

**RI Water Resources Board**  
**100 North Main Street**  
**Providence, Rhode Island 02903**  
**401-222-2217 tel**  
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**MINUTES OF BOARD MEETING #431**

**December 14, 2004 12:00PM**

**Members Present: Members Absent:**

**Daniel W. Varin, Chairman Rep. William Murphy**

**William Penn, V. Chairman Timothy Brown**

**John Milano Robert Griffith\***

**William Parsons Sen. Leonidas Raptakis**

**Frank Perry\***

**Jon Schock**

**William Stamp, III**

**June Swallow\***

**Alicia Good\* \*Member designee**

**Staff Present: Guests:**

**Kathleen Crawley James Campbell, USGS**

**Elaine Maguire Emily Wild, USGS**

**Connie McGreavy Janice Lavoie, Mapleroot Corp.**

**Brian Riggs David Lippitt, Mapleroot Corp.**

**Tracy Shields Pasquale DeLise, BCWA**

**Thomas Walker Timothy Behan, Siegmund & Assoc.**

**William Riverso Raymond Morin, No. Tiverton Fire**

## **1. CALL TO ORDER**

**With a quorum present, Chairman Varin called the meeting to order at 12:10 PM.**

## **2. APPROVAL OF MINUTES:**

**On motion by Mr. Penn, second by Mr. Stamp, the Board unanimously approved the minutes of the November Board Meeting.**

## **3. CHIEF BUSINESS OFFICER'S REPORT**

**Mr. Penn stated that the Finance Committee reviewed the report and recommended approval. On a motion by Mr. Penn, seconded by Mr. Schock, the Board unanimously approved the Chief Business Officer's Report dated November 2004.**

## **4. CHAIRMAN'S REMARKS**

**Mr. Varin reported that he and Ms. Crawley, Acting General Manager, attended two meetings with policy advisors of the RI House of Representatives and RI Senate, as well as with the Governor and members of his staff. Staff prepared a briefing book in preparation for discussion that covered the agency's activities, now and in the future. Mr. Varin mentioned that the Board is a member of the RI**

**Bays, Rivers and Watersheds Coordinating Commission. He accompanied Ms. Crawley to a meeting in November and also attended a second meeting in December that was focused on developing a work program by January of 2005. The Commission will report to the Governor and the RI General Assembly. Chairman Varin and Ms. Crawley attended a Brown University Environmental Studies class. Mr. Varin next stated that legislation passed earlier this year made the RI Rivers Council an associated function of the Board. Arrangements are being made to determine what the Board and Board Corporate can do under its new responsibility. Chairman Varin then announced that Board member, John Milano, would be resigning so as to spend time traveling and visiting family. Chairman Varin read several citations from the Governor, the RI House of Representatives, RI Senate, and the Board. On behalf of the agency, Chairman Varin recognized Mr. Milano's dedicated service to the agency. Mr. Milano thanked everyone and relayed his enjoyment and appreciation for the opportunity, wishing success in the future.**

## **5. GENERAL MANAGER'S REPORT**

**Ms. Crawley reported that she and Chairman Varin met with the Governor, his staff, and Acting Director Vincent on Dec. 2nd, responding to a range of questions about water supply and demand. In preparation for the meeting, a briefing book was prepared by Ms. O'Keefe. Ms. Crawley plans to follow up with the Senate Policy Office**

regarding Separation of Powers and Board composition. Ms. Crawley then stated that the Water Allocation Program Implementation Team met in December and will meet again once the draft report is prepared, likely in February or March. Outreach efforts continue in many areas. Ms. O'Keefe developed a Master Gardeners' Guide aimed at using less water. Staff attended Statewide Planning's monthly Technical Committee meeting to coordinate the water allocation efforts with the Land Use Plan Update. Ms. O'Keefe and Mr. Walker reviewed and made comment on various infrastructure plans, comprehensive plan updates and Affordable Housing Plans. Ms. Crawley also reported that she and Chairman Varin attended the Affordable Housing Hearing.

Mr. Rivero's Groundwater Protection/Acquisition program continues with work associated with the test well adjacent to Well #336. Acquisition of wells located on the Tuckahoe Turf Farm land may now forward with passage of the bond referendum. Ms. Crawley stated that several water quality protection projects are in process. Mr. Rivero is also preparing the Board's annual report with input from staff. The goal is to have the report ready for the General Assembly when the session opens. Mr. Walker is progressing on the supplemental water and interconnection projects, working closely with North Tiverton. The United Water/South Kingstown interconnection is underway, meeting the 6-month requirement. Mr. Walker prepared a working list of projects for the upcoming bond issue. He continues to work with the Bristol County Water Authority

regarding the Shad Factory pipeline with monthly updates to the Board. A progress meeting with Maguire Group on the Supplemental Phase II work this month will highlight progress on mapping.

The Water System Supply Management program continues with 30-month reports and five-year updates. Ms. O’Keefe is working closely with several suppliers, providing conservation information and technical assistance for interim reports. Ms. O’Keefe is planning meetings with review agencies and suppliers in the near future, consistent with the Board’s direction. Work has begun on the expanded water reporting program and the web site. Ms. McGreavy is working with the RI Dept. of Administration on a redesign of the website and updates. She is making progress with ESS Group on design of a user interface for the water supply database. She has initiated several meetings to discuss formal data sharing and information systems integration. Ms. Maguire continues to keep a watchful eye on the Big River Management Area. The RI Dept. of Environmental Management increased patrols this month. Ms. Maguire is also following up on illegal dumping, playing a lead role in developing a Request for Proposals for lead assessment, and moving forward with Phase VI of the forestry project. Ms. Maguire is pursuing funding for the spring seeding, working on the land survey and overseeing demolition of the “cabin” and coordinating other legal matters before the Board.

Ms. Crawley stated that she and Mr. Riggs continue to work with the

**Budget Office. As reported to the Board last month, the lead assessment monies have been added to the budget offset by moving to a four-year supplier audit cycle. There are beginning discussions regarding the fiscal year 2006 capital budget and amounts that may be available in federal funds. The Board audit is well underway and work continues on legally defining and establishing the RI Rivers Council as an “associated function” of the Board/Board Corporate. Ms. Crawley met with Attorney Monaco; written guidance is forthcoming. Ms. Crawley closed by expressing her gratitude to the Chairman, the Board and staff for their hard work and dedication. Mr. Penn asked for a copy of the briefing book, which Ms. Crawley agreed to arrange.**

## **6. COMMITTEE REPORTS AND ACTION ITEMS RESULTING**

**A. Public Drinking Water Protection Committee—Mr. Frank Perry for Chair, Robert Griffith**

**(1) Supplemental Water Supply Study Phase II: Maguire Group Invoice #5**

**Payment Requested: \$9,738.75; Recommended payment: \$9,738.75.**

**Request for Approval**

**Mr. Perry stated that the PDWP Committee reviewed the invoice and approved it. Mr. Perry moved to approve the payment with Mr. Penn seconding the motion. Mr. Penn reported that the Finance Committee**

**also approved the request. The motion carried unanimously.**

**(2) Water Supply Systems Management Plans (WSSMP):**

**(a) City of East Providence, WSSMP—30-Month Interim Report.  
Request for Approval**

**Mr. Perry stated that this request was for a 12-month extension to complete the report. The PDWP Committee approved the request but asked for regular progress reports. Mr. Schock moved to approve the request with Mr. Parsons seconding. The motion carried unanimously. Mr. Penn asked if the Board was over burdening water suppliers in the amount of information requested. Mr. Varin agreed this might be so, adding that the WSSMP regulations were rewritten and requirements were actually reduced. Nonetheless, the Board may be asking for too much information, or asking for it too often. However, it was necessary to get everyone on same reporting schedule with same measuring units; unanimous.**

**(b) Town of Johnston, WSSMP—15-Month Progress Report. Request for Acceptance**

**Mr. Perry stated that the Committee reviewed the request and recommended approval. Mr. Perry moved to accept the report with Mr. Parsons seconding the motion. The Board approved the motion unanimously.**

**(c) Pascoag Utility District, WSSMP—Progress Report. Request for Acceptance**

**Mr. Perry stated that the Committee discussed the progress report and recommended approval, subject to continued effort to consolidate the water system with Harrisville. Mr. Perry moved to accept the report with Mr. Schock seconding the motion. The Board approved the request unanimously. Mr. Varin added that the two systems might never link; however, it is important to keep raising the issue. The Board approved the motion unanimously.**

**(3) Water Allocation Program:**

**(a) Current Water Use and Availability/Modeling Studies: Narragansett East Bay and West Bay Drainage Basins. Request for Acceptance for Review and Comments**

**Mr. Perry introduced Mr. Jim Campbell and Ms. Emily Wild of the US Geological Survey. Mr. Campbell reported that the entire state assessment had now been completed for the state. He distributed copies of a report titled, A Precipitation-Runoff Model for the Analysis of the Effects of Water Withdrawals and Land-Use Change on Stream flow in the Usquepaug-Queen River Basin, Rhode Island. Ms. Wild next summarized the two water use and availability studies for Narragansett East Bay and West Bay Drainage Basins using a Power**

**Point presentation.**

**Mr. Schock asked if it was realistic that Newport's water use is less in the summer, given the tourism season. Ms. Wild responded that water restrictions coupled with water imports from other systems through wholesale purchases accounted for the results. Mr. Milano asked why more current data was not being used outside the period, 1995-1999. Ms. Wild explained that to properly assess the entire state, a consistent time period was necessary; the USGS decided to use a five-year period rather than ten years. Ms. Crawley remarked that expanded reporting goals would update the information. Mr. Perry moved to accept the report for review and comment with Ms. Swallow seconding the motion. The Committee's vote was unanimous. Mr. Varin thanked Mr. Campbell for completing the studies by the December deadline.**

## **B. Property Committee—Chair Frank Perry**

**(1) In Kind Replacement of Personal Property in the Form of a Mobile Home—63 Linda Lane, Maple Root Village, Coventry Request for Approval**

**Mr. Perry stated that this item involved a site where the mobile home burned. He added that the number of homes available is a critical part of Mapleroot's financing package. The request before the committee was to replace the trailer with an equivalent unit following the same**

footprint. Mr. Perry stated that the slab needed to be replaced, and that the Committee determined that it is an in-kind replacement, and not considered development. Mr. Perry made a motion to approve the request with Mr. Parsons seconding. Discussion ensued. Mr. Perry clarified that the original occupants did not wish to rebuild, and that Mapleroot Corporation wanted to put another unit on the site for income purposes. Mr. Schock wanted assurance that the replacement would, in fact, be a mobile home, and not a permanent house with a foundation. Mr. Perry stated that the building code requires a poured slab. Mr. Stamp asked whether an approval would constitute an approval for other houses. Mr. Penn replied that it would not. Mr. Stamp asked whether the occupants were seeking all local approvals. Mr. Perry replied that they would. Mr. Schock questioned whether the Board would “sign off” on all permits. Mr. Perry answered, as the property owner, yes. Mr. Varin clarified that the Board’s approval would authorize staff to approve a permit for a slab, but nothing more. The Committee’s vote was unanimous.

## **(2) Determine Scope of Issue—Determine What Constitutes Development—41 Park Lane, Maple Root Village Appeal of Board Decision**

Mr. Perry reported that the PDWP Committee heard from Mr. Brown’s attorney and also reviewed the matter with the Board’s legal counsel. The Committee had several questions that need further research by legal counsel; the Committee was not prepared to make any

recommendations, but would, hopefully, come back before the Board next month. Chairman Varin deferred the item to the next Board meeting.

### **C. Construction, Engineering and Operations Committee-Chair June Swallow**

#### **(1) Emergency Interconnection Program:**

**(a) Emergency Interconnection Grant Award – North Tiverton Fire District Connection to City of Fall River Massachusetts, Increase Existing Grant from \$674,000.00 to \$1,029,218.00—increase of \$355,218.00. Request for Approval**

**Ms. Swallow reported that the applicant ran into some construction issues (ledge) and chose to put the interconnection on the other side of the road, rather than follow the original plan using an existing trench. This decision resulted in a cost increase. The CEO Committee, therefore, recommended increasing the existing grant by \$355,218. Ms. Swallow made a motion to approve the request with Mr. Milano seconding the motion. Mr. Varin invited representatives of the North Tiverton Fire District to speak. Mr. Morin, board member, introduced the town's engineer, Timothy Behan of Siegmund Associates. Mr. Behan referenced a site plan and distributed handouts. He explained that in October 2002, the RI Water Resources Board granted the North Tiverton Fire District \$674,000 for the interconnection. There were two main elements to the project:**

construction of the Fish Road pipeline and two pumping stations on Stafford Road. \$674,000 was an estimate. The pipeline is nearly complete; however, the Stafford Road bids showed an increase in the total project cost. The request before the Board was to approve the increased funding. Mr. Stamp wished to clarify whether this was the cheaper of two alternatives and what the cost of the alternative to remove the asbestos line was. Mr. Morin answered that the cost was never actually established. He added that cost estimates were actually considerably higher, almost immeasurable. Mr. Schock asked whether the Committee discussed what lines existed and which were replaced, recognizing that lines were replaced parallel to, and not in the same trench. The existing connections were connected to the new line. He also asked whether the old line would be abandoned in place. Mr. Morin concurred with those statements. He thought the sole purpose of the project was to upgrade the diameter of the existing line for emergency purposes. Mr. Morin stated that the 6" pipe was not sufficient for an emergency connection, so they installed a 16" pipe. Then they found asbestos, and started examining the cost, acknowledging that the pipe was only down three feet because of ledge. The odds kept increasing that the cost was going to be tremendously expensive.

Mr. Schock then asked whether the cost included chemical systems for the pump station and whether those chemicals were needed specifically for interconnection purposes, versus normal operations. Mr. Morin responded that the chemicals were specifically needed for

the treatment building. Mr. Varin stated that there were other financial partners that also increased their contributions to the project including the US Dept. of Agriculture as well as the town. Mr. Varin asked how deep the new line was, noting that last year's freeze went below three feet. Mr. Morin responded, five feet to the top of the cover. Mr. Stamp asked when the old line was installed. Mr. Morin stated, probably around 1927. Mr. Milano asked whether the old line was still active. Mr. Morin said no, and that all taps taken off the old line were now connected to the new 16" line.

Discussion proceeded regarding the expiration of the agreement between Fall River and North Tiverton in 2007. Board members were looking for assurance that this agreement would be extended. Mr. Morin replied that the Watuppa Water Board wanted to sell more water, not less, and was also considering supplying Portsmouth. Mr. Milano asked what the next step was—a 40-year lease? Mr. Morin said no, and that the North Tiverton Fire District was working on a more stable situation with the city of Fall River. He did not foresee any problems. Mr. Penn was concerned about the short tenure of the agreement (expiring in 2007), adding that the Finance Committee voted to defer the recommendations to the Board. The Finance Committee questioned making a capital investment without knowing what would happen in 2007. Mr. Morin stated that he had raised the matter with the clerk of the Watuppa Water Board who believed that everything would be okay. The Watuppa Water Board renewed the lease for ten years the last time. Mr. Schock added that demand is

down so Fall River is looking to supply more water. He agreed that it would be unlikely that they would not renew the lease. Fall River is also investing in infrastructure, increasing some water lines from 8” to 16” and replacing a 44-foot high storage tank with a new 96-foot high tank with a 355-foot overflow tank. Mr. Perry concurred that such investments indicated favorable intentions to provide more water. Mr. Stamp asked how the North Tiverton Fire District negotiates the price of water. Mr. Morin stated that the price increases annually and that the district is notified. He was not advised to request an extension at this time. Mr. Varin did not believe the Board was at great risk of losing the water supply, adding that North Tiverton has no alternatives. Mr. Varin repeated the motion to approve the request for additional funds, which was approved unanimously.

#### **D. Finance Committee—Chair William Penn**

**(Concurrent with Public Drinking Water Protection Committee)**

Mr. Penn stated that payment requests would be handled in the Board Corporate meeting.

#### **E. Legislative Committee—Chair Daniel W. Varin**

Chairman Varin reported that the Committee did not meet in December.

#### **F. Strategic Committee—Chair Daniel W. Varin**

Chairman Varin reported that the Committee did not meet in December.

## **G. Personnel Committee—Chair Jon Schock**

**Mr. Schock reported that the Committee met, reviewed the applicants and reaffirmed the three finalists for the General Manager's position. The item would be taken up later in the agenda.**

## **7. NEW BUSINESS - None**

## **8. OTHER BUSINESS**

### **(a) Shad Factory Briefing—Pasquale DeLise, Executive Director, Bristol County Water Authority**

**Mr. DeLise reiterated the Bristol County Water Authority's new direction to replace the entire pipeline with passage of the bond. He expected to go out to bid by the end of January for redesign. There would be two major design contracts, one with Rhode Island and one with Massachusetts. He anticipated there might be four construction contracts with repair of the collapsed pipeline the top priority. The Authority would build a prototype of the support structure in its own shop, which must be assembled on site. The original supports had collapsed, but the Authority can use the existing pipe while the new pipe is being engineered and constructed, provided there are no other breaks. All measurements of the collapsed pipe have been taken along with photographs. The parts must be hand carried because sections of the pipeline are in a marsh. Maguire Group conducted the study that will be available for reference. Mr. DeLise**

estimated the cost for engineering and design at \$500,000 (possibly less) excluding construction services that will be bid out later on. There have been some problems at the plant concerning valves that were replaced but are not running properly; the manufacturer has been onsite two times to align the motor and pump. Mr. DeLise expects the plant to be in operation by the beginning of next year. Mr. Varin asked if permitting is part of the engineering contract. Mr. Penn asked what happens to the old pipe once the new line is finished. Mr. DeLise replied that the Authority plans to leave the pipe in place, but disconnect it until it can be removed. He expected there would be a time when a permitting agency would require removal since part of the pipeline is in a remote area. Mr. Penn thought a wetland restoration might be needed. Mr. DeLise stated that the pipe has been there since 1908. Mr. Perry suggested there might be more of an impact by removing it. Mr. DeLise explained that the pipe is cast iron and hard to get to; sections would have to be chopped up and carried out. He reiterated that the Authority is planning to use both pipes even after the new pipe is installed. They don't want to remove it unless the other pipe is totally shut down for some reason. He mentioned that 2000' of the pipe is above ground while 70 feet collapsed; the rest of the pipe is buried. Mr. Varin asked that the Board be apprised of progress.

## **9. RECESS OF BOARD FOR BOARD CORPORATE BUSINESS**

With no objection, Chairman Varin recessed the Board for Board Corporate Business at 1:15PM. Mr. Stamp made the motion with Mr.

**Perry seconding. The motion passed unanimously.**

#### **10. RETURN FROM BOARD CORPORATE BUSINESS**

**At 1:45PM, the Board returned from Board Corporate business. Chairman Varin then advised the Board that there was no need to go into Executive Session to discuss Item 11. Mr. Varin reported that he had had a discussion with Mr. Ken McKay, the Governor's Chief of Staff, who said he would get back to the Chairman by the end of the week. Mr. Varin instructed the Board to defer action. Mr. Schock moved to defer action on the appointment of a General Manager with Mr. Milano seconding. The motion passed unanimously.**

#### **11. OPEN CALL FOR EXECUTIVE SESSION IN ACCORDANCE WITH RIGL 42-46-5(a)(1) JOB PERFORMANCE—GENERAL MANAGER POSITION**

**See Item 10 above.**

#### **12. RETURN FROM EXECUTIVE SESSION**

**See Item 10 above.**

#### **13. ADJOURNMENT**

**On a motion by Mr. Milano, seconded by Mr. Parsons, the Board unanimously voted to adjourn at 2:05 PM.**

**Prepared by,**

**Connie McGreavy**

**Overseeing Body: RI Water Resources Board**

**Public Body: RI Water Resources Board**

**Public Contact Information: Connie McGreavy**

**Posting Date: Jan. 14, 2005**