

KENT COUNTY WATER AUTHORITY

MINUTES OF THE REGULAR MEETING  
OF THE BOARD

November 17, 2022

A meeting of the Board of Directors of the Kent County Water Authority was held on the 17<sup>th</sup> day of November, 2022, at 3:30 p.m. at the offices of the Authority in West Warwick, RI, in the Joseph D. Richard Board Room.

Chairman Boyer opened the meeting at 3:30 p.m. Board members Vice Chairman Jeff Giusti, Brian Kortz, and Geoffrey Rousselle were all in attendance along with Executive Director/Chief Engineer David L. Simmons, Director of Construction John Duchesneau, Legal Counsel Patrick J. Sullivan, Esq. and Director of Human Resources and Finance Michael Lanfredi. Water Project Engineer Nicole Campagnone and Richard Burns were also in attendance.

Mr. Kortz led the group in the pledge of allegiance.

**Approval Of The Minutes**

The minutes of the regular board meeting held on October 17, 2022 were presented for approval. Mr. Rousselle moved the minutes approval, seconded by Mr. Giusti. The minutes were approved unanimously.

**Legal Counsel**

**CONE Receivership**

Mr. Sullivan updated the board on the Center of New England receivership. He said there is a hearing later in the month regarding the end of the receivership. It appeared to Mr. Sullivan that the prospective purchaser bought the rights of others in and to the assets of the receivership for an assignment of their rights, evidenced by Washington Trust's withdrawal of its objection to the termination.

WW Agreement

Mr. Sullivan updated the board on the acquisition of the land on Pontiac Ave. in West Warwick. He said he was in communication with the solicitor and they had rejected the authority's initial offer. He said the solicitor was to present a counter offer. As of the meeting it hadn't arrived yet.

**Director of Finance Report:**

Closing Report August 2022 Cash Report

Mr. Lanfredi, Finance Director, explained and submitted the financial report. He reported on the Cash Receipts and Disbursements and Statement of Cash Location FY 2021-2022 as of October 2022 and Statement of Revenues, Expenditures, and Changes in Fund Balance as of October 2022, attached as exhibit "A", and a thorough discussion ensued with regard to the sales and revenue.

Mr. Lanfredi summarized the delinquencies over \$100.00 and those over #300.00.

He said 4,300 customers are on auto-pay, with 4,500 signed up for the ebill. He finished with 11,500 customers signed up in the portal.

Mr. Rousselle moved, seconded by Mr. Kortz, 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.

Upon Motion duly made and seconded, it was unanimously,

VOTED: That the Cash Receipts and Disbursements and Statement of Cash Location FY 2021-2022 as of October 2022 and Statement of Revenues, Expenditures, and Changes in Fund Balance as of October 2022, attached as exhibit "A", be approved as presented and be incorporated herein and are made a part hereof.

Point of Personal Privilege and Communication

There was nothing reported under this heading.

**EXECUTIVE DIRECTOR/CHIEF ENGINEER'S REPORT**

**ONGOING PROJECTS**

## Legal Services

### Action Item-Engagement of legal services Adler Pollock & Sheehan PC

Mr. Sullivan introduced this agenda item. He said the engagement of APS involved the bid protest KCWA received for the new facility. Mr. Sullivan said he has worked with the firm in the past with construction litigation and arbitration, and that the field is a niche type of practice. Mr. Simmons said he supports the engagement and advised the board that he was more than satisfied with their work on this project. He said KCWA had a detailed response to the protest within hours.

Mr. Sullivan outlined the deficiencies they found in the protest, and how the response to the protest was important as the Bentley bid was not insufficient. He also added that the protest determination was sent out to Tower Construction, the protestor, and that the protest hadn't slowed the project down.

Mr. Kortz outlined the process after the Notice to Proceed is issued. He said once issued, it starts the schedule clock.

Mr. Giusti asked about what could KCWA do if the fees run out of control. Mr. Sullivan pointed out a termination clause in the agreement. Mr. Giusti asked that Mr. Simmons keep an eye on the cost, and that he supported the engagement.

Mr. Sullivan also said they work at his direction so they do not have this broad authority to act at will.

Mr. Kortz also asked Mr. Simmons to keep up on the cost. Mr. Simmons said he would and reminded the board that the Tower bid came in over one million dollars above Bentley, so the engagement would save money in the end.

## OFFICE AND MAINTENANCE FACILITY

### Action Item: Pare Engineering TO#2 Engineering Construction Services IFR 2021

Mr. Simmons outlined the progress to date, including the bid protest, the finalization of the contract, the Notice of Award (NOA), and the Notice to Proceed (NTP).

Next, he asked the board to approve Task Order #2, which would establish a "Clerk of the Works" position at the construction site. He said he thought KCWA needed eyes on the project all the time.

Chairman Boyer said they need a daily report for two reasons. First, KCWA needs to be aware of everything going on with eyes on the project, and second, for prevention of lawsuits by subcontractors. Mr. Simmons said there will be cameras on the site 24/7 and that we will be able to time-lapse it at some point in the future.

Mr. Simmons said the task order is in the amount not to exceed \$347,700.00, and it had an estimate of hours. Mr. Kortz asked if it was a lump sum and Mr. Simmons replied it was time and materials. He added that the testing services were not included in this proposal and that KCWA hires its own testing professionals.

There was a vigorous discussion among the board members. Mr. Kortz had questions about the construction meetings being in addition to the three visits per week. Calculations on the hours showed that the proposed visits were not each day. Mr. Kortz thought the cost seemed high.

Chairman Boyer said these reports should be included in the price of the construction.

Mr. Giusti said there should be a project manager onsite all the time. Mr. Rousselle asked that a representative from Pare be at the next meeting.

Mr. Simmons said he will revisit the proposal with the company and get the details cleaned up. He added, however, that this will not affect the project, and he will forge ahead full speed.

## **IFR 2021**

### **Progress update**

Mr. Burns and Mr. Simmons updated the board on this project. Mr. Burns described a 24" interceptor sewer pipe failed on East Ave. He said there was a 6' water pipe that had been leaking. He said they installed a bypass pipe and that they needed to sleeve the inside of the pipe.

There was then a discussion of the Pontiac Ave. area in West Warwick. Mr. Simmons outlined the major vulnerability that currently exists for customers in that area, including the WW sewer plant. He continued to say that people in WW would be without fresh water when RT 295 is reconstructed. Chairman Boyer asked Mr. Burns to meet with him tomorrow to present the matter to the town manager in a meeting.


**Meter Change Out Program**

Update -Large Meter Program

Ms. Campagnone discussed the progress of the program. She said 230 of 305 were replaced in the large meter program. She said it was 75% complete. She added that there were 75 meters left to install and that there were appointments booked out through the end of the year.

There being no further business before this board, on motion duly made by Mr. Duckworth, seconded by Mr. Rousselle, and carried, the meeting was adjourned at 4:30 p.m.

Dated: January 19, 2023



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Patrick J. Sullivan  
Legal Counsel