

MURPHY PRIOR & INFANTOLINO  
ATTORNEYS AT LAW

77 NARRAGANSETT AVENUE  
JAMESTOWN, RI 02835-1149  
(401) 423-0400 TELEPHONE  
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\_\_\_\_\_  
EMILY J. MURPHY PRIOR\*  
CHRISTIAN S. INFANTOLINO\*\*

\*ALSO ADMITTED IN CONNECTICUT  
\*\*ALSO ADMITTED IN MASSACHUSETTS

\_\_\_\_\_  
JOHN AUSTIN MURPHY, of counsel  
NEALE D. MURPHY  
1904-2003

July 25, 2024

Rhode Island Water Resource Board  
235 Promenade Street, Suite 230  
Providence, R.I. 02908

***Re: Application for Appeal and Complaint for Paul and Gail Frechette, 19 Seaview Drive,  
Jamestown, RI 02835***

Dear Water Resource Board,

Enclosed please find an application for Appeal of a decision made by the Town of Jamestown Water Commissioners denying an extension and connection to the municipal water source pursuant to Rhode Island General Law 46-15-2 and Pursuant to 490-00-00 R.I. Code R. Section 9.4 of the Water Resource Board.

Thanks for your time and consideration with this matter.

Best,



Christian S. Infantolino

//Enclosures

**State of Rhode Island  
Water Resource Board**

**IN RE: Paul and Gail Frechette, 19 Seaview Drive, Jamestown, RI 02835**

**July 25, 2024**

**NOTICE OF APPEAL AND COMPLAINT**

This appeal is made pursuant to 490-00-00 R.I. Code R. Section 9.4 of the Water Resource Board and Rhode Island General Law 46-15-2.

Paul and Gail Frechette, an Aggrieved Party (hereinafter collectively “Appellant”), record title holders of the property located at 19 Seaview Avenue, Jamestown Rhode Island, 02835 and further identified as Lot 101 on Jamestown Tax Assessors Plat 7 (the “Property”), hereby takes an appeal pursuant to R.I.G.L 46-15-2 from that certain decision of the Jamestown Water and Sewer Commissioners (“Supplier”) dated June 28, 2024 (the “Decision”), attached hereto and incorporated herein as **Exhibit 10**. In said Decision the Supplier denied, by a vote of 4 in favor or denial and 0 opposed to the denial, the application of the Appellant for a water and sewer extension and connection for the Property.

Appellant avers that said Decision of the Supplier failed to apply the relevant law, was clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record, was arbitrary or capricious or characterized by abuse of discretion, was made upon unlawful procedure, was in excess of the statutory authority of the Supplier, and was in violation of constitutional or statutory provisions, pursuant to 490-RICR-00-00-9.7(E).

**JURISDICTION**

The Rhode Island Water Resource Board (the “WRB”) has jurisdiction over the Supplier, pursuant to R.I.G.L Chapters 46-15 and 46-15.1, and applicable regulations. Pursuant to 490-

RICR-00-00-9.4 and R.I.G.L Sections 46-15-2, 46-15-2.1, and 42-35-1, et.seq, the WRB has jurisdiction over this particular appeal by Appellant.

### **FACTS AND TRAVEL**

The Appellants have been experiencing water related issues at the property since 2016. The first issue was due to saltwater intrusion. At this time the Appellants worked with Precision well in an attempt to resolve the saltwater issues. It was determined by the licensed professionals that the only option was to drill a new well, and because of the size of the lot (about a quarter acre where one acre is required) and the existing well and septic on the lot, there was only one location available for the second well, a copy of the water well drilling agreement attached hereto and incorporated herein as **Exhibit 1**. This new well did originally meet the flow rates of 1.0 gallons per minute, a copy of the well completion report attached hereto and incorporated herein as **Exhibit 2**. Appellants again began experiencing flow issues with this second well and on February 23, 2024, Darin Miller, licensed owner of Precision Well performed another well and water inspection report, attached hereto and incorporated herein as **Exhibit 3**, and further supplied an affidavit dated May 2, 2024 stating that everything in the report was true and accurate, attached hereto and incorporated herein as **Exhibit 4**. Said report shows a flow yield of 0.075 gallons per minute and an analysis of why it is not recommended to hydro frack the second well on the property.

On January 2, 2024 Appellant filed an Application for Utility Service Connection, a copy of said application attached hereto and incorporated herein as **Exhibit 5**. At some point the Town requested a different application form be submitted, Application for Water and Sewer Extension, a copy of said application attached hereto and incorporated herein as **Exhibit 6**. Appellants submitted Exhibits 1-4 along with the applications and testimony was provided by Robert F.

Ferrari, P.E., an accepted expert witness, as to water quality, see attached ESS Laboratory report attached hereto and incorporated herein as **Exhibit 7**, yield, the ability to locate another well on the subject property, and why hydro fracking is not advisable and will likely not work for the subject property.

This matter was heard before the Supplier first in February 2024, then on April 15, 2024, then again May 6, 2024, May 20, 2024, and then again on June 17, 2024. During the public hearing process, the Appellants presented a substantial amount of evidence, arguments, and testimony, including expert testimony from Robert F. Ferrari, P.E. of Northeast Water Solutions, Inc. and affidavit from licensed well driller Darin Miller, owner of Precision Well and Pump Systems, Inc. which evidence explains in detail the water yield issues at the Property and why connecting to Jamestown's municipal water system is necessary to have safe and adequate water supply.

The Appellants presented testimony and evidence during the hearings to fully satisfy the elements of R.I.G.L. 46-15-2, a copy attached hereto and incorporated herein as **Exhibit 8**. Specifically, the Application is not prohibited by the specific language of the latest water supply system management plan ("WSSMP") of the public water supply system. *See R.I.G.L. 46-15-2(b)(1)*. Further the Supplier's WSSMP recognizes extensions of the Supplier's water supply into the Rural Water District and have granted said extensions and connections. The Appellants provided testimony that the proposed extension would comply with the design and construction standards and specifications established by Supplier as set forth in the regulations. *See R.I.G.L. 46-15-2(b)(2)*. In accordance with R.I.G.L. 46-15-2(b)(3), the Supplier confirmed through it's Fire Chief in the Appellant's application that this extension and connection "Request will not reduce the level of fire protection. *See Exhibit 5 at page 6*. The Appellant put on further



testimony and acknowledgment that any and all water main service connection materials, construction, and inspections would be at the sole cost and expense of the Appellant, *see R.I.G.L. 46-15-2(b)(4)*, and that the Supplier would be granted an easement for maintenance, repair or replacement of the waterlines, *see R.I.G.L. 46-15-2(b)(5)*. Testimony, through well inspection report and affidavit, Exhibits 3 and 4, and by Robert F. Ferrari, P.E. was submitted clearly showing that the existing well on the Property does not meet current well industry standards in accordance with *R.I.G.L. 46-15-2(b)(6)*. Further, Robert F. Ferrari, P.E. presented testimony showing clearly that drilling a third well on the Property was not a feasible option in accordance with *R.I.G.L. 46-15-2(b)(7)*.

The Supplier denied the Appellants application through its Decision, erroneously concluding that the Appellants failed to satisfy the standards as set forth in R.I.G.L 46-15-2(b) and also maintained that R.I.G.L 46-15-2 does not preclude the Supplier from imposing inconsistent and more restrictive provisions, as set forth in the Jamestown Water and Sewer Commission Rules. The Supplier's erroneous position is based on R.I.G.L. 46-15-2 purportedly not overriding the enabling act which provided for the creation of the Supplier and not preempting Jamestown's water commission rules. *See copy of the Act, Chapter 273 of the Public Laws of 1968, attached hereto and incorporated herein as Exhibit 9*. The Supplier follows the Rules and Regulations of the Board of Water and Sewer Commissioners (the "Regulations"), which define two water districts throughout the Town of Jamestown, the "Urban Water District" and the "Residential Water District". The Property is located within the Town of Jamestown's designated Rural Water District. Through its Decision, the Supplier incorrectly relied upon the more restrictive standards contained within the Regulations rather than apply the standards set forth in R.I.G.L 46-15-2. Further the Supplier, through legislators, introduced a bill in the Rhode

Island General Assembly on January 26, 2024 (2024 - - H7345) which requested the Supplier be exempt from R.I.G.L 46-15-2(b).

### **CONCLUSION AND APPEAL OF SUPPLIER'S DECISION**

It is clear from the record, including testimony, discussion, and evidence submitted that the Supplier's Decision should be reversed pursuant to 490-RICR-00-00-9.7(E). Supplier has prejudiced Appellants through administrative findings, inferences, conclusions, and decisions of the Supplier and the Decision is clearly erroneous in view of the reliable, probative, and substantial evidence on the record, arbitrary and capricious and an abuse of discretion or clearly unwarranted exercise of discretion, clearly made upon unlawful procedure and affected by other error of law.

It is clear the Supplier does not intend to apply the relevant state law, rather Supplier suggests through its Decision that the law does not apply to it. As such, the Appellant hereby respectfully request the WSB reverse the Supplier's Decision, award Appellant permission to extend and connect the water line to their property, and award reasonable attorney's fees and costs to the Appellant pursuant to R.I.G.L 42-92-1, esq., and any other such relief as the WSB deems appropriate.

**Paul Frechette and Gail Frechette**

By Their Attorneys,  
Murphy Prior & Infantolino



Christian S. Infantolino, Esq. (#9145)

77 Narragansett Avenue

Jamestown, RI 02835

(401) 423-0400 (phone)

(401) 423-7059 (Fax)

[cinfantolino@jamestownlawyer.com](mailto:cinfantolino@jamestownlawyer.com)

# Exhibit 1

Precision Well  
PO Box 98  
Wyoming, RI 02898

Ph: 401-539-0029

www.precisionwell.com  
Email: precisionwell@yahoo.com

## WATER WELL DRILLING AGREEMENT

This water well agreement is made and entered into effect this 17th day of January, 2017 between: Paul Frechette (Owner or Owners Authorized Representative) and Precision Well and Pump Systems, Inc., (Herein called "Contractor or Drilling Contractor") for the construction of a water well on the real property at the following location 19 Seaview Ave (street address) Jamestown (city) Rhode Island, and for which premises the owner has the authority to undertake the improvements set forth by this agreement, upon the following terms and conditions.

### 1. Description of Work

- 1.1 Work: Precision Well agrees to furnish all labor, services, materials, equipment and all things necessary for the timely and proper completion of the water well in accordance with the job proposal and to be located by the engineer or a mutually agreed accessible location.
- 1.2 Restrictions: Contractor agrees to cause construction of the water well in accordance with all applicable zoning, building regulations, laws, and ordinances of any public authority bearing on the construction of the water well.

### 2. Drilling Contractors duties and Status

- 2.1 Control: Drilling contractor will supervise and direct the work, using its best skill and attention, and shall be solely responsible for the construction means, methods techniques and procedures.
- 2.2 Debris, Restoration: Upon completion of the work, the owner shall be responsible to remove all debris, surplus materials, drillings and cuttings remaining on the work site, and to restore the site to its required condition. The drilling contractor shall not be responsible for any site restoration. The drilling contractor is not responsible for damage to the owners property necessary to drill the well or bring in equipment to drill the well.

### 3. Changes

- 3.1 The owner or contractor without invalidating the agreement may order changes in the work. Such changes shall be authorized by written or verbal modification of this agreement. An appropriate adjustment to the price will be made with the consent of both the owner and contractor.

### 4. Warranties

- 4.1 Drilling contractor warrants that all work performed hereunder will be free from all defects; all materials will be new, and all materials installed will include the manufacturers warranty and guarantees.
- 4.2 Drilling contractor will not be held responsible for QUALITY OR QUANTITY of the water found. Actual quality and quantity depends on geological conditions on property. The contractor does not warrant the continued production of water quantity or quality observed at the conclusion of the project.

### 5. Contract Price

#### 5.1 Package Pricing

Owner agrees to pay for the following work and materials at the following rate.

The well shall consist of a 6" well drilled to a depth of up to 300', 20' of 6" steel casing, installation of a 1/2hp submersible, pipe, wire, offset pipe and wire (up to 50'), well cap, pitless and misc. accessories to complete the well and pump installation. Also included is the labor to install all materials listed above. At our discretion, we may stop drilling if state min. guidelines are met, with no credit given for footage not drilled. Pump installation does not include trenching.

Contract for the materials listed above	\$ 5,000.00
Drive shoe if necessary	\$ 100.00
Additional drilling beyond	\$ 10.00 /Ft
Addition casing beyond the 20'	\$ 17.00 /Ft
Drilling through the foundation	\$ N/A

If additional pipe, wire or increase in pump size is required, costs will be supplies when final depth is determined.

Owner agrees to prepay \$ 2000.00 of the total price to Drilling contractor upon signing of this agreement to provide the contractor with funds in advance for expenses relating to the work.

### 6. Payment

6.1 Payments shall be made in full upon completion of the (A) well, (B) pump system. All past due amounts will be subject to the maximum interest of 1-1/2% per month. Owner will also pay all costs incurred in the collection of all past due amounts. All equipment installed will remain the Contractors property until full payment has been received. Contractor reserves the right to enter owners property without permission to remove all property that has not been paid for in full. Quality or Quantity shall not be a condition of payment of the full contract price.

The undersigned has read and understands the contents of this agreement and hereby agrees to all that is written. By signing below, the owner is authorizing the contractor to begin work on the owners property listed in this agreement.

Owner

Signature Paul Frechette

Print Paul Frechette

Precision Well & Pumps Systems, Inc.

1/22/17 CL 5610 \$2000

3/27/17 5624 3550

2 P.M.

# Exhibit d

## WELL COMPLETION REPORT

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
Groundwater Section  
235 Promenade St., Providence, RI 02903



STATE WELL NUMBER

OTHER NUMBER

OWNER <u>Paul Freschetti</u>		Address <u>19 Seaview Dr Jamestown</u>		State Well Number 	
LOCATION OF WELL <u>19 Seaview Dr</u>		TOWN <u>Jamestown</u>		COUNTY 	
DRILLING EQUIPMENT ROTARY <input type="checkbox"/> COMPRESSED AIR PERCUSSION <input checked="" type="checkbox"/> CABLE PERCUSSION <input type="checkbox"/> OTHER <input type="checkbox"/>		DEPTH OF WELL (FEET) <u>300</u>			
CASING DETAILS DIAMETER <u>6</u> LENGTH <u>20</u> TYPE <u>5T</u> NEW <input checked="" type="checkbox"/> USED <input type="checkbox"/>		DEPTH OF CASING (FEET) <u>300</u>			
PUMP TEST DATA (5 HR. MIN.) STATIC WATER LEVEL (FT.) <u>16</u> PUMPING LEVEL (FT.) <u>250</u> DRAWDOWN (FT.) <u>234</u>		DURATION (HOURS) <u>5</u> YIELD (GPM) <u>1</u> DEPTH TO BEDROCK <u>8</u>			
SCREEN DETAILS MAKE <u> </u> MATERIAL <u> </u> LENGTH <u> </u> DIAMETER <u> </u> SLOT SIZE <u> </u>		THREADED <input checked="" type="checkbox"/> WELDED <input type="checkbox"/> DRIVE SHOCK <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> GROUTING MATERIAL <u>cutting</u>			
HAS WATER BEEN TESTED? <u> </u> WHEN? <u> </u>		USE OF WELL <u> </u> BUSINESS ESTABLISHMENT <u> </u> TEST WELL <u> </u>			
WHERE? (LAB) <u> </u> LAB # <u> </u>		<input checked="" type="checkbox"/> DOMESTIC <u> </u> INDUSTRIAL <u> </u> OTHER (SPECIFY) <u> </u>			
ISDS APPROVAL NUMBER <u> </u> LOT SIZE <u> </u>		PUBLIC SUPPLY <u> </u> FARM <u> </u>			
DEPTH FROM LAND SURFACE FEET TO FEET		FORMATION DESCRIPTION			
0 5		Hardpan			
8 300		Bedrock			
		<p>INDICATE NORTH</p>			
		<p>LOCATION OF LOT TO AT LEAST TWO ROADS (INCLUDE DISTANCES AND A POLE #)</p> <p>INDICATE NORTH</p> <p>N 41.357946</p> <p>E -71.715599</p>			
DATE WELL COMPLETED <u>3/8/17</u>		DATE OF REPORT <u>3/16/17</u>		WELL DRILLER (SIGNATURE) <u>Gary J Bourque</u>	
REGISTRATION # <u>40</u>		REGISTERED WELL DRILLER (SIGNATURE) <u>Gary J Bourque</u>		WELL DRILLER (PRINT) <u>Gary J Bourque</u>	

Hydro

## Well And Water System Inspection Report

Inspection Requested By:		Tel. No.	
Address			
City, State, Zip			
Owner' Name		Tel. No.	
Paul Frechette		749-5747	
Address			
19 Seaview Ave.			
City, State, Zip			
Jamestown, RI			

**Location Information**

GPS Well Location

**Source Information**

☒ Drilled  
☐ Driven  
☐ Point

☐ Dug  
☐ Buried  
☐ In Well Pit

☒ 18" Above Grade  
☐ At Grade

☐ Buried  
☐ In Well Pit

Comments

Well Data	Well Depth 300	Casing Depth 20	Approx. Age of Well 7 yrs	<input checked="" type="checkbox"/> Completion Report <input type="checkbox"/> Owners Memory
Well Driller	Static Water Level 25'	Casing Size 6"	Well Capacity 412	<p style="text-align: center;">Well Yield</p> <input type="checkbox"/> Meets State Min Recommendations <input checked="" type="checkbox"/> Does Not Meet State Recommendations

Pumped \_\_\_\_\_ GPM for \_\_\_\_\_ Minutes

Total Gallons Pumped \_\_\_\_\_

Well Yield .075 GPM

Pump Data	Mod. & Manufacturer Franklin	Age 7 yrs	Volts/Amps 230	Pump Depth 280	Pump HP 1/2
Tank Data	Mod. & Manufacturer	Age	Tank Capacity		
Filtration/Water Treatment	Mod. & Manufacturer	Age			

Description

Comments

2 no well on Property, First Well Has High Levels of Sodium Because of 1st well having sodium & the closeness of neighboring wells, we are unable to Hydrofrack to improve well.

Inspectors Name	Signature <i>D. J. M.</i>	Date 2-23-24
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Precision Well & Pump Systems, Inc. PO Box 98 Wyoming, RI 02898

The Information on this form lists facts and conditions of the visible portions of the well, pressure systems and any filtration equipment at the time of the inspection and does not imply or give any guarantee. The well yield was achieved using a sonic water level indicator. Wet or dry seasons may affect well production.




# Exhibit 4

## AFFIDAVIT

I, Darin Miller, Owner of Precision Well & Pump Systems Inc.(hereinafter "PW"), being duly sworn, depose and state as follows, under oath:

1. That on or about January 22, 2017 PW entered into a Water well drilling Agreement, attached hereto and incorporated herein as Exhibit A, with Paul Frechette, owner of 19 Seaview Drive, Jamestown, RI 02835 (the "Subject Property").
2. That the reason for engaging PW was that the original well experienced saltwater intrusion. Because of the well having saltwater intrusion and the proximity of neighboring wells, PW was unable to hydro frack the original well to improve the situation and recommended the new well.
3. That on or about March 8, 2017 the above mentioned new well was completed.
4. A well completion report was completed March 10, 2017, attached hereto and incorporated herein as Exhibit B. This report shows that the new well is 300 feet deep with a yield of 1 gallon per minute as of March 10, 2017.
5. That on February 23, 2024 I completed a Well and Water System Inspection Report (the "Well Report), attached hereto and incorporated herein as Exhibit C, for the Subject Property's well yield. This report shows that the Well Depth is 300 feet, the Casing Depth is 20 feet, the Well is approximately 7 years old, the Static Water Level is 25 feet, the Casing size is 6 inches, and the well capacity is 412 gallons.
6. At the time of the inspection the Well Yield was Zero point zero seven five (0.075) gallons per minute. This yield rate **DOES NOT MEET STATE RECOMMENDATIONS.**

In witness whereof, I have executed this Affidavit on this 2<sup>nd</sup> day of May, 2024.

  
Darin Miller

Subscribed and sworn to before me this 2 day of May, 2024

Christian S. Infantolino  
Notary Public, State of Rhode Island  
My Commission Expires Oct. 4, 2025

  
NOTARY PUBLIC

(3)

Exhibit 5

RECEIVED #623  
REC 49.00 Check  
JAN 02 2024  
@ 2:29 pm  
Town of Jamestown

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

**APPLICATION FOR UTILITY SERVICE CONNECTION**

COMPLETED BY APPLICANT

DATE: 01/02/24

       Rural Water and Sewer District

  /   Urban Water and Sewer District

Applicant:

Email: p.frechette1970@gmail.com

Name: Paul Frechette

Phone: 401-749-5747

Address: 19 Seaview Ave  
Jamestown

Plat: 101 Lot: 7

Zoning District: R40

Type of Service Being Requested:

Water   /   Sewer       

Use: Residential  
(single family)   /  

(multi family)       

Commercial       

Number of Units       

Other       

Plans Required Yes        No        (For Office Use Only-to be checked by the Public Works Director)

New Building       

Existing Building   /  

Existing Well   /  

Existing ISDS       

Does applicant own contiguous land? Yes        No   /  

Estimated water usage less than 40000 gallons per year

**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



## Exhibit 5 (continued)

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.

Please provide a written description and plans addressing Sections 13A, 13B, 14A, 14B (Applications and Transfers) required in the Rules and Regulations of the Board of Water Commissioner. All plans when required by the Director of Public Works Director, must be received a minimum of two weeks prior to the application being placed on the agenda. Any questions concerning the rules and regulations, please call the Pubic Works Director, Mike Gray at 423-7225.

Our existing well doesn't have enough capacity. Well stops working if more than 2 washes of clothes or if trying to power wash outdoor furniture. We are very cautious, but still run out of water multiple times a year

PC check #6232  
[✓]--\$49.00 Recording Fee for Decision Letter. (Fee effective 11/12/07 per RIGL 34-13-7(a))  
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 Connection fee and \$3000 for Sewer Service Connection 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: 01/02/24

Applicants Signature: Paul Freshette

Owners Signature: Paul Freshette

Approval by the Board of Water and Sewer Commissioners:

\_\_\_\_\_  
Commission President  
Date \_\_\_\_\_



## Exhibit 5 (continued)

The following information is requested by the Federal Government in order to monitor our compliance with various civil rights laws. You are not required to furnish this information, but are encourage to do so. The law requires that we may not discriminate based upon this information, nor whether you choose to furnish it. However, if you choose not to furnish it, under Federal regulations we are required to note the race and sex on the basis of visual observation or surname. If you do not wish to furnish the above information, please check the box below.

I do not wish to furnish this information \_\_\_\_\_

Race/National Origin: American Indian or Alaskan Native \_\_\_\_\_

Asian or Pacific Island \_\_\_\_\_

White, not of Hispanic origin ☒ \_\_\_\_\_

Black, not of Hispanic origin \_\_\_\_\_

Hispanic origin \_\_\_\_\_

Other (specify) \_\_\_\_\_

Sex:

Female \_\_\_\_\_

Male ☒ \_\_\_\_\_

# Exhibit 5 continued

## COMPLETED BY PUBLIC WORKS/ENGINEERING DEPARTMENTS

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

Street or Right of Way EAST SHORE ROAD Urban District \_\_\_\_\_

Rural District ☒ \_\_\_\_\_

Location of Nearest Main:

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

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

Number of Feet Proposed Extension: Water Main TBD

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

Number of lots served by proposed extension: Improved TBD

Unimproved \_\_\_\_\_

Estimated total cost of project:

Water Line \_\_\_\_\_

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

Estimated total cost per foot:

Water Line \$400-\$500

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

Would Town Provide:

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

Public Works Director

Comments: SEE MEMO TO W&S COMMISSION

DATED 2-15-24

Date 2-15-24

Signature/Title



PWD

# Exhibit 5 (cont.)

## COMPLETED BY PLANNING DEPARTMENT

Is request consistent with Comprehensive Community Plan?

Please explain

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

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

### Public Services and Facilities Element

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

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

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

Potential for future subdivision? Please explain: This parcel, (Plat 7, Lot 101) owned by Paul and Gail Frechette, is an existing lot of record in the R-40 Zoning District (requiring 40,000 square feet or 40,000 square feet minimum lot size) containing 0.277 acres. This is an existing non-conforming lot by size. Based upon the size and the Dimensional Regulations listed in Table 3-2 of the Zoning Ordinance, Lot 135 is not subdividable.

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

Water-Sewer Applications/Frechette2024, Plat 7 Lot 135

Frechette

Exhibit 5 (cont.)

**COMPLETED BY FIRE CHIEF**

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

Request will not reduce the level of fire protection

fire bylaws needed in area

Fire Hydrants required? Yes ☒ No ☐

Date 1/9/24

Signature/Title  - CHIEF



**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 Zimmiski & Suzanne Gagnon, 7 Seaview Avenue
4. Paul Frechette, 19 Seaview Avenue

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

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

**Applications**

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

## Exhibit 5 memo

### **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.



## Exhibit 5 Memo

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.

## Exhibit 5 Memo

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.

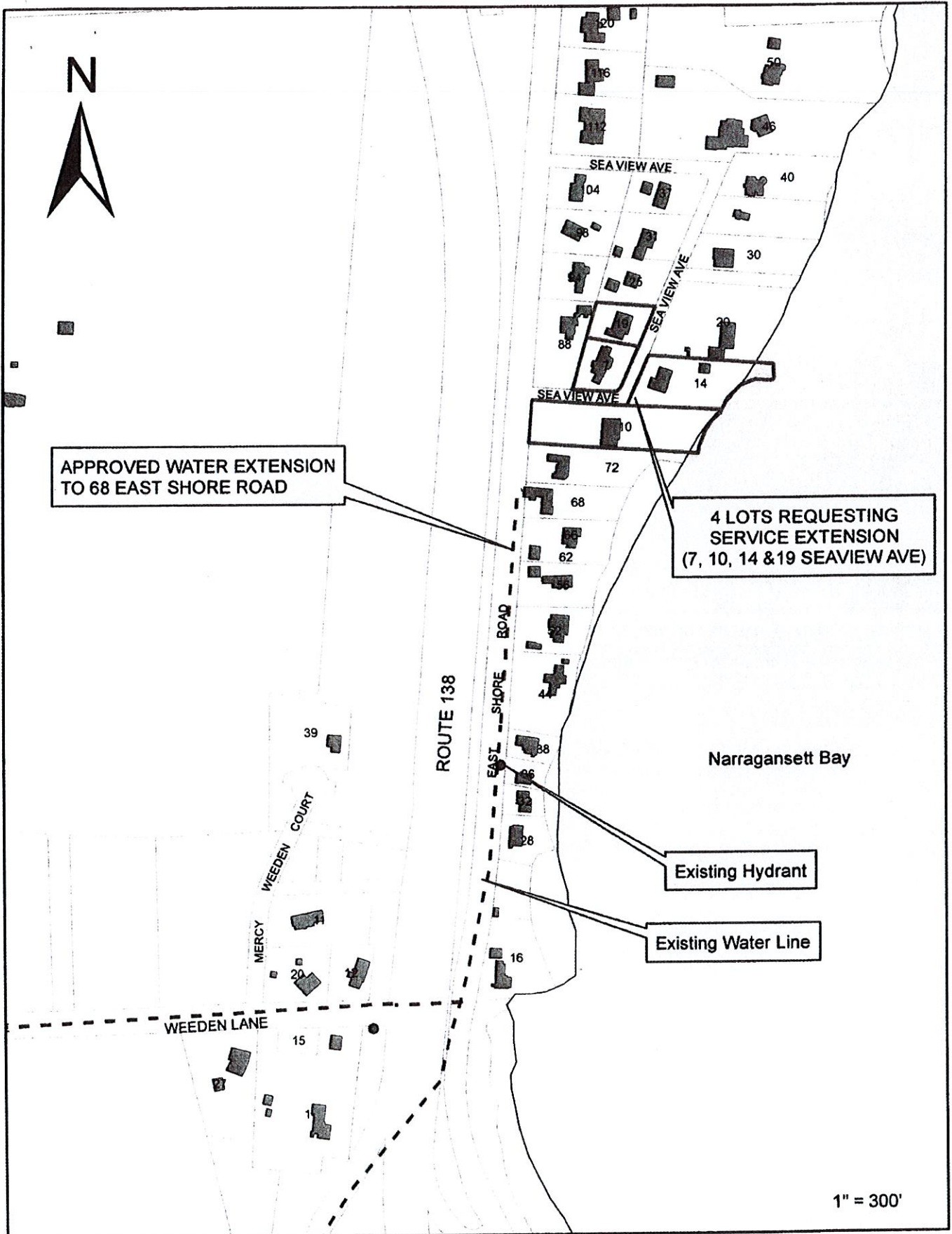
The four applications before the board have applied for a connection based upon inadequate well yield. Two applicants have also provided water testing information indicating that well water quality is poor. Options to resolve the water quantity and quality issues that involve hydro-fracking, well drilling, 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.



Exhibit 5 memo



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
200.8	LEAD	WL63		< 0.001	mg/L	0.001	12/26/2018	RW

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

## NOTE:

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

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

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

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

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

## Other pages in the report

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

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

## What it all means

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

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

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

## Next steps

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

401-222-6867 | DOH.RIDWQ@health.ri.gov | [health.ri.gov/water/for/privatewellowners/](http://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.

*Exhibit 5 memo*

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 6

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

### APPLICATION FOR WATER AND SEWER EXTENSION

COMPLETED BY APPLICANT

DATE: 1/2/24

Applicant:

Email: \_\_\_\_\_

Name: Paul and Gail Fredette

Phone: \_\_\_\_\_

Address: 19 Seaview Avenue

Jamestown RI 02835

Zoning District: R 40

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 19 Seaview Avenue

Plat: 7 Lot: 101

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

Applicant proposes to extend and connect to town water. Applicant has been battling

water issues since 2016. As of February 23, 2021 Applicant's yield was 60075 gal/m.

There are only 2 full time residents in the house, even though there are 4 bedrooms.

AT Full capacity (8 people) the estimated usage would be @ 116,800 gallons per yr.

Please attach "sketch" of proposed installations.

with only 2 full time residents the

(Applicants signature is required on Page 2)

Actual estimated use is.

1

29,200 gallons  
year.

\* SEE Attached Sketch For extension.




## Exhibit 6

[ ]--\$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: \_\_\_\_\_

Applicants Signature: \_\_\_\_\_



*Attorney For The Applicant*

Owners Signature: \_\_\_\_\_

Agreement is valid for 1 year from date of approval.

Approval by the Board of Water and Sewer Commissioners:

\_\_\_\_\_  
Commission President

Date \_\_\_\_\_

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

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



## CERTIFICATE OF ANALYSIS

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

Project Name: Frechette  
Work Order Number: 24D0956  
Date Received: 04/26/2024

## PDF REPORT

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 contact our Customer Service Department (ESSProjectManagement@thielsch.com).

## 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 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.
- Calculations utilize concentration values prior to rounding. The final calculated result is rounded to three significant figures.

## QUALITY CONTROL

- The test results presented 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.

## HELPFUL LINKS

- ESS Laboratory provides a website (www.ESSLaboratory.com) with data content and portal access. Login will be required to access certain helpful information and to reach our Client Connect Data connection.
- Laboratory Certifications can be accessed or downloaded for each state from the website.
- A blank Chain of Custody can be found on the laboratory website.
- LOGIN for access to reviewed data, final reports, invoices, and electronic deliverables.
- LOGIN for access to Quality Control Manual and Data Quality Objectives needed for proposals.



# Exhibit 7 (cont.)



## CERTIFICATE OF ANALYSIS

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

Project Name: Frechette

Work Order Number: 24D0956  
Date Received: 04/26/2024

Client ID: Well Sample  
Laboratory ID: 24D0956-01  
Matrix: Drinking Water

Sampled By: Mike Stewart  
Date/Time Sampled: 04/26/24 11:12

### Total Metals

Parameter	Analytical Method	Date/Time Analyzed	Units	MDL	Dilution Factor	DW MCL/ Recommended Limit #	Result
Calcium	200.7	04/29/24 15:25	mg/L	0.050	1	---	43.1
Copper	200.7	04/29/24 15:25	mg/L	0.003	1	1.3 (1.0 #)	0.040
Iron	200.7	04/29/24 15:25	mg/L	0.0142	1	0.3 #	B 0.178
Lead	200.8	04/29/24 20:09	mg/L	0.0005	5	0.015	0.0073
Magnesium	200.7	04/29/24 15:25	mg/L	0.0244	1	---	5.21
Manganese	200.7	04/29/24 15:25	mg/L	0.0020	1	0.05 #	0.0268
Potassium	200.7	04/29/24 15:25	mg/L	0.0275	1	---	0.967
Sodium	200.7	04/29/24 15:25	mg/L	0.0675	1	---	40.2
Zinc	200.7	04/29/24 15:25	mg/L	0.0044	1	5 #	0.133

### Classical Chemistry

Parameter	Analytical Method	Date/Time Analyzed	Units	Detection Limit	Dilution Factor	DW MCL/ Recommended Limit #	Result
Alkalinity as CaCO <sub>3</sub>	2320B	04/26/24 14:15	mg/L	10	1	---	87
Chloride	300.0	04/29/24 18:57	mg/L	10.0	20	250 #	83.4
Conductivity	120.1	04/26/24 13:25	umhos/cm	5	1	---	449
Nitrate as N	353.2	04/26/24 19:35	mg/L	0.020	1	10	0.493
pH	150.1	04/26/24 18:36	S.U.	N/A	1	6.5 - 8.5 #	7.27
pH Sample Temperature	2550B	04/26/24 18:36	°C	N/A	1	---	19.1
Silica	4500SiO <sub>2</sub> D	04/26/24 16:45	mg/L	0.40	20	---	11.2
Sulfate	300.0	04/29/24 18:57	mg/L	10.0	20	250 #	24.5
Total Dissolved Solids	2540C	04/26/24 16:38	mg/L	10	1	500 #	338

### Subcontracted Analysis

Parameter	Analytical Method	Date/Time Analyzed	Units	Detection Limit	Dilution Factor	DW MCL/ Recommended Limit #	Result
Field Conductivity	SUB	04/26/24 11:12	S.U.	N/A	1	---	4.73
Field pH	Field	04/26/24 11:12	S.U.	N/A	1	---	6.74
Field Temperature	Field	04/26/24 11:12	°C	N/A	1	---	15.8



**CERTIFICATE OF ANALYSIS**

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

Project Name: Frechette

Work Order Number: 24D0956

Date Received: 04/26/2024

Client ID: Post Treatment  
 Laboratory ID: **24D0956-02**  
 Matrix: Drinking Water

Sampled By: Mike Stewart

Date/Time Sampled: 04/26/24 11:31

**Total Metals**

Parameter	Analytical Method	Date/Time Analyzed	Units	MDL	Dilution Factor	DW MCL/ Recommended Limit #	Result
Calcium	200.7	04/29/24 15:28	mg/L	0.050	1	---	ND
Copper	200.7	04/29/24 15:28	mg/L	0.003	1	1.3 (1.0 #)	<b>0.017</b>
Iron	200.7	04/29/24 15:28	mg/L	0.0142	1	0.3 #	<b>J 0.0255</b>
Lead	200.8	04/29/24 20:15	mg/L	0.0005	5	0.015	ND
Magnesium	200.7	04/29/24 15:28	mg/L	0.0244	1	---	ND
Manganese	200.7	04/29/24 15:28	mg/L	0.0020	1	0.05 #	ND
Potassium	200.7	04/29/24 15:28	mg/L	0.0275	1	---	<b>J 0.107</b>
Sodium	200.7	04/29/24 15:28	mg/L	0.0675	1	---	<b>97.4</b>
Zinc	200.7	04/29/24 15:28	mg/L	0.0044	1	5 #	<b>J 0.0181</b>

**Classical Chemistry**

Parameter	Analytical Method	Date/Time Analyzed	Units	Detection Limit	Dilution Factor	DW MCL/ Recommended Limit #	Result
Alkalinity as CaCO <sub>3</sub>	2320B	04/26/24 14:15	mg/L	10	1	---	<b>86</b>
Chloride	300.0	04/29/24 19:30	mg/L	10.0	20	250 #	<b>82.1</b>
Conductivity	120.1	04/26/24 13:25	umhos/cm	5	1	---	<b>442</b>
Nitrate as N	353.2	04/26/24 19:41	mg/L	0.020	1	10	<b>0.494</b>
pH	150.1	04/26/24 18:36	S.U.	N/A	1	6.5 - 8.5 #	<b>7.48</b>
pH Sample Temperature	2550B	04/26/24 18:36	°C	N/A	1	---	<b>19.3</b>
Silica	4500SiO <sub>2</sub> D	04/26/24 16:45	mg/L	0.40	20	---	<b>12.8</b>
Sulfate	300.0	04/29/24 19:30	mg/L	10.0	20	250 #	<b>24.4</b>
Total Dissolved Solids	2540C	04/26/24 16:38	mg/L	10	1	500 #	<b>322</b>

**Subcontracted Analysis**

Parameter	Analytical Method	Date/Time Analyzed	Units	Detection Limit	Dilution Factor	DW MCL/ Recommended Limit #	Result
Field Conductivity	SUB	04/26/24 11:31	S.U.	N/A	1	---	<b>4.54</b>
Field pH	Field	04/26/24 11:31	S.U.	N/A	1	---	<b>6.71</b>
Field Temperature	Field	04/26/24 11:31	°C	N/A	1	---	<b>19.3</b>

Exhibit 7 (cont.)

ESS Laboratory   
DIVISION OF THE RISE GROUP

BAL Laboratory 

Analytical Balance 

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CERTIFICATE OF ANALYSIS

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

Project Name: Frechette

Work Order Number: 24D0956

Date Received: 04/26/2024



---

Laurel Stoddard  
Laboratory Director

**REVIEWED**

**By AMadison at 8:25 am, May 01, 2024**

**CERTIFICATE OF ANALYSIS**

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

Project Name: Frechette

Work Order Number: 24D0956

Date Received: 04/26/2024

**Quality Control Data**
**Total Metals**

Parameter	Result	MDL	MRL	Units	Spike Level	Source Result	Recovery and Limits	RPD and Limits	Qualifier
<b>Batch DD42609 - 3005A - 200.7</b>									
<b>Blank</b>									
Calcium	0.166	0.050	0.250	mg/L					J
Copper	ND	0.003	0.010	mg/L					
Iron	0.241	0.0142	0.0500	mg/L					
Magnesium	0.0539	0.0244	0.100	mg/L					J
Manganese	ND	0.0020	0.0100	mg/L					
Potassium	ND	0.0275	0.500	mg/L					
Sodium	ND	0.0675	0.500	mg/L					
Zinc	ND	0.0044	0.0250	mg/L					
<b>Blank</b>									
Lead	ND	0.0005	0.0025	mg/L					
<b>LCS</b>									
Calcium	2.63	0.050	0.250	mg/L	2.500		105% (85-115%)		
Copper	0.267	0.003	0.010	mg/L	0.2500		107% (85-115%)		
Iron	1.35	0.0142	0.0500	mg/L	1.250		108% (85-115%)		
Magnesium	2.60	0.0244	0.100	mg/L	2.500		104% (85-115%)		
Manganese	0.265	0.0020	0.0100	mg/L	0.2500		106% (85-115%)		
Potassium	13.3	0.0275	0.500	mg/L	12.50		106% (85-115%)		
Sodium	13.1	0.0675	0.500	mg/L	12.50		105% (85-115%)		
Zinc	0.278	0.0044	0.0250	mg/L	0.2500		111% (85-115%)		
<b>LCS</b>									
Lead	0.266	0.0050	0.0250	mg/L	0.2500		106% (85-115%)		
<b>LCS Dup</b>									
Calcium	2.72	0.050	0.250	mg/L	2.500		109% (85-115%)	3% (20%)	
Copper	0.275	0.003	0.010	mg/L	0.2500		110% (85-115%)	3% (20%)	
Iron	1.39	0.0142	0.0500	mg/L	1.250		112% (85-115%)	3% (20%)	
Magnesium	2.69	0.0244	0.100	mg/L	2.500		108% (85-115%)	3% (20%)	
Manganese	0.274	0.0020	0.0100	mg/L	0.2500		110% (85-115%)	3% (20%)	
Potassium	13.5	0.0275	0.500	mg/L	12.50		108% (85-115%)	2% (20%)	
Sodium	13.4	0.0675	0.500	mg/L	12.50		107% (85-115%)	2% (20%)	
Zinc	0.276	0.0044	0.0250	mg/L	0.2500		110% (85-115%)	0.5% (20%)	
<b>LCS Dup</b>									
Lead	0.272	0.0050	0.0250	mg/L	0.2500		109% (85-115%)	2% (20%)	



**CERTIFICATE OF ANALYSIS**

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

Project Name: Frechette

Work Order Number: 24D0956

Date Received: 04/26/2024

**Quality Control Data**
**Classical Chemistry**

Parameter	Result	MDL	MRL	Units	Spike Level	Source Result	Recovery and Limits	RPD and Limits	Qualifier
<b>Batch DD42554 - General Preparation - 4500SiO2 D</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 DD42614 - General Preparation - 120.1</b>									
<b>Blank</b>									
Conductivity	ND		5	umhos/cm					
<b>LCS</b>									
Conductivity	1380			umhos/cm	1410		98% (90-110%)		
<b>Batch DD42627 - General Preparation - 2320B</b>									
<b>Blank</b>									
Alkalinity as CaCO3	ND		2	mg/L					
<b>LCS</b>									
Alkalinity as CaCO3	91			mg/L	90.20		101% (85-115%)		
<b>Duplicate Source: 24D0956-02</b>									
Alkalinity as CaCO3	87		10	mg/L		86		1% (20%)	
<b>Batch DD42635 - General Preparation - 2540C</b>									
<b>Blank</b>									
Total Dissolved Solids	ND		10	mg/L					
<b>LCS</b>									
Total Dissolved Solids	380			mg/L	392.0		97% (80-120%)		
<b>Duplicate Source: 24D0956-01</b>									
Total Dissolved Solids	340		10	mg/L		338		0.6% (10%)	
<b>Batch DD42640 - General Preparation - 353.2</b>									
<b>Blank</b>									
Nitrate/Nitrite as N	ND		0.020	mg/L					
Nitrite as N	ND		0.010	mg/L					
<b>LCS</b>									
Nitrate/Nitrite as N	0.516			mg/L	0.5000		103% (90-110%)		
Nitrite as N	0.248			mg/L	0.2497		99% (90-110%)		
<b>Batch DD42940 - General Preparation - 300.0</b>									
<b>Blank</b>									
Chloride	ND		0.5	mg/L					
Sulfate	ND		0.5	mg/L					

# Exhibit 7 (cont.)



BAL Laboratory 

Analytical Balance 

## CERTIFICATE OF ANALYSIS

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

Project Name: Frechette

Work Order Number: 24D0956

Date Received: 04/26/2024

### Quality Control Data

#### Classical Chemistry

Parameter	Result	MDL	MRL	Units	Spike Level	Source Result	Recovery and Limits	RPD and Limits	Qualifier
<b>LCS</b>									
Chloride	10.0			mg/L	10.00		100% (90-110%)		
Sulfate	10.2			mg/L	10.00		102% (90-110%)		

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CERTIFICATE OF ANALYSIS

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

Project Name: Frechette  
Work Order Number: 24D0956  
Date Received: 04/26/2024

Work Order Narrative

The cooler temperature was not within the acceptance limit of  $<6^{\circ}\text{C}$ , however, samples were delivered on ice and therefore meet regulatory criteria.

See the Notes and Definitions section for further information regarding data qualifiers.

Notes and Definitions

B	Present in Method Blank (B).
HT	The maximum holding time listed in 40 CFR Part 136 Table II for pH, Dissolved Oxygen, Sulfite and Residual Chlorine is fifteen minutes.
J	Reported between MDL and MRL
CFU	Colony Forming Units
MF	Membrane Filtration
MPN	Most Probable Number
TNTC	Too Numerous to Count
dry	Sample results reported on a dry weight basis





# Exhibit + (cont.)

## ESS Laboratory Sample and Cooler Receipt Checklist

Page 10 of 10

Client: Northeast Water Solutions - ML

ESS Project ID: 24D0956

Date Received: 4/26/2024

Shipped/Delivered Via: Client

Project Due Date: 4/30/2024

Days for Project: 2 Day

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

6. Does COC match bottles? Yes

2. Were custody seals present? No

7. Is COC complete and correct? Yes

3. Is radiation count <100 CPM? Yes

8. Were samples received intact? Yes

4. Is a Cooler Present? Yes  
Temp: 10.8 Iced with: Ice Pack

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

5. Was COC signed and dated by client? Yes

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: \_\_\_\_\_  
b. If dissolved metals are requested, are they: Yes / No Field Filtered  
c. Low Level VOA vials frozen: Date: \_\_\_\_\_

Time: \_\_\_\_\_ By/Acid Lot#: \_\_\_\_\_  
Yes / No To Be Lab Filtered  
Time: \_\_\_\_\_ 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	542121	Yes	N/A	Yes	1L Poly	NP	
1	542122	Yes	N/A	Yes	1L Poly	NP	
1	542125	Yes	N/A	Yes	500 mL Poly	NP	
1	542127	Yes	N/A	Yes	250 mL Poly	HNO3	
2	542123	Yes	N/A	Yes	1L Poly	NP	
2	542124	Yes	N/A	Yes	1L Poly	NP	
2	542126	Yes	N/A	Yes	500 mL Poly	NP	
2	542128	Yes	N/A	Yes	250 mL Poly	HNO3	

### 2nd Review

Were all containers scanned into storage/lab?

Initials: TD

Are barcode labels on correct containers?

Yes / No

Are all Flashpoint stickers attached/container ID # circled?

Yes / No / NA

Are all Hex Chrome stickers attached?

Yes / No / NA

Are all QC stickers attached?

Yes / No / NA

Are VOA stickers attached if bubbles noted?

Yes / No / NA

Completed

By: [Signature]

Date & Time: 4/26/24 12:37

Reviewed

By: [Signature]

Date & Time: 4/26/24 1239



# **Title 46**

## **Waters and Navigation**

*Exhibit 8*

### **Chapter 15**

#### **Water Resources Management**

##### **R.I. Gen. Laws § 46-15-2**

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

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

- (1) To acquire or take a water supply or an additional water supply from an existing approved source;
- (2) To take or condemn lands for any new or additional sources of water supply or for the utilization of supplies;
- (3) To extend its supply or distribution mains into a municipality or special water district wherein it has not heretofore legally supplied water;
- (4) To construct any extension of its transmission mains;
- (5) To extend the boundaries of a special water district; or
- (6) To supply water in or for use in any other municipality or civil division of the state which owns and operates a water supply system therein, or in any duly organized special water district supplied with water by another municipal water department or agency, special water district, or private water company, until the municipal water department or agency, special water district, or private water company has first submitted the maps and plans therefor to the director of the department of health, the state planning council and the board, as hereinafter provided, and until the water resources board, after receiving the recommendations of the director of the department of health and the division of statewide planning, shall have approved the recommendations or approved the recommendation with modifications as it may determine to be necessary; provided, however, this subsection shall not apply to any area presently served by any municipal water department or agency, or special water district.

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

- (1) The application must not be prohibited by the specific language of the latest water supply system management plan ("WSSMP") of the public water supply system;



- (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 extensions shall not reduce the necessary level of fire protection for the community;
- (4) All water main and service connection materials, construction, and inspection required hereunder shall be at the sole cost and expense of the applicant;
- (5) The public water supply system shall be granted an easement in a form acceptable to them which shall permit the maintenance, repair, or replacement of water lines and all other related activities;
- (6) For applications for single-family residential lots, the applicant must show that:
  - (i) The existing or proposed 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; and
  - (ii) Due to the unique characteristics of the property that the drilling of a new well is not feasible;
- (7) For applications located within a public water supply system with limited capacity, applicants for commercial uses/properties shall be governed by the rules established for such connections by the public water supply system, which shall be in accordance with the system’s approved WSSMP.

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

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

#### History of Section.

P.L. 1990, ch. 461, § 4; P.L. 1995, ch. 370, art. 30, § 2; P.L. 2022, ch. 65, § 1, effective June 15, 2022; P.L. 2022, ch. 66, § 1, effective June 15, 2022.

# Exhibit 9

JANUARY SESSION, 1968—CHAPTER 273. 1143

## CHAPTER 273.

### AN ACT Providing for a Public Water Supply in the Town of Jamestown.

S 934  
Approved  
June 21, 1968.

It is enacted by the General Assembly as follows:

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

Board of  
water commis-  
sioners: Ap-  
pointment.

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

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

Vacancy.

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

Vote of town  
council.

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

Qualifications.

## Exhibit 9 (cont.)

1144 JANUARY SESSION, 1968—CHAPTER 273.

**Bond.**

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

**Conflict of interest.**

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

**Removal for cause.**

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

**Officers.**

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



## Exhibit 9 (cont.)

JANUARY SESSION, 1968—CHAPTER 273. 1145

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

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

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

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

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

## Exhibit 9 (cont.)

1146 JANUARY SESSION, 1968—CHAPTER 273.

Same.

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

Contracts involving more than \$1000.

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

Custody of funds.

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

Expenditure of funds.

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

Acquisition of property.

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

## Exhibit 9 (cont.)

JANUARY SESSION, 1968—CHAPTER 273. 1147

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

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

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

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

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



## Exhibit 9 (cont.)

1148 JANUARY SESSION, 1968—CHAPTER 273.

Obligation  
for damages.

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

Payment in  
lieu of taxes.

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

Water rates.

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

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

## Exhibit 9 (cont.)

JANUARY SESSION, 1968—CHAPTER 273. 1149

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

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

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

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

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

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

## Exhibit 9 (cont.)

1150 JANUARY SESSION, 1968—CHAPTER 273.

Same.

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

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

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

Application  
of receipts.

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

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



## Exhibit 9 (cont.)

JANUARY SESSION, 1968—CHAPTER 273. 1151

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

Bonds authorized.

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

Bonds, how executed.

Interest.

Proceeds.

## Exhibit 9 (cont.)

1152 JANUARY SESSION, 1968—CHAPTER 273.

Same.

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

Temporary  
notes.

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

## Exhibit 9 (cont.)

JANUARY SESSION, 1968—CHAPTER 273. 1153

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

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

Advances  
from general  
funds of  
town.

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

Investment of  
proceeds pend-  
ing expendi-  
ture.



# Exhibit 9 (cont)

1154 JANUARY SESSION, 1968—CHAPTER 273.

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

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

Obligations of  
town.

Exception.

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

## Exhibit 9 (cont.)

JANUARY SESSION, 1968—CHAPTER 273. 1155

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

Amortization.

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

Validity of bonds not affected by change in office.

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

Federal assistance.

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

Constitutional requirements.

## Exhibit 9 (cont.)

1156 JANUARY SESSION, 1968—CHAPTER 273.

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

Vote of tax-  
payers required  
for each issue.

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

P.L. 1933,  
ch. 2066  
repealed.

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

Referendum.

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

Act effective,  
when.

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





Exhibit 10

## Town of Jamestown

### Town Clerk's Office

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

Roberta J. Fagan  
Town Clerk  
Probate Clerk

June 28, 2024

Paul Frechette  
19 Seaview Avenue  
Jamestown, RI 02835

Re: Water Service Extension Request

Dear Mr. Frechette,

The following is the decision on your application for a water main extension and associated service connection outside the Jamestown Urban Water District, dated January 2, 2024, to property identified as 19 Seaview Avenue, Jamestown, R.I. (AP 7 Lot 101) 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, at which you did not appear but were represented by legal counsel, your legal counsel presented no fact or expert witnesses in support of your application. Your legal counsel provided reports by well drillers that your well yield was less than 1 gallon per minute. Your legal counsel made a statement into the record that you have been experiencing water-related issues at your property since 2016. Your legal counsel explained that although your well produced sufficient water quantity, the water quality is impaired due to saltwater intrusion issues.<sup>i</sup> Your legal counsel further stated that another well was drilled on your property, but the yield was 1 gallon per minute and sometimes less – as little as 0.075 gallons per minute. At the request of your legal counsel, your application was continued to the May 6, 2024, Commission meeting.

At the May 6, 2024, Commission meeting your legal counsel presented Robert F. Ferrari, who was previously accepted by the Commission as an expert in water supply. Mr. Ferrari was examined by your legal counsel and testified that the original well on your property was abandoned due to its brackish water quality condition. Mr. Ferrari also testified that while the alternate well produced drinking water quality water, the production of that well is less than a 10<sup>th</sup> of a gallon per minute.<sup>ii</sup>



## Exhibit 10

During questioning, Mr. Ferrari stated that it was his opinion no other reasonable location was available on your property to locate another well. In questioning by a commissioner, your legal counsel confirmed that no water storage facilities were located on your property. Your legal counsel then concluded his presentation in support of your application.

Mr. Michael Gray, the Department of Public Works Director and who has responsibility for the Town's Water and Sewer divisions, appeared and presented a report to the Commission concerning the Town's water supply and distribution system. Mr. Gray testified that the Town purchased the water plant and its water distribution system from a private company by authorization of a special act of the General Assembly passed in 1968 and the subsequent approval of the special act by local referendum.<sup>iii</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>iv</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>v</sup>

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



## Exhibit 10

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>vii</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 offered one expert 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>viii</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>ix</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>x</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



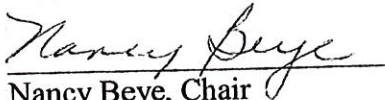
Exhibit 10

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. 94 (Apr. 15, 2024).

<sup>ii</sup> Transcript p. 52 (May 6, 2024).

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

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

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

<sup>vi</sup> Id. at p. 114.

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

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

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

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