



**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 #510

Monday, March 21, 2011 @ 1:00 PM

Foundry Corporate Office Building
235 Promenade Street, Room 300
Providence, RI 02908

MINUTES

Members Present	Members Absent
William Penn, Chairman Pamela Marchand, Vice-Chair Ronnie Gibson Alicia Good * Nancy Hess* Samuel Kitchell Susan Licardi Jon Schock Bill Stamp, III June Swallow Jesse Rodrigues Michael Walker (1:50 arrival) Harold Ward	Thomas Boving Michael Defrancesco
Staff Present Kenneth J. Burke, P.E., General Manager Kathleen Crawley, Staff Manager Romeo Mendes, P.E., Supervising Engineer William Riverso, Program Services Officer Emily J. Cousineau, Implementation Aide	Guests Shannon Brawley, RI Nursery & Landscape Assoc. Bev Clay, Operation Clean Government Pasquale DeLise, Bristol County Water Authority Charles J. Donovan, House Oversight Committee Bill Harritos, Quonset Development Corporation Pat Hogan, SodCo Inc. John Jannito, Bristol County Water Authority Margaret Kane, Operation Clean Government Henry Meyer, Kingston Water District Gary Morse, Operation Clean Government C. Richard Paduch, Town of Warren Jessica Pagan, Brown University student Karen Rogers, WRB Intern Kyle Stewart, RI Nursery & Landscape Assoc.

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 Mr. Stamp, second by Ms. Swallow to approve the minutes of the February 21, 2011 Board Meeting #509. The vote was nine (9) in favor, zero (0) against, with abstentions by Mr. Schock, Ms. Marchand, and Ms. Licardi. The motion carried.

CHAIRMAN'S REPORT & PUBLIC COMMENT

Chairman Penn noted the success of the March 15, 2011, public hearing on the Proposed Water Use & Efficiency Rules for Major Suppliers.

Public Comment

Mr. Gary Morse (Operation Clean Government) – Mr. Morse stated to the Board that, per a discussion during the prior Finance Committee meeting, Board members would be asked to endorse the statement that \$6.9 Million is available for use on the Shad Factory Pipeline Project. Mr. Morse voiced his group's objection to the truth of that statement. He stated that \$5 Million is available for the Shad, but that the remaining \$1.9 Million is not statutorily available. He requested that the issue be vetted by the Board's attorney and that an audit be conducted before Board members vote on endorsement of the available amount. He further stated that Board members would be asked to vote for and endorse the State's (WRB's) funding responsibility for BCWA under the Act in question. He requested that the vote of that matter be delayed.

Mr. Henry Meyer (Kingstown Water Department) – Mr. Meyer informed the Board that KWD is looking to develop a new supply source in the Chipuxet sub-basin. He further stated that the small size of the sub-basin would provide for a unique experimental study concerning water supply. He requested to be placed on the Board's April agenda in order to provide further information.

Mr. Kyle Stewart (RI Nursery & Landscape Association) – Mr. Stewart stated that his organization had been deeply involved with the crafting of the proposed Lawn Watering Policy (Agenda Item 6B) and that he would be glad to provide any additional information when the Board took up the item.

FINANCIAL REPORTS

Chief Business Officer's Report

Motion by Mr. Penn, second by Mr. Schock to approved the Chief Business Officer's Report for February 2011. The vote in favor was unanimous. The motion carried.

GENERAL MANAGER'S REPORT

- Mr. Burke reported that the Staff would be arranging for a Strategic Planning Session of the Board around April 11th, along with three or four supplemental meetings. Each date would ideally center around one particular topic. The goal would be to reach a general consensus regarding priorities of the Board, followed by official endorsement at a future Board meeting.
- Mr. Burke noted that the bidding process was under way for hazard material testing and demolition activities in the Big River Management Area. He estimated the time frame for this process to be no longer than two months.
- Regarding the Proposed Rules and the March 15th public hearing, Mr. Burke reported that the Staff would be reviewing the transcript and responding to comments. He hoped to have results for the Legislation & Policy committee before the April Board meeting.
- Ms. Marchand inquired about the number of WSSMP reports found to be in "non-compliance". Mr. Burke noted that many had requested extensions, which automatically places the reports in the category of non-compliance. He stated that he would consult the Principal Planner in regards to distinguishing the difference.

COMMITTEE REPORTS AND ACTION ITEMS:

Bristol County Water Authority "master plan" – Request for Approval

Motion by Ms. Hess, second by Mr. Ward, to approve recommendation Three (3) and Four (4) of the enclosed plan, while deferring action on recommendation One (1) until the next Board meeting. The vote in favor was unanimous. The motion carried.

Discussion:

Mr. Penn made a motion to approve recommendations One (1) and Four (4) of the enclosed plan. Mr. Rodrigues seconded the motion and the item was opened for discussion. Mr. Penn stated that \$6.9 Million was issued in the 1990s specifically for the Shad Factory Pipeline and the Child Street Facility. The Finance Committee believes that a complete legal review is needed to determine the amount of State funds intended to cover capitol improvements of the BCWA. It is also unclear if the intent of the initial Act was to make Bristol County self sufficient. Ms. Good asked for clarification that the Board was being asked to approve no more than \$6.9 Million. Mr. Burke confirmed this, stating that all the contracted consulting work had been completed and the review of all existing work would encompass Staff time. Furthermore, the State Budget Office has stated that the Board does have the \$6.9 Million. Ms. Swallow asked if waiting for the legal review would have any negative time impacts. Mr. Burke replied that the Town of Rehobeth was waiting on design drawings in order to issue street closing permits. In the short-term, approximately \$40,000 is needed. Mr. Penn withdrew his motion in order to defer action until the State's legal obligation could be reviewed.

Ms. Hess made the motion to defer action until legal counsel could review the intent of the Bristol County Water Authority Act. Ms. Marchand seconded the motion.

Mr. Pasquale DeLise and Mr. John Jannito, of BCWA, commented that the permitting process has been delayed since 2006.

Ms. Hess amended the motion to approve recommendation Three (3) and Four (4), while deferring action on recommendation One (1) until the next Board meeting. Mr. Ward seconded the motion.

Lawn Watering Policy – Request for Approval

Motion by Mr. Walker, second by Mr. Stamp to table adoption of the policy.

Discussion:

Mr. Ward stated that the policy should support the methods for outdoor water use referenced in the Water Use & Efficiency Regulations. He added that phrases such as “limit irrigation” and “limit size” were nonspecific. Further, storm water was not addressed in the proposed policy

(1:50 pm – Mr. Walker enters.)

Mr. Kyle Stewart offered that, in crafting the policy, their intent was to address the issue of over watering. Mr. Gibson concurred that the policy is meant to educated people that are currently over watering their property. Mr. Stamp supported that a broadly-worded policy would avoid micro-management while offering practical recommendations.

Mr. Penn suggested that a public relations group be consulted to make the policy appear more educational for members of the public. Mr. Burke stated that the proposed policy was for the Board to consider and that the final format, whether a flyer or brochure, would come afterwards. Ms. Shannon Brawley added that the Association was currently working on a public relations effort. Ms. Swallow suggested that local suppliers be advised of the new policy.

Mr. Walker suggested new language that would encourage the public to read the policy as an educational document. Specifically, he suggested the statement, “It is the intent of the Water Resources Board to encourage responsible home lawn irrigation by recommending the following best-management practices.” Mr. Penn summarized that Mr. Walker's edits be incorporated and that an element of timing be added to item four (4). Mr. Walker made this as a motion, seconded by Ms. Swallow. Mr. Gibson asked for clarification of the motion. Mr. Walker withdrew his motion in order to allow time to clarify specific changes and develop a final draft policy.

Technical Committee – Update

Ms. Marchand reported that the Committee met on March 17th and will be planning a series of subsequent meetings. The second meeting will contain a detailed explanation of the Streamflow Depletion Methodology. The committee will also review data and findings from the aggregated water-availability studies. The overall focus will be to understand where water is located, where it can be withdrawn, and what the impacts may be of withdrawal.

Nominating Committee - Nomination of Officers

Motion by Mr. Walker, second by Mr. Stamp to elect the following persons as officers of the Board:

- Chairman – Mr. William Penn
- Vice-chair – Ms. Pamela Marchand
- Secretary/Treasurer – Mr. Kenneth J. Burke

The vote in favor was unanimous. The motion carried.

RECESS OF BOARD FOR BOARD CORPORATE BUSINESS

Motion by Mr. Rodrigues, second by Mr. Walker to recess the Board Meeting and convene the Board Corporate Meeting. The vote in favor was unanimous. The motion carried and Board recessed at 2:33 pm.

RETURN FROM BOARD CORPORATE BUSINESS

Motion by Mr. Stamp, second by Mr. Schock to reconvene the Board Meeting. The vote in favor was unanimous. The motion carried and the Board reconvened at 2:39 pm.

ADJOURNMENT

Motion by Mr. Stamp, second by Ms. Marchand to adjourn the Board Meeting. The vote in favor was unanimous. The motion carried and the meeting adjourned at 2:40 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.