



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

MINUTES OF MEETING

September 26, 2006

Members Present:

Robert Griffith
Frank Perry
William Stamp
Elizabeth Scott
June Swallow

Members Absent:

Staff Present:

Juan Mariscal
William Riveroso
Beverly O'Keefe
Romeo Mendes
Kathleen Crawley

Guests:

Frank Raposa
Heidi Green
Evan Matthews
Pasqual Delise
Lisa Primiano

- 1. CALL TO ORDER:** Chairman Griffith called the meeting to order at 12:23 p.m. and noted that a quorum was present.
- 2. APPROVAL OF MINUTES:** With a motion by Ms. Stamp, seconded by Mr. Perry, the minutes of the August 29, 2006 meeting were approved subject to corrections presented by Mr. Perry and Ms. Scott.

3. ITEMS FOR ACTION:

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

- (1) City of Woonsocket Water Department (CW) Requisition #5 – Watershed Protection Project Land Acquisition – Town of North Smithfield's Plat 21, Lot 10, 5.61 +/- Acres - Requested Amount \$150,000.00; Recommended Payment \$150,000.00 - Request for Payment Approval

Mr. Griffith introduced the item. Mr. Riveroso reported that this land acquisition project was approved for eligibility by the Board Corporate on July 14, 2005 which is for watershed property located within CW's Reservoir #3. He described the property to be comprised of 5.61 acres with having a highest and best use as a single family house lot. He added that the value established by the Appraiser was \$150,000.00 and the purchase price is \$150,000.00. He reported the CW has followed up with its pre-closing documentation and that Ms. Primiano, has reviewed the appraisal and recommends approval of the valuation for \$150,000.00. He stated that the Class I Survey has been submitted but without the correlated metes and bounds. He stated that Mary Kay has reviewed and approves the project subject to resolution of the outstanding title issue regarding a life estate on the property, which Ms. Kay relates will be

resolved at closing. He added that Ms. Kay recommends placing it on the Board Corporate agenda. He recommended payment approval with the subject to items. A motion to approve the payment in the amount of \$150,000.00 with the subject to items was moved by Mr. Perry and seconded by Ms. Swallow; the committee approved the motion unanimously.

- (2) Stone Bridge Fire District Requisition # 7 – Water Quality Improvement Project – Engineering Services to Determine Feasibility of Looping Dead End Water Mains – Requested Amount \$6,037.00; Recommended Payment \$6,037.00 – Request for Payment Approval

Mr. Griffith introduced the item. Mr. Riverso reported eligibility of this project was approved by the Board Corporate on April 11, 2006 and that the project consisted of identifying and costing out proposed water lines to be looped in their system along. He stated the project was completed at a total cost of \$6,037.00 and that proper supporting documentation has been submitted but for copies of any cancelled checks. He recommended approval subject to receipt of copies of any cancelled checks. Mr. Perry asked that more detailed information be provided to the subcommittee in the future. A motion to approve the payment in the amount of \$6,037.00 with the subject to items was moved by Mr. Perry and seconded by Ms. Scott; the committee approved the motion unanimously.

- (3) Stone Bridge Fire District Requisition # 8 – Water Quality Improvement Project – Looping Dead End Water Mains – Requested Amount \$41,525.00; Recommended Payment \$41,525.00 – Request for Payment Approval

Mr. Griffith introduced the item. Mr. Riverso reported eligibility was approved by the Board on May 9, 2006. He stated that the project has been completed and that SBFD maintains the project will benefit the District in that the looping will improve flow during system flushing and will see improvements towards fire protection. Mr. Riverso stated the project cost is \$41,525.00 and proper supporting documentation has been submitted but for copies of any cancelled checks. He recommended approval for payment subject to receipt of copies of any cancelled checks. A motion to approve the payment in the amount of \$41,525.00 with the subject to items was moved by Mr. Stamp and seconded by Mr. Perry; the committee approved the motion unanimously.

B. WATER FACILITIES ASSISTANCE PROGRAM:

Bristol County Water Authority (BCWA) – Shad Factory Pipeline Requisition #1 - Requested Amount \$46,274.94; Recommended Payment \$46,274.94 - Request for Payment Approval

Mr. Griffith introduced the item. Mr. Mendes reported BCWA is requesting reimbursement in the amount of \$46,274.94 for A/E fees incurred to date for work on the New Shad Factory Pipeline. He stated submitted supportive documentation has been reviewed and found to be in order. He recommended payment approval. Ms. Scott commented that the cost of the kick-off seemed high. Mr. Delise explained that the meeting included costs for an all day workshop and consultant costs for preparation time. A motion to approve the payment in the amount of

\$46,274.94 was moved by Mr. Perry and seconded by Mr. Stamp; the committee approved the motion unanimously.

C. WATER SUPPLY SYSTEMS MANAGEMENT PLANS (WSSMP):

- (1) City of Newport Water Division (NW) – WSSMP 5 Year Update – Request for Extension Approval

Mr. Griffith introduced the item. Ms. O’Keefe reported NW 5-Year update was due on October 9, 2006 and they submitted an extension request on September 12, 2006. She stated that in conversations with NW they relate they had submitted a comprehensive rewrite of the Plan at the time of the 30-Month Interim Report submittal over and above the required data submittals. They would like to review and amend that submittal so the Plan will be current. Ms. O’Keefe reported that the Plan submittal was reviewed by the 30-Month Interim Report criteria. A motion to approve the item was moved by Mr. Perry and seconded by Ms. Scott; the committee approved the motion unanimously.

D. GROUNDWATER PROTECTION/ACQUISITION PROGRAM:

- (1) Conceptual Approval of Site Fee Simple and Development Rights Acquisitions Funding Proposal – Request for Approval – William D. Riverso, Board Project Officer/ Lisa Primiano, Project Consultant

Mr. Griffith introduced the item. Mr. Riverso provided background information leading up to the current status of the project. He noted that because Tuckahoe Turf, Inc. (TTI) would only negotiate sale of the property in whole and not “piece meal” major funding and partners would be needed to accomplish the project. He reported that negotiations on the project began with all participants agreeing on an appraiser that was considered uniquely qualified for this property and project type. He stated the appraisal has been completed, reviewed and approved by the DEM program appraiser Lisa Primiano and that Board staff met with Ms. Primiano and discussed its findings. He reported TTI also agreed with the conclusions of the appraisal for the per acre cost, simple fee costs and development rights costs.

Mr. Riverso proceeded to explain that additional work is still needed to be done by staff to determine well point placement and well head area. He stated that staff will be meeting with USGS tomorrow to discuss findings of the Pawcatuck Optimization Study which includes TTI sites modeled using various yield and flow scenarios. He related that the conclusions will assist staff in determining final placement and choosing of the well sites and property area to be purchased. He reported that even though the placement and determination of the well sites is still under negotiations, the amount of acreage needed and preliminarily determined is and should be approximately the same. He introduced Ms. Primiano to discuss the appraisal findings and negotiation proposals.

Ms. Primiano reported that RIDEM has been working on this project area for over ten years from a land preservation standpoint. She related that RIDEM is looking at this as a partnership project where they hope well sites can be protected and major farmland can be

preserved. She stated that the area will consist of approximately 508 acres. She stated that the two well sites of interest to the Board will total approximately 45 acres and were appraised fee simple basis of \$1,140,000. She added the development rights value of the remaining 463.66 acre parcel is \$3,610,000. She stated that the owner would maintain rights to build two houses, one house on each side of Switch Road and continue to have the rights to operate the sod operation on the property with details to be worked out later in the process. She discussed a proposed funding alternative to reach the total \$4,750,000.00 for the project whereby partners would contribute in the following way: RIWRB: \$2,375,000, RIALPC: \$800,000, RIDEM: \$800,000, The Nature Conservancy: \$775,000. She related that RIWRB would consider the additional \$1,235,000 as part of the partnership towards the development rights acquisition giving the RIWRB additional buffer areas in case a well point needed to be modified. Mr. Stamp asked how this would be done. Ms. Primiano stated that as part of the Deed to the development rights we would include the restricted use list for a public wellhead area outlined by DOH. She stated that under this funding scenario it is a realistic project especially when for the first time the owner is agreeable with the appraisal figures. She added this can be viewed as a once in a lifetime opportunity and believes we should continue to move forward taking advantage of this chance. She stated that she is looking for guidance from the Board before moving forward. Mr. Griffith explained that guidance coming from the Chairman of the State Properties Committee to expunge the term “conceptual approval “because it implies approval of the project whereas what we are really doing is telling components of the project to proceed with due diligence and negotiations. He added that this matter has come to light since the assembly has recently voted that they need to approve projects costing over \$1,000,000.00, which has recently derailed some projects. Mr. Stamp asked, what is the maximum amount of well heads that can be used for this project. Mr. Mariscal stated that we will know better after tomorrow’s meeting with USGS. Mr. Riverso stated that we are working towards a minimum of two sites. Mr. Perry stated that the maps show two well heads and three well points. Mr. Perry asked for clarification of the green shaded areas on the map. Ms. Primiano stated that the WRB would be co-holder of the easement. Mr. Stamp asked who else would be holders. Ms. Primiano stated the Agland Commission and the WRB. She related that TNC is just a funding partner. She was not sure at this point if the DEM director would want DEM as an agency in addition to the Agland Commission. Mr. Perry stated he would like to see the Board as a co-holder having a say in what goes on over the property. Mr. Griffith agreed that the protected area would be governed under language for Best Agricultural Practices. Ms. Primiano stated that similar projects have been accomplished whereby language would be mirrored. Ms Scott asked if there were water quality test results for these sites. Mr. Riverso stated yes and that they were reviewed by Mr. Gene Pepper of RIDEM’s agricultural Dept. who stated that the sites showed good quality water. Ms. Scott asked that these data be made available to the Board. Ms. Scott stated that a valid concern is knowing what agricultural activities would be allowed and suggested that the contributing area to the wellheads should be defined (rather than relying upon the concentric radius WHPA) as the project moves forward, so as to ensure that the wells are adequately protected. She added the “Deed” should require that agricultural activities within these contributing areas be consistent with water supply protection. Ms. Primiano stated that these issues can be addressed and didn’t see a conflict arising. Ms. Scott stated that another issue of concern is whether the water is available and how much at these locations. She stated that the Pawcatuck Optimization Study is on-going and DEM has not seen any reports thus DEM cannot comment on anything relative to the modeling being done.

She stated that these wells would require approval under the Freshwater Wetlands Permit Program and thus based on available information DEM Office of Water Resources would make its best call on any potential permitting issues – relative to concerns regarding stream flow or other freshwater wetlands impacts. She stated the Meadowbrook watershed is only a five square mile drainage area which is relatively small and may not even yield the desired amount of water for both the public water supply wells and agricultural wells. She stated that from a water supply development perspective she feels uneasy giving a green light because we do not know what the yield from Meadowbrook is. She indicated that DEM Office of Water Resources would want to see the results of the Optimization model runs before they could say they are comfortable with the acquisition of the sites for water supply. Mr. Griffith accepted the guidance from Ms. Scott. He stated that today we are asking the participants to proceed with their due diligence which would include Ms. Scott's stated guidance on water availability and quality. Discussion ensued on whether there was enough information to take this to the Board and whether questions needed to be answered by staff before taking this to the Board. Mr. Griffith stated that another update may be required. Mr. Mariscal asked if the committee was comfortable with this package deal of working with the other funding entities and the proposed arrangements. Mr. Perry stated that in general he likes the concept and it is a workable concept but still having details to be worked out and the Board needs to be protected with such a big investment. Mr. Stamp stated that there is certainly value in this project but cautious in going forward because it is a big investment and some negotiable points still need to be identified. Mr. Griffith asked staff in the memo to the Board to have the questions presented today answered. Ms. Primiano stated that DEM has been interested in this property as an important land acquisition property long before anyone knew of these well sites and that there are certain interested participants who would rather not do this wellhead protection part of the project which would require more work on her part in raising the \$2.3 million but still doable. She added that she is here because the Board is interested with their well sites and if we find out that the sites are not feasible the project will still get done but feels the project needs to continue moving forward. Mr. Perry made a motion that we bring this to the Board and ask their concurrence in continuing the investigation of this project without a commitment to approve or disapprove the project; that this is a viable project where we need to protect these sites; seconded by Mr. Stamp; the committee approved the motion unanimously. Mr. Griffith asked that the portion of the minutes for this item be written up and circulated to the members to make sure that they accurately reflect our understanding of the discussion and the guidance given.

4) ITEMS FOR DISCUSSION:

A. HUNT RIVER ISSUES:

Mr. Mariscal reported that USGS has made the Hunt River stream flow gage a real time gage whereby one can information online, which we are going to promote as a management tool for the water suppliers. He stated that earlier this month we met with the Groundwater Committee of the Town of North Kingstown where their was an agreement that they want to move forward on a formation of a watershed association. Evan Matthews of Quonset Development Corporation (QDC) stated that QDC has made a commitment to offer staff resources towards this effort.

B. DROUGHT MANAGEMENT PROGRAM – Drought Condition Update

Ms. O’Keefe reported that through September 26 Rhode Island recorded 2.58 inches of rain. She stated that all indicators used show precipitation at normal or above normal levels. She stated the Scituate Reservoir is at 93% capacity.

C. WATER SUPPLY SYSTEMS MANAGEMENT PLAN PROGRAM - Update

Ms. O’Keefe reported the program is proceeding as normal. She stated a water supplier meeting was held on September 7 where the two main topics of expanded water use reporting and Department of Health source water assessment guidance document were discussed. She stated a worksheet was distributed to the suppliers asking them to reply. She stated that complete reports have been received by 19 suppliers. Ms. O’Keefe reported that the Town of Narragansett 5-Year Plan update was due September 11 and they had indicated their update would be forthcoming. She stated that in the attachment there is a letter from Narragansett dated September 25, requesting a sixty-day time extension. She related that it was too late to place it on the agenda due to the notice rule. Mr. Griffith asked Ms. O’Keefe to go ahead and place this item on the October 10th Board agenda.

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.

D. RI PUBLIC DRINKING WATER PROTECTION PROG. PHASE III – Update

Mr. Riverso reported that Kingston Water District project is on track. He stated that he is working to finalize the \$25,000.00 City of Newport project. He stated that Pawtucket should be submitting additional project payment requests soon. He stated the QDC project is also on track. He stated Stone Bridge and United Water have related that other project payment requests will be coming soon.

E. GROUNDWATER PROTECTION/ACQUISITION PROGRAM:

Mr. Riverso reported the Charlestown and Heaton Orchard Road projects are moving forward.

ADJOURNMENT: Mr. Griffith adjourned the meeting at 1:40 p.m.

Respectfully submitted,

Robert Griffith
Chairman

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

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