

BOARD OF WATER COMMISSIONERS

MINUTES FOR THE MEETING OF

June 15, 2021

(Meeting held virtually via Zoom, with seven attendees also being in person at the District office)

Chairman Fox announced at 5:04 PM that the virtual meeting was being recorded and asked each of the Commissioners to state their name for the record.

Members Present: Attending in person, Chairman Joshua M. Fox, Commissioner Robert H. Sheldon and Commissioner Robert E. Boyd Jr.

Commissioners Absent: None.

Others Present: Attending in person, District Treasurer Thomas S. Travers, Executive Director Vincent J. Roy, Customer Service Manager Renee M. Adams, and Attorney Hank Naughton, of the law firm Napoli Shkolnik, PLLC. Attending via Zoom Blake Martin, PE of the engineering firm Weston and Sampson.

1. REVIEW THE MINUTES FROM THE JUNE 1st COMMISSIONERS MEETING:

The Commissioners approved the Minutes for the Meeting of June 1, 2021, as amended. The motion for approval was made by Chairman Fox, duly seconded by Commissioner Boyd, and approved unanimously by roll call:

Joshua M. Fox, Chairman - Aye

Robert H. Sheldon, Commissioner - Aye

Robert E. Boyd, Jr., Commissioner - Aye

2. REVIEW THE DIRECTOR'S JUNE 11th REPORT:

Executive Director Roy presented his bi-weekly report to the Board and addressed questions regarding the following topic:

Dutton Road Bridge Project

Director Roy reviewed the change order request to replace an additional 50-feet of water main on the north side of the bridge.

There were no further comments made to the Director's report.

3. DISCUSSION ON POSSIBLE PFAS CLASS ACTION LAWSUIT

Director Roy introduced Attorney Naughton (Napoli Shkolnik, PLLC) to the Board for a presentation regarding a class action lawsuit against the manufacturers of PFAS compounds. Director Roy provided a brief background of the District's efforts in dealing with PFAS to Mr. Naughton. Mr. Naughton provided an overview of the law firm's past experience with this type of litigation and presented an explanation about PFAS/PFOA water contamination, outlining cost recovery to the Board.

Commissioner Sheldon asked Mr. Naughton if the litigation would impact the District's eligibility to receive future grant funding, to which Mr. Naughton responded that he perceived that there would be no conflict with this litigation and the District's eligibility to receive future grant funding.

Chairman Fox asked Mr. Naughton how compensation would be distributed to the plaintiffs, to which he responded that compensation would be computed on the gross recovery. Legal fees and expenses would be deducted, leaving a net settlement that would be split among the plaintiffs.

For comparison purposes Chairman Fox asked Mr. Roy to research other firms presently involved in class action lawsuits against the manufactures of PFAS compounds, to which Mr. Roy agreed and stated that he would provide the requested information at the next Commissioners meeting.

4. UPDATE ON PFAS TREATMENT PRELIMINARY DESIGN REPORT

Blake Martin (Western and Sampson) presented the draft preliminary design along with options for the foundation and tank configurations. The Commissioners approved the vessel configuration layout and foundation, however they reserved the right for further discussion regarding a fully poured foundation vs. a block foundation and a stainless-steel vessels vs. a carbon steel painted vessels for future consideration.

5. DUTTON ROAD BRIDGE PROJECT / WATER MAIN REPLACEMENT CHANGE ORDER

Director Roy presented the cost estimate for the proposed change order to replace an additional 50-feet of water main at the Dutton Road Bridge Project. Mr. Roy stated that the cost for the proposed work is \$14,950.00, plus the change order markup according to the terms of the project’s contract, all of which would be paid by the District. Mr. Roy also stated that the spillway culvert needed to be replaced as part of the change order at an additional cost of \$27,500.00, but the cost of the removal of the spillway culvert would be the responsibility of the Town. Chairman Fox asked Mr. Roy what would be the funding source for the additional work, to which he responded that he anticipated a savings on the line item for pipe disposal and that the savings would offset the additional cost of replacing 50-feet of pipe. Mr. Roy also recommended that the Board approve this additional work because this would be a benefit to the District as we would be replacing an old uninsulated pipe above the spillway.

Mr. Roy stated that the District does not have a contract with the contractor and that the change order request is being handled by the Town, and if approved, the District will then need to amend the Memorandum of Understanding (MOU) for this additional work.

Chairman Fox moved to approve the expenditure of \$14,950.00 plus the contractual markup for the additional water main replacement for the Dutton Road Bridge Project in accordance with the contractor’s (George Caines and Sons, Inc.) letter dated May 17, 2021. The motion was duly seconded by Commissioner Sheldon and approved unanimously by roll call:

Robert E. Boyd, Commissioner - Aye
Robert H. Sheldon, Commissioner - Aye
Joshua M. Fox, Chairman -Aye

6. RECONSTITUTE THE BOARD OF WATER COMMISSIONERS.

Chairman Fox moved to nominate Commissioner Sheldon as the next Chairman of the Board of Water Commissioner’s effective upon the next scheduled Commissioners meeting. Mr. Sheldon stated that he would accept the nomination if it was approved by the other commissioners. The motion was duly seconded and approved by roll call:

Robert E. Boyd, Jr., Commissioner - Aye
Robert H. Sheldon, Commissioner - Abstained
Joshua M. Fox, Chairman - Aye

Chairman Fox moved to adjourn the public meeting and to not open into executive session meeting due to an error in the executive session agenda. The motion was duly seconded and approved unanimously by roll call:

Robert H. Sheldon, Commissioner - Aye
Robert E. Boyd Jr. Commissioner - Aye
Joshua A. Fox, Chairman - Aye

There being no further discussions the meeting adjourned at 7:12 PM