

THE CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL

No. 592

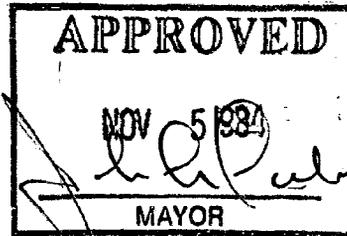
Approved: November 5, 1984

RESOLVED, That the Consent Decree entered into by Joseph R. Paolino, Jr., as Mayor of the City of Providence and the Narragansett Bay Water Quality Management District Commission is hereby approved. (Consent Decree attached.)

IN CITY COUNCIL  
NOV 1 1984

READ AND PASSED

*Luis A. Travetti*  
*Rose M. Mendonca* CLERK



IN CITY COUNCIL  
SEP 20 1984  
FIRST READING  
REFERRED TO COMMITTEE ON FINANCE

*Rose M. Mendonca* CLERK

THE COMMITTEE ON  
FINANCE  
Approves Passage of  
The Within Resolution

*Rose M. Mendonca*  
Chairman

IN CITY COUNCIL  
OCT 18 1984  
FIRST READING  
REFERRED TO COMMITTEE ON FINANCE

*Rose M. Mendonca* CLERK  
*Back*

THE COMMITTEE ON  
FINANCE  
Approves Passage of  
The Within Resolution

*Rose M. Mendonca*  
Clerk  
Chairman  
October 29, 1984

Councilman Glavin, Councilman Dillon and Councilwoman Sanyali (By Request)

57 Eddy Street  
Providence, Rhode Island  
02903  
401 . 277 . 6680

Joseph F. Turco  
Chairman  
Eric R. Jankel  
Executive Director



October 1, 1984

Councilwoman Carolyn F. Brassil  
Chairwoman, Committee on Finance  
Providence City Hall  
Providence, RI 02903

Dear Councilwoman Brassil:

I am writing in response to your letter of September 26, 1984 in which you requested a considerable amount of information from the Commission. On Friday, September 28, 1984, you and I had a telephone conversation concerning this request.

Please be advised that, as we discussed on Friday, the audit report for FY 84 is not final and, therefore, cannot be released. Second, the proposed rate charge to support the rates for FY 85 have not yet been developed as the Commission is awaiting the audit report. I am enclosing copies of the Commission's Budget to Actual Year-to-Date Comparison for FY 84 and during the course of this letter, I will try to summarize the Commission's plan for establishing its FY 85 rate schedule.

The final audit for FY 84 should document an accumulated, unrestricted paper surplus of between \$3.5 and \$4.0 million. The Commission would utilize that available surplus to offset its cash revenue needs for FY 85. The Commission is required under 46-25-21 of the General Laws to recover all operation and maintenance costs through its user rates.

The actual revenue needs for FY 85 would then be allocated to the Communities in the District based upon the most recent water usage data. I recently asked Mr. Wiley Archer, Chief Engineer and General Manager of the Providence Water Supply Board, to provide the Commission with official documentation as to the most recent water consumption data for the communities within the District. At this time, I am waiting for a response from Mr. Archer.

Total Cash Needs FY 85	\$	9.5
	-	<u>3.8 to 4.3</u>
Total FY 85 Revenue Need	\$	5.7 to 5.2

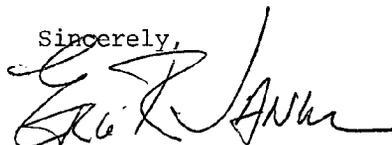
I would draw your attention to the fact that on July 1, 1985 pursuant to 46-25-21 of the General Laws that the Commission will begin to direct bill the users of the system subject to the review and approval of the Public

Page Two  
Councilwoman Carolyn F. Brassil  
October 1, 1984

Utilities Commission. This will relieve the City of Providence once and for all of the responsibility of billing and collecting sewer use fees to be turned over to the Narragansett Bay Commission. It is the intent of the Commission that after July 1, 1985 any available surplus would be returned or credited to the municipalities, subject to the approval of the Public Utilities Commission.

On behalf of Chairman Turco, I trust that this information will be useful to you and the Committee, and I stand ready to answer any questions that you or the members of the Finance Committee may have.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric R. Jankel".

Eric R Jankel  
Executive Director

ERJ:jh

enclosures

cc: Joseph F. Turco, Chairman

September 26, 1984

Mr. Eric R. Jankel  
Executive Director  
Narragansett Bay Commission  
57 Eddy Street  
Providence, Rhode Island 02903

Dear Eric:

As Chairwoman of the City Council Finance Committee, I am requesting the following information from you:

1. Audit Report Draft for June 30, 1984,
2. Proposed rates for Fiscal Year Ending June 30, 1985,
3. Estimated charges and expenses making up the rates,
4. Actual charges and expenses for 1983-84, and
5. Records or workpapers reconciling actual expenses to proposed rates.

I would appreciate receiving this information as soon as possible.

Thank you for your cooperation.

Very truly yours,

Councilwoman Carolyn F. Brassil  
Chairwoman, Committee on Finance

CFB/spg

cc: Joseph Turco, Chairman  
Narragansett Bay Commission  
57 Eddy Street  
Providence, Rhode Island 02903

STATE OF RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

THE CITY OF PROVIDENCE,  
Plaintiff

vs.

THE NARRAGANSETT BAY WATER  
QUALITY MANAGEMENT DISTRICT  
COMMISSION: ANTHONY J. SOLOMON,  
IN HIS CAPACITY AS TREASURER  
OF THE STATE OF RHODE ISLAND:  
DONALD ROHRER, IN HIS CAPACITY  
AS DIRECTOR OF ADMINISTRATION:  
THE STATE OF RHODE ISLAND  
Defendants

vs.

STEPHEN NAPOLITANO, IN HIS  
CAPACITY AS TREASURER OF  
THE CITY OF PROVIDENCE,  
Defendant on the  
Counterclaim

C.A. NO. 83-5216

CONSENT DECREE

Plaintiff, the City of Providence, ("the City"), Defendants, the Narragansett Bay Water Quality Management District Commission (the "Commission"), Anthony J. Solomon in his capacity as Treasurer of the State of Rhode Island, Donald Rohrer in his capacity as Director of Administration and the State of Rhode Island and Defendant in the Counterclaim Stephen Napolitano in his capacity as Treasurer of the City of Providence desire by way of this Decree to resolve the action and all issues raised by the pleadings without the time and expense of further litigation.

WHEREUPON, it is hereby ORDERED and DECREED:

1. This Decree shall be subject to approval by the Providence City Council and shall be subject to approval

ratification and confirmation by the entire Narragansett Bay Water Quality Management District Commission. The Mayor of the City and the Chairman and the Commission shall use their good faith efforts to secure such approval.

2. The City shall pay Six Million One Hundred and Seventy-eight Thousand Four Hundred and Six Dollars and 42/100 (\$6,178,406.42) to the Commission which sum shall be in full settlement of the Commission's claims in this action. A check in the amount of One Million Dollars (\$1,000,000) payable to the Commission is delivered herewith and is to be applied to the total amount of \$6,178,406.42.

3. The City shall pay the Commission as a general obligation of the City the remaining balance of Five Million One Hundred and Seventy-eight Thousand Four Hundred and Six Dollars and 42/100 (\$5,178,406.42) to the Commission in the amounts and upon the dates set forth below:

<u>Payment Date</u>	<u>Amount</u>
October 1, 1984	\$ 750,000.00
November 1, 1984	750,000.00
December 1, 1984	750,000.00
January 1, 1985	750,000.00
February 1, 1985	750,000.00
March 1, 1985	750,000.00
June 30, 1985	678,406.42

4. In the event that the City shall fail to make any payment detailed above when due and such failure shall continue for twenty-four (24) hours or until the next business day, whichever comes later, the Commission may obtain relief hereunder. Upon a finding of nonpayment by the Court in any such proceeding, the City shall pay (i) all overdue amounts, (ii) Commission's reasonable attorneys' fees and (iii), interest due from the time of default to the date of payments. Such interest shall be computed in accordance with the Commission's then prevailing interest rate applicable under its schedule of rates and charges.

5. The City's claims as asserted in the Complaint are hereby dismissed with prejudice and all claims and defenses which were asserted, or could have been asserted in this action are hereby merged into this Decree.

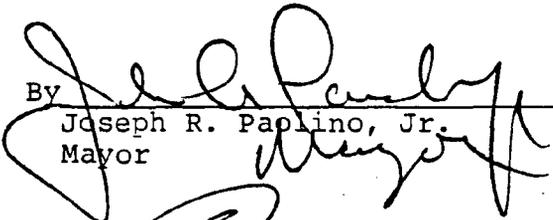
6. The rates for fiscal 1984-1985 shall be set by the Commission after hearing in accordance with the Administrative Procedures Act, Chapter 35 of Title 42 of the General Laws, Chapter 25 of Title 46 of the General Laws and other applicable rules. When such rates are finally established the City shall pay its bills in a timely manner.

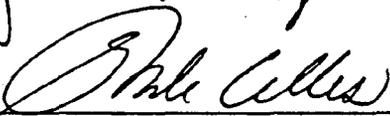
7. The Commission agrees that if a surplus exists at June 30, 1985 (as determined in accordance with generally accepted accounting principles) the Commission shall, with the approval of the Public Utilities Commission, pay to the City its proportionate share thereof.

8. This Court shall retain jurisdiction over this action until the parties have fully complied with the provisions of this Decree.

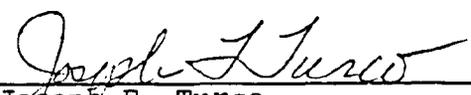
ASSENTED TO IN FORM AND SUBSTANCE:

THE CITY OF PROVIDENCE

By   
Joseph R. Paolino, Jr.  
Mayor

  
Gerard McG. DeCelles  
Attorney for the City of  
Providence and Stephen  
Napolitano, Treasurer of  
the City of Providence

THE NARRAGANSETT BAY WATER  
QUALITY MANAGEMENT DISTRICT  
COMMISSION

By   
Joseph F. Turco  
Chairman  
  
Louise Durfee

*Christopher H. Little*

Christopher H. Little  
Attorneys for The Narragansett  
Bay Water Quality Management  
District Commission

ANTHONY J. SOLOMON, IN HIS CAPACITY  
AS TREASURER OF THE STATE OF RHODE  
ISLAND; DONALD ROHRER, IN HIS  
CAPACITY AS DIRECTOR OF  
ADMINISTRATION; THE STATE OF RHODE  
ISLAND

Dennis J. Roberts II  
Attorney General

By: *Richard B. Woolley*  
Richard B. Woolley  
Assistant Attorney General

ENTER:

\_\_\_\_\_  
Thomas H. Needham  
Associate Justice

September 1, 1984

BY ORDER:  
  
\_\_\_\_\_

BUDGET VS ACTUAL EXPENSES

Fiscal Year 1983-84

<u>BUDGET ACCT. NO.</u>	<u>BUDGET ACCOUNTS</u>	<u>BUDGET F/Y 83-84</u>	<u>EXPENSES TO 6/30/84</u>	<u>BALANCE</u>	<u>% OF YTD EXPENSES TO BUDGET</u>
<u>PERSONAL SERVICES</u>					
210	Classified	1,141,791	1,090,945	50,846	
215	Classified Overtime	130,405	61,183	69,222	
220	Classified Limited	2,150	0	2,150	
230	Non-Classified	805,878	657,471	148,407	
235	Non-Classified Overtime	16,559	17,140	(581)	
280	Employees' Retire State Cont-Class	184,698	123,151	61,547	
281	FICA	163,989	124,493	39,496	
284	Employees' Group Life Ins.	6,904	0	6,904	
292	Employees' Retire-State Cont. Non-Class	117,550	81,726	35,824	
295	Employees' Medical Ins.	184,114	169,086	15,028	
296	Employees' Prescription Drug	13,808	13,904	(96)	
297	Employer Cost of Dental Care	39,124	25,283	13,841	
298	Employer Cost of Vision Care	4,601	2,014	2,587	
230	Commissions Stipends	12,000	6,350	5,650	
	<b>TOTAL PERSONAL SERVICES</b>	<u>2,823,571</u>	<u>2,372,746</u>	<u>450,825</u>	<u>84.0</u>
<u>OPERATING SUPPLIES AND EXPENSES:</u>					
261	Medical Services	11,400	0	11,400	
264	Bldg. & Grnd. Maint. Serv. & Sludge Removal	543,799	573,309	(29,510)	
321	Postage	6,200	3,479	2,721	

PAGE 1  
BUDGET VS ACTUAL EXPENSES

BUDGET ACCT. NO.	BUDGET ACCOUNTS	BUDGET F/Y 83-84	EXPENSES TO 6/30/84	BALANCE	% OF YTD EXPENSES TO BUDGET
	<u>OPERATING SUPPLIES AND EXPENSES:</u>				
322	Telephone & Telegraph	8,760	2,630	6,130	
323	Office Expense	18,150	15,094	3,056	
324	Dues & Subscriptions	4,900	5,974	(1,074)	
325	Freight, Cartage & Expenses	5,500	3,978	1,522	
326	Insurance	57,836	36,905	20,931	
327	Central Telephone Services	27,700	18,994	8,706	
331	Printing & Binding	18,500	25,829	(7,329)	
332	Advertising	7,000	4,925	2,075	
341	Mileage Allowance	3,900	2,476	1,424	
342	Out-of-State Travel	21,000	20,912	88	
343	Other Travel	100	15	85	
351	Automotive Maintenance	40,700	46,796	(6,096)	
361	Repair - Building & Structures	218,000	202,106	15,894	
362	Repair - Highway & Walks	20,000	4,606	15,394	
363	Other Repairs	96,350	63,668	32,682	
381	Rental of Outside Property	62,300	50,484	11,816	
382	Rental of Equipment	151,000	151,103	(103)	
383	Rental of Clothing	28,500	25,163	3,337	
402	Fuel Oil #2	93,000	29,913	63,087	
403	Fuel Oil #4	13,000	13,433	(433)	
406	Fuel - Gas	4,000	1,271	2,729	
409	Electricity	948,400	982,592	(34,192)	
411	Water	50,000	45,298	4,702	
420	Clothing & Clothing Material	9,060	2,299	6,761	
421	Safety Equipment	17,000	4,493	12,507	
433	Household, Laundry, Chemical Supp.	400,300	284,714	115,586	
434	Medical, Surgical & Laboratory Supp.	21,000	7,665	13,335	

## BUDGET VS ACTUAL EXPENSES

<u>BUDGET ACCT. NO.</u>	<u>BUDGET ACCOUNTS</u>	<u>BUDGET F/Y 83-84</u>	<u>EXPENSES TO 6/30/84</u>	<u>BALANCE</u>	<u>% OF YTD EXPENSES TO BUDGET</u>
<u>OPERATING SUPPLIES AND EXPENSES:</u>					
437	Bldg. & Machinery Supp. & Exp.	157,300	103,215	54,085	
441	Educational Supp. & Exp.	7,000	6,095	905	
442	Computer Supplies	250	185	65	
455	Other Operating Supplies & Expenses	<u>16,000</u>	<u>9,547</u>	<u>6,453</u>	
	<b>TOTAL OPERATING SUPP. &amp; EXPENSES</b>	<u>3,087,905</u>	<u>2,749,166</u>	<u>338,739</u>	<u>89.0</u>
<u>SPECIAL SERVICES:</u>					
262	Architect/Engineering Services	209,000	25	208,975	
263	Lectures/Education/ Prof. Services	31,500	1,500	30,000	
266	Legal Services	88,000	73,610	14,390	
267	Management/Audit Services	170,000	109,998	60,002	
268	Special Clerical Services	21,050	33,464	(12,414)	
269	All Other Special Services	<u>38,000</u>	<u>8,839</u>	<u>29,161</u>	
	<b>TOTAL SPECIAL SERVICES</b>	<u>557,550</u>	<u>227,436</u>	<u>330,114</u>	<u>40.8</u>

BUDGET VS ACTUAL EXPENSES

<u>BUDGET ACCT. NO.</u>	<u>BUDGET ACCOUNTS</u>	<u>BUDGET F/Y 83-84</u>	<u>EXPENSES TO 6/30/84</u>	<u>BALANCE</u>	<u>% OF YTD EXPENSES TO BUDGET</u>
<u>CAPITAL OUTLAYS:</u>					
651	Automotive Equipment	115,000	9,085	105,915	
653	Construction Equipment	7,000	1,803	5,197	
657	Laboratory Equipment	116,555	60,592	55,963	
658	Office Furniture & Equip.	39,300	23,286	16,014	
659	Other Equipment	153,100	48,550	104,550	
661	Building & Other Structures	85,000	45,238	39,762	
663	Improve Other Than Bldg. & Structure	<u>15,000</u>	<u>0</u>	<u>15,000</u>	
	TOTAL CAPITAL OUTLAYS	<u>530,955</u>	<u>188,554</u>	<u>342,401</u>	<u>35.5</u>
<u>DEBT SERVICE:</u>					
791	Interest	1,410,570	1,150,575	259,995	
792	Principal	<u>532,533</u>	<u>491,370</u>	<u>41,163</u>	
	TOTAL DEBT SERVICE	<u>1,943,103</u>	<u>1,641,945</u>	<u>301,158</u>	<u>84.5</u>
<u>REPLACEMENT RESERVE:</u>					
379	Equipment	<u>140,000</u>	<u>0</u>	<u>140,000</u>	
	TOTAL REPLACEMENT RESERVE	<u>140,000</u>	<u>0</u>	<u>140,000</u>	<u>0.0</u>
	GRAND TOTAL	<u>9,083,084</u>	<u>7,179,847</u>	<u>1,903,237</u>	<u>79.0</u>

### ROUTING - REQUEST

Please

READ

HANDLE

APPROVE

and

FORWARD

RETURN

KEEP OR DISCARD

REVIEW WITH ME

To Jawlyn,

This is the  
correct enclosure.

for my letter of

10.1.84

Date 10.1.84

From Eric Jarke