

LINCOLN WATER COMMISSIONERS

January 13, 2021

Regular Meeting

The regular monthly meeting of the Lincoln Board of Water Commissioners was held via zoom meeting with Commissioners Edward Fox, Eric Fox, Edward Sliney, Julie Labreche and Louis Long present. Also present were Water Superintendent Romeo Mendes, Assistant Superintendent Lewis Prescott, Anna Nascimento, Town Solicitor Anthony Desisto and Legal Counsel Stephen Antonucci. The meeting was called to order at 6:02 p.m.

Organization of the Board

a. Election of Chairperson and Secretary

Chairman Fox stated that according to the Board's by Laws, article 2, section 2, a Chairman and a Secretary needed to be nominate. Commissioner Labreche nominated Eric Fox. Commissioner Fox nominated Julie Labreche.

Motion to accept the nominee Eric Fox as the Chairman passed by a vote of 3 (EdS/LL)

Motion to accept the nominee Julie Labreche as the Secretary passed by a vote of 3 (EdS/LL)

Regular Monthly Meeting Schedule for 2021

Chairman Fox stated the Regular of listing meeting for Calendar year 2021 he recommend to keep same time and same date.

Motion to approve the regular monthly meeting schedule for 2021 passed unanimously. (JL/LL)

PUBLIC COMMENT –None

CONSENT AGENDA

Motion to pull Section 5 passed unanimously. (EdF/JL)

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

The following items were approved with the consent agenda for the January 13, 2021 meeting:

December 9, 2020 Regular Meeting Minutes

Capital Accounts –December 2020

Account Transaction Report – December 2020

Correspondence

The meeting returned to the regular order of business.

July 8, 2020 EXECUTIVE SESSION MINUTES

Chairman Fox relayed that the minutes were not available.

December 9, 2020 EXECUTIVE SESSION MINUTES

The Board reviewed the session minutes. Motion to approve same passed unanimously.
(EdF/JL)

SUPERINTENDENT REPORT OF DAILY ACTIVITY

Superintendent Mendes provided four items that he would like to relay:

- Other than excessive snow removal, the mid-December storm experience in Lincoln and it caused no operational issues.
- We experience a water main break on a 6" line on River Road on December 22, 2020 was repaired quickly and efficiently.
- Due to concern in regard to COVID, the Commission did not hold its Christmas gathering and instead distributed gifts to each employees and same were well received.
- A meeting with Local 1033 representative to discuss a new CBA has been tentatively scheduled for January 22, 2020 and has been no confirmation from them but he is thinking that they will available for that.
- The Commissioner received a notice from Dupree Engineering and application for a proposed for a 120-unit development in the Salyersville's Millyard called Walker Loafs was eminent.

Commissioner Fox indicated that he has question to the Superintendent, if an automobile hits a fire hydrant and causes damaged do we charge the Insurance Company.

Superintendent Mendes explained that we file a claim with the individual insurance company to recoup all the cost associated with repairing it. Since he has been here, he has not have any claim being question and settle.

Motion to accept the Superintendent's report passed unanimously (EdS/LL)

MONTHLY FINANCIAL REPORT

The December 2020 operating and revenue report was presented to the Board for approval.

Motion to accept the expenditure and revenue report for the month of December 2020 passed unanimously (JL/EdF)

FINANCIAL REPORT TO TOWN FINANCE DIRECTOR

Motion to send the December 2020 financial status report summary to the Town Finance Director passed unanimously. (JL/LL)

OUTSTANDING BALANCE REPORT

The December 2020 Account Balance report was presented to the Board for approval.

Motion to accept the Account Balance Report for the month of December 2020 passed unanimously. (EdS/LL)

CAPITAL ACCOUNTS

Commissioner Fox asks about on the bottom of line item #5 of second page, Sick Leave Credits Account budgeted for \$15,000 can you explain that line item to me. Superintendent Mendes reply so the employees accrue sick time throughout their career so we are budgeting that amount of money for the time they are accruing. In addition, eventually when they are retiring they have to be paid out 105 days of accrued time that is where they are going to come from and that is his understanding. He does not know if Anna can explain it better, if that is the basic reasoning for that.

Anna replied no, that Sick Leave Credit is used at the end of each fiscal year when she has to do an adjustment if we go over the \$7,000 amount budgeted from the Operating Budget Report then she can use that \$15,000 as a cushion. In addition, since all the salaries have been budgeted if an employee decide to retire in the middle of the fiscal year, I am able to disburse their sick and vacation time. Superintendent Mendes stated this is a better answer we budget \$15,000 year basically in anticipation of that amount being expanded should one or all the employees decide to take sick time that is how much we will need to pay them all.

Commissioner Fox stated in Section 3 we have budgeted \$7,000 and if we used it all. Superintendent Mendes replied we can giving COVID the ongoing people taking time off with the effect we could potentially use that or exceed it we still have six more months to go in the fiscal year. Commissioner Fox stated he has another question let say the employee has surgery and does not have enough sick time, they used all their sick time, and they need more sick time could you take time from that line item. Superintendent Mendes reply we will need the Commission to approve an additional for that outlay and then as they accrued it we will have to take it back. Commissioner Fox ask if that would be the case if someone needed surgery can we take it from that line item. Superintendent Mendes replied yes sir. Lewis Prescott explain that they can be granted up to 90 days sick leave, it would come out of this account but they will need to be paid back to Lincoln Water Commission. Commissioner Fox said that was his question. Superintendent Mendes expressed sorry about the confusion.

Motion to approve The capital accounts report for the month of December 2020 was passed unanimously. (EdF/JL)

MONTHLY INVOICES

Motion to approve payment of the December 2020 Accounts Payable in the amount of \$134,617.36 as well as Direct Payments in the amount of \$296,334.90 passed unanimously. (EdF/JL)

ABATEMENTS-

Monthly Abatements were passed unanimously. (JL/EdF)

ACCOUNT TRANSACTION REPORT

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

CORRESPONDENCE

- a. LWC Payroll Processing
- b. LWC Field Operator Retirement

UNFINISHED BUSINESS –

- a. None

NEW BUSINESS

- a. Proposal for Completion of Commission Risk and Resilience Assessment/Emergency Response Plan

Superintendent Mendes relayed he is not sure if all are aware that there is a requirement that was put in place in 2018; that mandate all the public water system in the country to do a Risk and Resilience Assessment and update their emergency response plan. It is something that is involved that a consulting engineer who is practice in generating these types of certifications and documents should be retained to do. In anticipation, of getting started resilience, this assessment has to be complete thru EPA by June 30. The updated emergency plan has to be completed and certified be in place by the end of the year on December 31. So what he did, he reach out to Pare Engineering and ask them to put a proposal together. The primary reason he reached out to Pare engineering is because they are the consultant that maintain our hydraulic module basically an electronic depiction of everything in our system. All the fire hydrants, all the water lines, the tanks, the pumping station everything also part of the reason we are using them and we would consider them specifically as a sole source is because their intimate knowledge of our system. The thinking is because of their knowledge they would give us the best price to do these assessments. In addition, should the board decide to go ahead with this that case would be made to the Town procurement officials and any State procurement officials that felt they wanted to inquire. The reason we do that is because something of this magnitude really should be a competitive bid but there is a mechanism to do a sole source designation basically awarded to whoever it is that we make the case for, so that is what the attention is here. Therefore, his recommendation is, entering into an agreement with Pare Engineering to complete this work.

Tony Desisto, Town Solicitor asks if he can intervene also said under Section, 45-55-40 the general rules was Romeo is correct. You can have a sole source procurement but the requirement in the statue and as well in the ordinance is that a written statement be made. Moreover, this is in fact it is a sole source and this is the reason why, so just to make sure

that you people are doing this on a legal basis. He thinks what you need to do is to ask Romeo to put in writing so that can be forward in the Finance Director at the appropriate time. It is a procedural and housekeeping thing but it does need to be done in the state actually, they pay attention to that stuff. Superintendent Mendes said to Tony in anticipation of this being approved he has already prepared that and it is ready to go should the board approved it. Tony Desisto, Town Solicitor asks have the board seen it? Superintendent Mendes replied no he intended to share that after they took action on this. He means it is important that it get attended to tonight and he was thinking not to put that in there because he puts the cart before the horse but it is ready tonight or tomorrow actually he can send it to all the commissioners and you.

Tony Desisto express here is what his suggestion will be go ahead and approve it and he is familiar with this and Pare Engineering has done this before in the past and they do this. The Commissioners are gone vote and just put in the condition for receipt of the report that Romeo put it to be prepared. He can get it out as soon as we concluded tonight. Chairman Fox asks Tony we are going to approve the proposal is that correct. Tony Desisto, Town Solicitor replied he does not have the knowledge of the time limit that Romeo he is assuming that he is saying to be approve now that is ok and just say that the approval is conditioned upon receipt of the report that he is referencing. Stephen Antonucci, Legal Counsel, expressed to Tony just one more thing, the reason we are citing for this if we can reference the Statue that Tony referenced and be a little more descriptive. Other than, we are already doing business with them as conditions that are required by the statues that we could show that in fact it is his sole source. Tony Desisto, Town Solicitor said yes he is assuming that he is going to be and has not seen it and he is assuming that it is going to be in Romeo's report that is not just a contract that is going to be an extension. In addition, there is other reason that make it that Pare Engineering is the only engineering firm that provide this particular service and he is assuming that is what it is in the report. That is a good point Steve. Superintendent Mendes relayed he will send it to both you and Steve also if you have any comments at all just let him know. It is addressed to John Ward and he can provided to any State official in addition to John this will be the second one that he has done. John is familiar with it and the memo he has put in, in the exact form of the first one, he had no comment on it, and he was ok of doing it.

Commissioner Sliney asks if the payment service will be on or July 1 and will this be on the next year budget, also \$40,000 will be included on the next year budget. Superintendent Mendes replied yes and said just so you know the \$28,000 is part of what is required. There is another \$11,000 to 13,000 for cyber security assessment so the total is \$28,000 plus \$12,000 approximately so you are talking about \$40,000. He has purposely put that language in there to allow us to budget this amount in the new fiscal year. Commissioner Sliney asks and how often this need to be done. Superintendent Mendes replied right now the requirement says that in 5 years' time we will have to update this so every 5 years. In addition, we will have to do one and the most arduous part is the iterations is what we are doing now. Therefore, it will not cost \$40,000 in 5 years to update but it will cost a fraction of that. Chairman Fox said he just need a motion to accept the proposal and the contingent on the Superintendent prepared report. Commissioner Fox asks if he has the opportunity to change the report once it is approved. Superintendent Mendes replied yes, it could be

changed and any comments either Tony, Steve or any Commissioners may have he is happy to incorporate on to the report that is not an issue.

Motion to accept the proposal report passed unanimously (EdF/EdS)

CLAIMS –

a. Bradford Drive

Superintendent Mendes relayed if you recall either the last month of the month before, he presented a claim from the same individual and the determination was that from the RI Interlocal Trust which was our insurer and they responded to her that she has sign a release and so there is no additional compensation would result. Apparently, they have decided now advanced their case and they are asking for a Trial by Jury to decide. Therefore, the RI Interlocal trust is having their legal team address the summons that is in the packet and they decided to go to the finance director. Of course, they immediately recognize that it was the same person and the same item so they forwarded to him and he immediately send it to our insurer legal department and they are handling the response. Tony Desisto, Town Solicitor said Mr. Chairman may he ask a question. Chairman Fox replied yes. Tony Desisto, Town Solicitor asks Romeo who is the lawyer that is handling this. Commissioner Long said Richard Boring. Tony Desisto, Town Solicitor said he is the lawyer that is handling the plaintiff. Superintendent Mendes asks you want to know whom the Trust lawyer that is representing us is and he responded the Claim Director is Russ Gardern. Tony Desisto, Town Solicitor said I will call Russ tomorrow and he asks Romeo does the Lincoln Water and he is sorry for asking so many question but he wants to follow up on this case just to give an assessment. Romeo does the Water Commission have their own policy or it is under the town's policy. Superintendent Mendes asks their own policy for. Tony Desisto, Town Solicitor expressed another word with the Trust. Superintendent Mendes replied they are our own insurance policy. Tony Desisto, Town Solicitor said ok thank you Mr. Chairman. Chairman Fox asks Superintendent Mendes is that it with Bradford Drive. Superintendent Mendes replied yes.

NEWS ARTICLES

None

EXECUTIVE SESSION

Motion to go into Executive Session (EdF/JL). Roll Call: Commissioner Long – yes, Commissioner Sliney – yes, Commissioner Fox – yes, Commissioner Labreche – yes, Chairman Fox – yes.

Motion to come out of Executive Session (EdS/LL)

Motion to seal the minutes of Executive Session according to RIGL 42-46-7 (C) passed unanimously. (EdS/LL)

Motion to send notice to the Superintendent in accordance with the discussion in Executive Session. (EdS/LL)

Motion to adjourn passed unanimously. (EdF/JL)

There being no further business before the board the meeting adjourned at 8:35 p.m.