



**State of Rhode Island and Providence Plantations**  
**Water Resources Board Corporate**  
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**PUBLIC DRINKING WATER PROTECTION COMMITTEE**

**MINUTES OF MEETING**

May 2, 2006

**Members Present:**

Robert Griffith  
Frank Perry  
June Swallow  
William Stamp  
Elizabeth Scott

**Members Absent:**

**Staff Present:**

Juan Mariscal  
William Rivero  
Beverly O'Keefe  
Kathy Crawley  
Romeo Mendes

**Guests:**

Bill Nunnery  
Carol Lariviere  
Henry Meyer

1. **CALL TO ORDER:** Chairman Griffith called the meeting to order at 11:58 a.m. and noted that a quorum was present.
2. **APPROVAL OF MINUTES:** With a motion by Mr. Stamp, seconded by Mr. Perry, the minutes of the April 4, 2006 meeting were approved.

**3. ITEMS FOR ACTION:**

**A. RI PUBLIC DRINKING WATER PROTECTION PROGRAM - PHASE III:**

Mr. Griffith asked the General Manager to make a few remarks that would preface the taking up of the following items. Mr. Mariscal noted that an extension was approved for the program from December 2005 to June 30<sup>th</sup> 2006. At this time certain projects that would meet eligibility requirements may need additional time to be accomplished. He related that he has consulted with Bond Counsel who states that it is a Board policy decision for any extensions whether on a case by case or basis or in total for the program. In addition, Mr. Mariscal noted there would be financial repercussions but at this does not have any specifics but it would basically boil down to the yield on the bonds and its taxable status

and whether we would have to refund a certain portion of the yield we receive on the bonds. He reported that high rates of the projects are committed or completed up to 99% but close to 40% of the projects are still in progress. Mr. Mariscal stated that it is his intent to go to the Board at next week's meeting with a recommendation to extend the program having to define how long to extend it taking into consideration projects that are underway and those coming before us today. Ms. Swallow asked for clarification that would the problem be we would be earning too much interest and would have to refund monies to the Government. Mr. Mariscal said yes. Mr. Griffith clarified the refund would go to the federal government. Mr. Stamp asked if there would be a net loss for us and if Mr. Mariscal could provide details. Mr. Mariscal stated that the net loss would be in terms of less interest received but would follow up with bond counsel and the financial adviser for further details in terms of dollars. Further discussion ensued on how program monies are allocated. Mr. Griffith stated that based on the preface that the General Manager has given us, he would like to the committee to consider the following projects on their merit for authorization to be subject to Board extension approval of the Phase III deadline and that extensions should only be granted on projects already in progress or submitted by the June 30<sup>th</sup> 2006 current deadline.

**(1) Bristol County Water Authority (BCWA) Requisition #3 – Water Quality Improvement Project – Replacement of Tuberculated Water Mains - Request for Payment Approval for \$147,338.39.**

Mr. Griffith introduced the item. Mr. Riverso reported that eligibility for this project was approved at the April Board Corporate meeting. He stated this project is for the replacement of old tuberculated water mains with new larger size pipes for portions of the distribution systems in the Towns of Barrington and Warren. The project has been completed and was performed in the time period 9/30/02 – March 2004. He reported BCWA seeks payment approval for balance of project towards Phase III funds in the amount of \$147,338.39 and that proper supporting documentation has been submitted. He recommended approval subject to final disposition of the BCWA land projects. Further discussion ensued on clarification of the subject to matter. A motion to approve the payment request was called by Mr. Stamp and seconded by Mr. Perry; the committee approved the motion unanimously.

**(2) Bristol County Water Authority Requisition #4 – Water Quality Improvement Project – Replacement of Tuberculated Water Mains - Request for Payment Approval for \$7,744.29.**

Mr. Griffith introduced the item and asked if this item would be subject to the same stipulation as item one. Mr. Riverso stated yes. A motion to approve the payment request was called by Mr. Perry and seconded by Mr. Stamp; the committee approved the motion unanimously.

**(3) Stone Bridge Fire District (SBFD) – Water Quality Improvement Project – Looping Dead End Water Mains - Request for Eligibility Approval**

Mr. Griffith introduced the item. Mr. Riverso reported the project for consideration is for looping of dead end water mains within SBFD distribution system and that SBFD maintains that there will be no extension of service capacity with this project. He stated SBFD relates that depending on RIDOT approvals of the Central Avenue and Evans Avenue relocation in the vicinity of the proposed new Sakonnet River Bridge the estimated completion date would be August or September of this year. He reported plans, drawings and scope of work have been submitted. He recommended approval subject to the extension deadline. A motion to approve eligibility was called by Ms. Swallow and seconded by Mr. Perry; the committee approved the motion unanimously. Mr. Griffith suggested contacting RIDOT regarding timing and deadlines.

**(4) Kingston Water District (KWD) – Wellhead Protection Land Acquisition - Request for Eligibility Approval**

Mr. Griffith introduced the item. Mr. Riverso reported the project under consideration is for wellhead protection through the purchase of simple fee or an easement on land in the Town of South Kingstown. He stated the property is located off Liberty Lane, near the KWD's Well #2. This project would use up all of their program funds. He reported that KWD has been in negotiations over the past year and have since initiated proposals to conduct a survey and appraisal. KWD maintains that they are committed to this project hoping to secure Phase III funds and relate that negotiations are progressing and hope to have a Purchase and Sale agreement signed by November of this year with a closing soon after the end of the calendar year. He recommended approval. Mr. Henry Meyer Superintendent of the KWD reported that this project was approved for eligibility under Phase II but had to be pulled due to local concerns at the time. He stated that it has taken two and a half years to reintroduce the project to its current state. In addition, he reiterated the fact that this site is property determined by the RIWRB as having a potential high yielding well site. He stated he doesn't see the site as an additional service area but should be protected for its proximity to their existing well. He reported that the property owners would not be willing to close prior to the end of the year hence the need for an extension. Mr. Griffith asked if there was a Purchase and Sale Agreement. Mr. Meir stated not yet. Ms. Scott asked for clarification of the property location and parcel size. Mr. Meir proceeded to answer the committee with use of the enclosed maps. A motion to approve eligibility subject to extension of deadline was called by Mr. Perry and seconded by Ms. Scott; the committee approved the motion unanimously. Mr. Griffith suggested contacting RIDOT regarding timing and deadlines.

**(5) City of Woonsocket Water Division (WWD) – Watershed Protection and Water Quality Improvement Projects - Request for Eligibility Approval**

Mr. Griffith introduced the item. Mr. Riverso reported the WWD has provided documentation regarding the following projects for eligibility consideration. He reported the first project consisted of associated acquisition costs having to do with the Iron Mine Mill Road Land Acquisition project which has been approved for payment with the

closing to take place within the next two weeks and other associated costs being incurred for the Reservoir Road land acquisition project which has been approved for eligibility by the Board Corporate. He stated these costs for attorney fees and other due diligence costs are estimated to be \$25,000.00. He reported the second project as looping of dead end water mains which consisted of 20 linear feet of 6-inch pipe and 400 linear feet of 8-inch pipe looping a portion of Sycamore Street to Rhodes Avenue in the City of Woonsocket. He stated this work was done in-house and was completed in July of 2005 at a total cost of \$40,497.18. He reported the third project as water main replacements which consisted of 20 linear feet of 6-inch pipe and 400 linear feet of 8-inch pipe upgrading an existing 4-inch main. He stated that WWD maintains that the old mains were in poor condition and had tuberculated causing a reduction in pressure and the project was done in-house and completed in October of 2004 at a total cost \$39,001.69. He recommended approval for all projects. Discussion ensued on clarification of WWD various projects statuses. A motion to approve eligibility subject to extension of deadline was called by Mr. Perry and seconded by Mr. Stamp; the committee approved the motion unanimously.

**(6) Quonset Development Corporation (QDC) – Watershed Protection Project - Request for Eligibility Approval**

Mr. Griffith introduced the item. Mr. Riverso reported QDC is requesting eligibility approval for two projects. The first project under consideration is for purchasing a conservation easement in partnership with the Town of North Kingstown over approximately 36 acres of land for a parcel located within the Hunt Aquifer Zone 1 Wellhead Protection Area which includes QDC's Well #3A in the Town of North Kingstown. He added the property is zoned light industrial and QDC will commit \$55,000.00 towards this project. He reported the second project for consideration is for the preparation of their WSSMP 5-year update which is being finalized for submittal to the WRB at a cost of \$16,095.00. He stated that QDC understands they are limited to 40% of the total cost and will request reimbursement in the amount of \$6,434.00. Mr. Riverso reported that these two projects would get QDC over their minimum allocation of funds to be used for land acquisitions and that they currently have water quality improvement projects approved for eligibility on file. He recommended approval. Mr. Griffith asked if QDC knows when the closing would occur. Mr. Riverso stated that this is a large project whereby full financing is still being sought and is estimated to be completed in the fall. Ms. Scott stated that it is difficult at this time to evaluate this project in short notice and with little material. She asked for additional material to make a more informed decision. Mr. Riverso stated that QDC would be available to attend the Board meeting and he was working to get them committed to a project for their funds under the deadline. Mr. Griffith suggested bringing this to the Board subject to providing additional information that would clarify the discussion. A motion to authorize the chairman to bring this forward to the Board for approval with additional information from staff and QDC including more specific information such as better mapping of the property was called by Mr. Perry and seconded by Mr. Stamp; the committee approved the motion unanimously. The committee asked to find out cost amounts from all partners and who will hold the title.

**B. SUPPLEMENTAL WATER SUPPLY STUDY PHASE II:**

- (1) MAGUIRE GROUP INVOICE # 18 – Amount Billed \$8,150.00; Recommended Payment \$8,150.00 - Request for Approval**
- (2) MAGUIRE GROUP INVOICE # 19 – Amount Billed \$8,859.79; Recommended Payment \$8,859.79 - Request for Approval**

Mr. Griffith introduced the items noting invoice numbers 18 and 19 were before the committee for review/approval and payment. Before beginning discussion on the agenda item Mr. Griffith asked the General Manager if there was anything to add. Mr. Mariscal referred to a memo that he had prepared which explained that both he and the finance and public drinking water protection committees had questioned why recent invoices reflected that task #2 was substantially over budget. Mr. Mariscal relayed that it was his understanding that the consultant had conversations with Board staff about the scope of work for task #2 and that it was going to take more of an effort to complete than planned for in the original proposal. Additionally, the finance committee had requested that Mr. Mariscal obtain more information regarding why the item was over budget and whether or not the entire project could be completed on time within the allowed budget. Mr. Mariscal and Maguire project manager Bill Nunnery had several conversations about the matter during which Mr. Mariscal indicated that no other invoices would be paid until concerns about task 2 had been addressed. In response Mr. Nunnery had provided a letter to Mr. Mariscal explaining that the reason for the over budget on task #2 was that it involved much more data acquisition, risk and needs assessment, GIS mapping and build out analysis resulting in considerably more time being expended than was originally anticipated. Mr. Nunnery's letter proposed using funds from task #4 which had been earmarked for field work including exploration wells and pump tests to determine the potential for activating abandoned wells to cover the over budget on task 2. Additionally, the letter indicated that the project would be completed on time and within the "not to exceed" overall budget for the contract. Mr. Mariscal explained that while he was concerned that more time, effort and cost was being expended on task 2, it was his belief that the required additional data acquisition, risk and needs assessment, GIS mapping and build out analysis work could not have been foreseen at the time of the original proposal. Therefore even though it meant that reduced time, effort and resources would be allocated to task #4 he recommended approval. Mr. Mariscal then asked if Mr. Nunnery had anything to add. Mr. Nunnery noted that once work had begun it quickly became evident that the majority of the water suppliers involved in the study did not even have a build out analysis and the ones that did used very different methodologies/assumptions for generating one. Maguire quickly realized that some uniform methodology had to be used to generate the required analysis. Maguire researched appropriate methodologies, and requested a meeting to discuss findings and arrive at an agreement on the selection of an appropriate methodology for the study area. Maguire found that use a standard practice such as the "Municipal Automated Build-Out Tool (BAT) to generate an analysis was warranted. Although a group of suppliers had actually used this methodology they frequently made faulty assumptions. A result, the existing BAT information would need to be updated prior to use in the study by Maguire. At a meeting on August 2, 2005 Maguire recommended that the BAT be used with updated data to project type of water use for the study area and staff recommended the use of the BAT tool to support the Supplemental Water Supply Program Phase II methodology.

With regard to reallocating funds from task 4 specifically, Mr. Nunnery explained that only rough scope items existed for this task and that upon completion of task 3, the intent was to have the working group assign values as they felt appropriate to formulate a hard scope getting “the most bang for the buck” so to speak. Further, Mr. Nunnery felt that depending on how the study went the intent was always to re-budget some of the funds of task 4 anyway. Mr. Mariscal remarked that the additional time and cost expended seemed reasonable and since the additional items he had requested clarification on, including that the entire project would be completed before the due date, were satisfactorily addressed he recommended approval.

Ms. Swallow asked if the invoice would be submitted to the Health Department for payment via the drinking water state revolving fund upon approval by the committee. Ms. Crawley responded yes, the requests are sent over quarterly. Ms. Swallow explained that the reason she was asking was that the requests reflected a departure from the tasks in the contract therefore; detailed backup would be required to insure the requests were processed in a timely fashion. Mr. Mariscal replied that the Board would work with Health and provide whatever was necessary.

Ms. Scott then asked for clarification as to how the departure from the original contract occurred. Was staff aware of the changes and were these approved beforehand? Mr. Nunnery replied that staff was notified and the changes were approved with the stipulation that all the costs for the changes be tracked separately moving forward. There was also a request from Mr. Mariscal to establish a budget or cap for the changes in task 2. This was done and included in the information forwarded to the Board. Mr. Nunnery explained that this number was only recently able to be provided as all pertinent information had now been gathered/evaluated and a total cost based on an estimate of the time required in completing the build out analyses and GIS work was now available. Ms. Scott again questioned how the changes were approved and Mr. Perry replied that the committee through staff had been briefed on what was involved and had approved the changes. Mr. Nunnery reiterated that it was not Maguire’s intent to modify the contract but to simply reallocate funds between tasks 2 and 4 within the contract. The original proposal provided a list of nearly five hundred line items with related tasks that were required to be completed. The contract is a time and materials contract where an hour is billed after the work for that hour is completed. The contract did not set individual limits on each of the items and according to Maguire’s interpretation of the administration and execution of the contract they were not required to amend either the contract or the scope whenever a change to one of the tasks was necessary. The contract does say that existing as opposed to developed information will be utilized however given that use of the existing information will not provide meaningful output in terms of the overall objective of the task, a change of focus was required. Both Maguire and the Board were satisfied that the work completed to date including the proposed reallocation between tasks 2 and 4 was done according to the terms of the contract. Ms. Scott concurred and added that her intent was to make certain the deviation involving tasks 2 and 4 was properly documented and could pass muster in an audit situation.

Mr. Griffith remarked that the simple fact of having this discussion on the record accomplished this in part and that Ms. Scott was correct in raising the point. On a motion by Mr. Perry seconded by Mr. Stamp the request for payment including the re-budget of task 2 and 4 funds was unanimously approved.

## **C. GROUNDWATER PROTECTION/ACQUISITION PROGRAM:**

### **(1) Project Well Site RIW 336 – Request to Expend Funds for Additional Well Drilling and Testing – Request for Approval**

Mr. Griffith introduced the item. Mr. Riverso asked the committee to refer to the maps in their packages. He reported that for well site RIW 336 negotiations are underway. The owner has conducted their own appraisal and we are in the process of conducting a review appraisal. He reviewed the project status. He stated that at this time negotiations are subject to additional exploration and testing of the site. He stated that our preliminary assessment based on review of the USGS materials for the area in general and meetings with the Hydrologist on the original study tell that a well located on the proposed property will be a relative high yielding well. He reported that the staff engineer conducted a site visit and he recommends an additional exploration well to be installed large enough to perform a high yield capacity test, which would require contracting with a consultant who would work with staff to carry out the work items detailed in the draft scope of work document. Mr. Riverso stated that staff recommends approval for further exploration and assessment of the well site area RIW 336 and for staff to go forward with expending funds as necessary towards this objective. Discussion ensued for clarification purposes. Mr. Griffith stated that this seemed appropriate for due diligence purposes. Ms. Scott discussed concerns regarding Nitrate levels to the south of the proposed site and mentioned that RIDEM was developing new yield test guidelines for consideration. She offered DEM guidance towards the project. Further discussion ensued. Mr. Griffith stated that any refinement towards the scope of work can be made with consultation with RIDEM.

A motion to approve going forward with a recommendation for receiving any guidance from RIDOH and RIDEM was called by Mr. Stamp and seconded by Mr. Perry; the committee approved the motion unanimously.

## **4) ITEMS FOR DISCUSSION:**

### **A. DROUGHT MANAGEMENT PROGRAM – Drought Condition Update**

Ms. O’Keefe reported that a drought steering committee meeting was held recently and was well attended where they discussed the ongoing dry conditions. She stated that water conditions are below normal for this time of year. She added that the committee and Board staff will continue to closely monitor conditions and assess the current drought status.

### **B. WATER SUPPLY SYSTEMS MANAGEMENT PLAN PROGRAM - Update**

Ms. O’Keefe reported staff continues to work closely with the water suppliers on reporting requirements and the program is proceeding well. She stated that Pascoag Utility District has submitted their 30-Month Interim Report today. She added that a meeting with the suppliers will take place on May 18<sup>th</sup> to talk about current rules and regulations. She

reported that a source water assessment work group meeting was held on Monday, May 1, 2006 whereby they have a come up with a draft guidance document which will be forwarded to the water suppliers for comments.

**1). Harrisville Fire District (HFD) Relationship with Pascoag Utility District (PUD) Regarding Future Water Supply Expansion and Needs – Update**

Ms. O’Keefe reported there is no further progress regarding regionalization issues between PUD and HFD.

**C. RI PUBLIC DRINKING WATER PROTECTION PROG. PHASE III – Update**

Mr. Riverso reported that eight suppliers have completed the program. He stated that 61% of funds have been approved for payment and we are practically at 100% of funds being committed. He stated that at next month’s meeting he will delineate the statuses of the suppliers for extensions or final approvals especially Pawtucket who has a great deal of money remaining to be reimbursed.

**ADJOURNMENT:** On a motion by Mr. Stamp seconded by Mr. Perry, the meeting was adjourned at 1:27 p.m.

Respectfully submitted,

Robert Griffith  
Chairman

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

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