LINCOLN WATER COMMISSIONERS

July 14, 2021

Regular Meeting

The regular monthly meeting of the Lincoln Board of Water Commissioners was held at the Town Hall with Commissioners Edward Fox, Edward Sliney, Acting Chair Julie Labreche and Louis Long present. Also, Assistant to the Superintendent Lewis Prescott, Anna Nascimento and Legal Counsel Stephen Antonucci were present. The meeting was called to order at 6:01 p.m.

Motion to move item 11a to the front of the Agenda passed unanimously. (EdS/LL)

Colleen Bodziony, OPEB Presentation

Ms. Colleen Bodziony introduced herself to the board of commissioners and relayed that she is the Director of Operations & Member Services at The RI Interlocal Trust Management. With her was Kate County and she is with Public Agency Retirement Services (PARS). She was present to discuss OPEB and explain the RI Interlocal Risk Management Trust, the Trust OPEB funding program, and the OPEB programs offered to them. She also provided a packet of information for their review.

Ms. Bodziony and Ms. Court provided an overview of the services available through the Interlocal Trust and the benefits to the Lincoln Water Commission. They also discussed the process for getting enrolled.

Commissioner Sliney asked if the Commission already has this to which Ms. Bodziony replied no, the Water Commission does not currently have an OPEB fund program, but the Town is currently a member of the program. Commissioner Sliney said that they would take their investments at present and will turn it over. Ms. Bodziony replied there is no exact amount that needs to be invested and they need to understand that it is an irrevocable trust, meaning that money invested can only be used for retiree health care. Therefore, once it is invested it cannot be used for anything other than healthcare from the OPEB liabilities with the retiree's healthcare and it cannot used it to balance their budget.

Acting Chair Labreche thought they must review. Ms. Bodziony stated that John Ward is the plan administrator for the Town. Ms. Bodziony provided her contact information so she can answer questions and provide additional information.

<u>Organization of the Board</u>

a. Discussion and Action on Appointing a New Secretary

Acting Chair Labreche stated they will need a roll call vote on the new Secretary. Commissioner Sliney asked if anybody wants the job and Acting Chair Labreche replied she expected a vote on the Chair tonight, but not the Secretary and she did not know if it needs to be done. Mr. Antonucci relayed that the most appropriate thing to do would be to wait on the vote on the Chair until the open spot on the Commission is filled by the Town

Council. In the event the Secretary Position is vacated, they will hold a vote for that position. At the meeting, he felt it would be premature to fill the Chair position because there is an open seat on the Commission. Mr. Antonucci suggested appointing an interim Secretary until the open position on the Commission is filled by the Town Council. Acting Chair Labreche communicated her concerns and indicated she was in favor of appointing an acting Secretary, so if something happened to her, there would be a temporary chairperson to run the meeting. Commissioner Sliney expressed that Commissioner Fox will be an excellent Acting Secretary. Commissioner Fox asked if it was a motion. Acting Chair Labreche made a motion that Commissioner Fox be appointed the Acting Secretary until a new Commissioner is elected for the empty spot.

Motion to appoint Commissioner Edward Fox as the Acting Secretary until a new Commissioner is appointed passed unanimously. (EdS/LL)

PUBLIC COMMENT – None

CONSENT AGENDA

Motion to approve the Consent Agenda passed unanimously. (EdS/LL)

The following items were approved with the consent agenda for the July 14, 2021 meeting:

May 12, 2021 Regular Meeting Minutes

Capital Accounts – June 2021

Account Transaction Report – June 2021

Correspondence

The meeting then returned to the regular order of business.

January 13, 2021 – EXECUTIVE SESSION MINUTES

Acting Chair Labreche relayed that the minutes were available but would be read at home because it is substantial. She passed the minutes around to be approved next month. Tabled until the next meeting.

February 19, 2021 – EXECUTIVE SESSION MINUTES

Commissioner Fox questioned the executive meeting minutes since he read it in its entirety and felt there were lines that did not make sense. He knew what they meant despite some missing words and did not know if that mattered when accepting the minutes. Thus, Commissioner Fox told Mr. Antonucci that the point was there but the word was incorrect. Mr. Antonucci explained that the minutes reflect what was discussed in the meeting, and it is not necessarily a transcript. If the substance of the discussion was accurate, Mr. Antonucci thinks it would be acceptable to approve the minutes. If there were things the Commissioners would like to revise, the issue could be raised for discussion. If the substance of the content is accurate the executive minutes can be approved as is.

Motion to approve the minutes for February 19, 2021, passed unanimously. (EdF/LL)

March 10, 2021 – EXECUTIVE SESSION MINUTES

Acting Chair Labreche relayed that the minutes were not available. – Tabled until the next meeting.

April 14, 2021 – EXECUTIVE SESSION MINUTES

Acting Chair Labreche relayed that the minutes were not available. – Tabled until the next meeting.

May 12, 2021 – EXECUTIVE SESSION MINUTES

Acting Chair Labreche relayed that the minutes were not available. – Tabled until the next meeting.

June 9, 2021 – EXECUTIVE SESSION MINUTES

Acting Chair Labreche relayed that the minutes were not available. – Tabled until the next meeting.

Motion to Table the Executive Minutes that were missing until next month passed unanimously. (EdF/EdS)

SUPERINTENDENT REPORT OF DAILY ACTIVITY

Acting Superintendent Prescott stated he had a few items to relay:

- The crew repaired 3 watermain breaks on Westwood Road, Smith Street, and Oakwood Avenue.
- The crew also installed 3 new services. Two on Chase Lane and one on Great Road.
- There was a number of curb stop checks and repairs.
- Some watermain valves were checked prior to the Town paving projects and continue to check them.
- Grounds keeping, maintenance of stations, and tank sites.
- The new contractor checked 55 plus hydrants and painted them.
- He finished the Consumer Confident Report (CCR), and they were mailed to the customers.
- The RRA report was completed and sent to the EPA.
- The new Mill City Development in Manville. He has finally received their Hydraulic Analysis, gave a copy to the Developer, and will meet to discuss final plans with Maurice Omar on Reservoir Road. He recently sent him an email requesting him to put together and review his plan so they can discuss anything that may arise before the consumption. He had mentioned at the last meeting there are going to be 14 Town Houses which is 20 Condo units.

- He began correspondence with Pawtucket Water about revamping the Lincoln Water Commission Emergency connection to Pawtucket on Walker Street.

Commissioner Sliney asked what the name of the development is. Acting Superintendent Prescott replied it is Mill City Development on Reservoir Road.

Motion to accept the Superintendent’s report passed unanimously. (EdF/LL)

MONTHLY FINANCIAL REPORT

The June 2021 operating and revenue report was presented to the Board for approval.

Motion to accept the expenditure and revenue report for the month of June 2021 passed unanimously. (LL/EdF)

FINANCIAL REPORT TO TOWN FINANCE DIRECTOR

Motion to send the June 2021 financial status report summary to the Town Finance Director passed unanimously. (EdS/LL)

OUTSTANDING BALANCE REPORT

Commissioner Fox questioned Anna on the outstanding balances over 120 days. He did not see on the list that individual on Arnold Street. Ms. Nascimento relied no, because it would not show as part of it since they are representing residential. Therefore, 48-70 Conduit outstanding amount is from the fireline account, which will fall under the category of the Commercial accounts, and part of it should come from that $9,578 balance. Since the customer requested to have the water service shut off, the account is currently inactive with no activity.

The June 2021 Account Balance report was presented to the Board for approval.

Motion to accept the Account Balance Report for the month of June 2021 passed unanimously. (EdF/EdS)

CAPITAL ACCOUNTS

Motion to approve the capital accounts report for the month of June 2021 was passed unanimously. (EdS/LL)

MONTHLY INVOICES

Motion to pull Ted’s Paint and Decorating from the payables passed unanimously. (EdF/LL)

Motion to approve payment of the June 2021 Accounts Payable in the amount of $243,449.57, as well as Direct Payments in the amount of $295,122.59 passed unanimously. (EdS/EdF)

Motion to pay Ted’s Paint and Decorating invoice passed unanimously. (EdF/LL)

ABATEMENTS

None

ACCOUNT TRANSACTION REPORT

The Account Transaction Report was passed with the Consent Agenda and will be placed on file.

CORRESPONDENCE

- **a.** Cathedral Corporation – Impact of the Postage Rate & Price Increases
- **b.** US Postal Services – Plans to Raise Postage Beginning August 29

UNFINISHED BUSINESS

a. Discussion and Action to Advertise the Superintendent 's Position

Acting Chair Labreche expressed that the Town has offered for the Water Commission to utilize their platform for advertising the Superintendent's position. Therefore, the people would submit the application for this position through the Town's website. Ms. Denise Potvin stated that the Town will let them use the Town website and she thought that is the direction to go, unless anyone else had a better idea.

The Town will post the job opening and then send the job description to anyone who shows interest in the position. Ms. Potvin stated she can work with someone from the Commission to design and be responsible for receiving the applications. Commissioner Sliney replied he will do it but that he will need help.

Ms. Potvin explained to him that applications will be posted to a secure site on Lincoln Water Commission or the Town website, however they would like to do so. Acting Chair Labreche questioned Ms. Potvin about what it should look like and how quickly it could be posted. Ms. Potvin explained that once they decide on the desired website content, then she can enter it within a day or two.

Commissioner Fox understood that they only received the application that night, but questioned whether it meant they would have to wait another month before posting. Commissioner Sliney asked if they would need another meeting to which Commissioner Fox replied he did not believe such. Commissioner Sliney said that he is just looking for an approval and Commissioner Fox expressed the sooner the better because they would need to wait another month. Commissioner Sliney explained that maybe they can wait a week if there is nothing to change or if they want to make some changes, then they will move forward and get an application to be posted and then start taking applications. He also felt the sooner the better it will be, and Acting Chair Labreche replied definitely.

Mr. Antonucci asked the Chair for permission to speak. Madame Chair recognized Mr. Antonucci, who stated the Commission can approve the posting that night and he can coordinate with the Commissioners to make any changes where necessary. Mr. Antonucci agreed that time is sensitive here and thought it is ok if the Commissioners approve the job description in principle and they can tweak it, if necessary, before it is posted on the website.

Acting Chair Labreche said that sounded fine to her. Commissioner Fox asked that they not accept it that night. Mr. Antonucci replied they could make a motion to accept with those conditions and he believed that was fine. Mr. Antonucci reported he would take this opportunity to review it to be certain there are no corresponding legal issues to be addressed. Commissioner Fox asked so they cannot be posted yet. Mr. Antonucci expressed he would like an opportunity to review it and it could be approved in a day or two. This would also allow the Commissioners an opportunity to review it. Mr. Antonucci felt sure that Mr. Sliney did an excellent job and that it looks good, but he is going to review it. That way if there is some input or additional experience or qualifications that the Commission would like to be added, he can see that is done before it is posted.

Commissioner Long relayed his agreement with Mr. Antonucci and desire to communicate with them so nothing is delayed.

Motion to accept the description in the principle and with the understanding of any changes to be made by Mr. Antonucci or Commissioner Ed Sliney passed unanimously. (EdF/LL)

NEW BUSINESS

a. Colleen Bodziony, OPEB Presentation

Motion to move to the front of the agenda passed unanimously. (EdF/LL)

b. Rapidly, Anchor Subaru Auto – Request of Water Service

Acting Chair Labreche stated she knew Mr. Benoit was present at the meeting last month, so they needed to come up with some questions or anything they have. However, she did not know that he was not present then. Acting Superintendent Prescott stated Mr. Benoit called the office to ask about the meeting and questioned if they were meeting that day. Mr. Benoit was advised that the meeting was going to be moved to August.

Commissioner Fox said he thought about this project and believed that it is not in the Commission's best interest to approve this since they are maxxed out with water within the town, never mind out of town. He also did not know if they should continue with this person and wanted an opinion from the other Commissioners. In addition, he reported that he thought it better to put an end to it tonight versus this man attending the next month's meeting. Acting Chair Labreche relayed she knew Anna looked through old agendas to see if anything related to this project was ever on the agenda. She looked through a binder with all the Superintendent's reports, as well as the agendas back in 2013.

The question asked was whether Anchor Motors have any legal recourse because they have invested a lot of money into the project. Commissioner Fox asked Mr. Prescott if Anchor Subaru went through the proper channels to get the project to where it is or did he do anything different such as was done by others with regard to the Cullen project. Specifically, did Anchor Subaru turn in a set of prints?

Acting Superintendent Prescott said Anchor Motors had submitted plans. Lawyers were involved as they had Attorney Dan McKinnon on their side to complete some research, but it was all preliminary. Acting Superintendent Prescott explained that expenses normally occur, and it is something that must take place for the Town to consider whether they can service that development. For example, on Cobble Hill Road the development was too big, and they had to shrink it down so there are some expenses that must take place and probably must occur for approval from any contractor in town.

They have purchased the land, they have hired an engineering firm to figure out how many lots they can develop, and they must contact all the utilities. They presented the plan to the Town, the Town in turn typically sends a notification, and then the contractor must provide them with a set of plans to review. That is where he needs to examine it and complete mark ups if the hydrants are in the wrong location along with simple things, such as what type of pipe they are using, which is all standard practice.

Commissioner Sliney discussed returning to the legal issues and wondered if there would be additional legal issues if they run the line and then years later other businesses and homes want to utilize it as well and that this would potentially present more lawsuits in the future. Commissioner Fox explained that the former Superintendent could not have made any decision without Board approval for the project to move forward. Also, he stated that he had not discussed anything other than he knows the former Superintendent brought up Anchor Subaru being interested in getting water, along with a couple of other places too. There was never any discussion to go ahead and move along with water.

Mr. Antonucci relayed that at the Commissioners' request he reviewed all the documents Acting Superintendent Prescott provided him. After this review, Mr. Antonucci could not find any approvals from the Water Commission or from the Town. It is unclear if those documents exist as he never saw any of the files. Mr. Antonucci said all the materials appeared to be preliminary type, due diligence activities with which they had engaged. The big issue is that this project is outside of the Town borders so he thought the process would be similar to what the project across the street would undergo. However, the Commission would have to decide to provide water outside of their jurisdiction. In addition, the former Superintendent may have made assurances to these people without having the approval of the Commission or may have been acting without authority. Mr. Antonucci does not know if those assurances were made, but speaking generically, litigation can occur anytime, but whether those claims have merit is a different story.

Therefore, he agreed with Mr. Sliney that if they decided to go forward with this one person it could open the Commission up to litigation. Based on the documents he has been provided, he has not seen any approvals from the Commission. If there was some agreement by the Superintendent, he acted without authority and without the approval of the Commission. In addition, because the former Superintendent took action without authority of the Commission or the Town on this matter, if something was done inappropriately or without authorization, then those issues need to be taken up with the former Superintendent.

Acting Chair Labreche thanked Mr. Antonucci and stated as the chairperson she agreed with Commissioner Fox and asked if the rest of the Commissioners were ready to vote. Commissioner Sliney expressed that he thinks they are all in agreement. Acting Chair Labreche stated that they would need a formal motion and she thought a roll call vote may be better. Mr. Antonucci explained that it would be appropriate for the Commissioners to articulate for the record some of the reasons why they felt the project is inappropriate and to identify details about their concerns and their reasons for the denial. Acting Chair Labreche relayed that a motion would need to move forward or not forward and she would complete an approval or non-approval.

Motion to go forward or not to approve the project passed unanimously. (EdF/EdS)

Roll Call Commissioner Fox – vote No

The rationale behind his vote is that the Town does not have enough water and thus should not be sent out of town. The other reason mentioned is if they did this project now, in the future new customers next to his business might argue that they should be able to connect the water line too since his business was allowed to do so. He thought the proper choice was to end it at that meeting.

Commissioner Long – vote No

The reason is from all that was said by the Commissioners. In addition, some things were done under false information without permission by any of the Water Commissioners. The previous Superintendent acted without authority.

Commissioner Sliney – vote No

Mr. Sliney communicated his concern about future lawsuits as his reason for saying no to the project. He stated businesses and homes in North Smithfield should be serviced by North Smithfield water. He also does not know why they are involved with the Town of North Smithfield, and as such his vote is no.

Commissioner Labreche – vote No

Acting Chair Labreche expressed her vote is no for many of the same reasons because she could not find the motion or the discussion in any record in the agendas. Superintendent Reports are in those minutes about any discussion on this and thus this is a big no for her because they do not have definite information. She also understood they use wells and North Smithfield does not want to help or do anything to hook up to water that is not Lincoln’s problem, so she felt comfortable with a no.

Acting Chair asked if they should send them a letter. Mr. Antonucci advised the Commission should send a letter to Mr. Benoit indicating that a formal vote was taken, and the Commission decided not to go forward with their request. Commissioner Long expressed that Mr. Benoit should know not to appear at next month's meeting.

c. Application for Rebate – Smart Irrigation Control System

Acting Chair Labreche relayed that this item is for a rebate for a smart irrigation control system and there was an application in the packet for that rebate.

Motion to issue the Smart Irrigation Control System rebate to 9 Crestwood Lane property owner for $200 passed unanimously. (EdS/EdF)

d. 69 Arnold Street, 48 Conduit Street and 48-70 Conduit Street

Acting Chair Labreche relayed the fact that 69 Arnold St., 48 Conduit St., and 48-70 Conduit St. have outstanding balances due, and this was again on the agenda. Commissioner Sliney in this regard spoke about putting a lien on this property. Mr. Antonucci replied yes, they discussed that and at the request of the Commission he also had completed a fair amount of research on this. According to RI General Law 39-15-12, they have the power to place a lien on these properties. Therefore, he had placed a call to John Ward, Finance Town Director, to talk to him a little about the process of completion. He also spoke to the representative at Rossi Law Firm. Rossi Law handled the collection for the Town, spoke to them about the process and it is possible they could be engaged to recoup some of the money for them. They are in the process with this and he is continuing to handle this.

Commissioner Fox asked whom did he mention. Mr. Antonucci replied Rossi Law, which they focus on collections, and the Town has used them to help collect unpaid property taxes and motor vehicle taxes. Therefore, he reached out to them to get some ideas on the best method to collect this debt and to explore the possibility with the tax sale entity in the town. Commissioner Fox said ok and that he just did not know who they were. Acting Chair Labreche thanked Mr. Antonucci.

CLAIMS –

a. Organic Dyes and Pigments LLC – 1 Crownmark Drive

Acting Chair Labreche relayed this claim is from Organic Dyes and Pigments LLC and said she did not have any information. Ms. Nascimento expressed that she gave them written statements from Foreman James Lanctot and from Acting Superintendent Lewis Prescott. Mr. Antonucci stated this claim has been referred to the Trust which is their insurer, and he knows the information requested by the Trust has been provided. He will follow up with the Trust and will let them know where this claim stands at the next meeting.

NEWS ARTICLES

a. None

EXECUTIVE SESSION - None

ADJOURN

Motion to adjourn passed unanimously. (EdF/EdS)

There being no further business before the board the meeting adjourned at 7:00 p.m.