



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

Foundry Office Building, 3rd Floor, suite 394
235 Promenade Street
Providence, RI 02908
(401) 222-1450 ♦ FAX: (401) 222-1454

**RHODE ISLAND WATER RESOURCES BOARD
MEETING #490**

Monday, August 17, 2009 @ 12:00 Noon

Members Present

William Penn, Chairman
Jon Schock
Allan Klepper
Samuel Kitchell
June Swallow*
Michael Sullivan
Pam Marchand
Harold Ward
Ronnie Gibson
Kevin Flynn

Members Absent

William Parsons*
William Stamp III
Jesse Rodrigues

Guests Present

Henry Meyer, KWD
Charles Donovan, House oversight
Ames Colt, BRW Coordination

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

*Member Designees

1. CALL TO ORDER

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

2. MINUTES:

Motion by Mr. Sullivan, second by Mr. Klepper to approve the minutes of the July 20, 2009 Board Meeting #489. The vote in favor was unanimous. The motion carried.

3. CHAIRMAN'S REPORT

Mr. Penn reported that the staff only just received a draft of the FY2009 audit. Approval of the audit will be an agenda item at the September meeting.

4. FINANCIAL REPORT:

A. Chief Business Officer's Report – July 2009

Motion by Mr. Penn, second by Mr. Shock to accept the Chief Business Officer's Report for July 2009. The vote in favor was unanimous. The motion carried.

5. GENERAL MANAGER'S REPORT

Mr. Burke reported that several public meetings will take place in the upcoming weeks. Notably, the Pawcatuck Optimization Committee, a meeting concerning dam removal in Shannon, and continued budget negotiations.

(12:11p.m. – Mr. Henry Meyers enters.)

Mr. Penn commented on page six of the GM Report, noting that members of the public do not seem to understand use restrictions mandated for the Big River Management Area. Several acts of vandalism have occurred and unauthorized structures have been discovered.

(12:12p.m. – Mr. Ronnie Gibson and Mr. Harold Ward enter.)

Dr. Sullivan commented on the Big River management project, asking if Mr. Burke could produce a layout of projects, tasks, and proposed timelines. Dr. Sullivan also requested a report on any cash reassignments or funding issues that have or could potentially create barriers to projects. This report would be helpful to Dr. Sullivan when he meets with the Governor.

Mr. Penn mentioned that North Kingston is considering a moratorium based on protecting their water supply. This reflected the town's acceptance of limitation to the Hunt-Annaquatucket-Pettaquamscutt aquifer. Mr. Penn would like this topic as a specific item for discussion at September's Board meeting.

(12:16p.m. – Mr. Kevin Flynn enters.)

6. COMMITTEE REPORTS AND ACTION ITEMS:

A. Finance Committee

i. Fourth Quarter Budget Report and Expenditures for Non-State Employee Services

Motion by Mr. Penn, second by Mr. Schock to accept the Fourth Quarter Budget Report and Expenditures for Non-State Employee Services. The vote in favor was unanimous. The motion carried.

B. Allocation Committee

i. Interim Allocation Plan – Update

Mr. Ward reported on the committee's work to define key definitions.

- Residential Use - Mr. Penn suggested that the Board craft a policy statement that established user limits and corresponding fees. Ms. Marchand added that not all suppliers have the ability or billing systems to track that data.
- Base Human Need – Dr. Sullivan stated that the Board does have the authority to form a policy that places base human needs first before commercial use. Ms. Marchand stated that they simply did not have enough data to accurately define this term. According to Mr. Penn, the Board would need to develop a target use number and work to help

suppliers regulate the policy. Mr. Burke reminded the Board that they are working to craft a plan for transitional, interim periods.

- Commercial / Industrial – Mr. Penn asked if the economic impact of a commercial user should be a factor when determining that user’s appropriate consumption. Mr. Ward stated that this should be a matter of efficient water usage, not economic impact to the state. Mr. Meyer remarked that water is often more environmentally friendly for cooling than electricity. Hence, water is part of the bigger energy management for the state. The Board alone is not set up to administer a major program and perform an energy audit. Mr. Penn did suggest to Mr. Ward that his committee at least consider economic development.
- Environmental Use – Dr. Sullivan recommended that terming this as a “use”, rather than a commitment or requirement, gives it a weird connotation. Environmental need is more subjective than purely quantifiable residential or commercial usages.

C. Technical Committee

i. South County Well Program ranking system – Update

Ms. Marchand reported that the staff had distributed acquisition procedure packets to all towns. Evaluating the applications will rely on the staff’s knowledge of key priorities. She also mentioned that the staff will be reevaluating the criteria slightly.

Ms. Swallow complimented the need for applicants to prove how they would actually implement usage of all water provided by the proposed well site.

Mr. Burke plans to reengage communities, provide guidance, and ensure quality applications.

8. RECESS OF BOARD FOR BOARD CORPORATE BUSINESS

Motion by Dr. Sullivan, second by Mr. Schock to recess the Board Meeting and start the Board Corporate Meeting at 12:43p.m. The vote in favor was unanimous. The motion carried.

9. RETURN FROM BOARD CORPORATE BUSINESS

Motion by Mr. Penn, second by Dr. Sullivan to return from Board Corporate to the Board meeting at 12:44p.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 Mr. Schock, second by Mr. Kitchel to go into Executive Session.

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

- Mr. Schock – Yes
- Mr. Klepper – Yes
- Dr. Sullivan – Yes
- Mr. Gibson – Yes
- Mr. Flynn – Yes
- Mr. Ward – Yes
- Ms. Marchand – Yes
- Ms. Swallow – Yes
- Mr. Kitchell – Yes

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

The Board proceeded into executive session at 12:45 p.m.

11. RETURN TO BOARD FROM EXECUTIVE SESSION

The Board returned from executive session at 1:14 p.m.

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

Mr. Burke and Mr. Penn will consult the Attorney General's office for legal consult concerning the original, verbal commitment. In addition, the Board will pursue the acquisition of a new easement for the property in question with the coordination of said property's Town Council.

A roll call vote was taken:

Mr. Schock – Yes
Mr. Klepper – Yes
Dr. Sullivan – abstained
Mr. Gibson – Yes
Mr. Flynn – Yes
Mr. Ward – Yes
Ms. Marchand – Yes
Ms. Swallow – Yes
Mr. Kitchell – Yes

And Chairman Penn voted yes. The motion carried.

Motion by Mr. Klepper, second by Mr. Kitchel 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 Mr. Klepper, second by Mr. Kitchel to adjourn the meeting. The vote in favor was unanimous. The meeting adjourned at 1:16pm.

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. 222-1450/TDD 2221454, at least 72 hours in advance of the meeting date. If requested, tapes of the meeting will be made available.



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**RHODE ISLAND WATER RESOURCES BOARD CORPORATE
MEETING #324**

Monday, August 17, 2009 @ 12:00 PM

1. CALL TO ORDER

Chairman Penn called the meeting to order at 12:50p.m., noting that a quorum was present.

2. APPROVAL OF MINUTES:

Motion by Dr. Sullivan, second by Mr. Kitchel to approve the minutes of the July 20, 2009 Board Corporate Meeting # 323. The vote in favor was unanimous. The motion carried.

3. FINANCIAL REPORT - Chief Financial Officer's Report – July 2009

Motion by Mr. Penn, second by Mr. Schock to defer action on this item until the next meeting. The vote in favor was unanimous. The motion carried.

Discussion:

Two attachments were accidentally omitted from the report.

4. COMMITTEE REPORTS AND ACTION ITEMS RESULTING:

Finance Committee

A. CONSENT AGENDA ITEMS

Motion by Dr. Sullivan, second by Mr. Schock to approve the Consent Agenda items as presented. The vote in favor was unanimous. The motion carried.

Discussion:

The Finance Committee had reviewed the consent agenda and recommended it for approval.

5. NEW BUSINESS/OTHER BUSINESS: No new business was presented.

6. ADJOURNMENT (Return to Board)

Motion by Mr. Penn, second by Dr. Sullivan to adjourn the Board Corporate meeting and return to the Board meeting. The motion in favor was unanimous. The Board Corporate adjourned at 12:44p.m.

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.
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**RHODE ISLAND WATER RESOURCES BOARD CORPORATE
MEETING #324**

Monday, August 17, 2009 @ 12:00 PM

**RI Economic Development Corporation, Conference Room
315 Iron Horse Way, Providence, RI 02908**

CONSENT AGENDA

PAYMENT & CONTRACT APPROVAL REQUESTS – BOARD CORPORATE:

- i. Public Drinking Water Protection Revenue Bonds, Series 2002 – Administrative Expenses:
 - a) Partridge Snow & Hahn, LLP, Invoice # 232621 – Professional services rendered for the period ending May 31, 2009 - Requested Amount \$1,896.80; Recommended Payment: \$1,896.80. - **Request for Approval**
 - b) Partridge Snow & Hahn, LLP, Invoice # 234935 – Professional services rendered for the period ending June 30, 2009 - Requested Amount \$665.00; Recommended Payment: \$665.00. - **Request for Approval**
 - c) B & E Consulting, LLC, Invoice # 755 – July CFO Assistance - Requested Amount \$625.00; Recommended Payment: \$625.00. - **Request for Approval**
 - d) B & E Consulting, LLC, Invoice # 756 – July CFO Assistance, audit preparation, post 4th quarter activity in GL - Requested Amount \$2,427.50; Recommended Payment: \$2,427.50. - Request for Approval

Respectfully Submitted,



Emily Cousineau, Implementation Aide