

## KENT COUNTY WATER AUTHORITY

### MINUTES OF THE REGULAR MEETING OF THE BOARD

December 17, 2015

A meeting of the Board of Directors of the Kent County Water Authority was held on the 17<sup>th</sup> day of December 2015, 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: Chairman Robert Boyer, Vice Chairman Peter Masterson, Treasurer Joseph Gallucci, and Secretary Edward Inman 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 Duscheneau and Director of Administration of Finance Jo-Ann Gershkoff. Mr. Gallucci led the group in the pledge of allegiance. Board Member Frank Giorgio was not in attendance.

#### **APPROVAL OF THE MINUTES**

The minutes of the regular board meeting of November 19, 2015 were presented for approval. Mr. Giorgio moved passage of the minutes of both meetings, seconded by Mr. Gallucci and the minutes of the meeting were unanimously approved.

#### **LEGAL MATTERS**

Mr. Sullivan updated the board on the situation at 642 Washington St., Coventry. The litigation continues with the discovery phase remaining underway. He reported that there was a mediation on the Friday prior to the meeting where an offer to resolve the case was made. He added that no action could be taken, as the case wasn't on the agenda.

Mr. Sullivan then commented on the CCFD matter. He advised the board that the lawsuit against CCFD had been filed and answered. He indicated there was a hearing on the "automatic stay" that was issued back in 2012 this Friday in the state court receivership. He advised that CCFD is using the initial orders in the state receivership matter as a shield against any litigation; Mr. Sullivan argued to the court that the stay was no longer in effect and creditors could sue the district. Mr. Sullivan said the court agreed with his position. He filed a motion for summary judgment as soon as the decision was rendered as the pleadings were already prepared.

The Coventry Fire District was then discussed. Mr. Sullivan said that there was a motion for a writ of mandamus pending, with a hearing for January 2016. The supreme court said that this is the way to collect a judgment against a governmental agency. It essentially compels the treasurer to pay the judgment, or if unable to do so, to raise the taxes to pay the judgment. In

addition, the treasurer was served with an execution.

Finally, Mr. Sullivan who advised that he was approached by the receiver in the CONE receivership cases who wants KCWA to take over the infrastructure within the development. He advised that the town of Coventry has conditionally agreed to take over the roadways, according to the receiver.

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

There was nothing to report in this heading.

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

Jo-Ann Gershkoff, Finance Director, explained and submitted the financial report. She reported on the Cash Receipts and Disbursements and Statement of Cash Location FY 2015-2016 as of November 2015, and Statement of Revenues, Expenditures and Changes in Fund Balance as of November 2015, attached as exhibit "A", and a thorough discussion ensued with regard to the sales and revenue.

Mr. Gallucci moved and seconded by Mr. Inman 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 2015-2016 as of November 2015, and Statement of Revenues, Expenditures and Changes in Fund Balance as of November 2015 attached as exhibit "A", be approved as presented and be incorporated herein and made a part hereof.

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

#### **GENERAL:**

#### **2015A IFR Easements Warwick Status**

Mr. Brown advised the board that he had a letter from Attorney Sullivan that indicated he had all the requisite easements. Furthermore, he added that Mr. Sullivan believes that KCWA has prescriptive rights to the easement that traverses Railroad Row. This resolves all the title issues in this matter.

### **INFRASTRUCTURE PROJECTS**

### **Apponaug Circulator Water Main Replacement (Status)**

Mr. Brown reported the project was ongoing. The KCWA piece was small, and that portion, Mr. Brown reported, was going pretty well. He reports pavement issues had been completed for winter. Mr. Gallucci commented that the Warwick city council was to be given a status presentation soon.

### **East Greenwich Refurbishment**

Mr. Brown reported that the screen was ordered and was two weeks out. He said that the pipe was put down within one foot of the previewing well screen. Once the screen arrives, it will be installed.

### **IFR 2014A**

Mr. Brown informed the board that the work is ongoing as well. A portion of Tollgate road would be paved in part prior to winter.

### **IFR 2014B**

Mr. Brown reported that this project is undergoing shut down for winter. There remain one or two streets left for this year to be completed.

### **IFR 2015A/B DESIGN**

Mr. Brown reports that contract 2015B is under design. Task Order # 5 awaits approval on the Laurel Avenue bridge. He advised the board that the contaminated materials remain around the pipe across 642 Washington St. and the litigation is slow to resolve. He reported that he wants to move the pipe along the Laurel Avenue bridge, but the 5 year moratorium rule exists with respect to the State not allowing construction. He reports this may be 2017 or 2018. Mr. Inman asks how we may be able to get around the moratorium. Mr. Brown said there may be an exception for health and safety. Mr. Brown reports he would like to send this out for design in the amount of \$16,180.00.

Mr. Inman moves, seconded by Mr. Gallucci, to approve the Task Order #5 in the amount of \$16,180.00.

Upon motion duly made and seconded, it was unanimously

VOTED: That Task Order #5 is approved in the amount of \$16,180.00.

### **Quaker Lane Pump Station Upgrade (Status)**

Mr. Brown reported that one pump was replaced and was working well. The contractor is working on no. 2 and that the third will be started when the second is complete.

## **IFR Structure Demolitions**

Mr. Brown reported that the lead sampling on the site showed contamination 6” below grade. The remediation plan continues to move forward. The contract is to be bid in the winter.

## **IFR 2016 DESIGN**

Mr. Brown reported that this project is to continue this winter, and it should be bid next year.

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

Dated: January \_\_\_\_, 2016.

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Patrick J. Sullivan, Legal Counsel