

KENT COUNTY WATER AUTHORITY

MINUTES OF THE REGULAR MEETING  
OF THE BOARD

April 19, 2018

A meeting of the Board of Directors of the Kent County Water Authority was held on the 19<sup>th</sup> day of April, 2018, at 3:30 p.m. at the offices of the Authority in West Warwick, RI, in the Joseph D. Richard Board Room.

Chairman Robert Boyer opened the meeting at 3:30 p.m. Board members, Vice-Chairman Peter Masterson, Treasurer Joseph Gallucci, Russell Crossman and Frank 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 Finance and Administration Michael Lanfredi. Also, in attendance was Treatment Manager/Water Project Engineer Dave Simmons. Mr. Crossman led the group in the pledge of allegiance.

**APPROVAL OF THE MINUTES**

The minutes of the regular board meeting held on March 15, 2018 were presented for approval, along with the minutes from the two special board meetings from March 21, 2018 and March 28, 2018. Mr. Giorgio moved, seconded by Mr. Crossman, to approve all the minutes. The minutes were unanimously approved.

Guest: Walker Ridge Homeowners Association

Mr. Brown introduced the representatives of the Walker Ridge HOA to the board. Appearing was Kathy Patenaude, Jackie Lucia and Dane Kwiatowski. Mr. Brown said they requested to appear on November 17, 2017 and were unable to appear. They loaded a power point presentation for the board.

Ms. Lucia said there HOA consisted of 64 homes. She described the composition of the development and described the private water system. She showed pictures of the pump station, subterranean, and showed how difficult it was to access. She said there were two 25 hp pumps and one 75 hp pump for fire service and hydrants. She said the HOA contracts with F. W. Webb for repairs. Chairman Boyer asked about the number of hydrants, and she replied 5.

Mr. Crossman had a discussion about the pumps, their maintenance and related matters with the representatives.

The representatives said when they bought the homes, they had no idea the pump station existed. Ms. Lucia said they were told that KCWA would eventually take over the pump station. She presented copies of old records from the town of Coventry. There was also talk of a proposed water tower at that time, that would replace the pump. Mr. Masterson asked about the real estate agent who sold the properties and what representations she made.

Mr. Crossman contradicted some of the statements made indicating that the Town of Coventry ensured that there was public water available and that it was being supplied. He referred the group to their HOA documents where the public water was delivered through the pump station.

Chairman Boyer said KCWA was clear that it had no responsibility to the water system within that development.

Mr. Masterson said that in his experience, all those HOA documents are in the hands of the purchaser of real estate at or prior to the closing. He and Mr. Sullivan reminded the group that the attorney at the closing represented the lender, and not the buyer or the seller. He expressed sympathy to the group but there was nothing KCWA could do.

Mr. Giorgio asked the group what they were looking for.

The Chairman advised them that KCWA cannot take over their water system. He said the HOA has the responsibility and should take action. He asked them how KCWA could ask the other ratepayers to subsidize their private water system.

Mr. Brown reminded the group to re-read their HOA documents. It provides that if their HOA doesn't maintain their system, and a problem arises, they allow KCWA to come onto their property, perform work and repairs, and bill the homeowners, citing the high expense.

The Chairman concluded this portion of the meeting advising them to get an attorney.

## **Legal Matters**

Mr. Sullivan discussed the litigation entitled *Conservation Law Foundation v. KCWA and Burrillville v. KCWA* (PC2017-1037 and PC2017-1039). He discussed the progress of the case and the developments since the last meeting. There has still been little activity on this matter.

The matter *KCWA v. Cardi Corp, et al KC 2016-0473* was settled and the documents including the settlement agreement and release were being circulated. He expected the settlement to be funded when the documents are approved.

Mr. Sullivan also discussed the 31 Deer Run Drive matter and the March 9, 2018 letter from Leo Wold from the Advocacy section of the Attorney General's office. The matter related to the DeCubellis attempt to connect to the system. It was *KCWA v. State of RI Division of Public Utilities PC 2013-0270*. The letter ordered the KCWA to connect the DeCubellis home to the water main, and the letter ordered that "all identified costs" shall be paid by KCWA. Mr. Sullivan thought that this edict exceeded the authority the Division has pursuant to statute, although he said he would research the matter. Mr. Sullivan said he could file a motion pursuant to Rule 60 of the Rules of Civil Procedure as ratepayer funds should not be directed to a private person. The board agreed.

**Director of Finance 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 2017-2018 as of March 2018 and Statement of Revenues, Expenditures, and Changes in Fund Balance as of March 2018, attached as exhibit "A", and a thorough discussion ensued with regard to the sales and revenue.

Mr. Brown said that sales of water for last month set another record for low.

Mr. Gallucci moved, seconded by Mr. Masterson, 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 2017-2018 as of March 2018 and Statement of Revenues, Expenditures, and Changes in Fund Balance as of March 2018, attached as exhibit "A", be approved as presented and be incorporated herein and are made a part hereof.

**Point of Personal Privilege & Communication**

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

**GENERAL:**

**Utility Conflict King Fisher & Osprey Drive, Coventry**

Mr. Brown updated the Board on this matter. He said Mr. Duchesneau attempted to contact Mr. McGee on this matter. Mr. Boyer asked if the town could relocate it, and Mr. Brown said he believed they could.

## **INFRASTRUCTURE PROJECTS**

### **East Greenwich Well Refurbishment**

Mr. Brown reported that the well was pulled. He said it seized. He said it was a warranty item. He said the pump has to be shipped back to the company. He said it was inspected yesterday, and the screen was in great condition. He also said he was awaiting final report on the generator.

### **IFR 2015A**

Mr. Brown reports that paving was to begin.

### **IFR 2015B**

Mr. Brown reported that spring start up had begun. He said he will outline a paving schedule for a time after school ends.

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

Mr. Brown updated the Board that this was on hold for funding.

### **IFR 2018 Design**

Mr. Brown reported that design is ongoing for Hilltop Dr. off Love Lane in Warwick.

## **CAPITAL PROJECTS**

### **Water Main North/South Interconnection High Service**

Mr. Brown reported that the design was done and the project still awaited funding.

There being no further business before the board, Mr. Crossman moved, seconded by Mr. Giorgio, to adjourn the meeting. The vote was unanimous in the affirmative.

Dated: May \_\_\_\_, 2018

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Patrick J. Sullivan  
Legal Counsel