

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD**

**In Re: INVENERGY THERMAL DEVELOPMENT)
LLC’S APPLICATION TO CONSTRUCT THE) Docket No. SB-2015-06
CLEAR RIVER ENERGY CENTER IN)
BURRILLVILLE, RHODE ISLAND)**

**OBJECTION TO THE TOWN OF BURRILLVILLE’S SUPPLEMENT TO ITS MOTION
TO DISMISS THE APPLICATION AND CLOSE THE DOCKET**

Now comes Intervenor Rhode Island Building and Construction Trades Council (“RIBCTC”) who hereby objects to the Town of Burrillville’s Supplement to its Motion to Dismiss for the reasons that follow:

According to the affidavit of Mr. Michael Sabitoni, who was present at both the City of Providence City Council Special Committee on Municipal Operations and Oversight on January 25, 2017 and the Providence City Council meeting that passed resolutions related to the proposed power plant in Burrillville on February 2, 2017, the testimony at the committee hearing of legal counsel from the Providence Water Supply Board, its general manager, its Chairman, and the city solicitor, all said that under current law, the City is obligated to sell water to Johnston. See, Exhibit 1 attached hereto. Accordingly, based on the testimony of their own legal counsel at this hearing, the City does not have any good faith legal basis to challenge the “proposed arrangement” between the Town of Johnston and the City of Providence.

Therefore, contrary to the assertion by the Town of Burrillville, the City of Providence will be legally obligated to sell water to Johnston. As a consequence, for the following reasons, RIBCTC opposes the Town’s Supplement as well as the Resolution itself because it was not an accurate reflection of what transpired at that committee hearing.

**Rhode Island Building and Construction Trades
Council,**
By its attorneys,
SINAPI LAW ASSOCIATES, LTD.

Dated: February 4, 2017

/s/Gregory A. Mancini
Gregory A. Mancini (RI Bar No. 5740)
Sinapi Law Associates, Ltd.
2374 Post Road, suite 201
Warwick, RI 02886
P: (401)-739-9690; F: (401)-739-9040
gmancinilaw@gmail.com

CERTIFICATION

I hereby certify that on the **4th day of February, 2017** a copy of the foregoing document was caused to be served upon the individuals on the current service list.

/s/Gregory A. Mancini

Exhibit 1

AFFIDAVIT OF MICHAEL F. SABITONI

1. My name is Michael F. Sabitoni and I reside in Johnston, Rhode Island.
2. I am the current president of the Rhode Island Building and Construction Trades Council (hereinafter "RIBCTC").
3. The RIBCTC is an Intervenor in this matter now pending before this Honorable Administrative body.
4. I was present at the January 25, 2017 regular meeting of the City of Providence City Council Special Committee on Municipal Operations and Oversight.
5. According to agenda of that meeting, the only invited persons invited to speak were the general manager of the Providence Water Supply Board, the Chairman of that board, their legal counsel, and a solicitor from the City Law Department. See, *Exhibit 2* attached hereto.
6. The Committee then requested the invited speakers posted on the agenda to address the committee. All of the invited speakers uniformly said, that under current Rhode Island law, unless there is a drought, it is their opinion that the Providence Water Supply Board is legally obligated to fulfill its contractual obligation to sell water to Johnston; and, that this includes selling water to Invenergy for the proposed power plant in Burrillville.
7. It was clear to the undersigned that the City Solicitor and legal counsel to the Providence Water Supply Board clearly said that the City cannot "prevent" Johnston from selling water it receives from Providence Water to Invenergy.
8. The Minutes of the meeting are inaccurate in that the vote was 2 to 1, not 3 to 0.
Id.

Signed under the pains and penalties of perjury this 4 day of February, 2017.


MICHAEL F. SABITONI

On this 4th day of February, 2017, before me, the undersigned Notary Public, personally appeared **MICHAEL F. SABITONI**, proved to me through satisfactory evidence of identification, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

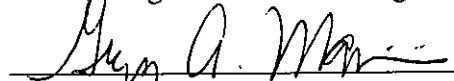

Notary Public Gregory A. Marini
My Commission Expires: 6/13/18

Exhibit 2



**Special Committee on Municipal Operations
and Oversight
Regular Meeting**

~ Agenda ~

Wednesday, January 25, 2017

6:00 PM

Committee "B" (City Hall 3rd Floor)

1. Resolution in Opposition to the Invenergy Power Plant and expressing concern over the proposed use of Providence Water.

The following have been invited:

Ricky Caruolo, General Manager, Providence Water Supply Board

Xaykham Khamsyvovong, Chairman, Providence Water Supply Board

William O'Gara, Esquire, Legal Counsel, Providence Water Supply Board

Jeffrey Dana, City Solicitor, Law Department

**PER ORDER THE SPECIAL COMMITTEE ON
MUNICIPAL OPERATIONS AND OVERSIGHT**
Councilwoman Jo-Ann Ryan, Chairwoman

The foregoing Committee may seek to enter into Executive Session.

Offices and City Council Chambers are accessible to individuals with disabilities. If you are in need of interpreter services for the hearing impaired, please contact the Office of Neighborhood Services at 421-7768 not less than 48 hours in advance of the hearing date.