

Minutes of meeting: April 16, 2005

1. Meeting was called to order at 1:08 p.m. Present were David Buffum, moderator; Patricia Richard, clerk; Robert Hanson and Richard Brooks.

2. Approval of minutes April 2, 2005. After checking to be certain that Mrs. Homan's appointment as collector had been recorded, motion to approve by Mr. Brooks, seconded by Mr. Hanson, approved unanimously.

3a. Appointment of board member. No progress.

3b. Bylaws. Mr. Buffum said that he had been doing research for bylaws on water restrictions. Other water districts use a tiered approach. He asked if the district is authorized to regulate private wells. Ms. Richard said no, that the rule of absolute dominion applies in Rhode Island.

Mr. Buffum asked how violations should be penalized. Mr. Brooks said that a warning should be issued first, and then escalating penalties.

Mr. Buffum asked about restrictions on sprinkler systems. Mr. Hanson said that watering of lawns was often done at night, as was washing of cars. Mr. Buffum said that in some places water restrictions were in place on weekends and relaxed for a few days during the week. Mr. Hanson said that the water supply on the island was not substantial enough to allow that type of plan.

Mr. Buffum asked how restrictions would be enforced. Mr. Hanson said facilities manager would be responsible for that. Mr. Buffum asked if town law enforcement should be involved. Mr. Brooks said that would require approval of the town council. Ms. Richard asked how other districts deal with enforcement. Mr. Brooks said that in Bristol the task was assigned to employees. Ms. Richard said she was concerned about the facilities manager personally confronting violators. Mr. Hanson said it was the most efficient way to stop violations rather than waiting for a warning to travel through the mail. Mr. Buffum said he would work on the water restrictions bylaws and have a draft at the next meeting.

3cI. Administrative goals. Ms. Richard said that she had paid the fee in full for renting the PIA hall for the election.

Ms. Richard reported applying for memberships in RI Water Works Assn., American Water Works Assn. and Atlantic States Rural Water and Wastewater Assn., for a total of \$425.

Ms. Richard said about \$1400 of the calendar year first quarter funding remained to be spent and would carry that balance into the 2nd quarter. She said that she would be reporting expenditures to the Town of Portsmouth so that it could be incorporated into their CDBG reporting by April 20.

Ms. Richard reported receiving a letter of engagement from Sandra Mack and distributed copies to the board. She said that the board should look the document over in the next few days and

contact her with any concerns. Ms. Richard said that there were a couple of things that seemed strange and read a section in which it was stated that she had discussed the amount of the retainer when she had no recollection of having done so. She said that she didn't see anything wrong with the \$1500 figure but that she had not discussed it in either the meeting or in emails. Ms. Kim Greene, general counsel, said that the document was most likely a form letter. Mr. Buffum requested that Ms. Richard make sure that Ms. Greene received a copy of the letter. Mr. Brooks asked if the board would be prepared to vote on the matter at the next meeting. Ms. Richard said the matter would be placed on the agenda for the next meeting and that if anyone was uncomfortable with voting on the issue that they should move to table discussion until the next meeting.

Ms. Richard reported receiving the rewritten non-disclosure agreement and presented copies to the board. She said that she was still not comfortable with some sections of it. She said that it still didn't state that confidential documents would be marked as such. She said that she did not clearly understand the last paragraph of the agreement. Ms. Greene said that it meant that all confidential information was to remain confidential forever. Mr. Buffum pointed out that Ms. Richard had made a notation on her copy concerning the definition of confidential information. Ms. Richard said she wanted the phrase "not limited to" stricken because she did not believe that PIUC should be allowed to designate what was confidential "on the fly". She said that she did not understand why a customer list was specifically named as a confidential document since the district was not a competitor trying to steal PIUC customers. Ms. Greene said that it was standard language and that a customer list was considered a trade secret, and that NDAs were usually generated for competing businesses. She said that the board members should consider what possible reason they would have for making any particular document public. She said that any concerns about the NDA should be addressed with special counsel. Ms. Richard said that the board should read the document over the next few days and contact her with any concerns.

Ms. Richard said that she had recently learned that one of the major stockholders of PIUC had been unaware that they had sold the Narragansett Ave. property until the transaction was published in the newspaper. Mr. Hanson said that the same stockholder had given him that same information. Mr. Brooks said the land was a major asset and selling it devalued the company.

3cII. Technical goals. Nothing to report

3e. Funding. Ms. Richard said that she had spoken to Dave Delisle of USDA and that he was ready to meet with the board's executive officer to go over the terms and conditions of the grant award. A meeting was tentatively scheduled to take place on April 29.

Ms. Richard said that she received a call from Christian Belden of Church Community Housing and that Mr. Belden had been hired by the town of Portsmouth to work on their 2006 CDBG application and that the water district might be included in that application. She said that she needed to complete the district's request by the end of the month and that the board needed to choose a project to work on. Mr. Brooks asked if the money could be used for acquisition. Ms. Richard said that she had no idea what figure would be appropriate for that activity. She suggested that the district should attempt to get funding to construct an office for the district and

that the town might be able to work with the district on a location for the office. The board agreed that a dialogue should be opened with the town on the matter.

Ms. Richard said that another possibility would be seeking a new water source. Mr. Brooks suggested a survey of private wells. Ms. Richard said that she wasn't sure that the district had the authority to do that and that such a survey would make well owners very uncomfortable. She said that a hydrologist report was the best method for siting a new well. Mr. Hanson said that wells on the Research Reserve should be investigated. Ms. Richard said that she believed the Reserve would resist an effort for public use of those wells.

Mr. Brooks asked about the status of the appropriations request through Senator Reed. Ms. Richard said that she had withdrawn the request because the office renovation project could not be brought to fruition.

Mr. Buffum presented the clerk with a printout of an EPA web page for a conservation grant and said it might be appropriate to apply for the grant in 2006.

4a. Correspondence. No correspondence.

4b. Other. Ms. Richard asked board members if they wanted a water district email address. Mr. Brooks and Mr. Buffum expressed an interest in having district email. Ms. Richard said that she would send them configuration instructions.

Ms. Richard asked board members if they knew anyone that had a laptop computer that could be used to check landowner info on the day of the election. Mr. Brooks said it might be possible to borrow one from his sister.

Ms. Richard said that she would be contacting the Portsmouth Board of Canvassers and the Town Collector in order to update the voter list. She also said that she would be contacting Jessie Brooks and Sharon Homan to arrange a time to certify the nominations of candidates.

Mr. Buffum presented the board with several trade publications that Marcy Dunbar had given him. He said board members should look them over to see if they were interested in subscribing to any of them.

5. Ms. Richard moved to cancel executive session because there were no new issues to discuss. Mr. Brooks seconded, approved unanimously. The meeting adjourned at 2:20 p.m.

Patricia Richard
Clerk