



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

Justice William E. Powers Building, Third Floor
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WATER RESOURCES PROTECTION & USE COMMITTEE MEETING

(Formerly the Public Drinking Water Protection Committee)

MINUTES OF MEETING

October 3, 2007

Members Present:	Members Absent:	Staff Present:	Guests:	
Robert Griffith		Juan Mariscal	John Russell	Pasqual Delise
Ian Morrison		William Riveroso	Heidi Green	Susan Licardi
Liz Scott		Beverly O'Keefe	Henry Meyer	Eugenia Marks
Harold Ward		Romeo Mendes	Mary E. Kay	
William Stamp, III		Kathy Crawley	Tim Brown	
Frank Perry				
Clayton Commons (for Ms. Swallow)				

I. CALL TO ORDER:

Chairman Griffith opened the meeting at 12:34 p.m., and noted a quorum present.

II. APPROVAL OF MINUTES:

With a motion by Ms. Scott, seconded by Mr. Morrison, the minutes of the September 5, 2007 meeting were approved.

III. ITEMS FOR ACTION:

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

a) Quonset Development Corporation – Wellhead Protection Land Acquisition Project - Request for Eligibility Approval

Mr. Griffith introduced the item. Mr. Riveroso reported the Water Resources Board Corporate At its September 11, 2007 meeting voted to re-open the Phase III program stipulating the action is a one-time exception in the best interests of the Water Resources Board and would apply only to the QDC and the United Water Company of Rhode Island. He stated both suppliers were notified by letter stipulating a program completion date by March 31, 2008.

Mr. Riveroso reported QDC has followed up with a formal request for eligibility determination of a land acquisition project. He reviewed their program status to have a remaining fund balance of \$103,393.00, with a minimum balance requirement to use \$52,937.00 for land acquisitions.

He stated the property for consideration is within QDC's wellhead protection area for QDC Well #3A located on property owned by the Davis Mill Estates bordering the Towns of East Greenwich and North Kingstown on and adjacent to Town of East Greenwich, Plat 17 F, Lot 261 made up of approximately 2.92 acres. In addition, QDC will consider an easement on all or part of the North Kingstown adjacent property.

Mr. Mariscal by referring the committee to a map in the packet pointed out that the Department of Transportation has recently purchased a small portion of the East Greenwich parcel for a new highway off ramp, which proves the property was not perpetually protected. He proceeded to note a meeting was held with Mary Kay, WRB Program Legal Counsel and Rupert Friday, Director for the RI Land Trust Council from the Nature Conservancy whereby discussion centered around issues that property restrictions are not perpetual in nature, they along with staff also concluded this particular property could be better protected. Mr. Mariscal reported the project was looked at in two ways, whether the property should be purchased outright or by a conservation easement. He reviewed the staff recommendations with a few modifications to be as follows:

1. That the WRP&R Committee approve this water supply well protection project as an eligible project for Phase III funding and recommend eligibility approval by the committee;
2. That the WRP&R Committee advise the QDC to approach the acquisition of this property as noted in this memo as they move forward in their negotiations; (i.e. our primary interest is acquisition of the land as a conservation easement with a buffer along the Hunt River and behind the existing homes of the Association. If this is not possible, then acquisition of the property via fee simple purchase with a conservation easement placed on the property)
3. That the QDC shall submit to the WRB a signed purchase and sales agreement for this property and associated conservation easements no later than January 31, 2008. No extensions of this deadline will be allowed;
4. That the QDC close on the property by March 31, 2008 and submit all bills for reimbursement to the WRB by March 31, 2008. No extensions of this deadline will be allowed;
5. That failure to meet the deadlines defined by the WRB-C will disqualify the project from any reimbursement for costs incurred;
6. That all other program requirements for water quality protection projects also apply (examples include but are not limited to: an acceptable appraisal of the value of the property and easements to be acquired, a Class I survey, etc.)
7. That, regardless of the proposed acquisition, the QDC should review the title to the former federal property (north and west of the Hunt River that is now owned by QDC) to determine if a conservation easement should be placed on that property as well. The QDC should report back to the WRB on its review of this title.

Mr. John Russell, counsel for QDC briefed the committee stating he believed the East Greenwich parcel is not protected as one would like to see in perpetuity as it is zoned F1, whereby farming can be instituted which if cleared and used as such would yield pesticides or other chemicals. He stated they are interested in getting as much conservation, preservation and protection as possible. They are considering three options, first would be the acquisition of the East Greenwich parcel; second would be to place an easement on the same parcel and thirdly would be to place an easement on the whole property which would include the North Kingstown parcel also. He added, an appraiser has been hired and the landowners do require a 90-day notice and we believe the January 30, 2008 due date is feasible. Mary Kay reiterated the fact of protecting the property in perpetuity and similar projects were accomplished under the program. Mr. Ward asked who will hold the easement once the property is purchased. Ms. Green of QDC stated that QDC and they

would also be amenable to adding the Water Resources Board. Mr. Ward asked that this point be placed in the recommendation to the full Board. Mr. Perry stated that the East Greenwich parcel is the most vulnerable area and welcomes this further protection project. Mr. Griffith agreed. Mr. Griffith reviewed the recommendation stating the committee is asked to concur this is an eligible project for Phase III funding and that the iterations in the recommendations are guidance steps for QDC to consider to follow in developing a package for purchase and sale to bring back for final payment approval. Mr. Mariscal clarified the points made in the recommendation to be that numbers 2, and 7 be guidance items and that 1,3,4, 5 and 6 be conditions.

Motion to accept the WRB staff recommendation as clarified was moved by Mr. Perry and seconded by Mr. Morrison; the motion was approved unanimously.

2. WATER FACILITIES ASSISTANCE PROGRAM:

a) Bristol County Water Authority – Shad Factory Pipeline Requisition #3 - Requested Amount \$21,659.00; Recommended Payment \$21,659.00 - Request for Payment Approval

Mr. Griffith introduced the item. Mr. Mendes reported this request is for architectural and engineering fees for the design of the new Shad Factory Pipeline. He stated supporting documentation was reviewed and found to be in order. He recommended payment in the amount of \$21,659.00.

Motion to approve the payment request was moved by Mr. Stamp and seconded by Mr. Perry; the motion was approved. Mr. Morrison abstained and recused himself from the vote.

3. WATER SUPPLY SYSTEMS MANAGEMENT PLANS (WSSMP):

a) Kingston Water District (KWD) - Five-Year Update - Request for Approval

Mr. Griffith introduced the item. Ms. O’Keefe reported the KWD submitted their plan update on May 8, 2007 which was followed by a review period. She stated the update was prepared in-house. She stated the review showed that in the Water Quality Protection Component they used all the guidance tool documents, mapping requirements were excellent, increased demand management strategies were provided, detailed information on water loss, and a well defined drought management plan. She recommended approval of the plan update and advised KWD to address certain items outlined in addition to the requirements when submitting their 30-month interim report. Mr. Henry Meyer of the KWD provided additional insights regarding his system.

Motion to approve was moved by Mr. Perry and seconded by Ms. Scott; the motion was approved unanimously.

b) University of Rhode Island (URI) – 30 – Month Interim Report - Request for Approval –

Mr. Griffith introduced the item. Ms. O’Keefe stated the interim report includes updated water system data and the status of the WSSMP plan implementation and progress. She stated the report did not include a narrative on the progress with the Kingston Water District on some of their mutual collaborations and projections of additional water needed to support the new biotechnology building on campus, other proposed development and increased campus

enrollment. She stated URI's water system does not use individual meters for their buildings which makes it difficult for demand management. She added, staff advises that URI should include in their budget metering for these buildings, as they upgrade for their new buildings. She recommended approval of the Interim Report with an additional recommendation that URI implement a campus-wide water use conservation and efficiency program and they be advised to address certain items outlined in addition to the requirements when submitting their Five Year Plan Update due in 2009.

Motion to approve the staff recommendation on detail was moved by Mr. Morrison and seconded by Mr. Stamp; the motion was approved unanimously.

V. ITEMS FOR DISCUSSION:

1. Supplemental Water Supply Study Phase II – Update –

Mr. Griffith introduced the item. Ms. Crawley reported we are continuing with the study area of planning meetings and getting comments. She stated comments were received from the Town of North Kingston, the Kingston Water District and a special meeting took place with the KCWA to get their feedback. She added, the next planning area meeting is being scheduled. She stated the next step is to identify any field work that needs to be done for alternatives and then continue to move forward on the projects.

2. Drought Management Program – Drought Condition Update

Mr. Griffith introduced the item. Ms. O'Keefe stated the precipitation report for the last three months show below normal conditions. She stated the forecast for Southern New England are experiencing decreased precipitation and projections of temperature will be warmer than normal leading to increased evaporation, etc. She reported the crop moisture index is very dry and the drought severity index is still showing we are in a normal condition. She reported the state of Massachusetts is convening a drought management task force on Wednesday October 10. She stated she recommended to the General Manager that the agency convene our own Drought Steering Committee to look at conditions. She stated the Scituate Reservoir is at 275.29 feet or 75% of capacity and that the Providence Water Supply Board will not go into a drought trigger advisory situation until the Scituate Reservoir reaches 273 feet. She recommended we go forward and convene a committee to assess moving into an Advisory Condition. Mr. Griffith recommended that the General Manager report out these facts to the full Board at the next meeting and to schedule a Drought Management Task Force meeting.

3. Water Supply Systems Management Plan Program - Update

Program progress continues.

4. RI Public Drinking Water Protection Program - Update

Mr. Griffith introduced the item. Mr. Riverso reported United Water Rhode Island was notified by letter of the reopening of the Phase III program and they related they will follow up on securing their remaining balance of funds.

5. Groundwater Protection/Acquisition Program - Update

Mr. Griffith introduced the item. Mr. Riverso reported the update is included in the Executive Session memo. Mr. Griffith stated we will take it up at that time.

6. Hunt River Sub basin - Interim Management Plan – Update

Mr. Griffith introduced the item. Ms. O’Keefe reported the agency has received a letter from the three participating suppliers requesting an update on the progress made toward fulfilling the eight state responsibilities outlined in the Interim Management Plan. She stated the stream gages along the Hunt River show low levels. She reported the Watershed Association continues to meet. Mr. Mariscal reported that he and the Board Chairman have met to discuss responding to the letter in a coordinated fashion.

7. Water Conservation Program – Update

Mr. Griffith introduced the item. Mr. Mariscal reported that there is a lot that could be said about the subject but at this time he asked the committee to review the memo being distributed which outlines points that can be used to get us all thinking about what can be done in order to prepare for legislation next year, so we can begin to meet and discuss the subject in detail over the next few months.

IV. **OPEN CALL FOR EXECUTIVE SESSION IN ACCORDANCE WITH RIGL SECTION 42-46-5(a)(5):** “Any discussions or considerations related to the acquisition or lease of real property for public purposes...” (Groundwater well sites RIW336 sub-a (Kavin) and RIW458 (Tuckahoe))

At 2:00 p.m. Mr. Griffith requested a motion pursuant to RI General Laws 42-46-5 (a)(5) that this committee move into Executive Session to discuss the proposed terms and conditions and price of possible acquisition of two groundwater well sites and land development rights. **Motion** was moved by Mr. Commons and seconded by Mr. Perry; a roll call vote was taken in the following order:

- Mr. Perry - Yes
- Mr. Stamp - Yes
- Mr. Ian Morrison - Yes
- Ms. Scott - Yes
- Mr. Commons - Yes
- Mr. Ward - Yes

The motion was approved unanimously.

The committee proceeded into Executive Session.

No action taken in Executive Session.

At 2:23 the committee returned to regular session.

VI. OTHER BUSINESS:

VII. ADJOURNMENT:

Mr. Griffith adjourned the meeting at 2:24 p.m.

Respectfully submitted,

William Rivero
WRB Programming Services Officer

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