

**TOWN OF JAMESTOWN
BOARD OF
WATER AND SEWER COMMISSIONERS**

Monday, May 20, 2002

A regular meeting of the Jamestown Town Council sitting as the Board of Water and Sewer Commissioners was called to order at the Jamestown Philomenian Library, Conference Room, 26 North Road at 6:35 PM by Commission President Guy Settipane. The following members were present:

David Swain, Vice-President
David Long
Norma Willis

Also present were:

Maryanne Crawford, CPA, Town Administrator
Steven Goslee, Public Works Director
Denise Jennings, Assistant Finance Director/Water and Sewer Clerk
Douglas DiSimone, Esq., Town Solicitor

Absent at roll call: Commissioner Kenneth G. Littman

PUBLIC HEARING (Public hearing to begin at 7:00 PM as advertised):

- 1) Proposed amendments to the Rules and Regulations of the Board of Water and Sewer Commissioners to the Definitions Section, the requirements for approval for expansion or change of use in the urban water district and for new connections in the rural water district.
 - a) Memorandum from the Town Planner c/o the Planning Commission
 - b) Letter from Don E. and Katherine W. Wineberg
 - c) Letter from Robert W. Sutton, Jr.
 - d) Memorandum (2) from Chris Powell, Conservation Commission Chair.
 - e) Letter from Quentin Anthony
 - f) Letter from Jack Hubbard, President, Conanicut Island Land Trust
- 2) Proposed temporary suspension of a portion of Section 15A, subsection 2 (Limitations of Use) of the Rules and Regulations of the Board of Water and Sewer Commissioners; specifically the portion referencing house washing, boat washing, or residential car washing.

Commission President Settipane: The public hearing is scheduled for 7:00 PM and will be discussed at that time. Commission consensus: To move on to Report of Town Officials.

REPORT OF TOWN OFFICIALS

1) Pumping Report:

Mr. Goslee reported that pumping was down for the month, rainfall was slightly above average and that the reservoir is at capacity. He also reported that he has added a new chart showing transfer pumping.

2) **Town project reports** (see attached written report)

Town Wells:

Mr. Goslee reported the following:

- JR-1-ready to go back on line.
- JR-3-shut down and will be put back online and rotated with JR-1.
- JR-5-lab tests have come back and continue to have traces of sodium; the iron level is elevated.
- JR-6-have received approved CRMC application for additional wells and pump test and that additional monitoring wells were installed on May 17 and anticipate completing pump test by May 31. Mr. Gifford will analyze any wetland effects.

North/South pipeline:

Mr. Goslee reported that the pipeline is in operation (off line as of this date) and that the engineering plans have been completed and that he is awaiting the survey completion.

Aeration System:

Mr. Goslee reported that the shed was placed on the foundation last week and that the compressor will be placed in the building this week.

Beavertail Road water line replacement:

Mr. Goslee reported that the pipe is on site and that no further work has been completed.

The Commission asked for clarification on a few items.

Sewer Plant Rehabilitation:

- a) Report from Siegmund & Associates
- b) Communications submitted by Councilor Willis re: long range planning for the sewer plant
 - i) Letter from Councilor Willis to the Council
 - ii) Copy of letter from Warren M. Towne, P.E., Supervising Sanitary Engineer, RIDEM to Councilor Willis

Ms. Crawford reported that Mr. Siegmund would be making a presentation that would take approximately 30 minutes and recommended that this presentation be made following the public hearing. The Commission agreed. Commission consensus: To discuss New Business.

NEW BUSINESS

- 1) Application of Robert Munroe Clarke (Plat 11, Lot 5; Beavertail Road) for 3 utility (water) service connections

Robert Munroe Clarke stated that his letter and application were self-explanatory and that he would answer any questions that the Commissioners have.

Commission President Settipane: Mr. Goslee have you reviewed the application? Mr. Goslee: I have reviewed the application and the history of the property. Mr. Clarke did pay for the water main extension and then it was turned over to the Town. We do have a note dated back to 1985 that water was available for one service connection. This application currently falls under Section 14B, subsection b3 of the rules and regulations. Commission President Settipane: Would he be limited to one service connection? Mr. Goslee: Yes, as originally approved. Mr. Clarke: I put in the water main and assumed that I could use it at anytime. Back in 1985, there were no requirements. I just want permission to use what was already approved. When I spoke to Mr. Goslee he stated that I

must apply for an application. The Commission asked the Solicitor for clarification regarding Mr. Clarke's grandfathered rights. Solicitor: One must distinguish between the Zoning Ordinance and the regulations, which you have enacted, in order to preserve and protect the water quality and quantity in the Town. The word grandfathered applies to and is a lay term used in zoning. The actual term is preexisting, nonconforming use and has to do with use that is predated. That is very different from a water regulation, such as you have here. If an applicant had spent time and money to install a water line some twelve years previously, I don't believe he has grandfathered rights. He may use his property and the regulation that's imposed does not prevent him from using his property.

He is still able to use his property, but must provide his water as the regulations exist today, from wells. Under Section 14B as it is today, you lack the ability to grant this request.

Commission President Settipane: The regulations as written and based upon the Solicitors opinion, we can not grant this application.

6:55 PM: Commissioner Littman arrived.

Following short discussion and review of a plat presented by Mr. Clarke, Mr. Clarke stated that he would like to withdraw his application. Motion was made by Commission President Settipane, seconded by Commissioner Swain to allow Mr. Clarke to withdraw his application for 3 utility (water) service connections (Plat 11, Lot 5; Beavertail Road) without prejudice. So unanimously voted.

2) Application of George Boyer (Plat 12; Lot 206; Beavertail Road) for utility (water) service connection

John A. Murphy, Esq. stated that he was present to represent the application of George Boyer. Mr. Murphy: This is a parcel of land that is approximately 12 acres in size and is not part of a subdivision. It has been responded to by the Public Works/Engineering Departments that the well drillers report indicates that there is an adequate supply of water. Even with that statement, I think that the Public Works Director would agree that if it is adequate, it is marginally adequate. I have brought with me a representative of Northeast Engineers to comment on the well drillers report. My client intends that this partial of land (12 acres) will be used for a single home and will contribute a substantial portion to the Conanicut Island Land Trust. Mr. Murphy distributed a copy of a letter forwarded by email from Jack Hubbard of the Conanicut Island Land Trust and then turned the presentation over to Eric Offenber of Northeast Engineers.

Eric Offenber, Project Engineer for Northeast Engineers and Consultants: Mr. Murphy asked me to take a look at the well drillers logs and to talk a little bit about what we might expect with the well in this area. One half gallon per a minute is a very low yield. One of the reasons why the State wants a well to be at least 500 feet is to give you some volume in that well. If you have a well that is about 500 feet, you are going to get between 12,000 to 15,000 gallons of water stored up. If this were a summer resident and there were 8 or 10 people living in the house and you wanted to irrigate the lawn (10,000 sq ft), for every 1000 sq ft of lawn it would take 600 gallons of water. They could potentially use 6000 gallons of water. If they have a well with only a half-gallon per minute, obviously they would have to be careful. You can deplete the water source very quickly if you do not have the recharge that you want. We would want to see at least 1 gallon per a minute. Technically, if we use the Town's average with only 2.5 people, a half-gallon per minute will function but it does not give you safety factor.

Mr. Murphy: Mr. Boyer's son would be moving into this house. If you look closely at the letter

from the Conanicut Island Land Trust, they do indicate that shunting this off to a well is a calculated decision. In my opinion, where an owner has 12 acres and could subdivide their property, is willing to give away the development rights, limits himself to one house and has this marginal well drillers report, he should be granted a town water connection.

Commission President Settipane: Any questions from the Commission on this application?

Commissioner Long: I would like to make a comment. The Town has come up with the formula to try to give us some sort of guidelines to make judgment on. If you are going to start using it in some instances and not using it in others, it defeats the purpose of coming up with that formula. I am intrigued with the offer with the donation of the land. Mr. Murphy: If you look at the formula it says that it has to have a static level of a certain number of feet. If you look at the well drillers report, it states that the static level is 18 feet. This has a static level which is about half of what is required on your standard. This is not a well that meets the State minimum standard. Mr. Goslee: The static level is higher than the State standard. The State standard is 35 feet below grade and the well driller indicates that it is 18 feet. It is roughly 17 feet higher than the State standard.

Commission President Settipane: I agree with Commissioner Long that it is intriguing to have a contribution, but it opens a door to a bad policy. We must apply strictly to regulation 14B.

Commissioner Swain agreed with the Commission President regarding following regulation 14B.

Mr. Murphy: We are not asking you to deviate from 14B. This is a marginally satisfactory well and when you take into consideration all of the circumstances, I think that you can act on the application without contradicting 14B. Commissioner Willis asked for clarification regarding the static level and following clarification she stated that it appeared as though the well would work. Commissioner Littman: No comment. Commission President Settipane: It would be difficult to grant the application if the static level is above the State standard.

Mr. Murphy: I would like to withdraw this application without prejudice. Motion was made by Commission President Settipane, seconded by Commissioner Willis to allow Mr. Murphy to withdraw the application of George Boyer (Plat 12, Lot 206; Beavertail Road) for utility (water) service connection without prejudice. So unanimously voted.

PUBLIC HEARING:

7:14 PM: Commission President Settipane opened the public hearing.

- 1) Proposed amendments to the Rules and Regulations of the Board of Water and Sewer Commissioners to the Definitions Section, the requirements for approval for expansion or change of use in the urban water district and for new connections in the rural water district.

Solicitor: You basically have three changes. First, the Commission wanted to add to the Definitions Section at the very end, the language pertaining to "undefined terms". The definition is as follows: Undefined Terms: Where any term, word or phrase utilize in these Regulations is undefined and is defined in the Zoning Ordinance, such term, word or phrase shall be defined in accord with the Zoning Ordinance. There are proposed amendments to 14B (Rural Water Districts) subsection b3, the last phrase of the section has been stricken. This would permit the Board of Water and Sewer Commissioners to approve requests for connections within minor subdivisions in the rural water district. Subsection b5 has been added in conjunction with subsection b3. If you had an applicant in the rural water district and the applicant did not propose to create a new street, the applicant had an existing main in front of his property and the

applicant upon proving to the Commission that there was not sufficient potable water on the property, you could then here his request and exercise your discretion. There have been some stylistic changes to Section 14A. Section 14A now reads as follows: Section 14A I, II & III. We have separated applications for new connections from applications for changes and expansion of use and have further differentiated between expansions and changes of use.

Commission President Settupane asked the Commission if they had any questions for the Solicitor. Commissioner Littman: What is a minor subdivision? Solicitor: A minor subdivision is less than six lots.

Following no additional questions from the Commission, Commission President Settupane opened the public hearing up to the public.

Mary Brennan; 238 Narragansett Avenue: I am opposed to the amendments to Section 14B. In our house we have a three-minute rule for showers. In the summer we take military showers with one foot in a bucket, we then dump the water in our rain barrel. We also dump our pasta water into the rain barrel. I am opposed to any expansion of the regulations.

Craig Amerigian; 194 Narragansett Avenue: I am opposed to the amendments to Section 14B. This would be a hardship on the current users of the system and would promote/encourage development. I support the proposed temporary suspension of the portion of Section 15A lifting the conservation regulations for the month of June.

Michele Mussleman; 8 Priscilla Road: I am opposed to the amendments to Section 14B. It is too early to change the regulations. You need to move slowly on this type of change.

Dennis Webster; 8 Mount Hope Avenue: I am opposed to the amendments to Section 14B. You should wait a few years to see how well the pipeline works before making any changes. There is a grammatical error on 14B, subsection b5. It is confusing and I am not sure what it means.

Section 14B, subsection b5 reads as follows: The premises proposed for service is not part of a subdivision, except for a minor subdivision with no new street creation.

The Solicitor agreed that it could be better worded. Commission President Settupane: The word "that" could be added at the beginning.

William Brennan; 238 Narragansett Avenue: I agree with all the previous speakers. The founders of these regulations must have felt that the urban water district was far more important than the rural water district, when it comes to service and serving the customers in that district. There is a statement in the regulations, which you will be able to get a rural water district hookup provided that you will not impair the available resources in the urban water district. In my opinion, if people in the urban water district had been subject to water rationing, elevated costs and required to control usage, than any other water hookup in the rural water district would be an impairment on the urban system. At previous meetings, I recall hearing the former Fire Chief Arthur Christman say that the water pressure out on Beavertail is horrendous. There is the potential for lack of fire service. There are people out there now that have reserve tanks in their houses, just to get the proper pressure. This issue has not been addressed. This would further burden the system.

Quentin Anthony; 105 Bayview Drive (Former Solicitor for the Town of Jamestown): By 1970, the Town Council sitting as the Board of Water and Sewer Commissioners were starting to

experience serious problems with providing water to the existing users. Throughout the 1970's they struggled with this problem. The Town Council hired a man named Richard Hazin. He was one of the great authorities in the world. He did a very in depth study of the Jamestown water system. In about 1979, he was able to explain to the Town Council why we were running out of water. He did a safe yield study and said that we were exceeding our safe yield. This is not a new problem to the Town of Jamestown. In the early 1980's, we experienced more problems with the water. At that time the Town had a great amount of pressure coming from many different directions and increasing demand on the existing system. The Boards at that time did not know what to do with this. People were paying taxes and expected to be able to utilize their property. Councils and Boards were very sympathetic with these people. Boards just like you were faced with the same problem and wanted to give water, but didn't think there was water to give. Without a regulation in place, they were not giving any more water. There was a major lawsuit that went on for years. After the lawsuit was filed, the Board set a policy so that they would have something in writing. This is where the rural and urban water districts were set. This is a utility problem, not a population problem. You did not have the resource to give away. Your plan to utilize South Pond is a great idea, but you do not know what the long-term effect is. You should wait a number of years to see how this works and then look at it again. The comprehensive plan says that all amendments to the water regulations should be consistent with the comprehensive plan. You should wait to see if you have created excess. The amendment to 14B is premature. Commissioner Willis: What did Mr. Hazin say what the problem was with our water? Mr. Anthony: He stated that the only water that is supplying Jamestown is rain.

Ellicott Wright; 994 Fort Getty Road: As Council you have not experienced a dry period. Last summer was wet. There was a time back when I was on the Board when we were painting the water tower and we had to survive only on water supplied by North Kingstown. It would be an unwise decision to change 14B. Mr. Brennan read a statement from the Hazin Report.

Commission President Settupane to the Solicitor: Can we vote on the amendments tonight? Solicitor: You can take action on whatever you deem appropriate. There being no further questions from the Commission or the public, motion was made by Commissioner Littman, seconded by Commissioner Swain to close the public hearing. So unanimously voted.

Commissioner Littman: What is the potential number of lots that could be built on in the rural district? There was an estimate done some time ago. Ms. Crawford: About 62, I can spend some time on this to come up with the number if the Commission would like. Discussion ensued regarding the potential build-out analysis.

Commissioner President Settupane: I support the changes to 14A. After discussing 14B this evening, I do think that it is premature. I think that we should ask the Town Planner to give us additional information on the potential build-out and what impact it might have under the definition of minor subdivision. Commissioner Littman: Making changes to 14B would be premature. I would like to see the number of buildable lot in the rural water district.

Following clarification of a few additional items, motion was made by Commission President Settupane, seconded by Commissioner Littman to adopt the proposed changes to Section 14A of the rules and regulations as submitted by the Solicitor. So unanimously voted.

Motion was made by Commission President Settupane, seconded by Commissioner Willis to

table the proposed changes to Section 14B of the rules and regulations as submitted by the Solicitor. So unanimously voted.

Motion was made by Commission President, seconded by Commissioner Willis to accept the new definition/clause in the rules and regulations as proposed by the Solicitor as follows:
Undefined terms: Where any term, word phrase utilized in these Regulations is undefined and is defined in the Zoning Ordinance, such term, word or phrase shall be defined in accord with the Zoning Ordinance. So unanimously voted.

Motion was made by Commissioner Swain, seconded by Commissioner Willis to accept the following communications:

- a) Memorandum from the Town Planner c/o the Planning Commission
- b) Letter from Don E. and Katherine W. Wineberg
- c) Letter from Robert W. Sutton, Jr.
- d) Memorandum (2) from Chris Powell, Conservation Commission Chair.
- e) Letter from Quentin Anthony
- f) Letter from Jack Hubbard, President, Conanicut Island Land Trust

So unanimously voted.

- 2) Proposed temporary suspension of a portion of Section 15A, subsection 2 (Limitations of Use) of the Rules and Regulations of the Board of Water and Sewer Commissioners; specifically the portion referencing house washing, boat washing, or residential car washing.

Ms. Crawford: At the last meeting, I recommended that we delay implementation of the water conservation measures regarding house washing, boat washing, or residential car washing until July 1. I also recommended that we keep the restriction on lawn irrigation in place for June 1. Motion was made by Commissioner Long, seconded by Commission President Settignano to temporarily suspend the portion of Section 15A, subsection 2 (Limitations of Use) of the rules and regulations; specifically house washing, boat washing, or residential car washing until July 1 as recommended by the Town Administrator. So unanimously voted.

2) **Town project reports** continued:

Sewer Plant Rehabilitation:

- a) Report from Siegmund & Associates

Mr. Siegmund distributed an outline of his presentation to the Commission, Public Works Director and the Town Administrator. Mr. Siegmund and his Associates gave a short presentation on the history of the sewer system/treatment plant and the current status of the project regarding the sewer plant rehabilitation. The main points of the presentation were as follows:

- 1) Investigative work undertaken to date by SAI/NEPCCO
 - o Television inspection
 - o Flow isolation
 - o Flow metering
 - o Smoke testing
 - o Manhole inspections
 - o Inspection of pump stations and treatment plant
- 2) Findings and explanation of findings for the collection system, pump station and the treatment plant
- 3) Recommendations for the collection system, pump stations and the treatment plant
- 4) Financial considerations
 - o Existing project funding
 - o Cost of collection system rehabilitation, pump station rehabilitation and treatment plant

- Impact of cost consideration on recommended program
- 5) Recommended program and future action to be taken

Following clarification of a few items and due to the scheduled work session (7:30 PM) with the Harbor Management Commission, Motion was made by Commissioner Willis, seconded by Commissioner Swain to continue discussion of the Sewer Plant Rehabilitation at the next Water and Sewer meeting on June 17. So unanimously voted.

8:40 PM: Commission President Settipane turned the meeting over to Commission Vice-President Swain and left the meeting.

- b) Communications submitted by Councilor Willis re: long range planning for the sewer plant
 - i) Letter from Councilor Willis to the Council
 - ii) Copy of letter from Warren M. Towne, P.E., Supervising Sanitary Engineer, RIDEM to Councilor Willis

Commissioner Willis referred to the discussion regarding tertiary treatment in the Water and Sewer meeting minutes of April 16. Commissioner Willis stated that she had sent a letter to RIDEM. Commissioner Willis made a short presentation on her findings.

Motion was made by Commissioner Willis, seconded by Commissioner Swain to continue the discussion on long range planning for the sewer plant at the Water and Sewer meeting on August 19 and to ask Mr. Siegmund to attend said meeting. So unanimously voted.

READING AND APPROVAL OF MINUTES

- 1) 04/16/02 (regular meeting)

Motion was made by Commissioner Willis, seconded by Commissioner Long to accept the minutes of 04/16/02. So unanimously voted.

LETTERS AND COMMUNICATIONS

- 1) Letter from Emmet E. Turley re: use of well water

Motion was made by Commission Vice-President Swain, seconded by Commissioner Littman to accept the communication from Emmet E. Turley. So unanimously voted.

UNFINISHED BUSINESS

- 1) Labor costs re: north/south pipeline-backhoe

Motion was made by Commissioner Willis, seconded by Commissioner Long to continue this issue until the next Water and Sewer meeting on 06/17/02. So unanimously voted.

BILLS AND PAYROLL

Motion was made by Commissioner Willis, seconded by Commissioner Long to approve the Water and Sewer Bills and Payroll. So unanimously voted.

TOWN BUSINESS

- 1) Appointment of committee to review RFP for EIS (Environmental Impact Statement)

Consultant

a) Letter from Dennis H. Webster, Quonset Davisville Liaison Committee Chair.
Dennis H. Webster: We received 4 bids and would like the Town Council to appoint someone to assist in reviewing the bids. We hope to have a recommendation to the Council for the Town Council meeting on June 10. Ms. Crawford: I have reviewed the bids; one is over, which leaves three. It should only take one morning to review the bids. No date has been set for interviews. Motion was made by Commissioner Willis, seconded by Commissioner Swain to appoint Councilor Littman as the Town Council representative to the committee to review the RFP for the EIS Consultant. So unanimously voted.

ADJOURNMENT

There being no further business before the Commission, motion was made by Commissioner Long, seconded by Commissioner Willis to adjourn the meeting at 9:09 PM. So unanimously voted.

Attest:

Denise Jennings
Assistant Finance Director/Water and Sewer Clerk

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