



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

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**RHODE ISLAND WATER RESOURCES BOARD**

**MINUTES OF BOARD MEETING # 485**

March 25, 2009

**Members Present:**

William Penn, Chairman  
Pamela Marchand, Vice Chair  
William Stamp, III  
Frank Perry  
Harold Ward  
Jesse Rodrigues, Jr.  
Michael Sullivan  
Bill Parsons\*  
June Swallow\*

**Staff Present:**

Kenneth J. Burke, P.E., General Manager  
Kathleen Crawley  
Romeo Mendes  
William Riveroso  
\*Member designee

**Members Absent:**

Robert Griffith\*

**Guests:**

Russ Chateaufneuf – RIDEM  
Art Gold - URI  
Eugenia Marks – Audubon Society  
Sam Ketchell – AMGEN  
Raymond Wright – URI COE  
Charlie Donovan – House Oversight  
Robert Oroski – CDM  
Henry Schwarzbach – URI CBA  
Mark Higgins – URI CBA

**Call To Order:**

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

**Approval of Minutes** for February 23, 2009 Board Meeting #484

No Action – Correct minutes were not included in the package.

**Chairman's Report**

Chairman Penn reported he has had contact with the Governor's staff and are ready to move forward with their recommendations for new Board members.

He reported that the agency will be moving offices from the fourth floor to the third floor in the same building and that moving expenses will be incurred.

He reported the watershed protection reserve fund monies that are invested may see a reduction in interest income as a result of the banking predicament on Wall Street.

## **Financial Report: Chief Business Officer's Report – February 2009**

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

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

### **General Manager's Report and Action Items:**

#### **Big River Well Development RFP – Update**

Mr. Burke reported the subcommittee thoroughly vetted the applicants and have come up with a finalist to be recommended in Executive Session.

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

Mr. Mendes reported we have completed the review process and now working on criteria to be submitted to Purchasing which will guide the upcoming work. He stated this item will be presented for approval in Executive Session.

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

Mr. Burke reported there are several active requests coming up in the Area and that he will be meeting with Mr. Perry to discuss procedures.

#### **Rhody Rovers – Land Use Request for Summer 2009 Events – Recommendation to refer to Subcommittee.**

Mr. Burke reviewed the request and explained at this time he would like to refer it to the Properties Committee for examination. The Board concurred.

Mr. Penn stated that as the Well Development Project moves forward we will need to re-adjust our approvals for activities that take place, which calls for the question when do we start making this transition. He added these decisions will start being made in the sub-committee.

#### **Cardi Corporation – Land Use Request for Open Area Along Nooseneck Hill Road as a Stockpiling Staging Area for RI DOT Weaver Hill Road Bridge Reconstruction and Widening - Request for Approval**

Mr. Burke reported he and Mr. Mendes viewed the area to be used and stated in the past Cardi Corporation has been typically responsible especially when we are explicit with our concerns regarding use of the property. He added a list of restoration items will be forwarded to Cardi Corp. for their review and consideration. He stated a contribution for the use of the land will also be requested.

**Motion** by Mr. Perry second by Mr. Sullivan to approve the use of the requested area subject to satisfactory documentation of spill contamination/mitigation measures are in place and

arrangement of payment for the use of the area is in place also, which may also be in the form of an in-kind service. The vote in favor was unanimous. The motion carried.

### **New England Orienteering Club – Use of BRMA for Mapping Activities/Competition - Request for Approval**

Mr. Burke reported this is a follow up request as they used the area last year also. He stated the protocol based on last years request is that we have some assistance from RI DEM staff that they are not going to be near any environmentally sensitive areas. He recommended approval.

**Motion** by Mr. Sullivan second by Mr. Perry to approve the use of the requested area subject to RIDEM staff guidance regarding avoidance of sensitive environmental areas . The vote in favor was unanimous. The motion carried.

### **Supplemental Water Supply Study Phase I and Phase II Implementation II – Update**

Mr. Burke reported he is reviewing the material to get up to speed so the program can be steadily advanced.

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

Mr. Burke reported he is having conversations with the working group participants so the program can be steadily advanced. He deferred to Mr. Ward for any additional updates. Mr. Ward reported out of the three suppliers involved in the HAP, two who have the most opportunity to reduce demand significantly are Kent County Water Authority (KCWA) and North Kingstown (NK). He stated that KCWA has expressed little interest in participating in the pilot due to the view that the only thing that needs to be done is to reduce summer water irrigation which they contend can only be done by state legislation – that anything else is wasteful time spent. He reported that NK has taken a more positive viewpoint who would like to take other steps at reduction attempts. He stated there is \$80,000.00 in the Water Allocation budget whereby a proposal is being developed to used in NK which will allow us to get data on current use based on new water meters that will be put in place. He further informed the committee the NK Town Planner is proactive and is proposing putting a once-a-week water ordinance in place. He stated he is pleased the way the effort is going.

### **Chairman Penn moved to agenda item 9 to go into Executive Session.**

**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

**Motion** by Mr. Penn second by Ms. Marchand to go into Executive Session.

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

Ms. Marchand - Yes

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

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

The Board proceeded into executive session.

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

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

**Motion** by Mr. Sullivan second by Mr. Perry 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. Rodrigues to accept the recommendations of the technical review committee and the University of Rhode Island advisors (who recommended incorporating 10 basic questions, the answers to which should be the framework for the completed plan) designating the recommended vendor as discussed in Executive Session as the Consultant for the Big River Well Development RFP with the additional conditions of tasking the General Manager and staff to develop a very task timetable price specific contract schedule to be approved by the Chair prior to submission to Purchasing and the Department of Administration.

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

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

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

**Motion** by Mr. Sullivan second by Mr. Stamp to accept the agreement between Camp, Dresser and McGee and the State of Rhode Island regarding work for the Bristol County Water Authority with the proviso that the tasked payments be defined financially and to be included in the document in the appendix is a document for time of completion schedule of CDM's proposal.

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

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

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

### **WSSMP - Update**

Mr. Penn introduced the item, referenced the memorandum submitted by staff and accepted the report update.

### **USGS Projects - Update**

Mr. Burke reported that he had two good meetings with USGS and that a lot of great information has been prepared. He intends to ask USGS to look at their programs and to tie them in to the Water Allocation Program and provide actual deliverables people can use. He stated he will report back to the Board on the results.

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

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

#### **Bristol County Water Supply Program:**

Reimbursement Request – Repairs to Existing Shad Factory Pipeline/Treatment Facility - Requested Payment \$9,457.88; Recommended Payment: \$9,457.88 - Request for Payment Approval

Mr. Penn introduced the item.

**Motion** by Mr. Stamp second by Mr. Sullivan to approve the payment request in the amount of \$9,457.88. The vote in favor was unanimous. The motion carried.

#### **Water Facilities Assistance Program:**

Town of Cumberland Water Department Reimbursement Request – Lincoln/Cumberland Emergency Interconnection at Martin Street – Requested Payment \$3,750.00; Recommended Payment: \$3,750.00 - Request for Approval.

Mr. Penn introduced the item.

Overseeing Body: RI Water Resources Board Corporate  
Public Body: RI Water Resources Board Corporate

Public Contact Information: Kathleen Crawley  
Posting Date: May 5, 2009

[www.wrb.ri.gov](http://www.wrb.ri.gov)

**Motion** by Mr. Sullivan second by Mr. Perry to approve the payment request in the amount of \$3,750.00. The vote in favor was unanimous. The motion carried.

**Administrative Expenses:**

**RI WRB Office Moving Expenses** - Briefing & Request for Approval (To Be Distributed)

Mr. Penn introduced the item. He distributed a memo explaining what we are doing and why, and explained it includes a budget for the move. He stated the finance committee reviewed this memo and recommends authorizing the general manager to spend up to \$20,000.00 to facilitate the relocation of the office to the third floor.

**Motion** by Mr. Perry second by Mr. Rodrigues to authorize up to \$20,000.00 for moving expenses at the general manager's discretion. The vote was in favor. The motion carried. Mr. Sullivan abstained.

**RI WRB Insurance Expense** - RI Association of Insurance Agents, Inc. – Commercial Insurance Application for Commercial Tenants and Maintenance Contractors – General Liability Limits of \$1,000,000.00 - Requested Payment Amount \$60,490.00; Recommended Payment: \$60,490.00 - Request for Approval.

Mr. Penn introduced the item. He stated the cost is down from last year and the finance committee reviewed the item recommending approval. The Board acknowledged that the terrorism insurance would be declined as in previous years.

**Motion** by Mr. Rodrigues second by Ms. Swallow to approve the payment request as presented in the amount of \$60,490.00. The vote in favor was unanimous. The motion carried.

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

Mr. Griffith was not present – no items reported.

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

Ms. Marchand stated there were no items to report.

**Properties Committee – Chair Frank Perry**

Mr. Perry stated the committee did not meet. He stated he will be meeting with staff after this meeting to take up items discussed and also review alternatives for property management.

[See Summary Below].

## **Land use requests:**

**Rhody Rovers** – Organization’s activities benefit local community in a variety of ways so the committee would be inclined to work with them to arrange routes in the BRMA for their events that do not impact proposed wellheads and protective/contributing areas.

**Cardi Request For Staging Area** – Request is not objectionable; however Cardi must be cognizant of potential impacts and have plan in place to address same as well as provide a payment in the form of in-kind services in exchange for using the requested area. Cardi must be aware of sight distance impacts at the corner of Weaver Hill and Nooseneck Hill Roads.

**Transfer of Property Management Functions** – Discussions have been held with DEM and Private entities have approached the committee and expressed an interest in bidding on the work. The committee needs to craft a scope of work so that formal bids may be solicited from interested parties whoever they may be.

**Repair of Deteriorated Section of New London Turnpike, West Greenwich** – Allow use of BRMA raw material such as sand/gravel as long as such is used for a pressing need within the confines of the management area.

**Vacant Structures** – Committee has been approached about making the house located at 319 Hopkins Hill Road, West Greenwich available for rent. The interested occupants would rehabilitate the home in exchange for a rent subsidy. Staff has inspected the property recently and noted that it is deteriorating rapidly. To complicate things a pipe within the structure had burst as it had frozen during the most recent cold snap flooding the bathroom and kitchen. It is staff’s opinion that this structure now warrants demolition. A decision regarding the fate of the property must be made soon. The vacant house located at 217 Nooseneck Hill Road is being considered for use by the adjacent commercial tenant, Greenwich Village School.

**Field Office Located at 612 Nooseneck Hill Road** – Building is no longer actively used by staff. Town of West Greenwich may be willing to move historic structure out of the management area onto town property. DEM and DOT may be other potential users if structure is left at its present site.

**Road Maintenance MOU With West Greenwich** - \$7,000 paid annually does not cover maintenance and repair of older unpaved roads. WRB will continue to pay annual fee and most likely ask the town to bill for anything it considers an extraordinary event not considered normal maintenance or repair.

## **Legislative & Regulations Committee - Acting Chair Harold Ward**

Update, Review and Action 2009 Legislation

**S 0594 and H 5805** - An Act Relating to Public Records – Security of Sensitive Water System Information – For Discussion.

Mr. Ward reported the committee did not meet. He proceeded to review the listed legislation. Ms. Swallow explained the bill stating these are both DOH bills. Mr. Sullivan stated we should support these bills but also in a more broader coverage of records letting the legislature know to include other associated agencies such as RIDEM and the RIWRB. Mr. Burke reported that he had related to the Governor's Office the Board would be discussing these bills and that he would follow up with any concerns.

**Motion** by Mr. Sullivan second by Mr. Perry to support these bills and allow the general manger to relate our support with the broader conditions and bring forward aspects on behalf of the Board. The vote in favor was unanimous. The motion carried.

**S 0732** – Relating to Waters and Navigation – The Water Use and Government Efficiency Act of 2009 - For Discussion.

Mr. Ward reviewed the legislation and explained it would reduce the number of Board members, affectively eliminating agency members. Mr. Perry provided additional explanation. Mr. Penn stated that the Board has put forward legislation that would have current non voting members to become voting members. He added he believes it is important to have agency representation. He asked for a motion to oppose the bill. Ms. Marchand explained this legislation is essentially coming from the Rhode Island Water Works Association due to the concern of having too many state regulators on the Board. Mr. Stamp stated it is good to have a Board that has input from the various agencies but the decision making process should be among individuals who don't benefit from some of things that go on. Mr. Parsons stated no one gains and conflicts are handle through the ethics commission. Mr. Perry explained the regulating agencies are getting two votes or two shots at a project; one when their department is reviewing the project and one at the Board level. He added there are weaknesses in the bill that need to be addressed. We have a responsibility to say that while we do not support this bill, it does many things that need fixing and should be worked on. Mr. Burke asked the Board to provide clarity as to his direction for engaging the legislature as he does not want to take a passive role with legislation affecting the agency and Board. Mr. Sullivan stated that some of the clarity comes with the Board's vote on S 0492 and H 5793 which are the Board's bill.

**Motion** by Mr. Sullivan second by Mr. Rodrigues to oppose this bill and empower the general manager to relay the Board's position and to express the concerns of the Board to the legislature. The vote in favor was 6 to 3. The motion carried. Ms. Marchand, Mr. Stamp and Mr. Perry voted Nay.

**S 0492 & H 5793** Relating to Waters and Navigation – Water Supply Facilities – For Discussion

**Motion** by Mr. Sullivan second by Mr. Rodrigues to support these bills and empower the general manager to express succinctly the sentiment in support by the Board to the legislature. The vote in favor was unanimous. The motion carried.

**H 5828** Relating to Waters and Navigation – Water Conservation - For Discussion

Mr. Sullivan notified the members that a Sub A has just come out on this bill. Ms. Marchand reported the water suppliers are supporting this bill with working out some word changes. Mr. Ward stated this bill is an attempt to do things that are needed and agreed to by most of the interested parties.

**Motion** by Mr. Sullivan second by Mr. Rodrigues to table this item but authorize the general manager and staff the autonomy and direction to use best professional judgment to engage in conversation with the legislature offering the Board's perspective as the Board has directed him to be supportive of the attempt to bring greater clarity and fiscal integrity and conceptually embrace the notion that summer demand/consumption needs to be addressed and continue working with the water suppliers in bringing clarity to this bill. The vote was in favor. The motion carried. Mr. Stamp voted Nay.

**Recess of Board For Board Corporate Business:**

**Motion** by Mr. Perry second by Mr. Stamp to recess the Board meeting and start the Board Corporate Meeting at 2:13 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 2:14 p.m. The vote in favor was unanimous. The motion carried.

**Adjournment:**

**Motion** by Mr. Perry second by Mr. Sullivan to adjourn the meeting. The vote in favor was unanimous. The motion carried. The Board meeting ended at 2:14 pm.

Respectfully Submitted,

William Riverso  
Program Services Officer

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