

**MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS  
OF THE BRISTOL COUNTY WATER AUTHORITY**

**Wednesday, May 30, 2012**

**283 County Road, Barrington Town Hall, Council Chambers,  
Barrington, RI**

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**Pursuant to proper notice, the regular meeting of the Board of Directors of the Bristol County Water Authority was called to order by Chairman Jannitto at 6:45 pm, 283 County Road, Barrington Town Hall, Council Chambers, Barrington, Rhode Island. Executive Director Pamela Marchand Legal Counsel Ms. Sandra Mack and the following Directors were in attendance at the commencement of the meeting:**

**Robert Allio, Paul Bishop, Joseph DeMelo, Kevin Fitta, William Gosselin, John Jannitto, Allan Klepper, Raymond Palmieri, Sr., Frank Sylvia**

**Director Absent: None**

**HOUSEKEEPING**

**Minutes of the following meeting were reviewed.**

**Upon a motion duly made and seconded, it was**

**VOTED: That the minutes of the Board Meeting of April 12, 2012, be approved.**

**Motion passed 7 – 1, Director Fitta abstained.**

**1. Finance Update, Legal Counsel Ms. Mack stated that the Board had approved 2 resolutions at the last meeting and that work was continuing to obtain proposals and commitments. RI Clean Water Finance will have the resolution on its June agenda for approval of the \$500,000 bond, and the Authority has gone out for proposals for the refunding bond to local banks for a direct purchase negotiated sale**

**2. Anawan Correspondence, Legal Counsel Ms. Mack stated that Anawan is requesting repairs be made to Anawan, BCWA will be using FEMA money for those repairs.**

**3. MacDonald vs. BCWA, Ms. Mack stated that the judge dismissed this case with prejudice.**

**4. Request for RFP Rate Study/Infrastructure Funding, Executive Director P. Marchand stated that she wants to go out to RFP for Rate Study of our rate structure. Executive Director Marchand stated that BCWA needs to establish an Infrastructure Fund.**

**5. Board Resolution for Tri-Town Legislation, Director Palmieri stated that this legislation was held up on a solicitor's desk. The Tri-Town would like this acted upon during this General Assembly session.**

**Director Klepper noted the suggestion of legal counsel that the Authority give its input to the pending legislation, and he stated that the BCWA should give its endorsement of the tri-town legislation to the General Assembly and also take action to adopt these changes.**

**Legal Counsel Ms. Mack stated that the Board can, by vote, amend its by-laws to be consistent with the legislation, without waiting for the legislation to be passed, but they must also be consistent with the existing legislation in the meantime. This may be impossible to accomplish.**

**Director Fitta stated that BCWA should approve by-laws contingent with changes proposed for legislation.**

**Director Klepper made the following motion which was duly seconded**

**MOTION: Advise the local legislators that the Authority is supportive of the tri-town legislation introduced in the General Assembly relating to the Bristol County Water Authority.**

**Motion passed unanimously.**

**Director Klepper stated that BCWA can operate under existing by-laws if legislation is not passed.**

**6. Consideration of Automatic Rate Increases (Providence), Director Klepper stated that Providence Water has an impact on us. BCWA should have a formal hearing – when Providence Water increases its rates it would also be an automatic increase for BCWA. BCWA has absorbed many increases from Providence Water, this issue has to be dealt with.**

**Legal Counsel Ms. Mack stated that BCWA would need an open-ended rate increase to accomplish this result, BCWA must show impact of Providence Water rate increases on BCWA to its customers.**

**Director Klepper made the following motion which was duly seconded**

**MOTION: Analysis by Executive Director of time-line for the Finance Committee.**

**Director Fitta asked when the rate study would be completed.**

**Executive Director Marchand stated that the RFP should be ready for next week's subcommittee meeting.**

**Motion passed 7 – 2, Directors Palmieri and Fitta voting Nay.**

## **AUDIT FINANCE**

**Director Sylvia reported:**

**1. RFP for Legal Services, Director Klepper distributed an RFP for legal services (attached) and noted for the record that it was produced with the assistance of Barrington’s solicitor, and not the Authority counsel, anticipating that current counsel might apply for the position and avoid any conflicts. Any changes to the RFP by Directors should be sent to Cid Harper.**

## **Engineering**

**Director Bishop reported:**

**1. Stock “E” Material Purchasing – Contract Award. Director Bishop made the following motion which was duly seconded**

**Motion: To award the Stock “E” Material Purchasing Contract to the low bidders as follows:**

**a) Pipe & Fittings: Ferguson Waterworks, Croton, CT**

**b) Valves, Tapping Sleeves & Valve, Valve Boxes & Accessories: E.J. Prescott, Inc. of Lincoln, RI**

**c) Water Main Repair Materials: TiSales, Inc. of Sudbury, MA**

**d) Fire Hydrants: E.J. Prescott, Inc. of Lincoln, RI**

**e) Water Service Construction Materials: Stiles, Inc. of Norwood, MA**

**Motion passed unanimously.**

**2. BCWA/East Providence – Emergency Interconnection Design Cost (25%), Executive Director Marchand stated that an emergency connection to East Providence would be through a dedicated line which could feed in both directions and there would be sufficient supply in an emergency. Executive Director Marchand stated that she would need \$60,000 for the engineering design.**

**Director Bishop made the following motion which was duly seconded**

**MOTION: Request \$60,000 for the engineering design cost.**

**Motion passed unanimously.**

#### **Public Relations/Personnel**

**Director Gosselin reported:**

**1. Status of Union Negotiations, Executive Director Marchand stated that there have been 3 negotiating sessions with the Union. Labor Counselor J. Whelan will attend the June subcommittee meeting to update the Board.**

#### **NEXT STEPS**

**1. Audit Finance Committee Meeting, Thursday, June 7, 2012, 5:15 p.m., Warren Office, Boardroom, 450 Child Street.**

**2. Engineering Committee Meeting, Thursday, June 7, 2012, 5:20 p.m.,**

**Warren Office, Boardroom, 450 Child Street.**

**3. Public Relations/Personnel Committee Meeting, Thursday, June 7, 2012, 5:25 p.m., Warren Office, Boardroom, 450 Child Street.**

**4. Board of Directors Annual Meeting, Tuesday, June 26, 2012, 6:00 pm, Warren Office, Boardroom, 450 Child Street.**

**5. Board of Directors Monthly Meeting, Tuesday, June 26, 2012, 6:30 p.m., Warren Office, Boardroom, 450 Child Street.**

**The Chairman made the following motion, which was duly seconded**

**MOTION: To accept the dates for the June meetings.**

**Motion passed unanimously.**

**The Chairman made the following motion, which was duly seconded**

**MOTION: To adjourn the meeting.**

**Motion passed unanimously.**

**There being no further business, the meeting was adjourned at 7:30 pm.**

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**John M. Jannitto**  
**Chairman**

**ADVERTISEMENT**

**RFP**

**For**

**General Legal Services**

**For**

**Bristol County Water Authority**

**Warren, RI**

**Contact Cid Harper,**

**Exec. Admin. Asst.**

**245-2022, ext. 19**

**for access to packet**

**Would expect we can either mail requested packets or place the RFP document and attachments on our Website and simply direct interested parties to that location.**

## **Attachments**

**BCWA History pd1.doc**

**BCWA Legal Hours by cat. by year.doc**

**BCWA Legal Services Policy.doc**

**BCWA Key Agenda Items.doc**

## **BRISTOL COUNTY WATER AUTHORITY REQUEST FOR PROPOSAL FOR LEGAL SERVICES**

**NOTE: BCWA is not regulated by the Rhode Island P.U.C.**

### **GENERAL INSTRUCTIONS**

**Responses are to be supplied in two separate packages, 10 copies each, one to be marked “Legal Services Proposal from (name of firm or individual)” and “Legal Services Cost from (name of firm or individual)”. Both to be addressed to:**

**Cid Harper, Executive Administrative Assistant**

**BCWA**

**450 Child Street**

**Warren, RI 02885**

**The deadline for receipt at BCWA offices is 4:00 pm on Friday, June 30, 2012.**

## **BACKGROUND**

**Several attachments are included to provide information on the activities of the Authority:**

- 1. Bristol County Water Authority Historical Synopsis**
- 2. 5-year summary of legal service hours by category**
- 3. BCWA Legal Services Policy**
- 4. Key agenda items**

**BCWA meeting minutes may be accessed at the RI Secretary of State's Website or at [bcwari.com](http://bcwari.com).**

## **PREREQUISITE REQUIREMENTS**

**To qualify for evaluation proposals must include confirmation, or supply information for the following:**

**Attorney-at-law in good standing admitted to the bar in RI.**

**Carry at least one million dollars of professional liability insurance.**

**The Attorney will serve at the pleasure of the Board of Directors.**

**Personal (and firm) resumes are to be included.**

**Submit three position-related recommendations with contact numbers.**

**Submit sample of monthly billing detailing work performed and time devoted thereto.**

**Note any potential conflict of interest.**

**RFP responses are at no charge to the BCWA.**

**Failure to fully respond to this section will preclude further**

**evaluation.**

## **EVALUATION PROCESS**

**Proposals will be evaluated and scored under three broad categories:**

### **I. Breadth of experience – 35%**

**Financial borrowing/bonding documents preparation experience.**

**Regulatory Rules and Regulations knowledge.**

**Rate setting experience.**

**Dealing with multi-state agencies.**

**Operating under RI Open Meeting Law.**

**Processing responses under FOIR.**

### **II. Time spent in relevant experience – 40%**

**Non-PUC regulated water utility**

**Water utility**

**Utility other than water**

**No utility experience**

### **III. Legal service charges flexibility – 25%**

**Take on cases/projects at fixed cost**

**Willingness to accept legal services budget cap**

**Variable hourly rates by service type**

**Fixed hourly rate(s)**

**The Board of Directors (or an ad hoc committee) will confirm prerequisite compliance, review proposals, and rate and score them,**

**ranking all potential applicants. Applicants may be required to attend one or more interviews by the ad hoc committee and/or the full Board.**

**Once rankings have been established, the accompanying “Cost Proposal” will be opened for #1, and if a satisfactory negotiation is achieved, the Board may formally engage the attorney. If not, then the process will be repeated with the #2 ranked attorney, etc.**

**BCWA reserves the rights to overlook minor imperfections or errors in the proposals and to act in the best interests of the Authority and its customers.**

**Thank you for your consideration and responses.**

**For the Board of Directors**

**John Jannitto, Chairman**