



State of Rhode Island and Providence Plantations

Water Resources Board

Foundry Office Building, 3rd Floor, Suite 395

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RHODE ISLAND WATER RESOURCES BOARD

MINUTES OF MEETING #488

Monday, June 15, 2009 * 12:00 PM

Members Present

William Penn, Chairman
William Stamp III
Harold Ward
June Swallow*
Jon Schock
Ronnie Gibson
Alicia Good*
Kevin Flynn

Staff Present

Kenneth Burke, General Manager
Kathleen Crawley, Staff Director
Romeo Mendes, Supervising Engineer
William Riverso, Programming Services Officer
Peter Duhamel, Principal Planner
Emily Cousineau, Implementation Aide

Members Absent

William Parsons
Pam Marchand
Jesse Rodrigues
Samuel Kitchell

Guests Present

Ames Colt, RI BRWCT
Henry Meyer, KWD
Eugenia Marks, Audubon Society
Mary E. Kay, DEM

*Member Designees

1. CALL TO ORDER

Chairman Penn called the meeting to order at 12:03, noting that a quorum was present.

2. APPROVAL OF MINUTES

Motion by Mr. Flynn, second by Ms. Good to approve the minutes of the May 18, 2009 Board Meeting #487. The vote in favor was unanimous. The motion carried.

3. CHAIRMAN'S REPORT

Chairman Penn welcomed Mr. Gibson and Mr. Flynn to the Board. He reported that Mr. Frank Perry had recently resigned due to health concerns.

Mr. Penn reported on two contract approvals: the Big River Ground Water study and the Bristol study. The actual projects have been put on hold for budgetary reasons.

4. FINANCIAL REPORT

Motion by Mr. Flynn, second by Ms. Good to accept the Chief Business Officer's Report for May 2009. The vote in favor was unanimous. The motion carried.

5. GENERAL MANAGER'S REPORT

Mr. Burke reported that he had met with several suppliers in the past month. The WSSMPs are due within the next month. In addition, he is actively collecting the names of appointees to the Drought Steering Committee.

He announced a workshop to be held on July 7th, 2009, for the Board, suppliers, municipalities, and other parties to identify properties to be evaluated for the South County Well Program.

Members of the Board added comments about the surplus of water in Pawtucket and a request by East Greenwich to supply water for a large athletic facility.

6. GENERAL MANAGER'S ACTION ITEMS

A. Interdepartmental Coordination MOU – Request for Approval

Motion by Mr. Ward, second by Ms. Good to accept the Interdepartmental MOU. The vote in favor was by majority. Mr. Schock and Mr. Stamp voted against. Ms. Swallow abstained. The motion carried.

Discussion:

Ms. Good clarified that the coordination group would not have any decision making power. The language of the MOU is intended to state ground rules for interdepartmental communication. There was discussion regarding the threshold of 10,000 gallons per day and RI General Law citations related to agency authorities. Mr. Schock stated that the MOU language was too restrictive for informal coordination efforts.

B. South County Well Sites Program – Request for Approval

Motion by Mr. Schock, second by Ms. Good to accept the proposed changes to the SCWSP as presented. The vote in favor was unanimous. The motion carried.

Discussion:

The effort will be delegated to a committee of the Board. Mr. Penn noted that the committee should develop a ranking system for prioritizing sites, including leveraging monies with local communities.

C. Committees – Request to reorganize board committees and membership

Motion by Mr. Stamp, second by Mr. Schock to defer action on this item. The vote in favor was unanimous. The motion carried.

Discussion:

Ms. Swallow raised concern about the over-arching duties of the proposed Technical Committee and if a member could participate only when a specific topic of interest was to be discussed.

Mr. Penn suggested that the directive of the Legislation and Policy Committee be to “initiate and monitor” policies.

Mr. Burke intends to look further into defining the duties of each committee.

7. COMMITTEE REPORTS AND ACTION ITEMS:

A. Finance Committee

i. B&E Consulting, LLC – Richmond Surcharge Audit

Motion by Mr. Penn, second by Mr. Schock to accept the audit as presented. The vote in favor was unanimous. The motion carried.

ii. Capital Budget FY 2011 – 2015 – Recommendation

Motion by Mr. Penn, second by Mr. Schock to accept the FY 2011 – 2015 Capital Budget once the summary sheet be corrected to specify “revenue bonds” for the Big River Well project.

B. Properties Committee

i. BRMA Land Use Requests: Rhody Rovers and New England Mountain Bikers Association

Motion by Mr. Penn, second by Ms. Good to accept the land use requests by Rhody Rovers and NEMBA. The vote in favor was unanimous. Mr. Flynn abstained. The motion carried.

Discussion:

A quorum was not present at the Properties Committee to officially vote on the requests.

Committee members did suggest that Item 3 on both contracts state that all trails to be used must be defined by the General Manager and by RI DEM.

(1:08p.m., Mary Kay enters, RI DEM Acting Chief Legal Counsel).

C. Legislative & Regulations Committee

i. Update, Review and Action 2009 Legislation

a) S 0732 Sub A – The Water Use and Government Efficiency Act of 2009

Mr. Ward reported that S 0732 Sub A passed the Senate Committee and the floor of the Senate.

b) H 5828 Sub A – Water Conservation - Updates

Mr. Ward reported that H 5828 Sub A passed the House Committee and is scheduled for the House floor this coming week.

8. RECESS OF BOARD CORPORATE BUSINESS

Motion by Ms. Swallow, second by Mr. Schock to recess the Board Meeting and start the Board Corporate Meeting at 1:14p.m. The vote in favor was unanimous. The motion carried.

9. RETURN FROM BOARD CORPORATE BUSINESS

Motion by second by to return from Board Corporate to the Board meeting at 1:16p.m. The vote in favor was unanimous. The motion carried.

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

Motion by second by to go into Executive Session.

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

Mr. Stamp – Yes
Mr. Ward – Yes
Ms. Swallow – Yes
Mr. Schock – Yes
Mr. Gibson – Yes
Ms. Good – Yes
Mr. Flynn – Yes

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

The Board proceeded into executive session at 1:17 p.m.

11. RETURN FROM EXECUTIVE SESSION

The Board returned from executive session at 1:37 p.m.

Motion by Mr. Schock, second by Ms. Good to adjourn the executive session and adopt the consensus derived therein:

That the Board shall reaffirm the decision to authorize the General Manager to move forward with the property decision as originally voted by the Board in September of 2008.

A roll call vote was taken:

Mr. Stamp – Yes
Mr. Ward – Yes

Ms. Swallow – Yes
Mr. Schock – Yes
Mr. Gibson – Yes
Ms. Good – Yes
Mr. Flynn – Abstained

And Chairman Penn voted yes. The motion carried.

Motion by Ms. Good, second by Mr. Stamp that the minutes of the executive session be sealed until such time as the issues are resolved. The vote in favor was unanimous. The motion carried.

12. ADJOURNMENT

Motion by Ms. Good, second by Mr. Stamp to adjourn the meeting. The vote in favor was unanimous. The meeting adjourned at 1:38pm.

Respectfully submitted,



Emily Cousineau
Implementation Aide

The meeting place is accessible to the handicapped in conformance with RIGL 42-46-2. Individuals requesting interpreter services for the hearing impaired must notify the Board office at tel. 401-222-1450, at least 72 hours in advance of the meeting date. If requested, tapes of the meeting will be made available.