

# EXHIBIT A



# Town of Jamestown

## Town Clerk's Office

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Jamestown, Rhode Island 02835-1199

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Roberta J. Fagan

Town Clerk

Probate Clerk

June 28, 2024

Glenn and Majorie Andreoni  
10 Seaview Avenue  
Jamestown, RI 02835

Re: Water Service Extension Request

Dear Mr. and Ms. Andreoni,

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 10 Seaview Avenue, Jamestown, R.I. (AP 7 Lot 134) 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, your legal counsel made a statement into the record that you have been experiencing water-related issues at your property and that your application complied with the several standards set forth in the General Laws governing this type of application.<sup>i</sup> Your legal counsel then presented Brian Thalmann as an expert in civil engineering who had previously been accepted by the Commission in that capacity. Mr. Thalmann testified that he had personal knowledge of the site through a site inspection. Mr. Thalmann further testified that no other physical location was available on the property to site another well. Robert Ferrari was called next and presented as an expert in water supply. Mr. Ferrari had been previously accepted by the Commission as an expert in that capacity. Mr. Ferrari testified that your well had a yield of 0.6 gallons per minute – which is below acceptable yield.<sup>ii</sup> Mr. Ferrari also testified that the water quality was brackish and high in dissolved solids. Mr. Ferrari stated no other location was available on your property to site a new well. Mr. Ferrari concluded that your well does not meet the depth-to-yield standard nor suitable quality for drinking.<sup>iii</sup> Mr. Glenn Andreoni then addressed the Commissioners to explain his personal experience with the lack of water available at the property. Your legal counsel then rested her presentation of your application. Since the Commission had three other similar applications to consider, your application, along with the other



three applications, was continued to the May 6, 2024, Commission meeting.

At the May 6, 2024, Commission meeting your legal counsel presented Mr. Andreoni to provide additional testimony. During questioning by a commissioner, you confirmed that the use of the property is seasonal mostly by two occupants.<sup>iv</sup> No further presentation was made 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.<sup>v</sup> 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.<sup>vi</sup> 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.<sup>vii</sup>

At the conclusion of Mr. Gray's testimony, your legal counsel questioned Mr. Gray and advocated on behalf of your application that the Commission approve your water service extension and connection request on the basis that your property satisfies the standards of the State law.<sup>viii</sup> 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)."<sup>ix</sup>

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 outside of the Urban Water District and has no municipal water supply, distribution lines, or service. These facts have been true since the creation of the Jamestown Water District in 1968. Your legal counsel presented two experts and one layperson testimony in support of the proposition that your property 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. <sup>x</sup> 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.<sup>xi</sup> 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.

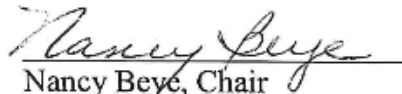
It was undisputed on the record that the Act, the Plan, and the Rules provides the Commission the discretion to authorize extensions and connections to the municipal water system for property located outside of the Urban Water District, such as is the case for your property. In fact, you offered no evidence 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.<sup>xii</sup> 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 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

<sup>i</sup> Transcript p. 70-73 (Apr. 15, 2024).

<sup>ii</sup> Id. at p. 76.

<sup>iii</sup> Id. at p. 78.

<sup>iv</sup> Transcript p. 37 (May 6, 2024)

<sup>v</sup> Chapter 273 of the Public Laws (1968).

<sup>vi</sup> Transcript p. 59 (May 6, 2024).

<sup>vii</sup> Id. at p. 84-89.

<sup>viii</sup> Id. at p. 113.

<sup>ix</sup> Rules and Regulations of the Board of Water and Sewer Commissioners, Rule 14.B.4. (2009)

<sup>x</sup> Water Supply System Management Plan, 5 Year Update, p. 2-9 (Mar. 2018).

<sup>xi</sup> See, e.g., id. at 2.6.1 Geographic Service Area; see also 2.9.3.

<sup>xii</sup> Transcript p. 10-11 (May 20, 2024).

# EXHIBIT B



**PARE PROJECT NO. 17103.00**

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**CLEAN WATER INFRASTRUCTURE  
REPLACEMENT PLAN**

**JAMESTOWN WATER DISTRICT**



**PREPARED FOR:**

**TOWN OF JAMESTOWN  
P.O. BOX 377  
JAMESTOWN, RI 02835**

**PREPARED BY:**

**PARE CORPORATION  
8 BLACKSTONE VALLEY PLACE  
LINCOLN, RI 02865**

**JULY 2019**

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## SECTION 1 - OVERVIEW

This Clean Water Infrastructure Replacement Plan (Plan) has been prepared in accordance with the Rules and Regulations for Clean Water Infrastructure Plans promulgated pursuant to the requirements and provisions of RIGL Chapter 46-15.6 Clean Water Infrastructure of the General Laws of Rhode Island, as amended and maintains consistency with the Clean Water Infrastructure Act, Chapter 46-15.6 of the General Laws of Rhode Island, as amended.

This Plan was prepared in conformance with applicable provisions of State and Federal laws including the Federal Safe Drinking Water Act (42 USC Section 300 f eq. seq.) and Chapter 46-13 of the General Laws of Rhode Island, Public Drinking Water Supply.

Furthermore, this Plan maintains consistency with the goals and policies of the Town of Jamestown Comprehensive Community Plan and the Water Supply System Management Plan for the Jamestown Water District.



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## SECTION 3 - SYSTEM OVERVIEW

This section provides an overview of the JWD water supply system including its organization and legal structure, service area, and a brief description of the major system components. The locations of the major system components in the JWD system are depicted on **Figure 3-1**.

### 3.1 Organization and Legal Structure

The JWD was established by legislation of the General Assembly of the State of Rhode Island in March 1969. However, the water supply system on Conanicut Island dates back to 1890, when it was owned and operated by the Newport Water Works Corporation. Today, the JWD water supply system is classified as a “Community” Public Water Supply System within the Town of Jamestown (Town). As such, the JWD is required to conform to all applicable rules and regulations of the RIDOH and the Federal Safe Drinking Water Act (SDWA). The water system currently maintains full compliance with the stipulations of these rules and regulations.

The Town operates under the Council-Administrator form of government. The Town Council, which sits as the Board of Water and Sewer Commissioners (Board), is the governing body of the Town’s water system. The Board creates and administers public water policies through the Town Administrator and Public Works Director, who is the head of the JWD. The Public Works Department, Town Engineer, and Water District personnel are responsible for the full implementation and operation of the public water supply system.

The Water Division, under the direction of the Public Works Director, is responsible for maintenance and operation of all physical facilities related to water supply, treatment, and delivery. The Water Division has 3 full-time employees. In addition to the Public Works Director, there is one other staff member at the managerial level. The Treatment Plant Operator must meet state certification requirements. The water system is designated by the State of Rhode Island Department of Health as #1858419. **Figure 3-2** provides a chart of the organizational framework of the JWD.



NARRAGANSETT BAY

EMERGENCY INTERCONNECTION (NORTH KINGSTOWN)

JAMESTOWN BRIDGE

ELDRIDGE AVE

MAIN

EAST SHORE ROAD

NORTH POND

JAMESTOWN COMMUNITY WELL JR1

JAMESTOWN COMMUNITY WELL JR3



N 160000  
E 370000

SOUTH POND

PRETREATMENT FACILITY

WATER TREATMENT PLANT

DUTCH ISLAND

DUTCH ISLAND HARBOR

NARRAGANSETT BAY

TRANSMISSION PUMP STATION (AT TREATMENT PLANT)

NEWPORT BRIDGE

N 150000  
E 370000

LEGEND

- STREAM/BROOK
- WATER BODIES
- PIPE LINE
- COMMUNITY WELL
- COMMUNITY WELLHEAD PROTECTION AREA
- JAMESTOWN BROOK WATERSHED
- 10" PVC
- MAJOR TRANSMISSION MAIN
- WATER STORAGE FACILITY

FIGURE 3-1

MAJOR SYSTEM COMPONENTS OF THE JAMESTOWN WATER DISTRICT

JULY 2019

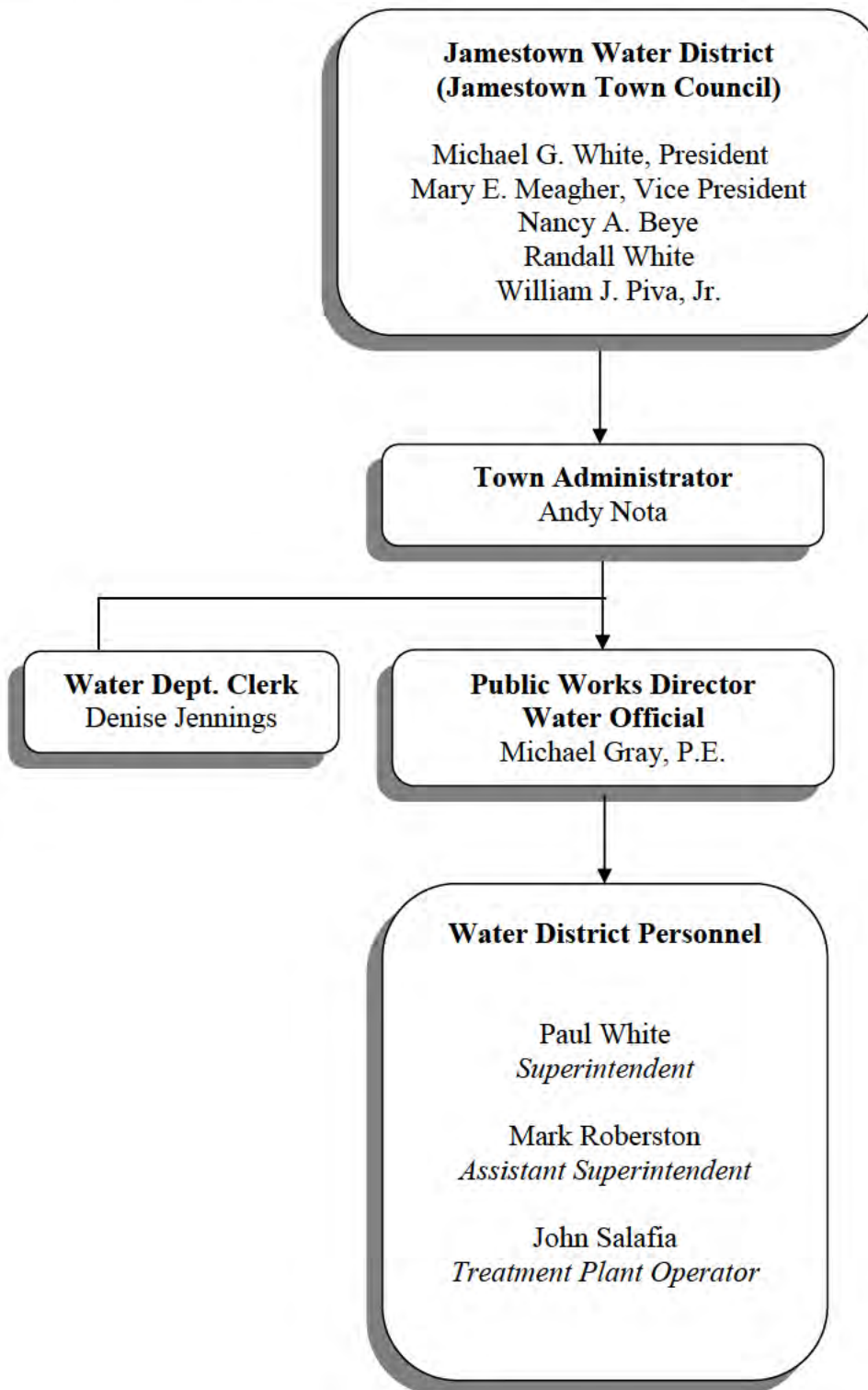
**PARE**  
PARE CORPORATION  
ENGINEERS - SCIENTISTS - PLANNERS  
8 BLACKSTONE VALLEY PLACE  
LINCOLN, RI 02865  
401-334-4100

THE GEOGRAPHIC BASIS FOR THIS MAP IS THE RHODE ISLAND STATE PLANE COORDINATES (RISPC) ON THE NAD 83 IN UNITS OF FEET.



**FIGURE 3-2**

**JAMESTOWN WATER DISTRICT ORGANIZATION CHART**



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### 3.2 Service Area

The JWD service territory is predominantly confined to the Jamestown Village area, which is the Town's urban district. Water service connections in the remaining rural portions of Town are predominately in the Beavertail section of Town, south of Jamestown Village. **Figure 3-3** provides a rough overview of the physical boundaries of the water service district.

The JWD has approximately 1,493 service connections (as of 2019), broken up as follows:

Residential	1,401
Commercial	96
Industrial	0
Governmental	31
<b>Total</b>	<b>1,528</b>

Every customer served by the JWD is supplied and billed through one primary water meter for each separate service connection, thus providing 100 percent distribution metering. Each customer service connection is therefore equipped with a service line, curb stop, and meter assembly. The service pipe from the distribution main to the curb stop is owned and maintained by the JWD. It is the responsibility of the customer for the installation and maintenance of the service line from the curb stop to the building structure plumbing system. All newly installed residential meters are of the remote read type, equipped with receptacles for remote reading from the outside.

### 3.3 Water Supply

Surface water is obtained primarily from North (Carr) Pond, which has occasionally been supplemented with water from South (Watson) Pond. Pumps are used to transfer water from South Pond to North Pond. North Pond was constructed in the early 1900s and then enlarged in 1914 to its current size of approximately 28 acres, with a watershed of approximately 192 acres. South Pond serves as a secondary water source for the system. It was constructed in the late 1800s and has an approximate size of seven 7 acres, with a watershed of approximately 448 acres.

Environmental constraints in the vicinity of the reservoirs prohibit them from undergoing expansion to increase the JWD's water supply. Therefore, the JWD installed groundwater production wells to develop



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new sources of water supply. Two (2) bedrock wells located near North Pond, identified as JR-1 and JR-3 are used to supplement the water supply. Water from JR-1 is pumped directly into the North Pond intake while JR-3 is pumped directly into North Pond. Each well is rated for 50,000 gpd. There is a total of eight groundwater wells, which also include JR-2, JR-4, JR-5, JR-6, JR-7, and JR-8. While JR-1 and JR-3 are both active, typically only JR-1 is used, while the remaining wells are used only as monitoring wells.





Public Water  
and Sewer  
Service Area

TOWN OF  
JAMESTOWN  
RHODE ISLAND

Comprehensive Plan, 2014

Map Legend

Features

- Highways
- Roads

Boundaries

- Jamestown
- RI Municipal
- Streams
- Other States
- Sewer Pump Stations
- Rural Water District
- Urban Water and Sewer District

This map is not the product of a Professional Land Survey. It was created by Jamestown GIS Department for general reference, informational, planning or guidance use, and is not a legally authoritative source as to location of natural or manmade features. Proper interpretation of this map may require the assistance of appropriate professional services. The Town of Jamestown makes no warranty, express or implied, related to the spatial accuracy, reliability, completeness, or currentness of this map.



Justin Jobin  
Jamestown GIS Dept.  
May 2014





The JWD also maintains an emergency interconnection with the Town of North Kingstown through a six-inch flexible water main across the Jamestown Verrazano Bridge. The connection runs from a hydrant on Tashtassuck Road in Jamestown to a hydrant on Lorelei Drive in North Kingstown. The flexible water line consists of three, 2,500 linear foot trailer-mounted hose reels, which can be put into place by driving the trailer across the bridge between the two hydrants. These hose reels are located at the Treatment Plant.



*Hose Reel at the Treatment Plant*

The current agreement with North Kingstown allows for a maximum daily flow of 200,000 gpd and the interconnection is strictly for emergency purposes. It was most recently used in 2002.

### **3.4 Treatment Facilities**

Raw water from North Pond flows through a 7,500-foot long, 10-inch PVC pipe to a pretreatment station at South Pond. Pretreatment consists of pH adjustment and the addition of chlorine dioxide for odor, color, and taste.

Pretreated water then flows by gravity through a 10-inch PVC pipe for an additional 2,600 feet to the water treatment facility on North Road.

The original water treatment plant (WTP) on North Road dates back to the 1930s but was completely reconstructed in 1991. The maximum treatment capacity of this plant was 375,000 gallons per day (gpd). In the mid-2000s the WTP was found to be incapable of meeting the maximum day water demand for the JWD system, and was deficient at meeting changing water quality criteria. The processes employed at this plant also produced a large volume of wastewater.

Since then, the JWD constructed a new, state-of-the-art ultrafiltration membrane-based treatment plant, which was completed in 2009 and put into service in May of that year. The new WTP is located in a new building adjacent to the existing plant but utilizes some of the existing facilities such as raw and finished water pumping. **Figure 3-4** shows a site plan of the new WTP. It produces 350,000 gpd of treated water on average and has an approximate maximum capacity of 500,000 gpd. The new WTP was also designed to reduce the amount of backwash wastewater that was previously generated.



# EXHIBIT C

# Jamestown Rhode Island



## 2015 Comprehensive Community Plan



Adopted by the Jamestown Planning Commission / June 18, 2014.  
Amended 4-6-2015

Adopted by the Jamestown Town Council / June 18, 2014.  
Amended 4-6-2015

Approved by the State of Rhode Island /

The Town also operates a mandatory household recycling program. This program is mandated by the State and includes the recycling of glass, plastic, aluminum, paper products, and newspapers. The recycling program requires weekly curbside pick-up of the designated recyclable materials. The average rate of recycling for Rhode Island towns in 2009 was 23%. In 2010 Jamestown recycled 27% of its residential waste stream.

Rhode Island General Law 23-19-13(3) requires all municipalities contracting with the Rhode Island Resource Recovery Corporation to prepare “a plan that includes a description of the process by which thirty-five percent (35%) of its solid waste will be recycled and fifty percent (50%) of its solid waste will be diverted beginning July 1, 2012”. The Town Council formed a Committee in 2010 for the purpose of studying methods to increase community recycling in Jamestown. The Committee met 19 times over the last year and is in the process of preparing a final report to the Town Council. Potential recommendations discussed at the Committee level to increase recycling include an educational program, Transfer Station improvements, and a financial incentive program. The Committee coordinated its work with the island’s recycling hauler, and studied the operations of the Town Transfer Station.

**e. Public Water Supply and Treatment**

The Town Council sits as the Board of Water and Sewer Commissioners. This Board is the governing body of the Town’s water supply. The Board creates and administers public water policies through the Public Works Director, who is the head of the Water Department. The Public Works Department and Water Division personnel are responsible for the full implementation and operation of the public water supply. Because the Town does not sell water outside of the municipality, it is not regulated by the Public Utilities Commission.

The Town’s public water system dates back to the 1890s, when it was run as a private company. In 1969, the Town purchased the system, which consists of two reservoirs, two bedrock wells, a water treatment facility, and approximately 20.5 miles of water distribution lines. Jamestown has also been purchasing water from North Kingstown since 1993 on an emergency basis through the pipeline laid by the National Guard and Jamestown Public Works across the old Jamestown Bridge that same year. When the old bridge was demolished in 2006, the Town purchased, with the assistance of RIDOT, three hose reels with 8000 linear feet of six inch piping that can be deployed on the walking area of the new bridge.

**f. Jamestown Water Treatment Facility**

Approximately 99% of the water supply from the reservoirs is surface water runoff and about 1% is spring-fed. The North Reservoir is located in the northeast quadrant of the intersection between North Road and the John Eldred Parkway. It has a watershed of approximately 192 acres and a water body area of 28 acres. The net useable storage from this reservoir is 60 million gallons. The South Reservoir is located just north of the Great Creek on the western side of North Road. This reservoir has a watershed of 448 acres and a



water body area of 7.3 acres. Its useable capacity is approximately 8 million gallons. The two reservoirs are connected and deliver water to the treatment facility through a 10-inch PVC main. According to the 2001 Fay Spofford & Thorndike Report, the total maximum safe daily yield is 283,000 gallons for the North Reservoir and 83,000 gallons for the South Reservoir. The Water Supply Management Plan prepared by Pare Engineering in 2001 provides more detailed information on water supply. A number of bedrock wells were drilled in the late 1990s and two currently supply water to the Town's water supply system.



The Jamestown Public Water Supply system has a pre-treatment facility at South Pond. This facility was designed to provide chemical treatment for disinfection, taste, and odor control, color reduction, pH adjustment, and flow monitoring. This facility has the capability to treat up to 500,000 gallons per day with the existing chemical feed pumps.

Jamestown Water Treatment Facility

In 1991, the Town constructed a new water treatment and filtration plant with automated controls. The water treatment process includes upflow clarafloculator filtration, pH adjustments, disinfection, and corrosion control. This plant can treat approximately 500,000 gallons per day at peak times

The Town presently has 1,496 customers (approximately 53% of total Town units) on the public water supply (see Map 22 – PUBLIC WATER AND SEWER SERVICE AREA) including the following water users: 1 hotel with 32 rooms (Bay Voyage), 3 large multi-family complexes consisting of a total of 85 units, 1 senior housing complex with 46 units located behind the Portuguese American Club, 67 commercial properties, and Municipal Buildings

The remaining customers are generally single-family homes. Linear footage of water distribution lines is 20.5 miles and consists mostly of 6-inch and 8-inch pipe (refer to Map 22 - PUBLIC WATER AND SEWER SERVICE AREA). The Town also has approximately 100 fire hydrants that are serviced by the Public Works Department.

Average per capita water consumption is 55 gallons/day/person for single-family units, compared to surrounding towns, which average 75 gallons/day/person. In 2001, the Town estimated two-family water consumption at 31 gallons/day/person and 33 gallons/day/person for multi-family residential users. Commercial use is approximately 250 gallons/day per connection. Current average daily usage is approximately 390,000 gallons per day (which includes 150 gallons/day of inflow and infiltration); high seasonal usage is over 400,000 gallons/day, versus 350,000 gallons in 1990. Obtaining water from North Kingstown will continue to be on an “emergency” basis and may be dependent on their supply capacity.

The Town has two, one-million-gallon capacity steel standpipes for storage of water. The first was constructed in 1974, was refurbished in 1998, and stores approximately 950,000

**Reserved for Map 22 – Public Water and Sewer Service Area**

**Table II. B-4. Capacity of Wastewater Treatment Facility**

Due to the conditions of existing sewer pipes, groundwater infiltration, and other means of stormwater infiltration, an additional 200,000 to 1.3 million gallons of water may enter the facility depending on the season. This reduces the maximum capacity of the sewage treatment plant as outlined in the following table:

Estimated Hydraulic Capacity of Sewer System (accounts for inflow and infiltration)	2,267 Connections
Ideal Capacity of Sewer System (Assumes no inflow and infiltration)	4,244 Connections
Number of Connections at Buildout	1,436 Connections

Although the number of connections is reduced due to inflow and infiltration, the estimated hydraulic capacity of the sewer system, 2,267 connections, is still significantly greater than the maximum number of 1,436 sewer connections at buildout.

The table below illustrates the capacity by permitted flow rate in millions of gallons per day (MGD). As shown, the estimated average daily flow at buildout, 0.46 MGD, is less than the 0.73 MGD monthly average as allowed under The Town's RIPDES Permit.

Wastewater Treatment Facility Capacity	1.9 MGD
Maximum Daily Flow Limit	2.1 MGD
RIPDES Permit Capacity	0.73 MGD on monthly average
<b>Average Flow Daily Flow for 2010</b>	<b>0.39 MGD</b>
<b>Estimated Average Daily Flow at Buildout</b>	<b>0.46 MGD</b>

**Table II. B-5. Municipal Water System Buildout**

<b>TOTAL NEW UNITS</b>	
Developable (85 Vacant Lots)	100 Units
Developable Sub-Dividable Properties (40 Lots)	88 Units
Affordable Housing <ul style="list-style-type: none"><li>• 25 Accessory Dwelling Units</li><li>• 60 Single Family Homes</li></ul>	85 Units
<b>TOTAL UNITS</b>	<b>273 Potential New Units</b>

Current Connections	1,463
Potential New Connections	273
<b>TOTAL CONNECTIONS</b>	<b>1,736</b>



**Table II. B-6. Usage in Gallons per Day**

Average Daily Usage	248,000 GPD
Water Treatment Facility Capacity	500,000 GPD
Average Daily Usage at Buildout	294,273 GPD
North Pond Capacity*	283,000 GPD

Capacity of Water Treatment Facility: Although North Pond capacity can be increased to 403,000 GPD by supplementing from wells and by pumping of water from South Pond Reservoir to North Pond Reservoir, there is no guarantee that these supplies will be available during times of need.

**Table II. B-7. Buildout Analysis By Plat**

<b>PLAT</b>	<b>EXISTING UNITS</b>	<b>NUMBER OF POTENTIAL UNITS</b>	<b>POTENTIAL POPULATION INCREASE (2.29 pph)</b>
1	106	123	282
2	176	23	53
3	271	46	105
4	98	35	80
5	201	44	101
6	18	6	14
7	97	11	25
8	555	121	277
9	559	85	195
10	89	30	69
11	30	20	46
12	111	70	160
13	11	5	11
14	98	37	85
15	183	37	85
16	118	40	92
<b>TOTAL</b>	<b>2721</b>	<b>733</b>	<b>1679</b>

## Public Services And Facilities Action Plan

**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 #1:** Site, design, build, maintain, and operate public facilities to be compatible, as far as possible, with the character of the neighborhood in which they are located.

**Policy #2:** Ensure the cost of public services remains reasonable and is distributed equitably to users of those services and facilities.

**Policy #3:** Increase the quantity and improve the quality of the Town's existing public drinking water supply.

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



**Policy #5:** Develop Town wide energy and sustainability goals.

**Policy #6:** Achieve 35% state recommended recycling and 50% waste diversion rates

Policy	Action	Time Frame in Years					Initiation Responsibility	Resources	Status
		1	2	3	4	5			
Public Services & Facilities  ☼ Policy #1 ☼ Site, design, build, maintain, and operate public facilities to be compatible, as far as possible, with the character of the neighborhood in which they are located.	☼ a. Design and build a consolidated municipal facility to house all departments currently located in Town Hall.						Town Council	Finance Dept. and other Municipal Departments and Bds., FTM, Town Buildings and Facilities Committee	Completed
	☼ b. Design and build a new highway garage meeting the current and future needs of the community.						Town Council	Public Works Dept., TBF Comm., Town Administrator Planning Dept.,	Completed





	Policy	Action	Time Frame in Years					Initiation Responsibility	Resources	Status
			1	2	3	4	5			
	Policy #2 <i>Ensure the cost of public services remains reasonable and is distributed equitably to users of those services and facilities</i>	<p>a. When researching alternative public water supply growth strategies, cost effectiveness for users should be priority.</p> <p>b. Lobby the State and Federal Government to increase aid to local municipalities for use in School Department.</p>	»»»»»»»»»»»»»»»»	Ongoing				Board of Water and Sewer Commissioners	Public Works Dept., Town Administrator,	Ongoing. Still valid action.
			»»»»»»»»»»»»»»»»	Ongoing				Town Council	School Committee	Ongoing.
Public Services & Facilities (con't)	 Policy #3 <i>Increase the quantity and improve the quality of the Town's existing public drinking water supply.</i>	<p>a. Investigate options to expand the quantity of and improve the quality of the public water to the existing public water supply system such as:</p> <ol style="list-style-type: none"> <li>1) desalinization;</li> <li>2) permanent pipeline off Island; and,</li> <li>3) further utilization of South Pond.</li> </ol> <p> b. Implement one or more options to expand the quantity of drinking water to the existing public water supply system.</p>	»»»»»»»»»»»»»»»»	Ongoing				Board of Water and Sewer Commissioners	Water Study Committee, Consultant Reports	See Water Resources Action item Policy 1 Action # c.
			»»»»»»»»»»»»»»»»	Ongoing				Board of Water and Sewer Commissioners	Town Administrator, Public Works Dept.	New water plant, transfer pipe from South Pond to North Pond, New water tank, ongoing replacement of infrastructure and continued inflow and infiltration work.

Policy	Time Frame in Years						Initiation Responsibility	Resources	Status
	1	2	3	4	5	➔			
<b>Policy #4</b> ☼ <i>Manage growth to ensure there are adequate public services and facilities to accommodate Jamestown's growing population.</i>			»»»»»»»»				Planning Department	Planning Comm., Town Council, Other Communities, Statewide Planning	Growth Management necessary when services are stressed beyond capacity. Reassess need for such methods.
			»»»»»»»»»»»»»» Ongoing				Town Administrator	Planning Dept., Public Works Dept., Town Survey, Recycling Committee	Ongoing. Recycling recommendations forthcoming.
<b>Policy #5</b> <i>Develop Town wide energy and sustainability goals</i>			»»»»»»»»				Planning Commission	Town Council, Town Administrator	New Action.
			»»»»»»»»»»»»»» Ongoing				Town Administrator	Public Works Dept.	New Action.
			»»»»»»»»				Town Council	Buildings and Facilities Committee	New Action.
<b>Policy #6</b> Achieve 35% state recommended recycling			»»»»»»				Town Council	Recycling Committee, RI Resource Recovery Corporation	New Action

Policy	Action	Time Frame in Years					Initiation Responsibility	Resources	Status
		1	2	3	4	5 →			
and 50% waste diversion rates.	b. Implement a recycling education program.	»»»»»					Town Council	“	New Action
	c. Implement transfer station improvements to facilitate recycling.	»»»»»					Town Council	“	New Action
	d. Investigate a financial incentive program to increase recycling.	»»»»»					Town Council	“	New Action

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## Appendix A

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### EXECUTIVE SUMMARY

This Water Supply System Management Plan (WSSMP) has been prepared as required under Rhode Island General Laws 46-15.3, as amended and titled "The Water Supply System Management Planning Act" (Act). The legislative authority to effectuate the goals and policies of this Act has been conferred to the Rhode Island Water Resources Board (RIWRB). To this end, the RIWRB has promulgated the Rules and Regulations for Water Supply System Management Planning, October 1998, as amended to implement the provisions of the Act.

Under this legislation, the Town of Jamestown – Jamestown Water District (JWD), as a water purveyor supplying over 50 million gallons of water per year, is responsible for the preparation and adoption of a WSSMP. It is also required that the Town update this WSSMP periodically, as significant changes warrant, and every five years, or as otherwise stipulated in the Regulations.

This WSSMP has been prepared to provide the proper framework to promote the effective and efficient conservation, development, utilization and protection of the natural water resources of the State as utilized by the Town. Further, the overall goals shall be consistent with State Guide Plan Element 721, "Water Supply Policies for Rhode Island." The purpose of this WSSMP is to outline the objectives of the Water Supply System Management Planning process for the Town of Jamestown Water Supply System, and to serve as a guide to employ the proper decision making processes toward meeting that goal.

The WSSMP contains a detailed description of the water system and includes the policies and procedures related to its general operation and management. The Emergency Management section relates to the vulnerability assessment of the water system for use in emergency planning. It shall be incumbent upon the JWD to implement the recommendations and procedures outlined in this WSSMP in order to comply with the overall requirements of the Act.

#### ***Background***

The JWD was established by legislation of the General Assembly of the State of Rhode Island in March 1869. The original system, privately developed and owned, dated back to 1890. The source of supply was derived from two surface water storage impoundments, the North and South Ponds, constructed in 1901 and 1909, respectively. The JWD, to this day, continues to derive its primary source of supply from these reservoirs. The North reservoir was expanded to increase overall capacity in the early 1900s.

A conventional water treatment plant was originally installed in 1920 and upgraded periodically over time into the 1950s. By the 1950s, the system served approximately 2,000 year round residents and up to 4,000 seasonal residents. A distribution system and storage tank was in place to serve the southern portion of the island south of Rhode Island Route 138. In 1991, the Town constructed a new pretreatment and main treatment plant at the storage reservoirs. The reservoirs continue to be the main source of supply, however, the Town has pursued other options of water supply (i.e. interconnection with the Town of North Kingstown and installation of bedrock wells).

The main service area for the public water supply is the Village area of Town. The urban district is the area which 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 area to the south of the Village area. Water service connections in the rural water district 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.

### ***Water System Description***

The JWD supply and distribution system is classified by the Rhode Island Department of Health as a "Community" Public Water Supply System. As such, the system is required to conform to applicable rules and regulations of the RIDOH and the Federal Safe Drinking Water Act (SDWA). The water system currently maintains full compliance with the stipulations of these rules and regulations.

The existing JWD system was developed primarily from the original water supply system that originated in the 1890's. Improvements to the infrastructure have been implemented over the years to maintain and upgrade the system to keep pace with increasingly stringent water quality regulations.

The water quality has consistently been rated as good to excellent with occasional exceedances of secondary water quality standards for color and turbidity from the surface water supply of the reservoirs.

The water supply consists of two reservoirs that capture surface water runoff. The North reservoir has a watershed of approximately 192 acres and a water body of 28 acres with a net usable water volume of 51 million gallons. The South reservoir has a watershed of approximately 448 acres and a water body of 7.3 acres with a net useable volume of 8 million gallons. The two reservoirs are interconnected and deliver water to the treatment facility through a 10-inch PVC main. The total maximum safe day yield for the North Reservoir is 194,000 gallons and 89,000 for the South Reservoir.

In addition, the JWD also maintains an emergency interconnection (6 inch flexible water line) with the Town of North Kingstown water system across the Jamestown Verrazano Bridge. The interconnection has the capability of supplying the JWD with up to 200,000 gallons daily. Two bedrock wells, JR-1 (installed 1996) and JR-3 (installed 2004) are used to supplement available water supply at a rate of approximately 50,000 gpd, each.

The system employs a pretreatment facility located at South Reservoir. This facility pretreats between 180,000 to 350,000 gallons per day. Pretreatment consists of pH adjustment, chlorine dioxide (ClO<sub>2</sub>) bleaching for odor, color, and taste, and flow monitoring. A new water treatment and filtration plant with automated controls was constructed in 1991. The water treatment process is upflow "clarafloculator" filtration package units, pH adjustment, disinfection, and corrosion control.

The transmission and distribution system consists of upwards of 20.5 miles of asbestos cement, cast iron, and polyvinyl chloride (PVC) pipeline, the majority of which is less than 20 years in age and ranges in size from 6 to 12-inch. New and replacement main sections consist predominantly of PVC pipe.

The service area is operated as a single pressure zone that is controlled by the overflow elevation (204.0 feet MSL) of the one million gallon storage standpipe. This establishes the hydraulic grade and maintains system pressure in the range of 30 to 60 psi. The useable storage capacity of this tank is estimated at 0.7 million gallons.

The source and distribution system is 100% metered. The water department staff is responsible for the daily operation and maintenance of the water system that also includes metering and billing of customers. The JWD is operated as an "Enterprise Fund Agency" within the municipal corporation of the Town of Jamestown. The Town has established enterprise funds for operations that are organized to be self-supporting through user charges. It is the intent that all costs of providing the services to the general public on a continuing basis be financed or recovered fully through user charges.

### ***Policy and Procedure***

The service population is comprised of residential, commercial, and government customers of which there are approximately 1,447 metered accounts. The service population is approximately 3,168 of the roughly 5,843 residents in Town. The remaining residents not serviced by the public water system are served via private individual wells. Current average day demand is 196,000 gallons with a maximum day demand of 393,000 gallons. The total available water is equal to 583,000 gallons (with 200,000 gallon capacity from North Kingstown). Under projected water demand for the 5- and 20-year planning periods, it is expected that the average day demand will be equal to 207,000 gallons and 235,000 gallons, respectively. Corresponding, maximum day projections are 455,000 gallons for the 5-year and 517,000 gallons for the 20-year planning periods. These projections are based primarily on population growth projections and do not account for significant water savings potentially realized through implementation of demand management strategies. A 15 percent unaccounted allowance for water has been incorporated into the growth projection.

In the past the JWD was faced with an increasing water demand and limited available water resources. This resulted in the establishment of the emergency interconnection with the Town of North Kingstown and the enactment of strict conservation measures. These measures included extensive residential retrofit programs. The Town has implemented several recommendations of the FS&T study in hopes of increasing the capacity of the surface water sources. Included in these improvements are recommendations to improve water quality in order to reduce filter backwashing to further result in water savings. Based on forecasts of available water volumes, it is envisioned that the available safe yield can be raised to approximately 500,000 gallons per day, which will meet the projected demand for the 5- and 20-year projections, and beyond. The JWD also implemented a vigorous leak detection program. All of these measures have helped to increase supply and lower demand throughout the JWD.

The JWD historically maintains a non-account water volume in the range of 25 percent ( $\pm 5\%$ ). However, the current year 2005 had 13.9% total non-account water. This is largely due to leak detection. Large volumes of water are required to backwash filters and for water quality monitoring. Excluding these estimates for treatment plant use, the system non-account water is historically equal to approximately 15 – 20 percent with the current year at 8.2%, which is consistent with State guidelines and goals historically and well below for the current year.

The system's per capita water demand has been reduced from 53.7 gpcd in 1998 to 45.4 gpcd in 2005. This is largely attributed to increased conservation measures employed by the general water consumer. This is considered to be well below the State average of 75 gpcd.

Water quality protection is an important aspect to the JWD as the source of supply continues to be affected by growth, potential pollution sources, and increases in demand. The Town currently employs zoning ordinances, site plan reviews, and has made numerous land purchases within wellhead protection area. It has also created conservation easements for parcels within the wellhead protection area.

Given the current goal of achieving a 15% unaccounted water volume and the long-term goal of reducing this value to 10%, the JWD is also prepared to implement appropriate system management strategies to maintain compliance with these goals. The JWD shall employ demand management procedures of a suitable nature to promote the ultimate goal of permanent long-term savings through efficient water use. Water use trends can be affected significantly by changes in water use practices, which can occur as result of technologic changes and demand management and/or water conservation policy and practice. This is to be achieved through a combination of measures that promote efficient water use, recycling, conservation, retrofit and new installation of low flow plumbing fixtures, public



education and appropriate use of fees, rates and charges. It is the ultimate goal to minimize peak demand use requirements and to minimize average day demand use requirements.

The JWD shall continue to employ proper system management procedures including programs for meter management (source and distribution), leak detection and repair, implementation of a preventive maintenance plan, infrastructure rehabilitation, and a billing rate schedule which promotes efficient and non-wasteful water use. It is intended that the financial management of the system will be one in which normal operation, maintenance, and rehabilitation will be funded through operating revenue from the customer base. Where possible, the JWD shall seek alternate funding sources such as State and Federal grants, for major improvement projects.

The Emergency Management section of the Plan establishes the responsibilities and authority within the JWD for responding to most probable emergencies and outlines specific tasks for carrying out functional and constructive solutions based on a review of the potential emergencies and risks. The procedures outlined are consistent with the goals of the State Emergency Water Supply System Management Plan. It is also intended that this document provide guidance to ensure that the primary aspects of recovery from an emergency are addressed in an organized manner to aid in an efficient response and in maintaining drinking water quality and quantity.

# EXHIBIT D

**RULES AND REGULATIONS**  
**of**  
**BOARD OF WATER AND SEWER COMMISSIONERS**

As amended May 18, 2009

**DEFINITIONS**

The word "Commission" as used herein is THE BOARD OF WATER AND SEWER COMMISSIONERS OF THE TOWN OF JAMESTOWN, R. I.

"Customer" means any person, corporation, company, association, or partnership, which has an ownership interest in premises furnished water by the Board of Water and Sewer Commissioners.

"Premises" shall include, but shall not be restricted to:

- (a) Each unit in a condominium as the same is defined in Title 34, Chapter 36.1, Section 1.03, of the General Laws of Rhode Island;
- (b) Each unit physically separated from other units within a building or structure and having separate washroom, bathroom and/or cooking facilities;
- (c) Any structure having washroom, bathroom and/or kitchen facilities;
- (d) Any undeveloped property.
- (e) A wharf or pier.

"Rural Water and Sewer District" shall refer to all the land in the Town of Jamestown which is not contained within the Urban Water and Sewer District as described below and further designated as the Rural District on the Urban and Rural Water and Sewer District Map, Appendix A.

"Service Pipe" means the water pipe that runs between the main and the customer's place of consumption, including fire lines.

"Sewer Service Connection" shall refer to a hard pipe attachment to a single structure on an individual lot with frontage on the right of way within which the public sewer main is located.

"Street" means any land, road or highway used by the public for purposes of travel by vehicles or any suitable easement granted through the Board of Water and Sewer Commissioners to provide water and/or sewer to two (2) or more premises.

"Street Main" means the water or sewer pipe normally maintained by the Commission under any street.

"Undefined Terms": Where any term, word or phrase utilized in these Regulations is undefined and is defined in the Zoning Ordinance, such term, word or phrase shall be defined in accord with the Zoning Ordinance.

"Urban Water and Sewer District" shall refer to all the land in the Town of Jamestown bounded to the north by a line running east along the north property line of Plat 8, Lot 30, from the West Passage of Narragansett Bay extended to Arnold Avenue and continuing east on Arnold Avenue to North Road, then north on North Road to Whittier Road, then east on Whittier Road to Prudence Lane, then south on Prudence Lane to Bryer Avenue, then east on Bryer Avenue to Calvert Place, then north on Calvert Place to Mount Hope Avenue, then east on Mount Hope Avenue to Bayview Drive, then north on Bayview Drive to property line of Plat 8, Lot 645, to the East Passage of Narragansett Bay and bounded to the south by the water shut off at the Mackerel Cove Beach House, running east along Hamilton Avenue right of way and along the northern edge of Plat 9, Lots 827 and 324, extended east to the East Passage of the Narragansett Bay and further defined as that land which is encompassed within the area shown and designated as the Urban District on the Urban and Rural Water and Sewer District Map, Appendix A. All reference to roadway boundaries is defined as the centerline of the roadway.

"Water Service" means the flow of water from the street main through the "SERVICE CONNECTION" AND "SERVICE PIPE" to and through the water meter and into the "CUSTOMER'S" interior piping system for consumption or use therein.

"Water Service Connection" means the water service pipe, excluding corporation cock, from the main to and including the curb stop adjacent to the street line or the customer's property line, and such other valves and fittings as the Commission may require between the main and curb stop.

"Water or Sewer Extension" means the physical extension of any street main and/or the supply of municipal water or sewer to premises in excess of the number allowed as a matter of right by the Zoning Ordinance of the Town of Jamestown, as the same may be amended from time to time.



## GENERAL RULES

1. The rules and regulations as herein set forth constitute a part of the contract with every customer taking water from the Commission each of whom shall be deemed to assent and be bound thereby.

2. The Commission will attempt to provide an adequate supply of water throughout its system, but in view of the limitations of the system cannot assume responsibility or liability, direct, indirect or consequential, for any damage from failure to do so. Whenever possible, work necessitating the interruption of service will be scheduled to provide the least inconvenience to the customer. The Commission will make a reasonable effort to give notice in advance of any work necessitating the interruption of service. To safeguard against possible damage due to interruption of service, customers shall regulate their installations connected with the water supply system so that damage will not occur if water is shut off without notice. Automatic check valves shall be installed on the service at the building. Water boilers and storage pressure tanks shall be provided with a temperature, vacuum, and pressure relief valves which customers shall keep in good operating condition at all times. Lever type valves are required.

3. Authorized employees of the Commission shall have reasonable access to customers' premises for the purpose of reading, testing or repairing meters; inspecting plumbing connections, fixtures or pipes, inspecting for illicit connections or discontinuing service for any of the reasons listed under Rule 60 and such employee will wear a Commission uniform or carry a badge identification card, or insignia, identifying him as a commission employee. Services rendered after hours or on weekends or Holidays are subject to special charges, and this service shall be for emergencies only.

4. Whenever the public interest so requires, the Commission reserves the right to curtail or suspend entirely the use of water for essential and nonessential purposes. Such limitation of use shall be without liability on the part of the Commission.

5. No customer shall supply water to other persons or permit any connection to be made on his premises for supply to other premises.

6. If there is not sufficient pressure or flow in the system to permit an industrial or commercial customer to qualify for preferred risk insurance, the expense for any improvement in the system for this specific purpose shall be borne by the customer.

7. Customers are responsible for keeping their service pipes, house pipes and fixtures in good order and protected from freezing. Failure to do so may result in interruption of service and costly repairs for which the Commission is not liable.

8. Any changes in location of meters or services requested by the customer shall, if approved by the Commission, be made at the customer's expense.

9. No pipe or fixture connected with the mains of the Commission may be connected with pipes or fixtures supplied with water from any other source. Storage or mixing tanks subject to contamination, swimming pool re-circulating systems, private wells and reclaiming

water systems, etc. are considered for the purpose of this regulation as other sources. Such cross connections are in violation of Rhode Island State Health Department regulations. All service connections shall have an approved backflow device installed after the meter. The device shall be the property of the owner and shall be maintained and tested at the owner's expense.

10. The piping and plumbing on all premises supplied from the Commission's water system shall conform to all State and local regulations.

11. Water furnished by the Commission shall not be used for air conditioning or equipment cooling.

12. In the event that any customer shall use water at rates of flow that cause noticeable pressure variations in the water system, the Commission may require that the customer control his flow rates or install equipment to minimize such variations.

13. Commercial buildings and restaurants shall comply with the 2006 International Plumbing Code chapter 10, section 1003 for the installation of grease traps.

14. The owner is responsible for the maintenance of the sewer service from the house to the main including the tap.

15. The Commission from time to time may grant permission for recreational use of the reservoir.

#### **APPLICATIONS AND TRANSFERS**

13A. Urban Sewer District. All requests for sewer service connections and extensions within the urban district must be reviewed and approved as outlined below.

Applications for sewer connections shall meet the following requirements:

a. Approval by the Director of the Department of Public Works of all engineering and technical matters.

b. Compliance with the Zoning Ordinance of the Town of Jamestown as determined by the Zoning Enforcement Officer.

c. Assumption of responsibility for cost of all improvements, labor, and equipment necessary to make the connection including necessary road repairs by the applicant.

d. Payment of \$3,000 per dwelling unit or per commercial unit to the Town of Jamestown, Sewer Division.

As a condition of approval for all service connection requests, the applicant shall install or replace existing plumbing fixtures with water efficient fixtures as specified in Rule 15 for new and existing construction and the standards adopted pursuant thereto.

Applications for sewer extensions in the urban district shall meet the following requirements:

a. Approval by the Director of the Department of Public Works of all engineering and technical matters.

b. Compliance with system capacity as determined by the Commission.

c. Consistency with the Zoning Ordinance of the Town of Jamestown as determined by the Zoning Enforcement Officer.

d. Assumption of responsibility for cost of all improvements, labor, and equipment necessary to make the extension and subsequent connections including necessary road repairs by the applicant.

e. Payment of \$3,000 per dwelling unit or per commercial unit to the Town of Jamestown, Sewer Division.

As a condition of approval for all sewer extension requests in the urban district, the applicant shall install or replace existing plumbing fixtures with water efficient fixtures as specified in Rule 15 for new and existing construction and the standards adopted pursuant thereto.

13B. Rural Sewer Districts. All requests for sewer service connections and extensions within the rural district must be reviewed and approved as outlined below.

Applications for connections shall require the following:

a. Frontage on the public sewer main in the right of way.

b. Discharge estimates.

c. Assumption of responsibility for cost of all improvements, labor, and equipment necessary to make the connection by the applicant.

d. Payment of \$3,000 per dwelling unit or per commercial unit to the Town of Jamestown, Sewer Division.

As a condition of approval for all service connection requests, the applicant shall install or replace existing plumbing fixtures with water efficient fixtures as specified in Rule 15 for new and existing construction and the standards adopted pursuant thereto and satisfy the technical specifications required by the Director of Public Works.

All applications for a sewer extension shall show to the satisfaction of the Commission the following:

a. The request is not contrary to the goals and policies of the Comprehensive Community Plan in effect at the time of application. Prior to the approval of any sewer service extension, the Commission shall receive an advisory opinion from the Planning Commission and the Public Works Director relative to the proposal.

b. Existing conditions pose a risk to public health, safety, or welfare.

c. The general area proposed for expansion is not suitable for service by Individual Sewerage Disposal Systems or other acceptable alternative systems. The applicant shall furnish such information in connection therewith as requested by the Commission.

As a condition of approval for all service extension requests, the applicant shall:

a. Install or replace existing plumbing fixtures with water efficient fixtures as specified in Rule 15 for new and existing construction and the standards adopted pursuant thereto.

b. Satisfy the Commission that there is adequate system capacity.

c. Satisfy the Board that the extension will not have a negative effect on existing private wells in the area.

d. Assume responsibility for cost of all improvements, labor and equipment necessary for the expansion by the applicant.

e. Pay an amount sufficient to allow for mitigation of inflow/infiltration equal to or greater than that which will be generated by the proposed extension. This amount shall be determined by the Public Works Director.

14A. Urban Water District. All requests for water extensions and/or service connections shall be made on forms provided by the Commission and signed by the owner of the premises to be supplied or his duly authorized representative.

I. Within the Urban Water District requests for water connections to single or two-family residential uses shall be granted by the Commission subject to the payment of a \$3,000 connection fee for each unit, or such fee as is established by the Commission from time to time, as well as an installation fee which shall be based on the amount of time and material incurred by the water department in performing the installation. The minimum installation fee shall be \$1,850 for services installed on town roads and \$3,300 for services installed on state highways. The Commission will consider, on a case by case basis, requests to waive the installation fee with respect to connections which will service low or moderate income housing as defined in Section 45-53-3 of the Rhode Island General Laws, as amended from time to time. Said connection fee shall be placed in the capital reserve fund for the purpose of making future improvements to the public water system while the installation fee shall be placed in the operating account to cover the actual installation expenses incurred.

Within the Urban Water District requests for water extensions to single or two-family residential uses will be allowed under the following conditions:

a. That the owner, at his expense, shall extend a municipal water main in a street in accordance with the specifications approved by the Public Works Director. All



cost associated with the extension including but not limited to engineering, materials and labor shall be the responsibility of the owner.

b. That the above described extension of water shall be designed and constructed consistent with the improvement of the municipal system and in accordance with generally accepted water and sewer distribution practices and approved by the Public Works Director, and shall be required for the purpose of insuring that the distribution and quality of water delivered to existing customers shall not be impaired.

c. All pipe and materials shall conform to AWWA specifications. The size of the pipe shall be a minimum of eight (8) inches or as outlined in the Fay, Spofford and Thorndike report of fire flows, whichever is greater. No recycled pipe or materials are to be used.

d. Extensions shall be looped and not allow for dead ends if feasible. If no public way is available to loop a line, the line shall be extended to the midpoint of the property requesting the extension.

e. That a performance bond with surety in an amount satisfactory to the Commission shall be required to insure the proper construction and completion of the extension.

f. That any service connection is subject to the payment to the Commission of \$3,000 connection fee or such connection fee as is established by the Commission from time to time, per a dwelling unit or per commercial unit.

g. Applicant shall install or replace existing plumbing fixtures with water efficient fixtures as specified in Rule 15 for new and existing construction and the standards adopted pursuant thereto.

h. Prior to service, all lines shall be chlorinated, flushed, pressure tested and water quality tested.

i. The Jamestown Fire Chief must be consulted as to the necessity of fire hydrants. A hydrant must be placed at the end of any dead-end street.

j. Consistency with system capacity as determined by the Commission.

k. That any service connection is subject to the payment of an installation fee which shall be based on the amount of time and material incurred by the water department in performing the installation. The minimum installation fee shall be \$1,850 for services installed on town roads and a \$3,300 installation fee for services installed on state highways. The Commission will consider, on a case by case basis, requests to waive the installation fee with respect to connections which will service low or moderate income housing as defined in Section 45-53-3 of the Rhode Island General Laws as amended from time to time. Said fee shall be placed in the operating account to cover the actual installation expenses incurred.

II. All requests for water extensions and/or service connections to uses other than one or two family dwelling units will be subject to the following conditions:

a. The applicant shall be subject to the requirements listed in (a), (b), (c), (d), (e), (f), (g), (h), (i) and (j) above.

b. The applicant shall show to the satisfaction of the Commission that the proposed extension or service connection:

1. Is consistent with the Comprehensive Community Guide Plan adopted December 23, 1991, as amended;

2. Will not result in an increase in annual consumption of water that would otherwise result if:

(i) The applicant dedicated the use of the premises to a use as allowed by the Zoning Ordinance as a matter of right and not the result of any variances.

3. Will not reduce the level of fire protection of the community.

III. Any requests for continued service connections where the applicant proposes an expansion of use or a change in use will be subject to the following conditions:

a. The applicant shall be subject to the requirements listed in subparagraph (g) and (j) of this section 14A I, and

b. The applicant shall be subject to the requirements of subparagraph (b) (1), (2) and (3) of this section, 14A II; and

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

a. The applicants shall be subject to the requirements described for connections in the urban district for one or two-family residential uses.

b. The applicants shall show to the satisfaction of the Commission that the proposed service connection requested:

1. Is Consistent with the Comprehensive Community Guide Plan adopted December 23, 1991, as amended;

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.

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.

## **CONSERVATION**

15A. Limitations on Use. In an effort to conserve water, the following rules shall control the uses hereafter described:

1. No customer shall connect an in-ground or underground irrigation or sprinkler system to the municipal water system. Lawn irrigation shall be prohibited from June 1 to August 31.
2. No customer shall use water furnished by the municipal water system for lawn irrigation, house washing, boat washing, or residential car washing when the height of NORTH RESERVOIR is more than 42 inches below the top of the spillway and after publication of said information in a daily or weekly newspaper of general circulation within the Town of Jamestown.
3. When the height of the North Reservoir is from 42 inches to 60 inches below the top of the spillway and after publication as described in subsection 2, above, no customer shall use water furnished by the municipal water system for any outdoor use.
4. Any customer alleged to have violated any of subsections 1 through 4, of Section 15A or any of subsections 1 through 4 of Section 15B of the Rules and Regulations, may be required to appear at a show cause hearing before the Commission. Notice of the show cause hearing shall be mailed to the customer by first class mail at least fourteen (14) days before the hearing. The notice shall set forth the time, date and place of hearing and the subsection or subsections alleged to have been violated. The hearing shall be open to the public. Violations shall be established upon proof to a preponderance of the evidence before the Commission, as found by a majority vote of all members of the Commission, that the customer has violated the aforementioned Rules and Regulations. If the Commission finds that there has been a violation of the Rules and Regulations, the burden shall be upon the customer to show cause, by a preponderance of the evidence satisfactory to a majority of the Commission, why the customer's water service should not be discontinued or, as an alternative to discontinuance, temporarily suspended upon such terms and conditions as the Commission deems appropriate.
5. An application for relief from the literal requirements of subsections 2, 3, and 4, above, in the form of a variance, shall be made in writing to the Board of Water and Sewer Commissioners, specifying the relief sought and reasons therefore. The Commission shall hold a public hearing on any application for a variance in an expeditious manner, after receipt, in proper form, of an application, and shall give notice of the public hearing by publication of notice in a newspaper of general circulation within the Town of Jamestown at least once each week for three (3) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held, at which hearing

opportunity shall be given to all persons interested to be heard upon the matter of the application for the variance. Notice also shall be sent by first class mail to the applicant at least fourteen (14) days before the hearing. The cost of publishing and mailing notices shall be borne by the applicant. The Commission may grant relief in the form of a variance, setting forth terms, conditions and limitations it deems appropriate, only upon a four-fifths (4/5) vote of all members of the Commission and only upon a finding that the applicant has proven by clear and convincing evidence:

a.) That the requested relief will not compromise the ability of the Commission to supply customers with adequate quantities of safe potable water; and,

b.) That the requested relief will not contribute to conditions inimical to the public health, safety and welfare or to the Town of Jamestown Water Supply Management Plan; and,

c.) That the applicant has no reasonably available and practical alternative, such as wells, holding tanks, water tankers, off-island services, or the like, to supply water for the use or uses in question; and,

d.) That the applicant will suffer substantial hardship if relief is not granted and that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; and,

e.) That the relief to be granted is the least relief necessary.

| 7-6. The Commission may temporarily suspend all or part of the Limitations on Use set forth in subsections 2, 3 and 4 above, for such period or periods of time and/or upon such terms and conditions it deems appropriate at a public hearing and upon a four-fifths (4/5) vote of all members of the Commission and upon a finding, upon a preponderance of the evidence, that it is satisfied that rainfall, other meteorological conditions, North Reservoir height, projected water usage needs, and other factors it deems pertinent establish that the suspension will not compromise the ability of the Commission to supply customers with adequate amounts of potable water for the foreseeable future, and that the suspension will not contribute to conditions inimical to the public health, safety, welfare or to the Town of Jamestown Water Supply Management Plan. The reason for and the dates comprising the period of suspension shall be set forth in the decision of Commission. However, the Commission may terminate the suspension at any time if it determines at public hearing and upon majority vote that a preponderance of evidence shows that conditions require reinstatement of the suspended subsection or subsections. Notice of public hearings hereunder shall be published in a newspaper of general circulation within the Town of Jamestown at least seven (7) days before the hearing. Notices of suspension, termination and/or reinstatement shall be published in such a newspaper within seven (7) days of the Commission's action.



15B. Limitations on Appliances, Toilets and Fixtures. In an effort to conserve water, the following rules shall control appliances, toilets and fixtures.

1. New Construction. No connection to the municipal water system shall be approved unless all clothes washers, dishwashers, toilets, faucets and showerheads meet or exceed the water efficiency standards established and published by the board from time to time.

2. Existing Construction. No clothes washer or dishwasher in any structure connected to the municipal water system shall be replaced except with such appliance as meets or exceeds the water efficiency standards established and published by the board from time to time.

3. Existing Toilets, Faucets, Showerheads and Clothes Washers.

a. Sale. No interest in improved real property connected to the municipal water system shall be conveyed for consideration unless and until all toilets, faucets and showerheads therein meet or exceed the low-flow standards established and published by the board from time to time.

b. Non-Sale. All toilets, faucets and showerheads in all improved real property connected to the municipal water system shall meet or exceed the low-flow standards set forth in the following in Table A, below. The Owner of any improved real property which is not in compliance with the requirement shall be billed an addition Fifty Dollar (\$50.00) charge for each quarter during which the noncompliance continues.

Plumbing Fixture or Fixture Fitting	Maximum Flow Rate or Quantity**
Water Closet	1.6 gallons per flushing cycle
Urinal	1.0 gallons per flushing cycle
Shower Head	2.5 gallons per minute at 80 psi
Lavatory, private	2.2 gallons per minute at 60 psi
Lavatory, public	0.5 gallons per minute at 80 psi
Lavatory, public, metering or self-closing	0.25 gallon per metering cycle
Sink faucet	2.2 gallons per minute at 60 psi

\*\*Consumption tolerances shall be determined from reference standards.

Within fifteen (15) years of the date May 17, 1999, all clothes washers in all improved real property connected to the municipal water system shall meet or exceed the water efficiency standards established and published by the board the from time to time.

4. Procedure. No person shall connect new construction as described in (B)(1) above, replace appliances as described in (B)(2) above, or replace toilets, faucets, showerheads and clothes washers as described in (B)(3)(a) and (B)(3)(b) above, unless issued a permit therefore by the office of the building official of the Town of Jamestown.

Upon installation or replacement of the appliances and/or fixtures described herein, every owner shall apply to the office of the building official for a certificate of compliance which shall be

issued by the office of the building official upon satisfactory evidence that the appliances and/or fixtures meet the standards established and published by the board from time to time. The office of the building official shall charge as an inspection fee for said certificate of compliance such fee as may be established and published by the Commission from time to time. Said certificate of compliance shall be presented to the Clerk of the Commission who shall maintain a permanent record of the same.

## SERVICES

16. A single service may not supply more than one premises.

17. All new services, renewed services, and existing services transferred to new owners shall be metered. The Commission may meter private fire lines if it so desires.

18. All new and renewed services shall be a minimum of one (1) inch in diameter with no soldered joints underground. Services shall be Type K copper tubing. Customers who replace their service line at their discretion shall be responsible for excavating back to the main, backfilling with gravel and compacting the trench. The Commission shall re-tap the main, replace the tubing to the corporation stop and patch the road.

19. All services shall be provided with a full way shut off and valve box at the curb or at a convenient point prescribed by the Commission between the curb and the property line, and with a ball valve inside the cellar wall, except that valves without wastes may be used in connections with a meter, one valve to be located on the street side and the other on the building side of the meter. Where more than one building on a premises is supplied by a single service, the branch line to each building shall have an underground shut off valve with valve box outside the building.

20. When an applicant applies for service, except in conjunction with new main extensions, the Commission or its agent will furnish, install, own and maintain such new service connection. The applicant will bear the cost of the service connection pipe and curb stop and their installation. The applicant will also be charged for tapping the main, furnishing and installing the corporation cock and curb box, and for the costs of excavation, backfill and removal and replacement of paving, walks, curbs, etc., necessarily incurred with respect to new services. Such charges shall be assessed in the form of an installation fee which shall be based on the amount of time and material incurred by the water department in performing installation. The minimum installation fee shall be \$1,850 for services installed on town roads and \$3,300 for services installed on state highways. Said installation fee shall be utilized to cover the actual installation expenses incurred. The Commission will consider, on a case by case basis, requests to waive the installation fee with respect to connections which will service low or moderate income housing as defined in Section 45-53-3 of the Rhode Island General Laws as amended from time to time.

21. The Commission or its agent will furnish, install, own and maintain at its expense, all replacements of service connections it deems necessary, including the cost of excavation, backfill, removal,

and replacement of paving, walks, curbs, etc. necessarily incurred with respect to each replacement.

22. The customer at his own expense shall furnish, install, own and maintain the service pipe from the curb stop to the place of consumption, and shall assume ownership of the curb box, keeping service pipe and box in good repair in accordance with reasonable requirements of the Commission.

23. The customer shall inform the Commission previous to backfill so that the Commission may make an inspection in order to determine whether the service pipe complies with company requirements. No service pipe shall be turned on without prior approval by the Commission.

24. Maintenance of all service pipes from curb stop to inside the cellar wall, shall be paid for by the customer.

25. The service pipe shall extend through that point on the customer's property line or the street line easiest of access to the utility from its existing distribution system and, where practicable, from a point at right angles to the existing distribution line in front of the premises to be served. New service pipes and replacement of existing service connections shall not cross-intervening properties. The approval of the Commission shall be secured as to the proper location for the service pipe.

26. Services shall be laid at a minimum depth of 4'-6" below ground. The Commission will not be responsible for damages done to services which have not been properly drained. Services for buildings without cellars shall have underground stop and waste valves between building and curb shutoff.

27. Customers who wish to convert from seasonal to year round service shall be responsible for lowering service to a minimum depth of 4'-6" below ground level. Such services which have been lowered shall be inspected by the Commission before backfilling. The Commission, at its discretion, may shut off seasonal meters which are used all year, which have not been lowered to the proper depth.

28. Water services may not be laid in the same trench with other underground utility facilities.

29. No service pipe shall cross any portion of a seepage system or be installed less than 10 feet away from any portion of a seepage system.

30. All existing underground lawn sprinkling systems shall be equipped with check valves and vacuum breakers to prevent back siphonage into the water system.

31. If part of a multiple family house changes ownership, the new owner shall have a separate service and meter installed.

32. The cost of restoring a deactivated service in excess of any salvage realized shall be borne by the customer.

#### **METERS**

33. The Commission shall determine the type and size of the meter to be installed. Each premises must be separately metered. The Commission will require that each apartment in a multiple family apartment house be separately metered where the existing plumbing permits, with suitable control valves for each unit at locations to be determined by the Commission.

34. No Sub-metering will be permitted.

35. Services provided with meters larger than inch and a half shall include valves, a sealed by-pass and test tee around the meter.

36. For the installation of seasonal meters, upon notification, between April 15th and May 31st, a charge of \$50.00 will be made. For installing a seasonal meter before or after said dates, upon notification, a charge of \$75.00 will be made. For removing, testing and storing of seasonal meters, upon notification, between September 15th and October 31st, a charge of \$50.00 will be made. For removing, testing and storing of seasonal meters, upon notification, before or after said dates, a charge of \$75.00 will be made. Attention is called to the Rules pertaining to disconnecting meters. Any repairs required to rehabilitate a seasonal meter must be borne by the customer.

37. Meters will be owned, installed, maintained and removed by the Commission. Damage due to freezing, hot water, faulty connections, or customer's negligence shall be paid for by the customer.

38. No person, other than a Commission employee, shall break seals or disconnect meters unless specifically authorized in writing by the Commission to do so. If any person takes such action without authorization from the Commission, he will be liable for any damages which may result therefrom, and shall be billed on the basis of water used in a similar period.

39. The customer will provide at his expense, an accessible and protected location for the meter, which location shall be subject to the approval of the Commission at the time of service pipe installation. The meter must be located inside the building it serves and have adequate accessibility and protection against freezing or other damage to the meter. A setting within a building shall be located just inside the cellar wall at a point which will control the entire supply, exclusive of fire lines, to the premises; except that when the service pipe exceeds 100 feet in length, the Commission may require that the meter be set near the street shut off with suitable valves in a pit at least five (5) feet deep with a cover. Pit and cover shall be owned, installed and maintained by the customer; pit construction and location shall be approved by the Commission.

40. The customer is responsible for maintaining piping on either side of meter in good condition and valved on both sides of meter so that meter may be removed or replaced conveniently and without impairing such piping. The Commission reserves the right to seal the valve before the meter or to place meter seals on each side of the meter. If a leak should develop, subsequent to meter removal or replacement, due to poor condition of the piping, the customer shall be responsible for any necessary repairs.



41. Swimming pools or other facilities which might require considerable quantities of water may be required to be separately metered and to have separate services. Customers are not permitted to fill pools with water from hydrants.

42. The customer is requested to notify the Commission promptly of any defect in, or damage to, the meter or its connection.

43. In order to assure accuracy, the Commission may at any time remove a meter for tests, repairs or replacement.

44. The Commission will, upon written request by a customer and if he so desires, in his presence, make without charge a test of the accuracy of the meter in use at his premises, provided the meter has not been tested by the Commission within the period of one (1) year previous to such request. A written report of the results of the test shall be furnished the customer.

45. The Commission can assume no responsibility for the clogging of interior house plumbing that may occur during or after repairs to services or meters.

#### **BILLING AND COLLECTION**

46. Separate premises shall be separately billed.

47. Bills are payable when rendered. Failure of the customer to receive the bill or notice does not relieve him from the obligation of payment or from the consequences of its non-payment.

48. Water supplied to a building occupied by more than one tenant shall be charged to the owner or his agent and shall not be charged to the various tenants in the building. However, upon written request of an owner, the Commission will meter each tenant separately and bill the owner for each metered tenant, in addition to his own bill from which the tenant's metered water shall be deducted. In any event, the owner shall be primarily liable and responsible for water supplied.

49. Whenever a metered customer is receiving water for more than one purpose, predominant use as determined by the Commission shall determine whether he is to be billed at residential, commercial or industrial rates.

50. Where a premises is supplied by two or more meters connected to a single service, the minimum charge for each meter shall be applied and the registrations combined in the computation of consumption charges. Where a premises is supplied through more than one service the minimum charge shall be applied to each meter and the registrations shall not be combined. Combined billing will not be allowed except on the same premises.

51. Bills for residential and commercial metered service rendered quarterly, shall cover consumption during the previous quarter except the minimum meter charge is billed in advance.

52. Bills for industrial and commercial customers and large consumers shall be rendered monthly and may cover consumption during

the previous month, except the minimum meter charge is billed in advance.

53. First and final bills, shall be prorated so as to adjust the bill to the periods for which service was rendered. Bills for seasonal metered service, including installation and minimum meter charges, shall be rendered at the time the meter is installed. Bills for removing, testing and storing the seasonal meters and for all water used above the minimum allowed. shall be rendered at the time the meter is removed. No seasonal meter shall be installed unless and until all charges against the account have been paid in full. Prorated charges will be made in cases where new cottages are occupied for the first time subsequent to July 15th.

54. Private fire protection charges shall be billed quarterly and shall be billed in advance.

55. Public fire protection charges shall be billed quarterly and shall be billed in advance.

56. Water for construction purposes will be sold at regular commercial meter rates. If it is not practicable to install a meter, the minimum commercial meter rate will apply.

57. Miscellaneous sales and temporary services are billed as the service is rendered.

58. All bills are due upon presentation. If any part of a bill is unpaid 30 days after presentation, the Commission may, after 15 days written notice, discontinue service. If water is turned off for non-payment there will be a charge for turning on the water again.

Customers are warned that under the Enabling Act of the Legislature establishing the Water Commission, interest at the rate of 8% per annum must be charged on all unpaid bills from thirty days after due date until date of payment. Also under the Enabling Act, the Collector of Taxes shall present a certificate to the Town Clerk stating the amount of the delinquent bill, its due date and the name of the owner of the real estate as a public record, notice of which shall be mailed to such owner. From the date of such filing until the same is paid in full, such delinquent bill plus any interest and charges accruing thereon shall constitute a lien upon the real estate on a parity with the lien for town taxes.

Listed below is a schedule of the billing:

BILL SENT OUT = DUE DATE

DUE DATE + 20 DAYS = REMINDER NOTICE

DUE DATE + 30 DAYS = TURN OFF NOTICE

Note: This also starts interest charges and the filing of the lien.

TURN OFF NOTICE + 6 DAYS = Telephone call or letter to address of record.

TURN OFF NOTICE + 15 DAYS = Shut Off Water Service.  
TOTAL DAYS TO SHUT OFF = 45 DAYS

Note: No shut offs under Rule 61 will be done on the day immediately prior to a weekend or Holiday.

59. Bills which are incorrect due to meter or billing errors will be adjusted as follows:

Whenever a meter in service is tested and found to have over-registered more than two per cent (2%), the Commission will adjust the customer's bill for the excess amount paid, determined as follows:

If the time at which the error first developed can be definitely determined, the amount of overcharge shall be based on that period of time. If the time at which the error first developed cannot be determined, the amount of the overcharge shall be for a period equal to one-half of the time since the meter was last tested. If more than one customer received service through the meter during the period for which the refund is due, a refund will be paid to the present customer only for the time during which he received service through the meter.

Whenever a meter in service is found not to register, the Commission may render an estimated bill. The Commission will estimate the charge for the water used by averaging the amount registered over a similar period preceding or subsequent to the period of non-registration or for corresponding periods in previous years adjusting for any changes in the customer's usage.

Billing adjustments due to faulty meters will be calculated on the basis that the meter should be one hundred per cent accurate. For the purpose of billing adjustment the meter error shall be one-half of the algebraic sum of the error at maximum test flow plus the error at intermediate test flow.

When a customer has been overcharged as a result of incorrect reading of the meter, incorrect calculation of the bill, incorrect connection of the meter or other similar reasons, the amount of the overcharge will be refunded or credited to the customer.

When a customer has been undercharged as a result of incorrect reading of the meter, incorrect calculation of the bill, incorrect connection of the meter or other similar reasons, the amount of the undercharge will be billed to the customer.

#### **DISCONTINUANCE OF WATER SERVICE**

60. Service may be refused or discontinued for any of the following reasons:

(a) A condition determined by the Commission to be hazardous.

(b) Customer use of equipment in such a manner as to adversely affect the Commission's equipment or the Commission's service to others.

(c) When the Commission has discovered that by fraudulent means a customer has obtained unauthorized water service or has diverted the water service for unauthorized use or has

obtained water service without same being properly registered upon the Commission's meter.

(d) Tampering with the equipment furnished and owned by the Commission.

(e) Violation of or non-compliance with the Commission's Rules and Regulations.

(f) Failure of the customer to fulfill his contractual obligations for service or facilities subject to the Commission's Rules and Regulations.

(g) Failure of the customer to permit the Commission reasonable access to its equipment.

(h) Failure of the customer to furnish such service equipment, permits, certificates or rights of way as shall have been specified by the Commission as a condition to obtaining service or are necessary therefore or for withdrawal or termination thereof.

Whenever possible, no service will be disconnected on the day immediately prior to a weekend or holiday, except as provided in subparagraphs (a), (b), (c) and (d) of this section.

#### **PRIVATE FIRE SERVICE CONNECTIONS**

61. Fire hydrants and sprinkler systems shall be installed and maintained at the expense of the customer. The size, material and location of piping and specifications for any tanks and pumps that may be required shall be submitted in writing to the Commission for approval.

62. Private fire services shall not be used to serve water for purposes other than fire protection, and no water shall be taken from a private fire service connection or hydrant for any purpose other than to extinguish fires or to test fire-fighting equipment. Such tests shall be made only after written notification to, and approval by, the Commission.

63. The Commission shall not be held liable or responsible for any losses or damage resulting from fire or water which may occur due to the installation of a private fire service connection or any leakage or flow of water therefrom.

#### **PUBLIC FIRE SERVICE**

64. If the Fire Department desires to use water from hydrants for testing equipment or for any purpose other than that of extinguishing fires, they must contact the Commission in advance of such usage.

65. Persons other than authorized fire department personnel who desire to use water from public hydrants for building or other purposes must first obtain permission in writing from the Commission.

66. All public fire hydrants shall be owned and maintained by The Commission.

67. Any hydrant located on public property or a public right of way is by definition subject to public fire charges rather than private fire charges.

#### **WATER MAINS**

68. All water mains laid as replacements or extensions of the existing system shall be a minimum of eight (8) inches in diameter, and shall comply with plans for the future water system network. Six (6) inch pipe may be laid for short distances between larger sized mains, or in other circumstances, but only by special permission of the Commission.

If the Commission requires the installation of a water main of larger diameter than ten (10) inches, they shall bear the cost difference between the ten (10) inch main and the larger size required.

Design and layout of the proposed water main, including valves, hydrants and appurtenances, shall be according to accepted good engineering practice and shall be approved by the Commission before any material shall be ordered or construction work started.

Water mains shall be laid with a minimum of 4'-6" of cover, with proper tamping, and with backfill placed in accordance with Commission specifications.

Materials to be used in the construction work shall be as specified and approved by the Commission.

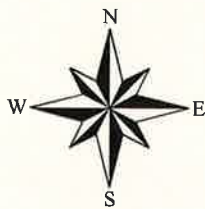
#### **EXTENSION AND FINANCING OF WATER MAINS**

69. Reference is hereby made to Chapter 13 of the Code of Ordinances.



# THE TOWN OF JAMESTOWN RHODE ISLAND

## APPENDIX A: JAMESTOWN URBAN WATER & SEWER DISTRICT



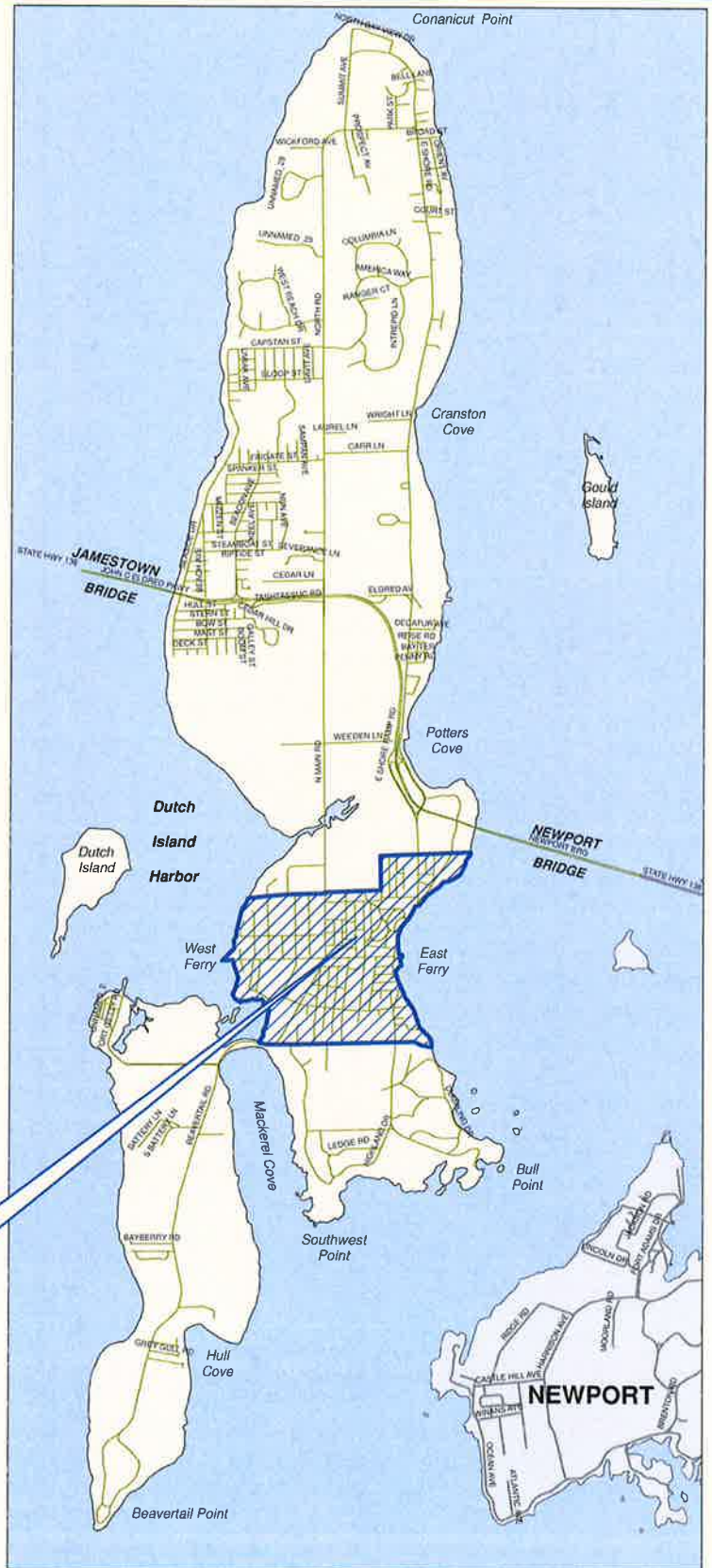
0 1 2 Miles

The information depicted on this map is for general planning purposes only. It may not be adequate for legal boundary definition or regulatory interpretation.

**URBAN WATER  
& SEWER  
DISTRICT**

Jamestown GIS  
Department  
JJ 11/24/09

**RIGIS**



# EXHIBIT E

**TOWN OF JAMESTOWN  
DEPARTMENT OF PUBLIC WORKS  
WATER DEPARTMENT**

**WATER SUPPLY SYSTEM MANAGEMENT PLAN  
5-YEAR UPDATE**

PREPARED FOR:

RHODE ISLAND  
WATER RESOURCES BOARD  
1 CAPITOL HILL, 3<sup>RD</sup> FLOOR  
PROVIDENCE, RI 02908

PREPARED BY:

PARE CORPORATION  
8 BLACKSTONE VALLEY PLACE  
LINCOLN, RI 02865

ORIGINAL SUBMISSION MAY 2017

REVISED MARCH 2018

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exceedances of secondary water quality standards for color and turbidity from the surface water supply of the reservoirs.

The water supply consists of two reservoirs that capture surface water runoff and two supply wells. The North Pond reservoir has a watershed of approximately 192 acres and a water body of 28 acres with a net usable water volume of 51 million gallons. The South Pond reservoir has a watershed of approximately 448 acres and a water body of 7.3 acres with a net useable volume of 8 million gallons. The two reservoirs are interconnected and deliver water to the treatment facility through a 10-inch PVC main. The total maximum safe day yield for North Pond is 194,000 gpd and it is 89,000 gpd for South Pond. Two supply wells, JR-1 (installed 1996) and JR-3 (installed 2004), are each rated for 50,000 gpd though only one can be used at a given time. The JWD also maintains an emergency interconnection (6-inch flexible water line) with the Town of North Kingstown water system across the Jamestown Verrazano Bridge. The interconnection has the capability of supplying the JWD with up to 200,000 gallons daily but is only used for emergencies. It has not been used since 2002.

The system employs a pretreatment facility located at South Pond. This facility pretreats between 180,000 to 350,000 gpd. Pretreatment consists of pH adjustment, chlorine dioxide (ClO<sub>2</sub>) bleaching for odor, color, and taste, and flow monitoring. The main water treatment plant is a new facility that was constructed in 2010, replacing a facility that had been in service since 1991. The new facility was designed to treat up to 500,000 gpd, including raw water from South Pond. It also produces higher quality finished water and reduces backwash water discharges to Great Creek.

Raw water enters the clearwell of the 1991 treatment plant before passing through a screener and then into a chemical mixing tank where it undergoes pH adjustment and coagulant addition. Flow then splits into parallel treatment trains consisting of coagulation basins and membrane filtration basins. Finished water is pumped to the system's two storage tanks by a pump station with two 350 gpm pumps.

The transmission and distribution system consists of upwards of 20.5 miles of asbestos cement, cast iron, and polyvinyl chloride (PVC) pipeline, the majority of which is less than 20 years in age and ranges in size from 6-inch to 12-inch. New and replacement main sections consist predominantly of PVC pipe. The service area is operated as a single pressure zone that is controlled by the overflow elevation (204.0 feet MSL) of two one million gallon storage standpipes. The original standpipe was constructed in 1974 and a second standpipe was constructed in 2007. These tanks establish the hydraulic grade and maintain system pressure in the range of 30 to 60 psi. The tanks are located alongside one another and the useable storage capacity of each tank is estimated at 0.7 million gallons but there is a transfer pump station between the two tanks which effectively increases the usable storage of the two-tank system.

The source and distribution system is 100% metered. The water department staff is responsible for the daily operation and maintenance of the water system that also includes metering and billing of customers. The JWD is operated as an "Enterprise Fund Agency" within the municipal corporation of the Town of Jamestown. The Town has established enterprise funds for operations that are organized to be self-supporting through user charges. It is the intent that all costs of providing the services to the public on a continuing basis be financed or recovered fully through user charges.

The service population is comprised of residential, commercial, and government uses and there are approximately 1,493 metered accounts as of 2016. The service population is approximately 3,184 people, of the roughly 5,472 residents in Town. The remaining residents not serviced by the







**WORKSHEET #4: Storage Facility Description (Section 8.02 (c) 2)** - (If the supplier has more than **three** Storage Facilities additional copies of the table should be made)

**Supplier:** Jamestown Water Department

	Storage Facility Name	Storage Facility Name	Storage Facility Name
	Howland Avenue Standpipe #1	Howland Avenue Standpipe #2	
Location (Keyed to Map)			
Storage Facility Type (Tank,Stand Pipe,Clearwell)	Standpipe	Standpipe	
Total Storage Volume (Gallons)	1,000,000	1,000,000	
Usable Storage Volume (Gallons)	700,000	700,000	
Facility Age (Nearest Year)	41 Years	10 Years	
Facility Condition (New, Good, Fair, Poor)	Good	Good	
Last Date of Inspection (Mo/Day/Yr)	2012	2010	
Construction Material (Major)	Steel	Steel	
Interior Paint Coating or Lining (Describe)	No	No	
Cathodic Protection (Yes/No)	No	No	

**WORKSHEET #8: Service Connections and Population Served - Historic, Current, and Projected (Section 8.02 (e) & Section 8.03 (a))**

**Supplier:** Jamestown Water Department

# of Service Connections	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006
Residential	1,365	1,358	1,358	1,353	1,348	1,348	1,335	1,340	1331	1340	1333
Commercial	98	98	98	100	98	98	99	98	87	89	85
Industrial	0	0	0	0	0	0	0	0	0	0	0
Governmental	30	31	31	31	31	31	29	31	30	30	29
Other	0	0	0	0	0	0	0	0	0	0	0
Total Service Connections	1,493	1,487	1,487	1,484	1,477	1,477	1,463	1,469	1448	1459	1447
Number of Metered Services	1,493	1,487	1,487	1,484	1,477	1,477	1,463	1,469	1448	1459	1447
% of System Metered	100	100	100	100	100	100	100	100	100	100	100
Total Population Served <sup>1</sup>	3,184	3,168	3,232	3,220	3,208	3,208	3,168	3,168	3168	3168	3168

**What is the present population eligible to be served (Section 8.02 (e) 3)?** 4,735

**What is the projected population for the five-year planning period (Section 8.03 (a) 1)?** 3,184

**What is the projected population for the twenty-year planning period (Section 8.03 (a) 1)?** 3,711

<sup>1</sup> For 2011-2014, this number is based on 2.38 persons per household, taken from latest US Census.



# FAY, SPOFFORD & THORNDIKE, INC.

ENGINEERS • PLANNERS • SCIENTISTS

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THOMAS D. JENKINS  
MICHAEL A. ROACHE  
FRANK A. TRAMONTOZZI

October 6, 2000

Mr. Steve Goslee  
Public Works Director  
Town of Jamestown  
P.O.Box 377  
Jamestown, RI 02835

Subject: **Final Report**  
**Safe Yield Study - North and South Ponds**

Dear Mr. Goslee:

FAY, SPOFFORD & THORNDIKE, INC. (FST) is pleased to submit twenty (20) copies of the Final Report on the Safe Yield Study for North and South Ponds. The findings of the study indicate that the total yield of North and South Pond is about 285,000 gpd without transfer pumping and about 400,000 gpd with transfer pumping.

If you have any questions, please do not hesitate to call.

Sincerely,

Fay, Spofford & Thorndike, Inc.  
By,

Christopher C. Yannoni, P.E.  
Associate

CCY:ccy  
WJ-001  
Enclosures

## V. Safe Yield Analysis

### A. General Method

The safe yield of the reservoir system was defined as the annual average daily withdrawal rate which results from:

- the maximum depletion of all useable storage capacity at least once during the 40 year period of simulation between 1960 and 1999.

### B. Safe Yield Model Development

FST created a computer model to simulate the Town of Jamestown's water supply system and compute the safe yield. The safe yield is influenced by a number of hydrologic and hydraulic factors, including watershed area, local rainfall-runoff relationships, reservoir storage capacity, and system losses. In multi-reservoir systems such as the Town's, system operation and management also affect the safe yield. The simulation model incorporates these factors and performs mass balance computations ( $\text{INFLOW} - \text{OUTFLOW} = \text{CHANGE IN STORAGE}$ ) for North Pond or South Pond on a monthly basis, to simulate system responses to water withdrawal rates. Key inputs to the model that characterized the water supply system included:

- precipitation on reservoir (pond)\*
- direct runoff (surface water inflow)
- reservoir evaporation
- demand withdrawal rates
- inter-reservoir transfers

\* The term "reservoir" and "pond" is considered one in the same and was utilized throughout the text and in the computer model outputs included in the Appendix.

### C. Model Simulation and Validation

Model simulation and validation runs were completed for North Pond. Inflows to the reservoir system consisted of precipitation on the reservoir surface, and surface water inflow from the watershed drainage area. Outflows included evaporation, demand withdrawals and overflow spillage. A variable monthly runoff factor was utilized to estimate the surface water inflow.

## 2. Yield Analysis Results with Reservoir Management

A second yield analysis was conducted considering the possible transfer of overflow from South Pond to North Pond in an effort to maximize the safe yield. Estimated overflow from both North and South Pond generated by the computer model for 1997 to 1999 is presented in Figure 7:

Figure 7 shows that a significant amount of water is lost from South Pond due to its small storage capacity in relation to its large drainage area. The installation of a raw water transfer pump station at South Pond and about 10,000 feet of pipeline from the transfer pump station to the north side of North Pond would provide the ultimate flexibility in terms of minimizing spillage and maximizing the safe yield. The safe yield of North Pond and South Pond utilizing average surface water inflow (run-off) factors of 0.40, 0.45 and 0.50 with transfer pumping are presented in Table 8.

**Table 8: Safe Yield with Transfer Pumping (gpd)**

Average Surface Water Inflow Factor	North Pond	South Pond	Total
0.40	304,000	80,000	384,000
0.45	321,000	83,000	404,000
0.50	333,000	88,000	421,000

Table 8 shows that at an average surface water inflow factor of 0.45, the safe yield with transfer pumping from South Pond to North Pond is increased from a total of 283,000 gpd to 404,000 gpd, an increase of 42%. A total transfer pump rate of about 180 gpm or two (2) 100 gpm pumps along with 10,000 feet of 6-inch pipe would be required.



# EXHIBIT F

**Town of  
Jamestown, Rhode Island**

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



**Date:** June 15, 2021

**To:** Board of Water and Sewer Commissioners

**From:** Michael Gray  
Public Works Director

**RE:** Water Extension Application  
East Shore Road

We have received a total of 5 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. Christina Paolino, 68 East Shore Road
2. Glenn and Marjorie Andreoni, 10 Seaview Avenue
3. John and Julie Shekarchi, 20 Seaview Avenue
4. Sandra Nardolillo 72 East Shore Road
5. Jeffrey and Debby Saletin 14 Seaview Avenue

I have attached a figure showing the location of the five lots requesting water service and the extension of the watermain in East Shore Road.

In May there were questions relative to the build-out projections for the district and available water supply. Based on the Water Supply Management Plan in 2016 there were 3,184 existing residential water customers on the water system. The buildout analysis completed by the Town of Jamestown in 2000 projected that an additional 223 dwelling units could be connected to the Town water system within the existing district at full-buildout. Using an average of 2.38 persons/household the number of customers is 3,589 at full build-out.

Lisa Bryer, the Town Planner, and I reviewed the 2014 comprehensive community plan update to determine the water system build-out to compare with the water supply management plan projections. Based on the comprehensive plan, 273 potential new units could be added to the municipal water system. This number includes vacant lots, sub dividable properties, and affordable housing units. The comprehensive plan also

includes both the urban district and lots within the rural district south of Hamilton Avenue and on Beavertail where watermain exists today. Based on these projections an additional 625 new residents could be added to the water system using 2.29 persons per household. The Comprehensive Plan study projected more units than the original 2000 study but the increase in population is less than the original 2.38 persons per household based upon updated census data at that time. Using the 2014 comprehensive plan update there will be a total of 3,809 customers at full build out. Today in 2021 there are 3,242 residential water customers on the system.

Since 2014 there have been 32 new dwelling units built in the urban water district and one accessory family dwelling unit based on building permit records. Therefore 241 units remain of the total build-out scenario for both urban and rural (south of Hamilton Ave) districts using the comprehensive plan estimate.

The per capita average day demand in the water district is 41 gallons/per person. Presently the average day demand for the entire water system is 152,000 gallons per day (GPD). Based on the additional 241 units there could be an additional 551 customers for full build out adding a demand of 22,591 GPD to our water system, increasing the total to 174,591 for the average day demand. Extensions north on East Shore Road have not been included in any of the build-out projections. One application was received in the past for an extension on East Shore Road but it was denied by the Commission.

I have attached a figure showing the Seaview Avenue neighborhood with the number of bedrooms indicated for each dwelling to determine the total daily demand for a watermain extension. RIDEM regulations estimate daily flows for single family dwellings at 2 people per bedroom with 115 GPD per bedroom unit. The average consumption for Jamestown water is 41 GPD per person and the census data is 2.29 people per household. Using the RIDEM estimates for two people per bedroom is more conservative in determining the total average daily demand for this exercise.

The total daily water use for just the 5 applications received is 1725 GPD using DEM water use estimates and 1230 GPD using the average for Jamestown with 2 per bedroom. If all 24 households were to connect to an extension around Seaview Avenue, the demand would increase to a total of 8,740 GPD using DEM water use estimates or 6,232 GPD using the average for Jamestown.

## **SAFE YIELD**

Safe Yield is that maintainable yield of water from a surface or ground water source or sources which is available continuously during projected future conditions, including a repetition of the most severe drought of record, without creating undesirable effects. The safe yield study performed in 2000 modeled the two reservoir systems in Jamestown based upon the drought of record that occurred in RI in the 1960s to determine the daily estimate of our supply.

The Safe Yield for North Pond is 185,000 gallons per day based upon the study conducted in 2000. South Pond can provide 100,000 gallons per day but unfortunately transferring water to North Pond can only be used when South Pond is spilling over. During the peak summer season and into the fall, South Pond does not spill over so water cannot be transferred. Therefore, this additional source is not reliable for estimating our safe yield capacity. Well JR-1 can provide an additional 50,000 gallons per day when in use. During drought conditions the well pump must be monitored for the level of water in the well. The well pump is turned off when the groundwater level reaches the pump elevation in the well.

## **CONCLUSION**

To determine the safe yield of a water source the study is based on projected future conditions that include a repeat of the most severe drought of record experienced. This period for RI was through the 1960s and not the drought conditions that caused the reservoir to go dry in 1993. Since 1993 well JR-1 was placed on line and we now have the ability to transfer water from South Pond to North Pond. Both have added to our overall supply but they are not reliable in determining the overall safe yield of the system. The monthly trending reports that I provide to the commission indicate that our average day demand is above our safe yield for approximately 5-6 months every year during our peak season. Daily averages can also exceed 350,000 gallons per day on weekends during the summer. When you factor in the remaining 6 months outside of the peak season the average day demand is 152,000 GPD for the year.

We cannot predict what the build out scenario will look like for Jamestown or when that may occur. Future demands on the water system are based upon lots available for development and estimates on housing units. What is not included are increases due to changes in commercial uses or the addition of accessory units beyond the projected number of 25 in the comprehensive plan for build out. As of this year only 1 accessory unit has been built based upon the building permit records.

It is our responsibility to manage our water resources to ensure an adequate supply to accommodate present and future needs for our community within the water district. These assets are owned and paid for by the customers within the district. Extensions are prohibited in the rural district by our regulations. In the past the commission has allowed an extension in the rural areas south of Hamilton Avenue and Beavertail when it has improved the quality or quantity of water furnished to existing water uses as allowed by regulation.

The applicants make a compelling argument for their need to connect to the water system. They have provided testimony that their wells do not produce sufficient water to support the dwelling and that the water quality is now impacted by salt water intrusion.

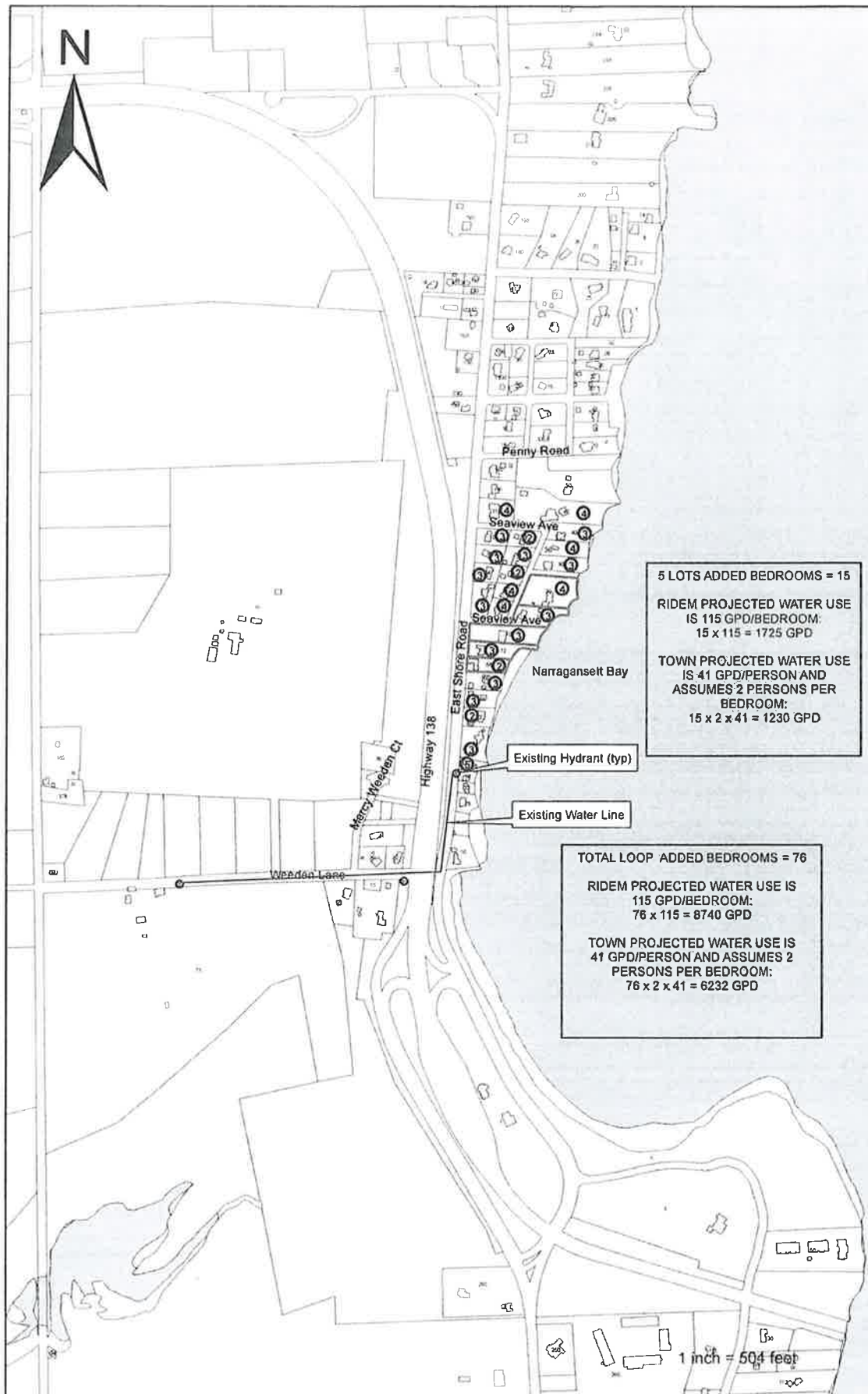
Jamestown Shores residents have been experiencing the same conditions over the years and have been able to manage the issues of groundwater quality and quantity with

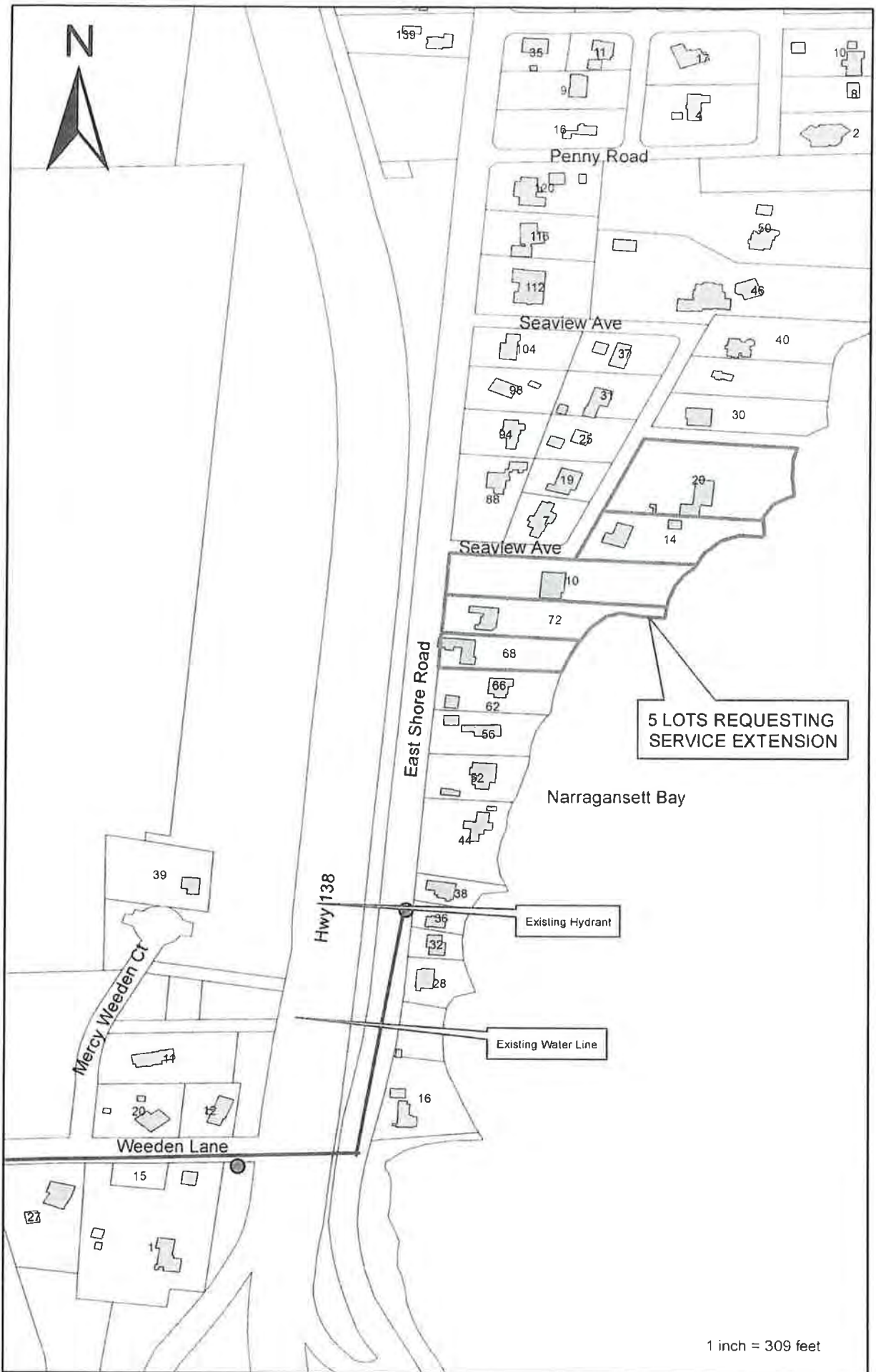
technology and increasing storage. The reports provided by Christina Paolino for 68 East Shore Road in support of the application states that there are no alternatives available for a new well and that treatment is not an option due to the poor water quality onsite. Applications received from 10 Seaview, 20 Seaview, 14 Seaview, and 72 East Shore Road do not have the supporting documentation for each of their wells but all owners state that they experience the same problems of salt water intrusion and lack of available water during periods of the year.

If the Commission is planning to provide additional water to the rural district we must do a more in depth study to determine where water mains will be allowed and how the water is managed for future growth in the community. The Comprehensive community plan build out analysis projected 85 vacant lots (100 units), 40 sub-dividable properties (88 units), and 85 units of affordable housing for the 273 potential new units in both the Urban and Rural districts on the water system but not East Shore Road. Past Commissions have not approved extensions on East Shore Road fearful that the main would creep north as one property after another apply with similar onsite issues with wells. I cannot predict how far this main will go north if allowed but we must assume there are others experiencing difficulty. In the past year I have been contacted by property owners on Highland Drive as well, to determine the feasibility of water extensions in that neighborhood.

The homeowners that have applied will want an answer to determine the direction they must take to get potable water. The commission will need to weigh making decisions for new connections now knowing that there will be denial for development somewhere in the district in the future. Water resources are finite and must be available continuously without creating undesirable effects for all uses that are on the system in the future.







# EXHIBIT G

## DIVISION 2. - WATER AND SEWER CONNECTION

### Sec. 74-36. - Permit required.

No person shall connect any property to any public sewer, common drain or public water supply located in any public street or public highway in the town, nor shall any person connect any property to any drain or sewer or public water supply located in a private highway, lane or alley, which sewer or drain or water supply in turn connects with a public sewer or common drain or public water supply located in a public street or public highway in the town, until such person shall first receive from the board of sewer and water commissioners a permit to do so.

(Code 1982, § 13-1; Code 2003, § 74-36)

### Sec. 74-37. - Application for permit.

Every person desiring to connect any property to the public water supply shall make application for such connection in writing to the board of sewer and water commissioners. Such application shall set forth the name of the owner of the property and the location of such property.

(Code 1982, § 13-2; Code 2003, § 74-37)

### Sec. 74-38. - Trapping.

Every connection to the public water supply must be properly trapped and must be so made as not to damage or obstruct any public sewer or common drain or road surface with dirt, sand or other material.

(Code 1982, § 13-3; Code 2003, § 74-38)

### Sec. 74-39. - Supervision.

Every connection to the public water supply in a public street or public highway, and every connection to the public water supply in a private street, highway, lane or alley, shall be made under the supervision of the director of public works.

(Code 1982, § 13-4; Code 2003, § 74-39)

### Sec. 74-40. - Excavations; restoration; connection fee.

All excavations made in any public street or public highway for the purpose of making connections to the public water supply or sewer system shall be filled and tamped and resurfaced in a good and workmanlike manner under the supervision of the director of public works so that the public highway or public street shall be left safe for public travel. The town shall be reimbursed for all expenses incurred in connection with such restoration. All persons connecting shall pay the water and sewer connection fee which is adopted by the board of water and sewers.

(Code 1982, § 13-5; Code 2003, § 74-40)

Secs. 74-41—74-60. - Reserved.

# EXHIBIT H



**TOWN OF JAMESTOWN  
TOWN COUNCIL MEETING**  
for  
**TOWN, WATER AND SEWER MATTERS**

Monday, May 18, 2009

A regular meeting of the Jamestown Town Council sitting as the Board of Water and Sewer Commissioners was called to order at the Jamestown Town Hall, Council Chambers, 93 Narragansett Avenue at 6:01 PM by Commission President Julio DiGiando. The following members were present:

Michael White, Vice-President  
William Kelly  
Robert W. Sutton, Jr.  
Barbara A. Szepatowski (arrived @ 6:03 PM)

Also present were:

Bruce R. Keiser, Town Administrator  
Peter D. Ruggiero, Esq., Town Solicitor (arrived @ 6:03 PM)  
Steven J. Goslee, Public Works Director  
Denise Jennings, Water and Sewer Clerk

**PUBLIC HEARING**

Commission President DiGiando opened the public hearing at 6:02 PM.

- 1) Proposed draft of the amendments to the Rules and Regulations of the Board of Water Commissioners as follows:

**Amendment 1**-Urban Water District-section 14A, subsection (II) (2) (i), is hereby amended to as follows:

(i) ~~The applicant dedicated the use of the premises to single or two family a use as allowed by the Zoning Ordinance as a matter of right and not the result of any variances, consuming no more water than the average single or two family use; the consumption of an average single or two family use being the quotient derived by dividing the total consumption for all such uses by the total number of such uses connected to the water supply within the Town, averaged over a 3 year period.~~

**Amendment 2**-Urban Water District-section 14A, subsection (III) (b) and (c), is hereby amended to as follows:

b. ~~The applicant shall be subject to the requirements of subparagraph (b) (1), (2) and (3) of this section, 14A II;~~

Deleted: ¶

c. ~~The applicant shall show to the satisfaction of the Commission that the proposed expansion of use or change of use will not result in an annual consumption of water that is greater than the three year running annual average for the three previous year running annual average for the three previous years prior to the application, or an amount allowable under paragraph b (2) of this section, 14(A) II, whichever is greater.~~

**Amendment 3-Rural Water District-section 14B, subsection (a) (b) (3) and (4), is hereby amended to as follows:**

14B. Rural Water Districts. All service connections ~~and/or extensions~~ in the Rural Water District shall be subject to the following conditions;

a. The applicants shall be subject to the requirements described for ~~connections extensions~~ in the urban district for one or two-family residential uses.

b. The applicants shall show to the satisfaction of the Commission that the proposed ~~extension-or~~ service connection requested is:

3. Will not reduce the level of fire protection of the community; the ~~property premises~~ shall not be part of a major subdivision. ~~Except an Administrative Subdivision;~~

4. Extensions to and within the rural district shall be prohibited.

~~4. Is necessary because the land will not produce a sufficient quantity of potable water by drilling private wells. The minimum well depth shall be 300'.~~

**Amendment 4-Conservation-section 15A, subsections 1 through 4 and 7 (a) (b) is hereby amended to as follows:**

### CONSERVATION

15A. Limitations on Use. In an effort to conserve water, the following rules shall control the uses hereafter described:

1. No customer shall connect an in-ground or underground irrigation or sprinkler system to the municipal water system. Lawn irrigation shall be prohibited from June 1 to August 31.

2. No customer shall use water furnished by the municipal water system for lawn irrigation, house washing, boat washing, or residential car washing when the height of NORTH POND is more than 42 inches below the top of the spillway. ~~from June 30<sup>th</sup> through October 1<sup>st</sup> of each year; nor at any time between October 2<sup>nd</sup> and June 29<sup>th</sup> when the height of the North Reservoir is more than one foot below the top of the spillway and after publication in the manner set forth in this subsection 3. When the height of the North Reservoir is from one foot to three feet below the top of the spillway and after publication of said information in a daily or weekly newspaper of general circulation within the Town of Jamestown, no customer shall use water furnished by the municipal water system for the irrigation of vegetables or flowers for more than fifteen (15) minutes per day and on such days as hereinafter set forth. No irrigation shall occur on Saturdays or Sundays. Properties with a legal address with an even number may irrigate flowers and vegetables only on an even day of the month. The above properties may irrigate on August 1<sup>st</sup>, provided it does not fall on a Saturday or Sunday. Properties with a legal address with an odd number may irrigate flowers and vegetables only on an odd day of the month.~~

3. When the height of the North Reservoir is from three and one half feet ~~four~~-feet to five feet below the top of the spillway and after

publication as described in subsection 2, above, no customer shall use water furnished by the municipal water system for any outdoor use.

~~4. When the height of the North Reservoir is from five feet to six feet below the top of the spillway and after publication as described in subsection 2, above, no commercial customer shall wash any vehicle using water furnished by the municipal water system.~~

The Commission may temporarily suspend all or part of the Limitations on Use set forth in subsections 2, 3 and ~~above~~, for such period or periods of time and/or upon such terms and conditions it deems appropriate at a public hearing and upon a four-fifths (4/5) vote of all members of the Commission ~~and after meeting one of the conditions set forth in subsections a & b below~~ and upon a finding, upon a preponderance of the evidence, that it is satisfied that rainfall, other meteorological conditions, North Reservoir height, projected water usage needs, and other factors it deems pertinent establish that the suspension will not compromise the ability of the Commission to supply customers with adequate amounts of potable water for the foreseeable future, and that the suspension will not contribute to conditions inimical to the public health, safety, welfare or to the Town of Jamestown Water Supply Management Plan. The reason for and the dates comprising the period of suspension shall be set forth in the decision of Commission. However, the Commission may terminate the suspension at any time if it determines at public hearing and upon majority vote that a preponderance of evidence shows that conditions require reinstatement of the suspended subsection or subsections. Notice of public hearings hereunder shall be published in a newspaper of general circulation within the Town of Jamestown at least seven (7) days before the hearing. Notices of suspension, termination and/or reinstatement shall be published in such a newspaper within seven (7) days of the Commission's action.

Deleted: 4

~~a.) The height of the North Reservoir is no more than twelve (12) inches below the top of the spillway.~~

~~b.) The height of North Reservoir is no more than thirty six (36) inches below the top of the spillway and the date falls between the first Tuesday after Labor Day and until October 31<sup>st</sup>.~~

**Amendment 5-Services-section 18 is hereby amended to as follows:**

#### **SERVICES**

18. All new and renewed services shall be a minimum of one (1) inch in diameter with no soldered joints underground. Services shall be Type K copper tubing. Customers who replace their service line at their discretion shall be responsible for excavating back to the main, backfilling with gravel and compacting the trench. The Commission shall re-tap the main, replace the tubing to the corporation stop and patch the road.

William Munger of Conanicut Marine Services stated that he supports the amendments as presented.

There were no additional public requests to address the Commission. Commission President DiGiando closed the public hearing at 6:03 PM.

6:03 PM: Solicitor Ruggiero and Commissioner Szepatowski arrived.

Commissioner Sutton referred to **Amendment 3-Rural Water District-section (b)** and asked for clarification regarding the numbering of the amendment and why the amendment started with number 3. Administrator Keiser stated that the advertisement included excerpts from the full reading of the rules and regulations and that numbers 1 and 2 still exist. Commissioner Sutton noted that the word "is" at the end of section (b), grammatically needs to be removed. The Commission agreed.

Commissioner White referred to **Amendment 4-Conservation-section 15A subsection 3** and asked if the words "three and one half feet to five feet" could be change to inches rather than written so that it would be consistent with **Amendment 4-Conservation-sectin 15A subsection 4**. The Commission agreed.

Commissioner Kelly referred to **Amendment 4-Conservation-section 15A subsection 2** and asked for clarification regarding public notice upon reaching the 42 inch mark. Commissioner Kelly asked if at that point does the Public Works Department needs to come back to the Commission or is the public notice automatic. The Public Works Director reported that the public notice is automatic. Commissioner Sutton stated that words "and after publication of said information in a daily or weekly newspaper of general circulation within the Town of Jamestown" should not been deleted. The Solicitor stated that this deletion was proposed in error and that this should be included in the rules and regulations.

Discussion ensued regarding **Amendment 3-Rural Water District-section 14B subsection 4**.

The Water and Sewer Clerk referred to **Amendment 4-Conservation-section 15A subsection 2** and asked the Public Works Director if the words "NORTH POND" should be changed to "NORTH RESERVOIR" to be consistent with the remainder of the subsection. The Public Works Director and the Commission agreed.

Following clarification of a few additional items, motion was made by Commissioner Kelley, seconded by Commissioner White to approve the proposed amendments to the Rules and Regulation of the Board of Water Commissioners as presented and discussed. So unanimously voted.

#### **AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS**

1) **Award recognition**

a) Atlantic States Rural Water & Wastewater Association

Commissioner Kelly presented a plaque to the Public Works Director from the Atlantic States Rural Water & Wastewater Association honoring Outstanding Operations by the Jamestown Water Department. Commissioner Kelly noted that this plaque was presented to Mr. Goslee at the 2009 RI Annual Conference.

#### **READING AND APPROVAL OF MINUTES**

1) 04/20/09 (regular meeting)

Motion was made by Commissioner Szepatowski, seconded by Commissioner Sutton to accept the 04/20/09 (regular) meeting minutes. So unanimously voted.

#### **OPEN FORUM**

1) Scheduled requests to address:

(None)

- 2) Non-Scheduled requests to address:  
(None)

### **REPORT OF TOWN OFFICIALS**

1) **Pumping Report:**

The Public Works Director reported the following:

- o Pumping was up slightly for the month of April. Water is not lost. Increase is due to circulation of water in the new treatment plant.
- o Rainfall was up for the month of April.
- o Color (turbidity) is higher than usual and is due to the increase in rainfall.
- o North Reservoir is @ capacity, usable storage-60MG
- o South Pond is @ capacity, usable storage-7MG.

- 2) Town project reports: (See Project Update Report dated April 2009)

**Memorandum from the Harbor Commission re: West Ferry-addition of water to floating dock**

The Public Works Director reported that he has provided an estimate for the costs for moving the pump out to the end of the pier in the amount of \$4,000. The Public Works Director stated that this cost would cover materials and an electrician. The Public Works Director further stated that the work would take approximately 2 or 3 days to complete and that labor would be provided by the Town. Commission President DiGiando stated that the funds should come out of the Harbor Commission budget. The Commission President asked the Public Works Director to provide a note that he could bring to the Harbor Commission meeting on Wednesday, 05/20/09.

Brief discussion ensued regarding the charge back for the labor supplied by the Dept. of Public Works. The Town Administrator stated that for true cost accounting the labor should go into the Harbor Fund to be consistent. Commission President DiGiando stated that it is in the Town's best interest to improve the pump out at West Ferry.

The Commission asked for clarification on a few items as reported by the Public Works Director.

### **LETTERS AND COMMUNICATIONS**

(None)

### **UNFINISHED BUSINESS**

- 1) **Memorandum from the Harbor Commission re: West Ferry-addition of water to floating dock** (cont. from 04/20/09)  
Previously discussed.

### **NEW BUSINESS**

- 1) **Application of Rosemary Tutsch et Ashley Tutsch (Owner: James Thompson) (32 Pemberton Avenue; Plat 8, Lot 84) for utility service expansion/change of use.**

Commission President DiGiando reported that this is the second time the applicant has been before the Commission and that the applicant has been approved for a different location. Commission President DiGiando further reported that 32 Pemberton Avenue was previously a residential unit and is currently used as offices and that the unit in question was previously used by the Town Recreation Dept. The Public Works Director stated that if the application is approved, the three units must be metered separately. The Public Works Director further stated that he has spoken with the owner and he is

aware of this requirement.

Motion was made by Commissioner Szepatowski, seconded by Commissioner White to approve the application of Rosemary Tutsch et Ashley Tutsch (Owner: James Thompson) (32 Pemberton Avenue; Plat 8, Lot 84) for utility service expansion/change of use for a hair salon with two sinks and 3 hair stations. So unanimously voted.

Motion was made by Commission Szepatowski , seconded by Commissioner White that the property located at 32 Pemberton Avenue; Plat 8, Lot 84 be required to be re-metered to include three meters; one meter for each unit. The property owner will be required to pay for the meters and not the tie-in fee. So unanimously voted.

### **BILLS AND PAYROLL**

Motion was made by Commissioner White, seconded by Commissioner Szepatowski to approve the Water and Sewer Division Bills and Payroll. So unanimously voted.

### **TOWN BUSINESS**

(None)

### **ADJOURNMENT**

Commissioner Kelly expressed his concerns regarding a flyer and emails that are circulating around town regarding the Water Department and water quality.

Commissioner Kelly reported the following:

- o Flyers are being left at the doors of residents.
- o Obnoxious, aggressive and unprofessional emails are repeatedly being sent to Dr. Marcia Lukon, Superintendent of Jamestown School.
- o The flyers and emails are being sent out by Richard Spahr of Jamestownwater.com
- o He will distribute a copy of the communications to the Commission, prior to the end of the evening.

Commissioner Kelly suggested that the Town Solicitor look into this matter. The Commission agreed.

The Public Works Director reported that the old treatment system needed about 20,000 gallons of water per a day to flush the sand filtration system and that the new system needs about 5000 gallons of water per a week for the flushing operation.

Commissioner Kelly stated that the Town has made outstanding improvements regarding water and the message should get out to public. The Public Works Director reported that the Jamestown Press will be touring the new facility on Tuesday, 05/19/09.

There being no further business before the Commission, motion was made by Commissioner Szepatowski, seconded by Commissioner White to adjourn the meeting at 6:40 PM. So unanimously voted.

Attest:

Denise Jennings  
Water and Sewer Clerk



xc: Commission Members (5)  
Town Administrator  
Town Solicitor  
Public Works Director  
Town Clerk

# EXHIBIT I

STATE OF RHODE ISLAND  
TOWN OF JAMESTOWN  
TOWN COUNCIL sitting as  
BOARD OF WATER AND SEWER COMMISSIONERS

\* \* \* \* \*

PROCEEDINGS AT HEARING \*

IN RE: \*

Application of \*

CHRISTINA DiMEGLIO et \*

CLP Trust-2016 \*

\* \* \* \* \*

Jamestown Town Hall  
93 Narragansett Avenue  
Jamestown, RI 02835  
22 August 2022

BEFORE:

Nancy A. Beye, President  
Michael White  
Mary E. Meagher  
Randall White  
Erik G. Brine

PRESENT:

For the Applicant:  
Joelle C. Rocha, Esquire  
DUFFY & SWEENEY, LTD.  
321 South Main Street, Suite 400  
Providence, RI 02903

For the Town of Jamestown:  
Peter D. Ruggiero, Esquire  
RUGGIERO, BROCHU & PETRARCA  
1130 Ten Road Road  
North Kingstown, RI 02852

IN RE: DiMEGLIO, Christina et CLP Trust-2016

22 August 2022

MS. BEYE: That brings us to New Business.  
Do you want to start? Okay. Okay.

Randall?

MR. RANDALL WHITE: Yes. Thank you, Madam President. I notice the first thing under New Business is Review, discussion and/or action and/or vote regarding the application of Christina DiMeglio and CLP Trust-2016 for a water extension at 68 East Shore, Plat 7 Lot 86.

Before we go any farther, I had the opportunity -- we obviously haven't met since early in July, and I have noticed in our package that there are considerable and exhaustive materials submitted on behalf of the applicant through counsel, Joelle Rocha, explaining and expounding on the rationale and the arguments for this application. However, it needs to be said that this applicant was before us as the water and sewer commissioners board last year in October. And at that time, after a full hearing, the board of water and sewer commissioners denied the application and submitted a written decision to that effect directed to Miss Paolino, also known as

1 Miss DiMeglio, in October, October 13 of 2021.

2 Now, in all due respect, are you Joelle Rocha?

3 MS. ROCHA: I am Joelle Rocha, yes.

4 MR. RANDALL WHITE: Welcome. Thank you.

5 MS. ROCHA: Thank you.

6 MR. RANDALL WHITE: And in all due respect  
7 to you, Ms. Rocha, you set forth, in the multiple  
8 submissions that you have made in anticipation of  
9 tonight, your position, should the matter be heard,  
10 especially as it relates to the applicability now  
11 of a recently enacted provision of the Rhode Island  
12 General Laws Title 46 Chapter 15 Section 2.

13 However, I -- taking a quick look at that, in  
14 anticipation of tonight, and although you make the  
15 argument, and would, I'm sure, if you were allowed  
16 to be heard, that the -- this board is obliged to  
17 review this application in light of the new  
18 statute. What isn't addressed in your pleadings  
19 or, frankly, in the new statute is why you should  
20 be heard at all.

21 As I'm sure you're well aware, general  
22 proposition of litigation, whether it be in court  
23 or here, is that a thing decided is a thing  
24 decided. And there is a general proposition that  
25 speaks to, among other things, the desire for

1 public bodies to have certainty and reliability in  
2 their decisions so that we can conduct business as  
3 it comes.

4 Having said all that, I had asked Madam  
5 President to be heard before we went any further  
6 with this, because I would like to propose a  
7 motion. And the motion I would like to propose is  
8 that to ask for a vote of my fellow councilors and  
9 to respectfully ask you, as counsel for the  
10 applicant, to submit to us, in the future -- we can  
11 agree on a timetable that suits your schedule -- a  
12 memorandum, a memorandum of law that sets forth why  
13 it is we should be heard.

14 MS. ROCHA: I --

15 MR. RANDALL WHITE: Why you should be  
16 heard.

17 MS. ROCHA: And I can address that right  
18 now. But I do highly object to not being heard  
19 tonight, and I think your solicitor can weigh in.

20 Your -- respectfully, your point on this is  
21 not founded in this situation. Let me give you an  
22 example. Applicant applies for a use variance  
23 under your zoning ordinance for something that's  
24 not prohibited. Denied, use variance. You change  
25 the zoning ordinance. It's allowed. They can't



1       come back?

2               MR. RANDALL WHITE: Respectfully, this is  
3       different in substance.

4               MS. ROCHA: It isn't different, because  
5       the law has changed.

6               MR. RANDALL WHITE: The State law has  
7       changed --

8               MS. ROCHA: The State law has changed --

9               MR. RANDALL WHITE: -- in all respect to  
10       get to your argument, which we'll get to if and  
11       when there is a hearing.

12               I take exception to your claim that not only  
13       does the State law apply to any applicants, but it  
14       sets aside and renders null and void any other  
15       consideration a municipality might have. I  
16       respectfully submit that that cannot be the reach  
17       of the new statute.

18               MS. ROCHA: Well, I think that's up -- if  
19       you want to file a court action on that, that's up  
20       to the court to decide, but I can tell you -- the  
21       general assembly, there was no one from Jamestown  
22       at these hearings, and the general assembly has  
23       ruled in this arena as to what the standard is.  
24       The law is well established that once they have  
25       ruled and they have presented a standard that is

1 I have my whole team here --

2 MR. RANDALL WHITE: Right.

3 MS. ROCHA: -- very prepared.

4 MR. RANDALL WHITE: Right.

5 MS. ROCHA: So, let's --

6 MR. RANDALL WHITE: Right.

7 MS. ROCHA: Can I present my application,  
8 or what are we doing?

9 MR. RANDALL WHITE: And as I'm sure you  
10 heard from the presenter, our former Public Works  
11 Director Mr. Gray, just before you, this is of  
12 special interest. The overarching consideration of  
13 our water supply is something that is literally  
14 existential for the town. As a town councilor, to  
15 me, at least, it's the issue; it's the issue now  
16 and it's the issue for the future. And I, for one,  
17 as a town councilor, want to get it right.

18 And so I'm not prejudging whether or not there  
19 will come a day when you will be allowed to have a  
20 hearing here, but to the extent that I, at least,  
21 am one voting member of five, and I don't speak for  
22 anyone except myself, I am concerned about the  
23 propriety of allowing you to simply come back after  
24 having been denied, not seek redress in the Supreme  
25 Court, as was allowed under the prior law, and

1 or you rule on it initially and ask for a reason  
2 why you should even hear the application at all.  
3 Because if you believe -- and again, Miss Rocha is  
4 claiming that you can't make a determination of  
5 law, she's correct. Whatever decision you make  
6 isn't binding and could be appealed. You know,  
7 we'll have to argue in front of a judge about how  
8 it's interpreted and who interprets it correctly.  
9 So --

10 MS. MEAGHER: So, that Randy has requested  
11 the second, right, the second option?

12 MS. BEYE: The second option.

13 MR. RUGGIERO: Yes.

14 MR. RANDALL WHITE: Yes.

15 MR. RUGGIERO: Just so you know what  
16 you're voting on.

17 MS. BEYE: Did you make a motion?

18 MS. MEAGHER: Yes. I seconded it.

19 MS. BEYE: You seconded it?

20 MS. MEAGHER: Yes.

21 MR. BRINE: Randy made a motion, and she  
22 seconded.

23 MS. BEYE: We have a motion and a second.  
24 All in favor?

25 (Voice vote.)

# EXHIBIT J

STATE OF RHODE ISLAND  
TOWN OF JAMESTOWN  
TOWN COUNCIL sitting as the  
BOARD OF WATER AND SEWER COMMISSIONERS

\* \* \* \* \*

PROCEEDINGS AT HEARING \*  
IN RE: \*

Application of \*  
CHRISTINA DiMEGLIO et \*  
CLP Trust-2016 \*

\* \* \* \* \*

Jamestown Town Hall  
93 Narragansett Avenue  
Jamestown, RI 02835  
19 September 2022

BEFORE:  
Nancy A. Beye, President  
Mary E. Meagher  
Michael White  
Randall White  
Erik G. Brine

PRESENT:  
For the Applicant:  
Joelle C. Rocha, Esquire  
DUFFY & SWEENEY, LTD.  
321 South Main Street, Suite 400  
Providence, RI 02903

For the Town of Jamestown:  
Peter D. Ruggiero, Esquire  
RUGGIERO BROCHU & PETRARCA  
1130 Ten Road Road, Suite D102  
North Kingstown, RI 02852

1 and, as importantly, the oral discussion, the  
2 applicant seems to be suggesting whether the town  
3 or municipality has water to give or not is of no  
4 consequence. If the applicant meets the tests in  
5 the new regulation we have to give them water. I  
6 ask, rhetorically, is that what the legislature  
7 meant and is that what a court would say about the  
8 requirement of a town? Whether you have water or  
9 not, I have got to get it because I, as a resident,  
10 have a right to have the town provide me with  
11 water. That can't be what it means. More and more  
12 and more as pressures increase on water supplies,  
13 not only here and everywhere else, the legislatures  
14 spend a great deal of time and energy attempting to  
15 resolve extremely weighty issues of how much water  
16 do you have and who should get it under what  
17 circumstances. It cannot be the case that the rule  
18 now is apply, and if your well doesn't produce, the  
19 town is on the hook to provide you water. If that  
20 is the requirement tell me, some court.

21 Sorry for all that.

22 MS. BEYE: Don't be sorry.

23 MR. RANDALL WHITE: That's how I see it at  
24 this point. Again, with all due respect to the  
25 great zeal, the great competence, the great



1       advocacy of Miss Rocha, the exhaustive memo she  
2       wrote, I simply suggest that all of the things I  
3       have said would be findings that I would make as a  
4       member of this board of commissioners, and I urge  
5       my fellow commissioners to make the same findings  
6       and that in the end that we, under the doctrine of  
7       administrative finality, deny this applicant a  
8       second hearing.

9               MS. BEYE: Is that a motion?

10              MR. RANDALL WHITE: That is a motion.

11              MS. MEAGHER: Second.

12              MS. BEYE: All -- excuse me.

13              Yes, Peter.

14              MR. RUGGIERO: I suggest you ask  
15       Miss Rocha if she wants to be heard on any of this.

16              MR. RANDALL WHITE: Absolutely.

17              MS. BEYE: Miss Rocha.

18              (Miss Rocha speaking.)

19              THE STENOGRAPHER: Excuse me. Could you  
20       come up to the podium? I can't hear you.

21              MS. BEYE: Excuse me. Could you come up  
22       here just for --

23              THE STENOGRAPHER: Thank you.

24              MS. ROCHA: No problem.

25              Yes, I have no interest in wasting anymore

# EXHIBIT K

**TOWN COUNCIL SPECIAL MEETING**  
**Jamestown Town Hall**  
**Tuesday, November 14, 2023**  
**2:00 P.M.**

**I. ROLL CALL**

A special meeting of the Jamestown Town Council was held on November 14, 2023. Town Council Members present were as follows: Nancy A. Beye, Mary Meagher, Michael G. White, and Randy White. Erik Brine was absent

Also, in attendance: Town Administrator Edward A. Mello, Solicitor Peter Ruggiero, Finance Director Christina Collins, Public Works Director Michael Gray, Michael DeSisto, Esq. Kathleen Daniels, Esq., and Town Clerk Roberta Fagan.

**II. CALL TO ORDER, PLEDGE OF ALLEGIANCE**

Town Council President Beye called the meeting of the Jamestown Town Council to order at 2:03 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance.

A motion was made by Vice President Meagher with a second by Councilor M. White to convene as the Town Council Sitting as the Board of Water and Sewer. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

**III. TOWN COUNCIL MOVES TO CONVENE AS THE BOARD OF WATER AND SEWER COMMISSIONERS**

A motion was made by Vice President Meagher to move into Executive Session – Board of Water and Sewer Commissioners with a second by Councilor M. White. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

**IV. EXECUTIVE SESSION- BOARD OF WATER AND SEWER COMMISSIONERS**

*The Town Council Sitting as the Board of Water and Sewer Commissioners may seek to enter into Executive Session and/or Open Session for review, discussion and/or potential action and/or vote on the following:*

- A) Review, Discussion, and/or Action and/or Vote in Executive Session and/or Open Session pursuant to RIGL § 42-46-5(a) Subsection (2) Pending or Potential Litigation:
  - 1) CLP Trust-2016 v. Town of Jamestown Board of Water and Sewer Commissioners, et al, C.A. No. SU-2022-0268-M.P. (RHODE ISLAND SUPREME COURT)
  - 2) In Re: Appeal of CLP Trust-2016, by and through its Trustee, Joseph R. Paolino, Jr. from a decision of the Town of Jamestown Board of Water & Sewer Commissioners, R.I. Water Resources Board (October 18, 2022).

- 3) CLP Trust-2016 v. Jamestown et al, C.A. 22-cv-0339-JJM-LDA (R.I. Federal District Court for the District of Rhode Island).
- 4) Joseph R. Paolino, Trustee and CLP Trust – 2016 v. Christine Brochu C.A. No. NC-2023-0005.

**V. THE BOARD OF WATER AND SEWER COMMISSIONERS ADJOURNS FROM THE EXECUTIVE SESSION AND ENTERS OPEN SESSION**

A motion was made by Vice President Meagher to seal the minutes and adjourn from Executive Session- Board of Water and Sewer Commissioners with a second by Councilor M. White. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- A) Review of litigation matters, Discussion of risk and liability assessments, and/or Action and/or Vote regarding the following matters, including but not limited to settlement of all claims:
  - 1) CLP Trust-2016 v. Town of Jamestown Board of Water and Sewer Commissioners, et al, C.A. NO. SU-2022-0268-M.P. (RHODE ISLAND SUPREME COURT)
  - 2) In Re: Appeal of CLP Trust-2016, by and through its Trustee, Joseph R. Paolino, Jr. from a decision of the Town of Jamestown Board of Water & Sewer Commissioners, R.I. Water Resources Board (October 18, 2022).
  - 3) CLP Trust-2016 v. Jamestown et al, C.A. 22-cv-0339-JJM-LDA (R.I. Federal District Court for the District of Rhode Island).
  - 4) Joseph R. Paolino, Trustee and CLP Trust – 2016 v. Christine Brochu C.A. No. NC-2023-0005.

Michael Desisto, Esq., Interlocal Trust, addressed the Board of Water and Sewer Commissioners summarizing the proposed settlement agreement(s):

- (1) CLP Trust-2016 v. Town of Jamestown Board of Water and Sewer Commissioners, et al, C.A. NO. SU-2022-0268-M.P. (RHODE ISLAND SUPREME COURT)
- (2) In Re: Appeal of CLP Trust-2016, by and through its Trustee, Joseph R. Paolino, Jr. from a decision of the Town of Jamestown Board of Water & Sewer Commissioners, R.I. Water Resources Board (October 18, 2022).
- (3) CLP Trust-2016 v. Jamestown et al, C.A. 22-cv-0339-JJM-LDA (R.I. Federal District Court for the District of Rhode Island).
- (4) Joseph R. Paolino, Trustee and CLP Trust – 2016 v. Christine Brochu C.A. No. NC-2023-0005.

Michael Desisto, Esq. Interlocal Trust requested the Town of Jamestown Board of Water and Sewer Commissioners to (1) approve the application for municipal water line extension for East Shore Road and (2) authorize Nancy Beye to sign the settlement agreement of all claims.

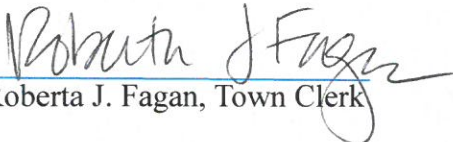
A motion was made by Vice President Meagher with a second by Councilor M. White to approve the application for municipal water line extension for East Shore Road and (2) authorize Nancy Beye to sign the settlement agreement of all claims. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

President Beye read the statement of the Board of Water and Sewer Commissioners regarding a settlement between CLP Trust-2016 v Town of Jamestown Board of Water and Sewer Commissioners. (attached)

#### **VI. ADJOURNMENT**

A motion was made by Vice President Meagher with a second by Councilor M. White to adjourn at 3:48 p.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

Attest:

  
Roberta J. Fagan, Town Clerk

## STATEMENT OF BOARD OF WATER AND SEWER COMMISSIONERS REGARDING SETTLEMENT

In May of 2021, the owner of 68 East Shore Road filed an application to the Jamestown Board of Water and Sewer Commissioners (the Board) requesting that the municipal water main be extended to her house. The Board voted to deny the applicant's request following a hearing in June 2021. The Board filed a written decision reflecting its denial of the request on October 18, 2021.

In March of 2022, an amendment to RI General Laws §46-15-2: An Act Relating to Waters and Navigation-Water Resources Management was put before the General Assembly. The explanation provided by legislative counsel states: "This act would provide the standards for reviewing applications for plans or work for the extension of supply or distribution mains or pipes. This act would also add an appeal of a denial by a public water supply facility pursuant to the administrative procedures act §42-35-15." It was passed by the RI House on May 26, by the RI Senate on June 7 and signed by the Governor on June 15, 2022.

On June 30, 2022, the owner of 68 East Shore Road re-applied to the Board for the same relief, offering essentially the same facts as had been advanced in the first application. The Board declined to hear the new application, relying on the concept of "administrative finality."

The applicant thereafter brought the following legal actions challenging the Board's decisions denying her requests:

1. **A petition for review by the Rhode Island Supreme Court** (entitled CLP Trust 2016 v. Town of Jamestown Board of Water and Sewer Commissioners CA No. SU 2022-0268 MP, Rhode Island Supreme Court.)
2. **A civil complaint in the United States District Court for the District of Rhode Island** (entitled CLP Trust-2016 v. Town of Jamestown et al. CA 22-CV-0331-JJM-LDA, Rhode Island Federal District Court for the District of Rhode Island.) The Federal case lists as defendants the Board of Water and Sewer Commissioners in both their official and individual capacities as well Jamestown's Financial Director, Christina Collins.
3. **An appeal to the Rhode Island Water Resources Board** (entitled In re: Appeal of CLP Trust 2016 by and through its Trustee, Joseph R. Paolino, Jr. from Decision.)
4. **An action against Jamestown's Tax Assessor** (entitled Joseph R. Paolino, Jr, Trustee, and CLP Trust 2016 v. Christine Brochu, NC-2023-0005 in Newport Superior Court.)

The Board and the Commissioners have been represented by both Peter Ruggiero, Esq. as well as legal counsel for the Interlocal Trust, Michael DeSisto, Esq. and Kathleen Daniels, Esq. Our lawyers have periodically provided the Board with developments, insights, and frank legal advice as these cases have progressed in their respective jurisdictions. The Rhode Island Supreme Court agreed to hear the applicant's challenge to the Board's decisions, and arguments were expected in the relatively near future. The exchange of discovery had been ongoing in the case in Federal District Court.

We recognize that the newly revised §46-15-2 of the Rhode Island General Laws, has the potential to have a material impact on the Board's decisions in this matter. Included in amended §46-15-2 RIGL are standards by which applications for plans for the extension of supply or distribution mains are to be



reviewed. The property owner in this matter contends that the new provisions of §46-15-2 entitles them to an extension of water service.

The amended provisions of 46-15-2 RIGL did not exist when the Board heard and decided the merits of the 2021 request. The Commissioners wholeheartedly believe, as does our legal counsel, that the Board's decision to deny this water service extension was sound, prudent, and sustainable on its own. After conferring with legal counsel, the Board has realized that the introduction of this untested new general law into the mix of considerations for judicial review in the pending cases creates legal uncertainty and potentially significant liability risk to the sustainability of our decision. The financial risk is significant- possibly in the millions of dollars. Even if the Commission is ultimately successful, the financial costs of defending our actions and litigating issues related to the interpretation of the new statute would be similarly significant. Either way, the water system users would have to bear these costs.

Under these circumstances, this Board is faced with a classic Hobson's choice, which Merriam-Webster defines as either "an apparently free choice when there is no real alternative" or "the necessity of accepting one of two or more equally objectionable alternatives". The Board's "choice" is either to continue to litigate the matter, which we are told by our legal counsel involves risk and financial liability or settle the matter and allow the water extension. The Board has a fiduciary duty to our water users. A decision to further litigate this matter would be legally perilous in this uncertain legal landscape, and the Board has therefore made the difficult decision to settle this case, which we have determined to be in the best interests of the water system and its users.

The Board is now in the process of rewriting our state mandated Water Management Plan . We will now act to review and amend our local water service rules and regulations, clarify the limits of the water district and the processes by which service is granted . The Board will also seek to improve the flawed newly amended general law to prevent intrusion into the affairs of our Town's water system by the state.

# EXHIBIT L



*Joelle C. Rocha, Esq.*  
*jrocha@duffysweeney.com*

January 2, 2024

***Via Hand Delivery***

Board of Water and Sewer Commissioners  
Town of Jamestown  
c/o Town Clerk  
93 Narragansett Avenue  
P.O. Box 377  
Jamestown, RI 02835

**Re: Request for Water Extension**

Dear Honorable Board Members:

The undersigned represents Glenn and Marjorie Andreoni, the owners of 10 Seaview Avenue, Jamestown, Rhode Island, otherwise known as Assessor's Plat 7, Lot 134 ("Andreoni Property"). Please accept this correspondence, attached application and exhibits as an Application for a Water Extension to the Property on behalf of my clients. We request to be heard on the next agenda of the Board of Water and Sewer Commissioners ("Board").

This Application is being submitted under the standards established for all public water suppliers, ***effective June 15, 2022***, as set forth in R.I. Gen. Laws § 46-15-2. Such legislation was passed in an effort to standardize review by the State's approximately 400 public water suppliers, while providing them with the flexibility to apply *lower* (not *higher*) standards to such applications. R.I. Gen. Laws § 46-15-2 is a statute of state-wide application. As Jamestown is a public water supplier under the statute, it is bound to review my client's Application for extension under these new standards as set forth in R.I. Gen. Laws §46-15-2.

The Application meets the new standards and seeks to extend the approved 8" water main at 68 East Shore Road to the Andreoni Property, which is just one house away from 68 East Shore Road:



The estimated usage of 82.6 gpd for the single-family household of two.<sup>1</sup> Importantly, we are not requesting connection or extension of any other Property in the Town (though there is only one additional house that would be able to apply for a connection if this extension is granted), and this Application is solely for this Property and no other and should be reviewed accordingly. The proposed water line extension would go approximately 200 feet (50 feet of frontage—half the frontage of 10 Seaview, 100 feet of frontage of 72 East Shore Road, and 50 feet of frontage of East Shore Road (see attached sketch from the Town’s GIS system) from the centerline of the property at 68 East Shore Road to the centerline of the Property, as there is no side street to feasibly loop the line, and the Town has expressed disinterest in allowing the entirety of the Seaview Avenue neighborhood to be able to connect to water services. Moreover, under R.I. Gen. Laws § 46-15-2, to extend the line to all of Seaview Avenue, those property owners must provide a showing as to the standards set forth in R.I. Gen. Laws § 46-15-2, as the Town has not yet passed regulations lessening these extension standards. As such, we are not petitioning on behalf of any other Property owner to the north of the Andreoni Property.

We address these standards in detail here, and they will also be addressed through witness testimony at the hearing. Attached to this cover letter are the following documents in support of the Andreoni Application under the applicable standards:

1. Executed Application form with:
  - A. Planning Department’s Comprehensive Plan analysis completed as of May 12, 2021<sup>2</sup> for this Property’s extension request;

<sup>1</sup> This number uses gpd estimate provided by Pare Corporation in the Town’s current Water Supply System Management Plan 5-Year Update, Original Submission May 2017, Revised March 2018 prepared by Pare Corporation (“2018 WSSMP”) updated in 2018 (see page ES-4 of the same) which provides for 41.3 gpd per capita.

<sup>2</sup> The Comprehensive Plan is the same as was in place as of May 12, 2021, so the same analysis is applicable.

- B. Fire Chief's opinion that the Application will not reduce the level of fire protection in the community<sup>3</sup>;
- C. Sketch of proposed extension;
- D. Blank form to be filled out by DPW/Engineering Department;
- E. Letter from Northeast Water Solutions, Inc., R. Ferrari, PE;
- F. ESS Laboratory water analysis; and
- G. \$49 recording fee.

### Standards

1. The Application is not prohibited by any specific language of the latest WSSMP of the public water supply system;

The Town's latest WSSMP was revised and issued by Pare Corporation in 2018. The 2018 WSSMP does not contain any language prohibiting the extension/connection to the Property, but it does recognize that water services parts of the rural water district and extensions have been allowed to the same. As this Board is aware, 5 extensions have been granted by the Board (all of which have applied) in the rural water district since 2009, who have been similarly situated.

2. The Extension will comply with the design and construction standards and specifications established by the Town for the sizing and location for the infrastructure;

As will be attested to at the hearing (and as required on the Application form itself), the extension proposed will comply with the design and construction standards and specifications set forth in the Board's Regulations for design and construction. Construction plans meeting the design and construction standards set forth in those Regulations will be provided for Town building/engineering and DPW review after approval of this Application in the normal course.

3. The proposed extension will not reduce the necessary level of fire protection for the community;

The proposed extension servicing the Andreoni Property will not reduce the necessary level of fire protection for the Town. See item 1(B) attached hereto, which is the Fire Chief's opinion as to this standard.

---

<sup>3</sup> There has likewise been no change in this opinion, as the gpd applied for in 2021 for the Andreoni Property (under a now-superseded set of standards) has been reduced utilizing numbers established by the Town, and there have been no additional extensions or connections since that time except for the pending extension and connection for the single-family home at the Andreoni Property.

4. The proposed water main and service connection materials, construction and inspection(s) required will be at the sole cost of the Applicant;

As agreed to in the Application itself, the Applicants agree to pay the cost for the extension as well as any inspections required, in full compliance with this standard.

5. Jamestown shall be granted an easement in a form acceptable to it which shall permit the maintenance, repair or replacement of water lines and all other related activities;

Upon approval, counsel for the Applicants will work with the Town Solicitor on an acceptable form of easement agreement in compliance with this standard.

6. The existing well for the property does not meet the well industry standard as described in the department of environmental management regulations for "yield per depth of well chart" which is required by the department of health for a dwelling unit;

As shown on the documents attached as Exhibits 1(E), the well yield is far below the department of environmental management standard for well "yield per depth of well" standard. Further testimony from Northeast Water Solutions will also be provided at the hearing.

7. Because of the unique characteristics of the Property, the drilling of a new well is not feasible.

This conclusion is supported by the reports attached hereto as well as expert testimony which will be provided at the hearing. As noted in the report, the expert professional engineer will testify that the current well has very few fractures, none of which produce significant water. Additionally, the well is under seawater influence and therefore, the water quality is so poor that hydrofracking or re-drilling the well further, to attempt to enhance yield, would only exacerbate that issue. The expert PE has opined that the drilling of a new well could only occur in one location at the rear of the house near Narragansett Bay which would result in nonconformance with RIDEM regulations with respect to the location of the septic system for the house and would increase the potential for contamination of the new well as well as contamination of the neighboring wells. As the report indicates, even after months of non-use, during a wet season without drought conditions, the well does not produce adequate water to support the home. The levels being produced will be significantly reduced during low precipitation periods, such as the summer. The report details the infeasibility of drilling a new well at the Andreoni Property, as well as the inability to remedy any of the quality or quantity water issues, even if a new well was possible.

The attached lab report based on recent testing demonstrates the well is under seawater influence. This information and our expert testimony will detail how the minimal water from the



well is very brackish, exceeds the drinking water limits for TDS, chlorides, iron, manganese and turbidity, at minimum and has very high hardness, sodium and sulfate. Moreover, at these levels the water is also very corrosive and will destroy appliances, water heaters, metallic pipe and fittings, etc. This water is not safe to drink, and treatment is mandatory. However, the well is producing insufficient water for such a treatment system to be utilized. This well cannot support a single-family residence due to inadequate capacity and also an extremely poor water quality that does not meet drinking water standards.

To be clear, the instant Application is *no longer subject* to the standards for approval set forth in your Regulations and this Board can no longer make decisions outside of the four corners of the standards established by the General Assembly. Moreover, this is simply one proposed connection. This one Application not only meets the new standards but this Property is in *dire* need of the extension from a health and safety perspective and to salvage the use of the Andreoni Property, which is being taxed by the Town in excess of \$1,400,000. As you are fully aware, the only allowed use at the Andreoni Property is for single family residential purposes. The Property is taxed at a significant assessment yet cannot be utilized by its owners for living purposes nor can it be rented or sold without water. The connection to water service for one single family house is consistent with the conclusion by *your own consultant* in 2018 that residential water use is expected to remain relatively consistent. See WSSMP at page ES-4.

In addition to this Application being submitted under a new set of standards, we have provided significant additional expert information (as well as testimony to be provided at the hearing) which was not before the Board in 2021.

We look forward to being heard, and presenting this Application and our expert testimony evidencing that we meet the standards set forth herein. Thank you in advance for your prompt attention to this matter and Happy New Year to you all.

Very truly yours,



Joelle C. Rocha

JCR/jhd  
Attachments



## **EXHIBIT 1**

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

**APPLICATION FOR WATER AND SEWER EXTENSION**

COMPLETED BY APPLICANT

DATE: \_\_\_\_\_

Applicant:

Name: Glenn and Marjorie Andreoni

Phone: 401-580-4441

Address: 10 Seaview Avenue

Email: gia1@cox.net

Jamestown, RI 02865

Zoning District: Residential

Type of Service Extension Being Requested:

Water X Sewer \_\_\_\_\_

Use: Residential

(single family) X

(multi family) \_\_\_\_\_

Residential multi family on existing line \_\_\_\_\_

Commercial \_\_\_\_\_

Other \_\_\_\_\_

Location of Extension Request:

Street 10 Seaview Avenue

Plat: 07 Lot: 134

Please give detail description of proposed plan and anticipated annual water consumption:  
We propose to extend the water line from the centerline of 68 East Shore Road to 1

10 Seaview Avenue as well testing and expert information indicates we do not have sufficient  
or adequate water quantity or quality to support our single family home.

Please attach "sketch" of proposed installations.

(Applicants signature is required on Page 2)

[ 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: 12/28/23

Applicants Signature: [Signature]

Owners Signature: Maryjane S. Andreani

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   1  

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                     X                    

Male                     X                    

**COMPLETED BY PUBLIC WORKS/ENGINEERING DEPARTMENTS**

Location proposed Water   X   Sewer \_\_\_\_\_ Extension \_\_\_\_\_

Street or Right of Way   East Shore   Urban District \_\_\_\_\_

Rural District   X  

Location of Nearest Main: Water Main   38 East Shore  

Sewer Main \_\_\_\_\_

Number of Feet Proposed Extension: Water Main   Approx. 800 feet  

Sewer Main \_\_\_\_\_

Number of lots served by proposed extension: Improved   X  

Unimproved \_\_\_\_\_

Estimated total cost of project: Water Line   Obtaining prices  

Sewer Line \_\_\_\_\_

Estimated total cost per foot: Water Line   Obtaining prices  

Sewer Line \_\_\_\_\_

Would Town Provide:

Manpower: Yes \_\_\_\_\_ No   X   Equipment: Yes \_\_\_\_\_ No   X   Materials: Yes \_\_\_\_\_ No   X  

Public Works Director

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

Signature/Title \_\_\_\_\_

## **EXHIBIT 1-A**

## 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 134) owned by Glenn and Marjorie Andreoni 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 .92 acres (approximately 40,000+ square feet). This lot is existing and conforming by size. Based upon the size and the Dimensional Regulations listed in Table 3-2 of the Zoning Ordinance, Lot 134 is not subdividable.

Date May 12, 2021 Signature/Title Lisa W. Bryer, AICP, Town Planner

Water-Sewer Applications: Andreoni, Plat 7 Lot 134



## **EXHIBIT 1-B**

# Andresoni Application

## COMPLETED BY FIRE CHIEF

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

\_\_\_\_\_  
\_\_\_\_\_

Fire Hydrants required?

Yes ☒ No ☐

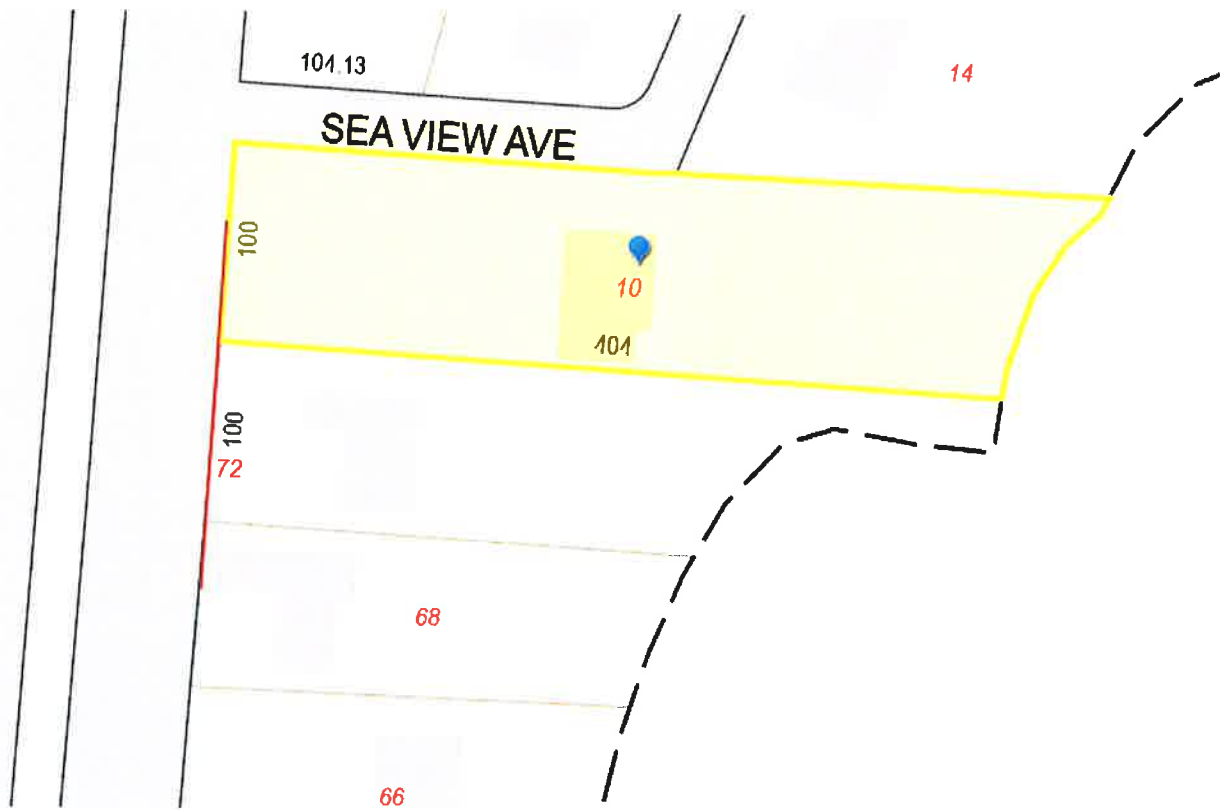
Date 5.5.2021

Signature/Title

J. P. B. J. CHIEF

## **EXHIBIT 1-C**

Sketch of proposed approx.. 200' extension shown in red (centerline of 68 East Shore Road to centerline of 10 Seaview Avenue)



## **EXHIBIT 1-D**

Location proposed Water \_\_\_\_\_ Sewer \_\_\_\_\_ Extension \_\_\_\_\_

Street or Right of Way \_\_\_\_\_ Urban District \_\_\_\_\_

Rural District \_\_\_\_\_

Location of Nearest Main: Water Main \_\_\_\_\_

Sewer Main \_\_\_\_\_

Number of Feet Proposed Extension: Water Main \_\_\_\_\_

Sewer Main \_\_\_\_\_

Number of lots served by proposed extension: Improved \_\_\_\_\_

Unimproved \_\_\_\_\_

Estimated total cost of project: Water Line \_\_\_\_\_

Sewer Line \_\_\_\_\_

Estimated total cost per foot: Water Line \_\_\_\_\_

Sewer Line \_\_\_\_\_

Would Town Provide:

Manpower: Yes \_\_\_\_\_ No \_\_\_\_\_ Equipment: Yes \_\_\_\_\_ No \_\_\_\_\_ Materials: Yes \_\_\_\_\_ No \_\_\_\_\_

Public Works Director

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

Signature/Title \_\_\_\_\_

## **EXHIBIT 1-E**



# Northeast Water Solutions, Inc.

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## Memo

**To:** Glenn Andreoni, Esq.  
**From:** Danielle Agajanian, Robert F. Ferrari, PE  
**CC:** Glenn Allbee, Sean Murphy  
**Date:** December 26, 2023  
**Re:** Well Inspection & Pumping Test Program - 10 Seaview Avenue, Jamestown RI

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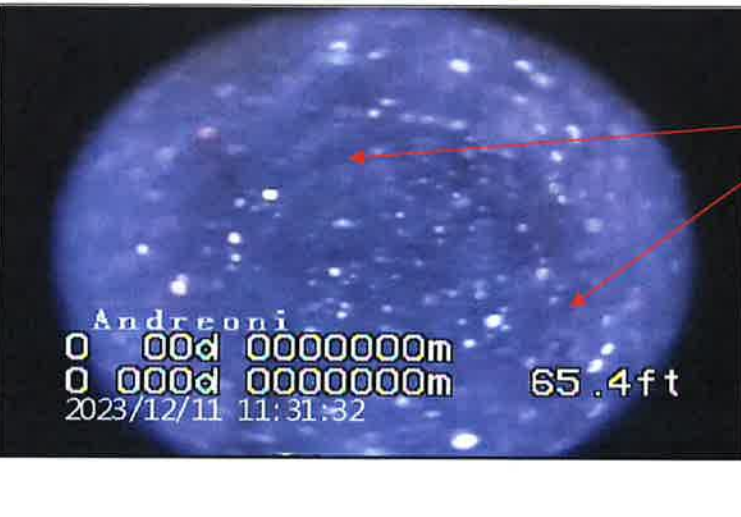
NWSI conducted a video inspection of the residential well at 10 Seaview Ave. Jamestown, RI 02835 (Map 7, Lot 10) on December 11, 2023. The video inspection was completed to identify the functional viability of the well, which has a demonstrated history of running dry.




10 Seaview Ave, Jamestown, RI Well Data	
Well Casing Diameter & Materials	6" Ø Carbon Steel
Well Depth	194.8"
Static Water Level (at time of inspection)	6.3 ft
Pump Level	≈180 ft
Pump Manufacturer	Aermotor
Pump Model	TE8-50-230-2W
Pump Date of Manufacture	unknown
Number of Stages	9
Nominal Pump Capacity	8 GPM
Pump Motor HP	0.5 HP


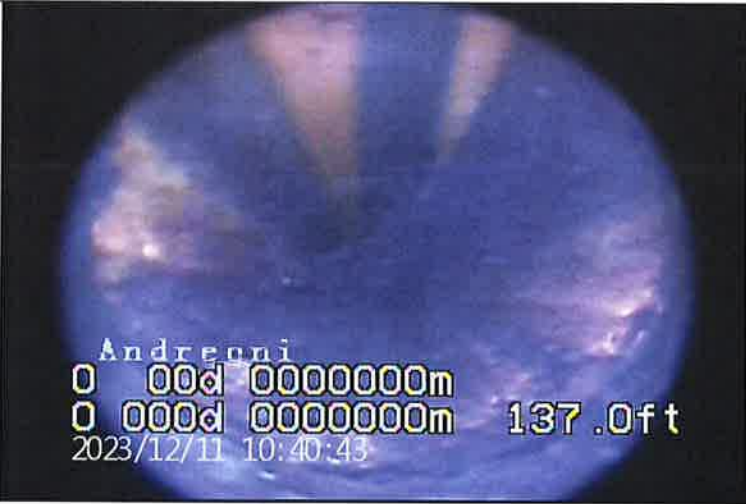

### Well Survey Methodology:

The camera used for the video inspection was a Well-Vu Model WVM1000PRO" Pro Series equipped with a 15" digital video command console and 1000' cable, provided with a fish-eye lens for an enhanced (360°) view of the borehole walls while the camera descends. The well is located inside a manhole cover, with the well casing being slightly below grade. The reference point (0.0 ft.) for the survey was set at the "Top of Grade" (TOG). therefore, all vertical measurements are the distance in feet, "Below Top of Grade" (BTOG).

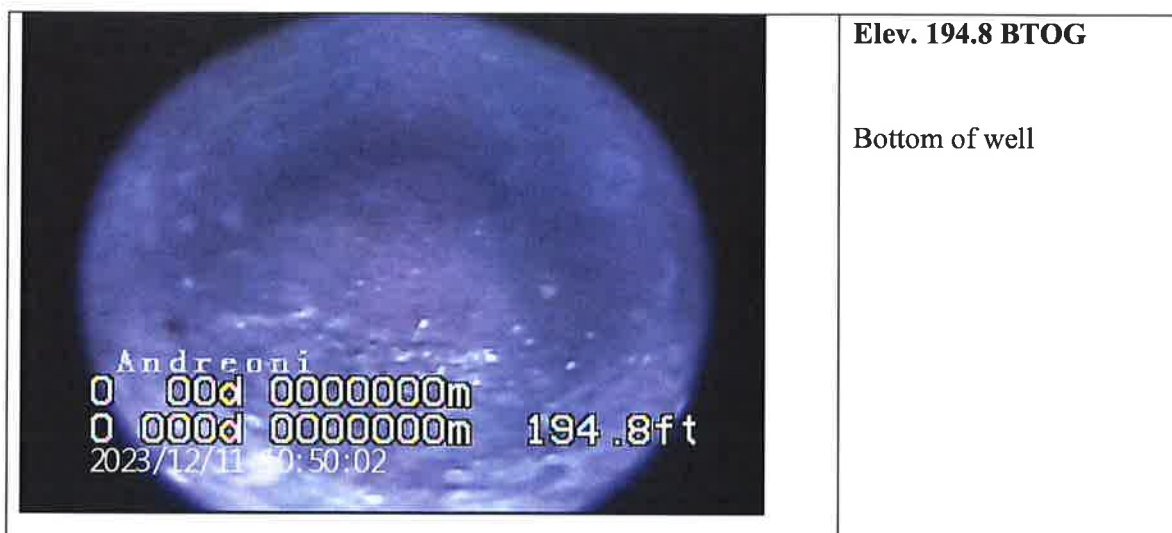
The winch assembly was set up over the borehole and the camera lowered into the casing to initiate the inspection. The static water level in the well at the time of the inspection was approximately 6 feet BTOG. The inspection proceeded smoothly to the bottom of the visible borehole at a depth of 194.8 ft. The video inspection log is summarized below.

	<p><b>Elev. 6.3 ft. BTOG</b></p> <p>Static water level observed</p>
	<p><b>Elev. 19.6</b></p> <p>Bottom of steel well casing, at interface with bedrock.</p>
	<p><b>Elev. 65.4</b></p> <p>Fracture in bedrock. Small amount of water flowing from fracture.</p>

	<p><b>Elev. 83.69 BTOG</b></p> <p>Horizontal fracture in bedrock.</p>
	<p><b>Elev. 92.8 BTOG</b></p> <p>Horizontal fracture in bedrock.</p>
	<p><b>Elev. 120.0 BTOG</b></p> <p>Irregular fracture in bedrock</p>

 <p>Andreoni 0 00d 00000000m 0 000d 00000000m 130.3ft 2023/12/11 10:59:08</p>	<p><b>Elev. 130.3 BTOG</b></p> <p>Thin fractures in bedrock</p>
 <p>Andreoni 0 00d 00000000m 0 000d 00000000m 137.0ft 2023/12/11 10:40:43</p>	<p><b>Elev 137.00 BTOG</b></p> <p>Scraping on well walls from pump removal.</p>
 <p>Andreoni 0 00d 00000000m 0 000d 00000000m 165.2ft 2023/12/11 10:45:34</p>	<p><b>Elev 165.2 BTOG</b></p> <p>Fracture in bedrock</p>





#### Well Video Inspection Summary:

The inspection of the well found the structural integrity of the well intact, with a very limited number of fractures and no significant water-bearing fractures. A submersible pump was lowered into the well above the camera to improve visibility, however the well experienced rapid drawdown and the pumping had to be ceased.

The Owner reported the residence had been unoccupied for at least 2 months prior to the well inspection and the well had not been pumped. Therefore, the static water level (6.3 ft. BTOG) is at maximum, following groundwater recharge during the Fall season.

#### Well Pumping Test:

A well pumping test program was performed between December 12 – 20, 2023. Following completion of the well inspection a level transducer was installed into the well on December 12<sup>th</sup> to monitor the groundwater elevation in the well and the impact of precipitation and well pumping. Illustrated on Figure 1, from December 12<sup>th</sup> to 17<sup>th</sup> the residence was unoccupied however, the well level demonstrated repeated drawdown cycling indicating hydraulic connectivity to neighboring residential demands and/or tidal fluctuation impacting the groundwater level. There was no apparent impact from precipitation.

On the evening of December 17<sup>th</sup> the well was pumped for approximately 25 minutes, demonstrating a drawdown from El. 2.55 ft below top of casing (BTOC) to El 133.53 ft. BTOC. Upon shut down of the well pump the well required 12:05 hours to attain 90% recovery, at 7:14 AM on December 18<sup>th</sup>. At that time another pumping cycle initiated, pumping for 30 minutes with a drawdown to El. 157.149 ft. when the pump was shut off. The well demonstrated recovery to El. 118.887 ft. at 9:14 AM, equivalent to only 17.7 % recovery in 90 minutes.

NWSI initiated a pumping test at 9:14 AM on December 18, 2023. Due to concerns regarding very low well recharge previously demonstrated by the rapid pumping drawdown and very poor

recovery, a nominal pumping rate of  $\approx 1.0$  gpm was used. The well was pumped for 3 hours, ending at 12:14 PM, when the well pump ran dry. After shut down of the test, the well recovered 95% in 4 hours and 100% in 4:10 Hrs. (recovery to the water elevation at initiation of the pumping test, NOT full well recovery). The findings of the pumping test program, including the monitored pre-test pumping by the residence, include the following:

- The residential well experiences rapid drawdown followed by excessively long recovery time. An example of this is that the 25-minute pumping event on the evening of December 17<sup>th</sup> required more than 12 hours (29X) to achieve 90% recovery. This “negative recovery” is not sustainable when pumping on a daily basis, particularly during extended periods of limited precipitation.
- The pumping test on December 18<sup>th</sup> was conducted at a very low pumping rate ( $\approx 1$  gpm - less than desirable and expected for a single-family residence), demonstrating a rapid drawdown of >46 ft. in 3 hours. Well recovery required more than 4 hours, again demonstrating “negative recovery” indicting an inability for the well to sustain service during periods of regular, daily pumping to support the residence.
- The pumping test program utilized a very low pumping flowrate, intended to minimize withdrawal stress. During the pumping test the well demonstrated an extremely low, gross well specific capacity of  $\approx 0.022$  gpm/ft. and did not attain drawdown stabilization. The calculated net recharge into the well, during the pumping test is  $\approx 0.6$  gpm, resulting in an even lower, net specific capacity of 0.013 gpm/ft.
- The well inspection determined fractures at depths of approximately 65 ft., 84 ft., 93 ft., 120 ft., and 130 ft. BTOC. However, the only demonstrable water-bearing fracture was identified at 65 ft. BTOC. This single, shallow fracture is dewatered under very low pumping stress, which serves to reduce the net recharge into the well, due to the change from laminar flow to turbulent flow at the fracture outlet.

### **Alternatives for On-Site Water Supply Development**

NWSI has evaluated alternatives to develop a new on-site water supply, including the following:

- Hydro-Frack the Existing Well: This methodology has been successful to increase the yield of bedrock wells. However, the inspection of the well at 10 Seaview Avenue identified very limited fracturing, which in-turn limits the potential to develop additional water supply yield by hydro-fracking. Another consideration is that monitoring of the well identified tidal-influenced water level changes. Therefore, hydro-fracking the well to increase recharge would likely result in greater intrusion of brackish water, requiring the implementation of a reverse osmosis desalinization system.
- Drill a New Well: The existing well is located on the western portion of the residential parcel. The frontage area of this parcel is disqualified because it is in close proximity to roads (East Shore & Seaview) a neighboring lot (OWTS), and is in a flood zone, all representing contaminant threats. The open, rear area of the parcel extending from the

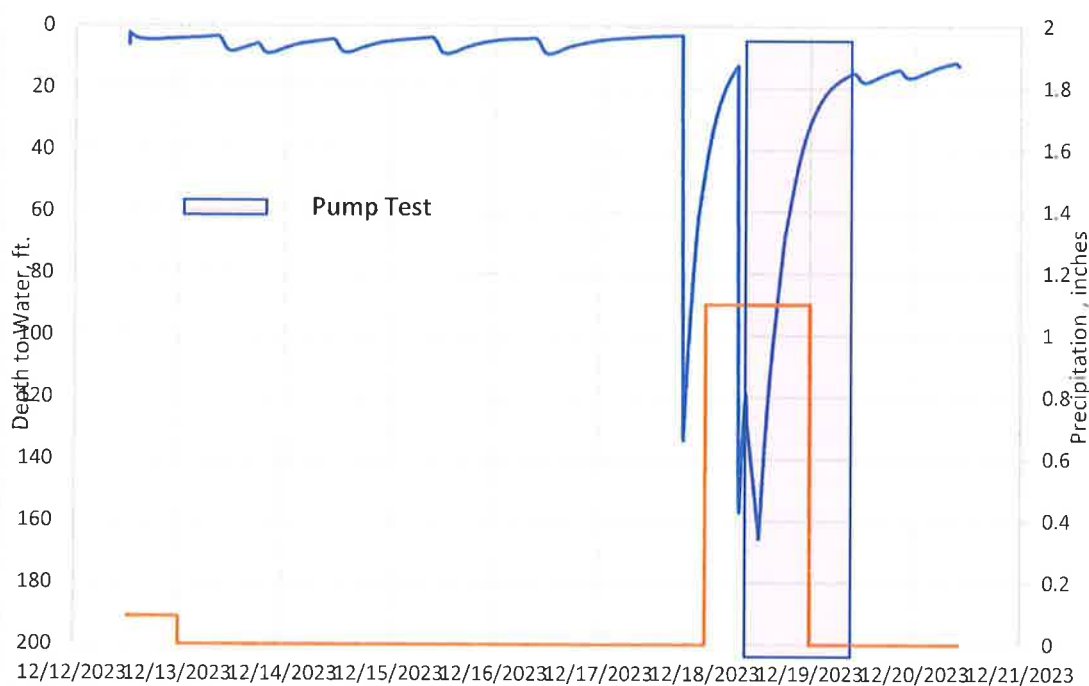
residential structure to the shoreline has access for well drilling. However, this location is disqualified due to proximity to the on-site wastewater disposal system (OWTS), also located in the rear yard, and is also in a flood zone. Furthermore, this alternative location increases the potential for brackish water intrusion into the well, again necessitating the need for a reverse osmosis desalinization system. Siting a new water supply well on this 39,900 sq. ft. lot would result in non-conformance with the required protective setback from the OWTS, and increase the potential for contamination of the water supply well.

### **Summary Conclusions:**

The existing residential well has an effective recharge/yield of  $\leq 0.6$  gpm which is inadequate to support a single-family residence. Furthermore, the well demonstrates very few fractures, which is not unexpected for the bedrock in this area of Jamestown, and as a result, there is no expectation that hydro-fracturing would measurably increase the well yield, and could potentially degrade water quality due to increased sea water intrusion.

There is no realistic alternative for drilling a new water supply well on this parcel, due to proximity to unacceptable contaminant threats. Additionally, there is no realistic expectation that a modest relocation of the well position on this site, would result in intersecting more favorable bedrock/geologic conditions to provide improved well capacity or water quality.

It is strongly recommended that this residence pursue a connection to the municipal water distribution system, if possible.



**Figure 1 – Graphic Output of Well Pumping Test Program, 10 Seaview Ave., Jamestown, RI**



## **EXHIBIT 1-F**



**ESS Laboratory**  
*Division of Thielsch Engineering, Inc.*

**BAL Laboratory**  
*The Microbiology Division  
of Thielsch Engineering, Inc.*



*CERTIFICATE OF ANALYSIS*

Danielle Agajanian  
Northeast Water Solutions  
567 South Country Trail Suite 116  
Exeter, RI 02822

**RE: Andreoni Esquire (N/A)**  
**ESS Laboratory Work Order Number: 23L0568**

This signed Certificate of Analysis is our approved release of your analytical results. These results are only representative of sample aliquots received at the laboratory. ESS Laboratory expects its clients to follow all regulatory sampling guidelines. Beginning with this page, the entire report has been paginated. This report should not be copied except in full without the approval of the laboratory. Samples will be disposed of thirty days after the final report has been delivered. If you have any questions or concerns, please feel free to call our Customer Service Department.

Laurel Stoddard  
Laboratory Director

**REVIEWED**

**By ESS Laboratory at 6:04 pm, Dec 28, 2023**

**Analytical Summary**

The project as described above has been analyzed in accordance with the ESS Quality Assurance Plan. This plan utilizes the following methodologies: US EPA SW-846, US EPA Methods for Chemical Analysis of Water and Wastes per 40 CFR Part 136, APHA Standard Methods for the Examination of Water and Wastewater, American Society for Testing and Materials (ASTM), and other recognized methodologies. The analyses with these noted observations are in conformance to the Quality Assurance Plan. In chromatographic analysis, manual integration is frequently used instead of automated integration because it produces more accurate results.

The test results present in this report are in compliance with TNI and relative state standards, and/or client Quality Assurance Project Plans (QAPP). The laboratory has reviewed the following: Sample Preservations, Hold Times, Initial Calibrations, Continuing Calibrations, Method Blanks, Blank Spikes, Blank Spike Duplicates, Duplicates, Matrix Spikes, Matrix Spike Duplicates, Surrogates and Internal Standards. Any results which were found to be outside of the recommended ranges stated in our SOPs will be noted in the Project Narrative.



**ESS Laboratory**  
*Division of Thielsch Engineering, Inc.*

**BAL Laboratory**  
*The Microbiology Division  
of Thielsch Engineering, Inc.*



*CERTIFICATE OF ANALYSIS*

Client Name: Northeast Water Solutions  
Client Project ID: Andreoni Esquire

ESS Laboratory Work Order: 23L0568

**SAMPLE RECEIPT**

The following samples were received on December 18, 2023 for the analyses specified on the enclosed Chain of Custody Record.

<b>Lab Number</b>	<b>Sample Name</b>	<b>Matrix</b>	<b>Analysis</b>
23L0568-01	Well Sample - Post 5 hour pump test	Drinking Water	120.1, 150.1, 180.1, 200.7, 200.8, 200.9, 2320B, 245.1, 2540C, 300.0, 350.1, 351.2, 353.2, CALC, HACH



**ESS Laboratory**  
Division of Thielsch Engineering, Inc.

**BAL Laboratory**  
The Microbiology Division  
of Thielsch Engineering, Inc.



*CERTIFICATE OF ANALYSIS*

Client Name: Northeast Water Solutions  
Client Project ID: Andreoni Esquire

ESS Laboratory Work Order: 23L0568

**PROJECT NARRATIVE**

**Classical Chemistry**

23L0568-01

The maximum holding time listed in 40 CFR Part 136 Table II for pH, Dissolved Oxygen, Sulfite and Residual Chlorine is fifteen minutes.

No other observations noted.

End of Project Narrative.

**DATA USABILITY LINKS**

*To ensure you are viewing the most current version of the documents below, please clear your internet cookies for \*\*\*ESSLaboratory.com. Consult your IT Support personnel for information on how to clear your internet cookies.*

[Definitions of Quality Control Parameters](#)

[Semivolatile Organics Internal Standard Information](#)

[Semivolatile Organics Surrogate Information](#)

[Volatile Organics Internal Standard Information](#)

[Volatile Organics Surrogate Information](#)

[EPH and VPH Alkane Lists](#)



*CERTIFICATE OF ANALYSIS*

Client Name: Northeast Water Solutions  
Client Project ID: Andreoni Esquire

ESS Laboratory Work Order: 23L0568

**CURRENT SW-846 METHODOLOGY VERSIONS**

**Analytical Methods**

1010A - Flashpoint  
6010C - ICP  
6020A - ICP MS  
7010 - Graphite Furnace  
7196A - Hexavalent Chromium  
7470A - Aqueous Mercury  
7471B - Solid Mercury  
8011 - EDB/DBCP/TCP  
8015C - GRO/DRO  
8081B - Pesticides  
8082A - PCB  
8100M - TPH  
8151A - Herbicides  
8260B - VOA  
8270D - SVOA  
8270D SIM - SVOA Low Level  
9014 - Cyanide  
9038 - Sulfate  
9040C - Aqueous pH  
9045D - Solid pH (Corrosivity)  
9050A - Specific Conductance  
9056A - Anions (IC)  
9060A - TOC  
9095B - Paint Filter  
MADEP 04-1.1 - EPH  
MADEP 18-2.1 - VPH

**Prep Methods**

3005A - Aqueous ICP Digestion  
3020A - Aqueous Graphite Furnace / ICP MS Digestion  
3050B - Solid ICP / Graphite Furnace / ICP MS Digestion  
3060A - Solid Hexavalent Chromium Digestion  
3510C - Separatory Funnel Extraction  
3520C - Liquid / Liquid Extraction  
3540C - Manual Soxhlet Extraction  
3541 - Automated Soxhlet Extraction  
3546 - Microwave Extraction  
3580A - Waste Dilution  
5030B - Aqueous Purge and Trap  
5030C - Aqueous Purge and Trap  
5035A - Solid Purge and Trap

SW846 Reactivity Methods 7.3.3.2 (Reactive Cyanide) and 7.3.4.1 (Reactive Sulfide) have been withdrawn by EPA. These methods are reported per client request and are not NELAP accredited.



**CERTIFICATE OF ANALYSIS**

Client Name: Northeast Water Solutions  
Client Project ID: Andreoni Esquire  
Client Sample ID: Well Sample - Post 5 hour pump test  
Date Sampled: 12/18/23 12:10  
Percent Solids: N/A

ESS Laboratory Work Order: 23L0568  
ESS Laboratory Sample ID: 23L0568-01  
Sample Matrix: Drinking Water  
Units: mg/L

Extraction Method: 3005A/200.7

**Total Metals**

<u>Analyte</u>	<u>Results (MRL)</u>	<u>MDL</u>	<u>Method</u>	<u>Limit</u>	<u>DF</u>	<u>Analyst</u>	<u>Analyzed</u>	<u>I/V</u>	<u>F/V</u>	<u>Batch</u>
Antimony	ND (0.0010)	0.0005	200.8		5	BJV	12/19/23 13:50	50	25	DL31910
Arsenic	<b>J 0.0020</b> (0.0025)	0.0002	200.9		1	CEV	12/20/23 14:02	50	25	DL31910
Barium	<b>0.093</b> (0.010)	0.001	200.7		1	CEV/KJB	12/19/23 20:14	50	25	DL31910
Beryllium	ND (0.0005)	0.0001	200.7		1	CEV/KJB	12/19/23 20:14	50	25	DL31910
Cadmium	ND (0.0010)	0.0002	200.8		5	BJV	12/19/23 13:50	50	25	DL31910
Calcium	<b>239</b> (2.50)	0.500	200.7		10	CEV/KJB	12/20/23 12:56	50	25	DL31910
Chromium	ND (0.010)	0.002	200.7		1	CEV/KJB	12/19/23 20:14	50	25	DL31910
Copper	<b>J 0.009</b> (0.010)	0.003	200.7		1	CEV/KJB	12/19/23 20:14	50	25	DL31910
Iron	<b>0.389</b> (0.0500)	0.0142	200.7		1	CEV/KJB	12/19/23 20:14	50	25	DL31910
Lead	ND (0.0025)	0.0005	200.8		5	BJV	12/19/23 13:50	50	25	DL31910
Magnesium	<b>66.8</b> (0.100)	0.0244	200.7		1	CEV/KJB	12/19/23 20:14	50	25	DL31910
Manganese	<b>1.09</b> (0.0100)	0.0020	200.7		1	CEV/KJB	12/19/23 20:14	50	25	DL31910
Mercury	ND (0.00020)	0.00012	245.1		1	AFV	12/19/23 15:48	20	40	DL31911
Nickel	<b>J 0.003</b> (0.010)	0.002	200.7		1	CEV/KJB	12/19/23 20:14	50	25	DL31910
Potassium	<b>7.16</b> (0.500)	0.0275	200.7		1	CEV/KJB	12/19/23 20:14	50	25	DL31910
Selenium	ND (0.0125)	0.0055	200.8		5	BJV	12/19/23 13:50	50	25	DL31910
Silver	<b>J 0.0007</b> (0.005)	0.0005	200.7		1	CEV/KJB	12/19/23 20:14	50	25	DL31910
Sodium	<b>513</b> (5.00)	0.675	200.7		10	CEV/KJB	12/20/23 12:56	50	25	DL31910
Thallium	<b>J 0.0004</b> (0.0005)	0.0002	200.8		5	BJV	12/19/23 13:50	50	25	DL31910
Zinc	<b>0.0306</b> (0.0250)	0.0044	200.7		1	CEV/KJB	12/19/23 20:14	50	25	DL31910
Hardness	<b>872</b> (0.662)		CALC		1	CEV/KJB	12/19/23 20:14	50	25	DL31910



*CERTIFICATE OF ANALYSIS*

Client Name: Northeast Water Solutions  
Client Project ID: Andreoni Esquire  
Client Sample ID: Well Sample - Post 5 hour pump test  
Date Sampled: 12/18/23 12:10  
Percent Solids: N/A

ESS Laboratory Work Order: 23L0568  
ESS Laboratory Sample ID: 23L0568-01  
Sample Matrix: Drinking Water

**Classical Chemistry**

<u>Analyte</u>	<u>Results (MRL)</u>	<u>MDL</u>	<u>Method</u>	<u>Limit</u>	<u>DF</u>	<u>Analyst</u>	<u>Analyzed</u>	<u>Units</u>	<u>Batch</u>
Alkalinity as CaCO <sub>3</sub>	105 (10)		2320B		1	EAM	12/20/23 15:20	mg/L	DL32032
Ammonia as N	0.17 (0.10)		350.1		1	EEM	12/22/23 14:16	mg/L	DL32136
Chloride	1170 (50.0)		300.0		100	EEM	12/18/23 21:59	mg/L	DL31823
Color	ND (5)		HACH		1	CCP	12/18/23 17:45	Color Units	DL31842
Conductivity	3940 (5)		120.1		1	EAM	12/18/23 16:37	umhos/cm	DL31837
Fluoride	ND (0.100)		300.0		1	EEM	12/18/23 21:26	mg/L	DL31823
Nitrate as N	ND (0.020)		353.2		1	JLK	12/19/23 19:42	mg/L	DL31936
Nitrite as N	ND (0.010)		353.2		1	JLK	12/19/23 19:42	mg/L	DL31936
pH	7.61 (N/A)		150.1		1	JLK	12/18/23 19:25	S.U.	DL31848
pH Sample Temperature	Aqueous pH measured in water at 20.3 °C. (N/A)								
Silica	12.0 (0.80)		HACH		40	EAM	12/20/23 16:22	mg/L	DL32033
Sulfate	157 (5.0)		300.0		10	EEM	12/18/23 21:42	mg/L	DL31823
Total Dissolved Solids	2220 (10)		2540C		1	CCP	12/19/23 16:44	mg/L	DL31930
Total Kjeldahl Nitrogen as N	ND (0.20)		351.2		1	JLK	12/20/23 16:44	mg/L	DL31937
Turbidity	4.5 (1.0)		180.1		1	CCP	12/18/23 17:39	NTU	DL31843





**CERTIFICATE OF ANALYSIS**

Client Name: Northeast Water Solutions  
Client Project ID: Andreoni Esquire

ESS Laboratory Work Order: 23L0568

**Quality Control Data**

Analyte	Result	MRL	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Qualifier
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**Total Metals**

**Batch DL31910 - 3005A/200.7**

<b>Blank</b>										
Barium	ND	0.010	mg/L							
Beryllium	ND	0.0005	mg/L							
Ca 315.887	ND	0.250	mg/L							
Calcium	ND	0.250	mg/L							
Chromium	ND	0.010	mg/L							
Copper	ND	0.010	mg/L							
Iron	0.0151	0.0500	mg/L							J
Magnesium	ND	0.100	mg/L							
Manganese	ND	0.0100	mg/L							
Mg 279.077	ND	0.100	mg/L							
Nickel	ND	0.010	mg/L							
Potassium	0.0572	0.500	mg/L							J
Silver	0.0007	0.005	mg/L							J
Sodium	ND	0.500	mg/L							
Zinc	ND	0.0250	mg/L							

<b>Blank</b>										
Antimony	ND	0.0010	mg/L							J
Cadmium	ND	0.0010	mg/L							J
Iron	ND	0.0500	mg/L							J
Lead	ND	0.0025	mg/L							J
Manganese	ND	0.0100	mg/L							J
Selenium	ND	0.0125	mg/L							J
Thallium	ND	0.0005	mg/L							J

<b>Blank</b>										
Arsenic	ND	0.0025	mg/L							

<b>LCS</b>										
Barium	0.266	0.010	mg/L	0.2500		106	85-115			
Beryllium	0.0260	0.0005	mg/L	0.02500		104	85-115			
Ca 315.887	2.66	0.250	mg/L	2.500		106	85-115			
Calcium	2.66	0.250	mg/L	2.500		106	85-115			
Chromium	0.267	0.010	mg/L	0.2500		107	85-115			
Copper	0.271	0.010	mg/L	0.2500		109	85-115			
Iron	1.29	0.0500	mg/L	1.250		103	85-115			
Magnesium	2.55	0.100	mg/L	2.500		102	85-115			
Manganese	0.272	0.0100	mg/L	0.2500		109	85-115			
Mg 279.077	2.55	0.100	mg/L	2.500		102	85-115			
Nickel	0.269	0.010	mg/L	0.2500		108	85-115			
Potassium	12.3	0.500	mg/L	12.50		99	85-115			
Silver	0.136	0.005	mg/L	0.1250		109	85-115			
Sodium	13.2	0.500	mg/L	12.50		106	85-115			
Zinc	0.267	0.0250	mg/L	0.2500		107	85-115			

**LCS**



*CERTIFICATE OF ANALYSIS*

Client Name: Northeast Water Solutions  
Client Project ID: Andreoni Esquire

ESS Laboratory Work Order: 23L0568

**Quality Control Data**

Analyte	Result	MRL	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Qualifier
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**Total Metals**

**Batch DL31910 - 3005A/200.7**

Antimony	0.247	0.0100	mg/L	0.2500		99	85-115			
Cadmium	0.136	0.0100	mg/L	0.1250		109	85-115			
Lead	0.260	0.0250	mg/L	0.2500		104	85-115			
Selenium	0.594	0.125	mg/L	0.5000		119	85-115			
Thallium	0.250	0.0050	mg/L	0.2500		100	85-115			

**LCS**

Arsenic	0.271	0.0625	mg/L	0.2500		108	85-115			
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**LCS Dup**

Antimony	0.239	0.0100	mg/L	0.2500		96	85-115	3	20	
Lead	0.254	0.0250	mg/L	0.2500		102	85-115	2	20	
Selenium	0.572	0.125	mg/L	0.5000		114	85-115	4	20	
Thallium	0.245	0.0050	mg/L	0.2500		98	85-115	2	20	

**Batch DL31911 - 245.1/7470A**

<b>Blank</b>										
Mercury	ND	0.00020	mg/L							

<b>LCS</b>										
Mercury	0.00567	0.00020	mg/L	0.006000		94	85-115			

<b>LCS Dup</b>										
Mercury	0.00565	0.00020	mg/L	0.006000		94	85-115	0.4	20	

**Classical Chemistry**

**Batch DL31823 - General Preparation**

<b>Blank</b>										
Chloride	ND	0.5	mg/L							
Fluoride	ND	0.100	mg/L							
Sulfate	ND	0.5	mg/L							

<b>LCS</b>										
Chloride	9.7		mg/L	10.00		97	90-110			
Fluoride	2.05		mg/L	2.000		102	90-110			
Sulfate	9.7		mg/L	10.00		97	90-110			

**Batch DL31837 - General Preparation**

<b>Blank</b>										
Conductivity	ND	5	umhos/cm							

<b>LCS</b>										
Conductivity	1300		umhos/cm	1410		92	90-110			

**Batch DL31842 - General Preparation**

<b>Blank</b>										
Color	ND	5	Color Units							

**Batch DL31843 - General Preparation**

<b>Blank</b>										
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**ESS Laboratory**  
Division of Thielsch Engineering, Inc.

**BAL Laboratory**  
The Microbiology Division  
of Thielsch Engineering, Inc.



**CERTIFICATE OF ANALYSIS**

Client Name: Northeast Water Solutions  
Client Project ID: Andreoni Esquire

ESS Laboratory Work Order: 23L0568

**Quality Control Data**

Analyte	Result	MRL	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Qualifier
<b>Classical Chemistry</b>										
<b>Batch DL31843 - General Preparation</b>										
Turbidity	ND	1.0	NTU							
<b>LCS</b>										
Turbidity	4.0		NTU	4.000		99	90-110			
<b>Batch DL31930 - General Preparation</b>										
<b>Blank</b>										
Total Dissolved Solids	ND	10	mg/L							
<b>LCS</b>										
Total Dissolved Solids	300		mg/L	304.0		99	80-120			
<b>Batch DL31936 - General Preparation</b>										
<b>Blank</b>										
Nitrate/Nitrite as N	ND	0.200	mg/L							
Nitrite as N	ND	0.010	mg/L							
Nitrite as N	ND	0.010	mg/L							
<b>LCS</b>										
Nitrate/Nitrite as N	0.519		mg/L	0.5000		104	90-110			
Nitrite as N	0.258		mg/L	0.2497		104	90-110			
Nitrite as N	0.258		mg/L	0.2497		104	90-110			
<b>Batch DL31937 - TKN Prep</b>										
<b>Blank</b>										
Total Kjeldahl Nitrogen as N	ND	0.20	mg/L							
<b>LCS</b>										
Total Kjeldahl Nitrogen as N	16.5	2.00	mg/L	15.00		110	80-120			
<b>Batch DL32032 - General Preparation</b>										
<b>Blank</b>										
Alkalinity as CaCO <sub>3</sub>	ND	10	mg/L							
<b>LCS</b>										
Alkalinity as CaCO <sub>3</sub>	55		mg/L	58.90		94	85-115			
<b>Batch DL32033 - General Preparation</b>										
<b>Blank</b>										
Silica	ND	0.02	mg/L							
<b>LCS</b>										
Silica	0.48	0.02	mg/L	0.5000		96	85-115			
<b>Batch DL32136 - NH4 Prep</b>										
<b>Blank</b>										
Ammonia as N	ND	0.10	mg/L							
<b>LCS</b>										
Ammonia as N	0.98	0.10	mg/L	0.9994		98	80-120			



*CERTIFICATE OF ANALYSIS*

Client Name: Northeast Water Solutions  
Client Project ID: Andreoni Esquire

ESS Laboratory Work Order: 23L0568

**Notes and Definitions**

Z16	Aqueous pH measured in water at 20.3 °C.
U	Analyte included in the analysis, but not detected
J	Reported between MDL and MRL
HT	The maximum holding time listed in 40 CFR Part 136 Table II for pH, Dissolved Oxygen, Sulfite and Residual Chlorine is fifteen minutes.
D	Diluted.
ND	Analyte NOT DETECTED at or above the MRL (LOQ), LOD for DoD Reports, MDL for J-Flagged Analytes
dry	Sample results reported on a dry weight basis
RPD	Relative Percent Difference
MDL	Method Detection Limit
MRL	Method Reporting Limit
LOD	Limit of Detection
LOQ	Limit of Quantitation
DL	Detection Limit
I/V	Initial Volume
F/V	Final Volume
§	Subcontracted analysis; see attached report
1	Range result excludes concentrations of surrogates and/or internal standards eluting in that range.
2	Range result excludes concentrations of target analytes eluting in that range.
3	Range result excludes the concentration of the C9-C10 aromatic range.
Avg	Results reported as a mathematical average.
NR	No Recovery
[CALC]	Calculated Analyte
SUB	Subcontracted analysis; see attached report
RL	Reporting Limit
EDL	Estimated Detection Limit
MF	Membrane Filtration
MPN	Most Probable Number
TNTC	Too numerous to Count
CFU	Colony Forming Units



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*Division of Thielsch Engineering, Inc.*

**BAL Laboratory**  
*The Microbiology Division  
of Thielsch Engineering, Inc.*



*CERTIFICATE OF ANALYSIS*

Client Name: Northeast Water Solutions  
Client Project ID: Andreoni Esquire

ESS Laboratory Work Order: 23L0568

**ESS LABORATORY CERTIFICATIONS AND ACCREDITATIONS**

**ENVIRONMENTAL**

Rhode Island Potable and Non Potable Water: LAI00179

\*\*\*\*\*[health.ri.gov/find/labs/analytical/ESS.pdf](http://health.ri.gov/find/labs/analytical/ESS.pdf)

Connecticut Potable and Non Potable Water, Solid and Hazardous Waste: PH-0750

\*\*\*\*\*[ct.gov/dph/lib/dph/environmental\\_health/environmental\\_laboratories/pdf/OutOfStateCommercialLaboratories.pdf](http://ct.gov/dph/lib/dph/environmental_health/environmental_laboratories/pdf/OutOfStateCommercialLaboratories.pdf)

Maine Potable and Non Potable Water, and Solid and Hazardous Waste: RI00002

\*\*\*\*\*[maine.gov/dhhs/mecdc/environmental-health/dwp/partners/labCert.shtml](http://maine.gov/dhhs/mecdc/environmental-health/dwp/partners/labCert.shtml)

Massachusetts Potable and Non Potable Water: M-RI002

\*\*\*\*\*[public.dep.state.ma.us/Labcert/Labcert.aspx](http://public.dep.state.ma.us/Labcert/Labcert.aspx)

New Hampshire (NELAP accredited) Potable and Non Potable Water, Solid and Hazardous Waste: 2424

\*\*\*\*\*[des.nh.gov/organization/divisions/water/dwgb/nhelap/index.htm](http://des.nh.gov/organization/divisions/water/dwgb/nhelap/index.htm)

New York (NELAP accredited) Non Potable Water, Solid and Hazardous Waste: 11313

\*\*\*\*\*[wadsworth.org/labcert/elap/comm.html](http://wadsworth.org/labcert/elap/comm.html)

New Jersey (NELAP accredited) Non Potable Water, Solid and Hazardous Waste: RI006

\*\*\*\*\*[datamine2.state.nj.us/DEP\\_OPRA/OpraMain/pi\\_main?mode=pi\\_by\\_site&sort\\_order=PI\\_NAMEA&Select+a+Site:=58715](http://datamine2.state.nj.us/DEP_OPRA/OpraMain/pi_main?mode=pi_by_site&sort_order=PI_NAMEA&Select+a+Site:=58715)

Pennsylvania: 68-01752

\*\*\*\*\*[dep.pa.gov/Business/OtherPrograms/Labs/Pages/Laboratory-Accreditation-Program.aspx](http://dep.pa.gov/Business/OtherPrograms/Labs/Pages/Laboratory-Accreditation-Program.aspx)

## ESS Laboratory Sample and Cooler Receipt Checklist

Client: Northeast Water Solutions - ML

Shipped/Delivered Via: Client

ESS Project ID: 23L0568

Date Received: 12/18/2023

Project Due Date: 12/26/2023

Days for Project: 5 Day

1. Air bill manifest present? ☐ No  
Air No.: NA

2. Were custody seals present? ☐ No

3. Is radiation count <100 CPM? ☐ Yes

4. Is a Cooler Present? ☐ Yes  
Temp: 1.5 Iced with: Ice Pack

5. Was COC signed and dated by client? ☐ Yes

6. Does COC match bottles? ☐ Yes

7. Is COC complete and correct? ☐ Yes

8. Were samples received intact? ☐ Yes

9. Were labs informed about short holds & rushes? ☐ Yes / No / NA

10. Were any analyses received outside of hold time? ☐ Yes / No

11. Any Subcontracting needed? Yes ☐ No ☒  
ESS Sample IDs: \_\_\_\_\_  
Analysis: \_\_\_\_\_  
TAT: \_\_\_\_\_

12. Were VOAs received? Yes ☐ No ☒  
a. Air bubbles in aqueous VOAs? Yes / No  
b. Does methanol cover soil completely? Yes / No / NA

13. Are the samples properly preserved? Yes ☒ No ☐  
a. If metals preserved upon receipt: Date: \_\_\_\_\_ Time: \_\_\_\_\_  
b. Low Level VOA vials frozen: Date: \_\_\_\_\_ Time: \_\_\_\_\_

By/Acid Lot#: \_\_\_\_\_  
By: \_\_\_\_\_

Sample Receiving Notes:

14. Was there a need to contact Project Manager? Yes ☐ No ☒  
a. Was there a need to contact the client? Yes ☐ No ☒  
Who was contacted? \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_ By: \_\_\_\_\_

Resolution: \_\_\_\_\_

Sample Number	Container ID	Proper Container	Air Bubbles Present	Sufficient Volume	Container Type	Preservative	Record pH (Cyanide and 608 Pesticides)
1	504216	Yes	N/A	Yes	1L Poly	NP	
1	504217	Yes	N/A	Yes	1L Poly	NP	
1	504218	Yes	N/A	Yes	250 mL Poly	HNO3	
1	504219	Yes	N/A	Yes	250 mL Poly	H2SO4	
1	504220	Yes	N/A	Yes	250 mL Poly	NP	

### 2nd Review

Were all containers scanned into storage/lab?

Are barcode labels on correct containers?

Are all Flashpoint stickers attached/container ID # circled?

Are all Hex Chrome stickers attached?

Are all QC stickers attached?

Are VOA stickers attached if bubbles noted?

Initials: TD

Yes / No  
Yes / No / NA  
Yes / No / NA  
Yes / No / NA  
Yes / No / NA

Completed

By: \_\_\_\_\_

Date & Time: \_\_\_\_\_

Reviewed

By: \_\_\_\_\_

Date & Time: \_\_\_\_\_





185 Frances Avenue  
Cranston, RI 02910  
Phone: 401-461-7181  
Fax: 401-461-4486  
www.esslaboratory.com

## CHAIN OF CUSTODY

ESS Lab # 2340508		Page 1 of 1		
<b>Turn Time (Days)</b> <input type="checkbox"/> > 5 <input type="checkbox"/> 4 <input type="checkbox"/> 3 <input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> Same Day		<b>ELECTRONIC DELIVERABLES (Final Reports are PDF)</b>		
<b>Regulatory State:</b>		<input type="checkbox"/> Limit Checker <input type="checkbox"/> State Forms <input type="checkbox"/> EQuIS		
<input type="checkbox"/> CT RCP <input type="checkbox"/> MA MCP <input type="checkbox"/> RGP <input type="checkbox"/> Permit <input type="checkbox"/> 401 WQ		<input type="checkbox"/> Excel <input type="checkbox"/> State Upload <input type="checkbox"/> Enviro Data		
<b>Criteria:</b>		<input type="checkbox"/> CLP-Like Package <input type="checkbox"/> Other (Specify) →		
<b>Is this project for any of the following?:</b>				
<b>PROJECT INFORMATION</b>				
<b>Project Name:</b> Andreoni, Esquire		<b>Client acknowledges that sampling is compliant with all EPA / State regulatory programs</b>		
<b>Project Location:</b>				
<b>Project Number:</b>				
<b>Project Manager:</b> Danielle Agajanian				
<b>Bill to:</b>				
<b>PO#:</b>				
<b>Quote#:</b>				
<b>Sample Matrix:</b> Drinking Water		<b>Sample ID:</b> Well sample - Post 5 hour pump test		
<b>ESS Lab ID</b>		<b>Total Number of Bottles</b>		
1	12/18/23	12:10	Grab	5
<b>Container Type:</b> AC-Air Cassette AG-Amber Glass B-BOD Bottle C-Cubittainer J-Jar O-Other P-Poly S-Sterile V-Vial				
<b>Container Volume:</b> 1-100 mL 2-2.5 gal 3-250 mL 4-300 mL 5-500 mL 6-1L 7-VOA 8-2 oz 9-4 oz 10-8 oz 11-Other*				
<b>Preservation Code:</b> 1-Non Preserved 2-HCl 3-H2SO4 4-HNO3 5-NaOH 6-Methanol 7-Na2S2O3 8-ZnAc2 NaOH 9-NH4Cl 10-DI H2O 11-Other*				
<b>Sampled by:</b> Glenn Allbee				
<b>Laboratory Use Only</b>		<b>Chain needs to be filled out neatly and completely for on time delivery.</b>		
<b>Comments:</b> * Please specify "Other" preservative and containers types in this space Not for State Upload Cancel Cyanide analysis per client		<b>All samples submitted are subject to ESS Laboratory's payment terms and conditions.</b>		
<b>Cooler Temperature (°C):</b> 1.3 1.0		<b>Dissolved Filtration</b>		
<input type="checkbox"/> Lab Filter				
<b>Relinquished by (Signature)</b> <i>[Signature]</i>		<b>Date</b> 12/18/23	<b>Time</b> 13:29	
<b>Relinquished by (Signature)</b> <i>[Signature]</i>		<b>Date</b>	<b>Time</b>	



## **EXHIBIT 1-G**

GLENN J. ANDREONI

10 Crabberry Ln  
North Smithfield, RI 02896-8153

1016

57-168/115

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*[Signature]*

⑆011501682⑆ 3201019472⑆ 1016

## **EXHIBIT M**

**A RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM  
ON APPLICATIONS AND PERMITTING FOR WATER SERVICE  
EXTENSIONS**

The Commissioners of the Town of Jamestown Water and Sewer Commission hereby resolve and ordain as follows:

WHEREAS by special act the Rhode Island General Assembly authorized the creation of the Jamestown Board of Water Commissioners (the "Board") [Chapter 273 PL 1968] which authorized the Board to purchase the assets of the Jamestown 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." (emphasis added); and

WHEREAS by subsequent special act of the Rhode Island General Assembly provided for in relevant part to amend Chapter 273 of the Public Laws of 1968 to provide for the establishment of a water and sewer commission for the Town of Jamestown (the "Commission") [Chapter 233 PL 1973], adding a provision that the Town may "plan, construct, operate, maintain, extend and improve a sewage disposal system for the town or any part or parts thereof." (emphasis added); and

WHEREAS the Commission has thereafter adopted service area plans and regulations governing the provision of water and sewer services to areas less than the entire Town; and

WHEREAS by general act of the Rhode Island General Assembly in 2022 amendments were made to Chapter 15 of Title 46 [Chapter 66 PL 2022] (the "Amendments") which purportedly conflicted with the prior special acts of the General Assembly which authorized the Town of Jamestown to limit its water service area to less than the entire Town; and

WHEREAS after the passage of the Amendments the Commission received an application for a water service extension outside of the existing defined and limited urban water service area which led to protracted and expensive litigation without any resolution of the purported conflict between the special acts and the general laws regarding the obligation of the Commission to provide public water outside of their defined and limited service area; and

WHEREAS to define and resolve the conflicts between the special acts and general laws concerning the obligation of the Commission to provide water outside of their service area, the Commission hired consultants to prepare a new water service plan in conformance with the pertinent requirements of Chapter 15 of Title 46 of the General Laws and to submit conforming rules and regulations to implement the new water service plan; and

WHEREAS the Commission approved and adopted a Resolution Relative to Request Amendments to Chapter 15 of Title 46 of the General Laws, in part, to remove and eliminate any conflict between the authority of the Commission to supply water to only part of the Town and be protected from unsustainable service demands on their limited-capacity water supply and system; and

WHEREAS during the pendency of the drafting and adoption of the new water service plan, rules and regulations implementing the water service plan, and the possible amendments to the general laws to remove any actual or purported conflict regarding the Commission's obligation to provide water service outside of the current water district, the Commissioners find and require a pause and temporary moratorium on any water service extensions outside of the current Urban Water District boundaries to preserve and protect the limited water supply for its existing users and prevent any negative impacts on the health, safety and welfare of the water system's existing users.

NOW THEREFORE BE IT RESOLVED that the Commissioners of the Town of Jamestown Water and Sewer Commission hereby declare the imposition of a temporary moratorium on any application, processing, or approval of any new application for water service extension outside of the current Urban Water District boundaries (See Exhibit 1 attached hereto and incorporated by reference herein for the current service limits of the Jamestown water system).

1. This temporary moratorium is to remain in effect for six (6) months from the date of passage by the Commission or upon the passage of an ordinance, rule or regulation by the Commission permitting new water service extension applications outside of the Urban Water District, whichever comes first, or unless affirmative action is taken by the Commission to extend the moratorium period for just cause.
2. The Town Administrator is hereby requested to review the existing water service plan and rules and regulations concerning water service areas and provide any recommended actions to the Commissioners for their consideration to address regulating the water service area, applications for water service, design standards, location considerations and regulatory standards which should include provisions regarding the appropriate supply service limits and regulatory permitting procedures.
3. All appropriate town officials and employees are hereby instructed not to accept any new applications for review or approval for water service extensions outside of the Urban Water District for the length of this moratorium.
4. Any application(s) for permitting of water service extension extensions outside of the Urban Water District presently filed with the Town shall not be affected by this moratorium if such application(s) complies with the provisions of such service extension submission filing in effect prior to the adoption of this moratorium.

This resolution shall take effect immediately upon passage.

Attested To By:

Adopted By Water and Sewer Commission  
On:

Roberta Fagan, Town Clerk

\_\_\_\_\_

DRAFT

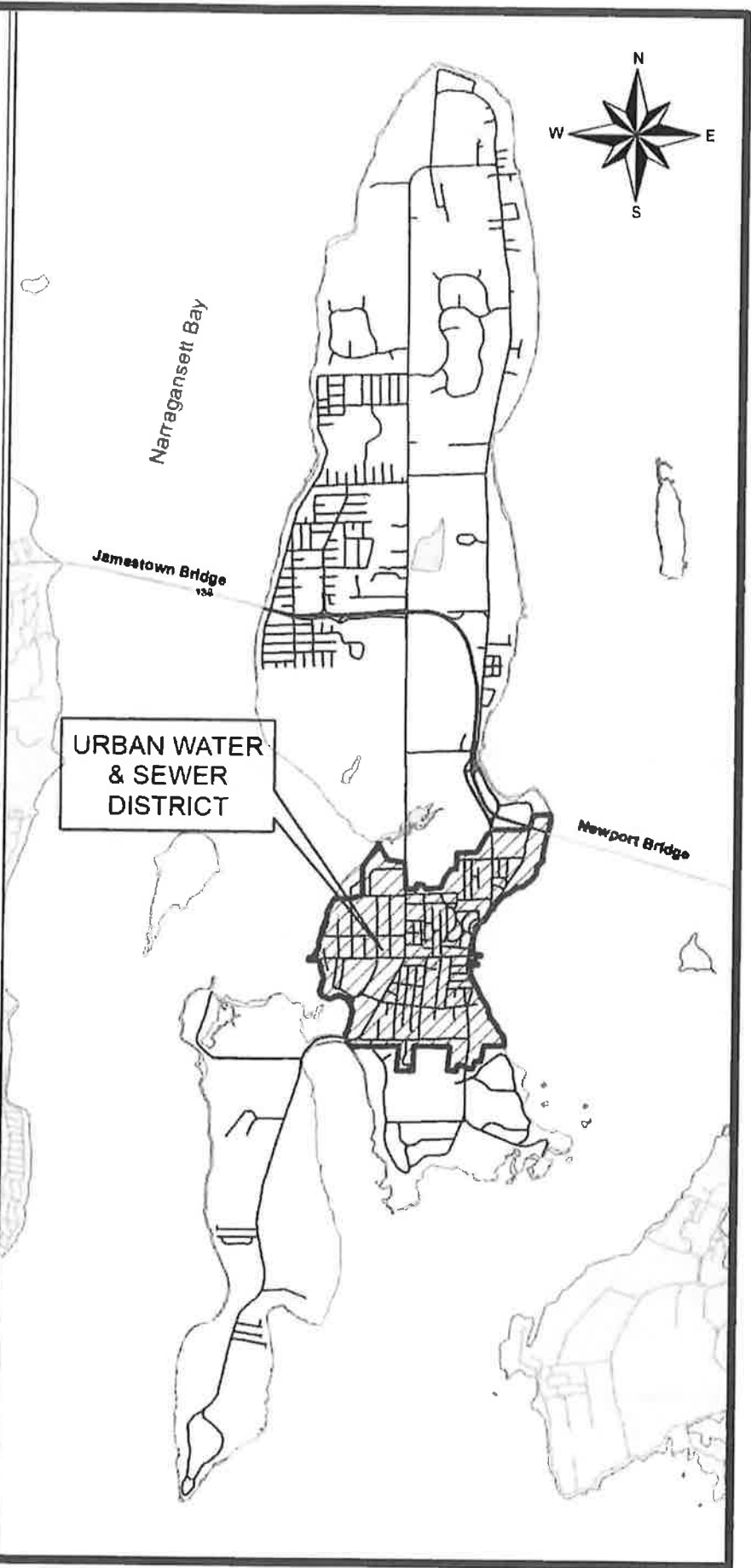
# TOWN OF JAMESTOWN

## RHODE ISLAND

### URBAN WATER & SEWER DISTRICT



JAMESTOWN GIS DEPARTMENT  
DECEMBER 2019





## **EXHIBIT N**

=====  
LC004483  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

\_\_\_\_\_

A N A C T

RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES MANAGEMENT

Introduced By: Senator Dawn M. Euer

Date Introduced: February 12, 2024

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

- 1           SECTION 1. Chapter 46-15 of the General Laws entitled "Water Resources Management"
- 2   is hereby amended by adding thereto the following section:
- 3           **46-15-24. Public water system's obligations – Jamestown.**
- 4           The commissioners of the water and sewer commission for the town of Jamestown may
- 5   specifically limit its public water system's obligation to supply water only to those applicants who
- 6   reside within its designated and described service area as opposed to the entire land area of the
- 7   town.
- 8           SECTION 2. This act shall take effect upon passage.

=====  
LC004483  
=====

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

\*\*\*

- 1           This act would allow the commissioners of the water and sewer commission for the town  
2 of Jamestown to limit its public water system's obligation to supply water only within designated  
3 and described area as opposed to the entire land area of the town.  
4           This act would take effect upon passage.

=====  
LC004483  
=====

## **EXHIBIT O**

**Town of  
Jamestown, Rhode Island**

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



**Date:** February 13, 2023

**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 and 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 have stated in the application that the existing well on the property has an existing yield of 1.5 gallons per minute with poor water quality due to total dissolved solids (TDS) between 1200 and 2100 mg/l. Last year the existing well ran dry on two occasions and J Lemme Wells and Water Systems were called to service the well. A copy of the invoice from J Lemme for the two service calls was provided by the applicant. A note on the invoice indicates that the well was found to be dry and that the recovery rate was insufficient to run reverse osmosis treatment.

**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 the existing well capacity. He has indicated that the well runs dry when washing clothes and outdoor water use. There is no supporting information provided with the application.

**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 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.

***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.



The four properties are located in the Rural Water District and do not front 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 to improve the quality or quantity of water to existing users. RIGL 46-15-2 includes standards for which applications must be reviewed by a water supplier.

The application for 10 Seaview Avenue includes background information prepared by a professional engineer in the field including well water testing data. The owner at 14 Seaview Avenue has hired the same professionals but a report has not been provided to support the application at this time. Applications for 7 and 19 Seaview did not include supporting information but both owners have stated they experience similar conditions with their well having low yield.

The four applications before the board have applied for a connection based upon inadequate well yield. Two applicants have also provided water testing information indicating that well water quality is poor. 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 report indicates for 10 Seaview Avenue. The well inspection and pumping report for that property shows bedrock/geologic conditions produce limited yield to meet well industry standards. Laboratory reports that have been submitted show total dissolved solids detected in wells indicating salt water is impacting groundwater conditions. But low well yield impacts the ability for onsite water treatment to improve water quality.

We have been involved over the past several months in updating the Water System Supply Management Plan including a Build-Out analysis for submission to the Water Resources Board. 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.

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.



APPROVED WATER EXTENSION  
TO 68 EAST SHORE ROAD

4 LOTS REQUESTING  
SERVICE EXTENSION  
(7, 10, 14 & 19 SEAVIEW AVE)

ROUTE 138

Narragansett Bay

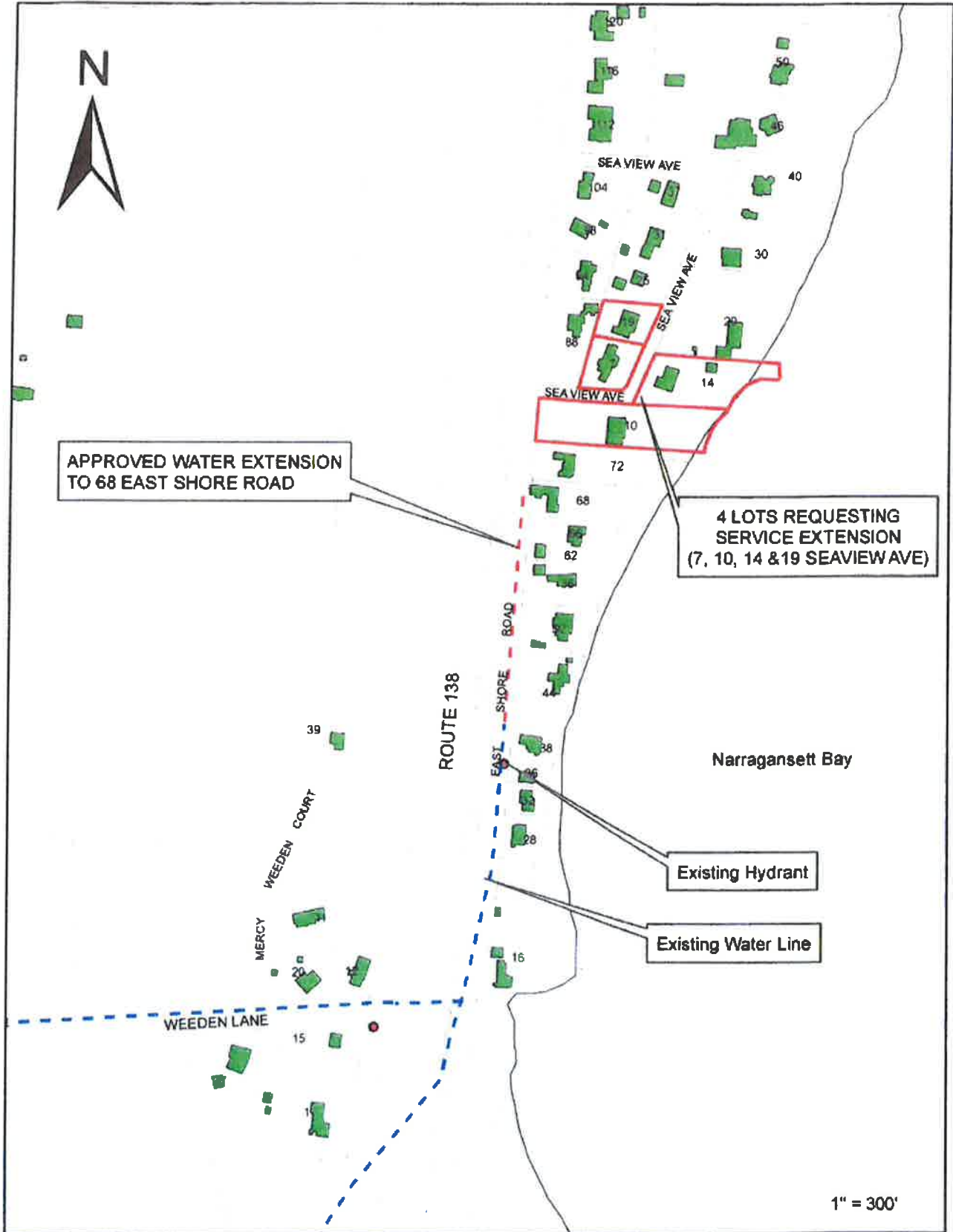
Existing Hydrant

Existing Water Line

WEEDEN LANE

MERCY WEEDEN COURT

1" = 300'



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. Solomon

Date Introduced: March 03, 2022

Referred 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
200.6	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](mailto:DOH.RIDWQ@health.ri.gov) | [health.ri.gov/water/for/privatewellowners/](https://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 gpm .....a minimum depth of 150' is required.

with a yield of 2 gpm .....a 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.

## **EXHIBIT P**

**TOWN OF JAMESTOWN**  
**TOWN COUNCIL MEETING**  
for  
**TOWN, WATER AND SEWER MATTERS**

Tuesday, February 20, 2024

A regular meeting of the Jamestown Town Council sitting as the Board of Water and Sewer Commissioners was called to order at the Jamestown Town Hall, Council Chambers, 93 Narragansett Avenue at 6:31 PM by Commission President Nancy A. Beye.

The following members were present:

Mary E. Meagher, Commission Vice-President  
Michael G. White  
Randall White

Also present were:

Edward Mello, Town Administrator  
Roberta J. Fagan, Town Clerk  
Michael Gray PE, Public Works Director  
Christina D. Collins, Finance Director  
Peter D. Ruggiero Esq., Town Solicitor  
Denise Jennings, Water and Sewer Clerk

Absent were:

Erik G. Brine, Commissioner

Motion was made by Commissioner Randall White, seconded by Commissioner Vice-President Meagher to move and discuss item numbers 1-5 under **NEW BUSINESS** as follows:

- 1) Review, Discussion, and/or Action and/or Vote: Memorandum from Public Works Director Michael Gray regarding the Water Extension Application(s) of the 8" water main within East Shore Road in the Rural Water District.
- 2) Review, Discussion and/or Action and/or Vote on the application of Jeffrey and Deborah Saletin (Plat 7 Lot 135, 14 Seaview Avenue) for utility service connection (water)
- 3) Review, Discussion and/or Action and/or Vote on a letter from Attorney Joelle C. Rocha and the application of Glenn and Marjorie Andreoni (Plat 7 Lot 34, 10 Seaview Avenue) for water line extension (water)
- 4) Review, Discussion and/or Action and/or Vote on the application of Paul Frechette (Plat 7 Lot 101, 19 Seaview Avenue) for utility service connection (water)
- 5) Review, Discussion and/or Action and/or Vote on the application of Stephen Zimniski and Suzanne Gagnon (Plat 7 Lot 94, 7 Seaview Avenue) for utility service connection (water)

Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye.



Commissioner Randall White stated that 3 additional documents pertaining to the applications for water line extensions have been submitted to the Board this evening for the Boards review. Commissioner Randall White stated that the Board does not have a staff and time to comprehend or digest additional documents that were received just prior to the meeting. Motion was made by Commissioner Randall White, seconded by Commission Vice-President Meagher to continue review, discussion, and/or Action and/or vote on item numbers 1-5 under **NEW BUSINESS** specifically,

- 1) Memorandum from Public Works Director Michael Gray regarding the Water Extension Application(s) of the 8" water main within East Shore Road in the Rural Water District.
- 2) Application of Jeffrey and Deborah Saletin (Plat 7 Lot 135, 14 Seaview Avenue) for utility service connection (water)
- 3) A letter from Attorney Joelle C. Rocha and the application of Glenn and Marjorie Andreoni (Plat 7 Lot 34, 10 Seaview Avenue) for water line extension (water)
- 4) Application of Paul Frechette (Plat 7 Lot 101, 19 Seaview Avenue) for utility service connection (water)
- 5) Application of Stephen Zimniski and Suzanne Gagnon (Plat 7 Lot 94, 7 Seaview Avenue) for utility service connection (water)

to the next Water and Sewer meeting on March 18, 2024 and if the applicants wish to submit additional documents to the Board, that all documents are to be submitted to the Public Works Director no later than 7 days prior to the scheduled meeting.

Attorney Rocha stated that she would not be available on March 18<sup>th</sup> and that she would be out of the country. Commissioner Randall White stated that the Board would like to review, discuss and vote on all applications for water line extension at the same meeting. The Town Administrator reminded the Council/Board that on March 4<sup>th</sup> the Council will also be scheduling budget meetings and that the Board should schedule the continuation of the applications for the water line extension at that time.

Attorney Christian Infantolino stated that he was present for the application of Berry and also the application of Saletin and that he also has representatives that are present this evening.

Commissioner Randall White and Commission Vice-President Meagher stated that they can't be expected to comprehend/or digest documents submitted last minute.

The motion made by Commissioner Randall White, seconded by Commission Vice-President Meagher was amended as follows: to continue review, discussion, and/or Action and/or vote on item numbers 1-5 under **NEW BUSINESS** to a later date, as recommended by Town Administrator and if the applicants wish to submit additional documents to the Board, that all documents are to be submitted to the Public Works Director no later than 7 days prior to the scheduled meeting. Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye. Commission President Beye stated that all applicants/or their representatives will be notified when the date of the meeting has been scheduled.

#### **AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS**

(None)

## OPEN FORUM

Commission President Beye noted that this open forum would be for water and sewer matters only.

- 1) Scheduled requests to address:  
(None)
- 2) Non-scheduled request to address:  
(None)

## REPORT OF TOWN OFFICIALS

### 1) **Pumping Report:**

The Public Works Director reported the following:

- JR-1 well is in service.
- Transfer pumping remains inactive.
- Pumping was down for the month of January.
- Rainfall was up for the month of January.
- North Reservoir is @ capacity, usable storage-60 MG.
- South Pond is @ capacity, usable storage-6 MG

### 2) **Town project reports: (See attached Project Update Report dated February 2024)**

Treatment Plant-

The Public Works Director reported the following:

- He has recently advertised for an assistant to the supervisor at the Water Treatment Facility and stated that it will be difficult to find a licensed operator to fill the position.
- The Town Planner has worked with PARE Corporation to review the water district build-out analysis and he recommended that a workshop be rescheduled (was cancelled due to snow storm) with the Board to review the build-out analysis prepared by PARE Corporation and also to discuss the update/rewrite of the Rules and Regulations of the Board of Water and Sewer Commissioners.
- He has met with staff at the RIDOH and URI to discuss participation in the Rhode Island Coastal Hazards Analysis Modeling and Predictions program.
- He has provided to the Board a notice received from the RIDOH regarding updates to state legislation and federal regulations to reduce lead in drinking water. The Public Works Director briefly outlined the program.

Following clarification on a few items, it was the consensus of the Commission, to accept the Public Works Director's report, as submitted.

## LETTERS AND COMMUNICATIONS

None

## UNFINISHED BUSINESS

- 1) **Water Supply System Management Plan-5 Year Update** prepared by PARE Corporation, continued from January 16, 2024.

No action taken.

- 2) Schedule a Special Meeting to review the Status update of the **Rules and Regulations of the Board of Water and Sewer Commissioners**, prepared by PARE Corporation, continued from January 16, 2024. It was the consensus of the Commission to schedule a Special Meeting at a later date.

## NEW BUSINESS

- 1) Review, Discussion, and/or Action and/or Vote: Memorandum from Public Works Director Michael Gray regarding the Water Extension Application(s) of the 8" water main within East Shore Road in the Rural Water District.
- 2) Review, Discussion and/or Action and/or Vote on the application of Jeffrey and Deborah Saletin (Plat 7 Lot 135, 14 Seaview Avenue) for utility service connection (water)
- 3) Review, Discussion and/or Action and/or Vote on a letter from Attorney Joelle C. Rocha and the application of Glenn and Marjorie Andreoni (Plat 7 Lot 34, 10 Seaview Avenue) for water line extension (water)
- 4) Review, Discussion and/or Action and/or Vote on the application of Paul Frechette (Plat 7 Lot 101, 19 Seaview Avenue) for utility service connection (water)
- 5) Review, Discussion and/or Action and/or Vote on the application of Stephen Zimmiski and Suzanne Gagnon (Plat 7 Lot 94, 7 Seaview Avenue) for utility service connection (water)

Item numbers 1-5 under **NEW BUSINESS** were previously discussed.

- 6) Review, Discussion and/or Action and/or Vote on the application of Julie T. Berry (Plat 12 Lot 68, Bayberry Road, for utility service connection, no extension (water only). Attorney Infantolino stated that this application is a connection and is not a water line extension and also that he had recently found out that Ms. Berry's father is the one who extended the water line down Bayberry Road.

The Public Works Director confirmed that this application is for a water connection and is not a water line extension. The Public Works Director reported that the water line exists in front of Plat 12 Lot 68 on Bayberry Road and that the property has the right to hook up, upon the Boards approval.

Motion was made by Commission Vice-President Meagher, seconded by Commissioner Michael White to approve the application of Julie T. Berry (Plat 12 Lot 68, Bayberry Road, for utility service connection, no extension (water only), as presented. Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye.

### CONSENT AGENDA

- 1) Adoption of Minutes:
  - a) January 16, 2023 (regular meeting)
- 2) Finance Director's Report:
  - a) Comparison Water Budget to Actuals as of January 31, 2024
  - b) Comparison Sewer Budget to Actuals as of January 31, 2024
- 3) Authorization to execute a multi-year lease with Dish Wireless to install equipment on the Town-owned water towers, subject to Zoning Board of Review approval.
- 4) Approval of the Legal Service Agreement between the Jamestown Water & Sewer Commission ("Client") and Marin, Barrett, and Murphy Law Firm, Inc; Law Office of Keven Madonna, PLLC; SL Environmental Law Group PD; Douglas & London, P.C.; Levin, Papantonio, Rafferty, Proctor, Buchanan, O'Brien, Barr, Mougey, P.A. (collectively the "Firms") for the purpose of investigating and assessing potential claim arising out of the presence of contaminants in water supply wells affecting Client's water systems and/or Client's other property, including wastewater; and (ii) to provide for the terms and conditions for the representation of Client in any civil action that may be filed in the appropriate court and any proceeding by writ or appeal related to that action filed on behalf of Client by the Firms ("Legal Action").

Motion was made by Commission Vice-President Meagher, seconded by Commissioner Michael White to accept the Consent Agenda, as presented. Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye.

### ADJOURNMENT

Motion was made by Commission Vice-President Meagher, seconded by Commissioner Michael White to adjourn the meeting of the Jamestown Town Council sitting as the Board of Water and Sewer Commissioners at 7:02 PM. Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye.

Attest:

  
Denise Jennings  
Water and Sewer Clerk

## **Project Update February 2024**

### **WELLS**

JR-1, JR-3

- JR-1 is in service.

### **TREATMENT PLANT**

- A licensed operator from Veolia continues to train with our staff at the water treatment plant.
- I have provided a copy of the Draft Water District Build-out Analysis prepared by Pare Corporation. This report is an update to the study performed in 2010 for planning and includes projected future population growth within the service area, projected numbers of units, and total potential connections to the Towns water system. This report will be included as part of the Water System Supply Management Plan update that must be completed by April for submission to the Water Resources Board. I would like to schedule a workshop meeting for Pare to attend to present the information to the Commission. At that meeting we can discuss the update to our Rules and Regulations.
- I met with staff from the RI Department of Health and URI to participate in the Rhode Island Coastal Hazards Analysis Modeling and Predictions (RI\_CHAMP) program. They will be modeling the water treatment property to determine the impacts from coastal storms and flooding.
- I have provided a notice received from the RIDOH regarding updates to state legislation and federal regulations to reduce lead in drinking water. We are required to conduct and submit a service line inventory to the RIDOH by October 16, 2024. Based upon records and existing watermain pipe information there are approximately 88 properties with services that may have lead connections or piping.

### **TRANSFER PUMPING/RESERVOIR**

- The water department is not transferring water from south pond to north pond.
- Staff from the water department and highway department repaired a leak in the transmission main that feeds water to the treatment plant. The leak was found in the pipe between South Pond and the treatment facility

### **DISTRIBUTION SYSTEM**

South Pond @ 6 MG

Usable Storage, 6 Million Gallons

North Pond @ 60 MG

Usable Storage 60 Million Gallons

- A leak was discovered on a water service on Maple Avenue. The homeowner repaired the pipe on the property.
- Water service leaks were repaired by the water department on Conanicus Avenue and Walcott Avenue.
- Two separate leaks were found from water main piping on Knowles Court and Hamilton Avenue and repaired by the water department.

## **WASTEWATER TREATMENT PLANT**

- The monthly average daily flow at the treatment plant for January was 0.71 million gallons per day. The monthly average allowed by our discharge permit is 0.73 million gallons per day. The peak daily flow was 1.58 million gallons.
- Doug Ouellette, the wastewater superintendent, and I met with the staff from RIDEM to review the draft Discharge Permit for the wastewater facility. The Draft permit has been posted by the RIDEM for public notice to receive comments by March 21, 2024.
- Staff from Weston and Sampson met with the Wastewater staff to review the wastewater treatment facility and pump stations. The purpose of this meeting was to perform visual inspections and conditions assessment of existing equipment, piping, instruments, pumps, process controls, electrical service, etc.



Department of Health  
Center for Drinking Water Quality  
Three Capitol Hill, Rm 209  
Providence, RI 02908-5097  
401-222-6867  
TTY: 711  
www.health.ri.gov

January 18, 2024

PWS# RI1858419

MICHAEL GRAY  
JAMESTOWN WATER DEPARTMENT  
93 NARRAGANSETT AVENUE  
PO BOX 377  
JAMESTOWN, RI 02835

**Re: Regulatory Update: Rhode Island Service Line Inventory and Lead Service Line Replacement Requirements**

Dear Public Water System Official,

Recent updates to state legislation and federal regulations intended to reduce lead in drinking water have resulted in new service line inventory and lead service line replacement requirements. All non-transient, non-community and community public water systems (collectively referred to herein as "PWSs") are required to conduct and submit a service line inventory to the Rhode Island Department of Health (RIDOH) by **October 16, 2024**. Please find additional information about the requirements, available technical assistance, and funding opportunities in this letter.

Lead is toxic. Exposure to even small amounts of lead during childhood can have lifelong impacts. Creating a service line inventory is an important step toward eliminating lead in drinking water. By meeting the requirements of the National Primary Drinking Water Regulations, including the Lead and Copper Rule, Rhode Island public water systems have made significant contributions to public health and safe drinking water for decades. Updates to the Lead and Copper Rule as well as to Rhode Island law will improve upon those contributions by better protecting communities from the risks of lead exposure and getting the lead out of our state's drinking water.

**Relevant Laws, Regulations, and Guidance**

The new service line requirements were established by recent amendments to the *Rhode Island Lead Poisoning Prevention Act* (LPPA), R.I. Gen. Laws § 23-24.6-1 *et seq.* (<http://webserver.rilin.state.ri.us/Statutes/TITLE23/23-24.6/INDEX.HTM>) and amendments to the federal Lead and Copper Rule, known as the Lead and Copper Rule Revisions (LCRR).

Please note that on December 6, 2023, the Environmental Protection Agency (EPA) proposed a new rule—the Lead and Copper Rule Improvements (LCRI)—that, when finalized, may change certain requirements and deadlines in the LCRR. EPA has said it expects to publish the final LCRI before October 16, 2024. More information about the LCRI can be found on EPA's LCRI



webpage (<https://www.epa.gov/ground-water-and-drinking-water/proposed-lead-and-copper-rule-improvements>).

RIDOH is developing guidance for PWSs on how the LPPA and the LCRR will be implemented. RIDOH is awaiting further guidance information from EPA on the final LCRI, which may impact RIDOH's regulatory implementation plan. Please look out for additional guidance from RIDOH in the form of emails and updates to RIDOH's website ([health.ri.gov/water/about/RevisedLeadCopperRule](http://health.ri.gov/water/about/RevisedLeadCopperRule)) in the coming months. Please contact the RIDOH Center for Drinking Water Quality if you have any questions.

### **Service Line Inventory and Replacement Requirements**

#### ***Key Definitions***

The following terms are necessary to understand how to designate service lines in compliance with the service line inventory and replacement requirements in Rhode Island:

- *Lead service lines* are broadly defined as any part of a public or private service line that is made of, lined with, or contains materials consisting of lead, and **importantly, includes service lines with galvanized steel or iron.**
- *Galvanized* refers to iron or steel piping that has been dipped in zinc to prevent corrosion or rusting.
- *Galvanized requiring replacement* refers to galvanized service lines that are or were at any time downstream of a lead service line or are currently downstream of a lead status unknown service line. This term may be applicable when a system is classifying a service line as "non-lead" or "lead status unknown." See the *Service Line Inventory* section below for more on galvanized requiring replacement service lines.
- *Non-lead* refers to service lines that are determined through an evidence-based record, method, or technique not to be lead or galvanized requiring replacement.
- *Lead status unknown* refers to the designation given to service lines where the service line material is not known to be lead, galvanized requiring replacement, or a non-lead service line. A service line must be classified as lead status unknown if there is no documented evidence supporting material classification or if a non-lead determination cannot be made. Under the LPPA, service lines that are "lead status unknown" will be considered lead service lines.

#### ***Initial Service Line Inventory – due by October 16, 2024***

In Rhode Island, PWSs must develop an inventory of **all public- and private-side service lines** connected to the public water distribution system that classifies the lines as lead service lines, non-lead service lines, or lead status unknown service lines.

PWS are also strongly encouraged to identify the specific material (e.g., copper, plastic, galvanized iron, etc.) of all components of the service lines. This information will be needed for determining whether replacement of certain service lines and components is eligible for funding under certain Drinking Water State Revolving Fund (DWSRF) sources.

PWSs must submit their initial inventories to RIDOH by October 16, 2024. Please see our website for current acceptable methods for identifying service line materials, including an

inventory template modified to meet both EPA and Rhode Island requirements:  
[health.ri.gov/water/about/RevisedLeadCopperRule](http://health.ri.gov/water/about/RevisedLeadCopperRule)

*About classifying galvanized service lines:* It is important to note that Rhode Island and EPA differ on how galvanized service lines should be classified. Rhode Island's LPPA is stricter than EPA's LCRR in how it classifies galvanized service lines as lead lines and omits the "galvanized requiring replacement" classification. RIDOH encourages systems to classify its service lines according to both the LCRR and LPPA requirements and to identify the specific material (e.g., copper, plastic, galvanized iron, etc.) of all components of the service lines. Doing so will help the PWS if and when seeking DWSRF funding for replacement of its service lines.

Because the Rhode Island LPPA's classification requirements are stricter than EPA's LCRR requirements, PWSs are required to classify service lines according to Rhode Island's classification standards. If a PWS seeks funding from certain federal pots of money, the PWS will also need to classify its service lines following EPA's specific classification requirements as further detailed below. RIDOH has created an inventory template that includes two columns for classifying service lines: (1) a "RI Service Line Material Classification" column, and (2) an "EPA Service Line Classification" column. RIDOH encourages PWSs to use this template.

Under the LPPA, PWSs must classify their service lines into one of three categories: lead, non-lead, or lead status unknown. In Rhode Island all galvanized service lines must be classified as lead service lines, with two exceptions. The PWS can classify a galvanized service line as "non-lead" if it can demonstrate that any part of the line is not and was never downstream of a lead service line and is not currently downstream of an unknown service line (i.e., that the galvanized line is not "galvanized requiring replacement"); or it can classify a galvanized service line as "lead status unknown" if applicable.

In contrast, under the LCRR, systems must classify their service lines into one of four categories: lead, galvanized requiring replacement, non-lead, or lead status unknown. Though "galvanized requiring replacement" is not a required classification in Rhode Island, knowing whether a service line is "galvanized requiring replacement" is necessary if a system seeks funding for the replacement of galvanized service lines or components under certain DWSRF sources. Under the LCRR, a galvanized service line must be classified as "galvanized requiring replacement" if it is or was at any time downstream of a lead service line or is currently downstream of a lead status unknown service line. By contrast, under Rhode Island's LPPA, such a line would be classified as "lead."

#### ***Lead Service Line Discovery, Consumer Notice, and Filters***

PWSs must send written notification to property owners and the tenants of a building within 30 days of identifying a public or private lead service line or lead status unknown service line that supplies drinking water to their building or dwelling. To reach both the property owner and any tenants of the building, the PWS must send the notification to the billing address (to inform the property owner) of the building, as well as all mailing addresses at the building (to reach every unit within the affected address). The PWS must also send a copy of each notification to RIDOH within the same 30-day deadline.

PWSs are strongly encouraged to use the template notification RIDOH developed, which includes all of the elements required by LPPA. It is available in English and Spanish on the webpage: [health.ri.gov/water/about/RevisedLeadCopperRule](http://health.ri.gov/water/about/RevisedLeadCopperRule). If the PWS's community speaks a language other than English or Spanish, the PWS should seek translation services to provide the notice in the appropriate languages.

At this time, RIDOH is not requiring systems that previously detected lead service lines or lead status unknown service lines prior to the LPPA's effective date of June 24, 2023, to send consumer notifications. However, the LCRR requires a similar notification to consumers within 30 days of completion of the required inventory and a repeat notice every year thereafter. Assuming the LCRI does not change that requirement, PWSs must be prepared to comply with it. Additional guidance will be made available in the coming months.

PWSs that have identified a public or private lead service line or lead status unknown service line must provide to the consumer, upon request, a filter pitcher or point-of-use device certified by an American National Standards Institute accredited certifier to reduce lead, instructions to use the filter, and six months of filter replacement cartridges. Filters that are certified to comply with NSF Standard 53 for the removal of lead will meet the certification requirement. Before distributing any filters to consumers, PWSs must get approval from RIDOH for the type of filter the PWS intends to provide. PWSs may send an email attaching the filter's specifications, including the appropriate certification, to RIDOH at [DOH.RIDWQ@health.ri.gov](mailto:DOH.RIDWQ@health.ri.gov) with "Service Line Inventory" in the subject line.

#### ***Private Side Service Line Inspection, Replacement, and Consumer Notice***

PWSs that have detected a public side lead service line or a public or private side lead status unknown service line, must inspect the private side service lines, at no cost to the property owner, to determine if lead, galvanized iron, or galvanized steel is present. If lead is detected in any service line, the lead service line must be replaced. Contingent on available funding, all lead service lines must be replaced over the next 10 years.

PWSs must notify RIDOH if a property owner refuses to allow an inspection or replacement of private side service lines. The form notification is available on the following webpage: [health.ri.gov/water/about/RevisedLeadCopperRule](http://health.ri.gov/water/about/RevisedLeadCopperRule). RIDOH also prepared template notifications to send the property occupants, available in English and Spanish, for an inspection refusal and for a replacement refusal. PWS are strongly encouraged to use these templates which include all required elements of the LPPA. If the PWS's community speaks a language other than English or Spanish, the PWS should seek translation services to provide the notice in the appropriate language(s). The templates are available on the webpage: [health.ri.gov/water/about/RevisedLeadCopperRule](http://health.ri.gov/water/about/RevisedLeadCopperRule).

After inventories are completed, PWSs that have identified lead or lead status unknown service lines must develop lead service line replacement plans. These plans will need to be submitted to RIDOH. RIDOH will have more guidance on the required deadline and contents of the replacement plans after EPA promulgates the LCRI.

Under the LCRR, after any disturbance to a lead service line or lead status unknown service line or after any partial or full replacement of such service lines, PWSs must notify affected consumers. RIDOH will follow up with additional guidance on notification requirements and with template notifications when available. PWSs must also provide consumers with a filter pitcher or point-of-use device certified by an American National Standards Institute accredited certifier to reduce lead, instructions to use the filter, and six months of filter replacement cartridges before the affected service line is returned to service. As noted above in the “Lead Service Line Discovery, Consumer Notice, and Filters” section, PWSs must get advance approval from RIDOH for the type of filter the PWS intends to provide consumers by emailing RIDOH the filter’s specifications.

### ***Annual Reporting***

PWSs must submit an annual report with information about their service line inventories and replacement statuses to the Governor, the President of the Rhode Island State Senate, the Speaker of the Rhode Island House of Representatives, the Director of Health, and the Executive Director of the Rhode Island Infrastructure Bank within 90 days of the end of each fiscal year. The State of Rhode Island’s fiscal year ends on June 30 of each year. PWSs that have not begun inventory and replacement work can voluntarily submit a report for the year 2023 indicating that they are in the process of planning for future work. PWS whose initial inventories contain only non-lead service lines are not required to provide subsequent annual reports.

### **Technical Assistance**

RIDOH has created a webpage for public water systems with information about inventory and replacement plans: [health.ri.gov/water/about/RevisedLeadCopperRule](https://health.ri.gov/water/about/RevisedLeadCopperRule). The webpage includes submission requirements, links to EPA’s inventory template and guidance for PWSs (by size), instructions for getting started on the inventory and verifying service line materials, notification templates, and more.

Additionally, RIDOH will be hiring a contractor with expertise in LCRR compliance and specialized experience in service line inventory and lead service line replacement plan development. The contractor will be available to PWSs that need assistance with developing their inventories, reporting, and creating their lead service line replacement plan. Assistance will be available at no cost to the PWSs. Watch for additional communications from RIDOH as more information about the technical assistance opportunity becomes available.

### **Funding Opportunities**

Eligible systems will be able to apply for funding through the DWSRF for service line inventory development. Funding is also available for lead service line replacement through the DWSRF.

In order to receive funding through the DWSRF for a project, PWSs must apply to have the project added to the RIDOH Project Priority List (PPL) by March 2024. Every year, RIDOH sends a letter to PWSs eligible for the PPL. For PPL applications and more information about DWSRF, you can visit the webpage [health.ri.gov/DWSRF](https://health.ri.gov/DWSRF) or contact the Center for Drinking Water Quality using the information below.

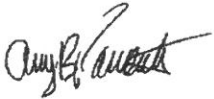
**PWSs that serve a population of less than 10,000 people** should consider the DWSRF as a funding source even for relatively small projects. If it is determined that the PWS is economically disadvantaged, then subsidies such as lower interest rates, zero interest rates, and/or additional forgiveness may be available.

Another possible source of funding is the *Water Infrastructure Improvements for the Nation (WIIN) Act's* Small, Underserved, and Disadvantaged Communities grant. To express interest, contact Anna Coelho Cortes at the Rhode Island Infrastructure Bank by emailing [acoelho@riib.org](mailto:acoelho@riib.org) with a project description and cost estimate by February 29, 2024. For grant details, please visit [www.epa.gov/dwcapacity/wiin-grant-small-underserved-and-disadvantaged-communities-grant-program-0](http://www.epa.gov/dwcapacity/wiin-grant-small-underserved-and-disadvantaged-communities-grant-program-0).

This letter will also be sent by email. If you have any questions regarding this letter, you may contact the RIDOH Center for Drinking Water Quality by emailing [DOH.RIDWQ@health.ri.gov](mailto:DOH.RIDWQ@health.ri.gov) with "Service Line Inventory" in the subject line or by calling 401-222-6867.

Thank you for your cooperation and ongoing work to ensure access to safe drinking water for all Rhode Islanders.

Sincerely,

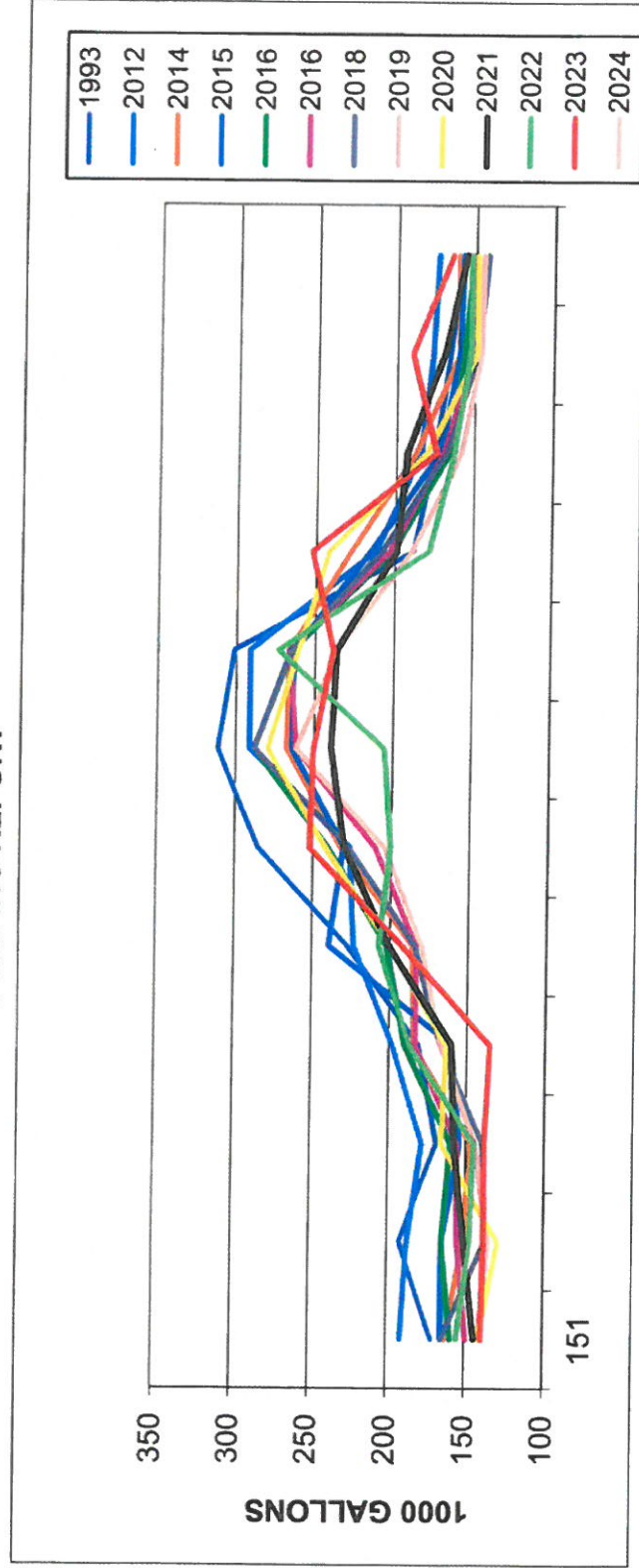


Amy Parmenter  
Chief Administrator  
Center for Drinking Water Quality



	1993	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Jan	171	172	155	191	163	165	159	149	165	141	141	144	155	139	151
Feb	192	158	156	187	151	165	165	155	137	135	129	151	147	138	
Mar	169	157	155	178	147	154	160	156	139	144	166	158	145	138	
Apr	181	180	170	198	184	160	190	183	167	167	163	160	187	135	
May	227	212	190	223	185	239	202	183	184	179	200	201	207	192	
Jun	285	226	221	226	232	230	240	210	227	204	242	230	200	252	
Jul	311	279	278	291	267	264	288	261	288	261	279	239	205	250	
Aug	301	254	242	291	266	263	264	266	265	235	260	236	273	238	
Sep	188	205	210	212	227	215	201	203	208	189	241	199	178	252	
Oct	175	175	175	184	187	172	166	170	168	158	180	193	163	174	
Nov	166	164	167	177	160	160	157	151	148	146	149	170	153	190	
Dec	158	158	180	174	161	158	151	151	142	145	149	156	153	165	

# PUMPING REPORT



AVG. RAINFALL												
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	
Jan	3.5	3.1	1.22	2.94	2.94	2.19	1.3	2.94	2.04	6.36	8.12	
Feb	3.2	4.98	0.86	4.25	0.76	4.33	3.26	2.62	4.77	1.7		
Mar	4.4	5.74	4.53	2.36	2.62	3.07	4.11	2.21	2.66	3.44		
Apr	3.9	4.8	1.47	3.53	8.8	3.79	4.61	4.03	3.18	3.65		
May	3.5	1.27	0.32	2.24	6.03	2.03	2.46	1.79	3.2	3.03		
Jun	3.6	2.86	4.2	0.89	1.79	0.89	4.44	1.36	1.4	3.93		
Jul	3.7	5.93	4.63	2.19	2.7	0.61	4.33	2.16	3.3	5.1		
Aug	3.8	1.23	2.17	1.88	2.4	1.73	1.58	0.91	5.71	5.08		
Sep	3.7	0.5	3.41	2.42	1.54	8.35	1.49	1.27	2.19	5.62		
Oct	3	3.61	1.31	5.33	6.18	5.34	5.04	4.29	4.03	4		
Nov	4.6	1.47	2.27	2.63	2.61	9.61	1.89	3.39	1.47	1.83		
Dec	3.9	3.1	4.2	2.79	1.81	4.33	6.09	4.53	1.38	5.12		
Total	44.8	38.59	30.59	33.45	40.18	47.02	41.29	30.5	34.08	35.91	48.86	

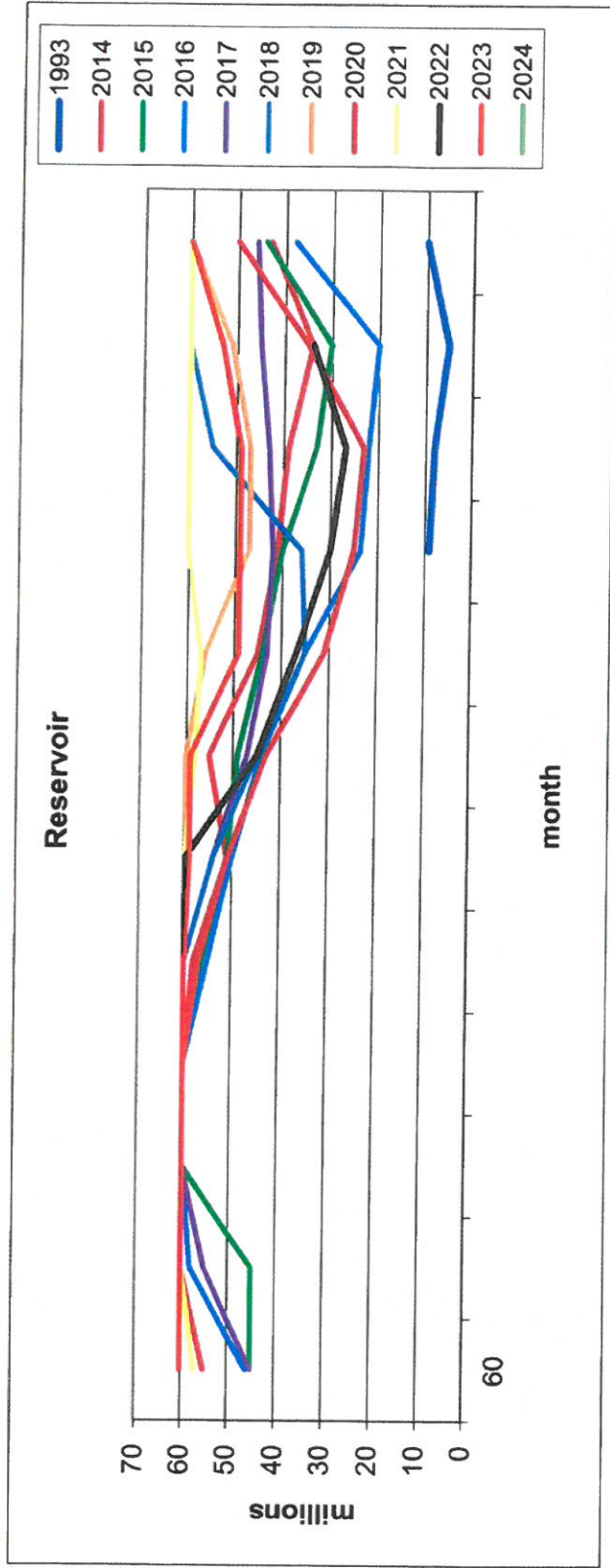
## RAINFALL





# RESERVOIR LEVEL

	1993	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Jan		55	45	46	45	60	60	60	57	60	60	60
Feb		60	45	58	55	60	60	60	60	60	60	60
Mar		60	60	60	60	60	60	60	60	60	60	60
Apr		60	60	60	60	60	60	60	60	60	60	60
May		58	56	55	60	60	60	57	60	60	60	60
Jun		51	51	50	54	54	60	51	60	60	59	60
Jul		55	49	44	47	45	60	43	58	45	59	60
Aug	9	45	44	35	43	35	56	31	57	37	49	60
Sep	8	41	40	23.5	42	36	47	25	60	30	49	60
Oct	5	39	33	22	43	55	47	23	60	27	49	60
Nov	10	34	30	20	45	60	51	35	60	34	53	60
Dec		43	44	38	46	60	60	50	60	48	60	60



## Transfer Pumping

0



TOWN OF JAMESTOWN WWTF  
MONTHLY REPORT  
January 2024

Douglas Ouellette, Superintendent

## **Parameters**

	<u>Monthly Avg.</u>	<u>Permit Limit</u>	<u>Notes</u>
Flow	.7104 MGD	.73 MGD	
Daily Max	1.5790 MGD		
BOD Removal	98.8%	85%	% Removed
TSS Removal	90.4%	85%	% Removed
Fecal Coliform	1.10	No limit, report only	
Enterococci	2.11	(<35 cfu/100ml Monthly) (<276 cfu/100ml Daily)	

## **Environmental Compliance (Violations)**

There were no violations for the month of January

## **Complaints**

There is one complaint to report for the month of January. 9 Coronado St reported trouble. Facility staff responded and determined that the problem was in the house service but still jetted the town line as a precaution.

## **Alarms**

There are no alarms to report for the month of January.

## **Septage**

The facility received no septage for the month.

## **Sludge Production**

The facility did not need to process any sludge in January.

### **Maintenance Management**

The Crew completed 69 work orders for the month of January. Inland Waters removed the scum blanket measuring between one to two feet from the top of wetwells of pump stations #1 and #2. This scum layer consists of flushable wipes and (F.O.G) fats oils and grease that come together in the wetwells to form a mat. This mat can interfere with level controls and also contributes to odors at the stations.

### **Chemical Use**

The facility used 791 gallons of Sodium hypochlorite and 6,200 pounds of lime for process control.

### **Collection System**

31 pump station inspections were completed. 12 Gen Set inspections were performed. All stations are operating as designed.

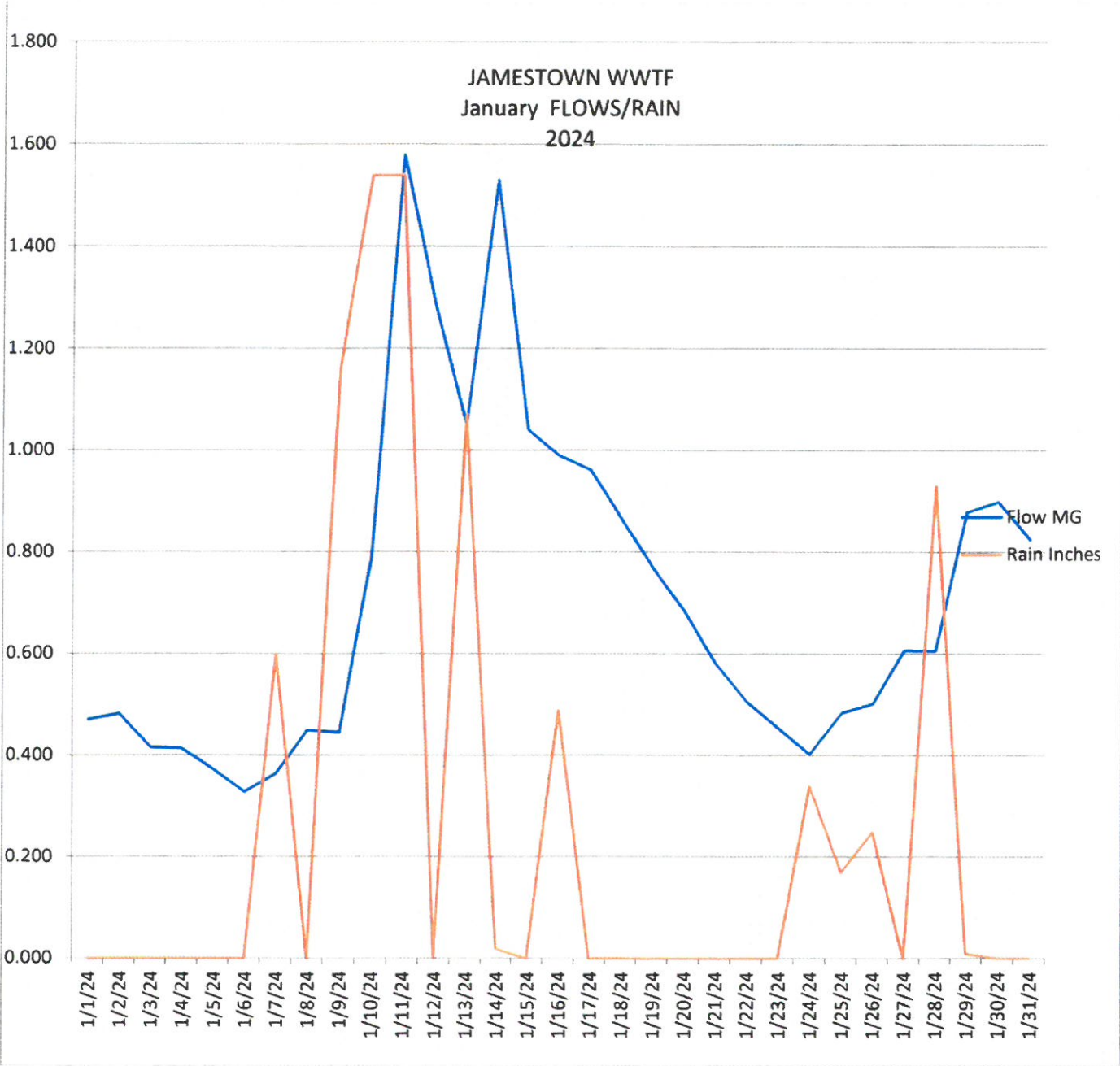
### **Energy Use**

Energy use at the plant for the month was: 24,248 KWH

### **Precipitation**

Precipitation measured in at 8.12"

**Graphs**



## **EXHIBIT Q**



**TOWN COUNCIL MEETING MINUTES**  
**Monday, April 15, 2024**  
**5:30 P.M.**

**I. ROLL CALL**

A regular meeting of the Jamestown Town Council was held on April 15, 2024. Town Council Members present were as follows: Nancy A. Beye, Mary Meagher, Michael G. White, and Randy White (arrived at 5:32 p.m.). Erik Brine was absent

Also, in attendance: Town Administrator Edward A. Mello, Solicitor Peter Ruggiero, Finance Director Christina Collins, Chief Jamie Campbell, Public Works Director Michael Gray, Town Planner Lisa Bryer, Water & Sewer Clerk Denise Jennings Stenographer Brenda Hanna, and Town Clerk Roberta Fagan.

**II. CALL TO ORDER, PLEDGE OF ALLEGIANCE**

Town Council President Beye called the meeting of the Jamestown Town Council to order at 5:30 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance.

A motion was made by Vice President Meagher with a second by Councilor M. White to convene as the Town Council Sitting as the Board of Water and Sewer. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

**III. TOWN COUNCIL SITTING AS THE BOARD OF WATER AND SEWER COMMISSIONERS**

**A) Open Forum – Water & Sewer Matters**

*Comments are not limited to items on this agenda. However, items not on this agenda will only be heard and not acted upon by the Town Council. Note: Section 42-46-6 of the Open Meetings Act and Department of the Attorney General Advisory Opinions relevant to this item on any public body meeting agenda specifically prohibit the Town Council from discussing, considering, or acting on any topic, statement or question presented. The Town Council may, if warranted, refer such matters to an appropriate committee, to another body or official, or post the matter for consideration at a properly-noticed, future meeting.*

- 1) Scheduled request to address – None.
- 2) Non-scheduled request to address.

Nick Robertson, 109 Carr Lane. The water treatment plant should be funded by all taxpayers, not just by the users. Mr. Robertson, a past Town Council member, toured the facility in the past and was surprised that the facility had a staff of only three. He also stated that staff are required to obtain a license to operate the facility, creating obstacles for new candidates to enter the industry. Mr. Robertson expressed concern about current and future challenges at the water treatment plant. He suggested forming a committee to look at possibilities for extensions as well as to prepare a 20-year long-range plan to address water supply issues.

Charlotte Zarlengo, Seaside Drive. Mrs. Zarlengo made statements regarding the Seaview Avenue extension applications, which are outside the urban water district. She quoted the February 13, 2024 memorandum from Public Works Director Michael Gray to the Board of Water and Sewer Commissioners, and the recent update to the WSSMP which included an updated water district

build-out analysis. “The (Town’s) current water supply does not produce enough water for maximum day demands presently. And forecasted data indicate that average day demand at build-out within the existing district exceeds the available capacity of our reservoir and well. Extension of water mains outside of the district boundaries will place additional demand stress on the limited supply not factored into the build-out analysis.” Mrs. Zarlengo had petitioned a previous Town Council/Board of Water & Sewer Commissioners, to provide water connections to the residences in the Jamestown Shores due to water issues. The Jamestown Shores residents were told their water issues needed to be resolved independently; the Jamestown Shores geographically remain outside the urban water district. Ms. Zarlengo asked the Commission to consider the Jamestown Shores residents in the discussion that evening.

Public Works Director Michael Gray reported on ongoing staffing issues. A prospective candidate did not work out. He stated that Mr. Robertson’s concerns are appreciated. Staffing issues are industry-wide. The town strives to solve staffing issues locally, but challenges remain. Licensed operators are required at the water treatment plant(s) and municipalities request waivers from the State Water Resources Board because there are not enough licensed operators to meet the requirements. Efforts to recruit interns are ongoing, but to date, there are no applicants.

The Town Council/Water and Sewer Commissioners commended town staff for their dedication and extraordinary service.

B) Report of Town Officials: Review, Discussion, and/or Action and/or Vote:

1) Pumping Report

Public Works Director Michael Gray reported the following:

PARE finalized the Water System Supply Management Plan (WSSMP) which was submitted on Friday, April 12<sup>th</sup>.

PFAS notifications were mailed out in the quarterly billing; one response has been received.

Distribution system annual water flushing continues. Ratepayers may experience decreased water pressure.

Staff are reading Ft. Getty which will be opening the second week in May.

Average flows for the month are very high, and staff are working around the clock manning pumps to ensure there are no overflows from the system to the bay.

See the attached Project Update Report dated March 2024.

2) Town Project Reports

a) Town Wells

JR-I is in service.

b) Water Treatment Plant

- A licensed operator from Veolia has been assisting the staff at the water treatment plant two days a week.

- Staff from Pare Corporation has finalized the WSSMP and submitted it to the RI Water Resources Board for review and approval. I will be attending a future meeting with staff from Pare to present the plan to the Board at a regularly scheduled meeting. Pare will now focus on completing a draft of the rules and regulations for the Commission.

- Informational Notices have been sent with the quarterly billing to all of the water customers with PFAS sampling results and information. To date, I have received one call from a resident with questions about the notice.

c) Transfer Pumping/Reservoir

The water department is not transferring water from south pond to north pond.

d) Distribution System

South Pond@ 6 MG

Usable Storage, 6 Million Gallons

North Pond@60 MG

Usable Storage 60 Million Gallons

- Water department staff has conducted annual hydrant flushing throughout the system. Presently we are about 40% complete.
- Staff will be preparing the water distribution system at Fort Getty with annual flushing and testing for the May opening of the park.

e) Wastewater Treatment Facility

The monthly average daily flow at the treatment plant for March was 0.95 million gallons per day. The monthly average allowed by our discharge permit is 0.73 million gallons per day. The peak daily flow was 2.03 million gallons.

- Weston and Sampson have been working on the assessment of the wastewater facility and pump stations. We had a meeting on March 15th with the team regarding the wastewater collection system. They completed an updated map of our collection system showing pipe sizes and materials including segments that have been lined. Our wastewater staff is completing a markup of the new plan showing segments that we know need replacing or lining and manholes that require maintenance or replacement. We will then determine a plan for closed-circuit TV inspection and flow monitoring of the system. Inflow and infiltration continue to be an issue for our system. As you can see in the wastewater report we have exceeded our average flow of 0.73 mgd for the month due to excessive rainfall. An auxiliary pump must be deployed to Pump Station #3 at west ferry to handle peak flow conditions during the heavy rainfall.

C) Letters and Communication: No items at this time.

President Beye described the process for conducting the review of water-line extensions.

D) Unfinished Business:

- 1) Review, Discussion, and/or Action and/or Vote on the application of Jeffrey and Deborah Saletin (Plat 7 Lot 135, 14 Seaview Avenue) for utility service connection (water) and as amended on March 29, 2024, to an application for a water line extension:
  - a) Application for utility service connection (water) received January 2, 2024.
  - b) Memorandum dated February 13, 2024, from Michael Gray, Public Works Director to the Board of Water and Sewer Commissioners.
  - c) Memorandum dated February 16, 2024, from Robert F. Ferrari, PE

to the Town of Jamestown.

d) Application for water line extension received March 29, 2024.

Atty. Christian Infantolino, representing Jeffrey and Deborah Saletin (Plat 7 Lot 135, 14 Seaview Avenue) proceeded to report on the basis for the water extension application.

Brian Thalmann, Senior Project Manager for DiPrete Engineering and registered professional engineer in the State of Rhode Island, was sworn in by stenographer Brenda Hanna.

The Town Council sitting as the Board of Water and Sewer Commissioners accepted Mr. Thalmann as an expert to offer opinions on matters related to civil engineering of which anything associated with utility extension would fall under that purview. He described the physical restraints for relocating the existing well due to setbacks, neighboring wells, and proximity to the on-site wastewater treatment system (OWTS) as required by the State RIDEM and EPA. Mr. Thalmann determined there was no other reasonable location to re-site the well.

Robert Ferrari, Northeast Water Solutions and registered professional engineer and licensed general contractor was sworn in by stenographer Brenda Hanna. The Town Council sitting as the Board of Water and Sewer Commissioners accepted Mr. Ferrari as an expert in wastewater, water treatment, water supply development, and wells.

A lengthy discussion ensued. Mr. Ferrari testified that the Saletin's well does not meet the State of Rhode Island's quality standards. He put on record that given the flow capacity, potable water, and current yield at 1.1 gallons per minute, which was tested, does not meet the water quality requirements and, therefore not potable. When the water was first evaluated five/six years ago, it was brackish. Moving forward it has degraded, with the expectation that (1) greater seawater fee component and (2) because of the reject stream. Mr. Ferrari stated there are multiple factors contributing to the ongoing degradation of the water quality. There are three possible alternatives for removing the reverse osmosis reject water from the property: (1) put it into a dry well/or back in the ground, (2) store it in a large (holding) tank and truck it off periodically, or (3) get CRMC/DEM approval and permits for an outfall or a discharge outfall into the bay. In conclusion, Mr. Ferrari would advise the best option, from the standpoint of protection of public health and minimization of other risks was to connect to the municipal system if a connection was possible to be made.

Councilor R. White questioned whether there were other options, other than connecting to the municipal system, such as hydrofracking again, tanks for both holding treated water and tanks for wastewater,

Jeffrey Saletin, 14 Seaview Avenue, was sworn in by stenographer Brenda Hanna. Mr. Saletin stated this situation has been very painful. It has been a struggle to get clean, quality, and healthy water. He respectfully requested the Board of Water and Sewer Commissioners allow them the extension to Town water.

Vice President Meagher clarified that Saletin's average daily usage is approximately 80 gallons and not 240 gallons as written on the application.

Mr. Saletin stated the 240 gallons was the annualized amount that Atty. Infantolino had calculated. He and his wife are the only occupants and estimate more accurately at 80 gallons of daily usage.

- 2) Review, Discussion, and/or Action and/or Vote: on the Letter dated 01/02/24 from Attorney Joelle C. Rocha and the application of Glenn and Marjorie

Andreoni (Plat 7 Lot 34, 10 Seaview Avenue) for water line extension:

- a) Letter dated January 2, 2024, from Attorney Joelle C. Rocha and the application for water line extension received on January 2, 2024.
- b) Memorandum dated February 13, 2024, from Michael Gray, Public Works Director to the Board of Water and Sewer Commissioners.
- c) Letter dated February 19, 2024, from Attorney Joelle C. Rocha and an exhibit showing existing OWTS & Well.

Atty. Joelle Rocha, representing Glenn and Marjorie Andreoni (Plat 7 Lot 34, 10 Seaview Avenue) for water line extension, addressed the Board of Water and Sewer Commissioners. Her clients meet the State statute standard requirements for municipal water connection applications:

- (1) The application must not be prohibited by the specific language of the water supply management plan.
- (2) The application must comply with the design and construction standards and specifications established by the public water supply system for the sizing and location for the infrastructure.
- (3) The extension shall not reduce the necessary level of fire protection for the community.
- (4) All water main and service connection materials, construction, and inspection required shall be at the sole cost and expense of the applicant.
- (5) The public water supply system shall be granted an easement in the form acceptable for the maintenance, repair, and replacement that is routinely done.
- (6) Applications for single-family residential lots the applicant must show that, one, the existing or proposed well for the property does not meet the well industry standard as described in the Department of Environmental regulations for the yield per depth of the well channel, which is required by the Department of Health for a dwelling unit. And two, due to the unique characteristics of the property, the drilling of a new well is not feasible.

A direct examination by Attorney Rocha of Mr. Thalman was conducted regarding the property owned by applicants Glenn and Marjorie Andreoni (Plat 7 Lot 34, 10 Seaview Avenue).

Mr. Thalman testified that there is a confluence of on-site wastewater treatment systems in and around the subject parcel as well as a collection of private wells. When you factor in the flood zones and the overlapping radiuses of those various appurtenances, you are left with essentially no area of which to resite a well to replace the one that exists. He confirmed that due to the unique characteristics of 10 Seaview Avenue the drilling of the well location-wise was not feasible.

A direct examination by Attorney Rocha of Mr. Ferrari was conducted regarding the property owned by applicants Glenn and Marjorie Andreoni (Plat 7 Lot 34, 10 Seaview Avenue).

Mr. Ferrari testified the effective yield for the 10 Seaview Avenue well was determined to be 0.6 gallons per minute, even though there is a pump in the well that is pumping at a higher rate on the outcome.

Glen Andreoni was called as a witness and having been first duly sworn testified. Mr. Andreoni respectfully requested for 10 Seaview Avenue to be allowed a water main extension and connection. The Andreoni's would like to live in Jamestown full time but are unable to due to inadequate water supply. Initially, when they bought the property, the Andreoni's did not have water supply issues. He stated it has gotten progressively worse with every year. Mr.

Ferrari/Northeast Water Solutions was hired to install a reverse osmosis system (RO). The well only produces 0.6 gallons per minute at a high peak time, which is not adequate for an RO to work properly. Mr. Andreoni stated they cannot take a shower without running out of water, and the water doesn't come close to meeting U.S. EPA and Rhode Island Department of Health drinking water standards. He emphasized there are no other feasible options.

- 3) Review, Discussion, and/or Action and/or Vote: On the application of Paul Frechette (Plat 7 Lot 101, 19 Seaview Avenue) for utility service connection (water) and as amended on March 29, 2024, to an application for a water line extension:
  - a) Application for utility service connection (water) received January 2, 2024.
  - b) Memorandum dated February 13, 2024, from Michael Gray, Public Works Director to the Board of Water and Sewer Commissioners.
  - c) Addendum (3 pages) submitted February 20, 2024 re: well.
  - d) Addendum with note (5 pages) submitted March 21, 2024, re: well.
  - e) Application for water line extension received April 1, 2024.

Atty. Infantolino representing Paul and Gail Frechette (Plat 7 Lot 101, 19 Seaview Avenue) for utility service connection (water) and as amended on March 29, 2024, to an application for a water line extension. Atty. Infantolino testified on behalf of the applicants. The property has been experiencing water-related issues since 2016. The Frechettes retained licensed professionals to assist with the problem, eventually needing to drill a new well. In 2017, Precision Well drilled a new well at 300 feet, which provided approximately 1 gallon per minute of yield. On numerous occasions, the new well had run out of water. The most recent flow test done by Precision Well on the second well came out at .075 gallons per minute. A significant reduction from the 1 gallon-a-minute test in 2017.

Vice President Meagher and Councilor R. White were concerned that neither the applicant nor the well expert were in attendance to answer their questions.

Atty. Infantolino respectfully requested a continuance on the Frechette (Plat 7 Lot 101, 19 Seaview Avenue) for utility service connection (water) and as amended on March 29, 2024, to an application for a water line extension.

- 4) Review, Discussion, and/or Action and/or Vote: on the 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 dated February 13, 2024, from Michael Gray, Public Works Director to the Board of Water and Sewer Commissioners.

Susan Gagnon and Stephen Zimmiski were called as witnesses, duly sworn, and testified on their application (Plat 7 Lot 94, 7 Seaview Avenue) for a water line extension. Their house was built in 1953 and purchased it in 2019. The water has always been inadequate. (The referenced report provided to Public Works Director Michael Gray from Well Works was missing from the application packet.)

Councilor R. White stated for the Commission to evaluate the Gagnon/Ziminski application, the Well Works report would need to be resubmitted.

For the record, Atty. Rocha objected to the continuation of the Andreoni's water extension application.

For the record, Atty. Infantolino objected to the continuation of the Saletin's water extension application.

A motion was made by Vice President Meagher with a second by Councilor R. White to continue the four (4) water line extension applications for Jeffrey and Deborah Saletin (Plat 7 Lot 135, 14 Seaview Avenue), Glenn and Marjorie Andreoni (Plat 7 Lot 34, 10 Seaview Avenue), Paul Frechette (Plat 7 Lot 101, 19 Seaview Avenue) and Stephen Zimniski and Suzanne Gagnon (Plat 7 Lot 94, 7 Seaview Avenue) until May 6, 2024. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor R. White, Aye; and Councilor M. White, Aye.

- E) New Business:
  - 1) No items at this time.

A motion was made by Vice President Meagher with a second by Councilor M. White to accept the Consent Agenda. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- F) Consent Agenda
  - 1) Finance Director's Report: Comparison Budget to Actuals as of March 31, 2024.

A motion was made by Vice President Meagher with a second by Councilor M. White to adjourn from sitting as the Board of Water and Sewer Commissioners. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

#### **IV. OPEN FORUM**

- A) Scheduled request to address: Mary Elizabeth Titmas, request to consider naming the Jamestown Bike Path in honor of her father, Retired Police Chief James G. Pemantell.

Mary Elizabeth "Beth" Titmas addressed the Town Council and requested the Jamestown Bike Path be named in honor of her father, Retired Police Chief James G. Pemantell. He visited the bike path daily; and loved the beauty of the bike path, even before it was known

Vice President Meagher shared her sentiments about Retired Police Chief James G. Pemantell and spoke of his character as a wonderful, and fair man. She agreed that naming the Jamestown Bike Path in his name is a great idea.

A motion was made by Vice President Meagher with a second by Councilor R. White to add the Proclamation at the Town Council meeting.

- B) Non-scheduled request to address

Christian Infantolino, 28 Reservoir Circle, spoke recently with Chief Campbell regarding a parking issue on Reservoir Circle. A neighbor on East Shore Road does not allow for landscaping



equipment to park on his property, resulting in vehicles parking on East Shore Road, Reservoir Circle, and across from the Community Farm. He requested to place the Reservoir Circle parking issue on a future agenda for further review and discussion.

Thomas Lafazia, Stern Street, also requested the Town Council to address parking issues on the corner of Stern Street and Bow Street due to parked cars on the street.

Vice President Meagher agreed to place Mr. Infantolino and Mr. Lafazia's parking issue concerns on a future agenda.

**V. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS, AND PROCLAMATIONS**

**A) Resolutions and Proclamations**

- 1) Review, Discussion, and/or Action and/or Vote: Proclamation 2024-11, Jamestown Teacher Appreciation Week, May 6-10, 2024.

Councilor M. White read Proclamation 2024-11, Jamestown Teacher Appreciation Week, May 6-10, 2024.

A motion was made by Councilor M. White with a second by Vice President Meagher to approve Proclamation 2024-11, Jamestown Teacher Appreciation Week, May 6-10, 2024. Vote: President Beyé, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- 2) Review, Discussion, and/or Action and/or Vote: Resolution 2024-12, Keep Rhody Litter Free.

Vice President Meagher read a portion of Resolution 2024-12, Keep Rhody Litter Free.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve Resolution 2024-12, Keep Rhody Litter Free. Vote: President Beyé, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- 3) Review, Discussion, and/or Action and/or Vote: Resolution 2024-13, In Support of Fully Funding State Aid to Libraries to the Full Twenty-Five (25) Percent.

Vice President Meagher read a portion of Resolution 2024-13, In Support of Fully Funding State Aid to Libraries to the Full Twenty-Five (25) Percent.

A motion was made by Vice President Meagher with a second by Councilor M. White to Resolution 2024-13, In Support of Fully Funding State Aid to Libraries to the Full Twenty-Five (25) Percent. Vote: President Beyé, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to convene as the Town Council sitting as the Alcohol Beverage Licensing Board and to open the Public Hearing. Vote: President Beyé, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

## **VI. PUBLIC HEARINGS, LICENSES, AND PERMITS**

### **A) Town Council Sitting as the Alcohol Beverage Licensing Board**

Notice is hereby given by the Town Council of Jamestown, being the Licensing Board in said Town as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended, the following has been received: for a NEW BV-VICTUALER LIQUOR LICENSE under said Act, for the period April 15, 2024, to November 30, 2024:

- 1) Application for a New Class BV-Victualer Liquor License as advertised in the *Jamestown Press* editions of March 21<sup>st</sup> and April 4<sup>th</sup> and noticed to abutters as follows:

FROM: CLASS BV-Victualer Limited Liquor License

VHBC, LLC

dba: Village Hearth Bakery & Cafe

2 Watson Avenue

Jamestown, RI 02835

TO: CLASS BV- Victualer Liquor License

VHBC, LLC

dba: Village Hearth Bakery & Cafe

2 Watson Avenue

Jamestown, RI 02835

- a) Request for Town Council Review, Discussion and/or Action and/or Vote to approve the New Class BV – Victualer Liquor License
- b) Request for Town Council Review, Discussion, and/or Action and/or Vote to Set the Class BV – Victualer Liquor License Cap at Eight (8)

Stephanie and Lindsay Haigh, 9 Bow Street, proprietors of VHBC, LLC addressed the Town Council. After moving to Jamestown 3 years ago after acquiring Village Hearth Bakery, they have grown to love the community and have become involved in initiatives to give back to the community. They expressed gratitude and asked the Town Council to consider their Class BV – Victualer Liquor License.

A motion was made by Vice President Meagher with a second by Councilor M. White to Set the Class BV – Victualer Liquor License Cap at Eight (8) Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the VHBC, LLC, dba: Village Hearth Bakery & Café New BV-VICTUALER LIQUOR LICENSE application, Hours of Operation Monday through Sunday, 7:00 a.m. – 10:00 p.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to adjourn from sitting as the Alcohol Beverage Licensing Board. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

## **VII. COUNCIL, ADMINISTRATOR, SOLICITOR, COMMISSION/COMMITTEE COMMENTS & REPORTS**

### **A) Town Administrator's Report: Edward A. Mello**

- 1) Pole 164 – North Main Road, request to install a street light. (Consent Agenda).

Pole 164 – North Main Road, sits at the “driveway” to seven (7) homes. The residents have requested a street light to be installed. The cost of the installation is \$780. The annual cost would be added to the Town’s street light expense through RI Energy. Town Administrator Mello recommends approval of the installation.

- 2) Job Fair on May 11<sup>th</sup> at the Recreation Center.

Parks and Recreation Director DeFalco and Recreation Department staff are planning a Town job fair which will include Chamber Members. The event is scheduled for May 11<sup>th</sup>. Any business may request a table through the Recreation Department.

- 3) Open Meetings Act (OMA) Training Scheduled for April 24<sup>th</sup> at 1 pm.

Solicitor David Petrarca and Town Clerk Roberta Fagan have worked to develop a training program to cover the Open Meetings Act and meeting agenda management. The training has been scheduled for April 24 at 1 2-PM, via Zoom and will be recorded. The recording will be shared with all committee members. Members and staff are encouraged to participate and/or view the training recording.

- 4) Fort Getty Pier storm damage assessment and repair update.

Foth Engineering has not yet completed its damage assessment report of the Fort Getty Pier. Town staff have asked them to further examine the condition of the vertical piles. As previously indicated the condition of those piles was unknown. A preliminary report on the Marine bore came back negative, providing a more optimistic view about the condition of the vertical piles FEMA did not declare Newport County as a federal disaster and offer public (property) assistance for response or repair. Town Administrator Mello stated he misunderstood that position and has since learned that FEMA is still assessing the total damages to public properties within Newport County.

- 5) 6 West Street/Union Studios cost proposal update.

Town Administrator Mello has requested Union Studios to provide a proposal to further develop the conceptual plans for the Senior Center project. The process will include further public input. This next step will allow the Town to further refine the budget level estimates to a more definitive cost. The cost for this next step is \$65,000. Town staff are not asking for approval until we determine a funding source.

Town Administrator Mello stated the Federal FY 24 budget did not include funding for the project as previously requested. As an alternative, the Town has re-applied for funding of the project under the Federal Appropriation FY25.

- 6) ARPA Funds reallocation recommendation.

The Town was awarded ARRA funds in the amount of \$1,643,390. The Town Council previously authorized three projects: 1) the purchase of a new rescue ambulance, 2) the renovation and purchase of public safety dispatch center equipment, and 3) funding a portion of the water main replacement project on Narragansett Avenue between North Road and West Ferry. The first two projects are completed. The water line project has moved through the majority of design work.

Town staff have become increasingly concerned about the probability of continuing the water main project due to expected significant delays related to the historical review process. Town staff are working on a reallocation recommendation.

7) Low-Speed Vehicles New Law Effective July 1, 2024.

Chief Campbell has prepared an advisory memorandum of an expected change in the law that will allow registered low-speed vehicles to be operated on the roadways.

President Beye asked for a description of a low-speed vehicle which she understands is not golf carts. Chief Campbell describes the vehicles as being electric powered, gross vehicle weight not to exceed 3000lbs, top speed not to exceed 25 mpg, and multi-seat vehicles (6, 8 to 10 people), that are seen in beach communities. They need to adhere to State registration and inspection requirements. They would be prohibited from traveling on State Roads such as portions of North Road and East Shore Road, Beavertail Road, and Rt. 138.

## **VIII. UNFINISHED BUSINESS**

- A) Review, Discussion, and/or Action and/or Vote: No items at this time.

## **IX. NEW BUSINESS**

- A) Review, Discussion, and/or Action and/or Vote: Approval of the Final Charter Amendment Questions for submission to the voters at the Next Regular Election as follows:

- 1) Question 1- Amendment to the Jamestown Charter (Amends Preamble): Shall the Charter be amended to list the official name of the state of Rhode Island?
- 2) Question 2 – Amendment to the Jamestown Charter (Amends Article II – The Town Council - §212- Vacancies): Shall the Charter be amended to modify the procedure to fill a vacancy on the Town Council by authorizing the membership of the Town Council to select a qualified person to fill the vacancy for the remainder of the term?
- 3) Question 3 - Amendment to the Jamestown Charter (Amends Article II – The Town Council § 216-Procedure For Adopting All Ordinance): Shall the Charter be amended to provide that only a digest or description of a proposed ordinance or amendment of an ordinance need be published in a newspaper of general circulation?
- 4) Question 4 - Amendment to the Jamestown Charter (Amends Article III - The Town Administrator - § 301 -Appointment and Qualifications): “Shall the Charter be amended to allow a person appointed as Town Administrator up to twelve (12) months to become a resident of the Town?”

Vice President Meagher made a recommendation to amend the question as follows:

Question 4 - Amendment to the Jamestown Charter (Amends Article III - The Town Administrator - § 301 -Appointment and Qualifications): Shall the Charter be amended to allow a person appointed as Town Administrator up to twelve (12) months to become a resident of the ~~Town~~ State?”

- 5) Question 5 - Amendment to the Jamestown Charter (Amends Article IV - Administrative Departments - § 409 - Building Official): Shall the Charter be revised to allow the building official to also serve as the zoning enforcement officer?
- 6) Question 6 - Amendment to the Jamestown Town Charter (Amends Article V - The School Committee - § 503 - Vacancies): Shall the Charter be amended to modify the procedure to fill a vacancy on the School Committee by authorizing the membership of the Town Council to select a qualified person to fill the vacancy for the remainder of the term?
- 7) Question 7 Amendment to the Jamestown Charter (Amends Article XI- Financial Provisions - § 1104- Public Notice): Shall the Charter be amended to revise internal section references for consistency?
- 8) Question 8 Amendment to the Jamestown Charter (Amends Article XII- Amendment of Charter - § 1201 - Charter Revision Committee): Shall the Charter be amended to require a full review of the Charter at no less than six (6) year intervals; and that special reviews can take place as needed?

Vice President Meagher made a recommendation to amend the question as follows:

Question 8 Amendment to the Jamestown Charter (Amends Article XII-Amendment of Charter - § 1201 - Charter Revision Committee): Shall the Charter be amended to require a full review of the Charter in September 2029, at no less than six (6) year intervals thereafter; and that special reviews can take place as needed, as amended.

Solicitor Peter Ruggiero will make the requested amendments and present them at a future Town Council meeting for final approval.

## **X. ORDINANCES, APPOINTMENTS, VACANCIES, AND EXPIRING TERMS**

- A) No items at this time.

## **XI. CONSENT AGENDA**

- A) Adoption of Town Council Meeting Minutes
  - 1) March 4, 2024 (Regular meeting)
  - 2) March 6, 2024 (Special meeting)
- B) Minutes of Boards/Commissions/Committees
  - 1) Board of Canvassers (March 11, 2024)
  - 2) Board of Canvassers (March 14, 2024)
  - 3) Elections Training & Advisory (March 7, 2024)
  - 4) Elections Training & Advisory (March 27, 2024)
  - 5) Elections Training & Advisory (April 3, 2024)
  - 6) Harbor Management Commission (February 14, 2024)

- C) Abutter Notifications: Notice is hereby given that the Jamestown Zoning Board of Review will hold a public hearing on April 23, 2024, at the Jamestown Town Hall 93 Narragansett Avenue, Jamestown, Rhode Island at 7:00 p.m. upon the following:
- 1) Application of OUR TABLE, LLC (Marc Alexander and Marla Romash), (Gino DiFante, property owner) operating a restaurant on the first floor of 53 Narragansett Ave., and further identified as Assessor's Plat 9, Lot 207, for a Special Use Permit from Article 3 Section 82-301, Table 3-1, VI, C-1. to obtain the right to sell alcoholic beverages, currently limited to beer and wine, with amendment requested as follows: Monday through Sunday, Noon – 10 pm, with beer and wine served during that time, with no other changes in already permitted operation. The property is located in a CD zone and includes 16,632 square feet.
- D) Finance Director's Report: Comparison Budget to Actuals as of March 31, 2024.
- E) Authorization of the Warrant and Resolutions for the June 3, 2024, Financial Town Meeting (Warrants are routine in matter as they relate to setting the tax rate.)
- 1) Resolution Number 1: Sewer Line Frontage Tax Rate (.68 cents per linear foot, included on the tax bill for homes in the Sewer district)
  - 2) Resolution Number 2: Borrowing in Anticipation of Taxes (Authorizes the Town the ability to borrow funds in anticipation of the 1st quarter's taxes being due.)
  - 3) Resolution Number 3: Disposition of Collected Back Taxes (All back taxes to be placed in the General Fund at time of receipt.)
  - 4) Resolution Number 4: Setting the Tax Rate (Actual rate to be determined within a range at the FTM.)
- F) Approval of the recommendation by Town Administrator Mello to install a street light on Pole 164- North Main Road.
- G) Approval of the recommendation by Parks and Recreation Director DeFalco to award the Utility Task Vehicle (UTV) bid to New England Fire Equipment & Apparatus for an amount not to exceed \$24,260 for a 2024 Polaris Ranger 1000 ESP with Plow Option.
- H) Approval of the recommendation by Town Clerk Roberta Fagan, of the Board/Committee/Commission Appointment Policy.

- I) Ratification of the Administratively approved Short-Term Rental application for the period of January 1, 2024 through December 31, 2024:
  - 1) Raymond Bazzano,, STR-36, 10 Narragansett Avenue, Apt #4
  - 2) Raymond Bazzano,, STR-117, 10 Narragansett Avenue, Apt #5
  - 3) Raymond Bazzano,, STR-118, 10 Narragansett Avenue, Apt #6
  - 4) Frederic Presbrey, STR-76, 17 Avenue B
  - 5) John Slyman, STR-108, 25 Bay Street
  - 6) Genevieve Dupre, STR-73, 75 North Road (and 73)
  - 7) Mary and John Brittain, STR-125, 14 Clinton Avenue
  - 8) Noreen Drexel, STR-128, 953 Fort Getty Road
  
- J) Ratification of the Administratively approved Jamestown Yacht Club, One-Day Event/Entertainment License Application: JYC Focus: Newport-Bermuda Race talk and slide presentation, Jamestown Golf Course Clubhouse, on Friday, April 12, 2024.
  
- K) One-Day Event/Entertainment License Applications: All One-Day Event/Entertainment license application approvals are subject to any COVID-19 protocols in effect at the time of the event:
  - 1) Applicant: RITB Foundation & Gray Matter Marketing  
Event: Pell Bridge Run  
Date: Saturday, October 20, 2024  
Location: RITBA Lawn and Bridge
  
  - 2) Applicant: Conanicut Island Sailing Foundation (CISF)  
Event: Great Getty Hunt  
Date: Saturday, May 4, 2024  
Location: Fort Getty, CISF tent & outside
  
  - 3) Public Notice of CRMC and RIDEM of application for Assent filed by Salvatore Savastano, 6 Fairview Street, to construct and maintain an additional two jet-ski lifts with one attached to the north side and one attached to the south side of the pilings label number 15 in the plans near the terminus. Written comments/objections are due by April 29, 2024, to CRMC, O.S. Government Center, 4808 Tower Hill Road, Rm 116, Wakefield, RI 02879, or [cstaff1@crmc.ri.gov](mailto:cstaff1@crmc.ri.gov).

Vice President Meagher read aloud each Short-Term Rental host application name and address, asking those in attendance for any objections or comments to be known.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Short-Term Rental applications for licensing as listed on the Consent Agenda. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor R. White, Aye; and Councilor M. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to accept the Consent Agenda. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.



Vice President Meagher asked if Town Clerk Roberta Fagan resolved the Communication received from Deputy Town Clerk/Canvassers Clerk Keith Ford.

Town Clerk Roberta Fagan stated the request is made each year, and she will provide the list. There was no action item for the Town Council.

Communications were acknowledged

## **XII. COMMUNICATIONS, PETITIONS, AND PROCLAMATIONS AND RESOLUTIONS FROM OTHER RHODE ISLAND CITIES AND TOWNS**

*The Council may acknowledge any of the listed Communications and Proclamations and Resolutions. Should any member wish to have a conversation on any of the matters, the item will be placed on a future agenda for review, discussion, and/or potential action and/or vote.*

### **A) Communications Received:**

- 1) Copy of memo: Town Council  
From: Deputy Town Clerk/Canvassers Clerk Keith Ford  
Dated: April 4, 2024  
Re: Financial Town Meeting
- 2) Copy of email to: Town Council and Town Staff  
From: Steve Munger  
Dated: April 10, 2024  
Re: Golf course plan modifications
- 3) Copy of letter to: Town Council  
From: Thomas LaFazia  
Dated: April 4, 2024  
Re: Ensuring the Safety of Our Children- Request change the parking ordinance in the shores to Prohibit Street Parking.
- 4) Copy of letter to: Town Council  
From: Quaker Case  
Dated: March 31, 2024  
Re: Affordable Housing Bond and budget
- 5) Copy of articles to: Town Council and Town Staff  
From: Marian Falla  
Dated: April 10, 2024  
Re: Grants for RI Shoreline projects
- 6) Copy of articles to: Town Council and Town Staff  
From: Marian Falla  
Dated: April 4, 2024  
Re: Middletown Tax System is Broken

- 7) Copy of articles to: Town Council and Town Staff  
From: Marian Falla  
Dated: March 21, 2024  
Re: Newport Mansion Tax discussed with Newport TC.
- 8) Copy of email to: Town Council  
From: Denise Panichas, Samaritans RI  
Dated: April 3, 2024  
Re: Request for Resolution in Support of Suicide Prevention Barriers on Bridges over Narragansett Bay.
- B) Communications and Resolutions from other Rhode Island Cities and Towns:
  - 1) Town of Richmond, Proclamation 2024-5, National Small Business Week.
  - 2) Town of Richmond, Proclamation 2024-6, In Opposition to any Revival of the Old Saybrook to Kenyon Bypass.
  - 3) Town of Richmond, Proclamation 2024-7, Funding Formula

### **XIII. ADJOURNMENT**

A motion was made by Vice President Meagher with a second by Councilor M. White to adjourn at 8:23 p.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

Attest:

Roberta J. Fagan, Town Clerk

## **EXHIBIT R**

STATE OF RHODE ISLAND  
TOWN OF JAMESTOWN

PROCEEDINGS AT HEARING           \*  
IN RE:                                   \*  
  \*  
Town Council sitting as the\*  
Board of Water and Sewer       \*  
Commissioners                    \*

Jamestown Town Hall  
93 Narragansett Avenue  
Jamestown, RI 02835  
15 April 2024

BEFORE:  
Nancy A. Beye, President  
Mary E. Meagher  
Michael White  
Randall White

PRESENT:

For the Application - Saletins and Frechettes:  
Christian S. Infantolino, Esquire  
MURPHY PRIOR & INFANTOLINO  
77 Narragansett Avenue  
Jamestown, RI 02835

For the Application - Andreonis:  
Joelle C. Rocha, Esquire  
DUFFY & SWEENEY, LTD.  
321 South Main Street, Suite 400  
Providence, RI 02903

For the Applicants - Gagnon and Zimniski:  
Suzanne Gagnon, Pro se  
Stephen Zimniski, Pro se  
7 Seaview Avenue  
Jamestown, RI 02835

For the Town of Jamestown:  
Peter D. Ruggiero, Esquire  
RUGGIERO BROCHU & PETRARCA  
1130 Ten Road Road, Suite D102  
North Kingstown, RI 02852

1 COUNCILOR BEYE: Thank you.

2 All right. Okay. Our next application is  
3 Glenn and Marjorie Andreoni. And I believe counsel  
4 is here.

5 ATTORNEY ROCHA: Good evening. Joelle  
6 Rocha for the applicants.

7 This is my whole speech (Indicating), so bear  
8 with me. No.

9 (Laughter.)

10 ATTORNEY ROCHA: I want to start off by  
11 bringing a little bit back to center and also  
12 trying to expedite this given we have the same  
13 experts, but when I say "bring it back to center"  
14 is even for the public as this board/council knows  
15 that there is a State standard governing this  
16 application. And there are several standards for  
17 an applicant to meet. This isn't "I don't really  
18 want my well anymore. Hey, give me water." The  
19 State statute is significantly high, which is why  
20 you should only see applications that meet these  
21 standards.

22 And I want to walk through them, because our  
23 application really hones in on just one or two of  
24 those standards. The first standard is the  
25 application must not be prohibited by the specific

1 language of the water supply management plan.  
2 There is no language outright prohibiting this  
3 application in your plan.

4 Second is the application must comply with the  
5 design and construction standards and  
6 specifications established by the public water  
7 supply system for the sizing and location for the  
8 infrastructure. This is -- gets dealt with when  
9 the design happens and the engineer fully designs  
10 the line. We are fully aware of DiPrete  
11 Engineering, who Mr. Thalmann worked for, just  
12 designed the extension on East Shore Road, and that  
13 we certified in our application that if we were  
14 granted the extension it would comply with the  
15 design regulations.

16 The third is the extension shall not reduce  
17 the necessary level of fire protection for the  
18 community. In our application, that form is filled  
19 out by your local fire marshall, and he asserted  
20 that we have met that standard.

21 The fourth standard is that all water main and  
22 service connection materials, construction and  
23 inspection required shall be at the sole cost and  
24 expense of the applicant. I have one of the  
25 applicants, Mr. Glenn Andreoni, here today. We

1       also certified to this in our application that it  
2       would be at his sole cost and expense.

3               The fifth is that the public water supply  
4       system shall be granted an easement in the form  
5       acceptable for the maintenance, repair, replacement  
6       that's routinely done. That is not an issue as  
7       well.

8               And the sixth one is where we get into the  
9       standards that we really are here to talk about.  
10       The sixth is that for applications for  
11       single-family residential lots the applicant must  
12       show that, one, the existing or proposed well for  
13       the property does not meet the well industry  
14       standard as described in the department of  
15       environmental regulations for the, quote, yield per  
16       depth of well channel, which is required by the  
17       Department of Health for a dwelling unit. That's a  
18       mouthful. That's what you were just conversing  
19       about. And we'll talk about ours in a minute.

20               And the second part of that is that due to the  
21       unique characteristics of the property that a  
22       drilling -- the drilling of a new well is not  
23       feasible. And we will focus now with our experts  
24       on those two standards.

25               And I bring it back to center for a minute

1       because the standard is not there on no other  
2       options. While we're going -- our experts are  
3       going to testify we actually don't have any other  
4       options. The standard is not that there is no  
5       feasible options. Those are the two standards to  
6       look at.

7               So, enough from me, I'll close it out, because  
8       I talk a lot. But I'm going to turn it over. We  
9       have -- you have accepted and certified these  
10       witnesses. I don't know if you want me to do it  
11       again, or if we can just recognize on the record  
12       they're not testifying to anything outside of their  
13       expertise, but if I could bring Mr. Thalmann up.

14              And are we good in --

15              COUNCILOR MEAGHER: Yes.

16              COUNCILOR BEYE: Yes.

17              ATTORNEY ROCHA: -- transferring the vote  
18       to accept Mr. Thalmann?

19              COUNCILOR BEYE: Yes.

20              THE STENOGRAPHER: Do you want him  
21       resworn?

22              COUNCILOR MEAGHER: I'm sorry?

23              THE STENOGRAPHER: Do you want him resworn  
24       for this applicant?

25              COUNCILOR MEAGHER: Peter, does he need to



1 be resworn for this application?

2 ATTORNEY ROCHA: You're still sworn in.

3 SOLICITOR RUGGIERO: You can just say that  
4 he was previously sworn in and just enter it into  
5 the record.

6 COUNCILOR MEAGHER: He was previously  
7 sworn in and recognized as an expert.

8 BRIAN THALMANN: Thank you very much.

9 **BRIAN THALMANN**

10 called as a witness and having been previously  
11 sworn, testifies as follows:

12 DIRECT EXAMINATION

13 BY ATTORNEY ROCHA:

14 Q. Mr. Thalmann, can you talk about there is a plan in  
15 the record. Can you just describe this property a  
16 little bit and its surroundings?

17 A. Sure. Mr. Andreoni and his family own what is  
18 described as 10 Seaview, APC 7, Lot 134 in the Town  
19 of Jamestown Assessor's records. The parcel is  
20 just under an acre of property, about 0.9 acres,  
21 and it has a single-family dwelling, it has a  
22 driveway that enters off of both East Shore Road  
23 and Seaview Avenue and is serviced by an on-site  
24 wastewater treatment system as well as a private  
25 well, again in the northwest corner of the

1 property.

2 Q. All right. And can you talk about the unique  
3 characteristics of this site with respect to  
4 potentially drilling another well?

5 A. Similar to Mr. Saletin's application, there is a  
6 confluence of on-site wastewater treatment systems  
7 in and around the subject parcel as well as a  
8 collection of private wells. When you factor in  
9 the flood zones and the overlapping radiuses of  
10 those various appurtenances, you are left with  
11 essentially no area of which to resite a well to  
12 replace the one that exists now.

13 Q. Based on those standards and setbacks -- which are  
14 set by the State, correct?

15 A. Correct.

16 Q. -- is it your expert opinion that due to the unique  
17 characteristics of 10 Seaview Ave. that the  
18 drilling of the well location-wise is not feasible?

19 A. Correct.

20 ATTORNEY ROCHA: Questions?

21 COUNCILOR MEAGHER: Not specifically. Not  
22 that.

23 ATTORNEY ROCHA: Okay. Mr. Ferrari, round  
24 two.

25 **ROBERT F. FERRARI**

1           called as a witness and having been previously  
2           sworn, testifies as follows:

3           ATTORNEY ROCHA: We can confirm on the  
4           record the vote?

5           COUNCILOR MEAGHER: Mr. Ferrari is  
6           accepted as an expert and does not need to be sworn  
7           in.

8           COUNCILOR BEYE: Right he was previously  
9           sworn in.

10          COUNCILOR MEAGHER: Again.

11          COUNCILOR BEYE: Again.

12                               DIRECT EXAMINATION

13          BY ATTORNEY ROCHA:

14          Q. Mr. Ferrari, can you talk about how and why you  
15             were retained for 10 Seaview Avenue?

16          A. Well, we were retained because they were having  
17             problems with well yield and water quality, similar  
18             to their neighbors. What we did is we conducted an  
19             inspection, via a camera inspection of the well.  
20             And it's a 6-inch diameter drilled bedrock well.  
21             This one is 195 feet in depth. It has got a yield  
22             of about .6 gallons a minute and has got seriously  
23             negative recovery. We did do a pumping -- we did a  
24             pumping test program. And, in fact, we did it,  
25             that pumping test program, after the house had been

1 unoccupied or at least not occupied, I should say,  
2 for a period of time and we'd had a lot of rain,  
3 which if you're going to maximize recharge that it  
4 will be following an extended period of  
5 precipitation. So, poor performance of the well.  
6 Water quality, again -- I'll keep it briefer this  
7 time -- but again it's again very brackish water,  
8 and the -- very high dissolved solids, over 2,000,  
9 very high chlorides, very high sodium, et cetera,  
10 very massively high hardness, very corrosive. But  
11 the well had one water-bearing fracture, about  
12 65 feet below ground surface. Okay? And we went  
13 through a similar examination of alternatives for  
14 Mr. Andreoni, and the hyrdofracking, drilling  
15 deeper, looking for an opportunity for a new well  
16 on the site, and we also looked at possibly  
17 treatment using reverse osmosis. Our conclusion --  
18 and it was, in part, based upon our experiences in  
19 the neighboring property -- is that hydrofracking  
20 was in all likelihood going to be problematic,  
21 probably increase in the brackish water content.  
22 Drilling deeper had no necessarily any significant  
23 probability of success. So, we have got a  
24 neighboring well that made it to 1 gallon of  
25 500 feet. There is no location for a new well and

1 no approvable location for a new well on the  
2 property. And going with treatment, there is --  
3 realistically speaking, there is no location for  
4 discharge of the reject water from a reverse  
5 osmosis system that isn't going to create other  
6 problems on the site, either problems with the  
7 septic system or problems with the ground water  
8 quality impacting the well.

9 COUNCILOR MEAGHER: Can I just ask you?  
10 Did you say no approvable location for a well or  
11 approved?

12 ROBERT F. FERRARI: No approvable. No  
13 approvable.

14 COUNCILOR MEAGHER: Approvable.

15 ROBERT F. FERRARI: Approvable. Every  
16 location on the site is nonconforming. Okay?

17 COUNCILOR MEAGHER: You got it.

18 A. Again, it's just the nature of the particular site.  
19 So, we are finding ourselves again -- we have got a  
20 well with inadequate capacity, we have got  
21 extremely poor nonpotable water quality, no viable  
22 treatment or location alternatives. And without  
23 water, without potable water, it's fairly difficult  
24 to live in a house. So, that's where we are.

25 Q. Mr. Ferrari, is it your opinion that due to the

1       unique characteristics of this property that the  
2       drilling of a new well is not feasible?

3   A.   It's not realistically feasible.

4   Q.   And then in this case, if you look at the well, the  
5       depth chart, this property actually does not meet  
6       those standards, correct?

7   A.   It does not meet the standard at this point in  
8       time, no, it does not.

9               COUNCILOR RANDALL WHITE:  Does it not meet  
10       the standard both -- you suggested that there -- as  
11       you see it there are two standards.  Reasonable  
12       minds might differ.  But that there is the yield of  
13       well per depth.  It doesn't meet that standard for  
14       sure, correct?

15              ATTORNEY ROCHA:  Correct.

16              ROBERT F. FERRARI:  It does not meet the  
17       yield standard.  It does not meet the water quality  
18       standard.

19              COUNCILOR RANDALL WHITE:  It does not meet  
20       the water quality standard?

21              ROBERT F. FERRARI:  Absolutely not.  Not  
22       even close.

23              COUNCILOR RANDALL WHITE:  Not to beat a  
24       dead horse, but with respect to the discussion we  
25       had earlier about fracking -- I'm very new to this,

1 as can you probably tell, but as people discuss the  
2 prospect of hyrdofracking and the potential for  
3 saltwater intrusion, if you're -- if there is  
4 available in the ground both salt water and  
5 brackish water and nonbrackish water, the kind  
6 you're looking for, is it correct to say that the  
7 nonbrackish water sits above the salt water?

8 ROBERT F. FERRARI: Fresh water is -- has  
9 a lower density than seawater, so it will be  
10 sitting on top.

11 COUNCILOR RANDALL WHITE: Okay. And in  
12 this case, you have a 194-foot well; is that  
13 correct? Is that roughly right?

14 ATTORNEY ROCHA: Yes.

15 ROBERT F. FERRARI: Roughly, yes.

16 COUNCILOR RANDALL WHITE: And did you say  
17 that a fracture that you saw that might even  
18 potentially lend itself to hyrdofracking was at the  
19 63-foot mark; am I right?

20 ROBERT F. FERRARI: 65, 65 feet for ground  
21 surface.

22 COUNCILOR RANDALL WHITE: 65. Which,  
23 relative to the entire depth of the well, is  
24 relatively high up in the column, correct?

25 ROBERT F. FERRARI: That's correct.

1 COUNCILOR RANDALL WHITE: Would it then  
2 not be logical, based on your discussion of the  
3 lens of clear water sitting above the saltwater  
4 that you might get lucky and find clear water if  
5 you hydrofrack at 63 feet as opposed to  
6 hydrofracking deeper?

7 ROBERT F. FERRARI: Well, that, that  
8 fracture, which is the only water-bearing fracture  
9 in the well, is bringing in brackish water already.  
10 So, whatever might be sitting on top of it, fresh  
11 water or not, we're bringing in brackish water  
12 already.

13 COUNCILOR RANDALL WHITE: And is there is  
14 no fracture higher than the 63 feet?

15 ROBERT F. FERRARI: No, there is no  
16 fracture higher.

17 BY ATTORNEY ROCHA:

18 Q. And based on that, the well as is, even if you  
19 found anything, isn't it correct it's yielding  
20 .6 gallons per minute?

21 A. Well, the well, yes, the effective yield was  
22 measured at .6 gallons per minute with negative  
23 recovery.

24 COUNCILOR RANDALL WHITE: Can you educate  
25 me about hydrofracking? Is there more than one way



1 to hydrofrack?

2 ROBERT F. FERRARI: Well --

3 ATTORNEY ROCHA: Dynamite. No.

4 ROBERT F. FERRARI: Well, years ago they  
5 used to drop a stick of dynamite down a well and  
6 light it off. I'm not kidding. That's -- I mean,  
7 I have found -- I have found a blasting wire and  
8 caps down in wells.

9 COUNCILOR MEAGHER: The Bill Murray  
10 method?

11 ROBERT F. FERRARI: Yes.

12 COUNCILOR MEAGHER: The Bill Murray of  
13 hydrofracking.

14 ROBERT F. FERRARI: Yes, exactly.

15 COUNCILOR RANDALL WHITE: So, obviously,  
16 that seems ill-advised. But what is the --

17 ROBERT F. FERRARI: Mr. White, we agree on  
18 that. Totally.

19 COUNCILOR RANDALL WHITE: I'm sure. I  
20 think we agree on more than you think.

21 ROBERT F. FERRARI: No. I'm sure we do.

22 No. There is two principal methods of  
23 hydrofracking wells. They're closely related. And  
24 making it simply, typically a single-packer or  
25 double-packer. A single-packer hydrofrack, you

1 basically put an inflatable plug at the top of the  
2 well and you pressurize the well. Typically they  
3 bring it to about 3,000 pounds of pressure, and  
4 they wait to get what they call a breakover, like a  
5 release, and then they start pumping the well like  
6 crazy and start flushing the material out. It's  
7 trying to open the fractures. Double-packer  
8 method, which I actually use quite a bit, it's  
9 definitely more expensive, but you have a -- you  
10 have what they call a tool, it's like a piece of  
11 pipe, you got a bladder on the bottom. You go  
12 about 50- or 60-foot spread you have a second  
13 bladder. You put that down the well, and you're  
14 hydrofracking in sections as you come up the well.  
15 You start at the bottom and work your way up. That  
16 is usually a more effective means of doing it. The  
17 key here, though, is you have to have fractures to  
18 work with. Okay? And our camera inspection of  
19 this well and -- it demonstrated that there was one  
20 very small water-bearing fracture, and all we had  
21 the rest of the way down the well -- and you have  
22 the copy of the inspection report there so you can  
23 see it. We took screen shots of those fractures.  
24 They're very thin, seam-tight fractures that  
25 weren't getting any water. So, there is not much

1 opportunity to do a hydrofracking with any  
2 expectation of a significant improvement yield. I  
3 mean, it's always possible to get a slight  
4 improvement, but a significant improvement would be  
5 highly unlikely based upon the bedrock material and  
6 what we observed in the well.

7 BY ATTORNEY ROCHA:

8 Q. And for a reverse osmosis system, you said you need  
9 probably 6 gallons a minute?

10 A. We would certainly need to operate the RO system  
11 favorably with at least 6 gallons a minute. So, we  
12 would be operating in very short cycles because we  
13 would be drawing this well down very quickly. We  
14 just shut the pump down and wait for it to recover,  
15 which is a negative recovery. So, it's a long way.

16 COUNCILOR BEYE: I just have a -- I'm  
17 sorry. If this is somewhere I didn't see it. Is  
18 this a seasonal residence as well?

19 ATTORNEY ROCHA: Well, I'm going to bring  
20 him up.

21 COUNCILOR BEYE: Okay.

22 ATTORNEY ROCHA: Hold that thought.

23 COUNCILOR MEAGHER: I think -- I just have  
24 a -- the notion of yield seems to be something that  
25 is a little strange because if, in fact, recovery

1 is maybe the more applicable understanding. I  
2 mean, I'm just -- how you can say something has a  
3 yield when it has a difficult recovery seems to me  
4 would be --

5 ROBERT F. FERRARI: You talk to a lot  
6 people about wells and you get very confused real  
7 quick.

8 COUNCILOR MEAGHER: Oh, that is good to  
9 know.

10 ROBERT F. FERRARI: So, starting from  
11 there.

12 COUNCILOR MEAGHER: Yes.

13 ROBERT F. FERRARI: If you put a pump in  
14 the well, I'd say pumping at 5 gallons a minute, it  
15 doesn't mean the well has a true effective yield of  
16 5 gallons a minute.

17 COUNCILOR MEAGHER: That's what I mean.

18 ROBERT F. FERRARI: That's what you're  
19 pumping actually until you draw the well down to  
20 the pump then you turn it over.

21 COUNCILOR MEAGHER: That's what I mean.

22 ROBERT F. FERRARI: The effective yield of  
23 the well is basically what is -- as you're pumping  
24 the well, what is your effective recharge rate,  
25 what can it sustain for a period of time.

1 Typically you want -- for a residential well, you  
2 want to do an absolute minimum of four-hour pumping  
3 test, if not a five-hour or six-hour pumping test.  
4 Okay? You can sustain a certain capacity where you  
5 draw out -- you draw it down and it stabilizes, it  
6 doesn't go down anymore. That's what's your  
7 effective yield point. We've got -- so, when I  
8 talk about effective yields here, our effective  
9 yield for this well was .6 --

10 COUNCILOR MEAGHER: Right.

11 ROBERT F. FERRARI: -- gallons a minute,  
12 even though there is a pump in the well that is  
13 pumping, you know, at a higher rate on the outcome.  
14 We have to throttle it back to do the pumping test  
15 because the well got drawn down real quick.

16 COUNCILOR MEAGHER: And that would be the  
17 accepted understanding from the aforementioned  
18 Appendix C, the Department of Health?

19 ROBERT F. FERRARI: Correct. That's  
20 correct. Correct.

21 COUNCILOR MEAGHER: I'm sure I have more  
22 questions for you, but I can't think of it right  
23 now.

24 ATTORNEY ROCHA: We'll hold onto them.

25 COUNCILOR MEAGHER: Okay.

1 ROBERT F. FERRARI: Good?

2 ATTORNEY ROCHA: Yes. Don't run away.

3 ROBERT F. FERRARI: Not going far.

4 **GLENN ANDREONI**

5 called as a witness and having been first duly

6 sworn, testifies as follows:

7 THE STENOGRAPHER: Your name, please.

8 GLEN ANDREONI: Glenn Andreoni.

9 THE STENOGRAPHER: Thank you.

10 GLEN ANDREONI: A-n-d-r-e-o-n-i.

11 Good evening, counsel members. I think as  
12 board members, I'll make this brief, relatively  
13 brief.

14 I am Glenn Andreoni, 10 Seaview Avenue. I am  
15 here this evening respectfully, almost pleading  
16 with you, to allow an extension and connection,  
17 because we're pretty desperate right now. Relative  
18 to us moving there, we can't. We'd like to make  
19 Jamestown -- we live in North Smithfield right now.  
20 We love Jamestown. I have a lot of -- I'm an  
21 attorney also. I have a lot of clients that live  
22 in Jamestown. By the way, no -- many of them have  
23 wells. No issues with their wells. I have a lot  
24 of friends that live in Jamestown. We would like  
25 to make Jamestown our permanent residence, but we

1       can't. We can't because of the water situation.  
2       When we bought it we didn't have the water problem.  
3       It's been getting progressively worse every year.  
4       Really, really bad. Now, in fact, we hired  
5       Mr. Ferrari -- not to testify in front of you, not  
6       to write the reports up -- to get a reverse osmosis  
7       system. It's a lot cheaper, and it's the best for  
8       what you can get. That's why we hired him. We  
9       hired him last year way before, you know, this  
10      moratorium and all these issues came up, just to  
11      put a reverse osmosis system in. And he and his  
12      company, being the honest people that they are,  
13      could have sold me a system. It wouldn't have  
14      worked. They said, "Glenn, we can't. We can't  
15      give you a system. It's not going to work. You  
16      are only producing .6 gallons per minute at a high  
17      peak time," where we haven't been in the house for  
18      three months. In the summer, we probably produce,  
19      I don't know, about a quarter a gallon. We can't  
20      even take a shower without running out of water.  
21      It's disgusting. And the water is pure salt. And  
22      it wasn't that way when we first bought it. And we  
23      have no feasible option, unfortunately.

24               COUNCILOR RANDALL WHITE: Wait. I'm sorry  
25      to interrupt. When did you buy it?

1           GLENN ANDREONI: I think nine years ago,  
2 maybe? Eight or nine years ago.

3           COUNCILOR MEAGHER: 2015 I think it says.

4           GLENN ANDREONI: Yes. So, nine years ago.  
5 2015 I believe.

6           COUNCILOR RANDALL WHITE: And did you --  
7 is the well the same well now as it was then?

8           GLENN ANDREONI: Yes.

9           COUNCILOR RANDALL WHITE: And did it --  
10 what was yield then? Did it have any issues?

11           GLENN ANDREONI: Much better, yeah. We  
12 never ran out of water. It was good enough. Right  
13 now I couldn't get a mortgage on the property. I  
14 couldn't sell it. I couldn't get a mortgage. It  
15 doesn't yield enough right now. Again, it yielded  
16 a little over a half-a-gallon peak season after  
17 rainstorms. In the summer, I'll bet you, again, a  
18 tenth of a gallon, a quarter of a gallon. And  
19 every year, for some bizarre reason, it's getting  
20 progressively worse. I don't understand it. It's  
21 beyond my comprehension as to why it's getting  
22 worse, but it's getting worse. Again, it would  
23 have been cheaper for me to get a reverse osmosis,  
24 and that's the best water you can get, but I can't.  
25 So, what can I do? I mean, we're trapped. We



1       love -- we love Jamestown. And, again, everybody  
2       talks about "Well, we'll have to give it to  
3       everybody else." No. There is people six houses  
4       down from me, their well produces 20 gallons a  
5       minute. They don't have an issue. It's bizarre.  
6       But my -- apparently my neighbors, we have a  
7       problem. I am not making it up. I mean, again, I  
8       didn't -- I'm -- I didn't hire Mr. Ferrari for this  
9       purpose. I hired him to put this reverse osmosis.  
10      He was honest enough because if he would have sold  
11      me a system it wouldn't have worked. We can't use  
12      a dishwasher. We have two dishwashers; we can't  
13      use them. Our faucets are corroded. It's  
14      horrible. Can't shower, it's pure salt. The --  
15      our piping, every year it springs leaks in it.  
16      And, again, it's only the last couple of years it's  
17      getting really, really bad, to be honest with you.  
18      As the testimony indicated, our water doesn't come  
19      close to meeting any U.S. EPA and Rhode Island  
20      Department of Health drinking water standards.  
21      It's not feasible. We can't do anything else right  
22      now. I have no alternative but to hook up to Town  
23      municipal water. I didn't want to, but --  
24      otherwise, my house is worthless. What can I do  
25      with it? I can't sell it. I can't mortgage it.

1       No one will buy it. I don't have any alternative.  
2       I really don't. The -- and the approved extension  
3       is literally one lot away from me. Miss Paolino's  
4       house is one lot away. It's one house lot away.  
5       It's a hundred feet away. I have told friends of  
6       mine that live in the town, I have told people that  
7       I know, and they can't even understand why the Town  
8       may deny us. I'm not saying you will deny us, but  
9       could deny us, have the power to deny us when it's  
10      like a -- basically a basic public health issue or  
11      right, I should say, I think, water. I do  
12      understand the council's position with respect to  
13      other people lying, but nobody else in front of  
14      you. Nobody else has proven that -- the State law  
15      says it, nobody has proven their wells are bad.  
16      They have. At least I have. I can't testify for  
17      anybody else, but I -- in my opinion, based on my  
18      experts telling me that, we have clearly met the  
19      burden. Anyway, I don't want to go on. I respect  
20      you. I appreciate you. And I respectfully plead  
21      you to grant us the extension and the connection.  
22      Thank you for your time.

23               COUNCILOR MEAGHER: Thank you.

24               COUNCILOR BEYE: Did you have a question?

25               COUNCILOR MEAGHER: No, I don't. I just

1 want to say that I appreciate that some people  
2 don't understand our position, and I recognize that  
3 as Miss Zarlengo said many people have been --  
4 heard about this, as Mr. Robinson said, but the  
5 law -- we should know that the law was indeed  
6 changed in, I believe, 2022, and the law which  
7 affects us now is not the one that was available  
8 for many years before, and so it has caused us and  
9 I think all communities like this great  
10 consternation. So, that's why.

11 COUNCILOR BEYE: Thank you.

12 (Pause.)

13 COUNCILOR BEYE: Okay. Our next applicant  
14 is Paul Frechette. Did I say that right?

15 ATTORNEY INFANTOLINO: I think so. That's  
16 how I say it.

17 Good evening. Christian Infantolino with  
18 Murphy Prior & Infantolino here representing Paul  
19 and Gail Frechette on their application for water  
20 extension.

21 The property is located at 19 Seaview Avenue,  
22 Tax Assessor's Plat 7, Lot 101. Unfortunately, the  
23 applicants weren't able to be here tonight. They  
24 were here for the original meeting, but they were  
25 in Florida.

1 obviously, this is the second time.

2 COUNCILOR RANDALL WHITE: I'm sorry.

3 ATTORNEY ROCHA: Sorry.

4 COUNCILOR RANDALL WHITE: I was about to  
5 address that.

6 ATTORNEY ROCHA: Sorry.

7 COUNCILOR RANDALL WHITE: I'll address it.  
8 I intended to call as a witness Michael Gray to  
9 speak about all four applications. And so if that  
10 answers what you're about to ask why aren't we done  
11 with the Andreonis, can't do it tonight. It's  
12 going to have to happen another time.

13 ATTORNEY ROCHA: Mike Gray is right there.

14 COUNCILOR RANDALL WHITE: I know, but we  
15 have a roomful of people. We just don't have the  
16 ability to finish this hearing tonight.

17 ATTORNEY ROCHA: So, the board is going to  
18 call its own witness, that's my understanding?

19 COUNCILOR RANDALL WHITE: I'm -- I would  
20 like to hear from Michael Gray.

21 ATTORNEY ROCHA: On anything specific to  
22 our application?

23 COUNCILOR RANDALL WHITE: It relates to  
24 whether or not these applications are consistent  
25 with system capacity.

1           ATTORNEY ROCHA: Which -- and that's in  
2           the State law.

3           COUNCILOR RANDALL WHITE: That's in the  
4           rules and regulations of the -- this board.

5           ATTORNEY ROCHA: Right. And now we have a  
6           State law.

7           COUNCILOR RANDALL WHITE: Which, in all  
8           due respect, reasonable minds can differ, I think  
9           obviates the applicability of that rule and  
10          regulation, and I expect to address that through  
11          his testimony.

12          ATTORNEY ROCHA: You're going to address  
13          system capacity through his testimony?

14          COUNCILOR RANDALL WHITE: What is that?

15          ATTORNEY ROCHA: I just don't understand  
16          why we need a continuance on, one, the standard  
17          that isn't in the statute. And, two, he's here.  
18          Your system capacity information is what it is. I  
19          can testify to it as well.

20          COUNCILOR RANDALL WHITE: We're not here  
21          to debate the applicable law. I recognize you feel  
22          strongly about it. You participated in the -- as I  
23          understand it, the revision of the statute.

24          ATTORNEY ROCHA: You have -- this council  
25          has a bill in to amend it. So, I don't think it

1 can now take the position that it doesn't apply,  
2 so that's --

3 COUNCILOR RANDALL WHITE: I'm not  
4 suggesting that it doesn't apply. Reasonable minds  
5 can differ about its reach and whether or not the  
6 current rules and regulations of the JWSD are  
7 somehow obliterated by the existence of the law.  
8 And I respectfully, respectfully suggest that the  
9 testimony I'd like to hear is relevant to the four  
10 applications and the legalese will be left for  
11 another day. We can debate it. We got into  
12 this --

13 ATTORNEY ROCHA: I just have one question.  
14 Will I be able to cross-examine Mr. Gray?

15 COUNCILOR RANDALL WHITE: What?

16 ATTORNEY ROCHA: Will I be able to  
17 cross-examine Mr. Gray?

18 COUNCILOR MEAGHER: Yes.

19 COUNCILOR RANDALL WHITE: Sure. Why not?

20 ATTORNEY ROCHA: My objection is noted for  
21 the record. And I guess we'll see you about  
22 capacity next month. Do we know the date on that?

23 COUNCILOR BEYE: Well, our next meeting is  
24 May 6.

25 ATTORNEY INFANTOLINO: Before we get into

## **EXHIBIT S**

## **TOWN COUNCIL MEETING MINUTES**

**Monday, May 6, 2024**

**4:45 P.M.**

### **I. TOWN COUNCIL INTERVIEW SCHEDULE: The Jamestown Town Council met to conduct an interview with the following applicant:**

TIME	NAME	COMMITTEE
4:45	Bernard Maceroni	Tick Task Force

### **II. ROLL CALL**

A regular meeting of the Jamestown Town Council was held on May 6, 2024. Town Council Members present were as follows: Nancy A. Beye, Mary Meagher, Michael G. White, and Randy White. Erik Brine arrived at 7:14 p.m.

Also, in attendance: Town Administrator Edward A. Mello, Solicitor Peter Ruggiero, Finance Director Christina Collins, Chief Jamie Campbell, Public Works Director Michael Gray, Water & Sewer Clerk Denise Jennings, Stenographer Brenda Hanna, and Town Clerk Roberta Fagan.

### **III. CALL TO ORDER, PLEDGE OF ALLEGIANCE**

Town Council President Beye called the meeting of the Jamestown Town Council to order at 5:00 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance.

A motion was made by Vice President Meagher with a second by Councilor M. White to convene as the Town Council Sitting as the Board of Water and Sewer. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

### **IV. TOWN COUNCIL SITTING AS THE BOARD OF WATER AND SEWER COMMISSIONERS**

- A) Open Forum – Water & Sewer Matters
  - 1) Scheduled request to address – None.
  - 2) Non-scheduled request to address.
- B) Unfinished Business:
  - 1) Water District Build-out Analysis prepared by Pare Corporation, as adopted at the April 10, 2024, Town Council Sitting as the Board of Water and Sewer Commissioners Special Meeting.
  - 2) Review, Discussion, and/or Action and/or Vote on the application of Jeffrey and Deborah Saletin (Plat 7 Lot 135, 14 Seaview Avenue) for utility service connection (water) and as amended on March 29, 2024, to an application for a water line extension:
    - a) Application for utility service connection (water) received January 2, 2024.
    - b) Memorandum dated February 13, 2024 and revised on April 11, 2024, from Michael Gray, Public Works Director to the Board of



- Water and Sewer Commissioners.
- c) Memorandum dated February 16, 2024, from Robert F. Ferrari, PE to the Town of Jamestown.
  - d) Application for water line extension received March 29, 2024.
- 3) Review, Discussion, and/or Action and/or Vote: on the Letter dated 01/02/24 from Attorney Joelle C. Rocha and the application of Glenn and Marjorie Andreoni (Plat 7 Lot 34, 10 Seaview Avenue) for water line extension:
- a) Letter dated January 2, 2024, from Attorney Joelle C. Rocha and the application for water line extension received on January 2, 2024.
  - b) Memorandum dated February 13, 2024 and revised on April 11, 2024, from Michael Gray, Public Works Director to the Board of Water and Sewer Commissioners.
  - c) Letter dated February 19, 2024, from Attorney Joelle C. Rocha and an exhibit showing existing OWTS & Well.
- 4) Review, Discussion and/or Action and/or Vote: On the application of Paul Frechette (Plat 7 Lot 101, 19 Seaview Avenue) for utility service connection (water) and as amended on March 29, 2024, to an application for a water line extension:
- a) Application for utility service connection (water) received January 2, 2024.
  - b) Memorandum dated February 13, 2024 and revised on April 11, 2024, from Michael Gray, Public Works Director to the Board of Water and Sewer Commissioners.
  - c) Addendum (3 pages) submitted February 20, 2024 re: well.
  - d) Addendum with note (5 pages) submitted March 21, 2024, re: well.
  - e) Application for water line extension received April 1, 2024.
- 5) Review, Discussion, and/or Action and/or Vote: on the 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 dated February 13, 2024 and revised on April 11, 2024, from Michael Gray, Public Works Director to the Board of Water and Sewer Commissioners.
  - 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.

A motion was made by Vice President Meagher with a second by Councilor M. White to continue the water extension applications until the next Board of Water & Sewer Commissioners meeting on May 20, 2024. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to adjourn from sitting as the Board of Water And Sewer Commissioners. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

Councilor Brine joined the meeting at 7:14 p.m.

## V. OPEN FORUM

Comments are not limited to items on this agenda. However, items not on this agenda will only be heard and not acted upon by the Town Council. Note: Section 42-46-6 of the Open Meetings Act and Department of the Attorney General Advisory Opinions relevant to this item on any public body meeting agenda specifically prohibit the Town Council from discussing, considering, or acting on any topic, statement or question presented. The Town Council may, if warranted, refer such matters to an appropriate committee, to another body or official, or post the matter for consideration at a properly-noticed, future meeting.

- A) Scheduled request to address: None.
- B) Non-scheduled request to address:

Christian Infantolino, Reservoir Circle, requested the Town Council add the Reservoir Circle parking issue to the May 20, 2024 agenda for consideration.

## VI. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS, AND PROCLAMATIONS

- A) Resolutions and Proclamations: No items at this time.

A motion was made by Vice President Meagher with a second by Councilor M. White to convene as the Town Council sitting as the Alcohol Beverage Licensing Board. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

## VII. PUBLIC HEARINGS, LICENSES, AND PERMITS

*The Town Council will review each license application and vote on it individually. All approvals for licenses and permits are subject to the resolution of debts, taxes, and appropriate signatures as well as, when applicable, proof of insurance.*

### A) Town Council Sitting as the Alcohol Beverage Licensing Board

Notice is hereby given by the Town Council of Jamestown, being the Licensing Board in said Town:

- 1) Pursuant to RIGL §3-7-14, the following license application has been received under said Act for a one-day license on May 16, 2024:

#### CLASS F (NON-PROFIT)

Out of the Box Studio & Gallery

11 Clinton Avenue

Jamestown, RI 02835

- a) Review, Discussion, and/or Action and/or Vote for Approval of the one-day CLASS F (NON-PROFIT) LIQUOR LICENSE

A motion was made by Vice President Meagher with a second by Councilor R. White to approve the Out of the Box Studio & Gallery One-Day Class F Liquor License scheduled for May 16, 2024, taking place at 11 Clinton Avenue. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- 2) Pursuant to RIGL §3-7-14, the following license application has been received under said Act for a one-day license on May 11<sup>th</sup> and 18<sup>th</sup>, 2024:

CLASS F (NON-PROFIT)

Jamestown Arts Center

18 Valley Street

Jamestown, RI 02835

- a) Review, Discussion, and/or Action and/or Vote for Approval of the one-day CLASS F (NON-PROFIT) LIQUOR LICENSE

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Jamestown Arts Center One-Day Class F Liquor License(s) scheduled for May 11<sup>th</sup> and May 18<sup>th</sup> taking place at 18 Valley Street. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to adjourn from sitting as the Alcohol Beverage Licensing Board. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

B) Licenses and Permits

One-Day Event/Entertainment License: All One-Day Event/Entertainment license application approvals are subject to any COVID-19 protocols in effect at the time of the event; Review, Discussion, and/or Action and/or Vote for the following:

- 1) Applicant: Pax Christi RI/William Smith III  
Event: Jamestown Peace & Remembrance Day 2024  
Date: August 6, 2024  
Location: East Ferry Memorial Square

- a) Approval of request to waive insurance requirement as historically granted.

A motion was made by Vice President Meagher with a second by Councilor R. White to approve the Jamestown Peace & Remembrance Day 2024, taking place on August 6, 2024 at East Ferry Memorial Square; and approval of the request to waive insurance requirements as historically granted. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

**VIII. COUNCIL, ADMINISTRATOR, SOLICITOR, COMMISSION/COMMITTEE COMMENTS & REPORTS**

*Please Note the Following Items are Status Reports and Matters of Interest to the Council and are for Informational Purposes unless Indicated Otherwise:*

A) Town Administrator's Report: Edward A. Mello

- 1) Appointment of Harbor Master Bart Totten. (Consent Agenda).

Seeking approval for the appointment of Bart Totten as the Harbor Master. Bart is a resident of Jamestown, an experienced attorney, and holds a degree in engineering. He brings tremendous experience in boating and interpersonal skills to this position. He was recommended by Director Bois and JHC member Mark Campbell after a series of interviews.

- 2) Update on parking on Stern Street/Beach Avenue.  
Chief Campbell to provide an update.

3) Parking on Reservoir Circle.

Chief Campbell to provide an update.

4) Harbor Rules/Rates for Ferry Dock (New Business).

The JHC has recommended a revision to the Harbor Management Rule Book specific to the use of the touch-and-go docks at East Ferry along with the use of the Ferry Dock at East Ferry. The proposed rules would prohibit the commercial use of the outer touch-and-go docks. The use of the concrete ferry dock would be allowed for RIPUC ferry service with a permit at no cost and other charter vessels based upon a fee schedule as proposed. Summary memo attached.

5) CMS Agreement (New Business).

As the Town Council directed, Town Staff have met both in person and via email throughout the past months in an attempt to develop an agreement to allow for CMS vessels to dock at East Ferry and for their charter vessels to operate from that location. To date, a complete agreement has not been reached. Summary memo attached.

6) American Rescue Plan Act (ARPA) Fund Re-allocation request (New Business).

Seeking approval to reallocate \$1,063,422.12 in ARPA funds to other projects. Memo attached.

7) Steamboat Street Right of Way (ROW) Tree Update (Unfinished Business).

As a follow-up to the previous Town Council action regarding the appeal of the Tree Committee's decision to remove a tree located on the Steamboat Avenue Right of Way. The Town Council continued the matter for six months. Since that time, Mr. Rosati who appealed the decision to remove the tree and take on the responsibility to "maintain" the tree has sold his property. The Town Tree Warden Steven Saracino has provided a report of his current assessment of the tree. He reports a worsening condition and maintains his recommendation to remove the tree.

8) ROW Adoption Program (Unfinished Business).

The Conservation Committee has made a final review of the proposed ROW adoption policy and recommends consideration by the Town Council. The Council was asked to consider adopting this policy as a pilot program allowing only current CRMC-designated ROW to be considered at this time.

9) RISE Group Street Light Contract extension (Consent Agenda).

Seeking authorization to execute the one-year extension of the street light maintenance agreement with RISE Group Inc. in the amount of \$3,599.16.

10) Ft. Getty Pier analysis and repair update.

Foth Engineering has completed its analysis of the current conditions of the Ft. Getty Pier. Based on the findings, Town staff are recommending a repair of the pier as indicated in the proposed diagram. The work will include the repair and/or replacement of sleepers, stringers, and decking along with the removal of broken piles and ladders. Foth recommended beginning the immediate process to plan for a replacement of the pier.

Town Staff received a cost proposal from a contractor in excess of \$200,000. The Department of Public Works will assess the project to determine if in-house staff will be able to complete portions of the work to be more cost-effective.

Town Administrator Mello and Town Staff will continue to pursue any insurance reimbursement and FEMA funding should that become available. ~~(consent agenda)~~ President Beye noted there was no item on the Consent Agenda.

- 11) 6 West Street Senior Center conceptual plan agreement with Union Studios (Consent Agenda).

Seeking approval to execute an agreement with Union Studios to further develop the conceptual plans for the Senior Center project to 30% design. The process will include further public input. This next step will allow the Town to refine the budget level estimates to a more definitive cost. The cost is not to exceed \$65,000.

- 12) North Road RIDOT Project Update

The Town has been informed by RIDOT that they will begin the resurfacing project on North Road in the area of the Creek. The project will only cover a small section of the roadway. Approximately 2,000 L.F.

- 13) Bike Path North Road Update

DPW has completed the asphalt portion and backfill along the edges. They continue to work toward signage and striping. North Road restriping will be included in that work.

Chief Jamie Campbell reported to the Town Council on the parking issues on Stern Street/Beach Avenue and Reservoir Circle.

Chief Campbell and Mr. Lafazia have spoken and the issue has been resolved. Mr. Lafazia will notify the Chief if any issues occur in the future.

Chief Campbell reported that he and his staff are monitoring the parking situation on East Shore Road and Reservoir Circle related to 366 East Shore Road, owned by Mr. Nelson. Reservoir Circle residents have observed construction vehicles, heavy-weight vehicles, and trailers parking on Reservoir Circle causing hazards. Chief Campbell has been in contact with the property manager of 366 East Shore Road to find a resolution to the issue. It was agreed that landscaping vehicles, trailers, and/or trucks would be parked either on the Nelson property or on an adjacent vacant property; and not parked on the roadway.

Vice President Meagher reiterated that the property manager had agreed to no trucks less than 7000 gvw, trailers or landscaping vehicles will be parked on the roadway. She asked the Chief to contact the property manager again to remind him of the agreement.

## **IX. UNFINISHED BUSINESS**

- A) Review, Discussion and/or Action and/or Vote: At the recommendation of the Jamestown Tree Committee and Tree Warden Steve Saracino approval to proceed with the removal of the tree in the Steamboat Street Right of Way (ROW).

Discussion ensued.

Vice President Meagher noted the new property owners Julie and Dean Libutti, of 173 Seaside Drive were unable to attend the meeting. She requested to continue the agenda item to the next meeting, on May 20, 2024.

A motion was made by Vice President Meagher with a second by Councilor M. White to continue the agenda item to the next meeting on May 20, 2024. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.



- B) Review, Discussion and/or Action and/or Vote: At the recommendation of the Conservation Commission approval of the Jamestown ROW Adoption Pilot Program which would include only CRMC-designated ROWs for consideration.

Discussion ensued.

Conservation Commission member Bob Laman, 224 Conanicus Avenue, gave a summary of the Conservation Commission recommendation for the approval of the Jamestown ROW Adoption Pilot Program which would include only CRMC-designated ROWs for consideration.

Town Administrator Mello thanked Bob and the Conservation Commission for their work on the pilot program.

A motion was made by Vice President Meagher with a second by Councilor R. White to accept the recommendation of the Conservation Commission to approve the Jamestown ROW Adoption Pilot Program which would include only CRMC-designated ROWs for consideration. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

President Beye recused herself from agenda item New Business A) regarding the Beavertail Lighthouse Museum Association request, and left the dais.

#### **X. NEW BUSINESS**

- A) Review, Discussion, and/or Action and/or Vote: At the request of the Beavertail Lighthouse Museum Association (BLMA) to waive the \$75 Jamestown Golf Course Clubhouse Function Room fee for the BLMA Annual Meeting taking place on September 19, 2024.
  - 1) Letter to Town Council from BLMA Board Member Leo N. Orsi, Jr. dated April 22, 2024.

A motion was made by Councilor M. White with a second by Councilor R. White to approve the request of the Beavertail Lighthouse Museum Association (BLMA) to waive the \$75 Jamestown Golf Course Clubhouse Function Room fee for the BLMA Annual Meeting taking place on September 19, 2024. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

President Beye rejoined the meeting and returned to the dais.

- B) Review, Discussion, and/or Action and/or Vote: At the recommendation of the Jamestown Harbor Management Commission approval of the revised Harbor Management Rule Book.
  - 1) Proposed 2024 Harbor Management Rule Book and proposed amended Harbor Permit Fee schedule including new Ferry Dock fees.

Discussion ensued.

Executive Director Steven Bois, gave an overview of the revised Harbor Management Rule Book. The Harbor Division (HD) observed in 2023 increased usage of the outer touch-and-go by commercial charter boats. The revised rule book and amended Harbor Permit Fee schedule would include new fees for use of the Ferry Dock (inner touch-and-go concrete dock).

Vice President Meagher made clarifying statements and noted several inconsistencies in the revised Harbor Management Rule Book. She suggested modifications to the text.

Mr. Bois stated the Harbor Management Commission had approved the revised Harbor Management Rule Book, with the exception of the method of enforcement for violations, which were not outlined. These will be presented at the next Harbor Management Commission for approval.

Vice President Meagher expressed concern about granting Charter boats access to the inner touch and go; with the potential of interrupting the Conanicut Marine Services, Inc. D/B/A Jamestown Newport Ferry (CMS) schedule.

Town Administrator Mello commented the outer touch and go is not appropriate for charter vessel use, priority and use of the inner touch and go would be to CMS. The proposed plan allowing the use of the inner touch-and-go concrete dock will allow the HD to better manage charter boats landing safely and appropriately while ensuring no interruption to the CMS ferry schedule.

Paul Sprague, 11 Mast Street, stated it would be a bad idea to allow charter vessels to use the inner touch and go. The fairway can get very tight and safety concerns should be considered. The outer touch-and-go should be able to accommodate charter vessels; the only exception would be during adverse conditions.

No action was taken.

- C) Review, Discussion, and/or Action and/or Vote: Status update on the proposed 2024 Ferry Landing Use Agreement between the Town Jamestown and Conanicut Marine Services, Inc. D/B/A Jamestown Newport Ferry (CMS).
  - 1) Memorandum from Town Administrator Mello to the Town Council regarding the CMS Agreement Status.
  - 2) Correspondence from Atty. Christian Infantolino on behalf of CMS regarding the proposed Ferry Landing Area Agreement.

Discussion ensued.

Town Administrator Mello and Town staff have met with and exchanged emails with CMS over the months trying to reach an agreement on the 2024 Ferry Landing Use Agreement.

To date, a complete agreement has not been reached. A summary of the proposed 2024 agreement from the Town to CMS appears below. The agreement was similar to the 2023 agreement but allowed for more dock space at the wood pile pier.

- (1) Unlimited use of 60' of dockage at the wood pile pier (WPP)-with any vessel from the fleet-not limited to one vessel
  - A typical dockage agreement is for a designated vessel
- (2) Overnight dockage of 40' at the ferry dock-not limited to one vessel
  - A typical dockage agreement is for a designated vessel
  - This dock is not restricted by the commercial rate for the WPP as set by the JHC and TC annually as described in the current TPG lease
- (3) As many as nine (9) trips during festivals docking the Islander at the eastern end of the WPP:
  - 90-foot vessel with a passenger capacity of 300 people

- Although this may be a PUC scheduled trip-the vessel is beyond the size capacity for the ferry dock
  - The PUC has indicated that the Town has no obligation to provide for ferry dockage
  - The PUC has indicated that CMS/Jamestown Ferry has no obligation to increase passenger capacity at any time as it not a lifeline ferry service
- (4) The use of the space and declare it as the point of origin for charter services.
  - This also allows for alcohol service at the dock-30minutes prior to departure
  - This is not currently available to other charter vessels
- (5) Allows for an 8 by 8 tent
  - This is not offered to other vessels
- (6) Allows for a sandwich board sign on Town property
  - This is not offered to other vessels/businesses
- (7) Allows for the arch sign to remain which advertises both the Jamestown Ferry (RIPUC service) and the Coastal Queen (charter business)
  - This is not offered to other vessels/businesses

The annual fee offered by the Town:

- \$8500/year
- 3-year term
- 10% escalator

The proposed agreement was rejected by CMS, more specifically:

CMS does not agree with:

- Proposed annual fee
- Proposed term of 3 year
- Proposed escalator
- Restriction on vessels traveling outside of Narragansett Bay

CMS requested:

- A cap on any JHC rate changes related to permit for use of the ferry dock by charter vessels
- Language to address the location of the dumpster which was put in place on Town property without agreement by CMS as the former tenant

CMS has suggested that the ferry and charter vessels that are proposed to be docked at the WPP are the equivalent of other commercial vessels such as the small fishing charter boats which are limited to six passengers. And as such, CMS should be charged at the town-designed commercial dockage rate of \$44/ foot. The agreement and the terms as offered by the Town are beyond a simple dock permit.

For reference, the 2023 agreement fee was \$12,015.

Total estimated cost as proposed by the Town including permit fees for charter vessels: \$11,000.

Councilor R. White made a clarifying statement, CMS is objecting to the price going down.



Atty. Christian Infantolino, representing CMS, addressed the Town Council. CMS does not agree on specific areas of the proposed agreement on the following sections:

Section 2: Exclusive use of the WPP.

Section 7: Multiyear contract

Section 9: The festival runs

Section 17: Automatic termination provision; CMS would like the ability to cure an issue rather than the automatic termination.

Atty. Infantolino asserted Section 5 has been mischaracterized. Not knowing the monetary value of the commercial permit creates a challenge related to negotiating the Multiyear contract.

Additionally, in Section 4, CMS proposed the rate to be consistent with the approved commercial rate, \$44 per foot. CMS would not be using the whole length of the WPP, just 60 feet; 40 feet on the concrete dock; plus, two commercial permits at a value of \$1000 each. The escalator clause was not included in the CMS calculation. CMS proposed an annual fee of approximately \$6500.

The Town Council, Town Staff and CMS continued to disagree on the terms of the agreement

Town Administrator Mello explained the proposed agreement allows the use of 60 feet of the WPP without restriction. The 2023 agreement limited the use to two nights.

Councilor Brine asked if the annual agreement fees were to be lower, would that allow for reduced ticket prices for residents and families?

CMS Inc. will be offering a season pass, multi-ticket packs, family packages, an "after 4" ticket, a new arrangement with Rose Island; as well as other incentives with restaurants on both sides of the bay. All the operational costs determine what CMS needs to charge for tickets.

President Beye reminded all that the annual use agreement for the ferry landing on Town property was the agenda topic.

Solicitor Peter Ruggiero stated there was an impasse.

The Town Administrator Mello and CMS will meet to continue discussions.

No action was taken and the agenda item will be continued to the May 20<sup>th</sup> meeting.

Donna Wood, CMS, Inc. COO stated the Coastal Queen has two upcoming scheduled events. Will the town allow the CMS vessels to use the ferry landing/WPP without an agreement in place?

Town staff will review events on a case-by-case basis; the upcoming events will be allowed to use the Town owned ferry landing and WPP.

- D) Review, Discussion, and/or Action and/or Vote: At the recommendation of Town Administrator Mello approval of the request to re-allocate the American Rescue Plan Act (ARPA) Funds balance in the amount of \$1,063,344.12:
  - 1) Memorandum from Town Administrator Mello to the Town Council

requesting re-allocation of remaining ARPA funds:

- a) Senior Center Project: Architectural fees to Union Studio for work performed and additional design work up to 30% complete: \$125,000
- b) Water Infrastructure: Water meter replacement program: \$858,344
- c) Radio Project Water Tower: Complete the relocation of the SCADA equipment, Install a stand-alone public safety backup radio system, and install a standby generator for emergency equipment: \$ 80,000

**Total ARPA Funds Re-allocation Request: \$1,063,344**

The Town was awarded ARPA funds in the amount of \$1,643,390. The Town Council previously authorized three projects:

- (1) purchase of a new rescue ambulance
- (2) renovation and purchase of public safety dispatch center equipment and
- (3) fund a portion of the water main replacement project on Narragansett Avenue between North Road and West Ferry.

The first two projects have been completed. The water line project has moved through the majority of design work. The staff has become increasingly concerned about the probability of continuing the water main project due to expected significant delays involving the historical review process.

Based on those growing concerns, Town Administrator Mello has recommended approval of the ARPA funds balance of \$1,063,344.12 to be reallocated:

**Senior Center Project:** \$125,000

Architectural fees to Union Studio as spent to date: \$60,000

Continue to the 30% design work \$65,000

**Water Infrastructure** \$858,344

Water meter replacement program

**Radio Project Water Tower:** \$ 80,000

Complete the relocation of the SCADA equipment

Install stand-alone public safety back up radio system

Install standby generator for emergency equipment

Discussion ensued.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the request to reallocate the American Rescue Plan Act (ARPA) Funds balance in the amount of \$1,063,344.12 as indicated. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

**XI. ORDINANCES, APPOINTMENTS, VACANCIES, AND EXPIRING TERMS**

- A) No items at this time.

## **XII. CONSENT AGENDA**

- A) Adoption of Town Council Meeting Minutes
  - 1) March 11, 2024 (Special meeting)
  - 2) March 12, 2024 (Special meeting)
  - 3) March 18, 2024 (Regular meeting)
  - 4) March 20, 2024 (Special meeting)
  - 5) March 27, 2024 (Special meeting)
  - 6) April 1, 2024 (Regular meeting)
  - 7) April 10, 2024 (Special meeting)
- B) Minutes of Boards/Commissions/Committees
  - 1) Conservation Commission (April 9, 2024)
  - 2) Harbor Management Commission (March 13, 2024)
  - 3) Planning Commission (March 20, 2024)
  - 4) Zoning Board of Review (March 26, 2024)
- C) Public Hearing/Abutter Notifications: Notice is hereby given that the Jamestown Planning Commission under Unified Development Review Per RIGL§45-23-50.1 will hold a public hearing on May 15, 2024, at the Jamestown Town Hall 93 Narragansett Avenue, Jamestown, Rhode Island at 6:30 p.m. upon the following:
  - 1) Application of The Town of Jamestown, whose property located at 245 Conanicus Avenue (Jamestown Golf Course), and further identified as Tax Assessor's Plat 8, Lot 283, for a Development Plan Review under Zoning Ordinance Section 82-1004.1 A and a Special Use Permit from Zoning Ordinance Section 82-300 B for Off-street parking and loading areas where required. The proposed plan would include allowing 20 vehicles to park diagonally on the south side of the lot, in a defined grass area contained by a split rail fence. The area would not be asphalt and would only be used when the Town rents out the second floor during times when it is expected that the parking lot would be in use by the golfers. The Town will staff the parking lot in order to manage the use of this area during these times. Parking in this area would otherwise be prohibited by signage. Said property is located in an OS-II zone and contains 74.36 acres.
- D) Approval of the recommendation by Town Administrator Mello to appoint Bart Totten as the Jamestown Harbor Master.
- E) Approval of the request to authorize Town Administrator Mello to execute a one-year extension of the street light maintenance agreement between the Town of Jamestown and RISE Group Inc. in an amount not to exceed \$3,599.16.
- F) Approval of the request to authorize Town Administrator Mello to execute the proposed agreement between the Town of Jamestown and Union Studios to further develop the conceptual plans for the Senior Center Project, located at 6 West Street, up to approximately 30% complete refined architectural, structural, mechanical, electrical and plumbing design and specifications as required, suitable for

development of a professional construction cost estimate; and detailed construction cost estimate, in an amount not to exceed \$65,000.

G) Ratification of the Administratively approved Short-Term Rental application for the period of January 1, 2024 through December 31, 2024:

- 1) STR-115, Jeffrey Szala, 83 Sprindrift Street
- 2) STR -104, Debra Bjorklund, 43 Helm Street
- 3) STR -17, Edward DePhillips, 36 Cole Street
- 4) STR -83, Charles Lonaesus, 3 Standish Road
- 5) STR -136, Tor Holtan, 61 Bayview Drive
- 6) STR -82, Christine Gentry, 65 Cedar Lane
- 7) STR -127, Antonia Mendes, 73 Conanicus Avenue, Unit 5
- 8) STR -111, Shawn Wagner, 107 Steamboat Street
- 9) STR -133, Anne Gallagher, 10 Washington Street
- 10) STR -143, Michaela Turnquist, 44 Southwest Avenue
- 11) STR -62, Christopher Sorlien, 189 Beavertail Road
- 12) STR -58, Stephen Bernath, 67 North Road
- 13) STR -90, Valeriya Gavrylenko, 91 Hamilton Avenue
- 14) STR -89, Lia Miller & Johnnie Spicer, 76 Reservoir Circle
- 15) STR -124, Richard Boschen, 67 Dumpling Drive

H) One-Day Event/Entertainment License Applications: All One-Day Event/Entertainment license application approvals are subject to any COVID-19 protocols in effect at the time of the event:

- 1) Applicant: Out of the Box Studio & Gallery  
Event: Looms & Community Centers  
Date: May 16, 2024  
Location: 11 Clinton Avenue
- 2) Applicant: Jamestown Arts Center (JAC)  
Event: JAC Talk: In Conversation with Brad Gooch  
Date: May 4, 2024  
Location: 18 Valley Street
- 3) Applicant: Jamestown Arts Center (JAC)  
Event: Heifetz on Tour Concert  
Date: May 11, 2024  
Location: 18 Valley Street
- 4) Applicant: Jamestown Arts Center (JAC)  
Event: Second Time Around Family Workshop Day  
Date: May 18, 2024  
Location: 18 Valley Street
- 5) Applicant: Jamestown Arts Center (JAC)  
Event: Newport Live Presents: Siya Charles- Jazz South Africa  
Date: May 18, 2024  
Location: 18 Valley Street

- 6)      Applicant:    Jamestown Arts Center (JAC)  
         Event:        Never Fade Away (Film)  
         Date:          May 19, 2024  
         Location:      18 Valley Street

Vice President Meagher read aloud each Short-Term Rental host application name and address, asking those in attendance for any objections or comments to be known.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Short-Term Rental applications for licensing as listed on the Consent Agenda. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor R. White, Aye; and Councilor M. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to accept the Consent Agenda. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; Councilor R. White, Aye; and Councilor Brine, Aye.

Communications were acknowledged

### **XIII. COMMUNICATIONS, PETITIONS, AND PROCLAMATIONS AND RESOLUTIONS FROM OTHER RHODE ISLAND CITIES AND TOWNS**

*The Council may acknowledge any of the listed Communications and Proclamations and Resolutions. Should any member wish to have a conversation on any of the matters, the item will be placed on a future agenda for review, discussion, and/or potential action and/or vote.*

A)      Communications Received:

- 1)      Copy of memo:      Town Council  
         From:              Governor Daniel J. McKee  
         Dated:              April 11, 2024  
         Re:                  Thank you for Municipal Support for Litter-Free  
                                  Rhode Island

B)      Communications and Resolutions from other Rhode Island Cities and Towns:

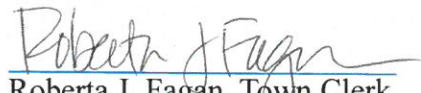
- 1)      Town of Portsmouth, Resolution 2024-04-08-A, A Resolution Endorsing the 2023 Ride Island Bike Plan as a guiding document in the planning of transportation-related infrastructure for Portsmouth.
- 2)      Town of Westerly, Resolution 23/24-70, Urging the RI State Legislature to Support Allocating Funding For Permanent Safety Barriers On Rhode Island's Bridges Over Narragansett Bay.
- 3)      Town of Burrillville, Burrillville Town Council Resolution In Support of Senate Bill 2024- S 2016, An Act Relating to Towns and Cities – Low and Moderate Income Housing.
- 4)      Town of Burrillville, Burrillville Town Council Resolution In Support of Senate Bill 2024- S 2008, Relating to Education – The Education Equity and Property Tax Relief Act.

- 5) Town of Burrillville, Burrillville Town Council Resolution Opposing House Bill 2024- H 7978, Legislation Relating to Subdivision of Land.
- 6) Town of Burrillville, Burrillville Town Council Resolution In Opposition to Legislation Regarding Housing and Land Use.
- 7) Town of Burrillville, Burrillville Town Council Resolution Opposing House Bill 2024- H 7382, Legislation Relating to Towns and Cities – Zoning Ordinance.
- 8) Town of Burrillville, Burrillville Town Council Resolution Opposing House Bill 2024- H 7324, Legislation Relating to Towns and Cities – Zoning Ordinance.
- 9) Town of Burrillville, Burrillville Town Council Resolution, Funding Formula.
- 10) Burrillville School Department, School Committee Resolution, Funding Formula.

#### **XIV. ADJOURNMENT**

A motion was made by Vice President Meagher with a second by Councilor M. White to adjourn at 8:57 p.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

Attest:

  
Roberta J. Fagan, Town Clerk

## **EXHIBIT T**

STATE OF RHODE ISLAND  
TOWN OF JAMESTOWN

PROCEEDINGS AT HEARING           \*  
IN RE:                                   \*  
  \*  
Town Council sitting as the\*  
Board of Water and Sewer       \*  
Commissioners                    \*

Jamestown Town Hall  
93 Narragansett Avenue  
Jamestown, RI 02835  
6 May 2024

BEFORE:  
Nancy A. Beye, President  
Mary E. Meagher  
Michael White  
Randall White

PRESENT:

For the Application - Saletins and Frechettes:  
Christian S. Infantolino, Esquire  
MURPHY PRIOR & INFANTOLINO  
77 Narragansett Avenue  
Jamestown, RI 02835

For the Application - Andreonis:  
Joelle C. Rocha, Esquire  
DUFFY & SWEENEY, LTD.  
321 South Main Street, Suite 400  
Providence, RI 02903

For the Town of Jamestown:  
Peter D. Ruggiero, Esquire  
RUGGIERO BROCHU & PETRARCA  
1130 Ten Road Road, Suite D102  
North Kingstown, RI 02852

ALSO PRESENT:

Edward A. Mello, Town Administrator  
Roberta J. Fagan, Town Clerk  
Denise Jennings, Water and Sewer Clerk



1 actual yield of the particular well. And I will  
2 state that, you know, my client will meet all of  
3 the other State requirements in terms of condition,  
4 size, easement, and that sort for it.

5 COUNCILOR MEAGHER: Do they have any  
6 storage? Do you have any water storage?

7 COUNCILOR BEYE: He's not sworn in.

8 ATTORNEY INFANTOLINO: He's not here.  
9 There is no extra water storage.

10 COUNCILOR MEAGHER: No 500-gallon tank.

11 ATTORNEY INFANTOLINO: Correct.

12 (Pause.)

13 ATTORNEY INFANTOLINO: Thank you.

14 COUNCILOR BEYE: Thank you.

15 Are you done with your questions?

16 COUNCILOR MEAGHER: I think I am.

17 COUNCILOR RANDALL WHITE: When we  
18 adjourned the last time, I had asked to have  
19 Michael Gray testify today.

20 I just wanted to suggest to the applicants who  
21 are here that I would propose that whatever  
22 testimony he offers is applicable to all four of  
23 the people who are here, or three who are here, but  
24 all four applications.

25 Mike.

**MICHAEL GRAY**

called as a witness and having been first duly  
sworn, testifies as follows:

THE STENOGRAPHER: Your name, please.

MICHAEL GRAY: Michael Gray.

THE STENOGRAPHER: Thank you.

COUNCILOR RANDALL WHITE: Good afternoon.

MICHAEL GRAY: Good evening.

COUNCILOR RANDALL WHITE: What is your  
title with respect to the Jamestown Water District?

MICHAEL GRAY: I am the Public Works  
Director for the Town of Jamestown.

COUNCILOR RANDALL WHITE: And how long  
have you had that position?

MICHAEL GRAY: Since 2011 when I was  
promoted from Deputy Public Works Director to Town  
Engineer.

COUNCILOR RANDALL WHITE: And do your  
responsibilities include oversight of the water  
distribution system within Jamestown?

MICHAEL GRAY: Yes. As the Public Works  
Director I am responsible for the overall  
management of the Water and Sewer and Highway  
Division in the Town.

COUNCILOR RANDALL WHITE: From what I

1 understand from your testimony, you weren't here in  
2 1969, correct?

3 MICHAEL GRAY: No. I was actually born in  
4 1960.

5 COUNCILOR RANDALL WHITE: So, can I assume  
6 that since assuming your position with the water  
7 district you have become familiar with the fact  
8 that Jamestown purchased its water district from a  
9 private company back in the '60s?

10 MICHAEL GRAY: Yes. In '69, I believe  
11 that's when the enabling legislation was approved  
12 by the General Assembly for the creation of the  
13 board and then from that that is when the Town  
14 pursued purchasing the water company from the  
15 private utility company.

16 COUNCILOR RANDALL WHITE: For the purposes  
17 of this hearing, I would like to mark this. This  
18 will be a challenge since it applies to all four  
19 applicants.

20 ATTORNEY INFANTOLINO: Can we get copies  
21 of that?

22 COUNCILOR RANDALL WHITE: I think so, yes.

23 SOLICITOR RUGGIERO: Why don't you use  
24 numerical for that? So, it would be 1.

25 COUNCILOR RANDALL WHITE: All right. That

1 makes is easy.

2 It's Exhibit 1 for all four applications.

3 (Document handed.)

4 (Board Exhibit 1 so marked.)

5 COUNCILOR RANDALL WHITE: So, from your  
6 understanding of the history and having dealt with  
7 it, since you assumed your position, what did this  
8 water system consist of in the '60s when it was  
9 purchased from the private company?

10 MICHAEL GRAY: It consisted of two  
11 reservoirs, the South Pond and North Reservoir. It  
12 consisted of a treatment plant. It consisted of  
13 the distribution system within The Village and  
14 points south, including a storage tank on Howland  
15 Avenue.

16 COUNCILOR RANDALL WHITE: Okay. So, the  
17 distribution system is in what you call "The  
18 Village"?

19 MICHAEL GRAY: Correct.

20 COUNCILOR RANDALL WHITE: Since that  
21 enactment, in what we have marked as Exhibit 1,  
22 Public Lot Chapter 273 in the 1968 January session,  
23 since that time, has the Jamestown Water District  
24 created rules and regulations?

25 MICHAEL GRAY: Yes.

1 COUNCILOR RANDALL WHITE: And that was  
2 consistent with the authority they were given in  
3 this public law, correct?

4 MICHAEL GRAY: Yes.

5 COUNCILOR RANDALL WHITE: And when the  
6 rules and regulations were established in the  
7 particular area that you call "The Village" that  
8 was purchased from the private water company, did  
9 that take on a different designation and name under  
10 the rules and regulations of the board?

11 MICHAEL GRAY: Yes. It's referred to as  
12 the Urban District.

13 COUNCILOR RANDALL WHITE: Okay. And is  
14 the Urban District now defined in the rules and  
15 regulations of the Board of Water and Sewer  
16 Commissioners?

17 MICHAEL GRAY: It is. Geographically it's  
18 what is described in the rules.

19 COUNCILOR RANDALL WHITE: And I don't have  
20 a clean copy of the rules and regulations, but I  
21 would like to -- is there the prospect of  
22 submitting a copy of the full rules and regulations  
23 as amended in 2009 as Exhibit 2, unless there are  
24 problems from any of the applicants.

25 ATTORNEY ROCHA: I didn't have any.

1 COUNCILOR RANDALL WHITE: Okay. So, that  
2 would be marked when we are able to provide a clean  
3 copy and provide copies for each of you.

4 (Board Exhibit 2 so marked.)

5 COUNCILOR RANDALL WHITE: Do you know from  
6 your familiarity of the rules and regulations in  
7 your job overseeing the system where the boundary  
8 line of the Urban District was drawn?

9 MICHAEL GRAY: I do. Generally described  
10 as follows: It's the land area north of Hamilton  
11 Avenue from the West Passage and to the  
12 East Passage of Jamestown extending northward  
13 towards Arnold Avenue, which extends across to the  
14 West Passage, and then Mount Hope -- across the  
15 golf course and then across to Mount Hope Avenue  
16 extending eastward to the East Passage. So, it's  
17 that, that geographic area.

18 COUNCILOR RANDALL WHITE: Okay. And those  
19 boundaries were the extent of the distribution  
20 system when the water district purchased it in  
21 1968?

22 MICHAEL GRAY: No. There was water --  
23 water mains existed out towards Beavertail and into  
24 Beavertail, what is now Beavertail State Park.  
25 When it was a military establishment, it was the

1 distribution of mains there. And then it also  
2 extended out towards Fort Wetherill where there  
3 were military establishments there as well where  
4 there were networks of distributions there.

5 COUNCILOR RANDALL WHITE: So, both of  
6 those areas you described, Fort Wetherill and  
7 Beavertail, are both south of the Urban District,  
8 correct?

9 MICHAEL GRAY: Correct.

10 COUNCILOR RANDALL WHITE: And you  
11 described Arnold Avenue. Are you familiar with  
12 Weeden Lane?

13 MICHAEL GRAY: I am.

14 COUNCILOR RANDALL WHITE: And is there  
15 any -- was there any portion of the district, the  
16 water -- Urban District, what is now called Urban  
17 District, were there lines on Weeden Lane in the  
18 '60s?

19 MICHAEL GRAY: No. I believe that was  
20 constructed in the '80s, maybe early '90s.

21 COUNCILOR RANDALL WHITE: And Weeden Lane  
22 is north of Arnold Ave., correct?

23 MICHAEL GRAY: That is correct.

24 COUNCILOR RANDALL WHITE: Does the Weeden  
25 Lane service serve any houses on Weeden Lane?

1 COUNCILOR MEAGHER: Sorry.

2 COUNCILOR BEYE: Sorry.

3 CLERK FAGAN: Is it self-sufficient,  
4 financially self-sufficient.

5 COUNCILOR RANDALL WHITE: Oh, yes. The  
6 system is self-sufficient?

7 MICHAEL GRAY: Correct.

8 COUNCILOR RANDALL WHITE: So, the  
9 ratepayers pay the freight?

10 MICHAEL GRAY: Correct.

11 COUNCILOR RANDALL WHITE: And the rules  
12 and regulations reflect that, correct?

13 MICHAEL GRAY: Correct.

14 COUNCILOR RANDALL WHITE: And all the --  
15 all the improvements that you have talked about  
16 were not improvements that were embarked upon by  
17 the Town Council of Jamestown on behalf of all the  
18 residents of Jamestown; they were improvements  
19 embarked upon and undertaken by the ratepayers of  
20 the system, correct?

21 MICHAEL GRAY: Correct.

22 COUNCILOR RANDALL WHITE: And the rules  
23 and regulations that we have talked about include a  
24 preamble, correct?

25 MICHAEL GRAY: Yes.



1       patience, everyone, we'll begin.

2               Ms. Rocha, are you ready?

3               ATTORNEY ROCHA:  Yep, I'm ready.

4               COUNCILOR BEYE:  Mike, are you ready?

5                               EXAMINATION

6       BY ATTORNEY ROCHA:

7   Q.  All set?  Mr. Gray, do you know how many extensions  
8       were granted since the regulations were amended in  
9       2009?

10  A.  I believe there were two.

11  Q.  Would it surprise you if there were four?

12  A.  I'm not -- I don't believe there were four.

13  Q.  Okay.  How many connections have been granted?

14  A.  That I don't know the number.

15  Q.  Okay.  Was there an extension granted by this body  
16       in February?

17  A.  No.  There was a connection.

18  Q.  And a connection?

19  A.  A connection.

20  Q.  And does the connection that was granted in  
21       February of this year take the same amount of water  
22       that, let's say, my client, Mr. Andreoni, would  
23       take for their house?

24  A.  It was a single-family dwelling.  I don't remember  
25       how many bedrooms there were.

1 A. Okay. If he did, I'm --

2 Q. And that he had -- the Town has the opportunity to  
3 sell more water?

4 A. I don't know where that came from, but okay.

5 Q. The safe yield analysis done in 2020, it didn't  
6 just talk about North Pond, correct?

7 A. In 2000?

8 Q. Yes.

9 A. Sorry. 2000, it did. It looked at all sources of  
10 water.

11 Q. Right. So that when we talk about the safe yield  
12 in that report we mean all sources of water in the  
13 town?

14 A. Yes. It was the two reservoirs, and I believe they  
15 looked at -- I don't know if the well was in there.  
16 I don't believe. Maybe JR1 was.

17 Q. And that's the last time the Town did a safe yield  
18 analysis?

19 A. That is the last time.

20 Q. And that safe yield analysis is referenced in the  
21 2018 water supply management plan, correct?

22 A. Yes. And even in the last update that we just  
23 finished.

24 Q. And that is 2018 water supply management plan was  
25 the one in effect when these applications came?

1 A. I guess it be would, because technically we still  
2 have -- we don't have an approved plan until the  
3 water resources board approves it.

4 Q. In 2019, part -- did a clean water infrastructure  
5 replacement plan -- we really need to shorten the  
6 names of these reports -- correct?

7 A. Yes.

8 Q. And does that look familiar?

9 A. It does.

10 Q. And I'm pointing to page 6 here.

11 A. Uh-huh.

12 Q. This report says that at that time there were 1,401  
13 residential connections, correct?

14 A. If that's what is here. Yes. I can read it there,  
15 yes.

16 Q. Yes. And there are 96 commercial connections,  
17 correct?

18 A. Yep.

19 Q. Do you know what of the build-out report number for  
20 the residential connections is --

21 A. Total?

22 Q. -- in 2024?

23 A. I would have to reference it. I wouldn't know it  
24 off the top of my head, but I can look if you like.

25 Q. I'll take that (Indicating).

1 would not be prudent to consider any expansion of  
2 the water district without developing additional  
3 supply and/or managing demand in a significant way;  
4 is that correct?

5 MICHAEL GRAY: I believe that's what it  
6 reads.

7 COUNCILOR RANDALL WHITE: Thank you.

8 ATTORNEY ROCHA: Oh, wait. One more.  
9 Sorry.

10 FURTHER EXAMINATION

11 BY ATTORNEY ROCHA:

12 Q. I'm showing you your memo to the board of Water and  
13 Sewer Commission dated June 15, 2021 --

14 A. Uh-huh.

15 Q. -- that talks about the 2014 comprehensive plan,  
16 the build-out?

17 A. Yes.

18 Q. And am I reading this correctly? It says, "Based  
19 on the comprehensive plan" -- this is as of 2014?

20 A. Yes.

21 Q. -- "273 potential new units could be added to the  
22 municipal water system"?

23 A. Yes, that's how it reads.

24 Q. Okay. And am I reading this part correctly that  
25 says, "Since 2014, there have been 32 new dwelling

1 units built in the Urban Water District and  
2 1 accessory dwelling units"?

3 A. That looks right. Yeah, that what it reads.

4 Q. So, from 2014 to the date of this, which is 2021,  
5 there were 33 connections?

6 A. That's what it reads.

7 Q. Which is -- so, 33 connections in 7 years?

8 A. Yes.

9 Q. Which is about four a year as well?

10 A. Yes.

11 COUNCILOR MEAGHER: Almost five.

12 ATTORNEY ROCHA: Thank you. If I could  
13 just sum up, in case are we done. If I can find it  
14 now.

15 As to Mr. Andreoni's application, application  
16 was submitted in January of 2024, prior to the  
17 moratorium and all of the reports that you have  
18 been spending your time on since.

19 In April you heard from our entire team, our  
20 water expert, our civil engineer, my client. We  
21 walked you through the standards applicable to this  
22 application as set out in 46-15-2.

23 The Town has sought an exemption to this law  
24 this year, but the legislation has not passed and  
25 does not govern this application.

## **EXHIBIT U**

STATE OF RHODE ISLAND  
TOWN OF JAMESTOWN

PROCEEDINGS AT HEARING           \*  
IN RE:                                   \*

Town Council sitting as the\*  
Board of Water and Sewer       \*  
Commissioners                   \*

Jamestown Town Hall  
93 Narragansett Avenue  
Jamestown, RI 02835  
20 May 2024

BEFORE:  
Nancy A. Beye, President  
Mary E. Meagher  
Michael White  
Randall White

PRESENT:

For the Application - Saletins and Frechettes:  
Christian S. Infantolino, Esquire  
MURPHY PRIOR & INFANTOLINO  
77 Narragansett Avenue  
Jamestown, RI 02835

For the Application - Andreonis:  
Joelle C. Rocha, Esquire  
DUFFY & SWEENEY, LTD.  
321 South Main Street, Suite 400  
Providence, RI 02903

For the Town of Jamestown:  
Peter D. Ruggiero, Esquire  
RUGGIERO BROCHU & PETRARCA  
1130 Ten Road Road, Suite D102  
North Kingstown, RI 02852

ALSO PRESENT:

Edward A. Mello, Town Administrator  
Roberta J. Fagan, Town Clerk  
Denise Jennings, Water and Sewer Clerk

1       like to speak, if I may.

2               COUNCILOR BEYE:   Sure.   Into the mic.

3               COUNCILOR RANDALL WHITE:   Sure.

4               Good evening, everybody.   Now that all four  
5       applicants for extensions and connections to the  
6       public water system from Seaview Avenue presented  
7       their evidentiary support for the requests, and we  
8       have heard testimony from some of the applicants,  
9       from their experts and from separately Michael  
10      Gray, who has been responsible for the water  
11      district since 2011, we've now reached the  
12      deliberative process.   In the deliberative process,  
13      we, as the board of commissioners, must evaluate  
14      everything we heard, make findings of what the  
15      evidence has shown, apply the relevant legal  
16      authority, and determine whether to grant or deny  
17      each of the applicants' requests.

18              I have thought hard about this issue and these  
19      issues since we spent three sessions on this.   The  
20      first on April 22, May 6, and again tonight.   I  
21      made an outline of some of the thoughts that I have  
22      had about the matters before us, and I would like  
23      to share them with you and then open it for your  
24      consideration.

25              It's clear from the presentations that the



1       that area that begins around Mackerel Cove and  
2       proceeds north to just before the Newport bridge on  
3       what is now the 138 connector road.

4             In approval of Jamestown's request to not only  
5       start up a water district but to make the purchase  
6       of the private company, it's very important to --  
7       in fact, critically important, to understand that  
8       when the authority was given Jamestown was given  
9       the authorization to provide water but not to the  
10      whole island. They were given the authority to  
11      provide water consistent with what the private  
12      water company had supplied, that is water in town  
13      in the Urban District, but were not otherwise  
14      mandated, required or obliged to provide water  
15      everywhere in town. The language of the  
16      authorizing act was something to the effect of to  
17      provide water to town or any part thereof.

18            It's important for us, as a board, to keep in  
19      mind that authorization and especially the fact  
20      that that authorization did not mandate provision  
21      of water everywhere in town. As I said, it  
22      discretionarily permitted us to do that as  
23      circumstances allowed, but didn't require it.

24            Now, the authorizing legislation that I  
25      referred to addressed specifically the concept of

1 the adoption of rules and regulations and the  
2 legislation expressly provided that the board, now  
3 us, could promulgate rules for the transaction of  
4 the water district's business. And we did that.  
5 As a matter of fact, by 2009, when the last  
6 amendment to the rules were made, there had been  
7 adopted a fairly comprehensive set of rules that  
8 guides this body about how it is that people apply  
9 for and receive approval for both connections to  
10 and extensions to the water system.

11 One of the things that I would like to focus  
12 next on, having established that we have the  
13 discretion but not the obligation to provide water  
14 outside of the Urban District, is what our roles  
15 and responsibilities are pursuant to the rules that  
16 we have adopted as a board. And those are set  
17 forth very, very plainly in the rules and  
18 regulations of this body.

19 At the very beginning of the preamble to the  
20 rules, the rules provide that it is the duty of the  
21 board, us, to preserve and protect this resource,  
22 meaning the resource of potable water, which it  
23 describes as a resource necessary for public health  
24 and safety. Our duty is to preserve and protect  
25 this resource and to ensure its wise and

1 responsible use.

2 That focus can't be overstated. There is a  
3 natural tendency in a situation, such as the one we  
4 face tonight, to suggest that there are people who  
5 are presenting declarations of need with respect to  
6 the -- what they suggest is the failure of their  
7 private wells, and there is a tendency on the part  
8 of a receiving public to say "Well, isn't it the  
9 responsibility to attempt to provide everybody with  
10 water, isn't that what is required?" The simple  
11 answer is no. It's harsh, but it's no. And the  
12 reason it's no is that the water district, as I  
13 have said, is one through the legislation that  
14 enacted it, provided us with the authority to  
15 provide the water but didn't mandate that we  
16 provide it throughout the island.

17 It is also part of the original legislation,  
18 which became an exhibit in this hearing, that the  
19 water authority is -- keeps its records and  
20 accounting separate from the Town, and it is the  
21 users of the water in the water district who pay  
22 for improvement to the system and have since the  
23 creation of the water district in 1968. Therefore,  
24 in addition to having the duty to preserve and  
25 protect the important resource of public potable

1       which the board had caused to install a waterline  
2       from North Kingstown to Jamestown, which since the  
3       switch of bridges no longer lies across the newer  
4       Jamestown bridge.

5               So, what does that -- what does that all mean?  
6       What it means is that the board of water  
7       commissioners, our predecessors thought hard enough  
8       and were concerned enough about the capacity of  
9       Jamestown's water supply that they included in the  
10      preamble as a part of our obligations and our  
11      responsibilities as the board of commissioners, and  
12      they also adopted rules in accordance with those  
13      concerns.

14             Now, the first rule that I'd like to address  
15      that I think is applicable to our situation here  
16      tonight is the one that deals with whether or not  
17      extensions should be allowed in the district in  
18      which Seaview Avenue lies. Whether you call it the  
19      Rural District or something else, the simple answer  
20      is that the board, based on all the things you have  
21      just discussed, by the time of 2009, had adopted a  
22      rule that provided that water extensions to and  
23      within the Rural District, including the northern  
24      rural district in which Seaview Avenue lies,  
25      extensions were prohibited, and those -- that rule,

1       which I submit is still in effect now, suggests  
2       that there is notwithstanding the prohibition  
3       against extensions to and within the rural district  
4       of which Seaview Avenue is a part, that rule does  
5       provide a -- an exception that would allow the  
6       board, in its discretion, to allow an extension if  
7       the applicant were -- was able to show that the  
8       extension that was being proposed provided an  
9       improvement to either the quality or quantity of  
10      potable water for existing users.

11           Now, let me stop for a minute. We talked  
12      about the original legislation and the rules on  
13      this idea, and the idea of no extensions in the  
14      Rural District, according to the rules. Are those  
15      still in effect? Well, one thing I'll discuss in a  
16      while is the effect, if any, that 46-15.2 has on  
17      those rules. And I submit, respectfully, I  
18      disagree, I'm sure, with counsel for the  
19      applicants, that the rule does -- the rules that I  
20      have just talked about and the original legislation  
21      are not adversely affected by the enactment of the  
22      amendment to 46-15.2. The reason is this. The  
23      authorizing legislation, in the first place, was  
24      special legislation. That special legislation  
25      wasn't a general law that pertained to everybody.

1 It was a special law that applied only to  
2 Jamestown. And in granting us the authority and  
3 the discretion to -- but not the obligation to  
4 provide water in the town, but as circumstances  
5 allowed to other parts of the town, that special  
6 legislation and that provision can only be overcome  
7 when and if there is an express repeal, rescission,  
8 alteration, or some other legal mechanism that  
9 overrides it or nullifies it or alters it in some  
10 way.

11 I submit -- and as I said, I'll discuss  
12 46-15.2 more specifically in a minute -- that  
13 hasn't happened. There is no court case that has  
14 ever said "No, Jamestown, sorry, that original  
15 legislation was wrong. You have got to give water  
16 to everybody." No law has ever said that since  
17 that was -- that original authorization was  
18 adopted, nor, frankly, does the 46-15.2(b) section  
19 on which the applicants rely to do that. So, that  
20 provision of the authorizing legislation, in my  
21 view, still exists and still must be adhered to.

22 Separately, the rule, the rule that I have  
23 talked about that prohibits extensions in the Rural  
24 District, once again, I submit that there is no new  
25 law, including 46-15.2, or any other legal

1 provision or court decision, that modifies, alters  
2 or repeals that rule.

3 So, where are we now? Well, given those two  
4 things that I submit are still alive and well, we  
5 turn to what happened at the hearing.

6 Conspicuously, none of the four applicants  
7 addressed, at all, the provision of our rules that  
8 requires the applicant in the Rural District to  
9 demonstrate an improvement to the quality or  
10 quantity of water to the existing users. And I  
11 submit that the -- I assume that, without knowing,  
12 that the absence of testimony in that regard or  
13 presentation in that regard was not an oversight.  
14 We have competent counsel representing several of  
15 the applicants. I assume that they simply took the  
16 position that 46-15.2 controls and there wasn't  
17 need to address that. I submit otherwise, again  
18 respectfully, and say that the failure to provide  
19 any evidence that would show that the water quality  
20 for the use -- existing users would be improved by  
21 the quantity improved is a failure of the  
22 applications, and for those reasons -- for that  
23 reason, at a start, the applications should be  
24 rejected.

25 And that would apply equally to each of the

1 as I have made, I hope, crystally clear, the 1968  
2 legislation that created our board said you can  
3 provide water to all parts of the town, but you  
4 don't have to. And so even before you read  
5 46-15.2, the Town of Jamestown's water district was  
6 not obliged to extend or allow extensions in the  
7 northern rural district that we're talking about in  
8 this case.

9 So, when the legislature said "Okay. When you  
10 decide, if and when you decide that you want to do  
11 that you don't have to come to us, you can just do  
12 it on your own, but if you do that you have got  
13 to -- if you're going to provide extensions, and  
14 the possibility of extensions in a district that  
15 you haven't allowed them before, you have got to  
16 treat everybody the same way." I submit that's all  
17 that this law says. Basically they're saying  
18 "Jamestown," -- if you reduce it to the terms that  
19 relate to us, Jamestown, we know that you have the  
20 authority to provide extensions in the northern  
21 rural water district, but you have never done that  
22 yet. If you decide to do it, you don't have to  
23 come to us to ask about it. You can do it so long  
24 as anybody who applies for an extension gets  
25 treated like everybody else. You can't



1 arbitrarily, capriciously decide now that we have  
2 allowed extensions in the -- on Seaview Avenue, in  
3 the district it lies in, only the yellow houses or  
4 the odd numbered ones on the right side of the  
5 street can get the water. Instead, logically, they  
6 applied a standard by everyone get tested the same  
7 way and assessed the same way. And that includes,  
8 most especially, this depth of well standard onto  
9 which the applicants' presentations focused on.

10 So, I submit that this -- this law doesn't  
11 change the authorizing provision that gave us the  
12 discretion not to go into the area where Seaview  
13 Ave. lies, and the reality is haven't decided to do  
14 that. Our rules still say no extensions in that  
15 area. And until we say otherwise that extensions  
16 are allowed in that area we are perfectly free to,  
17 as we have done in our rules, to prohibit such  
18 extensions, and it's only when and if we decide  
19 otherwise that we'll be obliged to follow the  
20 mandates of reviewing all applications in the same  
21 manner.

22 Now, to add to this analysis, I would simply  
23 submit, I -- I believe in the good faith of the  
24 legislature, and the legislature knew what it was  
25 doing when it passed 46-15.2. I cannot accept the

1       some concerns about combining the waters of  
2       North Kingstown supply and ours and whether or not,  
3       although both are presumed satisfactory or  
4       respecting to that --

5               (Cell phone interruption.)

6               COUNCILOR RANDALL WHITE:  -- the  
7       culmination of them together was something that  
8       concerned authorities, State authorities, included  
9       enough that we have not and North Kingstown hasn't  
10      received the approval to get a deal in place that  
11      would provide us a backup again should the worst  
12      happen.

13              So, what does it mean?  Is that in spite of  
14      the modest improvements, we were qualitatively in  
15      no better position, in fact, arguably a worst  
16      position with respect to the capacity of our  
17      position to deliver water to our users than we were  
18      to 1968.  And for that reason I don't believe that  
19      we should be considering the expansion of our  
20      system into the area in which Seaview Avenue lies  
21      because we -- there would be no point for us to  
22      build a system and then simply not have the water  
23      to fill the pipes.

24              So, until -- now, having said all that, I  
25      haven't addressed and would very much like to

1 applications are not consistent with our systems  
2 capacity, that these applications should be denied.

3 One last thing. As to 46-15-2(b), as I laid  
4 out, I don't think it applies. I -- if my analysis  
5 is something that a reviewing authority disagrees  
6 with, they might say "No, you're wrong, Mr. White,  
7 it is applicable, and we did mean that anyone in  
8 the Rural District can apply for an extension, and  
9 they have to be tested and reviewed by the  
10 standards laid out." I submit, even in that  
11 analysis, it does not and 14-26-15(b) does not  
12 nullify the rules that had been promulgated for our  
13 district. And one of those rules, this one, the  
14 consistency with the system capacity is still one  
15 that applies. And so even if someone were to say  
16 that the -- notwithstanding your prohibition of  
17 extension in this district, if this -- if these  
18 applicants have applied, they have to be reviewed.  
19 But, once again, the statute doesn't say, could  
20 have said and somehow either overlooked or failed  
21 to say, that if you do meet those standards we have  
22 to give you water. And I relied on the authority  
23 given us in the special legislation that we do not  
24 have to do that, and I would submit that even if  
25 the circumstances I just laid out that the

1 inconsistency of these applications with the system  
2 capacity would overrule a showing that their wells  
3 were -- met the tests of 46-15.2(b), 1 through 7.

4 Once again, I apologize to everybody,  
5 including especially my fellow commissioners.  
6 There, I got it out of my system. And I appreciate  
7 your patience in hearing me.

8 I defer to my fellow commissioners for  
9 comments.

10 I -- one thing that I think is this record  
11 should include, and I'm not going to spend another  
12 minute of anybody's time to do it, but you heard  
13 the analysis and how I deal with 46-15.2. In  
14 fairness to the applicants to provide a record the  
15 applicants should definitely have a record of what  
16 their testimony and experts and arguments of  
17 counsel have presented at this hearing. I'm not  
18 prepared myself to do that right now, and I defer  
19 to my -- my colleagues to help me out.

20 Thank you very much.

21 COUNCILOR BEYE: Thank you, Randy. Thank  
22 you for laying that foundation and for doing all  
23 that research. We appreciate it.

24 Does anyone else have anything they would like  
25 to add?

1 primarily by the collection of rain water, as Randy  
2 said. The runoff to our reservoirs from our  
3 watershed represents 80 percent of the water that  
4 serves the water district. It does not rely upon  
5 the underlying aquifer to the extent that some have  
6 suggested. But if we approve more extensions, we  
7 will have to tap into that aquifer more sizably or  
8 utilize other solutions, the cost of which is  
9 enormous.

10 We have a water district. It is defined. It  
11 does not include the entire island. The rules  
12 governing that water district and water extensions  
13 are clear. And because of them, I must vote to  
14 deny these applications.

15 COUNCILOR BEYE: Thank you, Mary.

16 Mike? Would you like to say anything?

17 COUNCILOR MICHAEL WHITE: Yes. Very  
18 quick.

19 Here we're go.

20 I don't have much to say. It's all been said.  
21 A lot.

22 What we're dealing here with is a very -- it  
23 seems like it's complicated because of all the  
24 evidence that was necessary in order to determine  
25 whether or not your wells were good enough to

## **EXHIBIT V**

## **TOWN COUNCIL MEETING**

**Monday, June 17, 2024**

**6:00 P.M.**

A motion was made by Vice President Meagher to move into Executive Session with a second by Councilor M. White that the Town Council convene into Executive Session to discuss, take possible action, and/or vote pursuant to the relevant requirements of R.I.G.L. § 42-46-5(a) Subsection (1) Personnel (job performance, character, or physical or mental health of Town Administrator Edward Mello) who was notified and indicated his agreement to meet with the Town Council in Executive Session. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

### **I. EXECUTIVE SESSION**

- A) The Town Council may convene into Executive Session to discuss, take possible action, and/or vote pursuant to the relevant requirements of R.I.G.L. § 42-46-5(a) Subsection (1) Personnel (job performance, character, or physical or mental health of Town Administrator Edward Mello; Performance Review; provided that such person affected shall have been notified in advance in writing and advised that he may require that the discussion be held at an open meeting). Discussion and/or Potential action, announcement, and/or vote(s) from Executive Session and/or Open Session concerning Town Administrator Performance Review; with terms and conditions of employment to be discussed and voted upon by the Town Council at the meeting.

### **II. ADJOURNMENT OF EXECUTIVE SESSION**

Upon return to the open session, Vice President Meagher announced that the executive session was continued to the July meeting of the Town Council.

A motion was made by Vice President Meagher to seal the minutes and adjourn from Executive Session with a second by Councilor M. White. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

It was announced that no votes were taken.

The Town Council reconvenes the regular meeting.

### **III. ROLL CALL**

A regular meeting of the Jamestown Town Council was held on June 17, 2024. Town Council Members present were as follows: Nancy A. Beye, Mary Meagher, Michael G. White, Randy White, and Erik Brine

Also, in attendance: Town Administrator Edward A. Mello, Solicitor Peter Ruggiero, Finance Director Christina Collins, Chief Jamie Campbell, Public Works Director Michael Gray, Town Planner Lisa Bryer, Harbor Executive Director Fred Pease, Stenographer Brenda Hanna, Water & Sewer Clerk Denise Jennings, and Town Clerk Roberta Fagan.

#### **IV. CALL TO ORDER, PLEDGE OF ALLEGIANCE**

Town Council President Beye called the meeting of the Jamestown Town Council to order at 6:41 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance.

#### **V. TOWN COUNCIL SITTING AS THE BOARD OF WATER AND SEWER COMMISSIONERS**

A motion was made by Vice President Meagher with a second by Councilor M. White to convene as the Town Council Sitting as the Board of Water and Sewer. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

See Board of Water and Sewer Commissioners Meeting Minutes.

- A) Acknowledgements, Announcements, Presentations, Resolutions, And Proclamations:
  - 1) Review, Discussion, and/or Action and/or Vote: Resolution 2024-16 of the Water and Sewer Commission Relative to a Temporary Moratorium on Applications and Permitting for Water Service Extensions, through December 31, 2024.
    - a) Memorandum from Town Administrator Mello to the Jamestown Water and Sewer Commission.

Commissioner Brine recused from agenda item B) Unfinished Business, 1) through 4) and left the dais at 6:44 p.m.

- B) Unfinished Business:
  - 1) Review, Discussion, and/or Action and/or Vote on the application of Jeffrey and Deborah Saletin (Plat 7 Lot 135, 14 Seaview Avenue) for utility service connection (water) and as amended on March 29, 2024, to an application for a water line extension:
    - a) The following have been received and reviewed by the Board of Water and Sewer Commissioners:
      - i) Application for utility service connection (water) received January 2, 2024.
      - ii) Memorandum dated February 13, 2024, and revised on April 11, 2024, from Michael Gray, Public Works Director to the Board of Water and Sewer Commissioners.
      - iii) Memorandum dated February 16, 2024, from Robert F. Ferrari, PE to the Town of Jamestown.
      - iv) Application for water line extension received March 29, 2024.
    - b) Review, Discussion, and/or Action and/or Vote on the draft decision letter from the Board of Water and Sewer Commissioners to Jeffrey and Deborah Saletin (Plat 7 Lot 135, 14 Seaview Avenue) for utility service connection (water) and as amended on March 29, 2024, to an application for a water line extension



- 2) Review, Discussion, and/or Action and/or Vote: on the Letter dated 01/02/24 from Attorney Joelle C. Rocha and the application of Glenn and Marjorie Andreoni (Plat 7 Lot 34, 10 Seaview Avenue) for water line extension:
  - a) The following have been received and reviewed by the Board of Water and Sewer Commissioners:
    - i) Letter dated January 2, 2024, from Attorney Joelle C. Rocha and the application for water line extension received on January 2, 2024.
    - ii) Memorandum dated February 13, 2024, and revised on April 11, 2024, from Michael Gray, Public Works Director to the Board of Water and Sewer Commissioners.
    - iii) Letter dated February 19, 2024, from Attorney Joelle C. Rocha and an exhibit showing existing OWTS & Well.
  - b) Review, Discussion, and/or Action and/or Vote on the draft decision letter from the Board of Water and Sewer Commissioners to Glenn and Marjorie Andreoni (Plat 7 Lot 34, 10 Seaview Avenue) for water line extension
- 3) Review, Discussion, and/or Action and/or Vote: On the application of Paul Frechette (Plat 7 Lot 101, 19 Seaview Avenue) for utility service connection (water) and as amended on March 29, 2024, to an application for a water line extension:
  - a) The following have been received and reviewed by the Board of Water and Sewer Commissioners:
    - i) Application for utility service connection (water) received January 2, 2024.
    - ii) Memorandum dated February 13, 2024, and revised on April 11, 2024, from Michael Gray, Public Works Director to the Board of Water and Sewer Commissioners.
    - iii) Addendum (3 pages) submitted February 20, 2024 re: well.
    - iv) Addendum with note (5 pages) submitted March 21, 2024, re: well.
    - v) Application for water line extension received April 1, 2024.
  - b) Review, Discussion, and/or Action and/or Vote on the draft decision letter from the Board of Water and Sewer Commissioners to Paul Frechette (Plat 7 Lot 101, 19 Seaview Avenue) for utility service connection (water) and as amended on March 29, 2024, to an application for a water line extension

- 4) Review, Discussion, and/or Action and/or Vote: on the application of Stephen Zimmiski and Suzanne Gagnon (Plat 7 Lot 94, 7 Seaview Avenue) for water line extension:
  - a) The following have been received and reviewed by the Board of Water and Sewer Commissioners:
    - i) Application for water line extension received January 2, 2024.
    - ii) Memorandum dated February 13, 2024, and revised on April 11, 2024, from Michael Gray, Public Works Director to the Board of Water and Sewer Commissioners.
    - iii) Wellworks LLC report and estimate dated October 1, 2018.
    - iv) 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.
  - b) Review, Discussion, and/or Action and/or Vote on the draft decision letter from the Board of Water and Sewer Commissioners to Stephen Zimmiski and Suzanne Gagnon (Plat 7 Lot 94, 7 Seaview Avenue) for water line extension.
- C) Open Forum – Water & Sewer Matters
  - 1) Scheduled request to address – None.
  - 2) Non-scheduled request to address.

Councilor Brine rejoined the meeting and returned to the dais at 6:53 p.m.

Stenographer Brenda Hanna exited the meeting at 6:54 p.m.

- D) Report of Town Officials: Review, Discussion, and/or Action and/or Vote:
  - 1) Pumping Report
  - 2) Town Project Reports
    - a) Town Wells
    - b) Water Treatment Plant
    - c) Transfer Pumping/Reservoir
    - d) Distribution System
    - e) Wastewater Treatment Facility
- E) Letters and Communication:
  - 1) No items at this time.

F) New Business:

- 1) Review, Discussion, and/or Action and/or Vote: Approval of request to authorize Town Administrator Mello to sign on behalf of the Town of Jamestown the proposed draft Emergency Water Supply Agreement dated May 7, 2024, between the Town of Jamestown and the Town of North Kingstown.

G) Consent Agenda

- 1) Finance Director's Report: Water and Sewer Comparison Budget to Actuals as of May 31, 2024.

A motion was made by Vice President Meagher with a second by Councilor M. White to adjourn from sitting as the Board of Water And Sewer Commissioners. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

**VI. OPEN FORUM**

- A) Scheduled request to address: None at this time.
- B) Non-scheduled request to address

Marian Falla, 75 Green Lane, asked if the Town Council would consider conducting a beach erosion study in Jamestown, similar to other coastal communities.

Town Administrator Mello stated the proposed Jamestown Hazard Mitigation Plan (JHMP) could provide a pathway for engineering projects. The JHMP does not specifically call out Mackerel Cove beach, but the Plan would allow the Town to work with the Army Corps of Engineers (ACOE) toward a solution.

**VII. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS, AND PROCLAMATIONS**

- A) Presentations: Jamestown Conservation Commission presentation on the proposed project and fundraising initiative to make the "Kit Wright Trail" wheelchair-accessible.

Jamestown Conservation Commission (JCC) member Anne Kuhn Hines made a presentation to the Town Council on the proposed project and fundraising initiative to make the "Kit Wright Trail" wheelchair accessible.

Vice President Meagher requested placing the proposed "Kit Wright Trail" wheelchair-accessible project and fundraising initiative on the next agenda for Town Council consideration.

The Town Council opened the Public Hearing.

### **VIII. PUBLIC HEARINGS, LICENSES, AND PERMITS**

- A) **Public Hearing:** Review, Discussion, and/or Action and/or Vote: Jamestown Draft Hazard Mitigation Plan (JHMP) presented for public comment; and consideration of adoption by the Town Council contingent upon Rhode Island Emergency Management Administration (RIEMA) and Federal Emergency Management Administration (FEMA) approval.
- 1) Review, Discussion, and/or Action and/or Vote to direct the project Consultant Weston & Sampson to finalize the JHMP for final review by RIEMA.
  - 2) Review, Discussion, and/or Action and/or Vote: Approval and adoption of Resolution 2024-17, a Resolution of the Town of Jamestown Adopting the 2024 Jamestown Hazard Mitigation Plan Update, and to include any modifications received under the public review period and any required by RIEMA and FEMA during their reviews to the JHMP.

Town Planner Lisa Bryer reviewed the draft JHMP prepared by Weston & Samson (attached).

A motion was made by Vice President Meagher with a second by Councilor M. White to waive the reading of Resolution 2024-17 and to approve the Resolution of the Town of Jamestown Adopting the 2024 Jamestown Hazard Mitigation Plan Update, and to include any modifications received under the public review period and any required by RIEMA and FEMA during their reviews to the JHMP. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve directing project Consultant Weston & Sampson to finalize the JHMP for final review by RIEMA. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to convene as the Town Council sitting as the Alcohol Beverage Licensing Board. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

B) **Town Council Sitting as the Alcohol Beverage Licensing Board**

Notice is hereby given by the Town Council of Jamestown, being the Licensing Board in said Town as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended, the following has been received:

- 1) Pursuant to RIGL §3-7-14, the following license application has been received under said Act for a one-day license on July 18, 2024:

**CLASS F (NON-PROFIT)**

Jamestown Chamber of Commerce

PO Box 35

Jamestown, RI 02835

- a) Review, Discussion, and/or Action and/or Vote for Approval of the **CLASS F (NON-PROFIT) LIQUOR LICENSE**

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Jamestown Chamber of Commerce One-Day Class F Liquor License scheduled for July 18, 2024, taking place at TPG/Dutch Harbor Marina, 251 Narragansett Avenue. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- 2) Pursuant to RIGL §3-7-14, the following license application has been received under said Act for a one-day license on July 26, 2024:

CLASS F (NON-PROFIT)  
Jamestown Historical Society  
PO Box 156  
Jamestown, RI 02835

- a) Review, Discussion, and/or Action and/or Vote for Approval of the  
CLASS F (NON-PROFIT) LIQUOR LICENSE

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Jamestown Historical Society One-Day Class F Liquor License scheduled for July 26, 2024, taking place at 378 North Road. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to adjourn from sitting as the Alcohol Beverage Licensing Board. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

President Beye recused from agenda item C) Licenses and Permits, 1) Jamestown Rotary Club, 48<sup>th</sup> Annual Jamestown Classic Bike Race, and left the dais at 7:37 p.m.

C) Licenses and Permits

One-Day Event/Entertainment License: All One-Day Event/Entertainment license application approvals are subject to any COVID-19 protocols in effect at the time of the event; Review, Discussion, and/or Action and/or Vote for the following:

- 1) Applicant: Jamestown Rotary Club  
Event: 48<sup>th</sup> Annual Jamestown Classic Bike Race  
Date: Sunday, October 13, 2024  
Location: Ft. Getty, Rembijas Pavilion

- a) Approval of request to waive fees associated with a Police detail and use of the Ft. Getty, Rembijas Pavilion, as historically granted.

A motion was made by Councilor M. White with a second by Councilor R. White to approve the Jamestown Rotary Club 48<sup>th</sup> Annual Jamestown Classic Bike Race One-Day Event/Entertainment License scheduled for October 13, 2024, taking place at Ft. Getty, Rembijas Pavilion; and to approve the request to waive fees associated with a Police detail and use of the Ft. Getty, Rembijas Pavilion, as historically granted. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

President Beye rejoined the meeting and returned to the dais at 7:38 p.m.

## **IX. COUNCIL, ADMINISTRATOR, SOLICITOR, COMMISSION/COMMITTEE COMMENTS & REPORTS**

### **A) Town Administrator's Report: Edward A. Mello**

#### **1) CMS/Jamestown Newport Ferry Agreement (New Business).**

The Town Council previously directed the solicitor and Town Administrator Mello to develop an agreement with Conanicut Marine Service and Jamestown Ferry for the continued use of the ferry dock and a portion of the wood pile pier. A proposed agreement has been included under New Business.

#### **2) Harbor Management Rule Book/ Rates for the Ferry Dock (New Business).**

The JHC has recommended a revision to the Harbor Management Rule Book specific to the use of the touch-and-go docks at East Ferry along with the use of the Ferry Dock at East Ferry. The proposed rules would prohibit the commercial use of the outer touch-and-go docks. The use of the concrete ferry dock would be allowed for RIPUC ferry service with a permit at no cost and other commercial charter vessels based upon a fee schedule as proposed.

#### **3) Ft. Getty Pier repair update.**

The Public Works Department continued the repair work at Ft. Getty Pier which included the repair and/or replacement of sleepers, stringers, and decking along with the removal of broken piles and ladders.

Town staff continued to meet with FEMA to recover any eligible expenses related to both Ft. Getty Pier and Mackerel Cove Beach.

#### **4) Town Council Chambers audio and visual proposed improvements.**

Improvements to the audio and visual components in the Council Chambers have been made which include an upgrade to the sound system. Video display options in the Chambers are also being explored, such as adding 85" monitors to both the front and rear walls. A digital image example was included in the packets for review.

#### **5) OpenGov online resident services update.**

The clerk's office has continued to expand the use of OpenGov for online resident services. Transfer station annual permits are available online and will be mailed to the applicant upon approval.

## **X. UNFINISHED BUSINESS**

### **A) Review, Discussion, and/or Action and/or Vote: Approval of the Final Charter Amendment Questions for submission to the voters at the Next Regular Election as follows:**

#### **1) Question 1- Amendment to the Jamestown Charter (Amends Preamble): Shall the Charter be amended to list the official name of the state of Rhode Island?**

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Final Charter Amendment, Question 1- "Amendment to the Jamestown Charter (Amends Preamble): Shall the Charter be amended to list the official name of the state of Rhode Island?" for submission to the voters at the Next Regular Election. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.



- 2) Question 2 – Amendment to the Jamestown Charter (Amends Article II – The Town Council - §212- Vacancies): Shall the Charter be amended to modify the procedure to fill a vacancy on the Town Council by authorizing the membership of the Town Council to select a qualified person to fill the vacancy for the remainder of the term?

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Final Charter Amendment , Question “2 – Amendment to the Jamestown Charter (Amends Article II – The Town Council - §212- Vacancies): Shall the Charter be amended to modify the procedure to fill a vacancy on the Town Council by authorizing the membership of the Town Council to select a qualified person to fill the vacancy for the remainder of the term?” for submission to the voters at the Next Regular Election. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- 3) Question 3 - Amendment to the Jamestown Charter (Amends Article II – The Town Council § 216-Procedure For Adopting All Ordinance): Shall the Charter be amended to provide that only a digest or description of a proposed ordinance or amendment of an ordinance need be published in a newspaper of general circulation?

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Final Charter Amendment, Question 3 – “Amendment to the Jamestown Charter (Amends Article II – The Town Council § 216-Procedure For Adopting All Ordinance): Shall the Charter be amended to provide that only a digest or description of a proposed ordinance or amendment of an ordinance need be published in a newspaper of general circulation?” for submission to the voters at the Next Regular Election. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- 4) Question 4 - Amendment to the Jamestown Charter (Amends Article III - The Town Administrator - § 301 -Appointment and Qualifications): Shall the Charter be amended to allow a person appointed as Town Administrator up to twelve (12) months to become a resident of the State?

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Final Charter Amendment, Question 4 – ”Amendment to the Jamestown Charter (Amends Article III - The Town Administrator - § 301 -Appointment and Qualifications): Shall the Charter be amended to allow a person appointed as Town Administrator up to twelve (12) months to become a resident of the State?” for submission to the voters at the Next Regular Election. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- 5) Question 5 - Amendment to the Jamestown Charter (Amends Article IV - Administrative Departments - § 409 - Building Official): Shall the Charter be revised to allow the building official to also serve as the zoning enforcement officer?

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Final Charter Amendment, Question 5 "Amendment to the Jamestown Charter (Amends Article IV - Administrative Departments - § 409 - Building Official): Shall the Charter be revised to allow the building official to also serve as the zoning enforcement officer?" Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- 6) Question 6 - Amendment to the Jamestown Town Charter (Amends Article V - The School Committee - § 503 - Vacancies): Shall the Charter be amended to modify the procedure to fill a vacancy on the School Committee by authorizing the membership of the Town Council to select a qualified person to fill the vacancy for the remainder of the term?

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Final Charter Amendment, Question 6 "Amendment to the Jamestown Town Charter (Amends Article V - The School Committee - § 503 - Vacancies): Shall the Charter be amended to modify the procedure to fill a vacancy on the School Committee by authorizing the membership of the Town Council to select a qualified person to fill the vacancy for the remainder of the term?" Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- 7) Question 7 Amendment to the Jamestown Charter (Amends Article XI- Financial Provisions - § 1104- Public Notice): Shall the Charter be amended to revise internal section references for consistency?

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Final Charter Amendment, Question 7 "7 Amendment to the Jamestown Charter (Amends Article XI- Financial Provisions - § 1104- Public Notice): Shall the Charter be amended to revise internal section references for consistency?" Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- 8) Question 8 Amendment to the Jamestown Charter (Amends Article XII- Amendment of Charter - § 1201 - Charter Revision Committee): Shall the Charter be amended to require a full review of the Charter beginning in September 2029 and thereafter at no less than six (6) year intervals thereafter and that special reviews can take place as needed?

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Final Charter Amendment, Question 8 "Amendment to the Jamestown Charter (Amends Article XII- Amendment of Charter - § 1201 - Charter Revision Committee): Shall the Charter be amended to require a full review of the Charter beginning in September 2029 and thereafter at no less than six (6) year intervals thereafter and that special reviews can take place as needed?" Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.



- B) Review, Discussion, and/or Action and/or Vote: Review and discussion of Town Council meeting dates for June, July, and August 2024, with potential new dates to be considered. Current meeting dates:

- 1) Friday, June 21<sup>st</sup>, Special Meeting
- 2) Monday, July 1<sup>st</sup>
- 3) Monday, July 15<sup>th</sup>
- 4) Monday, August 5<sup>th</sup>
- 5) Monday, August 19<sup>th</sup>

A discussion ensued.

A motion was made by Vice President Meagher with a second by Councilor M. White to modify the July and August Town Council schedule; meetings will take place on Monday, July 15<sup>th</sup>, and Monday, August 19<sup>th</sup>, only. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

## **XI. NEW BUSINESS**

- A) Review, Discussion, and/or Action and/or Vote: At the recommendation of the Jamestown Harbor Management Commission, approval of the revised Harbor Management Rule Book, specific to the use of the East Ferry public touch-and-go docks, the concrete ferry dock and the proposed commercial charter vessel use fee schedule.

Town Administrator Mello reviewed the document with the Town Council and referred to the fee schedule on page 15.

Councilor R. White asked a clarifying question about the transfer of a mooring to a family member.

Town Administrator Mello stated the Ordinance addresses those specific circumstances.

Paul Sprague, 11 Mast Street, addressed the Town Council. At the recent Harbor Management Commission meeting he questioned why the Coastal Queen would be required to pay rent to use the wood pile pier and pay the charter fee as well. He asked the Town Council before approving the revised Harbor Management Book and the proposed commercial charter vessel use fee schedule, to consider exempting the Coastal Queen from paying the commercial charter vessel use fee.

President Beye asked Town Administrator Mello how the Harbor Management Commission responded to Paul Sprague's suggestion.

Paul Sprague stated the Harbor Management Commission voted to approve the Harbor Management Rule Book and fee schedule, and they did not comment on a commercial charter vessel use fee exemption for the Coastal Queen. He wanted to make the Town Council aware and was hopeful there would be an exemption for the fee.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the revised Harbor Management Rule Book. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

Town Administrator Mello asked if the motion also included approval of the commercial charter vessel use fee schedule.

Vice President Meagher amended her motion as follows: A motion was made by Vice President Meagher with a second by Councilor M. White to approve the revised Harbor Management Rule Book, specific to the use of the East Ferry public touch-and-go docks, the concrete ferry dock, and the proposed commercial charter vessel use fee schedule. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- B) Review, Discussion, and/or Action and/or Vote: At the recommendation of Town Administrator Mello authorization to finalize an agreement between the Town of Jamestown and Conanicut Marine Services, Inc. /Jamestown Newport Ferry for the use of the Town-owned touch and go docks, a portion of the wood pile pier and ferry dock at East Ferry, with final review by the Town Solicitor Peter Ruggiero.

Town Administrator Mello reviewed the proposed elements of the agreement between the Town of Jamestown and Conanicut Marine Services, Inc. /Jamestown Newport Ferry. The Town Council had previously directed the solicitor and Town Administrator Mello to develop an agreement with Conanicut Marine Service and Jamestown Ferry for the continued use of the ferry dock and a portion of the wood pile pier.

The agreement was developed in conjunction with the proposed rules, permit requirements, and permit fees which regulate the use of the touch-and-go docks and ferry dock at East Ferry. These rules and fees have been reviewed and recommended by the Harbor Management Commission at their June 12, 2024 meeting

The basic elements of the proposed agreement are:

- The flexibility to use the 100' of rented dock space with any CMS vessel (this permit is typically specific to a particular vessel.)
- Arch sign to remain as is
- Use of sandwich board sign
- Use of tent
- Declare Jamestown as port-of-origin for commercial charters
- Use of the southeast side of the wood pile pier for as many as 9 trips of the Islander of the equivalent during the three festivals
- Term of 3 years
- Rate \$1,000/year

This would be in addition to the required standard dockage agreement of \$44/ foot for the 100 feet of dock space at \$4,400 and the commercial charter vessel permit fee of \$2,500.

Town Administrator Mello requested Town Council approval to finalize this agreement with a final review by the Town Solicitor Peter Ruggiero.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the request to finalize an agreement between the Town of Jamestown and Conanicut Marine Services, Inc. /Jamestown Newport Ferry for the use of the Town-owned touch and go docks, a portion of the wood pile pier and ferry dock at East Ferry, with final review by the Town Solicitor Peter Ruggiero. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye

## **XII. ORDINANCES, APPOINTMENTS, VACANCIES, AND EXPIRING TERMS**

### **A) Appointments, Vacancies, and Expiring Terms; Review, Discussion, and/or Action and/or Vote:**

- 1) Harbor Management Commission, One (1) member, unexpired three-year term ending 12/31/2024, duly advertised in the May 2<sup>nd</sup> and 9<sup>th</sup> editions of the Jamestown Press with a request to submit applications prior to May 15, 2024:
  - a) Letter of resignation
    - i) Dan Wurzbacher, letter of resignation, April 5, 2024.
  - b) Interested Applicant(s):
    - i) Paul Sprague
      - i. Applications received November 29, 2021, and October 2, 2023.
      - ii. Interviewed on January 10, 2022
      - iii. Confirmed continued interest on May 8, 2024.
      - iv. Interviewed on May 29, 2024.
    - ii) Antonio DaRosa Pinheiro
      - i. Initial application received on April 11, 2024.
      - ii. Interviewed on May 29, 2024.
    - iii) Daniel Lilly
      - i. Initial application received on May 9, 2024.
      - ii. Interviewed on May 29, 2024.
    - iv) Robert Laman
      - i. Initial application received on May 13, 2024.
      - ii. Interviewed on May 29, 2024.

Councilor R. White stated he and Bob Laman(Conservation Commission member) have served as the liaison(s) to the Harbor Management Commission and have been impressed by his involvement. Councilor R. White also commented that Paul Sprague would also be a good candidate, but would be as more effective as an active participant in the meetings as a resident.

Councilor Brine was impressed with all the candidates and felt Dan Lilly's as a longtime resident and riparian mooring owner, experience with writing state and federal grants would be valuable.

Vice President Meagher commented the Council has four great candidates to choose from. She also agreed that Bob Laman had the communication and public interaction skills that make him a great candidate.

A motion was made by Councilor R. White with a second by Vice President Meagher to appoint Robert Laman to the Harbor Management Commission for the unexpired three-year term ending 12/31/2024. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

### XIII. CONSENT AGENDA

- A) Adoption of Town Council Meeting Minutes
- 1) May 20, 2024 (Regular meeting)
  - 2) May 29, 2024 (Special Meeting)
  - 3) June 3, 2024 (Financial Town Meeting)
- B) Minutes of Boards/Commissions/Committees
- 1) Affordable Housing (April 17, 2024)
  - 2) Bike Path Committee (February 16, 2024)
  - 3) Zoning Board of Review (April 23, 2024)
- C) Finance Director's Report: Comparison Budget to Actuals as of May 31, 2024.
- D) Abutter Notifications: Notice is hereby given that the Jamestown Zoning Board of Review will hold a public hearing on June 25, 2024, at the Jamestown Town Hall 93 Narragansett Avenue, Jamestown, Rhode Island at 7:00 p.m. upon the following:
- 1) Application of William and Glenna McCaffrey, whose property is located at 232 Beacon Ave., and further identified as Assessor's Plat 16, Lots 67 and 70 for a special use permit from Article 3 Special Use Permits and Variances, section 82-300 Considerations of the zoning board, pursuant to Article 8, Special Regulations, Section 82-800 High groundwater table and impervious layer overlay district as relating to subdistrict A. To add a 17' x 20' addition to the east side of the existing house. The addition is conforming to all setbacks and lot coverage requirements. Said property is located in a R40 zone and contains 28,800 sq ft.

E) Tax Assessor's Abatements and Addenda of Taxes

ABATEMENT/ADDENDA TO THE TAX ROLL			
ACCT	TAX YEAR	ACCOUNT INFORMATION	AMOUNT
23-0356-00M	2021	TAXPAYER DECEASED	-\$ 0.59
23-0356-00M	2021	TAXPAYER DECEASED	-\$ 0.81
TOTAL ABATEMENTS TO TAX ROLL			-\$ 1.40
TOTAL ADDENDA TO TAX ROLL			\$ 0.00
GRAND TOTAL TO THE TAX ROLL			-\$ 1.40

- F) Request from Parks and Recreation Director DeFalco to the Town Council to approve the Jamestown Recreation Center Gym Floor and Optional Recreation Center Stage Bid to Aramsco, DBA Casey EMI, based on the review and evaluation of the bid, for an amount not to exceed \$26,430.00:
- 1) Memorandum from Parks and Recreation Director DeFalco to recommend the bid be awarded to the lowest and only bidder, Aramsco, DBA Casey EMI for the repair and refinishing of the following:
    - a) Item 1: Recreation Center Gym Floor \$16,690.00
    - b) Item 2: Optional Recreation Center Stage \$ 9,740.00

- G) Request from Public Works Director Michael Gray to the Town Council to approve the 2024 Annual Road Paving Bid to J.R. Vinagro, for Jamestown roadways based upon the estimated quantities for each of the roadways listed for an amount not to exceed \$813,882.45:
- 1) Memorandum from Public Works Director Michael Gray to recommend the bid be awarded to the lowest responsive bidder, J.R. Vinagro for the following:
    - a) Item 1: Reclaimed Pavement for Base Course \$3.95 per Square Yard
    - b) Item 2: Bituminous Base Course \$109.50 per Ton
    - c) Item 3: Bituminous Surface Course \$115.00 per Ton
- H) Approval of Pole Placement Request by the Narragansett Electric & Verizon New England Inc. to bury underground primary wire from P12 Dumping to the driveway of 30 Dumping Dr; and permission to erect and maintain poles and wires together with such sustaining and protecting fixtures as they may find necessary, said poles erected or to erected substantially in accordance with the plan filed herewith marked: WR#30706421.
- I) Pursuant Jamestown Code of Ordinances, Chapter 26, Article II – Fire Department, Sec. 26-27 Notice of names of officers, “On the second Monday of May, annually, the board of fire wardens, by the direction of the fire department, shall, in writing, notify the town council the names of the chief, deputy chiefs, and other officers as may exist for recording”.
- J) Ratification of the Administratively approved Short-Term Rental application for the period of January 1, 2024 through December 31, 2024:
- 1) STR-48, Paul Sylvia, 59 North Road
  - 2) STR- 99, Stephen Braman, 75 Southwest Avenue
  - 3) STR-110, Michael Allen, 37 Newport Street
  - 4) STR-67, Caroline Boden, 36 Newport Street
  - 5) STR-132, Kenneth Newman, 23 Avenue B
- K) Ratification of the Administratively approved Jamestown Arts Center (JAC)One Day Event/Entertainment License application: JAC, Newport Live Presents: Suitcase Junket, 18 Valley Street, held on June 7, 2024.

L) One-Day Event/Entertainment License Applications: All One-Day Event/Entertainment license application approvals are subject to any COVID-19 protocols in effect at the time of the event:

- 1) Applicant: Jamestown Chamber of Commerce  
Event: Annual Chamber Weenie Roast  
Date: July 18, 2024  
Location: TPG, 251 Narragansett Avenue
- 2) Applicant: Jamestown Yacht Club  
Event: Fools Rules Regatta  
Date: August 17<sup>TH</sup> ~~July 17~~, 2024 (rain date August ~~July~~ 18, 2024) (scrivener's error)  
Location: East Ferry Beach
- 3) Applicant: Jamestown Arts Center (JAC)  
Event: JAC Summer Soiree  
Date: June 28, 2024  
Location: JAC, 18 Valley Street
- 4) Applicant: Jamestown Historical Society  
Event: Jamestown Chamber of Commerce Meeting  
Date: June 20, 2024  
Location: JHS Museum, 92 Narragansett Avenue
- 5) Applicant: Jamestown Historical Society  
Event: Evening at the Windmill  
Date: July 26, 2024  
Location: 378 North Road
- 6) Applicant: Jamestown Historical Society  
Event: Windmill Day  
Date: July 27, 2024  
Location: 378 North Road
- 7) Applicant: St. Matthew Episcopal Church  
Event: St. Matthew's Summer Fair  
Date: July 20, 2024  
Location: 87 Narragansett Avenue

M) One-Day Vendor/Peddler License Applications: All One-Day Vendor/Peddler license application approvals are subject to any COVID-19 protocols in effect at the time of the event:

- 1) Applicant: Jamestown Chamber of Commerce  
Event: Sub-applicant of Jamestown Fireworks 2024  
Date: July 7, 2024  
Location: East Ferry (adjacent to Veterans Square)
- 2) Applicant: Java Jai Coffee Company  
Event: Sub-applicant of Jamestown Fireworks 2024  
Date: July 7, 2024  
Location: East Ferry (adjacent to Veteran's Square)



- N) Public Notice of CRMC and RIDEM of application for Assent filed by Stephanie & Peter Medeiros & John Mastalski, 63 Seaside Drive, to construct and maintain a manually operated boat lift and access ladder connected to an existing residential boating facility. No variances are required. Written comments/objections are due by July 10, 2024, to CRMC, O.S. Government Center, 4808 Tower Hill Road, Rm 116, Wakefield, RI 02879, or [cstaff1@crmc.ri.gov](mailto:cstaff1@crmc.ri.gov).

Vice President Meagher read aloud each Short-Term Rental host application name and address, asking those in attendance for any objections or comments to be known.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Short-Term Rental applications for licensing as listed on the Consent Agenda. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor R. White, Aye; and Councilor M. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to accept the Consent Agenda. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; Councilor R. White, Aye; and Councilor Brine, Aye.

Communications were acknowledged.

Vice President Meagher made note of the letter received from the Water & Sewer Department staff members and stated she welcomes comments from all town staff. She praised and expressed appreciation for their efforts to support the operations at the Water & Sewer facilities as the Town continues to search for qualified technicians.

Additionally, Vice President Meagher appreciated the communication from the Jamestown Senior Service Committee regarding the 6 West Street project. Should the 6 West Street project be placed on a future agenda to discuss the Senior Service Committee's concerns and recommendations?

Town Administrator Mello stated town staff continue to research opportunities for the 6 West Street project and will present findings at a future Town Council meeting.

#### **XIV. COMMUNICATIONS, PETITIONS, AND PROCLAMATIONS AND RESOLUTIONS FROM OTHER RHODE ISLAND CITIES AND TOWNS**

A) Communications Received:

- 1) Copy of memo to: Town Council  
From: Jamestown Planning Commission  
Dated: June 12, 2024  
Re: Development Plan Review approval CISF
- 2) Copy of letter to: Town Council  
From: Jamestown Senior Service Committee  
Dated: May 13, 2024  
Re: 6 West Street project

- 3) Copy of letter to: Town Council  
From: Water & Sewer Department staff members  
Dated: June 3, 2024  
Re: Water Department
- 4) Copy of letter to: Town Council  
From: Damiano & Company, LLP  
Dated: June 7, 2024  
Re: Town of Jamestown financial statements audit.
- 5) Copy of email to: Town Council  
From: Richard Doyle  
Dated: June 3, 2024  
Re: CISF building
- 6) Copy of report to: Town Council  
From: The Trust  
Dated: June 5, 2024  
Re: 2023 Annual Report
- 7) Copy of article to: Town Council  
From: Marian Falla  
Dated: June 12, 2024  
Re: Middletown allocates \$42k for beach erosion study.

- B) Communications and Resolutions from other Rhode Island Cities and Towns:
- 1) Town of Charlestown, Resolution in Support of Amendments Relating to Waters and Navigation Harbors and Harbor lines.
  - 2) Town of Little Compton, Resolution Urging the RI State Legislature to support Article 5, Question 3, of Governor McKee's Fiscal Year 2024 Budget Proposal to the State Legislature for a \$100 Million State Housing Bond Issue to Fund the Construction of Affordable and Attainable Housing in Rhode Island

## XV. ADJOURNMENT

A motion was made by Vice President Meagher with a second by Councilor M. White to adjourn at 8:08 p.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

Attest:

  
Roberta J. Fagan, Town Clerk



## **EXHIBIT W**

**DUFFY & SWEENEY, LTD**  
BUSINESS LAW & LITIGATION

**Joelle C. Rocha, Esq.**  
[jrocha@duffysweeney.com](mailto:jrocha@duffysweeney.com)

August 15, 2022

***Via Electronic Mail and Regular Mail***

Board of Water and Sewer Commissioners  
Town of Jamestown  
c/o Denise Jennings  
93 Narragansett Avenue  
P.O. Box 377  
Jamestown, RI 02835  
[djennings@jamestownri.net](mailto:djennings@jamestownri.net)

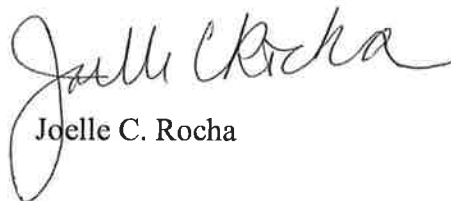
**Re: Supplemental letter for Request for Water Extension**

Dear Honorable Board Members:

As a supplement to the submission of a Water Extension Application on behalf of CLP Trust-2016 which was hand-delivered to you on July 1, 2022, enclosed please find an exhibit completed by DiPrete Engineering with respect to current well and septic locations in the immediate area. We intend to present this at the August 22, 2022 hearing on the Application, and wanted to provide a courtesy copy in advance.

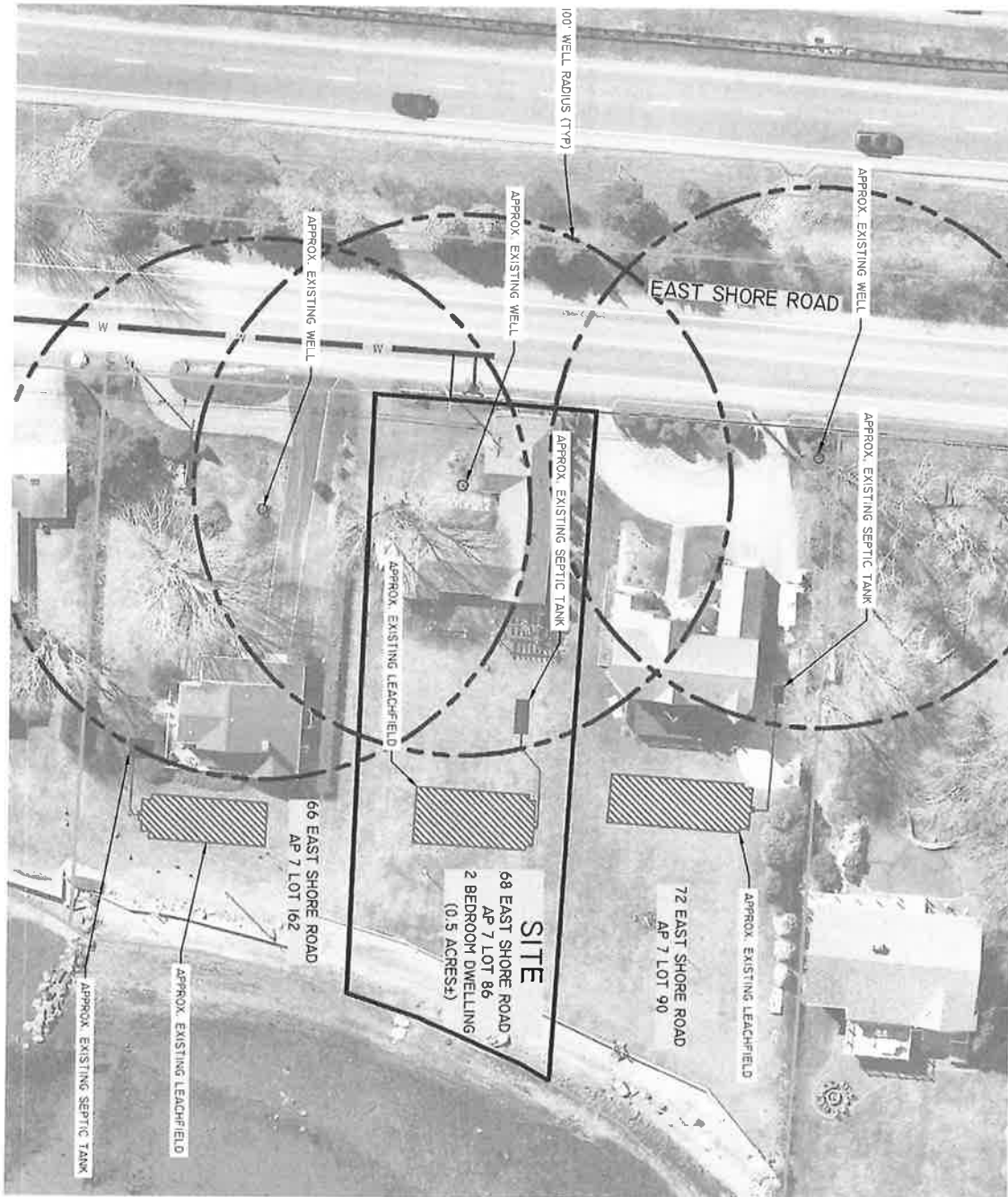
We look forward to discussing this matter at the August 22, 2022 meeting. Thank you in advance for your prompt attention to this matter.

Very truly yours,



Joelle C. Rocha

JCR/jhd  
Enclosure



#### GENERAL NOTES:

1. LOCATIONS OF OWTS, LEACHFIELDS, OWTS TANKS, AND WELLS WERE DETERMINED FROM THE BEST AVAILABLE INFORMATION PROVIDED BY RIDEM RECORDS, GIS, AND AERIAL MAP IMAGERY. LOCATIONS ARE TO BE CONSIDERED APPROXIMATE.



SHEET 1 OF 1

### EXISTING OWTS & WELL EXHIBIT 68 EAST SHORE ROAD

JAMESTOWN, RHODE ISLAND

PREPARED FOR:

**CHRISTINA PAOLINO**

68 EAST SHORE ROAD, JAMESTOWN, RHODE ISLAND 02835

DATE:  
07/25/2022



**DiPrete Engineering**

Two Stafford Court, Cranston, RI 02920  
tel 401-943-1000 fax 401-464-6006 [www.diprete-eng.com](http://www.diprete-eng.com)

**Boston • Providence • Newport**