



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

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**RHODE ISLAND WATER RESOURCES BOARD MEETING #500
Monday, June 21, 2010 @ 1:00 PM**

MINUTES

Members Present

William Penn, Chairman
Michael P. DeFrancesco (1:43pm departure)
Kevin Flynn (1:07pm arrival)
Samuel Kitchell
Fredrick Kurdziel*
Susan Licardi
William Parsons*
Jon Schock
Elizabeth Scott*
William Stamp, III
Harold Ward

Staff Present

Kenneth J. Burke, General Manager
Kathleen Crawley, Staff Director
Romeo Mendes, Supervising Engineer
Peter Duhamel, Principal Planner
Emily J. Cousineau, Implementation Aide

Members Absent

Pamela Marchand, Vice-chair
Ronnie Gibson
Jesse Rodrigues
Thomas Boving

Guests Present

Ken Ayers, DEM Agriculture
Kenneth Booth, East Providence Water
Kevin Breene, West Greenwich Town Administrator
Timothy Brown, Kent County Water Authority
Charles Donovan, House Policy Committee
William Falcone
Henry Meyer, Kingston Water & RI WWA
Jessica Pagan, Brown University student
Peter J. Pallozzi, Providence Water
Richard Schartner
Claude Wright, Town of West Greenwich

*Member Designees

CALL TO ORDER

Chairman Penn called the meeting to order at 1:02 pm, noting that a quorum was present.

APPROVAL OF MINUTES

Motion by Ms. Licardi, second by Mr. Parsons to approve the minutes of the Board Meeting #499 dated May 17, 2010 with the following corrections: 1) Mr. Henry Meyer distributed a letter on behalf of the RIWWA; 2) Concerning the implementation of targets, Mr. Henry Meyer indicated that there would be complications, depending upon the different types of systems: urban, suburban, and rural. The suburban systems, given their landscaping, would be most problematic; 3) Mr. Falcone spoke as a former WRB staff member. The vote in favor was unanimous. The motion carried.

CHAIRMAN'S REPORT & PUBLIC COMMENT

Mr. Penn reported that Senator Sosnowki had personally handed him a letter regarding the Board's allocation program. The letter had been distributed to Board members electronically. He also commented that he and the staff have received letters of concern from Big River tenants regarding the divestment strategy. Unfortunately, legal council has advised against making any special exceptions when asking the

non-original owners to vacate. Staff has been working to support the families with the transition as much as possible.

(1:07 pm – Mr. Flynn enters)

Richard Schartner – Farm Bureau Presentation

Mr. Schartner spoke on the effects of legislation on the economics of the State. He cited the 1951 law prohibiting the sale of raw milk, which closed many dairy farms unable to afford pasteurization. He urged the Board to be more “solution-based” with its Allocation & Efficiency Program. Mr. Schartner presented a report by the RI Farm Bureau that stated how agriculture uses only 0.25% of public water resources in Rhode Island. He emphasized the projects on his own farm that utilize collection and storage. Mr. Schartner invited the Board to take the planned tour of his facility after their meeting.

Kevin Breene – Regarding the Congdon Mill Bridge in the BRMA

Mr. Breene urged that the Board resolve the matter of replacing the Congdon Mill Bridge, which was lost during the April floods. While the bridge was owned by the State and was in the BRMA, the Town of West Greenwich relied on the bridge for essential uses. Mr. Breene stated that the town is willing to pay for fixing the bridge in order to at least reopen the route. The Board can look at long-term relocation of the road in the event of constructing a reservoir in the future. Mr. Penn stated that the Board is equally concerned about the situation. Staff has been in talks with F.E.M.A., but it is unknown if the State can provide a 10% match to the federal aid. Mr. Penn requested that Mr. Breene provide a written proposal of other options to pay for temporarily fixing the bridge. Mr. Burke offered to work with Mr. Breene on developing these options.

FINANCIAL REPORTS

Chief Business Officer’s Report

Motion by Mr. Penn, second by Mr. Parsons to approve the Chief Business Officer’s Report for May 2010. The vote in favor was unanimous. The motion carried.

Discussion

Mr. Penn noted that the Finance Committee had reviewed the report and recommended it for approval.

Water Supplier Audits – Summary of Findings

Motion by Mr. Schock, second by Mr. Parsons to accept completed audit reports for East Providence, South Kingstown, Kingston, North Kingstown, Jamestown, Lincoln, Narragansett, and Portsmouth. The vote in favor was unanimous. The motion carried.

Discussion

Mr. Penn noted that the Finance Committee had reviewed the report and recommended it for acceptance.

Capital Budget Proposal

Motion by Mr. Parsons, second by Mr. Schock, to approve the Capital Budget Proposal with the following changes recommended by the Finance Committee: 1) To include a footnote that indicates revenue bond issuance in 2012 for the Big River Ground Water Project in 2012; 2) To push back funding requests for supplemental water development to 2015. The vote in favor was unanimous. The motion carried.

GENERAL MANAGER’S REPORT

- Mr. Burke reported that all proposals for the South County Well Development Program have been received and consultants will soon be interviewed.
- In the BRMA, USGS has provided the Board with a new, more detailed hydraulic model to help with permitting wells. He also reported that the model suggests the Big River well fields may produce 2.5-3.0 mgd.

(1:43 pm – Mr. DeFrancesco departs)

- In response to a question by Mr. Schock, Mr. Burke noted that a non-profit had voiced interest in relocating some of the vandalized BRMA houses. The staff will be looking to have the houses assessed for lead and other contaminants.

COMMITTEE REPORTS AND ACTION ITEMS:

Allocation Committee

Motion by Mr. Ward, second by Mr. Schock to request of the General Assembly a six (6) month extension for completion of new water allocation and efficiency regulations. The vote was ten (10) ayes and one (1) nay by Mr. Stamp.

Discussion

- Mr. Ward noted that Senator Sosnowki’s letter suggested working with RI EDC to assess if large water users attempted to increase efficiency. Furthermore, the Senator’s letter is concerned about agricultural reporting. Mr. Ward stated that the draft regulations do not address agricultural uses. Earlier legislation required such reporting. Regarding her concerns on enforcement, Mr. Ward stated that the committee would turn to enforcement measures only if no good-faith effort were made by a party. He noted wanted to have educational outreach to all parties involved.
- Mr. Schock noted that the committee had discussed returning to the Legislature with suggestions for changes to the Water Use and Efficiency Act. Mr. Penn concurred that the Senator seemed to be inviting such suggestions.
- Mr. Henry Meyer stated that the Act was titled “Water Use and Efficiency”, not “Allocation”. He recommended the Board and its committee focus on how water resources are used, rather than allocating water for the entire State. Mr. Ward replied that the committee was directed to look at allocation, which is a statutory function of the Board.
- Mr. Kitchell suggested providing an explanation of the benefits to efficiency. For example, clearly stating that agricultural needs will be better served by efficient allocation of the State’s resources. Mr. Kitchell also recommended writing a companion document with the draft regulations, outlining suggested changes to the legislation.
- Mr. Schock asked if the Senator is asking the Board to focus solely on targets and methods. Specifically, to not be encumbered by the technical science of the issue when drafting the language. Mr. Penn noted that the Stream Depletion Methodology will aide in setting those targets, if the SDM is adopted. Ms. Scott stated that the SDM is a tool used to assess permit applications and management decisions. It can not say what is available for water overall, which depends on from where, when, and how much water is being withdrawn.

Finance Committee

Payment Requests - Board

- i. Motion by Mr. Schock, second by Mr. Parsons to approve the B & E Consulting, LLC, Invoice # 896 in the amount of \$10,000. The vote in favor was unanimous. The motion carried.

RECESS OF BOARD FOR BOARD CORPORATE BUSINESS

Motion by Mr. Flynn, second by Mr. Schock, to recess the Board meeting and begin the Board Corporate meeting at 2:30 pm. The vote in favor was unanimous. The motion carried.

RETURN FROM BOARD CORPORATE BUSINESS

Motion by Mr. Stamp, second by Mr. Schock, to adjourn the Board Corporate meeting and return to the Board meeting at 2:31 pm. The vote in favor was unanimous. The motion carried.

EXECUTIVE SESSION Pursuant to RIGL § 42-46-5(a)(5): Acquisition or Lease of Real Property for Public Purposes

Chairman Penn called for the roll call vote to begin Executive Session in accordance with RIGL § 42-46-5(a)(5): Acquisition or Lease of Real Property for Public Purposes.

- Stamp – yes
- Kurdziel – yes
- Scott – yes
- Flynn – yes
- Licardi – yes
- Kitchell – yes
- Ward – yes
- Schock – yes
- Parsons – yes

And Chairman Penn voted yes. The vote in favor was unanimous. The motion carried. The Board proceeded into Executive Session at 2:32 pm.

RETURN FROM EXECUTIVE SESSION

The Board returned from executive session, by consensus, at 2:45 pm with no voting matters.

ADJOURNMENT

Motion by Mr. Parsons, second by Mr. Ward to adjourn the meeting. The vote in favor was unanimous. The motion carried and the Board adjourned at 2:46 pm.

Respectfully Submitted,



Emily J. 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.