

KENT COUNTY WATER AUTHORITY

MINUTES OF THE REGULAR MEETING  
OF THE BOARD

July 21, 2016

A meeting of the Board of Directors of the Kent County Water Authority was held on the 21<sup>st</sup> day of July 2016, 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 Masterson, Treasurer Joseph Gallucci, Mr. Duckworth and Mr. Giorgio were all present together, along with the General Manager/Chief Engineer Timothy J. Brown, Legal Counsel Patrick J. Sullivan, Esq., Director of Technical Services John Duchesneau and Director of Administration, Treatment Manager/Water Project Engineer Dave Simmons and Finance Director Jo-Ann Gershkoff. Mr. Duckworth led the group in the pledge of allegiance.

**APPROVAL OF THE MINUTES**

The minutes of the regular board meeting of June 21 2016 were presented for approval. Mr. Giorgio moved passage, seconded by Mr. Gallucci and the minutes were approved. Mr. Duckworth abstained having not been in attendance at the June 2016 meeting.

The Chairman and the board welcomed Mr. Scott Duckworth to the board as a representative from Coventry.

**Guests**

Thaylen Waltonen – S & T Hardware

Mr. Brown introduced Mr. Waltonen, the owner of S&T Hardware. Mr. Brown reminded the board that this had been previously before the board regarding damage to the fence owned by KCWA that is on the border between KCWA property and Mr. Waltonen's property. Mr. Waltonen thought there would be several prices but he said only one was received, and KCWA had the fence repaired and had sent him the bill. He said he had asked for a field visit. He again described the conditions at the rear of his property and the Pool Dr. parking configuration, his neighbor. He added that he thought the matter would result in some type of shared responsibility.

Chariman Boyer and Mr. Waltonen had a general discussion of traffic flow around the building. Mr. Brown reported that the bill for repair was \$1,295.00 and that the company who installed the fence initially had some fencing left over. Mr. Brown thought it was a fair amount.

Mr. Masterson asked how ratepayers would be on the hook for the damage that clearly came from the side of Mr. Waltonen. Mr. Brown also said some of the damage was done with a plow as the fence was hooked. Mr. Waltonen agreed. Mr. Waltonen advised the board that he had put remedial measures so cars could not advance that far, such as timbers on the ground.

Mr. Waltonen said he was willing to accept whatever the board decided.

There was discussion of future damage and Mr. Duckworth asked how could the board forecast future damage.

Mr. Gallucci moved that the board split the cost for the damage evenly between the parties. Mr. Duckworth seconded, adding that Mr. Waltonen had a great reputation as a businessman, and having reviewed the pictures and the prior minutes.

Motion having been made, and duly seconded it was

|        |               |     |
|--------|---------------|-----|
| VOTED: | Mr. Masterson | Yes |
|        | Mr. Gallucci  | Yes |
|        | Mr. Giorgio   | Yes |
|        | Mr. Duckworth | Yes |
|        | Mr. Boyer     | Yes |

That the KCWA and Mr. Waltonen would evenly divide the bill to repair the fence at \$647.50 each.

Mutual Properties – Stephen Soscia

Mr. Brennan introduced himself to the board and advised he was there to discuss the Tollgate Farms subdivision in Warwick. He said he was there for an appeal or for a waiver. He began to explain the Tollgate Farms Phase II. He said the street was recorded but the city won't accept the street until the subdivision is complete.

Mr. Brown asked Mr. Brennan whether there was even an application in front of the board. Mr. Brennan said he understood one was on the way. He said that there was a need to do a water model. He said the developer was asking for two 6" water stubs. He said that he can later connect one stub to lot 1 and the second to lot 2. Then he could do the full water model with the final approval. Mr. Brennan went on to say that the city wanted the roads done.

Mr. Gallucci said the subdivision was for assisted living. He said the road kicked in a 5-year moratorium clock of no excavation. Chairman Boyer said he had four visits regarding this. He added that there was no application before the board. He said KCWA was not in the habit of installing dormant stubs. He said stagnant water creates a problem with water contamination. He added that this was to be a huge facility. He thought it was for three lots.

Chairman Boyer went on to say there are rules and regulations for a reason. He said

KCWA couldn't set a precedent to hear a case without an application. He said the model is required and should occur prior to construction. Mr. Brown added that the current rules and regulations do not even allow for a variance. He asked Mr. Brennan about this five-year moratorium. He asked if he had ever seen an ordinance from Warwick. He said Coventry has one that he has seen. He also added that water turnover is critical from front to back. He suggested that a base coat be left during construction. Mr. Masterson asked about the thickness of the binder and its utility.

Mr. Brown said that the developer was asking the board to conduct a technical review. Mr. Masterson said the board does not do technical reviews.

Mr. Brown said that fire flow has already been determined for that site. Mr. Gallucci said he spoke with the director of public works. He asked about the 6" stub. He added that everyone wants the proposal to go forward but not without a plan. Mr. Brown reminded Mr. Brennan that ownership issues may impact the final plan, such as a master meter with common ownership. Mr. Gallucci said the board should continue the matter at this time until such time as the developer comes in with a plan.

Chairman Boyer added that if the state land is acquired, it could change everything.

## **LEGAL MATTERS**

Legal Counsel Mr. Sullivan reported on the Center of New England ongoing receivership. There was no activity to report on this.

He then reported that the Cardi lawsuit was answered by Cardi, and he outlined their defenses of denial, pre-existing damage, no responsibility and finally if Cardi were responsible, then the State of RI was responsible. He said Cardi sued the State as a third party defendant, and we await the State's answer to the cross claim of Cardi.

He then spoke of a motion to amend the complaint on the KCWA v. Colbea matter. He said he received a plan from Mr. Brown that reveals that KCWA may have an express easement, rather than, or in addition to, a prescriptive easement. He said the hearing on the motion was the following Monday. Thereafter he hoped the court would set the matter down for a summary judgment hearing.

Miscellaneous:

Chairman Boyer had a colloquy with Mr. Vincent Marzullo who was in the audience. The board and Mr. Brown had a general discussion about KCWA and the pamphlet mailed out to the ratepayers.

### **Director of Finance Report:**

Ms. Gershkoff explained that there was no cash report or closing as there were no June statements to close out the end of year. She promised to mail them out to the board.

## **Point of Personal Privilege and Communication**

The board again welcomed Mr. Duckworth to the board. Mr. Duckworth discussed his background, both personal and professional, and stressed his belief that clean water is critical to survival. He indicated that he had been to places with distilled water and acknowledged the value of Kent County Water.

The Chairman stressed that KCWA has a no nonsense water company. He applauded Mr. Brown for running a great show. He said board members are not rubber stamps and that they each have their own mind and hoped Mr. Duckworth's experience would help the board.

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

### **GENERAL:**

#### **PUC Docket #4461 KCWA Rate Case Status**

Mr. Brown updated the board on the case. He said he had answered all the data requests. He said the case was still young, and expected it to last about 8 months. He said the PUC had a public hearing where only one person showed up late. He said December hearings would be coming. He had blocked off 12.6.16 for hearings and public comment. He said when we get the decision, we will then set the rate and budget. He explained that it was critical that we put in a good case. Mr. Brown said the Commission usually bends to the consumer. He discussed the hydrant charges removal and advised West Warwick didn't put it on their agenda.

Chairman Boyer said he spoke to a councilman and the councilman thought it was a misunderstanding.

Mr. Masterson said he spoke with the EG Fire Chief and called the 2 Coventry chiefs, who all said they were on board.

Mr. Duckworth asked what assurances do the ratepayers have that the fire districts will reduce their tax rate. He said he isn't surprised that the fire districts would support it since they don't have to pay the charges any longer.

Mr. Masterson asked Mr. Brown about the district who thinks they own the water mains. Mr. Brown said that notwithstanding what the district said, legal counsel sent a letter in response to them.

Mr. Duckworth thought the impact on the ratepayer would be alarming once the bills went out. Mr. Brown said KCWA plans on notifying the ratepayers with a letter.

#### **PUC Docket #4618 PWSB Intervention of Rate Case - Status**

Mr. Brown introduced the rate filing by Providence to the Board. He said KCWA had standing as a wholesale customer. He said he and rate counsel were to meet with the consultant to decide to share costs.

#### Bid Award, EG Well Refurbishment and Notice to Proceed

Mr. Brown informed the board that this was the second time out for this bid. The last time there was only one bid received. This time there were three bids he reported. He said the consultants reviewed the bids and recommended that lowest responsible bid be awarded to R. Zoppo Corp. of Stoughton, MA. Mr. Brown recommended approval.

Upon motion made by Mr. Masterson that the East Greenwich Well Rehabilitation bid be awarded to R. Zoppo Corp. in the amount of \$2,973,755.00 and that the Chairman be authorized to sign the authorization to proceed, seconded by Mr. Gallucci, it was unanimously

VOTED: That the East Greenwich Well Rehabilitation be awarded to R. Zoppo Corp. in the amount of \$2,973,755.00 and that the Chairman be authorized to sign the authorization to proceed.

#### Report on Rt. 2 Bridge Leak and Repair Status

Mr. Brown reported that there was a rupture on the bridge on Rt. 2 near the Fogarty complex. DOT was repairing bridge joints. He said there was nothing but trouble on the joints that could have caused the pipe to break, or it could have been salt. He said within two days they had an alternative source of water going across the bridge. He said they slid a 10" pipe into the existing 12" pipe. He said the first chlorination test was the day of the meeting. He said he was pleased with KCWA response as there is no other source of water for that area. He discussed other single feed vulnerabilities with the board.

### **INFRASTRUCTURE PROJECTS**

#### **Apponaug Circulator Water Main Replacement**

Mr. Brown informed the board that this project remains ongoing with KCWA monitoring the work.

#### **East Greenwich Well Refurbishment**

Mr. Brown reported that the project bid was awarded earlier in the meeting.

#### **IFR 2014A**

Mr. Brown informed the board that this construction is ongoing and near completion.

#### **IFR 2014B**

Mr. Brown informed the board that construction is ongoing in the New London Tpk. area.

#### **IFR 2015A**

Mr. Brown informed the board that the construction is ongoing by Brito Construction in the area of Commonwealth Ave. and the Pawtuxet River area.

#### **IFR 2015B**

Mr. Brown said the project was just awarded and the contractor just began laying pipe in the area of the mills and houses near the W.W. Civic Center.

#### **IFR 2016 Design (Project Status)**

Mr. Brown advised that this project is still in design but will not proceed to construction yet.

### **CAPITAL PROJECTS**

#### **Mishnock Area Transmission Main, Design Revision (Current Project Status)**

Mr. Brown indicated that the finalization and bid date are to be set within the next couple of weeks. He discussed the dewatering facilities and the role of the owners of the Mishnock Barn.

#### **Dental Insurance**

Mr. Brown discussed the change the board voted in the budget for dental insurance with an average of 15.2% decrease in cost. He said the program from the agent was not offered by Blue Cross/Blue Shield. As such, there is now a deductible. He said Starkweather and Shepley cannot change the plan, but they will absorb the deductible and reimburse the employee if they incur one. He described it as an error on behalf of the agent, and they accepted responsibility for it. This will not cost the authority any money.

There being no further business before the board, Mr. Giorgio moved, seconded by Mr. Duckworth to adjourn the meeting.

Dated: August \_\_\_\_, 2016

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Patrick J. Sullivan

Legal Counsel