

KENT COUNTY WATER AUTHORITY

MINUTES OF THE SPECIAL MEETING
OF THE BOARD

May 12, 2015

A meeting of the Board of Directors of the Kent County Water Authority was held on the 12th day of May 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, Mr. Masterson, Mr. Gallucci, Mr. Inman, and Mr. Giorgio were all present together, along with the General Manager/Chief Engineer Timothy J. Brown, legal counsel Patrick J. Sullivan, Esq. as well as, Mr. Duscheneau and Mr. Simmons, and Finance Director Jo-Ann Gershkoff. Chairman Boyer led the group in the pledge of allegiance.

Award Demolition Contract East Greenwich Well

Mr. Brown informed the board that there were two bidders for the demolition contract. He advised that they were \$47,909.00 dollars apart. Sitecon Construction Corporation submitted the lowest bid at \$88,056.00 and Mr. Brown recommended approval.

Mr. Masterson moved and seconded by Mr. Gallucci to award the bid for the demolition of the East Greenwich well to Sitecon Construction Corp. for \$88,056.00.

Upon Motion duly made and seconded, it was unanimously,

VOTED: That KCWA awards the bid for the demolition of the East Greenwich well to Sitecon Construction Corp. for \$47,909.00.

GIS Coordinator

Mr. Brown informed the board that he interviewed applicants for the position. There were 18 applications submitted. He added that none were qualified as the person he recommends for the position. He recommended Sam Swartwout for the position. He discussed Mr. Swartwout's qualifications and resume. During his second interview, he was actually interviewed on the computer and did very well.

Chairman Boyer added that he had an impressive resume.

Mr. Brown recommended Mr. Swartwout's appointment at \$62,500.00 annual salary, with the normal requirements of a successful drug screen, background check and 2 years

probation.

Mr. Gallucci moved, seconded by Mr. Masterson, to appoint Sam Swartwout to the position of GIS Coordinator at \$62,500.00 annual salary, with the normal requirements of a successful drug screen, background check and 2 years probation.

Upon Motion duly made and seconded, it was unanimously,

VOTED: That KCWA appoints Sam Swartwout to the position of GIS Coordinator at \$62,500.00 annual salary, with the normal requirements of a successful drug screen, background check and 2 years probation.

Engagement of Rate Counsel

Mr. Brown reminded the board that Attorney Keough was recently interviewed by the board for rate counsel work. Mr. Brown added that Mr. Keough revised his engagement proposal and lowered his hourly rates to \$265.00 for his time and \$150.00 for his associates. Mr. Brown also recommended that if the board is inclined to approve the engagement agreement, it would do so effective July 1, 2015 to June 30, 2015, lined up with the fiscal year. He added that the term of the current rate counsel and in house counsel have their terms run parallel to the fiscal year.

Mr. Gallucci moved, seconded by Mr. Masterson, to approve the engagement agreement.

Mr. Inman requested discussion. He questioned whether Mr. Keough would accept a flat fee. He seemed to recall his representation of another utility in the Providence Water Supply Board rate case that KCWA was involved in. He added that Mr. Keough has enough experience to estimate the time and effort put into a rate case.

Mr. Masterson suggested that he may have brought that issue up in his discussion to the board of his prior experiences before the PUC and DPUC.

Chairman Boyer added that it might be a good idea with his experience.

Mr. Brown added that there are other cases before the division, and not just rate cases that he would be handling.

Mr. Inman suggested that his hourly rate seems to be high, though he wouldn't block the engagement. He also asked if the attorney had experience in coursework in his professional development related to public utilities.

Chairman Boyer asked Mr. Brown to bring him in to the next meeting. The motion to approve the engagement was withdrawn by Mr. Gallucci.

Executive Session – 42-46-5 (a)(2) relating to discussions of litigation and potential litigation.

Mr. Gallucci moved and seconded by Mr. Masterson that the board move into executive session for discussion of litigation and potential litigation pursuant to RIGL 42-46-5(a)(2)

Upon Motion duly made and seconded, it was unanimously, by roll call vote,

VOTED: That the board moved into executive session for discussion of litigation and potential litigation pursuant to RIGL 42-46-5(a)(2)

The board goes into executive session at 3:48 p.m.

At 4:10 p.m. the board emerges from executive session and resumes open session.

Mr. Giorgio moved and seconded by Mr. Gallucci that the board exit from executive session.

Upon Motion duly made and seconded, it was unanimously, by roll call vote,

VOTED: That the board exit from executive session. The board resumes in open session.

Mr. Masterson moved, seconded by Mr. Gallucci, that the minutes of the executive session meeting shall remain under seal pursuant to RIGL 42-46-4 and 42-46-5.

Upon motion duly made and seconded, it was unanimously, by roll call vote,

VOTED: That executive session minutes of the meeting shall remain under seal pursuant to RIGL 42-46-4 and 42-46-5.

After emerging from executive session, Mr. Sullivan announced that a vote was taken in executive session to authorize legal action against the Coventry Fire District for unpaid hydrant bills. He also announced that a vote was taken authorizing legal counsel to make all efforts to amend the judgment in Commerce Park Realty LLC v. KCWA KC 2005-0494 to rescind the high service requirements.

There being no further business before this meeting, on motion duly made by Mr. Inman, seconded by Mr. Giorgio and carried, the meeting was adjourned at 4:15 p.m.

Dated: May ____, 2015

Legal Counsel