

KENT COUNTY WATER AUTHORITY

MINUTES OF THE REGULAR MEETING  
OF THE BOARD

November 15, 2018

A meeting of the Board of Directors of the Kent County Water Authority was held on the 15<sup>th</sup> day of November 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 Treasurer Joseph Gallucci, Russell Crossman, Frank Giorgio and Jefferey Giusti 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. Vice-Chairman Peter Masterson and Secretary Scott Duckworth were both excused. Mr. Giorgio led the group in the pledge of allegiance.

**APPROVAL OF THE MINUTES**

The minutes of the regular board meeting held on October 18, 2018 were presented for approval. Mr. Giorgio moved, seconded by Mr. Crossman, to approve the minutes. The minutes were approved unanimously.

**Pinga 15 Factory St., West Warwick, RI Outstanding Billing**

Mr. Brown introduced the guest to the board and described the issues. He said there were two issues, one being the failure to install a backflow preventer and the second was a shutoff notice for failure to pay the fees related to the fire line in his property. He added that the backflow preventer issue was rendered moot as the customer was in compliance since the last meeting.

Mr. Sullivan then addressed the board. He described the board's authority in addressing the issue. He said the current rules and regulations do not allow the board to relieve any fees owed by a customer, residential or business. He said the DPUC would have jurisdiction if the billing dispute were related to a residential shutoff, but here, the DPUC declined jurisdiction since the building was a commercial use.

Mr. Sullivan said the board could vote to amend its rules and regulations and give itself the power to settle these disputes absent a case filing, but that would open the door to more and more

disputes. Mr. Brown echoed this sentiment and said there are many disputes that the customers could bring before the board that aren't currently brought.

Mr. Sullivan went on to say that the board would have the authority to resolve a dispute if the case was either accepted by the DPUC and a settlement were proposed, or if the dispute was brought to a court of competent jurisdiction. Here, he said, the amount in controversy could be filed in the district court or the superior court.

There was a lively discussion among all board members. Mr. Gallucci brought up the more recent controversies with other customers and said he wanted to be consistent with the board's response. Mr. Sullivan said the DPUC took jurisdiction and each of those were settled at the DPUC level, irrespective of how they took the jurisdiction. Mr. Sullivan said if there were a case filed, the board had the power to settle it.

Mr. Gallucci then asked why DPUC didn't take the appeal jurisdiction while raising issues relating to Valley CC and Bradford Soap disputes. Mr. Brown indicated that the matters were settled at DPUC but couldn't answer why DPUC accepted jurisdiction with those cases and declined it with this matter. This matter never came before the board he said. There was discussion about the difference between residential and commercial disputes.

Mr. Gallucci then asked what Mr. Brown's recommendation was. Mr. Brown said the customer should file a simple case in District Court as Mr. Sullivan said and the board could consider it at the next meeting.

Chairman Boyer told the customer they were powerless absent a filed case and told him to file an action that could be considered by the board.

### **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 lack of developments since the last meeting. He again told the board that the case was heard and that he still awaits a decision.

He then discussed the CONE receivership. He said, similarly, that Judge Sara Taft Carter was recently assigned the case and that there was a hearing scheduled before the next meeting. He promised a report to the board.

Next, Mr. Sullivan explained his research on the water meter replacement. Mr. Brown had asked for a legal opinion as to whether or not a licensed plumber was required to do this work which would cause a significant increase in the project's cost. Mr. Sullivan said the law

was amended so as to allow a water authority or district to use its own employees to do so without the requirement to hire a licensed plumber.

**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 2018-2019 as of October 2018 and Statement of Revenues, Expenditures, and Changes in Fund Balance as of October 2018, attached as exhibit "A", and a thorough discussion ensued with regard to the sales and revenue.

Chairman Boyer asked about the amount of payment plans. Mr. Brown said there were some, but said there were quite a few shutoffs. He described the procedure to the board, and the numerous steps that the customer is given. He said there were 1100 shutoffs for the month.

Mr. Gallucci moved, seconded by Mr. Giorgio, 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 2018-2019 as of October 2018 and Statement of Revenues, Expenditures, and Changes in Fund Balance as of October 2018, attached as exhibit "A", be approved as presented and be incorporated herein and are made a part hereof.

**Point of Personal Privilege and Communication**

Mr. Gallucci reported to the board that the Mayor of Warwick supports a curb to curb pavement restoration going forward as a change from the past administration. Mr. Brown expressed his satisfaction with the change of position.

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

**GENERAL:**

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

Mr. Brown indicated that communication with Coventry should wait until a new full time manager was appointed. Mr. Crossman said he spoke to Mr. McGee that day who said he would do nothing about the conflict. Mr. Brown suggested the matter be referred to the solicitor, but no action was taken.

**Future IFR Project, Main St. from Jackson Flat Rd. to Broad St, Cleaning and Lining.**

Mr. Brown said they found a 12” tuberculation in the pipe. He said the pipe is in good condition and this job would be sometime in the future. He said this cleaning and lining would increase the pressure.

### **Warwick RI Backflow Preventers, Coordination with Mr. Gallucci**

Mr. Brown said KCWA was working with Joe Blake from the city of Warwick for the installation of the preventers. Mr. Brown said Mr. Blake said he was working with Mr. Gallucci. Mr. Gallucci promised a follow up for the board.

## **INFRASTRUCTURE PROJECTS**

### **IFR 2015B**

Mr. Brown reported that the project is ready for final paving. He said the Earl St. area needs to be paved.

### **IFR 2016 Design – 3 Phase Project**

Mr. Brown updated the Board that this remains on hold for funding and was a three-phase project.

### **IFR 2018 Construction Possible Bid Date, Task Order #2, Re Bidding Services**

Mr. Brown reported that this would be re bid in January 2018. He reminded the board there was only one bidder and it was much higher than estimated. He asked that the task order #2 be approved for re bidding.

Mr. Giorgio moved, duly seconded by Mr. Crossman, to approve the task order #2 for rebidding of the IFR 2018.

Motion made and duly seconded, it was unanimously

VOTED: That task order #2 for rebidding of the IFR 2018 is approved.

## **CAPITAL PROJECTS**

**Water Main North/South Interconnection High Service Task Order \$7044.00**

Mr. Brown reported that the Sandy Bottom Road bridge may be widened by RIDOT. As such, they asked KCWA to move their project further west. Mr. Brown said the redesign by Geremia and associates was \$7044.00 and asked the board for approval.

Mr. Crossman moved, seconded by Mr. Gallucci, to approve the task order for redesign in the amount of \$7044 to Geremia and Associates.

Motion made and duly seconded, it was unanimously

VOTED: That the task order for redesign in the amount of \$7044 to Geremia and Associates is approved.

There being no further business before this meeting, on motion duly made by Mr. Giorgio, seconded by Mr. Duckworth and carried, the meeting was adjourned at 5:15 p.m.

Dated: December 20, 2018

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Patrick J. Sullivan  
Legal Counsel