RHODE ISLAND STATEWIDE PLANNING PROGRAM
STATE PLANNING COUNCIL MEETING
Thursday, September 14, 2006
R.I. Department of Administration
Conference Room A
One Capitol Hill, Providence, RI

MINUTES

I. ATTENDANCE

1. Members Present:

Mr. Kevin Flynn (Chair)	R.I. Division of Planning
Mr. Daniel Beardsley	R.I. League of Cities and Towns
Ms. Jeanne Boyle	City of East Providence Planning Department
Ms. Lucy Garliauskus	Federal Highway Administration
Mr. George Johnson (Acting Secretary)	Statewide Planning Program
Ms. Janet White Raymond	Public Member
Mr. Jared Rhodes	City of Cranston Planning Department
Mr. Pedar Schaefer	Representing Ms. Rosemary Booth Gallogly R.I. Budget Office
Mr. Robert Shawver	Representing Mr. James Capaldi, P.E. Director, RIDOT
Mr. Henry Sherlock	Representing Mr. Stephen Cardi, Esq., Public Member
Mr. John Trevor	Environmental Advocate
Mr. Lee Whitaker	Representing Mr.William Sequino, Public Member

2. Members Absent

Ms. Susan Baxter	R.I. Housing Resources Commission
Mr. Thomas Deller	City of Providence Planning Department
Mr. Clarke Greene (Vice Chair)	Governor's Policy Office
Ms. Anna Prager	Public Member
Mr. Michael Rauh	Environmental Advocate

3. Guests Present

Ms. Kelly Mahoney	R.I. Senate Policy Office
Mr. Michael Morris	Federal Highway Administration
Mr. Michael McGonagle	R.I. Resource Recovery Corporation
Mr. Ralph Rizzo	Federal Highway Administration

4. Staff Present:

Mr. Robert Griffith	Chief, Strategic Planning, Division of Planning
Mr. Bruce Vild	Supervising Planner, Economic Development
Ms. Nancy Hess	Principal Environmental Planner
Mr. Kevin Nelson	Principal Planner

II. AGENDA ITEMS

1. Call to Order

The Chair called the meeting to order at 9:10 A.M.

2. Approve August 10th Minutes

Ms. Boyle moved:

THE MINUTES OF AUGUST 10, 2006 BE APPROVED.

The motion was seconded by Ms. Raymond, and carried unanimously.

3. Chief's Progress Report

Mr. Johnson reported on the following items:

- Airport System Plan - Staff has received from RIAC a consolidated document that reduces an 800 page report into a much more manageable size. Preliminary comments on the text, including goals, policies, and recommendations have been submitted. The document doesn't fully integrate the TF Green component yet, and still has a way to go in terms of being integrated into the State Guide Plan format, but that is what the review process is for. We will be looking to introduce the topic to the Technical Committee, to provide a background briefing at the next meeting, and then endeavoring to get a review draft out to you.

- SAFETEALU has created a number of new planning requirements that will have to be addressed as we update the Surface Transportation Plan over the next 10 months or so. One requirement is that we take a fresh look at our public participation procedures with a goal of better outreach to underserved populations. As the first step, we have put together a Transportation Public Participation Task Force consisting of FHWA, DOT, RIPTA, DEA, Housing and Community Development, and DOH staff along with several members of the TAC. We have also invited members from the Center for Hispanic Policy and Research, The Providence Plan, and Pari Independent Living Services. This group will be meeting in September to review our current outreach process and provide input on possible enhancements.

- In order to implement the SAFETEALU Act, FHWA and FTA have issued a Notice of Proposed Rulemaking for Statewide and Metropolitan Transportation Planning. These planning regulations have not been changed significantly since 1993 when ISTEA was first adopted. Staff participated in a session at the Volpe Center in Cambridge, also reviewed comments by AASHTO and NARC. Statewide Planning submitted comments to the docket by the deadline earlier this week.

- Safe Routes To School - An agreement between RIDOT, Statewide Planning, and FHWA outlining responsibilities for the Safe Routes To School Program has been signed. Under the agreement, much like other TIP Programs, Statewide Planning will be responsible for outreach and project selection, and RIDOT will be

responsible for engineering oversight of construction projects. After several months of preliminary staff work, we can now look to get substantive efforts underway. A SRTS Advisory Committee will be appointed by the TAC to provide guidance, and we are looking to have some outreach efforts later in the Fall. Ronnie Sirota is designated as the Safe Routes To School State Coordinator.

- Mapping of Areas Suited for Higher Density Housing -- As required by the Housing Act of 2004, the Program has preparation of a GIS map of "areas suitable for higher density housing" underway. This will be based upon the analysis done for the Land Use 2025 Plan, and will look at areas within the urban services area that were found suitable for high density (5 du/ac. or greater) use. Staff has performed extensive edits based upon in-house information and data from the 2003-04 aerial photography that was not available in time for the Land Use plan. Preliminary maps are being prepared and are being sent out in batches to communities for comment. The maps will be revised based on local input, and when we have a revised draft of the entire state we will look to bring this before you for input as well.

- Comprehensive Plan Review -- the Richmond Comprehensive Plan has been indicated for initial approval – some 15 years after its submission. Upon receipt of the five certified copies incorporating all the agreed upon revisions, will have the proud duty of presenting Certificate of State Approval to Town Council for the Town's 15 year old plan. This approval leaves two original comprehensive plans remaining to get initial state approval, and we are prepared to expeditiously review any submissions we receive from those communities.

- Staff attended several conferences during August –

  - Transportation staff attended the annual conference of the North Atlantic Transportation Planning Officials in New Brunswick, Canada. This was the 59th meeting of the group that covers the northeastern US and the maritime provinces. This conference will be held in Providence next year, co-hosted by us and DOT. This will be the first time in 25 years that this group comes to RI.

  - Staff attended a Transportation Research Board Conference on "The Future of the Metropolitan Planning Organization" in Washington. The concensus at the end of 3 days of workshops seemed to be that MPOs, will if anything, take on increased relevance and importance as venues for regional transportation decision-making in the future, but that that they will need to have increased authority to match the responsibilities they have been designated to fulfil. Emerging issues include pressures to take on new roles, such as transportation systems operation and management, dealing effectively with state or regional transportation authorities and private enterprises that bring independent funding streams to the table but have no particular mandate to plan comprehensively or collaboratively, and finding ways to address the increasingly complex geography of large metroregions. (need for Super MPOs for regions such as the Boston-Washington corridor), large metros with multiple MPOs.) On the other hand, on one critical issue – linking land use to transportation, MPO representatives present seemed hesitant to seek greater regional authority over land use, preferring instead to continue the current role of influencing local decision-making via incentives. Staffing and funding issues may become increasingly acute as non-federal funding sources play a bigger role in transportation system development, but do not commit to funding metropolitan transportation planning as the federal sector has done. In the end, it was agreed that MPOs need to be dynamic and flexible organizations providing forums for convening a variety of interests in defining and advancing visions for their regions and working to address regional needs, in transportation but also other realms.

Mr. Flynn noted two additional items:

- The Division of Planning has deployed a website providing an overview of Division functions and links to the websites of its constituent units.
- The Division's Office of Local Government Assistance has released a Local Grants Handbook providing information on a number of state grant-in-aid programs available to municipalities. This handbook will be available via the website, and copies sent to each municipality.

There were no questions or comments on the Chief's Report.

4. Appointment of Land Use Plan Implementation Committee

Mr. Flynn noted that the appointment of a Committee to work with the staff to advance implementation of the Land Use Plan was discussed at prior meetings, and a slate of candidates taken under advisement at the August meeting. Since then, staff has rounded out the list with the names of additional candidates. He referred them to the handout, and noted one correction from the version that was mailed.

Mr. Schaefer suggested the addition of a representative of the R.I. Tax Assessors Association as a group involved in issues affecting land use. Ms. White suggested that R.I. EDC might be involved. Mr. Flynn stated they were trying to keep the group to a manageable size, and Mr. Johnson noted that RIEDC has a seat on the Technical Committee but is having trouble finding a representative.

Action:

Ms. Boyle moved to:

APPOINT A LAND USE PLAN IMPLEMENTATION COMMITTEE WITH MEMBERSHIP AS LISTED IN THE HANDOUT, WITH THE ADDITION OF A REPRESENTATIVE OF THE R.I. ASSESSORS ASSOCIATION.

The motion was seconded Ms. White and carried unanimously.

5. Comprehensive Economic Development Strategy (CEDS) Annual Update

Mr. Flynn indicated that the CEDS update is an annual requirement, and introduced Mr. Bruce Vild of the staff to describe the draft report that had been mailed out.

Mr. Bruce Vild of the Economic Development Section staff gave an overview of the Annual Report, stressing its important in assessing the state's progress toward the goals set for the CEDS. The Annual Report has several performance measures that, while originating within the local program, are subject to approval by the EDA. Mr. Vild said that, overall, the CEDS was performing well, although there were specific areas that needed improvement. He added that the performance measures purposely "set the bar high" so the state continues to improve the program, aligning it with the EDA's own investment guidelines and selecting projects for priority listing that will compete well for EDA funding.

Mr. Vild referenced a handout summarizing several revisions to the draft that had been mailed out to members. The revisions included an update of information on the impact of the defense industry in Rhode Island which had just become available on the RIEDC website. Also added was a brief assessment of the history of funding by the Economic Development Administration (EDA), cited by Mr. Vild as the ultimate measure of performance of the CEDS in Rhode Island, and two proposals for strengthening the link between the CEDS and the newly revised state land use plan, Land Use 2025.

Discussion:

Ms. Boyle asked about the long-term prospects for funding of this Program. Mr. Vild noted that attempts to eliminate it or combine it with other programs into a block grant have thus far been resisted by the Congress. Mr. Johnson noted that the Program has a strong grass roots constituency. Mr. Griffith noted that the House, in particular, has resisted changes.

Action:

Ms. Boyle moved to:

APPROVE THE COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS) ANNUAL UPDATE, WITH THE REVISIONS NOTED.

The motion was seconded by Mr. Whitaker and carried unanimously.

6. Draft Solid Waste Management Element

Mr. Flynn introduced this item, noting that a draft of the plan was approved by the R.I. Resource Recovery Corporation in January and has been undergoing review by the Technical Committee. Staff has been working with the RIRRC staff to incorporate revisions.

Mr. Johnson noted that action by the Technical Committee was anticipated in the near future, and in anticipation of the draft moving forward, a background briefing on the plan was on today's agenda.

Mr. Flynn introduced Mr. Michael McGonagle of the RIRRC staff to provide an overview of the draft plan.

Mr. McGonagle noted that the draft is an update of the 1996 element, and fulfills several roles:

- It serves as a guidance document for the Corporation, fulfilling a statutory requirement that it maintain a long range plan
- It fulfills a requirement under the federal Resource Conservation and Recovery Act that the state have a plan for solid waste,
- It serves as State Guide Plan Element, and
- As such, it establishes facility needs that, under statute, the siting and licensing of future solid waste projects of the Corporation must be consistent with.

He reviewed the process the Corporation used to prepare the draft. A workgroup was appointed in 2003 and worked through subcommittees to develop the draft. The plan was adopted by the Corporation's Board in December 2005 and forwarded to Statewide Planning. He noted that Part 5 includes projections of waste volumes that serve as the Systems Development Plan that must be updated annually.

Mr. McGonagle made the following additional points relative to the draft plan:

- Waste disposed has increased 190% over the volume projected in the last (1996) plan.
- Those projections were made at a time when 60% of the commercial waste was being disposed of out of state due to pricing differences. Now, 100% of the commercial waste stream is likely being disposed of in Rhode Island, since the economics have changed. Diversion expections that formed the basis of the last plan have not been attained for a number of reasons, including failure to fund programs necessary to encourage diversion.
- On the municipal side, more progress has been made, but the goals set in the last plan have not been met. There are differences in how municipal solid waste is defined under federal and state programs. In Rhode Island the term includes wastes managed by municipal governments – this includes schools and town offices in most communities as well as some residential wastes. Wastes from larger, privately-managed, multi-family residential complexes are generally collected by commercial haulers and is counted in the commercial waste stream.
- As a net result, the expected life of the Central Landfill is now projected to be 10 years less than projected in the last plan. The Central Landfill current licensed area will be filled by January, 2011 at current rates.
- To address this need, the plan proposes a Phase VI of the Landfill be licensed and developed. Phase VI, if approved, could add between 15 and 30 years to the life of the facility, depending on the level of diversion attained.
- Phase VI adjoins the active landfill area to the east and could be developed entirely within property controlled by the Corporation. Expansion to the north and west is not allowed pursuant to a Host Community Agreement that the Corporation signed with the Town of Johnston. Expansion to the south is limited by wetlands and stormwater facilities that have been developed to address the landfill's runoff. Expansion to the east is not prohibited in the host community agreement. Phase VI would be developed in an area identified in the 1991 Landfill Siting Study. Phase IV would be designed to "piggy-back" on portions of the active landfill, allowing some added capacity via vertical expansion of the existing licensed phase. Its development would require relocation of a number of existing structures and facilities, at an estimated cost of $30 million (He noted that this estimate is based upon the original construction cost of the facilities involved, and does not include a factor to reflect inflation).

Mr. Beardsley asked when the host agreement with the Town of Johnston was signed. Mr. McGonagle stated he believed it was in 1995 or 96.

Mr. Beardsley asked when the Corporation realized that expansion to the east was the most feasible alternative. Mr. McGonagle answered that the Phase VI option was devised as part of the plan update process in 2005.

Mr. Beardsley asked when the structures that have to be moved to accommodate Phase VI were built. Mr. McGonagle estimated that the structures involved date from the early 1990s (the power plant) to around 2000 (the tipping facility).

Ms. Boyle asked, what she stated was an obvious question: If the landfill capacity is being too rapidly depleted by commercial waste, why not raise rates? Mr. McGonagle replied that, in the 1980s,

fees were raised substantially at the same time regional rates dropped. Large volumes of commercial waste were "lost" and Corporation revenues declined dramatically. Mr. Trevor noted that the current gate rate is $67 per ton, and that the Board has increased tipping fees about 1.0% - 1.5% annually; but he noted that there are also some long-term contracts with haulers that offer rates lower than the official gate rate.

Mr. Flynn stated that the underlying fact is that fees from commercial waste disposal subsidize the Corporation's operation of the landfill and other endeavors. The Corporation generates a total of $3 to $5 million annually above its budget – a surplus for the State's General Fund. Mr. McGonagle noted the Corporation contributed $7.3 million to the General Fund this year.

Mr. Griffith asked if other technologies are discussed in the plan. Mr. McGonagle noted that incineration is outlawed in Rhode Island, and therefore was not extensively discussed, but emerging technologies are touched upon in the draft.

Mr. Beardsley noted he was the only Council member who had also served on the Stakeholders Group that worked with the Corporation in drafting the plan. He offered the following observations based on his involvement with the earlier part of the process:

- The draft now on the Statewide Planning website is vastly different than the draft that the Corporation approved. He credited the staff and Technical Committee with restoring a number of points that were discussed at length by the Stakeholders group but were not included in the plan the Corporation approved. He cited the addition of the Preface as highlighting issues discussed by the work group that had been left out of the Corporation's plan. He feels that, although improved, the draft is still not sufficient relative to what the state needs as a guidance document.
- Alternatives to incineration should have been more fully explored. He asked what options are available if the planned Phase VI, for whatever reason, cannot be licensed? Where will the state's waste go?
- The addition on page 4.10 relative to "local conditions vary" is an example of language that helps to establish the context. The variability in municipal situations was discussed by the work group but not included in the initial draft.
- Referencing language on page 4.9 that the Corporation has "offered" a lower rate for municipal solid waste since 1992; he felt it more correct to indicate that this fee structure was established by the General Assembly as negotiated via a Tip Fee Commission.
- Referencing language in several places concerning out-of-state commercial waste "leaking" into the state, he suggested this was an understatement; noting that over the last 10 years municipal waste volume has gone up 24%, while commercial volume has gone up 379%.
- The role and composition of the Corporation's Board needs to be clarified. There is only one municipal representative on the Board, but it's decisions have major impact on all municipalities. He noted that the Corporation has undertaken new roles such as the development of an industrial park surrounding the landfill, a responsibility that is more appropriate to the purview of the EDC.
- The Council needs to better understand the Corporation's finances as it considers this plan. A basic conundrum is that the Corporation gets 96% of its revenues from tip fees. The $32/ton municipal fee discourages efforts to support more municipal recycling. The plan does not squarely address the issue that more recycling translates into less revenue for the Corporation, and what to do about that.

Mr. Beardsley noted that he had numerous other comments on the draft plan, especially relating to municipal recycling and the economics of the system. In the interest of time, he offered to submit these in writing to the staff prior to the next meeting.

Ms. Boyle asked what the time frame for action on the draft plan would be. She suggested, given the complexity of this plan, that it be reviewed section by section.

Mr. Rhodes indicated that he was glad to see attention in the revised draft to water *quantity*, as well as *quality*, in section 6-5-4 on stormwater mitigation.

Mr. Flynn thanked members for their comments and indicated that this item would continue on future agendas.

7. Other Business

There was no other business discussed.

8. Adjourn

The meeting adjourned at 10:57 A.M.

Respectfully Submitted,

George W. Johnson
Acting Secretary