



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

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RHODE ISLAND WATER RESOURCES BOARD

MINUTES OF BOARD MEETING # 481

November 17, 2008

Members Present:

William Penn, Chairman
William Stamp, III
Ian Morrison
Harold Ward
Frank Perry
Jesse Rodrigues, Jr.
Mike Walker for Bill Parsons*
June Swallow*
Robert Griffith*
Michael Sullivan

Members Absent:

Pamela Marchand, Vice Chair

Guests:

Heidi Green – QDC
Pasqual Delise – Bristol County Water Authority
Carissa Richards – Prov Water
Eugenia Marks – Audubon Society
Alicia Good – RIDEM
Ames Colt – Bays, Rivers, Watersheds
Coordinating Team

Staff Present:

Kathleen Crawley, Acting General Manager
Romeo Mendes
William Riveroso
*Member designee

Call To Order:

Chairman Penn called the meeting to order at 12:06 p.m. noting that a quorum was present.

Approval of Minutes for October 20, 2008 Board Meeting #480

Motion was made by Mr. Sullivan, second by Mr. Perry to approve the minutes. The vote in favor was unanimous. The motion carried.

Chairman's Report

Chairman Penn reported to the committee that he has confirmed with the Administration to move forward with the hiring of a Chief of Staff [General Manager]. He stated the Personnel Search Committee has met twice, named Pam Marchand Chairman and is moving forward. He stated he is working on the other personnel hires with the appropriate state committees and coordinators.

He reported on the upcoming office move and new location, which will include a modest rental payment. He reported he participated in the water forum sponsored by the Washington County

Regional Planning Council and Coalition of Water Security, whereby he was able to communicate the Board's current priorities. He stated a result of the forum was the reporting of the use issue of residential outdoor watering during summer months as a major use problem in Rhode Island especially in Washington County. Chairman Penn stated there is an opportunity for us to develop a statewide policy on outdoor water use during summer months on a regular basis.

He reported he has met with the Governor's Office on filling of the open Board positions. Chairman Penn passed out a letter from former staff director Bill Falcone.

Mr. Sullivan stated for the record and for clarification that the Water Resources Board office space is an office secure unto itself and is functionally independent, thus believing there will be an absorption into DEM as has been rumored is very far from the truth.

Mr. Sullivan reported he has asked his staff to prepare legislation to reinstall Board members from EDC and DOA to voting members and asked the Chairman for approval to forward it to the Governor's Office who has a December 1st deadline. Chairman Penn agreed that it should get to the Governor's office by the deadline and asked the language be distributed to the Board members.

Mr. Griffith reminded the committee and staff that signing of a lease should be brought forward to the State Properties Committee.

Acting General Manager's Report:

Ms. Crawley reported attending and participating on a panel regarding the showing of the documentary "Flow" sponsored by the Audubon Society.

She reported at the recent NEWWA meeting there was discussion on water allocation. Ms. Crawley could not attend the event but provided information on our program to the topic speaker.

She reported in the BRMA there are vacancies coming up that will be brought forward to the properties committee.

She reported Mr. Riverso has been reading meters at the state buildings and working with DOA maintenance officials on monitoring a pilot program to see how we can save water and will report out water savings on the buildings and sprinkler systems once information is compiled.

Mr. Penn commended Ms. Crawley on keeping things in progress during this transition period.

Financial Report: Chief Business Officer's Report – October 2008

Mr. Penn stated the Finance Committee reviewed the report and recommends approval.

Motion by Mr. Penn second by Mr. Sullivan to approve the report as presented. The vote in favor was unanimous. The motion carried.

Project Reports:

Big River Well Development RFP – Update

Mr. Mendes reported the proposals are due into Purchasing this Thursday. He stated he continues to maintain calls and assist bidders during the process. He provided information regarding the bidding and review process.

Bristol County Water Authority RFP – Update

Mr. Mendes reported we have received five proposals to date and provided information regarding the review process.

Supplemental Water Supply Study Phase II – Update

Ms. Crawley provided a handout. She explained at the last meeting the committee asked that revisions be made to a page in the Study Report. She stated she and Mr. Ward have worked together to address the issue.

Mr. Penn stated this report continues to be confidential but noted Ms. Crawley has sent a letter to the water suppliers explaining our intent is to make the executive summary open to the public and keep all supporting data confidential. Ms. Crawley stated she has been working with the Attorney General's office regarding handling of the report and its confidentiality.

Water Management and Allocation Program: HAP Pilot - Update

Mr. Penn reported we need to develop a scope of work by the end of March. He stated a URI professor related he has a graduate student that has funding from a National Water Organization who may be available to work with us on the development of this project. Mr. Sullivan suggested contacting Professor Gold also.

COMMITTEE REPORTS AND ACTION ITEMS:

Finance Committee - Chair William Penn

BOARD OPERATING BUDGET - FY2010 Budget Request and FY2009 Revised Budget

Chairman Penn reported this was discussed in general at the last meeting and the Board authorized the Chairman and Ms. Crawley to follow up and put the details together which has been done. He stated this budget was forwarded to the Governor's office. He proceeded to review the organizational chart and commented on the proposed new positions. He reviewed the department summary section emphasizing allocation of resources to meet the Board's business plan objectives.

Mr. Sullivan suggested getting approval from the Board to have the authority to modify the budget if necessary if asked to make reductions by the administration or budget office, such as furlough days and layoffs.

Motion by Mr. Sullivan, second by Mr. Morrison to empower the Chair and Acting General Manager (AGM) to modify the budget as required by directives from the budget office but asking the full Board members to review this and communicate priorities to the Chair and AGM in order to be flexibly responsive. The vote in favor was unanimous. The motion carried.

Water Resources Protection & Use Committee – Chair Robert Griffith

i. WSSMP PROGRAM: Voluntary Moratorium and Requests for Extensions

Mr. Griffith reported the program at this time is not being supported by personnel. He stated the Providence Water Supply Board has forwarded a letter to the Board stating their willingness to hold submission of their plan update due to the current staff shortages at the WRB to a future date agreed upon by the Board staff. He reported, this letter prompted Ms. Crawley to ask how do we want to respond to this. He explained a status schedule and memo have been prepared on the water suppliers and proceeded to review them for the members. He reported the sub-committee met and had an extensive discussion on the subject. He stated they concluded if staff were to be held to this schedule it would distract them from priorities they should be working on. He stated the committee found the moratorium approach would not work because of statutes, so we tried to work out a way to unburden the staff. The subcommittee recommended the following:

1. Direct staff to send a letter from the Water Resources Board requesting that suppliers suspend all action on those plans and resubmissions that are not yet due.
2. Direct staff to notify suppliers whose plans or resubmissions are in progress that the plans will be reviewed by the reviewing agencies only and they will be approved or disapproved based upon the findings of the review agencies. Upon notice of a deficiency action will be suspended for those plans in progress.
3. Direct the relevant committee and staff to finalize the details of a legislative package to be submitted to address the Water System Supply Management Program and plan requirements moving forward.
4. Direct the Acting General Manager to act on behalf of the Board with respect to the approval/disapproval of plans and to report activity to the board monthly.

Mr. Penn stated it is clear we don't have the staffing resources to move the program further and that these recommendations keeps the process moving without shutting the program down. Further discussion ensued on clarification of the recommendations.

Mr. Sullivan discussed concerns about conflicts with our General Laws and asked that a legal opinion be solicited from counsel as to any liabilities. He added that he would be hesitant to see suspending any plans for systems in the Hunt and Chipuxet Basins.

Mr. Griffith further discussed intentions of the recommendations to be that the supplier will be notified of the finding of the review agency. If deficient, we would suspend action for plans already in process. We must get plans already in process cleared out before taking in any more new plans no matter what stage they are in.

Motion by Mr. Griffith, second by Mr. Ward to approve the above recommendation. The vote by show of hands in favor was by a 5 to 3 vote. Mr. Sullivan, Ms. Swallow and Mr. Rodrigues voted Nay. The motion carried.

Construction, Engineering & Operations Committee – Chair Pamela Marchand

i. BRISTOL COUNTY WATER AUTHORITY WATER SUPPLY PROGRAM:

Reimbursement Request – Repairs to Existing Shad Factory Pipeline. Requested Payment \$56,792.09; Recommended Payment: \$52,336.11 - Request for Payment Approval

ii. WATER FACILITIES ASSISTANCE PROGRAM: Providence Water Supply Board

Reimbursement Request for the KCWA/Providence Emergency Interconnection - Requested Payment \$226,312.09; Recommended Payment: \$226,312.09 - Request for Payment Approval

Mr. Perry reported the sub-committee recommends approval of both payment requests. Mr. Penn reported the Finance committee also recommends approval of both payment requests.

Motion by Mr. Penn, second by Mr. Stamp to approve the above payment requests. The vote in favor was unanimous. The motion carried.

Properties Committee – Chair Frank Perry

Mr. Penn asked Mr. Perry to have his committee do an assessment of the feasibility of transferring the real estate management functions of our Board for Big River to another department within the administration that has real estate management resources and skills.

Big River Groundwater Development Project Ad Hoc Committee

No items for action or discussion.

Legislative & Regulations Committee

Chairman Penn stated we do not have a Chairman but asked Mr. Ward to schedule a sub-committee meeting to come up with a legislative agenda for the December Board meeting. Mr. Sullivan suggested that the Chairman notify the Governor's office that the Board will be advancing legislative requests for the upcoming session.

Personnel Search Committee:

i. General Manager Position Description

Mr. Penn reported the committee has met twice. He stated the committee has redefined the job description. He distributed the updated document to the members. He added the job will be posted next week with a due date of December 19, 2008.

Motion by Mr. Sullivan, second by Mr. Rodrigues to ratify the members. The vote in favor was unanimous. The motion carried.

New Business

No items discussed.

Other Business: WSSMP Program

No items discussed.

Recess Of Board For Board Corporate Business:

Motion by Mr. Sullivan second by Mr. Morrison to recess the Board meeting and start the Board Corporate Meeting at 1:53 pm. The vote in favor was unanimous. The motion carried.

Return From Board Corporate Business:

Motion by Mr. Sullivan second by Mr. Stamp to return from the Board Corporate to the Board meeting at 1:56 p.m. The vote in favor was unanimous. The motion carried.

Adjournment:

Motion by Mr. Sullivan second by Mr. Stamp to adjourn the meeting. The vote in favor was unanimous. The motion carried. The Board meeting ended at 1:57 pm.

Respectfully Submitted,

William Riverso
Program Services Officer

Note: The complete proceedings of this meeting are available on audiotape by request.