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December 20, 2010

Mr. Timothy J. Brown  
General Manager/Chief Engineer  
Kent County Water Authority  
P.O. Box 192  
West Warwick, RI 02893

Re: Board Meeting Minutes of November 18, 2010

Dear Mr. Brown:

Enclosed you will find the original Board meeting minutes of November 18, 2010 and the Executive Session Minutes of even date be kept in the vault with the other original minutes.

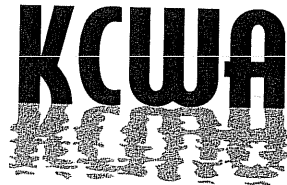
Please be advised that the Executive Session Minutes are for your eyes only and pursuant to statute at this time are not subject to records request. If you have any further questions, please feel free to contact me.

Very truly yours,

  
Joseph J. McGair

JJM:maf  
Enc.

# Agenda



Kent County Water Authority

BOARD MEETING AGENDA

November 18, 2010 – 3:30 P.M.

OFFICES OF KENT COUNTY WATER AUTHORITY

NOV 15 2010

# Agenda

Approval - Minutes of Meeting: Board Meeting – October 21, 2010

Guests:  
3:30 p.m. High Service Requests  
▪ Steven Kent, Kentco Development, 2 Old Mishnock Highway  
4:00 p.m. Sanford J. Resnick, Resnick & Caffrey, The Oaks Subdivision  
4:15 p.m. Robert Joyal, Coventry Request to Appear

Legal Counsel: Legal Matters

Director of Finance Report: Cash Report 2010  
October Closing

Point of Personal Privilege & Communication:

General Manager/Chief Engineer's Report:

Old Business:

New Business: Staff Adjustment (Proposed Organizational Chart)  
PWSB, Standard Operations Procedures, Emergency Interconnection  
Water Use & Efficiency Rules WRB, Board Direction  
Town of Coventry letter/Paving Read School House Road  
IFR Action Plan

Capital Projects: CIP-1C Mishnock Well Treatment Plant (Status)  
CIP-1B Mishnock Transmission (Design Status, FUNDING)  
CIP-2 East Greenwich Well Treatment (Pending Finalization)  
CIP-7b Read School House Road Tank (NATGUN Settlement)  
CIP-7c, 7d, 8a Read School House Water Main (Pavement Failure Board Direction  
Required)

Infrastructure Projects IFR 2006B & 2007 (Construction Status, Pavement Failure)  
IFR 2009A (Construction Status)  
IFR 2009B Design Status, (Funding Needed)  
Quaker Lane P. S. Design (Funding Needed, Easement Issues)  
IFR 2010 Design (Funding Needed)  
Tech Park Storage Tank Painting (R. O. V. Tank Inspection)

Executive Session:  
5:00 p.m. In Accordance with 42 – 46 – 5 (a) (1)  
Employee Performance Review Final Probationary Review

PO Box 192  
West Warwick, RI 02893-0192

401-821-9300

www.kentcountywater.org

## **Petrarca and McGair**

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**From:** Open Meetings Admin [openMeetings@sos.ri.gov]  
**Sent:** Friday, November 12, 2010 1:26 PM  
**To:** jjm@petrarcamcgair.com; openMeetings@sos.ri.gov  
**Subject:** SOS Open Meetings : Meeting Notice

November 12, 2010

This is your electronic confirmation for the electronic filing of meeting notice for the Kent County Water Authority. The meeting notice filed is for the meeting on: November 18, 2010 3:30:00 pm.

This notice was electronically filed on the Secretary of State Open Meetings Website on: November 12, 2010 01:26:03 pm.

Please retain this message as your official proof of electronic filing.

Sincerely,

The Open Meetings Team at  
Office of Secretary of State A. Ralph Mollis State House Room 38 Providence, RI 02903  
(401) 222-2357  
(401) 222-1404  
TTY: 711  
[openmeetings@sos.ri.gov](mailto:openmeetings@sos.ri.gov)  
os.ri.gov

## **Petrarca and Mcgair**

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**From:** Open Meetings Admin [openMeetings@sos.ri.gov]  
**Sent:** Friday, December 17, 2010 1:00 PM  
**To:** jjm@petrarcamcgair.com; openMeetings@sos.ri.gov  
**Subject:** SOS Open Meetings : Meeting Minutes

December 17, 2010

This is your electronic confirmation for the electronic filing of meeting minutes for the Kent County Water Authority. The meeting minutes filed are in for the meeting held on: November 18, 2010 15:30:00.

This notice was electronically filed on the Secretary of State Open Meetings Website on: December 17, 2010 01:00:22 pm.

Please retain this message as your official proof of electronic filing.

Sincerely,

The Open Meetings Team at  
Office of Secretary of State A. Ralph Mollis State House Room 38 Providence, RI 02903  
(401) 222-2357  
(401) 222-1404  
TTY: 711  
[openmeetings@sos.ri.gov](mailto:openmeetings@sos.ri.gov)  
os.ri.gov

KENT COUNTY WATER AUTHORITY

BOARD MEETING MINUTES

November 18, 2010

The Board of Directors of the Kent County Water Authority held its monthly meeting in the Joseph D. Richard Board Room at the office of the Authority on November 18, 2010.

Chairman, Robert B. Boyer opened the meeting at 3:30 p.m. Board Members, Mr. Gallucci, Mr. Giorgio, Mr. Inman and Mr. Masterson, were present together with the General Manager, Timothy J. Brown, Director of Administration and Finance, Joanne Gershkoff, Technical Service Director, John R. Duchesneau and Legal Counsel, Joseph J. McGair and other interested parties. Board Member Gallucci led the group in the pledge of allegiance.

The minutes of the Board meeting of October 21, 2010 were moved for approval by Board Member Masterson and seconded by Board Member Giorgio and were unanimously approved.

**GUESTS:**

**High Service Requests**

**Steven Kent, Kentco Development, 2 Old Mishnock Highway**

Mr. Kent stated that he planned a 13 lot 4.6 acres subdivision in Coventry, the water main was previously put in and he now wants water service for only one family. He showed the plan to the Board. He reiterated that the property will remain separate and there are significant wetlands on the property with a three bedroom house to be constructed on a slab.

It was moved by Board Member Inman and seconded by Board Member Masterson to conditionally approve the request for water supply to service a single family home due to there being only one lot left and environmental issues of the property with the following conditions in lieu of a moratorium:

1. The Kent County Water Authority (KCWA) is not a guarantor of water supply for this or any other approval and KCWA can only supply water reasonably available to it and therefore any applicant/customer of KCWA understands that any third party commitments made by a applicant/customer are subject to the reasonable availability of water supply and limits of the existing infrastructure to support service.

2. A deficient condition associated with accelerated commercial and residential development exists in the area serviced by the KCWA, the KCWA is in the process of planning for additional water supply and therefore delays or diminution in service may occur if the water supply is unavailable or unable to produce water sufficient to service the customers of KCWA.

3. Ventures, commitments or agreements are at the applicant's sole risk if supply or existing infrastructure is found to be insufficient to support service. The applicant may afford the Authority with system improvements to facilitate adequate service.

4. The applicant shall file a formal single family home application. The applicant/customer understands that any undetected error in any calculation or drawing or an increase or change in demand as proposed, which materially affects the ability to supply water to the site, will be the responsibility of the applicant/customer and not the KCWA.

5. Only conservation-wise plumbing fixtures are to be installed including but not limited to low flow shower heads, low flow toilets and low flow aerators on faucets.

6. If irrigation systems are installed, they must be supplied by a private well. Xeriscape landscaping technique and/or proper planting bed (high water holding capacity) soil preparation shall be employed throughout the project.

And it was unanimously,

VOTED: To conditionally approve the request for water supply to service a single family home due to there being only one lot left and environmental issues of the property with the following conditions in lieu of a moratorium:

1. The Kent County Water Authority (KCWA) is not a guarantor of water supply for this or any other approval and KCWA can only supply water reasonably available to it and therefore any applicant/customer of KCWA understands that any third party commitments made by a applicant/customer are subject to the reasonable availability of water supply and limits of the existing infrastructure to support service.

2. A deficient condition associated with accelerated

commercial and residential development exists in the area serviced by the KCWA, the KCWA is in the process of planning for additional water supply and therefore delays or diminution in service may occur if the water supply is unavailable or unable to produce water sufficient to service the customers of KCWA.

3. Ventures, commitments or agreements are at the applicant's sole risk if supply or existing infrastructure is found to be insufficient to support service. The applicant may afford the Authority with system improvements to facilitate adequate service.
4. The applicant shall file a formal single family home application. The applicant/customer understands that any undetected error in any calculation or drawing or an increase or change in demand as proposed, which materially affects the ability to supply water to the site, will be the responsibility of the applicant/customer and not the KCWA.
5. Only conservation-wise plumbing fixtures are to be installed including but not limited to low flow shower heads, low flow toilets and low flow aerators on faucets.
6. If irrigation systems are installed, they must be supplied by a private well. Xeriscape landscaping technique and/or proper planting bed (high water holding capacity) soil preparation shall be employed throughout the project.

Sanford J. Resnick, Resnick & Caffrey, The Oaks Subdivision

Mr. Resnick did not appear.

Robert Joyal, Coventry Request to Appear

Barry Yacheson, PE, from Western and Samson engaged by the Town of Coventry as an Engineer, appeared together with Coventry Town Solicitor, Richard Sherman, Esq. and Robert Joyal, Town Engineer and William Hall, Coventry Sewer Committee.

Mr. Yacheson stated that sewers are being put in which is the last utility to go in and through no fault of anyone, other utilities are causing cost issues. He stated that the streets Lake Tiogue/Arnold Road/Montana Avenue/Tiogue Avenue etc are being sewerred and it was determined that there was a need to relocate water mains. He was

asking Kent County Water Authority to monetarily assist Coventry. The General Manager stated there were no design plans shown to Kent County Water Authority. Further Kent County Water Authority does not have the funds to assist. The General Manager stated that the opening is extremely small/narrow and the roads have moved over the years. The Chairman reiterated that financial assistance cannot be offered since Kent County Water Authority is under enormous fiscal restraint.

Mr. Yacheson stated that the narrow 3 inch pipe will need upgrade. The Chairman replied that the Kent County Water Authority system has many older areas which are systematically being upgraded according to its plan which is submitted annually to the State. Mr. Yacheson stated he has received quotes are as high as \$178/ft. for replacement. Mr. Yacheson stated that 14/15 homes are without sewer and he would like to have them tied in but the utility separation is problematic. The General Manager stated that this is a tricky situation in that Kent County Water Authority would need 100 million dollars to place new pipes everywhere but Kent County Water Authority does not have the funds.

Board Member Masterson questioned him about the Department of Environmental Management assistance and why not reapply for more funds. Mr. Hall, Chairman of the Coventry Sewer Committee asked if the Board was amenable to allow a three (3) inch line albeit the minimum size is eight (8) inch today.

The General Manager stated that was the old summer colony connection was three inches and it is non-conforming and must be changed. Board Member Inman stated that the cost is \$13,000/sewer service.

Mr. Hall stated that the upgrade from 3" to 8" will add \$1,100 per resident/business from State revolving/clean water loan.

Mr. Yacheson stated that a 10% contingent fee is still in the project. The General Manager stated without the requisite funding for this infrastructure project, it would not be possible for Kent County Water Authority and he believes that \$178/ft. is very high. Mr. Yacheson stated Kent County Water Authority temporary/permanent pipes might be approximately \$96,000. The Chairman stated he would like to assist both entities and customers but would need to examine the total costs and funding mechanisms.

## **LEGAL MATTERS**

### **G-Tech**

The hearing date was held on April 27, 2009 and the DPUC issued a Division Order on May 20, 2009 which states that the Complaint filed by GTECH Corporation on July 22, 2008 against Kent County Water Authority is hereby denied and dismissed. The deadline for GTECH to file an appeal is June 20, 2009. GTECH filed an appeal on June 19, 2009 in the Providence County Superior Court to the Decision of the Division



of Public Utilities and Carriers of May 20, 2009 which ruled in favor of Kent County Water Authority. Kent County Water Authority answered the complaint on June 29, 2009 and Legal Counsel will engage in that portion of this continuing litigation. The parties have filed a consent order with the Court for the schedule of the briefs. GTECH brief was received on October 2, 2009 and Kent County Water Authority brief is due November 16, 2009. Kent County Water Authority filed their brief on November 16, 2009. GTECH did not file a reply brief and it is now up for order by the Court. Legal Counsel filed a Motion to Assign to a Judge and the assignment motion was scheduled for February 25, 2010 and was ordered on even date. The matter has been assigned to Judge Vogel, but no hearing date has been set. Legal Counsel requested that the Clerk of the Court schedule a hearing to conclude this matter and a conference with Judge Vogel was held on August 24, 2010 who stated that the Court will be rendering a decision and will give the parties notice. On November 18, 2010 Legal Counsel received the Decision from Judge Vogel which found that Kent County Water Authority Rules and Regulations precluding master metering for separately owned parcels of realty was correct and the decision of the Public Utilities Commission affirming the Kent County Water Authority Rules and Regulations was upheld.

#### Harris Mills

The company has gone into receivership. Kent County Water Authority is owed \$3,676.58. Legal Counsel will monitor for proof of claim filing. A permanent receiver was appointed. A proof of claim prepared and forwarded to the General Manager for signature on September 17, 2008 and will be filed in the Kent County Superior Court and sent to the receiver. Proof of Claim was filed and sent to Received on September 19, 2008. The proof of claim deadline was December 1, 2008. Legal counsel will continue to monitor for payment on claim. As of May 12, 2009, there has been no change in status. Petition to sell was filed by Receiver in Kent County Superior Court on June 5, 2009. Offer to property made which will allow for partial payment of claims. Legal Counsel will monitor progress of sale.

There has been no further progress regarding the sale of the Harris Mill complex in the receivership matter. Legal Counsel to contact the Receiver for a status report. New offers to purchase have come in which could allow Kent County Water Authority claim in this matter to be paid out of the receivership proceeds. As of September 14, 2009 the previous offer did not materialize. A new offer is being pursued. Legal Counsel will continue to monitor the progress of the sale. The receivership case is in the Supreme Court. On October 1, 2010 the Court approved the sale of the property and the allowed disbursements including payment of Kent County Water Authority bill. This office will continue to monitor payment. As of November 16, 2010, there has been no change and the sale has not been finalized yet.

#### Hope Mill Village Associates

The company is in receivership. Kent County Water Authority is owed \$1,632.44. Legal Counsel to prepare and file Proof of Claim. Proof of Claim was prepared and was forwarded to the General Manager for signatures. Proof of Claim

was filed in Kent County Superior Court and was sent to the receiver on August 28, 2008 and as of this date this case is still pending. Hope Mill filed Chapter 11 Bankruptcy on August 20, 2008. Kent County Water Authority was not listed as a creditor. The proof of claim was prepared and signed by the General Manager on November 14, 2008 and was filed with the Bankruptcy Court on November 18, 2008. The proof of claim filing deadline was the end of November, 2008. Pursuant to the plan of reorganization filed by Debtor on November 22, 2008, Kent County Water Authority will be paid in full upon confirmation of the plan by the Bankruptcy Court and Legal Counsel will continue to monitor. As of February 17, 2009 the Court has not scheduled a hearing for confirmation of plan. Debtor will be filing an Amended Plan in March 2009. Legal Counsel will continue to monitor. As of July 16, 2009 the Debtor has not filed an Amended Plan.

The Bankruptcy Court hearing was to be held on August 19, 2009 regarding a motion filed by Hope Mill to convert Chapter 11 to Chapter 7. Legal counsel will monitor the hearing and how the disposition of the hearing will affect the claim of Kent County Water Authority. The hearing was held on December 17, 2009. Assets purchased pursuant to Asset Purchase Agreement. Kent County Water Authority charges to be paid pursuant to Asset Purchase Agreement. Legal Counsel will follow up regarding timetable of payment to Kent County Water Authority. Legal Counsel spoke with Attorney DeAngelis on February 17, 2010 for status on payment to Kent County Water Authority.

Legal Counsel spoke with Attorney DeAngelis on May 13, 2010 and Mr. DeAngelis stated that a final closing has yet to be scheduled, but should be scheduled in the near future. There has been no further progress on scheduling a closing as of November 16, 2010, however, it will continue to be monitored.

#### West Greenwich Technology Tank/Rockwood

This matter may be in litigation in that Rockwood Corporation had failed to take any steps and continually denied Kent County Water Authority efforts to take any steps in the painting issues inside of the tank and on February 16, 2009 their surety, Lincoln General Insurance Company, denied the claim as well. The matter was reviewed between the General Manager and Legal Counsel. Rockwood sent a proposal to Legal Counsel on March 31, 2009 and the General Manager weighed the same and a response was sent to Rockwood on April 24, 2009. On May 2, 2009 Rockwood sent another proposal and the General Manager responded to the same on May 8, 2009 requesting a written remedial plan proposal within ten days. On May 8, 2009 Rockwood responded by asking the General Manager to reconsider his position. On May 12, 2009 the General Manager sent correspondence to Rockwood stating the Authority will await Rockwood comments to KCWA letter of May 8, 2009. On May 13, 2009 Rockwood provided an additional response to the KCWA letter of May 8, 2009 with questions. On May 13, 2009 the General Manager sent correspondence agreeing to provide Rockwood with more time to complete a plan of remediation for an additional 10 days. On May 14, 2009, Rockwood sent a response and the General Manager,

Merithew and Rockwood to have an informal meeting to work out details. The meeting took place and the Authority is monitoring the efforts of Rockwood to remedy the situation. The tank was recently dry inspected and the vendor remediated the same. Kent County Water Authority is awaiting final inspection of the tank with respect to the remediation. Rockwood has performed work at the site and it is necessary to have a final inspection after the tank has been filled. The tank has been filled and inspection is moving forward. This has been concluded. However, inspection followed which disclosed that there were more paint issues. On July 22, 2010, Legal Counsel notified the Bonding Company regarding action to correct. This will be further discussed by the General Manager in IFR projects. This matter is being discussed which may include litigation.

### Comptroller of the Currency

On October 16, 2008, Kent County Water Authority resolved to change the Trustee from US Bank to Bank of NY Mellon regarding 2001/2002/2004 bond issue trust administration to be effective January 23, 2009. That on October 17, 2008, Kent County Water Authority timely notified US Bank concerning the transfer of trusteeship. On approximately January 20, 2009, the US Bank announced that it would require \$6,650.00 as transfer fees to accomplish ownership to the Bank of NY Mellon. Additionally, the US Bank kept \$1,667.67 of fees that were previously unused. That in order for the closing and transfer to take place, Kent County Water Authority on January 22, 2009 paid the sum of \$6,650.00 under protest and stated its displeasure with the US Bank and thereby stating that it would not jeopardize its bondholders and therefore paid the same and also sent a copy to the Controller of the Currency. On March 4, 2009 the Controller of the Currency stated that the US Bank would be replying directly to Kent County Water Authority. On March 11, 2009 Kent County Water Authority received a response from US Bank which was totally unsatisfactory. On March 31, 2009, Kent County Water Authority notified the Controller of the Currency concerning the unsatisfactory response of US Bank dated March 11, 2009 and reiterated its position. On June 30, 2009 US Bank sent a check in the amount of \$1,666.67 and it was received by Legal Counsel on July 6, 2009, saying that the same was a bookkeeping error as exhibited on the check. That on July 7, 2009 Kent County Water Authority sent a letter to US Bank with a copy to the Controller of the Currency that the amount for advance services paid was acknowledged and that Kent County Water Authority has not acknowledged its exception to extracting at the 11<sup>th</sup> hour ransom of \$6,650.00 on January 12, 2009 and it will continued pursuit of its claim with the Controller of the Currency. A follow up letter was sent to the Controller of the Currency on August 21, 2009 and will await a response. A follow up letter was sent on December 17, 2009. The General Manager received a response from the Comptroller of the Currency on January 8, 2010 and on January 11, 2010, Legal Counsel received a response letter from the Comptroller of the Currency which deemed that the complaint is still active. Legal Counsel has been monitoring the status via the website provided by the Comptroller and there is no updated status as of May 20, 2010 and Legal

Counsel sent follow up letters on May 20, 2010, September 15, 2010, October 8, 2010 and November 17, 2010. There has been no response received to the follow-up letters.

Spectrum Properties, The Oaks, Coventry, Rhode Island

Legal Counsel for the developer forwarded on July 13, 2009 to Kent County Water Authority Legal Counsel for comment on the proposed form of easement deeds with respect to the residential subdivision. On July 29, 2009, Legal Counsel for Kent County Water Authority sent a response to Attorney William Landry setting forth comments to the proposed form of deeds. Legal Counsel received revised deeds from Attorney Landry on September 10, 2009 and they have been forwarded to the General Manager for review and have been approved by the General Manager. On September 24, 2009, Legal Counsel forwarded to Attorney Landry correspondence stating that the form of easement deed has been approved by Kent County Water Authority and for Attorney Landry to forward the original executed deeds to Kent County Water Authority for execution of acceptance. Legal Counsel has not received the deeds to date therefore Legal Counsel forwarded status inquiry correspondence to Attorney Landry on November 18, 2009. Attorney Landry replied to Legal Counsel on November 23, 2009 stating that the developer is in the midst of scheduling a final approval hearing with the Town and Attorney Landry will provide Legal Counsel for KCWA with the anticipated timetable for final approval and recording of the deeds upon Mr. Landry's receipt of this information.

Legal Counsel pursuing Attorney Landry for status of his receipt of timetable for municipal approvals. Legal Counsel telephoned Attorney Landry and left a voicemail message as to status and subsequently forwarded correspondence to Attorney Landry on March 11, 2010. On May 11, 2010, Legal Counsel forwarded subsequent correspondence to Attorney Landry inquiring as to the status of the matter. The Developer contacted Legal Counsel directly and informed her that final approvals have not been received. Sanford J. Resnick, Esq. forwarded correspondence on September 17, 2010 to the Chairman informing of his representation of the developer and a request to appear before the Board to discuss inspection fees. The correspondence further stated that the municipal approval process is underway.

257A Mishnock Road, West Greenwich, RI

Legal Counsel was contracted by Thomas Goldberg, Esq., Attorney for Wendy Lasalle, current owner of property formerly owned by her late father, Robert Broadhurst. The subject property was occupied by Mr. Broadhurst for over 40 years and is landlocked. Ms. Lasalle is now desirous of selling the real estate and Anthony Q. Cofone, Esq., represents the prospective buyer and is requesting an ingress/egress easement from Kent County Water Authority over its Mishnock land. There is an existing, unimproved roadway formerly utilized by Mr. Broadhurst for access to the property. Attorney Cofone provided Legal Counsel with some recorded maps showing access to the site and Legal Counsel met with Mr. Cofone on June 16, 2010 to review title as Mr. Cofone claims pre-existing rights of way/access. Legal Counsel requested

Mr. Cofone memorialize in writing the claim for pre-existing access rights for presentment to the Board. On July 19, 2010, Legal Counsel received correspondence from Attorney Coffone setting forth the title issue and request for easement. On July 29, 2010, Kent County Water Authority informed Attorney Coffone via writing that the prescriptive easement rights set forth in his July 16, 2010 correspondence obviates the need for Kent County Water Authority to provide easement rights to the owner with respect to the wellhead protection land of Kent County Water Authority.

As of November 16, 2010 no response has been received from Attorney Coffone.

DPUC: Mai Tai Investments Docket No.: D10-111

Mai Tai Investments of Coventry filed a complaint against Kent County Water Authority because of a billing dispute. The matter is new and Kent County Water Authority has responded with a data request and a hearing will be held thereafter. On September 23, 2010, Mr. Iacono requested an extension of 30 days to response or object to KCWA data requests in order to seek counsel. This matter is on hold until Mr. Iacono retains counsel.

West Greenwich/RI 2009 Pilot

On September 22, 2010, correspondence was received from the Solicitor for the Town of West Greenwich forwarding a PILOT for real estate acquired by Kent County Water Authority in 1997. The Town is requesting payment in the amount of \$4,228.26 for the 2009 PILOT. Legal Counsel and the General Manager reviewed historical files with respect to the PILOT. On October 27, 2010 Legal Counsel met with the Tax Assessor and provided the Assessor with historical correspondence and information from the former assessor. On November 12, 2010, Legal Counsel received correspondence from the Town Administrator requesting more tax revenue from Kent County Water Authority. The former assessor established the annual PILOT in 1996 and 1997 @ \$364.43 under an open space designation. The PILOT for all properties under the statute totals approximately \$4,200 per year. Legal Counsel will respond to the Town Administrator at the request of the Board.

**Director of Finance Report:**

The General Manager stated that the poor state of the economy continues to hamper the collection process and Kent County Water Authority is working very diligently on collections.

Joanne Gershkoff, Finance Director, explained and submitted the financial report and comparative balance sheets, statements of revenues, expenditures, cash receipts, disbursements attached as "A" through October, 2010, and after thorough discussion, especially with regard to the sales and revenue shortfalls which will be dismissed for the winter months. The restricted accounts were all funded for the period. The problem will be felt in the moratorium period.

Board Member Gallucci moved and seconded by Board Member Giorgio to accept the reports and attach the same as an exhibit and that the same be incorporated by reference and be made a part of these minutes and it was unanimously,

VOTED: That the financial report, comparative balance sheet and statement of revenues, expenditure, cash receipts, disbursements attached as "A" through October, 2010 be approved as presented and be incorporated herein and are made a part hereof.

### **Point of Personal Privilege and Communications:**

A request by the General Manager was made to add to the Agenda 767 Providence Street for discussion only and it was moved by Board Member Gallucci and seconded by Board Member Masterson to approve to add 767 Providence Street to the Agenda for discussion only and it was unanimously,

VOTED: To approve to add 767 Providence Street to the Agenda for discussion only.

Discussion ensued with no action taken.

Board Member Giorgio stated a complaint was received by him at 2 Dumont

Farm Road in Coventry for the General Manager to review.

### **GENERAL MANAGER/CHIEF ENGINEER'S REPORT**

#### **New Business**

#### **Staff Adjustment (Proposed Organization Chart)**

The General Manager stated that there has been several iterations of organization over the years and the latest for consideration of current status, proposed, interim and future which is evidenced and attached as "B".

The Chairman stated that companies such as Clarion are gone forever. The General Manager stated that Amgen/Kent Hospital and condominiums now represent largest users of the Kent County Water Authority system water. He stated that the new treatment plant will assist with the amount of Kent County Water Authority water production. He said that pumpage concerns in the High Service gradient with regard to treatment transmission is still a factor and Quaker pumping station will be similarly affected without CIP funds and pump warranty issues. He cautioned that the treatment plant must come on line. The General Manager stated that Exhibit "B" demonstrates Kent County Water Authority savings by producing Kent County Water Authority water and the treatment will handle all except volatiles. He stated that financing options would necessitate Bond Counsel consultation. He stated that PUC involvement would

be essential especially for additional personnel. The Chairman agreed that funding is the paramount concern.

#### PWSB, Standard Operations Procedures, Emergency Interconnection

The General Manager pointed to the memo of November 5, 2010 as evidenced and attached as "C". The General Manager stated that the PWSB pumps need to operate and not be sporadic and Kent County Water Authority has to pay for the electric power and water. The General Manager stated he wants to modify the standard operating procedure to allow for the efficient and safe operation of the same.

#### Water Use & Efficiency Rules WRB, Board Directions

The General Manager stated that the purpose of the new treatment plant is to enhance water supply to the high and low service gradients for life sustaining purposes especially if another water catastrophe happened similar to the Providence Water Supply Board aquaduct and he cautioned that Amgen takes approximately one-half of the Kent County Water Authority capacity. The General Manager presented a self-explanatory memorandum of November 4, 2010 as evidenced and attached as "D". The General Manager said that a mandated public hearing for the statewide Water Resources Board proposed rules will be held next year and Kent County Water Authority has already voiced its opposition. He stated that the proposed rules mandate 65 gallons per day per customer and will be based upon building codes for five year implementation. He stated that this type of consumption will cause rates to double which will be a more of a problem in dry years and unaccounted for water will be more problematic and every service will need meters including the fire companies. He said that Kent County Water Authority will remonstrate against the proposed rules at the future public hearings.

#### Town of Coventry letter/Paving Read School House Road

On November 3, 2010 a letter was sent by Coventry Public Works regarding Read School House Road as evidenced and attached as "E".

#### IFR Action Plan

The General Manager showed by using the system map that would like to modify paving as evidenced and attached as "F" as the revised budget IFR funding. This will be further discussed.

Board Member Inman withdrew from the meeting due to pressing personal business.

Employee Review (5:00 p.m.)

The Chairman stated that the employee affected was notified in writing on November 4, 2010 at 12:01 p.m., that a discussion concerning a final review under probationary employment and job performance was to be held in executive (closed) session at 5:00 p.m. by the Board of Kent County Water Authority unless the employee affected required the proceeding to be held at an open meeting. The employee affected did respond and did appear and requested that the meeting be in executive (closed) session.

After the notice statement was read by the Chairman, the Chairman declared that it be noted in the minutes of the meeting that R.I.G.L. 42-46-5(a)(1) has been fully complied with.

Board Member Masterson moved and Board Member Giorgio seconded the motion to move into executive session for the discussion of job performance, character, physical or mental health pursuant to R.I.G.L. 42-46-4 and 42-46-5(a)(1) and it was unanimously of the Board Members present,

VOTED: To enter into executive session for discussion of personnel matters pursuant to R.I.G.L. 42-46-4 and 42-46-5(a)(1).

Board Member Masterson moved and Board Member Giorgio seconded to exit executive session and to keep the executive session minutes closed and that the minutes shall remain under seal pursuant to R.I.G.L. 42-46-4 and 42-46-5 and it was unanimously of the Board Members present,

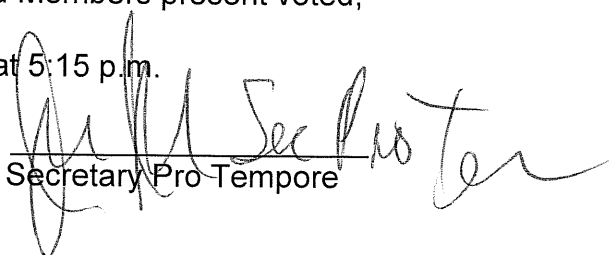
VOTED: To exit executive session and to keep the executive session minutes closed and that the minutes shall remain under seal pursuant to R.I.G.L. 42-46-4 and 42-46-5.

**CAPITAL PROJECTS:**  
**INFRASTRUCTURE PROJECTS**

All other Capital Projects and Infrastructure Projects were addressed by the General Manager and described to the Board by the General Manager with general discussion following and are evidenced and attached as "G".

Board Member Giorgio made a Motion to adjourn, seconded by Board Member Masterson and it was unanimously of the Board Members present voted,

VOTED: To adjourn the meeting at 5:15 p.m.

  
Secretary Pro-Tempore



# **EXHIBIT A**

Kent County Water Board Meeting

November 18, 2010

KENT COUNTY WATER AUTHORITY  
CASH RECEIPTS & DISBURSEMENT  
FY 2010 - 2011

	JULY 2010	AUGUST 2010	SEPTEMBER 2010	OCTOBER 2010	NOVEMBER 2010	DECEMBER 2010	JANUARY 2011	FEBRUARY 2011	MARCH 2011	APRIL 2011	MAY 2011	JUNE 2011	RATE REVENUE FY 09-10	RATE REVENUE FY 10-11
<b>BEGINNING MONTH BALANCE</b>	31,658,965	29,755,919	30,254,970	29,996,609									JUL \$ 1,260,704.09	1,608,812.79
<b>CASH RECEIPTS:</b>													AUG \$ 1,086,327.67	1,588,116.69
Water Collections													SEP \$ 2,566,722.88	3,697,980.21
Interest Earned	2,224,217	1,692,403	1,654,242	3,434,063									OCT \$ 1,362,068.07	1,740,472.00
Inspection Fees	24,549	243	243	233									NOV \$ 1,022,260.62	
Contribution in Aid-Construction													DEC \$ 1,966,266.00	
Other													JAN \$ 977,666.96	
<b>TOTAL CASH RECEIPTS</b>	33,887,731	31,448,565	31,909,455	33,430,905									FEB \$ 943,649.71	
<b>CASH DISBURSEMENTS:</b>													MAR \$ 1,887,332.96	
Purchased Water	444,539	656,595	553,076	315,423									APR \$ 1,106,048.00	
Electric Power	37,587	42,039	38,257	58,524									MAY \$ 991,050.62	
Payroll	151,636	133,721	163,928	133,626									JUN \$ 2,263,749.00	
Operations	58,917	81,773	46,768	59,268										
Employee Benefits	1,456	140,703	127,440	90,832										
Legal	5,102	5,295	3,102	3,173										
Materials	42,978	39,638	44,509	53,103										
Insurance	10,883	10,893	4,137	5,446										
Sales Taxes	30,244	13,081	12,698	39,098										
Refunds	86	823	17,379	4,493										
Rate Case		3,412												
Conservation														
Pilot	11,650													
Capital Expenditures (Other)														
2004 Infrastructure		23,229												
Mishnock Well/Storage/Pump/Trans. 221C														
Clinton Avenue Pump Station														
E. G. Well Upgrade	1,960	3,230	4,080	5,383										
Read Schoolhouse Road - Mains		1,775	263,714	1,130										
Read Schoolhouse Road - Tank														
Greenwich Avenue - 8" & 12" Mains														
2006A Infrastructure	7,848													
Quaker Lane Pump Station														
2007 Infrastructure	13,462	10,735	284,084	7,329										
Garcon Street 8"														
Arthur-Bleach-Jefferson 8"														
2009 Infrastructure	23,451	26,654	254,978	352,384										
2010 Infrastructure	290													
Tobin Street 8"														
Lemoine Court														
Mishnock Transmission Main														
Mill Street & Hope														
Prospect Street														
286B														
U. S. Bank - Debt Service (P. & I.)	3,218,553													
Water Protection	71,169.49		94,696											
<b>TOTAL DISBURSEMENTS</b>	4,131,812	1,193,595	1,912,845	1,129,213										
<b>BALANCE END OF MONTH</b>	29,755,919	30,254,970	29,996,609	32,301,692										

11 A

CASH LOCATION  
FISCAL YEAR 10-11

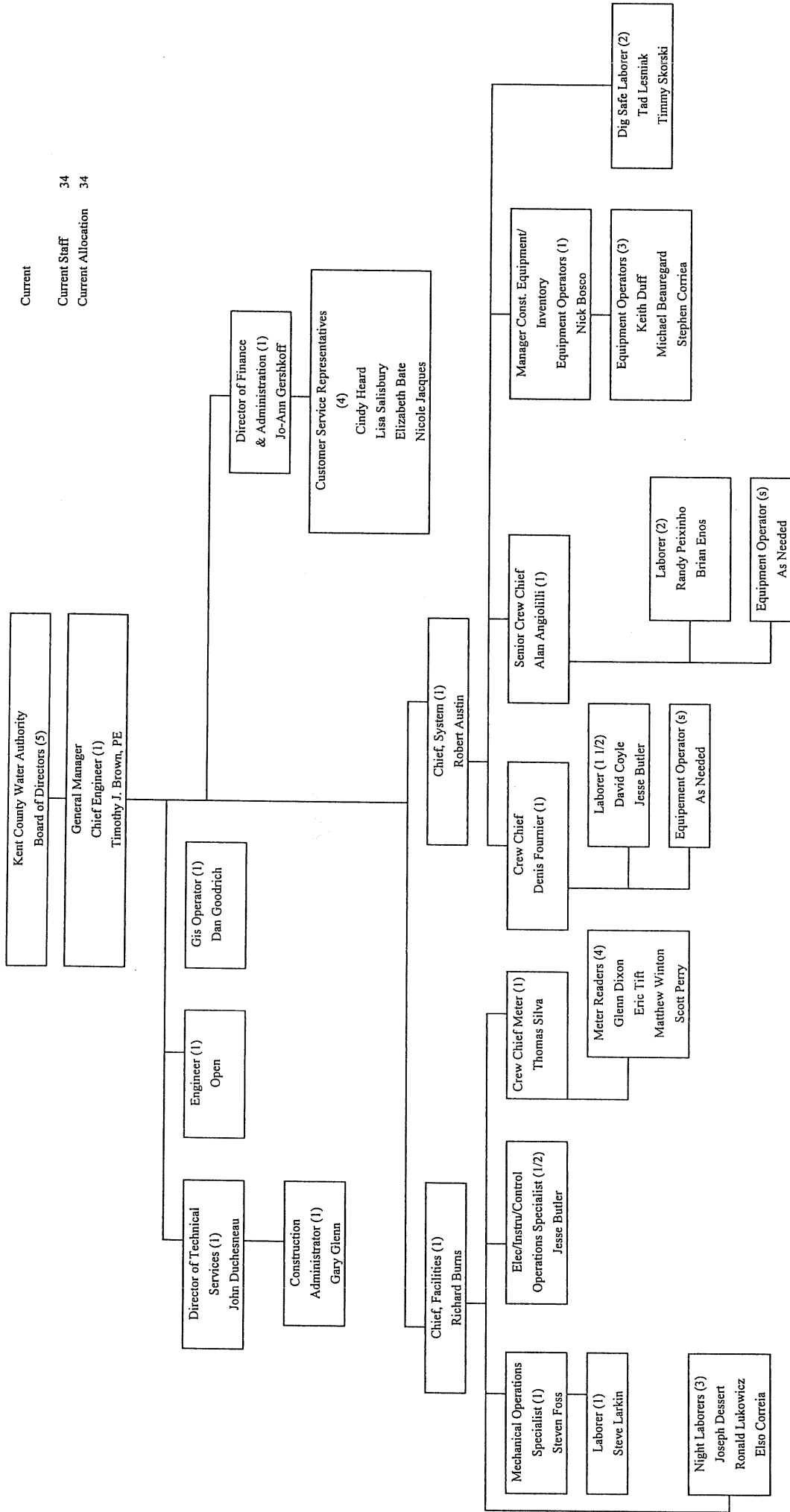
CASH LOCATION:	JUL 2010	AUG 2010	SEP 2010	OCT 2010	NOV 2010	DEC 2010	JAN 2011	FEB 2011	MAR 2011	APR 2011	MAY 2011	JUN 2011
<b>\$</b>	40,000.00	40,000.00	40,000.00	40,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Citizens Bank - Payroll	258,444.05	349,368.84	122,231.47	567,694.56								
Fleet Bank - Deposit	132,924.60	44,652.45	77,225.63	383,925.46								
Fleet Bank - Checking	431,368.65	434,021.29	239,437.10	991,620.02								
<b>U. S Bank - Project Funds</b>												
Revenue	1,267,199.91	502,656.58	428,013.03	1,505,908.61								
Infrastructure Fund	4,123,975.83	5,024,007.34	4,968,094.38	5,082,221.95								
Operation Reserve	105,911.89	130,217.20	121,524.58	145,830.24								
Operation & Maintenance Reserve	2,367,248.06	2,367,268.20	2,367,288.35	2,367,307.84								
Renewal & Replacement Fund	271,558.53	279,894.06	288,229.59	296,565.28								
General Project - 2001	786,040.67	786,047.43	786,054.21	786,060.76								
Debt Service Fund - 2001	94,610.72	160,135.17	225,657.83	291,180.49								
Debt Service Reserve - 2001	781,125.00	781,125.00	781,125.00	781,125.00								
Cost of Issuance - 2001												
General Project - 2002	16,031,876.73	16,032,012.87	15,771,006.39	15,771,137.49								
Debt Service Fund - 2002	214,312.11	371,138.67	527,960.95	684,784.45								
Debt Service Reserve - 2002	1,823,560.01	1,823,560.01	1,823,560.01	1,823,560.01								
Cost of Issuance - 2002												
Debt Service Fund - 2004	178,432.27	284,187.43	389,938.98	495,691.37								
Debt Service Reserve - 2004	1,278,698.33	1,278,698.33	1,278,698.33	1,278,698.33								
Cost of Issuance - 2004												
Redemption Account - 2004												
<b>\$</b>	29,755,918.71	30,254,969.58	29,996,608.73	32,301,691.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

# **EXHIBIT B**

Kent County Water Board Meeting

November 18, 2010

Kent County Water Authority  
Organizational Chart



Current

Current Staff 34

Current Allocation 34

11B

# Kent County Water Authority Organizational Chart

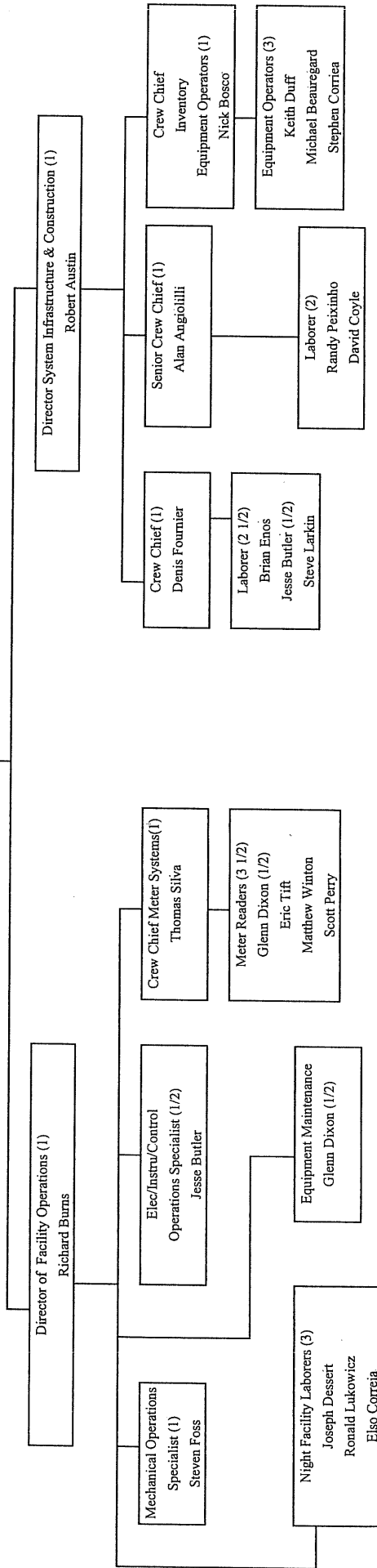
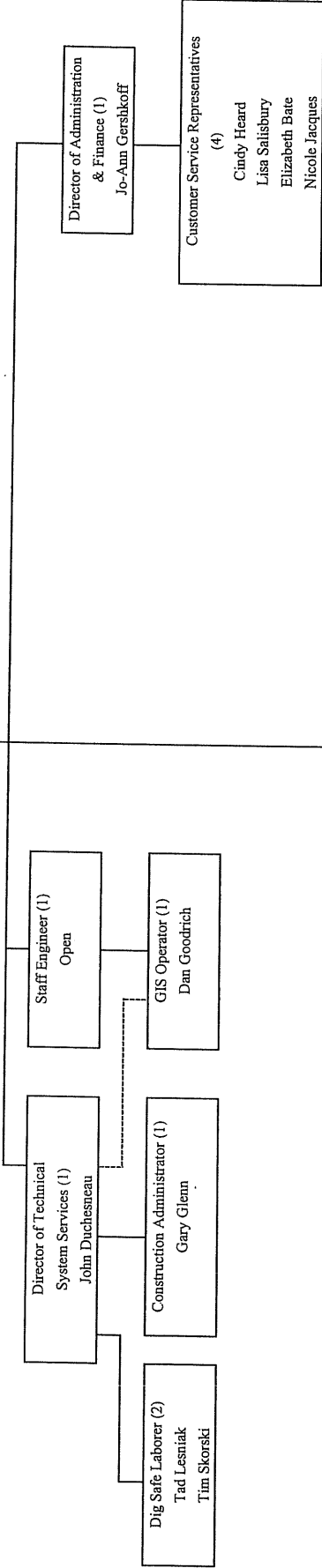
Kent County Water Authority  
Board of Directors (5)

General Manager/Chief Engineer (1)  
Timothy J. Brown, P. E.

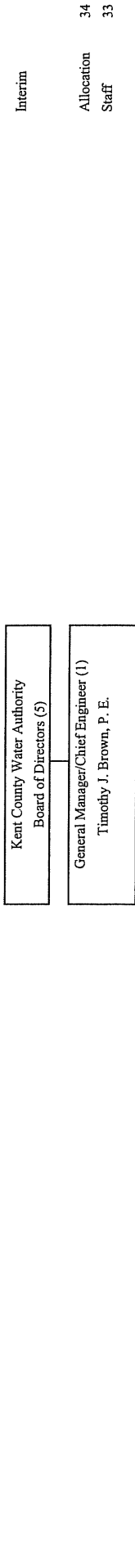
Proposed

Current Staff 34

Current Allocation 34

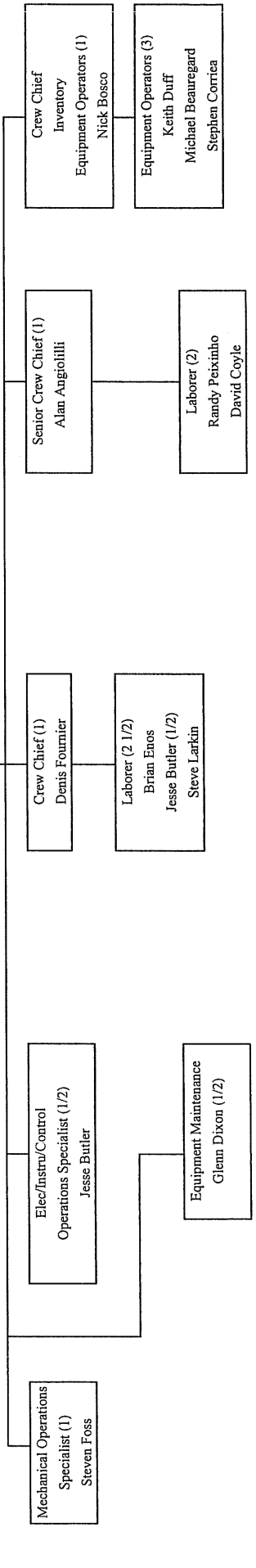
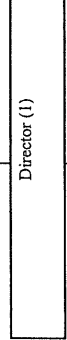
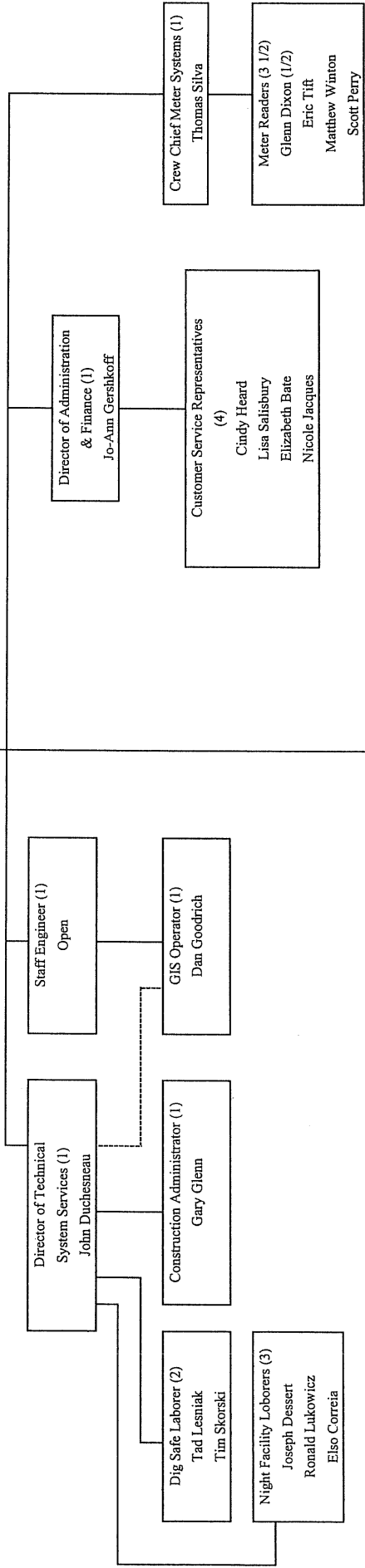


# Kent County Water Authority Organizational Chart

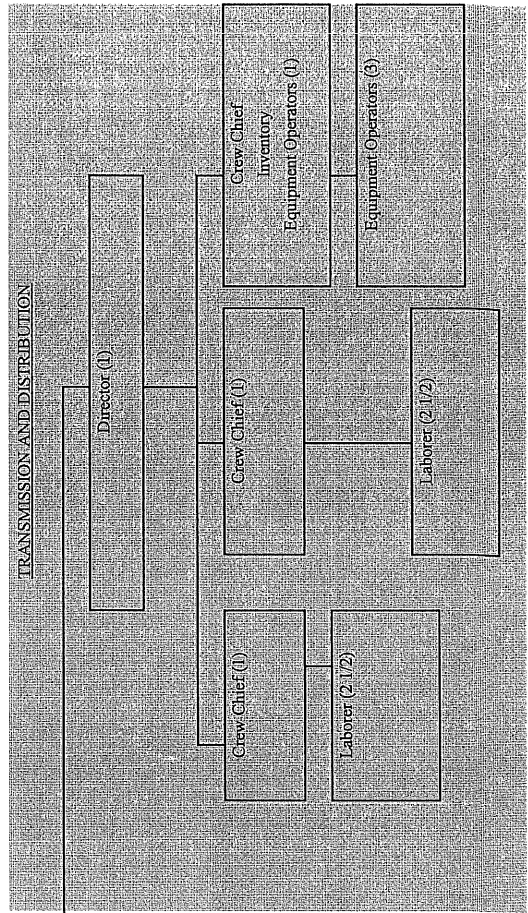
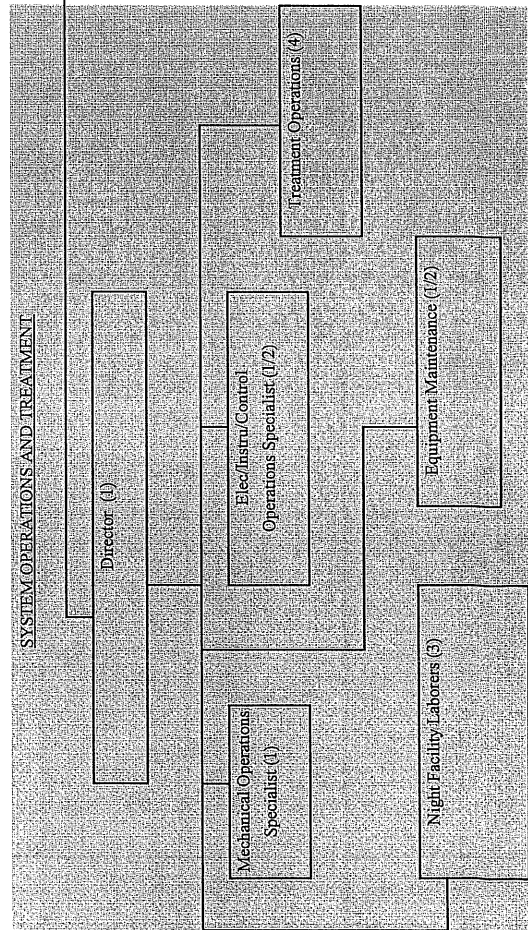
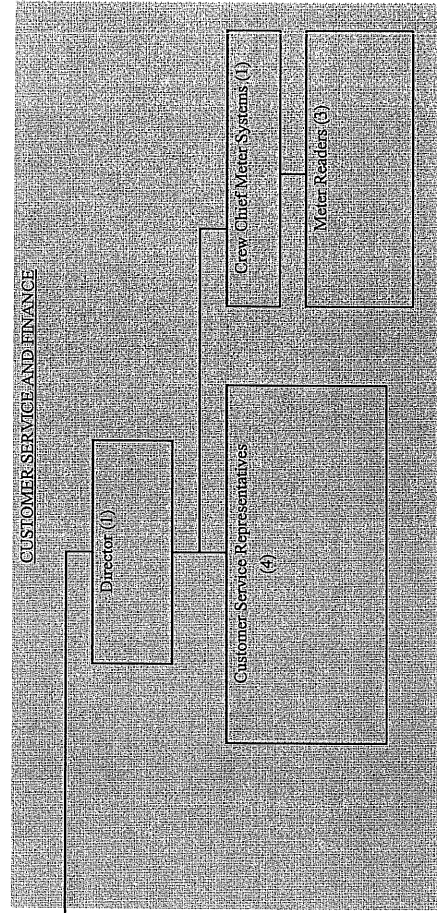
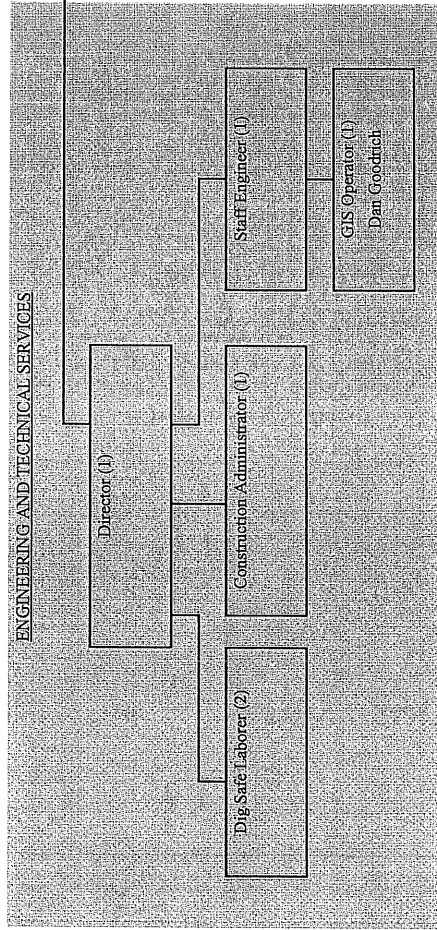
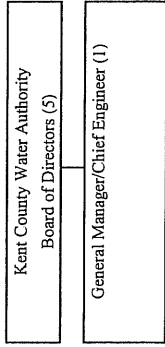


Interim

Allocation  
Staff 34  
33



# Kent County Water Authority Organizational Chart



Future

Staff Needs 38



# **EXHIBIT C**

Kent County Water Board Meeting

November 18, 2010

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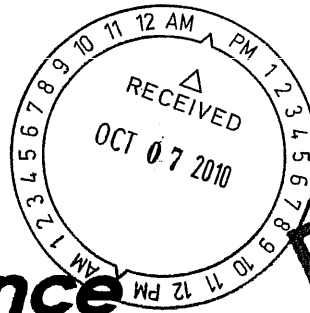
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# MEMO

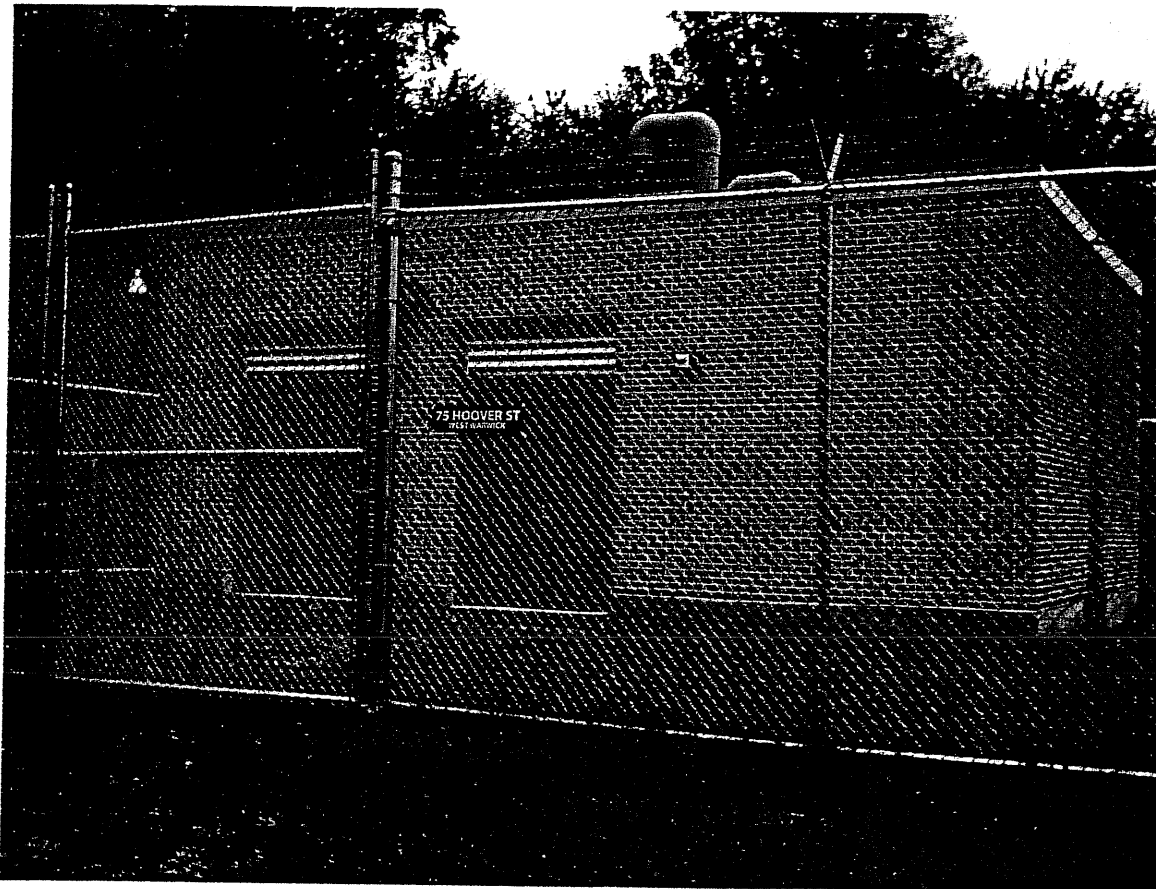
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**To:** Board Members  
**From:** Timothy Brown  
**Subject:** Standard Operating Procedure Emergency Interconnection Providence Water  
**Date:** November 5, 2010

Attached is a procedure provided to us by Providence Water for operations of the Emergency Interconnection within our system. This is for the Board's review, comment, modification and/or approval at the November meeting. This is an extremely important item. The Board should be familiar with the operational sequence being proposed prior to making any decision on acceptance of this as it will have an economic and staffing requirement from the Authority.



*Standard Operating Procedure for Exercising Pumps at Structure "D"*



*Structure "D" Pumping Station  
75 Hoover Street  
West Warwick, RI*

**PROVIDENCE WATER SUPPLY BOARD**  
**Standard Operating Procedure for Exercising Pumps at Structure "D"**

**DRAFT**

Exercising of pumps will take place every 2 weeks in alternation operational modes as follows:

- Operational Mode 1: Pumping water into the KCWA system for a period of 2 hours.
- Operational Mode 2: Pumping water through the Multiple Orifice Valve (MOV) with the re-circulation to the tunnel shaft for a period of 2 hours.

**Mode 1- Supply into the KCWA System**

1. Notify the KCWA of the date and time that the pumps will be operated two days in advance of the scheduled pump operation.
2. Open valves V1A & V2A and open Hydrant-A; then activate the submersible pump(s) in the manual mode at about 1100 rpm and in accordance with Flowserve's operation manual (copy attached) and flush pumps through the hydrant. Flush until water is clear and then shut both pumps off. See attached piping schematic (MODE 1) SUPPLY INTO KCWA SYSTEM.
3. Close valves V1A & V2A and open valves V4 & V5 and flush 20-inch line through Hydrant-A. See attached piping schematic (MODE 1) SUPPLY INTO KCWA SYSTEM.
4. Flush until water is clear then close Hydrant-A and re-open valves V1A & V2A.
5. Take meter readings of both the Flow and Electric meters.
6. Prepare station for operation by following the instructions in the "Control System Manual" dated April 2008 with particular attention given to the section on page 12 entitled "Step by Step Run Instructions" for the pumps (copy attached).
7. Set the pump(s) to maintain a set discharge pressure (variable speed) per discussion and agreement with KCWA. Discharge pressure should be approximately 60 psi.
8. If only one pump is to run in conjunction with the KCWA Clinton Ave pumping station continuing to operate, after one hour of operation switch to the second pump so each pump is operated an equal amount of time.
9. Record system information (flow rate, total flow, discharge pressure, shaft water level, pump speed, motor amperage, temperature of motor stator housing) at 15-minute intervals throughout the entire exercise process.
10. When the station has run for the specified period of time, stop the pumps in accordance with the "Control System Manual" and return the station (all components and valves) to their previous lockout and shutdown status. See attached piping schematic LOCKDOWN AND SHUTDOWN PLAN.
11. Take a final Flow and Electric meter reading.
12. Record any problems, irregularities, or operational concerns to Plant maintenance supervisors and Engineering Department.
13. Prepare an operational memo, which briefly discusses the conducted exercise and file the memo along with all recorded information in steps 7 and 9 with PWSB maintenance records.

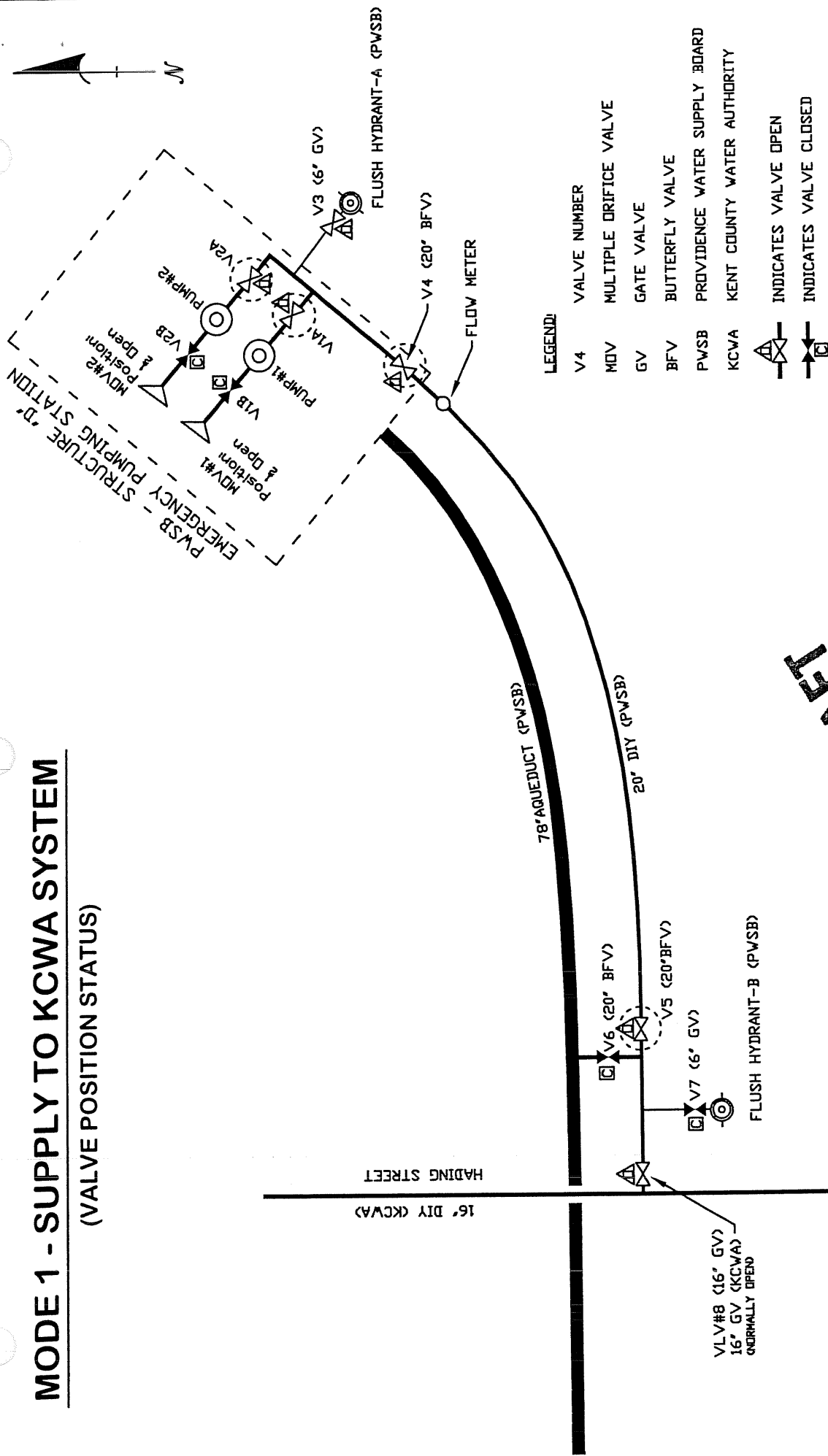
## Mode 2 - Recirculation to the Tunnel Shaft through MOV

1. Prepare station for operation by following instructions in the "Control System Manual" dated April 2008 with particular attention given to the section on page 12 entitled 'Step by Step Run Instructions' for the multiple orifice valves (copy attached).
2. Verify that valve (V4) is closed on the discharge header at the south wall of the station. See attached piping schematic (MODE 2) RECIRCULATION THROUGH MOV.
3. Verify that valves (V1B & V2B) on the suction header leading to each MOV are closed.
4. Open valves (V1A & V2A) on the discharge header for each pump and open Hydrant-A on the east side of Structure "D".
5. Activate the submersible pump(s) in the manual mode at about 1100 rpm and in accordance with Flowserve's operation manual (copy attached).
6. Flush the 20-inch discharge header and each 12-inch discharge pipe utilizing Hydrant-A. Flush until water is clear and then shut both pumps off and then shut Hydrant-A.
7. Shut valves (V1A & V2A).
8. Open valves (V1B) to MOV#1.
9. Manually open MOV#1 and operate Pump#1 in re-circulation to the tunnel shaft through the MOV for a period of 1 hour.
10. Shut off Pump#1 and close and secure valve (V1B).
11. Repeat steps 8 - 10 for Pump#2 and MOV#2.
12. Record system information (pump speed, motor amperage, temperature of motor stator housing) at 30 minute intervals throughout entire exercise process.
13. Following the conclusion of the exercise process, check to confirm that the station is fully returned to its lockdown and shutdown status. See attached piping schematic LOCKDOWN AND SHUTDOWN PLAN.
14. Record any problems, irregularities, or operational concerns to Plant maintenance supervisors and Engineering Department.
15. Prepare an operational memo, which briefly discusses the conducted exercise and file the memo along with all recorded information in steps 12 and 14 with PWSB maintenance records.

DRAFT

# MODE 1 - SUPPLY TO KCWA SYSTEM

(VALVE POSITION STATUS)



**DRAFT**

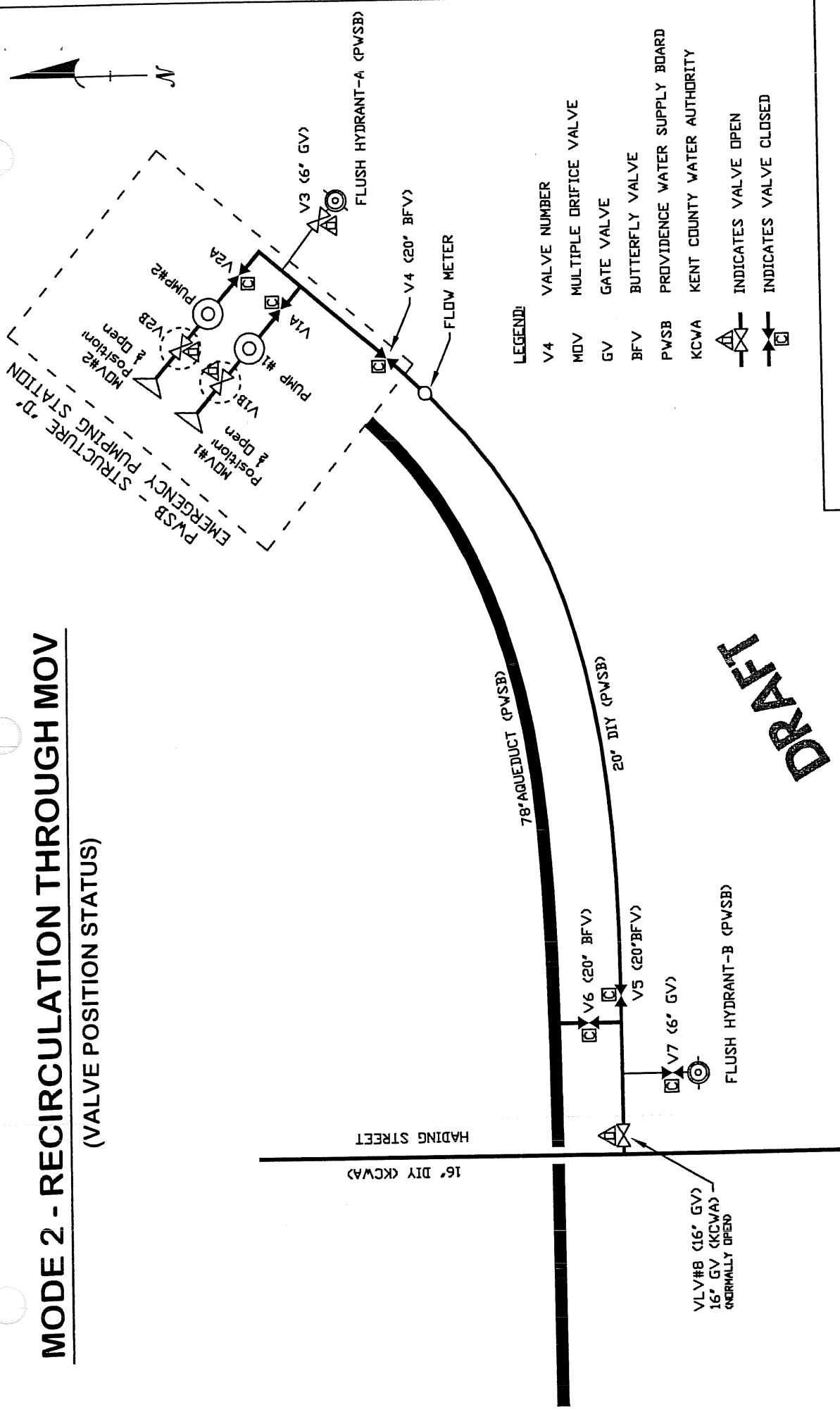
**PROVIDENCE WATER  
STRUCTURE "D" EMERGENCY  
PUMPING STATION  
- PIPING SCHEMATIC -**

VALVES TO BE OPENED FOR SUPPLYING KCWA



# MODE 2 - RECIRCULATION THROUGH MOV

(VALVE POSITION STATUS)



**LEGEND:**

- V4 VALVE NUMBER
- MOV MULTIPLE ORIFICE VALVE
- GV GATE VALVE
- BFV BUTTERFLY VALVE
- PWSB PROVIDENCE WATER SUPPLY BOARD
- KCWA KENT COUNTY WATER AUTHORITY
- INDICATES VALVE OPEN
- INDICATES VALVE CLOSED

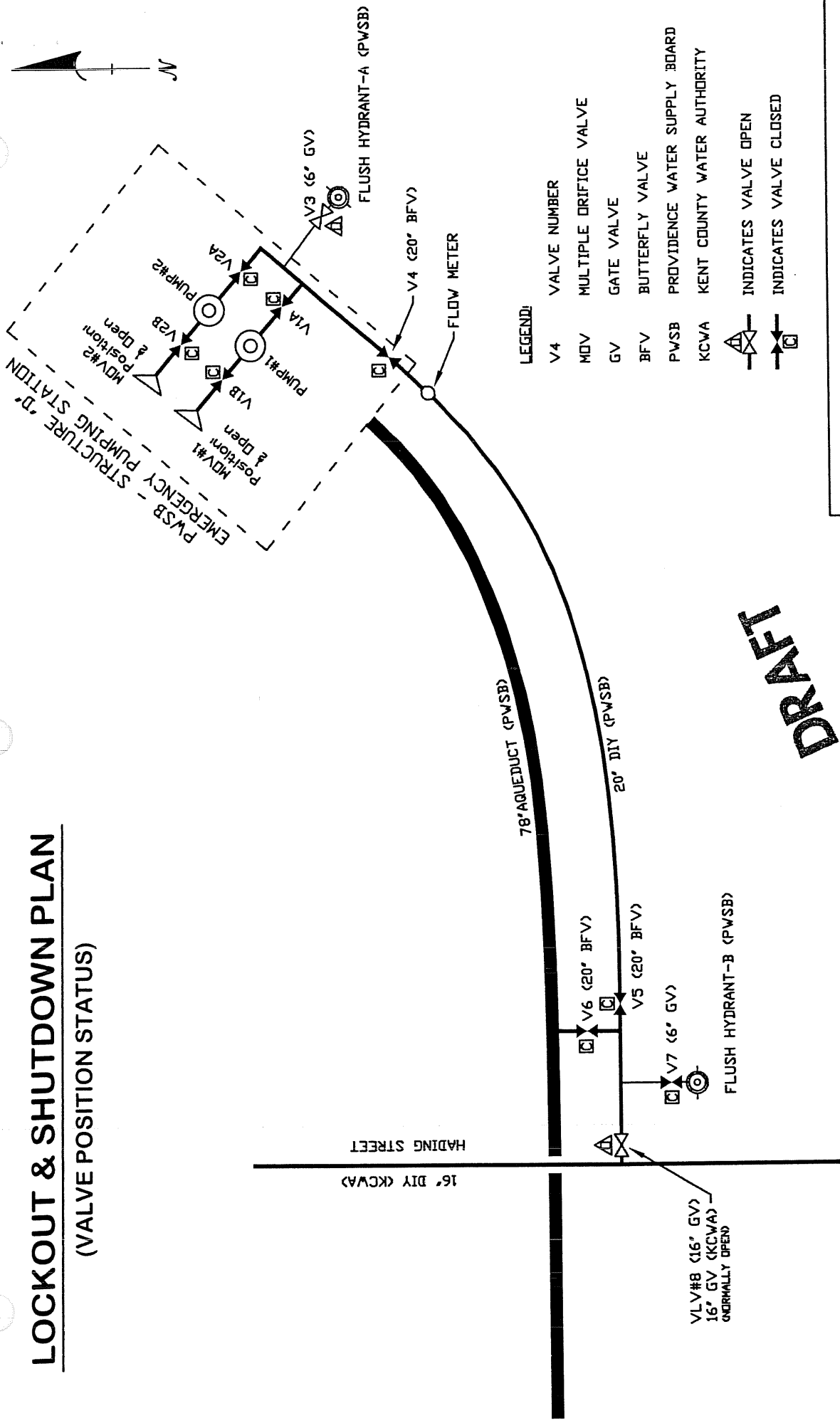
**DRAFT**

**PROVIDENCE WATER  
STRUCTURE "D" EMERGENCY  
PUMPING STATION  
- PIPING SCHEMATIC -**

VALVES TO BE OPENED FOR RECIRCULATION THROUGH MOV



# LOCKOUT & SHUTDOWN PLAN (VALVE POSITION STATUS)



**LEGEND:**

- V4 VALVE NUMBER
- MDV MULTIPLE DRIFT VALVE
- GV GATE VALVE
- BFV BUTTERFLY VALVE
- PWSB PROVIDENCE WATER SUPPLY BOARD
- KCWA KENT COUNTY WATER AUTHORITY
- ▲ INDICATES VALVE OPEN
- ◻ INDICATES VALVE CLOSED

**DRAFT**

**PROVIDENCE WATER  
STRUCTURE "D" EMERGENCY  
PUMPING STATION  
- PIPING SCHEMATIC -**



# **EXHIBIT D**

Kent County Water Board Meeting

November 18, 2010

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# MEMO

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**To:** Board Members  
**From:** Timothy Brown  
**Subject:** Water Use and Efficiency Rules  
**Date:** November 4, 2010

I have attached a copy of emails from Bill Penn and Harold Ward pertaining to Rules and Regulations being promulgated by the Water Resources Board concerning the Water Use and Efficiency Rules. This is an outcome of the recently passed Legislation last year on water efficiency. There is a great deal of controversy concerning these Rules and Regulations. I returned today from a meeting which was very controversial between a number of parties, both the staff of the Water Resources Board and Harold Ward, Chairman of the Committee and the Environmental Groups. The proposed rules are going to be extremely difficult for any water utility to comply with. It burdens us with major penalties if the "efficiency" or reduction in water consumption is not achieved. Under Section 4, Optional Methods of Achieving Target, a number of items are being stated dealing with regulatory actions by the water utility outside of our jurisdiction. It will require a new plan called a Demand Management Plan separate submission to meet these regulations separate from the Water Supply System Management Plan. Comments were made by the League of City and Towns concerning their objection to this and concern that this is an unfunded mandate. Comments were made by Kingston Water, myself, Providence Water and to some degree North Kingston Water as to concerns form the proposed Regulations. It is obvious that this has taken a turn that we did not wish it to take. It will provide a regulatory hammer with penalties that will affect all water supplies. It is important that the Board understand these proposed Rules and Regulations as we may need some legislative action in the future to counter what at one time was considered a consensus bill which has now become an environmental bill. I will be discussing this further at the Board meeting in November but I do ask the Board to become familiar with the attachment.

"D"

## Timothy Brown

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**From:** William J. Penn [wj penn@earthlink.net]  
**Sent:** Wednesday, November 03, 2010 10:07 AM  
**To:** Harold Ward; bsiii123@yahoo.com; harold.ward@gmail.com; jschock@southkingstownri.com; KFlynn@doa.ri.gov; Michael Sullivan; samuelk@amgen.com; SLicardi@northkingstown.org; rribb@gso.uri.edu; bparsons@riedc.com; ALBETTJR@aol.com; Alicia Good; Alisa Richardson; boving@uri.edu; dan@rileague.org; Dan O'Rourke; Elizabeth Scott; henry@kingstonwaterdistrict.com; jesse@rinurseries.com; decelles@pwsb.org; June.Swallow@health.ri.gov; Ken Ayars; kbooth@cityofeastprov.com; MPDPE@aol.com; Nancy Hess (DOA); pmarchand@provwater.com; plepage@provwater.com; ppalozzi@provwater.com; Rayna Santoro; rit@schartner.com; ronnie.gibson@fmglobal.com; sking@qdcric.com; tbrown@kentcountywater.org; vharrito@qdcric.com; Emily Cousineau; Kathleen Crawley; Ken Burke  
**Subject:** Re: Materials for the 4 November 2010 WRB Allocation Committee meeting

I think it is important for you to have access to the Board's discussion on this Motion to understand the Board's intent on the vote. Good luck with your deliberations. The Board is looking forward to a final draft of the Rules so we can go to public hearing and move this project over the finish line.

Bill Penn, Chairman

Allocation Committee

Water Use and Efficiency Rules - Draft Rules

Motion by Mr. Ward, second by Dr. Sullivan to approve the draft rules as presented by Mr. Ward. Mr. Ward amended the motion to move the draft forward to public hearing, after legal review, with the inclusion of Demand Management Plans required for water suppliers and language referencing the Board's enforceable authority.

The vote was ten (10) in favor and three (3) against, with Ms. Marchand, Mr. Commons, and Mr. Schock voting nay. The motion carried.

Discussion: Dr. Sullivan presented a third draft, stating that it contained language he had suggested, but which had not been considered in either version to be discussed. Chairman Penn accepted the third draft for inclusion in the discussion. Mr. Ward confirmed with the Chair that the intention of discussion was to vote on draft rules to be sent to public hearing.

Dr. Sullivan offered that the third draft was similar to Mr. Ward's except for minor word changes and the addition of definitions for "luxury-residential-use". He voiced support for Mr. Ward's draft with the inclusion of this and other related changes from the DEM draft. Mr. Stamp commented that the Allocation Committee needed to present the Board with one draft to vote on, rather than three. He also stated that the second draft, or "staff version", was less likely to face legal opposition concerning the Board's authority. Mr. Ward's draft had not yet received a legal opinion. The second draft had been reviewed by legal counsel at DOA.

Mr. Schock voiced support for the second, "staff" version and noted that requiring Demand Management Plans would be perceived as an unfunded mandate. Mr. Penn added that, indeed, the second draft does not include measurable goals because enforcement is already included in the WSSMP Program.

Mr. Penn asked the Board to consider the policy issue of including the

requirement of measurable goals - either the form of Demand Management Plans (already in the WSSMP) or in some other format. Mr. Gibson, Ms. Licardi, Mr. Ward, and Dr. Sullivan supported that the new rules require DMPs for measurable goals. Mr. Stamp stated that this strategy would be controversial and difficult for towns to support. Mr. Schock concurred and suggested that the Board simply embellish the current WSSMP requirements, as the plans are scheduled to be rewritten in the near future. An informal straw vote indicated that a majority of Board members agreed that DMPs for water suppliers be in the rules.

Chairman Penn asked the Board to consider the policy issue of including enforcement in the rules as well as in the Water Supply System Management Plans. Mr. Burke stated that the advice of legal counsel is that that the Board has enforcement authority through the WSSMP. Including enforcement in the new rules would merely be duplicative language.

-----Original Message-----

From: Harold Ward

Sent: Nov 1, 2010 9:06 PM

To: bsiii123@yahoo.com, harold.ward@gmail.com, jschock@southkingstownri.com, KFlynn@doa.ri.gov, Michael Sullivan, samuelk@amgen.com, SLicardi@northkingstown.org, rribb@gso.uri.edu, bparsons@riedc.com, ALBETTJR@aol.com, Alicia Good, Alisa Richardson, boving@uri.edu, dan@rileague.org, Dan O'Rourke, Elizabeth Scott, henry@kingstonwaterdistrict.com, jesse@rinurseries.com, decelles@pwsb.org, June.Swallow@health.ri.gov, Ken Ayars, kbooth@cityofeastprov.com, MPDPE@aol.com, "Nancy Hess (DOA)", pmarchand@provwater.com, plepage@provwater.com, ppalozzi@provwater.com, Rayna Santoro, rit@schartner.com, ronnie.gibson@fmglobal.com, sking@qdcri.com, tbrown@kentcountywater.org, vharrito@qdcri.com, wjpenn@earthlink.net, Emily Cousineau, Kathleen Crawley, Ken Burke  
Subject: Materials for the 4 November 2010 WRB Allocation Committee meeting

At our 18 October 2010 meeting, the WRB adopted the following motion, as reported in the Draft Minutes of that meeting:

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#### Water Use and Efficiency Rules – Draft Rules

Motion by Mr. Ward, second by Dr. Sullivan to approve the draft rules as presented by Mr. Ward. Mr.

Ward amended the motion to move the draft forward to public hearing, after legal review, with the

inclusion of Demand Management Plans required for water suppliers and language referencing the

Board's enforceable authority.

The vote was ten (10) in favor and three (3) against, with Ms. Marchand, Mr. Commons, and Mr.

Schock voting nay. The motion carried.

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The purpose of the WRB's Allocation Committee meeting scheduled for 9a on Thursday, 4 Nov. is to discuss any issues raised by the legal review and to determine whether any changes need to be made in the draft rule that the Board approved on 18 October 2010 before moving to public hearing. Our starting point for this discussion is the WRB-approved draft rule, which is attached to this message. By copy of this note, I am asking the WRB staff to make certain to provide print copies of this attachment at the 4 Nov meeting, to assist in our review.

Please let me know if you have any questions or concerns.

Harold

Bill Penn  
PO Box 725  
Block Island, RI 02807  
401-466-2065  
wjpenn@earthlink.net

Timothy Brown

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**From:** Harold Ward [harold.ward@gmail.com]  
**Sent:** Monday, November 01, 2010 9:07 PM  
**To:** bsiii123@yahoo.com; harold.ward@gmail.com; jschock@southkingstownri.com; KFlynn@doa.ri.gov; Michael Sullivan; samuelk@amgen.com; SLicardi@northkingstown.org; rribb@gso.uri.edu; bparsons@riedc.com; ALBETTJR@aol.com; Alicia Good; Alisa Richardson; boving@uri.edu; dan@rileague.org; Dan O'Rourke; Elizabeth Scott; henry@kingstonwaterdistrict.com; jesse@rinurseries.com; decelles@pwsb.org; June.Swallow@health.ri.gov; Ken Ayars; kbooth@cityofeastprov.com; MPDPE@aol.com; Nancy Hess (DOA); pmarchand@provwater.com; plepage@provwater.com; ppalozzi@provwater.com; Rayna Santoro; rit@schartner.com; ronnie.gibson@fmglobal.com; sking@qdcri.com; tbrown@kentcountywater.org; vharrito@qdcri.com; wjpenn@earthlink.net; Emily Cousineau; Kathleen Crawley; Ken Burke  
**Subject:** Materials for the 4 November 2010 WRB Allocation Committee meeting  
**Attachments:** DraftEfficiencyRule-WRB-approved10-18-2010.pdf

At our 18 October 2010 meeting, the WRB adopted the following motion, as reported in the Draft Minutes of that meeting:

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Water Use and Efficiency Rules – Draft Rules

Motion by Mr. Ward, second by Dr. Sullivan to approve the draft rules as presented by Mr. Ward.  
Mr.

Ward amended the motion to move the draft forward to public hearing, after legal review, with the inclusion of Demand Management Plans required for water suppliers and language referencing the Board's enforceable authority.

The vote was ten (10) in favor and three (3) against, with Ms. Marchand, Mr. Commons, and Mr. Schock voting nay. The motion carried.

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The purpose of the WRB's Allocation Committee meeting scheduled for 9a on Thursday, 4 Nov. is to discuss any issues raised by the legal review and to determine whether any changes need to be made in the draft rule that the Board approved on 18 October 2010 before moving to public hearing. Our starting point for this discussion is the WRB-approved draft rule, which is attached to this message. By copy of this note, I am asking the WRB staff to make certain to provide print copies of this attachment at the 4 Nov meeting, to assist in our review.

Please let me know if you have any questions or concerns.

Harold

# Rhode Island Water Resources Board

## Water Use and Efficiency Rules

### 1.0 General Provisions

#### 1.1 Purpose

The purpose of these rules is to establish non agricultural targets and methods for efficient water use and reporting requirements for major public water suppliers.

#### 1.2 Authority

This rule is authorized pursuant to R.I. General Laws §46-15.3-5.1, 46-15.7-3, 46-15.8-5, and has been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter §42-35.

### 2.0 Definitions

For purposes of these rules the following definitions apply:

Board means the Rhode Island Water Resources Board, or, for the administration of these regulations, the Staff of the Rhode Island Water Resources Board.

Conservation pricing means a rate structure that encourages efficient water use and discourages non-essential water use.

Force majeure for the purposes of this rule is an unanticipated or uncontrollable event or effect which prevents compliance with a schedule for meeting water use targets.

Gallons per capita per day (GPCD) is determined by dividing the amount water supplied for residential use by the number days in the reporting period and further dividing that figure by the number of residents served in their places of residence.

Inefficient water use product means an appliance, product, or fixture that does not meet current building code standards for water efficiency.

Increasing (or inclining) Block Rates means a rate structure where progressively higher quantities of usage are charged at higher unit rates. An increasing block rate is different from a uniform rate structure in that the unit rate for consumption changes (increases) one or more times at higher levels of consumption. Higher levels of consumption are separated into consumption blocks (steps/tiers). Each block of consumption is billed at a different (higher) unit rate as block levels increase.

Leakage is a component of non-billed water and is defined as water that is lost through the water supply system through leaks in pipes, pumps, services connections, etc. For purposes of this rule leakage is calculated by estimating the difference between total non-billed water and the total of the estimated or measured allowances for fire fighting, meter inaccuracy, theft, system usage, main flushing, sewer cleaning, storm drain cleaning, and other allowances that may be developed by the water resources board.

Non-billed water means the difference between water withdrawn and/or purchased by a supplier and water sold by a supplier. Components of non-billed water include fire fighting, meter inaccuracy, theft, system usage, main flushing, sewer cleaning, storm drain cleaning, and other allowances that may be developed by the Board.

Major water customer means a water customer of a major public water supplier that uses more than three million gallons/year or more than 750,000 gallons in any consecutive three-month period and is supplied by a public supplier

Major public water supplier is a water supplier that obtains, transports, purchases or sells more than fifty million gallons of water per year.

Residential Essential uses of water shall include drinking, sanitary purposes, food production and preparation, maintenance of personal property and equipment, flushing of individual supply lines as necessary to maintain water quality, and special health water use requirements.

Residential water use is water used by single and multiunit residential dwellings for household purposes such as drinking, food preparation, bathing, washing clothes and dishes, flushing toilets, and watering lawns, landscapes and gardens.

Seasonal Rates are rate structures that typically charge customers a lower water rate in the winter when water demand is usually lower and a significantly higher rate in the summer when demand is higher. All unit rates or rate blocks by class can be set so that they reflect higher summer demands for each customer class. The simplest form of a seasonal rate is a surcharge added to all block rates that encompass discretionary use for residential customers

Water efficient product means an appliance, product, or fixture that meets current building code standards for water efficiency.

WaterSense certified means an appliance, product, or fixture certified by the U.S. Environmental Protection Agency as using water efficiently.

Water source is a well, reservoir, pond, lake, and river or stream segment used for potable water supply.

### **3.0 Non Agricultural Water Efficiency and Demand Management Targets**

The Water Resources Board hereby adopts the following targets pursuant to RIGL 46-15.3-5:

- 3.1 Residential water use of an annual average of 65 gallons per capita per day (GPCD) which takes into consideration;
  - 3.1.1 Fluctuations in the population served.
  - 3.1.2 Multi-unit residences that in some systems may be categorized and billed as commercial.
  - 3.1.3 Other factors as appropriate as determined by the Board
- 3.2 Efficient outdoor water use
- 3.3 Efficient indoor water use
- 3.4 A full accounting of non-billed water.
- 3.5 Leakage of no more than 10% of the withdrawals and/or purchased water measured as an annual average.
- 3.6 Accurate metering and billing to account for all water supplied

### **4.0 Methods for Achieving Targets**

The Water Resources Board hereby adopts the following methods pursuant to RIGL 46-15.3-5:

- 4.1 **Required Methods for Achieving Targets**
  - 4.1.1 100% metering of all water use.



- 4.1.2 Maintenance and replacement of meters in accordance with AWWA standards and water supply system management plans.
  - 4.1.3 Initiate a program for installation of radio frequency reading systems not later than December 31, 2012.
  - 4.1.4 Record metered usage and bill quarterly or more frequently by December 31, 2013.
  - 4.1.5 Public Education to encourage the efficient use of water for all customers.
  - 4.1.6 Rate structures that are adequate to pay for all costs associated with water supply, are equitable, sensitive to economic impacts, and encourage the efficient use of water.
  - 4.1.7 Implement leak detection programs in accordance with AWWA standards and water system supply management plans. If leakage is more than 10% of the withdrawals and/or purchased water, a system-wide leak detection program shall be initiated during the following fiscal year.
- 4.2 Optional Methods for Achieving Targets** shall be encouraged and where possible incentivized in combinations appropriate to the water supplier that recognize the differences in supply systems and sources. Optional methods shall include but are not limited to:
- 4.2.1 Residential conservation pricing including inclining block rates and seasonal rates
  - 4.2.2 Methods to reduce non agricultural outdoor water use
    - 4.2.2.1 Limit landscape irrigation to no more than one inch per week, net of natural precipitation.
    - 4.2.2.2 Limit landscape irrigation to evening and/or early morning hours to reduce evaporative loss.
    - 4.2.2.3 Limit the size of landscapes that require irrigation.
    - 4.2.2.4 Establish new plantings during the spring and fall.
    - 4.2.2.5 Select landscape plantings to varieties that, once established, require little or no irrigation.
    - 4.2.2.6 Use soil moisture sensors on in-ground irrigation systems.
    - 4.2.2.7 Use non-potable water (such as rainwater) where appropriate.
  - 4.2.3 Methods to improve efficiency of indoor water use.
    - 4.2.3.1 Replace inefficient water use appliances and fixtures with products that meet current building codes, *WaterSense* standards, or equivalent.
    - 4.2.3.2 In new construction use water efficient products that meet current building codes or *WaterSense* standards, or equivalent.
  - 4.2.4 Methods for improving efficiency of water use by major water customers.
    - 4.2.4.1 Perform Water Audits (excluding proprietary processes) that determine opportunities for reuse and the reduce water use.
    - 4.2.4.2 Install water efficient products for reduction in water demand
    - 4.2.4.3 Implement industry specific best management practices, excluding proprietary processes.
    - 4.2.4.4 Renovations or new construction that utilize architectural and green building design standards such as LEED certification, Low Impact Design and other best management practices.

- 4.2.4.5 Employee education.
- 4.2.4.6 Outdoor water use methods as specified in section 4.2.2 of these rules.

## **5.0 Demand Management Plans (DMPs)**

- 5.1 All major public suppliers shall prepare and implement a DMP incorporating the following requirements:
  - 5.1.1 Each major public supplier shall define a measurable goal for achieving targets 3.2 and 3.3 and
  - 5.1.2 The DMP shall include a description of actions to be taken to address each of the targets outlined in Rule 3.0 and
  - 5.1.3 The DMP shall include a description of how each of the methods outlined in Rule 4.0 are to be implemented as part of the DMP and
  - 5.1.4 The DMP shall include a list of actions by municipal governments and/or the RI Public Utilities Commission in order to implement the DMP, and
  - 5.1.5 The DMP shall include a schedule for completing each of the actions included in the plan, not to exceed 5 years.
- 5.2 The DMP is subject to review and approval by the Board. The Board may require revisions to the DMP.
- 5.3 If reasonable progress toward meeting the water efficiency and demand management targets and the supplier specific measurable goals have not been met after implementing the DMP or after 5 years, whichever is sooner, the Board may require the DMP be revised to include some of the optional methods outlined in Rule 4.2.

## **6.0 Water Use and Efficiency Reporting**

The Water Resources Board hereby adopts the following reporting requirements pursuant to RIGL 46-15.3-5 and 46-15.1-21:

- 6.1 All major public suppliers shall submit their DMP to the Board for review and approval no later than June 30, 2011.
- 6.2 All Major Public Suppliers shall report annually to the Board no later than July 1;
  - 6.2.1 Withdrawals from each water source;
  - 6.2.2 Wholesale purchases and sales on a monthly basis;
  - 6.2.3 The amount of water used by each category of use (residential, commercial, industrial, agricultural, government) on the shortest time scale available;
  - 6.2.4 Estimate of the number of residents served, including seasonal fluctuations, and with a description of the basis of the estimate;
  - 6.2.5 Non-billed water and the components of non-billed water (to include leakage);
  - 6.2.6 After December 31, 2013 annual reports shall be based on, at a minimum, quarterly billing.
  - 6.2.7 Progress in achieving each of the targets, including the specific supplier measurable goals required in Rule 5.1.1.

## **7.0 Enforcement**

- 7.1 The Board may issue a Notice of Violation to any supplier that fails to comply with any provision of these regulations, or to municipalities that fail to carry out their responsibility in assisting water suppliers in achieving their targets. The supplier shall have twenty (20) days to respond to the Notice of Violation in writing. After an opportunity to be heard before the Board, in accordance with R.I. Gen. Law §42-35-9, failure to resolve the outstanding Notice of Violation in a manner consistent with the schedule as determined by the Board may result in the issuance of an administrative order. The issuance of an administrative order shall be deemed a final agency order subject to an immediate appeal in the superior court of Providence County or in the superior court in the county in which the cause of action arose. Any appeal taken and subsequent review by a court with jurisdiction shall be in accordance with chapter 35 of title 42.
- 7.2 Any order issued by the Board to require the implementation of the requirements of this rule may be deemed to be an environmental quality standard as that term is defined in R.I. General Laws § 10-20-1 et seq.
- 7.3 The Board shall issue to any major public water supplier failing to comply with the requirements of section 6.0 (Water Use and Efficiency Reporting) an order requiring submission of the required information. In addition, the Board shall list the names of such suppliers on the Board's website and may issue a press release to announce this posting.
- 7.4 Any finding by the Board of non-compliance by a major public water supplier listed in R.I. General Laws § 39-15.1-2(4) with the requirements of R.I. General Laws § 46-15.3-7.5 or § 46-15.3-7.6 shall be forwarded to the Division of Public Utilities and Carriers as required by R.I. Gen. Laws § 46-15.3-20.
- 7.5 Failure to comply with any administrative order issued by the Board may subject a public supplier to the penalties set out in R.I. General Laws § 46-15-11(b). Each day of failure to comply with such an order shall constitute a separate offense.

## **8.0 Application**

- 8.1.1 The terms and provisions of this rule shall be liberally construed to authorize the Board to effectuate the purposes of state law, goals, and policies.
- 8.1.2 Nothing in this rule shall be deemed to interfere with the Board's power and duty to issue an immediate order pursuant to R.I. General Laws §46-15-1
- 8.1.3 This rule applies to major public water suppliers, and the Board as defined in section 2.0.
- 8.1.4 This rule becomes effective twenty days after filing with the RI Secretary of State.

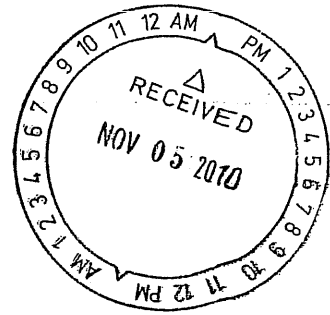
## **9.0 Severability**

If any provision of this rule or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the rule shall not be affected thereby.

# **EXHIBIT E**

Kent County Water Board Meeting

November 18, 2010



**TOWN OF COVENTRY**  
**DEPARTMENT OF PUBLIC WORKS**  
1670 Flat River Road, Coventry, RI 02816  
401-822-9111 Fax 401-822-9141

November 3, 2010

C. Brito Construction  
101 Tupelo Street,  
Bristol, RI 02809

Subject: Read School House Road

Dear Mr. Brito,

The Town of Coventry will be going out to bid for the flood repairs to Read School House Road in the spring of 2011.

Yours Truly,

Dennis Smith,  
Superintendent,  
Coventry Public Works

Cc: Read School House Road, File  
T. Brown, Kent County Water Authority

DKS:ke

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# **EXHIBIT F**

Kent County Water Board Meeting

November 18, 2010

IFR FUNDING  
CURRENT AND PROPOSED PROGRAM  
(NOVEMBER 2010)

**FUNDING:**

FUNDING AS OF OCTOBER 2010	\$4,968,095
NOV & DEC 2010 PAYMENT	\$900,000
<b>FUNDING AVAILABLE AS OF DEC 31, 2010</b>	<b>\$5,868,095</b>

**FUNDING:**

IFR 2010 CONSTRUCTION - JANUARY 2011 - JUNE 2011	\$2,700,000
<b>TOTAL FUNDING</b>	<b>\$8,568,095</b>

**ESTIMATED ALLOCATED ONGOING EXPENDITURES 2010/2011**

IFR 2006B & 2007 CONSTRUCTION (BALANCE TO FINISH)	(\$1,131,906)
IFR 2006B & 2007 CONSTRUCTION ENGINEERING SERVICES	(\$25,000)
IFR 2009A CONSTRUCTION (BALANCE TO FINISH)	(\$1,160,117)
IFR 2009A CONSTRUCTION ENGINEERING SERVICES	(\$50,000)
<b>TOTAL ALLOCATED</b>	<b>(\$2,367,023)</b>

**ESTIMATED FOR CONSTRUCTION AND DESIGN COMPLETED**

QUAKER BOOSTER REFURBISHMENT (SET ASIDE)	(\$3,000,000)
QUAKER BOOSTER REFURBISHMENT CONSTRUCTION SERVICES	(\$150,000)
IFR 2009B CONSTRUCTION	(\$5,000,000)
IFR 2009B CONSTRUCTION SERVICES	(\$250,000)
IFR 2010 CONSTRUCTION (POSSIBLE SPLIT IN 1/2 FORM A & B)	(\$12,000,000)
IFR 2010 CONSTRUCTION SERVICES	(\$250,000)
<b>TOTAL DESIGN COMPLETED</b>	<b>(\$20,650,000)</b>
<b>TOTAL EXPENDITURES</b>	<b>(\$23,017,023)</b>
<b>POTENTIAL DEFICIT</b>	<b>(\$14,448,928)</b>

RECOMMEND: PROCEED WITH IFR BIDDING 2009B (REMOVAL OF HOPE ROAD PORTION)  
THIS WINTER FOR SPRING CONSTRUCTION.  
SUFFICIENT FUNDS WILL BE AVAILABLE BASED ON DEPOSITS TO DATE AND EXPECTED DEPOSITS BY  
CONSTRUCTION COMPLETION.

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# **EXHIBIT G**

Kent County Water Board Meeting

November 18, 2010



**PLANNING DOCUMENT \$25,000/YEAR ALLOCATION**

<b>PROJECT</b>	<b>STATUS</b>
Water Supply System Management Plan WSSMP	Approved
Hunt River Interim Management & Action Plan	Implementing, Weather Dependant , WRB Committee
2008 CIP Program Plan	Approved
Clean Water Infrastructure Plan 2008	Approved

**UPDATED CIP PROJECTS BOND FUNDING**

<b>PROJECT</b>	<b>STATUS</b>
Mishnock Well Field (new wells) CIP - 1A	Permitting Completed
Mishnock Transmission Mains CIP - 1B	Design Review, Funding will be critical to plant operation
Mishnock Treatment Plant CIP - 1C	Can move to bid for construction
East Greenwich Well Treatment Plant - CIP-2	Pending Finalization
Clinton Avenue Pump Station Rehabilitation CIP - 7A	Completed
Read School House Road Tank CIP - 7B	Online-Final Payment
Read School House Road Main CIP 7c, 7d, 8a	Paving Failures - Board Direction

**IFR FUNDED PROJECTS**

<b>PROJECT</b>	<b>STATUS</b>
IFR 2005	Completed C. O. # 1 Asphalt Adjustment
IFR 2006 A	Closed out, Paving Issue West Warwick, Need Resolution
IFR 2006 B / IFR 2007	Schedule for Repair
IFR 2009 A & 2009 B	2009A - Construction Ongoing, 2009B Design Complete, Bid
IFR 2010	Design Review, Funding
Prospect Street	Completed
WSB 78" / Johnson Blvd. P.S. Modification	Completed
Greenwich Avenue Replacement	Completed
Hydraulic Tank Evaluation	Completed
Quaker P. S. Design	Bid on Hold, Funding Needed, Easement Negotiations for Extension
Tech Park Tank Recoating	Completed
Tiogue Tank Re-Service	Completed
Hydrant Painting	Winter shut down - spring proposal

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