

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

Monday, May 18, 2009

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

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

Also present were:

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

PUBLIC HEARING

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

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

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

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

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

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

Deleted: ¶

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

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

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

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

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

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

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

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

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

CONSERVATION

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

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

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

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

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

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

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

Deleted: 4

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

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

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

SERVICES

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

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

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

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

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

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

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

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

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

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

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

1) **Award recognition**

a) Atlantic States Rural Water & Wastewater Association

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

READING AND APPROVAL OF MINUTES

1) 04/20/09 (regular meeting)

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

OPEN FORUM

1) Scheduled requests to address:

(None)

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

REPORT OF TOWN OFFICIALS

- 1) Pumping Report:

The Public Works Director reported the following:

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

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

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

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

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

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

LETTERS AND COMMUNICATIONS

(None)

UNFINISHED BUSINESS

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

Previously discussed.

NEW BUSINESS

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

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

aware of this requirement.

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

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

BILLS AND PAYROLL

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

TOWN BUSINESS

(None)

ADJOURNMENT

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

Commissioner Kelly reported the following:

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

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

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

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

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

Attest:

Denise Jennings
Water and Sewer Clerk

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