

KENT COUNTY WATER AUTHORITY

BOARD MEETING MINUTES

February 27, 2006

The Board of Directors of the Kent County Water Authority held a special meeting in the Joseph D. Richard Board Room at the office of the Authority on February 27, 2006.

Chairman Perry opened the meeting at 2:00 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, System Engineer, Kevin J. Fitta, Arthur Williams, Finance Director, Legal Counsel, Joseph J. McGair, and other interested parties including John Pagliarini, Attorney for Centre of New England.

Grandville at Greenwich LP (Lecesse Development): WG, A.P. Lot 4-1

Shivai Nehal Realty, LLC (Wingate Hotel, Coventry A.P. 7, lot 2.1)

Commerce Park Associates 13, LLC (Pad A, Coventry A.P. Lot 2,3)

Commerce Park Associates 13, LLC (Pad B, Coventry A.P. 7 Lot2.1)

Wal-Mart Real Estate Business Trust (Wal-Mart, Coventry, A.P. 6, Lot 1)

The Attorney for Centre of New England, Mr. Pagliarini, stated that the five (5) projects within Centre of New England have been previously approved subject to easements and as built. The Chairman said that there was a need to have as-builts since 95% of the Centre of New England infrastructure has been located but there are other areas which have been paved over and a geo company would go out to bid.

Attorney Pagliarini stated that a public water system would require that the water to be turned on after 18 month period approved or Centre of New England would come to terms with Kent County Water Authority.

The Chairman stated that if the Centre of New England pursues a private water system and the Kent County Water Authority will forego the need for as-builts and easements and within 18 month period and thereafter a private water system must be in place or if not in place, the Centre of New England must install master meters at both ends of the site.

It was moved by Board Member Graham and seconded by Board Member Boyer to allow water service activation to the above referenced entities located in the Centre of New England under the stipulations as follows:

1) Receipt of approval by the appropriate governmental bodies for the private system of CNE for exclusive water supply via wells to the entire CNE real property or the private water system via wells must be operational to support water supply no later than one and one half years from the date of this approval.

2) With the exception of irrigation, all entities located within the CNE real property shall be serviced to one water supply system that being the CNE private supply or master meter connection to KCWA supply.

3) That if the CNE private water system via wells is in effect within the period of time as stated in (1) above, then the stipulations of October 2005 by KCWA for water service approval for projects within the CNE real property shall no longer be necessary regarding as-built drawings and easements, application, design, inspection and material requirements of the KCWA Rules and Regulations.

4) That in the event that the CNE private water system via wells is not approved by the appropriate governmental bodies or is not operational within one and one half years from the date of this approval then the master metering of the water system at New London Turnpike (KCWA Connection Point) and Hopkins Hill Road (KCWA Connection Point) shall be installed within 90 days of that event utilizing KCWA water at the two connection points stated and CNE shall notify KCWA no later than thirty (30) days of the approval or non-approval by the appropriate governmental bodies. The cost of said master meters and installation shall be the sole responsibility of CNE. If the master meters are not installed within 90 days of service or non-approval of governmental entities as stated in condition (3) above, service shall be terminated without notice.

5) CNE shall be responsible while being serviced by KCWA for the operation and maintenance of its system from the 16" valve on New London Turnpike (KCWA Connection Point) and the 16" valve on Hopkins Hill Road (KCWA Connection Point) and that if there is any internal operational malfunction and/or contamination identified, the KCWA shall shut off service at the 16" valves as described above until such time as all requirements of KCWA and the Rhode Island Department of Health are met to reactivate service at the 16" valve and CNE shall immediately notify KCWA of any such event.

6) CNE must comply with all Rules and Regulations of the KCWA and as subsequently amended including, but not limited to, application, design, inspection and installation of infrastructure and operation and maintenance of infrastructure until such time as its private water system is activated and the KCWA system has been disconnected and physically separated from the development infrastructure at the connection point in Hopkins Hill Road and New London Turnpike.

7) All future extensions shall be applied for as required in the KCWA Regulations and subject to the approval of the KCWA until such time as the full project water system producing water via wells is operational and the connections to the KCWA

system that being the 16" valve on New London Turnpike and the 16" valve on Hopkins Hill Road have been deactivated and a physical separation between the valve and pipe is completed. This separation of service between the KCWA connection and CNE piping system shall be at the sole cost of CNE.

8) The KCWA shall have the right to enter upon all real property of CNE and its successors and assigns to terminate the service for any business entity located within the CNE which has not paid its water bill and in connection with any malfunction and/or contamination as stated in 5) above.

9) CNE accepts and shall comply with the above stipulations by executing the acknowledgement prior to activation of the approved service connections.

The owner and applicant must review and execute the acknowledgements and receipt of these stipulations and return the fully executed stipulated approval to the KCWA within 20 days in order to be effective.

And it was unanimously,

VOTED: To allow water service activation to the above referenced entities located in the Centre of New England under the stipulations as follows:

1) Receipt of approval by the appropriate governmental bodies for the private system of CNE for exclusive water supply via wells to the entire CNE real property or the private water system via wells must be operational to support water supply no later than one and one half years from the date of this approval.

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4) That in the event that the CNE private water system via wells is not approved by the appropriate governmental bodies or is not operational within one and one half years from the date of this approval then the master metering of the water system at New London Turnpike (KCWA Connection Point) and Hopkins Hill Road (KCWA Connection Point) shall be installed within 90 days of that event utilizing KCWA water at the two connection points stated and CNE shall notify KCWA no later than thirty (30) days of the approval or non-approval by the appropriate governmental bodies. The cost of said master meters and installation

shall be the sole responsibility of CNE. If the master meters are not installed within 90 days of service or non-approval of governmental entities as stated in condition (3) above, service shall be terminated without notice.

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7) All future extensions shall be applied for as required in the KCWA Regulations and subject to the approval of the KCWA until such time as the full project water system producing water via wells is operational and the connections to the KCWA system that being the 16" valve on New London Turnpike and the 16" valve on Hopkins Hill Road have been deactivated and a physical separation between the valve and pipe is completed. This separation of service between the KCWA connection and CNE piping system shall be at the sole cost of CNE.

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PWSB TEMPORARY INTERCONNECTION, TASK ORDER 4, IFR APPROVAL

The General Manager detailed a proposal by James J. Geremia Engineering concerning Task Order #4. The General Manager stated that the Providence Water Supply Board temporary interconnection at Wakefield Hill/pump station is being discussed and he does not have all of the information as of yet. He stated that options might include Main Street/Fairview Avenue to alleviate the Clinton Avenue Station which could result in 8 to 10 million gallons additional per day. He stated that the Task Order #4 is not ready for approval and the General Manager will endeavor to obtain more information.

The General Manager reported that he and Legal Counsel met with Providence Water Supply Board regarding easements and the talks will continue.

ROCKY HILL COMMONS REQUEST TO APPEAR, PROPOSED WATER SUPPLY

John Brunero, Esq. representing James Malm, Applicant, and Scott Moorehead, Engineer were present.

Mr. Brunero stated that there were two (2) paramount issues:

- (1) Hotel – Hilton Homewood suites: That the applicant would consider using the low service gradient for the hotel; and
- (2) High Service Gradient as it applies to Hamilton Drive.

Mr. Brunero restated facts which brought out at previous meetings and are contained in previous minutes.

Mr. Brunero stated that the applicant desires to eliminate 800' of water line which Kent County Water Authority can not currently service.

The General Manager disseminated a schematic which is appended as "A". He stated that \$1.2 million upgrade to Granite Drive is not in the current budget and the Signal Ridge project contains a 12" pipe and 20" pipe which could be converted to the high service gradient from a new water line installed by James Malm but it may not be viable.

The General Manager stated that the Hotel request for low service may be viable which is not a Board issue and there may not be a fire capacity issue if served by the high service gradient. The new model with the low service gradient has been completed and this project will need to be factored in that model and will need to meet the demand, albeit the Board has not approved a dual system.

The General Manager reminded all that Brooks Drugs pipe was for a single purpose in the high service gradient and it was approved to bring the line to the property

800' and the General Manager would not recommend waiving that requirement. Mr. Brunero argued that the 800' line might never be used.

The General Manager stated reservice to Signal Ridge is a difficult area to service.

Board Member Boyer questioned the pipe sizing in the area at Signal Ridge and Division Street.

Board Member Graham asked about the Route 2 and Brooks Drugs. The General Manager stated the Brooks was approved for High Service Gradient. Board Member Masterson stated that he was in favor of the hotel at low service and sees the value of the line installed by developer.

John Brunero stated that there is frontage on Hamilton and Division Street. James Malm stated that he had meetings with the staff and the General Manager said the line was for Brooks only and could be looked at different times.

Board Member Boyer hoped to try to iron out the differences and commended the applicant for bringing the high service gradient to Division Road.

John Brunero stated that they understand that it is not the fault of Kent County Water Authority if they do not obtain approval to have a line on Hamilton Drive, but if so, the line needs to be in by October because of traffic pattern and Scott Moorehead showed the location of the 16" Hamilton/Fairgrounds line with infrastructure by October.

The General Manager stated dead-ended lines are of no use to the system.

The Chairman said the staff will attempt to reach a reasonable accommodation with the applicant.

Board Member Masterson stated he was still in favor of approval of the hotel low service but the Brooks line relocation bears more discussion.

Board Member Gallucci stated it was appropriate for approval for the hotel as presented but that Board approval is not necessary for low service gradient.

Board Member Graham asked that if there was a way to have all of the interested parties participate and aid in construction. Mr. Brunero stated that it appeared to be unlikely.

It was moved by Board Member Masterson and seconded by Board Member Graham to allow fire service protection in the high service gradient to the proposed Hilton Homewood Suites Hotel which will be served by the low gradient and it was unanimously,

VOTED: To allow fire service protection in the high service gradient to the proposed Hilton Homewood Suites Hotel which will be served by the low gradient.

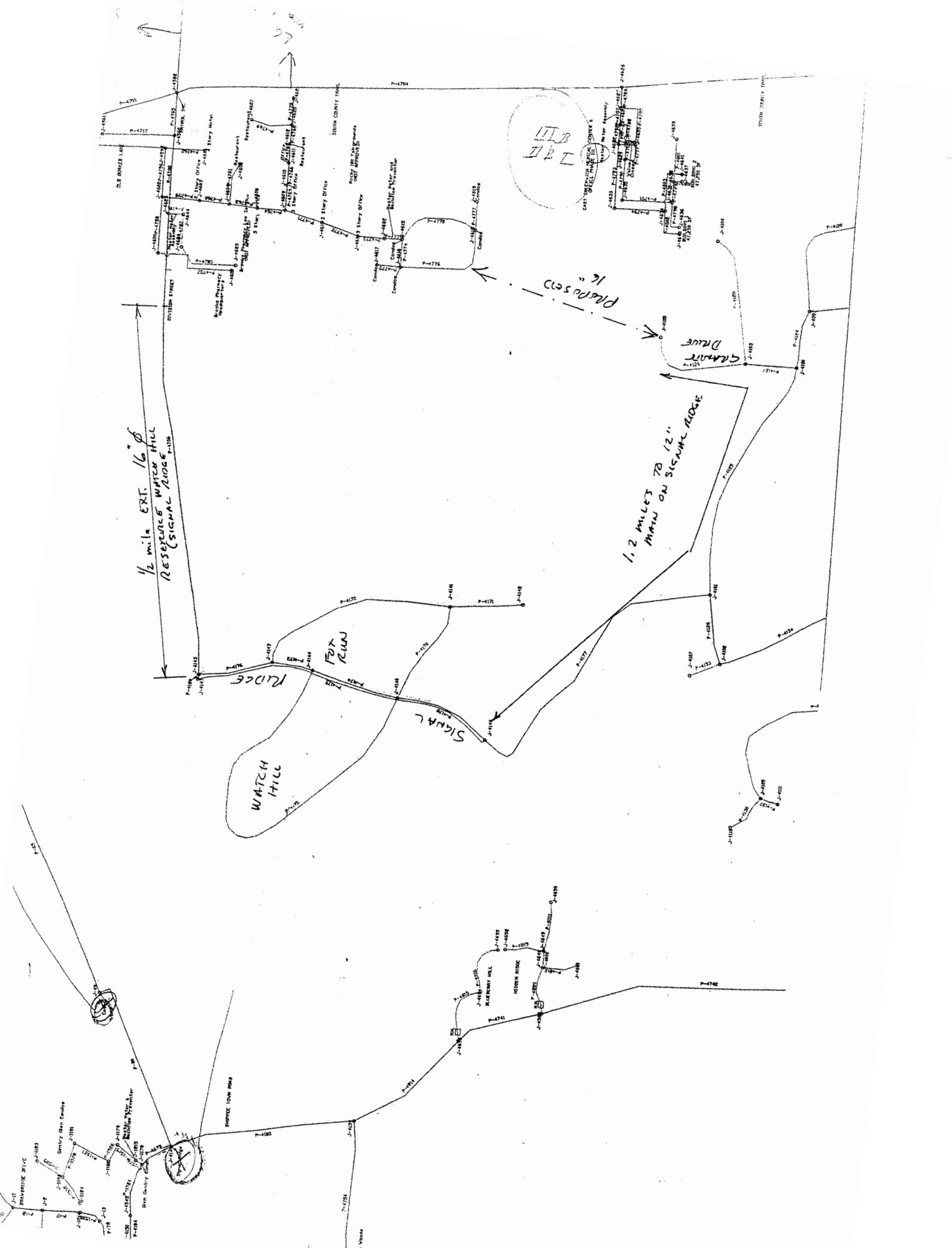
Board Member Graham made a Motion to adjourn, seconded by Board Member Boyer and it was unanimously,

VOTED: To adjourn the meeting at 3:28 p.m.

Secretary Pro Tempore

EXHIBIT A

February 27, 2006



1/2 mile EXT. 16" RESERVOIR WATCH HILL SIGNAL ROAD

1.2 MILES TO 12" MAIN ON SIGNAL ROAD

PLAZA ST 16"

LTL 2
7/11/12

WATCH HILL

FOX RUN

SIGNAL

RIDGE

CLARK DRIVE

