

**PORTSMOUTH WATER AND FIRE DISTRICT
1944 East Main Road, Portsmouth, Rhode Island**

**Administrative Board Meeting Minutes
March 16, 2021**

The meeting was held at Portsmouth Water and Fire District's office via Zoom for the public.

Meeting ID: 871 6670 9595

Passcode: PWFD

OPENING BY CHAIRMAN AND ROLL CALL

The Administrative Board Meeting was called to order at 7:00 PM by Chairman Philip Driscoll.

Present – Philip Driscoll, Frederick Faerber, Allen Shers, Theodore Czech and David Reise. David Gleason and Andrew Kelly joined the meeting via Zoom.

Also Present – Jessica Lynch, Nathan Lister and David F. Fox

Guests – Richard Pacia, Lisa Davis and an unknown Zoom caller

GUESTS

Ernie Ricci of TRG Holdings LLC, Re: Tampering, 86 Norseman Dr.

Ms. Lynch noted that the property at 86 Norseman Drive was sold in October of 2019; the water was off at that time. Mr. Ricci called to have the water reinstated in November of 2019; she noted that the operator who went out to reinstate water service was unable to do so because the meter settings were not upgraded. At that time, the water remained off and the operator removed the meter to store at the District office. Ms. Lynch noted that it was discovered that the property was for sale and had been renovated; an operator went to the property to check the status of the curb stop. She noted that it was reported the curb stop had been turned on and a Providence Water meter was found installed inside the home. She noted Mr. Lister attempted to gain information from Mr. Ricci who became belligerent. She noted that she also tried to talk with Mr. Ricci who again became belligerent with her. She noted she was unable to gain any information about the meter or the water service being activated. She did notify Providence water about their meter; they informed her that the meter had been reported stolen in 2013.

Mr. Pacia noted that Mr. Ricci purchased the property in October of 2019. He noted that Mr. Ricci advised him that there was a meter in place when he purchased the property and at no time used water at the property or turned the water on. He noted that the cesspool was disconnected and deficient. Mr. Pacia noted over the last year and a half that Mr. Ricci was renovating the property, the water in the property was inoperable; he noted the toilets and sinks weren't hooked up and there was no connection to the cesspool. Mr. Pacia noted Mr. Ricci had gone to DEM and got an approved ISDS septic system and Mr. Ricci hopes to put the septic system in soon. Mr. Pacia noted that Mr. Ricci has been rehabbing the property for the last year and a half and he says he did not turn any of the water on. Mr. Pacia noted that Mr. Ricci has a closed loop boiler system which was already in the house when he purchased it. He also noted Mr. Ricci was heating the house with blowers and through the fireplace. Mr. Pacia noted that Mr. Ricci did say he called the Portsmouth Water "authority" to have the water activated. Mr. Pacia noted Mr. Ricci never really turned on water in the house but he thought it was activated and never noticed that a meter had been taken and another one put in. Mr. Pacia noted that Mr. Ricci told him that he has no idea where the meter came from. Mr. Pacia noted when he became aware that the meter was a Providence Water meter he told Mr. Ricci the statutes on this and told

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him he better take that meter and get it back to Providence. Mr. Pacia noted that Mr. Ricci took the meter out of the house and has since returned it to Providence. Mr. Pacia noted he asked Mr. Ricci about the meter and Mr. Ricci responded that he doesn't know a Providence meter from a Portsmouth meter. Mr. Pacia noted that Mr. Ricci told him that there was a meter in the house when he bought it and a meter in the house later; he hasn't been using water and nothing is hooked up. Mr. Pacia noted the septic system is bone dry, he just hooked up the toilets recently; he believes he attached the receipt from the plumber who was just out there late November, early December. Mr. Pacia noted that nobody has been living there, in fact he doesn't think anyone has lived in the house two years before Mr. Ricci bought the house. Mr. Pacia noted he thinks that evidence in the case shows that no water has been used. He noted Mr. Ricci has \$25,000 in escrow for the ISDS system and Mr. Ricci just contracted with Mr. Cipriano, a local ISDS installation contractor, who says he is going to put the system in shortly. Mr. Pacia noted he has spoken to Town Solicitor Cort Chappell relative to some other issues and those are being addressed; he had been before the Portsmouth municipal court relative to the cesspool but everything is on hold because they've shown the Town there's money in escrow and the work is being done. Mr. Pacia noted that they are asking that they be allowed to have the water meter installed so they can go forward and get the house completed. He noted that Mr. Ricci has put a lot of time, effort and money getting a rather beat up house looking in pristine condition. Mr. Pacia noted Mr. Ricci has a person who's ready to buy it and hopefully will be able to close in the next 60 days but they need to get the water operational. He's hopeful they can get over the hump; he understands the Board's concern over the meter in the house, but Mr. Ricci told Mr. Pacia that he has no idea how the meter got in the house.

Mr. Fox asked Mr. Pacia if his client was on the call; Mr. Pacia noted that Mr. Ricci was not on the call. Mr. Fox asked if Mr. Pacia had any personal knowledge of any of the things put before this Board; Mr. Pacia responded that he is just making representations based on what Mr. Ricci told him.

Mr. Faerber, seconded by Mr. Shers, made a motion that a fine be assessed in the amount of \$400 to Ernie Ricci of TRG Holdings LLC. The fine is based on deliberate action, deceptive action, advantage sought or gained, and refusal or reluctance to cooperate with District representatives.

A vote was taken and the motion passed with Frederick Faerber, David Gleason, Andrew Kelly, Philip Driscoll, Allen Shers, Theodore Czech and David Reise voting in the affirmative.

Ms. Lynch informed Mr. Pacia that this means there is a fine assessed on this property on top of the water bills and service charges that are due prior to the water being reinstated. She also noted that the meter settings also need to be upgraded or the water will not be reinstated and another \$80 fee will be assessed on the property for the service call.

Mr. Pacia, Lisa Davis and the unknown Zoom caller left the meeting.

CORRESPONDENCE

Email from George Warren, Re: District Taxes – Presented

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MINUTES OF MEETINGS

Approve Administrative Board Meeting Minutes of February 16, 2021

Approve Administrative Board Executive Meeting Minutes of February 16, 2021

Mr. Faerber, seconded by Mr. Shers, made a motion to approve the Administrative Board Meeting Minutes and the Administrative Board Meeting Executive Session Minutes of February 16, 2021.

A vote was taken and the motion passed with Frederick Faerber, David Gleason, Andrew Kelly, Philip Driscoll, Allen Shers, Theodore Czech and David Reise voting in the affirmative.

NEW BUSINESS

Approve Payment of Bills Listed

Mr. Faerber, seconded by Mr. Reise, made a motion to approve payment of bills listed in the amount of \$280,327.05.

A vote was taken and the motion passed with Frederick Faerber, David Gleason, Andrew Kelly, Philip Driscoll, Allen Shers, Theodore Czech and David Reise voting in the affirmative.

Mr. Faerber, seconded by Mr. Shers, made a motion to approve payment to Biszko Building Systems, Inc. in the amount of \$129,657.69 out of the USPS bond.

A vote was taken and the motion passed with Frederick Faerber, David Gleason, Andrew Kelly, Philip Driscoll, Allen Shers, Theodore Czech and David Reise voting in the affirmative.

Approve the Electronic Payment for 2002 Bond Principal and Interest in the amount of \$52,690.63

Mr. Faerber, seconded by Mr. Reise, made a motion to approve the electronic payment for 2002 Bond Principal and Interest in the amount of \$52,690.63 from BankNewport to Bank NY Mellon.

A vote was taken and the motion passed with Frederick Faerber, David Gleason, Andrew Kelly, Philip Driscoll, Allen Shers, Theodore Czech and David Reise voting in the affirmative.

Budget to Actual – Presented

Summary of Bank Accounts – Presented

Cash Flow Summary – Presented

Water Accounts Receivable Analysis – Presented

Tax Accounts Receivable Analysis – Presented

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Sundries Accounts Receivable Analysis – Presented

Financial Statements – Presented

Administrative Board Election – 2021 – Presented

Positions:

Theodore Czech – Tax Assessor

Frederick Faerber III – Tax Collector

David Gleason – Tax Assessor

Schedule: Nomination Papers Available April 9th; Due May 10th; Election June 9th

REPORT FROM GENERAL MANAGER

Water Service Application Approvals – Presented

Demand Report – Presented

Operations Report – Presented

AMI Infrastructure Update

Ms. Lynch noted the operators are working to replace the dead fireflies; the District had received 300 stealth readers and they are down to about 150 left. She noted the operators were out today updating equipment, solar panels and antennas; hopefully between that and getting the fireflies replaced, there will be better reporting. Mr. Driscoll asked if Ms. Lynch could comment on the AMI infrastructure. Mr. Lister noted that Zenner did an upgrade this past year and then there was a cold snap all at once; a lot of fireflies died off. He isn't sure if it is due to the upgrades or the cold weather. Mr. Driscoll noted that the District had received a letter from Zenner that an infrastructure replacement would solve all the problems; he asked if this has been done. Ms. Lynch noted it has not been done because of the significant cost; she also noted that the problem is keeping up with the dead fireflies.

Union Street Pump Station – Update

Ms. Lynch noted the project is nearly complete. She noted they are still waiting on the crane and still don't have the locks in yet. She noted they are also waiting on the as-builts and manuals. Mr. Lister noted that the operators are removing the PRV from Newport's PRV pit.

Sale of the Existing Union Street Pump Station

Ms. Lynch noted that the sale of the old Union Street Pump station is complete.

Sakonnet River Pipeline

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Ms. Lynch noted she reached out to RIDOH and the Water Resources Board about the requirement to keep the Sakonnet River Pipeline available for use. She also looked at RIIB options. She noted that the project is a two-phase project; the first phase is cleaning and inspection. She noted there is money remaining from the USPS loan to do this.

Mr. Faerber, seconded by Mr. Shers, made a motion to perform the Phase One study of the Sakonnet River Pipeline with a maximum cost of \$200,000.

A vote was taken and the motion passed with Frederick Faerber, David Gleason, Andrew Kelly, Philip Driscoll, Allen Shers, Theodore Czech and David Reise voting in the affirmative.

Rate Study Proposal

Mr. Faerber, seconded by Mr. Shers, made a motion to authorize the use of Tighe & Bond for a water rate evaluation in an amount not to exceed \$20,000 subject to review by the District's General Counsel.

A vote was taken and the motion passed with Frederick Faerber, David Gleason, Andrew Kelly, Philip Driscoll, Allen Shers, Theodore Czech and David Reise voting in the affirmative.

Insurance Update - Presented

FY-22 Budget Schedule

Budget Workshop – TBD – April 15th or April 16th
Budget Approval – April Monthly Meeting

REPORT FROM LEGAL COUNSEL

Mr. Fox noted he had nothing to discuss in Open Session.

EXECUTIVE SESSION 42-46-5 (a) (1) (2) (7)

Mr. Faerber, seconded by Mr. Shers, made a motion to go into Executive Session to discuss:

Personnel: 42-46-5(a) (1): Any persons to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.

GIS Contract

Litigation: 42-46-5 (a) (2)

Middle Creek Farms, LLC – Update

Failed Water Meter – Customer Damage Incurred

Notice of Receivership

Negotiating the Purchase of Property

Negotiating the use of Public Funds: 42-46-5 (a) (7)

West Side Infrastructure Study

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A vote was taken and the motion passed with Frederick Faerber, David Gleason, Andrew Kelly, Philip Driscoll, Allen Shers, Theodore Czech and David Reise voting in the affirmative.

RETURN TO OPEN SESSION

Disclosure of Executive Session Votes and Disposition of Minutes

Mr. Faerber, seconded by Mr. Shers, made a motion to Seal the Executive Session Meeting Minutes of March 16, 2021. Discussed were:

Personnel: 42-46-5(a) (1): Any persons to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.

GIS Contract – One vote was taken to approve the contract for Thomas W. Mayo as presented.

Litigation: 42-46-5 (a) (2)

Middle Creek Farms, LLC – First oral argument held, however, status unchanged.

Failed Water Meter – Customer Damage Incurred – Status Unchanged

Notice of Receivership – Update that implies there is a sale pending.

Negotiating the Purchase of Property – One vote was taken to authorize the General Manager to negotiate easement compensation for Moitoza Lane and Sunrise Drive.

Negotiating the use of Public Funds: 42-46-5 (a) (7)

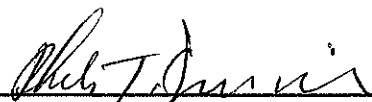
West Side Infrastructure Study – Status Unchanged

A vote was taken and the motion passed with Frederick Faerber, David Gleason, Andrew Kelly, Philip Driscoll, Allen Shers, Theodore Czech and David Reise voting in the affirmative.

ADJOURNMENT

Mr. Faerber, seconded by Mr. Shers, made a motion to adjourn.

A vote was taken and the motion passed with Frederick Faerber, David Gleason, Andrew Kelly, Philip Driscoll, Allen Shers, Theodore Czech and David Reise voting in the affirmative.


Philip T. Driscoll, Clerk