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November 20, 2018

Ms. Luly Massaro, Clerk  
Rhode Island Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, RI 02888

**Re: *Docket No. 4885- The Narragansett Bay Commission  
Debt Service Compliance Filing***

Dear Ms. Massaro:

Enclosed please find an original and nine copies of the following document:

1. The Narragansett Bay Commission's response to the Rhode Island Public Utility Commission's Data Requests (Set Two).

Please note that an electronic copy of this document has been provided to the service list.

Thank you for your attention to this matter.

Sincerely,



Joseph A. Keough, Jr.

JAK/kf

cc: Docket 4885 Service List (*via electronic mail*)

STATE OF RHODE ISLAND  
PUBLIC UTILITIES COMMISSION  
DOCKET NO. 4885  
Response Of The  
Narragansett Bay Commission  
To The Rhode Island  
Public Utilities Commission's  
Data Requests  
Set 2

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**Comm. 2-1:** Given that the Federal Environmental Protection Agency (EPA) recently pre-qualified the Narragansett Bay Commission (NBC) for critical funding, how does this impact the borrowing in the current Docket?

**Response:** NBC is excited to have been invited to apply for a WIFIA loan from the EPA since it could benefit NBC ratepayers significantly if the loan is awarded to NBC. The WIFIA loan would tandem nicely with NBC's borrowing submitted in this Docket, but it does not eliminate the need for NBC to continue undertaking the RIIB loan proposed in this Docket for a number of reasons. First, NBC will not be submitting the loan application until early 2019, and while it hopes to close on the loan by the summer of 2019, there is no guarantee on the timing or whether NBC will even receive the WIFIA funding. For the reasons set forth in this Docket, NBC needs the proceeds from the proposed RIIB loan for the CSO Phase III facilities and other capital projects identified in our filing, and we cannot wait for the WIFIA loan, which is not a certainty. Second, the WIFIA program can only fund up to a maximum of 49% of the CSO Phase III costs, so NBC must finance the remaining portion and proceeds from the proposed RIIB loan can be used towards NBC's share. Third, current conditions are favorable for the issuance of long-term debt since interest rates are low and the yield curve is relatively flat. Fourth, should NBC be successful in securing the WIFIA loan, it is likely that the repayment may be structured around NBC's existing debt, including this new issue, so that future ratepayer impact is minimized. Fifth, NBC needs to take advantage of the Rhode Island Infrastructure Bank's (RIIB) current loan capacity, as prior RIIB capacity constraints required NBC to issue open market revenue bonds.

**Prepared by:** Karen Giebink

**Comm. 2-2:** Please provide responses to the following:

- a. When will the NBC apply for the loan?
- b. What are the terms of the loan, including amount borrowed, interest rate, and payment schedule?
- c. Does the NBC plan to seek the approval of the Division of Public Utilities and/or the Public Utilities Commission (PUC) prior to the issuance of the loan?
- d. According to the testimony of Kathryn Kelly, the pre-design estimate of CSO Phase III is \$779.1. The EPA loan request is for \$251 million dollars. Please provide a breakdown of which costs are included in the EPA loan request and which costs are not.
- e. Please explain whether any of the EPA loan request covers expenses that have already been incurred by the NBC or have been approved for funding in rates by the PUC.

**Response:**

- a. NBC plans to apply for the loan as soon as possible and anticipates submitting the application early next year.
- b. The interest rate is based on the State and Local Government securities rate using a maturity that is closest to the weighted average loan life plus one basis point. Other loan terms must be negotiated with EPA but some of the attractive elements of the WIFIA program are customized repayment schedules and a long repayment period with a length of up to 35 years after substantial completion.
- c. Yes.
- d. The total estimated cost for CSO Phase III Facilities is \$779.1 million. The CSO Phase III Facilities have been further broken down into four sub-phases A, B, C and D to be completed by 2041. The WIFIA program requires project readiness and therefore NBC requested funding for CSO Phase III Phase A and B design and Phase A construction. The current cost estimate for these components in 2018 dollars is \$487 million. Maximum project funding through the WIFIA program is 49%, so NBC applied for a loan for 49% of \$487 million or \$239 million. NBC recently learned that the loan amount was increased to \$251 million by EPA based on their prior experience with other projects funded through this program. NBC must finance the other 51% of the project cost. The final loan amount

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will reflect updated cost estimates based on additional design work and will be determined prior to closing.

- e. No, the request does not cover expenses already incurred by NBC or approved for funding by the PUC.

**Prepared by:** Karen Giebink and Kathryn Kelly

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**Comm. 2-3:** Are there any restrictions on the use of the EPA loan?

**Response:** Yes

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**Comm. 2-4:** Please provide a copy of all documents submitted to the EPA relating to the loan request.

**Response:** See attached Letter of Interest. Attachments B-3 and B-4 were previously provided in response to the Commission's First Set of Data Requests in response to question one. The other attachments to the LOI are provided on the thumb drive and include:

- A-1 Richard Bernier-Resume
- A-2 David Bowen - Resume
- A-3 Kathryn Kelly - Resume
- A-4 Stantec - Searles Bio
- A-5 Stantec - Feeney Bio
- A-6 Stantec – Bios - MMC
- A-7 Organizational Chart
- A-8 Combined Sewer Overflow Phase I and II
- B-1 Project Map
- B-2 CSO Phase III Project Schedule
- B-3 CSO Control Facilities Phase III Reevaluation Report Volume 1 (previously provided)
- B-4 CSO Control Facilities Phase III Reevaluation Report Appendices Volume 2  
(previously provided)
- B-5 NBC Master Plan owned facilities\_2018
- B-6 EnvAssessment\_Oct2017
- C-1 Financial Sustainability Plan Policy 2018
- D-1 Eligible Costs by Major Activity
- D-2 RatingsDirect\_Analysis\_1669540\_Jul-06-2016\_13\_08
- D-3 NBC WIFIA Financial Proforma
- D-4 Comprehensive Annual Financial Report FY 2015
- D-4 Comprehensive Annual Financial Report FY 2016
- D-4 Comprehensive Annual Financial Report FY 2017
- G -1 Certification Signature Page NBC
- H-1 State Notification Signature Page NBC

**Prepared by:** Karen Giebink and Kathryn Kelly

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**Comm. 2-5:** When will a determination be made by the EPA as to the approval of the loan?

**Response:** We would like to close on the loan in the summer of 2019 and anticipate that feedback regarding potential credit assistance approval will be received from EPA as we continue with the application process.

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**Comm. 2-6:** Has the NBC applied for any other loans or grants from the EPA in the past and if so, what was the result of those applications.

**Response:** No. The NBC has not applied for any loans or grants of this type from the EPA.

**Prepared by:** Karen Giebink

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**Comm. 2-7:** Are there any expenses in this request that are not a part of the EPA loan request? What portion of the \$37.8 million request regarding CSO Phase III is also included in the EPA loan request? Is any portion of the remaining \$7.2 million request also included in the EPA loan request?

**Response:** Yes, the WIFIA loan is limited to the CSO Phase III Facilities project, and NBC seeks to finance other capital improvements through the RIIB loan proposed in this Docket. As mentioned in response to 1-2(d), the WIFIA loan is for a maximum of 49% of the project cost so NBC must finance \$248 million. Proceeds from the RIIB loan will be applied to NBC's match.

**Prepared by:** Karen Giebink

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**Comm. 2-8:** Has the NBC conducted any analysis on the effect on rates of the non-CSO related requests? Have they conducted any analysis on the effect on rates if the EPA loan is approved?

**Response:** The NBC has not conducted an analysis of how rates would increase if it only sought to finance non-CSO related capital projects in this Docket. For the reasons set forth in response to data requests 2-1 and 2-2, NBC still needs proceeds from the proposed RIIB loan for the CSO Phase III. At this time, NBC has not conducted an analysis on the effect on rates if the EPA loan is approved.

**Prepared by:** Karen Giebink

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**Comm. 2-9:** Please provide a copy of the all board meeting related to this compliance filing since July 1, 2016, including the minutes of the April 28, 2015 board meeting where Alternative 2 was selected.

**Response:** Please see attachments

2-9 4-28-15 Board Meeting Minutes  
2-9 9-25-18 Board Meeting Minutes

**Prepared by:** Karen Giebink

1 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

2 NARRAGANSETT BAY COMMISSION

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4

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IN RE: BOARD OF COMMISSIONERS MEETING

6

7

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9

DATE: April 28, 2015

10 TIME: 11:00 A.M.

PLACE: Narragansett Bay Commission

11 Corporate Office Building

One Service Road

12 Providence, RI 02905

13

14

15 COMMISSIONERS:

16 Vincent Mesolella, Chairman

Raymond Marshall, Executive Director & Secretary

17 Robert Andrade

Dr. Richard Burroughs

18 Bruce Campbell

Mario Carlino

19 Michelle Deroche

Michael Dichiro

20 Jonathan Farnum

Seth Handy

21 Joseph Kimball

Paul Lemont

22 Ronald Leone

John MacQueen

23 Joan Milas

Al Montanari

24 Alan Nathan

Angelo Rotella  
25 Richard Worrell

2

- 1 STAFF & GUESTS
- 2 Paul Nordstrom, NBC  
Rich Bernier, NBC
- 3 Jamie Samons, NBC  
Jennifer Harrington, NBC
- 4 George Palmisciano, Pare Corp.  
Laurie Horridge, NBC
- 5 Tom Brueckner, MWH  
Karen Musumeci, NBC
- 6 Rich Raiche, MWH  
Thomas Uva, NBC
- 7 Robert Otoski, CDM Smith  
Karen Giebink, NBC
- 8 Dan Berger, PFM  
Alex Kuffner, Providence Journal
- 9 David Bowen, Wright-Pierce  
Ambar Espinoza, RI Public Radio
- 10 Mike Stuard, NBC  
Gail Degnan, NBC
- 11 Sherri Arnold, NBC  
Sean Searles, MWH
- 12 Leah Foster, NBC  
Robert Otoski, CDM Smith
- 13 Melissa Carter, MWH  
Al Mancini, DPUC
- 14 Jean Lynch, CAC  
John Zuba, NBC
- 15 Christine Cooper, NBC  
Steve Maceroni, PFM
- 16 Jamie Samons, NBC  
John Motta, NBC
- 17 Harold Gadon, CAC  
Topher Hamblett, Save the Bay
- 18 Mark Thomas, NBC  
Sandor Bodo, Providence Journal
- 19 Pamela Bhatia, NBC
- 20
- 21
- 22
- 23

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1 (MEETING COMMENCED AT 11:09 A.M.)

2 CHAIRMAN MESOLELLA: Good morning,  
3 everyone. We'll call the meeting to order of  
4 the Narragansett Board of Commissioners at  
5 11:00, April 28th, 2015.

6 The first order of business is the  
7 approval of the previous. Have all of our  
8 members had an opportunity to review the  
9 previous minutes?

10 COMMISSIONER MONTANARI: Yes.

11 CHAIRMAN MESOLELLA: We have a  
12 motion to approve the previous minutes by  
13 Commissioner Montanari. Discussion?  
14 Commissioner Farnum. Previous discussion on the  
15 previous as presented. Hearing none. All of  
16 those that are in favor will say aye. Are there  
17 any opposed? There are none opposed, and that  
18 motion carries.

19 (UNANIMOUS VOTE)

20 CHAIRMAN MESOLELLA: Moving along  
21 to Item Number 3, which is the Election of  
22 Officers. At this time the Chairman will turn  
23 the gavel over to the Executive Director for

24 nominations.

25 MR. MARSHALL: Mr. Chairman, I

4

1 would like to open the floor up to nominations  
2 for the positions of Chairman, Vice Chairman and  
3 Treasurer. Commissioner MacQueen?

4 COMMISSIONER MACQUEEN: I make a  
5 motion that the secretary cast one vote for the  
6 position of officers Mr. Mesolella for Chairman,  
7 Mr. Chairman, Rotella for Vice Chairman and Mr.  
8 Andrade for treasurer.

9 MR. MARSHALL: Is there a second?

10 COMMISSIONER BURROUGHS: Second.

11 MR. MARSHALL: Okay, a motion's  
12 been made and seconded. Are there any other  
13 nominations? Is there any discussion? Hearing  
14 none. We'll close the floor to nominations and  
15 the secretary will cast as directed by the  
16 motion. One vote for the existing slate, and  
17 congratulations.

18 (APPLAUSE)

19 CHAIRMAN MESOLELLA: The first  
20 thing, of course, I'd like to say is thank you  
21 for your vote of confidence. I truly appreciate  
22 it. And as I've always done in the last 36

23 years I've been a member of this Commission, I  
24 offer my one thousand percent support for this  
25 commission and commissioners and so thank you

5

1 all very much. We have a very exciting year  
2 coming up. And, of course, I appreciate your  
3 participation and your contributions. Thank  
4 you, very much. And thank you Mr. Vice Chair  
5 for your support and treasurer, Commissioner  
6 Andrade. Thank you.

7 Okay. Moving right along. You  
8 probably noticed that there's a little bit of a  
9 different order on the agenda today. The first  
10 order of business would be the Chairman's  
11 Report. The Chairman does not have much of a  
12 report except to say that earlier in the course  
13 of the day there was a construction engineering,  
14 an operations committee meeting. The Chairman  
15 offered to the committee that we will be putting  
16 out to the public a request for  
17 proposal/qualifications for Renewable Energy  
18 proposals.

19 The Commission will be soliciting  
20 these proposals pursuant to a statute that was  
21 passed by the general assembly allowing us to  
22 net meter and to buy or purchase energy from

23 outside sources off site. So this is available  
24 for viewing. Any of the commissioners can take  
25 a look at it. If not, Tom Uva and our staff is

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1 going to making some tweaks to it, nothing  
2 substantial right now. Minor changes. And then  
3 prior to our next meeting, this will be out to  
4 the public. That's the first thing. The second  
5 thing is something that's been in the paper  
6 almost everyday for the last month which is the  
7 Pawtucket Red Sox issue. Perhaps some of our  
8 members heard I was a guest on the Buddy Cianci  
9 show with regard Pawtucket proposed, the  
10 original Pawtucket proposed stadium, or Prov  
11 Sox. I'm not sure what it will be, but it will  
12 be something.

13 So it appears, it doesn't appear,  
14 as a matter of fact we have several large  
15 structures on that site which take up most of  
16 left field and perhaps some part of center  
17 field. We were approached by the owners of Paw  
18 Sox with regard to our cooperation of regard to  
19 relocating some of those structures. We  
20 originally thought that they were going to ask  
21 us to absorb the cost associated with that. As

22 it turned out, they did not ask us to absorb the  
23 cost. They said that they would absorb the  
24 cost, and they were really soliciting our  
25 corporation with regard to testing the hydraulic

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1 and make sure it worked as a system, and that is  
2 exactly what I said on the radio with Buddy  
3 Cianci. We consider ourselves to be part of the  
4 solution, not a part of the problem. We hadn't  
5 heard from the general assembly or the  
6 Governor's Office regarding the issue, but in  
7 terms of our cooperation, they could expect a  
8 hundred percent cooperation from us as long as  
9 our ratepayers were not asked to bear the cost.  
10 As we know today, in fact, there's an article in  
11 the paper. I don't know what the status of it  
12 is. It may very well be that they have found  
13 another site.

14 So we're all just sitting waiting  
15 for the next shoe to drop. And as things  
16 develop, we'll make absolutely certain that we  
17 keep the Board apprised except to say that I  
18 told the owners as far as I and the Board was  
19 concerned that our ratepayers had no interest in  
20 picking up any of the costs associated with  
21 those improvements. Okay. So having said that,

22 Mr. Chairman --

23 CHAIRMAN MESOLELLA: Anybody have

24 any questions with regard to that? I mean, I

25 don't think anyone really knows what's going to

8

1 happen in the next several weeks, but it will be

2 interesting. So other than that, the Chairman

3 has no further report. The next order of

4 business is the Executive Director's Report

5 which is Item Number 5. Mr. Secretary, do you

6 have a report for us today?

7 MR. MARSHALL: Yes, sir, I do.

8 CHAIRMAN MESOLELLA: Please

9 proceed.

10 MR. MARSHALL: Field's Point and

11 Bucklin Point Wastewater Treatment Plants are

12 gearing up for the nitrogen removal season which

13 starts May 1st. Actually, Bucklin Point has

14 done a really good job maintaining the system.

15 It's just the nature of what we designed and

16 installed over there. So they're already up to

17 speed. And Field's Point is coming into

18 compliance as we speak. We've been coordinating

19 on a regular basis with Rhode Island Resource

20 Recovery. Their discharge is now coming to

21 Field's Point. It has been since November.  
22 Their pretreatment system has been starting up  
23 in the last six weeks. We work closely with  
24 them and DEM to try to make this transition as  
25 smooth as possible. We had a problem during the

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1 month with the tunnel odor control system, and  
2 we're working to resolve those problems. Some  
3 of the filters or strainers needed to be  
4 replaced, so we're in the process of doing that.

5 As far as the turbines go, we  
6 generated 62 percent of the Field's Point  
7 Wastewater Treatment Facility power needs in  
8 March. And lastly, at Field's Point, we  
9 continue to work on the problem that we have  
10 with the blowers. Going through the  
11 manufacturer who has replaced a number of the  
12 different components of those systems. And the  
13 good news is we now have 8 of 9 blowers  
14 available. With the 9th one about ready to come  
15 on-line in the next week or two. So we'll be  
16 fully operational for the start of the season.  
17 Then we'll see what happens from there. We also  
18 have other contingency plans in case we start  
19 having additional difficulties.

20 In interceptor maintenance we had

21 no dry weather overflows in the month of March.  
22 That was good news. And engineering spent a lot  
23 of their time this month preparing for last  
24 night's presentation on CSO Phase III. In the  
25 construction area, the new lab building is

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1 really making progress. I don't know if you  
2 were able to take a look at what's going on  
3 across the street, but all the structural  
4 steelwork is done or essentially done. And  
5 other than that, we've been working on Phase II  
6 of the CSO Program we're doing cleanup and  
7 paving and landscaping to try to tidy the areas  
8 up so that we can pretty much disappear from  
9 people's lives, and I'm sure they'll be very  
10 pleased with that.

11 In Administration and Finance, the  
12 FY-'15 Budget is in good shape. We're running  
13 about 8.9 percent below the year-to-date target,  
14 and that's attributable to a lower personnel  
15 cost, a lower O&M cost, primarily to through  
16 bio-solids and chemical use. And debt service  
17 is about 5 percent below projections. The  
18 FY-'16 Budget has reached the point where we can  
19 schedule a Finance Committee meeting on the

20 preliminary budget. And we agree to do that at  
21 the May board meeting on the May board meeting  
22 day. So they'll probably be about an hour  
23 allocated for the Finance Committee at the May  
24 -- I'll give you the exact date. I think it's  
25 the 27th, but let me be certain of that. May

11

1 27th and then the full board will vote on the  
2 final budget in June. We went through with the  
3 2007 Series A Revenue Bonds refinancing. They  
4 were priced on March 31st and they achieved a  
5 net present value savings of 2.5 million  
6 dollars. And we continue to work with the Clean  
7 Water Finance Agency on the next borrowing.

8 We need a debt service schedule  
9 from them so we can go to the PUC and file for a  
10 rate increase not to exceed 4 percent for debt  
11 service. And they also approved working with  
12 DEM that we can go for a 30-year issue rather  
13 than a 20-year issue than much of what we're  
14 financing is really long-term facilities. And  
15 in the month of March customer service billed  
16 6.9 million dollars and collected 9 million  
17 dollars.

18 So that was a good month for us.

19 PP&R Policy, Planning and Regulation, as the

20 Chairman pointed out, put together this RFP, so  
21 we can go out for net metering opportunities as  
22 well as they put together an excellent  
23 application to EPA that allowed us receive the  
24 EPA's Region 1 annual excellence award. And  
25 that was actually given to us on April 22nd.

12

1 Tom Uva and Laurie Horridge went up to receive  
2 the award. And it's really based upon the  
3 entire spectrum of our accomplishments here at  
4 NBC, which you have all supported strongly over  
5 the years, so we'll have a little award  
6 photograph session probably at the next meeting.

7 And in Executive we viewed about  
8 150 pieces of proposed legislation. Joanne will  
9 have a legislative report for you a little  
10 later. We attended a House Finance Committee  
11 Meeting and testified on the Governor's budget  
12 item involving 2.8 million dollars being taken  
13 from NBC in order to pay debt service on state  
14 debt associated with the Old Bay Bonds. So we  
15 have a meeting scheduled with the  
16 administration, May 9th, I believe it is, to go  
17 over that in more detail with them and to let  
18 them know based upon our reading of the trust

19 indenture, as well as a PUC ruling that that's  
20 not a viable option for them to do that.

21 As the Chairman indicated, we met  
22 with Pawtucket Red Sox owners, and we staff have  
23 met with their consultants regarding the  
24 proposed location of the ballpark, and the  
25 consultants are very in tune with what we have

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1 on that site and what needs to be moved. And  
2 finally, we had a lien sale. It was  
3 successfully completed about a week ago and we  
4 collected \$526,000 thousand dollars as a result  
5 of that effort. And that is my report, Mr.  
6 Chairman.

7 CHAIRMAN MESOLELLA: Okay.  
8 Commissioner Carlino?

9 MR. CARLINO: Do we know -- what  
10 was the final estimate, or we don't have a final  
11 estimate to relocate our facility where the ball  
12 park is going. Is it 5 million, 7 million, or  
13 we don't know that?

14 MR. MARSHALL: Our estimate was \$7  
15 million. But we tend to be very conservative in  
16 our estimates. I think their estimate is a more  
17 aggressive one, but I'm not saying that. It  
18 couldn't be accomplished for five and a half

19 million or whatever number they threw out. It's  
20 not really any different than any time we come  
21 to you with a bid that we want to award if you  
22 look at the range of the bids. There's always a  
23 certain spread there and this is a similar type  
24 thing.

25 CHAIRMAN MESOLELLA: So at the

14

1 meeting, actually, it was Commissioner Rotella  
2 who pressed him on that very same issue. And he  
3 indicated that they would be taking it as a  
4 private function. So he indicated that their  
5 cost would probably be less than ours because  
6 they didn't have the bureaucracy that we have to  
7 deal with, and well, he --

8 COMMISSIONER ROTELLA: The bidding  
9 process, and the --

10 CHAIRMAN MESOLELLA: You know, the  
11 bidding process and all of the kinds of  
12 associated costs that we have. So what was his  
13 number, \$5 million?

14 COMMISSIONER ROTELLA: Five  
15 million.

16 CHAIRMAN MESOLELLA: He said he had  
17 heard me on the radio saying 7 or 7 and a half

18 million, which is what our engineers, our group  
19 had determined. And they said way too much. I  
20 don't know what it is, but he said it's five.

21 COMMISSIONER ROTELLA: If I may,  
22 Mr. Chairman, he also concluded in that five  
23 million the cost of the moving of the  
24 Narragansett Grid gas line. It was included in  
25 that \$5 million dollar price. So what he

15

1 thought would be 5 million for all of the  
2 movement necessary.

3 Again, their plan, I asked them  
4 what he thought the total cost of the investment  
5 would be of the stadium. He said about 70  
6 million and then another 10 million for the  
7 garage, right?

8 CHAIRMAN MESOLELLA: Yes.

9 COMMISSIONER ROTELLA: So I was  
10 trying to establish what percent. It's not a  
11 giant percentage, but obviously, some percentage  
12 of the total cost.

13 CHAIRMAN MESOLELLA: Not including  
14 National Grid, which, of course, you'd know more  
15 about that than we would. And he said he could  
16 get that approval in two weeks. Two weeks,  
17 done.

18 COMMISSIONER WORRELL: Is that two  
19 years?

20 CHAIRMAN MESOLELLA: Two weeks, he  
21 said. Did you tell him about the turbines.

22 I told him that. I said, you know,  
23 I have to tell, I can't -- we'll cooperate with  
24 you, but in terms of, you know, that gas line, I  
25 have no idea how long it's going to take you to

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1 do that. He wants to throw the first pitch out  
2 for the 2017 season. I don't know if time is  
3 going to allow that to happen. By the way, we  
4 were very, very diligent in explaining to him  
5 that there is a shaft that cannot be moved. And  
6 that we had encountered odor control issues the  
7 last shaft we did on Calvary Street, you may  
8 recall.

9 We had to put a structure, build a  
10 structure on top of the Calvary Street shaft.  
11 And I told him, and I made certain that he knew  
12 that we did not grow roses here. And that he  
13 could expect that at certain times during the  
14 course of the year that you might be  
15 experiencing, you know, odor issues, and that he  
16 best consider an expense associated with a stack

17 of some kind.

18 MR. MARSHALL: By the way, I think  
19 he was listening to the Chairman because if you  
20 look at the rendering now. If you look directly  
21 out in center field, what you see is like a  
22 lighthouse-type structure. That would shield an  
23 odor controlled system like we have at the  
24 Foundry complex.

25 CHAIRMAN MESOLELLA: I certainly

17

1 didn't want, you know, in the effort to  
2 cooperate at the end of the day it gets built  
3 and there's an odor issue, of course, the finger  
4 will be pointed to the NBC. So we wanted to  
5 make certain that everyone knew that right out  
6 in front. Karen, did you take minutes at that  
7 meeting?

8 MS. MUSUMECI: Yes.

9 CHAIRMAN MESOLELLA: So we're on  
10 the record for that. So, all right. Any other  
11 questions regarding the Executive Director's  
12 Report. Hearing none. Moving right along.  
13 Harold, you're up. Citizens Advisory Committee.

14 MR. GADON: Thank you, Mr.  
15 Chairman, a very short report. At a  
16 well-attended meeting held on last Wednesday,

17 Tom Brueckner gave an understandable  
18 presentation on the topic of the day, Phase III  
19 Alternatives.

20 I'll now be able to report at our  
21 next meeting on May 20 that Alternative 2 is  
22 being chosen so that NBC will now proceed to  
23 discuss a review with DEM. Thank you.

24 CHAIRMAN MESOLELLA: So, for the  
25 record, Alternative 2 had been proposed and

18

1 offered. The committee hasn't chosen it yet.

2 But we will take a vote on it soon.

3 MR. GADON: Getting ahead.

4 CHAIRMAN MESOLELLA: Okay, moving  
5 forward. And speaking of Alternative 2, the  
6 next committee reporting is the Long-Range  
7 Planning Committee. Commissioner Carlino, do  
8 you have a report for us today?

9 COMMISSIONER CARLINO: Yes.

10 CHAIRMAN MESOLELLA: Please  
11 proceed.

12 COMMISSIONER CARLINO: We met this  
13 morning the board and we accepted and approved  
14 Resolution 2015-09-2, which is Alternative  
15 Number 2 for CSO Phase III. Five were in favor,

16 one was against. And if I could just say before  
17 we go to a vote. We've spent the last eight  
18 months on this since September, numerous  
19 presentations, a lot of work by the staff, and  
20 Tom Brueckner, Ray Marshall, and other staff  
21 members, consultants MWH, PFM spent a lot of  
22 time answering our questions, our concerns. I  
23 think the Chairman and the Executive Director  
24 have made it very clear that we have an  
25 obligation. We signed an agreement. We have to

19

1 move forward. I know there's been a lot of due  
2 diligence by all the commissioners. All of us  
3 spent numerous extra time; two workshops within  
4 those eight months, numerous hours probably  
5 offsite talking about it. We all have concerns.  
6 We all have concerns about the cost, about the  
7 benefit, about the water quality, the median  
8 household income. But we felt as a committee  
9 that we have to move forward. What's critical  
10 is the next steps as the director had pointed  
11 out.

12 We're going to do an evaluation  
13 report. We then have to submit to Rhode Island  
14 DEM our plan what we've chosen, and I think at  
15 that point we have to really sit down and hold

16 their feet to the fire and say, you know, this  
17 is how much money we're going to spend, \$800  
18 million dollars approximately.

19 And what type of water quality are  
20 we really getting and what effects is it going  
21 to have on low income, and so forth. So I know  
22 that's a lot of the concerns of the  
23 Commissioners. And we voted in favor to approve  
24 Alternative Number 2 in a 5 to 1 vote.

25 CHAIRMAN MESOLELLA: So

20

1 Commissioner, are you now making a motion to  
2 approve Resolution 2015-09-2?

3 COMMISSIONER CARLINO: Correct.

4 CHAIRMAN MESOLELLA: I have a  
5 motion from Commissioner Carlino to approve  
6 Resolution 2015-09-2, option 2, Phase III of the  
7 CSO program. Do we have a second? Seconded by  
8 Commissioner Montanari, Commissioner Leone,  
9 Commissioner MacQueen, Commissioner Lemont.  
10 Okay. Further discussion on the motion?  
11 Commissioner Burroughs.

12 COMMISSIONER BURROUGHS: Yes, thank  
13 you, Mr. Chairman. I was the one negative  
14 vote on the committee. And I wanted to briefly

15 indicate my reservations about the proposal.

16 For those of you who don't have it, there's a

17 short sheet on trying to pull all of this

18 together.

19 I first want to thank the staff and

20 consultants for really moving very, very quickly

21 to bring this to this point, given the

22 complexity of the decision. How big and how

23 complex is this decision? We're asked in a few

24 minutes now to vote on bonding that will be two

25 or three times the size of the statewide bonding

21

1 of last fall. But this bonding is targeted on

2 118,000 households, so it's a large burden on a

3 smaller population.

4 Secondly, because the Narragansett

5 Bay Commission has been out in front on many of

6 these issues, we're also, through the actions

7 that we take today, beginning to set some

8 national precedent about how consent decrees are

9 likely to be handled. And the area of

10 contention for me in that regard is that our

11 aspirations for water quality under the Water

12 Quality Act are beyond what engineering or

13 prudent finance can deliver.

14 So the question is, how do we

15 redirect the discussion to water quality? And  
16 in the table that I handed out, I looked  
17 specifically now at Alternative 2, the cost of  
18 that alternative and the benefits.

19 And one way of thinking about the  
20 benefits is to say how many days does it take us  
21 to get back into compliance with the EPA  
22 regulations after a rainfall event? And if we  
23 look at the Narragansett boating center, we find  
24 that it takes about two and a half days, whether  
25 or not we spend the billion dollars for the

22

1 investment. So in that part of the estuary,  
2 we're not seeing an immediate benefit, although  
3 we are in compliance with the regulations  
4 spending a lot of money. When we move down to  
5 Conimicut, that period that takes us to get back  
6 into compliance is 5.3 days. If we spend the  
7 money, the billion dollars.

8 If we just stop at the end of Phase  
9 II, it takes us 9.3 days. So as some have  
10 observed, we are spending in this part of the  
11 system a billion dollars, more or less, to get  
12 an improvement in water quality for a four-day  
13 period.

14 Now, obviously, there are lots of  
15 other things going on, but I mention this just  
16 to indicate that, because the way the system is  
17 set up, we're asked to make improvements even  
18 when the cost of the improvement is very high,  
19 we need to recognize that going forward.

20 And finally, I think it's important  
21 to recognize that the cost of this, which is  
22 another way of managing it or designing for it,  
23 is very high. And that in what we learned last  
24 night in the workshop by year 2026, 54 percent  
25 of the households in our service area will be

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1 over the 2 percent median household income. So  
2 we've got two sets of rules here. One set of  
3 rules is make the estuary as clean as possible.  
4 The other set of rules is don't overspend. And  
5 I guess I'm going to come down on the side of  
6 the don't overspend, and we'll have to vote nay  
7 as this matter comes to fruition. Thank you.

8 CHAIRMAN MESOLELLA: Thank you, Dr.  
9 Burroughs. Comments, further comments?  
10 Commissioner Worrell.

11 COMMISSIONER WORRELL: I will vote  
12 in favor of Alternative 2 today, but I do so  
13 with some great reservations in that the cost of

14 option 2 that we were planning on voting for, as  
15 Commissioner Burroughs has said, drives the  
16 household cost per family to over the 2 percent  
17 guideline from EPA for over 50 percent of the  
18 families in our service area within a period of  
19 10 or 12 years after we get going on this thing.  
20 I would love to see when we go into our  
21 negotiations with DEM and EPA that we say to  
22 them, look, here's our option 2 which we have  
23 recommended and which we are prepared to go  
24 along with, but we insist that you back down on  
25 forcing us to do the entire option, give us the

24

1 opportunity to prove to you that we can do an  
2 excellent job and stay within the less than 2  
3 percent for a large portion of our service area  
4 without going the full route.

5 In other words, we're being asked  
6 today to approve 7 or 8 hundred-million dollars  
7 of expenses on this option 2. It may well be as  
8 Commissioner Burroughs points out that that  
9 really isn't going to amount to an awful lot,  
10 but if EPA and DEM are going to force us into  
11 that, okay, we will go ahead and do it because  
12 we're a responsible organization.

13 But I do not want to go before EPA  
14 and DEM without a reservation that we are going  
15 to fight to keep those rates for these  
16 ratepayers down below that 2 percent. That 50  
17 something percentage of the households above the  
18 2 percent, that includes the fact that we've got  
19 to pay some attention to the lateral sewer  
20 connections throughout the City of Providence,  
21 which are in deplorable conditions which have  
22 not been maintained, and those need upgrading.  
23 That cost has got to be passed down to those  
24 ratepayers. It hasn't even addressed the issue  
25 that throughout the rate paying area, you've got

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1 septic systems which are in deplorable  
2 condition. They haven't been fixed up. The  
3 owners of the properties will not fix them up.  
4 The enforcement people within the cities and  
5 towns shy away from this issue because they  
6 don't want to be the ones to inform a homeowner,  
7 look, you've got a septic system which doesn't  
8 work and it's only going to cost you 12,000  
9 bucks and you must get it done within 90 days.  
10 You can imagine how popular that would make all  
11 the local politicians.  
12 And they duck that issue like they

13 were ducking the plaque, and they will continue  
14 to do that unless somebody brings pressure on  
15 them to do it.

16           If they're forced to start  
17 addressing the issue of all of these broken  
18 septic systems, not to mention the sewer lines  
19 that go directly from a lot of the homes into  
20 the sewer system, the stormwater system, not to  
21 mention that fact which is another huge cost,  
22 because it's a lot cheaper to connect your  
23 toilet to the storm system when the plumber --  
24 when you wink at the plumber on the price of it,  
25 than it is to do the job right. So there are a

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1 lot of costs that nobody wants to talk about,  
2 which are going to raise that number of  
3 percentage of households over the 2 percent  
4 guidelines of DEM. I want to get -- and we will  
5 be negotiating with DEM and EPA. And I want us  
6 to push those issues as hard as we can. So that  
7 at the end of the day, we're going to be beyond  
8 criticism when the homeowners point out, look,  
9 I'm paying a lot more than 2 percent.

10           And they're going to be a lot of  
11 those people doing that. So that's a point that

12 I wanted to make. The other point that I wanted  
13 to make is, we talk about green infrastructure  
14 as being part of option 2, and that's great.  
15 But I think we talk about green infrastructure  
16 being looked at well down the stream of this  
17 construction project.

18 I think we ought to be starting to  
19 talk more and push more on green infrastructure  
20 right from the beginning. But that's a  
21 relatively unimportant details. But with those  
22 reservations, I will vote in favor of this  
23 because I think it's an excellent move on our  
24 part. Thank you.

25 CHAIRMAN MESOLELLA: Commissioner

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1 Nathan, you have a comment?

2 COMMISSIONER NATHAN: The problem  
3 with pushing back expenses is the project  
4 doesn't get started until build a tunnel to  
5 begin with and that is the major piece of  
6 expenditure, so no matter how you do this, that  
7 comes first, you can't prolong the cost of that.  
8 The other thing is, I agree with Dr. Burroughs,  
9 I am going to vote for this, as well, but I  
10 think your argument should be in an addendum to  
11 what we send to DEM and EPA. Because I don't

12 think you're wrong. These couple of days cost a  
13 fortune.

14 CHAIRMAN MESOLELLA: So  
15 Commissioner Milas.

16 COMMISSIONER MILAS: Yes, I agree  
17 with everything everyone has said. I will vote  
18 for it, but with great reluctance for all of the  
19 reasons stated. And I hope that that reluctance  
20 will be communicated strongly to both DEM and  
21 EPA that we know we have to comply, but we're  
22 not happy with the compliance.

23 CHAIRMAN MESOLELLA: Okay. Anyone  
24 else? Commissioner Burroughs.

25 COMMISSIONER BURROUGHS: Following

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1 up on Commissioner Nathan's thought, what is the  
2 procedure, should this plan go forward, in terms  
3 of when it would be reviewed again?

4 CHAIRMAN MESOLELLA: Commissioner  
5 Burroughs, I know that Commissioner Carlino  
6 addressed that at the subcommittee meeting, but  
7 you want to address that?

8 COMMISSIONER CARLINO: So according  
9 to the presentation last night during the  
10 workshop, hopefully we will approve the

11 alternative today, then there's going to be a  
12 reevaluation report that's going to be due in  
13 June according to the schedule. We submit to  
14 Rhode Island DEM/EPA in July of 2015. They will  
15 review. It looks like we said from July to  
16 November. And then we'll negotiate revisions to  
17 the Consent Agreement and schedule. That's  
18 going to occur in November/December time frame  
19 2015. And then in January of 2016, we will sign  
20 the revised Consent Agreement. That's the  
21 schedule.

22 COMMISSIONER BURROUGHS: So what we  
23 end up signing in January of 2016, then locks us  
24 in for what time period before we review the  
25 consent agreement?

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1 MR. MARSHALL: Five years.

2 COMMISSIONER BURROUGHS: So we  
3 would either have to resolve the issues that he  
4 raised before January, or the next time we could  
5 do that would be five years after January of  
6 2016.

7 MR. MARSHALL: We can certainly  
8 have the conversation with them as soon as we  
9 submit the report to them, that expresses the  
10 concern, you know, that the board members have

11 voiced, and to let them know that we want to try  
12 to sit down and work something out that is  
13 reasonable and affordable that is some type of  
14 a, who knows, it could end up being a variation  
15 of phases.

16 And then five years from now, when  
17 we do the reaffirmation, they call it, then  
18 we'll have another opportunity to reevaluate  
19 again, because that's what you need to do, is  
20 look at what your game plan is five years out,  
21 then you continue to look at the rest of the  
22 plate that you have in place if you want to make  
23 modifications. That's when you can formally do  
24 it, but hopefully we can get some understanding  
25 in these initial negotiations over the next six

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1 or seven months.

2 COMMISSIONER BURROUGHS: So I guess  
3 my bottom-line question which I'm afraid of the  
4 answer too is under Alternative 2, does the  
5 tunnel machine go into the ground before or  
6 after that five-year review period?

7 MR. MARSHALL: I think according to  
8 the schedule that we laid out for you, the plans  
9 and specs would be completed and approved. And

10 it's, I would say, cuts it close as to whether  
11 or not we actually begin construction or award a  
12 bid prior to that reaffirmation. It runs that  
13 close.

14 Now, remember, we only allocated  
15 six-months review. I think it's six months DEM  
16 reviewed at a couple of different points. So  
17 sometimes it takes a little longer, and once in  
18 a while it is shorter. So it's going to be  
19 right on the edge.

20 CHAIRMAN MESOLELLA: Commissioner  
21 Handy.

22 COMMISSIONER HANDY: Yeah, I will  
23 vote for Option 2. I did in the Committee  
24 meeting and I will again as well, reservations  
25 as well. And the only thing I would add is, I

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1 think it's important to note to EPA and the DEM  
2 that we have other priorities. I assume that  
3 the agency has other priorities. This is a huge  
4 investment. It probably will impact our  
5 capacity to deliver on other priorities in terms  
6 of spending.

7 And I think we just need to be  
8 clear. The impact of those, that decision on  
9 the ratepayers and also on our capacity to

10 address things like operating cost in the  
11 capacity to operate well. So I think they need  
12 to look at this decision not in a vacuum, but in  
13 association with all of our spending priorities.

14 CHAIRMAN MESOLELLA: Okay.  
15 Commissioner Nathan.

16 COMMISSIONER NATHAN: I know this  
17 baseball field gets a lot of press. We are  
18 talking about a project that is at least ten  
19 times more expensive. If we don't watch the PR  
20 for ourselves related to this, we're going to  
21 end up in trouble.

22 So it is -- we have to make sure  
23 that we control what we say and what we do to  
24 the public, because some people know about it,  
25 but not everybody knows about it. It's never in

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1 the papers, and it's ten times bigger than the  
2 ballpark. So I think we have to watch and  
3 control this. So that we don't end up looking  
4 like a bunch of anti the people, something.

5 CHAIRMAN MESOLELLA: Yes. And you  
6 know, that is a good point, Commissioner. And I  
7 would just simply say that the decisions that we  
8 make, and I'm not talking solely about this

9 decision, but I think everyone will agree that  
10 when we are confronted with major decisions we  
11 go through a very protracted process.

12 This process alone, this process to  
13 which we conclude, hopefully we'll conclude  
14 today. I shouldn't say conclude, in other  
15 words, it's not going to be concluded, but at  
16 least we're moving forward with -- begin today.

17 We're going to begin to conclude. This is the  
18 beginning of the conclusion.

19 We went through a process, and the  
20 Stakeholder process which was very public, a  
21 very public process. All the individuals, all  
22 the agencies, all of the environmental groups  
23 and anyone else who felt that they had a stake  
24 and the decisions that this Board's going to  
25 make today, had an opportunity to come forward

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1 and speak.

2 It was a very public, very public  
3 process. And then what was concluded that  
4 perhaps we're confronted with these options,  
5 which, of course any time you are spending  
6 public money is difficult decisions to make.

7 But sometimes we have to make difficult  
8 decisions, and we have to make the decisions

9 that are in the best interest of the  
10 environment, the economy, and in the best  
11 interest of the society at-large. And I think  
12 we're being very prudent here today.

13 The option that we're selecting  
14 gives us the opportunity to revisit it, as we  
15 submit to the various agencies, and the Board  
16 will have an opportunity to deliberate at some  
17 point on it again. Commissioner Lemont.

18 COMMISSIONER LEMONT: Mr. Chairman,  
19 we've had discussion on this for months. I move  
20 the question.

21 CHAIRMAN MESOLELLA: Thank you. Is  
22 there a motion to move the question? And  
23 according to Robert's Rules, once a question has  
24 been moved and seconded and passed. Counselor,  
25 is it five minutes, seven minute-discussion?

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1 MR. DEANGELIS: Probably 10  
2 minutes.

3 CHAIRMAN MESOLELLA: The General  
4 Assembly, it is 10 minutes. I don't know if  
5 there's any other comments, but we do have a  
6 formal motion to move the question and seconded  
7 the motion by Commissioner MacQueen,

8 Commissioner Farnum. All in favor of seconding  
9 the motion will say aye. Anybody opposed?  
10 There are none opposed. That question is moved.

11 (UNANIMOUS)

12 We are going to debate and discuss  
13 this matter, according to Counsel, 10 minutes.  
14 That's what the General Assembly does. I don't  
15 know if there's any other comments to be made  
16 anyway. Does anyone have any comments to make  
17 with regard or questions with regard to the  
18 motion that's before us? Commissioner Milas.

19 COMMISSIONER MILAS: Does this work  
20 like a regular reg process? Is there a public  
21 comment period for this? Does the public have  
22 an opportunity to present in front of DEM or ask  
23 questions?

24 MR. MARSHALL: No, there's no  
25 public hearing-type process for this. I don't

35

1 know if there is any type of review that it  
2 undergoes, Tom, do you know?

3 MR. BRUECKNER: I'm not sure. I  
4 don't know if we have to have a hearing or not.  
5 I will find that out from DEM.

6 CHAIRMAN MESOLELLA: Commission  
7 Rotella, you had some issues you wanted to --

8 COMMISSIONER ROTELLA: Yeah. I'm  
9 just trying quickly draw some attention to those  
10 who were here last night. We have this report  
11 that was given to us. And if you look on page  
12 5, then on page 9. Page 5 talks about economic  
13 impact analysis of the alternatives. And 9  
14 talks about the economic impact analysis of  
15 Alternative 2, specifically.

16 In no way I'm trying to sugar coat  
17 of what we're doing or possibly going to do, but  
18 this is a very labor intensive project. And it  
19 will create a bunch of jobs, a lot of jobs.  
20 Alternative 2 talks about over 4,000 jobs, and  
21 also -- and quite a bit of tax -- additional  
22 state and tax dollars. And my question is, is  
23 there any way that we can -- I know the state is  
24 in fiscal trouble today, but who knows, this  
25 project is going to go for a long time,

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1 recapture or going back, as they like to say,  
2 some of the additional tax money that would be  
3 generated back to the commission to help pay for  
4 part of this project, and again, reduce the cost  
5 to the ratepayers.

6 CHAIRMAN MESOLELLA: Yeah. And so

7 pursuant to that question, I thought I reported  
8 to the Board that I've already had a meeting  
9 with the governor's office, and I met with the  
10 speaker of the house, and I think on Friday I'm  
11 meeting with the senate president. And I have  
12 already indicated to them that this project is  
13 an enormous economic generator for the State of  
14 Rhode Island.

15           It's going to be generating  
16 significant income tax dollars, and that I  
17 thought that we should have a very meaningful  
18 discussion about getting some appropriation in  
19 the state budget, specifically, to support the  
20 ratepayers who are going to shoulder the burden  
21 for this particular project.

22           I pointed out that some of the  
23 poorer communities in our service area are  
24 footing the bill for the improvements which are  
25 more recognized downstream we're they're not

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1 participating in the cost at all.  
2 Unfortunately, it was not an argument that was  
3 lost on the governor or the speaker. And I'm  
4 certain it will not be lost on the senate  
5 president.

6           So while I didn't get any

7 commitments and I know this is a very difficult  
8 fiscal year for the state, it seems to me that  
9 once this project is actually in motion and  
10 actually generating income tax dollars, that  
11 that discussion can get much more serious. So I  
12 hope that answers your question. Further  
13 discussion on the matter? Further discussion?  
14 Comments? Okay.

15 As such, you've heard the motion.  
16 It has been seconded. There is no further  
17 comment or discussion. All those that are in  
18 favor of passage of Resolution 2015:09-2 will  
19 say aye. Are there any opposed? Let the record  
20 reflect that Commissioner Burroughs has cast a  
21 vote in opposition to approval. Okay. Moving  
22 right along.

23 Next committee reporting. Thank  
24 you, very much. Next committee reporting is the  
25 CEO Committee. Commissioner Macqueen, do you

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1 have a report for us today?

2 COMMISSIONER MACQUEEN: I have one,  
3 Mr. Chairman. Review and Approval of Resolution  
4 2015:10; Award of Contract 304.59C Improvements  
5 to the Interceptor Fiscal Year 2015

6 Recommendation for Award.

7 MR. MARSHALL: Yes. This is a  
8 contract that we do on an annual basis. We make  
9 improvements to our interceptor system based  
10 upon the cleaning and inspection contracts that  
11 are entered into. And this year we had three  
12 bidders for the contract. The lowest responsive  
13 and responsible builder is Insituform  
14 Technologies at \$811,289.

15 The contract involves cleaning,  
16 televising and lining of approximately 4,600  
17 feet of interceptors ranging from 8 inch to 56  
18 inch rehabilitating 213 vertical feet of  
19 manhole. Replacement of 30 feet of interceptor  
20 and modifications to two existing regulators.  
21 This is a company that's known to us. They've  
22 done work for us before.

23 They do a very good job. There  
24 will be some ancillary cost including police  
25 details, soil and material testing, as well as

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1 staff time associated with the inspection and  
2 administration.

3 So we request your approval of  
4 Resolution 2015:10 to Award a Contract to  
5 Insituform Technologies for an amount not to

6 exceed \$811,289 that is subject to the approval  
7 of the Contractor's MBE/WBE plan and EEO  
8 requirements by the Rhode Island Department of  
9 Administration.

10 CHAIRMAN MESOLELLA: Okay,  
11 Commissioner MacQueen moves passage of  
12 Resolution 2015:10, seconded by Commissioner  
13 Montanari. Further discussion on Resolution  
14 2015:10? Hearing none. All of those that are  
15 in favor will say aye? Are there any opposed?  
16 There are none opposed, and that motion carries.  
17 Further report?

18 COMMISSIONER MACQUEEN: That's all  
19 I have, Mr. Chairman.

20 CHAIRMAN MESOLELLA: No further  
21 report. Moving forward. Finance Committee.  
22 Commissioner Andrade, do you have a report for  
23 us today?

24 COMMISSIONER ANDRADE: Yes, I do,  
25 Mr. Chairman. The Committee approved Resolution

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1 2015:11, Authorization to Enter into a Contract  
2 for Pension Auditing Services for fiscal years  
3 2014, 2015 and 2016. I move approval of that  
4 resolution.

5 CHAIRMAN MESOLELLA: Thank you. I  
6 have a motion to approve Resolution 2015:11  
7 which is Authorization to Enter into a Contract  
8 for Pension Auditing Services. Hagan Sahady?

9 MR. MARSHALL: Hagan Sahady.

10 CHAIRMAN MESOLELLA: Hagan Sahady.  
11 All right. Do we have a second? Second from  
12 Commissioner Kimball and Commissioner Lemont.  
13 Discussion on the matter? Hearing none. All of  
14 those that are in favor will say aye. Are there  
15 any opposed? There are none opposed and that  
16 motion carries.

17 (UNANIMOUS)

18 CHAIRMAN MESOLELLA: Commissioner  
19 Campbell?

20 COMMISSIONER CAMPBELL: No meeting.

21 CHAIRMAN MESOLELLA: No meeting on  
22 Personnel. Rules & Regs. We heard from Rules &  
23 Regs today. Ad Hoc Committee, no report.  
24 Executive Committee did not meet. There is no  
25 report. Compensation Committee. Commissioner

41

1 Kimball.

2 COMMISSIONER KIMBALL: Mr.  
3 Chairman, I'd like to recommend that the Board  
4 enter into Executive Session pursuant to Section

5 42-46-5A1 to discuss the job performance of  
6 employee who has been notified in advance of  
7 this meeting in accordance with the statute.

8 Okay. We have a motion to go into  
9 Executive Session from Commissioner Kimball,  
10 seconded by Commissioner Rotella. All in favor  
11 of moving into Executive Session will say aye.  
12 Any opposed? There are none opposed, and the  
13 motion carries.

14 And I apologize ladies and  
15 gentlemen, but you're going to have to vacate  
16 the premises for about 10 minutes or 15 minutes.  
17 So I would just ask our guests, including our  
18 stenographer, to take vacate the premises.

19 (OFF THE RECORD)

20 (EXECUTIVE SESSION AT 12:20 P.M.)

21 (EXECUTIVE SESSION CONCLUDED AT 12:55 P.M.)

22 CHAIRMAN MESOLELLA: All right.  
23 Thank you, ladies and gentlemen for your  
24 patience. We're back into open session. We are  
25 now at the Compensation Committee Report.

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1 Commissioner Kimball, do you care to proceed  
2 further with your report?

3 COMMISSIONER KIMBALL: Mr.

4 Chairman, now that we're back into open session,  
5 I'd like to recommend that the minutes for the  
6 closed session will be sealed, and we'll have a  
7 motion to seal them.

8 COMMISSIONER ROTELLA: I'll move.

9 COMMISSIONER KIMBALL: Do I have a  
10 second?

11 COMMISSIONER DICHIRO: Second.

12 COMMISSIONER KIMBALL: All those in  
13 favor? Any opposed? The motion carries.

14 (UNANIMOUS)

15 Mr. Chairman, I'd like to move to  
16 approve Resolution 2015:06 Approval of the Final  
17 Report, Results & Recommendations by Employers  
18 Association of the Northeast Regarding their  
19 Market Analysis for Positioning of Executive  
20 Director & Senior Management.

21 CHAIRMAN MESOLELLA: I have a  
22 motion to approve Resolution 2015:06 Approval of  
23 the Final Report, Results & Recommendations by  
24 Employers Association. We have a second,  
25 Commissioner Milas, Commissioner Montanari,

43

1 Commissioner Leone, Commissioner Carlino,  
2 Commissioner Andrade and Commissioner Farnum.  
3 Further discussion? Hearing none. All of those

4 in favor will say aye. Are there any opposed?

5 There are none opposed and the motion carries.

6 Further report. Commissioner Kimball.

7 COMMISSIONER KIMBALL: Mr.

8 Chairman, I'd like to move approval of

9 Resolution 2015:07, the Approval of Salary

10 Ranges for the Executive Director and Senior

11 Management as recommended by the Employers

12 Association of the Northeast.

13 CHAIRMAN MESOLELLA: Okay. We have

14 a motion to approve Resolution 2015:07 for

15 Executive Director and Senior Management.

16 Second. Second by Commissioner Montanari, Leone

17 and MacQueen. Discussion on the resolution?

18 Hearing none. All of those that are in favor

19 will say aye. Are there any opposed? There are

20 none opposed, and that motion carries.

21 Commissioner Kimball.

22 COMMISSIONER KIMBALL: Mr.

23 Chairman, I'd like to move approval of

24 Resolution 2015:08, the Approval of the

25 Executive Director's Employment Contract.

1 CHAIRMAN MESOLELLA: We have a

2 motion approved. Resolution 2015:08, seconded

3 by Commissioner Lemont, Commissioner Leone,  
4 Commissioner MacQueen. Actually, it's  
5 everybody. The entire Board of directors  
6 seconds that motion. Discussion on the matter?  
7 Hearing none. All of those that are in favor  
8 will say aye. Are there any opposed? There are  
9 none opposed, and that motion carries.

10 (UNANIMOUS)

11 CHAIRMAN MESOLELLA: Further  
12 report. Commission Kimball.

13 COMMISSIONER KIMBALL: Mr.  
14 Chairman, we have no other business to come  
15 before the Compensation Committee.

16 CHAIRMAN MESOLELLA: Excellent.  
17 Okay, moving right along. Where's Joanne.  
18 Joanne, do you have a report today?

19 MS. MACERONI: Mr. Chairman, you  
20 all have a copy of my report. As you'll see, I  
21 added ten bills since the March report. They  
22 range in topics from condemnation to open  
23 meetings. And you will also see there were  
24 three bills where we are proposing some  
25 technical amendments. We're not proposing to

1 change the intent of the legislation. We're  
2 trying to make it clearer. I'd be happy to go

3 through each one. I know it's a late hour, so  
4 if you'd like me to do that, if not --

5 CHAIRMAN MESOLELLA: I don't think  
6 that's necessary, Joanne. We've got the  
7 eggplant parm waiting. All right. Okay.  
8 Anyone have any questions for Joanne? I don't  
9 think so. All right. Thank you, very much.

10 Moving right along. New business. Any new  
11 business to come before the commission today?  
12 New business. None to speak of. Other business  
13 of any kind, old business, new business, other  
14 business? None?

15 COMMISSIONER ROTELLA: Move  
16 adjournment.

17 CHAIRMAN MESOLELLA: We have a  
18 motion to adjourn, seconded by, I think the  
19 entire Board today. I think so. Thank you,  
20 very much. All in favor of adjournment will say  
21 aye. Any opposed? None opposed. We are  
22 adjourned. And once again, I'd like to thank  
23 all of you for your vote of confidence selecting  
24 me Chairman again. Thank you.

25 MR. MARSHALL: And I'd like to

1 thank all of you for your vote of confidence.

2 (APPLAUSE)

3 (HEARING CONCLUDED AT 1:00 P.M.)

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3 I, PAULA J. CAMPAGNA, CSR, a Notary  
4 Public, do hereby certify that the foregoing is a  
5 true, accurate, and complete transcript of my  
6 notes taken at the above-entitled hearing.

5

6 IN WITNESS WHEREOF, I hereunto set my  
7 hand this 18th day of May, 2015.

7

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20 \_\_\_\_\_  
21 PAULA J. CAMPAGNA, CSR, NOTARY PUBLIC/CERTIFIED  
22 COURT REPORTER

21

22 MY COMMISSION EXPIRES: April 25, 2018

22

23 IN RE: NBC Monthly Board Meeting

24 DATE: April 28, 2015

25

1 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

2 NARRAGANSETT BAY COMMISSION

3

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5 \*\*\*\*\*

IN RE: \*

6 \*

MONTHLY BOARD MEETING \*

7 OF THE COMMITTEE \*

\*\*\*\*\*

8

9 DATE: SEPTEMBER 25, 2018

TIME: 11:00 A.M.

10 PLACE: NARRAGANSETT BAY COMMISSION

CORPORATE OFFICE BUILDING

11 ONE SERVICE ROAD

PROVIDENCE, RHODE ISLAND 02905

12

13

14 COMMISSIONERS:

15 VINCENT J. MESOLELLA, CHAIRMAN

ROBERT P. ANDRADE, TREASURER

16 BRUCE D. CAMPBELL

MICHELLE DeROCHE

17 JONATHAN FARNUM

JOSEPH KIMBALL

18 JOHN MacQUEEN

JOAN MILAS

19 AL MONTANARI

ALAN NATHAN

20 JINA N. PETRARCA, ESQUIRE

CHARLES RUGGERIO, ESQUIRE

21 ANGELO ROTELLA, ESQUIRE

22

23 ALSO ATTENDING:

24 RAYMOND MARSHALL, NBC EXECUTIVE DIRECTOR

JOSEPH DeANGELIS, ESQUIRE - LEGAL COUNSEL TO THE BOARD

25

1 TITLE PAGE CONTINUED:

2

3 STAFF AND OTHER ATTENDEES:

- 4 PAUL NORDSTROM, NBC  
SEAN SEARLES, STANTEC
- 5 LAURIE HORRIDGE, ESQUIRE, NBC  
TOM UVA, NBC
- 6 JOANNE MACERONI, NBC  
KATHRYN KELLY, NBC
- 7 HOLLY IALONGO, NBC  
DAVID BOWEN, NBC
- 8 KAREN GIEBINK, NBC  
CASSIE BALZANO, NBC
- 9 JENNIFER HARRINGTON, NBC  
LEAH FOSTER, NBC
- 10 CECILLE ANTONELLI, NBC  
JOE MONIZ, NBC
- 11 KERRY BRITT, NBC  
CHRIS FEENEY, STANTEC
- 12 MELISSA CARTER, STANTEC  
BRANDON BLANCHARD, PARE CORP.
- 13 MIKE COOK, NBC  
DAN WOTRING, MOTT MACDONALD
- 14 DEBORAH SAMSON, NBC  
RICH BERNIER, NBC
- 15 JAMIE SAMONS, NBC  
MATT TRAVERS, STANTEC
- 16 DIANE BUERGER, NBC  
MEG GOULET, NBC
- 17 KAREN MUSUMECI, NBC  
MARC PARISEAULT, NBC
- 18 MOLLY WELSH, NBC  
GEORGE PALMISCIANO, PARE CORP.
- 19 DAVID PLEAU, HAZEN  
PAT HUGES, CDM SMITH
- 20 MARCELO TAVEIRA, NBC  
FRED DIEZ, NBC
- 21 KYLE CONNERS, HAGUE, SAHADY  
BILL McCONNELL, CDM SMITH
- 22 JOHN MOTTA, NBC  
TJ HARRINGTON, NBC
- 23 MIKE CARUOLO, NBC  
LINDA GIESINGER, NBC

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3

1 (MEETING COMMENCED AT 11:01 A.M.)

2 CHAIRMAN MESOLELLA: Okay. Good  
3 morning, everyone.

4 (ALL RESPOND)

5 CHAIRMAN MESOLELLA: Recognizing a  
6 quorum, we will call to order the meeting of the  
7 Narragansett Bay Commission of September 25, 2018  
8 at 11:05. First order of business is the  
9 approval of the previous minutes.

10 Has everyone had an opportunity to review  
11 the previous minutes? And, if so, are there any  
12 comments or corrections with regard to the  
13 previous minutes of June 19, 2018?

14 (NO RESPONSE)

15 CHAIRMAN MESOLELLA: Comments on the  
16 previous minutes.

17 (NO RESPONSE)

18 CHAIRMAN MESOLELLA: Hearing none --

19 COMMISSIONER McQUEEN: So moved.

20 CHAIRMAN MESOLELLA: -- we have a  
21 motion to approve by Commissioner McQueen,  
22 seconded by Commissioner Farnum and Commissioner

23 Milas. Discussion on the previous minutes. Is

24 there discussion on the previous minutes?

25 (NO RESPONSE)

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1 CHAIRMAN MESOLELLA: Hearing none, all

2 of those that are in favor will say aye.

3 (VOICE VOTE)

4 CHAIRMAN MESOLELLA: Are there any

5 opposed?

6 (NO RESPONSE)

7 CHAIRMAN MESOLELLA: There are none

8 opposed and the motion carries. Next orders of

9 business is acknowledgment of awards.

10 Mr. Secretary.

11 DIRECTOR MARSHALL: Yes. We have

12 several awards here today. As you know, we are

13 long time members of the National Association of

14 Clean Water Agencies, and they have an awards

15 program that we participate in or apply for.

16 The two that we're going to be presenting

17 today are strictly based on the performance of

18 the wastewater treatment facilities, which of

19 course is our reason for being in our business.

20 There are two levels of awards. One, the

21 highest, is the Gold Award. And in order to get  
22 the Gold Award, you have to have zero violations  
23 of your permit over the course of the calendar  
24 year.

25 And there are probably -- I mean, there are

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1 daily, weekly, monthly parameters that you have  
2 to measure for or monitor, and it totals almost  
3 4,000 parameters per year. So it's like taking a  
4 test where you have that many questions and you  
5 can't get any wrong if you want a Gold Award. I  
6 was never in that category, by the way, when I  
7 was in school, but some of you might have been.

8 So I'm proud to announce that the Fields  
9 Point Wastewater Treatment Facility staff has won  
10 the award for this past year. And I'm going to  
11 ask the following individuals to come up to  
12 accept the award on their behalf. Nathan  
13 Burrows, the assistant manager; George Dolan,  
14 process monitor; and Norm Rodolewicz, one of our  
15 mechanics. So can those three folks come up  
16 here, please.

17 (APPLAUSE)

18 (WHEREUPON PICTURES WERE TAKEN)

19 DIRECTOR MARSHALL: Thank you a lot.

20 Thank you for all of your work. We appreciate

21 it.

22 CHAIRMAN MESOLELLA: Thank you very

23 much.

24 (APPLAUSE)

25 DIRECTOR MARSHALL: I also want to

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1 point out that it's not just our staff at Fields

2 Point, but also Bucklin Point and we have other

3 sections, such as the environmental monitoring

4 team, laboratory staff. I mean, these folks work

5 weekends, they work evenings, they get called in

6 during bad weather. Our interceptor maintenance

7 group is another one that also falls into that

8 category.

9 So while we're all at home enjoying

10 Thanksgiving dinner or hunkering down in a big

11 rain or snowstorm, we have folks out here working

12 to keep the facilities in operation. So that's

13 something I always like to bring to everyone's

14 attention.

15 Now, the Silver Award means that you can

16 only have five excursions from your permit

17 requirements over those thousands of tests that

18 have to be done. So, again, another great  
19 accomplishment. Sometimes it only takes the  
20 slightest thing, one bad day, and you can move  
21 from gold and slide down to silver.

22 But we're really proud of the folks at  
23 Bucklin Point, as well. And I'm going to ask  
24 Marcello Taveira, who is an operation supervisor,  
25 and Fred Diez, our electrical foreman to come up

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7

1 and accept the award on behalf of the staff.

2 (APPLAUSE)

3 DIRECTOR MARSHALL: These guys do not  
4 normally wear ties to work, but they look good.  
5 They look good.

6 (WHEREUPON PICTURES WERE TAKEN)

7 DIRECTOR MARSHALL: All right, guys.

8 Thank you.

9 (APPLAUSE)

10 DIRECTOR MARSHALL: The next award is  
11 given by the Providence Business News. We have  
12 won this several years running now. It's the  
13 Best Places to Work award. You submit an  
14 application to the Providence Business News and  
15 you explain to them all things you do for your  
16 employees and why you're such great employer.

17 And then what they require is that your employees  
18 go online and tell them the real story. And if  
19 it jives with yours, then they give you the  
20 award. And if not, they tell you to try again  
21 next year.

22 So, fortunately, our employees enjoy working  
23 here and have verified that what we do for them  
24 is actually something that they enjoy and  
25 appreciate.

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1 So some of the key people I'm going to have  
2 come up here to accept this award on behalf of  
3 the staff are Diane Buerger, our relations  
4 manager, Cecile Antonelli, our human resources  
5 manager. Cecile is here; right? I see Diane but  
6 I don't see Cecile. Cecile is in her office.  
7 Karen, would you drag Cecile in here, please?

8 CHAIRMAN MESOLELLA: She's working.

9 DIRECTOR MARSHALL: She does not like  
10 attention, but she deserves it so we're going to  
11 give it to her. And Laurie Horridge, to whom  
12 both of those individuals now report. So you can  
13 come on up here.

14 (APPLAUSE)

15 (WHEREUPON PICTURES WERE TAKEN)

16 DIRECTOR MARSHALL: Thank you very

17 much. We appreciate it.

18 (APPLAUSE)

19 DIRECTOR MARSHALL: We have one more

20 item on the agenda. It's a little vague here.

21 It says Staff Recognition. And what this is is

22 sometimes there are projects that come along that

23 are unique, especially challenging, both from a

24 technical and public relations point of view.

25 And the way we get through these projects is

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1 not just from doing the project correctly from a

2 technical perspective, but also handling all of

3 the calls and complaints that occur during the

4 course of the project.

5 So today we're going to recognize two staff

6 members that have done a tremendous job in that

7 regard on the Greenville Avenue project. And I'd

8 like those two people to come up here right now.

9 Jamie Samons and Joe Moniz.

10 (APPLAUSE)

11 DIRECTOR MARSHALL: I know they knew

12 nothing about this, so I'm going to stand as far

13 away from them as I can, once they actually get

14 up here, and our Vice Chairman is going to read  
15 the resolutions that we have created for them.

16 COMMISSIONER ROTELLA: Okay. This  
17 resolution of appreciation is as follows: In  
18 furtherance of NBC's revenue expansion goals in  
19 economic development in the State of  
20 Rhode Island, the NBC partnered with the State,  
21 Town of Johnston, and Citizens Bank on a project  
22 which involved the installation of sewers along  
23 Greenville Avenue.

24 And whereas the tight deadlines set for the  
25 project required almost constant construction

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1 work in the Greenville Avenue neighborhood for 16  
2 months.

3 And whereas the project included almost  
4 daily detours and traffic disruptions that  
5 inconvenienced and infuriated many local  
6 residences and businesses in the area.

7 And where as NBC's Manager of Public  
8 Affairs, Jamie Samons, was the voice of NBC  
9 during the construction phase of the project and  
10 communicated with the Greenville Avenue residents  
11 and businesses on a daily basis.

12 And while Jamie served as NBC's liaison to  
13 the Mayor's office, the general public, DOT, and  
14 Providence Water Supply Board.

15 And where Jamie sincerely listened and  
16 addressed the complaints of each resident and  
17 business owner in a professional and  
18 compassionate manner.

19 And whereas Jamie kept local residents and  
20 businesses apprised of construction impacts  
21 through daily updates through social media, text  
22 messages, mailings, and phone calls.

23 And whereas Jamie specifically worked with  
24 local businesses such as Wicked Tulips and Stamp  
25 Egg Farm to minimize impacts on their daily

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1 operations.

2 And whereas an example of Jamie's sincerity  
3 and dedication a disabled resident called to  
4 report that Jamie proactively assisted by calling  
5 her in advance whenever certain banks and markets  
6 would be inaccessible to her so that she could  
7 plan accordingly.

8 And whereas Jamie epitomizes the  
9 professionalism in humanity that NBC prides  
10 itself on.

11 And whereas for the project, we watched

12 as --

13 MS. SAMONS: I'm sorry.

14 COMMISSIONER ROTELLA: (inaudible)

15 Jamie sustained herself on a steady diet of

16 caffeine and Skiddles, ironically while calming

17 frazzled nerves of our residents and business

18 owners.

19 Now, therefore, be resolved that we, the

20 Board of Commissioners, of the Narragansett Bay

21 Commission express our sincere appreciation to

22 Jamie Samons for outstanding work on the

23 Greenville Avenue project. Congratulations on a

24 job well done.

25 (APPLAUSE)

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12

1 MS. SAMONS: Thank you.

2 (APPLAUSE)

3 COMMISSIONER ROTELLA: This one says:

4 Resolution of appreciation. Whereas in the

5 furtherance of NBC's revenue expansion goals and

6 economic development in the State of

7 Rhode Island, the NBC partnered with the State,

8 Town of Johnston, and Citizens Bank on a project

9 which involved the installation of sewers along  
10 Greenville Avenue.

11 And who has the tight deadlines for the  
12 project required almost constant construction  
13 work in the Greenville Avenue neighborhood for 16  
14 months and required Joe to work 10 to 12 hours a  
15 day six days per week.

16 Whereas the project included almost daily  
17 detours and traffic interruptions that  
18 inconvenienced and infuriated many local  
19 residents and businesses in the area.

20 Whereas NBC's construction residents'  
21 representative Joe Moniz, the face of NBC during  
22 the construction phase of the project, interacted  
23 daily with Greenville Avenue residents and  
24 businesses.

25 And whereas Joe calmly and patiently

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13

1 explained the need for the project and apologized  
2 for the interruption to the residents and  
3 business owners that he challenged them day after  
4 day.

5 And while Joe's charismatic personality  
6 endeared him to those who would otherwise  
7 confront him, reflecting positively on NBC.

8 And whereas Joe collaborated and coordinated  
9 with the construction companies, DOT, Providence  
10 Water Supply Board, National Grid to assist the  
11 concerns of residents and businesses while  
12 keeping the project moving.

13 And whereas, as an example of Joe's  
14 dedication with the residents, with small  
15 children who was upset that the tractor trailer  
16 trucks were using neighborhood streets to avoid  
17 construction detours, he calmed the residents'  
18 fears and then went through the area himself to  
19 make the necessary changes to signage to ensure  
20 that this would not happen.

21 Whereas Joe exemplifies the professionalism  
22 and dedication that NBC prides itself on.

23 Whereas Joe gained many gray hairs during  
24 the project, NBC considers it a testament of  
25 Joe's restraint as his reputation as a diplomat

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1 grew throughout the course of the construction.

2 Now, therefore, it be resolved that we, the  
3 Board of Commissioners of the Narragansett Bay  
4 Commission, express our sincere appreciation to  
5 Joe Moniz for his exemplary work on the

6 Greenville Avenue project. Congratulations on a  
7 job well done.

8 (APPLAUSE)

9 MR. MONIZ: Thank you.

10 (WHEREUPON PICTURES WERE TAKEN)

11 MR. MONIZ: They forgot one thing. I  
12 actually spoke to Jamie more than my wife during  
13 this project.

14 MS. SAMONS: Joe is my work husband for  
15 16 months. I miss you now. But let's not go  
16 back to Johnston.

17 (APPLAUSE)

18 DIRECTOR MARSHALL: These resolutions  
19 really are an understatement of the abuse that  
20 the two of them took over the course of that time  
21 period, and we really appreciate how they  
22 performed. So thank you, guys.

23 CHAIRMAN MESOLELLA: This was a very  
24 difficult project. Deep dig, narrow streets,  
25 Mayor, which was -- what can I use -- what word

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1 can I use?

2 COMMISSIONER ROTELLA: Involved.

3 CHAIRMAN MESOLELLA: Involved.

4 Council-involvement. Ray and I spent nights

5 there from in the afternoon until when it got  
6 dark, constantly surveilling the area. At the  
7 end of the day, drive down Greenville Avenue  
8 today, it's a beautiful road.

9 And all the consternation that was caused to  
10 that project is forgotten, which is usually the  
11 case in a infrastructure project. It was a  
12 tremendous success, and we're going to see the  
13 payoff on that for a long time in the future.  
14 Thank you very much Jamie and Joe.

15 Okay. Moving along. Executive Director's  
16 report. Mr. Secretary, do you have a report for  
17 us today?

18 DIRECTOR MARSHALL: Yes. While I know  
19 we have a very busy agenda, I just want to hit a  
20 few of the highlights. And as a wrap up to the  
21 item we just finished, we had a cake made for Joe  
22 and Jamie, so here it is. You might want to come  
23 up and take a look at it later. I believe there  
24 are two little figures on it which are meant to  
25 represent Joe and Jamie. It's really well done.

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1 I don't know if that was part the Cake Wars  
2 shows, but it's really cute. So you guys come up

3 and take a look at that. You can even do it  
4 during my report.

5 Okay. So good news is that the RIPDES  
6 permit has been finalized, and both parties,  
7 meaning NBC and DEM, have signed, and that's  
8 after many months, I think maybe even years, of  
9 negotiations, and along with that comes the  
10 consent agreement. You'll hear a little more  
11 about the consent agreement as it applies to  
12 Phase III in a few minutes.

13 It's a great team effort. I want to thank  
14 many individuals on our staff and entire sections  
15 of our staff from operations, engineering,  
16 environmental science, and legal for making this  
17 all happen. It was quite an undertaking.

18 And, you know, we did manage to walk out of  
19 this with, I think, a really good permit that  
20 will probably last -- it's supposed to only last  
21 five years, but they usually go 10 or 15 or more.  
22 So we're going to live with the results of this  
23 for a long time.

24 And I have to say, DEM was accommodating.  
25 We went back and forth a number of times, and I

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1 want to thank you them, too, publicly for their

2 open mindedness.

3 And over the course of the summer, since we  
4 last got together, the wastewater treatment  
5 facilities have been running really, really well.  
6 We're still in the nitrogen removal season. I  
7 mean, the effluent is just spectacular. There's  
8 no other word for it.

9 Interceptor maintenance is doing a good job  
10 making sure that all the flows get to the plant.  
11 We had no dry weather overflows in the past few  
12 months.

13 And construction and engineering, there are  
14 projects that we have just wrapped up. One is  
15 Greenville Avenue. We just talked about that.  
16 As well as Hartford Avenue. So we're done with  
17 those projects.

18 And we are moving forward with a few others  
19 that you already approved, which is our study of  
20 the impact of climate change on our facilities  
21 and upgrading the UV, the ultraviolet  
22 disinfection system at Bucklin Point.

23 We are going to finally begin construction  
24 on some projects that have been in the works for  
25 a long time. Moshassuck Valley Interceptor

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1 replacement, which is on the Central  
2 Falls/Lincoln line, as well as improvements to  
3 the 78-inch interceptor just down the stream from  
4 the Providence River Siphon, which, if you drive  
5 up Allens Avenue, which is essentially underneath  
6 195 where it crosses Allens Avenue.

7 Those are two big projects that will keep us  
8 really busy for the next several months, at  
9 least. And you will be hearing more about those  
10 in future reports.

11 CSO Phase III continues to make excellent  
12 progress. As I just mentioned, we now have a  
13 consent agreement with DEM. We'll go through the  
14 details in the CEO report. And we have been  
15 doing qualification selection and proposals and  
16 identifying a design team to work under Stantec  
17 for all the projects that will be part of Phase  
18 IIIA and IIIB.

19 The finance group this summer has been busy  
20 working on pulling the audits together. You'll  
21 hear a presentation on those during finance, and  
22 it's all good news. And we are also beginning a  
23 new audit process in accordance with 2016  
24 legislation that the General Assembly passed.

25 RI Law 42-155-6, which is the Quasi Public

1 Accountability and Transparency Act. It will be  
2 conducted by or through the State OMB. It will  
3 start in the next couple of weeks. We've already  
4 begun preparation for it. It's focused on bond  
5 issuance costs, purchasing and capital asset  
6 management.

7 Environmental science and compliance. In  
8 that division they've spent a lot of time out  
9 there sampling this summer, both at the plants  
10 and in the receiving waters, the upper bay, the  
11 Providence River. And we continue to see great  
12 improvements in water quality as a result of all  
13 the investments that this organization and others  
14 have made.

15 Now that the new permit and the consent  
16 agreement has been signed, their next task will  
17 be to generate our updated strategic plan, which  
18 will then come before you for final approval.

19 In executive, IT is now in executive among  
20 many other projects they've been spending some  
21 time adapting some of our vehicles installing  
22 hands-free capability in them. Because, as you  
23 know, the new state law requires hands-free  
24 operation at all times. So we have to  
25 communicate back and forth between the vehicles

1 and home base a lot, and we need to make that  
2 change so that our employees don't get themselves  
3 in a situation they shouldn't be in.

4 HR has been creating statistics for annual  
5 EEO report. And in working with the employees as  
6 we transition from United Health Care to Blue  
7 Cross healthcare coverage, labor relations has a  
8 meeting with the union members to go over the new  
9 features to the Collective Bargaining Agreement,  
10 which went into effect July 1.

11 And in legal, they spent a significant  
12 amount of time and effort wrapping up that permit  
13 and the consent agreement negotiation process,  
14 there was a lot of back and forth over the last  
15 few months crossing the Ts, dotting the Is,  
16 adding a word, deleting a word. But that has all  
17 worked out really well.

18 Also, in legal, you probably remember that  
19 as a result of this new fiscal year and the new  
20 budget, Laurie Horridge's title was changed to  
21 Director of Administration, and she is no longer  
22 our general counsel. That is now Jen Harrington.  
23 I'm sure you know that, as well.

24 So what we did is we hired a chief legal  
25 counsel to replace Jen in her old role, and I

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1 want to introduce you to that person, Holly  
2 Ialongo. Holly, will you stand up, please.

3 (APPLAUSE)

4 DIRECTOR MARSHALL: Some of you might  
5 remember Holly. She used to work here many years  
6 ago. Fifteen, Holly?

7 HOLLY: Eighteen.

8 DIRECTOR MARSHALL: Eighteen years ago  
9 she went off and had her family. She has a  
10 beautiful family now, and we finally convinced  
11 her to come back and work for us full time. And  
12 we're lucky to have her, and she's going to be a  
13 great asset to the staff and to the Board.

14 HOLLY: Thank you, Ray.

15 DIRECTOR MARSHALL: You're welcome,  
16 Holly. That's true. Over those 18 years, as Vin  
17 just pointed out, we utilized Holly on several  
18 occasions to help with different items for  
19 situations that she was familiar with, you know,  
20 before she left. So she's had a continuity of a  
21 relationship with us. And we tried a few times  
22 to get her back here, and we were finally

23 successful. I'm proud of that fact.  
24 Let's see. We had one item under public  
25 relations. The Chairman will talk about that in

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1 his report. That's the land trust thing.

2 CHAIRMAN MESOLELLA: The what?

3 DIRECTOR MARSHALL: The land trust.

4 I'll let you do that under your report. That's  
5 it, Mr. Chairman. I'll be quiet now.

6 CHAIRMAN MESOLELLA: Okay. All right.

7 Thank you, Mr. Secretary. Next item, item number  
8 five, Committee Reports and Action Items  
9 Resulting. First committee reporting is  
10 Construction Engineering and Operations  
11 Committee. Commissioner McQueen, you have a  
12 report for us today?

13 COMMISSIONER McQUEEN: Yes, I do. We  
14 have four items for action. The first one is  
15 Review and Approval of Resolution 2018,  
16 authorization to amend project 201.00C, Fiscal  
17 Year '17, Fields Point Waste Water Facility  
18 Improvements, Mr. Chairman, I make a motion.

19 CHAIRMAN MESOLELLA: We have a motion  
20 to move Resolution 2018:24, seconded by

21 Commissioner Montanari. Discussion on the  
22 motion, Secretary.

23 DIRECTOR MARSHALL: Yes. Both this  
24 item and the next item, I'll set the stage here.  
25 Every fiscal year we try to come up with a series

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1 of projects both within the collection system and  
2 in the treatment plants that we've identified  
3 from our asset management program so we can make  
4 repairs and upgrades and stay ahead of things so  
5 they don't get out of hand and grow to an even  
6 bigger problem.

7 Back in 2017 you gave us authorization to do  
8 a number of projects. We have done several of  
9 the items included in that resolution. We've  
10 moved a couple out. And what we're asking for  
11 here is an additional \$130,000 to install some of  
12 the equipment you gave us authorization to  
13 purchase back in 2017.

14 So we analyzed the problem, we acquired the  
15 equipment under the original authorization, and  
16 now we're asking for money, \$130,000, to hire a  
17 contractor to actually install these air-handling  
18 units that are associated with the tunnel pump  
19 station and the tunnel pump station screening

20 facility.

21 So it's as simple as that, and that will  
22 bring the total authorization for this work up to  
23 \$650,000 from \$520,000. In a nutshell that's it.

24 CHAIRMAN MESOLELLA: We have a motion  
25 and a second to approve Resolution 2018:24.

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1 Further discussion on the resolution? Is there  
2 further discussion on the resolution?

3 (NO RESPONSE)

4 CHAIRMAN MESOLELLA: Hearing none, all  
5 those that are in favor will say aye.

6 (VOICE VOTE)

7 CHAIRMAN MESOLELLA: Are there any  
8 opposed?

9 (NO RESPONSE)

10 CHAIRMAN MESOLELLA: There are none  
11 opposed and the motion carries. Further report,  
12 Mr. Chairman.

13 COMMISSIONER McQUEEN: Review and  
14 approve Resolution 2018:25; Authorization to  
15 negotiate a contract for engineering services for  
16 project 202.00D, fiscal year '19, Fields Point  
17 Waste Water Treatment Facility Improvement. And

18 I move to approve.

19 CHAIRMAN MESOLELLA: We have a motion  
20 by Commissioner McQueen, seconded by Commissioner  
21 Montanari to approve Resolution 2018:25.

22 Discussion on the matter.

23 DIRECTOR MARSHALL: Yes. We have  
24 identified 15 tasks that we need further  
25 evaluated at Field's Point plant. This is for

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1 this current fiscal year, FY 2019. In order to  
2 hire a firm to look into these matters in more  
3 detail for us and come up with solutions, we had  
4 a request for proposals. We got four  
5 submissions. They were evaluated by in-house  
6 committee. They've identified Wright Pierce as  
7 the best firm to provide the services for this  
8 work.

9 The total we're asking for is \$336,691. And  
10 Wright Pierce will evaluate all the needs,  
11 develop the solutions to address the problems  
12 we've identified, and to report the findings to  
13 us in some type of priority ranking so we can  
14 then determine which ones we're going to move  
15 forward with and which ones can maybe wait  
16 awhile.

17 And any further work beyond this we will  
18 come back to you for additional authorization.  
19 That is what is contained in Resolution 2018:25.  
20 We ask for your approval.

21 CHAIRMAN MESOLELLA: We have a motion,  
22 we have a second, you've heard the explanation.  
23 Are there any comments or questions with regard  
24 to Resolution 2018:25?

25 (NO RESPONSE)

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1 CHAIRMAN MESOLELLA: Comments,  
2 questions regarding Resolution 25?

3 (NO RESPONSE)

4 CHAIRMAN MESOLELLA: Hearing none, all  
5 of those that are in favor will say aye.

6 (VOICE VOTE)

7 CHAIRMAN MESOLELLA: Are there any  
8 opposed?

9 (NO RESPONSE)

10 CHAIRMAN MESOLELLA: There are none  
11 opposed, and that motion carries. Further  
12 report, Mr. Chairman.

13 COMMISSIONER McQUEEN: Review and  
14 approval of Resolution 2018:26; authorization to

15 acquire property and/or temporary and permanent  
16 easements through condemnation or negotiation for  
17 Phase III CSO projects, and I move approval.

18 CHAIRMAN MESOLELLA: We have a motion  
19 to approve Resolution 2018:26 seconded by  
20 Commissioner Montanari and Commissioner Farnum.  
21 Explanation from the Executive Director.

22 DIRECTOR MARSHALL: Yes. This is a  
23 request to allow the Executive Director and the  
24 Chairman to move forward with acquiring property  
25 and/or temporary and permanent easements through

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1 either condemnation or the negotiation process  
2 for Phase III of the CSO project.

3 You gave that permission, for Phase II, that  
4 was in Resolution 2011:04, and it worked out  
5 really well where we were able to acquire the  
6 properties we needed without having to come back  
7 to the Board.

8 We will, of course, comply with all state  
9 laws and applicable NBC rules and regulations in  
10 acquiring the property rights, which includes,  
11 but is not limited to, offering fair compensation  
12 for said acquisitions as established by  
13 appraisals obtained for that purpose.

14 And this authority would only pertain to  
15 Phase III CSO projects. This is not for all the  
16 other projects that we need easements and the  
17 takings on when we come back to you for those at  
18 the appropriate time.

19 Anything we do under this authorization  
20 strictly for Phase III CSO will be reported to  
21 you during each Executive Director's report to  
22 the Board. So that is what is contained in  
23 resolution 2018:26, and we request your approval.

24 CHAIRMAN MESOLELLA: Okay. So you have  
25 we have a motion and a second to approve

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1 Resolution 2018:26. You've heard the Executive  
2 Director's explanation. Are there any comments  
3 or concerns with regard to Resolution 2018:26?

4 (NO RESPONSE)

5 CHAIRMAN MESOLELLA: Hearing none, all  
6 of those that are in favor will say aye.

7 (VOICE VOTE)

8 CHAIRMAN MESOLELLA: Are there any  
9 opposed?

10 (NO RESPONSE)

11 CHAIRMAN MESOLELLA: There are none

12 opposed, and the motion carries. Further report,  
13 Commissioner McQueen.

14 COMMISSIONER McQUEEN: Last one.

15 Review and approval of resolution 2018:27;  
16 authorization of engineering services for CSO  
17 program Contract 308.00D-design service for  
18 Phase 3 near service facilities, tunnel and  
19 tunnel pump station. And I move approval.

20 CHAIRMAN MESOLELLA: We have a motion  
21 to approve Resolution 2018:27 seconded by  
22 Commissioner Montanari and Commissioner Farnum.  
23 Okay. So before we vote on this particular item,  
24 we're going to take -- because of the magnitude  
25 of this resolution, this involves a

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1 \$35 million --

2 DIRECTOR MARSHALL: Request.

3 CHAIRMAN MESOLELLA: I'm sorry.

4 DIRECTOR MARSHALL: Request.

5 CHAIRMAN MESOLELLA: Yes, request. It  
6 involves a \$35 million request in furtherance of  
7 CSO Phase 3. We'd like to have a presentation  
8 made by Stantec Pare Group so the Commissioners  
9 understand exactly where these monies are  
10 intended to be spend.

11 So, Sean, are you going to give the  
12 presentation?

13 MR. SEARLES: Yes, sir.

14 CHAIRMAN MESOLELLA: Do you want to  
15 bring down the screen? Rich, where are you?  
16 You're going to bring the screen down, Rich?

17 MR. SEARLES: Good morning, everybody.  
18 I'm Sean Searles. I'm a Stantec program manager  
19 for the Phase 3 program. I last briefed the  
20 Board back in April 2017. I'm here today to give  
21 you an update on the progress that's been made on  
22 the project over the last 18 months.

23 I just want to take a quick look at looking  
24 back at some key dates. As you will recall, back  
25 in the Spring of 2017, the Board gave approval to

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1 NBC to proceed with the conceptual design for the  
2 Phase 3A facilities. Subsequent to that  
3 decision, NBC agreed with DEM to also advance the  
4 design to the Phase 3B facilities. I'll talk a  
5 little bit about that when I get to the schedule  
6 and what the impact of that is.

7 For of the last 18 months, the consulting  
8 team and NBC staff have been working on the

9 design for both the Phase 3A and B facilities.  
10 Just to remind the Board, the Phase 3  
11 program is broken up into four subphases. That  
12 was a recommendation that came out of the  
13 reevaluation phase, and it was based on  
14 mitigating repair impacts to basically phase out  
15 and spread out the compliance time line and the  
16 schedule for completing the work under Phase 3.

17 Just a couple of key dates to take a look at  
18 here. Ray mentioned, I think, already to the  
19 Board that one of the big things that started  
20 this year, we had informational session back in  
21 January of this year to introduce the work ahead  
22 to the engineering community. Over the last  
23 several months, we've been going through  
24 qualifications and a proposal process to bring on  
25 board design consultants that will be responsible

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1 for design of all those Phase 3A and B  
2 facilities.

3 We anticipate giving notice of award in the  
4 next few days to those selected design  
5 consultants, moving ahead, getting them under  
6 contract by the end of the year and getting the  
7 work underway.

8 A couple of other big things here. Back in  
9 November of 2017, RIDEM did approve the  
10 reevaluation report, which was the plan that I  
11 briefed you on back in the Spring of 2017. As  
12 Ray indicated, very successful negotiation that  
13 NBC had with DEM to revise the consent agreement  
14 and protecting those dates that the Board had  
15 been most interested in in terms of the  
16 compliance time line. So we had a very favorable  
17 outcome from that process.

18 Just a reminder, our contract has been  
19 amended now eight times since the reevaluation  
20 phase. The work that we've been doing over the  
21 last 18 months was being done under Amendments 7  
22 and 8. That will result in a design criteria for  
23 a conceptual design for the Phase 3A and 3B  
24 programs.

25 A lot of work underneath our contract in

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1 this phase; just a few highlights there. One of  
2 the things that we have spent a great deal of  
3 time on is the Geological Exploration Program. A  
4 lot of underground work in this program,  
5 including the Pawtucket tunnel, the construction

6 of a number of shafts associated with that, and  
7 the pump station. So we want to be very certain  
8 that we understand the geological conditions and  
9 that we give those folks who will be bidding on  
10 this work the best possible information we can to  
11 reduce the risk to NBC in progressing those  
12 projects.

13 As I said, the key dates in the schedule,  
14 RIDEM did approve the reevaluation plan. We got  
15 approval for the consent agreement modifications  
16 back in August. And the design criteria part  
17 which will be a culmination over the last 18  
18 months of work will be delivered in November.

19 Total contract value to date for NBC Pare  
20 has been 17.8 million.

21 So a few highlights. Again, the regulatory  
22 approval of the Phase 3 plan was a big one. The  
23 consent agreement modifications, the extensive  
24 geological exploration program. We did in this  
25 next phase of design, this conceptual design,

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1 advance and refine many of the program elements  
2 that you've been previously briefed on and came  
3 up with some good options and alternatives as we  
4 get more into the details of the design work.

5 So this plan here -- did all the  
6 Commissioners get a copy? All the  
7 Commissioners -- this is a very hard slide to  
8 read. But the handout was given previously.  
9 It's a little bit clearer in terms of what the  
10 program elements are.

11 Just to highlight, as you look, the blue  
12 boxes are the Phase A facilities, and then the  
13 magenta or pink box highlights the Phase B  
14 facilities that we're working on right now.

15 The big thing is, obviously, is the  
16 Pawtucket tunnel. This is that line running  
17 here, the blue and white checkered line running  
18 north/south here. The pump station location is  
19 located right here. That will be the large shaft  
20 for the tunnel and then the receiving shaft up  
21 here at the end of the tunnel.

22 You can see the four red dots there. They  
23 indicate locations of the drop shafts for the  
24 tunnel. And the yellow dots represent the launch  
25 and receiving shafts.

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1 This is the stub tunnel here. That's a  
2 Phase 3, a sub Phase 3 project, and then you see

3 another little thing that looks like a tunnel  
4 here. That's actually part -- that's an addit  
5 tunnel to convey flow from one of the outfalls  
6 here into the Pawtucket tunnel.

7 Nothing fundamentally has changed in terms  
8 of the program components here. Some of the  
9 things that have changed, one of the big things  
10 is we straightened out the alignment of the  
11 tunnel. The tunnel was previously aligned along  
12 public rights-of-way, and with some feedback that  
13 we had gotten from our engineering, our tunneling  
14 engineers, whatnot, we wanted to straighten that  
15 tunnel alignment out a little bit.

16 Also, what is changed is some of the  
17 locations for the near surface facilities. We  
18 looked for optimal locations where we can site  
19 these facilities, where we will minimize impact  
20 to local residents and businesses, particularly  
21 during the construction phase for the program.

22 So the Pawtucket tunnel, this is the big  
23 signature piece of the Phase 3A program. As I  
24 indicated, the tunnel alignment has been refined,  
25 the launch and receiving shafts have been located

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1 to minimize disruption during construction.

2 One of the good things that happened is  
3 we're able to actually raise, during this last  
4 phase of the design, raise the tunnel elevation  
5 by 50 feet. That's provided us with some other  
6 benefits that we'll talk about when I discuss the  
7 pump station.

8 We basically made the tunnel shorter and  
9 fatter. Now, the regulatory requirements on this  
10 program we had to store a specific storage volume  
11 of water during wet weather events. In order to  
12 maintain that storage volume, when we shortened  
13 the length of the tunnel, we had to make it  
14 fatter to hold that volume. That's one of the  
15 changes from the last time that I briefed.

16 So this is a nice aerial view of the main  
17 components of the program. Oops. Sorry about  
18 that. You can see here, here's the Bucklin Point  
19 treatment plant. This is the site where we're  
20 locating the launch shaft for the Pawtucket  
21 tunnel and the pump station. The purple line  
22 going up here, that's the Pawtucket tunnel.  
23 That's the addit tunnel that I described  
24 previously. There's the stub tunnel coming in  
25 here. And this will be a force main that will

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1 convey the flow from the pump station down to the  
2 treatment plant for the treatment of the flows.

3 COMMISSIONER NATHAN: Where is the Apex  
4 store.

5 MR. SEARLES: Excuse me?

6 COMMISSIONER NATHAN: Where is the Apex  
7 store?

8 MR. SEARLES: It's right up here.

9 CHAIRMAN MESOLELLA: That would be a  
10 good location for the shaft, I mean for a  
11 ballpark.

12 COMMISSIONER ROTELLA: They already did  
13 the shaft there.

14 CHAIRMAN MESOLELLA: Somebody got the  
15 shaft. I don't know who got the shaft, but  
16 somebody got it.

17 MR. SEARLES: So a couple of important  
18 points about the revised launch shaft site.

19 Again, the tunnel depth has been reduced. And  
20 the good news about that is there's a number of  
21 reasons for siting the tunnel pump station -- the  
22 site indicated here on this diagram.

23 But being able to raise the actual height of  
24 the tunnel in the pump station has allowed us now  
25 to eliminate, actually, one floor of the pump

1 station and associated pumping equipment. So  
2 that's a net benefit and that's savings to the  
3 program, the total impact of which will come out  
4 when we revise the construction cost estimate of  
5 the program next month.

6 But what it does is gives us at the site  
7 here one contiguous facility here for the outfall  
8 of 218 facilities as well as the pump station.  
9 So this will greatly reduce the impact to Bucklin  
10 Point during construction. And then I'm going to  
11 tell you about a project that wasn't part of this  
12 plan the last time we briefed it and now is part  
13 of the plan, and it has to do with improvements  
14 of the treatment plant.

15 It would have been a very challenging  
16 construction period at Bucklin Point if we had to  
17 locate the pump station there. So being able to  
18 put it just north of the plant is a good thing.

19 One of the key decisions that NBC made in  
20 the last 18 months is what style of pump station  
21 do we have. The Providence tunnel has a cabin  
22 style pump station. The staff was happy with  
23 that; there's no real reason to move away from  
24 that. But one of the things we're able to do is  
25 show that, through a life cycle cost analysis,

1 and because, again, we're able to raise the  
2 height of the tunnel by 50 feet, we're able to  
3 put in a shaft styled pump station.

4 And this overall is a net benefit because  
5 it's a dryer enclosure than the cabin style,  
6 there will be less corrosion on equipment, so it  
7 has a better life cycle cost associated with it  
8 than the cabin style.

9 The NBC staff was also able to go on some  
10 tours down to Atlanta to view three of these  
11 styles of pump stations just to make sure that  
12 they were comfortable with how they were  
13 configured and how they would operate. So that  
14 was an important decision. It's different than  
15 what was under consideration last time.

16 Now, this is a project that's been added.  
17 One of the things that NBC had to do, there was a  
18 notice of violation that required them to take a  
19 look at the plant's capacity to meet its  
20 treatment requirements, particularly during  
21 periods of enhanced flow during wet weather time.

22 So once the pump station and tunnel is  
23 online, there's going to be an increased flow to

24 the plant at times, and there were some concerns  
25 that they would be able to meet their permit

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1 limits. So this project has been added. There  
2 was a stress test done that led to some  
3 alternatives that were considered; NBC made the  
4 decision to move ahead with this particular  
5 alternative which includes the addition of two  
6 final clarifiers. They would be located up here.  
7 Right in this area.

8 This will improve flow distribution, the  
9 final clarifiers. But this project also gives  
10 NBC the ability to take a look at some systematic  
11 issues that they've been having at Bucklin plant  
12 and address them as part of this project. This  
13 is an addition -- and this is a project that  
14 we'll get going on fairly soon.

15 We're already talking to the design  
16 consultant about getting this project underway.  
17 Because we want to try to get these clarifiers on  
18 line before the tunnel and pump station comes  
19 online.

20 I don't have an update to the cost estimate  
21 that was given. This is a slide that I shared in  
22 the spring of 2017. I can tell you that we're on

23 plan, we're on budget from what we briefed you on  
24 previously. We will be doing an update as part  
25 of the issuance of the design criteria port next

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1 month, and we will be able to come back to the  
2 Board and give you an update on what costs are  
3 looking like at that point.

4 So just looking ahead, where are we going  
5 next? Well, this is a schedule. As I said, one  
6 of the biggest things that we're going to be  
7 focusing on in the next 27 months is advancing  
8 the designs for all the near surface facilities  
9 for Phases A and B. And we'll also take the  
10 tunnel and pump station to 30 percent design.  
11 And then we'll go through a procurement process  
12 to move those forward.

13 One of the key decisions that has been made  
14 is NBC has decided to use the design build  
15 delivery method for the Pawtucket tunnel. And  
16 that's a risk management decision. We felt that  
17 that was an important consideration here to put  
18 the management of that underground risk in the  
19 hands of the entity that's best able to control  
20 it, and that would be a design build.

21 So all the other projects will go  
22 traditional design bid build. That one will go  
23 design build.

24 COMMISSIONER MILAS: Could you simplify  
25 this for me?

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1 MR. SEARLES: Sure.

2 COMMISSIONER MILAS: So can you just --  
3 I'm an old Rhode Island person, so tell me if  
4 it's near Almacs or something but. Can you tell  
5 me where it's starting? Like, it's starting  
6 at -- a visual. Like, is it going down School  
7 Street and then it's going to go by the Boys Club  
8 and it's going to end up -- like, by Phase.

9 MR. SEARLES: Okay.

10 COMMISSIONER MILAS: Just to give it  
11 more context for me.

12 MR. SEARLES: Let me go back to this.

13 COMMISSIONER MILAS: I can't read maps.

14 MR. SEARLES: Okay. So let me just  
15 tell you where we are here. So let's see. So  
16 this is the Bucklin Point treatment plant here.  
17 Right. So right here is where the tunnel will  
18 start. This is just north of the Bucklin Point  
19 treatment plant. There's a landfill here that's

20 part of the NBC property, and NBC owns property  
21 up here at the outfall 218 facility.

22 So the tunnel will start here, and go up the  
23 Seekonk River, up here, and continue on up just  
24 under almost to Central Falls here, just  
25 underneath -- just above the Slater Mill falls up

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1 there. So that's where the tunnel goes. So is  
2 that what your question was?

3 COMMISSIONER MILAS: Um-hum. Yeah. So  
4 it's not going School Street -- it's not going to  
5 abut, like, the Boys and Girls Clubs or the new  
6 boat launches on the Blackstone, like right --

7 MR. SEARLES: It will be underground  
8 there.

9 COMMISSIONER MILAS: Right. But will  
10 it disrupt their activities.

11 MR. SEARLES: No. They won't know  
12 anything is going on. That will be underground  
13 there. There are other places along the  
14 locations of the drop shafts where the near  
15 surface facilities are sited. Those are being  
16 finalized.

17 Ray mentioned in one of the items before the

18 Board was to give him and the Chairman the  
19 authority to acquire certain sites, facilities,  
20 and get easements. So, you know, once those are  
21 finally determined, you know -- and we've taken a  
22 hard look at the impacts.

23 One of the things the team has done a lot of  
24 work on is trying to site these facilities in  
25 ways that will minimize impact to businesses and

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1 local communities. It's hard to do on big  
2 construction projects. But the good news is most  
3 of this stuff is underground. It's that  
4 near-surface stuff that will cause the disruption  
5 and will be visible to the citizens.

6 So this is what the schedule looks like. As  
7 I indicated, the revised consent agreement  
8 basically keeps the total compliance time frame  
9 intact with the Phase 3 program finishing in  
10 2041. We'll be advancing the design here.

11 You can see some construction activity  
12 starting in 2021. We have some projects, like  
13 some green infrastructure projects that will go  
14 out early that we will begin. So there will be  
15 contracts that will come before the Board for  
16 approval for those.

17 You see these red boxes here? These reflect  
18 what's in the revised consent agreement. It  
19 basically puts NBC in control of its own destiny.  
20 It allows them to, basically, reevaluate the  
21 impact of the improvements that are being made in  
22 Phase A, take a look at the financial condition  
23 of the rate payers, and then make an assessment  
24 determination on whether or not they want to  
25 accelerate construction for Phase 3B and move it

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1 back.  
2 Ray has indicated that there's, you know, we  
3 want to have some construction-ready projects  
4 ready. That's one of the reasons for advancing  
5 the Phase 3B design. If it's financially  
6 beneficial for NBC to do that work sooner rather  
7 than according to this current compliance time  
8 line, then they could make that decision and  
9 recommendation to DEM can move that construction  
10 forward.

11 This is what the activity schedule looks  
12 like for Phase 3A and B. Going up you can see --  
13 the black indicates design phases, the darker  
14 blue is the bid phase, and then the light blue is

15 the construction phase.  
16 You can see down here on the left side  
17 there's a lot of projects underway. These are  
18 all the projects associated with the tunnel pump  
19 station and the near surface facilities. There's  
20 green infrastructure projects in here, as well.

21 Up here you see, this one looks a little  
22 funky with the bid and the design still  
23 overlapping. That's reflective of the design  
24 build process. During the bidding phase, the  
25 design builders will be advancing the designs so

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1 that they can give the Commission a good  
2 guaranteed maximum prize.

3 And then once they're awarded the contract,  
4 there will be some design -- some residual design  
5 left to be completed before they actually begin  
6 construction.

7 This is the period that would be covered  
8 under the amendment that's before you today, the  
9 next 27 months worth of work. And as you can  
10 see, there's a lot of activity; a lot to get  
11 done.

12 One of the things that I am most vigilant  
13 about is schedule. We have a very tight

14 schedule. And the critical path of the schedule  
15 runs through the design construction of the  
16 tunnel pump station. So we've got to be on our  
17 game here and do the very best work we can, you  
18 know, to meet this schedule. I'm confident that  
19 we can, it's just that it is a tight schedule at  
20 this point.

21 So I mentioned the delivery method. Design  
22 build, it will be a lump sum prescriptive design  
23 build. By that I mean, it will give -- once we  
24 go ahead and -- I'm sorry. What we intend to do  
25 is go through a two-step process here. We'll

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1 issue an RFQ, we'll develop a short list from  
2 that. We don't want a short list of more than  
3 three, or we will probably limit the number of  
4 interested design builders. And then we will  
5 issue an RFP.

6 Those short-listed firms will respond to  
7 RFP, they'll have proprietary meetings with NBC  
8 staff during the bidding phase where NBC staff  
9 can give them input and specifications that are  
10 important to them, as well as solicit ideas from  
11 them on how best to progress the project.

12 And once that process runs its course, NBC  
13 will make its decision on who to award the  
14 contract to, and we'll move on from there.

15 What we'll be responsible for is the  
16 development of the geotechnical baseline report,  
17 which is sort of the culmination of all the  
18 information that's coming out of our geological  
19 exploration program.

20 We'll also put together the bridging  
21 documents. That will be documents used by the  
22 design builders in terms of the bidding phase.

23 This is what the procurement schedule looks  
24 like for the tunnel. Early next year, probably  
25 end of January, early February we'll have an

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1 information session to give a detailed briefing  
2 to interested parties on what's coming up and the  
3 criteria for selection.

4 An RFQ will come out in the second quarter  
5 for next year. We'll have a short list completed  
6 by the third quarter, issue the RFQP in the first  
7 quarter of 2020, and we anticipate a notice of  
8 award in the second quarter of 2020.

9 There's a lot to get done here. I won't do  
10 into the details here. But these are the major

11 components of the work that the consultant team  
12 will take on in the next 27 months. Coming out  
13 of that, as I indicated, will be 100 percent  
14 design for the Phase III A and B facilities, as  
15 well as 30 percent design for the tunnel and pump  
16 station.

17 These are the key regulatory milestones that  
18 are now memorialized in the revised consent  
19 agreement. It shows you when designs need to be  
20 completed for the Phase 3A and B facilities, as  
21 well as the construction complete dates for each  
22 of the subsequent phases, and that's B, C, and D.  
23 With that, I'd be happy to take any questions  
24 that you have.

25 COMMISSIONER MONTANARI: You keep

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1 mentioning 50 feet. How many feet (inaudible).

2 From what?

3 MR. SEARLES: From what? Chris, what's

4 the total --

5 MR. FENNEY: About 100.

6 MR. SEARLES: About 100?

7 MR. FENNEY: 150 feet deep.

8 MR. SEARLES: So it would be at

9 150-foot depth.

10 COMMISSIONER MONTANARI: My next  
11 question would be, in the future, are there any  
12 other possibilities that you have (inaudible)?

13 MR. SEARLES: Is there a possibility to  
14 go back to where we were?

15 COMMISSIONER MONTANARI: No. If you  
16 could go in the future just down 50 feet?

17 MR. SEARLES: Well, you can't do that.  
18 We have to go into -- this is a deep rock storage  
19 tunnel, so we've got to get down into the deep  
20 rock where the conditions are most favorable for  
21 the tunnel. That's why we're at the depth that  
22 we're at.

23 COMMISSIONER MONTANARI: I know that,  
24 but is there any possibility that you could go  
25 50 feet down again in the future?

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1 MR. SEARLES: Do you want to take that  
2 on?

3 CHAIRMAN MESOLELLA: You mean we may  
4 have to go deeper? Is that what you're talking  
5 about?

6 COMMISSIONER MONTANARI: Whatever you  
7 have to do. I mean, we save money by going with

8 the change. Is there any possibility in the  
9 future we could save money again by going --

10 MR. SEARLES: Going shallower?

11 DIRECTOR MARSHALL: I don't think so.

12 MR. SEARLES: Not at this point. We're  
13 really atop of rock. So we've got to -- yeah.

14 The good news is we know a lot about the  
15 geological conditions because of the Providence  
16 tunnel experience, and now we've had a pretty  
17 extensive geological program to date. So I'm  
18 pretty confident in terms of where we are now for  
19 depth of the tunnel.

20 COMMISSIONER MONTANARI: Thank you.

21 COMMISSIONER NATHAN: Are there a lot  
22 of companies in the tunnel building business?  
23 Are they -- those that are in that specialized  
24 kind of business, are they busy around the United  
25 States so that we may have a problem where we

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1 can't keep to our schedule because they're that  
2 busy?

3 MR. SEARLES: Here's the good news.  
4 We've entertained a lot of interest already from  
5 interested design -- this is a project that in

6 the industry it's on a lot of people's target  
7 list. And we've entertained six or eight firms  
8 so far that came in wanting to know more details  
9 about it. So we anticipate very good response  
10 here.

11 To answer your question though, there is a  
12 lot of work going on around the same time that  
13 this project would go out to bid, but certain  
14 firms like to do certain kinds of tunnel, some  
15 can distinguish themselves in soft tunneling  
16 conditions. This is a deep rock tunnel. I don't  
17 anticipate that we would be delayed in any way by  
18 not having enough interest in this project.

19 DIRECTOR MARSHALL: Any other  
20 questions?

21 (NO RESPONSE)

22 DIRECTOR MARSHALL: Okay. So what  
23 resolution 2018:27 does is it refers back to a  
24 prior resolution by the Board, 2017:15, and that  
25 was back on April 20 of 2017. When you gave us

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1 that authorization, we indicated that we would be  
2 back somewhere in mid 2018 asking for an  
3 additional \$36.8 million to complete design work  
4 for a 3A facility.

5 Today we're asking you for \$35 million, and  
6 that will include to design both Phases 3A and  
7 3B, the Bucklin Point upgrades, to advance the  
8 design of the tunnel and the tunnel pump station  
9 to a preliminary level of design, and to provide  
10 procurement services for the design build tunnel  
11 team, as well as the tunnel pump station design  
12 consultant.

13 So just to link it back to what we told you  
14 we'd be asking for. We're on target and just  
15 about the schedule that we said we'd be here. So  
16 we respectfully request your approval of  
17 resolution 2018:27.

18 CHAIRMAN MESOLELLA: All right. So we  
19 have a motion and a second to approve Resolution  
20 2018:27, further presentation, a couple of  
21 questions. Are there anymore comments or  
22 questions or discussion with regard to Resolution  
23 2018:27? Commissioner Milas.

24 COMMISSIONER MILAS: As this  
25 progresses, is there a way to let the

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1 Commissioners know what the financial impact of  
2 our rate payers are as we're going forward?

3 CHAIRMAN MESOLELLA: Well, yes. I'm  
4 glad you asked that question. One of the things  
5 that I wanted to make clear that came out during  
6 the CEO committee meeting was that all the costs  
7 associated with this project as displayed on the  
8 presentation are all present dollars, present day  
9 dollars. We don't know what the cost is going to  
10 do. We also have -- we haven't heard from our --  
11 the bidders in this particular project.

12 But I know that we do have and have done  
13 some financial analysis. Where's Karen? Karen,  
14 we have done some projections on this already,  
15 haven't we?

16 MS. GIEBINK: Right. We've done some  
17 preliminary projections based upon the cash flows  
18 at the time, and the cash flows are modified  
19 based upon changes to the program. We can update  
20 the modeling so you have an idea of what the rate  
21 payers' impacts are.

22 CHAIRMAN MESOLELLA: So with respect to  
23 your question, you want -- as the program gets  
24 more defined and more developed --

25 COMMISSIONER MILAS: Right.

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1 CHAIRMAN MESOLELLA: -- you want a

2 report on the impacts?

3 COMMISSIONER MILAS: I mean, that is  
4 our ultimate responsibility. We got a  
5 presentation that it's going up 3 percent,  
6 whatever, to the rate payers, you know, Karen.  
7 So as the RFPs go out and then all of a sudden we  
8 realize, you know, the burden gets bigger and  
9 bigger on the rate payers, well, that could  
10 evaluate how we want to go forward and which RFP  
11 we want to approve and whatever. Because the  
12 ultimate responsibility is to the rate payers,  
13 and these are all the poorest communities that  
14 are bearing this.

15 CHAIRMAN MESOLELLA: All right. So,  
16 yeah, I think we can prepare -- as this gets a  
17 little more defined as the design progresses, I  
18 think the cost element will become clearer to us  
19 and we'll able to do some projections and give  
20 that to you as we get the information.

21 COMMISSIONER MILAS: Thank you.

22 MS. GIEBINK: I would like to add, too,  
23 that we did file a letter of intent, a letter of  
24 interest whether the EPA for the WIFIA program,  
25 which would provide substantially subsidized

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1 funding for this program and that will also  
2 impact projections. When we have additional  
3 information, we can update the model.

4 CHAIRMAN MESOLELLA: I think you heard  
5 what the Executive Director said about having  
6 shovel-ready programs for any of the  
7 infrastructure funds that might become available  
8 through the Federal Infrastructure Program. I  
9 mean, all of these things will come clearer as we  
10 move closer to construction, and we will update  
11 you on and give you continuous projections on the  
12 impacts of rates.

13 COMMISSIONER MILAS: Thank you.

14 COMMISSIONER NATHAN: Mr. Chairman, did  
15 you get any answers back from the legislature as  
16 far as their being helpful funding wise with us  
17 on this.

18 CHAIRMAN MESOLELLA: You mean getting  
19 state contributions to the program?

20 COMMISSIONER NATHAN: Yes.

21 CHAIRMAN MESOLELLA: Well, we haven't  
22 been very successful, as you probably know, in  
23 those requests. I ask every year. I always felt  
24 strongly that the state has an obligation. This  
25 is a statewide resource. People way beyond our

1 service area benefit from the good work that the  
2 Narragansett Bay Commission does, and so I've  
3 always felt that the state should bear some  
4 responsibility. And, of course, I have not been  
5 successful through the years. I will ask again  
6 this year, as well. Further discussion?

7 (NO RESPONSE)

8 CHAIRMAN MESOLELLA: Hearing none, all  
9 of those that are in favor of passage of  
10 resolution 2018:27 will say aye.

11 (VOICE VOTE)

12 CHAIRMAN MESOLELLA: Are there any  
13 opposed?

14 (NO RESPONSE)

15 CHAIRMAN MESOLELLA: There are none  
16 opposed and that motion carries. Is there  
17 further report?

18 COMMISSIONER McQUEEN: That's all I  
19 have, Chairman.

20 CHAIRMAN MESOLELLA: Before we move on  
21 the next committee reporting, I'd like to have  
22 the attendance of Commissioner Ruggerio and  
23 Commissioner DeRoche recorded as being present.  
24 Okay. Next committee reporting is the Finance  
25 Committee. Commissioner Andrade, do you have a

1 report for us today?

2 COMMISSIONER ANDRADE: Yes, I do,  
3 Mr. Chairman.

4 CHAIRMAN MESOLELLA: You may proceed.

5 COMMISSIONER ANDRADE: We have five  
6 items for action. First item is review and  
7 approval of Resolution 2018:28, which is the  
8 approval and acceptance of the Narragansett Bay  
9 Commission comprehensive annual financial report  
10 for the fiscal year ending 2018. It was a clean  
11 audit, and I move approval of that Resolution.

12 CHAIRMAN MESOLELLA: We have a motion  
13 to approve Resolution 2018:28, seconded by  
14 Commissioner Kimball and Commissioner Rotella.  
15 Discussion on the audit report.

16 (NO RESPONSE)

17 CHAIRMAN MESOLELLA: Is there any  
18 discussion? Are there any questions?

19 (NO RESPONSE)

20 CHAIRMAN MESOLELLA: Hearing none, all  
21 those that approve of Resolution 2018:28 will say  
22 aye.

23 (VOICE VOTE)

24 CHAIRMAN MESOLELLA: Are there any  
25 opposed?

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1 (NO RESPONSE)

2 CHAIRMAN MESOLELLA: None opposed. The  
3 motion carries.

4 COMMISSIONER ANDRADE: The next  
5 Resolution is 2018:29, approval and acceptance of  
6 the Narragansett Bay Commission single audit  
7 report for fiscal year ending June 30th, 2018, a  
8 short report. I move approval of that  
9 Resolution.

10 CHAIRMAN MESOLELLA: We have motion to  
11 approve Resolution 2018:29 which is approval of  
12 the single audit report seconded by Commissioner  
13 Farnum and Commissioner Kimball. Any questions  
14 regarding the single audit report? Do we need  
15 explanation of this, anyone?

16 (NO RESPONSE)

17 CHAIRMAN MESOLELLA: All of those that  
18 are in favor will say aye.

19 (VOICE VOTE)

20 CHAIRMAN MESOLELLA: Are there any  
21 opposed?

22 (NO RESPONSE)

23 CHAIRMAN MESOLELLA: None opposed, and  
24 the motion carries.

25 COMMISSIONER ANDRADE: Next resolution,

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1 Mr. Chairman, is Resolution 2018:30, approval and  
2 acceptance of the Narragansett Bay Commission  
3 nonunion defined benefit plan financial report of  
4 fiscal year-ending June 30, 2018 and that report  
5 I move approval of the resolution.

6 CHAIRMAN MESOLELLA: We have a motion  
7 to approve Resolution 2018:30 which is the  
8 Narragansett Bay nonunion benefit plan report.  
9 Are there any comments or questions regarding  
10 this report? I do think it would be prudent to  
11 talk a little bit about our position with regard  
12 to the report.

13 COMMISSIONER ANDRADE: Does or auditor  
14 want to say a couple of words about our position?

15 MS. GIEBINK: This is Kyle Connors.  
16 He's from Hague, Sahady & Company.

17 MR. CONNORS: Good morning, everybody.  
18 So this report in question is your nonunion  
19 applied benefit plan report. Just to give you an  
20 idea of where you were at last year versus where

21 you are at this year.  
22 Last year you were at 93 percent funding  
23 level. This year you're up to 100.95 percent  
24 funding, so you actually have a net pension asset  
25 as opposed to a net pension liability.

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1 That's due to a couple of things. Last year  
2 you had invested income of about 1.4 million.  
3 This year you had investment income of about  
4 1.3 million, so two very good years in a row for  
5 your assets.

6 And, also, you were required to make a  
7 contribution to your plan this year based on what  
8 your actuary provided to you, and you overfunded  
9 that by \$955,000, which the combination those two  
10 things has led you to have a net payment asset.

11 There's a couple of important areas to bring  
12 to your attention. Starting on page -- bear with  
13 me -- page 13. So on page 13 at the bottom, you  
14 can see that you have a net pension asset of  
15 \$184,381. That's based on your assets working at  
16 an investment rate of 6 percent.

17 States plan uses 7 percent, so you're using  
18 a more conservative approach. So to still have a  
19 net pension asset using a more conservative

20 approach that the state, is pretty impressive.

21 And just to give you some context about that  
22 6 percent. Two years ago your assets worked at  
23 10 percent. This past year your assets worked at  
24 about 7.8 percent. So the last two years your  
25 assets have done better than you projected they

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1 would.

2 Also, the majority of your assumptions. your  
3 key assumptions that drive your total liability  
4 are up to date. They're the most up to date  
5 we've seen with our clients. The biggest one  
6 being your mortality tables using the tables from  
7 2017, which is the most recent ones available. I  
8 mean, you're not going to see a big jump in your  
9 liability based off changing your assumptions  
10 because you're using the most up to date ones.

11 Any questions, I'd be happy to answer.

12 COMMISSIONER RUGGERIO: Actually, I  
13 have a question. So the return that you said for  
14 the last year, was that a net return exclusive of  
15 fees.

16 MR. CONNORS: Yes. You can see that,  
17 too, on page 19, the last four years, five

18 actually.

19 CHAIRMAN MESOLELLA: Is there further  
20 discussion with regard to the nonunion defined  
21 benefit plan?

22 (NO RESPONSE)

23 CHAIRMAN MESOLELLA: Okay. We have a  
24 motion and a second to approve Resolution  
25 2018:30. Further discussion?

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1 (NO RESPONSE)

2 CHAIRMAN MESOLELLA: Hearing none, all  
3 of those that are in favor will say aye.

4 (VOICE VOTE)

5 CHAIRMAN MESOLELLA: Are there any  
6 opposed?

7 (NO RESPONSE)

8 CHAIRMAN MESOLELLA: There are none  
9 opposed. That motion carries. Further new  
10 business.

11 COMMISSIONER ANDRADE: The next  
12 resolution is the approval of 2018:31, which is  
13 the authorization to file a compliance filing for  
14 rate relief related to debt service with Rhode  
15 Island Public Utilities Commission. And I move  
16 approval.

17 CHAIRMAN MESOLELLA: We have a motion  
18 to approve Resolution 2018:31 seconded by  
19 Commissioner Kimball. By way of a brief  
20 explanation, do you want me to make the  
21 explanation? We're going to borrowing  
22 \$45 million, Karen?

23 MS. GIEBINK: That's correct.

24 CHAIRMAN MESOLELLA: About \$45 million.  
25 That borrowing is going to impact the rate to the

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1 extent of about 3.6 percent.

2 MS. GIEBINK: Correct again.

3 CHAIRMAN MESOLELLA: That's going to be  
4 our request. We're going to be soliciting the  
5 Public Utilities Commission for a rate increase  
6 of 3.6 percent for the purpose of debt service  
7 only. Anything else I need to explain? Anything  
8 else I should add, Karen?

9 MS. GIEBINK: No. You covered it.

10 CHAIRMAN MESOLELLA: That's it in a  
11 nutshell. That's it. Further discuss on the  
12 matter? Further discussion on Resolution  
13 2018:31?

14 (NO RESPONSE)

15 CHAIRMAN MESOLELLA: In such case, all  
16 of those that are in favor of 2018:31 will say  
17 aye.

18 (VOICE VOTE)

19 CHAIRMAN MESOLELLA: Are there any  
20 opposed?

21 (NO RESPONSE)

22 CHAIRMAN MESOLELLA: There are none  
23 opposed and the motion carries. Further new  
24 business.

25 COMMISSIONER ANDRADE: Yes. The final

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1 resolution for the Finance Commission is the  
2 authorization to file a general filing for rate  
3 relief and other related matters with the  
4 Rhode Island Public Utilities Commission, and I  
5 move approval of that.

6 CHAIRMAN MESOLELLA: We have a motion  
7 to approve Resolution 2018:32 seconded by  
8 Commissioners Kimball, Rotella, and Farnum.  
9 Right?

10 COMMISSIONER FARNUM: Right.

11 CHAIRMAN MESOLELLA: Do you want to  
12 explain the difference in the two filings, Karen,  
13 for us?

14 MS. GIEBINK: Sure. This is a full  
15 rate case that will be addressing things other  
16 than just debt service and debt service coverage.  
17 We'll be looking at updating our rate base, we'll  
18 be looking at some of the miscellaneous revenues,  
19 we'll be making a -- we will be proposing a  
20 slight tweak in the way that -- well, basically  
21 it would be the elimination of the pretreatment  
22 permit fees, incorporating that into the  
23 consumption rate for the commercial and  
24 industrial users, and a few other adjustments  
25 overall for our cost of services.

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1 CHAIRMAN MESOLELLA: So Karen and I and  
2 some staff have been discussing rate  
3 restructuring. I think that's the word. Will  
4 that be included in this filing --

5 MS. GIEBINK: Yes.

6 CHAIRMAN MESOLELLA: -- when we come up  
7 with a final plan?

8 MS. GIEBINK: Yes. That would be  
9 included, as well. I don't believe that we are  
10 looking at significant modifications to the rate  
11 structure in terms of the recovery of costs

12 through the fixed and variable components.  
13 Really, the single largest modification that  
14 I think we're looking at is the rolling in of the  
15 pretreatment permit fees into the consumption  
16 based rate for nonresidential users.

17 CHAIRMAN MESOLELLA: Right.  
18 Commissioner Rotella.

19 COMMISSIONER ROTELLA: Do you have any  
20 idea how much the proposed rate increase will  
21 generate or is scheduled to generate.

22 MS. GIEBINK: The actual rate increase  
23 that we're looking at now, right now, the order  
24 of magnitude is approximately 7 percent above  
25 the -- on top of the debt service filing.

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1 COMMISSIONER ROTELLA: You figured in  
2 debt service or is it separate from that?

3 MS. GIEBINK: I don't have my numbers  
4 with me, but --

5 COMMISSIONER ROTELLA: Round numbers,  
6 anybody.

7 MS. GIEBINK: The overall revenue  
8 requirement, I can get you that figure. Probably  
9 around there, if you do the math. Right?  
10 Probably around 8 million. But it's combination

11 of factors. It's not just increasing the revenue  
12 requirement. We've also had changes to our rate  
13 base, so it's --

14 COMMISSIONER ROTELLA: I'm just curious  
15 how -- I know what's done is done, but I'm just  
16 curious, if the state didn't take 5 million,  
17 would we need the rate increase right now?

18 MS. GIEBINK: Yes.

19 CHAIRMAN MESOLELLA: I think the answer  
20 to that is yes.

21 MS. GIEBINK: So that's in a different  
22 bucket. That was in a restricted account. That  
23 was cash in a restricted account. What we're  
24 looking for here really is what we would generate  
25 annually from user charges and miscellaneous

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1 revenues.

2 COMMISSIONER ROTELLA: Okay. Thank  
3 you.

4 MS. GIEBINK: Yup.

5 CHAIRMAN MESOLELLA: Okay. Further  
6 discussion, Resolution 2018:32. Further  
7 discussion.

8 (NO RESPONSE)

9 CHAIRMAN MESOLELLA: Hearing none, all  
10 of those that are in favor will say aye.

11 (VOICE VOTE)

12 CHAIRMAN MESOLELLA: Are there any  
13 opposed?

14 (NO RESPONSE)

15 CHAIRMAN MESOLELLA: There are none  
16 opposed, and that motion carries. Does that  
17 conclude your report?

18 COMMISSIONER ANDRADE: It does conclude  
19 my report.

20 CHAIRMAN MESOLELLA: Thank you,  
21 Chairman Andrade. Commissioner Campbell.

22 COMMISSIONER CAMPBELL: The Personnel  
23 Committee met and approved a change to  
24 engineering personnel a grade, which actually  
25 saves money. So I don't think it requires any

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1 Board approval.

2 CHAIRMAN MESOLELLA: So, basically, we  
3 had a downgrading of one of the positions in our  
4 engineering department from grade nine to grade  
5 eight?

6 COMMISSIONER CAMPBELL: Right.

7 CHAIRMAN MESOLELLA: I don't think we

8 need the Board approval on that. So that

9 concludes your report?

10 COMMISSIONER CAMPBELL: That's it.

11 CHAIRMAN MESOLELLA: Thank you very

12 much. Long Range Planning did not meet, nor did

13 Rules and Regulations, nor did the Ad Hoc

14 Committee on Ethics. Executive Committee has not

15 met this month over the summer.

16 Ad hoc Committee to study the acquisition of

17 Providence Water Supply Board. Chairman Carlino

18 is not with us today. He wanted to schedule a

19 meeting -- where's Laurie?

20 Laurie, he wanted to schedule a meeting of

21 the Ad Hoc Committee. Did he give you a date?

22 MS. HORRIDGE: No, not yet. Karen will

23 coordinate that.

24 CHAIRMAN MESOLELLA: So full

25 disclosure. Director of Administration for the

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1 City of Providence contacted Laurie Horridge to

2 have a meeting about how we should proceed to

3 continue on with this discussion. There was a

4 meeting. Commissioner Carlino was present at the

5 meeting. There was really nothing to report,

6 just a discussion of how we might proceed. And  
7 then he's going to call a meeting of the Ad Hoc  
8 Committee to study the acquisition of PWSB and  
9 have that discussion.

10 COMMISSIONER ROTELLA: Ad hoc.

11 CHAIRMAN MESOLELLA: The Ad Hoc  
12 Committee. So that concludes that report.

13 COMMISSIONER CAMPBELL: Just one  
14 question. There was something before the  
15 legislature --

16 CHAIRMAN MESOLELLA: Yes.

17 COMMISSIONER CAMPBELL: -- relative to  
18 this. What happened with that?

19 CHAIRMAN MESOLELLA: Yes. So, Laurie,  
20 do you want to explain the Sheehan bill?

21 MS. HORRIDGE: You mean the Water  
22 Supply Board?

23 COMMISSIONER CAMPBELL: The Water  
24 Supply Board.

25 CHAIRMAN MESOLELLA: The Water Supply

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1 Board. Sorry. Wrong item.

2 COMMISSIONER CAMPBELL: Wasn't there  
3 something before the legislature?

4 CHAIRMAN MESOLELLA: Yes. We had a

5 couple of bills. We had our own bill.

6 COMMISSIONER CAMPBELL: Right.

7 DIRECTOR MARSHALL: And the city had a  
8 bill.

9 CHAIRMAN MESOLELLA: And the city had a  
10 big. Our bill was very generic. Our bill just  
11 said that they gave us authority to merge with  
12 the required water agencies. It didn't say  
13 anything about Providence or anyone else. It was  
14 just very generic.

15 The city had a bill in that did a number of  
16 different things. It was very unclear. Right?  
17 I mean, I don't know what else to say. And I  
18 don't think --

19 MS. HORRIDGE: Well put.

20 CHAIRMAN MESOLELLA: I don't think it  
21 got any consideration at all. Did it --

22 MS. HORRIDGE: No. But neither of them  
23 passed. That's the answer.

24 CHAIRMAN MESOLELLA: But there was --  
25 that was submitted -- all right. Compensation

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1 Committee, Commissioner Kimball.

2 COMMISSIONER KIMBALL: The Compensation

3 Committee met on Tuesday, September 18. But at  
4 this time I'd like to recommend the Board enter  
5 into Executive Session pursuant to Section  
6 42-46-5 (A)(1) to discuss the job performance of  
7 an employee. This employee has been notified in  
8 advance of this meeting in accordance with the  
9 statute. Do I hear a motion?

10 UNIDENTIFIED SPEAKER: So moved.

11 CHAIRMAN MESOLELLA: A motion moved to  
12 Executive Section and seconded by Commissioner  
13 Ruggerio and Commissioner Farnum.

14 COMMISSIONER KIMBALL: All those in  
15 favor will say aye.

16 (VOICE VOTE)

17 COMMISSIONER KIMBALL: Any opposed?

18 (NO RESPONSE)

19 COMMISSIONER KIMBALL: There are none  
20 opposed and the motion carries. At this point I  
21 would ask that the members of the public please  
22 excuse themselves.

23 (COMMITTEE GOES INTO EXECUTIVE SESSION

24 AT 12:16 P.M.)

25 (REGULAR MEETING CONTINUED AT 12:46

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2 (OPEN MEETING CONTINUED AT 12:46 P.M.)

3 CHAIRMAN MESOLELLA: We're back now in  
4 full session.

5 COMMISSIONER KIMBALL: I recommend that  
6 the minutes of the closed session will be sealed.

7 COMMISSIONER DiCHIRO: So moved.

8 COMMISSIONER KIMBALL: Do I have a  
9 second?

10 COMMISSIONER CAMPBELL: Second.

11 COMMISSIONER KIMBALL: All those in  
12 favor.

13 (VOICE VOTE)

14 COMMISSIONER KIMBALL: Any opposed?

15 (NO RESPONSE)

16 COMMISSIONER KIMBALL: There are none  
17 opposed. The motion carries.

18 CHAIRMAN MESOLELLA: Okay. Does the --  
19 is there any further report?

20 COMMISSIONER KIMBALL: There is no  
21 further report.

22 CHAIRMAN MESOLELLA: Thank you. Moving  
23 right along. Item number six is the legislative  
24 report.

25 (ALL SPEAKING AT ONCE)

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1           DIRECTOR MARSHALL: She retired about  
2 two months ago.

3           MS. MACERONI: I need my report.

4           CHAIRMAN MESOLELLA: Are you ready now?

5           MS. MACERONI: I'm ready now. Good  
6 afternoon.

7           CHAIRMAN MESOLELLA: Item number six,  
8 the Legislative Report.

9           MS. MACERONI: Yes. I have one,  
10 Mr. Commissioner.

11          CHAIRMAN MESOLELLA: Proceed.

12          MS. MACERONI: Mr. Chairman, let me go  
13 out and come back. Wait a minute. Okay. All  
14 right. As you know, the General Assembly ended  
15 in June, and by July, we were aware of what bills  
16 had made it through, not only the General  
17 Assembly, but the review of the Governor. And my  
18 list is very brief.

19          But happy to say, Jen and I -- I'm out of  
20 breath -- Jen and I -- Jen and I had a successful  
21 session. No scoops. So we're happy about that.

22          And the first bill on your report is a bill  
23 that the General Assembly approved to put a bond  
24 referendum on the ballot in November for money  
25 for clean water. So we're happy about that.

1       There are two bills -- the next two bills  
2       were bills that we worked on with the sponsors of  
3       the bills, and we were successful in having our  
4       concerns addressed.

5       Bill number two has to do with contractor  
6       retainage, requiring all contractors -- not all  
7       contractors -- requiring all entities to only  
8       hold up to 5 percent contained. A lot of  
9       agencies hold a lot more than that. We hold  
10      5 percent, so we're already in compliance. But  
11      we did have some concerns about the payment  
12      schedule. And, also, we wanted to have the  
13      ability to hold the final half a percent for a  
14      year after the project was substantially complete  
15      in case anything goes wrong. We were successful  
16      in working with the sponsors and getting that  
17      language in.

18      Bill number three has to do with tax sales.  
19      This bill has been on my report for the past, I  
20      think three years, Jen. And basically what it  
21      calls for is expedited foreclosure procedures if  
22      the home is vacant or under -- in disrepair. We  
23      have never taken a stand on the bill.

24      Our only concern was that if the bill were  
25      to pass, we wanted to make sure that we were

1 notified if this expedited foreclosure procedure  
2 took place. Again, we were able to get an  
3 amendment in which addressed that concern.

4 The other three bills, I call them  
5 housekeeping bills. Nothing that really affects  
6 the NBC, but things that we should know about,  
7 like the changes to the notary statute allowing  
8 town clerks to accept electronic documents.

9 And then the last two are a couple of study  
10 commissions. One in particular is to study the  
11 affect of wind turbines on all marine life. So I  
12 think that will be kind of interesting.

13 So this is my last report. As some of you  
14 know, I'm retiring on Friday, and I will be  
15 autographing any copies. I will be at the back  
16 of the room after the Board meeting and give you  
17 my little Joanne Hancock, if you'd like.

18 But my last report, and I want you to know  
19 that over the last couple of years, Jen  
20 Harrington has been up there with me by my side  
21 participating in the lobbying for the  
22 Narragansett Bay Commission, and she's done a  
23 great job.

24 And I think it's going to be a very smooth  
25 transition coming from me to her. And like I

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1 guess a mother with her child, I'm pushing her  
2 out and handing over the lobbyist baton to her.  
3 And I know she's going to do a great job she's  
4 been doing a great job up there for the last  
5 couple of years. So I know it will be a smooth  
6 transition for everyone.

7 But I'd also just like to take a moment to  
8 thank Chairman Mesolella, the Board, Ray  
9 Marshall, and Laurie Horridge for all of your  
10 support over the years that I've been here. It's  
11 been 33 years. Some of you I don't think were  
12 even born when I started here.

13 Thank you all for your support, and it's  
14 been a pleasure working for the Narragansett Bay  
15 Commission. I'm so proud to be affiliated with  
16 an organization like this. I mean, it's a dream  
17 job, it really is, and I appreciate the  
18 opportunities that I've had here and just wanted  
19 to thank you all. That's it.

20 (APPLAUSE)

21 CHAIRMAN MESOLELLA: Thank you for your  
22 report. As tardy as it was, it was still very

23 good. I'm going to have more to say tomorrow  
24 night, but Joe, I know I'm going to express my  
25 own feelings while the Board is sitting here and

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1 if some people are here that may not be there  
2 tomorrow night. You know I love you. I'm going  
3 to be, how shall I say, exposed for the fraud  
4 that I am because you're the real boss and you've  
5 always been and I've been taking the credit. So  
6 you know I love you and we're going to miss you  
7 so much, I can't even express. At least from the  
8 bottom of my heart, you know we're going to miss  
9 you.

10 All right. Moving right along, Citizens  
11 Advisory Committee. Do we even have one anymore?  
12 Are they still in business? Is Jamie here?

13 DIRECTOR MARSHALL: No.

14 CHAIRMAN MESOLELLA: My understanding  
15 of the Citizens Advisory Committee is that the  
16 leader -- Laurie, am I saying something?

17 MS. HORRIDGE: No. I didn't realize  
18 Jamie wasn't here. I don't think they met this  
19 last month so --

20 CHAIRMAN MESOLELLA: Well, I know they

21 haven't met, but are they still organized? I  
22 thought they were --

23 MS. HORRIDGE: They are, Mr. Chairman.  
24 We have not sent out any official notice  
25 otherwise.

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1 CHAIRMAN MESOLELLA: So I think Jamie  
2 was of the mind that because they're kind of --

3 MS. HORRIDGE: Now that we have the  
4 permit resolved and now that we have Phase III --

5 CHAIRMAN MESOLELLA: -- the issue is  
6 resolved, there's probably no need for them to be  
7 part of this process. I think that's right. Is  
8 that right, Jen?

9 MS. HARRINGTON: Yes.

10 CHAIRMAN MESOLELLA: I don't think this  
11 will be an agenda item going forward. Okay,  
12 Karen?

13 MS. GIEBINK: Yes.

14 CHAIRMAN MESOLELLA: Chairman's report.  
15 Just a couple of things. Earlier we talked a  
16 little bit about Greenville Avenue and what a  
17 success that was, gave out a couple of awards to  
18 some of our staff. That's going to be a  
19 phenomenal program. Karen is going to determine

20 how the revenue -- what the revenue picture is  
21 going to look like, the additional revenue in  
22 addition to our bottom line revenue, and I think  
23 it's going to look really good.

24 I'm excited about the fact that the Hartford  
25 Avenue project is now complete. Similar to what

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1 we did on Greenville Avenue, I've been working  
2 with Karen about trying to figure out how we're  
3 going to assess all the people, all the  
4 individuals that will be connecting to our line  
5 on Hartford Avenue. You know we're going to be  
6 opening up, what, 180 acres?

7 DIRECTOR MARSHALL: Yup.

8 CHAIRMAN MESOLELLA: Approximately  
9 180 acres of potential commercial developable  
10 property as a result of this operation. We're  
11 going to be working on a program for 100 percent  
12 capital and administrative costs recovery. And  
13 then everything that ties into that line goes  
14 right to the bottom line. I'm extremely excited  
15 about the impacts of that project, as well.

16 We had a little discussion about -- we  
17 passed a resolution allowing us and the Executive

18 Director and the Chairman to work out some land  
19 condemnation, land acquisition issues. We did  
20 condemn some property during Phase II on Valley  
21 Street. I did an interview with Go Local two  
22 weeks ago.

23 We had this piece of property which the City  
24 of Providence did not want. We tried to get them  
25 to create -- maybe make a park for the community.

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1 It's a beautiful piece of property of about  
2 25,000 square feet. It's fenced in, it's  
3 secured, it's on the river. Had a discussion  
4 with Rich Bernier several weeks ago about the  
5 potential use, how we could put that property  
6 back into service. It resulted in a meeting with  
7 local Councilwoman Sabina Mattos. As a result of  
8 that meeting, several potential uses were  
9 discussed.

10 What was concluded is that through  
11 Councilwoman Mattos' efforts and Narragansett Bay  
12 Commission staff's efforts, we're going to be  
13 entering into a lease, long-term lease with the  
14 Southside Land Trust. They'll insure the  
15 property and they will have the proper liability  
16 insurance. They're going to develop a community

17 garden, and we're going to put that property back  
18 into service, and it's going to be a wonderful  
19 addition to that community. We'll have proper  
20 signage for the Narragansett Bay Commission.

21 And I know the community, the people in that  
22 community are ecstatic that we were finally able  
23 to put a piece of surplus property back into  
24 service. And it's going to be great public  
25 relations. What else.

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1 DIRECTOR MARSHALL: That was it as far,  
2 as I can remember.

3 CHAIRMAN MESOLELLA: I think that's it.  
4 Nothing else to report. I know we're here a  
5 little later than we usually are. But we have  
6 new business -- is there any new business to  
7 discuss? Any new business?

8 COMMISSIONER CAMPBELL: I just have a  
9 question.

10 CHAIRMAN MESOLELLA: Commissioner  
11 Campbell.

12 COMMISSIONER CAMPBELL: The solar panel  
13 farms, what is the status of those?

14 DIRECTOR MARSHALL: We'll let Tom

15 answer that one.

16 CHAIRMAN MESOLELLA: All right, so --

17 MS. HORRIDGE: There's legal issues and

18 there's a lot of stuff going on with it.

19 Essentially, the solar project that was supposed

20 to go up in Coventry, which would actually be

21 under one of our turbines, is sort of mixed up in

22 litigation. But we have been working with the

23 developer who has agreed to compensate us for

24 what monies we should have been getting. So

25 we're working on that right now. But he's been

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1 very amenable so far with that.

2 CHAIRMAN MESOLELLA: And on a

3 going-forward basis, while this issue is working

4 its way through potential litigation, for

5 purposes of getting the energy that we contracted

6 for, we may get it from a different source.

7 MS. HORRIDGE: Yes. We're going to get

8 a combination of money, credits, and there's

9 another project he has -- where's the other one?

10 MR. UVA: He's got one in Portsmouth,

11 he's got something going up in Johnston, so we're

12 going to be meeting in the next few weeks to

13 hammer that out. But there are two of the solar

14 projects that are already online.

15 COMMISSIONER CAMPBELL: This is all  
16 with --

17 MR. UVA: So there's three sites all  
18 together. Two of them have been operating fine  
19 and one has held up with permitting issues in  
20 Coventry.

21 CHAIRMAN MESOLELLA: So just to be  
22 clear, bottom line, Narragansett Bay Commission  
23 is not suffering any diminution of value that we  
24 agreed to and contracted for?

25 MS. HORRIDGE: That's correct.

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1 CHAIRMAN MESOLELLA: All right. I want  
2 to make that clear.

3 MS. HORRIDGE: Yes.

4 CHAIRMAN MESOLELLA: All right. Good.  
5 Further new business? Further new business?

6 (NO RESPONSE)

7 CHAIRMAN MESOLELLA: Other business of  
8 any kind?

9 (NO RESPONSE)

10 COMMISSIONER MONTANARI: Motion to  
11 adjourn.

12 CHAIRMAN MESOLELLA: We have a motion  
13 to adjourn from Commissioner Montanari, seconded  
14 by Commissioner McQueen. Further discussion on  
15 the issue?

16 (NO RESPONSE)

17 CHAIRMAN MESOLELLA: Hearing none, all  
18 of those that are in favor will say aye.

19 (VOICE VOTE)

20 CHAIRMAN MESOLELLA: Any opposed?

21 (NO RESPONSE)

22 CHAIRMAN MESOLELLA: None opposed. The  
23 motion carries. Thank you for staying so late.

24 I really appreciate it.

25 (MEETING ADJOURNED AT 1:01 P.M.)

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1 C E R T I F I C A T E

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4 I, Denise A. Webb, Notary Public, do

5 hereby certify that the foregoing is a true,

6 accurate, and complete transcription of my

7 stenographic notes taken at the time of the

8 aforementioned meeting.

9

10 IN WITNESS WHEREOF, I have hereunto set my

11 hand and seal this 4th day of October, 2018.

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---

DENISE A. WEBB, CSR/RPR/NOTARY PUBLIC  
MY COMMISSION EXPIRES APRIL 7, 2022

21

22

23

24 DATE: September 25, 2018

25 IN RE: Monthly Board Meeting of the Committee

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**Comm. 2-10:** Has the NBC calculated the amount of fines it would be subjected to by the EPA had the NBC not complied with the third and final phase of the Combined Sewer Overflow project?

**Response:** The NBC has not calculated the amount of EPA fines it would be subject to if it does not comply with the third and final phase of the Combined Sewer Overflow project (Phase III). Bear in mind that the issuance of fines would not eliminate the NBC's obligation to comply with the underlying requirements relating to Phase III. In that scenario the NBC would have to pay the fines, as well as the costs associated with Phase III. That said, note that both the EPA and RIDEM have statutory authority to impose significant penalties against the NBC for failure to comply with any permit, order, statutory and/or regulatory requirement. The EPA is authorized to impose civil penalties up to \$53,484 per day per violation, and administrative penalties up to \$267,415 per day per violation. Various factors would be considered when assessing such penalties, including the seriousness of the violation, the economic benefit resulting from the violation, and the degree of culpability, among other considerations. As required by statute, said maximum penalty caps are increased each year to account for inflation. RIDEM is authorized to impose penalties up to \$25,000 per day per violation.

The NBC is subject to numerous target deadlines relating to Phase III of the Combined Sewer Overflow project. Missing each target could subject the NBC to separate penalties for each target which could increase with each continued day of non-compliance. The NBC could also be subject to penalties for discharges from each of its combined sewer overflows during wet weather events. The total potential fines could be exorbitant, and as mentioned, the NBC would still be required to comply with its regulatory requirements.

**Prepared by:** Holly Ialongo

## CERTIFICATION

I hereby certify that on November 20, 2018, I sent a copy of the within to all parties set forth on the attached Service List by electronic mail and copies to Luly Massaro, Commission Clerk, by electronic mail and regular mail.

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