



Office of the Town Solicitor
Stephen J. Angell, Esq.

Statement for Immediate Release April 3, 2024

Re: Johnson's Pond a/k/a Flat River Reservoir

This statement follows our March 26th and March 28th statement concerning actions taken by the Town to protect the Pond and its structures. This statement addresses the reckless and unwarranted actions of Soscia to put a large piece of heavy earth moving equipment on the riverbed and Soscia's actions to initiate extensive, unwarranted, unpermitted excavation of the spillway and other structures in and around the dam.

Since last spring, GZA (a preeminent, nationally acclaimed geotechnical, environmental and water resources engineering firm) has worked with the Town on a continuing basis to assess and study the dam, spillway, gatehouse and all other attendant aspects of the dam. Principally, Chad Cox, P.E., of GZA, who is nationally recognized for his hydrological and dam safety expertise, has led the Town's effort to assess the dam.

Throughout the day yesterday, Mr. Cox was made aware of the actions by Soscia. He reviewed the videos and still pictures as the day progressed and as Soscia's actions to excavate the spillway and surrounding area intensified. Mr. Cox is of the opinion that Soscia's actions are:

essentially breaching the dam... Depending on where Soscia chooses to do the demolition of "portions" of the spillway, that would result in a permanent (until reconstructed) lowering of the pond. 2-3 feet if they take out the part of the spillway that is over the masonry apron on the right (looking downstream), but more (6 feet?) if they remove the portion on the left that appears to be directly on bedrock.

Controlled demolition of a structure seems like a potentially risky choice in that they will then need to stabilize what is left of the structure to prevent additional damage. While this plan could provide them with additional spillway capacity, the damage inflicted on the structure could lead to the uncontrolled failure they say they are trying to prevent. There is also the risk of a lot of downstream sediment transport AND loss of the overhead walkway.

An alternative would be to bring in additional stone material to buttress the downstream face of the spillway. Large stones that could be placed up against the existing downstream face of the masonry spillway to stabilize the structure and prevent the loss of masonry. These stones would need to be large enough to not be displaced by the flow over the spillway, but would not reduce spillway capacity if kept below the existing crest. This



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could be a less risky approach because it does not require intentionally damaging the spillway.

Based on Soscia's actions, RI DEM served a cease and desist order late yesterday on Soscia and the Town was advised by DEM that they will visit the dam today with their engineers or engineers hired by them to assess the situation.

Early this afternoon, the Town will hold a meeting of its emergency action agency together with Town officials to review its EAP (emergency action plan) for the dam. In addition, today the Town is filing an amended complaint in the superior court action to include additional counts against Soscia and to implead RI DEM and the Johnson's Pond Civic Association as plaintiffs in the matter.

Judge Licht is scheduled to hold a case conference with the parties on Monday, April 15th at 2 pm. At the same time, the Town moves forward with its work on a permanent solution to address the situation.

A press conference is scheduled today at 3:30 pm in Town Council Chambers to address questions and is open to the public.

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