



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

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**RHODE ISLAND WATER RESOURCES BOARD**

**MINUTES OF BOARD MEETING # 483**

January 26, 2009

**Members Present:**

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

**Staff Present:**

Kathleen Crawley, Acting General Manager  
Romeo Mendes  
William Riveroso

\*Member designee

**Members Absent:**

Pamela Marchand, Vice Chair

**Guests:**

Henry Meyer – KWD  
Pasqual Delise – Bristol County Water Authority  
Eugenia Marks – Audubon Society  
Alicia Good – RIDEM  
Kelly Mahoney – RI Senate Policy Office  
Ames Colt – Bays, Rivers, Watersheds  
Coordinating Team

**Call To Order:**

Chairman Penn called the meeting to order at 12:10 p.m. noting that a quorum was present.

**Approval of Minutes** for December 15, 2008 Board Meeting #482

**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 the Governor has nominated two appointments to the Board. They are Sam Kitchell of Amgen Corporation representing a large water user and Ron Gibson of FM Global Corporation representing a General Public Member replacing Dan Varin. He added that we still have three open positions on the Board, one representing a small public water supply, one representing a small water user and a public member.

Mr. Penn reported we received 46 applications for the General Manager's position and that 23 applications were eliminated by Human Resources because they did not meet the minimum

requirements. He stated the Personnel Committee reviewed the 23 applications and came up with 6 applicants to interview and follow up on their references. He added that one person withdrew their name from consideration. He stated we have scheduled an interview with the five finalists for next Thursday. He stated after this the committee will make its recommendation to the Board as to who would be the appropriate candidate.

He reported the Governor's proposed Operating Budget for 2009 for the Board shows support of everything we have put forward as to our recommendations which shows a vote of confidence from the Governor. He reported we are close to engaging a Temporary employee for the agency and awaiting final approvals for the Implementation Aide and Principal Planner.

He reported on the Federal Stimulus package whereby Rhode Island is being allocated \$20 million for Drinking Water. He added distribution of the funds will be through EPA/CWFA. He stated DOA has asked for a list of projects.

### **Acting General Manager's Report:**

Ms. Crawley stated she will report through the project reports.

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

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

**Motion** by Mr. Rodrigues 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 proposal review is ongoing. He stated there have been two meetings of the Technical Review Committee resulting in three proposals for final consideration and interviews scheduled for February 6<sup>th</sup>. He added that preliminary work should begin with the chosen vendor by March 1<sup>st</sup>.

#### **Bristol County Water Authority RFP – Update**

Mr. Mendes reported the RFP review process is complete, the vendor justification memo was sent to Purchasing, agreed to by Purchasing who will contact the selected vendor. He deferred additional discussion to Executive Session.

#### **Big River Management Area – Update**

He reported weekly monitoring of the area continues. He stated there are two houses that are vacant but do not warrant demolition. Mr. Sullivan asked for Mr. Mendes recommendation. Mr.

Mendes recommended moving tenants from less than desirable structures into the vacant ones. Mr. Sullivan asked for the number of substandard housing structures. Mr. Mendes reported there are five that we now consider less than desirable but they did pass housing inspections. Mr. Penn emphasized the need to continue to find another State agency with Real Estate Management experience that could take on this responsibility. Mr. Perry reported he has corresponded with Dr. Sullivan on this matter and will have follow up conversations with his staff. He added he has been approached by a few outside people interested in this undertaking. He stated by the next meeting he hopes to have parameters to work with. Mr. Griffith advised Mr. Perry to bring his recommendations to the State Properties Committee for conceptual approval.

**Motion** by Mr. Sullivan second by Ms. Swallow to empower staff and the Property Committee to come back to the Board with a recommendation next month on subsequent actions to move this along. The vote in favor was unanimous. The motion carried.

### **Supplemental Water Supply Study Phase II – Update**

Ms. Crawley reported letters were sent out along with a copy of the Executive Summary Study to the Governor's office, the Leadership in both the House and Senate and their respective fiscal staff's. She added copies have also been distributed to the water suppliers. She stated we have a request into the Governor's office as to whether they would like to issue a joint press release.

### **Water Management and Allocation Program: HAP Pilot – Update**

Ms. Crawley reported we have a meeting scheduled for January 29<sup>th</sup> to have our first collective work session to begin to develop a scope for the HAP Pilot. Mr. Sullivan stated he hopes the pilot will result in tangible specific timetables and actions.

### **WSSMP - Update**

Mr. Penn introduced the item and referenced the memorandum submitted by staff.

**Motion** by Mr. Sullivan second by Mr. Stamp to accept staff actions as reported. The vote in favor was unanimous. The motion carried.

### **Committee Reports and Action Items:**

#### **Finance Committee - Chair William Penn**

OPERATING BUDGET - FY2009 Revised Budget - Governor's Final Budget  
Recommendations – House Fiscal Write-Up

Mr. Penn reported that the proposed budget supports our recommendations which include 6 full time equivalent staff. Thus it is important to understand we have been given the opportunity to move forward with our business plan. He added that now our challenge is to implement it and he is confident we can.

**Water Resources Protection & Use Committee – Chair Robert Griffith**

**Construction, Engineering & Operations Committee – Chair Pamela Marchand**

**Properties Committee – Chair Frank Perry**

**Legislative & Regulations Committee**

Ms. Ward reported positive conversations with the Governor’s office. He asked if it was appropriate to bring up a suggestion for change that was not submitted. Mr. Sullivan stated he did follow up research and is now comfortable with the proposal under subsection c. Discussion ensued on the need to clarify language regarding the voting authority of a “designee”. There was Board consensus to submit clarifying language regarding the title of Associate Director of Planning.

**Personnel Search Committee:**

General Manager Position Description:

Mr. Penn reported on behalf of Ms. Marchand in his Chairman’s report.

**Nominating Committee:**

Appointing of Committee

Chairman Penn stated he would like to establish the Nominating Committee for the purposes of electing Board and Board Corporate Officers in time for the March Board meeting and asked for participants. The members of this committee will be Mr. Stamp, Mr. Perry and Ms. Swallow.

**Consent Agenda Items: Board Payment Approvals**

Big River Management Area:

Town of West Greenwich Road Maintenance - Recommended Payment: \$7,000.00

Earth Day Spring Cleanup Event - Recommended Payment: \$2,500.00

WRB Office Expenses:

Home Office Filing Cabinets - Recommended Payment: \$2,785.00

Mr. Penn reported the Finance Committee has reviewed these expenditures and recommends they be approved.

**Motion** by Mr. Sullivan, second by Mr. Perry 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. Sullivan to recess the Board meeting and start the Board Corporate Meeting at 12:54 pm. The vote in favor was unanimous. The motion carried.

**Return From Board Corporate Business:**

**Motion** by Mr. Stamp second by Mr. Perry to return from the Board Corporate to the Board meeting at 12:55 p.m. The vote in favor was unanimous. The motion carried.

**OPEN CALL FOR EXECUTIVE SESSION IN ACCORDANCE WITH RIGL SECTION 42-46-5 (7): Investment of Public Funds: 1) Big River Well Development RFP; 2) Bristol County Water Authority RFP**

Members of the committee began to voice that this item was not on their agendas. A concern raised was that any action to be taken in executive session may not stand. Ms. Crawley stated it is on the final posted agenda that was revised. Ms. Crawley stated that a PDF version of the final agenda was distributed via email to the Board members and posted properly. Chairman Penn stated his intent to go into executive session for these items was to be for informational purposes. Mr. Sullivan stated that based on Ms. Crawley's statements' he offered a motion to go into executive session. Mr. Riverso provided hard copies of the revised agenda to the members.

**Motion** by Mr. Sullivan second by Mr. Stamp to go into Executive Session.

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

Mr. Perry – 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 12:59 p.m.

## **RETURN TO BOARD FROM EXECUTIVE SESSION**

The Board returned from executive session at 1:33 p.m.

**Motion** by Mr. Stamp second by Mr. Sullivan 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 Mr. Stamp to accept the recommendations of the review committee of their awarding for the Bristol County contract and authorize staff to work on and finalize terms and conditions of the contract including a performance timetable and a performance penalty.

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

Mr. Perry – 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 1:33 pm.

Respectfully Submitted,

William Riverso  
Program Services Officer

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