



State of Rhode Island and Providence Plantations
Water Resources Board
Justice William E. Powers Building, Third Floor
One Capitol Hill
Providence, RI 02908
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PROPERTY COMMITTEE

MINUTES OF MEETING

July 21, 2008

Members Present:

Frank Perry
Jay Aron
Jesse Rodrigues
Richard Mignanelli

Members Absent:

William Penn
William Parsons

Staff Present:

Juan Mariscal
Romeo Mendes
William Rivero

Guests

Robert Griffith
June Swallow

1. CALL TO ORDER

Mr. Perry called the meeting to order at 10:36 am noting that a quorum was present.

2. APPROVAL OF MINUTES

Mr. Mendes reported that the March 11, 2008 and April 8, 2008 minutes were in draft form and were not distributed but they will be presented at the next meeting.

3. ITEMS FOR ACTION:

A. Request for Approval to Film in the BRMA.

Discussion: Mr. Perry introduced the item. Mr. Perry stated his main concern is the insurance issue. Mr. Mendes reported he explained this to the applicant, who related his willingness to sign any liability waivers and has provided a signed waiver with the application. Mr. Perry stated his concern is that it was first explained that all participants were going to sign the waiver and now the applicant has prepared a document with a company name and signing as a company agent. Mr. Mendes explained that in fact all participants did sign a waiver and the company name most likely was used to look official for the waiver as the address is the home address of the applicant. Discussion ensued. Mr. Perry recommended approval be contingent upon State Properties Committee approval and their legal counsel. Mr. Aaron stated RIDEM enforcement needs to be contacted and that if insurance requirements are acceptable by the Board, for a six hour shoot going before State Properties Committee may not be necessary. Legal counsel should simply review and approve with a recommendation to the Board.

Motion was made by Mr. Aaron, second by Mr. Mignanelli to approve the request and accept the liability waiver subject to approval by legal counsel and if necessary approval by the State Properties Committee and their legal counsel. The vote in favor was unanimous. The motion carried.

4. OPEN CALL FOR EXECUTIVE SESSION IN ACCORDANCE WITH RIGL SECTION 42-46-5 (5): Acquisition of Property:

Mr. Perry requested a motion pursuant to RI General Laws 42-46-5 (5) that this committee move into Executive Session to discuss acquisition of property as it pertains to the Groundwater Investigations and Acquisition Program.

Motion by Mr. Rodrigues second by Mr. Mignanelli to go into Executive Session.

Mr. Perry called the vote. The following roll call vote was taken:

Mr. Mignanelli – Yes
Ms. Aaron – Yes
Mr. Rodrigues – Yes

And Chairman Perry voted yes. The vote in favor was unanimous. The motion carried.

The committee proceeded into Executive Session.

5. RETURN TO BOARD FROM EXECUTIVE SESSION

At 11:01 a.m. the committee returned to regular session

Motion by Mr. Rodrigues second by Mr. Mignanelli to adjourn the executive session and adopt the consensus derived therein for the following projects:

Project Well Site RIW 385 – Approve further exploration and assessment and for staff to go forward with expending funds as necessary towards this objective. To go forward to appraise, survey, title search and negotiate the potential simple fee/development rights/conservation easement acquisition for the well site referenced as RIW 385 and any adjacent property ownership. This approval does not obligate the Board to purchase these properties. The Board and State Properties Committee will approve the project and expenditures once finalized.

Mr. Perry called the vote. The following roll call vote was taken:

Mr. Mignanelli – Yes
Ms. Aaron – Yes
Mr. Rodrigues – Yes

And Chairman Perry voted yes. The vote in favor was unanimous. The motion carried.

Project Well Site RIW 696 - Approve further exploration and assessment and for staff to go forward with expending funds as necessary towards this objective. To go forward to appraise, survey, title search and negotiate the potential simple fee/development rights/conservation easement acquisition for the well site referenced as RIW 696 and any adjacent property ownership. Authority to go forward to the State Properties Committee for authorization to proceed with negotiations. This approval does not obligate the Board to purchase these properties. The Board and State Properties Committee will approve the project and expenditures once finalized.

Mr. Perry called the vote. The following roll call vote was taken:

Mr. Mignanelli – Yes
Ms. Aaron – Yes
Mr. Rodrigues – Yes

And Chairman Perry voted yes. The vote in favor was unanimous. The motion carried.

Mr. Rodrigues moved that the minutes of the executive session be sealed until such time as the issues are resolved. Mr. Mignanelli seconded. The motion carried unanimously.

6. ITEMS FOR DISCUSSION:

Phase VII Timber Sale Update — Mr. Mendes reported that the selected contractor had requested a number of extensions to complete the work. The last imposed deadline for completion of all work was May 20, 2008. This deadline was not met and currently even though both the WRB and DEM are unsatisfied with the contractor's work as far as timing goes, it was felt that it would be unproductive to push for the job to be completed as soon as possible because the quality of work remaining to be done would degrade. DEM forester Jay Aron recommended that the individual be allowed to finish the required work at his own pace maintaining the existing quality work while documenting all delays and subsequent problems caused so that when everything was said and done the Board would have sufficient documentation to deny the vendor any future contracts even if that individual happened to be the high bidder. The current status is that all but a few requirements have been met and the project is nearly ready to be closed out.

7. NEW AND OTHER BUSINESS:

8. ADJOURNMENT

Chairman Perry adjourned the meeting at 11:14 a.m.

Respectfully submitted,

Romeo N. Mendes, P.E, Supervising Civil Engineer

**Note: The full proceeding of this meeting is available on audiotape by request.*

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