

RESOLUTION OF THE CITY COUNCIL

No. 199

Approved April 15, 1994

RESOLVED, That the City Council endorses and urges passage by the General Assembly of Senate Bill 94-S 3058 and House Bill 94-H 8923 relating to the Protection of State Waters, in substantially the form attached.

IN CITY COUNCIL
APR 7 1994
READ AND PASSED
James H. Russell
PRES.
Michael R. Clement
CLERK

APPROVED
APR 15 1994
Vincent A. Cianci
MAYOR

RECEIVED
MARCH 17 1994

IN CITY COUNCIL
March 17 1994
FIRST READING
REFERRED TO COMMITTEE ON
~~FINANCE~~ *Legislative Matters*
Michael R. Burt CLERK

THE COMMITTEE ON
Legislative Matters
Approves Passage of
The Within Resolution *As Amended*
Barbara A. Cairns
3/31/94 *Clerk*

Caerulman Plauer, Lombardi and Aglezzi (By request)

PROVIDENCE WATER SUPPLY BOARD

Proposed Legislation

1915 ACT

To protect the State's water resources and to ensure a fair and equitable water supply to all the entities currently authorized under the Act to receive water from the Scituate Reservoir, Providence Water Supply Board proposes changes to the existing legislation. These changes will lead to a fair and equitable allocation of water consistent with current demands and will encourage conservation. Finally, enactment of this legislation will postpone the need for the construction of new source of supply facilities into the future.

The essence of the changes are listed herein:

Entitlement to be 125 gallons per capita per day rather than 150 gallons as listed now.

Legislature to avail itself of technical input prior to granting additional entitlement to water from PWSB.

Clean-up on rules and regulations.

Eliminate Burrillville from entitlement - it was put in to provide water for Ocean State which is no longer needed and is anti-environmental.

Note: Original legislation was 100 Gal/Capita/Day; later it was increased to 150; if everybody who is entitled today asked for their 150, based on current population, there would not be enough water.

PD1802

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1994

94-S 3058

A N A C T

IN AMENDMENT OF THE AUTHORITY OF THE
PROVIDENCE WATER SUPPLY BOARD

94 - S - 3058

Introduced By: Senators Walton
Goodwin, Perry,
Kells, Ruggerio, et.
al.

Date Introduced: February 17, 1994

Referred To: Senate Committee on
Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 1 and 18 of Chapter 1278 of the Public Laws,
2 1915, entitled "An Act to Furnish the City of Providence with a Supply
3 of Pure Water", as amended, is hereby further amended to read as fol-
4 lows:

5 Section 1. Legislative Declaration. -- (a) The state of Rhode
6 Island and Providence Plantations has been endowed with many and abun-
7 dant sources of water supplies located advantageously throughout the
8 state. The proper development, protection, conservation, and use of
9 these water resources are essential to health, safety, and welfare of
10 the general public, and to the continued growth and economic develop-
11 ment of the state;

12 (b) Water is vital to life and comprises an invaluable natural
13 resource which is not to be abused by any segment of the state's popu-
14 lation or its economy. It is the policy of this state to restore,
15 enhance, and maintain the chemical, physical, and biological integrity
16 of its waters to protect the public health.

17 (c) The waters of this state are a critical renewable resource

1 which must be protected to insure the availability of safe and potable
2 drinking water for present and future needs.

3 (d) The Scituate supply of the Providence water supply board pro-
4 vides safe and potable drinking water to approximately sixty percent
5 (60%) of the state of Rhode Island and Providence Plantations.

6 (e) A board of commissioners, to be known as the water supply
7 board of the city of Providence, is hereby established in and for the
8 city of Providence, consisting of the seven (7) persons who are now
9 the members of the committee relative to increased water supply in the
10 city, appointed by the city council of said city under resolution
11 number 19 approved January 7, 1913, and resolution number 423,
12 approved December 6, 1913, and chapter 69 of the ordinances, approved
13 December 9, 1914. Such persons shall hold their respective offices as
14 members of said board until the duties of said board hereunder are
15 completed, and such of said persons as are ex officio members of said
16 committee shall not cease to be members of said board by reason of
17 their ceasing to hold their other respective offices. When any
18 vacancy in said board shall be filled, the person appointed or elected
19 to fill such vacancy shall hold such office until said duties of said
20 board are completed. Each member of said board shall duly qualify
21 before acting as such member. If any member of said board shall at
22 any time cease to be a citizen and resident of said city, his office
23 therein shall thereupon be vacant. Whenever any vacancy in said board
24 shall occur for any cause, within fourteen (14) days and not earlier
25 than seven (7) days thereafter the city council of said city shall
26 meet in convention, and if the city council or either branch thereof
27 is not to be in session during said period at such time that such
28 meeting in convention may be held, the mayor of said city shall call a
29 special meeting of the city council or either branch thereof so that
30 such meeting in convention may be held during said period. At such
31 meeting in convention, said mayor shall appoint, subject to the
32 approval of said city council in convention some person to fill such
33 vacancy. Whenever said mayor shall not make or announce any such

1 appointment to said city council at the beginning of such meeting,
2 said city council in convention shall proceed at such meeting to elect
3 some person to fill such vacancy. Whenever said mayor shall make and
4 announce any such appointment to said city council at such meeting,
5 and said city council by vote at such meeting shall not approve any
6 such appointment, said city council in convention shall proceed at
7 such meeting to elect some person to fill such vacancy. In case of
8 any failure to so elect, said meeting in convention shall be adjourned
9 from time to time, but no adjournment to be for more than three (3)
10 days from the next preceding date adjourned from, until such election
11 is made. The members of said board shall not receive any compensation
12 for their services as such members. Said city council from time to
13 time by ordinance may change the composition, number and tenure of
14 office of the members of said board, but not so as to change the
15 tenure of the original constituted members thereof, as herein fixed,
16 and whenever it shall deem that said board has completed its duties
17 hereunder may wholly abolish such board, Said city council from time
18 to time by ordinance may prescribe other and further duties than those
19 prescribed herein for said board, but not inconsistent herewith, and
20 at any time may amend or repeal any such ordinance. Said city coun-
21 cil, by a concurrent vote of a majority of the members elected to
22 either board and then in office voting in the affirmative, may remove
23 any members of said water supply board from his or her or their offi-
24 ces therein for any misconduct or incapacity.

25 Sec. 18. (a) The legislature shall avail itself of technical
26 input of water availability before considering additional requests for
27 expansions of entitlements from the Scituate supply of the Providence
28 water supply board.

29 (b) Said town of Scituate, the city of Cranston and each water
30 and fire district therein now or hereafter incorporated, and each
31 other town, city or water or fire district now or hereafter incorpo-
32 rated having any of its territory included in the drainage district of
33 said north branch of said Pawtuxet river, or of the drainage district

1 of said Pawtuxet river below the junction of the north and south
2 branches of said river, the entire towns of North Providence,
3 Smithfield, Johnston, the Bristol County water company or the Bristol
4 County water authority serving the town of Bristol, Barrington and
5 Warren, the city of East Providence, the town of Lincoln and the town
6 of ~~Burrillville~~ and each water or fire district therein now or here-
7 after incorporated, even though its territory or territories are not
8 included in either of said drainage districts shall have the right to
9 take and receive water from said storage reservoir or reservoirs for
10 use for domestic, fire and other ordinary municipal water supply pur-
11 poses in the town of Scituate or the city of Cranston, or such water
12 or fire district therein, or in any part or parts of such territory or
13 territories of such other town, city or water or fire district as are
14 included in either of said drainage districts, or in the town of North
15 Providence, Smithfield, Johnston, Bristol, Barrington and Warren, (the
16 latter three (3) towns being served by either the Bristol County water
17 company or the Bristol County water authority), the city of East
18 Providence, the town of Lincoln, and the town of ~~Burrillville~~ or such
19 water and fire districts therein, even though such territory or ter-
20 ritories are not included in said drainage districts. The city of
21 Warwick or any water or fire district therein shall have the further
22 right to take and receive water as aforesaid for use as aforesaid in
23 any part of its territory excepting that area of said city which lies
24 south of Greenwich Bay and is separated from said city by territory of
25 the town of East Greenwich, which area is known as Potowomut.

26 It is provided, however, that as to the entire town of Smithfield
27 and such parts of the town of North Providence, Johnston and the cit-
28 ies of Warwick and East Providence, and the town of ~~Burrillville~~ and
29 such water or fire districts therein as were not entitled to water
30 under chapter 1278 of the public laws of 1915 as originally enacted,
31 the city of Providence, acting by and through the water supply board
32 of the city of Providence or such other officer or officers as may for
33 the time being shall have charge of the water works, shall have the

1 right to determine whether it shall sell water directly to prospective
2 water users or consumers at retail or to the city or town or water or
3 fire district therein at wholesale rates. Proper connections with
4 said water supply source or sources, including the installation of
5 proper meters or other devices for ascertaining the quantity of water
6 so received, shall be made at such suitable location or locations as
7 shall be determined and approved by the Providence water supply board
8 of the city of Providence or such other officer or officers as may for
9 the time being shall have charge of the water works, and at the
10 expense of the town, city, district, water company or water users
11 desiring to receive such water, and subject to such reasonable rules
12 and regulations as from time to time may be made by the water supply
13 board of said city of Providence or its duly authorized officer or
14 officers as may for the time being shall have charge of the water
15 works. Such town, city or water or fire district, water company or
16 water users or consumers shall have the right to take such water as
17 aforesaid to any extent each month not exceeding an average per day of
18 ~~one hundred--fifty--(150)~~ one hundred twenty-five (125) gallons per
19 capita of the number of inhabitants of such parts of its territory or
20 territories as are served from such water supply source or sources, as
21 such number of inhabitants was shown by the last preceding census of
22 the United States or of the state of Rhode Island in accordance with
23 rules and regulations established by the city of Providence through
24 the Providence water supply board in effect at the time of the taking,
25 unless and to the extent and for the time only that said officer or
26 officers of said city of Providence shall consent to the taking by
27 such town, city, or water or fire district, water company or water
28 users of a greater quantity of such water. Whenever any such town,
29 city, water company or water or fire district receives water whole-
30 sale, such town, city, water company, or water or fire district shall
31 pay to said city of Providence such fair wholesale rates or and
32 charges for the quantity of water taken by it as aforesaid, and at
33 such times, and the rates fixed to continue during such periods, as

1 may--be--mutually--agreed-upon; or in default of agreement as shall be
2 determined by the Rhode Island public utilities commission in accor-
3 dance--with--the--provisions--of--sections--39-3-10--and--39-3-11--of--the--gen-
4 eral laws: established in the tariffs of the Providence water supply
5 board. And it is provided, further, that in case the city of Provi-
6 dence as hereinbefore provided elects to sell water directly to water
7 users or consumers, the water supply board of the city of Providence
8 or such other officer or officers as may for the time being shall have
9 the charge of the water works, shall have the right to determine the
10 rate at which said water shall be sold subject to approval of the
11 Rhode Island public utilities commission. Said city of Providence may
12 furnish water from such water supply source or sources to any water
13 company incorporated by the general assembly and whose rules, regula-
14 tions and rates are subject to the approval of the administrator of
15 public utilities of the state for the use as aforesaid in either of
16 said drainage districts or in the town of North Providence, Johnston,
17 Smithfield, Bristol, Barrington, Warren, the city of East Providence,
18 the town of Lincoln ~~and the town of Burrillville~~ or in any part of the
19 territory that is supplied by such water company.

20 The city of Providence shall not be required to serve structures
21 in any city or town at elevations higher than the head characteristics
22 of the present Neutaconkanut pumping station. The city of East Provi-
23 dence will be supplied from the 66' steel aqueduct near Budlong Road
24 in the city of Cranston which is known as the low service section of
25 the system.

26 The town of Lincoln will be supplied from portions of the Provi-
27 dence water system of the southern boundary of the said town of Lin-
28 coln. The town of Lincoln shall have the right to lay water pipes and
29 appurtenances, and maintain same in city streets of the town of North
30 Providence and also under, across or over state property and state
31 highways wherever the same may be necessary to convey said water to
32 the town of Lincoln water system.

33 The Bristol County water company or the Bristol County water

1 authority will be supplied from the aqueduct at:

2 (a) either of the following locations: Wilbur Avenue in the
3 vicinity of Natick Avenue in the city of Cranston, or Budlong Road in
4 the vicinity of Woodridge School in the city of Cranston; or

5 (b) such other location as shall be agreed upon between the
6 Providence water supply board of the city of Providence or such other
7 officer or officers as for the time being have charge of the water
8 works of either of such entities, and shall have the right to lay
9 water pipes and maintain the same in city streets of the cities of
10 Providence, Cranston and Warwick and also under, across or over state
11 property and state highways wherever the same may be necessary to con-
12 vey said water to a point where the pipe enters the Providence River.
13 Whenever it may be necessary to cross or parallel on state land or any
14 state highway, the plans for such use of state land shall be first
15 approved by the director of public works and upon such terms and con-
16 ditions as shall be determined by the director. Whenever it may be
17 necessary to use other state property, the plans for such use shall be
18 first approved by the state properties committee upon such terms and
19 conditions as shall be determined by said properties committee.

20 ~~The town of Burrillville shall be supplied from a point of con-~~
21 ~~nection mutually agreed by the town of Burrillville and the Providence~~
22 ~~water supply board and shall have the right to lay water pipes and~~
23 ~~maintain the same in streets of the towns of North Providence,~~
24 ~~Smithfield, North Smithfield and Stocester and also under, across or~~
25 ~~over state property and state highways whenever the same may be neces-~~
26 ~~sary to convey said water to the town of Burrillville water system.~~

27 The city of Providence shall not be obligated to pay for repairs
28 to highways or roads occasioned by it in the laying or repairing of
29 water pipes or water mains in state, city or town highways or roads
30 located outside the city of Providence but the cost thereof shall be
31 borne by the city or town wherein said highways or roads are located
32 and receiving its water supply from the city of Providence; and the
33 city of Providence shall not be liable in damages for injuries or dam-

1 ages occasioned by the laying or repairing of water pipes or water
2 mains in the aforesaid highways or road, nor shall it be liable for
3 the failure or neglect of any such town or city to repair or maintain
4 said highways or roads after the completion of any such work by the
5 city of Providence but said city of Providence shall give written
6 notice to the director of public works, or other person occupying a
7 similar position in the state, city or town having jurisdiction over
8 the highway or road wherein said work was performed, not more than
9 sixty (60) hours after completion of its work in said highway, setting
10 forth the name of the highway and the location therein where an open-
11 ing had been made and work performed. Neither the city of Providence,
12 the city of Cranston, nor the city of Warwick shall be liable for
13 injuries or damages occasioned by the laying of water pipes or water
14 mains in the highways of the city of Providence, the city of Cranston
15 or the city of Warwick by the city of East Providence and the Bristol
16 County water company and the Bristol County water authority. The town
17 of North Providence shall not be liable for injuries or damages occa-
18 sioned by the laying of water pipes and water mains in the highways of
19 North Providence by the town of Lincoln. ~~Neither the towns of North~~
20 ~~Providence, Smithfield, North Smithfield or Glocester shall be liable~~
21 ~~for injuries or damages occasioned by the laying of water pipes in~~
22 ~~the highways of North Providence, Smithfield, North Smithfield or~~
23 ~~Glocester by the town of Burrillville.~~

24 The city of Providence shall be exempt from local taxes on all
25 pipe lines and other water appurtenances installed, located or laid for
26 the purpose of serving areas not served with water by said city of
27 Providence prior to April 27, 1931. The city of East Providence and
28 the Bristol County water company and the Bristol County water author-
29 ity shall also be exempt from local taxes on all pipe lines and other
30 water works appurtenances hereinafter located or installed in the cit-
31 ies of Cranston, Warwick and Providence for the purposes of providing
32 water supply lines to either the East Providence water supply system
33 or the Bristol County water company or the Bristol County water

1 authority serving the towns of Bristol, Barrington, and Warren.

2 The town of Lincoln shall also be exempt from local taxes on all
3 pipe lines and other water works appurtenances hereinafter located or
4 installed for the purposes of providing water supply lines to said
5 town of Lincoln water supply system.

6 ~~The town of Burrillville shall also be exempt from local taxes on~~
7 ~~all pipe lines and other water works appurtenances hereinafter located~~
8 ~~or installed for the purposes of providing water supply lines to said~~
9 ~~town of Burrillville water system.~~

10 The city of Providence, acting by and through its water supply
11 board, in the event of drought or any other contingency which may
12 obligate the city to protect or conserve its water supply, may regu-
13 late the amount and use of water to be served to any and all persons,
14 corporations, towns, water companies, water districts or fire dis-
15 tricts.

16 SECTION 2. This act shall take effect upon passage.

====
PD1802
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94-S 3058

EXPLANATION
BY THE LEGISLATIVE COUNCIL

OF

AN ACT

IN AMENDMENT OF THE AUTHORITY OF THE
PROVIDENCE WATER SUPPLY BOARD

1 This act changes the amount of allowable water taken each
2 month by such town, city or water or fire district, water company
3 or water users or consumers authorized to take under Public Law
4 1915, Chapter 1278 as amended, from 150 gallons to 125 gallons
5 per capita per day.

6 The act also requires the legislature to avail itself of
7 technical input of water availability before expansion of
8 entitlements of the Scituate supply.

9 This act would take effect upon passage.

PD1802

PROVIDENCE WATER SUPPLY BOARD

Proposed Legislation

1915 ACT

To protect the State's water resources and to ensure a fair and equitable water supply to all the entities currently authorized under the Act to receive water from the Scituate Reservoir, Providence Water Supply Board proposes changes to the existing legislation. These changes will lead to a fair and equitable allocation of water consistent with current demands and will encourage conservation. Finally, enactment of this legislation will postpone the need for the construction of new source of supply facilities into the future.

The essence of the changes are listed herein:

Entitlement to be 125 gallons per capita per day rather than 150 gallons as listed now.

Legislature to avail itself of technical input prior to granting additional entitlement to water from PWSB.

Clean-up on rules and regulations.

Eliminate Burrillville from entitlement - it was put in to provide water for Ocean State which is no longer needed and is anti-environmental.

Note: Original legislation was 100 Gal/Capita/Day; later it was increased to 150; if everybody who is entitled today asked for their 150, based on current population, there would not be enough water.

PD1803

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1994

94-H 8923

A N A C T

IN AMENDMENT OF THE AUTHORITY OF THE PROVIDENCE WATER SUPPLY BOARD

94-H 8923 (By Request)

Introduced By: Rep. Castro, S. Smith, Moura, Palangio, Fox

Date Introduced: February 17, 1994

Referred To: Committee on Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 1 and 18 of Chapter 1278 of the Public Laws,
2 1915, entitled "An Act to Furnish the City of Providence with a Supply
3 of Pure Water", as amended, is hereby further amended to read as fol-
4 lows:

5 Section 1. Legislative Declaration. -- (a) The state of Rhode
6 Island and Providence Plantations has been endowed with many and abun-
7 dant sources of water supplies located advantageously throughout the
8 state. The proper development, protection, conservation, and use of
9 these water resources are essential to health, safety, and welfare of
10 the general public, and to the continued growth and economic develop-
11 ment of the state;

12 (b) Water is vital to life and comprises an invaluable natural
13 resource which is not to be abused by any segment of the state's popu-
14 lation or its economy. It is the policy of this state to restore,
15 enhance, and maintain the chemical, physical, and biological integrity
16 of its waters to protect the public health.

17 (c) The waters of this state are a critical renewable resource

1 which must be protected to insure the availability of safe and potable
2 drinking water for present and future needs.

3 (d) The Scituate supply of the Providence water supply board pro-
4 vides safe and potable drinking water to approximately sixty percent
5 (60%) of the state of Rhode Island and Providence Plantations.

6 (e) A board of commissioners, to be known as the water supply
7 board of the city of Providence, is hereby established in and for the
8 city of Providence, consisting of the seven (7) persons who are now
9 the members of the committee relative to increased water supply in the
10 city, appointed by the city council of said city under resolution
11 number 19 approved January 7, 1913, and resolution number 423,
12 approved December 6, 1913, and chapter 69 of the ordinances, approved
13 December 9, 1914. Such persons shall hold their respective offices as
14 members of said board until the duties of said board hereunder are
15 completed, and such of said persons as are ex officio members of said
16 committee shall not cease to be members of said board by reason of
17 their ceasing to hold their other respective offices. When any
18 vacancy in said board shall be filled, the person appointed or elected
19 to fill such vacancy shall hold such office until said duties of said
20 board are completed. Each member of said board shall duly qualify
21 before acting as such member. If any member of said board shall at
22 any time cease to be a citizen and resident of said city, his office
23 therein shall thereupon be vacant. Whenever any vacancy in said board
24 shall occur for any cause, within fourteen (14) days and not earlier
25 than seven (7) days thereafter the city council of said city shall
26 meet in convention, and if the city council or either branch thereof
27 is not to be in session during said period at such time that such
28 meeting in convention may be held, the mayor of said city shall call a
29 special meeting of the city council or either branch thereof so that
30 such meeting in convention may be held during said period. At such
31 meeting in convention, said mayor shall appoint, subject to the
32 approval of said city council in convention some person to fill such
33 vacancy. Whenever said mayor shall not make or announce any such

1 appointment to said city council at the beginning of such meeting,
2 said city council in convention shall proceed at such meeting to elect
3 some person to fill such vacancy. Whenever said mayor shall make and
4 announce any such appointment to said city council at such meeting,
5 and said city council by vote at such meeting shall not approve any
6 such appointment, said city council in convention shall proceed at
7 such meeting to elect some person to fill such vacancy. In case of
8 any failure to so elect, said meeting in convention shall be adjourned
9 from time to time, but no adjournment to be for more than three (3)
10 days from the next preceding date adjourned from, until such election
11 is made. The members of said board shall not receive any compensation
12 for their services as such members. Said city council from time to
13 time by ordinance may change the composition, number and tenure of
14 office of the members of said board, but not so as to change the
15 tenure of the original constituted members thereof, as herein fixed,
16 and whenever it shall deem that said board has completed its duties
17 hereunder may wholly abolish such board, Said city council from time
18 to time by ordinance may prescribe other and further duties than those
19 prescribed herein for said board, but not inconsistent herewith, and
20 at any time may amend or repeal any such ordinance. Said city coun-
21 cil, by a concurrent vote of a majority of the members elected to
22 either board and then in office voting in the affirmative, may remove
23 any members of said water supply board from his or her or their offi-
24 ces therein for any misconduct or incapacity.

25 Sec. 18. (a) The legislature shall avail itself of technical
26 input of water availability before considering additional requests for
27 expansions of entitlements from the Scituate supply of the Providence
28 water supply board.

29 (b) Said town of Scituate, the city of Cranston and each water
30 and fire district therein now or hereafter incorporated, and each
31 other town, city or water or fire district now or hereafter incorpo-
32 rated having any of its territory included in the drainage district of
33 said north branch of said Pawtuxet river, or of the drainage district

1 of said Pawtuxet river below the junction of the north and south
2 branches of said river, the entire towns of North Providence,
3 Smithfield, Johnston, the Bristol County water company or the Bristol
4 County water authority serving the town of Bristol, Barrington and
5 Warren, the city of East Providence, the town of Lincoln ~~and the town~~
6 ~~of Burrillville~~ and each water or fire district therein now or here-
7 after incorporated, even though its territory or territories are not
8 included in either of said drainage districts shall have the right to
9 take and receive water from said storage reservoir or reservoirs for
10 use for domestic, fire and other ordinary municipal water supply pur-
11 poses in the town of Scituate or the city of Cranston, or such water
12 or fire district therein, or in any part or parts of such territory or
13 territories of such other town, city or water or fire district as are
14 included in either of said drainage districts, or in the town of North
15 Providence, Smithfield, Johnston, Bristol, Barrington and Warren, (the
16 latter three (3) towns being served by either the Bristol County water
17 company or the Bristol County water authority), the city of East
18 Providence, the town of Lincoln, ~~and the town of Burrillville~~ or such
19 water and fire districts therein, even though such territory or ter-
20 ritories are not included in said drainage districts. The city of
21 Warwick or any water or fire district therein shall have the further
22 right to take and receive water as aforesaid for use as aforesaid in
23 any part of its territory excepting that area of said city which lies
24 south of Greenwich Bay and is separated from said city by territory of
25 the town of East Greenwich, which area is known as Potowomut.

26 It is provided, however, that as to the entire town of Smithfield
27 and such parts of the town of North Providence, Johnston and the cit-
28 ies of Warwick and East Providence, ~~and the town of Burrillville~~ and
29 such water or fire districts therein as were not entitled to water
30 under chapter 1278 of the public laws of 1915 as originally enacted,
31 the city of Providence, acting by and through the water supply board
32 of the city of Providence or such other officer or officers as may for
33 the time being shall have charge of the water works, shall have the

1 right to determine whether it shall sell water directly to prospective
2 water users or consumers at retail or to the city or town or water or
3 fire district therein at wholesale rates. Proper connections with
4 said water supply source or sources, including the installation of
5 proper meters or other devices for ascertaining the quantity of water
6 so received, shall be made at such suitable location or locations as
7 shall be determined and approved by the Providence water supply board
8 of the city of Providence or such other officer or officers as may for
9 the time being shall have charge of the water works, and at the
10 expense of the town, city, district, water company or water users
11 desiring to receive such water, and subject to such reasonable rules
12 and regulations as from time to time may be made by the water supply
13 board of said city of Providence or its duly authorized officer or
14 officers as may for the time being shall have charge of the water
15 works. Such town, city or water or fire district, water company or
16 water users or consumers shall have the right to take such water as
17 aforesaid to any extent each month not exceeding an average per day of
18 ~~one--hundred--fifty--(150)~~ one hundred twenty-five (125) gallons per
19 capita of the number of inhabitants of such parts of its territory or
20 territories as are served from such water supply source or sources, as
21 such number of inhabitants was shown by the last preceding census of
22 the United States or of the state of Rhode Island in accordance with
23 rules and regulations established by the city of Providence through
24 the Providence water supply board in effect at the time of the taking,
25 unless and to the extent and for the time only that said officer or
26 officers of said city of Providence shall consent to the taking by
27 such town, city, or water or fire district, water company or water
28 users of a greater quantity of such water. Whenever any such town,
29 city, water company or water or fire district receives water whole-
30 sale, such town, city, water company, or water or fire district shall
31 pay to said city of Providence such fair wholesale rates or and
32 charges for the quantity of water taken by it as aforesaid, and at
33 such times, and the rates fixed to continue during such periods, as

1 ~~may be mutually agreed upon, or in default of agreement as shall be~~
2 ~~determined by the Rhode Island public utilities commission in accor-~~
3 ~~dance with the provisions of sections 39-3-10 and 39-3-11 of the gen-~~
4 ~~eral laws.~~ established in the tariffs of the Providence water supply
5 board. And it is provided, further, that in case the city of Provi-
6 dence as hereinbefore provided elects to sell water directly to water
7 users or consumers, the water supply board of the city of Providence
8 or such other officer or officers as may for the time being shall have
9 the charge of the water works, shall have the right to determine the
10 rate at which said water shall be sold subject to approval of the
11 Rhode Island public utilities commission. Said city of Providence may
12 furnish water from such water supply source or sources to any water
13 company incorporated by the general assembly and whose rules, regula-
14 tions and rates are subject to the approval of the administrator of
15 public utilities of the state for the use as aforesaid in either of
16 said drainage districts or in the town of North Providence, Johnston,
17 Smithfield, Bristol, Barrington, Warren, the city of East Providence,
18 the town of Lincoln ~~and the town of Burritiville~~ or in any part of the
19 territory that is supplied by such water company.

20 The city of Providence shall not be required to serve structures
21 in any city or town at elevations higher than the head characteristics
22 of the present Neutaconkanut pumping station. The city of East Provi-
23 dence will be supplied from the 66' steel aqueduct near Budlong Road
24 in the city of Cranston which is known as the low service section of
25 the system.

26 The town of Lincoln will be supplied from portions of the Provi-
27 dence water system of the southern boundary of the said town of Lin-
28 coln. The town of Lincoln shall have the right to lay water pipes and
29 appurtenances, and maintain same in city streets of the town of North
30 Providence an also under, across or over state property and state
31 highways wherever the same may be necessary to convey said water to
32 the town of Lincoln water system.

33 The Bristol County water company or the Bristol County water

1 authority will be supplied from the aqueduct at:

2 (a) either of the following locations: Wilbur Avenue in the
3 vicinity of Natick Avenue in the city of Cranston, or Budlong Road in
4 the vicinity of Woodridge School in the city of Cranston; or

5 (b) such other location as shall be agreed upon between the
6 Providence water supply board of the city of Providence or such other
7 officer or officers as for the time being have charge of the water
8 works of either of such entities, and shall have the right to lay
9 water pipes and maintain the same in city streets of the cities of
10 Providence, Cranston and Warwick and also under, across or over state
11 property and state highways wherever the same may be necessary to con-
12 vey said water to a point where the pipe enters the Providence River.
13 Whenever it may be necessary to cross or parallel on state land or any
14 state highway, the plans for such use of state land shall be first
15 approved by the director of public works and upon such terms and con-
16 ditions as shall be determined by the director. Whenever it may be
17 necessary to use other state property, the plans for such use shall be
18 first approved by the state properties committee upon such terms and
19 conditions as shall be determined by said properties committee.

20 ~~The town of Burrillville shall be supplied from a point of con-~~
21 ~~nection mutually agreed by the town of Burrillville and the Providence~~
22 ~~water supply board and shall have the right to lay water pipes and~~
23 ~~maintain the same in streets of the towns of North Providence,~~
24 ~~Smithfield, North Smithfield and Glocester and also under, across or~~
25 ~~over state property and state highways whenever the same may be neces-~~
26 ~~sary to convey said water to the town of Burrillville water system.~~

27 The city of Providence shall not be obligated to pay for repairs
28 to highways or roads occasioned by it in the laying or repairing of
29 water pipes or water mains in state, city or town highways or roads
30 located outside the city of Providence but the cost thereof shall be
31 borne by the city or town wherein said highways or roads are located
32 and receiving its water supply from the city of Providence; and the
33 city of Providence shall not be liable in damages for injuries or dam-

1 ages occasioned by the laying or repairing of water pipes or water
2 mains in the aforesaid highways or road, nor shall it be liable for
3 the failure or neglect of any such town or city to repair or maintain
4 said highways or roads after the completion of any such work by the
5 city of Providence but said city of Providence shall give written
6 notice to the director of public works, or other person occupying a
7 similar position in the state, city or town having jurisdiction over
8 the highway or road wherein said work was performed, not more than
9 sixty (60) hours after completion of its work in said highway, setting
10 forth the name of the highway and the location therein where an open-
11 ing had been made and work performed. Neither the city of Providence,
12 the city of Cranston, nor the city of Warwick shall be liable for
13 injuries or damages occasioned by the laying of water pipes or water
14 mains in the highways of the city of Providence, the city of Cranston
15 or the city of Warwick by the city of East Providence and the Bristol
16 County water company and the Bristol County water authority. The town
17 of North Providence shall not be liable for injuries or damages occa-
18 sioned by the laying of water pipes and water mains in the highways of
19 North Providence by the town of Lincoln. ~~Neither the towns of North
20 Providence, Smithfield, North Smithfield or Gloucester shall be liable
21 for injuries or damages occasioned by the laying of water pipes in
22 the highways of North Providence, Smithfield, North Smithfield or
23 Gloucester by the town of Burrillville.~~

24 The city of Providence shall be exempt from local taxes on all
25 pipe lines and other water appurtenances installed, located or laid for
26 the purpose of serving areas not served with water by said city of
27 Providence prior to April 27, 1931. The city of East Providence and
28 the Bristol County water company and the Bristol County water author-
29 ity shall also be exempt from local taxes on all pipe lines and other
30 water works appurtenances hereinafter located or installed in the cit-
31 ies of Cranston, Warwick and Providence for the purposes of providing
32 water supply lines to either the East Providence water supply system
33 or the Bristol County water company or the Bristol County water

1 authority serving the towns of Bristol, Barrington, and Warren.

2 The town of Lincoln shall also be exempt from local taxes on all
3 pipe lines and other water works appurtenances hereinafter located or
4 installed for the purposes of providing water supply lines to said
5 town of Lincoln water supply system.

6 ~~The town of Burrillville shall also be exempt from local taxes on~~
7 ~~all pipe lines and other water works appurtenances hereinafter located~~
8 ~~or installed for the purposes of providing water supply lines to said~~
9 ~~town of Burrillville water system.~~

10 The city of Providence, acting by and through its water supply
11 board, in the event of drought or any other contingency which may
12 obligate the city to protect or conserve its water supply, may regu-
13 late the amount and use of water to be served to any and all persons,
14 corporations, towns, water companies, water districts or fire dis-
15 tricts.

16 SECTION 2. This act shall take effect upon passage.

PD1803

94-H 8923

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

IN AMENDMENT OF THE AUTHORITY OF THE
PROVIDENCE WATER SUPPLY BOARD

1 This act changes the amount of allowable water taken each
2 month by such town, city or water or fire district, water company
3 or water users or consumers authorized to take under Public Law
4 1915, Chapter 1278 as amended, from 150 gallons to 125 gallons
5 per capita per day.

6 The act also requires the legislature to avail itself of
7 technical input of water availability before expansion of
8 entitlements of the Scituate supply.

9 This act would take effect upon passage.

PD1803
