we need. On some contracts we have enough to
12 get started, and we're still putting the finishing
13 touches on some acquisitions, including going before
14 state properties.

15 They have identified our Engineering Group that on
16 projects both north and south of Miriam Hospital, which
17 we won't be bidding until probably this fall, I would
18 think at the earliest, the gas main relocation activity
19 that we've undertaken for overflow 27, which is in the
20 Hope Street and Blackstone Boulevard area, will also be
21 advantageous to pursue on a cautionary basis with
22 National Grid for those two upcoming projects.

23 The streets are so narrow. There's so many utilities
24 in them, and the utilities are so old that we're better
25 off starting off with a clean slate as far as gas goes

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1 and from a public safety point of view also rather than
2 try to work around the older pipes, which can be very
3 problematic in a close environment, such as we find in
4 that area.

5 We have a project that is beginning. It's noted on
6 Page 16. It's 306:00 called Floatables. We're working
7 In the Esten Street area of Pawtucket. There are a
8 number of industries there and other business activities
9 that we've been coordinating with quite closely.
10 We seem to have established a good relationship with
11 the folks in that area. We're going to do our very best
12 to minimize the impact on their activities as little as
13 possible.

14 COMMISSIONER MILAS: Excuse me, Ray. What's
15 a floatable?

16 RAYMOND MARSHALL: A floatable, that's
17 something that will come out of an overflow pipe that
18 when it goes into a waterways will stay, basically, on
19 the surface of the waterways, something that might
20 include anything from paper products to other types of
21 items that people flush down their toilet.

22 COMMISSIONER MILAS: Thank you. That's what
23 I thought.

24 RAYMOND MARSHALL: Page 18 I go into the
25 Construction Division's activities, and across the

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1 street, the project is scheduled to be completed this
2 fall ahead of schedule. They're doing work in the

3 irrigation tanks on the west side of the plant. The east
4 side is already done.

5 The work that they have accomplished is resulting in
6 better quality effluent, which you saw by the jars I
7 just passed around.

8 The wind turbines, the work associated with that in
9 the last month or so involves the duct banks that run
10 in-between the turbines and the main feed into the
11 plant, the main power feed.

12 We are in the process of ordering some equipment to
13 meet National Grid's requirement for interconnection.
14 There'll be a change order in CEO associated with that
15 work that we'll be seeking your approval on shortly.

16 Because of the mild winter, construction slowed down
17 only little bit as opposed to completely shutting down,
18 which happens in a number of winter seasons, so the
19 contractors are already going gangbusters out there.

20 We have some more bids coming up, including the
21 second largest job in this entire Phase II, which is the
22 Seekonk River CSO Interceptor. We're opening bids on
23 April 19th. We expect it to be about a \$35 million job.
24 We'll see how the prices come in.

25 I think as I mentioned last month, so far as an

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1 aggregate, the projects will be bid, 8 or 9 of them,
2 have come in 35 percent below the estimate, so we're
3 getting very good prices, and we'll see if that carries
4 through to the next one that will be open on April 19th.

5 The projects that are already bid and awarded, some
6 are just starting. One I want to point out in
7 particular that's probably making the most progress, and
8 that's the Woonasquatucket interceptor west of --
9 basically, the footbridge over Route 6 heading toward
10 the Johnston/Providence line.

11 Very tough job. The contractor's approaching the 50
12 percent complete point. He did work all winter. We are
13 at this point encountering some soils that are very
14 problematic, very loose, runny, silty-type soils with
15 large amounts of groundwater, and it's likely that we'll
16 have to take some time to try to figure out a best way
17 to proceed from this point forward.

18 The contractor is handling it, but we're coming up to
19 one section that I'm expecting will result in a change
20 order, and legitimately so. If it does, that will come
21 before you in a future meeting.

22 We had a small demolition contract you might
23 remember. Most of the buildings were on Valley Street
24 with one on Manton Avenue. The buildings on Valley
25 Street are now gone. The area is fenced off, and we

1 might also have a building down on Manton Avenue, if
2 not, should be coming down any day. So, that project
3 went very quickly, and I'm happy to report that that has
4 been accomplished.

5 I mentioned to you that the Bucklin Point job had,
6 upgrade job had started. The first big component of
7 that was, we have a berm that circles the Bucklin Point
8 Treatment Plant to keep the Seekonk River out.

9 If you've ever been down there, you might remember
10 that the berm had lots of vegetation on it. That's not
11 necessarily good for any type of a berm or a dike or a
12 dam, and so all of the brush has cleared off of that;
13 and we're going to raise it one foot to better protect
14 the plant; and that's the result of some settlement
15 that's occurred over the years as well as the USGS has
16 identified a different flood elevation than what had
17 been historically followed. So, we're going to raise
18 that a foot and a half over the next several months.

19 If you go to Page 21, if you can, the Administration
20 and Finance Division, the budget is going very well.

21 We're 2 percent below budget for the year.

22 On Page 22, I indicate that the Fiscal Year-'13
23 Operating Budget is in its final stages of development.

24 It will go before the Finance Committee. Probably
25 sometime in May, we'll have a meeting on that at

1 noontime, a lunchtime meeting. We'll go through it in
2 detail, and then it will come before the full Board in
3 June for your approval.

4 We're also working on the Capital Improvement Plan,
5 our CIP Plan. We have a meeting on that internally in
6 the next couple of days. That's pretty much complete,
7 and that will come before you next month, before both
8 the CEO and the full Board.

9 We have a pool loan with Clean Water Finance coming
10 up in the next, whenever they decide to issue the bonds,
11 in the next several weeks. We have PUC approval to
12 raise rates 2.26 percent across the board for debt
13 service and debt service coverage.

14 We've had extensive discussions with our financial
15 advisor, bond council and Clean Water Finance about the
16 potential adverse impacts of being part of a group of
17 borrowers that aren't as creditworthy as we are. They
18 indicate to us that that shouldn't be a problem because
19 of pricing the bonds and because they're rated AAA,
20 Clean Water Finance, that they're expecting that we'll
21 still get the same type of pricing that we've seen in
22 the past.

23 So, we, as a matter of fact, have a credit review

24 coming up with Standard & Poor's in the next few weeks
25 that we're trying to schedule, so we'll see how that

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1 works out.

2 We went out for RFQP on our banking services, they'll
3 be an action item for you today on that, and the
4 trustee, RFQP, you awarded that last month to US Bank,
5 and we're in the process of converting over.

6 Page 25, I just want to mention that IT continues to
7 battle the numerous intrusions that the bad guys try to
8 rain down upon us for our system, but so far, they've
9 been held in check.

10 Just a few minor issues with individual's PCs on
11 people's desks that come in, in the form of e-mail, but
12 overall, they have not been able to get to our main
13 system at all to date.

14 Billing-wise, March was a much better month than
15 February. February was only 5.2 million or thereabouts.
16 That's noted on Page 26. In March it was 6.2 million,
17 so the billing went up after rather a sluggish month.

18 Page 30, Policy, Planning and Regulation, the River
19 Restoration Initiative, we have an item before you. I
20 think most of you were in the room when we just
21 entertained the motion we're going to change the way

22 that we now conduct the river cleanup program. We get
23 into a little more detail on that when the item comes
24 up.
25 If you go to Page 33 and 34, there were a number of

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1 special or emergency investigations that Pretreatment
2 had to be part of in the month of February, and it had
3 anything to do from an oil spill to some odor problems
4 to some grease problems in the interceptor system. All
5 of those were resolved successfully, but it was a busy
6 month in that regard.
7 Let's see, on Page 38 and 39, there were no permit
8 violations at either plant in the first part of the
9 year. Page 43, the Septage Station has been busy during
10 this winter. Again, because it's been so mild, we
11 received almost twice the deliveries and activity there
12 that we would see in a normal month of February. So,
13 it's good that we keep that open, although we don't have
14 it open on weekends. It's only open during the week.
15 The contractors modify their activity accordingly.
16 Finally, the Executive Division on Page 45, we did
17 yet a lot of very positive press on the wind turbine
18 project, and we've been involved in a lot of outreach,
19 not only in the Pawtucket areas I noted earlier, but in

20 the Hope Street area and the East Side where one of our
21 contracts there has attracted the attention of the
22 neighbored. Jamie's been very active out there, and of
23 course, she lives in that area, so she has a vested
24 interest in making sure everyone's happy and has worked
25 very hard to do so.

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1 With the General Assembly in session, on Page 46,
2 just in the month of February there were over 958 bills
3 introduced, and Joanne reviewed 539 of them to see what
4 impact they would have on our activities here, and she
5 has a Legislative Report later on that the Chairman will
6 ask her to give.

7 Lien sales coming up on May 3rd, you can see some of
8 the statistics from prior lien sales on Page 47 through
9 probably 51. It's a valuable part of what we have in
10 our tool chest where we collect somewhere in the order
11 of \$1.2 million in money over the course of each lien
12 sale a year, which is two events per year.

13 Then I want you to know that this isn't actually in
14 the written report, but I met with all of our employees
15 in the last two weeks of March. I go around to the
16 different facilities, the different shifts and talk to
17 them all, take their questions, let them know what's

18 going on in the Commission overall; and everyone appears
19 to be in good spirits and is looking forward to another
20 successful year.

21 We appeared before the Senate Finance and the Senate
22 Oversight. In one case I went with Karen Giebink and
23 the other case it was the Chairman, and we made
24 presentations to those two committees, as they are
25 interested with what all the quasi public's been doing

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1 and how they're doing it, and we left them information
2 which better outlines what it is, how we conduct our
3 business here.

4 Also, at the end of March, the DEM Director came down
5 for a tour of the facility at Field's Point along with
6 Senator Sosnowski, and we gave them the tour of Field's
7 Point as well as the Tunnel Pump Station. They seemed
8 to be very impressed with how we conduct our business
9 down here, and they didn't realize the extent and the
10 complexity of it. That's one thing to read about it or
11 to see pictures of it, it's another thing to actually
12 see it firsthand.

13 The very next day there was an Environmental Business
14 Council meeting, the Rhode Island Chapter, where EPA
15 Region Administrator Curt Spalding spoke, and he praised

16 NBC for our leadership on nitrogen removal and
17 alternative energy products.
18 Just a few more things. Our Welcome Program is
19 really paying big dividends. We started another walking
20 program, a twelve-week program for the employees.
21 There's strong participation in that.
22 The fitness center at Bucklin Point is now open. We
23 had 41 of 45 employees trained on the use of the
24 equipment, and you have to be trained. You have to go
25 through the training in order to have authorization to

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1 use it, and the fitness center at Field's Point will be
2 ready to open in the next couple of weeks.
3 So, why is this important? Why is the wellness
4 program? What dividends does it pay us? Well, in
5 addition to having happier, healthier employees, you can
6 also qualify it in certain ways, and United Health met
7 with us a couple of weeks ago and notified us that
8 across the board on average, they are seeking an 18
9 percent increase in their premiums for the upcoming
10 year, but because of our experience and because of the
11 aggressive wellness program we have, and they consider
12 it to be a model across their entire network, our rate
13 is only going to go up 8 percent.

14 So, 8 percent's a lot of money because right now
15 we're paying \$3.4 million in premiums, but it's a heck
16 of a lot less than what it could have gone up. The net
17 savings there, what we avoided, about \$340,000 worth of
18 increases in health care costs because we have a
19 wellness program in place, and it's multi-faceted and we
20 have great participation by our employees. You invest a
21 little bit of money to get a lot back.

22 Finally, we all received our ethics forms, I think,
23 in the last couple of weeks. I just want to remind you
24 that those are due on April 27th, and this year you can
25 file them online; so that if you choose to do that, that

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1 might make it a little easier, but I'm sure Jen will be
2 haunting you to make sure that no one forgets to submit
3 those. Finally, that is it, Mr. Chairman.

4 CHAIRMAN MESOLELLA: So, having heard the
5 Executive Director's Report, do any of our members have
6 any questions for the Executive Director? Commissioner
7 Milas.

8 COMMISSIONER MILAS: Ray, this is probably,
9 I ask the dumbest questions, I know, but with all the
10 projects that you have going, that the Bay Commission
11 has going, is there a point that you will be done with

12 new projects, and then the rest will just be maintenance
13 going forward?

14 RAYMOND MARSHALL: I hope so.

15 CHAIRMAN MESOLELLA: Yes, but not in your
16 lifetime.

17 COMMISSIONER MILAS: Well, don't be so sure
18 about that.

19 RAYMOND MARSHALL: All the projects we have
20 currently under construction should be completed by
21 2015. At that point, there might be smaller contracts
22 that we'll need to do, you know, we uncover problems.
23 The wild card here is Phase III of the CSO Program.
24 That's one of the reasons why we aggressively sample and
25 analyze what's going on in the receiving waters and why

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1 we have the bay model that we're working with Dr.
2 Kincaid on. We're hoping we can build a case where we
3 can say we won't need to do any further work, or any
4 further improvements will be just marginal benefits and
5 is it really worth it?

6 We also have to look at the final cost for everything
7 we have done and are doing to see if we approach that
8 affordability standard that EPA has identified.

9 In EPA's mind, roughly 2 percent of median household

10 income is what they consider. Anything up to that is
11 affordable. So, if you're talking a \$40,000 median
12 household income, in their mind, an \$800-a-year users
13 fee is fine. Anything over that, then they'll begin to
14 consider whether they'll grant you any relief or not.
15 Right now, I think this year we're going to be about
16 \$433 for the average homeowner. We might have a 2- or
17 3-year break. My guess is it will be hard to convince
18 them we don't need Phase III, but it doesn't mean we're
19 not going to try. That's a little different than DEM
20 already indicating that they want us to go to 3 parts
21 per million on nitrogen. At a cost of another \$100
22 million as soon as we're done with this, and I think the
23 Chairman's been clear on his position on that, and I
24 concur with his thoughts on that matter.

25 CHAIRMAN MESOLELLA: Again, of course, the

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1 same theory, and the Board understood and I think agreed
2 that there has to be a cost-to-benefit ratio for the
3 amount of monies we're expending and the amount of
4 improvements that are actually recognized whether I'm
5 here or not or any of us are here, I don't know, but it
6 would be my hopes that we always have that as a
7 consideration, what are the cost benefit ratio the same

8 way we did when we discussed nitrogen removal, but
9 that's a ways off yet, and we have a lot of monitoring
10 to do, and then we'll weigh the options, and we'll be
11 back to this Board in some future date to say, I think
12 that we need to make a case that cost of implementing
13 Phase III is prohibitive pursuant to the benefit that
14 we'll recognize, or maybe we don't get the level of
15 water quality that we're anticipating, and it's
16 something that we'll just have to wait to see.

17 COMMISSIONER SALVADORE: So, DEM is going to
18 want 3 parts per million?

19 RAYMOND MARSHALL: Yes.

20 COMMISSIONER SALVADORE: When do we leave,
21 is that a demanding number?

22 RAYMOND MARSHALL: Yes. To go from 5 to 3
23 for the additional benefit you'll receive, it's my
24 opinion and I think the opinion others that you couldn't
25 measure the difference in the receiving waters.

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1 COMMISSIONER SALVADORE: So, when do we
2 leave the land of ridiculousness and enter the land of
3 possibility?

4 RAYMOND MARSHALL: I think we're just
5 entering that. I think 5 is reasonable, 3 is...

6 CHAIRMAN MESOLELLA: I know we weren't
7 prepared to get into this discussion. I mean, it's a
8 completely arbitrary number, as far as I can see. Give
9 us 3 because we want 3, and so the response is, okay,
10 why 3? I'm not going to settle for, because we want it,
11 and I don't need to be, want to be in a game where
12 someone is demanding 3 because they feel that it's some
13 job justification and they're riding herd over, not only
14 this agency, but other agencies.
15 You need to demonstrate why, and what is the real
16 cost benefit ratio? So far no one's been able to
17 demonstrate that, so quite frankly, when you tell them
18 I'm prepared to spend \$10 million to keep it in Federal
19 Court or State courts and delay it for another ten
20 years, let's argue about this for another ten years
21 before we decide and agree to spend \$100 million of
22 ratepayer money. That's my philosophy. At the
23 appropriate time, we're going to engage in this
24 discussion again.
25 We have all the information, by the way. We have all

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1 the information. They have no information. So, when we
2 tell them, be prepared, they have literally years of
3 research to do before they can make a legitimate

4 argument that it should go from 5 to 3. I just don't

5 think they're going to be able to do that.

6 COMMISSIONER MONTANARI: Did we go through
7 this once before?

8 CHAIRMAN MESOLELLA: We've been through it
9 several times before.

10 COMMISSIONER MONTANARI: With no resolution?

11 CHAIRMAN MESOLELLA: Just like Mike said,
12 when is this going to end? I mean, I don't know when
13 it's going to end.

14 COMMISSIONER WORRELL: On this point, one of
15 the problems that we've got with these receiving waters
16 here is that the upper Blackstone Valley treatment plant
17 up in Worcester, which is now in all kinds of litigation
18 going on as to where they're going to get with that one
19 until they get, and that litigation may go one for, it's
20 on appeal right now, it may go on for another couple of
21 years, until they fix that plant, to get that plant at
22 least to 5 from the 13 or 14 where it is right now,
23 Narragansett Bay is going to continue to be suffering
24 from that influx all down the Blackstone and Seekonk
25 Rivers so that to try to make us meet 3 while they're

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1 pumping down 12 or 13 is, you know, they got to get

2 their cart and the horse in the right order here.

3 RAYMOND MARSHALL: I think Tom can offer
4 some insight into that because there's been some recent
5 developments.

6 MR. UVA: Commissioner Worrell, they've been
7 meeting 5 at the Blackstone Valley plant since December
8 of 2010, so they've already been on a similar path that
9 we were on with our Bucklin Point plant; and I think the
10 big issue still is, how low are they supposed to go for
11 phosphorus?

12 They've been under 5 for quite a while. They're
13 ahead of us here at Field's Point, actually, for
14 nitrogen. They actually have a model also of the
15 Blackstone River, and their model was developed through
16 the University of Massachusetts and through the DEM in
17 conjunction with UMass, and their model showed that no
18 matter how low they go, if they took out all of their
19 nitrogen, you'd still have the same water quality issues
20 and that the dams are the major problem that are
21 blocking the Blackstone. They hold the nitrogen back;
22 they hold water circulation back.

23 We tracked the nitrogen coming into all of the rivers
24 from the upper bay, the Narragansett Bay Commission, our
25 monitoring program. DEM talks about going to 3. Three

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1 is the limit of technology. That's as low as you can
2 go. That's why they came with the number 3. They think
3 we should be 0. That's not logical. There are many,
4 many reasons for the causes of dissolved oxygen there.
5 The model shows that a lot of it has to do with
6 circulation patterns of Narragansett Bay, we
7 collectively, the State of Rhode Island, changed the
8 circulation patterns when we filled in Field's Point.
9 So, we filled it in, and we changed the circulation
10 pattern to our oyster beds and eel grass right here in
11 the upper bay, if you look at the maps from the 1900s,
12 and when we changed the circulation patterns, the
13 channel was 25 feet deep. We made it 50 feet deep. The
14 Seekonk River was 35 feet deep, and now it's 6 feet
15 deep.
16 So, we've let all of our urban rivers silt up. We
17 haven't maintained these rivers; we haven't removed the
18 silt. We have an underwater camera. We took some video
19 of the Seekonk River. It's loaded with leaves. The
20 leaves are organic, matter that breaks down and depletes
21 the oxygen. So, there's a lot of other things, and
22 they're not looking at all the science. We have the
23 science. We want them to look at sustainable solutions.
24 Change the circulation pattern. Put in some wetlands
25 again. We filled in all the wetlands. Put in some aqua

1 culture projects that would use up the nitrogen and feed
2 the lower bay with shellfish.

3 These are logical solutions instead of spending \$100
4 million on treatment facilities. So, this is the stuff
5 that I've been doing educating our regulators, letting
6 them know they have to look at these solutions, look at
7 other solutions that are sustainable that will actually
8 create jobs as opposed to pumping in electricity and
9 chemicals to get to a low level, put the nitrogen in the
10 air and it falls back down as atmospheric deposition.

11 So, those are some of the things that we're working
12 on, and Mr. Chairman, when he said, we'll see them in
13 court, we're going to have a lot of the evidence and
14 information to move forward on that type of thing. I'll
15 be glad to make a presentation on our findings to you at
16 any time.

17 CHAIRMAN MESOLELLA: And the point, I think,
18 Tom, is we have the science. They don't have science.
19 So, for some Bureaucrat to say, I want 3, that doesn't
20 fly. Commissioner Milas and then Commissioner
21 Burroughs.

22 COMMISSIONER MILAS: Mr. Chairman, and as
23 you know, I have lobbied at the State House, and I'm
24 working with DEM almost ad nauseam now for different

25 clients, and unfortunately, it's not exclusive to the

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1 Bay Commission, and Joanne can verify and elaborate,
2 what seems to be the new model for DEM is to just throw
3 things out to see what sticks with no evidence to back
4 to up.

5 Unfortunately, you have a great history of being
6 environmentally conscious, but DEM has also now hired
7 people from Clean Water Action to be their legislative
8 people. They've hired a lot of Clean Water Action
9 people who are really environmentally tunnel visioned as
10 opposed to wanting to work together.

11 So, it's not exclusive to the Bay Commission that
12 they're being almost unreasonable with you. I have seen
13 it with a number of environmental clients across the
14 board, national clients that are just scratching their
15 heads going, where are they coming out with this? Why
16 are they doing this, and they have everyone jumping and
17 running for no apparent reason. Even when you go and
18 meet with them, we're just, we thought we would just
19 throw it out there. So, it's a difficult position to be
20 in, and I appreciate that, but it's not exclusive to
21 you.

22 CHAIRMAN MESOLELLA: I have to tell you,

23 well, before I respond, Commissioner Burroughs has a
24 question or comment.

25 COMMISSIONER BURROUGHS: When is our permit

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1 up for Field's Point, and when is it up for Bucklin?

2 RAYMOND MARSHALL: They're already up,
3 right, Tom?

4 MR. UVA: Yes.

5 COMMISSIONER BURROUGHS: Essentially, they
6 can insist on change as we're speaking.

7 RAYMOND MARSHALL: No. They have to
8 negotiate a new permit with us, and if we can't come to
9 an agreement, we can challenge the permit. The fact of
10 the matter is, as the Chairman points out, because they
11 don't have the information that they need to support
12 where they want us to go, I don't believe that they want
13 to get into a situation where it's science versus just
14 because you can type of an argument because the upper
15 Blackstone just won that argument up in Massachusetts
16 where the judge, basically, said, they have science, you
17 don't. So, look at the science and tell us what's wrong
18 with the science.

19 COMMISSIONER BURROUGHS: Has DEM produced a
20 total maximum daily load for nitrogen for Narragansett

21 Bay?

22 MR. UVA: That's on their agenda for 2017,
23 2016 and 2017, long after we've built our plant -- and
24 long after we'll probably have a permit telling us to go
25 to 3.

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1 CHAIRMAN MESOLELLA: So, getting back to
2 your comment, Commissioner Milas, 5 to 6 months ago, I
3 guess it was, we were in a discussion with DEM. I was
4 in discussions with the director as to why our
5 facilities plan had not been approved, and one
6 individual at DEM was, basically, sitting on that
7 permit, that approval, because he believed, he believed
8 that we couldn't meet the level of discharge that we
9 were representing to him that we can meet and have met,
10 but he didn't believe we could do that and sustain it.
11 No other reason; he didn't think so.
12 So, he sat on it, and until I sat with her and said,
13 you're either going to tell me why you're not issuing
14 this permit, or you're going to be receiving from me a
15 writ of mandamus, and then you can tell it to a judge.
16 So, you can tell me, or you can tell the judge. Of
17 course two weeks later, okay, it's in the works.
18 That's what it's come to, just some guy saying, I

19 don't think you can do it. You don't know how to run a
20 treatment plant. We run the treatment plant, so don't
21 tell us what we can and cannot do. Until it came to
22 that, you're going to get a writ of mandamus in two
23 weeks that it started to happen. We waited for that,
24 how long, Tom? How long did we wait for that?

25 MR. BRUECKNER: At least six months we were

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1 dealing back and forth with them on that. They asked
2 for something; we'd give it to them, and more questions
3 would arise; we'd answer those, and there'd be more
4 questions, and it was very frustrating.

5 COMMISSIONER MILAS: Thank you.

6 COMMISSIONER CARLINO: What rules does the
7 regulators have with all of this, the PUC? I know Tom
8 talked about educating them, but are we making them
9 aware of these situations, and what can they do to help
10 us?

11 CHAIRMAN MESOLELLA: Well, they haven't done
12 much in the past.

13 RAYMOND MARSHALL: They don't have any
14 authority on the environmental end of it. We're the
15 ones that are caught in the middle between the
16 environment requirements or regulation and then the

17 financial regulation on the PUC.
18 I mean, about all the PUC does is try to mitigate the
19 impact of the ratepayers for these projects as much as
20 possible by looking at when the debt might actually be
21 incurred and all of those types of things.
22 If you look at one of the graphs we gave to Senate
23 Finance and Oversight, the vast majority of our rate
24 increases are because of debt service and debt service
25 coverage. Very little for O&M. Now, there will be some

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1 O&M because as you build a new facility for higher
2 levels of treatment, you need more electricity and
3 chemicals as Tom pointed out to actually achieve the
4 result.
5 The good news is we're getting great results. So, if
6 you look at Bucklin Point where it's designed for 8 1/2,
7 in the month of March, they were at 5.8, 5.7. That's
8 the ability that all Paul Nordstrom's people have to run
9 the facilities that we give them to a very high level,
10 but DEM'S not patient enough to wait for us to build the
11 facilities, run them and say, okay, do you really need
12 that extra 7/10 of a part per million? That's where
13 we're headed right now.
14 CHAIRMAN MESOLELLA: Okay. I think we were

15 asking if there's any more comments or questions

16 regarding the Executive Director's Report.

17 THE COMMISSION: (No response)

18 CHAIRMAN MESOLELLA: Moving right along,

19 we're going to move to Committee Reports and Action

20 Items Resulting, and the first committee reporting as

21 always is the Construction Engineering and Operations

22 Committee. Commissioner Salvadore, you have a report I

23 am certain.

24 COMMISSIONER SALVADORE: Yes. We met

25 earlier this morning again, and we have three

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1 Resolutions for the Board of Commissioners this morning,

2 the first being Review and Approval of Resolution

3 2012:08, Authorization to enter into an agreement for

4 Engineering Design Services for Contract Number 304.44D,

5 Relocation/Repair of the Central Falls Branch of the

6 Moshassuck Valley Interceptor, and CEO recommends

7 passage, Mr. Chairman.

8 CHAIRMAN MESOLELLA: Okay. We have motion

9 to approve Resolution 2012:08 for Contract 304.44D. Is

10 there a second?

11 COMMISSIONER FARNUM: Second.

12 COMMISSIONER MONTANARI: Second.

13 CHAIRMAN MESOLELLA: Commissioner Farnum
14 seconds the motion, Commissioner Montanari also. Have
15 all of our members had an opportunity to read the
16 resolution, or does it need further explanation? If
17 not, we have a motion; we have a second. Questions?

18 THE COMMISSION: (No response)

19 CHAIRMAN MESOLELLA: All of those that are
20 in favor will say aye.

21 THE COMMISSION: Aye.

22 CHAIRMAN MESOLELLA: Are there any opposed?

23 THE COMMISSION: (No response)

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

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1 (MOTION PASSED UNANIMOUSLY)

2 CHAIRMAN MESOLELLA: Further business.

3 COMMISSIONER MESOLELLA: Item B, Review and
4 Approval of Resolution 2012:09, Award of Contract
5 304.30, Interceptor Cleaning and Inspection Services at
6 the Woonasquatucket and Blackstone Valley Interceptors,
7 and that would be Huntington Avenue, Route 10, Valley
8 Street, Ericon Place, Butler Hospital, Titus Street and
9 Noyes Avenue, and CEO recommends passage, Mr. Chairman.

10 CHAIRMAN MESOLELLA: We have a motion to

11 approve Resolution 2012:09.

12 COMMISSIONER FARNUM: Second.

13 CHAIRMAN MESOLELLA: Second, Commissioner

14 Farnum. Have all of our members had an opportunity to

15 read of resolution? This was a competitive bid for

16 sewer cleaning services in the amount of --

17 RAYMOND MARSHALL: \$289,233 for the low bid.

18 CHAIRMAN MESOLELLA: For the low bid. Well,

19 compared to the 850,000 for the second bidder who wants

20 to break into the area by the way, not with those

21 numbers. So, we have a motion; we have a second.

22 Further discussion or questions regarding the motion?

23 THE COMMISSION: (No response)

24 CHAIRMAN MESOLELLA: Hearing none, all of

25 those that are favor will say aye.

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1 THE COMMISSION: Aye.

2 CHAIRMAN MESOLELLA: Are there any opposed?

3 THE COMMISSIONER: (No response)

4 CHAIRMAN MESOLELLA: There are none opposed,

5 and the motion carries.

6 (MOTION PASSED UNANIMOUSLY)

7 CHAIRMAN MESOLELLA: Further business,

8 Commissioner Salvadore?

9 COMMISSIONER SALVADORE: Last item, Mr.
10 Chairman, is Review and Approval of Resolution 2012:10,
11 Contract 121.00C, Field's Point Wastewater Treatment
12 Facility, Wind Turbine Recommendation to Increase the
13 Limit for Change Orders Requests, and CEO recommends
14 passage, Mr. Chairman.

15 CHAIRMAN MESOLELLA: We have a motion to
16 approve Resolution 2012:10. I think for the benefit of
17 the full Board, I think we should go into, just because
18 of the magnitude of this change order, we should get
19 this on the record for the full Board, an explanation.
20 Ray, do you want to start at the very beginning?

21 RAYMOND MARSHALL: Sure. In September of
22 2010, the Commission approved the award of the contract,
23 signed the contract, to erect the three wind turbines
24 and connect them into the system in the amount of
25 \$12,168,511 with Gilbane being the contractor.

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1 As you know, the Chairman and I have authority up to
2 5 percent of the contract for change orders without
3 having to go back to the Board, and that's \$608,000 plus
4 some.

5 To date, we have approved about \$421,000 of change
6 orders within that authorization, but we have two

7 unexpected problems, unanticipated associated with this
8 project that relate to third party, and the two parties
9 are the City of Providence and National Grid, by the
10 way.

11 The first one relates to the city because we had to
12 go before the Zoning Board for a waiver, to build a wind
13 turbine. Historically, all our permits came from the
14 State Building Commission and the State Fire Marshal's
15 office.

16 This is the first time we've ever had go to through
17 the City of Providence for anything, and frankly,
18 hopefully, it's the last, but it resulted in about a
19 6-month delay in the contract.

20 It wasn't until April of 2011 that we were able to
21 give Gilbane a green light to be able to move ahead with
22 actually building the wind turbines. We didn't want to
23 order them and not get the permits that we needed from
24 the city, and then be stuck with three wind turbines
25 that we couldn't do anything with.

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1 So, there was an escalation in the price of steel.
2 Gilbane did assist us in putting together all the
3 information that was needed for the zoning variance and
4 the concrete subcontractor, boosted his price is in the

5 6-month interim period, a total of \$227,000 or slightly
6 under. That was issue Number 1.

7 The second issue had to do with National Grid. As
8 you know, we're going to be tied into their system, and
9 that will allow us to net meter the electricity, so that
10 when we generate more power than we need with the
11 turbines, we can put it put on National Grid's system.

12 It will spin our meter backwards, and we'll get
13 credit for that; and it will reduce our electric bill by
14 an estimated amount of money, that is in the 800,000 to
15 \$1 million a year range, depending on how windy it is.

16 National Grid is doing an impact study to evaluate
17 their system to determine what protection they need from
18 our wind turbine activities, and rightfully so, but
19 there are two components to that. There is equipment
20 that is needed on our side of the meter, and then
21 equipment that is needed on their side of the meter.

22 Gilbane has worked closely with National Grid in the
23 last several months, and they've been able to identify
24 what we need on our side of the meter so that we wanted
25 to be able to get the order placed as soon as possible

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1 because the switch gear and transformers that are
2 involved are not items that you can just go down and buy

3 off the shelf, as you can imagine. It takes months for
4 these items to be manufactured and delivered. They are,
5 basically, special order items.

6 So, between the extra design costs that Gilbane has
7 incurred working with National Grid, the equipment
8 itself and installing the equipment as well as the
9 extended overhead costs that Gilbane is experiencing on
10 their field personnel because the project is going
11 longer than anticipated, just for the cost on our side
12 of the meter we're talking \$1,211,886.

13 I want to be clear that does not include the money
14 that I'm going to have to come back to you for on what
15 is included on National Grid's side of the meter. They
16 have not quite identified that yet. Their impact study
17 is going to be done in about ten days at which point in
18 time they should be able to tell what we need to pay for
19 on their side. We'll deal directly with National Grid
20 on that. Gilbane won't be involved in that activity.

21 So, the combined change order for the zoning issue
22 and the National Grid issue totals \$1,448,862, and we're
23 asking for your approval of that amount, and that's in
24 addition to the 5 percent authorized limit that is
25 routinely provided in contracts of this nature; and

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1 that's what's contained in Resolution 2012:10, and I'll
2 take your questions, if you have any.

3 CHAIRMAN MESOLELLA: We went through this
4 matter in significant detail with the Construction,
5 Engineering and Operations Committee, and I want to be
6 clear that we're going to be coming back to the
7 Commission again once we make a determination, we don't
8 make the determination, once National Grid gives us the
9 specification for the equipment that they're going to
10 want on their side of the meter. We have no idea what
11 that might be, but I want the Board to know that we'll
12 be coming back for those additional funds as well.
13 Commissioner Rotella.

14 VICE CHAIRMAN ROTELLA: First of all, I
15 apologize for not being at the CEO meeting. I would
16 have been able to ask this question there, but when
17 traveling around the state, I do see other windmills,
18 and I know we have, basically, National Grid is our
19 provider for pretty much the whole city, if not the
20 whole state, didn't they run up against this situation
21 before, and shouldn't they have some knowledge of what
22 this costs?

23 RAYMOND MARSHALL: I think each of those
24 situations was different. Tom might have a little more
25 detail on it, but two of them that you can see right

1 from 95 by New England Tech and then the retirement
2 community, those units are so small I don't think that
3 they have the same type of concern, they being National
4 Grid.

5 We will be generating a lot of power, and putting it
6 out onto the grid is something that at this level, at
7 this magnitude, National Grid hasn't experienced yet
8 here in Rhode Island.

9 Down in Portsmouth where they have a very large wind
10 turbine, I want to make sure I get the term right, but I
11 think I'm saying this correctly, their power goes out
12 onto an actual transmission line as opposed to a
13 distribution line, so it's, like, a large interceptor
14 versus a small local-type pipe, so I don't think that
15 there was as much concern on National Grid's part when
16 that one was put into place several years ago. Anything
17 you want to add to that, Tom?

18 MR. UVA: No, Ray. That really spelled it
19 right out.

20 COMMISSIONER SALVADORE: How is it
21 determined what they pay us per kilowatt hour?

22 RAYMOND MARSHALL: It's set by the
23 Legislation, and essentially it says, I think as
24 Commissioner Worrell pointed out, it's essentially just
25 going to run the meter backwards, which gives us the

1 retail rate because we are net metering as opposed to
2 the wholesale rate which would be just the cost of
3 generation.

4 So, we will be getting a good price for it, once it's
5 actually up and operating, but there was some confusion
6 on the agreement that they sent us a few weeks ago. The
7 legal staff looked at it and then determined that we
8 needed to get the correct --

9 COMMISSIONER SALVADORE: Do we get a better
10 price because we're a big volume producer more so than
11 New England Tech?

12 RAYMOND MARSHALL: No.

13 COMMISSIONER SALVADORE: Or is it the same
14 price?

15 RAYMOND MARSHALL: I believe it's the same
16 price. I don't think there's any volume discount, if
17 you will.

18 COMMISSIONER MILAS: The New England Tech
19 turbine doesn't, to the best of my knowledge, really
20 produce very much electricity. It's more electric and
21 more for education purposes and for protection as
22 opposed to being a real utility generator.

23 Portsmouth, the one at Portsmouth Abbey and the other

24 one that generated the whole net metering issue, those
25 are real ones.

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1 RAYMOND MARSHALL: I believe the one at the
2 Abbey actually does true net metering. They use what
3 they need on their side of the meter, and then they send
4 the rest out. The one at Portsmouth High School, which
5 is the one you see right off of Route 24, the really big
6 one, they don't use any. The town doesn't use any on
7 their side of the meter. They take a credit on their
8 power bill at the end of the month or quarter or however
9 they do it.

10 COMMISSIONER DiCHIRO: Do you have an
11 estimate given these difficulties as to when the
12 windmill will be up and running and generating
13 electricity?

14 RAYMOND MARSHALL: Sometime this summer is
15 what I'm hoping, but a lot's going to depend on how fast
16 National Grid can get their side of the meter protected.

17 CHAIRMAN MESOLELLA: Commissioner Carlino,
18 are you voting on this one?

19 COMMISSIONER CARLINO: I'm going to recuse.

20 CHAIRMAN MESOLELLA: Did I call for a
21 motion? I think there was a motion made, there was a

22 second.

23 COMMISSIONER WORRELL: Second.

24 COMMISSIONER DiCHIRO: Second.

25 COMMISSIONER MONTANARI: Second.

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1 CHAIRMAN MESOLELLA: Commissioner Worrell,
2 Commissioner DiChiro, Commissioner Montanari. Further
3 discussion?

4 CHAIRMAN MESOLELLA: Commissioner Carlino.

5 COMMISSIONER CARLINO: I will recuse myself.

6 CHAIRMAN MESOLELLA: Let the record reflect
7 that Commissioner Carlino's recusing himself from
8 consideration of this vote.

9 (COMMISSIONER CARLINO RECUSING FROM VOTE)

10 CHAIRMAN MESOLELLA: Further discussion.

11 THE COMMISSION: (No response)

12 CHAIRMAN MESOLELLA: Hearing none, all of
13 those 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 (COMMISSIONER CARLINO RECUSED FROM VOTE)

21 CHAIRMAN MESOLELLA: I believe that

22 concludes your report.

23 COMMISSIONER SALVADORE: That concludes my

24 report, Mr. Chairman.

25 CHAIRMAN MESOLELLA: The next committee

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1 reporting is the Finance Committee. In the absence of
2 Chairman Andrade, the Chairman presided over the
3 meeting. There were two items for action, the first
4 Item A is Review and Approval of Resolution 2012:11,
5 which is Authorization to Award Contract for the
6 Provision of Banking Services to TD Bank. The Committee
7 heard the recommendation from our Finance Department.
8 There was an RFQP for banking services solicited by the
9 Narragansett Bay Commission. It's been 5 years since
10 our last solicitation.

11 A number of firms presented us with proposals. After
12 significant discussion and interviews and the whole
13 process, it was determined that TD Banknorth would be
14 providing services free of all service charges. It's a
15 hard number to beat, and everyone felt comfortable with
16 the technology proposal. There's a recommendation that
17 we move forward with TD Bank Services, TD Banknorth or

18 TD Bank for banking services. The Chairman will make
19 that motion.

20 COMMISSIONER FARNUM: Second.

21 COMMISSIONER SALVADORE: Second.

22 COMMISSIONER DiCHIRO: Second.

23 CHAIRMAN MESOLELLA: Seconded by

24 Commissioner Farnum, Salvatore and DiChiro. Discussion

25 on the matter. Commissioner Worrell.

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1 COMMISSIONER WORRELL: I recuse myself on
2 this one because I play golf with one of the guys at TD
3 Bank.

4 CHAIRMAN MESOLELLA: Let the record reflect
5 that Commissioner Worrell recuses himself.

6 (COMMISSIONER WORRELL RECUSING FROM VOTE)

7 CHAIRMAN MESOLELLA: Further comments or
8 questions?

9 THE COMMISSION: (No response)

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

12 THE COMMISSION: Aye.

13 CHAIRMAN MESOLELLA: Are there any opposed?

14 THE COMMISSION: There are none opposed, and
15 that motion carries.

16 (MOTION PASSED UNANIMOUSLY)

17 (COMMISSIONER WORRELL RECUSED FROM VOTE)

18 CHAIRMAN MESOLELLA: The second order of
19 business, the second matter was the use of Environmental
20 Enforcement Funds. How much?

21 RAYMOND MARSHALL: It's \$2,000.

22 CHAIRMAN MESOLELLA: It's a \$2,000 grant.

23 RAYMOND MARSHALL: Grant to the
24 Woonasquatucket River Watershed Council.

25 CHAIRMAN MESOLELLA: In lieu of doing the

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1 river cleanup project that we've done annually, it was
2 determined by staff that we'd probably get a bigger bang
3 for the buck just providing some funds necessary to
4 various environmental agencies, in this case the
5 Woonasquatucket River Watershed Council to take over
6 that responsibility.

7 We will be providing T-shirts or water bottles that
8 would recognize the Narragansett Bay Commission as being
9 a sponsor to make a more prudent way to go at this
10 particular point. The Chair would recommend approval of
11 Resolution 2012:12, the Use of Environmental Enforcement
12 Funds. Second?

13 COMMISSIONER MILAS: Second.

14 COMMISSIONER CARLINO: Second.
15 COMMISSIONER SALVADORE: Second.
16 CHAIRMAN MESOLELLA: Second Commissioner
17 Milas, Commissioner Carlino, Commissioner Salvatore.
18 Further discussion?
19 THE COMMISSION: (No response)
20 CHAIRMAN MESOLELLA: Hearing none, all of
21 those that are in favor will say aye.
22 THE COMMISSION: Aye.
23 CHAIRMAN MESOLELLA: Are there any opposed?
24 THE COMMISSION: (No response)
25 CHAIRMAN MESOLELLA: There are none opposed,

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1 and the motion carries.
2 (MOTION PASSED UNANIMOUSLY)
3 CHAIRMAN MESOLELLA: That concludes the
4 Finance Committee report. I don't believe there was any
5 Personnel Committee meeting, Rules & Regs Committee.
6 COMMISSIONER CAMPBELL: Correct.
7 CHAIRMAN MESOLELLA: Citizens Advisory.
8 Harold, do you have a report for us this morning?
9 MR. GADON: Thank you, Mr. Chairman. The
10 CAC congratulates a newly-elected slate and feels the
11 Board acted wisely. We hope you refer to raises also

12 advised to the CAC, which would be accepted --

13 The CAC Meeting was held April 9th with a quorum
14 present. Those in attendance included Nilesh Latel, a
15 newly-appointed member who had been recommended by
16 Howard Schacter as well as Christopher Hamblett
17 representing Save the Bay who had previously been a CAC
18 member over 15 years ago.

19 An informative report was given by Jen's section,
20 John Furtado, legal counsel, explaining the NBC lien
21 policy which is somewhat complex. However, NBC has
22 proven to be very compassionate and fair in their
23 exercise of this policy, which is necessary to ensure
24 the proper payment of what is owed them. Although NBC
25 does frequently get associated with foreclosure, they do

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1 not foreclose, and we hope that the media could explain
2 that a bit better in the future.

3 Kerry Brett, Pretreatment Manager, presented the
4 annual pretreatment report, which is now available on a
5 CD replacing the three previous big volumes. It was
6 noted that many more users had earned 100 percent
7 compliance records and would later be getting the
8 various awards.

9 On next meeting is scheduled for May 9th, and that

10 concludes my report.

11 CHAIRMAN MESOLELLA: Thank you, Harold. The
12 next committee, that would be the Executive Committee,
13 there was no meeting, but the Chairman will be
14 scheduling a meeting sometime in either the month of
15 April or very beginning of the month of May to apprise
16 the Executive Committee on a number of matters that we
17 expect to be dealing with in the near future.

18 There was no Ad Hoc Compensation Committee Meeting,
19 no Internal Ethics Committee. Legislative Report, I
20 know Joanne has a brief Legislative Report.

21 MS. MACERONI: Thank you, Mr. Chairman,
22 Members of the Committee. You have on your website my
23 Legislative Report. I will just touch on a few of the
24 important bills. This is in addition to the bills that
25 I noted on my March Report.

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1 The fourth bill listed S-2712, is one that would
2 impose numerous requirements on quasi public agencies.
3 The NBC already complies with numerous requirements that
4 are listed in the bill. We do follow the State
5 Procurement Chapter. We do follow the Administrative
6 Procedures Act. We do go to the State Properties
7 Committee for eminent domain condemnation, so there are

8 a lot of things in the bill that we have no concern
9 with. There are, however, some items that we do have a
10 concern with.

11 One is the two-term limit on Board members. We feel
12 that this could hurt the continuity of the Board. We no
13 sooner have a Board member appointed and become
14 acclimated with all the operations of the NBC and then
15 they would have to leave. So, we have a major concern
16 about that.

17 In addition, not all quasi public have the same term
18 limits, so not everybody would be treated fairly. The
19 bill also would require a Board member to review and
20 approve things such as travel expenses, et cetera,
21 things that normally the Executive Director does. So,
22 we think this may be a little, going a little
23 micromanaging or going above and beyond. So, we will be
24 talking with the sponsors of the bill to elaborate on
25 our concerns.

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1 The next bill is S-2599, which would create a new
2 department, a new Information Technology Department
3 within the State. This department would be responsible
4 for all of the IT programs, purchases, et cetera, but
5 not only state agencies, but quasi state agencies.

6 Again, we oppose this legislation because we're not
7 part of the State Budget, and we don't feel that we
8 directly tie into all of the systems that State
9 Government does. We are separate and apart. We have
10 our own IT Department. We have our own individualized
11 programs, which probably no other State agency would
12 have. So, we, again, have strong concerns over this
13 piece of legislation.

14 The next one, H-7808, would require that all quasi
15 public agencies participate in this State Master Price
16 Agreement. Right now we do participate in that when we
17 can. This is more or less a mandate that we would have
18 to.

19 There are a lot of services that we procure that no
20 other state agency or no other quasi public agency would
21 need and probably would not be on the Master Price
22 Agreement nor should they be.

23 So, really, again, we don't feel that a quasi state
24 agency should be mandated, allowed to is one thing,
25 mandated is another. Also, this bill would require that

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1 any contract that we had regarding IT would have to be
2 approved by the Chief Purchasing Officer of the
3 Department of Administration. Again, we're not part of

4 the State Budget. We don't feel that we need that
5 oversight. We have a Board for that.
6 Last but not least is H-7770. This would amend the
7 Small Business Regulatory Fairness Act. It would
8 require an agency to perform a cost benefit analysis,
9 and periodically review all their regulations that
10 impact small businesses.

11 We have no problem doing that prospectively from this
12 point on, and I think right now it is a requirement of
13 the law. This bill goes farther and would ask us now to
14 go back and look at all of our rules and regulations and
15 do the cost benefit analysis. We have a concern about
16 the financial and the administrative burden this would
17 place on us. That's about it, Mr. Chairman.

18 CHAIRMAN MESOLELLA: Thank you. Do any of
19 our Commissioners have any questions regarding the
20 Legislative Report?

21 COMMISSIONER MONTANARI: Are they in
22 Committee?

23 MS. MACERONI: They're in Committee, yes.

24 CHAIRMAN MESOLELLA: Any questions or
25 comments regarding the NBC's position on these matters?

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1 I have to tell you, as I've said so many times in the

2 past, Narragansett Bay Commission really enjoyed
3 extraordinary success, and much of the reason attributed
4 to that is the fact that we have a lot of continuity in
5 the longevity of the Board; and from my perspective, if
6 it ain't broke, don't fix it.

7 It takes an extraordinary amount of time to get
8 acclimated to the very complex issues that we deal with
9 here at NBC. So, wholeheartedly oppose, limitation on
10 our Board membership here, it's not only critical, it's
11 imperative that we maintain the kind of continuity that
12 we do here, and I've said it many times in the past to
13 my mind, that's the most important piece of legislation
14 that we have to focus on in this legislative session.

15 There are other matters that are of concern to us,
16 but that, in particular, so if there are any questions
17 with regard to the issues of legislation either now or
18 in the future, you can just talk to Joanne, and she'll
19 give you the current update. Are there any questions?

20 THE COMMISSION: (No response)

21 MS. MACERONI: Thank you, Mr. Chairman.

22 CHAIRMAN MESOLELLA: Thank you, Joanne. The
23 last report is the Chairman's Report. I don't have much
24 to report today, except to say that over the years, the
25 last 14 or so, we have been trying to acquire city

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1 property to acquire the necessary land mass that
2 property that abuts our facility for a potential future
3 expansion. Is it two years now?

4 RAYMOND MARSHALL: Yes.

5 CHAIRMAN MESOLELLA: It's been two years
6 since we've acquired Service Road and the dog pound, and
7 as you know, we've completed construction of the
8 Operations facility where I need to be speaking this
9 week or next week with the staff about moving forward
10 with the new lab building, which is going to be right
11 here where the dog pound was.

12 As you know as part of our discussions in the past,
13 the Board has already authorized us to move forward with
14 acquisition of not only the street and the dog pound,
15 but the transfer station which abuts the grid handling
16 facility which would give us pretty much the adequate
17 space we'll need for future expansion as we may need it
18 some time in the future.

19 So, I've been informed that while we had these
20 discussions with the City of Providence in the past and
21 the State Properties Committee that Counsel Bucci has
22 appeared before the State Properties Committee
23 explaining NBC's position has received authorization to
24 move forward with acquiring that property. So, I just
25 wanted to keep the Board apprised of that matter.

1 The last thing I would like to say today that I think
2 is worth noting, you may have read of the matter
3 involving port roads here. It appears that Johnson &
4 Wales is acquiring the road from the City of Providence.
5 We don't have a map to show you, but there's been a
6 lot of discussion about it, a lot of consternation about
7 that matter with the ProvPort and the company that
8 manages ProvPort, Waters and Terminal Services. There's
9 been a lot of concern about what's actually going to
10 happen. Unfortunately, none of the parties ever met, so
11 there's been, with all this consternation brewing and a
12 public hearing scheduled for this evening, I thought it
13 was appropriate that someone coordinate a discussion of
14 the matter and potential resolutions, why we had put the
15 city on notice, that the Narragansett Bay Commission had
16 opposed such a blanket disposition of city property and
17 roads. We went on record as opposing it until we
18 understood the ramifications to our own operation.
19 We have determined that in terms of the operations,
20 the plant operations, we would not be adversely
21 impacted. However, what would be impacted is the
22 traffic routes and the circulation and how it impacts
23 the area of Allens Avenue, Ernest Street and Terminal
24 Road.

25 So, I thought it would be prudent to call a meeting

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1 of all the interested parties. We have been meeting
2 with Ray and Laurie and assistance from our engineering
3 staff. We believe we have proposed a reasonable
4 solution that would satisfy all of the concerned
5 individuals. It's unfortunate that no one had done this
6 in the past, but I just felt compelled to get involved
7 in the matter.

8 There will be a hearing tonight to, basically,
9 suggest that depending on everyone accepting the
10 resolution to the issue that we have proposed which is
11 on the table, we've going to reserve our, what's the
12 term we concluded?

13 RAYMOND MARSHALL: We're going to reserve
14 our right to withdraw our objection.

15 CHAIRMAN MESOLELLA: Yes, that's it,
16 exactly. We have a lot of attorneys involved. So, I
17 don't know if you've heard anything about it. It has
18 been publicized. There's been a lot of discussion, and
19 as I suggested at the meeting, we consider ourselves
20 here at the NBC to be part of the solution, not part of
21 the problem.

22 It's unfortunate that no one has met previous to us

23 calling the meeting, but there seems to be a solution on
24 the table. It's very reasonable, and we're going to
25 pursue that with Johnson & Wales, Port Authority and the

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1 operating entity.

2 So, other than that, I think NBC's been pretty active
3 in the last couple of months. I'm looking forward to
4 getting the wind turbine on line and a lot of publicity.

5 So, having said that, other than the fact that our
6 next meeting would be May 15th, the Chairman has no
7 other report except, again, thank you for your
8 confidence in me as Chairman of the Board here, and that
9 concludes my report.

10 New Business for the Commission? Any other business
11 at all to come before the Commission? Karen, what do we
12 have for munchies today?

13 MS. MUSUMECI: We have different calzones
14 and pizza and pastry.

15 CHAIRMAN MESOLELLA: Right after Easter, we
16 need all of these things. So, I invite you to stay for
17 some calzones. There's no other business. If no other
18 Commissioners have any business, Commissioner Rotella.

19 VICE CHAIRMAN ROTELLA: Move to adjourn.

20 COMMISSIONER SALVADORE: Second.

21 COMMISSIONER MONTANARI: Second.
22 COMMISSIONER FARNUM: Second.
23 CHAIRMAN MESOLELLA: Seconded by
24 Commissioner Salvadore, Montanari and Farnum, and all
25 for adjournment 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 the motion carries.
6 (MOTION PASSED UNANIMOUSLY)
7 (MONTHLY BOARD MEETING CLOSED AT 12:30 P.M.)
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1 C E R T I F I C A T E

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

6

7 IN WITNESS WHEREOF, I hereunto set my hand
8 this 2nd day of May 2012.

8

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

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23 DATE: April 10, 2012

24 IN RE: Monthly Board Meeting of the Commission

25 HEARING OF: Narragansett Bay Commission

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