

**STATE OF RHODE ISLAND
TOWN OF GLOCESTER
RESOLUTION # 2026-11**



**A RESOLUTION REQUESTING THE RHODE ISLAND GENERAL ASSEMBLY TO
RELIEVE CITIES AND TOWNS OF THE UNFUNDED MANDATE TO PREPARE
EMERGENCY ACTION PLANS FOR PRIVATELY OWNED DAMS, AND TO END
THE PENALIZING OF MUNICIPALITIES FOR OWNER NONCOMPLIANCE**

WHEREAS, R.I. Gen. Laws § 46-19-9(a) requires that an emergency action plan be prepared for each significant-hazard and high-hazard dam **by the city or town in which the dam lies**, without regard to who owns it; and

WHEREAS, most such dams in the Town of Glocester are privately owned, and the Town has no title to them, no right of entry upon them, and no access to the engineering records necessary to prepare a competent plan; and

WHEREAS, such a plan requires a dam breach analysis, downstream inundation mapping, and the services of a licensed engineer, at a cost that may reach tens of thousands of dollars per dam, together with the annual updates required by § 46-19-9(c); and

WHEREAS, the statute appropriates nothing, affording the Town only a right under subsection (d) to bill the owner after the work is paid for out of municipal revenues, and to sue if the owner does not remit — leaving the Town to advance the funds, bear the cost of collection, and absorb the loss entirely where an owner is unknown, insolvent, or dissolved; and

WHEREAS, subsection (f), added in 2022, permits the Department of Environmental Management to assess an administrative penalty against a municipality for noncompliance, while imposing no corresponding penalty upon the dam owner who withholds access, withholds records, or refuses to pay, and affording the municipality no defense grounded in any of those circumstances; and

WHEREAS, such a penalty would be paid from the property taxes of Glocester residents, punishing them for the conduct of a private party they do not control, transferring public money from one government to another, and reducing the very revenues from which the plan would be funded; and

WHEREAS, R.I. Gen. Laws § 45-13-7 defines a state mandate to include state action compelling local expenditures that are not reimbursed, and the General Assembly has appropriated no funds for the costs imposed by § 46-19-9; and

Stephanie C. Westgate, Councilor

ATTEST:

Jean M. Fecteau, CMC, Town Clerk