

# KENT COUNTY WATER AUTHORITY

## BOARD MEETING MINUTES

November 16, 2005

The Board of Directors of the Kent County Water Authority held its monthly meeting in the Joseph D. Richard Board Room at the office of the Authority on November 16, 2005.

Chairman Perry opened the meeting at 3:30 P.M. Chairman Perry, Board Members, Mr. Gallucci, Mrs. Graham, Mr. Masterson and Mr. Boyer were present together with the General Manager Timothy J. Brown, Technical Service Director John Duchesneau, Arthur Williams, Finance Director, Legal Counsel, Joseph J. McGair, and other interested parties, including Councilman Richard Sanetti for Coventry.

The minutes of the Board meeting of October 19, 2005 were moved for approval by Board Member Graham and seconded by Board Member Gallucci and the minutes were unanimously approved.

### Guests:

West Greenwich Councilman Richard Huntsman was in attendance.

### High Service Requests

The Chairman for the benefit of all present read aloud all of the revised standard conditions in lieu of a moratorium as attached as "**A**" and further he explained the water deficit in detail.

The General Manager submitted a memorandum dated November 14, 2005 which is attached as "**B**" which unequivocally states that he is the licensed operator of the Kent County Water Authority system and that he can not countenance any further water approvals while the water deficit continues to avoid a catastrophic incident.

### 129 East Greenwich Avenue, Sara Wye

Sara Wye appeared concerning the necessity of obtaining Kent County Water Authority Supply for her property at 129 East Greenwich Avenue and spelled out the hardship in a letter to Kent County Water Authority which is attached as "**C**". Ms. Wye had received approval by this Board in September, 2001 and freely admits that she did not follow up on the same and now is in a predicament with no potable water since her single family home well is non-functional. The Chairman asked if the applicant understood the revised standard conditions in lieu of a moratorium and the applicant did

acknowledge the same and was given a copy and heard the Chairman read the revised standard conditions in lieu of a moratorium and would abide by the same

It was moved by Board Member Graham and it was seconded by Board Member Boyer to approve water service connection to 129 East Greenwich Avenue because the single family home well is non-functional and is subject to the revised standard conditions in lieu of a moratorium as follows:

1. The Kent County Water Authority (KCWA) is not a guarantor of water supply for this or any other approval and KCWA can only supply water reasonably available to it and therefore any applicant/customer of KCWA understands that any third party commitments made by an applicant/customer are subject to the reasonable availability of water supply and limits of the existing infrastructure to support service.

2. A deficient condition associated with accelerated commercial and residential development exists in the area serviced by the KCWA, the KCWA is in the process of planning for additional water supply and therefore delays or diminution in service may occur if the water supply is unavailable or unable to produce water sufficient to service the customers of KCWA.

3. Ventures, commitments or agreements are at the applicant's sole risk if supply or existing infrastructure is found to be insufficient to support service. The applicant may afford the Authority with system improvements to facilitate adequate service.

4. The applicant shall file a formal single family home application. The applicant/customer understands that any undetected error in the application or an increase or change in demand as proposed, which materially affects the ability to supply water to the site, will be the responsibility of the applicant/customer and not the KCWA.

5. Only conservation-wise plumbing fixtures are to be installed including but not limited to low flow shower heads, low flow toilets and low flow aerators on faucets.

6. If irrigation systems are installed, they must be supplied by a private well. Xeriscape landscaping technique and/or proper planting bed (high water holding capacity) soil preparations shall be employed throughout the project.

And it was unanimously,

VOTED: To approve water service connection to 129 East Greenwich Avenue because the single family home well is non-functional and is subject to the revised standard conditions in lieu of a moratorium as follows:

1. The Kent County Water Authority (KCWA) is not a guarantor of water supply for this or any other approval and KCWA can only supply water reasonably available to it and therefore any applicant/customer of

KCWA understands that any third party commitments made by an applicant/customer are subject to the reasonable availability of water supply and limits of the existing infrastructure to support service.

2. A deficient condition associated with accelerated commercial and residential development exists in the area serviced by the KCWA, the KCWA is in the process of planning for additional water supply and therefore delays or diminution in service may occur if the water supply is unavailable or unable to produce water sufficient to service the customers of KCWA.

3. Ventures, commitments or agreements are at the applicant's sole risk if supply or existing infrastructure is found to be insufficient to support service. The applicant may afford the Authority with system improvements to facilitate adequate service.

4. The applicant shall file a formal single family home application. The applicant/customer understands that any undetected error in the application or an increase or change in demand as proposed, which materially affects the ability to supply water to the site, will be the responsibility of the applicant/customer and not the KCWA.

5. Only conservation-wise plumbing fixtures are to be installed including but not limited to low flow shower heads, low flow toilets and low flow aerators on faucets.

6. If irrigation systems are installed, they must be supplied by a private well. Xeriscape landscaping technique and/or proper planting bed (high water holding capacity) soil preparations shall be employed throughout the project.

420 East Greenwich Avenue, Gilchrest

This matter will be continued to the next Board meeting on December 14, 2005 since the parties are not available.

Plat 12-2, Lot 241, 315 East Greenwich Avenue

Mr. John Brunero, Esq. appeared representing Gertrude M. Izbicki with regard to Assessor's Plat 12-2, Lot 241, East Greenwich Avenue, West Warwick, Rhode Island pursuant to his letter attached as "D". Mr. Brunero stated that it is two single family homes that are being developed pursuant to this approval and well water is deficient and would not support two homes which have street frontage. Board Member Boyer stated that the application is distinctive since it was filed prior to the memorandum

attached as “B” of the General Manager and that he strongly supports not creating a greater water deficit.

The Chairman asked if the attorney for the applicant understood the revised standard conditions in lieu of a moratorium and the attorney did acknowledge the same and was given a copy and heard the Chairman read the revised standard conditions in lieu of a moratorium and stipulated that his client would abide by the same. The Chairman has stated that he is aware that this approval will make the system in excess of maximum day.

It was moved by Board Member Boyer and seconded by Board Member Graham to approve water service connection to Plat 12-2, Lot 241, East Greenwich Avenue, West Warwick because the wells are non-functional and the approval is subject to the revised standard conditions in lieu of a moratorium as follows:

1. The Kent County Water Authority (KCWA) is not a guarantor of water supply for this or any other approval and KCWA can only supply water reasonably available to it and therefore any applicant/customer of KCWA understands that any third party commitments made by an applicant/customer are subject to the reasonable availability of water supply and limits of the existing infrastructure to support service.

2. A deficient condition associated with accelerated commercial and residential development exists in the area serviced by the KCWA, the KCWA is in the process of planning for additional water supply and therefore delays or diminution in service may occur if the water supply is unavailable or unable to produce water sufficient to service the customers of KCWA.

3. Ventures, commitments or agreements are at the applicant's sole risk if supply or existing infrastructure is found to be insufficient to support service. The applicant may afford the Authority with system improvements to facilitate adequate service.

4. The applicant shall file a formal single family home application. The applicant/customer understands that any undetected error in the application or an increase or change in demand as proposed, which materially affects the ability to supply water to the site, will be the responsibility of the applicant/customer and not the KCWA.

5. Only conservation-wise plumbing fixtures are to be installed including but not limited to low flow shower heads, low flow toilets and low flow aerators on faucets.

6. If irrigation systems are installed, they must be supplied by a private well. Xeriscape landscaping technique and/or proper planting bed (high water holding capacity) soil preparations shall be employed throughout the project.

And it was unanimously,

VOTED: To approve water service connection to Plat 12-2, Lot 241, East Greenwich Avenue, West Warwick because the wells are non-functional and the approval is subject to the revised standard conditions in lieu of a moratorium as follows:

1. The Kent County Water Authority (KCWA) is not a guarantor of water supply for this or any other approval and KCWA can only supply water reasonably available to it and therefore any applicant/customer of KCWA understands that any third party commitments made by an applicant/customer are subject to the reasonable availability of water supply and limits of the existing infrastructure to support service.

2. A deficient condition associated with accelerated commercial and residential development exists in the area serviced by the KCWA, the KCWA is in the process of planning for additional water supply and therefore delays or diminution in service may occur if the water supply is unavailable or unable to produce water sufficient to service the customers of KCWA.

3. Ventures, commitments or agreements are at the applicant's sole risk if supply or existing infrastructure is found to be insufficient to support service. The applicant may afford the Authority with system improvements to facilitate adequate service.

4. The applicant shall file a formal single family home application. The applicant/customer understands that any undetected error in the application or an increase or change in demand as proposed, which materially affects the ability to supply water to the site, will be the responsibility of the applicant/customer and not the KCWA.

5. Only conservation-wise plumbing fixtures are to be installed including but not limited to low flow shower heads, low flow toilets and low flow aerators on faucets.

6. If irrigation systems are installed, they must be supplied by a private well. Xeriscape landscaping technique and/or proper planting bed (high water holding capacity) soil preparations shall be employed throughout the project.

**199 East Greenwich Avenue, Brunero**

John Brunero, Esq. appeared representing the applicant/owner, Padula Builders, Inc., of 199 East Greenwich Avenue, West Warwick to have a single family home raised and a new one built in its place and that the property is currently being serviced by a deficient well and Mr. Brunero stipulated on behalf of his client that no other connections will be granted subject to the capacity issue on or adjacent to the site.

Board Member Boyer concurred and strongly stated that no further applications will be granted on or adjacent to the site. Mr. Brunero stated that hardship conditions exist with regard to well problems.

The Chairman asked if the attorney for the applicant understood the revised standard conditions in lieu of a moratorium and the attorney did acknowledge the same and was given a copy and heard the Chairman read the revised standard conditions in lieu of a moratorium and stipulated that his client would abide by the same. The Chairman has stated that he is aware that this approval will make the system in excess of maximum day.

It was moved by Board Member Graham and seconded by Board Member Boyer to approve water service connection to 199 East Greenwich Avenue, West Warwick because the single family home well is non-functional and is subject to the revised standard conditions in lieu of a moratorium as follows:

1. The Kent County Water Authority (KCWA) is not a guarantor of water supply for this or any other approval and KCWA can only supply water reasonably available to it and therefore any applicant/customer of KCWA understands that any third party commitments made by an applicant/customer are subject to the reasonable availability of water supply and limits of the existing infrastructure to support service.

2. A deficient condition associated with accelerated commercial and residential development exists in the area serviced by the KCWA, the KCWA is in the process of planning for additional water supply and therefore delays or diminution in service may occur if the water supply is unavailable or unable to produce water sufficient to service the customers of KCWA.

3. Ventures, commitments or agreements are at the applicant's sole risk if supply or existing infrastructure is found to be insufficient to support service. The applicant may afford the Authority with system improvements to facilitate adequate service.

4. The applicant shall file a formal single family home application. The applicant/customer understands that any undetected error in the application or an increase or change in demand as proposed, which materially affects the ability to supply water to the site, will be the responsibility of the applicant/customer and not the KCWA.

5. Only conservation-wise plumbing fixtures are to be installed including but not limited to low flow shower heads, low flow toilets and low flow aerators on faucets.

6. If irrigation systems are installed, they must be supplied by a private well. Xeriscape landscaping technique and/or proper planting bed (high water holding capacity) soil preparations shall be employed throughout the project.

And it was unanimously,

VOTED: To approve water service connection to 199 East Greenwich Avenue, West Warwick because the single family home well is non-functional and is subject to the revised standard conditions in lieu of a moratorium as follows:

1. The Kent County Water Authority (KCWA) is not a guarantor of water supply for this or any other approval and KCWA can only supply water reasonably available to it and therefore any applicant/customer of KCWA understands that any third party commitments made by an applicant/customer are subject to the reasonable availability of water supply and limits of the existing infrastructure to support service.

2. A deficient condition associated with accelerated commercial and residential development exists in the area serviced by the KCWA, the KCWA is in the process of planning for additional water supply and therefore delays or diminution in service may occur if the water supply is unavailable or unable to produce water sufficient to service the customers of KCWA.

3. Ventures, commitments or agreements are at the applicant's sole risk if supply or existing infrastructure is found to be insufficient to support service. The applicant may afford the Authority with system improvements to facilitate adequate service.

4. The applicant shall file a formal single family home application. The applicant/customer understands that any undetected error in the application or an increase or change in demand as proposed, which materially affects the ability to supply water to the site, will be the responsibility of the applicant/customer and not the KCWA.

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6. If irrigation systems are installed, they must be supplied by a private well. Xeriscape landscaping technique and/or proper planting bed (high water holding capacity) soil preparations shall be employed throughout the project.

**Centre of New England Request, Universal Water Main and Kent County Water Authority Easement Issue**

John Caito PE and Brian LaPlante, Esq., who replaced the attorneys of Holland & Knight, represented the Centre of New England owners in their attempt to obtain the easements without payment to Kent County Water Authority. The Chairman stated that the Kent County Water Authority has a duty to the rate payers to comply with R.I.G.L. 39-16-1 and it must perform its due diligence with regard to real property. The Chairman stated that after consultation with the General Manager, that he believed that the easements in question are not essential to the system and are extremely essential to the applicant and The Board agreed after much discussion. The Chairman stated that an appraisal performed by White Appraisal Company with Board approval opined that the value of the easements was in a range of \$65,000 to \$85,000. The Chairman concurred with the appraisal as did the Board after thorough discussion. The Chairman stated that he was comfortable with offering the easements to Centre of New England in the amount of \$65,000 as did the Board after thorough discussion. Mr. LaPlante informed the Board after much negotiation that his client agreed to the sum of \$65,000.00 as payment for the easements.

The Chairman stated that pursuant to the enabling legislation and more particularly 39-16-8 that the Towns of Coventry and West Greenwich have expressed in writing that they have no interest in purchasing the easements.

The Chairman stated that the Centre of New England owners have filed many legal and governmental actions against the Authority all of which have had no merit and have taken the Board, the staff and Legal Counsel away from more productive endeavors and have subjected the Authority to large costs and mental anguish of the Board and staff. The Chairman continued that there are three actions pending and that any transfer of easements to Centre of New England must be subject to the condition that there be a Final Judgment of Dismissal of the action filed in the Kent County Superior Court No.: 05-924 entitled, Commerce Park Associates 1 LLC, Commerce Park Associates 2 LLC, Commerce Park Associates 3 LLC, Commerce Park Associates 4 LLC, Commerce Park Associates 5 LLC, Commerce Park Associates 6 LLC, Commerce Park Associates 7 LLC, Commerce Park Associates 8 LLC, Commerce Park Associates 9 LLC, Commerce Park Associates 10 LLC, Commerce Park Associates 11 LLC, Commerce Park Associates 12 LLC, Commerce Park Associates 13 LLC, Commerce Park Associates 14 LLC, Commerce Park Associates 15 LLC, Commerce Park Associates 16 LLC, Commerce Park Commons, LLC, Commerce Park Realty, LLC, Commerce Park Properties, LLC, Catapult Realty, LLC, Interstate Options, LLC D/B/A CENTRE OF NEW ENGLAND, vs. THE KENT COUNTY WATER AUTHORITY, and Public Utilities Commission action against Kent County Water Authority filed on or about November 8, 2005 and the Open Meeting Violation against Kent County Water Authority filed on or about November 8, 2005 and that all be withdrawn with prejudice. The Board agreed with the Chairman.

The Chairman stated that due to the unpleasant experiences with the owners of Centre of New England that the \$65,000.00 purchase price must be paid by a Rhode Island bank cashier check and the Board concurred.

The Chairman stated that the enumerated conditions must be completed to the satisfaction of Legal Counsel prior to transfer of the easements to Centre of New England and the Board concurred.

Board Member Gallucci moved that the easement as recorded in Book 32, Page 323 of the Coventry, Rhode Island Land Evidence Records and the easement as recorded in Book 14, Page 519 in the West Greenwich, Rhode Island Land Evidence Records be sold to Centre of New England for the consideration of \$65,000.00 and the Chairman is authorized to execute any documents to effectuate the same, said consideration to be delivered over to Kent County Water Authority in the form of a cashier's check drawn on a Rhode Island banking institution subject to the following:

1) A fully executed Final Judgment of Dismissal of the Kent County Superior Court action No.: 05-924 entitled, Commerce Park Associates 1 LLC, Commerce Park Associates 2 LLC, Commerce Park Associates 3 LLC, Commerce Park Associates 4 LLC, Commerce Park Associates 5 LLC, Commerce Park Associates 6 LLC, Commerce Park Associates 7 LLC, Commerce Park Associates 8 LLC, Commerce Park Associates 9 LLC, Commerce Park Associates 10 LLC, Commerce Park Associates 11 LLC, Commerce Park Associates 12 LLC, Commerce Park Associates 13 LLC, Commerce Park Associates 14 LLC, Commerce Park Associates 15 LLC, Commerce Park Associates 16 LLC, Commerce Park Commons, LLC, Commerce Park Realty, LLC, Commerce Park Properties, LLC, Catapult Realty, LLC, Interstate Options, LLC D/B/A CENTRE OF NEW ENGLAND, vs. THE KENT COUNTY WATER AUTHORITY.

2) Withdrawal with prejudice of the administrative complaint filed with the Department of Public Utilities and Carriers against Kent County Water Authority on or about November 8, 2005.

3) Withdrawal with prejudice of the administrative open meetings complaint filed with the Rhode Island Department of Attorney General against Kent County Water Authority on or about November 8, 2005.

4) The enumerated conditions must be completed to the satisfaction of Legal Counsel prior to the transfer of the easements to Centre of New England or any of its entities.

And it was seconded by Board Member Graham and it was unanimously,

VOTED: That the easement as recorded in Book 32, Page 323 of the Coventry, Rhode Island Land Evidence Records and the easement as recorded in Book 14, Page 519 in the West Greenwich, Rhode Island Land Evidence Records be sold to Centre of New England for the consideration of \$65,000.00 and the Chairman is authorized to execute any documents to effectuate the same, said consideration to be delivered over to Kent County Water Authority in the form of a cashier's check drawn on a Rhode Island banking institution subject to the following:

1) A fully executed Final Judgment of Dismissal of the Kent County Superior Court action No.: 05-924 entitled, Commerce Park Associates 1 LLC, Commerce Park Associates 2 LLC, Commerce Park Associates 3 LLC, Commerce Park Associates 4 LLC, Commerce Park Associates 5 LLC, Commerce Park Associates 6 LLC, Commerce Park Associates 7 LLC, Commerce Park Associates 8 LLC, Commerce Park Associates 9 LLC, Commerce Park Associates 10 LLC, Commerce Park Associates 11 LLC, Commerce Park Associates 12 LLC, Commerce Park Associates 13 LLC, Commerce Park Associates 14 LLC, Commerce Park Associates 15 LLC, Commerce Park Associates 16 LLC, Commerce Park Commons, LLC, Commerce Park Realty, LLC, Commerce Park Properties, LLC, Catapult Realty, LLC, Interstate Options, LLC D/B/A CENTRE OF NEW ENGLAND, vs. THE KENT COUNTY WATER AUTHORITY.

2) Withdrawal with prejudice of the administrative complaint filed with the Department of Public Utilities and Carriers against Kent County Water Authority on or about November 8, 2005.

3) Withdrawal with prejudice of the administrative open meetings complaint filed with the Rhode Island Department of Attorney General against Kent County Water Authority on or about November 8, 2005.

4) The enumerated conditions must be completed to the satisfaction of Legal Counsel prior to the transfer of the easements to Centre of New England or any of its entities.

#### Universal Boulevard Water Main

The Chairman stated that this issue was a carry over from the discussion with the Board during the October 19, 2005 Board meeting with Centre of New England under the heading of discussing Wingate Hotel service connection with John Caito, PE and Steven Izzi, Esq. of Holland & Knight.

John Caito PE and Brian LaPlante, Esq. represented Centre of New England seeking to tie the Wingate Hotel into the water main on Universal Boulevard which is more proximate as opposed to tying in to the main on Centre of New England Boulevard. The Chairman stated that logic would dictate that this is a reasonable request but that what is not reasonable is the past actions taken by Centre of New England in ignoring plans, "as-built" drawings, transfer of ownership of water lines, master metering, looping the system and the lack of a comprehensive plan. The Chairman was dismayed that Mr. Caito and Mr. LaPlante gave an overview that neither would commit to any specific plan claiming that the development will take its own direction as driven by the market. The Chairman and Board Member Boyer attempted to gain a commitment to a loop with the Authority ultimately having ownership but Mr. Caito again did not have the authority to commit. The Chairman stated that the Board has made

many concessions to Centre of New England from its inception and has tried to assist it in every way possible but that patience is wearing thin. The Chairman stated that it is essential that Centre of New England have a looped system tied into Arnold Road which will become the property of Kent County Water Authority and shall be completed within five (5) years. The Chairman said that there would be no need of abrogating the Rules and Regulations since the system shall be looped including all future roads of the development and that this must be reviewed by the Board in five (5) years as to compliance.

It was motioned by Board Member Graham and seconded by Board Member Gallucci to allow the Wingate Hotel to tie into the water main on Universal Boulevard subject to the following conditions:

1. Provide all "as-built" drawings by December 31, 2005 to Kent County Water Authority.
  2. Provide easements for existing waterlines for Kent County Water Authority ownership of water system in Centre of New England by December 31, 2005 and for all other easements within five (5) years.
  3. That the entire Centre of New England system shall have a looped system including all future roads of the Development and the "looped system" shall be tied into Arnold Road and shall be completed within five (5) years and that the Authority will conduct a review in five (5) years as to compliance.
- And it was unanimously,

VOTED: To allow the Wingate Hotel to tie into the water main on Universal Boulevard subject to the following conditions:

1. Provide all "as-built" drawings by December 31, 2005 to Kent County Water Authority.
2. Provide easements for existing waterlines for Kent County Water Authority ownership of water system in Centre of New England by December 31, 2005 and for all other easements within five (5) years.
3. That the entire Centre of New England system shall have a looped system including all future roads of the Development and the "looped system" shall be tied into Arnold Road and shall be completed within five (5) years and that the Authority will conduct a review in five (5) years as to compliance.

## **Legal Matters**

### Bald Hill Pumping Station Easements

Research regarding the status of easements at the subject site has been conducted by Petrarca and McGair, Inc. and forwarded to Kent County Water Authority for review. The station is located on a parcel of land designated as Lot 31 on AP 241. The City of Warwick along with abutting lots 20, 29 and 33 granted easements to Kent County Water Authority for the purposes of a pumping station. More specifically, abutting lot owners (AP 241, Lots 29 and 20) granted easements to Kent County Water Authority for ingress/egress and water line. Kent County Water Authority shares ingress/egress easement rights with abutting lot owners. There is a storm drain easement front Kent County Water Authority site. A 20' sewer easement affects Lot 29 for the benefit of Lot 20. This matter is now in discussion with the City of Warwick.

### Relocation of Tank Site—Read School House Road

The General Manager and Legal Counsel met with the Acting Town Manager, Town Solicitor and the Department of Public Works and the Town has agreed to the relocation of the tank site. Kent County Water Authority will convey the prior tank site to the Town in consideration for the relocation. A survey depicting the site has been prepared and forwarded to the Solicitor and Legal Counsel is awaiting review of the survey by the Solicitor prior to preparing legal descriptions and deeds.

### Town of Coventry Cost Share Agreement (Re: Paving)

Acting Town Manager and Solicitor have approved the form of agreement and the contract has been forwarded to the Department of Public Works for execution, but as yet is unsigned and there may be other issues as infra this meeting.

### New Lawsuits Pending

New Centre of New England legal matters were filed including Declaratory Judgment Action, Complaint filed with the Division of Public Utilities and Carriers and Complaint filed with the Office of the Attorney General are being addressed by Legal Counsel.

### DEM

Legal Counsel has been in touch with the Director of the Department of Environmental Management and is awaiting the response to Kent County Water Authority communication regarding the well permitting.

### **Director of Finance Report:**

Arthur Williams, Finance Director, explained and submitted the financial report and comparative balance sheets, statements of revenues, expenditures, and cash receipts, disbursements through October, 2005 which is attached as “E”, and after discussion, Board Member Boyer moved and seconded by Board Member Graham 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 and it was unanimously,

VOTED: That the financial report, comparative balance sheet statement of revenues, expenditure, cash receipts and disbursements through October, 2005, be approved as presented and be incorporated herein and are made a part hereof as “E”.

### **POINT OF PERSONAL PRIVILEGE & COMMUNICATIONS**

The Chairman stated that he received a letter dated November 9, 2005 from Senator Raptakis which is attached as “F” which demonstrates that the good Senator was misinformed and mislead as to the easement issue vis-à-vis the Centre of New England/Wal-Mart development. The Chairman pointed out that the Senator did not investigate the facts and had we took heed of his letter, this Board would be totally irresponsible since our due diligence demonstrated that the easements have a very significant value in that the appraised fair market value is \$65,000 - \$85,000 from White Appraisal Co. He declared that this Water Authority certainly would not allow a transfer of a valuable asset to be transferred, except for fair market value. He also stated that he was sure that the Senator meant well.

The Chairman stated that the legislative joint committee regarding Kent County Water Authority coincidentally had its organizational meeting at the same time as this Board meeting and the Chairman communicated with the joint committee Chair that the Board was unavailable due to this meeting.

### **GENERAL MANAGER/CHIEF ENGINEER’S REPORT OLD BUSINESS:**

#### **Supplemental Water Supply, Warwick PWSB (For Discussion)**

The General Manager met with the Providence Water Supply Board and a letter will follow and may commit to greater amount of water for Kent County Water Authority but the details must be worked out, but it shows promise. The General Manager will have to do due diligence.

The General Manager stated that he continues to work with Warwick on the Bald Hill Tank issue and Board Member Gallucci stated that he will do the same.

The General Manager demonstrated the inner workings of the scenario of how the interconnection update can and should be implemented. The General Manager

stated that if all went according to plan there could be results by fall of 2007 and Kent County Water Authority could tie into the aquaduct near Oaklawn Avenue or E. Natick plus booster and underground storage but would need a revised capital fund. He stated that a tank inventory needs to be done for duration and overflow elevation information form pre and post datum of 1983.

The General Manager stated that the tank site at West Warwick Industrial Park should be examined for a possible high service tank site. The Chairman stated the strategic plan is working.

#### Coventry Paving Agreement Approval

This will be discussed at the next Board meeting as to the actions by Coventry.

#### Legal Counsel Resolution

It was moved by the Chairman and seconded by Board Member Masterson to approve the resolution to thank Legal Counsel, Joseph J. McGair, for his tremendous diligent and exacting work on behalf of the Authority in regard to the Centre of New England litigation defense as attached as "G" and it was unanimously,

VOTED: To approve the resolution to thank Legal Counsel, Joseph J. McGair, for his tremendous diligent and exacting work on behalf of the Authority in regard to the Centre of New England litigation defense as attached as "G".

#### **New Business**

##### KCWA Easement Centre of New England, Appraisal Review and Action on Acceptance

This was previously discussed infra.

##### Report on Hydrant Flushing Program

The General Manager reported on the successful completion of the flushing program and the importance of the twice yearly cycle. This will assist with the new distinctive by products legislation to soon be promulgated.

##### Maude Avenue Area Re-service Report

The re-service of this area went very well and there have been no adverse complaints.

### Revised Regulations Review

The purpose of providing the draft to the members is to review them prior to the next Board meeting. All modifications have been underlined. Comments were sought prior to the meeting.

### Strategic Plan Review

The General Manager reviewed the material in detail and would appreciate comments from the Board. The Chairman asked that the goals be separately enumerated by the members and request a broad time line to be included.

### PWSB Intervention Rate Case Review/Direction on Settlement

The Board reviewed the Providence Settlement in detail and the Chairman concurred that the Kent County Water Authority as Intervenor should join in the settlement.

The Chairman moved and Board Member Masterson seconded to endorse the settlement to authorize Legal Counsel to execute the stipulation of concurrence with the Providence Water Supply Board Rate Settlement in Docket No. 3684 and it was unanimously,

VOTED: To authorize Legal Counsel to execute the stipulation of concurrence with the Providence Water Supply Board Rate Settlement in Docket No. 3684.

### Spring Lake Well Re-Activation Status

The staff will continue to monitor and report to the Board since the level of manganese is troubling and may render the well non-usable.

### PUC Report & Order 3660, Health Coverage Discussion

The General Manager met with a representative from NEBCO as to costs and savings and the General Manager is now doing his due diligence.

### C & E Proposal Upgrade Computer Model with Added Features

The General Manager stated that it is normal to upgrade the model. C & E Engineering did not present a firm price on hourly rate and pipe line data base (40 hours

estimated) and would be in line with what is expected pursuant to the proposal which is attached as "H" in the amount of up to \$12,000.00.

It was moved by Board Member Boyer and seconded by Board Member Masterson to approve the proposal for upgrade computer model in the amount of up to \$12,000.00 as attached as "H" and it was unanimously,

VOTED: To approve the proposal for upgrade computer model in the amount of up to \$12,000.00 as attached as "H".

**CAPITAL PROJECTS:**  
**INFRASTRUCTURE PROJECTS :**

Change Order No. 9 (C.B. Utility/CIP 4 Blackrock Road Area Transmission Main):

The General Manager endorsed this Change Order as does the engineers which represents a decrease in the amount of \$9,868.55 as attached as "I".

It was moved by Board Member Masterson and seconded by Board Member Boyer to approve Change Order No. 9 as attached as "I" for a decrease in the amount of \$9,868.55 and it was unanimously,

VOTED: To approve Change Order No. 9 as attached as "I" for a decrease in the amount of \$9,868.55.

Change Order No. 8 (Rizzo Associates, Inc./CIP 4 Blackrock Road Area Transmission Main):

The General Manager stated that the engineers recommended an increase in the amount of \$40,662.00 to Rizzo Associates, Inc. for additional man hours and direct costs.

It was moved by Board Member Masterson and seconded by Board Member Graham to approve Change Order No. 8 increase in the amount of \$40,662.00 for additional man hours and direct costs as attached as "J" and it was unanimously,

VOTED: To approve Change Order No. 8 increase in the amount of \$40,662.00 for additional man hours and direct costs as attached as "J".

CIP #4–Amendment #2 Engineering Services for Rizzo

The General Manager stated that the services were warranted but he was concerned over the police charges and the General Manager recommended that the

Amendment #2 be approved minus the police charges for 50 hours as disputed in the amount of \$311,939.60 as attached as “K”.

It was moved by Board Member Graham and seconded by Board Member Boyer to approve CIP #4 Amendment #2 for a reduced amount of \$311,939.60 as attached as “K” and it was unanimously,

VOTED: To approve CIP #4 Amendment #2 for a reduced amount of \$311,939.60 as attached as “K”.

Change Order No. #1

The General Manager stated that C & E Engineering Partners, Inc. recommended an increase in Rehabilitation of Clinton Avenue Pump Station for remedial repairs for deficient conditions discovered during construction in the amount of \$52,862.00 and extension of contract by thirty-eight (38) days as attached as “L”.

It was moved by Board Member Boyer and Board Graham to approve Change Order #1 for an increase in Rehabilitation of Clinton Avenue Pump Station for remedial repairs for deficient conditions discovered during construction in the amount of \$52,862.00 and extension of contract by thirty-eight (38) days as attached as “L” and it was unanimously,

VOTED: To approve Change Order #1 for an increase in Rehabilitation of Clinton Avenue Pump Station for remedial repairs for deficient conditions discovered during construction in the amount of \$52,862.00 and extension of contract by thirty-eight (38) days as attached as “L”.

All other Capital Projects and Infrastructure Projects are addressed in an exhibit attached as “M” as prepared and described to the Board by the General Manager with general discussion following.

Board Member Graham made a Motion to adjourn, seconded by Board Member Boyer and it was unanimously,

VOTED: To adjourn the meeting at 7:30 p.m.

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Secretary Pro Tempore



# **EXHIBIT A**

November 16, 2005

## Revised Conditions

- The Kent County Water Authority (KCWA) is not a guarantor of water supply for this or any other approval and KCWA can only supply water reasonably available to it and therefore any applicant/customer of KCWA understands that any third party commitments made by a applicant/customer are subject to the reasonable availability of water supply and limits of the existing infrastructure to support service.
- A deficient condition associated with accelerated commercial and residential development exists in the area serviced by the KCWA, the KCWA is in the process of planning for additional water supply and therefore delays or diminution in service may occur if the water supply is unavailable or unable to produce water sufficient to service the customers of KCWA.
- Ventures, commitments or agreements are at the applicant's sole risk if supply or existing infrastructure is found to be insufficient to support service. The applicant may afford the Authority with system improvements to facilitate adequate service.
- The applicant shall file a formal application with the necessary design drawings, flow calculations, including computer hydraulic modeling to fully evaluate this project supply availability and the potential impact on the existing public water supply system. The applicant/customer understands that any undetected error in any calculation or drawing or an increase or change in demand as proposed, which materially affects the ability to supply water to the project, will be the responsibility of the applicant/customer and not the KCWA.
- Only conservation-wise plumbing fixtures are to be installed including but not limited to low flow shower heads, low flow toilets and low flow aerators on faucets.
- If irrigation systems are installed, they must be supplied by a private well. Xeroscape landscaping technique and/or proper planting bed (high water holding capacity) soil preparation shall be employed throughout the project.

# **EXHIBIT B**

November 16, 2005

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# OFFICE MEMO

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**To:** Board  
**From:** Timothy Brown  
**Subject:** Board Meeting November 16, 2005 High Service Gradient Approvals  
**Date:** November 14, 2005

At last months Board meeting I made a statement, for the record before any high service gradient approvals were voted upon, of my concerns on additional demand being placed on the high service gradient. I, again, must state for the record that as the licensed operator of the Kent County Water Authority that I cannot support, nor approve any additional demand to the high service gradient in the form of a service request. Continued approvals will add to the existing deficit as determined by C & E Engineer's Task Order No. 6 that was presented at the last meeting. This added demand will only exacerbate a difficult situation with our daily demand, fire demand and emergency demand during the maximum day conditions. I, again, urge the Board to implement a moratorium on all future high service requests as Kent County Water Authority is unable to serve these until a new source of supply is operational or at least a definitive plan is established. I do not write this memo lightly, but as a professional I cannot be responsible for a catastrophic incidence that may occur because of this additional demand on this system and our inability to supply.

# **EXHIBIT C**

November 16, 2005

Sara Wye, MA, LMHC  
*Discover Yourself*

Phone: 1-401-821-0929  
Email: sarap66@cox.net

129 East Greenwich Ave.  
West Warwick, RI 02893

[sarawyecounseling.com](http://sarawyecounseling.com)

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9-24-05

Timothy Brown  
Chief Engineer and General Manager  
KCWA  
PO Box 192  
West Warwick, RI 02893

Dear Mr. Brown:

My recent request to connect with town water has been denied. Mr. Duchesneau, in his letter, suggested I write to you if I felt this issue related to health and safety...and I do.

My well has run dry the past three summers. This was the worst. For two and a half months, I had to take my laundry out, not use my dishwasher, buy a membership at a health club to take showers and use other emergency measures to stay in the house. I'm single. Imagine what it would be like if a family lived here.

Please reconsider my request. I'd be happy to come in for a board meeting to talk about this.

Thank you.

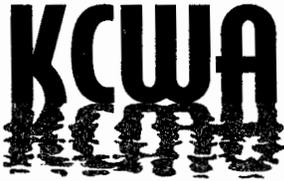
Sincerely,



Sara Wye, LMHC

# **EXHIBIT D**

November 16, 2005



Kent County Water Authority

October 13, 2005

Mr. Marcus Channell  
Ocean State Planners, Inc.  
1255 Oaklawn Avenue  
Cranston, RI 02920

Re: High Service Request  
A. P. 12-2, LOT 241 – East Greenwich Avenue  
West Warwick, Rhode Island

Dear Mr. Channell:

In reference to your request for water availability received in our office on October 11, 2005, we must inform you that accelerated development has caused a deficient condition in the service gradient that supplies water in the vicinity of your proposed development. Additional supply into the Kent County Water Authority system is necessary to service further growth in this area. The staff of the Kent County Water Authority is unable to consider the availability of the domestic supply necessary to service your development until the deficient condition can be resolved and will require Kent County Water Authority Board action.

Many factors must be considered in the "availability" of water to service a site. The Kent County Water Authority does not normally provide a water availability letter without first reviewing a complete design application as outlined in the Kent County Water Authority Regulations.

The Board is currently making determinations with regards to supply from this service gradient. If this request is related to health and safety issues or you would like an opportunity to discuss your water service request with the Board of Directors, please forward your written request to be placed on the Board Agenda to the General Manager, Chief Engineer, Timothy Brown. Please note that state law requires a minimum of 48 hours prior to any meeting of the Kent County Water Authority Board for Agenda items and Kent County Water Authority needs at least 72 business day hours prior to the meeting in order to effectuate placement on the Agenda. Please feel free to call us if you have any questions regarding this matter.

Very truly yours,  
Kent County Water Authority

A handwritten signature in black ink, appearing to read "Francis J. Perry, Jr.", written over a white background.

Francis J. Perry, Jr., P.E.  
Chairman

cc: Board Members  
Joseph McGair, Attorney at Law

FP/lms

PO Box 192  
West Warwick, RI 02893-0192  
401-821-9300



**PLANNERS, INC.**

**SURVEYORS • ENGINEERS • DESIGNERS**  
1255 OAKLAWN AVENUE • CRANSTON, R.I. 02920  
TEL. (401) 463-9696



October 5, 2005

Kent County Water Authority  
Engineering Department  
P.O. Box 192  
West Warwick, RI 02893-0192

RE: A.P. 12-2, LOT 241 – EAST GREENWICH AVE.  
WEST WARWICK, RI

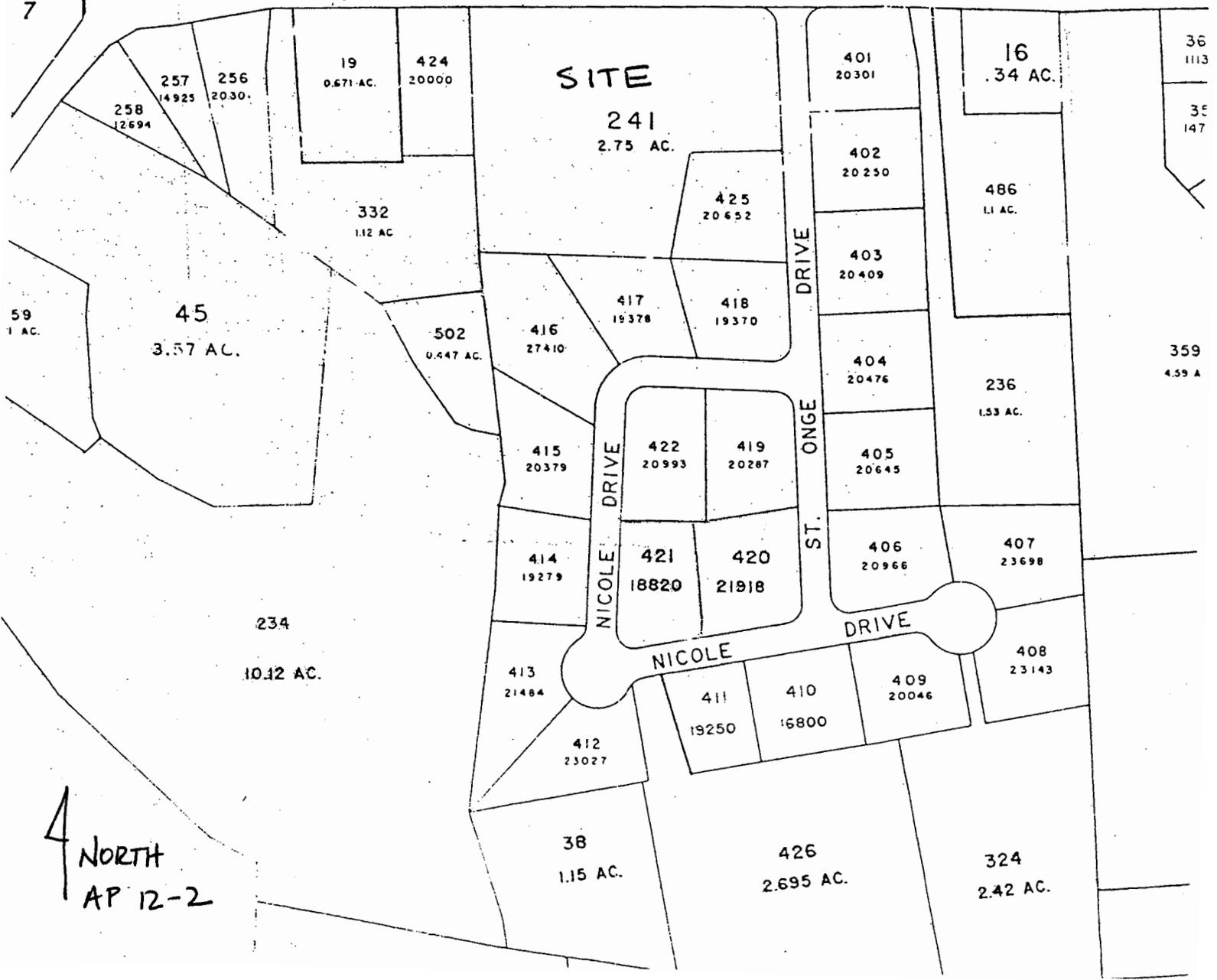
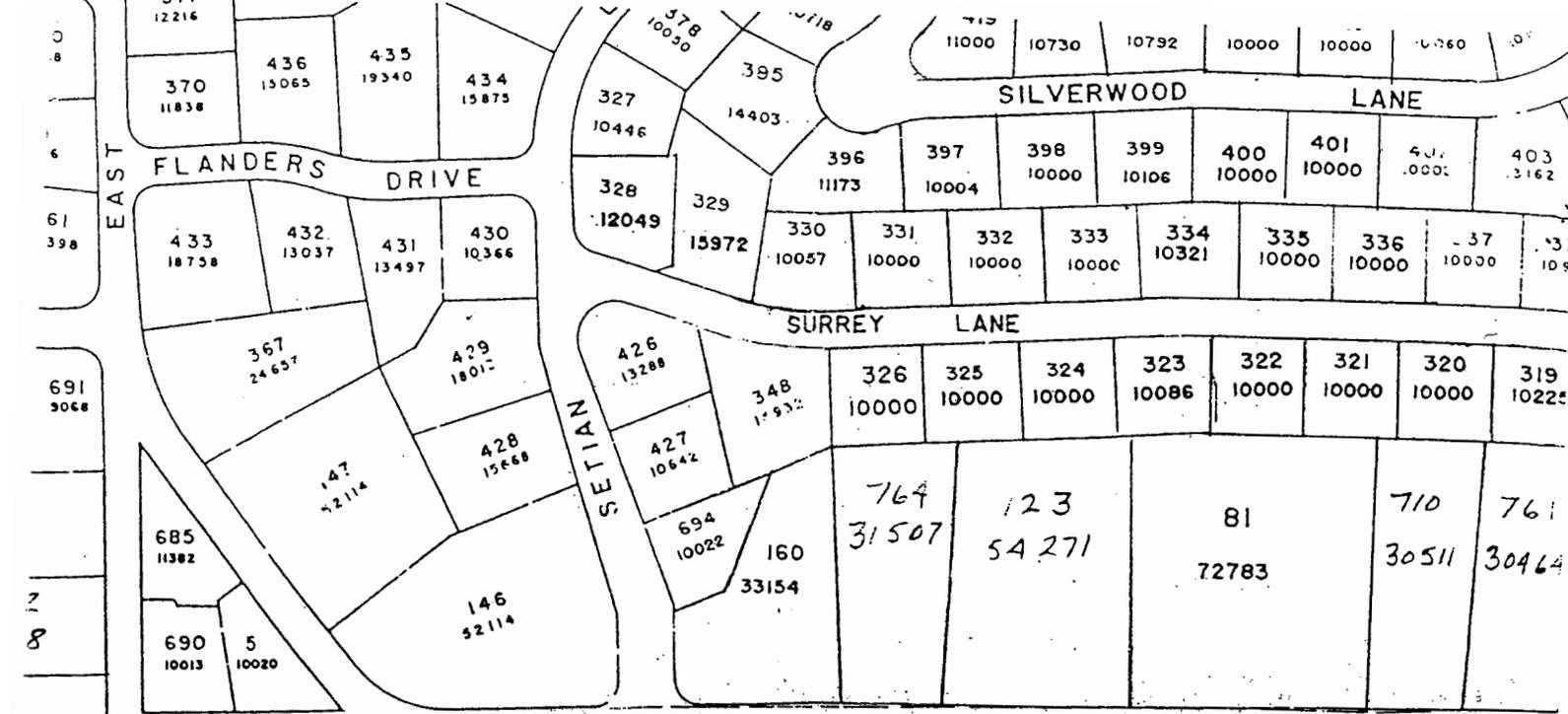
To Whom It May Concern:

I am writing with regard to the availability of water service for the proposed development of the property referenced above. This proposed development will consist of approximately 4 single family dwellings. A response in writing as to whether or not there is sufficient capacity to serve these units would be greatly appreciated. Attached please find a location map to aid in your identification of this property.

If you have any questions or required any additional information, please do not hesitate to contact either Richard Bzdyra or myself at (401) 463-9696.

Sincerely,

Marcus Channell  
Project Manager



4 NORTH  
AP 12-2

# **EXHIBIT E**

November 16, 2005





# **EXHIBIT F**

November 16, 2005

# State of Rhode Island and Providence Plantations

SENATOR  
LEONIDAS P. RAPTAKIS  
2080 Noosneck Hill Road  
Coventry, Rhode Island 02816  
District 33

Room 219, State House  
Providence, Rhode Island 02903

State House: 401-222-7675  
Res.: 401-397-2720  
Bus.: 401-397-3344  
Fax: 401-397-6302  
Email: senraptakis@hotmail.com  
Email: sen-raptakis@rilin.state.ri.us  
Web: Raptakis.com



## Senate Chamber

Secretary,  
Committee on Judiciary  
\_\_\_\_\_  
Committee on Environment and  
Agriculture

November 9, 2005

Frank Perry, Jr., Chairman  
Kent County Water Authority  
1072 Main Street  
Warwick, RI 02893

Dear Chairman Perry:

I was deeply disappointed to learn of the latest delay facing the proposed Wal-Mart development at the Centre of New England.

As you know, this is an important economic development effort for the Town of Coventry and to see it delayed as the result of an easement dispute surrounding an antiquated and unusable water line is difficult to understand. I understand that when the project developer Nick Cambio offered to place \$25,000 in escrow for the easement, the authority countered with an escrow figure of \$100,000.

This is a project which would bring considerable tax revenue to the town, while creating jobs that will be a further boost to the local economy. To hold up a project of this kind for an old easement, over a property of questionable value, seems unnecessary. It is my hope that the authority can move forward in a timely way to resolve this matter and avoid an unnecessary legal conflict which will only damage the economic development climate in Coventry.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lou Raptakis'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lou Raptakis

# **EXHIBIT G**

November 16, 2005



Kent County Water Authority

**RESOLUTION OF THE BOARD OF DIRECTORS**  
**November 16, 2005**

**WHEREAS;** The Kent County Water Authority has recently come under siege due to circumstances beyond it's control, including the filing of law suits against it, it's Members, General Manager and Technical Director and,

**WHEREAS;** This legal barrage and the ensuing publicity against the Authority, by it's nature, greatly reduced service to the ratepayers through diversion of productivity coupled with a lessening of morale throughout the company, as well as the Board, and

**WHEREAS;** Mr. Joseph J. McGair in his capacity as General Counsel to the Kent County Water Authority took absolute charge of the defense against these many pronged attacks, by employing his legal expertise and experience to follow a course of action that resulted in a dismissal of all actions against the Authority, it's members and employees in a manner to the highest satisfaction to the Kent County Water Authority, therefore,

It is with heartfelt gratitude that the Board of the Kent County Water Authority hereby offers our sincerest appreciation and gratitude to Joseph J. McGair for a job well done.

For the Board

A handwritten signature in cursive script that reads "Francis J. Perry, Jr." is written over a horizontal line.

Francis J. Perry, Jr.,

Chairman

# **EXHIBIT H**

November 16, 2005

# C & E Engineering Partners, Inc.

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**C**ivil  
& **E**nvironmental  
Engineering Partners, Inc.

342 Park Avenue  
Woonsocket  
Rhode Island 02895  
Phone: 401-762-1711  
Fax: 401-235-9088  
Info@ceengineer.com

**TASK ORDER NO. 7  
BETWEEN  
KENT COUNTY WATER AUTHORITY  
AND ENGINEER FOR SERVICES**

**HYDRAULIC MODEL DEVELOPMENT  
TASK 7 – UPDATE OF THE EXISTING COMPUTERIZED HYDRAULIC MODEL  
AND UPDATE OF THE PIPELINE DATABASE OF THE CLEAN WATER  
INFRASTRUCTURE REPLACEMENT PLAN**

This is Task Order No. 7 attached and made part of the agreement between Kent County Water Authority (OWNER), and C&E Engineering Partners, Inc. (ENGINEER) dated September 9, 2003 for the Development of a Water System Computerized Hydraulic Model. This Task Order describes the Scope of Services, Period of Service and Method and Basis of Compensation associated with the completion of Task Order No. 7 for the Update of the Existing Computerized Hydraulic Model of the Kent County Water Authority and Update of the Pipeline Database of the Clean Water Infrastructure Replacement Plan.

## **1.0 SCOPE OF SERVICES**

C&E Engineering Partners, Inc. will perform the following tasks requested by the Authority for the completion of the project that will be considered the scope of services for the project.

### **Update of Existing Computerized Hydraulic Model of the Kent County Water Authority and Update of the Pipeline Database of the Clean Water Infrastructure Replacement Plan**

#### **Background**

C&E Engineering Partners, Inc. (C&E) in June 2004 completed a computerized hydraulic model of the Kent County Water Authority's Supply, Transmission and Distribution System. The project consisted of the development of an accurate and calibrated hydraulic model of the major infrastructure facilities and pipelines of the water transmission and distribution system.

All of the major facilities of the Authority water distribution system are represented in the mathematical hydraulic model. This includes all sources of supply (including wholesale), booster pumping and storage facilities, well stations, pressure reducing valves stations, and pipelines. Information describing the characteristics of each of the water system facilities was acquired from available records of the KCWA and from field survey of facilities. This also included information

v'6h

derived from KCWA staff during development of the model to verify system geometry including pipeline layout, size, age, material, etc. A general overview of the operation of the system including pump sequencing, booster pump operation, manual and automatic operation of facilities, etc. was also obtained from KCWA staff in order to properly establish initial operating conditions for model scenarios.

Since completion, the hydraulic model has been successfully utilized to complete various studies for the Authority involving future planning, infrastructure sizing, development analysis, future demand analysis, and evaluation of fire flow capability.

At this time, the Authority is seeking to update the model whereby new and replaced infrastructure components would be included in the model. This would necessarily include incorporating all water facility improvements that have taken place within the approximate past one and half years and updating the geometry of the hydraulic model. It is not envisioned that this update would include a comprehensive update of consumer demand data which is typically updated at 3 –5 year intervals.

In addition, all of the pipelines added to the model update will also be included in the spreadsheets which represent the full system pipeline data base maintained by the Authority as part of the Clean Water Infrastructure Replacement Plan (CWIRP). This pipeline data base is utilized by the Authority to assist in identifying pipeline infrastructure replacement projects and provides for a comprehensive cataloging of all pipelines in the water system by location, size, material, year of installation and length.

## Technical Scope

The Authority desires to update the existing hydraulic model to include water system improvements since completion of the original model. The following are the specific elements envisioned for completion of this task.

### A. Collect and Review Data

- Meet with Authority staff to gather information relating to water system improvements including obtaining copy of available record drawings and design plans and sketches for water improvement projects that have taken place.
- Review with Authority staff any changes to system operations and procedures which may alter the manner in which the water system is operated and maintained.
- Obtain the latest list of Board approved development projects which would be included in the model update. It should be noted that C&E has record of these developments since completing specific hydraulic evaluations for these various projects. All approved projects would necessarily be included in the model update as they would be considered when performing future analysis with the model.

### B. Update Base Hydraulic Model Geometry and Data Base Files

- Modify the geometry of the model data base files to represent the water system improvements that were identified under element A. This includes reviewing the drawings, etc. to identify the improvements and transferring appropriate data to the model data base.

- This will include continuing the sequence developed in the original model for naming and identifying junction nodes and pipelines. Junction nodes would be identified by elevation, number representing location in particular Town or City, and zone number which identifies the node by pressure zone. Pipelines would be identified in similar fashion and also include descriptive tags by City and Town, age, and installation date as well as physical descriptive data (length, material, C-value, diameter, etc.)
- Update the pipe line and junction node demand data base with above referenced data.

#### C. Large Water User Consumer Demand Update

- Although a complete consumer demand update is not being performed at this time, it is recommended that the demand data base for the previously identified large users be reviewed and updated as may be required. This information would be made available to C&E by the Authority.
- This would include a review of each large user's latest available consumption data and updating the demand data base in the model as may be appropriate.
- The large user data base would be reviewed and those which are no longer on the water system would be removed and any new large user would be included in the model update.

#### D. Hydraulic Model Analysis and Model Update Memorandum

- Perform updated model simulations for average day, maximum day and peak hour with the latest modifications to the system geometry and any operations changes.
- Prepare a Memorandum report that presents the work completed and results of completed computer modeling. Summarize the update and modifications to the hydraulic model including results presentation and summary for each scenario in a Memorandum.
- It is intended that this Memorandum will detail all modifications to the model including categorizing pipelines and facilities, changes in operation, changes in large users, results of various model scenarios, calculation results summary, etc.
- Provide an update as to the average day, maximum day and peak hour consumer system demands.
- Provide complete updated pipeline and junction node database output reports.
- Ten (10) copies of the Model Update Memorandum shall be provided.

#### E. Updated Node and Pipeline Plan

- Provide one (1) updated hard copy of the model node and pipeline plan. It is envisioned that this plan would be provided in several panels at suitable scale in order to visually locate and identify all junction nodes, pipelines, and other water facilities (i.e. tanks, pump stations, PRV's, closed pipes, etc.)
- The node and pipeline plan shall be color coded by pipe diameter.

#### F. Update Pipeline Data Base in Clean Water Infrastructure Replacement Plan

- All of the pipelines that are added to the model shall be included in the existing spreadsheets that comprise the Authority's comprehensive pipeline data base. Consistent with the method that was applied in the latest update of the CWIRP, each pipeline segment shall be identified by intersecting side streets where piping material changes in size, age or material.
- Each pipe segment shall be identified by location (street and City or Town), size, material, year of installation and length for each pipe segment.

- Pipelines that have been replaced as part of the Infrastructure Plan shall be removed from the data base and replaced with the data that is representative of the new pipe section
- The pipeline ranking system utilized in the CWIRP shall be applied to the new pipe sections and each new segment shall be weighted and ranked accordingly in the updated spreadsheets.
- Once all pipe sections are entered all pipelines in the database shall be re-ranked and the replacement priorities reestablished.
- A hard copy and digital copy of the updated pipeline database spreadsheets shall be supplied to the Authority.

## 2.0 PERIOD OF SERVICE

The time period for performance of the services as set forth in the Scope of Services for Task 7 of the Project shall be approximately sixty (60) days from receipt of a written authorization to proceed. Additional services may materially add to the time required to complete the work of the Project. C&E Engineering Partners, Inc. will be entitled to an equitable adjustment in the Period of Service as a result of services added.

## 3.0 BASIS OF COMPENSATION

Kent County Water Authority shall pay C&E Engineering Partners, Inc. for Basic Services rendered as described above a Not To Exceed Fee for completion of Task 7 as follows for each element and which includes Basic and Reimbursable Expenses (mileage, copy, etc.).

- A. Collect and Review Data – twelve (12) hours at fee of Nine Hundred Dollars (\$900.00)
- B. Update Base Hydraulic Model Geometry and Data Base Files – Estimated forty (40) hours\* at fee of Three Thousand Two Hundred Dollars (\$3,200.00).
- C. Large Water User Consumer Demand Update – fourteen (14) hours at fee of Nine Hundred and Sixty Dollars (\$960.00).
- D. Hydraulic Model Analysis and Model Update Memorandum – thirty six (36) hours at fee of Three Thousand One Hundred Dollars (\$3,100.00).
- E. Updated Node and Pipeline Plan – eight (8) hours at fee of Six Hundred Forty Dollars (\$640.00).
- F. F. Update Pipeline Data Base in Clean Water Infrastructure Replacement Plan - Estimated forty (40) hours\* at fee of Three Thousand Two Hundred Dollars (\$3,200.00).

*\* The exact number of improvements to be incorporated in the model update has not at this time been identified and the hours for this specific element are estimated. Upon completion of element A, C&E will confirm if the estimated hours are sufficient to complete element B and F. Additional hours, if required, would then be identified and presented to the Authority for approval. Additional hours would be billed at a rate of \$80.00 per hour.*

**4.0 ACCEPTANCE**

Acceptance of the terms of this Task Order is acknowledged by the following authorized signatures of the parties to this Agreement.

**OWNER  
KENT COUNTY WATER AUTHORITY**

**ENGINEER  
C&E ENGINEERING PARTNERS, INC.**

By: \_\_\_\_\_  
Mr. Francis J. Perry  
Chairman

By:  \_\_\_\_\_  
Thomas B. Nicholson, P.E.  
President

Address for Giving Notices

Address for Giving Notices

Kent County Water Authority  
1072 Main Street  
P.O. Box 192  
West Warwick, Rhode Island 02893

C&E Engineering Partners, Inc.  
342 Park Avenue  
Woonsocket, RI 02895

Date: \_\_\_\_\_

Date: 11/11/05

# **EXHIBIT I**

November 16, 2005

# CHANGE ORDER

No. 9

DATE OF ISSUANCE _____	EFFECTIVE DATE: _____
OWNER <u>Kent County Water Authority</u>	
CONTRACTOR <u>C.B Utility Co., Inc.</u>	
Contract: <u>Black Rock Road Area Transmission Mains</u>	
Project: <u>Same as above</u>	
OWNER's Contract No. <u>CIP 4</u>	ENGINEER's Contract No. _____
ENGINEER <u>Garofalo &amp; Associates, Inc.</u>	

You are directed to make the following changes in the Contract Documents:

**Description:**

REDUCE THE QUANTITY IN ITEM 74 (1 ½ AND 2 INCH OVERLAY) BY 728 TONS  
 CONTRACTOR SHALL NOT INSTALL 2" PERMANENT PAVEMENT OVERLAY IN THE TOWN OF SCITUATE  
 ALONG ROUTE 115, FROM ROUTE 116 TO JACKSON FLAT.

**Reason for Change Order:**

CONTRACTOR WILL NOT INSTALL FINAL PAVEMENT ON THIS TOWN OF SCITUATE.

**Attachments:**

COPY OF 10/25/2005 LETTER FROM KENT COUNTY WATER AUTHORITY AND COPY OF 10/24/2005 LETTER FROM RIDOT

CHANGE IN CONTRACT PRICE:
Original Contract Price \$ <u>5,359,886.00</u>
Net <del>increase</del> (Decrease) from previous Change Orders No. <u>1</u> to <u>8</u> \$ <u>(179,787.20)</u>
Contract Price prior to this Change Order: \$ <u>5,180,098.80</u>
Net <del>increase</del> (decrease) of this Change Order: \$ <u>(36,400.00)</u>
Contract Price with all approved Change Orders: \$ <u>5,143,698.80</u>

CHANGE IN CONTRACT TIMES:
Original Contract Times: Substantial Completion: <u>November 15, 2005</u> Ready for final payment: <u>June 30, 2006</u> (days or dates)
Net change from previous Change Orders No. <u>1</u> to No. <u>8</u> Substantial Completion: <u>0 days</u> Ready for final payment: <u>0 days</u> (days)
Contract Times prior to this Change Order: Substantial Completion: <u>0 days</u> Ready for final payment: <u>0 days</u> (days or dates)
Net increase (decrease) this Change Order: Substantial Completion: <u>0 days</u> Ready for final payment: <u>0 days</u> (days)
Contract Times with all approved Change Orders: Substantial Completion: <u>November 15, 2005</u> Ready for final payment: <u>June 30, 2006</u> (days or dates)

RECOMMENDED:

APPROVED:

ACCEPTED:

By: <u>[Signature]</u> ENGINEER (Authorized Signature)	By: _____ OWNER (Authorized Signature)	By: <u>[Signature]</u> CONTRACTOR (Authorized Signature)
Date: <u>10/28/05</u>	Date: _____	Date: <u>11-02-05</u>

# **EXHIBIT J**

November 16, 2005

# CHANGE ORDER

No. 8

DATE OF ISSUANCE _____	EFFECTIVE DATE: _____
OWNER <u>Kent County Water Authority</u>	
CONTRACTOR <u>C.B Utility Co., Inc.</u>	
Contract: <u>Black Rock Road Area Transmission Mains</u>	
Project: <u>Same as above</u>	
OWNER's Contract No. <u>CIP 4</u>	ENGINEER's Contract No. _____
ENGINEER <u>Garofalo &amp; Associates, Inc.</u>	

You are directed to make the following changes in the Contract Documents:

**Description:**

ADD TO PAY ITEMS A LINE FOR CHANGE ORDER 8. TO INCLUDE ADDITIONAL WORK AT THE CLINTON AVE PUMP STATION, AND PAYMENT FOR TEMPORARY JUMPER CONNECTION AT LAFORGE AND GERVAIS.

**Reason for Change Order:**

PROVIDE COMPENSATION FOR ADDITIONAL WORK NECESSARY TO COMPLETE THE PROJECT.

**Attachments:**

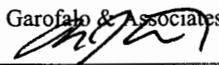
- CLINTON AVE WORK: SEPTEMBER 19 LETTER, EXTRA WORK SHEET, SKETCH
- JUMPERS: SEPTEMBER 19 LETTER, AUGUST 4, LETTER, MARCH 10 LETTER WITH EXTRA WORK SHEET

CHANGE IN CONTRACT PRICE:
Original Contract Price \$ <u>5,359,886.00</u>
Net <del>Increase</del> (Decrease) from previous Change Orders No. <u>1</u> to <u>7</u> \$ <u>(189,655.75)</u>
Contract Price prior to this Change Order: \$ <u>5,170,230.25</u>
Net increase ( <del>decrease</del> ) of this Change Order: \$ <u>9,868.55</u>
Contract Price with all approved Change Orders: \$ <u>5,180,098.80</u>

CHANGE IN CONTRACT TIMES:
Original Contract Times: Substantial Completion: <u>November 15, 2005</u> Ready for final payment: <u>June 30, 2006</u> (days or dates)
Net change from previous Change Orders No. <u>1</u> to No. <u>7</u> Substantial Completion: <u>0 days</u> Ready for final payment: <u>0 days</u> (days)
Contract Times prior to this Change Order: Substantial Completion: <u>0 days</u> Ready for final payment: <u>0 days</u> (days or dates)
Net increase (decrease) this Change Order: Substantial Completion: <u>0 days</u> Ready for final payment: <u>0 days</u> (days)
Contract Times with all approved Change Orders: Substantial Completion: <u>November 15, 2005</u> Ready for final payment: <u>June 30, 2006</u> (days or dates)

RECOMMENDED:

Garofalo & Associates, Inc.

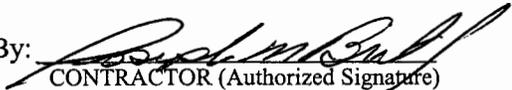
By: 

ENGINEER (Authorized Signature)

APPROVED:

By: \_\_\_\_\_  
OWNER (Authorized Signature)

ACCEPTED:

By:   
CONTRACTOR (Authorized Signature)

Date: 10/25/05

Date: \_\_\_\_\_

Date: 11-2-05

# **EXHIBIT K**

November 16, 2005

**RIZZO**  
ASSOCIATES

A TETRA TECH COMPANY

One Grant Street  
Framingham, MA 01701-9005  
(508) 903-2000  
(508) 903-2001 fax  
www.rizzo.com

October 4, 2005

Mr. Tim Brown, P.E.  
Chief Engineer  
Kent County Water Authority  
1072 Main Street  
West Warwick, Rhode Island 02893

**Re: Black Rock Road - Capital Improvement Project # 4,  
Construction Services – Amendment #2 Request for Additional  
Manhours and Fee**

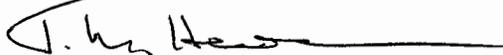
Dear Tim:

Please find enclosed Amendment #2 to the Black Rock Road - Capital Improvement Project # 4, Construction Services. This amendment is for \$40,662.00 to cover estimated costs for engineering services which includes attendance at monthly project meetings, responses to RFI's, ongoing construction inspection and contract administration for the project as detailed in the Garofalo's attached estimate.

Please note that with approval of Amendment No. 2, the total project budget will be increased to \$311,939.60. Garofalo estimates that this will be adequate to finalize the construction services for this project. To execute this Amendment, please have the current Chairman of the Board sign both copies and send one signed copy to me. The other copy can be retained for your files.

Please feel free to contact me directly at 508-903-2027 if you have any concerns or questions about the Amendment.

Very truly yours,



Jack Henderson, P.E.  
Senior Project Manager

Cc: Carl Adamo - Garofalo

**AMENDMENT NUMBER 002**

**AGREEMENT BETWEEN RIZZO ASSOCIATES, INC. AND  
Kent County Water Authority**

**Task Order 2 – Construction Services  
Black Rock Road Water Main Replacement  
KCWA Capital Improvement #4**

<b>ENGINEER:</b> Rizzo Associates, Inc. One Grant Street Framingham, MA 01701-9005	<b>Page:</b> 1 of 1	<b>Effective Date:</b> 10/1/2005
	Original Notification <input checked="" type="checkbox"/> Confirmation <input type="checkbox"/>	
<b>OWNER:</b> Kent County Water Authority 1072 Main Street West Warwick, RI 02983	<b>Original Amount of Task Order:</b> \$186,260.00	
	<b>Added by previous Amendment:</b> \$86,017.60	
	<b>Added by this Amendment:</b> \$40,662.00	
	<b>Amended Total:</b> \$311,939.60	

**DESCRIPTION**

**Task Order No. 2 of the Agreement dated February 26, 2003 between Engineer and Owner is hereby amended, modified, and revised in the following particulars:**

Description of Change:

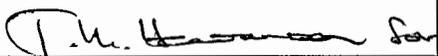
Additional Manhours and Fees for continued construction services through October 2005 construction season and start up (see attachment)

Attachments (list of documents supporting change):

Garofalo Letter September 26, 2005– Request for Additional Manhours and Fees

**All other provisions, terms and conditions of the original Agreement and subsequent Task Orders remain in full force and effect except to the extent modified herein.**

**AUTHORIZED SIGNATURES**

<b>ENGINEER:</b> Rizzo Associates, Inc.	<b>OWNER:</b> Kent County Water Authority
Signature: 	Signature:
Name: Edward W. Ionata	Name: Francis J. Perry
Title: Vice President	Title: Chairman
Date:	Date:



September 26, 2005

**Garofalo & Associates, Inc.**

Civil & Structural Engineers  
Surveyors \* Land Planners  
Environmental Scientists

Mr. Jack Henderson, P.E.  
Senior Project Manager – Water/Wastewater  
**RIZZO ASSOCIATES**  
One Grant Street  
Framingham, MA 01707-9005

**RE: Task Order #2 – Construction Supervision Services  
KCWA Capital Improvement Project #4  
Black Rock Road Water Improvements  
Change Order #2 – Request for Additional Manhours & Fees**

Dear Jack:

Enclosed herewith, for Kent County Water Authority (KCWA) and your review, is a Request for Additional Engineering Manhours and Fees to extend our Construction Services for an additional ten (10) week period through completion under Change Order #2. As you and KCWA know, *Garofalo & Associates, Inc. (Garofalo)* has been actively engaged in providing both Contract Administration and Resident Inspection services along with *Rizzo Associates, Inc.* throughout the 2004 and 2005 construction season to date which is nearing completion. During that time, C.B. Utilities has made a concerted effort, utilizing one (1) and sometimes two (2) crews with some overtime, to complete the construction of the water pipeline system within the contract completion term. To date, *Garofalo* has expended most of its budgeted man-hours that was estimated from the original budget and Change Order #1.

Based on C.B. Utility's previous project schedule of April 2005, the anticipated construction was estimated to be active for 17 weeks for the months of April, May, June and September of 2005. As of our last monthly meeting of September 15, 2005, C.B. Utility's current schedule now anticipates working straight through from April to October 2005. This additional time of active construction adds approximately 10 weeks to the contractor's schedule and likewise the need for additional Contract Administration and Resident Inspection services by *Rizzo* and *Garofalo* through that 10 week period for our Project Team.

As part of the preparation of the drafted as-built drawings, it was mutually agreed upon by the Authority, *Rizzo* and *Garofalo* to enlarge the existing base plans from 40 scale to 20 scale in attempt to provide the contractor with a more suitable base plans to be used by C.B. Utility to prepare the Redline as-built drawings with the level of detail required by the contract. *Garofalo* expended approximately 32 additional hours to provide these services. Also, the enlarging of the as-built drawings created an additional 14 drawings from the original bid set of 11 drawings resulting in a new total of 25 drawings. *Garofalo* had budgeted approximately 5 hours per drawing based on 11 drawings to prepare the final as-built drawings. Therefore in order to complete the drafting of the



September 26, 2005  
Mr. Jack Henderson, P.E.  
Page 2

additional 14 plan sheets, to the level of detail required to show all tie and depth information furnished by C.B. Utility, our staff will require an additional 70 hours to draft these additional sheets plus the 32 hours for the enlarging of the base plans to 20 scale for an additional total of 102 hours.

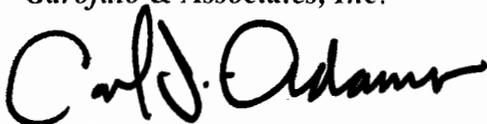
In addition, KCWA requested *Garofalo* to assist them in reviewing the police invoicing for the entire project. This task entailed reviewing and comparing more than 400 records against our inspector's daily reports. This work is estimated to take our staff about 50 hours, at an approximately rate of 8 records/hour.

Therefore, at this time, we respectfully request additional man-hours and fees to continue our construction services to complete the project by the end of October 2005. For your review, we have prepared a detailed Summary of the additional man-hours needed for the anticipated construction services through project completion based on the contractor's anticipated schedule.

The following attached summary, details these additional services along with our man-hour estimate and associated fees required to complete the Construction Services phase of this contract based on the contractor's estimated schedule through project completion.

Should you or members of the KCWA Board have any questions or comments regarding this request, we would be pleased to meet with you at your convenience.

Sincerely,  
*Garofalo & Associates, Inc.*



Carl J. Adamo, P.E.  
Vice President of Engineering

CAJ:raf

Attachment

cc: Kevin Fitta; KCWA  
Steven B. Garofalo;  
File



**Summary of Additional Man-hours and Fees for Construction Services  
KCWA Capital Improvement Project #4 - Black Rock Road Water Improvements  
Towns of Coventry and Scituate, RI**

**A. Additional Manhours and Fees Estimate for Construction Services:**

Description of Work	Rizzo	Garofalo				TOTAL
	Project Manager (4 hrs/wk @ 10 weeks)	Project Engineer (10 hrs/wk @ 10 weeks)	Constr. Supervisor (6 hrs/wk @ 10 weeks)	Tech/Drafter	Constr. Inspector (40 hrs/wk @ 10 weeks)	
<b>1. Contract Administration &amp; Shop Drawing Review</b>	40	100	60	0	0	<b>200</b>
<b>2. Redrafting of Base Plans to 20 scale for as-builts &amp; Additional Plans</b>	0	0	0	102	0	<b>102</b>
<b>3. Review of Police Invoicing Records.</b>	0	0	50	0	0	<b>50</b>
<b>4. Resident Inspection (1 crews for 10 weeks.)</b>	0	0	0	0	400	<b>400</b>
<b>TOTAL</b>	<b>40</b>	<b>100</b>	<b>110</b>	<b>102</b>	<b>400</b>	<b>752</b>

<u>Classification</u>	<u>Additional Manhours</u>	<u>Hourly Rates*</u>	<u>Amount Requested</u>
Project Manager	40	\$95.00	\$ 3,800.00
Project Engineer	100	\$75.00	\$ 7,500.00
Staff Eng./Construction Supervisor	110	\$63.00	\$ 6,930.00
Tech/Draft	102	\$48.00	\$ 4,896.00
Construction Inspector	400	\$40.00	<u>\$ 16,000.00</u>
Subtotal	752		<u>\$39,126.00</u>

Direct Expenses (i.e. Mileage, Printing, Miscellaneous – See breakdown)      \$ 768.00 (Budget)  
**Total Additional Budget Amount Requested:      \$39,894.00**

**B. Breakdown of Budgeted Direct Expenses:**

Our estimate for Direct Expenses has been based on the following:

- Mileage: Resident Inspector - 50 days @ 40 miles/day x (\$.32/mile) = \$ 640.00
- Office Staff - 10 days @ 40 miles/day x (\$.32/mile) = \$ 128.00
- Subtotal \$ 768.00**

\* Construction Administration and Inspection Billing Rates as of April 1, 2005 per agreement and Change Order #1.



# **EXHIBIT L**

November 16, 2005

CHANGE ORDER

No. 1

DATE OF ISSUANCE November 16, 2005

EFFECTIVE DATE November 16, 2005

OWNER Kent County Water Authority, 1072 Main Street, W. Warwick, RI 02893

CONTRACTOR Walsh Construction, 2 Commercial Street, Sharon, MA 02067

Contract: Rehabilitation of the Clinton Avenue Pump Station

Project: Rehabilitation of the Clinton Avenue Pump Station

OWNER's Contract No. \_\_\_\_\_ ENGINEER's Project No. J0362.01

ENGINEER C&E Engineering Partners, Inc. 342 Park Avenue, Woonsocket, RI 02895

You are directed to make the following changes in the Contract Documents:

Description:

- 1) Provide remedial repairs to CMU at existing building foundation block outs. 2) Provide remedial reinforcing to existing building CMU walls. 3) Extend contract times by 38 days. Revise costs per attached Summary Listing.

Reason for Change Order:

- 1) & 2) Remedial repairs to address unknown deficient conditions observed and identified during construction related activities. 3) Extension of contract times due to delayed receipt of building permit.

Attachments: (List documents supporting change)

- 1A) Work Change Directive No. 1 dated September 9, 2005 (south wall). 1B) C&E recommendation letter to Authority dated November 9, 2005, Walsh cost proposal dated November 8, 2005 (north wall). 2) C&E recommendation letter to Authority dated November 15, 2005 with enclosures. 3) C&E recommendation letter to Authority dated October 25, 2005, Walsh acceptance dated October 11, 2005, C&E claim review letter dated September 30, 2005, Walsh Claim for Extension of Time letter dated August 16, 2005.

CHANGE IN CONTRACT PRICE:	
Original Contract Price	\$ <u>4,378,000.00</u>
Net Increase (Decrease) from previous Change Orders No. <u>  </u> to <u>  </u> :	\$ <u>0.00</u>
Contract Price prior to this Change Order:	\$ <u>4,378,000.00</u>
Net increase (decrease) of this Change Order:	\$ <u>52,862.73</u>
Contract Price with all approved Change Orders:	\$ <u>4,430,862.73</u>

CHANGE IN CONTRACT TIMES:	
Original Contract Times:	Substantial Completion: <u>March 23, 2006</u> Ready for final payment: _____ (days or dates)
Net change from previous Change Orders No. <u>  </u> to No. <u>  </u> :	Substantial Completion: <u>0 days</u> Ready for final payment: _____ (days)
Contract Times prior to this Change Order:	Substantial Completion: <u>March 23, 2006</u> Ready for final payment: _____ (days or dates)
Net increase (decrease) this Change Order:	Substantial Completion: <u>38 days</u> Ready for final payment: _____ (days)
Contract Times with all approved Change Orders:	Substantial Completion: <u>May 30, 2006</u> Ready for final payment: _____ (days or dates)

RECOMMENDED:

By: [Signature]  
ENGINEER (Authorized Signature)

APPROVED:

By: [Signature]  
OWNER (Authorized Signature)  
*Chairman*

ACCEPTED:

By: [Signature]  
CONTRACTOR (Authorized Signature)

Date: 11-15-2005

Date: 11/16/05

Date: 11-15-05

**Kent County Water Authority  
Rehabilitation of the Clinton Avenue Pump Station**

**Change Order No. 1 - Summary Listing**

<b>Item</b>	<b>Description</b>	<b>Amount</b>
1A	Repairs to Existing Building Foundation South Wall at CMU blocking	\$512.67
1B	Repairs to Existing Building Foundation North Wall at CMU blocking	\$512.67
2	Existing Building CMU Remedial Reinforcing	\$51,837.39
3	Time Extension for Delayed Building Permit Review	\$0.00
<b>Total - Changer Order No. 1</b>		<b>\$52,862.73</b>
<b>Revised Contract Amount</b>		<b>\$4,430,862.73</b>

# **EXHIBIT M**

November 16, 2005

**PLANNING DOCUMENT \$25,000/YEAR ALLOCATION**

<b>PROJECT</b>	<b>STATUS</b>
Water Supply System Management Plan WSSMP	Approved & completed 5 year update due 2007
Clean Water Infrastructure Plan	Approval June 13, 2003. 5 year update due 2008
Vulnerability Assessment Bio-Terrorism Bill	Submitted December 19, 2003
Revised Emergency Response Plan	By June 19, 2004
Simplified EFP Topic Sheets/Employee distribution	December 2004

**UPDATED CIP PROJECTS BOND FUNDING**

<b>PROJECT</b>	<b>STATUS</b>
Mishnock Well Field (new wells) CIP - 1A	Project closed out.
Mishnock Transmission Mains CIP - 1B	Project closed out.
Mishnock Treatment Plant CIP - 1C	Project closed out.
R-CIP 19 Tiogue Avenue Main	Project closed out.
East Greenwich Well Treatment Plant - CIP-2	Await Pilot Program Mishnock
Blackrock Road Transmission Main - CIP-4	Approval Change Order 8 & 9 & Rizzo Amendent #2
Clinton Avenue Pump Station Rehabilitation CIP - 7A	Construction On-going, Approval Change Order #1
Read School House Road Tank CIP - 7B	Negotiations for Site Movement
Read School House Road Main CIP 7c, 7d, 8a	Final Review Completed Set Bid Date Winter 2005/2006
Mishnock 4 Well Installation	On hold. RFP 4 & 5 plus control facility / T.P.

**IFR FUNDED PROJECTS**

<b>PROJECT</b>	<b>STATUS</b>
IFR 2003	Construction completed.
IFR 2004	Contract Split Up, Set Bid Date Winter 2005/2006
Geographic Information System Base Map	Completed.
Geographic Information System Second Phase	Mapping Feature Review October Completion Delayed
Kuotty Oak Road. Old CIP 5	Construction completed.
Tiogue Tank Modified Service Area	Project closed out.
Setian Lane new pumping station and Frenchtown vault rehabilitation.	Completed.
Setian Lane Tank painting	Completed.
Oaklawn Meter Replacement IFR	Completed.
PWSB 78" / Johnson Blvd. P.S. Modification	Winter 2005/2006 - PWSB Rate Case Settlement
Rehabilitation Mishnock #3	Redevelopment completed.
Revised Hydraulic Model	
Color Study Mishnock Wells	Piloting Study Approval/RFP Preparation
Cleaning & Lining Greenwich Avenue	Design Status Gas Company Conflict - DPUC date for hearing
Spring Lake Well Redevelopment	Completed.
<b>PROJECT</b>	<b>STATUS</b>
Web site preparation	Up and running.
Strategic Plan	For Approval
CCR 2003	Mailed.
Colvintown Road	Completed.
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