

KENT COUNTY WATER AUTHORITY

BOARD MEETING MINUTES

August 20, 2009

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 August 20, 2009.

Chairman, Robert B. Boyer opened the meeting at 3:30 p.m. Board Members, Mr. Gallucci, Mr. Masterson, Mr. Giorgio, Mr. Inman were present together with the General Manager, Timothy J. Brown, Director of Administration and Finance, Joanne Gershkoff, Technical Service Director, John Duchesneau, Legal Counsel, Maryanne Bevans and other interested parties. Board Member Gallucci led the group in the pledge of allegiance. Board Member Giorgio arrived at the meeting at 4:00 p.m. due to an unavoidable business conflict.

The minutes of the Board meeting of July 16, 2009 were moved for approval by Board Member Masterson and seconded by Board Member Gallucci and were unanimously approved.

GUESTS:

High Service Requests

320 East Greenwich Avenue, Stephen Archambault

Stephen P. Archambault, owner, appeared before the Board. The General Manager informed the Board that East Greenwich Avenue was refurbished in 1997. Mr. Archambault's well is 45 years old and will not be able to safely operate much longer. The subject water line is located beneath a neighbor's mailbox and Mr. Archambault stated that the neighbor agreed to relocate the mailbox. Mr. Archambault was advised of the restrictions including prohibition of outside irrigation.

It was moved by Board Member Masterson and seconded by Board Member Gallucci that due to diminished well capacity and health concerns to conditionally approve the request for water supply to service a single family home with the following conditions in lieu of a moratorium:

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 preparation shall be employed throughout the project.

And it was unanimously,

VOTED: To conditionally approve the request for water supply to service a single family home with the following conditions in lieu of a moratorium:

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.

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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 preparation shall be employed throughout the project.

66 Nooseneck Hill Road, TJB Engineering

Timothy J. Behan of TJB Engineering appeared. He informed the Board that the application concerns the proposed 6,750 sq. ft. West Greenwich office building with a $\frac{3}{4}$ inch service. There is currently a three bedroom dwelling located on the site. The Chairman inquired if the water usage would be less for an office building as opposed to the three bedroom home. Mr. Behan answered in the affirmative and the area of the proposed office building meets the regulations of the Town of West Greenwich with respect to water demand. The office building would use approximately 165 gallons of water per day which would be less than an existing single family dwelling usage.

Therefore, it was moved by Board Member Inman and seconded by Board Member Masterson to conditionally approve the request for water supply to service the commercial site at 66 Nooseneck Hill Road with the following conditions in lieu of a moratorium:

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 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 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 preparation shall be employed throughout the project.

And it was unanimously,

VOTED: To conditionally approve the request for water supply to service the commercial site at 66 Nooseneck Hill Road with the following conditions in lieu of a moratorium:

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.

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298 Shippeetown Road, Jon A. Larson

Jon A. Larson was present. He informed the Board that his father recently deceased and owned the single family residence. His family is trying to sell the home and the septic system failed and the Department of Environmental Management is requiring a new ISDS to be installed however, the configuration of the land prohibits meeting the required 100 ft. setback. The Chairman opined that hardship relief should be granted.

It was moved by Board Member Masterson and seconded by Board Member Gallucci that due to health and safety reasons to conditionally approve the request for water supply to service a single family home with the following conditions in lieu of a moratorium:

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4. 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 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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Janice Peixinho, 25 Knight Street

The owner was not present. The Chairman stated that the sidewalks in the entire neighborhood are deteriorated. Kent County Water Authority previously repaired some of the sidewalk panels. C. B. Utility Company, Inc. also repaired some panels however, the sidewalks are deteriorated. The General Manager forwarded correspondence dated August 19, 2009 to C. B. Utility Company, Inc. as attached as "A" with respect to this matter. The Chairman met with the owner and she is requesting repair of her existing sidewalk. The owner is not requesting a new sidewalk. The cost to replace the existing sidewalk would be approximately \$1,500. The Chairman informed the owner that Kent County Water Authority can not pay for the cost of the sidewalk replacement. However, the Chairman informed the owner of the Town of West Warwick program whereby the owner shares 50% of the cost with the Town. The Chairman informed the owner of the \$1,500 cost to repair the sidewalk. The Chairman did not receive a response from the owner after August 18, 2009 and therefore, left subsequent messages for the owner at her home and workplace on August 20, 2009. No further response was received from the owner.

Braver Group, Request to Appear, Audit

Hyun Kim, CPA, CMA appeared on behalf of the Braver Group who asked to meet with the Board on a restricted basis and Legal Counsel informed the representative that this is not permissible and would be in violation of the Open Meeting Law and the open meeting proceeded. Ms. Kim informed the Board of a new requirement of the auditing firm with respect to standards and procedures. Ms. Kim was unable to adequately present the new requirements and auditing standards to the Board. Therefore, the Board and Legal Counsel requested clarification and information concerning the auditing standards and requirements of the Braver Group and the matter was continued for clarification by Braver Group.

LEGAL MATTERS

G-Tech

The hearing date was held on April 27, 2009 and the DPUC issued a Division Order on May 20, 2009 which states that the Complaint filed by GTECH Corporation on July 22, 2008 against Kent County Water Authority is hereby denied and dismissed. The deadline for GTECH to file an appeal is June 20, 2009. GTECH filed an appeal on June 19, 2009 in the Providence County Superior Court to the Decision of the Division of Public Utilities and Carriers of May 20, 2009 which ruled in favor of Kent County Water Authority. Kent County Water Authority answered the complaint on June 29, 2009 and Legal Counsel will engage in that portion of this continuing litigation. The parties have filed a consent order with the Court for the schedule of the briefs.

Providence Water Supply Board Rate Supreme Court Case

The Providence Water Supply Board rate case is in the Supreme Court appealing the Post City contributions which were denied by PUC and the counsel for DPUC has entered his appearance and Kent County Water Authority has offered to assist Providence Water Supply Board but have not been called upon to date to participate in the appeal and there is no action to take place except to await further notice and monitor Supreme Court decision and hearing.

Harris Mills

The company has gone into receivership. Kent County Water Authority is owed \$3,676.58. Legal Counsel will monitor for proof of claim filing. A permanent receiver was appointed. A proof of claim prepared and forwarded to the General Manager for signature on September 17, 2008 and will be filed in the Kent County Superior Court and sent to the receiver. Proof of Claim was filed and sent to Received on September 19, 2008. The proof of claim deadline was December 1, 2008. Legal counsel will continue to monitor for payment on claim. As of May 12, 2009, there has been no change in status. Petition to sell was filed by Receiver in Kent County Superior Court on June 5, 2009. Offer to property made which will allow for partial payment of claims. Legal Counsel will monitor progress of sale. As of July 16, 2009 there has been no change in status.

There has been no further progress regarding the sale of the Harris Mill complex in the receivership matter. Legal Counsel to contact the Receiver for a status report. New offers to purchase have come in which could allow Kent County Water Authority claim in this matter to be paid out of the receivership proceeds.

Hope Mill Village Associates

The company is in receivership. Kent County Water Authority is owed \$1,632.44. Legal Counsel to prepare and file Proof of Claim. Proof of Claim was prepared and was

forwarded to the General Manager for signatures. Proof of Claim was filed in Kent County Superior Court and was sent to the receiver on August 28, 2008 and as of this date this case is still pending. Hope Mill filed Chapter 11 Bankruptcy on August 20, 2008. Kent County Water Authority was not listed as a creditor. The proof of claim was prepared and signed by the General Manager on November 14, 2008 and was filed with the Bankruptcy Court on November 18, 2008. The proof of claim filing deadline was the end of November, 2008. Pursuant to the plan of reorganization filed by Debtor on November 22, 2008, Kent County Water Authority will be paid in full upon confirmation of the plan by the Bankruptcy Court and Legal Counsel will continue to monitor. As of February 17, 2009 the Court has not scheduled a hearing for confirmation of plan. Debtor will be filing an Amended Plan in March 2009. Legal Counsel will continue to monitor. As of July 16, 2009 the Debtor has not filed an Amended Plan.

The Bankruptcy Court hearing was to be held on August 19, 2009 regarding a motion filed by Hope Mill to convert Chapter 11 to Chapter 7. Legal counsel will monitor the hearing and how the disposition of the hearing will affect the claim of Kent County Water Authority. The hearing was postponed until September 2, 2009.

West Greenwich Wellhead Protection

Mr. Waltonen has petitioned the Town Council for West Greenwich for a zone change for AP 6, Lot 134 from residential to highway business. The subject lot abuts the wellhead protection area of Kent County Water Authority. The site is currently used for storage and grinding and drying. A portion of the subject site was previously rezoned in 1991 to Highway Business and the Petitioner appeared before the Kent County Water Authority Board at that time and a condition of the 1991 zone change was that Petitioner obtain a letter from Kent County Water Authority approving the final drainage plan. The current petition requests relief from all 1991 conditions including Kent County Water Authority approval. Legal Counsel has conducted research including at the West Greenwich Town Hall concerning the petition and Legal Counsel and Kent County Water Authority will monitor and present its concerns and objections to the Zoning Board and the Town Council at the respective January 20, 2009 and February 11, 2009 hearings.

Legal Counsel and the General Manager attended the January 20, 2009 Zoning Board of Review hearing and the matter was continued by the Zoning Board of Review to February 17, 2009 as the applicant had not submitted to the Board the as built plans. The Chairman had requested that the Kent County Water Authority provide a letter to the Zoning Board of Review outlining the concerns of Kent County Water Authority. Legal Counsel forwarded correspondence to the Zoning Board of Review on January 22, 2009. The matter has been continued by the West Greenwich Zoning Board of Review to April 14, 2009 in that the Waltonen Attorney has not filed the necessary documents. Kent County Water Authority received some engineering from Legal Counsel for Petitioner on April 6, 2009. The Zoning Board hearing was held on April 21, 2009 and was continued to June 16, 2009. The Petitioner was required to provide to the Zoning Board within 30 days from April 22, 2009, a plan depicting existing site conditions and

all items stored on the site including recreational vehicles, containers, mulch, stumps as well as aerial views and a list of all business uses. The Board is also requiring that any plans to be submitted by application to DEM be submitted to an independent professional engineer for review prior to DEM submission. The engineer will be picked by the Town and paid for by applicant.

On June 16, 2009, the Zoning Board of Review required Petitioner to provide to the Board drainage calculations existing at 1992, drainage calculations for current site conditions and calculations for proposed site uses. Further, the Board is requiring Petitioner to provide a list and brief description of all businesses on site accompanied by affidavit. The information is to be submitted by August 15, 2009 and the matter is continued to September 15, 2009. The General Manager received the engineering and sent it to engineers for Kent County Water Authority (Fuss & O'Neil) to review.

West Greenwich Technology Tank/Rockwood

This matter may soon be in litigation in that Rockwood Corporation has failed to take any steps and has continually denied to take any steps in the painting issues inside of the tank and on February 16, 2009 their surety, Lincoln General Insurance Company, denied the claim as well. The matter will be reviewed between the General Manager and Legal Counsel. Rockwood sent a proposal to Legal Counsel on March 31, 2009 and the General Manager weighed the same and a response was sent to Rockwood on April 24, 2009. On May 2, 2009 Rockwood sent another proposal and the General Manager responded to the same on May 8, 2009 requesting a written remedial plan proposal within ten days. On May 8, 2009 Rockwood responded by asking the General Manager to reconsider his position. On May 12, 2009 the General Manager sent correspondence to Rockwood stating the Authority will await Rockwood comments to KCWA letter of May 8, 2009. On May 13, 2009 Rockwood provided an additional response to the KCWA letter of May 8, 2009 with questions. On May 13, 2009 the General Manager sent correspondence agreeing to provide Rockwood with more time to complete a plan of remediation for an additional 10 days. On May 14, 2009, Rockwood sent a response and the General Manager, Merithew and Rockwood to have an informal meeting to work out details. The meeting took place and the Authority is monitoring the efforts of Rockwood to remedy the situation.

Comptroller of the Currency

On October 16, 2008, Kent County Water Authority resolved to change the Trustee from US Bank to bank of NY Mellon regarding 2001/2002/2004 bond issue trust administration to be effective January 23, 2009. That on October 17, 2008, Kent County Water Authority timely notified US Bank concerning the transfer of trusteeship. On approximately January 20, 2009, the US Bank announced that it would require \$6,650.00 as transfer fees to accomplish ownership to the Bank of NY Mellon. Additionally, the US Bank kept \$1,667.67 of fees that were previously unused. That in order for the closing and transfer to take place, Kent County Water Authority on January 22, 2009 paid the sum of \$6,650.00 under protest and stated its displeasure

with the US Bank and thereby stating that it would not jeopardize its bondholders and therefore paid the same and also sent a copy to the Controller of the Currency. On March 4, 2009 the Controller of the Currency stated that the US Bank would be replying directly to Kent County Water Authority. On March 11, 2009 Kent County Water Authority received a response from US Bank which was totally unsatisfactory. On March 31, 2009, Kent County Water Authority notified the Controller of the Currency concerning the unsatisfactory response of US Bank dated March 11, 2009 and reiterated its position. On June 30, 2009 US Bank sent a check in the amount of \$1,666.67 and it was received by Legal Counsel on July 6, 2009, saying that the same was a bookkeeping error as exhibited on the check. That Kent County Water Authority sent a letter to US Bank with a copy to the Controller of the Currency that the amount for advance services paid was acknowledged and that Kent County Water Authority has not acknowledged its exception to extracting at the 11th hour ransom of \$6,650.00 on January 12, 2009 and it will continued pursuit of its claim with the Controller of the Currency.

Robert Plain APRA Request

Robert Plain allegedly sent a request for records on May 1, 2009 which was never received by Kent County Water Authority. On May 27, 2009 Kent County Water Authority received letter from the Attorney General's office concerning Kent County Water Authority alleged failure to respond to the request of Robert Plain and that Mr. Plain had filed a complaint. On June 1, 2009 Robert Plain sent via e-mail a copy of the request for records. On June 2, 2009 Legal Counsel received letter from Adam Sholes, Special Assistant Attorney General's office stating that it was relayed to Mr. Plain and that KCWA did not receive his first request, but Mr. Plain refused to withdraw his complaint. On June 4, 2009 Legal Counsel sent a response to Mr. Sholes stating that the complaint is without merit. On June 3, 2009 a letter was sent to Mr. Plain certified mail with the estimate of \$34.50 for production of the records requested. On June 8, 2009 Mr. Plain paid the estimate of \$34.50. On June 11, 2009, the records were sent certified mail return receipt requested to Mr. Plain stating there was a balance of \$1.70 in that the production costs came to \$36.20 and he had previously paid \$34.50. On June 12, 2009 Mr. Plain telephoned Legal Counsel and said thank you. On June 29, 2009 a telephone message was left reminding Mr. Plain of the \$1.70 balance. On July 9, 2009, Legal Counsel received correspondence dated July 7, 2009 from Mr. Sholes stating that Mr. Plain's complaint against Kent County Water Authority has been withdrawn and the file has been closed. Legal Counsel, Joseph J. McGair, communicated with Robert Plain on August 11, 2009 requesting the payment.

West Greenwich Taxes

On July 1, 2009, Kent County Water Authority received a letter from the Solicitor for the Town of West Greenwich requesting that Kent County Water Authority make tax payments equivalent to the taxes assessed on real estate owned by Kent County Water Authority based on the year prior to the date Kent County Water Authority acquired the property. The Town requested the amount of \$10,466.75 plus the current 2009 tax

year. A schedule accompanying the letter set forth unsupported taxes totaling \$1,495.25 per year.

Legal Counsel for Kent County Water Authority sent a written response on July 2, 2009 to the Solicitor along with a letter from the West Greenwich Tax Assessor dated July 27, 2001 evidencing the payment due in lieu of real estate taxes at \$364.43 per year. Kent County Water Authority made this payment to the Town each year as billed. The billing ceased at 2001. Kent County Water Authority has offered to pay to the Town in lieu of taxes the sum of \$2,915.44 representing tax years 2002-2009. No counter response has been received from the Town.

Providence Water Supply Board Abbreviated Rate Filing

The parties have exchanged filings and testimony and the matter will be heard by the Commission on October 13, 2009.

Stop & Shop

Stop and Shop has procrastinated in cleaning the detention basin adjacent to its Coventry store which is proximate to the wellhead protection area. Several communications have been directed at Stop and Shop and only now has Stop and Shop agreed to clean to basin and the letter was dated August 5, 2009.

Allard Street

Kent County Water Authority and Legal Counsel met with the owners of 12-14 and 24 Allard Street on July 16, 2009 to review the service issue with respect to these customers. The water line requires replacement which is located on the properties of the owners. A temporary construction easement from both owners is necessitated and Legal Counsel forwarded the easement deeds to the respective owners for signature on July 23, 2009. The easement deeds from both owners have been received by Legal Counsel and the deeds will be acknowledged by the General Manager and recorded in the Cranston Rhode Island Land Evidence Records.

Brayton Property/1611 Hope Road

In connection with a refinance of 1611 Hope Road, Kent County Water Authority received a water service inquiry with respect to title for the loan. The subject property has been acquiring its water from the Kent County Water Authority system without billing as a result of a 1922 agreement between the prior owner of the property and predecessor water company. The subject water agreement permitted water to the then owner and his legal heirs at law for faucets and an outdoor water spicket. One of the current owners was raised by the predecessor but never legally adopted. The owner recently met with Kent County Water Authority, Legal Counsel and their counsel with respect to this service issue and the General Manager forwarded a notice to the owners

informing them of the meter fee. Kent County Water Authority will be coordinating with the owners the installation of the meter with respect to future service.

Identity Theft Program

The General Manager confirmed with Legal Counsel that Kent County Water Authority has Identify Theft program in place in compliance with federal legislation.

Hearing Wiley Center (PUC)

The Commission on July 15, 2009 denied the request of the Wiley Center for shut-off assistance for those affected by the foreclosure and unemployed.

Hydrant Fees legislation

The legislation, if passed, would allow the City of Warwick to pass an ordinance precluding Kent County Water Authority from assessing hydrant rental fees to the City of Warwick. These rental fees would have to be passed to the Warwick rate-payers. The use of the word "notwithstanding" in the legislation trumps the application of RIGL 39-16-8(9) which gives Kent County Water Authority the authority to charge these fees to municipalities.

Spectrum Properties, The Oaks, Coventry, Rhode Island

Legal Counsel for the developer forwarded on July 13, 2009 to Kent County Water Authority Legal Counsel for comment on the proposed form of easement deeds with respect to the residential subdivision. On July 29, 2009, Legal Counsel for Kent County Water Authority sent a response to Attorney William Landry setting forth comments to the proposed form of deeds. Legal Counsel is awaiting a response from Attorney Landry.

Verizon DPUC matter

There were allegations of dig safe violations by Verizon and Kent County Water Authority and the DPUC had investigated the same and it is scheduled for hearing on September 16, 2009 at 10:00 a.m.

Open Government Summit

Legal Counsel, the General Manager and Board Member Gallucci attended the annual Open Government Summit on July 31, 2009 at Roger Williams Law Center for the purpose of updates on APRA (Access to Public Records) and the Open Meeting Law as presented by the Department of Attorney General.

Director of Finance Report:

The General Manager stated that the poor state of the economy is hampering the collection process and Kent County Water Authority is working very hard on collections.

The Chairman had asked the General Manager regarding the service terminations due to economic realities and the General Manager instructed the Board on the procedure.

Joanne Gershkoff, Finance Director, explained and submitted the financial report and comparative balance sheets, statements of revenues, expenditures, cash receipts, disbursements and comparative balance sheets and statements of revenue through July, 2009, as evidenced and attached as “B” and after thorough discussion, Board Member Gallucci moved and seconded by Board Member Masterson 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 by the Board Members present,

VOTED: That the financial report, comparative balance sheet statement of revenues, expenditure, cash receipts, disbursements and comparative balance sheets and statements of revenue through July, 2009 be approved as presented and be incorporated herein and are made a part hereof as evidenced and attached as “B”.

Point of Personal Privilege and Communications:

Board Member Masterson informed the Board that the East Greenwich Fields Committee contacted Board Member Masterson to thank Kent County Water Authority for their assistance with the inspections and service.

GENERAL MANAGER/CHIEF ENGINEER’S REPORT
Old Business

Rate Case Supreme Court Review Status

This matter was presented infra.

Waltonen Property Zoning Change

This matter was presented infra.

Controller of the Currency Complaint

This matter was presented infra.

Stop & Shop, Tiogue Avenue Detention Pond Cleanup Status

This matter was presented infra.

New Business

Extension of Contract, International Paving (Sept. 1 2009 to August 30, 2010)

The General Manager informed the Board that the pricing of the contract was good and that the contractor performed good work and recommended extension of the contract.

It was moved by Board Member Masterson and seconded by Board Member Gallucci to approve to extend the contract of International Paving commencing September 1, 2009 to August 30, 2010 under the same terms and conditions as the previous contract approved by the Board on August 21, 2008 and it was unanimously,

VOTED: To approve to extend the contract of International Paving commencing September 1, 2009 to August 30, 2010 under the same terms and conditions as the previous contract approved by the Board on August 21, 2008.

New Customer Directory Printing and Distribution

At the request of the Board, the General Manager obtained pricing for the printing of the Customer Directory. The cost of printing 5,000 directories would be \$4,080.00 which includes the insert of rate tables. Due to the downturn in the economy and budgetary constraints the General Manager will distribute the Directory directly to the Town Halls.

Cross Connection Pamphlet Printing and Distribution

At the request of the Board, the General Manager obtained the cost of printing Cross Connection pamphlets. The cost would be \$1,170.00 and due to budgetary constraints, the pamphlets will be distributed only to the Town Halls.

Special Board Meeting, August 27, 2009 3:30 p.m.

The General Manager informed the Board of a Special Board meeting to be held on August 27, 2009 at 3:30 p.m. to discuss awarding a contract with respect to Prospect Street and to discuss a rate filing.

DOH Continuity of Operation Plans

Given the swine flu epidemic and hurricane season, the Department of Health recommended businesses to review impending operating procedure in the event the swine flu, e.g., infects the staff of Kent County Water Authority. The General Manager

suggested “split staff”, e.g. The recommendation of the Center for Disease Control is for an infected person not to work for 24 hours after the fever breaks.

Utility of the Year Award

The utility of the year was awarded to the City of Pawtucket Water Department.

CAPITAL PROJECTS:
INFRASTRUCTURE PROJECTS

Read School House Road Tank (Change Order #1 Approval)

The General Manager presented and recommended approval of Change Order No. 1 by Natgun Corporation for excess rock removal as evidenced and attached as “C” in the amount of \$22,353.07 and the General Manager stated that it is necessary and the amount is fair and reasonable and he recommends the same.

It was moved by Board Member Masterson and seconded by Board Member Giorgio to approve Change Order No. 1 by Natgun Corporation for excess rock removal as evidenced and attached as “C” in the amount of \$22,353.07 and it was unanimously,

VOTED: To approve Change Order No. 1 by Natgun Corporation for excess rock removal as evidenced and attached as “C” in the amount of \$22,353.07.

All other Capital Projects and Infrastructure Projects were addressed by the General Manager and described to the Board by the General Manager with general discussion following and are described on Exhibit “D” .

Board Member Masterson made a Motion to adjourn, seconded by Board Member Giorgio and it was unanimously,

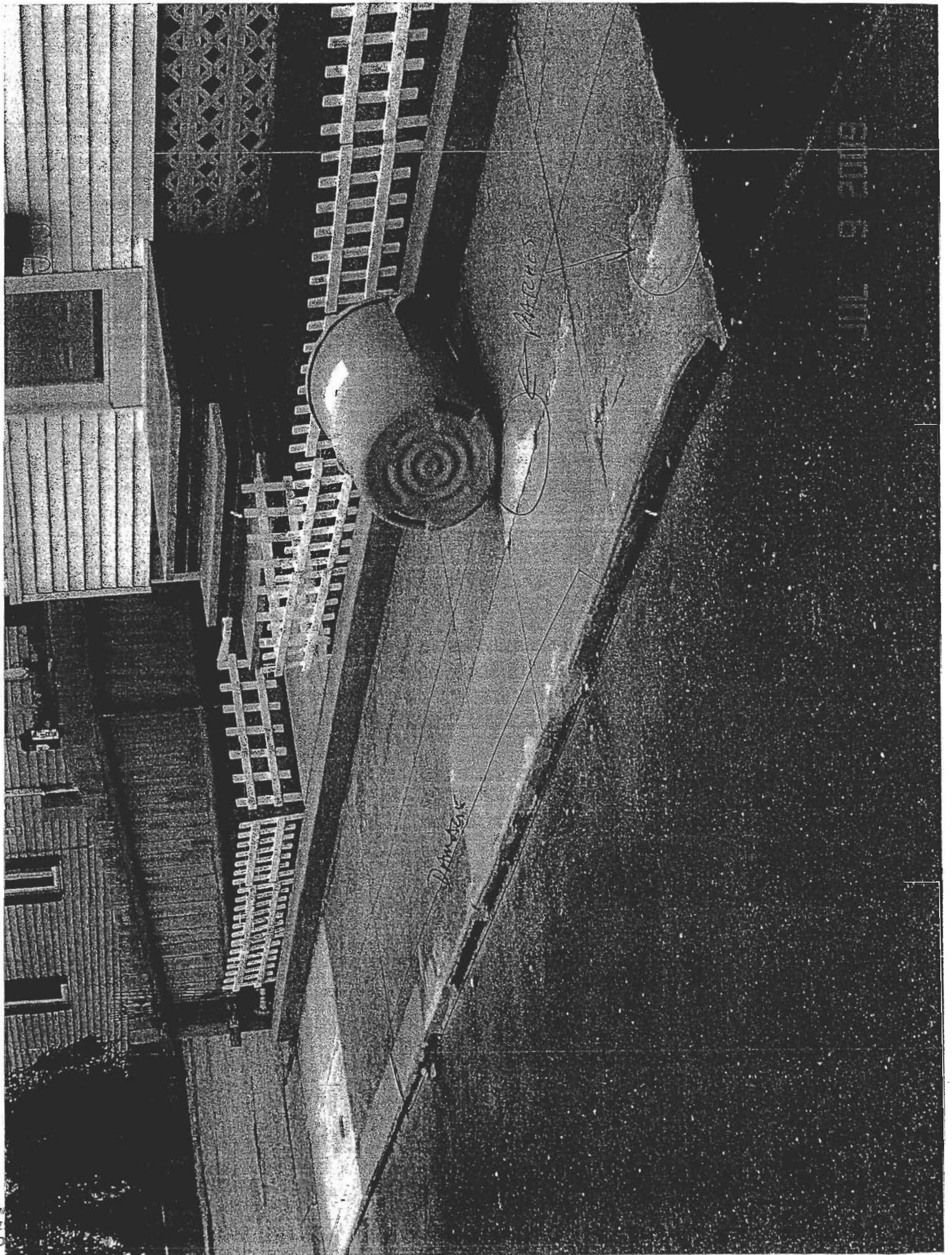
VOTED: To adjourn the meeting at 4:50 p.m.

Secretary Pro Tempore

EXHIBIT A

Board Meeting

August 20, 2009



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EXHIBIT B

Board Meeting

August 20, 2009

EXHIBIT C

Board Meeting

August 20, 2009

CHANGE ORDER

OWNER FIELD
ENGINEER OTHER
CONTRACTOR

PROJECT: READ SCHOOLHOUSE TANK, CAPITAL
(name, address) IMPROVEMENT PROJECT 7A
1.5 MG CONCRETE WATER STORAGE
RESERVOIR

CHANGE ORDER NUMBER: 1
DATE: May 29, 2009

TO CONTRACTOR: NATGUN CORPORATION
(name, address) ELEVEN TEAL ROAD
WAKEFIELD, MA 01880-1292

ENGINEER'S PROJECT NO.: 08-021
CONTRACT FOR: 1.5 MG Water Storage
Tank, Coventry, RI for the
Kent County Water
Authority

The Contract is changed as follows:

Adjustment in unit price for Item 2: Rock (Open) Excavation (see attached) ADD \$22,353.07

The original Contract Sum was	\$	2,127,775.00
Net change by previously authorized Change Orders	\$	0.00
The Contract Sum prior to this Change Order was	\$	2,127,775.00
The Contract Sum will be increased by this Change Order in the amount of	\$	22,353.07
The new Contract Sum including this Change Order will be	\$	2,150,128.07

JAMES J. GEREMIA & ASSOCIATES, INC.
ENGINEER

NATGUN CORPORATION
CONTRACTOR

KENT COUNTY WATER AUTHORITY
OWNER

272 WEST EXCHANGE ST., SUITE 201
Address

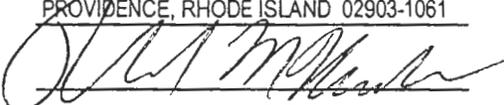
ELEVEN TEAL ROAD
Address

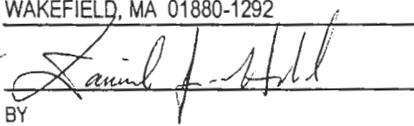
P.O. BOX 192
Address

PROVIDENCE, RHODE ISLAND 02903-1061

WAKEFIELD, MA 01880-1292

WEST WARWICK, RI 02893-0192


BY Richard M. Hencler, P.E.
Project Manager


BY

BY

8/6/09
DATE

7/31/09
DATE

DATE

NATGUN

Wire-wound Concrete Tanks
Established 1929

Natgun Corporation
Eleven Teal Road
Wakefield, MA 01880-1292
Telephone 781-246-1133
Fax 781-224-5163

May 28, 2009

Telephone Number:
Facsimile Number:

Mr. Richard M. Hencler, P.E.
James J. Gerremia & Associates, Inc.
272 W/ Exchange Street, Suite 201
Providence, RI 02903

Reference: 1.5 MG Water Storage Tank
Coventry, RI
Rock (Open) Excavation Quantity Overrun

Dear Mr. Hencler:

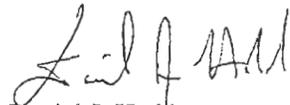
Pursuant to our proposal, dated November 5, 2008, Natgun Corporation hereby submits our revised proposal for an equitable adjustment in contract unit price for the overrun "Rock (Open) Excavation" quantity for this Project. The unit quantity of "Rock (Open) Excavation" is 50cy per contract. The actual quantity excavated was 339.22. This work was executed in accordance with Specification Section 02211, Rock Removal.

As provided by our subcontractor on the attached sheet, the net increase in cost per unit is \$71.15, for a total cost of \$21,288.64. In accordance with the Standard General Conditions Section 11, Natgun has attached the allowable 5% Contractors Fee mark-up for a total change to the contract price of \$22,353.07.

Therefore, in accordance with the contract specifications (Specification Section 00700, Article 11, Paragraph 11.03 D for Unit Price Work), Natgun request a formal adjustment to the contract price for the above listed amount.

Your prompt consideration of this matter is appreciated. If you have any questions regarding this change please do not hesitate to call.

Sincerely,



Daniel J. Hudd
Project Manager

Cc: J. Diggins, E. Holmes

Here is the backup for the extra rock that we had discussed.

We used an average of ½ hour per boulder to calculate the additional time based on performance on July 30. 16 boulders/8hrs = 1/2hr per boulder.

7/29 & 7/30 Drill for Blasting and excavate additional 16 boulders(8 hours each day)

- 3 operators
- 1 Driver
- Service truck
- Compressor
- 2 Excavators
- Dozer
- Dump Truck

7/31 Blast rock on site (1/2 day delay for entire crew as listed above)

- Same crew as above except one more truck
- Cost of blasting \$1000

8/1 Excavate further for another 11 boulders (5.5 hours)

- 1 operator
- 1 driver
- 1 excavator
- 1 dump truck
- 1 dozer

8/4 Continue with tank excavation with another 19 boulders (9.5 hours)

- Same crew as above

8/5 Continue with excavation, 2 boulders (1 hour)

- Same crew as above

8/6 Continue with excavation with an additional 2 boulders (1 hour)

- Same crew as above

8/7 Excavate 4 more boulders (2 hours)

- Same crew as above

8/8 Bring in hammer to break excess rock, 2 boulders, excavator and hammer all day on rock

- Same crew plus hammer and excavator

8/9 Continue breaking rock (all day)

- 2 Operator
- Hammer
- Excavator
- Dozer

- 8/16 Excavate 4 more boulders (2 hours)
- Excavator
 - Operator
 - Truck
 - Driver
- 8/18 Continue digging tank with another 15 boulders (7.5 hours)
- Excavator
 - Operator
 - Truck
 - Driver
 - Dozer
- 8/19 Continue digging tank with another 9 boulders (4.5 hours)
- Same crew as above
- 8/22 Excavate 5 more boulders (2.5 hours)
- Same crew as above
- 8/25 Excavate another boulder (.5 hour)
- Same crew as above
- 11/18 Excavate another boulder (.5 hour)
- Excavator
 - Operator
 - Laborer
- 11/20 Excavate 6 boulders (3 hours)
- Excavator
 - Operator
 - 2 laborers
- 11/24 Excavate another boulder (.5 hour)
- Excavator
 - Operator

	Rate	Benefits	Burden	Total	OH & Profit	Total hourly cost
Foreman	\$ 28.40	\$ 15.70	\$ 14.20	\$ 58.30	\$ 8.75	\$ 67.05
Laborer	\$ 24.35	\$ 15.70	\$ 12.17	\$ 52.22	\$ 7.83	\$ 60.05
Operator	\$ 27.80	\$ 17.68	\$ 13.90	\$ 59.38	\$ 8.91	\$ 68.29
Driver	\$ 24.76	\$ 13.40	\$ 12.38	\$ 50.54	\$ 7.58	\$ 58.12
Excavator				\$ 100.00	\$ 15.00	\$ 115.00
Backhoe				\$ 65.00	\$ 9.75	\$ 74.75
Loader				\$ 85.00	\$ 12.75	\$ 97.75
Dozer				\$ 80.00	\$ 12.00	\$ 92.00
Dump Truck				\$ 35.00	\$ 5.25	\$ 40.25
Service truck				\$ 25.00	\$ 3.75	\$ 28.75
compressor				\$ 20.00	\$ 3.00	\$ 23.00



Invoice

Date	Invoice #
8/15/2008	4582

Bill To
Parkside Utility Construction 25 Constitution Drive Taunton, MA 02870

Ship To
Read Schoolhouse Road Coventry, RI

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
			8/8/2008			
Quantity	Item Code	Description			Price Each	Amount
2	1	Komatsu PC300HD7 Excavator w/ Hammer Rental 8/8/08-8/11/08			1,200.00	2,400.00T
1	2	Round trip delivery charge			500.00	500.00T
		Sales Tax			7.00%	203.00
<p style="text-align: center;"><i>Ok DC M 8200</i></p>						
P.O. Box 19428 Johnston, RI 02919					Total	\$3,103.00

O'Sullivan Drilling & Blasting, Inc.

P.O. Box 146, Manville, RI 02838
Tel: (401) 769 - 7200; Fax: (401) 769 - 7600

Parkside

INVOICE

RECEIVED

AUG 2 0 2008

THE RYAN CO.

Parkside Utility Construction Co.
Henry Rosciti
2229 Plainfield Pike
P.O. Box 19120
Johnston, RI 02919
Tel: (401) 944 - 1919
Fax: (401) 944 - 3434
Dan Calabro 641 - 4900 cell

Inv No: 2008-042
August 1, 2008

blasting for Kent County Water Authority project at Nike Site Rd, Coventry, RI..

Amount Due this invoice **\$1,000.00**

Thank you for your business.

*OK DE
118200*

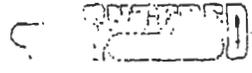


EXHIBIT D

Board Meeting

August 20, 2009

PLANNING DOCUMENT \$25,000/YEAR ALLOCATION

PROJECT	STATUS
Water Supply System Management Plan WSSMP	Approval
Hunt River Interim Management & Action Plan	Implementing, Weather Dependant , WRB Committee
2008 CIP Program Plan	Approved
Clean Water Infrastructure Plan 2008	DOH Review Received and Responding with Comments

UPDATED CIP PROJECTS BOND FUNDING

PROJECT	STATUS
Mishnock Well Field (new wells) CIP - 1A	Design Underway
Mishnock Transmission Mains CIP - 1B	Design Underway
Mishnock Treatment Plant CIP - 1C	Design Review, DOH Review
East Greenwich Well Treatment Plant – CIP-2	Preliminary Design Pilot Testing
Clinton Avenue Pump Station Rehabilitation CIP - 7A	Completed
Read School House Road Tank CIP - 7B	Under Construction, Testing Proceeding
Read School House Road Main CIP 7c, 7d, 8a	Under Construction, Unacceptable Pavement

IFR FUNDED PROJECTS

PROJECT	STATUS
IFR 2005	Completed C. O. #1 Asphalt Adjustment
IFR 2006 A	Closed out, Paying Issue West Warwick, Need Resolution
IFR 2006 B / IFR 2007	Under Construction
IFR 2009 A & 2009 B	2009A - Construction 2009B Design
IFR 2010	Design Underway
Prospect Street	Bid Award at Special Board Meeting, August 27, 2009
PWSB 78" / Johnson Blvd. P.S. Modification	Completed
Greenwich Avenue Replacement	Completed
Hydraulic Tank Evaluation	Completed
Quaker P. S. Design	Design Review
Tech Park Tank Recoating	Completed, Warranty
Tiogue Tank Re-Service	Completed, Punch List, Unacceptable Pavement
Hydrant Painting	Ongoing KCWA Forces