

MINUTES OF BOARD MEETING # 440

July 12, 2005 12:05 PM

Members Present:

Daniel W. Varin, Chairman
William Penn, V. Chairman
Frank Perry
Jon Schock
William Stamp, III
June Swallow
Timothy Brown
Alicia Good*
William Parsons

Staff Present:

Kathleen Crawley
Elaine Maguire
Brian Riggs
Beverly O'Keefe
Tracy Shields
William Rivero
Rob Christina

Members Absent:

Robert Griffith

*Member designee

Guests:

Eugenia Marks, Audubon Society of RI
Pasquale DeLise
David Lynch, Rhody Rovers

1. CALL TO ORDER

With a quorum present, Chairman Varin called the meeting to order at 12:05 PM. At the Chairman's request, Ms. Crawley introduced the newest member of the staff, Rob Christina as our new Programming Services Officer, who is responsible for computer, IT, web design and data management. He comes with 17 years of software, mainframe and database management in the private sector, and he will be working closely with USGS on the NEWUDS database and the water reporting system. Mr. Christina was welcomed by Ms. Crawley and the full Board.

2. APPROVAL OF MINUTES:

Mr. Perry made a motion to approve the minutes with two corrections: page 12, 9th line down in the large bottom paragraph, it should read, "\$100 million dollar plus job," not "\$1 million dollar plus job." In the next to last sentence, the design of the system is "not" based on boundaries. Mr. Schock and Ms. Swallow also had some comments. Mr. Schock noted on page 6, 3rd paragraph, he believed that he had asked Colonel Pare if the State Police had looked at Quonset and the Colonel's response was that it was too far from Route 95. Ms. Swallow commented that at the top of page 14, the last clause of the first paragraph, reads: "I wanted to eliminate the reference to large and small water users," but should read: "I wanted to eliminate the reference to large and small public water systems." Chairman Varin noted that on page 3, the list of 4 items should read: "Findings of Fact," and also on page 13, under item C, S-1152 Relating to the Joint Committee on Water Resources, "adding one more member from the Senate giving the committee 4 members from each chamber." Ms. Eugenia Marks noted a typo on page 8 line 3 where the word "not" should be "now."

Noting these corrections, Mr. Perry moved approval with a second by Ms. Swallow. The motion carried unanimously.

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 June 2005.

Mr. Penn noted that the .0166 surcharge money for this year is significantly lower than last year by approximately \$360,000, and it appears that because of last year's wet summer, the usage of water is down. This is a reversal of a trend.

4. CHAIRMAN'S REMARKS

Chairman Varin stated that a letter was received from the National Oceanic and Atmospheric Administration of the US Department of Commerce, stating that due to a lack of funding for the Pawtuxet River gauge at Cranston, the gauge has been discontinued. This is expected to have a major impact on natural weather service river and flood forecasting capabilities for the State of Rhode Island. The Chairman noted that should the Board vote approval, staff would pursue the issue of finding funding for this important gauge.

Mr. Stamp asked who reads the gauge and Ms. Crawley and the Chairman noted it was NOAA, USGS and FEMA. Ms. Crawley explained that it was part of the long-term network and had been funded by different entities over the years. Ms. Crawley noted that this gauge had been funded by the Pawtuxet River Authority and the City of Cranston. The Board's gauges have been funded in the past by both general revenue and the Department of Health set-aside funds. Mr. Stamp wanted to know if this gauge specifically acts as a flood warning and Chairman Varin noted that it was one device used to predict flooding. Mr. Schock wanted to know what the funding was for specifically and Ms. Crawley explained that it would be used by USGS to collect data and maintain the gauge. She added that she believed it cost between \$10,000 and \$15,000 per year per gauge. Ms. Good noted that it is usually cost shared, and Ms. Crawley acknowledged that USGS contributes about 30 percent.

With a motion by Ms. Swallow and a second by Ms. Good, the Board voted approval to investigate funding. The motion carried with Mr. Stamp objecting.

The Chairman requested an item be added to the agenda under new business. It was a request from the Rhody Rovers and each Board member had a packet regarding this request. With a motion by Mr. Perry and a second by Ms. Swallow, the motion carried unanimously.

The Chairman updated the Board regarding the State Police situation. On June 20, the Chairman explained that he, Ms. Crawley, Jerry Williams and Colonel Pare along with 2 other members of the State Police met and agreed to the specific items which would have to be included in the Memorandum of Understanding. On June 22 the State Properties Committee met and approved the transfer of responsibility for the site to the State Police. On June 23, the Senate met on Senator Raptakis's bill to transfer responsibility and it was approved on a vote of 4 to 2; later that week the Senate approved the bill by a small margin and sent it to the House. On June 27, the Governor withdrew the site from consideration and the House recessed without acting on the bill.

Chairman Varin continued that Mr. Brunelle and Colonel Pare are now looking at 3 alternatives. One being Quonset Business Park where access to Route 95 south is still an issue and where the planned building would have to be split into 3 separate buildings, not adjacent to each other, because there is no single parcel large enough to accommodate the building. They are also looking at the Central Landfill in Johnston which has good access to Route 295, but it has other perceived disadvantages. The 3rd site is the Pastore Center in Cranston which had been discussed at our last meeting.

5. GENERAL MANAGER'S REPORT

Mr. Chairman, members of the Board, June was once again an extremely productive month.

As stated earlier, we have hired Mr. Rob Christina to fill the Programming Services Officer Position vacated by Ms. McGreavy. Yesterday began his third week on the job. So far, he has rebuilt several computers by recycling existing equipment and has updated the fixed asset-tracking inventory.

I would like to quickly update the board on two areas. The first area is the Separation of Powers legislation, which is not yet final. The Governor vetoed one bill and two others, transmitted from the Senate are in the House Separation of Powers and HEW Committees respectively. Both chambers are in recess and have not officially adjourned. We have been contacted regarding the North Smithfield and Woonsocket water supply agreement. I have spoken with the Attorney from North Smithfield and requested detail about the proposal and a legal opinion as to whether the statute requiring Board involvement applies. When received I will forward the opinion to Board Counsel for review. If I do not receive a letter I will request an interpretation of the statute and a letter from Board counsel advising the communities of the statutory requirement.

Over the month of June we made considerable progress with office, technology and administrative reorganization efforts. Beverly, Brian and Rob have identified surplus property and developed a recycling plan. Surplus computer property has been transferred to the Rivers Council. The computers will be used by three watershed organizations. Surplus property no longer needed has been transferred to the armory. You will also note that surplus property was acquired at no cost to expand the board table and upgrade the seating in anticipation of the passage of the Separation of Powers legislation which will expand the Board to 15 members.

The web page is undergoing frequent updates. Beverly O'Keefe assumed the responsibility working with SRM in the interim and Rob will be responsible moving forward. Staff has paid close attention at this time of year to the water restrictions and have achieved 24-hour turnaround. Other updates and a redesign are planned.

The Bristol County Water Authority has received five bids for the design of the Shad Factory pipeline. Mr. Delise will report on this today and they will be looking for Tom Walker's input. An August bid award keeps the project on target.

Elaine Maguire has been busy arranging for National Guard training exercises during July, completing all code inspections and finalizing the fair market appraisal. The code issues will come before the Property Committee later this month for Board action at a later date. The fair market appraisal report will be presented for acceptance first to the Property Committee on July 18 and then to the Board at the August meeting. Board staff, Committee Chair Perry and White Appraisal will meet with the tenants on July 20 to review the new leases that must go into effect by October 1.

Beverly O'Keefe, Rob Christina and I have met with the USGS and have finalized scope of work for three USGS projects

- o Development of the drought modeling technique with a first application to the Hunt-Annaquatucket-Pettaquamscutt Aquifer system.
- o Water data summary-updating NEWUDS with 2004 data and merging the water basin data into one large database
- o Water atlas-providing tools for planners and suppliers to implement guidance for basin planning and management

Will Riverso completed a legislative tracking report to update those bills that the Board tracked and/or provided comment or testimony.

Over the month considerable progress in the Phase III Public Drinking Water Protection Program with one completed water quality improvement project, the completion of Westerly's Miox study and two new land acquisition projects underway.

Continued progress on the Pawcatuck Optimization and Blackstone water modeling projects.

The Big River Land Use team continued fieldwork and held a project update meeting to review data and the approach and to discuss the scope of work for the well development.

Brian Riggs and Attorney Mike Mitchell have successfully defended the Board in the eviction proceedings resulting in a credit to the Board and a written letter to the landlord for attention to lease requirements (cleaning, parking, etc.)

Tracy Shields continued to keep us in good stead with the payroll, personnel and has once again produced excellent minutes.

In conclusion, the Property, Public Drinking Water Protection and Finance Committees met in preparation for today's meeting. The Capital Budget has been prepared for your approval and is guided in part from the program budget approved in May. The new report of routine matters approved in committee is attached to today's agenda for your review and comment.

Mr. Penn asked about the progress of the audit conducted by the Bureau of Audits. Ms. Crawley noted that she has heard nothing. When Mr. Penn asked if that was good or bad, Mr. Perry noted that rapid turnarounds were not to be expected.

6. COMMITTEE REPORTS AND ACTION ITEMS RESULTING

A. Public Drinking Water Protection Committee— Chair Robert Griffith

(1) Emergency Interconnection Program:

- (a) Narragansett Water Invoice #2, Galilee to Jerusalem Interconnection, Grant Increase of \$4,081.74 for a total of \$19,436.87 (\$15,355.13 amount of original request)

As Mr. Griffith was chairing the State Properties Committee, Mr. Perry presented this committee's action items. Mr. Perry explained that there was a list attached to this agenda regarding the approval of payments or progress reports taken by the PDWP at their meeting. However, with the above-referenced item, there was an overrun of \$4,081.74, which normally would have been included as a contingency. For some reason, that contingency did not exist in the initial approval for this project. Therefore, Mr. Perry moved approval of the increased payment with a second by Mr. Stamp. Mr. Penn noted that the Finance Committee had reviewed and recommended approval of this payment. The motion carried unanimously with Mr. Schock recusing himself.

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

- (a) Kent County Water Authority—WSSMP—30-Month Interim Report, Request for Approval

Having received no adverse recommendations on this report, Mr. Perry moved approval with Mr. Schock seconding. The motion carried with Mr. Perry and Mr. Brown abstaining.

Mr. Perry also noted that the Warwick 30-month interim report was returned with a notice of deficiency due to non-response to some items which were referenced earlier.

B. Finance Committee—Chair William Penn

(1) FY 2006 Water Resources Board Capital Budget—Request for Approval

Mr. Penn explained that at enclosure 5 was the Water Resources Board Capital Budget, which must be submitted next week. He added that Ms. Crawley's cover letter explained the 6 projects which the Board was requesting be funded. He explained that on Form 1 Summary of Capital/Asset Protection Projects that this is the total project not the amount of new money being requested. The additional funds were between \$3 million and \$4 million dollars. However, this did set priorities. Mr. Penn moved approval for submission to the Department of Administration with a second by Mr. Schock. This motion carried unanimously.

Mr. Penn also noted that the Finance Committee had reviewed audits for surcharges of 4 water systems. He explained the audits were for Pascoag, East Smithfield, Harrisville and Greenville and all were available for review to anyone interested.

C. Property Committee—Chair Frank Perry

Mr. Perry explained that this committee had not met; however, the item added to the agenda would be handled by this committee and would be taken up as new business.

D. Construction, Engineering and Operations Committee—Chair June Swallow

Ms. Swallow noted that this committee did not meet. However, she added that the Bristol County Water Authority treatment plant was again non-operational due to chlorine dioxide generator problems.

E. Legislative Committee—Chair Daniel W. Varin

(1) 2005 Legislation

Chairman Varin explained that Mr. Riverso had provided a summary of the various legislative bills that the Board reviewed, some of which the Board took a position on and some of which it did not. The Chairman continued that Representative Moffitt's annual bill to create a special house commission to study the feasibility of selling all of any portion of the Big River Management Area back to the prior owners or their heirs passed this year. Chairman Varin noted that this particular bill had attracted the notice of no open space proponents. He added that this was a dangerous bill.

The Speaker of the House must appoint 3 of the 5 members of the special house commission. Two can be from the same political party; the third must be from a different party. The Director of DEM and the Chair of the Water Resources Board are named as members in the resolution. Ms. Crawley and I have begun assembling information anticipating that this commission will be meeting, but probably not until September or October.

It should be relatively easy to follow the rest of the summary. At the bottom of page 2, the bill authorizing Mr. and Mrs. Brown to proceed with renovating their property in Maple Root did pass both houses and the governor allowed it to become law. Many errors were made with respect to this situation; however, none of those errors were made by the Board.

F. Strategic Committee—Chair Daniel W. Varin

Chairman Varin did not have anything to report under this item.

H. Personnel Committee—Chair Jon Schock

Mr. Schock referred this item to Executive Session.

7. NEW BUSINESS

Chairman Varin explained that this was a request of the Rhody Rovers, and the members had a package before them today containing a memorandum from Jay Aron, Supervising Forester, Division of Forestry, DEM. Mr. Perry, as Chair of the Property Committee, explained that this was a request for a pair of events, which had been held in the past without incident.

The first event was the Turkey/Scholarship Fun Ride in the Management Area and adjacent properties. It is limited to 75 riders and is scheduled for July 17. Ms. Maguire and Mr. Perry met with representatives of the Rhody Rovers and discussed these events. This is the same event which has been held in previous years. All the paperwork is in order and approvals have been received by the various towns. A map of the route is provided as well as a copy of the insurance document. All the conditions listed by Mr. Aron will be observed. The participants are riding on recognized/approved trails; photographs are included and the group will be cleaning up immediately after the events. This is not a speed race; it is a timed event. Mr. Perry recommended approval.

Mr. Perry continued that on August 29 there would be a larger event, which is another timed event. These events are used as a means to raise money for the Exeter-West Greenwich Scholarship Fund. The larger event will involve approximately 100 – 125 riders.

Mr. David Lynch of the Rhody Rovers wished to make a clarification. The larger event would actually be the July 17 event; the smaller involving only approximately 75 would be in late August.

The insurance for the July event is included in your packets and the insurance for the second event will be forthcoming. Both events have been endorsed by the Town of West Greenwich.

Mr. Penn asked Mr. Perry about Mr. Aron's cover memorandum listing conditions for which cancellation would occur. Mr. Perry explained that with respect to fire danger, the fire department as well as DEM would make that call, specifically Jay Aron of DEM and Chief Hoxsie of the West Greenwich Fire Department. Mr. Perry explained that should the conditions warrant cancellation, it would be the responsibility of the Rhody Rovers to notify the participants.

Ms. Eugenia Marks, Audubon Society, noted her objection to this use of the Management Area despite the worthiness of the cause.

Chairman Varin stated that Mr. Aron has inspected these areas after previous events and has discovered no real harm to the Management Area from these particular events. Ms. Marks recalled that there had been damage done during previous events. Mr. Perry assured her that for this particular group's events, the trails are carefully selected and should any damage be caused, it is immediately repaired—within a week's time. This is a condition of the agreement. However, from these specific events there has been minimal damage and what damage was done has been immediately repaired.

Mr. Lynch of the Rhody Rovers explained that the route was exactly 8.63 miles of exclusively wood's roads. This area would be arrowed the Saturday prior to the event (July 16) and the arrows would be removed on July 17 by noon. The last rider is expected to pass through at approximately 9:57 a.m. They have a work party of approximately 12 volunteers, who will retrace this route, clean the area, inspect and repair any soil or ground impacts—again this will all be done by noon. Unlike some past events, this is not a multiple loop. The riders will go through this 8.63 mile area only once, and they are not racing through this area. The goal of this event is for each rider to use their odometer and a wrist watch to keep an exact 24 mph average. Riders are actually penalized for going more quickly.

He continued that with respect to the forest fire concern, all these bikes must pass a very tough technical inspection, which is done by a certified American Motorcyclist for National Off-Road Highway Vehicle certified sound tester. The motorcycles will also have a USFS spark arrester, so there is virtually no possibility of fire spark damage. All the bikes are street registered, insured, have headlights and taillights and also have to go through a complete safety check.

Mr. Perry moved approval of both these events and Mr. Schock seconded. The motion passed unanimously.

8. OTHER BUSINESS

(1) Shad Factory Briefing—Pasquale DeLise, Executive Direct, Bristol County Water Authority

Mr. DeLise acknowledges that the Authority had a lot of problems with compliance. There were high THMs, so the plant was shut down. They are working to resolve this issue.

With respect to the Shad Factory Pipeline, they have received 5 bids roughly ranging from \$100,000 to \$475,000. Mr. Schock asked if this was for both design and permitting. Mr. DeLise answered affirmatively. Mr. DeLise stated that the results had been reviewed; however, he wished to discuss this with Mr. Walker. Mr. DeLise noted that they would have a final recommendation for the Board at the August meeting. He noted that this process is still on schedule.

With respect to the repairs, all the supports needed have been built in house. They began installation this week. The problem is the accessibility of these supports. These supports are transported by boat and the work can only be done for a 2-3 hour period each day coinciding with low tide. This work should be done by Thanksgiving.

The pipe has several leaks and about half have been repaired. Those that have not been repaired need special ties for the pipe, which are manufacturer's built. This concluded Mr. DeLise's report.

Chairman Varin explained that Mr. Walker had been in an automobile accident, and consequently, the Board was short engineering expertise. Mr. Penn noted the importance of this project and questioned whether or not this could be outsourced. The Chairman explained it might have to be outsourced depending on how much longer Mr. Walker would be incapacitated.

Mr. Perry noted his concern that the award of this contract be done in a timely fashion as the Board's schedule had been pushed to its limits at the beginning of this project. Mr. Perry clarified that all the Board would be doing is approving the recommendation. Mr. DeLise acknowledged that he could provide a final recommendation for the August meeting. Mr. Perry asked if something could be done to authorize the Chairman to take action.

Chairman Varin stated that he believed it would appropriate to authorize the CEO Committee to take action and if the members so chose to include the Chair that would be appropriate. Chairman Varin noted his hope that the Board would be able to continue once Mr. Walker and Mr. DeLise had reached agreement.

Mr. DeLise stated that he and Mr. Walker had discussed the findings so far, and he wished to continue on that track.

Chairman Varin acknowledged a desire to speed things up where possible even though the overall project was still on target.

Mr. Perry moved that the CEO Committee in conjunction with the Chair approve the award of this contract as soon as they get the chance to review it, so it can be done before the August Board meeting. Mr. Penn seconded and the motion passed unanimously.

Chairman Varin explained that if Mr. Walker were not available to complete his work on this project, the Board would have to outsource this work on an emergency basis, which would require someone starting over to some extent. The Chairman thanked Mr. DeLise for his presentation.

9. RECESS OF BOARD FOR BOARD CORPORATE BUSINESS

With no objection, Chairman Varin recessed the Board for Board Corporate Business at 12:56 p.m.

10. RETURN FROM BOARD CORPORATE BUSINESS

At 1:08 p.m., the Board returned from Board Corporate business.

**11. OPEN CALL FOR EXECUTIVE SESSION IN ACCORDANCE WITH:
R.I.G.L. 42-46-5(a)(1) JOB PERFORMANCE—GENERAL MANAGER POSITION**

On a motion to meet in executive session by Mr. Stamp and seconded by Mr. Schock, the following roll call vote was taken:

Ms. Swallow—aye.

Mr. Stamp—aye

Mr. Parsons—aye

Mr. Brown—aye.

Ms. Schock—aye

Mr. Perry—aye

Ms. Good—aye

Mr. Penn—aye
And the Chairman votes yes and the motion is unanimous.

Mr. Parsons moved offering the position of General Manager to Mr. Juan Mariscal with a second by Mr. Perry. The motion carried with Mr. Stamp opposing.

Mr. Penn moved sealing the minutes of the Executive Session until the personnel matter is complete with a second by Mr. Perry. The motion carried unanimously.

9. ADJOURNMENT

On a motion by Mr. Brown, seconded by Mr. Stamp, the Board unanimously voted to adjourn at 1:25 p.m.

Respectfully Submitted,

Tracy Shields
Personnel Aide

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