

KENT COUNTY WATER AUTHORITY

SPECIAL BOARD MEETING MINUTES

May 4, 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 May 4, 2006.

Chairman Perry opened the meeting at 3:35 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, Lewis J. Paras and other interested parties, including Peter Nolan, Esq. and James Malm.

Work Session Review Rules and Regulations

The Chairman stated that James Malm, Developer of the East Greenwich Brooks Headquarters has previously requested relief from Kent County Water Authority approval of the installation of an 800 foot line and as required by Section 3.21 of the Rules and Regulations of Kent County Water Authority. Mr. Malm has requested that the location of the line be changed to Hamilton Boulevard. The Chairman indicated that this request had raised a general question as to the power of the Board to waive or amend the rules and regulations of Kent County Water Authority. The General Manager stated that any amendment of Section 3.2.1 of the Rules and Regulations would have to specify the distance concerning installation (i.e. 25%, 50% etc.). The General Manager was very concerned that any amendment to the regulation which would allow installation of less than 100% across the frontage of property.

Board Member Gallucci inquired about instituting a waiver provision in the rules and regulations which would give the Board discretion to waive the regulations in certain circumstances. Board Member Boyer supported Board Member Gallucci's suggestion of a waiver provision noting that the Board should have discretion to waive the rules and regulations in circumstances that the Board sees fit.

The General Manager expressed concerns over a waiver provision in that a waiver should not be applied to individual situations and developers but must safeguard the integrity of the system. The General Manager suggested that the proper method is to amend the regulations if a regulation is not needed and that there have been amendments in the last several years which demonstrate that the rules and regulations can be amended with flexibility as necessary. Amendment of the regulations also prevents the perception that the rules and regulations are not being applied evenly to all

individuals. Legal Counsel concurred that the proper mechanism to change the regulations is through an amendment of the rules and regulations.

Board Members Gallucci and Boyer after further discussion agreed that an amendment to the rules and regulations would be the proper mechanism for the Board to address the issues concerning Section 3.2.1 of the Rules and Regulations regarding the installation of a line across the entire frontage of property as in the case of James Malm.

The Chairman suggested that the previously circulated proposed amendments to the Rules and Regulations be placed on the Agenda for the May 17, 2006 Board meeting and that a proposed amendment to Section 3.2.1 could be drafted and included as part of the proposed November, 2005 revisions if necessary.

The General Manager stated that Federal regulations mandate that the Authority is responsible for the quality of water up to the "final tap". He stated that in private developments, the Authority does not own the pipe running through the private developments and does not provide maintenance and if, contamination occurs, Kent County Water Authority is responsible for the quality of the water. The General Manager further stated that the Department of Health has verbally placed the ultimate responsibility as the quality of water to Kent County Water Authority regardless of the source of contamination or its lack of control. The General Manager further stated that the Authority has requested and is still awaiting written confirmation from the Department of Health on this issue.

Board Members Boyer, Masterson and the Chairman all agree that Kent County Water Authority should take over ownership of pipes in private developments in order to monitor the maintenance of these pipes and provide the maximum protection against contamination. Board Member Gallucci stated that a final decision on whether Kent County Water Authority should adopt the position that it will take over the ownership of private development piping should be put on hold until the requested response is received from the Department of Health.

The General Manager noted that the proposed November, 2005 amendment to the Rules and Regulations involving modification of booster pumping stations is good for the Authority and should be adopted.

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

VOTED: To adjourn the meeting at 5:20 p.m.

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Secretary Pro Tempore