

KENT COUNTY WATER AUTHORITY

MINUTES OF THE REGULAR MEETING
OF THE BOARD

October 27, 2022

A meeting of the Board of Directors of the Kent County Water Authority was held on the 27th day of October, 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, Secretary Russell Crossman, Brian Kortz, Scott Duckworth and Charles Donovan were all in attendance along with Executive Director/Chief Engineer David L. Simmons, Director of Construction John Duchesneau, Legal Counsel Michelle Hawes Esq. for Patrick J. Sullivan, Esq. and Director of Human Resources and Finance Michael Lanfredi. Director of Engineering Nicole Campagnone and Director of Operations, Richard Burns were also in attendance.

Chairman Boyer led the group in the pledge of allegiance.

Approval Of The Minutes

The minutes of the regular board meeting held on August 31, 2022 were presented for approval. Mr. Duckworth moved the minutes approval, seconded by Mr. Crossman. The minutes were approved unanimously.

Action Item: Approval for the New Office and Maintenance Facility

Mr. Duckworth moved that the agenda item of the approval of the New Office construction be moved up on the agenda. Mr. Crossman seconded, and the agenda change was approved unanimously.

Guest:

Pare Corp.

Mr. Simmons introduced Pare Engineering, (Pare Corp.) representatives including David Potter and Paul Hauser, Vision 3 Architect for a review of the Bid Evaluation and Recommendation letter which had been provided to the Board members.

Mr. Potter presented the audit to the board. He reviewed the bids that were submitted and the evaluation process used to score the two bid proposals. He noted that two bids had been received; one from Bentley Companies for \$21,253,045 and one from Tower Construction for \$22,194,000. The two bids had been evaluated and given a score based on prime contractor experience, qualifications, and references, major subcontractors and material suppliers' experience and qualifications, and the overall quality of the bid package. They were additionally scored based on cost. The Bentley Companies bid scored 89.3 in total and the Tower Construction bid scored 78.6. Both Pare Corp. and Vision 3 Architects reviewed the bids separately to complete this evaluation process.

He went on to recommend that based upon the factors discussed and the evaluations of Pare Corp. and Vision 3 Architects that Bentley Companies be awarded a letter of intent to award the bid. He explained that the bid could not be awarded as it was contingent upon meeting the bond requirements including the minority and female business requirements, general supplementary conditions, SRF funding requirements.

He also addressed concerns related to the proposed time line. He explained that due to the need to review the plans and get the necessary approvals, there could be a month delay, but that the proposed schedule had taken those approval periods into consideration when proposed. Due to the front end time, the foundations would not be going in until the spring, but the preliminary schedule meets the projected timeline, and that the contract would provide for liquidated damages in the event of a delay. He stated that the projected timeline had a February 26, 2024 turnover date.

The Board was concerned about the ability to fund the projected project, and David Simmons was asked to review the status of funding. David Simmons reviewed the amounts of the bond and the amounts currently in the account, as well as the allocation for the solar panels for the building. Chair Boyer expressed that due to the nature of the proposed building he expected that the bids would be less, and there was discussion about the nature of what was included in the bid proposal.

Mr. Duckworth moved, seconded by Mr. Crossman, to issue a letter of intent to award the bid to Bentley Companies.

Motion made and duly seconded, it was approved by Duckworth, Crossman, Donovan, Guisti, and Kortz. Chairman Boyer recused himself from the vote.

VOTED: That KCWA will issue a letter of intent to award the bid for the construction of the New Office and Maintenance Facility to Bentley Companies.

Director of Finance Report:

Closing Report September 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 September 2022 and Statement of Revenues, Expenditures, and Changes in Fund Balance as of August 2022, attached as exhibit "A", and a thorough discussion ensued with regard to the sales and revenue.

Mr. Lanfredi said shutoff notices for those owing more than \$350.00 went out to 992 customers. He stated that of those notices, they acted upon 92. Of those 10 accounts were shut off, 26 are in active payment plans, and 4 have since paid in full.

He stated that the first bond payment had been made of \$888,000

Mr. Duckworth moved, seconded by Mr. Crossman, 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 September 2022 and Statement of Revenues, Expenditures, and Changes in Fund Balance as of September 2022, attached as exhibit "A", be approved as presented and be incorporated herein and are made a part hereof.

Legal Counsel

CONE Receivership

Ms. Hawes updated the board on the Center of New England receivership. She said there was a continuation of a few hearings that would terminate the receivership and that while some matters are on their way to resolving there was not any substantive change, and that the matter would be further updated by Attorney Sullivan at the next meeting

CCFD Agreement

Ms. Hawes advised that they had reached an agreement which would be reviewed by the Board.

Point of Personal Privilege and Communication

The Chairman's Report to the Customers was reviewed, and it provided extensive information about the ongoing work of KCWA. Chairman Boyer gave thanks, which were echoed by the other Board members, for getting the project to the finish line.

EXECUTIVE DIRECTOR/CHIEF ENGINEER'S REPORT

ONGOING PROJECTS:

IFR 2022

Approval of Bid for the installation of new water main in West Warwick – Cowesett-Tiogues-New London Turnpike

Bids had been received from 4 entities and had been reviewed by James J. Geremia & Associates, Inc. He provided a letter to the Board which was reviewed and he determined that Boyle & Fogarty Construction Co., Inc. has submitted the lowest and most responsible bid. It was discussed that the project would be a 2 year project, starting in Spring of 2023. They submitted a bid for \$8,095,005.50.

Mr. Duckworth moved, seconded by Mr. Guisti, to award the bid to Boyle & Fogarty Construction Co.

Motion made and duly seconded, unanimously

VOTED: That KCWA will award the project bid to Boyle & Fogarty Construction Co., Inc.

Meter Change Out Program

Update -Large Meter Program

Ms. Campagnone discussed the progress of the program. She said 220 of 305 were replaced in the large meter program.

Chairman's Report

The report of the chairman was reviewed, and thanks were given for the level of completeness given to the project.

Oaklawn

There was a discussion of planned project, there is currently only one point of service representing a single point of failure exposure. KCWA is completing a second redundant connection now, it involves the installation of a pressure reducing station and connecting pipework between gradients to resolve this vulnerability of the system.

Paving being performed by Others

Further discussed was the maintenance required of KCWA for ongoing projects not necessarily under the control of KCWA. Mr. Simmons discussed that with the large influx of infrastructure capital being dispersed to all of the cities and towns we service, and it being an election year, that KCWA has been overwhelmed with replacing broken boxes, and trying to ensuring paving work contracted by the various cities and towns is being completed without damaging KCWA infrastructure. It has been difficult in ensuring contract conformance not under the direct control of KCWA. It has been a full time job of the staff just keeping up and in communication with the maintenance departments for the cities and towns.

CCFD Agreement

There was a discussion of the terms of agreement reached to address amount owed by CCFD, choice to waive interest and costs to agree to full payment of arrearage. The discussion included the amounts actually waived by such agreement, and the invoices were reviewed by Ms. Hawes to advise the board of the apparent amount of late charges that were itemized on invoices that would be waived by the agreement. Ms. Hawes was asked by the Board whether such agreement would set a precedent in regards to payment disputes and she advised that it would not.

It was moved and seconded that this agreement be signed on behalf of KCWA, and unanimously

VOTED: That KCWA would agree to waive interest and costs in the manner provided in the agreement before the Board for this specific instance to the CCFD.

Executive Session:

Update on D'Ambra litigation:

Pursuant to RIGL 42-46-5(2): Discussions pertaining to litigation -RIDOT- Construction Pipe Gantry Issues-KCWA v. D'Ambra Construction and RIDOT- KC-2021-0704.

Gave general update regarding the ongoing discovery in the case.

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

Dated: November 18, 2022



Patrick J. Sullivan
Legal Counsel