



**State of Rhode Island and Providence Plantations
Water Resources Board**

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RHODE ISLAND WATER RESOURCES BOARD

MINUTES OF BOARD MEETING # #463

September 11, 2007

Members Present:

Daniel W. Varin, Chairman
William Parsons
Ian Morrison
Jesse Rodrigues, Jr.
June Swallow*
Harold Ward
Frank Perry, P.E.
Pamela Marchand, P.E.
Richard Mignanelli
Michael Sullivan

Members Absent:

William Penn
Robert Griffith*
William Stamp, III

Guests

Elizabeth Scott-RIDEM
John Paul Verducci-House Finance
Heidi Green-Quonset Development Corporation
Sharon Pelsler-Sports 4 Kids
Timothy Regan-Sports 4 Kids
Ken Payne-Senate Policy Office
David Lynch-Rhody Rovers
Pasquale Delise-Bristol County Water Authority
Dominic Signoli-Bristol County Water Authority

Staff Present:

Juan Mariscal, P.E.
Kathleen Crawley
Romeo Mendes, P.E.
Beverly O'Keefe
Regina Frisby
*Member designee

CALL TO ORDER:

Chairman Varin called the meeting to order at 12:09 p. m. noting that a quorum was present.

REPORTS

Chief Business Officer's Report

Motion by Mr. Perry, seconded by Ms. Swallow to approve the August 2007 Chief Business Officer's Report. The vote in favor was unanimous. The motion carried

Discussion

The Finance Committee reviewed and approved the report. Dr. Sullivan referred to page 2 under operating expenses and noted that there is a discrepancy of roughly \$500 when the lines are added. He asked staff to verify and report back with results at the next monthly meeting. Ms. Crawley stated that she will send out a corrected report prior to the next meeting.

Chairman's Report

Chairman Varin introduced David Lynch from the Rhody Rovers Motorcycle Club. Mr. Lynch expressed gratitude to the Board for allowing their organization to have two events this past summer in the Big River Management Area.

Chairman Varin referred to the committee roster from last month's meeting stating that we now have a current and official committee roster list. Chairmen Varin stated that at anytime any member can request changes be made to the committees. He also stated that now, with sufficient membership; we can delegate more routine and continuing functions to the committees. The full Board would make initial and final decisions and the committees would report progress payments and routine payments to the Board monthly.

Chairman Varin stated he will review bylaws to determine what we can and cannot do and will have specific list of delegated actions proposed at the next meeting.

Chairman Varin mentioned the group that has been meeting to review and comment on the legislation that was proposed by Ken Payne and Sandra Whitehouse at the end of the June legislative session. He stated that he would be getting back to the Board with recommended comments on the proposed legislation.

Chairman Varin stated that he has discussed several important topics with the General Manager:

- The Hunt River
- The Bristol County Water Authority Treatment Plant which does need the work that was originally contracted. In the meantime, the drinking water quality standards have changed and additional work is now needed.
- The water source for Shannock Village
- The use of potable water by electric power generators, one of which was specifically prohibited by the Energy Facilities Siting Board.

Dr. Sullivan asked Chairman Varin about the Board's statutory enforcement capacity in terms of the use of potable water for power generation. Chairman Varin replied that this is the issue that needs to be addressed. He stated that the case that he specifically mentioned it may be necessary for the Energy Facilities Siting Board to review and enforce their earlier decision. That will require a review of the records of that decision. Mr. Mariscal added that he had received and is reviewing copies of decisions from Doug Hartley of the PUC, reviewing past Board actions and anticipates further discussions with suppliers and power companies. He indicated that he had responded to several phone calls regarding Ocean State Power and the use of potable water.

General Manager's Report

Mr. Mariscal addressed several items requested by the Board at the last meeting:

- He provided copies of Hunt River conservation materials developed by Kent County Water Authority, Quonset Development Corporation and the WRB/Hunt River Watershed Association were distributed. Mr. Mariscal acknowledged the good work of Emily Cousineau, the WRB intern worked with the watershed association to develop and distribute the flyer which went to every household in North Kingstown.
- He provided a copy of the letter sent to North Kingstown which recognizes the Town's efforts and leadership of Sue Licardi and Tim Cranston and lays out some of the concerns and issues raised by the board including:
 - Excessive use of drinking water for lawn watering;

- Potential for the development of a new well in North Kingstown which could impact the Chipuxet basin;
- The request or use of the South County groundwater development and the incorrect reference to the USGS model report;
- The need for restructuring the water rates;
- The use of recycled wastewater.

Dr. Sullivan noted for the Board's attention that he had seen a report in the Providence Journal this week about an old well affiliated with Quonset that North Kingstown would use for irrigation purposes. He stated that DEM had not received anything. Mr. Mariscal stated that he had not seen the article but had conversations about a potential irrigation well for the golf course and would check on the matter.

Mr. Mariscal presented data regarding the Hunt River and streamflow data from the US Geological Survey website. He stated that the presentation was intended to provide an overview and suggested that a workshop be held in the future. There was considerable discussion about the data, streamflow statistics, and water supply and demand issues.

COMMITTEE REPORTS AND ACTION ITEMS

Public Drinking Water Protection Committee - Robert Griffith, Chair

Water Supply Systems Management Plan Program:

Mr. Griffith was not in attendance. Mr. Mariscal outlined the request from Bristol County Water Authority, the staff and committee recommendation.

Motion by Dr. Sullivan second by Mr. Perry to accept the staff and committee recommendation to issue a Notice of First Deficiency to Bristol County Water Authority for failure to provide updated information on implementation of the MUTAP program with the understanding that they will have one hundred twenty (120) days from the date of notification to correct deficiencies and resubmit the filing to the Board. The vote in favor was unanimous and the motion carried

Property Committee - Chair Frank Perry

Big River Management Area Oversight Program:

Mr. Perry reviewed the request by a local organization (Exeter-West Greenwich Sports for Kids) to use materials from the Big River Management Area to rebuild a track an athletic complex and football field.

Motion by Mr. Perry second by Mr. Morrison for the Board to approve moving ahead and granting Exeter-West Greenwich Sports for Kids 22,000 cubic yards of material in BRMA in return for "in kind" services recognizing the monetary value of the material to be worked out in detail with the General Manager and Property Committee on a ratio of 25cents on the dollar and with the condition that any area disturbed will be restored. The vote in favor was unanimous. The motion carried.

Discussion Summary

There was discussion about the need for stipulations, the appropriate ratio, prior precedent and the need to require vegetative restoration.

- Dr. Sullivan requested that when the agreement is rewritten that the term “surplus” sand not be used;
- Re-vegetation should also be included in the agreement even though removal of materials was occurring in an open area;
- There was discussion about the “25cents on the dollar” for the materials that would be returned in the form of in kind services and a question as to whether there was any precedence, Mr. Mariscal explained that the State law prohibition requires that the agency either put it out to bid or go to the State Properties Committee for a determination that it is in the public interest. The Board requested and received conceptual approval by the State Properties Committee laying out the local benefit to Exeter-West Greenwich;
- Provision of in-kind services equal to 25% of the value of the material;
- Final approval by the State Properties Committee is required;
- In kind services are difficult to define. This project should be viewed as an experiment.

Construction, Engineering and Operations Committee – Pamela Marchand, Chair

Ms. Marchand noted that the committee met to consider two requests and there was no quorum. Ms. Marchand summarized the requests. The first was a request to establish a two way interconnection between the Lincoln and Pawtucket systems. The second was a request by Bristol County Water Authority. Ms. Marchand summarized the request, the state’s responsibility as delegated to WRB and the changes in the project (Child Street treatment Facility upgrades) due to changes in the federal drinking water standards. Currently, the treatment facility does not meet the standards at full flow rates and needs to be upgraded. Their request is to hire an outside engineering firm to evaluate the treatment plant and make recommendations regarding required improvements to allow the plant to meet current and future standards and operate at four million gallons per day.

Motion by Ms. Marchand second by Mr. Morrison to approve the Lincoln/Pawtucket interconnection as eligible for 50% reimbursement. The vote in favor was unanimous and the motion carried.

Discussion

Dr. Sullivan questioned if this would allow an increased withdrawal from Pawtucket which is separate from the Scituate system. Ms. Marchand stated right now Lincoln withdraws from the Scituate Reservoir and with this in place it will allow them to withdraw from the Pawtucket system (Abbott Run supply). Ms. Swallow noted that the project requires Health Department approval and questioned whether there were any issues related to water quality when the Providence/Pawtucket supplies are mixed together, specifically in regard to water coloration. Ms. Marchand stated there should not be water coloration concerns but that there would be ph issues to address. In an emergency situation, these are minor considerations.

Motion by Ms. Marchand, second by Mr. Perry to issue an RFQ/ RFP for Consultant Services as recommended by the Committee, to evaluate the treatment system for Bristol County and provide recommendations as to what needs to be done to fully operate the system. The motion carried with a vote of nine in favor and one recusal (Mr. Morrison).

Discussion

Mr. Mariscal described the effort as a partnership between Bristol County and WRB, whereby BCWA and WRB staffs would work together to define the services needed and would also participate in consultant selection. WRB will be involved in the project development and also review the final report to evaluate funding needs and implementation of priority projects within the state funded budget. Mr. Ward asked whether there are any foreseeable changes to the [drinking water quality] standards and suggested that the consultant should consider them. Ms. Swallow stated that the standards are changing. Mr. Mariscal stated that the scope of work would include reference to the future standards as well as other operational and design issues. It was noted that this effort will maximize the use of Massachusetts supply (reservoirs) and minimize the use of the Scituate system.

Finance Committee - Chair William Penn.

Chairman Varin attended the Finance Committee and presented on behalf of the Committee in the absence of Mr. Penn, Committee Chair. He described the state budget process noting that there is always some adjustment of the current year appropriations, things that occur that were not known prior to the fiscal year or costs that were higher than expected. For FY 2008, the expectation is that we will not have to make any adjustments in the total appropriation. He summarized the Operating Budget request noting that the numbers have been developed for review but that the request is not yet in its final form. The Finance Committee discussed several aspects of the request and believes that it is the best we can do at the present time. There may be changes after it is sent to the budget office, when it is sent to the Governor, and later at the legislature.

Operating Budget (FY 2009 Budget Request & FY 2008 Revised Budget Request)

Motion by Chairman Varin second by Ms. Swallow to accept the budget as presented and direct staff to complete the request. The vote in favor was unanimous and the motion carried.

Discussion

Mr. Perry asked where the budget for property in West Greenwich appears. Ms. Crawley directed attention to the appropriate document. The FY 2008 amount is \$92,000 and the FY2009 request is \$150,000. It was noted that the funding to pay Exeter-West Greenwich for students attending public school is not included in the FY 2009 request. It was also noted that there is no budget allocation for contracted DOA services (DOA legal services, etc.). Dr. Sullivan mentioned a Memorandum of Understanding that has been required for the large Departments.

Board Corporate Audit-Status and Need for Special Meeting

Chairman Varin explained that the board corporate engages an outside firm to complete the annual audit. The three year contract for the auditor is in the second year. The audit report must be submitted to the Auditor General by the end of September.

Motion by Chairman Varin second by Mr. Perry to delegate authority to the Finance Committee to hold a special meeting prior to the end of the month to approve the final audit and submit it to the Auditor General by September 30, with the understanding that the report, when available will be distributed to the Board for review and comment. The vote in favor was unanimous and the motion carried.

Legislative Committee - Chair Daniel W. Varin. The committee did not meet.

NEW BUSINESS/OTHER BUSINESS

There was no new business or other business to discuss.

RECESS OF BOARD FOR BOARD CORPORATE BUSINESS

Without objection, Chairman Varin recessed the board meeting at 1:50 pm

RETURN FROM BOARD CORPORATE BUSINESS

The Board returned from Board Corporate business at 2:00 pm. Chairman Varin referred to item 10, an open call for executive session.

EXECUTIVE SESSION

Chairman Varin entertained an open call for an executive session in accordance with RIGL Section 42-46-5(5) Acquisition of Property. **Motion** by Dr. Sullivan second by Mr. Perry to go into executive session. Roll call vote:

Mr. Perry	Yes	Mr. Ward	Yes
Mr. Mignanelli	Yes	Ms. Swallow	Yes
Mr. Varin	Yes	Dr. Sullivan	Yes
Ms. Marchand	Yes	Mr. Morrison	Yes
Mr. Rodrigues, Jr.	Yes		

The vote was unanimous and the motion carried.

The Board returned from the executive session at 2:28 pm.

Motion by Dr. Sullivan second by Mr. Perry to close the Executive Session.

The vote in favor was unanimous.

Motion by Dr. Sullivan second by Ms. Swallow to seal these minutes until such time as the matter has been resolved. The vote in favor was unanimous.

Motion by Dr. Sullivan second by Ms. Swallow to adopt the recommendation and the consensus derived from the Executive session and pick it up again next month. The vote in favor was unanimous.

ADJOURNMENT

Motion by Dr. Sullivan second by Ms. Swallow to adjourn. The vote in favor was unanimous. The motion carried.

Respectfully Submitted,

Juan Mariscal, P.E.
General Manager / Secretary-Treasurer