

EXHIBIT N

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

* * * * *

PROCEEDINGS AT HEARING *

IN RE: *

Application of *

CHRISTINA DiMEGLIO et *

CLP Trust-2016 *

* * * * *

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

BEFORE:

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

PRESENT:

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

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

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

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

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

4 MR. RANDALL WHITE: Welcome. Thank you.

5 MS. ROCHA: Thank you.

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

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

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

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

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

14 MS. ROCHA: I --

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

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

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

1 come back?

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

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

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

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

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

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

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

EXHIBIT O

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IN RE: *

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

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

PRESENT:
For the Applicant:
Joelle C. Rocha, Esquire
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1130 Ten Road Road, Suite D102
North Kingstown, RI 02852

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

21 Sorry for all that.

22 MS. BEYE: Don't be sorry.

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

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

9 MS. BEYE: Is that a motion?

10 MR. RANDALL WHITE: That is a motion.

11 MS. MEAGHER: Second.

12 MS. BEYE: All -- excuse me.

13 Yes, Peter.

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

16 MR. RANDALL WHITE: Absolutely.

17 MS. BEYE: Miss Rocha.

18 (Miss Rocha speaking.)

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

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

23 THE STENOGRAPHER: Thank you.

24 MS. ROCHA: No problem.

25 Yes, I have no interest in wasting anymore

EXHIBIT P

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

I. ROLL CALL

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

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

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

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

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

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

IV. EXECUTIVE SESSION- BOARD OF WATER AND SEWER COMMISSIONERS

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

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

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

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

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

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

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

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

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

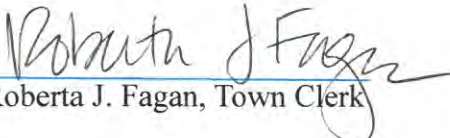
A motion was made by Vice President Meagher with a second by Councilor M. White to approve the application for municipal water line extension for East Shore Road and (2) authorize Nancy Beye to sign the settlement agreement of all claims. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor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

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

VI. ADJOURNMENT

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

Attest:


Roberta J. Fagan, Town Clerk

STATEMENT OF BOARD OF WATER AND SEWER COMMISSIONERS REGARDING SETTLEMENT

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT Q

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

Monday, November 20, 2023

A regular meeting of the Jamestown Town Council sitting as the Board of Water and Sewer Commissioners was called to order at the Jamestown Town Hall, Council Chambers, 93 Narragansett Avenue at 6:33 PM by Commission President Nancy A. Beye.

The following members were present:

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

Also, present were:

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

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

(None)

READING AND APPROVAL OF MINUTES

- 1) 10/16/23 (regular meeting)
Motion was made by Commission Vice-President Meagher, seconded by Commissioner Michael White to accept the 10/16/23 regular meeting minutes. Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Brine, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye.

OPEN FORUM

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

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

REPORT OF TOWN OFFICIALS

1) Pumping Report:

The Public Works Director reported the following:

- JR-1 well is in service.
- Transfer pumping remains inactive.
- Pumping was down for the month of October.
- Rainfall was down for the month of October, compared to the previous month and also compared to the previous years.
- North Reservoir is @ 49 MG, usable storage-60 MG.
- South Pond is @ capacity, usable storage- 6 MG

2) Town project reports: *(See attached Project Update Report dated November 2023)*

Treatment Plant-

The Public Works Director reported the following:

- Water Department staff continues to work with managers from Veolia to develop the standard operational procedures for the Water Treatment Facility and once they have prepared the documents, they will set up operators at the facility for training.
- The Town is required by the RIDOH and the EPA to collect multiple water samples for PFAS analysis. One round of sampling has been completed and he has included the analytical results with his report. The report received from the State stated that the Town is in compliance with the State PFAS law. PFAS informational notices will be going out to customers with their next Water and Sewer bills in December.

Distribution System-

The Public Works Director reported the following:

- Atlas Painting has completed the painting of the second tower.
- Contractors for RIDEM have completed the installation of a new 4" watermain into Beavertail State Park and that this new watermain project is to replace an old cast iron distribution line that ran throughout the park, which was found to be leaking by Town water staff.

It was the consensus of the Commission, to accept the Public Works Director's report, as submitted.

LETTERS AND COMMUNICATIONS

(None)

UNFINISHED BUSINESS

1) Water Supply System Management Plan-5 Year Update (October 2023) cont. from 10-16-23

The Public Works Director reported that he continues to work with the Town Planner on some changes for a new draft of the Water Supply System Management Plan-5 Year Update and that he hopes to have the new draft for the next meeting in December.

Brief discussion ensued regarding short term rentals, redevelopment of lots, specifically the old bank building and the new structure on Conanicus Avenue and future development.

NEW BUSINESS

- 1) **Application of Looking Upwards Inc. (Bridges Inc.) of 2 Hammett Ct.-Plat 9, Lot 183-2 for Utility Service Expansion/Change of Use.**

The Public Works Director reported the following:

- The applicant is seeking a change of use for their property located at 2 Hammett Ct. from a commercial condo office unit to a multi-family residential structure with (8) 1-bedroom units and (4) 2-bedroom units.
- The owner of the property has received approval through the comprehensive permit process.
- The new project is similar in scope to the 5-unit residential building on this property, which provides affordable housing.

Attorney Christian Infantolino of Murphy, Prior & Infantolino stated that he was present this evening to represent the applicant Looking Upwards Inc. (Bridges Inc.). Attorney Infantolino stated that the applicant has received approval through the comprehensive permit process, to convert the existing commercial building into 12 units, specifically (8) 1-bedroom units and (4) 2-bedroom units. Commission Vice-President Meagher asked Attorney Infantolino to describe Looking Upwards. Attorney Infantolino stated that Looking Upwards has merged with Bridges Inc. and is a non-profit organization that supplies housing for disabled individuals and affordable housing.

Brief discussion ensued regarding the proposed usage for the new structure. Commission Vice-President Meagher stated that this new structure will increase the affordable housing on the island.

Following clarification on a few items, motion was made by Commission Vice-President Meagher, seconded by Commissioner Randall White to approve the application of Looking Upwards Inc. (Bridges Inc.) of 2 Hammett Ct.-Plat 9, Lot 183-2 for Utility Service Expansion/Change of Use, for 12 units, specifically (8) 1-bedroom units and (4) 2-bedroom units. Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Brine, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye.

- 2) **Permission to begin the process of updating the Rules and Regulations of the Board of Water and Sewer Commissioners.**

The Public Works Director briefly outlined some of the suggested changes to the Rules and Regulations of the Board of Water and Sewer Commissioners. Brief discussion ensued regarding a possible change to the urban and rural water district, watermain extensions/connections and the 2022 amendment to the RIGL.

It was the consensus of the Commission, to move forward with discussion on this matter and continue discussion to the next meeting in December.

- 3) **Permission to (1) draft a Resolution to Rhode Island General Assembly in support of an amendment to RIGL 46-15-2 limiting its application only within the legal boundaries of limited water districts** such as in the Town of Jamestown; and (2) permission to request other municipalities join the Town of Jamestown in sending resolutions to Rhode Island General Assembly in support of Jamestown's requested amendment to RIGL 46-15-2.

The Public Works Director stated that the RI General Assembly approved a bill in 2022, which is now law and that this affects all communities and their public water supply. Motion was made by Commissioner Randall White, seconded by Commission Vice-President to move forward to ask the Town Solicitor to draft a Resolution to Rhode Island General Assembly in support of an amendment to RIGL 46-15-2 limiting its application only within the legal boundaries of limited water districts, such as in the Town of Jamestown; and to grant permission to the Town

to request other municipalities to join the Town of Jamestown in sending resolutions to Rhode Island General Assembly in support of Jamestown's requested amendment to RIGL 46-15-2. Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Brine, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye.

- 4) At the recommendation of Public Works Director Gray approval of the **Scope of Engineering Services for Wastewater Facilities Improvements** to Weston & Sampson Inc. for an amount not to exceed \$95,000.00 as detailed in their proposal dated 11-6-23.

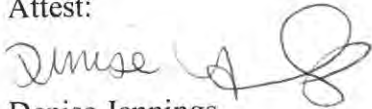
The Public Works Director briefly outlined the scope of the project. The Public Works Director stated that the project went out to bid. The Town received 8 requests for proposal and interviewed 2 applicants. The Public Works Director recommended that the project be awarded to Weston and Sampson.

Motion was made by Commission Vice-President Meagher, seconded by Commissioner Michael White to approve the Scope of Engineering Services for Wastewater Facilities Improvements to Weston & Sampson Inc. for an amount not to exceed \$95,000.00 as detailed in their proposal dated 11-6-23 and as recommended by the Public Works Director. Commission Vice-President Meagher, Aye; Commissioner Brine, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye.

ADJOURNMENT

Motion was made by Commission Vice-President Meagher, seconded by Commissioner Michael White to adjourn the meeting of the Jamestown Town Council sitting as the Board of Water and Sewer Commissioners at 7:22 PM. Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Brine, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye.

Attest:



Denise Jennings
Water and Sewer Clerk

Project Update November 2023

WELLS

JR-1, JR-3

- JR-1 is in service.

TREATMENT PLANT

- Water department staff continue to work with managers from Veolia developing standard operating procedures for the facility. Once they have prepared the documents they will begin introducing operators into the facility for training with the goal of having their staff assisting with the operation of the treatment plant.
- In 2023 Jamestown water was required by the RIDOH and EPA to collect samples from the North Reservoir, well, and treated water for PFAS analysis. One sampling round was required for RIDOH and 4 quarters of sampling was completed as required by the EPA Unregulated Contaminant Monitoring Rule (UCMR 5). I have attached the analytical results for the RIDOH sampling. I reported in June that Jamestown is in compliance with the State PFAS law based upon results below the 4 parts per trillion (ppt) threshold set by the EPA.

EPA UCMR 5 required public water systems to collect 4 rounds of samples in a 12 month period for PFAS analysis. The purpose of this rule is for EPA to collect nationally representative drinking water occurrence data to support EPA's future regulatory determinations. The analysis included 29 PFAS compounds and lithium. Samples were collected of treated water at the treatment plant as first customer in February 2023, April 2023, August 2023, and October 2023. The results of the first three rounds have been received. All compounds were non-detect in the first three rounds except for PFBA was detected at 12 ppt in the April sample.

TRANSFER PUMPING/RESERVOIR

- The water department is not transferring water from south pond to north pond.

DISTRIBUTION SYSTEM

South Pond @ 6 MG

Usable Storage, 6 Million Gallons

North Pond @ 49 MG

Usable Storage 60 Million Gallons

- Crews from Atlas Painting have completed painting of the second tank and they are now breaking down the staging. Atlas disinfected the interior of the tank and our water staff began filling with water on the 14th. Once the tank is filled samples will be collected for bacteria analysis and RIDOH approval before we place it back into service.
- Crews repaired a water service that failed on Conanicus Avenue on Thursday November 9th.

- Contractors working for the RIDEM completed the installation of 3,000 linear feet of new 4" watermain into Beavertail State park. This project replaced a network of old cast iron distribution water piping that ran throughout the park and was found to be leaking by our water staff. The new 4" main was installed within the electrical easement beginning at the entrance to the park and terminating at a hydrant located at the lighthouse. The Contractor has tested the main and received approval to place it into service. A final connection can now be made to our watermain in Beavertail Road which will complete the project.

WASTEWATER TREATMENT PLANT

- The monthly average daily flow at the treatment plant for October was 0.327 million gallons per day. The monthly average allowed by our discharge permit is 0.73 million gallons per day. The peak daily flow was 0.61 million gallons.



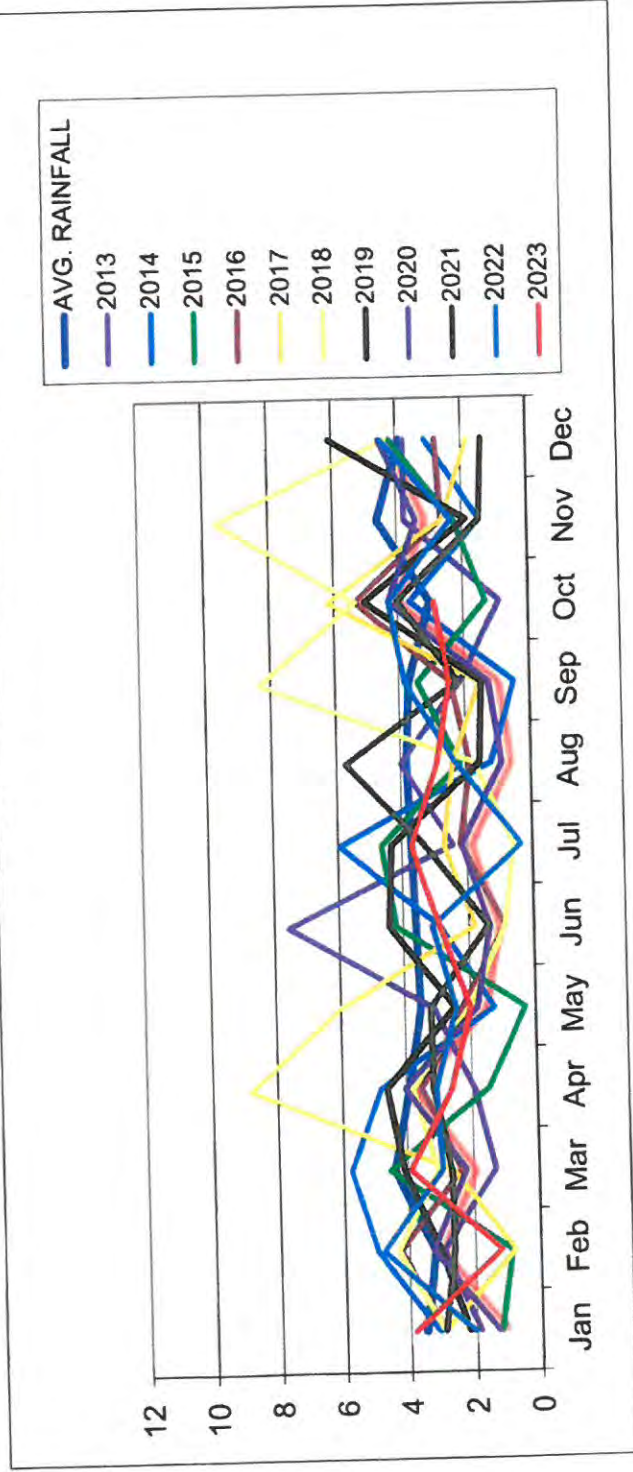
Print Date: 6/8/2023

Exceedance Report

Lab#	Facility ID	Client ID	PWS Name	Collection Point	Collect Date	Sample Point ID	Sampled By	Sample Type	Res Cl	Orig. Lab#
2302257-01	IN001	RI1858419	JAMESTOWN WATER DEPARTMENT	NORTH POND	05/31/2023	RW001	MI	RT		
			Concentration	Test Group ID	Analysis Date					
			PFOS	1.62	ng/L	06/06/2023				
			PFOA	1.46	ng/L	06/06/2023				
			PFHxS	1.77	ng/L	06/06/2023				
2302257-03	IN002	RI1858419	JAMESTOWN WATER DEPARTMENT	SPIGOT	05/31/2023	RW002	MI	RT		
			Concentration	Test Group ID	Analysis Date					
			PFOS	1.57	ng/L	06/06/2023				
			PFOA	1.49	ng/L	06/06/2023				
			PFHxS	1.49	ng/L	06/06/2023				
2302257-04	DS001	RI1858419	JAMESTOWN WATER DEPARTMENT	SINK	05/31/2023	RTOR	MI	RT		
			Concentration	Test Group ID	Analysis Date					
			PFOA	1.29	ng/L	06/06/2023				

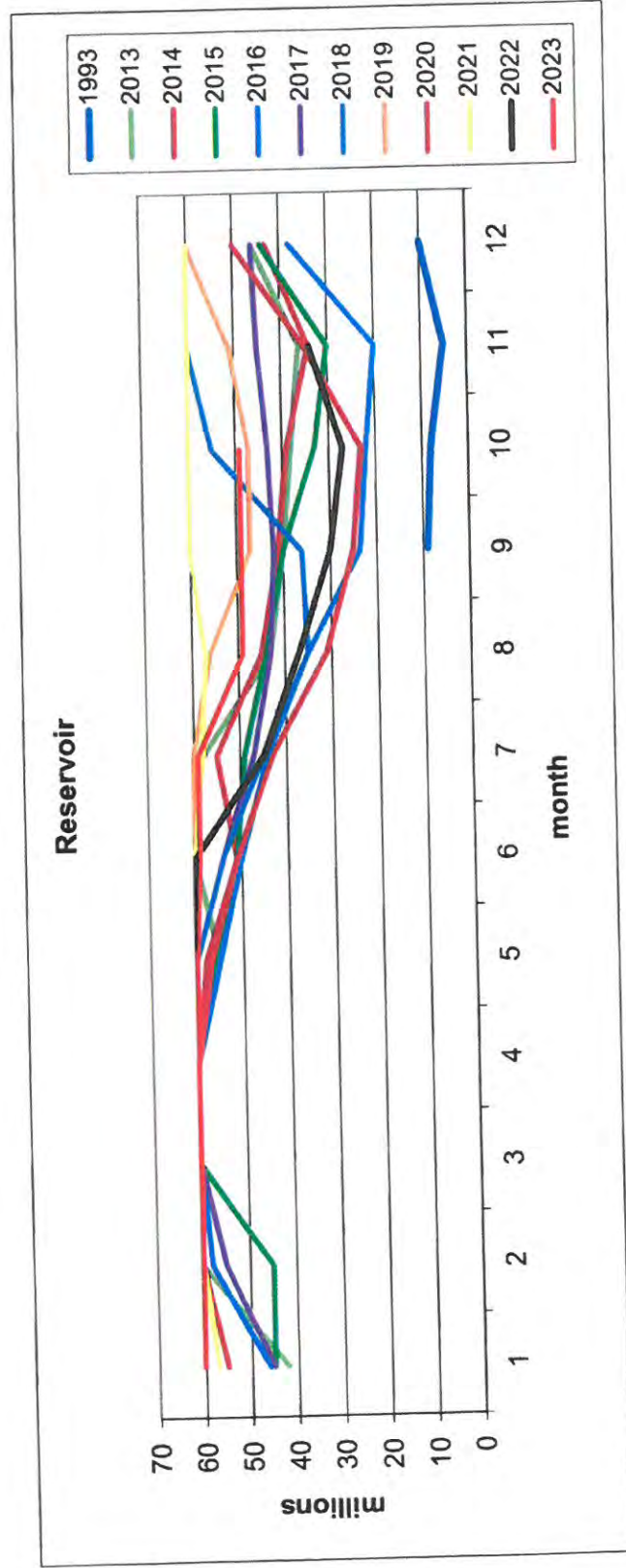
	AVG. RAINFALL											
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	
Jan	3.5	1.85	3.1	2.94	2.94	2.94	2.19	1.3	2.94	2.04	3.84	
Feb	3.2	2.94	4.98	4.25	0.76	4.33	3.06	3.26	2.62	4.77	1.18	
Mar	4.4	1.32	5.74	2.36	2.62	3.07	4.11	2.21	2.66	2.94	3.9	
Apr	3.9	1.92	4.8	3.53	8.8	3.79	4.61	4.03	3.18	3.08	2.6	
May	3.5	3.11	1.27	2.24	6.03	2.03	2.46	1.79	3.2	2.43	1.99	
Jun	3.6	7.55	2.86	0.89	1.79	0.89	4.44	1.36	1.4	3.11	2.88	
Jul	3.7	2.42	5.93	2.19	2.7	0.61	4.33	2.16	3.3	0.35	3.71	
Aug	3.8	3.98	1.23	1.88	2.4	1.73	1.58	0.91	5.71	2.29	2.87	
Sep	3.7	2.13	0.5	2.42	1.54	8.35	1.49	1.27	2.19	3.81	2.47	
Oct	3	3.61	1.31	5.33	6.18	5.34	5.04	4.29	4.03	4.28	2.88	
Nov	4.6	3.76	1.47	2.63	2.61	9.61	1.89	3.39	1.47	2.33		
Dec	3.9	3.76	3.1	2.79	1.81	4.33	6.09	4.53	1.38	4.48		
Total	44.8	35.64	38.59	30.59	40.18	47.02	41.29	30.5	34.08	35.91	28.32	

RAINFALL



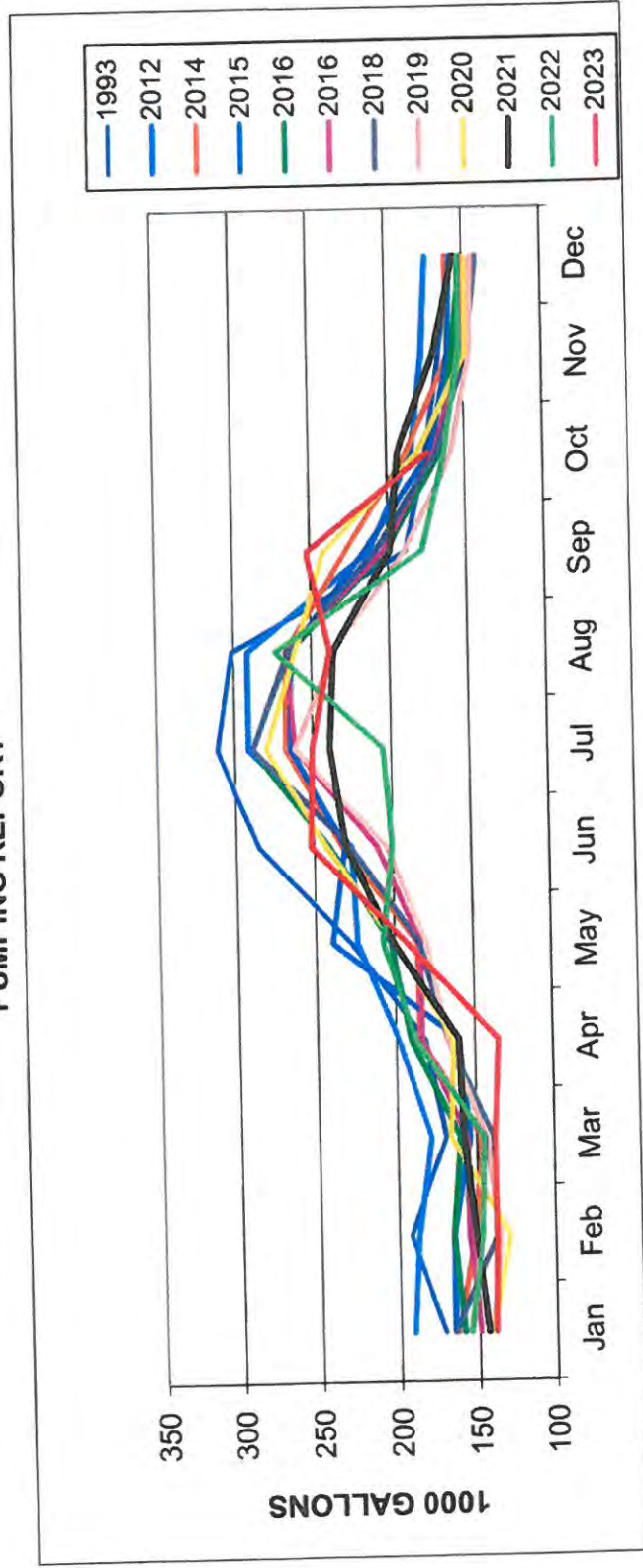
RESERVOIR LEVEL

	1993	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Jan		42	55	45	46	45	60	60	60	57	60	60
Feb		60	60	45	58	55	60	60	60	60	60	60
Mar		60	60	60	60	60	60	60	60	60	60	60
Apr		60	60	60	60	60	60	60	60	60	60	60
May		55	58	56	55	60	60	60	57	60	60	59
Jun		60	51	51	50	54	54	60	51	60	45	59
Jul		58	55	49	44	47	45	60	43	58	37	49
Aug	9	43	45	44	35	43	35	56	31	57	30	49
Sep	8	40	41	40	23.5	42	36	47	25	60	27	49
Oct	5	38	39	33	22	43	55	47	23	60	34	
Nov	10	36	34	30	20	45	60	51	35	60	48	
Dec		46	43	44	38	46	60	60	50	60		



	1993	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Jan	171	239	172	155	191	163	165	159	149	165	141	141	144	155	139
Feb	192	210	158	156	187	151	165	165	155	137	135	129	151	147	138
Mar	169	198	157	155	178	147	154	160	156	139	144	166	158	145	138
Apr	181	210	180	170	198	184	160	190	183	167	167	163	160	187	135
May	227	180	212	190	223	185	239	202	183	184	179	200	201	207	192
Jun	285	218	226	221	226	232	230	240	210	227	204	242	230	200	252
Jul	311	274	279	278	291	267	264	288	261	288	261	279	239	205	250
Aug	301	251	254	242	291	266	263	264	266	265	235	260	236	273	238
Sep	188	193	205	210	212	227	215	201	203	208	189	241	199	178	252
Oct	175	182	175	175	184	187	172	166	170	168	158	180	193	163	174
Nov	166	160	164	167	177	160	160	157	151	148	146	149	170	153	
Dec	158	167	158	180	174	161	158	151	151	142	145	149	156	153	

PUMPING REPORT





TOWN OF JAMESTOWN WWTF
MONTHLY REPORT
OCTOBER 2023

Douglas Ouellette, Superintendent

Parameters

	<u>Monthly Avg.</u>	<u>Permit Limit</u>	<u>Notes</u>
Flow	.3275 MGD	.73 MGD	
Daily Max	.6070 MGD		
BOD Removal	99.1%	85%	% Removed
TSS Removal	95.0%	85%	% Removed
Fecal Coliform	2.13	No limit, report only	
Enterococci	1.17	(<35 cfu/100ml Monthly) (<276 cfu/100ml Daily)	

Environmental Compliance (Violations)

There were no violations in October

Complaints

There were no complaints reported for the month of October.

Alarms

There were no alarms to report for October

Septage

The facility received 1000 gallons septage for the month of October.

Sludge Production

The facility processed 27,000 gallons of sludge through Wastewater Services Incorporated.

Maintenance Management

Facility staff started to prep the facility for the cold weather, changed oil in blowers, repaired facility Cl2 line, replaced Genset batteries.

Chemical Use

The facility used 659 gallons of Sodium hypochlorite and 0 pounds of lime for process control.

Collection System

31 pump station inspections were completed. All stations are operating as designed.

Energy Use

Energy use for October was: 16.342 KWH

Precipitation

Precipitation for October was 2.88" of rain

Golf Course

No water was requested in the month of October.

Work Orders

69 work orders were completed.

Graphs

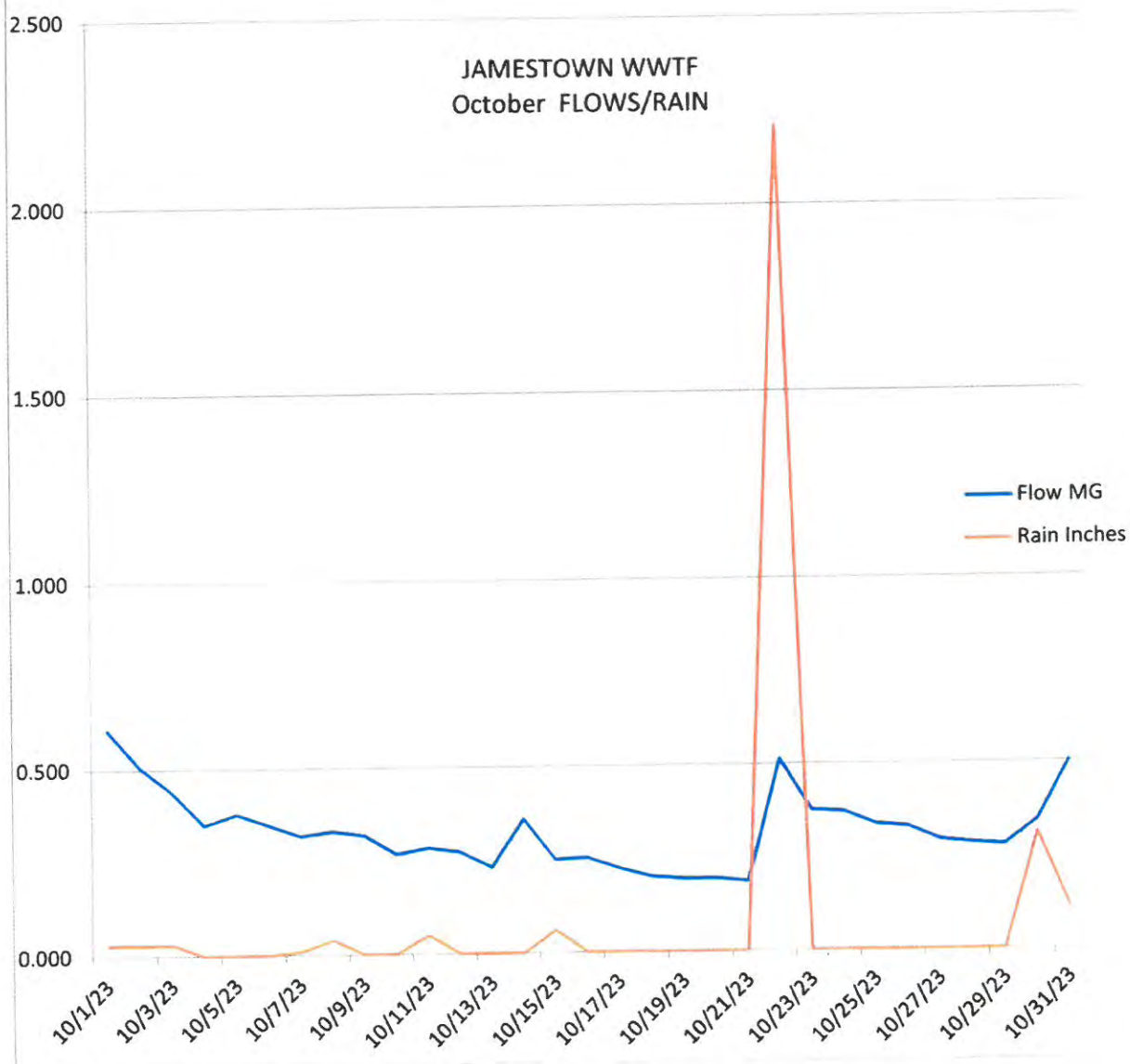


EXHIBIT R

**Town of
Jamestown, Rhode Island**

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



Date: February 13, 2023

To: Board of Water and Sewer Commissioners

From: Michael Gray
Public Works Director

RE: Water Extension Application
East Shore Road

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

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

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

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

Applications

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

Jeffrey and Deborah Saletin, 14 Seaview Avenue

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

Glenn and Marjorie Andreoni, 10 Seaview Avenue

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

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

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

Paul Frechette, 19 Seaview Avenue

The Owner is requesting water service to their property based upon the existing well capacity. He has indicated that the well runs dry when washing clothes and outdoor water use. There is no supporting information provided with the application.

Stephen Zimmiski & Suzanne Gagnon, 7 Seaview Avenue

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

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

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

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

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

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

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

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

RIDOH – Reading your Water Analysis Report

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

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

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

The four properties are located in the Rural Water District and do not front an existing watermain therefore an extension will be required. Section 14 b of the Rules and Regulations of the Board of Water and Sewer Commissioners prohibit extensions in the rural water district. The Regulations allow the Commissioners the ability to approve an extension if it is found to improve the quality or quantity of water to existing users. RIGL 46-15-2 includes standards for which applications must be reviewed by a water supplier.

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

The four applications before the board have applied for a connection based upon inadequate well yield. Two applicants have also provided water testing information indicating that well water quality is poor. Options to resolve the water quantity and quality issues that involve hydro-fracking, well drilling, and onsite water treatment systems may not be feasible as the report indicates for 10 Seaview Avenue. The well inspection and pumping report for that property shows bedrock/geologic conditions produce limited yield to meet well industry standards. Laboratory reports that have been submitted show total dissolved solids detected in wells indicating salt water is impacting groundwater conditions. But low well yield impacts the ability for onsite water treatment to improve water quality.

We have been involved over the past several months in updating the Water System Supply Management Plan including a Build-Out analysis for submission to the Water Resources Board. This update includes an analysis of current and projected water demands within the water district and a review of available water supply in the system. Watermain extensions outside of the current water district limit was not part of this analysis when determining future demand on the available water supply. The current supply does not produce enough water to meet maximum day demands presently. Forecasted data indicate that average day demand at build-out within the existing district exceeds the available capacity of our reservoir and well. Extensions of watermain outside of the district boundaries will place additional demand stress on the limited supply not factored into the build-out analysis.

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



APPROVED WATER EXTENSION
TO 68 EAST SHORE ROAD

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

ROUTE 138
EAST SHORE ROAD

Narragansett Bay

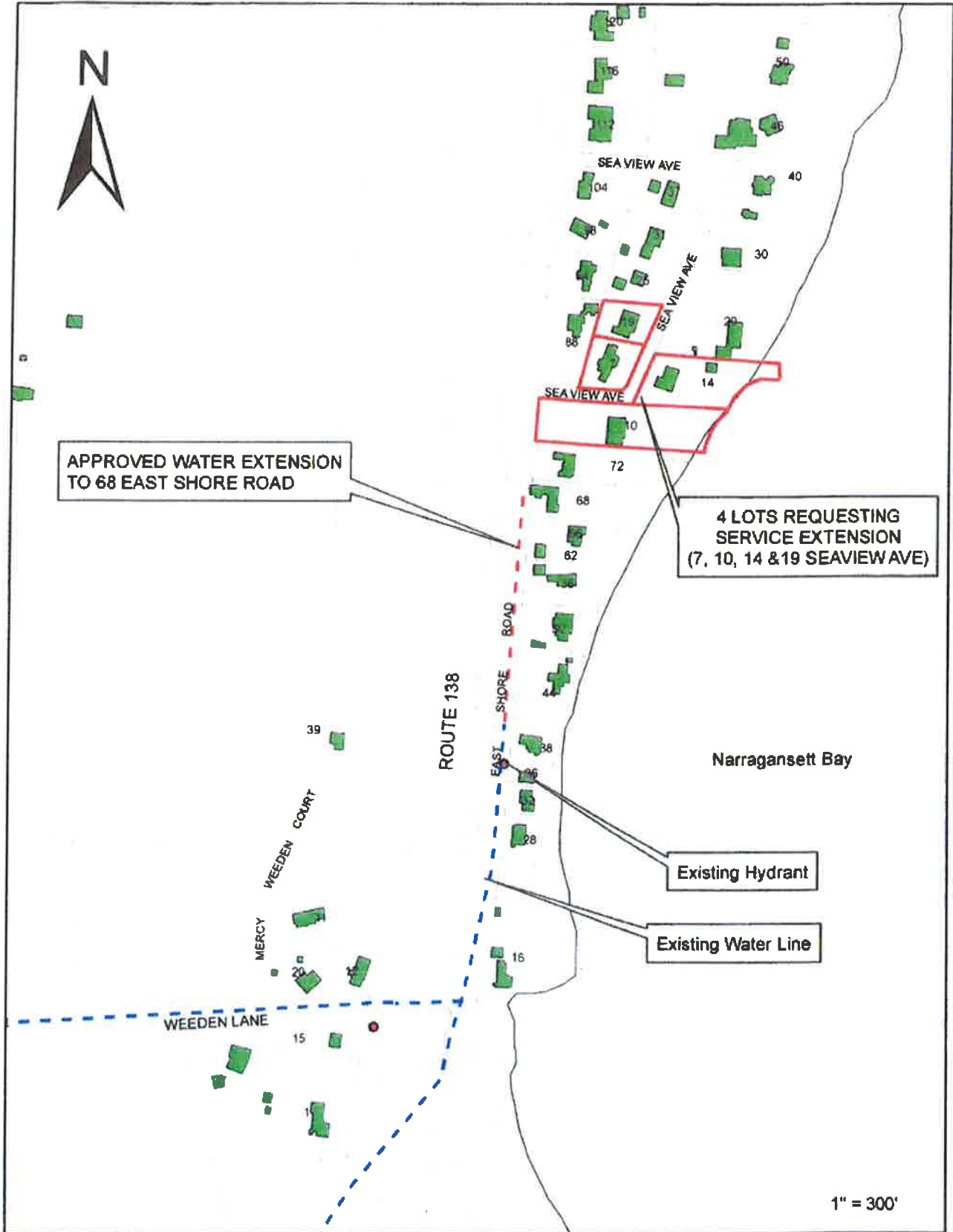
Existing Hydrant

Existing Water Line

WEEDEN LANE

MERCY WEEDEN COURT

1" = 300'



2022 -- H 7782

LC005284

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES MANAGEMENT

Introduced By: Representative Joseph J. Solomon

Date Introduced: March 03, 2022

Referred To: House Corporations

It is enacted by the General Assembly as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LC005284

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

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

LC005284

Reading Your Water Analysis Report



Lab reports are the lists of codes and numbers that show the results of your water testing. Here's a quick guide to understanding the different numbers and labels you may see on yours.

IMPORTANT:

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

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

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

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

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

NOTE:

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

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

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

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

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

Other pages in the report

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

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

What it all means

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

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

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

Next steps

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

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

Primary Standards

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

MICROBIOLOGICAL

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

INORGANIC CHEMICALS, mg/L

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

ORGANIC CHEMICALS, mg/L

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

TABLE CONTINUED ON NEXT PAGE ▼

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

ORGANIC CHEMICALS, mg/L (continued)

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

RADIOCHEMISTRY

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

Secondary Standards

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

SECONDARY REGULATIONS

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

COMMON RANGES, OTHER

Alkalinity	100 - 200
Hardness**	60 - 120

* Also sometimes listed as 'Specific Conductance.'

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

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

APPENDIX C

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

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

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

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

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

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

This is assumed that the static level is between 25 to 35 feet and the pump has been appropriately set to insure maximum productivity.

The above is intended as a construction standard and does not imply or guarantee actual yield.

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

EXHIBIT S



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

January 2, 2024

Via Hand Delivery

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

Re: Request for Water Extension

Dear Honorable Board Members:

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

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

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



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

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

1. Executed Application form with:
 - A. Planning Department’s Comprehensive Plan analysis completed as of May 12, 2021² for this Property’s extension request;

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

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

- B. Fire Chief's opinion that the Application will not reduce the level of fire protection in the community³;
- C. Sketch of proposed extension;
- D. Blank form to be filled out by DPW/Engineering Department;
- E. Letter from Northeast Water Solutions, Inc., R. Ferrari, PE;
- F. ESS Laboratory water analysis; and
- G. \$49 recording fee.

Standards

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Very truly yours,



Joelle C. Rocha

JCR/jhd
Attachments

EXHIBIT 1

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

APPLICATION FOR WATER AND SEWER EXTENSION

COMPLETED BY APPLICANT

DATE: _____

Applicant:

Name: Glenn and Marjorie Andreoni

Phone: 401-580-4441

Address: 10 Seaview Avenue

Email: gja1@cox.net

Jamestown, RI 02865

Zoning District: Residential

Type of Service Extension Being Requested:

Water X Sewer _____

Use: Residential

(single family) X

(multi family) _____

Residential multi family on existing line _____

Commercial _____

Other _____

Location of Extension Request:

Street 10 Seaview Avenue

Plat: 07 Lot: 134

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

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

Please attach "sketch" of proposed installations.

(Applicants signature is required on Page 2)

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

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

Date: 12/28/23

Applicants Signature: [Signature]

Owners Signature: Maryjane S. Andreani

Agreement is valid for 1 year from date of approval.

Approval by the Board of Water and Sewer Commissioners:

Commission President

Date _____

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

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

I do not wish to furnish this information 1

Race/National Origin: American Indian or Alaskan Native

Asian or Pacific Island

White, not of Hispanic origin

Black, not of Hispanic origin

Hispanic origin

Other (specify)

Sex:

Female X

Male X

COMPLETED BY PUBLIC WORKS/ENGINEERING DEPARTMENTS

Location proposed Water X Sewer _____ Extension _____

Street or Right of Way East Shore Urban District _____

Rural District X

Location of Nearest Main: Water Main 38 East Shore

Sewer Main _____

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

Sewer Main _____

Number of lots served by proposed extension: Improved X

Unimproved _____

Estimated total cost of project: Water Line Obtaining prices

Sewer Line _____

Estimated total cost per foot: Water Line Obtaining prices

Sewer Line _____

Would Town Provide:

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

Public Works Director

Comments: _____

Date _____

Signature/Title _____

EXHIBIT 1-A

COMPLETED BY PLANNING DEPARTMENT

Is request consistent with Comprehensive Community Plan?

Please explain

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

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

Public Services and Facilities Element

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

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

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

Potential for future subdivision? Please explain: This parcel, (Plat 7, Lot 134) owned by Glenn and Marjorie Andreoni is an existing lot of record in the R-40 Zoning District (requiring 40,000 square feet or 40,000 square feet minimum lot size) containing .92 acres (approximately 40,000+ square feet). This lot is existing and conforming by size. Based upon the size and the Dimensional Regulations listed in Table 3-2 of the Zoning Ordinance, Lot 134 is not subdividable.

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

Water-Sewer Applications: Andreoni, Plat 7 Lot 134

EXHIBIT 1-B

Andresoni Application

COMPLETED BY FIRE CHIEF

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

Fire Hydrants required?

Yes ☒ No ☐

Date 5.5.2021

Signature/Title

J. P. B. J. CHIEF

EXHIBIT 1-C

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

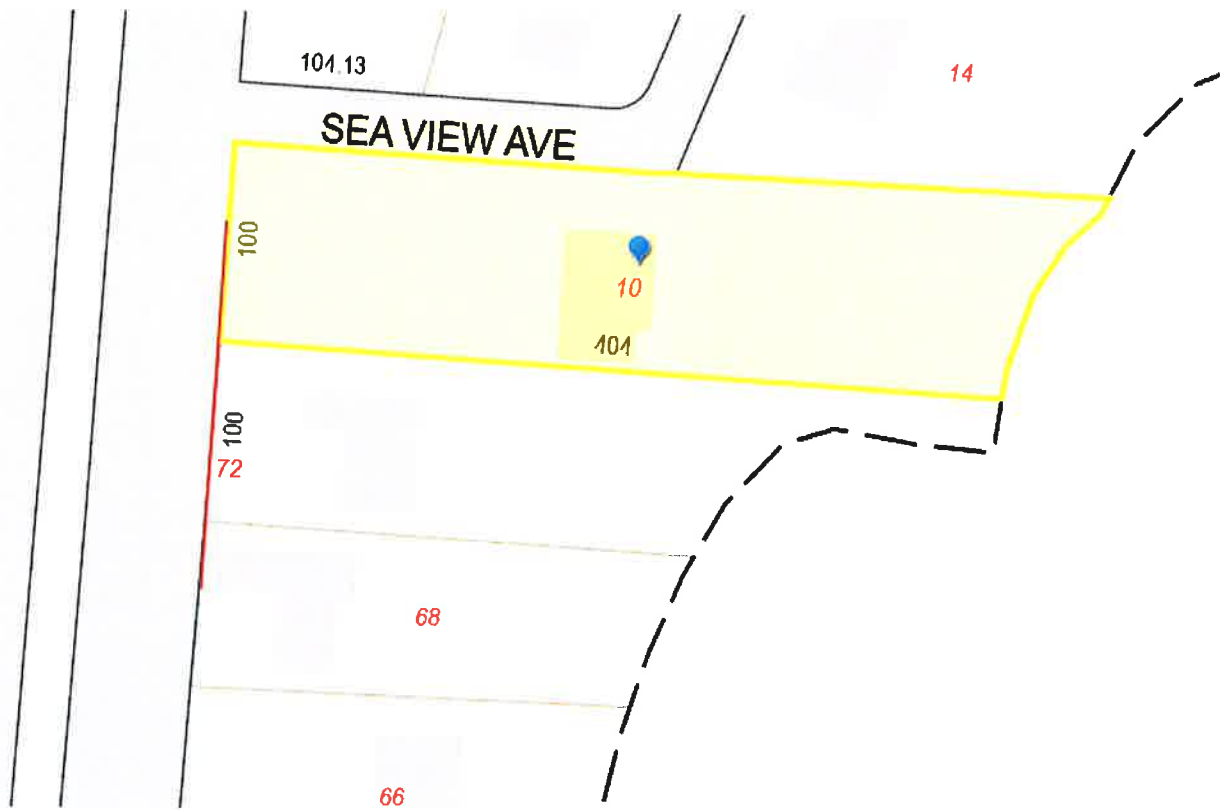


EXHIBIT 1-D

Location proposed Water _____ Sewer _____ Extension _____

Street or Right of Way _____ Urban District _____

Rural District _____

Location of Nearest Main: Water Main _____

Sewer Main _____

Number of Feet Proposed Extension: Water Main _____

Sewer Main _____

Number of lots served by proposed extension: Improved _____

Unimproved _____

Estimated total cost of project: Water Line _____

Sewer Line _____

Estimated total cost per foot: Water Line _____

Sewer Line _____

Would Town Provide:

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

Public Works Director

Comments: _____

Date _____

Signature/Title _____

EXHIBIT 1-E

Northeast Water Solutions, Inc.

Memo

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



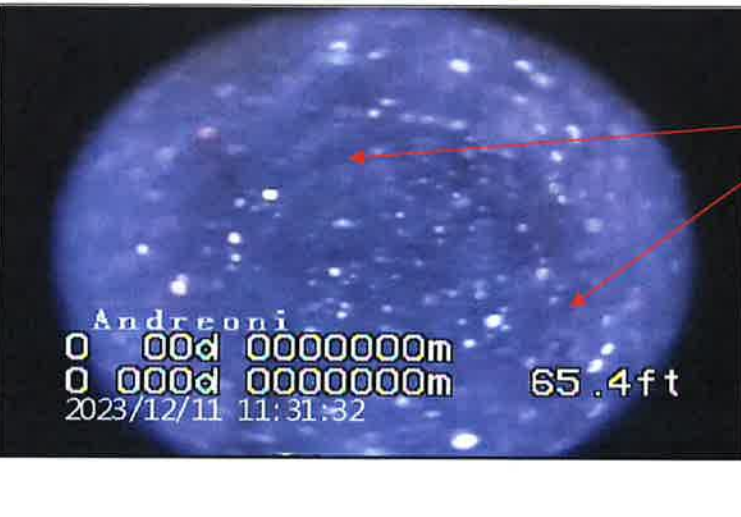
NWSI conducted a video inspection of the residential well at 10 Seaview Ave. Jamestown, RI 02835 (Map 7, Lot 10) on December 11, 2023. The video inspection was completed to identify the functional viability of the well, which has a demonstrated history of running dry.




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


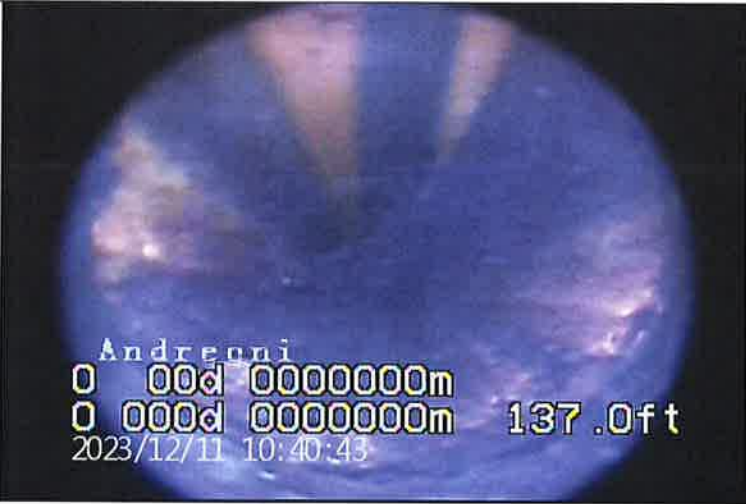

Well Survey Methodology:

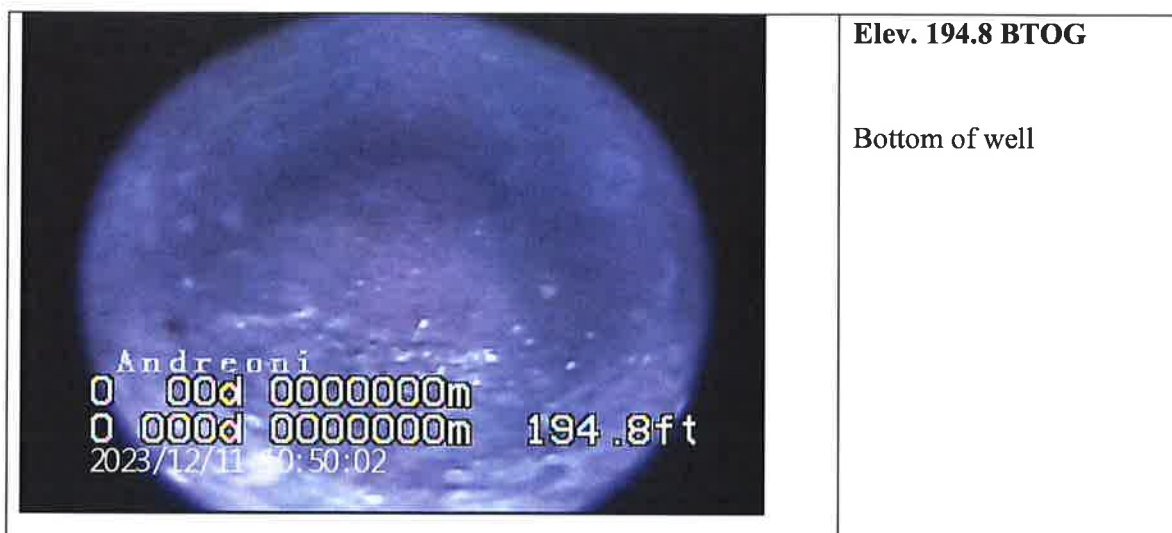
The camera used for the video inspection was a Well-Vu Model WVM1000PRO" Pro Series equipped with a 15" digital video command console and 1000' cable, provided with a fish-eye lens for an enhanced (360°) view of the borehole walls while the camera descends. The well is located inside a manhole cover,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

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

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

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

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



Well Video Inspection Summary:

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

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

Well Pumping Test:

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

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

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

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

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

Alternatives for On-Site Water Supply Development

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

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

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

Summary Conclusions:

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

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

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

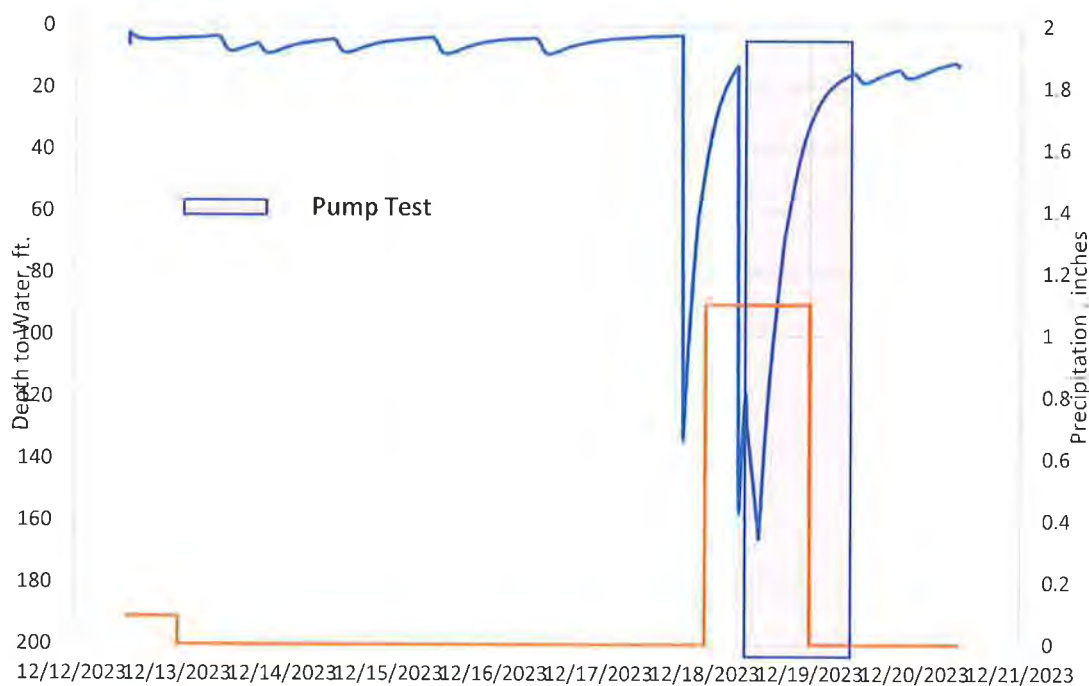


Figure 1 – Graphic Output of Well Pumping Test Program, 10 Seaview Ave., Jamestown, RI

EXHIBIT 1-F



ESS Laboratory
Division of Thielsch Engineering, Inc.

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



CERTIFICATE OF ANALYSIS

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

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

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

Laurel Stoddard
Laboratory Director

REVIEWED

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

Analytical Summary

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

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



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CERTIFICATE OF ANALYSIS

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

ESS Laboratory Work Order: 23L0568

SAMPLE RECEIPT

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

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



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PROJECT NARRATIVE

Classical Chemistry

23L0568-01

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

No other observations noted.

End of Project Narrative.

DATA USABILITY LINKS

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

[Definitions of Quality Control Parameters](#)

[Semivolatile Organics Internal Standard Information](#)

[Semivolatile Organics Surrogate Information](#)

[Volatile Organics Internal Standard Information](#)

[Volatile Organics Surrogate Information](#)

[EPH and VPH Alkane Lists](#)



CERTIFICATE OF ANALYSIS

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

ESS Laboratory Work Order: 23L0568

CURRENT SW-846 METHODOLOGY VERSIONS

Analytical Methods

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

Prep Methods

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

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



CERTIFICATE OF ANALYSIS

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

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

Extraction Method: 3005A/200.7

Total Metals

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



CERTIFICATE OF ANALYSIS

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

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

Classical Chemistry

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



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CERTIFICATE OF ANALYSIS

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

ESS Laboratory Work Order: 23L0568

Quality Control Data

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

Batch DL31910 - 3005A/200.7

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

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

Blank										
Arsenic	ND	0.0025	mg/L							

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

LCS



CERTIFICATE OF ANALYSIS

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ESS Laboratory Work Order: 23L0568

Quality Control Data

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

Batch DL31910 - 3005A/200.7

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

LCS

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

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

Batch DL31911 - 245.1/7470A

Blank										
Mercury	ND	0.00020	mg/L							

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

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

Classical Chemistry

Batch DL31823 - General Preparation

Blank										
Chloride	ND	0.5	mg/L							
Fluoride	ND	0.100	mg/L							
Sulfate	ND	0.5	mg/L							

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

Batch DL31837 - General Preparation

Blank										
Conductivity	ND	5	umhos/cm							

LCS										
Conductivity	1300		umhos/cm	1410		92	90-110			

Batch DL31842 - General Preparation

Blank										
Color	ND	5	Color Units							

Batch DL31843 - General Preparation

Blank										
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CERTIFICATE OF ANALYSIS

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ESS Laboratory Work Order: 23L0568

Quality Control Data

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



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CERTIFICATE OF ANALYSIS

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ESS Laboratory Work Order: 23L0568

Notes and Definitions

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



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CERTIFICATE OF ANALYSIS

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ESS Laboratory Work Order: 23L0568

ESS LABORATORY CERTIFICATIONS AND ACCREDITATIONS

ENVIRONMENTAL

Rhode Island Potable and Non Potable Water: LAI00179

*****health.ri.gov/find/labs/analytical/ESS.pdf

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

*****ct.gov/dph/lib/dph/environmental_health/environmental_laboratories/pdf/OutOfStateCommercialLaboratories.pdf

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

*****maine.gov/dhhs/mecdc/environmental-health/dwp/partners/labCert.shtml

Massachusetts Potable and Non Potable Water: M-RI002

*****public.dep.state.ma.us/Labcert/Labcert.aspx

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

*****des.nh.gov/organization/divisions/water/dwgb/nhelap/index.htm

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

*****wadsworth.org/labcert/elap/comm.html

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

*****datamine2.state.nj.us/DEP_OPRA/OpraMain/pi_main?mode=pi_by_site&sort_order=PI_NAMEA&Select+a+Site:=58715

Pennsylvania: 68-01752

*****dep.pa.gov/Business/OtherPrograms/Labs/Pages/Laboratory-Accreditation-Program.aspx

ESS Laboratory Sample and Cooler Receipt Checklist

Client: Northeast Water Solutions - ML

ESS Project ID: 23L0568

Shipped/Delivered Via: Client

Date Received: 12/18/2023

Project Due Date: 12/26/2023

Days for Project: 5 Day

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

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: 1.5 Iced with: Ice Pack

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

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

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

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

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

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

By/Acid Lot#: _____
By: _____

Sample Receiving Notes:

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

Resolution: _____

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

2nd Review

Were all containers scanned into storage/lab?

Are barcode labels on correct containers?

Are all Flashpoint stickers attached/container ID # circled?

Are all Hex Chrome stickers attached?

Are all QC stickers attached?

Are VOA stickers attached if bubbles noted?

Initials: TD
Yes / No ☒
Yes / No / NA ☐
Yes / No / NA ☐
Yes / No / NA ☐
Yes / No / NA ☐
Yes / No / NA ☐

Completed By: [Signature] Date & Time: 12/18/23 13:51

Reviewed By: [Signature] Date & Time: 12/18/23 13:54

EXHIBIT 1-G

GLENN J. ANDREONI

10 Crabberry Ln
North Smithfield, RI 02896-8153

1016

57-168/115

Made in USA



Pay to the
Order of

Town of Johnston

\$ 49.00

Forty Nine and 00/100

Dollars



BANKRI
BANKRHODEISLAND.COM

[Signature]

For 10 Seabrook Ave. - Apartment 101B

⑆011501682⑆ 3201019472⑆ 1016

EXHIBIT T

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

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

WHEREAS by special act the Rhode Island General Assembly authorized the creation of the Jamestown Board of Water Commissioners (the "Board") [Chapter 273 PL 1968] which authorized the Board to purchase the assets of the Jamestown Water Company and thereafter may "construct, operate, maintain, extend and improve a water works system for the town and to provide an adequate supply of water for the town or any part thereof." (emphasis added); and

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

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

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

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

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

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

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

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

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

This resolution shall take effect immediately upon passage.

Attested To By:

Adopted By Water and Sewer Commission
On:

Roberta Fagan, Town Clerk

DRAFT

TOWN OF JAMESTOWN

RHODE ISLAND

URBAN WATER & SEWER DISTRICT



JAMESTOWN GIS DEPARTMENT
DECEMBER 2019

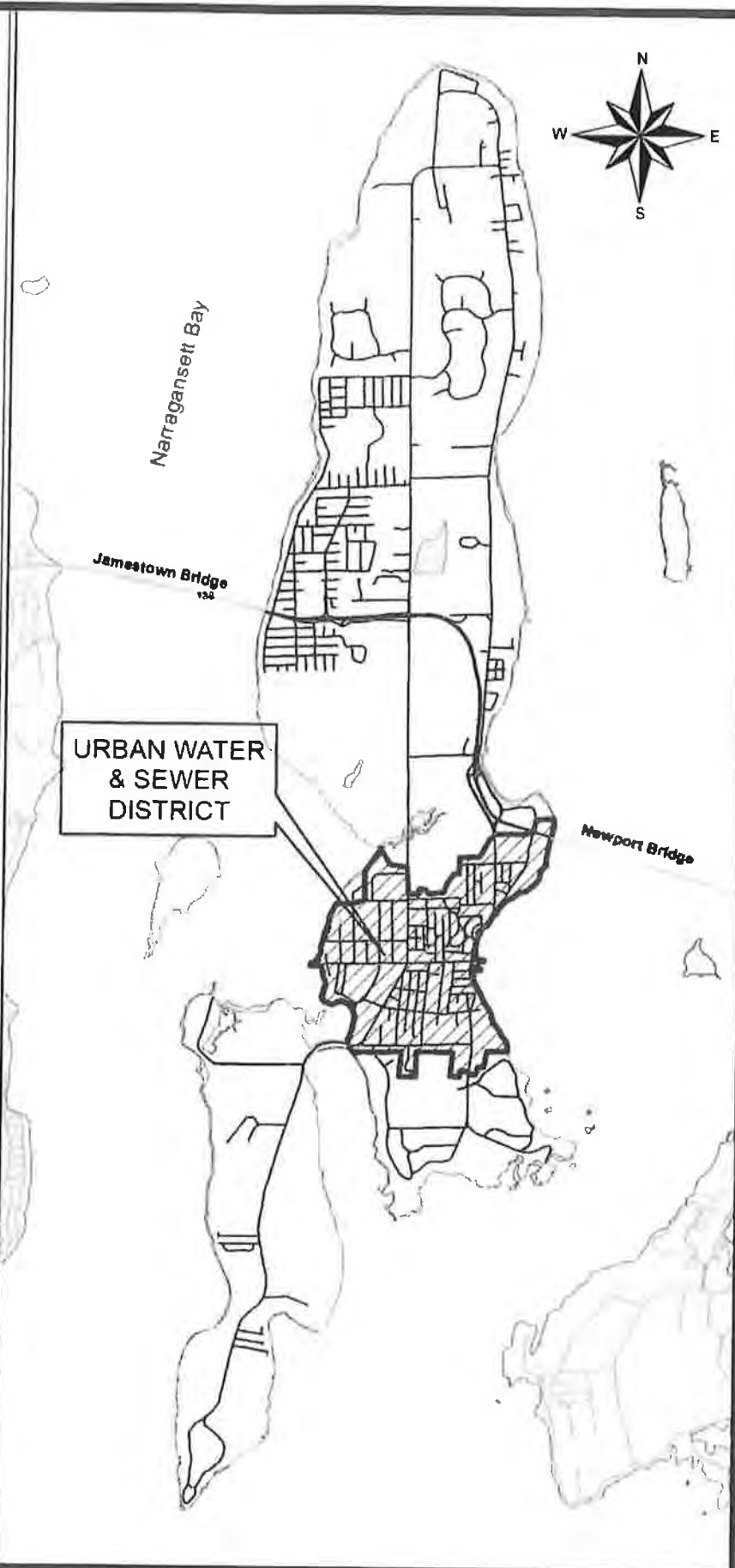
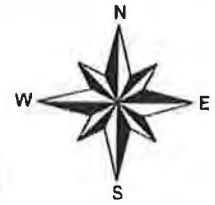


EXHIBIT U

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES MANAGEMENT

Introduced By: Senator Dawn M. Euer

Date Introduced: February 12, 2024

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

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

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

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

=====
LC004483
=====

EXHIBIT V



Town of Jamestown
Public Works Department

93 Narragansett Ave ♦ Jamestown, RI 02835

Phone: (401) 423-7225

Fax: (401) 423-7226

January 9, 2024

Mr. Glenn and Marjorie Andreoni
10 Seaview Avenue
Jamestown, RI 02835

RE: Application for Utility Connection
Jamestown Water

Dear Mr. and Mrs. Andreoni:

We have received your application and it is currently under review by Town staff. This item will not be on the meeting agenda for Monday January 16th. You will receive notice from me when the review is complete and the application is scheduled for a water and sewer commissioner's meeting. The next scheduled meeting is Tuesday, February 20th.

If you have any questions please feel free to contact me at (401) 423-7225 or by email:
mgray@jamestownri.net.

Sincerely,

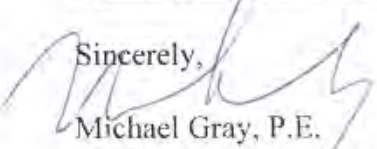

Michael Gray, P.E.
Public Works Director

EXHIBIT W

DUFFY & SWEENEY, LTD
BUSINESS LAW & LITIGATION

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

August 15, 2022

Via Electronic Mail and Regular Mail

Board of Water and Sewer Commissioners
Town of Jamestown
c/o Denise Jennings
93 Narragansett Avenue
P.O. Box 377
Jamestown, RI 02835
djennings@jamestownri.net

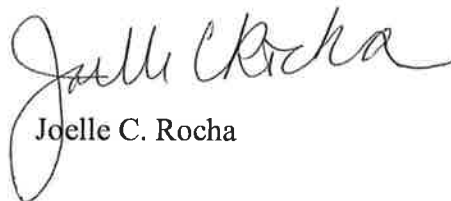
Re: Supplemental letter for Request for Water Extension

Dear Honorable Board Members:

As a supplement to the submission of a Water Extension Application on behalf of CLP Trust-2016 which was hand-delivered to you on July 1, 2022, enclosed please find an exhibit completed by DiPrete Engineering with respect to current well and septic locations in the immediate area. We intend to present this at the August 22, 2022 hearing on the Application, and wanted to provide a courtesy copy in advance.

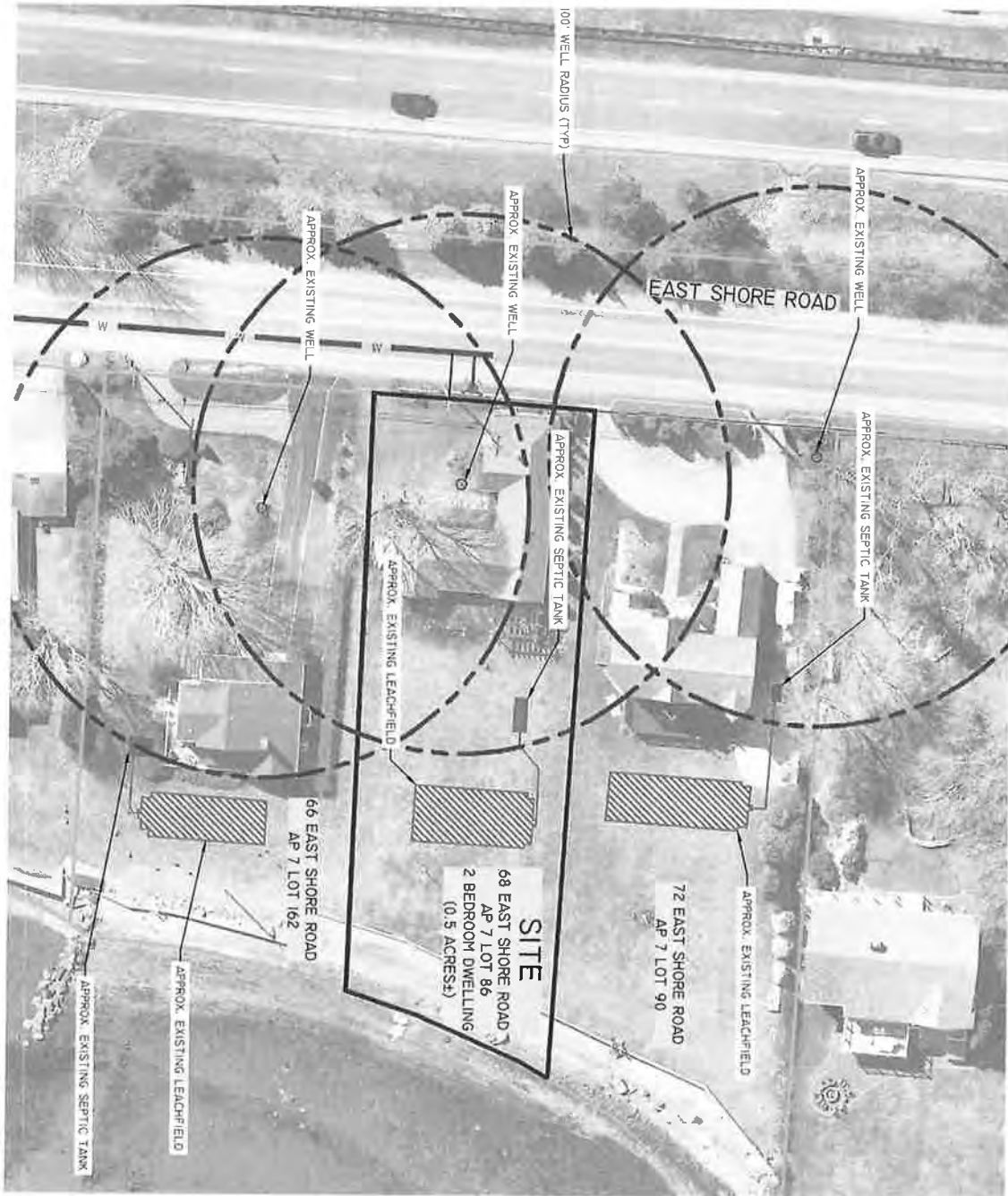
We look forward to discussing this matter at the August 22, 2022 meeting. Thank you in advance for your prompt attention to this matter.

Very truly yours,



Joelle C. Rocha

JCR/jhd
Enclosure



GENERAL NOTES:

1. LOCATIONS OF OWTS, LEACHFIELDS, OWTS TANKS, AND WELLS WERE DETERMINED FROM THE BEST AVAILABLE INFORMATION PROVIDED BY RIDEM RECORDS, GIS, AND AERIAL MAP IMAGERY. LOCATIONS ARE TO BE CONSIDERED APPROXIMATE.



SHEET 1 OF 1

EXISTING OWTS & WELL EXHIBIT 68 EAST SHORE ROAD

JAMESTOWN, RHODE ISLAND

PREPARED FOR:

CHRISTINA PAOLINO

68 EAST SHORE ROAD, JAMESTOWN, RHODE ISLAND 02835

DATE:
07/25/2022



DiPrete Engineering

Two Stafford Court, Cranston, RI 02920
tel 401-943-1000 fax 401-464-6006 www.diprete-eng.com

Boston • Providence • Newport

EXHIBIT X

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

Tuesday, February 20, 2024

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

The following members were present:

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

Also present were:

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

Absent were:

Erik G. Brine, Commissioner

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

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

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

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

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

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

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

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

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

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

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

(None)

OPEN FORUM

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

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

REPORT OF TOWN OFFICIALS

1) **Pumping Report:**

The Public Works Director reported the following:

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

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

Treatment Plant-

The Public Works Director reported the following:

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

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

LETTERS AND COMMUNICATIONS

None

UNFINISHED BUSINESS

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

No action taken.

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

NEW BUSINESS

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

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

- 6) Review, Discussion and/or Action and/or Vote on the application of Julie T. Berry (Plat 12 Lot 68, Bayberry Road, for utility service connection, no extension (water only).

Attorney Infantolino stated that this application is a connection and is not a water line extension and also that he had recently found out that Ms. Berry's father is the one who extended the water line down Bayberry Road.

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

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

CONSENT AGENDA

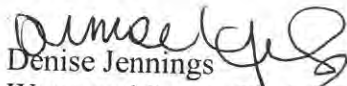
- 1) Adoption of Minutes:
 - a) January 16, 2023 (regular meeting)
- 2) Finance Director's Report:
 - a) Comparison Water Budget to Actuals as of January 31, 2024
 - b) Comparison Sewer Budget to Actuals as of January 31, 2024
- 3) Authorization to execute a multi-year lease with Dish Wireless to install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

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

ADJOURNMENT

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

Attest:


Denise Jennings
Water and Sewer Clerk

Project Update February 2024

WELLS

JR-1, JR-3

- JR-1 is in service.

TREATMENT PLANT

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

TRANSFER PUMPING/RESERVOIR

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

DISTRIBUTION SYSTEM

South Pond @ 6 MG

Usable Storage, 6 Million Gallons

North Pond @ 60 MG

Usable Storage 60 Million Gallons

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

WASTEWATER TREATMENT PLANT

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



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

January 18, 2024

PWS# RI1858419

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

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

Dear Public Water System Official,

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

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

Relevant Laws, Regulations, and Guidance

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

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

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

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

Service Line Inventory and Replacement Requirements

Key Definitions

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

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

Initial Service Line Inventory – due by October 16, 2024

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

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

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

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

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

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

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

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

Lead Service Line Discovery, Consumer Notice, and Filters

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

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

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

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

Private Side Service Line Inspection, Replacement, and Consumer Notice

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

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

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

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

Annual Reporting

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

Technical Assistance

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

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

Funding Opportunities

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

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

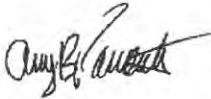
PWSs that serve a population of less than 10,000 people should consider the DWSRF as a funding source even for relatively small projects. If it is determined that the PWS is economically disadvantaged, then subsidies such as lower interest rates, zero interest rates, and/or additional forgiveness may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

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

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

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

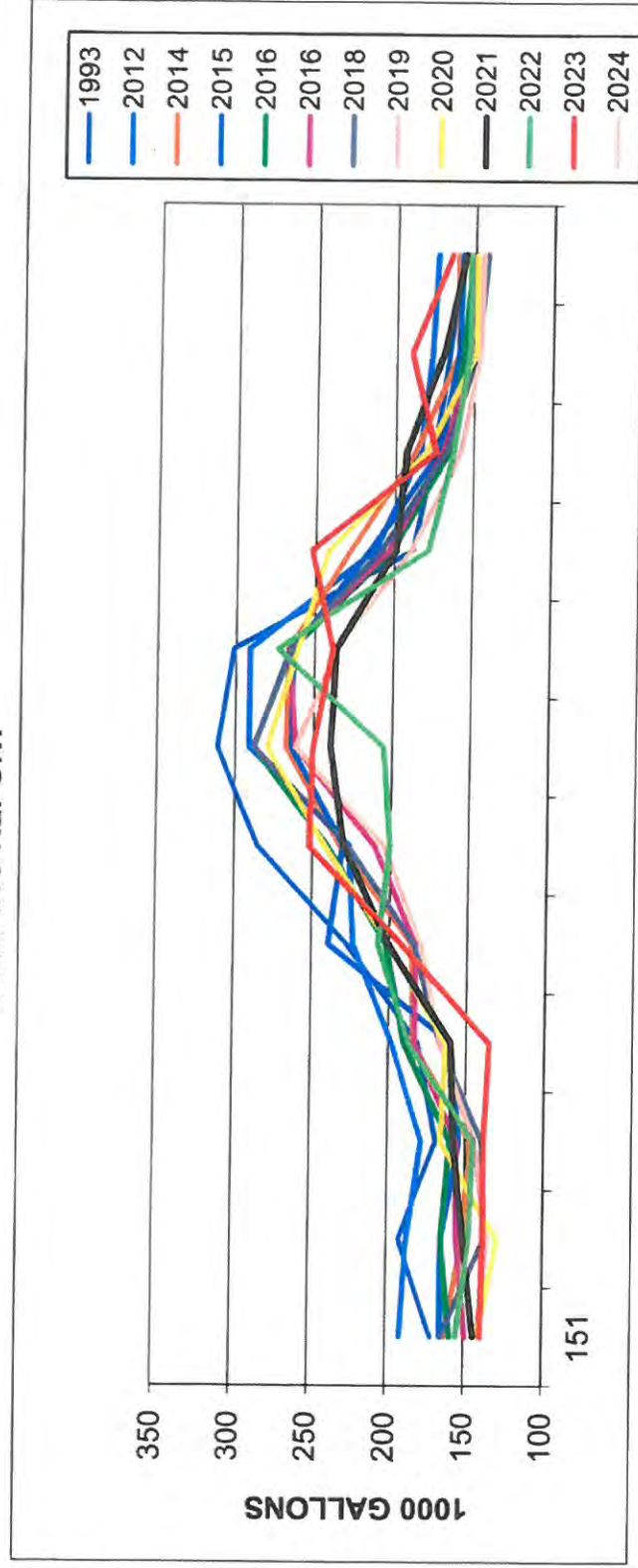
Sincerely,



Amy Parmenter
Chief Administrator
Center for Drinking Water Quality

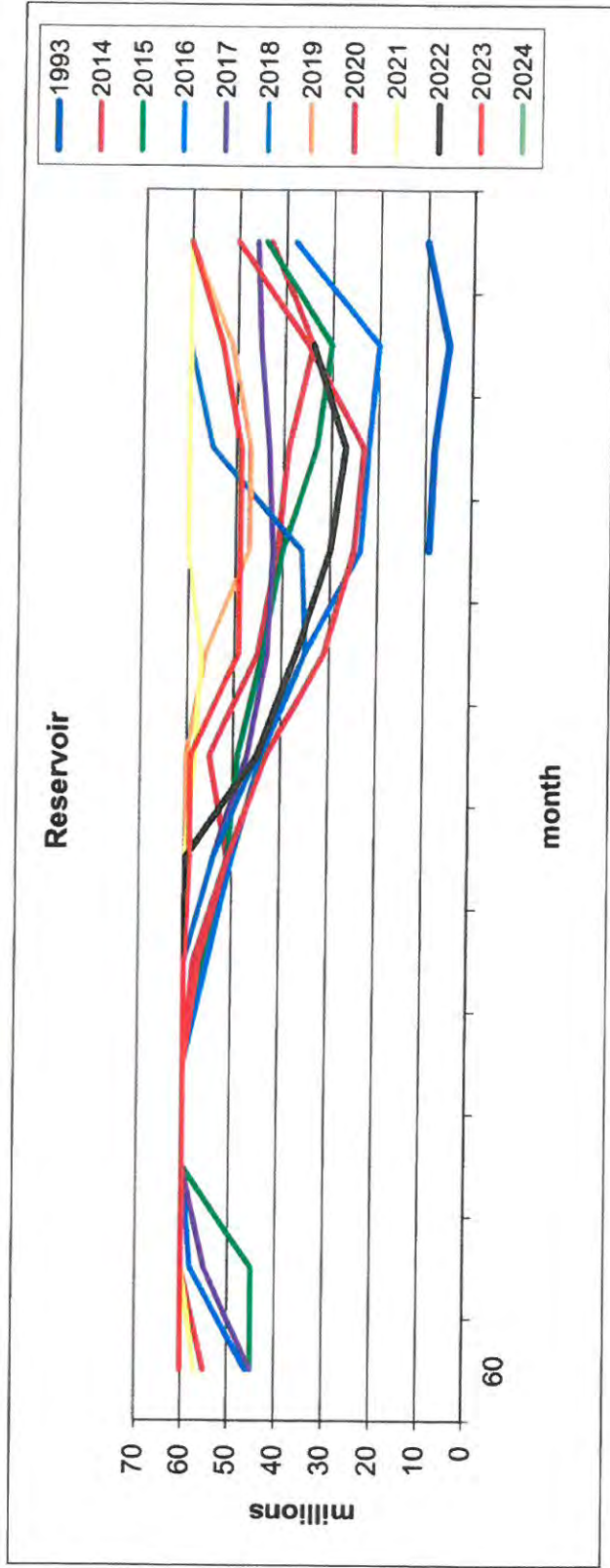
	1993	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Jan	171	172	155	191	163	165	159	149	165	141	141	144	155	139	151
Feb	192	158	156	187	151	165	165	155	137	135	129	151	147	138	
Mar	169	157	155	178	147	154	160	156	139	144	166	158	145	138	
Apr	181	180	170	198	184	160	190	183	167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

PUMPING REPORT



RESERVOIR LEVEL

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



Transfer Pumping

0



TOWN OF JAMESTOWN WWTF
MONTHLY REPORT
January 2024

Douglas Ouellette, Superintendent

Parameters

	<u>Monthly Avg.</u>	<u>Permit Limit</u>	<u>Notes</u>
Flow	.7104 MGD	.73 MGD	
Daily Max	1.5790 MGD		
BOD Removal	98.8%	85%	% Removed
TSS Removal	90.4%	85%	% Removed
Fecal Coliform	1.10	No limit, report only	
Enterococci	2.11	(<35 cfu/100ml Monthly) (<276 cfu/100ml Daily)	

Environmental Compliance (Violations)

There were no violations for the month of January

Complaints

There is one complaint to report for the month of January. 9 Coronado St reported trouble. Facility staff responded and determined that the problem was in the house service but still jetted the town line as a precaution.

Alarms

There are no alarms to report for the month of January.

Septage

The facility received no septage for the month.

Sludge Production

The facility did not need to process any sludge in January.

Maintenance Management

The Crew completed 69 work orders for the month of January. Inland Waters removed the scum blanket measuring between one to two feet from the top of wetwells of pump stations #1 and #2. This scum layer consists of flushable wipes and (F.O.G) fats oils and grease that come together in the wetwells to form a mat. This mat can interfere with level controls and also contributes to odors at the stations.

Chemical Use

The facility used 791 gallons of Sodium hypochlorite and 6,200 pounds of lime for process control.

Collection System

31 pump station inspections were completed. 12 Gen Set inspections were performed. All stations are operating as designed.

Energy Use

Energy use at the plant for the month was: 24,248 KWH

Precipitation

Precipitation measured in at 8.12"

Graphs

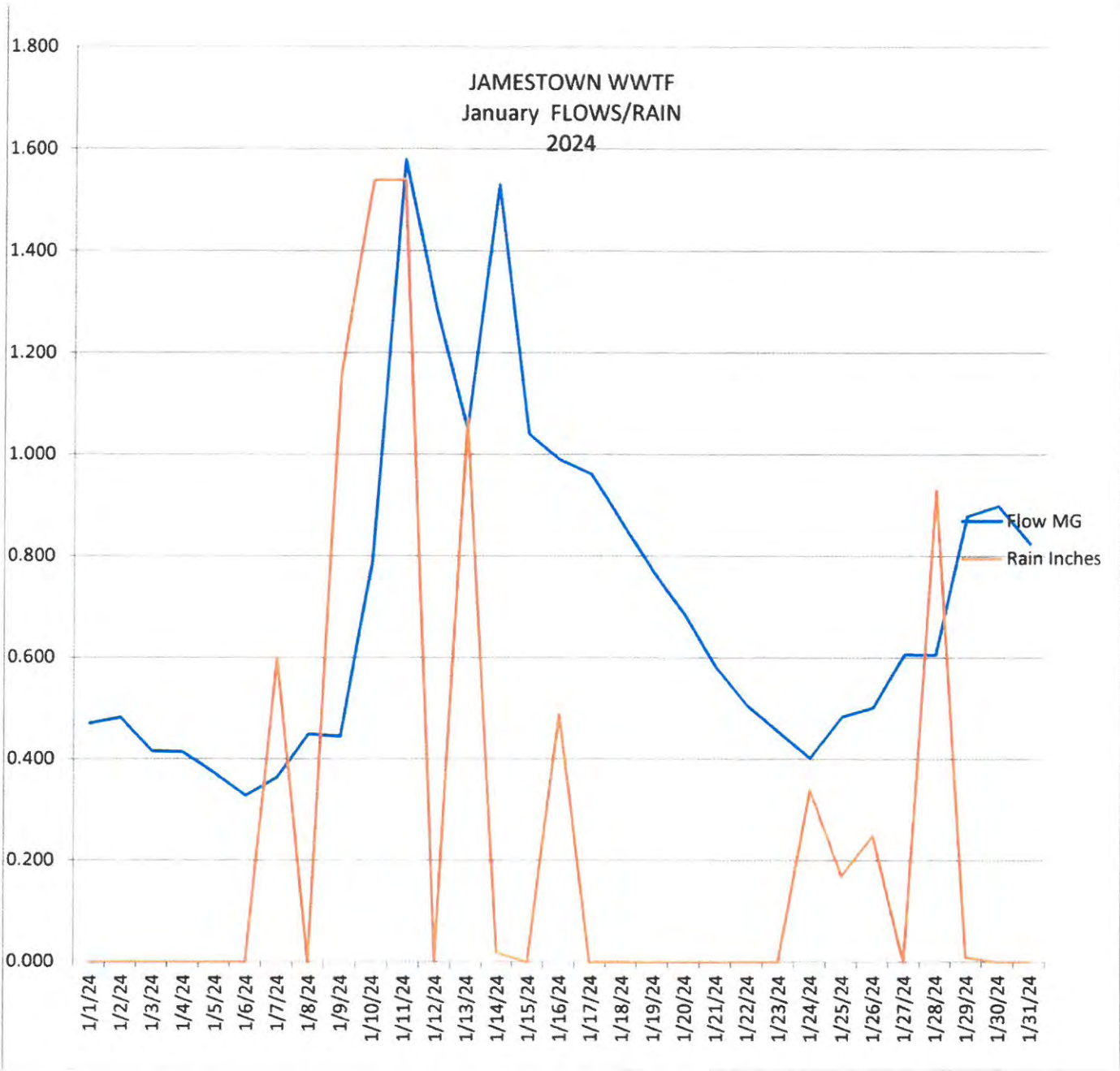


EXHIBIT Y

STATE OF RHODE ISLAND
TOWN OF JAMESTOWN

PROCEEDINGS AT HEARING *
IN RE: *
 *
Town Council sitting as the*
Board of Water and Sewer *
Commissioners *

Jamestown Town Hall
93 Narragansett Avenue
Jamestown, RI 02835
15 April 2024

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

PRESENT:

For the Application - Saletins and Frechettes:
Christian S. Infantolino, Esquire
MURPHY PRIOR & INFANTOLINO
77 Narragansett Avenue
Jamestown, RI 02835

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

For the Applicants - Gagnon and Zimmiski:
Suzanne Gagnon, Pro se
Stephen Zimmiski, Pro se
7 Seaview Avenue
Jamestown, RI 02835

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

1 COUNCILOR BEYE: Thank you.

2 All right. Okay. Our next application is
3 Glenn and Marjorie Andreoni. And I believe counsel
4 is here.

5 ATTORNEY ROCHA: Good evening. Joelle
6 Rocha for the applicants.

7 This is my whole speech (Indicating), so bear
8 with me. No.

9 (Laughter.)

10 ATTORNEY ROCHA: I want to start off by
11 bringing a little bit back to center and also
12 trying to expedite this given we have the same
13 experts, but when I say "bring it back to center"
14 is even for the public as this board/council knows
15 that there is a State standard governing this
16 application. And there are several standards for
17 an applicant to meet. This isn't "I don't really
18 want my well anymore. Hey, give me water." The
19 State statute is significantly high, which is why
20 you should only see applications that meet these
21 standards.

22 And I want to walk through them, because our
23 application really hones in on just one or two of
24 those standards. The first standard is the
25 application must not be prohibited by the specific

1 language of the water supply management plan.
2 There is no language outright prohibiting this
3 application in your plan.

4 Second is the application must comply with the
5 design and construction standards and
6 specifications established by the public water
7 supply system for the sizing and location for the
8 infrastructure. This is -- gets dealt with when
9 the design happens and the engineer fully designs
10 the line. We are fully aware of DiPrete
11 Engineering, who Mr. Thalmann worked for, just
12 designed the extension on East Shore Road, and that
13 we certified in our application that if we were
14 granted the extension it would comply with the
15 design regulations.

16 The third is the extension shall not reduce
17 the necessary level of fire protection for the
18 community. In our application, that form is filled
19 out by your local fire marshall, and he asserted
20 that we have met that standard.

21 The fourth standard is that all water main and
22 service connection materials, construction and
23 inspection required shall be at the sole cost and
24 expense of the applicant. I have one of the
25 applicants, Mr. Glenn Andreoni, here today. We

1 also certified to this in our application that it
2 would be at his sole cost and expense.

3 The fifth is that the public water supply
4 system shall be granted an easement in the form
5 acceptable for the maintenance, repair, replacement
6 that's routinely done. That is not an issue as
7 well.

8 And the sixth one is where we get into the
9 standards that we really are here to talk about.
10 The sixth is that for applications for
11 single-family residential lots the applicant must
12 show that, one, the existing or proposed well for
13 the property does not meet the well industry
14 standard as described in the department of
15 environmental regulations for the, quote, yield per
16 depth of well channel, which is required by the
17 Department of Health for a dwelling unit. That's a
18 mouthful. That's what you were just conversing
19 about. And we'll talk about ours in a minute.

20 And the second part of that is that due to the
21 unique characteristics of the property that a
22 drilling -- the drilling of a new well is not
23 feasible. And we will focus now with our experts
24 on those two standards.

25 And I bring it back to center for a minute

1 because the standard is not there on no other
2 options. While we're going -- our experts are
3 going to testify we actually don't have any other
4 options. The standard is not that there is no
5 feasible options. Those are the two standards to
6 look at.

7 So, enough from me, I'll close it out, because
8 I talk a lot. But I'm going to turn it over. We
9 have -- you have accepted and certified these
10 witnesses. I don't know if you want me to do it
11 again, or if we can just recognize on the record
12 they're not testifying to anything outside of their
13 expertise, but if I could bring Mr. Thalmann up.

14 And are we good in --

15 COUNCILOR MEAGHER: Yes.

16 COUNCILOR BEYE: Yes.

17 ATTORNEY ROCHA: -- transferring the vote
18 to accept Mr. Thalmann?

19 COUNCILOR BEYE: Yes.

20 THE STENOGRAPHER: Do you want him
21 resworn?

22 COUNCILOR MEAGHER: I'm sorry?

23 THE STENOGRAPHER: Do you want him resworn
24 for this applicant?

25 COUNCILOR MEAGHER: Peter, does he need to

1 be resworn for this application?

2 ATTORNEY ROCHA: You're still sworn in.

3 SOLICITOR RUGGIERO: You can just say that
4 he was previously sworn in and just enter it into
5 the record.

6 COUNCILOR MEAGHER: He was previously
7 sworn in and recognized as an expert.

8 BRIAN THALMANN: Thank you very much.

9 **BRIAN THALMANN**

10 called as a witness and having been previously
11 sworn, testifies as follows:

12 DIRECT EXAMINATION

13 BY ATTORNEY ROCHA:

14 Q. Mr. Thalmann, can you talk about there is a plan in
15 the record. Can you just describe this property a
16 little bit and its surroundings?

17 A. Sure. Mr. Andreoni and his family own what is
18 described as 10 Seaview, APC 7, Lot 134 in the Town
19 of Jamestown Assessor's records. The parcel is
20 just under an acre of property, about 0.9 acres,
21 and it has a single-family dwelling, it has a
22 driveway that enters off of both East Shore Road
23 and Seaview Avenue and is serviced by an on-site
24 wastewater treatment system as well as a private
25 well, again in the northwest corner of the

1 property.

2 Q. All right. And can you talk about the unique
3 characteristics of this site with respect to
4 potentially drilling another well?

5 A. Similar to Mr. Saletin's application, there is a
6 confluence of on-site wastewater treatment systems
7 in and around the subject parcel as well as a
8 collection of private wells. When you factor in
9 the flood zones and the overlapping radiuses of
10 those various appurtenances, you are left with
11 essentially no area of which to resite a well to
12 replace the one that exists now.

13 Q. Based on those standards and setbacks -- which are
14 set by the State, correct?

15 A. Correct.

16 Q. -- is it your expert opinion that due to the unique
17 characteristics of 10 Seaview Ave. that the
18 drilling of the well location-wise is not feasible?

19 A. Correct.

20 ATTORNEY ROCHA: Questions?

21 COUNCILOR MEAGHER: Not specifically. Not
22 that.

23 ATTORNEY ROCHA: Okay. Mr. Ferrari, round
24 two.

25 **ROBERT F. FERRARI**

1 called as a witness and having been previously
2 sworn, testifies as follows:

3 ATTORNEY ROCHA: We can confirm on the
4 record the vote?

5 COUNCILOR MEAGHER: Mr. Ferrari is
6 accepted as an expert and does not need to be sworn
7 in.

8 COUNCILOR BEYE: Right he was previously
9 sworn in.

10 COUNCILOR MEAGHER: Again.

11 COUNCILOR BEYE: Again.

12 DIRECT EXAMINATION

13 BY ATTORNEY ROCHA:

14 Q. Mr. Ferrari, can you talk about how and why you
15 were retained for 10 Seaview Avenue?

16 A. Well, we were retained because they were having
17 problems with well yield and water quality, similar
18 to their neighbors. What we did is we conducted an
19 inspection, via a camera inspection of the well.
20 And it's a 6-inch diameter drilled bedrock well.
21 This one is 195 feet in depth. It has got a yield
22 of about .6 gallons a minute and has got seriously
23 negative recovery. We did do a pumping -- we did a
24 pumping test program. And, in fact, we did it,
25 that pumping test program, after the house had been

1 unoccupied or at least not occupied, I should say,
2 for a period of time and we'd had a lot of rain,
3 which if you're going to maximize recharge that it
4 will be following an extended period of
5 precipitation. So, poor performance of the well.
6 Water quality, again -- I'll keep it briefer this
7 time -- but again it's again very brackish water,
8 and the -- very high dissolved solids, over 2,000,
9 very high chlorides, very high sodium, et cetera,
10 very massively high hardness, very corrosive. But
11 the well had one water-bearing fracture, about
12 65 feet below ground surface. Okay? And we went
13 through a similar examination of alternatives for
14 Mr. Andreoni, and the hyrdofracking, drilling
15 deeper, looking for an opportunity for a new well
16 on the site, and we also looked at possibly
17 treatment using reverse osmosis. Our conclusion --
18 and it was, in part, based upon our experiences in
19 the neighboring property -- is that hydrofracking
20 was in all likelihood going to be problematic,
21 probably increase in the brackish water content.
22 Drilling deeper had no necessarily any significant
23 probability of success. So, we have got a
24 neighboring well that made it to 1 gallon of
25 500 feet. There is no location for a new well and

1 no approvable location for a new well on the
2 property. And going with treatment, there is --
3 realistically speaking, there is no location for
4 discharge of the reject water from a reverse
5 osmosis system that isn't going to create other
6 problems on the site, either problems with the
7 septic system or problems with the ground water
8 quality impacting the well.

9 COUNCILOR MEAGHER: Can I just ask you?
10 Did you say no approvable location for a well or
11 approved?

12 ROBERT F. FERRARI: No approvable. No
13 approvable.

14 COUNCILOR MEAGHER: Approvable.

15 ROBERT F. FERRARI: Approvable. Every
16 location on the site is nonconforming. Okay?

17 COUNCILOR MEAGHER: You got it.

18 A. Again, it's just the nature of the particular site.
19 So, we are finding ourselves again -- we have got a
20 well with inadequate capacity, we have got
21 extremely poor nonpotable water quality, no viable
22 treatment or location alternatives. And without
23 water, without potable water, it's fairly difficult
24 to live in a house. So, that's where we are.

25 Q. Mr. Ferrari, is it your opinion that due to the

1 unique characteristics of this property that the
2 drilling of a new well is not feasible?

3 A. It's not realistically feasible.

4 Q. And then in this case, if you look at the well, the
5 depth chart, this property actually does not meet
6 those standards, correct?

7 A. It does not meet the standard at this point in
8 time, no, it does not.

9 COUNCILOR RANDALL WHITE: Does it not meet
10 the standard both -- you suggested that there -- as
11 you see it there are two standards. Reasonable
12 minds might differ. But that there is the yield of
13 well per depth. It doesn't meet that standard for
14 sure, correct?

15 ATTORNEY ROCHA: Correct.

16 ROBERT F. FERRARI: It does not meet the
17 yield standard. It does not meet the water quality
18 standard.

19 COUNCILOR RANDALL WHITE: It does not meet
20 the water quality standard?

21 ROBERT F. FERRARI: Absolutely not. Not
22 even close.

23 COUNCILOR RANDALL WHITE: Not to beat a
24 dead horse, but with respect to the discussion we
25 had earlier about fracking -- I'm very new to this,

1 as can you probably tell, but as people discuss the
2 prospect of hyrdofracking and the potential for
3 saltwater intrusion, if you're -- if there is
4 available in the ground both salt water and
5 brackish water and nonbrackish water, the kind
6 you're looking for, is it correct to say that the
7 nonbrackish water sits above the salt water?

8 ROBERT F. FERRARI: Fresh water is -- has
9 a lower density than seawater, so it will be
10 sitting on top.

11 COUNCILOR RANDALL WHITE: Okay. And in
12 this case, you have a 194-foot well; is that
13 correct? Is that roughly right?

14 ATTORNEY ROCHA: Yes.

15 ROBERT F. FERRARI: Roughly, yes.

16 COUNCILOR RANDALL WHITE: And did you say
17 that a fracture that you saw that might even
18 potentially lend itself to hyrdofracking was at the
19 63-foot mark; am I right?

20 ROBERT F. FERRARI: 65, 65 feet for ground
21 surface.

22 COUNCILOR RANDALL WHITE: 65. Which,
23 relative to the entire depth of the well, is
24 relatively high up in the column, correct?

25 ROBERT F. FERRARI: That's correct.

1 COUNCILOR RANDALL WHITE: Would it then
2 not be logical, based on your discussion of the
3 lens of clear water sitting above the saltwater
4 that you might get lucky and find clear water if
5 you hydrofrack at 63 feet as opposed to
6 hydrofracking deeper?

7 ROBERT F. FERRARI: Well, that, that
8 fracture, which is the only water-bearing fracture
9 in the well, is bringing in brackish water already.
10 So, whatever might be sitting on top of it, fresh
11 water or not, we're bringing in brackish water
12 already.

13 COUNCILOR RANDALL WHITE: And is there is
14 no fracture higher than the 63 feet?

15 ROBERT F. FERRARI: No, there is no
16 fracture higher.

17 BY ATTORNEY ROCHA:

18 Q. And based on that, the well as is, even if you
19 found anything, isn't it correct it's yielding
20 .6 gallons per minute?

21 A. Well, the well, yes, the effective yield was
22 measured at .6 gallons per minute with negative
23 recovery.

24 COUNCILOR RANDALL WHITE: Can you educate
25 me about hydrofracking? Is there more than one way

1 to hydrofrack?

2 ROBERT F. FERRARI: Well --

3 ATTORNEY ROCHA: Dynamite. No.

4 ROBERT F. FERRARI: Well, years ago they
5 used to drop a stick of dynamite down a well and
6 light it off. I'm not kidding. That's -- I mean,
7 I have found -- I have found a blasting wire and
8 caps down in wells.

9 COUNCILOR MEAGHER: The Bill Murray
10 method?

11 ROBERT F. FERRARI: Yes.

12 COUNCILOR MEAGHER: The Bill Murray of
13 hydrofracking.

14 ROBERT F. FERRARI: Yes, exactly.

15 COUNCILOR RANDALL WHITE: So, obviously,
16 that seems ill-advised. But what is the --

17 ROBERT F. FERRARI: Mr. White, we agree on
18 that. Totally.

19 COUNCILOR RANDALL WHITE: I'm sure. I
20 think we agree on more than you think.

21 ROBERT F. FERRARI: No. I'm sure we do.

22 No. There is two principal methods of
23 hydrofracking wells. They're closely related. And
24 making it simply, typically a single-packer or
25 double-packer. A single-packer hydrofrack, you

1 basically put an inflatable plug at the top of the
2 well and you pressurize the well. Typically they
3 bring it to about 3,000 pounds of pressure, and
4 they wait to get what they call a breakover, like a
5 release, and then they start pumping the well like
6 crazy and start flushing the material out. It's
7 trying to open the fractures. Double-packer
8 method, which I actually use quite a bit, it's
9 definitely more expensive, but you have a -- you
10 have what they call a tool, it's like a piece of
11 pipe, you got a bladder on the bottom. You go
12 about 50- or 60-foot spread you have a second
13 bladder. You put that down the well, and you're
14 hydrofracking in sections as you come up the well.
15 You start at the bottom and work your way up. That
16 is usually a more effective means of doing it. The
17 key here, though, is you have to have fractures to
18 work with. Okay? And our camera inspection of
19 this well and -- it demonstrated that there was one
20 very small water-bearing fracture, and all we had
21 the rest of the way down the well -- and you have
22 the copy of the inspection report there so you can
23 see it. We took screen shots of those fractures.
24 They're very thin, seam-tight fractures that
25 weren't getting any water. So, there is not much

1 opportunity to do a hydrofracking with any
2 expectation of a significant improvement yield. I
3 mean, it's always possible to get a slight
4 improvement, but a significant improvement would be
5 highly unlikely based upon the bedrock material and
6 what we observed in the well.

7 BY ATTORNEY ROCHA:

8 Q. And for a reverse osmosis system, you said you need
9 probably 6 gallons a minute?

10 A. We would certainly need to operate the RO system
11 favorably with at least 6 gallons a minute. So, we
12 would be operating in very short cycles because we
13 would be drawing this well down very quickly. We
14 just shut the pump down and wait for it to recover,
15 which is a negative recovery. So, it's a long way.

16 COUNCILOR BEYE: I just have a -- I'm
17 sorry. If this is somewhere I didn't see it. Is
18 this a seasonal residence as well?

19 ATTORNEY ROCHA: Well, I'm going to bring
20 him up.

21 COUNCILOR BEYE: Okay.

22 ATTORNEY ROCHA: Hold that thought.

23 COUNCILOR MEAGHER: I think -- I just have
24 a -- the notion of yield seems to be something that
25 is a little strange because if, in fact, recovery

1 is maybe the more applicable understanding. I
2 mean, I'm just -- how you can say something has a
3 yield when it has a difficult recovery seems to me
4 would be --

5 ROBERT F. FERRARI: You talk to a lot
6 people about wells and you get very confused real
7 quick.

8 COUNCILOR MEAGHER: Oh, that is good to
9 know.

10 ROBERT F. FERRARI: So, starting from
11 there.

12 COUNCILOR MEAGHER: Yes.

13 ROBERT F. FERRARI: If you put a pump in
14 the well, I'd say pumping at 5 gallons a minute, it
15 doesn't mean the well has a true effective yield of
16 5 gallons a minute.

17 COUNCILOR MEAGHER: That's what I mean.

18 ROBERT F. FERRARI: That's what you're
19 pumping actually until you draw the well down to
20 the pump then you turn it over.

21 COUNCILOR MEAGHER: That's what I mean.

22 ROBERT F. FERRARI: The effective yield of
23 the well is basically what is -- as you're pumping
24 the well, what is your effective recharge rate,
25 what can it sustain for a period of time.

1 Typically you want -- for a residential well, you
2 want to do an absolute minimum of four-hour pumping
3 test, if not a five-hour or six-hour pumping test.
4 Okay? You can sustain a certain capacity where you
5 draw out -- you draw it down and it stabilizes, it
6 doesn't go down anymore. That's what's your
7 effective yield point. We've got -- so, when I
8 talk about effective yields here, our effective
9 yield for this well was .6 --

10 COUNCILOR MEAGHER: Right.

11 ROBERT F. FERRARI: -- gallons a minute,
12 even though there is a pump in the well that is
13 pumping, you know, at a higher rate on the outcome.
14 We have to throttle it back to do the pumping test
15 because the well got drawn down real quick.

16 COUNCILOR MEAGHER: And that would be the
17 accepted understanding from the aforementioned
18 Appendix C, the Department of Health?

19 ROBERT F. FERRARI: Correct. That's
20 correct. Correct.

21 COUNCILOR MEAGHER: I'm sure I have more
22 questions for you, but I can't think of it right
23 now.

24 ATTORNEY ROCHA: We'll hold onto them.

25 COUNCILOR MEAGHER: Okay.

1 ROBERT F. FERRARI: Good?

2 ATTORNEY ROCHA: Yes. Don't run away.

3 ROBERT F. FERRARI: Not going far.

4 **GLENN ANDREONI**

5 called as a witness and having been first duly

6 sworn, testifies as follows:

7 THE STENOGRAPHER: Your name, please.

8 GLEN ANDREONI: Glenn Andreoni.

9 THE STENOGRAPHER: Thank you.

10 GLEN ANDREONI: A-n-d-r-e-o-n-i.

11 Good evening, counsel members. I think as
12 board members, I'll make this brief, relatively
13 brief.

14 I am Glenn Andreoni, 10 Seaview Avenue. I am
15 here this evening respectfully, almost pleading
16 with you, to allow an extension and connection,
17 because we're pretty desperate right now. Relative
18 to us moving there, we can't. We'd like to make
19 Jamestown -- we live in North Smithfield right now.
20 We love Jamestown. I have a lot of -- I'm an
21 attorney also. I have a lot of clients that live
22 in Jamestown. By the way, no -- many of them have
23 wells. No issues with their wells. I have a lot
24 of friends that live in Jamestown. We would like
25 to make Jamestown our permanent residence, but we

1 can't. We can't because of the water situation.
2 When we bought it we didn't have the water problem.
3 It's been getting progressively worse every year.
4 Really, really bad. Now, in fact, we hired
5 Mr. Ferrari -- not to testify in front of you, not
6 to write the reports up -- to get a reverse osmosis
7 system. It's a lot cheaper, and it's the best for
8 what you can get. That's why we hired him. We
9 hired him last year way before, you know, this
10 moratorium and all these issues came up, just to
11 put a reverse osmosis system in. And he and his
12 company, being the honest people that they are,
13 could have sold me a system. It wouldn't have
14 worked. They said, "Glenn, we can't. We can't
15 give you a system. It's not going to work. You
16 are only producing .6 gallons per minute at a high
17 peak time," where we haven't been in the house for
18 three months. In the summer, we probably produce,
19 I don't know, about a quarter a gallon. We can't
20 even take a shower without running out of water.
21 It's disgusting. And the water is pure salt. And
22 it wasn't that way when we first bought it. And we
23 have no feasible option, unfortunately.

24 COUNCILOR RANDALL WHITE: Wait. I'm sorry
25 to interrupt. When did you buy it?

1 GLENN ANDREONI: I think nine years ago,
2 maybe? Eight or nine years ago.

3 COUNCILOR MEAGHER: 2015 I think it says.

4 GLENN ANDREONI: Yes. So, nine years ago.
5 2015 I believe.

6 COUNCILOR RANDALL WHITE: And did you --
7 is the well the same well now as it was then?

8 GLENN ANDREONI: Yes.

9 COUNCILOR RANDALL WHITE: And did it --
10 what was yield then? Did it have any issues?

11 GLENN ANDREONI: Much better, yeah. We
12 never ran out of water. It was good enough. Right
13 now I couldn't get a mortgage on the property. I
14 couldn't sell it. I couldn't get a mortgage. It
15 doesn't yield enough right now. Again, it yielded
16 a little over a half-a-gallon peak season after
17 rainstorms. In the summer, I'll bet you, again, a
18 tenth of a gallon, a quarter of a gallon. And
19 every year, for some bizarre reason, it's getting
20 progressively worse. I don't understand it. It's
21 beyond my comprehension as to why it's getting
22 worse, but it's getting worse. Again, it would
23 have been cheaper for me to get a reverse osmosis,
24 and that's the best water you can get, but I can't.
25 So, what can I do? I mean, we're trapped. We

1 love -- we love Jamestown. And, again, everybody
2 talks about "Well, we'll have to give it to
3 everybody else." No. There is people six houses
4 down from me, their well produces 20 gallons a
5 minute. They don't have an issue. It's bizarre.
6 But my -- apparently my neighbors, we have a
7 problem. I am not making it up. I mean, again, I
8 didn't -- I'm -- I didn't hire Mr. Ferrari for this
9 purpose. I hired him to put this reverse osmosis.
10 He was honest enough because if he would have sold
11 me a system it wouldn't have worked. We can't use
12 a dishwasher. We have two dishwashers; we can't
13 use them. Our faucets are corroded. It's
14 horrible. Can't shower, it's pure salt. The --
15 our piping, every year it springs leaks in it.
16 And, again, it's only the last couple of years it's
17 getting really, really bad, to be honest with you.
18 As the testimony indicated, our water doesn't come
19 close to meeting any U.S. EPA and Rhode Island
20 Department of Health drinking water standards.
21 It's not feasible. We can't do anything else right
22 now. I have no alternative but to hook up to Town
23 municipal water. I didn't want to, but --
24 otherwise, my house is worthless. What can I do
25 with it? I can't sell it. I can't mortgage it.

1 No one will buy it. I don't have any alternative.
2 I really don't. The -- and the approved extension
3 is literally one lot away from me. Miss Paolino's
4 house is one lot away. It's one house lot away.
5 It's a hundred feet away. I have told friends of
6 mine that live in the town, I have told people that
7 I know, and they can't even understand why the Town
8 may deny us. I'm not saying you will deny us, but
9 could deny us, have the power to deny us when it's
10 like a -- basically a basic public health issue or
11 right, I should say, I think, water. I do
12 understand the council's position with respect to
13 other people lying, but nobody else in front of
14 you. Nobody else has proven that -- the State law
15 says it, nobody has proven their wells are bad.
16 They have. At least I have. I can't testify for
17 anybody else, but I -- in my opinion, based on my
18 experts telling me that, we have clearly met the
19 burden. Anyway, I don't want to go on. I respect
20 you. I appreciate you. And I respectfully plead
21 you to grant us the extension and the connection.
22 Thank you for your time.

23 COUNCILOR MEAGHER: Thank you.

24 COUNCILOR BEYE: Did you have a question?

25 COUNCILOR MEAGHER: No, I don't. I just

1 want to say that I appreciate that some people
2 don't understand our position, and I recognize that
3 as Miss Zarlengo said many people have been --
4 heard about this, as Mr. Robinson said, but the
5 law -- we should know that the law was indeed
6 changed in, I believe, 2022, and the law which
7 affects us now is not the one that was available
8 for many years before, and so it has caused us and
9 I think all communities like this great
10 consternation. So, that's why.

11 COUNCILOR BEYE: Thank you.

12 (Pause.)

13 COUNCILOR BEYE: Okay. Our next applicant
14 is Paul Frechette. Did I say that right?

15 ATTORNEY INFANTOLINO: I think so. That's
16 how I say it.

17 Good evening. Christian Infantolino with
18 Murphy Prior & Infantolino here representing Paul
19 and Gail Frechette on their application for water
20 extension.

21 The property is located at 19 Seaview Avenue,
22 Tax Assessor's Plat 7, Lot 101. Unfortunately, the
23 applicants weren't able to be here tonight. They
24 were here for the original meeting, but they were
25 in Florida.

1 obviously, this is the second time.

2 COUNCILOR RANDALL WHITE: I'm sorry.

3 ATTORNEY ROCHA: Sorry.

4 COUNCILOR RANDALL WHITE: I was about to
5 address that.

6 ATTORNEY ROCHA: Sorry.

7 COUNCILOR RANDALL WHITE: I'll address it.
8 I intended to call as a witness Michael Gray to
9 speak about all four applications. And so if that
10 answers what you're about to ask why aren't we done
11 with the Andreonis, can't do it tonight. It's
12 going to have to happen another time.

13 ATTORNEY ROCHA: Mike Gray is right there.

14 COUNCILOR RANDALL WHITE: I know, but we
15 have a roomful of people. We just don't have the
16 ability to finish this hearing tonight.

17 ATTORNEY ROCHA: So, the board is going to
18 call its own witness, that's my understanding?

19 COUNCILOR RANDALL WHITE: I'm -- I would
20 like to hear from Michael Gray.

21 ATTORNEY ROCHA: On anything specific to
22 our application?

23 COUNCILOR RANDALL WHITE: It relates to
24 whether or not these applications are consistent
25 with system capacity.

1 ATTORNEY ROCHA: Which -- and that's in
2 the State law.

3 COUNCILOR RANDALL WHITE: That's in the
4 rules and regulations of the -- this board.

5 ATTORNEY ROCHA: Right. And now we have a
6 State law.

7 COUNCILOR RANDALL WHITE: Which, in all
8 due respect, reasonable minds can differ, I think
9 obviates the applicability of that rule and
10 regulation, and I expect to address that through
11 his testimony.

12 ATTORNEY ROCHA: You're going to address
13 system capacity through his testimony?

14 COUNCILOR RANDALL WHITE: What is that?

15 ATTORNEY ROCHA: I just don't understand
16 why we need a continuance on, one, the standard
17 that isn't in the statute. And, two, he's here.
18 Your system capacity information is what it is. I
19 can testify to it as well.

20 COUNCILOR RANDALL WHITE: We're not here
21 to debate the applicable law. I recognize you feel
22 strongly about it. You participated in the -- as I
23 understand it, the revision of the statute.

24 ATTORNEY ROCHA: You have -- this council
25 has a bill in to amend it. So, I don't think it

1 can now take the position that it doesn't apply,
2 so that's --

3 COUNCILOR RANDALL WHITE: I'm not
4 suggesting that it doesn't apply. Reasonable minds
5 can differ about its reach and whether or not the
6 current rules and regulations of the JWSD are
7 somehow obliterated by the existence of the law.
8 And I respectfully, respectfully suggest that the
9 testimony I'd like to hear is relevant to the four
10 applications and the legalese will be left for
11 another day. We can debate it. We got into
12 this --

13 ATTORNEY ROCHA: I just have one question.
14 Will I be able to cross-examine Mr. Gray?

15 COUNCILOR RANDALL WHITE: What?

16 ATTORNEY ROCHA: Will I be able to
17 cross-examine Mr. Gray?

18 COUNCILOR MEAGHER: Yes.

19 COUNCILOR RANDALL WHITE: Sure. Why not?

20 ATTORNEY ROCHA: My objection is noted for
21 the record. And I guess we'll see you about
22 capacity next month. Do we know the date on that?

23 COUNCILOR BEYE: Well, our next meeting is
24 May 6.

25 ATTORNEY INFANTOLINO: Before we get into

1 COUNCILOR BEYE: Okay. Thank you.

2 COUNCILOR MEAGHER: So, I make a motion.

3 UNIDENTIFIED SPEAKER: We will not be here
4 that day.

5 THE STENOGRAPHER: I'm sorry. Who's
6 speaking?

7 STEPHEN ZIMNISKI: Mr. Zimniski.

8 COUNCILOR BEYE: You have to go up to the
9 mike if you're going to address.

10 STEPHEN ZIMNISKI: Stephen Zimniski,
11 again. We will not be here May 6, but we will get
12 the form in to you in the interim.

13 COUNCILOR MEAGHER: Okay.

14 COUNCILOR BEYE: Okay. Thank you.

15 STEPHEN ZIMNISKI: Is there anything else
16 that needs to be done at that time? We answered
17 your questions tonight.

18 COUNCILOR BEYE: Just get that --

19 COUNCILOR MEAGHER: I think that form, and
20 if we have other questions for you we'll try to get
21 that to you before that.

22 COUNCILOR BEYE: Whatever you can, as much
23 as you can.

24 Were you going to --

25 COUNCILOR MEAGHER: Yes. I make a motion

1 to continue this discussion, this review, until
2 May 6.

3 COUNCILOR MICHAEL WHITE: Second.

4 COUNCILOR BEYE: All in favor?

5 (Voice vote.)

6 ATTORNEY INFANTOLINO: Can the motion
7 include that you're including the applications and
8 each application?

9 SOLICITOR RUGGIERO: I was going to
10 suggest name each application.

11 COUNCILOR BEYE: Okay. Go ahead. It's
12 your motion.

13 COUNCILOR MEAGHER: That's fine. I make a
14 motion that we are continuing --

15 Thank you. Okay, Christian.

16 -- the applications of Jeffrey and Deborah
17 Saletin --

18 COUNCILOR RANDALL WHITE: Second.

19 COUNCILOR MEAGHER: -- of -- should I put
20 them altogether?

21 SOLICITOR RUGGIERO: You can certainly
22 combine them. Just for the record it's clear that
23 all four are continued.

24 COUNCILOR MEAGHER: Right. -- of Glenn
25 and Marjorie Andreoni, of Paul Frechette and of

EXHIBIT Z

TOWN COUNCIL MEETING MINUTES

Monday, May 6, 2024

4:45 P.M.

I. TOWN COUNCIL INTERVIEW SCHEDULE: The Jamestown Town Council met to conduct an interview with the following applicant:

TIME	NAME	COMMITTEE
4:45	Bernard Maceroni	Tick Task Force

II. ROLL CALL

A regular meeting of the Jamestown Town Council was held on May 6, 2024. Town Council Members present were as follows: Nancy A. Beye, Mary Meagher, Michael G. White, and Randy White. Erik Brine arrived at 7:14 p.m.

Also, in attendance: Town Administrator Edward A. Mello, Solicitor Peter Ruggiero, Finance Director Christina Collins, Chief Jamie Campbell, Public Works Director Michael Gray, Water & Sewer Clerk Denise Jennings, Stenographer Brenda Hanna, and Town Clerk Roberta Fagan.

III. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Town Council President Beye called the meeting of the Jamestown Town Council to order at 5:00 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance.

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

IV. TOWN COUNCIL SITTING AS THE BOARD OF WATER AND SEWER COMMISSIONERS

- A) Open Forum – Water & Sewer Matters
 - 1) Scheduled request to address – None.
 - 2) Non-scheduled request to address.
- B) Unfinished Business:
 - 1) Water District Build-out Analysis prepared by Pare Corporation, as adopted at the April 10, 2024, Town Council Sitting as the Board of Water and Sewer Commissioners Special Meeting.
 - 2) Review, Discussion, and/or Action and/or Vote on the application of Jeffrey and Deborah Saletin (Plat 7 Lot 135, 14 Seaview Avenue) for utility service connection (water) and as amended on March 29, 2024, to an application for a water line extension:
 - a) Application for utility service connection (water) received January 2, 2024.
 - b) Memorandum dated February 13, 2024 and revised on April 11, 2024, from Michael Gray, Public Works Director to the Board of

- Water and Sewer Commissioners.
- c) Memorandum dated February 16, 2024, from Robert F. Ferrari, PE to the Town of Jamestown.
 - d) Application for water line extension received March 29, 2024.
- 3) Review, Discussion, and/or Action and/or Vote: on the Letter dated 01/02/24 from Attorney Joelle C. Rocha and the application of Glenn and Marjorie Andreoni (Plat 7 Lot 34, 10 Seaview Avenue) for water line extension:
- a) Letter dated January 2, 2024, from Attorney Joelle C. Rocha and the application for water line extension received on January 2, 2024.
 - b) Memorandum dated February 13, 2024 and revised on April 11, 2024, from Michael Gray, Public Works Director to the Board of Water and Sewer Commissioners.
 - c) Letter dated February 19, 2024, from Attorney Joelle C. Rocha and an exhibit showing existing OWTS & Well.
- 4) Review, Discussion and/or Action and/or Vote: On the application of Paul Frechette (Plat 7 Lot 101, 19 Seaview Avenue) for utility service connection (water) and as amended on March 29, 2024, to an application for a water line extension:
- a) Application for utility service connection (water) received January 2, 2024.
 - b) Memorandum dated February 13, 2024 and revised on April 11, 2024, from Michael Gray, Public Works Director to the Board of Water and Sewer Commissioners.
 - c) Addendum (3 pages) submitted February 20, 2024 re: well.
 - d) Addendum with note (5 pages) submitted March 21, 2024, re: well.
 - e) Application for water line extension received April 1, 2024.
- 5) Review, Discussion, and/or Action and/or Vote: on the application of Stephen Zimmiski and Suzanne Gagnon (Plat 7 Lot 94, 7 Seaview Avenue) for water line extension:
- a) Application for water line extension received January 2, 2024.
 - b) Memorandum dated February 13, 2024 and revised on April 11, 2024, from Michael Gray, Public Works Director to the Board of Water and Sewer Commissioners.
 - c) Wellworks LLC report and estimate dated October 1, 2018
 - d) Letter dated May 1, 2024, from applicants Stephen Zimmiski and Suzanne Gagnon to Public Works Director Michael Gray requesting a continuance of the original application if no decision can be rendered on May 6 by the Board of Water & Sewer Commissioners.

A motion was made by Vice President Meagher with a second by Councilor M. White to continue the water extension applications until the next Board of Water & Sewer Commissioners meeting on May 20, 2024. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

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

Councilor Brine joined the meeting at 7:14 p.m.

V. OPEN FORUM

Comments are not limited to items on this agenda. However, items not on this agenda will only be heard and not acted upon by the Town Council. Note: Section 42-46-6 of the Open Meetings Act and Department of the Attorney General Advisory Opinions relevant to this item on any public body meeting agenda specifically prohibit the Town Council from discussing, considering, or acting on any topic, statement or question presented. The Town Council may, if warranted, refer such matters to an appropriate committee, to another body or official, or post the matter for consideration at a properly-noticed, future meeting.

- A) Scheduled request to address: None.
- B) Non-scheduled request to address:

Christian Infantolino, Reservoir Circle, requested the Town Council add the Reservoir Circle parking issue to the May 20, 2024 agenda for consideration.

VI. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS, AND PROCLAMATIONS

- A) Resolutions and Proclamations: No items at this time.

A motion was made by Vice President Meagher with a second by Councilor M. White to convene as the Town Council sitting as the Alcohol Beverage Licensing Board. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

VII. PUBLIC HEARINGS, LICENSES, AND PERMITS

The Town Council will review each license application and vote on it individually. All approvals for licenses and permits are subject to the resolution of debts, taxes, and appropriate signatures as well as, when applicable, proof of insurance.

A) Town Council Sitting as the Alcohol Beverage Licensing Board

Notice is hereby given by the Town Council of Jamestown, being the Licensing Board in said Town:

- 1) Pursuant to RIGL §3-7-14, the following license application has been received under said Act for a one-day license on May 16, 2024:

CLASS F (NON-PROFIT)

Out of the Box Studio & Gallery

11 Clinton Avenue

Jamestown, RI 02835

- a) Review, Discussion, and/or Action and/or Vote for Approval of the one-day CLASS F (NON-PROFIT) LIQUOR LICENSE

A motion was made by Vice President Meagher with a second by Councilor R. White to approve the Out of the Box Studio & Gallery One-Day Class F Liquor License scheduled for May 16, 2024, taking place at 11 Clinton Avenue. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- 2) Pursuant to RIGL §3-7-14, the following license application has been received under said Act for a one-day license on May 11th and 18th, 2024:

CLASS F (NON-PROFIT)

Jamestown Arts Center

18 Valley Street

Jamestown, RI 02835

- a) Review, Discussion, and/or Action and/or Vote for Approval of the one-day CLASS F (NON-PROFIT) LIQUOR LICENSE

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Jamestown Arts Center One-Day Class F Liquor License(s) scheduled for May 11th and May 18th taking place at 18 Valley Street. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to adjourn from sitting as the Alcohol Beverage Licensing Board. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

B) Licenses and Permits

One-Day Event/Entertainment License: All One-Day Event/Entertainment license application approvals are subject to any COVID-19 protocols in effect at the time of the event; Review, Discussion, and/or Action and/or Vote for the following:

- 1) Applicant: Pax Christi RI/William Smith III
Event: Jamestown Peace & Remembrance Day 2024
Date: August 6, 2024
Location: East Ferry Memorial Square

- a) Approval of request to waive insurance requirement as historically granted.

A motion was made by Vice President Meagher with a second by Councilor R. White to approve the Jamestown Peace & Remembrance Day 2024, taking place on August 6, 2024 at East Ferry Memorial Square; and approval of the request to waive insurance requirements as historically granted. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

VIII. COUNCIL, ADMINISTRATOR, SOLICITOR, COMMISSION/COMMITTEE COMMENTS & REPORTS

Please Note the Following Items are Status Reports and Matters of Interest to the Council and are for Informational Purposes unless Indicated Otherwise:

A) Town Administrator's Report: Edward A. Mello

- 1) Appointment of Harbor Master Bart Totten. (Consent Agenda).

Seeking approval for the appointment of Bart Totten as the Harbor Master. Bart is a resident of Jamestown, an experienced attorney, and holds a degree in engineering. He brings tremendous experience in boating and interpersonal skills to this position. He was recommended by Director Bois and JHC member Mark Campbell after a series of interviews.

- 2) Update on parking on Stern Street/Beach Avenue.
Chief Campbell to provide an update.

3) Parking on Reservoir Circle.
Chief Campbell to provide an update.

4) Harbor Rules/Rates for Ferry Dock (New Business).
The JHC has recommended a revision to the Harbor Management Rule Book specific to the use of the touch-and-go docks at East Ferry along with the use of the Ferry Dock at East Ferry. The proposed rules would prohibit the commercial use of the outer touch-and-go docks. The use of the concrete ferry dock would be allowed for RIPUC ferry service with a permit at no cost and other charter vessels based upon a fee schedule as proposed. Summary memo attached.

5) CMS Agreement (New Business).
As the Town Council directed, Town Staff have met both in person and via email throughout the past months in an attempt to develop an agreement to allow for CMS vessels to dock at East Ferry and for their charter vessels to operate from that location. To date, a complete agreement has not been reached. Summary memo attached.

6) American Rescue Plan Act (ARPA) Fund Re-allocation request (New Business).
Seeking approval to reallocate \$1,063,422.12 in ARPA funds to other projects. Memo attached.

7) Steamboat Street Right of Way (ROW) Tree Update (Unfinished Business).
As a follow-up to the previous Town Council action regarding the appeal of the Tree Committee's decision to remove a tree located on the Steamboat Avenue Right of Way. The Town Council continued the matter for six months. Since that time, Mr. Rosati who appealed the decision to remove the tree and take on the responsibility to "maintain" the tree has sold his property. The Town Tree Warden Steven Saracino has provided a report of his current assessment of the tree. He reports a worsening condition and maintains his recommendation to remove the tree.

8) ROW Adoption Program (Unfinished Business).
The Conservation Committee has made a final review of the proposed ROW adoption policy and recommends consideration by the Town Council. The Council was asked to consider adopting this policy as a pilot program allowing only current CRMC-designated ROW to be considered at this time.

9) RISE Group Street Light Contract extension (Consent Agenda).
Seeking authorization to execute the one-year extension of the street light maintenance agreement with RISE Group Inc. in the amount of \$3,599.16.

10) Ft. Getty Pier analysis and repair update.
Foth Engineering has completed its analysis of the current conditions of the Ft. Getty Pier. Based on the findings, Town staff are recommending a repair of the pier as indicated in the proposed diagram. The work will include the repair and/or replacement of sleepers, stringers, and decking along with the removal of broken piles and ladders. Foth recommended beginning the immediate process to plan for a replacement of the pier.

Town Staff received a cost proposal from a contractor in excess of \$200,000. The Department of Public Works will assess the project to determine if in-house staff will be able to complete portions of the work to be more cost-effective.

Town Administrator Mello and Town Staff will continue to pursue any insurance reimbursement and FEMA funding should that become available. ~~(consent agenda)~~ President Beye noted there was no item on the Consent Agenda.

- 11) 6 West Street Senior Center conceptual plan agreement with Union Studios (Consent Agenda).

Seeking approval to execute an agreement with Union Studios to further develop the conceptual plans for the Senior Center project to 30% design. The process will include further public input. This next step will allow the Town to refine the budget level estimates to a more definitive cost. The cost is not to exceed \$65,000.

- 12) North Road RIDOT Project Update

The Town has been informed by RIDOT that they will begin the resurfacing project on North Road in the area of the Creek. The project will only cover a small section of the roadway. Approximately 2,000 L.F.

- 13) Bike Path North Road Update

DPW has completed the asphalt portion and backfill along the edges. They continue to work toward signage and striping. North Road restriping will be included in that work.

Chief Jamie Campbell reported to the Town Council on the parking issues on Stern Street/Beach Avenue and Reservoir Circle.

Chief Campbell and Mr. Lafazia have spoken and the issue has been resolved. Mr. Lafazia will notify the Chief if any issues occur in the future.

Chief Campbell reported that he and his staff are monitoring the parking situation on East Shore Road and Reservoir Circle related to 366 East Shore Road, owned by Mr. Nelson. Reservoir Circle residents have observed construction vehicles, heavy-weight vehicles, and trailers parking on Reservoir Circle causing hazards. Chief Campbell has been in contact with the property manager of 366 East Shore Road to find a resolution to the issue. It was agreed that landscaping vehicles, trailers, and/or trucks would be parked either on the Nelson property or on an adjacent vacant property; and not parked on the roadway.

Vice President Meagher reiterated that the property manager had agreed to no trucks less than 7000 gvw, trailers or landscaping vehicles will be parked on the roadway. She asked the Chief to contact the property manager again to remind him of the agreement.

IX. UNFINISHED BUSINESS

- A) Review, Discussion and/or Action and/or Vote: At the recommendation of the Jamestown Tree Committee and Tree Warden Steve Saracino approval to proceed with the removal of the tree in the Steamboat Street Right of Way (ROW).

Discussion ensued.

Vice President Meagher noted the new property owners Julie and Dean Libutti, of 173 Seaside Drive were unable to attend the meeting. She requested to continue the agenda item to the next meeting, on May 20, 2024.

A motion was made by Vice President Meagher with a second by Councilor M. White to continue the agenda item to the next meeting on May 20, 2024. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

- B) Review, Discussion and/or Action and/or Vote: At the recommendation of the Conservation Commission approval of the Jamestown ROW Adoption Pilot Program which would include only CRMC-designated ROWs for consideration.

Discussion ensued.

Conservation Commission member Bob Laman, 224 Conanicus Avenue, gave a summary of the Conservation Commission recommendation for the approval of the Jamestown ROW Adoption Pilot Program which would include only CRMC-designated ROWs for consideration.

Town Administrator Mello thanked Bob and the Conservation Commission for their work on the pilot program.

A motion was made by Vice President Meagher with a second by Councilor R. White to accept the recommendation of the Conservation Commission to approve the Jamestown ROW Adoption Pilot Program which would include only CRMC-designated ROWs for consideration. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

President Beye recused herself from agenda item New Business A) regarding the Beavertail Lighthouse Museum Association request, and left the dais.

X. NEW BUSINESS

- A) Review, Discussion, and/or Action and/or Vote: At the request of the Beavertail Lighthouse Museum Association (BLMA) to waive the \$75 Jamestown Golf Course Clubhouse Function Room fee for the BLMA Annual Meeting taking place on September 19, 2024.
 - 1) Letter to Town Council from BLMA Board Member Leo N. Orsi, Jr. dated April 22, 2024.

A motion was made by Councilor M. White with a second by Councilor R. White to approve the request of the Beavertail Lighthouse Museum Association (BLMA) to waive the \$75 Jamestown Golf Course Clubhouse Function Room fee for the BLMA Annual Meeting taking place on September 19, 2024. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

President Beye rejoined the meeting and returned to the dais.

- B) Review, Discussion, and/or Action and/or Vote: At the recommendation of the Jamestown Harbor Management Commission approval of the revised Harbor Management Rule Book.
 - 1) Proposed 2024 Harbor Management Rule Book and proposed amended Harbor Permit Fee schedule including new Ferry Dock fees.

Discussion ensued.

Executive Director Steven Bois, gave an overview of the revised Harbor Management Rule Book. The Harbor Division (HD) observed in 2023 increased usage of the outer touch-and-go by commercial charter boats. The revised rule book and amended Harbor Permit Fee schedule would include new fees for use of the Ferry Dock (inner touch-and-go concrete dock).

Vice President Meagher made clarifying statements and noted several inconsistencies in the revised Harbor Management Rule Book. She suggested modifications to the text.

Mr. Bois stated the Harbor Management Commission had approved the revised Harbor Management Rule Book, with the exception of the method of enforcement for violations, which were not outlined. These will be presented at the next Harbor Management Commission for approval.

Vice President Meagher expressed concern about granting Charter boats access to the inner touch and go; with the potential of interrupting the Conanicut Marine Services, Inc. D/B/A Jamestown Newport Ferry (CMS) schedule.

Town Administrator Mello commented the outer touch and go is not appropriate for charter vessel use, priority and use of the inner touch and go would be to CMS. The proposed plan allowing the use of the inner touch-and-go concrete dock will allow the HD to better manage charter boats landing safely and appropriately while ensuring no interruption to the CMS ferry schedule.

Paul Sprague, 11 Mast Street, stated it would be a bad idea to allow charter vessels to use the inner touch and go. The fairway can get very tight and safety concerns should be considered. The outer touch-and-go should be able to accommodate charter vessels; the only exception would be during adverse conditions.

No action was taken.

- C) Review, Discussion, and/or Action and/or Vote: Status update on the proposed 2024 Ferry Landing Use Agreement between the Town Jamestown and Conanicut Marine Services, Inc. D/B/A Jamestown Newport Ferry (CMS).
 - 1) Memorandum from Town Administrator Mello to the Town Council regarding the CMS Agreement Status.
 - 2) Correspondence from Atty. Christian Infantolino on behalf of CMS regarding the proposed Ferry Landing Area Agreement.

Discussion ensued.

Town Administrator Mello and Town staff have met with and exchanged emails with CMS over the months trying to reach an agreement on the 2024 Ferry Landing Use Agreement.

To date, a complete agreement has not been reached. A summary of the proposed 2024 agreement from the Town to CMS appears below. The agreement was similar to the 2023 agreement but allowed for more dock space at the wood pile pier.

- (1) Unlimited use of 60' of dockage at the wood pile pier (WPP)-with any vessel from the fleet-not limited to one vessel
 - A typical dockage agreement is for a designated vessel
- (2) Overnight dockage of 40' at the ferry dock-not limited to one vessel
 - A typical dockage agreement is for a designated vessel
 - This dock is not restricted by the commercial rate for the WPP as set by the JHC and TC annually as described in the current TPG lease
- (3) As many as nine (9) trips during festivals docking the Islander at the eastern end of the WPP:
 - 90-foot vessel with a passenger capacity of 300 people

- Although this may be a PUC scheduled trip-the vessel is beyond the size capacity for the ferry dock
 - The PUC has indicated that the Town has no obligation to provide for ferry dockage
 - The PUC has indicated that CMS/Jamestown Ferry has no obligation to increase passenger capacity at any time as it not a lifeline ferry service
- (4) The use of the space and declare it as the point of origin for charter services.
 - This also allows for alcohol service at the dock-30minutes prior to departure
 - This is not currently available to other charter vessels
- (5) Allows for an 8 by 8 tent
 - This is not offered to other vessels
- (6) Allows for a sandwich board sign on Town property
 - This is not offered to other vessels/businesses
- (7) Allows for the arch sign to remain which advertises both the Jamestown Ferry (RIPUC service) and the Coastal Queen (charter business)
 - This is not offered to other vessels/businesses

The annual fee offered by the Town:

- \$8500/year
- 3-year term
- 10% escalator

The proposed agreement was rejected by CMS, more specifically:

CMS does not agree with:

- Proposed annual fee
- Proposed term of 3 year
- Proposed escalator
- Restriction on vessels traveling outside of Narragansett Bay

CMS requested:

- A cap on any JHC rate changes related to permit for use of the ferry dock by charter vessels
- Language to address the location of the dumpster which was put in place on Town property without agreement by CMS as the former tenant

CMS has suggested that the ferry and charter vessels that are proposed to be docked at the WPP are the equivalent of other commercial vessels such as the small fishing charter boats which are limited to six passengers. And as such, CMS should be charged at the town-designed commercial dockage rate of \$44/ foot. The agreement and the terms as offered by the Town are beyond a simple dock permit.

For reference, the 2023 agreement fee was \$12,015.

Total estimated cost as proposed by the Town including permit fees for charter vessels: \$11,000.

Councilor R. White made a clarifying statement, CMS is objecting to the price going down.

Atty. Christian Infantolino, representing CMS, addressed the Town Council. CMS does not agree on specific areas of the proposed agreement on the following sections:

Section 2: Exclusive use of the WPP.

Section 7: Multiyear contract

Section 9: The festival runs

Section 17: Automatic termination provision; CMS would like the ability to cure an issue rather than the automatic termination.

Atty. Infantolino asserted Section 5 has been mischaracterized. Not knowing the monetary value of the commercial permit creates a challenge related to negotiating the Multiyear contract.

Additionally, in Section 4, CMS proposed the rate to be consistent with the approved commercial rate, \$44 per foot. CMS would not be using the whole length of the WPP, just 60 feet; 40 feet on the concrete dock; plus, two commercial permits at a value of \$1000 each. The escalator clause was not included in the CMS calculation. CMS proposed an annual fee of approximately \$6500.

The Town Council, Town Staff and CMS continued to disagree on the terms of the agreement

Town Administrator Mello explained the proposed agreement allows the use of 60 feet of the WPP without restriction. The 2023 agreement limited the use to two nights.

Councilor Brine asked if the annual agreement fees were to be lower, would that allow for reduced ticket prices for residents and families?

CMS Inc. will be offering a season pass, multi-ticket packs, family packages, an "after 4" ticket, a new arrangement with Rose Island; as well as other incentives with restaurants on both sides of the bay. All the operational costs determine what CMS needs to charge for tickets.

President Beye reminded all that the annual use agreement for the ferry landing on Town property was the agenda topic.

Solicitor Peter Ruggiero stated there was an impasse.

The Town Administrator Mello and CMS will meet to continue discussions.

No action was taken and the agenda item will be continued to the May 20th meeting.

Donna Wood, CMS, Inc. COO stated the Coastal Queen has two upcoming scheduled events. Will the town allow the CMS vessels to use the ferry landing/WPP without an agreement in place?

Town staff will review events on a case-by-case basis; the upcoming events will be allowed to use the Town owned ferry landing and WPP.

- D) Review, Discussion, and/or Action and/or Vote: At the recommendation of Town Administrator Mello approval of the request to re-allocate the American Rescue Plan Act (ARPA) Funds balance in the amount of \$1,063,344.12:
 - 1) Memorandum from Town Administrator Mello to the Town Council

requesting re-allocation of remaining ARPA funds:

- a) Senior Center Project: Architectural fees to Union Studio for work performed and additional design work up to 30% complete: \$125,000
- b) Water Infrastructure: Water meter replacement program: \$858,344
- c) Radio Project Water Tower: Complete the relocation of the SCADA equipment, Install a stand-alone public safety backup radio system, and install a standby generator for emergency equipment: \$ 80,000

Total ARPA Funds Re-allocation Request: \$1,063,344

The Town was awarded ARPA funds in the amount of \$1,643,390. The Town Council previously authorized three projects:

- (1) purchase of a new rescue ambulance
- (2) renovation and purchase of public safety dispatch center equipment and
- (3) fund a portion of the water main replacement project on Narragansett Avenue between North Road and West Ferry.

The first two projects have been completed. The water line project has moved through the majority of design work. The staff has become increasingly concerned about the probability of continuing the water main project due to expected significant delays involving the historical review process.

Based on those growing concerns, Town Administrator Mello has recommended approval of the ARPA funds balance of \$1,063,344.12 to be reallocated:

Senior Center Project: \$125,000

Architectural fees to Union Studio as spent to date: \$60,000

Continue to the 30% design work \$65,000

Water Infrastructure \$858,344

Water meter replacement program

Radio Project Water Tower: \$ 80,000

Complete the relocation of the SCADA equipment

Install stand-alone public safety back up radio system

Install standby generator for emergency equipment

Discussion ensued.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the request to reallocate the American Rescue Plan Act (ARPA) Funds balance in the amount of \$1,063,344.12 as indicated. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

XI. ORDINANCES, APPOINTMENTS, VACANCIES, AND EXPIRING TERMS

- A) No items at this time.

XII. CONSENT AGENDA

- A) Adoption of Town Council Meeting Minutes
 - 1) March 11, 2024 (Special meeting)
 - 2) March 12, 2024 (Special meeting)
 - 3) March 18, 2024 (Regular meeting)
 - 4) March 20, 2024 (Special meeting)
 - 5) March 27, 2024 (Special meeting)
 - 6) April 1, 2024 (Regular meeting)
 - 7) April 10, 2024 (Special meeting)
- B) Minutes of Boards/Commissions/Committees
 - 1) Conservation Commission (April 9, 2024)
 - 2) Harbor Management Commission (March 13, 2024)
 - 3) Planning Commission (March 20, 2024)
 - 4) Zoning Board of Review (March 26, 2024)
- C) Public Hearing/Abutter Notifications: Notice is hereby given that the Jamestown Planning Commission under Unified Development Review Per RIGL§45-23-50.1 will hold a public hearing on May 15, 2024, at the Jamestown Town Hall 93 Narragansett Avenue, Jamestown, Rhode Island at 6:30 p.m. upon the following:
 - 1) Application of The Town of Jamestown, whose property located at 245 Conanicus Avenue (Jamestown Golf Course), and further identified as Tax Assessor's Plat 8, Lot 283, for a Development Plan Review under Zoning Ordinance Section 82-1004.1 A and a Special Use Permit from Zoning Ordinance Section 82-300 B for Off-street parking and loading areas where required. The proposed plan would include allowing 20 vehicles to park diagonally on the south side of the lot, in a defined grass area contained by a split rail fence. The area would not be asphalt and would only be used when the Town rents out the second floor during times when it is expected that the parking lot would be in use by the golfers. The Town will staff the parking lot in order to manage the use of this area during these times. Parking in this area would otherwise be prohibited by signage. Said property is located in an OS-II zone and contains 74.36 acres.
- D) Approval of the recommendation by Town Administrator Mello to appoint Bart Totten as the Jamestown Harbor Master.
- E) Approval of the request to authorize Town Administrator Mello to execute a one-year extension of the street light maintenance agreement between the Town of Jamestown and RISE Group Inc. in an amount not to exceed \$3,599.16.
- F) Approval of the request to authorize Town Administrator Mello to execute the proposed agreement between the Town of Jamestown and Union Studios to further develop the conceptual plans for the Senior Center Project, located at 6 West Street, up to approximately 30% complete refined architectural, structural, mechanical, electrical and plumbing design and specifications as required, suitable for

development of a professional construction cost estimate; and detailed construction cost estimate, in an amount not to exceed \$65,000.

G) Ratification of the Administratively approved Short-Term Rental application for the period of January 1, 2024 through December 31, 2024:

- 1) STR-115, Jeffrey Szala, 83 Sprindrift Street
- 2) STR -104, Debra Bjorklund, 43 Helm Street
- 3) STR -17, Edward DePhillips, 36 Cole Street
- 4) STR -83, Charles Lonaesus, 3 Standish Road
- 5) STR -136, Tor Holtan, 61 Bayview Drive
- 6) STR -82, Christine Gentry, 65 Cedar Lane
- 7) STR -127, Antonia Mendes, 73 Conanicus Avenue, Unit 5
- 8) STR -111, Shawn Wagner, 107 Steamboat Street
- 9) STR -133, Anne Gallagher, 10 Washington Street
- 10) STR -143, Michaela Turnquist, 44 Southwest Avenue
- 11) STR -62, Christopher Sorlien, 189 Beavertail Road
- 12) STR -58, Stephen Bernath, 67 North Road
- 13) STR -90, Valeriya Gavrylenko, 91 Hamilton Avenue
- 14) STR -89, Lia Miller & Johnnie Spicer, 76 Reservoir Circle
- 15) STR -124, Richard Boschen, 67 Dumpling Drive

H) One-Day Event/Entertainment License Applications: All One-Day Event/Entertainment license application approvals are subject to any COVID-19 protocols in effect at the time of the event:

- 1) Applicant: Out of the Box Studio & Gallery
Event: Looms & Community Centers
Date: May 16, 2024
Location: 11 Clinton Avenue
- 2) Applicant: Jamestown Arts Center (JAC)
Event: JAC Talk: In Conversation with Brad Gooch
Date: May 4, 2024
Location: 18 Valley Street
- 3) Applicant: Jamestown Arts Center (JAC)
Event: Heifetz on Tour Concert
Date: May 11, 2024
Location: 18 Valley Street
- 4) Applicant: Jamestown Arts Center (JAC)
Event: Second Time Around Family Workshop Day
Date: May 18, 2024
Location: 18 Valley Street
- 5) Applicant: Jamestown Arts Center (JAC)
Event: Newport Live Presents: Siya Charles- Jazz South Africa
Date: May 18, 2024
Location: 18 Valley Street

- 6) Applicant: Jamestown Arts Center (JAC)
 Event: Never Fade Away (Film)
 Date: May 19, 2024
 Location: 18 Valley Street

Vice President Meagher read aloud each Short-Term Rental host application name and address, asking those in attendance for any objections or comments to be known.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Short-Term Rental applications for licensing as listed on the Consent Agenda. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor R. White, Aye; and Councilor M. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to accept the Consent Agenda. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor M. White, Aye; Councilor R. White, Aye; and Councilor Brine, Aye.

Communications were acknowledged

XIII. COMMUNICATIONS, PETITIONS, AND PROCLAMATIONS AND RESOLUTIONS FROM OTHER RHODE ISLAND CITIES AND TOWNS

The Council may acknowledge any of the listed Communications and Proclamations and Resolutions. Should any member wish to have a conversation on any of the matters, the item will be placed on a future agenda for review, discussion, and/or potential action and/or vote.

A) Communications Received:

- 1) Copy of memo: Town Council
 From: Governor Daniel J. McKee
 Dated: April 11, 2024
 Re: Thank you for Municipal Support for Litter-Free
 Rhode Island

B) Communications and Resolutions from other Rhode Island Cities and Towns:

- 1) Town of Portsmouth, Resolution 2024-04-08-A, A Resolution Endorsing the 2023 Rhode Island Bike Plan as a guiding document in the planning of transportation-related infrastructure for Portsmouth.
- 2) Town of Westerly, Resolution 23/24-70, Urging the RI State Legislature to Support Allocating Funding For Permanent Safety Barriers On Rhode Island's Bridges Over Narragansett Bay.
- 3) Town of Burrillville, Burrillville Town Council Resolution In Support of Senate Bill 2024- S 2016, An Act Relating to Towns and Cities – Low and Moderate Income Housing.
- 4) Town of Burrillville, Burrillville Town Council Resolution In Support of Senate Bill 2024- S 2008, Relating to Education – The Education Equity and Property Tax Relief Act.

- 5) Town of Burrillville, Burrillville Town Council Resolution Opposing House Bill 2024- H 7978, Legislation Relating to Subdivision of Land.
- 6) Town of Burrillville, Burrillville Town Council Resolution In Opposition to Legislation Regarding Housing and Land Use.
- 7) Town of Burrillville, Burrillville Town Council Resolution Opposing House Bill 2024- H 7382, Legislation Relating to Towns and Cities – Zoning Ordinance.
- 8) Town of Burrillville, Burrillville Town Council Resolution Opposing House Bill 2024- H 7324, Legislation Relating to Towns and Cities – Zoning Ordinance.
- 9) Town of Burrillville, Burrillville Town Council Resolution, Funding Formula.
- 10) Burrillville School Department, School Committee Resolution, Funding Formula.

XIV. ADJOURNMENT

A motion was made by Vice President Meagher with a second by Councilor M. White to adjourn at 8:57 p.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

Attest:

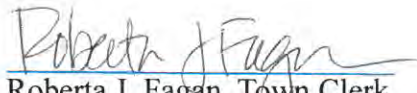

Roberta J. Fagan, Town Clerk

EXHIBIT AA

STATE OF RHODE ISLAND
TOWN OF JAMESTOWN

PROCEEDINGS AT HEARING *
IN RE: *
 *
Town Council sitting as the*
Board of Water and Sewer *
Commissioners *

Jamestown Town Hall
93 Narragansett Avenue
Jamestown, RI 02835
6 May 2024

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

PRESENT:

For the Application - Saletins and Frechettes:
Christian S. Infantolino, Esquire
MURPHY PRIOR & INFANTOLINO
77 Narragansett Avenue
Jamestown, RI 02835

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

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

ALSO PRESENT:

Edward A. Mello, Town Administrator
Roberta J. Fagan, Town Clerk
Denise Jennings, Water and Sewer Clerk

1 COUNCILOR BEYE: Do you want to swear him
2 in now or --

3 **GLENN ANDREONI**

4 called as a witness and having been first duly
5 sworn, testifies as follows:

6 THE STENOGRAPHER: Your name, please.

7 GLENN ANDREONI: Glenn Andreoni,
8 A-n-d-r-e-o-n-i.

9 THE STENOGRAPHER: Thank you.

10 COUNCILOR MEAGHER: And so you had this
11 property since 2015; is that right?

12 GLENN ANDREONI: I believe so.

13 COUNCILOR MEAGHER: And it's a seasonal
14 residence you said?

15 GLENN ANDREONI: Yes.

16 COUNCILOR MEAGHER: Okay. And it's a
17 three-bedroom home?

18 GLENN ANDREONI: Yes.

19 COUNCILOR MEAGHER: Okay. And it's one --
20 one-story, but you got have a basement?

21 GLENN ANDREONI: Yes.

22 COUNCILOR MEAGHER: Okay. And that's --
23 has that basement got living space, or is it just
24 for --

25 GLENN ANDREONI: No.

1 COUNCILOR MEAGHER: -- utility storage and
2 stuff like that.

3 GLENN ANDREONI: Yes.

4 ADMINISTRATOR MELLO: Excuse me, madam
5 chair.

6 COUNCILOR MEAGHER: Yep.

7 ADMINISTRATOR MELLO: Would you mind
8 having the witness in front of the microphone,
9 please.

10 COUNCILOR MEAGHER: Okay.

11 ATTORNEY ROCHA: Sorry.

12 GLENN ANDREONI: Sorry.

13 COUNCILOR MEAGHER: We're having trouble.

14 Can you hear me? Okay. All right. Am I on?

15 CLERK FAGAN: You are on. And when you
16 sit back, it's hard to hear you.

17 COUNCILOR MEAGHER: Okay. We'll try to
18 choreograph this.

19 Okay. Your lot, the almost 40,000 feet, so
20 it's probably the only lot that's actually close to
21 complies with the zoning code. So -- and I know --
22 but I know the Seaview subdivision precedes,
23 precedes zoning licensing. It's also in a FEMA
24 flood zone, as you know. And it's part -- yours is
25 partly in a lot VE zone and then an AE zone from

1 the -- and the -- from the Town's RGIS map.

2 Your septic, I think, dates to 1969. You said
3 that -- I think you had said that it might be
4 original?

5 GLENN ANDREONI: It's original, yes.

6 COUNCILOR MEAGHER: It's original.

7 GLENN ANDREONI: Well, since I bought it,
8 yes.

9 COUNCILOR MEAGHER: And I think -- yeah.
10 I went looking for everybody's septic and stuff.

11 GLENN ANDREONI: Okay.

12 COUNCILOR MEAGHER: And so, from what I
13 could tell, it was Mr. McCall's (Phonetic) in 1969.
14 And it's located also east of your house, right,
15 towards the --

16 GLENN ANDREONI: Yes.

17 COUNCILOR MEAGHER: You have a well of
18 195 feet pointing at 6 -- .6 gallons per minute, is
19 that right, I think, where you --

20 GLENN ANDREONI: Based on the experts.

21 COUNCILOR MEAGHER: Yes. Right. And when
22 you -- you said when you bought the first property
23 back in 2015 or '16, it was getting adequate water.

24 GLENN ANDREONI: I had no issues.

25 COUNCILOR MEAGHER: Can you remember what

1 it was getting at that time?

2 GLENN ANDREONI: No, I can't, but I know
3 we never ran out of water --

4 COUNCILOR MEAGHER: Okay.

5 GLENN ANDREONI: And it wasn't salty.

6 COUNCILOR MEAGHER: Gotcha. And your well
7 is located in the northeast end of your lot, right?

8 GLENN ANDREONI: Yes.

9 COUNCILOR MEAGHER: And it's -- I think
10 it's --

11 GLENN ANDREONI: Well, I think the
12 northwest. Right?

13 COUNCILOR MEAGHER: Yes. Exactly. I'm
14 sorry.

15 GLENN ANDREONI: That's okay.

16 COUNCILOR MEAGHER: I'm screwing this up.
17 Northwest corner, right. Yes. And it's near --
18 it's within -- it's out -- it's less than 25 feet
19 from Seaview, I think.

20 GLENN ANDREONI: I believe so.

21 COUNCILOR MEAGHER: I think, according to
22 the -- it's on the --

23 ATTORNEY ROCHA: It's whatever it is on
24 the map.

25 COUNCILOR MEAGHER: Yep. It's all on

1 this.

2 GLENN ANDREONI: Well, actually, I think
3 it's more of it's outside of the buffer, I believe.
4 Right?

5 COUNCILOR MEAGHER: I think it may well be
6 Okay?

7 GLENN ANDREONI: Could I approach?

8 COUNCILOR MEAGHER: We have this --

9 GLENN ANDREONI: This is the 25 foot
10 buffer, right?

11 COUNCILOR MEAGHER: Yes.

12 GLENN ANDREONI: That is outside.

13 COUNCILOR MEAGHER: Yeah. But it's within
14 25 feet of the road. That's all. Of Seaview.

15 GLENN ANDREONI: Oh, okay. Isn't that a
16 25-foot buffer? I don't know.

17 COUNCILOR MEAGHER: Yeah. The -- no, no.
18 That's okay. The exterior concern of the circle is
19 the plane.

20 GLENN ANDREONI: Oh.

21 COUNCILOR MEAGHER: Yes.

22 GLENN ANDREONI: Perimeter?

23 COUNCILOR MEAGHER: Yes.

24 GLENN ANDREONI: Okay. I'm so sorry. I
25 thought the well --

1 COUNCILOR MEAGHER: No, no. The well is
2 not.

3 And so, you -- it's -- I think people said
4 it's not a good candidate for hydrofracking?

5 GLENN ANDREONI: Correct.

6 COUNCILOR MEAGHER: Right.

7 ATTORNEY ROCHA: That's what the expert
8 said.

9 COUNCILOR MEAGHER: Right. Exactly.

10 You have not tried to drill a deeper well?

11 GLENN ANDREONI: I was told it would be
12 worse.

13 COUNCILOR MEAGHER: Okay. And do you have
14 any water storage in your basement or --

15 GLENN ANDREONI: Well, we have a tank
16 right now that stores, but --

17 COUNCILOR MEAGHER: But you don't have
18 like Mr. --

19 GLENN ANDREONI: No.

20 COUNCILOR MEAGHER: -- Mr. Saletin has
21 like a 500-gallon tank. You don't have anything
22 like that?

23 GLENN ANDREONI: No. Our -- our well just
24 wouldn't support it --

25 COUNCILOR MEAGHER: Okay.

1 GLENN ANDREONI: -- at half a gallon a
2 minute.

3 COUNCILOR MEAGHER: Right. Have you made
4 any -- in the time that you have owned the house,
5 have you made any big renovations like -- and do
6 you have any of these things?

7 GLENN ANDREONI: No. Not really. Nothing
8 that would -- no.

9 COUNCILOR MEAGHER: Body sprays and
10 whirlpool tubs or things that?

11 GLENN ANDREONI: No.

12 COUNCILOR MEAGHER: No? Okay.

13 GLENN ANDREONI: We do have an outdoor
14 tub, but we don't -- we haven't used it.

15 COUNCILOR MEAGHER: A hot tub?

16 GLENN ANDREONI: Hot tub.

17 COUNCILOR MEAGHER: Yeah. Gotcha.

18 GLENN ANDREONI: Yeah.

19 COUNCILOR MEAGHER: Do you have gardens
20 that you water?

21 GLENN ANDREONI: Never. No.

22 COUNCILOR MEAGHER: Okay. And you're on
23 an irrigation system?

24 GLENN ANDREONI: We don't use it. We
25 haven't even used it from -- there is one there,

1 but it's all ripped up and -- no, we -- so, no,
2 basically. There is one there --

3 COUNCILOR MEAGHER: Right.

4 GLENN ANDREONI: -- but it's not been
5 used.

6 COUNCILOR MEAGHER: And also just -- there
7 is -- I do -- just you're asking for the extension
8 to come not just in front of your -- from in front
9 of your house, but to go down Seaview?

10 ATTORNEY ROCHA: No.

11 GLENN ANDREONI: No.

12 COUNCILOR MEAGHER: No?

13 ATTORNEY ROCHA: Just for --- to come in
14 front of his house. Just to go from 68 to his
15 house.

16 COUNCILOR MEAGHER: Oh. Just to go from
17 one point --

18 GLENN ANDREONI: A hundred, whatever.

19 COUNCILOR MEAGHER: Just on East Shore
20 Road.

21 ATTORNEY ROCHA: Yes. Not to go into
22 Seaview.

23 COUNCILOR MEAGHER: Not to go into
24 Seaview. Okay.

25 ATTORNEY ROCHA: Yes.

1 COUNCILOR MEAGHER: I was -- I was
2 incorrect on that.

3 GLENN ANDREONI: Which is a hundred feet.

4 COUNCILOR MEAGHER: Okay. All right.

5 GLENN ANDREONI: Right?

6 COUNCILOR MEAGHER: Great. Thank you.

7 GLENN ANDREONI: You're welcome.

8 ATTORNEY ROCHA: I have remarks, but I
9 don't know if -- I'd prefer to wait if you could
10 ask Mr. Gray some questions and then --

11 COUNCILOR MEAGHER: We can wait.

12 ATTORNEY ROCHA: Okay. Thank you.

13 COUNCILOR BEYE: Okay. Our last --

14 COUNCILOR MEAGHER: Just the last folks,
15 are they here? The Frechettes?

16 COUNCILOR BEYE: Yes. 19 Seaview.

17 COUNCILOR MEAGHER: Are you folks here?

18 COUNCILOR BEYE: Is there someone here?

19 ATTORNEY INFANTOLINO: We are.

20 COUNCILOR MEAGHER: Oh. It's you again.

21 ATTORNEY INFANTOLINO: Me again.

22 COUNCILOR MEAGHER: So, in terms of their
23 property, they had bought their -- bought the house
24 in -- 2000 --

25 ATTORNEY INFANTOLINO: '15.

1 actual yield of the particular well. And I will
2 state that, you know, my client will meet all of
3 the other State requirements in terms of condition,
4 size, easement, and that sort for it.

5 COUNCILOR MEAGHER: Do they have any
6 storage? Do you have any water storage?

7 COUNCILOR BEYE: He's not sworn in.

8 ATTORNEY INFANTOLINO: He's not here.
9 There is no extra water storage.

10 COUNCILOR MEAGHER: No 500-gallon tank.

11 ATTORNEY INFANTOLINO: Correct.

12 (Pause.)

13 ATTORNEY INFANTOLINO: Thank you.

14 COUNCILOR BEYE: Thank you.

15 Are you done with your questions?

16 COUNCILOR MEAGHER: I think I am.

17 COUNCILOR RANDALL WHITE: When we
18 adjourned the last time, I had asked to have
19 Michael Gray testify today.

20 I just wanted to suggest to the applicants who
21 are here that I would propose that whatever
22 testimony he offers is applicable to all four of
23 the people who are here, or three who are here, but
24 all four applications.

25 Mike.

MICHAEL GRAY

called as a witness and having been first duly
sworn, testifies as follows:

THE STENOGRAPHER: Your name, please.

MICHAEL GRAY: Michael Gray.

THE STENOGRAPHER: Thank you.

COUNCILOR RANDALL WHITE: Good afternoon.

MICHAEL GRAY: Good evening.

COUNCILOR RANDALL WHITE: What is your
title with respect to the Jamestown Water District?

MICHAEL GRAY: I am the Public Works
Director for the Town of Jamestown.

COUNCILOR RANDALL WHITE: And how long
have you had that position?

MICHAEL GRAY: Since 2011 when I was
promoted from Deputy Public Works Director to Town
Engineer.

COUNCILOR RANDALL WHITE: And do your
responsibilities include oversight of the water
distribution system within Jamestown?

MICHAEL GRAY: Yes. As the Public Works
Director I am responsible for the overall
management of the Water and Sewer and Highway
Division in the Town.

COUNCILOR RANDALL WHITE: From what I

1 understand from your testimony, you weren't here in
2 1969, correct?

3 MICHAEL GRAY: No. I was actually born in
4 1960.

5 COUNCILOR RANDALL WHITE: So, can I assume
6 that since assuming your position with the water
7 district you have become familiar with the fact
8 that Jamestown purchased its water district from a
9 private company back in the '60s?

10 MICHAEL GRAY: Yes. In '69, I believe
11 that's when the enabling legislation was approved
12 by the General Assembly for the creation of the
13 board and then from that that is when the Town
14 pursued purchasing the water company from the
15 private utility company.

16 COUNCILOR RANDALL WHITE: For the purposes
17 of this hearing, I would like to mark this. This
18 will be a challenge since it applies to all four
19 applicants.

20 ATTORNEY INFANTOLINO: Can we get copies
21 of that?

22 COUNCILOR RANDALL WHITE: I think so, yes.

23 SOLICITOR RUGGIERO: Why don't you use
24 numerical for that? So, it would be 1.

25 COUNCILOR RANDALL WHITE: All right. That

1 makes is easy.

2 It's Exhibit 1 for all four applications.

3 {Document handed.}

4 {Board Exhibit 1 so marked.}

5 COUNCILOR RANDALL WHITE: So, from your
6 understanding of the history and having dealt with
7 it, since you assumed your position, what did this
8 water system consist of in the '60s when it was
9 purchased from the private company?

10 MICHAEL GRAY: It consisted of two
11 reservoirs, the South Pond and North Reservoir. It
12 consisted of a treatment plant. It consisted of
13 the distribution system within The Village and
14 points south, including a storage tank on Howland
15 Avenue.

16 COUNCILOR RANDALL WHITE: Okay. So, the
17 distribution system is in what you call "The
18 Village"?

19 MICHAEL GRAY: Correct.

20 COUNCILOR RANDALL WHITE: Since that
21 enactment, in what we have marked as Exhibit 1,
22 Public Lot Chapter 273 in the 1968 January session,
23 since that time, has the Jamestown Water District
24 created rules and regulations?

25 MICHAEL GRAY: Yes.

1 COUNCILOR RANDALL WHITE: And that was
2 consistent with the authority they were given in
3 this public law, correct?

4 MICHAEL GRAY: Yes.

5 COUNCILOR RANDALL WHITE: And when the
6 rules and regulations were established in the
7 particular area that you call "The Village" that
8 was purchased from the private water company, did
9 that take on a different designation and name under
10 the rules and regulations of the board?

11 MICHAEL GRAY: Yes. It's referred to as
12 the Urban District.

13 COUNCILOR RANDALL WHITE: Okay. And is
14 the Urban District now defined in the rules and
15 regulations of the Board of Water and Sewer
16 Commissioners?

17 MICHAEL GRAY: It is. Geographically it's
18 what is described in the rules.

19 COUNCILOR RANDALL WHITE: And I don't have
20 a clean copy of the rules and regulations, but I
21 would like to -- is there the prospect of
22 submitting a copy of the full rules and regulations
23 as amended in 2009 as Exhibit 2, unless there are
24 problems from any of the applicants.

25 ATTORNEY ROCHA: I didn't have any.

1 COUNCILOR RANDALL WHITE: Okay. So, that
2 would be marked when we are able to provide a clean
3 copy and provide copies for each of you.

4 (Board Exhibit 2 so marked.)

5 COUNCILOR RANDALL WHITE: Do you know from
6 your familiarity of the rules and regulations in
7 your job overseeing the system where the boundary
8 line of the Urban District was drawn?

9 MICHAEL GRAY: I do. Generally described
10 as follows: It's the land area north of Hamilton
11 Avenue from the West Passage and to the
12 East Passage of Jamestown extending northward
13 towards Arnold Avenue, which extends across to the
14 West Passage, and then Mount Hope -- across the
15 golf course and then across to Mount Hope Avenue
16 extending eastward to the East Passage. So, it's
17 that, that geographic area.

18 COUNCILOR RANDALL WHITE: Okay. And those
19 boundaries were the extent of the distribution
20 system when the water district purchased it in
21 1968?

22 MICHAEL GRAY: No. There was water --
23 water mains existed out towards Beavertail and into
24 Beavertail, what is now Beavertail State Park.
25 When it was a military establishment, it was the

1 distribution of mains there. And then it also
2 extended out towards Fort Wetherill where there
3 were military establishments there as well where
4 there were networks of distributions there.

5 COUNCILOR RANDALL WHITE: So, both of
6 those areas you described, Fort Wetherill and
7 Beavertail, are both south of the Urban District,
8 correct?

9 MICHAEL GRAY: Correct.

10 COUNCILOR RANDALL WHITE: And you
11 described Arnold Avenue. Are you familiar with
12 Weeden Lane?

13 MICHAEL GRAY: I am.

14 COUNCILOR RANDALL WHITE: And is there
15 any -- was there any portion of the district, the
16 water -- Urban District, what is now called Urban
17 District, were there lines on Weeden Lane in the
18 '60s?

19 MICHAEL GRAY: No. I believe that was
20 constructed in the '80s, maybe early '90s.

21 COUNCILOR RANDALL WHITE: And Weeden Lane
22 is north of Arnold Ave., correct?

23 MICHAEL GRAY: That is correct.

24 COUNCILOR RANDALL WHITE: Does the Weeden
25 Lane service serve any houses on Weeden Lane?

1 MICHAEL GRAY: It does at the term --
2 where the toll plaza -- where it terminates at the
3 toll plaza there is a few houses.

4 COUNCILOR RANDALL WHITE: And Weeden Lane
5 basically travels east and west, correct?

6 MICHAEL GRAY: Correct.

7 COUNCILOR RANDALL WHITE: And dead-ends at
8 or near what's now the connector road between the
9 bridges, correct?

10 MICHAEL GRAY: Correct.

11 COUNCILOR RANDALL WHITE: Was there -- did
12 that distribution main that you've described being
13 put in after the purchase? When did you say it
14 happened?

15 MICHAEL GRAY: I believe it was in the
16 '80s. I don't know the exact date, but I believe
17 it was put in for the purpose of a redundant
18 transmission main going into town. The Town only
19 had one main crossing the creek. And as redundant
20 transmission main, it was installed to go around
21 and come in through Conanicus.

22 COUNCILOR RANDALL WHITE: Did the line
23 continue past the dead-end point of Weeden Lane?

24 MICHAEL GRAY: It did. It went underneath
25 the Route 138 to East Shore Road.

1 COUNCILOR RANDALL WHITE: Okay.

2 MICHAEL GRAY: A couple houses there.

3 COUNCILOR RANDALL WHITE: At approximately
4 what street number, if you know, on East Shore
5 Road?

6 MICHAEL GRAY: A -- I should have that on
7 a map. In fact, I believe I included that.

8 COUNCILOR RANDALL WHITE: Well, without
9 worrying too much about it, is it fair to say --

10 MICHAEL GRAY: I have it right here.

11 COUNCILOR RANDALL WHITE: Okay.

12 MICHAEL GRAY: It ended at 38 East Shore
13 Road.

14 COUNCILOR RANDALL WHITE: Okay. And did
15 the -- so, in the '60s, when the system was
16 purchased, the grid, or distribution system, only
17 went to Arnold Ave., right? And you said in the --
18 after that, you're not sure exactly when in the
19 '90s this description that you've given of Weeden
20 Lane occurred, correct?

21 MICHAEL GRAY: Yeah. I don't know the
22 exact date, but that was sometime in that period
23 during the '80s, early '90s.

24 COUNCILOR RANDALL WHITE: So, now, in
25 2024, is there any currently existing, is there any

1 line for the water system north of the Weeden Lane
2 connection that you described?

3 MICHAEL GRAY: No. Other than East Shore
4 Road. That one section that goes to 38.

5 COUNCILOR RANDALL WHITE: Okay. So,
6 that's slightly --

7 MICHAEL GRAY: Slightly north --

8 COUNCILOR RANDALL WHITE: -- slightly
9 north of the Weeden Lane --

10 MICHAEL GRAY: Slightly north.

11 COUNCILOR RANDALL WHITE: -- east-west
12 connection.

13 MICHAEL GRAY: 38.

14 COUNCILOR MEAGHER: Thank you.

15 ATTORNEY INFANTOLINO: That is north.

16 COUNCILOR RANDALL WHITE: Okay. And are
17 there plans, pursuant to an agreement, for an
18 extension of the 38 line -- that ends at 38 now for
19 it to go further north?

20 MICHAEL GRAY: Yes. Plans have been
21 submitted and approved to extend it to 68 East
22 Shore Road.

23 COUNCILOR RANDALL WHITE: Now, 68 is south
24 of Seaview Avenue, correct?

25 MICHAEL GRAY: Correct.

1 COUNCILOR RANDALL WHITE: Assuming the
2 agreement that was struck to have the construction
3 and extension to 68 occurs, would that then be the
4 northern most point of the distribution system?

5 MICHAEL GRAY: Correct.

6 COUNCILOR RANDALL WHITE: And is it fair
7 to say that the area of Weeden Lane is outside of
8 the Urban District as it's been defined in the
9 rules and regulations?

10 MICHAEL GRAY: Correct.

11 COUNCILOR RANDALL WHITE: And what is the
12 area south of the Urban District called?

13 MICHAEL GRAY: The Rural District.

14 COUNCILOR RANDALL WHITE: And is there a
15 name for the area north of Arnold Avenue?

16 MICHAEL GRAY: So, in the rules and
17 regulations there is a figure that is -- that --
18 that depicts the entire region, the entire area
19 within Jamestown. It identifies Urban as the area
20 geographically as I have described and all other
21 areas as Rural. Currently that's how it exists.

22 COUNCILOR RANDALL WHITE: Okay. So, the
23 area that the applications from Seaview Ave. is in
24 the Rural District, according to the map?

25 MICHAEL GRAY: It's according to the map.

1 COUNCILOR RANDALL WHITE: Is it according
2 to the description and in the rules and
3 regulations?

4 MICHAEL GRAY: In the rules and
5 regulations, it identifies it as such. That's the
6 appendix that's included, and that's the figure
7 that's attached to our rules.

8 COUNCILOR RANDALL WHITE: Okay. So, you
9 said when we purchased the system it consisted of
10 North and South Pond. Those are essentially the
11 same bodies of water as exist today, correct?

12 MICHAEL GRAY: Correct.

13 COUNCILOR RANDALL WHITE: They weren't
14 smaller, they weren't bigger?

15 MICHAEL GRAY: No.

16 COUNCILOR RANDALL WHITE: And the storage
17 tank is something that existed when we bought the
18 system?

19 MICHAEL GRAY: In 1974, one of the first
20 projects, they built the 1 million gallon
21 standpipe, the original standpipe on that site.

22 COUNCILOR RANDALL WHITE: Was North Pond
23 the primary source of water for the system?

24 MICHAEL GRAY: Yes.

25 COUNCILOR RANDALL WHITE: Was South Pond

1 used when the system first came into play?

2 MICHAEL GRAY: I don't believe so. I
3 mean, the water quality was so poor, and it
4 didn't -- it wasn't used in 1991 either when they
5 built that first treatment facility.

6 COUNCILOR RANDALL WHITE: And is it fair
7 to say that there was an infrastructure, a supply
8 line, that connected, even when the system was
9 first purchased, the North Pond to residents who
10 used the system?

11 MICHAEL GRAY: Correct. It's trans
12 storage -- the transmission main that brings water
13 into the reservoir -- I mean, into the treatment
14 facility existed, yes.

15 COUNCILOR RANDALL WHITE: Does that go
16 basically north-south along the North Road?

17 MICHAEL GRAY: It follows the brook. It
18 actually follows the portion of North Road and then
19 crosses North Road and follows the brook into
20 South Pond, the area around South Pond, and then
21 eventually to the water plant.

22 COUNCILOR RANDALL WHITE: And does it
23 serve any houses on its way?

24 MICHAEL GRAY: No. No, it's raw water.

25 COUNCILOR RANDALL WHITE: Since our

1 purchase by Jamestown Water District of this system
2 you have described, have there been connections and
3 extensions made in the Rural District south of the
4 Urban District?

5 MICHAEL GRAY: I believe so. I believe
6 some of the roads off of Beavertail, yes, there
7 were distribution systems put in at that time, and
8 I'm not so certain about the Fort Wetherill area.

9 COUNCILOR RANDALL WHITE: But is it fair
10 to say that there has been and is not now any
11 service north of 38 East Shore Road?

12 MICHAEL GRAY: No.

13 COUNCILOR RANDALL WHITE: In your tenure,
14 has there ever been, to your knowledge,
15 consideration by this board of expanding this
16 system north?

17 MICHAEL GRAY: (No response.)

18 COUNCILOR RANDALL WHITE: From it's outer
19 northern limits?

20 MICHAEL GRAY: No. In fact, the rules
21 prohibit that expansion in the Rural District.

22 COUNCILOR RANDALL WHITE: Those are the
23 rules and regulations that were amended and not
24 added in 2009, correct?

25 MICHAEL GRAY: Correct.

1 COUNCILOR RANDALL WHITE: And prior to
2 that, was there as -- in your tenure, has there
3 ever been any discussion, any scuttlebutt at any
4 meeting of the Board of Water and Sewer
5 Commissioners or discussion with you about "Hey,
6 let's expand the system northward"?

7 MICHAEL GRAY: No.

8 COUNCILOR RANDALL WHITE: As a matter of
9 fact, The Shores area of town is north of the
10 Arnold Ave. --

11 MICHAEL GRAY: Correct.

12 COUNCILOR RANDALL WHITE: -- connection?
13 And it's north, too, of the Weeden Lane thing we
14 have described, correct?

15 MICHAEL GRAY: Correct.

16 COUNCILOR RANDALL WHITE: Is it fair to
17 say that there has been specific reference, in
18 fact, including in our water systems supply
19 management plans over the years of not expanding
20 the district to The Shores?

21 MICHAEL GRAY: Well, I believe it's
22 referred in the water system supply management
23 plan, that region of town is certainly referenced
24 as this -- as an area where it is serviced by both
25 the wells and septic systems, but I believe it

1 refers that there is no plans of providing water to
2 that neighborhood.

3 COUNCILOR RANDALL WHITE: Okay.

4 MICHAEL GRAY: I believe that's how it is
5 referenced.

6 COUNCILOR RANDALL WHITE: Now, in -- under
7 your leadership and supervision of the system, have
8 improvements been made to the infrastructure and
9 the supply since you took charge?

10 MICHAEL GRAY: There have been quite a bit
11 of improvements made in -- you know, during my
12 tenure as a Deputy and Town Engineer, and certainly
13 meets some improvements to the system since I was
14 Public Works Director. Most of the improvements
15 consist of water distribution improvements. We
16 built a new water supply storage tank, new
17 treatment facility. We have not performed or done
18 any more work on supply, we have not done that.

19 COUNCILOR RANDALL WHITE: Now, just to
20 stop you for a minute, in the original enabling
21 I'll call it legislation of the public law from
22 1968, there was discussion about not only the
23 authority of the Jamestown Water District to draft
24 rules and regulations consistent with the
25 legislation, correct?

1 MICHAEL GRAY: Correct.

2 COUNCILOR RANDALL WHITE: Is it fair to
3 say that those -- that the authorizations from the
4 public law did not require the Town to serve the
5 district beyond the -- what became known as the
6 Urban District?

7 MICHAEL GRAY: I can't say for a fact
8 because I'm not exactly sure on that term or
9 that -- that in the law, but --

10 COUNCILOR RANDALL WHITE: Okay. But you
11 have said that the water distribution system was in
12 what you called "The Village," which was roughly
13 synonymous with what is now the Urban District,
14 correct?

15 MICHAEL GRAY: Correct.

16 COUNCILOR RANDALL WHITE: Okay. And the
17 law would speak for itself about --

18 MICHAEL GRAY: Yes.

19 COUNCILOR RANDALL WHITE: -- the answer to
20 my question, correct?

21 MICHAEL GRAY: Correct.

22 (Pause.)

23 COUNCILOR RANDALL WHITE: Thank you for
24 bearing with me here. So, you made these
25 improvements. Is it fair to say that the system

1 that is now in place that you oversee is something
2 that is self-sufficient financially?

3 MICHAEL GRAY: Yes.

4 COUNCILOR RANDALL WHITE: In other words,
5 does it pay for itself?

6 MICHAEL GRAY: Yes. Yes.

7 COUNCILOR RANDALL WHITE: And who foots
8 the bill?

9 MICHAEL GRAY: Ratepayers.

10 ATTORNEY INFANTOLINO: Objection. What is
11 the relevance here? We're talking about a State
12 law that has to do with criteria on volume and
13 location of wells and now you're talking about
14 financial constraints and all this other stuff. If
15 you want to get into capacity questions that's one
16 thing, but, you know, we've got to keep this on
17 track with the State law and what these
18 applications are being reviewed under.

19 COUNCILOR RANDALL WHITE: Thank you for
20 your observations.

21 I will continue my questioning.

22 And I'm sorry. I was distracted by the
23 interruption. I am not supposed to have that
24 happen, but it was.

25 What was my question? Can somebody tell me?

1 COUNCILOR MEAGHER: Sorry.

2 COUNCILOR BEYE: Sorry.

3 CLERK FAGAN: Is it self-sufficient,
4 financially self-sufficient.

5 COUNCILOR RANDALL WHITE: Oh, yes. The
6 system is self-sufficient?

7 MICHAEL GRAY: Correct.

8 COUNCILOR RANDALL WHITE: So, the
9 ratepayers pay the freight?

10 MICHAEL GRAY: Correct.

11 COUNCILOR RANDALL WHITE: And the rules
12 and regulations reflect that, correct?

13 MICHAEL GRAY: Correct.

14 COUNCILOR RANDALL WHITE: And all the --
15 all the improvements that you have talked about
16 were not improvements that were embarked upon by
17 the Town Council of Jamestown on behalf of all the
18 residents of Jamestown; they were improvements
19 embarked upon and undertaken by the ratepayers of
20 the system, correct?

21 MICHAEL GRAY: Correct.

22 COUNCILOR RANDALL WHITE: And the rules
23 and regulations that we have talked about include a
24 preamble, correct?

25 MICHAEL GRAY: Yes.

1 COUNCILOR RANDALL WHITE: And in that
2 preamble it talks about what the responsibilities
3 of this board are, correct?

4 MICHAEL GRAY: Yes. Generally, yes. Yes.

5 COUNCILOR RANDALL WHITE: And are you
6 familiar with the very -- hold on -- not the very
7 first thing, I guess it's the second thing, that
8 the preamble suggests which is whereas it is the
9 duty of the board to preserve and protect this
10 resource and ensure its wise and responsible use;
11 is that part of the preamble to the rules and
12 regulations?

13 MICHAEL GRAY: I believe so, yes.

14 COUNCILOR RANDALL WHITE: And that is
15 because consistent with the legislation that
16 started the whole thing, the board, this board, has
17 a responsibility to the people who are served by
18 the system, correct?

19 MICHAEL GRAY: Correct.

20 COUNCILOR RANDALL WHITE: Now, I'd like to
21 turn your attention to the current sources of water
22 and capacity for the water district. You said that
23 you listed the improvements, but you said
24 improvements to the supply. Have there been any
25 improvements to the supply?

1 MICHAEL GRAY: There has been, and I
2 don't -- and I'd be happy to go into that a little
3 bit, in a little bit of detail.

4 COUNCILOR RANDALL WHITE: Sure. So, you
5 talked about North Pond, South Pond.

6 COUNCILOR MEAGHER: Correct.

7 COUNCILOR RANDALL WHITE: First of all,
8 before we get to that, did -- under your watch, has
9 there been an improvement to make better use out of
10 South Pond?

11 MICHAEL GRAY: Yes.

12 COUNCILOR RANDALL WHITE: How?

13 MICHAEL GRAY: So, they did some -- I'll
14 go into it a little bit. So, after 1993, the
15 board, this board, not the members of this board
16 but this board, initiated a water study committee.
17 And the purpose of the water study committee was
18 simply to find other sources of water. And they
19 did a great deal of work and research and studies
20 to find additional supplies of water. They drilled
21 eight wells. They studied South Pond --

22 COUNCILOR RANDALL WHITE: How many wells?

23 MICHAEL GRAY: Eight.

24 COUNCILOR RANDALL WHITE: Okay. And they
25 studied South Pond.

1 MICHAEL GRAY: They studied South Pond,
2 they studied North Pond, did -- also did work on
3 treatment, studies on treatment. They also looked
4 at other watersheds in town, if they could divert
5 water into North Pond, and all of those are
6 summarized in a study report that was published in
7 2003 from that committee. South Pond, what they
8 found to optimize South, the supply of South
9 Pond -- because there is difficulty in treating it
10 directly -- was to transfer water to North Pond.
11 They installed the system of pipes and pumps to
12 move the water from North -- from South Pond and
13 blend it with North Pond, and that's how that is
14 used.

15 COUNCILOR RANDALL WHITE: Now, is -- so,
16 the -- as I understand the capacity of North Pond
17 is 60 million or so gallons?

18 MICHAEL GRAY: Yes.

19 COUNCILOR RANDALL WHITE: And South Pond
20 at maximum is what six, eight?

21 MICHAEL GRAY: Eight.

22 COUNCILOR RANDALL WHITE: And is that
23 water available to the system?

24 MICHAEL GRAY: The way that system
25 operates, based on the studies that were performed

1 on South Pond, to capture the best quality water
2 and not impact North Reservoir, the water is only
3 transferred when South Pond is spilling over. At
4 times where there is water available in the
5 watershed, that is going through the pond and
6 spilling over at South Pond.

7 COUNCILOR RANDALL WHITE: And the reason
8 it might be not be spilling over is lack of rain,
9 drought conditions?

10 MICHAEL GRAY: Drought conditions, dry
11 conditions. That's correct.

12 COUNCILOR RANDALL WHITE: So, at South
13 Pond -- the ability to use South Pond is weather
14 dependent, correct?

15 MICHAEL GRAY: True.

16 COUNCILOR RANDALL WHITE: And how about
17 North Pond, is North Pond weather dependent?

18 MICHAEL GRAY: Totally.

19 COUNCILOR RANDALL WHITE: And how does --
20 if North Pond is depleted by use, how does it
21 recharge?

22 MICHAEL GRAY: Rainfall.

23 COUNCILOR RANDALL WHITE: That's it?

24 MICHAEL GRAY: That's it.

25 COUNCILOR RANDALL WHITE: So, if it

1 doesn't rain, the level stays or drops?

2 MICHAEL GRAY: Correct.

3 COUNCILOR RANDALL WHITE: Tell me about
4 the wells. You said there were eight. How many of
5 them were successful?

6 MICHAEL GRAY: There were two wells that
7 were successful: JR1 and JR3.

8 COUNCILOR RANDALL WHITE: The other six
9 are useless?

10 MICHAEL GRAY: Four required additional
11 study and permitting, two were dry.

12 COUNCILOR RANDALL WHITE: Are either JR1
13 or JR3 in use now?

14 MICHAEL GRAY: JR1 is the well we use.
15 JR3 is not used because of its poor water quality.

16 COUNCILOR RANDALL WHITE: So, in addition
17 to the improvement in being able to use it if it
18 spills over South Pond, there is also this
19 improvement in supply from JR1, correct?

20 MICHAEL GRAY: Correct.

21 COUNCILOR RANDALL WHITE: Now, what is the
22 capacity or yield of JR1?

23 MICHAEL GRAY: It's 48,000 gallons a day.

24 COUNCILOR RANDALL WHITE: And is that
25 always available?

1 MICHAEL GRAY: No.

2 COUNCILOR RANDALL WHITE: If you know,
3 what would cause that to be not available?

4 MICHAEL GRAY: During drought, extended
5 drought conditions or dry conditions, we monitor
6 the well, the elevation of the water in the well,
7 and as it approaches the well pump, the pump has to
8 be turned off.

9 COUNCILOR RANDALL WHITE: Does that
10 happen?

11 MICHAEL GRAY: It has. It has happened in
12 the last ten years a number of times during dry
13 periods. It's typically in the later months of the
14 dry season. You know, July we start to monitor;
15 August, September, of course, when it's dry.

16 COUNCILOR RANDALL WHITE: And so the same
17 conditions that would cause that not to be
18 available would likely make South Pond not
19 available because it wouldn't be spilling over,
20 right?

21 MICHAEL GRAY: Correct.

22 COUNCILOR RANDALL WHITE: So, you're back
23 to what we bought, North Pond, as it was in 1968?
24 That's our source of water for our district,
25 correct?

1 MICHAEL GRAY: Presently, yes, as it --

2 COUNCILOR RANDALL WHITE: I don't mean to
3 be sarcastic about it, but I need to ask it. We're
4 a small finite island. Okay. Most of the people
5 are here, live here, and know the metes and bounds
6 and ins and outs of the island. There is no secret
7 stashes of water on the island or ponds that we
8 have yet to tap for our use, correct?

9 MICHAEL GRAY: No.

10 COUNCILOR RANDALL WHITE: And given our
11 unique circumstances of being an island, we don't
12 have the luxury that another fellow or sister
13 municipality, city or town on either the east or
14 west of us would have to make deals or try to make
15 arrangements with sister or brother towns to
16 enhance our capacity, correct?

17 MICHAEL GRAY: Presently, no, there are
18 none.

19 COUNCILOR RANDALL WHITE: Is it fair to
20 say that since the system came into effect that
21 Jamestown has struggled even to supply water to the
22 Urban District?

23 MICHAEL GRAY: Yes. There have been
24 periods that there have been trouble supplying
25 water.

1 COUNCILOR RANDALL WHITE: The board at
2 some point in its history saw fit to include in the
3 rules and regulations events, startling events,
4 that are recounted beneath that section I read to
5 you about our responsibility being to the
6 ratepayers of the system. One such thing -- let's
7 see if I can find it here. What did I do with
8 that? Oh, here it is right here. What, if
9 anything, do you know about a situation involving a
10 tanker truck and water in Jamestown?

11 MICHAEL GRAY: So, I believe you're
12 talking about the event in 1993 during those
13 drought conditions where the reservoir essentially
14 was at almost depleted and there was no supply
15 available. The National Guard was, I believe,
16 asked to deliver water from North Kingstown over
17 the bridge to the reservoir, and they did that for
18 many months.

19 COUNCILOR RANDALL WHITE: That predates
20 you, right?

21 MICHAEL GRAY: Yes.

22 COUNCILOR RANDALL WHITE: But the
23 impression it left was so stark that it caused this
24 board to make it part of their preamble: Watch
25 out, we almost ran out of water?

1 MICHAEL GRAY: Yeah. And that was the
2 reason for that study committee to be charged to
3 try to find other sources of water.

4 COUNCILOR RANDALL WHITE: And the National
5 Guard had to be -- literally tanked in trucks to
6 try to replenish the reservoir that has no other
7 source but rain, and we hadn't had any rain and
8 that's what has to happen; correct?

9 MICHAEL GRAY: Yes.

10 COUNCILOR RANDALL WHITE: Now, was there
11 also a separate system or is it a situation or is
12 it connected to the tanker truck situation wherein
13 a -- a connection in terms of a pipe was either
14 purchased or contemplated to connect Jamestown
15 physically with North Kingstown?

16 MICHAEL GRAY: Yes. So, we own three
17 reels, hose reels, on trailers that we can deploy a
18 pipe across the Jamestown bridge to interconnect
19 with North Kingstown in the event of an emergency.

20 COUNCILOR RANDALL WHITE: And what kind of
21 a pipe is that?

22 MICHAEL GRAY: It's a flexible PVC pipe,
23 essentially a hose on a reel.

24 COUNCILOR RANDALL WHITE: Do we own it?

25 MICHAEL GRAY: Yes.

1 COUNCILOR RANDALL WHITE: Did we buy it
2 after the tanker truck thing or --

3 MICHAEL GRAY: No. In 2005, just before
4 the demolition of the Jamestown bridge -- let me go
5 back. Let me step back. Before, back in the early
6 2000s, a high-density polyethylene pipe was
7 installed on the deck of the old bridge that was
8 still in place to interconnect with
9 North Kingstown. It was used once when we took our
10 water tower offline to paint it, and that was in
11 early 2000, 2002, if I'm not mistaken. When the
12 bridge was scheduled for demolition, we had a lot
13 of meetings with the Rhode Island DOT about
14 installing a bridge on -- a pipe on the new bridge.
15 The alternative that was selected or basically the
16 alternative that we implemented was the purchase of
17 the three reels. The DOT actually purchased those
18 reels for the Town.

19 COUNCILOR RANDALL WHITE: Have we ever had
20 a -- for lack of a better way to describe it, a
21 deal with North Kingstown about the sharing or
22 buying water from them?

23 MICHAEL GRAY: Yes. And, well, it's not
24 current. But, yes, we have. In the past, we have
25 had an agreement with North Kingstown, with their

1 board, where they would provide us with a limited
2 supply of water, basically 200,000 gallons per day
3 during an emergency.

4 COUNCILOR RANDALL WHITE: And under your
5 tenure, has that agreement ever been -- had that
6 agreement ever been put into action?

7 MICHAEL GRAY: No.

8 COUNCILOR RANDALL WHITE: Do we have such
9 an agreement now?

10 MICHAEL GRAY: No. We have been working
11 on an agreement with the North Kingstown manager
12 there updating that agreement. And also we, right
13 now, are working on approval through the Department
14 of Health to use their water in Jamestown.

15 COUNCILOR RANDALL WHITE: So, is it fair
16 then to say that at present, although you're
17 working on it, that we don't have a backup to our
18 two ponds and our wells?

19 MICHAEL GRAY: Well, unfortunately, the
20 agreement we have is early 2000. So, no, we don't
21 have an agreement as of 2024. But more
22 importantly, when we went back to the Department of
23 Health to just update that approval of our
24 interconnection with North Kingstown, they asked
25 that we perform a study, a corrosion study, to make

1 sure that their water was not going to have an
2 adverse affect on our population. The study was
3 completed, and it's been in their hands now for
4 almost two years.

5 COUNCILOR RANDALL WHITE: But no
6 resolution has come about, we're still on our own,
7 right?

8 MICHAEL GRAY: Right now, yes.

9 COUNCILOR RANDALL WHITE: And are you
10 aware of any other prospects for increasing supply
11 that are in the works, so to speak, at the moment?

12 MICHAEL GRAY: No. Not at presently, no.

13 COUNCILOR RANDALL WHITE: Now, I'd like to
14 turn your attention now to the concept of daily
15 demand and safe yield. Those things may have, to a
16 layperson, straightforward meanings. But what do
17 those things mean to you and how do they apply to
18 your work of supervising our water system?

19 MICHAEL GRAY: The daily demand would be
20 our water use basically, what our customers are
21 using on a daily basis. That is what that demand
22 would be.

23 COUNCILOR RANDALL WHITE: Do we have a way
24 of measuring that?

25 MICHAEL GRAY: Yes. Our entire system is

1 metered.

2 COUNCILOR RANDALL WHITE: Are individual
3 homes metered?

4 MICHAEL GRAY: Everyone is metered.

5 COUNCILOR RANDALL WHITE: Is there a kind
6 of a master meter?

7 MICHAEL GRAY: Yes.

8 COUNCILOR RANDALL WHITE: Where is that?

9 MICHAEL GRAY: At the water plant. Right
10 where we deliver the water into the system.

11 COUNCILOR RANDALL WHITE: So, if you
12 followed the master meter, so to speak, you would
13 be able to tell how much the entire group of
14 customers is using at a given time?

15 MICHAEL GRAY: Well, yeah. I mean, so we
16 can compare the two on water use at the house and
17 water that is delivered to the system, so we can
18 make sure that our system is tight in how we are
19 using the water.

20 COUNCILOR RANDALL WHITE: Tell me about
21 safe yield. What is that all about?

22 MICHAEL GRAY: The safe yield, we
23 performed a safe yield study of our system, of our
24 reservoir system. But safe yield is our average --
25 basically our maximum average -- annual average

1 demand that can be sustained through drought
2 conditions without depleting our supply.

3 COUNCILOR RANDALL WHITE: And are each of
4 the water supplies that you have mentioned, North
5 Pond, South Pond and JR1, rated for their yield?

6 MICHAEL GRAY: Yes. So, the study that
7 was performed was through our consultant in 2000.
8 We have a safe yield study that was performed.

9 COUNCILOR RANDALL WHITE: And is -- at any
10 point during the calendar year, has, at any time in
11 history, the daily demand exceeded the yield of our
12 water supply?

13 MICHAEL GRAY: So, just looking at our
14 reservoir system, our reservoir safe demand, during
15 drought now, of 185,000 gallons per day, that is
16 the safe yield of our reservoir, daily demand. We
17 also have our well which we determined to be 48,000
18 gallons per day. There is also a study of South
19 Pond, which I don't believe to be accurate because
20 the actual use of South Pond after that study was
21 performed. In that study it shows that at 89,000
22 gallons per day; that is not how it operates. So,
23 that number is not quite accurate because of the
24 way it's used or utilized. So, yes, there are days
25 during the summer months, our peak season, that we

1 experience that where we are delivering more than
2 185,000 gallons per day of our reservoir and there
3 are months that we actually are approaching both.

4 COUNCILOR RANDALL WHITE: So, is this
5 measured on a daily basis, the comparison between
6 demand and yield?

7 MICHAEL GRAY: Yes. We trend our
8 information daily. Of all our -- you know, that's
9 how we -- in that report to you a monthly average
10 every month.

11 COUNCILOR RANDALL WHITE: So, over the
12 past five years, how often or how many months a
13 year has the daily demand exceeded the safe yield
14 for the North Pond?

15 MICHAEL GRAY: On average, we experience
16 it about five months.

17 COUNCILOR RANDALL WHITE: Five months of
18 the year we exceed, we use more than we safely
19 have?

20 MICHAEL GRAY: Yes. So, you have to look
21 at it as a 12-month calendar year. It's an
22 average, it's a maximum average, annual average
23 demand. So, when you looking at it you are looking
24 at it as a 12-month calendar year for that. It's
25 all seasons. So, yes, there are five months we're

1 above, and the rest of the year below and that's
2 how we are -- you know, we're safely -- we're still
3 within our safe yield of our reservoir presently.

4 COUNCILOR RANDALL WHITE: But the length
5 of time that we would be exceeding our safe yield
6 is up to Mother Nature, not us, correct?

7 MICHAEL GRAY: Yes. So, the safe yield
8 determined that -- how the reservoir is replenished
9 is 45 percent of rainfall is captured, and that's
10 how we -- and we store that water through --
11 through the year for use.

12 COUNCILOR RANDALL WHITE: Now, are you
13 familiar with a study that the -- that you had
14 suggested be undertaken with respect to the
15 build-out analysis for the Town --

16 MICHAEL GRAY: Yes.

17 COUNCILOR RANDALL WHITE: -- the future
18 months and years?

19 MICHAEL GRAY: So, during the last -- it's
20 been quite a while that we were updating our water
21 system supply management plan for the water
22 resources board. As required, we're to update that
23 plan every five years. When we got to our future
24 demand and build-out analysis that was within our
25 previous studies, the last one that was performed

1 was 2010, and it was performed of the system. But
2 since that time the State, in the past year, in
3 fact, created laws that allowed accessory dwelling
4 units to be constructed, so we felt that it would
5 be -- as being responsible, to determine the
6 effects that may have on our system. So, we
7 basically did an update to that build-out analysis
8 for our district.

9 COUNCILOR RANDALL WHITE: Accessory
10 dwelling unit, as the name implies, means you can
11 live there, meaning there would be water there,
12 correct?

13 MICHAEL GRAY: Yes. So, this would
14 certainly impact us in that property owners within
15 our district within where we have water mains that
16 exist have now the opportunity to develop accessory
17 dwelling units on their property.

18 COUNCILOR RANDALL WHITE: Do you have an
19 idea from that study how many or to what extent the
20 expected --

21 MICHAEL GRAY: So, I mean, I have it in
22 front of me.

23 COUNCILOR RANDALL WHITE: -- ADU use would
24 be?

25 MICHAEL GRAY: I believe what we

1 determined, through that study, that there were
2 12 -- potential 1200 units, I believe, if I'm not
3 mistaken, that could be -- that could be developed
4 within areas where water mains exist, meaning the
5 urban area and the rural area to the south of the
6 Urban District.

7 COUNCILOR RANDALL WHITE: And --

8 MICHAEL GRAY: 1208.

9 COUNCILOR RANDALL WHITE: And did the
10 study focus on the potential impact on our water
11 district of this proposed projected and prospective
12 build-out?

13 MICHAEL GRAY: It did. And, of course, it
14 did as if all 1200 were developed, but also it also
15 made some assumptions on the rate of development.
16 So, yes, there would be -- as every one of them is
17 developed, there would be additional demands on the
18 system.

19 COUNCILOR RANDALL WHITE: And over what
20 period of time was it projected?

21 MICHAEL GRAY: So, Lisa Bryer and I, we
22 tried to make some educated -- because this is a
23 fairly new law, and we're trying to -- you know, to
24 be -- trying to be accurate, but also, you know,
25 conservative that we -- we estimated that there

1 would be one a month. I mean, I think that's how
2 we projected it. But in this analysis we're also
3 looking at full build-out, and that includes
4 residential units, commercial units.

5 COUNCILOR RANDALL WHITE: As well as ADUs?

6 MICHAEL GRAY: As well as ADUs. So, you
7 have -- you have a number of final numbers of what
8 if everything was developed at full build-out, but
9 also projected numbers at 5 years, 20 years, and
10 that sort.

11 COUNCILOR RANDALL WHITE: And did that
12 study assume no additional water supply?

13 MICHAEL GRAY: What it did, it just --
14 we're just simply looking at demand.

15 COUNCILOR RANDALL WHITE: Okay.

16 MICHAEL GRAY: And the analysis, it's
17 simply looking at development, people, demand;
18 that's what the analysis did.

19 COUNCILOR RANDALL WHITE: And is it fair
20 to say that that study suggested that demand would
21 be significantly increased over the course of
22 incrementally and in the end of the build out?

23 MICHAEL GRAY: It did. It concluded that
24 we were certainly at our full build-out analysis,
25 that we would be above the safe yield of our water

1 supply.

2 COUNCILOR RANDALL WHITE: For the four or
3 five months a year or all the time?

4 MICHAEL GRAY: All the time.

5 COUNCILOR MICHAEL WHITE: Can I just jump
6 in? This build out is just for the water district
7 itself?

8 MICHAEL GRAY: Yes. So -- and we just
9 simply looked at the lots where the water exists.
10 We looked at the Urban District and we looked at
11 areas south --

12 COUNCILOR MICHAEL WHITE: Okay.

13 MICHAEL GRAY: -- where the water is
14 today.

15 COUNCILOR RANDALL WHITE: On a separate
16 question, is it fair to say that residences that
17 are occupied north of the district that you have
18 described, currently 38 East Shore Road, rely on
19 wells for water?

20 MICHAEL GRAY: Yes.

21 COUNCILOR RANDALL WHITE: And do you have
22 a -- do you know how many people, how many
23 Jamestown residents are served by the public water
24 system?

25 MICHAEL GRAY: I believe it's just above

1 3,300. I think it's 3323. In fact, I can probably
2 bring it up.

3 COUNCILOR RANDALL WHITE: And do you know
4 the total number of residents in town?

5 MICHAEL GRAY: I think it's just right --
6 it's here 5,538.

7 COUNCILOR RANDALL WHITE: And is it fair
8 to say that the difference, the delta between those
9 two numbers, is the number of people on wells?

10 MICHAEL GRAY: Correct.

11 COUNCILOR RANDALL WHITE: And is it also
12 fair to say that the vast majority of those people
13 on wells are in this area north of 38 East Shore
14 Road?

15 MICHAEL GRAY: Yes. North of, yes.

16 COUNCILOR RANDALL WHITE: And I recognize
17 this is not highly scientific but is it fair to say
18 the difference between 5,500 and 7,300 is like
19 2300?

20 MICHAEL GRAY: Yeah, 22.

21 COUNCILOR RANDALL WHITE: So, doing quick
22 math, is it fair to say that if all the residents
23 currently on wells became users on the public
24 system it would increase demand by 66 percent?

25 MICHAEL GRAY: I would say that is fair to

1 say.

2 COUNCILOR RANDALL WHITE: And similarly to
3 the -- but independently from the build-out study,
4 that would guaranty, absent a -- an increase in
5 supply, exceed on a daily basis our safe yield,
6 correct?

7 MICHAEL GRAY: Correct.

8 COUNCILOR RANDALL WHITE: Year round?

9 MICHAEL GRAY: Year round.

10 COUNCILOR RANDALL WHITE: Okay. Thank you
11 very much.

12 COUNCILOR BEYE: Okay. Thank you, Mike.

13 EXAMINATION

14 BY ATTORNEY INFANTOLINO:

15 Q. How are you doing, Mike?

16 A. Christian.

17 Q. So, you indicated that the Town has drilled a total
18 of eight wells and two wells went dry? One of the
19 wells --

20 CLERK FAGAN: Excuse me, Christian. Could
21 you go to the microphone so that --

22 ATTORNEY INFANTOLINO: Sure.

23 CLERK FAGAN: -- the people that are
24 streaming can hear.

25 ATTORNEY INFANTOLINO: You stay there.

1 I'll talk louder.

2 MICHAEL GRAY: Are you sure?

3 ATTORNEY INFANTOLINO: Yes.

4 BY ATTORNEY INFANTOLINO:

5 Q. One of the wells that you mentioned was the -- you
6 use JR1. The JR3 well, and then you said we don't
7 use that well?

8 A. Correct.

9 Q. And you said that we don't use that well because?

10 A. Because of the water quality.

11 Q. Water quality. And has the Town taken any
12 investigative steps on treating the water quality
13 of the JR3?

14 A. So, no. And the reason being is the approval for
15 both of those wells is that neither one of them
16 could work together, that they operated
17 intermittently between each other. So, as JR1
18 operates JR3 is off. JR3 operates, JR1 is off.
19 The water quality that we were actually receiving
20 out of that well we just made a decision to just
21 operate JR1.

22 Q. So, you haven't -- so, basically you have not
23 determined to treat JR3?

24 A. No, because --

25 Q. Thank you.

1 A. -- because of the water quality.

2 Q. And -- and -- let's see. You also mentioned that
3 the Town has four other wells --

4 A. Correct.

5 Q. -- that produce?

6 A. Well, no. Four other wells that were investigated.

7 Q. That were investigated. And did those wells
8 produce?

9 A. They were -- there were -- yes. They were pumped.
10 There was determined a volume, but they are not
11 permitted.

12 Q. Okay. So, is there -- so, the Town has not
13 taken -- it's fair to say the Town has not taken
14 steps to investigate the permitting of four other
15 additional wells that could be utilized as sources
16 of water?

17 A. Well, there is very, very extensive hurdles.

18 Q. All right. But is it fair to say the Town has not
19 taken the steps to utilize the four wells or to
20 investigate the utilization of four wells to
21 increase the supply to residents of Jamestown?

22 A. Presently, no.

23 Q. Thank you. And you had mentioned that the South
24 Pond, you don't use the South Pond or send that
25 South Pond water over to North Pond because of

1 contamination?

2 A. No. So, what it is, the studies that are performed
3 on South Pond, we utilize South Pond. We pump
4 water, transfer pumped water to North Pond when
5 it's spilling over. If we don't do that we'll pump
6 South Pond dry, for one. And secondly, we could
7 turn North Pond into South Pond quality water.

8 Q. So, has the Town take any steps to investigate ways
9 to make the South Pond quality water more potable?

10 A. It's simply a watershed -- an existing watershed
11 issue. It's basically 470 acres of swamp.

12 Q. So, the Town has not taken any steps to cure, or
13 clear, or clean the water to make it usable and --
14 more usable and drinkable?

15 A. It's an existing condition of the watershed.

16 Q. So, the Town hasn't taken those steps?

17 A. There is simply nothing you can do about the
18 watershed.

19 Q. And since 1993, has the Town run out of water like
20 it did before?

21 A. No.

22 ATTORNEY INFANTOLINO: Thank you. I'll
23 allow --

24 COUNCILOR BEYE: At this time I just ask
25 to take a quick break. Okay?

1 ATTORNEY INFANTOLINO: We have one other
2 cross.

3 COUNCILOR BEYE: Just a recess. Five
4 minutes. Two minutes. We won't count it against
5 the seven o'clock deadline. I promise.

6 (Recess.)

7 COUNCILOR BEYE: We're going to begin
8 shortly, very shortly. Just waiting for --

9 (Pause.)

10 While we're waiting to begin, I just want to
11 ask a favor. I keep hearing a cell phone -- like
12 a -- what do you call it -- like a notification
13 going off. And I think it's on this side of the
14 room, but anyway I would just ask that you, please,
15 silence your phones.

16 Thank you.

17 (Pause.)

18 COUNCILOR BEYE: Thank you.

19 **MICHAEL GRAY**

20 called as a witness and having been previously
21 sworn, testifies as follows:

22 THE STENOGRAPHER: You're still under
23 oath.

24 MICHAEL GRAY: Yes.

25 COUNCILOR BEYE: Thank you for your

1 patience, everyone, we'll begin.

2 Ms. Rocha, are you ready?

3 ATTORNEY ROCHA: Yep, I'm ready.

4 COUNCILOR BEYE: Mike, are you ready?

5 EXAMINATION

6 BY ATTORNEY ROCHA:

7 Q. All set? Mr. Gray, do you know how many extensions
8 were granted since the regulations were amended in
9 2009?

10 A. I believe there were two.

11 Q. Would it surprise you if there were four?

12 A. I'm not -- I don't believe there were four.

13 Q. Okay. How many connections have been granted?

14 A. That I don't know the number.

15 Q. Okay. Was there an extension granted by this body
16 in February?

17 A. No. There was a connection.

18 Q. And a connection?

19 A. A connection.

20 Q. And does the connection that was granted in
21 February of this year take the same amount of water
22 that, let's say, my client, Mr. Andreoni, would
23 take for their house?

24 A. It was a single-family dwelling. I don't remember
25 how many bedrooms there were.

1 Q. If it were three bedrooms?

2 A. It would be the same.

3 Q. Okay. When is the last time there was transfer
4 pumping from JR1 to North Pond?

5 A. I believe in 2022, during the dry period that we
6 were experiencing that summer. This was during the
7 fall months, though, because South Pond didn't
8 recover until the fall.

9 Q. And when is the last time there was transfer
10 pumping from the South Pond?

11 A. That was South Pond. I'm referring to South to
12 North.

13 Q. Okay. So, I asked JR1 to North Pond.

14 A. JR1 is used every day.

15 Q. And how about last summer, did the Town run out of
16 water last summer?

17 A. No. Actually, we had a quite an extensive rainfall
18 last year, above average.

19 Q. Was usage down as well?

20 A. No. In fact, I forgot the -- I have got the
21 average here. I think it was typical. For the
22 year.

23 Q. Would it surprise you if your Town manager, who is
24 across the room, testified -- stated that in a
25 newspaper article that usage was down 10 percent?

1 A. Okay. If he did, I'm --

2 Q. And that he had -- the Town has the opportunity to
3 sell more water?

4 A. I don't know where that came from, but okay.

5 Q. The safe yield analysis done in 2020, it didn't
6 just talk about North Pond, correct?

7 A. In 2000?

8 Q. Yes.

9 A. Sorry. 2000, it did. It looked at all sources of
10 water.

11 Q. Right. So that when we talk about the safe yield
12 in that report we mean all sources of water in the
13 town?

14 A. Yes. It was the two reservoirs, and I believe they
15 looked at -- I don't know if the well was in there.
16 I don't believe. Maybe JR1 was.

17 Q. And that's the last time the Town did a safe yield
18 analysis?

19 A. That is the last time.

20 Q. And that safe yield analysis is referenced in the
21 2018 water supply management plan, correct?

22 A. Yes. And even in the last update that we just
23 finished.

24 Q. And that is 2018 water supply management plan was
25 the one in effect when these applications came?

1 A. I guess it be would, because technically we still
2 have -- we don't have an approved plan until the
3 water resources board approves it.

4 Q. In 2019, part -- did a clean water infrastructure
5 replacement plan -- we really need to shorten the
6 names of these reports -- correct?

7 A. Yes.

8 Q. And does that look familiar?

9 A. It does.

10 Q. And I'm pointing to page 6 here.

11 A. Uh-huh.

12 Q. This report says that at that time there were 1,401
13 residential connections, correct?

14 A. If that's what is here. Yes. I can read it there,
15 yes.

16 Q. Yes. And there are 96 commercial connections,
17 correct?

18 A. Yep.

19 Q. Do you know what of the build-out report number for
20 the residential connections is --

21 A. Total?

22 Q. -- in 2024?

23 A. I would have to reference it. I wouldn't know it
24 off the top of my head, but I can look if you like.

25 Q. I'll take that (Indicating).

- 1 A. You're looking for the number of houses?
- 2 Q. The residential connections?
- 3 A. Residential connections total?
- 4 Q. Yep.
- 5 A. Total residential connections including --
- 6 potential total residential --
- 7 Q. No. The total, the current residential
- 8 connections?
- 9 A. It's 1208.
- 10 Q. Does -- that says "total"?
- 11 A. Yes.
- 12 Q. Current residential?
- 13 A. 1420.
- 14 Q. 1420. So, in 2019, it was 1401?
- 15 A. Uh-huh.
- 16 Q. And in 2024 it's 1420?
- 17 A. Well, that's what it says here. I would have to
- 18 look. Yes.
- 19 Q. Okay. And that's an increase of how many?
- 20 A. I guess it would be 19.
- 21 Q. In five years?
- 22 A. Yes.
- 23 Q. Okay. And your build-out report also says
- 24 estimates that there will be 12 new houses a year?
- 25 A. Again, I'd have to reference it. Yes.

1 Q. You testified earlier --

2 A. No. That was for ADUs. Okay. Because it's fairly
3 new, the planner and I had to make an estimation of
4 how many we thought could be developed.

5 Q. And does the Town have an ADU ordinance allowing
6 for ADUs?

7 A. I'm not sure on that. I believe the State law
8 allows them for lots greater than 20,000 square
9 feet, if that's -- if I'm not mistaken.

10 Q. I don't know. Certainly the State law says only if
11 the Town allows it.

12 A. Okay.

13 Q. I can assure you that --

14 COUNCILOR MEAGHER: The Town does allow
15 ADUs in certain conditions.

16 ATTORNEY ROCHA: Okay. But not -- right.
17 But not in every -- it may not be applicable to
18 every lot.

19 COUNCILOR MEAGHER: Every lot, is that
20 what you said?

21 ATTORNEY ROCHA: Correct, yes.

22 COUNCILOR MEAGHER: We are in the
23 process -- I'm sorry. We are in the process.

24 MICHAEL GRAY: Updating our zoning.

25 ATTORNEY ROCHA: Got it. Okay.

1 BY ATTORNEY ROCHA:

2 Q. Do you know how many -- so, that is 12 ADUs and
3 12 houses are estimated a year?

4 A. ADUs.

5 Q. Yes.

6 A. I don't know the house. I would have to look at
7 this number here.

8 Q. Well, presumably you're putting an ADU on a house
9 lot?

10 A. Yes. Okay.

11 Q. And so that is 24 additional dwelling units?

12 A. Per year.

13 Q. And I guess we're saying that those are connections
14 that --

15 A. Connections, potentially.

16 Q. -- are made to the system?

17 A. Correct.

18 Q. So, there were 19 in five years, and there is
19 24 estimated a year now?

20 A. Correct.

21 Q. Okay. And do you recall an application before you
22 for 68 East Shore Road a couple years ago?

23 A. Yes.

24 Q. And there was -- there is a lot of paper. Bear
25 with me. And at that time do you recall a report

1 you issued that talked about the build-out analysis
2 at that time in the comprehensive plan?

3 A. I do.

4 Q. And that build-out analysis was the build-out for
5 the water system?

6 A. Correct.

7 Q. And do you remember, in 2014, in the comprehensive
8 plan, how many connections were left?

9 A. I don't know in 2014. I'm sorry.

10 Q. That's okay.

11 ATTORNEY ROCHA: I think that's all I have
12 other than I want to close, which I'll be fast.

13 COUNCILOR RANDALL WHITE: I have one other
14 question. As a follow-up to the question about the
15 build-out analysis --

16 CLERK FAGAN: Councilor White, can you
17 speak into the microphone, please.

18 COUNCILOR RANDALL WHITE: As follow up to
19 the questions about the build-out analysis
20 regarding the ADUs, that was connected by Pare
21 Corporation, correct?

22 MICHAEL GRAY: Yes.

23 COUNCILOR RANDALL WHITE: And at the end
24 of the report they concluded that based on
25 limitations of supply and projected growth, it

1 would not be prudent to consider any expansion of
2 the water district without developing additional
3 supply and/or managing demand in a significant way;
4 is that correct?

5 MICHAEL GRAY: I believe that's what it
6 reads.

7 COUNCILOR RANDALL WHITE: Thank you.

8 ATTORNEY ROCHA: Oh, wait. One more.
9 Sorry.

10 FURTHER EXAMINATION

11 BY ATTORNEY ROCHA:

12 Q. I'm showing you your memo to the board of Water and
13 Sewer Commission dated June 15, 2021 --

14 A. Uh-huh.

15 Q. -- that talks about the 2014 comprehensive plan,
16 the build-out?

17 A. Yes.

18 Q. And am I reading this correctly? It says, "Based
19 on the comprehensive plan" -- this is as of 2014?

20 A. Yes.

21 Q. -- "273 potential new units could be added to the
22 municipal water system"?

23 A. Yes, that's how it reads.

24 Q. Okay. And am I reading this part correctly that
25 says, "Since 2014, there have been 32 new dwelling

1 units built in the Urban Water District and
2 1 accessory dwelling units"?

3 A. That looks right. Yeah, that what it reads.

4 Q. So, from 2014 to the date of this, which is 2021,
5 there were 33 connections?

6 A. That's what it reads.

7 Q. Which is -- so, 33 connections in 7 years?

8 A. Yes.

9 Q. Which is about four a year as well?

10 A. Yes.

11 COUNCILOR MEAGHER: Almost five.

12 ATTORNEY ROCHA: Thank you. If I could
13 just sum up, in case are we done. If I can find it
14 now.

15 As to Mr. Andreoni's application, application
16 was submitted in January of 2024, prior to the
17 moratorium and all of the reports that you have
18 been spending your time on since.

19 In April you heard from our entire team, our
20 water expert, our civil engineer, my client. We
21 walked you through the standards applicable to this
22 application as set out in 46-15-2.

23 The Town has sought an exemption to this law
24 this year, but the legislation has not passed and
25 does not govern this application.

EXHIBIT BB

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

Monday, May 20, 2024

A regular meeting of the Jamestown Town Council sitting as the Board of Water and Sewer Commissioners was called to order at the Jamestown Town Hall, Council Chambers, 93 Narragansett Avenue at 5:06 PM by Commission President Nancy A. Beye.

The following members were present:

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

Also present were:

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

Commissioner Brine removed himself from the Commission dais, as he will be abstaining from discussion pertaining to the applications for the water extension.

UNFINISHED BUSINESS

Motion was made by Commission Vice-President Meagher, seconded by Commissioner Randall White to allow discussion on the four water extension applications. Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye.

- 1) Review, Discussion and/or Action and/or Vote on the **application of Jeffrey and Deborah Saletin (Plat 7 Lot 135, 14 Seaview Avenue)** for utility service connection (water) and as amended on March 29, 2024 to an application for a water line extension.
 - a) Application for utility service connection (water) received January 2, 2024
 - b) Memorandum dated February 13, 2024 from Michael Gray, Public Works Director to the Board of Water and Sewer Commissioners
 - c) Memorandum dated February 16, 2024 from Robert F. Ferrari, PE to the Town of Jamestown
 - d) Application for water line extension received March 29, 2024
- 2) Review, Discussion and/or Action and/or Vote on the Letter dated 01/02/24 from Attorney Joelle C. Rocha and the **application of Glenn and Marjorie Andreoni (Plat 7 Lot 34, 10 Seaview Avenue)** for water line

extension.

- a) Letter dated January 2, 2024 from Attorney Joelle C. Rocha and the application for water line extension received on January 2, 2024
 - b) Memorandum dated February 13, 2024 from Michael Gray, Public Works Director to the Board of Water and Sewer Commissioners
 - c) Letter dated February 19, 2024 from Attorney Joelle C. Rocha and exhibit showing existing OWTS & Well
- 3) Review, Discussion and/or Action and/or Vote on the **application of Paul Frechette (Plat 7 Lot 101, 19 Seaview Avenue)** for utility service connection (water) and as amended on March 29, 2024, to an application for a water line extension.
- a) Application for utility service connection (water) received January 2, 2024
 - b) Memorandum dated February 13, 2024 from Michael Gray, Public Works Director to the Board of Water and Sewer Commissioners
 - c) Addendum (3 pages) submitted February 20, 2024 re: well
 - d) Addendum with note (5 pages) submitted March 21, 2024 re: well
 - e) Application for water line extension received April 1, 2024
- 4) Review, Discussion and/or Action and/or Vote on the **application of Stephen Zimniski and Suzanne Gagnon (Plat 7 Lot 94, 7 Seaview Avenue)** for water line extension
- a) Application for water line extension received January 2, 2024
 - b) Memorandum dated February 13, 2024 from Michael Gray, Public Works Director to the Board of Water and Sewer Commissioners
 - c) Well works LLC report and estimate dated October 1, 2018.
 - d) Letter dated May 1, 2024, from applicants Stephen Zimniski and Suzanne Gagnon to Public Works Director Michael Gray requesting a continuance of the original application if no decision can be rendered on May 6 by the Board of Water & Sewer Commissioners.

Commissioner Randall White stated the following:

- The four applicants have provided all of their evidence.
- The Commission has met three times to review and discuss the four applications.
- During the sessions the Commission has entertained and heard all four applicants. There are some items that are similar.
- The existing water line ends at 36 East Shore Road. The distribution line will be extended to 68 East Shore Road.
- 68 East Shore Road if east of Seaview Avenue.

Commissioner Randall White gave a lengthy summary of the history of the rules and regulations, the recent change to the RIGL, the distribution system, the water supply and the rural water district.

Commission Vice-President Meagher stated the following:

- We are a community and her sense of community makes this a hard decision.
- The situation for the applicants is a difficult one.
- The Commission's responsibility is to its water users.
- The Commission should deny the four applications.

Commission Vice-President Meagher gave a brief summary of the history of the rules and regulations and the rural water district.

Commissioner Michael White stated the following:

- When the applicants acquired their property, it was supported by private wells.
- The Commission does not want to expand the water system and/or the rural district.
- The recent change in the RIGL does not affect the Commission's decision.
- The Commission's responsibility is to its water users.

Commission President Beye stated that she would like to entertain a motion to approve or disapprove the applications and that she would like to confer with the Town Solicitor on this matter.

Brief discussion ensued with the Town Solicitor. Motion was made by Commission Vice-President Meagher, seconded by Commissioner Michael White to continue this matter to the next Water and Sewer meeting on June 17, 2024 and to direct the Town Solicitor and staff to draft decision letters and return them to the Commission for their review and approval at the meeting on June 17, 2024. Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye.

The Town Solicitor dismissed Brenda Hanna, Stenographer.

Commissioner Brine returned to the Commission Dais.

OPEN FORUM

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

1) Scheduled requests to address:

(None)

2) Non-scheduled request to address:

Paul Sprague of 11 Mast Street stated that he was wondering if all Commissioners should recuse themselves from the water extension discussion, as they are all on municipal water. He further stated that the applicants who are requesting a water extension are in need of water and he is wondering how we can make this happen. He stated that these people have septic systems and their well water goes back into the aquifer, whereas municipal water customers who have municipal water and sewer, their water goes to the wastewater plant and then into the bay. These Seaview Avenue residents' water may benefit the aquifer and they will help us, not hurt us.

REPORT OF TOWN OFFICIALS

1) **Pumping Report:**

The Public Works Director reported the following:

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

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

Treatment Plant-

The Public Works Director reported the following:

- The contract with Veolia to provide staff has expired and is not renewable. We will continue to operate with two staff members. Our newest staff member has passed his first certification test.
- Pare Corporation continues to work on the update of the rules and regulations and hope to have a draft for the next meeting in June.
- The RIDOH has assigned staff to review the corrosion control study that was required as part of our emergency interconnection with the Town of North Kingstown.

Distribution System-

The Public Works Director reported the following:

- Atlas Painting continues to work on the punch list.
- He has attached a copy of the rules and regulations, specifically section 15A (1) regarding the prohibition of in-ground or underground irrigation sprinkler systems for discussion with the Commission.

Brief discussion ensued regarding the regulations prohibiting in-ground or underground irrigation sprinkler systems. Commission Vice-President Meagher stated that she would like to include a notice with the next water and sewer billing that irrigation systems are not allowed to be hooked to the municipal water system. The Public Works Director distributed a draft of the water restrictions advertisement to be placed in the newspaper in June. Discussion ensued regarding cisterns and wells for irrigation. Commission consensus: To ask staff to update the advertisement and to include the prohibition of in-ground or underground irrigation sprinkler systems and to also include that cisterns and wells for irrigation are allowed and to ask customers to inform the Town if they have a cistern or well for irrigation

Wastewater Treatment Plant-

The Public Works Director reported that staff from Weston & Sampson is working on a draft assessment report for the wastewater facility and pump stations.

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

LETTERS AND COMMUNICATIONS

- 1) Review, Discussion and/or Action and/or Vote on the **Letter from Paul O'Reilly of 13 Ocean Avenue re: request for relief from his 04/2024 Water and Sewer bill**

The Public Works Director stated that this was an unfortunate situation, although historically we do not give relief on the water side, as it takes money to treat that excess water.

Commission President stated that typically relief can only be given on the sewer side of the bill. The Finance Director stated that historically, an average of water usage is taken over a three-year period and the sewer relief will be given on the difference.

Motion was made by Commission Vice-President Meagher, seconded by Commissioner Michael White to grant sewer relief, as reported by the Public Works Director and the Finance Director. Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Brine, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye.

NEW BUSINESS

- 1) Review, Discussion and/or Action and/or Vote: At the request of Commissioner Vice President Meagher **notice to customers and issuing fines and/or violations with in-ground or underground irrigation or**

sprinkler systems connected to the Municipal Water System. Previously discussed.

2) Review, Discussion and/or Action and/or Vote: At the recommendation of Town Administrator Mello, approval of **the request to develop and advertise a request for qualifications (RFQ) and/or request for a proposal (RFP) for vendor service to operate and manage the water treatment facility.**

The Town Administrator reported that staffing is an industry wide problem and he briefly outlined his plan for staffing at the water treatment facility. Brief discussion ensued.

Following clarification on a few items, motion was made by Commissioner Brine, seconded by Commission Vice-President Meagher to authorize the Town Administrator to develop and advertise a request for qualifications (RFQ) and/or request for a proposal (RFP) for vendor service to operate and manage the water treatment facility, while continuing to recruit a staff member for the water treatment facility. Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Brine, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye.

CONSENT AGENDA

1) **Adoption of Minutes:**

- a) March 6, 2024 (special meeting)
- b) March 18, 2024 (regular meeting)
- c) April 1, 2024 (special meeting)
- d) April 10, 2024 (special meeting)

2) **Finance Director's Report:** Comparison Budget to Actuals as of April 30, 2024.

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

ADJOURNMENT

Motion was made by Commissioner Brine, seconded by Commission Vice-President Meagher to adjourn the meeting of the Jamestown Town Council sitting as the Board of Water and Sewer Commissioners at 7:27 PM. Vote: President Beye, Aye; Commission Vice-President Meagher, Aye; Commissioner Brine, Aye; Commissioner Michael White, Aye; Commissioner Randall White, Aye.

Attest:

Denise Jennings
Water and Sewer Clerk

EXHIBIT CC

STATE OF RHODE ISLAND
TOWN OF JAMESTOWN

PROCEEDINGS AT HEARING *
IN RE: *

Town Council sitting as the*
Board of Water and Sewer *
Commissioners *

Jamestown Town Hall
93 Narragansett Avenue
Jamestown, RI 02835
20 May 2024

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

PRESENT:

For the Application - Saletins and Frechettes:
Christian S. Infantolino, Esquire
MURPHY PRIOR & INFANTOLINO
77 Narragansett Avenue
Jamestown, RI 02835

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

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

ALSO PRESENT:

Edward A. Mello, Town Administrator
Roberta J. Fagan, Town Clerk
Denise Jennings, Water and Sewer Clerk

1 which the board had caused to install a waterline
2 from North Kingstown to Jamestown, which since the
3 switch of bridges no longer lies across the newer
4 Jamestown bridge.

5 So, what does that -- what does that all mean?
6 What it means is that the board of water
7 commissioners, our predecessors thought hard enough
8 and were concerned enough about the capacity of
9 Jamestown's water supply that they included in the
10 preamble as a part of our obligations and our
11 responsibilities as the board of commissioners, and
12 they also adopted rules in accordance with those
13 concerns.

14 Now, the first rule that I'd like to address
15 that I think is applicable to our situation here
16 tonight is the one that deals with whether or not
17 extensions should be allowed in the district in
18 which Seaview Avenue lies. Whether you call it the
19 Rural District or something else, the simple answer
20 is that the board, based on all the things you have
21 just discussed, by the time of 2009, had adopted a
22 rule that provided that water extensions to and
23 within the Rural District, including the northern
24 rural district in which Seaview Avenue lies,
25 extensions were prohibited, and those -- that rule,

1 which I submit is still in effect now, suggests
2 that there is notwithstanding the prohibition
3 against extensions to and within the rural district
4 of which Seaview Avenue is a part, that rule does
5 provide a -- an exception that would allow the
6 board, in its discretion, to allow an extension if
7 the applicant were -- was able to show that the
8 extension that was being proposed provided an
9 improvement to either the quality or quantity of
10 potable water for existing users.

11 Now, let me stop for a minute. We talked
12 about the original legislation and the rules on
13 this idea, and the idea of no extensions in the
14 Rural District, according to the rules. Are those
15 still in effect? Well, one thing I'll discuss in a
16 while is the effect, if any, that 46-15.2 has on
17 those rules. And I submit, respectfully, I
18 disagree, I'm sure, with counsel for the
19 applicants, that the rule does -- the rules that I
20 have just talked about and the original legislation
21 are not adversely affected by the enactment of the
22 amendment to 46-15.2. The reason is this. The
23 authorizing legislation, in the first place, was
24 special legislation. That special legislation
25 wasn't a general law that pertained to everybody.