



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

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RHODE ISLAND WATER RESOURCES BOARD

MINUTES OF BOARD MEETING # 482

December 15, 2008

Members Present:

William Penn, Chairman
William Stamp, III
Pamela Marchand, Vice Chair
Harold Ward
Jesse Rodrigues, Jr.
Mike Walker for Bill Parsons*
June Swallow*
Robert Griffith*
Michael Sullivan

Members Absent:

Frank Perry
Ian Morrison

Guests:

Cynthia Giles – CLF
Pasqual Delise – Bristol County Water Authority
John Russell – AP&S
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 12:12 p.m. noting that a quorum was present.

Approval of Minutes for November 17, 2008 Board Meeting #481

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

Chairman's Report

Chairman Penn reported that Ian Morrison has decided to resign his position on the Board effective immediately. He stated he is working with the Governor's office to fill vacancies. He reported the budget review with the administration has been worked through with corrective actions taken that has reduced our budget but not significantly. He reported meeting with Senator Sosnowski regarding moving forward with our business plan. He reported meeting with Tony Simeone of the RI Cleanwater Finance Agency regarding taking over the financial administration of the Board Corporate via an MOU. He reported receiving authorization to engage a temporary clerk secretary. He reported the meeting schedule for the upcoming year has been established.

The Board members discussed meeting schedule conflicts for the January and February Board meetings. Chairman Penn asked Ms. Crawley to set meeting dates via email. Chairman Penn stressed we need to have these upcoming meetings.

Acting General Manager's Report:

Ms. Crawley reported her handling of the Lincoln Water Commission's WSSMP submission. She reported attending the RIWWA meeting where she gave an update on the agency's two year business plan. She reported the move is behind us but still have boxes to unpack. She reported the water supplier audits have begun.

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 that eight (8) proposals have been received. He stated we are currently assembling a team people to review the proposals. He stated the process should be completed into the third week of January 2009. He stated the contract should be in place by March 1, 2009. Chairman Penn appointed Mr. Mendes coordinator of the review process.

Bristol County Water Authority RFP – Update

Mr. Mendes reported the justification memo recommending a vendor will be completed shortly and sent to Purchasing for review. Once purchasing approves of the document it will be brought to the Board for their concurrence.

WSSMP - Update

Rivers Council – Ratify Contracts and Approve Expenditures

Mr. Penn reported the Finance Committee has reviewed this item and their procedures and recommends ratifying these grants. Discussion ensued. Mr. Stamp stated it is inappropriate for a state agency to fund an outside advocacy group. He added he would like to be proven wrong.

Motion by Mr. Penn second by Mr. Rodrigues to ratify the grants as presented and distribution of funds through the Water Resources Board in the amount of \$22,444.00. The vote was in favor. The motion carried. Mr. Stamp voted Nay.

BRMA - Update

Mr. Mendes reported an emergency furnace repair was completed. He stated there are two dwellings that are vacant one of which is the former Goodwin residence and there has to be a decision made on what should be done with the properties. Presently, neither warrant demolition and an initial recommendation is to move existing tenants living in less than desirable structures into the vacant structures and demolish the structures that become vacant. He reported the gravel removal for the Exeter-West Greenwich track project was complete and that some of the required in-kind services had been provided. Mr. Sullivan asked if any of the required restoration work specified in the agreement had been undertaken. Mr. Mendes reported the slope stabilization had been completed satisfactorily however no restoration had been performed. It appears that the agreement allows the restoration work to be completed during the next three years. Mr. Sullivan stated we should get something in writing on how the track building committee will proceed with that effort. Mr. Mendes will prepare a memo summarizing current conditions and detailing agreement requirements for Board review.

Water Management and Allocation Program: HAP Pilot – Update and Presentation by Harold Ward, PhD., Professor Brown University of Rhode Island: HUNT PILOT: Matching Demand Reductions With Available Water

Mr. Ward stated that the Board chose the pilot study of the HAP Aquifer as a top priority of the Board and because we are short handed with staff he asked the Graduate Seminar at Brown University to take a look at what could be done with demand reduction. He presented his report on the students analysis based on a study of the Hunt Aquifer using demand management strategies to attain for water use levels close to allowable withdrawals. He spoke about the three strategies he deemed most useful which are temporal restrictions on residential irrigation, technological strategies such as soil moisture sensors, and billing structures such as water budget rates. He explained reduction scenarios.

Mr. Penn stated, we should adopt initiatives as a Board and come up with a statewide policy for residential irrigation during summer months. Mr. Ward stated with the HAP pilot we will be conducting a test to see what works telling us what that statewide system ought to be. Discussion ensued. Mr. Penn reiterated that with a statewide policy the local water suppliers can say it is coming down from the state. He added this policy is a recommendation for homeowners to do something positive in terms of the environment. Mr. Penn stated the Board should continue to think about making up a policy statement and start off with just watering lawns and communicate it to the public. Mr. Ward suggested the WRPU committee be charged with this effort. Mr. Penn charged the WRPU committee with coming up with this policy statement.

Committee Reports and Action Items:

Finance Committee - Chair William Penn

i. Supplemental Water Supply Study Phase II:

Maguire Group Invoice # 29 – Final Payment Request \$53,262.91; Recommended Payment: \$53,262.91 - Request for Approval

Motion by Mr. Stamp, second by Ms. Swallow to approve the final payment request in the amount of \$53,262.91 subject to receipt of software and resolution of related technical issues. The vote in favor was unanimous. The motion carried.

- ii. CAPITAL/OPERATING BUDGETS - FY2010 Budget Request and FY2009 Revised Budget - Budget Office Recommendations

No Discussion.

Water Resources Protection & Use Committee – Chair Robert Griffith

Construction, Engineering & Operations Committee – Chair Pamela Marchand

Properties Committee – Chair Frank Perry

Big River Groundwater Development Project Ad Hoc Committee

Legislative & Regulations Committee

Mr. Ward reviewed the recommendations. The first recommendation is to restore voting rights to representatives of DOA and RIEDC under RI General Law 46-15.1-2 Board. Mr. Sullivan asked to add for clarification that the agencies should have designee capacity.

Motion by Mr. Stamp, second by Ms. Swallow to approve the recommendation with the caveat to add a designee for each of the directors. The vote in favor was unanimous. The motion carried.

Mr. Ward explained the second recommendation's purpose regarding RI General Law 46-15.3-7.6 is to put a stop on the review process of the water supply management plans until sufficient WRB resources are provided to resume it properly.

Mr. Sullivan suggested suspending the review process not the requirements. Mr. Ward stated the consensus of a previous committee discussion was that annual reporting is preferable which would include any changes in the five year plan. Mr. Penn stated there are two issues; one is we do not have the staff and two the process needs modification. We need to modify the program to make it user friendly and have some value to the suppliers and the Board. Mr. Griffith explained the statutes are rigid lacking flexibility for the review agencies and the Board, which should be addressed. Mr. Sullivan suggested a time frame should be specified for any period of suspension. Mr. Penn stated we need an interim solution until regulations can be changed.

Motion by Mr. Stamp, second by Ms. Marchand to approve the recommendation. The vote was in favor. The motion carried. Mr. Sullivan and Ms. Swallow voted Nay.

The third recommendation regarding RI General Law 46-15.3-7.5 concerning completion and filing of water supply system management plans. Discussion and debate ensued about whether the 30-Month Update and 5-Year Updates should be eliminated.

Motion by Mr. Stamp, second by Mr. Sullivan to table the item. The vote in favor was unanimous. The motion carried.

The fourth recommendation regarding RI General Law 46-15.3-7.6 concerning expeditious review of water supply system management plans. Mr. Ward stated this recommendation would clear up any confusion regarding findings of non-compliance.

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

Personnel Search Committee:

i. General Manager Position Description

Ms. Marchand reported we have received 24 resumes to date and the Search Committee is scheduled to meet on January 9th, 2009 to review resumes.

Consent Agenda Items:

A. PAYMENT & CONTRACT APPROVAL REQUESTS – **BOARD:**

i. Emergency Interconnection Program:

Town of North Kingstown Reimbursement Request under the – KCWA/North Kingstown Emergency Interconnection; Requested Payment \$67,400.00; Recommended Payment: \$67,400.00 - **Request for Payment Approval**

ii. Big River Management Area:

JMB Mechanical Inc. Invoice # 463 – Emergency Hot Air Furnace Replacement - Requested Payment \$3,286.00; Recommended Payment: \$3,286.00 – **Request for Payment Approval Concurrence**

Motion by Mr. Sullivan, second by Mr. Stamp to approve the consent agenda items as presented. The vote in favor was unanimous. The motion carried.

New Business

No items discussed.

Other Business:

No items discussed.

Recess Of Board For Board Corporate Business:

Motion by Mr. Stamp second by Mr. Rodrigues to recess the Board meeting and start the Board Corporate Meeting at 1:04 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 1:05 p.m. The vote in favor was unanimous. The motion carried.

11. OPEN CALL FOR EXECUTIVE SESSION IN ACCORDANCE WITH RIGL SECTION 42-46-5 (5): Acquisition of Property:

Motion by Mr. Griffith second by Mr. Stamp to go into Executive Session.

Mr. Penn called the vote. The following roll call vote was taken:

Ms. Marchand – Yes
Mr. Sullivan – Yes
Ms. Swallow – Yes
Mr. Ward – Yes
Mr. Rodrigues – Yes
Mr. Stamp – Yes

And Chairman Penn voted yes. The vote in favor was unanimous. The motion carried.

The Board proceeded into executive session at 1:06 p.m.

12. RETURN TO BOARD FROM EXECUTIVE SESSION

The Board returned from executive session at 2:05 p.m.

Motion by Mr. Stamp second by Mr. Rodrigues that the minutes of the executive session be sealed until such time as the issues are resolved and to adopt the consensus therein. The motion carried unanimously.

Motion by Mr. Sullivan second by Ms. Swallow to authorize representative Mary Kay, Esq. project legal counsel to complete the acquisition of well site 336a and associated real estate for the sum of \$479,528.67 subject to the Town of Richmond accepting the final subdivision plans.

Mr. Penn called the vote. The following roll call vote was taken:

Ms. Marchand – Yes
Mr. Sullivan – Yes
Ms. Swallow – Yes
Mr. Ward – Yes
Mr. Rodrigues – Yes
Mr. Stamp – Yes

And Chairman Penn voted yes. 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 2:16 pm.

Respectfully Submitted,

William Riverso
Program Services Officer

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