



Town of Jamestown

Town Clerk's Office

Town Hall, 93 Narragansett Avenue
Jamestown, Rhode Island 02835-1199
401-423-9800 • Fax 423-7230
email: rfagan@jamestownri.net

Roberta J. Fagan
Town Clerk
Probate Clerk

Office of the Town Clerk

C E R T I F I C A T E

I, Roberta J. Fagan, Town Clerk of the Town of Jamestown, Rhode Island, having by law the custody of the seal, and the records, books, documents, and papers of or appertaining to said Town, hereby certify the annexed to be true copies of papers appertaining to said Town, and on file and of record in this office.

In attestation whereof I have hereunto set my hand, and have affixed the Seal of said Town, this 19th day of August, 2024.

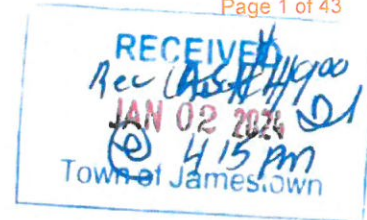


Roberta J. Fagan
Town Clerk



Certified Documents relative to the Appeal of Water Service Extension Decision(s) to the Rhode Island Water Resources Board: Stephen Zimniski and Suzanne Gagnon:

1. Application of Stephen Zimniski and Suzanne Gagnon (Plat 7 Lot 94, 7 Seaview Avenue) for water line extension
 - a) Application for water line extension received January 2, 2024
 - b) Memorandum to Board of Water & Sewer Commissioners from Michael Gray, Public Works Director, Dated February 13, 2024, and revised April 11, 2024, RE: Water Extension Application, East Shore Road
 - c) Wellworks LLC report and estimate dated October 1, 2018
 - d) Letter dated May 1, 2024, from applicants Stephen Zimniski and Suzanne Gagnon to Public Works Director Michael Gray requesting a continuance of the original application if no decision can be rendered on May 6 by the Board of Water & Sewer Commissioners
 - e) Exhibit 1, Document: January Session, 1968- Chapter 273, An Act Providing for a Public Water Supply in the Town of Jamestown, submitted by Councilor/Commissioner R. White dated May 6, 2024
 - f) Copy of the decision letter from Jamestown Board of Water and Sewer Commissioners to Stephen Zimniski and Suzanne Gagnon, to deny their application for an extension and connection of a new water service outside of the Urban Water District, dated June 28, 2024.
 - g) Appeal Complaint of Stephen Zimniski and Susan Gagnon, to the Rhode Island Water Resources Board dated July 27, 2024.



**Board of
Water and Sewer Commissioners
TOWN OF JAMESTOWN, RHODE ISLAND 02835**

APPLICATION FOR WATER AND SEWER EXTENSION

COMPLETED BY APPLICANT

DATE:

Jan 2, 2024

Applicant:

Stephen Ziminski

Email: gaghons1010@gmail.com

Name:

Suzanne Gagnon

Phone: 215-833-3313

Address:

7 Seaview Ave

Jamestown, RI
02835

Zoning District:

R40

Type of Service Extension Being Requested:

Water



Sewer



Use: Residential

(single family)



(multi family)

Residential multi family on existing line

Commercial

Other

Location of Extension Request:

Street

East Shore Rd + Seaview

Plat:

7

Lot:

94

Please give detail description of proposed plan and anticipated annual water consumption:

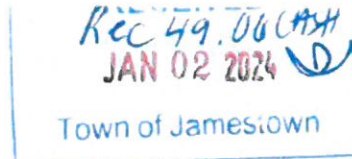
All of Seaview Avenue is at risk, several properties have intermittently undrinkable H₂O

Please attach "sketch" of proposed installations.

(Applicants signature is required on Page 2)

CONTENTS

- Application of Stephen Zimmiski and Suzanne Gagnon (Plat 7 Lot 94, 7 Seaview Avenue) for water line extension
 - a) Application for water line extension received January 2, 2024
 - b) Memorandum to Board of Water & Sewer Commissioners from Michael Gray, Public Works Director, Dated February 13, 2024 and revised April 11, 2024, RE: Water Extension Application, East Shore Road
 - c) Wellworks LLC report and estimate dated October 1, 2018
 - d) Letter dated May 1, 2024, from applicants Stephen Zimmiski and Suzanne Gagnon to Public Works Director Michael Gray requesting a continuance of the original application if no decision can be rendered on May 6 by the Board of Water & Sewer Commissioners
- Exhibit 1, Document: January Session, 1968- Chapter 273, An Act Providing for a Public Water Supply in the Town of Jamestown, submitted by Councilor/Commissioner dated May 6, 2024.



[X] - \$49.00 Recording Fee for Decision Letter. (Fee effective 11/12/07 per RIGL 34-13-7)

This fee is due at the time the application is filed with this office. If the application is not approved by the Board of Water and Sewer Commissioners the fee will be returned to the applicant.

Applicant agrees to take water and sewer service in full compliance with the rules and regulations of the Commission. Applicant agrees to accept all cost associated with the requested service connection. In addition, applicant agrees to pay \$3000. for Water Service extension fee and/or \$3000 for Sewer Service extension fee and any other applicable water or sewer fees. All work according to approved plans and specifications. The Town of Jamestown will inspect all work before final acceptance.

Date:

1/2/2024

Applicants Signature:

Suzanne Gagnon

Owners Signature:

Suzanne Gagnon

Agreement is valid for 1 year from date of approval.

Approval by the Board of Water and Sewer Commissioners:

Commission President

Date _____

ALL NOTE: Regular meetings of the Board of Water and Sewer Commissioner are held once monthly. Meetings are held at the Jamestown Town Hall, Council Chambers, 93 Narragansett Avenue, Jamestown, RI. This meeting location is accessible to the physically challenged. Hearing or speech impaired individuals requiring the services of an interpreter should call 1-800-745-5555 or 423-1212 not less than 3 business days prior to this meeting.

- The following information is requested by the Federal Government in order to monitor our compliance with various civil rights laws. You are not required to furnish this information,

but are encourage to do so. The law requires that we may not discriminate based upon this information, nor whether you choose to furnish it. However, if you choose not to furnish it, under Federal regulations we are required to note the race and sex on the basis of visual observation or surname. If you do not wish to furnish the above information, please check the box below.

I do not wish to furnish this information _____

Race/National Origin: American Indian or Alaskan Native _____

Asian or Pacific Island _____

White, not of Hispanic origin _____ ✓

Black, not of Hispanic origin _____

Hispanic origin _____

Other (specify) _____

Sex:

Female _____ ✓

Male _____ ✓

COMPLETED BY PUBLIC WORKS/ENGINEERING DEPARTMENTSLocation proposed Water ☒ Sewer _____ Extension _____Street or Right of Way EAST SHORE ROAD Urban District _____Rural District ☒

Location of Nearest Main:

Water Main APPROX. 900 L.F. SOUTH OF SEAVIEW AVE.

Sewer Main _____

Number of Feet Proposed Extension: Water Main TBD

Sewer Main _____

Number of lots served by proposed extension: Improved TBD

Unimproved _____

Estimated total cost of project:

Water Line _____

Sewer Line _____

Estimated total cost per foot:

Water Line \$400 - \$500

Sewer Line _____

Would Town Provide:

Manpower: Yes _____ No ☒ Equipment: Yes _____ No ☒ Materials: Yes _____ No ☒

Public Works Director

Comments: SEE MEMO TO WIS COMMISSIONDATED 2-15-24Date 2-15-24

Signature/Title



PWO

COMPLETED BY PLANNING DEPARTMENT

Is request consistent with Comprehensive Community Plan?

Please explain

Although the Comprehensive Plan does not provide specific policy in terms of water or sewer connections in the Rural district, it does have reference to the issue as follows:
The main service area for the public water supply is the village area. The urban district is the area that has historically served as the commercial and residential focus for the Island.
Public services and facilities have traditionally been located in the village area. Water service is also supplied to the rural water district. The current policy of the Town in the rural water district is to provide public water only to existing lots and not subdivided lots.
Water service connections in this area are subject to the approval of the Town's Board of Water and Sewer Commissioners, and must be consistent with the Comprehensive Community Plan.

Goals and Policies of the Comprehensive Plan relevant to this application are as follows:

Public Services and Facilities Element

Goal #1 : Provide a high quality of public services to the community that protect the health, safety, and welfare of all residents.

Goal #2: Provide orderly and efficient arrangement of public services and facilities that support the existing and future needs of the community.

Policy #4: Manage growth to ensure there are adequate public services and facilities to accommodate Jamestown's growing population.

Potential for future subdivision? Please explain: This parcel, (Plat 7, Lot 101) owned by Suzanne Gagnon, Trustee and Stephen J. Zimniski, Trustee, is an existing lot of record in the R-40 Zoning District (requiring 40,000 square feet or 40,000 square feet minimum lot size) containing 0.292 acres. This is an existing non-conforming lot by size. Based upon the size and the Dimensional Regulations listed in Table 3-2 of the Zoning Ordinance, Lot 135 is not subdividable.

Date February 13, 2024 Signature/Title Lisa W. Bryer, AICP, Town Planner

Water-Sewer Applications/Gagnon-Zimniski2024, Plat 7 Lot 94

Zimniski / Gagnon

COMPLETED BY FIRE CHIEF

Request will or will not reduce the level of fire protection of the community? Please explain _____

Request will NOT reduce fire protection
Hydrant needed

Fire Hydrants required? Yes ☒ No _____

Date 1/9/24

Signature/Title [Signature] - CHIEF

**Town of
Jamestown, Rhode Island**

PO Box 377
Jamestown, RI 02835- 1509
Phone: (401) 423-7220
Fax: (401) 423-7229



Date: February 13, 2024
Revised April 11, 2024

To: Board of Water and Sewer Commissioners

From: Michael Gray
Public Works Director

RE: Water Extension Application
East Shore Road

We have received four applications for water services that will require an extension of the 8" watermain within East Shore Road in the Rural Water District. The following applications have been received:

1. Jeffrey and Deborah Saletin, 14 Seaview Avenue
2. Glenn and Marjorie Andreoni, 10 Seaview Avenue
3. Stephen Zimniski & Suzanne Gagnon, 7 Seaview Avenue
4. Paul Frechette, 19 Seaview Avenue

Applications for water service were previously received for 10 Seaview Avenue and 14 Seaview Avenue and were denied by the Commission in 2021. Applications for 7 Seaview Avenue and 19 Seaview Avenue are new requests for water service.

I have attached a figure indicating where the existing 8" water line terminates in East Shore Road and the extension that will be installed as part of the agreement with the property owner of 68 East Shore Road. The four properties requesting water service are located to the north of 68 East Shore Road and are outlined in red. A watermain extension will be required if any of the applications received are approved.

Applications

The following is a summary of each of the four applications that have been received. The four lots are neighboring each other but they should be reviewed individually. Each owner will be required to present their application with supporting information to the Commission.

Jeffrey and Deborah Saletin, 14 Seaview Avenue

The Owners are requesting water service to their property due to poor water quality and yield from their existing well. Northeast Water Solutions evaluated the well and water supply on the property which is summarized in a report dated February 16, 2024. Total Dissolved solids (TDS) in the well water were found at concentrations of 2,200 mg/l in 2018 and 3,460 mg/l in 2024. In 2018 a reverse osmosis treatment system was installed to improve water quality from the well but the well yield cannot produce the required volume necessary for the treatment system and the well runs dry.

Northeast evaluated alternatives for new onsite water supply. Options for drilling a new well were disqualified due to the proximity of onsite wastewater treatment system, road offset requirements, and that the property is located in a flood zone due to the elevation relative to the bay.

Glenn and Marjorie Andreoni, 10 Seaview Avenue

The Owners are requesting water service to their property due to poor water quality and yield from their existing well. They have provided a report from North East Water Solutions, Inc. regarding an inspection of the existing well conducted in December 2023. Conclusions of the testing indicate the existing well had a yield of 0.6 gpm. Analytical results from a water sample collected from the well indicate the presence of TDS at 2220 mg/L indicating the well is impacted with salt water.

North East Water Solutions evaluated two alternatives for water supply on the subject property. Increasing the yield from the well through hydro-fracking and drilling of a new well. Hydro-fracking was not implemented due to limited fracturing of the bedrock within the well and the risk of degrading the water quality due to salt water intrusion. Drilling a new well was disqualified due to onsite wastewater system locations, road offset requirements, and that the property is located in a flood zone due to the elevation relative to the bay.

North East Water Solutions also investigated options for onsite treatment of the existing well. They concluded that there is insufficient well yield to support a treatment system.

Paul Frechette, 19 Seaview Avenue

The Owner is requesting water service to their property based upon limited well yield and water quality impacts from salt water. In 2017 the owners installed a new well on the property at a depth of 300 feet with the pump installed at 250 feet below grade. The owners have stated that this new well does not provide sufficient yield and that well fracking may impact water quality from salt water intrusion.

Stephen Zimmiski & Suzanne Gagnon, 7 Seaview Avenue

The Owners are requesting water service to their property based upon the operation of the well. A report was provided from Wellworks LLC indicating that the water flow (yield) does not meet state requirements and that a 500 gallon storage tank be installed.

I have provide the following information to assist the Commissioners with their review.

The Rules and Regulations for the Board of Water and Sewer Commissioners, May 2009

Section 14 B Rural Water Districts. All service connections in the Rural Water District shall be subject to the following conditions:

- a. Shall be subject to the requirements described for connections in the urban district
- b. The applicants shall show to the satisfaction of the Commission that the proposed service connection requested:
 1. Is Consistent with the Comprehensive Community Plan
 2. Will not impair the available resources of the Urban Water District;
 3. Will not reduce the level of fire protection of the community; the property shall not be part of a major subdivision.
 4. Extensions to and within the rural district shall be prohibited.

The regulations allow the Board of Water and Sewer Commissioners to make such improvements, including extensions, which shall, in the opinion of the Board, improve the quality or quantity of water furnished to existing water uses.

R.I.G.L 46-15-2 Approval of public water supply facilities

I have attached a copy of the RI General Law 46-15-2 relating to the approval of water supply facilities. This law was amended in June 15, 2022 as highlighted in blue. The law requires that commission review applications for extension mains with the standards as listed in 1 through 7.

RIDOH – Reading your Water Analysis Report

I have attached information from the RI DOH regarding private well water lab reports. This information was made available to the public to educate homeowners about well testing and the standards for water quality. Tables are included that provide the maximum contaminant levels and standards for each parameter that may be tested by the lab.

RIDEM – Appendix C - Rules and Regulations Governing the Enforcement of Chapter 46-13.2 Relating to the Drilling of Drinking Water Wells.

I have attached Appendix C from the rules that provides the minimum criteria for yield based upon the minimum depth of a bedrock well.

Summary

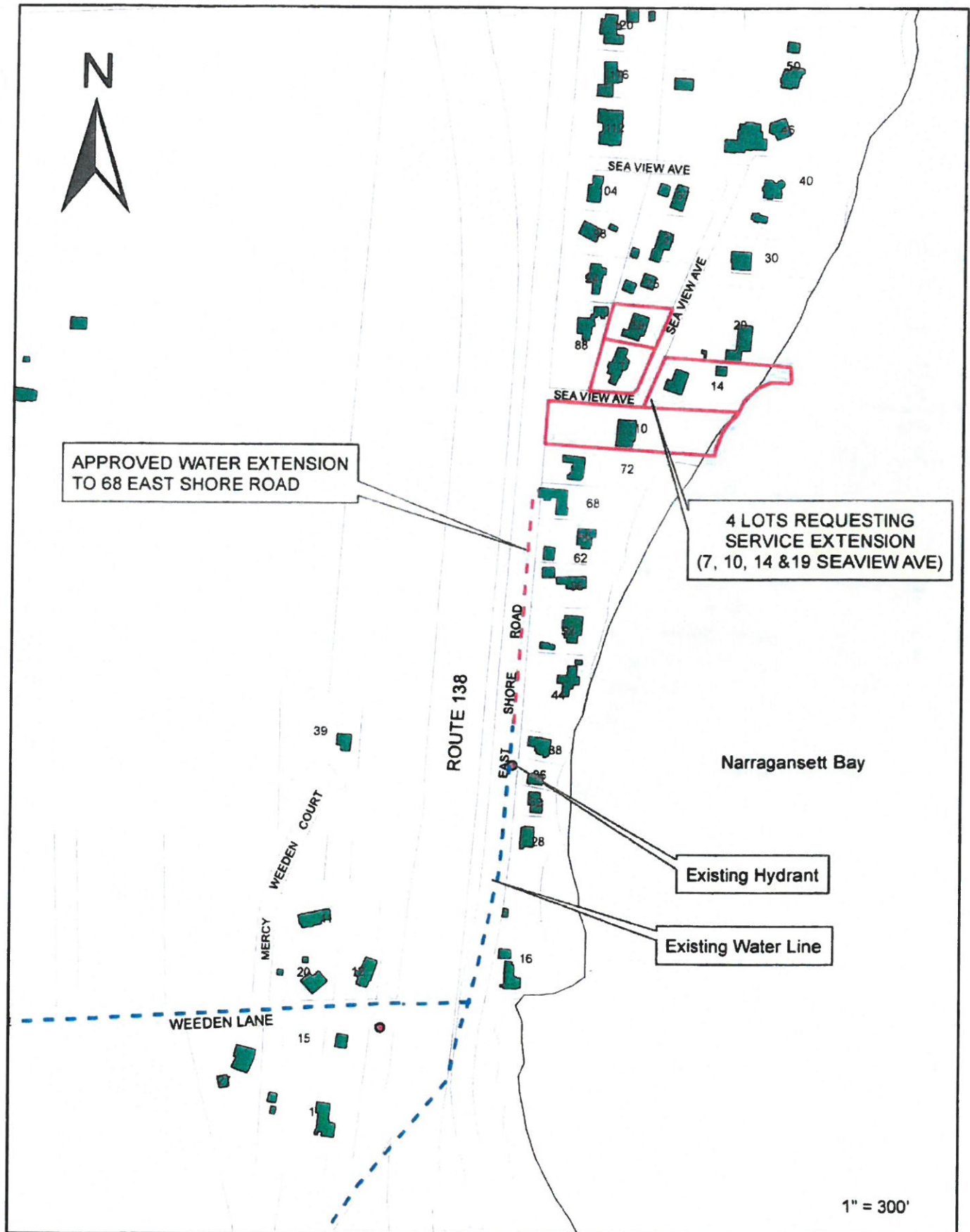
The four applications before the board have applied for a connection based upon inadequate well yield. Laboratory Reports that have been submitted indicate that ground water conditions are impacted by salt water intrusion. Options to resolve the water quantity and quality issues that involve hydro-fracking, well drilling, and onsite water treatment systems may not be feasible as the reports indicate for 10 and 14 Seaview Avenue. The owner for 19 Seaview Avenue has installed a new well but they continue to experience the same water quality and quantity issues. The well inspection and pumping report for 10 Seaview Avenue shows bedrock/geologic conditions produce limited yield to meet well industry standards. Low well yield also impacts the ability for onsite water treatment to improve water quality as indicated in the report for 14 Seaview Avenue where they have installed a reverse osmosis system.

The four properties are located in the Rural Water District and do not front on an existing watermain therefore an extension will be required. Section 14 b of the Rules and Regulations of the Board of Water and Sewer Commissioners prohibit extensions in the rural water district. The Regulations allow the Commissioners the ability to approve an extension if it is found that there is capacity in the system for the new connections and if the extension improves the quality or quantity of water to existing users. The recent changes to the Rhode Island General Law 46-15-2 requires that applications be accepted by water suppliers and that each be reviewed in accordance with standards 1-7 listed in the law (see attached pages 2 and 3).

We have been involved over the past several months in updating the Water System Supply Management Plan including an updated water district build-out analysis. This update includes an analysis of current and projected water demands within the water district and a review of available water supply in the system. Watermain extensions outside of the current water district limit was not part of this analysis when determining future demand on the available water supply. The current supply does not produce enough water to meet maximum day demands presently. Forecasted data indicate that average day demand at build-out within the existing district exceeds the available capacity of our reservoir and well. Extensions of watermains outside of the district boundaries will place additional demand stress on the limited supply not factored into the build-out analysis. Our engineering consultant does not believe that expansion of the water district would be prudent due to the limited capacity of the water supply. An extension of a watermain to the north on East Shore Road will be an expansion of our district.

The attorney states in the application for 10 Seaview Avenue that their application is for one house and no other. Presently the Commission has three applications from neighboring properties claiming similar conditions with their well. The Commission may not be able to make a decision in a vacuum for one property owner. Watermain extensions must not be completed incrementally on the same street in the same neighborhood. Extensions if approved must be planned and limits must be set.

The four applications have provided information relative to conditions on their property and for each individual well. Following presentation and testimony from each of the applicants it will be important to define the extent and duration of the groundwater issues for each of the properties. The Commission can then focus on if there is an obligation to expand the water service area as they are requesting. The rules and regulation require that there is available capacity and that there be a benefit to existing users with the extension.



2022 -- H 7782

LC005284

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES MANAGEMENT

Introduced By: Representative Joseph J. SolomonDate Introduced: March 03, 2022Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 46-15-2 of the General Laws in Chapter 46-15 entitled "Water
2 Resources Management" is hereby amended to read as follows:

3 **46-15-2. Approval of public water supply facilities.**

4 (a) No municipal water department or agency, public water system, including special water
5 districts or private water company, engaged in the distribution of water for potable purposes shall
6 have any power:

7 (1) To acquire or take a water supply or an additional water supply from an existing
8 approved source;

9 (2) To take or condemn lands for any new or additional sources of water supply or for the
10 utilization of supplies;

11 (3) To extend its supply or distribution mains into a municipality or special water district
12 wherein it has not heretofore legally supplied water;

13 (4) To construct any extension of its transmission mains;

14 (5) To extend the boundaries of a special water district; or

15 (6) To supply water in or for use in any other municipality or civil division of the state
16 which owns and operates a water supply system therein, or in any duly organized special water
17 district supplied with water by another municipal water department or agency, special water district,
18 or private water company, until the municipal water department or agency, special water district,
19 or private water company has first submitted the maps and plans therefor to the director of the

1 department of health, the state planning council and the board, as hereinafter provided, and until
2 the water resources board, after receiving the recommendations of the director of the department
3 of health and the division of statewide planning, shall have approved the recommendations or
4 approved the recommendation with modifications as it may determine to be necessary; provided,
5 however, this subsection shall not apply to any area presently served by any municipal water
6 department or agency, or special water district.

7 (b) Approval shall not be necessary of any plan or work for the extension of supply or
8 distributing mains or pipes of a municipal water supply plant or special district or private water
9 company into and for the purpose of supplying water in any territory within the limits of the
10 municipality or special district or within the franchise area of the private water company, owning
11 the plant, including territory within the municipal special district or franchise limits which has not
12 been heretofore supplied with the water by the plant, nor for the reconstruction or replacement of
13 existing facilities in connection with an existing plant, wherein the capacity of the plant is in no
14 way increased, nor for the construction of filtration or other treatment facilities which will not in
15 any way increase the amount of water which can be made available from the present sources of
16 supply. Notwithstanding any provision of this section to the contrary, a municipal water
17 department, agency, public water system governed under this section shall review applications for
18 plans or work for the extension of supply or distribution mains or pipes in accordance with the
19 following standards:

20 (1) Such application must not be prohibited by the specific language of the latest water
21 supply system management plan ("WSSMP") of the public water supply system.

22 (2) Such applications must comply with the design and construction standards and
23 specifications established by the public water supply system for the sizing and location for the
24 infrastructure.

25 (3) Such extensions shall not reduce the necessary level of fire protection for the
26 community.

27 (4) All water main and service connection materials, construction and inspection required
28 hereunder shall be at the sole cost and expense of the applicant.

29 (5) The public water supply system shall be granted an easement in a form acceptable to
30 them which shall permit the maintenance, repair or replacement of water lines and all other related
31 activities.

32 (6) For applications for single-family residential lots, the applicant must show that:

33 (i) The existing or proposed well for the property does not meet the well industry standard
34 as described in the department of environmental management regulations for "yield per depth of

1 well chart" which is required by the department of health for a dwelling unit, and

2 (ii) Due to the unique characteristics of the property that the drilling of a new well is not
3 feasible;

4 (7) For applications located within a public water supply system with limited capacity,
5 applicants for commercial uses/properties shall be governed by the rules established for such
6 connections by the public water supply system, which shall be in accordance with the system's
7 approved WSSMP.

8 A public water supply system governed under this section may provide for lower standards
9 for approval for residential property if such standards meet the requirements of the agency's state-
10 approved WSSMP, and such WSSMP is not expired.

11 (c) The water resources board shall enforce the provisions of this section, and the superior
12 court by injunction may, upon application of the water resources board, prevent any action to be
13 taken by any municipal water agency or department, special district, or private water company
14 without the approval of the water resources board as required by this section.

15 SECTION 2. Chapter 46-15 of the General Laws entitled "Water Resources Management"
16 is hereby amended by adding thereto the following section:

17 **46-15-2.1. Appeals.**

18 An applicant may appeal a denial by a public water supply facility made under § 46-15-
19 2(b) which shall be reviewable by the state agency or commission having jurisdiction over the
20 public water supply facility and thereafter by superior court pursuant to the standards and
21 timeframes set forth in § 42-35-15 ("administrative procedures").

22 SECTION 3. This act shall take effect upon passage.

=====
LC005284
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES MANAGEMENT

1 This act would provide the standards for reviewing applications for plans or work for the
2 extension of supply or distribution mains or pipes. This act would also add an appeal of a denial by
3 a public water supply facility pursuant to the administrative procedures act § 42-35-15.

4 This act would take effect upon passage.

=====
LC005284
=====

Reading Your Water Analysis Report



Lab reports are the lists of codes and numbers that show the results of your water testing.

Here's a quick guide to understanding the different numbers and labels you may see on yours.

IMPORTANT:

This sheet is for only for educational purposes, and there are many other factors around your well and water that aren't covered here. You should talk to a qualified water professional (such as your laboratory's licensed interpreter) before making any decisions or changes to your well or home water system.

All private well water lab reports from certified laboratories will generally have the same information, though sometimes in a different order or under slightly different names.

The example here is from the Rhode Island State Health Laboratories.

1	2	3	4	5		6		
Analytical Method	Test	Test Code	Flag	Result	Units	Reporting Limit	Analysis Date	Approved By
300.0	CHLORIDE	WL20		10.5	mg/L	0.20	01/03/2019	RW
4500F-C	FLUORIDE	WL21		1.66	mg/L	0.20	12/28/2018	RW
353.2	NITRITE	WL56		< 0.02	mg/L	0.02	12/21/2018	RW
200.8	LEAD	WL63		< 0.001	mg/L	0.001	12/26/2018	RW

- 1 The **Method** column shows which EPA-approved steps the lab used for each test. Some labs will put these codes on a separate page.

NOTE:

Certified labs *must* use EPA-approved methods. If your report doesn't have these codes on it, the report may not be from a certified water testing lab.

- 2 The **Test** (or sometimes **Parameter**) column lists each specific thing you tested for.
- 3 The **Test Code** column is that laboratory's own code system, if they have one.
- 4 The **Flag** (or sometimes **High**) column may have a marker show up if your result for that test is over the EPA's health limit or recommended amount.
- 5 The **Result** column shows how much was in your water sample. Be sure to look at the units when comparing them to the health limits - 1 milligram (mg/L) equals 1,000 micrograms (ug/L) and that makes a big difference!

Sometimes you might see the letters 'ND' for 'Not Detected' or a number with a 'less than' sign in front (like in the example). This means that the amount was too small to be seen by the equipment, or possibly not there at all.

Some tests, like Total Coliform Bacteria and E.coli, will only show up as Present/Positive or Absent/Negative. Others might have special unit labels on them, like pH. If you don't know what they are, the laboratory can explain them to you.

- 6** The Reporting Limit column tells you the smallest amount of something that the lab equipment can see. This is *not* your result or the health limit.

Other pages in the report

There are often other pieces of paper that come with your results. Some examples you might see:

- The Chain of Custody form shows exactly who handled your sample and when. This makes sure that there were no handling mistakes and all holding time limits were followed.
- If a licensed sampler from the lab came to take your water, they may also include the sample collection sheet for your records.
- Some labs will have a separate page that explains what their labels and symbols mean. This is good to read, since all labs' reports will look at least a little different.
- If you tested for Volatile Organic Compounds (VOCs), you may also get a page that has a few chemicals labeled 'surrogates' on it. These aren't results from your water sample. They just look and act like the real VOCs, so the labs use them for comparison during analysis.

What it all means

One way to read your report is by comparing your numbers to the health limits and recommended levels (which are set by the EPA and State, provided on the next few pages). Every well and system is unique, however, so what's 'normal' for your water might not always fit the ranges for some tests.

There are many tests that look for *clues* instead - things like pH, hardness, or chloride. There are no health limits for these, but they can help you do things like find the source of a problem or choose the right treatment system.

Also, certified laboratories will have someone on staff called an Interpreter whose job it is to talk to you about your results. If you have questions, call your lab and ask to speak to them.

Next steps

If you have talked to the lab's Interpreter about your results and are thinking about treatment, the Center for Drinking Water Quality can provide resources and talk with you about options.

401-222-6867 | DOH.RIDWQ@health.ri.gov | health.ri.gov/water/for/privatewellowners/

Primary Standards

There are two sets of water quality standards. Primary Standards are for things associated with health risks, and Maximum Contaminant Levels (MCLs) are the amount where there may be health effects. RIDOH recommends looking into treatment when your results are more than half of that amount.

MICROBIOLOGICAL

Total Coliform Bacteria	'ABSENT' or 0
Fecal Coliform Bacteria (<i>E.coli</i>)	'ABSENT' or 0

INORGANIC CHEMICALS, mg/L

Antimony	0.006	Cadmium	0.005	Mercury	0.002
Arsenic	0.01	Chromium (Total)	0.1	Nitrate	10
Asbestos	7 MFL	Cyanide	0.2	Nitrite	1
Barium	2.0	Fluoride	4.0	Selenium	0.05
Beryllium	0.004	Lead	0.015	Thallium	0.002

ORGANIC CHEMICALS, mg/L

Alachlor	0.002	1,2-Dichlorobenzene	0.6	Dioxin (2,3,7,8-TCDD)	3 PPQ*
Atrazine	0.003	1,4-Dichlorobenzene	0.075	Diquat	0.02
Benzene	0.005	1,2-Dichloroethane	0.005	Endothall	0.1
Benzo(a)pyrene	0.0002	1,1-Dichloroethene	0.007	Endrin	0.002
Carbofuran	0.04	cis-1,2-Dichloroethene	0.07	Ethylbenzene	0.7
Carbon Tetrachloride	0.005	trans-1,2-Dichloroethene	0.1	Ethylene Dibromide (EDB)	0.00005
Chlordane	0.002	1,2-Dichloropropane	0.005	Glyphosate	0.7
Chlorobenzene	0.1	Di(2-ethylhexyl) adipate	0.4	Heptachlor	0.004
2,4-D	0.07	Di(2-ethylhexyl) phthalate	0.006	Heptachlor Epoxide	0.002
Dalapon	0.2	Dichloromethane	0.005	Hexachlorobenzene	0.001
1,2-Dibromo-3-chloropropane	0.0002	Dinoseb	0.007	Hexachlorocyclopentadiene	0.05

TABLE CONTINUED ON NEXT PAGE ▼

* 1 PPQ (part per quadrillion) equals 0.000000001 mg/L.

ORGANIC CHEMICALS, mg/L (continued)

Lindane	0.0002	Simazine	0.004	1,2,4-Trichlorobenzene	0.07
Methoxychlor	0.04	Styrene	0.1	1,1,1-Trichloroethane	0.2
MTBE	0.04	Tetrachloroethene	0.005	1,1,2-Trichloroethane	0.005
Oxamyl (Vydate)	0.2	Toluene	1	Trichloroethene	0.005
Polychlorinated Biphenyls (PCBs)	0.0005	Toxaphene	0.003	Vinyl Chloride	0.002
Pentachlorophenol	0.001	2,4,5-TP (Silvex)	0.5	Xylenes (Total)	10
Picloram	0.5				

RADIOCHEMISTRY

Alpha Particles	15 pCi/L	Combined Radium 226/228	5 pCi/L
Beta Particles & Photon Emitters	4 millirem/yr	Uranium	30ug/L

Secondary Standards

The Secondary Standards are also called 'Nuisance Standards.' These are things that do not typically cause major health effects (unless advised by your doctor) but may do damage to your plumbing or affect the taste and color of your water.

SECONDARY REGULATIONS

Aluminum	0.2 mg/L	Iron	0.3 mg/L	Conductivity*	1,500
Chloride	250 mg/L	Manganese	0.05 mg/L	Sulfate	250 mg/L
Color	15 CU	Odor	3 TON	Total Dissolved Solids	500 mg/L
Copper	1.0 mg/L	pH	6.5 - 8.5	Turbidity	2.0
Fluoride	2.0 mg/L	Silver	0.1 mg/L	Zinc	5.0 mg/L
Foaming Agents	0.5 mg/L	Sodium	250 mg/L		

COMMON RANGES, OTHER

Alkalinity	100 - 200
Hardness**	60 - 120

* Also sometimes listed as 'Specific Conductance.'

** Hardness is tied to calcium levels, so this might be Calcium Hardness or Hardness with calcium separately.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RULES AND REGULATIONS GOVERNING THE ENFORCEMENT
OF CHAPTER 46-13.2 RELATING TO THE DRILLING
OF DRINKING WATER WELLS

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF GROUNDWATER AND FRESHWATER WETLANDS
291 PROMENADE STREET
PROVIDENCE, RHODE ISLAND 02908
December 1989

APPENDIX C

For the use of an individual household, a bedrock well of 6 inches in diameter shall be satisfactory when it meets the following minimum criteria:

with a yield of 5 gallons per minute a minimum depth of 100' is required.

with a yield of 3 1/2 gpma minimum depth of 150' is required.

with a yield of 2 gpma minimum depth of 200' is required.

with a yield of 1 gpm.....a minimum depth of 300' is required.

with a yield of 1/2 gpm.....a minimum depth of 450' is required.

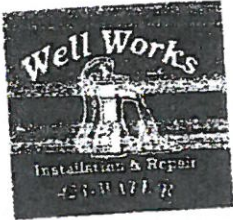
This is assumed that the static level is between 25 to 35 feet and the pump has been appropriately set to insure maximum productivity. The above is intended as a construction standard and does not imply or guarantee actual yield.

Special caution should be exercised in coastal areas because of potential saltwater intrusion.

October
2018

Wellworks LLC
65 North Road
Jamestown, RI 02835
(401) 423-9283 – phone
(401) 423-3355 – fax

Address: of inspection	7 Seaview Ave. Jamestown
Name of Client:	Priority Inspections
Type of well:	Private well
Describe the water pressure @ the top floor and throughout house:	Good
Does the water flow meet local requirements at the time of testing?	No, at this time it does not meet state requirements
GPM	2.5gpm at the time of inspection
Was water sample sent out?	No
Date taken:	N/A
Date sent:	N/A
Parameters tested:	N/A
Location taken:	N/A
Describe any water purification systems installed:	N/A
Are there any visual signs of leakage or defeats?	No
Type of well	Drilled Well
Well depth	100'
Well location	In back of the garage
Connection	Pitless
Seal	
Condition of pump	
Motor	2 Wire
Drop pipe	Poly Pipe
Size	1"
Wire size (trench)	
Wire size (well)	12-AWG
Tank description	FL-12
Condition	Good from 2014
List all necessary repairs. Be very descriptive and include estimated cost of repair	Install a 500-gallon Storage Tank w/ a booster pump and UV light
Seasonal variations may affect water level and supply in well during dry and wet periods.	
Fee of the above well inspection	
Technician Performing Test	Jimmy/Mike



WELLWORKS LLC
P.O. Box 1
Jamestown, RI 02835
401-423-9283
info@wellworksllc.com
http://www.wellworksllc.com

ADDRESS

7 Seaview Ave. Jamestown
440 Dry Bridge Rd Unit 1
North Kingstown, RI 02852

ESTIMATE 1080

DATE 10/01/2018

EXPIRATION DATE 1/03/2019

SALES REP

Jimmy

			QTY	RATE	AMOUNT
DATE	ACTIVITY	DESCRIPTION			

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
10/01/2018	Estimate	<p>Due to the Well not meeting the State recommendations and due to the location of salt water and the high possibility of losing the Well to salt water we recommend the estimate below.</p> <p>We recommend One 500 Gallon Storage Tank. The tank will supply you an extra 500 gallons of storage. This tank will be located in the basement.</p> <p>Along with the Tank, we will be installing a SQE 3" 220V 10GPM Grundfos Pressure System (VFD) inside the tank to supply the house with more water. A Solenoid Valve with a Pump up and down Float will control the on and off of the water and the level of the water inside the tank. The water will then be pumped out from there by the Constant Pressure Pump System into the FL-12 Tank that is currently residing in the house and from there into the house.</p> <p>A 10GPM UV light will be installed to eliminate any chance of bacteria growing in the water. Leak Protection System will be installed which will shut off the water if there is a leak. The system is located directly outside the tanks.</p> <p>This Estimate includes the following: Installation of a Grundfos SQE 10GPM Constant Pressure Pump System CU301 Constant Pressure SS Manifold Installation of 1-500 gallon Norwesco Storage Tank. Installation UV Light to prevent bacteria Tank S.S. Manifold Solenoid Valve High Water Alarm and Float Pump Tech to protect the pump if for any reason the pump has a high amperage or low amperage change. Leak Protection System- to shut off the pump due to any leak. 8 hours for labor Misc fittings Freight</p>	1	7,366.77	7,366.77

Electrician is not included

1/2 Down required upon acceptance of this Estimate

TOTAL

\$7,366.77

Accepted By

Accepted Date



3 Research Drive - Woodbridge, CT 06525
Water Analysis Report

TEST ID: D092718208
DATE SAMPLED: 9/26/2018
SAMPLE POINT: KITCHEN
NO TREATMENT SPECIFIED
SAMPLED BY: ERNIE SILVIO

TO: PRIORITY INS 423


PROPERTY LOCATION: 7 SEAVIEW AVENUE - JAMESTOWN, RI

	ABSENT	PRESENT	LIMITS	REF	METHOD
BACTERIA					
Coliform (Total)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ABSENT P		SM 9223
E. Coli (Fecal)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ABSENT P		SM 9223
Chlorine (Total)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ABSENT -		SM 4500-CL G

CONCLUSION: Based on the above results, this water was safe for drinking purposes at the time of collection.

P = Primary limit, used to judge potability
S = Secondary limit, recommended but not required
MRL = Minimum Reportable Level
* Limit exceeded
ND = None Detected
CT License #PH-0486, Aquatek Labs

R = Reference Lab Work


Michael F. Berman, Ph.D.
Laboratory Director

Roberta Fagan

From: Suzanne Gagnon <gagnons1010@gmail.com>
It: Tuesday, April 16, 2024 4:17 PM
To: Michael Gray
Cc: Denise Jennings; Roberta Fagan
Subject: Re: Application to Water and Sewer - February 2, 2024 Town Water Application for 7 Seaview Avenue
Attachments: SKM_C454e24041610490- Water Application 7 Seaview.pdf

CAUTION: This email originated from outside the Jamestown email system. Please do not click links or open attachments unless you recognize the sender and determine the content is safe.

Michael,
Thank you for following up - I was wondering what happened to the report. While we have not submitted as detailed information as our neighbors provided, I do think Wellworks' report clearly indicates our well does not meet the state requirements and the report also states there is a high probability of losing the well to salt water. Our lot is the smallest of our 3 most proximal neighbors - none of whom has the ability to dig a new well. The remedy given to us at the time of closing on our home was to add the storage tanks because there was no place for us to dig a new well. Please let me know if the Board would require us to bring in lawyers and experts, which are likely to be the same ones who have already spoken at yesterday's meeting, saying the same thing at additional cost.

I do want to remind you that we will be out of state the first 2 weeks in May and therefore may not be able to make the next meeting - please do not interpret this as a lack of interest on our part and we can get a lawyer to represent us if need be. Just let us know.

Thank you.
Suzanne and Stephen

On Tue, Apr 16, 2024 at 9:34 AM Michael Gray <mgray@jamestownri.net> wrote:

Good Morning Ms. Gagnon,

I must apologize for the meeting last night.

I have attached the information that we have for your application.

Can you please review this information for completeness.

If there are any missing reports please provide a copy for the next meeting agenda.

If you have any questions please feel free to give me a call 423-7225.

CORRECTED

7 Seaview Avenue
Jamestown, RI 02835
May 1, 2024

Michael Gray, P.E.
Public Works Director
Town of Jamestown

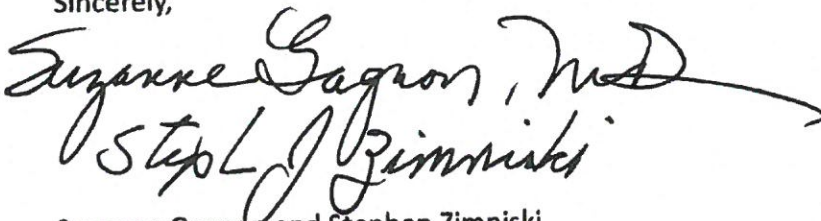
Dear Mr. Gray,

As per your instruction, this letter is to request a continuance of our original application for the Board's approval to connect to the Jamestown district water supply if, in fact, the Board is unable to render a decision May 6 based on our application and supplemental information submitted with the application on February 2, (which was lost at the April 16 meeting then found the next day) and our in person responses to the Board's questions at the April 16 meeting. At that time and in a follow up email we did make the Board aware that we would be out of state the first 2 weeks of May and unable to attend a May 6 meeting, and related it was not from a lack of concern or interest in the outcome of our application. We offered to submit additional material prior to May 6 and send a lawyer or an expert to represent us if need be. While we agree that the determination to bring in outside counsel is our decision, no additional information has been requested from the town aside from this letter. Our house's location in relation to our neighbors who also have well issues and the independent report stating our well does not meet state requirements is clear from the information already provided to the Board, so we hope that a decision on our application can be rendered on May 6 without further delay.

Note that we will be in Jamestown after May 16 and should be able to attend a May 20 meeting if necessary.

Please let us know if any additional information will be required if we are rescheduled for that meeting.

Sincerely,

Handwritten signatures of Suzanne Gagnon and Stephen Zimniski. The signature of Suzanne Gagnon is on top, and the signature of Stephen Zimniski is below it.

Suzanne Gagnon and Stephen Zimniski
7 Seaview Avenue
Jamestown, RI 02835

JANUARY SESSION, 1968—CHAPTER 273. 1143

CHAPTER 273.

AN ACT Providing for a Public Water Supply in the Town of Jamestown.S 934
Approved
June 21, 1968.

It is enacted by the General Assembly as follows:

Section 1. There is hereby established a board of water commissioners for the town of Jamestown consisting of three qualified electors of the town.

Board of
water commis-
sioners: Ap-
pointment.

Forthwith after the passage of this act, the town council shall elect three water commissioners, one to serve until March 1, 1969, one until March 1, 1971, and one until March 1, 1973, and thereafter until their successors are elected and qualified. Forthwith after the beginning of each calendar year in which any term expires, the town council shall elect a successor for a term of five years from March 1 of the year in which he is elected and thereafter until his successor is elected and qualified.

The board of water commissioners may act despite a vacancy on the board but, in the event of any vacancy, the town council shall elect a commissioner to serve for the unexpired term and thereafter until his successor is elected and qualified.

Vacancy.

Each election or removal by the town council shall be by vote of a majority of the whole number thereof, including vacancies therein.

Vote of town
council.

No employee of the town or holder of any other office of the town shall be eligible to serve as a member of the board of water commissioners.

Qualifications.

*all four applications**(1)**5/6/24**Submitted by Councilor/
Commissioner R. White*

1144 JANUARY SESSION, 1968—CHAPTER 273.

Bond.

The town council may require the members of the board of water commissioners to furnish bond for the faithful performance of their duties, in such amounts and with such sureties as the town council may deem desirable. Premiums on surety bonds shall be paid from funds of the board of water commissioners.

Conflict of interest.

No contract shall be made by the board of water commissioners with any member of the board or with the superintendent of the water works system (except his contract of employment) or with any member of their immediate families or with any firm or corporation in which the superintendent or any member of the board, together in either case with the members of his immediate family, owns more than one per cent of the total proprietary interest, unless such direct or indirect interest of the member or superintendent is set forth in the minutes of a meeting of the board prior to the making of such contract and the member or superintendent abstains from voting or acting for the district, as the case may be, in making such contract. A violation of this paragraph shall be grounds for avoiding, rescinding or cancelling the contract on such terms as the interests of the town and innocent third parties may require or for the recovery of damages from any party acting in violation of this paragraph.

Removal for cause.

Any member of the board may be removed for cause by the town council.

Officers.

Sec. 2. Forthwith after the election of the original board of water commissioners and after the election of a member upon the expiration of a term, the board shall elect a chairman from among the members of the

JANUARY SESSION, 1968—CHAPTER 273. 1145

board and shall elect a secretary, who need not be a Same. member of the board, or designate the town clerk as secretary. The chairman shall preside at meetings of the board and the secretary shall keep the records of the meetings of the board. The board may designate other officers and assistant officers with such powers and for such terms as the board may determine but the board may at any time remove any such other officers and assistant officers with or without cause, subject to any damages which may be payable for cancellation of a contract with the superintendent as authorized below.

The board shall adopt by-laws or rules for the By-laws. transaction of its affair.

Sec. 3. The board of water commissioners may employ and fix the compensation of attorneys, engineers, surveyors, draftsmen, clerks and other employees and agents. The board may elect a superintendent of the water works system and each contract for his services shall not be more than five years. The board may require a surety bond of any of its agents and employees. The premiums shall be paid from funds of the board. Professional and other employees.

Each of the commissioners shall be compensated for his services at the rate of one hundred dollars per year. The secretary, if not a member of the board or the town clerk acting by designation, shall be compensated at the same rate. Compensation of members.

Sec. 4. The board of water commissioners shall be vested with the power and authority to acquire by purchase, subject to approval of a special or annual financial town meeting the assets of the Jamestown Powers of commission.

1146 JANUARY SESSION, 1968—CHAPTER 273.

Same.

Water Company, and thereafter may construct, operate, maintain, extend and improve a water works system for the town and to provide an adequate supply of water for the town or any part thereof. The board is authorized, subject to the approval of the town council, to contract for periods not exceeding forty years with the state, any other municipal or quasi-municipal corporation or with the owners of any privately owned water systems for the purchase or sale of water or for the use of water facilities and the state, such other municipal or quasi-municipal corporations and the owners of privately owned water systems are authorized to enter into such contracts with the board.

Contracts involving more than \$1000.

Any contract of the board involving more than \$1,000. for construction or for the purchase of materials or equipment, not including contracts for the purchase of water, shall be publicly advertised.

Custody of funds.

All funds of the board shall be held in the custody of the town treasurer separate from other funds of the town and shall be expended by or under the direction of the board.

Expenditure of funds.

In addition to the funds hereinafter provided, the board is authorized to expend for the purposes of this act such sums as may be appropriated therefor by the town.

Acquisition of property.

In carrying out the purposes of this act, the board of water commissioners may lease property or acquire the same by purchase or gift or by eminent domain as hereinafter provided, may make contracts and shall have such further powers as shall be necessary or incidental to the purposes and powers set

JANUARY SESSION, 1968—CHAPTER 273. 1147

forth in this act. Any lease, purchase or taking of real property shall be subject to the approval of the town council.

Sec. 5. For the purposes of this act the board of water commissioners may, subject to the approval of the town council, and of a special or annual financial town meeting called for the purpose acquire by eminent domain land or other real property, or any interest, estate or right therein, whether lying within or without the town, including the right to take water from any source. Condemnation.

Without limiting the generality of the foregoing, the board of water commissioners may, subject to the approval of the town council, and of a special or annual financial town meeting called for the purpose acquired by eminent domain all or any part of the real and personal property, or any interest, estate or right therein, belonging to the Jamestown Water Company, including the right of said company to take water from any source. Same: Property of Jamestown water company.

A taking under this section shall be substantially in the manner and subject to the provisions (so far as apt) set forth in chapter 1 of title 24 of the general laws as heretofore or hereafter amended, provided that a taking under the preceding paragraph shall not require the consent of the division of public utilities. Manner of taking.

Whenever the board shall dig up any public street or highway for laying or maintaining pipe, the board shall repair any damage cause thereby to such street or highway. Streets and highways.

1148 JANUARY SESSION, 1968—CHAPTER 273.

Obligation
for damages.

Any damage which may be agreed upon or determined for any taking under this section, including any interest and other applicable charges, shall constitute a general obligation of the town, but such obligation shall not at any time be included in the debt of the town for the purpose of ascertaining its borrowing capacity for water or other purposes.

Payment in
lieu of taxes.

Sec. 6. The property acquired and held under this act shall not be subject to taxation or assessment by the town of Jamestown, but not exceeding ten thousand dollars per annum, as determined by the town council, shall be paid from funds of the board of water commissioners to the town in lieu of taxes.

Water rates.

Sec. 7. The board of water commissioners is authorized from time to time to fix water rates for the water furnished by the board, which may be based upon the quantity of water used or the number and kind of water connections made or the number and kind of plumbing fixtures installed on the estate or upon the number or average number of persons residing or working in or otherwise connected therewith or upon any other factor affecting the use of or the value of the water furnished or upon any combination of such factors.

The rates shall be fixed so as to be sufficient to meet the expense of operation and maintenance and the principal and interest coming due on bonds and serial notes issued by the town for the purposes of this act and to provide such reserves as the board may deem necessary.

JANUARY SESSION, 1968—CHAPTER 273. 1149

Hydrant rentals shall be charged to the town for ^{same.} each year at such rates as the board may determine from time to time. The town shall also be subject to the water rates for other water consumed by the town.

The rates shall be payable upon a date or dates fixed by the board and if not paid within thirty days thereafter they shall bear interest at the rate of eight per cent per annum from their due date until paid.

The board shall cause notice of the amount and due date to be mailed or otherwise sent or given to the owner of the real estate or the tenant or occupant, who shall be personally liable therefor.

A certificate of the collector of taxes of the town stating the amount of any delinquent rate and its due date and the name of the owner of the real estate and the name of the tenant or occupant if assessed to a tenant or occupant who is not the owner and an identification of the real estate shall be filed with the town clerk as a public record, and notice of such filing shall be mailed or sent or otherwise given to such owner. From the date of such filing until the same is paid in full, such delinquent rate together with any interest and charges accruing thereon shall constitute a lien upon the real estate on a parity with the lien for town taxes.

The collector of taxes shall have the same rights to enforce such liens and to collect the rates and interest and charges thereon as he has in the case of town taxes.

No irregularity in carrying out the provisions of this section shall excuse non-payment of any water rate as long as there is substantial compliance with the pro-

1150 JANUARY SESSION, 1968—CHAPTER 273.

Same.

visions hereof and no deficiency in any notice to any party or in any filing with respect to any party shall excuse non-payment by any other party.

In the event a water rate is partially or wholly invalid or unenforceable in any respect, the board may impose a corrected rate to replace the invalid rate or portion or take such other curative action as may be appropriate.

In case of non-payment of any water rates or charges or interest thereon with respect to any house, building, tenement or estate, the board of water commissioners is authorized, by its agents and employees, to shut off the water and for this purpose to enter such house, building, tenement or estate, and need not supply water again thereto until the water rates and charges or interest thereon have been paid in full.

**Application
of receipts.**

Sec. 8. The receipts from water rates, including any net earnings or profits realized from the deposit or investment thereof, shall be deemed appropriated to the board for the purposes set forth in section 4 and for the payment of the principal and interest on obligations incurred by the town for the purposes of this act.

The town treasurer, with the approval of the town council, is authorized to advance moneys to the board of water commissioners from the general funds of the town in amounts not exceeding the sums to be realized from water rates within the next six months as estimated by the board of water commissioners. Such advances shall be repaid without interest from such water rates.

JANUARY SESSION, 1968—CHAPTER 273. 1151

Sec. 9. The town of Jamestown is hereby authorized, in addition to authority previously granted, to issue bonds from time to time under its corporate name and seal or a facsimile of such seal to such amount as will not cause the principal amount of bonds outstanding hereunder to exceed ten per cent of the last assessed valuation of the taxable property of the town. The principal of the bonds and interest thereon shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for public and private debts. The bonds of each issue shall mature in equal or diminishing annual installments of principal, the first installment to be not later than three years and the last installment not later than twenty-five years after the date of the bonds.

Bonds au-
thorized.

Sec. 10. The bonds shall be signed by the town treasurer and by the manual or facsimile signature of the president of the town council and shall be issued and sold at not less than par and accrued interest in such amounts as the town council may determine. The manner of sale, denominations, maturities, interest rates and other terms, conditions and details of any bonds or notes issued under this act may be fixed by the resolution of the town council authorizing the issue or by separate resolution of the town council or, to the extent provisions for these matters are not so made, they may be fixed by the officers authorized to sign the bonds or notes. The bonds of each issue shall bear interest at a rate or rates not exceeding six per cent per annum. Coupons shall bear the facsimile signature of the town treasurer. The proceeds derived from the sale of the bonds shall be delivered to the town treasurer, and such proceeds exclusive of premiums and

Bonds, how
executed.

Interest.

Proceeds.

JANUARY SESSION, 1968—CHAPTER 273. 1151

Sec. 9. The town of Jamestown is hereby authorized, in addition to authority previously granted, to issue bonds from time to time under its corporate name and seal or a facsimile of such seal to such amount as will not cause the principal amount of bonds outstanding hereunder to exceed ten per cent of the last assessed valuation of the taxable property of the town. The principal of the bonds and interest thereon shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for public and private debts. The bonds of each issue shall mature in equal or diminishing annual installments of principal, the first installment to be not later than three years and the last installment not later than twenty-five years after the date of the bonds.

Bonds authorized.

Sec. 10. The bonds shall be signed by the town treasurer and by the manual or facsimile signature of the president of the town council and shall be issued and sold at not less than par and accrued interest in such amounts as the town council may determine. The manner of sale, denominations, maturities, interest rates and other terms, conditions and details of any bonds or notes issued under this act may be fixed by the resolution of the town council authorizing the issue or by separate resolution of the town council or, to the extent provisions for these matters are not so made, they may be fixed by the officers authorized to sign the bonds or notes. The bonds of each issue shall bear interest at a rate or rates not exceeding six per cent per annum. Coupons shall bear the facsimile signature of the town treasurer. The proceeds derived from the sale of the bonds shall be delivered to the town treasurer, and such proceeds exclusive of premiums and

Bonds, how executed.

Interest.

Proceeds.

1152 JANUARY SESSION, 1968—CHAPTER 273.

Same.

accrued interest shall be expended (a) for the purposes set forth in section 4, excluding current operating and maintenance expenses but including extraordinary repairs, or (b) in payment of the principal of or interest on temporary notes issued under section 11 of this act or (c) in repayment of advances under section 12 of this act. No purchaser of any bonds or notes under this act, however, shall be in any way responsible for the proper application of the proceeds derived from the sale thereof. The proceeds of bonds or notes issued under this act, any applicable federal assistance and the other moneys referred to in this act shall be deemed appropriated for the purposes of this act without further action than that required by this act.

Temporary
notes.

Sec. 11. The town council of the town of Jamestown may authorize the issue from time to time of interest bearing or discounted notes in anticipation of the authorization or issue of bonds under section 10 of this act or in anticipation of the receipt of federal aid for the purposes of this act. The amount of original notes issued in anticipation of bonds may not exceed the amount of bonds voted under section 19 and the amount of original notes issued in anticipation of federal aid may not exceed the amount of available federal aid as estimated by the town treasurer. Temporary notes issued hereunder shall be signed by the town treasurer and by the president of the town council and shall be payable within three years from their respective dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes hereunder, provided the period from the date of an original

JANUARY SESSION, 1968—CHAPTER 273. 1153

note to the maturity of any note issued to renew or pay the same debt or the interest thereon shall not exceed three years.

Sec. 12. The town treasurer, with the approval of the town council, may advance moneys to the board of water commissioners from the general funds of the town in anticipation of the authorization or issue of bonds under section 10 or in anticipation of the receipt of federal aid. Any advances in anticipation of bonds may not exceed the amount of bonds voted under section 19 and any advance in anticipation of federal aid may not exceed the amount of available federal aid as estimated by the town treasurer. In addition, any appropriation by the financial town meeting for the purposes of clause (a) of section 10 shall be treated as an advance under this section if so voted by the financial town meeting. An advance under this section shall be repaid without interest from the proceeds of bonds or notes subsequently issued or from the proceeds of applicable federal assistance or from other available funds.

Advances
from general
funds of
town.

Sec. 13. Any proceeds of bonds or notes issued hereunder or of any applicable federal assistance or of any water rates, pending their expenditure, may be deposited or invested by the town treasurer in demand deposits, time deposits or savings deposits in banks which are members of the Federal Deposit Insurance Corporation or in obligations issued or guaranteed by the United States of America or by any agency or instrumentality thereof or by the state of Rhode Island or as may be provided in any other applicable law of the state of Rhode Island.

Investment of
proceeds pend-
ing expendi-
ture.

1154 JANUARY SESSION, 1968—CHAPTER 273.

Application
of accrued in-
terest pre-
miums and
profits.

Sec. 14. Any accrued interest received upon the sale of bonds or notes hereunder shall be applied to the payment of the first interest due thereon. Any premiums arising from the sale of bonds or notes hereunder, any net earnings or profits realized from the deposit or investment of bond or note proceeds or federal assistance hereunder and any balance of bond or note proceeds remaining after completion of the applicable project or projects shall, in the discretion of the town treasurer, be applied to the cost of preparing, issuing and marketing bonds or notes hereunder to the extent not otherwise provided, to the payment of the cost of the project or projects or the cost of other work for which bonds or notes could be issued hereunder, to the payment of the principal of or interest on bonds or notes issued hereunder or to any one or more of the foregoing. The cost of preparing, issuing and marketing bonds or notes hereunder may also, in the discretion of the town treasurer, be met from bond or note proceeds exclusive of premium and accrued interest or from other moneys available therefor. In exercising any discretion under this section, the town treasurer shall be governed by any instructions adopted by the town council.

Obligations of
town.

Exception.

Sec. 15. All bonds and notes issued under this act and the debts evidenced thereby shall be obligatory on the town of Jamestown in the same manner and to the same extent as other debts lawfully contracted by it and shall be excepted from the operation of section 45-12-2 of the general laws. No such obligation shall at any time be included in the debt of the town for the purpose of ascertaining its borrowing capacity under any other law. The town shall annually appro-

JANUARY SESSION, 1968—CHAPTER 273. 1155

priate a sum sufficient to pay the principal and interest coming due within the year on bonds and notes issued hereunder to the extent that moneys therefor are not otherwise provided. In order to provide such sum in each year and notwithstanding any provision of law to the contrary, all taxable property in the town shall be subject to ad valorem taxation by the town without limitation as to rate or amount, except that the rate of taxation on intangibles shall be limited as provided in section 44-5-6 of the general laws.

Amortization.

Sec. 16. Any bonds or notes issued under the provisions of this act and coupons on any bonds, if properly executed by officers of the town in office on the date of execution, shall be valid and binding according to their terms notwithstanding that before the delivery thereof and payment therefor any or all of such officers shall for any reason have ceased to hold office.

Validity of bonds not affected by change in office.

Sec. 17. The town of Jamestown, acting by its board of water commissioners, is authorized to apply for, contract for and expend any federal survey or planning advances or other grants or assistance which may be available for the purposes of this act, and any such expenditures may be in addition to other moneys provided in this act. To the extent of any inconsistency between any law of this state and any applicable federal law or regulation, the latter shall prevail. Federal survey or planning advances, with interest where applicable, whether contracted for prior to or after the effective date of this act, may be repaid as a cost of a project or projects under section 10 of this act.

Federal assistance.

Sec. 18. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary

Constitutional requirements.

1156 JANUARY SESSION, 1968—CHAPTER 273.

to meet constitutional requirements whether or not such steps are required by statute. The validity of bonds and notes issued hereunder shall in no way depend upon the validity or occurrence of any action not specifically required herein for the issue of such bonds or notes.

Vote of tax-
payers required
for each issue.

Sec. 19. Notwithstanding the foregoing provisions of this act, no bonds shall be issued in excess of amounts approved from time to time by vote of a majority of the electors present and voting on the question at an annual or special financial town meeting. A vote not to approve an amount of bonds hereunder shall not preclude any later vote to approve the same or a different amount.

P.L. 1933,
ch. 2066
repealed.

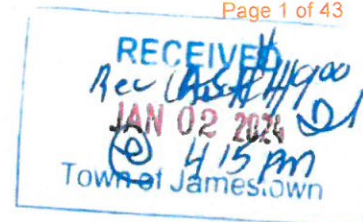
Sec. 20. Chapter 2066 of the public laws of 1933 is hereby repealed.

Referendum.

Sec. 21. The question of the approval of this act shall be submitted to the electors of the town of Jamestown qualified to vote upon a proposition to impose a tax or for the expenditure of money at a special financial town meeting the warning for which shall contain notice of the proposal to accept this act.

Act effective,
when.

Sec. 22. This section and section 21 hereof shall take effect upon passage. The remainder of this act shall take effect upon the approval of this act by a majority of those voting on the question as prescribed in section 21 hereof.



**Board of
Water and Sewer Commissioners
TOWN OF JAMESTOWN, RHODE ISLAND 02835**

APPLICATION FOR WATER AND SEWER EXTENSION

COMPLETED BY APPLICANT

DATE: Jan 2, 2024Applicant: Stephen ZiminskiEmail: gagnons1010@gmail.comName: Suzanne GagnonPhone: 215-833-3313Address: 7 Seaview AveZoning District: R40Jamestown, RI
02835

Type of Service Extension Being Requested:

Water ☒ Sewer ☐

Use: Residential

(single family) ☒(multi family) ☐Residential multi family on existing line ☐Commercial ☐Other ☐

Location of Extension Request:

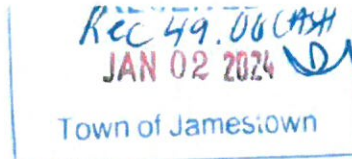
Street East Shore Rd + Seaview Plat: 7 Lot: 94

Please give detail description of proposed plan and anticipated annual water consumption:

All of Seaview avenue is at risk; several
properties have intermittently undrinkable H₂O

Please attach "sketch" of proposed installations.

(Applicants signature is required on Page 2)



[1]-\$49.00 Recording Fee for Decision Letter. (Fee effective 11/12/07 per RIGL 34-13-7)
This fee is due at the time the application is filed with this office. If the application is not approved by the Board of Water and Sewer Commissioners the fee will be returned to the applicant.

Applicant agrees to take water and sewer service in full compliance with the rules and regulations of the Commission. Applicant agrees to accept all cost associated with the requested service connection. In addition, applicant agrees to pay \$3000. for Water Service extension fee and/or \$3000 for Sewer Service extension fee and any other applicable water or sewer fees. All work according to approved plans and specifications. The Town of Jamestown will inspect all work before final acceptance.

Date: 1/2/2024

Applicants Signature: _____

Owners Signature: _____

Agreement is valid for 1 year from date of approval.

Approval by the Board of Water and Sewer Commissioners:

Commission President

Date _____

ALL NOTE: Regular meetings of the Board of Water and Sewer Commissioner are held once monthly. Meetings are held at the Jamestown Town Hall, Council Chambers, 93 Narragansett Avenue, Jamestown, RI. This meeting location is accessible to the physically challenged. Hearing or speech impaired individuals requiring the services of an interpreter should call 1-800-745-5555 or 423-1212 not less than 3 business days prior to this meeting.

- The following information is requested by the Federal Government in order to monitor our compliance with various civil rights laws. You are not required to furnish this information,

but are encourage to do so. The law requires that we may not discriminate based upon this information, nor whether you choose to furnish it. However, if you choose not to furnish it, under Federal regulations we are required to note the race and sex on the basis of visual observation or surname. If you do not wish to furnish the above information, please check the box below.

I do not wish to furnish this information _____

Race/National Origin: American Indian or Alaskan Native _____

Asian or Pacific Island _____

White, not of Hispanic origin _____

Black, not of Hispanic origin _____

Hispanic origin _____

Other (specify) _____

Sex:

Female _____

Male _____

COMPLETED BY PUBLIC WORKS/ENGINEERING DEPARTMENTS

Location proposed Water X Sewer _____ Extension _____

Street or Right of Way EAST SHORE ROAD Urban District _____

Rural District X

Location of Nearest Main: Water Main APPRX. 900 L.F. SOUTH OF SEAVIEW AVE.

Sewer Main _____

Number of Feet Proposed Extension: Water Main TBD

Sewer Main _____

Number of lots served by proposed extension: Improved TBD

Unimproved _____

Estimated total cost of project: Water Line _____

Sewer Line _____

Estimated total cost per foot: Water Line \$400 - \$500

Sewer Line _____

Would Town Provide:

Manpower: Yes _____ No X Equipment: Yes _____ No X Materials: Yes _____ No X

Public Works Director

Comments: SEE MEMO TO WIS COMMISSION

DATED 2-15-24

Date 2-15-24 Signature/Title [Signature] PWD

COMPLETED BY PLANNING DEPARTMENT

Is request consistent with Comprehensive Community Plan?

Please explain

Although the Comprehensive Plan does not provide specific policy in terms of water or sewer connections in the Rural district, it does have reference to the issue as follows:

The main service area for the public water supply is the village area. The urban district is the area that has historically served as the commercial and residential focus for the Island. Public services and facilities have traditionally been located in the village area. Water service is also supplied to the rural water district. The current policy of the Town in the rural water district is to provide public water only to existing lots and not subdivided lots. Water service connections in this area are subject to the approval of the Town's Board of Water and Sewer Commissioners, and must be consistent with the Comprehensive Community Plan.

Goals and Policies of the Comprehensive Plan relevant to this application are as follows:

Public Services and Facilities Element

Goal #1 : Provide a high quality of public services to the community that protect the health, safety, and welfare of all residents.

Goal #2: Provide orderly and efficient arrangement of public services and facilities that support the existing and future needs of the community.

Policy #4: Manage growth to ensure there are adequate public services and facilities to accommodate Jamestown's growing population.

Potential for future subdivision? Please explain: This parcel, (Plat 7, Lot 101) owned by Suzanne Gagnon, Trustee and Stephen J. Zimniski, Trustee, is an existing lot of record in the R-40 Zoning District (requiring 40,000 square feet or 40,000 square feet minimum lot size) containing 0.292 acres. This is an existing non-conforming lot by size. Based upon the size and the Dimensional Regulations listed in Table 3-2 of the Zoning Ordinance, Lot 135 is not subdividable.

Date February 13, 2024 Signature/Title Lisa W. Bryer, AICP, Town Planner

Water-Sewer Applications/Gagnon-Zimniski2024, Plat 7 Lot 94

Zimniski / Gagnon

COMPLETED BY FIRE CHIEF

Request will or will not reduce the level of fire protection of the community? Please explain _____

Request will NOT reduce Fire Protection
Hydrant Needed

Fire Hydrants required? Yes ☒ No ☐

Date 1/9/24

Signature/Title [Signature] - CHIEF

**Town of
Jamestown, Rhode Island**

PO Box 377
Jamestown, RI 02835- 1509
Phone: (401) 423-7220
Fax: (401) 423-7229



Date: February 13, 2024
Revised April 11, 2024

To: Board of Water and Sewer Commissioners

From: Michael Gray
Public Works Director

RE: Water Extension Application
East Shore Road

We have received four applications for water services that will require an extension of the 8" watermain within East Shore Road in the Rural Water District. The following applications have been received:

1. Jeffrey and Deborah Saletin, 14 Seaview Avenue
2. Glenn and Marjorie Andreoni, 10 Seaview Avenue
3. Stephen Zimmiski & Suzanne Gagnon, 7 Seaview Avenue
4. Paul Frechette, 19 Seaview Avenue

Applications for water service were previously received for 10 Seaview Avenue and 14 Seaview Avenue and were denied by the Commission in 2021. Applications for 7 Seaview Avenue and 19 Seaview Avenue are new requests for water service.

I have attached a figure indicating where the existing 8" water line terminates in East Shore Road and the extension that will be installed as part of the agreement with the property owner of 68 East Shore Road. The four properties requesting water service are located to the north of 68 East Shore Road and are outlined in red. A watermain extension will be required if any of the applications received are approved.

Applications

The following is a summary of each of the four applications that have been received. The four lots are neighboring each other but they should be reviewed individually. Each owner will be required to present their application with supporting information to the Commission.

Jeffrey and Deborah Saletin, 14 Seaview Avenue

The Owners are requesting water service to their property due to poor water quality and yield from their existing well. Northeast Water Solutions evaluated the well and water supply on the property which is summarized in a report dated February 16, 2024. Total Dissolved solids (TDS) in the well water were found at concentrations of 2,200 mg/l in 2018 and 3,460 mg/l in 2024. In 2018 a reverse osmosis treatment system was installed to improve water quality from the well but the well yield cannot produce the required volume necessary for the treatment system and the well runs dry.

Northeast evaluated alternatives for new onsite water supply. Options for drilling a new well were disqualified due to the proximity of onsite wastewater treatment system, road offset requirements, and that the property is located in a flood zone due to the elevation relative to the bay.

Glenn and Marjorie Andreoni, 10 Seaview Avenue

The Owners are requesting water service to their property due to poor water quality and yield from their existing well. They have provided a report from North East Water Solutions, Inc. regarding an inspection of the existing well conducted in December 2023. Conclusions of the testing indicate the existing well had a yield of 0.6 gpm. Analytical results from a water sample collected from the well indicate the presence of TDS at 2220 mg/L indicating the well is impacted with salt water.

North East Water Solutions evaluated two alternatives for water supply on the subject property. Increasing the yield from the well through hydro-fracking and drilling of a new well. Hydro-fracking was not implemented due to limited fracturing of the bedrock within the well and the risk of degrading the water quality due to salt water intrusion. Drilling a new well was disqualified due to onsite wastewater system locations, road offset requirements, and that the property is located in a flood zone due to the elevation relative to the bay.

North East Water Solutions also investigated options for onsite treatment of the existing well. They concluded that there is insufficient well yield to support a treatment system.

Paul Frechette, 19 Seaview Avenue

The Owner is requesting water service to their property based upon limited well yield and water quality impacts from salt water. In 2017 the owners installed a new well on the property at a depth of 300 feet with the pump installed at 250 feet below grade. The owners have stated that this new well does not provide sufficient yield and that well fracking may impact water quality from salt water intrusion.

Stephen Zimniski & Suzanne Gagnon, 7 Seaview Avenue

The Owners are requesting water service to their property based upon the operation of the well. A report was provided from Wellworks LLC indicating that the water flow (yield) does not meet state requirements and that a 500 gallon storage tank be installed.

I have provide the following information to assist the Commissioners with their review.

The Rules and Regulations for the Board of Water and Sewer Commissioners, May 2009

Section 14 B Rural Water Districts. All service connections in the Rural Water District shall be subject to the following conditions:

- a. Shall be subject to the requirements described for connections in the urban district
- b. The applicants shall show to the satisfaction of the Commission that the proposed service connection requested:
 1. Is Consistent with the Comprehensive Community Plan
 2. Will not impair the available resources of the Urban Water District;
 3. Will not reduce the level of fire protection of the community; the property shall not be part of a major subdivision.
 4. Extensions to and within the rural district shall be prohibited.

The regulations allow the Board of Water and Sewer Commissioners to make such improvements, including extensions, which shall, in the opinion of the Board, improve the quality or quantity of water furnished to existing water uses.

R.I.G.L 46-15-2 Approval of public water supply facilities

I have attached a copy of the RI General Law 46-15-2 relating to the approval of water supply facilities. This law was amended in June 15, 2022 as highlighted in blue. The law requires that commission review applications for extension mains with the standards as listed in 1 through 7.

RIDOH – Reading your Water Analysis Report

I have attached information from the RI DOH regarding private well water lab reports. This information was made available to the public to educate homeowners about well testing and the standards for water quality. Tables are included that provide the maximum contaminant levels and standards for each parameter that may be tested by the lab.

RIDEM – Appendix C - Rules and Regulations Governing the Enforcement of Chapter 46-13.2 Relating to the Drilling of Drinking Water Wells.

I have attached Appendix C from the rules that provides the minimum criteria for yield based upon the minimum depth of a bedrock well.

Summary

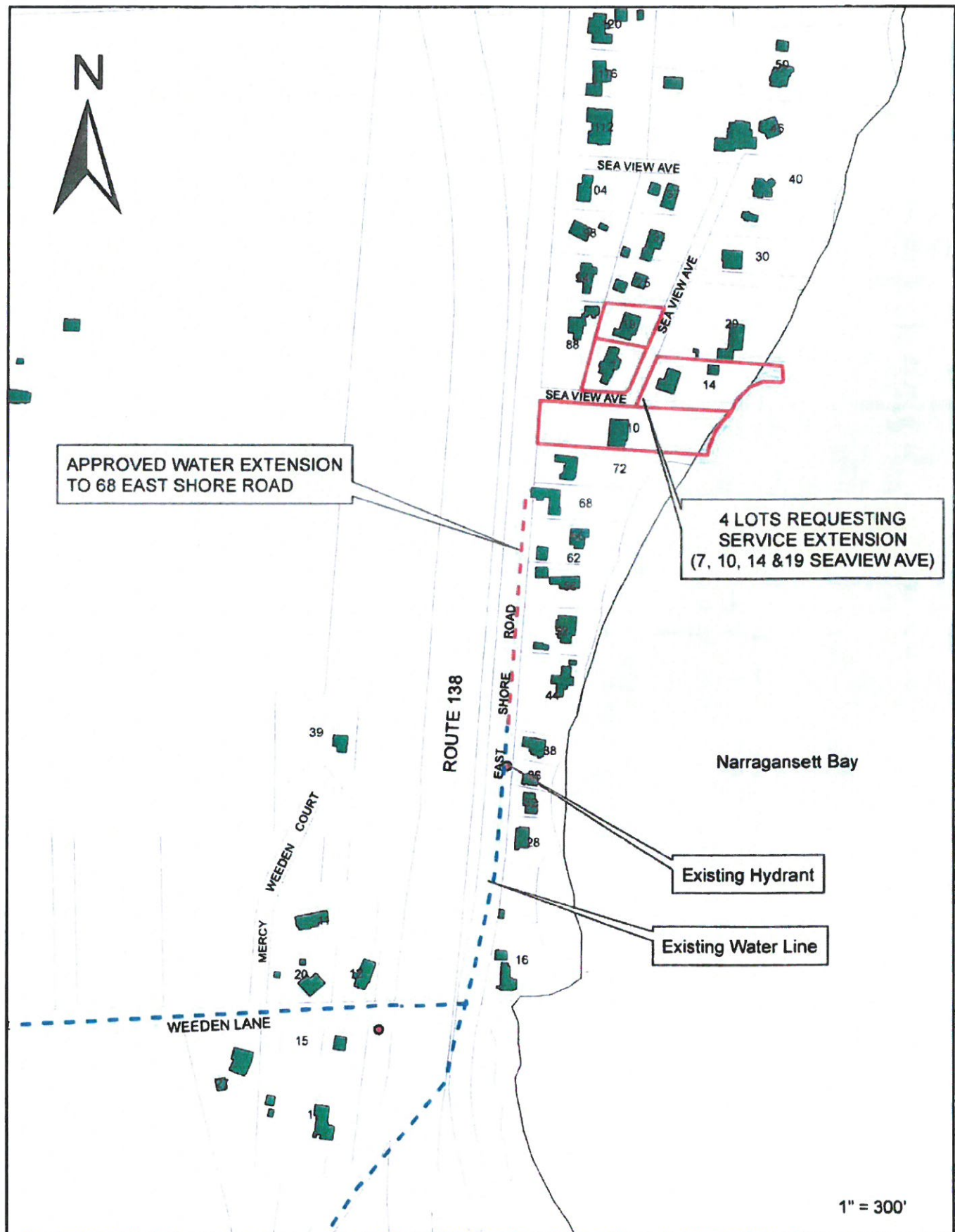
The four applications before the board have applied for a connection based upon inadequate well yield. Laboratory Reports that have been submitted indicate that ground water conditions are impacted by salt water intrusion. Options to resolve the water quantity and quality issues that involve hydro-fracking, well drilling, and onsite water treatment systems may not be feasible as the reports indicate for 10 and 14 Seaview Avenue. The owner for 19 Seaview Avenue has installed a new well but they continue to experience the same water quality and quantity issues. The well inspection and pumping report for 10 Seaview Avenue shows bedrock/geologic conditions produce limited yield to meet well industry standards. Low well yield also impacts the ability for onsite water treatment to improve water quality as indicated in the report for 14 Seaview Avenue where they have installed a reverse osmosis system.

The four properties are located in the Rural Water District and do not front on an existing watermain therefore an extension will be required. Section 14 b of the Rules and Regulations of the Board of Water and Sewer Commissioners prohibit extensions in the rural water district. The Regulations allow the Commissioners the ability to approve an extension if it is found that there is capacity in the system for the new connections and if the extension improves the quality or quantity of water to existing users. The recent changes to the Rhode Island General Law 46-15-2 requires that applications be accepted by water suppliers and that each be reviewed in accordance with standards 1-7 listed in the law (see attached pages 2 and 3).

We have been involved over the past several months in updating the Water System Supply Management Plan including an updated water district build-out analysis. This update includes an analysis of current and projected water demands within the water district and a review of available water supply in the system. Watermain extensions outside of the current water district limit was not part of this analysis when determining future demand on the available water supply. The current supply does not produce enough water to meet maximum day demands presently. Forecasted data indicate that average day demand at build-out within the existing district exceeds the available capacity of our reservoir and well. Extensions of watermain outside of the district boundaries will place additional demand stress on the limited supply not factored into the build-out analysis. Our engineering consultant does not believe that expansion of the water district would be prudent due to the limited capacity of the water supply. An extension of a watermain to the north on East Shore Road will be an expansion of our district.

The attorney states in the application for 10 Seaview Avenue that their application is for one house and no other. Presently the Commission has three applications from neighboring properties claiming similar conditions with their well. The Commission may not be able to make a decision in a vacuum for one property owner. Watermain extensions must not be completed incrementally on the same street in the same neighborhood. Extensions if approved must be planned and limits must be set.

The four applications have provided information relative to conditions on their property and for each individual well. Following presentation and testimony from each of the applicants it will be important to define the extent and duration of the groundwater issues for each of the properties. The Commission can then focus on if there is an obligation to expand the water service area as they are requesting. The rules and regulation require that there is available capacity and that there be a benefit to existing users with the extension.



2022 -- H 7782

LC005284

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES MANAGEMENT

Introduced By: Representative Joseph J. SolomonDate Introduced: March 03, 2022Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 46-15-2 of the General Laws in Chapter 46-15 entitled "Water
2 Resources Management" is hereby amended to read as follows:

3 **46-15-2. Approval of public water supply facilities.**

4 (a) No municipal water department or agency, public water system, including special water
5 districts or private water company, engaged in the distribution of water for potable purposes shall
6 have any power:

7 (1) To acquire or take a water supply or an additional water supply from an existing
8 approved source;

9 (2) To take or condemn lands for any new or additional sources of water supply or for the
10 utilization of supplies;

11 (3) To extend its supply or distribution mains into a municipality or special water district
12 wherein it has not heretofore legally supplied water;

13 (4) To construct any extension of its transmission mains;

14 (5) To extend the boundaries of a special water district; or

15 (6) To supply water in or for use in any other municipality or civil division of the state
16 which owns and operates a water supply system therein, or in any duly organized special water
17 district supplied with water by another municipal water department or agency, special water district,
18 or private water company, until the municipal water department or agency, special water district,
19 or private water company has first submitted the maps and plans therefor to the director of the

1 department of health, the state planning council and the board, as hereinafter provided, and until
2 the water resources board, after receiving the recommendations of the director of the department
3 of health and the division of statewide planning, shall have approved the recommendations or
4 approved the recommendation with modifications as it may determine to be necessary; provided,
5 however, this subsection shall not apply to any area presently served by any municipal water
6 department or agency, or special water district.

7 (b) Approval shall not be necessary of any plan or work for the extension of supply or
8 distributing mains or pipes of a municipal water supply plant or special district or private water
9 company into and for the purpose of supplying water in any territory within the limits of the
10 municipality or special district or within the franchise area of the private water company, owning
11 the plant, including territory within the municipal special district or franchise limits which has not
12 been heretofore supplied with the water by the plant, nor for the reconstruction or replacement of
13 existing facilities in connection with an existing plant, wherein the capacity of the plant is in no
14 way increased, nor for the construction of filtration or other treatment facilities which will not in
15 any way increase the amount of water which can be made available from the present sources of
16 supply. Notwithstanding any provision of this section to the contrary, a municipal water
17 department, agency, public water system governed under this section shall review applications for
18 plans or work for the extension of supply or distribution mains or pipes in accordance with the
19 following standards:

20 (1) Such application must not be prohibited by the specific language of the latest water
21 supply system management plan ("WSSMP") of the public water supply system.

22 (2) Such applications must comply with the design and construction standards and
23 specifications established by the public water supply system for the sizing and location for the
24 infrastructure.

25 (3) Such extensions shall not reduce the necessary level of fire protection for the
26 community.

27 (4) All water main and service connection materials, construction and inspection required
28 hereunder shall be at the sole cost and expense of the applicant.

29 (5) The public water supply system shall be granted an easement in a form acceptable to
30 them which shall permit the maintenance, repair or replacement of water lines and all other related
31 activities.

32 (6) For applications for single-family residential lots, the applicant must show that:

33 (i) The existing or proposed well for the property does not meet the well industry standard
34 as described in the department of environmental management regulations for "yield per depth of

1 well chart;" which is required by the department of health for a dwelling unit, and

2 (ii) Due to the unique characteristics of the property that the drilling of a new well is not
3 feasible;

4 (7) For applications located within a public water supply system with limited capacity,
5 applicants for commercial uses/properties shall be governed by the rules established for such
6 connections by the public water supply system, which shall be in accordance with the system's
7 approved WSSMP.

8 A public water supply system governed under this section may provide for lower standards
9 for approval for residential property if such standards meet the requirements of the agency's state-
10 approved WSSMP, and such WSSMP is not expired.

11 (c) The water resources board shall enforce the provisions of this section, and the superior
12 court by injunction may, upon application of the water resources board, prevent any action to be
13 taken by any municipal water agency or department, special district, or private water company
14 without the approval of the water resources board as required by this section.

15 SECTION 2. Chapter 46-15 of the General Laws entitled "Water Resources Management"
16 is hereby amended by adding thereto the following section:

17 **46-15-2.1. Appeals.**

18 An applicant may appeal a denial by a public water supply facility made under § 46-15-
19 2(b) which shall be reviewable by the state agency or commission having jurisdiction over the
20 public water supply facility and thereafter by superior court pursuant to the standards and
21 timeframes set forth in § 42-35-15 ("administrative procedures").

22 SECTION 3. This act shall take effect upon passage.

=====
LC005284
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES MANAGEMENT

1 This act would provide the standards for reviewing applications for plans or work for the
2 extension of supply or distribution mains or pipes. This act would also add an appeal of a denial by
3 a public water supply facility pursuant to the administrative procedures act § 42-35-15.

4 This act would take effect upon passage.

LC005284

Reading Your Water Analysis Report



Lab reports are the lists of codes and numbers that show the results of your water testing.

Here's a quick guide to understanding the different numbers and labels you may see on yours.

IMPORTANT:

This sheet is for only for educational purposes, and there are many other factors around your well and water that aren't covered here. You should talk to a qualified water professional (such as your laboratory's licensed interpreter) before making any decisions or changes to your well or home water system.

All private well water lab reports from certified laboratories will generally have the same information, though sometimes in a different order or under slightly different names.

The example here is from the Rhode Island State Health Laboratories.

1	2	3	4	5	6				
Analytical Method	Test	Test Code	Flag	Result	Units	Reporting Limit	Analysis Date	Approved By	
300.0	CHLORIDE	WL20		10.5	mg/L	0.20	01/03/2019	RW	
4500F-C	FLUORIDE	WL21		1.66	mg/L	0.20	12/28/2018	RW	
353.2	NITRITE	WL56		< 0.02	mg/L	0.02	12/21/2018	RW	
200.8	LEAD	WL63		< 0.001	mg/L	0.001	12/26/2018	RW	

- 1 The **Method** column shows which EPA-approved steps the lab used for each test. Some labs will put these codes on a separate page.

NOTE:

Certified labs *must* use EPA-approved methods. If your report doesn't have these codes on it, the report may not be from a certified water testing lab.

- 2 The **Test** (or sometimes **Parameter**) column lists each specific thing you tested for.
- 3 The **Test Code** column is that laboratory's own code system, if they have one.
- 4 The **Flag** (or sometimes **High**) column may have a marker show up if your result for that test is over the EPA's health limit or recommended amount.
- 5 The **Result** column shows how much was in your water sample. Be sure to look at the units when comparing them to the health limits - 1 milligram (mg/L) equals 1,000 micrograms (ug/L) and that makes a big difference!

Sometimes you might see the letters 'ND' for 'Not Detected' or a number with a 'less than' sign in front (like in the example). This means that the amount was too small to be seen by the equipment, or possibly not there at all.

Some tests, like Total Coliform Bacteria and E.coli, will only show up as Present/Positive or Absent/Negative. Others might have special unit labels on them, like pH. If you don't know what they are, the laboratory can explain them to you.

- 6** The Reporting Limit column tells you the smallest amount of something that the lab equipment can see. This is *not* your result or the health limit.

Other pages in the report

There are often other pieces of paper that come with your results. Some examples you might see:

- The Chain of Custody form shows exactly who handled your sample and when. This makes sure that there were no handling mistakes and all holding time limits were followed.
- If a licensed sampler from the lab came to take your water, they may also include the sample collection sheet for your records.
- Some labs will have a separate page that explains what their labels and symbols mean. This is good to read, since all labs' reports will look at least a little different.
- If you tested for Volatile Organic Compounds (VOCs), you may also get a page that has a few chemicals labeled 'surrogates' on it. These aren't results from your water sample. They just look and act like the real VOCs, so the labs use them for comparison during analysis.

What it all means

One way to read your report is by comparing your numbers to the health limits and recommended levels (which are set by the EPA and State, provided on the next few pages). Every well and system is unique, however, so what's 'normal' for your water might not always fit the ranges for some tests.

There are many tests that look for *clues* instead - things like pH, hardness, or chloride. There are no health limits for these, but they can help you do things like find the source of a problem or choose the right treatment system.

Also, certified laboratories will have someone on staff called an Interpreter whose job it is to talk to you about your results. If you have questions, call your lab and ask to speak to them.

Next steps

If you have talked to the lab's Interpreter about your results and are thinking about treatment, the Center for Drinking Water Quality can provide resources and talk with you about options.

401-222-6867 | DOH.RIDWQ@health.ri.gov | health.ri.gov/water/for/privatewellowners/

Primary Standards

There are two sets of water quality standards. Primary Standards are for things associated with health risks, and Maximum Contaminant Levels (MCLs) are the amount where there may be health effects. RIDOH recommends looking into treatment when your results are more than half of that amount.

MICROBIOLOGICAL

Total Coliform Bacteria	'ABSENT' or 0
Fecal Coliform Bacteria (<i>E.coli</i>)	'ABSENT' or 0

INORGANIC CHEMICALS, mg/L

Antimony	0.006	Cadmium	0.005	Mercury	0.002
Arsenic	0.01	Chromium (Total)	0.1	Nitrate	10
Asbestos	7 MFL	Cyanide	0.2	Nitrite	1
Barium	2.0	Fluoride	4.0	Selenium	0.05
Beryllium	0.004	Lead	0.015	Thallium	0.002

ORGANIC CHEMICALS, mg/L

Alachlor	0.002	1,2-Dichlorobenzene	0.6	Dioxin (2,3,7,8-TCDD)	3 PPQ*
Atrazine	0.003	1,4-Dichlorobenzene	0.075	Diquat	0.02
Benzene	0.005	1,2-Dichloroethane	0.005	Endothall	0.1
Benzo(a)pyrene	0.0002	1,1-Dichloroethene	0.007	Endrin	0.002
Carbofuran	0.04	cis-1,2-Dichloroethene	0.07	Ethylbenzene	0.7
Carbon Tetrachloride	0.005	trans-1,2-Dichloroethene	0.1	Ethylene Dibromide (EDB)	0.00005
Chlordane	0.002	1,2-Dichloropropane	0.005	Glyphosate	0.7
Chlorobenzene	0.1	Di(2-ethylhexyl) adipate	0.4	Heptachlor	0.004
2,4-D	0.07	Di(2-ethylhexyl) phthalate	0.006	Heptachlor Epoxide	0.002
Dalapon	0.2	Dichloromethane	0.005	Hexachlorobenzene	0.001
1,2-Dibromo-3-chloropropane	0.0002	Dinoseb	0.007	Hexachlorocyclopentadiene	0.05

TABLE CONTINUED ON NEXT PAGE ▼

* 1 PPQ (part per quadrillion) equals 0.000000001 mg/L.

ORGANIC CHEMICALS, mg/L (continued)

Lindane	0.0002	Simazine	0.004	1,2,4-Trichlorobenzene	0.07
Methoxychlor	0.04	Styrene	0.1	1,1,1-Trichloroethane	0.2
MTBE	0.04	Tetrachloroethene	0.005	1,1,2-Trichloroethane	0.005
Oxamyl (Vydate)	0.2	Toluene	1	Trichloroethene	0.005
Polychlorinated Biphenyls (PCBs)	0.0005	Toxaphene	0.003	Vinyl Chloride	0.002
Pentachlorophenol	0.001	2,4,5-TP (Silvex)	0.5	Xylenes (Total)	10
Picloram	0.5				

RADIOCHEMISTRY

Alpha Particles	15 pCi/L	Combined Radium 226/228	5 pCi/L
Beta Particles & Photon Emitters	4 millirem/yr	Uranium	30ug/L

Secondary Standards

The Secondary Standards are also called 'Nuisance Standards.' These are things that do not typically cause major health effects (unless advised by your doctor) but may do damage to your plumbing or affect the taste and color of your water.

SECONDARY REGULATIONS

Aluminum	0.2 mg/L	Iron	0.3 mg/L	Conductivity*	1,500
Chloride	250 mg/L	Manganese	0.05 mg/L	Sulfate	250 mg/L
Color	15 CU	Odor	3 TON	Total Dissolved Solids	500 mg/L
Copper	1.0 mg/L	pH	6.5 - 8.5	Turbidity	2.0
Fluoride	2.0 mg/L	Silver	0.1 mg/L	Zinc	5.0 mg/L
Foaming Agents	0.5 mg/L	Sodium	250 mg/L		

COMMON RANGES, OTHER

Alkalinity	100 - 200
Hardness**	60 - 120

* Also sometimes listed as 'Specific Conductance.'

** Hardness is tied to calcium levels, so this might be Calcium Hardness or Hardness with calcium separately.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RULES AND REGULATIONS GOVERNING THE ENFORCEMENT
OF CHAPTER 46-13.2 RELATING TO THE DRILLING
OF DRINKING WATER WELLS

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF GROUNDWATER AND FRESHWATER WETLANDS
291 PROMENADE STREET
PROVIDENCE, RHODE ISLAND 02908
December 1989

APPENDIX C

For the use of an individual household, a bedrock well of 6 inches in diameter shall be satisfactory when it meets the following minimum criteria:

with a yield of 5 gallons per minute a minimum depth of 100' is required.

with a yield of 3 1/2 gpma minimum depth of 150' is required.

with a yield of 2 gpma minimum depth of 200' is required.

with a yield of 1 gpm.....a minimum depth of 300' is required.

with a yield of 1/2 gpm.....a minimum depth of 450' is required.

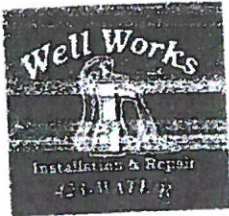
This is assumed that the static level is between 25 to 35 feet and the pump has been appropriately set to insure maximum productivity. The above is intended as a construction standard and does not imply or guarantee actual yield.

Special caution should be exercised in coastal areas because of potential saltwater intrusion.

October
2018

Wellworks LLC
65 North Road
Jamestown, RI 02835
(401) 423-9283 - phone
(401) 423-3355 - fax

Address: of inspection	7 Seaview Ave. Jamestown
Name of Client:	Priority Inspections
Type of well:	Private well
Describe the water pressure @ the top floor and throughout house:	Good
Does the water flow meet local requirements at the time of testing?	No, at this time it does not meet state requirements
GPM	2.5gpm at the time of inspection
Was water sample sent out?	No
Date taken:	N/A
Date sent:	N/A
Parameters tested:	N/A
Location taken:	N/A
Describe any water purification systems installed:	N/A
Are there any visual signs of leakage or defeats?	No
Type of well	Drilled Well
Well depth	100'
Well location	In back of the garage
Connection	Pitless
Seal	
Condition of pump	
Motor	2 Wire
Drop pipe	Poly Pipe
Size	1"
Wire size (trench)	
Wire size (well)	12-AWG
Tank description	FL-12
Condition	Good from 2014
List all necessary repairs. Be very descriptive and include estimated cost of repair	Install a 500-gallon Storage Tank w/ a booster pump and UV light
Seasonal variations may affect water level and supply in well during dry and wet periods.	
Fee of the above well inspection	
Technician Performing Test	Jimmy/Mike



WELLWORKS LLC
P.O. Box 1
Jamestown, RI 02835
401-423-9283
info@wellworksllc.com
http://www.wellworksllc.com

ADDRESS

7 Seaview Ave. Jamestown
440 Dry Bridge Rd Unit 1
North Kingstown, RI 02852

ESTIMATE 1080

DATE 10/01/2018

EXPIRATION DATE 11/03/2018

SALES REP

Jimmy

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
------	----------	-------------	-----	------	--------

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
10/01/2018	Estimate	<p>Due to the Well not meeting the State recommendations and due to the location of salt water and the high possibility of losing the Well to salt water we recommend the estimate below.</p> <p>We recommend One 500 Gallon Storage Tank. The tank will supply you an extra 500 gallons of storage. This tank will be located in the basement.</p> <p>Along with the Tank, we will be installing a SQE 3" 220V 10GPM Grundfos Pressure System (VFD) inside the tank to supply the house with more water. A Solenoid Valve with a Pump up and down Float will control the on and off of the water and the level of the water inside the tank. The water will then be pumped out from there by the Constant Pressure Pump System into the FL-12 Tank that is currently residing in the house and from there into the house.</p> <p>A 10GPM UV light will be installed to eliminate any chance of bacteria growing in the water. Leak Protection System will be installed which will shut off the water if there is a leak. The system is located directly outside the tanks.</p> <p>This Estimate includes the following: Installation of a Grundfos SQE 10GPM Constant Pressure Pump System CU301 Constant Pressure SS Manifold Installation of 1-500 gallon Norwesco Storage Tank. Installation UV Light to prevent bacteria Tank S.S. Manifold Solenoid Valve High Water Alarm and Float Pump Tech to protect the pump if for any reason the pump has a high amperage or low amperage change. Leak Protection System- to shut off the pump due to any leak. 8 hours for labor Misc fittings Freight</p>	1	7,366.77	7,366.77

Electrician is not included

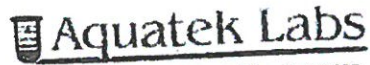
1/2 Down required upon acceptance of this Estimate

TOTAL

\$7,366.77

Accepted By

Accepted Date



3 Research Drive - Woodbridge, CT 06525
Water Analysis Report

TEST ID: D092718208
DATE SAMPLED: 9/26/2018
SAMPLE POINT: KITCHEN
NO TREATMENT SPECIFIED
SAMPLED BY: ERNIE SILVIO


TO: PRIORITY INS 423

PROPERTY LOCATION: 7 SEAVIEW AVENUE - JAMESTOWN, RI

	ABSENT	PRESENT	LIMITS	REF	METHOD
BACTERIA					
Coliform (Total)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ABSENT P		SM 9223
E. Coli (Fecal)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ABSENT P		SM 9223
Chlorine (Total)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ABSENT -		SM 4500-CL G

CONCLUSION: Based on the above results, this water was safe for drinking purposes at the time of collection.

P = Primary limit, used to judge potability
S = Secondary limit, recommended but not required
MRL = Minimum Reportable Level
* Limit exceeded
ND = None Detected
CT License #PH-0486, Aquatek Labs
R = Reference Lab Work


Michael F. Berman, Ph.D.
Laboratory Director

Roberta Fagan

From: Suzanne Gagnon <gagnons1010@gmail.com>
It: Tuesday, April 16, 2024 4:17 PM
To: Michael Gray
Cc: Denise Jennings; Roberta Fagan
Subject: Re: Application to Water and Sewer - February 2, 2024 Town Water Application for 7 Seaview Avenue
Attachments: SKM_C454e24041610490- Water Application 7 Seaview.pdf

CAUTION: This email originated from outside the Jamestown email system. Please do not click links or open attachments unless you recognize the sender and determine the content is safe.

Michael,
Thank you for following up - I was wondering what happened to the report. While we have not submitted as detailed information as our neighbors provided, I do think Wellworks' report clearly indicates our well does not meet the state requirements and the report also states there is a high probability of losing the well to salt water. Our lot is the smallest of our 3 most proximal neighbors - none of whom has the ability to dig a new well. The remedy given to us at the time of closing on our home was to add the storage tanks because there was no place for us to dig a new well. Please let me know if the Board would require us to bring in lawyers and experts, which are likely to be the same ones who have already spoken at yesterday's meeting, saying the same thing at additional cost.

I do want to remind you that we will be out of state the first 2 weeks in May and therefore may not be able to make the next meeting - please do not interpret this as a lack of interest on our part and we can get a lawyer to represent us if need be. Just let us know.

Thank you.
Suzanne and Stephen

On Tue, Apr 16, 2024 at 9:34 AM Michael Gray <mgray@jamestownri.net> wrote:

Good Morning Ms. Gagnon,

I must apologize for the meeting last night.

I have attached the information that we have for your application.

Can you please review this information for completeness.

If there are any missing reports please provide a copy for the next meeting agenda.

If you have any questions please feel free to give me a call 423-7225.

CORRECTED

7 Seaview Avenue
Jamestown, RI 02835
May 1, 2024

Michael Gray, P.E.
Public Works Director
Town of Jamestown

Dear Mr. Gray,

As per your instruction, this letter is to request a continuance of our original application for the Board's approval to connect to the Jamestown district water supply if, in fact, the Board is unable to render a decision May 6 based on our application and supplemental information submitted with the application on February 2, (which was lost at the April 16 meeting then found the next day) and our in person responses to the Board's questions at the April 16 meeting. At that time and in a follow up email we did make the Board aware that we would be out of state the first 2 weeks of May and unable to attend a May 6 meeting, and related it was not from a lack of concern or interest in the outcome of our application. We offered to submit additional material prior to May 6 and send a lawyer or an expert to represent us if need be. While we agree that the determination to bring in outside counsel is our decision, no additional information has been requested from the town aside from this letter. Our house's location in relation to our neighbors who also have well issues and the independent report stating our well does not meet state requirements is clear from the information already provided to the Board, so we hope that a decision on our application can be rendered on May 6 without further delay.

Note that we will be in Jamestown after May 16 and should be able to attend a May 20 meeting if necessary.

Please let us know if any additional information will be required if we are rescheduled for that meeting.

Sincerely,

Handwritten signatures of Suzanne Gagnon and Stephen Zimniski. The signature of Suzanne Gagnon is on top, and the signature of Stephen Zimniski is below it, partially overlapping.

Suzanne Gagnon and Stephen Zimniski
7 Seaview Avenue
Jamestown, RI 02835

JANUARY SESSION, 1968—CHAPTER 273. 1143

CHAPTER 273.

AN ACT Providing for a Public Water Supply in the Town of Jamestown.S 934
Approved
June 21, 1968.

It is enacted by the General Assembly as follows:

Section 1. There is hereby established a board of water commissioners for the town of Jamestown consisting of three qualified electors of the town.

Board of
water commis-
sioners: Ap-
pointment.

Forthwith after the passage of this act, the town council shall elect three water commissioners, one to serve until March 1, 1969, one until March 1, 1971, and one until March 1, 1973, and thereafter until their successors are elected and qualified. Forthwith after the beginning of each calendar year in which any term expires, the town council shall elect a successor for a term of five years from March 1 of the year in which he is elected and thereafter until his successor is elected and qualified.

The board of water commissioners may act despite a vacancy on the board but, in the event of any vacancy, the town council shall elect a commissioner to serve for the unexpired term and thereafter until his successor is elected and qualified.

Vacancy.

Each election or removal by the town council shall be by vote of a majority of the whole number thereof, including vacancies therein.

Vote of town
council.

No employee of the town or holder of any other office of the town shall be eligible to serve as a member of the board of water commissioners.

Qualifications.

*all four applications**(1)**5/6/24**Submitted by Councilor/
Commissioner R. White*

1144 JANUARY SESSION, 1968—CHAPTER 273.

Bond.

The town council may require the members of the board of water commissioners to furnish bond for the faithful performance of their duties, in such amounts and with such sureties as the town council may deem desirable. Premiums on surety bonds shall be paid from funds of the board of water commissioners.

Conflict of interest.

No contract shall be made by the board of water commissioners with any member of the board or with the superintendent of the water works system (except his contract of employment) or with any member of their immediate families or with any firm or corporation in which the superintendent or any member of the board, together in either case with the members of his immediate family, owns more than one per cent of the total proprietary interest, unless such direct or indirect interest of the member or superintendent is set forth in the minutes of a meeting of the board prior to the making of such contract and the member or superintendent abstains from voting or acting for the district, as the case may be, in making such contract. A violation of this paragraph shall be grounds for avoiding, rescinding or cancelling the contract on such terms as the interests of the town and innocent third parties may require or for the recovery of damages from any party acting in violation of this paragraph.

Removal for cause.

Any member of the board may be removed for cause by the town council.

Officers.

Sec. 2. Forthwith after the election of the original board of water commissioners and after the election of a member upon the expiration of a term, the board shall elect a chairman from among the members of the

JANUARY SESSION, 1968—CHAPTER 273. 1145

board and shall elect a secretary, who need not be a Same. member of the board, or designate the town clerk as secretary. The chairman shall preside at meetings of the board and the secretary shall keep the records of the meetings of the board. The board may designate other officers and assistant officers with such powers and for such terms as the board may determine but the board may at any time remove any such other officers and assistant officers with or without cause, subject to any damages which may be payable for cancellation of a contract with the superintendent as authorized below.

The board shall adopt by-laws or rules for the By-laws. transaction of its affair.

Sec. 3. The board of water commissioners may employ and fix the compensation of attorneys, engineers, surveyors, draftsmen, clerks and other employees and agents. The board may elect a superintendent of the water works system and each contract for his services shall not be more than five years. The board may require a surety bond of any of its agents and employees. The premiums shall be paid from funds of the board. Professional and other employees.

Each of the commissioners shall be compensated for his services at the rate of one hundred dollars per year. The secretary, if not a member of the board or the town clerk acting by designation, shall be compensated at the same rate. Compensation of members.

Sec. 4. The board of water commissioners shall be vested with the power and authority to acquire by purchase, subject to approval of a special or annual financial town meeting the assets of the Jamestown Powers of commission.

1146 JANUARY SESSION, 1968—CHAPTER 273.

Same.

Water Company, and thereafter may construct, operate, maintain, extend and improve a water works system for the town and to provide an adequate supply of water for the town or any part thereof. The board is authorized, subject to the approval of the town council, to contract for periods not exceeding forty years with the state, any other municipal or quasi-municipal corporation or with the owners of any privately owned water systems for the purchase or sale of water or for the use of water facilities and the state, such other municipal or quasi-municipal corporations and the owners of privately owned water systems are authorized to enter into such contracts with the board.

Contracts involving more than \$1000.

Any contract of the board involving more than \$1,000. for construction or for the purchase of materials or equipment, not including contracts for the purchase of water, shall be publicly advertised.

Custody of funds.

All funds of the board shall be held in the custody of the town treasurer separate from other funds of the town and shall be expended by or under the direction of the board.

Expenditure of funds.

In addition to the funds hereinafter provided, the board is authorized to expend for the purposes of this act such sums as may be appropriated therefor by the town.

Acquisition of property.

In carrying out the purposes of this act, the board of water commissioners may lease property or acquire the same by purchase or gift or by eminent domain as hereinafter provided, may make contracts and shall have such further powers as shall be necessary or incidental to the purposes and powers set

JANUARY SESSION, 1968—CHAPTER 273. 1147

forth in this act. Any lease, purchase or taking of real property shall be subject to the approval of the town council.

Sec. 5. For the purposes of this act the board of water commissioners may, subject to the approval of the town council, and of a special or annual financial town meeting called for the purpose acquire by eminent domain land or other real property, or any interest, estate or right therein, whether lying within or without the town, including the right to take water from any source. Condemnation.

Without limiting the generality of the foregoing, the board of water commissioners may, subject to the approval of the town council, and of a special or annual financial town meeting called for the purpose acquired by eminent domain all or any part of the real and personal property, or any interest, estate or right therein, belonging to the Jamestown Water Company, including the right of said company to take water from any source. Same: Property of Jamestown water company.

A taking under this section shall be substantially in the manner and subject to the provisions (so far as apt) set forth in chapter 1 of title 24 of the general laws as heretofore or hereafter amended, provided that a taking under the preceding paragraph shall not require the consent of the division of public utilities. Manner of taking.

Whenever the board shall dig up any public street or highway for laying or maintaining pipe, the board shall repair any damage cause thereby to such street or highway. Streets and highways.

1148 JANUARY SESSION, 1968—CHAPTER 273.

Obligation
for damages.

Any damage which may be agreed upon or determined for any taking under this section, including any interest and other applicable charges, shall constitute a general obligation of the town, but such obligation shall not at any time be included in the debt of the town for the purpose of ascertaining its borrowing capacity for water or other purposes.

Payment in
lieu of taxes.

Sec. 6. The property acquired and held under this act shall not be subject to taxation or assessment by the town of Jamestown, but not exceeding ten thousand dollars per annum, as determined by the town council, shall be paid from funds of the board of water commissioners to the town in lieu of taxes.

Water rates.

Sec. 7. The board of water commissioners is authorized from time to time to fix water rates for the water furnished by the board, which may be based upon the quantity of water used or the number and kind of water connections made or the number and kind of plumbing fixtures installed on the estate or upon the number or average number of persons residing or working in or otherwise connected therewith or upon any other factor affecting the use of or the value of the water furnished or upon any combination of such factors.

The rates shall be fixed so as to be sufficient to meet the expense of operation and maintenance and the principal and interest coming due on bonds and serial notes issued by the town for the purposes of this act and to provide such reserves as the board may deem necessary.

JANUARY SESSION, 1968—CHAPTER 273. 1149

Hydrant rentals shall be charged to the town for ^{Same.} each year at such rates as the board may determine from time to time. The town shall also be subject to the water rates for other water consumed by the town.

The rates shall be payable upon a date or dates fixed by the board and if not paid within thirty days thereafter they shall bear interest at the rate of eight per cent per annum from their due date until paid.

The board shall cause notice of the amount and due date to be mailed or otherwise sent or given to the owner of the real estate or the tenant or occupant, who shall be personally liable therefor.

A certificate of the collector of taxes of the town stating the amount of any delinquent rate and its due date and the name of the owner of the real estate and the name of the tenant or occupant if assessed to a tenant or occupant who is not the owner and an identification of the real estate shall be filed with the town clerk as a public record, and notice of such filing shall be mailed or sent or otherwise given to such owner. From the date of such filing until the same is paid in full, such delinquent rate together with any interest and charges accruing thereon shall constitute a lien upon the real estate on a parity with the lien for town taxes.

The collector of taxes shall have the same rights to enforce such liens and to collect the rates and interest and charges thereon as he has in the case of town taxes.

No irregularity in carrying out the provisions of this section shall excuse non-payment of any water rate as long as there is substantial compliance with the pro-

1150 JANUARY SESSION, 1968—CHAPTER 273.

Same.

visions hereof and no deficiency in any notice to any party or in any filing with respect to any party shall excuse non-payment by any other party.

In the event a water rate is partially or wholly invalid or unenforceable in any respect, the board may impose a corrected rate to replace the invalid rate or portion or take such other curative action as may be appropriate.

In case of non-payment of any water rates or charges or interest thereon with respect to any house, building, tenement or estate, the board of water commissioners is authorized, by its agents and employees, to shut off the water and for this purpose to enter such house, building, tenement or estate, and need not supply water again thereto until the water rates and charges or interest thereon have been paid in full.

Application
of receipts.

Sec. 8. The receipts from water rates, including any net earnings or profits realized from the deposit or investment thereof, shall be deemed appropriated to the board for the purposes set forth in section 4 and for the payment of the principal and interest on obligations incurred by the town for the purposes of this act.

The town treasurer, with the approval of the town council, is authorized to advance moneys to the board of water commissioners from the general funds of the town in amounts not exceeding the sums to be realized from water rates within the next six months as estimated by the board of water commissioners. Such advances shall be repaid without interest from such water rates.

JANUARY SESSION, 1968—CHAPTER 273. 1151

Sec. 9. The town of Jamestown is hereby authorized, in addition to authority previously granted, to issue bonds from time to time under its corporate name and seal or a facsimile of such seal to such amount as will not cause the principal amount of bonds outstanding hereunder to exceed ten per cent of the last assessed valuation of the taxable property of the town. The principal of the bonds and interest thereon shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for public and private debts. The bonds of each issue shall mature in equal or diminishing annual installments of principal, the first installment to be not later than three years and the last installment not later than twenty-five years after the date of the bonds.

Bonds au-
thorized.

Sec. 10. The bonds shall be signed by the town treasurer and by the manual or facsimile signature of the president of the town council and shall be issued and sold at not less than par and accrued interest in such amounts as the town council may determine. The manner of sale, denominations, maturities, interest rates and other terms, conditions and details of any bonds or notes issued under this act may be fixed by the resolution of the town council authorizing the issue or by separate resolution of the town council or, to the extent provisions for these matters are not so made, they may be fixed by the officers authorized to sign the bonds or notes. The bonds of each issue shall bear interest at a rate or rates not exceeding six per cent per annum. Coupons shall bear the facsimile signature of the town treasurer. The proceeds derived from the sale of the bonds shall be delivered to the town treasurer, and such proceeds exclusive of premiums and

Bonds, how
executed.

Interest.

Proceeds.

JANUARY SESSION, 1968—CHAPTER 273. 1151

Sec. 9. The town of Jamestown is hereby authorized, in addition to authority previously granted, to issue bonds from time to time under its corporate name and seal or a facsimile of such seal to such amount as will not cause the principal amount of bonds outstanding hereunder to exceed ten per cent of the last assessed valuation of the taxable property of the town. The principal of the bonds and interest thereon shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for public and private debts. The bonds of each issue shall mature in equal or diminishing annual installments of principal, the first installment to be not later than three years and the last installment not later than twenty-five years after the date of the bonds.

Bonds au-
thorized.

Sec. 10. The bonds shall be signed by the town treasurer and by the manual or facsimile signature of the president of the town council and shall be issued and sold at not less than par and accrued interest in such amounts as the town council may determine. The manner of sale, denominations, maturities, interest rates and other terms, conditions and details of any bonds or notes issued under this act may be fixed by the resolution of the town council authorizing the issue or by separate resolution of the town council or, to the extent provisions for these matters are not so made, they may be fixed by the officers authorized to sign the bonds or notes. The bonds of each issue shall bear interest at a rate or rates not exceeding six per cent per annum. Coupons shall bear the facsimile signature of the town treasurer. The proceeds derived from the sale of the bonds shall be delivered to the town treasurer, and such proceeds exclusive of premiums and

Bonds, how
executed.

Interest.

Proceeds.

1152 JANUARY SESSION, 1968—CHAPTER 273.

Same.

accrued interest shall be expended (a) for the purposes set forth in section 4, excluding current operating and maintenance expenses but including extraordinary repairs, or (b) in payment of the principal of or interest on temporary notes issued under section 11 of this act or (c) in repayment of advances under section 12 of this act. No purchaser of any bonds or notes under this act, however, shall be in any way responsible for the proper application of the proceeds derived from the sale thereof. The proceeds of bonds or notes issued under this act, any applicable federal assistance and the other moneys referred to in this act shall be deemed appropriated for the purposes of this act without further action than that required by this act.

Temporary
notes.

Sec. 11. The town council of the town of Jamestown may authorize the issue from time to time of interest bearing or discounted notes in anticipation of the authorization or issue of bonds under section 10 of this act or in anticipation of the receipt of federal aid for the purposes of this act. The amount of original notes issued in anticipation of bonds may not exceed the amount of bonds voted under section 19 and the amount of original notes issued in anticipation of federal aid may not exceed the amount of available federal aid as estimated by the town treasurer. Temporary notes issued hereunder shall be signed by the town treasurer and by the president of the town council and shall be payable within three years from their respective dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes hereunder, provided the period from the date of an original

JANUARY SESSION, 1968—CHAPTER 273. 1153

note to the maturity of any note issued to renew or pay the same debt or the interest thereon shall not exceed three years.

Sec. 12. The town treasurer, with the approval of the town council, may advance moneys to the board of water commissioners from the general funds of the town in anticipation of the authorization or issue of bonds under section 10 or in anticipation of the receipt of federal aid. Any advances in anticipation of bonds may not exceed the amount of bonds voted under section 19 and any advance in anticipation of federal aid may not exceed the amount of available federal aid as estimated by the town treasurer. In addition, any appropriation by the financial town meeting for the purposes of clause (a) of section 10 shall be treated as an advance under this section if so voted by the financial town meeting. An advance under this section shall be repaid without interest from the proceeds of bonds or notes subsequently issued or from the proceeds of applicable federal assistance or from other available funds.

Advances
from general
funds of
town.

Sec. 13. Any proceeds of bonds or notes issued hereunder or of any applicable federal assistance or of any water rates, pending their expenditure, may be deposited or invested by the town treasurer in demand deposits, time deposits or savings deposits in banks which are members of the Federal Deposit Insurance Corporation or in obligations issued or guaranteed by the United States of America or by any agency or instrumentality thereof or by the state of Rhode Island or as may be provided in any other applicable law of the state of Rhode Island.

Investment of
proceeds pend-
ing expendi-
ture.

1154 JANUARY SESSION, 1968—CHAPTER 273.

Application
of accrued in-
terest pre-
miums and
profits.

Sec. 14. Any accrued interest received upon the sale of bonds or notes hereunder shall be applied to the payment of the first interest due thereon. Any premiums arising from the sale of bonds or notes hereunder, any net earnings or profits realized from the deposit or investment of bond or note proceeds or federal assistance hereunder and any balance of bond or note proceeds remaining after completion of the applicable project or projects shall, in the discretion of the town treasurer, be applied to the cost of preparing, issuing and marketing bonds or notes hereunder to the extent not otherwise provided, to the payment of the cost of the project or projects or the cost of other work for which bonds or notes could be issued hereunder, to the payment of the principal of or interest on bonds or notes issued hereunder or to any one or more of the foregoing. The cost of preparing, issuing and marketing bonds or notes hereunder may also, in the discretion of the town treasurer, be met from bond or note proceeds exclusive of premium and accrued interest or from other moneys available therefor. In exercising any discretion under this section, the town treasurer shall be governed by any instructions adopted by the town council.

Obligations of
town.

Exception.

Sec. 15. All bonds and notes issued under this act and the debts evidenced thereby shall be obligatory on the town of Jamestown in the same manner and to the same extent as other debts lawfully contracted by it and shall be excepted from the operation of section 45-12-2 of the general laws. No such obligation shall at any time be included in the debt of the town for the purpose of ascertaining its borrowing capacity under any other law. The town shall annually appro-

JANUARY SESSION, 1968—CHAPTER 273. 1155

prate a sum sufficient to pay the principal and interest coming due within the year on bonds and notes issued hereunder to the extent that moneys therefor are not otherwise provided. In order to provide such sum in each year and notwithstanding any provision of law to the contrary, all taxable property in the town shall be subject to ad valorem taxation by the town without limitation as to rate or amount, except that the rate of taxation on intangibles shall be limited as provided in section 44-5-6 of the general laws.

Amortization.

Sec. 16. Any bonds or notes issued under the provisions of this act and coupons on any bonds, if properly executed by officers of the town in office on the date of execution, shall be valid and binding according to their terms notwithstanding that before the delivery thereof and payment therefor any or all of such officers shall for any reason have ceased to hold office.

Validity of bonds not affected by change in office.

Sec. 17. The town of Jamestown, acting by its board of water commissioners, is authorized to apply for, contract for and expend any federal survey or planning advances or other grants or assistance which may be available for the purposes of this act, and any such expenditures may be in addition to other moneys provided in this act. To the extent of any inconsistency between any law of this state and any applicable federal law or regulation, the latter shall prevail. Federal survey or planning advances, with interest where applicable, whether contracted for prior to or after the effective date of this act, may be repaid as a cost of a project or projects under section 10 of this act.

Federal assistance.

Sec. 18. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary

Constitutional requirements.

1156 JANUARY SESSION, 1968—CHAPTER 273.

to meet constitutional requirements whether or not such steps are required by statute. The validity of bonds and notes issued hereunder shall in no way depend upon the validity or occurrence of any action not specifically required herein for the issue of such bonds or notes.

Vote of tax-
payers required
for each issue.

Sec. 19. Notwithstanding the foregoing provisions of this act, no bonds shall be issued in excess of amounts approved from time to time by vote of a majority of the electors present and voting on the question at an annual or special financial town meeting. A vote not to approve an amount of bonds hereunder shall not preclude any later vote to approve the same or a different amount.

P.L. 1933,
ch. 2066
repealed.

Sec. 20. Chapter 2066 of the public laws of 1933 is hereby repealed.

Referendum.

Sec. 21. The question of the approval of this act shall be submitted to the electors of the town of Jamestown qualified to vote upon a proposition to impose a tax or for the expenditure of money at a special financial town meeting the warning for which shall contain notice of the proposal to accept this act.

Act effective,
when.

Sec. 22. This section and section 21 hereof shall take effect upon passage. The remainder of this act shall take effect upon the approval of this act by a majority of those voting on the question as prescribed in section 21 hereof.



Town of Jamestown

Town Clerk's Office

Town Hall, 93 Narragansett Avenue
Jamestown, Rhode Island 02835-1199
401-423-9800 • Fax 423-7230
email: rfagan@jamestownri.net

Roberta J. Fagan
Town Clerk
Probate Clerk

June 28, 2024

Stephen Zimmiski and Suzanne Gagnon
7 Seaview Avenue
Jamestown, RI 02835

Re: Water Service Extension Request

Dear Mr. Zimmiski and Ms. Gagnon,

The following is the decision on your application for a water main extension and associated service connection outside of the Jamestown Urban Water District, dated January 2, 2024, to property identified as 7 Seaview Avenue, Jamestown, R.I. (AP 7 Lot 94) and placed on the Town of Jamestown Water and Sewer Commission ("Commission") meeting agenda for consideration and action.

Your application, along with three other applications for similar water service extension and connection requests to their nearby properties, was first considered by the Commission at their February 20, 2024, meeting. At their February 20, 2024, meeting, your application was continued because several new documents in support of your application were submitted that evening. The Commission continued your application for review and consideration to their meeting set for April 15, 2024. At the April 15, 2024, Commission meeting, you were not represented by legal counsel and chose to represent yourselves. Each of you were sworn in and made a statement into the record that you have been experiencing water-related issues at your property since you moved in in 2019.ⁱ Ms. Gagnon testified that a report was filed to show that two 250 gallon water storage tanks were installed on the property. Mr. Zimmiski testified that he was informed by a well contractor that no other well could be located on their property.ⁱⁱ During questioning by a commissioner, it was discovered that some information was missing from your application. After a discussion, it was agreed that your application be continued to the May 6, 2024, Commission meeting to afford you the opportunity to locate and submit the missing information.ⁱⁱⁱ

At the May 6, 2024, Commission meeting a letter was received from you requesting a continuance since neither you nor your wife could be present. You did, however, provide supporting information that was missing from the April 15th meeting application considered by the Commission. You offered no further presentation in support of your application.

Mr. Michael Gray, the Department of Public Works Director and who has responsibility for the

Town's Water and Sewer divisions, appeared and presented a report to the Commission concerning the Town's water supply and distribution system. Mr. Gray testified that the Town purchased the water plant and its water distribution system from a private company by authorization of a special act of the General Assembly passed in 1968 and the subsequent approval of the special act by local referendum.^{iv} Mr. Gray testified that the water system purchased by the Town only served a limited geographic area, primarily within the village area (referred to as the Urban District in the current water system supply management plan and rules) and areas south of the village where former military facilities were located.^v Mr. Gray testified that your property is located to the north of and outside the Urban Water District and that no water service is available to or exists at your property. Mr. Gray also testified that the Town has no plans to extend the water service system north of the current boundary of the Urban Water District (which is south of your property). Mr. Gray also testified that all costs to operate, improve, and maintain the water supply and distribution system are the responsibility of the ratepayers in the system. Mr. Gray testified that your property is not part of the water supply system, and you are not a ratepayer.

Mr. Gray testified that the Town has undertaken significant improvements since its acquisition of the water supply and distribution system, including but not limited to improvements to the two surface water reservoirs and adding a ground water well to bolster supply. Mr. Gray testified that the Commission has implemented regulations to reduce water consumption to balance the supply and demand for water among the current system users. Mr. Gray explained that supply replenishment is unpredictable since it relies on annual rainfall, and that consumption demand, which exceeds supply for up to five (5) months each year, must be closely monitored and regulated to ensure the continued capability of the system to supply water to current users.^{vi}

At the conclusion of Mr. Gray's testimony, you offered no further presentation in support of your application. The Commission continued your application to their May 20, 2024, meeting to allow time for the commissioners to thoughtfully consider the evidence submitted on behalf of your application before they begin their deliberations.

At the May 20, 2024, Commission meeting, the commissioners discussed the present conditions of the Jamestown water system, specifically the limited supply and distribution network. The commissioners discussed the past history of the limited water supply, their adoption of rules to limit and reduce consumption of water by system users to conserve the limited and unpredictable supply, and the reasons why the water system is limited to a specific geographic area to ensure available supply will be adequate to meet current and predicted future system consumption demand. The commissioners also discussed the relevant standard of review provision in the Rules and Regulations of the Board of Water and Sewer Commissioners (the "Rules") for water service extensions outside the Urban District. The Commission discussed the relevance and applicability of Rule 14.B. of the Rules, which states, in relevant part, at b.4., "Extensions to and within the rural district shall be prohibited." However, the Rule provides that "Nothing herein shall be construed to prohibit or prevent the Board of Water and Sewer Commissioners from making such improvements, including extensions, which shall, in the opinion of the Board, improve the quality or quantity of water furnished to existing water uses (sic)."^{vii}

You were one of four applications seeking a municipal water extension and connection which were considered by the Commission simultaneously. All four applications concern properties located on Seaview Avenue. Your property, along with the other three application properties, is located

complied with the requirements of R.I. General Laws 46-15.2(b), Sections 1-7. Neither you, nor any of the other applicants, addressed, offered testimony, or presented any evidence concerning the relevant requirements of the Jamestown Water and Sewer Commission Rules, 14.B.b.4.; to wit, how and whether your application to extend water outside of the Urban Water District would “improve the quality or quantity of water furnished to existing water [users]”.

The Jamestown Board of Water and Sewer Commissioners was created by a special act of the General Assembly in 1968, in pertinent part, to allow for the purchase of the then-existing Jamestown Water Company by the Town (the “Act”). The Town voters ratified the special act by referendum thereby authorizing the Town to purchase the Jamestown Water Company. At the time of its acquisition, the Jamestown Water Company provided water service to a geographic area somewhat synonymous with the Jamestown Village, so-called. In addition, a water service distribution line extended south of the Village area to serve areas formerly used as federal defense installations, to Beavertail and facilities commonly known as Fort Getty and Fort Wetherill. In time and up to the present, through the adoption of its water supply and distribution plan and the Rules, the Commission has designated the geographic area mostly comprised as the Village as the Urban Water District and the area south of the Urban District as the Rural Water District. The Water Supply System Management Plan (the “Plan”), in effect and applicable to your application specifically shows the water service areas at Figure 2.3. ^{viii} Figure 2.3 contains a specific notation that it “shows the boundaries of the Urban Water and Sewer Districts...[and] No future extensions of water service are planned at this time.” Of particular relevance to your application is that neither the Act nor the Plan obligate the Commissioners to provide water service everywhere in Town or to areas outside of the Urban Water District not presently receiving water service.^{ix} It is undisputed that your property is located outside of the Urban Water District as shown in Figure 2.3. It is also undisputed that your property is not receiving municipal water service. Your evidence established that your property has a private well as its water supply.

It was undisputed on the record that the Act, the Plan, and the Rules provides the Commission the discretion to authorize extensions and connections to the municipal water system for property located outside of the Urban Water District, such as is the case for your property. In fact, you offered no evidence to the contrary. Your entire presentation focused on the relevant provisions of the General Laws 46-15.2(b). The Commission is specifically charged with the obligation to preserve and protect the water supply and ensure its wise and responsible use.^x In addition, the Commission has the responsibility to the present users of the water system to provide sufficient water. By their very nature, extensions, expansions, and new connections outside of the current water service area are injurious to and endangers the Commission’s obligations to its present users. All these facts were considered in the adoption of the Rules, 14.B.(b) requirement that extensions and connections outside of the Urban Water District may be authorized when the applicant shows it will constitute an improvement to the quality or quantity of water furnished to the existing water system users.

Such is not the case here. You offered no evidence to demonstrate or show that your requested extension and connection had any improvement to the quality or quantity of water furnished to the existing system users. To the contrary, your application’s evidence only showed a benefit to your property without consideration of the detriment to the existing system users, the water supply capacity, or improvement to the quality or quantity of water furnished to existing water system

your property without consideration of the detriment to the existing system users, the water supply capacity, or improvement to the quality or quantity of water furnished to existing water system users. Your sole reliance in making this application was compliance with the General Laws 46-15.2(b). All the testimony and evidence you entered into the record of the hearing on this application focused on this sole metric. You failed to offer any evidence whatsoever regarding compliance with the Rules at 14.B.b.4. In conclusion, the Commission had no evidence or decisional law presented to it during the course of this hearing to show or demonstrate that Jamestown has to provide water to everybody; that this new general law overrules the special act of the legislature which created the municipal water system or that mere compliance with the criteria set forth in the new general law obligates the water system to extend its distribution lines and provide a service connection to the applicant; or that, this new general law nullifies the Rules that have been promulgated for the district.

On the preceding basis and for the many reasons stated previously, herein, Commissioner R. White made a motion to deny this application for an extension and connection of a new water service outside of the Urban Water District. The motion was seconded by Commissioner Meagher. The vote was 4 in favor and 0 opposed to the motion. The motion carried by a 4-0 vote.

Very truly yours,


Nancy Beye, Chair

Jamestown Water and Sewer Commissioners

ⁱ Transcript p. 105 (Apr. 15, 2024)

ⁱⁱ Id. at p. 106-107.

ⁱⁱⁱ Id. at p. 111-112.

^{iv} Chapter 273 of the Public Laws (1968).

^v Transcript p. 59 (May 6, 2024).

^{vi} Id. at p. 84-89.

^{vii} Rules and Regulations of the Board of Water and Sewer Commissioners, Rule 14.B.4. (2009)

^{viii} Water Supply System Management Plan, 5 Year Update, p. 2-9 (Mar. 2018).

^{ix} See, e.g., id. at 2.6.1 Geographic Service Area; see also 2.9.3.

^x Transcript p. 10-11 (May 20, 2024).



Marisa A. Desautel
marisa@desautelbrowning.com
401.477.0023

July 27, 2024

VIA USPS AND ELECTRONIC MAIL TO:

rfagan@jamestownri.net

Nancy Beye, Chair
Jamestown Water and Sewer Commissioners
Town Clerk's Office
93 Narragansett Avenue
Jamestown, Rhode Island 02835

**Re: Request for Reconsideration of Decision of the Town of Jamestown to Deny
Application For Water Main Extension and Connection.**

Dear Jamestown Water and Sewer Commissioners,

This office represents Stephen Zimmiski and Suzanne Gagnon ("Appellants") of 7 Seaview Avenue, Jamestown, Rhode Island ("Property"). Enclosed please find correspondence dated June 28, 2024 from the Town of Jamestown, denying Mr. Zimmiski and Ms. Gagnon's request to extend public water service to the Property ("Decision").

This correspondence is intended as a formal request for rehearing and/or reconsideration of the Decision. Appellants assert that the Town of Jamestown has a legal obligation to provide water to the Property. The state law passed in 2022 entitles Appellants to have the existing water main extended to their property, regardless of local regulation.

Connecting to the public water supply is the only viable long-term solution for Appellants. This issue has the potential to create significant hardship for them and may impact their ability to eventually sell the Property. Denying access to a basic necessity like water to tax-paying property owners facing genuine hardship is legally untenable.

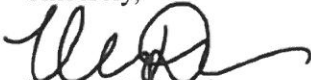
Reconsideration Letter

7 Seaview Avenue

This request should be reexamined to take into account the severe impact on the Property and the Appellants as well as the legal implications denying the request to extend and connect to public water in light of the 2022 state law and the impact this Decision may have to the Appellants.

We would like the opportunity to discuss this matter further.

Sincerely,



Marisa Desautel

Enclosure

CC: Nancy Beye, Chair, Town of Jamestown Water and Sewer Commissioners

Michael Gray, Director, Jamestown, Department of Public Works

Frederick W. Stolle, Esq., Assistant Director of Legal Services, Department of Administration



Town of Jamestown

Town Clerk's Office

Town Hall, 93 Narragansett Avenue
Jamestown, Rhode Island 02835-1199

401-423-9800 • Fax 423-7230

email: rfagan@jamestownri.net

Roberta J. Fagan

Town Clerk

Probate Clerk

June 28, 2024

Stephen Zimniski and Suzanne Gagnon
7 Seaview Avenue
Jamestown, RI 02835

Re: Water Service Extension Request

Dear Mr. Zimniski and Ms. Gagnon,

The following is the decision on your application for a water main extension and associated service connection outside of the Jamestown Urban Water District, dated January 2, 2024, to property identified as 7 Seaview Avenue, Jamestown, R.I. (AP 7 Lot 94) and placed on the Town of Jamestown Water and Sewer Commission ("Commission") meeting agenda for consideration and action.

Your application, along with three other applications for similar water service extension and connection requests to their nearby properties, was first considered by the Commission at their February 20, 2024, meeting. At their February 20, 2024, meeting, your application was continued because several new documents in support of your application were submitted that evening. The Commission continued your application for review and consideration to their meeting set for April 15, 2024. At the April 15, 2024, Commission meeting, you were not represented by legal counsel and chose to represent yourselves. Each of you were sworn in and made a statement into the record that you have been experiencing water-related issues at your property since you moved in in 2019.ⁱ Ms. Gagnon testified that a report was filed to show that two 250 gallon water storage tanks were installed on the property. Mr. Zimniski testified that he was informed by a well contractor that no other well could be located on their property.ⁱⁱ During questioning by a commissioner, it was discovered that some information was missing from your application. After a discussion, it was agreed that your application be continued to the May 6, 2024, Commission meeting to afford you the opportunity to locate and submit the missing information.ⁱⁱⁱ

At the May 6, 2024, Commission meeting a letter was received from you requesting a continuance since neither you nor your wife could be present. You did, however, provide supporting information that was missing from the April 15th meeting application considered by the Commission. You offered no further presentation in support of your application.

Mr. Michael Gray, the Department of Public Works Director and who has responsibility for the

Town's Water and Sewer divisions, appeared and presented a report to the Commission concerning the Town's water supply and distribution system. Mr. Gray testified that the Town purchased the water plant and its water distribution system from a private company by authorization of a special act of the General Assembly passed in 1968 and the subsequent approval of the special act by local referendum.^{iv} Mr. Gray testified that the water system purchased by the Town only served a limited geographic area, primarily within the village area (referred to as the Urban District in the current water system supply management plan and rules) and areas south of the village where former military facilities were located.^v Mr. Gray testified that your property is located to the north of and outside the Urban Water District and that no water service is available to or exists at your property. Mr. Gray also testified that the Town has no plans to extend the water service system north of the current boundary of the Urban Water District (which is south of your property). Mr. Gray also testified that all costs to operate, improve, and maintain the water supply and distribution system are the responsibility of the ratepayers in the system. Mr. Gray testified that your property is not part of the water supply system, and you are not a ratepayer.

Mr. Gray testified that the Town has undertaken significant improvements since its acquisition of the water supply and distribution system, including but not limited to improvements to the two surface water reservoirs and adding a ground water well to bolster supply. Mr. Gray testified that the Commission has implemented regulations to reduce water consumption to balance the supply and demand for water among the current system users. Mr. Gray explained that supply replenishment is unpredictable since it relies on annual rainfall, and that consumption demand, which exceeds supply for up to five (5) months each year, must be closely monitored and regulated to ensure the continued capability of the system to supply water to current users.^{vi}

At the conclusion of Mr. Gray's testimony, you offered no further presentation in support of your application. The Commission continued your application to their May 20, 2024, meeting to allow time for the commissioners to thoughtfully consider the evidence submitted on behalf of your application before they begin their deliberations.

At the May 20, 2024, Commission meeting, the commissioners discussed the present conditions of the Jamestown water system, specifically the limited supply and distribution network. The commissioners discussed the past history of the limited water supply, their adoption of rules to limit and reduce consumption of water by system users to conserve the limited and unpredictable supply, and the reasons why the water system is limited to a specific geographic area to ensure available supply will be adequate to meet current and predicted future system consumption demand. The commissioners also discussed the relevant standard of review provision in the Rules and Regulations of the Board of Water and Sewer Commissioners (the "Rules") for water service extensions outside the Urban District. The Commission discussed the relevance and applicability of Rule 14.B. of the Rules, which states, in relevant part, at b.4., "Extensions to and within the rural district shall be prohibited." However, the Rule provides that "Nothing herein shall be construed to prohibit or prevent the Board of Water and Sewer Commissioners from making such improvements, including extensions, which shall, in the opinion of the Board, improve the quality or quantity of water furnished to existing water uses (sic)."^{vii}

You were one of four applications seeking a municipal water extension and connection which were considered by the Commission simultaneously. All four applications concern properties located on Seaview Avenue. Your property, along with the other three application properties, is located

complied with the requirements of R.I. General Laws 46-15.2(b), Sections 1-7. Neither you, nor any of the other applicants, addressed, offered testimony, or presented any evidence concerning the relevant requirements of the Jamestown Water and Sewer Commission Rules, 14.B.b.4.; to wit, how and whether your application to extend water outside of the Urban Water District would “improve the quality or quantity of water furnished to existing water [users]”.

The Jamestown Board of Water and Sewer Commissioners was created by a special act of the General Assembly in 1968, in pertinent part, to allow for the purchase of the then-existing Jamestown Water Company by the Town (the “Act”). The Town voters ratified the special act by referendum thereby authorizing the Town to purchase the Jamestown Water Company. At the time of its acquisition, the Jamestown Water Company provided water service to a geographic area somewhat synonymous with the Jamestown Village, so-called. In addition, a water service distribution line extended south of the Village area to serve areas formerly used as federal defense installations, to Beavertail and facilities commonly known as Fort Getty and Fort Wetherill. In time and up to the present, through the adoption of its water supply and distribution plan and the Rules, the Commission has designated the geographic area mostly comprised as the Village as the Urban Water District and the area south of the Urban District as the Rural Water District. The Water Supply System Management Plan (the “Plan”), in effect and applicable to your application specifically shows the water service areas at Figure 2.3.^{viii} Figure 2.3 contains a specific notation that it “shows the boundaries of the Urban Water and Sewer Districts...[and] No future extensions of water service are planned at this time.” Of particular relevance to your application is that neither the Act nor the Plan obligate the Commissioners to provide water service everywhere in Town or to areas outside of the Urban Water District not presently receiving water service.^{ix} It is undisputed that your property is located outside of the Urban Water District as shown in Figure 2.3. It is also undisputed that your property is not receiving municipal water service. Your evidence established that your property has a private well as its water supply.

It was undisputed on the record that the Act, the Plan, and the Rules provides the Commission the discretion to authorize extensions and connections to the municipal water system for property located outside of the Urban Water District, such as is the case for your property. In fact, you offered no evidence to the contrary. Your entire presentation focused on the relevant provisions of the General Laws 46-15.2(b). The Commission is specifically charged with the obligation to preserve and protect the water supply and ensure its wise and responsible use.^x In addition, the Commission has the responsibility to the present users of the water system to provide sufficient water. By their very nature, extensions, expansions, and new connections outside of the current water service area are injurious to and endangers the Commission’s obligations to its present users. All these facts were considered in the adoption of the Rules, 14.B.(b) requirement that extensions and connections outside of the Urban Water District may be authorized when the applicant shows it will constitute an improvement to the quality or quantity of water furnished to the existing water system users.

Such is not the case here. You offered no evidence to demonstrate or show that your requested extension and connection had any improvement to the quality or quantity of water furnished to the existing system users. To the contrary, your application’s evidence only showed a benefit to your property without consideration of the detriment to the existing system users, the water supply capacity, or improvement to the quality or quantity of water furnished to existing water system

your property without consideration of the detriment to the existing system users, the water supply capacity, or improvement to the quality or quantity of water furnished to existing water system users. Your sole reliance in making this application was compliance with the General Laws 46-15.2(b). All the testimony and evidence you entered into the record of the hearing on this application focused on this sole metric. You failed to offer any evidence whatsoever regarding compliance with the Rules at 14.B.b.4. In conclusion, the Commission had no evidence or decisional law presented to it during the course of this hearing to show or demonstrate that Jamestown has to provide water to everybody; that this new general law overrules the special act of the legislature which created the municipal water system or that mere compliance with the criteria set forth in the new general law obligates the water system to extend its distribution lines and provide a service connection to the applicant; or that, this new general law nullifies the Rules that have been promulgated for the district.

On the preceding basis and for the many reasons stated previously, herein, Commissioner R. White made a motion to deny this application for an extension and connection of a new water service outside of the Urban Water District. The motion was seconded by Commissioner Meagher. The vote was 4 in favor and 0 opposed to the motion. The motion carried by a 4-0 vote.

Very truly yours,



Nancy Beye, Chair
Jamestown Water and Sewer Commissioners

ⁱ Transcript p. 105 (Apr. 15, 2024)

ⁱⁱ Id. at p. 106-107.

ⁱⁱⁱ Id. at p. 111-112.

^{iv} Chapter 273 of the Public Laws (1968).

^v Transcript p. 59 (May 6, 2024).

^{vi} Id. at p. 84-89.

^{vii} Rules and Regulations of the Board of Water and Sewer Commissioners, Rule 14.B.4. (2009)

^{viii} Water Supply System Management Plan, 5 Year Update, p. 2-9 (Mar. 2018).

^{ix} See, e.g., id. at 2.6.1 Geographic Service Area; see also 2.9.3.

^x Transcript p. 10-11 (May 20, 2024).



Marisa A. Desautel
marisa@desautelbrowning.com
401.477.0023

July 27, 2024

VIA USPS AND ELECTRONIC MAIL TO:

kathleen.crawley@doa.ri.gov
Rhode Island Water Resources Board
Division of Statewide Planning
235 Promenade Street, Suite 230
Providence, RI 02908

Re: Appeal of Decision of the Town of Jamestown to Deny Application For Water Main Extension and Associated Water Service Connection.

Dear Rhode Island Water Resources Board,

Please be advised, this office represents Stephen Zimniski and Suzanne Gagnon ("Appellants") of 7 Seaview Avenue, Jamestown, Rhode Island ("Property"). Enclosed please find correspondence dated June 28, 2024 from the Town of Jamestown, denying Mr. Zimniski and Ms. Gagnon's request to extend public water service to the Property ("Decision"). This correspondence is intended as an appeal of the Decision on behalf of the Appellants as Aggrieved Parties.

The Appellants assert that the Decision is subject to legal error and the denial carries the potential for significant impacts Appellants' ability to sell the Property in the future and may impact their ability to access a reliable and safe water supply in the long term.

Sincerely,

Marisa Desautel

Enclosure

*CC: Frederick W. Stolle, Esq., Assistant Director of Legal Services, Department of Administration;
Nancy Beye, Chair, Town of Jamestown Water and Sewer Commissioners
Michael Gray, Director, Jamestown, Department of Public Works*



Town of Jamestown

Town Clerk's Office

Town Hall, 93 Narragansett Avenue
Jamestown, Rhode Island 02835-1199
401-423-9800 • Fax 423-7230
email: rfagan@jamestownri.net

Roberta J. Fagan
Town Clerk
Probate Clerk

June 28, 2024

Stephen Zimniski and Suzanne Gagnon
7 Seaview Avenue
Jamestown, RI 02835

Re: Water Service Extension Request

Dear Mr. Zimniski and Ms. Gagnon,

The following is the decision on your application for a water main extension and associated service connection outside of the Jamestown Urban Water District, dated January 2, 2024, to property identified as 7 Seaview Avenue, Jamestown, R.I. (AP 7 Lot 94) and placed on the Town of Jamestown Water and Sewer Commission ("Commission") meeting agenda for consideration and action.

Your application, along with three other applications for similar water service extension and connection requests to their nearby properties, was first considered by the Commission at their February 20, 2024, meeting. At their February 20, 2024, meeting, your application was continued because several new documents in support of your application were submitted that evening. The Commission continued your application for review and consideration to their meeting set for April 15, 2024. At the April 15, 2024, Commission meeting, you were not represented by legal counsel and chose to represent yourselves. Each of you were sworn in and made a statement into the record that you have been experiencing water-related issues at your property since you moved in in 2019.ⁱ Ms. Gagnon testified that a report was filed to show that two 250 gallon water storage tanks were installed on the property. Mr. Zimniski testified that he was informed by a well contractor that no other well could be located on their property.ⁱⁱ During questioning by a commissioner, it was discovered that some information was missing from your application. After a discussion, it was agreed that your application be continued to the May 6, 2024, Commission meeting to afford you the opportunity to locate and submit the missing information.ⁱⁱⁱ

At the May 6, 2024, Commission meeting a letter was received from you requesting a continuance since neither you nor your wife could be present. You did, however, provide supporting information that was missing from the April 15th meeting application considered by the Commission. You offered no further presentation in support of your application.

Mr. Michael Gray, the Department of Public Works Director and who has responsibility for the

Town's Water and Sewer divisions, appeared and presented a report to the Commission concerning the Town's water supply and distribution system. Mr. Gray testified that the Town purchased the water plant and its water distribution system from a private company by authorization of a special act of the General Assembly passed in 1968 and the subsequent approval of the special act by local referendum.^{iv} Mr. Gray testified that the water system purchased by the Town only served a limited geographic area, primarily within the village area (referred to as the Urban District in the current water system supply management plan and rules) and areas south of the village where former military facilities were located.^v Mr. Gray testified that your property is located to the north of and outside the Urban Water District and that no water service is available to or exists at your property. Mr. Gray also testified that the Town has no plans to extend the water service system north of the current boundary of the Urban Water District (which is south of your property). Mr. Gray also testified that all costs to operate, improve, and maintain the water supply and distribution system are the responsibility of the ratepayers in the system. Mr. Gray testified that your property is not part of the water supply system, and you are not a ratepayer.

Mr. Gray testified that the Town has undertaken significant improvements since its acquisition of the water supply and distribution system, including but not limited to improvements to the two surface water reservoirs and adding a ground water well to bolster supply. Mr. Gray testified that the Commission has implemented regulations to reduce water consumption to balance the supply and demand for water among the current system users. Mr. Gray explained that supply replenishment is unpredictable since it relies on annual rainfall, and that consumption demand, which exceeds supply for up to five (5) months each year, must be closely monitored and regulated to ensure the continued capability of the system to supply water to current users.^{vi}

At the conclusion of Mr. Gray's testimony, you offered no further presentation in support of your application. The Commission continued your application to their May 20, 2024, meeting to allow time for the commissioners to thoughtfully consider the evidence submitted on behalf of your application before they begin their deliberations.

At the May 20, 2024, Commission meeting, the commissioners discussed the present conditions of the Jamestown water system, specifically the limited supply and distribution network. The commissioners discussed the past history of the limited water supply, their adoption of rules to limit and reduce consumption of water by system users to conserve the limited and unpredictable supply, and the reasons why the water system is limited to a specific geographic area to ensure available supply will be adequate to meet current and predicted future system consumption demand. The commissioners also discussed the relevant standard of review provision in the Rules and Regulations of the Board of Water and Sewer Commissioners (the "Rules") for water service extensions outside the Urban District. The Commission discussed the relevance and applicability of Rule 14.B. of the Rules, which states, in relevant part, at b.4., "Extensions to and within the rural district shall be prohibited." However, the Rule provides that "Nothing herein shall be construed to prohibit or prevent the Board of Water and Sewer Commissioners from making such improvements, including extensions, which shall, in the opinion of the Board, improve the quality or quantity of water furnished to existing water uses (sic)."^{vii}

You were one of four applications seeking a municipal water extension and connection which were considered by the Commission simultaneously. All four applications concern properties located on Seaview Avenue. Your property, along with the other three application properties, is located

complied with the requirements of R.I. General Laws 46-15.2(b), Sections 1-7. Neither you, nor any of the other applicants, addressed, offered testimony, or presented any evidence concerning the relevant requirements of the Jamestown Water and Sewer Commission Rules, 14.B.b.4.; to wit, how and whether your application to extend water outside of the Urban Water District would "improve the quality or quantity of water furnished to existing water [users]".

The Jamestown Board of Water and Sewer Commissioners was created by a special act of the General Assembly in 1968, in pertinent part, to allow for the purchase of the then-existing Jamestown Water Company by the Town (the "Act"). The Town voters ratified the special act by referendum thereby authorizing the Town to purchase the Jamestown Water Company. At the time of its acquisition, the Jamestown Water Company provided water service to a geographic area somewhat synonymous with the Jamestown Village, so-called. In addition, a water service distribution line extended south of the Village area to serve areas formerly used as federal defense installations, to Beavertail and facilities commonly known as Fort Getty and Fort Wetherill. In time and up to the present, through the adoption of its water supply and distribution plan and the Rules, the Commission has designated the geographic area mostly comprised as the Village as the Urban Water District and the area south of the Urban District as the Rural Water District. The Water Supply System Management Plan (the "Plan"), in effect and applicable to your application specifically shows the water service areas at Figure 2.3. ^{viii} Figure 2.3 contains a specific notation that it "shows the boundaries of the Urban Water and Sewer Districts...[and] No future extensions of water service are planned at this time." Of particular relevance to your application is that neither the Act nor the Plan obligate the Commissioners to provide water service everywhere in Town or to areas outside of the Urban Water District not presently receiving water service.^{ix} It is undisputed that your property is located outside of the Urban Water District as shown in Figure 2.3. It is also undisputed that your property is not receiving municipal water service. Your evidence established that your property has a private well as its water supply.


It was undisputed on the record that the Act, the Plan, and the Rules provides the Commission the discretion to authorize extensions and connections to the municipal water system for property located outside of the Urban Water District, such as is the case for your property. In fact, you offered no evidence to the contrary. Your entire presentation focused on the relevant provisions of the General Laws 46-15.2(b). The Commission is specifically charged with the obligation to preserve and protect the water supply and ensure its wise and responsible use.^x In addition, the Commission has the responsibility to the present users of the water system to provide sufficient water. By their very nature, extensions, expansions, and new connections outside of the current water service area are injurious to and endangers the Commission's obligations to its present users. All these facts were considered in the adoption of the Rules, 14.B.(b) requirement that extensions and connections outside of the Urban Water District may be authorized when the applicant shows it will constitute an improvement to the quality or quantity of water furnished to the existing water system users.

Such is not the case here. You offered no evidence to demonstrate or show that your requested extension and connection had any improvement to the quality or quantity of water furnished to the existing system users. To the contrary, your application's evidence only showed a benefit to your property without consideration of the detriment to the existing system users, the water supply capacity, or improvement to the quality or quantity of water furnished to existing water system

your property without consideration of the detriment to the existing system users, the water supply capacity, or improvement to the quality or quantity of water furnished to existing water system users. Your sole reliance in making this application was compliance with the General Laws 46-15.2(b). All the testimony and evidence you entered into the record of the hearing on this application focused on this sole metric. You failed to offer any evidence whatsoever regarding compliance with the Rules at 14.B.b.4. In conclusion, the Commission had no evidence or decisional law presented to it during the course of this hearing to show or demonstrate that Jamestown has to provide water to everybody; that this new general law overrules the special act of the legislature which created the municipal water system or that mere compliance with the criteria set forth in the new general law obligates the water system to extend its distribution lines and provide a service connection to the applicant; or that, this new general law nullifies the Rules that have been promulgated for the district.

On the preceding basis and for the many reasons stated previously, herein, Commissioner R. White made a motion to deny this application for an extension and connection of a new water service outside of the Urban Water District. The motion was seconded by Commissioner Meagher. The vote was 4 in favor and 0 opposed to the motion. The motion carried by a 4-0 vote.

Very truly yours,


Nancy Beye, Chair

Jamestown Water and Sewer Commissioners

ⁱ Transcript p. 105 (Apr. 15, 2024)

ⁱⁱ Id. at p. 106-107.

ⁱⁱⁱ Id. at p. 111-112.

^{iv} Chapter 273 of the Public Laws (1968).

^v Transcript p. 59 (May 6, 2024).

^{vi} Id. at p. 84-89.

^{vii} Rules and Regulations of the Board of Water and Sewer Commissioners, Rule 14.B.4. (2009)

^{viii} Water Supply System Management Plan, 5 Year Update, p. 2-9 (Mar. 2018).

^{ix} See, e.g., id. at 2.6.1 Geographic Service Area; see also 2.9.3.

^x Transcript p. 10-11 (May 20, 2024).

